

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1 Kincaid Court)		
10 th Election District	*	OFFICE OF
3 rd Council District		
Joseph A. Hosier & Lisa M. Hosier,	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2021-0027-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 Joseph A. Hosier & Lisa M. Hosier legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory (in-law) apartment permitted as a temporary use within a proposed dwelling addition. Any relief that the Administrative Law Judge (“ALJ”) deems to be necessary. A site plan was marked and admitted as Petitioner’s Exhibit 1.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. The Petition was advertised and posted as required by the BCZR. Joseph A. Hosier & Lisa M. Hosier, Petitioners, appeared in support of the petition. Bruce E. Doak of Bruce E. Doak Consulting, LLC also appeared and assisted the Petitioners. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and the Department of Environmental Protection and Sustainability Development (“DEPS”). They do not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order.

The subject property is approximately 0.77 acres in size and is zoned RC 5. The proposed accessory apartment will be 1246 sq. ft. and will be attached to the existing 2300 sq. ft. dwelling.

The dwellings on the surrounding properties are substantially larger, especially in the new development across Sweet Air Road. Mr. Hosier testified that an adult child will occupy the accessory apartment. He acknowledged that if the requested relief is granted a fully executed and conforming Declaration of Understanding must be submitted and filed in the land records of Baltimore County. No request was made for separate utility meters or water or sewer service. Petitioners submitted letters of support from all the adjacent property owners, which were admitted as Exhibits 7, 8, and 9.

Based on the testimony and exhibits, I find that the Petition should be granted. I specifically find that the accessory structure, as depicted in the site plan and architectural drawings, will comply in all respects with BCZR § 500.7, and that it is within the spirit and intent of the BCZR and will not cause harm to the public health, safety or welfare. This finding is buttressed by the supporting letters from the adjacent property owners and the lack of opposition from any county agency.

THEREFORE, IT IS ORDERED this 13th day of **April, 2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for an in-law apartment in a proposed accessory building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 his 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, Petitioner would be required to return the subject property to its original condition.
- The proposed structure shall not be used for commercial purposes and shall not have a separate utility meter.

- Prior to issuance of permits Petitioners must comply with the ZAC comment submitted by the DOP, and DEPS, copies of which are attached hereto and made a part hereof.
- A copy of this Order shall be filed in the Land Records of Baltimore County along with a Declaration of Understanding which conforms with BCZR § 400.4.

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

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm