

IN RE: PETITION FOR SPECIAL HEARING *

S/side of Geise Avenue, 272' W of
Lincoln Avenue
(7349 Geise Avenue)
15th Election District
7th Council District

Audrey L. Leamer, *Legal Owner*
Charles E. Kunarski, *Resident (Son)*
Petitioners

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2012-0137-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Special Hearing filed by the legal owner of the property, Audrey Leamer. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) pigeon coops as a legal non-conforming use. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the public hearing held for this case was Charles E. Kunarski, resident and son of Audrey L. Leamer. Mr. and Mrs. Leisher, who live at 7347 Geise Avenue, attended the hearing and opposed the request. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

This matter is currently the subject of a violation case (Case No. CO-00900934) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. Mrs. Leisher indicated that she appeared for a code hearing in the County Office Building, but that Lionel Van Dommelin told her the inspector had erroneously dismissed the case. As such, it may be that the case noted above is in fact no longer pending. It should be noted that the fact that a code violation is issued is generally not considered in a

ORDER RECEIVED FOR FILING

Date 1-13-12

By kw

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 Petitioners are entitled to the requested special hearing relief.

The ZAC comments were received and made a part of the file. Comments were received from the Department of Environmental Protection and Sustainability (DEPS), dated December 27, 2011, concerning requirements for compliance with the Chesapeake Bay Critical Area regulations. The Department of Planning also submitted comments, and as noted below, the relief granted herein will be expressly conditioned upon Petitioners' compliance with those conditions.

Testimony and evidence revealed that the subject property is 17,050 square feet and is zoned DR 5.5. Mr. Kunarski stated that his father, since at least 1960, kept pigeons at the subject premises. Petitioner's father died in 1972, and he has continued keeping pigeons at the property since that time. Petitioner also submitted letters from several neighbors (Petitioner's Exhibit 1) indicating that pigeons have been kept at 7349 Geise Avenue for at least 25 years. Ms. Audrey Leamer stated she recalls pigeons at the location since the 1950s. Mr. Kunarski further stated that other than the recent code enforcement notice, he has never in 25+ years received a violation notice from the Health Department or any county or state agencies.

Kelli Leisher, Petitioner's neighbor, stated she moved to her home in 2006, and could not refute Petitioner's evidence regarding how long the pigeons have been kept at this location. She did however submit photos (Protestant's Exhibit 1) showing the poor condition of the Petitioner's yard, and she said that the pigeons cause obnoxious odors that make it difficult for her family to enjoy their pool or deck. She also said her children have asthma and that pigeon

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Date 1-13-12

2

By [Signature]

odors and feces can aggravate their condition, and she presented a letter from Scott Krugman, M.D. and certain articles which advised that pigeons can exacerbate respiratory conditions. Protestant's Exhibit 2.

Ms. Leisher also advised that in 2009, Petitioner constructed an additional pigeon coop in the rear yard, and that this structure in fact sits next to the fence at her property line. Mr. Kunarski conceded that he did construct an additional coop in or about 2009, but he telephoned the OAH after the hearing and advised that he was mistaken, and recalled that in fact he added the coop in 2001. Of course, pursuant to long-standing practice, evidence or testimony submitted after a hearing has concluded cannot be considered in the disposition of the case.

In zoning law, a use or structure that pre-dates a regulation outlawing such use or structure is known as a nonconforming use. Here, the B.C.Z.R. was amended in 2009 (Bill 63-09) to require one acre minimum lot size to keep fowl or pigeons. The Petitioner presented sufficient evidence he (or his father) kept pigeons prior to this time, and thus he has established a nonconforming use for the keeping of pigeons. But that is not the end of the matter.

Nonconforming uses are disfavored in the law, and cannot be expanded or enlarged. Here, Petitioner enlarged his pigeon operation after 2009, and he does not enjoy a nonconforming use status for the pigeon coop added after that date. *Prince George's Co. v. E.L. Gardner, Inc.*, 293 Md. 259, 267 (1982).

In addition, pigeons may be kept only when they do not create a nuisance on the property. B.C.Z.R. § 100.6. A nuisance is generally defined as any activity that prevents a neighboring owner from the use and enjoyment of his property. Here, Ms. Leisher described the odors and mess associated with the pigeons, but it is not clear this evidence would be sufficient to establish a nuisance. The more appropriate forum for this inquiry would be a code enforcement

proceeding in the Department of Permits, Approvals and Inspections. The Baltimore County
ORDER RECEIVED FOR FILING

Date 1-13-12

3

By [Signature]

Code (B.C.C. §§ 13-7-111 et. seq.) establishes a set of procedures for the processing and trial of a private nuisance case, and I believe that avenue would be more appropriate than this hearing for determining whether a private nuisance exists on these premises. The Petitioner should be aware that the Zoning Commissioner can terminate a nonconforming use if he is found to have violated the county code after a code enforcement hearing under Article 3, Title 6 of the Code. B.C.Z.R. § 104.8.

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

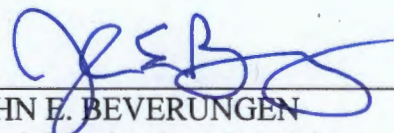
THEREFORE, IT IS ORDERED, this 13 day of January, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit one (1) pigeon coop as a legal non-conforming use, be and is hereby GRANTED..

IT IS FURTHER ORDERED that the Petition for Special Hearing, be and is DENIED in part, to the extent that Petitioner must discontinue immediately the use of the "front" pigeon coop which is situated closest to the premises at 7347 Geise Avenue.

The relief granted herein is subject to the following conditions:

- Petitioner must comply with the ZAC comments and conditions set forth in the letters from the Department of Environmental Protection and Sustainability and the Department of Planning; copies of which are attached hereto and made a part thereof.

JEB:dlw


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 1-13-12

By dlw

1/9 10am
7m 205

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

DEC 27 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: December 27, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0137-SPH
Address 7349 Geise Avenue
(Leamer Property)

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;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;

ORDER RECEIVED FOR FILING

Date

1-13-12

By

903

3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirement, which, for a property this size, is 25%. With approval and mitigation, this amount may be exceeded to 31 1/4%. According to the plan submitted for this review, the pigeon coops are existing, and the proposed and existing lot coverage is below the 25% limit. Therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized. If a building permit is required for these structures, the specific regulations will be applied prior to its approval.

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

The use of this property must comply with all applicable LDA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements. By meeting these requirements, the requested activities 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 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: Thomas Panzarella; Environmental Impact Review

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Date 1-13-12

By RSW

1/9 10 AM 205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 6, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7349 Geise Avenue

INFORMATION:

Item Number: 12-137

Petitioner: Audrey L. Leamer

Zoning: DR 5.5

Requested Action: Special Hearing

RECEIVED
DEC 21 2011
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request to permit 2 existing pigeon coops to remain as legal non-conforming uses and to permit them to be used for the keeping of pigeons provided the following conditions are met and maintained:

1. The coop structure must be screened from the neighbors by fencing and/or evergreen and vegetative screening to reduce visual, noise and odor impacts caused by the birds.
2. Implement a regular cleaning program to remove odor and debris that result from the birds.
3. Existing (front) coop(s) shall be moved to another location (center) of the rear yard so that it is farthest removed from the nearest neighboring property line subject to the approval of Environmental Protection and Sustainability.

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

Prepared by:

Division Chief:
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date: 1-13-12

By: [Signature]



KEVIN KAMENETZ
County Executive

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

January 13, 2012

Audrey L. Learner
2216 Lodge Farm Road
Baltimore, Maryland 21219

RE: Petition for Special Hearing
Case No.: 2012-0137-SPH
Property: 7349 Geise Avenue

Dear Ms. Learner:

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 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Charles E. Kunarski, 7349 Geise Avenue, Baltimore, MD 21219
Kelli Leisner, 7347 Geise Avenue, Baltimore, MD 21219
Stuart Kelly, Code Enforcement Officer, Division of Code Inspections & Enforcement,
Department of Permits, Approvals, and Inspections



ORIGINAL KEEP IN FILE VIOLATION CASE# CO-0100934
PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7349 GEISE AVE which is presently zoned DRS.5
Deed References: 24569/00114 10 Digit Tax Account # 1511671320
Property Owner(s) Printed Name(s) AUDREY L LEAMER

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 2 ~~ADDED~~ COOPS AS A LEGAL NONCONFORMING USE PIGEON

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee: RESIDENT. (XN)

Name- Type or Print Charles R Konarski

Signature Charles R Konarski

Mailing Address 7349 Geise Ave Balt MD

City State Zip Code 21219 Telephone # 410 477 3254 Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print AUDREY L LEAMER Name #2 - Type or Print

Signature #1 Audrey L Leamer Signature #2

Mailing Address 2216 LODGEFARM RD BALTO MD

City State Zip Code 21219 Telephone # 410-477-3254 Email Address

Representative to be contacted:

Name - Type or Print Charles R Konarski

Signature Charles R Konarski

Mailing Address 7349 Geise Ave Balt MD

City State Zip Code 21219 Telephone # Email Address

CASE NUMBER 2012 0137 SP4 ORDER RECEIVED FOR FILING Schedule Dates: - Reviewer JL

Date 1-13-12

By aw

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

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

16 * Sucklings and weanlings under 12 months of age will not be counted.

17 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-
18 five days after its enactment.

c/c

Part A

ZONING PROPERTY FOR 7349 GEISE Ave beginning at a point 30 feet on the ^{SOUTH} side of GEISE Ave.

Which is wide at the ^{30' PAVING} ^{A DISTANCE OF} ^{WEST} beginning of 272 feet of the centerline of the nearest improved intersecting street

which is LINCOLN Ave. which is 30 feet ¹⁰² ,

~~PART B DEPT 2~~

ALSO

Being Lot 301 SECTION B IN THE SUBDIVISION OF CHESAPEAKE TERRACE in Baltimore;

County, Plot Book 5,

Folio 36 containing 17,050 sq. feet located in the 15th election district and 7th council district

0137

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

No. **77214**

Date: **11/29/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	0000		6150						75.00

Total: **75.00**

Rec
From:

For:

Ros SPH 2012-0137-SPH

CASE# 7349 GENE AVE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTED THE 11/29/2011 09:50:31 5
 RECEIPT # 561094 11/29/2011 04/11
 RECEIPT # 561094 11/29/2011 04/11
 CR NO. 077214

Recpt tot 75.00
 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: # 2012-0137-SPH

7349 Geise Avenue
15th Election District
7th Councilmanic District
Legal Owner(s):

Audrey Learner
Lessee: Charles Kunarski
Special Hearing: to permit 2 pigeon coops as a legal nonconforming use.

Hearing: Monday, January 9, 2012 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.

12/149 Dec. 22 293206

CERTIFICATE OF PUBLICATION

12/22/ 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 12/22/ 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
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0137-SPA

PETITIONER/DEVELOPER _____

CHARLES KUWARSKI

DATE OF HEARING/CLOSING: _____

1/9/12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 7349 GEISE AVENUE

THIS SIGN(S) WERE POSTED ON _____

December 23, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 12/23/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0137-SPH

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, JANUARY 9, 2012
AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO REBUT 2 PLEED
COOPS AS A LEGAL NONCONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CANCEL PLANNING, CALL 307-3391

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

12/23/2011

Michael G. 12/23/11

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/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: 2012-0137-SPH

Petitioner: AUDREY LEAMER

Address or Location: ~~2216 LODGE FARM RD~~ 7349 GEISE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: AUDREY LEAMER

Address: 2216 LODGE FARM RD
BALTO. MD. 21219

Telephone Number: 410 477 3254

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 22, 2011 Issue - Jeffersonian

Please forward billing to:
Audrey Leamer
2216 Lodge Farm Road
Baltimore, MD 21219

410-477-3254

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: 2012-0137-SPH

7349 Geise Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Audrey Leamer
Lessee: Charles Kunarski

Special Hearing to permit 2 pigeon coops as a legal nonconforming use.

Hearing: Monday, January 9, 2012 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
December 12, 2011

NOTICE OF ZONING HEARING

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Charles Kunarski, 7349 Geise Avenue, Baltimore 21219
Audrey Leamer, 2216 Lodge Farm Road, Baltimore 21219

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 24, 2011**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO00900934
7349 Geise Avenue

2012-0137 SPH

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 12, 2011

TO: W. Carl Richards, Jr.

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

SUBJECT: Item No: 2012-0137-SPH
Legal Owner/Petitioner: Audrey Learner
Property Address: 7349 Geise Ave
Location Description: South side of Geise Avenue, 272 feet west of
Lincoln Avenue.

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

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: CO0101445
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: Stuart Kelly, Code Enforcement Officer



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals & Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7349 GEISE AVE which is presently zoned DR55
 Deed References: 24569/00114 10 Digit Tax Account # 1511471320
 Property Owner(s) Printed Name(s) AUDREY L. LEAMER

Phone # 410-477-3254

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

FA 0265590

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

AUDREY L. LEAMER

Name #1 - Type or Print

Name #2 - Type or Print

Audrey L Leamer

Signature #1

Signature #2

2216 LODGE FARMD BALTO. MD.

Mailing Address City State

21219 410-477-3254

Zip Code Telephone # Email Address

Representative to be contacted:

Charles R. Konarski SA

Name - Type or Print

Charles R Konarski SA

Signature

7349 Geise Ave Md

Mailing Address City State

21219

Zip Code Telephone # Email Address

CASE NUMBER _____ Filing Date ____/____/____ Do Not Schedule Dates: _____ Reviewer _____

Part A

ZONING PROPERTY FOR 7349 GEISE Ave beginning at a point 30 feet on the side of GEISE Ave.

Which is wide at the beginning of 272 feet of the centerline of the nearest improved intersecting street

which is LINCOLN Ave. which is 30 feet.

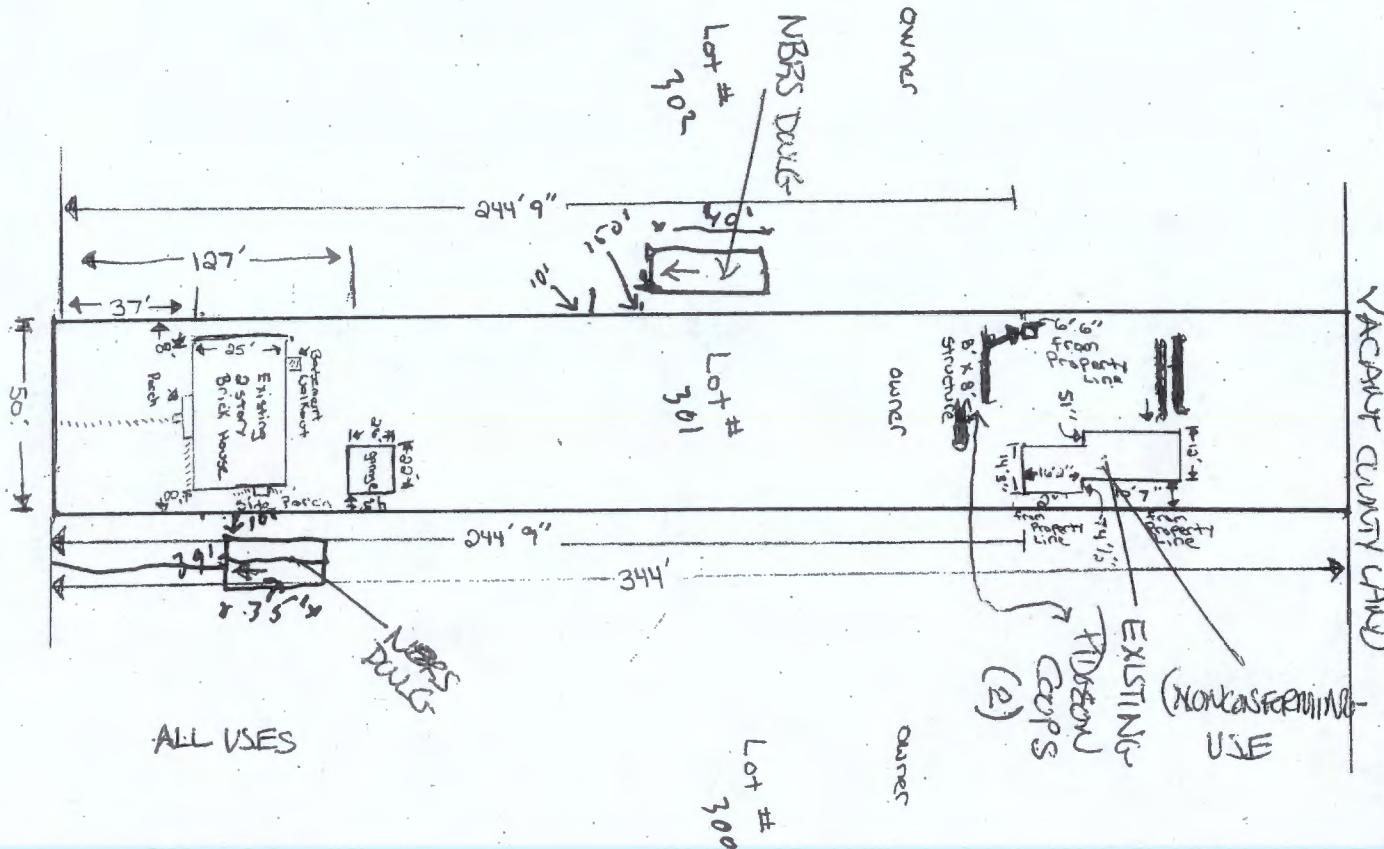
PART B Option 2

Being Lot 301 SECTION B IN THE SUBDIVISION OF CHESAPEAKE TERRACE in Baltimore;

County, Plot Book 5,

Folio 36 containing 17,050 sq. feet located in the 15th election district and 7th council district

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING ✓ (MARK TYPE REQUESTED WITH X)
 ADDRESS 7349 Geise Ave OWNER NAME(S) AUDREY L LEAMER
 SUBDIVISION NAME CHESAPEAKE TERRACE LOT # 301 BLOCK # SECTION #
 PLAT BOOK # 936 FOLIO # 10 DIGIT TAX # 15 11 67 13 20 DEED REF. #



SITE VICINITY MAP

Geise Ave
Lincoln Ave
 N
 MAP IS NOT TO SCALE
 ZONING MAP# 11B3
 SITE ZONED DR 5.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7th
 LOT AREA ACREAGE
 OR SQUARE FEET 17050
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC ✓ PRIVATE
 SEWER IS: PUBLIC ✓ PRIVATE
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY David Stealey 3rd DATE 11/15/2011 SCALE: 1 INCH = 50 FEET



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER CO 100 934	PROPERTY TAX ID 15-11-671320	DATE ISSUED 9/15/11
NAME(S): ANDREY L LEAMER		
MAILING ADDRESS 7349 GEISE AVE		
CITY BALTIMORE	STATE MD	ZIP CODE 21219
VIOLATION ADDRESS SPANE		
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)
① ~~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
① ~~13-7-310: Remove all trash & debris from property~~
① ~~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
② ~~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:

**③ BCZR 100.6 Remove propane
coupe**
② All cars must have tight fitting lids
**① Cease open dump remove mattress &
box spring**

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: **10, 15, 11**

INSPECTOR NAME: **M. Stuart Kelly**

AGENCY

PRINT NAME (Rev 9/05)

PHOTOGRAPHIC RECORD

Facility No.: KA 0265590 Record No.: CO 900934

Date of Photograph(s): 9-15-11 7349 GEISE AVE



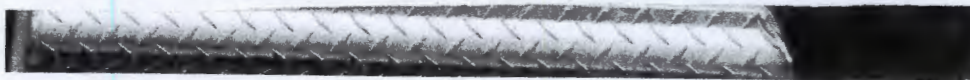
I HEREBY CERTIFY that I took 5 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

M. Stuart Kelly
(Enforcement Officer)

Fac

Da

34



I HEREBY CERTIFY that I took 5 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.

M. Stuart Kelly
(Enforcement Officer)

Fac

Da

34



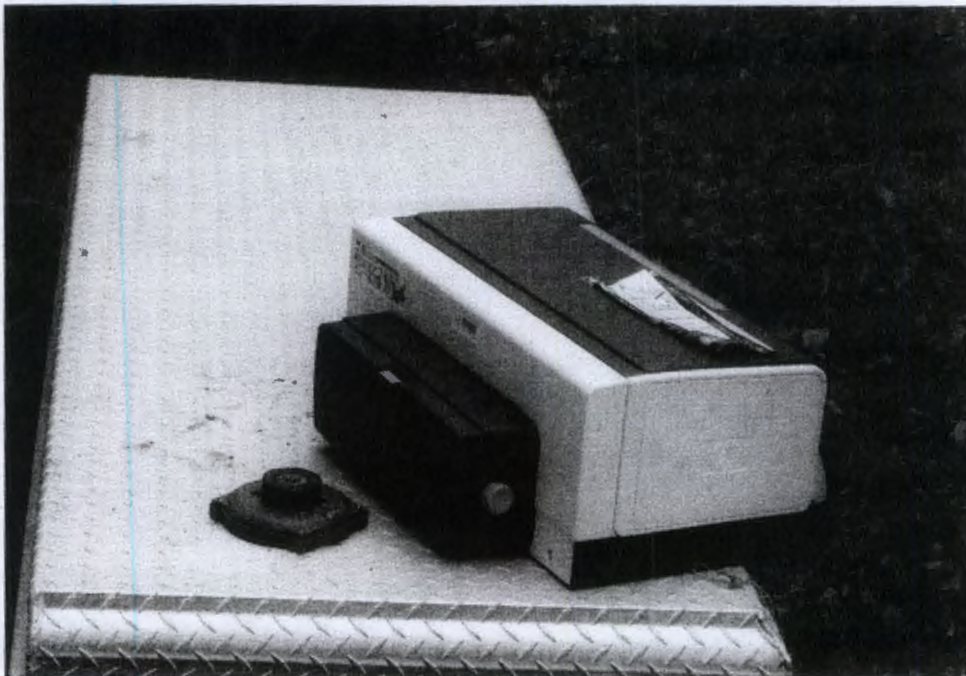
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M. Stuart Kelly
(Enforcement Officer)

Fac

Da

34



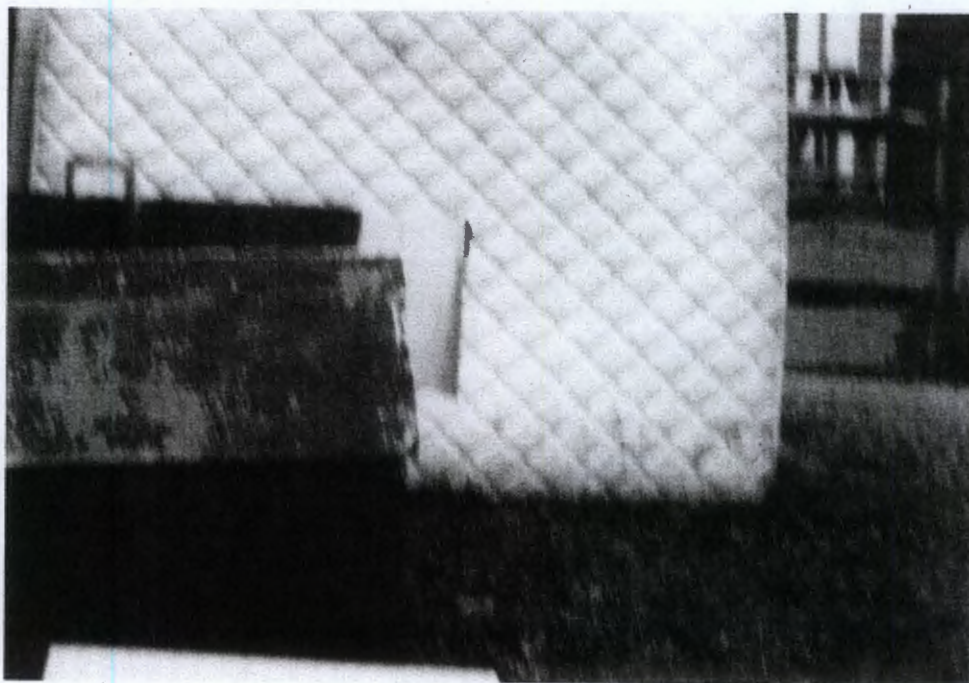
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M. Stuart Kelly
(Enforcement Officer)

Fac.

Da

4



I HEREBY CERTIFY that I took 5 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.

M. Stuart Kelly
(Enforcement Officer)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

1/9 10am
Rm 205

RECEIVED

DEC 27 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: December 27, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0137-SPH
Address 7349 Geise Avenue
(Leamer Property)

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;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

- 1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;*
- 2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;*

3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirement, which, for a property this size, is 25%. With approval and mitigation, this amount may be exceeded to 31 1/4%. According to the plan submitted for this review, the pigeon coops are existing, and the proposed and existing lot coverage is below the 25% limit. Therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized. If a building permit is required for these structures, the specific regulations will be applied prior to its approval.

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

The use of this property must comply with all applicable LDA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements. By meeting these requirements, the requested activities 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 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: Thomas Panzarella; Environmental Impact Review

1/9 10 AM 2011

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 6, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7349 Geise Avenue

INFORMATION:

Item Number: 12-137

Petitioner: Audrey L. Leamer

Zoning: DR 5.5

Requested Action: Special Hearing

RECEIVED
DEC 21 2011
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request to permit 2 existing pigeon coops to remain as legal non-conforming uses and to permit them to be used for the keeping of pigeons provided the following conditions are met and maintained:

1. The coop structure must be screened from the neighbors by fencing and/or evergreen and vegetative screening to reduce visual, noise and odor impacts caused by the birds.
2. Implement a regular cleaning program to remove odor and debris that result from the birds.
3. Existing (front) coop(s) shall be moved to another location (center) of the rear yard so that it is farthest removed from the nearest neighboring property line subject to the approval of Environmental Protection and Sustainability.

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

Prepared by:

Division Chief:
AVA/LL: CM

1/9
10am
205

Debra Wiley - ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/5/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 12/7/2011 10:17 AM
Subject: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/5/11

Good Morning,

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.

2012-0135-SPHXA - 27 Hooks Lane
No hearing date in data base as of 12/7

2012-0136-A - 6830 Loch Raven Blvd.
No hearing date in data base as of 12/7

2012-0137-SPH - 7349 Geise Ave. - (CBCA)
No hearing date in data base as of 12/7

2012-0139-A - 11116 Bird River Grove Rd. - (Floodplain)
Administrative Variance - Closing Date: 12/16/11

2012-0140-SPH - 9202 Avondale Rd.
No hearing date in data base as of 12/7

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



KEVIN KAMENETZ
County Executive

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

December 30, 2011

Ms. Audrey Leamer
2216 Lodgefarm Road
Baltimore, MD 21219

RE: Case Number 2012-0137-SPH, 7349 Geiser Avenue

Dear Ms. Leamer,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 29, 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
Charles Kunarski, 7349 Geise Avenue, Baltimore, MD 21219

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 9, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 19, 2011
Item Nos. 2012-136, 137, 139,
And 140

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-12192011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 6, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7349 Geise Avenue

INFORMATION:

Item Number: 12-137

Petitioner: Audrey L. Leamer

Zoning: DR 5.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request to permit 2 existing pigeon coops to remain as legal non-conforming uses and to permit them to be used for the keeping of pigeons provided the following conditions are met and maintained:

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3. Existing (front) coop(s) shall be moved to another location (center) of the rear yard so that it is farthest removed from the nearest neighboring property line subject to the approval of Environmental Protection and Sustainability.

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

Prepared by:

Division Chief:
AVA/LL: CM



State Highway
Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-2-11

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

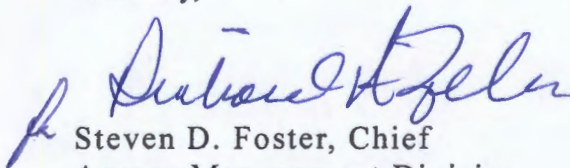
RE: Baltimore County
Item No. 2012-0137-SPH
Special Hearing.
Audrey Leamon
7349 Geise Avenue.

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. 2012-0137-SPH

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,


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

RE: PETITION FOR SPECIAL HEARING
7349 Geise Avenue; S/S Geise Avenue, 272'
W of Lincoln Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Audrey Leamer
Contract Purchaser(s): Charles Korbask
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-137-SPH

* * * * *

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

DEC 14 2011

.....

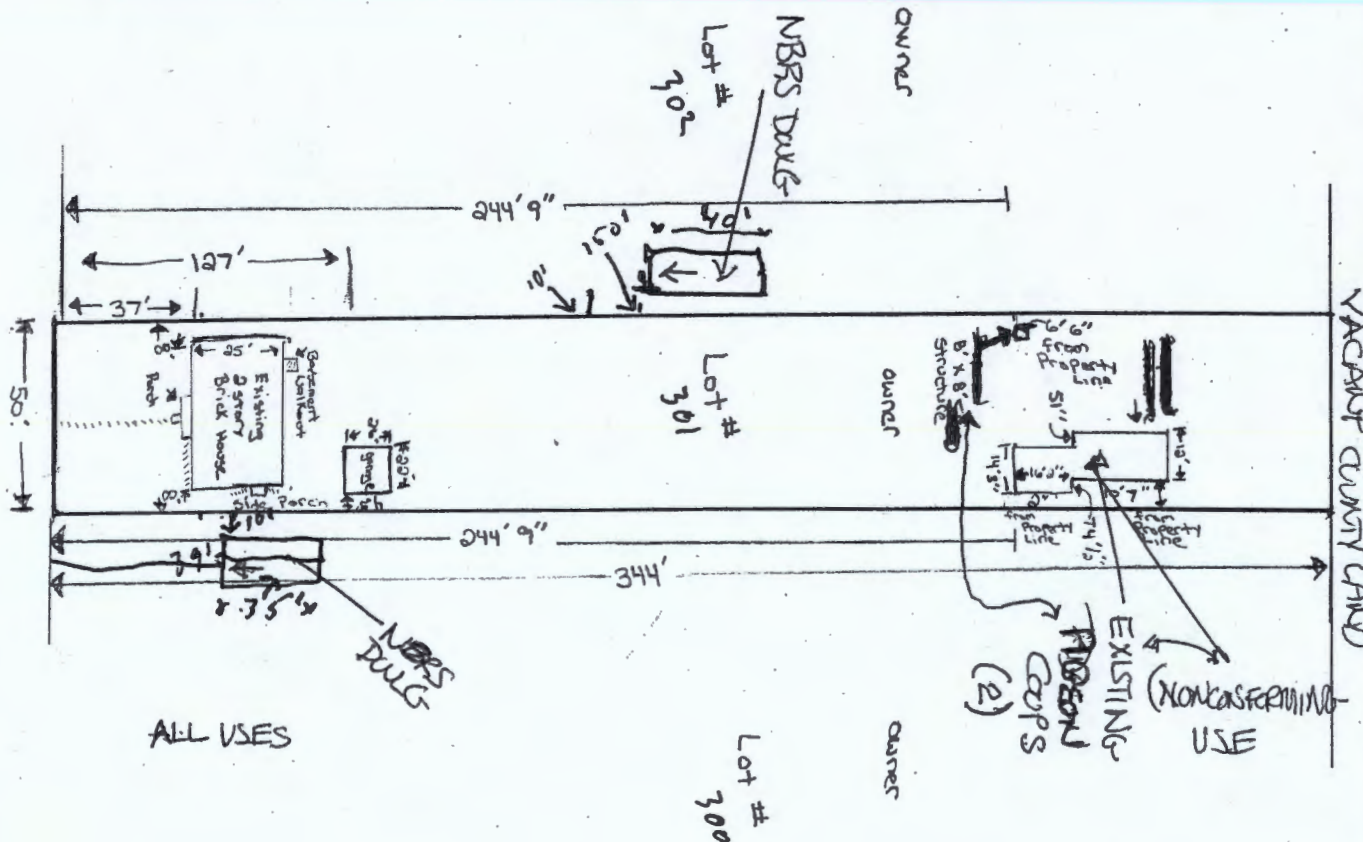
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2011, a copy of the foregoing Entry of Appearance was mailed to Charles Korbask, 7349 Geise Avenue, Baltimore, MD 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
 ADDRESS 7349 Geise Ave OWNER NAME(S) AUDREY L LEAMER
 SUBDIVISION NAME CHESAPEAKE TERRACE LOT # 301 BLOCK # _____ SECTION # _____
 PLAT BOOK # 036 FOLIO # _____ 10 DIGIT TAX # 15 11 67 13 20 DEED REF. # _____



0137

PLAN DRAWN BY David Stealey 3rd DATE 11/15/2011 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 11B3

SITE ZONED DR 5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7th

LOT AREA ACREAGE _____

OR SQUARE FEET 17,050

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

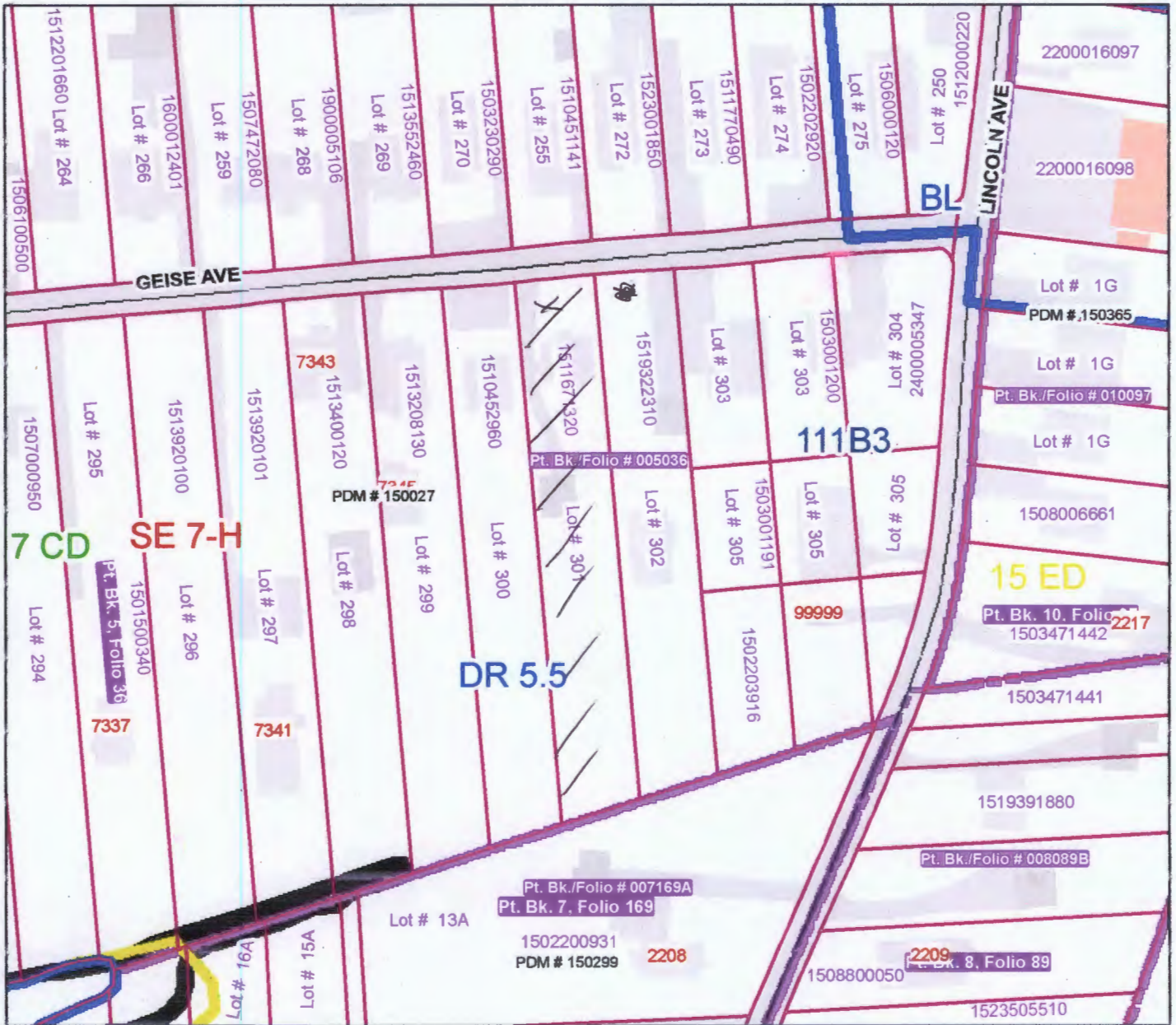
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CO-0100934

7349 Geise Avenue



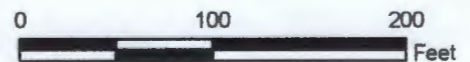
0137



Publication Date: October 21, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



DQ Map Notes



1 inch = 100 feet

Case No.:

2012-0137-SPH

1-9-12

Exhibit Sheet

2/14/12
PZ

Protestants

19W 1-13-12

Petitioner/Developer

No. 1	Letters from neighbors	Color Photos
No. 2	Site Plan	Letter from Scott Krugman, M.D.
No. 3		BCZR \$100.6
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

TO WHOM IT MAY CONCERN,

I AM A NEIGHBOR OF
CHAD KONARSKI. I HAVE
LIVED HERE FOR 25 YEARS AND
HE HAS ALWAYS HAD PIGEONS IN
HIS YARD. HE KEEPS IT VERY
CLEAN AND TAKES GOOD CARE OF
THEM. IT HAS NEVER BEEN A
PROBLEM WITH ANYONE UNTIL NEW
NEIGHBOR'S MOVED IN AND STARTED
MAKING TROUBLE WITH EVERYONE.

THANK YOU,
Sofie King

SOFIE KING
7345 GEISE AVENUE

FXF - MK216/502
1529FF

Mr Chuck Kam...
pidgeons than and has had them
since. If we can be of further
assistance we can be reached at
410-477-1459.
Sincerely
Bl...

To whom it may concern:

I am writing this letter to confirm that my neighbor Charles Konarski has had his pigeons in his yard for a very long time.

They were there when we moved here in 1986.

Through the 25 years that we have been here, I have always seen him cleaning after them and he always takes good care of them.

There has never been any problems and it would be very sad if he is forced to get rid of them.

Brenda Crowe
7345 Geise Ave

owner's Exh. 2

FSH Pediatrics at Perry Hall
5009 Honeygo Center Drive
Ste. 225
Perry Hall, MD 21128
Phone: 443-725-2100 Fax: 877-423-2290

01/04/2012

NOAH LEISHER, Garrett Leisher, Blessing Skipwith
7347 GEISE AVE
SPARROWS POINT, MD 21219

To whom it may concern:

Please be advised that the above named children are patients in this practice. They have all been diagnosed and treated for asthma and they have, at times, been admitted to the hospital during acute exacerbations. Asthma can be triggered by a number of factors including upper respiratory infections, physical exertion, and environmental allergens. Asthma can be triggered by exposure to pigeons as their feathers and feces are considered to be possible allergens. It would be inadvisable for these children to be exposed to pigeons on a daily basis.

Please do not hesitate to call this office with any questions or concerns.

Sincerely,

Scott Krugman, MD
Scott Krugman, M.D.

PROTESTANT' S

EXHIBIT NO. 2

Pediatrics

pediatrics.aappublications.org

Pediatrics Vol. 105 No. 5 May 1, 2000

pp. e62

(doi: 10.1542/peds.105.5.e62)

ELECTRONIC ARTICLE**A Family With Extrinsic Allergic Alveolitis Caused by Wild City Pigeons: A Case Report**

Gideon J. du Marchie Sarvaas, MD, Peter J. F. M. Merkus, MD, PhD,
Johan C. de Jongste, MD, PhD

+ Author Affiliations

ABSTRACT

We describe a family in which the mother died of unresolved lung disease and whose 5 children, some of whom had previous signs of asthma, were subsequently affected by extrinsic allergic alveolitis caused by contact with wild city pigeon antigens. The children received systemic corticosteroids for 1 month and inhaled steroids for 24 months, while antigen exposure was reduced as much as feasible. This was followed by a quick clinical recovery and a slow normalization of chest radiographs and pulmonary function indices, especially of diffusion capacity, during a follow-up of 24 months.

Because pigeon-breeder's lung caused by free-roaming city pigeons has not been previously described, it remains unclear whether this family developed the disease because of high antigen exposure or because of increased susceptibility. None of the supposedly high-risk human leukocyte antigen types were found in the children. Whether human leukocyte antigen B7 in 1 child played a role in the course of the illness remains speculative. It is unknown to what extent pigeon-breeder's lung caused by nondomestic birds remains undetected and misdiagnosed as difficult or steroid-resistant asthma. The question remains whether free-roaming city pigeons are indeed a public health risk. We suggest that atypical outdoor antigens be considered in all patients with nonresolving chest disease or therapy-resistant asthma.

Key Words:

birds extrinsic allergic alveolitis asthma outcome follow-up
human leukocyte antigen

Received September 13, 1999.

Accepted December 6, 1999.

Copyright © 2000 American Academy of Pediatrics

9/25/11

Debra A Weaver

To Whom it may concern

Jeff & I moved into 7350 Heise Avenue on November 7, 1987.

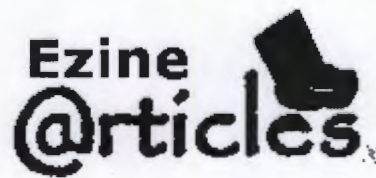
Mr Chuck Kanarske had pigeons then and has had them since. If we can be of further assistance we can be reached at 410-477-1459.

Sincerely
Debbie Weaver

PETITIONER'S

EXHIBIT NO. 1





Asthma and Allergies - The Dangers of Ocular Histoplasmosis in Your Child

By Art Emiss



Children are fascinated by birds. Whenever you go to the beach or a park, you can always see a child feeding or chasing after birds, especially pigeons. It is important that parents with children with Asthma and Allergies understand the dangers of playing with pigeons. Most children with Asthma and Allergies have a compromised immune system that needs monitoring by a Physician, especially children with Asthma.

Histoplasmosis is contracted when you inhale the dust that carries the fungal spores. Its effect on the body can vary widely in severity from one person to another depending upon their immune system. People can be carriers and have no symptoms at all. Others can experience flu-like symptoms and mild respiratory infections. It becomes a problem in people who already have a weakened immune system such as individuals with Asthma and Allergies.

Histoplasma capsulatum is commonly found in the dust and soil of the Mississippi-Ohio River Valley region. There are a lot of individuals in this area that are carriers. It affects both men and women equally. It can also be found in other parts of the country where large amounts of pigeons gather. It gets into the soil mostly from bird and bat droppings.

We had an unusual case in Boca Raton, FL in an office building. The people in the building were complaining about flu-like symptoms. Investigation of the roof found a pigeon nest in the fresh air intake. Testing of the pigeon droppings and feathers were positive for the fungus Histoplasma capsulatum. Reported the problem to the building owner and they cleaned it up. There were no more flu-like symptoms in the building after the cleanup.

The fungus may affect the eye by causing small areas of inflammation. It also scars the retina. A Physician friend of mine told me that these spots are sometime called "histo spots" and can be found in both eyes. It can also affect your vision depending upon the location of the "histo spots". The scarring of the peripheral area of the retina could possibly have little or no impact on the vision. If you are scared in the central area, it could possibly cause a blind spot. This can be diagnosed by a Ophthalmologist who is familiar with Histoplasmosis.

The sign of ocular histoplasmosis in your child could be distorted vision, blind spots and scars on the retina. It is detected with a dilated examination of the retina using ophthalmoscopy. Regular eye exams is recommended for anyone with "histo spots". The best solution we can offer is to keep your children away from pigeons and their droppings at the beach and park areas. Prevention is the best solution for Histoplasma.

In conclusion, keep you children away from pigeons whose dropping can contain the fungus Histoplasma capsulatum. A child with Asthma and Allergies must be especially careful to avoid pigeons at the beach and in parks where they gather. It is tough enough living with Asthma and Allergies without being exposed to this fungus which can affect people with compromised immune systems. If you feel you or your child have been exposed to Histoplasma, contact your Doctor immediately.

If you have any questions, feel free to contact us for more information concerning Asthma, Allergies, Mold, Indoor Air Quality and the Chemically Injured.

To learn more about your home, visit our website at <http://www.safe-homes.com> or <http://www.air-testing.com>

Mr. Art Emiss is available as a professional speaker to help educate your community or group function on Asthma, Allergies and Indoor Air Quality. Visit our website to receive our Free Service on Air Conditioning Filter Change Notification.

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Top 5 To Try
Health Risks of
Pigeon Droppings

How to Solve
Pigeon Problems
on Rooftops

How to Clean
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Bird Allergy
Symptoms

How to Clean
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Allergies to Pigeon Droppings

By Marlene Affeld, eHow Contributor

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Many people are delighted by the playful activities of pigeons and love to feed them bread crumbs in the park. However, these friendly "winged rats" (also known as rock doves) carry over 60 different diseases that cause respiratory symptoms similar to asthma, including shortness of breath, wheezing, coughing and congestion. Cryptococcosis and Histoplasmosis, two deadly types of fungal disease associated with pigeon droppings, cause worldwide concern. Chronically infected persons can experience allergic reactions, lung, heart and brain damage, nausea, fever, diarrhea and death.

Cryptococcosis

Cryptococcosis (Cryptococcus neoformans), also known as Torulosis or European Blastomycosis, is traced to pigeon droppings found on elevated sites such as window ledges, roof tops and fire escapes. (Bat excrement also contains Cryptococcus.) Cryptococcosis is present throughout our environment. The human body is resilient and is normally unaffected by the small amounts encountered in daily exposure. Persons with compromised immune systems, HIV infection, surgical trauma, skin injury or any other chronic disease are at elevated risk.

The United States Army Center For Promotion and Preventive Medicine reports,

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Pigeon Control in North Carolina



How to Spot the Pigeon Drop Scam



How to Clean Pigeon Droppings

How to Remove Pigeon Poop

"Organic dusts, especially those contaminated with pigeon or bat droppings, are the most important source of the fungus, *Cryptococcus neoformans*, in the environment. *C. neoformans* has been found in as many as 84 percent of samples taken from old roosting sites. Up to 50-million colony forming units of *C. neoformans* have been found per gram of pigeon droppings."

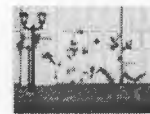
Every year thousands of people in countries around the world fall ill from exposure to pigeon excrement. *Cryptococcus* is present in both fresh and aged pigeon droppings.

Histoplasmosis

Histoplasmosis (*Histoplasma capsulatum*) is commonly found in the soil under pigeon roosting sites. However, these infective and potentially deadly organisms are harbored in any accumulation of organic matter (water, soil or sand) contaminated by pigeon feces. Humans contract Histoplasmosis by inhaling the spore of the deadly fungus contained in dust and debris. The excrement dries and fungus and allergens are carried on the wind. (The soil around the park bench may be highly contaminated.) Histoplasmosis thrives in hot and humid climates. The majority of the people that contract the fungus will only experience mild, flu-like symptoms (headache, body aches, nausea, diarrhea, fever and chills). However, those persons with compromised immune response may experience blindness, pneumonia or death. This pigeon-borne disease cannot be transmitted from person to person.

Sneezing, Coughs & Congestion

Upon exposure, allergic reactions to breathing pigeon feces is common. The dust of dried droppings irritates the nasal passages, causing sneezing, coughs, excess mucus, shortness of breath, dizziness and a sense of vertigo. Burning, itchy, red eyes are also typical symptoms of an allergic reaction. Hives, skin rashes or red patches of skin may also occur. Persons working in areas of pigeon feces should



Health Risks of Pigeon Droppings

How to Control Pigeons

[More](#)

exercise all precautions. Wear a nose and mouth mask. Cover eyes with protective goggles. Wear rubber gloves. When the task is complete, shower with hot water and anti-bacterial soap. Be sure to scrub fingernails. Rinse well.

A Pretty Smart Bird

Pigeons are the smartest birds in the world. They may also be the least-respected.

Pigeons have been living with and interacting with man for over 3,000 years. Once domesticated, pigeons have multiplied in the wild and gone feral. The proliferation of the worldwide wild pigeon population presents an increase in allergic reactions and transmitted disease. Today they are the most common bird pest known.

Pigeons have the ability to conceptualize. They are able to accomplish tasks that were previous thought only successfully accomplished by primates and humans. The pigeon can recognize its reflection in a mirror. It is the only non-mammal that has this intellectual ability. The pigeon can tell the difference between human beings in person or in a photograph. This amazing bird has the unique ability to be able to recognize the 26 letters of the English alphabet. Bred for racing and carrying messages, pigeons have served mankind well.

NIOSH

For additional valuable information about the health problems of pigeon-related allergies and diseases, consult your health care professional. Questions and concerns regarding the health risks involved with the clean-up and removal of pigeon excrement can be answered by contacting NIOSH (the National Institute for Occupational Safety and Health).

References

U.S. Army Center for Health Promotion and Preventive Medicine: Managing Health Hazards Associated With Bird & Bat Excrement

New York Department Of Health and Mental Hygiene: Facts about pigeon-related diseases

Deter A Pigeon: 21 Amazing Facts You Didn't Know About Pigeons

United Wildlife Control: Pigeon Control

Resources

National Institute for Occupational Safety and Health

Photo Credit pigeons image by Ozgur Aydin from Fotolia.com
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headache image by John Keith from Fotolia.com Pigeon
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You May Also Like

Removal of Bird Excrement

Birds are an integral part of the wildlife society. Although beautiful and pleasant, birds can cause serious problems especially when they gather

§ 100.3A

GENERAL PROVISIONS

§ 100.6

Zones heretofore classified as R.6 are now classified as D.R.5.5.

Zones heretofore classified as R.G. are now classified as D.R.10.5.

Zones heretofore classified as R.A. are now classified as D.R.16.

§ 100.4. Determination of zone boundaries.

The location of any zone boundary, unless indicated by dimensions shown on the Zoning Map, shall be determined by use of the map scale shown thereon and scaled to the nearest foot.

§ 100.5. Zoning classification for historic properties. [Bill Nos. 112-1988; 72-2004; 137-2004]

The designation of any historic property, site or historic district does not change the zoning classification or any requirement with respect to that zoning classification, unless specified otherwise in these regulations. However, plans for renovation, reconstruction, alteration or demolition of any structure on the Baltimore County Landmarks Preservation Commission's preliminary or final landmarks list or in a Baltimore County Landmarks Preservation Commission's historic district require special approvals as set forth in Article 32, Title 7 of the Baltimore County Code.

§ 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

<http://legal-dictionary.the-free-dictionary.com>

* Sucklings and weanlings under 12 months of age will not be counted. ⁵

5. Editor's Note: See also Section 404.

PROTESTANT' S

EXHIBIT NO. 3

CASE NAME 7349 Dixie Ave.
CASE NUMBER 2012-0137-SPI
DATE 1-9-12

[illegible]

CASE NO. 2012-

0137-SPH

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

12-9

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

No

12-27

DEPS

(if not received, date e-mail sent _____)

Comments

FIRE DEPARTMENT

12-21

PLANNING

(if not received, date e-mail sent _____)

Comments

12-2

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CO-00900934)

PRIOR ZONING

(Case No. _____)

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12-22-11

SIGN POSTING

Date:

12-23-11

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: