

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(2105 Vailthorn Road)

15th Election District

6th Council District

Renfro Carter

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0134-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a pigeon coop as a nonconforming use/structure. In addition, a Petition for Variance (§100.6) seeks to permit the housing of pigeons on a lot of 0.037 acre in lieu of the required 1 acre.

The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner's Exhibit 1. Appearing at the public hearing in support of the requests was Renfro Carter and several neighbors. John Roche, Esq. appeared on behalf of the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP). That agency opposed the petition for variance.

The subject property is approximately 0.037 acres and is zoned DR 10.5. The property is improved with a row home, and it is part of the Hawthorne community created by plat in 1953. Exhibit 5.

To obtain variance relief a petitioner must show:

(1) The property is unique; and

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Date

2/6/15

By

den

(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 cannot satisfy this test. I concur with the DOP's ZAC comment that there are no special circumstances peculiar to this lot. Indeed, it is nearly identical in size and configuration to the many other houses in the community. As such, the petition for variance will be denied.

PETITION FOR SPECIAL HEARING

Petitioner purchased the subject property in 1992, as shown on state tax records in the case file. Petitioner testified he constructed the coop shortly after moving in and has kept pigeons continuously since that time. William Lantz, Petitioner's neighbor, has lived in the area since 1986, and he recalls Petitioner informing him (shortly after moving to the house in 1992) that he would be keeping pigeons. Mr. Lantz stated that he has no concerns with the coop, and he (and Tammy Jackson Lincoln who also resides with Mr. Lantz) testified that the coop is clean and that Petitioner takes good care of the birds.

Similar testimony was provided by Norman Burke, who has for over 15 years lived just four houses away from the Petitioner. Also, Mr. Burke grew up with his parents in the same neighborhood, and was aware that since 1992 or thereabout the Petitioner kept pigeons on the property. Mr. Burke advised that the Petitioner takes care of his property and the coop, and said the pigeons have never caused a problem or concern.

The final witness was Janet Miller, a 30+ year resident of the community who lives several streets away. Ms. Miller testified she received a Baltimore County e-newsletter advising of the zoning hearing in this case, and she attended the hearing without being requested to do so by Petitioner or anyone on his behalf. She testified she has through the years frequently walked her dogs through the alleys and streets in the community, and has long been aware of the pigeon

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Date 2/6/15
By den

coop. She stated that the coop and birds are well cared for, and she believes Petitioner should be entitled to keep the structure and the pigeons as he has done for years.

Bill 63-09, which became effective on or about September 2009, added "pigeons to the list of animals for which the Zoning Regulations require a minimum amount of acreage." The testimony in this case clearly establishes Petitioner constructed the coop and kept pigeons long before 2009, and has done so on a continuous basis. As such, Petitioner has established a lawful nonconforming use under B.C.Z.R. §§ 101.1 & 104.1.

THEREFORE, IT IS ORDERED this 6th day of February, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a pigeon coop as a nonconforming use/structure, be and is hereby GRANTED.

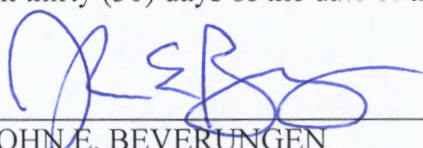
IT IS FURTHER ORDERED that the Petition for Variance seeking to permit the housing of pigeons on a lot of 0.037 acre in lieu of the required 1 acre, be and is hereby DENIED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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

JEB/sln


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 2/6/15

By sln



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 2105 Vailthorn Rd., Baltimore, MD 21220 which is presently zoned: DR-10.5

Deed References: 109326/00266 10 Digit Tax Account # 1502370780

Property Owner(s) Printed Name(s) Renfro Carter

FLOOD

(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

A PIGEON COOP

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 BCZR TO PERMIT THE HOUSING OF PIGEONS ON A LOT OF 0.037 ACRE IN LIEU OF THE REQUIRED 1 ACRE

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)

TO BE PRESENTED AT HEARING

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):

Renfro Carter

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

John Roche, Esq.

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2015-0134-SPHA

Filing Date

12/16/14

Do Not Schedule Dates

Reviewer

Ar

Date

2/6/15

REV. 10/4/11

By

Ren

**ZONING PROPERTY DESCRIPTION FOR
2105 VAILTHORN RD., BALTIMORE, MD 21220**

Beginning at a point on the north side of Vailthorn Road which is 60 feet wide at a distance of 65.6 feet east of the centerline of the nearest improved intersecting street, Grovethorn Street, which is 60 feet wide.

Being Lot # 48, Block 9, Section # 4 in subdivision of Hawthorne as recorded in Baltimore County Plat Book # 19, Folio # 77, containing 1632 square feet. Located in Election District 15 and Councilmanic District 6.

2015-0134-SPHA

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: 2015-0134-SPHA

Petitioner: Renfro Carter

Address or Location: 2105 Vailthorn Road, Baltimore MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Renfro Carter

Address: 2105 Vailthorn Road, Baltimore MD 21220

Telephone Number: 410-952-3828 alt 410-539-0042

CERTIFICATE OF POSTING

January 19, 2015

Re:
Zoning Case No. 2015-0134-SPHA
Petitioner / Owner: Renfro Carter
Date of Hearing: February 5, 2015

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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 located at **2105 Vailthorn Road**.

The sign(s) were posted on **January 16, 2015**.

Sincerely,

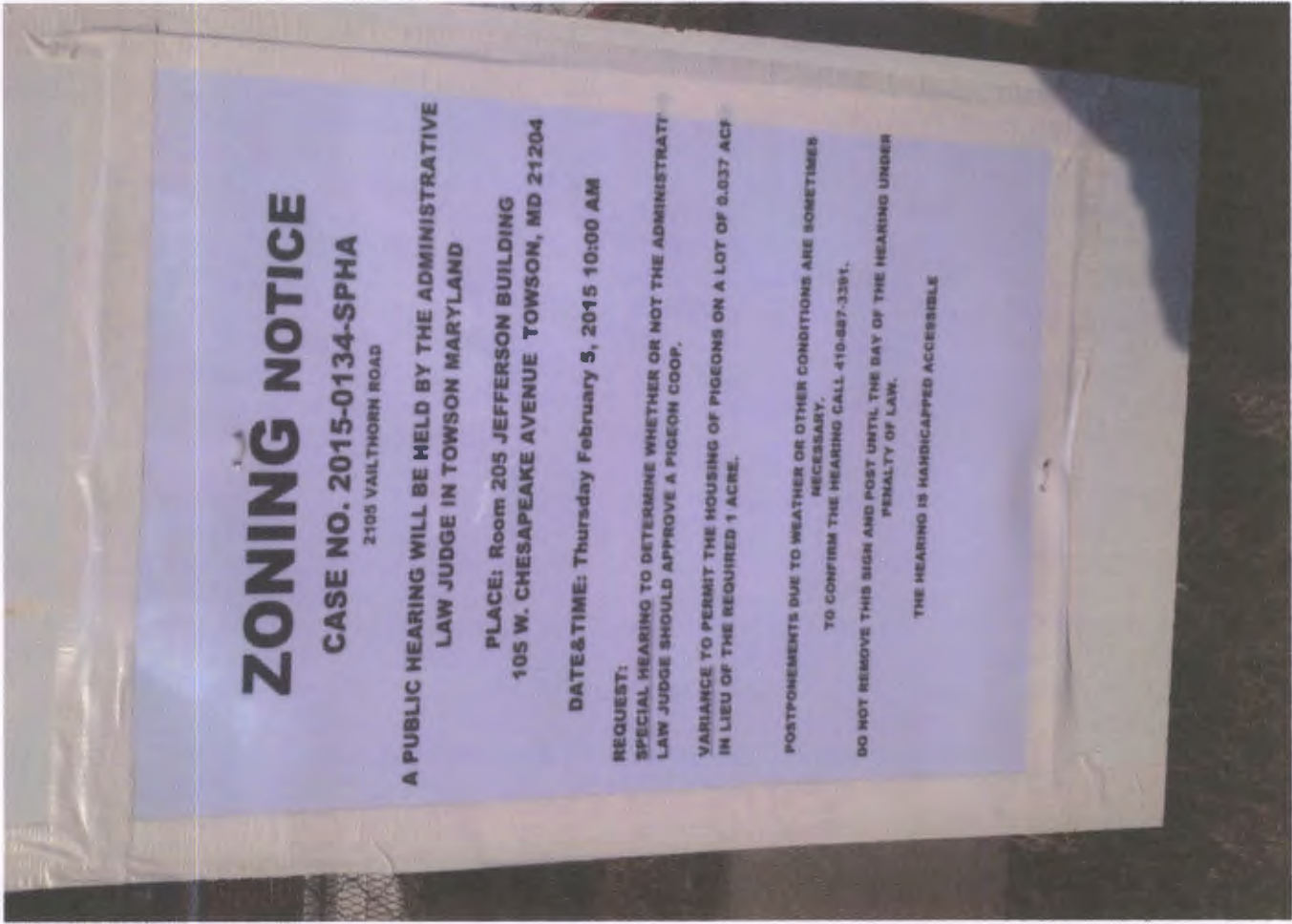


Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor





501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2962043

Sold To:

Renfro Carter - CU00405573
2105 Vailthorn Rd
Middle River, MD 21220

Bill To:

Renfro Carter - CU00405573
2105 Vailthorn Rd
Middle River, MD 21220

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 15, 2015

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

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: # 2015-0134-SPHA
2105 Vailthorn Road
N/s Vailthorn Road, 65.5 ft. e/ of centerline of Grovethorn Street
15th Election District - 6th Councilmanic District
Legal Owner(s) Renfro Carter

Special Hearing to determine whether or not the Administrative Law Judge should approve a pigeon coop. Variance to permit the housing of pigeons on a lot of 0.037 acre in lieu of the required 1 acre.

Hearing: Thursday, February 5, 2015 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.

1/193 January 15 2962043



KEVIN KAMENETZ
County Executive
December 31, 2014

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

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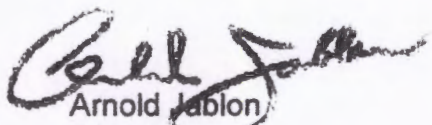
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15th Election District – 6th Councilmanic District

Legal Owners: Renfro Carter

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105 West Chesapeake Avenue, Towson 21205


Arnold Jablon
Director

AJ:kl

C: John Roche, Esq., 218 E. Lexington St., Ste. 700, Baltimore 21202
Renfro Carter, 2105 Vailthorn Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 16, 2015.**
- (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
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December 31, 2014

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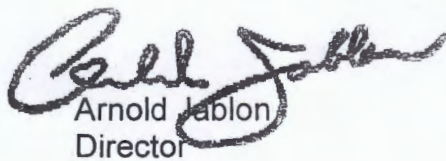
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TO: PATUXENT PUBLISHING COMPANY
Thursday, January 15, 2015 Issue - Jeffersonian

Please forward billing to:

Renfro Carter
2105 Vailthorn Road
Baltimore, MD 21220

410-952-3828

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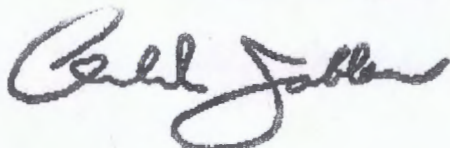
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
2105 Vailthorn Road; N/S Vailthorn Road, * OF ADMINSTRATIVE
65.5' E of c/line Grovethorn Road *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Renfro Carter *
Petitioner(s) * BALTIMORE COUNTY
* 2015-134-SPHA

* * * * *

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

JAN 2 02015



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of January, 2015, a copy of the foregoing Entry of Appearance was mailed to John Roche, Esquire, 218 E. Lexington Street, Suite 700, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County

M E M O R A N D U M

DATE: March 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0134-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 9, 2015. 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

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



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

CODE ENFORCEMENT CORRECTION NOTICE

CARTER RENFRO H
#POB34308
444 MARYLAND AVE
BALTIMORE, MD 21221-6705

CASE NUMBER CC1407597	PROP.TAX ID 1502370780
VIOLATION ADDRESS 2105 VAILTHORN RD MIDDLE RIVER, MD 21220	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.C. 13-7-309; 13-7-310: Remove animal feces B.C.C. 13-7-309; 13-7-310: Remove animal feces Other Violation(s)	Remove animal feces immediately after passing. Animal feces must be cleaned immediately after passing. BCC 13-7-311 A person may not house or maintain with a residential area less than 1 acre in size: 1. Fowl, including but not limited to chickens, duck, pigeons, doves, geese, etc. Cease housing of of fowl located in rear of property.

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation 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 inspector for more information and details.

COMPLIANCE DATE: 08/20/2014	INSPECTOR NAME: Phillip Mills
	ISSUED DATE: 07/24/2014

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

- It is important that you read this document carefully, as it charges you with the commission of a crime.
- If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
- If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
- A lawyer can give important assistance to you:
 - on how to correct the violation(s) in order to avoid trial or
 - at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
- A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
- It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
- Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

2015-0134-SPHA

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



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

CODE ENFORCEMENT CORRECTION NOTICE

CARTER RENFRO H
#POB34308
444 MARYLAND AVE
BALTIMORE, MD 21221-6705

CASE NUMBER CC1412917	PROP.TAX ID 1502370780
VIOLATION ADDRESS 2105 VAILTHORN RD MIDDLE RIVER, MD 21220	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.C. 13-7-112: Nuisance Code	BCC 13-7-311: a person may not house fowl in residential area on a lot smaller than one acre- remove fowl and cages

Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation 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 Inspector for more information and details.

COMPLIANCE DATE: 12/17/2014	INSPECTOR NAME: Joshua Homan
	ISSUED DATE: 11/17/2014

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

- It is important that you read this document carefully, as it charges you with the commission of a crime.
- If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
- If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
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 - at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
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2015-0134-SPHA

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

CODE ENFORCEMENT & INSPECTION CITATION

CARTER RENFRO H
#POB34308
444 MARYLAND AVE
BALTIMORE, MD 21221-6705

CASE NUMBER CC1407597	PROP.TAX ID 1502370780
VIOLATION ADDRESS 2105 VAILTHORN RD MIDDLE RIVER, MD 21220	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
Other Violation(s)	BCC 13-7-311 A person may not house or maintain with a residential area less than 1 acre in size: 1. Fowl, including but not limited to chickens, duck, pigeons, doves, geese, etc. Failure to cease housing of fowl located in rear of property.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$1200

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 09/24/2014 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

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

Inspector Printed Name Phillip Mills	Inspector Signature 	Issued Date 08/02/2014
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2015-0134-SPHA

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Civil Citation No. 1407597

Renfro Carter
PO Box 34308
444 Maryland Avenue
Baltimore, MD 21221

2105 Vailthorn Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on September 24, 2014 for a Hearing on a citation for violations under the Baltimore County Code (BCC) sections 13-7-311: Failure to cease housing of fowl on less than one acre of residential property.

On September 2, 2014, pursuant to BCC § 3-6-205, Inspector Phillip Mills issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (One thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Renfro Carter, Respondent, and Phillip Mills, Baltimore County Code Enforcement Officer.

Evidence was presented that, upon a citizen complaint, an inspection of the subject property was carried out on 7/24/14, revealing the presence of a pigeon coop on the site, which is zoned DR10.5 and comprises less than one acre. A Correction Notice was issued. A re-inspection on 9/2/14 noted that the coop was still there, and a Citation was issued, mailed and posted. A pre-hearing inspection on 9/23/14 noted no change. Photographs taken by the Inspector were entered into evidence. The Respondent testified that the coop had been there for twenty years, but acknowledged that he is now aware that its presence is in violation of County Code.

Having heard the testimony and evidence presented at the Hearing:

2015-0134-SPHA

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,200.00 (One thousand two hundred dollars).

IT IS FURTHER ORDERED that \$1,150.00 of the \$1,200.00 civil penalty be suspended, with an immediate \$50.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$1,150.00 civil penalty will be imposed if the subject property is not brought into compliance by October 24, 2014.

IT IS FURTHER ORDERED that if the subject property is brought into compliance pursuant to this Order, the remaining \$1,150.00 civil penalty will be imposed if there is a subsequent finding against the Respondent for the same violation.

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

ORDERED this 25 day of September 2014

Signed: 

Lawrence M. Stahl
Managing Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

LMS/sma

CASE NAME 2015-0134-SPHA
CASE NUMBER _____
DATE 2-5-2015

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
12/30/14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
1/5/15	PLANNING (if not received, date e-mail sent _____)	C
12/22/14	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. CC1407597)	
PRIOR ZONING	(Case No. CC1412917)	
NEWSPAPER ADVERTISEMENT	Date: 1/15/15	
SIGN POSTING	Date: 1/16/15 by Doak	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		



KEVIN KAMENETZ
County Executive

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

January 27, 2015

Renfro Carter
2105 Vailthorn Road
Baltimore MD 21220

RE: Case Number: 2015-0134 SPHA, Address: 2105 Vailthorn Road

Dear Mr. Carter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 16, 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.", is positioned above the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
John Roche, Esquire, 218 E Lexington Street, Suite 700, Baltimore MD 21202

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2014
Item No. 2015-0114, 0132, 0134 and 0135

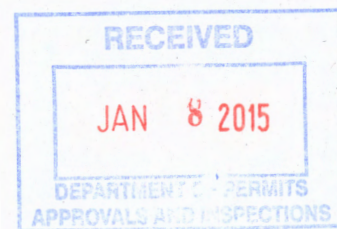
DATE: December 30, 2014

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\ZAC12292014 -.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



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

DATE: January 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2105 Vailthorn Road

INFORMATION:

Item Number: 15-134

Petitioner: Renfro Carter

Zoning: DR 10.5

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner has requested a special hearing for a pigeon coop and variance from 100.6 of the BCZR to permit the housing of pigeons on a lot of .037 acre in lieu of the required 1 acre.

The Department of Planning does not support the petitioner's request for special hearing nor for variance. The lot is a typical narrow inside-of-group townhouse lot in a neighborhood of townhouses. The lot size is 1632 square feet, much less than required by the regulations. There does not appear to be special circumstances or conditions that are peculiar to this lot or situation. The pigeon coop structure sits on block in the rear yard adjacent to the side property line, is unsightly, and detracts from the neighboring properties look and feel. The keeping of fowl on such a small lot could be detrimental to the health, safety and welfare of the surrounding neighborhood and in fact is subject of Violation Cases CC 1407597 and CC 1412917.

In addition, the pigeon coop in question does not conform to the setback standards in BCZR section 400.1 that an accessory structure shall be no less than 2 ½ feet from any side or rear lot lines.

Please be advised that 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 (including pigeons). 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 recommendations to date.

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

Division Chief:
AVA/LL

Case No.:

2015-0134-SPHA

Exhibit Sheet

Petitioner/Developer

Protestants

No. 1	Photographs	
No. 2	Site plan	
No. 3	Letters of support	
No. 4	Petition signed by neighbors	
No. 5	Plat of Hawthorne	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



KEVIN KAMENETZ
County Executive

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

February 6, 2015

John R. Roche, Esquire
218 E. Lexington Street
Suite 700
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Property: 2105 Vailthorn Road
Case No.: 2015-0134-SPHA

Dear Mr. Roche:

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,

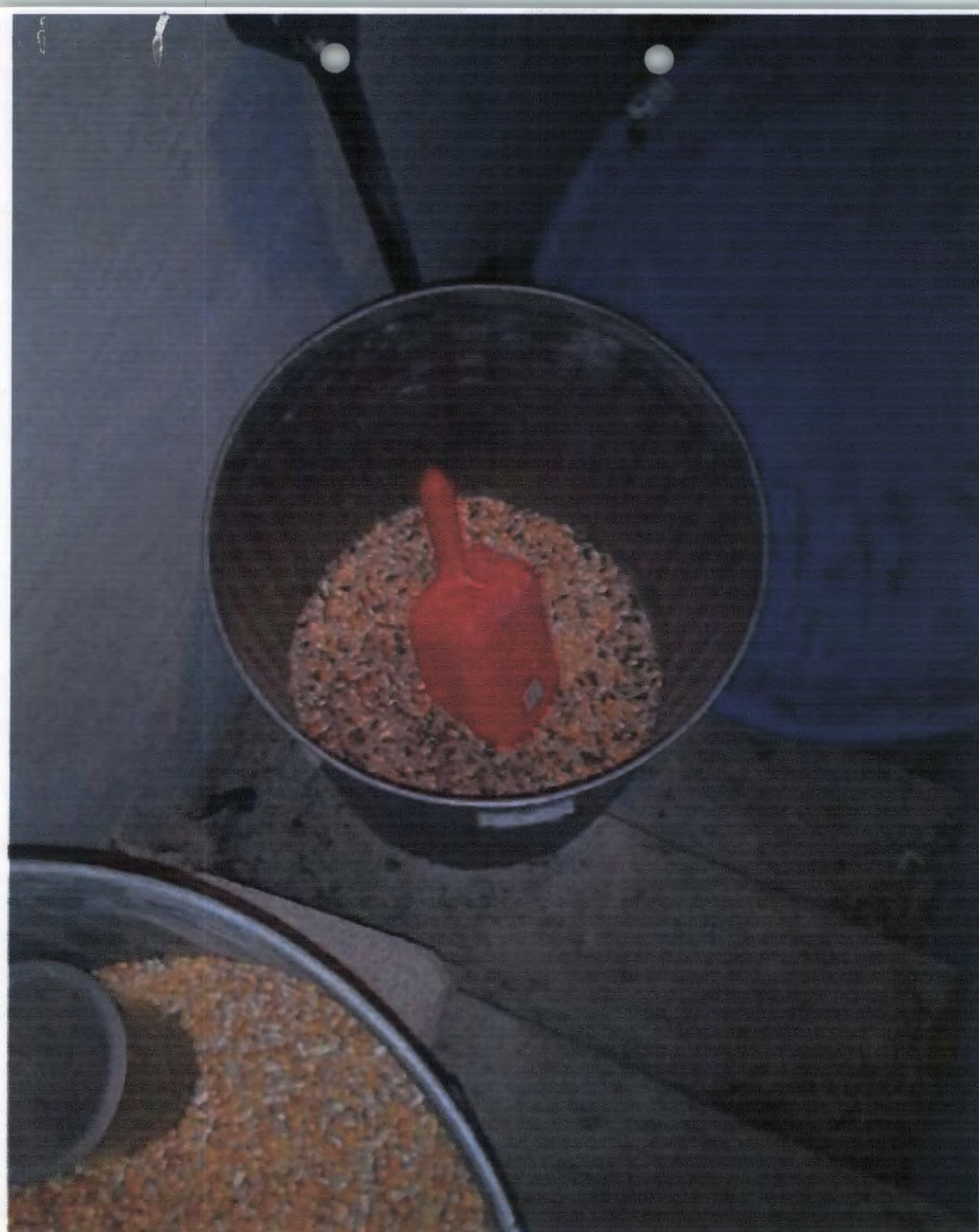
A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Renfro Carter, 2105 Vailthorn Road, Baltimore, Maryland 21220



















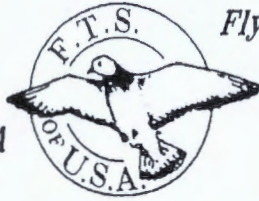
2015-0134-SPHA



2015-0134-SPHA



2015-0134 - SPHA

*Flying High since 1987****Flying Tippler Society of the USA***

August 4th. 2014

To Whom It May Concern:

I would like to take this opportunity to offer my formal character reference for Renfro Carter, in support of his appeal against an Order to Remove Pigeons at the property at 2105 Vailthorn Rd. Middle River, MD. As the Secretary, Treasurer, of the Flying Tippler Society of the USA, I have known Renfro for approximately 17 years and can state that he is a member in good standing.

Renfro joined our club in January 1997 and has actively participated in club over the years. Pigeon flying has been going on for years, and we take care of our birds like most folks would take care of their cat, dog or horses. Our birds are not going to be roaming around. Our club's flying rules require that the, "Kit must be released within a 100 foot radius from the center of the flying loft known as the flyer's boundary. Flyer has one (1) hour to trap the entire kit or be disqualified. Flyer may catch any bird drop-ping/roosting within the flyer's bound-ary. Kit is considered trapped when all are in the flying loft, in the possession of the flyer or a combina-tion of both. Tippler(s) dropping outside flyer's boundary is automatically disqualified."

We spend a lot of time training. From off the property, one can hardly tell one's got pigeons, and being in a residential area, that's a good thing. This is a relatively small sport in numbers, but we're not only in the United States, but in Europe, and in many other countries around the world. We do it because we love it. It's a good sport.

I believe Renfro and his loft of pigeons exhibit many of the qualities that are essential to a good neighborhood. A visit to Renfro's loft by children in the neighborhood could inspire, educate, motivate and enhance their learning opportunities. I highly recommend Renfro's loft of Tippler pigeons for your community.

Happy Tippling!
www.tiplers.com/ftsofusa

Yours in the sport.

David Fuller
Secretary, Treasure FTS of USA
18 Oaklawn Dr
Metairie, LA 70005
504 835 8904

10/09/2014

To Whom it May Concern,

My wife and I have lived in Hawthorne for more than 23 years. Renfro Carter has been a good neighbor of our for over twenty years. During all of those years Ren has been raising his pigeons. His pigeon coop and his yard are always clean and well kept. People who have lived in this neighborhood for many years know how dedicated he is to taking good care of his birds and property. I have never heard anyone complain about his pigeons and can't imagine why anyone would. I hope Ren is able to continue his hobby of raising pigeons.

Sincerely,

Dave and Janice Hoffman
419 Grovethorn Road

Dave Hoffman
Janice Hoffman

Terri DeLibro
2102 Redthorn Road
Middle River, MD 21220

October 14, 2014

To whom it may concern:

Mr. Renfro Carter has been my neighbor for a very long time. During that time he has taken excellent care of his pigeons and their coop. The birds are well fed and the coop has a heating and air conditioning system. Mr. Carter keeps the coop and the surrounding area clean and free of bird droppings. The birds are his hobby and he enjoys them.

Terri DeLibro

October 6, 2014

To whom it may Concern:

I am writing this letter in reference to Mr. Renfro Carter's Pigeon Coop at 2105 Vailthorn Road. We have lived next door to Mr. Carter for the past 14 years, we moved into 2103 Vailthorn Road in January of the year 2000. We have NOT had any problems or concerns about his Pigeon Coop and we absolutely see NO reason for him to have to give up his hobby that we all have enjoyed! The previous home owners of our home, (Mr. John & Fran Orr) told us that Mr. Carter has had his coop up for years before we even moved in, with NO Complaints. He has always been a very friendly neighbor and was very welcoming of our Family to the neighborhood. He has always taken very good care of his pigeons as well as kept them and his yard very clean. We, as his next door neighbors, have actually enjoyed watching him take care of them. Our Grandchildren have even learned some things about Homing Pigeons, which they would probably have never learned, had he not had his birds as his hobby.

Thank you for taking the time to read our view in this matter.

Sincerely,

Mrs. Sandra Bauer & Mr. Earl Bauer

Mrs. Sandra Bauer
Mr. Earl Bauer

October 2, 2014

To Whom It May Concern

I Delores Pitts have known Mr. Renfro Carter for over 10 years. He is a man of great integrity. Mr. Carter has great love for his pigeons; they have been a long time hobby of his. I have seen Mr. Carter take very good care of his birds, they have become a big part of his life. To tear down his; pigeon coop is like taking apart of his life away from him. I feel those birds fill a big void in his life. Mr. Carter has been through a lot in his life. He was a single parent for a while raising his daughters. He took very good care of his family. Along with his hobby raising his birds, which I feel give's him relaxation with his down time. Those birds have been a part of him for Avery long time. They are like family to him. Please consider the time he has been with his bird.

Thank you so much

Sincerely

Delores Pitts His Friend

PETITIONER'S

EXHIBIT NO. 4

Petition to save Renfro H. Carter Pigeon Coop

Petition summary and background	Please save my Pigeon Coop. These Pigeons have had this home since I've lived here in 1992.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to save Renfro H. Carter Pigeon Coop

Printed Name	Signature	Address	Comment	Date
ALEXANDER McIntosh	<i>Alexander McIntosh</i>	2112 Vailthorn Rd.	1996	9-30-14
Sandra Bauer	<i>Sandra Bauer</i>	2103 Vailthorn Rd	I have lived here since 2000, NO COMPLAINTS	10-3-14
Mara Lee Paugh	<i>Mara Lee Paugh</i>	2108 Vailthorn Rd	1956 No Complaints	10/4/14
DARIO Hoffman	<i>Dario Hoffman</i>	419 GROVETHORN RD	I have been here since 1991 had no roosts problem until since recently.	10/7/14
John Blanchard	<i>John Blanchard</i>	2115 Vailthorn Rd	200	10/5/14
JP REAVES	<i>JP Reaves</i>	413 Grove thorn Rd	No complaints I like the birds 12-95	10/8/14
Marlon Burke	<i>Marlon Burke</i>	431 Grove thorn Rd	Bags on ground cause rats not birds 2007	10/8/14
Tim Brashear	<i>Tim Brashear</i>	2104 Redthorn	NONE	10/8/14
JENNIFER Dink	<i>Jennifer Dink</i>	2104 Redthorn	NONE	10/8/14
RANDALL Taylor	<i>Randall Taylor</i>	121 Old Maple Ct.	None	10/9/14
Joe Singer	<i>Joe Singer</i>	808 223 RD ST PASADENA	NO PROBLEM'S	10/9/14
TERRI DELIBO	<i>Terri DeLibo</i>	2102 Redthorn Rd	NO PROBLEM	10/10/14
JAMES HAWES	<i>James Hawes</i>	2100 Redthorn Rd	I AM GOOD WITH THE MANS BIRDS	10/12/14

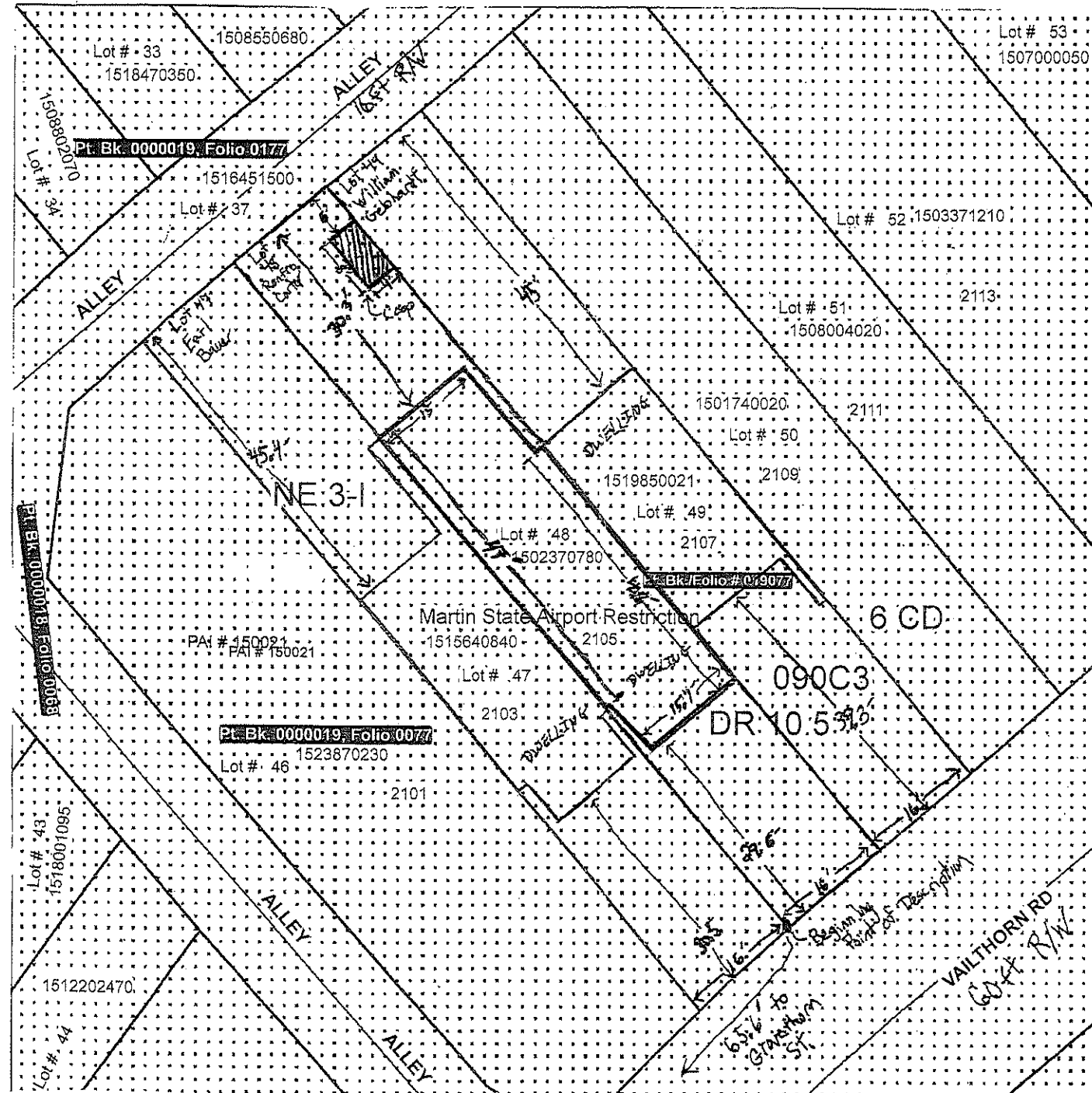
Printed Name	Signature	Address	Comment	Date
TAMI Jackson-Lind	Tami Lind	2101 Vail Manor Rd, Middle River, MD	Never had a Problem Since 1981	10-12-14
Eunice Mervay	Junie Mervay	2106 Ralston Rd, Middle River, MD	No problem	10-12-14
Joseph Cook	Joseph Cook	3914 Chesterfield Ave	I Have Birds Too.	10-12-14
Anthony Featherstone	Anthony Featherstone	204 McKen Ave	I have Birds 1993	10-14-14
Leon Hebron	Leon & Helron	627 McKen Ave	I have Birds 2008	10-14-14
	Deanna Mervay	10028 Shoreland Dr		
Dana Curry	Dana Curry	432 E Patapsco Ave	I have Birds Too	10-14-14
Robert Little	Robert Little	5620 Montross Rd 1932 Caswell Ave	I got Birds 1981 1 got Birds 56 Yrs	11-15-14
Ben Williams	Ben Williams	200 13th Ave	I have Birds 60 Yrs	10-16-14

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

ADDRESS 2105 Vailthorn Rd. OWNER(S) NAME(S) Renfro Carter

SUBDIVISION NAME Hawthorne LOT # 48 BLOCK # 9 SECTION # 4

PLAT BOOK # 19 FOLIO # 17 10 DIGIT TAX # 1502310780 DEED REF. # 09326/00266



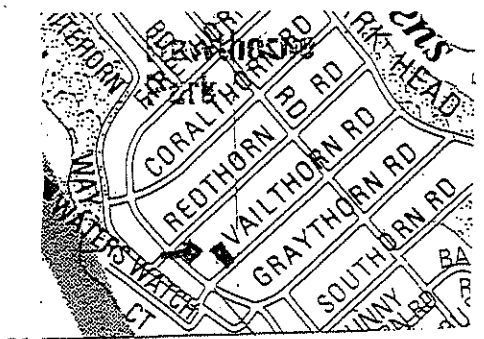
PETITIONER'S

EXHIBIT NO. 2

PLAN DRAWN BY Peter Choi

DATE 12/15/14 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 090C3

SITE ZONED DR 10.5

ELECTION DISTRICT 15th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE _____

OR SQUARE FEET 1632

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

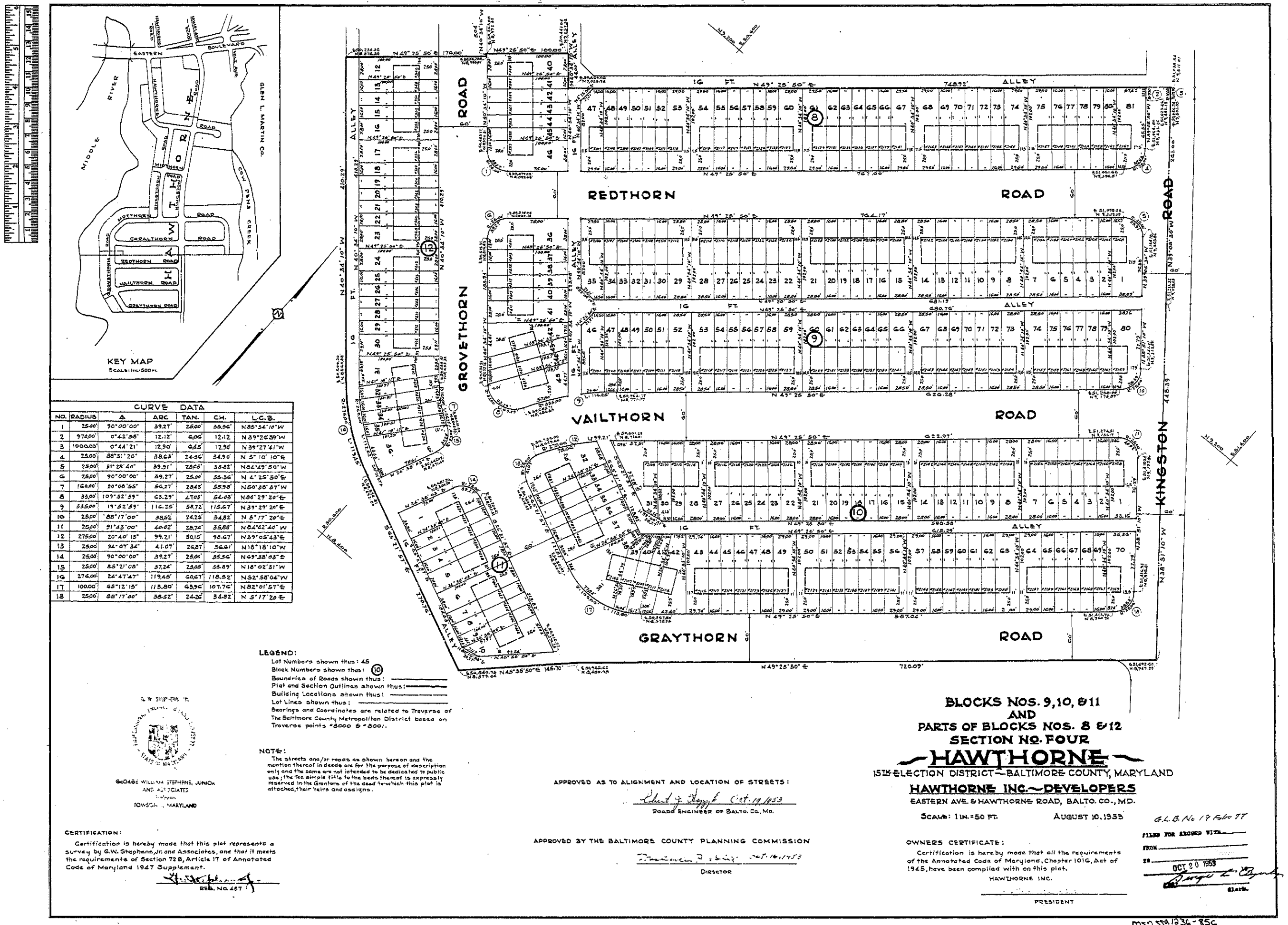
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC 1407597, CC 1412917

2015-0134-SPHA

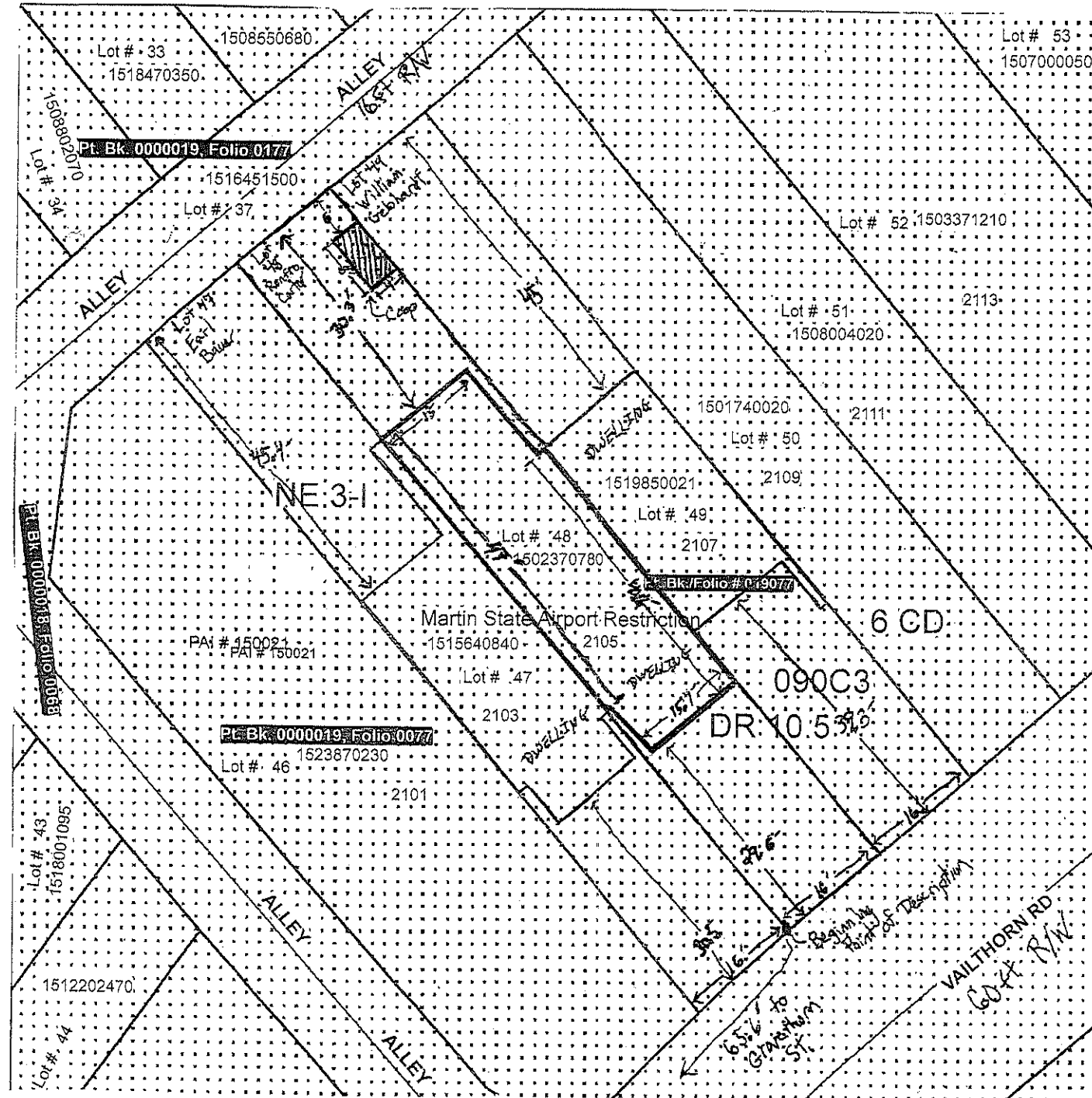


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 2105 Vailthorn Rd. OWNER(S) NAME(S) Renfro Carter

SUBDIVISION NAME Hawthorne LOT # 48 BLOCK # 9 SECTION # 4

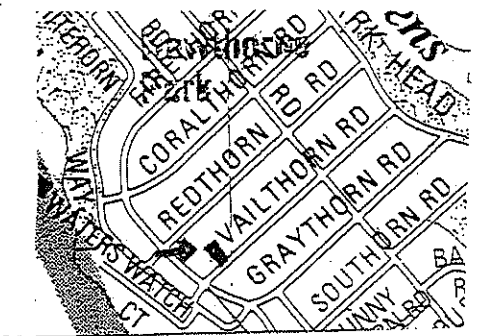
PLAT BOOK # 19 FOLIO # 17 10 DIGIT TAX # 1502310780 DEED REF. # 09326/00266



PLAN DRAWN BY Peter Choi

DATE 12/15/19 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 090C3

SITE ZONED DR 10.5

ELECTION DISTRICT 15th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE _____

OR SQUARE FEET 1632

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC 1407597, CC 1412917

2015-0134-SPHA