From: Sharyn Herman
To: Appeals Board
Subject: Protester Synopsis - Case No. 2021-166-A
Date: Thursday, April 28, 2022 11:53:45 PM

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Mr. Belt, Ms. Dopkin, and Mr. Sampson -

Thank you for the opportunity to hear my protest pursuant to the variance request by Elisabeth Martin, property owner at 1540-1542 S. Rolling Road, Halethorpe, MD, Case No. 2021-166-A. Thank you as well for expediting a second hearing after the first hearing was dismissed due to an amendment to the law on stabling and pasturing of animals (Bill 113-21). My original complaint was filed with Baltimore County Code Enforcement in March of 2021 but the noise and encroachment of my neighbor's geese, ducks, and chickens dates back to the fall of 2020, so after an initial ALJ decision, an appeal, a change in law, and an appeals hearing dismissal, I am eager for a resolution.

It is my understanding that Bill 113-21 applies specifically to hens, and therefore no longer pertains to this case because the chickens are gone. Hence, the variance petition applies to the pasturing of the remaining fowl. I also understand that according to the provisions of Article 1, Section 100.6 *Land used for stabling and pasturing of animals,* there is no limit to the number of animals allowed to be kept, provided that a nuisance is not created or allowed to exist on the property, and that the acreage on which the animals reside is at least 1 acre.

In my testimony, I claimed that a nuisance had been created by the noise that the geese produce whenever there is activity in the backyard. As Ms. Martin stated, this happens when they are fed but it also occurs any time that people or other animals are in the vicinity even if it's not feeding time. Ms. Martin's son and daughter-in-law, who are tenants at 1542 S. Rolling Road, have two young children who play in the backyard often, and their presence often sets off the flock. As was mentioned during today's appeal hearing, Ms. Martin's son did ultimately move the pen farther back on the property following a code inspector's visit and multiple pleas from me which are documented in an exhibit provided for the ALJ hearing. That helped to curtail the noise but has not significantly reduced it as Ms. Martin suggested.

I further testified that a nuisance had been created by the free-roaming of the flock onto my property. The geese and ducks are not always contained as Ms. Martin's son lets them roam to feed beyond the penned area. The birds do not know boundaries and whenever they are unpenned, they wander, feed, and squat in my yard as the exhibits I provided illustrate. Ms. Martin stated in her testimony that she wants her tenants to be able to enjoy their property as they like. I understand that but I would like to enjoy mine as well, which I cannot do if I must wear earplugs to muffle the sound of squawking and honking geese, and must sidestep droppings they leave behind after wandering onto my lawn and huddling there.

While Ms. Martin's property is just shy of an acre, it does not meet the minimum acreage provision, nor does their keeping of the birds make for a nuisance-free situation. Relay is a historic residential area with homes very close together and property boundaries not separated by fences. The natural setting is one of the appeals of the neighborhood, but the close proximity of neighboring houses makes it uninviting for a flock of pet geese and ducks.

Thank you again for your consideration of my testimony.

Sincerely,

Sharyn Herman