

IN RE: **PETITION FOR VARIANCE**
S/S Acme Avenue, 417' SW of c/line
Davis Avenue
(10811 Acme Avenue)
2nd Election District
4th Council District

Richard C. Brash, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2011-0013-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 legal owners of the subject property, Richard C. Brash and Karen S. Brash, his wife. Variance relief is requested pursuant to Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the accessory housing of fowl or poultry (chickens and ducks) on less than one (1) acre of ground as required. The subject property and improvements are described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 2.

Appearing at the requisite public hearing in support of the request were Richard and Karen Brash, property owners, their children, Eli and Sarah, and Russell B. Frizzell, the owner of property adjacent to the Petitioners' rear property line. Appearing in opposition to the request were Lawrence B. and Debra Acord, whose property on the north side of Acme Avenue faces the Brash's property. It is also noted that this matter is the subject of an active violation (Code Enforcement Citation No. CO-0075545) and a copy of the Code Enforcement file was made a part of the zoning hearing file.

This is a very difficult case. Testimony and evidence offered revealed the property is zoned R.C.5, consists of 0.80 acres in area (35,761 square feet) and improved with a one-story

ORDER RECEIVED FOR FILING

Date

By

9-10-10

1023

single-family dwelling and the subject chicken and duck coops located in the rear yard. Mr. Brash, whose written testimony was submitted as Petitioners' Exhibit 1, stated that the Woodstock/Granite community is an extremely diverse area with a long history of rural traditions. He stated that many horse farms, cattle farms, planted fields and accessory agricultural uses exist in the area. He believes that while recent trends towards a suburban community are taking place in some areas, his property is situated on a dead-end street, just east of the Howard County line and the Patapsco State Park, and in the more dominant rural area of the community. Photographs of the property, chickens and ducks were submitted at the hearing by Mrs. Brash demonstrating they were well cared for. The Brash's discussed the undue burden and emotional hardships on them and their children if they had to give up their backyard flock after the more than 4-year relationship that has evolved. Mr. Brash stated the chickens were not intended to support a commercial business in any way. The chickens have averaged in number from between eight (8) to 12. They now have three (3). The ducks number is between two (2) and four (4). The fresh eggs are strictly for the family and he strongly noted their importance to both the health of him and his son¹ and the educational benefits the chickens/ducks present for the children.

Additional testimony from Russell Frizzell, a resident of 10727 Davis Avenue, revealed that the Granite area has a long history of livestock ownership and that this rural history carries into today in that most of the current houses are old farm structures that strive for some form of self-sustainability. Moreover, many homes in the Granite area to this day retain rural accessory uses including raising livestock, harvesting crops and owning tractors. Mr. Frizzell,

¹ Eli Brash suffers from Attention Deficit Disorder and benefits from the fresh eggs and increased Omega 3 in his diet. He (Richard Brash) has had colon cancer that is prevalent in his family and consumes eggs regularly to reduce the risks associated with this disease. See his prepared testimony (Petitioners' Exhibit 1) that provides medical support for his contentions.

whose large parcel of land consists of approximately ten (10) acres, noted that if the variance were denied he planned on offering his property to house the poultry in controversy on his property, allowing Petitioners to have access to them. He realized this would be a hardship due to the distance they would have to travel to care for and feed the chickens and ducks.

Compelling testimony was further received from the Petitioners daughter, Sarah. Like her father, her testimony was reduced to written form and submitted as Petitioners' Exhibit 3. She obtained knowledge and skill as well as happiness through the caring for and raising of the chickens and ducks. She joined the 4-H Club for the purpose of continuing to learn about animals. She made a powerful argument that removal of the chickens and ducks would create real hardship and practical difficulty.

Perhaps, a decade ago that would be all the Brash family would have needed to show in order to be granted the variance they request. However, the Court of Special Appeals in the case of *Cromwell v. Ward*, 102 Md. 691 (1995) redefined the test for variance, requiring that before a Petitioner even gets to the question of hardship and practical difficulty, there must be a finding that the property is unique when compared to other properties in the neighborhood. By this, the Court requires a finding that the property has some special circumstances or conditions existing that are peculiar to the land or the structure which is the subject of the variance request.

This finding must be made before any consideration of hardship or difficulty is made and if the property is not found to be unique, no variance can be granted.

Equally important, the Court wanted to correct the practice of many jurisdictions of finding hardship and difficulty first which would then be used to show the property was unique, reasoning that the unusual situation on the property was different from that found on surrounding properties.

The evidence before me gives no indication that the regulations requiring the one (1) acre of property to raise fowl or poultry impacts the Brash property in any way different from the other lots in the neighborhood. The lot is as plain a rectangular as one could find. The lot is indistinguishable from others in the neighborhood. Further, the size of the property is three quarters the size required by the regulations. These regulations found in the Livestock Ratio Table (Section 100.6 of the B.C.Z.R.) were derived by the Department of Agricultural at the University of Maryland and adopted by the Baltimore County Council. The Petitioners, although caring for their children's feelings and their attachment for the organic product benefits that they have enjoyed for some time, simply do not have the acreage to adequately care for the chickens and ducks in a way not to impact the neighborhood. This is no one's fault. It simply happens that the property, which is adequate for the Brash family, is not adequate to raise chickens which, according to testimony, have roamed free in the neighborhood on at least 12 occasions and are noisy at night so as to annoy the neighbors.

I find no special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As noted above and much to the Petitioners' dismay, I may not use the finding that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship to indicate uniqueness. For all these reasons, the relief requested must be denied. However, I will give Mr. Brash six (6) months from the date of this Order to find a new home for his birds.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of September 2010 that the Petition for Variance seeking relief from Section

ORDER RECEIVED FOR FILING

Date

9-10-10

By

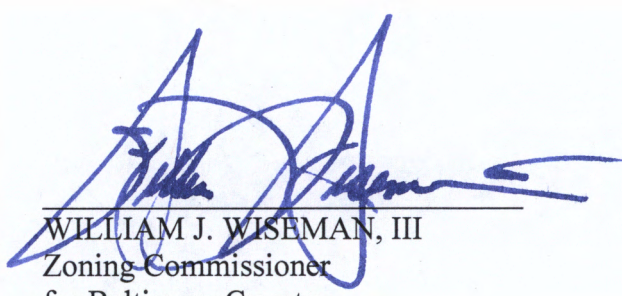
103

100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the accessory housing of fowl or poultry (chickens and ducks) on a tract of land totaling 0.80 acres in lieu of the minimum one (1) acre required, be and the same is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have one hundred eighty (180) days from the date of this Order to find a new home for the chickens and ducks and remove them from the subject property.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

9-10-10

By

102



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 10, 2010

Richard C. Brash
Karen S. Brash
10811 Acme Avenue
Granite, Maryland 21163

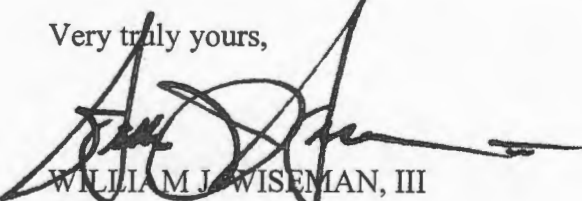
RE: **PETITION FOR VARIANCE**
S/S Acme Avenue, 417' SW of c/line Davis Avenue
(10811 Acme Avenue)
2nd Election District - 4th Council District
Richard C. Brash, et ux - Petitioners
Case No. 2011-0013-A

Dear Mr. and Mrs. Brash:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Russell B. Frizzell, 10727 Davis Avenue, Granite, MD 21163
Lawrence B. and Debra Acord, 10812 Acme Avenue, Woodstock, MD 21163
People's Counsel; Bureau of Code Enforcement, DPDM



TAX. ACCOUNT # 0201540141
0201540140

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10811 ACME AVE.
which is presently zoned R.C.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 (DCZR)

TO PERMIT THE ACCESSORY HOUSING OF FOWL OR POULTRY ON A TRACT OF LAND TOTALING .80 ACRES IN LIEU OF THE MINIMUM REQUIRED 1 ACRE.

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

to be discussed at hearing

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____
Date _____ By _____

Legal Owner(s):

Richard S. Brash
Name - Type or Print _____
Signature _____
Karen S. Brash
Name - Type or Print _____
Signature _____

10811 Acme Ave 410.982.6984
Address Telephone No.
Granite MD 21163
City State Zip Code

Representative to be Contacted:

Karen S. Brash
Name _____
10811 Acme Ave 410.982.6984
Address Telephone No.
Granite MD 21163
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING 8/16-8/20/10
Date

Reviewed By D.T.

Zoning Description, 10811 Acme Ave., Woodstock, Maryland. 21163

Parcel 1

Beginning at a point in the center of Acme Avenue which, 15 feet wide, and South 57 degree East 417 feet from the intersection of Acme Ave. and Davis Ave., as recorded in Deed Liber 21872, Folio 494 and described as follows:

Beginning for the same at a point, said point being the beginning of Liber 539, Folio, 546 and running and binding on the first line of said deed,

- 1). South 31 degrees 42 minutes East 262 feet to a granite monument, thence,
- 1). South 64 degrees 36 minutes West 131.5 feet to a pipe, thence,
- 1). North 32 degrees 00 minutes West 245.6 feet to the center of Acme Ave., thence,
- 1). South 57 degrees 00 minutes East 131.5 feet to the beginning,

Containing .77 acres more or less

Parcel 2

Beginning at a point in the center of Acme Avenue, 15 feet wide, and South 57 degree East 548.5 feet from the intersection of Acme Ave. and Davis Ave., as recorded in Deed Liber 21872, Folio 494 and is further described as follows:

Beginning for the same at a point, said point being the end of the third line of Liber 3853, Folio, 190 and running in a reverse direction and binding on the said third line,

- 1). South 32 degrees 00 minutes East 245.6 feet, thence,
- 1). South 64 degrees 36 minutes West 10.0 feet to a pipe, thence,
- 1). North 32 degrees 00 minutes West 244.3 feet to the center of Acme Ave., thence,
- 1). South 57 degrees 00 minutes East 10.0 feet to the beginning,

Containing 0.056 acres more or less

Also known as 10811 Acme Ave. and located in the 2nd election district, 4th Councilmanic District of Baltimore County.

2011-0013-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

For Newspaper Advertising:

Item Number or Case Number: 2011-0013-A

Petitioner: BRASH

Address or Location: 10811 ACME AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. RICHARD C. BRASH

Address: 10811 ACME AVE.

GRANITE, MD 21163

Telephone Number: 410-982-6984

Revised 7/11/05 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 55958

Date: 7/2/10

PAID RECEIPT

MISCELLANEOUS ACTUAL TIME 7/2/2010 7/2/2010 11:23:07
 REC #506 WALKER TRAY 1ST
 RECEIPT # 655036 7/2/2010
 5 550 MISCELLANEOUS IN
 005770
 Recpt Tot 655.00
 655.00 OK 1.00 GO
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					65.00

Total: 65.00

Rec From: KAREN BRASH

For: 2011-0013-A
10811 ACME AVE.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**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: # 2011-0013-A

10811 Acme Avenue
S/side of Acme Avenue,
417 feet s/west of the
centerline of Davis Avenue
2nd Election District
4th Councilmanic District
Legal Owner(s): Richard &
Karen Brash

Variance: to permit the accessory housing of fowl or poultry on a tract of land totaling .80 acres in lieu of the minimum required 1 acre.

Hearing: Thursday, September 9, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/8/892 Aug. 24 251888

CERTIFICATE OF PUBLICATION

8/26/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/24/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 08/25/2010

Case Number: 2011-0013-A

Petitioner / Developer: RICHRD & KAREN BRASH

Date of Hearing (Closing): SEPTEMBER 9, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
10811 ACME AVENUE

The sign(s) were posted on: AUGUST 25, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 11, 2010

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: 2011-0013-A

10811 Acme Avenue

S/side of Acme Avenue, 417 feet s/west of the centerline of Davis Avenue

2nd Election District – 4th Councilmanic District

Legal Owners: Richard & Karen Brash

Variance to permit the accessory housing of fowl or poultry on a tract of land totaling .80 acres in lieu of the minimum required 1 acre.

Hearing: Thursday, September 9, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Richard & Karen Brash, 10811 Acme Avenue, Granite 21163

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 25, 2010**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 24, 2010 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Richard Brash
10811 Acme Avenue
Granite, MD 21163

410-982-6984

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: 2011-0013-A

10811 Acme Avenue

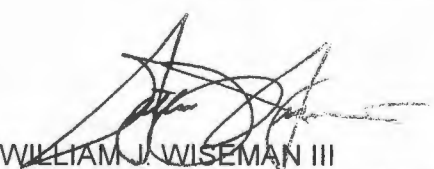
S/side of Acme Avenue, 417 feet s/west of the centerline of Davis Avenue

2nd Election District – 4th Councilmanic District

Legal Owners: Richard & Karen Brash

Variance to permit the accessory housing of fowl or poultry on a tract of land totaling .80 acres in lieu of the minimum required 1 acre.

Hearing: Thursday, September 9, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 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 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 2, 2010

Richard & Karen Brash
10811 Acme Ave.
Granite, MD 21163

Dear: Richard & Karen Brash

RE: Case Number 2011-0013-A, 10811 Acme Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 09, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BJS - 9/9 - 10am - 10f

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 23 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: August 20, 2010

SUBJECT: Zoning Item # 11-013-A
Address 10811 Acme Avenue
(Brash Property)

Zoning Advisory Committee Meeting of July 19, 2010

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 8/20/10

BW - 9/9 - 10Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 2, 2010

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 10811 Acme Avenue
INFORMATION:

RECEIVED

Item Number: 11-013

AUG 06 2010

Petitioner: Richard C. Brash

ZONING COMMISSIONER

Zoning: RC 5

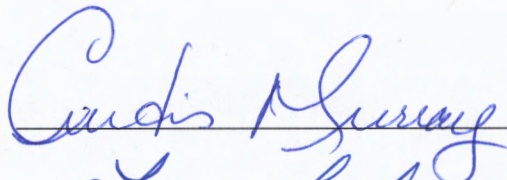
Requested Action: Variance

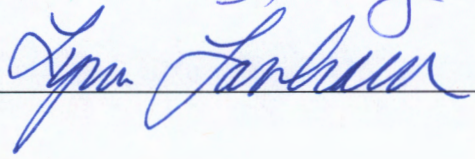
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner's property is about one-quarter acre short of the minimum 1-acre requirement. There doesn't appear to be any hardship or practical difficulty to justify the requested variance.

If the variance is granted, a limit should be placed on the number of fowl or poultry that can be housed on the premises.

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

Prepared by:  _____

Division Chief:  _____
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 30, 2010

FROM: Dennis A. Kennedy, Supervisor 
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2010
Item Nos. 2010-363, 2011- 008, 009, 010,
011, 012, 013, 014, 015, 018, 019 and 020

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08022010 -NO COMMENTS.doc



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 20, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 2, 2010

Item No.: **Variance:** 2010-0363A, 2011-0008A - 0010A,
2011-0012A - 0014A, and 2011- 0017A.

2011-0013-A

Administrative Variance: 2011- 0011A, 2011- 0016A, and
2011- 0019A - 0020A.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 26, 2010

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

RE: Baltimore County
Item No. 2011-0013-A
10811 ACME AVE.
BRASH PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0013-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael Bailey" or similar, written over the typed name.

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

RE: PETITION FOR VARIANCE
10811 Acme Avenue; S/S Acme Avenue,
417' SW of c/line Davis Avenue
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Richard & Karen Brash
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-013-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

RECEIVED

JUL 27 2010

.....

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to Karen S. Brash, 10811 Acme Avenue, Granite, Maryland 21163, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Bill Wiseman - CASE NUMBER: 2011-0013--A

From: Lawrence Acord <vegaslarry@verizon.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 9/13/2010 6:01 PM
Subject: CASE NUMBER: 2011-0013--A
CC: <vegaslarry@verizon.net>

Residence: 10811 Acme Avenue / Woodstock MD 21163

Mr. Wiseman,

My wife Debra and I would like to thank you for your time in court. As we did not see the photos that were submitted into evidence by the Brash's, we wanted to afford you the opportunity to see the view we have daily from our front door and window. In the attachment you will see that the view from our home, and from the street is the chicken pen.

It should also be mentioned to you that on the day of the hearing, upon Mrs. Brash's return home she chose to let the chickens out of their coop and run about freely. This was brought to our attention by a neighbor who could not attend the hearing. This is what we have been dealing with for more than a year and a half. Again, as my wife stated, they are just irresponsible when it comes to their animals and the requests of their neighbors.

If you recall Mr. Wiseman, Mr. Brash stated that he has placed on hold getting a flock of chickens until after the hearing is decided. This would mean if their request for variance is awarded, then we, as well as other neighbors will have a terrible problem on our hands. You may also recall that it was mentioned that a neighbor on Davis Avenue was part of a similar hearing with regard to goats on their property. The same neighbor has chickens as they have more than an acre of land but less than 3 acres (which was needed to house the goats). As a suggestion, if it is eggs that the Brash's require at a low economical price, then the Brash's should be able to obtain eggs from these neighbors as they advertise them for sale at their home.

Thanks you again for your time and we are awaiting your final decision.



Bill Wiseman - Case # 2011-0013-A

From: Karen Brash <mk@brashtek.com>
To: <wwiseman@baltimorecountymd.gov>, <mk@brashtek.com>
Date: 9/13/2010 12:59 PM
Subject: Case # 2011-0013-A

Mr. William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

Dear Mr. Wiseman:

Some new information has come to light regarding our request for variance, case number # 2011-0013-A. Our neighbor, Mr. Russell Frzzell of 10727 Davis Ave., Granite, MD, whose property borders ours own, in the back, opposite Acme avenue, has agreed to offer us an easement on his property. The easement, granting .20 acre, would give us the use of the additional required land to meet the 1 acre minimum required by current Baltimore County code for the accessory keeping of fowl and poultry (section 100.6). He is sending a letter of intent to you, for your consideration. Please be aware Mr. Frizzell's letter of intent is coming by mail.

In light of this new information, we would like to suggest some restrictions you might consider to the granting of our requested variance. After hearing our neighbor's complaint concerning our chickens and ducks, I believe their concerns to be the following. 1) The Acords do not want the chickens in their yard. 2) The Acords do not want to see the chickens from their front porch. and 3) The Acords do not want to hear the rooster crowing.

We believe we can strike harmony in the neighborhood whereby allowing my family to continue keeping the chickens and ducks and at the same time, address the concerns raised by our neighbors. A variance granted with the following restrictions would meet both of those goals.

- 1) In order to keep the chickens from wandering into the neighbor's yard, we would construct and keep the birds in a movable coop. This would allow us to keep the birds confined and out of the neighbor's yards, while at the same time, allow us to provide them with a fresh supply of grass and bugs to feed upon, keeping them healthy and ensuring their eggs are the highest quality.
- 2) In order to prevent the Acords from seeing the chickens from their front porch, the movable coop would be kept and moved around the back yard in areas not seen from the Acords front porch.
- 3) No roosters. The hens do not need the rooster to produce eggs, therefore, not needed for the purposes we keep the chickens to begin with.

These restrictions are consistent with the code found in our neighboring urban municipality, Baltimore City. These restrictions will address and provide relief for the complaints offered by our neighbors, they will allow us to keep our chickens and ducks, and they will allow you to render a decision favorable to all interested parties parties.

Please consider granting our request for variance with this information in mind.

Respectfully,

Richard and Karen Brash

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO-0075545
10811 Acme Ave

~~2010-0013-A~~
2011-0013-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 21, 2010

TO: W. Carl Richards, Jr.

FROM: Meghan Ferguson, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2010-0013-A
Legal Owner/Petitioner: Richard & Karen Brash
Property Address: 10811 Acme Ave
Location Description: South side of Acme Ave; 417 feet south west of the
centerline of Davis Avenue.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date: **Paul Cohen**

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:

Case No: CO-75545
Correction Notices
Citation
Photographs

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

MF/kh
C: Paul Cohen; Code Enforcement Officer

Permits & Development Management Complaint Report

CEA

Report Criteria:

Employee(s): EE0000017 to EE0000017
Scheduled Date(s): 04/09/10 to 04/09/10
PE Range: EN01 to EN04

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0075545		Paul Cohen	04/09/2010		Kaitlyn Heinbach	04/09/2010	Open - Normal		31F5

Complaint Description: CHICKENS & DUCKS LESS THAN ACRE

Facility:

FA0298581
PDM 0201540141
10811 ACME AVE
WOODSTOCK, MD, 21163

Owner:

BRASH RICHARD C BRASH KAREN S
10811 ACME AVE
WOODSTOCK MD 21163

Complainant:

LAWRENCE ACCORD
HOME: 4104800783

Daily Activity Details - No Data

Violation Details - No Data

Comment Details - No Comments

Lien Information - None

Mileage:

4-13-10 MTR MRS BRASH, VIOL EXPLAINED
NOTICE ISSUED BY MAIL TO REMOVE FOWL / POULTRY
MINIMUM BACKYARD RE REQUIRED IS 1 ACRE
PROPERTY IS LESS THAN 5-14-10

Exhibit "A"

AS TO PARCEL NO. 1:

BEGINNING for the same at a point in the center of a twenty foot avenue, South 57 degrees West 417 feet from the intersection point of the center of said avenue and the south side a of County Road, now known as Davis Avenue, said point of beginning being at the beginning point of the land described in the deed from Jacob A. Klein and wife to John L. Johnson and wife, dated May 17, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 539, folio 546, thence running and binding on the first line of said deed South 31 degrees 42 minutes East 262 feet to a granite monument heretofore set; thence running and binding on a part of the second line South 64 degrees 36 minutes West 131.5 feet to a pipe now set; thence running for a line of division now made and agreed upon and passing over a pipe now set on the side of the twenty foot avenue, now known as Acme Avenue, North 32 degrees 00 minutes West 245.6 feet to the center of said Avenue and to intersect the last line of the aforesaid deed; thence running and binding on a part of said last line North 57 degrees 00 minutes East 131.5 feet to the point of beginning, containing 0.77 of an acre, more or less.

AS TO PARCEL NO. 2:

BEGINNING for the same at a point in the center of a twenty-foot avenue, South 57 degrees 00 minutes West 548.5 feet from the intersection point of the center of said avenue and the south side of Davis Avenue, said point being at the end of the third line of the land described in a Deed to Charles L. Ferguson from Anna Rose Anderson dated June 14, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3853, folio 190, etc., thence running in a reverse direction and binding on the said third line South 32 degrees 00 minutes East 245.6 feet, thence running and binding on a part of the second line of the land described in a Deed from Jacob A. Klein to Rosa B. Johnson, et al, dated May 17, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 539, folio 546, etc., South 64 degrees 36 minutes West 10.0 feet to a pipe now set, thence running for a line of division North 32 degrees 00 minutes West 244.3 feet to the center of the aforesaid twenty-foot avenue, now known as Acme Avenue, and to intersect the last line of the Deed last mentioned above, thence running along the center of the Acme Avenue and binding on a part of the aforesaid last line of the Deed secondly mentioned herein North 57 degrees 00 minutes East 10.0 feet to the point of beginning, containing 0.056 of an acre, more or less.

The improvements thereon being known as No. 10811 Acme Avenue.

DATE: 04/12/2010

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:51:52

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
02 01 540140	02	1-0	04-00	H	NO		04/02/10

BRASH RICHARD C

DESC-1.. IMPS.70 AC

BRASH KAREN S

DESC-2.. 417 SW OF DAVIS AV

10811 ACME AVE

PREMISE. 10811 ACME

AVE

00000-0000

WOODSTOCK

MD 21163-1206 FORMER OWNER: OESTERREICHER MARIA L

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	94,120	94,100		FCV	ASSESS	ASSESS
IMPV:	139,390	122,600	TOTAL..	216,700	216,700	233,510
TOTL:	233,510	216,700	PREF...	0	0	0
PREF:	0	0	CURT...	216,700	216,700	233,510
CURT:	233,510	216,700	EXEMPT.		0	0
DATE:	06/06	09/09				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 216,700 11/16/09

ASSESS: 233,510

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/12/2010

STANDARD ASSESSMENT INQUIRY (L)

TIME: 08:52:20

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
02 01 540140	02	1-0	04-00	H	NO		04/02/10
LOT....	BOOK....	0000	MAP.....	0086	LOT WIDTH.....	131.50	
BLOCK..	FOLIO...	0000	GRID....	0008	LOT DEPTH.....	.00	
SECTION..			PARCEL..	0100	LAND AREA..	30492.000	S
PLAT..					YEAR BUILT.....	52	

-----TRANSFER DATA-----

NUMBER..... 312549
 DATE..... 05/17/05
 PURCHASE PRICE..... 242,000
 GROUND RENT..... 0
 DEED REF LIBER..... 21872
 DEED REF FOLIO..... 0493
 CONVEYED IND..... 9
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 02-01-540140

CRITICAL	NEW CONST	CARD
AREAS CODE	YEAR	NO
		01668

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE	SQ. FEET
	1075

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/12/2010

STANDARD ASSESSMENT INQUIRY

TIME: 08:33:07

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
02 01 540141	02	1-0	04-00	N	NO		04/02/10
LOT....	BOOK....	0000	MAP.....	0086	LOT WIDTH.....		10.00
BLOCK..	FOLIO...	0000	GRID....	0008	LOT DEPTH.....		.00
SECTION..			PARCEL..	0100	LAND AREA..		2439.000 S
PLAT..					YEAR BUILT.....		00

-----TRANSFER DATA-----

NUMBER..... 312549
 DATE..... 05/17/05
 PURCHASE PRICE..... 242,000
 GROUND RENT..... 0
 DEED REF LIBER..... 21872
 DEED REF FOLIO..... 0493
 CONVEYED IND..... 9
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 02-01-540141

CRITICAL NEW CONST CARD
 AREAS CODE YEAR NO

01667

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE SQ. FEET

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/12/2010

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:32:57

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
02 01 540141	02	1-0	04-00	N	NO		04/02/10

BRASH RICHARD C

DESC-1.. LT SES ACME AV

BRASH KAREN S

DESC-2.. 448 SW OF DAVIS AV

10811 ACME AVE

PREMISE. 10811 ACME

AVE

00000-0000

WOODSTOCK

MD 21163-1206 FORMER OWNER: OESTERREICHER MARIA L

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	2,430	2,400		FCV	ASSESS	ASSESS
IMPV:	0	0	TOTAL..	2,400	2,400	2,430
TOTL:	2,430	2,400	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 06/06 09/09

---- TAXABLE BASIS ---- FM DATE

ASSESS: 2,400 11/16/09

ASSESS: 2,430

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/12/2010

STANDARD ASSESSMENT INQUIRY

TIME: 08:33:12

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
02 01 540141	02	1-0	04-00	N	NO		04/02/10

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92

80

NO

R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 11/16/09

LAST FM TYPE..... C

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 04/02/10

PRIOR LOAD DATE.. 01/07/10

STATE TAXABLE ASSESS

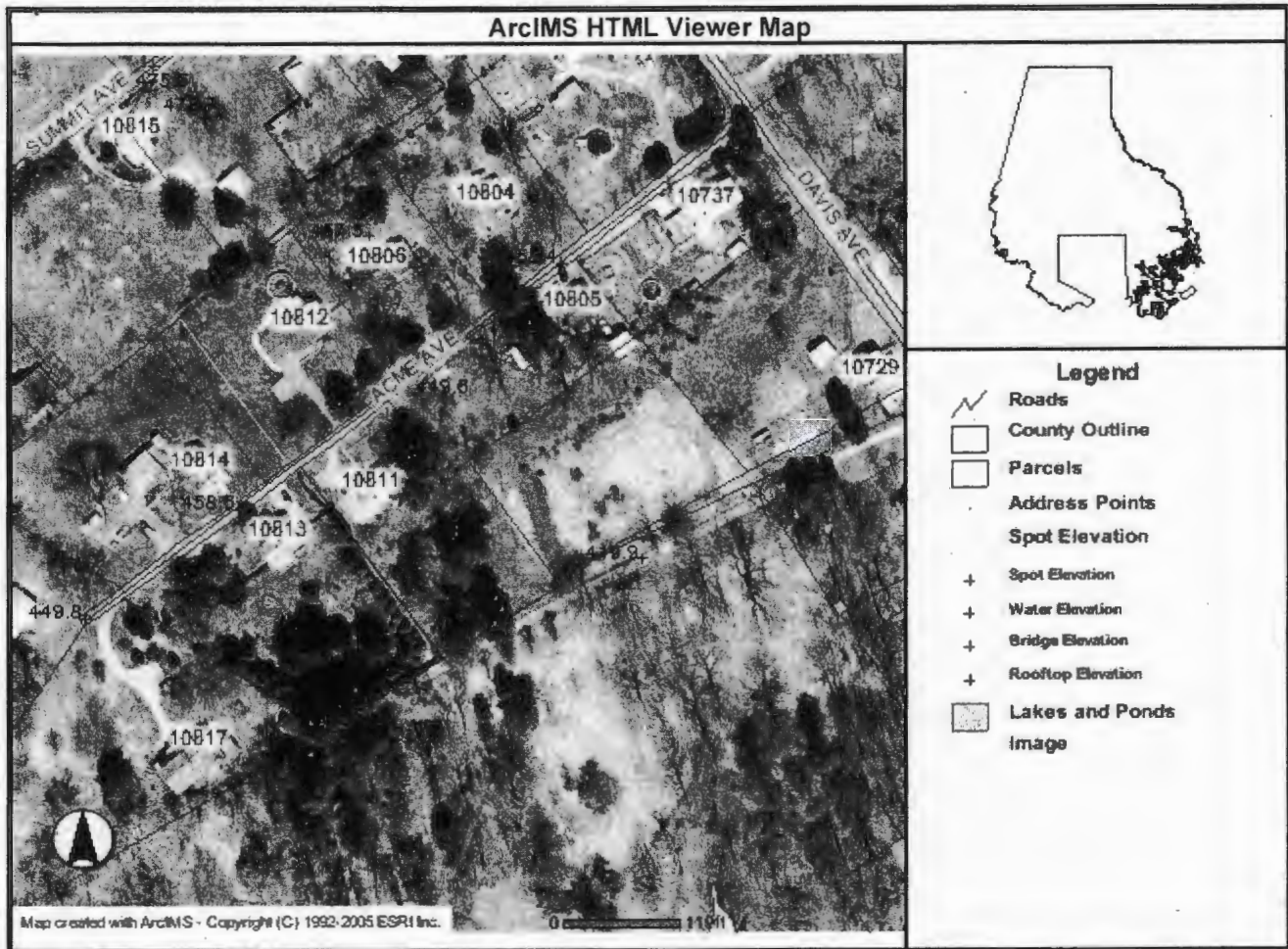
ASSESS: 2,400

ASSESS: 2,430

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

02-01-540140



3345
10811 HENNA H
SIND



9-9 10 Am

RC5

CASE NO. 2011- 0013-ACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>7-30</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>8-23</u>	DEPRM (if not received, date e-mail sent _____)	<u>None</u>
<u>7-20</u>	FIRE DEPARTMENT	<u>None</u>
<u>8-6</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>7-26</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>CO 0075545</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8-24-10</u>	
SIGN POSTING	Date: <u>8-25-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw3.1e)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 02 Account Number - 0201540140

Owner Information

Owner Name: BRASH RICHARD C **Use:** RESIDENTIAL
 BRASH KAREN S **Principal Residence:** YES
Mailing Address: 10811 ACME AVE **Deed Reference:** 1) /21872/ 493
 WOODSTOCK MD 21163-1206 2)

Location & Structure Information

Premises Address **Legal Description**
 10811 ACME AVE .70 AC
 10811 ACME AVE SES
 417 SW OF DAVIS AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
86	8	100						1	Plat Ref:

Special Tax Areas **Town**
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	1,075 SF	30,492.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	94,120	94,100		
Improvements:	139,390	122,600		
Total:	233,510	216,700	216,700	216,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: OESTERREICHER MARIA L	Date: 05/17/2005	Price: \$242,000
Type: NOT ARMS-LENGTH	Deed1: /21872/ 493	Deed2:
Seller: ANDERSON ANNA R	Date: 06/26/2001	Price: \$150,900
Type: MULT ACCTS ARMS-LENGTH	Deed1: /15339/ 213	Deed2:
Seller: FERGUSON CHARLES L	Date: 06/16/1961	Price: \$12,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 3853/ 190	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 02 Account Number - 0201540141

Owner Information

Owner Name:	BRASH RICHARD C BRASH KAREN S	Use:	RESIDENTIAL
Mailing Address:	10811 ACME AVE WOODSTOCK MD 21163-1206	Principal Residence:	NO
		Deed Reference:	1) /21872/ 493 2)

Location & Structure Information

Premises Address	Legal Description
10811 ACME AVE	LT SES ACME AV 448 SW OF DAVIS AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
86	8	100						1	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		2,439.00 SF	04

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	2,430	2,400		
Improvements:	0	0		
Total:	2,430	2,400	2,400	2,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: OESTERREICHER MARIA L	Date: 05/17/2005	Price: \$242,000
Type: NOT ARMS-LENGTH	Deed1: /21872/ 493	Deed2:
Seller: ANDERSON ANNA R	Date: 06/26/2001	Price: \$150,900
Type: MULT ACCTS ARMS-LENGTH	Deed1: /15339/ 213	Deed2:
Seller: JOHNSON ROSA B	Date: 12/20/1963	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 4245/ 368	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

CASE NAME Brash
CASE NUMBER 2011-0013-07
DATE 9-9-10

[illegible]

CASE NAME Braun
CASE NUMBER 2011-0013-A
DATE 9-9-10

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LARRY ACORD	10812 ACME AVE.	CROSSBICK MD. 21163	lawrence.acord@ssa.gov
DEBBIE WIFE			
Lawrence B. Acord - 7/2000 purchased	10812 ACME AVE.		
	.65 acre		

SOCIAL SECURITY ADMINISTRATION

Lawrence Acord

Physical Security Specialist
Office of Protective Security Services

1505 Operations
6401 Security Blvd
Baltimore, MD 21235

Telephone: (410) 594-2067
Fax: (410) 965-8057
Cell: (443) 204-5047
E-mail: lawrence.acord@ssa.gov



Lawrence Acord

Physical Security Specialist
Office of Protective Security Services

1505 Operations
6401 Security Blvd
Baltimore, MD 21235

Telephone: (410) 594-2067
Fax: (410) 965-8057
Cell: (443) 204-5047
E-mail: lawrence.acord@ssa.gov

Case No.: 2011-0013-A 10811 Acme Ave.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Testimony of Richard & Karen BRASH	
No. 2	Site PLAN	
No. 3	Testimony of SARAH BRASH	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

The zoning restriction that requires 1 acre of land to house fowl or poultry, if enforced, would exert undue burden on our family and our property.

Unique Surroundings:

Our property is located in Granite, MD on a short dead end road adjacent to the Patapsco Valley State Park. About 12 years ago, my wife and I fell in love with Granite for it's unique open and rural surroundings. The homes and properties are all different. The landscaping, architecture, and even the people living in them are each unique. These unique features and qualities are what attracts people to Granite as it did us 5 years ago. We choose not to live in a community where all the houses are the same, where all the doors are painted the same color, and where all culture and history of the area has been all but purged from existence. In Granite you will find horse farms, cattle farms, planted fields of corn and soy beans. You will also find a mixed cadre of people from all social and economic backgrounds. All of whom chose to live in Granite because the Granite community is unique and set apart from most other communities in the south western parts of Baltimore county. Life time residents like Mr. Frizzell have chosen to stay in Granite and others move to Granite because of what Granite is and what it has historically been.

I would like to ask Mr. Frizzell to say a few words about Granite from his long time resident perspective.

Small backyard flocks like ours, are an integral part of the very fabric that makes Granite the unique rural setting it is.

Nutritional Benefits:

Our Son has some learning difficulties. Three years ago, Dr. Cynthia Wilcox conducted an educational assessment on Eli and concluded he is dyslexic as well as ADD. In a study conducted by John Bradford and William Fergusson (Direct Learning 2008) found 46% of the dyslexic children assessed also suffered from Attention Deficit disorders. Mr. Fergusson found certain foods would increase the Attention Deficit activity in children while other foods would subdue them.

Children suffering from Attention Deficit disorders have a hard time staying on task and focusing. We home-school our children and my wife and I both can testify that Eli does indeed exhibit some of the traits of children with Attention Deficit disorders. Additionally, Eli does indeed struggle to focus, study, and learn when he eats the foods Mr.Fergusson indicates would increase hyper activity.

Some experts have found that children's concentration improves greatly if they given Omega3 supplements daily.

Pediatrician Dr. Bill Sears concludes about half the children labeled with ADD are actually NDD or Nutritional Deficit Disorder. He says" Most children with ADD can either lessen their medicines or go off medicine simply by changing their diet."

According to Dr. Sears, children diagnosed with ADD who consume more good fats and increased Omega3 in their diets improved their reading and spelling scores.

In research conducted by Oxford University and the Imperical College School of Medicine showed children with learning difficulties improved their mental abilities after eating Omega3 rich foods.

PETITIONER' S

EXHIBIT NO. 1

Independent testing conducted by an accredited laboratory in Portland, OR has concluded eggs currently sold in supermarkets are nutritionally inferior to eggs produced by hens raised on pasture. The nutritional tests showed eggs laid by hens raised outside cages had 1/3 less cholesterol, 1/4 less saturated fat, 2/3 more vitamin A, 2 times more Omega3, 3 times more vitamin E, and a whopping 7 times more beta carotene, an important antioxidant, when compared to the nutritional values found in commercial eggs as reported by the USDA.

I have a long sordid family history of colon cancer. I have had two surgeries to remove growths from my colon and liver. My father passed away earlier this summer from colon cancer and I have several uncles and cousins both living and dead who have been diagnosed with colon cancer. While the jury is still out on a definitive conclusion, there is evidence that increased ingestion of antioxidants, like beta carotene can reduce certain risks associated with colorectal cancer.

We don't eat eggs at every meal however, we do consume eggs regularly. The nutritinal value of the eggs our hens and ducks produce in our backyard have less of the substances we want to avoid, namely cholesterol and saturated fat and more of the nutrients we want to ingest namely Omega3 and beta carotene than do the eggs we can purchase in a grocery store. To further enhance the beneficial qualities of the eggs we consume, we have the ability to feed our chickens other natural feed products like flax seed to increase the desired nutritional superiority. By not being able to keep and raise our own flock of chickens and ducks, we would face a practical difficulty in obtaining eggs commercially that meet the nutritional high standards of eggs our own flock can produce in our backyard.

Cost benefits:

Recently, we have all been affected by the massive egg recall due to a salmonella outbreak at a large egg producer in the mid-west. Egg prices have risen sharply in recent weeks. Not that eggs would be a significant portion of our food budget but as one of our founding fathers, the wise and honorable Ben Franklin once said, "A penny saved is a penny earned."

During the Great Depression of the 1920's, the American people were encouraged to provide some of their own food through "victory gardens" and small livestock like chickens. I am not comparing our current economic condition to the Great Depression but we are trying to use our land to provide some of the things our family could rely on to survive under extreme circumstances and at the same time, passing on to my children some aspects of the lost art of self-sufficient living. If we are not able to keep a small flock of chickens, we will experience unreasonable hardship to duplicate the lessons we are teaching my children about how our food gets into those neat little packages at the grocery store.

Educational benefits:

As I mentioned previously, we home-school our children. As such we are able to view education a little more holistically than what a standard classroom setting might afford. We seek opportunities to augment the education we provide our children through practical daily experiences. For example, last spring, my daughter was studying civics when we received the citation. We were able to turn our request for a variance and this very hearing into a practical lesson on how this part of government works.

Our daughter Sarah, has been the primary caretaker of our flock since we first began keeping chickens. Sarah has learned a great deal about chickens. She has something she would like to say.

In summary, my property is unique to the whole of Baltimore county in that Granite is a unique community with a mix of home styles, lot sizes and property uses. The health benefits both my son and I can obtain from eating eggs from our backyard flock would be difficult, if not impractical to achieve from commercially available eggs without senseless added costs. Without chickens and ducks in our backyard, we would no longer be able to provide the same kind of varied educational opportunities we currently do. The hardship of teaching our children through practical examples would be insurmountable in many respects.

Therefore, we respectfully request you grant the variance we seek.

Richard and Karen Brash

10811 Acme Ave.
Granite, MD 21163

Me and my family have had these magnificent chickens for 4 years. When we first got our chickens, we were so ecstatic! We were happy to get fresh eggs and be able to watch the behavior and growth of our chicks.

With the help of our neighbors, the Goodmuths, we were able to start with the basics of raising chicks. As time went on, my knowledge increased, and I became less dependent on the Goodmuths.

After a couple of years of chickens, we decided to get some ducklings, and our learning about fowl continued. We learned that chickens and ducks are so different. Did you know that one day old ducklings will jump in a bowl of water while the chicks just sit there and stare at the ducklings? Ducks love water! And the eggs are good, too.

My family and I have gained so much knowledge about chickens and ducks. For example, we have learned that when a hen becomes broody, she is ready to hatch chicks and will sit on any egg or eggs you give her. If you take the eggs away, she will be quite upset. She will only leave her nest when she is really parched or famished. The broody hen will turn her eggs over 3 times a day for 3 weeks. Once the chicks are hatched, the mother will still not leave the chicks' side until they have their adult feathers. That is one devoted mama! This brings back a memory of when I held an egg while the chick was breaking through the shell! It was fantastic and brought me so much joy.

PETITIONER'S

EXHIBIT NO.

3

Other things we have learned is the breeds will flock together, the chickens just know to go back to the coop at sundown, and they take "dust baths" to get rid of the little bugs.

Our chickens have come into some foul play, too, with various predators in the neighborhood. I have nursed an injured hen back to health from her horrific wounds from a fox by applying medication to her gash. I have also helped other sick chickens by isolating them from the flock and spoon feeding them yogurt.

The experience of having chickens and ducks has not only increased my knowledge but has also brought so much wonder to others. Whenever people come to visit we always show them the chickens and ducks. Each time questions are asked and I will share the expertise I have about these amazing animals.

I have had the pleasure to share in the wonder of the chickens in our home school co-op. We have also taken our fowl to the church to participate in the "petting zoo" for the Spring Flings.

I have recently joined 4H for the purpose of continuing to learn about chickens and other animals. My hope is to get some new chicks and be able to show several of them at the Howard County Fair next year. I wasn't able to show any this year due to other factors but I was able to help others

at the fair with their animals. It is quite an experience.

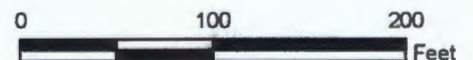
When it comes down to our immediate family, we never get tired of watching the fowl. They do so many marvelous things such as taking dirt baths, scurrying around the yard, and eating the bugs from the grass. And observing the order the rooster tries to establish in the flock is always interesting. We have had 4 roos over the years and each one has had his own personality.

Every moment with our ducks and chickens makes me happy. It reminds me of how great our God is and how even the smallest, simplest birds could be cared for and bring delight to people.

10811 Acme Avenue



Publication Date: April 23, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

2011-0013-A

五

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

OWNER RICHARD & KAREN BRASH

BEG. PROPERTY
DESCRIPTION

ACME AVE 15' PAVING 10' N 57°00 E 131.5' 141.5 (TOTAL) 4/17 Davis Ave

N 32° 00' W 745.6

EXISTING
7x11
DUCK LOOP

21872/493
PARCEL 2

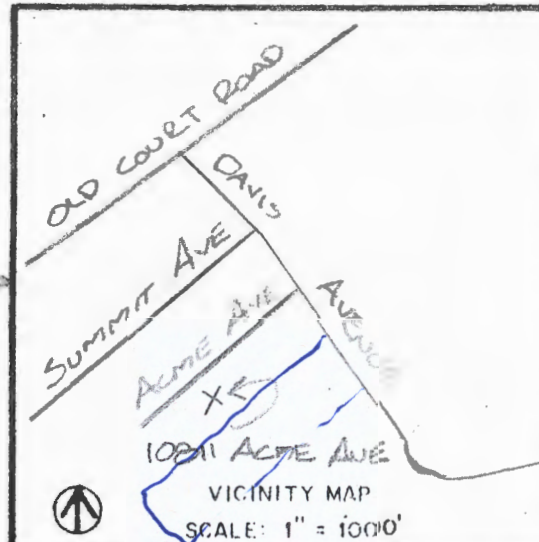
0206590291

442-10786
AME LENTZ
1650/250
0204200070

CHRISTOPHER
E. JAMES
LENTZ
CS314/105
20002330

PETITIONER'S

EXHIBIT NO. 2



ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 086 A2

TONING RC 5

IT SIZE .80 35761.8
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
ESCAPEE BAY CRITICAL AREA	☐	☒
10 YEAR FLOOD PLAIN	☐	☒
STORIC PROPERTY/ BUILDING	☐	☒
FOR ZONING HEARING	NONE	

ZONING OFFICE USE ONLY
VIEWED BY ITEM # CASE #

D.T. | 0013 | 0013-A



NORTH

PREPARED BY *JOHN M. L. T. H.*

SCALE OF DRAWING: 1" = 60'