

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(401 Walpole Ct.)</b>		
8 <sup>th</sup> Election District	*	OFFICE OF
3 <sup>rd</sup> Councilmanic District		
Michael G. & Johanna Coughlin	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	<b>Case No. 2014-0208-SPH</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Laura Thul Penza, AIA with Penza & Bailey Architects on behalf of Michael and Johanna Coughlin (“Petitioners”). The Special Hearing was filed pursuant to §§ 400.4 and 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve an accessory apartment in an accessory building.

Appearing at the public hearing in support of the requests was Michael and Johanna Coughlin. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP) dated May 8, 2014, indicating that agency supports the request provided the requirements set forth in the Regulations are satisfied.

The subject property is 1.56 acres and is zoned DR 1. The property is not contained within a subdivision and is not shown on a recorded plat. The Petitioners’ purchased the home last year, and would like to construct an accessory apartment for use by Ms. Coughlin’s mother.

Such accessory apartments are permitted by the Regulations, under certain circumstances. B.C.Z.R. §400.4. The detached building must be in the rear yard and no larger than 1,200 sf.

The Petitioners satisfy these requirements, and the plan shows the 1 story building is 34' x 26' (884 sf). The B.C.Z.R. also specifies that the building may not have separate water and utility meters, and Petitioners confirmed that the apartment will not have separate meters. Finally, the Regulations also indicate that the Petitioners must in essence satisfy the special exception standards set forth in B.C.Z.R. §502.1. I believe the Petitioners have met those requirements.

The subject property is rather large (1.56 acres) and the proposed apartment is being designed by an architect and will be constructed with quality materials. The Petitioners indicated that their neighbors support the request, as does the Valley Crest Community Association, which submitted a letter stating its Board “unanimously approved [the] plans.” In these circumstances, I believe the proposed addition will be aesthetically pleasing and will not be detrimental to the health, safety and welfare of the community.

THEREFORE, IT IS ORDERED this 9<sup>th</sup> day of June 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to §§ 400.4 and 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) to approve an accessory apartment in an accessory building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must obtain from the Department of Permits, Approvals and Inspections (PAI) a use permit for the accessory apartment, and renew such permit every two (2) years.
- The accessory apartment may be occupied only by Petitioners’ immediate family members(s).
- Petitioners must record promptly among the Land Records of Baltimore County the Declaration of Understanding described in B.C.Z.R. §400.4.A.1.

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

\_\_\_\_\_Signed\_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/sln