

148177 78-57-XA #29 **PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gordon L. Diven, Sr., legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ to _____, for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser _____ Legal Owner _____
Address _____
Petitioner's Attorney _____
Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of September, 1977, at 11:00 a'clock.

Zoning Commissioner of Baltimore County.

(over)

11:00 A
7/1/77

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gordon L. Diven, Sr., legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 421.1 of the Baltimore County Zoning Regulations, from a property _____ lines of 17 feet, 22 feet, 136 feet and 161 feet in line of the required _____ feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Lot also does not permit the kennel to be located in an area that meets the setbacks.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser _____ Legal Owner _____
Address _____
Petitioner's Attorney _____
Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1977, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of September, 1977, at 11:00 a'clock.

(over)



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3361

November 8, 1977

Mr. & Mrs. Gordon L. Diven, Sr.
Route 10, Box 184
"B" Avenue
Baltimore, Maryland 21219

RE: Petitions for Special Exception and Variances
N/S of "C" Avenue, 366' W of Rose Avenue - 15th Election District
Gordon L. Diven, Sr., et ux - Petitioners
NO. 78-57-XA (Item No. 209)

Dear Mr. & Mrs. Diven:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/sf

Attachments

cc: Walter L. Sanst, Esquire
36 Equitable Building
Baltimore, Maryland 21202

Patrick Cavanaugh, Esquire
2 North Dundalk Avenue
Dundalk, Maryland 21222

John W. Hession, III, Esquire
People's Counsel

Mr. James B. Byrnes, III, Chief
Zoning Enforcement Section

RE: PETITION FOR SPECIAL EXCEPTION for a Kennel, and VARIANCE from Section 421.1 of the Baltimore County Zoning Regulations N/S of "C" Avenue, 366' W. of Rose Avenue 15th District
Gordon L. Diven, Sr.
Petitioner

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 78-57-XA

OPINION

This case comes before the Board on an appeal by the Petitioner from an Order of the Zoning Commissioner of Baltimore County, dated November 8, 1977, denying the request for a special exception for a dog kennel, and the accompanying request for variances.

The petition, in this instance, is for a special exception for a kennel, and additionally, a petition for variances from Section 421.1 of the Baltimore County Zoning Regulations to permit setbacks from the property lines of 17 feet, 22 feet, 136' and 168 feet in lieu of the required 200 feet. The subject property is located on the north side of "C" Avenue, 366 feet west of Rose Avenue, in the Fifteenth Election District of Baltimore County, and contains 0.340 acres of land, more or less.

Testimony by the Petitioner was presented to the Board about the type of dogs to be housed in the proposed kennels. These are "Huskie" type dogs that Mr. Diven raises, trains, shows and uses as a hobby, not as a business. Since a team of sled dogs contains a number of dogs, Mr. Diven needs a special exception for a kennel. Much testimony was presented indicating the care taken of these animals, and the efforts to control noise and maintain cleanliness.

Testimony from Protestants was also taken by the Board. This testimony was diametrically opposed to that of the Petitioner. Protestants claimed that these dogs howl and definitely create odors. A "bug light" installed by Mr. Diven was also noted as bothersome and noisy. All of the above testimony is duly recorded in the transcript of this hearing.

The Board is, in this case, faced with two petitions, one for a special exception and another for variances to permit some. Both are closely related to each

Gordon L. Diven, Sr. - 78-57-XA

other. Section 502.1a states that the use requested for a special exception shall not be detrimental to the health, safety or general welfare of the locality involved. Section 421.1 states that a kennel, whether a permitted use or by special exception, shall be located at least 200 feet from the nearest property line. This regulation is a part of the Baltimore County Zoning Regulations to protect adjacent property owners from any possible detrimental effect on their property from the proposed use. Mr. Diven's kennel would not only be located less than 200 feet from the nearest property line, but would be less than 200 feet from any property line. It is the opinion of this Board that the requirements of Section 502.1a have not been met and that this special exception should be denied and, therefore, the variances shall also be denied. The Board will issue an Order affirming the Order of the Zoning Commissioner and denying the requested special exception and accompanying variances.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of August, 1978, by the County Board of Appeals ORDERED, that the Order of the Zoning Commissioner, dated November 8, 1977, is hereby affirmed and that the special exception and variances petitioned for, be and the same are hereby DENIED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilman, Vice Chairman

William J. Hession, III, Esquire

John A. Miller

December 2, 1977

No. 78-57-XA
(C Item No. 209)

We the Petitioners Mr. & Mrs. Gordon L. Diven, Sr.
Route 10 Box 184 B Avenue
Baltimore, Md. 21219

Re: Petitions for Special Exception and Variances
N/S of "C" Avenue 366' W of Rose Ave
15th Election District

We are appealing Zoning Commissioner's Order denying our petition.

Very truly yours,
Gordon L. Diven, Sr.
Mrs. Gordon L. Diven

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3361

December 5, 1977

Walter L. Sanst, Esquire
36 Equitable Building
Baltimore, Maryland 21202

Re: Petition for Special Exception and Variances for
Gordon L. Diven, Sr.
78-57-XA (Item 209)

Dear Sirs:

Please be advised that an appeal has been filed by Mr. and Mrs. Gordon L. Diven, Sr., Petitioners, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

cc: Patrick Cavanaugh, Esquire
2 North Dundalk Avenue
Dundalk, Maryland 21222

Gordon L. Diven, Sr.
Route 10, Box 184
"B" Avenue
Baltimore, Maryland 21219

John W. Hession, III, Esquire
People's Counsel

Mr. James B. Byrnes, III, Chief
Zoning Enforcement Section

Very truly yours,
S. ERIC DI NENNA
ZONING COMMISSIONER



ORDER RECEIVED FOR FILING

DATE: Jan 10 1977



August 7, 1978

Mr. Gordon L. Diven, Sr.
Route 10, Box 184
B Avenue
Baltimore, Md. 21219

Re: Case No. 78-57-XA
Gordon L. Diven, Sr.

Dear Mr. Diven:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above captioned case.

Very truly yours,

Edna T. Blumenthal, Admin. Secretary

Enclosure

cc: Walter L. Sanst, Esquire
Patrick Cavanaugh, Esquire
John W. Hession, III, Esquire
Mr. James B. Byrnes, III
Mr. James B. Dyer
Mr. S. E. DiNenna
Mr. L. H. Gossel
Mr. J. Hession
Board of Education

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCES
N/S of "C" Avenue, 366' W of Ross Avenue - 15th Election District
Gordon L. Diven, Sr., et ux - Petitioners
NO. 78-57-KA (Item No. 269)
BALTIMORE COUNTY

This matter comes before the Zoning Commissioner as a result of a Petition for a Special Exception for a kennel and, additionally, a Petition for Variances from Section 421.1 of the Baltimore County Zoning Regulations, to permit setbacks from the property lines of 17 feet, 22 feet, 138 feet, and 168 feet in lieu of the required 90 feet. The subject property is located on the north side of "C" Avenue, 366 feet west of Ross Avenue, in the Fifteenth Election District of Baltimore County, and contains 0.340 acres of land, more or less.

Testimony indicated that the kennel presently exists and that it previously was the subject of a violation hearing, Case No. 77-105-V, before the Deputy Zoning Commissioner, wherein an Order was issued on March 10, 1977, to cease the operation of a kennel.

The Petitioner indicated that he has seven dogs at this time but would have no more than eight dogs at any one time. Mr. Gordon L. Diven, Jr., raises and trains these dogs (Huskies), and shows and races them in competition.

The subject property is surrounded by six other properties not having public road frontage but having a right-of-way to "B" Avenue, a street running parallel to "C" Avenue, as described herein.

Residents of the area in protest to the subject Petition indicated that the dogs create a howling, shrieking type noise as they bark and an odor, and feel that the subject use would be detrimental to their health, safety, and general welfare.

Without reviewing the evidence further in detail but based on all of the evidence presented at the hearing, in the judgment of the Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have not been met, and, therefore, the Special Exception for a kennel should not be granted. By necessity, the requested Variances should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of November, 1977, that the Special Exception for a kennel be and the same is hereby DENIED and the aforementioned Variances be and the same are hereby DENIED.

It is further ORDERED that the aforementioned Order, dated March 10, 1977, be complied with within 30 days from the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION AND
PETITION FOR VARIANCE
N/S of C Ave. 366' W of Ross Ave.,
15th District
GORDON L. DIVEN, SR., et ux,
Petitioners
Case No. 78-57-KA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

[Signature]
Charles E. Kuntz, Jr.
Deputy People's Counsel
[Signature]
John W. Heslon, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of August, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Gordon L. Diven, Sr., Box 184 Avenue B, Route 10, Baltimore, Maryland 21219, Petitioners.

[Signature]
John W. Heslon, III
John W. Heslon, III

RECEIVED BALTIMORE COUNTY
APR 28 1978
OFFICE OF PLANNING AND ZONING
TO THE COMMISSIONER OF BALTIMORE COUNTY
1. ON THE 28th day of April, 1978, the Board of the Planning Board of Baltimore County, the PROPERTY OUTLINES OF WHICH IS SHOWN TO BEAL, COMPLETE WITH REVISIONS AND AMENDMENTS ON 200 FT. SCALE MAPS, WHICH ARE ATTACHED HERETO, HEREBY MAKE APPLICATION TO FILE FOR A SPECIAL EXCEPTION AND OR SPECIAL PERMIT
IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS
THE PROPERTY IS EXPECTED TO BE IMPROVED AS FOLLOWS:
GROUND SITE AREA 1.638 ACRES DEED REF. _____
GRADING _____ % OF OVERALL SITE WILL BE GRADED
BUILDING SIZE _____
GROUND FLOOR _____ TOTAL FLOOR AREA _____
NUMBER OF FLOORS _____ TOTAL HEIGHT _____
FLOOR AREA RATIO = TOTAL FLOOR AREA DIVIDED BY SITE AREA = _____
BUILDING USE _____
GROUND FLOOR _____ OTHER FLOORS _____
REQUIRED NUMBER OF PARKING SPACES
GROUND FLOOR _____ OTHER FLOORS _____ TOTAL _____
FINDING _____
AREA OF SITE TO BE PROVIDED TO ACCOMMODATE REQUIRED PARKING SPACES
(AREA MUST BE ESTIMATED BY MULTIPLYING REQUIRED NUMBER OF SPACES BY 300)
UTILITIES
WATER: PUBLIC [] PRIVATE, TYPE OF SYSTEM _____
SEWER: PUBLIC [] PRIVATE, TYPE OF SYSTEM _____
UTILITIES SECURITY APPROVAL _____
I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
APPLICANT _____ LEGAL COUNSEL _____
LEASE OR CONTRACT PURCHASER _____
THE PLANNING BOARD HAS DETERMINED ON 7/4/77 THAT THE PROPOSED DEVELOPMENT DOES COMPLY WITH THE REQUIREMENTS OF SUBSECTION 22-61.01 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
DATE 7/26/77
CHAIRMAN, BALTIMORE COUNTY PLANNING BOARD

IDCA FORM NO. 2 REVISED 1-75

David W. Dallas, Jr.
CIVIL ENGINEER
Registered Professional Engineer & Land Surveyor

8719 OLD HARFORD ROAD
BALTIMORE, MD. 21284

AREA CODE 861
PHONE: 689-7422

ZONING DESCRIPTION
FOR VARIANCE FROM 200 FOOT SETBACK AND
SPECIAL EXCEPTION FOR KENNEL

BEGINNING for the same the two following distances from the point formed by the intersection of the northernmost side of C Avenue (40 feet wide) with the westernmost side of Ross Avenue 366 feet south 66 degrees 07 minutes west along the northernmost side of said C Avenue and 169.88 feet north 25 degrees 15 minutes west to the place of beginning, thence running the four following courses and distances south 64 degrees 45 minutes west 185.00 feet, north 25 degrees 15 minutes west 80.00 feet, north 64 degrees 45 minutes east 185.00 feet and south 25 degrees 15 minutes east 80.00 feet to the place of beginning.

CONTAINING 0.340 acres of land more or less

BEING the property of Gordon L. Diven.

March 9, 1977



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 484-3851
S. ERIC DI NENNA
ZONING COMMISSIONER

Mr. Gordon L. Diven
Box 184 Ave. B
St. 10, Baltimore, Md.
21219

RE: Interim Development Control 077-3-K
As (IDCA) Application Special Exception

Dear Sir:

Please be advised that your IDCA application for a Special Exception hearing was approved by the Planning Board on May 22, 1977 and you may now file your petitions, plats, and descriptions for said hearing in accordance with the Zoning Commissioner's rules for filing.

In order to assist you, we are enclosing a copy of the Zoning Commissioner's rules for filing and petition forms to be completed by you. Your petitions and plats have already been filed in the Zoning Office.

Very truly yours,
[Signature]
S. ERIC DI NENNA
Zoning Commissioner

SED/JED/scw

Enclosures

WALTER L. SANET
ATTORNEY AT LAW
SUITE 718
REPUTABLE BUILDING
CALVERT AND PARKER STREETS
BALTIMORE, MARYLAND 21202
OFFICE (301) 688-8888
April 7, 1978

County Board of Appeals
Court House, Room 218
Towson, Maryland -21204-

RE: Gordon L. Diven, Sr.
Case No: 78-57-KA
Date of hearing: May 25, 1978 at
10:00 a.m.

Gentlemen:

Please be advised that I am the attorney for Gordon L. Diven, Sr., regarding the appeal.

We are asking for a postponement in this matter because of a pending Baltimore County Council bill, number 28-76, which would allow all residents of Baltimore County to have 10 dogs on their property.

Since, if this bill is passed, this would make the entire appeal moot, it would seem irrational to have a whole full blown County Board of Appeals hearing while there is a possibility of a statute which would declare the entire appeal invalid.

If the Board could find it within its discretion to postpone this case until the pending legislation has been passed, shelved or changed, it would be most appreciative.

Thank you for your kind consideration concerning this matter.

Very truly yours,

[Signature]
WALTER L. SANET

WLS/cam
CC: Gordon L. Diven, Sr.

April 12, 1978

Walter L. Sanet, Esquire
Reputable Building
Calvert and Parker Streets
Baltimore, Maryland 21202

Re: Case No. 78-57-KA
Gordon L. Diven, Sr.

Dear Mr. Sanet:

Concerning the above mentioned case, the Board is not familiar with any bill now pending before the County Council which would affect the time in this case. You stated Bill 28-76. Some was passed by the County Council on May 2, 1978 and became effective on June 21, 1978.

Without additional specific information concerning the reasons for your request, the Board will not postpone the case.

Very truly yours,

[Signature]
Walter A. Miller, Jr., Chairman

WAS
cc: Mr. Gordon L. Diven, Sr.

We, the undersigned Residents of the
Todd's Farm Community strongly
oppose the proposed zoning change
as stated: Petition for Special
Exception for a Kennel and Petition
for Variance for Setbacks for
Property lines located at North
side of "C" Avenue 366 feet
West of Ross Avenue.

We feel the above proposed zoning changes would be detrimental to the neighborhood.

property values, the health of the Community, and a public nuisance.

Name	Address
John C Meyer	Box 191 Rt. 10 Balto. Md. 21214
Patricia L. Meyer	Box 191, Rt 10 Balto. Md 21219
William Meyer	Box 120 Rt 10 Balto Md 21219
Nora K. Meyer	Box 150 Route 10 Baltimore 21219
George E. Shook	Box 191 Rt 10 Balto 21219
Robert A. Boing	Box 195 Rt. 10 Balto. 21219
Glaucine W. Hook	(Patricia) Box 191 Rt. 10 21219
Michael Boing	Box 125 Rt 10 Baltimore 21219 (James Boing)
Arthur G. Lynch	Box 180 Balto. 21219 Cal. B.
Pauline M. Lynch	Box 185, Cal B, Route 10 #21219
Paul P. Lites	Box 190 Ave C Rt 10 21219
Frank & Randall Jr	Box 150 Rte Balto Md 21219

NAME	ADDRESS
Olivia Kendall	Box 159 A, Rt. 10 2/21/9
Maurice Kelle	Box 159 R10 - 2/21/9
Joseph Wreck	Box 158 RFD 10 2/21/9
Kitty Wreck	Box 158 R 10 - 2/21/9
Edgar Kelle	Box 159 R 10 - 2/21/9
Lue Kattaucke	Box 161 Rt. 10 - 2/21/9
Anna Kendaale	
Elizabeth Singleton	Box 160 A Rt. 10 - 2/21/9
Paul W. Singleton	Box 160 A Rt. 10 2/21/9
Carl R. Singleton	Box 160 Rt. 10 2/21/9
Harvey Ekholm	Box 162 RR 10 2/21/9
Eather Magnusson	Box 174 A RR 10 2/21/9
Y. Janner, Ekholm	Box 162 RR 10 2/21/9
Edward J. Kantaucki, Jr.	Box 161 Rt. 10 2/21/9
Edgar E. Kallman	Box 710 RT 10 2/21/9
James W. Kallman	Rt. 10 Box 171A Ave A 2/21/9
Oliver K. Walter	Rt. 10 Box 174 Ave A 2/21/9
John K. Walter	Box 174 Ave A Rt. 10 2/21/9

I THE UNDER SIGN IS FOR
GORDON L. DIVEN TO GET HIS SAID
PROPERTY ZOMB FOR A KENNEL TO MAINTAIN

THE amount of dog he has. NOW
and to KEEP it a ^{RESIDENTIAL} ~~NON~~ C. PROPERTY
31 Aug 77

E. M. Singleton
 U. W. Wark
 Peggy Diver
 J. M. Diver
 E. M. Singleton
 Earl D. Giffard
 P. W. Singleton

2c PETITIONER'S
EXHIBIT #1
78-572A

26 PETITIONER'S
EXHIBIT #3

The MASON-DIXON SLED DOG RACING ASSOCIATION Would like to welcome you to our sled dog race and hope you will enjoy it as much as we enjoy racing.

For a lot of you, this will be your first race, so we know you would like to know what you can do to help make this an even more successful race.

Feel free to visit the holding area and take all of the pictures you want. Be careful walking around as there are many things to trip over such as chains, harnesses, sleds, etc.

Ask the drivers and handlers questions if they are not busy. They will be glad to talk to you and answer the questions that you might have. Just remember that it takes a lot of work to get the team ready for the race and up to the starting line, so at times these people may not have time to stop and talk just whenever you should wish them to.

PLEASE, NEVER bring a dog or cat to a sled dog race. If you have one with you leave it in the car or some place away from the race. Remember, a driver handling several dogs cannot be responsible for the safety of your pet. There have been races lost, and pets hurt because of a team swerving off the trail trying to visit a strange dog.

Remember these dogs are trained racing dogs and not pets and you should never feed them. Although as a rule the sled dogs are very friendly, do not pet them before asking the driver or handler.

Please stand back when you are near the starting line or out on the trail. If you are too close you might distract the dogs and even cause them to leave the trail.

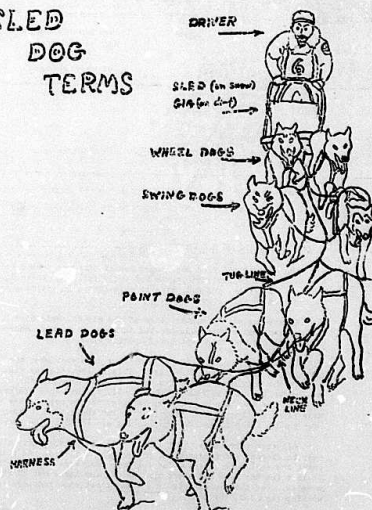
These dogs love to run just as a house pet might like to go out on the leash or dig up the neighbor's flower garden, s although they might look tired or be breathing hard they are still happy animals. The only time a sled dog is unhappy is when he is not out with the team.

By all means, pick yourself a team to cheer for and let the driver know you appreciate his team's efforts. As in all sports, it always helps to know you have someone cheering you on.

We hope you enjoy the race and if you do, be sure to tell others about the sport. Right now sled dog racing is one of the fastest growing winter sports in the country.

Thx you for coming and GOOD SLEDDING!

SLED
DOG
TERMS



Training sessions three times through the week and twice on weekends begins rolling up the mileage needed to develop you and your team into a cohesive unit. Most of us must train on country roads (never run your dog on hard surfaces!) so that in addition to the mileage, many exciting things happen when the farmer's cows are in the way or a chicken decides to cross the road (I still don't know why).

By December some member clubs will sponsor a fun race and we begin to weed out those sled dog drivers who are not serious about the sport. For those who make the sacrifice necessary to have a dog team, all the training and hard work begins to pay off when the actual races start on the first weekend after New Years. Usually ten races are held on weekends in the Mid-Atlantic area of New York, Pennsylvania, New Jersey, Delaware, Maryland and Virginia.

This is the fifth annual dog sled race the Mason-Dixon Sled Dog Racing Association has sponsored. We are the southern most club in racing circles and as a result in the past five years we've not been able to race on snow. This does not deter the dogs since they are trained on dirt roads throughout the Fall.

The MDSRA sponsors one race each year held on the Washington Birthday Weekend which is designated as a federal holiday. We have been most fortunate for the past two years to be permitted to use the facilities at Fort Meade.

Things were not always as organized and well planned... Our first race was held at Fort Belvoir, the weather failed to cooperate and the dirt/sandy roads had washouts and ruts which went stop almost anything except a dog team. The next year we moved our race to the Catonsville area, near Baltimore, Maryland. With temperatures hovering at 5 degrees and a wind/chill of 0, the dogs were running in great spirits. The snow still did not arrive so we were running mountain trails which would have made a coat feel right at home. Our first race was moved to the relatively flat lands around Thurmont, Maryland, where we laid out the first 100 mile trail. It is impossible to describe the wonderful cooperation and hospitality of the people in that area, however, old man weather still would not cooperate and we were again forced to use rigs instead of sleds. At this time we concluded that the weather was not going to be always ready and if it snowed we would consider that a bonus.

The amount of work that goes into a race is always underestimated. Our club is not large but we have some of the most dedicated people I know working long hours to make these two days enjoyable for the spectators and rewarding for the participants. Welcome and

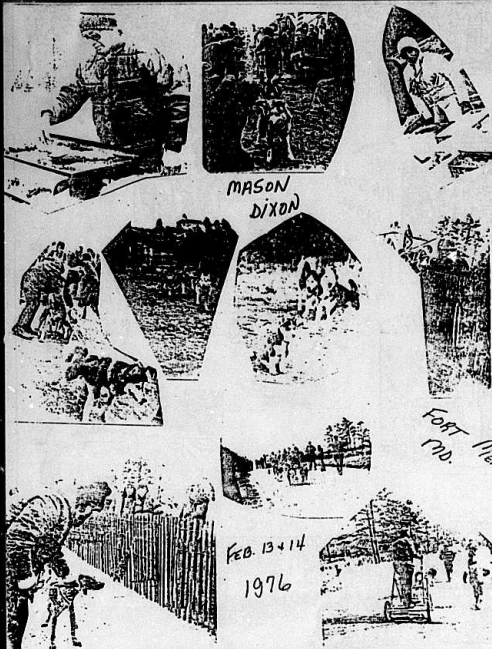
THINK SNOW!



This is not a recognized breed under any kennel club. This is the dog which evolved from many years of developing a fast light dog for racing. The cross-breeding in this type of dog can vary, but generally you will find Working and Sporting dog crosses with some wolf strains mixed in.

For many dog drivers who are very serious about the sport, the Alaskan Husky is bred as carefully as any "pure-bred" dog. Some slightly different strains have been developed in New England, Canada, and Alaska but when the term Alaskan Husky is used it means a light fast dog that will burn up the trail and put his driver among the top contenders for the prizes and the purse.

The Alaskan Malamute was developed as a sled dog required to pull heavy loads over great distances for the nomadic people of the north. This type work requires great strength and stamina. As a result the Malamute is the heaviest found in the weight pulling contests. A few drivers steadfastly use their Malamutes in sled dog racing. Because of his original purpose the Alaskan Malamute does best when race conditions are bad and the going requires a lot of hard work.



S.H.C.D.V. point race, January 10, 1976

4-7 Dog Class	6 miles	2-3 Dog Senior	3 miles
1. John Edgerton	21.38	1. Ron O'Brien	12.40
2. Larry Fries	22.43	2. Jack Coughle**	15.07
3. Charlie Larrimore	24.59	3. Gene Gallagher	15.44
		4. Sherry Knez	15.53
3-5 dog class	4.5 miles	5. Rosemary Bennett	16.13
1. Al Rosenblum	20.08	6. Butch Coughle**	16.55
2. Vince Sji	20.16	15b. Bob Carlston	20.36
3. Dennis Kirby**	20.53	16b. Lonnie Olivas*	20.36
		18. Cathy Lochary**	21.26

1. Danny Paple	2.09
2. Tracy Thomas	2.10
3. Jan Hunt	2.17
4. Kevin Kirby	2.19
5. Jeff Larimore	2.41

1. Dog	6 miles	3 Dog	3 Hile
1. C. Larrimore	27.11	1. Ron O'Brien	15.77
2. H. Heyers	27.45	2. R. Ritzby	18.23
3. T. Dullisse	30.85	3. K. Krueger	18.83
4. L. Riley	31.94	4. J. Higo	20.86
5. L. Freas	Disq	5. G. Gallagher	20.98
		10. J. Cougle**	21.30
5 Dog	4.8 miles	11. B. Cougle*	21.96
1. W. Rosenblum	34.27	13. B. Carlton**	23.15
2. V. Soly	25.04	16. C. Leubach	25.04
3. D. Thomas **	25.04	17. R. Rotundo **	26.84
4. B. Riley	26.30	18. L. Diven **	27.23

8. D. Carlton** 3.25

To: S. Eric DiIenna, Zoning Commissioner Date: August 22, 1977

FROM: Leslie H. Groef, Director of Planning

Date August 22, 1977

FROM: Leslie H. Groef, Director of Planning

Petition #78-57. Petition for Special Exception for a Kennel

Petition for Variance for Setbacks for Property Lines
North side of "C" Avenue 366 West of Rose Avenue
Petitioner - Gordon L. Diven and Ann F. Diven

15th District

HEARING: Thursday, September 1, 1977 (11:00 A.M.)

It is suggested that the variance requested by the petitioner is one of "use" not of "area". Further, a location in close proximity to adjacent residential lots is not appropriate for a kennel.

Leslie H. Green
Director of Planning

LHG:IGH:pw

I THE UNDER SIGN IS FOR
GORDON L. DIVEN TO GET HIS SAID
PROPERTY ²⁰⁰⁸ FOR A KENNEL

Walter Robertson 328-1367
 Carrie Robertson Rt. 10 Box 1794-10, Bldg. 10
 John C. Hall
 Mr. & Mrs. Stephen & Candy Brown Rt. 10 Bldg. 10
 Mary d. Owens Rt. 10 Bx 155 B Bldg. 10
 Leo Sommer Bx 155a
 Mae Goodman Rt. 10 Bx 177E Bldg. A Bldg. 10
 Florence W. Gray Rt. 10 (Box 195A) Bldg. 10
 James & Kate J. 10 Bx 194A Bldg. 10

**PETITIONER'S
EXHIBIT #5**

78-5721

I THE UNDER SIGN IS FOR
GORDON L. DIVEN TO GET HIS SAID
PROPERTY ZONE FOR A KENNEL

George Shiffert Sr.
Box RT10
Sarah Tomaszewski
Box 196 RT10
Carl W. Riddler
Box 6 21052
Frank Howard 911d.

PETITIONER'S
EXHIBIT #4

78-57X A

Ensign T. Radden
PO Box 6 (Am C.)
St. Howard. Ind 21052
Henry H. - St. B. 1115
Robert Lee Fisher

2: for you

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION	COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman

MEMBERS

BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE BOARD COMMISSION

BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING

BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

August 17, 1977

Mr. Gordon L. Diven, Sr.
Mrs. Ann F. Diven
Box 184 Avenue B
Route 10
Baltimore, Maryland 21219

RE: Special Exception & Variance
Item No. 209
Petitioner - Gordon L. Diven
Ann F. Diven

Dear Mr. & Mrs. Diven:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

This .34 acre parcel, currently improved with a 1-1/2 story dwelling, shed and 4 dog runs, which are the subject of this petition, is located at a point approximately 149 feet north of "C" Avenue and 346 feet west of Ross Avenue in the Fort Howard area of Baltimore County. Properties immediately contiguous to this site to the north and southeast consist of vacant land also owned by the petitioner while individual dwellings abut the site to the northeast and southwest.

Mr. Gordon L. Diven, Sr.
Mrs. Ann F. Diven
Page 2
Item No. 209
August 17, 1977

This petition was subject to the Interim Development Control Act and as such was reviewed and determined by the Planning Board that the proposed development conforms to the applicable requirements of said act and therefore could be processed by this office.

This combination Special Exception/Variance is necessitated in order to legalize the existing use and construct an addition to same. This property was the subject of a previous zoning violation hearing (Case EC-77-182) in which the Deputy Zoning Commissioner found that the existing kennel operation was illegal and was required to cease. Because the said order was not complied with, the case was sent to District Court where it is being held in abeyance pending the outcome of this current hearing.

Particular attention should be afforded the comments of the Health Department and in addition it should be noted that the Variance portion of this petition was advertised denoting setbacks to the nearest property line under adverse ownership. If said Variances are granted, it is my feeling that they should be granted with the stipulation that if the petitioner sells any adjoining parcels, an additional Variance must be requested and granted for the sale to satisfy the Baltimore County Zoning Regulations.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held

Mr. Gordon L. Diven, Sr.
Mrs. Ann F. Diven
Page 3
Item No. 209
August 17, 1977

not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: David W. Dallas, Jr.
8713 Old Harford Road
Baltimore, Maryland 21234

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
Mr. Gordon L. Diven, Sr.
Mrs. Ann F. Diven
Box 184 Avenue B
Route 10
Baltimore, Maryland 21219
Your Petition has been received and accepted for filing this 15th day of July 1977.

Eric S. DiNenna
Eric S. DiNenna
Zoning Commissioner

Petitioner Mr. & Mrs. Gordon L. Diven, Sr.
Petitioner's Attorney Reviewed by *Nicholas B. Commodari*
cc: Mr. David W. Dallas, Jr.
8713 Old Harford Road
Baltimore, Maryland 21234
Chairman, Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR
May 9, 1977

Mr. S. Eric F. DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #209 (1976-1977)
Property Owner: Gordon L. & Ann F. Diven
N/S C Ave. 366' W. Ross Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for kennels and variance to permit side setbacks of 17', 22', 138' and 163' in lieu of the required 200'.
Acre: 0.340 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways

"B" and "C" Avenues, existing public roads, are proposed to be improved in the future as 30-foot closed section roadways on 50-foot right-of-way. Highway rights-of-way widenings, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

Access to this site is indicated to be via a private 15-foot wide right-of-way.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Storm Drains

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #209 (1976-1977)
Property Owner: Gordon L. & Ann F. Diven
Page 2
May 9, 1977

Storm Drains (Cont'd)

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential and commercial development and other special construction features are required.

Water and Sanitary Sewers

Public water mains and sanitary sewers exist in "B" and "C" Avenues.

Very truly yours,

Donald W. Tucker, P.E.
DONALD W. TUCKER, P.E.
Acting Chief, Bureau of Engineering

DWT:RAM/PMB:SS

CC: J. Somers
A-NE Key Sheet
30 SE 34 Pos. Sheet
SE 8 1 Topo
111 Tax Map

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
3011 498-2211

Mr. Eric S. DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland, 21204

Dear Mr. DiNenna:

Comments on Item #209, Zoning Advisory Committee Meeting March 22, 1977, are as follows:

Property Owner: Gordon L. and Ann F. Diven
Location: N/S C Avenue 366' W Ross Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for kennels and variance to permit side setbacks of 17', 22', 138' and 163' in lieu of the required 200'.
Acre: 0.340
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

If this is to be a commercial kennel, customer parking must be provided. Screening should be provided.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Project and Development Planning

NSF/ljo

April 19, 1977

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
3011 498-2550

STEPHEN E. COLLINS
DIRECTOR

April 14, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 209 - ZAC - March 22, 1977
Property Owner: Gordon L. & Ann F. Diven
Location: N/S C Ave. 366' W Ross Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for kennels and variance to permit side setbacks of 17', 22', 138' and 163' in lieu of the required 200'.
Acre: 0.340
District: 15th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested special exception for kennels and variance to the side yards.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

NSF/ljo

April 6, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on 209, Zoning Advisory Committee Meeting, March 22, 1977, are as follows:

Property Owner: Gordon L. & Ann F. Diven
Location: N/S C Ave. 366' W. Ross Ave.
Existing Zoning: R.B. 5.5
Proposed Zoning: Special Exception for kennels and variance to permit side setbacks of 17', 22', 130' and 163' in lieu of the required 200'.
Acres: 0.340
District: 15A

Since metropolitan water and sewer are available, no health hazards are anticipated.

Approval of the application by the Health Department is predicated upon the following:

1. The animal structure is a reasonable distance from the adjoining residential property.
2. The corral is cleaned daily and manure is not permitted to accumulate on the ground.
3. Manure is either removed from the premises daily or stored in suitable covered receptacles prior to removal within a reasonable time.
4. Animal food is stored in covered receptacles.
5. Rodent, insect, and order control is maintained.
6. No animal shall be permitted within 75 feet of a potable water supply (well or spring).

Failure to maintain the property in accordance with the aforementioned provisions may make it necessary for the Health Department to request revocation.

Mr. S. Eric DiNenna

2

April 6, 1977

of the permit, and removal of the structure and the animals.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD/vff/cjh

cc: J. S. Nessima

Received from Zoning 3-28-77

JOHN D. SEYFFERT
DIRECTOR

March 28, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 209 Zoning Advisory Committee Meeting, March 22, 1977 are as follows:

Property Owner: Gordon L. & Ann F. Diven
Location: N/S C Ave. 366' W. Ross Ave.
Existing Zoning: R.B. 5.5
Proposed Zoning: Special Exception for kennels and variance to permit side setbacks of 17', 22', 130' and 163' in lieu of the required 200'.
Acres: 0.340
District: 15A

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☒ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☒ E. Wood frame walls are not permitted within 3'-0" of a property line. Contact Building Department if distance is between 3'-0" and 4'-0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief
CB-171

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 25, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

S.A.C. Meeting of: March 22, 1977

RE: Item No. 209
Property Owner: Gordon L. & Ann F. Diven
Location: N/S C Ave. 366' W. Ross Avenue
Present Zoning: R.B. 5.5
Proposed Zoning: Special Exception for kennels and variance to permit side setbacks of 17', 22', 130' and 163' in lieu of the required 200'.

District: 15A
No. Acres: 0.340

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrouich
W. Nick Petrouich,
Field Representative

JOSEPH M. MCCORMACK, PRESIDENT
Y. BARBARA WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. RICHARDS

THOMAS H. DEVLIN, PRESIDENT
R. LORRAINE F. CHICKUS
ROBERT S. HAYDEN
ROBERT Y. DUGEL, REPRESENTATIVE

ALVIN LORICK
WILLIAM H. SMITH, JR.
RICHARD W. TUCKER, D.V.M.



TOWSON, MD. 21204 August 12 1977

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR Special Exception & Variance - Gordon L. Diven was inserted in the following:

- ☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 12th day of August 1977, that is to say, the same was inserted in the issues of August 11, 1977.

STROMBERG PUBLICATIONS, INC.

BY *John Burger*

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 11, 1977

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. 21204, on each of one time successive weeks before the 1st day of September 1977, the first publication appearing on the 11th day of August 1977.

L. Frank Shultz
L. Frank Shultz
Manager

Cost of Advertisement, \$ _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15A Date of Posting: 12-15-77
Posted for: *Gordon L. Diven*
Petitioner: *Gordon L. Diven*
Location of property: *N/S C Ave. 366' W. of Ross Ave.*
Location of Sign: *1 Sign Posted on C. Ave. at L. Diven's Property*
Remarks: *Mail to Mr. Diven*
Posted by: *David H. New* Date of return: 12-22-77

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15A Date of Posting: 7-11-77
Posted for: *Gordon L. Diven*
Petitioner: *Gordon L. Diven*
Location of property: *N/S C Ave. 366' W. of Ross Ave.*
Location of Sign: *1 Sign Posted on C. Ave. at L. Diven's Property*
Remarks: *Mail to Mr. Diven*
Posted by: *David H. New* Date of return: 12-22-77

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 11 day of March 1977 Filing Fee \$ 50 Received ☒ Cash ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

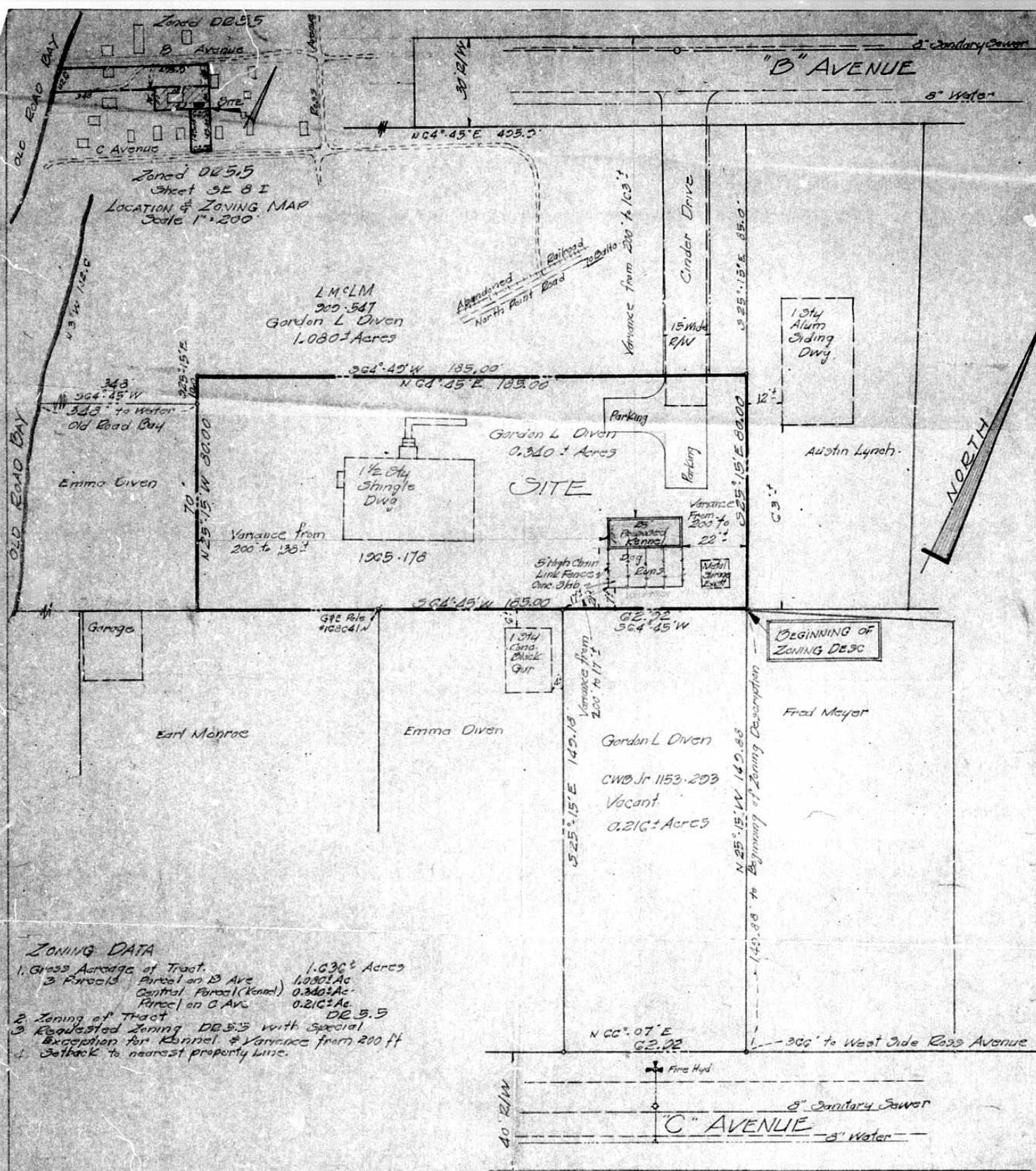
Petitioner's Attorney *Charles E. Burnham* Submitted by *H. Devlin*
Reviewed by *S. DiNenna*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 57355
DATE Dec. 5, 1977 ACCOUNT 01-662
AMOUNT \$80.00
RECEIVED *Neid Lam Service* Box 181, Ave. B Rt. 10, Baltimore, Md. 21219
FOR *Cost of Appeal for Gordon L. Diven*
\$75-57-1A
\$75-57-1A 5 80.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 57153
DATE August 26, 1977 ACCOUNT 01-662
AMOUNT \$61.75
RECEIVED *Gordon L. Diven* Box 181, Ave. B, Rt. 10, Baltimore, Md. 21219
FOR *Cost of Appeal for Gordon L. Diven*
\$75-57-1A
\$75-57-1A 5 61.75

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51868
DATE August 1, 1977 ACCOUNT 01-662
AMOUNT \$50.00
RECEIVED *Gordon L. Diven* Box 181, Ave. B Rt. 10, Baltimore, Md. 21219
FOR *Petition for Special Exception and Variance*
\$75-57-1A
\$75-57-1A 4 50.00



ZONING DATA

1. Gross Acreage of Tract. 1.636± Acres
2. Parcels: Parcel on B Ave 1.0801± Ac
Central Parcel (Kennel) 0.340± Ac
Parcel on C Ave 0.216± Ac
3. Zoning of Tract DR 5.5
4. Requested Zoning DR 5.5 with Special Exception for Kennel & Variance from 200 ft Setback to nearest property line.

ZONING PLAT FOR GORDON L. DIVEN

15th Election District Baltimore County Md
Scale 1" = 20'
March 2, 1977
SPECIAL EXCEPTION FOR KENNEL
IN A DR 5.5 ZONE SECTION 1802.1
VARIANCE FROM 200 FOOT SETBACK TO
NEAREST PROPERTY LINE SECTION 421.1

