

<b>IN RE: PETITION FOR ADMIN. VARIANCE</b>	*	BEFORE THE
<b>(2123 Rockhaven Avenue)</b>		
1 <sup>st</sup> Election District	*	OFFICE OF ADMINISTRATIVE
1 <sup>st</sup> Council District		
Fairlyn Grace Bailey	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2015-0252-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Fairlyn Grace Bailey (“Petitioner”). The Petitioner is requesting Variance relief from § 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the housing of 6 chickens on .456 acres in lieu of the minimum required 1 acre. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning on June 12, 2015, indicating they had no comment on the granting of the petitioned relief. However, they advised that on June 6, 2015 the Department presented its staff report regarding Non-Commercial Small Livestock, Fowl and Poultry and requested that a public hearing before the Planning Board be set for June 18, 2015. In addition, a support petition was received from the community indicating they do not have any objections for the Petitioner’s proposal and fully support her endeavor.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 23, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this **16<sup>th</sup>** day of **June, 2015**, 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 the housing of 6 chickens on .456 acres in lieu of the minimum required 1 acre, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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:dlw