

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(5158 Byerly Road)		
4th Election District	*	OFFICE OF
3rd Council District		
Arkady & Svetlana Klimenko.	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2018-0005-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Arkady & Svetlana Klimenko, legal owners (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit an existing accessory structure (garage) to be on a parcel of land without a principal structure.

Arkady & Svetlana Klimenko appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request. A site plan was marked and admitted as Petitioners’ Exhibit 1.

The subject property is approximately 2.2 acres in size and zoned RC-2. Petitioners purchased the property last year and constructed an accessory building on the parcel. There is not a dwelling on the property, although Petitioners stated they ultimately plan to construct a single family dwelling on the lot. Petitioners hope to start a small agricultural operation on this property, and they will use the accessory building to store a tractor and other equipment.

Petitioners plan to grow produce and vegetables using a hydroponic process, which is apparently more efficient than traditional farming methods. Petitioners presented a brochure from a North Carolina company known as “CropBox,” which specializes in selling environmentally friendly “turn key agricultural systems.” They hope to operate on the subject parcel the type of greenhouse facility shown and described in the CropBox brochure.

Given the property is zoned RC-2, agricultural uses are of course permitted and encouraged. As such, the petition will be granted, subject to certain conditions suggested by the DOP.

THEREFORE, IT IS ORDERED this **5th** day of **September, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit an existing accessory structure (garage) to be on a parcel of land without a principal structure, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. The accessory building shall not contain living quarters and cannot be used as a dwelling.
3. The accessory building shall not have a kitchen or bathroom facilities.
4. The accessory building shall not be used for commercial purposes.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln