

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(13460 Blenheim Road)		
10 th Election District	*	OFFICE OF
3 rd Council District		
	*	ADMINISTRATIVE HEARINGS
Patricia Norris,	*	FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2019-0435-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 Patricia Norris, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 400.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory apartment in existing detached garage.

Petitioners, Patricia and Donald Norris, the property owners, and their contractor, George Thomas, appeared in support of the petition. Arnold Jablon, Esq. represented the Petitioners. 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 was received from the Department of Planning (“DOP”). That agency did not oppose the request.

SPECIAL HEARING

Ms. Norris testified that she and her husband purchased this property together with their two adult daughters in April 2019 for the purpose of creating a “family compound” where the four of them could live together. If this accessory apartment is approved she and her husband will live there and her daughters will live in the principal residence. An executed and notarized Declaration of Understanding has been filed in conformance with BCZR Section 400.4.A.1. Ms. Norris testified that the existing garage structure is located at the southwest corner of the property. She

explained that no exterior modifications will be made, other than perhaps putting new siding on the structure. They are on well and septic and she explained that the Department of Environmental Protection and Sustainability (“DEPS”) has advised them that the current septic system is adequate to accommodate the proposed accessory apartment if they were to install a grinder pump. She further explained that there is also adequate alternative capacity at the site to install a separate septic system that would not require a grinder pump and that they have chosen to do this. She acknowledged that she understands that the accessory apartment can only be used by immediate family members and she affirmed that only she and her husband will live there. She identified a schematic floor plan of the proposed interior renovations which was admitted as Petitioners’ Exhibit 6. She further acknowledged that no commercial use can be made of this accessory apartment.

The Petitioners’ contractor, George Thomas, testified that he works full time as a building inspector for the State of Maryland and that prior to that he held the same position with Baltimore County. He does remodeling work on the side and is doing this renovation for the Norris family. Patricia Norris is his sister. He explained he is very familiar with all the State and County building codes and that he will pull all required permits and perform all the planned renovations in strict compliance with all laws and regulations. He testified that the existing structure is 960 square feet and is 15 high so it is therefore in conformance with BCZR Section 400.4. He further stated that there would be no separate utility meter.

Gary Barnes, the adjoining neighbor to the rear of the subject property, testified that he has owned a farm there since 1987. He testified that the Norris’s property is part of a subdivision that was built several years ago and that the construction of this development has caused substantial flooding problems on his land due to the fact that water flows downgrade from Blenheim Road,

across the Norris property and onto his. He testified that this drainage problem was exacerbated when the long driveway down to the garage in question was paved. He explained that the County's Department of Public Works ("DPW") has made some improvements to the public drainage system but that the problem remains. He acknowledged that this proposed in-law apartment is permitted under the BCZR as long as all requirements are met. He stated that he came to the hearing primarily to hear exactly what the Norris' plans were and to voice his concerns about the flooding problem – if only to warn them that they may have flooding issues in the proposed apartment. He did acknowledge that if the proposed apartment use is approved it will not really impact the flooding issue because there will be no additional impervious surface since no exterior modifications are proposed.

Based on the testimony and record evidence I find that the proposed accessory apartment meets the requirements of BCZR Section 400.4. I further find that it will not harm the public health, safety or welfare. Finally, I find that it can be approved within the spirit and intent of the BCZR.

THEREFORE, IT IS ORDERED this 5th day of **November, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to permit an accessory apartment in the existing detached garage, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her 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, Petitioner 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 Section 400.4.B.
4. The Declaration of Understanding shall be incorporated in this Order and filed along with it in the Land Records of Baltimore County.

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