

IN RE: <b>PETITION FOR SPECIAL HEARING</b>	*	BEFORE THE
<b>(1406 Mount Carmel Road)</b>		
7 <sup>th</sup> Election District	*	OFFICE OF ADMINISTRATIVE
3 <sup>rd</sup> Councilmanic District		
Carol S. Daisey	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	<b>CASE NO. 2013-0177-SPH</b>

\* \* \* \* \*

**ORDER AND OPINION**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by Carol S. Daisey, legal owner. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve proposed agricultural structures (barn & shed/tack room) on the subject property without a principal structure existing. 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.

Appearing at the public hearing held for this case was Carol Daisey and Bruce E. Doak from Bruce E. Doak Consulting, LLC, the firm that prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance, and the file does not contain any letters of protest or opposition. In fact, the Petitioner submitted letters from her adjoining neighbors, both of whom expressed support for the petition. Exhibits 4 & 5.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. The only substantive comment was received from the Department of Environmental Protection and Sustainability (DEPS), which noted Petitioner must comply with forest

conservation regulations prior to issuance of permits.

Testimony and evidence revealed that the subject property is approximately 11.53 acres and is zoned RC 2. The Petitioner indicated the property was a “mess” prior to her acquisition, and photos were admitted showing the unfortunate condition of the property at that time. Exhibits 2 & 3. Since purchasing the property, the Petitioner has invested significant sums of money and has removed a massive amount of junk & debris, and her neighbors appear to be eternally grateful. The land is now unimproved, and the Petitioner proposes to board her 3 horses on the property, and to construct a barn, tack room & fencing to facilitate that use.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner’s Special Hearing request should be GRANTED

THEREFORE, IT IS ORDERED, this 29th day of March, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve proposed agricultural structures (barn & shed/tack room) on the subject property without a principal structure existing, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

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Signed  
JOHN E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln