To Baltimore County Government

Request for an Appeal

Case No. 2021-0166-A

Property: 1540-1542 South Rolling Road

RECEIVED
OCT 21 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

To whom it may concern,

I am requesting an appeal for the above mentioned case for a Petition for Variance pursuant to BCZR for approval of fowl or poultry on 0.939 acres of land in lieu of the required 1 acre of land that was denied on September 22nd 2021 by Administrative Law Judge for Baltimore County Maureen E. Murphy.

I am pleading my request on several factors brought up during the virtual hearing held September 3rd, 2021.

- The ALJ stated using only ½ of the property since the Wheeler's (my son and family) live at 1542 and tenant at 1540. This property is owned by me the Petitioner in its entirety as deeded and titled as one not two separate. Only separate is the house numbers. This property is a duplex owned by me and my husband. If only ½ is considered for the denial decision then why am I charged as a property owner the full amount of taxes paid to Baltimore County since October 1980?
- The ALJ stated the Wheeler's are the petitioner since they own the fowl not me. That is not correct my husband and me are the petitioners and documented as such. This is my property, my choice, my son and his family including the fowl.
- Fowl has been on this property for a minimum of 12 years and never was there a complaint regarding noise from anyone including the home owner at the 1538 residence.
- During the pandemic Ms. Herman was working from home like most of us and did not complain till February 2021 only to my daughter-in-law and not once did she reach out to me. She has my contact information as she had done several years ago on a matter of resurfacing the driveways. I would have taken possibly other measures if I were informed as the owner of the property.
- The ALJ stated that the Wheelers often took in baby chicks this was done post Easter not on a regular basis. The comment was they were kept in the basement which is not true they were only washed with warm water to remove Easter dye.
- The comment of the Wheelers observing fox, coyote and hawks is true and the coyote was only a onetime event many years ago and not confirmed as coyote or light color dog. The foxes have been in the neighborhood for as long as I lived at this residence and 5135 Viaduct Ave property which backs up to the Rolling Road property. Hawks on limited bases. I might add deer, raccoon and field mice are always and had always been in the woods. There are also snakes along with other animals living in the heavily wooded area. The fowl make no difference of the animals being there or not, they have been there more than likely forever.

extremely missed in schools. Currently groups trying to support those efforts so homeowners as me stop spending countless time and money to plea our case for a healthier living in Baltimore County especially in homes they have lived in decades. I have expensed $75 filing fees, $400 posting fees and now $300 appeal fees. Not accounting and time of mine.

- It is disturbing that if someone's limits to noise why did he/she move into a duplex? A comment was made in the decision from the ALJ if the Wheeler's wanted to live on a farm to move to property zoned as farm. How insulting since not only my son has lived in Relay at this residence or 5135 Viaduct his entire 41 years. The Wheeler family has been in Relay since about 1900, why would we want to move out of Baltimore County somewhere else?
- When the virtual hearing started the ALJ stated she could not use the affidavits since they were not notarized or those individuals were not testifying. I was informed this was not necessary from the zoning office. But the ALJ commented that not surprising 2 of the 15 affidavits of MS Jane and MS Kathy Park were tenants of mine and of course would not find any complaints of the fowl. This contradicts the ALJ earliest comments regarding the affidavits and using such documents against my request for variance.
- Final notes of the ALJ that MS Herman being deprived of the enjoyment of her property. MS Herman living at 1538 since 2006 never till February 2021 made any complaints regarding the fowl that has been on the property for at least 12 years. The ALJ also stated the Wheelers and should find property which is suitable for zoned for their needs and are not the property owners. MS Herman rarely comes outdoors, should enjoy the beauty of the wooded property and might add for 15 years my son (Wheeler) has cut her grass for that time since she was a single lady at no charge for 15 years in being a kind good neighbor. The Wheelers may not be current owners of the property but we are in that process of that sale but would like this matter to be resolved for the enjoyment of our family as well who does enjoy the backyard of the property. It is also known that MS Herman routinely searches the neighborhood to find trivial items such as a crack on a sidewalk or how far the asphalt goes into the street or over storm drains etc. Several of the neighbors fear retaliation in participating in a hearing or other matters since MS Herman tends to contact the County Council office or zoning on those trivial matters that often found to be compliant.
- I hope our response clarifies our continued efforts to enjoy our property as once stated and the appeal process or zoning change allows a reasonable reduction in acreage since my property is hundredth shy of permitted fowl.

Respectfully Submitted,
Elisabeth Martin

Elisabeth Martin

sismartin@comcast.net

202-38-5254

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

No. 203914

Date: 10-21-21

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000	6150					300.00

Total: 300.00

Rec. From: Elizabeth Martin

For: OAH - Appeal
Case No. 2021-0140-A
1540-1542 S. Rolling Rd
Hearing Date - 9-3-21
Ex # - 2503

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

CASHIER'S VALIDATION

CASH RECEIPT
FINAL RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	TRN
10/25/2021	10/25/2021	11:27:55	4

REG MGR WALKER KMS
>>RECEIPT # 140153 10/25/2021 OPLN
Dept 5 525 ZONING VERIFICATION
203914
Dept Tot $ 300.00
300.00 CK -.00 CA
Baltimore County, Maryland

ELISABETH A MARTIN
2613 LARCHMONT DR
BALTIMORE, MD 21207
PH 410-298-3119

2503

Oct 21, 2021
DATE

65-7675/2550
BRANCH 9

PAY TO THE ORDER OF Baltimore County of Maryland $ 300

Three hundred 00/100 DOLLARS

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CREDIT UNION
LINTHICUM, MD 21090

FOR Appeal Case# 2021-0166-A

[redacted]

Elisabeth A Martin
MP

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
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