

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1227 Piney Hill Road)		
8 th Election District	*	OFFICE OF
3 rd Council District		
David & Katherine Cox	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2017-0063-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 David & Katherine Cox, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) to approve an addition to a single-family dwelling to be used as an in-law apartment. David Cox 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the request.

The subject property is 6.34 acres in size and zoned RC 7. The property is improved with a single-family dwelling constructed in 1983. Petitioners propose to construct a 1,450 sq. ft. two-story addition to the existing home. The bottom floor (725 sq. ft.) would be used as an accessory apartment for Mr. Cox’s in-laws.

Under B.C.Z.R. §400.4.A, I do not believe a hearing was required in this matter. Even so, I will grant the petition for special hearing, and do not believe the proposed apartment would in any way have a detrimental impact upon the community. Petitioners own a large lot, and their only

adjoining neighbors indicated in a letter (Petitioners' Ex. 2) they "fully support" the zoning request. Petitioners have also prepared for filing in the land records the requisite Declaration of Understanding, which contains all of the information and restrictions pertaining to the use of the accessory apartment. As such, the petition will be granted.

THEREFORE, IT IS ORDERED this 21st day of October, **2016** by this Administrative Law Judge, that the Petition for Special Hearing to approve a 725 sq. ft. addition to an existing single-family dwelling to be used as an accessory (in-law) apartment, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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. Prior to issuance of permits Petitioners must obtain approval from the Ground Water Management section of DEPS.

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:sln