

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2406 Stonewall Ct.)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Timothy J. & Jilda L. Bateman	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0154-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Timothy J. and Jilda L. Bateman (“Petitioners”). The Petitioners are requesting Variance relief from § 100.6 of the Baltimore County Zoning Regulations (“BCZR”), to permit chickens on a lot with .347 acres in lieu of the required one (1) acre of property. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ 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 from any of the County reviewing agencies. However, it is to be noted that a letter of support was included in the case file, which indicated neighbors residing at 2404 Stonewall Court (Barrick) and 2408 Stonewall Court (Bateman) had no objections to the Petitioners’ zoning request. The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 19, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 to comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

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 **12th** day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 100.6 of the Baltimore County Zoning Regulations (“BCZR”) to permit chickens on a lot with .347 acres in lieu of the required one (1) acre of property, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- There shall be no more than 12 chickens permitted on the premises at any one time.

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

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

PMM:dlw