Overview and Chronology of Events – submitted by Sharyn Herman for Case 21-166-A (John and Elisabeth Martin Petition for Variance relief)

Background:

- 1540-42 S. Rolling Road is a duplex next to my house (1538). The duplex is owned by Elisabeth Martin. She does not live there but rents one side to her son Arthur Wheeler and his wife, Adrienne. The other side is rented to tenants unrelated to the family. Arthur and Adrienne have a steadily growing flock of chickens, ducks, and geese that have been causing a nuisance and encroaching on my property.
- The property on which they keep the animals is less than one acre.
- Relay is a historic, residential area with homes very close together and property boundaries not separated by fences.
- One of the attractions of the neighborhood for me was the serenity of open space in the backyard lined by trees. It is no longer serene or pleasant as a farm started growing next door with squawking geese and roosting chickens.

Chronology:

- I have been living at 1538 S. Rolling Road for 16 years. My neighbors have kept chickens for many of those years. They were never penned and were occasionally a nuisance because they would regularly roam freely into my front and backyard. They would kick up dirt and mulch onto the sidewalk, and at one point, I was regularly chasing them from under a tree on the front yard. I tolerated it then because the number of chickens was relatively small, there were no ducks and geese, and because it was important to me to maintain good neighborly relations.

- Over the past couple of years, the animal population next door has grown. It became an intolerable nuisance starting last winter when there were at least two roosters who crowed incessantly and a population of fledging ducks and geese had grown to adulthood. Not sure what the chicken count is now but there have been up to 10+ chickens including roosters. There are also now 7 ducks and 6 geese that I can see, but breeding often happens undetected, and I'm concerned that the count will continue to grow.

- When I started complaining last winter about the unrelenting noise created by squawking geese and crowing roosters at all hours of the day, particularly early morning, all the animals were often left to roam freely into my yard and elsewhere. When they were penned, it was very close to the houses such that the noise they produced would carry into my house as though they were right under the windows. There is a noise tunnel created by the space that separates our two houses. It is narrow and alley-like, and the wind picks up voices and other sounds, and intensifies them. (**See Exhibit B for photo of how close the houses are situated to each other**)

- In November 2020, I noticed that several trees had been cut down on the back part of my property. I then noticed that a clearing had been created and a pen fence for the chickens had been extended around the clearing, which was clearly on my land. When I asked Adrienne about it, she said that the trees were diseased so Art cut them down. Nobody told me beforehand about the diseased trees, nor had anyone asked my permission to cut the trees

down, clear the space, and extend the chicken pen onto my property. I asked them repeatedly to remove the fence which was done the following month. The chicken pen that remained was still fairly close to our houses. (**See Exhibit C for photo of where the pen fence was and how it encroached on my land**)

- In February 2021, I started asking Adrienne to move the animals to the back of their property away from the houses (**See Exhibit D for photo of how close pen was to houses**). I was working from home and the noise they created was very disruptive. The honking, squawking, and crowing was disturbing my work time and my sleep (often awakening to crowing close to the house at 4:30 am and 6:30 am squawking when geese were fed). After two months and a number of promises, nothing happened. The pen remained where it was. (**See Exhibit E for email exchange between me and Adrienne Wheeler about moving the animals to the back of their property**)

- Last spring (March-April 2021), I had started to entertain potential buyers for my house. I had a prospective buyer who expressed interest but ultimately decided against making an offer citing that the farm animals next door were a deterrent. When the housing market exploded, I couldn't find a suitable place to move so delayed my plans to sell. As the market adjusts, I plan to be more aggressive about selling and am concerned about the value of my property being negatively impacted by the neighbor's growing farm. Once again, this is a historic, residential area in which houses are very close together. Not a place for a farm.

- After trying to resolve things amicably which resulted only in months of empty promises, I did some research and learned that the neighbors should not be keeping poultry and fowl on their property at all because they have less than an acre. In April 2021, I filed a complaint with the Code Enforcement Office and an investigator came out within a few days. The day he came to investigate is the day the animals were moved farther back away from the houses. A violation was issued with 30 days to comply. 30 days came and went - no compliance. We then waited six months because the property owner filed a variance request. Finally, in September 2021, the case was heard and the September 22 ruling was to deny the variance. Still, the animals remained on the property. On October 22, I received notice of an appeal and when I inquired about the process with the Office of Administrative Hearings, I was told that the hearing would likely not happen until January or February of 2022. An assignment notice was just issued for March 9, 2022. It has now been a full year since I filed a complaint, and longer than that since I tried to resolve the issue without county intervention.

- Shortly after receiving notice of the Appeal, the flock of geese, ducks, and chickens began freely roaming again and we're right back where we started. The animals had been mostly penned away from the houses since last spring but are now, once again, wandering onto my property. All 7 ducks, 6 geese, and various chickens roam as a flock leaving behind droppings and occasionally quacking and honking when they get excited. (**See Exhibits F, G, H, I for 11/6/21 photos of animals on my property**). I am concerned that if the variance is approved, their containment will become even more lax and I will have no recourse other than to put up a very costly fence (which will keep them off my property but not do anything about the noise). I must already regularly dodge mounds of dog poop on my lawn from Art and Adrienne's dogs who are not leashed. I do not want to deal with goose and duck droppings as well.
    - Free roaming sightings and encroachment: 11/6, 11/7, 11/11

- On 11/11/21 – during the second time I went out to chase the flock away from my house on this day, Arthur came out to tell me they weren't on my property. I had already chased them off when he came out. I told him I could hear them from inside the house which was what started this whole thing almost a year ago – he said, ***"you think I give a fuck."*** This is a direct quote. Not only am I frustrated by the noise and clear disregard for property boundaries, but I am now fearful of Arthur's contempt. I sent an email to Elisabeth (Sissy) Martin, the property owner and Arthur's mother, to make her aware of the free roaming animals and what her son said to me. (**See Exhibit J for 11/11 email exchange with Sissy Martin**).

- The current pen is set up on property borrowed from neighbors on the other side of the Wheelers. Should the variance be approved, I am also concerned that they will relocate the pen off borrowed property once again closer to the houses, build more coops and other housing structures, and increase the flock numbers. I will be right back to where I was last year at this time with intolerable, inconsiderate, unrelenting noise and encroachment.

- December 9, 2021 – received notice from the Appeals Court that a hearing is scheduled for March 9, 2022, five months after I received notice of the appeal. Geese, ducks, and chickens have remained penned since my email exchange with Sissy. Squawking disturbance continues day and night, sometimes at 2:00 and 3:00 am.

- February 18 and February 20, 2022 – flock of geese and ducks were, again, freely wandering unattended onto my property to feed and squat there.

Contact: Sunny @ Baltimore County Appeals Board (410) 887-3180 – spoke to Dec. 28, 2021