

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(9 Graveswood Ct.)		
9 th Election District	*	OFFICE OF
5 th Council District		
Charles Michael & Catherine A. Thomas	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0406-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Charles Michael & Catherine A. Thomas, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for approval of an accessory in-law apartment with kitchen addition to the side of the dwelling pursuant to BCZR Sec. 400.4B. A site plan was marked and admitted as Petitioners’ Exhibit 1. Architectural drawings and elevations of the proposed addition were admitted as Exhibit 2.

The property owners, Charles and Catherine Thomas appeared in support of the petition.

There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment were received from the Department of Planning (“DOP”).

The subject property is 14,374 square feet in size and is zoned DR-1. Mrs. Thomas explained that their daughter and son-in-law and their two children, ages 5 and 2, are currently living with them. They wish to build this in-law suite in order that they can maintain this family living arrangement while still having some room and privacy for themselves. Mr. and Mrs. Thomas both testified that they have spoken with all the surrounding neighbors, who they have

known for years, and that the neighbors are all in support of their plans. The site plan (Exh. 1), and Architectural Drawings (Exh. 2_ show that the proposed addition is 24' by 24' so it conforms to the square footage limitations in sub-section B.2. I find that it also conforms to BCZR Sec. 400, as also required by this sub-section.

The Thomases confirmed that they understood the terms of the Declaration of Understanding that they signed before a Notary on July 22, 2019, which sets forth all the necessary restrictions as required by Sec. 400.4.A.1 and 400.4.B.1. They further acknowledged that the Declaration would be filed along with this Order in the Land Records of Baltimore County.

Based on the testimony and Exhibits submitted I find that the relief requested in the Petition conforms in all respects to the Special Exception requirements of BCZR Sec. 502.1 and that the proposed accessory apartment for family use will not harm the public health, safety and welfare and that it is in keeping with the spirit and intent of the BCZR.

THEREFORE, IT IS ORDERED this **18th** day of **October, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for approval of an accessory in-law apartment with kitchen addition to the side of the dwelling, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. There shall be no additional utility meters permitted in connection with the in-law apartment.
3. The accessory apartment shall not be occupied by any non-family members.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.

Signed
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln