

IN RE: PETITION FOR VARIANCE

Located on the eastern corner of Saint
Marys Road and Tred Avon Road
15th Election District
6th Councilmanic District
(203 Saint Marys Road)

Donna K. and Mark R. Simmons
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2012-0056-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter originally came before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Donna and Mark Simmons, legal owners of the subject property. The hearing took place on Wednesday, October 5, 2011 at 10:00 AM in Room 205 of the Jefferson Building located at 105 West Chesapeake Avenue, Towson, Maryland. After carefully considering the testimony and evidence presented in that case, a written decision was issued dated October 19, 2011, by the undersigned Administrative Law Judge for Baltimore County.

Thereafter, on November 10, 2011, this Office received two letters, one dated November 8, 2011, authored by Karen Lynn Weeks, and the other dated November 9, 2011, authored by Susan Wunder. Both of these individuals are neighbors of the Petitioners herein. At or about that time, the Petitioners in the variance case, Donna and Mark Simmons, attempted to have delivered to the Office certified mailing to me dated November 7, 2011, which contained a Motion for Reconsideration filed by these Petitioners as well as a petition signed by approximately 52 of the Petitioners' neighbors, all of whom reside in the surrounding community. Also contained within the Motion for Reconsideration packet was a letter written by the adjacent property owners and one of the Protestants in the underlying case, Jody Palmisano and family, which addresses the

ORDER RECEIVED FOR FILING

Date 1-4-12

By pm

keeping of these six chickens on their property. The Motion for Reconsideration was sent by certified mail restricted delivery. The packet containing the Motion was not signed for/delivered until after the requisite 30 day filing period. However, considering the number of documents that were brought into the Office of Administrative Hearings all within the 30 day filing period as well as the phone calls from Mr. and Mrs. Simmons during this time, I find that the Motion for Reconsideration was timely filed before this Office and that a ruling should be made on the merits of the Motion. There was no indication from the filing of this Motion for Reconsideration or any of the documents contained in the packet that the Protestants who appeared at the underlying hearing were notified of this Motion being filed. As the previous Order indicated, and the file reflects, Mr. and Mrs. Palmisano and Ronald Duncan appeared in opposition to the underlying variance request. It does not appear that either of these Protestants were notified of the filing of this Motion for Reconsideration. This is a technical defect as these individuals were entitled to know about the filing of this Motion. However, this procedural defect does not have an impact on the ultimate ruling on this Motion.

The Petitioners have asked that I reconsider my previous denial of their variance request to allow them to keep six chickens on their property which is approximately one-half acre in size. As stated in my previous decision, the Baltimore County Zoning Regulations require a minimum of a one acre parcel of property for the keeping of chickens.

As the exhibits attached to the Motion for Reconsideration demonstrate, the children of the Petitioners have circulated a petition around the neighborhood and have gathered the signatures of approximately 52 residents, all of whom support their keeping of the chickens on the Petitioners' property. In addition, two other letters of support were contained within the file. These neighbors all support the Simmons' family and the keeping of their chickens. However, it can be surmised

ORDER RECEIVED FOR FILING

Date 1-4-12 2

By [Signature]

that many of these persons who signed the petition form do not live immediately adjacent to the property owned by Donna and Mark Simmons. Therefore, the adverse impacts of the chickens would not be felt or experienced by these neighbors as it would on the immediate neighbors, Mr. and Mrs. Palmisano.

While the immediate neighbors, Mr. and Mrs. Palmisano, were not contacted regarding this Motion for Reconsideration, their original testimony offered at the underlying hearing still remains the same. They clearly stated that the chickens do have an adverse impact on their family, their children's ability to sleep peacefully in their bedrooms at night, and the impact on their dog, who becomes irritated by the chickens throughout the course of the day. They were also concerned over the manure that is left behind from the chickens and believe that the keeping of the chickens has contributed to an increase in mice on their property.

After considering the additional factors presented in this Motion for Reconsideration, I find that the Motion should be denied. The one acre minimum lot size requirement for the keeping of chickens is a well settled rule. These regulations were carefully considered by the Department of Agriculture at the University of Maryland before being adopted by the Baltimore County Council. There is nothing unique about this property that causes this particular one acre size requirement to impact this property any differently than it would for any other property in this neighborhood. For these reasons, the Motion shall be denied.

Therefore, having considered the testimony and evidence presented in this Motion for Reconsideration,

IT IS ORDERED by the Administrative Law Judge for Baltimore County this 3rd day of January, 2012, that the Motion for Reconsideration filed by Petitioners Donna and Mark Simmons dated the 7th day of November, 2011, be and is hereby DENIED; and,

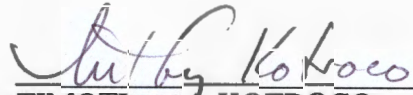
ORDER RECEIVED FOR FILING

Date 1-4-12 3

By ps

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

IT IS FURTHER ORDERED that the appeal of my original decision has been stayed by the filing of this Motion for Reconsideration. Accordingly, any appeal from this denial of the Motion for Reconsideration, must be made within thirty (30) days from the date of this Order.

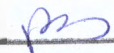

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 1-4-12

4

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 3, 2012

MARK R. SIMMONS AND DONNA K. SIMMONS
203 SAINT MARY'S ROAD
ESSEX, MD 21221

RE: Petition for Variance
Order on Motion for Reconsideration
Case No. 2012-0056-A
203 Saint Mary's Road

Dear Mr. and Mrs. Simmons:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Joseph and Marcia Palmisano, 205 St. Mary's Road, Essex, MD 21221
Ronald Duncan, 211 St. Mary's Road, Essex, MD 21221
Susan Wunder, 2116 Tred Avon Road, Baltimore MD 21221
Karen Lynn Weeks, 221 St. Mary's Road, Baltimore MD 21221
George Williams, Code Enforcement Officer, Division of Code Inspections & Enforcement, PAI

Patricia Zook - Attn. Judge Kotroco, Administrative law judge Re case no. 2012-0056

From: Mark <wildonesdks@aol.com>
To: <pzook@baltimorecountymd.gov>
Date: 11/23/2011 9:19 PM
Subject: Attn. Judge Kotroco, Administrative law judge Re case no. 2012-0056-A

Dear Judge Kotroco,

We are requesting a motion of reconsideration of the denial of a variance to allow six chickens on a lot less than one acre. We sent a letter requesting such motion the eighth of November only to discover it has been sitting in the Towson post office for nearly two weeks. We hand delivered the envelope to Patty at your office in the Jefferson Building just yesterday. Enclosed was a petition my sons worked very hard on. They would have gotten many more signatures but were only given until the sixth of November to complete the task (approximately four days outside of school hours). The chickens are important to them and we do not want to see them go through another loss.

Our property is unique. Our lot is one of the few that have a natural beach that runs the width of the property. Although the property line stops at the sea wall, the beach runs another thirty to forty feet towards the waters edge and has been increasing each year. The property is basically at the end of a peninsula and the deep water slip is protected on three sides, the beach, a stand of trees on the side, and a sand bar in front. The property is bordered by two roads and Tred Avon dead ends partway down the property. The building footprint is small in comparison to most waterfront lots. The property sits very high and there is no need for flood insurance. The property has been in the Simmons family for over forty years. Uncle Bernard bought the land around 1970. We bought the property through the family in 2000 following the deaths of Uncle Bernard and his two wives (Aunt Ruth and his second wife Aunt Virginia). Although our neighbor Mr. Palmisano has been living next door for about twenty years, around three years ago he divorced his first wife and married Marcia. Both complaintants (Mr. Palmisno and Mr. Duncan)were aware of the chickens when we first got them five years ago and had no complaints. It makes us wonder why there is a problem now.

Respectfully, Mark & Donna Simmons

Office of Administrative Hearings
103 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: CASE NO. 2012-0056-A

To: Timothy M. Kotroco
Administrative Law Judge

RECEIVED

NOV 22 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Mark R. Simmons
Donna K. Simmons
203 St. Mary's Road
Baltimore, MD 21221
(410) 391-0429

November 7, 2011

443-275-3094 - cell
for Mrs
Simmons

Dear Judge Kotroco,

My family and I would like to make a motion for reconsideration of your denial of our variance request to allow my six laying hens on our property located at 203 Saint Mary's Road.

We try to incorporate as many natural foods in our diet as possible. My boys have ADD and ADHD. Dyes and preservatives have an adverse effect on them. Our lifestyle is sustainable and helps us survive in this tough economy. I grow tomatoes, beans, corn, broccoli, asparagus, peppers, lettuce spinach, potatoes, turnips, strawberries, raspberries, grapes, etc. I can, freeze and make jams and jellies from them. The hens supply us with fresh eggs for our family and also consume any undesirable vegetables, weeds, and insects from the garden. We compost and the hens help not only with cutting down on pesticides and waste going into the Baltimore County landfills, but also with fertilization for the garden.

I served as a Master Wildlife Rehabilitator through the DNR and the state of Maryland for many years until recent years when I was needed to take care of dying parents, the last being my Dad in April of this year. I am more than aware through experience and continuing coursework, the effects of pesticides, chemicals, waste waters and trash have on our wildlife and environment. I make a conscious effort to protect our waterways and areas surrounding them. Chickens are territorial and will peck to death any mouse or snake that dare come into their enclosure.

The neighborhood children are frequently in my yard and get a kick out of turning over the soil and watching the chickens grab for worms, or helping to gather eggs from the hen house. I enjoy answering questions and teaching the children about the animals and their environment.

I have had hens for approximately five years and have no adverse comments or complaints about them until the Palmisanos filed a complaint with code enforcement. I am willing to erect a six foot fence from the back of my property to the front of our house along the property line. This should alleviate the objections of the Palmisanos and buffer any noise. Enclosed is a petition created by my sons, and signed by our neighbors requesting we be able to keep our six laying hens on our property. I have also enclosed an unstamped letter we found placed in our mailbox from the complainants that states they wouldn't appear in court if we would stop feeding ducks on our property. Apparently, their main concern had nothing to do with our six hens but instead, with the wild ducks on the river.

Please allow us to continue to raise our children in the manner that benefits them and their health.

Sincerely,

Donna and Mark Simmons & family

Donna and Mark Simmons and family

IN RE: PETITION FOR VARIANCE

Located on the eastern corner of Saint
Marys Road and Tred Avon Road
15th Election District
6th Councilmanic District
(203 Saint Marys Road)

Donna and Mark Simmons
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0056-A**

* * * * *

OPINION AND ORDER

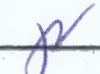
This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Donna and Mark Simmons, legal owners of the subject property. Petitioners request Variance relief from Section 100.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit six (6) chickens on a lot less than one acre. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Donna and Mark Simmons. Appearing in opposition to their request were Joseph and Marcia Palmisano, adjacent property owners, and Ronald Duncan, nearby neighbor. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations (B.C.Z.R.).

Testimony and evidence offered revealed that the property which is the subject of this request, consists of 24,096 square feet and is zoned D.R.3.5. The property is improved with a one story dwelling and an accessory garage, along with a small wooden building which serves as a chicken coop. The property is a waterfront lot located in the Middleborough area of Baltimore County.

ORDER RECEIVED FOR FILING

Date 10-19-11

By 

This matter is currently the subject of an active violation case (Case No. CO-0098376) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Approvals and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioner is entitled to the requested variance.

The testimony and evidence offered by Mr. and Mrs. Simmons indicated that they have been keeping chickens on their property for the past five years. They testified that prior to bringing the chickens onto their property, they contacted Baltimore County Zoning and were advised that it was legal to have chickens on their ½ acre lot. For the past five years, they have kept up to six chickens on their property without any complaints from their surrounding neighbors. In July 2011, a complaint was registered with Code Enforcement and Inspector George Williams issued a Correction Notice to Mr. and Mrs. Simmons to remove the chickens from their property. The Simmons' have availed themselves of the opportunity to seek a variance to allow the chickens to remain on the property, thereby avoiding a violation case. Hence, the case before me.

The Simmons' further testified that the chickens were brought to their property as part of a Boy Scout initiative that their sons were involved in. The chickens are well cared for and the property is kept very clean. The Simmons' enjoy the chickens as pets and also benefit from the eggs that are laid by the hens which are consumed by their family. Various photographs were submitted into evidence corroborating the fact that the property is well-maintained.

ORDER RECEIVED FOR FILING

Date 10-19-11

By pm

Appearing in opposition to the Petitioners' request were the adjacent property owners, Joseph and Marcia Palmisano. At this time, the Palmisano's are opposed to the chickens remaining on their neighbor's property. Both Mr. and Mrs. Palmisano complained about the noise that the chickens make and the feces that they leave behind. Mrs. Palmisano testified that she has seen an increase in rodents in the area which she attributes to the chickens. They are opposed to the granting of any variance which would allow the chickens to remain on the property.

Also appearing at the hearing in opposition to the request was Mr. Ronald Duncan. Mr. Duncan lives several houses down on St. Mary's Road and is also opposed to the variance being granted for the chickens to remain on the property. Mr. Duncan was very complimentary of Mr. and Mrs. Simmons' as neighbors; however, he is concerned over any precedent that might be set for allowing the chickens to officially remain on the property. He is also concerned that the granting of such a variance could adversely impact property values in their neighborhood. He asked that the variance be denied.

The Baltimore County Zoning Regulations (B.C.Z.R.); specifically Section 100.6, imposes a one acre minimum lot size requirement for the keeping of chickens, ducks, turkeys, geese or pigeons on any persons property in Baltimore County. It also indicates that there are no numerical limitations as to the number of chickens that can be kept so long as the owner has one acre of land and a nuisance is not created by such a number of chickens. In this application, the Simmons' own approximately 24,096 square feet of land, well short of the one acre required. In order to keep the chickens, the variance request is necessary.

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

ORDER RECEIVED FOR FILING

Date 10-19-11

3

By pm

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 acre of property to raise fowl or poultry impacts the Simmons' property in any way different from the other lots in the neighborhood. The lot is a typical waterfront lot. Further, the size of the property is a little more than half 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 Agriculture at the University of Maryland and adopted by the Baltimore County Council.

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. and Mrs. Simmons six months from the date of this Order to find a new home for their chickens.

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.

ORDER RECEIVED FOR FILING

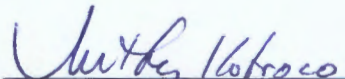
Date 10-19-11

By jr

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 19th day of October ²⁰¹¹~~2010~~ that the Petition for Variance seeking relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit six (6) chickens on a lot less than one acre, 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 remove them from the subject property.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw

ORDER RECEIVED FOR FILING

Date 10-19-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 19, 2011

Mark R. Simmons
Donna K. Simmons
203 Saint Mary's Road
Essex, Maryland 21221

RE: PETITION FOR VARIANCE

Located on the eastern corner of Saint Marys Road and Tred Avon Road
15th Election District - 6th Councilmanic District

(203 Saint Marys Road)

Donna and Mark Simmons – *Petitioners*

CASE NO. 2012-0056-A

Dear Mr. and Mrs. Simmons:

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, Approvals, and Inspections (PAI) at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure

c: Joseph and Marcia Palmisano, 205 St. Marys Road, Essex, MD 21221
Ronald Duncan, 211 St. Marys Road, Essex, MD 21221
George Williams, Code Enforcement Officer, Division of
Code Inspections & Enforcement, PAI

VIOLATION

CBCA

TAX. ACCOUNT # 1523155020



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 203 SAINT MARYS Rd
which is presently zoned DR3.5

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, BCZR TO PERMIT 6 CHICKENS
ON A LOT LESS THAN 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 PRESENTED AT HRG.

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 _____ Date 10-19-11 Telephone No. _____
City _____ By pm State _____ Zip Code _____

Legal Owner(s):

Donna K. Simmons
Name - Type or Print _____
Donna K Simmons
Signature _____
MARK R SIMMONS
Name - Type or Print _____
Mark R Simmons
Signature _____
203 SAINT MARYS Rd 4103910429
Address _____ Telephone No. _____
ESSEX Md 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name SAME
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 8.26.11

Case No. 2012-0056-A

203 ST. MARY Rd.

Lot Number 39 as shown on the Plat of the property of the Middleborough Land Corporation, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, folio 191. The improvements thereon being known as 203 St. Mary's Road. ED. 15, CD 6, consisting of 24,096 ~~sq~~.

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

No. **73657**

Date: **8.26.11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
01	806	0000		6150				75.-

Total: **75.-**

Rec From: **M. SIMMONS**

For: **2012-0056-A**

203 Saint Marys Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME ORN
 8/26/2011 8/26/2011 10:36:21 6

REC: 4506 WALKIN TAY TST
 RECEIPT # 664831 8/26/2011 OFLN
 Dept: 5 528 ZONING VERIFICATION
 CR NO. 073657

Recpt tot \$75.00
 \$0.00 CR \$75.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0056-A
203 Saint Mary's Road
Eastern corner of Saint Mary's Road and Tred Avon Road
15th Election District
6th Councilmanic District
Legal Owner(s): Donna & Mark Simmons
Variance: to permit .6 chickens on a lot less than one acre.
Hearing: Wednesday, October 5, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 09/654 Sept. 20 286357

CERTIFICATE OF PUBLICATION

9/22/2011

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 9/20/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/18/2011

Case Number: 2012-0056-A

Petitioner / Developer: MARK SIMMONS

Date of Hearing (Closing): OCTOBER 5, 2011

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:
203 SAINT MARY'S ROAD

The sign(s) were posted on: **SEPTEMBER 18, 2011**



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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 20, 2011 Issue - Jeffersonian

Please forward billing to:
Mark Simmons
203 Saint Mary's Avenue
Essex, MD 21221

410-391-0429

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0056-A

203 Saint Mary's Road

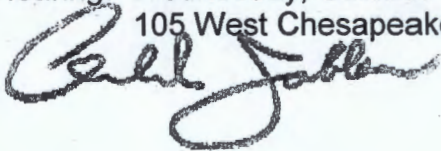
Eastern corner of Saint Mary's Road and Tred Avon Road

15th Election District – 6th Councilmanic District

Legal Owners: Donna & Mark Simmons

Variance to permit 6 chickens on a lot less than one acre.

Hearing: Wednesday, October 5, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 8, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0056-A

203 Saint Mary's Road

Eastern corner of Saint Mary's Road and Tred Avon Road

15th Election District – 6th Councilmanic District

Legal Owners: Donna & Mark Simmons

Variance to permit 6 chickens on a lot less than one acre.

Hearing: Wednesday, October 5, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Simmons, 203 Saint Mary's Road, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 20, 2011**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2012-0056-A

✓ Petitioner: MARK R. SIMMONS

✓ Address or Location: 203 SAINT MARYS Rd.
ESSEX Md 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: SAME

✓ Telephone Number: 410 391 0429

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 26, 2011

Donna and Mark Simmons
203 Saint Marys Road
Essex, MD 21221

RE: Case Number 2012-0056 A, 203 Saint Marys Road

Dear Mr. & Mrs. Simmons,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 26, 2011. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-31-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0056-A
Variance
Donna & Mark Simmons
203 Saint Marys Road

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. 2012-0056-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at rzeller@sha.state.md.us. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: September 8, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2011
Item Nos. 2012-052, 053, 054, 055, 056, 057, 058
And 059

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09192011 -NO COMMENTS.doc

10/5 10AM
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 23 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 23, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-056-A
Address 203 Saint Mary's Road
(Simmons Property)

Zoning Advisory Committee Meeting of September 6, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Allowing the chickens to be kept on this property requires management of the living area for the chickens and of the chicken waste to minimize impacts to water quality. Any chicken coops/runs must meet lot coverage and BMA requirements. Total lot coverage on this property is limited to 15% of the lot area above mean high water, or a maximum of 5,445 square feet with mitigation for any amount over 15%. Any structures or other lot coverage proposed or existing to support the proposed activities require approval from EPS. Compliance with lot coverage and BMA requirements can minimize adverse impacts on water quality that result from the proposed activities.

2. Conserve fish, wildlife, and plant habitat; and

The use of this property must comply with all LDA and BMA requirements, including the 15% afforestation requirement, adequate vegetative cover requirements, and CBCA lot coverage requirements. By meeting these requirements, the requested activity could be conducted in a manner that can conserve fish, wildlife, and plant habitat.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The proposed activities must comply with all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Paul Dennis – *Environmental Impact Review*

M E M O R A N D U M

DATE: February 8, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0056-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 3, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
203 Saint Marys Road; E corner of Saint
Marys Road & Tred Avon Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Donna & Mark Simmons
Petitioner(s)

* BEFORE THE
* ADMINSTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2012-056-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

SEP -6 2011

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Donna & Mark Simmons, 203 Saint Marys Road, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO0098376
203 Saint Marys Road

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 1, 2011

TO: W. Carl Richards, Jr.

FROM: Lionel van Dommelen, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2012-0056-A
Legal Owner/Petitioner: Donna and Mark Simmons
Property Address: 203 Saint Marys Rd
Location Description: Located on Eastern corner of Saint Marys Road and
Tred Avon 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: **George Willams**

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: CO0098376
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.

LvD/kh
C: George Willams; Code Enforcement Officer



CODE ENFORCEMENT

CORRECTION NOTICE

CASE NUMBER	FA NUMBER	PROP. TAX ID	ZONE
0098376	0163747	1523155020	21221

☐ Owner ☐ Occupant ☐ Other

NAME(S): <u>Downing K Simmons</u>		
MAILING ADDRESS: <u>MARK B. Simmons</u>		
<u>203 Saint Marys Rd.</u>		
CITY	STATE	ZIP CODE
<u>Essex</u>	<u>M.D.</u>	<u>21221</u>
VIOLATION ADDRESS:		
CITY	STATE	ZIP CODE
<u>S A M E</u>	<u>MARYLAND</u>	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

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

- | | |
|---|---|
| ☐ 431: Improper parked/ illegal commercial vehicle(s) | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 450: Non permitted sign(s) | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☒ 100.6: Non permitted livestock / fowl / poultry |
| ☐ 102.5: Residential site line violation /obstruction | ☐ 408B: Non permitted rooming/ boarding house |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B01: Non permitted private kennel. Limit 3 dogs |
| ☐ 1B01.1, ZCPM: Cease service garage activities | ☐ 101; 102.1; ZCPM: Illegal home occupation |
| ☐ 402: Illegal conversion of dwelling | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM: Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|---|--|
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-309; 13-7-310: Remove animal feces daily | ☐ 35-6-105: Obtain rental housing license |
| ☐ 13-7-310(a): Remove all trash & debris from property | ☐ 18-2-608: Exceeding time limit, Temp. Storage Unit |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 35-2-206: Install address numbers to property or home |
| ☐ 13-7-310(c): Cease all outside feeding of animals/birds | ☐ IBC 115; BCBC 121: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 13-7-305: Cease rat harborage on premise | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 13-7-306: Eradicate all rat infestation on premise | |
| ☐ 13-7-112: Remove graffiti | |

LIVABILITY CODE (B.C.C.)

- | | |
|--|---|
| ☐ 35-5-203: Condemnation of structure / equipment | ☐ 35-5-212: Repair heating / cooking equipment |
| ☐ 35-5-208(a): Repair exterior structure | ☐ 35-5-213: Provide fire and safety protection |
| ☐ 35-5-209(a): Repair interior structure | ☐ 35-5-231.1: Provide Carbon Monoxide detectors |
| ☐ 35-5-210 (a)(c): Provide proper lighting in structure | ☐ 35-5-214: Remove all accumulations & storage blocking egress, stairwells, passageways, doors, windows, etc |
| ☐ 35-5-211(c): Repair plumbing defects to structure | |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(i): Remove hazardous / unsafe condition | ☐ 35-2-404(a)(i)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(i)(iii): Repair roof / horizontal members | ☐ 35-2-404(a)(i)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(i)(v): Repair ext. plaster / masonry | ☐ 35-2-404(a)(i)(vi): Waterproof walls/ roof / foundations |
| ☐ 35-2-404(a)(i)(vii): Repair ext. construction (see below) | ☐ 35-2-404(a)(i)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(i)(3): Repair / remove defective ext. sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure openings |

OTHER VIOLATIONS OR REMARKS:

Remove all fowl from property - must have 1 acre one acre for each animal

13-7-311-(b)(2) A person may not maintain within a residential area less than 1 acres in size small livestock, pigs, chickens, goats

Pursuant to BCC:1-2-217; 32-3-602, a potential per day, per violation civil penalty has been assessed & may be placed as a lien upon your tax bill:

\$ 200.00

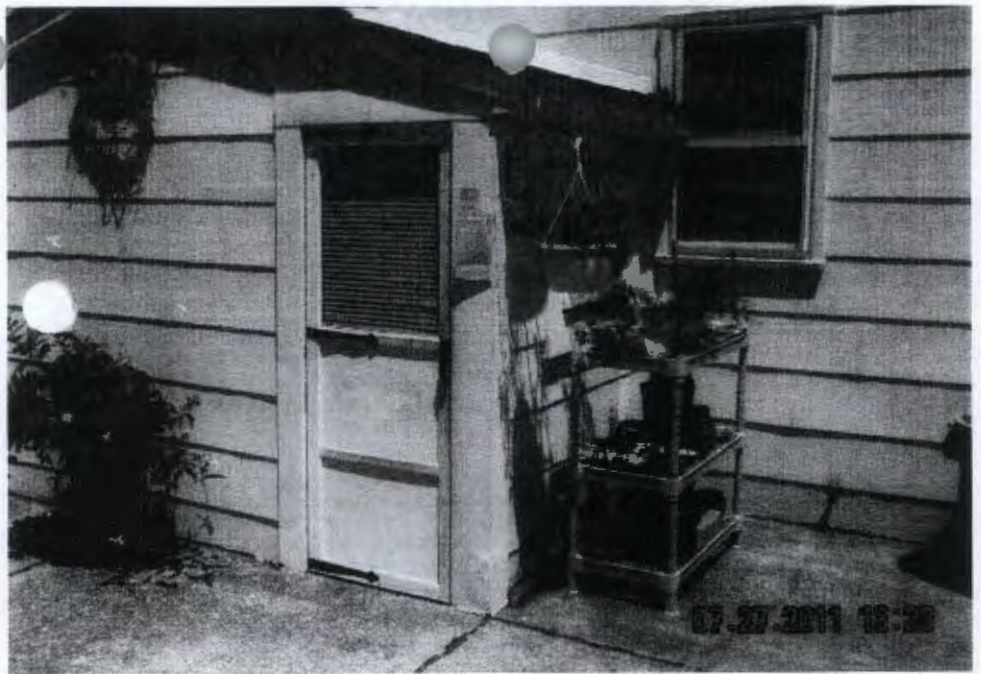
COMPLIANCE DATE: 8.3.11

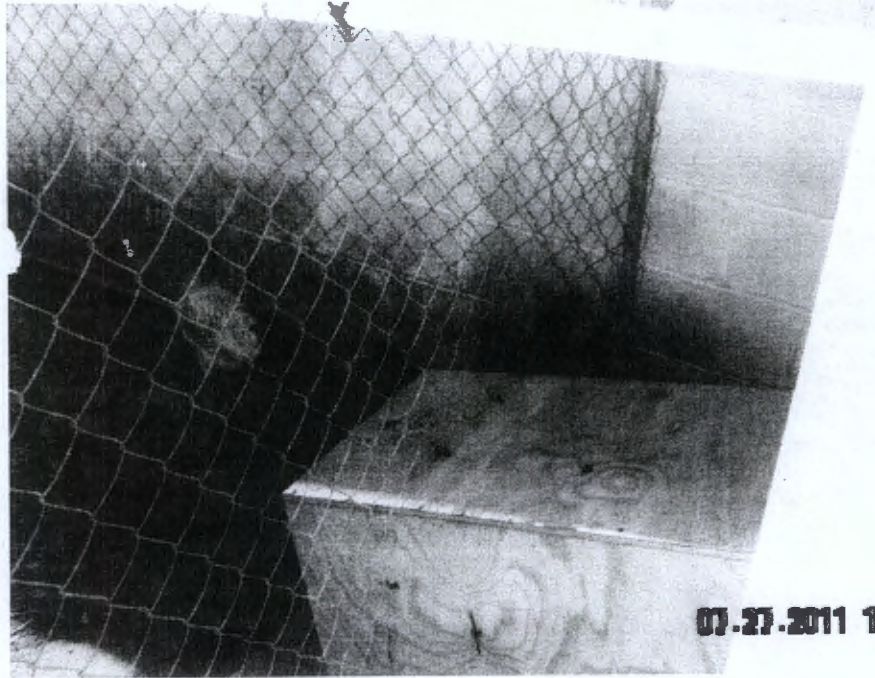
INSPECTOR NAME:

George Williams 7.27.11

(PRINT NAME)

ISSUED DATE





07-27-2011 18:20

Debra Wiley - ZAC Comments - Distribution Meeting of September 6 2011

From: Debra Wiley
To: Murray, Curtis; Lykens, David; Kennedy, Dennis; Muddiman, Don; Livingsto...
Date: 9/4/2011 2:30 PM
Subject: ZAC Comments - Distribution Meeting of September 6 2011

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0052-A - 2857 Louisiana Avenue
(Administrative Variance - Closing Date: 9/19/11)

2012-0053-SPHX - 2430--2444 Broad Avenue

2012-0054-A - 4401 Norfen Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0055-A - 3501 Glenwood Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0056-A - 203 Saint Marys Road *No hearing set per data base 9-6*

2012-0057-SPHX - 4401 North Point Road

2012-0058-SPHA - 2127 York Road

2012-0059-A - 7105 Eastern Avenue

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

Debra Wiley - ZAC Comments - CBCA

From: Debra Wiley
To: Livingston, Jeffrey; Lykens, David
Date: 9/4/2011 2:14 PM
Subject: ZAC Comments - CBCA

ZAC Agenda - Distribution Meeting of 9/6

Case Nos.:

2012-0055-A - 3501 Glenwood Road (Closing 9/19)

2012-0056-A - 203 Saint Marys Road *No hearing set per data base 9-6*

We have received a copy of the above ZAC agenda. It indicated that these cases are located within the Chesapeake Bay Critical Area (CBCA). As such, under Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), no decision may be rendered by this Office concerning this request until we have received a written comment (including "no comment") from you. In order to avoid delays, please forward your recommendation in a timely manner.

Thanks for your continued cooperation.

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

Karen Lynn Weeks, RN, BSN

2012-0056-A

221 St. Mary's Road Baltimore, MD 21221

November 8, 2011

Lawrence M. Stahl

Managing Administrative Law Judge

John E. Beverungen
Timothy M. Kotroco
Administrative Law Judges
105 W. Chesapeake Ave. Suite 103
Towson, MD, 21204

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NOV 10 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Honorable Judge Kotroco,

This is my personal recommendation to allow Mark and Donna Simmons of 203 St. Mary's Road, Baltimore, MD, 21221 to be allowed to continue their provision of healthy food for their family, in particular the eggs provided by their hens. I am speaking of case number 2012-0056-

A. I have a great deal to say about this case, not just related to this individual family's needs but to the quality of food available to the public in general. There is much evidence that the nutrients found in home raised hen eggs to be of a much higher quality than those available in our local stores. I have attached a study and some other information to this packet. For the purposes of respecting your limited time I would like to touch on several points in the following paragraphs.

First, I am a practicing nurse in the area of pediatrics for the past thirty years. I graduated from the University of Maryland, School of Nursing. I worked at Johns Hopkins Children's Center, Franklin Square Perinatal Unit, and currently have been with the school system of Baltimore County for twenty years. I have seen a decline in the health of our children. There are many reasons for this, I am sure, but no one seems to know the exact cause. The concerns about ADHD (hyperactivity), the increase in asthma, the increase in serious anaphylactic type food allergies and the alarming increase in the autism rates of children should be taken very seriously. As I have observed over the years, the amount of immunizations has tripled for young children, they eat foods daily with tons of preservatives and additives, and the environment is more polluted. Much of the food of the meat products we eat like cow, pig and chickens is not natural anymore, there are all kinds of additives in it, big meat producers feed what is cheapest, will make the animal grow and grow fast, hormones and antibiotics are a

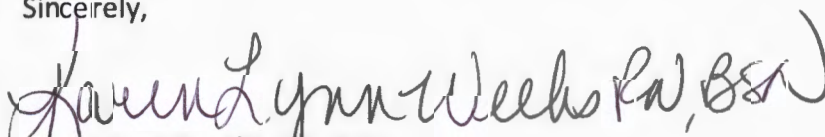
staple. While it is true there aren't polio wards anymore and children don't die of pertussis anymore, the day to day quality of their health is in decline.

I have eaten the eggs of the hens from the Simmons' home. They are so much different in quality than those I buy from the grocery store. (Please see the attachment about the difference in the nutrients.) Mark and Donna could do field trips to their homestead. Not only has Mark volunteered cleaning the tanks in scuba gear at the National Aquarium in Baltimore, he has obtained oyster spats to try to encourage the filtration of the water at his pier to improve the quality of the water of Middle River. Donna has rescued dozens of baby wild animals such as bunnies, ducks and squirrels that would have expired had she not gotten up on many nights to feed and check on the tiny newborns whose mothers' may have been killed or who were separated from them. In addition, Donna looks in on an elderly lady across the street to make sure she is eating and has her needs met on a daily basis.

The Simmons' property is one of the most neatly kept in our neighborhood. Mark Simmons has constructed an attractive coop that is neatly painted with a fence all around and over it that is also neatly constructed and it is not visible to any passersby on St. Mary's Road. Their outdoor garbage containers have lining in them. They run a sustainable system using the waste from the animals as fertilizer for their vegetable garden; tilling it in to enrich the soil. They have taught their sons how to grow, care for and harvest and "put up" for the winter those foods that they have grown. I am always amazed at the foods that Donna manages to harvest and put away to feed her family for the winter. This is important for her sons. The younger works hard to pay attention at school and needs organic and healthy food.

Her boys are curious and are future scientists, researchers, informational technology experts. Those children will be an asset to our society as evidenced by their excellent manners and their moral qualities. This is a family who should be praised for their efforts in our community. I give them the highest recommendation possible to continue to keep their hens. Please do not hesitate to contact me for any further questions. I would have been with the Simmons' family at the original hearing if possible, but working for the Baltimore County Public School system I was unable to attend.

Sincerely,


Karen Lynn Weeks, RN, BSN

(410) 409-6191

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

[Go Back](#)
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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 1523155020

Owner Information

Owner Name:	SIMMONS MARK R SIMMONS DONNA K	Use:	RESIDENTIAL
Mailing Address:	203 SAINT MARYS RD BALTIMORE MD 21221-1540	Principal Residence:	YES
		Deed Reference:	1)/14597/ 00499 2)

Location & Structure Information

Premises Address	Legal Description
203 ST MARYS RD 0-0000	203 ST MARYS RD Waterfront MIDDLEBOROUGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0097	0012	0373		0000			39	3	Plat Ref: 0004/ 0191

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,336 SF	24,096 SF	34

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2011	07/01/2012
Land	205,000	205,000		
Improvements:	155,000	155,000		
Total:	360,000	360,000	360,000	
Preferential Land:	0			

Transfer Information

Seller:	RENNER VIRGINIA D	Date:	07/26/2000	Price:	\$220,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/14597/ 00499	Deed2:	
Seller:	RENNER JOHN B	Date:	10/30/1998	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/13257/ 00574	Deed2:	
Seller:	RENNER JOHN B	Date:	12/12/1977	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/05835/ 00103	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt:	Special Tax Recapture:
Exempt Class:	

Special Exception for Chickens on your property

Saturday, October 1, 2011 9:47 AM

From: "Jody Palmisano" <jodypalm@yahoo.com>
To: "Marc Simmons" <wildonesdks@aol.com>
Cc: "Jody Palmisano" <jodypalm@yahoo.com>

Mark and Donna,

We saw your zoning sign for the Special Exception to allow the 6 chickens on your property..we are sorry you have to go thru this....We are worried about a couple of things...first off..

1. Is our property value going to be diminished by this special exception to have chickens farmed next to our property?
2. There is a lot of noise from the chickens thru out the day especially in the morning....and our kids hear this noise as there bedroom faces the pen...
3. We have seen more rodents...mice etc in our storage garage since the coop was built.
4. They drive Carlo our dog crazy while he is forced to watch them all day, and makes him more aggressive towards other animals...
5. The coop is right in our siteline walking to our car, where as your door is on the other side, much further away...

We think about not opposing this Special Exception if you and your family want to make a deal with an understanding that you will not feed the ducks anymore...there is duck crap all over our beach, pier, water near our property and swim platform of our boat...We have to put up special lines along our pier to keep the ducks off. If you will agree with this we will draw up an agreement that you can sign saying that you or your family or friends will not feed the ducks... If you do you will be liable for the cleanup of duck feces on our pier boat and beach...

We don't want to cause problems and are sorry that things are like they are...

Jody Palmisano and family

CASE # 2012-0056-A

(ATTN) JUDGE JOHN BEVERUNGEN

FAX 410 887-3462

Petition to keep 6 chickens on less than 1 acre of land

Petition summary and background:	To reconsider the denial of variance NO. 2012-0056-A
Action petitioned for:	We, the undersigned, petition the court to allow Mark & Donna Simmons to keep at 203 saint marys rd. Baltimore, MD 21221 to keep 6 chickens on less than an acre of land.

Printed Name	Signature	Address	Comment	Date
Susan Wunder	<i>Susan Wunder</i>	2116 TREDAVON Rd.		
Jane Smith	<i>Jane Smith</i>	2232 Monocacy Rd.	Food (eggs) For Family	11/2/2011
Madeleine Harris	<i>Madeleine Harris</i>	2215 BAUERNSCHMIDT Dr. ²¹²²¹		11/2/2011
Lois Pelletier	<i>Lois Pelletier</i>	2116 Sugar mill cir.		11/2-2011
Donna Lepus	<i>Donna Lepus</i>	309 Sassafras Rd.	NEAT - Clean - Quiet Friendly to environment	11/2/11
Carol Rasmussen	<i>Carol Rasmussen</i>	311 Sassafras Rd.		11/2/11
Rox Sweet	<i>Rox Sweet</i>	2114 Tred Avon Rd.		11/2/11
Nancy Sweet	<i>Nancy Sweet</i>	2114 Tred Avon		11/12/11
Jean Drift	<i>Jean Drift</i>	201 Antietam Rd.	Not bothering anyone	11/2/2011
Joe Mc	<i>Joe Mc</i>	201 St Mary	no comment	11/2/11
SHIRLEY FUCHS	<i>Shirley Fuchs</i>	2116 Tred Avon		11/2/11
David A Melton	<i>David A Melton</i>	300 Saint Marys Rd 21221	we think chickens are a great educational tool	11/2/11

Michele Melton	Michele Melton	200 St Mary's Road 2021		11/2/2011
~~Michele Melton~~	~~Michele Melton~~	~~200 St Mary's Road 2021~~	~~Neighbors~~	~~11/2/2011~~
Rose Sweet	Rose Sweet	2114 Tread Ave Rd 2121	Very Clean	11/9/2011
W.L. Faltan	W.L. Faltan	2034 Tread Ave Rd		11/4/2011
M.A. Koze	M.A. Koze	2034 Tread Ave Rd		11/4/2011
Myt Giller	Myt Giller	2034 Tread Ave Rd	Chickens are	11/4/2011
Kacumi	Kristin Neimille	2018 Tread Ave	no problem! yard always clean	11/4/11
Kelly Bull	Kelly Bull	2120 Turkey Point Rd. 2121	Balt. Clean & doesn't stink!	11/4/11
Greg Wanders	Greg Wanders	767 Back River Neck 2121		11/3/11
Tim Thornton	Tim Thornton	213 St. Mary's Road	Great Renewable, eco Friendly Resource	11/3/11
John Sweet	John Sweet	215 St Mary's Rd		11/3/11
~~Michele Melton~~	~~Michele Melton~~	~~200 St Mary's Road 2021~~	~~Neighbors~~	~~11/2/2011~~
Marie Kroll	Marie Kroll	202 Margaret Ave		11/3/11
Dave Danileczuk	Dave Danileczuk	233 St. Mary's Rd.		11/3/11
D. Benette	D. Benette	239 St Mary's Rd	Very clean property	11/4/11
Richard Allen	Richard Allen	2120 Tread Ave Rd	Very Clean, lots of birds around anyway	11/4/11

CASE NAME Simmons
CASE NUMBER 2012-0056-A
DATE 10-5-11

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Simmons
CASE NUMBER 2012-0056-A
DATE 10-5-11

CITIZEN'S SIGN-IN SHEET

[illegible]

MOTHER EARTH NEWS

Meet Real Free-Range Eggs

October/November 2007

<http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx>

By Cheryl Long and Tabitha Alterman



Rancho Cappuccino; Lawrence, Kan.
BRYAN WELCH

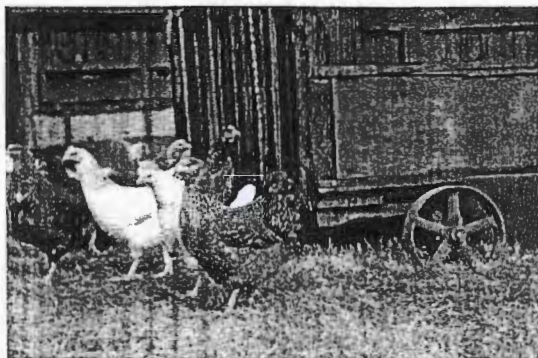
Most of the eggs currently sold in supermarkets are nutritionally inferior to eggs produced by hens raised on pasture. That's the conclusion we have reached following completion of the 2007 Mother Earth News egg testing project. Our testing has found that, compared to official U.S. Department of Agriculture (USDA) nutrient data for commercial eggs, eggs from hens raised on pasture may contain:

- 1/3 less cholesterol
- 1/4 less saturated fat
- 2/3 more vitamin A
- 2 times more omega-3 fatty acids
- 3 times more vitamin E
- 7 times more beta carotene

These amazing results come from 14 flocks around the country that range freely on pasture or are housed in moveable pens that are rotated frequently to maximize access to fresh pasture and protect the birds from predators. We had six eggs from each of the 14 pastured flocks tested by an accredited laboratory in Portland, Ore. The chart at the end of this article shows the average nutrient content of the samples, compared with the official egg nutrient data from the USDA for "conventional" (i.e. from confined hens) eggs. The chart lists the individual results from each flock.

Cage Vs. Free Range Eggs

by Dawn Walls-Thumma, Demand Media



Chickens naturally consume grass, weeds and bugs found while roaming free.

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Conventional agriculture raises hens for egg production indoors and in cages, a practice that has generated criticism concerning the negative animal welfare, environmental and nutritional impacts of such a system. Free-range hens that produce eggs, on the other hand, must be given access to the outdoors, according to U.S. Department of Agriculture regulations (see References 1).

Price

Price comparison between conventional and free-range eggs is difficult since the USDA does not collect data on free-range egg prices or sales. The closest egg category the USDA tracks to free-range is organic eggs. Like free-range eggs, National Organic Program regulations require that organically raised hens have outdoor access; however, additional regulations concerning the animals' feed and other aspects of care can drive prices for organic eggs above those for free-range eggs (see References 2). According to 2006 data collected by the USDA, conventional eggs cost, on average, \$1.36 per dozen. Organic eggs, on the other hand, cost an average of \$3.99 per dozen that year. (See References 3) Between March 2006 and March 2011, egg prices in general increased 33 percent, according to Consumer Price Index data (see Resources 2).

Animal Welfare

Egg-laying hens confined to cages do not have space to move, stretch or engage in natural behaviors, which causes them to engage in repetitive or destructive behaviors, such as feather-pulling or pecking at their neighbors. Caged hens show more fearful behavior and become prone to skeletal problems because of captivity. (See References 4, page 688) Because free-range hens are allowed outdoor access, more space to move around and more opportunities to engage in natural behaviors, free-range eggs are generally regarded as a more humane alternative to conventionally produced eggs. However, regulations on the use of the term "free-range" do not specify the amount of time outdoors or space the hen must have, nor do they indicate that the hen must have access to a pasture diet (see References 1).

Environmental Concerns

Large numbers of animals confined in small spaces, as seen in conventional egg-production facilities, pollute the air, water and soil with the vast amounts of manure they produce. Livestock manure runs off into waterways, causing nutrient pollution and algae blooms; gases from the manure pollute the air; and the medications and pathogens in the animals' waste causes health risks. (See References 5) Animal-based agriculture doesn't have to create a liability for the environment. In his 2006 book, "The Omnivore's Dilemma," Michael Pollan described poultry farms where rotating pastured poultry among fields provided enough manure to boost the nutrient levels in the soil without becoming toxic. At the same time, the chickens helped to control pests. (See References 6, pages 209-212.)

Nutrition

In addition to being healthier for the planet, free-range eggs are often healthier for you too. In 2007, Mother Earth News collected nutritional data from the eggs produced by 14 flocks of free-range pastured hens and compared that with data provided by the USDA for conventional eggs. The study revealed that the free-range eggs, on average, contained one-third less cholesterol and one-quarter less saturated fat, in addition to higher levels of vitamin A, beta-carotene, vitamin E and omega-3 fatty acids (See Resources 1). One important distinction is that all hens in the Mother Earth News study were pasture-fed, which is not required by the USDA for free-range eggs (see References 1), so it's possible the improved nutrition was a result of the diet, and not the housing conditions.

Antibiotics in Animals www.OrganicIsWorthIt.org
Organic. It's worth it to avoid meat raised with antibiotics.

Save Your Eggs www.fertilitycenter.com
Freeze your eggs now for when you are ready to have a baby!

Skin Scabies Treatment www.Dermisil.com/Scabies
Kills Scabies Mites From Outside. Works Internally as Well. Buy Now!

Get Answers about Food www.FoodDialogues.com
How is your food grown & raised? Join the Food Dialogues community.

[Ads by Google](#)

References

1. U.S. Department of Agriculture. Meat and Poultry Labeling Terms, April 2011 (http://www.fsis.usda.gov/factSheets/Meat_3_Poultry_Labeling_Terms/index.asp#4)

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by
Deborah Krasner



A real beauty!

The Thermopen



"Best Meat
Thermometer Ever!"

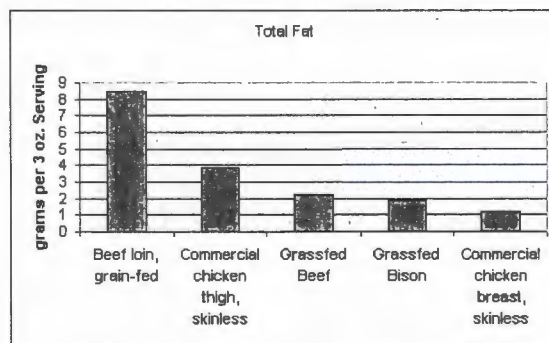
Health Benefits of Grass-Fed Products

Meat, eggs, and dairy products from pastured animals are ideal for your health. Compared with commercial products, they offer you more "good" fats, and fewer "bad" fats. They are richer in antioxidants; including vitamins E, beta-carotene, and vitamin C. Furthermore, they do not contain traces of added hormones, antibiotics or other drugs.

Below is a summary of these important benefits. Following the summary is a list of news bulletins that provide additional reasons for finding a local provider of grass-fed food.

Summary of Important Health Benefits of Grassfed Meats, Eggs and Dairy

Lower in Fat and Calories. There are a number of nutritional differences between the meat of pasture-raised and feedlot-raised animals. To begin with, meat from grass-fed cattle, sheep, and bison is lower in total fat. If the meat is very lean, it can have one third as much fat as a similar cut from a grain-fed animal. In fact, as you can see by the graph below, grass-fed beef can have the same amount of fat as skinless chicken breast, wild deer, or elk.^[1] Research shows that lean beef actually lowers your "bad" LDL cholesterol levels.^[2]



Data from J. Animal Sci 80(5):1202-11.

Because meat from grass-fed animals is lower in fat than meat from grain-fed animals, it is also lower in calories. (Fat has 9 calories per gram, compared with only 4 calories for protein and carbohydrates. The greater the fat content, the greater the number of calories.) As an example, a 6-ounce steak from a grass-finished steer can have 100 fewer calories than a 6-ounce steak from a grain-fed steer. If you eat a typical amount of beef (66.5 pounds a year), switching to lean grassfed beef will save you 17,733 calories a year—without requiring any willpower or change in your eating habits. If everything else in your diet remains constant, you'll lose about six pounds a year. If all Americans switched to grassfed meat, our national epidemic of obesity might diminish.

In the past few years, producers of grass-fed beef have been looking for ways to increase the amount of marbling in the meat so that consumers will have a more familiar product. But even these fatter cuts of grass-fed beef are lower in fat and calories than beef from grain-fed cattle.

Extra Omega-3s. Meat from grass-fed animals has two to four times more omega-3 fatty acids than meat from grain-fed animals. Omega-3s are called "good fats" because they play a vital role in every cell and system in your body. For example, of all the fats, they are the most heart-friendly. People who have ample amounts of omega-3s in their diet are less likely to have high blood pressure or an irregular heartbeat. Remarkably, they are 50 percent less likely to suffer a heart attack.^[3] Omega-3s are essential for your brain as well. People with a diet rich in omega-3s are less likely to suffer from depression, schizophrenia, attention deficit disorder (hyperactivity), or Alzheimer's disease.^[4]

Another benefit of omega-3s is that they may reduce your risk of cancer. In animal studies, these essential fats have slowed the growth of a wide array of cancers and also kept them from spreading.^[5] Although the human research is in its infancy, researchers have shown that omega-3s can slow or even reverse the extreme weight loss that accompanies advanced cancer and also hasten recovery from

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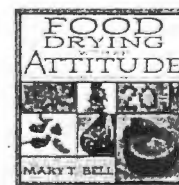
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10% OFF all books
by [Joel Salatin](#)

Pasture Perfect
by Jo Robinson



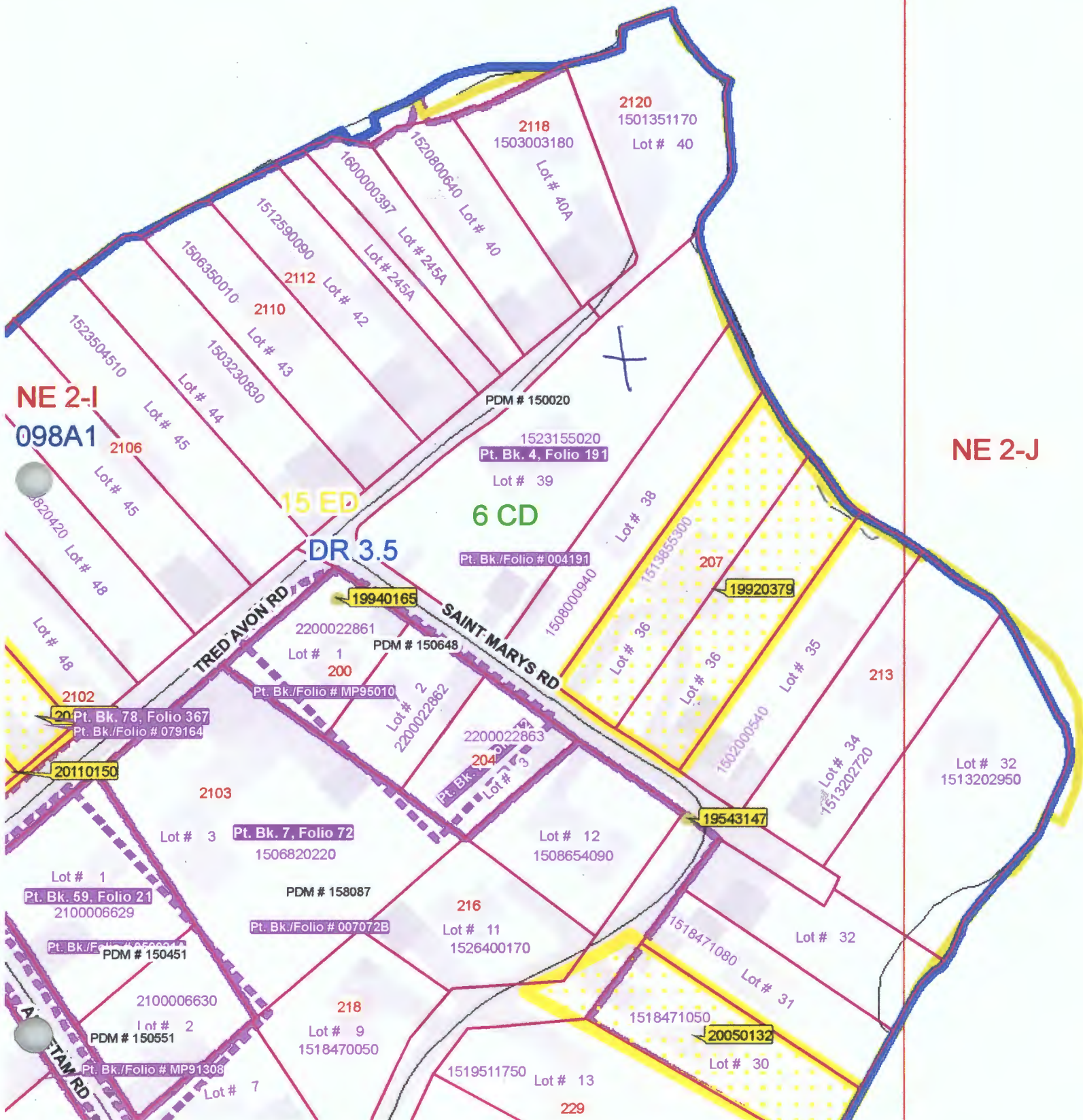
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Discounts

Food Drying with an
Attitude



Enjoy quality fruits & vegetables all year!

The Grassfed Gourmet
Cookbook



NE 2-I
098A1

NE 2-J

15 ED

DR 3.5

6 CD

TRED AVON RD

SAINT MARYS RD

STAW RD

Case No.:

12 - 0056 A

Exhibit Sheet

10/5/11
S

Petitioner/Developer

Protestant

No. 1	Site Plan	Photos of Neighborhood
No. 3	Photos of House + Coop	
No. 2	Fact sheet + Letters of Support	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		









Case No.:

12 - 0056 A

Exhibit Sheet

10/5/11
J

2/8/12
BW

Petitioner/Developer

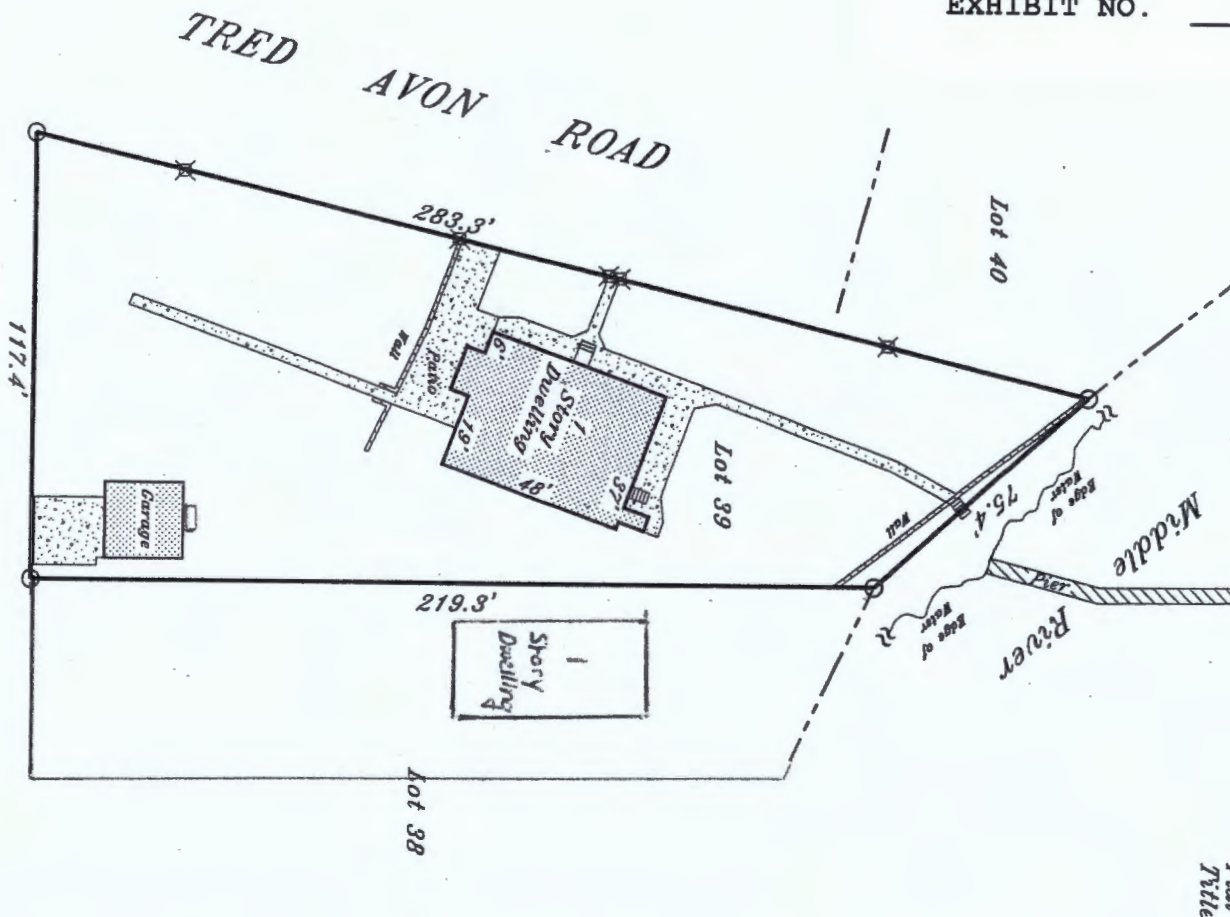
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No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 203 Saint Marys Rd. OWNER(S) NAME(S) mark and Donna Simmons
 SUBDIVISION NAME MIDDLEBOROUGH LAND CORP. LOT# 39 BLOCK# _____ SECTION# _____
 PLAT BOOK # 4 FOLIO # 191 10 DIGIT TAX # 1523155020 DEED REF. # 14597/499

PETITIONER'S

EXHIBIT NO. 1



PLAN DRAWN BY MARK Simmons DATE 8/24/2011 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 098A

SITE ZONED D.R. 3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 24096

HISTORIC? X

IN CBCA? ✓

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Facts of Defendants

- 1) The complaint is from 5507 Benson Heights Ave, Baltimore MD 21206; please explain why he is filing a complaint about chickens in Middleborough. The complaint contains incorrect information.
 - a) The number of chickens is stated as 8, I only have 6.
 - b) The acreage less than 1 acre of land- when I inquired in 2006 before purchase of chickens the information I received, see #6.I keep the chickens and coop clean; I have been considerate of neighbors with no complaints, no roosters, and the hens do not free-range.
- 2) I have had chickens on the property for 5 years since 2006. I have not received any complaints from neighbors. I acquired the chickens due to the children's interest in them and the advancements for the children in boy scouts.
- 3) The only neighbor is south of us at 205 Saint Marys Road; All of the other sides are bordered by roads and waterfront. The total acreage of the lots exceeds ½ acre.
- 4) I had spoken to Marcia Palmisano at 205 Saint Marys Road in the summer of 2006 to ask if she had any problems with us having chickens, this response was "No". They also subsequently tended to our chickens while we were on vacation in 2007.
- 5) The chicken coop is in an enclosed yard and is maintained and cleaned at least twice weekly, if not more. Chicken waste is composted. Noise from chickens is minimal.
- 6) When Baltimore county zoning was called for information in 2006, I was told the following:
 - a) Size of lot did not matter.
 - b) I need to provide to the chickens with a coop.
 - c) No more than six hens maximum.

Neighbors called the county in 2006 and 2009 and received the same information from zoning offices.

- 7) Plat in the Packet is to scale for more information referring to residence.
- 8) Letters the two individuals from 2009 and 2006 that inquired about chickens in Baltimore County and the president of the Middleborough Community Association are enclosed as well as many from surrounding neighbors.

PETITIONER' S

EXHIBIT NO. 2

October 4, 2011

To Whom It May Concern:

My name is Bonnie Balch. I am the President of the Middleborough Community Association. I am writing this letter on behalf of the Simmons family. The Simmons' have been residents of Middleborough community in good standing. They are very active in the community and in school participation.

Mr. and Mrs. Simmons are very environmentally conscious. They raise their two children to be the same way. In doing so, they keep chickens, not only as pets, but in keeping with the fashion of "Going Green." They have participated in activities to keep the bay clean. They also help in keeping our community clean of debris. The house that the chickens reside in is very clean and odor free. There is no run-off of any kind. When cleaning, everything is disposed of in a proper way.

As a community association, we have never had any complaints about the chickens or anything else involving the Simmons family. Mr. and Mrs. Simmons teach their children to keep the environment clean and safe. With this type of teaching, our children have respect for the environment and nature. We promote "going green" to better our future. The Simmons family promotes this in true fashion.

Thank you,

Bonnie Balch
President
Middleborough Community Association



Dear Young Man,
Thank you for the eggs you gave me.
I made scrambled eggs for breakfast this morning.
They were the best eggs I ever had. I really
enjoyed seeing all of your beautiful chickens.
It was nice to see how they are all well cared for and
how proud you are of them.

Best Wishes to you + your Family,
Linda

