

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(13924 Baldwin Mill Road)		
11 th Election District	*	OFFICE OF
3 rd Council District		
Graham & Georgeann Burton	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2019-0423-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 Graham & Georgeann Burton, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 400.4.8 of the Baltimore County Zoning Regulations (“BCZR”) for renewal of previously approved accessory structure for use as an in-law dwelling.

Graham & Georgeann Burton, the property owners, 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection Sustainability (“DEPS”). Neither agency opposed the request.

SPECIAL HEARING

Testimony was presented that the Petitioners herein had obtained special hearing approval for an accessory structure “in-law apartment” pursuant to BCZR 400.4.8 in an order issued by the Baltimore County Office of Administrative Hearings dated September 5, 2013.

The Petitioners are the residents of this apartment. Unfortunately, they missed the renewal deadline and now need the renewal to be approved.

Further testimony revealed that there have been no physical changes in the subject structure. The well and septic arrangements are also unchanged.

All exhibits presented in the 2013 Special Hearing matter were moved to be included in this present renewal request. The parties acknowledged that all conditions originally placed on the requested use will remain in addition to requirements of the DOP and DEPS set out in their respective comments in this matter.

THEREFORE, IT IS ORDERED this 28th day of **October, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for renewal of previously approved accessory structure for use as an in-law 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. The proposed structure shall not be used for commercial purposes.
3. The accessory in-law apartment shall comply with the requirements of BCZR §400.4.B.
4. Petitioners will submit the renewal permit to Ground Water Management for their approval.

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

Signed
LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:sln