

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(5206 Carroll Place)</b>		
13 <sup>th</sup> Election District	*	OFFICE OF
1 <sup>st</sup> Council District		
	*	ADMINISTRATIVE HEARINGS
Mary C. Morrison		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	<b>Case No. 2017-0032-SPH</b>

\* \* \* \* \*

**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 Mary C. Morrison, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a non-conforming two unit dwelling in a DR 5.5 zone.

Owner Mary C. Morrison appeared in support of the petition. Evan Feldman, Esq., represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is 4,000 sq. ft. in area and zoned DR 5.5. The property is comprised of two lots (Lots 10 & 11 on the plat of Linden Heights) and is improved with a single-family dwelling constructed in 1945. The Petitioner has listed the house for sale and a mortgage underwriter has requested verification the property is a lawful two-unit dwelling.

The relevant date in determining the existence of a nonconforming use in this case is 1970, at which time the County Council enacted Bill No. 100-1970. That law eliminated certain archaic definitions of “duplex” and “semi-detached” dwellings, and specified the circumstances under which a dwelling may be “converted” to multi-family use. B.C.Z.R. §402.1. Petitioner presented

affidavits from several individuals, all of whom stated the property was used as a “two apartment dwelling” since at least 1951. Ex. 5. One affiant, Charles Rittenhouse, stated he owned the subject property in 1957, and that it was then (and had been for several years prior) used and occupied as a two apartment dwelling. Petitioner also submitted photographs of separate utility meters which serve the units. Ex. 3. In these circumstances, I believe Petitioner has established a lawful nonconforming use under B.C.Z.R. §104.

THEREFORE, IT IS ORDERED this 28<sup>th</sup> day of September, **2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve a lawful non-conforming two unit dwelling in a DR 5.5 zone, be and is hereby GRANTED.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln