

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE OF
(1306 Westburn Road)		
1 st Election District	*	ADMINISTRATIVE HEARINGS
1 st Council District		
Donovan M. & Brandon M. Anderson	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2017-0170-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed for property located at 1306 Westburn Road. The Petition was filed on behalf of the legal owners of the subject property, Donovan M. and Brandon M. Anderson (“Petitioners”). The Variance petition seeks relief pursuant to §§ 409.6.A.1, 432A.1.C.1 and 432A.1.C.2 of the Baltimore County Zoning Regulations (B.C.Z.R) for a proposed Assisted Living Facility (ALF).

Although the initial public hearing was scheduled for February 10, 2017, the Petitioners’ representative, Thomas J. Hoff, e-mailed a letter to the OAH requesting that the hearing be canceled. Under the Zoning Commissioner’s Rules, a zoning petition may be withdrawn by the Petitioner. B.C.Z.R. Appendix G, Rule 4F. The request in this case was filed on February 6, 2017, which is less than “10 business days prior to the hearing date.” As such, the petition will be dismissed with prejudice.

THEREFORE, IT IS ORDERED, this 6th day of **February, 2017**, by the Administrative Law Judge for Baltimore County that the Petition for Variance filed in the above case, be and is hereby DISMISSED with prejudice.

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