

IN RE: PETITION FOR VARIANCE

(9 N Beaumont Avenue)

1st Election District

1st Councilman District

Kevin Richard Mercer

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2013-0304-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kevin Richard Mercer, the legal owner of the subject property. The Petitioners are requesting Variance relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit chickens on property with a 20,000 square foot lot area in lieu of the required 1 acre minimum. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Kevin Richard Mercer and Lindsay Thompson. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. Several neighbors attended the hearing and expressed support for the petition, and the file contains letters of support from all adjoining neighbors. Exhibit 3.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 20,000 square feet and is zoned DR 2. The Petitioner's lot is large and wooded, and for over 3 years the Petitioner has kept chickens in a coop in the rear yard. A zoning complaint was filed with the County, and the Petitioner was informed he would need variance relief.

ORDER RECEIVED FOR FILING

Date 8/28/13

By Sen

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The Petitioner's lot is large and wooded (more so than adjoining properties) and it is therefore unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, given he would be unable to keep chickens on the property. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of county opposition, and the strong support of the community.

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

THEREFORE, IT IS ORDERED, this 28th day of August, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit chickens on a property with 20,000 square foot lot area in lieu of the required 1 acre minimum, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

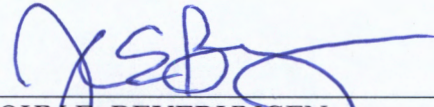
ORDER RECEIVED FOR FILING

Date 8/28/13

By Sen

- Petitioner may keep on the property a maximum of four (4) chickens. The Petitioner shall not keep a rooster on the premises.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 8/28/13

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 28, 2013

Kevin Richard Mercer
9 N. Beaumont Avenue
Catonsville, Maryland 21228

RE: Petitions for Variance
Case No.: 2013-0304-A
Property: 9 N. Beaumont Avenue

Dear Mr. Mercer:

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 "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure

c: Code Enforcement



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 the property located at:

Address 9 N BEAUMONT AVE which is presently zoned DR2
Deed References: 27955100320 10 Digit Tax Account # 0118473730
Property Owner(s) Printed Name(s) Kevin Richard Mercer

(SELECT THE HEARING(S) BY MARKING ☒ 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) 100.6 OF THE B.C.-2-R. TO PERMIT CHICKENS ON THE PROPERTY WITH 20,000 SQUARE FEET LOT AREA IN LIEU OF THE REQUIRED ONE (1) ACRE MINIMUM ACREAGE 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:

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):

Kevin Richard Mercer

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9 N Beaumont Ave Catonsville MD

Mailing Address

City

State

21228

Zip Code

410-747-5955

Telephone #

buildsource@msn.com

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0304-A Filing Date 6/13/13

Do Not Schedule Dates: 7/13-7/28/13

Reviewer AT

Affidavit in Support of ~~Administrative~~ Variance

We are asking for a variance to allow us to keep up to four chickens because we have recently received a "Code Inspection and Enforcement Correction Notice". The Baltimore County Department of Code Enforcement is aware that we are seeking a variance and they have suspended any action until the outcome of this request has been determined.

We have had three backyard chickens for over three years without any problems or complaints from neighbors. Giving up our chickens will cause the following practical difficulties:

- A. These birds have become family pets with names (Harriet, Lottie, and Penny) and individual personalities; much like our dog and cat. They provide companionship, entertainment and food source education to our family members, friends, and neighbors.
- B. Our chickens provide us with fresh, free-range organic eggs that are significantly healthier than store bought eggs. According to research done for the Mother Earth News Egg Testing Project, free-range eggs contain 1/3 less cholesterol, 1/4 less saturated fat, 2/3 more vitamin A, two times more omega-3 fatty acids, three times more vitamin E, and seven times more beta carotene than caged-hen eggs. One adult in our household has elevated levels of cholesterol and depends on the eggs provided by our chickens to help manage their health needs.
- C. Our chickens provide us with a no-cost natural fertilizer. Chicken manure is readily compostable, unlike dog feces, and is added to our leaves and other compostable material. Using this fertilizer, we can grow an organic garden using no chemicals that will runoff and affect the Chesapeake Bay Watershed.
- D. Our chickens help with pest control. They will eat most insects, grubs and even small rodents.
- E. Our chickens help with waste management by eating our non-compostable table scraps, which reduces the amount of trash we add to the landfill.
- F. Lastly, having our backyard chickens is a part of our solution to an unlikely, but possible threat to our food security. Our eggs are a local, healthy food option from a known source. In the unfortunate event of a major emergency, our chickens' eggs would provide us, and our neighbors, with a readily available source of protein.

ZONING PROPERTY DESCRIPTION FOR 9N Beaumont Ave., Catonsville, MD
21228

Beginning at a point on the west side of North Beaumont Ave. which is 50 feet wide at the distance of 578.5 feet northerly from the northwest corner of N Beaumont Ave. and Frederick Road. Thence running along the west side of Beaumont Ave. northerly 100 feet; thence South 66.25 degrees West 200 feet; thence parallel with Beaumont Ave. southerly 100 feet; thence North 66.25degrees East 200 feet to the place of beginning as recorded in Deed Liber 5556, Folio684, containing 20,000 Square feet. Located in the 1st Election District and 1st County District.

2013-0304-A

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: 2013 - 0304 - A

Petitioner: KEVIN MERCER

Address or Location: 9 N. BEAUMONT AVE,
CATONSVILLE, MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: KEVIN MERCER

Address: 9 N. BEAUMONT AVENUE
CATONSVILLE, MD 21228

Telephone Number: 410 - 747 - 5955

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

No. **099640**
 Date: **6/13/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 6/14/2013 6/13/2013 14:20:42 5

FOR WOOD WALKIN RRG LRD
 >> RECEIPT # 667640 6/13/2013 0FLH
 Dept 5 528 ZONING VERIFICATION
 TR NO. 099640

Recpt Tot 475.00
 4.00 CH 480.00 CA
 45.00 CB
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 75
Total:									\$ 75

Rec From: **KEVIN MERCER**
 For: **9 N BEAUMONT AVE**
2013-0304-A

**CASHIER'S
 VALIDATION**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0304-A

PETITIONER/DEVELOPER _____

KEVIN MERCER

DATE OF HEARING/CLOSING: _____

8/22/13

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 _____

9 N. BEAUMONT AVENUE

THIS SIGN(S) WERE POSTED ON _____

July 24, 2013
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/26/13
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 # 2013-0304-A

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: THURSDAY, AUGUST 22, 2013
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT CHICKENS ON THE
PROPERTY WITH 20,000 SQ. FT. LOT AREA IN LIEU OF
THE REQUIRED ONE ACRE MINIMUM ACREAGE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-5397

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

maul 7/24/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 1, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 1, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2013-0304-A

9 N. Beaumont Avenue
W/s Beaumont Avenue, 605 ft. N/of centerline
of Frederick Road

1st Election District - 1st Councilmanic District
Legal Owner(s): Kevin Richard Mercer

Variance: to permit chickens on the property with 20,000 sq. ft. lot area in lieu of the required one acre minimum acreage.

Hearing: Thursday, August 22, 2013 at 11:00 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.
8/012 Aug. 1 937388



KEVIN KAMENETZ
County Executive

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

July 8, 2013

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:

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9 N Beaumont Avenue

W/s Beaumont Avenue, 605 ft. N/of centerline of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Kevin Richard Mercer

Variance to permit chickens on the property with 20,000 sq. ft. lot area in lieu of the required one acre minimum acreage.

Hearing: Thursday, August 22, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp.

Arnold Jablon
Director

AJ:kl

C: Kevin Mercer, 9 N. Beaumont Avenue, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 2, 2013.**
- (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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 1, 2013 Issue - Jeffersonian

Please forward billing to:
Kevin Mercer
9 N. Beaumont Avenue
Catonsville, MD 21228

410-747-5955

NOTICE OF ZONING HEARING

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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.

M E M O R A N D U M

DATE: October 1, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0304-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 27, 2013. 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
9 N. Beaumont Avenue; W/S Beaumont
Avenue, 605' N of c/line Frederick Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Kevin Richard Mercer
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-304-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.

RECEIVED

JUN 24 2013

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to Kevin Richard Mercer, 9 North Beaumont Avenue, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/22
11am
CASE NO. 2013-0304-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
6/21/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
6/17/13	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. 0126377)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/1/13	
SIGN POSTING	Date: 7/24/13 by Ogle	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 13

Resolution No. 73-13

Councilmembers Quirk, Marks & Bevins

By the County Council, August 5, 2013

A RESOLUTION of the Baltimore County Council requesting the Baltimore County Planning Board to review relevant County laws and regulations relating to the use of land for the accessory, non-commercial stabling, pasturing and raising of animals, and to review the laws and policies of other jurisdictions relating to the accessory, non-commercial stabling, pasturing and raising of animals, and to report their findings and recommendations to the County Council

WHEREAS, the Baltimore County Zoning Regulations permit the accessory stabling and pasturing of certain animals that does not constitute a commercial agricultural operation (Bills 51-93 and 63-09); and

WHEREAS, the Regulations also set forth limitations on the number of livestock permitted for each acre and the minimum acreage required; and

WHEREAS, the County Council believes it is appropriate to periodically review and evaluate the County's standards regarding the raising and pasturing of non-commercial livestock and other animals, and to make changes to County laws and policies where necessary to reflect current trends and standards;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board is requested to review County laws and regulations relating to the use of land for the accessory, non-commercial stabling, pasturing and raising of animals, to review the laws and policies of other jurisdictions relating to the accessory, non-commercial stabling, pasturing and raising of animals, to determine what, if any, changes are needed to Baltimore County's laws, regulations, or zoning classifications regarding such uses, and to report their findings and recommendations to the County Council.

www.baltimoresun.com/news/maryland/baltimore-county/north-county/ph-editorial-chickens-0821-20130821,0,4618891.story

baltimoresun.com

Beware of unintended consequences in easing chicken rules [Editorial]

9:35 AM EDT, August 21, 2013

Backyard chickens are trendy. Once, the opposite was true. In a movie, any scene showing advertisement
hens squawking in a yard was a clear signifier that it wasn't an upscale neighborhood.

Now, we learn that Williams-Sonoma, the high-end culinary retailer, is marketing a \$1,500 chicken coop (\$150 for delivery) that is "hand built in Washington state from western red cedar custom-milled by a local, family-run saw mill." It includes a planter box for growing herbs. This is a poultry house with prestige.

This change in public attitude has apparently not been lost on the Baltimore County Council. Some members report being asked by constituents if the county's restrictions on backyard chickens can be eased. As a result, a council resolution under consideration calls for a review of chicken regulations by county planners.

"There seems to be a growing movement of people that are really into fresh eggs and healthy, organic foods," said Council Chairman Tom Quirk, who sponsored the resolution.

At present, a county resident needs an acre or more of property to be permitted to raise chickens. Backyard chicken coop advocates would like to see that acreage requirement reduced.

Currently, the county has 93 flocks registered.

The obvious issue here is whether those living next to these poultry proponents will share in their neighbors' enthusiasm. We suspect not all will.

What will be the effect on property values when a yard next door is a cluckfest? When it comes time for one of these birds to go into a pot, where is the messy prep business to be conducted?

What happens if a chicken aficionado's dotting attention to his feathered friends turns to bored neglect? Is this more work for animal control officials?

And what about "cock-a-doodle-do!" at 4 a.m.

Regulating all this looks like a nightmare.

And, a larger issue remains. As much as coop-keepers consider their birds a kind of pet, it is nevertheless an agricultural activity normally conducted by farmers who raise chickens with professional — not aesthetic — purpose. County planners should consider the wisdom of widening an agricultural use within suburban zones.

We think a high risk for unintended consequences would result from changing the backyard chicken rules. They should be left as is.

www.baltimoresun.com/news/maryland/baltimore-county/catonsville/bs-md-co-chicken-regulations-20130812,0,3539414.story

baltimoresun.com

Balto. Co. may review backyard chicken regulations

Some want county to ease zoning rules so more can keep chickens

By Alison Knezevich, The Baltimore Sun

7:49 PM EDT, August 12, 2013

Some Baltimore County officials want to consider whether to allow more residents to keep chickens in their yards, making the county the latest local government in Maryland to examine a national coop craze. advertisement

A County Council resolution being considered this month calls for a review of regulations that restrict many residents from keeping chickens in their yards. Council members say many constituents want them to examine the issue.

"There seems to be a growing movement of people that are really into fresh eggs and healthy, organic foods," said Council Chairman Tom Quirk, a Catonsville Democrat who sponsored the resolution. "It's a national trend, and more and more I hear from constituents."

Council members are set to discuss the resolution Aug. 27, with a vote scheduled Sept. 3.

In Baltimore County, a resident can only raise chickens and other livestock on property that's an acre or larger. But many governments across the country are loosening similar rules to allow more people to raise their own chickens. Last month, Howard County eased its zoning regulations on backyard poultry.

Catonsville resident Cal Oren is among Baltimore County residents who have been pushing the council for several years to look at the issue.

"People should be free to make their own choices about what they want in their backyard, as long as it doesn't pose a hazard or harm their neighbors or their neighborhoods or the public," Oren said.

Many enthusiasts like raising chickens for the health benefits of fresh eggs, Oren said. But people also enjoy keeping chickens as pets, he said.

"They're not just egg-laying machines — they have personality. They are friendly," he said. "They are pets, but they have a purpose. So they're somewhere in between an egg-laying machine and the family dog."

Having the planning board examine the issue would allow an in-depth study, said J.B. Osborne, senior legislative adviser to Councilwoman Cathy Bevins, who co-sponsored the resolution along with Councilman David Marks.

•
•
"The councilpeople aren't experts in agriculture, by any stretch of the imagination," Osborne said.

While many residents have asked to loosen the rules, some people are concerned about the "unintended consequences" of more chickens, he said.

"After they stop laying eggs, what are you doing with them?" Osborne said.

Quirk said a planning board study of the issue would be only "the first stage" in a potential change in regulations.

"I do think there's not a unified position from the council on this issue," Quirk said. "Several members may be against it."

alisonk@baltsun.com

twitter.com/aliknez

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 21, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For June 24, 2013
Item Nos. 2013- 0300,0301, 0302 and 0304.

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

DAK:CEN
Cc: file



KEVIN KAMENETZ
County Executive

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

August 14, 2013

Kevin Richard Mercer
9 N Beaumont Avenue
Catonsville MD 21228

RE: Case Number: 2013-0304 A, Address: 9 N Beaumont Avenue

Dear Mr. Mercer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 13, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6/17/13

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

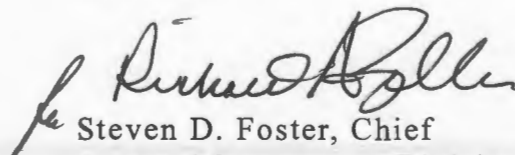
RE: Baltimore County
Item No 2013-0304-A
Variance
Kevin Richard Mercer
9 N. Beaumont Street

Dear Ms. Lewis:

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. 2013-0304-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).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 01 Account Number - 0118473730

Owner Information

Owner Name: MERCER KEVIN RICHARD
THOMPSON MARGARET LINDSA Y
Use: RESIDENTIAL
Mailing Address: 9 N BEAUMONT AVE
BALTIMORE MD 21228-4402
Principal Residence: YES
Deed Reference: 1) /27955/ 00320
2)

Location & Structure Information

Premises Address
9 N BEAUMONT AVE
0-0000
Legal Description
WS BEAUMONT AV
9 N BEAUMONT AVE
578 N FREDERICK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0101	0007	0218		0000				1	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1908	2,837 SF	20,000 SF	04

Stories	Basement	Type	Exterior
2.500000	YES	STANDARD UNIT ASBESTOS SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	144,700	109,700		
Improvements:	208,000	213,500		
Total:	352,700	323,200	352,700	323,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
MERCER KEVIN RICHARD	04/21/2009	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /27955/ 00320	Deed2:
FISHER GUY R	12/10/2001	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15838/ 00020	Deed2:
ROUTSON CATHERINE L	08/14/1975	\$38,000
Type: ARMS LENGTH IMPROVED	Deed1: /05556/ 00684	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

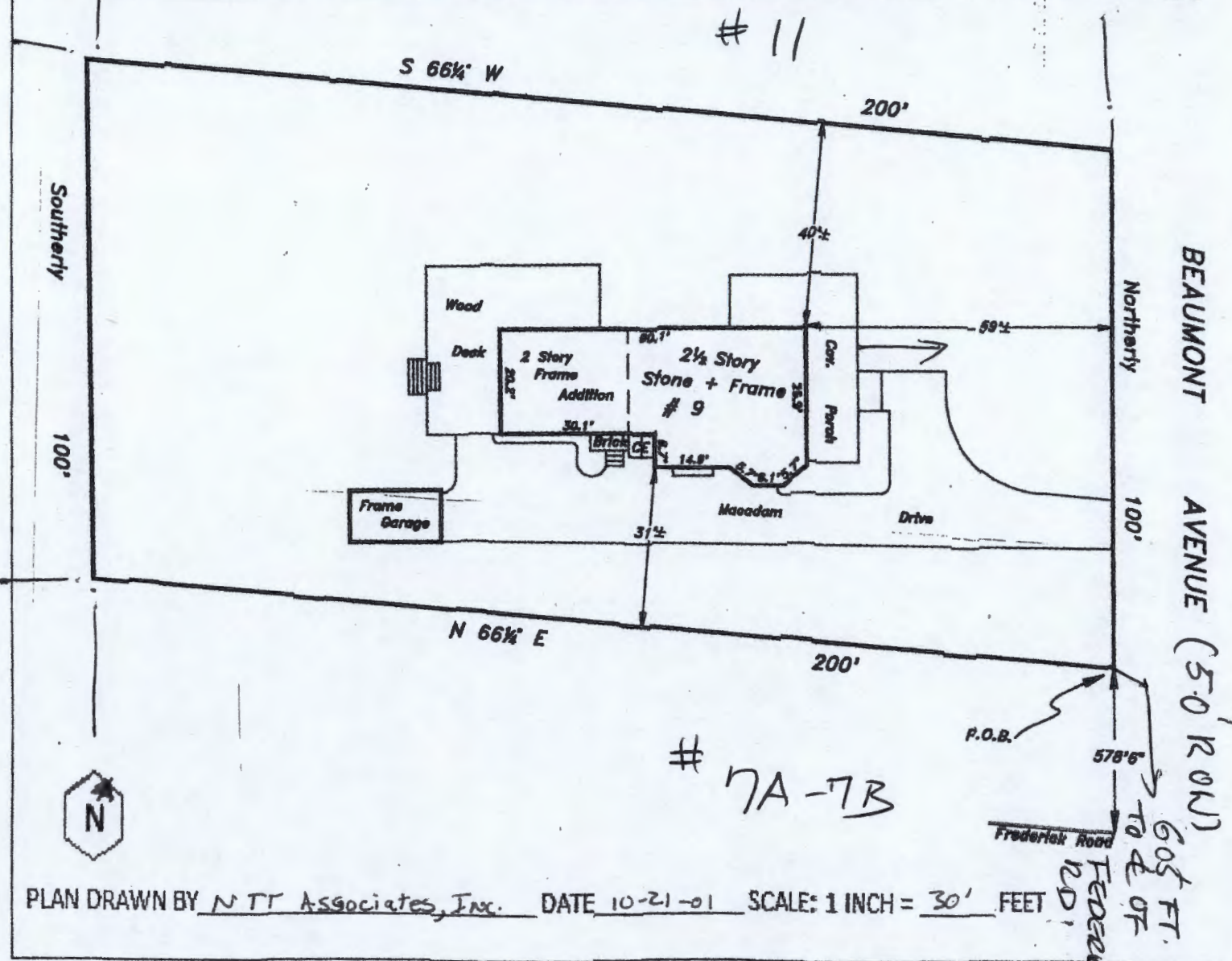
Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

Homestead Application Status: Approved 08/21/2012

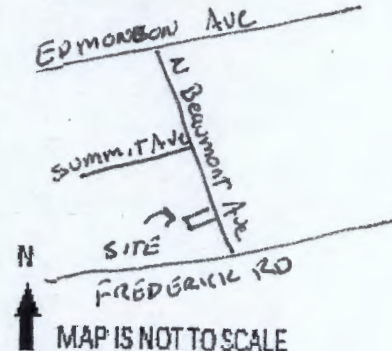
2013-0304-A

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 9 N Beaumont Ave OWNER(S) NAME(S) Kevin Richard Meyer + Margaret Lindsay Thompson
 SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0118473730 DEED REF. # 27955100320



PLAN DRAWN BY NTR Associates, Inc. DATE 10-21-01 SCALE: 1 INCH = 30' FEET

SITE VICINITY MAP



ZONING MAP# 101 A1
 SITE ZONED DR 2
 ELECTION DISTRICT 1
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE -
 OR SQUARE FEET 20,000 SF
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? none
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
NO

VIOLATION CASE INFO:
0126377

2013-0304-A

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 01 Account Number - 0118473730	
Owner Information		
Owner Name:	MERCER KEVIN RICHARD THOMPSON MARGARET LINDSAY	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	9 N BEAUMONT AVE BALTIMORE MD 21228-4402	Deed Reference: 1) /27955/ 00320 2)
Location & Structure Information		
Premises Address:	9 N BEAUMONT AVE 0-0000	Legal Description: WS BEAUMONT AV 9 N BEAUMONT AVE 578 N FREDERICK RD
Map: 0101	Grid: 0007	Parcel: 0218
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Plat No:	Plat Ref:	
Special Tax Areas:	Town: NONE	Ad Valorem:
Tax Class:		
Primary Structure Built 1908	Above Grade Enclosed Area 2,837 SF	Finished Basement Area
Property Land Area 20,000 SF	County Use 04	
Stories 2.500000	Basement YES	Type STANDARD UNIT
Exterior ASBESTOS SHINGLE	Full/Half Bath 2 full	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2013
Land:	144,700	109,700
Improvements	208,000	213,500
Total:	352,700	323,200
Phase-in Assessments		As of 07/01/2012
		As of 07/01/2013
Land:		
Improvements		
Total:		
Preferential Land:	0	0
Transfer Information		
Seller: MERCER KEVIN RICHARD	Date: 04/21/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /27955/ 00320	Deed2:
Seller: FISHER GUY R	Date: 12/10/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15838/ 00020	Deed2:
Seller: ROUTSON CATHERINE L	Date: 08/14/1975	Price: \$38,000
Type: ARMS LENGTH IMPROVED	Deed1: /05556/ 00684	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2012
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2013
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status:	Approved	08/21/2012

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **01** Account Number: **0118473730**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

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Case No.: 2013-304-A

Exhibit Sheet

Petitioner/Developer

Protestant

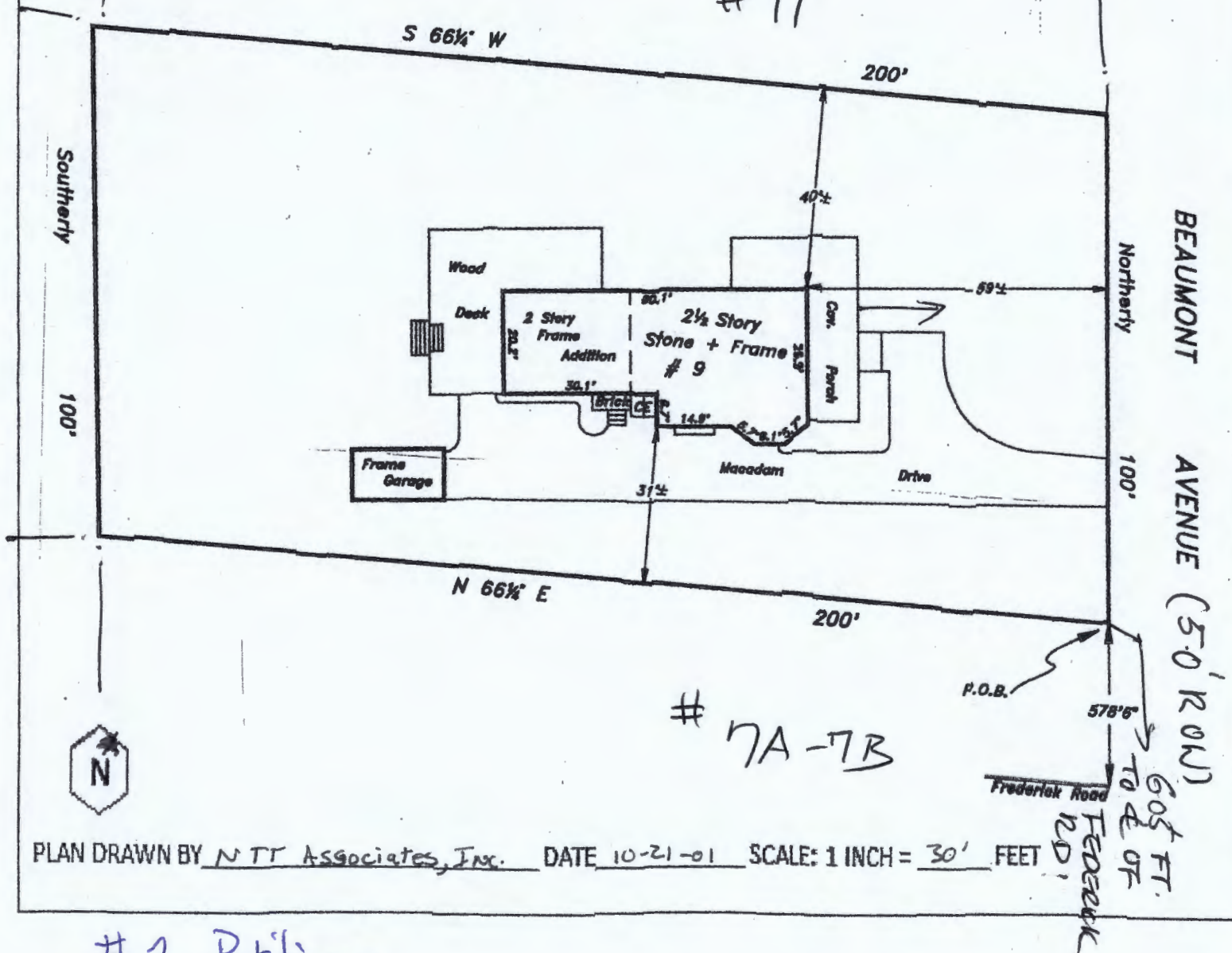
192
10-1-13

Aln
8-28-13

No. 1	Site plan	
No. 2	Photos	
No. 3	Letters of support	
No. 4		
No. 5		
No. 6		
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 9 N Beaumont Ave OWNER(S) NAME(S) Kevin Richard Mercer + Margaret Lindsay Thompson
 SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0118473730 DEED REF. # 27955/00320

11



SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 101 A1
 SITE ZONED Dr 2
 ELECTION DISTRICT 1
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE -
 OR SQUARE FEET 29,000 SF
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? none
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
NO

VIOLATION CASE INFO:
0126377

PLAN DRAWN BY N.T.T. Associates, Inc. DATE 10-21-01 SCALE: 1 INCH = 30' FEET

1 Petitioners

2013-0304-A



VIEW OF BACK OF 9 N. BEAUMONT AVE.



VIEW TO WEST NEIGHBORS (BACK OF LOT)

2013-0304-A



VIEW TO NORTH NEIGHBOR

2013-0304-A



VIEW OF 9 N BEAUMONT FROM STREET

2013-0304-A



VIEW OF 'OLOLET' CHICKEN COOP FROM WEBSITE

2013-0304-A



VIEW TO SOUTH NEIGHBORS AND CURRENT CHICKEN PEN
NOTE 'OMOLET' CHICKEN COOP UNDER TREE

2013-0304-A

June 11, 2013

To **Whom** It May Concern:

We **are** writing about the Thompson/Mercer's chickens at 9 N Beaumont Ave in Catonsville. We are their next door neighbors at 7B N Beaumont Ave.

We **have** had no trouble with, or complaints about, the chickens and support their efforts to keep them.

Sincerely,

Mary Christie

Mary Christie

Dave Christie

Dave Christie

7B N Beaumont Ave.
Catonsville, MD 21228

2013-0304-A

Petitioners' No. 3

Tuesday June 11, 2013

We live on Osborne Avenue behind the Mercer/Thompson family. We know that they have chickens in their back yard and they don't bother us at all.

Rich and Ellen McCoy

Rich and Ellen McCoy
6 Osborne Avenue
Catonsville, MD 21228

2013-0304-A

Cheryl & David Wasmund
8 Osborne Avenue
Catonsville, Maryland 21228

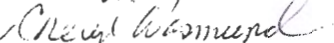
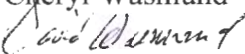
May 25, 2013

To Whom It May Concern:

We are the homeowners whose backyard abuts the Thompson/Mercer's backyard at 9 North Beaumont Avenue in Catonsville. Years ago they asked if we had any problems with their keeping of a limited number of chickens in their backyard, and we agreed that it would be perfectly acceptable.

The chickens, as maintained by our neighbors, have no negatives associated with them, and are interesting animals. They are quieter than local, vocal dogs- they are rarely even heard; there are no smells; they provided an agrarian learning experience for the Thompson/Mercer children (and continue to do so for other area children) in an essentially urban neighborhood; and provide fresh eggs for the Thompsons/Mercers, as well as neighbors.

Sincerely,


Cheryl Wasmund

David Wasmund

8 Osborne Avenue
Catonsville, Maryland 21228

2013-0304-A

May 29, 2013

To Whom It May Concern:

We are writing this letter to express our support for the Thompson Mercer Family to keep chickens in their yard at 9 N. Beaumont Ave., Catonsville, MD. Our backyard at 10 Osborne Ave. is very close to the Thompson Mercer backyard and we have never been inconvenienced or offended by the chickens they keep.

Sincerely,

Rachel H. Sangree

Peter Sangree

Rachel and Peter Sangree
10 Osborne Ave., Catonsville, MD 21228

2013-0304-A

MARCIA SCHWARTZ & DOUGLAS HELFMAN

May 4, 2013

To Whom It May Concern:

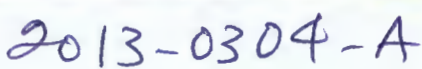
We have no objection to the keeping of chickens by Kevin Mercer and Lindsay Thompson at 9 N Beaumont Avenue, Catonsville, MD 21228. We have never found any of their activity to create a nuisance. We would prefer that they have no more than six chickens and do not have a rooster.

Sincerely,

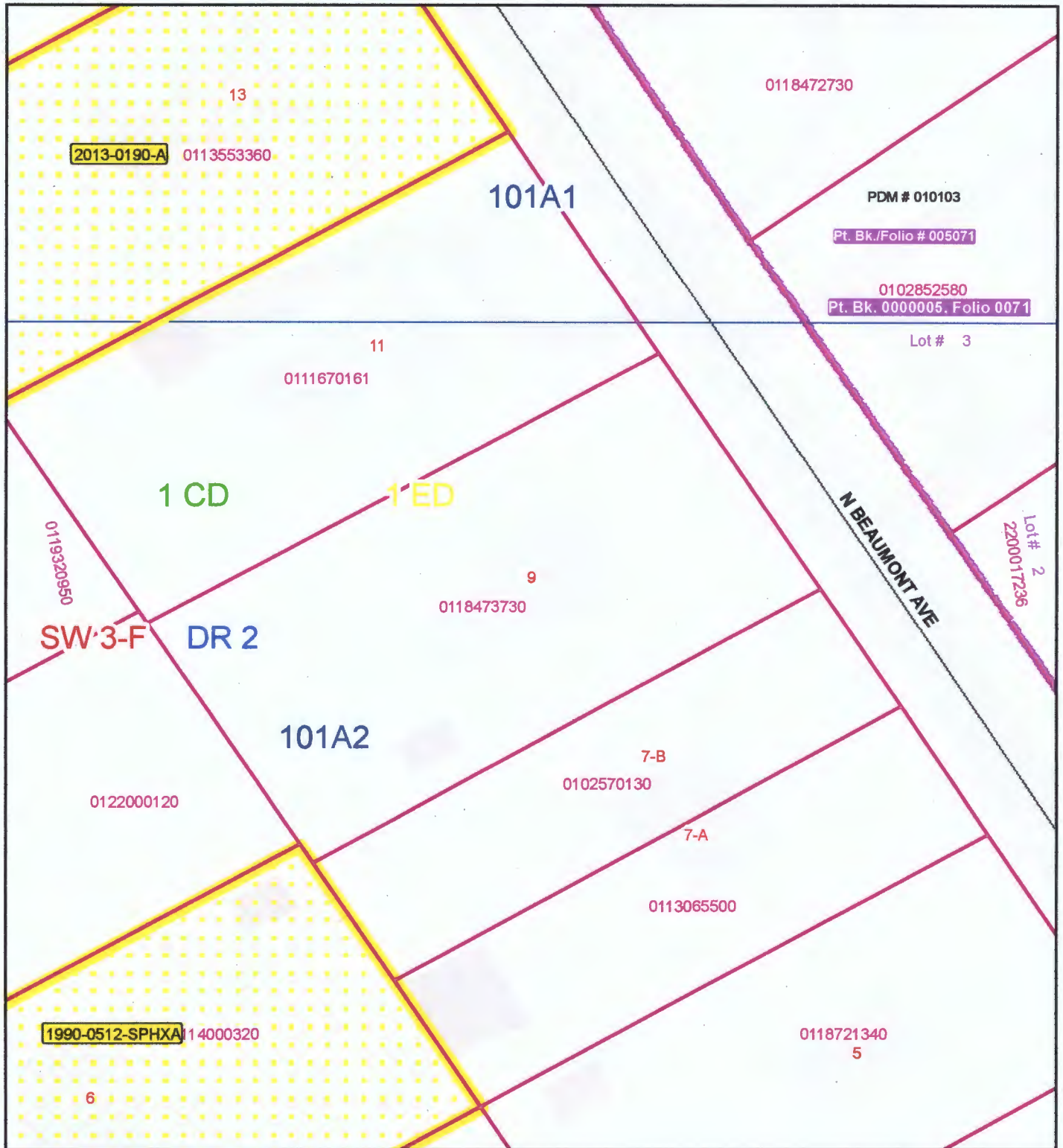
Handwritten signatures of Marcia Schwartz and Douglas Helfman. Marcia's signature is on the left, and Douglas's is on the right.

Marcia Schwartz & Douglas Helfman
Owners 11 N Beaumont Avenue, Catonsville, MD 21228

2013-0304-A



9 North Beaumont Avenue



Publication Date: 4/26/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

2013-0304-A