

M E M O R A N D U M

DATE: November 13, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0008-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 9, 2018. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(1416 Francke Avenue)

8th Election District

3rd Council District

Kimberly & Sean Beard

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0008-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kimberly and Sean Beard, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations ("BCZR") to permit keeping chickens on a tract of land smaller than the required one (1) acre. A site plan was marked as Petitioners' Exhibit 1.

Kimberly and Sean Beard appeared in support of the petition. Several neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning ("DOP"). That agency opposed the request, citing the small size of the lot.

The site is approximately 9,401 square feet (0.22 AC.) in size and zoned DR 3.5. The property is improved with a single-family dwelling constructed in 1955. Petitioners purchased the home two years ago, and this past spring they and their two children acquired nine (9) chickens (all hens) which are kept in an enclosure in the rear yard. Petitioners received from the County a code enforcement correction notice, and they were instructed to seek zoning relief to allow the chickens to be kept on their property.

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

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Date

10/10/18

By

Sen

- 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).

While the Petitioners' property is bound on two sides by public streets, I do not believe that suffices to make the property unique for zoning purposes. The shape, size and configuration of the Petitioners' lot is nearly identical to the neighboring properties at 1418-1422 Francke Avenue. As such I do not believe the subject property qualifies for variance relief.

The variance process in Baltimore County is somewhat inconsistent. On the one hand, owners of dwellings (in which they reside) can obtain without a public hearing an "administrative variance" permitting a relaxation of the height, setback or area zoning regulations. B.C.C. § 32-3-303. While the law purports to require that the owner in such a case establish by affidavit that the property is unique and that she will experience a practical difficulty if the regulations are strictly construed, the reality is that 95% or greater of these requests are granted without much scrutiny. And that is often the case as well for unopposed variance requests for which public hearings are held.

But the procedure is quite different when, as here, neighbors or the community association oppose the request and insist upon a strict application of the variance standard and the zoning regulations. In those circumstances, the owner faces an uphill battle. In fact, it does not appear as if Maryland's appellate courts have in the last 25 years upheld a zoning board's grant of a variance or reversed a zoning board's denial of a variance. This is because such relief should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699.

One neighbor spoke in support of the zoning request and noted the OAH has in the past

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Date 10/10/18
By Sen

granted variances on lots as small as the subject property. In the last three years nine (9) cases were heard involving chickens on properties less than one acre in size. Only one of those cases (Case No. 2016-0265-A) involved a smaller property (i.e., 6,250 sq. ft.), and the variance was granted. But, as discussed above, there was no opposition to the request in that case, and in fact the owner submitted letters from all of the surrounding neighbors indicating they supported the variance request.

Petitioners noted the Baltimore County Planning Board (at the request of the County Council) evaluated recently the issue of whether the one acre requirement for chickens should be changed or modified. It is also true, as stated by Petitioners, that many surrounding jurisdictions allow chickens to be kept on properties much smaller than one acre in size. Even so, I am obligated to apply existing law and cannot decide a matter based on whether or not I believe the regulation at issue is fair or reasonable.

THEREFORE, IT IS ORDERED, this 10th day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit the raising of poultry (nine (9) chickens) on a tract of land with 0.22 area in lieu of the required 1 acre, be and is hereby DENIED.

IT IS FURTHER ORDERED that Petitioners shall have 90 days from the date hereof in which to comply with the terms of this Order.

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 10/10/18
By sln



PETITION FOR ZONING HEARING 3(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 1416 Francke Ave 21093 which is presently zoned DR 3.5
 Deed References: _____ 10 Digit Tax Account # 0823016410
 Property Owner(s) Printed Name(s) Kimberly Beard, Sean Beard

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

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

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s)

SEE ATTACHED

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):

Kimberly Beard, Sean Beard
 Name #1 - Type or Print Name #2 - Type or Print

Beard, Sean
 Signature #1 Signature #2

1416 Francke Ave Lutherville MD 21093
 Mailing Address City State

21093 443-791-2590 Kimseanbeard@yahoo.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2090008-A Filing Date 7/9/18

Do Not Schedule Dates: _____ Reviewer gr

ORDER RECEIVED FOR FILING REV. 10/4/11

Date 10/10/18

By Sen

2019-0008-A

Variance from section:100.6 of the BCZR; To permit the raising of poultry (chicken) (9 chickens)
on a tract of land with 0.22 acre in lieu of the required 1acre.

ZONING PROPERTY DESCRIPTION FOR 1416 Francke Avenue Lutherville, MD 210963

*Beginning at a point on the West side of Francke Avenue which is 36 feet wide at a distance of 55 feet North of the centerline of the nearest improved intersection which is 40 feet wide.

Being Lot 1, Block # , Section #2, in the subdivision of College Manor, as recorded in Baltimore County Plat Book #19, Folio #54, containing 9,401 sq. ft. Located in the 8th Election District and 3rd Council District.

2019-0808-A

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

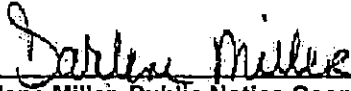
PUBLISHER'S AFFIDAVIT

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:

9/14/2018

Order #: 11617422
Case #: 2019-0008-A
Description:

CASE NUMBER: 2019-0008-A - NOTICE OF ZONING HEARING
October 4, 2018 at 10:00 a.m.



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: 2019-0008-A

1416 Francke Avenue

SW/corner of Francke Avenue and Lincoln Avenue

8th Election District - 3rd Councilmanic District

Legal Owners: Kimberly & Sean Beard

Variance to permit the raising of poultry (chicken) on a tract of land with 0.22 acre in lieu of the required 1 acre.

Hearing: Thursday, October 4, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

s14

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/13/2018

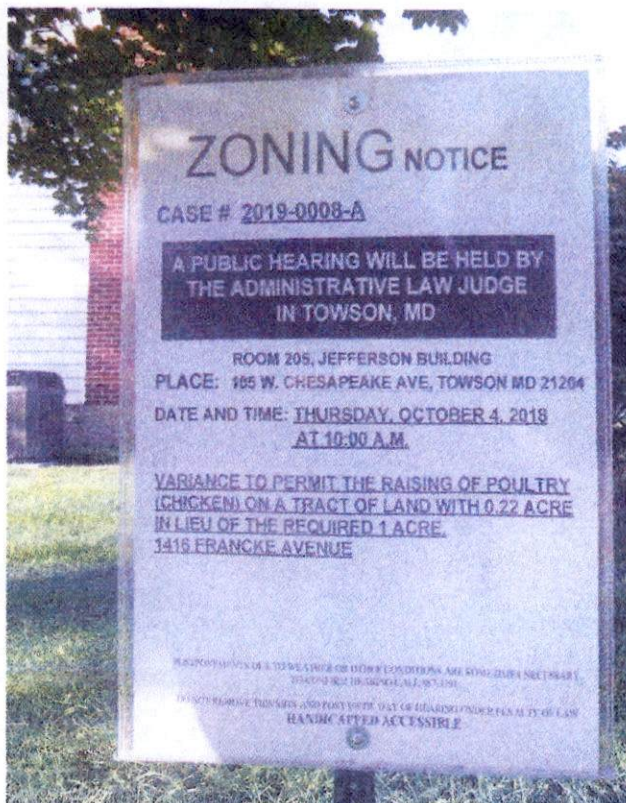
Case Number: 2019-0008-A

Petitioner / Developer: MR. & MRS. BEARD

Date of Hearing: OCTOBER 4, 2018

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:
1416 FRANCKE AVENUE

The sign(s) were posted on: SEPTEMBER 13, 2018



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

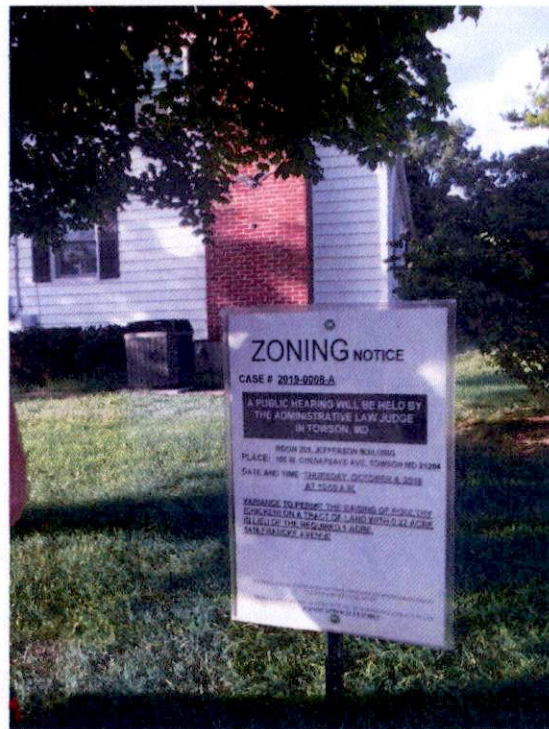
523 Penny Lane
(Street Address of Sign Poster)

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

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



Background Photo 1st Sign



Background Photo 2nd Sign
1416 Francke Avenue

CASE # 2019-0008-A POSTED 9/13/2018

TO: THE DAILY RECORD
Friday, September 14, 2018 Issue

Please forward billing to:

Kim Beard
1416 Francke Avenue
Lutherville, MD 21093

443-791-2590

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: 2019-0008-A

1416 Francke Avenue
SW/corner of Francke Avenue and Lincoln Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Kimberly & Sean Beard

Variance to permit the raising of poultry (chicken) on a tract of land with 0.22 acre in lieu of the required 1 acre.

Hearing: Thursday, October 4, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



DONALD I. MOHLER III
County Executive

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

September 6, 2018

NEW 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: 2019-0008-A

1416 Francke Avenue
SW/corner of Francke Avenue and Lincoln Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Kimberly & Sean Beard

Variance to permit the raising of poultry (chicken) on a tract of land with 0.22 acre in lieu of the required 1 acre.

Hearing: Thursday, October 4, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Beard, 1416 Francke Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 14, 2018.**
- (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: THE DAILY RECORD
Wednesday, September 5, 2018 Issue

Please forward billing to:

Kim Beard
1416 Francke Avenue
Lutherville, MD 21093

443-791-2590

NOTICE OF ZONING HEARING

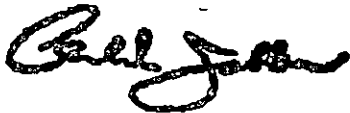
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0008-A

1416 Francke Avenue
SW/corner of Francke Avenue and Lincoln Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Kimberly & Sean Beard

Variance to permit the raising of poultry (chicken) on a tract of land with 0.22 acre in lieu of the required 1 acre.

Hearing: Tuesday, September 25, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



DONALD I. MOHLER III
County Executive

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

August 23, 2018

NOTICE OF ZONING HEARING

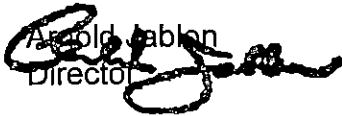
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0008-A

1416 Francke Avenue
SW/corner of Francke Avenue and Lincoln Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Kimberly & Sean Beard

Variance to permit the raising of poultry (chicken) on a tract of land with 0.22 acre in lieu of the required 1 acre.

Hearing: Tuesday, September 25, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Beard, 1416 Francke Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 5, 2018.**
- (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.**

RE: PETITION FOR VARIANCE
1416 France Avenue; SW corner of Francke
Avenue & Lincoln Avenue
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Kimberly & Sean Beard
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-008-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

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 16th day of July, 2018, a copy of the foregoing Entry of Appearance was mailed to Kimberly & Sean Beard, 1416 Francke Avenue, Lutherville, Maryland 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JUL 16 2018

**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: 2019-0008-A
Property Address: 1416 Francke Ave Lutherville MD 21093
Property Description: _____
Legal Owners (Petitioners): Kimberly and Sean Beard
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kim Beard
Company/Firm (if applicable): _____
Address: 1416 Francke Ave
Lutherville MD 21093
Telephone Number: 443-791-2590

Revised 7/9/2015

No. 171777
Date 7/9/18

PAID BY THE

BUSINESS ACTUAL TIME DRW
7/10/2018 7/09/2018 09:26:09

WIS - WALKER LRB

RECEIPT # 760254 7/09/2016 OFLN

50 528 ZONING VERIFICATION

NO. 17177

Regit. Fee \$5.00

175.00 CR 1.00 04

Baltimore County, Maryland

[illegible]

Total: 75

Rec From: Kimberly Beard

For: 2019-0008-A

1416 Francke Ave

DISTRIBUTION

WHITE CASHIER

PINK AGENCY

YELLOW - CUSTOMER

GOLD ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION



DONALD I. MOHLER III
County Executive

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

September 26, 2018

Kimberly & Sean Beard
1416 Francke Ave
Lutherville, MD 21093

RE: Case Number: 2019-0008-A, Address: 1416 Francke Ave

Dear Mr. & Ms. Beard,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 9, 2018. 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Date: 7/16/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0008-A

Variance
Kimberly & Sean Beard
1416 Francis Avenue.

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-008



INFORMATION:

Property Address: 1416 Francke Avenue
Petitioner: Kimberly Beard, Sean Beard
Zoning: DR 3.5
Requested Action: Variance

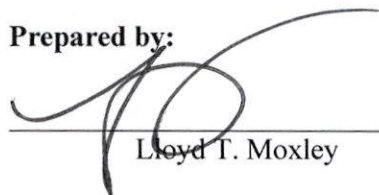
The Department of Planning has reviewed the petition for a variance to permit the raising of poultry (9 chickens) on a tract of land with .22 acres in lieu of the required 1 acre.

The Department of Planning does not support granting the variance relief.

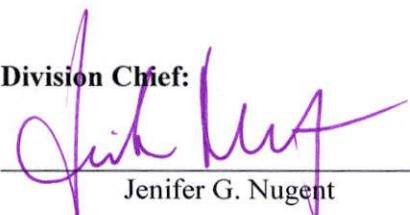
This level of residential use in this vicinity of the Lutherville-Timonium area is fairly dense featuring single family homes on smaller lots. The undersized lot does not afford sufficient separation between the proposed chicken coup and adjacent homes and therefore cannot successfully integrate into the residential setting.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

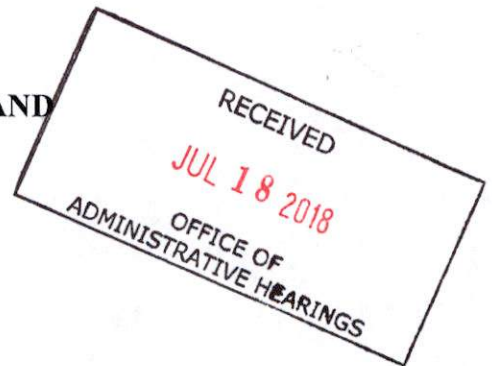
AVA/JGN/LTM/

c: Joseph Wiley
Kimberly and Sean Beard
Office of the Administrative Hearings
People's Counsel for Baltimore County

10054

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: July 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0008-A
Address 1416 Francke Avenue
(Beard Property)

Zoning Advisory Committee Meeting of **July 23, 2018**.

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

Reviewer: Steve Ford

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: July 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0008-A
Address 1416 Francke Avenue
(Beard Property)

Zoning Advisory Committee Meeting of **July 23, 2018**.

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Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-008

INFORMATION:

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Petitioner: Kimberly Beard, Sean Beard
Zoning: DR 3.5
Requested Action: Variance

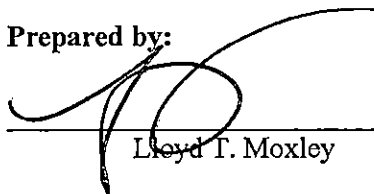
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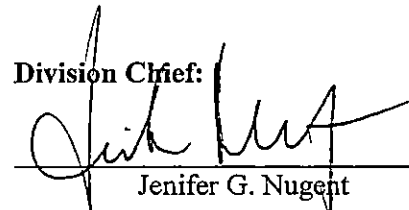
This level of residential use in this vicinity of the Lutherville-Timonium area is fairly dense featuring single family homes on smaller lots. The undersized lot does not afford sufficient separation between the proposed chicken coup and adjacent homes and therefore cannot successfully integrate into the residential setting.

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Prepared by:


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

AVA/JGN/LTM/

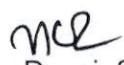
c: Joseph Wiley
Kimberly and Sean Beard
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 10, 2018

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2018
Item No. 2018-0345-SPHA, 2019-0001-A, 0002-SPHA, 0003-A, 0004-A,
0005-SPHA, 0008-A, 0009-A and 0010-A

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

VKD: cen
cc: file

9/4/18
Darlene
from Daily Record
was not able
to receive payment
didn't publish.

Sherry Nuffer

From: David Frederick MCP <dfrederick@morriscapitalpartners.com>
Sent: Thursday, October 25, 2018 12:21 PM
To: John E. Beverungen
Cc: Sherry Nuffer
Subject: RE: Case No. 2019-0008-A

Your Honor—

Thanks for your response and clarification. In my opinion, your comments in court and in the final order were not as clear. I'm not sure I understand the need to provide the defendant with my follow-up email but I won't continue to 'beat this horse' wasting more of your time.

Hopefully, an appeal will not be forthcoming. We have 'quietly lived' with a few chickens in Old Lutherville for many years. But, the practice has taken on a life of its own now that some of the so-called Millennials think it's fashionable & 'cool' to change their properties into 'farmettes'.

Thanks for your time.

**David Frederick
410-591-3330**

From: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Sent: Wednesday, October 24, 2018 1:28 PM
To: David Frederick MCP <dfrederick@morriscapitalpartners.com>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>; kimbeardreuse@gmail.com
Subject: Case No. 2019-0008-A

Mr. Frederick,

I have reviewed the e-mail you sent dated October 19, 2018. In fairness, a copy of that e-mail should have been sent to Ms. Beard, and I am copying her on this response.

You questioned whether I read all of the letters in the file, and I want to assure you that I did. I do not decide zoning cases based on the number of opposition or support letters I receive. Those are taken into consideration, but the decision will be based on the testimony at the hearing, zoning regulations and applicable Maryland law. In many cases I receive a voluminous number of letters from citizens, and it would not be practical or helpful to identify each of these individuals in the order. Indeed, in many cases a citizen who submits written correspondence but does not attend the public hearing may not want their name included in the order.

You also questioned why the order in the above case provided a three month period for Petitioner to bring the property into compliance. This case originated as a code enforcement proceeding, and in such matters it is customary to provide the respondent with a grace period in which to remedy the alleged violation.

John Beverungen
ALJ



CONNECT WITH BALTIMORE COUNTY



Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, October 24, 2018 1:28 PM
To: dfrederick@morriscapitalpartners.com
Cc: Sherry Nuffer; kimbeardreuse@gmail.com
Subject: Case No. 2019-0008-A

Mr. Frederick,

I have reviewed the e-mail you sent dated October 19, 2018. In fairness, a copy of that e-mail should have been sent to Ms. Beard, and I am copying her on this response.

You questioned whether I read all of the letters in the file, and I want to assure you that I did. I do not decide zoning cases based on the number of opposition or support letters I receive. Those are taken into consideration, but the decision will be based on the testimony at the hearing, zoning regulations and applicable Maryland law. In many cases I receive a voluminous number of letters from citizens, and it would not be practical or helpful to identify each of these individuals in the order. Indeed, in many cases a citizen who submits written correspondence but does not attend the public hearing may not want their name included in the order.

You also questioned why the order in the above case provided a three month period for Petitioner to bring the property into compliance. This case originated as a code enforcement proceeding, and in such matters it is customary to provide the respondent with a grace period in which to remedy the alleged violation.

John Beverungen
ALJ

Sherry Nuffer

To: David Frederick MCP
Subject: RE: Case #20190008 Hearing 10/4/18 1416 Francke Avenue

Mr. Frederick,

We are in receipt of your e-mail in reference to the above mentioned case. I can assure you that the Judge reviews and reads all evidence presented in the case file, and he made his decision based on the information in the file and the BCZR requirements.

However, Judge Beverungen is out of the office and will not return until Wednesday. I will be sure to forward your e-mail to him upon his return.

Thank you,

Sherry

From: David Frederick MCP [mailto:dfrederick@morriscapitalpartners.com]
Sent: Monday, October 22, 2018 11:34 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: FW: Case #20190008 Hearing 10/4/18 1416 Francke Avenue

Please see below. I've been mistakenly sending the following email to the wrong person. When convenient, please call me about this. Thanks very much.

From: David Frederick MCP
Sent: Friday, October 19, 2018 5:36 PM
To: 'jwisnom@baltimorecountymd.gov'
Subject: Case #20190008 Hearing 10/4/18 1416 Francke Avenue

I'm writing to ask if the Commissioner actually read all the letters written in opposition to this particular homeowner's zoning request? The reason for asking is that it is our impression from his comments in the hearing, as well as the final ruling, that he did not; choosing only to mention the few opponents who attended the actual hearing. Although we are pleased with the Commissioner's decision, we're also concerned that it may not stand up to an appeal.

In addition to not fully-mentioning ALL the opposition, the defendant is being allowed three more months to comply. Why does the neighborhood have to endure that amount of additional exposure to the chickens? Coupled with the unacceptable amount of time it took the neighborhood to get the County to enforce our complaints (in the first place), allowing the defendants *another* three months simply gives them additional justification for an appeal. We've been living with the problem for 12 months already.

Thanks very much.

**David Frederick
410-591-3330**

PLEASE PRINT CLEARLY

CASE NAME 2019-0008-A
CASE NUMBER _____
DATE 10-4-2018

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Kimberly Beard	1416 Frandae Ave	Lutherville MD 21093
SEAN BEARD	1416 FRANCKE AVE	LUTHERVILLE MD 21093

CASE NAME Frankie Owens
CASE NUMBER 2019-0008-A
DATE Oct. 4, 2018

[illegible]

Sherry Nuffer

From: Kristen L Lewis
Sent: Tuesday, October 09, 2018 11:24 AM
To: Sherry Nuffer
Subject: Attachments
Attachments: 20181009113030912.pdf



Hey Sherry,

I just saw this in a pile on the shelf, and realized this file is with you, the hearing was last week.

Kristen Lewis
PAI – Zoning Review
410-887-3391

-----Original Message-----

From: cpr111@baltimorecountymd.gov [mailto:cpr111@baltimorecountymd.gov]
Sent: Tuesday, October 09, 2018 11:31 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Message from "RNP002673BFB3B1"

This E-mail was sent from "RNP002673BFB3B1" (MP 4054).

Scan Date: 10.09.2018 11:30:30 (-0400)
Queries to: cpr111@baltimorecountymd.gov



7/26/18
DOCCR - some
f ALS consideration
RECEIVED
SEP 26 2018
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Mr. Arnold Jablon, Esq, Director of PAI
111 W. Cheasapeake Avenue, Room 105
Towson, MD 21204

Re: Case #20190008

Hearing Date: October 4, 2018. 1416 Francke Avenue, Lutherville MD 21093.

Dear Mr. Jablon,

This letter is written to you as a complaint regarding the granting of a variance to the housing of Fowl and Livestock on the land of 1416 Francke Avenue, Lutherville 21093 and allowing any Baltimore County resident to have chickens on less than one (1) acre of land.

As a homeowner and resident nearby this address, we strongly oppose their petition to keep chickens on their land of .22 acres. Should you grant this variance, then it would allow a vast majority of home/land owners in Baltimore County to enable them to have chickens in the yard! And there would be no limit to how many?? Absurd.

The Lutherville Community Association and so many nearby neighbors on Lincoln Avenue, and me on Clark Avenue do not support their request. It would breed vermin and attract rodents to the area and very importantly, decrease the value of the homes in our area and throughout Baltimore County.

There is a reason why one (1) acre is the minimum size of land, to keep foul out of smaller residential neighborhoods and in historic Lutherville, we would like to maintain the charm and elegance of our Yards and homes.

Please do not allow their request to be permitted.

Thank you for your consideration and careful attention to our request for denial of granting this variance.

Sincerely,

HART Residence,
1405 Clark Avenue, Lutherville MD 21093.

RECEIVED
DEC 9 5 50 PM
OFFICE OF
ADMINISTRATIVE HEARINGS

RECEIVED

September 19, 2018

Mr. Arnold Jablon, Director PAI
111 W. Chesapeake Ave. Room 105
Towson, Md. 21204

Re: Case #20190008

Hearing Date , October 4, 2018

1416 Francke Ave.

Lutherville, Md. 21093



*9/26/18
TO WCP. please put
in case file
for ALL consideration
SEP 26 2018
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS*

Dear Mr. Jablon,

I am a neighbor to the 1416 Francke Ave. residence. I am protesting the granting of a variance to allow owners to raise chickens on this site.

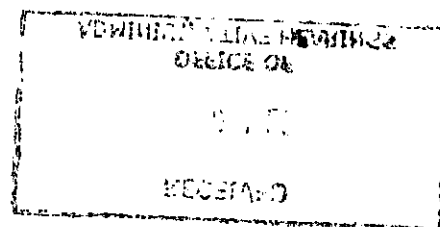
In the past six months we have had signs posted from Balto. County at Lincoln Ave and Bellona Ave (1 block from the chickens) to warn us the County was spraying for rats in the area.

Two blocks away at Othoridge and Bellona Ave. the same sign went up as well. I called the Orchard Hills Association (Othoridge belongs to the association) to hear they have had lots of residents bring in chickens. They too are re-enforcing the 1 acre rule as part of their association rules. They were concerned about the rat population as well.

I also called the Ruxton Community Association which is to our south. They too are enforcing the 1 acre rule for owners of chickens. The chicken waste is a major concern among our neighbors and how it might relate to the rat population.

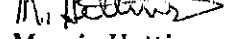
The Lutherville Community Assoc. has committed to the rule per Baltimore County Code 13-7-311. The association has also been working with FEMA and Blue Water Action to clean up Roland Run (the Run goes through the Historic District). The Run got an F recently on clean water inspections. The last thing we need is run off on rainy days from chicken waste!

We need your help to enforce this rule. Our property values in this beautiful Historic District depend on your actions at the hearing. Chickens located on .2 acres will not maintain the high standards we expect of each home owner.



We appreciate your time and effort on this matter.

Sincerely,


Marcia Hettinger

1401 Clark Ave.

Lutherville, Md. 21093

P.S. I am having dental
surgery the morning
of the hearing & cannot
attend. I have lived
here over 30 yrs & we
have not had the need
for spraying for rats
till now!

Debra-Wiley

10/4
10 Am

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, October 02, 2018 9:21 PM
To: Administrative Hearings
Subject: 2nd Certifications Case # 2018-0031-XA ~ 2019-0067-SPHX ~ 2019-0008-A
Attachments: Old York Rd. 2nd Cert..jpeg; Old York Rd. Photo.docx; Owings Mills Blvd 2nd Cert..jpeg; Owings Mills Blvd. Photo.docx; Francke Ave. 2nd Cert..jpeg; Francke Ave. photo.docx

Hi Sherry,

I have some new 2nd Certifications for you. Case # 2018-0031-XA - Old York Rd. Case # 2019-0067-SPHX - Owings Mills Blvd. & Case # 2019-0008-A - Francke Ave.

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 10/2/2018

Case Number: 2019-0008-A

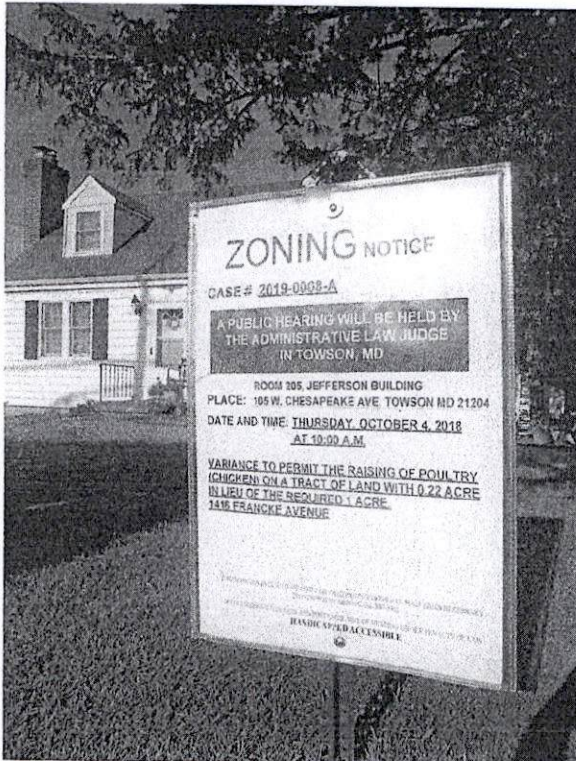
Petitioner / Developer: MR. & MRS. BEARD

Date of Hearing: OCTOBER 4, 2018

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:
1416 FRANCKE AVENUE

The sign(s) were posted on: **SEPTEMBER 13, 2018**

The sign(s) were re-photographed on: **OCTOBER 2, 2018**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

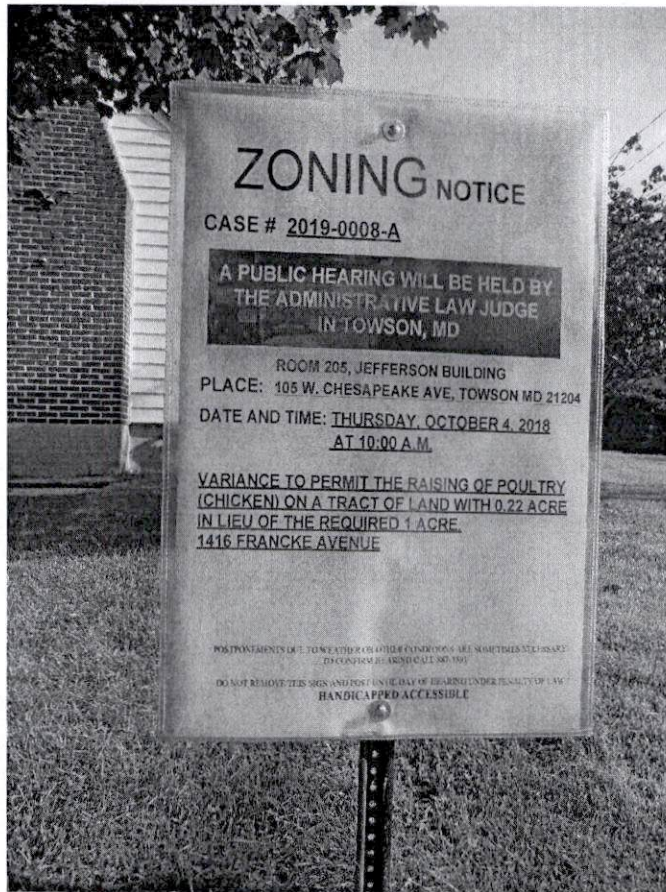
Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

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

RECEIVED

OCT 03 2018

OFFICE OF
ADMINISTRATIVE HEARINGS



2nd Sign Re-photographed 10/2/2018 @ 1416 Francke Ave.
CASE # 2019-0008-A



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



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

CODE ENFORCEMENT CORRECTION NOTICE

BEARD KIMBERLY B BEARD SEAN D
 1416 FRANCKE AVE
 LUTHERVILLE, MD 21093-5329

CASE NUMBER CC1808065	PROP.TAX ID 08-23-016410
VIOLATION ADDRESS 1416 FRANCKE AVE LUTHERVILLE, MD 21093-5329	

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

County Codes/Regulations	Inspector's Comments
B.C.Z.R 100.6: Non permitted livestock / fowl / poultry	Remove chickens, as you need a minimum of 1 acre to raise fowl on your property.
B.C.Z.R 450: Non permitted sign(s)	Remove commercial construction sign from residential property.

Failure to comply with this correction notice, may result in a **\$200.00** fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 06/28/2018	INSPECTOR ID: 79
	ISSUED DATE: 06/13/2018

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

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

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0823016410			
Owner Information					
Owner Name:		BEARD KIMBERLY B BEARD SEAN D		Use:	RESIDENTIAL
Mailing Address:		1416 FRANCKE AVE LUTHERVILLE MD 21093-5329		Principal Residence:	YES
				Deed Reference:	/37923/ 00183
Location & Structure Information					
Premises Address:		1416 FRANCKE AVE LUTHERVILLE 21093-5329		Legal Description: NW COR LINCOLN AVE COLLEGE MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0024	0584		0000	2
		Block:	Lot:	Assessment Year:	Plat No:
			1	2017	Plat Ref: 0019/ 0054
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1955		1,188 SF			
		Property Land Area		County Use	
		9,401 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	FRAME	1 full	Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	
			01/01/2017	07/01/2017	
Land:		131,600	131,600		
Improvements		95,700	110,200		
Total:		227,300	241,800	232,133	236,967
Preferential Land:		0			0
Transfer Information					
Seller: WAGNER ROBERT M		Date: 08/25/2016		Price: \$268,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /37923/ 00183		Deed2:	
Seller: WAGNER ROBERT M		Date: 01/06/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /31575/ 00038		Deed2:	
Seller: WEHRLE ALBERT C		Date: 04/17/1978		Price: \$48,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05874/ 00856		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2017	07/01/2018
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 05/10/2018					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

1. This screen allows you to search the Real Property database and display property records.

2. Click [here](#) for a glossary of terms.

3. Deleted accounts can only be selected by Property Account Identifier.

4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

0.22 acres

DAVID R. FREDERICK
223 Morris Avenue
Lutherville, MD 21093
410-591-3330

September 15, 2018

Mr. Arnold Jablon, Esq., Director
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

RE: Case #20190008
Hearing Date October 4, 2018
1416 Francke Avenue
Lutherville, MD 21093

Dear Mr. Jablon:

Because I will be out of town the day of this hearing, I am writing to protest the granting of a variance to this homeowner to raise chickens or any farm animals on his .2 acre property. County code requires a full acre which (I believe) is still too small a requirement. This property already contains a large vegetable garden; a large trampoline; two large construction sheds; several cars & trucks in addition to the main house all situated on .2 acres. Without a maximum number of animals outlined in the code, please consider the following partial list of reasons why granting this variance would be a very bad idea for our 150-year-old, historically-designated neighborhood:

- It is well documented that chickens are some of the filthiest animals alive.
- Salmonella is just one of the well-known diseases associated with chickens.
- How will waste be managed & enforced? Dumped in the storm drain...?
- How will the inevitable proliferation of other types of farm animals be managed such as small pigs, which exist now on another property.
- How will the need for fencing, barricades and other structures be managed in our historic neighborhood? Many very strict regulations exist for these types of additions, with which this property owner will not want to comply.
- How will the inevitable proliferation of roosters crowing throughout the day & night be managed?
- This property's chickens already run loose onto the two cross streets.

For the majority of the homeowners in Old Lutherville, I can assure you that we do not live here because we wanted to return to the era farm living. Please do not grant this variance. In fact, please consider increasing the minimum acreage to five and limiting the maximum number of animals (what good does a land area size do if the homeowner raises 500 chickens...?).

Thank you very much for your time.



David R. Frederick

**Marie A. Frederick
223 Morris Ave.
Lutherville, MD 21093
mfrederick@comcast.net
410-252-1367**

September 18, 2018

Mr. Arnold Jablon, Esq., Director PAI
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

RE: Case #20190008
Hearing Date October 4, 2018
1416 Francke Avenue
Lutherville, MD 21093

Dear Mr. Jablon:

I will be out of town the day of the hearing for the above mentioned property. I am writing to protest the granting of a variance to this homeowner to raise chickens on his .2 acre property. County code Section 13-7-311 requires a full acre of land to raise chickens. This property already contains a large vegetable garden; a large trampoline; two large construction sheds; several cars & trucks in addition to the main house all situated on .2 acres.

- The code does not state the maximum number of chickens allowed.
- Salmonella is just one of the well-known diseases associated with chickens as stated in a recent study article by the CDC.
- Waste management, disposal and runoff are a problems.
- How will the inevitable proliferation of other types of farm animals be managed such as small pigs, which already exist presently on another property.
- The building of fences and other structures will be needed to contain the animals.
- How will the inevitable proliferation of roosters crowing throughout the day & night be managed?
- This property's chickens already run loose onto the two cross streets, causing a traffic hazard in one of the main entrances to our community.
- This property is across the street from a Designated Historic Property along with another around the corner.
- The property owner has not been a good neighbor and has had other code violations reported, because he runs his construction business out of his backyard, thus we are subject to many vehicles, dumpsters, and commercial signs being posted in the yard.
- This will set a precedent for other property owners with less than an acre.

Lutherville is a designated national and Baltimore County Historic District and we did not move here to have farm animals on neighboring properties. If a variance is granted for .2 acres then most everyone in Baltimore County will qualify and this sets a dangerous precedent. This request for a variance should be denied.

Thank you very much for your time and consideration regarding this serious matter.

Marie A. Frederick

Mr. + Mrs. Donald S. Slaughter, Jr.
310 Lincoln Ave
Lutherville, MD 21093

September 15, 2018

Mr. Arnold Jablon, Esq., Director PAI
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

RE: Case #20190008
Hearing Date: October 4, 2018
1416 Francke Avenue
Lutherville, MD 21093

Dear Mr. Jablon:

I am writing to protest the granting of a variance that will allow this homeowner to raise chickens on his .2 acre property. County code Section 13-7-311 HOUSING OF FOWL AND LIVESTOCK requires a full acre of land to keep chickens. The property already contains a large vegetable garden, a large trampoline, two large sheds, several cars & trucks in addition to the main house all situated on .2 acres. Please see below a partial list of reasons why granting this variance would be detrimental to our neighborhood:

- The code does not stipulate the maximum number of chickens allowed.
- Chickens are a source of disease and bacteria; salmonella is just one of the well-known diseases associated with them.
- Waste management, disposal and runoff is a problem.
- Livestock, their feed and waste attract nuisance rodents and vermin.
- This will set a precedent for other property owners with less than a acre and will open the doors to all the other livestock listed in Baltimore County Code 13-7-311.
- The building of fences, barricades and other structures will be needed to contain animals.
- Chickens have been loose on the street.

Lutherville is a historically protected neighborhood and able to maintain high property values. Granting a variance to one property owner that clearly does not meet the county code will set a detrimental precedent. One acre is the minimum requirement for a reason; namely health safety. If an allowance is made for .2 acres then most everyone in Baltimore County will qualify. This variance should be denied.

Thank you very much for your time and consideration.

Respectfully;



DONALD K. SLAUGHTER
DONALD S. SLAUGHTER, JR.

TO: KL
place into case
file for
ALJ consideration

RECEIVED
SEP 19 2018
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

September 15, 2018

Mr. Arnold Jablon, Esq., Director PAI
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

RE: Case #20190008
Hearing Date: October 4, 2018
1416 Francke Avenue
Lutherville, MD 21093

TO ~~Dr~~ Kristin
please get to care file
for ALS
to consider
RECEIVED
SEP 20 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Dear Mr. Jablon:

I am writing to protest the granting of a variance that will allow this homeowner to raise chickens on his .2 acre property. County code Section 13-7-311 HOUSING OF FOWL AND LIVESTOCK requires a full acre of land to keep chickens. The property already contains a large vegetable garden, a large trampoline, two large sheds, several cars & trucks in addition to the main house all situated on .2 acres. Please see below a partial list of reasons why granting this variance would be detrimental to our neighborhood:

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Thank you very much for your time and consideration.

Respectfully;

Betty L. Miller
312 Lincoln Avenue
Lutherville, MD 21093

RECEIVED

SEP 20 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

September 15, 2018

Mr. Arnold Jablon, Esq., Director PAI
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

RE: Case #20180008
Hearing Date: October 4, 2018
1415 Franke Avenue
Lutherville, MD 21093

Dear Mr. Jablon:

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- Livestock, their feed and waste attract nuisance rodents and vermin.
- This will set a precedent for other property owners with less than a acre and will open the doors to all the other livestock listed in Baltimore County Code 13-7-311.
- The building of fences, barricades and other structures will be needed to contain animals.
- Chickens have been loose on the street.

Lutherville is a historically protected neighborhood and able to maintain high property values. Granting a variance to one property owner that clearly does not meet the county code will set a detrimental precedent. One acre is the minimum requirement for a reason; namely health safety. If an allowance is made for .2 acres then most everyone in Baltimore County will qualify. This variance should be denied.

Thank you very much for your time and consideration.

Respectfully,

June Wisnom

From: Melissa Chadwick <melissa_d_chadwick@yahoo.com>
Sent: Wednesday, September 19, 2018 8:11 PM
To: June Wisnom
Subject: Case #20190008 Chickens at 1416 Francke Ave

Mr. Jablon,

I hope that you are well. I'm writing about case #20190008 regarding the chicken zoning issue to be discussed Oct. 4. While I initially signed in support of the chickens via the clipboard near the property, a neighbor educated me more fully on the issue.

Now that I'm better informed, I believe the county code is reasonable to uphold. If they are allowed to proceed, I just recommend appropriate fencing be erected and that the other community issues of concern be addressed.

Your discretion with sharing my contact information is appreciated.

All the best,

Melissa Chadwick
308 Lincoln Ave

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment~~8/30~~ 8/10DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NO Comment

7/18

DEPS
(if not received, date e-mail sent _____)

NO COMMENT

FIRE DEPARTMENT

8/30

PLANNING
(if not received, date e-mail sent _____)

OPPOSED

7/16

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

letters of
opposition

ZONING VIOLATION

(Case No. CC 1808065)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/14/18

SIGN POSTING (1st)

Date:

9/13/18

by

O'Keefe

SIGN POSTING (2nd)

Date:

10/2/18

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

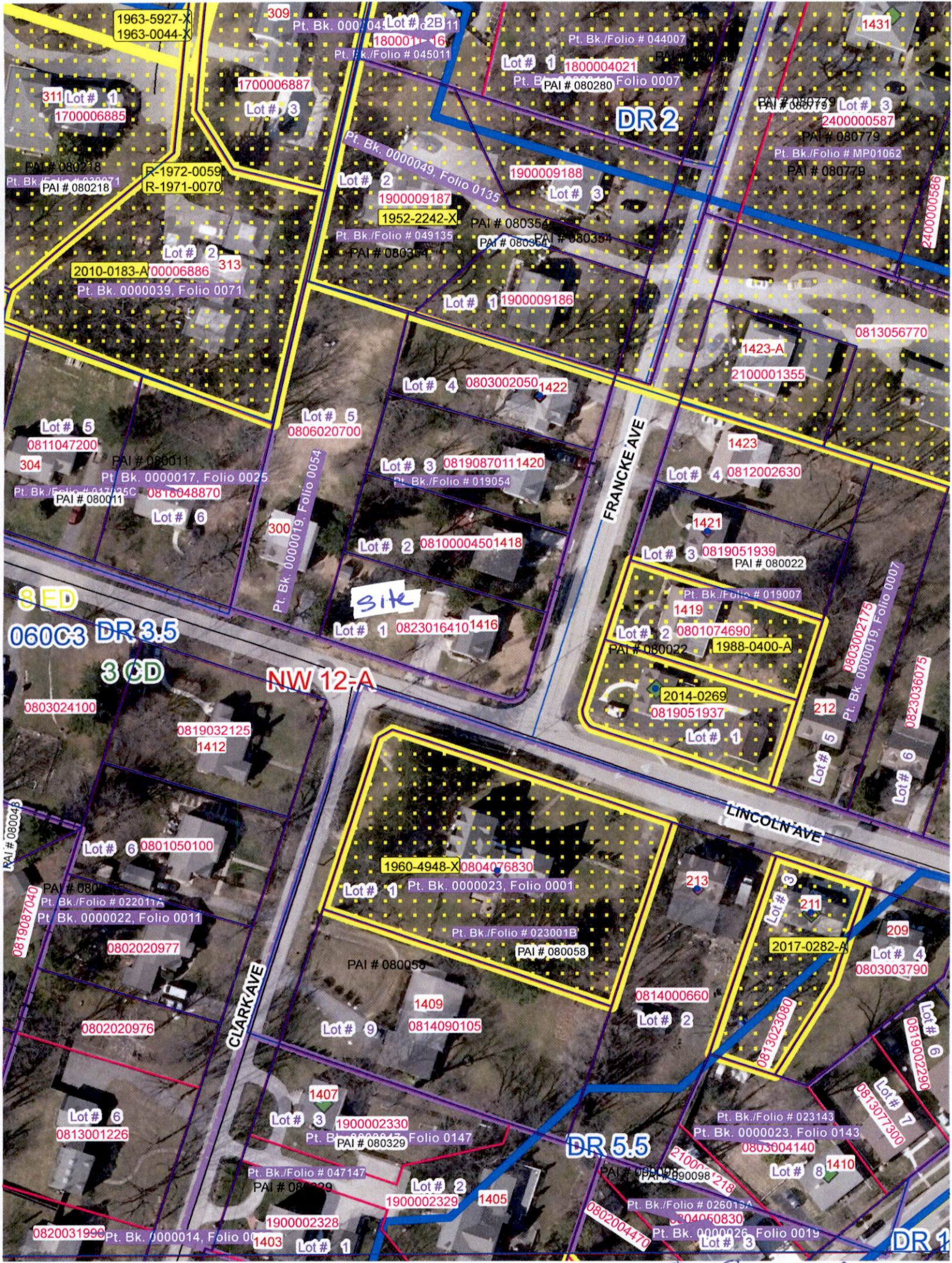
Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Tax Exempt:			Special Tax Recapture:							
Exempt Class:			NONE							
Account Identifier:			District - 08 Account Number - 0823016410							
Owner Information										
Owner Name:		BEARD KIMBERLY B BEARD SEAN D			Use:		RESIDENTIAL			
					Principal Residence:		YES			
Mailing Address:		1416 FRANCKE AVE LUTHERVILLE MD 21093-5329			Deed Reference:		/37923/ 00183			
Location & Structure Information										
Premises Address:		1416 FRANCKE AVE LUTHERVILLE 21093-5329			Legal Description:		NW COR LINCOLN AVE COLLEGE MANOR			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0060	0024	0584		0000	2		1	2017	Plat Ref:	0019/0054
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1955		1,188 SF				9,401 SF		04		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
1 1/2	YES	STANDARD UNIT		FRAME	1 full					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2017		07/01/2018		07/01/2019		
Land:		131,600		131,600						
Improvements		95,700		110,200						
Total:		227,300		241,800		236,967		241,800		
Preferential Land:		0						0		
Transfer Information										
Seller: WAGNER ROBERT M				Date: 08/25/2016			Price: \$268,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /37923/ 00183			Deed2:			
Seller: WAGNER ROBERT M				Date: 01/06/2012			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /31575/ 00038			Deed2:			
Seller: WEHRLE ALBERT C				Date: 04/17/1978			Price: \$48,000			
Type: ARMS LENGTH IMPROVED				Deed1: /05874/ 00856			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019				
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 05/10/2018

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**



1963-5927-X
1963-0044-X

309

Pt. Bk. 000004, Folio 11
1800011-16
Pt. Bk./Folio # 045011

Pt. Bk./Folio # 044007

1431

Lot # 1 1800004021
Pt. Bk. PAI # 080280 Folio 0007

PAI # 080779 Lot # 3
2400000587
PAI # 080779
Pt. Bk./Folio # MP01062
PAI # 080779

311 Lot # 1
1700006885

1700006887
Lot # 3

DR 2

R-1972-0059
R-1971-0070

Lot # 2
1900009187
1952-2242-X
Pt. Bk./Folio # 049135
PAI # 080354

1900009188
Lot # 3

2010-0183-A 00006886 313
Pt. Bk. 0000039, Folio 0071

Lot # 1 1900009186

Lot # 4 0803002050 1422

1423-A
2100001355

0813056770

Lot # 5
0811047200

Lot # 5
0806020700

Lot # 3 0819087011 1420
Pt. Bk./Folio # 019054

Lot # 4 0812002630

1423

Lot # 6

Lot # 2 0810000450 1418

Lot # 3 0819051939
PAI # 080022

Lot # 1 0823016410 1416

Pt. Bk./Folio # 019007
1419
Lot # 2 0801074690
PAI # 080022 1988-0400-A
2014-0269
0819051937
Lot # 1

0803002175
Pt. Bk. 0000019, Folio 0007
212
0823036075
Lot # 5
Lot # 6

SED
06003 DR 3.5
3 CD

NW 12-A

0803024100

0819032125
1412

Lot # 6 0801050100

Lot # 1 1960-4948-X 0804076830
Pt. Bk. 0000023, Folio 0001

Pt. Bk./Folio # 023001B
PAI # 080058

PAI # 080056

1409
Lot # 9 0814090105

0814000660
Lot # 2

Lot # 3 211
2017-0282-A

Lot # 4 0803003790

0802020976

CLARK AVE

LINCOLN AVE

Lot # 6
0813001226

Lot # 3 1900002330
Pt. Bk. 0000023, Folio 0147
PAI # 080329

DR 5.5

Pt. Bk./Folio # 023143
Pt. Bk. 0000023, Folio 0143
0803004140

Lot # 8 1410

0820031993 Pt. Bk. 0000014, Folio 0143

Pt. Bk./Folio # 047147
PAI # 080329

Lot # 2 1900002329

1405

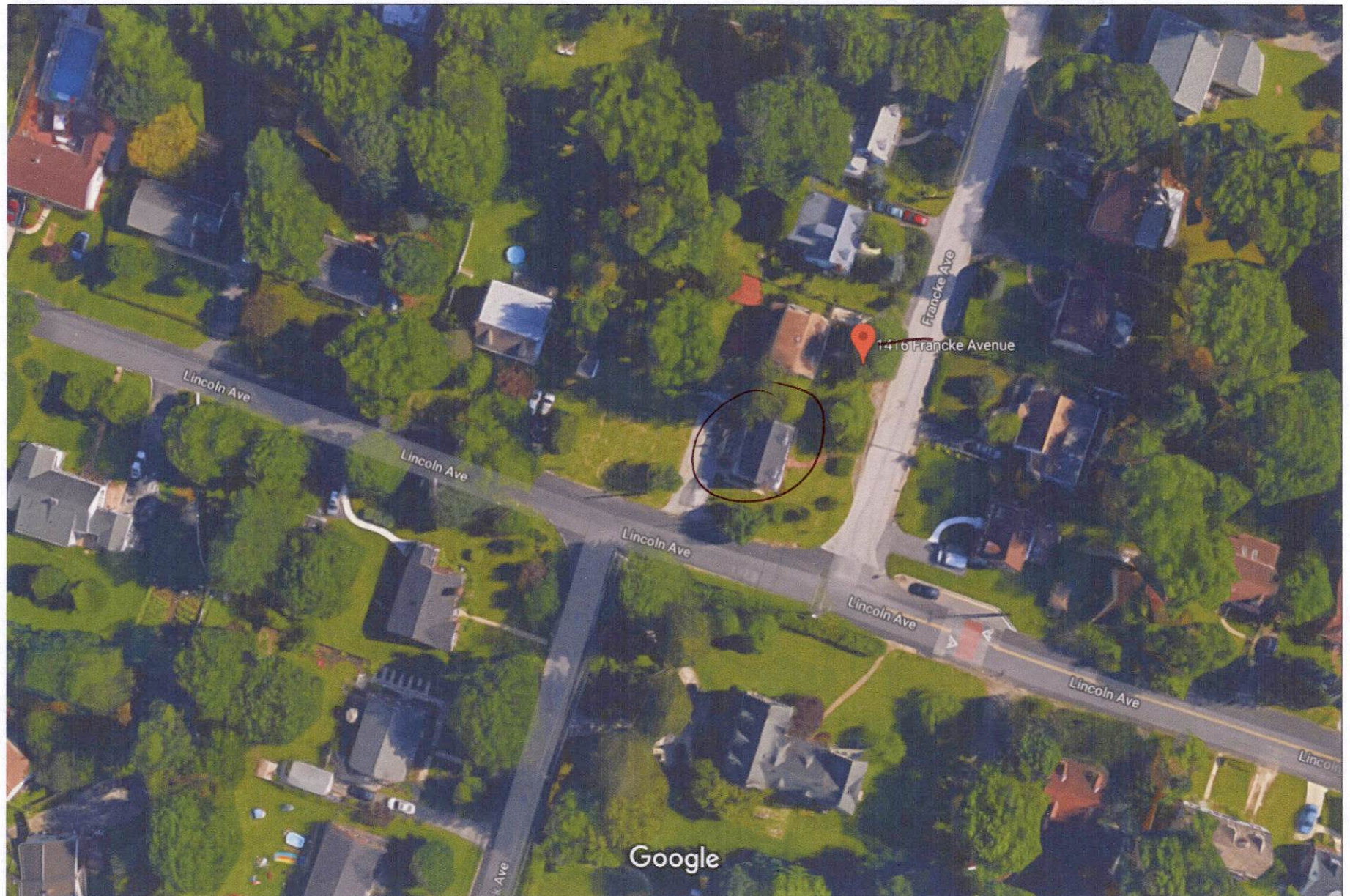
Lot # 1 1403

Pt. Bk./Folio # 026015A
0804050830
Pt. Bk. 0000026, Folio 0019

Lot # 3

DR 1







View from Coop

Save the Chickens

LEASE SIGN PETITION

Baltimore County restricts raising chickens to properties that have 1 + acres. Our property does not, but is unique that the yard is not close to other homes due to the house being on the corner lot. We are raising our own eggs and garden organically and are teaching our children the value of producing our own food in a sustainable way. The chickens are happy and they make us happy as well.

We have a public hearing to request a variance on October 4th.

We will take the petition of supportive neighbors with us.

We understand the concern of the chickens being a nuisance, which is why we will never raise roosters and will keep the coop clean.

With gratitude, The Beards.

Name

Address

Supra Lincoln	128 Lincoln Ave
2 Hughes	1423 Francke Ave
Laura Bruns	1408 Clark Ave
Aaron Robb + Terry Pyndick	Apt. 102 Building 15 Russview Ct.
Edward Mantler	302 Lincoln Ave
Marge Clemmen	814 Wallington Rd
Kim Ward	334 Lincoln Ave
Pam Ward	334 Lincoln Ave
Jim + Susan Boro	1412 CLARK AVE
James + Marie Hoer	330 Lincoln Ave.
Mike + Gordon McGray	308 Lincoln Ave
RODGER ROUNDY	1423 FRANKIE AVE., LUTHERVILLE, MD
Kathleen Buren	1406 Warwick Drive
Kathleen Taylor	1305 Malbay Drive Lutherville.
Edith Roundy	1423 Frankie Ave

PLEASE SIGN PETITION

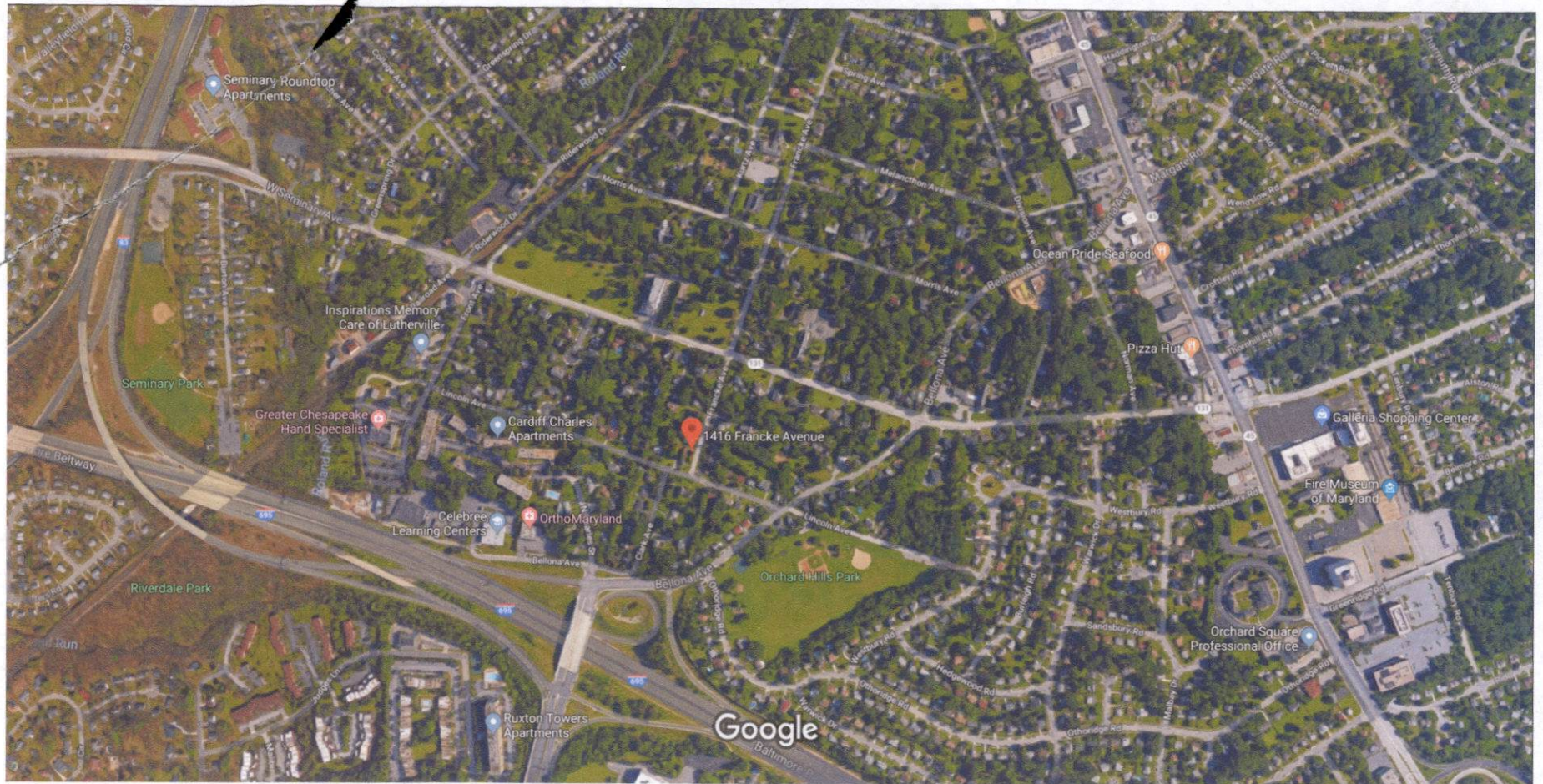
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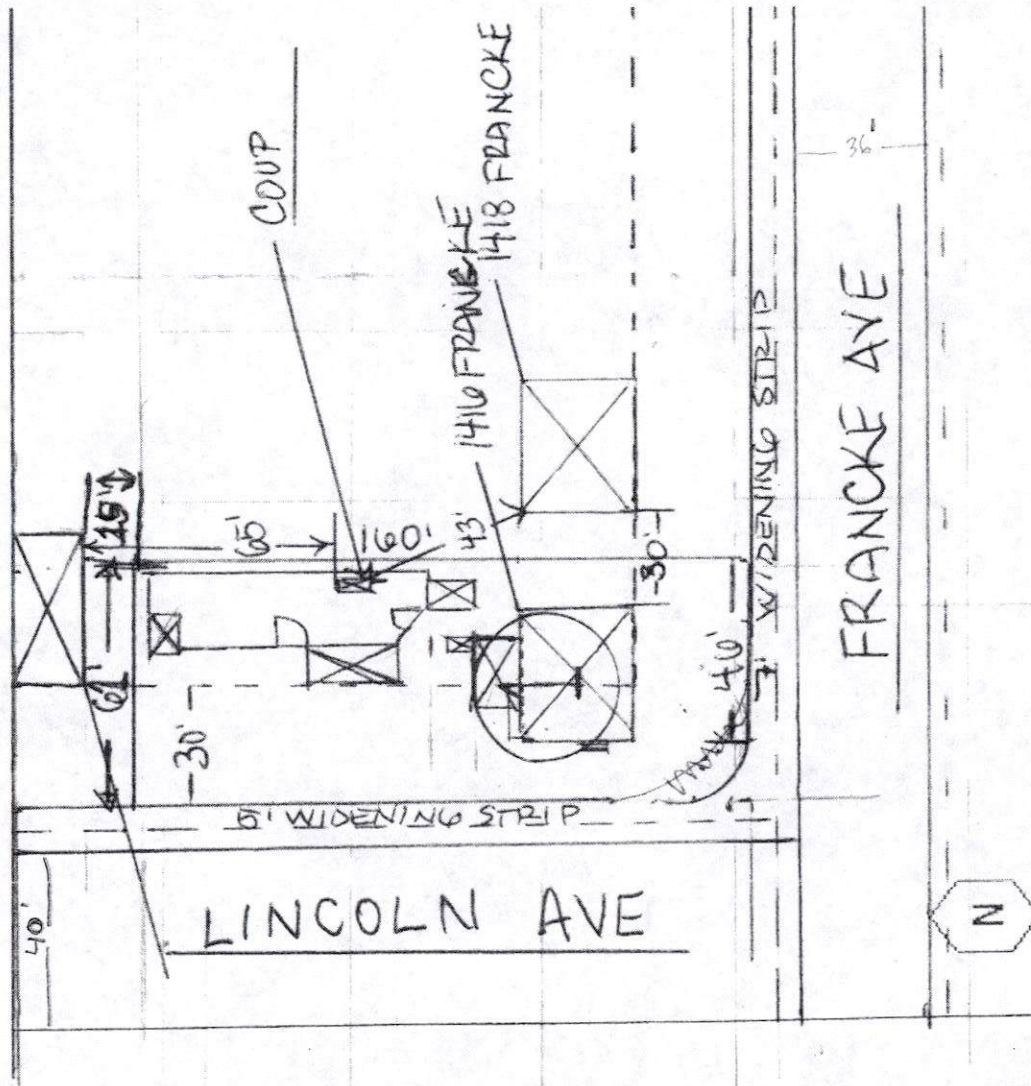
Address

[illegible]

Google Maps 1416 Francke Ave



ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
ADDRESS 1416 Francke Avenue OWNER(S) NAME(S) Kimberly + Sean Beard
SUBDIVISION NAME College Manor LOT # 1 BLOCK # N/A SECTION # 2
PLAT BOOK # 19 FOLIO # 54 10 DIGIT TAX # 0823016410 DEED REF. # 37923100183

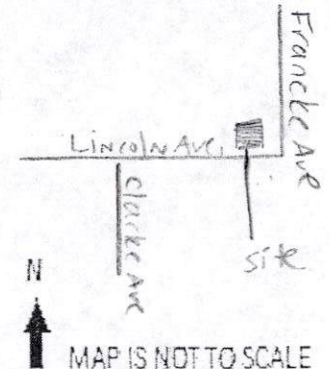


PLAN DRAWN BY Sean Beard

DATE 7/1/18 SCALE: 1 INCH = 50 FEET

2019-0008-A

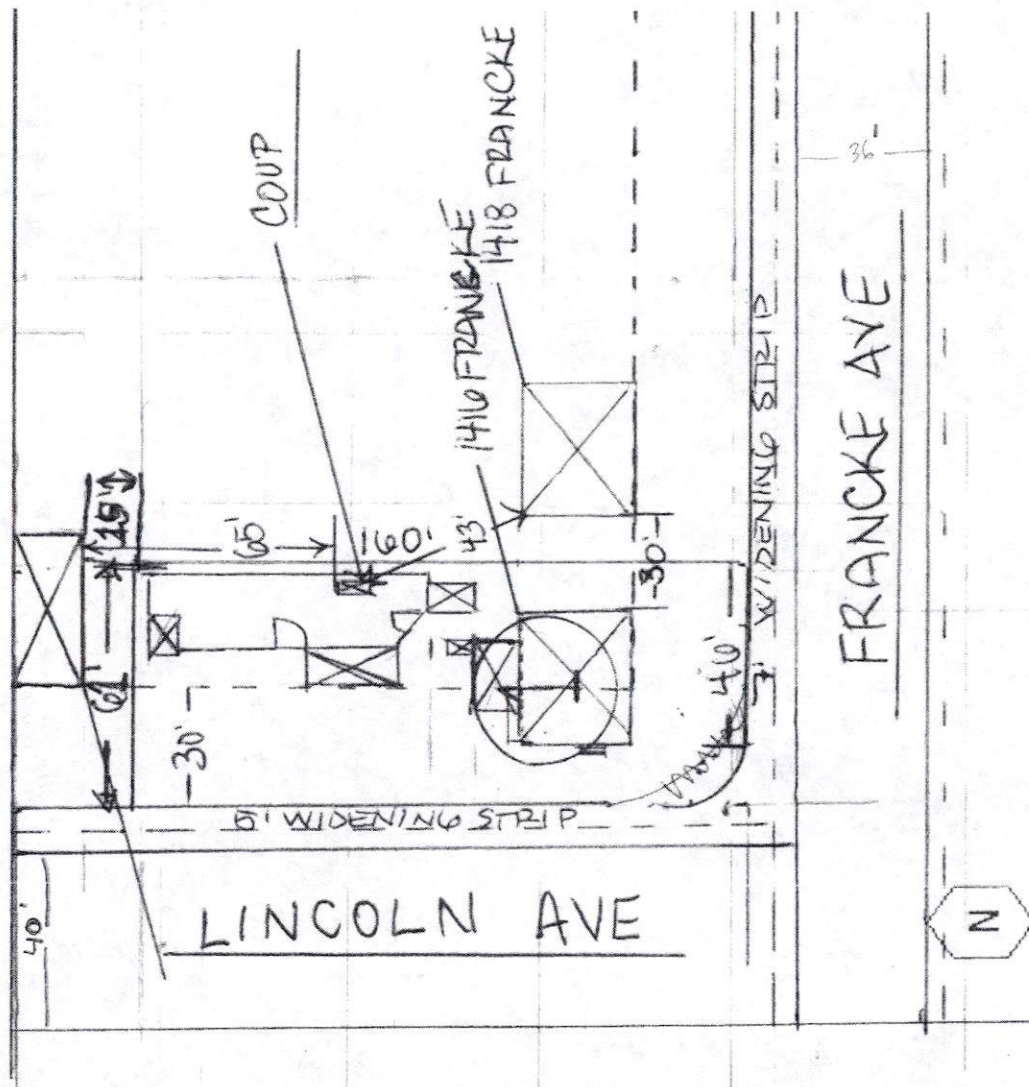
SITE VICINITY MAP



ZONING MAP# 060C 3
SITE ZONED DR 3.5
ELECTION DISTRICT 8
COUNCIL DISTRICT 3
LOT AREA ACREAGE 9401 SF
OR SQUARE FEET 9401 SF
HISTORIC? yes
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:
CC 1808065

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
ADDRESS 1416 Francke Avenue OWNER(S) NAME(S) Kimberly + Sean Beard
SUBDIVISION NAME College Manor LOT # 1 BLOCK # N/A SECTION # 2
PLAT BOOK # 19 FOLIO # 54 10 DIGIT TAX # 08 23 01 64 10 DEED REF. # 37923100183

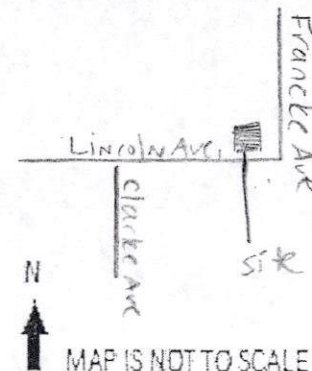


PLAN DRAWN BY Sean Beard

DATE 7/1/18 SCALE: 1 INCH = 50 FEET

2019-0008-A

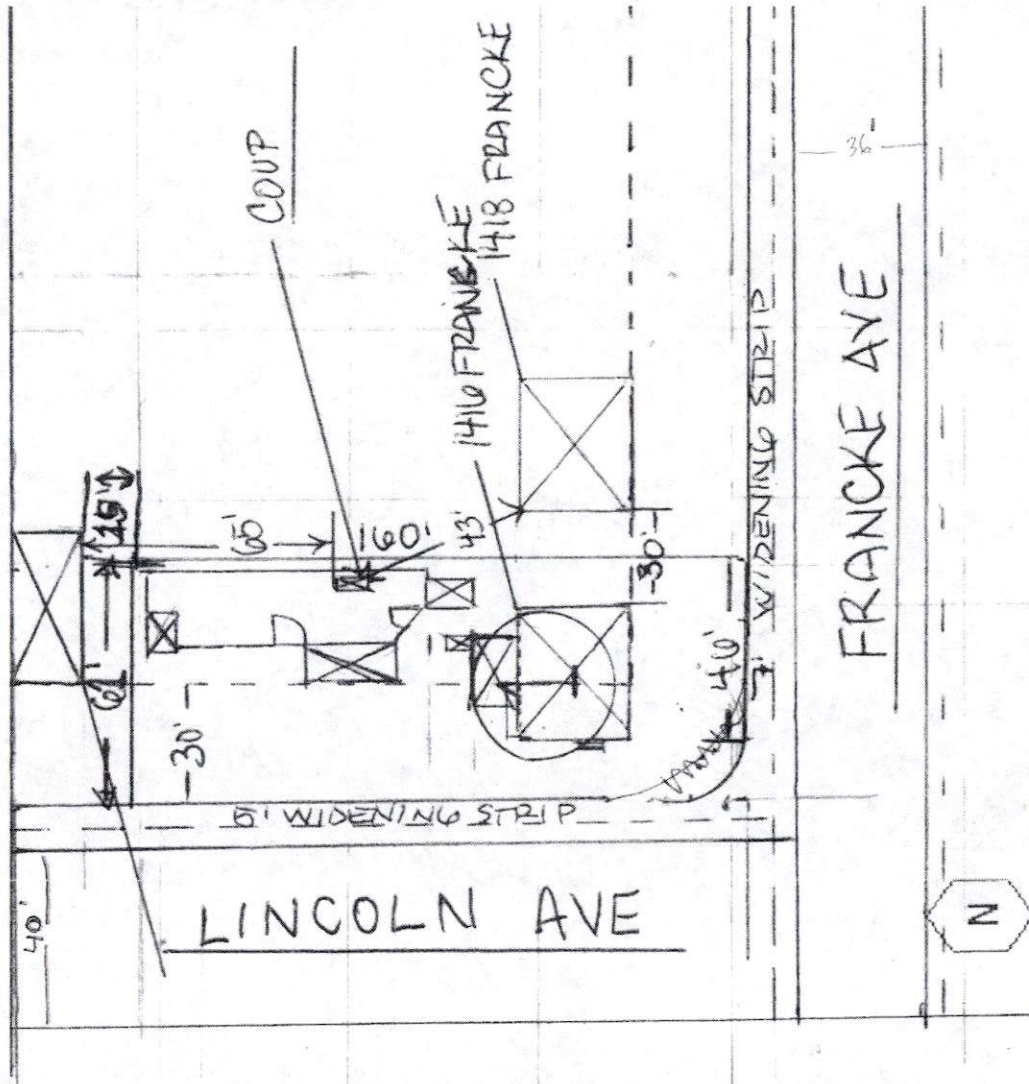
SITE VICINITY MAP



ZONING MAP# 060C3
SITE ZONED DR 3.5
ELECTION DISTRICT 8
COUNCIL DISTRICT 3
LOT AREA ACREAGE 9401 SF
OR SQUARE FEET 9401 SF
HISTORIC? yes
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:
CC 1808065

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)
ADDRESS 1416 Francke Avenue OWNER(S) NAME(S) Kimberly + Sean Beard
SUBDIVISION NAME College Manor LOT # 1 BLOCK # N/A SECTION # 2
PLAT BOOK # 19 FOLIO # 54 10 DIGIT TAX # 0823016410 DEED REF. # 37923100183

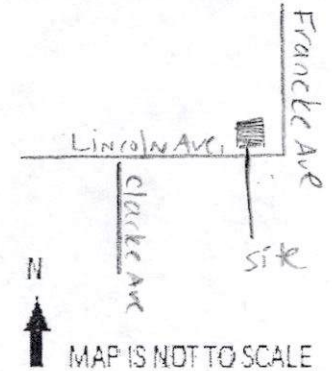


PLAN DRAWN BY Sean Beard

DATE 7/1/18 SCALE: 1 INCH = 50 FEET

2019-0008-A

SITE VICINITY MAP



ZONING MAP# 060C3
SITE ZONED DR 3.5
ELECTION DISTRICT 8
COUNCIL DISTRICT 3
LOT AREA ACREAGE 9401 SF
OR SQUARE FEET 9401 SF
HISTORIC? yes
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:
CC1808065