

MEMORANDUM

DATE: July 8, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0197-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 3, 2014. 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

IN RE: PETITION FOR VARIANCE
(12 N. Beaumont Avenue)
1st Election District
1st Councilman District
Peter W. and Delores L. Rusta
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0197-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Peter W. and Delores L. Rusta, the legal owners of the subject property. The Petitioners are requesting variance relief from §100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit chickens on a 0.578 acre tract of land in lieu of the minimum required 1 acre. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the request was Peter Rusta. The Petition was advertised and posted as required by the B.C.Z.R. Two neighbors attended the hearing, and though they did not oppose the request, they did request conditions to be imposed if relief is granted.

The only Substantive Zoning Advisory Committee (ZAC) comment was received from the DOP, which noted the County is currently considering the regulations pertaining to keeping chickens in residential areas.

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.

ORDER RECEIVED FOR FILING

Date

6/3/14

By

Sen

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

Petitioners have met this test. The single family dwelling is nearly 100 years old, and is situated next to St. Timothy's Parish. It is therefore unique. If the B.C.Z.R. were strictly interpreted, the Petitioners would experience a practical difficulty, given they would be unable to keep chickens on the premises, which they have done since 2010. 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. I will impose a limitation of four (4) chickens, which was the same restriction imposed in Case # 2013-0304-A, for property at 9 N. Beaumont Ave., which is across the street from the subject property.

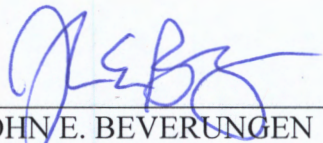
THEREFORE, IT IS ORDERED, this 3rd day of June, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulation (B.C.Z.R.) §100.6 to permit chickens on a 0.578 acre tract of land in lieu of the minimum required 1 acre, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may keep a maximum of four (4) chickens on the premises. No roosters may be kept on the premises.
- The chickens shall be housed in the enclosure shown on the photographs, which shall be situated a minimum of 10 feet from any property line.

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

JEB:slr



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 6/3/14
By slr

KEVIN KAMENETZ
County Executive



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

June 3, 2014

Peter and Delores Rusta
12 N. Beaumont Avenue
Catonsville, Maryland 21228

RE: Petition for Variance
Property: 12 N. Beaumont Avenue
Case No. 2014-0197-A

Dear Mr. & Mrs. Rusta:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal stroke.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Steve Reid, 10 N. Beaumont Avenue, Catonsville, Maryland 21228
Doug Helfman, 11 N. Beaumont Avenue, Catonsville, Maryland 21228

BALTIMORE COUNTY, MARYLAND

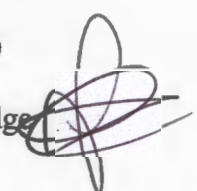
Inter-Office Memorandum

DATE: April 24, 2014

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 04/21/14 Closing Date
Case No. 2014-0197-A – 12 N. Beaumont Ave.



After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing. Specifically, the Affidavit (page 2 of the zoning petition) indicated that the property is not under an active zoning violation citation; however, it has been assigned Case No. C00124982 from the Code Enforcement Bureau. In addition, it appears that there are concerns from an adjacent neighbor (10 N. Beaumont Avenue) who is requesting proposed conditions regarding the stabling of chickens.

Our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel
Chip Rayor, Code Enforcement Inspector



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

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 12 N. BEAUMONT AVE which is presently zoned DR2

Deed Reference 09211 / 00562 10 Digit Tax Account # 0102852580

Property Owner(s) Printed Name(s) PETER & DELORES RUSTA

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. **X** **ADMINISTRATIVE VARIANCE** from section(s) 100.6

Section 100.6 - to permit the accessory stabling of chickens on a tract of land of only 0.578 acres in lieu of the minimum required 1 acre.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Peter Rusta, DELORES RUSTA

Name #1 - Type or Print

Name #2 - Type or Print

DeLores Rusta

Signature #1

Signature #2

12 N. Beaumont Ave Catonsville MD

Mailing Address City State 21228

21228, 410 747 9525 1422 48202

Zip Code Telephone # Email Address MSN.COM

Representative to be contacted:

Peter Rusta

Name- Type or Print

Signature

12 N. Beaumont Ave Catonsville MD

Mailing Address City State

21228, 410 747 9525 1422 48202

Zip Code Telephone # Email Address MSN.COM

ORDER RECEIVED FOR FILING
6/3/14
[Signature]

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 3 day of July, 2014 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0197-A Filing Date 3/25/14 Estimated Posting Date 4/6/14 Reviewer [Signature]

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

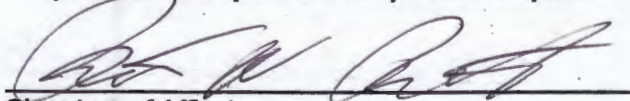
That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 12 N. BEAUMONT AVE CATONSVILLE MD 21228
Print or Type Address of property City State Zip Code

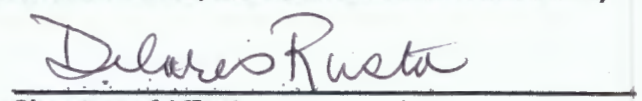
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

REQUEST VARIANCE FOR RAISING OF (6) SIX CHICKENS ON
LAND LESS THAN AN ACRE. LOT IS 25,700 SF. CHICKENS
HAVE BEEN ON LAND SINCE 2010. (6) CHICKENS PROVIDE
THE NEEDED RESOURCES FOR EGG PRODUCTION FOR MY
FAMILY YEAR ROUND, AS WELL AS FERTILIZER FOR THE
ESTABLISHED VEGETABLE GARDEN 75'X35'. CHICKENS DO
NOT REQUIRE AN ACRE TO BE RAISED.
CHICKENS PROVIDE RELIEF OF NUISANCE INSECTS TO
INCLUDE Ticks & Spiders.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Affiant

Peter Rusta
Name- Print or Type


Signature of Affiant

DELORES RUSTA
Name- Print or Type

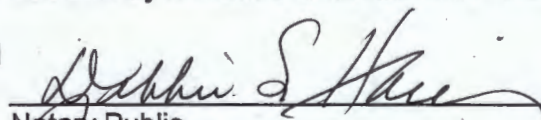
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of March, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Peter & Delores Rusta Peter Rusta Delores Rusta
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal


Notary Public
June 2015
My Commission Expires

LOCATION DESCRIPTION LOT 3
12 N. BEAUMONT AVENUE

LIBER 09211 FOLIO00562

BEGINNING FOR THE SAME at a stone marked #2 set in the ground on the eastern most side of Beaumont Avenue, as constructed 50 feet wide, and running thence north $29-1/4$ degrees west 100 feet to a point on the easternmost side of said Avenue; thence north $60-3/4$ degrees east 250- $7/12$ feet to intersect the first line of the second lot or parcel which by Deed dated June 20, 1887 and recorded among the Baltimore County Land Records in Liber J.W,S, No.162, folio 161, was conveyed by Virginia McTavish to Henry Farber; thence south 30 degrees east 100 feet to a stone marked B set in the first line; and thence south $60-3/4$ degrees west $251-9/12$ feet to the place of beginning. The improvements thereon being known as No. 12 Beaumont Avenue.

Stone Marker # 2 Has long been removed and has been replaced in 2010 by John Mellema Surveyor with Pin in concrete post at 586' From Fredrick road.

Stone Marker # 1 located 386' from Fredrick road. As of 2014 is still in place and surveyed 2013 by John Mellema to be accurate.

1st Election District

1st Councilmanic District

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0197 -A Address 12 N. Beaumont Ave
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/25/14 Posting Date: 4/06/14 Closing Date: 4/21/14

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2014- 0197 -A Address 12 N. Beaumont Ave
Petitioner's Name P + D Rusta Telephone 410 747 9525
Posting Date: 4/6/14 Closing Date: 4/21/14
Wording for Sign: To Permit the accessory stabling of chickens on a tract
of land of only 0.578 acres in lieu of the minimum required
1 acre.

Revised 7/06/11

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: 2014-0197-A

Petitioner: Peter Rusta

Address or Location: 12 N. BEAUMONT AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Peter Rusta

Address: 12 N. BEAUMONT AVE

CATONSVILLE, MD 21228

Telephone Number: 410-747-9525

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

109833

No.

Date:

3/25/4

PAID RECEIPT

BUSINESS ACTUAL TIME
 3/26/2014 3/25/2014 10:42:40 2

MS02 WALKIN JENA JEE
 RECEIPT # 973735 3/25/2014 (FLX)

Dept 5 528 ZONING VERIFICATION
 CH NO. 109833

Recpt Tot 175.00
 175.00 OK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		550						575

Total: 575

Rec

From:

For:

Zoning hearing - case # 2014-0197-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

(AV)

4-21-14

RE:CASE NO: 2014-0197-A

PETITIONER/DEVELOPER

P.D. RUSTA

DATE OF HEARING/CLOSING:

4/21/14

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 _____

12 N. BEAUMONT AVE

THIS SIGN(S) WERE POSTED ON April 6, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 4/6/14
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2014-0197-A
TO PERMIT THE ACCESSORY STABLING OF CHICKENS
ON A TRACT OF LAND ONLY 0.578 ACRES IN LIEU OF
THE MINIMUM REQUIRED 1 ACRE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON

MONDAY APRIL 21, 2014

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-587-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

ryan [signature] 4/16/14

CERTIFICATE OF POSTING

CASE NO: 2014-0197-A

PETITIONER/DEVELOPER

PETER RUSTA

DATE OF HEARING/CLOSING:

6/2/14

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 _____

12 N. BEAUMONT AVENUE

THIS SIGN(S) WERE POSTED ON May 11, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/11/14
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 # 2014-0197-A

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

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: MONDAY JUNE 2, 2014
AT 11:00 AM

REQUEST:

VARIANCE TO PERMIT THE ACCESSORY STABLING
OF CHICKENS ON A TRACT OF LAND OF ONLY 0.578 ACRES
IN LIEU OF THE MINIMUM REQUIRED 1 ACRE

ADDITIONAL COMMENTS TO THE NOTICE AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONSIDER HEARING CALL (410) 327-2361

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

Yahara
5/11/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 1, 2014

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 May 13, 2014

☐ 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: #2014-0197-A

12 N. Beaumont Avenue

NE/s Beaumont Avenue, 386 ft. NW of centerline of Frederick Road

1st Election District - 1st Councilmanic District

Legal Owner(s): Peter & Delores Rusta

Variance to permit the accessory stabling of chickens on a tract of land of only 0.578 acres in lieu of the minimum required 1 acre.

Hearing: Monday, June 2, 2014, 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.

JT 5/647 May 13

979282

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 13, 2014 Issue - Jeffersonian

Please forward billing to:

Peter Rusta
12 N. Beaumont Avenue
Catonsville, MD 21228

410-747-9525

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: 2014-0197-A

12 N. Beaumont Avenue

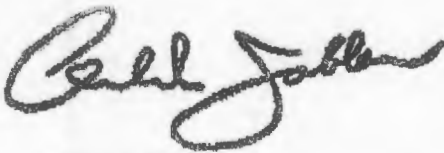
NE/s Beaumont Avenue, 386 ft. NW of centerline of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Peter & Delores Rusta

Variance to permit the accessory stabling of chickens on a tract of land of only 0.578 acres in lieu of the minimum required 1 acre.

Hearing: Monday, June 2, 2014 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 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

April 29, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0197-A

12 N. Beaumont Avenue

NE/s Beaumont Avenue, 386 ft. NW of centerline of Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Peter & Delores Rusta

Variance to permit the accessory stabling of chickens on a tract of land of only 0.578 acres in lieu of the minimum required 1 acre.

Hearing: Monday, June 2, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Rusta, 12 N. Beaumont Avenue, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 13, 2014.**
- (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.



KEVIN KAMENETZ
County Executive

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

April 23, 2014

Peter and Delores Rusta
12 N. Beaumont Avenue
Catonsville MD 21228

RE: Case Number: 2014-0197 A, Address: 12 N. Beaumont Avenue

Dear Mr. & Ms. Rusta:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 25, 2014. 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." The signature is written in a cursive style with a large, stylized "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Maryland Department of Transportation

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 4/1/14

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

RE: Baltimore County

Item No. 2014-0197-A
Administrative Variance
Peter & Delores Rysta
12 N. Beaumont Avenue

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. 2014-0197-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,

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

Steven D. Foster, Chief/
Development Manager
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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2014
Item No. 2014-0197, 0199 and 0200

DATE: April 9, 2014

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\ZAC04072014 -.doc

Fei *Chickens*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 9, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12 Beaumont Street

INFORMATION:

Item Number: 14-197

Petitioner: Peter Rusta

Zoning: DR 2

Requested Action: Administrative Variance

RECEIVED

APR 10 2014

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan to permit the accessory stabling of chickens on a tract of land of 0.578 acres in lieu of the minimum required one acre.

SUMMARY OF RECOMMENDATIONS:

On August 5, 2013, the Baltimore County Council adopted Resolution 73-13 requesting the Baltimore County Planning Board to review County laws and regulations relating to the use of land for accessory, non commercial raising and keeping of small livestock, fowl, or poultry. The Department of Planning staff held an informational meeting on March 20, 2013 to receive input on the communities concerns regarding this topic as a precursor to preparing recommendations to the Planning Board. The Planning staff has not developed any recommendations and is not at a point to provide recommendations on this particular site other than to note the Baltimore County Code provides clear direction on this topic under Section 13-7-311.

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

Division Chief:
AVA/LL

Lynn Lanham

RE: PETITION FOR ADMINISTRATIVE
VARIANCE

12 N. Beaumont Avenue; NE/S Beaumont
Avenue, 386' NW c/line of Frederick Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Peter & Delores Rusta
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-197-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
MAY 06 2014

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 6th day of May, 2014, a copy of the foregoing Entry of Appearance was mailed to Peter Rusta, 12 N. Beaumont Avenue, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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



Code Enforcement 410-887-3351
HUD Inspections 410-887-3375
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT

CORRECTION NOTICE

CASE NUMBER	FA NUMBER	PROP. TAX ID	ZONE
0124982	0209187	01-02-852580	R6s

NAME(S): Peter Rusta Delores Rusta		
MAILING ADDRESS: 12 Beaumont Ave		
CITY: Balto.	STATE: MD	ZIP CODE: 21228
VIOLATION ADDRESS: Same As Above		
CITY:	STATE: MARYLAND	ZIP CODE:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

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

- | | |
|--|--|
| ☐ 431: Improper parked/ illegal commercial vehicle(s) | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 450: Non permitted sign(s) | ☐ 415A: Improperly parked recreation vehicle |
| ☒ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) in residential zone | ☒ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 100.6: Non permitted livestock / fowl / poultry |
| ☐ 102.5: Residential site line violation /obstruction | ☐ 408B: Non permitted rooming/ boarding house |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B01: Non permitted private kennel. Limit 3 dogs |
| ☐ 1B01.1, ZCPM: Cease service garage activities | ☐ 101; 102.1; ZCPM: Illegal home occupation |
| ☐ 402: Illegal conversion of dwelling | ☐ 500.9 BCZR; ZCPM; BCC: 32-3-102:
Violation of commercial site plan and/or zoning order |
| ☐ 400: Illegal accessory structure | ☐ 410A: Non permitted class II Trucking Facility |

BALTIMORE COUNTY CODE (B.C.C.)

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

RENTAL LIVABILITY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 35-5-203: Condemnation of structure / equipment | ☐ 35-5-212: Repair heating / cooking equipment |
| ☐ 35-5-208(a): Repair exterior structure | ☐ 35-5-213: Provide fire and safety protection |
| ☐ 35-5-209(a): Repair interior structure | ☐ 35-5-213.1: Provide Carbon Monoxide detectors |
| ☐ 35-5-210 (a)(c): Provide proper lighting in structure | ☐ 35-5-214: Remove all accumulations & storage blocking egress,
stairwells, passageways, doors, windows, etc |
| ☐ 35-5-211(c): Repair plumbing defects to structure | |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous / unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof / horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster / masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations |
| ☐ 35-2-404(a)(1)(vii): Repair ext. construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair / remove defective ext. sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure openings |

OTHER VIOLATIONS OR REMARKS:

- expired*
- All trucks must be tagged = LP# 18F-649-6
 - you are permitted to have 1 trailer, Remove 2
 - Livestock & Fowl Require 1 Acre
 - Remove Chickens

Failure to comply with this correction notice, may result in a \$ 100 fine / penalty per day pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the assigned inspector below for more info. (See reverse side for important information)

COMPLIANCE DATE: 4 / 12 / 13

INSPECTOR NAME: C-Ragnor 3 / 12 / 13
(PRINT NAME) ISSUED DATE









Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Employee(s): EE0000081 to EE0000081
Scheduled Date(s): 3/6/2013 to 3/13/2013
PE Range: en01 to en04

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0124982		Chip Raynor	03/08/2013		Alexandra Williams	03/08/2013	Open - Normal		41D3

Complaint Description: RUNNING CONSTRUCTION BUSINESS OUT OF THE HOUSE, TRASH, COMMERCIAL VEHICLES WITH EXPIRED TAGS ON PROPERTY

Facility: FA0209187 PDM 0102852580 12 N BEAUMONT AVE CATONSVILLE, MD, 21228	Owner: RUSTA PETER W RUSTA DELORES L 12 BEAUMONT AVE BALTIMORE MD 21228	Complainant: ANONYMOUS
--	---	----------------------------------

Daily Activity Details - No Data

Violation Details - No Data

Comment Details - No Comments

Lien Information - None

Mileage:











Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:

Employee(s): EE0000081 to EE0000081

Scheduled Date(s): 4/11/2013 to 4/18/2013

PE Range: en01 to en04

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0124982		Chip Raynor	03/08/2013		Alexandra Williams	03/08/2013	Open - Normal		41D3

Complaint Description: RUNNING CONSTRUCTION BUSINESS OUT OF THE HOUSE, TRASH, COMMERCIAL VEHICLES WITH EXPIRED TAGS ON PROPERTY**Facility:**FA0209187
PDM 0102852580
12 N BEAUMONT AVE
CATONSVILLE, MD, 21228**Owner :**RUSTA PETER W RUSTA DELORES L
12 BEAUMONT AVE
BALTIMORE MD 21228**Complainant:**

ANONYMOUS

Daily Activity Details

Activity Number	Inspector	Activity Date	Service	Result	Action
DA0177089	Chip Raynor	03/13/2013	INITIAL INSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 3/11/13 inspected property, a 30 day notice was issued for an untagged white van in driveway, several trailers in driveway (3) needs to be 1, small fowl, has chickens with less than an acre. and needs to clean yard of open dump, some scattered debris, complainant is upset about the contents of trailer, which is not an issue, pu 4/11/13cr**Violation Details**

Violation Record ID: IV0087854	Comply By: 04/15/2013	Complied On:	Status: NOT IN COMPLIANCE
Program Category/Section Source: BCZR Density Residential/DR		Violation Description	Unlicensed Motor Vehicle - Not Permitted See 428
Correction Text: Vehicle allowed for 15 days per calendar year then must be tagged, placed inside an enclosed garage or removed.			
Violation Text: Sec. 428B: Not Permitted in DR zones.			
Violation Comment:			

Comment Details - No Comments**Lien Information - None****Mileage:**

J

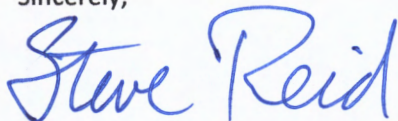
Baltimore County Zoning Commissioner
111 W. Chesapeake Ave.
Towson, MD 21204
June 2, 2014

RE: Administrative Variance Case #2014-0197-A: "To permit the stabling of chickens on a tract of land only 0.578 acres in lieu of the minimum required 1 acre"

As a neighbor adjacent to this property, and in response to the above request, I am proposing the following for consideration in any final decision:

- Limit total number of chickens to four
- No roosters
- Chickens to be housed in a permanent shed and limited adjacent fenced in area in the rear of the property no closer than 40 feet to the shared property line between #12 N. Beaumont Ave and #10 N. Beaumont Ave.
- Chickens are not to be "free-ranged" in large open areas

Sincerely,



Steve Reid

10 N. Beaumont Ave. Catonsville MD 21228

Real Property Data Search (w4)

(our feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 01 Account Number - 0102852580	
Owner Information		
Owner Name:	RUSTA PETER W RUSTA DELORES L 12 BEAUMONT AVE BALTIMORE MD 21228-4401	Use: RESIDE Principal Residence: YES Deed Reference: 1) /09211. 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	12 BEAUMONT AVE 0-0000	Legal Description: BEAUM
Map: 0101	Grid: 0007	Parcel: 0221
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 3	Assessment Year: 2013
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built 1923	Above Grade Enclosed Area 2,552 SF	Finished Basement Area 25,000 SF
Stories 1.500000	Basement YES	Type STANDARD UNIT
Exterior STUCCO	Full/Half Bath 3 full	Garage 1 Detached
Last Major Re		
Value Information		
Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2013
Land: 146,000	111,000	As of 07/01/
Improvements 155,700	158,700	
Total: 301,700	269,700	269,700
Preferential Land: 0		269,70
		0
Transfer Information		
Seller: BUCKMAN EMMETTE W	Date: 06/06/1992	Price: \$180,000
Type: ARMS LENGTH IMPROVED	Deed1: /09211/ 00562	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013 07/01/201
County: 000		0.00
State: 000		0.00
Municipal: 000		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 04/16/2014		

CASE NAME # 2014-0197-A
CASE NUMBER _____
DATE 6/2/14

[illegible]

Case No.: 2014-0197-A

Exhibit Sheet

7-8-14

ser
6-3-14

Petitioner/Developer

Protestants

No. 1	Plan	
No. 2	Plat of Beaumont-Lot 3	
No. 3	Photo-chicken coop	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



12 N. Benument Boundary Line View (SEE REVERSE)

12 N. Bertram
Garage

14 N. Bertram

Chicken coop view from 12 Bertram to 14 Bertram (see Bertram street)



PETITIONER'S

EXHIBIT NO. 3

8/29/2010 1993

39°16'19.42"N 76°44'22.23"W elev 515 ft

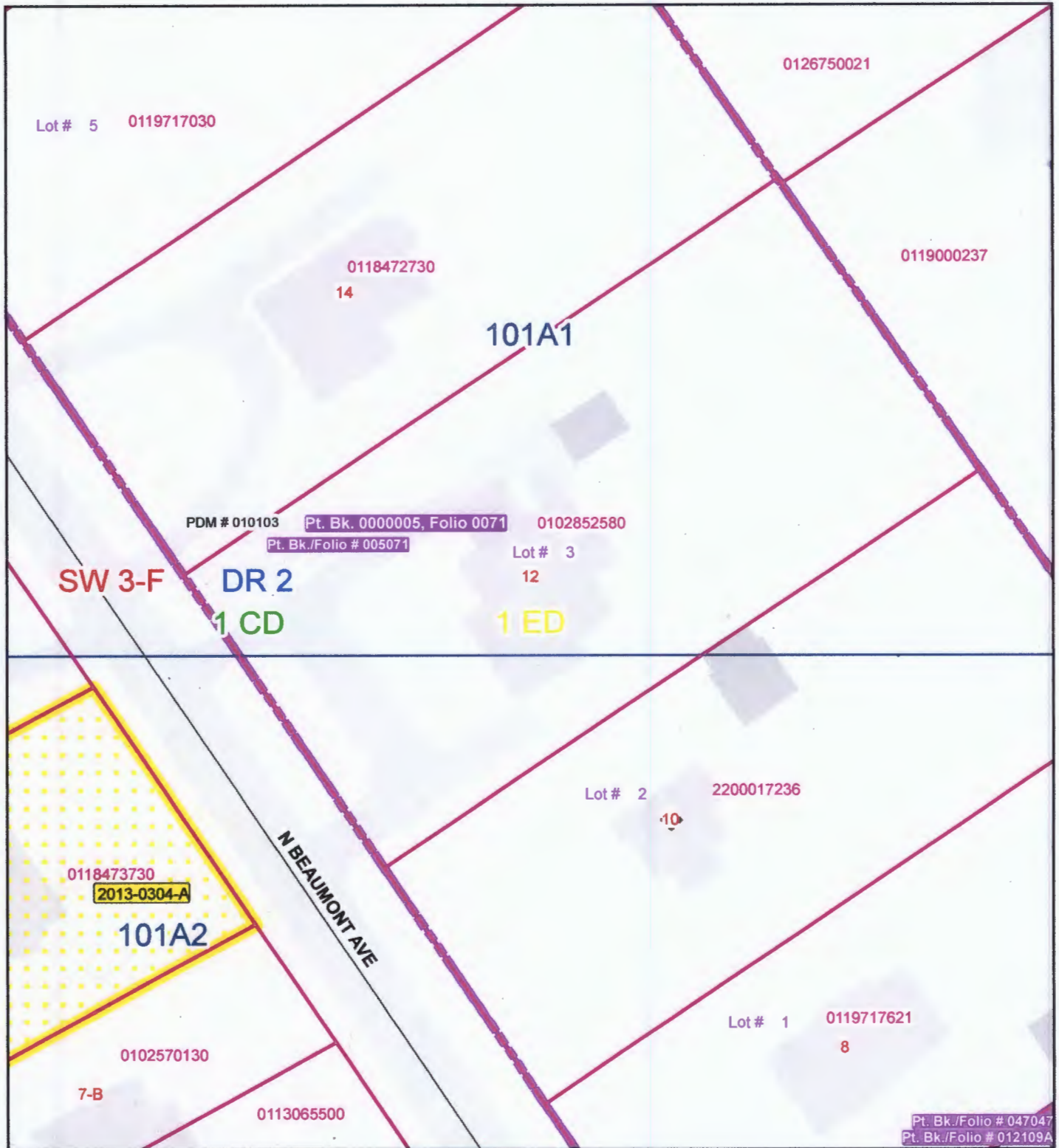
© 2012 Google

Google

Eye al



12 North Beaumont Avenue



Publication Date: 3/25/2014



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



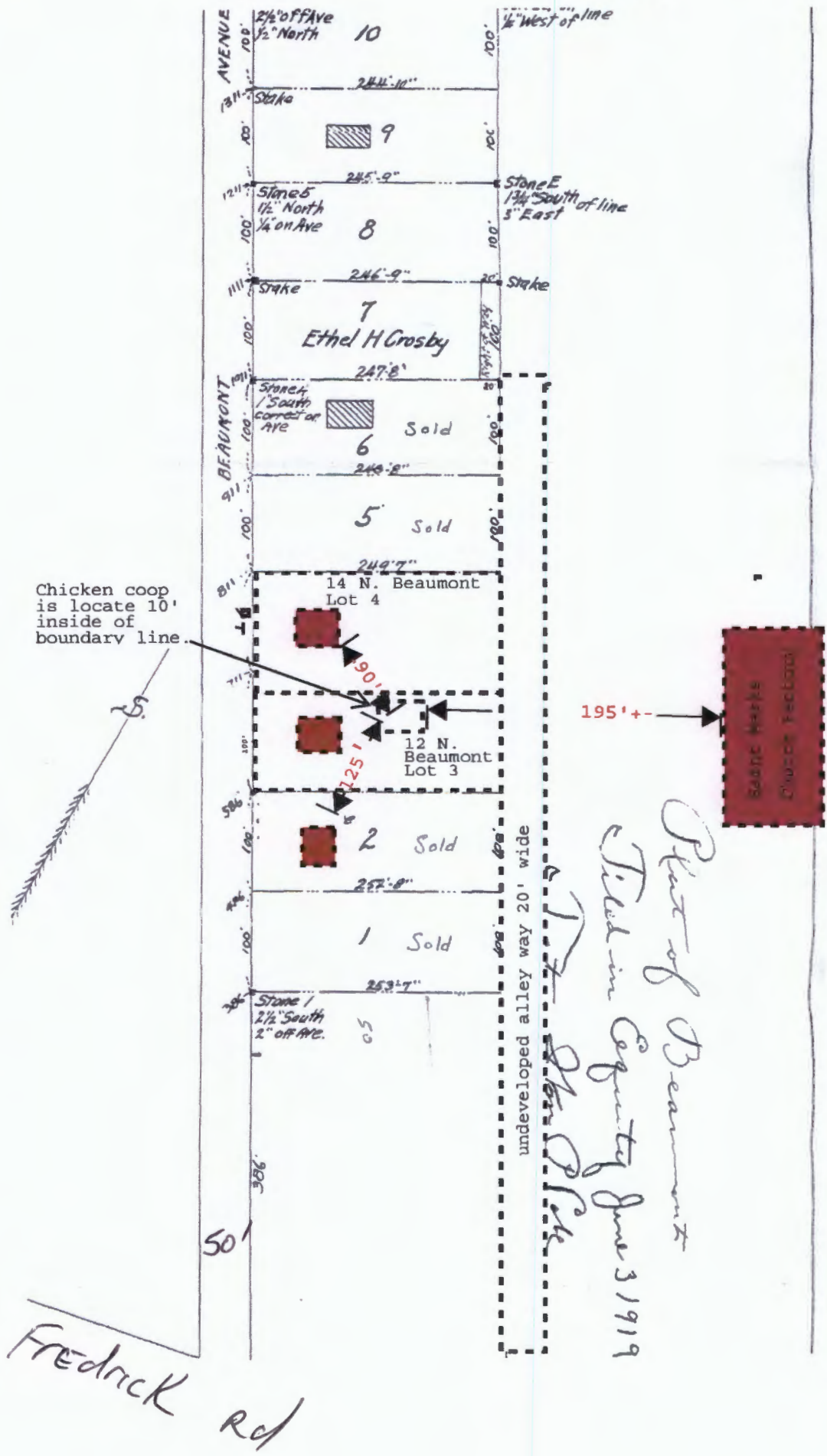
0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Summit

Plat of Beaumont
12 N. Beaumont

LOT 3
09211/00562



PETITIONER'S
EXHIBIT NO. 2

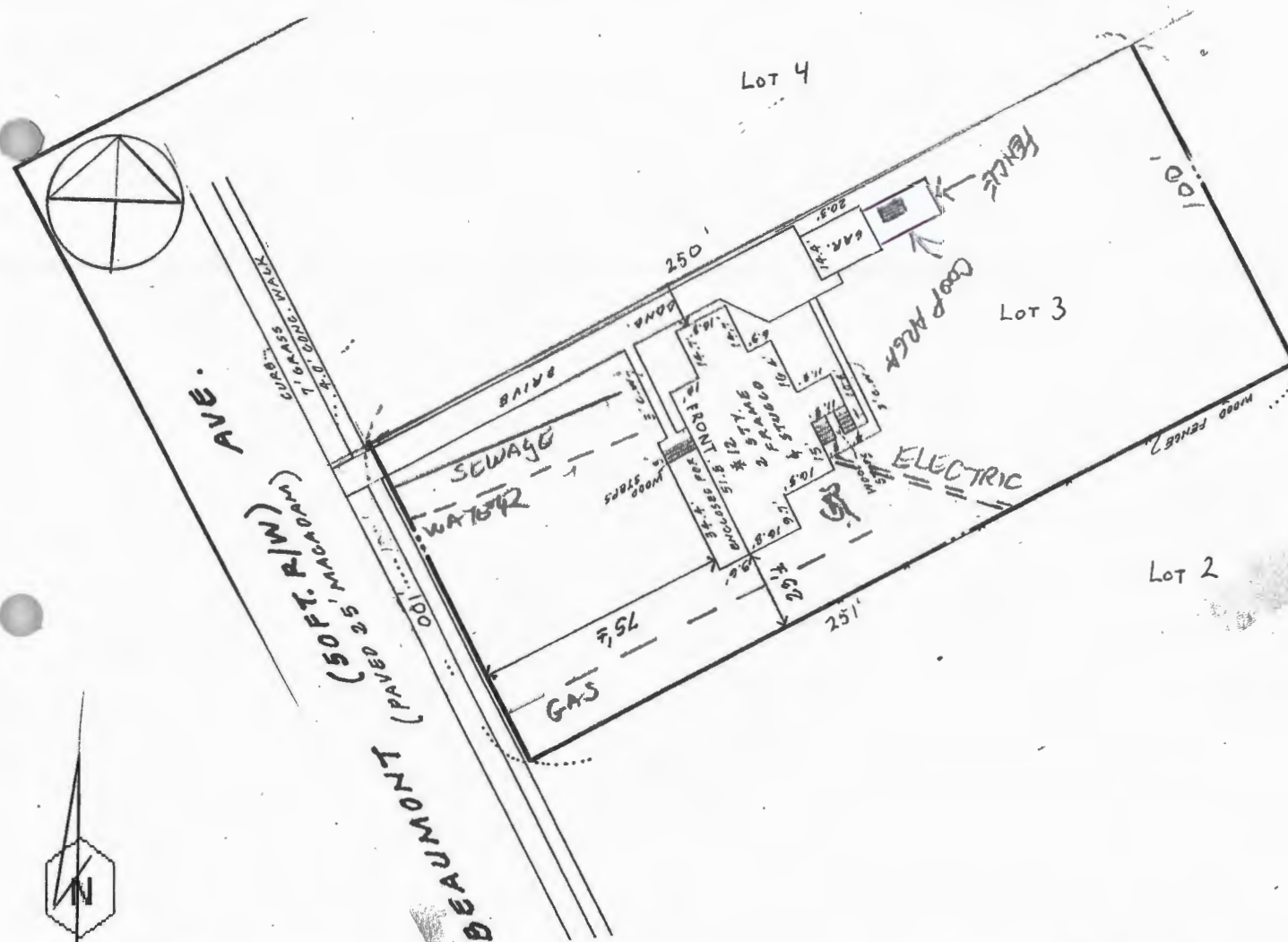
Plat of Beaumont
Filed in Registry June 3 1919
John O. Fike

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 12 N. BEAUMONT AVE OWNER(S) NAME(S) Peter & DeLores Rusk

SUBDIVISION NAME Beaumont LOT # 3 BLOCK # _____ SECTION # _____

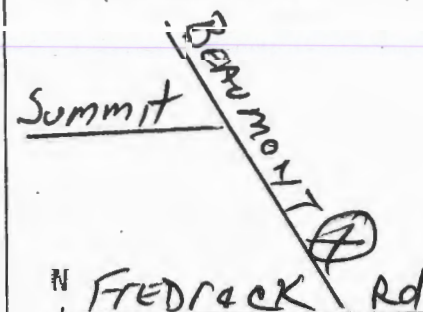
PLAT BOOK # 0005 FOLIO # 0071 10 DIGIT TAX # 0102854580 DEED REF. # 09211/00562



PLAN DRAWN BY Hopkins Eng DATE 2/4/92 SCALE: 1 INCH = 50 FEET
Peter Rusk 2/24/14

#2014-0197-A

SITE VICINITY MAP



N FREDRICK Rd

MAP IS NOT TO SCALE

ZONING MAP# 101A1/10142

SITE ZONED DR 2

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE 0.578

OR SQUARE FEET 25,000

HISTORIC? NO

IN CBCA? NO

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

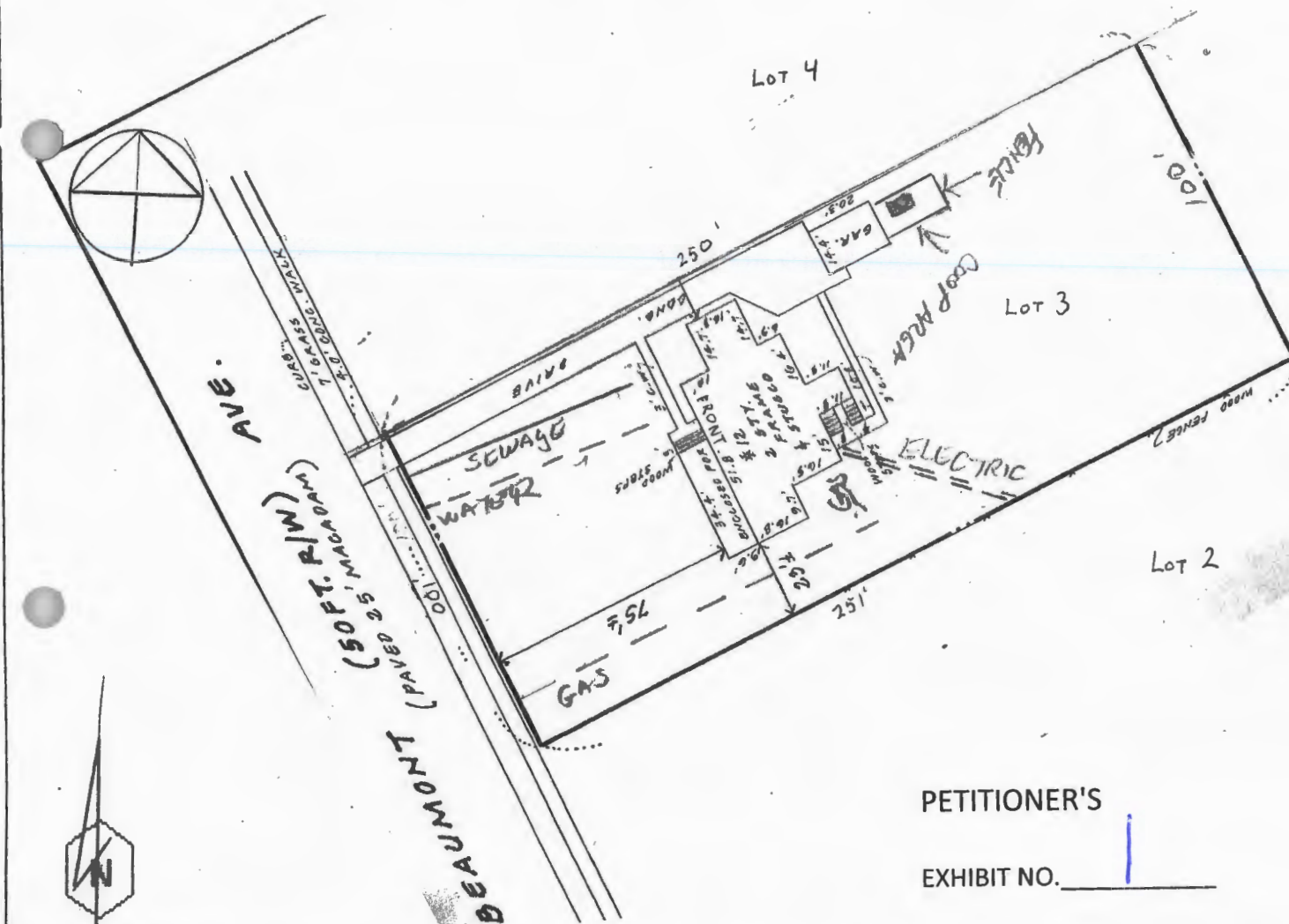
VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 12 N. BEAUMONT AVE OWNER(S) NAME(S) PETER & DELORES RUSTA

SUBDIVISION NAME Beaumont LOT # 3 BLOCK # _____ SECTION # _____

PLAT BOOK # 0005 FOLIO # 0071 10 DIGIT TAX # 0102852582 DEED REF. # 09211/00562



PETITIONER'S

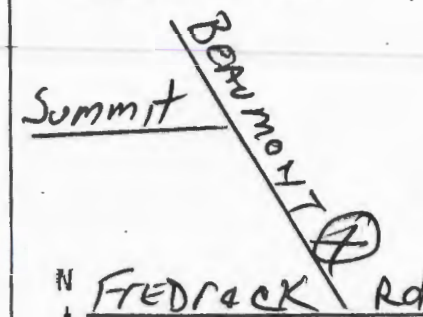
EXHIBIT NO. 1

PLAN DRAWN BY Hopkins Eng DATE 2/4/92 SCALE: 1 INCH = 50 FEET

Peter Rusta 2/24/14

#2014-0197-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 101A1/10142

SITE ZONED DRZ

ELECTION DISTRICT 1ST

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE 0.578

OR SQUARE FEET 25,000

HISTORIC? NO

IN CBCA? NO

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:
