D.Mo
8/18/20

MEMORANDUM

DATE: August 18, 2020

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2020-0141-A– Appeal Period Expired

The appeal period for the above-referenced case expired on August 17, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7432 Brookwood Avenue)		
14th Election District	*	OFFICE OF ADMINISTRATIVE
6th Council District		
Kevin M. & Joy M. Dunn	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2020-0141-A**

* * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Kevin M. and Joy M. Dunn ("Petitioners"). The Petitioners are requesting Variance relief from § 100.6 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory, non-commercial stabling and pasturing of chickens on a residential lot that is 5,400 sq. ft. (.124 acre) in lieu of the required 43,560 square ft. (1 acre). The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies. The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 28, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law

Judge, the information, photographs, and affidavits submitted provide sufficient facts to comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this **16th** day of **July, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 100.6 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory, non-commercial stabling and pasturing of chickens on a residential lot that is 5,400 sq. ft. (.124 acre) in lieu of the required 43,560 square ft. (1 acre), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

Paul M Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING
Date 7-16-2020
By DLW

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 7432 Brookwood Avenue **Currently zoned** DR 5.5

Deed Reference 19264 / 00371 10 Digit Tax Account # 1419064200

Owner(s) Printed Name(s) Kevin and Joy Dunn

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ✓ **ADMINISTRATIVE VARIANCE** from Section(s) ~~V3-2-344~~ 100.6 OF BCZR

(SEE ATTACHED EXHIBIT 'A')

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ____ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (*indicate type of work in this space: i.e., to raze, alter or construct addition to building*)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Kevin Dunn / Joy Dunn

Name #1 – Type or Print / Name # 2 – Type or Print

Kevin Dunn / Joy Dunn

Signature #1 / Signature # 2

7432 Brookwood Avenue Baltimore MD

Mailing Address / City / State

21236 / 443-850-8796 / Kevinandjoy1998@gmail.com

Zip Code / Telephone # / Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address / City / State

Zip Code / Telephone # / Email Address

ORDER RECEIVED FOR FILING

Date 7-16-2020

By

Representative to be contacted:

Kevin Dunn

Name – Type or Print

Kevin Dunn

Signature

7432 Brookwood Ave. Baltimore MD

Mailing Address / City / State

21236 / 443-850-8796 / Kevinandjoy1998@gmail.com

Zip Code / Telephone # / Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0141-A **Filing Date** 6/18/2020 **Estimated Posting Date** 6/28/2020 **Reviewer** RJ

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 7432 Brookwood Avenue, Baltimore, Maryland 21236
Print or Type Address of property — City — State — Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

We would like to raise and care for three (3) hens and zero roosters in an enclosed coop and run in my back yard. My property is 5,400 square feet and County code requires one acre to raise chickens. Please see the attached letter and pictures.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant) — Signature of Owner (Affiant)

Kevin Dunn
Name- Print or Type — Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 09 day of June, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Kevin Dunn

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Roeyah McCollum RMcCollum
Notary Public

10/16/2023
My Commission Expires

ROEYAH McCOLLUM
Notary Public-Maryland
Baltimore County
My Commission Expires
10/16/2023

REV. 5/5/2016

2020-0141-A

7432 Brookwood Avenue
Nottingham, Maryland 21236

June 9, 2020

To Whom It May Concern,

I am submitting this packet requesting a variance to Baltimore County Code § 13-7-311which limits ownership of chickens to one acre of property. My family and I live in the Nottingham zip code in an area called Linover. We live in a two-story single-family home on a 5,400 square-foot property. Our back yard is completely fenced in with a secure six-foot white vinyl privacy fence. We are requesting an Administrative Variance in order to keep three (3) hen chickens, with NO roosters, in a homemade coop in our back yard.

I wanted to own chickens ever since I was a child. I am a Baltimore County Public Schools elementary school teacher, so when the pandemic started and schools where shut down I was forced to work from home while two of our three sons began schooling from home. After visiting the supermarkets and realizing that many products were in short supply, the thought of keeping chickens came to the forefront again. This time I enlisted the help of my 12-year-old son, Jackson, and started researching backyard chicken keeping. He spent hours outside of his regular studies researching the best breeds for neighborhoods, the best breeds for egg production, and ultimately discovered the Baltimore County Code which put a halt on our plan.

Our plans shifted after speaking to a co-worker who lives in White Hall, Harford County and has been keeping chickens for several years. The new plan was for us to raise chicks in our house until they were old enough to incorporate into her flock in Harford County. The research continued and we discovered the Wyandotte breed, which is a docile, quiet, kid friendly breed of chicken which is popular in backyard coops. We continued to research all aspects of keeping chicks and making sure they are safe and healthy during their time in a brooder. A local nursery in Parkville, Baltimore County, posted they were expecting Black-Laced Wyandotte chicks and we were at their door the day they arrived. We brought three tan and black chicks into our home and from that day forward they were a part of our family.

The next phase of research started a few days later after joining several Baltimore County chicken keeping Facebook pages and learning about the variance process. After reaching out to a few members we began gathering the paperwork to apply for a variance to keep these three members of our family. We have worked hard over the past few weeks to give these three hen chicks a great life. We take them out of the brooder multiple times each day to play and give them time to run and flap around our basement. Recently we started taking them outside to a makeshift pen we created for supervised time to get fresh air, peck, and scratch at the ground.

The next step, if we are approved to keep the hen chicks, is building a chicken coop with a run underneath that my son and I designed. It will be be placed in the back of our yard away from nearby homes. The chicks won't be old enough to start laying eggs until fall, but we are looking forward to spending our summer watching them grow from fluffy little chicks to beautiful black and gold laced hens that provide our family with companionship and eggs.

Thank you for your consideration of this Administrative Variance application.

Sincerely,

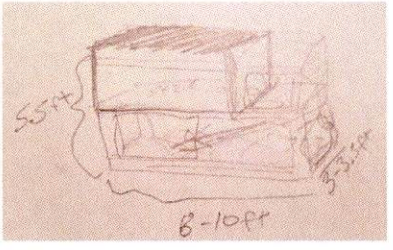
Kevin Dunn

Kevin Dunn
443-850-8796

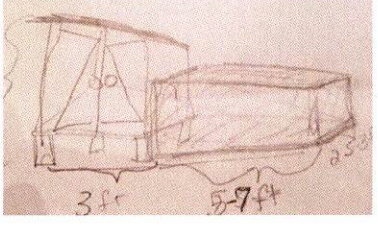
Belle, Bertha, and Betty in our yard

Jackson with Belle and Betty

Planned location of the coop for our hens



Sketch of our coop/run design



Another sketch of our coop/run design

Administrative Zoning Petition for 7432 Brookwood Avenue

1. Administrative Variance from Section 100.6 of the BCZR to permit an accessory, non-commercial stabling and pasturing of chickens on a residential lot that is 5,400 square feet (.124 acre) in lieu of the required 43,560 square feet (1 acre).

EXHIBIT A

2020-0141-A

ZONING PROPERTY DESCRIPTION FOR 7432 Brookwood Avenue

PART A:

Beginning for the same on the northwest side of Brookwood Avenue at the distance of 135 feed southwesterly measured along the northwest side of Brookwood Avenue from the corner formed by the intersection of the northwest side of Brookwood Avenue with the Southwest side of Alberta Avenue as laid out on the plat of Overlea Hills, said flat begin duly recorded among the land records of Baltimore County in Plat Book WPC No. 7, Folio 192; and running thence southwesterly binding on the northwest side of Brookwood Avenue as now located 30 feet wide 45 feed; thence running northwesterly parallel with Alberta Avenue, 120.75 feet to intersect the northwest outline of the whole tract of land, of which the lot being described is a part; thence running northeasterly binding on part of said outline which is the northwest side of a 5 foot reservation 45.75 feet; and thence running southeasterly parallel with Alberta Avenue, 112.43 feet to the place of beginning; the improvements thereon being known as no. 7432 Brookwood Avenue.

PART B:

Being Lot #124 in the subdivision of Overlea Heights as recorded in Baltimore County Plat Book #7, Folio #192, containing 5,400 of total square feet of lot. Located in the 14th Election District and 6th Council District.

2020-0141-A

Kevin Dunn 443-850-8796

CERTIFICATE OF POSTING

Date: 6-28-20

RE: Case Number: 2020-0141-A

Petitioner/Developer: DUNN

Date of Hearing/Closing: 7-13-20

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7432 BROOKWOOD AVE

The signs(s) were posted on 6-28-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE

CASE # 2020-0141-A

TO PERMIT AN ACCESSORY, NON-COMMERCIAL STABLING AND PASTURING OF CHICKENS ON A RESIDENTIAL LOT THAT IS 5,400 S.F IN LIEU OF THE REQUIRED 43,560 S.F OR 1 ACRE

PUBLIC HEARING ?

'URSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 7/13/20

DDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF MITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, I WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

IOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2020-0141-A

TO PERMIT AN ACCESSORY NON-COMMERCIAL STABLING AND PASTURING OF CHICKENS ON A RESIDENTIAL LOT THAT IS 5400 S.F. IN LIEU OF THE REQUIRED 43,560 S.F. OR 1 ACRE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 7/13/20

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PEN...

HANDICAPPED...

CERTIFICATE OF POSTING

Date: 6-28-20

RE: Case Number: 2020-0141-A

Petitioner/Developer: DUNN

Date of Hearing/Closing: 7-13-20

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The signs(s) were posted on 6-28-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE

CASE # 2020-0141-A

TO PERMIT AN ACCESSORY NON-COMMERCIAL STABLING AND PASTURING OF CHICKENS ON A RESIDENTIAL LOT THAT IS 5,400 S.F IN LIEU OF THE REQUIRED 43,560 S.F OR 1 ACRE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 7/13/20

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING 111 WEST CHESAPEAKE AVE., TOWSON

VARIANCE

CASE # 2020-0141-A

TO PERMIT AN ACCESSORY, NON-COMMERCIAL STABLING AND PASTURING OF CHICKENS ON A RESIDENTIAL LOT THAT IS 5,400 S.F IN LIEU OF THE REQUIRED 43,560 S.F OR 1 ACRE

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DDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF MITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, I WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0141 -A Address 7432 BROOKWOOD AVE.

Contact Person: ROZ JOHNSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/22/2020 **Posting Date:** 7/5/2020 **Closing Date:** 7/20/2020

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2020- 0141 -A Address 7432 BROOKWOOD AVE

Petitioner's Name KEVIN DUNN Telephone 443/850-8796

Posting Date: 6/28/2020 **Closing Date:** 7/13/2020

Wording for Sign: *To Permit* AN ACCESSORY, NON-COMMERCIAL STABLING AND PASTURING OF CHICKENS ON A RESIDENTIAL LOT THAT IS 5,400 S.F. IN LIEU OF THE REQUIRED 43,560 S.F. OR 1 ACRE.

Revised 2/20/2020

KEVIN M. DUNN 08-05
JOY M. DUNN
LIC. D500447585452
7432 BROOKWOOD AVE.
BALTIMORE, MD 21236

65-7767/2550 D

990

DATE 6/9/2020

PAY TO THE ORDER OF Baltimore County $ 75.00

Seventy five and 00/100 DOLLARS

Security Features Included. Details on Back.

First Financial Federal Credit Union of Maryland www.firstfinancial.org

MEMO Variance Application

Kevin Dunn

⑆255077671⑆ 190800805⑈ 00990

© DELUXE WALLET OR DUPLICATE

SPECIALTY BLUE

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

No. 197361

Date: 6/18/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 75.00

Rec From: KEVIN / JOY DUNN

For: VARIANCE

7432 BROOKWOOD AVE.

DRS.S CASE No. 2020-0141-A

CASHIER'S VALIDATION

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

JOHN A. OLSZEWSKI, JR.
County Executive

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

July 13, 2020

Kevin Dunn,
7432 Brookwood Avenue
Baltimore MD 21236

RE: Case Number: 2020-0141-A, 7432 Brookwood Avenue

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 June 18, 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

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Secretary

Tim Smith, P.E.
Administrator

June 22, 2020

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. **2020-0141-A**
Administrative Variance
Kevin & Joy Dunn
7432 Brookwood Avenue

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

Sincerely,

Richard A. Zeller

For 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: June 23, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0141-A
Address 7432 Brookwood Avenue
(Dunn Property)

Zoning Advisory Committee Meeting of **June 29, 2020**.

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

Reviewer: Steve Ford

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0141-A 7432 Brookwood Avenue.doc

BCZR SECTION

§ 100.6. - Land used for stabling and pasturing of animals.

[Bill Nos. 51-1993; 63-2009]

A tract of land used for the accessory stabling and pasturing of animals and which is not a commercial agricultural operation is subject to the following provisions:

Type	Limitation	Minimum Acreage
Large Livestock:		
Horses, burros and cattle	1 animal for each acre of grazing or pasture land*	3
Small Livestock:		
Sheep, goats and pigs, except an Asian potbellied pig (see Section 400) ponies and miniature horses	2 animals for each acre of grazing or pasture land*	3
Fowl or Poultry:		
Chickens, ducks, turkeys, geese, pigeons	No numerical limit, provided that a nuisance is not created or allowed to exist on the property	1

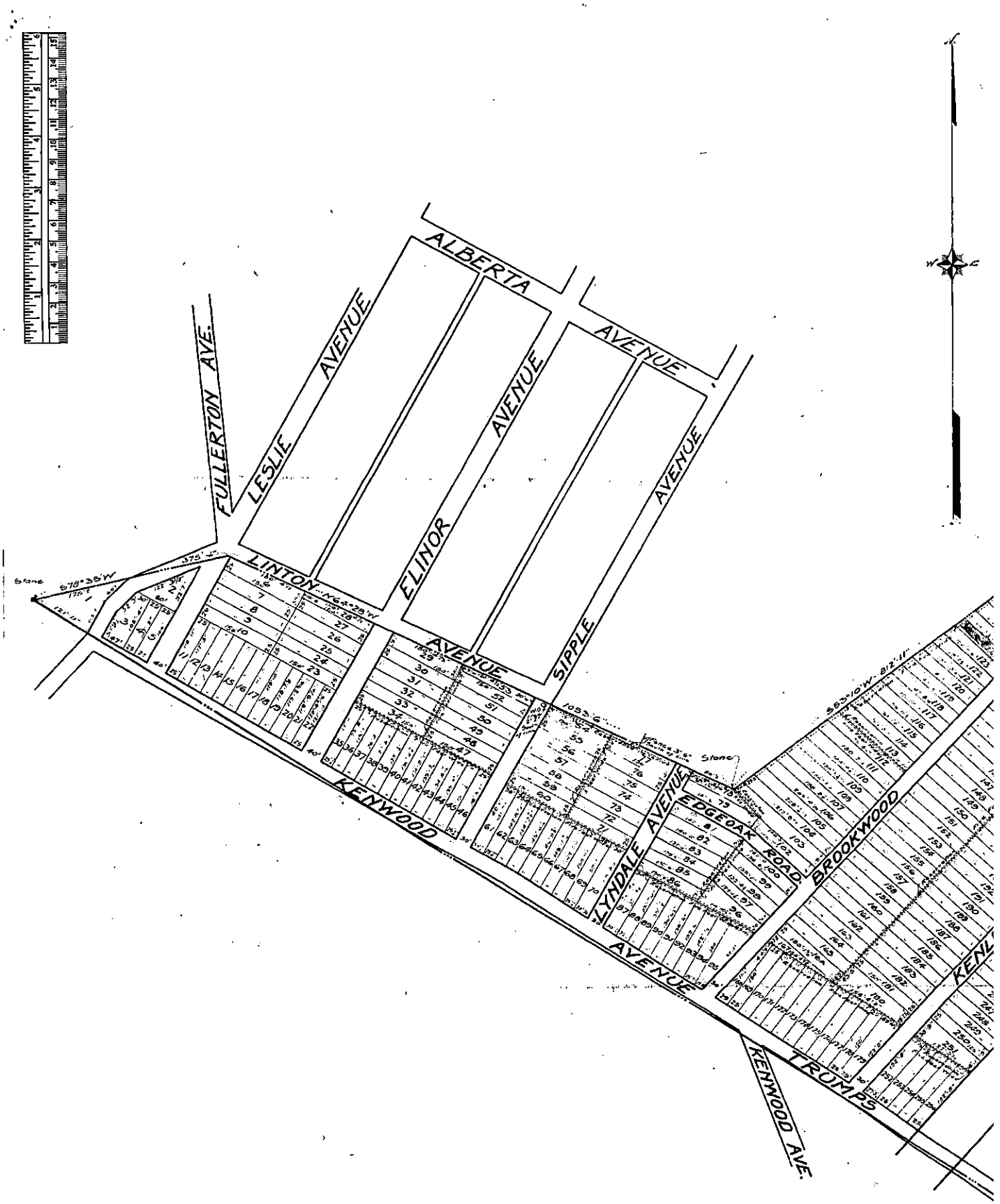
* Sucklings and weanlings under 12 months of age will not be counted. [5]

Footnotes:

--- (5) ---

5. Editor's Note—See also Section 404.

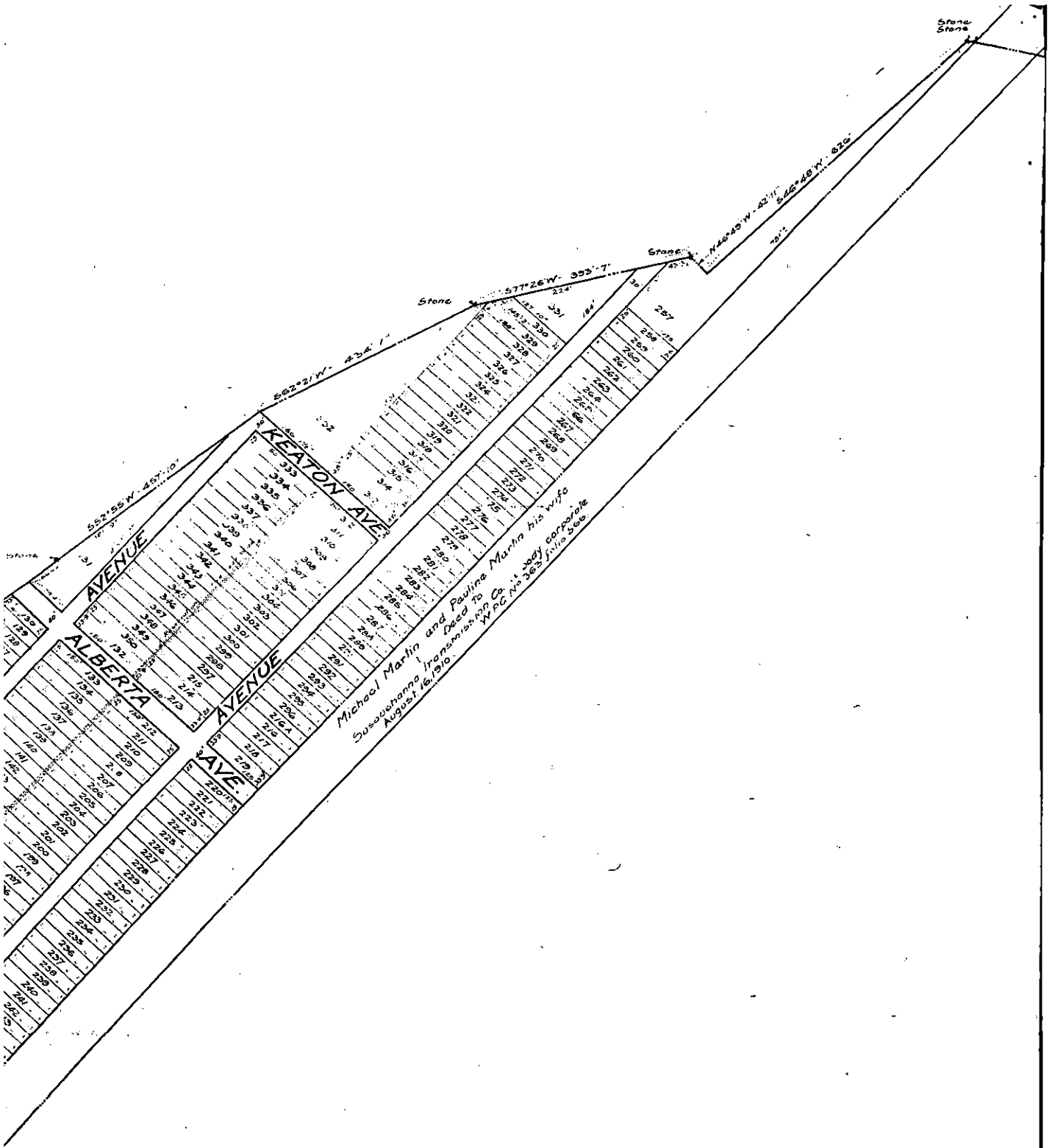
2020-0141-A



OVERLEA HILLS

DEVELOPED BY
THE OVERLEA REAL ESTATE INVESTMENT COMPANY.
OVERLEA, MARYLAND.

2020-0141-A



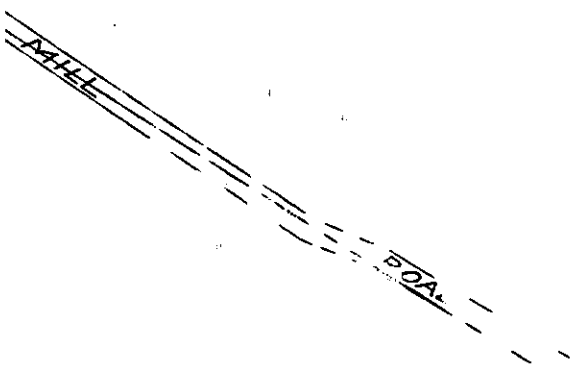
Scale - 100 Feet to 1 inch

William Whitney

County Surveyor for Baltimore County

Towson, Md.- December 19, 1924.

File No. 852.



(AV) 7-13

CASE NO. 2020- 0141-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
6-23	DEPS (if not received, date e-mail sent _____)	NC
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent _____)	
6-22	STATE HIGHWAY ADMINISTRATION	No object.
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 6-28-20 by Pilson

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District - 14 Account Number -** 1419064200

Owner Information

Owner Name:	DUNN KEVIN M DUNN JOY M	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	7432 BROOKWOOD AVE BALTIMORE MD 21236-4316	**Deed Reference:**	/19264/ 00371

Location & Structure Information

Premises Address:	7432 BROOKWOOD AVE 0-0000	**Legal Description:**	LT 124 PT 123,125 7432 BROOKWOOD AVE OVERLEA HILLS

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0081	0017	0017	14020021.04	0000			124	2018	Plat Ref: 0007/ 0192

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1943	964 SF		5,400 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	SIDING/	4	1 full		

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
Land:	77,500	77,500		
Improvements	80,500	87,900		
Total:	158,000	165,400	162,933	165,400
Preferential Land:	0			0

Transfer Information

Seller: SPINK WALTER E	**Date:** 12/09/2003	**Price:** $129,900
Type: ARMS LENGTH IMPROVED	**Deed1:** /19264/ 00371	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 11/06/2012

Homeowners' Tax Credit Application Information

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

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

2020-0141-A

ZAC AGENDA

Case Number: 2020-0140-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Edwin C. Perez
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 1955 EWALD AVE
Location: East side of Ewald Ave 136 feet North East of Lynch Road.

Existing Zoning: DR 0.5 **Area:** 2,600 SQ FT
Proposed Zoning:
VARIANCE:
BZCR 100.6 and 400.1 To approve pigeons/ pigeon coop on 2,600 sq ft of land in lieu of the minimum required 1 acre of land and a n accessory structure (pigeon coop) in the left side yard of the property in lieu of the required rear yard.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Case Number: 2020-0141-A **Reviewer:** Rosalie Johnson
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Kevin & Joy Dunn
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 14 **Council Dist:** 6

Property Address: 7432 BROOKWOOD AVE
Location: North West side of Brookwood South of Alberta.

Existing Zoning: DR 5.5 **Area:** 5,400 SQ FT
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
Section 100.6 of the BCZR to permit an accessory, non-commercial stabling and pasturing of chickens on a residential lot that is 5,400 square feet (.124 acre) in lieu of the required 43,560 square feet (1 acre).
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 07/13/2020

Miscellaneous Notes:

View from across Brookwood Avenue

7430 Brookwood Ave. 7432 Brookwood Ave. 7434 Brookwood Ave.

View from back fence looking toward 7430 Brookwood Avenue

2020-0141-A

View from back fence looking toward 7434 Brookwood Avenue

Planned location of the coop for our hens

View of our backyard from the 2nd story window

2020-0141-A

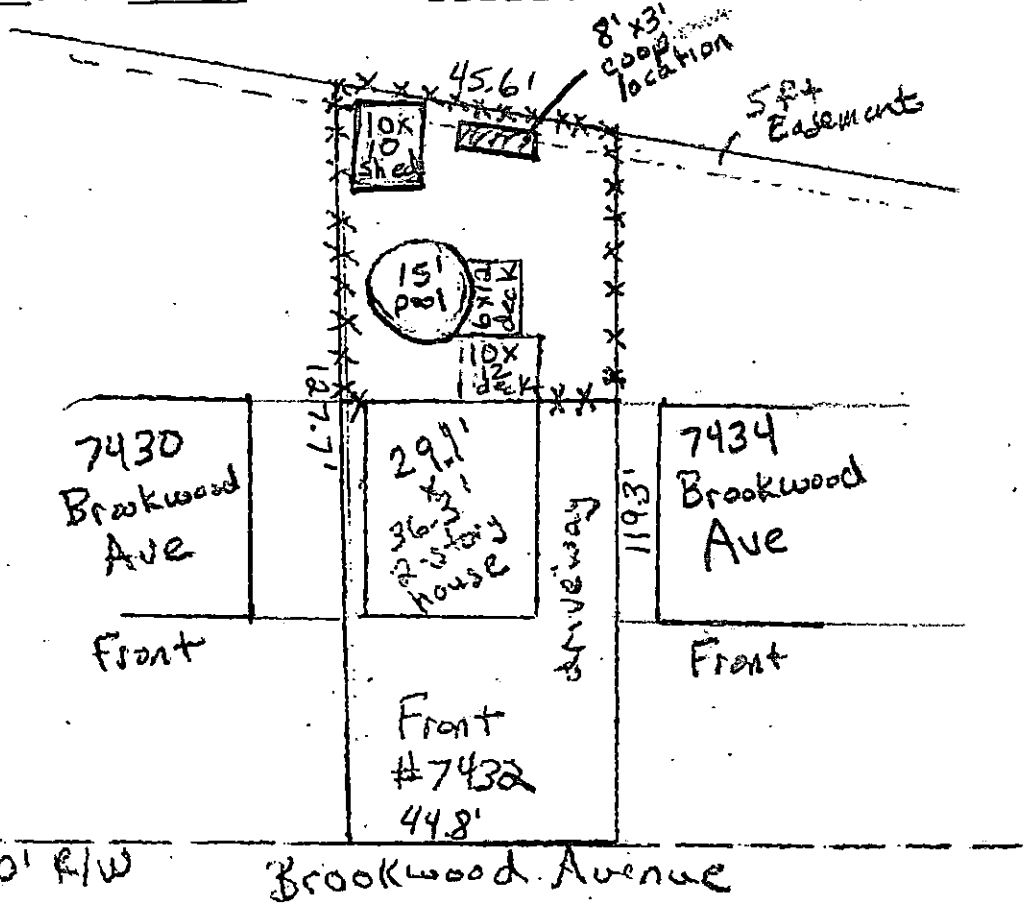

Lot # 80
1423051875
5122
1419071700
Lot # 82
Lot # 83
1407047800
1411069831
Lot # 84
1416016560
Lot # 85
1419076341
Pt. Bk. 0000017, Folio 0103
Pt. Bk./Folio # 017103
Pt. Bk. 0000014, Folio 0082
513014190763 40
Lot # 86
1419052450
Pt. Bk. 0000020, Folio 0102
Lot # 4
Pt. Bk./Folio # 020102A
1411090080
Lot # 57
Lot # 56
5117
5119
408069510
PAI # 140003
Pt. Bk./Folio # 014082
5121
5123
PAI # 140003
1416016540
Lot # 58
1413027460
5125
5127
Lot # 64
1413020026
Lot # 129
1411078350
7438
Lot # 129
ALBERTA AVE
5134
1420067120
Lot # 3
1407084070
1419027075
1423035100
1413020025
Lot # 59
Lot # 60
Lot # 61
Lot # 62
Lot # 63
Lot # 128
1403067525
Lot # 128
Lot # 126
1416003870
7434
1402069480
7439
Lot # 133
Lot # 133
DR 5.5
1403023825
6 CD
Lot # 51
Lot # 124
1419064200
Lot # 124
14 ED
NE 6-E
1416016220
7437
Lot # 135
Lot # 135
1422080060
Lot # 122
Lot # 122
1423051275
7430
081B3
081C3
1425070050
1403039120
Lot # 121
1419012625
7428
Lot # 121
Lot # 139
Lot # 139
1403003310
Lot # 137
1419071600
Lot # 48
PAI # 140040
Lot # 119
PAI # 140040
1426040400
Lot # 119
Lot # 117
Lot # 141
7431
Lot # 141
1420020225
Pt. Bk./Folio # 007192
Pt. Bk. 0000007, Folio 0192
1403005130
7424
Lot # 142
7429
1402023260
Lot # 142
Lot # 115
Lot # 115
1416060025
7422
BROOKWOOD AVE
Lot # 144
1419051800
7427
Lot # 144
1403068100
Lot # 205
Lot # 113
Lot # 113
1407015700
Lot # 146
7425
1403067100
1411069300
Lot # 112
7418
1420020370
Lot # 148
7423
Lot # 148
1418087240
1404023610
7428
Lot # 112
Lot # 200
Lot # 200
Lot # 150
7421
7426

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

ADDRESS 7432 Brookwood Avenue OWNER(S) NAME(S) Kevin & Joy Dunn

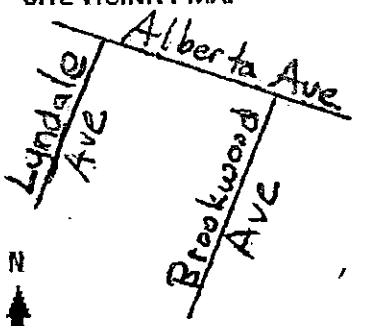
SUBDIVISION NAME Overlea Hills LOT # 124 BLOCK # n/a SECTION # n/a

PLAT BOOK # 7 FOLIO # 192 10 DIGIT TAX # 1419064200 DEED REF. # 19264100371



PLAN DRAWN BY Kevin Dunn DATE 6/15/2020 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0081

SITE ZONED DR5.5

ELECTION DISTRICT 14

COUNCIL DISTRICT 6

LOT AREA ACREAGE ___

OR SQUARE FEET 5,400

HISTORIC ? no

IN CBCA ? no

IN FLOOD PLAIN ? no

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ___

SEWER IS:

PUBLIC X PRIVATE ___

PRIOR HEARING ? ___

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CASE No. 2020-0141-A

Pet. Exh. 1

Post 6/28
Close 7/13

Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
6/15/2020

Permit Processing Residential Permit & Development Report

Property Information

Tax Account Number: 1419064200 **Plat Ref:** 007:192 **Election District:** 14

Owner Name(s): DUNN KEVIN M and DUNN JOY M
Address: 7432 BROOKWOOD AVE
BALTIMORE,MD 21236
Premise Address: 7432 BROOKWOOD AVE

PDM # :
Zoning District(s): DR 5.5
Elevation Range: 130ft - 136ft

Affected Overlays

Instructions: Begin review process with Zoning Review, Room 111.

Contact Agency

PAI-Public Services
County Office Building
Room 119
Phone: 410-887-3751

Potential Overlay Issues

Growth Tier 1: Served by public sewer and inside URDL

	New Homes	Internal Alts.	Add / Ext. Alts.	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret.Walls/Bulk	Razing	Elec. & Plumb	High Rise Apts.	Agency Acknowledgment Initial & Date
InFill Lot Review	X												OK To File
Verify Water Service Size.	X												

Notice: This report is not inclusive as additional issues may arise which would affect the ability to obtain a building permit. This Report is solely for Departmental use and nothing herein creates any right which would accrue to the applicant.
Form171R

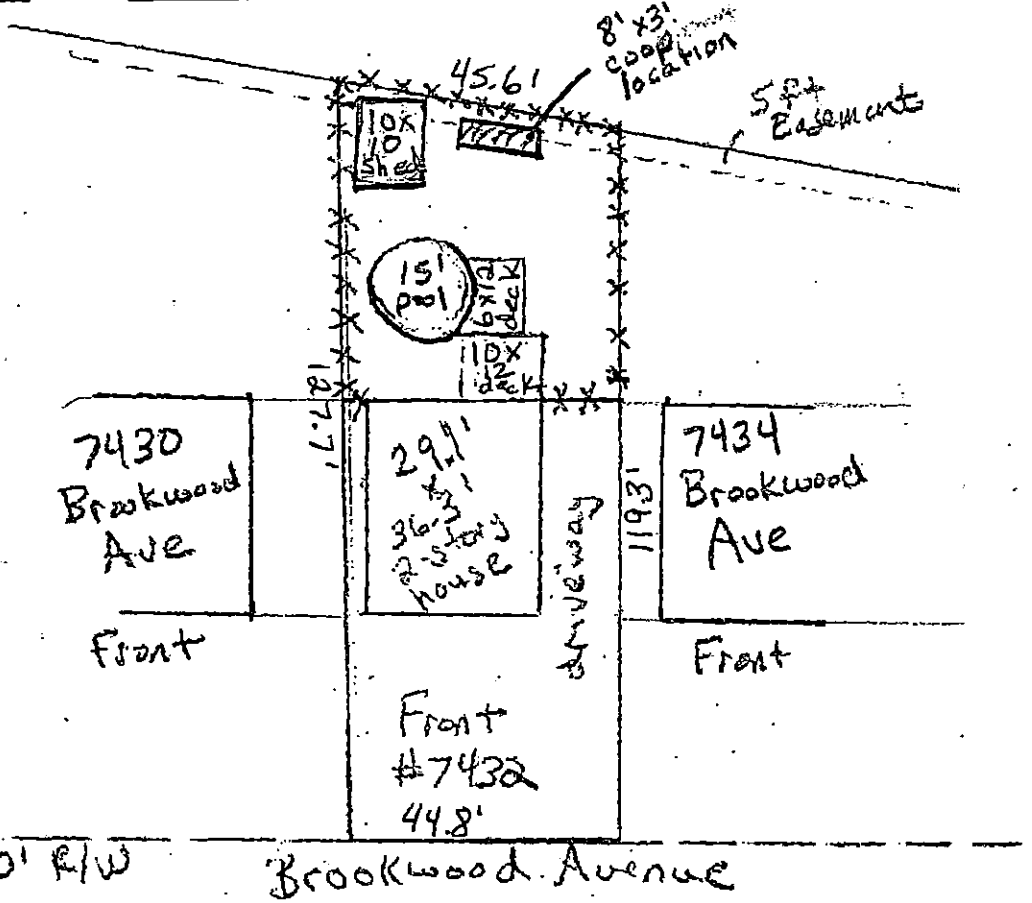
2020-0114-A

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

ADDRESS 7432 Brookwood Avenue OWNER(S) NAME(S) Kevin & Joy Dunn

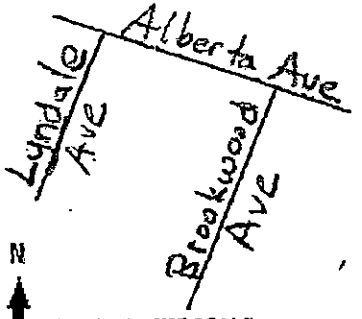
SUBDIVISION NAME Overlea Hills LOT # 124 BLOCK # n/a SECTION # n/a

PLAT BOOK # 7 FOLIO # 192 10 DIGIT TAX # 1419064200 DEED REF. # 19264/00371



PLAN DRAWN BY Kevin Dunn DATE 6/15/2020 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0081

SITE ZONED DR5.5

ELECTION DISTRICT 14

COUNCIL DISTRICT 6

LOT AREA ACREAGE ___

OR SQUARE FEET 5,400

HISTORIC ? no

IN CBCA ? no

IN FLOOD PLAIN ? no

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ___

SEWER IS:

PUBLIC X PRIVATE ___

PRIOR HEARING ? ___

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CASE No. 2020-0141-A