

MEMORANDUM

DATE: November 1⁴3, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0039-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 13, 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
(215 Melancthon Avenue)
8th Election District
3rd Council District
Matthew Cimino & Jessica Lehson
Legal Owners

Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2019-0039-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Matthew Cimino & Jessica Lehson, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations ("BCZR") to allow chickens to be kept on a lot 0.93 acres in size in lieu of the required one (1) acre. A site plan was marked as Petitioners' Exhibit 1.

Matthew Cimino & Jessica Lehson appeared in support of the petition. Eric Rockel, president of the Greater Timonium Community Council, Inc. (GTCC) and a member of the Lutherville Community Association (LCA), attended the hearing to obtain additional information regarding 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 did not object to the request.

The site is approximately 0.93 acres in size and zoned DR 2. The property is improved with a single-family dwelling constructed in 1887. Petitioners have lived at the property for nearly four (4) years, and for the last year or so they have kept chickens on the premises. Baltimore County issued to Petitioners a code enforcement correction notice and they were instructed to seek zoning relief to allow them to keep chickens on the property. Mr. Rockel testified the community association met and decided to take no position on this case, although he stated that

ORDER RECEIVED FOR FILING

Date 10/12/18
By Sen

if the request was granted a condition should be included in the order limiting the number of chickens (hens) which can be kept of the 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 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).

The subject property is unique in that it is larger than most other building lots in Historic Lutherville, most of which are $\frac{1}{4}$ acre in size. In addition, the lots immediately adjoining the subject property are each slightly larger than one acre in size. Petitioners submitted an historic plat which shows that their lot was also originally in excess of one acre, although the County acquired a portion of their land many years ago for construction and maintenance of Melancthon Ave. I believe this fact also renders the property unique.

If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to keep chickens on the large property, which is just shy of the required one acre. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County opposition and the support of all neighbors in the immediate vicinity of the subject property. Letters of support were also received from two members of the LCA Board.

THEREFORE, IT IS ORDERED, this 12th day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to allow chickens to be kept on a lot 0.93 acres in size in lieu of the required one (1) acre, be and is hereby GRANTED.

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By Sen

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.
2. A maximum of 15 chickens may be kept at the property.
3. No roosters may be kept at the property.
4. Petitioners must keep the chicken coop and surrounding area clean and remove promptly all waste and other debris.

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

ORDER RECEIVED FOR FILING

Date 10/12/18

By Sen



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 215 Melancthon Ave, Lutherville, MD 21093 which is presently zoned DR2
 Deed References: 35729 / 00182 10 Digit Tax Account # 0813056461
 Property Owner(s) Printed Name(s) MATTHEW CIMINO, JESSICA LEHSON

(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) BOC 100.6 To allow 11 chickens on .93 Acres in lieu of the required 1 Acre.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at hearing and see attached.

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):

Name #1 - Type or Print

Signature #1

Mailing Address

Zip Code

Name #2 - Type or Print

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

Zip Code

SPMB

City

Telephone #

State

Email Address

CASE NUMBER 2019-0039-A

Filing Date 8/8/18

Do Not Schedule Dates: _____

Reviewer gh

ZONING PROPERTY DESCRIPTION FOR 215 MELANCTHON AVENUE

Beginning at a point on the south side of Melancthon Ave which is 50 feet wide at a distance of 508 feet south east of the centerline of the nearest improved intersecting street Francke Ave which is 50 feet wide.

Being lot 68 in the subdivision of Plat of Lutherville as recorded in Baltimore County Plat Book #8 Folio #57 containing 40,511 square feet. Located in the 8 Election District and 3 Council District.

2019-0039-A



DONALD I. MOHLER III
County Executive

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

September 5, 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: 2019-0039-A

215 Melancthon Avenue

S/s of Melancthon Avenue, 508 ft. SE to the centerline of Francke Avenue

7th Election District – 3rd Councilmanic District

Legal Owners: Matthew Cimino & Jessica Lehson

Variance to allow 11 chickens on .93 acres in lieu of the required 1 acre.

Hearing: Thursday, October 11, 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".

Arnold Jablon
Director

AJ:kl

C: Matthew Cimino, 215 Melancthon Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 21, 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
Friday, September 21, 2018 Issue

Please forward billing to:
Matthew Cimino
215 Melancthon Avenue
Lutherville, MD 21093

443-794-0953

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:

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215 Melancthon Avenue
S/s of Melancthon Avenue, 508 ft. SE to the centerline of Francke Avenue
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105 West Chesapeake Avenue, Towson 21204



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

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- (2) 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.

For Newspaper Advertising:

Case Number: 2019-0039-A

Property Address: 215 Melancthon Ave, Lutherville, MD 21093

Property Description: _____

Legal Owners (Petitioners): MATTHEW CIMINO / JESSICA LEHSON

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MATTHEW CIMINO

Company/Firm (if applicable): _____

Address: 215 Melancthon Ave
Lutherville, MD 21093

Telephone Number: 443-794-0953

Revised 7/9/2015

CERTIFICATE OF POSTING

RE: Case No. 2019-0039-A

Petitioner: Matthew Cimino

Hearing Date: 10/11/18

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

215 Melancthon Ave. (Front of property – E & W sides)

_____ on 9/21/18

Sincerely,

 9/21/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

THEORY OF THE EARTH

The theory of the earth is a branch of geology which deals with the origin and development of the earth and its various parts. It is a science which seeks to explain the causes and effects of the various geological phenomena which we observe in nature.

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Certificate of Posting

Case No 2019-0039-A



215 Melancthon Ave. (WS Front-2 of 2)

Richard E. Hoffman 9/21/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No 2019-0039-A



215 Melancthon Ave. (ES Front-1 of 2)

Richard E. Hoffman 9/21/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

BALTIMORE COUNTY MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No **172863**

Date **8/8/18**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 8/08/2018 8/08/2018 09:28:34 2

NAME WALKIN JEE
 RECEIPT # 063396 8/08/2018 DELN

528 ZONING VERIFICATION
 NO. 172863

Receipt Tot \$75.00
 \$75.00 CR \$0.00 CN
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount	Ref
001	806	0000		450				75.00	CR

Total: **75.00**

Rec From: **Matthew Crum**

For: **2019-0039-A**

215 Melancthon 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

October 4, 2018

Matthew Cimino
215 Melanethon Ave
Lutherville, Timonium 21093

RE: Case Number: 2019-0039-A, Address: 215 Melanethon Ave

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 August 8, 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 black ink, reading "W. Carl Richards, Jr.", is written over a faint circular stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MK

Enclosures

c: People's Counsel



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 8/13/18

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. *299-0039-A*

*Variorice -
Matthew Cimino & Jessica Lichson
215 Melancthon 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

10-11

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-039



INFORMATION:

Property Address: 215 Melancthon Avenue
Petitioner: Matthew Cimino, Jessica Lehson
Zoning: DR 2
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow 11 chickens on 0.93 acres in lieu of the required 1.0 acre.

A site visit was conducted on August 22, 2018. The site is in the Baltimore County designated historic district. The property is improved with a large single family detached dwelling, a shed, and a carport. A community conservation plan for Lutherville was adopted by the Baltimore County Council on February 20, 1996. The plan establishes maintaining the open space and the existing character of the community as a goal.

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

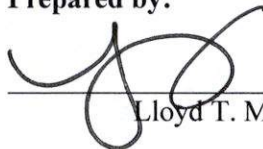
- No roosters, guinea fowl or other fowl other than chickens shall be permitted and the use shall not create a nuisance from smells, noise or rats.
- Install additional evergreen screening around the chicken coop to buffer neighboring residences.

Please be advised that if the petitioner plans to make the coop "structurally permanent" than they will need to submit a request to the Baltimore County Department of Planning, Historic Services Section for review for compliance with the Baltimore County Code 32-7-403 relating to properties within County Historic Districts.

Date: 9/4/2018
Subject: ZAC # 19-039
Page 2

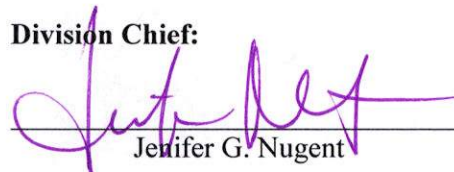
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
Matthew Cimino, Jessica Lehson
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: 9/4/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-039

INFORMATION:

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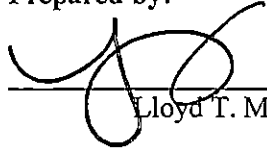
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Date: 9/4/2018
Subject: ZAC # 19-039
Page 2

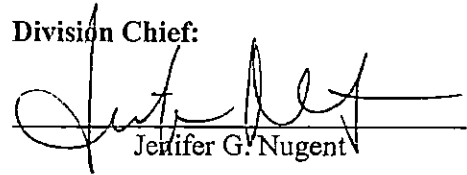
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Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
Matthew Cimino, Jessica Lehson
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 15 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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: August 15, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0039-A
Address 215 Melancthon Avenue
(Cimino & Lehson Property)

Zoning Advisory Committee Meeting of **August 20, 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
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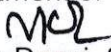
Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: September 5, 2018

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2018
Item No. 2019-0016-A, 0022, 0023-SPH, 0029-A, 0038-A, 0039-A, 0040-A
and 0042-SPHA

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

*

*

*

*

*

VKD: cen
cc: file

CASE NAME _____
CASE NUMBER 2019-0039-A
DATE 10/4/18

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Melawcthon Avenue
CASE NUMBER 2019-0039-A
DATE Oct. 11, 2018

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9/5</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>No Comment</u>
<u>8/15</u>	DEPS (if not received, date e-mail sent _____)	<u>No Comment</u>
<u>9/10</u>	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>NO Obj w/ conditions</u>
<u>8/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>Opposition</u>
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>CC 1806487</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9/21/18</u>	
SIGN POSTING (1 st)	Date: <u>9/21/18</u>	by <u>Hoffman</u>
SIGN POSTING (2 nd)	Date: _____	by _____
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 - 0813056461			
Owner Information					
Owner Name:	CIMINO, MATTHEW LEHSON, JESSICA		Use:	RESIDENTIAL	
Mailing Address:	215 MELANCTHON AVE LUTHERVILLE, TIMONIUM MD 21093-5321		Principal Residence:	YES	
			Deed Reference:	/35729/ 00182	
Location & Structure Information					
Premises Address:	215 MELANCTHON AVE 0-0000		Legal Description:	215 MELANCTHON AVE SS LUTHERVILLE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0060	0018	0352		0000	2017 0008/0057
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1887	3,106 SF		40,511 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1Det/1Carport
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2017	As of 07/01/2018	As of 07/01/2019	
Land:	219,800	219,800			
Improvements	191,800	202,400			
Total:	411,600	422,200	418,667	422,200	
Preferential Land:	0			0	
Transfer Information					
Seller: STERNE, BARBARA		Date: 01/07/2015		Price: \$420,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35729/ 00182		Deed2:	
Seller: STERNE, JOSEPH R L		Date: 06/18/1993		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /09831/ 00532		Deed2:	
Seller: LJUNGQUIST, MARIE G		Date: 09/13/1972		Price: \$57,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05299/ 00795		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 02/18/2015

Homeowners' Tax Credit Application Information

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

Sherry Nuffer

From: Kristen L Lewis
Sent: Friday, October 05, 2018 10:03 AM
To: Sherry Nuffer
Subject: RE: Missing items

Hey Sherry,

She does have access to her emails, just not everything else at this point unfortunately. I will forward the email to her for you. Its Madison Knoll.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Sherry Nuffer
Sent: Friday, October 05, 2018 9:43 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Missing items

Kristen,

Since Madison doesn't have an e-mail as of yet can you please give her this information?

Thank you,

Sherry

2019-0024-A

- No sign posting
- No People's Counsel Appearance

2019-0026-SPH

- No People's Counsel Appearance

2019-0061-A

- No Newspaper Posting
- No sign Posting
- No People's Counsel Posting

2019-0039-A

- No sign Posting
- No Newspaper posting

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

CIMINO MATTHEW LEHSON JESSICA
 215 MELANCTHON AVE
 LUTHERVILLE TIMONIUM, MD 21093-5321

CASE NUMBER CC1806487	PROP.TAX ID 08-13-056461
VIOLATION ADDRESS 215 MELANCTHON AVE LUTHERVILLE, MD 21093-5321	

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	Requires a minimum of 1 acre to house chickens.

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: 07/04/2018	INSPECTOR ID: 79
	ISSUED DATE: 06/19/2018

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

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

709. MRG-m

David & Marie 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 #20190039
Hearing Date October 11, 2018
215 Melancthon Ave.
Lutherville, MD 21093

Dear Mr. Jablon:

We 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 an undersized lot, regardless of how close to an acre it might be. The County code Section 13-7-311 requires a full acre of land to raise chickens. It would be a detriment to the community to keep allowing variances for chickens on less than an acre. This rule was made for a reason and must be followed, with no exceptions.

- 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 is a contributing structure in the Lutherville Historic District and there are guidelines that must be followed and permits that need to be gotten for an exterior changes to the property or the structure; this includes building out buildings on the property.
- 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 less than an acre 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.

David & Marie Frederick

October 5, 2018

Mr. John Beverungen, Esquire
Office of Administrative Hearings
The Jefferson Building
105 W Chesapeake Ave
Suite 103
Towson, Md 21204



RE: Case 2019-0039-A
215 Melancthon Avenue
Lutherville, MD 21093

Dear Mr. John Beverungen,

I am writing to protest the granting of a variance that will allow the residents of 215 Melancthon Avenue to have 11 chickens on a .93 acre property. County Code section 13-7-311 states housing of fowl and livestock requires a full acre of land. This property contains a 3106 SF main house but also a second dwelling/guest house with several rooms and an attached two car garage. Additionally, a new building was constructed for the chickens (without a required permit). A second chicken coop exists on the property. The property also contains a compost pile, play set, garden and carport all situated on less than an acre. This is not a wide open space. Please take into consideration the reasons listed below as to why granting a variance would be detrimental to the neighborhood.

Chickens are a source of disease and bacteria including salmonella, campylobacter, histoplasmosis to name a few. They produce a large amount of waste. Waste management, disposal and run off are potential issues. 11 chickens is a large flock for a residential neighborhood where several houses are in close proximity. For a hobby or to have the "experience" with chickens, it does not seem necessary to have such a large number of chickens. Chicken's waste, eggs and feed can attract mice, rats, raccoons, foxes, and flies.

Many homes in Historic Lutherville are on lots less than 1 acre. Granting a variance on a property less than an acre may lead other property owners to seek a variance for chickens and open doors to all other livestock. Maryland Department of Agriculture has a Mandatory Poultry Registration however the flocks are not regulated by anyone. Flock size, sanitary conditions, waste management, etc are not regulated.

215 Melancthon Avenue is located in a "County Historic District." Chickens should not be allowed within the boundaries of Baltimore County Historic District. There are strict guidelines that are in place to protect the appearance of the neighborhood. The law specifies in Section 32-7-403 "any excavation, construction, alteration, reconstruction, moving, demolition, removal or erection of any building, fence, wall or other new structure of any kind requires a permit from the County." This means **any** building; sheds, tree houses, etc. The structure is visible from the street and property owners seeking this variance have not obtained a permit for their newly built structure that is housing these chickens. Granting a variance to allow chickens in this structure would be a code violation based on the structure alone. An example of the strict guidelines, Record Number CB99CO0085214, 1603 Francke Ave Lutherville, MD 21093 was forced to remove a "tree house built in historic district." The property owners did not obtain a permit and were forced to remove the structure. Any structure must be approved **prior** to being built. Please see attached "A" (pages 2 and 3) highlighted area and "B."

CONFIDENTIAL

RECEIVED
JUL 15 1964
U.S. DEPARTMENT OF JUSTICE

to who granting a variance would be detrimental to the neighborhood. This is not a wide open space. Please take into consideration the reasons listed below for the property. The property also contains a compost pile, play set, garden and chicken coop on the east side. A building is constructed for the chickens (without a fenced perimeter). A second chicken coop exists on the second dwelling/guest house with several rooms and an attached two car garage. Additionally, a new lawn and driveway requires a full acre of land. This property contains a 3100 SF main house but also a 4000 SF detached garage. A variance is requested for the following reasons:

neglected. Hocks are not regulated by anyone. Hocks are in sanitary conditions, waste management and are not livestock. Many land Department of Agriculture has a mandatory Poultry Registration how do you then in some way lead other property owners to seek a variance for chickens and down doors to all other Many homes in historic municipalities are on lots less than 1 acre. Granting a variance on a property less

be approved prior to being built. Please see attached "A" (pages 2 and 3) highlighted areas and "B".
 proper owner did not obtain a permit and was forced to remove the structure. A new structure must
 Frank Ave Louisville, MD 21093 was forced to remove a "one house built in historic district". The
 on the structure alone. An example of the strict guidelines, Record Number CB00C00085714, 1003
 these churches. Planning a variance to allow churches in this structure would be a code violation and
 owners seeking this variance have not obtained a permit for their newly built structure that is housing
 means any building sheds, tree houses, etc. The structure is visible from the street and property
 building, fence, wall or other new structure of any kind requires a permit from the County. This
 excavation, construct an addition, reconstruction, moving, demolition, removal or erection of any
 place to protect the appearance of the neighborhood. The law specifies in Section 20-7-103 "and"
 within the boundaries of Baltimore County Historic District. There are strict guidelines that are in
 315 McBethon Avenue is located in a "County Historic District". Citizens should not be allowed

The property owners at 215 Melancthon Avenue have knowingly housed these chickens illegally and built a structure that is not approved in an attempt to get away with something and to do what they want by ignoring codes. They have not taken into consideration their neighbors, the historic permits and county code. There are reasons for codes and most neighbors appreciate and follow them. Please do not grant this variance. I'm afraid to attend this hearing as I do not want to upset these neighbors which is ironic as they are violating codes and should be the one that feels uncomfortable.

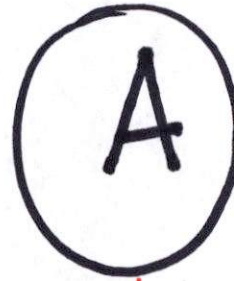
Thank you very much for your time and consideration.

Sincerely,

Anonymous resident in Lutherville Historic District



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County Historic Districts Frequently Asked Questions

Frequently Asked Questions

1. [What are the standards for defining a historic district in Baltimore County?](#)
2. [Who decides whether an area qualifies as "historic"?](#)
3. [How is a Baltimore County Historic District established?](#)
4. [What authority does the Commission have over development or use of properties inside a County Historic District?](#)
5. [Do I still need a historic permit even if I don't need a building permit?](#)
6. [What authority does the Commission have over properties adjoining or near a County Historic District?](#)
7. [Are there any financial advantages to being in a County Historic District?](#)
8. [Which Historic Districts have been enacted by the County Council?](#)

1. What are the standards for defining a historic district in Baltimore County?

Baltimore County Law (Section 32-7-101 in the County Code, 2003) defines "County Historic District", as an area in the County designated by the County Council in which

there are located structures that have historical, cultural, educational, or architectural value, the preservation of which is deemed to be for the educational, cultural, economic, and general welfare of the inhabitants of the county.

2. Who decides whether an area qualifies as "historic"?

Initially, the matter is considered by the Landmarks Preservation Commission (LPC) in reviewing a Petition for a district. Ultimately, the vote is by the County Council.

3. How is a Baltimore County Historic District established?

The procedure for officially enacting a district has four main steps. Full details are specified in Section 32-7-201 of the County Code. In summary, the steps are:

- Proponents of a district prepare a petition signed by the owners of at least 75 percent of the property (in land area) included in the proposed district.
- The petition is submitted to the LPC, which after study and a public hearing, may designate the area as a proposed historic district and determine its boundaries.
- After the Commission has designated the area, it sends written notice of the designation to the owner of each property in the proposed district. The Commission also submits the proposal to the County Executive for review. The Executive has up to 60 days to review the matter.
- Ultimately, the proposal is scheduled for a public hearing by the County Council. The Commission again sends written notice, informing the property owners at least 45 days before the hearing. The Council has up to 90 days after the hearing to approve or reject the proposed district or any portion of it.

4. What authority does the Commission have over development or use of properties inside a County Historic District?

The law specifies, in Section 32-7-403, that any excavation, construction, alteration, reconstruction, moving, demolition, removal, or erection of any building, fence, wall or other new structure of any kind, requires a historic permit from the County. This includes such things as the installation of new siding, replacement windows and trim. Subsequent sections in the law list the procedure for review and approval of the historic permit application by the LPC before the County may issue



building or other permits. The LPC's decisions are guided by the [Secretary of the Interior's Standards](#). Although the LPC has authority over the exterior appearance and design of a project, the normal County zoning, environmental, building, etc. laws continue to authorize and regulate the other aspects of developing and using a property.

5. Do I still need a historic permit even if I don't need a building permit?

Yes. The requirements to obtain a historic permit apply to any of the actions described in the preceding answer, whether or not any building, grading, demolition or other permit from the County is required.

6. What authority does the Commission have over properties adjoining or near a County Historic District?

The LPC has no regulatory authority outside the boundaries of the historic districts enacted by the County Council except for structures that have been placed individually on the Baltimore County Landmarks List. The Commission may, however, make advisory comments on the treatment of historic properties anywhere in the County.

7. Are there any financial advantages to being in a County Historic District?

Eligible properties – those deemed by the Maryland Historical Trust (MHT) to be "contributing" to the district's historic significance – may receive a state income tax credit of 20 percent of the eligible expenditures for rehabilitation of historic structures. The State (MHT) and the County (LPC) can, at the owner's request, coordinate on the approval of the proposed work to avoid conflicting requirements. Complete information about the [state tax credit program](#) is available at MHT's web site.

Under certain circumstances, substantial rehabilitation expenditures may also qualify the property for the [County Historic Tax Credit](#).

8. Which Historic Districts have been enacted by the County Council?

The enacted County Historic Districts are Glyndon, Monkton, Corbett, Lutherville, Sudbrook Park (3 separate, adjoining Districts), Rippling Run, Franklinville, Relay, and Fieldstone. Single Property County Historic Districts that have also been enacted are Ahearn-Braid House, English Consul House, Overlea House, Rest-



Melby House, The Ridge Mansion, and the Wicks House. Learn more about existing [County historic districts](#).

DEPARTMENT OF PLANNING

DID THIS PAGE HELP?

Fields marked with * are required.

Page Rating *

- ☐ Excellent
- ☐ Good
- ☐ Average
- ☐ Poor
- ☐ Very Poor

Explain Your Rating

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Baltimore County Government

Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

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Baltimore County

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Record CB99CO0085214:
Building Complaint
Record Status: Closed

[Record Info ▼](#)

Property Location

1603 FRANCKE AVE
LUTHERVILLE TIMONIUM MD 21093

Application Details

Complaint Description:

TREE HOUSE BUILT IN HISTORIC DISTRICT

519 1909061000



The Daily Record

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

PUBLISHER'S AFFIDAVIT

Order #: 11617588
Case #: 2019-0039-A
Description:

CASE NUMBER: 2019-0039-A NOTICE OF ZONING HEARING

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:

9/21/2018



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: 2019-0039-A

215 Melancthon Avenue

S/S of Melancthon Avenue, 508 ft. SE to the centerline of Francke Avenue
7th Election District - 3rd Councilmanic District

Legal Owners: Matthew Chirino & Jessica Lehson

Variance to allow 11 chickens on .93 acres in lieu of the required 1 acre.

Hearing: Thursday, October 11, 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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3863.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

s21

Debra Wiley

2019-0039-A

10/11

10Am

From: Madison Knoll
Sent: Friday, October 05, 2018 3:05 PM
To: Debra Wiley
Subject: FW: Message from "RNP002673BFB3B1"
Attachments: 20181005151124631.pdf

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

From: cpr111@baltimorecountymd.gov [mailto:cpr111@baltimorecountymd.gov]
Sent: Friday, October 05, 2018 3:11 PM
To: Madison Knoll <mknoll@baltimorecountymd.gov>
Subject: Message from "RNP002673BFB3B1"

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

Scan Date: 10.05.2018 15:11:24 (-0400)
Queries to: cpr111@baltimorecountymd.gov



CERTIFICATE OF POSTING

RE: Case No. 2019-0039-A

Petitioner: Matthew Cimino

Hearing Date: 10/11/18

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204



This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____
215 Melancthon Ave. (Front of property – E & W sides)

_____ on 9/21/18

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Hoffman", followed by the date "9/21/18".

Richard E. Hoffman

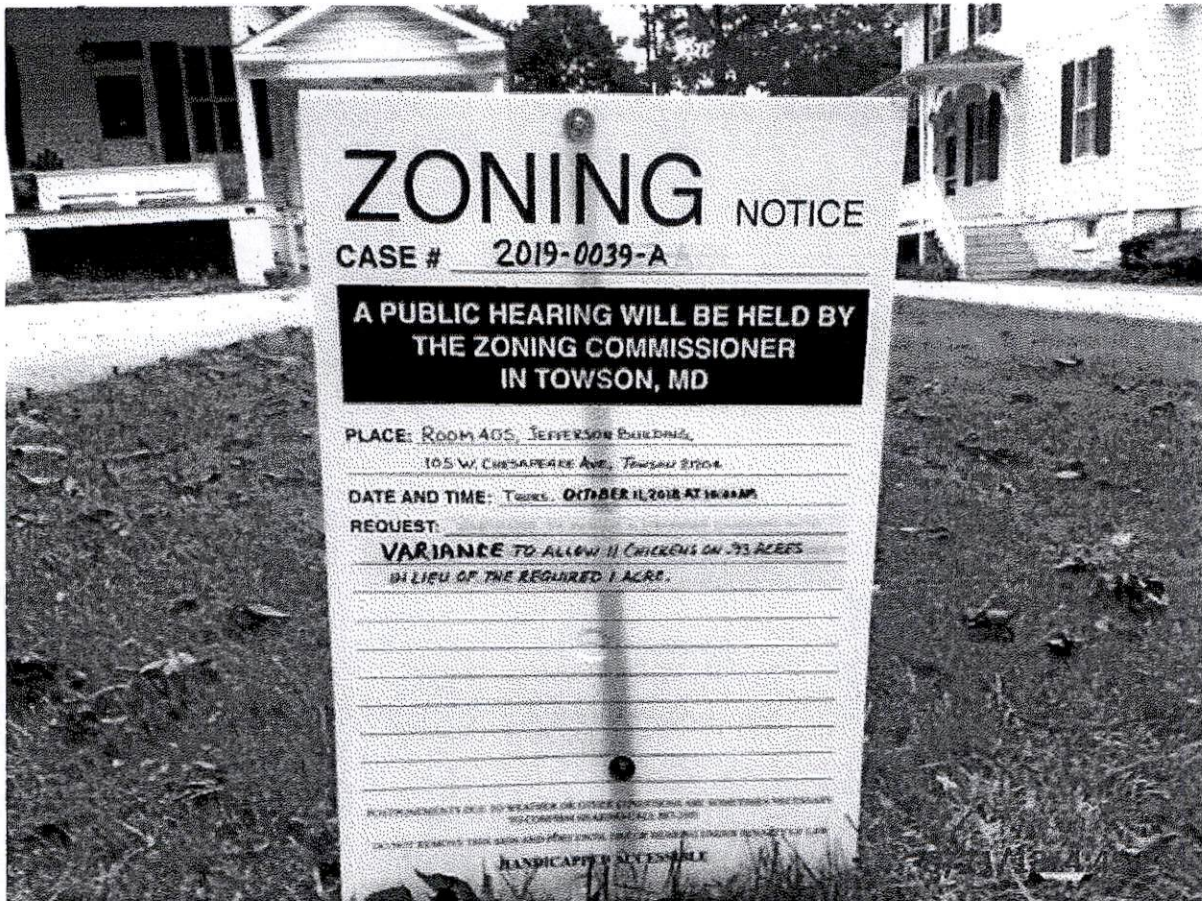
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No 2019-0039-A



215 Melancthon Ave. (WS Front-2 of 2)



Richard E. Hoffman 7/21/18

Richard E. Hoffman

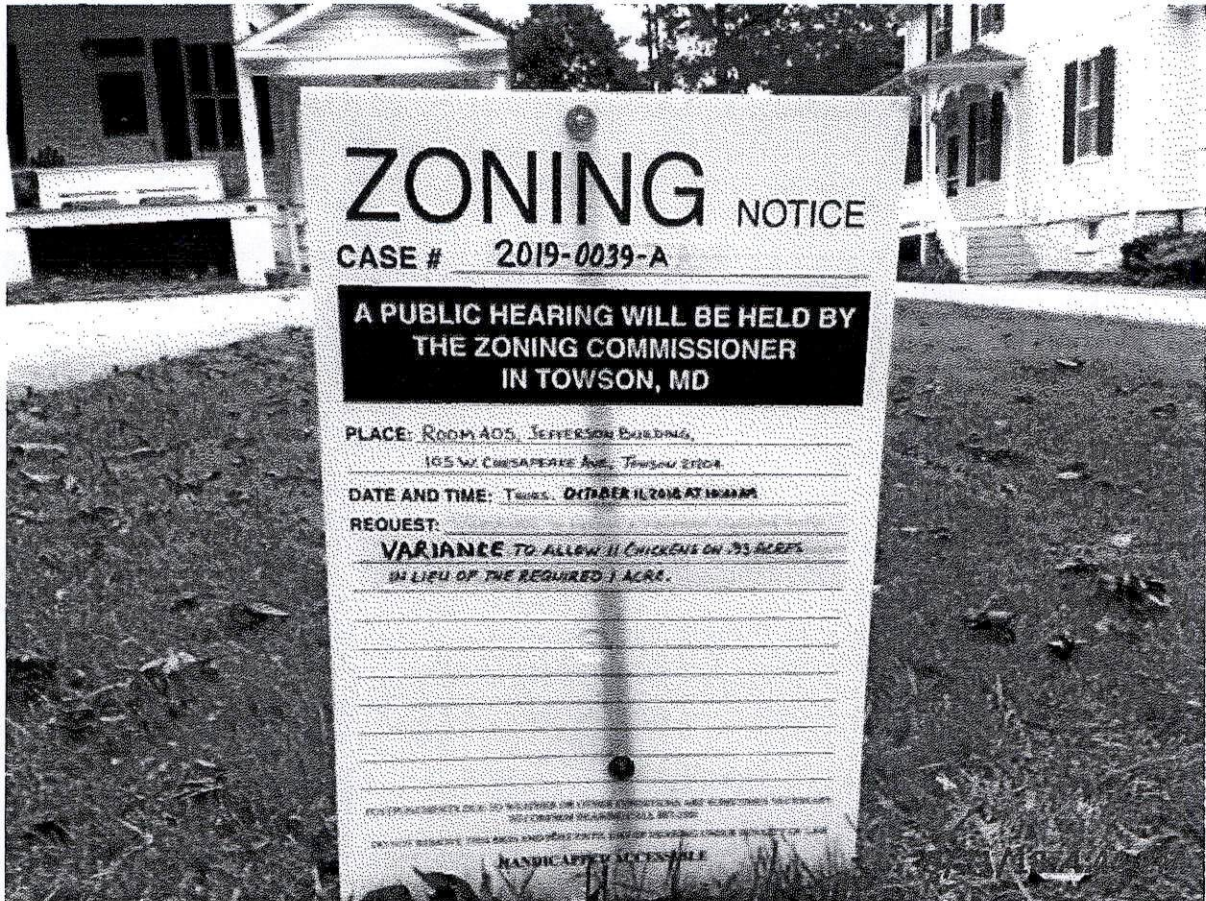
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No 2019-0039-A



215 Melancthon Ave. (ES Front-1 of 2)



Richard E. Hoffman 9/21/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
215 Melancthon Avenue; S/S of Melancthon	*	OF ADMINSTRATIVE
Avenue, 508' SE c/line of Francke Avenue	*	HEARINGS FOR
7 th Election & 3 rd Councilmanic Districts	*	
Legal Owner(s): Matthew Cimino &	*	BALTIMORE COUNTY
Jessica Lehson	*	2019-039-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.

RECEIVED
AUG 14 2018

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 14th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Matthew Cimino & Jessica Lehson, 215 Melancthon Avenue, Lutherville, Maryland 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

October 3, 2018

The Honorable Judge Beverungen
The Office of Administrative Hearings
105 W Chesapeake Ave
Towson, MD 21204

RE: Variance request 215 Melancthon Avenue, Lutherville, MD 21093

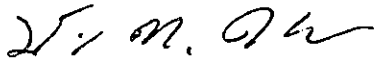
Dear Judge Beverungen,

We are the owners and residents of 216 Melancthon Avenue and are writing to express our strong support for the variance requested by the owners of 215 Melancthon Avenue that will allow them to maintain a small flock of chickens on their property (case number 2019-0039-A). We do not find the chickens to be a nuisance or detriment to the neighborhood. Rather, they are fun and of great interest to our three children. Indeed, the chickens have been part of the neighborhood since we arrived in 2013. At that time they resided at 207 Melancthon, a slightly larger lot. We were pleased to learn the chickens found a new home when their previous owners left the neighborhood in March of this year.

Note that the house at 215 Melancthon Avenue was built in 1887 and, as such, is a contributing structure to the historical designation of Historic Lutherville, a registered historic district. As you likely know, a small flock of backyard chickens is in keeping with the Victorian tradition of such homes. Of note, the lot is only fractionally (0.07 acre) shy of the required one acre. Due to the layout of the plat, with the house close to the road, most passersby would never even know the chickens were in the yard as they tend to spend the vast majority of their time towards the back of the lot, obstructed from view by the house and camouflage of their natural colors. Lastly, this is a small flock of chickens (≤ 12) with no intention to increase the numbers and, by definition, the flock does not include and roosters.

Thank you for considering our support in your ruling.

Sincerely,




David N. Hager, MD, PHD
Veena K. Acharya, MD
216 Melancthon Avenue
Lutherville, MD 21093
443-804-7516

October 6, 2018

The Honorable Judge Beverungen
The Office of Administrative Hearings
105 W Chesapeake Ave
Towson, MD 21204

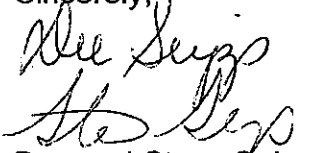
RE: Variance request 215 Melancthon Ave.

Dear Judge Beverungen,

We are writing as residents of 217 Melancthon Avenue to express our views regarding the variance requested for 215 Melancthon Avenue case number 2019-0039-A. We are supportive of the variance request proposed by our neighbors. We do not find their chickens to be either a nuisance or a detriment to the neighborhood, and my grandchildren enjoy visiting them. Since the lot is only fractionally shy of the required one acre we see no reason not to grant the variance.

Thank you for considering my support in your ruling,

Sincerely,



Dee and Steve Seipp
217 Melancthon Ave
Lutherville, Md 21093

October 2, 2018

The Office of Administrative Hearings
105 W Chesapeake Ave
Towson, MD 21204

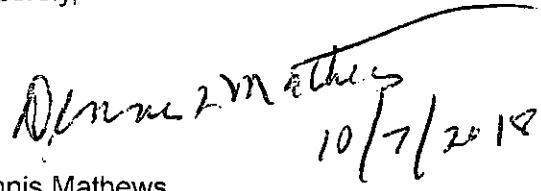
RE: Variance request 215 Melancthon Ave.

Dear Judges Stahl and Beverungen,

We are writing as residents of Melancthon Avenue to express our views regarding the minor variance requested for 215 Melancthon Avenue case number 2019-0039-A. We would like to express our support for the variance request proposed by our neighbors. I do not find their chickens to be either a nuisance or a detriment to the neighborhood and my property adjoins theirs. As a matter of fact, I also keep chickens on my property. Historic Lutherville is a registered historic district and a small flock of backyard chickens is in keeping with the victorian pedigree of the home. The lot is only fractionally shy of the required one acre.

Thank you for considering my support in your ruling,

Sincerely,


Dennis Mathews
211 Melancthon Ave
Lutherville, MD 21093

Rita Nabhan
Lutherville Community Association Board Member
1722 Kurtz Avenue
Lutherville, MD 21093

County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Dear Zoning Review Committee:

This Letter of Intent is in support of 215 Melanchton Avenue's request for a variance to maintain chickens for our nearly an acre property. There is currently an easement for a structure built on part of our property, reducing the size.

I'd like to give a character reference for this neighbor as an upstanding and positive contributor to our community. Jessie Lehson is a Master Gardener and educated in sustainable farming practices. I fully support her family raising chickens responsibly, while respecting the land and neighbors around her. The original property was once a farm, and the presence of chickens is simply natural to the intended use of this historic property. My own home at 1722 Kurtz Avenue, was once home to backyard betting and cock fighting (as evidenced by the ring found in the back corner of our property). 215 is simply raising chickens to feed her family cage free eggs and teach responsibility in maintaining the integrity of our food sources.

I would like to ask the board to reconsider and revoke the received citation. Backyard chickens are legal in Baltimore City, Downtown Frederick and Downtown Annapolis and often raised by far less conscientious citizens on postage stamp plots of land. Please consider the variance for this property.

Respectfully,

Rita Nabhan
LCA Board Member and Historic Home Owner

Jennifer Liles
1603 Bellona Avenue
Lutherville, MD 21093

June 28, 2018

To Whom It May Concern:

I am writing a letter of support for my neighbor at 215 Melancthon (The Lehson/Cimino Family) in regards to her citation for homesteading backyard chickens. I was surprised to learn through her ordeal that backyard chickens were a cited offense and required a specific lot size. While the idea of a flock of chickens pertaining to livestock farming isn't incorrect, the requirements and needs of chickens compared to that of a pig, goat, cow and etc. are grossly different. They do not require a large plot of land, they are self-contained and often feed on bugs, scraps and can contain the pest population.

I am a Public Historian who focuses on the American War era of 1910-1950. By studying this period, I learned a good amount about the homesteading of chickens. The government advertised the use of backyard chickens to aid in both World War 1 and World War 2's war efforts. By requesting families in all setting (rural, urban and (soon to be known suburban) to have chickens, they were saving the country from having to surplus an army as well as its citizens at home. The eggs and chickens kept by each family were for personal use and would offset the big farms that would then use their stock for the army. This same ideal applied to a victory garden and many took pride with their bounties. During the Depression, the same means were applied and families were encouraged to engage in this homesteading as a way to alleviate some burden. My house, which was built in 1925, has remnants of our garage/barn having been used during this time for chickens. Many neighbors within my sight remembering owning chickens as children in the 50s. My own family who grew up in the Woodberry area (in homes that are now being utilized for an apartment building along the tracks) had chickens which would run dare across the tracks to avoid a naughty young boy (my grandfather).

While the history of backyard homesteading may not be relevant, I do believe that those who chose to partake do so out of honor for those who have come before and want to live life like

those who helped shape this country. It was and can still be viewed as a patriotic act and one that was once and can still be looked at as a symbol of being all-American.

As for the containment and odor/waste issues, from what I found, The Ciminis are utilizing the chickens and coop that was designed and kept by a previous resident (The Reisingers). Within that system, the chickens are kept closed in at night and allowed access to a small portion of enclosed grass space during the day. He showed me his design and it worked perfectly to keep predators away. For each family I know that has chickens, not one of those coops smell or produce a dangerous amount of waste. Unlike pigs and goats, the excrement of chickens is managed by the coop and the cleanout process that is required can be used within the garden as a fertilizer, it is a complete composting system. Hence why the vegetable gardening and chicken homesteading works wonders. I can say that having numerous dogs/cats that produce unusable waste often creates a smell which can be felt by even the most distant of neighbors, these animals however, are lawful. I feel that we need to look at the merits of the situation instead of any hard fast rules or making a grey situation black/white. There are many strange laws on the books that are antiquated which we all often break but are unaware, I feel that this issue is one of the same and will eventually be an issue of naught.

Thank you for your time and consideration,

Jennifer Liles

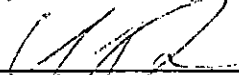
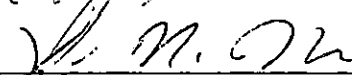
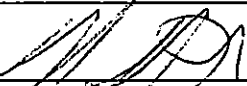
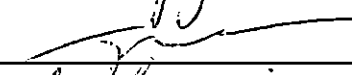
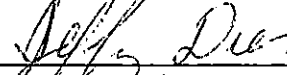
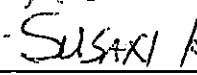
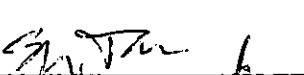
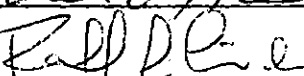
Public Historian

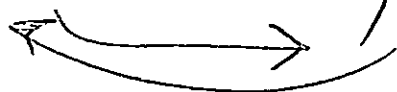
Historian (LCA Board)

Petition Supporting an Area Variance for Pet Chickens at 215 Melancthon Ave

To encourage a kind, conscientious and engaged community, I, the undersigned, support the right of residents to make full use of their property by undertaking projects and improvements that maintain the spirit and character of Historic Lutherville, as decided by a majority of residents, and are considerate of their neighbors.

The raising of chickens is a clean, quiet, environmentally friendly Victorian appropriate past-time in keeping with the character and spirit of Historic Lutherville. With these principles in mind, I, the undersigned, support a variance from the required 1 acre minimum lot size, at 215 Melancthon Ave where the size of this lot is .93 acres, to allow the possession of well cared for pet chickens.

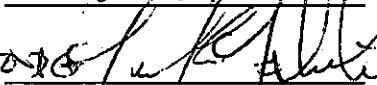
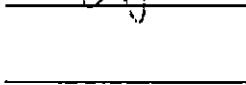
Name	Signature	Address	Date
Rita Nabhan		1722 KURTZ AVE	8-25-18
Charles Nabhan		1722 KURTZ AVE	8-25-18
DAVID HAGE		216 Melancthon Ave	8/25/18
Johi Green		201 Melancthon Ave	2/25/18
W. Stephen Se...		217 Melancthon Ave	8/25/18
Deirdre Scupp		217 Melancthon Ave	8/25/18
Jeffrey Dier		209 Morris Ave	9/7/18
Marie Hoerr		330 Lincoln Ave	9/22/18
Taren Ste...		208 Melancthon Ave	10/6/18
Susan Hillis		206 Melancthon Ave	10/6/18
Elizabeth Tarran-Jen		207 Melancthon Ave	10/6/18
Ernie Shea		208 Melancthon Ave	10/6/18
RICHARD LINDEN		221 Melancthon Ave	10/6/18
Debra Miran		226 Melancthon	10/6/18



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Name	Signature	Address	Date
215 Melancthon Ave MIRAN		226 MELANCTHON AVE	10/6/18
Timothy L. Mullins		1611 Fessenden Ave	10/6/18
Andrew B. Tamm		212 Melancthon	10/7/18
ELLEN JANSEN	Ellen Jansen	212 MELANCTHON	10/7/18
Dennis MATHEWS	Dennis Mathews	211 Melancthon	10/7/2018
JOHN RACE		115 Melancthon Ave	10/8/2018
Linda Davis		201 Melancthon	10/8/18
Mark McLaughlin	Mark McLaughlin	115 Melancthon	10/8/18
Vivian O'Connor		220 Melancthon Ave	10/10/18
H. Jay O'Connor	H. Jay O'Connor	210 Melancthon Ave	10/10/18
Roy Brewer		217 Melancthon Ave	10/10/18



This petition has collected
75 signatures
using the online tools at [ipetitions.com](https://www.ipetitions.com)

Printed on 2018-10-10

Chickens are Awesome!

About this petition

Petition Supporting an Area Variance for Pet Chickens at 215 Melancthon Ave

To encourage a kind, conscientious and engaged community, I, the undersigned, support the right of residents to make full use of their property by undertaking projects and improvements that maintain the spirit and character of Historic Lutherville, as decided by a majority of residents, and are considerate of their neighbors.

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Signatures

1. Name: Matthew Westerbeck on 2018-09-13 14:08:06
Address:
Comments: I saw a billboard that said "Eat Mor Chickn" being painted by some cows and I can only assume supporting THIS was what they wanted me to conclude from that.

2. Name: Molly White on 2018-09-13 14:14:48
Address:
Comments:

3. Name: Haley on 2018-09-13 14:16:58
Address:
Comments:

4. Name: Danielle Villagomez on 2018-09-13 14:34:50
Address: 1706 Greenspring Drive
Comments:

5. Name: Joshua Stull on 2018-09-13 14:48:03
Address: 702 Goucher Avenue
Comments:

6. Name: Michael Marsden on 2018-09-13 14:57:02
Address: 1423 Burton Avenue
Comments:

7. Name: Chrissy Jerbi on 2018-09-13 14:57:04
Address:
Comments: Good luck Jessie! I think keeping chickens is a wonderful idea.

8. Name: Karen Morrissey on 2018-09-13 15:37:00
Address: 327 W. Seminary Ave
Comments:

9. Name: Robin Bainbridge on 2018-09-13 16:31:10
Address: 703 Morris Ave Lutherville md 21093
Comments:

10. Name: jack leonard on 2018-09-13 16:38:31
Address: 221 Spring Avenue
Comments: Let the people enjoy their chickens, for heaven's sake!

11. Name: Tracie Bradford on 2018-09-13 18:00:21

-
12. Name: Rachel Sakaduski on 2018-09-13 18:17:09
Address:
Comments:
-
13. Name: Bronwyn mitchell-strong on 2018-09-13 20:58:42
Address: 2201 eastridge rd, timonium 21093
Comments: In 21093 and everywhere throughout the county!!!
-
14. Name: Brittany on 2018-09-13 23:31:29
Address:
Comments:
-
15. Name: Casey on 2018-09-14 00:41:34
Address:
Comments:
-
16. Name: Andrea on 2018-09-14 00:56:10
Address:
Comments:
-
17. Name: Lissa Sundermann on 2018-09-14 01:37:16
Address: 1511 Norman Ave, Lutherville, MD 21093
Comments: I walk passed this property often, and enjoy chickens. I like them, and like to have them in the neighborhood.
-
18. Name: Steph Zinger on 2018-09-14 01:58:43
Address: 1511 Norman Ave, lutherville, me 21093
Comments:
-
19. Name: Jennifer Liles on 2018-09-14 12:42:38
Address: 1603 Bellona Avenue
Comments:
-
20. Name: STEPHEN GILLISS on 2018-09-14 14:00:24
Address: 1604 GREENSPRING DR
Comments: The County code should be changed to allow for chickens on much smaller properties. How are chickens worse than three dogs? This is a stupid code.
-
21. Name: Jennifer Maria on 2018-09-14 20:42:40
Address: 1513 Bellona Ave
Comments: My daughter and I Love seeing the chickens!!!

22. Name: Christine Hufnagl-Miller on 2018-09-15 00:55:31
Address: 204 W Seminary Ave 21093
Comments:

23. Name: Elsie on 2018-09-15 03:28:43
Address: 1625 Bellona Avenue
Comments:

24. Name: Renee Turner on 2018-09-15 15:28:26
Address: 1613 Greenspring Drive, Lutherville, MD 21093
Comments:

25. Name: Sara lewis on 2018-09-15 15:53:03
Address: 702 goucher avenue
Comments: Yay for
Chickens!

26. Name: Allie Pearlman Sax on 2018-09-15 18:31:05
Address: 627 Goucher Ave. Lutherville, MD 21093
Comments:

27. Name: Nancy Poole on 2018-09-16 13:15:09
Address: 1424 Francke Ave, Lutherville, MD, 21093
Comments:

28. Name: Marianne Wittelsberger on 2018-09-16 14:56:46
Address: 206 West Seminary Ave, 21093
Comments:

29. Name: Sarah McCarthy on 2018-09-19 20:57:41
Address:
Comments:

30. Name: Charley on 2018-09-20 00:26:48
Address:
Comments:

31. Name: Robert Leonard on 2018-09-21 11:38:26
Address: 2313 Wonderview Rd, Timonium, MD 21093
Comments:

32. Name: Matt Szimanski on 2018-09-21 11:54:15
Address: 50 Oakway Rd. Timonium Md 21093

-
33. Name: Kurt Nachtman on 2018-09-21 11:58:48
Address:
-
34. Name: Mark Lee on 2018-09-21 12:00:19
Address: 712 Morningside Drive
Comments:
-
35. Name: Erica Cook on 2018-09-21 12:00:30
Address: Monkton, MD 21111
Comments:
-
36. Name: Susan Fothergill on 2018-09-21 12:01:49
Address: 346 Rosebank Ave
Comments:
-
37. Name: Thomas Smith on 2018-09-21 12:08:33
Address: 8339 Carrbridge Circle
Comments:
-
38. Name: Jennifer Pemberton on 2018-09-21 12:12:23
Address: 214 Chantrey Road
Comments:
-
39. Name: Elizabeth on 2018-09-21 12:16:56
Address: Cockeysville
Comments:
-
40. Name: Christina Meninger on 2018-09-21 12:20:56
Address:
Comments: Let people have chickens in their yards.
-
41. Name: Jennifer Bergantz on 2018-09-21 12:21:06
Address: 10115 DAVENTRY DR
Comments:
-
42. Name: Lisa Radov on 2018-09-21 12:39:47
Address: 3212 Hunting Tweed Drive
Comments:
-
43. Name: Mary Braden on 2018-09-21 12:56:20

Address: 2715 Crestfield Ave, Baltimore MD 21215
Comments:

44. Name: Farrah Arnold on 2018-09-21 13:01:52
Address: 22 Old Elm Ct, Lutherville, MD 21093
Comments:

45. Name: James Leonard on 2018-09-21 13:21:29
Address: Comments:

46. Name: Lisa Oelfke on 2018-09-21 13:24:47
Address: 3925 Beech Ave #422, Baltimore, MD 21211
Comments:

47. Name: Connie Bison on 2018-09-21 13:27:56
Address: 31 Sparks Farm Rd 21152
Comments: Allowing this variance just makes common sense.

48. Name: Criselle Anderson on 2018-09-21 13:46:53
Address: 1534 Pickett Road
Comments:

49. Name: Kathleen miller on 2018-09-21 13:54:24
Address: 201 brightdale road 21093
Comments:

50. Name: Mimi Schmitz on 2018-09-21 13:54:57
Address:
Comments:

51. Name: Russ Kirchenbauer on 2018-09-21 13:58:51
Address: 150 Warwick Drive
Comments:

52. Name: Susana Barrios on 2018-09-21 14:33:48
Address: 1020 Kenilworth Dr.
Comments:

53. Name: Trish Mayhugh on 2018-09-21 14:34:01
Address:
Comments:

54. Name: Nikeita Passley on 2018-09-21 14:47:35

Address.

Comments: Best of luck! I grew up with chickens so I fully support this!

-
55. Name: Ryan Burton on 2018-09-21 15:01:26
Address: 109 Bosley Ave.
Comments: FREE THE CHICKENS FROM THIS CHICKEN OPPRESSION! THE WHOLE THING IS FOWL. ROOTING FOR YOU GUYS! (I felt the usage of capital letters necessary)
-
56. Name: Ben Lawrence on 2018-09-21 15:36:58
Address: 8428 Oakleigh Road, Parkville, MD
Comments: Let them have their chickens.
-
57. Name: Victoria Vestrich on 2018-09-21 17:32:23
Address: Towson, MD 21204
Comments:
-
58. Name: Tina Johns on 2018-09-21 19:26:23
Address:
Comments:
-
59. Name: Bess Rose on 2018-09-21 19:30:14
Address: 373 Old Trail Rd.
Comments:
-
60. Name: Jennifer MILLER on 2018-09-21 20:09:34
Address: 303 E Melrose Ave
Comments:
-
61. Name: Staci Lanham on 2018-09-21 20:17:26
Address: 1010 Overbrook Road
Comments:
-
62. Name: Nancy Hall on 2018-09-21 20:24:31
Address: 19304 Middletown Rd Parkton, Md 21120
Comments:
-
63. Name: Marilyn Story on 2018-09-21 21:26:30
Address: 906 Palladi Drive
Comments:
-
64. Name: Cathy McErlean on 2018-09-22 00:34:58
Address: 417 Charles Street Avenue, Towson, MD 21204
Comments:

-
65. Name: Jennifer on 2018-09-22 14:16:52
Address: 613 W. Chesapeake, Towson MD 21204
Comments:
-
66. Name: Alisa Delice on 2018-09-24 14:47:47
Address: 325 Morris Ave, Lutherville
Comments:
-
67. Name: Jane Brewer on 2018-09-24 15:36:07
Address: 212 Morris Ave, Lutherville MD 21093
Comments:
-
68. Name: Jane Brewer on 2018-09-24 15:36:07
Address: 212 Morris Ave, Lutherville MD 21093
Comments:
-
69. Name: Tina Genrle on 2018-09-24 16:31:42
Address: 600 Spring Ave, Lutherville MD 21093
Comments:
-
70. Name: Jim Metzler on 2018-09-24 16:51:32
Address:
Comments:
-
71. Name: Heather Dungan Lemko on 2018-09-25 11:44:26
Address: 1725 Kurtz ave
Comments: I don't mind chickens in the neighborhood.
-
72. Name: Kathy Feroli on 2018-09-25 12:28:44
Address: Morris ave
Comments:
-
73. Name: PETA N RICHKUS on 2018-09-25 21:43:21
Address: 107 A VERSAILLES CIR
Comments: I totally support the variance, chickens and their fresh eggs!
-
74. Name: Andrew Mininsky on 2018-09-30 18:02:41
Address: 213 Morris
Comments:
-
75. Name: Kim Beard on 2018-10-03 21:41:04
Address: 1416 Francke Ave Lutherville MD 21093
Comments:

76. Name: Debbie Trone on 2018-10-10 20:28:07
 Address: 1517 Bellona Ave
 Comments:

The raising of chickens is a clean, quiet, environmentally friendly Victorian appropriate past-time in keeping with the character and spirit of Historic Lutherville. With these principles in mind, I, the undersigned, support a variance from the required 1 acre minimum lot size, at 215 Melancthon Ave where the size of this lot is .93 acres, to allow the possession of well cared for pet chickens.

[illegible]

October 10, 2018

The Honorable Judge Beverungen
The Office of Administrative Hearings
105 W Chesapeake Ave.
Towson, MD 21204

RE: Variance request 215 Melancthon Ave.

Dear Judge Beverungen,

I am writing in support of the Lehson family. I urge you to grant the variance that will allow them to keep their chickens on their property. I am a fellow resident of the Lutherville community and find the Lehsons to be exemplary neighbors.

The Lehsons have built and properly maintained an area in their back yard which provides a clean, safe, and humane environment for their chickens. I believe the practice of keeping chickens is a wonderful experience for a family like the Lehsons that offers a hands-on education in husbandry for their children and interested neighbors like myself.

There are certainly legitimate concerns when caring for any kind of animal in a residential area. Chief among them is that the animal in question is given the best possible conditions in which to thrive. The Lehsons have taken great care to ensure their chickens have exactly that, thus making them valuable and enriching components of their daily lives.

As long as the Lehsons continue to tend their chickens properly, as they have since day one, there is no reason to believe that there will be any health- or safety-related issues as a result of their presence in our neighborhood.

Please allow them to keep their chickens as they have worked so hard to have them in the first place.

Respectfully,

Chrissy Jerbi
Lutherville resident
529 Morris Avenue

The owners of 215 Melancthon Avenue, Jessica Lehson and Matthew Cimino (“the owners”) include the following information in support of their request for a zoning variance to allow the housing of chickens.

Two-step Test for Variance

Under authority of Section 307.1 (BCZR), the Administrative Law Judge, applying the two-step test, has the authority to grant variance from area regulations.

Uniqueness of Property

The first step is for the petitioner to prove to the satisfaction of the hearing officer that the property whereon use is conducted is unique, unusual and different from the surrounding properties and the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding.

1. The property is unique due to the easement granted to a neighboring property that built over the property line in error. There are no other known properties in the area that are affected by a similar situation.
2. The property is located in the historic Lutherville district. The historic status of the property and structures built upon it make the property unique.
3. Within the district the majority of properties are either larger than an acre, or much smaller at approximately ¼ of an acre. This property is one of the few that is so close to an acre in size at .93 acres.

These conditions make the property unique.

Criteria for Practical Difficulty

The second step of the variance test requires the petitioner demonstrate either undue hardship or practical difficulty. The request for variance does not fulfill the requirements to prove undue hardship, as a reasonable return and use of the property is possible regardless of the housing of chickens. However, the criteria required to provide a practical difficulty are fulfilled.

Criteria that must be met to provide practical difficulty for an area variance:

(i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

Strict compliance will not allow the property owners to house chickens, which is legal and permitted on properties of similar size. The requested variance is slight, .93 acres to the required 1 acres, which in fractional terms the size is more than 13/14^{ths} the required. As such, strict compliance is unreasonable.

(ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.

The owners have received no complaints, or had anything other than support expressed regarding the housing of chickens. The chickens can only be seen when out of the coop while under the supervision of the owners. They are housed in a secluded section at the rear of the property. Surrounding neighbors have expressed support. Roosters will not be a part of the flock, so noise of the chickens will not be an issue. As such there is no known injustice to other property owners in the area. A lesser relaxation would not grant substantial relief.

(iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Without a doubt, an area variance in this case observes the spirit of the ordinance, and secures public safety and welfare. The intent of the law is to restrict the housing of chickens on small properties, and prevent the operation of a commercial poultry business

on small or residential properties. Given that this property .93 acres, and 1 acre is required, the property can be seen as having sufficient size to house chickens. Since few chickens will be housed, and they are kept in a well-maintained, secluded section of the property, there is no safety or welfare impact to the general public, the Lutherville community, or directly adjacent neighbors. In addition, a unanimous support for the owner's housing of chickens has been given by the owners of bordering properties. Furthermore, the coop is barely visible from the road, and chickens, specifically hens, are quiet pets in contrast to roosters or dogs.

With the above statements, the criteria to provide practical difficult are met.

Facts Supporting Request for Variance

A. The neighborhood supports the housing of chickens on the property.

The owners have collected support from their immediate neighbors. Several of their surrounding neighbors didn't realize that chickens were being kept on the property as they are quiet and self contained. Those neighbors that did know the owners keep chickens expressed their support and noted that they enjoyed visiting the chickens with their children and grandchildren. Letters of support and a neighborhood petition are being collected and may be presented at the time of the hearing.

B. Melancthon Avenue has a history of chickens with no issues arising.

The flock was gifted to the owners by the former owner of 207 Melancthon Avenue upon selling his house. There were no known complaints of chickens at his property during the time he resided on the avenue and raised chickens. In addition, chickens are currently housed at 211 Melancthon Avenue. There is no easily observable difference in the size of these three properties. Given the abundant history of chickens on the avenue, residents of the area are used to the presence of chickens.

C. The property is historic and the raising chickens fits with the period during which the main house and barn was constructed.

215 Melancthon Avenue was built in 1887 and the property includes the original animal barn. Keeping livestock and chickens on the property is very much in keeping with the historic nature and age of the property. In the late 1800's and early 1900's it would have been odd to not keep chickens. In fact, Queen Victoria was a well known chicken keeper and set off a "hen fever" in the late victorian period.¹ "Until the nineteen-fifties, it was common to keep a few chickens around.. [s]mall and manageable, chickens were just an extension of a kitchen garden."² In the 30's and 40's homeowners were encouraged to grow victory gardens and keep chickens.³ The decline of backyard urban and suburban chicken keeping can be largely attributed to the rise of inexpensive and readily available grocery store eggs.² The owners have chosen to raise heritage breed chickens that enhance the historical appropriateness of their property.

D. The owners of 215 Melancthon Avenue have created an environmentally friendly space.

The owners of the property have carefully designed and begun implementing a property design that is environmentally friendly and attractive in appearance. Jessica Lehson is a Baltimore County Master Gardener and a Certified Permaculture Designer. Ms. Lehson is an educator, Executive Director of Friends of Great Kids Farm, and leading proponent of integrating agricultural education in public schools. The property is Baywise certified, demonstrating a conscious effort to positively impact the health of Chesapeake Bay watershed. Steps have been taken to manage stormwater runoff from the property, including a mycofiltration system which filters water and directs it into planting beds rather than storm drains. Native flora has been planted to encourage pollinators to thrive in the area. Yard clippings, food scraps and chicken waste are combined to provide nitrogen-rich fertilizer used on the property. The chicken flock is a planned part of the ecosystem.

¹ Rude, Emelyn. "The Forgotten History of 'Hen Fever'." *National Geographic*, 5 Aug. 2015, www.nationalgeographic.com/people-and-culture/food/the-plate/2015/08/05/the-forgotten-history-of-hen-fever/.

² Orlean, Susan. "The Rise of the It Bird." *The New Yorker*, The New Yorker, 18 June 2017, www.newyorker.com/magazine/2009/09/28/the-it-bird.

³ <https://www.thehappychickencoop.com/a-history-of-chickens/>

E. The property is well-maintained and enormous effort is being put into improvements.

The owners purchased 215 Melancthon Ave in 2015 from an elderly former owner who had let the entire property fall into disrepair. Since that time they have painstakingly worked to restore the yard and property and remove huge quantities of invasive weeds. They have developed a 10 year landscape plan and their chickens contribute by removing weeds and insect pests and producing nitrogen rich compost. The high nitrogen and balanced nutrients is the reason that chicken manure compost is the best kind of manure to use.⁴ The owner's chickens are well cared for and not creating a dirty or unsafe environment. Chickens do not attract rodents, however improperly stored chicken food can, just as improperly stored dog and cat food can, birdseed left in outdoor feeders can and improperly stored garbage can attract. The owner's properly store feed in metal containers. In fact chickens will kill and eat rodents⁵ along with ticks, stink bugs and other pests. Baltimore County residents can currently keep up to 3 dogs. A forty pound dog generates more solid waste then ten chickens.⁶ Additionally, dog waste can transmit parasites and disease and unsafe to compost at home.⁷ Chicken waste not toxic, is entirely contained within a few square feet that comprise the chicken coop and run, and is safely compostable and used as valuable fertilizer by the homeowner. Chicken owners don't walk their chickens and allow them to urinate and defecate along sidewalks, roadways, ditches, open fields, and a host of other places where storm water can carry associated bacteria into the water supply. A report looking at potential health risks in backyard flocks concludes that reasonable care in handling chickens and handwashing is adequate protection, stating "...public health scholars have found no evidence that the incidence of disease in small flocks of backyard hens merits banning hens..⁸" The Centers for Disease Control (CDC) concurs in its publications on Salmonella. The owner's chicken coop is attractive and in keeping with the other structures on the property. It makes use of a former eyesore, a non- historic carport area that the former owner

⁴ Rhoades, H. (2018). *Using Chicken Manure Fertilizer In Your Garden*. [online] Gardening Know How. Available at: <https://www.gardeningknowhow.com/composting/manures/chicken-manure-fertilizer.htm> [Accessed 28 Jun. 2018].

⁵ <https://steemit.com/homesteading/@urbanhomesteader/chickens-routinely-hunt-kill-and-eat-mice>

⁶ http://www.nnpstl.com/_ccLib/attachments/pages/Urban+Chicken+Info_7+False+Myths+About+Urban+Chickens_110214.pdf

⁷ USDA Composting Dog Waste https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_035763.pdf and <https://www.gardeningknowhow.com/composting/manures/dog-waste-in-compost.htm>

⁸ Bouvier, Jamie. 2012. "Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens." Retrieved March 24, 2014, from Social Science Research Network.

used as an outdoor kiln and which had crumbled into complete disrepair. (Please see before and after pictures) What was formerly a weed covered pile of broken cinder blocks is now a small well kept coop. According to the Federal Agriculture Organization of the United Nations (FOA) one needs 3.6 feet squared per bird to safely raise chickens. More conservative estimates suggest 10 sq ft per bird⁹. That means that an acre property could easily support 4,356 chickens and 93% of an acre could support more than 4,000. Keeping 4,000 chickens on a suburban property would be ludicrous, but the owner's property provides over 1000 times the FOA recommended space required to keep their existing flock. This allows them more than enough space to keep the space tidy and prevent the flock from having any significant impact on their neighbors. In Baltimore City, owners are required to have 2 sq feet of space per bird and be kept 25 ft from a residence.¹⁰ Chickens lay around 270 eggs a year which allow homeowners access to healthy homegrown food, much like planting a vegetable garden.

F. The nature of flock is in keeping with the spirit of the law.

When B.C.Z.R. 100.6 was written the intention of the statute was to prevent commercial agriculture in suburban neighborhoods. Since that time, chickens have gained popularity as backyard pets.¹¹ The USDA estimates that by 2019 urban chicken flocks will increase by 400%.¹² In fact, the owners chose to keep pet chickens because they are quieter, tidier, lower maintenance and require less space than dogs. Backyard flocks are not kept as part of a commercial agriculture practice, but as family pets. This is in keeping with the spirit of the law. The owner's chicken breeds were chosen for their appearance and docile temperament with children, not financial viability. The chickens all have names, as they are family pets. All of the owners' chickens are hens, they do not keep roosters which might create a noise disturbance. Laying hens, at their loudest, have about the same decibel level as human conversation (60 to 70 decibels). To some, noise is a concern with roosters however the noise level of a rooster's crow is

⁹ <https://livinghomegrown.com/day-24-biggest-concerns-about-raising-backyard-chickens/>

¹⁰ <http://www.baltimoresun.com/news/maryland/baltimore-county/catonville/ph-ca-chicken-owner-0904-20130830-story.html>

¹¹ C. Elkhoraibi, R. A. Blatchford, M. E. Pitesky, J. A. Mench; Backyard chickens in the United States: A survey of flock owners, *Poultry Science*, Volume 93, Issue 11, 1 November 2014, Pages 2920–2931

¹² Boone, Lisa. "Chickens Will Become a Beloved Pet - Just like the Family Dog." *Los Angeles Times*, Los Angeles Times, 27 Aug. 2017, www.latimes.com/style/pets/la-hm-pets-chickens-20170827-story.html.

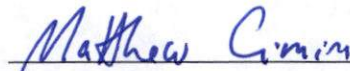
about the same as a barking dog; 90 decibels.¹³ The Baltimore County Council voted unanimously in 2013 to ask the county planning board to reconsider the current laws requiring residents to own at least one acre of land in order to own chickens as pets.¹⁴ This is an indication of the changing attitudes towards backyard flocks. Additionally chickens are a documented teaching opportunity for children¹⁵, of which the owners have two.

G. Recent Baltimore County B.C.Z.R 100.6 Variance Hearing Decisions

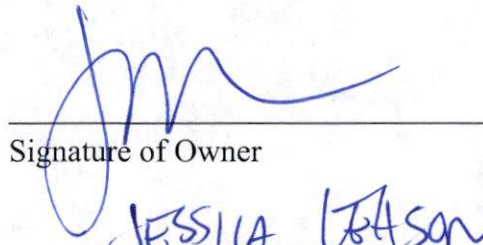
A sample of recent variance hearings pertaining to the code was collected. A review of these indicated that in general the variance was granted provided the two-step test set forth in *Cromwell v. Ward* was fulfilled. In the case where the variance denied, the appellant did not make an effort to fulfill the two-step test for variance to be considered. Similar to other appeals that were granted, an anonymous complaint was submitted to code enforcement.



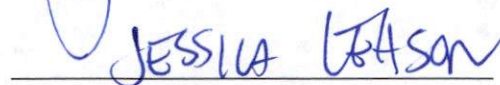
Signature of Owner



Printed Name



Signature of Owner



Printed Name

¹³ http://www.nnpstl.com/_ccLib/attachments/pages/Urban+Chicken+Info_7+False+Myths+About+Urban+Chickens_110214.pdf

¹⁴ <http://www.baltimoresun.com/news/maryland/baltimore-county/catonsville/ph-ca-chicken-owner-0904-20130830-story.html>

¹⁵ National Research Council. (1988). *Understanding Agriculture: New Directions for Education*. National Academy Press, 2101 Constitution Avenue, N.W., Washington, DC. Retrieved from http://www.nap.edu/openbook.php?record_id=766



Maryland Poultry REGISTRATION FORM

Registration is MANDATORY by authority of:
Agric. Art., Section § 3-804.
Annotated Code of Maryland



(Please print all information)

Poultry Caretaker's Name: JESSICA LEHSON
Phone: (443) - 310 3773 Cell: () - E-mail: jlehson@hotmail.com
Mailing Address: 215 Melancthon Ave
Physical Address: (If PO Box is used):
City Lutherville State: MD Zip: 21093 County: Balto.

Number of locations to register: 1 (Please register each location separately)
Address of kept birds: (If different than prior address):
City: State: Zip: County:
Domestic Poultry: (Check ALL that apply, include the number of birds maintained during the last 12 months)
☒ Chickens # 11 ☐ Game Birds (chucker's, pheasants, quails) #
☐ Ratites (ostriches, emus) # ☐ Turkeys #
☐ Waterfowl (ducks, geese, swans) # ☐ Pigeons or Doves: #
☐ A pond is located on the ☐ A body of water is located near this property

Exotic Birds: (Registration of Exotic Birds is voluntary) # # #

(Check ALL that apply)
Purpose of flock: ☐ Auction ☐ Contracted ☒ Hobby/Pet ☐ Live bird Slaughter/Market
☐ Own Consumption ☐ Show/Competition ☐ Other:
What were the sources for the birds ☐ Auction ☐ Commercial ☒ Mail Order (8)
(3) ☒ Neighbor ☐ Retail ☐ Self-Raised ☐ Other:

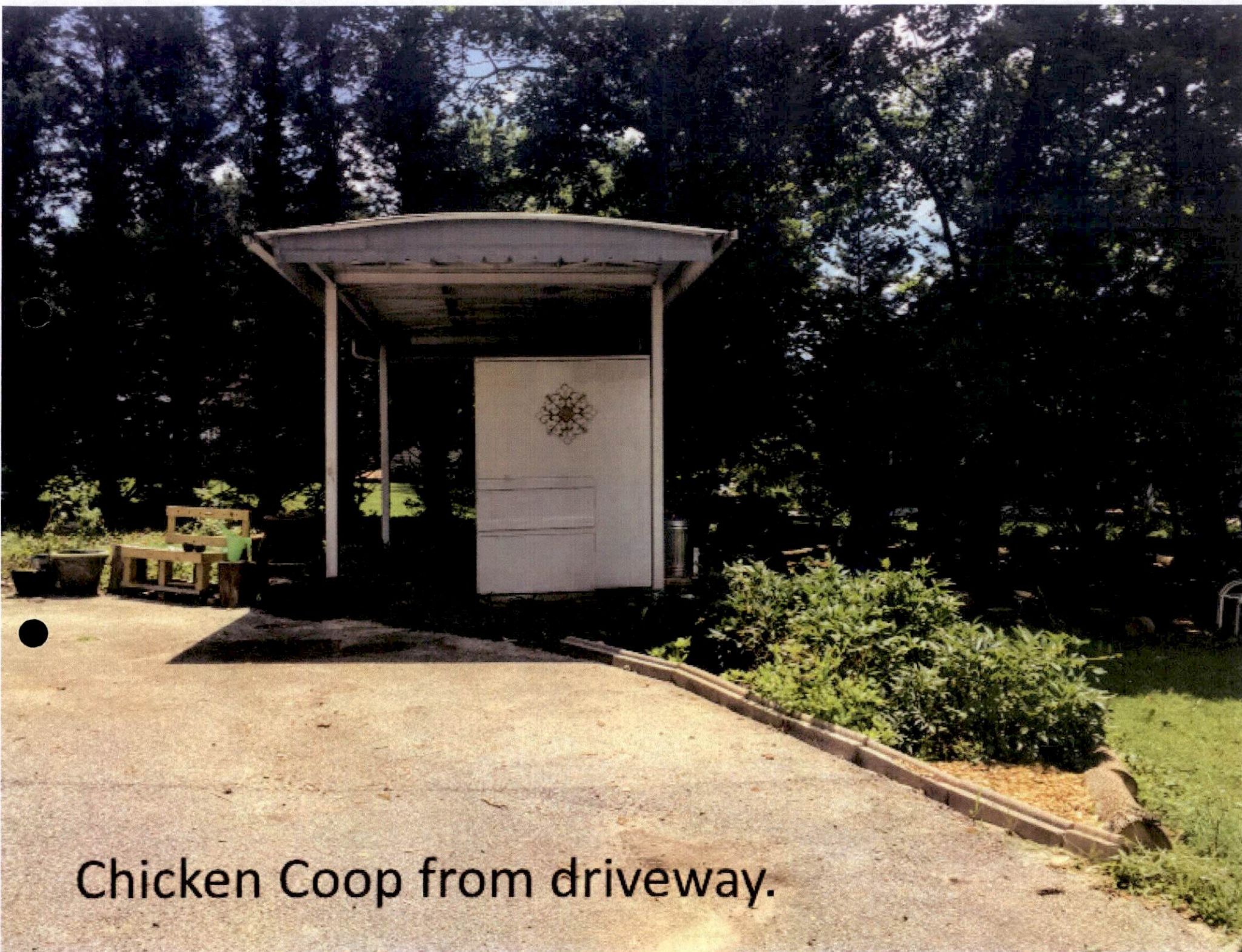
National Poultry Improvement Program certified? ☒ No ☒ Yes #

Completed by: JM (signature) Date: 6/5/18

Questions: 410-841-5810 (phone), 410-841-5999 (fax), animalhealth.mda@maryland.gov (e-mail)
Return form to: MD Dept. of Agriculture Poultry Registration, 50 Harry S. Truman Pkwy, Annapolis, MD 21401
MDA E-14 (Rev. 2/10)



Carport before improvements.



Chicken Coop from driveway.



100 Melancthon Avenue.

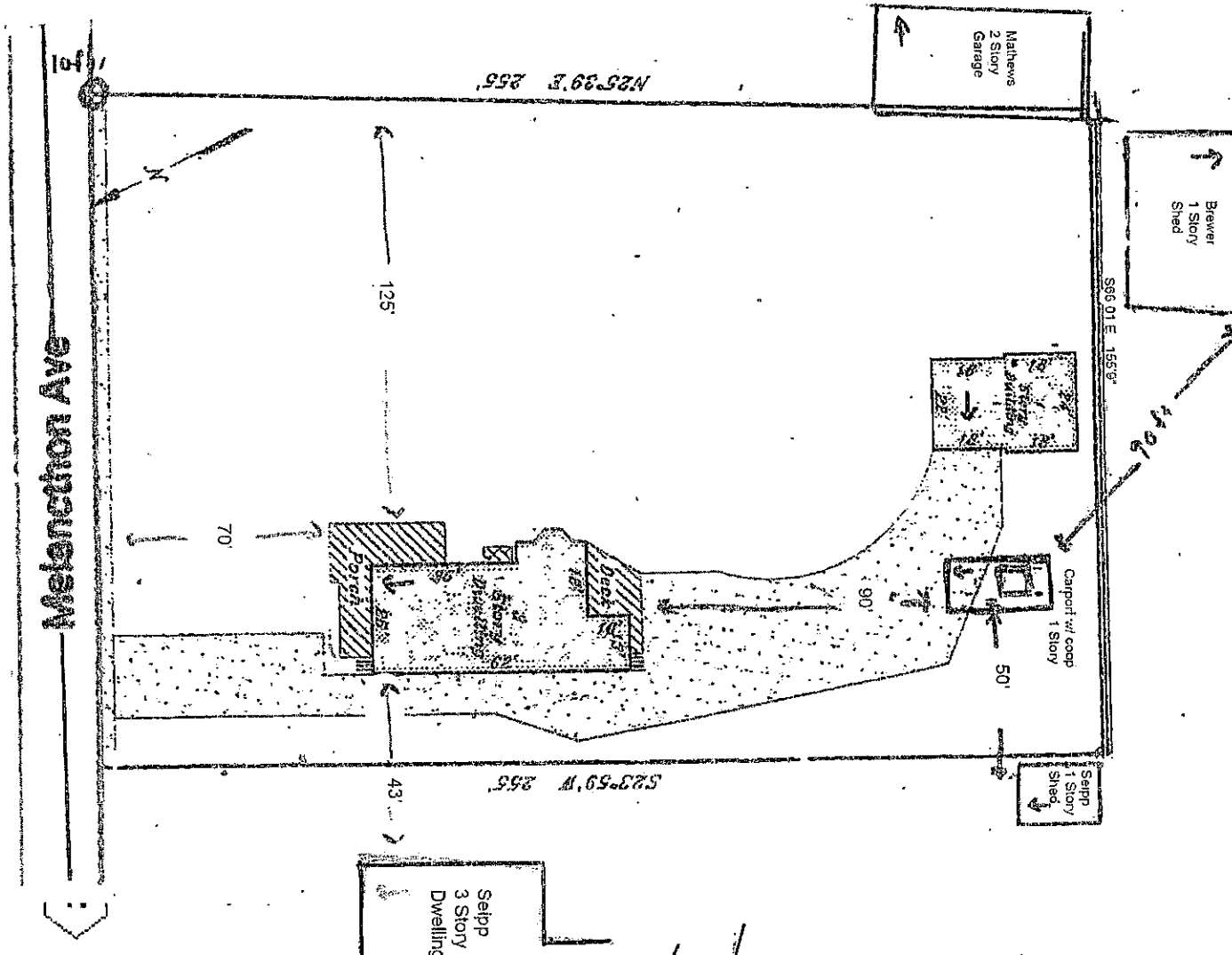


ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

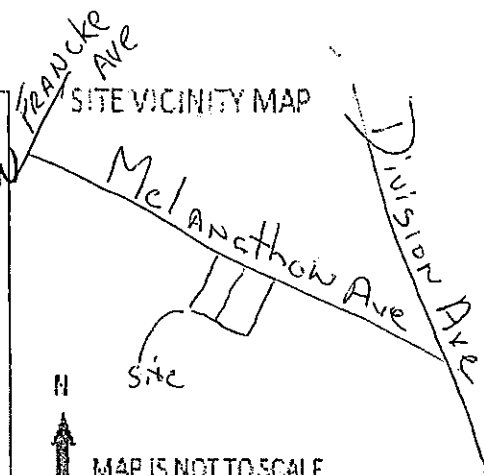
ADDRESS 215 MELANCTHON AVE OWNER(S) NAME(S) MATTHEW CIMINO, JESSICA LEHSON

SUBDIVISION NAME LUTHERVILLE LOT # _____ BLOCK # _____ SECTION # _____

PLAT BOOK # B FOLIO # 57 10 DIGIT TAX # 0813056461 DEED REF. # 35729/00102



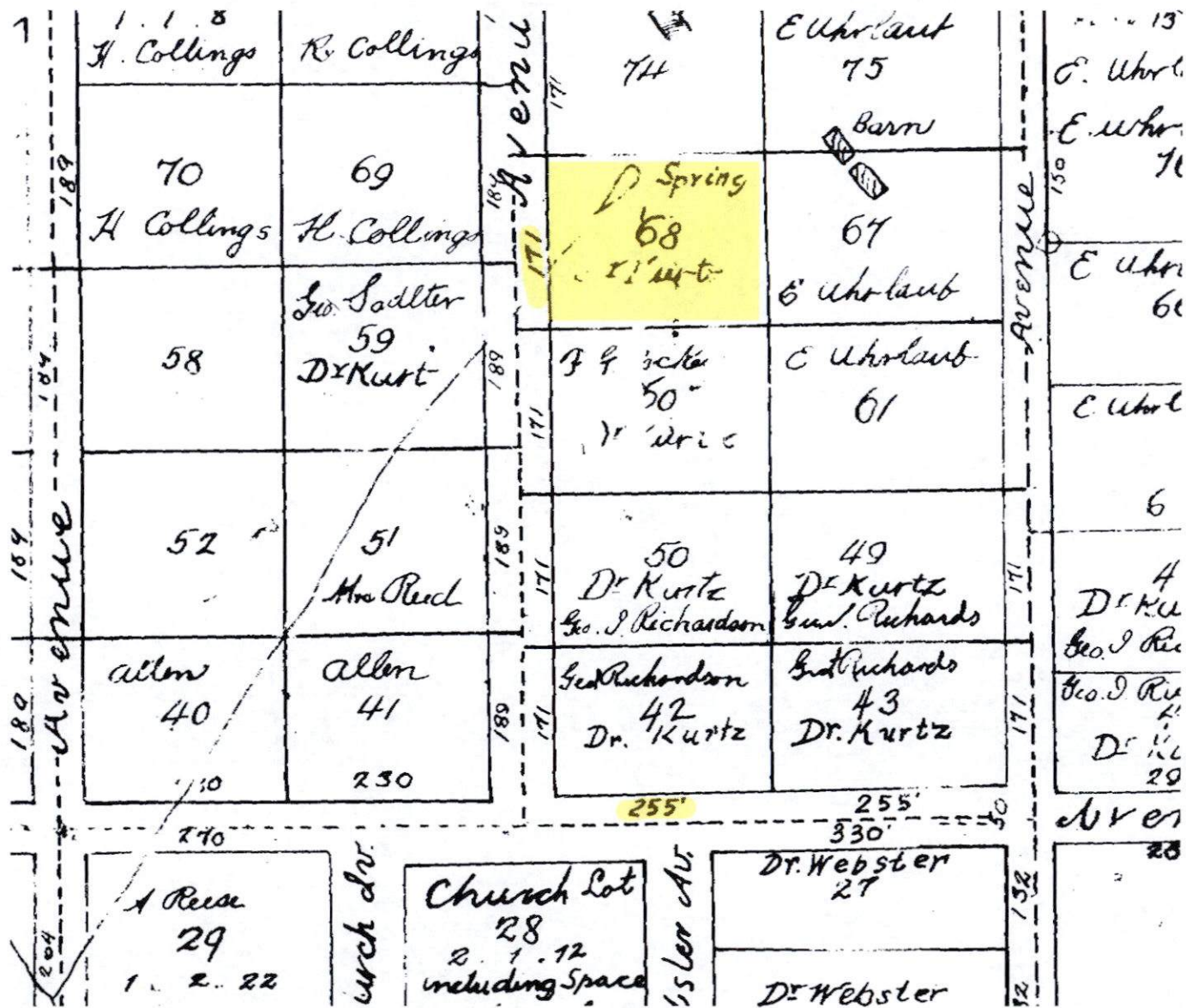
PLAN DRAWN BY JESSICA LEHSON DATE 7/30/18 SCALE: 1 INCH = 40 FEET

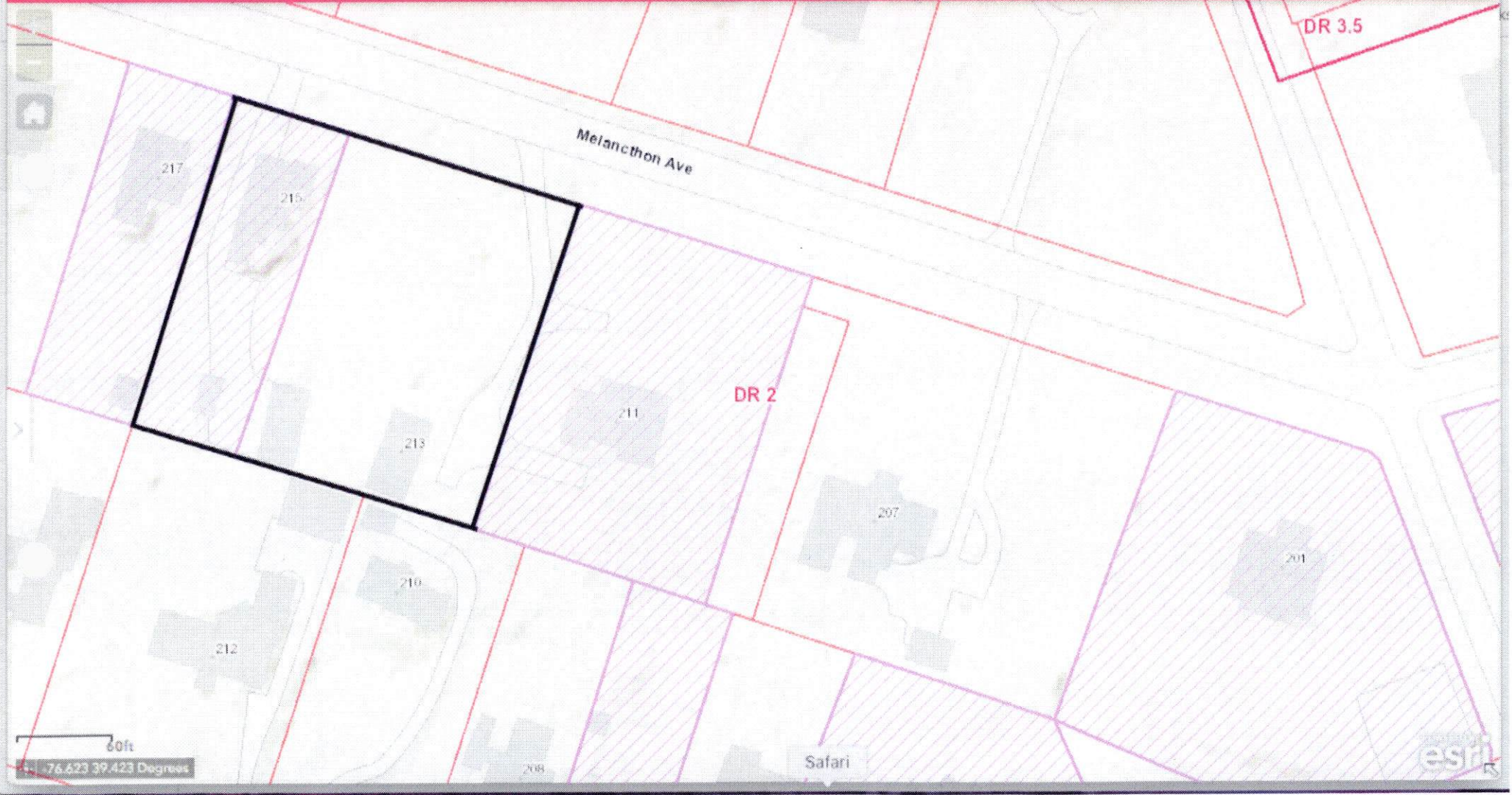


MAP IS NOT TO SCALE
ZONING MAP# 060C3
SITE ZONED DR2
ELECTION DISTRICT 8
COUNCIL DISTRICT 3
LOT AREA ACREAGE _____
OR SQUARE FEET 40,511
HISTORIC? YES
IN CBCA? _____
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: PUBLIC ☒ PRIVATE _____
SEWER IS: PUBLIC ☒ PRIVATE _____
PRIOR HEARING? _____
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:
CC1806487

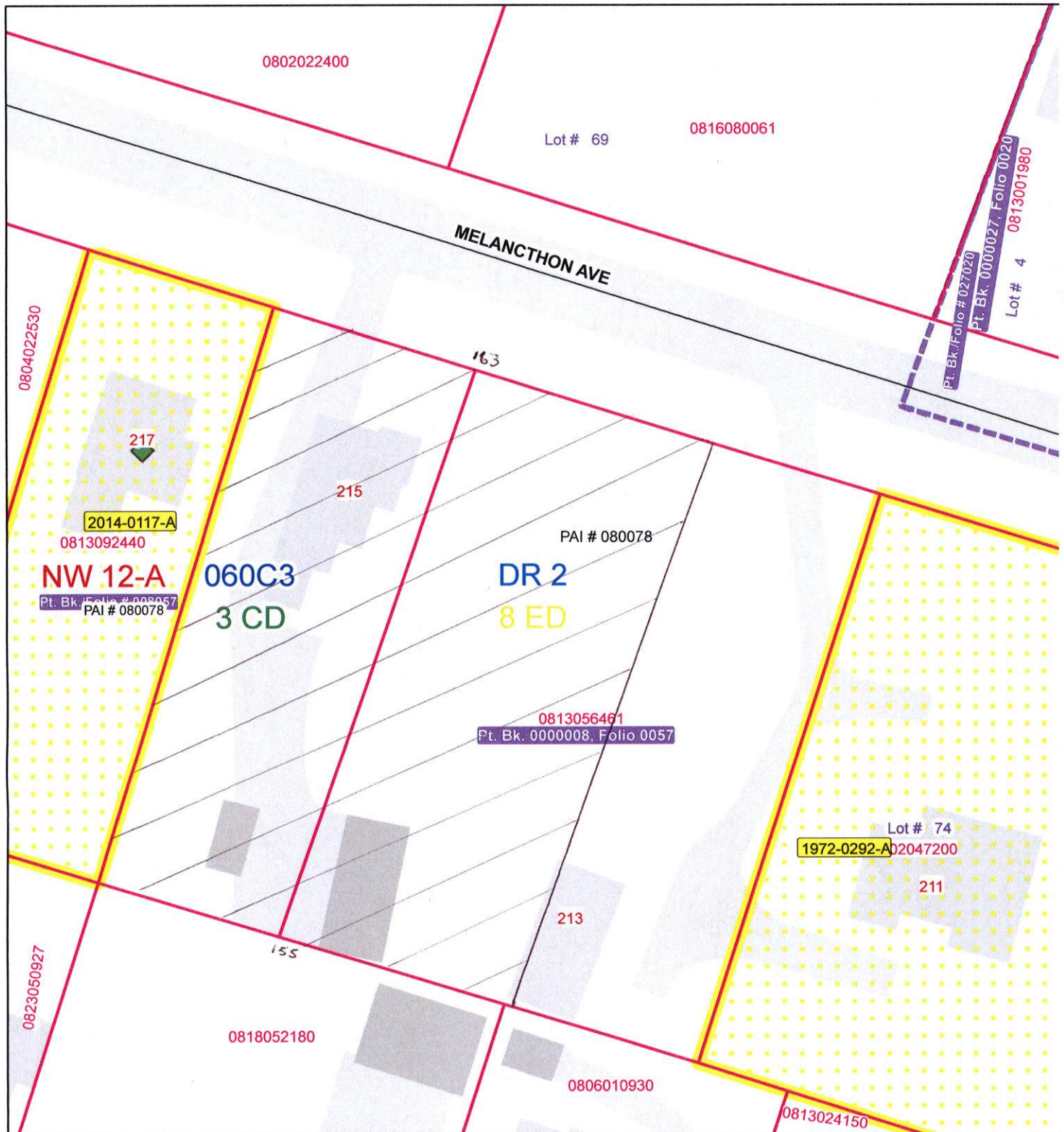
PET. No. 1







215 Melancthon Avenue



Publication Date: 7/31/2018



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

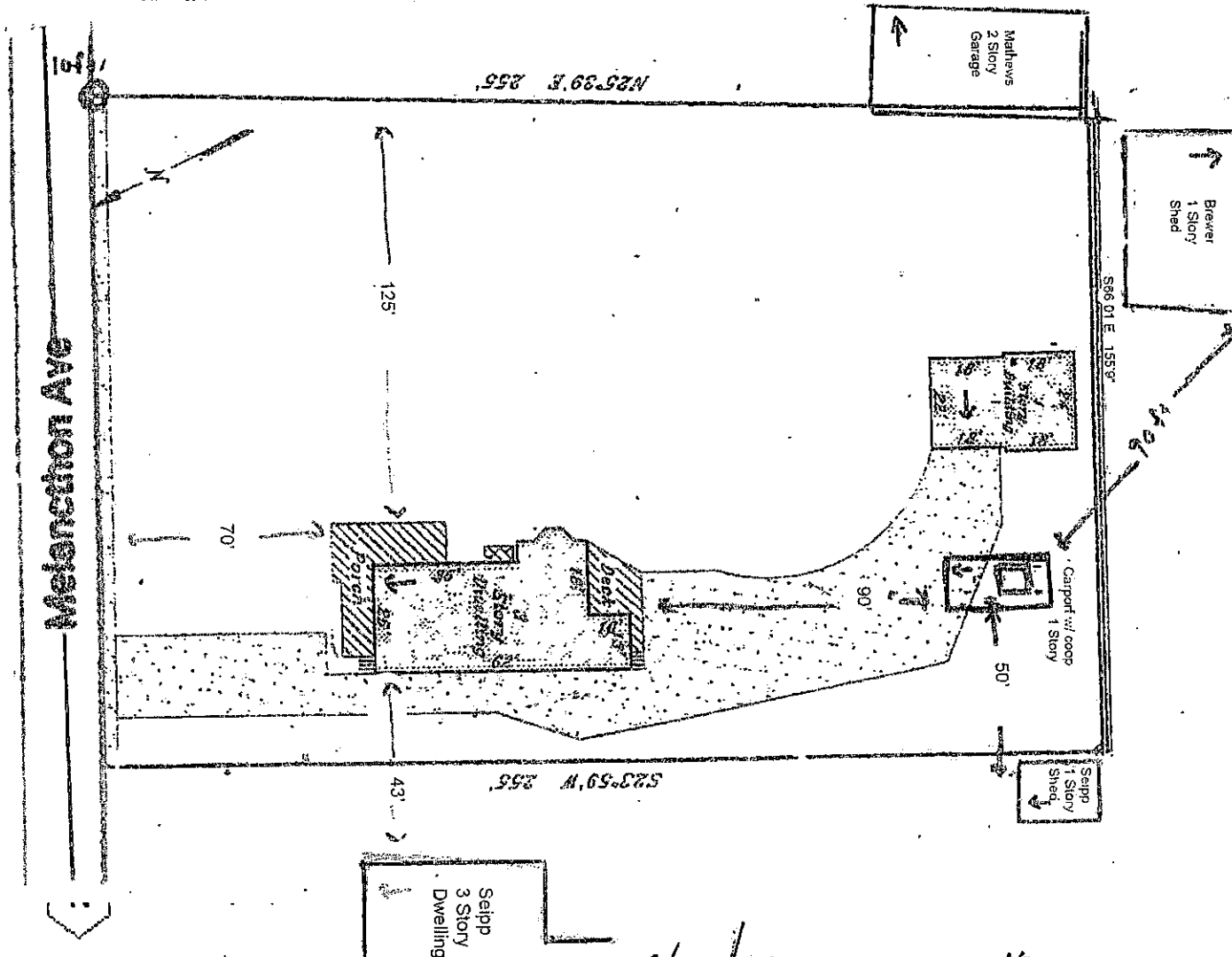


0 12.525 50 75 100 Feet

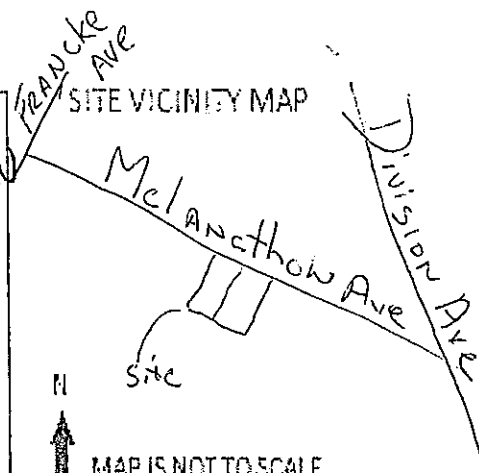
1 inch = 50 feet

2019-0039-A

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 215 MELANCHTHON AVE OWNER(S) NAME(S) MATTHEW CIMINO, JESSICA LEMSON
SUBDIVISION NAME LUTHERVILLE LOT # _____ BLOCK # _____ SECTION # _____
PLAT BOOK # 8 FOLIO # 57 10 DIGIT TAX # 0813056461 DEED REF. # 35729100102



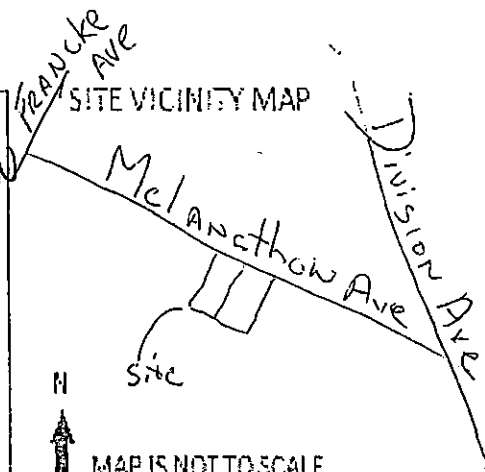
PLAN DRAWN BY JESSICA LEMSON DATE 7/30/18 SCALE: 1 INCH = 40 FEET



MAP IS NOT TO SCALE
ZONING MAP# 060C3
SITE ZONED DR2
ELECTION DISTRICT 8
COUNCIL DISTRICT 3
LOT AREA ACREAGE _____
OR SQUARE FEET 40,511
HISTORIC? YES
IN CBCA? _____
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: PUBLIC X PRIVATE _____
SEWER IS: PUBLIC X PRIVATE _____
PRIOR HEARING? _____
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLETION CASE INFO:
CC1806487

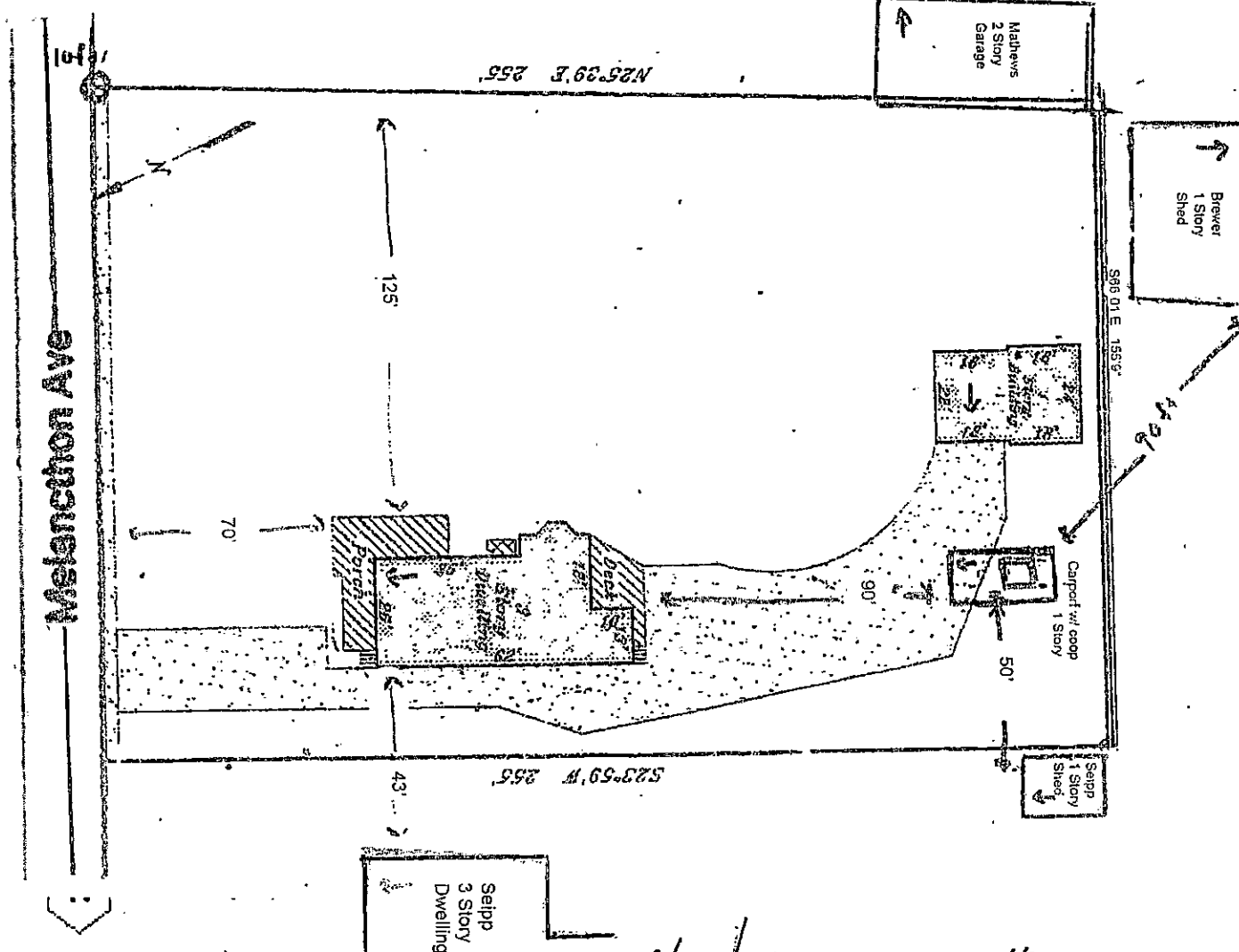
ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 215 MELANCHTHON AVE OWNER(S) NAME(S) MATTHEW CIMINO, JESSICA LEHSON
 SUBDIVISION NAME LUTHERVILLE LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # B FOLIO # 57 10 DIGIT TAX # 0813056461 DEED REF. # 35729100102



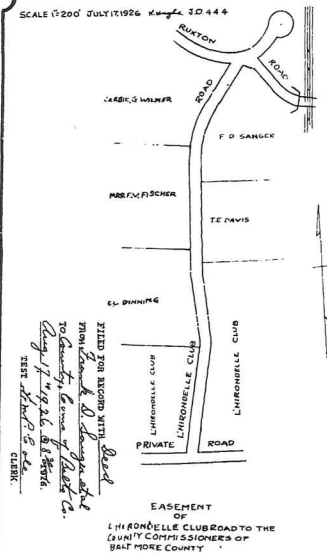
MAP IS NOT TO SCALE
 ZONING MAP# 060C3
 SITE ZONED DR2
 ELECTION DISTRICT 8
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE _____
 OR SQUARE FEET 40,511
 HISTORIC? YES
 IN CBCA? _____
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
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 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1806487



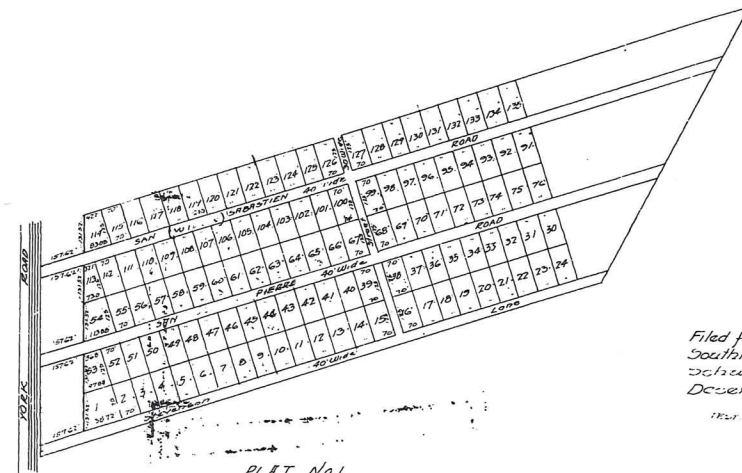
PLAN DRAWN BY JESSICA LEHSON DATE 7/30/18 SCALE: 1 INCH = 40 FEET



26791



26752



FILED FOR RECORD WITH DEED FROM *Southland Company* TO *County Commissioners of Baltimore Co.* December 15 1926. *W.P.C. 30-444* CLERK.

PLAT No. 1
PART OF STREET & LOT PLAT
WILTONDALE
SUBJECT TO REVISION
DEC. 7, 1926.
THE SOUTHLAND CO.
125 E. BALTIMORE ST., BALTIMORE, MD.

The title to all streets, roads, and avenues on this plat is reserved in the owner and the same are shown herein for the purpose of description only and in no way intended to be dedicated.

