

Katherine Klausmeier County Executive MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 17, 2025

James P. Hamilton – mekhan28@hotmail.com Meena A. Khan 1887 Knox Avenue Reisterstown, MD 21136

RE: Petitions for Special Hearing & Variance

Case No. 2024-0256-SPHA Property: 1887 Knox Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlm Enclosure

c: Bruce E. Doak – <u>bdoak@bruceedoakconsulting.com</u>

Frank Stapleton <u>flinvent@gmail.com</u>
Meena Khan <u>mekhan28@hotmail.com</u>

Akhtar Khan khan@internationalplasticity.com

James Hamilton jphamilton@jhmi.edu

IN RE: **PETITIONS FOR SPECIAL HEARING *** BEFORE THE

AND VARIANCE

(1887 Knox Avenue) * OFFICE OF

8th Election District

3rd Council District * ADMINISTRATIVE HEARINGS

James Hamilton and Meena Khan

Legal Owners * FOR BALTIMORE COUNTY

Petitioners * Case No. 2024-0256-SPHA

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing and Variance filed on behalf of James Hamilton and Meena Khan ("Petitioners"), owners of the property located at 1887 Knox Avenue, Reisterstown, Baltimore County, Maryland (the "Property"). Under the Petition as originally filed, Special Hearing relief was requested pursuant to Baltimore County Zoning Regulations ("BCZR") Section 500.7 to permit an accessory (in-law) apartment as a temporary use within an accessory building to be built on the same lot as the principal dwelling, and a related series of variance relief. The Petition was amended at the hearing in response to objection from county agency comments, removing the request for Special Hearing relief, and limiting the variance relief. Pet. Exh. 2. The hearing moved forward under the amended Petition and associated plans only.

A public hearing was conducted on January 14, 2025, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners appeared at the hearing and were assisted by Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed surveyor, who prepared and sealed the site plan (the "Site Plan"). Also in attendance were Ms. Khan's parents, the intended residents of the accessory apartment, and neighboring property owner, Frank Stapleton.

Petitioners submitted the following exhibits into the record: (1) Amended Site Plan; (2)

Amended Petition; (3) Original Site Plan; (4) SDAT Report; (5) Plat Book 42/73; (6) GIS aerial photo; (7) Key Sheet and Site Photographs; (8) Photo of an example breezeway. The following Zoning Advisory Committee ("ZAC") comments were received and admitted into the record: (1) Department of Planning ("DOP"); (2) Department of Environmental Protection and Sustainability ("DEPS"); (3) Development Plans Review ("DPR") on behalf of DPR/DPWT/Rec & Parks. The file also includes comments from the Office of People's Counsel. County Exhibit 4. Planning's ZAC comment and People's Counsel's letter indicate objection to the relief requested under the original Petition. However, county comments were not resubmitted after the Petition was amended to address the modifications made to the plans and the Petition. Both Planning's ZAC comment and People's Counsel's letter noted objections to the construction of what they believe to be new single-family dwelling on a singular lot already improved with a single-family dwelling in an RC zone, subverting the subdivision regulations and violating density standards under BCZR. As detailed more thoroughly below, the amended plans and Petition address the substantive objections raised by Planning and People's Counsel.

Findings of Fact

The subject property is approximately 8.974 acres and is improved by a single-family detached dwelling constructed in 1981 as well as a pool and accessory buildings in the rear yard. Pet. Exhibit 1. The Property is split zoned RC-4/RC-5 and was originally platted in 1978. See Pet. Exhibit 5. The property is surrounded by other residential dwellings, agricultural uses, and dense forest. Pet. Exhibits 6 & 7. Mr. Doak described the contours of the property including its 10-15% grade, forest cover, existing improvements, the location of septic and well, purpose and design of construction. Ms. Khan explained the purpose of the proposed accessory apartment is to house her aging parents. The proposed one-story accessory apartment will be 26 ft. in height with a footprint of approximately 1,700 sq. ft. Originally proposed as a separate structure, the amended Petition

revised this plan and instead proposes an attached structure with garage to the principal residence via an unenclosed breezeway. *See* Pet. Exhibit 8 (for illustrative purposes only). Mr. Doak explained the limitations of the property to support by-right construction of a traditional addition to the home, with a desire to retain access to the rear yard from the driveway area, leading to the proposed unenclosed breezeway instead of a fully attached and incorporated addition. *See* Pet. Exhibit 7. Mr. Doak further addressed potential sewerage issues and the request to permit the accessory apartment to be served by separate utilities not connected to the principal dwelling. Mr. Doak stated that the owners recently finished the basement level of the principal dwelling, resulting in a total gross floor area of 4,544 sq. ft.

If the proposed accessory apartment constituted an accessory structure, Mr. Doak offered that the property is unique for zoning purposes due to its triangular shape and the impacts of its forest cover, location of septic and well systems, and driveway which create a practical difficulty in strict compliance with BCZR siting and height regulations. Mr. Doak further stated that the property is heavily forested which will act as effective screening from impacts of the building, even though it may still be visible from adjacent properties. See Pet. Exhibits 6 & 7. While the file does not reflect any revised comments from county agencies in support of the amended Petition, Mr. Doak averred that Planning no longer objected to the Petition under these revised plans.

Mr. Stapleton, an adjacent neighbor, asked several questions with respect to the proposed accessory apartment, but did not state express objection to the plans. Mr. Hamilton, Ms. Khan, and Mr. Stapleton further discussed other non-zoning related improvements to the property including possible driveway widening and surface improvements to their shared driveway.

Conclusions of Law

Pursuant to BCZR § 400.4, "an accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings..." subject to various requirements. BCZR § 400.4. If located within an existing single-family detached dwelling, an applicant is required to file an application with PAI for a use permit for an accessory apartment. BCZR § 400.4.A.1. If located within an accessory building on the same owner-occupied property as the principal single-family detached dwelling, certain other requirements exist. BCZR § 400.4.B.

SPECIAL HEARING RELIEF EXEMPTION

Per Section A-5 of the PAI Zoning Policy Manual, "...an accessory apartment in a proposed dwelling addition will be considered an "existing" single-family detached dwelling and not subject to a Special Hearing, pursuant to Section 400.4, BCZR, but the accessory apartment may be subject to variances." Per Section A-6 of the PAI Zoning Policy Manual, "...if a residential accessory structure/building (garage, pool, shed, pool house, accessory apartment) is to be attached to an existing dwelling by an open projection (such as a deck, porch, or carport), it must meet principal dwelling setbacks, not the requirements of Section 301.1, 400.1, 400.2, or 400.3 of the BCZR." Lastly, per Section A-16 of the PAI Zoning Policy Manual, to be considered a dwelling addition and not an accessory structure, "the new proposed development must be structurally and functionally attached to the principal dwelling, as shown in an elevation drawing, and have direct access to the principal dwelling. If the proposed structure will be in the rear, front, or side yard and attached with a projection such as an unenclosed breezeway, the structure shall be functionally and structurally attached, meaning that the attached breezeway shall serve a building function. One way to demonstrate functionally and structurally attached, for example, is to have a door from the

dwelling and a door from the garage at both ends of the breezeway." PAI Zoning Policy Manual § A-16.

Upon consideration of BCZR, the provisions of the Zoning Policy Manual, and the record in this case, I find that the proposed unenclosed breezeway satisfies BCZR and Zoning Policy Manual standards such that the proposed accessory structure can be considered an addition to the single-family dwelling rather than a stand-alone accessory structure. The breezeway is a permanent structure that functionally and structurally "attaches" the proposed accessory apartment to the principal residence with doorways on either end connected by an ADA accessible platform at grade. This constitutes an addition to the single-family dwelling, and under the PAI Zoning Policy Manual, such a circumstance exempts this aspect of the project from obtaining Special Hearing relief under BCZR § 400.4.B. As such, the application may proceed through PAI under BCZR § 400.4.A.

VARIANCE(S)

As amended, the proposed addition complies with all setback, bulk, and height regulations and therefore does not require variances under the bulk or setback regulations. The proposed accessory apartment will not exceed 1,500 sq. ft. and, therefore, complies with BCZR §400.4.A.1.a as it will not exceed 33% of the gross floor area of the principle dwelling. Remaining is Petitioners' request for a variance to BCZR § 400.4.A.1.c, the requirement that accessory apartments may not have separate utility meters, such as gas and electric service. If this Petition were to move forward under BCZR § 400.4.B – as a separate accessory building under which OAH maintains jurisdiction – I see no facts which would give rise to a condition that the accessory apartment maintain utility services with the principal dwelling. Separate utilities may be necessary given the linear distance between the existing home and the proposed accessory apartment, and although connected and treated as an addition for zoning purposes because of the breezeway, utility providers may need

separate lines and meters for capacity and safety purposes. However, as detailed above, the

proposed accessory apartment will be located within the principal dwelling and constructed as an

addition to the existing home. Accessory apartments located within an existing single-family

detached dwelling are regulated under BCZR § 400.4.A, and are squarely under the authority of

the Director of PAI and not OAH. Therefore, I leave further compliance under BCZR § 400.4.A

to the discretion of the Director.

THEREFORE, IT IS ORDERED this 17th day of January, 2025 by this Administrative

Law Judge, that the Petition for Special Hearing filed pursuant to BCZR Section 500.7, to permit

an accessory apartment permitted as a temporary use within an addition to a detached single-family

dwelling per the plans as submitted and incorporated herein, be and is hereby **GRANTED**;

The relief granted herein shall be subject to the following:

1. Petitioners' Site Plan (Pet. Exh. 1) is incorporated herein;

2. Petitioners shall comply with all accessory apartment regulations contained under

BCZR § 400.4;

3. Petitioners shall obtain and maintain proper permits as determined by PAI; and

4. As the proposed accessory apartment is considered herein to be located within a single-family dwelling, Petitioners shall comply with all Groundwater Management

requirements for additions to single-family dwellings.

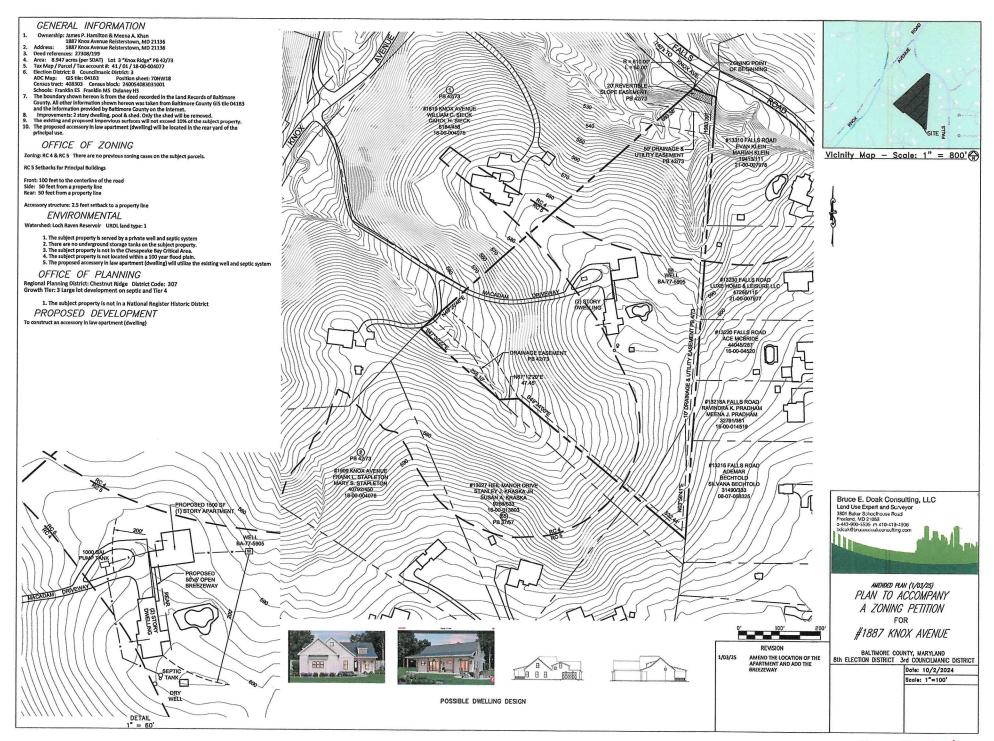
Any appeal of this decision must be filed within thirty (30) days of the date of this Order.

DEREK J. BAUMGARDNER Administrative Law Judge

for Baltimore County

DJB:dlm

6





CASE NUMBER 2024-0256-5844

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at: which is presently zoned RC4 ! RC5 Address 1887 KNOX AVENUE 10 Digit Tax Account # / 8 0 0 0 04 0 7 7 Deed References: 27308 / /99 Property Owner(s) Printed Name(s) James WAMPLIBLY MEGNA (SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: 1. 🗶 a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve SEE ATTACHED PAGE a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for x a Variance from Section(s) SEE ATTACHED PAGE of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) TO BE PRESENTED AT THE HEARING Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of penjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners (Petitioners): Contract Purchaser/Lessee: Name-Type or Print Signature #1 Signature Mailing Address City State Mailing Address Email Address Email Address Zip Code Telephone # Telephone # Zip Code MEKHAN28 @ HOTMAIL. COM Representative to be contacted: **Attorney for Petitioner:** RUCO E. Name-Type or Print - Type or Print Signature Signature Mailing Address City State Mailing Address 2/053 1 Email Address Email Address Zip Code Zip Code Telephone #

Filing Date 11 15, 24

BOOAK @ BRUCE & DOAKCONSULTING. CON

Do Not Schedule Dates:

PETITIONS REQUESTED

Special Hearing

1. Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within an accessory building to be built on the same owner occupied lot as the principal dwelling.

Variances

- 1. Variance to permit the area of an accessory structure which is proposed for use as an accessory (in law) apartment not to exceed 1,700 sq. ft. or 52%, in lieu of the area not to exceed one-third (33.3%) of the overall floor area (3,241 sq. ft.) of the dwelling per Section 400.4.A.1.a BCZR
- 2. Variance to permit the size of an accessory (in law) apartment in an accessory building to be 1,700 square feet in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR
- 3. Variance to permit the height of an accessory (in law) apartment in an accessory building to be 26 feet in lieu of the required 15 feet.
- 4. Variance to permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per Section 400.4.B.4 BCZR (if necessary)
- 5. Any relief that the Administrative Law Judge deems to be necessary.

2024-0256-5PHA



Zoning Description

1887 Knox Avenue Eighth Election District Third Councilmanic District Baltimore County, Maryland

Beginning at a point on the southwest side of Falls Road, southeasterly 740 feet, more or less, from the centerline of Knox Avenue

Being Lot 3 as shown on the plat dated July 5, 1977 and entitled "Knox Ridge" recorded in the Baltimore County Land Records in Plat Book EHK Jr 42, page 73.

Containing 8.947 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



2074-0256-SPHA

Bruce E. Doak Consulting, LLC 3801 Baker Schoolhouse Road Freeland, MD 21053 410-419-4906 cell / 443-900-5535 office bdoak@bruceedoakconsulting.com

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DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

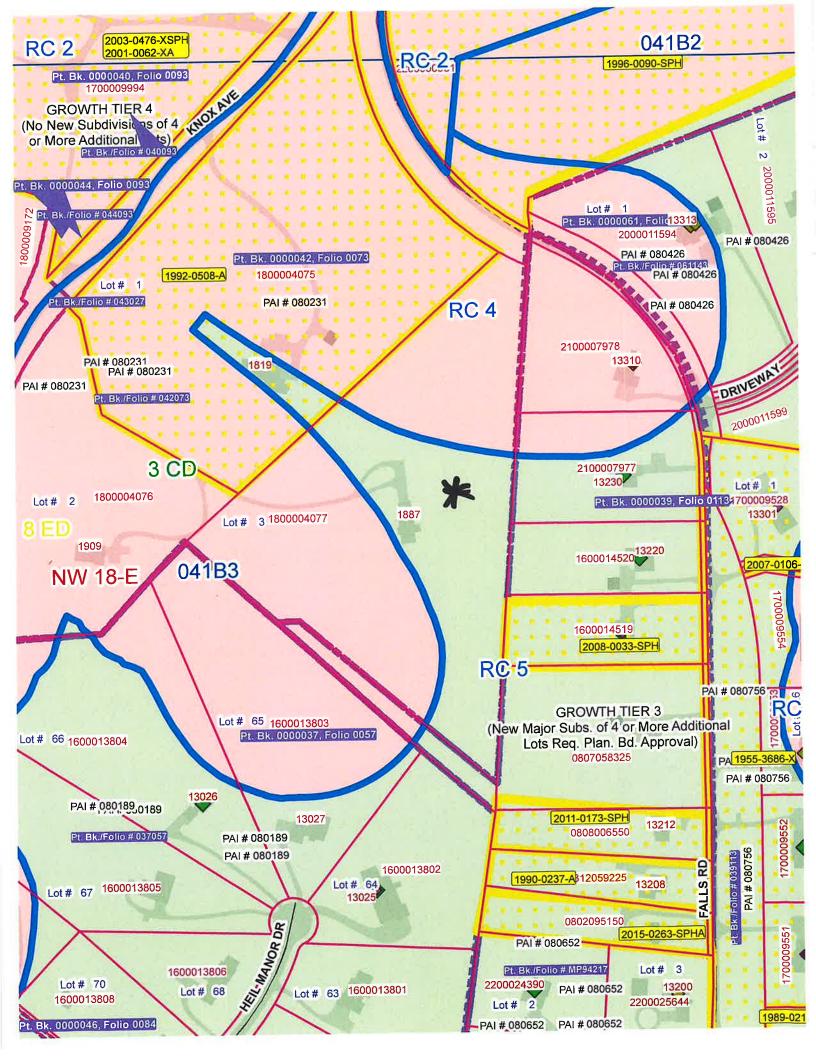
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

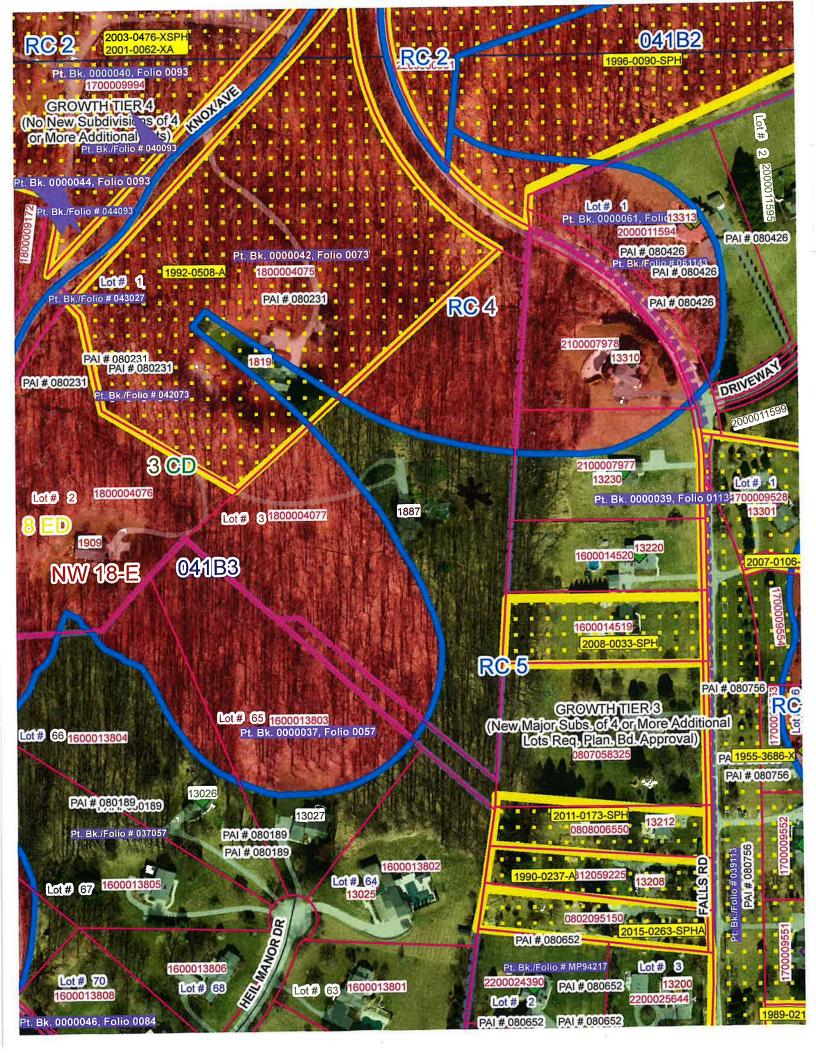
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Case Number: 3034-0356-SPHA Property Address: 1887 KNOX AVENUE REISTERS TOWN Mo 21/36 Property Description: Lot 3 KNOX RIDGE P3 42/73
Legal Owners (Petitioners): Sames P. Hamilton & Meena Khan Contract Purchaser/Lessee: N/A
PLEASE FORWARD ADVERTISING BILL TO:
Name: Bauce E. Dork
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREE LAND MO 21053
Telephone Number: 4/0- 4/9- 4906

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View GroundRent F	Redemption	View GroundRent Registration			
Special Tax Recapture:						
Account Identifier:	District - 08	Account Number - 18	300004077			
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Owner Name:	HAMILTON KHAN MEEI		Use: Principal Residence	RESIDENTIAL e: YES		
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Premises Address:	1887 KNOX REISTERST	AVE OWN 21136-5635	Legal Description:	8.947 AC 1887 KNOX AVE KNOX RIDGE		
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CASE NUMBER 2024-0256-5844

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

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Filing Date 1 125, 24

BOOAK @ BRUCE & DOAKCONSULTING. COM

Do Not Schedule Dates:

PETITIONS REQUESTED

Special Hearing

1. Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within an accessory building to be built on the same owner occupied lot as the principal dwelling.

Variances

- 1. Variance to permit the area of an accessory structure which is proposed for use as an accessory (in law) apartment not to exceed 1,700 sq. ft. or 52%, in lieu of the area not to exceed one-third (33.3%) of the overall floor area (3,241 sq. ft.) of the dwelling per Section 400.4.A.1.a BCZR
- 2. Variance to permit the size of an accessory (in law) apartment in an accessory building to be 1,700 square feet in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR
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- 5. Any relief that the Administrative Law Judge deems to be necessary.

2024-0256-5PHA



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2074-0256-SPHA

Bruce E. Doak Consulting, LLC 3801 Baker Schoolhouse Road Freeland, MD 21053 410-419-4906 cell / 443-900-5535 office bdoak@bruceedoakconsulting.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: December 2, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0256-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: December 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0256-SPHA

Address: 1887 KNOX AVENUE

Legal Owner: James Hamilton, Meena Khan

Zoning Advisory Committee Meeting of December 3, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- 1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components, and will also include submission of perc test application and conducting percolation testing and installing a new septic system.
 - b. COMAR 26.04.02.02C(1)(c) For a lot that was recorded without Department approval before November 18, 1985, if it meets the other requirements of this regulation except that only area sufficient for an initial and one replacement system is required for the lot's initial dwelling unit. A 10,000 square foot area sufficient for an initial system installation and two replacement systems is required for each additional dwelling unit.
 - c. A perc application must be submitted and approved by Ground Water Management prior to approval of a building permit.

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.



CERTIFICATE OF POSTING

December 20, 2024
amended for second inspection
Re: Zoning Case No. 2024-0256-SPHA Legal Owner: James Hamilton & Meena Khan Hearing date: January 14, 2025
Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Jeff Perlow
Ladies and Gentlemen,
This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 1887 Knox Avenue.
The signs were initially posted on December 19, 2024.
The subject property was also inspected on
Sincerely,

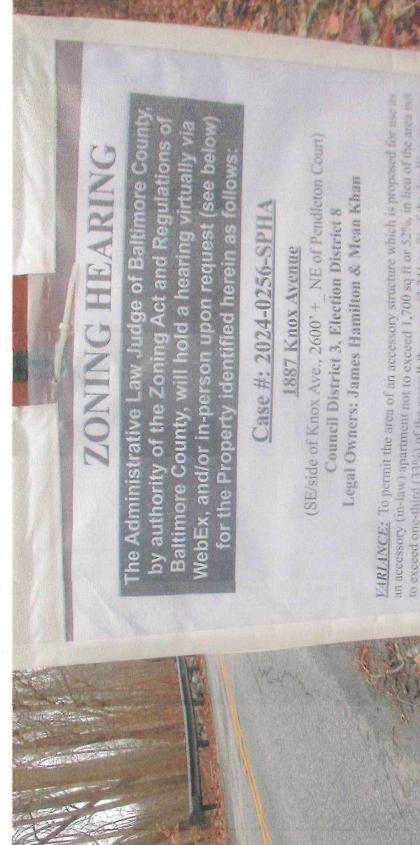
See the attached sheets for the photos of the posted signs

Bruce E. Doak

MD Property Line Surveyor #531

Bruce E. Doak Consulting, LLC 3801 Baker Schoolhouse Road Freeland, MD 21053 410-419-4906 cell / 443-900-5535 office bdoak@bruceedoakconsulting.com



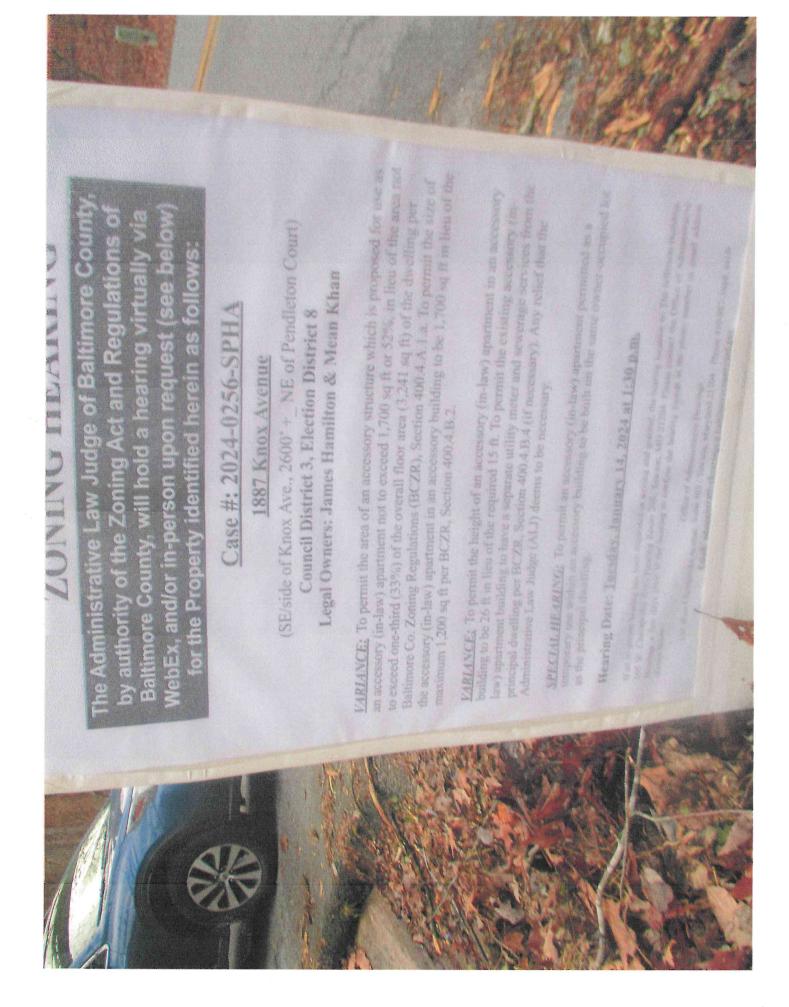


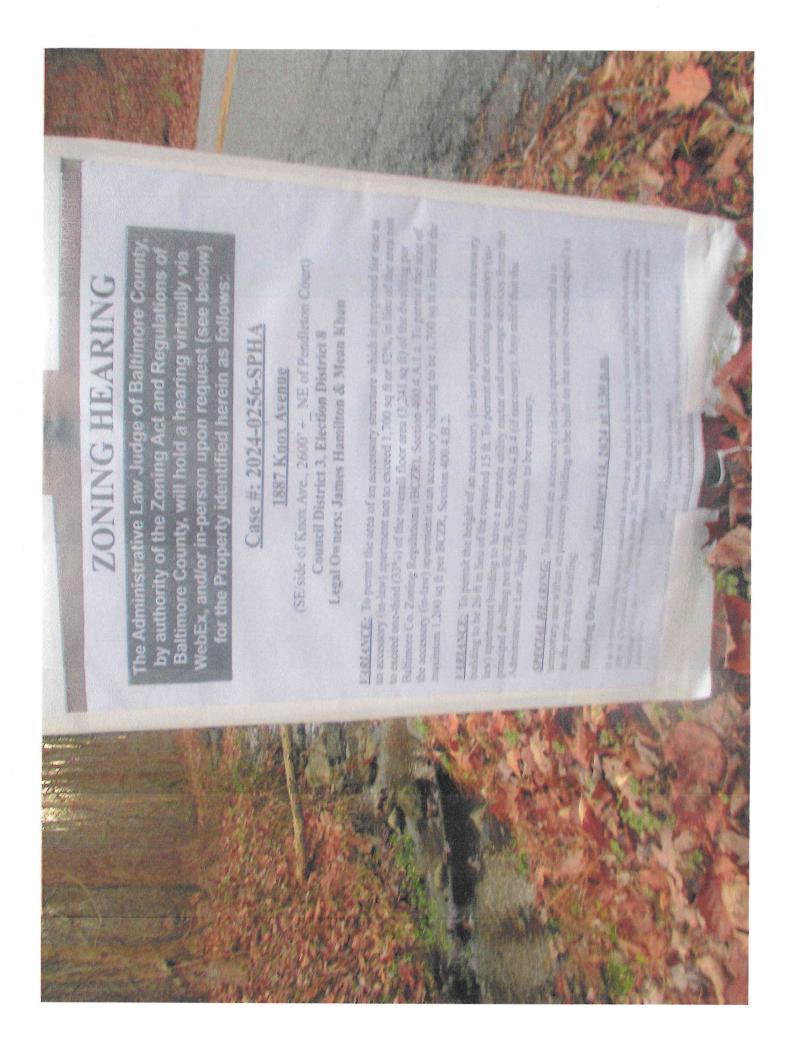
the accessory (in-law) apartment in an accessory building to be 1,700 sq ft in Bear of the Baltimore Co. Zoning Regulations (BCZR), Section 400.4.A. I.a. To permit the size of VARIANCE: To permit the height of an accessory (in-law) apartment in an accessory to exceed one-third (33%) of the overall floor area (3,241 sq ft) of the dwelling per maximum 1,200 sq ft per BCZR, Section 400.4.B.2.

law) apartment building to have a separate utility meter and sewcrage services from the building to be 26 ft in lieu of the required 15 ft. To permit the existing accessors that principal dwelling per BCZR, Section 400,4,B,4 (if necessary). Any reflet that the Administrative Law Indge (ALJ) deems to be necessary

SPECIAL HEARING: To permit an accessory (in-law) apartment permitted as essory building to be built on the sa

dearing Date: Inesday, January 14, 2024 at Lift p.m.





BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald DATE: 12/5/2024

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0256-SPHA

INFORMATION:

Property Address: 1887 Knox Avenue

Petitioner: James P. Hamilton and Meena A. Khan

Zoning: RC 4 and RC 5

Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing - To permit an accessory (in law) apartment permitted as a temporary use within an accessory building to be built on the same owner-occupied lot as the principal dwelling.

Variance(s) -

- i. To permit the area of an accessory structure which is proposed for use as an accessory (in law) apartment not to exceed 1,700 sq. ft. or 52%, in lieu of the area not to exceed one-third (33.3%) of the overall floor area (3,241 sq. ft.) of the dwelling per Section 400.4.A.1.a BCZR
- ii. To permit the size of an accessory (in law) apartment in an accessory building to be 1,700 square feet in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR
- iii. To permit the height of an accessory (in law) apartment in an accessory building to be 26 feet in lieu of the required 15 feet.
- iv. To permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per Section 400.4.B.4 BCZR (if necessary)
- v. Any relief that the Administrative Law Judge deems to be necessary.

The subject property is 8.94 acres of land located along Knox Avenue in the Reisterstown area of Baltimore County. The property is improved with a residential dwelling and is split zoned (RC 4 and RC 5). The property is surrounded by other residential dwellings, agricultural activities and forest.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

The Department of Planning does not support this proposal for the following reasons:

- i. The applicant's Special Hearing request states the intent "to permit an accessory (in-law) apartment permitted as a temporary use within an accessory building." However, the proposed design and location suggest otherwise. The plans depict a standalone second dwelling, not an in-law apartment within an accessory building. The applicant should clarify what is meant by "temporary use" in the context of this development.
 - According to the BCZR, an in-law apartment can only exist within an accessory structure if it is not a separate, independent dwelling. This proposal, which includes a three-bedroom residence with a two-car garage, does not align with the definition of an accessory building with an in-law apartment. Furthermore, temporary uses typically do not involve separate septic systems or utility meters, as proposed here.
- ii. Variance 1 requests permission for an accessory structure intended as an in-law apartment to have an area of 1,700 sq. ft. (52% of the main dwelling's 3,241 sq. ft. floor area) instead of the permitted one-third (33.3%) as specified in Section 400.4.A.1.a of the BCZR. However, this requirement applies only when the accessory apartment is located within an existing single-family detached dwelling.
- iii. The information presented in the ZAC petition lacks sufficient detail to fully understand the specifics of the proposed relief. The application should include comprehensive information, such as architectural elevations, to provide a clearer understanding of the proposed development.

For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Division Chief:

Prepared by:

Krystle Patchak

SL/JGN/KP

c: Bruce E. Doak – Bruce Doak Consulting LLC
Megan Benjamin and Joseph Wiley
Jeff Perlow, Zoning Review
Kaerin Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

