

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(16306 Old York Road)		
10 th Election District	*	OFFICE OF
3 rd Councilmanic District		
George R. And Linda E. Gabell	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0149-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by George and Linda Gabell, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), seeking approval for an accessory apartment (in-law) to be located within an accessory building (detached garage).

Appearing at the public hearing in support of the requests was George and Linda Gabell. 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. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated February 20, 2014. DOP does not oppose the Petitioners’ request providing the following conditions are met:

1. The size of the in-law apartment may not exceed 1,200 square feet, and shall comply with the requirements of Section 400 of the B.C.Z.R.
2. The in-law apartment may not be used as a separate dwelling unit or apartment once the family member for which this request is made no longer resides in the apartment. At that time all kitchen and bathroom facilities shall be removed.
3. The accessory building shall not be used for commercial purposes.

The subject property is 1 acre in size and is zoned RC-2. The property is improved with a single family dwelling and a garage. The Petitioners propose to convert the second story of the garage into an accessory apartment for their daughter and her husband.

Accessory apartments are permitted under the B.C.Z.R., upon a finding by the Administrative Law Judge (ALJ) that the Petitioners in essence satisfy the standards for special exception relief under B.C.Z.R. § 502.1. Here, the photos in the file show that the garage is attractive and well constructed. The apartment's floor area would be 1,176 S.F. (Ex. No. 3), and the structure would not have separate utility meters and would not be served by a separate water/sewer system. The nearest dwellings to either side of Petitioners' property are at least 1,000 feet away, assuring a more than adequate buffer for the use. The setting is rural and bucolic, and there is no indication whatsoever that the accessory apartment would be detrimental to the health, safety and/or welfare of the community. As such, and based upon the testimony and evidence presented, I will grant the petition.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that Petitioners' Special Hearing and use permit requests should be granted, subject to the conditions noted below.

THEREFORE, IT IS ORDERED this 7th day of March 2104, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking approval for an accessory apartment (in-law) to be located within an accessory building (detached garage), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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

