

M E M O R A N D U M

DATE: December 17, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0454-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 16, 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
(3717 Century Avenue)
13th Election District
1st Council District
Kenneth, Jr. and Kathleen L. Callis
Legal Owners
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2019-0454-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Kenneth and Kathleen Callis, 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 housing of pigeons on a lot with .22 acres in lieu of the required 1 acre.

Kenneth and Kathleen Callis appeared in support of the petition. There were no protestants but there were several interested citizens who attended the hearing to voice their support for the requested variance. 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”), the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Public Works (“DPW”).

The site is approximately .22 acres in size and is zoned DR-16. After an anonymous complaint was filed with the Bureau of Code Enforcement Petitioners were instructed to seek zoning relief. Mr. Callis testified that he is a member of the Chesapeake Rollers Pigeon Club and that he raises and trains approximately 125 pigeons. He explained that although he has only about a quarter acre lot it is surrounded by larger lots and that the whole area has a rural feel. He testified

ORDER RECEIVED FOR FILING

Date 11/15/19
By Sen

that he keeps his pigeons in neat and orderly "lofts" that he cleans weekly and that he takes all waste to the nearby County landfill. He explained that his birds only fly for short periods of time and that he has them trained to return to their "lofts" on his command. He testified that there are several neighborhood kids (some of whom are disabled) who enjoy helping him care for and train the birds. He submitted numerous letters of support from his neighbors, which were admitted as Petitioners' Exhibit 1. He also submitted a series of photos of the "lofts" and of his and the surrounding properties, which were admitted as Petitioners' Exhibit 2. He and his wife both testified that no one in the neighborhood has ever complained to them about the pigeons and that all the neighbors they know have no objection to the birds. This is borne out by the numerous letters in Exhibit 1.

Linda Pohuski, testified that her elderly father owns approximately 5 acres of adjoining property to the rear of the Callis' property and that her father likes having the birds there. She explained that it is a rural setting that is mainly forested all the way down to the Patapsco River and that the pigeons have plenty of room to fly and that they don't bother anyone.

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 in question is a smaller, irregularly shaped lot surrounded by larger lots. Although it is zoned DR 16 it is not a densely developed area. The property is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to keep their prized pigeons. The evidence establishes that Mr.

ORDER RECEIVED FOR FILING

Date 11/15/19
By sen

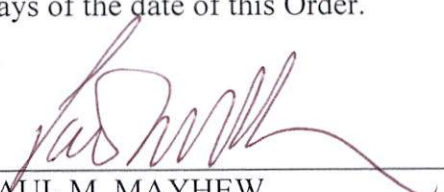
Callis is an experienced and skilled pigeon enthusiast. He has thoroughly trained his birds so that they respond to his commands and he takes meticulous care of them. The Department of Planning questioned what measures Mr. Callis takes to control and clean up after the pigeons. I am satisfied by the testimony and evidence in this case that Mr. Callis is responsible in controlling the birds both on the ground and in the air and that he meticulously cleans up after them and properly disposes of all associated waste. 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 fact that the community has voiced unanimous support for the requested variance relief.

THEREFORE, IT IS ORDERED, this 15th day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit housing of pigeons on a lot with .22 acres in lieu of the require 1 acre, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING

Date

11/15/19

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 3717 Century Ave which is presently zoned DR 16
Deed References: 35931/00266 10 Digit Tax Account # 13137501501
Property Owner(s) Printed Name(s) Kenneth L Callis Jr Kathleen A Callis

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

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

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

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

3. ☒ a Variance from Section(s) 100.6 of the BCZR To permit housing of pigeons on a lot with .22 Acres in lieu of the required 1 acres.

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kathleen A Callis / Kenneth L Callis Jr
Name #1 - Type or Print Name #2 - Type or Print

Kathleen A Callis / Kenneth L Callis Jr
Signature #1 Signature #2

3717 Century Ave Halethorpe MD
Mailing Address City State

21227 / 443-306-8507 / goat_cheesie@yahoo.com
Zip Code Telephone # Email Address

Representative to be contacted:

Same as above
Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2019-0454-A Filing Date 9/9/19 Do Not Schedule Dates: _____ Reviewer gh

REV. 10/4/11

2019- 0454-A

Beginning at a point on the east side of Century Avenue width right of way width of 40 feet at a distance of 64 feet south of the centerline of Tulip Avenue with a right of way width of 40 feet. Being lot #'s 474, 475, 476, Block B in subdivision of English Consul Estate as recorded Baltimore County Plat Book # 3, Folio #109, containing .22 acres of lot area. Located in the 13th district and 1st councilman District.



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 8, 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: 2019-0454-A

3717 Century Avenue

E/side of Century Avenue, south of Tulip Avenue

13th Election District – 1st Councilmanic District

Legal Owners: Kenneth & Kathleen Callis, Jr.

Variance to permit housing of pigeons on a lot with .22 acres in lieu of the required 1 acre.

Hearing: Thursday, November 14, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Callis, Jr., 3717 Century Avenue, Halethorpe 21227

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 25, 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.

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PM 11-14-19
11 Am

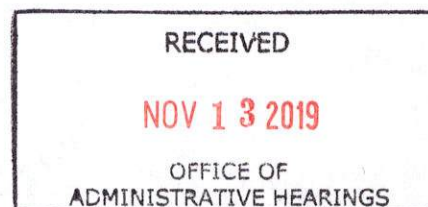
Debra Wiley

From: RICHARD HOFFMAN <dick_e@comcast.net>
Sent: Tuesday, November 12, 2019 4:26 PM
To: Administrative Hearings
Subject: 3717 Century Ave. --- Case # 2019-0454-A
Attachments: 3717 re-cert.pdf

CAUTION: This message from dick_e@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached is the re-certification and photo's for the subject case.

Thanks,
dickh



RE-CERTIFICATION OF POSTING

RE: Case No. 2019-0454-A

Petitioner: Kenneth & Kathleen Callis, Jr.

Hearing Date: 11/14/19

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 _____
3717 Century Ave. – (front SS of property) - (1 of 2)
3717 Century Ave. – (front NS of property) - (2 of 2)
on 10/24/19 and re-photographed on 11/9/19

Sincerely,

 11/9/19

Richard E. Hoffman

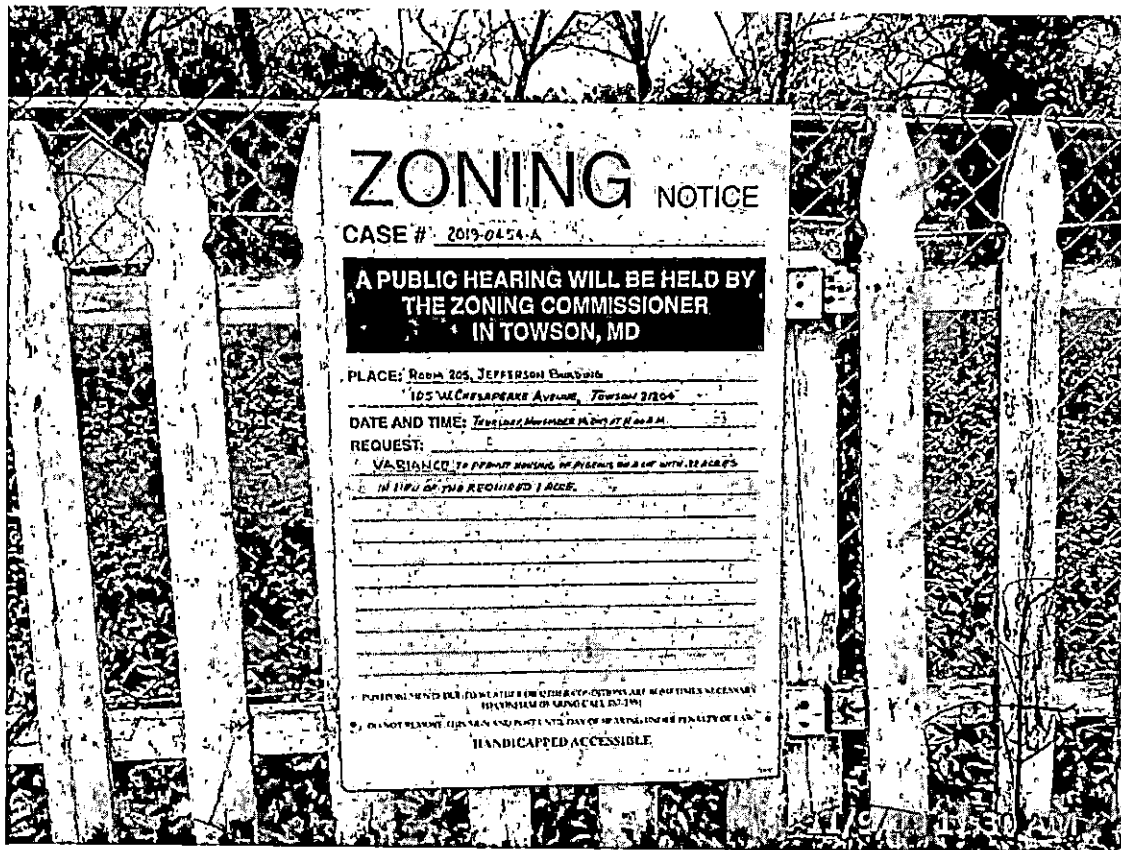
904 Dellwood Drive

Fallston, Md. 21047

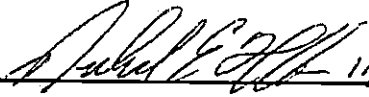
(443) 243-7360

Re-Certification of Posting

Case No 2019-0454-A



3717 Century Avenue (front-SS property – 1 of 2)

 11/9/19

Richard E. Hoffman

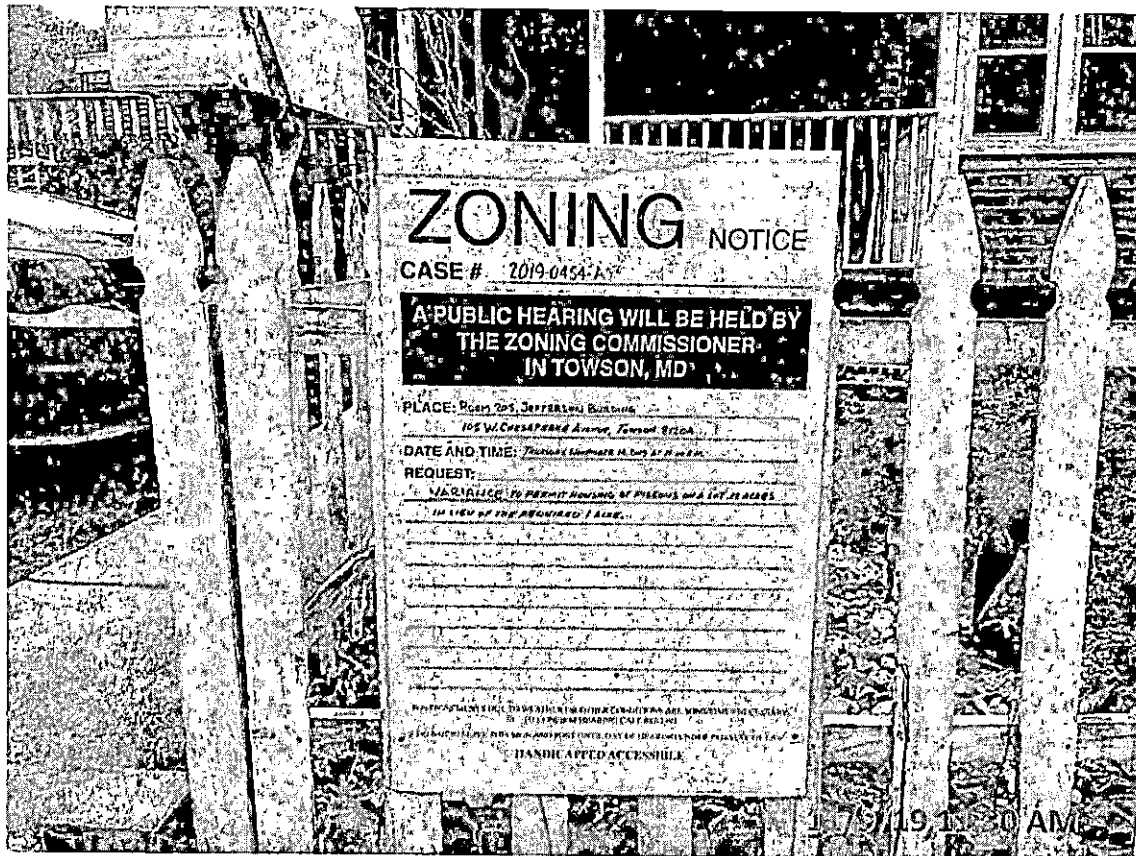
904 Dellwood Drive

Fallston, Md. 21047

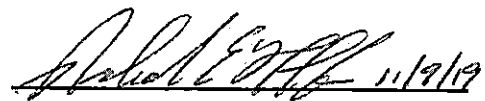
443-243-7360

Re- Certification of Posting

Case No 2019-0454-A



3717 Century Avenue (front-NS property – 2 of 2)

 11/9/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

CERTIFICATION OF POSTING

RE: Case No. 2019-0454-A

Petitioner: Kenneth & Kathleen Callis, Jr.

Hearing Date: 11/14/19

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 _____

3717 Century Ave. – (front SS of property) - (1 of 3)

3717 Century Ave. – (front NS of property) - (2 of 3)

3717 Century Ave. - (blow-up of sign wording) (3 of 3)

_____ on 10/24/19

Sincerely,

 10/24/19

Richard E. Hoffman

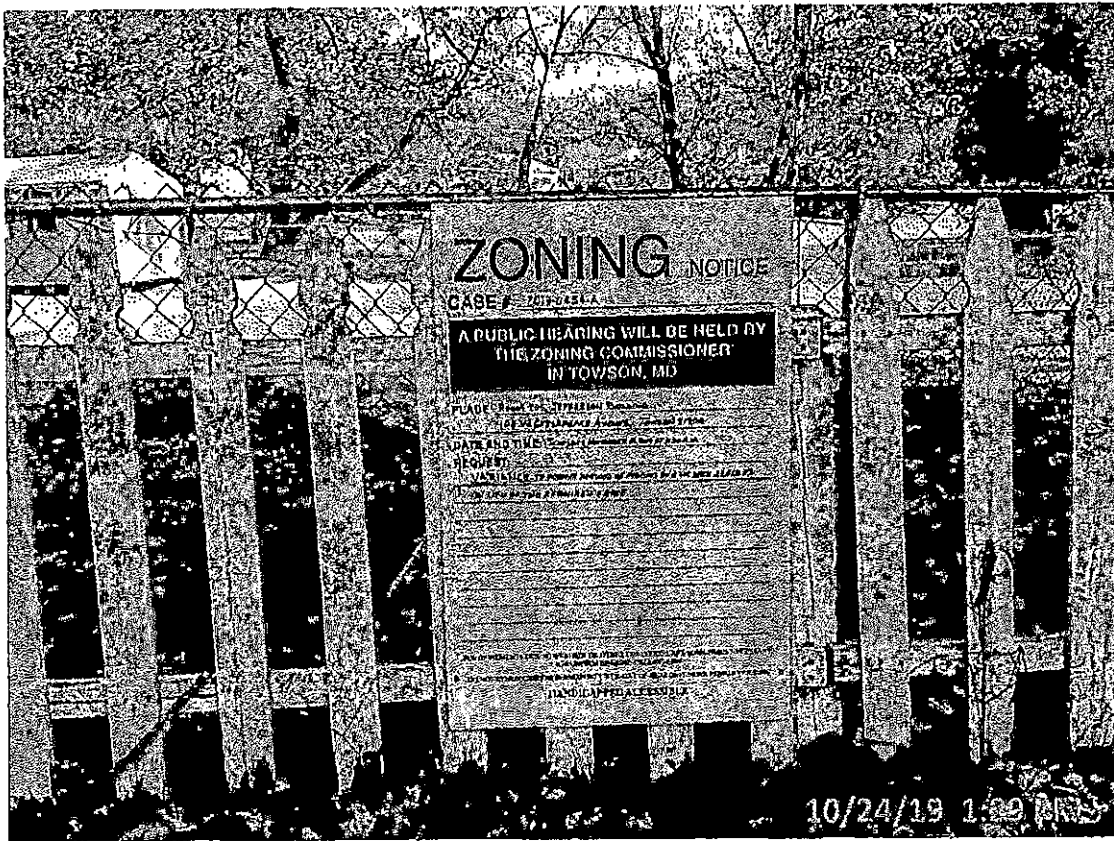
904 Dellwood Drive

Fallston, Md. 21047

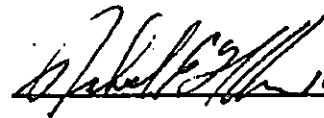
(443) 243-7360

Certification of Posting

Case No 2019-0454-A



3717 Century Avenue (front-SS property – 1 of 3)

 10/24/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certification of Posting

Case No 2019-0454-A



3717 Century Avenue (front-NS property – 2 of 3)

 10/24/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certification of Posting

Case No 2019-0454-A

ZONING NOTICE

CASE # 2019-0454-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: Room 205, JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE, TOWSON, 21204

DATE AND TIME: THURSDAY, NOVEMBER 14, 2019 AT 11:00 A.M.

REQUEST:
VARIANCE TO PERMIT HOUSING OF PIGEONS ON A LOT .15 ACRES
IN LIEU OF THE REQUIRED 1 ACRE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE CONTINGENT UPON THE ZONING COMMISSIONER'S DISCRETION.

10/20/19

3717 Century Avenue (blow- up of sign wording 3 of 3))

 10/24/19

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
3717 Century Avenue; E/S of Century Avenue *
S 64' to the c/line of Tulip Avenue * OF ADMINISTRATIVE
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Kathleen & Kenneth Callis * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-454-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
SEP 19 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2019, a copy of the foregoing Entry of Appearance was mailed to Kathleen & Kenneth Callis, 3717 Century Avenue, Halethorpe, MD 21227, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 8, 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: 2019-0454-A

3717 Century Avenue
E/side of Century Avenue, south of Tulip Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Kenneth & Kathleen Callis, Jr.

Variance to permit housing of pigeons on a lot with .22 acres in lieu of the required 1 acre.

Hearing: Thursday, November 14, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
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A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Callis, Jr., 3717 Century Avenue, Halethorpe 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 25, 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, October 25, 2019 – Issue

Please forward billing to:

Kathleen Callis
3717 Century Avenue
Halethorpe, MD 21227

443-306-8507

NOTICE OF ZONING HEARING

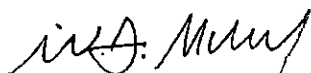
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3717 Century Avenue
E/side of Century Avenue, south of Tulip Avenue
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Variance to permit housing of pigeons on a lot with .22 acres in lieu of the required 1 acre.

Hearing: Thursday, November 14, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11802654
Case #: 2019-0454-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0454-A

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:

10/25/2019



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 hercin as follows:

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Hearing Thursday, November 14, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

o25

**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/neighborhood 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: 2019-0454-A

Property Address: 3717 Century Ave.

Property Description: _____

Legal Owners (Petitioners): Kathleen & Kenneth Callis

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kathleen A Callis

Company/Firm (if applicable): _____

Address: 3717 Century Avenue
Baltimore, MD 21227

Telephone Number: 443-306-8507

PAID RECEIPT

9/9/9

BUSINESS	ACTUAL	TIME	DRN
9/09/2019	9/09/2019	09:42:43	5

REG 4500

WALKIN, LRB

9/09/2019 07:14

RECEIVED

030257 9/09/2019
528 ZONING VERIFICATION

Amount

528 ZONING VERIFICATION.

SAFETY

7189

[illegible]

pt Tot \$ 75.00

4) $\frac{1}{2} \frac{d^2}{dt^2} \left(\frac{1}{2} \frac{d^2}{dt^2} \right)$

15.00 OK 15.00

—

Timore County, Maryland

Total

7500

Rec

From: Kenneth Callis

For

2019-0454-A

317 Century Ave.

**CASHIER'S
VALIDATION**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 04, 2019

Kathleen A Callis Jr,
3717 Century Ave
Halethorpe MD 21227

RE: Case Number: 2019-0454-A, 3717 Century 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 September 09, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 9/18/19

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. **2019-0454-A**

*Variance
Kathleen L. Callis Jr. Kenneth
3717 Century Avenue.*

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

Sincerely,



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

WW/RAZ

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Michael Mallinoff, Director,
Department of Permits, Approvals and Inspections

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director *SAW*
Department of Public Works

DATE: October 4, 2019

SUBJECT: Case No: 2019-0454-A
Tax Account 13-13-751150
3717 Century Avenue, Baltimore, Maryland 21227

This is a Special Hearing for a variance to permit housing of pigeons on a lot with 0.22 acres in lieu of the required 1 acre.

A riverine flood plain is shown on the property. The Federal Emergency Management Agency, FEMA, Flood Insurance Rate Map, FIRM, panel 2400100510G dated May 5, 2014, shows a Zone A "special flood hazard area" at this site.

Baltimore County Code Sections 32-4-414, 32-8 and the 2015 Baltimore County Building Code Part 125 all state "no building in a riverine flood plain". The flood plain shown on the FIRM is based on approximate existing conditions. The Baltimore County Design Manual and Development Policy Manual require flood plain delineations shown based on ultimate conditions. The ultimate conditions may vary from the existing conditions especially in areas where the flood plain delineation was approximated like this area.

The Department of Public Works takes no exception for the approval of the waiver request.

SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Kevin G. Wagner, Maryland Department of the Environment
Peter M. Zimmerman, People's Council

11-14-19

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: October 1, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0454-A
Address 3717 Century Avenue
(Callis Property)

Zoning Advisory Committee Meeting of **September 13, 2019**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

1. EIR may require the pigeon coop to be relocated as far away from the stream as possible within the property in order to reduce water quality impacts in accordance with Section 33-3-107.

Reviewer: Libby Errickson

PM 11-14-19
11 AM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 10/30/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-454



INFORMATION:

Property Address: 3717 Century Avenue
Petitioner: Kathleen A. Callis, Kenneth L. Callis, Jr.
Zoning: DR 16
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit the housing of pigeons on a lot width 0.22 acres in lieu of the required 1 acre.

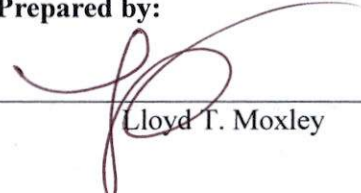
A site visit was conducted on September 27, 2019. There is an existing 1 ½-story building and a shed in the subject property. The site is the subject of violation case no. CC1910685. Petitioners indicated to staff that on an average 125 pigeons are kept.

The Department does not support granting the petitioned zoning relief.

- The plan does not indicate how waste and expired fowl emanating from that number of birds is disposed of.
- Petitioners have not indicated to the Department how the impacts on adjacent properties created by the large concentration of birds, both on the ground and in the air, can be mitigated.

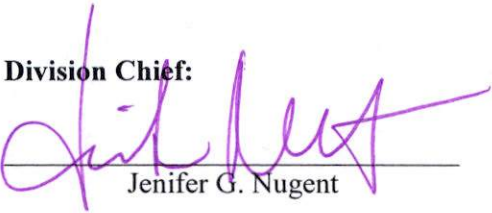
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Josephine Selvakumar
Kathleen A. Callis
Office of the Administrative Hearings
People's Counsel for Baltimore County



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CC1910685

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CC1910685	Dan O'Neill	07/24/2019	07/24/2019	Correction Notice Mailed	09/05/2019	

Complaint Description: PIDGEONS

Property

3717 CENTURY AVE
HALETHORPE, MD 21227
Tax Id: 1313750150

Owner

CALLIS KATHLEEN A CALLIS KENNETH L JR
3717 CENTURY AVE
BALTIMORE, MD 21227-2119

Complainant

ANONYMOUS

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Dan O'Neill	08/05/2019	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Dan O'Neill		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

8/5/2019: 8/5/19-inspection shows a lot of pigeons in rear yard, notice will be mailed because I-pad will not load reports, return set for 9/5/19
8/5/2019: Insufficient acreage for all pigeons, all must be removed from property

2019-0454-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>10-1</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>11-4</u>	PLANNING (if not received, date e-mail sent _____)	<u>Does not Support</u>
<u>9-18</u>	STATE HIGHWAY ADMINISTRATION	<u>No objct.</u>
_____	TRAFFIC ENGINEERING	_____
<u>10-4</u>	<u>DPW</u>	<u>Takes No Exception</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
<u>Code Enforcement</u>		
ZONING VIOLATION	(Case No. <u>CC 1910685</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10-25-19</u>	
SIGN POSTING (1 st)	Date: <u>10-24-19</u> by <u>Hoffman</u>	
SIGN POSTING (2 nd)	Date: <u>11-9-19</u> by <u>"</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>11-7 @ 9:20 Am - Spoke to Ms. Callis. Advised missing sign posting - she'll contact Mr. Hoffmann. rec'd from Kuzan 11-7-19</u>		

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 13 Account Number - 1313750150			
Owner Information					
Owner Name:		CALLIS KATHLEEN A CALLIS KENNETH L JR		Use:	RESIDENTIAL
Mailing Address:		3717 CENTURY AVE BALTIMORE MD 21227-2119		Principal Residence:	YES
				Deed Reference:	/35931/ 00266
Location & Structure Information					
Premises Address:		3717 CENTURY AVE 0-0000		Legal Description:	LT 475,476 3717 CENTURY AVE ENGLISH CONSUL ESTATES
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0109	0004	0378		0000	B
					Block:
					475
					Lot:
					2019
					Assessment Year:
					Plat No:
					Plat Ref:
					0003/ 0109
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1939		1,284 SF		9,495 SF	
Stories		Basement		Type	
1 1/2		YES		STANDARD UNIT	
Exterior		Full/Half Bath		Garage	
SIDING		1 full/ 1 half		Last Major Renovation	
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2019		07/01/2019	
				As of	
				07/01/2020	
Land:		65,200		65,200	
Improvements		104,500		115,000	
Total:		169,700		180,200	
Preferential Land:		0		173,200	
				176,700	
				0	
Transfer Information					
Seller: STINCHCOMB THEODORE CLINTON		Date: 03/13/2015		Price: \$160,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /35931/ 00266		Deed2:	
Seller: KARASINSKI SANDRATH KAY		Date: 05/24/1999		Price: \$65,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /13768/ 00488		Deed2:	
Seller: AMBROSE THERESA		Date: 12/31/1998		Price: \$30,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /13415/ 00096		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2019	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 04/07/2015					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2019-0454-A

CASE NAME Callis
CASE NUMBER _____
DATE 11/14/19

[illegible]

Case No.: 2019-0454-A

Exhibit Sheet

Petitioner/Developer

DS
12-17-19

Protestants

Sen

11-15-19

Sen

No. 1	Letters of Support	
No. 2	Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

To Whom It may concern:

I Patricia B Mitchell at 2720 Alderwood Ave Halethorpe, Md 21227 would like to express my concerns about Mr Ken Callis

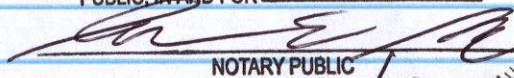
We are raising 2 grandchildren for which one child is 17yr old with many disabilities. When he is having one of his trying days. Mr. Ken invites Howard Grazier (our grandson) to come into his yard to oversee the pigeons. When the pigeons are flying it is very comforting to Howard. I believe its good therapy for him. Animals are exceptionally soothing for children with Howard's disabilities

As far as our family we appreciate Mr Ken's shows. When our grand children come by they ask if ~~if~~ they have missed the pigeon show

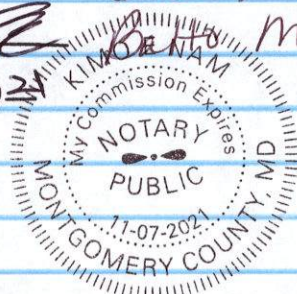
Sincerely
Patricia B Mitchell

Patricia B Mitchell
2720 Alderwood Ave
Baltimore Md 21227

SWORN AND SUBSCRIBED BEFORE ME, IN MY PRESENCE,
THIS 30 DAY OF 10 2019 A MARYLAND NOTARY
PUBLIC, IN AND FOR _____


NOTARY PUBLIC

MY COMMISSION EXPIRES 11/07/2021



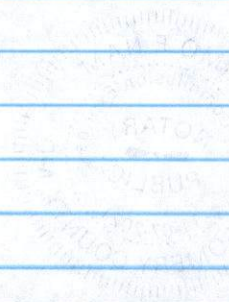
PETITIONER'S

EXHIBIT NO. 1

SWORN AND SUBSCRIBED BEFORE ME IN MY PRESENCE
THIS ____ DAY OF ____ 20____ A MARYLAND NOTARY
PUBLIC IN AND FOR _____

NOTARY PUBLIC

MY COMMISSION EXPIRES ____ 20____



August 2019

Baltimore County Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21201

Office of Administrative Hearings
Jefferson Building
105 West Chesapeake Avenue
Towson, MD 21204

RE: BCZR 100.6 Non permitted livestock /fowl /poultry – insufficient acreage
Enforcement Case # CC1910685 Property Tax ID 13-13-750150

LETTER OF SUPPORT

Dear Ladies and Gentlemen,

My neighbor Mr. Ken Callis trains and maintains show birds at his residence located at 3717 Century Avenue, Halethorpe, Maryland 21227 in Baltimore County. I support his request to continue.

The problem seems to be Mr. Callis' near ¼ acre of property does not meet the 1-acre code requirement for keeping birds. Please be aware that on Century Avenue, open area surrounds Mr. Callis' property on all 4 sides. The County owns multiple open lots to the property's east and west. Neighbors to the north own open lots beside their home and the neighbor to the south owns open acreage. This open space surrounding 3717 Century Avenue is estimated to be 7 acres.

Mr. Callis' show birds are not typical pigeons. Trained show birds fly in formation, rollover in flight, vary their speed and air height from ground signals, and return to their home.

Mr. Callis is a competitive hobbyist associated with Chesapeake Roller Pigeon Club. Club members network with trainers in similar organizations throughout the United States and abroad.
<http://www.angelfire.com/tx/pigeon550/rollerclub.html>

Most neighbors enjoy seeing the birds during their brief flights. The shows are short because the birds are out from a few minutes to 1/2 hour daily. Parents of some nearby children have expressed appreciation in seeing their children's pleasure and amusement watching the birds in flight. They are beautiful and entertaining.

This letter of support to assist Ken Callis' with keeping his pigeons on his property and in our community includes my name and address in order to show the proximity of my property to 3717 Century Avenue.

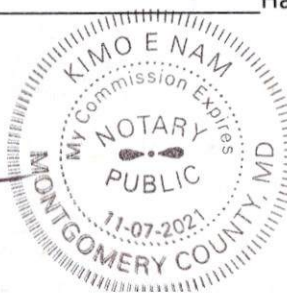
Signature: Patricia B. Mitchell

Print Name: Patricia Mitchell

Address: 2720 Alderwood Ave Halethorpe, MD 21227

SWORN AND SUBSCRIBED BEFORE ME, IN MY PRESENCE,
THIS 30 DAY OF 10, 2019, A MARYLAND NOTARY
PUBLIC, IN AND FOR _____

[Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES 11/07/2021



August 2019

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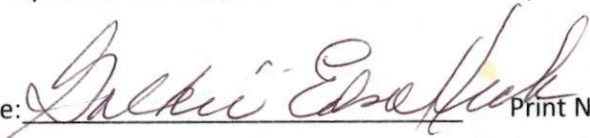
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Signature:  Print Name: Goldie E Heck

Address: 2718 Alderwood Ave Halethorpe, MD 21227

August 2019

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Signature: _____

Print Name: _____

Address: _____

3701 Century Ave Halethorpe
21227

Halethorpe, MD 21227

Nancy Lee 9/9/19
Baltimore MD
exp 9/18/21

August 2019

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Signature: Linda Chorney Phuski Print Name: LINDA Chorney Phuski

Address: 3721 Century Ave. Halethorpe, MD 21227

Linda Phuski personally appeared
before me on 8-18-2019.

Diane Connelly

My notary expires 4-13-2021
Baltimore County



3121 Century Ave
Franklin, Massachusetts
Diane K. Comella



August 2019

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County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21201

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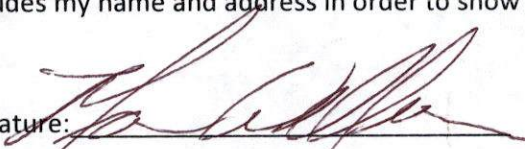
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Signature: 

Print Name: Marvin Williams

Address: 3708 Century Ave Halethorpe Md 21227

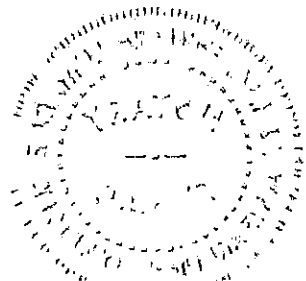
Halethorpe, MD 21227

SKIPPY TAG AND TITLE LLC
7503 TELEGRAPH RD
HANOVER, MD 21076

JOHN L. EDWARD LUMADUE
Notary Public
Anne Arundel County, Maryland
My Commission Expires 3/27/2021

10 15

SKIPBY TAG AND THE LIT
7503 TELEGRAPH RD
JANUARY 20, 1974



August 2019

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County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21201

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Signature: Frank Chorney Print Name: Frank Chorney

Address: 2637 Tulip Ave. Halethorpe, MD 21227

Nancy Pro 9/21/19
notary exp 9/18/21
Baltimore md

August 2019

Baltimore County Zoning Review
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Signature: Angelino Bautista Print Name: Angelino Bautista

Address: 3714 Century AV Halethorpe, MD 21227

August 2019

Baltimore County Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21201

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<http://www.angelfire.com/tx/pigeon550/rollerclub.html>

Most neighbors enjoy seeing the birds during their brief flights. The shows are short because the birds are out from a few minutes to 1/2 hour daily. Parents of some nearby children have expressed appreciation in seeing their children's pleasure and amusement watching the birds in flight. They are beautiful and entertaining.

This letter of support to assist Ken Callis' with keeping his pigeons on his property and in our community includes my name and address in order to show the proximity of my property to 3717 Century Avenue.

Signature: James G. Hardesty

Print Name: JAMES G. HARDESTY

Address: 2714 ALDERWOOD Ave. 21227 Md. Halethorpe, MD 21227

Brenda Jean Harmon
Notary Public
Baltimore County, MD
My Commission
Expires 8-26-2020

Brenda J Harmon
9/16/19

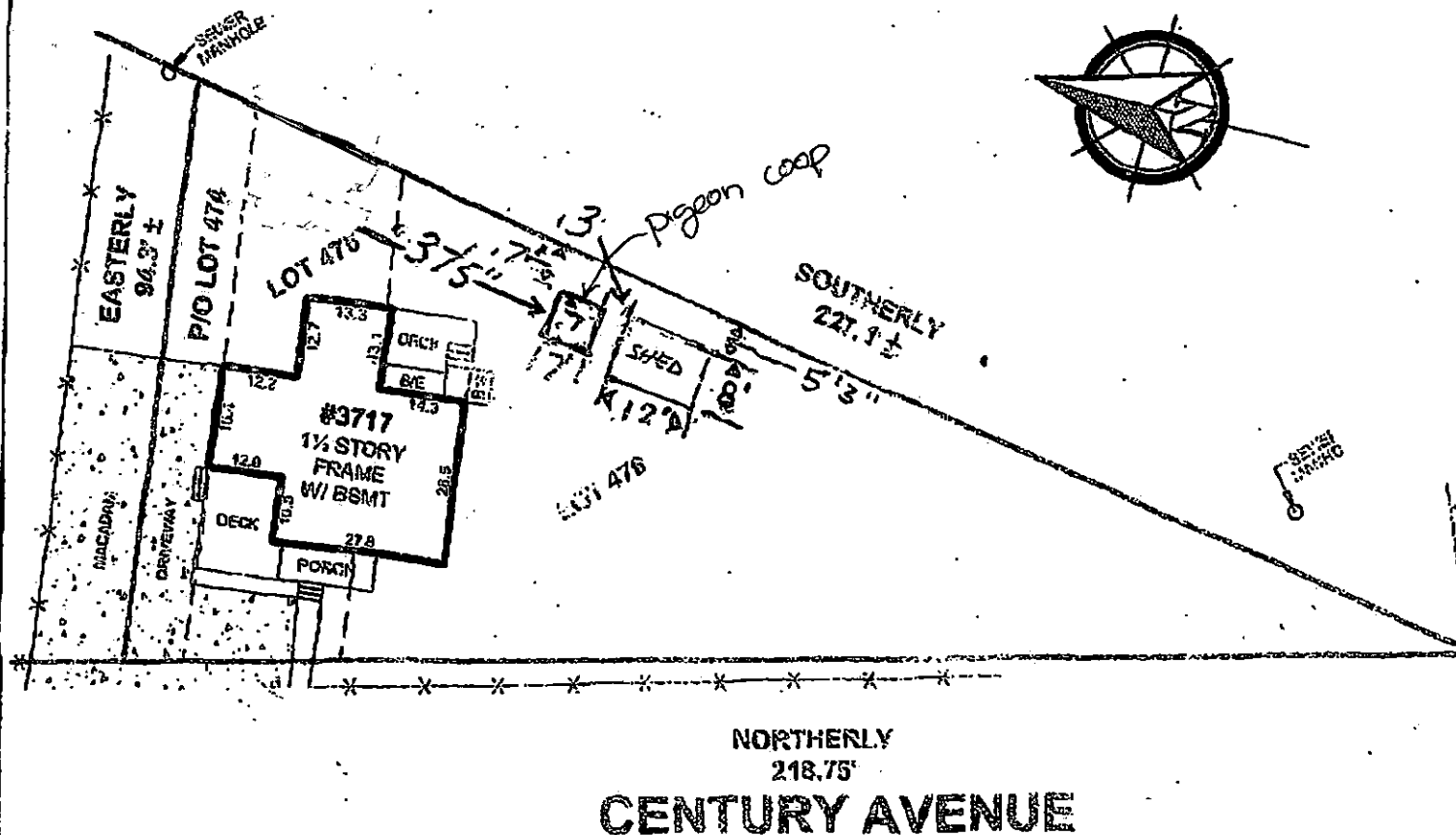
APR 20 1950
NEW YORK
LIBRARY OF CONGRESS
SERIALS ACQUISITION
SECTION

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

ADDRESS 3717 CENTURY AVE. OWNER(S) NAME(S) Kathleen A Callis/Kenneth L Callis Jr

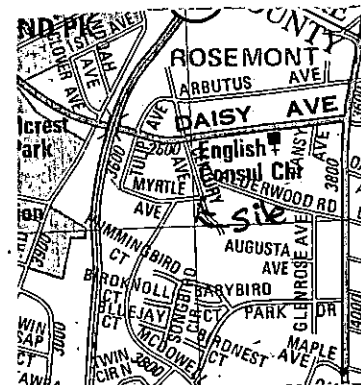
SUBDIVISION NAME ENGLISH CONSUL ESTATE LOT # 475, 476, 477 BLOCK # _____ SECTION # B

PLAT BOOK # 3 FOLIO # 109 10 DIGIT TAX # 1313750150 DEED REF. # 35931/00266
1313750151



PLAN DRAWN BY OWNER

DATE 9-4-2019 SCALE: 1 INCH = 30 FEET



MAP IS NOT TO SCALE

ZONING MAP# 109B1

SITE ZONED DR 16

ELECTION DISTRICT 13th

COUNCIL DISTRICT 1st

LOT AREA ACREAGE 1

OR SQUARE FEET .22 AC

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

2019-0454-A

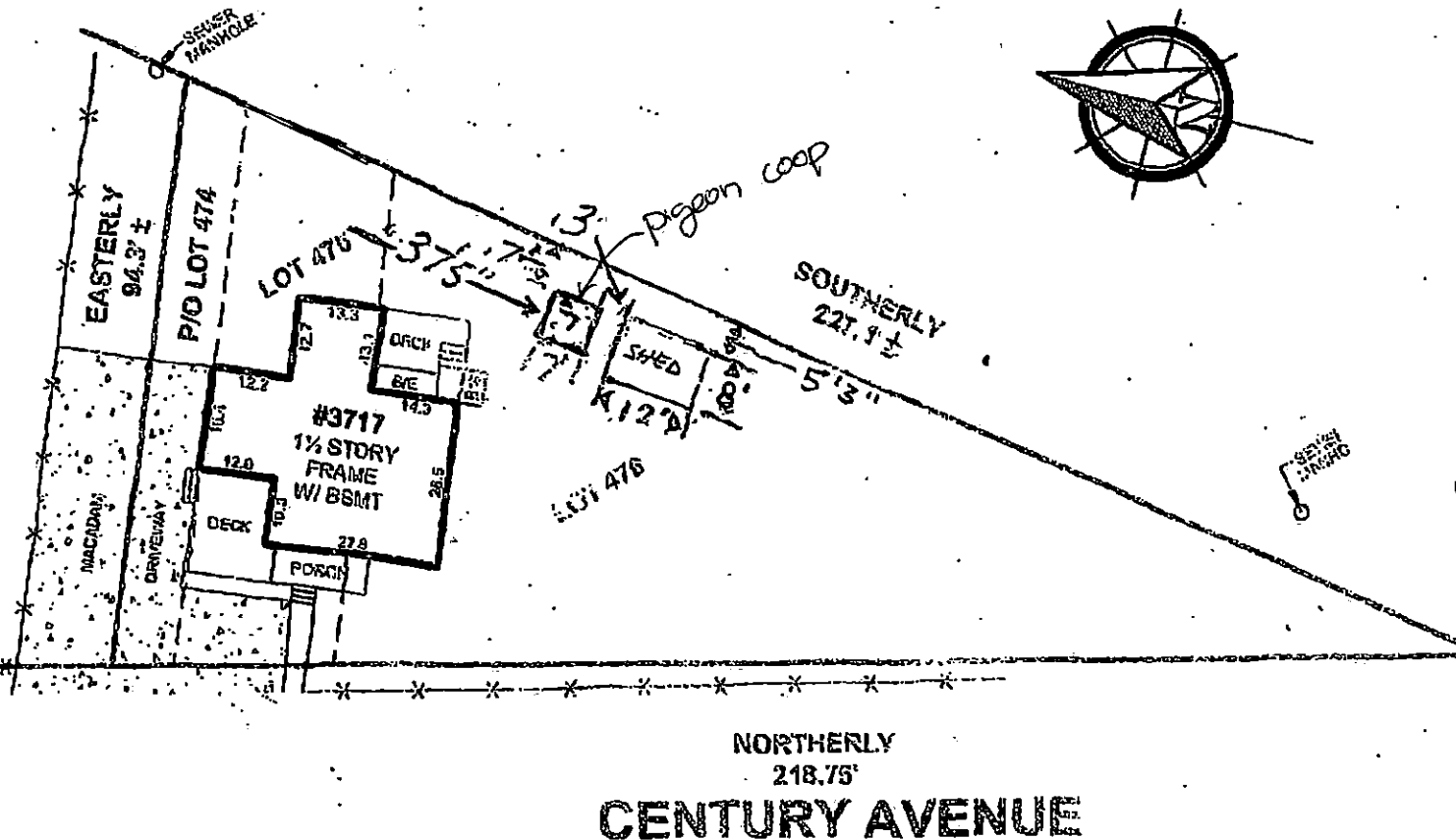
CC1910685

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

ADDRESS 3717 CENTURY AVE OWNER(S) NAME(S) Kathleen A Callis / Kenneth L Callis JR

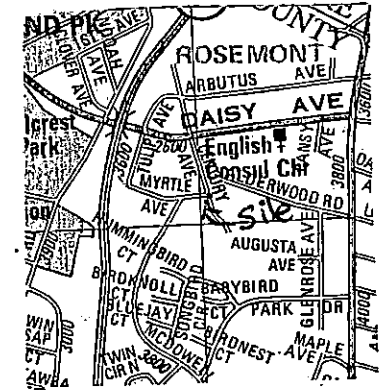
SUBDIVISION NAME ENGLISH CONSUL ESTATE LOT# 475, 476, 474 BLOCK# _____ SECTION# B

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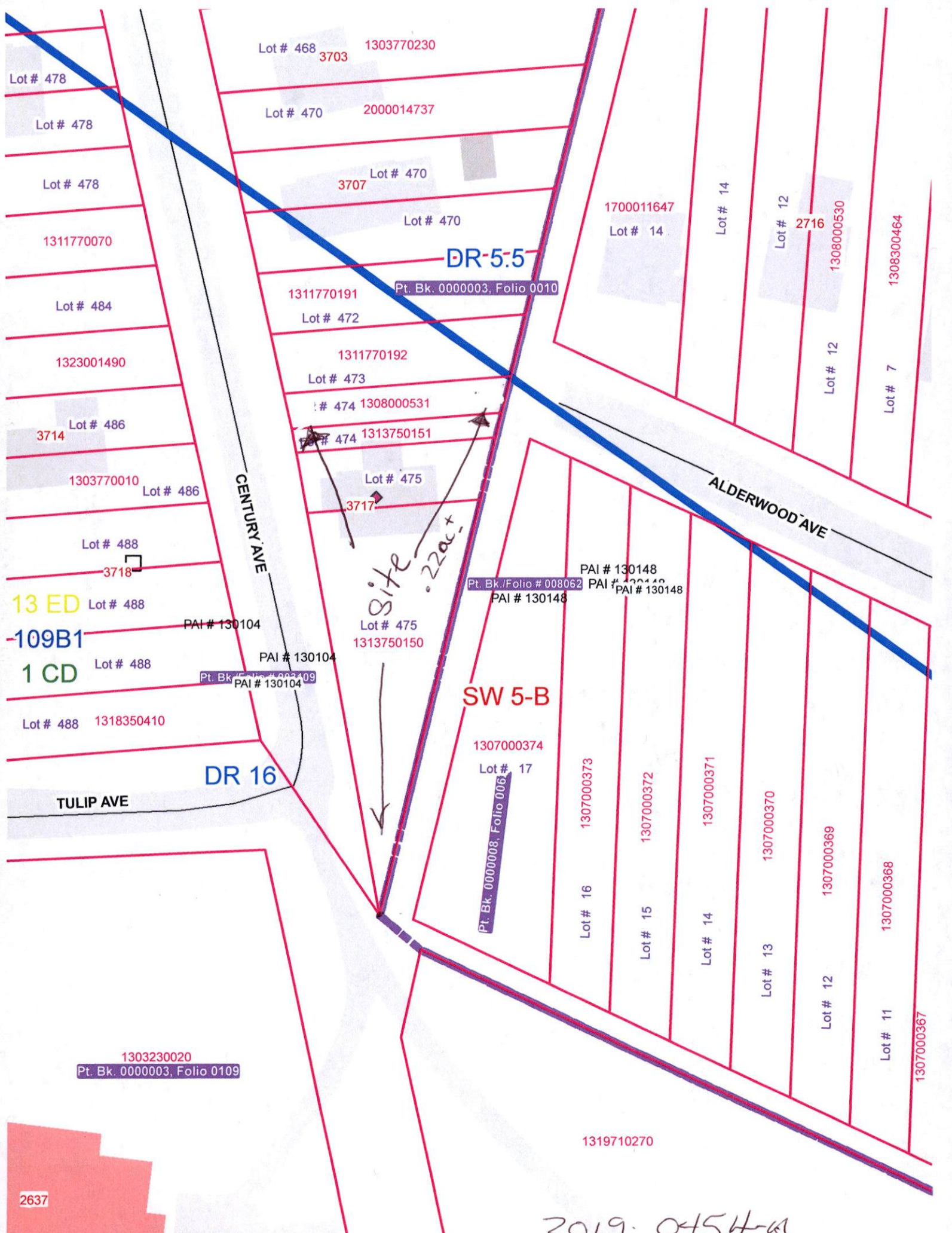
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2019-0454-A

CC1910685





PETITIONER' S

EXHIBIT NO.

2

Coop 2



Coop 2



Coop 2



Pigeon Feed
(Baden)



medications



NATURAL

TOO GOOD WITH THE COVER ON!

FLOOR COVERING

GRANULATED / ANTI-COCCIDIOSE
VLOERDEKKORREL
COUVRE-SOL GRANULE
BODENBELAG-KORREL
GRANULATU MOZE
PRZECIW KOKCIDIJOZIE

FLOOR COVERING
GRANULATED ANTI-COCCIDIOSE

20 KG

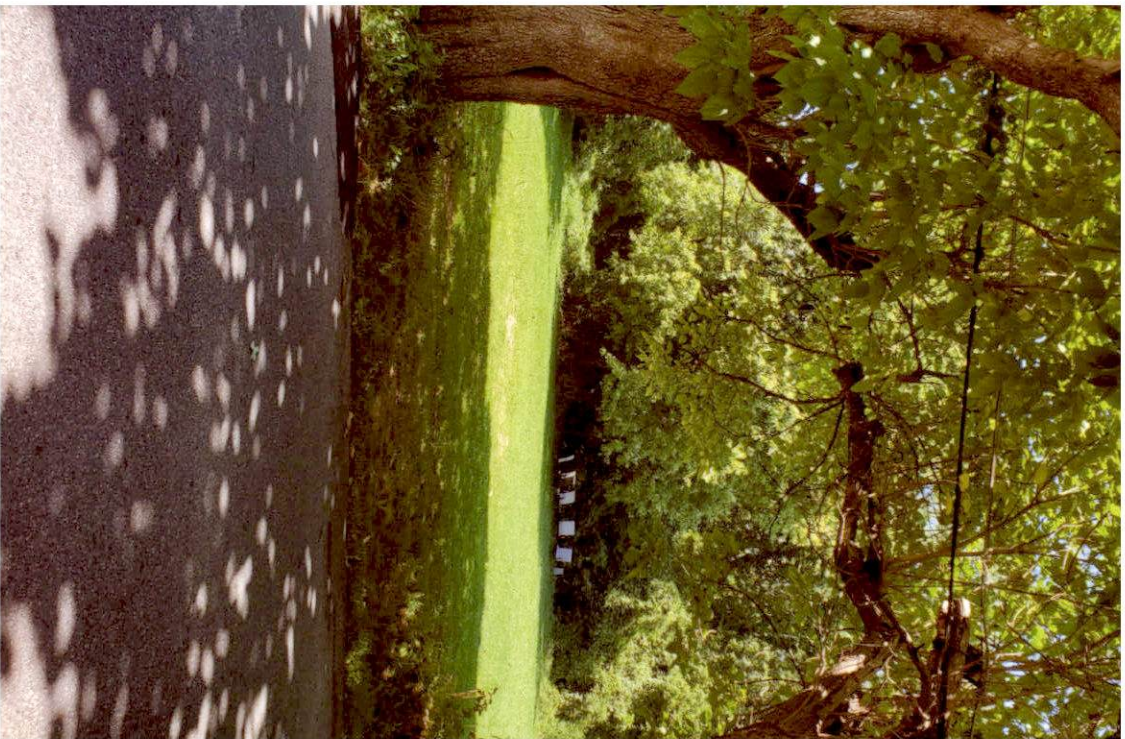
NATURAL FLOOR
DRESSING

20kg

Floor Covering



Storage for waste



open lot

Across street
on Century Ave.



Open Lot behind
coops





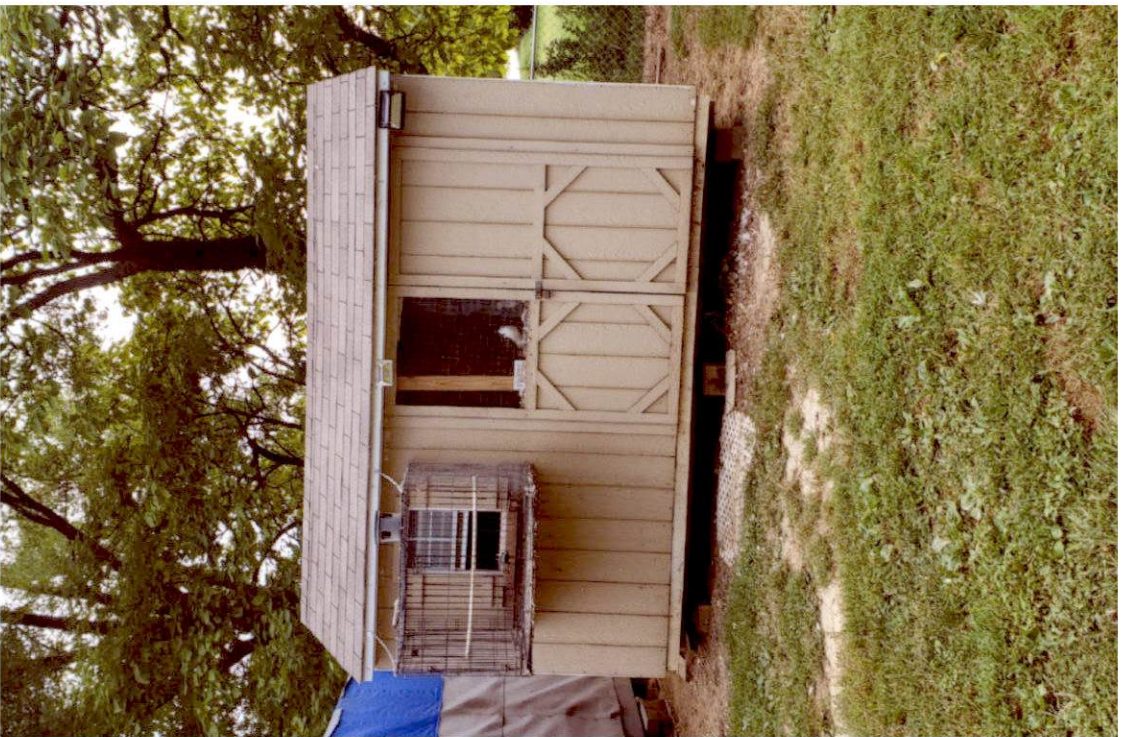












Coop 2



coop 1

7x10

coop 2

12x10



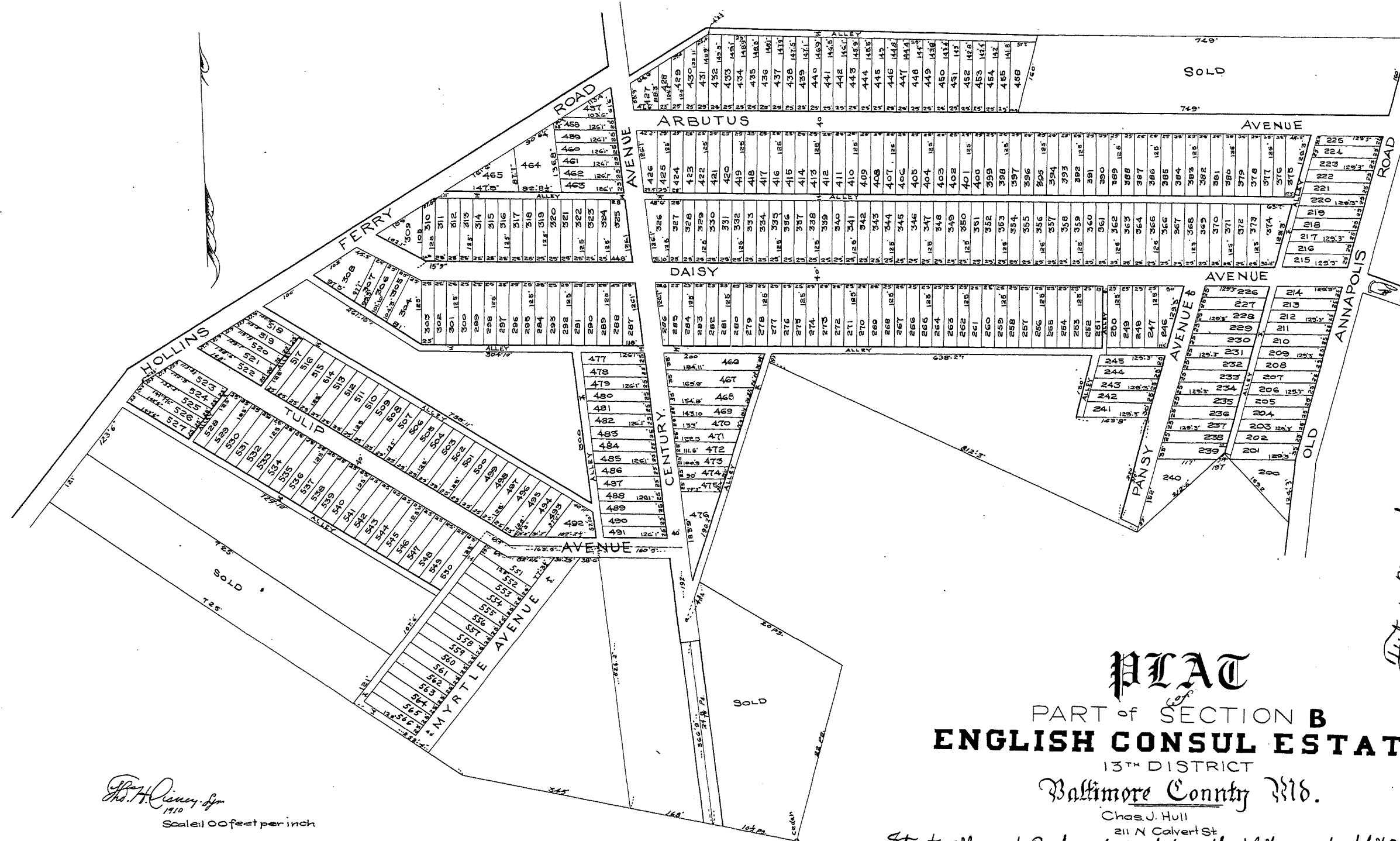
Coopl



Coop 1



Coop 2



Chas. J. Hull
1910
Scale: 100 feet per inch

PLAT
PART of SECTION B
ENGLISH CONSUL ESTATE
13th DISTRICT
Baltimore County Md.

Chas. J. Hull
211 N Calvert St.
Streets, alleys and Roadway designated on this plat are opened by act dedicated
Chas. J. Hull

Filed November 17 1910
Test: Wm. P. Cole,
Clerk

2019-0454-A