

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(8722 Eddington Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Brian H. McLane	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0407-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Brian H. McLane (“Petitioner”). The Petitioner is requesting Variance relief pursuant to § 100.6 of the Baltimore County Zoning Regulations (“BCZR”) to approve fowl or poultry (4 hens) on .172 acres of land in lieu of the minimum required one (1) acre of land. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received by any of the County reviewing agencies. However, it is to be noted that a petition in support and letters of opposition for the zoning request were received.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 14, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to

indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner. The Petitioner's lot is just 7,500 sq. ft., which is less than 20% of the one (1) acre required by the BCZR. As such, I believe no more than two (2) chickens can be kept on the premises.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 23rd day of **August, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 100.6 of the Baltimore County Zoning Regulations ("BCZR") to approve fowl or poultry on .172 acres of land in lieu of the minimum required one (1) acre of land, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- No more than two (2) hens may be kept on the subject property.
- No roosters may be kept on the subject property.

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

JEB:dlw

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County