IN RE: PETITION FOR VARIANCE (1540-1542 S. Rolling Road) 13th Election District 1st Council District John and Elisabeth Martin Legal Owner Petitioners	* * * * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 21-166-A

* * * * * * * * * * * * *

ORDER

This matter comes before the Baltimore County Board of Appeals as an appeal from the September 22, 2021 Opinion and Order of the Administrative Law Judge denying a Petition for Variance pursuant to BCZR § 100.6. to approve fowl or poultry on 0.93 acres of land in lieu of the required one acre of land at 1540-1542 South Rolling Road.

Due to the COVID-19 pandemic, a public Webex hearing was conducted virtually in lieu of an in-person hearing. Both Petitioners and the Protestant appeared *pro se*. In between the time of the September 22, 2021 Opinion and Order of the Administrative Law Judge, and the March 9, 2022 hearing before this Board, the Baltimore County Council passed Bill 113 -21 amending the law pertaining to the stabling and pasturing of animals, and in particular, fowl and poultry. This new legislation amended provisions found in BCZR § 100.6, as well as BCZR §§ 418.1.-.2. Pursuant to these statutory changes, citizens are now permitted to seek licenses for the backyard housing of certain chickens and other foul on properties occupying land short of 1 acre in size. Pursuant to these amended statutes, applications can now be made to the Director of the Department of Permits, Approvals and Inspections for licenses to allow for the

backyard housing of such animals. Consequently, variance relief is no longer available in certain circumstances regarding certain such chickens and fowl.

In keeping with these amended statutes, and in order for the Petitioners to avail themselves the opportunity to apply for such licenses available under law, **IT IS** this 24th day of March, 2022 by the Baltimore County Board of Appeals, that the Petitioners are to apply to the Director of Baltimore County Permits, Approvals and Inspections for the appropriate licensing for the keeping of chickens or other fowl at the property at 1540 -1542 South Rolling Road by April 8, 2022.

Failure to apply for such licensing will result in the dismissal of any Request for Variance that is deemed to be within the purview of the above-referenced amended statutes pertaining to chickens and other fowl. A further hearing will be scheduled before this Board to address all remaining issues once the time allowed for the application of licenses has passed.

BOARD OF APPEALS OF
BALTIMORE COUNTY

Deborah C. Dopkin

Deborah C. Dopkin, Chair

see following page

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Board of Appeals of Baltimore County

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March 24, 2022

John and Elisabeth Martin
2613 Larchmont Drive
Baltimore, Maryland 21207-6019

Sharyn Herman
1538 S. Rolling Road
Halethorpe, Maryland 21227

RE: In the Matter of: *John and Elisabeth Martin*
Case No.: 21-166-A

Dear Messrs. Martin and Herman:

Enclosed please find a copy of the Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Pursuant to the enclosed, this Order is not a final decision of the Board of Appeals for Baltimore County and does not constitute an appealable event at this time. This matter will be held open on the Board's docket until such time as a final opinion can be issued.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: 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