

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E/Side of Chesterfield Court, 1,150' E of		
the c/line of Corbett Village Lane	*	OFFICE OF ADMINISTRATIVE
8 th Election District		
3 rd Council District	*	HEARINGS FOR
(11 Chesterfield Circle)		
	*	BALTIMORE COUNTY
William and Bonnie Clarke		
<i>Petitioners</i>	*	CASE NO. 2011-0293-SPH
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Hearing filed by the legal owners of the property, William and Bonnie Clarke. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory structure (3 solar panels) to be located on a vacant lot without a principal building. 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 held for this case was Petitioner William Clarke. A review of the file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated April 7, 2011, indicating that the Groundwater Management Section of that agency will need to undertake a review when permits are sought, since this area is served by well and septic.

Under the B.C.Z.R., an accessory building is one “which is subordinate and customarily incidental to and on the same lot with a main building.” *B.C.Z.R. §101.1* In this case, there is no “main building” on the subject property known as Lot #41 (which comprises approximately 1.14 acres) and Petitioners seek special hearing relief to allow them to place three solar panels onto the property without having a dwelling or other principal building on the same lot. Mr. Clarke testified that Lot #41 is “unbuildable,” and that it is adjacent to the lot (#40) on which his home is located.

Testimony and evidence offered revealed that the subject property is located in northern Baltimore County and is zoned R.C.7. Mr. Clarke testified that the solar panels will not be visible from the roadway, since they will be located at the bottom of a steep incline. He indicated the panels were visible to only one of his neighbors, with whom he enjoys a good relationship, and that they offered no opposition.

After considering the testimony and exhibits, and in light of the absence of any citizen or neighborhood opposition, I am persuaded to grant the requested special hearing relief.

Pursuant to the advertisement, posting of the property and public hearing on this Petition and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 19 day of May, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory structure (3 solar panels) to be located on a vacant lot without a principal building, be and is hereby GRANTED, subject, however to the following:

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Petitioners shall comply with the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Sustainability (DEPS) dated April 7, 2011; a copy of which is attached hereto and made a part hereof.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

Attachment