

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(13614 Devon Brook Road)</b>		
11th Election District	*	OFFICE OF
3rd Council District		
Melissa & Joseph Mihm	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
<b>Petitioners</b>	*	<b>Case No. 2021-0001-SPH</b>

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**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing pursuant to Sec. 500.7 of the Baltimore County Zoning Regulations (“BCZR”) filed by Melissa and Joseph Mihm. The Petitioners request permission to construct an accessory “in law” apartment addition to their residence pursuant to BCZR § 400.4. The proposed apartment will be 749 sq. ft. and will include a second kitchen in an existing residential dwelling that is 2,477 sq. ft.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). They did not oppose the requested relief subject to proposed conditions, which will be incorporated into the Order. There were no protestants or interested parties at the hearing.

The Petitioners Melissa & Joseph Mihm appeared. Tim and Jessica Ellis from T.W. Ellis Construction Company also appeared. Mr. Ellis explained the proposed addition. Mr. Mihm testified that the apartment will be for the sole use of his mother in law, Deborah Diggins. He acknowledged that he must complete and submit a Declaration of Understanding in conformance with BCZR § 400.4.C. He further acknowledged that they will have to apply for and be granted a

new Use Permit every two years; and that the Use Permit will terminate at the time Ms. Diggins no longer lives there.

Based on the record evidence I find that the requested relief is appropriate and within the spirit and intent of the BCZR, and that it will not harm the public health, safety, or welfare.

THEREFORE, IT IS ORDERED this 8th day of **March, 2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief under the Baltimore County Zoning Regulations (“BCZR”) § 400.4 to permit a proposed in-law apartment addition of 749 sq. ft. that will include a second kitchen in an existing residential dwelling that is 2,477 sq. ft. 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 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.
- Petitioners shall submit a fully executed Declaration of Understanding as required by BCZR § 400.4.C.
- Petitioners must comply with the DOP ZAC comment, a copy which is attached hereto and make a part thereof.

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

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

PMM/dlm