

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(16916 Wesley Chapel Road)		
10 th Election District	*	OFFICE OF
3 rd Council District		
	*	ADMINISTRATIVE HEARINGS
Kevin A. & Vanessa L.C. Eskridge		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2016-0301-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 Kevin and Vanessa Eskridge, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to permit two full bathrooms and a refreshment area in an accessory structure (barn) that was approved for a height variance and had restrictions placed on it in Case No. 2016-0229-A; and (2) to modify Case No. 2016-0229-A.

Owner Vanessa Eskridge and licensed surveyor Bruce Doak appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP).

The subject property is 52.327 acres and zoned RC 2. The property is improved with a single family dwelling constructed in 1777, which Petitioners are presently renovating. Petitioners propose to construct a pool house/multi-purpose room, which was the subject of Case No. 2016-0229-A, which granted administrative variance relief to allow a height of 33 ft. in lieu of the maximum 15 ft. That Order contained a restriction prohibiting bathroom facilities in the structure

unless approved by the Departments of Public Works and/or Environmental Protection and Sustainability, and in this case Petitioners seek to have that condition stricken.

As discussed at the hearing, nothing in the B.C.Z.R. prohibits bathroom facilities in an accessory building. The restriction is routinely added in administrative variance cases, where there is not the opportunity for witness testimony or an in-depth evaluation of the proposed use(s) for the structure at issue. The concern is that the structure not be turned into a second dwelling on the property, which is prohibited under the Regulations. Ms. Eskridge indicated she spoke with county representatives to inquire about the process for approving the proposed bathrooms, and was told she would need to obtain an order from the undersigned.

Ms. Eskridge testified the building will be used as a pool house (the property has an existing in-ground pool, which would be adjacent to the proposed accessory building) and an exercise room. Also, her husband is a hunter and woodworker, and the building would have rooms and facilities to accommodate these hobbies. Ms. Eskridge testified the building will not have living quarters or kitchen facilities. In these circumstances, having a bathroom on each floor of the building is reasonable and appropriate, and the special hearing request will be granted.

THEREFORE, IT IS ORDERED this 20th day of **July, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 as follows: (1) to permit two full bathrooms in an accessory structure that was approved for a height variance and had restrictions placed on it in Case No. 2016-0229-A; and (2) to modify Case No. 2016-0229-A, in accordance with the terms of this Order, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for

whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. The accessory structure shall not contain living quarters or rooms for overnight habitation.
3. The accessory structure shall not contain a stove, dishwasher or kitchen facilities other than a sink and small refrigerator.
4. Prior to issuance of permits Petitioners must submit for approval by the DOP architectural elevations of the proposed structure.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh