

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
SW/side of Taylor Avenue, 590' SW		
of the c/l of Harford Road	*	OFFICE OF ADMINISTRATIVE
14 th Election District		
6 th Council District	*	HEARINGS FOR
(3023 Taylor Avenue)		
	*	BALTIMORE COUNTY
John and Melinda Baylor		
Petitioners	*	CASE NO. 2012-0244-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by John and Melinda Baylor. According to State records, the legal owner of the property is Sterling Duncan Hill, who resides in Belgrade, MT. The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the second story of an existing garage to be 22' in lieu of the permitted 15'. 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 public hearing in support of the variance request was Petitioner John Baylor. Paul Nweke and Mary Woods, immediate neighbors of the Petitioners, attended the hearing to express their concerns with the proposal. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

Testimony and evidence revealed that the subject property is 17,489 square feet (0.496 acres) and zoned DR 5.5. The Petitioner testified he recently acquired the home, and rents rooms in the dwelling to four individuals who are volunteers at his mission, Burning Heart Ministries. Petitioner testified he is the director of the mission, a 501(c)(3) entity, and he intends to use the garage to store and repair furniture, clothing and other items for eventual distribution to the

homeless and other disadvantaged citizens served through the organization's relief and outreach work. Petitioner testified he would like to increase the storage space in the garage by adding a second story to the structure. He advised the garage would not be used as a dwelling or for overnight habitation. Finally, the Petitioner stated he did not have a rental registration license or approval for a boarding house, since he was unaware that County law imposed such requirements.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

The neighbors testified they were concerned that Petitioners would be providing counseling and/or housing for drug or alcohol addicted individuals. The Petitioner assured the neighbors that he was not going to do so, and I reminded Petitioner that – in any event – a State license would be required to provide such services.

Unfortunately for Petitioners, I am unable to reach the merits of their variance petition. Petitioners must first bring the property into compliance with the B.C.Z.R. and Baltimore County Code (B.C.C.) by obtaining from the Department of Permits, Approvals and Inspections a rental registration license (B.C.C. § 35-6-101 et seq) and approval of a boarding/rooming house, which is defined as a dwelling occupied by “three or more individuals who are 18 years old or older and not related to each other by blood, marriage and adoption.” B.C.Z.R. § 101.1; 408.B. Provided the Petitioners secure the requisite license and boarding house use permit, they may refile their petition for variance relief concerning the proposed garage improvement.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be denied.

