

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(901 Elm Ridge Avenue)		
13 th Election District	*	OFFICE OF
1 st Council District		
Gregory M. Murawski (Deceased)	*	ADMINISTRATIVE HEARINGS
Donna L. Hall		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2017-0035-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 Gregory M. Murawski (Deceased), legal owner and Donna L Hall (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R) to approve a non-conforming use for a two apartment building located at this site. Donna Hall and professional engineer Rick Richardson 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. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the County agencies.

The subject property is 4,971 sq. ft. in size and zoned DR 10.5. The property is improved with a dwelling constructed in 1941. Ms. Hall testified the home has two apartment units, one on top of the other. The apartments are separately accessed by way of a vestibule containing two doorways. The house is listed for sale and the purchaser is seeking confirmation that it is a lawful two-unit dwelling.

Petitioner presented affidavits from two neighbors verifying the property has since at least 1946 been used as a two apartment dwelling. Exhibit 4. In addition, Petitioner submitted a

photograph of the separate utility meters which serve these apartments. Exhibit 3. Finally, Petitioner presented a copy of the Order in Case No. 93-438-SPH wherein former Deputy Zoning Commissioner Kotroco found the adjacent dwelling at 905 Elm Ridge Avenue was a nonconforming two-apartment building. In these circumstances I believe Petitioner has presented sufficient proof to establish the nonconforming use under B.C.Z.R. §104.

THEREFORE, IT IS ORDERED this 30th 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 non-conforming use for a two apartment building located at this site, be and is hereby GRANTED.

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