

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE OFFICE
(11127 Bird River Grove Road)		
15 <sup>th</sup> Election District	*	OF ADMINISTRATIVE
6 <sup>th</sup> Council District		
Jeffrey & Teresa Hollar	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	<b>CASE NO. 2018-0198-A</b>

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Jeffrey & Teresa Hollar, the legal owners of the subject property (“Petitioners”). The Petition seeks variance relief from Section 100.6 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit fowl or poultry (chicken) with an area of 0.26 acre in lieu of the minimum required 1 acre. A site plan was marked as Petitioners’ Exhibit 1.

Owners Jeffrey & Teresa Hollar 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 BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (DEPS). That agency noted that although the property is within the critical area, it is not waterfront and no “development” is proposed. As such, according to DEPS, the “Critical Area regulations are not applicable.”

The site is approximately 11,300 sq. ft. in size and zoned RC-2. The property is improved with a single-family dwelling with attached garage. Petitioners stated they have kept chickens on their property (which is in a rural area and adjoins a large farm) for over 10 years. An anonymous complaint was filed with the Department of Permits, Approvals and Inspections which required Petitioners to seek zoning relief.

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).

The property is narrow and deep (50' x 226') and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to keep chickens at their property, which they have done for 10 years without complaint. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 19<sup>th</sup> day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit fowl or poultry (chicken) with an area of 0.26 acre in lieu of the minimum required 1 acre, be and is hereby GRANTED.

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

JEB:sln

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County