IN RE: PETITION FOR SPECIAL HEARING
West side of Willow Avenue, 233 feet
North of Sulphur Spring Road
13th Election District
1st Councilmanic District
(2614 Willow Avenue)

Todd and Ame Fox, Legal Owners
Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

k CASE NO. 06-445-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 2614 Willow Avenue in the western area of Baltimore County. The Petition was filed by Todd and Ame Fox, Petitioners. Special Hearing relief is requested pursuant to Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow chickens on less than one acre of ground as required.

The property was posted with Notice of Hearing on April 7, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 6, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Russ Roda Keara Fox, Ame Fox and Todd Fox, the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioner indicated that they own three lots on Willow Avenue on which their home and chicken coop are located as shown in exhibit 1. This property backs up to a County drainage and utilities strip of land which itself is adjacent to the B& O Railroad tracks in the Lansdowne area of the County. Together these lots contain 0.5 acres. The regulations require one acre for chickens. As shown, while the house fronts on Willow Avenue which is a dead end road, the chicken coop is at the far end of the two rear lots so that it is more than 100 feet from the nearest residence (Mr. Brohaun) who raised chickens on his property for many years. There is more than 250 feet to neighbors across the County drainage area.

The Petitioner would like to keep 15 laying hens (but no rooster) in the coop shown. Apparently this case arose because one of the neighbors did not appreciate the crowing rooster's early morning serenade and filed a complaint with the County. With regard to manure, the Petitioners indicated that they will use the manure on their own 50 x 60 foot vegetable garden and share with neighbors as well. They also noted that the coop was completely enclosed (including the top) by a fence, which keeps the chickens in yard and hopefully keeps the foxes and other predators out. As the chickens were completely enclosed by the fence, they would not have exposure to wild birds which might carry avian flu.

They opined that these chickens were not intended to support a commercial business in any way, the fresh eggs (about 2 dozen a week) were strictly for the family and noted the

importance of educational opportunities the chickens present for the family children. They presented a petition signed by all 15 neighbors to allow the chickens to remain.

Findings of Fact and Conclusions of Law

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Based on the evidence presented, I find that request for special hearing should be granted. The chickens, sans rooster, will pose no health hazard or nuisance for the neighbors. This is clearly a small family endeavor for the education and diet of the family. I see no adverse impact as the actual location of the coop is far from the neighbors. The Petitioner's property is at the very end of a dead end road. I was concerned about the possibility of wild birds coming in contact with the chickens but the Petitioners assure me that the coop is fully enclosed by a fence even on the top. It does not appear that the chickens will generate much manure and the Petitioner seemed to know what to do with it.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ____ day of May 2006, that the Petitioners' request for Special Hearing relicf, pursuant to Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow chickens on less than one acre of ground as required, be and is hereby GRANTED with conditions.

- 1. The Petitioners shall not sell eggs or chickens commercially from the property.
- 2. The Petitioner shall maintain a suitable fence around and on top of the chicken coop to assure that the chickens will not be exposed to wild birds or become a nuisance in the neighborhood.



JAMES T. SMITH, JR. County Executive

May 1, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Todd Fox 2614 Willow Avenue Baltimore, MD 21227

> Re: Petition for Special Hearing Case No. 06-445-SPH Property: 2614 Willow Avenue

Dear Mr. & Mrs. Fox:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Russ Roda, 710 Powhatan Beach, Pasadena, MD 21122 Keara Fox, 2614 Willow Avenue, Baltimore, MD 21227 People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

owner(s) of the property situate in Baltimore County and whit made a part hereof, hereby petition for a Special Hearing.	its and Development Management. The undersigned, lega- ich is described in the description and plat attached hereto and under Section 500.7 of the Zoning Regulations of Baltimore
County, to determine whether or not the Zoning Commission	er should approve Keeping Chicken I on
County, to determine whether or not the Zoning Commission Less than 1 acre of grown	nd as required under Section
100.6 BCZR.	
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertis zoning regulations and restrictions of Baltimore County adopted put	sing, posting, etc. and further agree to and are to be bounded by the
	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:	<u>Legal Owner(s):</u>
Name True or Driet	Name - Type or Print Work Phone #
Name - Type or Print	Name - Type or Print Work Phone #
Signature	Signature
Address Telephone No.	Name Type or Print
City State Zip Code	Signature
<u>Attorney For Petitioner:</u>	2614 Willow Ave. 410-242-5650 Address Home Telephone No.
	Baltimore MD 21227
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name
Address Telephone No.	Address Telephone No.
State Zip Code	City State Zip Code
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING 11/
Case No. 06 445 SPH	UNAVAILABLE FOR HEARING
Revi	iewed By JL Date 31406
The same of the same	

Zoning DESCRIPTION

26/4 WILLOW AVE (REAR)

BECINNIAN AT A POINT ON THE SOUTH SIDE OF
LAVERNE AVE. A 24 FT RIGHT OF WAY SAID
POINT 130 FT. WEST OF THE INTERSECTION
WITH THE WESTERN RIGHT OF WAY OF
WILLOW AVE. THENCE WESTERY ALONG-LAVERNE
AVE. 146 FT, THEN SOUTH WESTERY ILLIFT +
THEN EASTERLY 192 FT, THEN MERTHERLY ALONG
A 10 FT ALLEY AND BACK TO THE POINT OF BECHNING.
100 FT +. BEING 0.39 AC +. IN THE 13 THED.

J.F.

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: #06-445-SPH 2614 Willow Avenue West side of Willow Avenue, 233 feet north of Sul-phur Spring Road 13th Election District 1st Councilmanic District Legal Owner(s): Todd and Ame Fox Special Hearing: to allow chickens on less than one

acre of ground as required.
Hearing: Monday, April
24, 2006 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for

Baltimore County
NOTES: (1) Hearings are
Handlcapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/037 Apr 6

90411

CERTIFICATE OF PUBLICATION

4/6,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 416 ,20 06.
The Jeffersonian
🗖 Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
North County News
S. Willing

LEGAL ADVERTISING

YELOW - CUSTOMER BALTIMORE COUNTY, MARYLAND ACCOUNT AMOUNT OFFICE OF BUDGET & FINANCE RECEIPT PINK - AGENCY MISCELLANEOUS WHITE - CASHIER RECEIVED FROM: P. G.



CASE # 06-445-8PH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

POOM 407, COUNTY COURTS BUILDING 401 BOSLEY AVENUE TOWSON, MD. 21204

MONDAY, APRIL 24, 2006 AT-11:00A.M.

TO ALLOW CHICKENS ON LESS THAN

ONE ACRE OF GROUND AS REQUIRED,

POSTPONEMENTS DUE TO WEATHER OR OTHER COMBITIONS ARE SOMETIMES RECESSARY.

TO CONFIRM HEARING CALL 887-3391

bo not remove this eigh and post until day of hearing, under penalty of law HANDICAPPED ACCESSIBLE

2614 ZONING NOTICE A PÉRLIC MEARING WILL DE NITE ET THE JOHNIC COMMISSIONER IN ROWSON, MO MONES CHECKE HI APING THE ARECT OF A PRES SEE

CERTIFICATE OF POSTING

Date of Hearing/Closing: $27 - 27 - 06$
Baltimore County Department of Permits and Development Management County Office Building, Room 111 I 11 West Chesapeake Avenue Towson, MD 21204
Attention: Christen Matthews
Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the propery located at
2614 WILLOW AVE.
The sign(s) were posted on ARL (Month, Day, Year)
Sincerely,
Barland Date) (Signature of Sign Poster and Date)
CARLAGEDE, MOORE (Printed Name)
3225 RYERSON CIRCLE (Address)
BALTIMORE, MD, 2122" (City, State, Zip Code)
(Telephone Number)

RE: Case No.: 06-445-5PH
Petitioner/Developer: TODD & AME FOX

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Department of Permits and 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

March 24; 2006

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: 06-445-SPH

2614 Willow Avenue West side of Willow Avenue, 233 feet north of Sulphur Spring Road 13th Election District – 1st Councilmanic District

Legal Owners: Todd and Ame Fox

Special Hearing to allow chickens on less than one acre of ground as required.

Hearing: Monday, April 24, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco Director

TK:raj

C: Todd & Ame Fox, 2614 Willow Avenue, Baltimore, MD 21227

- NOTES: (1) THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 8, 2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, April 6, 2006 Issue - Jeffersonian

Please forward billing to:

Todd Fox (410-242-5650)

2614 Willow Avenue Baltimore, MD 21227

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: 06-445-SPH

2614 Willow Avenue

West side of Willow Avenue, 233 feet north of Sulphur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: Todd and Ame Fox

Special Hearing to allow chickens on less than one acre of ground as required.

Hearing: Monday, April 24, 2006 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson, MD 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL

ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-3868.

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits Development Management

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





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

April 20, 2006

Todd Fox Ame Fox 2614 Willow Avenue Baltimore, MD 21227

Dear Mr. and Mrs. Fox:

RE: Case Number: 06-445-SPH, 2614 Willow Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 14, 2006.

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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







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

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

Maryland Department of Transportation

Date:

3.24.01

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

RE:

Baltimore County

Item No.

145 JLL

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

1. 1. Drulle

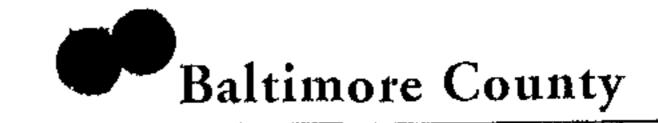
Engineering Access Permits Division

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 March 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442,443,444,445,447,448,449,450,451,452,453,454,455,456

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 3, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2006 Item Nos. 442, 443, 444, (445) 447, 448, 449, 450, 452, 453, 454, 455, and 456

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-04032006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 17, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-445- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

RE: PETITION FOR SPECIAL HEARING
2614 Willow Avenue; W/S Willow Avenue,
233' N Sulpher Spring Road
13th Election & 1st Councilmanic Districts

Legal Owner(s): Todd & Ame Fox

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-445-SPH

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Todd & Ame Fox, 2614 Willow Avenue, Baltimore, MD 21227, Petitioner(s).

RECEIVED

WW 27 2006

Per.

JEERNON SIMMERMON

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Petition for the allowance of chickens 2614 Willow Avenue, Baltimore, MD

AA5

We hereby petition that Mr. Todd Fox be allowed to have 15 laying hens for the purpose of producing eggs for his family. The hens will be kept in the rear of the property at 2614 Willow Avenue, equidistant from all surrounding neighbors, and backing the open space park on Sulphur Spring Road. The pen containing the free range hens is completely contained minimizing the chance of any hens escaping and being bothersome to nearby properties. Additionally, no roosters will be kept at this property as only the rooster can make the typical crowing noise. Also roosters are not necessary for the hens to produce eggs.

We the neighbors of 2614 Willow Avenue hereby agree that Mr. Fox should be granted a waiver to the zoning requiring a minimum of 1 acre to possess chickens.

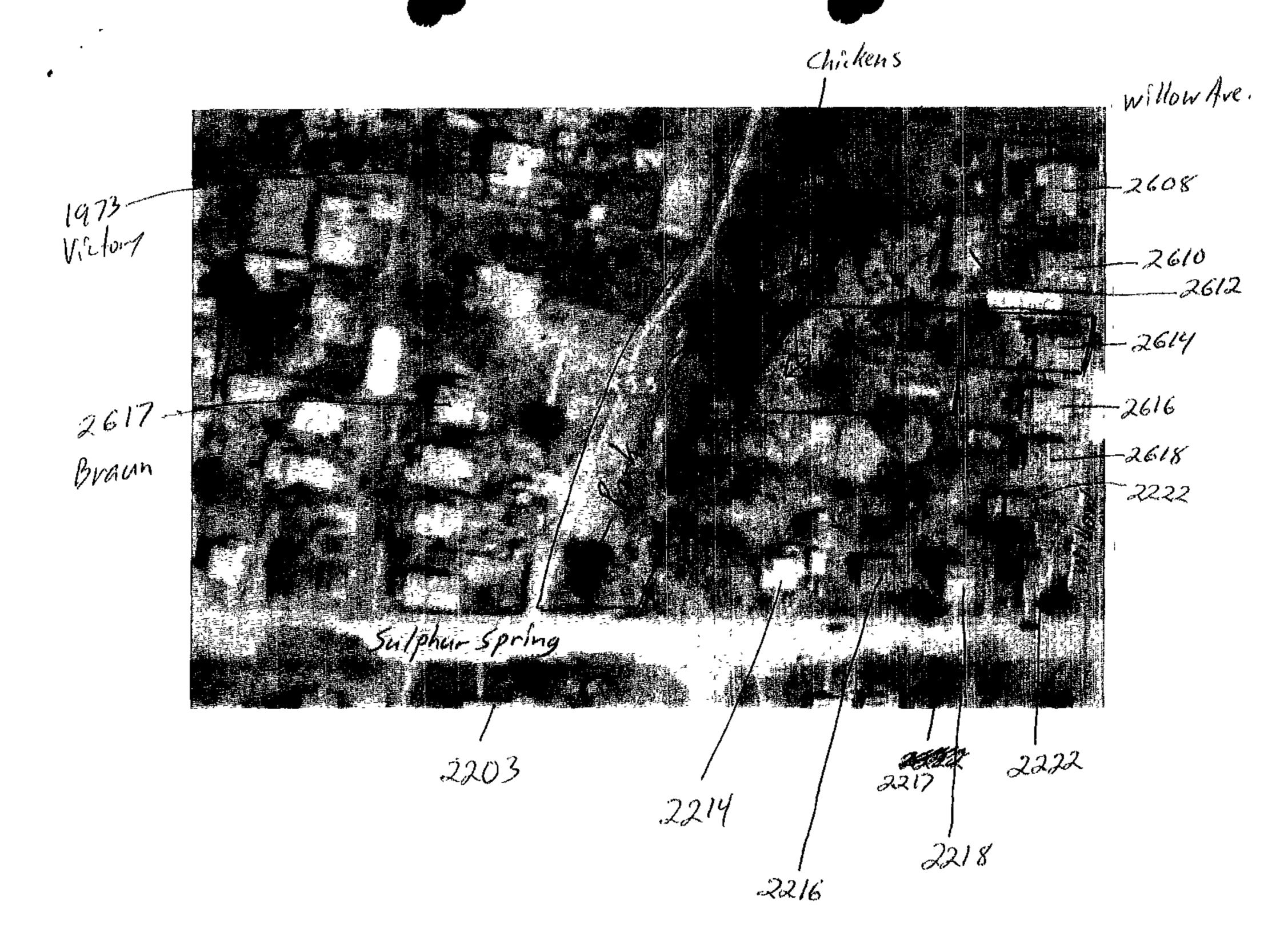
)	CHARLES E. FLEMING Name (printed) Signature	2616 WILLOW AVE Address HALETHORPE, MD 21227
2	Name (printed) Name (printed) Signature	2610 WILLOW AVE Address BALTIMORE, MD 21227
3	Lisa L. Smith Name (printed) Augustian Signature	2222 Sulphur Spring Rd Address Balto MD 21227
4	Name (printed) Signature	2200 Sulphur Spring Pd Address 13alto MD 21227

Petition for the allowance of chickens 2614 Willow Avenue, Baltimore, MD

5	Annwhitte Name (printed) Annwhitte Signature	Address Halethorpe, Mol 21227
6	Serge Whrtte Name (printed) Signature	2217 Sulphur Spring Rd Address Dolothorpe Ud 21227
7	Name (printed) Name (printed) Signature	Address 26/7 Braun Cue
9	Name (printed) Name (printed) Signature Name (printed)	Address 1973 Victory Dr. Powtinere, Mi 21227
10	Name (printed) Name (printed) Signature	2203 Sulphus Spring
	Kinberty A. Talbott Name (printed) Vally Of Jally Signature	2618 Willow Ave Address Halethorpe, mp 21227

Petition for the allowance of chickens 2614 Willow Avenue, Baltimore, MD

12	Name (printed) Name (printed) Signature	2218 Sulphur Spring R. Address Big 14, MD 21227
13	Name (printed) Signature	22/5 SWIHUR SPRING RD Address
14	Name (printed) Shuley Brokau Signature	2612 Willow Ave. Address
	Name (printed) Signature	2614 Willow Ave. Address
15	Name (printed). Name (printed). Signature Name (printed).	2608 Willow AVE Address BALTO, MID 21227
	Name (printed) Signature	Address



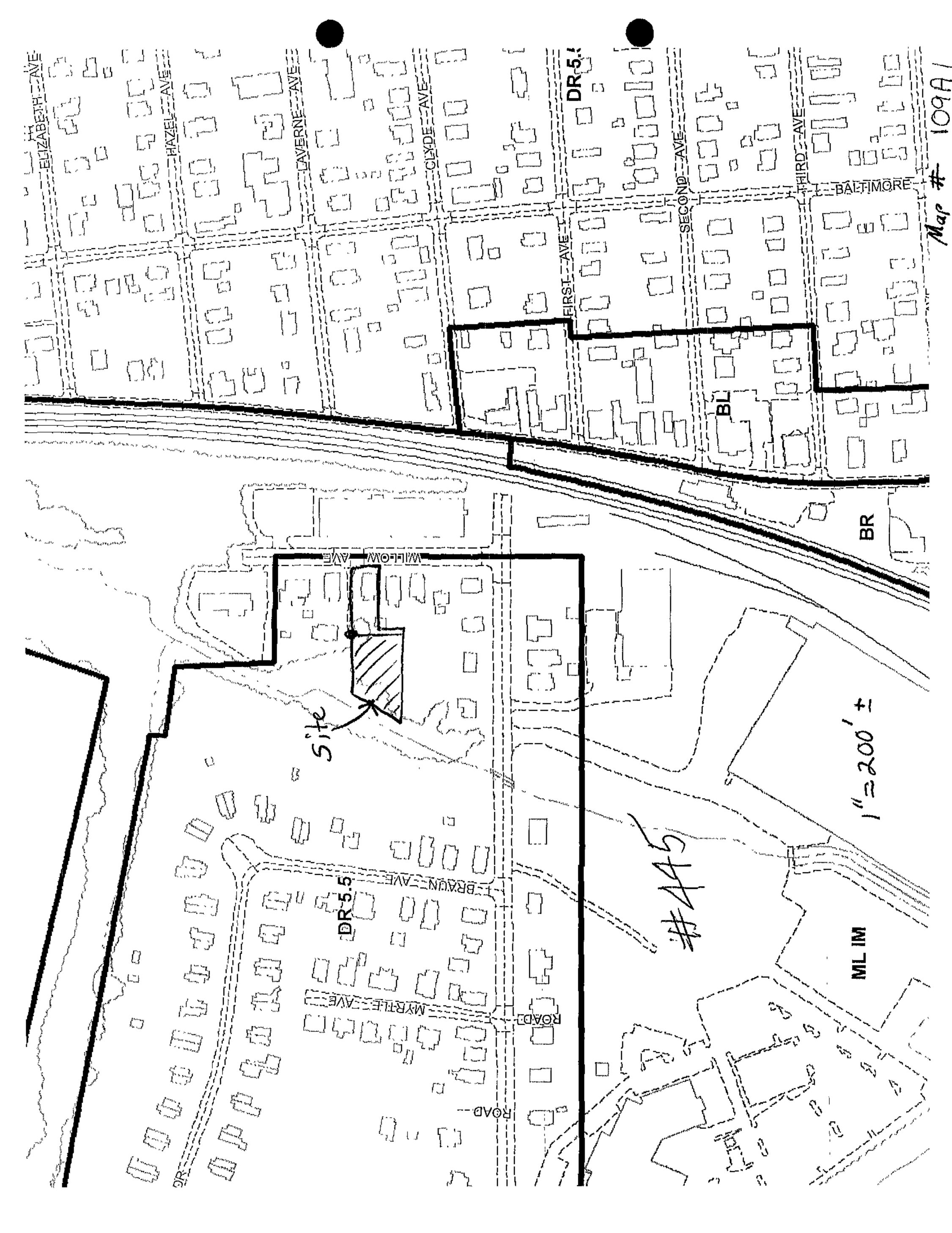
This map shows the locations of the houses which have signed the petition.

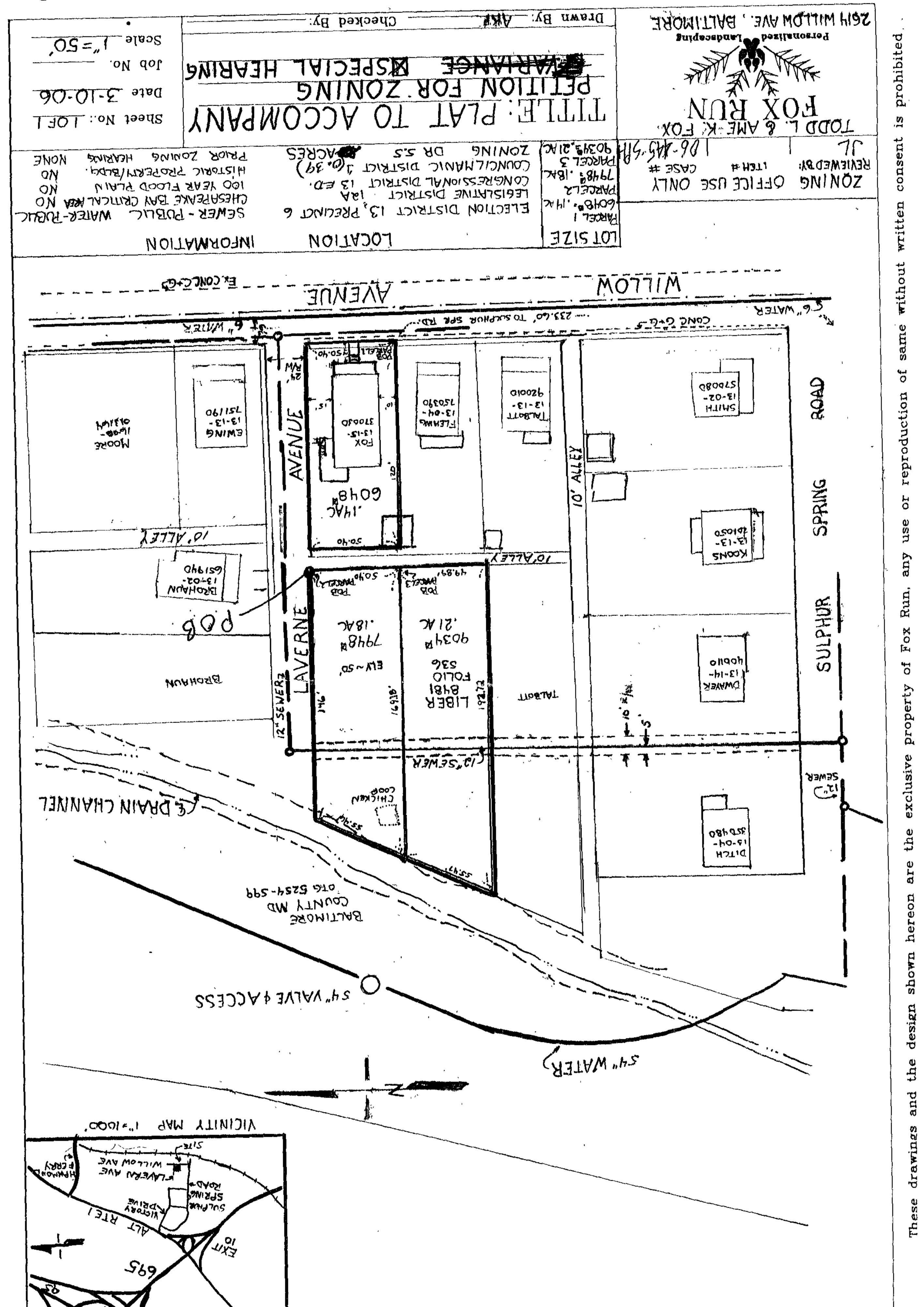
PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	afox @ swales. com	Maltera) & Holcon	atox @ swalles, com									
CITY, STATE, ZIP	BALTIMORE HD 21227	12000 MN 21122	1801-1mon 2002 MD21227									
ADDRESS	2614 Willow Ave	Rowhalan	3									
NAME	AME FOX/TODE FOX	Russ Roda	Regula Fox									





~~)

Copyright 1992

3. The Petitioner shall have no more than 15 laying chickens at any time and shall not have a rooster on the premises.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Pare Service Can Fine