

**IN RE: PETITION FOR VARIANCE**

(126 Forest Dr.)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Daniel S. Cohen & Jodie A. Groth

*Legal Owners*

Petitioners

\*

\*

\*

\*

\*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0166-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Daniel S. Cohen and Jodie A. Groth, owners of the subject property ("Petitioners"). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit the accessory stabling/pasturing of chickens on a dwelling lot of 0.39 acres in lieu of the minimum required 1 acre. A site plan was marked as Petitioners' Exhibit 1.

Owners Daniel S. Cohen & Jodie A. Groth appeared in support of the petition. Several neighbors also attended the hearing to express support for the Petitioners. 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 object to the request, but suggested certain measures be taken to ensure the enclosure and hens would not attract pests or rodents.

The property is approximately 0.39 acres and is zoned DR-2. The property is improved with a single-family dwelling and Petitioners have for several years kept a small number of chickens in a coop located in their rear yard. An anonymous complaint was filed with the Bureau of Code Enforcement and Petitioners were advised to seek zoning relief.

ORDER RECEIVED FOR FILING

Date 2/13/17

By Sen

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).

Petitioners have met this test. The subject property is an irregularly shaped corner lot bounded on two sides by public roadways. As such, it is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to keep chickens on their property. Finally, I find that the variances 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 addition, Petitioners presented photographs which reveal the chicken coop is clean and well protected from both predators and rodents. The coop is situated 6 ½ feet from the rear property line, which is more than sufficient. As such, I believe the chickens will be well cared for and will not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED, this 13<sup>th</sup> day of **February, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit the accessory stabling/pasturing of chickens on a dwelling lot of 0.39 acres in lieu of the minimum required 1 acre, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 2/13/17  
By Sen

2. Petitioners may keep no more than six (6) chickens on the property.
3. No roosters may be kept on the property.

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:slh

ORDER RECEIVED FOR FILING

Date 2/13/17  
By slh



KEVIN KAMENETZ  
*County Executive*

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

February 13, 2017

Daniel S. Cohen  
Jodie A. Groth  
126 Forest Drive  
Catonsville, Maryland 21228

RE: Petition for Variance  
Case No. 2017-0166-A  
Property: 126 Forest Dr.

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh  
Enclosure

c: Michael Ricketts, 121 Forest Drive, Catonsville, MD 21228  
Jennings F. Willey, 124 Forest Drive, Catonsville, MD 21228  
Diedre Marvel, 1207 Gary Drive, Catonsville, MD 21228



# 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 126 Forest Drive, Catonsville MD 21228 which is presently zoned DR2

Deed References: 26097 / 00077 10 Digit Tax Account # 0113550600

Property Owner(s) Printed Name(s) Daniel S Cohen, Jodie A Groth

(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 the accessory stabling/pasturing of chickens on a dwelling lot of .39 acres in lieu of the minimum 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):

Daniel S Cohen / Jodie A Groth

Name #1 - Type or Print

Name #2 - Type or Print

Daniel S Cohen

Jodie A Groth

Signature #1

Signature #2

126 Forest Drive

Catonsville

MD

Mailing Address

City

State

21228

410-747-4046

jodanco@gmail.com

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Daniel S Cohen (Owner)

Name - Type or Print

Daniel S Cohen

Signature

126 Forest Drive

Catonsville

MD

Mailing Address

City

State

21228

410-747-4046

jodanco@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0166-A Filing Date 12/19/2016

Do Not Schedule Dates:

Reviewer JNP

ORDER RECEIVED FOR FILING

Date 2/13/17

By Sen

# ZONING PETITION PROPERTY DESCRIPTION

## ZONING PROPERTY DESCRIPTION FOR 126 Forest Drive, Catonsville MD 21228

Beginning at a point on the south west side of Forest Drive, which is 44 feet wide at a distance of 25 feet north west of the centerline of the nearest improved intersecting street, Gary Drive, which is 50 feet wide.

Being Lot #17, Section #F in the subdivision of Summit Park as recorded in Baltimore County Plat Book #5, Folio #71, containing 17160 Square Feet. Located in the 1<sup>st</sup> Election District and 1<sup>st</sup> Council District.

2017-0166-A

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

No. **142833**  
Date: **12/19/2016**

PAID RECEIPT

BUSINESS ACTUAL TIME GRW  
12/20/2016 12/19/2016 11:42:29 3  
G W303 WALKIN CAN  
> RECEIPT # 709186 12/19/2016 OFLN  
Dept 5 528 ZONING VERIFICATION  
NO. 142833  
Rcpt Tot \$75.00  
\$75.00: CK \$0.00: CA  
Baltimore County, Maryland

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

Total: **75.00**

Rec From: **Daniel Cohen & Indie Groth**

For: **Vanessa + 126 Forest Drive**  
**2017-0166-A (Cohen/Groth)**

DISTRIBUTION

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

CASHIER'S  
VALIDATION

# The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/19/2017

Order #: 11253198  
Case #: 2017-0166-A  
Description:

CASE NUMBER: 2017-0166-A- NOTICE OF ZONING HEARING



Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### Baltimore County

#### 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: 2017-0166-A**

126 Forest Drive

SW/s Forest Drive @ corner of NW/s Gary Drive

1st Election District - 1st Councilmanic District

Legal Owners: Daniel Cohen & Jodie Groth

Variance to permit the accessory stabling/pasturing of chickens on a dwelling lot of .39 acre in lieu of the minimum required 1 acre.

Hearing: Friday, February 9, 2017 at 2:30 p.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 410-887-3301.

Ja19

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 1/25/2017

**Case Number:** 2017-0166-A

**Petitioner / Developer:** DANIEL COHEN & JODIE GROTH

**Date of Hearing (Closing):** FEBRUARY 9, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:  
126 FOREST DRIVE

**The sign(s) were posted on:** JANUARY 20, 2017



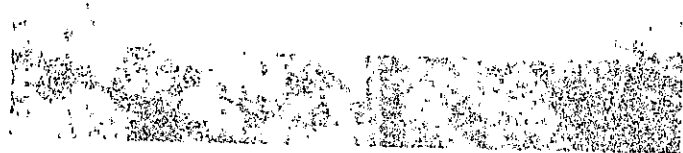
Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)



11-11-11

11-11-11

TO: PATUXENT PUBLISHING COMPANY  
Thursday, January 19, 2017 Issue - Jeffersonian

Please forward billing to:  
Daniel Cohen  
126 Forest Drive  
Catonsville, MD 21228

410-747-4046

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## NOTICE OF ZONING HEARING

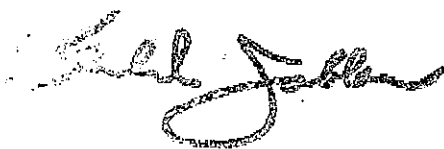
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Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ  
*County Executive*

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

January 17, 2017

## 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: 2017-0166-A**

126 Forest Drive

SW/s Forest Drive @ corner of NW/s Gary Drive

1<sup>st</sup> Election District - 1<sup>st</sup> Councilmanic District

Legal Owners: Daniel Cohen & Jodie Groth

Variance to permit the accessory stabling/pasturing of chickens on a dwelling lot of .39 acre in lieu of the minimum required 1 acre.

Hearing: Friday, February 9, 2017 at 2:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: Daniel Cohen & Jodie Groth, 126 Forest Drive, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 20, 2017.**
- (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.

**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.**

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**For Newspaper Advertising:**

Case Number: 2017-0166-A  
Property Address: 126 Forest Drive  
Property Description: SW/S of Forest Drive at corner of  
NW/S of Gary Drive  
Legal Owners (Petitioners): Daniel Cohen/Jodie Groth  
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL COHEN  
Company/Firm (if applicable): \_\_\_\_\_  
Address: 126 FOREST DRIVE  
CATONSVILLE MD 21228  
Telephone Number: 410-747-4046 (Mobile: 410-292-6542)

Revised 7/9/2015



KEVIN KAMENETZ  
*County Executive*

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

February 2, 2017

Daniel S Cohen  
Jodie A Groth  
126 Forest Drive  
Catonsville MD 21228

RE: Case Number: 2017-0166 A, Address: 126 Forest Drive

To Whom It May Concern

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 19, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 1/3/17

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. 2012/0166-A

Variance  
Daniel S. Cohen & Jodie A. Groth  
126 Forest Drive.

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,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

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

WW/RAZ

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

**DATE:** 1/25/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-166



**INFORMATION:**

**Property Address:** 126 Forest Drive  
**Petitioner:** Daniel S. Cohen, Jodie A. Groth  
**Zoning:** DR 2  
**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 January 4, 2017.

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.

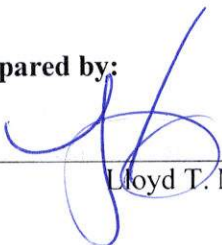
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- 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.

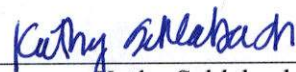
■ Date: 1/25/2017  
Subject: ZAC #17-166  
Page 2

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

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz  
Daniel S. Cohen  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 1/25/2017

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Director, Department of Planning

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Case Number: 17-166

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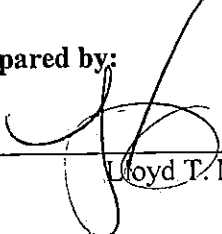
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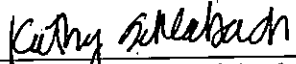
Date: 1/25/2017  
Subject: ZAC #17-166.  
Page 2

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

Prepared by:

  
\_\_\_\_\_  
Lloyd T. Moxley

Division Chief:

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz  
Daniel S. Cohen  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**RECEIVED**

**JAN 12 2017**

DEPARTMENT OF PERMITS  
APPROVALS AND INSPECTIONS

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

**DATE:** January 6, 2017

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 2, 2017  
Item No. 2017-0148, 0165, 0166 and 0167

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\ZAC01022017.doc

**BALTIMORE COUNTY, MARYLAND**

**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: December 28, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0166-A  
Address 126 Forest Drive  
(Cohen & Groth Property)

Zoning Advisory Committee Meeting of **January 2, 2017**.

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

Reviewer: Steve Ford

Date: 12-28-2016

|                                                                   |   |                   |
|-------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR VARIANCE                                         | * | BEFORE THE OFFICE |
| 126 Forest Drive; SW/S Forest Drive, corner                       | * | OF ADMINSTRATIVE  |
| Of NW/ of Gary Drive                                              | * | HEARINGS FOR      |
| 1 <sup>st</sup> Election & 1 <sup>st</sup> Councilmanic Districts | * | BALTIMORE COUNTY  |
| Legal Owner(s): Daniel Cohen & Jodie Groth                        | * | 2017-166-A        |
| Petitioner(s)                                                     |   |                   |

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**RECEIVED**

**DEC 22 2016**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22nd day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to Danial Cohen, 126 Forest Drive, Catonsville, Maryland 21228, 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 16, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0166- A – Appeal Period Expired

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The appeal period for the above-referenced case expired on March 13, 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

## Attachment to PETITION FOR ZONING HEARING For Presentation at Hearing

As stated on the main petition form, the request is for a variance to allow for the keeping of non-commercial pet chickens for the purpose of educating ourselves, children, neighbors, and friends on the benefits of pets and healthy locally produced nutrition (eggs).

This specific request is made under Code BCZR 307.1: Authority to grant variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare."

BCZR 307.1 is derived from Maryland Land Use 4-206 Variances.

While there has been some debate within the courts as use vs. area variances, this office has previously noted the Court of Special Appeals in *Mueller v. People's* counsel implied that both types were within the authority of this office by highlighting that no words or phrases should be rendered surplusage and that the terms "undue hardship" or "practical difficulty" correlates to the legal standard for both use and area variances.

Even so, I assert that that this request is best characterized as an area variance. The keeping of chickens is an allowed use in DR2 districts, but is limited by area rules, not use rules.

This assertion is supported by **Case 2015-0033-A , the petition of Kurt E and Michelle A. Nachtman (1-Oct-2014)** – The office of Administrative hearings position on use vs. area variances states the view that the keeping of chickens on less than one acre is in fact an "area regulation" and settles on the requirement of "practical difficulty"

In keeping with the stipulations of 307.1, our request will follow the two-step process established by *Cromwell v. Ward*. After establishing uniqueness and practical difficulty we will discuss the complaint that lead us here and present our site plan along with evidence and support for how this variance can be granted within the spirit of the BCZR.

A. Per the two step process established by *Cromwell v. Ward*, 100 Md. App. 391 (1995), we assert the following is met:

**1. Uniqueness:**

As reaffirmed in the order and opinion issued in CASE NO. 2013-0031-A (2013) and in numerous others by this office, "Uniqueness" under variance case law, looks to the inherent physical characteristics of a property, such as its topography, shape, historical significance, etc. (*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008) ).

As in the referenced case, we cite the physical characteristics of our property to satisfy the claim of uniqueness:

- a) The property boundary, as seen in the site plan and on the GIS zoning map is a 0.39 acre irregular-quadrilateral (trapezium shaped) corner lot, and thus unique from other properties in the neighborhood.
- b) The property, as seen in the site plan and on the GIS zoning map is bounded on two sides by public roads, and thus unique from most other properties in the neighborhood:

In summary, the property has a number of characteristics that make it unique, including its size, irregular shape, and corner location. As shown on the site plan, these characteristics, combined with the two roads that border the property, limit the available area available for strictly meeting the requirements of BCZR 100.6.

**2. Hardship or Practical Difficulty:**

As with nine similar cases where variances were granted, failure to allow a variance would present the practical difficulty of not being able produce our own wholesome, healthy, and chemical free eggs. In addition, it would prevent us from continuing to educate our children, neighbors, and selves on the benefits of chickens as pets and as a means of self-sufficiency and healthy locally produced eggs. Additionally, it would distress our two children, for which these are their true and only pets.

The nine similar granted variances are listed and similarities shown in **Table1** on page 6

While earlier variance granted to other properties is not grounds for a variance, it is however evidence of this Office's view that where uniqueness is met, the regulation's impact on one's ability to benefit from keeping chickens is an accepted practical difficulty and that under specific conditions such a variance can be issued in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured. It is not the prior variances themselves that support this petition, but rather the evidence on which they were based. The evidence cited in these similar cases still stands and supports our request. (*Mayor City Council. v. Polakoff*, 233 Md. 1, 9-10 (Md. 1963) )

Three of the examples in Table 1 have less acreage than us, and most are located in DR2-DR5 zones. The specifics of how we intend to respect the spirit of the ordinance is discussed in section C of this attachment.

**B. Regarding Potential Nuisance: I the Previous Complaint: CC1613**

The complaint description CC1613460 states, "ROOSTERS/CHICKENS ON PROPERTY". This is primarily a complaint against the presence of a rooster that is no longer on the property.

The inspection was conducted on 11/21/16 at 11:55AM by Inspector "Chip" Raynor who stated under Inspectors Comments: "At time of inspection I did not see any chickens or small fowl, only a constructed area". The rooster had been removed from the property prior to his inspection on our own accord and without knowledge of the complaint.

Other than this, there have been no complaints during the previous 6 years that we have had the chickens and none since.

The situation arose from our acquisition of a young bird that was thought to be female. When it turned out to be male, we kept it too long before finding a new home for it. "Willow" began crowing in mid August and was given away in early November, after the complaint was lodged, but weeks before the inspection and correction notice.

We are truly sorry for the inconvenience this caused to whomever filed the complaint and regret having not acted sooner. We have had hens for 6 years with the consent and encouragement of all our adjoining neighbors as well as others nearby. Until the rooster crowing complaint, there had been no direct complaints to us and no indirect code enforcement complaints.

Additionally, we have had no other code enforcement complaints and maintain our property well – keeping the grass mowed, hedges trimmed, leaves swept and house painted and in good order. The flowers and gardens around our house are also well maintained, attracting admiration and doing justice to the gardening heritage of Old Catonsville. *[See supporting pictures of house and garden]*

With the coop in our back yard and located in a corner that is surrounded on two sides by other structures (see Hearing Site Plan), we submit that the hens and their coop will be neither a noise or visual nuisance.

The hens are quieter than the dogs, leaf blowers, mowers, and road noise in the area and in the absence of a rooster, further complaints are not expected

### C. Regarding The Spirit and Intent of the BCZR Ordinance:

With respect to our assertion that such a variance can be granted in a fashion that the spirit and intent of the BCZR Ordinance will be observed and public safety and welfare secured, we present the following support.

1. Affidavits of support from all adjoining neighbors and one nearby.
2. A petition of support with the signatures of 22 of our neighbors from 20 unique nearby addresses
3. Department of Planning Report and ZAC submission supporting the assertion that such a variance can be made while respecting the spirit and intent of the BCZR:

The department of planning submitted a ZAC Comments on 01/25/2017 stating that the Department conducted a site visit on 01/04/17 and has no objections to granting the petitioned zoning relief conditioned upon a set of recommendations on the keeping of fowl or poultry on residential property of less than one acre.

These recommendations were developed in response to County Council Resolution 73-13. Following a public hearing, these recommendations received the approval of the Baltimore County Planning Board who then favorably referred them back to the Baltimore County Council.

In making their recommendation, the Department of Planning took into account the views and objections of other county departments, including the Department of Health and Human Services, Permits, Approvals and Inspections, and the Department of Environmental Protection and Sustainability.

Page 5 of the report states, *"Planning staff recommends that chickens be allowed on smaller lots with regulations that would address potential negative impacts."*

These recommendations were referred to the Council on 07/16/2015 but have yet to be acted on. Nevertheless, this demonstrates that the Department of Planning believes that this petition can be granted while upholding the spirit and intent of the BCZR.

With regard to numbers, the report recommends:

- Up to 6 hens (no roosters) on 5000 Square Feet (our property is 39,000 square feet)
- 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.
  - Coop must be well ventilated – ours is, having screened ventilation on two sides and windows that can be opened
  - Located in the rear yard and not occupying more than 40% thereof – Requirement met (see site plan)
  - Coop must provide at least 3 square feet / hen (our coop is 18.5 sq. feet, which equates to a 6 hen capacity)
  - Run must provide at least 4 square feet / hen (our run is 130.5 sq. feet which is over 500% of the 24 sq. ft requirement for 6 hens)
- Floor elevation of 8 inches and height limited to 8 ft.
  - Elevation: Waiver request: ours is 4 inches, but compensates by having wire screening and a metal clad floor.
  - Height: Requirement met: structure height is 6 ft.
- Coop setback is 6' 6", which is more than that of the other auxiliary structures as shown in the site plan, and exceeds the 2.5' requirement for accessory buildings in BCZR 400.1
- Coop must be kept clean and free of offensive odors – we take pride in our home and garden as shown and this has never been a problem, as we clean the coop weekly.

**Plan for Prevention of nuisance and health risk:**

**In keeping with and expansion on the Department of Planning recommendations, the following plan is in effect:**

1. No Roosters will be kept so as to avoid a noise nuisance to our neighbors.
2. The chickens have been registered with the Maryland Department of Agriculture since 6/28/2010. We have done this voluntarily so as to be informed of any health alerts that may arise and to do our part to prevent such issues. (*See copy of registration*)
3. Numbers are and will be limited (we have typically had between 2 and 5 hens and currently have one that is old and does not lay. In keeping with the suggested limits in the rules proposed by County Resolution 73-13, we would appreciate a limit set at 6, since it is best to add pairs to avoid "acceptance issues" when introducing new pets.
4. To avoid health and vermin issues:
  - a) Feed is and will be kept in metal containers (see pictures)
  - b) The coop and run are and will be kept clean and free of excessive manure and food waste
  - c) The coop is off the ground and the space underneath has thick wire screening that is recessed into the ground so as to prevent small animals from taking shelter underneath.
  - d) The floor of the coop is metal clad to prevent rot, mold, and vermin
  - e) Ventilation is provided by wire screens at the roof line of the coop
  - f) The coop door is closed and locked at night to protect the chickens and their feed.
  - g) Adequate space of at least 4 square feet per hen is and will be provided to avoid concentrated buildup of waste.
5. For aesthetic appeal, the coop and run are pleasantly constructed so as to blend in with the property
  - a) 4 foot by 4 foot in size, wood painted white
  - b) Authentic Slate Roof to match the house and historic neighborhood
  - c) The run is enclosed with a green wire fence to blend in with the property for a natural look
  - d) The run is covered with a fish-like netting inspired from chicken runs in Historic Williamsburg VA. This disappears into the surroundings and provides a gossamer look.

It has been over 18 months since the Planning Board recommendations were transmitted to the Council and I have asked councilman Quirk when the council expects to vote. On November 30<sup>th</sup>, he informed me that he would check with the Chair, but I have not heard back from him. While we hope that the council will vote soon, we are left waiting and therefore respectfully ask that the Administrative Law Judge support our variance request.

## Supporting Evidence

| Case               | Petitioner                        | Address              | Acres (Zoning) |
|--------------------|-----------------------------------|----------------------|----------------|
| <u>2013-0144-A</u> | Mark F. and Christie A. Williams  | 1206 Boyce Ave       | 0.56 (DR2)     |
| <u>2013-0164-A</u> | Michael Barrett                   | 15901 Trenton Rd     | 0.50 (RC2)     |
| <u>2013-0301-A</u> | Stephen and Sandra Smith          | 8706 Maravoss Ln     | 0.29 (DR5.5)   |
| <u>2013-0304-A</u> | Kevin Richard Mercer              | 9 North Beaumont Ave | 0.46 (DR2)     |
| <u>2014-0197-A</u> | Peter W. and Delores L. Rusta     | 12 N. Beaumont Ave   | 0.58 (DR2)     |
| <u>2015-0033-A</u> | Kurt E. and Michelle A. Nachtman  | 1 Lamont Pl          | 0.80 (RC5)     |
| <u>2015-0071-A</u> | Katherine and Christopher Corzine | 7 Palo Crt           | 0.24 (DR5.5)   |
| <u>2016-0265-A</u> | Donald and Eva Nieberlein         | 2914 Delaware Ave    | 0.14 (DR5.5)   |
| <u>2016-0307-A</u> | Jeffrey McCubbin                  | 13005 Eastern Ave    | 0.84 (DR2)     |

**Table 1: Similar variance requests granted since 2013 (Acres rounded up to 2 significant digits)**

### Provided at Hearing:

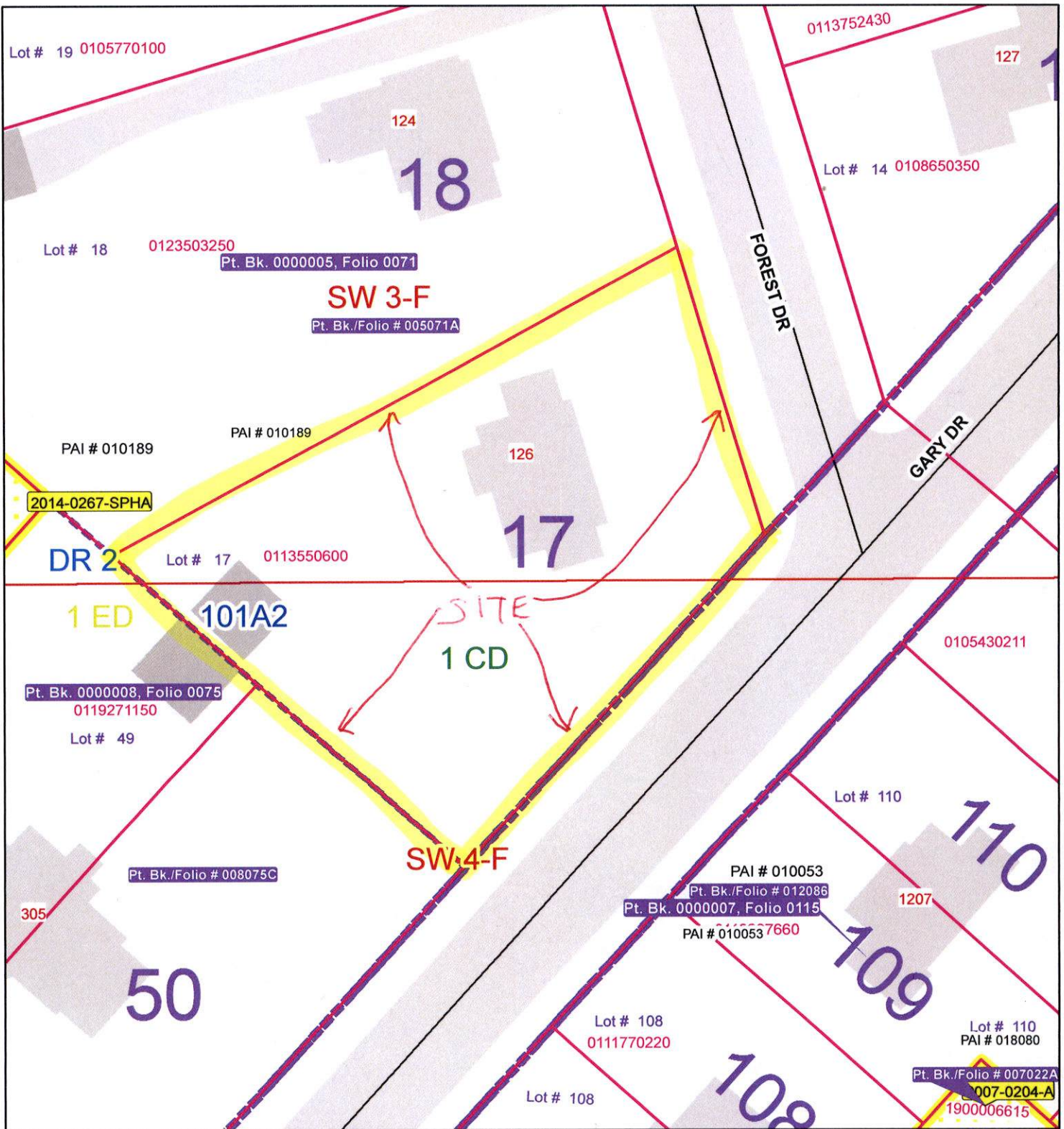
1. Certificate of Posting
2. Notarized Affidavits of approval and support:
  1. From the all two adjoining neighbors:
    1. Clare and Jennings Wile, 124 Forest Drive
    2. James and Andy Jordan, 305 S. Rolling Road
  2. From non-adjoining neighbors:
    1. Lisa Sansone, 1201 Gary Drive
3. Petition of support from neighbors (22 signatures from 20 unique nearby addresses)
4. Photographic Support
  1. Site and structure
  2. Pest control methods
  3. Children with pet chickens
  4. Pride in home and garden
5. Copy of Department of Agriculture Poultry Registration Certificate
6. Expanded site plan showing more details of coop location
7. ZAC Comments from Baltimore County Department of Planning supporting petition

[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 - 01 Account Number - 0113550600 |               |                        |                              |                                       |                                 |                  |                     |
| Owner Information                            |          |                                           |               |                        |                              |                                       |                                 |                  |                     |
| Owner Name:                                  |          | COHEN DANIEL<br>GROTH JODIE A             |               |                        | Use:<br>Principal Residence: |                                       | RESIDENTIAL<br>YES              |                  |                     |
| Mailing Address:                             |          | 126 FOREST DR<br>BALTIMORE MD 21228-5118  |               |                        | Deed Reference:              |                                       | /26097/ 00077                   |                  |                     |
| Location & Structure Information             |          |                                           |               |                        |                              |                                       |                                 |                  |                     |
| Premises Address:                            |          | 126 FOREST DR<br>0-0000                   |               |                        | Legal Description:           |                                       | 126 FOREST DR WS<br>SUMMIT PARK |                  |                     |
| Map:                                         | Grid:    | Parcel:                                   | Sub District: | Subdivision:           | Section:                     | Block:                                | Lot:                            | Assessment Year: | Plat No:            |
| 0101                                         | 0007     | 1091                                      |               | 0000                   | F                            |                                       | 17                              | 2016             | Plat Ref: 0005/0071 |
| Special Tax Areas:                           |          |                                           |               |                        | Town:                        |                                       | NONE                            |                  |                     |
|                                              |          |                                           |               |                        | Ad Valorem:                  |                                       |                                 |                  |                     |
|                                              |          |                                           |               |                        | Tax Class:                   |                                       |                                 |                  |                     |
| Primary Structure Built                      |          | Above Grade Enclosed Area                 |               | Finished Basement Area |                              | Property Land Area                    |                                 | County Use       |                     |
| 1928                                         |          | 2,467 SF                                  |               |                        |                              | 17,160 SF                             |                                 | 04               |                     |
| Stories                                      | Basement | Type                                      |               | Exterior               | Full/Half Bath               | Garage                                | Last Major Renovation           |                  |                     |
| 2 1/2                                        | YES      | STANDARD UNIT                             |               | FRAME                  | 2 full                       | 1 Detached                            |                                 |                  |                     |
| Value Information                            |          |                                           |               |                        |                              |                                       |                                 |                  |                     |
|                                              |          | Base Value                                |               | Value As of 01/01/2016 |                              | Phase-in Assessments As of 07/01/2016 |                                 | As of 07/01/2017 |                     |
| Land:                                        |          | 121,200                                   |               | 121,200                |                              |                                       |                                 |                  |                     |
| Improvements                                 |          | 226,500                                   |               | 235,900                |                              |                                       |                                 |                  |                     |
| Total:                                       |          | 347,700                                   |               | 357,100                |                              | 350,833                               |                                 | 353,967          |                     |
| Preferential Land:                           |          | 0                                         |               |                        |                              |                                       |                                 | 0                |                     |
| Transfer Information                         |          |                                           |               |                        |                              |                                       |                                 |                  |                     |
| Seller: BUCHMAN SARAH V FRUSTACI RENEE       |          |                                           |               | Date: 08/27/2007       |                              |                                       | Price: \$567,000                |                  |                     |
| Type: ARMS LENGTH IMPROVED                   |          |                                           |               | Deed1: /26097/ 00077   |                              |                                       | Deed2:                          |                  |                     |
| Seller: FINCH RUTH MAE                       |          |                                           |               | Date: 06/27/2000       |                              |                                       | Price: \$277,000                |                  |                     |
| Type: ARMS LENGTH IMPROVED                   |          |                                           |               | Deed1: /14553/ 00473   |                              |                                       | Deed2:                          |                  |                     |
| Seller: MILHOLLAND GLADYS                    |          |                                           |               | Date: 05/23/1994       |                              |                                       | Price: \$172,000                |                  |                     |
| Type: ARMS LENGTH IMPROVED                   |          |                                           |               | Deed1: /10544/ 00001   |                              |                                       | 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: No Application |          |                                           |               |                        |                              |                                       |                                 |                  |                     |

126 Forest Drive



Publication Date: 12/9/2016



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

2017-0166-A

CASE NAME \_\_\_\_\_  
CASE NUMBER 1017-166  
DATE 2/9/17

[illegible]

410-299-2943 mobile • 443-961-6670 office  
tkotroco@gmail.com • www.kjp-law.com

CASE NAME \_\_\_\_\_  
CASE NUMBER 2017-0166-A  
DATE Feb. 9, 2017

## NAME \_\_\_\_\_

CITY, STATE, ZIP

E - MAIL

[illegible]

Case No.: 2017-0166-A

Exhibit Sheet

Petitioner/Developer

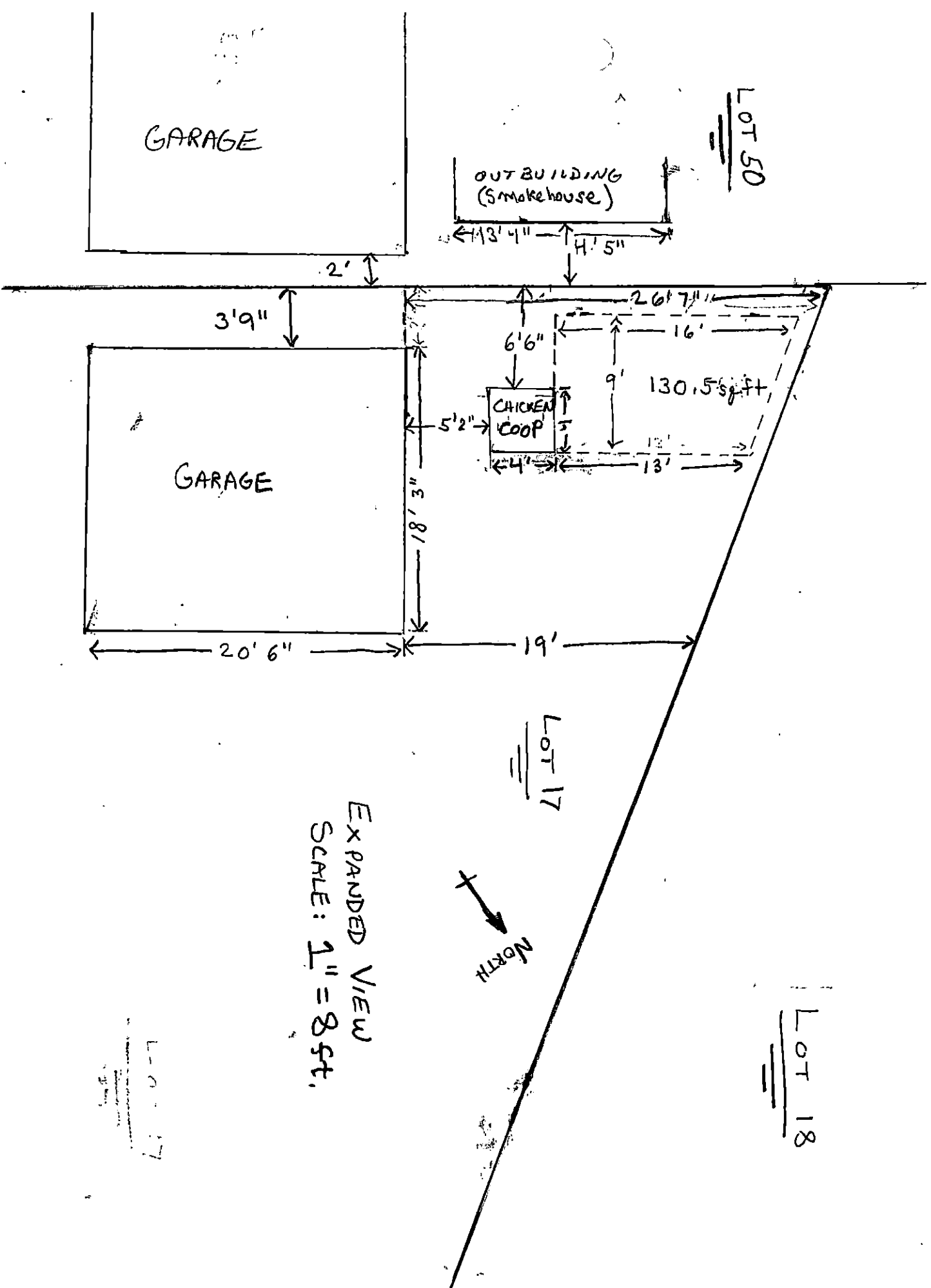
DW  
3-16-17

Protestant

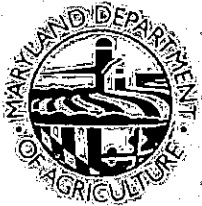
Sen

2-13-17

|        |                              |  |
|--------|------------------------------|--|
| No. 1  | site plan                    |  |
| No. 2  | expanded view plan           |  |
| No. 3  | MDA Poultry Registration     |  |
| No. 4  | Letter of support (#3)       |  |
| No. 5  | Petition signed by neighbors |  |
| No. 6  |                              |  |
| No. 7  |                              |  |
| No. 8  |                              |  |
| No. 9  |                              |  |
| No. 10 |                              |  |
| No. 11 |                              |  |
| No. 12 |                              |  |



EX-2



**Maryland Department of Agriculture  
ANIMAL HEALTH SECTION  
DOMESTIC POULTRY AND EXOTIC BIRD**

**Jodie & Dan Cohen  
126 Forest Drive  
Catonsville, MD 21228**

**POULTRY REGISTRATION NUMBER  
10BA1749**

This Poultry Registration Number is assigned to the property and not the property owner. In the case of sale or change of ownership, please contact the Maryland Department of Agriculture/Animal Health Section:  
**PLEASE FILE FOR SAFE KEEPING**

*Secretary of Agriculture*

MDA 12-03-06



**THANK YOU  
REGISTERING HELPS TO PROTECT OUR POULTRY INDUSTRY**



**Cut, fold and insert in the provided holder**

**Report unusual or increased sickness, and death  
to the nearest regional office.  
(List of offices is listed on the reverse side)**

**Maryland Department of Agriculture  
Animal Health Section  
Domestic Poultry and Exotic Bird**

**Name:** Jodie & Dan Cohen  
**Address:** 126 Forest Drive  
Catonsville, MD 21228  
**Poultry Registration Number:** 10BA1749

Poultry Registration Numbers are assigned to the property, not the property owner. Notify Maryland Department of Agriculture of any ownership changes.

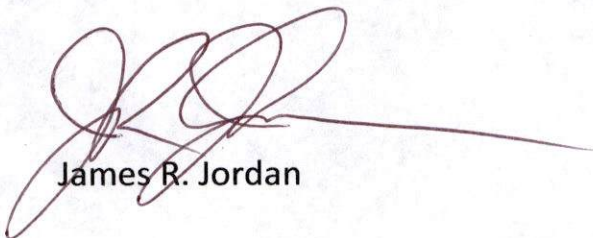
EX-3

February 7, 2017

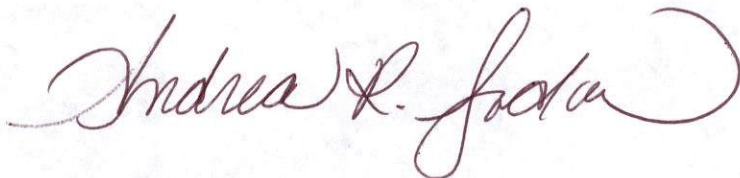
To whom it may concern,

This letter is in reference to the chicken coop being kept on the property of Jody and Dan Cohen. The Cohen's are our neighbors. We would like to officially state to the county that the Cohen's do an outstanding job caring for these animals. They keep the coop extremely clean. The animals are well fed and with clean water at all times. The chickens are very well cared for. We have never experienced anything negative in relation to the chickens. We have no objection to the Cohen's keeping their chicken coop. We hope that the county continues to allow the chicken coop on their property.

Respectfully,



James R. Jordan

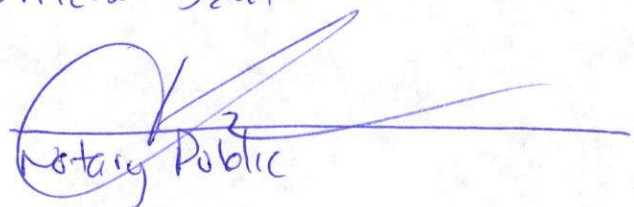
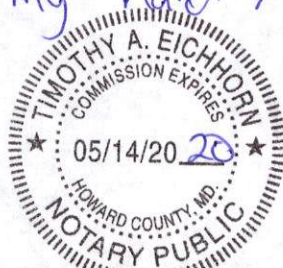


Andrea R. Jordan

Andrea R. Jordan

In witness whereof, this 7th day of February, 2017,  
I hereunto set my hand & official seal.

Ex #4



Notary Public

## AFFIDAVIT IN SUPPORT OF ZONING VARIANCE TO PERMIT CHICKENS

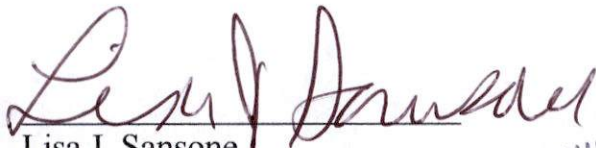
I, Lisa J. Sansone, live at 1201 Gary Drive, Catonsville, Maryland 21228. I have lived here with my husband and daughter since 1998. I have known Jodie Groth and Dan Cohen since they moved into their home on Forest Drive, which is across the street from our house.

Ms. Groth and Mr. Cohen have had chickens for many years. I did not know until recently that they had a rooster, which they had to give away. I never heard the rooster crow. Similarly, I have never heard the chickens, and they have never disturbed me or my family. The property is shaped in a way that the chicken coop cannot be easily seen from the road.

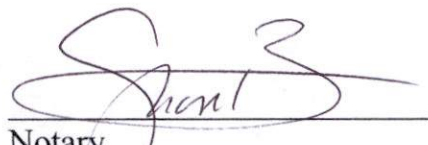
I have seen Mr. Cohen, Ms. Groth and their children interact with the chickens. They treat their chickens as members of their family, much like my family treats our dog and cats. The boys love to play and cuddle with them. The chickens also provide an educational experience for the children, engaging the boys in caring for and cleaning up after them. I have never heard anyone in the neighborhood complain about the chickens. In fact, when my neighbor's mother died recently, Ms. Groth provided a basket of fresh eggs for the family.

I strongly support a zoning variance that would permit the Groth/Cohens to keep their beloved chickens.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

  
Lisa J. Sansone

12/20/16  
Date

  
Notary



12/20/16  
Date

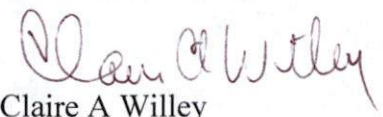
Ex #4

My commission expires: 11-13-2019

Testimonial for D. Cohen's chickens at 126 Forest Drive, Catonsville, 21228.

As an adjoining neighbor at 124 Forest Drive, occasional beneficiary of egg production, and holiday hen keeper I can testify to the cleanliness of the Cohen chicken coup, proper rodent proof storage facilities, and controlled predator proof hen containment.

We enjoy seeing how much the Cohen boys love and care for their named chickens. Chicken are not strange to us. We grew up in the time of Victory Gardens. People who work to supply their own tables enrich and are a great addition to our neighborhood.

   
F. Jennings Willey and Claire A. Willey

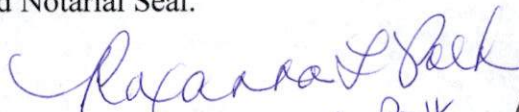
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

**I HEREBY CERTIFY**, that on this 16<sup>th</sup> day of December, 2016, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

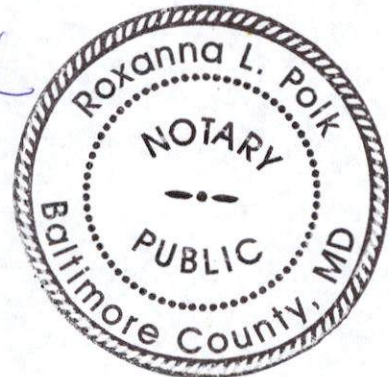
F. Jennings Willey, Claire A. Willey,

and acknowledged the foregoing testimonial to be their act.

As Witness my hand and Notarial Seal.

  
Notary Public Roxanna L. Poik

My Commission Expires: 10/18/2018

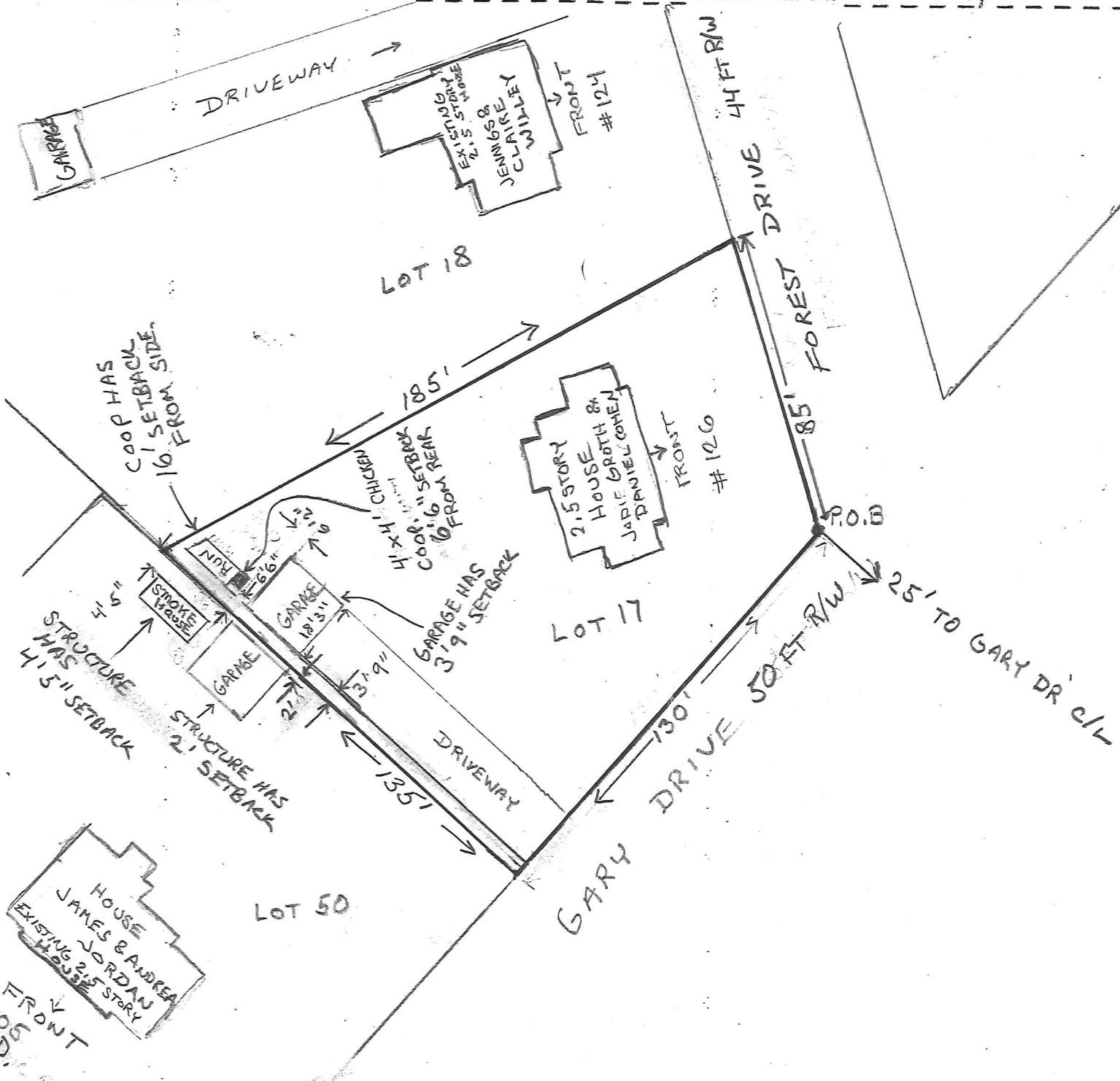


Ex #4

NEIGHBORS SUPPORTING THE STABLING OF CHICKENS AT PROPERTY 126 FOREST DRIVE, CATONSVILLE, MD 21228

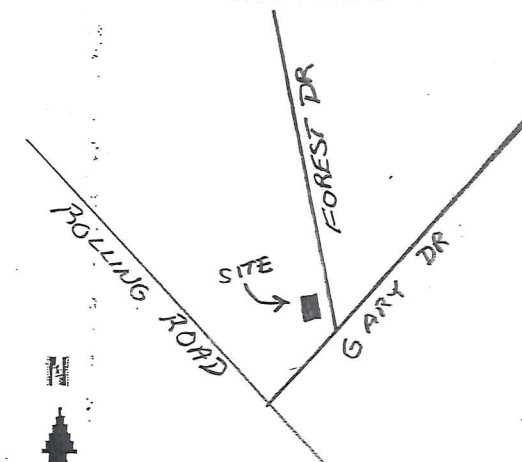
| NAME                                        | ADDRESS             | SIGNATURE            |
|---------------------------------------------|---------------------|----------------------|
| Mary <del>Staville</del> <sup>2/12/28</sup> | 1813 GARY DRIVE     | Mary Staville        |
| Diedre Marvel                               | 1207 Gary Drive     | Diedre Marvel        |
| WENDELL EVANS                               | 1201 GARY DRIVE     | Wendell Evans        |
| Nancy Hobbs                                 | 127 Forest Dr       | Nancy Hobbs          |
| <del>Ron Jones / Mrs J</del>                | " " "               | <del>Ron Jones</del> |
| William Mollard                             | 125 Forest Dr       | William Mollard      |
| Anthony Gaird                               | 111 Forest Drive    | Anthony Gaird        |
| Lauren Foley                                | 123 Forest Dr       | Lauren Foley         |
| Bill + Liz Cole                             | 122 Forest Drive    | Bill + Liz Cole      |
| Chris Ricketts                              | 121 Forest Drive    | Chris Ricketts       |
| Cesey Lide                                  | 118 Forest Drive    | Cesey Lide           |
| CHRIS HINES                                 | 116 FOREST DR.      | Chris Hines          |
| BILL BAUMAN                                 | 114 FOREST DR       | W.J. Bauman          |
| JOHN DAVIS                                  | 109 FOREST DR       | John Davis           |
| Angie Taylor                                | 108 Forest Dr.      | Angie Taylor         |
| Kawrie White                                | 112 Forest Drive    | Kawrie White         |
| Brigid Sturkey                              | 117 Forest Drive    | Brigid Sturkey       |
| Clare Willey                                | 124 Forest Drive    | Clare Willey         |
| F. Jendrell                                 | 124 FOREST DRIVE    | F. Jendrell          |
| Andie Jordan                                | 305 S. Rolling Road | Andie Jordan         |
| Erin Gunderson                              | 1115 Gary Dr.       | Erin Gunderson       |
| Robert Sprecher                             | 401 S. Rolling Rd.  | Robert L. Sprecher   |
|                                             |                     |                      |
|                                             |                     |                      |

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 126 FOREST DR OWNER(S) NAME(S) DANIEL COHEN & JODIE GROTH  
 SUBDIVISION NAME SUMMIT PARK LOT# 17 BLOCK# N/A SECTION# F  
 PLAT BOOK# 5 FOLIO# 71 10 DIGIT TAX# 0113550600 DEED REF.# 26097/00077



PLAN DRAWN BY DANIEL S. COHEN DATE 12/11/16 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 101A2  
 SITE ZONED DR2  
 ELECTION DISTRICT 1ST  
 COUNCIL DISTRICT 1ST  
 LOT AREA ACREAGE 0.39  
 OR SQUARE FEET 17160  
 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? NO  
 IF SO GIVE CASE NUMBER  
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:  
CC1613460

2017-0166-A

Ex.1