MEMORANDUM

DATE: January 24, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0130- A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 23, 2017. 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 (1866 Marshall Road) 12th Election District 7th Council District Michael Bruzdzinski *Legal Owner* Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2017-0130-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Michael Bruzdzinski, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit chickens on a residential property of less than one acre. A site plan was marked as Petitioner's Exhibit 1.

Michael Bruzdzinski appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request but provided suggested conditions for the final Order.

The property is approximately 0.240 acres and is zoned DR 5.5. The property is improved with one unit of a duplex dwelling constructed in 1943. Petitioner has lived at the property since 2013. Petitioner and his wife have 2 children, and together they care for the chickens and a small Mini-Juliana pig which they keep inside and consider a pet. The DOP ZAC comment indicated that agency considered the pig a "pet" as opposed to "livestock" or a "farm animal." I concur, and as such zoning relief is not required for this pet.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property is narrow and deep, and is also irregularly shaped. As such, it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to keep the chickens which he and his family have owned for over three years. 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 community and/or Baltimore County opposition. In fact, Petitioner presented several letters and a petition signed by every neighbor in the vicinity of their home, expressing support for the request.

THEREFORE, IT IS ORDERED, this **23rd** day of December**, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) to permit chickens on a residential property of less than one acre, be and is hereby GRANTED.

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.

2. Petitioner may keep no more than 12 chickens on the property, although Petitioner shall have 6 months from the date hereof to comply with this restriction. No roosters may be kept on the property.

ORDER RECEIVED FOR FILING
Date 12/23/16
By SLN

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 12/23/16

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 1866 Marshall Rd Dundalk, MD 21222 **which is presently zoned** Dr. 5.5

Deed References: 33721/00047 10 Digit Tax Account # 1 2 1 9 0 2 7 9 3 0

Property Owner(s) Printed Name(s) Michael Brzozinski Jr.

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

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

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

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

3.X **a Variance** from Section(s) 100.6, BCZR, TO PERMIT CHICKENS ON A RESIDENTIAL PROPERTY OF LESS THAN ONE 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)**

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

Legal Owners (Petitioners):

Michael Brzozinski Jr. / Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Signature # 2

1866 Marshall Rd. Dundalk MD
Mailing Address City State

21222 / 443-629-8631 / Brzski27@Gmail.com
Zip Code / Telephone # / Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

ORDER RECEIVED FOR FILING
Date 12/23/16
By DLH

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

SAME

CASE NUMBER 2017-0130-A **Filing Date** 11/10/16 **Do Not Schedule Dates:** _____ **Reviewer** JCM

REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR 1866 MARSHALL RD.

Beginning at a point on the south side of Marshall Road which is fifty feet wide at a distance of four hundred and fifty four feet south of the centerline of the nearest improved intersecting street, Martell Avenue which is Fifty feet wide.

Being Lot # 22, Block B, in the subdivision Talbot Park as recorded in Baltimore County Plat Book # A, Folio 0014/0048, containing 10,476 square feet. Located in the 12-008 Election District and 7th. Council District

THE BALTIMORE SUN MEDIA GROUP

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 4618323

Sold To:
Michael Brudzinski - CU00573903
1866 Marshall Rd
Dundalk,MD 21222-3139

Bill To:
Michael Brudzinski - CU00573903
1866 Marshall Rd
Dundalk,MD 21222-3139

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

Dec 01, 2016; Dec 08, 2016

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: # 2017-0130-A
1866 Marshall Road
S/s Marshall Road, 450 ft. S/of centerline of Martrell Avenue
12th Election District - 7th Councilmanic District
Legal Owner(s) Michael Bruzdzinski
Variance: to permit chickens on a residential property of less than one acre.
Hearing: Thursday, December 22, 2016 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.
12/014 December 1

4618323

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0130-A

PETITIONER/DEVELOPER

MICHAEL BRUZDZINSKI

DATE OF HEARING/CLOSING:

12/22/16

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 CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT

1866 MARSHALL ROAD

THIS SIGN(S)WERE POSTED ON December 2, 2016
(MONTH,DAY,YEAR)

SINCERELY,

12/2/16

SIGNATURE OF SIGNPOSTER AND DATE:

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

ZONING NOTICE

CASE # 2017-0130-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: THURSDAY DECEMBER 22, 2016 AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT CHICKENS ON A RESIDENTIAL PROPERTY OF LESS THAN ONE ACRE.

12/1/16

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

KEVIN KAMENETZ
County Executive

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

November 22, 2016

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: 2017-0130-A
1866 Marshall Road
S/s Marshall Road, 450 ft. S/of centerline of Martrell Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Michael Bruzdzinski

Variance to permit chickens on a residential property of less than one acre.

Hearing: Thursday, December 22, 2016 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Michael Bruzdzinski, 1866 Marshall Road, Dundalk 21222

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 2, 2016.**
(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, December 1, 2016 Issue - Jeffersonian

Please forward billing to:
Michael Bruzdzinski
1866 Marshall Road
Dundalk, MD 21222

443-629-8631

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: 2017-0130-A
1866 Marshall Road
S/s Marshall Road, 450 ft. S/of centerline of Martrell Avenue
12th Election District – 7th Councilmanic District
Legal Owners: Michael Bruzdzinski

Variance to permit chickens on a residential property of less than one acre.

Hearing: Thursday, December 22, 2016 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.

RE: PETITION FOR VARIANCE 1866 Marshall Road; S/S Marshall Road, 450' S of c/line of Martell Avenue 12th Election & 7th Councilmanic Districts Legal Owner(s): Michael Bruzdzinski Petitioner(s)	*	BEFORE THE OFFICE
	*	OF ADMINSTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	2017-130-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
NOV 22 2016

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 22nd day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to Michael Bruzdzinski, Jr., 1866 Marshall Road, Dundalk, Maryland 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: ~~CC161060~~ 2017-0130-A

Property Address: 1866 Marshall Rd Dundalk, MD 21222

Property Description: ~~1 story dwelling~~ S/S MARSHALL Rd, 450 ft.± from ℄ of MARTELL AVENUE

Legal Owners (Petitioners): Michael D Bruzdzinski

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael Bruzdzinski

Company/Firm (if applicable): _____

Address: 1866 Marshall Rd
Dundalk, MD 21222

Telephone Number: 443-629-8631

Revised 7/9/2015

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

№ 145738

Date: 11/10/16

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:

For: Michael Bruzdzinski Jr.
2017-0130-A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
11/10/2016	11/10/2016	09:34:51	2

REG W002 WALKIN JEE
>>RECEIPT # 988794 11/10/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 145738
Recpt Tot $75.00
$.00 CK $75.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

KEVIN KAMENETZ
County Executive

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

December 15, 2016

Michael Brudzinski
1866 Marshall Road
Dundalk MD 21222

RE: Case Number: 2017-0130 A, Address: 1866 Marshall Road

Dear Mr. Brudzinski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 18, 2016. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 11/21/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0130-A
Variance
Michael Brudzinski
1866 Marshall Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

for Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

2017-0130-A JB 12-22-16 11Am

County Council
of
Baltimore County

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

RECEIVED
NOV 25 2016
OFFICE OF ADMINISTRATIVE HEARINGS

November 22, 2016

Lawrence M. Stahl, Esquire
Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Stahl:

Attached please find a copy of Resolution 127-16 concerning the public disclosure of Mike Bruzdzinski, an employee of the Baltimore County Fire Department, who has applied for a variance to construct holding areas for chickens at his residence at 1866 Marshall Road, Baltimore, Maryland 21222.

This Resolution was approved by the County Council at its November 21, 2016 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:jlh
Enclosure

cc: Mike Bruzdzinski

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 20

Resolution No. 127-16

Mr. Todd K. Crandell, Councilman

By the County Council, November 21, 2016

A RESOLUTION concerning the public disclosure of Mike Bruzdzinski, an employee of the Baltimore County Fire Department.

WHEREAS, Mike Bruzdzinski, an employee of the Baltimore County Fire Department, has applied for a variance to construct holding areas for chickens at his residence at 1866 Marshall Road, Baltimore, Maryland 21222.

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Mike Bruzdzinski does not contravene the public welfare.

clb
weinstein.public disclosure.wpd

READ AND PASSED this ***21st*** day of ***NOVEMBER***, 2016.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

ITEM: ***RESOLUTION 127-16***

12-22

BALTIMORE COUNTY, MARYLAND

RECEIVED

NOV 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: November 23, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0130-A
Address 1866 Marshall Road
(Bruzdzinski Property)

Zoning Advisory Committee Meeting of **November 28, 2016**.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 11-23-2016

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 17-0130-A 1866 Marshall Road.doc

AB 12-22 11Am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/7/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-130

RECEIVED
DEC 12 2016
OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 1866 Marshall Road
Petitioner: Michael Bruzdzinski, Jr.
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit chickens on a residential property of less than one acre.

A site visit was conducted on November 22, 2016. Zoning violation case no. CC1611060 is associated with this property.

In response to County Council Resolution 73-13, Department staff has developed specific recommendations on the keeping of fowl or poultry. Subsequent to a public hearing on the matter, these recommendations received the approval of the Baltimore County Planning Board who then favorably referred them back to the Baltimore County Council. As of the date of these comments, Council has not acted upon those recommendations. That notwithstanding, the Department holds that the said recommendations are prudent and would serve to have a positive effect in the instant case by ensuring proper conditions for raising healthy chickens and mitigating the potential negative impacts on public health.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The total number of fowl to be kept on-site shall be limited to six hens.
- The hens shall be housed in a well-ventilated coop having walls and a roof providing a minimum of 3 square feet per hen located in the rear yard only and occupying not more than 40% thereof. The coop shall have an outdoor run that is adequately fenced, providing at least 4 square feet per hen.
- The floor elevation of the coop shall be a minimum of 8 inches above grade to prevent access by rodents with a total height of the structure limited to 8 feet.
- The coop and associated outdoor run shall be located at an appropriate setback from a neighboring residence, as deemed necessary by the Hearing Officer.
- Coops and outdoor runs must be kept clean, dry and free of all offensive odors and materials that may attract rodents, insects and other pests.

The submitted site plan indicates a proposed pig area. Petitioner has acknowledged a single "Mini Juliana Pig" which he considers a family pet. The Department is of the opinion that the animal more closely meets the definition of "pet" as found in Webster's Third New International Dictionary, *"a domesticated animal kept for pleasure rather than utility."* as opposed to "livestock" referenced in BCZR Section 100.6 and defined by Webster's as *"farm animals kept for use or profit"*.

The Department has no objection to the pig remaining on-site and defers the matter to the decision and order of the Administrative Law Judge for Baltimore County arrived at through the hearing process.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
Michael Bruzdzinski, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 22, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For November 28, 2016
Item No. 2017-0129, 0130, 0131 and 0133

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC11282016.doc

RECEIVED
DEC 14 2016
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/7/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-130

INFORMATION:
Property Address: 1866 Marshall Road
Petitioner: Michael Bruzdzinski, Jr.
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit chickens on a residential property of less than one acre.

A site visit was conducted on November 22, 2016. Zoning violation case no. CC1611060 is associated with this property.

In response to County Council Resolution 73-13, Department staff has developed specific recommendations on the keeping of fowl or poultry. Subsequent to a public hearing on the matter, these recommendations received the approval of the Baltimore County Planning Board who then favorably referred them back to the Baltimore County Council. As of the date of these comments, Council has not acted upon those recommendations. That notwithstanding, the Department holds that the said recommendations are prudent and would serve to have a positive effect in the instant case by ensuring proper conditions for raising healthy chickens and mitigating the potential negative impacts on public health.

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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:

Lloyd T. Moxley

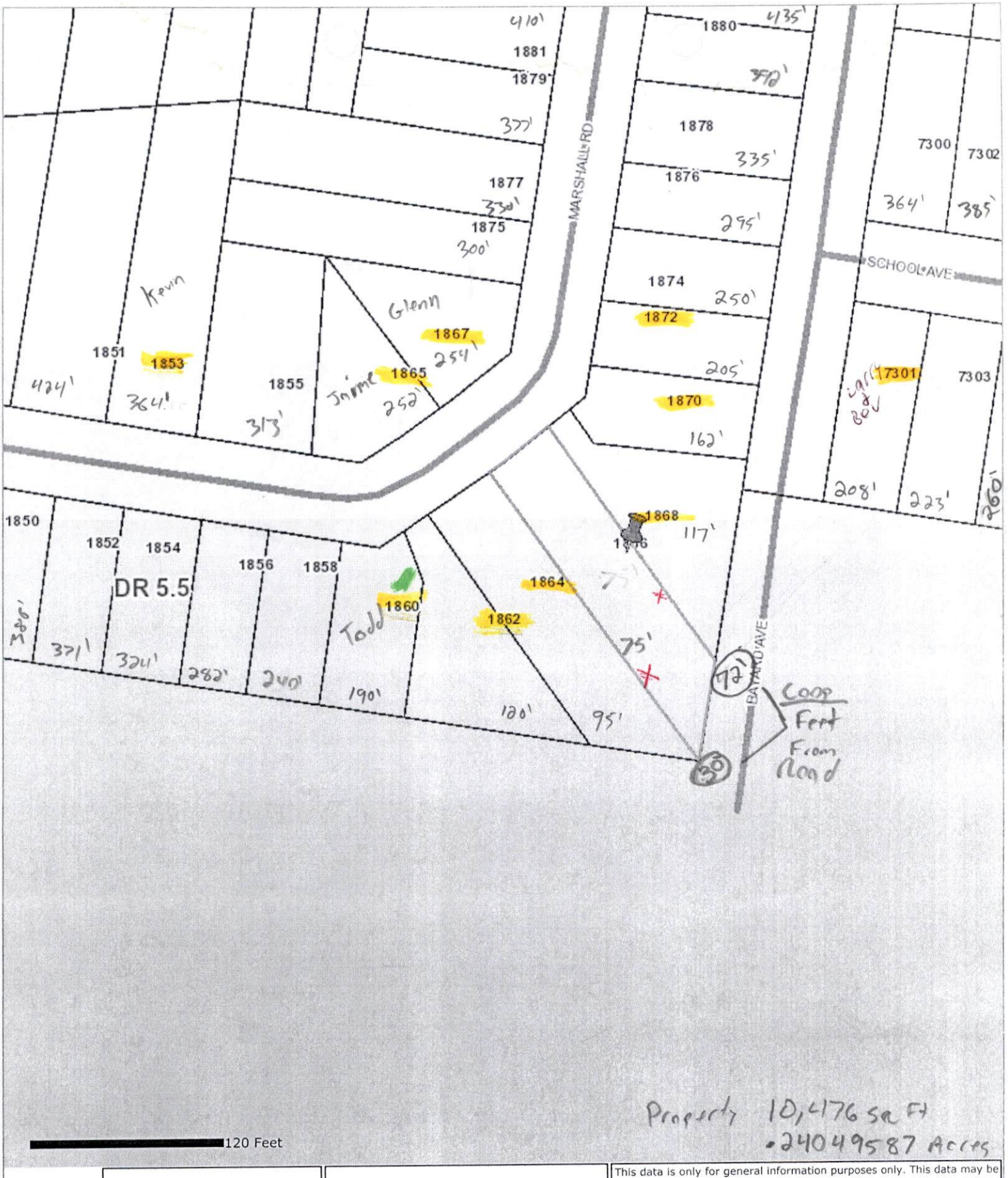
Deputy Director:

Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
Michael Bruzdzinski, Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County


Lot # 16
1211057730
16
Lot # 17
1218001560
17
MARSHALL RD
1219039340
Lot # 28
1876
1214067390
Lot # 27
27
1225045280
Lot # 26
26
1872
1210047300
Lot # 25
25
1222035500
Lot # 24
24
1216035161
Lot # 75
7300
SCHOOL AVE
PAI # 128011
Pt. Bk./Folio # 012041B
PAI # 128011
Pt. Bk. 0000012, Folio 0041
82
1223016661
Lot # 82
1207000670
Lot # 18
1205015050
18
19
1220080620
121206016018 65
Lot # 19
Lot # 20
PAI # 128037
PAI # 128037
Pt. Bk./Folio # 014049
SITE
103B2
DR 5.5
23
1219027820
Lot # 23
22
1219027930
Lot # 22
21
1210045870
Lot # 21
20
Lot # 20
1201074165
Pt. Bk. 0000014, Folio 0048
Lot # 18
Lot # 19
Pt. Bk. 0000014, Folio 0049
19
1202003600
7 CD
SE 3-E
12 ED
BAYARD AVE
1202058815
N



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

Printed 9/8/2016

CASE NO. 2017-0130-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
11/23	DEPS (if not received, date e-mail sent _____)	N/C
	FIRE DEPARTMENT	
12/7	PLANNING (if not received, date e-mail sent _____)	NO Obj w/conditions
11/21	STATE HIGHWAY ADMINISTRATION	No Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
11/22/16	County Council	Resolution 127-16

ZONING VIOLATION (Case No. CC16110060)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12/8/16

SIGN POSTING Date: 12/2/16 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District - 12 Account Number - 1219027930**

Owner Information

Owner Name:	BRUZDZINSKI MICHAEL O JR	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1866 MARSHALL RD BALTIMORE MD 21222-	Deed Reference:	/33221/ 00047

Location & Structure Information

Premises Address:	1866 MARSHALL RD BALTIMORE 21222-	Legal Description:	1866 MARSHALL RD TALBOT PARK

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	A
0103	0010	0529		0000		B	22	2015	Plat Ref:	0014/ 0048

Special Tax Areas:		Town:	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1943	1,008 SF	200 SF	10,476 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1	NO	END UNIT	SIDING	1 full		

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2016	Phase-in Assessments As of 07/01/2017
Land:	38,000	38,000		
Improvements	57,000	66,000		
Total:	95,000	104,000	101,000	104,000
Preferential Land:	0			0

Transfer Information

Seller: SELWAY AUGUSTA A	Date: 02/25/2013	Price: $110,000
Type: ARMS LENGTH IMPROVED	Deed1: /33221/ 00047	Deed2:
Seller: SELWAY MELVIN R	Date: 08/03/2006	Price: $0
Type: NON-ARMS LENGTH OTHER	Deed1: /24251/ 00094	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2016	07/01/2017
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

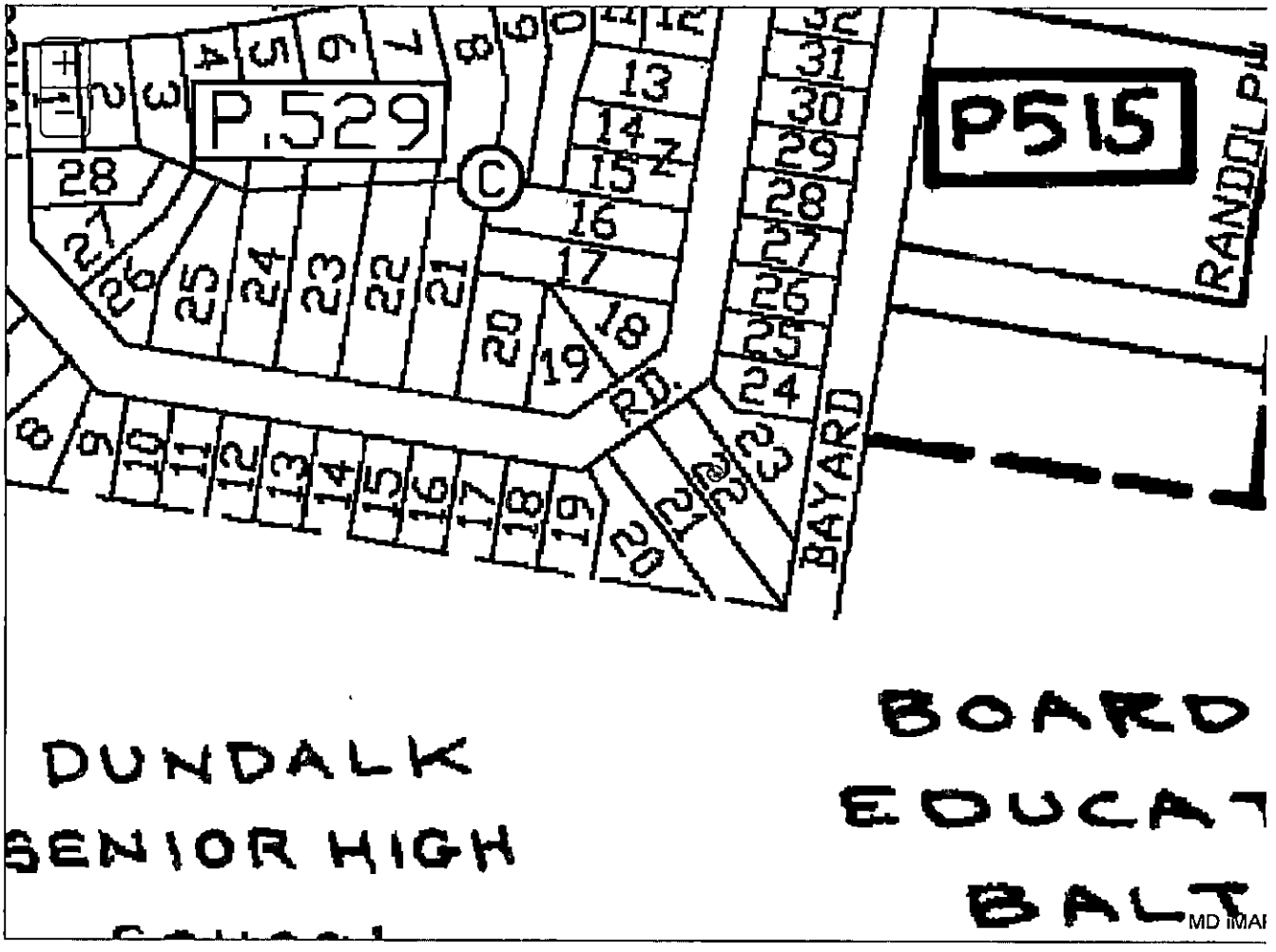
Homestead Application Information

Homestead Application Status: Approved 07/09/2013

Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: **12** Account Number: **1219027930**



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.

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).

Case No.: 2017-0130-A

Exhibit Sheet

Petitioner/Developer DW 1-24-17 Protestants SLW 12-23-16

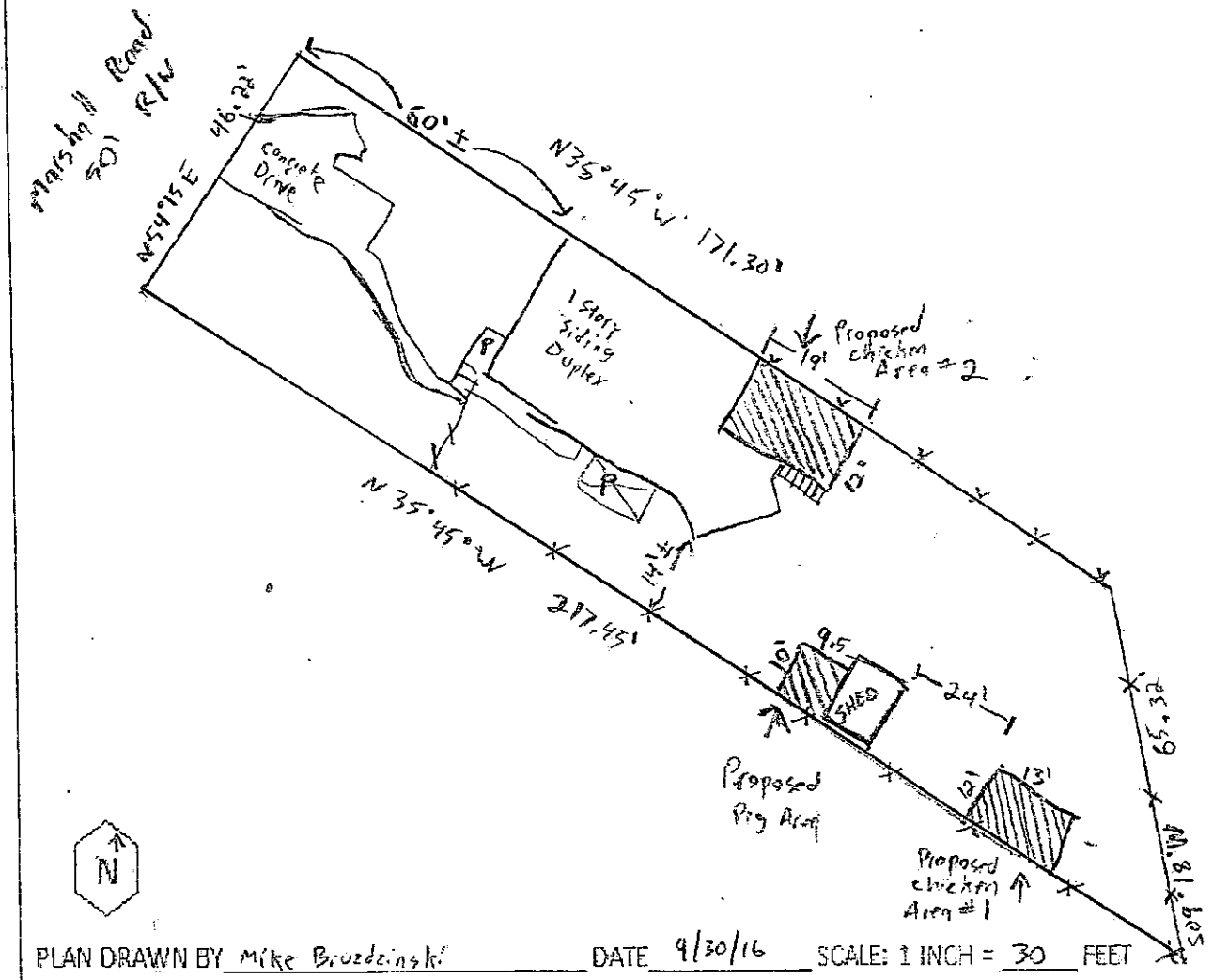
No. 1	Plan	
No. 2	Petition signed by neighbors	
No. 3	Letters of support	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 1866 Marshall Road OWNER(S) NAME(S) Michael Brzezinski Jr.

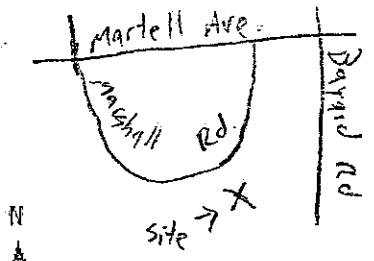
SUBDIVISION NAME Talbot Park LOT # 22 BLOCK # B SECTION # N/A

PLAT BOOK # A FOLIO # 14 10 DIGIT TAX # 1219027930 DEED REF. # 33221/00047



PLAN DRAWN BY Mike Brzezinski DATE 9/30/16 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 103

SITE ZONED Dr. 5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE 0.240

OR SQUARE FEET 10,476

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 ? ____

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO: CC16110060

Pet. No. 1

eighbor Support Needed

Stephanie Bruzdzinski
1866 Marshall Rd.

I need your support and approval. I have had my mini pig and chickens for 2 yrs now at this residence, but just received a notice from the county ,demanding removal of our pets. I am going to fight it if I can get neighbor support. Most of you may not have even known about them, because I keep them very clean and they are not usually noisy. I only keep hens, but just discovered a roo in my flock he is gone. My daughter has raised all our birds form 1 day old, and it is a great learning experience. I am also reaching out to local school to see if they would be interested in doing a field trips to come learn about everything. I need to show the county that I am not hurting our neighborhood, and that there are no objections to my pets. You are welcome to talk to me anytime with conserns. We do not sell the eggs, not in it for profit. Our mini pig is over 2yrs old and the size of a beagle, we have had her since she was a few weeks old. She is house trained and has an outdoor pen, and is like one of our dogs. She has been to the vet a few times and has a clean bill of health.

Address	Signature	Date
1865 marshall road		9-13-16
1864 MARSHALL RD		9/13/16
1870 Marshall Rd.		9/13/16
1872		9/13/16
1868	Robin Coughenbell	9/13/16
1867		9/13/16
1853	Kevin cox Kevin Cox	9-14-16
1860	Todd Johannesen Todd	9.14.16
1843 marshall		9-14-16
Mail Man		9-18-16
7301 School Ave	Berney Weber	9-14-16

Pet. #2

eighbor Support Needed

Stephanie Bruzdzinski
1866 Marshall Rd.

I need your support and approval. I have had my mini pig and chickens for 2 yrs now at this residence, but just received a notice from the county ,demanding removal of our pets. I am going to fight it if I can get neighbor support. Most of you may not have even known about them, because I keep them very clean and they are not usually noisy. I only keep hens, but just discovered a roo in my flock he is gone. My daughter has raised all our birds form 1 day old, and it is a great learning experience. I am also reaching out to local school to see if they would be interested in doing a field trips to come learn about everything. I need to show the county that I am not hurting our neighborhood, and that there are no objections to my pets. You are welcome to talk to me anytime with conserns. We do not sell the eggs, not in it for profit. Our mini pig is over 2yrs old and the size of a beagle, we have had her since she was a few weeks old. She is house trained and has an outdoor pen, and is like one of our dogs. She has been to the vet a few times and has a clean bill of health.

Address	Signature	Date
1862 Marshall Rd	[illegible]	9-22-16

To Whom it May Concern:

I live directly next to the Bruzdzinskis, and have never had any problems with them. They informed us of their pets, being chickens, ducks and a mini pig. They have had these pets for over 2 years, they keep them clean and we don't have any noise problems from them. Our grandchildren enjoy visiting the pets and have learned a lot about them from the Bruzdzinskis. They have been great neighbors since they moved in and are a great addition to our neighborhood. We support them in keeping all of their pets.

Thank You

9-13-16

1865 Marshall Rd.

Pet. Ex. 3

To Whom it May Concern:

I live directly next to the Bruzdzinskis, and have never had any problems with them. They informed us of their pets, being chickens, ducks and a mini pig. They have had these pets for over 2 years, they keep them clean and we don't have any noise problems from them. Our grandchildren enjoy visiting the pets and have learned a lot about them from the Bruzdzinskis. They have been great neighbors since they moved in and are a great addition to our neighborhood. We support them in keeping all of their pets.

Thank You

1864 Marshall Rd

To Whom it May Concern:

I live directly next to the Bruzdzinskis, and have never had any problems with them. They informed us of their pets, being chickens, ducks and a mini pig. They have had these pets for over 2 years, they keep them clean and we don't have any noise problems from them. Our grandchildren enjoy visiting the pets and have learned a lot about them from the Bruzdzinskis. They have been great neighbors since they moved in and are a great addition to our neighborhood. We support them in keeping all of their pets.

Robin Joseph Kuber

1868 Marshall Rd

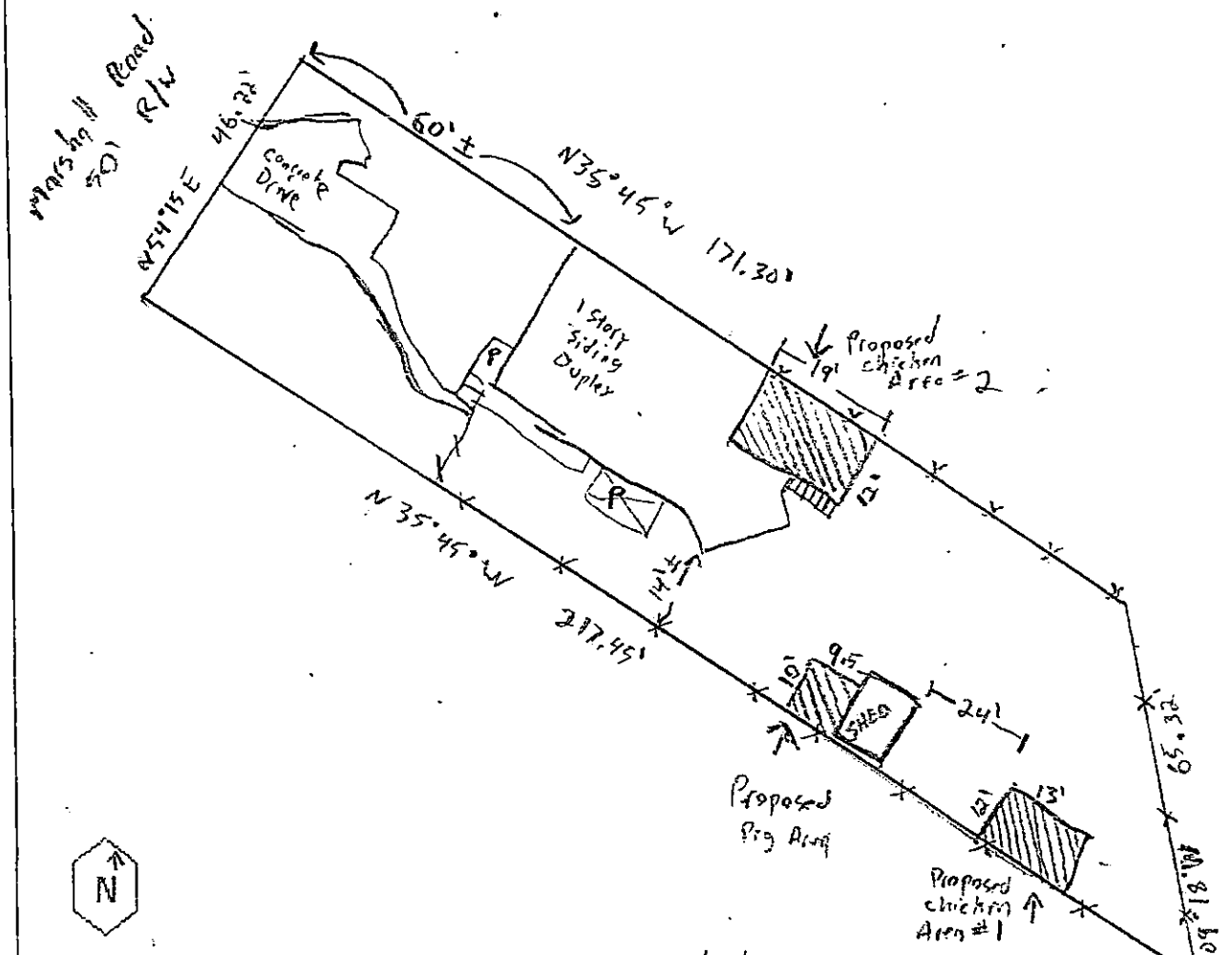
Thank You

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

ADDRESS 1366 Marshall Road OWNER(S) NAME(S) Michael Bruzdzinski Jr.

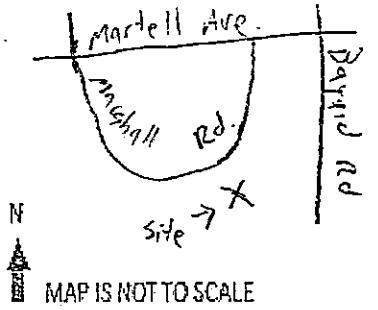
SUBDIVISION NAME Talbot Park LOT # 22 BLOCK # B SECTION # N/A

PLAT BOOK # A FOLIO # 14 10 DIGIT TAX # 1219027930 DEED REF. # 33221/00047



PLAN DRAWN BY Mike Bruzdzinski DATE 9/30/16 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 103

SITE ZONED Dr. 5.5

ELECTION DISTRICT 12

COUNCIL DISTRICT 7

LOT AREA ACREAGE 0.240

OR SQUARE FEET 10,476

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 ? ____

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO: CC16110160