

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(1836 Loch Shiel Road)</b>		
9 <sup>th</sup> Election District	*	OFFICE OF
6 <sup>th</sup> Council District		
Gina E. Penn,	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
<b>Petitioner</b>	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2019-0451-SPH</b>

\* \* \* \* \*

**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 Gina E. Penn, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for the subject dwelling to be used as a legal non-conforming 2-apartment structure.

Tom Fair, the property manager and sales broker for the property owner, Gina E. Penn, 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. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the County reviewing agencies.

**SPECIAL HEARING**

The subject property is 3,399 square feet in size and is zoned DR-10.5 located in the Loch Raven Village subdivision. Mr. Fair testified that he had done substantial research on the property. He explained that it was originally built as a two family structure in 1949, as was typical of the larger end-units in the development. There is one unit on the first level and one on the second, each having its own kitchen and bath. Photos of the front and rear of the house were admitted as Petitioner’s Exhibit 1. Mr. Fair submitted photos showing separate gas meters, separate water meters, and separate furnaces and hot water heaters for the units. These were admitted as

Petitioner's Exhibits 2, 3, and 4, respectively. He then submitted photos of the two separate kitchens with what appear to be the original cabinetry, which were admitted as Petitioner's Exhibit 5. Mr. Fair explained that these duplex units had the kitchens in the center of the house (floor plans were admitted as Petitioner's Exhibit 9) whereas the other row-homes in Loch Raven have kitchens at the very rear of the house. Mr. Fair then submitted a State Department of Assessments and Taxation ("SDAT") document from 1970 wherein the property is described as a "2 Fam. Dwell." This was admitted as Petitioner's Exhibit 6. Mr. Fair testified that the SDAT told him that this is as far back as their records go. Mr. Fair also submitted copies of the "Chris-Cross Directory" from 1950 forward showing that unrelated persons have lived in these separate units at this address over that time. Petitioner's Exhibit 7. Mr. Fair then submitted photos of the two bathrooms showing what also appears to be the original tiling. Petitioner's Exhibit 8. He testified that the other single family row homes in Loch Raven have only one full bath. Finally, Mr. Fair submitted recent Multiple Listings Service ("MLS") listings showing other identical end-units in Loch Raven Village listed as "multi-family" units. This was admitted as Petitioner's Exhibit 10.

Based on the record evidence I find that the Petitioner has established that this property is a legal non-confirming use as a two-family residential structure. I also note that the Department of Planning has no objection to the requested Special Hearing relief.

THEREFORE, IT IS ORDERED this 7<sup>th</sup> day of **November, 2019** by this Administrative Law Judge, that the Petition for Special Hearing for the subject dwelling to be used as a legal non-confirming 2-apartment structure, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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

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

PMM:sln/dlw