

IN RE: PETITION FOR VARIANCE
(8659 Winands Road)
2nd Election District
4th Council District
Winsome Beckford
Legal Owner
Petitioner

*
*
*
*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0314-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Winsome Beckford, owner of the subject property (“Petitioner”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §100.6 to permit the accessory stabling of poultry on a tract of land of 9,997 sq. ft. in lieu of the minimum required 43,560 sq. ft. (1 acres). A site plan was marked as Petitioner’s Exhibit 1.

Owner Winsome Beckford appeared in support of the Petition. A neighbor attended the hearing and opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the request, but each proposed conditions to be included in the final Order.

The subject property is approximately 9,997 sq. ft. and zoned DR 3.5. Petitioner keeps chickens in her rear yard, and photos were submitted which show the enclosure and outdoor run area for the birds. The facility appears to be clean and free of debris. Petitioner’s neighbor (Muriel Howard) opposed the request and testified she is concerned with the potential for rodents and insects. Ms. Howard also said she is concerned the use could negatively impact the value of her

home. While I believe the equities favor the Petitioner, the applicable law does not permit me to grant the request.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

No evidence or argument was presented concerning the uniqueness of the property. In addition, the Petitioner's lot is under 10,000 sq. ft., which is less than 25% of the area required by the B.C.Z.R.

THEREFORE, IT IS ORDERED, this 8th day of August, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §100.6 to permit the accessory stabling of poultry on a tract of land of 9,997 sq. ft. in lieu of the minimum required 43,560 sq. ft. (1 acres), be and is hereby DENIED.

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

JEB: sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County