

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1930 Brookdale Road)		
1 st Election District	*	OFFICE OF
1 st Councilmanic District		
Episcopal Church of Christ the King	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Episcopal Community Services of Md.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2015-0015-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 Episcopal Church of Christ the King, Legal Owner, and Episcopal Community Services of Md., Lessee (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a Boarding House in a DR 5.5 zone; and (2) or in the alternative, to permit accessory residential quarters on a property used as a church as a ministry of the church.

Numerous members of the church and community appeared in support of the requests. Lawrence E. Schmidt, Esquire, with Smith, Gildea & Schmidt, LLC represented the Petitioners. There were no Protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated September 5, 2014, which did not oppose the requests.

The subject property is approximately 6 acres and is zoned DR 5.5. The property is improved with a large church building and a two-story single family dwelling. The single family dwelling historically was used to house church personnel, but in recent years the church has leased the dwelling to tenants. At present, Petitioners propose to use the dwelling to operate

Jericho House, a program that will provide temporary housing for previously incarcerated men. At any one time, the dwelling will have six (6) live-in program participants, as well as a caretaker who will also reside on the premises. The single family dwelling has 4 bedrooms; two men will occupy each of the bedrooms, and the caretaker will have a separate bedroom.

The first issue involves identifying, in the argot of the Regulations, the proposed use. I believe the proposal constitutes a “boarding house,” defined as a dwelling occupied by 3 or more unrelated individuals. B.C.Z.R. §101.1. Boarding houses are permitted in single family dwellings in D.R. zones, pursuant to B.C.Z.R. §408B. While that regulation contains quite a bit of detail concerning the approval and permit process for such a use, the primary legal requirement is that the proposed boarding house use satisfy the special exception standards found in B.C.Z.R. §502.1.

In that regard, the site is relatively large (6 acres) and is buffered from the adjoining residential and commercial uses. There is a 6' high stockade fence along the southern boundary of the site, which serves to screen the nearby residences on Brookdale and Greengage Roads. The Petitioners will use a detailed and thorough screening process to select candidates for the program, and do not admit those with violent criminal backgrounds or sex offenders. The facility is smoke free and alcohol free, and participants are subject to random testing. Most participants will reside at the site for between 6-12 weeks, and the goal is to assist participants to obtain job training and/or employment, which will enable them to then relocate to private housing within the community.

In light of the above, and given the absence of testimony and/or evidence to the contrary, I do not believe the proposed use will be detrimental to the health, safety and welfare of the community. The DOP did not object to the proposal, but requested an “on-site manager” to

resolve community concerns. Petitioners stated there will be both a daytime case manager on site, as well as a live in caretaker at the facility. The DOP made reference in its ZAC comment to a continuation of the existing fence to screen the homes on Brookdale Road, but Petitioners stated that individual homeowners have their own fences at the rear of their yards, and thus I believe that existing conditions will suffice. The DOP also suggested sidewalks be installed along Brookdale Road, but based on aerial photos submitted it appears that sidewalks are in place on the east side of the road, which will allow pedestrians to safely reach Security Boulevard, which borders the site to the north.

THEREFORE, IT IS ORDERED this 12th day of September, 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 permit a Boarding House in a DR 5.5 zone, be and is hereby GRANTED.

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