

IN THE MATTER OF
MATTHEW AND MARIA FERNANDA CESNIK
LEGAL OWNERS AND PETITIONERS
FOR VARIANCE ON THE PROPERTY LOCATED AT
907 ADANA ROAD

1ST ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 20-056-A

* * * * *

OPINION

This matter comes before the Board of Appeals (Board) as a *de novo* appeal from an opinion dated August 25, 2020, by Administrative Law Judge Paul M. Mayhew, denying a variance request. In that matter, as now before the Board, the Petitioners are requesting variance relief from Baltimore County Zoning Regulation (BCZR) § 100.6. The Petitioners want to keep and maintain two chickens on a lot that is 0.177 acres instead of the minimum one acre as required by § 100.6.

There are two sets of legal principles that govern this matter. The first is traditional Baltimore County zoning law regarding variances as set forth in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The second is the American With Disabilities Act (“ADA”) and the Americans With Disability Act Amendments Act of 2008 (ADAAA), 42 U.S.C. § 12101 *et seq.*, the Fair Housing Amendments Act (FHAA), 42 U.S.C. § 3601 *et seq.*, and the Maryland Discrimination in Housing Act, Ann. Code of Md., State Gov’t. Art., § 20-701, *et seq.*, all of which require that a local jurisdiction’s policies and procedures, including zoning requirements, must make reasonable accommodation for persons with disabilities in single family dwellings owned or occupied by a disabled person. *See also Pathways Psychosocial, et al. v. Town of Leonardtown, Md., et al.*, 223 F.Supp2d 699, 707-09 (D.Md. 2002) (finding that use of zoning

laws to discriminate under the ADA supported private cause of action and substantial jury award).

Mrs. Cesnik suffers from stage IV rectal, lung, and liver cancer. The Cesniks first acquired the chickens when they lived in Indiana, and the chickens were to be a source of comfort for Mrs. Cesnik. The chickens are pets, not part of a commercial operation. The Cesniks moved to the Pikesville area of Baltimore County several years ago. Mr. Cesnik indicated that their real estate agent told them that chickens were permitted in their new neighborhood which is correct so long as there is at least one acre of land to support those chickens. Apparently, the acreage requirement was not disclosed to the Cesniks.

After settling into their home, a neighbor complained about the chickens. As a result, the Cesniks filed their application for variance relief from the requirements of § 100.6. They also undertook to reconfigure their backyard chicken coop and outdoor feeding area. These changes re-oriented the chickens away from the complaining neighbor. They also presented evidence to the Board showing that the methods they used to care for the chickens caused little or no disruption in the neighborhood. Several neighbors testified to the same effect, indicating that they support the Cesniks in keeping the chickens. The original complaining neighbor has since moved away. Mr. Cesnik testified that the new owners do not object to the chickens. The Cesniks' devotion to these chickens (who all have names) was underscored by testimony that the Cesniks attempted to procure a prosthetic beak for one of the chickens whose top beak had broken off.

As indicated above, the Cesniks have requested variance relief from the one acre requirement in § 100.6. Under *Cromwell*, there is a two-step process to determine if a variance

is warranted. First, the petitioner must demonstrate that the property is unique in relation to the surrounding properties, and this uniqueness is what necessitates variance relief. Secondly, the petitioner must show that without the requested relief, the petitioner will experience a practical hardship not of the petitioner's own making. 102 Md. App. at p. 694-95. In this instance, the *Cromwell* standard is clearly **not** met. First, there is nothing unique about the property. It is a home and lot that is typical in the area, and nothing distinguishes it in relation to the maintenance of chickens. Secondly, though the Cesniks would incur an emotional hardship were the chickens to be ordered removed, there is no hardship that relates to the use and enjoyment of their property within the meaning of *Cromwell*. Additionally, whatever hardship that may exist is arguably of their own making. Though they apparently received misinformation from their real estate agent about the legality of keeping chickens, the zoning requirements are a matter of public record, and the Cesniks are charged with knowledge of those requirements. Finally, we note that variances run with the land. If we were to grant a variance allowing chickens to be kept at the Adana Road property, then any subsequent owner of that property would also have the right to maintain chickens for any purpose, including a commercial purpose. This would be an unfortunate, unjustified, and clearly ill-advised consequence.

Though the Petitioners are not entitled to a variance, the Board is not unmindful of the rather unique situation presented in this matter. The chickens in this case are not simply pets; they are pets which provide a great source of comfort, companionship, and solace to a woman who is gravely ill. The Board is also aware of its obligations under prevailing law regarding individuals with disabilities. And while it would have been far preferable for the Petitioners to

have themselves raised alternative bases for them to achieve their desired outcome, or to have engaged counsel to do so in a way that would have assisted the Board, we can on our own, recognize, consider, and adhere to important Federal and State jurisprudence where appropriate. In this instance, the Board is of the view that it should and can carve out a limited accommodation under the Americans With Disabilities Act and the Americans With Disability Act Amendments Act (ADA and ADAAA), 42 U.S.C. §§ 12131, *et seq.* The Board has taken a similar approach in at least one other case where the Petitioner had not specifically raised the ADA. *See In re McBride*, CBA No. 17-270-A (standards of side setback relaxed in order to permit a residential addition necessitated by the need to accommodate two wheelchair-bound foster sons who also had major cognitive and emotional disabilities).

The ADA requires public entities to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity”. *Wisconsin Community Services, Inc, et al. v. City of Milwaukee*, 465 F.3d 737 (7th Cir. 2006) (Easterbook, J., concurring, quoting Department of Justice regulation 28 C.F.R. § 35.130(b)(7)). Significantly, municipal zoning constitutes a public “program” or “service” as those terms are used in the ADA. *Wisconsin Community Services, Inc, et al. v. City of Milwaukee*, 465 F.3d 737, 750 (7th Cir. 2006); *Innovative Health System, Inc. v. City of White Plains*, 117 F.3d 37,48-49 (2d Cir. 1997). The ADA defines “public entity” to include “. . . any department, agency, special purpose district, or other instrumentality of a State. . .or local government”. § 12131 (1)(B). And enforcement by a local government of zoning regulations is action by a “public entity”.

Innovative Health System, Inc. v. City of White Plains, supra. 117 F.3d at 44. See also *Econ. Cmty. Action Program, Inc. v. City of Middletown*, 294 F.3d 35, 45-46 (2nd Cir), *cert. denied*, 537 U.S. 813 (2002); *Forest City Hous., Inc v. Town of North Hempstead*, 175 F.3d 144, 151 (2nd Cir. 1999); *Tsombanidis, et al. v. City of West Haven, et al.*, 352 F.3d 565, 573-73 (2nd Cir. 2003); and *Smith-Berch, Inc. v. Baltimore County*, 68 F.Supp.2d 602, 618 (D.Md. 1999). See also *Ann. Code of Md.*, State Govt Art. § 20-706(b)(4) (indicating that under Maryland law, as under ADA at 42 U.S.C. § 12131(2) and the FHAA at 42 U.S.C. § 3604(F)(3), the disabled are entitled to “. . .reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling”). As demonstrated, the definitions in the ADA, the related statutes, and the caselaw establish that the zoning enforcement apparatus of Baltimore County as well as this Board are “public entities”. Similarly, actions taken by the County zoning authorities and this Board are implementation of public “programs”, “practices”, and/or “services” within the ADA. In other words, in making a zoning decision, local zoning authorities must interpret the zoning principles that apply to private dwellings to reasonably accommodate a person with disabilities who inhabits that dwelling. Consequently, if Mrs. Cesnik is disabled within the meaning of the ADA, then this Board can and should accommodate her situation.

There are no hard and fast criteria for what constitutes a disability, and whether a disability exists is to be determined on a case-by-case basis. See *A Helping Hand, LLC v. Baltimore County*, 515 F.3d 356, 361 (4th Cir. (Md.) 2008) (holding that whether a recovering addict is “disabled” under the ADA is a question of fact). Of course, any analysis must begin with the operative statutory definitions. The ADA defines a disability as “. . . a physical

impairment. . . that substantially limits one or more major life activity. . .” § 12102(1)(A). “Major life activity” itself includes almost every aspect of normal daily living like eating, sleeping, walking, bending, breathing, concentrating, and the like. § 12102(2)(A). It also includes “. . . functions of the immune system, normal cell growth, brain, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.” § 12102(2)(B). The ADA commands that the terms “disability” and “substantially limits” are to be liberally construed. §§ 12102(4)(A) and (B). In fact, effective January 1, 2009, Congress enacted changes to the ADA in order to undo limitations that had been imposed by the Supreme Court and other federal courts. *Hoffman v. Carefirst of Fort Wayne, Inc.* 737 F.Supp2d 976, 984 (N.D. Ind. 2010) citing revisions to § 12102(4) which, for example, expanded the definition of disability to include an impairment that is “in remission” if the impairment would “substantially limit a major life activity when active”. See ADA Amendments Act of 2008 (ADAAA), Pub. L. No. 110-325, 122 Stat. 3553 (2008). And see 29 C.F.R. §§ 1630.2(g)-(h) further refining the definitions of “disability”, “physical or mental impairment” and “major life activities” under the ADA and ADAAA and emphasizing that those definitions should be “broadly construed in favor of expansive coverage”.

The nature of Mrs. Cesnik’s health condition in this case is uncontested. There is little doubt that Stage IV cancer of any sort constitutes a major disruption of everyday functioning and is, therefore, a disability within the ADA. This is particularly true where the cancer involves the rectum, lungs, and liver. Indeed, even a much less impactful cancer can be a disability for employment purposes under the ADA. See 2009 WL 2171549 (E.E.O.C.)

In the matter of Matthew and Maria Fernanda Cesnik
Case No: 20-056-A

announcing a settlement of \$125,000 paid by a White Marsh, Maryland medical group for refusing to retain an employee who had recovered from breast cancer surgery.

Having established that Mrs. Cesnik is disabled and that actions by the Board must account for the ADA, it is then necessary to determine what measures should be taken to properly accommodate the applicable zoning restrictions to her situation. Clearly the number of chickens that the Cesniks own should not be increased. They should maintain the mitigation strategies that they have already instigated to minimize the impact on their neighbors. To the extent that any impacted neighbor does have complaints, the Cesniks must make good faith efforts to satisfy such complaints. The Cesniks have not been using the chickens for commercial purposes, and that self-imposed limitation is now a requirement. Finally, the right to keep the chickens is coexistent with the disability, and should the disability end, the right to keep and maintain the chickens does as well.

CONCLUSION

For these reasons, we are permitting the Cesniks to keep and maintain the chickens subject to the conditions described above and recited in the Order accompanying this decision.

ORDER

THEREFORE, IT IS THIS 5th day of April, 2021 by the
Board of Appeals of Baltimore County

ORDERED, that the variance to permit keeping and maintaining chickens in a lot smaller
than one acre as required by BCZR § 100.6 is hereby **DENIED**; and

IT IS FURTHER ORDERED that the Petitioners may keep and maintain the chickens
they presently house subject to the following conditions:

1. The number of chickens cannot be increased;
2. The chickens cannot be used for commercial purposes;
3. The Petitioners must maintain the mitigation strategies already employed to minimize
and untoward impact on neighboring properties or the people who inhabit those
properties.
4. The Petitioners must make good faith efforts to resolve any complaints that individuals
on adjoining properties may have; and
5. Any authority to keep and maintain any chickens will cease if and when the disability
in question should cease or no longer be relevant.

In the matter of: Matthew and Maria Fernanda Cesnik
Case No: 20-056-A

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



William A. McComas, Panel Chair



Joseph L. Evans

In the matter of: Matthew and Maria Fernanda Cesnik
Case No: 20-056-A

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**

See previous page
William A. McComas, Panel Chair

Joseph D. Evans
Joseph D. Evans

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
907 Adana Road		
1st Election District	*	BOARD OF APPEALS
2nd Council District		
Mathew P. and Maria F. Cesnik	*	OF
Legal Owners and Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO: CBA-2020-0056-A

* * * * *

OPINION CONCURRING IN PART AND DISSENTING IN PART

The majority determined that two sets of legal principles govern this matter. During the public deliberation, I voted with the majority to deny the Petitioners requested variance and concur with the reasons set forth in the majority opinion. The majority then voted to grant Petitioners a right to keep their chickens pursuant to Americans With Disabilities Act and/or other law pertaining to service animals. At that point, I declined to join the majority without any briefing or argument on the applicability of the foregoing law since the Petitioners had not raised it as a basis for seeking relief. I am not persuaded by the majority opinion and therefore dissent from the majority's decision to allow Petitioners to keep the chickens.

April 5, 2021
Date

Adam T. Sampson

Adam T. Sampson



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 5, 2021

Matthew and Maria Fernanda Cesnik
907 Adana Road
Pikesville, Maryland 21208

RE: *In the Matter of: Matthew and Maria Fernanda Cesnik*
Case No.: 20-0256-A

Dear Mr. and Mrs. Cesnik:

Enclosed please find a copy of the final Majority Opinion and Order, and the Opinion Concurring in Part and Dissenting in Part, issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington" followed by a small mark.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosures

c: Jessica Skillman
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Matthew and Maria Fernanda Cesnik 20-056-A

DATE: February 17, 2021

BOARD/PANEL: William A. McComas, Chair
Joseph L. Evans
Adam T. Sampson

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance relief pursuant to BCZR § 100.6 to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres.
2. Is the property unique pursuant to the conditions set forth in *Cromwell v. Ward*?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. The Petitioners are requesting a variance to allow them to keep chickens on their property. The Petitioners recently relocated to Maryland and moved two chickens with them. The ALJ denied the variance. One neighbor appeared in opposition to the request at the hearing before the ALJ but has since moved. No Protestants appeared at the hearing before the Board.
- The Board noted that the Petitioners' property is 0.177 acres and does meet the 1.0 acre requirement to permit chickens on their property pursuant to BCZR § 100.6.
- The Board reviewed the standards of *Cromwell v. Ward*. The Board determined that the property is similar to others in the neighborhood and is not unique. The Board also noted that any hardship is self-created.
- The Board majority determined that even though the property is not unique pursuant to the conditions of *Cromwell v. Ward*, the Americans with Disabilities Act ("ADA") permits reasonable accommodations under certain circumstances. There was testimony from Petitioners concerning Mrs. Cesnik's medical condition and the comfort the chickens provide her.
- The dissenting Member was not certain that the ADA applied in situations involving private homes and therefore could not support applying the ADA to this situation.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Variance, but the Board majority determined that reasonable accommodations can be made through the ADA in order to allow the Petitioners to retain chickens, with conditions.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

_____/s_____
Tammy A. Zahner



Board of Appeals of Baltimore County

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December 15, 2020

NOTICE OF PUBLIC DELIBERATION

IN THE MATTER OF: Matthew and Maria Fernanda Cesnik
907 Adana Road
20-056-A 3rd Election District; 2nd Councilmanic District

Re: Petition for Variance pursuant to BCZR § 100.6 to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres.

8/25/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR: FEBRUARY 17, 2021, AT 9:00 A.M.

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at www.baltimorecountymd.gov/Agencies/appeals/index.html the night before.**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c. Legal Owners/Petitioners : Matthew and Maria Cesnik
Protestants : Jessica Skillman

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law



Board of Appeals of Baltimore County

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410-887-3180
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October 19, 2020

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Matthew and Maria Fernanda Cesnik
907 Adana Road
20-056-A 3rd Election District; 2nd Councilmanic District

Re: Petition for Variance pursuant to BCZR § 100.6 to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres.

8/25/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR: **DECEMBER 8, 2020, AT 10:00 A.M.**

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at www.baltimorecountymd.gov/Agencies/appeals/index.html the night before.**

A complete set of **exhibits must be emailed at least 48 hours before the hearing to appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

Notice of Assignment
In the matter of: Matthew and Maria Cesnik
Case number: 20-056-A
October 19, 2020
Page 2

c.	Legal Owners/Petitioners	: Matthew and Maria Cesnik
	Protestants	: Jessica Skillman

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Attendance Report

My Reports->Search Criteria->Search Results->Detailed Results

The following is a portion of the attendance report. To obtain all the details, click **Export**.

Export

*Attention to Duration ratio: Attentiveness based on total duration of the event.

**Attention to Attendance ratio: Attentiveness based on how long participant was in the event.

All times in: New York Time

Attendee Count 1

Event ID:	167035239026139380	Event key:	1608860390
Program name:		Event name:	Zoning Hearing - 907 Adana Road
Event Start date:	August 24, 2020 New York Time	Event Start time:	10:00 am New York Time
Event End time:	11:00 am New York Time	Event/Recording Duration:	60.0 mins
User Type:	Panelist	First name:	Jessica
Last name:	Skillman	Email:	sayhellotojess@gmail.com
Invited:	Yes	Registered:	No
Attended:	Yes	Join Time:	10:01 am New York Time
Leave Time:	10:30 am New York Time	Attendance Duration:	29.0 mins
Attention to Duration ratio:*	40%	Attention to Attendance ratio:**	100%
Lead source ID:		Registration Date/Time:	
Registration ID:	0	Registration Score:	
Okay to send email:	No	IP:	192.168.4.63
Client Agent:	WINDOWS,IE	Title:	
Number of Employees:		Company:	
Phone:	1-	Address 1:	
Address 2:		City:	
State/Province:		ZIP/Postal code:	
Country/Region:			

Attendee Count 2

Event ID:	167035239026139380	Event key:	1608860390
Program name:		Event name:	Zoning Hearing - 907 Adana Road
Event Start date:	August 24, 2020 New York Time	Event Start time:	10:00 am New York Time
Event End time:	11:00 am New York Time	Event/Recording Duration:	60.0 mins
User Type:	Panelist	First name:	Matthew
Last name:	Cesnik	Email:	mcesnik12@gmail.com
Invited:	Yes	Registered:	No
Attended:	Yes	Join Time:	9:52 am New York Time
Leave Time:	10:30 am New York Time	Attendance Duration:	37.0 mins
Attention to Duration ratio:*	52%	Attention to Attendance ratio:**	100%
Lead source ID:		Registration Date/Time:	
Registration ID:	0	Registration Score:	
Okay to send email:	No	IP:	10.0.0.205
Client Agent:	WINDOWS,Chrome	Title:	
Number of Employees:		Company:	
Phone:	1-	Address 1:	
Address 2:		City:	
State/Province:		ZIP/Postal code:	
Country/Region:			

Attendee Count 3

Event ID:	167035239026139380	Event key:	1608860390
Program name:		Event name:	Zoning Hearing - 907 Adana Road
Event Start date:	August 24, 2020 New York Time	Event Start time:	10:00 am New York Time
Event End time:	11:00 am New York Time	Event/Recording Duration:	60.0 mins
User Type:	Panelist	First name:	Donna
Last name:	Mignon	Email:	dmignon@baltimorecountymd.gov
Invited:	Yes	Registered:	No
Attended:	Yes	Join Time:	9:50 am New York Time
Leave Time:	10:30 am New York Time	Attendance Duration:	40.0 mins
Attention to Duration ratio:*	55%	Attention to Attendance ratio:**	100%
Lead source ID:		Registration Date/Time:	
Registration ID:	0	Registration Score:	
Okay to send email:	No	IP:	172.26.101.66
Client Agent:	WINDOWS,IE	Title:	
Number of Employees:		Company:	
Phone:	1-	Address 1:	
Address 2:		City:	
State/Province:		ZIP/Postal code:	
Country/Region:			

Attendee Count 4

Event ID:	167035239026139380	Event key:	1608860390
Program name:		Event name:	Zoning Hearing - 907 Adana Road
Event Start date:	August 24, 2020 New York Time	Event Start time:	10:00 am New York Time
Event End time:	11:00 am New York Time	Event/Recording Duration:	60.0 mins
User Type:	Panelist	First name:	Paul
Last name:	Mayhew	Email:	pmayhew@baltimorecountymd.gov
Invited:	Yes	Registered:	No
Attended:	Yes	Join Time:	10:01 am New York Time
Leave Time:	10:30 am New York Time	Attendance Duration:	29.0 mins
Attention to Duration ratio:*	41%	Attention to Attendance ratio:**	100%
Lead source ID:		Registration Date/Time:	
Registration ID:	0	Registration Score:	
Okay to send email:	No	IP:	172.26.101.4
Client Agent:	WINDOWS,IE	Title:	
Number of Employees:		Company:	
Phone:	1-	Address 1:	
Address 2:		City:	
State/Province:		ZIP/Postal code:	
Country/Region:			

Attendee Count 5

Event ID:	167035239026139380	Event key:	1608860390
Program name:		Event name:	Zoning Hearing - 907 Adana Road
Event Start date:	August 24, 2020 New York Time	Event Start time:	10:00 am New York Time
Event End time:	11:00 am New York Time	Event/Recording Duration:	60.0 mins
User Type:	Panelist	First name:	Henry
Last name:	Ayakwah	Email:	hayakwah@baltimorecountymd.gov
Invited:	Yes	Registered:	No
Attended:	Yes	Join Time:	9:18 am New York Time
Leave Time:	10:30 am New York Time	Attendance Duration:	72.0 mins
Attention to Duration ratio:*	100%	Attention to Attendance ratio:**	100%

Lead source ID:		Registration Date/Time:	
Registration ID:	0	Registration Score:	
Okay to send email:	No	IP:	172.26.101.171
Client Agent:	WINDOWS,IE	Title:	
Number of Employees:		Company:	
Phone:	1-	Address 1:	
Address 2:		City:	
State/Province:		ZIP/Postal code:	
Country/Region:			



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

September 28, 2020

Matthew and Maria Cesnik
907 Adana Road
Pikesville, MD 21208



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2020-0056-A
Property: 907 Adana Road

Dear Mr. and Ms. Cesnik:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 21, 2020. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

c: Baltimore County Board of Appeals
People's Counsel
Jessica Skillman, 905 Adana Road, Pikesville, MD 21208

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

No. **174856**

Date: **9/21/20**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806			6150					\$300.00

Total: \$ **300.00**

Rec From: **Matthew & M. Fernanda Cesnik**

For: **Office of Administrative Hearings (CD OR APPEAL)**

CASE NO. **2020-0056-A**

ADDRESS OR PROJECT: **907 Adna Road**

HEARING DATES(S): **~~8/24/20~~ 8/24/20**

CHECK #: **133**

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL
 9/23/2020 9/24/2020 14:35:15
 RECEIPT # 079047 9/24/2020
 528 ZONING VERIFICATION
 NO. 174856
 Recd Tot \$ **300.00**
 300.00 CK
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

APPEAL

Petition for Variance
(907 Adana Road)
3rd Election District – 2nd Councilmanic District
Legal Owner: Matthew P. & Maria F. Cesnick
Contract Purchaser: N/A
Case No. 2020-0056-A

Petition for Variance (2/24/2020)

Zoning Description of Property

Certificate of Posting – August 4, 2020 (Sgt. Black)
Re-certification- August 23, 2020 (Sgt. Black)

Newspaper Advertisement – (The Daily Record) –3/27/2020

Notice of Zoning Hearing – July 17, 2020

People's Counsel Entry of Appearance – March 5, 2020

Zoning Advisory Committee Comments-

Web-Ex Sign In Sheet -

Petitioner(s) Exhibits –
1. Powerpoint
2. Site Plan

Protestant(s) Exhibits-
1. Email from Protestant
2. Video

Miscellaneous (Not Marked as Exhibits)- SDAT-Real Property Search

Administrative Law Judge Order and Letter (DENIED 8/25/2020)

Appeal from Matthew and M. Fernanda Cesnik dated

Donna Mignon

From: Administrative Hearings
Sent: Monday, September 21, 2020 11:17 AM
To: Matthew Cesnik; Administrative Hearings; fernanda Cesnik
Subject: RE: signed appeal letter case 2020-0056-A for County Board of Appeals

Dear Sir:

This is acknowledgement of your email, however this is pending receipt of the hardcopy of the letter and the filing fee being received by this office by the appeal date of 9/24/2020.

Thank you.

From: Matthew Cesnik <mcesnik12@gmail.com>
Sent: Monday, September 21, 2020 11:00 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Matthew Cesnik <mcesnik12@gmail.com>; fernanda Cesnik <Cesnikfernanda@gmail.com>
Subject: signed appeal letter case 2020-0056-A for County Board of Appeals

CAUTION: This message from mcesnik12@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Administration Hearings:

Attached is a signed copy of the appeal letter for case 2020-0056-A for County Board of Appeals to preserve timely filing deadline.

A hard copy of this appeal letter, along with the \$300 filing fee, has been mailed today. Thank you for your assistance in this matter.

Sincerely,
Matthew and M. Fernanda Cesnik

Donna Mignon

From: Matthew Cesnik <mcesnik12@gmail.com>
Sent: Monday, September 21, 2020 11:00 AM
To: Administrative Hearings; Matthew Cesnik; fernanda Cesnik
Subject: signed appeal letter case 2020-0056-A for County Board of Appeals
Attachments: signed appeal letter 2020-0056-A for County Board of Appeals.JPG

CAUTION: This message from mcesnik12@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Administration Hearings:

Attached is a signed copy of the appeal letter for case 2020-0056-A for County Board of Appeals to preserve timely filing deadline.

A hard copy of this appeal letter, along with the \$300 filing fee, has been mailed today. Thank you for your assistance in this matter.

Sincerely,
Matthew and M. Fernanda Cesnik



Matthew and M. Fernanda Cesnik
907 Adana Road
Pikesville, MD 21208

21 September 2020

Office of Administrative Hearings
c/o ALJ Paul M. Mayhew
105 West Chesapeake Avenue, Room 103
Jefferson Building
Towson, MD 21204

Dear Office of Administrative Hearings:

This is a request for an appeal to the County Board of Appeals for the denial of a variance to permit chickens on the lot of 907 Adana Road in Case No. 2020-0056-A.

Thank you for the opportunity to present our appeal to ALJ Mayhew and look forward to the scheduling of an appeal with the County Board of Appeals.

This request is being sent via email to preserve the timely filing prior to the deadline per helpful instructions via telephone with the Office of Administrative Hearings. A hard copy of this letter, along with the \$300 filing fee, has been submitted via USPS on this day.

Thank you for your assistance in proving the County Board of Appeals this appeal request.

Sincerely,


M F Cesnik

Matthew and M. Fernanda Cesnik

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

No. 174856

Date: 9/21/20

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/						
001	806			6150							\$300.00

Total: \$ 300.00

Rec
From: Matthew & M. Fernanda Cesnik

For: Office of Administrative Hearings (CD OR APPEAL)

CASE NO. 2020-0056-A

ADDRESS OR PROJECT: 907 Adana Road

HEARING DATES(S): N/A

CHECK #: 133

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

MATTHEW PAUL CESNIK 12-18
7561 MURRAY HILL RD. APT 126
COLUMBIA, MD 21046

7-7671/2520

133

DATE 9-21-20

PAY TO
THE ORDER OF

Baltimore County, Maryland \$ 30000
three hundred and 00/100

DOLLARS



Security Features
Visible in Blue

Securityplus
FEDERAL CREDIT UNION

MEMO 2020-0056-A

[Signature]

MP

⑆252076714⑆

762746022⑈0133

SPECIALTY BLUE

IN RE: **PETITION FOR VARIANCE**
(907 Adana Road)
3rd Election District
2nd Council District
Matthew P. & Maria F. Cesnik
Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2020-0056-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Variance filed on behalf of Matthew P. and Maria F. Cesnik, legal owners ("Petitioners"). The Variance was filed pursuant to § 100.6 of the Baltimore County Zoning Regulations ("BCZR") to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres. A site plan was marked and admitted as Petitioners' Exhibit 2.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. The Petition was advertised and posted as required by the BCZR.

Petitioners, Matthew P. and Maria F. Cesnik, appeared in support of the petition. Their next door neighbor, Jessica Skillman, testified in opposition to the requested variance. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP") dated April 24, 2020.

The site is approximately 7,701 sq. ft. in size and zoned DR 5.5. It is a flat, rectangular lot, with no remarkable natural features. It is similar to the other lots on the street. Mr. Cesnik testified that they moved from Bloomington, Indiana to Pikesville with four chickens. He testified that the realtor who sold them the house told them that chickens were permitted at this location. This is incorrect. BCZR § 100.6 requires a minimum of 1 acre of land in order to keep chickens. The

ORDER RECEIVED FOR FILING

Date 8/25/2020
By D. Mignon

Cesnik's lot is only .177 of an acre. The Cesnik's testified that they are very attached to their chickens, Pippa and Maddie. They presented a powerpoint detailing every aspect of the chickens' lives. (Petitioners' Exhibit 1). They testified that the chickens are not overly noisy. Their neighbor, Ms. Skillman, told a very different story. She testified that the chickens are often loud and that they also have a strong odor. Ms. Skillman testified that the chickens' cries sound quite like a child's cry and that this is quite disturbing to her and her children. She submitted a video/audio tape of the chickens that supports her noise complaint. (Protestant's Exhibit 2).

The general rule is that "the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." *Mueller v. People's Counsel for Baltimore County*, 177 Md. App. 43, 71(2007). This is because "a variance is an authorization for that which is prohibited by a zoning ordinance." *Cromwell v. Ward*, 102 Md. App. 691, 699 (1995). And because "citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations." *Salisbury Bd. Of Zoning Appeals v. Bounds*, 240 Md. 547, 555-56 (1965). Therefore, "[t]he burden is on the applicant to show facts to warrant a variance," and "the specific need for the variance must be substantial and urgent and not merely for the convenience of the applicant." *Mueller v. People's Counsel for Baltimore County*, 177 Md. App. at 70.

Under BCZR Sec. 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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 is what necessitates the requested variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, supra. Finally, "unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical

ORDER RECEIVED FOR FILING

Date 8/25/2020

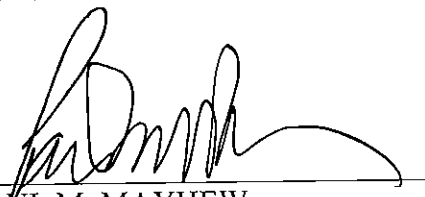
By [Signature]

difficulty or unreasonable hardship.” *Mueller, supra*, 177 Md. App. at 70.

In the instant case, the Site Plan, photographs, and testimony fail to show that there is anything unique about this property. The Petitioners have therefore failed to meet the first prong of the legal analysis. Further, even if I were to reach the second prong, the record evidence does not support a finding that Petitioners’ need for this variance is “substantial and urgent.” *Mueller, supra*, 177 Md. App. at 70. I am sympathetic to the Cesniks because it is evident that they are very attached to their chickens. However, I must also consider the rights of their neighbors, who are entitled to “strict enforcement of the existing zoning regulations.” *Salisbury Bd. Of Zoning Appeals v. Bounds*, 240 Md. 547, 555-56 (1965). Residents living in a densely populated neighborhood such as this one do not expect to be living next to barnyard sounds and odors.

THEREFORE, IT IS ORDERED this **25th** day of **August, 2020** by this Administrative Law Judge, that the Petition for Variance seeking relief pursuant to § 100.6 of the Baltimore County Zoning Regulations (“BCZR”) to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres, is hereby DENIED.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

ORDER RECEIVED FOR FILING
Date 8/25/2020
By [Signature]



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

August 25, 2020

Matthew P. Cesnik
Maria F. Cesnik
907 Adana Road
Pikesville, MD 21208

RE: Petition for Variance
Case No. 2020-0056-A
Property: 907 Adana Road

Dear Mr. & Ms. Cesnik:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew", is written over a faint, larger version of the same signature.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: PAI, Code Enforcement
Ms. Jessica Skillman

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
donna m. mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
henry ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul M. Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Jessica Skillman	sayhellotojess@gmail.com	1-	New York Time	English	U.S.
Matthew P. Cesnik	mcesnik12@gmail.com	1-	New York Time	English	U.S.

2020-08-24-11

7 PM 8-24-20
10 AM

Debra Wiley

From: Administrative Hearings
Sent: Monday, August 24, 2020 8:01 AM
To: J S
Subject: RE: ALERT: CASE 202-0056-A URGENT SCHEDULED 8/24/2020

Good Morning Ms. Skillman,

This is to acknowledge receipt of both your email and voice mail.

You have been emailed an invitation from WebEx for you to participate in this morning's hearing, which must be accepted. In addition, your email has been accepted for you to present and speak at today's hearing.

Thank you for contacting the Office of Administrative Hearings.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: J S <sayhellotojess@gmail.com>
Sent: Saturday, August 22, 2020 11:15 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: ALERT: CASE 202-0056-A URGENT SCHEDULED 8/24/2020

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

I want to submit written testimony/comments again for the hearing scheduled Monday. I had sent another thing months ago to this address and to the Judge Stahl regarding case # **2020-0056-A. This case is scheduled for Monday 8/24/2020.**

I had submitted video and audio of the chickens. I would like to resubmit this.

My comments are the following:

- 1) The owners were alerted prior to moving in that chickens were not allowed under 1 acre per County zoning ordinance. They were informed by Zoning at the first violation (10/19) they could apply for a variance but did not seek one until after several violations and many months later. I believe they were buying time to delay having to get rid of them.
- 2) They brought 4 chickens in October 2019.
- 3) The chickens are approximately 20 feet from my house and 12 feet from our property line.
- 4) They are extremely loud, constantly during the day, to the point it creates an incessant noise disturbing to those around them. The chickens sound like screaming children, which is alarming.
- 5) They are kept in an extremely small area and appear to need attention/feeding more than given. They are not used as a companion pet. I am constantly outside and we do not see owners interact with chickens.

- 6) The smell is a nuisance and disturbance. It makes people gag and can be smelled several houses over at times. Also, the food left out for chickens attracts pests including rats, which are being seen in more abundance in the neighborhood.
- 7) The zoning violation effects my ability to sell my neighboring house.
- 8) Zoning requires 1 acre. They have .177.
- 9) There are no compelling reason they should be granted a variance.

My name is Jessica Skillman. My number is 410-215-5454.

I am a direct neighbor of the person seeking a variance.

Please contact me so I can appear at the hearing, or have these comments submitted for Monday. I had subitted this to your office on April 3, 2020

I have submitted video and audio, which are compelling evidence. Please let me know in the affirmative that you can recieve and open them.

Sincerely,

Jessica Skillman

VID_20200816 (1).mp4

CERTIFICATE OF POSTING

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Mathew P. & Maria F. Cesnik

August 24, 2020

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:

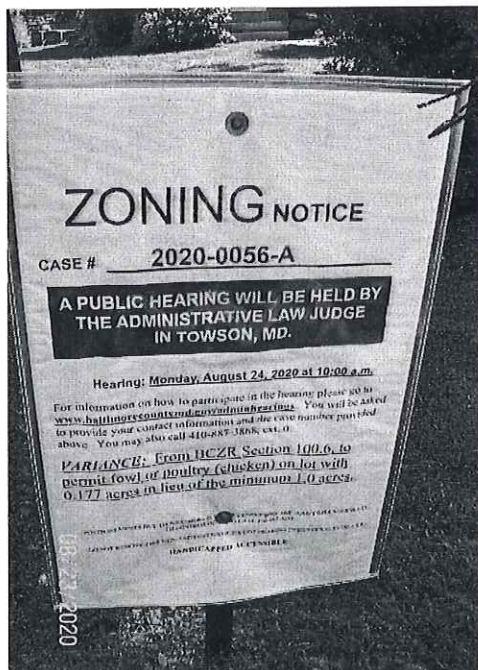
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

SIGN 1 Recertification

August 4, 2020

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



Sincerely,



(Signature of Sign Poster)

August 23, 2020

(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

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Mathew P. & Maria F. Cesnik

August 24, 2020

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:

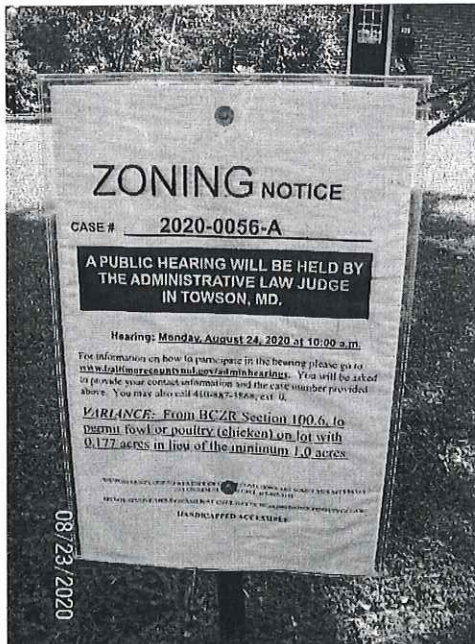
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



907 Adana Road **SIGN 2 Recertification**

August 4, 2020

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



Sincerely,



(Signature of Sign Poster)

August 23, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

8-24-20
10 AM

SGT ROBERT BLACK <1opie@comcast.net>

Sunday, August 23, 2020 9:37 PM

Administrative Hearings

Recertification's For 2020-0056-A

Re-Cert 1 2020-0056-A.doc; Re-Cert 2 2020-0056-A.doc

ON: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system.
over any links before clicking and use caution opening attachments.

rtification's for 907 Adana Road. Thanks.



Debra Wiley

From: Administrative Hearings
Sent: Sunday, August 23, 2020 9:41 AM
To: Debra Wiley
Subject: FW: ALERT: CASE 202-0056-A URGENT SCHEDULED 8/24/2020

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Deb, I was checking the emails and this woman has a video to present and wishes to be at the hearing Monday morning.

Can you invite her? I will save the attached stuff and will bring it to Paul's attention Monday.

From: J S <sayhellotojess@gmail.com>
Sent: Saturday, August 22, 2020 11:15 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: ALERT: CASE 202-0056-A URGENT SCHEDULED 8/24/2020

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

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- 5) They are kept in an extremely small area and appear to need attention/feeding more than given. They are not used as a companion pet. I am constantly outside and we do not see owners interact with chickens.
- 6) The smell is a nuisance and disturbance. It makes people gag and can be smelled several houses over at times. Also, the food left out for chickens attracts pests including rats, which are being seen in more abundance in the neighborhood.
- 7) The zoning violation effects my ability to sell my neighboring house.
- 8) Zoning requires 1 acre. They have .177.
- 9) There are no compelling reason they should be granted a variance.

My name is Jessica Skillman. My number is 410-215-5454.

I am a direct neighbor of the person seeking a variance.

Please contact me so I can appear at the hearing, or have these comments submitted for Monday. I had subitted this to your office on April 3, 2020

I have submitted video and audio, which are compelling evidence. Please let me know in the affirmative that you can recieve and open them.

Sincerely,

Jessica Skillman

 VID_20200816 (1).mp4

From: Bruce Doak <doakfarm@gmail.com>
Sent: Friday, August 21, 2020 11:30 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: 18310 Gunpowder Road - 8/27/2020 10:00 a.m.

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

Good morning Donna,

I have enclosed the previous posting cert that was submitted to Jenae

And the re-cert from today.

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

On Aug 20, 2020, at 1:09 PM, Donna Mignon
<dmignon@baltimorecountymd.gov> wrote:

Good Afternoon,

I am in the process of getting this file ready for the hearing next week.

I do not see the Certification of Sign Posting in the file. Can you please check to see if you have this and if so email to me.

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

<Posting Cert 8 06 20.pdf><Posting cert 8 21 20.pdf>

Donna Mignon

From: Matthew Cesnik <mcesnik12@gmail.com>
Sent: Thursday, August 20, 2020 6:53 PM
To: Donna Mignon; Administrative Hearings
Subject: Re: Hearing on 8/24/2020 at 10:00 a.m. - Case No: 2020-0056-A

Follow Up Flag: Follow up
Flag Status: Flagged



CAUTION: This message from mcesnik12@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you so much!

Attached is a short Powerpoint presentation with notes on each slide that I would like to present. Thank you for this opportunity.

Sincerely,

Matt and Fernanda Cesnik

 **Chickens! We'd like to stay!.pptx**



On Thu, Aug 20, 2020 at 9:35 AM Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Dear Mr. Cesnik:

As you are aware, you have a hearing that is currently scheduled for this Monday, August 24, 2020 at 10:00 a.m.

Please forward any exhibits in PDF form that you wish to present at your hearing within 48 hours of the hearing date.

Please email them to our general mailbox at: administrativehearings@baltimorecountymd.gov

Thank you so much. If you have any questions, please feel free to contact our office.

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Thursday, August 20, 2020 9:36 AM
To: 'mcesnik12@gmail.com'
Subject: Hearing on 8/24/2020 at 10:00 a.m. - Case No: 2020-0056-A

Dear Mr. Cesnik:

As you are aware, you have a hearing that is currently scheduled for this Monday, August 24, 2020 at 10:00 a.m. Please forward any exhibits in PDF form that you wish to present at your hearing within 48 hours of the hearing date. Please email them to our general mailbox at: administrativehearings@baltimorecountymd.gov

Thank you so much. If you have any questions, please feel free to contact our office.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 18, 2020

Matthew Cesnik,
907 Adana Road
Pikesville MD 21208

RE: Case Number: 2020-0056-A, 907 Adana 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 February 24, 2020. 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


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

4-17

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-056

DATE: 4/24/2020

INFORMATION:

Property Address: 907 Adana Road
Petitioner: Matthew P Cesnik, Maria Cesnik
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to determine whether the administrative law judge should permit fowl or poultry (chickens) on a lot with 0.177 acres in lieu of the minimum 1 acre.

A site visit was conducted on March 5, 2020 and was observed that the four (4) chickens appear to be healthy and have adequate facilities to include an outdoor run, coop and free roaming space. Mrs. Cesnik stated she considers the chickens as pets and stated that they would like to install a privacy fence. Fences exist along adjacent/contiguous property lines. Mrs. Cesnik was referred to Historic Preservation in order to obtain the requirements and procedures for historic district approvals.

The applicants should also be aware that, along with a fence, any chicken coop might require approval by the Landmarks Preservation Commission (LPC).

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. No more than four (4) hens (no roosters) shall be permitted on the property provided if a nuisance is not created nor allowed to exist on the property.
2. If hens are no longer housed on the property within a year, all supporting structures shall be removed.

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

Prepared by:

A handwritten signature in black ink, appearing to read "Krystle Patchak".

Krystle Patchak

Division Chief:

A handwritten signature in black ink, appearing to read "Jenifer G. Nugent".

Jenifer G. Nugent

Date: 4/24/2020
Subject: ZAC # 20-056
Page 2

CPG/JGN/kma/

c: Bill Skibinski
Matthew and Maria Cesnik
Office of the Administrative Hearings
People's Counsel for Baltimore County



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Acting Secretary
Tim Smith, P.E.
Acting Administrator

Date: 3/4/20

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. 2020-0056-A

Variance,
Matthew P.E. Maria F. CSMIK
907 Adama Road

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@mdot.maryland.gov).

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: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 6, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0056-A
Address 907 Adana Road
(Cesnik Property)

Zoning Advisory Committee Meeting of **March 9, 2020.**

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

Reviewer: Steve Ford

CERTIFICATE OF POSTING

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Mathew P. & Maria F. Cesnik

August 24, 2020

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:

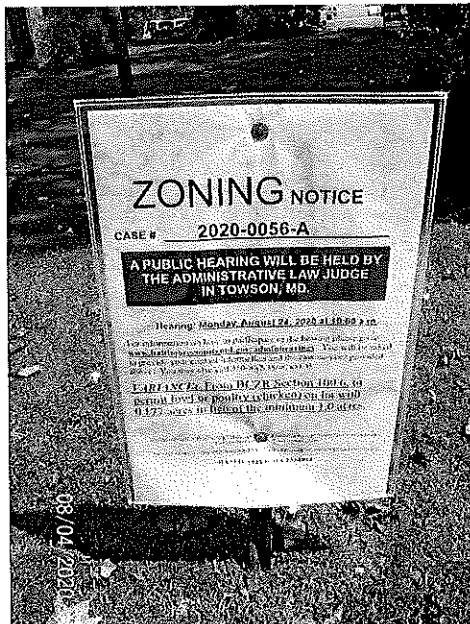
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

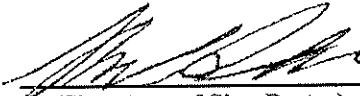
SIGN 1

August 4, 2020

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



Sincerely,

 August 4, 2020
(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

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Mathew P. & Maria F. Cesnik

August 24, 2020

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:

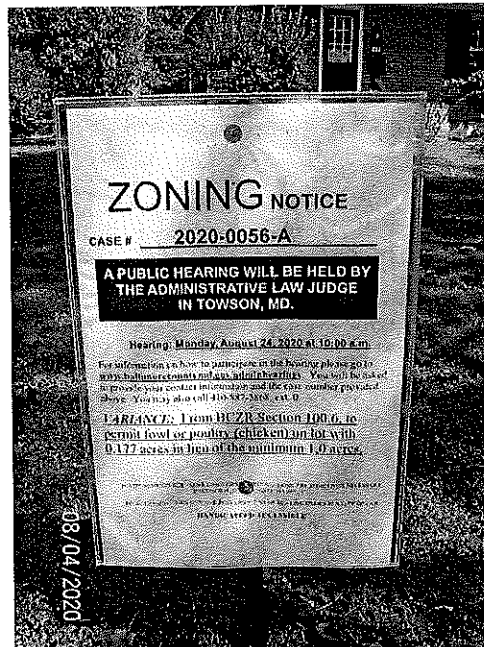
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

SIGN 2

August 4, 2020

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



Sincerely,

 August 4, 2020
(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. OLSZEWSKI, JR.
County Executive

July 17, 2020

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0056-A

Address: 907 Adana Road

Location: East side of Adana Road, 582 ft. to the centerline SW of Kingston Road

Election District: 3 Council District: 2

Legal Owner: Mathew P. & Maria F. Cesnik

Contract Purchaser: No Contract Purchaser was set.

VARIANCE: From BCZR § 100.6, to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres.

Hearing: Monday, August 24, 2020 at 10:00 AM

For information on how to participate in the hearings, please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, press 0 for operator.

A handwritten signature in black ink, reading "Paul M. Mayhew", is written over a light blue horizontal line.

PAUL M. MAYHEW
Managing Administrative Law Judge for Baltimore County
Office of Administrative Hearings

ON AUTHORITY OF: Michael Mallinoff, Director, Department of Permits, Approvals and Inspections

PMM:dlw

c: Matthew P. and Maria F. Cesnik, 907 Adana Road, Pikesville, MD 21208
(via email mcesnik12@gmail.com)

NOTE: THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 4, 2020

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
donna m. mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
henry ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul M. Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Matthew P. Cesnik	mcesnik12@gmail.com	1-	New York Time	English	U.S.

August

Sp. to Mr.
Cesnik on 7-17
Agreed on 8/24 @
10 AM

Debra Wiley

From: Debra Wiley
Sent: Friday, July 17, 2020 1:22 PM
To: Kristen L Lewis
Subject: Link - 8/24 @ 10 AM - Case No. 2020-0056-A

Zoning Hearing - 907 Adana Road

Start Event Now
You can start the event by clicking **Listed Event**
<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/>
<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/>

Type: Start Now.

Event address for attendees:

Event address for panelists:

Date and time: Monday, August 24, 2020 10:00 am
Eastern Daylight Time (New York, GMT-04:00)

Duration: 1 hour

Description: Zoning Hearing
907 Adana Road
Case No. 2020-0056-A
Matthew and Maria Cesnik

Send Event Emails
You can send event emails by clicking
Send Emails.

Event number: 160 886 0390

Event password: 1234

Host key: 811738

Alternate Host: donna m. mignon,henry ayakwah,Paul M. Mayhew

Panelist Info:

Panelist password:

Panelist numeric password: 810531

Video Address: 1608860390@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 160 886 0390

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

3/27/2020

Order #: 11869398
Case #: 2020-0056-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0056-A


Darlene Miller, Public Notice Coordinator
(Representative Signature)

DE SHE

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: 2020-0056-A

907 Adana Road

E/side of Adana Road, 582 ft. to the centerline of Kingston Road

3rd Election District- 2nd Councilmanic District

Legal Owners: Matthew & Maria Cesnik

Variance to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum required 1.0 acre.

Hearing: Friday, April 17, 2020 at 10:00 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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3301.

mli27

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
907 Adana Road; E/S of Adana Road, 582' *
to c/line of SW Kingston Road * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Matthew & Maria Cesnick * BALTIMORE COUNTY
Petitioner(s) *
2020-056-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

MAR 05 2020

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 5th day of March, 2020, a copy of the foregoing Entry of Appearance was mailed to Matthew & Maria Cesnick, 907 Adana Road, Pikesville, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZAC AGENDA

Case Number: 2020-0055-X **Reviewer:** Jason Seidelman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL EXCEPTION
Legal Owner: Essex Plaza, LLC
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 122 EASTERN AVE
Location: NW/S of Eastern Blvd (80'), 345' SW of Wiltshire Road (50').

Existing Zoning: BL **Area:** 2.14 AC

Proposed Zoning:
SPECIAL EXCEPTION:

To approve the use of a 2,457 square foot tenant suite + parking area with the address of #122 Eastern Avenue for a community building per section 230.3 BCZR.

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Case Number: 2020-0056-A **Reviewer:** Gary Hucik
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Mathew P. & Maria F. Cesnik
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 907 ADANA RD
Location: East side of Adana Road 582' to the center line South West of Kingston Road.

Existing Zoning: DR 5.5 **Area:** 7701 SQ FT

Proposed Zoning:

VARIANCE:

100.6 of the (BCZR) To permit Fowl or Poultry (chicken) on lot with 0.177 acres in lieu of the minimum 1.0 acres.

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: CC1914506
Closing Date:

Miscellaneous Notes:



PETITION FOR ZONING HI RING(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 907 Adana Road Pikesville, MD 21208 which is presently zoned residential/pos.s
 Deed References: 41919/0067 10 Digit Tax Account # 0304035400
 Property Owner(s) Printed Name(s) Matthew P. and Maria Fernanda Cesnik

(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 Fowl or Poultry (Chicken) on lot with 0.177 acres in lieu of the minimum 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)

See attachment

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):

Matthew P. Cesnik, Maria F. Cesnik

Name #1 - Type or Print Name #2 - Type or Print

Mr P, MCesnik

Signature #1 Signature #2

907 Adana Road Pikesville MD

Mailing Address City State

21208, 8123204659, MCesnik126@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2020-0056-A Filing Date 2/24/2020

Do Not Schedule Dates: Reviewer: gh

Variance Request for keeping 4 chickens at 907 Adana Road, Pikesville. MD 21208 (Baltimore County)

B.C.Z.R. 100.6: Non permitted livestock/fowl/poultry

Case CC1914506

Cesnik, Matthew Paul and Maria Fernanda Cesnik

Dear Zoning Commissioner:

We are in the process of applying for a variance at our home at 907 Adana Road, Pikesville, MD 21208 (Sudbrook Park, Baltimore County). We received a code enforcement violation regarding having chickens on less than one acre of land (B.C.Z.R. 100.6). Our property is a well maintained 7,701 square feet plot that we will be using for vegetable and flower gardens.

We are from Bloomington, Indiana which allows chickens, without regard to the size of the property, and we have had the chickens for about two and a half years and moved to Pikesville, MD on August 2, 2019. We drove our chickens from Indiana to Maryland in the backseat of an airconditioned car. Our chickens are put away each night in a secure wooden coop.

We consider our four chickens, Penelope, Pipi, Maddie, and Annie to be pets, and we obtained them more as emotional support for my wife and I. My wife was diagnosed with Stage 4 liver, colorectal, and lung cancer soon following my return from deployment for which I serve as an intelligence officer for the U.S. Army Reserves and we obtained the chickens during that time period to provide an opportunity for hope, new beginnings, comfort, treatment and for important nutritional benefits. We love our chickens so much—we cannot imagine the possibility of having to give them up due to the size of our plot—this is one thing that my wife has to live for and keeps her going each day as they have become a part of our lives.

We moved to the Baltimore, MD area because I was fortunate enough to be recruited for a government job with the Centers for Medicare and Medicaid Services in Woodlawn, MD and to continue my 27-year Army career in nearby Ft. Meade, MD. My wife was accepted to be a patient of the director of oncology at Johns Hopkins so there was no reason not to move here but of course we could not leave our children, our dogs, and our chickens behind.

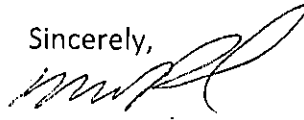
I want to thank you for your consideration in the delay of the compliance action while we are in the process of a variance request to keep the chickens on our property. Please note that I do have to travel on military orders each month and my wife receives chemotherapy treatments twice a month at Johns Hopkins which has delayed us filing for the variance request in a timely manner.

We have never been "rule breakers" and understand the importance of following all just laws, regulations, and orders. I hold a Top Secret/Sensitive Compartmented Information (TS/SCI) clearance with the U.S. Army so I understand the importance of being an outstanding and

trustworthy citizen and neighbor. But, to give up our chickens would break up this family and be devastating to my wife. We can only imagine a positive outcome to our variance request.

Thank you for your time and consideration in the variance request and look forward to providing you all of the necessary documentation so a sound decision can be made. Our family looks forward to continuing to live healthy and prosperous at our home in Sudbrook Park.

Sincerely,



MFCesnik

MAJ Matthew P. Cesnik
Maria Fernanda Cesnik

The Zoning Petition Property Description

Part A:

ZONING PROPERTY DESCRIPTION FOR 907 Adana Road, Pikesville, MD 21208

Beginning at a point on the east side of Adana Road which is 50 feet wide at a distance of 580⁺ feet ~~to~~ of the centerline of the nearest improved intersection street Kingston Road which is 50 feet wide.

Part B:

Being Lot #8, Section #1 in the subdivision Sudbrook Park as recorded in Baltimore County Plat Book #C.W.B., Folio #51, containing 7701 square feet. Located in the 3 Election District and 2 Council District.

2020-0056-A

Date: 02/20

SECRET

BUSINESS ACTUAL TIME

7/25/2020 5/24/2020 14:39:15

4505-164 KING LEA

REF ID: A679047 8/24/2020

5-526 ZONING VERIFICATION

SECRET

Receipt Total \$ 300.00

\$30.00 - CR 5

Halifax County, Maryland

**CASHIER'S
VALIDATION**

				Rev. Source/	Sub Rev/				Rev. Source/
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	805			6150					\$300,000
						Total			300,000

Re: Matthew & M. Fernanda Cesari X.

For: Office of Administrative Hearings (CD OR APPEAL)

CASE NO. 2020-0050-A

ADDRESS OR PROJECT: 907 Anna Road

HEARING DATES(S): ~~8/24/20~~ 8/24/20

CHECK # 133

DISTRIBUTION

WHITE - CASHIER

PINK AGENCY

YELLOW = CUSTOMER

GOLD ACCOUNTING

PLEASE PRESS HARD!!!

CERTIFICATE OF POSTING

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Mathew P. & Maria F. Cesnik

August 24, 2020
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: _____

907 Adana Road

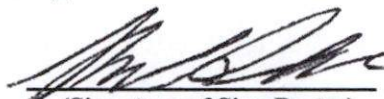
SIGN 1

August 4, 2020

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



Sincerely,


(Signature of Sign Poster) **August 4, 2020**
(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

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Mathew P. & Maria F. Cesnik

August 24, 2020
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:

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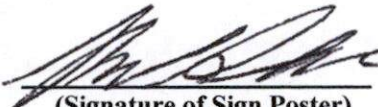
SIGN 2

August 4, 2020

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



Sincerely,

 August 4, 2020
(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)

Debra Wiley

From: Debra Wiley
Sent: Friday, July 17, 2020 1:57 PM
To: 'mcesnik12@gmail.com'
Subject: Hearing Notice & Sign Poster Info. Re: Case No. 2020-0056-A - 907 Adana Rd. (August 24th at 10 AM)
Attachments: 20200717135656903.pdf

Good Afternoon Mr. Cesnik,

Per our telephone conversation, please find attached the Hearing Notice and Sign Poster information regarding your case scheduled for Monday, August 24, 2020 at 10:00 AM.

Please let me know if you have any questions and/or concerns.

Thanks and have a great and safe day !

Debra Wiley, Legal Administrative Secretary Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

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

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Friday, July 17, 2020 1:57 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 07.17.2020 13:56:56 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

CERTIFICATE OF POSTING

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew & Maria Cesnik

April 17, 2020

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:

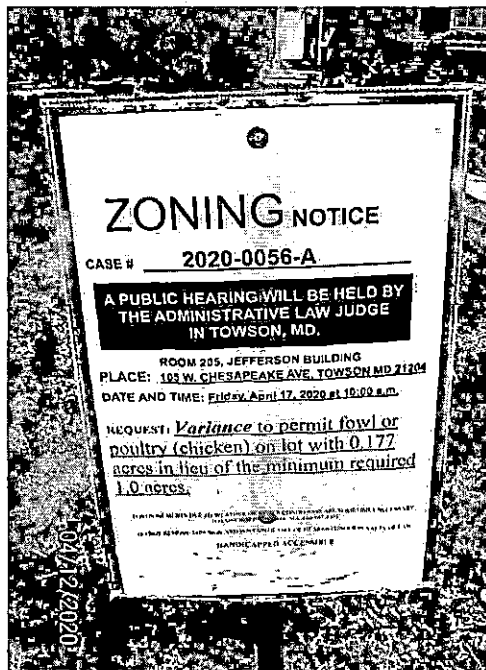
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907 Adana Road

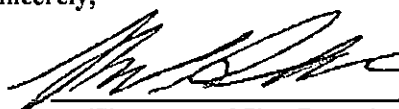
SIGN 1 Recertification

March 28, 2020

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



Sincerely,

 April 12, 2020
(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

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew & Maria Cesnik

April 17, 2020

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:

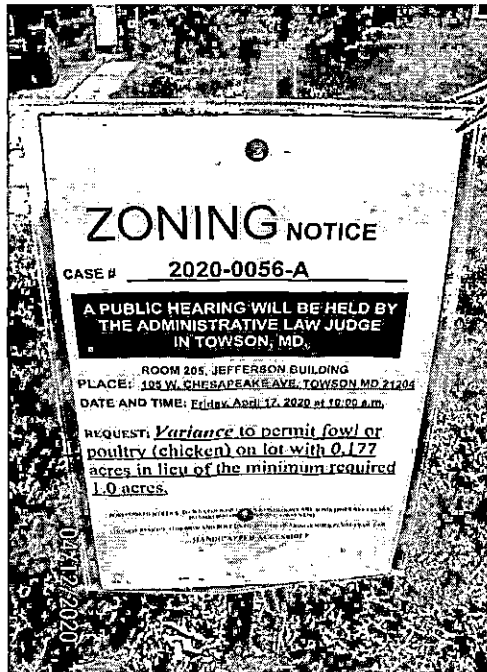
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

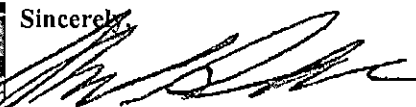
SIGN 2 Recertification

March 28, 2020

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



Sincerely,

 April 12, 2020

(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

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew & Maria Cesnik

April 17, 2020

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:

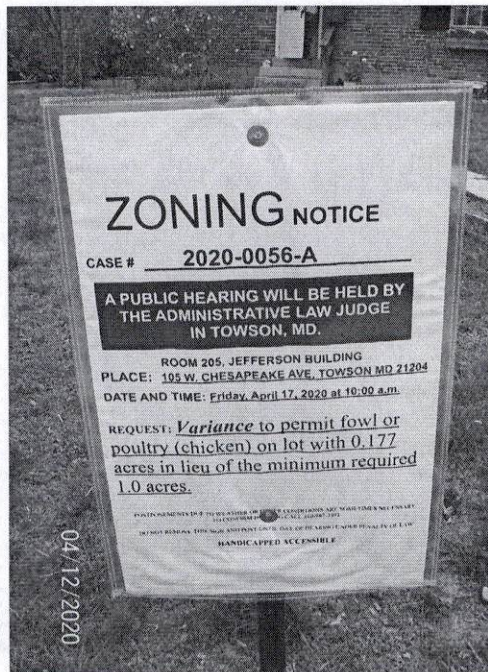
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

SIGN 1 Recertification

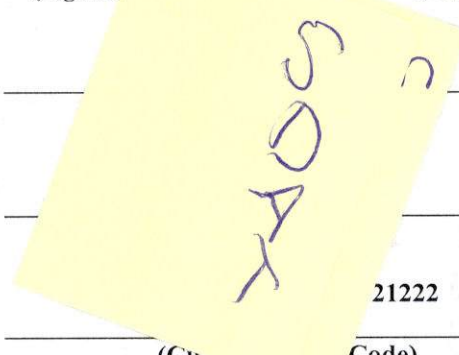
March 28, 2020

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



Sincerely,

 April 12, 2020
(Signature) (Date)



21222

(City) (Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew & Maria Cesnik

April 17, 2020

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:

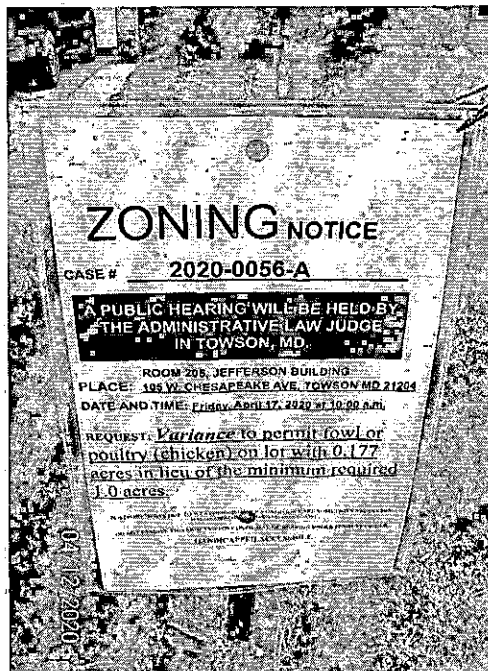
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

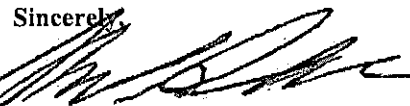
SIGN 2 Recertification

March 28, 2020

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



Sincerely,



(Signature of Sign Poster)

April 12, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 6, 2020

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: 2020-0056-A

907 Adana Road

E/side of Adana Road, 582 ft. to the centerline of Kingston Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Matthew & Maria Cesnik

Variance to permit fowl or poultry (chicken) on lot with 0.177 acres in lieu of the minimum required 1.0 acre.

Hearing: Friday, April 17, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Cesnik, 907 Adana Road, Pikesville 21208

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 28, 2020.**
- (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, March 27, 2020 – Issue

Please forward billing to:
Matthew Cesnik
907 Adana Road
Pikesville, MD 21208

812-320-6659

NOTICE OF ZONING HEARING

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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.

CERTIFICATE OF POSTING

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew & Maria Cesnik

April 17, 2020

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: _____

907 Adana Road

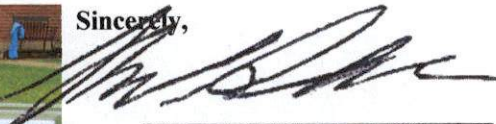
SIGN 1

March 28, 2020

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



Sincerely,

 **March 28, 2020**

(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

2020-0056-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew & Maria Cesnik

April 17, 2020

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:

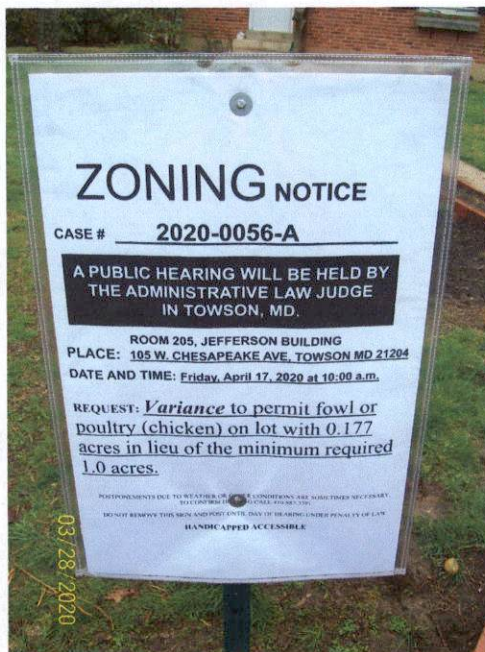
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

907 Adana Road

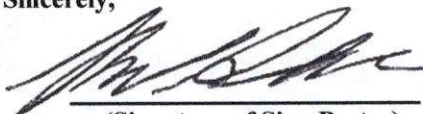
SIGN 2

March 28, 2020

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



Sincerely,

 **March 28, 2020**

(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)

**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: ~~2020-0056-A~~ 2020-0056-A
Property Address: 907 Adana Road, Pikesville, MD 21208
Property Description: Lot No. 8 in Section 1 on the "Revised Plat of
51, No 12, Ed. 51 a Part of Sudbrook Park" which Plat is recorded among
the Land Records of Baltimore County in Plat Book C.W.B.
Legal Owners (Petitioners): Matthew P. and Maria Fernandez Cesnik
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew P. Cesnik
Company/Firm (if applicable): _____
Address: 907 Adana Road
Pikesville, MD 21208

Telephone Number: 812-320-6659

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/24/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-056

INFORMATION:

Property Address: 907 Adana Road
Petitioner: Matthew P Cesnik, Maria Cesnik
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to determine whether the administrative law judge should permit fowl or poultry (chickens) on a lot with 0.177 acres in lieu of the minimum 1 acre.

A site visit was conducted on March 5, 2020 and was observed that the four (4) chickens appear to be healthy and have adequate facilities to include an outdoor run, coop and free roaming space. Mrs. Cesnik stated she considers the chickens as pets and stated that they would like to install a privacy fence. Fences exist along adjacent/contiguous property lines. Mrs. Cesnik was referred to Historic Preservation in order to obtain the requirements and procedures for historic district approvals.

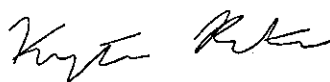
The applicants should also be aware that, along with a fence, any chicken coop might require approval by the Landmarks Preservation Commission (LPC).

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. No more than four (4) hens (no roosters) shall be permitted on the property provided if a nuisance is not created nor allowed to exist on the property.
2. If hens are no longer housed on the property within a year, all supporting structures shall be removed.

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

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

Order Itr ✓ 8/24 10:00 (4-17-20) (10 Am) ✓

CASE NO. 2020-0056-M ✓

CHECKLIST

SDAT ✓

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

3-6

DEPS

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

NC

FIRE DEPARTMENT

4-24

PLANNING

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

No w/ Cond.

3-4

STATE HIGHWAY ADMINISTRATION

NO comment
no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING (1st)

Date: _____

8/4/20

by Sgt Black

SIGN POSTING (2nd)

Date: _____

8/23/20

by " "

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☒

Comments, if any:

they were cited & see citation & order

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 03 Account Number - 0304035400		
Owner Information		
Owner Name:	CESNIK MATTHEW PAUL CESNIK MARIA F	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	907 ADANA RD PIKESVILLE MD 21208-	Deed Reference: /41919/ 00067
Location & Structure Information		
Premises Address:	907 ADANA RD PIKESVILLE 21208-	Legal Description: 907 ADANA RD SUDBROOK PARK
Map: 0078	Grid: 0014	Parcel: 0420
Neighborhood: 3040052.04	Subdivision: 0000	Section: 1
Block: 8	Lot: 2020	Assessment Year: 2020
Plat No: 0012/ 0051		Plat Ref: 0012/ 0051
Town: None		
Primary Structure Built: 1941	Above Grade Living Area: 1,494 SF	Finished Basement Area: 264 SF
Property Land Area: 7,701 SF	County Use: 04	
Stories: 1 1/2	Basement: YES	Type: STANDARD UNIT
Exterior: BRICK/	Quality: 3	Full/Half Bath: 1 full/ 1 half
Garage:	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	77,300	77,300
Improvements	146,700	155,700
Total:	224,000	233,000
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		224,000
		227,000
Transfer Information		
Seller: MORGENBESSER AUDREY F	Date: 09/27/2019	Price: \$239,900
Type: ARMS LENGTH IMPROVED	Deed1: /41919/ 00067	Deed2:
Seller: DIEHL DOROTHY W	Date: 07/17/2007	Price: \$292,000
Type: ARMS LENGTH IMPROVED	Deed1: /25921/ 00443	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		0.00 0.00
Homestead Application Information		
Homestead Application Status: Approved 12/23/2019		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		



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 907 Adara Road Pikesville, MD 21208 which is presently zoned residential/RS55
 Deed References: 41919/0007 10 Digit Tax Account # 0304035400
 Property Owner(s) Printed Name(s) Matthew P. and Maria F. Cesnik

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

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

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

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

3. X a Variance from Section(s) 100.6 of the (BCZP) To permit Fowl or Poultry (Chicken) on lot with 0.177 Acres in lieu of the minimum 1.0 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)

See attachment

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 _____

Legal Owners (Petitioners):

Matthew P. Cesnik, Maria F. Cesnik
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
Mr P, M F Cesnik
 Signature #1 _____ Signature #2 _____
907 Adara Road Pikesville MD
 Mailing Address _____ City _____ State _____
21208, 812-320-6659, mcnesnik12@gmail.com
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print _____
 Signature SAME
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2020-0056-A Filing Date 2/24/2020 Do Not Schedule Dates: _____ Reviewer gh

REV. 10/4/11

Deb
4/17
10 AM

3/30 2:33 pm.
left r.m.
Following email
sent 3/30

Case No.:

2020-0056-A

8/24

@

10:00

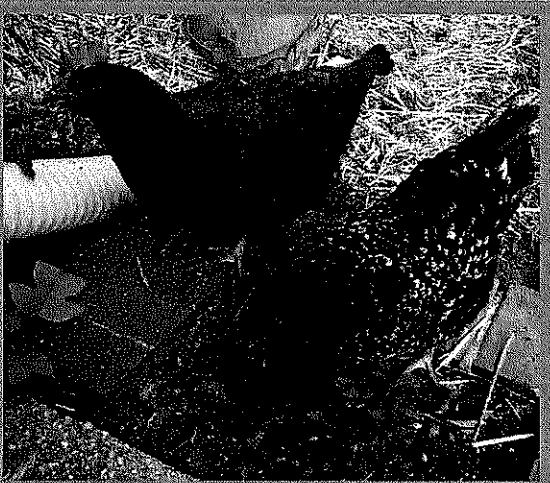
Exhibit Sheet

Petitioner/Developer

Protestants

D.M.
8/24/20

No. 1	Powerpoint	Email
No. 2	Plan	Video in Exhibit Folder
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Hunt the good
stuff in
chickens

1. Each day, we are blessed to share the fresh, organic eggs from Pippa and Maddie
2. When you walk near Pippa and Maddie, they will crouch down so you can pet them and take a few moments to enjoy their love
3. Pippa's beak was broken when she was young and we had to feed her by hand for several months, thinking she may not be able to survive but she persevered and learned to eat "sideways" and now is the same size as Maddie (even though we have to occasionally feed her by hand her favorite small treats—peanuts and blueberries which can be difficult to grab onto).

As a Master Resiliency Trainer (MRT) for my Army Reserve Unit, I provide training on ways to overcome difficulties and seek positive change in soldiers' lives. My training and experience in this area has led me to adapt this training and experiences to our own lives here at 907 Adana Road, especially during times of difficulties in our lives and health and during the COVID-19 pandemic. By "hunting the good stuff", you can counter negativity bias and create a positive emotion by actively noticing and analyzing the good things around you. Each day, one should try to identify 3 good things that they have encountered—often, it is easy to recognize and remember the bad things but gloss over good things, however small, that helped make your day a better one. For our chickens, each day, I can find "new good stuff" in them or what they have done to contribute to making our lives better.

Thank you for the opportunity to provide this short presentation and hope you are able to consider how our chickens have contributed to making our lives as complete as possible when you render your decision.



Chickens! We'd like to stay!

Case No: 2020-0056-A

907 Adana Road, Pikesville, MD

When my wife, Fernanda, was diagnosed with Stage 4 colorectal and liver cancer several years ago, instead of dwelling on the negatively, we wanted to do something to help us overcome her surgeries and chemotherapy and try to enjoy our life together as best we could. At the time, we were living in Bloomington, Indiana, which does not have a prohibition of having chickens, so we adopted four baby chicks and watched them grow, each with their own personality and quirks. We nurtured them, treated them like pets, protected them from predators, fed them, and brought them into our lives. Not only did they provide us love and entertainment but provided us with organic fresh eggs that were perfect for my wife's diet to increase her resistance. Due to my civilian employment and active Army Reserve duties throughout the year, I am sometimes absent from the home for which my wife will fills some voids with by playing, watching, feeding, and looking after the chickens. They love to follow her in the backyard while she gardens, as they forage off the land, worms, and insects, steal our tomatoes, and assist in digging and fertilizing the garden.



The family: Pippa and Maddie



Currently, Pippa and Maddie, are our two children but often they like to think they are in charge— usually, we end doing what they ask of us! While they are our children, we would like to maintain the ability to have up to 4 chickens, especially if one unexpectedly passes away, as they do need chicken-on-chicken socialization, besides our loving care.



Our secure home and run



Exhibit 1 Matthew and Maria Fernanda Cesnik 20-056-A

Jack, our loyal Rat Terrier, acts as our Shetland Sheepdog and herds Pippa and Maddie to their coop each night if they are stubborn and aren't yet ready for bed.



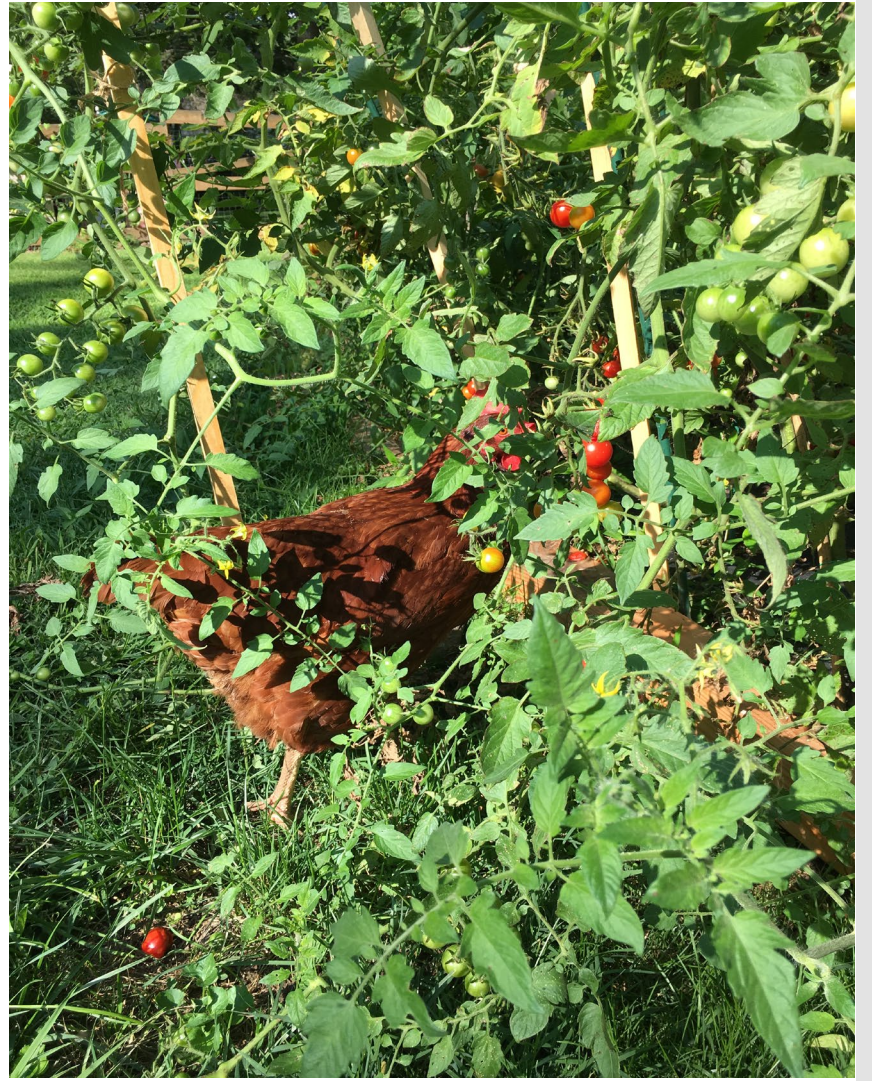
The herder



Pippa and Maddie have a secure wire fenced in area/chicken run that contains food and water, shelter from the rain and sun, a nesting box, and plenty of room. They use this area when we are not home or if we are unable to watch them for an extended period of time. Each night after dusk, the chickens are gathered and placed into our custom-made, secure chicken coop that can house for up to 4 chickens. The coop provides fresh water and feed, a nesting box, and two resting bars on which they sleep each night. The coop provides for overnight protection from predators from below, at ground level, and from above. It also provides a dry environment during torrential rains and has removeable insulated sides during the freezing, winter nights.



We like to
forage



Pippa is fond of the plastic garden tags that mark our various tomato and pepper plants. So, we never know which variety we are harvesting as she takes the tags out of the ground that mark the plants—sometimes we are surprised, and not always pleasantly, when we cook with a pepper that we thought was sweet but turns out to be hot and spicy! Thanks, Pippa!



Pippa prefers plastic garden tags



Pippa and Maddie have many places to eat, explore and hide!



Our yard



Exhibit 1 Matthew and Maria Fernanda Cesnik 20-056-A

While our backyard is not one acre, it has ample room for our chickens to move about, forage, explore, sunbathe, or take refuge in the shade. Our backyard is completely secured by a wooden pick fence for which a chicken can not get through or jump over. Just in case, Pippa and Maddie's wings are clipped to prevent them from jumping over and exploring our neighbor's yards.



Our fresh edibles and hiding places



Exhibit 1 Matthew and Maria Fernanda Cesnik 20-056-A



Hunt the good stuff in chickens

1. Each day, we are blessed to share the fresh, organic eggs from Pippa and Maddie
2. When you walk near Pippa and Maddie, they will crouch down so you can pet them and take a few moments to enjoy their love
3. Pippa's beak was broken when she was young and we had to feed her by hand for several months, thinking she may not be able to survive but she persevered and learned to eat "sideways" and now is the same size as Maddie (even though we have to occasionally feed her by hand her favorite small treats—peanuts and blueberries which can be difficult to grab onto).

Exhibit 2-Photos of New Chicken Coop and Run—Mitigation

New chicken coop and run, view from house



New chicken coop and run, close up view



Matthew and Maria Fernanda Cesnik 20-056-A

New chicken coop and run, close up side view



New chicken coop and run, view looking toward neighbor's yard



Mitigation strategy applied

1. Moved chicken coop and run from next to the back of the house to the far back end of the property along the back fence.
2. Incorporated the back property fencing into the run and used the same picket fencing on all sides to create a larger chicken run.
3. Picket fencing provides appropriate air flow for the chickens but also provides aesthetics and obscures an individual's view of the chickens and chicken coop.

*Protestant, Jessica Skillman has indicated she now has no issues with the chickens due to the change in location and redesign of the chicken coop/run. She seems satisfied with the mitigation strategy applied and that the new owners of her home are aware of the chickens and have no issues with the two chickens on the property. She indicates that we have provided a "chicken paradise".

Findings of Fact

The Administrative Law Judge indicated the property has “no remarkable natural features”, but is unclear why chickens need to have remarkable natural features on land for which they are living. The property does have appropriate features for 2-4 chickens, including a sturdy, well-built commercial chicken coop and chicken run composed on picket fencing with wire fencing reinforced and screen and wire cover. The property also has a unique vegetable garden and bushes for the chickens to forage and hide in. The property also has an entirely enclosed backyard composed of wooden picket fencing. We do not believe that the chickens need to live on a lot that has other remarkable natural features.

The chicken coop has recommended space for up to 4 chicken. We currently have two chickens. A chicken run is recommended to have at least 8-10 square feet per chicken. Our chicken run is appropriately 18 feet long by 6 feet wide, or 108 square feet. Our chickens are also “free range” during times when we are in the garden doing yard work, gardening, or spending an extended time outside with our dogs. For free range chickens, it is recommended that they have at least 250-300 square feet per chicken. Please note that while our lot size may be relatively standard for the neighborhood, it is more than adequate space for the chicken as the lot is approximately 7,840 square feet, with a totally enclosed backyard where the chickens reside. We believe the one-acre minimum lot for chickens in Baltimore County to be arbitrary, rather than based on scientific evidence; for this, we appreciate that fact that Baltimore County may grant a variance in some circumstances.

We do not believe that our two chickens are noisy or smell. However, we have applied our mitigation strategy per Exhibit 3 and believe this satisfies the Protestant’s concerns and will also satisfy the new owners of 905 Adana Road.

If variance relief is denied, we do believe that we will experience practical difficulty or hardship. My wife is battling stage IV rectal, lung, and liver cancer and the gift to her from her spouse were the chickens at her time of diagnosis. They have provided her comfort and have become her pets while living in Bloomington, Indiana and Pikesville, Maryland. The removal of the chickens will cause additional stress and mental anguish for Maria Fernanda, at a time she needs to be positive and have a happy outlook on life, despite her grave medical conditions.

Thank you for your consideration in granting a variance for our two chickens and providing Maria Fernanda comfort and hope for her future.

Donna Mignon

PROTESTANT' S

EXHIBIT NO. 1

From: J S <sayhellotojess@gmail.com>
Sent: Saturday, August 22, 2020 11:15 AM
To: Administrative Hearings
Subject: ALERT: CASE 202-0056-A URGENT SCHEDULED 8/24/2020

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

I want to submit written testimony/comments again for the hearing scheduled Monday. I had sent another thing months ago to this address and to the Judge Stahl regarding case # **2020-0056-A. This case is scheduled for Monday 8/24/2020.**

I had submitted video and audio of the chickens. I would like to resubmit this.

My comments are the following:

- 1) The owners were alerted prior to moving in that chickens were not allowed under 1 acre per County zoning ordinance. They were informed by Zoning at the first violation (10/19) they could apply for a variance but did not seek one until after several violations and many months later. I believe they were buying time to delay having to get rid of them.
- 2) They brought 4 chickens in October 2019.
- 3) The chickens are approximately 20 feet from my house and 12 feet from our property line.
- 4) They are extremely loud, constantly during the day, to the point it creates an incessant noise disturbing to those around them. The chickens sound like screaming children, which is alarming.
- 5) They are kept in an extremely small area and appear to need attention/feeding more than given. They are not used as a companion pet. I am constantly outside and we do not see owners interact with chickens.
- 6) The smell is a nuisance and disturbance. It makes people gag and can be smelled several houses over at times. Also, the food left out for chickens attracts pests including rats, which are being seen in more abundance in the neighborhood.
- 7) The zoning violation effects my ability to sell my neighboring house.
- 8) Zoning requires 1 acre. They have .177.
- 9) There are no compelling reason they should be granted a variance.

My name is Jessica Skillman. My number is 410-215-5454.

I am a direct neighbor of the person seeking a variance.

Please contact me so I can appear at the hearing, or have these comments submitted for Monday. I had subitted this to your office on April 3, 2020

I have submitted video and audio, which are compelling evidence. Please let me know in the affirmative that you can recieve and open them.

Sincerely,

Jessica Skillman

 **VID_20200816 (1).mp4**

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 03 Account Number - 0304035400		
Owner Information		
Owner Name:	CESNIK MATTHEW PAUL CESNIK MARIA F	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	907 ADANA RD PIKESVILLE MD 21208-	Deed Reference: /41919/ 00067
Location & Structure Information		
Premises Address:	907 ADANA RD PIKESVILLE 21208-	Legal Description: 907 ADANA RD SUDBROOK PARK
Map: 0078	Grid: 0014	Parcel: 0420
Neighborhood: 3040052.04	Subdivision: 0000	Section: 1
Block:	Lot: 8	Assessment Year: 2020
Plat No:		Plat Ref: 0012/ 0051
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1941	1,494 SF	264 SF
Property Land Area		County Use
7,701 SF		04
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
BRICK/	3	1 full/ 1 half
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	77,300	77,300
Improvements	146,700	155,700
Total:	224,000	233,000
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2020
		As of 07/01/2021
		227,000
		230,000
Transfer Information		
Seller: MORGENBESSER AUDREY F	Date: 09/27/2019	Price: \$239,900
Type: ARMS LENGTH IMPROVED	Deed1: /41919/ 00067	Deed2:
Seller: DIEHL DOROTHY W	Date: 07/17/2007	Price: \$292,000
Type: ARMS LENGTH IMPROVED	Deed1: /25921/ 00443	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture:	None	
Homestead Application Information		
Homestead Application Status: Approved 12/23/2019		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

Civil Citation No. CC1914506
(907 Adana Road)

Matthew Cesnik, Maria Cesnik
907 Adana Road
Baltimore, Maryland 21208

FINAL ORDER

The matter came before the Administrative Law Judge on February 26, 2020, for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violations of the Baltimore County Code ("B.C.C.") or Zoning Regulations ("B.C.Z.R."). The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code. The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of \$800.00.

The following persons appeared for the Hearing: Maria Cesnik and Matthew Cesnik, Respondents, and Inspector 119, Baltimore County Code Enforcement Officer.

Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 28th day of February, 2020, by the Administrative Law Judge for Baltimore County that a civil penalty of \$800.00 be imposed and suspended.

IT IS FURTHER ORDERED, that all corrections be completed pursuant to this ORDER by March 27, 2020.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order by March 27, 2020, the suspended \$800.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.



LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

Baltimore County Office of Budget and Finance

400 Washington Ave, Rm 150

Towson, MD 21204

LMS/hmk

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



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

www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

CESNIK MATTHEW PAUL CESNIK MARIA F
907 ADANA RD
PIKESVILLE, MD 21208

CASE NUMBER CC1914506	PROP.TAX ID 03-04-035400
VIOLATION ADDRESS 907 ADANA RD PIKESVILLE, MD 21208-4745	

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	Failure to remove chickens from property. Chickens are not permitted on less than 1 acre (property size per SDAT = 7,701 sq ft) *Hearing and fine may be dismissed if all chickens are removed by no later than 2/19/20

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$800

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 02/26/2020 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number 76	Issued Date 01/23/2020
-------------------------------------	----------------------------------

2020-0056-A

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
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CODE ENFORCEMENT & INSPECTION CITATION

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907 ADANA RD
PIKESVILLE, MD 21208

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CODE ENFORCEMENT & INSPECTION CITATION

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
3. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
4. (a) Civil penalty a lien.
 - (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
 - (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
 - (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
 - (ii) May be collected in the same manner as any civil money judgment or debt may be collected.
- (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
5. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
6. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
7. A filing fee of \$225.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
8. Inclement weather procedure: If Baltimore County Government offices are closed or have a delayed opening, all code enforcement hearings will be rescheduled. Reschedule letters will be mailed to the property owner of record.
9. If the violator wishes **NOT** to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204

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

MORGENBESSER AUDREY F FALK JONATHAN A
 C/O AUDREY FALK
 11 SHERRY DR
 ANDOVER, MA 01810

CASE NUMBER CC1914506	PROP.TAX ID 03-04-035400
VIOLATION ADDRESS 907 ADANA RD PIKESVILLE, MD 21208-4745	

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	You need a minimum of 1 acre to be able to keep chickens/poultry Please contact me if you have any questions or updates: rfisher@baltimorecountymd.gov

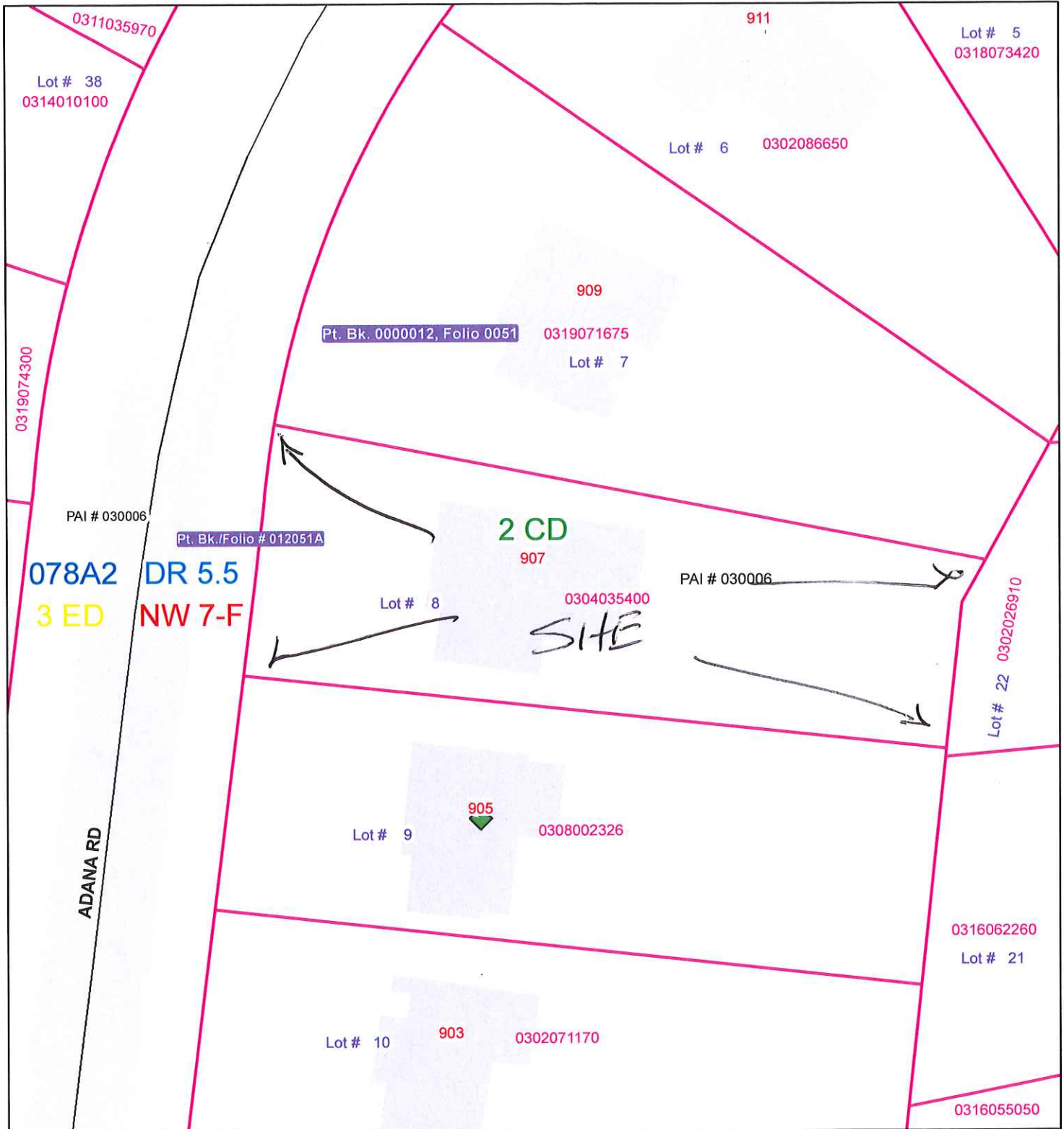
Failure to comply with this correction notice, may result in a \$200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 10/21/2019	INSPECTOR ID: 76
	ISSUED DATE: 10/01/2019

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

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

Enter Property Address Here



Publication Date: 2/24/2020



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



0 5 10 20 30 40 Feet

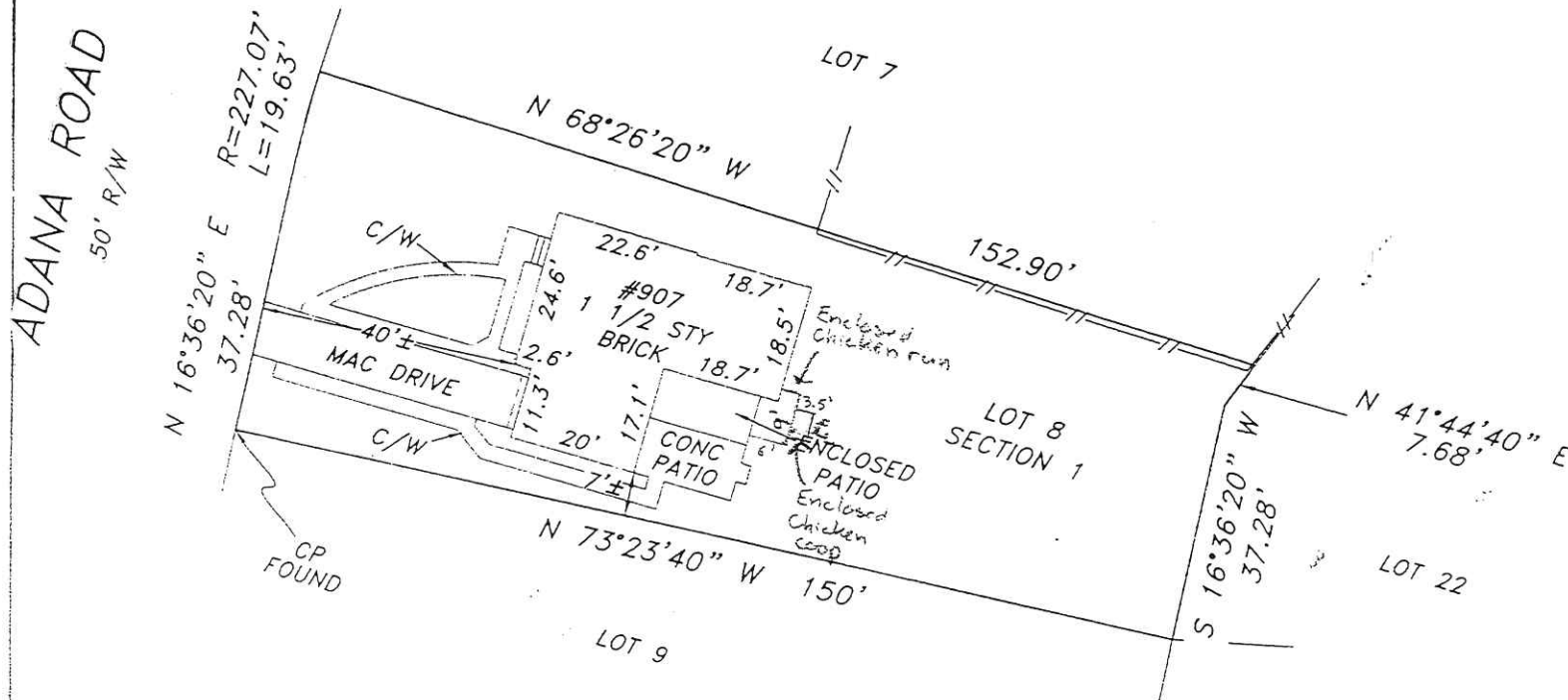
1 inch = 30 feet

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

ADDRESS 907 Adana Rd OWNER(S) NAME(S) Matthew & Maria Cesnik

SUBDIVISION NAME Sudbrook Park LOT # 8 BLOCK # _____ SECTION # 1

PLAT BOOK # C.W.B FOLIO # 51 10 DIGIT TAX # 0304035400 DEED REF. # 41919/00067

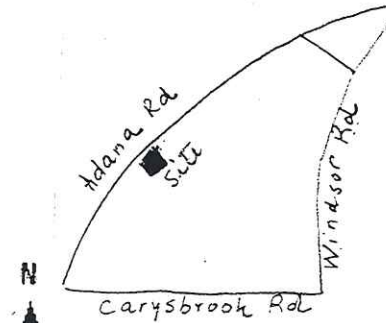


PETITIONER'S

EXHIBIT NO. 2

PLAN DRAWN BY Matthew Cesnik DATE 2/20/2020 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078A2

SITE ZONED D.R. 5.5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 7701

HISTORIC? Yes

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH x

WATER IS:

PUBLIC x PRIVATE _____

SEWER IS:

PUBLIC x PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

CC 1914506

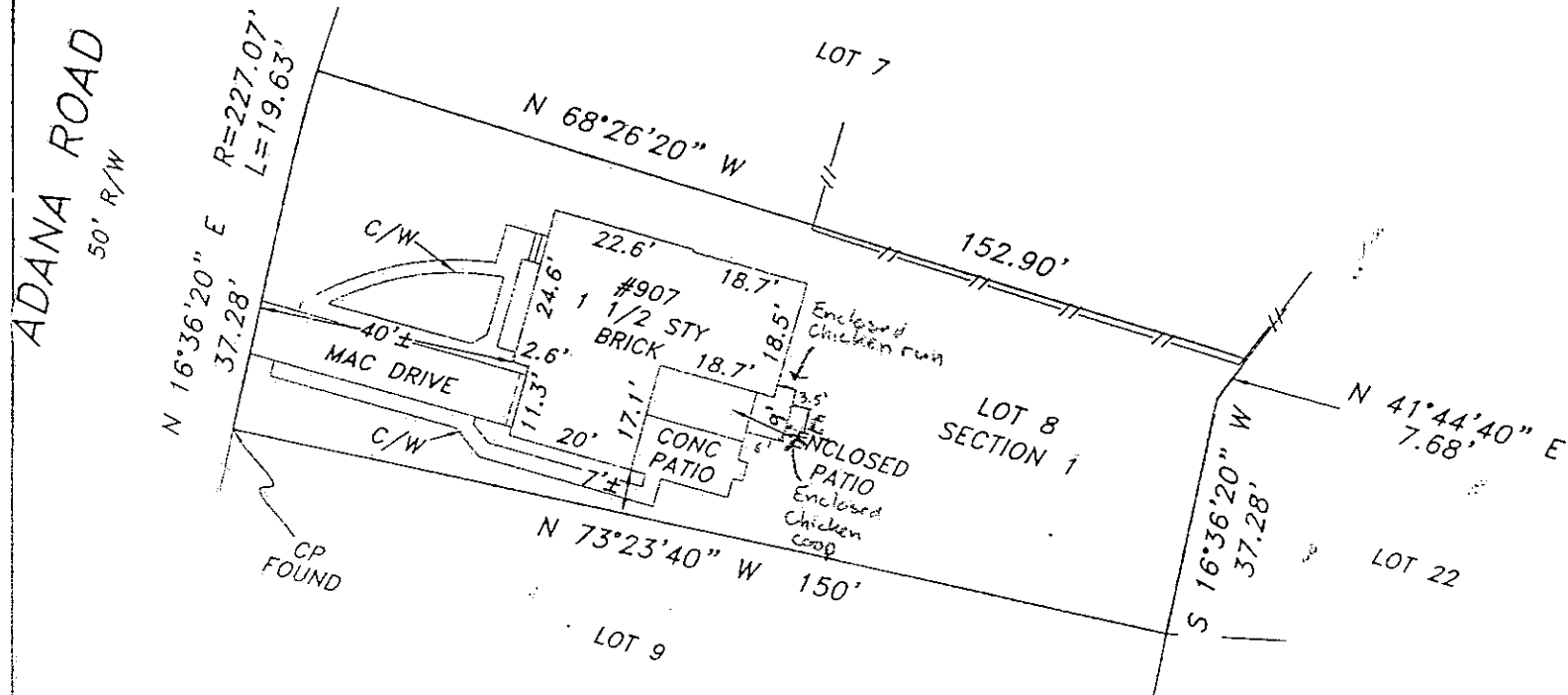
2020-0056-A

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

ADDRESS 907 Adana Rd OWNER(S) NAME(S) Matthew & Maria Cesnik

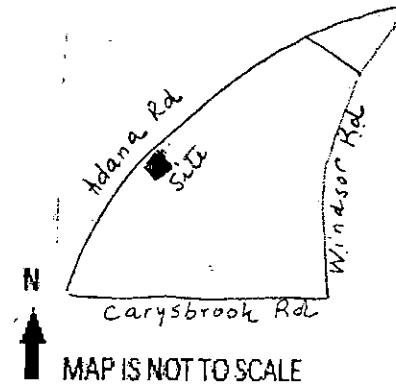
SUBDIVISION NAME Sudbrook Park LOT# 8 BLOCK# _____ SECTION# 1

PLAT BOOK # C.W.B FOLIO # 51 10 DIGIT TAX # 0304035400 DEED REF. # 41919/00067



PLAN DRAWN BY Matthew Cesnik DATE 2/20/2020 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



ZONING MAP# _____

SITE ZONED D.R. 5.5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 7701

HISTORIC? Yes

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH x

WATER IS:

PUBLIC x PRIVATE _____

SEWER IS:

PUBLIC x PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

CC1914506

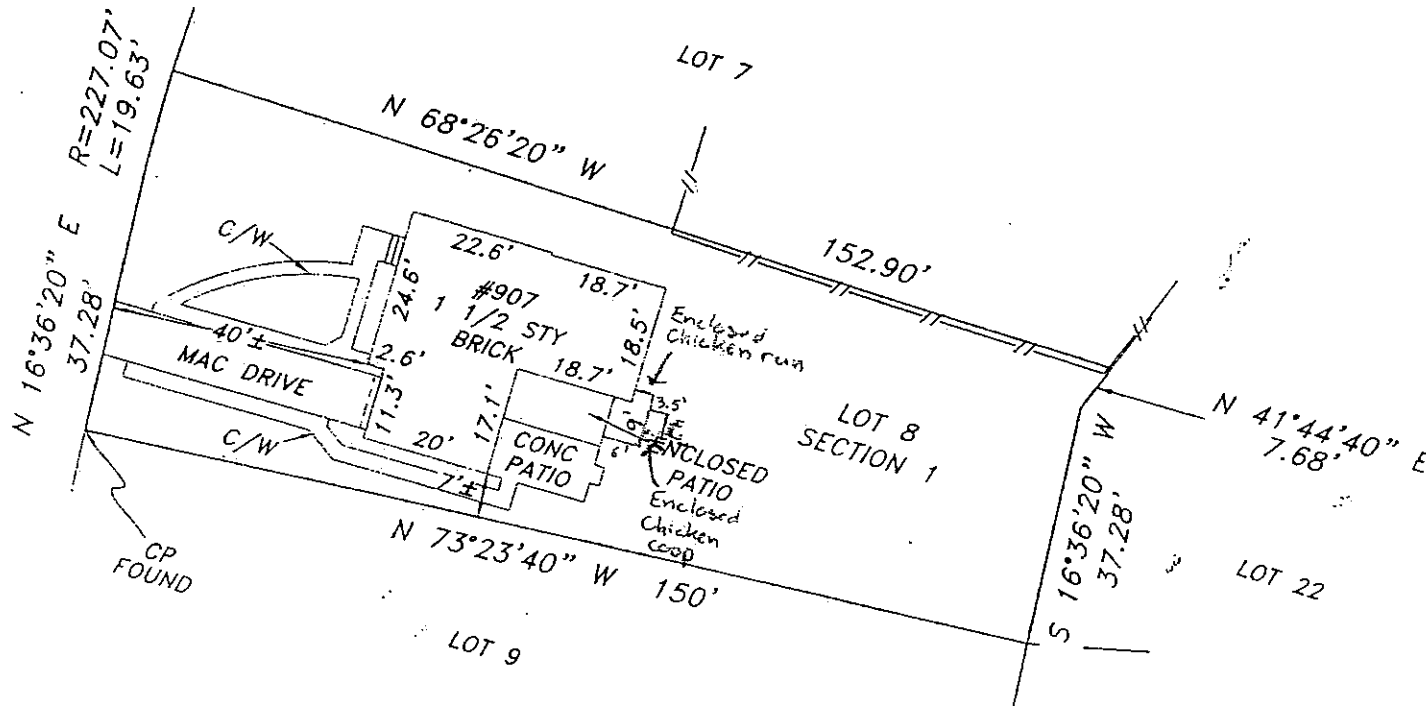
ZONING HEARING PLAN FOR VARIANCE x FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 907 Adana Rd OWNER(S) NAME(S) Matthew & Maria Cesnik

SUBDIVISION NAME Sudbrook Park LOT # 8 BLOCK # _____ SECTION # 1

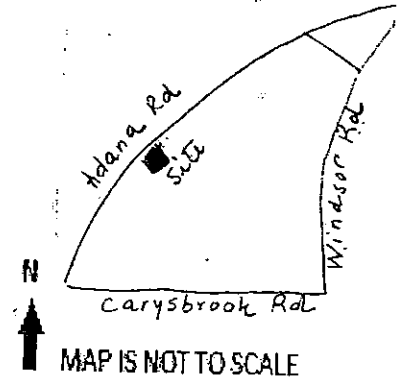
PLAT BOOK # C.W.B FOLIO # 51 10 DIGIT TAX # 0304035400 DEED REF. # 41919/00067

ADANA ROAD
50' R/W



PLAN DRAWN BY Matthew Cesnik DATE 2/20/2020 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



ZONING MAP# 018A2

SITE ZONED D.R. 5.5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 7701

HISTORIC? Yes

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC x PRIVATE _____

SEWER IS:

PUBLIC x PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

CP 191450