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| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE |
| (8706 Maravoss Lane) | | |
| 14 th Election District | * | OFFICE OF ADMINISTRATIVE |
| 6 th Councilmanic District | | |
| Stephen & Sandra Smith | * | HEARINGS FOR |
| Petitioners | | |
| | * | BALTIMORE COUNTY |
| | | |
| | * | CASE NO. 2013-0301-A |

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners of the property, Stephen & Sandra Smith for property located at 8706 Maravoss Lane. The variance request is from §100.6 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit chickens to be kept on a parcel of land that is 12,624 sq. ft. in lieu of the required 1 acre.

This matter was originally filed as an Administrative Variance, with a closing date of August 5, 2013. On August 13, 2013, Administrative Law Judge John E. Beverungen requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, November 21, 2013 at 1:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. 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 substantive Zoning Advisory Committee (ZAC) comments received.

Appearing at the public hearing in support for this case was Stephen and Sandra Smith, legal owners. There were no Protestants in attendance and the file does not contain any letters of protest or opposition.

Testimony and evidence revealed that the subject property is approximately 12,624 square feet and is zoned DR 5.5. The Petitioners have owned their home since 1989, and indicated they have good relations with all of their neighbors. The photographs in the file show that the grounds and dwelling are attractive and well maintained. The Petitioners indicated that the chicken coop and enclosed “run” area would be at the rear of the lot, farthest removed from the street and other homes.

Based upon the testimony and evidence presented, I will grant the request for variance relief. To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People’s Counsel, 407 Md. 53, 80 (2008).

The Petitioners met this test. Their lot is of irregular dimensions and is therefore unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to keep chickens on their property. There is no reason to believe that the grant of relief (with conditions, as noted below) would negatively impact the health, safety and welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners’ variance request should be granted.

THEREFORE, IT IS ORDERED, this 25th day of November, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 100.6 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit chickens to be kept on a parcel of land that is 12,624 sq. ft. in lieu of the required 1 acre, be and is hereby GRANTED.

The relief is subject to the following conditions:

1. The Petitioners shall not keep on the premises any roosters.
2. The Petitioners shall be permitted to keep a maximum of five hens on the property.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln