

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(5634 Carville Avenue)</b>		
13 <sup>th</sup> Election District	*	OFFICE OF
1 <sup>st</sup> Council District		
	*	ADMINISTRATIVE HEARINGS
Charles and Robin Biddinger,	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>		
<b>Petitioners</b>	*	<b>Case No. 2019-0467-SPH</b>

\* \* \* \* \*

**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 Charles and Robin Biddinger, legal owner (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve an existing accessory structure (shed) to be located on a vacant lot without a principal structure.

Petitioners’ property line surveyor, Ben Gary, 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”).

**SPECIAL HEARING**

Mr. Gary explained that the Biddingers own the parcel of land upon which their residence at 5634 Carville Avenue is located. He further explained that at the same time they acquired this parcel they also acquired the adjoining parcel to the rear, upon which two accessory sheds are located. These facts are supported by the Site Plan (Exhibit 1), photos of the location (Exhibit 2), and the Deed (Exhibit 3). The Biddingers use these structures as accessories to their residence and to house their gardening equipment and tools. They wish to tear down the shed that is closest to

their residence and build a new, improved structure.

Based on the testimony and record evidence I find that the Special Hearing relief meets the requirements of BCZR Section 500.7. I further find that it will not harm the public health, safety or welfare. Finally, I find that it can be approved within the spirit and intent of the BCZR.

THEREFORE, IT IS ORDERED this **19th** day of **November, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve an existing accessory structure (shed) to be located on a vacant lot without a principal structure, be and is hereby GRANTED.

The relief granted herein shall be subject to 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. Prior to issuance of permits, Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

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

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Signed  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

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