

M E M O R A N D U M

DATE: June 17, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0281-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 13, 2019. 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

(898 Susquehanna Avenue)

15th Election District

6th Council District

Jennifer & Ryan Gray

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0281-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Jennifer & Ryan Gray, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 100.6 of the Baltimore County Zoning Regulations (“BCZR”) to permit chickens to be kept on a property 0.735 acres in size in lieu of the required minimum 1 acre. A site plan was marked as Petitioners’ Exhibit 1.

Jennifer and Ryan Gray appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 32,016 square feet in size and is zoned DR 3.5. The property is improved with a single-family dwelling and is located in the Bowleys Quarters community. Petitioners purchased the property in 2016 and have since that time kept chickens and a rooster in a coop in their yard. An anonymous complaint was filed with Baltimore County and Petitioners were instructed to file a variance petition.

ORDER RECEIVED FOR FILING

Date

5/14/19

By

sen

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The property is three times as deep as it is wide, which renders it unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to keep chickens on the property. 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.

Petitioners own a relatively large lot and their adjoining neighbors submitted letters indicating they support the request. *See* Pets. Ex. Nos. 4-6. The photographs submitted at the hearing showed the chicken coop is clean and well-constructed. As such I do not believe granting the request would have a detrimental impact upon the community. According to the site plan the coop is located in the side yard of the dwelling. *See* Pets. Ex. 1. Section 400 of the BCZR requires accessory structures to be located in the rear yard; as such, the petition will be amended to include an additional variance request permitting the coop to remain in its current location.

In its ZAC comment the DEPS confirmed the site is within the Chesapeake Bay Critical Area. Since Petitioners are not proposing any new structures or improvements of any kind, DEPS determined the request is consistent with critical area requirements.

The DOP suggested Petitioners should be restricted to keeping no more than four chickens and no roosters. While such a restriction might well be appropriate in a case involving a smaller lot in a more dense community, I do not believe it would be appropriate in this case. The subject

ORDER RECEIVED FOR FILING

Date

5/14/19

By

sen

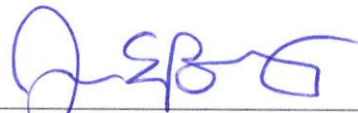
property is in excess of $\frac{3}{4}$ of an acre, which means Petitioners' variance request is to reduce by less than 25% the minimum acreage requirement. This property is significantly larger than many of the properties which have been the subject of similar variance requests. In addition, the Bowleys Quarters community has a rural feel and a neighbor noted "chickens are very common throughout Bowleys Quarters." *See* Pet. Ex. 6. In addition, the BCZR does not limit the number of chickens which can be kept on a 1 acre parcel, as it does in the case of horses and livestock. BCZR §100.6.

THEREFORE, IT IS ORDERED, this 14th day of **May, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit chickens to be kept on a property 0.735 acres in size in lieu of the required minimum 1 acre, and to permit an existing accessory structure (chicken coop) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall be permitted to keep no more than twenty (20) chickens on the property.
3. Petitioners shall be permitted to keep the rooster they now own, but when that bird dies or is otherwise no longer kept on the premises it may not be replaced and no roosters may be kept on the property from that point forward.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date

5/14/19

By

slh



PETITION FOR ZONING HEARING

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 898 Susquehanna Ave which is presently zoned DR 3.5

Deed References: 37245/00216 10 Digit Tax Account # 2 4 0 0 0 0 5 3 9 1

Property Owner(s) Printed Name(s) Jennifer E Ryan, Ryan E Gray

(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)

BCZR: 100.6 → To permit chickens to be kept on a property with 0.735 acres in lieu of the required minimum 1 acre of property.

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

To be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Jennifer Ryan Gray / Ryan E Gray

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

898 Susquehanna Ave Middle River, MD

Mailing Address

City

State

21220 / 410-627-0381 / jryan427@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R Gray

Name - Type or Print

Signature

898 Susquehanna Ave Middle River, MD

Mailing Address

City

State

21220 / 410-627-0381 / jryan427@gmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0081-A Filing Date 3/30/19

Do Not Schedule Dates: Reviewer JS

Zoning Property Description for 898 Susquehanna Ave Middle River, MD 21220

Part A

Beginning at a point on the west side of Susquehanna Ave which is 30 feet wide at a distance of approximately 800 feet of the centerline of the nearest improved intersecting street (Bowleys Quarters Road) which is 30 feet wide.

Part B

Thence the following courses and distances: S.26 14' 20" W. 103.22' N.67 28' 40" W. 301.3'
N.22 31' 20" E. 103.00' and S. 67 28' 40" E. 313.99' to the place of beginning as recorded
Deed Liber SM 27089, Folio 562, containing 32016 square feet. Located in the 15th election district and
the 6th council district. Also known as Lot 3 in the minor subdivision of the Nathan and Julia Judish
Property, minor subdivision # 03-004-M and recorded among the Land Records of Baltimore County
Maryland in Play Book S.M. 1, folio 257.

The Daily Record

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

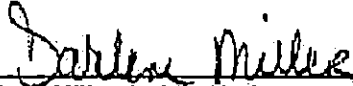
PUBLISHER'S AFFIDAVIT

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

4/19/2019

Order #: 11731830
Case #: 2019-0281-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0281-A



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: 2019-0281-A

898 Susquehanna Avenue

NW/s Susquehanna Avenue, southwest of Bowley's Quarters Road

16th Election District - 6th Councilmanic District

Legal Owners: Jennifer Ryan Gray, Ryan Gray

Variance to permit chickens to be kept on a property with 0.735 acres in lieu of the required minimum 1 acre of the property.

Hearing: Friday, May 10, 2019 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

up19

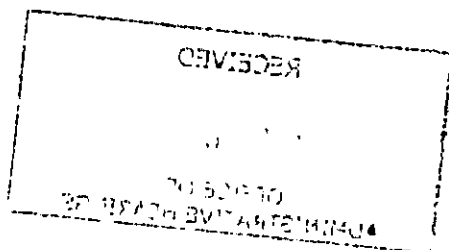
JB 5-10-19
2:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, May 5, 2019 9:30 PM
To: Kristen L Lewis; Administrative Hearings
Subject: Recertification's For 2019-0281-A
Attachments: Re-Cert 1 2019-0281-A.doc; Re-Cert 2 2019-0281-A.doc

Recertification's for 898 Susquehanna Avenue.





CERTIFICATE OF POSTING

2019-0281-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer Gray & Ryan Gray

May 10, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

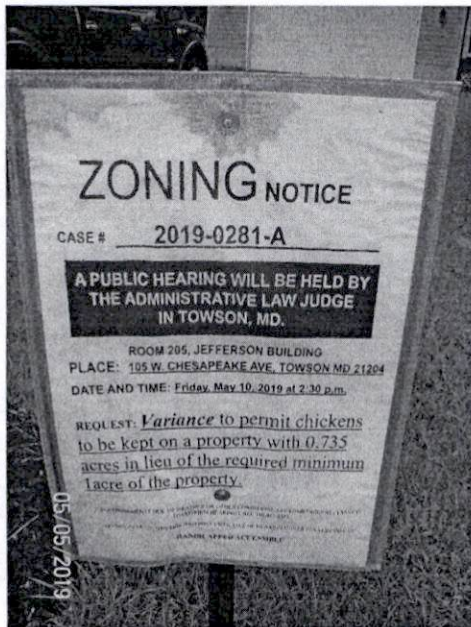
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



898 Susquehanna Avenue **SIGN 1 Recertification**

April 20, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 May 5, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

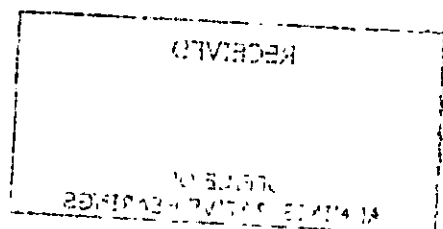
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2019-0281-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer Gray & Ryan Gray

May 10, 2019

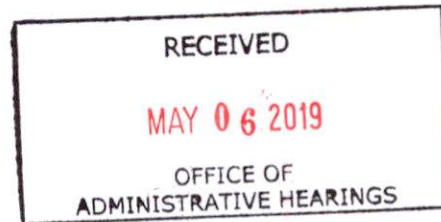
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

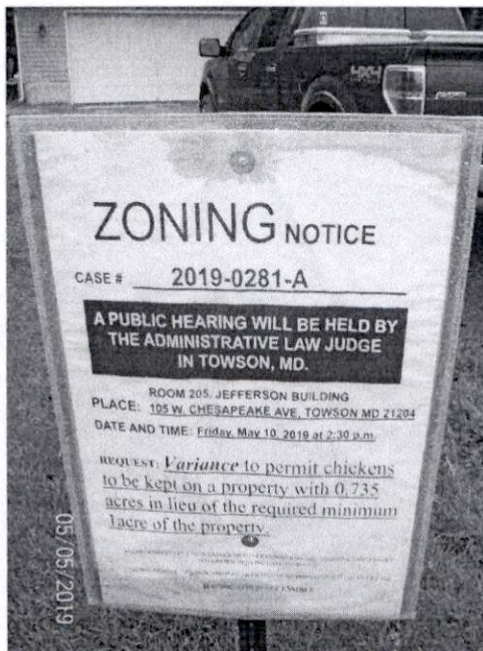
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



898 Susquehanna Avenue **SIGN 2 Recertification**

April 20, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

A handwritten signature in black ink, appearing to read "Robert Black".

May 5, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0281-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer Gray & Ryan Gray

May 10, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

898 Susquehanna Avenue

SIGN 1

April 20, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 20, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0281-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer Gray & Ryan Gray

May 10, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

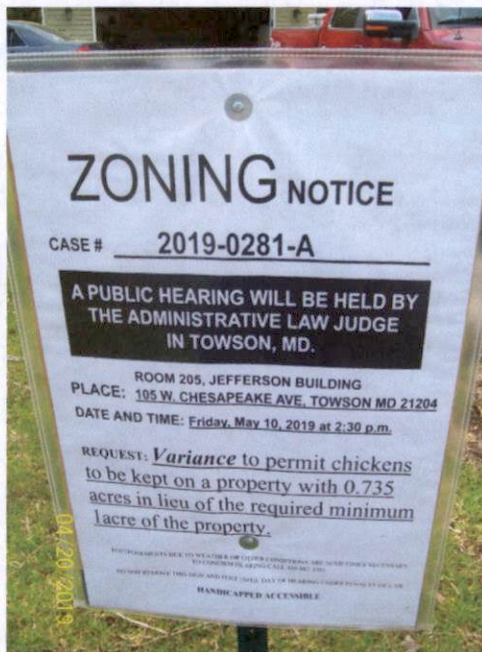
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

898 Susquehanna Avenue

SIGN 2

April 20, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 20, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0281-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer Gray & Ryan Gray

May 10, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

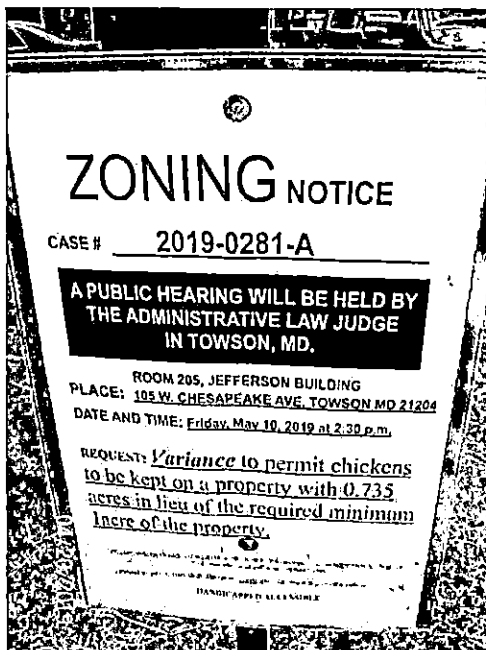
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

898 Susquehanna Avenue

SIGN 2

April 20, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

April 20, 2019

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0281-A

RE: Case No.: _____

Petitioner/Developer: _____

Jennifer Gray & Ryan Gray

May 10, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

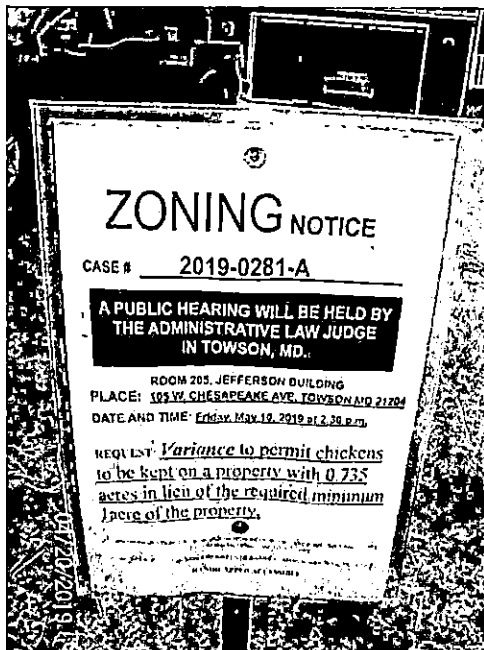
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

898 Susquehanna Avenue

SIGN 1

April 20, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 20, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLŚZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 11, 2019

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: 2019-0281-A

898 Susquehanna Avenue

NW/s Susquehanna Avenue, southwest of Bowley's Quarters Road

15th Election District – 6th Councilmanic District

Legal Owners: Jennifer Ryan Gray, Ryan Gray

Variance to permit chickens to be kept on a property with 0.735 acres in lieu of the required minimum 1 acre of the property.

Hearing: Friday, May 10, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler", is written over a horizontal line.

Mike Mohler
Director

MM:kl

C: Mr. & Mrs. Gray, 898 Susquehanna Avenue, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 20, 2019.**
- (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, April 19, 2019 - Issue

Please forward billing to:
Mr. & Mrs. Ryan Gray
898 Susquehanna Avenue
Middle River, MD 21220

410-627-0381

NOTICE OF ZONING HEARING

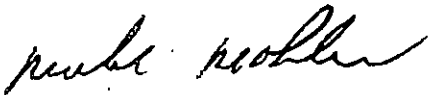
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0281-A

898 Susquehanna Avenue
NW/s Susquehanna Avenue, southwest of Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Jennifer Ryan Gray, Ryan Gray

Variance to permit chickens to be kept on a property with 0.735 acres in lieu of the required minimum 1 acre of the property.

Hearing: Friday, May 10, 2019 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
898 Susquehanna Avenue; NW/S Susquehanna *
Avenue, 679' SW of Bowley's Quarters Road * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Jennifer & Ryan Gray * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-281-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

APR 09 2019

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 9th day of April, 2019, a copy of the foregoing Entry of Appearance was mailed to Jennifer Gray, 898 Susquehanna Avenue, Middle River, Maryland 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2019-0281-A

Property Address: 898 SUSQUEHANNA AVENUE

Property Description: _____

Legal Owners (Petitioners): RYAN / GRAY

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JENNIFER RYAN + RYAN GRAY

Company/Firm (if applicable): _____

Address: 898 SUSQUEHANNA AVENUE

MIDDLE RIVER, MD 21220

Telephone Number: 410-627-0381

Revised 7/9/2015

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

No. **181966**

Date: **3/30/19**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 4/01/2019 3/29/2019 11:09:36 3

REG W003 WALKIN CAM
 >>RECEIPT 001702 3/29/2019 GFLN

Dept 5 528 ZONING VERIFICATION

CA NO. 181966
 Recd Tot \$ 75.00
 75.00 OK .00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6120					\$75.00

Total: **\$ 75.00**

Rec From: **RYAN / GARY**

For: **209-0281-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

May 1, 2019

Jennifer Ryan Grey & Ryan E Gray
898 Susquehanna Ave
Middle River MD 21220

RE: Case Number: 2019-0281-A, Dogwood Road

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 March 30, 2019. 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, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 4/24/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-281



INFORMATION:

Property Address: 898 Susquehanna Avenue
Petitioner: Jennifer Ryan Gray, Ryan E. Gray
Zoning: DR 3.5
Requested Action: Variance

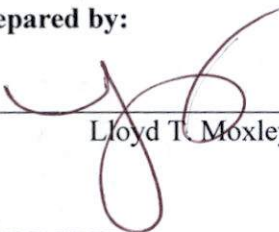
The Department of Planning has reviewed the petition for variance to permit chickens to be kept on a property of 0.735 acres in lieu of the required minimum 1 acre of property.

A site visit was conducted on April 16, 2019. The property is currently the subject of violation case no. CC1902543 responding to non-permitted livestock on a property less than an acre. The site is improved with a principal residence and accessory structures to include a chicken coop.

The Department objects to granting zoning relief as petitioned but instead would have no objection to the pasturing or stabling of up to 4 chicken hens on site sans any rooster(s).

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

Prepared by:



Lloyd T. Moxley

JM/JGN/LTM/

Division Chief:



Jennifer G. Nugent

c: Taylor Bensley
Jennifer R. Gray
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 4/24/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-281

INFORMATION:

Property Address: 898 Susquehanna Avenue
Petitioner: Jennifer Ryan Gray, Ryan E. Gray
Zoning: DR 3.5
Requested Action: Variance

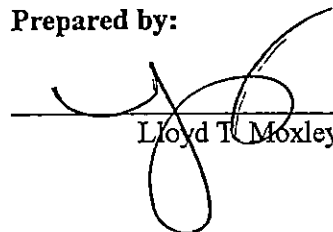
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The Department objects to granting zoning relief as petitioned but instead would have no objection to the pasturing or stabling of up to 4 chicken hens on site sans any rooster(s).

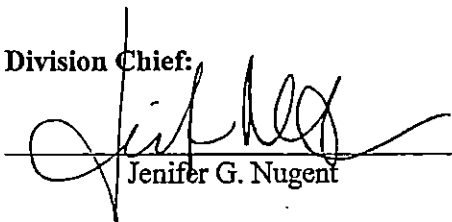
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3480.

Prepared by:


Lloyd T. Moxley

JM/JGN/LTM/

Division Chief:


Jenifer G. Nugent

c: Taylor Bensley
Jennifer R. Gray
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: April 24, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0281-A
Address 898 Susquehanna Avenue
(Ryan & Gray Property)

Zoning Advisory Committee Meeting of **April 15, 2019.**

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to raise chickens on a lot smaller than permitted. No development activity is proposed. The lot is not waterfront but contains a Critical Area Easement in the back portion of the lot. All LDA requirements, including lot coverage limits and afforestation are met. Because all Critical Area requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

No development activity is proposed, which will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

All Critical Area lot coverage and afforestation requirements are met, so the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: April 22, 2019

FROM: *MS*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 15, 2019
Item No. 2019-0281-A, 0282-SPHA, 0283-SPHA, 0284-A & 0289-A

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

* * * * *

VKD: cen
cc: file

Date: 4/10/19

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

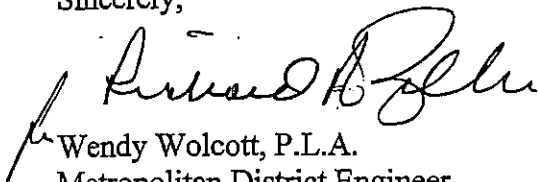
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0281-A

*Variance
Jennifer E. Ryan, Ryan E. Gray
898 Susquehanna 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

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

GRAY RYAN E RYAN JENNIFER E
 898 SUSQUEHANNA AVE
 BALTIMORE, MD 21220-4343

CASE NUMBER CC1902543	PROP. TAX ID 24-00-005391
VIOLATION ADDRESS 898 SUSQUEHANNA AVE MIDDLE RIVER, MD 21220	

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	Must have at least one acre of land to have fowl/ poultry/ livestock in DR 5.5 zone.

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: 03/31/2019	INSPECTOR ID: 129
	ISSUED DATE: 03/20/2019

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.

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/22

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

4/24

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

Comment

4/24

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

Comment

4/10

STATE HIGHWAY ADMINISTRATION
TRAFFIC ENGINEERING

NO Objection

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC 1902543)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/19/19

SIGN POSTING (1st)

Date:

4/20/19

by SSG Black

SIGN POSTING (2nd)

Date:

5/5/19

by SSG Black

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 - 15 Account Number - 2400005391			
Owner Information					
Owner Name:	GRAY RYAN E RYAN JENNIFER E		Use:	RESIDENTIAL	
Mailing Address:	898 SUSQUEHANNA AVE BALTIMORE MD 21220-4343		Principal Residence:	YES	
			Deed Reference:	/37245/ 00216	
Location & Structure Information					
Premises Address:	898 SUSQUEHANNA AVE 0-0000		Legal Description:	.735 AC PRT LT 278 898 SUSQUEHANNA AVE LONG BEACH ESTATES	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0098	0004	0203		0000	
Block:	Lot:	Assessment Year:	Plat No:	MS	
	3	2018	Plat Ref:	0004/0131	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2004	1,735 SF		32,016 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2018	As of 07/01/2018	As of 07/01/2019	
Land:	127,000	127,000			
Improvements	155,400	152,800			
Total:	282,400	279,800	279,800	279,800	
Preferential Land:	0			0	
Transfer Information					
Seller: STUMPF PAUL		Date: 03/04/2016		Price: \$298,500	
Type: NON-ARMS LENGTH OTHER		Deed1: /37245/ 00216		Deed2:	
Seller: SHERLY ALIINA H		Date: 06/13/2008		Price: \$386,600	
Type: ARMS LENGTH IMPROVED		Deed1: /27089/ 00562		Deed2:	
Seller: SENECA HARBOR		Date: 11/17/2004		Price: \$271,030	
Type: NON-ARMS LENGTH OTHER		Deed1: /20997/ 00420		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: Applied 09/07/2016

Homeowners' Tax Credit Application Information

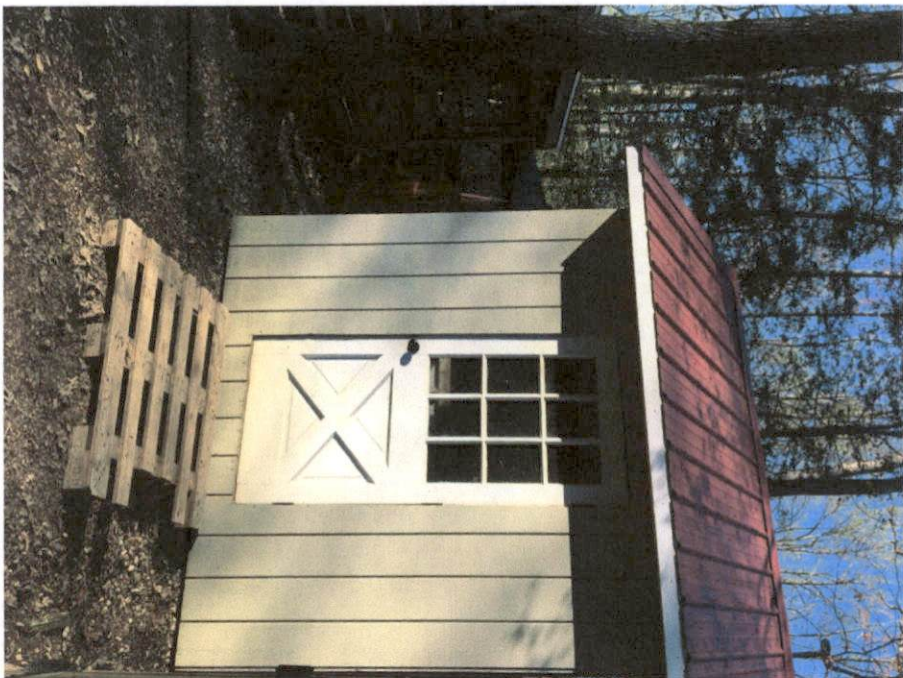
Homeowners' Tax Credit Application Status: No Application

Date:

2019-0281-A



Pets. 2



Coop



Run

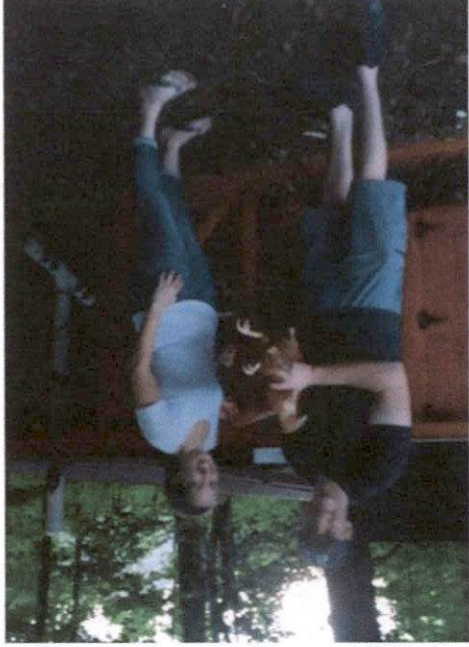
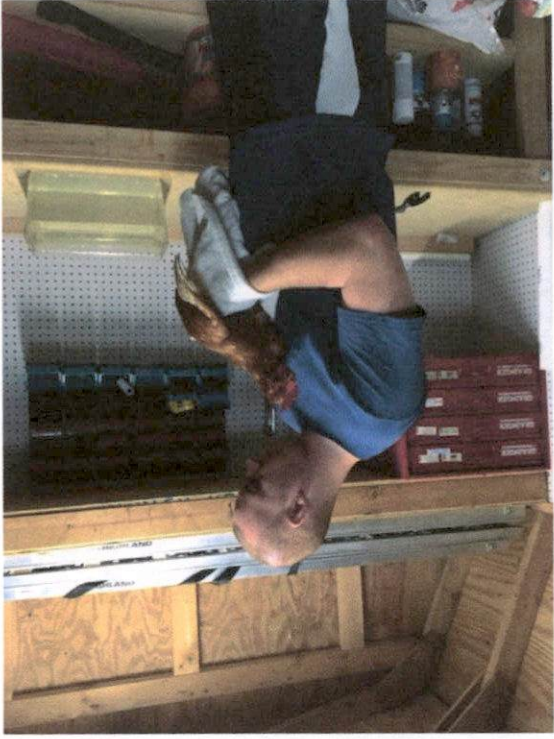


Inside of coop



Feed is stored in secure
containers

2019-0281-A



Family activity

2019-0281-A



coop is cleaned
2x a week



Family activity



April 17, 2019

To Whom it May Concern:

I live at 906 Susquehanna Ave, which is directly next door to the Gray Family. I am writing this letter to express my support for the Gray Family's application for a variance to keep chickens on their property despite having just under the required 1 acre of property.

The Grays have had chickens, including a rooster, for approximately two years. When they first got the chickens in 2017, they discussed it with me to make sure I was not inconvenienced or bothered by the chickens. They even moved their coop to ensure that I wasn't disturbed. I haven't had issues with noise, smell, or anything related to the chickens at any point in the past two years. I know if I did that the Grays would immediately address any concerns that I had.

My grandchildren enjoy coming over to see the chickens. They've really enjoyed seeing baby chicks grow up. I use compost from the Grays' chickens in my garden, and I eat the eggs that are laid by their chickens. I even save table scraps from my home to feed to the chickens. The Gray Family takes care of their chickens as if they are members of their family. I support their request for a variance without hesitation.

Please feel free to contact me with any questions or concerns.

Respectfully,

Nancy K. Ryan

Nancy K. Ryan

April 2019

Dear Neighbors,

We are applying for a variance with Baltimore County to be able to continue to keep our chickens, including our rooster (aka "Big Boy"), at our house at 898 Susquehanna Ave here in Bowleys Quarters. Baltimore County Zoning requires 1 acre of property. We have approximately $\frac{3}{4}$ of an acre.

By signing below, you are establishing your support for our petition to Baltimore County Zoning to allow the variance. We will take this petition with us to show the judge at our hearing in May.

We thank you so much for your support!

-The Gray Family

Name(s)

Address

Years Lived Here

James Kwiatkowski	908 Susquehanna Ave.	16 years
Robert D. Krapp	908 Susquehanna Ave.	8 years

Pets: 5



900 Bowleys Quarters Road
Middle River, MD 21220

BOWLEY'S QUARTERS VOLUNTEER FIRE DEPARTMENT

Serving Our Community Since 1945

April 15, 2019

To Whom it May Concern:

I am writing as the Chief Officer of the Community Volunteer Fire Department of Bowleys Quarters and Vicinity, Inc. (BQVFD). We are located at 900 Bowleys Quarters Road in the heart of the community. Our neighbors across the street contacted me asking for my approval and support for their application for a variance to keep chickens on their property despite having just under the required 1 acre of property.

The Gray Family's home is directly across the street from the Susquehanna Avenue side of our property. As their neighbor, the BQVFD fully supports their request for a variance. The Grays treat these animals like their pets. They keep their property clean. There is never a smell or nuisance caused by their chickens. Additionally, chickens are very common throughout Bowleys Quarters.

Please feel free to contact me with any questions or concerns.

Respectfully,

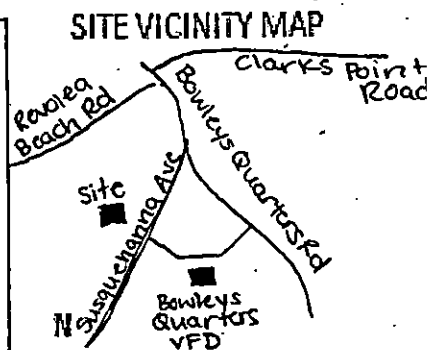
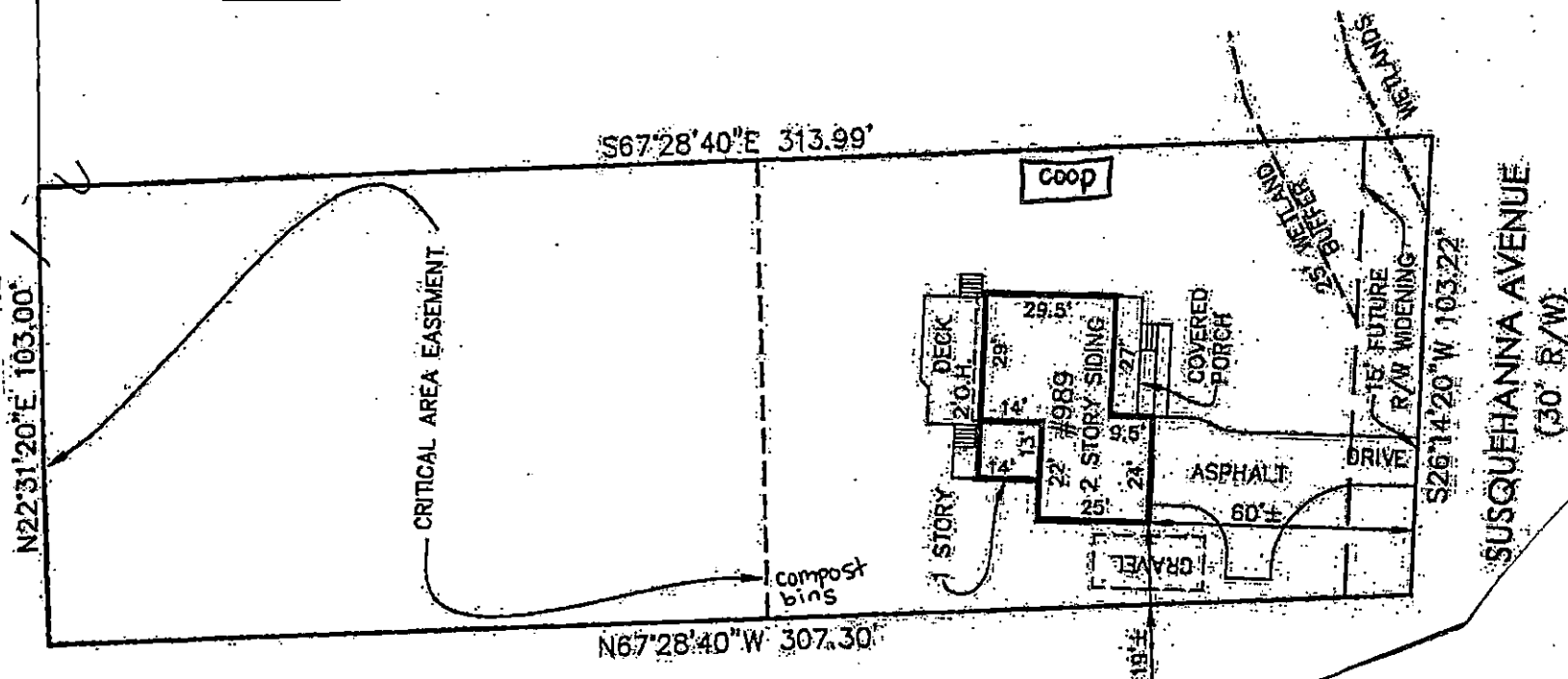
Chief Shannon Stallings
443-517-7502

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

ADDRESS 898 Susquehanna Ave OWNER(S) NAME(S) Ryan E Gray + Jennifer Ryan Gray

SUBDIVISION NAME LONG BEACH ESTATES LOT# 3 BLOCK# N/1 SECTION# N/1

PLAT BOOK # WPC 4 FOLIO # 131 10 DIGIT TAX # 2400005391 DEED REF. # 37245/00216



MAP IS NOT TO SCALE

ZONING MAP# 09183

SITE ZONED DR 3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 32016

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1902543 BCZR 100.6

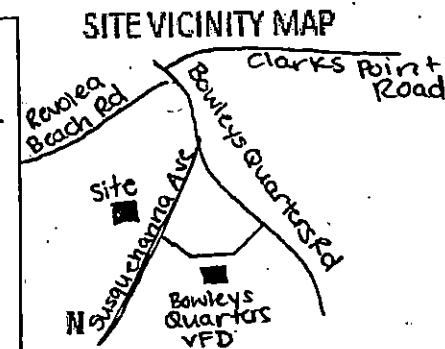
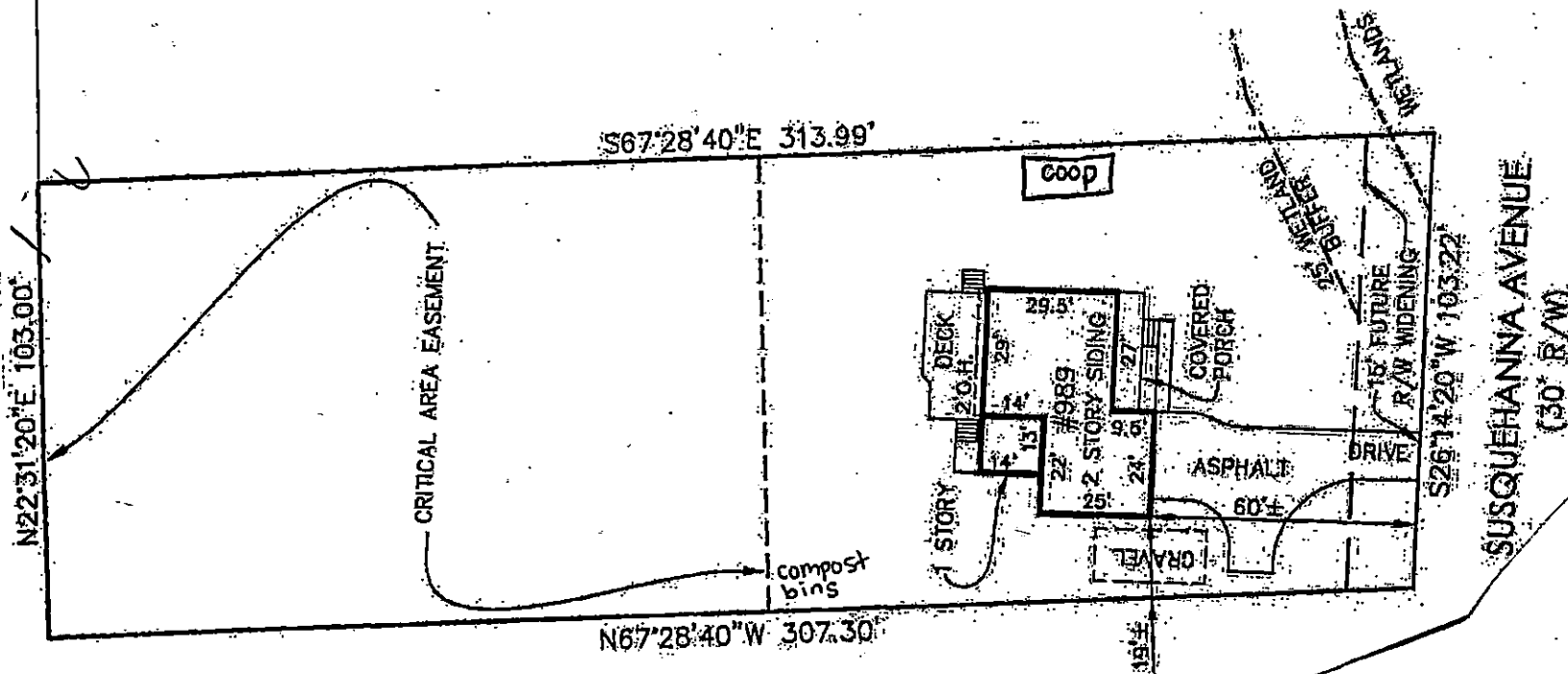
Non-permitted livestock

DATE _____ SCALE: 1 INCH = 40 FEET

2019-0281-A

PETS-1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 898 Susquehanna Ave OWNER(S) NAME(S) Ryan E Gray + Jennifer Ryan Gray
 SUBDIVISION NAME LONG BEACH ESTATES LOT # 3 BLOCK # N/1 SECTION # N/1
 PLAT BOOK # WPC 4 FOLIO # 131 10 DIGIT TAX # 2400005391 DEED REF. # 37245/00216

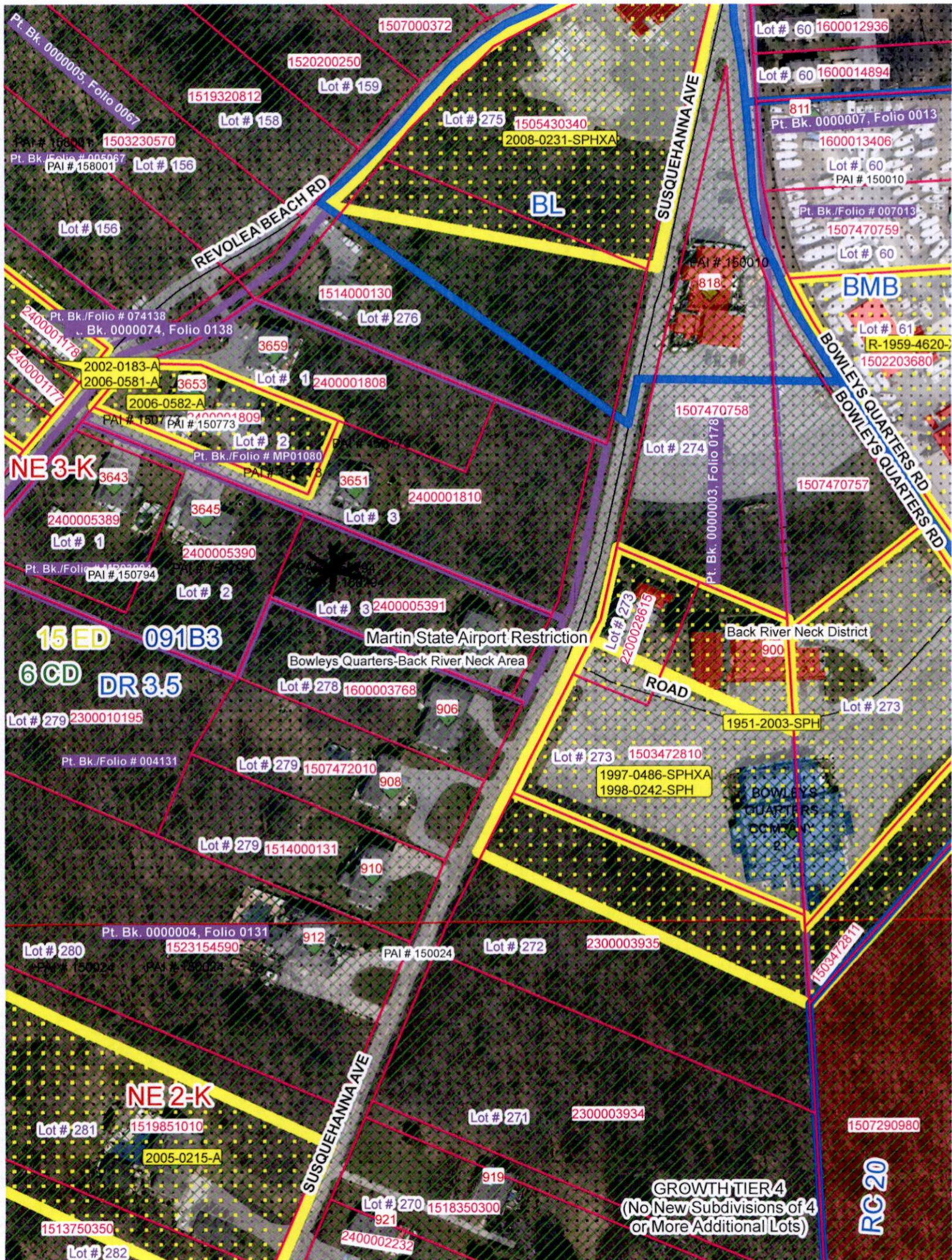


MAP IS NOT TO SCALE
 ZONING MAP# 091 B3
 SITE ZONED DR 3.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE _____
 OR SQUARE FEET 32016
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? Yes
 UTILITIES? MARK WITH X
 WATER IS: _____
 PUBLIC X PRIVATE _____
 SEWER IS: _____
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

DATE _____ SCALE: 1 INCH = 40 FEET

VIOLATION CASE INFO:
CC1902543 BC2R 100.6
Non-permitted livestock

2019-0281-A



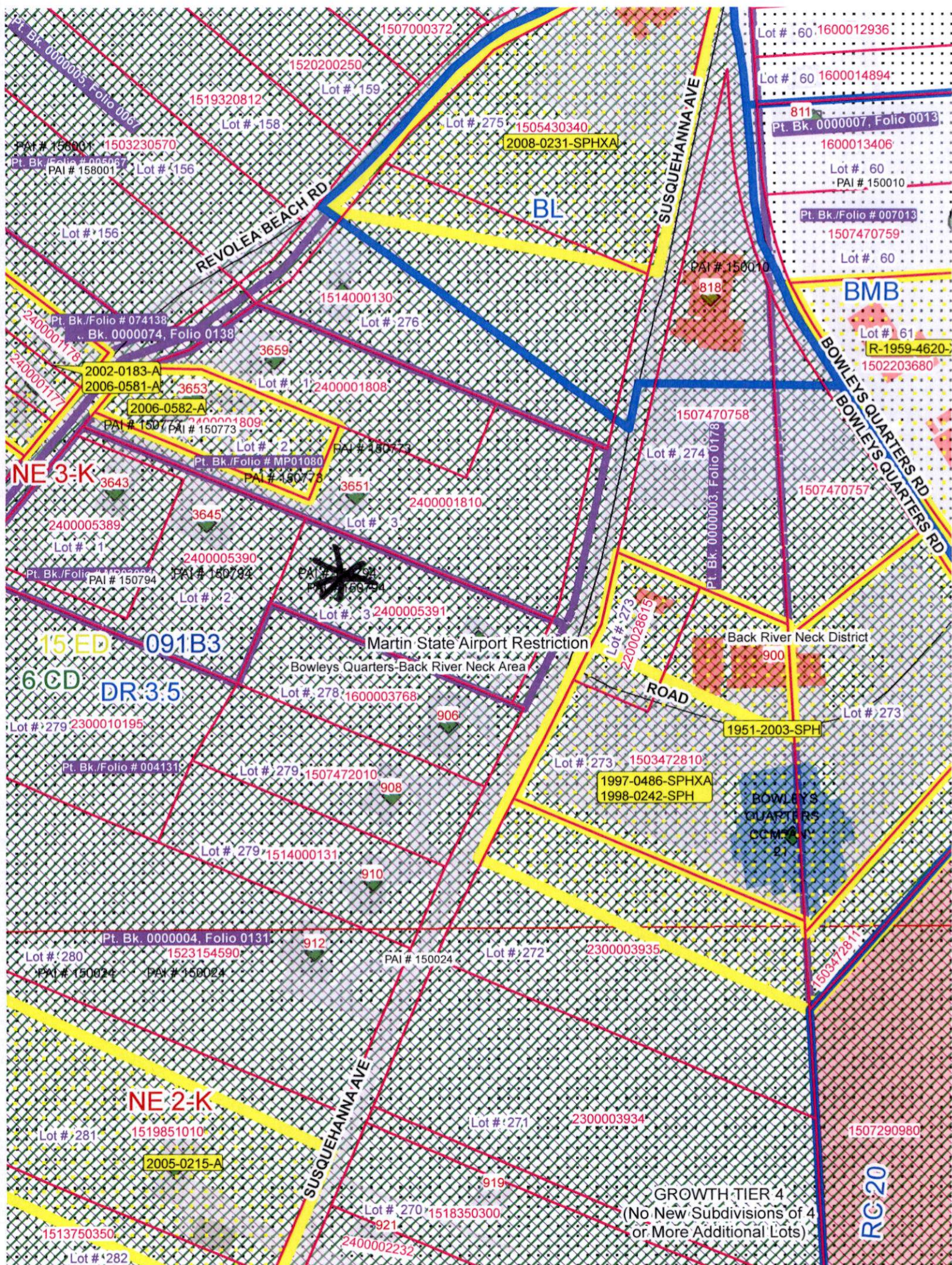
NE 3-K

15 ED 091B3
6 CD DR 3.5

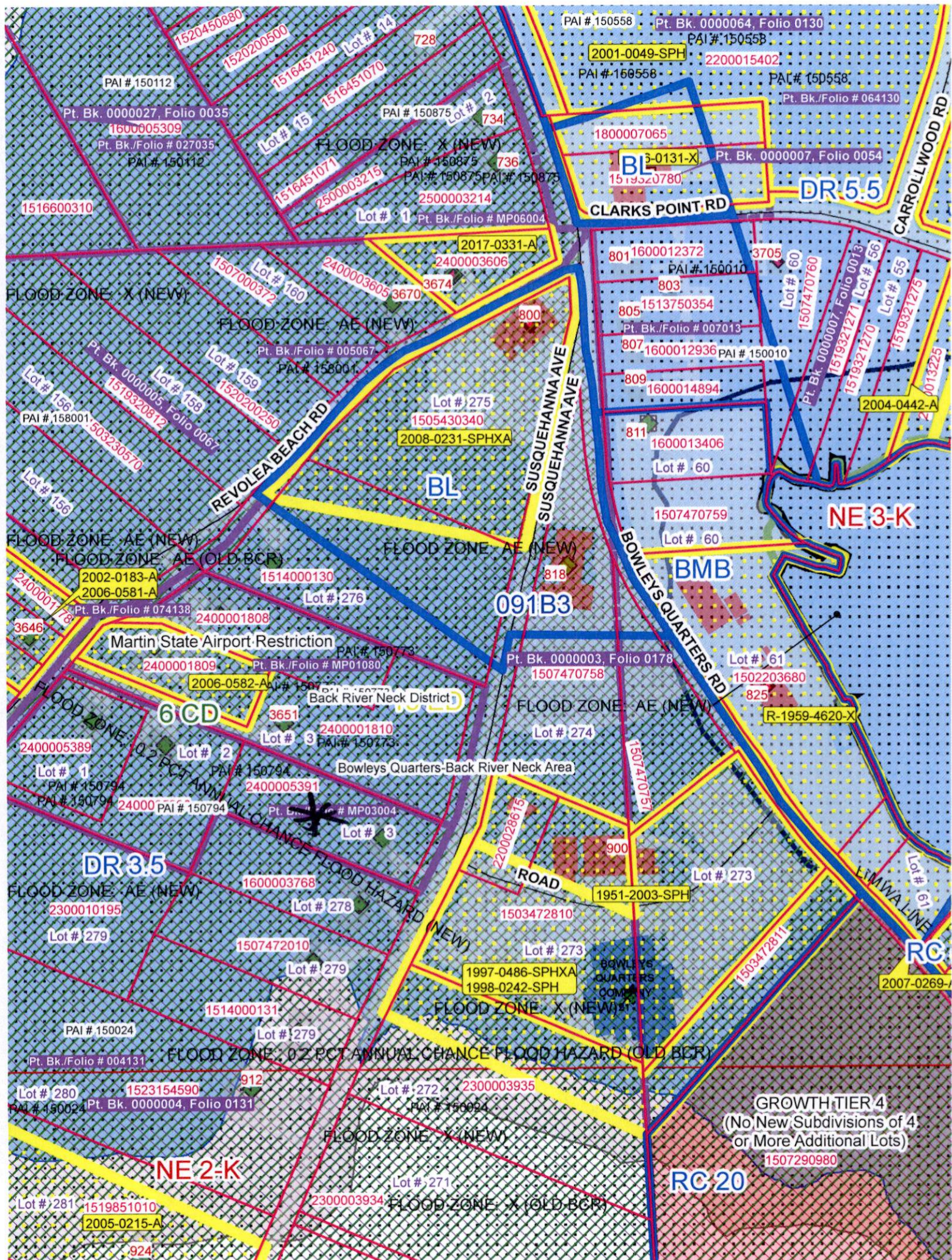
NE 2-K

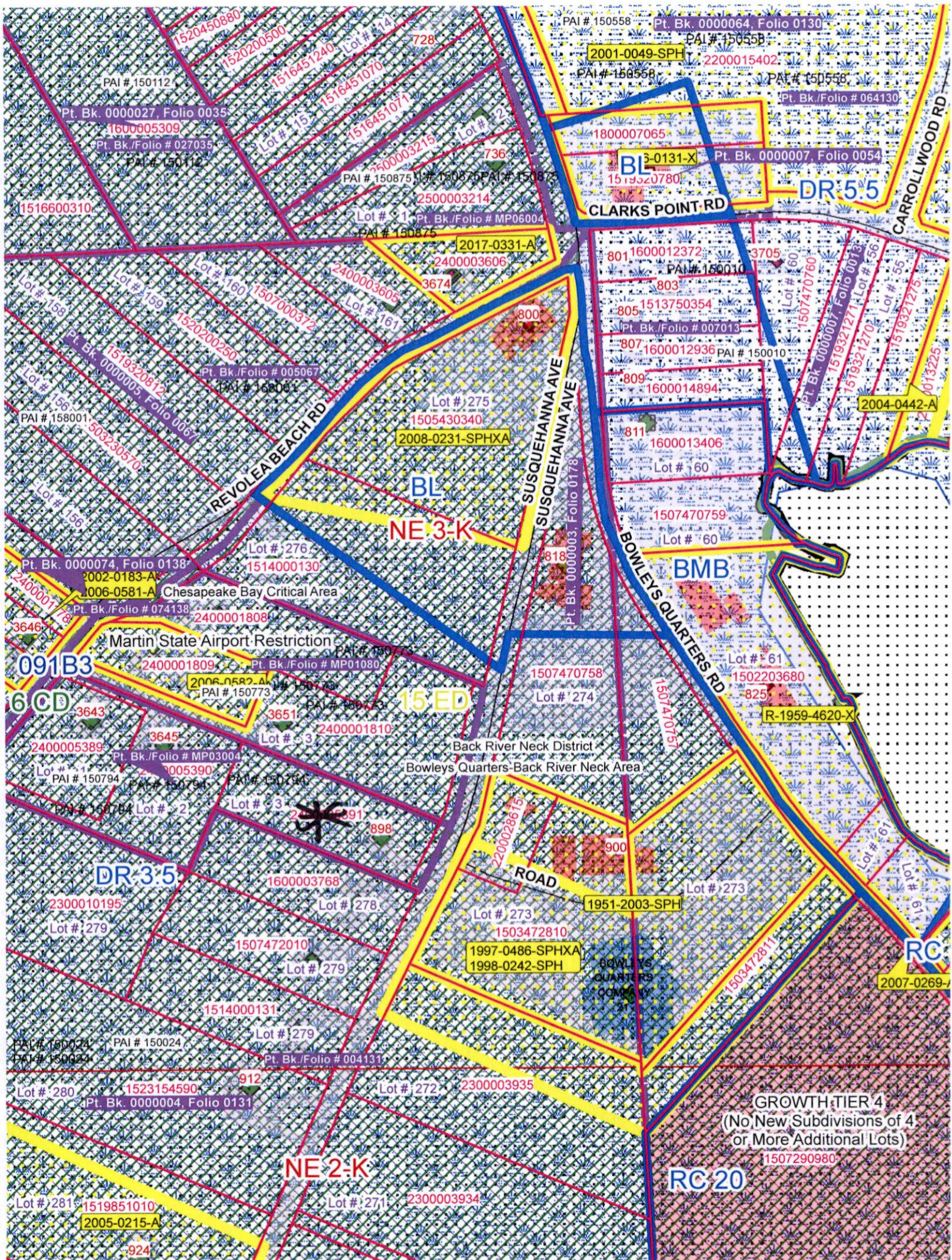
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

RC20









GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

RC 20

NE 2-K

DR 3.5

15 ED

BMB

BL
NE 3-K

CLARKS POINT RD
DR 5.5

CARROLLWOOD RD

REVOLEA BEACH RD

SUSQUEHANNA AVE

BOWLEYS QUARTERS RD

ROAD

091B3
6 CD

Chesapeake Bay Critical Area
Martin State Airport Restriction

Back River Neck District
Bowleys Quarters-Back River Neck Area

BOWLEYS
QUARTERS
COMPANY

RC