

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(8630 Wrights Mill Road)		
2 nd Election District	*	OFFICE OF
4 th Council District		
Dana A & Malinda L. Hickey,	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0433-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 Dana A. and Malinda L. Hickey, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a proposed accessory building (garage) with a building footprint (1,440 sq. ft.) larger than the principal use dwelling (1,200 sq. ft.). A site plan was marked and admitted as Petitioners’ Exhibit 1.

Mr. Hickey appeared in support of the petition. There were no protestants or interested citizens in attendance. Mr. Hickey submitted a letter signed by all of his surrounding neighbors affirming that they have no objection to the proposed storage garage. The letter was admitted as Petitioners’ Exhibit 2. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”).

The subject property is 7.28 acres in size and is split-zoned RC-2 and RC-6. Mr. Hickey explained that this property is part of a larger parcel that the Hickeys farmed for generations. The remaining 7.28 acre parcel was subdivided into two lots by his father so that Dana and Malinda

could build their home on Lot 2. That home is actually substantially larger than the proposed 1,440 sq. ft. storage structure but they are requesting this Special Hearing relief because the original family home on Lot 1 (where he grew up) is only 1,200 sq. ft. He testified that he still has a small farming operation and he needs the building to store his farm equipment and house a small work shop. He understands that he is not permitted to use the structure for residential or commercial purposes and that no separate utility meters are permitted. He testified that he has discussed his plans with all the surrounding neighbors and that they had no objection to him building this structure, as evidenced by Exhibit 2. He showed the undersigned photos of the model of the pre-fabricated structure he intends to build, which is architecturally attractive.

Based on the above I find that the Petitioners are entitled to the Special Hearing relief requested and that it can be granted within the spirit and intent of the BCZR and with no harm to the public health, safety or welfare.

THEREFORE, IT IS ORDERED this 7th day of **November, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for a proposed accessory building (garage) with a building footprint (1,440 sq. ft.) larger than the principal use dwelling (1,200 sq. ft., 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 should be no second utility meter(s).
3. The proposed structure shall not be used for commercial purposes.

4. Prior to issuance of permits Petitioners must comply with the ZAC submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

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/dlw