

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S/S of Littlewood Road; 57' W of		
Haverhill Road	*	OFFICE OF ADMINISTRATIVE
(8812 Littlewood Road)		
15 th Election District	*	HEARINGS FOR
7 th Council District	*	BALTIMORE COUNTY
Richie Dare S. McCall, <i>Legal Owner</i>		
Catherine J. Wanveer, <i>Contract Purchaser</i>	*	CASE NO. 2012-0044-SPH
Petitioners	*	

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as Petition for Special Hearing filed by the legal owner of the property, Richie Dare S. McCall, and Catherine J. Wanveer, Contract Purchaser, Petitioners. The Petitioner is requesting Special Hearing relief pursuant to Section 408.B1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Use Permit for a rooming house (4 tenants expected to live on the property). The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case were Petitioners Richie McCall, owner, and Catherine Wanveer, contract purchaser. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. A number of community Protestants were also present. Their names appear on the Citizens Sign-In Sheet which is made part of this file.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹.

¹ Case No: CO-0095628

A Code Inspections and Enforcement Correction Notice was issued to the Petitioners on June 27, 2011, to eliminate the illegal rooming/boarding house. Hence, Petitioners filed the instant special hearing request.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. Comments were received from the Office of Planning, received September 21, 2011, which indicate:

The property in question is a five-bedroom rental house that is currently housing four tenants in three out of the five bedrooms. The Office of Planning does not oppose the existing arrangement of four tenants in three bedrooms but will not support any additional tenants or bedrooms to be allowed for the following reasons:

1. Upon site review, the driveway and parking pad are not large enough to park more than three cars comfortably. The existing trees would also make it difficult to provide additional parking in the rear and side yards.
2. Any additional on street parking would further restrict a narrow two-way street into a one-way street.
3. Because the petitioner has not obtained a residential occupancy permit or Rental Housing License.

There were no other comments received from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 18,245 square feet and is zoned D.R.3.5.

Contract purchaser, Catherine Wanveer, testified that she moved into the subject 5-bedroom property in July, 2012. At the time, she lived there with her 22-year old son as well as another single woman and child. When that other tenant was forced to leave, Mrs. Wanveer was faced with paying the entire rent. She was unable to do so and decided to take in boarders to provide additional funds. Two unrelated males took up separate residence along with Mrs. Wanveer and her son. Young Mr. Wanveer and one of the other male residents apparently have

girlfriends who are frequently on the premises, take many meals there, and are often overnight guests. Together they all pay the mortgage and Mrs. Wanveer's son pays the Baltimore Gas & Electric bill. There are 2-½ bedrooms in the house as well as an eat-in-kitchen used by all. There are no leases for either additional tenants and the witness stated that she wasn't aware of the County code requirements or the alleged violation until objections by the neighbors resulted in the issuance of the citation for an illegal rooming/boarding house. Mrs. Wanveer notes that she believes that the property is otherwise Code compliant and well kept, both inside and out. She also notes that there is a fire escape from each separate bedroom.

Under cross-examination, the witness confirmed that she is asking for four tenants, although she agrees that three times or more per week the girlfriends stay over, raising the number sleeping in the building to five or six people who, with the exception of herself and her son, are not related to each other. She also agreed that she is not functioning as a manager of the property and concluded her testimony by stating that she was forced to bring in the additional boarders because she was physically unable to work three jobs to pay the rent. She is currently employed as is her son and both unrelated tenants.

The owner of the property, Richie McCall, testified that she and her husband (now deceased) bought the subject property in 1975. She stated that she was not motivated or intending for the subject property to be a traditional rooming house, but rather just as an expedient way to assist Mrs. Wanveer in paying the rent. Under cross examination, it was learned that Mrs. McCall owns four rental properties and has run the business since her husband's death two years ago. She employs a property manager who looks after maintenance issues as needs arise. She acknowledges that the property is not presently in compliance with County law as to the number of residents and that she would not have rented the property to Mrs.

Wanveer alone, but wants to help her stay there. She notes that the property has been checked for lead and has new windows and a renovated kitchen. She concluded with an “assurance” that when Mrs. Wanveer would in the future vacate, she would look “next” for a family, would not rent to students, and would seek tenants who would take care of the property.

Robert Fritzges, who lives in the adjoining property (8810 Littlewood Road) since 2008, testified that he had no objection to the Petitioners’ request. He described his positive relationship with the residents and confirmed that the non-resident girlfriends are there “about every day”.

Mark Preston, who resides at 8815 Littlewood Road across from the subject site, was the first of several community witnesses testifying in opposition to the Petitioners’ request. He related that he and his wife moved into their home in 1994. He is concerned generally with the lack of stability and continuity of commitment to the community of renters, but more so in a “rooming house” setting. He described what he referred to as a quiet residential neighborhood in a park like setting and believes that the Petitioners’ request is truly contrary to the philosophy of the developer for this community. He further believes that the petition undermines the community itself and, if successful, could see other owners follow suit; resulting in a downward spiral of the home values in the neighborhood.

Mike Beegan, President of the Cromwood Coventry Community Association, testified that he has lived in the area for 14 years. He fears more traffic and believes that allowing a “rooming house” is harmful to maintaining a strong community. He noted that in a recent general meeting of the association, sentiment against the petition was clear and overwhelming. He submitted a number of petitions against the requested use signed by various residents of the community (Petitioners’ Exhibit 1).

Charles Sharp, a resident of the community for 21 years, shares in the short and long term concerns for the neighborhood voiced by other members of the community. While he understands Mrs. Wanveer's financial situation, he does not believe her solution is a good one for the community.

Philip Roby, a 12-year resident, is primarily concerned about setting a precedent that would be followed by others, creating more "absentee" owners.

Elizabeth Collier, who lives on Littlewood Road, believes that at least five people live at the subject property. She is concerned about home values if more transient residents are allowed.

Likewise, Merrie Crawford, residing at 8814 Littlewood Road for 27 years, complains about the noise of additional motor vehicles to and from the subject property.

Paul S. Hartman, representing the Greater Towson Council of Community Associations, consisting of 30 community associations, related his organization's concerns about rentals and rooming houses in the Towson area and in general. He does note that a family in a long-term rental differs greatly from the multiple unrelated setting of a rooming house. He is concerned nevertheless about setting a bad precedent, especially in the Towson area.

Section 408B.1.A.2.e of the Baltimore County Zoning Regulations (B.C.Z.R.) states in pertinent part:

- "e. Following the public hearing, the Zoning Commissioner (now Administrative Law Judge) may either deny or grant a use permit conditioned upon:
 - (1) Findings following the public hearing.
 - (2) The character of the surrounding community and the anticipated impact of the proposed use on that community.
 - (3) The manner in which the requirements of this section and Section 502.1 and other applicable requirements are met and any additional requirements as

deemed necessary by the Zoning Commissioner (now Administrative Law Judge) in order to ensure that the use will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of this section and Section 502.1 of these regulations.” (Emphasis Added)

Subsection 3 above refers to meeting the requirements set forth in B.C.Z.R. Section 502.1. Those requirements state that a request such as that made by the Petitioners will not be approved unless there is a showing that the request will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

It is easy to empathize with Petitioners’ financial plight. Zoning regulations however are in place to protect neighborhoods and the citizens living in them. The requirements that the Petitioners must meet in order to obtain their requested relief are clear and are unambiguous. I

find that Petitioners have not addressed, let alone met the requirements of Section 502.1 of the B.C.Z.R. as they relate to this request. I further find that the short term as well as the long term effects of the surrounding neighborhood of granting Petitioners' request would be detrimental to the community, contrary to and inconsistent with the spirit and intent of the County zoning regulations.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth above, the relief requested is denied.

THEREFORE, IT IS ORDERED, this 5th day of October, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief from Section 408.B1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a Use Permit for a rooming house (4 tenants expected to live on the property), be and is hereby DENIED.

IT IS FURTHER ORDERED that the Code Inspection and Enforcement Division of the Department of Permits, Approvals and Inspections (PAI) shall, upon inspection of the property, take those steps necessary to ensure compliance with the Baltimore County Code and regulations.

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

Signed _____
LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:dlw