

5/10/11

IN THE MATTER OF
MOHAMMAD AKRAM

Legal Owner/Petitioner

202 Fox Haven Court
Reisterstown, MD 21136
4th Election District
4th Council District

RE: Petition for Variance To Permit Raising/Cooping
of Pigeons

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 11-101-A

* * * * *

OPINION

This case comes to the Board on appeal of the final decision of the Zoning Commissioner of Baltimore County in which the Zoning Commissioner denied a Petition for Variance seeking relief from Section §100.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the cooping and raising of pigeons on a lot of less than one (1) acre.

A public hearing was held on March 31, 2011. The Petitioner, Walayad Khan ("Mr. Khan") was *pro se*. The Petition for Variance was signed by the legal owner of the Property, Mohammad Akram. A Public Deliberation was held on April 12, 2011.

Factual Background

The Petitioner is the son of the legal owner of the property located at 202 Fox Haven Court, Reisterstown, MD 21136 in Baltimore County (the "Property"). The Property contains 0.25 acres in area (10,890 square feet) more or less. It is zoned D.R. 2. The Property is improved with a two-story, single family detached dwelling which was built in or about 1996. (PC Exh. 3). The home was purchased by Mr. Akram in 2005. (PC Exh. 3). Mr. Khan resides in the Property with his parents.

At issue in this case is Mr. Khan's desire to continue his life long hobby of cooping and raising "high-flying" Pakistani pigeons. ¹ In the rear of Mr. Akram's house is a pigeon coop measuring 6' x 14'. (Pet. Exh. 1 – Zoning Commissioner's Pet. Exh. 1). Mr. Khan testified that he currently has 60 to 80 pigeons in his coop. He explained that these birds do not make noise and therefore do not disturb the neighborhood. He has the pigeons vaccinated every year, routinely cleans the coop and even showers and baths the birds. He testified that he does not race the birds. To protect them from the hawks nearby, he only lets some of the birds out of their coop on Sundays and only during 3 months of the year.

Mr. Khan received permission from the US Department of Agriculture to bring the pigeons to the United States from Pakistan. He presented letters from his neighbors who have no objection to his hobby. (Pet. Exh. 1 – Zoning Commissioner's Pet. Exh. 2). Mr. Khan is a member in good standing of the American Racing Pigeon Union, Inc. (Pet. Ex. 2). He educated the Board about raising homing pigeons by providing informational packets. (Pet. Exhs. 3 and 4).

Decision

BCZR §100.6 requires minimum lot sizes for the stabling and pasturing of certain animals. While the law does not limit the number of chickens, ducks, turkeys, geese or pigeons that can exist on a lot, it does require a minimum lot size of 1 acre for those birds. Similarly, small and large livestock require a minimum of 3 acres.

In regard to Mr. Khan's request for a variance from BCZR §100.6 to allow the raising and cooping of pigeons on a lot of less than 1 acre, the Board has considered all of the evidence presented as it applies to law on variance. In order for the Petitioner to obtain a variance for

¹ This case originated as a result of a Code Enforcement citation (CO-0080794) filed by a neighbor, David Nelson who resides at 211 Fox Haven Court.

cooping and raising pigeons, this Board needs to be convinced that the Petitioner has satisfied §307.1 of the BCZR which states, in pertinent part, as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

This Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691, 698 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."

In requiring a finding of "uniqueness", the Court of Special Appeals in *Cromwell* referred to the definition of "uniqueness" provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

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. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls....

Id. at 710.

If the Property is determined to be “unique,” then the issue is whether practical difficulties also exist. Toward this end, the Board acknowledges that an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must produce evidence to allow the following questions to be answered affirmatively:

1. Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. Whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

However, the law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell*, *supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.

Id., at 722.

In this case, there was no evidence presented by Mr. Khan that the Property itself is unique to warrant the granting of a variance from §100.6 of the BCZR. Having no such evidence as to “uniqueness” the Board has no option but to deny the variance relief.

However, in the interest of judicial economy, the Board grants permission for Mr. Khan to orally amend his Petition for Variance to a Petition for Nonconforming Use. Having reviewed the original County Council Bill No. 63-09 (PC Ex. 4), it is clear that in 2009, the County Council amended §100.6 to add "pigeons" to the list of "fowl and poultry."

§101.1 provides the definition of "nonconforming use:"

Nonconforming Use: A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use.

Also applicable to non-conforming use law is §104.1 which permits the nonconforming use to continue as follows:

§104.1 Continuation of nonconformance; exceptions.

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.

Maryland courts have found that nonconforming uses do limit the effectiveness of land use control, contribute to urban blight, imperil the success of the community plan, and injure property values. *County Council of Prince George's County v. E.L.P. Gardner, Inc.*, 293 Md. 259 (1982). As a nonconforming use is inconsistent with the land use pattern established by the zoning regulations, the nonconforming user is required by the majority of court decisions to prove the essential elements of his or her right to continue the nonconformity. Therefore, a nonconforming user must prove that his or her use existed prior to the enactment of the restrictive ordinance, and will not be sustained where evidence in support of the prior use is insufficient or contradictory. *Kasterndike v. Baltimore Association for Retarded Children*, 267 Md. 389 (1972).

As applied to the facts of this case, based on the testimony, the Board finds that Mr. Khan has been cooping and raising pigeons since 2005 and therefore, he has a legal, nonconforming use under BCZR, §§ 101 and 104. There was no evidence presented that Mr. Khan started raising pigeons at the Property on some other date. Thus, the Board is satisfied that Mr. Khan has proven that his use existed prior to the enactment of Bill No. 63-09. As a result, the Board finds that he may continue with the raising and cooping of pigeons at the Property provided that he does not change the use to another hobby, and further provided that if he abandons or discontinues the use for a period of one year or more, the use will terminate. Mr. Khan also acknowledged on the record before this Board that he agreed to limit the number of pigeons to 50.

ORDER

THEREFORE, IT IS THIS 10th day of May, 2011, by the
County Board of Appeals of Baltimore County

ORDERED, that the Petition for Variance seeking relief from Section §100.6 of the Baltimore County Zoning Regulations to permit the raising and cooping of pigeons on the property located at 202 Fox Haven Court, be, and the same is hereby **DENIED**; **HOWEVER**, it is further,

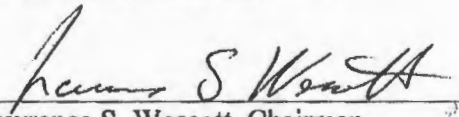
ORDERED, that the Petition for Nonconforming Use to permit the raising and cooping of pigeons on the property located at 202 Fox Haven Court, be, and the same is hereby, **GRANTED, SUBJECT TO:**

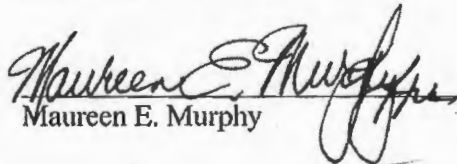
- 1) The requirements of B.C.Z.R., §104.1 regarding the prohibition against changing the use to another use.
- 2) The requirements of B.C.Z.R., §104.1 regarding the prohibition against the abandonment or discontinuance of such nonconforming use for a period or one year or more.

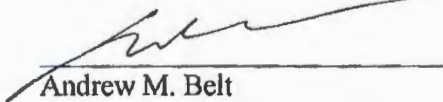
3) The Nonconforming Use shall be limited to raising and cooping of 50 pigeons of any kind or type on the Property.

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*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Maureen E. Murphy


Andrew M. Belt



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 10, 2011

Walayat Kahn
202 Fox Haven Court
Reisterstown, MD 21136

RE: *In the Matter of: Mohmmad Akram – Legal Owner/Petitioner*
Case No.: 11-101-A

Dear Mr. Kahn:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

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*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Mohmmad Akram
Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
David Kirby, Code Enforcement
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

11/6/10
IN RE: **PETITION FOR VARIANCE**

N/S Fox Haven Court, 105' W of c/line
Cherry Valley Road
(202 Fox Haven Court)
4th Election District
4th Council District

Walayad Khan
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2011-0101-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Walayad Khan. The Petition was also signed by the legal owner of the subject property, Mohammad Akram. Variance relief is requested from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the accessory cooping and raising of pigeons on a lot of 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 Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Walayad Khan, son of Mohammad Akram, who resides on the property with his wife¹. It is also noted that this matter is the subject of an active violation (Code Enforcement Citation No. CO-0080794) and a copy of the Code Enforcement file was made a part of the zoning hearing file.²

¹ Mr. Khan, born in Pakistan in 1979, was given his grandfather's name. He came to America in 2001 and has now become a United States citizen.

² The complainant, David Nelson at 211 Fox Haven Court, has contacted Code Enforcement on a variety of perceived violations in the neighborhood. Mr. Khan believes the complaint concerning his keeping of pigeons was motivated by ill will and not as a result of the birds creating a nuisance.

ORDER RECEIVED FOR FILING

Date

By

11-9-10

103

Testimony and evidence offered revealed the property is zoned D.R.2, consists of 0.25 acres in area (10,890 square feet) and improved with a two-story, single-family detached dwelling purchased by Mr. Akram in 2005. At issue here is the 6' x 14' pigeon coop attached to the rear of the home and the eleven (11) "high-flying Pakistani Pigeons" kept therein. Testimony indicated that Mr. Kahn was a prominent figure in the sport of raising and flying these rather unique and beautiful pigeons while growing up in Pakistan. He described in considerable detail their ability to fly 14 hours a day (from morning to night) before returning to the coop. After leaving Pakistan, he missed his birds and practicing his craft, in the sport of flying these "high-flying pigeons". He spent a large sum of money in 2001 obtaining permits from the Department of Agriculture in order to transport the pigeons to the United States. Unlike homing pigeons indigenous to this area, Pakistani Pigeons do not sit on top of coops or roofs but return directly to the coop when finished flying. Mr. Khan states that they do not create a nuisance and no one has complained in the more than five (5) years he has kept the birds here. He discussed the undue burden and emotional hardship he would endure if he had to give up his birds which he values at \$2,000.00 each. He presented letters from each of his adjacent neighbors on either side of his home, behind the home and to the front across the street. See Petitioner's Exhibit 2. Photographs of the pigeons were shown at the hearing.

This is a difficult case. I was, as was my grandfather, a pigeon aficionado, having raised them in the past. It is a wonderful hobby. Moreover, I find in this case that the Petitioner's pigeons have not created a nuisance in the neighborhood. Mr. Khan makes a powerful argument to be allowed to pursue his hobby that provides him pleasure. I am, however, of the opinion that I have no option but to deny the requested relief.

The evidence before me gives no indication that the regulations requiring the one (1)

ORDER RECEIVED FOR FILING

Date

11-9-10

By

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acre of property to coop and raise fowl or poultry (pigeons) impacts the Akram property in any way different from the other lots in the Fox Haven Estates 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 one quarter 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 Petitioner, although having enjoyed since 2001 (in the United States) and expending large sums of money for the pigeons, simply does not have the acreage to accommodate the proposed use. This is no one's fault. It simply happens that the property, which is adequate for the Petitioner, is not adequate to coop and raise pigeons.

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 Petitioner's 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. Akram ten (10) months from the date of this Order to find a new home for his pigeons.

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 9th day of November 2010 that the Petition for Variance seeking relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the accessory housing (pigeons) on a tract of land totaling 0.25 acres in lieu of the minimum one (1) acre required, be and the same is hereby DENIED; and,

ORDER RECEIVED FOR FILING

Date

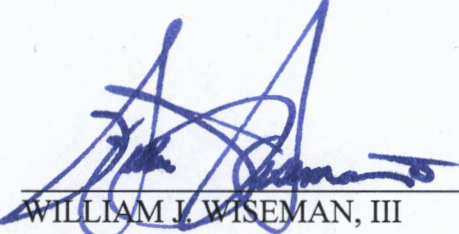
11-9-10

By

103

IT IS FURTHER ORDERED that the Petitioner shall have until August 1, 2011 (ten [10] months from the date of this Order) to find a new home for the pigeons and remove them and the coop from the subject property.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 11-9-10

By 193



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 9, 2010

Mohmmad Akram
Walayad Khan
202 Fox Haven Court
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE

N/S Fox Haven Court, 105' W of c/line Cherry Valley Road
202 Fox Haven Court)
4th Election District - 4th Council District
Mohmmad Akram – Petitioner
Case No. 2011-0101-A

Dear Gentlemen:

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,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Kirby, Code Enforcement Officer, Code Inspections & Enforcement, DPDM
People's Counsel; Office of Planning; File



TAX. ACCOL. # 2200013569

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 202 Fox Haven Ct
which is presently zoned DR 2

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 - to permit the cooping and raising

of pigeons on a lot of a quarter of an acre in lieu of the minimum
required one 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

Legal Owner(s):

MOHAMMAD - AKRAM

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By 13x Date 9/15/12

Case No. 2011-0101-A

ZONING DESCRIPTION

Zoning Description For 202 Fox Haven Court

Beginning at a point on the North side of Fox Haven Court, which is 50 feet wide at the distance of 105 ft. west of the centerline of the nearest improved intersecting street Cherry Valley Road, which is 50 ft. wide. Being Lot # 9, Section 1 in the subdivision of Fox Haven Estates as recorded in Baltimore County Plat Book #0062, Folio# 0088, containing 10,890 square feet. Also known as 202 Fox Haven Court and located in the 4th Election District, 4th Councilmanic District.

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

No. **60015**

Date: **9/15/10**

PAID RECEIPT

BUSINESS ACTIVITY TIME HRM
 9/15/2010 9/15/2010 10:36:53 1

ISSN #901 WALKIN JRIC HR
 >>RECEIPT # 472116 9/15/2010 OPEN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount	Dep
001	806	0200		6150				\$ 65.00	1010

5 520 700006 VERIFICATION
 060015

Recpt Tot 65.00
 1.00 CR 1100.00 CA
 135.00 CB
 Baltimore County, Maryland

Total: \$ 65.00

Rec From: Khan
 For: Zhang, Vanessa

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Item # 0101

**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: # 2011-0101-A

202 Fox Haven Court
N/side of Fox Haven Court,
105 feet west of the center-
line of Cherry Valley Road
4th Election District
4th Councilmanic District
Legal Owner(s): Mohammad
Akram

Variance: to permit the
cooping and raising of pi-
geons on a lot of a quarter
of an acre in lieu of the
minimum required one
acre.

Hearing: Friday, Novem-
ber 5, 2010 at 9:00 a.m.
in Room 104, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

10/27/10 Oct. 21 258503

CERTIFICATE OF PUBLICATION

10/21/2010

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 10/21/2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0101-A

RE: Case No.: _____

Petitioner/Developer: _____
Mohammad Akram

Nov.5 2010
Date of Hearing/Closing: _____

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

Attn: KtistinMatthews;

Ladies and Gentlemen:

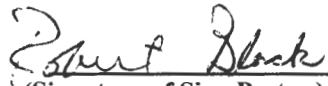
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
posted conspicuously
202 Fox Haven Court

October 22, 2010 (one day late per Kristin

Matthews)

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 October 23 2010
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2011-0101-A

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

Room 104, JEFFERSON BUILDING 21204
105 WEST CHESAPEAKE AVE., TOWSON

PLACE:

DATE AND TIME: Friday, November 5, 2010 at 9:00 AM

REQUEST: Variance To Permit The Cooping And Raising
OF PIGEONS ON A LOT OF A QUARTER OF AN ACRE IN LIEU OF THE
MINIMUM REQUIRED ONE ACRE.

POSTPONEMENT DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 6, 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: 2011-0101-A

202 Fox Haven Court

N/side of Fox Haven Court, 105 feet west of the centerline of Cherry Valley Road

4th Election District – 4th Councilmanic District

Legal Owner: Mohmmad Akram

Variance to permit the cooping and raising of pigeons on a lot of a quarter of an acre in lieu of the minimum required one acre.

Hearing: Friday, November 5, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mohmmad Akram, 202 Fox Haven Court, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 21, 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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

February 2, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-101-A

IN THE MATTER OF: Mohammad Akram
Legal Owner /Petitioner
202 Fox Haven Ct./4th Election District; 4th Councilmanic District

Re: Petition for Variance to permit the cooping and raising of pigeons on a lot of .24 acre ilo required 1 acre.

11/9/10 - Finding of Fact and Conclusion of Law issued by Zoning Commissioner
DENYING requested Variance.

ASSIGNED FOR: THURSDAY, MARCH 31, 2011 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.

Theresa R. Shelton, Administrator

c:	Petitioner/Legal Owner	: Mohammad Akram
	Appellant/resides with Legal Owner	: Walayad Khan

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
David Kirby, Code Enforcement
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

March 31, 2011

NOTICE OF DELIBERATION

CASE #: 11-101-A

IN THE MATTER OF: Mohammad Akram
Legal Owner /Petitioner
202 Fox Haven Ct./4th Election District; 4th Councilmanic District

Re: Petition for Variance to permit the cooping and raising of pigeons on a lot of .24 acre ilo required 1 acre.

11/9/10 - Finding of Fact and Conclusion of Law issued by Zoning Commissioner
DENYING requested Variance.

Having concluded this matter on 3/31/11 a public deliberation has been scheduled for the following:

DATE AND TIME : TUESDAY, APRIL 12, 2011 at 9:00 a.m.

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Petitioner/Legal Owner	: Mohammad Akram
Appellant/resides with Legal Owner	: Walayad Khan

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
David Kirby, Code Enforcement
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 21, 2010 Issue - Jeffersonian

Please forward billing to:
Walayat Khan
202 Fox Haven Court
Reisterstown, MD 21136

443-413-8075

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: 2011-0101-A

202 Fox Haven Court

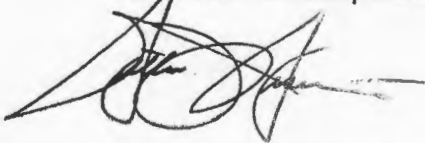
N/side of Fox Haven Court, 105 feet west of the centerline of Cherry Valley Road

4th Election District – 4th Councilmanic District

Legal Owner: Mohmmad Akram

Variance to permit the cooping and raising of pigeons on a lot of a quarter of an acre in lieu of the minimum required one acre.

Hearing: Friday, November 5, 2010 at 9:00 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.

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: 2011-0101-A

Petitioner: Walayat-Khan

Address or Location: 202 Fox Haven Ct Reisterstown MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: Walayat-Khan

Address: 202 Fox Haven Ct
Reisterstown MD 21136

Telephone Number: 410-413-8075

Revised 7/11/05 - SCJ

sign poster list given to
applicant on 9/15/11



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 27, 2010

Mohmmad Akram
202 Fox Haven Ct.
Reisterstown, MD 21136

Dear: Mohmmad Akram

RE: Case Number 2011-0101-A, 202 Fox Haven Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 15, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 1, 2010

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

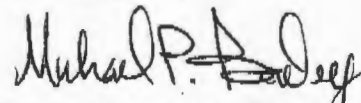
RE: Baltimore County
Item No. 2011-0101-A
202 FOX HAVEN CT
MOHAMMAD - AKRAM PROPERTY
VARIANCE -

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. 2011-0101-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,


FOA Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

BW 11-5 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 13, 2010

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

SUBJECT: 202 Fox Haven Court
INFORMATION:

RECEIVED

Item Number: 11-101

OCT 18 2010

Petitioner: Mohammad Akram

ZONING COMMISSIONER

Zoning: DR 2

Requested Action: Variance

From Section 100.6 to permit the cooping and raising of pigeons on a .25 acre lot in lieu of the required minimum 1 acre.

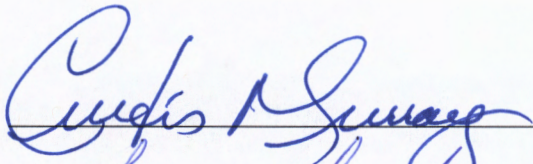
SUMMARY OF RECOMMENDATIONS:

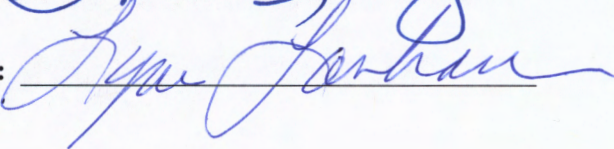
The Office of Planning has reviewed the petitioner's request and accompanying site plan and offers the following comments:

The site is located very close to similar size lots in an established neighborhood. The permission to locate a pigeon coop on such a small lot could interfere with the enjoyment of adjacent residential properties. Noise, odor and the concentration of bird droppings are potential annoyances for adjacent properties.

The Office of Planning recommends denial of the proposed variance to permit a pigeon coop on a .25-acre lot in lieu of the required minimum of 1 acre.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

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

October 4, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 27, 2010

Item Number: 2011-0101-A

The Baltimore County Fire Department has no comments.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 5, 2010

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2010
Item Nos. 2011- 085, 089, 090, 092,
093, 094, 096, 097, 098, 100, 101
And 104

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-10122010 -NO COMMENTS.doc

BW 11/5 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 26 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item # 11-101-A
Address 202 Fox Haven Court
(Mohmmad-Akram Property)

Zoning Advisory Committee Meeting of September 27, 2010

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

Reviewer: JWL Date: 10/25/10

RE: PETITION FOR VARIANCE * BEFORE THE
202 Fox Haven Court; N/S Fox Haven Court, *
105' W of c/line of Cherry Valley Road * ZONING COMMISSIONER
4th Election & 4th Councilmanic Districts *
Legal Owner(s): Mohmmad-Akram * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-101-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

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

RECEIVED

OCT 06 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Mohmmad-Akram, 202 Fox Haven Court, Reisterstown, MD 21136, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 12, 2011

Mohmmad Akram
Walayad Khan
202 Fox Haven Court
Reisterstown, MD 21136



Dear Gentlemen:

RE: Case: 2011-0101-A, 202 Fox Haven Court

Please be advised that your appeal of the above-referenced case was received in this office on December 8, 2010. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:kl

c: Lawrence Stahl, Administrative Law Judge
People's Counsel
David Kirby, Code Inspections & Enforcement

12-8-10

MY NAME IS WALAYAT KHAN

MY HOME ADDRE.. 202 FOX HAVEN CT REISTERSTOWN MD 21136

MY CASE NO IS 2011-0101-A I LIKE TO FILE A APPEAL ON MY CASE THANKS

Cell. No. 443. 413-8075

APPEAL

Petition for Variance
202 Fox Haven Court
N/s Fox Haven Ct., 105' w/of c/line of Cherry Valley Rd.
4th Election District – 4th Councilmanic District
Legal Owners: Mohmmad Akram

Case No.: 2011-0101-A

Petition for Variance (September 15, 2010)

Zoning Description of Property

Notice of Zoning Hearing (October 6, 2010)

Certification of Publication (The Jeffersonian – October 21, 2010)

Certificate of Posting (October 22, 2010) by Robert Black

Entry of Appearance by People's Counsel (October 6, 2010)

Petitioner(s) Sign-In Sheet – None in file

Protestant(s) Sign-In Sheet – None in file

Citizen(s) Sign-In Sheet – None in file

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Adjacent neighbors letters of support

Protestants' Exhibits

None

Miscellaneous (Not Marked as Exhibit)

1. Code Enforcement Active Violation Case Documents
2. BCZR – Section 100.6

Zoning Commissioner's Order (DENIED – November 9, 2010)

Notice of Appeal received on December 8, 2010 by Walayad Khan

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Judges
Arnold Jablon, Director of PAI

date sent January 12, 2011, kl

APPEAL

Petition for Variance
202 Fox Haven Court
N/s Fox Haven Ct., 105' w/of c/line of Cherry Valley Rd.
4th Election District – 4th Councilmanic District
Legal Owners: Mohammad Akram

Case No.: 2011-0101-A

RECEIVED

JAN 20 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

- ✓ Petition for Variance (September 15, 2010)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (October 6, 2010)
- ✓ Certification of Publication (The Jeffersonian – October 21, 2010)
- ✓ Certificate of Posting (October 22, 2010) by Robert Black
- ✓ Entry of Appearance by People's Counsel (October 6, 2010)
- Petitioner(s) Sign-In Sheet – None in file
- Protestant(s) Sign-In Sheet – None in file
- Citizen(s) Sign-In Sheet – None in file
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
 1. Site Plan
 2. Adjacent neighbors letters of support
- Protestants' Exhibits
 - None
- Miscellaneous (Not Marked as Exhibit)
 - ✓ 1. Code Enforcement Active Violation Case Documents
 - ✓ 2. BCZR – Section 100.6
- ✓ Zoning Commissioner's Order (DENIED – November 9, 2010)
- ✓ Notice of Appeal received on December 8, 2010 by Walayad Khan

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Judges
Arnold Jablon, Director of PAI

date sent January 12, 2011, kl

From: Debra Wiley
To: Kirby, David
Date: 10/28/2010 11:04 AM
Subject: Active Violation Case No. CO-0080794 & Zoning Case No. 2011-0101-A

Hi David,

I am in receipt of the above-referenced and it appears from reviewing the file that you should have been advised of the hearing date, etc. In case that did not occur, please find attached a copy of the hearing notice as well as a memo to Carl Richards from Meg Ferguson.

Please do not hesitate to contact me if you have any questions or concerns.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO-0080794
202 Fox Haven Ct

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 4, 2010

TO: W. Carl Richards, Jr.

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

SUBJECT: Item No: 2011-0101-A
Legal Owner/Petitioner: Mohmmad Akram
Contract Purchaser:
Property Address: 202 Fox Haven Ct
Location Description: North side of Fox Haven Court; 105 feet west if the
centerline of Cherry Valley Road.

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: **David Kirby**.

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-0080794
Correction Notices
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: David Kirby, Code Enforcement Officer

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620

CODE ENFORCEMENT & INSPECTION CITATION

CASE NUMBER	CO 0080794	FACILITY ID	FA 0050083
PROPERTY TAX ID	2300013569	ZONE	DR2
NAME(S):	MOHAMMAD AKRAM		
MAILING ADDRESS:	202 FOX HAVEN CT		
CITY	STATE	ZIP CODE	
RISTATOWN	MD	21136	
VIOLATION ADDRESS:	SAME		
CITY	STATE	ZIP CODE	
	MARYLAND		
VIOLATION DATES:	7/13/10 thru 9/15/10		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC 13-7-311; BCZR 100.4

Failure to Remove Fowl (Pigeons)
ON PROPERTY THAT IS LESS THAN
1 Acre.

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.

\$ 500.⁰⁰

A hearing has been pre-scheduled in room 106,
111 W. Chesapeake Ave, Towson, Maryland, 21204.

DATE: 9/15/10

If unable to appear on the designated date, the violator may request in writing to the Code Official or the Director within fifteen days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.

TIME: 9:00 A.M. / P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name:

David W. Kirby

INSPECTOR SIGNATURE:

[Signature]

Date:

9/03/10

Facility No.: HA 0050083 Record No.: CO 008194

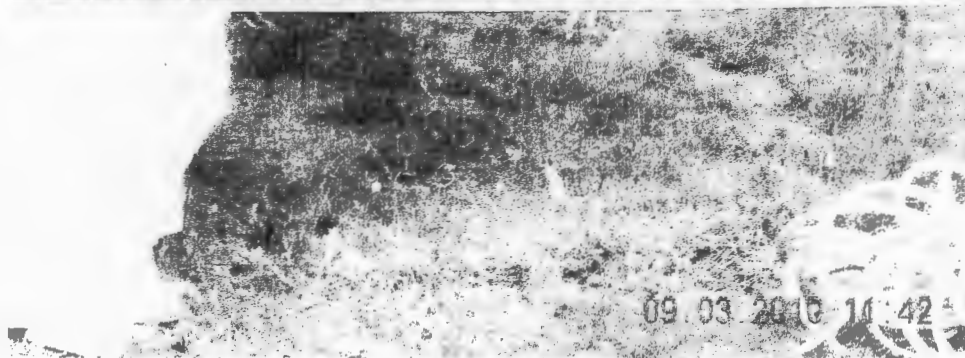
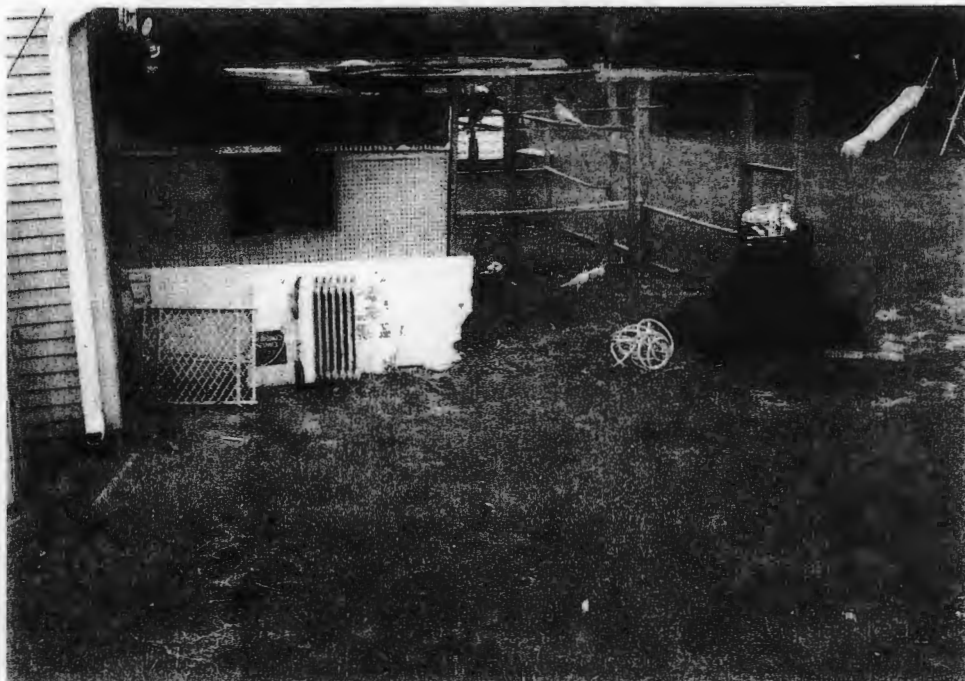
Date of Photograph(s): 9/13/10 202 Fox Haven CT



I HEREBY CERTIFY that I took 2 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

Dave Kirby
(Enforcement Officer)

Facility No.: FA 005083 Record No.: CO 0080794
Date of Photograph(s): 9/03/10 202 Fox Haven CT

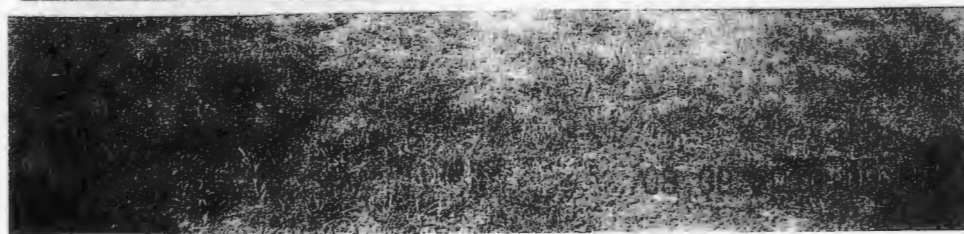
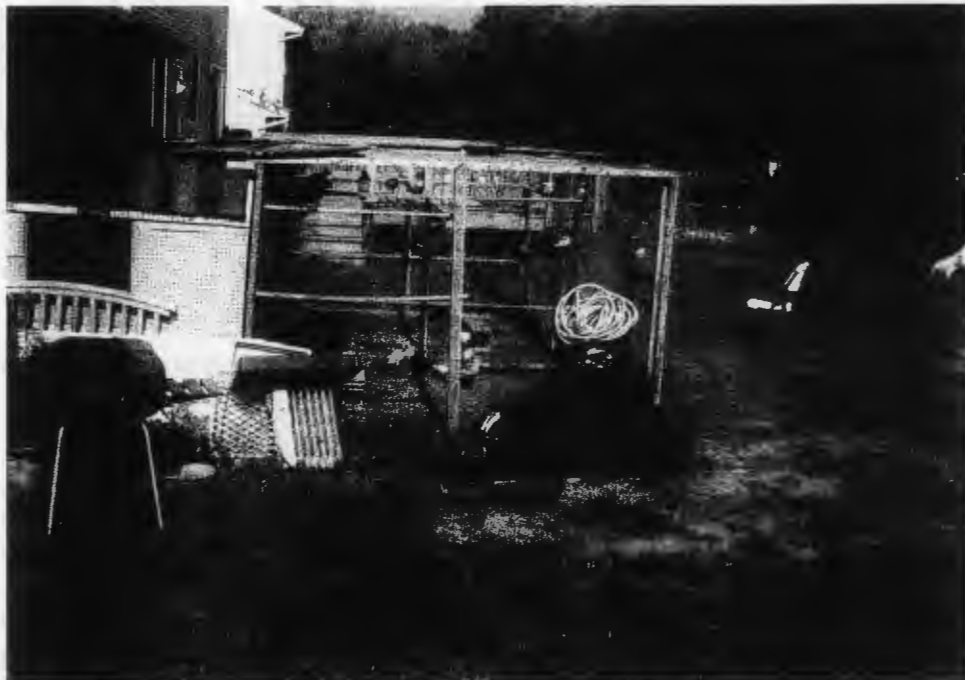


I HEREBY CERTIFY that I took 2 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

Dave Kirby
(Enforcement Officer)

Facility No.: FA 008083 Record No.: CO 0080794

Date of Photograph(s): 8/09/10 202 Fox Haven CT



I HEREBY CERTIFY that I took 3 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

Dave Kirby
(Enforcement Officer)



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER CO 0080794	PROPERTY TAX ID 2200013569	DATE ISSUED 7/13/10
NAME(S): MOHAMMAD ALI RAM		
MAILING ADDRESS 202 Fox Haven CT		
CITY KEESWATER	STATE MD	ZIP CODE 21136
VIOLATION ADDRESS SAME		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

DR1 DR2 DR3.5 DR5.5 DR10.5 DR16
RC2(1A01) RC4(1A03) RC20 & 50 (1A05) RC6(1A07)
RC3(1A02) RC5(1A04) RCC (1A06) RC7 (1A08)

NON-RESIDENTIAL CLASSIFICATION

BL (230) BR (236) BM (233)
MR (240) ML (253) MH (256)

OTHER:

OTHER:

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

101; 102.1: Definitions; general use
1B01.1: DR Zones-use regulations
428: License/ Remove all untagged/ inoperative or
damaged/ disabled motor vehicle(s)
1B01.1D: Remove open dump/ junk yard
431: Remove commercial vehicle(s)
101; 102.1: Remove contractors equip. storage yard
101; 102.1; ZCPM: Cease service garage activities
402: Illegal conversion of dwelling
101; 102.1; ZCPM: Illegal home occupation

415A: License/ remove untagged recreation vehicle
415A: Improperly parked recreation vehicle
415A: One recreational vehicle per property
410: Illegal Class II trucking facility
400: Illegal accessory structure placement.
1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
102.5: Residential site line violation /obstruction
408B: Illegal rooming/ boarding house
BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C)

13-7-112: Cease all nuisance activity
13-7-115: County to abate nuisance & lien costs
13-7-310: Remove all trash & debris from property
13-7-312: Remove accumulations of debris, materials, etc
13-7-201(2): Cease stagnant pool water
12-3-106: Remove animal feces daily
35-5-208(a)(c): Seal exterior openings from rodents & pests
13-4-201(b)(d): Store garbage in containers w/tight lids

35-2-301: Obtain building/ fence/ sign permit
18-2-601: Remove all obstruction(s) at street, alley, road
13-7-310(2): Remove bird seed / other food for rats
32-3-102: Violation of development plan/ site plan
IBC 115; BCBC 115: Remove/ Repair unsafe
structure board and secure all openings to premise
13-7-401; 13-7-402; 13-7-403: Cut & remove all tall
grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C)

35-5-302(a)(1): Unsanitary conditions.
35-5-302(a)(3): Cease _____ infestation from prop.
35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
35-5-302(b)(1)(4): Repair chimney & similar extensions
35-5-302(b)(1)(6): Repair defective door(s) / window(s)

35-5-302(a)(2): Store all garbage in trash cans
35-5-302(b)(1): Repair exterior structure
35-5-302(b)(1)(3): Repair exterior extensions
35-5-302(b)(1)(5): Repair metal/wood surfaces
35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C)

35-2-404(a)(1)(i): Remove hazardous or unsafe condition
35-2-404(a)(1)(iii): Repair roof or horizontal members
35-2-404(a)(1)(v): Repair ext. plaster or masonry
35-2-404(a)(1)(vii): Repair exterior construction (see below)
35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)

35-2-404(a)(1)(ii): Repair ext. walls / vertical members
35-2-404(a)(1)(iv): Repair exterior chimney
35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations
35-2-404(a)(1)(2): Remove trash, rubbish, & debris
35-2-404(a)(4)(i)(ii): Board & secure. Material to match
building color of structure

OTHER VIOLATIONS OR REMARKS: **BCC 13-7-311; BCCR 10.6**

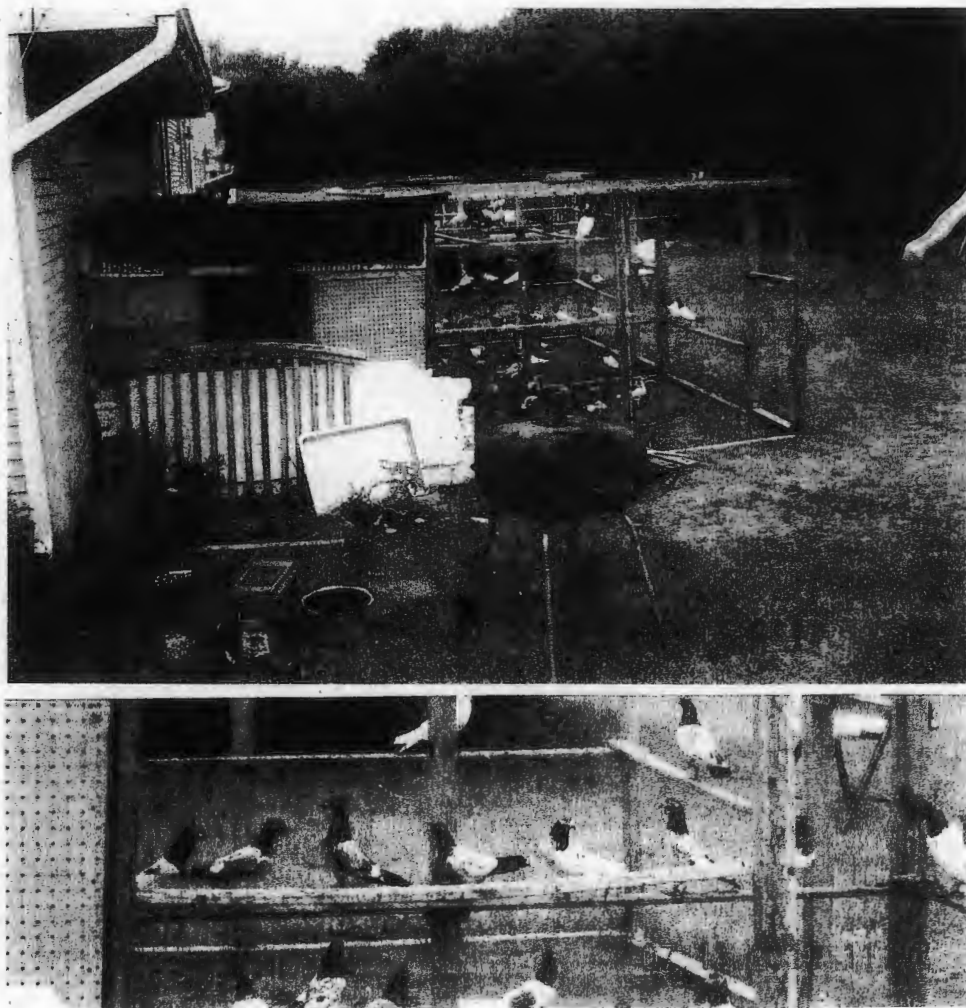
**PIGEONS ARE NOW CONSIDERED FAUL AND ARE
RESTRICTED ON LESS THAN 1 ACRE.**

NOTICE POSTED AND MAILED

POTENTIAL FINE: \$200 \$500 \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **8, 06, 10** INSPECTOR NAME: **DAVID W. KIRBY**
PRINT NAME (Rev 9/08)

Facility No.: FA 005083 Record No.: CO 0080794
Date of Photograph(s): 7/13/10 202 Ry 11new CT



I HEREBY CERTIFY that I took 2 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

Dave Kirby
(Enforcement Officer)

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Mohammad Akram

Respondent

Civil Citation No. 80794

202 Fox Haven Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 15, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-311; Baltimore County Zoning Regulations (BCZR) section 100.6, failure to remove fowl (pigeons) on residential property that is less than 1 acre zoned DR2.

On September 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector David W. Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The following persons appeared for the Hearing and testified: Walayad Khan, son and tenant of Respondent and David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued July 13, 2010 for the restriction of pigeons on property on less than 1 acre. This Citation was issued September 3, 2010.

B. Inspector David Kirby testified that this property is about a quarter of an acre in size. He testified that his inspections in July 2010 and August 2010 found a large pigeon coop in the yard, containing a couple of dozen pigeons. Photographs in the file show a wood frame coop with chicken wire walls containing a number of pigeons.

C. Walayad Khan testified that he is the son of the property owner and the tenant in the property. He testified that he has applied for a zoning variance to obtain permission to keep the pigeons, and he agreed that if he does not obtain the permission he will move the pigeons. Inspector Kirby testified that as of September 3, 2010, the County had no record of any zoning applications for this property.

D. County zoning regulations do not permit Respondents to keep pigeons on this property. A person may not house fowl, including chickens, ducks, turkeys, geese, and pigeons, within a residential area less than 1 acre in size. BCZR Section 100.6. Respondents' property is only a quarter acre in size. It should be noted that the County's zoning regulation was amended in 2009 to specifically include pigeons; previously, the regulation restricted the keeping of "fowl or poultry" and specifically listed only chickens, ducks, turkeys and geese. Additional time will be provided for Respondent to seek a zoning variance; but if the variance is not obtained within the time provided, the pigeons must be removed from the property. If the violation is not corrected, the civil penalty will be imposed and Respondent will be subject to additional Citations with civil penalties for the continuing violation.

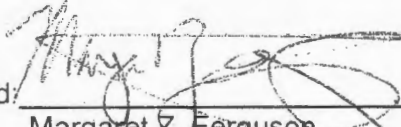
IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by November 1, 2010, either by removing the pigeons from the property or by obtaining a zoning variance from Baltimore County that permits the housing of pigeons on this property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28th day of September 2010

Signed: 

Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

MZF/jaf

§ 100.6. Land used for stabling and pasturing of animals. [Bill Nos. 51-1993; 63-2009]

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:

Type	Limitation	Minimum Acreage
Large Livestock:		
Horses, burros and cattle	1 animal for each acre of grazing or pasture land*	3
Small Livestock:		
Sheep, goats and pigs, except an Asian potbellied pig (see Section 400) ponies and miniature horses	2 animals for each acre of grazing or pasture land*	3
Fowl or Poultry:		
Chickens, ducks, turkeys, geese, pigeons	No numerical limit, provided that a nuisance is not created or allowed to exist on the property	1

* Sucklings and weanlings under 12 months of age will not be counted.^{EN(1)}

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Mohammad Akram 11-101-A

DATE: April 12, 2011

BOARD/PANEL: Lawrence S. Wescott, Chairman
Maureen E. Murphy
Andrew M. Belt

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to permit the cooping and raising of pigeons on a lot of .24 acres in lieu of the required 1 acre.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

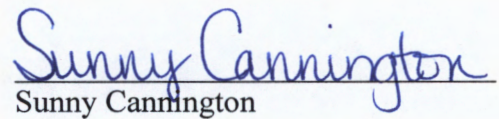
- The Board reviewed the history of this matter. This case went before the Zoning Commissioner and the Petition for Variance was denied. The Petitioner has been raising and cooping pigeons on his property since 2005. In 2009 the BCZR was amended to specify the minimum 1 acre requirement for the raising and cooping of pigeons. The Board determined that during the hearing, it became clear that the subject property does not meet the standards as set forth in Cromwell v. Ward for a Petition for Variance, however, this matter does qualify as a non-conforming use.
- The Board reviewed that the ownership of the subject property has not changed since 2005, and the Petitioner has consistently raised and cooped pigeons on his property. The Board determined that the Petitioner has a non-conforming use to allow pigeons on his property. The Board determined the Petitioner may continue his non-conforming use with a limit of 50 pigeons being raised or cooped on the property. The Board also determined that should the Petitioner abandon or discontinue the use, or should the Petitioner move, the use ends.

DECISION BY BOARD MEMBERS: The subject property does not qualify for a Variance. The use as requested is a non-conforming use. The non-conforming use may continue with a limit of 50 pigeons. Should the Petitioner abandon or discontinue the use, or move, the use ends.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1)
BALTIMORE COUNTY

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

Account Identifier:

District - 04 Account Number - 2200013569

Owner Information

Owner Name: AKRAM MOHAMMAD **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 202 FOX HAVEN CT **Deed Reference:** 1) /22145/ 609
REISTERSTOWN MD 21136-3254 2)

Location & Structure Information

Premises Address **Legal Description**
202 FOX HAVEN CT .25 AC
202 FOX HAVEN CT NS
FOX HAVEN ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
57	12	557			1		9	1	1	62/ 88

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1996	1,664 SF	10,890.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	110,890	110,800		
Improvements:	251,420	211,800		
Total:	362,310	322,600	322,600	322,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: ETELIS MIKHAIL	Date: 06/30/2005	Price: \$380,000
Type: IMPROVED ARMS-LENGTH	Deed1: /22145/ 609	Deed2:
Seller: SYLWOOD DEV CORP INC	Date: 06/07/1996	Price: \$159,355
Type: IMPROVED ARMS-LENGTH	Deed1: /11629/ 141	Deed2:

2056
2005
5

Case No.: 2011-0101-A 202 FOX HAVEN COURT

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	adjacent neighbors letters of support	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Hi my name is Lisa Jenkins I am al so living at 203 fox haven ct I know
Mr walayat khan from 2004 I have no problem from him or his family I know
he want to have pigeons at his home witch is 202 fox haven ct and I have no problems
with that to having pigeons at his home this is his own hobby i have no problem with that

PETITIONER' S

EXHIBIT NO. 2

Hi my name is ED WEBER I am al so living at 107 fox haven ct I know

Mr walayat khan from 2 YEARS I have no problem from him or his family I know

he want to have pigeons at his home witch is 202 fox haven ct and I have no problems

with that to having pigeons at his home this is his own hobby i have no problem with that

Hi my name is ADAR PANDIT I am al so living at 206 fox haven ct I know
Mr walayat khan from 2007 I have no problem from him or his family I know
he want to have pigeons at his home witch is 202 fox haven ct and I have no problems
with that to having pigeons at his home this is his own hobby i have no problem with that

Hi my name is Seydi's Calvito am al so living at 207 fox haven ct I know

Mr walayat khan from 2010 I have no problem from him or his family I know

he want to have pigeons at his home witch is 202 fox haven ct and I have no problems
with that to having pigeons at his home this is his own hobby i have no problem with that

Hi my name is Leo Zhuravel I am al so living at 210 fox haven ct I know

Mr walayat khan from 2003 I have no problem from him or his family I know

he want to have pigeons at his home witch is 202 fox haven ct and I have no problems
with that to having pigeons at his home this is his own hobby i have no problem with that

HI my name is Jeff Blunt I am al so living at 212 ^{cherry valley RD} ~~fox haven ct~~ I know

Mr walayat khan from 2034 I have no problem from him or his family I know

he want to have pigeons at his home witch is 202 fox haven ct and I have no problems
with that to having pigeons at his home this is his own hobby i have no problem with that

Case No: 11-101-A

Case Name: Mohammad Akram

Exhibit List

Party: Petitioner's

Date: 3/31/11

[illegible]

AMERICAN RACING PIGEON UNION, INC.

PRESIDENT
FREDDIE RIVERA
3425 41ST TERRACE SOUTH #202
ST. PETERSBURG, FL 33711
352-584-5918

P.O. BOX 18465 OKLAHOMA CITY, OK 73154-0465 PH. 405-848-5801
FAX 405-848-5888

EXECUTIVE VICE PRES
BILL MITTU
16341 FRINGE TREE DRIVE
SPRING HILL, FL 34610
727-857-4020

March 9, 2011

VICE PRESIDENT
JAY HOLDER
2755 KNOX McCRAE DRIVE
TITUSVILLE, FL 32780
321-269-2824

To Whom It May Concern:

SECRETARY
BILL BARGER
3756 HACKETT AVE.
LONG BEACH, CA 90808
562-429-2188

This will confirm that Mr. Walayst Khan is a member in good standing of the American Racing Pigeon Union (AU). The AU is the largest organization of pigeon fanciers in this country with nearly 10,000 members nationwide.

TREASURER
JOHN McSWEENEY
180 MAC COURT
GRAY, LA 70359
985-868-7237

As a member in our organization, Mr. Khan is required to adhere to strict competition standards and regulations. One of the many requirements is maintenance of a clean and healthy loft.

ZONE DIRECTORS

TOM COLETTI
P.O. BOX 3589
ALPINE, WY 83128
650-207-2772

BILL BARGER
3756 HACKETT AVE.
LONG BEACH, CA 90808
562-429-2188

JOHN McSWEENEY
180 MAC COURT
GRAY, LA 70359
985-868-7237

ALAN PORTER
3269 LEE SOUTH COURT
McFARLAND, WI 53558
608-838-8959

In the enclosed booklet, *Homing Pigeons: Perception vs. Reality*, you will see correct information regarding lack of disease in registered, pedigreed birds. These are not the same feral pigeons seen in parks and they do not create the same problems associated with some common birds, as they do not fly after feeding. It is physically impossible for the birds to defecate while flying since they do not have a full crop when exercising or flying, as food is a key motivator to get the birds to come quickly into the home loft.

Per USDA definition (9 Code of Federal Regulations, Sub-part A, 145.1), pigeons are not defined as poultry, fowl or game birds. They are not exotic birds. See below:

Poultry. Domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

RON PAIRAN
3525 BLACKLICK EASTERN RD NE
MILLERSPORT, OH 43046
740-467-3108

BILL DESMARAIS
22 ALTY STREET
FALL RIVER, MA 02723
508-324-4171

BRAD HOGGAN
272 S 800 E
RIVER HEIGHTS, UT 84321
435-753-3637

AL HASSLER
16232 VERNDAL LN
SPRING HILL, FL 34610
727-860-4590

Additionally, our national organization has conducted studies with CDC, Cornell University, and the University of CA-Davis. We have challenged flocks of pigeons and CDC has reported that pigeons are not susceptible to many viruses. Because the temperature exceeds 107 degrees and the metabolism is so rapid, homing pigeons cannot host most diseases. Therefore, they cannot shed or serve as vectors.

CONSTITUTION & BY-LAWS ADVISOR
HERB CARTMELL
23926 57TH AVE. SE
WOODINVILLE, WA 98072
425-486-4725

The hobby of raising registered, banded Homing Pigeons is one that is nearly 100 years old in this country and offers people from all walks of life wholesome backyard activity. Many children and families enjoy the hobby. Pigeon keeping also provides enjoyment for seniors in their golden years.

EXECUTIVE DIRECTOR
KAREN CLIFTON
P.O. BOX 18465
OKLAHOMA CITY, OK 73154-0465
405-848-5801



Member Federation Colombophile Internationale (F.C.I.)

Akram
Pet Ex: 2 Case 11-101-A

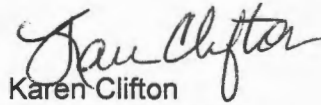
Page Two

We appreciate your consideration and willingness to learn more about the birds so that Mr. Khan may continue to participate in the rich hobby of racing thoroughbred pigeons.

Please do not hesitate to call on our national office if we might provide additional information.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Clifton".

Karen Clifton
Executive Director

HOMING PIGEONS

PERCEPTION VS. REALITY

FROM THE
AVIAN ASSISTANCE COUNCIL
AND THE
AMERICAN RACING
PIGEON UNION, INC.



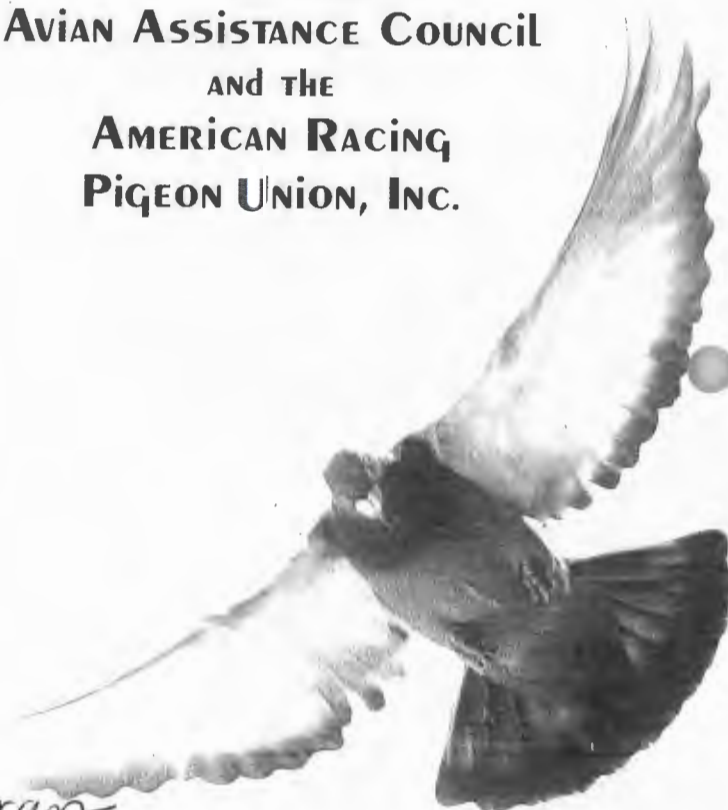
Akram

Pet Ex: 4 Case 11-101-A

HOMING PIGEONS

PERCEPTION VS. REALITY

FROM THE
AVIAN ASSISTANCE COUNCIL
AND THE
AMERICAN RACING
PIGEON UNION, INC.



Akram

Pet Ex: 3 Case No 11-101-A

AU Membership Application

Name _____ Date _____

Address _____

City _____ State _____ Zip _____

Phone _____ Age (Jr's) _____

Would like to hear from a racing pigeon club in my area: Yes / No

Return this completed form to: American Racing Pigeon Union, Inc.
P.O. Box 18465 • Oklahoma City, OK 73154-0465
Phone: 1-800-755-ARPU (2778)

*Dues are \$25 per year for members 18 or older;
\$10 for members 17 and under;
family memberships available for
\$35 per year (restrictions apply)*



**American Racing
Pigeon Union, Inc.**

P.O. Box 18465

Oklahoma City, OK 73154-0465

Phone: 1-800-755-2778

Web address: www.pigeon.org

LET'S RACE! HOMING PIGEONS...

One trip home you'll never forget!



American Racing Pigeon
Union, Inc.

**AU Information
&**

Membership Application





Racing Homer Facts:

- A Racing Homer can average 40 miles per hour or more under normal conditions, but have reached speeds of 60 miles per hour and faster!
- Most races are from 100-500 air miles, but can range to 1000 miles with good returns.
- A race starts when all birds are transported to a specific release point and released together.
- Races are judged on the bird with the fastest speed, based on Yards per minute, to you're Home Loft.
- Racing Homers are exercised, trained and "coached" much the way any professional Sports Team is, and YOU'RE the Coach!

Come Join The Fun!



COMMUNITY SERVICES

Racing Pigeon Fanciers are good neighbors and citizens. Through their affiliation with the American Racing Pigeon Union and The American Homing Pigeon Institute, they have available a repository of Homing Pigeons for use by our Armed Forces in times of national emergency. There still could be times of widespread power outages, and disaster when this is the only option for communications. Fanciers also provide a network of message carrying, lifesaving, ability to the Red Cross and Civil Defense organizations. The Racing Homer Club in your area can also provide the following community services:

- *Youth Programs with Pigeons*
- *School presentations, including videos*
- *Civic presentations*
- *Special videos for public television*
- *Pigeon releases for special events*
- *Pigeons for T.V. commercial production*
- *Innovative fundraising programs for charities*

Need Information Fast?

Call Toll Free:

1-800-755-ARPU

Race Horses of the Sky!



Racing Homers
Thoroughbreds of the Air

Sunday

March 21, 1999

LING'N' ANGRY?

Howling
if Steam
May Be a
Bad IdeaBY NASH JOHNSON
LAS MORNING NEWS

endi Dickey still hears stories about how she was quite the thrower. As a young girl, the Dallas girl was prone to outbursts after in which she hit and screamed. She has cleaned up her act. Crone handles anger the way he knows how. He something really cheap an, an empty box — and it to a place far away other people. Then he the living daylight out

ig Dunn knows how to of his anger. He works on ernal help desk for a Las as, Texas, financial com- and must keep his cool fire. "You can either ack and get in trouble, or im and help the cus- he says.

second approach, he nearly always success- and more healthy if a study is to be believed. e study, released last y the American Psycho- l Association, chal- a long-standing idea — only known as the "sis" theory — that sug- that acting out your helps you relieve ten-

e the psychotherapy ion sparked by Sig- Freud, we've been told pressed anger is not or our health, that it's o "get it off your chest," v off steam."

study, published in the ssue of the Journal of ility and Social Psy- found that acting out nger increases a per- sibility. The research and that reading news about the catharsis an shape the way peo- ond to anger.

nks to the boom in books, pop psycholo- many therapists, it's vailing belief that it vent," says Dr. Brad J. n, professor of psy- at Iowa State Univer- lead author of the

Bushman's research otherwise.

e study, researchers vo questions of 700 duate students: "Can e persuaded by a essage to deal with a certain way?" And, e choose to attempt their anger through aggression, would less anger after hav- so?"

Ornithology class
eggs on students to
learn math, geography
and the wonder of
holding a live bird

GORDON KING/Yakima Herald-Republic
Birds teach responsibility.By JANE GARGAS
YAKIMA HERALD-REPUBLIC

No wonder they like com- ing home. First, there's the row of neatly nestled condo- miniums, complete with stunning view of Mount Adams.

Then, they're greeted back by people who care about them. People who provide good food, plenty of camaraderie and a warm bath when needed.

So return they do. In flocks. Home, for these 31 racing pigeons, is a cozy loft, and their caretakers are 21 students at Eagle Alternative High School in Toppenish.

It's all part of the ornithology class, which focuses on raising and racing — nurturing pigeons all the way from eggs to speed- ing contests.

Teacher Jessie Garza III is convinced that the program is unique in the United States.

"I've never heard of any other class in the country that's raising birds for competition," he says.

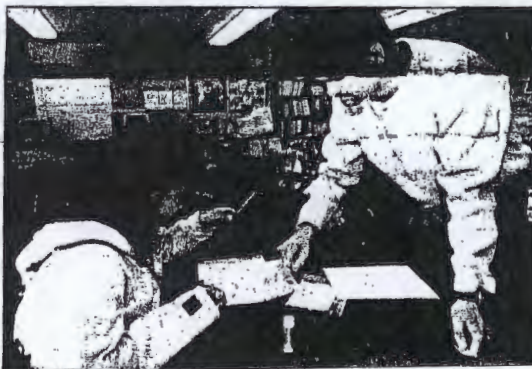
The elective class is divided into two sections, both centered on aviary science. While Garza takes command of the pigeon portion, Don Lee, school principal, teaches the wild-bird segment. In the latter, students study habitat renewal, manage a wild-bird feeding station on school grounds and maintain kestrel houses along the Yakima River.

And while students show ready enthusiasm for their study of birds, there's an ineluctable excitement to having a bird in the hand.

"Kids love discovering about birds, but handling birds, there's nothing like it," explains Lee, who also teaches an ornithology class at Heritage College. "They love taking care of and handling something that's alive."

"The toughest of kids can be transformed by this. When they're holding a bird, they're

Cool Pigeons at Eagle

GORDON KING/Yakima Herald-Republic
Jesus Esqueda checks his watch as he times pigeons returning to the loft after a 25-mile training flight last week.

Toppenish Alternate School teacher Jessie Garza uses the pigeon program as a vehicle to teach several subjects including biology, math and geography. Student Crystal Kindness measures distance on a map to determine how far and fast the pigeons will fly when trying to reach home.

all of a sudden not so tough."

Reaction to the class under- scores Lee's point. The ornithol- ogy course has become so popu- lar that there's a waiting list to enroll.

Each student takes responsi- bility for at least one bird, and to hear class members tell it,

they all have the most beautiful.

"My 'slate' is the prettiest," says senior Chris Jones, pointing out the glistening, sapphire feathers of his male (or cock) pigeon, termed a "slate."

Sophomore Katherine Ritter

FAST PIGEON FACTS

■ The Eagle Alternative School in Toppenish is busy at the moment. They're raising 14 different types of racing pigeons, everything from "Blue Bars" and "Dunns" to "Silver Red Checks."

■ Their races, running from April 17 to June 19, are in Oregon, California and Nevada. Students wait at school to clock in their return.

■ The U.S. speed record for a racing pigeon is 11 Pigeons begin racing between 4 and 9 months of will continue competition until they are 5 or 6 years.

■ Because their pigeon project is unique, Eagle have been invited to describe it to various organi- Last month 11 students, accompanied by 11 pigeons talked about their experiences for the Yakima Valley Audubon Society.

■ There are 11,000 lofts registered with the Ameri- can Pigeon Union; each loft averages about 150 birds.

"The toughest of kids can be transformed by this."

DON L

Principal, Eagle Alternative Sch

FACT SHEET



FASCINATING...

- In the mid 1800's, the **Reuters News Agency** operated a live telex service using Homing Pigeons.
- There are nearly **1 million** pigeon fliers around the world today.
- The ancient Greeks used Homing Pigeons to carry messages 5,000 years ago.
- **Homing Pigeons race from 80 to 600 miles at speeds of 40 to 60 mph** over terrain they have often never seen before.
- Homing Pigeons were used extensively as a highly reliable method of communication in military conflicts during the two World Wars and the Korean War. They **saved thousands of lives** while in military service.
- Homing Pigeons were introduced to the United States in the mid 1800's. In the 1880's, the first 500-mile race took place in this country.
- Some international races award large cash prizes. **In the United States, most races are held for good, clean family fun.**

FAMOUS FANCIERS:

Walt Disney loved pigeons so much that for many years he released a flock of white Homing Pigeons as part of the daily ceremonies at Disneyland and Disney World.

Terry Bradshaw, former Pittsburgh Steelers' Quarterback, bred pigeons.

Ray Price, country singer, enjoys breeding Homing Pigeons.

Actors **Yul Brynner** and **Roy Rogers** raised pigeons.

Pablo Picasso, who also raised Homing Pigeons, named his daughter "Paloma", Spanish for dove.

Boxing champion, **George Foreman**, maintained a loft and bred Homing Pigeons..

Actress **Joanne Woodward** raised fancy breeds of pigeons.

Maurizo Gucci is a fancier of show pigeons who is on record for paying more than \$10,000 for an American bird.

The British Royal Family has raised Homing Pigeons for centuries, and has an active racing loft yet today.

DID YOU KNOW...

- A combination of an extremely accurate internal "sunclock" and magnetic fields enable the athletes to return home.
- The ability to hear sounds 11 octaves below middle C allow the pigeons to detect **earthquakes and electrical storms.**
- The top national race, *Snowbird Classic*, awards a purse of **\$600,000.**
- The **highest priced Homing Pigeon was sold for \$225,000.**
- Homing Pigeons have pedigrees like racehorses. They are bred and trained with the same care bestowed upon their equine counterparts.

ABOUT THE "AU"

The American Racing Pigeon Union was founded in 1910 and is the largest pigeon association in the country. The AU sets race rules and provides members a code of conduct, as well as funds veterinary and scientific research to enhance the sport and assist its members.

For more information on how to join the nearly 10,000 American Racing Pigeon Union members across the United States, call 405-848-5801 or fax 405-848-5888.

Or write:

American Racing Pigeon Union, Inc.

P.O. Box 18465

Oklahoma City, Oklahoma 73154-0465

Visit our website: www.pigeon.org

Join the Sport of Pigeon Racing Today!

Army Pigeons: Hall of Fame

Reprinted from *Racing Pigeon Review*, Jan. 1946
(War Dept. Release)
Photos by U.S. Signal Corps



"Captain Lederman"

"Captain Lederman," USA 44 SC 18957, a blue check cock, was hatched in Burma in September, 1944. His first work was in December, from a forward area on the Burma front. His first message was from a patrol operating 120 miles behind the Japanese lines. During January, February and March, 1945, "Captain Lederman" was dropped by parachute or taken by bamboo jump containers to patrols operating along or behind the enemy lines.

Each message brought back by this pigeon contained very valuable information on lap troop movements, heavy gun emplacements, etc. Four of the trips were from 175-225-375 and 320 miles. All trips were made the same day in excellent time, despite the fact that he was flying over some of the highest and most rugged mountains in Burma. Due to the information contained in messages carried by "Captain Lederman" and other Signal Corps pigeons, operations in Burma by Allied troops were materially aided.

"Jungle Joe," USA 44 SC 19008, a black check cock, brought through some of the most important news carried by a pigeon during the Burma campaign. When only four months old

"Jungle Joe" was dropped by a parachute container with an airborne patrol far behind the Japanese lines. During the course of the jump the radio operator became lost from the rest of the party. A long search failed to find him and it is believed that he was captured. After the loss of the radio operator it was impossible for the patrol to come on the air. Thus, the unit had no contact with their rear headquarters.



"Jungle Joe"

"Jungle Joe" was kept confined for seven days while the patrol collected valuable information on the location of Japanese positions, troops, etc. During this period he was confined in a 14" x 4" x 4" bamboo jump container. On the eighth day "Jungle Joe" was liberated with a very "urgent" and "secret" message. In spite of the fact that he had been confined for such a long period, he covered the 225 miles in good time over some of the highest mountains in Burma. Due to the valuable information carried by this Signal Corps pigeon a large section of Burma was opened up to occupation by the Allied troops. In addition, a radio operator was flown to the location of the patrol and parachuted. Thereafter, it was possible for the patrol to keep contact with the rear headquarters thus furnishing more valuable information regarding the enemy troops.



"Blackie Halligan"

"Blackie Halligan," USA 42 FTM 2615, black cock, was hatched at Fort Monmouth, New Jersey. While still a very young bird he was shipped to Camp Claiborne, Louisiana, for service with the 280th Signal Pigeon Company. In June of that year "Blackie" was crated and shipped, with 1500 other birds, to a point of embarkation on the west coast. The following month saw him in Suva Bay, Fiji Islands, but only long enough for the ship to unload cargo. A week later "Blackie" landed at Noumea, New Caledonia. From the pigeon detachment he was sent to the 132nd Infantry of the American Division; from there he flew messages from outposts as far distant as 125 miles.

In November he was sent to Guadalcanal with the rest of the 132nd Infantry. This was the first island to be wrested from the Japanese. "Blackie" was stationed along the Lunga River, near the post office a block from "Tojo's Ice House" where the ruts in the roads were so deep you could easily hide a jeep in them. "Blackie" carried many messages to this location. One day he returned with a very important message giving the location of some 300 Japanese troops. He did this in spite of the fact that he was very badly wounded. When word reached General Patch, who was commanding the American Division, he made a special trip to the loft and decorated "Blackie." "Blackie" later saw action on several other islands in the Pacific. He was

Continued on next page

Case No: 11-101-A

Case Name: Mohammad Akran

Exhibit List

Party: People's Counsel

Date: 3/31/11

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

Go Ba
View M
New Se
GroundRent R
GroundRent R

Account Identifier: District - 04 Account Number - 2200013569

Owner Information			
Owner Name:	AKRAM MOHAMMAD	Use:	RESIDENTIAL
Mailing Address:	202 FOX HAVEN CT REISTERSTOWN MD 21136-3254	Principal Residence:	YES
		Deed Reference:	1) /22145/ 006 2)

Location & Structure Information	
Premises Address 202 FOX HAVEN CT 0-0000	Legal Description .25 AC 202 FOX HAVEN CT NS FOX HAVEN ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0057	0012	0557		040000	1		9	1	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class	NONE
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Primary Structure Built 1996	Enclosed Area 1,664 SF	Property Land Area 10,890 SF	County Use 04
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Stories 2.000000	Basement YES	Type STANDARD UNIT SIDING	Exterior
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Value Information				
	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	110,890	110,800		
Improvements:	251,420	211,800		
Total:	362,310	322,600	322,600	322,600
Preferential Land:	0			0

Transfer Information					
Seller:	ETELIS MIKHAIL	Date:	06/30/2005	Price:	\$380,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/22145/ 00609	Deed2:	
Seller:	SYLWOOD DEV CORP INC	Date:	06/07/1996	Price:	\$159,355
Type:	ARMS LENGTH IMPROVED	Deed1:	/11629/ 00141	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	* NONE *

3/31/11 Akram
Pc #3 Case No. 11-101-A

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 13

Bill No. 63-09

Mr. John Olszewski, Sr., Councilman

By the County Council, August 3, 2009

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations

FOR the purpose of adding pigeons to the list of animals for which the Zoning Regulations

require a minimum amount of acreage and impose certain other limitations; and generally

relating to land used for stabling and pasturing of animals.

BY repealing and re-enacting, with amendments

Section 100.6

Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Section 100.6 of the Baltimore County Zoning Regulations, as
3 amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

1 § 100.6. Land used for stabling and pasturing of animals.

3/31/11
PC # 4 11-101-4
AKram

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

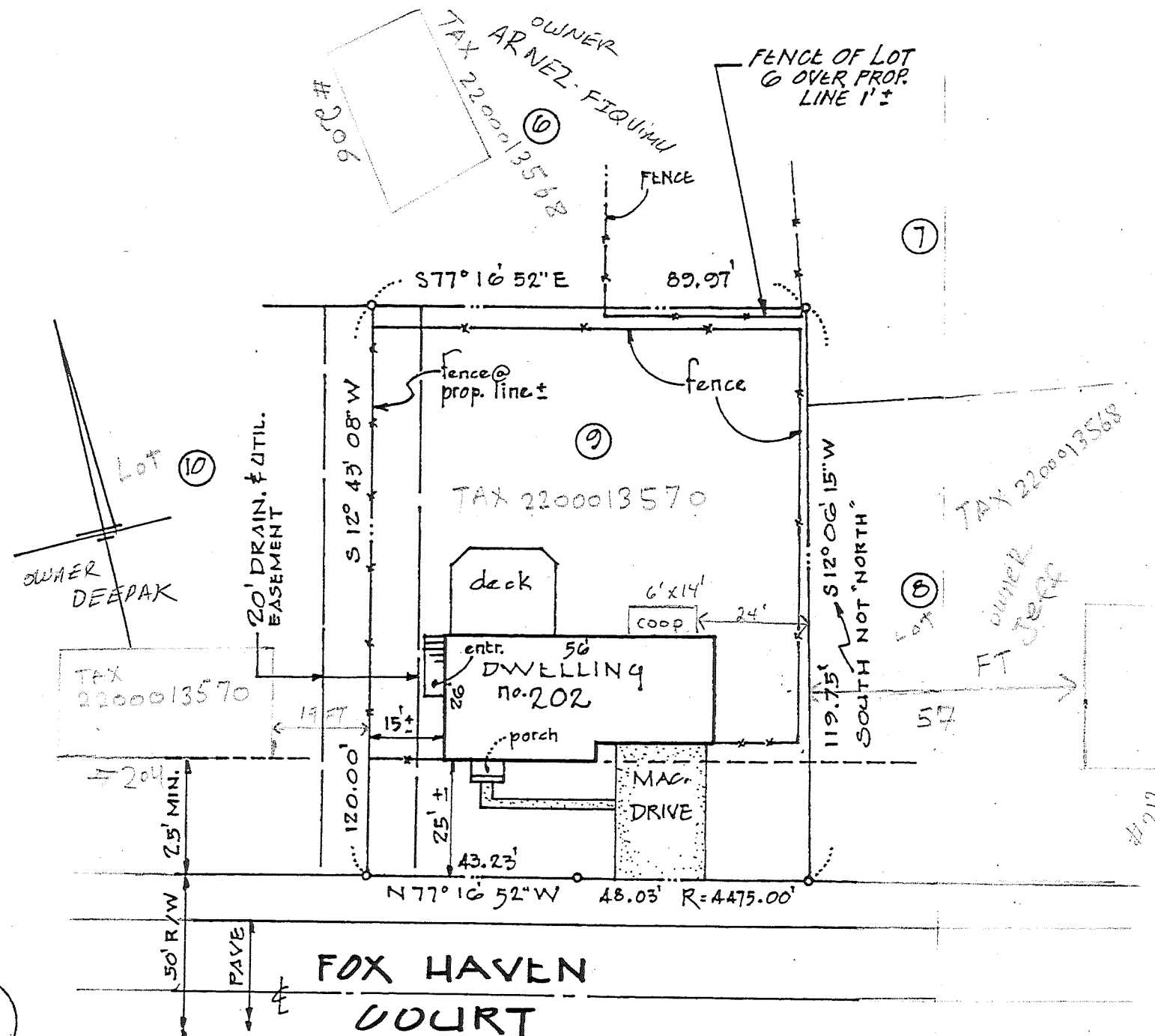
PROPERTY ADDRESS 202 FOX HALL CT

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

SUBDIVISION NAME FOX HAVEN ESTATES

PLAT BOOK # 62 FOLIO # 88 LOT # 9 SECTION # 1

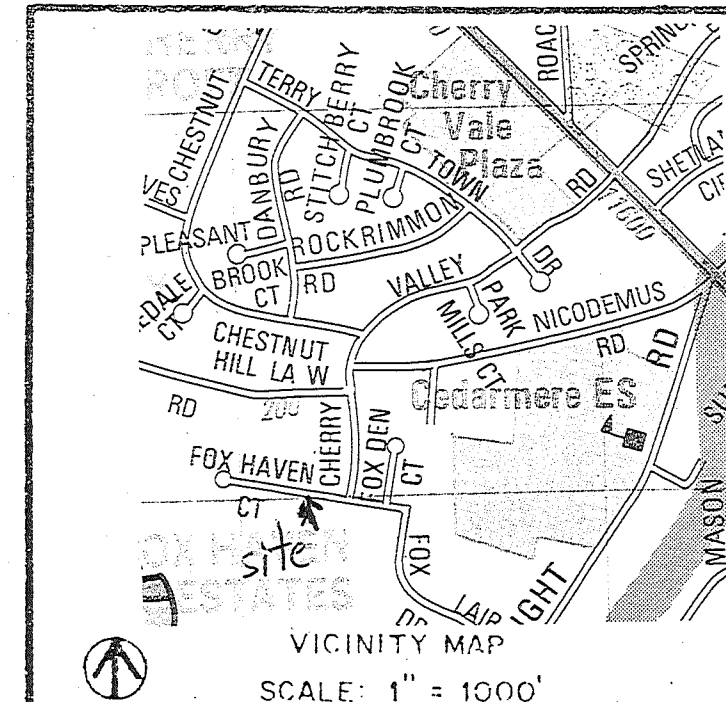
OWNER MOHAMMAD. AKRAM



NORTH

PREPARED BY Khan

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 057C1

ZONING DR-2

LOT SIZE 0-25 10 890
ACREAGE SQUARE FEET

PUBLIC PRIVATE
SEWER ☐ ☒

WATER ☐ ☒

CHESAPEAKE BAY
CRITICAL AREA

YES	NO
☐	☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING
Violation # 80794

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

BR

0101.

2011-0101-A

PETITIONER' S

EXHIBIT NO.



Prepared by Geographic Information Services
Business Applications Unit
Date of Image: 2008

1 inch = 25 feet

