IN RE: PETITION FOR VARIANCE

E/S Kerry Road, 327' N/W of the c/l

Hillsmire Road
(3321 Kerry Road)

2nd Election District
4th Council District

William A. Hall Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-112-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, William A. Hall. The Petitioner requests a variance from Sections 100.6 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit pigeons to be raised and kept on 0.146 acres of land in lieu in of the required minimum one acre and to allow accessory structures (pigeon coops) with a zero foot setback in lieu of the required 2.5 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner was Bernadette Moskunas, of Site Rite Surveying Inc. The Petitioner, Mr. William Hall, was taken ill the morning of the hearing and was unable to attend. There were no Protestants present, but numerous letters were received by this Office from neighbors in opposition to the requested relief being granted, as well as the contents of the Code Enforcement file, which have been made a part of the Zoning hearing file.

Testimony and evidence offered revealed that the subject property is zoned D.R.5.5 consisting of 0.146 acres and improved with a single family detached dwelling and the subject pigeon coops. Testimony indicated that Mr. Hall is a prominent figure in the sport of raising and racing pigeons, having been involved in the activity for more than twenty years. A letter written by Mr. Tommy E. Erskine, Executive Vice President of the American Racing Pigeon Union, Inc.,

TOER RECEIVED FOR FILING

was received into evidence and marked as Petitioner's Exhibit No. 6. Mr. Erskine describes Mr. Hall as a man with exceptional skill, gained over many years of practicing his craft, in the sport of pigeon racing. He describes in considerable detail Mr. Hall's operation at the subject address and the types of birds Mr. Hall typically raises and races.

Appearing and testifying on behalf of the Petitioner was Bernadette Moskunas, of Site Rite Surveying, Inc. Ms. Moskunas testified that she has personally visited the site, and on the occasion she was there, observed clean coops and no apparent odor. She also testified that the Petitioner was in the process of downsizing his operation from three coops to one.

This is a very difficult case, in that I am a pigeon aficionado also, having raised them myself in years past. It is a wonderful hobby that provides not only the pleasure associated with raising and racing the birds, but the fellowship that it provides with other like-minded breeders. However, having reviewed the applicable Zoning regulations and applied them to the subject case, I am of the opinion that I have no option but to deny the requested relief. Section 100.6 of the Baltimore County Zoning Regulations requires a minimum of one acre for the keeping of fowl and poultry on residentially zoned property. As the BCZR does not provide a definition for "fowl" or "Poultry", the BCZR directs us to consult Webster's Third New International Dictionary for guidance. Webster's includes "pigeons" in its definition of "poultry", and includes "poultry" in its definition of "domestic fowl". I am of the opinion that the spirit and intent of Section 100.6 of the BCZR was to include pigeons within the purview of that regulation. Therefore, the one-acre minimum for the keeping of the subject birds applies to Mr. Hall's property. As the property in question falls well short of the required one acre for the maintenance of pigeons, I have no choice but to deny the requested relief. However, I will give Mr. Hall six months from the date of this order to find a new home for his pigeons. Further, any coops to remain on Mr. Hall's property must maintain the minimum 2.5 feet from the property line. Unfortunately, the setback deficiency is a self-inflicted hardship that must be rectified.

Therefore, after due consideration of the testimony and evidence presented, I am persuaded to deny the requested relief. I find that the Petitioners have not met the burden imposed

ORDER RECEIVED/FOR FILING
By

By

upon them by Section 307 of the B.C.Z.R. for variance relief. Also, based upon the letters written by neighbors and information contained in the Code Enforcement file, I am also persuaded that the coops have become both a visual and odiferous nuisance in the neighborhood. I believe I would be casting an undue hardship on adjoining property owners by permitting this violation to continue by granting the necessary variance relief. Based upon the aforegoing, the relief requested must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

IT IS FURTHER ORDERED that the Petitioner shall have 60 days from the date of this Order to remove the subject pigeons from the property in question and relocate the accessory structures in accordance with the zoning regulations.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN

Zohing Commissioner for Baltimore County

IN THE MATTER OF

THE APPLICATION OF

WILLIAM A. HALL - PETITIONER

FOR ZONING VARIANCE ON PROPERTY

LOCATED ON THE E/S OF KERRY ROAD, * OF

327' NW OF C/L OF HILLSMIRE ROAD

(3321 KERRY ROAD) 2ND ELECTION DISTRICT

4TH COUNCILMANIC DISTRICT

* BEFORE THE

* COUNTY BOARD OF APPEALS

* BALTIMORE COUNTY

* CASE NO. 06-112-A

ORDER OF DISMISSAL

This matter is before the Board on an appeal from a decision of the Zoning Commissioner in which the requested zoning relief was denied and the Petitioner was given 6 months to remove pigeons and for the relocation of accessory structures. The requested variance was to permit pigeons to be raised and kept on a 0.146-acre lot in lieu of the minimum required 1 acre and to allow accessory structures (pigeon coops) with 0-foot setback in lieu of the required 2.5-foot setback.

At the hearing on January 4, 2007, Petitioner's attorney, Frank V. Boozer, Jr., lindicated that he had reviewed the matter and that he had decided to withdraw the Petition for Variance on behalf of his client, William Hall. Mr. Boozer requested that Mr. Hall be given additional time, at least 60 days, in order to remove the pigeons and the coops from the property. The Board agreed to the withdrawal with the understanding Ithat the pigeons and the coops would be removed within the 60-day period.

ORDER

THEREFORE, IT IS this 10 10 day of Donume, 2007 by the County Board of Appeals of Baltimore County

ORDERED that the withdrawal of the Petition for Variance in the instant case will

Case No. 06-112-A /William A. Hall -Petitioner /Dismissal of Appeal

be accepted with the provision that the Petitioner, William Hall, will remove the pigeon coops and the pigeons from his property within 60 days from the date of this Order

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chair

Mike Mohler

Robert W. Witt

11/21/05

IN RE: PETITION FOR VARIANCE

E/S Kerry Road, 327' N/W of the c/I

Hillsmire Road
(3321 Kerry Road)

2nd Election District
4th Council District

William A. Hall Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-112-A

*

AMENDED ORDER

WHEREAS, this matter came before this Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, William A. Hall. The Petitioner sought relief from Sections 100.6 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit pigeons to be raised and kept on 0.146 acres of land in lieu in of the minimum required one acre and to allow accessory structures (pigeon coops) with a zero foot setback in lieu of the required 2.5 feet, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

At the public hearing held on October 18, 2005, Bernadette Moskunas, of Site Rite Surveying, Inc., the consultants who prepared the site plan for this property, appeared on behalf of Mr. Hall, who had taken ill the morning of the hearing and was unable to attend. There were no Protestants present; however, numerous letters were received by this Office from neighbors in opposition to the requested relief. In addition, the matter was the subject of an active violation and a copy of the Code Enforcement file was made a part of the zoning hearing file.

After due consideration of all of the testimony and evidence presented, I found that the subject property was simply too small to accommodate the proposed use and denied the relief requested by Order dated November 15, 2005. Within the Opinion, I allowed Mr. Hall a period of six months time in which to remove the pigeons from his property and relocate the accessory structures. However, the language at the end of the Order indicated that the Petitioner would have

CHUER RECEIVED FOR FILING

OHDER RECEIVED FOR FILING Date
By only sixty days for this purpose. Subsequent to the issuance of said Order, Ms. Moskunas advised this Zoning Commissioner of the discrepancy and requested an amended Order be issued to correct the error.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21 day of November 2005 that the Order issued on November 15, 2005 be and the same shall hereby be AMENDED to reflect that the Petitioner shall have six (6) months, or 180 days from the date hereof in which to remove the pigeons from his property and relocate the accessory structures in compliance with the B.C.Z.R.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

MAM WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. William A. Hall

3321 Kerry Road, Baltimore, Md. 21207

Ms. Bernadette Moskunas, Site Rite Surveying, Inc.

200 E. Joppa Road, Rm. 101, Towson, Md. 21286

Code Enforcement Division, DPDM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 332 | Flvry Poad which is presently zoned D.P. 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 100, 6 AND 400, 1 BCZR TO

PERMIT PROFONS TO BE KEPT ON RAISED AND KEPT ON 0. 146 ACRES
OF LAND IN LIEU OF 1 ACRE AND TO ALLOW AN ACCESSORY STRUCTURE

(PIGEON COOP) WITTH A PET SETBALK IN LIEU OF 1 12 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Su attached

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:		Legal Owner(s):
		x Ward Con 2 Wed 11
Name - Type or Print		Name Type or Print
Signature		Signature
Address	Telephone No.	Name - Type or Print
City	Zip Code	Signature
Attorney For Petitioner:		3321 Kerry Poad 410 944-7845
		Baltimore, MD 21207 Telephone No.
Name - Type or Print		City State Zip Code
Signature		Representative to be Contacted:
	<u> </u>	Site Rote Surveying Inc.
Ompany		200 B. Joppa Road Rulo 4108289060
Addres	Telephone No.	Address Telephone No.
State	Zip Code	OWSON, MW 21286 City State Zip Code
		OFFICE USE ONLY
Easa Na 112 A	•	ESTIMATED LENGTH OF HEARING 14R
Ease No. 1/6 //2/7		UNAVAILABLE FOR HEARING
1 1 2 98 3 1 2 98	Reviewed By	14/WCIC Date 8/23/05

REASONS FOR PETITION #3321 KERRY ROAD

This property has been held under the same ownership since 1986. The pigeon coops have been on the property for numerous years. These birds are purebred racing pigeons and are registered with the American Union Racing Pigeon Organization. They require daily care and maintenance which includes vaccinations and inoculations at an approximate cost of \$3500.00. These pigeons are valuable and cannot just be "disposed of". Plans are being made to reduce the number of pigeons on site; however, time and effort are needed to properly place the birds into the care of another owner.



BEGINNING at a point on the southeast side of Kerry Road which is 50 feet wide at the distance of 327 feet northwest of the centerline of Hillsmere Road which is 50 feet wide. Being Lot #8, Block B, Section #D in the subdivisi9on of "Windsor Farms" as recorded in Baltimore County Plat Book #23, folio #126, containing 6,360 square feet. Also known as #3321 Kerry Road and located in the 2nd Election District, 4th Councilmanic District.

112

Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 (410) 828-9060

File: 3321 Kerry Rd.doc\blm

MOTICE OF ZONING HEARING

of Battlmore County, by autificity of the Zoning Act and Regulations of Baltificity County will hold a problic hearing in Towson, Maryland on the property Maryland on the property formitied herein as follows:

Case: #06-112-A
33211 Kerry Road
E/side of Kerry Road, 327
feet n/west of Hillsmire

Ford Election District
Ath Councilmanic District
Legal Owner(s): William Hall
Variance: to permit pigeoms to be raised and kept
0.146 acres of land in lieu
of 1 acre and to allow an
accessory structure (pigeon coop) with a 0 foot
geon coop) with a 0 foot
setback in lieu of 2 1/2 feet.
Hearthg: Tuesday, October
16, 2005 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-

On

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Hantificapped Accessible;
for Special accommodations Please Contact the
Zoning Commissioner's Office at 1410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning Review Office at (410)
887-3391

II,10611 Oct 4

TE OF PUBLICATION

106/ 2005

THIS IS TO CERTIFY, that the annexed advertisement was published

successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

The Jeffersonian

- imes Arbutus T
- Catonsville Times
- imes Towson T
- fills Times Owings M
- NE Booster/Reporter
- North County News

Mulusy

LEGAL ADVERTISING





CERTIFICATE OF POSTING

RE: Case No.: CXO-11Z-A

Petitioner/Developer: WILLIAM HALL

Date of Hearing/Closing: CXT-18, 2005

(Telephone Number)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204



THE AND TIME: AT 10100 AM.

HOUST: VARIANCE TO PERMIT PIGEOUS TO PAISED AND KEPT O.14G ACRES OF CAND IN PUBLISHER (PIGEON'S COOP) WITH O'FORT SETBACK OF Z'AFEET

TOTAL CANDISCRIPTION ARE SOMETIMES HET

RECEIVED

0CT - 3 2005

DE ...

APPEAL SIGN POSTING REQUEST

CASE NO. 06-112-A

3321 KERRY ROAD

2ND ELECTION DISTRICT

APPEALED: 12/13/05

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

COMPLETE AND RETURN BELOW INFORMATION*

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49

Towson, MD 21204

Attention: Kathleen Bianco

Administrator

CASE NO.: 06-112-A

LEGAL OWNER:

WILLIAM A. HALL

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

3321 KERRY ROAD E/S OF KERRY ROAD, 327 FEET N/W OF THE C/L OF HILLSMIRE ROAD

The sign was posted on $3-23$, 2006. MAP	33 D4
By:	
(Signature of Sign Poster)	
ASON SÉIDELMAN	-
(Print Name)	

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 2001
DATE_13/15 ACCOUNT_	01-006-650
\sim 1	170
RECEIVED VEYNONDO	-112-A
FOR:	

Figure 1 and The The Company of the

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Department of Permits at Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 9, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-112-A

33211 Kerry Road

E/side of Kerry Road, 327 feet n/west of Hillsmire Road

2nd Election District – 4th Councilmanic District

Legal Owners: William Hall

Variance to permit pigeons to be raised and kept 0.146 acres of land in lieu of 1 acre and to allow an accessory structure (pigeon coop) with a 0 foot setback in lieu of 2 ½ feet.

Hearing: Tuesday, October 18, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: William Hall, 3321 Kerry Road, Baltimore 21207
Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 3, 2005.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Visit the County's Website at www.baltimorecountyonline.info



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

April 26, 2006

NOTICE OF ASSIGNMENT

CASE #: 06-112-A

IN THE MATTER OF: WILLIAM A. HALL -Legal Owner /

Petitioner 3321 K

3321 Kerry Road

2nd Election District; 4th Councilmanic District

11/15/2005 - Z.C.'s Order in which requested zoning relief was **DENIED**.

11/21/2005 - Z.C.'s Amended Order to reflect the 6 months (180 day) allowed for removal of pigeons and relocation of accessory structures.

ASSIGNED FOR:

WEDNESDAY, JUNE 28, 2006 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Counsel for Petitioner /Appellant

Petitioner / Appellant

: Frank V. Boozer, Jr., Esquire

: William Hall

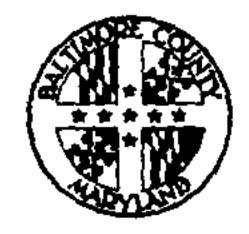
Bernadette Moskunas /Site Rite Surveying, Inc.

Colleen B. Harris

Rhonda R. and Larry J. Smith

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Lavette Street /Code Enforcement / CC-05-6228
James H. Thompson, CE&I Supervisor /PDM
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

November 14, 2006

NOTICE OF ASSIGNMENT

CASE #: 06-112-A

IN THE MATTER OF: WILLIAM A. HALL-Legal Owner /

Petitioner

3321 Kerry Road

2nd Election District; 4th Councilmanic District

11/15/2005 -Z.C.'s Order in which requested zoning relief was **DENIED**.

11/21/2005 - Z.C.'s Amended Order to reflect the 6 months (180 day) allowed for removal of pigeons and relocation of accessory structures.

The above matter, which was continued on the record by this Board on 6/28/06 at Petitioner's request, has been assigned a new hearing date; and has been

ASSIGNED FOR:

THURSDAY, JANUARY 4, 2007 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Counsel for Petitioner / Appellant
Petitioner / Appellant

: Frank V. Boozer, Jr., Esquire

: William Hall

Bernadette Moskunas /Site Rite Surveying, Inc.

Colleen B. Harris Rhonda R. and Larry J. Smith

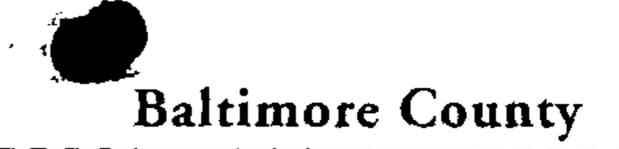
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Lavette Street /Code Enforcement / CC-05-6228
James H. Thompson, CE&I Supervisor /PDM
Timothy M. Kotroco, Director /PDM



Department of Permits an Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 17, 2005

William Hall 3321 Kerry Road Baltimore, Maryland 21207

Dear Mr. Hall:

RE: Case Number: 06-112-A, 3321 Kerry Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,
U. Call Rillal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286



Visit the County's Website at www.baltimorecountyonline.info

ANB 18/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: September 12, 2005

RECEIVED

SEP 1 4 2005

SUBJECT:

3321 Kerry Road

ZONING COMMISSIONER

INFORMATION:

Item Number:

6-112

Petitioner:

William A. Hall

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and determined that there are no existing special circumstances of conditions that are peculiar to the subject land of structure where strict compliance of the BCZR would result in practical difficulty or unreasonable hardship. The requested variance could possibly result in noise, smell, and other airborne irritants that may interfere with the enjoyment of adjacent residential uses. As such, this office recommends that the petitioner's request be **DENIED**.

For further information concerning the matters stated herein, please contact Dave Green at 410-887-3480.

Prepared by

Section Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

OT:

Timothy M. Kotroco, Director

DATE: September 6, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting For September 12, 2005 Item Nos. 106, 108, 116, 112, 114 and

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09062005.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

8.30.05

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County
Item No. /12

166

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

1. 1. Andl

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

VIOLATION CASE: 05-6228

3321 Kerry Road

ZONING CASE: 06-112-A 3321 KERRY ROAD Permits and Development ent Code Inspections and Enture A County Office Building, Rm. 213 111 West Chesapeake Ave Towson, Maryland 21204



 Code Enform
 410-887-3351

 Building Inspection
 410-887-3953

 Electrical Inspection
 410-887-3960

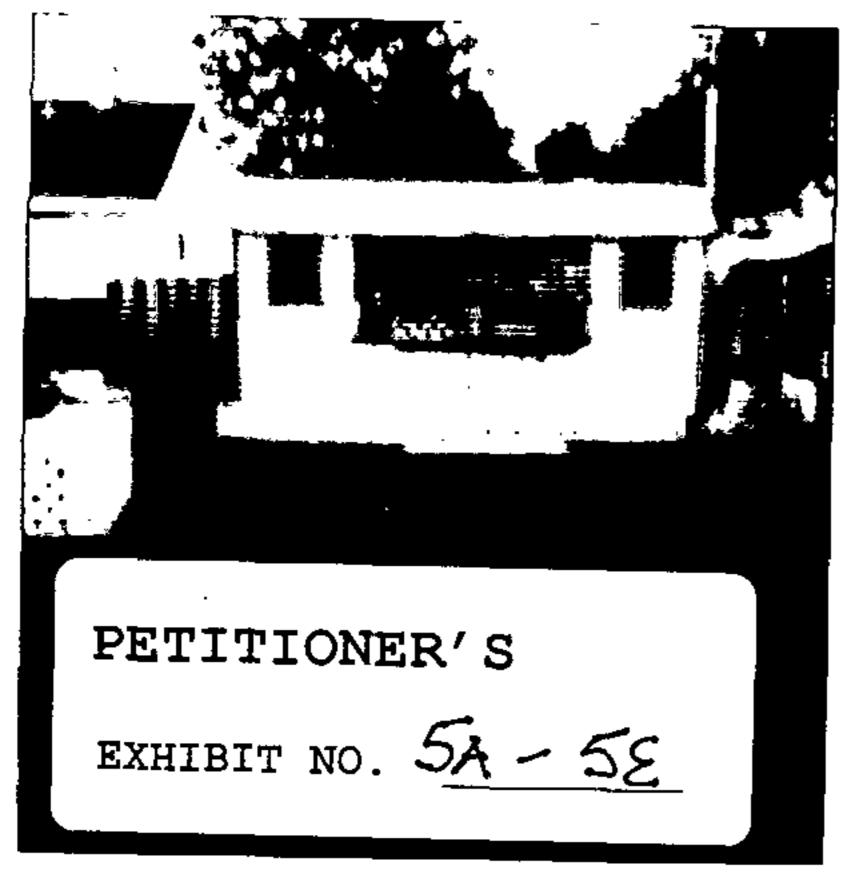
 Plumbing Inspection
 410-887-3620

 Signs/ Fences
 410-887-3896

 Zoning
 410-887-3391

CODE INSPECTION AND ENFORCEMENT CORRECTION NOTICE

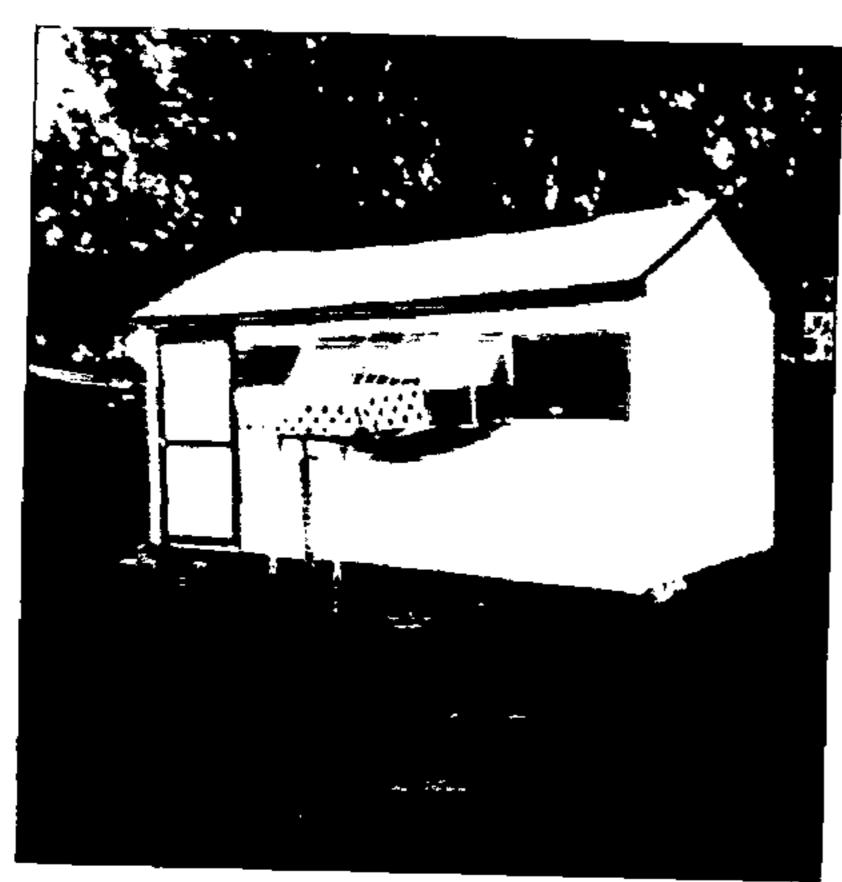
CASE NUMBER PROPERTY TAX ID	
05-6228	02/16/50858
NAME (S):	111.10/11
William	4/fred your
CURRENT ADDRESS 2221	
1 2541 KUNS	Z/CoC-
CITY STATE	ZIP CODE 2/207
VIOLATION ADDRESS 22	
3321	KEMULOC.
CITY STATE MARY	ZIP CODE
<u></u>	
	BALTIMORE COUNTY LAWS AND/OR REGULATIONS:
RESIDENTIAL ZONE CLASSIFICATION	NON-RESIDENTIAL CLASSIFICATION
DRI D DRZ D DR3.5 PR5.5 D DRIG	
] RC2 (1A01) [] RC4 (1A03) [] RC20 & 50 (1A05)] RC3 (1A02) [] 1RC5(1A04) [] RCC (1A06)	
] RC3 (IA02)	□ OTHER:
	•
	ONING REGULATIONS (B.C.Z.R.)
	EGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114
191, 1. Definitions, general use 1991 3R Lones-use regulations License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)	 415A: License/ remove untagged recreation vehicle 415A: Improperly parked recreation vehicle
2428 License/Remove all untagged/inoperative	e 415A: One recreational vehicle per property
or damaged/ disabled motor vehicle(s) 1301.1D: Remove open dump/ junk yard	410: Illegal Class II trucking facility 400: lilegal accessory structure placement
1 451: Remove open composition (s)	1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
1 101; 102.1: Remove contractors equip. storage yard	☐ 102.5: Residential site line violation /obstruction
101; 102.1; ZCPM: Cease service garage activities 3. 402: Blegal conversion of dwelling	□ 408B: Illegal rooming/ boarding house □ BCC: 32-3-102: 500.0 BCZD: ZCPM: Violation of
3 402: lliegal conversion of dwelling 3 101; 102.1; ZCPM: lliegal home occupation	BCC: 32-3-102; 500.9 BCZR; ZCPM: Violation of commercial site plan and/or zoning order
	COUNTY CODE (B.C.C)
	
1 13-7-112: Cease all nuisance activity 1 13-7-115: County to abate nuisance & lien costs	 35-2-301: Obtain building/ fence/ sign permit 18-2-602: Obstruction of county right of way
3 13-7-310: Remove all trash & debris from proper	ty [] 13-7-310(2): Remove bird seed / other food for rats
13-7-312: Remove accumulations of debris, mater	• • •
1 13-7-201(2): Cease stagnant pool water 1 12-3-106: Remove animal feces daily	1BC115; BCBC 115: Remove/Repair unsafe structure board & secure all openings to premise
35-5-208(a)(c): Seal exterior openings from rodents &	pests [] 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall
) 13-2-201(b)(d): Store garbage in containers w/tight lids	grass & weeds to 3 inches in height
OWNER OCCU	PIED HOUSING (B.C.C)
35-5-302(a)(1): Unsanitary conditions.	35-5-302(a)(2): Store all garbage in trash caus
i 35-5-302(2)(3): Ceaseinfestation for	·
35-5-302(b)(1)(2): Repair decorative trim, corolees, etc. 35-5-302(b)(1)(4): Repair chimney & similar extention	
35-5-302(b)(1)(6): Repair defective door(s) / window(s	
INVESTMEN	T PROPERTY (B.C.C)
35-2-404(a)(1)(i): Remove bazardous or unsafe cond	
35-2-404(a)(1)(iii): Repair roof or horizontal member	
35-2-404(a)(1)(v): Repair ext. plaster or masonry	135-2-404(a)(1)(vi): Waterproof walls/ roof/foundations
l 35-2-404(a)(1)(vii): Repair exterior construction (see t l 35-2-404(a)(1)(3): Repair /remove defective exterior	
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VENEGROD MAKE	Freet ISSUED DATE: 07,13,05
VSPECTOR NAME:(PRINT NA	



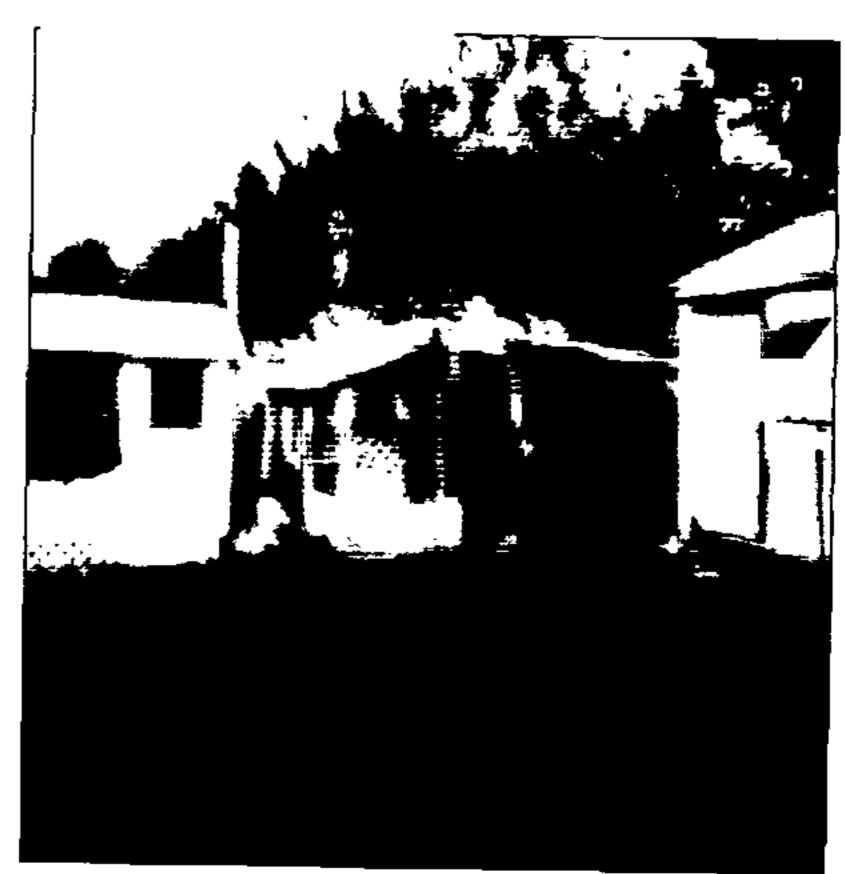
#1 Coop



Coop to remain Cived trash bins used or waste ansposal



#3 Goop to remain



#2 Loop to be removed



untagged remide on a gadat property

APPEAL

Petition for Special Hearing E/S of Kerry Road, 327 feet N/W of the centerline of Hillsmire Road (3321 Kerry Road) 2nd Election District, 4th Councilmanic District William A. Hall - Petitioner

Case No.: 06-112-A

Petition for Variance (August 23, 2005)

Zoning Description of Property

Notice of Zoning Hearing (September 9, 2005)

Certificate of Publication (October 4, 2005)

Certificate of Posting (September 30, 2005) by Garland E. Moore

Entry of Appearance by People's Counsel (August 30, 2005)

- Petitioner(s) Sign-In Sheet None
- Protestant(s) Sign-In Sheet
 None
- Citizen(s) Sign-In Sheet
 None

Zoning Advisory Committee Comments

DEC 3 0 2005

BALTIMORE COUNTY BOARD OF APPEALS

Petitioners' Exhibits

1/2. 1/3.

Site Plan - Prepared for subject hearing

District Court decision in Case No. 21488-87 SP/T

USDA definition Excluding Pigeons and Doves

Bird types kept at 3321 Kerry Road

Photographs 5a-5e (10/17/05)

Thomas Erskine letter in support re: poultry, fowl, etc. definitions

Protestants' Exhibits:

- 1. Letter of Opposition from Colleen B. Harris;
- 2. Letter of Opposition from Rhonda R. & Larry J. Smith
- 3. Letter of Opposition from Patricia A. Nolan
- 4. Letter of Opposition from Pauline Smith

Miscellaneous (Not Marked as Exhibit)

1.

Petitioner

Violation Case Documents (05-6228) from Division of Code Inspections & Enforcement

E-mails exchanged between Bill Wiseman & Donna McCammon (10/17/05)
Webster's Third New International Dictionary – definitions – poultry, fowl, etc.

Zoning Commissioner's Order (11/15/05 Denied)
Zoning Commissioner's Amended Order (11/21/05)

Notice of Appeal received on December 13, 2005 by Frank V, Boozer, Jr., Esquire on behalf of

C: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Frank V. Boozer, Jr., Esq., Covahey, Boozer, Devan & Dore, P.A.
Mr. William A. Hall, 3321 Kerry Road, Baltimore, MD 21207
Ms. Bernadette Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson, MD 21286

date sent: December 30, 2005, raj

CASE #: 06-112-A

IN THE MATTER OF: WILLIAM A. HALL -Legal Owner /

Petitioner 3321 Kerry Road

2nd Election District; 4th Councilmanic District

VAR - To permit pigeons to be raised and kept on 0.146 acre in lieu of the minimum required one acre and to allow accessory structures (pigeon coops) with 0' setback ilo req'd 2.5'.

11/15/2005 -Z.C.'s Order in which requested zoning relief was **DENIED**.

11/21/2005 - Z.C.'s Amended Order to reflect the 6 months (180 day) allowed for removal of pigeons and relocation of accessory structures.

4/26/06 -- Notice of Assignment sent to following; assigned for hearing on Wednesday, June 28, 2006 at 10 a.m.:

Frank V. Boozer, Jr., Esquire
William Hall
Bernadette Moskunas /Site Rite Surveying, Inc.
Colleen B. Harris
Rhonda R. and Larry J. Smith
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Lavette Street /Code Enforcement / CC-05-6228

James H. Thompson, CE&I Supervisor /PDM

Timothy M. Kotroco, Director /PDM

6/14/06 - Entry of appearance filed by Office of People's Counsel, setting forth position; will not attend hearing.

6/28/06 – Board convened for hearing (Stahl, Mohler M, Brassil). Continued on the record; may be pursued in another manner and this case ultimately withdrawn and dismissed. HOLD pending request for hearing or dismissal.

11/01/06 - Letter received from Larry Smith inquiring as to status of this matter.

11/02/06 - Response to Mr. Smith, enclosing copy of "status sheet" from CBA file; copy to Mr. Boozer.

11/08/06 - Additional inquiry from Mr. Smith regarding hearing date and status.

11/14/06 – Notice of Assignment sent to parties; case assigned for hearing on Thursday, January 4, 2007 at 10:00 a.m. No further information has been received in this matter from the Petitioner regarding possible dismissal of this case. Therefore a hearing date has been assigned.

12/08/06 – Letter to Mr. Smith in response to his letter of December 2nd regarding the contents of the zoning file and submission of exhibits to the Board. FYI copy to Mr. Boozer, along with copy of Mr. Smith's 12/02/06 letter.

1/04/2007 – Board convened for hearing (Wescott, Mohler M, Witt). On the record and at the start of the hearing, Petitioner's attorney indicated that they were withdrawing the request in this matter; he also asked that additional time be given to allow for the removal of the coops and pigeons. The Board agreed; and order of dismissal to be issued, with the condition that the coops and pigeons would be removed within 60 days of the date of the Board's order. (3)





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 14, 2006

Lawrence S. Wescott, Chairman County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204

Re:

William A. Hall 3321 Kerry Road

Case No.: 06-112-A

DECEIVE JUN 1 4 2006

BALTIMORE COUNTY BOARD OF APPEALS

Dear Chairman Wescott,

Please enter the appearance of People's Counsel as a party. This case involves a Petition for Variance to allow pigeons and pigeon coops on .146 acres of property in lieu of the required 1 acre minimum. In addition, Petitioner seeks a 0 ft. setback in lieu of the required 2 ½ ft. The Zoning Commissioner ("ZC") denied the variances. The appeal is scheduled for hearing June 28, 2006. Consistent with our office's function to participate and pursue the public interest in zoning cases under the County Charter Sec. 524.1, we offer this comment to help focus on the issues in this case. We believe this letter sets forth our position sufficiently so that our attendance at the hearing will not be necessary.

This case arises from a violation notice issued by Code Enforcement. Petitioner raises an indeterminate number of pigeons in at least three coops located on his small lot. The site is approximately 6360 sq. ft., just barely exceeding the 6000 sq. ft minimum for existing D.R. 5.5 lots under the small lot Table in BCZR 1B02.3. (Under current standards, a D.R. 5.5 lot requires approximately 8000 sq. ft.).

BCZR 100.6 (attached) requires a minimum 1 acre lot (43,500 sq. ft.) to maintain fowl or poultry. The ZC's decision provides a clear analysis that the standard definition of "fowl" includes pigeons, which require a 1 acre lot size. As with other minimum lot size standards required for particular uses in BCZR, the purpose is to protect surrounding neighbors from offensive activities or structures. Similarly, BCZR imposes minimum setbacks from the property line for all structures in residential zones.

The Petitioner's neighbors sent numerous letters in opposition to the variances. Their complaints focus on noise, odor, waste material, health risks, intrusion, irritants, trespass, dead

birds, and diminished value. These epitomize the importance of minimize lot size standards for stabling and pasturing animals. Here, Petitioner's site is a mere 15% of the minimum size required for raising pigeons. The enclosed Office of Planning and Zoning comment dated September 12, 2005 also identifies these problems. They are relevant to the practical difficulty standard under McLean v. Soley 270 Md. 208 (1973), especially the criteria on justice in the neighborhood, the spirit of the ordinance, and public welfare. Upon review of the record and relevant documents, there is no evidence so far that the property satisfies the BCZR 307.1 "uniqueness" standard for variances. See Cromwell v. Ward 102 Md. App. 691 (1995). The ZC's finding that the property is not unique in any significant way appears to be correct.

Moreover, it appears Petitioner has been operating brazenly for nearly 10 years despite advice that he was in violation of the County Code.

While cases involving BCZR 100.6 are not frequently before the CBA, the Board relatively recently denied a Petition for Variance for 5 ducks on .24 acres. (In the Matter Howard Bolling, Case No. 04-118-A, November 10, 2004, attached).

Our office also sent a letter in opposition to the variance request in the Bolling case. As we stated in that case, it is also arguable that the request is for a kind of density variance (albeit for pigeons, not dwellings). BCZR 307.1 does not allow residential density variances. Other sections in BCZR 100.6 provide minimum acreage for horses, burros, cattle, sheep, goats and pigs. It is thus a type of "density" statute for animals, presumably for the welfare of the animals as well as the community.

We trust that this letter will be useful to the Board in its review and deliberation of this matter.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw Enclosure

cc:

Frank V. Boozer, Jr., Esquire

Rhonda & Larry Smith

Colleen Harris

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
YONA OPENDEN
FRANK V. BOOZER, JR.

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER *

December 6, 2005

*ALSO ADMITTED TO D.C. BAR

Baltimore County DPDM Attn: Appeals Clerk 111 W. Chesapeake Ave., Suite 105 Towson, MD 21204

RE: William Hall - Case No. 06-112-A

Dear Sir of Madam,

Please note an appeal to the Board of Appeals in the above captioned matter. Enclosed please find a check for the four hundred dollar (\$400.00) appeal fee. Should you have any questions please do not hesitate to contact my office.

Very truly yours,

FRANK V. BOOZER, JR

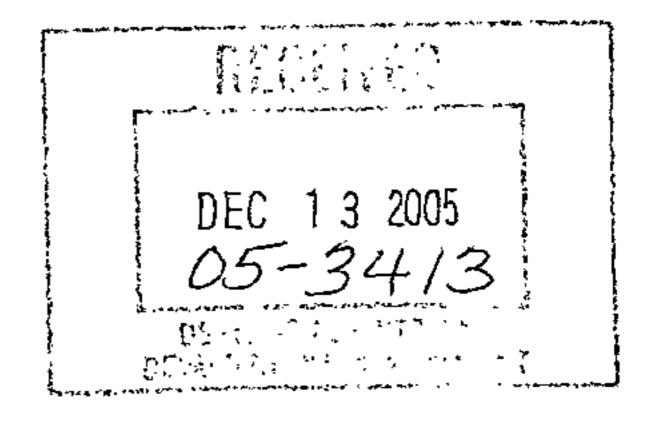
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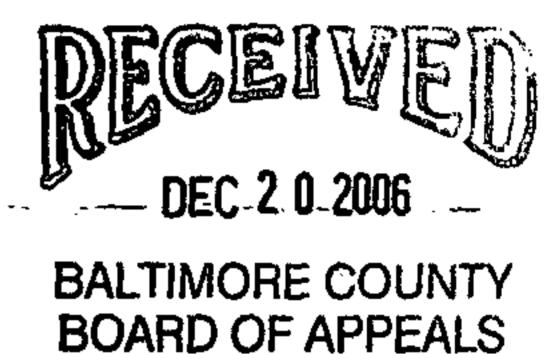
DEC 13 205

Per



December 16, 2006

Ms. Kathleen C. Bianco
-County-Board-of-Appeals-of-Baltimore CountyOld Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204



Re: William Hall

Case No.: 06-112-A

Ms. Bianco:

We are writing to inquire as to whether it has been reported that the zoning sign placed at the residents home is down and has been so for many months. It is currently up against the front of his home.

Very truly yours,

Larry J. Smith

Paterial order of a services

Linda Fliegel - June 28th - Hall Hearing

Page 1

May (3) July

From:

Linda Fliegel

To:

Kathleen Bianco

Date:

06/28/06 10:46:50 AM

Subject:

June 28th - Hall Hearing

Dear Kathi,

Mr. Stahl informed me that the above-captioned hearing is to be continued/postponed. Apparently, Mr. Boozer's son came in and began talking about a special exception and not a variance. Mr. Stahl enlightened him that it could only be heard as a variance, since this is how it came to the Board. Mr. Stahl also told him that he would postpone the case, which is on the record, and once he has decided what he was going to do he should send the Board either a letter or a motion outlining his intent.

Kathi. I peried the felicin the to be Schiduled denner at the track.

December 2, 2006

Ms. Kathleen C. Bianco
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: William Hall

Case No.: 06-112-A

Ms. Bianco:

We are writing to inquire as to whether the contents of the code enforcement file which is part of the zoning hearing file, in addition, to letters of opposition from neighbors will be utilized in this hearing? If these files cannot be used we have specific documents to substantiate our case. I see there are 7 members on the board. After reveiewing the rules and procedures I believe we can submit our evidence 5 days prior to the hearing along with enough copies for each of the board members. I will also like to know if concrete hard evidence can be brought to the hearing or sent to your office? We have collected feathers that come onto our property and have also entered our pool.

Very truly yours,

Loury . Suite

Larry J. Smith

November 4, 2006

Ms. Kathleen C. Bianco
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: William Hall

Case No.: 06-112-A

Ms. Bianco:

In response to the letter we received on November 4, 2006 regarding William Hall, case 06-112A. The letter states that this matter is pending either a dismissal or request for a hearing date. We want to know if the case is dismissed does it mean that the last ruling ordered by the Zoning Commissioner stand? 11/21/2005 The order was amended in order to give the petitioner an additional 6 months for removal of pigeons and relocate accessory structures. The next item seems to suggest that a party to this matter must ask for a hearing date. What happens if William Hall never asks for another hearing? It appears to us since he initiated the request to raise pigeons and was denied then it is up to him to request another hearing within a reasonable amount of time or else he forfeits his right to another hearing. The petitioner is still in violation of the law to this date.

Very truly yours,

Lowing Limits

Larry J. Smith

Joseph 11/08/08

September 29, 2006

County Board of Appeals of Baltimore County C/O Kathleen C. Bianco, Administrator Old Court House, Room 49 400 Washington Avenue Towson, Maryland 21204

Re:

William Hall 3321 Kerry Rd. Case No: 06-112-A

Dear Ms. Bianco:

13

We are writing to inquire as to the status of the above case which was scheduled for June 28, 2006. Any information you can provide will be appreciated.

Very Truly Yours,

Larry J. Smith

RECEIVED
NOV 0 1 2006

BALTIMORE COUNTY BOARD OF APPEALS Larry & Rhonda Smith 3323 Kerry Road Baltimore, Maryland 21207

RECEIVED POST - APPEAL

May 23, 2006

County Board of Appeals of Baltimore County c/o Kathleen C. Bianco, Administrator Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204 MAY 2 5 2006

BALTIMORE COUNTY
BOARD OF APPEALS

Re:

William A. Hall 3321 Kerry Road Case No.: 06-112-A

Dear Ms. Bianco:

We are writing to inform you that we will not be able to attend the hearing regarding William Hall on June 28, 2006. The reason is the same as with the first hearing held in November 2005. Primarily, contract and work obligations.

When we moved here in 1985, there were no pigeons. Since then, three pigeon coops were erected. We have been extremely tolerant and patient with Mr. Hall's so-called hobby. For nearly 20 years we have tolerated the dust, noise and smell. In addition to being hit with droppings we have even come home to find birds on our property. In order to help avoid many of the problems that come with his birds, we have moved our back yard activities from our rear yard to the farside of the yard. We have also at great expense erected an 6x8 yard fence to help prevent dust and feathers from entering our yard. We have also in the past had to leave notes for him to come and remove his dead birds from our property and once a bird on our ledge that would not leave. Please be aware that we have tolerated numerous incidents over the years and have had enough.

Furthermore, health risk are a great concern, since these coops are so close in proximity to our home. Even after he has covered much of the coops we still find feathers in our pool along with occasional droppings. If feathers can still find their way on to our property what about the dust? It is common knowledge that pigeons can carry many diseases that can be transmitted through dust, feathers and droppings. We will ask any of the panel would they buy a home next to someone who had three pigeon coops? What about the ability to sell ones home and the affect it can have on the value of ones property?

RECEIVED POST - APPEAL Page 2

Case No.: 06-112-A

On June 5,1997, the Chief Sanitarian, Daniel Esser, of the Western Regional Community Services, informed Mr. Hall that he was in violation of County Code -22-48. Mr. Hall, we believe has for years knew he was violating the Zoning Codes. For many years he has been able to skirt the law without consequences. He should not be rewarded for violating the law. In doing so, it will only embolden him and all other pigeon owners with less than an acre to expand their operations, especially since there are no specific regulations for pigeons in Baltimore County. We hope the board will agree with the Zoning Commissioners previous ruling. The law was enacted for a very good reason. We know this because if it was enforced we will not have had to endure these problems.

Finally, Ms. Bernadette Kunas of Site Rite Surveying, Inc., previously testified that the petitioner offered to downsize his operation from three coops to one. This indicates to us, that to make such an offer, he was well aware that he was violating County Code. We feel that such an offer is also unacceptable because he unfortunately does not have adequate space to continue his operation.

In closing we hope the board will also agree with the findings of the Zoning Commissioner. He has in our opinion made a fair and just ruling in this matter by following the law. Two facts remain: pigeons are fowl (Webster Third New International Dictionary); and he does not have an acre of land. Thank you for your attention to this matter.

Very truly yours,

Larry J. Smith

Rhonda R. Smith

Homing Pigeon Diseases, Prevention and Treatment

Like most animals and birds, homing pigeons can be hosts to various diseases, some of which can be transmitted to humans.

Zoonotic Diseases

Zoonotic diseases are those diseases that are shared by animals and humans. Approximately 150 zoonotic diseases are known to exist.

Mold

Histoplasmosis is probably the most common and dreaded disease associated with pigeons and their caretakers. Histoplasmosis is a fungal lung disease that can be transmitted from pigeons and other birds to humans via dust and dander. Under damp and humid conditions in some parts of the country, mold can grow in an aviary. The mold mixes with dirt and dander. When the feather dander and dust are disturbed and fly in the air, the mold can be inhaled and lodged in the lungs, where it can multiply if not caught and treated.

The dove worker can do many things to avoid this disease. First, a loft off the ground with a cement foundation is easier to clean and is not likely to create such moldy conditions. Second, the pigeon loft or house should include plenty of windows for air cireculation. Third, water should be given to the pigeons outside the loft or house to prevent humidity. Fourth, the dove worker should spray a light mist of water on the dirt before stirring the dust and dander. Fifth, the dove worker should wear work cloths and a dust mask when cleaning the aviary. Those clothes should be washed separately. Sixth, the dove worker should inspect and clean the loft regularly, at least once a month. Dander should be kept to a minimum during molting season in the fall. Flying the birds at this time is a good way to keep feather dander to a minimum and keep the birds in top shape! Seventh, the birds should take regular baths to get rid of the dust and dander. Two baths a week is sufficient. The birds will stay healthy and look as white as snow!

Bacterial Diseases

Chlamydia and Salmonella can also be transmitted from birds to humans. Here common sense applies: The dove worker should disinfect the aviary regularly and wash his or her hands after handling the birds to wash off the bacteria.

Viral Diseases



Although rare, birds can transmit influenza to humans. This disease usually starts with wild ducks or geese and spreads to domestic birds and then to humans. It is belived that the deadly Spanish flu of 1918 spread this way, resulting in millions of deaths worldwide. It disappeared as mysteriously as it came. Here again, common sense prevails. The dove worker should grandually introduce new birds into the flock. The dove worker should have a holding loft, where sick birds and new birds can be quarantined and treated until they are free of disease. The dove worker should also keep the aviary clean. Disinfectant sprays or bleach solutions can be used to kill most of viruses.

External Parasites

Like most birds, pigeon can be host to vector, including pigeon fleas, flies, mites, and lice. The dove worker should put a container with water outside the aviary for the birds to bathe once of twice a week, which will keep the birds clean and wash off any vectors and their eggs. The dove worker should regularly inspect and clean the aviary at least once a month to keep these external parasites under control. Click this link for an excellent article about keeping your aviary and birds free of external paraistes.

Hor

Internal Parasites and Diseases

Homing pigeons can carry various internal parasites, including worms, which can be treated with medicine. Oropharma provides useful information about common pigeon diseases and their treatment.

Bottom Line

Like most animals and birds, pigeons can carry disease. The best way to keep them healthy is to keep the aviary, food, and water clean and disinfected. The dove worker should have a medicine chest readily available in case the birds get sick. It's good for you, and it's good for the birds.

Home | White Dove Releases | White Homing Pigeons and Doves | White Dove Release Standards | White Dove Directory | Free White Dove Releases | AWDRA Membership and Listing | White Dove and Pigeon Rescue | A Homing Pigeons | Pigeon History and Origin | Pigeon Stories and Jokes | About AWDRA | Contact AWDRA | Links |

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page created with Easy Designer

October 6, 2005

RECEIVED

OCT 1 2 2005

ZONING COMMISSIONER

Zoning Commissioner Hearings 111 West Chesapeake Avenue, Room 111 Towson, Maryland 21204 ATTN: Kristen Matthews

> Re: Case No.: 06-112-A 3321 Kerry Road

Dear Ms. Matthews:

Please be advised that the above reference matter concerning a permit to raise pigeons and to allow an accessory structure on less then 1 acre of land is a living nightmare. First, there was one coop; then two coops, now 3 coops, and I happen to live right next to it. Their coops (2 of them) are against my fence. The smell is horrendous; the noise of loud cooing day & night, and the attraction of other animals are very noticeable. Rats, foxes and cats are frequently in my yard waiting for their next prey (pigeons). Dead bird caucuses and feathers are frequent visitors as well. He lets them out sometime to roam as they please.

He does not have the room for these coops or else he would not have put it so close to my fence. We already had a chain link fence, but due to these sightly structures, we erected a privacy fence so that we would not have to look at it.

Nevertheless, that wasn't enough. The low patterns that they fly (if you're out there sometimes you have to duck your head); they leave droppings everywhere; walk all over our roof; front yard, side yard, back yard, around the swimming pool (feathers & droppings in pool). We no longer can enjoy our space because of this. I ask that the law be followed and not let these actions continue, please let this nighmare come to an abrupt end. He needs more space for his dynasty of pigeons. No one should have to endure this.

very truly yours,

Chonda R. Smith

Larry J. Smith

3323 Kerry Road

Baltimore, Maryland 21207

cc: Hearing Officer/Zoning Commissioner
M. S. 3401
401 Bosley Avenue
Towson, Maryland 21204

October 6, 2005

Zoning Commissioner Hearings 111 W. Chesapeake Avenue, Room 111 Towson, Maryland 21204 ATTN: Ms. Kristen Matthews

Re:

Case No.: 06-112-A 3321 Kerry Road

Dear Ms. Matthews:

Please be advised that the above reference matter concerning a permit to raise pigeons and to allow an accessory structure on less then 1 acre of land is a living nightmare. First, there was one coop; then two coops, now 3 coops, and I happen to live right next to it. Their coops (2 of them) are against my fence. The smell is horrendous; the noise of loud cooing day & night, and the attraction of other animals are very noticeable. Rats, foxes and cats are frequently in my yard waiting for their next prey (pigeons). Dead bird caucuses and feathers are frequent visitors as well. He lets them out sometime to roam as they please.

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very truty yours,

Rhonda R. Smith

Larry J. Smith

3323 Kerry Road

Baltimore, Maryland 21207

October 12, 2005

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OCT 1 4 2005

ZONING COMMISSIONER

Hearing Officer/Zoning Commissioner M.S. 3401 401 Bosley Avenue Towson, MD. 21204

Dear Hearing Officer,

This letter concerns case number 06-112-A, William Hall of 3321 Kerry Road. I am concerned that he is applying for his home to be zoned so that he can raise pigeons on his property.

I often visit the home located next to him and would find it offensive to have pigeon coops as we often entertain outside. I am a firm believer that this sort of activity should take place somewhere other than one's home.

Pigeons do not care where they "drop" and the feathers are an eyesore. Hopefully, you will deny his request and he will look elsewhere to raise his pigeons. By the way, the property value of the homes located next to him is impacted. Who wants to purchase a home next to a person with pigeon coops?

Thank you for considering my request for denial.

Sincerely Yours,

Mrs. Pauline Smith

8116 Milford Garden Road

Baltimore, MD. 21244

October 11, 2005

Zoning Commissioner Hearings 111 W. Chesapeake Avenue, Room 111 Towson, Marhyland 21204 ATTN: Kristen Matthews

Re:

Hearing of 10/18/05

Case No.: 06-112-A

Dear Sir/Madam:

I visit my family in the neighbor and on many occassions we have outdoor activities. I am concerned about multiply pigeon droppings on picnic tables; swimming pool and various outdoor equipment. I believe that this type of activity should not be allowed in a community that is less then 1 acre of land and your neighbor lives only a few feet away. The smell is horrendous.

Very truly yours,

Patricia A. Nolan

cc: Hearing Officer/Zoning Commissioner

M.S.3401

401 Bosley Avenue

Towson, Maryland 21204

OCT 14 2005

October 6, 2005

Zoning Commissioner Hearings 111 W. Chesapeake Avenue Room 111 Towson, Maryland 21204 Attn: Kristen Matthews

Re: Case No.: 06-112-A

Location: 3321 Kerry Road

Dear Ms. Matthews:

This letter represents support of the removal of pigeons/coops at the above location.

I was visiting friends at 3323 Kerry Road for a cookout/pool party. I was about to enter, the pool when I smelled a foul odor that I just could not stomach. I began to look around and noticed a pigeon fly toward 3321 Kerry Road and land in what appeared to be a pigeon coop. (that I thought was ordered to be moved back in 1999), but to my dismay there were two more coops. The flying feathers, poop and noise is not adequate space for the land they are housed on. This situation is unsanitary for humans and causes serious health problems, not to mention the damage it causes to vehicles as a result of the droppings.

I am depending on the Law and County Officials to eliminate this hazardous and unhealthy situation.

Very truly yours,

Colleen B. Harris

RECEIVED

OCT 7 2005

DEAL OF BERNILL TO

Bill Wiseman - Pigeon Question

From:

Donna McCammon

To:

Bill Wiseman

Date:

10/17/2005 9:09:41 AM

Subject: Pigeon Question

Bill:

Went through the opinions and couldn't find anything. I double checked with Anita since she recently indexed all of them — she doesn't recall either.

Sorry. Have a good one!

Donna McCammon Baltimore County Office of Law (410) 887-4420

Confidentiality Statement

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PHILIP BABCOCK GOVE,

THE MERRIAM-WEBSTER

EDITORIAL STAFF

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of the lower part of le tibial articulation ll Post †1788 estruction of in paralysis

k]: a small child's

nild e-soie \pudo|swu; (')pud'swu, (')put's-\ aiso poulte-soie \pudo-de-soie, poult-de-soie]; a plainwoven iid color silk fabric with fine full ribs used for women's

scillations
\(n \text{-5 [ME pulse young fowl, alter, of poler young \(n \text{-5 [ME pulse young fowl, alter, of poler young ung fowl — more at PULLET] \(\mathbf{1} \) a: a young turkey ung fowl — more at PULLET] \(\mathbf{1} \) a: a young chicken, pheasant, grouse, arly weeks \(\mathbf{0} : \mathbf{0} \) a young chicken, pheasant, grouse, arly weeks \(\mathbf{0} : \mathbf{0} : \mathbf{0} \) a young chicken, pheasant, grouse, arly weeks \(\mathbf{0} : \mathbf{0

n -s [ME pulter, fr. MF pouletier, fr. OF, fr. polet, oung chicken, young fowl + -ler -cr — more at ruller]

otty-chair

English borough for suffrage as a his own fireplace

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poul-tice \'polits \n -s [alter. of earlier pultes, fr. ML, pl. of pult-, puls porridge made of meal and pulse—ir. L, pl. of pult-, puls porridge made of meal and pulse—at PULSE]: a soft mass (as of bread, bran, or medicated at PULSE]: a soft mass (as of bread, bran, or medicated at PULSE]: a soft mass (as of bread, bran, or medicated usu, heated and spread on cloth for application to sore usu, heated and spread on cloth for application to sore pain, or act as a counterirritant or antiseptic—callex pain, or act as a counterirritant or antiseptic—callex pain, or act as a counterirritant or antiseptic—callex with a poultice 2: to apply a mudcap to (as an explos with a poultice 2: to apply a mudcap to (as an explos with a poultice) preparatory to surface blasting

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a rock surface) preparatory to surface blasting that serve as a source of eags or meat and that include a that serve as a source of eags or meat and that include a that serve as a source of eags or meat and that include a that or mean among kinds chiefly of local interest guinea geese and among kinds chiefly of local interest guinea geese and among bears, bleasants, and others.

use, n: any of several biting lice (genus Menopon)
k boultry; esp: SHAFT LOUSE
k boultry; esp: SHAFT LOUSE
nam \-mon\ n, pf poultrymen 1 a: one that raises
lowls esp. on a commercial scale for the production
lowls esp. on a commercial scale for the production
mployed by a hotel or restaurant to nick when

poultry mits n: CHICKEN MITE
poultry pin n: SKEWER 1
poultry with n: SKEWER 1
poultry tick n 1: CHICKEN TICK 2: CHICKEN MITE
poultry with n: CHICKEN WERE
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Maori weapon or implement made of nement with perforations (a manule of cloth of silver, pounced, with his cipher,
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"" — Carlos Baket) 2 now dial: PUNCH, POKE (gave his bed"" — Carlos Baket) 2 now dial: PUNCH, POKE (gave his bed"" — Carlos Baket) 2 now dial: PUNCH, POKE (gave his bed"" — Carlos Baket) 2 now dial: PUNCH, POKE (gave his bed"" — W I a: to make an abrupt assault (were suddenly pounced
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poulpe \'pulp\ n -s [F poulpe, fr. L polypus

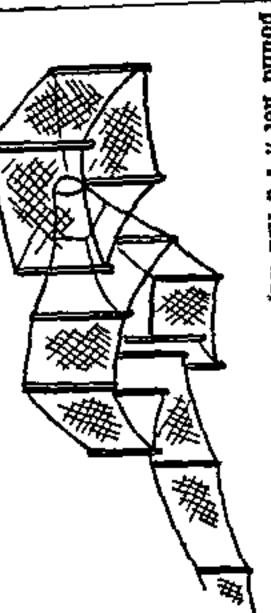
us aulzan-, -isan-\ n, usu cap P [after Valdemar aulzan-, -isan-\ n, usu cap P [after Valdemar Dan, electrical engineer] physics: a directementy used for producing undamped high-

ond stering: the basic monetary unit of the United on the sea worker which be pound scots are cap S: a nuit of Section before union with England, similar with of a number of basic monetary units of other in standard of or manner of basic monetary units of other in standard of or manner of basic monetary units of thesis with the which is a Syrian in worth or expressions of the which is given inflicts hing which is a more representing one pound unit as a Syrian in worth or expression of the which is deared of flesh units exacting the purple. Lebason, Syria, Cyprus, Sadard of flesh units exacting the purple of flesh units desired on or more of the month of the purple of flesh units of the purple of the purple of flesh units of the purple of the purple of flesh units of the purple o

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collected bornessed by symmetry, bee six in right handed constitution.

col the right nearms, and the six of the standard constitution.

col the right nearms, and the six of the standard constitution of the standard collected by the standard collected

adj : FOUR-HANDED \'s adj 1: having four hands : QUADRUMAigned for execution by four hands (a piano duet is a musical composition) 3: requiring the participapersons (a Jour-handed game) (Jour-handed reel) :ho(r)\ n -s usu cap H: a member of a 4-H club by the U.S. Dept. of Agriculture to instruct young in rural areas in modern farm practices and the is of good citizenship

\'e,holo(r)\ n ['four + hole + -er] : a privy

antelope \ ... n : an Indian antelope (Tetracornis) the male of which has two pairs of horns

30 bekra, bhokra, dodz ien n pl 1 usu cap F&H: war, famine, pestilence, personified as the four major plagues of mankind forsemen still darken the skies -Harrison Smith) rence to Apoc 6:2-7(NCE) 2 : four threatening ny kind (the four horsemen ... scarcities, sub-3, and inflation —Raymond Moley)

ed or 400 n, usu cap F&H [so called fr. the idea il elite must necessarily be small in number]; the cial set of a community - used with the (a crystalbackground that provided her with relatives and

ne 400 - Marjorie B. Snyder) ed-day clock n [trans. of G vierhunderttageuhr]

nalysis \fure a-\ n, usu cap F [after Baron Jean seph Fourier +1830 Fr. geometrician and physicist] 3 of terms of a Fourier series to periodic data m \'fores, rizam, 'for-, 'fyor-\ n -s usu cap [F

, fr. F. M. Charles Fourier †1837 Fr. social scientist er + F -isme -ism]: a plan for the reorganization nto cooperative communities of small groups living - called also phalansterianism it \-arast\ or fou-ri-er-ite \-a,rīt\ n -s usu cap

ir. F Jouriériste, fr. F. M. Charles Fourier 11837 + i; Jourierite fr. F. M. Charles Fourier †1837 + E idvocate of Fourierism s-tic \ ristik adj, usu cap [jourierist + -ic]

ng to, or resembling Fourierism eries \fure a-\ n, usu cap F [after Baron Jean seph Fourier +1830] math: an infinite series of the $+a_1\cos x+b_1\sin x+a_2\cos 2x+b_2\sin 2x+\cdots$ that may approximate a function or to fit a given set of data

ic data) theorem \-c'az-\ n, usu cap F [after Jean Baptiste purier †1830] : a theorem in mathematics: any inction may be resolved into sine and cosine terms known constants

and \'...\ n 1 a : a team of four horses driven rson b: a vehicle drawn by such a a necktie cut on the bias and often a lining and tied in a slipknot so that lared ends overlap vertically in front clover \'-,--\ n 1 also four-leafed an atypical clover leaf with ets often believed to be an omen of 2: a closed circle of four square

ith overlapping arms r word n : any of a group of vulgar ie words typically made up of four ooks which rely for their appeal upon and four-letter words -- Louis Bromur-letter words used across the tracks chter)

I plant bug also four-lined leaf bug : a yellow or orange leaf bug (Poecilocapsus lineatus) idespread in eastern and central No. America, that longitudinal black stripes down the back, and that various wild and cultivated plants

four-in-

hand 2

octave n [so called fr. the four accent marks of the "" representing the third C above middle C]: the ectave that begins on the third C above middle C t illustration

 $\int_{-\infty}^{\infty} \sin n \, dn = 1$ [3 four + -ling]: a twin crystal consisting ndividuals

·i.er.ite \fur'mares,rīt\ n -s [F fourmarièrite, fr. urmarier, 20th cent. Belg. geologist + F -ite] : a PbU4O13.5H2O(?) consisting of a hydrous oxide of uranium

sted bark \'....\ n : a 4-masted ship that is force rigged on the aftermost mast and square-rigged on the ree masts

ster \'===(r)\ n -s : a 4-masted ship rute man n : one of a body of men who during World ade short speeches esp. to promote the sale of governnds

le truths n pl, usu cap F&N&T: the basic doctrines hism specifying that all life is subject to suffering, that te to live is the cause of repeated existences, that only hilation of desire can give release, and that the way of s the elimination of selfishness by means of the Eight-

: \' * * \ n : a four-oared boat red \'s \ adj 1: provided with or rowed by four h one man to an oar 2: participated in by four-oared

lock \'...\ n 1: a plant of the genus Mirabilis: as mmon garden plant (M. jalapa) with fragrant yellow, white flowers that open late in the afternoon — called irvel-of-Peru b : a California plant (M. laevis) with vers 2 [so called fr. its cry] : FRIARBIRD

clock family n : NYCTAGINACEAE a kind : four playing cards of the same rank - called uble pair royal; see POKER illustration

WE n pl but usu sing in constr : four short chains termiin hooks at one end and welded at the other end to a ing for use in skidding logs - called also four-paw grab nce \Brit 's pen(t)s, US " or 's pen-\ n, pl fourpence pences 1: the sum of four usu. British pennies 2: a silver coin worth four pennies now used only as y money : GROAT 3 : FIPPENNY BIT

ice ha' penny n : FIPPENNY BIT en-ny \-ne,-ni, Brit sometimes 'fopni\ adj [ME foure-(in fourepenynail), fr. four, foure four + peny penny]

inting to, worth, or costing fourpeace nny \"\ n : FOURPENCE

a military unit for distinguished service or conspicuous gallantry in war - compare AIGUILLETTE four-ri-er \'fures(r)\ n-s [MF, forager, fr. OF forrier, fr. more at FORAGE] : one that goes forre, juerre fodder, st URSOR

before : FORERUNNER n: a barley in which the overfour-rowed barley lapping of the lateral mbers of each cluster of three fertile spikelets makes the spike appear to have four rows --- compare SIX-ROWED BARLEY, TWO-ROWED BARLEY

fours \'fo(a)rz, -o(a)rz,-oaz,-o(a)z\ or fours-es \-zaz\ n pl but usu sing in constr [fours fr. pl. of sfour; Jourses fr. fours + -es (suffix forming plural of nouns)] dial Eng : a light meal served in the afternoon esp. to harvest workers

fourscore \'s adj [ME fourscore, fourescore, ir. four, foure four + score]: being 80 in number

iourscorth adj [fourscore + -th] obs : EIGHTIETH four some \ som\ n -s [ME foursum, fr. (assumed) ME foure sum one of four, fr. OE feowra sum, fr. feowra (gen. of feower four) + sum some, one - more at FOUR, SOME | 1 a : a group

of four : QUARTET b: two couples each of which consists of a man and a woman 2 a : a golf match between two pairs of partners each of whom plays his own ball - compare FOUR. BALL b: a similar match with each side playing one ball and partners striking alternately - called also Scotch foursome 2foursome \"\ adj 1 Scot : suitable for four persons 2 Scot : requiring four participants

four-spined stickleback \'...\ n : a stickleback (Apeltes quadracus) that occurs along the New England coast four-spot \'s, s\ n 1 : a four in cards or dice 2 or fourspot flounder \'., -\ also four-spotted flounder \'., --\ : a flatfish (Paralichthys oblongus) of the eastern coast of the U.S. Hoursquare \'. adj [ME foursquare, fouresquare, fr. four, foure four + square] 1 a: having four equal sides and four right angles: square (a large ~ Victorian mansion -Osbert Lancaster) b : arranged in a square (a stockyard where thatched cowhouses ... cart sheds and a great old barn ... huddle ~ -J.W.Day 2: characterized by boldness and conviction: sound and unswerving: FORTHRIGHT (they are ~ and simple and staunch -H.S.Commager > 3 usu cap of or relating to a fundamentalist religious cult or sectarian movement originating in southern California after World War I (Foursquare churches) (the Foursquare technique) (a Four-

square choir) Ploursquare \'.'.\ adv 1: in a square position: SOLIDLY (their monuments stand ~ -J.E.M. White) 2: in an unequivocal manner; FORTHRIGHTLY (he stood ~ for religious liberty and toleration -C.G.Bowers>

Hoursquare \'*. \ n, archaic: a figure with four equal sides and four right angles (of a shape between a circle and a ~ -William Upton) four-square-ness \'-:-nos\ n -Es : lack of refinement : BLUNT-

four-stack-er \'s;stake(r)\ n ['four + stack, n. + -er]; a destroyer of World War I design with four smokestacks

four-star or four-starred \'. adj 1: of a high degree of excellence 2: having the military rank of general or admiral fourstrand \'...\ or four-stranded \'...\ adj [fourstrand is. Your + strand, n.; four-stranded is. Your + strand, n. + -ed] : having four strands; specif, of a rope : having four strands laid up right-handed with a core in the center four-strip-er \'sistrip=(r)\ n [so called fr. the four gold |

stripes worn on the sleeve of his uniform]; a captain in the U.S. Navy four-stroke cycle n : a cycle in which air or an explosive

mixture is drawn into the cylinder of an internal-combustion engine on a suction stroke, is compressed and ignited on a compression stroke, burns and performs useful work on an expansion stroke, and expels the products of combustion on an exhaust or scavenging stroke four teen (0)fo(a)f(t)ten, -o(a)f(t)-oa|, -o(a) sometimes

d. en adj [ME fourtene, fr. OE feowertiene, feowertyne, Jeowertene (akin to OHG fiorzehan fourteen, ON fjortan, Goth fidwortaihun), fr. seower four + -tiene, -tyne, -tene (fr. tien, tŷn, tên ten) - more at FOUR, TEN] : being one more than 13 (~ years) - see NUMBER table

2fourteen \"\ pron, pl in constr [ME fourtene, it. OE feowertiene, feowertone, feowertene, fr. feowertiene, seowertone, Jeowertene, adj.]: 14 countable persons or things not specified but under consideration and being enumerated (~ are here) ⟨~ were found⟩

stourteen \"\ n -s [ME fourtene, fr. OE Jeowertiene, Jeowertyne, feowertene, fr. feowertiene, feowertyne, feowertene, adj.] 1:10 and four : twice seven : seven times two 2 a: 14 units or objects (a total of ~) b: a group or set of 14 3: the numerable quantity symbolized by the arabic numerals 14 4: the 14th in a set or series; esp: an article of clothing of the 14th size (wears a ~)

four-teen-er \n -no(r)\ n -s 1: a poetic line of 14 syllables; esp: such a line consisting of seven iambic feet 2: a moun-

tain peak 14,000 or more feet above sea leve! fourteen-one continuous n: the championship game of pocket billiards in which the balklines are located fourteen inches from the cushions, a player being permitted only one shot from balk, and in which a player must call his shots and

amass 150 points to win fourteen step n: an ice-skating step combination of waltz and

various turns liour-teenth \-n(t)th\ adj [ME fourtenthe, adj. & n., alter. (influenced by fourtene fourteen) of fourtethe, fr. OE feowerteotha (akin to ON fjörtandi fourteenth), fr. feowertiene, feowertyne, seowertene fourteen + -otha, -tha -th] 1: being number 14 in a countable series (the ~ day) - see NUMBER table 2: being one of 14 equal parts into which something is

divisible (a ~ share of the money) 2fourteenth \"\ n, pl fourteenths \-n(t)s,-n(t)ths\ [ME fourtenthel 1: number 14 in a countable series (the ~ of the month) 2: the quotient of a unit divided by 14: one of 14 equal parts of something (one ~ of the total) 3: a musical

interval comprising an octave and a seventh fourteen-two balkline n: a carom billiards game in which balklines are located 14 inches from the cushions and two

shots are permitted from balk Ifourth \'fo(2)rth, -0(2)rth,-o2th,-0(2)th\ adj [ME fourthe, OE feortha, feowertha (akin to OHG flordo fourth, ON fow-ler-ite \fauls,rit\ n -s [Samuel Fowler 11844 Am. fjörthi), fr. feower four + -tha -th -- more at FOUR] 1: being number four in a countable series (the ~ day) - see NUMBER table 2: being one of four equal parts into which something is divisible (a ~ share of the money) 3 in certain motor vehicles: being the forward gear or speed next higher than

2fourth \"\ n -s [ME Jourshe] 1: number four in a countable series (the ~ of the month) 2: the quotient of a unit divided by four : one of four equal parts of something (one ~ of the total) 3 a : the musical interval embracing four diatonic degrees b: the tone at this interval; specif: SUBDOMINANT

ordinary experience (a fourth dimension of meaning that transcends ... the issue of clarity versus obscurity -Peter fourth-dimensional \; s(,) s adj : relating to the fourth

dimension group other than the clergy, fourth estate n, often cap A nobility, or commons that was political power; specif: the public press (the Fourth Estate ... has genuine being in Congress and in national politics generally -W.S.White> - compare estate 3, fifth estate

fourth hand n: the fourth player in various card games to have the right to bid or to play to any trick

fourth ly adv: in the fourth place fourth of july usu cap F&J: INDEPENDENCE DAY

fourth-rate \'='=\ adj 1: belonging or relating to a fourth rank or grade (as in order of excellence) 2: of negligible worth - fourth-rater \'-; rad-a(r)\ n

fourth ventricle n: a somewhat rhomboidal ventricle of the posterior part of the brain that connects at the front with the third ventricle through the aqueduct of Sylvius and at the back with the central canal of the spinal cord

four-times accented octave n: FOUR-LINE OCTAVE four-toed \'e; \ adj : having four toes; specif : having four

toes on each foot four-tooth \'-, , pl tour-tooths : a 2-year-old sheep four-way \'.: \ adj 1 : allowing passage in any of four directions (a four-way valve) (a four-way traffic light) 2: including four participants (a four-way talk)

four-way cock n, mech engin: a cock connected with four pipes or ports and having two or more passages in the plug by which the adjacent pipes or ports may be made to communicate four-way switch n: an electric switch used in house wiring so that a light may be turned on or off at three or more places four-wheel or four-wheeled \' - \' ad 1: having four wheels (a four-wheel carriage) 2 : acting on or by means of four wheels of an automotive vehicle (Jour-wheel drive) (Jour-wheel

four-wheeled scraper n: a scraper with four wheels and a metal scoop suspended from an axle that can be raised to-clear the ground after loading

four-wheel-er \'-!(b)wels(r)\ n: a vehicle with four wheels; specif: a one-horse carriage with four wheels

1015 pl of FOU foussa var of FOSSA

fout \'faut, 'fot\ dial past of FIGHT fou-ter \'fild-or, -uto-\'or fou-tra \-u-tro\ n -s [MF foutre to copulate with, copulate, fr. L futuere; prob. akin to L -future to beat - more at BEAT 1 archaic : something of little value : FIG (a foutra for the world and worldlings base -Shak.) 2 a chiefly Scot (1): an objectionable or tedious person (2) : a worthless or bungling person b Scot : CHAP, FELLOW fouth \'futh\ n -s [ME (Sc), fr. ME fulth fullness - more at

FULTH] chiefly Scot : ABUNDANCE, PLENTY fo vea \'foves\ n, pl fove ae \-ve,e, -ve,i\ [L, small pit]: a small depression or pit: FOSSA: as a [NL, fr. L]: the hollowed leaf base in the quiliwort containing a sporangium bor lovea cen-tra-lis \-, sen-trales, -ral-, ral-\ [jovea fr. NL, fr. L; Jovea centralis it. NL, central fovea]: a small rodless area of

the retina affording acute vision - see EYE illustration 10.ve.al \-veal\ adj : of or relating to a fovea (as the retinal fovea) : situated in or mediated through the fovea - 10.ve-10.ve-ate \-ve,at, -est\ or 10.ve-at-ed \-e,ad-sd\ adj []oveate al-ly \-ale\ adv

fr. NL & L fovea small pit + E -ate; foveated fr. NL & L fovea + E -ate + -ed]: having foveac : PHTED fo-ve-a-tion \,fove ashan\ n -s [joveate + -ion] 1 : the act or process of forming pits 2: the state of being pitted 10-ve-1-form \'foveaform, fo'v-\ adj [ISV jovea (fr. NL & L)

+ -iform]: like a fovea fo.ve.o.la \fo'veələ\ n, pl foveo-lae \-,le\ or foveolas [NL, dim. of fovea]: a small pit; specif: one of the pits in the embryonic gastric mucosa from which the gastric glands develop - fo.ve.o.lar \- la(r)\ adj

10. ve. 0. lar. i. ous \foves la (a) ress | ad/ [prob. ir. (assumed) NL foveolarius, fr. NL foveola + L -arius -ary] : FOVEATE fo.ve.o.late \'foves,lat, fo'veslat\ or fo.ve.o.lat.ed \.eslad.ad\ adj [foveolate prob. fr. (assumed) NL foveolatus, fr. NL foveola + L -atus -ate; foveolated prob. fr. (assumed) NL foveolatus + E -ed]: FOVEATE

fo-ve-ole \'fove,ol\ or fo-ve-o-let \'foves'let, fo'veslot\ n -s [foveole fr. NL foveola; foveolet fr. foveole + -et] : FOVEOLA 110w \'fii\ dial Brit var of FULL

210W \"\ var of FOU 3fow \'fau, 'fo\ dial Brit var of FOUL FOW abbr 1 first open water 2 free on wagon

fowd var of FOUD low-er \'fau(a)r\ Scot var of FOUR lowk \'fouk\ chiefly Scot var of FOLK

liowl \'faul, esp before pause or consonant -auel\ n, pl fowl or fowls [ME foul, fr. OE jugel; akin to OHG Jogal bird, ON fugl, Goth fugls, and prob. to OHG fliogan to fly - more at FLY] 1: a bird of any kind (dominion over ... the ~ of the air -Gen 1:28 (AV)) (watch the hungry ocean ~ breast its way southward -Llewelyn Powys 2 a : a domestic cock or hen : CHICKEN; esp : an adult hen - see DOMESTIC FOWL b: any of several domesticated or wild gallinaceous birds (jungle ~) (guinea ~) 3: the meat of fowls used as food;

esp: the meat of domestic fowls 2fowl \"\ vi -ED/-ING/-s [ME foulen, Ir. OE fuglian, fr. fugel] to seek, catch, or kill wild fowl for sport or food! (such persons as may lawfully hunt, fish, or \sim -William Blackstone) fowl cholera n: an acute contagious septicemic disease of birds marked by fever, weakness, diarrhea, and petechial hemorrhages in the mucous membranes, caused by a bacterium (Pasteurella multocida syn. avicida), and highly destructive of all types of domestic poultry and most wild birds ;- compare

fowl-er \'faule(r)\ n -s [ME joulere, fr. OE juglere, fr. jugel + -ere -er]; one that hunts wild fowl for sport or food fow-ler flap \"-\ n, usu cap Ist F [after Harlan D. Fowler, 20th cent. Am. aeronautical designer]: an extensible trailing. edge flap that in the deflected position exposes a slot in the

physician and mineralogist + E-ite]; a mineral consisting of a

zinc-bearing rhodonite fow-ler's solution \'faulo(r)z-\ n, usu cap F [after Thomas Fowler †1801 Eng. physician]: an alkaline aqueous solution of potassium arsenite used in medicine (as in treating some diseases of the blood or skin)

fowler's toad n, usu cap F [after Samuel Page Fowler †1888 Am. antiquarian and naturalist]: a No. American toad (Bujo fowleri) with long postorbital and parallel frontoparietal crests fowling piece n [fowling it. gerund of 2 fowl]: a light gun for shooting birds or small quadrupeds

5/8/06

HealthWatch

amazon.com

Bird Flu Epidemic

All the current news and facts you need read our simple Q & A Guide free software for your health

Ads by Googgoogle

Bird Flu: How to Survive

The natural bird flu cure "they" don't want you to know about.

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Bird Flu How To Protect Yourself

by Gary Granai

Bird Flu is spreading around the world as fast as wild birds fly. The birds are carrying flu with them as they migrate. They infect local, non migratory birds that in turn infect local chickens, ducks, turkeys and so on.

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chickens, ducks and other poultry. But it is also spread by contact with any other infected birds. So even if you live in the city, the local pigeons can carry bird flu to your window sill.

Bird flu is spread to humans

primarily by contact with

Humans appear to become infected with the virus not by eating infected poultry, but by contacting infected matter or preparing them for consumption.

Dust and viral particles seem to be a primary cause of human infection. "We believe those particles are inhaled and that's how people become infected." said Dick Thompson, a spokesman for the World Health Organization, in Geneva. He added, "It's very difficult to stop the movement of this virus now."

Children are particularly at high risk to bird flu because they may play where birds carrying bird flu may be found. And it is not only contact with the infected birds. that is a problem. Feathers and feces carry the bird flu virus. So a child may contact pigeon feces on a window sill, walk through it on a city sidewalk, pick upsome feathers or play with a neighbors caged bird.

Likewise you may walk through pigeon or other bird feces and unknowingly transport bird flu into your home. •

The World Health Organization advises that you should not keep pet birds, you should avoid contact with any live birds, feces, feathers, waste or dead birds. You should wash your hands and any clothes that may have come in contact with the bird flu virus.

They also advise that you remove your shoes outside your house to prevent bringing any bird flu virus into the house. To clean your shoes, put plastic bags over your hands, cover your mouth with a cloth and wear goggles. Clean them

with soap and water before you bring them into the house.

The World Health Organization advises that you do not eat dead poultry. Now that is a rather amazing warning since it seems that most people do not eat live chickens. And since many people in the west buy their chickens, dead, in supermarkets, they are unable to determine whether the chicken, in a live state had bird flu or not. They must either take the appropriate cautions about eating poultry or not eat it at all.

All chicken must be cooked so that there is no pink meat. The internal temperature must reach at least 70 degrees centigrade or above. The world health organization says that such meat is safe to eat.

But the person preparing the food and the preparation area are at risk from bird flu. So you may prepare the food well, but contaminate your kitchen with bird flu.

The eggs in your refrigerator can be dangerous. Eggs can also carry bird flu virus on their shells and inside their shells. You should wash all eggs before putting them there and if you break one, you should thoroughly cleanse the area.

The World Health Hrganization says that hard boiled eggs that have been boiled at least 5 minutes and whose internal temperature has exceeded 70 degrees Fahrenheit.

Public health officials have recommended that people in regions known to harbor avian influenza get vaccinated against human forms of influenza. Practically speaking, the way that it is spreading, that is everywhere.

There are 4 influenza drugs: amantadine and rimantadine which help fight certain strains of H5N1 infections, and Tamiflu and Relenza which are both drugs classified as neuraminidase inhibitors and are said to help against most strains of H5N1. In any case, it is wise to note at least the cautions in this article and adhere to sanitary practices in general.

The World Health Organization has published a great deal of information about bird flu that it wishes to be spread by NGOs and the media. This article is written to support that effort. You are asked to spread this information as far and as wide as possible. Because sales of antiviral drugs, which might confer protection, have outpaced manufacturers' ability to make them, the information in this article is particularly important, so please spread the word. Publish it and pass it on to your friends and family. It may save someone's life - even your own.

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About the Author

"Gary Granai is the Director of The Poland Chamber, Inc, http://www.polandchamber.com.pl, an NGO that is actively disseminating World Health Organization Information about Bird Flu worldwide. You can read other information about Bird Flu at http://www.masterpage.com.pl. You can get

"100% CLEAN" award

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BVTech provides high software. To keep up release or help us to products, please sign information about the 4 influenza drugs: amantadine and rimantadine which help fight certain strains of H5N1 infections, and Tamiflu and Relenza

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11/10/

IN THE MATTER OF
THE APPLICATION OF
HOWARD BOLLING = OWNER/PETITIONER
FOR VARIANCE ON PROPERTY LOCATED
ON THE N/S OF OLD COURT ROAD, 242'
W OF C/L OF COURTHLEIGH DRIVE
(5005 OLD COURT ROAD)
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

- * BEFORE THE
- * COUNTY BOARD
- * OF
- * BALTIMORE COUNTY
- * CASE NO. 04-118-A

OPINION

This case comes before the Baltimore County Board of Appeals on a timely appeal brought by the Petitioner, Howard Bolling, legal owner, resulting from a decision by the Deputy Zoning Commissioner, dated November 18, 2003, to deny a Petition for Variance seeking relief from § 100.6 of the *Baltimore County Zoning* Regulations (BCZR) to permit five ducks on a lot with an area less than one acre.

The subject property is located at 5005 Old Court Road, 2nd Election District, 4th Councilmanic District of Baltimore County.

A de novo public hearing before the Board of Appeals was held on August 10, 2004. A public deliberation followed on September 15, 2004.

The Petitioner/legal owner represented himself. The Protestants, Ruthie Betia-Sholly and Gary Sholly, 8502 Church Lane, Randallstown, MD 21133, represented themselves.

Peter Max Zimmerman and Carole S. Demilio, Office of People's Counsel, Baltimore County, entered a letter, dated August 5, 2004, as Joint Exhibit #1, with comments on the case and the issues involved therein.

Testimony

Mr. Bolling, the Petitioner, was the first witness. He testified that his request for a variance was denied below because he had not supplied sufficient information. It was, he stated,

his intent to rectify that deficiency.

Mr. Bolling directed the Board's attention to the letter from People's Counsel, which recited the regulation in question as follows:

Section 100.6 - A tract of land used for the accessory stabling and pasturing of animals and which is not a commercial agricultural operation is subject to the following provisions:

Туре	Limitation	Minimum Acreage
	* * *	
Fowl or poultry		•
Chickens, ducks, turkeys, geese	No numerical limit, provided that a nuisance is not created or allowed to exist on the property	1

In requesting a variance from this regulation, Mr. Bolling explained that his lot of .24 acre is unique, possessing a sloping topography with soil of heavy clay, which does not drain. He opined that for this reason whatever he had planted there in the past had died. He introduced the ducks as a method of building rich compost and constructed a pond for the ducks to catch the runoff from the slope.

In addition the rear yard acts as an extended living area, in Mr. Bolling's words, with a heated pool and deck for his children plus 800 square feet of garden. Mr. Bolling entered as part of Petitioner's Exhibit 2, a certification as a Natural Wildlife Backyard Habitat. Mr. Bolling opined that the situation as it currently exists on his lot increases property values and acts as a buffer with a 6-foot privacy fence and tall perennial plantings.

Addressing the second criterion for approving a variance, Mr. Bolling explained that the

ducks are pets for his children as well as a source of eggs for food. He detailed the educational benefits as well as the enjoyment of having the ducks. He testified that removing the ducks would cause emotional distress and hardship for his family, especially the children who care for them.

As for impact on the neighborhood, Mr. Bolling disputed the claim that an inspector from Baltimore County had examined his property. He noted once again the 6-foot privacy fence and the fact that the ducks are enclosed from dusk to dawn. He cited the noise of traffic on Old Court Road which exceeds, in his opinion, any noise the ducks could make. He also noted that neighbors on each side of the subject property did not find the ducks a problem

As to an issue of sanitation, Mr. Bolling stated that the pond is pumped and refilled as required and the waste from the ducks is removed regularly. He also opined that the prevailing winds from the south and southwest blow away from the Protestants. He added that food for the ducks is kept in closed containers, no rodent problem is apparent, and the ducks help control mosquito larvae.

He emphasized that the presence of the five ducks is not a detriment to the neighborhood and that no nuisance complaints had been filed since the ducks were on site.

As Petitioner's Exhibit #3, Mr. Bolling submitted a paper acquired from the Animal Welfare Institute describing "Humane Criteria for Ducks." The Petitioner pointed out that the Animal Welfare Institute recommends a minimum of 10 feet per duck and that the subject property provides over 10 times that amount of space. Mr. Bolling also directed the Board's attention to the fact that § 100.6 places no limit on the quantity of fowl and poultry permitted so long as the property is a minimum of one acre. It is the latter point from which Mr. Bolling

requests a variance.

Mrs. Betia-Sholly, Protestant, testified following Mr. Bolling. She stated that her property is directly behind the subject property, with the adjoining backyards separated by a fence. She described the portion of the Bolling lot housing the ducks as being closest to her yard.

Mrs. Betia-Sholly testified that she first noticed an "overwhelming smell" when she was mowing her lawn. She indicated that she contacted Mrs. Bolling who told her that a new filtering system would rectify the odor problem. The Protestant stated that the smell then stopped.

Nevertheless, Mrs. Betia-Sholly and her husband continue to be bothered by the ducks.

Mrs. Betia-Sholly stated that she and her husband work long hours and shifts; the noise of the ducks wakes them and interferes with their sleep. She emphasized that the privacy fence does not keep out the noise. Mrs. Betia-Sholly also complained that there are areas along the fence on her side where no grass will grow. She noted that her lot is lower than the Bolling lot. Therefore she receives any runoff. She also stated that the Bolling lot is not unique from others in the neighborhood and allowing the ducks on less than an acre would set an unfortunate precedent.

In rebuttal Mr. Bolling testified that the neighborhood is typically suburban with noise from traffic, music, etc. He reiterated that he had taken steps to alleviate the odor problem and that no other neighbors had complained.

On questioning from Board Chair Mr. Wescott, Mr. Bolling stated that the lots adjacent to his, on the east and west, are "identical."

Decision

The applicable law in this case, § 307 of the BCZR, permits granting of a variance of this regulation upon certain terms and conditions, which in pertinent part in this case, allow a

variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Such a variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety, and welfare. The Board shall have no power to grant any other variances.

The burden to establish special circumstances or conditions was clarified by the Court of Special Appeals in *North v. St. Mary's County*, 99 Md.App 502 (1994), when Judge Cathell stated:

An applicant for variance bears the burden of overcoming the assumption that the proposed use is unsuited. That is done, if at all, by satisfying fully the dictates of the statute authorizing the variance.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal benchmark by which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements, namely hardship and spirit and intent, can be properly considered. If the property is not found to be unique, the variance must be denied.

The Court defined the term "uniqueness" and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters,

practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

After reviewing exhibits and testimony, this Board finds as a matter of fact that the subject property does not meet the criteria for uniqueness. A map in People's Counsel Joint Exhibit #1, provided by the Maryland Department of Assessments and Taxation (District 02, Account Number 0202572240) shows the subject property similar in size and shape to the other lots along the same street and neighborhood. In Mr. Bolling's own testimony before the Board, he described the adjacent lots to his as "identical." Although Mr. Bolling has created a humane domicile for the five ducks in question and has been certified as a Natural Wildlife Backyard Habitat, his altering of the use of his subdivision property does not constitute uniqueness under the law.

Furthermore § 100.6 of the BCZR speaks to the creation of a nuisance. The regulation requires a minimum of one acre; the subject property is less than one-quarter of that. We find that the presence of ducks in the environment described negatively impacts the Protestants in a way they would not normally expect in a neighborhood such as theirs. Indeed the implementation of the minimum size of the lot in D.R. 5.5 was developed to prevent such an impact. The nuisance factor is supported in the file by the Zoning Advisory Comments, dated November 6, 2003, from the Office of Planning:

An inspection of the above referenced property revealed that the requested variance would be detrimental to the health, safety, and welfare of the surrounding community. The foul (sic) could contribute noise and disease, jeopardize the enjoyment of nearby residential uses. Planning recommends denial of the requested variance to allow five ducks on a lot less than one acre.

The Board therefore finds unanimously that the variance as requested from § 100.6 of the BCZR be denied.

ORDER

THEREFORE, IT IS THIS 10th day of 100m (0th), 2004 by the County

Board of Appeals of Baltimore County

ORDERED that Petitioners' request for variance from § 100.6 of the *Baltimore County*Zoning Regulations (BCZR) to permit five ducks on a lot with an area less than one acre be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott

Margaret Worrall

Edward W. Crizer, Jr.,



Zoming Map: D.R. 5.5 #3321 Kerry Poad Petition for Vanance

RECORD HELD OPEN DUE TO PETITIONERS MEDICAL CONDITION
IND INABILITY TO ATTEND ON 10/18/05

Case No.:	06-112	A
		<u> </u>

Exhibit Sheet

Petitioner/Developer

Protestant

 _		
No. 1	SITE PLAN	Hetters HA, B, C+1)
No. 2	DISTRICT CRT DECISION CAS NO. 21488-87 SP/T	
No. 3	EXCLUDING PIGEONS DOVES	
	BIRD TYPES KEPT AT	
	3321 any Rd.	
No. 6	PHOTOGRAPHS 10/17/05 5a du 5E	
	Monas ERStiNE re Poultry or Fowl Defuntor	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		,
No. 12		

RECEIVED

OCT 1 2 2005

October 6, 2005

ZONING COMMISSIONER

Zoning Commissioner Hearings 111 W. Chesapeake Avenue Room 111 Towson, Maryland 21204 Attn: Kristen Matthews

Re:

Case No.: 06-112-A

Location: 3321 Kerry Road Hearing Date: 10/18/05

Dear Ms. Matthews:

This letter represents support of the removal of pigeons/coops at the above location.

I was visiting friends at 3323 Kerry Road for a cookout/pool party. I was about to enter the pool when I smelled a foul odor that I just could not stomach. I began to look around and noticed a pigeon fly toward 3321 Kerry Road and land in what appeared to be a pigeon coop. (that I thought was ordered to be moved back in 1999), but to my dismay there were two more coops. The flying feathers, poop and noise is not adequate space for the land they are housed on. This situation is unsanitary for humans and causes serious health problems, not to mention the damage it causes to vehicles as a result of the droppings.

I am depending on the Law and County Officials to eliminate this hazardous and unhealthy situation.

Very truly yours.

Colleen B. Harris

cc: Hearing Officer/Zoning Commissioner
M.S. 3401
401 Bosley Avenue
Towson, Maryland 21204

PROTESTANT'S

EXHIBIT NO.

CHINA.

BALTIMORE COUNTY ZONING COMMISSIONER

Plaintiff

vs.

MICHAEL ESBRANDT

水

Defendant

IN THE

DISTRICT COURT

OF MARYLAND FOR

BALTIMORE COUNTY

CASE NO. 21488-87SP/T

*

MEMORANDUM OPINION AND ORDER

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The facts in this case are not in dispute. The Defendant resides in a single family dwelling on a parcel of land less than one acre in size which is zoned for residential use. As a hobby, the Defendant raises and maintains racing pigeons on this property.

On a charging document entitled "Citation For Civil Zoning Violation" the Defendant is alleged to have committed "... a zoning violation contrary to the provisions of the Baltimore County Zoning Regulations..." The nature of the violation is stated as "Fowl kept on less than 1 acre of land" and the Section(s) violated- are stated as "102.1- General use requirements; CMDP- Section RM-2".

PETITIONER'S

EXHIBIT NO.

2

The Defendant by written Memorandum contends that the issue in the case is whether or not a pigeon is a bird or a fowl. He argues that a pigeon is a bird and therefore there is no zoning violation. In response, the County contends that it makes no difference since the controlling definition specifically includes pigeons. As stimulating an issue as whether a pigeon is a bird or fowl appears to be, this Court is satisfied that it is not necessary to decide that issue.

Ordinarily when a person is charged with a violation of a penal law, there is a specific statue or ordinance which proscribes conduct of a clearly identifiable nature and further prescribes an appropriate penalty. Regrettably the enforcement of the zoning regulations eschews the traditional approach and penalizes what may be lawful activity because of where it is occuring. Generally, the zoning regulations define specific zones such as residential, commercial, manufacturing, etc. and for each such zone list specific uses and activities which are permitted either as of right or by special exception. Thus, if a use or activity is occuring in a zone in which it is not permitted, there is then a violation of the zoning regulations. The authority upon which the County relies for declaring non-permitted uses a violation of the zoning regulations is contained

in Section 102.1 (the first paragraph of Section 102-General Requirements) as follows:

> No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.

In order to know what these various permitted/prohibited uses and activities are, Section 101 entitled "Definitions" of the zoning regulations contains eighteen pages of definitions. In the present case, the County argues that the definition of a Farmette is applicable to this property and since by that definition pigeons on less than I acre of land are prohibited, the Defendant is in violation of the zoning regulations. The County's reliance on that definition is clearly misplaced. A Farmette is defined in part as "A parcel of land more than 3 acres and less than 10 acres..." and since the Defendant's property is less than one acre, it is by definition not a Farmette. It follows, then, that any restrictions or limitations imposed on the uses permitted on a parcel designated as a <u>Farmette</u> have no application to Defendant's land. Additionally, even if the property properly fell within the definition of a Farmette, a limitation is imposed on

the amount of land that can be devoted to <u>fowl or poultry</u> (including pigeons), to wit, no more than one acre of the three to ten acres can be used for such purposes. Thus, if the Defendant was using less than one acre of land to maintain pigeons on a <u>Farmette</u> there would be no violation of the zoning regulations.

As previously mentioned, the Defendant is alleged also to have violated CMDP-Section RM-2. Although not argued or even mentioned in either the Defendant's or the County's Memorandum, the Court has determined that this citation is a reference to the Comprehensive Manual of Development Policies which has as its progenitor Section 504- FURTHERING POLICIES AND PROCEDURES of the zoning regulations. The first two subparagraphs are pertinent and provide as follows:

504.1- Authorization. The Planning Board may adopt and implement administrative, project-design, or planning policies or procedures which are not inconsistent with these regulations and which further the purposes hereof, as specified in the preceding sections of these regulations and as set forth below. However, no such policy or procedure, or amendment thereto, may hereafter be adopted except by a resolution which has been entered on and appended to the advance tentative agenda for a regular meeting of the Planning Board and thereafter approved at such meeting without amendment, all as shall be more particularly prescribed in the bylaws of the Planning Board. (Bill No. 100, 1970).

504.1--Comprehensive Manual. The Office of Planning and Zoning shall compile and codify, in an appropriate and practical form, a comprehensive manual of the Planning Board's land-use and development policies and zoning resolutions. The manual shall include the statements of all policies and procedures adopted under Subsection 504.1 and all other formal Planning Board actions taken pursuant to these Zoning Regulations, the Sub-division Regulations, and such other landuse and development regulations as may hereafter be effected, except actions on subdivision plans or other routine actions in individual cases. The form of the manual may be such as to include, in addition, provisions of these Zoning Regulations, of the Subdivision Regulations, or of other rules, regulations, or laws, with the sources of all such provisions clearly identified. Such provisions may be printed together as they were promulgated, and placed in separate sections of the manual, or they may be separated and integrally codified with other manual provisions or statements, placed in order according to subject or other logical arrangement. The manual also may include such other matter as the Office of Planning and Zoning or the Planning Board deems relevant. (Bill No. 100, 1970).

The clear import of the foregoing sections is to permit the Planning Board to adopt by resolution policies and procedures designed to assist the Office of Planning and Zoning in the everyday tasks of administering and interpreting the zoning regulations. The Comprehensive Manual is designed to accumulate in a single reference source, appropriately indexed and crossindexed, not only all of the formally adopted policies and procedures of the Planning Board but also rules, regulations, laws or

other material which in any way would be of assistance in administering and interpreting the zoning regulations. It is also clear that the policies and procedures adopted pursuant to this authorization cannot be inconsistent with the zoning regulations. Thus, a policy formally adopted by the Planning Board which purports to impose a limitation or restriction on the use of land greater than or in addition to that which is set forth in the zoning regulations would, in effect, be an amendment to the zoning regulations and consequently, inconsistent therewith. Such a policy cannot be the basis for an alleged zoning violation. On the other hand, a policy which is merely a reasonable explanation or logical extension of a zoning regulation may be a legitimate basis for an alleged violation provided that the nexus between the regulation and the policy is clearly established.

The procedures for the adoption and amendment of the zoning regulations are set forth in the Baltimore County Code, Article III, Zoning, Sections 22-19, et seq. These procedures specifically provide that the zoning regulations or any amendments thereto be recommended by the Planning Board for adoption by the Baltimore County Council and that affirmative action of the Council is required for adoption. Absent adoption pursuant to these procedures, any resolution of the Planning Board which amounts to an amendment of the zoning regulations has no legal

efficacy and, likewise, cannot be the basis for an alleged zoning violation.

The Court has been directed to no provision of the zoning regulations which addresses directly the issue of maintaining pigeons on residentially zoned land. Assuming, arguendo, that Section RM-2 of the Comprehensive Manual is applicable and that it prohibits maintaining pigeons on residential land of less than one acre in size, that limitation is no more than a policy resolution of the Planning Board totally lacking in the legal force and effect of a duly adopted zoning regulation or amendment thereto. As a result, an alleged violation thereof does not constitute an alleged violation of the zoning regulation.

The Court concludes that the County has failed to demonstrate a violation of the zoning regulations and accordingly, this action must be dismissed.

ORDERED that Citation Number 11794, District Court case No. 21488-87 SP/T, alleging a zoning violation on the property known as 3416 E. Joppa Road, Baltimore County, Maryland 21236, be and the same is hereby DISMISSED.

JUDGE .

various verification and summary reports

18) Do I have to report on all of the diseases on the NAHRS list (can I pick and choose)?

Participation in NAHRS is voluntary; however, participating States need to report on ALL listed diseases for the industries in the State.

19) How do I report an endemic disease that doesn't fit the NAHRS case definition?

The disease-reporting criteria are intended as minimum guidelines. If you have a case that fits the reporting criteria, you must report the presence of confirmed clinical disease. If you have a case that does not meet the reporting criteria, you may use additional information to decide whether or not to report the presence of confirmed clinical disease to NAHRS.

20) If I have a disease known to be widespread but nevertheless well controlled by vaccination and there have been no clinical cases, how do I report it?

You are only being asked to report the presence of confirmed clinical disease in your State.

21) What do I do about cases where there is no answer available at the time the NAHRS report is due (insufficient information)?

Do not report it until you have an answer. Please remember to note the appropriate month for the disease report in the comments section.

22) How is commercial poultry defined?

The NAHRS Uniform Methods & Rules (UM&R) defines commercial poultry as domesticated fowl, including chickens, turkeys, waterfowl, and game birds (except doves and pigeons) maintained primarily for commercial egg and y meat production. Backyard poultry are defined as domesticated fowl, # including chickens, turkeys, waterfowl, and game birds (except doves and pigeons) maintained for hobby or noncommercial egg and meat production. The chief State animal health official may use the following criteria to define commercial poultry.

The Poultry Meat inspection act defines commercial poultry operations as those with more than 3,000 birds. Criteria used by California as a pilot State consider the number of birds housed at a facility, the management of a facility, local marketing and commerce of birds or bird products originating from the facility, and the potential of international trade of birds or bird products originating from the facility.

23) How are commercial food fish defined?

The NAHRS UM&R defines commercial food fish as finfish maintained in captivity for the production of food. This definition excludes finfish maintained for ornamental or exhibition purposes.

24) Who has the final say on what the NAHRS report for my State looks like?

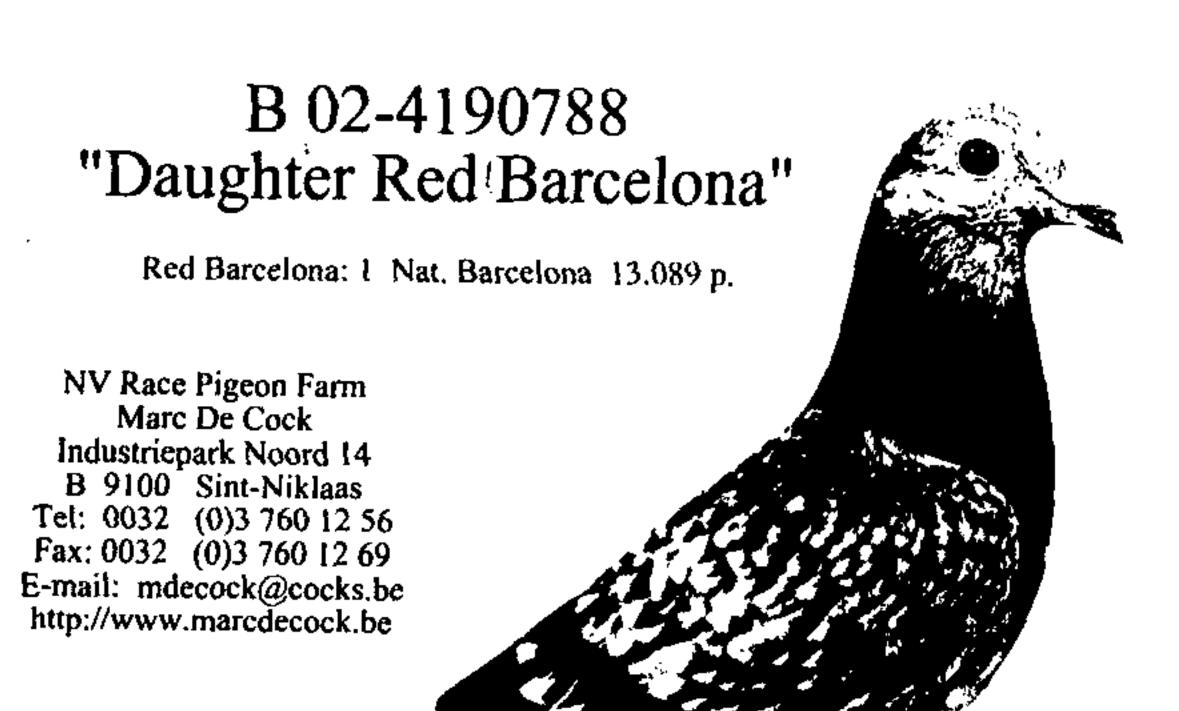
The chief State animal-health official or his/her designee makes the final decision on data reported to NAHRS.

PETITIONER'

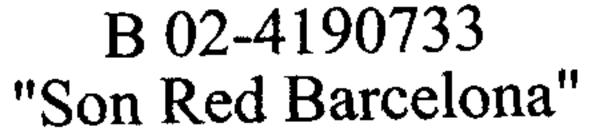
EXHIBIT NO.

25) How often do I have to report to NAHRS?

NAHRS is designed to gather data on a monthly basis. The steering committee and pilot States felt that monthly reporting was not a burden as







Red Barcelona: 1 Nat. Barcelona 13.089 p.

NV Race Pigeon Farm
Marc De Cock
Industriepark Noord 14
B 9100 Sint-Niklaas
Tel: 0032 (0)3 760 12 56
Fax: 0032 (0)3 760 12 69
E-mail: mdecock@cocks.be
http://www.marcdecock.be





PETITIONER'S

EXHIBIT NO.

4

To Whom it may concern,

I am writing this letter in support of Mr. Al Hall, whom I have known for almost 20 years. I lived in Baltimore for almost 30 years, and competed with him in my old racing pigeon club. Mr. Hall is a retired schoolteacher who has been very prominent in racing pigeons in the Baltimore area for many, many years—since World War II. He not only races his birds, but he has exhibited them in specialty shows. He is noted for the quality of his racing stock and his support of the hobby and sport all across America. For him the birds are more than just a hobby—they are a part of his life.

Besides racing pigeons, though, Mr. Hall is a taxpayer, a homeowner, a voter, and an ardent supporter of his church and many youth projects over the years. Many of these projects involved his racing pigeons, and he paid for many of these projects out of his own pocket! He is one of the most civic-minded persons I have ever met—and he is an ambassador for Baltimore and Baltimore County.

Mr. Hall has been a member in good standing of many local racing clubs, to include clubs within Baltimore City proper, and in Washington, DC. More than his racing with them, for years he used them as educational devices in his classroom. He has used the birds traveled extensively to other schools and gatherings of children to make all students more aware of the beauty of the birds and their place in Nature as a genetically significant, uniquely distinct species of bird, i.e., those in the family of the Columbiformes. No other bird—indeed, no other animal—possesses the qualities and traits of the pigeon. Pigeons are uniquely adapted to learning in the classroom, and many students would never have realized this uniqueness had Mr. Hall not taken the time and trouble to show them.

The pedigreed birds in question are <u>not free-flying</u> and cannot come and go at will in and out of the loft—they would certainly be nothing more than hawk bait if they were allowed free flight. They are only flown in very regimented training flights, or in highly organized races that are typically held on weekends in most East Coast clubs. (There are about 200 clubs along the East Coast!).

These birds do not fall into the category of fowl or poultry. Birds placed in that group are gallinaceous birds (have a gall bladder), raised specifically for table purposes. The definition of fowl and poultry in most federal regulations excludes pigeons and doves because of their unique physical attributes. The racing pigeon is too small, and far too valuable to eat.

They are pedigreed sporting animals—athletes in every sense of the term—raised for one purpose—racing. The performance of these animals is directly related to their breeding, training and good health. An unhealthy environment does not produce winning

PETITIONER'S

EXHIBIT NO.

pigeons. They are given frequent vaccinations, and their health is very closely monitored. The loft must be kept bone dry and vermin free! They are fed a measured amount of highly specialized food with vitamin supplements and elaborate health regimens to be and stay competitive in this sport. SICK PIGEONS DO NOT RACE!! Mr. Hall's success in the races attests to how well he manages his birds and how well his team of racing birds is kept. The birds in question are not the typical street pigeon, either. They are pedigreed athletes—many of them have backgrounds as detailed as any thoroughbred at Pimlico (and some of the breeders can cost as much as one of those prized horses).

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There are many dubious myths about pigeons and pigeon fanciers that have no basis, either in science or in fact. I have found that many of the claims against them are more a result of faulty conclusions and a lack of understanding about the birds and their role in Nature and as race birds.

The U.S. Centers for Disease Control has stated for the record on numerous occasions that racing pigeons pose no threat to the public health. Many of the diseases associated with other birds (West Nile Virus, Avian Influenza, fowl Pullorum, to name but a few) do not affect pigeons. Their body temperature is so high (108°) that bacteria that live in them cannot survive in humans, and human bacteria cannot live in pigeons!! There is no evidence that family members of pigeon fanciers or the fanciers themselves suffer from any disease attributable to the birds. The incidence of hypersensitive pneumonitis in pigeon fanciers is no greater statistically than in the general population. There is no statistical evidence to show a greater incidence of allergies, colds, pneumonia or any other infectious problem by anyone keeping racing pigeons.

I understand there was a claim that Mr. Hall's birds bring down property values. In my opinion any such notion is a red herring. I challenge <u>any</u> property owner to show evidence of a DECREASE in the value of their property that is related to the presence of racing pigeons! One need only check the State's own assessment of Mr. Hall's property for the last several years—they all reflect an increase. That being so, then where is the justification for the statement that real estate in the neighborhood is in jeopardy?

I understand that these same neighbors have complained about cars in Mr. Hall's driveway, the height of his grass and many other trivial matters over the years. While those are interesting to note, complaints about his pigeons are unfounded. I am sure there is little, if any factual basis for those complaints. The truth be known, they are pets and they require a great deal of time and attention to breed, raise and train a team of winning race birds.

Mr. Hall is not the kind of man who is looking for problems with his neighbors nor anyone else. In fact, over the years he has tried to be a good neighbor. With very few exceptions he is highly respected by all who know him. He is known as the consummate gentleman, as a teacher loved by all whom he taught, as a voice of reason in the community and as a very, very good pigeon handler and racer. Neither he nor his birds are in any way any kind of threat to the street, the neighborhood, the community at large

or the Baltimore area. Indeed, the City and County would be better off with a thousand more citizens like this good man.

I do not know the motivation of those who have complained, sir or madam, as it were, but in my experience, the pigeons are not the problem. Only the Lord knows what their motivation is!

I stand ready to help Mr. Hall and your office in any way, or to provide your office with any information you may need concerning ANY aspect of the care and maintenance of these racing pigeons. If you need them, I would be more than happy to supply credentials, bona fides and/or personal references regarding my range and depth of knowledge about the birds in question.

Sincerely,

///signed///

Tommy E. Erskine, Executive Vice President American Racing Pigeon Union, Inc. (843) 763-7351 or email: squirt16oz@gmail.com

LETTER OF TRANSMITTAL CEIVED

Site Rite Surveying, Inc.

NOV = 2 2005

DIRECT CORRESPONDENCE TO:

Site Rite Surveying, Inc.
SENT BY: BUNGLETT MUSKUNGS


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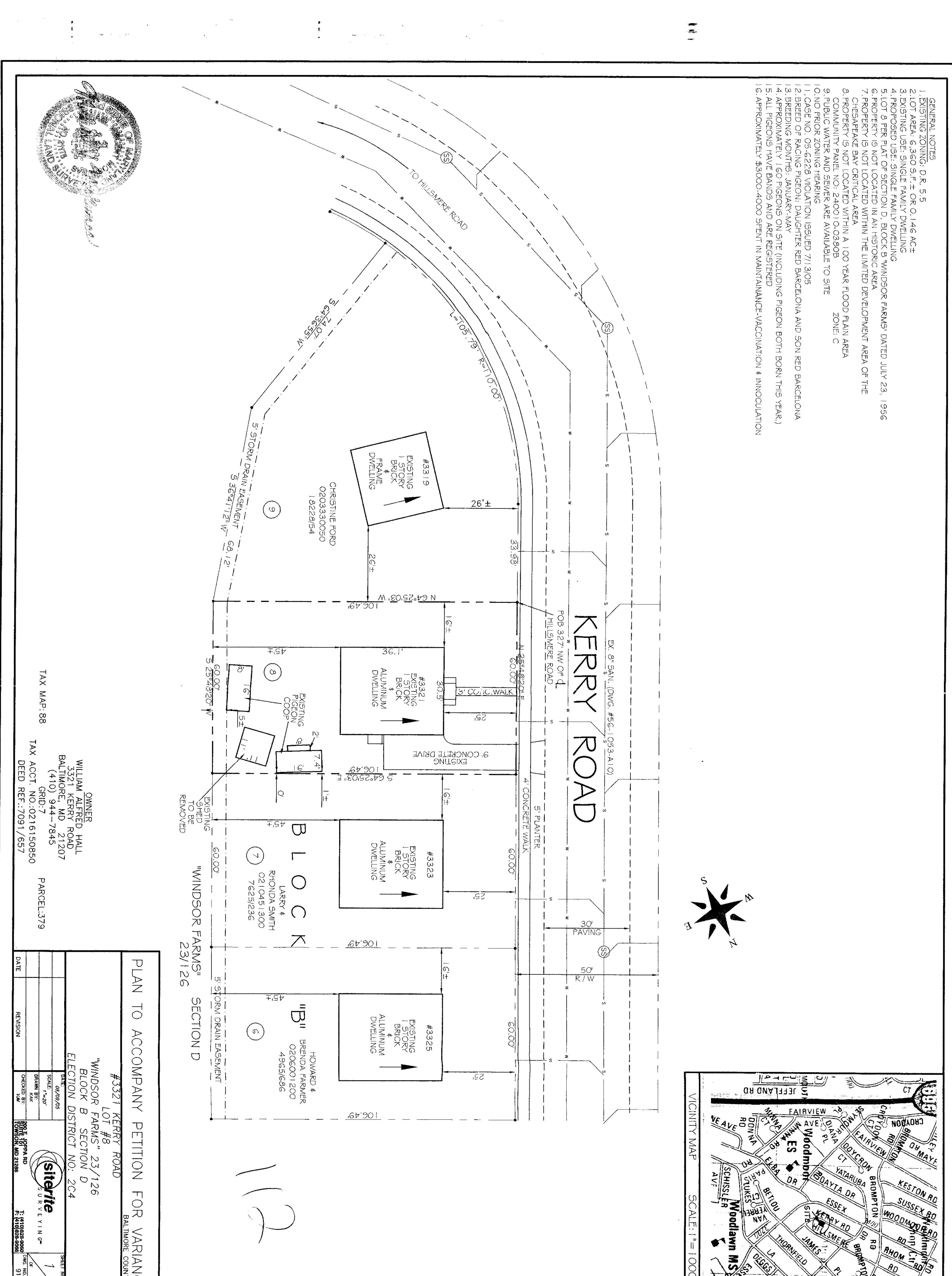
Shell Building, Room 101 200 East Joppa Road
Towson Maryland 21286

RECEIVED BY:

DATE: _____

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Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

September 1, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: September 12, 2005

Item# 6-105-a,6-108-A,6-109-SPH,6-111-A 6-112-A 6-113-A,6-114-SPH,6-115-A

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D.Mezick Fire Marshal's Office (0)410-887-4881 (C) 443-829-2946MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE:

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Chief

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 112

Legal Owner/Petitioner: William A. Hall

Contract Purchaser:

Property Address: 3321 Kerry Road

Location Description: East side of Kerry Road, 327 feet northwest of Hillsmire Road

VIOLATION INFORMATION:

Case No.: 05-6228

Defendants: William A. Hall

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint letter

Complaint Intake Form

State Tax Assessment printout

Correction Notice/Code Violation Notice

Other: letter

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW

c: Lavette Street

994590-11.

July 5, 2005

- Cole Enforcement Supericison Ruppert Sanitation,

Please be aware that the resident of 3321 Kerry Rd. is dumping his pigeon waste on trash day along with his trash. He has much more waste than trash. Today he had around 5 bags of pigeon waste. Also be aware that on yard waste day he is also placing pegeon waste on the curb. He is aware that he is suppose to dispose of according to the Baltimore County Code. He has 3 coops instead of 1 like most owners. This is why he has so much waste. We want you and your worker to be aware because their are diseases that come with this practice that are contagious. The County Code is "Nuisances" Sec. 22-46 Storage and Dumping of animal waste. Waste shall be stored and collected in covered containers. It shall be disposed of at official disposal sitor other authorized places.

Thanks,

Concerned Citizen

8	<u>C</u>	ENFORCE	MENT RE	POR		99-4590-6
DATE:	INTAKE BY:	KW	CASE #:	6228	INSPEC	
COMPLAINT	3321 Ker	ry Rd.				Street
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SI DARD ASSESSMENT INQUIRY (1)

TIME: 12:16:53

DATE: 07/07/2005

OCC. HISTORIC CLASS GROUP

LOAD DATE DEL

PROPERTY NO. DIST 05/02/05 NO 04-00 1-0 02 02 16 150850

DESC-1.. IMPS HALL WILLIAM ALFRED

DESC-2.. WINDSOR FARMS

RD KERRY PREMISE. 03321 3321 KERRY RD

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BALTIM	ORE	MD 2	1207-0000	FORMER OWNE	R: BRYANT	CHARLIE F
	FCV -			PHASED	IN	
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	26,360	31,360		FCV	ASSESS	ASSESS
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ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF