

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(7 Palo Ct.)		
13 th Election District	*	OF ADMINISTRATIVE
1 st Council District		
Katherine & Christopher Corzine	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2015-0071-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 the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §100.6 to permit four (4) hens on a lot containing 10,393 sq. ft. in lieu of the required one (1) acre. 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.

Katherine & Christopher Corzine appeared in support of the requests. There were no Protestants or interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received. In addition to the site plan, the Petitioners presented photos (Exhibit 2) of the site, hens and chicken coop. The site is well-maintained and the coop (which is in the rear yard of the dwelling) is attractive and clean. Also, as noted in a letter of support from their neighbor (Exhibit 3), the Petitioners’ property slopes downward from front to back, such that the hens are “not even visible from the front of the house and Court.”

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).

Petitioners have met this test. The property is irregularly shaped and is therefore unique. If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would not be able to keep their hens. I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED, this 21st day of November, 2014, 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 four (4) hens on a lot containing 10,393 sq. ft. in lieu of the required one (1) acre, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may keep on the premises no more than four (4) hens.
2. No roosters shall be kept on the property.

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