

IN RE: PETITION FOR VARIANCE
NE Corner of Old Lyme Road and
Falls Road
8th Election District
2nd Councilmanic District
(2 Old Lyme Road)

Syed E. and Shahab N. Abidi
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2011-0251-A**

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OPINION AND ORDER

This matter came before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the subject property, Syed E. Abidi and Shahab N. Abidi. Petitioners are requesting Variance relief from Section 1A04.4.D.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow a fence in the front yard 17 feet from public right-of-way in lieu of the required 50 feet, and a waiver to allow a 6 foot fence in the front yard in lieu of 42 inches. 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 in support of the variance request were Petitioner Syed Abidi as well as Laura E. Swartz with Curry Architects, the firm who prepared the site plan and is assisting the Petitioners in the zoning process. Appearing in opposition to the request was Michael F. Wyatt, Esquire, on behalf of Protestants/adjacent property owners: Dr. Melissa Hollander Schneider and Dr. Roger Schneider of 3 Old Lyme Road, Peter O’Brien of 1 Old Lyme Road, Dr. and Mrs. Andrew London of 6 Old Lyme Road, and Dr. and Mrs. Charles Mann of 15 Old Lyme Road. The record in this case reflects that the subject property was properly posted and advertised as required by the Baltimore County Zoning Regulations.

Testimony was presented on behalf of the Petitions by the Petitioner himself, Thomas J. Huff and Shellie Curry. Protestants presented testimony from Daniel Meenan, a member of the Falls Road Community Association, and Richard Azrael, speaking on behalf of the other Protestants.

At the conclusion of the testimony, Petitioner determined to withdraw his Petition for Variance.

THEREFORE, IT IS ORDERED this 13th day of April, 2011 by this Administrative Law Judge that Petitioners' Variance request from Section 1A04.4.D.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a fence in the front yard 17 feet from public right-of-way in lieu of the required 50 feet, and a waiver to allow a 6 foot fence in the front yard in lieu of 42 inches, be and is hereby DISMISSED.

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:pz