

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
(317 Academy Avenue)		
4th Election District	*	OF ADMINISTRATIVE
2 nd Council District		
Keith Tinsley	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2020-0045-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Special Hearing filed on behalf of Keith Tinsley, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a bathroom to an existing accessory structure. 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 Petitioner 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 BCZR.

A ZAC comment was received from the Department of Planning (“DOP”) dated March 5, 2020, indicating it had no objection to the requested relief provided that the existing accessory shall not be used for commercial purposes nor contain any living quarters.

The site is approximately 9,900 square foot and zoned DR 5.5. Mr. Tinsley explained that in 2015 he obtained a permit to construct a shower, sink, and toilet in this accessory structure, which is located at the far rear of his property. All the “rough-in” work was performed but due to personal and family circumstances the work was not completed at that time and the permit

expired. When he sought a new permit he was informed that unless this was an accessory structure associated with a pool he was not permitted to have a sink, toilet, *and* shower unless he obtained special hearing permission. Mr. Tinsley testified that he has no intention of using this structure for residential purposes and that the shower will be used only occasionally as a convenience. I find that this special hearing relief can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this **23rd** day of **July, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to § 400.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit an addition of a bathroom in an existing accessory structure 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 be used for any residential or commercial purpose, and shall not have a separate utility meter.

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

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

PMM/dlm