

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1918 Sunberry Road)		
12 th Election District	*	OFFICE OF
7 th Councilmanic District		
Joseph Wayne Sloboda	*	ADMINISTRATIVE HEARINGS
Petitioner		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0284-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 the legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a legal non-conforming use for two (2) dwelling units in an existing building.

Appearing at the public hearing in support of the requests was Joseph Wayne Sloboda. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance at the hearing, nor does the file contain any letters of opposition. There were no Substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is 10,875 square feet and is zoned DR 3.5. The property is improved with a dwelling that was constructed in 1950. The Petitioner testified that the dwelling as originally constructed contained an “apartment” on the second floor, containing approximately 550 square feet of living space. The second floor apartment (which is accessed by a set of exterior stairs) has living quarters, kitchen facilities and a bathroom, and Mr. Sloboda testified that through the years various family members have lived in the upstairs unit, and that for the past 25 years the apartment has been occupied by a friend.

Two witnesses (Dale Schnepf and Richard Ostovitz) also provided testimony at the hearing. Both gentlemen were childhood friends and neighbors of the Petitioner, and they recall the “upstairs apartment” from their earliest years visiting the home. In these circumstances, the Petitioner enjoys nonconforming use status with respect to the two (2) dwelling units within the property. That use pre-dated the adoption of the B.C.Z.R., and may be continued as a lawful nonconforming use under B.C.Z.R. §104.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED this 25th day of August 2014, 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”) to approve a legal non-conforming use for two (2) dwelling units in an existing building, be and is hereby GRANTED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln