

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(13 S. Tollgate Road)</b>		
4 <sup>th</sup> Election District	*	OFFICE OF
4 <sup>th</sup> Council District		
Nathan Richards and Pamela Weinel	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
<b>Petitioners</b>		
	*	<b>Case No. 2019-0543-SPH</b>

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**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 Nathan Richards and Pamela Weinel, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 408B of the Baltimore County Zoning Regulations (“BCZR”) for a use permit for a rooming/boarding house for a maximum of 8 tenants/beds. A site plan was marked and admitted as Petitioners’ Exhibit 1.

The contract purchaser, Chandra Brechin, appeared in support of the petition. He was accompanied by his realtor. There were numerous protestants from the neighborhood in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Bureau of Development Plans Review (“DPR”) and the Department of Planning (“DOP”). The DOP does not recommend approval. This agency noted discrepancies between the site plan and measurements made during two site visits. DOP also expressed concerns about the amount of impervious surface area that would result from the proposed removal of trees and the installation of paving over the entire back and side yards of the property to accommodate the required parking spaces. DOP has concluded that the proposed boarding house use would be “too intensive for the surrounding neighborhood.” DPR noted that there is an existing easement along the rear of the property and that the site plan

depicts parking spaces, landscaping and fencing within the easement area depicted on the plat.

### SPECIAL HEARING

The contract purchaser, Mr. Brechin, testified that if this boarding house use is approved his “partner” would live on the “lower level” of the house (it was not entirely clear whether this means the ground level, where the floor plan shows a master bedroom, or the basement level). In addition the plan is to house eight college students from nearby Stevenson University, or another local college. Mr. Brechin stated that according to his market research the rental market would bear monthly rents for each tenant of between \$550 and \$950. In his view this boarding house with eight college students would enhance the neighborhood. He stated that the students would be fully “vetted” and that this would not be a “frat house” environment. Regarding the stormwater issue Mr. Brechin claimed that there was sufficient greenspace on the surrounding properties to absorb the runoff.

Numerous neighbors testified in opposition. The primary concerns were increased noise and traffic, as well as an exacerbation of existing parking problems due to the narrow streets in the neighborhood. They explained that this neighborhood was developed after the Korean war and has been a quiet, family oriented, working class neighborhood ever since. They are therefore very concerned about the prospect of a large boarding house in the middle of their moderately sized homes. They also expressed concern about the stormwater runoff caused by the paving of the entire back yard and the removal of the large trees that are currently there. Finally, they expressed concern about the precedent that this would set for their neighborhood as well as numerous other similar middle income neighborhoods in this area. In sum, they believe a boardinghouse is incompatible with the existing neighborhood and will diminish their property values.

The Protestants submitted a letter of opposition from the President of the Reisterstown,

Owings Mills, Glyndon Community Association which was admitted as Protestants' Exhibit 1. Another letter of opposition from the President of the "Tollgate Action Group" was admitted as Protestants' Exhibit 2. Finally, a series of photographs of Tollgate Road and the subject property were admitted collectively as Protestants' Exhibit 3.

Based on the comments of DOP and DPR; and more importantly, the testimony and evidence presented by the protesting neighbors, I find that the proposed boarding house would be detrimental to the health, safety and welfare of the general public and that this special hearing relief cannot be granted within the spirit and intent of the BCZR generally, or BCZR Sec. 502.1 specifically.

THEREFORE, IT IS ORDERED this 12<sup>th</sup> day of **February, 2020** by this Administrative Law Judge, that the Petition for Special Hearing for a use permit for a rooming/boarding house for a maximum of 8 beds, be and hereby is DENIED.

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