

13
PETITION FOR SPECIAL EXCEPTION 83-162-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an airport and hanger facilities.

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

I, or we, agree to pay expenses of above 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Armacost Farms, Inc. (Type or Print Name)

Legal Owner(s): Armacost Farms, Inc. (Type or Print Name)

Signature: [Signature] (Type or Print Name)

By: Signature: [Signature] (Type or Print Name)

Address: 809 Eastern Boulevard Baltimore, Maryland 21221 (City and State)

Address: 17634 Bruehl Road Upperco, Maryland 21155 (City and State)

Name: John O. Hennegan, Esquire (Name)

Name: John O. Hennegan, Esquire (Name)

Address: 809 Eastern Blvd. -21221 Baltimore, Maryland 21221 (Address)

Address: 809 Eastern Blvd. -21221 Baltimore, Maryland 21221 (Address)

Attorney's Telephone No.: 686-8274 (Attorney's Telephone No.)

Attorney's Telephone No.: 686-8274 (Attorney's Telephone No.)

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of November, 1982, 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 18th day of January, 1983 at 11:00 o'clock A.M.

[Signature] Zoning Commissioner of Baltimore County.

KCO-No. 1 11:00 A.M. (over)

IN RE: PETITION FOR SPECIAL EXCEPTION ARMACOST FARMS, INC. Petitioner/Appellee
JAMES VONDERHURST, RUDOLPH TOH, STEPHEN STANTON, and EDWIN FITZGERALD, Protestants/Appellants
v. ARMACOST FARMS, INC. Petitioner/Appellee

MOTION TO DISMISS APPEAL

Armacost Farms, Inc., Appellee, by its attorney, Edward C. Covahey, Jr., moves pursuant to Md. Rule B7 to dismiss this appeal. The grounds of this Motion are as follows:

- 1. That on February 7, 1985, the Protestants/Appellants filed an Order of Appeal.
- 2. That on or about February 19, 1985, the Appellants filed their Petition for Appeal containing a certificate that a copy of said Petition was mailed to the Board of Appeals on February 18, 1985.
- 3. That Md. Rule B7a. requires that the record of proceedings be transmitted to the Court "promptly after receipt of a copy of the first Petition filed in a case... and in any event within thirty days after such receipt...."
- 4. That much more than thirty days has passed since the filing of the Petition for Appeal.

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

October 5, 1982

Zoning Description

All that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the west side of Bruehl Road at a point where it is intersected by the outline of the land of the petitioners herein, said point being at a distance of 2960 feet measured northerly along the west side of Bruehl Road from the center of Hereford Road and running thence and binding on the west side of Bruehl Road, the four following courses and distances viz: North 28 degrees 30 minutes East 680 feet, North 22 degrees 48 minutes East 1360 feet, North 7 degrees 40 minutes East 155.09 feet and North 1 degree 24 minutes East 800 feet, thence leaving said road and running North 66 degrees 21 minutes West 120 feet to the outline of the land of the petitioners herein, thence binding on the outlines of said land, the two following courses and distances viz: North 23 degrees 39 minutes East 193.42 feet and North 63 degrees 15 minutes East 370 feet, thence leaving said outline and running the ten following courses and distances viz: North 26 degrees 45 minutes East 165 feet, South 63 degrees 15 minutes East 245 feet, North 26 degrees 45 minutes East 120 feet, South 63 degrees 15 minutes East 80 feet, South 26 degrees 45 minutes East 185 feet, South 63 degrees 15 minutes East 200 feet, South 7 degrees East 495 feet, South 22 degrees 15 minutes West 24.5 feet and South 72 degrees 30 minutes West 420 feet to intersect the first herein mentioned outline of the land of the petitioners herein and thence binding on said outline, North 68 degrees 10 minutes West 133 feet to the place of beginning.

Containing 19.29 Acres of land more or less.



EDWIN R. and CAROLYN J. FITZGERALD Protestants/Appellants
v. ARMACOST FARMS, INC. Petitioners/Appellees

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CASE NO: 85CG947/8/282

ANSWER TO PETITION OF APPEAL

Armacost Farms, Inc., by its attorney, Edward C. Covahey, Jr. answers the Petition of Appeal filed herein as follows:

- 1. That it admits the allegations of paragraph 1. nor deny
- 2. That it can neither admit/the allegations of paragraph 2 regarding what is protected as it lacks sufficient knowledge or information to do so, however it denies that restrictions/regulations in the Board's order are unlawfully vague and that they bear no real and substantial relation to the Board's stated objectives.
- 3. That it denies the allegations of paragraph 3.
- 4. That it admits the allegations of paragraph 4, and further answers that same are not relevant. The Maryland Rules, Subtitle B, provide for appeal but do not provide for Motions for Rehearing after an appeal has already been filed.
- 5. That it admits the allegations of paragraph 5.
- 6. That it admits the allegations of paragraph 6, and further states that the Board's reasoning in granting the Motion for Rehearing, namely the lack of jurisdiction because an appeal had already been filed, was absolutely correct and the only possible ruling regardless of whether the Board considered the reply to

Motion to Dismiss.
7. That it denies the allegations of paragraph 7.
8. That it denies the allegations of paragraph 8.
9. That it denies the allegations of paragraph 9.
10. That it admits the first allegation of paragraph 10 in that the authority of the County to zone is derived from State Law, however it denies the remaining allegations of paragraph 10.

11. Further answering, appellee states that these Appellants are party to another appeal in this Court from the same zoning case at issue in this appeal. The other appeal is case number 85CG436, and is now subject to dismissal for not filing the record of proceedings as required.

WHEREFORE, having fully answered the Petition of Appeal, Appellee request that the Court:

- A. Dismiss the within appeal; and,
- 3. Assess all costs against Appellant.

Edward C. Covahey, Jr. 614 Bosley Avenue Towson, Maryland 21286 828-9441

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7 day of May, 1985, a copy of the foregoing Answer was mailed postage pre-paid to Edwin R. and Carolyn J. Fitzgerald, 2445 Tracey's Store Road, Parkton, MD 21120 and Board of Appeals of Baltimore County, Rm. 200 Court House, Towson, MD 21204.

Edward C. Covahey, Jr.

5. That no extension of the time for filing the record has been granted by the Court pursuant to Md. Rule B7b. WHEREFORE, Appellee moves that the within Appeal be dismissed and that all costs be assessed against the Appellants.

[Signature] Armacost
Edward C. Covahey, Jr. 614 Bosley Avenue Towson, Maryland 21204 828-9441

MEMORANDUM OF GROUNDS AND AUTHORITIES

Md. Rule B7 Volk v. Pugatch, 267 Md. 80 (1971).

Edward C. Covahey, Jr.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 15 day of May, 1985, a copy of the foregoing Motion to Dismiss Appeal was mailed postage pre-paid to Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert Street, Baltimore, MD 21202; Baltimore County Board of Appeals, Room 200, Courthouse, Towson, MD 21204.

Edward C. Covahey, Jr.

IN RE: PETITION FOR SPECIAL EXCEPTION ARMACOST FARMS, INC. Petitioner/Appellee
JAMES VONDERHURST, RUDOLPH TOH, STEPHEN STANTON, and EDWIN FITZGERALD Protestants/Appellants
v. ARMACOST FARMS, INC. Petitioner/Appellee

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CASE NO. 85-CG-436 7/71

ORDER

Upon the foregoing Motion to Dismiss, it is this day of May, 1985, by the Circuit Court for Baltimore County, ORDERED that the within appeal be and is hereby dismissed; AND IT IS FURTHER ORDERED that all open costs be assessed against the Appellants.

JUDGE

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR A SPECIAL EXCEPTION FOR AN AIRPORT W/S BRUEHL ROAD 2960' N. OF C/L HEREFORD RD. 5th DISTRICT
CASE NO. 83-162-X
EDWIN R. and CAROLYN J. FITZGERALD PLAINTIFFS

AMENDED ANSWER TO ORDER OF APPEAL

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, William R. Evans and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return an additional paper to be included in the record presently on file in the Circuit Court for Baltimore County in the above entitled matter:

No. 83-162-X

Jan. 9, 1985 Order of the County Board of Appeals granting the special exception petitioned for subject to restrictions.
May 8 Additional record of proceedings filed in the Circuit Court for Baltimore County

Respectfully submitted

Edwin R. Fitzgerald, Edward C. Covahey, Jr., Esq., Cornelius J. Carmody, Esq., People's Counsel

Edith T. Eisenhart, Adm. Secretary County Board of Appeals of Baltimore County

RECEIVED COUNTY BOARD OF APPEALS 16 MAY 16 11:01

ORDER RECEIVED FOR FILING

DATE: 05/15/85

IN THE
CIRCUIT COURT
OF
BALTIMORE COUNTY, MARYLAND

No. 85-CG-947

EDWIN R. and CAROLYN J.
FITZGERALD

APPELLANTS

VS.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

APPELLEE

Appeal from the Board of Appeals' Order of
March 7, 1985 which dismissed Appellants' Motion
for a Rehearing in Case No. 83-162-X.

Appellants' Memorandum

By Edwin R. Fitzgerald
and
Carolyn J. Fitzgerald
Appellants
2445 Tracey's Store Road
Parkton, Maryland 21120

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INTRODUCTION

Appellants, Edwin R. and Carolyn J. Fitzgerald, own and operate a farm of 119 acres, more or less, located in Northern Baltimore County, and adjacent to Armacost Farms, Inc. Since 1970 the operation of an airport by Armacost Farms has resulted in low altitude flights during landings and takeoffs directly over and next to Appellants' house and barn. Repeated protests by Appellants, over the years, had no lasting effect in reducing such flights. These low altitude flights in July and September of 1982, for example, consisted of one every 20 to 30 minutes on the 4th of July weekend, and during a Jungle Missionary Benefit "fly-in" in September. Some of the flight paths followed are illustrated in Exhibit A which also shows Appellants' farm in relation to the Armacost Airport landing strip. In July of 1982, Carolyn Fitzgerald asked the Baltimore County Zoning office how many airplanes were allowed to use the Armacost Airport only to learn that no permit for any airport had been obtained by Armacost Farms, Inc., which therefore was operating in violation of Baltimore County zoning laws; such violation was subject to a fine of up to \$100/day for each violation as noted in Exhibit B. Appellants were also informed by Baltimore County Councilman James T. Smith, Jr., (now Chairman of the council) that citizens of Baltimore County were an integral part of zoning enforcement since "... Baltimore County does not patrol looking for zoning violations, but rather responds to citizen complaints..." (Exhibit C). Baltimore County has no specific requirements or classification procedures for airports, but a special exception is needed in an R.C.2 zone. The State of Maryland classifies and requires registration of airports, and specifies that airports may not operate without land use approval from the

testimony or the need for amendments and additions to the Order of January 9, 1985, in order to clarify and make specific the vague provisions of that order therefore should have been granted. It is the Order of March 7, 1985, Dismissing Appellants' Motion for a Rehearing that is appealed, but the basis or need for a rehearing must also be addressed in this memorandum.

A. STATEMENT OF THE CASE

During hearings before the Zoning Commissioner and the Board of Appeals, Appellants represented themselves, and have continued to do so. In its Opinion and Order of January 9, 1985, which is a part of the Record in this appeal, this fact is duly noted by the Board which mentions,

"...Opening statements by all attorneys present and one individual Protestant are also part of the case record..." (R1, p.1), and

"...Well prepared Memoranda have been received from all attorneys in this case as well as from one individual Protestant...Mr. Fitzgerald, in his Memo, cites many safety statistics..." (R1, p.7).

This fact is important since Appellants learned, after the fact and without any prior warning, that the attorney appearing for the Whitehouse Prettyboy Association and in the record as on behalf of Mr. James P. Vonderhorst, President, and Mr. Rudolph Toth, Secretary, had included Appellant Edwin Fitzgerald as his client in an appeal from the Order of January 9, 1985, filed on February 8, 1985. Each and both Edwin R. and Carolyn J. Fitzgerald hereby deny that either and/or both of them have asked, permitted, or agreed to have any attorney represent them in this matter. In particular, Appellants have not appealed and do not appeal the Order of January 9, 1985, which granted the special exception. On the contrary, Appellants filed a Motion for a Rehearing and Memorandum with the Board of Appeals on February 20, 1985, asking that a rehearing be scheduled to hear

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D. QUESTIONS PRESENTED

1. Can an attorney appearing on behalf of one party before an administrative agency "pick up" or add clients for an appeal by adding as plaintiffs the name or names of other, independent parties appearing before the agency, without the prior knowledge or consent, or subsequent consent, of the added parties?
2. Does the filing of an appeal from an Order of an administrative agency by one party to the proceedings nullify, stay, or preclude the rights of other, independent parties to proceed with appropriate alternative actions?
3. Is the granting of a rehearing/reconsideration/review of an Order by an Administrative Agency such as the Board of Appeals within the general powers and discretion of the Board? Can the Board amend the regulations/restriction in its Order after such a rehearing?
4. Do the restrictions/regulations in the January 9, 1985 Order of the Board of Appeals bear a real and substantial relation to the object of noise minimization sought by the Board?
5. Are the restrictions/regulations in the January 9, 1985 Order of the Board of Appeals so vague and non-specific as to be in violation of the Maryland Declaration of Rights, and the 5th and 14th Amendments to the Constitution of the United States?

C. ARGUMENTS ON THE QUESTIONS

The Board of Appeals' Opinion which precedes the Order of January 9, 1985 contains errors of fact and omissions of testimony by Appellants (and others) that could be used to argue that the result is incorrect, but that is not the concern of this appeal. Appellants can not afford to pay for the 4-day hearing transcript, and do not ask that the question of incorrect

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a separate memorandum (R1, p.7), Edwin Fitzgerald independently and separately questioned witnesses on examinations and cross-examinations during the hearings.

The argument that a prior Circuit Court appeal by a party to the proceedings forecloses the right of that same party to move for a rehearing before the Board may or may not be valid, but it does not apply here, for no such appeal was, in fact, made by Appellants.

No attorney was told to enter an appeal on behalf of Appellant, Edwin Fitzgerald, and no attorney did enter an appeal on behalf of Edwin R. and Carolyn J. Fitzgerald, the joint Appellants in this action.

2. The filing of a Circuit Court appeal from an Order of an administrative agency by one party to the proceedings before the agency does not nullify, stay, or preclude the right of other, independent parties to appropriate alternative actions.

3. The Board of Appeals has the power to grant a rehearing to consider amendments to the restrictions/regulations in its Order of January 9, 1985.

Rules B1 to B13, Maryland Rules, do not contain specific provisions as to the separate rights of independent parties appearing before administrative agencies for every situation, but there is a general (and often specific) recognition that several parties with parallel but not identical interests may appear. For example, Rule B2 specifies that "every party to the proceeding before it" shall get written notice of an appeal by any party, but it is not required that all parties to the proceedings shall be joined in an action [Clayburn v. Soueld, 239 Md. 331; 211 A2d. 728 (1965)]. Rule B4(g) clearly allows for separate appeals by any other party notwithstanding a prior appeal by one of the parties, and extends the time for subsequent appeals after the first.

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granted a motion for reconsideration and review of the Board of Appeals' decision in Case No. 85-7-SP8 and Case No. CBA-84-132.

4. The restrictions/regulations in the January 9, 1985 Order do not bear a real and substantial relation to the Board of Appeals' declared object of noise minimization, and thus constitute an improper use of the police power granted to Baltimore County by the State of Maryland.

Having established the propriety of their motion for a rehearing on the basis of statute law, relevant appeals court citations, and reconsideration given by the Board of Appeals in other cases, Appellants now turn to arguments on the need for amendments to the restrictions/regulation in the Order of January 9, 1985.

The Board in its Opinion declares,

"...The neighbors' complaints about noise have been considered in this Opinion and the Board will attempt to minimize this noise in its Order..." (R1, p.8).

After declaring noise minimization as its object, the Board includes nothing in its restrictions/regulations to define or regulate noise! Instead, in restriction No. 5, the object is merely restated, along with a risk warning,

"5. That a flight pattern be established and clearly posted that will minimize the noise impact of take-offs on nearby residences, and this flight pattern is to be filed with the proper authorities. A clear warning must be posted alerting pilots that anyone deviating from this flight pattern is at the risk of having his plane numbers taken and said deviation being reported to the proper authorities."

Any and every definition of noise or noise impact on a neighborhood must contain some statement concerning noise level, duration or frequency, and character, but the Order of January 9, 1985 gives no criteria for noise evaluation nor sets limits for any of these noise parameters. Restriction No. 5 above is so vague that it can be neither followed or enforced.

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5. Restriction/regulations contained in the January 9, 1985 Order of the Board of Appeals are so vague and non-specific as to be impossible for persons of ordinary intelligence to follow, and these restrictions/regulations also do not provide adequate guidelines for those obliged to enforce them. The Order in its present form is therefore in violation of Articles 24 and 26 of the Maryland Declaration of Rights, and the 5th and 14th Amendments of the Constitution of the United States.

In the preceding argument it was noted that Baltimore County's zoning authority is granted by state law and must be exercised in accordance with state law. State law, in turn, must conform to the Maryland Declaration of Rights, and Articles 24 and 26 of that Declaration have been held to be equated with the 5th and 14th Amendments to the United States Constitution.

"...because Articles 24 and 26 of the Maryland Declaration of Rights...have consistently been held to be 'in pari materia' with or equated with the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Supreme Court decisions with regard to those amendments are particularly persuasive..." [Widgeon v. Eastern Shore Hospital, 300 Md. 520; 479 A2d. 921 (1984)]

The Supreme Court decisions alluded to are those concerning the void-for-vagueness doctrine of constitutional law. The vague nature of the No. 5 restriction contained in the Order has already been cited, and the No. 3 restriction is also vague,

"3. That no more than ten (10) aircraft be stored on the premises at any one time."

The words "stored" and "premises" are vague and without clear meanings. When does a "visiting" airplane become a "stored" airplane after a day, after a week? Are the airport premises limited to 10 stored airplanes, but not the adjoining farm premises? Restriction No. 6 which allows takeoffs until 10:00 P.M. and landings at any time acts to render the already

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CONCLUSIONS

Appellants, Edwin R. and Carolyn J. Fitzgerald, did not appeal the Order of January 9, 1985 or authorize any appeal on their behalf.

Appellants have represented themselves in this matter before the Zoning Commission and before the Board of Appeals, and continue to represent themselves; their appeal is from the Board's March 7, 1985 Order.

Granting of a motion for a rehearing to clarify, correct, and make lawful the regulations in an order of the Board of Appeals is within the general powers of the Board as a rule-making administrative agency, and is supported by statute law, rulings of Maryland appeals courts, and reconsideration of orders granted by the Board in other zoning appeals.

Airport, (2) that the allowed noise levels be consistent with the state noise standards of 60 decibels during the day and 50 decibels at night, (3) that the number of daily flight operations at the Armacost Airport be limited, (4) that low-altitude flights over or next to the Appellants' house and barn be prohibited, and (5) that, in the interests of safety, the Federal Aviation Administration advisory practices for airport operations be made mandatory for the Armacost Airport.

Respectfully submitted,

Edwin R. Fitzgerald

June 5, 1985

Carolyn J. Fitzgerald

- Exhibit A Location view and flight paths
Exhibit B Zoning violation notice-5 00/day fine for violation
Exhibit C Letter from Baltimore County Councilman Smith regarding zoning enforcement-citizens' role
Exhibit D Letter from Maryland Aviation Administration-State laws on airports



EXHIBIT A

ZONING ENFORCEMENT SECTION
CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION
CAS# NUMBER C-22-9
ELECTION DISTRICT: 5
LOCATION: SOUTH RD
DEAR: EDWIN FITZGERALD
PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:
[X] THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:
*** ON AND AFTER JUNE 14, 1982, THE EFFECTIVE DATE OF BILL NO. 43-02, THE ZONING COMMISSIONER, OR HIS DEPUTY, MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$100.00 PER DAY FOR EACH VIOLATION FOUND TO EXIST AS THE RESULT OF A VIOLATION HEARING.



COUNTY COUNCIL OF BALTIMORE COUNTY

EXHIBIT C

January 19, 1983

Mr. Edwin R. Fitzgerald
2445 Traceys Store Road
Parkton, Maryland 21120

Dear Mr. Fitzgerald:
With regard to your correspondence of January 13, 1983, I contacted Daniel Murphy, Zoning Inspector for case No. C-83-9.

I am advised that although the airport violation seemed overt and obvious, no complaint was filed against the property owner until your own action in July of 1982. Baltimore County does not patrol looking for zoning violations, but rather responds to citizen complaints.

The zoning violation hearing on this matter is being held in abeyance since after notification of the zoning violation, the property owner applied for a special exception to legalize his airport. Should the special exception be granted by the Zoning Commissioner, then the violation case would become moot. If, however, the special exception is not granted, the violation hearing will proceed.

The next level of appeal for either protestants or the defendants is the Board of Appeals. An appeal must be filed with the Board of Appeals within thirty days of the Zoning Commissioners decision.

I appreciate this opportunity to assist you and trust this information is useful.

Sincerely,
James T. Smith, Jr.
Councilman, Third District



Maryland Department of Transportation
STATE AVIATION ADMINISTRATION

Lowell K. Bridwell
Secretary
T. James Truby
Administrator

February 14, 1983

Mr. Edwin R. Fitzgerald
2445 Tracey's Store Road
Parkton, Maryland 21120

Dear Mr. Fitzgerald:
This is in response to your letter of February 9, 1983, asking to be advised whether the Armacost Farms Airport is in compliance with Maryland State laws related to privately owned commercial airports. As of this date, the Airport has never complied with Section .06 B.(1) and C. of the Maryland Aeronautical Regulations. These sections state as follows:

"B.(1) A person may not operate an airport without an airport license or registration unless exempted by:--;" and

"C. Approval of Local Governing Body. A person may not operate an airport without land use approval from the local governing body if that body has an airport zoning ordinance."

We recently discussed the matter with Mr. C. Austin Armacost who assured us that he is not interested in establishing a commercial operation at the airport, and will cease all such activity that would necessitate a classification of "Commercial Use Airport" as defined in the Aeronautical Regulations. For that reason, as defined in the Aeronautical Regulations, for registration he has been provided with the required application facility, and of the airport as a "Private Use/Non-Commercial" facility, and we expect to receive it back, properly completed in the near future. The Baltimore County Zoning officials have not, to our knowledge, rendered a decision on the request for a special exemption to allow the airport to continue in operation. Consequently, any action we take to register the airport, in advance of their decision, will be conditioned upon their approval and any restrictions which they specify.

I noted that your letter expressed concern over the fact that no radio procedures are used by aircraft operating to and from Armacost Farms Airport. This is really no cause for concern from Armacost Farms Airport. The portion of the Airman's Manual that you referred to is merely a recommended practice, not mandatory, and the extent to which it is generally followed is based upon the volume of traffic at the particular airport.

Edwin R. and Carolyn J. Fitzgerald
v.
County Board of Appeals
of Baltimore County
In The
Circuit Court
of
Baltimore County, Md.
Case No. 85-CG-947

CERTIFICATE OF SERVICE

I hereby certify that a copy of Appellants' Memorandum in the above-captioned case was delivered, by hand, to the County Board of Appeals, Room 200, Old Courthouse, Towson, Md. 21204 on June 5, 1985.

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Appellant

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COUNTY BOARD OF APPEALS
JUN 11 5 10 33

IN RE:
PETITION FOR SPECIAL EXCEPTION
ARMACOST FARMS, INC.
Petitioner/Appellee
JAMES VONDERHURST,
RUDOLPH TOH,
STEPHEN STANTOD, and
EDWIN FITZGERALD
Protestants/Appellants
ARMACOST FARMS, INC.
Petitioner/Appellee
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE NO. 85-CG-436
7/71
83-162-X

ORDER

Upon the foregoing Motion to Dismiss, it is this 7th day of June, 1985, by the Circuit Court for Baltimore County, ORDERED that the within appeal be and is hereby dismissed, AND IT IS FURTHER ORDERED that all oper. costs be assessed against the Appellants.

James T. Smith, Jr.
JUDGE

Doca

FILED JUN 7 1985

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Restrictions No. 3, 5, and 6 in the Board of Appeals Order, taken separately and together, are so vague and non-specific as to make impossible either compliance or enforcement by persons or ordinary (or any!) intelligence. The Order in its present form is thus in violation of Articles 24 and 26 of the Maryland Declaration of Rights, and the 5th and 14th Amendments to the United States Constitution [Wigdon v. Eastern Shore, supra; Bowers v. State, supra]. Specific guidelines are needed both for those using the airport and those charged with monitoring its operation.

The Board of Appeals has dismissed safety concerns, and included no provisions or restrictions concerning safety in its Order on the basis that there have been no accidents or near accidents at this airport to date.

This overlooks the fact that the level of activity was low prior to 1978 when only up to six airplanes were registered with the FAA as using the airport. The concerns of the Appellants on safety and noise began when the numbers of airplanes and flights increased markedly in 1981-82.

Appellants do not agree that safety can be dismissed out of hand as of no present concern, particularly as there is no guarantee that low-level, noisy flights over or near Appellants house and/or barn will not occur as this airport operates under the present, unamended Order of January 9, 1985.

In view of the arguments presented, Appellants ask that the Circuit Court reverse the Board of Appeals denial of their Motion for a Rehearing, and remand this appeal to the Board with instructions (1) that specific, quantitative, restrictions on the noise levels produced in an around Appellants' house and barn be established for airplanes using the Armacost Farm Corporation

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EDWIN R. AND CAROLYN J. FITZGERALD Appellants
VS.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE CIRCUIT COURT OF BALTIMORE COUNTY MARYLAND
Case No. 85-CG-947

MOTION FOR A HEARING AND A PRE-HEARING CONFERENCE

Although Appellants completed all the requirements of Rules B1-13, Maryland Rules of Procedure, with the filing of Appellants' Memorandum on June 5, 1985, no hearing has yet been scheduled because the Record of Proceedings on file in the circuit court was not sent to the circuit court assignment office.

No motion or answer to Appellants' Petition of Appeal has at any time been filed with the circuit court by the Baltimore County Board of Appeals as required by Rule B9. No motion or answer to the petition was filed by any other party to the proceedings before the Board of Appeals within the 30 days after filing of the Petition of Appeal that are allowed by Rule B9. An answer was filed May 21, 1985 on behalf of Armacost Farms, Inc., but that was 49 days after the petition of appeal was filed on April 2, 1985. Forwarding of the Record by the county board of appeals is not tantamount to an answer by the board within the clear meaning of Rule B9 [Inau v. Seidel, 24 Md. App. 16; 332 A2d. 739 (1975)], and a party to a proceeding abandons such status by failing to file in the circuit court an answer as directed by Rule B9 [Morris v. Howard Research and Devl. Corp. 278 Md. 417; 365 A 2d. 34 (1976)].

Thus, there are no respondents/defendants in this case according to the Maryland Rules of Procedure. However, in the interest of justice and fairness Appellants at this time do not seek a summary judgement granting their petition for a rehearing; instead Appellants now move: THAT A HEARING AND A PRE-HEARING CONFERENCE ON THEIR APPEAL IN CIRCUIT COURT CASE NO. 85-CG-947 BE SCHEDULED WITH NOTIFICATION TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY AND TO ARMACOST FARMS, INC.

Respectfully submitted,

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Carolyn J. Fitzgerald
Appellants
2445 Traceys Store Rd.
Parkton, Md. 21120
(301) 343-0278

NOVEMBER 24, 1986

CIRCUIT COURT FOR BALTIMORE COUNTY

LAW

DOCKET 7 PAGE 71 CASE NO. 85-CG-496 CATEGORY APPEAL

CIVIL - GENERAL

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT

JAMES VONDERHORST EDWIN FITZGERALD STEPHEN STANTON RUDOLPH TOOTH, Protestants

BOARD OF APPEALS OF BALTIMORE COUNTY

Edward C. Covabey, Jr. 614 Bosely Ave. (04) 828-9441
Cornelius J. Carmody Suite 430 10 N. Calvert St. (02) 539-4250

6-10-85 NLE Jordan to Barb Appels.

- Feb. 7, 1985 - Protestants' Order for Appeal from the Order of the Board of Appeals of Baltimore County fd.
- Feb. 8, 1985 - Certificate of Notice fd.
- Feb. 19, 1985 - Appellants' Petition for Appeal fd.
- Feb. 22, 1985 - App. of Edward C. Covabey, Jr. as attorney for the Appellee, ARMACOST FARMS, INC. & same day Answer to Petition of Appellants fd.
- Mar. 26, 1985 Certificate of Notice fd.
- May. 16, 1985 - Armacost Farms, Inc.'s Motion to Dismiss Appeal fd.
- June 7, 1985 - Order of Court ORDERED that the within appeal be and is hereby DISMISSED and it is further ORDERED that all open costs be assessed against the appellants (LSJ) copies sent.

COSTS

CV GEN.	85436
CV CLK.	70.00
LIBRY	5.00
CUMHED TL	75.00
343482 (001) 102 71476	
	02/27/85

COUNTY BOARD OF APPEALS
RS JUN 11 P 12 55

DOCKET 7 PAGE 71 CASE NO. 85 CG- 496

EDWIN R. AND CAROLYN J. FITZGERALD Appellants
VS.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE CIRCUIT COURT OF BALTIMORE COUNTY MARYLAND
Case No. 85-CG-947

Certificate of Service

I hereby certify that copies of Motion to Defer and Motion for a Hearing in the above case were mailed, postage prepaid, to County Board of Appeals of Baltimore County, Room 200, Old Courthouse, Towson, Md. 21204 and to Armacost Farms, Inc. c/o C. Austin Armacost 17635 Brueth Road, Upperco, Md. 21155 on November 24, 1986.

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Appellant

CV-6

CIRCUIT COURT FOR BALTIMORE COUNTY

ELMER H. KAHLINE, JR., CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21204-0754

EDWIN R. FITZGERALD

Case Number 85-CG-947 8/282

CAROLYN J. FITZGERALD

Vs.

BOARD OF APPEALS

ARMACOST FARMS, INC.

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

Pursuant to Maryland Rule 2-507 this proceeding will be "DISMISSED FOR LACK OF JURISDICTION OR PROSECUTION WITHOUT PREJUDICE" 30 days after service of this notice, unless prior to that time a written motion showing good cause to defer the entry of an order of dismissal is filed.

Costs will be assessed in accordance with the Maryland Rules.

Direct all inquiries to: Amyll Lambeth 494 2621

COUNTY BOARD OF APPEALS
RECEIVED
FEB 27 1985
Edwin R. Fitzgerald

Notices mailed to:

- /s/ Carolyn J. Fitzgerald
Edwin R. Fitzgerald - 2445 Traceys Store Rd., Parkton, MD 21120
- Edward Covabey, Esq. - 614 Bosely Ave., Towson, MD 21204
- Board of Appeals - Room 200 Court House, Towson, MD 21204

Date mailed OCT 3 6 1986

EDWIN R. AND CAROLYN J. FITZGERALD Appellants
VS.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

IN THE CIRCUIT COURT OF BALTIMORE COUNTY MARYLAND
Case No. 85-CG-947

MOTION TO ALTER JUDGEMENT

In accord with Rules 2-534 and 2-601, Maryland Rules of Procedure, Appellants move that the Judgement entered on December 28, 1987 by the honorable John F. Fader which denies them a hearing on the merits of their appeal because of an alleged procedural deficiency be altered, and that a hearing on the merits in this case be scheduled.

Statement of the Case

In an Opinion and Order dated January 9, 1985 the Baltimore County Board of Appeals overturned a prior Zoning Commissioner denial of a special exception for the Armacost Corporation airport in Northern Baltimore County adjacent to Appellants' farm. Appellants Edwin and Carolyn Fitzgerald did not appeal this decision permitting an airport, but appealed to the Board of Appeals for a rehearing on the regulations and restrictions on airport operation which are contained in that Order. There was no testimony or argument on whether or not the airport days of hearings, but only argument on regulation in the three special exceptions should be granted. This is evident from the nine-page summary contained in the Opinion and Order of the Board which is a part of the Record in this appeal (R1).

Appellants' motion/appeal of February 20, 1985 for a rehearing on the airport regulations was denied by the Board on March 7, 1985 on the grounds that the Board was without jurisdiction to decide the matter (R4); no other grounds for dismissal were cited by the Board.

However, at a September 14, 1987 hearing on Appellants' subsequent Circuit Court appeal, Judge Fader did not allow any argument on the merits of Appellants' appeal, but ruled instead that the motion/appeal of February 20, 1985 did not comply with a time limit of 30 days specified by the Rules of Practice and Procedure adopted by the Board of Appeals. (See Court Reporter notes cited in Exhibit A, this motion). Appellants received no written notice of this ruling, and in December Edwin Fitzgerald discovered that no judgement was entered on the file or the docket. At the suggestion of the file was entered on the docket. Mr. Smith verified the fact that no judgement had been entered. A Judgement affirming the Board of Appeals judgement of Appellants' rehearing motion was subsequently entered on December 28, 1987 (see Memorandum of Judgement, Exhibit A this motion).

It is this Judgement that Appellants now move to alter for the reasons presented in the Arguments listed following.

COUNTY BOARD OF APPEALS
RECEIVED
NOV 11 1986

EDWIN R. AND CAROLYN J. FITZGERALD Appellants
VS.
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

COUNTY BOARD OF APPEALS
RECEIVED
NOV 26 1986
A 10 IN THE CIRCUIT COURT OF BALTIMORE COUNTY MARYLAND
CASE NO. 85-CG-947

MOTION TO DEFER/DROP OR DENY CONTEMPLATED DISMISSAL IN CASE NO. 85-CG-947

In filing their Memorandum on June 5, 1985, Appellants completed all the requirements of Rules B1-13 for their Petition for a Rehearing before the Baltimore County Board of Appeals in the above case. Since that time Appellants have waited for a notice of a scheduled hearing on their appeal.

Instead, a notice of contemplated dismissal, dated October 28, 1986 has been received. Inquiry to April Lambeth as directed revealed the notice resulted because no hearing had been scheduled by the circuit court assignments office. Mrs. Irene Summers, of the assignments office, in turn told Appellant on November 21, 1986 that no hearing was scheduled because the required Record of Proceedings before the Board of Appeals has not been received by her.

According to the attached Exhibits A,B,C, certified copies of proceedings before the Baltimore County Board of Appeals necessary for this appeal, have been filed with the circuit court, and notification given to interested parties as required by Rules B2, B7, Maryland Rules of Procedure.

Therefore, Appellants now move: THAT THE CONTEMPLATED DISMISSAL OF CIRCUIT COURT CASE NO. 85-CG-947 BE DEFERRED/DROPPED/OR DENIED (as appropriate).

Exhibit A

Answer to Order of Appeal by Board of Appeals Forwarding certified copies of Proceedings for Circuit Court Case 85-CG-947

Exhibit B

Certificate of Notice to interested parties by Board of Appeals.

Exhibit C

Amended Answer to Order of Appeal by Board of Appeals with additional record of proceedings

Respectfully,

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Carolyn J. Fitzgerald
Appellants
2445 Traceys Store Rd.
Parkton, Md. 21120
(301) 343-0278

November 22, 1986

Arguments on the Motion

In their Opinion and Order of January 9, 1985 the Board of Appeals specified "...Any appeal from this decision must be in accordance with Rules B1 through B13 of Maryland Rules of Procedure." (Record, R1- page 9, underlining added). Appellants in their appeal to the Board of Appeals for a hearing on the airport regulations followed the provisions of Rule B4(g), which provide: "...if a timely order or appeal is filed by a party, any other party may file an order for appeal within 14 days of the date on which the first order for appeal was filed, or within the 30 day period set forth in subsection (a) whichever is later..." (underlining added). An appeal was filed by other parties on February 8, 1985, and Appellants' appeal to the Board for a hearing on airport regulations was filed on February 20, 1985 within the extended 14-day period allowed by Rule B4(g). The present Rules of Practice and Procedure for the Board of Appeals were approved by the County Council on April 2, 1979 as Section 2-40 of Article V Baltimore County Code. These rules do not give any time limits on motions/appeals for rehearings, but Rule 10. Revisory Power of the Board provides: "Within thirty days after entry of an order, the Board shall have revisory power and control over the order in the event of FRAUD, MISTAKE, OR IRREGULARITY..." However, Appellants do not ask for a hearing on airport regulations because of FRAUD, MISTAKE, OR IRREGULARITY, but because the regulations are unconstitutional vague and because the prior hearing was solely on the issue of a zoning exception for an airport with no testimony, arguments, or discussion of regulations/restrictions needed for an airport. (R1).

In addition we note that, superseding Rule 10 in any case, the Court of Appeals in 1984 ruled, without any reference to time, "...We think it implicit that the authority to adopt rules carries with it the power to amend the rules as adopted. In other words, an agency expressly granted rulemaking power has implied authority to alter, amend, and repeal the regulations it has adopted..." [Dept. Transp. v Armacost, 229 Md 392; 474A2d 191 (1984)].

As discussed in detail in Appellants' Memorandum the inclusion of Edwin Fitzgerald in the other parties appeal filed on February 8, 1985 was in error and unauthorized; in any case the present appeal is on behalf of Edwin and Carolyn Fitzgerald who represented themselves before the Zoning Commissioner, the Board of Appeals and in this appeal. (see Appellants Memorandum and R1, R5 in the Record)

By the stipulation in their January 9, 1985 Opinion and Order that any appeal be in accordance with Maryland Rules B1-B14, the Board of Appeals adopted, for this case at least, these rules as part of their Practices and Procedures. We have noted that the Board cited no filing time defect in dismissing Appellants' motion for a rehearing, but was apparently unaware of the 1914 Court of Appeals ruling, cited above, that an administrative agency has authority to alter, amend, and repeal the regulations it has adopted at any time.

CONCLUSIONS

Appellants' motion for a rehearing was made in accordance with the practices and procedures specified by the Board of Appeals in this case, and was not dismissed by the Board because of any procedural defect. The grounds for dismissal were that the Board had no jurisdiction of the matter, but a 1984 Court of Appeals ruling gives the Board of Appeals and other administrative agencies with rulemaking power the power also to alter, amend, and repeal the regulations it has adopted at any time. [Dept. Trans. v. Armacost, supra].

The Judgment of December 28, 1987 which affirmed the Board of Appeals in its dismissal of Appellants' motion for a rehearing was based on the incorrect conclusion that their motion was not filed within a 30-day time limit set by the Board of Appeals; no such time limit pertains to Appellants' rehearing motion as shown by the previous arguments. This Judgment should be altered and a hearing on this appeal scheduled to hear arguments on the merits of the case.

January 6, 1988

Respectfully submitted,

Exhibit A

Memorandum of Judgement

Edwin R. Fitzgerald
Edwin R. Fitzgerald

Carolyn J. Fitzgerald
Carolyn J. Fitzgerald

Appellants
2445 Traceys Store Rd.
Parkton, Md. 21120
243-0278

Certificate of Service

I hereby certify that copies of Motion to Alter Judgement were mailed, postage prepaid to Baltimore County Board of Appeals, and to Attorney for Armacost Farms, Inc., Edward Covahey, Esq. on January 6, 1988.

Edwin R. Fitzgerald
Edwin R. Fitzgerald

CHAMBERS OF
JOHN F. FADER II

MEMORANDUM OF JUDGEMENT December 23, 1987

TO: File
FROM: John F. Fader, II
RE: Edwin R. Fitzgerald
Carolyn J. Fitzgerald
v.
Board of Appeals
Case No. 85 CG 947

The Decision of the Board of Appeals is AFFIRMED.

On December 18, 1987 Mr. Fitzgerald visited our chambers to ascertain the status of the above captioned case. The matter came before us for a hearing on September 14, 1987.

My law clerk ascertained that my judgment that the Board be affirmed which I rendered from the bench on the date of hearing was never docketed. My court reporter later read back to me the notes of the days proceedings.

Therefore, this memorandum is written with the decision of the Court being that the Board of Appeals is affirmed. The fact of affirmation will now be docketed with our apologies to the parties for any apprehension or inconvenience this error may have caused.

John F. Fader, II
Judge

JFF:am

cc: Mr. Edwin R. Fitzgerald
Edward Covahey, Esq.

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR A SPECIAL EXCEPTION FOR AN AIRPORT W/S BRUEHL ROAD 2960' N. OF C/L HEREFORD RD. 5th DISTRICT
CASE NO. 83-162-X
EDWIN R. and CAROLYN J. FITZGERALD PLAINTIFFS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
FOR
BALTIMORE COUNTY
AT LAW
CG DOCKET NO. 8
FOLIO NO 282
FILE NO. 85-CG-947

ANSWER TO ORDER OF APPEAL TO THE CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, William R. Evans and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter:

- NO. 83-162-X
Feb. 20, 1985 Motion for Rehearing by the Board filed by Edwin R. and Carolyn J. Fitzgerald
" 27 Motion to Dismiss Motion for Rehearing filed by Edward C. Covahey, Jr., Esq., on behalf of Petitioner, Armacost Farms, Inc.
Mar. 7 Order Dismissing Motion for Rehearing passed by the County Board of Appeals
" 8 Reply to Motion to Dismiss Petitioners' Motion for a Rehearing filed by Mr. Fitzgerald
" 25 Order for Appeal filed in the Circuit Court for Baltimore County by Edwin R. and Carolyn J. Fitzgerald from Order of the Board of Appeals dismissing their Motion for Rehearing
" 26 Certificate of Notice sent to all interested parties

EDWIN R. FITZGERALD, ET UX - #85-CG-947

Apr. 2, 1985 Petition of Appeal filed in the Circuit Court for Baltimore County by Edwin R. Fitzgerald, et ux
" 23 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the County Board of Appeals of Baltimore County and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents file herewith certified copies of above listed papers and will produce any and all such rules, regulations and additional information if needed whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

cc: Edwin R. Fitzgerald
Edward C. Covahey, Jr., Esquire
Cornelius J. Carmody, Esquire
People's Counsel

EDWIN R. and CAROLYN J. FITZGERALD
Protestants-Appellants
vs.
ARMACOST FARMS, INC.
Petitioners-Appellees
Case No. 85 - CG - 947

IN THE CIRCUIT COURT OF BALTIMORE COUNTY MARYLAND

PETITION OF APPEAL

Edwin R. and Carolyn J. Fitzgerald, Protestants-Appellants, represent to the court as follows:

- 1.) That this is an appeal from an Order of the County Board of Appeals of Baltimore County of March 7, 1985, which dismissed Appellants' motion for a rehearing in Case No. 83-162-X.
2.) That the Board of Appeals Opinion and Order of January 9, 1985, granting a special exception to Armacost Farms, Inc. for a private, non-commercial airport is not protested, but protested are the restrictions/regulations in that Order which on their face are unlawfully vague and bear no real and substantial relation to the stated objectives in the Opinion.
3.) That Appellants, Edwin R. and Carolyn J. Fitzgerald, did not appeal the Order of January 9, 1985, or authorize any appeal of that Order in their behalf.
4.) That Appellants filed their Motion for a Rehearing on February 21, 1985, within their time for appeal as provided by Rules E1 to E13, Maryland Rules of Procedure; in particular as provided by Rule E4(g).

- 5.) That Appellants moved for a rehearing in which arguments and testimony be heard on, and limited to, the need for amendments and additions to the Order of January 9, 1985, in order to clarify, make specific and lawful, the restrictions/regulations contained in that Order. A memorandum was filed by Appellants with their Motion for a Rehearing (Exhibit A).
6.) That attorney for Petitioner-Appellee filed Motion to Dismiss, and the Board of Appeals acted to dismiss the rehearing motion before Appellants' Reply to Motion to Dismiss was received by the Board on March 8, 1985 (Exhibit B).
7.) That granting of a motion for a rehearing to clarify, correct, and make lawful an order of the Board is within the general powers of the Board as an administrative agency, as it is in the case of a trial court.
8.) That the lack of any restrictions in the Order on the number of flight operations at the airport makes the stated goal of the Board of Appeals to minimize neighborhood noise caused by airport operations impossible to attain. The means used in the Order, therefore, bear no real or substantial relation to the noise minimization sought.
9.) Restrictions numbered 3, 5, and 6 in the Order are so vague as to be impossible to follow or enforce; these regulations are in complete disregard of the void-for-vagueness doctrine of constitutional law.
10.) The authority to zone and the terms under which it may be exercised are determined by state law; the regulations/restrictions contained

in the Order of January 9, 1985, are unlawfully vague and thus are in violation of the Constitution of Maryland and of the 5th and 14th amendments to the Constitution of the United States.

WHEREFORE, Appellants, Edwin R. and Carolyn J. Fitzgerald, pray the court for:

- (1) Read and consider this Petition and the exhibits attached,
(2) Reverse the Board of Appeals ORDER of March 7, 1985, and
(3) Remand this case to the Board of Appeals for a Rehearing to consider testimony and arguments on amendments and additions needed to make the regulations in the Order of January 9, 1985, lawful, and bear a real and substantial relation to the noise minimization called for by the Board in its Opinion.

Exhibits

- (A) Motion for a Rehearing and Memorandum
(B) Reply to Motion to Dismiss

Respectfully submitted,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

Carolyn J. Fitzgerald
Carolyn J. Fitzgerald

Appellants
2445 Tracey's Store Road
Parkton, Maryland 21120

RECEIVED BOARD OF APPEALS
MBS APR -2 P 2:24

EXHIBIT A

ARMACOST FARMS, INC.
Petitioner-Appellant
vs.
EDWIN R. and CAROLYN J. FITZGERALD
Protestants-Appellees
BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY, MD.
Case No. 83-162-X

MOTION FOR A REHEARING

Edwin R. and Carolyn J. Fitzgerald, representing themselves, and in accord with Rules B1 to B13 and other Maryland Rules of Procedure, move that a rehearing be scheduled in this case, and that arguments and testimony be heard on, and limited to, the need for amendments and additions to the Order of January 9, 1985 to clarify and make specific the present vague provisions and Restrictions contained in that Order.

Memorandum on the Need for Amendments to Order

In its opinion the Board of Appeals has stated that its Order will minimize neighborhood noise caused by operation of the Armacost Airport, but its Order does not anywhere address this noise minimization in any specific manner or give any noise levels or frequency of noise that can be used to measure or judge compliance with the Order.

Any and every definition of noise or noise impact on a neighborhood must contain some statement concerning noise level, duration or frequency, and character. The Order of January 9, 1985 gives no criteria nor sets any limits for any of these noise parameters, and is therefore so vague as to be without meaning. Other provisions of the Order are likewise so vague that they can be neither followed or enforced.

Summary

The lack of any restrictions on the number of daily flights or flight operations at the Armacost Farm Corporation makes the stated goal of the Board of Appeals to minimize noise impossible to attain.

Restrictions Nos. 3, 5, 6, are so vague as to be virtually impossible to follow or enforce.

Specific, quantitative criteria as to noise levels, number of flights, altitudes and distances of flights from residences, and barns containing livestock should be included in an amended Order.

The Board of Appeals has dismissed safety concerns, and included no provisions or restrictions concerning safety in its order on the basis that there have been no accidents or near accidents at this airport to date. This overlooks the fact that the level of activity was low prior to 1976 when only six airplanes were registered with the FAA as using the airport.

Protestants do not agree that safety can be dismissed out of hand as of no present concern, particularly as there is no guarantee that low-level, noisy flights over Protestant's house and/or barn will not resume if this airport operates under the present, unamended Order of January 9, 1985.

Respectfully submitted,

February 20, 1985

Edwin R. Fitzgerald

Carolyn J. Fitzgerald

Protestants 2445 Traceys Store Rd. Parkton, Md. 21120

EXHIBIT B

ARMACOST FARMS, INC. * BEFORE THE
Petitioner-Appellant * BOARD OF APPEALS
vs. * OF
* BALTIMORE COUNTY, MD.
EDWIN R. and CAROLYN J. *
FITZGERALD * Case No. 83-162-X
Protestants-Appellees *

REPLY TO MOTION TO DISMISS
PROTESTANTS' MOTION FOR A REHEARING

Petitioner's attorney has moved to dismiss Protestants' Motion for a rehearing on grounds which are false;

(1) Protestants Edwin R. and Carolyn J. Fitzgerald have as yet entered no appeal to the circuit court in this case; Protestants have represented themselves in this matter both before the Zoning Commissioner and the Board of Appeals, and continue to represent themselves. According to Rule 84(g), Maryland Rules of Procedure, after a timely order is filed by one party an order for appeal may be filed by any other party within 14 days of the date on which the first order of appeal was filed.

(2) Further, the 14-day time for subsequent appeals in this instance is extended by Protestants' Motion for a Rehearing. [Flying A Serv. Stat. v Jordan, 17 Md. App. 477; 302 A2d. 650 (1973)] Granting of a rehearing to clarify and correct an order of the Board is within the general powers, and within the sound discretion of the board as an administrative agency, as it is in the case of a trial court [Art. 66B, 4.07, Md. Code; Gnan v. Seidel, 25 Md. App. 16; 332 A2d. 739 (1975)]

(3)The lega' foundation for the rehearing motion, as supported by the Memorandum, rests on the basis that amendments to the Board's order are necessary to allow compliance and/or enforcement of the order. The order in its present form is unlawfully vague, and thus in violation of the Constitution of Maryland and of the 5th and 14th amendments to the Constitution of the United States.

Additions and Amendments to Memorandum; citations

" A locality's legislative authority to zone stems not from its own inherent police powers, but from that power granted to the localities by state law; it is state law which determines the extent of that power, and terms under which it may be exercised. [Art. 66B, 4.01 Md. Code., 1983 Rpl. Vol.; Cardon Investm. v. Twn. New Market, 55 Md. App. 573, 466 A2d. 505 Md. App. (1983)] "

" Generally an exercise of police power is fair when ...the means employed bear a real and substantial relation to the object sought. [Bureau Mines v. George's Creek Coal, 272 Md. 143, 321 A2d. 748 (1974)] "

" From a long line of Supreme Court decisions, certain basic and universally accepted principles have emerged concerning application of the void-for-vagueness doctrine.Due process commands that persons of ordinary intelligence and experience be afforded a reasonable opportunity to know what is prohibited, so that they may govern their behavior accordingly..... A statute may also be stricken for vagueness if it fails to provide legally fixed standards and adequate guidelines for police, judicial officers, triers of facts, and others whose obligation it is to enforce, apply, and administer....." [Bowers v. State., 283 Md. 115; 389 A 2d. 341 (1978)]

WHEREFORE, Protestants Edwin R. and Carolyn J. Fitzgerald request that the Board of Appeals grant their motion for a rehearing.

Respectfully submitted,

Edwin R. Fitzgerald

Carolyn J. Fitzgerald

Protestants 2445 Traceys Store Rd. Parkton, Md. 21120

March 7, 1985

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT, ETC. W/S OF BRUEHL RD. 2,960' N. C/L OF HEREFORD RD. 5th DISTRICT
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
CG Docket No. 7
Folio No. 71
File No. 85-CG-436

CERTIFICATE OF NOTICE

Mr. Clerk:

Pusuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, William R. Evans, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Edwin R. and Carolyn J. Fitzgerald, P. O. Box 291, Monkton, MD 21111, Plaintiffs-Protestants; Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert Street, Baltimore, MD 21202, Counsel for Protestants; James P. Vonderhorst, President, Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, MD 21111 and Stephen Stanton, 5 Hunter Lake Court, Upperco, MD 21155 and Rudolph Toth, 10 Hunter Lake Court, Upperco, MD 21155, Protestants; Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc. 17634 Bruehl Road, Upperco, MD 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Road, Upperco, MD 21155; and Phyllis Cole Friedman, Room 223 Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart, Adm. Secretary County Board of Appeals of Baltimore County

ARMACOST FARMS V. FITZGERALD - 7/71/85-CG-436

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Edwin R. and Carolyn J. Fitzgerald, P. O. Box 291, Monkton, MD 21111, Plaintiffs-Protestants; Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert Street, Baltimore, MD 21202, Counsel for Protestants; James P. Vonderhorst, President, Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, MD 21111 and Stephen Stanton, 5 Hunter Lake Court, Upperco, MD 21155 and Rudolph Toth, 10 Hunter Lake Court, Upperco, MD 21155, Protestants; Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc., 17634 Bruehl Road, Upperco, MD 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Road, Upperco, MD 21155; and Phyllis Cole Friedman, Room 223 Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 26th day of March, 1985.

Edith T. Eisenhart, Adm. Secretary County Board of Appeals of Baltimore County 494-3180

cc: Arnold Jablon Arlene January James G. Hoswell

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT, ETC. W/S OF BRUEHL RD. 2,960' N. C/L OF HEREFORD RD. 5th DISTRICT
IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
JAMES P. VONDERHORST, ET AL, PLAINTIFFS
CG Doc. No. 7
Folio No. 71
File No. 85-CG-436
Zoning File No. 83-162-X

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, William R. Evans, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert St., Baltimore, Md. 21202, Counsel for Protestants-Plaintiffs; James P. Vonderhorst, Pres., Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, Md. 21111, Protestant-Plaintiff; Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, Md. 21120, Protestant-Plaintiff; Steve Stanton, 5 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Rudolph Toth, 10 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, Md. 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc., 17634 Bruehl Rd., Upperco, Md. 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Rd., Upperco, Md. 21155; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen, County Board of Appeals of Baltimore County, Rm. 209, Court House, Towson, Md. 21204, 494-3180

Armacost Farms, Inc. Case No. 83-162-X

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert St., Baltimore, Md. 21202, Counsel for Protestants-Plaintiffs; James P. Vonderhorst, Pres., Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, Md. 21111, Protestant-Plaintiff; Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, Md. 21120, Protestant-Plaintiff; Steve Stanton, 5 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Rudolph Toth, 10 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, Md. 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc. 17634 Bruehl Rd., Upperco, Md. 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Rd., Upperco, Md. 21155; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 8th day of February, 1985.

June Holmen, County Board of Appeals of Baltimore County

EDWIN R. and CAROLYN J. FITZGERALD vs. ARMACOST FARMS INC.
IN THE CIRCUIT COURT OF BALTIMORE COUNTY MARYLAND
Case No.

ORDER FOR APPEAL

Edwin R. and Carolyn J. Fitzgerald, Protestants, in accord with Rules B1 to B13, Maryland Rules of Procedure, hereby file an appeal from the March 7, 1985 ORDER of the Board of Appeals which dismissed Protestants' motion for a rehearing in Case No. 83-162-X.

March 25, 1985

Edwin R. Fitzgerald, Carolyn J. Fitzgerald, Protestants 2445 Traceys Store Rd. Parkton, Md. 21120

Certificate of Service

A copy of the above Order for Appeal was delivered by hand to the Board of Appeals, Room 200 Old Courthouse, Towson, Md. 2120, on March 25, 1985.

RECEIVED BY APPEALS BOARD COUNTY BOARD OF APPEALS MAR 25 1985

Edwin R. Fitzgerald, March 25, 1985

IN RE: * IN THE
PETITION FOR SPECIAL EXCEPTION * CIRCUIT COURT
ARMACOST FARMS, INC. * FOR

Petitioner *
Appellee *
***** *
JAMES VONDERHURST, *
RUDOLPH TOTH, *
STEPHEN STANTON and *
EDWIN FITZGERALD *
*
Protestants *
Appellants *
*
v. *
ARMACOST FARMS, INC. *
*
Petitioner *
Appellee *
*
***** *

ANSWER TO PETITION
OF APPELLANT

Armocost Farms, Inc., Appellee, by Edward C. Covahey, Jr.,
its attorney, in answer to the Petition of Appellants says:

1. That it admits the allegations of Paragraph 1 of the Petition.
2. That it admits the reference to the Baltimore County Zoning Regulations as set forth in Paragraph 2 of the Petition, but further answering states that case law establishes that it is presumed that a special exception is permissible by virtue of the fact that it is permitted within the particular zoning classification.

3. That it admits the allegations of Paragraph 3 of the Petition.
4. That it admits the allegations of Paragraph 4 of the Petition and further answering states that in fact some of Appellee's witnesses resided immediately adjacent to Appellee's property.
5. That it admits the allegations of Paragraph 5 of the Petition.
6. That it admits the allegations of Paragraph 6 of the Petition that the Appellee called as a witness David Soul, and further answering denies that the said David Soul was unqualified in education or experience, and further answering states that the said David Soul was fully qualified to testify as a sound expert.
7. That it admits the allegations of Paragraph 7 of the Petition that the Appellants called witnesses who testified in opposition to the Application, but denies the allegations as to residence of said witnesses and denies that the witnesses testified that they had been injured by any low flying aircraft and further answering states that said witnesses all conceded that they had never heard of any type of aircraft accident or incident involving the subject real estate.
8. That it admits the allegations of Paragraph 8 of the Petition with respect to testimony from Dr. Edwin Fitzgerald and admits that James P. Vonderhurst testified, but denies that his testimony established that he maintains a breeding stock of

horses and further answering states that the evidence established that he has several retired race horses which were given to him and that contrary to witnesses called by the Appellant, the said Vonderhurst is not a farmer.

9. That it admits the allegations of Paragraph 9 of the Petition, except that the Appellee denies that the residents have ever had cause to fear for their health or safety or to believe that the general welfare of the community was or has been diminished.

10. That it is unable to admit or deny the allegations of Paragraph 10 of the Petition in that same does not refer to increase over numbers, or reference an increase with respect to time frames.

11. That it denies the allegations of Paragraph 11 of the Petition, and further answering states that in fact the testimony established that the operation of the subject airport was not detrimental to the health, general welfare and safety of the general community and that same is in fact beneficial to the community.

12. That it denies the allegations of Paragraph 12 of the Petition, and further answering state that Dr. Fitzgerald had testified with respect to sound readings taken from his house and that the Board acted properly in excluding said additional testimony after the witness had already appeared before the Board and testified, and further answering, the Appellee states

that all aircraft make noise and the County Council was cognizant of this fact when they permitted airports by special exception in a R.C. 2 zone.

13. That it admits the allegations of Paragraph 13 of the Petition that the Board held that the airport did not constitute a use detrimental to the primary agricultural use, and further answering states that testimony of Appellee's witnesses established that the airport is a sod field, that the growing of grass is consistent with agricultural uses, and that in fact same contributes less nutrient pollution than would actively cultivating and growing crops on the airstrip.

14. That it is unable to admit or deny the allegations of Paragraph 14 of the Petition in that same within the context does not make sense.

15. That it denies the allegations of Paragraph 15 of the Petition and further answering states that all of the expert evidence established that the subject airport is not utilized in instrument meteorological conditions, and does not have a published instrument approach procedure and aircraft are not operated in conditions of fog and there was no expert testimony to establish that ground fog is more prevalent at the airport site than any other locations within the R.C. 2 zone.

16. That it denies the allegations of Paragraph 16 of the Petition.

17. That it denies the allegations of Paragraph 17 of the Petition.

WHEREFORE, having fully answered the Petition of Appellants, Appellee requests that this Honorable Court deny the Appeal and Petition of Appellants and assess all costs in connection therewith against the Appellants.

Edward C. Covahey, Jr.
Atty. for Appellee
614 Bosley Ave.
Towson, MD 21204
828-9441

I HEREBY CERTIFY that on this 21 day of February, 1985, a copy of the foregoing Answer to Petition of Appellants was mailed to Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert St., Baltimore, MD 21202 and County Board of Appeals of Baltimore County, Baltimore County Courthouse, 400 Washington Avenue, Towson, MD 21204.

Edward C. Covahey, Jr.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

IN RE: *
PETITION FOR *
SPECIAL EXCEPTION - *
ARMACOST FARMS, INC., *
*
Petitioner Appellee *
***** *
JAMES VONDERHURST, * Case No. 83-162-X
RUDOLPH TOTH, *
STEPHEN STANTON and *
EDWIN FITZGERALD, *
*
Protestants Appellants *
*
v. *
ARMACOST FARMS, INC., *
*
Petitioner Appellee *
*
***** *

PETITION OF APPELLANTS

Now come James Vonderhurst, Rudolph Toth, Stephen Stanton and Edwin Fitzgerald, Protestants Appellants herein, through their attorney, Cornelius J. Carmody, and petition this Honorable Court to reverse or modify the decision of the County Board of Appeals for Baltimore County entered in the above-captioned case on January 9, 1985 and for reasons state:

1. This matter was commenced by the filing of an Application for a Special Exception for an airport in an area zoned R.C.2. Said Application was denied by the Zoning Commissioner of Baltimore County on April 25, 1983.
2. Pursuant to Section 1A01.2.C of the Baltimore County

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& CARMODY
ATTORNEYS AT LAW
SUITE 430
10 NORTH CALVERT STREET
BALTIMORE, MD 21202
751-539-4250

Zoning Regulations this property may not be used as an airport except by special exception which itself may be granted only upon the showing of compliance with all of the provisions of Section 501.1 of the Baltimore County Zoning Regulations.

3. The denial by the Commissioner was appealed to the County Board of Appeals of Baltimore County resulting in four full days of hearings.

4. Petitioner presented witnesses who resided from a half mile to five miles from the site of the airport, in all directions, who testified in favor of the special exception and stated that they were not bothered by the noise of the aircraft.

5. The Board heard testimony from Phillip Platt, a professional engineer, who was permitted to testify that, in his opinion, the site complied with all F.A.A. requirements for its requested use.

6. The Board then heard from Mr. David Soul, a manager of Baltimore Sound Engineering (incorrectly identified as the president of the firm in the Board's opinion), who, although totally unqualified by education or experience, was permitted to testify as a sound expert. Mr. Soul testified to various readings obtained by him using a meter designed to measure sound and was permitted to testify that, in his opinion, the requested use would not be detrimental to the health, safety and welfare of the locality.

7. Mr. James G. Hoswell, a development planner for Baltimore County, testified that the Baltimore County

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Department of Planning did not oppose the requested special exception so long as proper restrictions were applied to the use as an airport.

8. Protestants presented testimony from nine witnesses who live in a locality roughly defined as extending north and south of the ends of the runway of the airport with an approximate width of 1 mile. Said witnesses testified that they feared for their safety and that their general welfare had been injured by the low flying aircraft coming and going from the subject airport. Among these witnesses was Edwin Fitzgerald who testified as to the noise and vibration created by aircraft flying directly over his residence at 2445 Tracey Street Road at the northern end of the airport runway and Mr. James P. Vonderhurst who testified that the overflights have caused the horses that he maintains as breeding stock to panic and place their health and safety in jeopardy.

9. The subject airport has been operating since approximately 1972 for family recreation. From 1972 until approximately 1980, the airport did not cause the residents to fear for their health or safety nor to believe that the general welfare of the community was diminished because only four aircraft were operated from the airstrip on an infrequent basis. Since 1980 the number of aircraft based or operating out of the subject airport has reached as high as 14 and is currently believed to number 10 aircraft.

10. In addition to the increase in the number of aircraft, Petitioner also began to operate larger aircraft from

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the airstrip which aircraft were not owned by members of the Armacost family.

11. Protestants Appellants allege that the number and size of aircraft permitted to operate from this airfield by the Board of Appeals create noise levels and safety hazards which are detrimental to the health, safety and welfare of those individuals living in a "locality" defined by the take-off and landing patterns of the aircraft.

12. Appellants were not permitted to call Edwin Fitzgerald as an expert to testify as to the effects of aircraft sound on the health of persons living in the flight path of the aircraft. Protestants objected to Dr. Fitzgerald being excluded since his previous testimony related only to overflights of his house and in no way related to the effect of such noise on the health of persons residing in the locality. Having excluded the testimony, the Board proceeded to find that, "to claim that the occasional or intermittent aircraft noise is detrimental to health of the residence is without substance".

13. Additionally, the Board held that the airport did not constitute a use detrimental to the primary agricultural uses in the vicinity notwithstanding the unrebutted testimony of Mr. Venderhorst as to the effect of the aircraft noise upon his horse farm.

14. The Board dismissed the safety statistics introduced by Protestant Edwin Fitzgerald on grounds that should have gone to the admissibility of the evidence rather than its weight.

MARR BENNETT & CARMODY ATTORNEYS AT LAW SUITE 430 10 NORTH CALVERT STREET BALTIMORE, MD 21202 TEL: 539-4250

15. The Board completely ignored the prevalence of ground fog in the particular site which renders operation of an airport at the site more dangerous than at other sites within the zone.

16. The Board erred by finding that Petitioner had met its burden of proof when Petitioner had wholly failed to define the "locality" which would be affected by the special exception.

17. Protestants Appellants contend that the findings of the Board of Appeals are clearly erroneous as a matter of law based upon the testimony admitted and testimony excluded during the hearings.

WHEREFORE, Appellants request that the Order of the the County Board of Appeals for Baltimore County, dated 9, January 1985 be modified as follows:

1. That not more than four aircraft be based at or operated from the airport at any one time;
2. That all aircraft using the strip be of less than 3,000 pounds gross weight and be single engine, piston type, propeller aircraft with non-pressurized cabins; and
3. That the weekly average of aircraft operations (each take-off is an operation; each landing is an operation) shall not exceed four per day.

Respectfully submitted,

MARR BENNETT & CARMODY ATTORNEYS AT LAW SUITE 430 10 NORTH CALVERT STREET BALTIMORE, MD 21202 TEL: 539-4250

Cornelius J. Carmody Suite 430 10 North Calvert Street Baltimore, Maryland 21202 (301) 539-4250 Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 1985, a copy of the foregoing Petition was deposited in the U.S. Postal Service, first class, postage prepaid, addressed to County Board of Appeals of Baltimore County, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204; and Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, Maryland 21204.

Cornelius J. Carmody

RECEIVED COUNTY BOARD OF APPEALS FEB 19 1985 10 40 33

MARR BENNETT & CARMODY ATTORNEYS AT LAW SUITE 430 10 NORTH CALVERT STREET BALTIMORE, MD 21202 TEL: 539-4250

LAW CIVIL - GENERAL

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT

Edward C. Covahey, Jr. 614 Bosley Ave. (04) 828-9441 Cornelius J. Carmody Suite 430 10 N. Calvert St. (02) 539-4250

BOARD OF APPEALS OF BALTIMORE COUNTY

6-10-85 101E 400m to Bd of Appeals

- (1) Feb. 7, 1985 - Protestants' Order for Appeal from the Order of the Board of Appeals of Baltimore County fd.
- (2) Feb. 8, 1985 - Certificate of Notice fd.
- (3) Feb. 19, 1985 - Appellants' Petition for Appeal fd.
- (4) Feb. 22, 1985 - App. of Edward C. Covahey, Jr. as attorney for the Appellee, ARMACOST FARMS, INC. & same day Answer to Petition of Appellants fd.
- (5) Mar. 26, 1985 Certificate of Notice fd.
- (6) May, 16, 1985 - Armacost Farms, Inc.'s Motion to Dismiss Appeal fd.
- (7) June 7, 1985 - Order of Court ORDERED that the within appeal be and is hereby DISMISSED and it is further ORDERED that all open costs be assessed against the appellants (1-53) copies sent.

COSTS	
CV GEN	25.00
CV CLA	70.00
8 LBRT	5.00
CHECKED	75.00
RECEIVED	71.42

September 14, 1987 Hon. John F. Fader II. Hearing had. Armacost Farms, Inc., Appellee Motion to Dismiss Appeal (paper no.6) Granted. Case Dismissed.

IN RE: PETITION FOR SPECIAL EXCEPTION ARMACOST FARMS, INC.

Petitioner/Appellee

JAMES VONDERHURST, RUDOLPH TOTH, STEPHEN STANTON, and EDWIN FITZGERALD

Protestants/Appellants

v. ARMACOST FARMS, INC.

Petitioner/Appellee

ORDER

Upon the foregoing Motion to Dismiss, it is this 7th day of June, 1985, by the Circuit Court for Baltimore County,

ORDERED that the within appeal be and is hereby dismissed, AND IT IS FURTHER ORDERED that all open costs be assessed against the Appellants

Conrad Jackson JUDGE

Wda

FILED JUN 7 1985

RECEIVED COUNTY BOARD OF APPEALS 181 SEP 16 A 9 33

Zoning Case No. 83-162-X Armacost Farms

MEMORANDUM OF JUDGMENT December 23, 1987

TO: File

FROM: John F. Fader, II

RE: Edwin R. Fitzgerald, Carolyn J. Fitzgerald v. Board of Appeals Case No. 85 CG 947

The Decision of the Board of Appeals is AFFIRMED.

On December 18, 1987 Mr. Fitzgerald visited our chambers to ascertain the status of the above captioned case. The matter came before us for a hearing on September 14, 1987.

My law clerk ascertained that my judgment that the Board be affirmed which I rendered from the bench on the date of hearing was never docketed. My court reporter later read back to me the notes of the days proceedings.

Therefore, this memorandum is written with the decision of the Court being that the Board of Appeals is affirmed. The fact of affirmation will now be docketed with our apologies to the parties for any apprehension or inconvenience this error may have caused.

John F. Fader, II Judge

JFF:am cc: Mr. Edwin R. Fitzgerald Edward Covahey, Esq.

RECEIVED COUNTY BOARD OF APPEALS 181 DEC 30 A 10 14

DEC 28 1987

EDWIN R. FITZGERALD CAROLYN J. FITZGERALD Protestants-Appellants

ATTORNEYS PP 2445 Traceyn Stone Rd. (Parkton, MD 21120

BOARD OF APPEALS ARMACOST FARMS, INC. Petitioner-Appellee

Edward C. Covahey, Jr. 614 Bosley Ave. (4) 828-9441

- (1) Mar. 27, 1985 - Appellants' Order for Appeal from the decision of Board of Appeals fd.
- (2) April 2, 1985 - Protestants-Appellants Petition of Appeal and Exhibits fd.
- (3) April 15, 1985 - Correspondence fd.
- (4) April 23, 1985 - Answer to Order of Appeal to the Circuit Court for Baltimore County and Certified Copies of Proceedings before the Board of Appeals of Baltimore County fd.
- (5) May, 6, 1985 - Correspondence fd.
- (5) May 8, 1985 - Amended Answer to Order of Appeal fd.
- (7) May 21, 1985 App. of Edward C. Covahey, Jr. for the Petitioner-Appellee. Same day Answer fd.
- (8) June 5, 1985- Appellant's Memorandum fd.
- (9) Nov 21, 1986 - 3 Exhibits fd.
- (10) Nov. 24, 1986 - Pltff's Motion to Defer/Drop or Deny Contemplated Dismissal fd.
- (11) Nov 26, 1985 = Appellants Motion for a Hearing and a Pre Hearing Conference fd.
- (12) Nov. 26, 1986 = Appellants Correspondence to Judge Ciccone fd.
- March 23, 1987 Hon. Frank E. Ciccone, Md. Rule 2-507 suspended for a period of 6 months. Case to be tried within said 6 months or it should be DISMISSED.
- (13) Dec. 28, 1987- Memorandum from Judge Fader affirming decision of Board of Appeals fd.

COSTS	
CV GEN	25.00
CV CLA	70.00
CHECKED	70.00
#37241	71.42

NOV 12 1987 NOTICE OF MD. RULE 2-507



JOHN F. FADER II JUDGE MOTIONS RULING

CASE NO. 85 CG 947 DATE OF RULING Feb. 4, 1988 TITLE Edwin R. Fitzgerald Carolyn J. Fitzgerald VS.

Board of Appeals RULING Motion to alter Judgment filed by Edwin R. Fitzgerald and Carolyn J. Fitzgerald (paper 14) DENIED. The Court sees no reason to change the decision it made previously.

THE CLERK IS TO NOTIFY ALL PARTIES. JOHN F. FADER, II JUDGE

OPINION

This case comes before the Board of Appeals on an appeal from a decision of the Zoning Commissioner of Baltimore County denying the requested special exception for an Airport in an R.C. 2 zone, said denial being dated April 25, 1983. The subject property is located on the west side of Bruehl Road 2,960 feet north of the centerline of Hereford Road, in the Fifth Election District of Baltimore County.

Testimony and evidence in this case consumed four full hearing days and, therefore, cannot be detailed in this Opinion, but due to the amount of controversy generated by this request the Board will note each person's testimony and encapsulate it accordingly, noting that the entire testimony of each is now part of the record. Opening statements by all attorneys present and one individual Protestant are also part of the case record.

Mr. Carl Gerhold, a registered land surveyor, testified for the Petitioner. Mr. Gerhold stated that he surveyed the subject site, located the zoning lines and superimposed this information onto a photogrammetric map, which was entered as Petitioner's Exhibit #1. He also testified that the existing landing strip is grass, that the area in question is 19+ acres in size and that the entire 19+ acres are zoned R.C. 2.

Mr. George A. Gipe, 17400 Bruhl Road, resident at this location since 1969, testified for the Petitioner. He noted that his occupation is that of a free-lance writer, that he works from his home, which is .4 of a

mile from the south end of the runway, that he favors the airport use of this land and that the noise therefrom causes him no concern. He also noted its possible emergency use should that occasion ever arise.

Mr. John F. R. Scott, Jr. next testified. Mr. Scott stated that he is the Associate Administrator of the Maryland State Aviation Administration and a commercial pilot with forty years experience. He noted that his department is responsible for registering licensed airports, that he now holds the current application for registering this airport but in order for it to be so registered it must comply with all local zoning regulations. This request is for a private non-commercial airport and no criteria for this type of registration exists. He further testified that it was his expert opinion that this airstrip was safe for this requested use and that all approaches were satisfactory. Mr. Scott also noted that any use other than a private non-commercial use would require re-registration by his department.

Mr. Phillip Platt, a registered professional engineer and an aeronautical engineer next testified. Mr. Platt stated that he has personally flown planes into and out of this site and that it complies with all F.A.A. requirements for its requested use. He testified that this type of landing strip would only be suitable for light single or twin engine aircraft with unpressurized cabins and with no more than a seating capacity for six persons. Mr. Platt showed a Beta Max tape of flying at this site. He also testified that he did a number of take-offs and landings with different aircraft so that ground level sound recordings could be obtained at different locations. He also testified at length on enforcement of regulations for bad flying practices and the procedures available for reporting same.

Mrs. Louise Bareham, 17205 Hunter Green Road, testified that the aircraft fly low and in circles over her home. As a result, her property is now of less value, is less safe and that the airport use is a detriment to the area and, therefore, she opposes the requested use.

Ms. Caroline Warner, 16815 Falls Road, testified that she grew up in this area and that her present residence is about three-quarters of a mile from the airstrip. She especially complained about the noise generated by the twin engine plane based at the airport, and opposed the requested use.

Mr. James P. Vonderhorst, 16920 Yeoho Road, testified that he owns 90 acres south of the airstrip. He intends to breed and train fox hunting horses and feels that the overflights scare his horses. When he first purchased this farm, these overflights were only occasional but their frequency has increased and, therefore, he is of the opinion that these flights constitute a detriment to his property and its use.

Mr. Rudolf Toth, 10 Hunter Lake Court, testified he did not know of the airstrip when he purchased his home in 1975. He testified as to only a few flights in 1977, but more each succeeding year. Mr. Toth resents this aircraft activity over his home and is of the opinion that it is a definite detriment.

Mr. Steve Stanton, 5 Hunter Lake Court, testified that he has lived at this location for six years and that ground fog is often present in this area. He testified that, in his opinion, there is now no discernible flight pattern by aircraft using this strip and objects to this use.

Ms. Caroline Wertz, 3101 Mt. Carmel Road, a resident here for twenty-five years, testified that planes take off and land directly over her

Mr. Albert Bruehl, 17522 Bruehl Road, testified that he is a forty-four year resident of this area and owns fifty-eight acres abutting the subject site. He stated that he can see the aircraft land and take off from his home and does not object to this use. He testified that normal farm machinery also makes noise and he finds airplane noise no more objectionable.

Mr. David Soul, President of Baltimore Sound Engineering, next testified as a sound expert, his firm having been in the sound business for some eighteen years. On August 30, 1983, he performed a number of tests at ground level at different sites in this vicinity of aircraft taking off, flying over and landing at the subject site. All of these readings are part of the case record and detail a decibel reading range of from 52 decibels to 83 decibels for aircraft take-offs, from 40 decibels to 80 decibels for landings and from 55 decibels to 65 decibels for aircraft circling overhead. All of these readings were obtained by holding the recording meter at five feet elevation, mostly in fields of standing corn. The Board will note that all of the above readings are pure meter readings with no allowance for variables such as humidity, wind direction, time duration of the Max readings obtained, etc. Mr. Soul also testified that he took readings for comparison purposes fifty feet from Timonium Road and obtained decibel counts from 65 decibels to 88 decibels from the traffic thereon.

Mr. James G. Hoswell, Planner for Baltimore County, testified that his department does not oppose the requested special exception and entered these Comments as Petitioner's Exhibit #6. This approval of the proposed use is contingent upon proper restrictions being applied to this use on the site.

house and intrude on her privacy. Her property is some 2,500 feet from the airstrip and for these reasons she objects to the proposed use.

Ms. Shirley Grant, 16819 Gorsuch Mill Road, testified that in earlier years there were fewer flights and smaller aircraft, but that now there are more flights and larger aircraft and, therefore, she objects to the proposed use. Mrs. Grant also testified that the numbers on the aircraft are visible and readable from her location. This testimony concluded Protestants' case.

Well prepared Memoranda have been received from all attorneys in this case as well as from one individual Protestant. These have been carefully reviewed and considered. The testimony received indicates these positives. This airstrip began operations in 1970 but no complaint or dissatisfaction with its operation was evidenced until 1982. Even now there are residents favoring this use and residents opposing it. The distribution of these indicates that some nearby residents approve its use and some oppose it, and the same is true of some who reside further from the site.

The proposed use can only be granted in the existing zone as a special exception pursuant to §1A01.2.C of the Baltimore County Zoning Regulations (BCZR). This use is not detrimental to the primary agricultural uses in the vicinity. However, before a special exception can be granted the proposed use must also comply with all of §502.1 of the BCZR. Only sub-section 502.1.a is in question regarding this site. Protestants claim this operation to be detrimental to the health, safety and welfare of their area.

The only testimony regarding safety from most Protestants was that they felt less safe now than earlier. Mr. Fitzgerald, in his Memo, cites many safety statistics. However, these statistics do not indicate any com-

The next witness was Mr. Fred Wilke of 17300 Prettyboy Dam Road where he has resided for forty-one years. Mr. Wilke owns 144 acres abutting the subject site and does not object to the airport use proposed. Upon cross-examination, he testified that his home is about one-half mile from the runway.

Mr. Rene Cabirac, 17206 Hunter Green Road, testified that he had no problems with this airport use and that he knew of its existence when he purchased his home. Mr. Cabirac also stated that he owns a small airplane and while he does not have a pilot's license, his son is a commercial pilot.

Mr. Charles Spicer, 2834 Tracey Store Road, testified that he has lived in this area since 1950, that planes from this site pass over his home, which is one-third of a mile from the airport, that he can see the landings and take-offs and that he does not object to the requested use.

Mrs. Emily Williams, 17112 Macemore Road, testified that her husband is a pilot and he keeps his plane at this airport. As a hobby, Mrs. Williams' husband rebuilds old aircraft and, therefore, she is in favor of the granting of the requested use.

Mr. Clarence Benson, who lives three-quarters of a mile south of the subject site and has lived there for seventy-two years, does not object to this airport use. Mr. Benson testified that he can see and hear the aircraft, but that when they reach his home they are at a considerable altitude and create no problem for him.

Mr. Austin Armacost, property owner and Petitioner, then testified. The property in this petition is owned by Armacost Farms, Inc. which consists of himself, his brother and his father. This property has been

comparison of numbers of personal aircraft vs. others, nor any statistics on purely private non-commercial airports. There was, however, direct testimony from many long time residents in the area that there have been no accidents or near accidents to date at this site.

To claim that the occasional or intermittent aircraft noise is detrimental to the health of the residents is without substance. Ear protection in industry does not become mandatory until these same levels of noise are constant. The assertion that this use is detrimental to the area is weak. The entire development known as Hunter's Green was built after the airport started operations. The neighbors' complaints about noise have been considered in this Opinion and the Board will attempt to minimize this noise in its Order.

For all these reasons the Board is of the opinion that the special exception requested should be granted and will so order.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of January, 1985, by the County Board of Appeals, ORDERED that the special exception for an Airport and Hanger Facilities petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That the airport be registered as a private, non-commercial airport only.
2. That no additional hanger facilities will be erected and that there will be no extension of the existing runway nor any change in its nature; i.e., no paving or upgrading to accommodate larger aircraft.
3. That no more than ten (10) aircraft be stored on the premises at any one time.

farming, orchards and the 19 acres requested for airport use. Mr. Armacost received his pilot's license in 1969 and began using this sod strip in 1970 for only he and his friends. He testified as to the aircraft that use this site and those that are stored there. He stated that this strip, by its nature, can only be used when weather permits, that it usually cannot be used during the winter months. He further testified that he was using this airstrip prior to the existence of Hunter Green Road and its subsequent development.

Mr. Armacost further stated that he was agreeable to a limit of ten aircraft stored on this site, that he would perform no services on these aircraft, that he would submit no storage bills, would not permit take-offs after 10 P.M. and would be in agreement with any reasonable restrictions which would assure the airport's non-commercial use. This basically concluded the Petitioner's case.

The first witness for the Protestants was Mr. Edwin R. Fitzgerald, 2445 Tracey Store Road, who submitted his professional resume as Protestants' Exhibit #4. Mr. Fitzgerald testified that he took decibel readings on an aircraft take-off on September 2, 1982 at 8:24 P.M. and obtained a reading of 75, and again on September 3, 1982 at 10:24 A.M. he obtained a reading of 85 decibels. He played a tape of this noise at his home and noted the maximum levels of noise were of 4 seconds and 9 seconds duration. He opposes any airport use of this site.

Mrs. Nancy Spicer, 16817 Gorsuch Mill Road, an area resident all of her life, testified that when the aircraft pass over her home they are loud and the noise is very loud, and that she feels this is detrimental to the health, safety and welfare of her home and, therefore, objects to the requested use.

- 4. That all aircraft using the strip be of less than 5,500 pounds gross weight and be piston type propeller aircraft with non-pressurized cabins.
- 5. That a flight pattern be established and clearly posted that will minimize the noise impact of take-offs and landings on nearby residences, and this flight pattern is to be filed with the proper authorities. A clear warning must be posted alerting pilots that anyone deviating from this flight pattern is at the risk of having his plane numbers taken and said deviation being reported to the proper authorities.
- 6. That there be no take-offs between the hours of 10:00 P.M. and 7:00 A.M.
- 7. That these restrictions be entered among the land records of Baltimore County as provided for in §502.2 of the Baltimore County Zoning Regulations.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans

Patricia Phipps
Patricia Phipps

ARMACOST FARMS, INC. * BEFORE THE
 Petitioner-Appellant * BOARD OF APPEALS
 vs. * OF
 * BALTIMORE COUNTY, MD.
 EDWIN R. and CAROLYN J. *
 FITZGERALD *
 Protestants-Appellees * Case No. 83-162-X

REPLY TO MOTION TO DISMISS
PROTESTANTS' MOTION FOR A REHEARING

Petitioner's attorney has moved to dismiss Protestants' Motion for a rehearing on grounds which are false;

(1) Protestants Edwin R. and Carolyn J. Fitzgerald have as yet entered no appeal to the circuit court in this case; Protestants have represented themselves in this matter both before the Zoning Commissioner and the Board of Appeals, and continue to represent themselves. According to Rule B4(g), Maryland Rules of Procedure, after a timely order is filed by one party an order for appeal may be filed by any other party within 14 days of the date on which the first order of appeal was filed.

(2) Further, the 14-day time for subsequent appeals in this instance is extended by Protestants' Motion for a Rehearing. [Flying A Serv. Stat. v Jordan, 17 Md. App. 477; 302 A2d. 630 (1973)] . Granting of a rehearing to clarify and correct an order of the Board is within the general powers, and within the sound discretion of the board as an administrative agency, as it is in the case of a trial court [Art. 66B, 4.07, Md. Code; Gnuv v. Seidel, 25 Md. App. 16; 332 A2d. 739 (1975)] .

(3)The legal foundation for the rehearing motion, as supported by the Memorandum, rests on the basis that amendments to the Board's order are necessary to all w compliance and/or enforcement of the order. The order in its present form is unlawfully vague, and thus in violation of the Constitution of Maryland and of the 5th and 14th amendments to the Constitution of the United States.

Additions and Amendments to Memorandum; citations

" A locality's legislative authority to zone stems not from its own inherent police powers, but from that power granted to the localities by state law; it is state law which determines the extent of that power, and terms under which it may be exercised. [Art. 66B, 4.01 Md. Code., 1983 Rpl. Vol.; Cardon Invest. v Twn. New Market, 55 Md. App. 573, 466 A2d. 505 Md. App. (1983)] ."

" Generally an exercise of police power is fair when ...the means employed bear a real and substantial relation to the object sought. [Bureau Mines v. George's Creek Coal, 272 Md. 143, 321 A2d. 748 (1974)] ."

" From a long line of Supreme Court decisions, certain basic and universally accepted principles have emerged concerning application of the void-for-vagueness doctrine.Due process commands that persons of ordinary intelligence and experience be afforded a reasonable opportunity to know what is prohibited, so that they may govern their behavior accordingly.....
....A statute may also be stricken for vagueness if it fails to provide legally fixed standards and adequate guidelines for police, judicial officers, triers of facts, and others whose obligation it is to enforce, apply, and administer....." [Bowers v. State, 283 Md. 115; 389 A 2d. 361 (1978)] .

WHEREFORE, Protestants Edwin R. and Carolyn J. Fitzgerald request that the Board of Appeals grant their motion for a rehearing.

Respectfully submitted,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

Carolyn J. Fitzgerald
Carolyn J. Fitzgerald

Protestants
2445 Traceys Store Rd.
Parkton, Md. 21120

RECEIVED
COUNTY BOARD OF APPEALS
M&S FEB -8 P 1:40
FEB 7, 1985

IN THE MATTER OF : BEFORE
 THE APPLICATION OF : COUNTY BOARD OF APPEALS
 ARMACOST FARMS, INC. :
 FOR SPECIAL EXCEPTION FOR : OF
 AN AIRPORT, ETC. : BALTIMORE COUNTY
 W/S OF BRUEHL RD. 2,960' N. :
 OF C/L OF HEREFORD RD. : 5th DISTRICT : NO. 83-162-X

ORDER DISMISSING MOTION FOR REHEARING

The above captioned matter having come before the County Board of Appeals on the Motion for Rehearing and the Answer thereto, an appeal to the Circuit Court for Baltimore County having been previously noted, it is this 7th day of March, 1985, by the County Board of Appeals ORDERED that the Motion for Rehearing be DISMISSED as this Board is without jurisdiction to decide this matter.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

William R. Evans
William R. Evans

Patricia Phipps
Patricia Phipps

ARMACOST FARMS, INC. * BEFORE THE
 Petitioner-Appellant * BOARD OF APPEALS
 vs. * OF
 * BALTIMORE COUNTY, MD.
 EDWIN R. and CAROLYN J. *
 FITZGERALD *
 Protestants-Appellants * Case No. 83-162-X

MOTION TO DISMISS MOTION FOR REHEARING

Armocost Farms, Inc., Petitioner, Appellee, by its attorney, Edward C. Covahey, Jr. moves that the Motion for Rehearing be dismissed and the document stricken from the record. The grounds of this Motion are as follows:

- 1. The Protestants have entered an Appeal to the Circuit Court for Baltimore County thereby divesting the Board of Appeals of jurisdiction of this matter.
- 2. That there is no provision in the Maryland Rules for granting a rehearing before an administrative agency based on Motion filed with the administrative agency.
- 3. That the Motion is without legal foundation or legal basis which would sanction the granting of a "rehearing".

WHEREFORE, Armacost Farms, Inc., Appellee in the instant matter, requests that this Honorable Board dismiss the Motion for Rehearing.

Edward C. Covahey, Jr.
Edward C. Covahey, Jr.
Atty. for Appellee
614 Bosley Ave.
Towson, MD 21204
828-9441

RECEIVED
COUNTY BOARD OF APPEALS
M&S FEB 27 A 9 54 E

I HEREBY CERTIFY that on this 2 day of February, 1985, a copy of the foregoing Motion to Dismiss Motion for Rehearing was mailed to Cornelius Carmody, Esquire, Suite 430, 10 N. Calvert Street, Baltimore, MD 21202, Phyllis Friedman, People's Counsel for Baltimore County, Court House, Towson, MD 21204 and to Edwin R. Fitzgerald and Carolyn J. Fitzgerald, 2445 Traceys Store Rd., Parkton, MD 21120.

Edward C. Covahey, Jr.
Edward C. Covahey, Jr.

ARMACOST FARMS, INC. * BEFORE THE
 Petitioner-Appellant * BOARD OF APPEALS
 vs. * OF
 * BALTIMORE COUNTY, MD.
 EDWIN R. and CAROLYN J. *
 FITZGERALD *
 Protestants-Appellees * Case No. 83-162-X

MOTION FOR A REHEARING

Edwin R. and Carolyn J. Fitzgerald, representing themselves, and in accord with Rules B1 to B13 and other Maryland Rules of Procedure, move that a rehearing be scheduled in this case, and that arguments and testimony be heard on, and limited to, the need for amendments and additions to the Order of January 9, 1985 to clarify and make specific the present vague provisions and restrictions contained in that Order.

Memorandum on the Need for Amendments to Order

In its opinion the Board of Appeals has stated that its Order will minimize neighborhood noise caused by operation of the Armacost Airport, but its Order does not anywhere address this noise minimization in any specific manner or give any noise levels or frequency of noise that can be used to measure or judge compliance with the Order.

Any and every definition of noise or noise impact on a neighborhood must contain some statement concerning noise level, duration or frequency, and character. The Order of January 9, 1985 gives no criteria nor sets any limits for any of these noise parameters, and is therefore so vague as to be without meaning. Other provisions of the Order are likewise so vague that they can be neither followed or enforced.

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COUNTY BOARD OF APPEALS
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Summary
The lack of any restrictions on the number of daily flights or flight operations at the Armacost Farm Corporation makes the stated goal of the Board of Appeals to minimize noise impossible to attain.
Restrictions Nos. 3, 5, 6, are so vague as to be virtually impossible to follow or enforce.
Specific, quantitative criteria as to noise levels, number of flights, altitudes and distances of flights from residences, and barns containing livestock should be included in an amended Order.

The Board of Appeals has dismissed safety concerns, and included no provisions or restrictions concerning safety in its order on the basis that there have been no accidents or near accidents at this airport to date. This overlooks the fact that the level of activity was low prior to 1978 when only six airplanes were registered with the FAA as using the airport. The concerns of the Protestants on safety and noise began when the numbers of airplanes and flights increased in 1981-82.

Protestants do not agree that safety can be dismissed out of hand as of no present concern, particularly as there is no guarantee that low-level, noisy flights over Protestants' house and/or barn will not resume if this airport operates under the present, unamended Order of January 9, 1985.

Respectfully submitted,

February 20, 1985

Edwin R. Fitzgerald
Edwin R. Fitzgerald

Carolyn J. Fitzgerald
Carolyn J. Fitzgerald

Protestants
2445 Traceys Store Rd.
Parkton, Md. 21120

In The Matter of The APPLICATION OF ARMACOST FARMS, INC. For SPECIAL EXCEPTION FOR AN AIRPORT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

ORDER OF APPEAL

Mr. Clerk: Enter an Appeal on behalf of James Vonderhorst, Edwin Fitzgerald, Stephen Stanton and Rudolph Toth, Protestants, from the Order of the Board of Appeals of Baltimore County passed in the above case on January 9, 1985.

Respectfully submitted,

Cornelius J. Carmody, Suite 430, 10 North Calvert Street, Baltimore, Maryland 21204

Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Order of Appeal was served upon the County Board of Appeals for Baltimore County and that a copy was mailed this 7th day of February, 1985 to Edward C. Covahey, Jr., Attorney for Applicant, Armacost Farms, Inc.

Cornelius J. Carmody

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS W/S Bruehl Rd. 2960' N of the Centerline of Hereford Rd., 5th District

PEOPLE'S COUNSEL'S MEMORANDUM IN OPPOSITION TO SPECIAL EXCEPTION

This is a request for a special exception for an airport in an R.C. 2 zone. People's Counsel believes that this special exception should be denied on the grounds that an airport at the particular location proposed will have an adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within an R.C. 2 zone.

In addition, Section 1A01.2 of the Baltimore County use regulations requires that agricultural operations shall be afforded preferential treatment over and above all other permitted uses in R.C. 2 zones.

by James Vonderhorst states clearly that the horses he is breeding, which are clearly an agricultural use, are high-strung race horses (see Sharp Farm v. Somerlock, 52 Md. App. 207 at 208) and respond by being skittish to the noise of the aircraft.

Respectfully submitted,

Phyllis Cole Friedman, Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204

RECEIVED COUNTY BOARD OF APPEALS

I HEREBY CERTIFY that on this 1st day of November, 1984, a copy of the foregoing People's Counsel's Memorandum in Opposition to Special Exception was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley Ave., Towson, MD 21204; Cornelius Carmody, Esquire, Suite 909, 36 S. Charles St., Baltimore, MD 21201; and Dr. Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, MD 21120.

Phyllis Cole Friedman

RE: PETITION FOR SPECIAL EXCEPTION W/S Bruehl Rd. 2960' N of the Centerline of Hereford Road, 5th District

MEMORANDUM IN OPPOSITION TO SPECIAL EXCEPTION

Now come Protestants, James Vonderhorst, Rudolph Toth and Stephen Stanton, by their attorney, Cornelius J. Carmody, and oppose the granting of the special exception requested by Armacost Farms, Inc. in the above-captioned matter and as reason therefore state:

This hearing is an appeal from the denial by the zoning hearing officer of Petitioner's application for a special exception to operate an airport in an R.C. 2 zone. During the course of the hearing before the Board of Appeals, Petitioner modified its application orally to eliminate their request for an extension of the runway and to provide that said airport would be operated only as a private/non-commercial (i.e. no remuneration in return for services) airport; additionally, Petitioner indicated its willingness to limit the number of aircraft based at the airport and to place limitations upon the hours of operation of the airport should the Board of Appeals desire such limitations as a condition of the granting of the special exception.

The case of Schultz v. Pritts, 291 Md. 1 (1981) has held that the uses listed as special exceptions are legislatively

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approved uses so long as they meet the requirements for special uses set forth in the zoning regulations of the County wherein the special exception is sought. Furthermore, the Court recognized that many special exception uses have inherently adverse effects and that the denial of an application for a special exception is proper only when such adverse effects are above and beyond those effects which would be experienced irrespective of the location of the use within the zone.

The test laid down by Schultz v. Pritts makes especially important the element of neighborhood/locality. In Malmar Associates v. Board of County Commissioners for Prince Georges County, 260 Md. 292 (1971), the Court of Appeals held that Section 28.2 of the Prince Georges County Zoning Ordinance required that the applicant offer evidence delineating the general neighborhood if a special exception was to be granted. Section 28.3 provided, at that time, that,

"A special exception may be granted when the council finds that:

- A. The proposed use is in harmony with the purpose and intent of the General Plan for the physical development of the District, as embodied in this ordinance and in any Master Plan or portion thereof, adopted or proposed as part of said General Plan.
B. The proposed use will not affect adversely the health and safety of residence or workers in the area and will not be detrimental to the use and/or development of adjacent properties or the general neighborhood."

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The similarity of the foregoing language to Section 502.1(a) is striking. Section 502.1(a) provides that the requested special exception shall not, "...be detrimental to the health, safety, or general welfare of the locality involved;" and furthermore, that such use shall not, "...be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations (502.1(g))."

Should the Board decide that Petitioner has met its burden of proof as to the affected locality and the other elements of a petition for a special exception use, the evidence shows that such special exception use should be clearly delineated by such conditions, restrictions or regulations as the Board may deem necessary or advisable and such conditions, restrictions or regulations should be set forth in a written agreement between the Board and the Petitioner and recorded among the Land Records of Baltimore County.

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County, 264 Md. 381 (1972), the Court of Appeals held that the Board of Appeals had the authority to limit the Petitioner to 41 boat slips in its marina. The Court cited as authority for its decision both the ordinance for Cecil County and Brouillette v. Eudowood Plaza, 249 Md. 606 (1968). In fact, the Baltimore County Zoning Regulations contain language even more specific than that of the Cecil County ordinance, i.e. Section 502.2 which provides, in pertinent part, that, "...the Board...shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of the surrounding and neighboring properties."

- 1. The airport shall be used only for the take-off and landing and storage of single-engine, light, pleasure aircraft weighing under 3,000 pounds.
2. That the weekly average of aircraft operations (each take-off is an operation; each landing is an operation) shall not exceed three (3) per day.
3. The maximum number of aircraft allowed at the airport or upon the contiguous property of Petitioner at any one time shall be a maximum of four (4) aircraft.

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- 4. The airport shall be operated as a private, non-commercial airport and any other use shall exceed the scope of the special exception granted.
5. Operating hours of the airport for take-offs and landings shall be limited to 7:00 a.m. until 9:00 p.m.
6. That no new structures for the storage or parking of aircraft be constructed on the subject property.
7. That all Baltimore County and State regulations be complied with.
8. That all regulations of federal and State aviation agencies relating to flight operations and design of facilities be complied with.

The appropriateness of these restrictions can be seen by a review of the evidence such as Petitioner's own testimony that the twin-engine aircraft generates a noise level of 80 db on take-off and 76 db on landing; well in excess of Maryland's recommended cumulative noise level for residential areas of 65 db. All of the witnesses agreed that the operation of the airport did not adversely affect their health, safety or general welfare so long it was limited to Armacost family members operating light, single-engine aircraft for pleasure use.

MARR BENNETT & CARMODY ATTORNEYS AT LAW

Not only is such use consistent with the nature of the surrounding area but it is also consistent with the available resources of Armacost Farms, Inc. to manage the airport. Unlike the other airport special exception cases which have arisen in Maryland, Armacost Farms, Inc. operates a full-time dairy and farming operation in the area around the airport. The demands of this work take Austin Armacost, the designated manager of the airport, far away from the airport for extended periods of time on all of the days of the week. Mr. Austin Armacost simply does not have the time to manage an airport. For this reason, the restriction as to the number of aircraft and to recreational aviation only is quite liberal. Ideally, only members of the Armacost family or officers or employees of the corporation should be allowed to operate aircraft in or out of the airport since these are the only persons over whom Mr. Austin Armacost can exercise any effective control.

Similarly, the element of management and/or control of the airport figures prominently as a result of the topographical configuration of the area. The area surrounding the Pretty Boy Dam Reservoir is subject to unexpected, dense groundfog both mornings and evenings during certain periods of the year as a result of the temperature differential between the air and the water in the reservoir. Dr. Edwin Fitzgerald has already identified the uniqueness of this topography which sets the Petitioners location apart from any other location in the R.C. 2 zone. The decision whether to attempt a take-off of landing under conditions of groundfog is, however, a decision to be made

by the pilot in light of his experience and in the exercise of his judgment. This means, again, that Armacost Farms, Inc. will have no control over non-relative and non-employees in the exercise of what could be a life or death decision both for the pilot, the passengers and residents of the area.

For all of the foregoing reasons, Protestants request the Petitioner's application for a special exception use - airport, be denied or, in the alternative, if granted, be subjected to the conditions set forth herein and that such conditions be recorded in the Land Records of Baltimore County.

Cornelius M. Carmody
 Cornelius M. Carmody
 MARR, BENNETT & CARMODY
 Suite 430
 10 North Calvert Street
 Baltimore, Maryland 21202
 (301) 539-4250

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 1984, a copy of the foregoing was mailed first class, postage prepaid to Edward C. Covahay, Jr., Esquire, 614 Bosley Avenue, Towson, Maryland 21286; Phyllis Cole Friedman, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204 and Dr. Edwin Fitzgerald, 2445 Tracey's Store Road, Parkton, Maryland 21120.

Cornelius M. Carmody
 Cornelius M. Carmody

MARR, BENNETT
 & CARMODY
 ATTORNEYS AT LAW
 SUITE 430
 10 NORTH CALVERT STREET
 BALTIMORE, MD 21202
 (301) 539-4250

BEFORE THE
 BOARD OF APPEALS
 OF
 BALTIMORE COUNTY, MD.

Case No. 83-162-X

ARMACOST FARMS, INC.

Petitioner-Appellant

vs.

EDWIN R. and CAROLYN J.
 FITZGERALD

Protestants-Appellees

Appeal from the Zoning Commissioner of Baltimore County
 ORDER of April 25, 1983 DENYING a Special Exception
 for an Airport and Hangar Facilities.
 William F. Hammond, Zoning Commissioner

Protestants Memorandum

By Edwin R. Fitzgerald
 Protestant
 2445 Tracey's Store Rd.
 Parkton, MD 21120

INTRODUCTION

Protestants, Edwin R. and Carolyn J. Fitzgerald, own and operate a farm of 119 acres, more or less, located in Northern Baltimore County, and adjacent to Petitioner, Armacost Farms, Inc. Operation of an airport by Petitioner has, increasingly since 1970, been detrimental to the health, safety, and welfare of Protestants and others in the neighborhood. Low altitude flights during both landings and takeoffs from the Armacost Airport have occurred over and next to Protestants' house and barn; repeated protests, over the years, had little or no lasting effect in reducing such flights. These low altitude flights over Protestants' house reached a peak in July and September of 1982 consisting of about one every 20 or 30 minutes on the 4th of July weekend while Mr. Austin Armacost, airport manager, was in Virginia, and during a Jungle Missionary Benefit "fly-in" in September. Since Petitioners' request for an airport special exception was denied by the Zoning Commissioner in April, 1983, flights directly over Protestants' house have decreased, but there have been some, and many low-altitude flights over their barn and next to their house have taken place.

In testimony before the Zoning Commissioner and before the Board of Appeals, the Petitioner has stressed that the airport is non-commercial, and intended chiefly for the recreational or pleasure flying of "a few friends and neighbors". This type of use by "week end" flyers does nothing to diminish the threat to the safety of the neighborhood in view of the annual aircraft accident data compiled and published by the

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articles which have appeared recently in the technical literature on this subject excerpts from two articles from the Journal of the Acoustical Society of America are included as Exhibits B and C with this memorandum. These investigations reported on community annoyance/interference from aircraft noise as compared to road traffic noise (and/or rail traffic noise) near airports located in the United States, Canada, England, France, Netherlands, Switzerland, Germany, Austria, Sweden, and Belgium. The results were everywhere the same: road traffic noise must be 10 to 15 decibels above aircraft noise to cause the same amount of community annoyance or interference. In other words, an aircraft noise level of 70 decibels is equivalent to a road traffic noise level of 85 decibels in producing interference with the activities of a residential community.

Annoyance or interference with conversation, radio/television, sleeping, etc. is a noticeable result of high noise levels, but the insidious physiological effects of even very short duration noise above 70 decibels can be severe as pointed out in the U. S. Department of Commerce publication titled Quieting: A Practical Guide to Noise Control. Excerpts from Chapter 2, Noise as a Health Hazard, are included here as Exhibit D. In particular it is noted there that after a number of cycles of short duration high-level noise there often is a noise-induced permanent threshold shift or loss of hearing. Nervous stress, increased blood pressure,

use airport according to the Maryland State Code [Transp. Title 5, Sect. 5.301(b)]. According to testimony of Austin Armacost, these past activities have been discontinued, and he is now remunerated for his flying services to the Griffiths Corporation only by his free use of its \$300,000 twin-engine airplane. No testimony was offered concerning remuneration, if any, received by others using the Armacost Corporation Airport. Testimony was offered by Petitioner that the airport was located in a sparsely settled, rural, watershed area with airview videotapes of the region to the Northwest of the airport (Prettyboy Watershed); no aerial videotapes of the regions to the Southeast, south, or southwest of the airport were shown. Two persons living alongside the landing strip testified that its use caused them no annoyance or fear; one person living 2500 feet to the side (east) of the landing strip testified that airplanes never flew at low altitudes over his house nor in any way caused annoyance. A resident of the Hunter Green subdivision (southwest), whose son uses the airport, testified that it was no problem to the area as did a woman (living 4 1/2 miles distant) whose husband keeps an airplane at the Armacost Airport. A resident of Tracey's Store Road, 1500 feet to the west, said the airplanes flying over her house caused no annoyance, and a resident located near Benson Hill and Falls Roads testified that low flying airplanes had not gone over his house.

Petitioner then presented the results of sound level measurements taken by a technician using an A-weighted Sound

TABLE 1
 Summary of Sound Level Measurements
 Presented by Petitioner, Aug. 30, 1983

Location	Type of Airplane & Height	Operation	Sound Level dB(A)
Field, standing corn, soft ground (1) (said to be indicative of noise at Hunter Green subdivision)	Seneca	Fly over	65
	Seneca	Takeoff	59
	Skymaster	Landing	54
	Skymaster	Takeoff	70
	Cessna 180	Landing	54
	200 ft.	Takeoff	63
	Cessna 150	Landing	40
Cornfield, soft ground (2) (said to be indicative of noise at Wirtz house on Mt. Carmel Rd.)	200 ft.	Takeoff	60
	Cherokee	Landing	37
	Cherokee	Takeoff	69
	1000 ft.	Landing	63
	Cherokee	Circling	55
Field, standing corn, soft ground, (3) (said to be indicative of noise at Vonderhorst farm house)	1300 ft.	Takeoff	69
	Seneca	Landing	71
	Cessna 180	Takeoff	75
	200 ft.	Landing	52
	Cessna 150	Takeoff	72
	200 ft.	Landing	46
Field, standing corn, soft ground, (4) (said to be indicative of noise at Fitzgerald farm house)	Cherokee	Takeoff	75
	Cherokee	Landing	67
	Seneca	Takeoff	62
	400 ft.	Takeoff	62
Field, standing corn soft ground (5) (said to be indicative of noise at Fitzgerald farm house)	Cessna 180	Takeoff	72
	400 ft.	Landing	59
	Cessna 150	Takeoff	72
	Cherokee	Landing	58
	Cherokee	Takeoff	83
		Landing	80

and that such flights caused great fears for safety. Previous complaints had produced no noticeable alleviation of the noise and danger, but the number of airplanes flying directly over had decreased somewhat following the denial of the special exception by the Zoning Commissioner. Rudolph Toth and Steven Stanton, residents of the Hunter Green subdivision (southwest), stated that low flights from the Armacost Airport over and around their houses had caused noise, invasion of privacy, and safety concerns. Mr. Vonderhorst (south) testified that the sudden loud noise of airplanes from the Armacost Airport as they emerged from behind a ridge just north of his house and barn caused nervous tension, and interfered directly with his horse breeding farm activities because of the unrest and fearful reactions such noise produced among his thoroughbred horses. A specific instance of such noise interference and resulting damage was cited.

B. QUESTIONS PRESENTED

As emphasized by the Appeals Board Chairman during the hearings on this request for a special exception, Petitioner is required to demonstrate that the proposed special exception airport use in an RC-2 zone meets the requirements of Section 502.1 of the Baltimore County Zoning Regulations, and to prove that the proposed airport use would not be detrimental to the health, safety, or general welfare of the neighborhood. In an ordinary case, in accord with the zoning regulations, application for the proposed use is made in advance of the

C. ARGUMENTS ON THE QUESTIONS

1) because of its particular location below the level of many houses situated along a ridge to the southeast, south, and southwest, the Armacost Airport cannot be operated without detriment to the health, safety, or general welfare of the immediate neighborhood. There is no flight path for landings or takeoffs in these directions that will not put airplanes at low heights over or next to someone's house; the aerial photograph furnished by Protestants (and adopted as an exhibit by Petitioner) is convincing evidence of this fact as is the testimony of eight persons living in these locations.

Four of the eight are life-long residents of the area who planned, built, and moved into their homes before the airport was in operation; four are residents of 4 to 6 years who had no knowledge of the illegal airport operation until its recent increased activities and the addition of a large, twin-engine airplane made its existence manifest. Because the prevailing winds are southerly, most takeoffs from the Armacost Airport are over this well populated region of the neighborhood.

2) In an unsuccessful attempt to reduce neighborhood objections a "straight in, straight out" flight path was adopted for the Armacost Corporation Airport after its request for a special exception was denied by the Zoning Commissioner. This procedure eliminates the FAA recommended landing pattern for VFR airports, and thus reduces the safety of the Armacost Airport Operation although it does reduce the number of landings over Protestants' house as noted by Petitioner's attorney.

early morning as testified by Protestant. Petitioner's attorney asked the hypothetical question "What would you say if Mr. Armacost denied under oath that such flights took place?", but it is noteworthy, although given a chance to recall witnesses for rebuttal, that such a denial was never made. In the same way, Mrs. Warner's testimony that Armacost Airport airplanes flew over her house at a height of 300 ft was never rebutted except by a similar hypothetical "what if" question.

4) The lack of full time, careful management makes the Armacost Airport as now operated a particular detriment to the health, safety, and general welfare of the neighborhood since there is little or no positive control over the practices of the ten or twelve pilots using it.

Petitioner's expert witness, Mr. Platt, in his testimony stressed the importance of airport management and control over pilots, but Mr. Austin Armacost in his testimony and in his response to complaints as testified to by neighbors has demonstrated no such strict management, nor the desire for any. There is abundant testimony that some pilots flying to and from the Armacost Airport have caused annoyance and noise, threatened safety, and harmed the general welfare, but not one bit of evidence that any pilot has been admonished, disciplined, or refused the use of the airport because of such objectionable actions. The manager has, in fact, been absent (with no stand in) during periods of predictably intensive airport activity, and also scheduled a large "fly-in" without any consultation with (or thought to!) the neighborhood.

Although reduction of the noise produced by low flying airplanes has been achieved for some neighborhood residents by adopting a straight in, straight out flight pattern for use of the airport, this has merely shifted the noise to others. Worse, this flight pattern discards the FAA advisory landing pattern and, according to the State Aviation Administration General Aviation Manager, that standard rectangular landing pattern is the basis of all flight safety in the vicinity of an airport.

The present straight in, straight out flight path also passes directly over the high voltage transmission lines bringing electrical power to Protestants' farm as shown clearly in Petitioner's videotapes of landings at the Armacost Airport. In order to avoid crossing these lines, the path must be routed over Protestants' house or barn. There is indeed no flight pattern for this airport that will not put at risk the health and safety of someone in the neighborhood. Another site in Baltimore County at a higher elevation than the land over which takeoffs and landings occur, for example, would be suitable; areas where the standard rectangular landing pattern can be used without passing over long-established residences should be chosen for airport special exception sites.

Granting of this special exception will not foster conditions favorable to continued agricultural use of the productive agricultural areas of Baltimore County, in accord with the purposes of R.C. 2 Zones [Balt. Co. Code Sect. 1A01 (B)], but, on the contrary, will keep 19 acres of productive land from agricultural use.

Certificate of Service
I hereby certify that copies of Protestants' Memorandum with separate Appendix were delivered by hand to Cornelius Carmody, Esq., Phyllis Friedman Esq., (People's Counsel for Baltimore County), and a copy was mailed, postage prepaid, to Attorney for Petitioner, Edward Covahey, Esq., 614 Bosley Avenue, Towson, Md. 21204 on November 27, 1984.

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Protestant

IN THE MATTER OF * IN THE
ARMACOST FARMS, INC. * BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 82-162X
*

ARMACOST FARMS, INC. *
FOR SE-AIRPORT and *
HANGER FACILITIES *
W/S BRUEHL ROAD *
2960' N. c/1 *
HEREFORD RD. *
5th DISTRICT *
* * * * *
BALTIMORE COUNTY
83-162-X

MEMORANDUM

Armacost Farms, Inc., petitions the Board for a special exception for an airport in a Resource Conservation (R.C.2) (Agricultural) zone. The Baltimore County Zoning Regulations allow an airport only by special exception in a R.C.2 or R.C.3 (Deferral of Planning and Development) Zone and does not in any zoning classification provide for an airport as a permitted use within the permitted uses. Note that an "airstrip" is permitted as a special exception in an M.L.R. (Manufacturing Light).

The Court of Appeals in Schultz v. Pritts, 291 Md. 1 (1979) in discussing the burden on a petitioner in an application for a special exception pointed out at Page 11 that a special exception is "part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid." The Court went on to hold that if the applicant established before the administrative agency that the "proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden". Starting with the presumption that a special exception for an airport is permissible, absent any fact negating the presumption, Schultz, Supra, the threshold question then becomes: Was there sufficient probative evidence introduced before the Board that would rebut the presumption that a special exception for an airport is a valid land use within the context of R.C.2 zoning? If the Board finds that the presumption

is not in fact rebutted, then the granting of the special exception is mandated by the Schultz case and the cases cited therein.

Armacost Farms, Inc. albeit a corporation in legal form, is in the traditional sense a family farm owned and operated by the two Armacost brothers and their father. The testimony of Austin Armacost established that the total Armacost farming operation encompasses approximately 480 acres and that it consists of a dairy operation with in excess of 140 cows, a large orchard with retail facilities, and extensive crop growing for market and farm animals. In 1970 Austin Armacost caused a small sod runway to be laid out on the property on that portion of the farm situate immediately east of Bruehl Road and in excess of 3,000 feet north of Mt. Carmel Road as established by the testimony of Carl Gerhold, Registered Land Surveyor. Petitioner's Exhibit 1, the Gerhold Plat, shows Bruehl Road terminating at the Armacost Dairy Farm and it is labeled private for the entire length of the runway where it is bounded on both sides by Armacost property. The runway itself is 2,300 feet long and is oriented to 30° northeast bearing and 210° on the southwest magnetic bearing. Aircraft land and take-off into the wind and utilize both approaches, depending on wind conditions. The testimony of Carl Gerhold, Phil Platt, (Registered Professional Engineer, Certified Flight Instructor, Commercial Pilot, Airport Manager) and Col. John Scott, Assistant Administrator of the State Aviation Administration, established that the approaches to both ends of the runway are free from all obstructions. The airport is listed on the Washington Sectional, Petitioner's Exhibit No. 3, as a private field and as such is not open to public usage without prior permission being obtained from the airport manager, in this case Austin Armacost. Situate on the west side of Bruehl Road

are two (2) shed like buildings which are utilized for hanging aircraft. The neighborhood surrounding the airport is rural farmland with low population density, except for several small subdivisions, including Hunter Green which is situate south of Mt. Carmel Road approximately one (1) air mile distant from the closest portion of the airport runway. Austin Armacost's testimony established that he is responsible for managing the dairy farm operations and that while farming is his vocation, flying is his avocation and hobby, a hobby fostered by his father who operated aircraft on another site on the farm in the 1930s. At the present time there are eight (8) aircraft based on the farm, all of which are of the light, single engine variety, varying in horsepower from the 70-horsepower Cessna 120 to the 230-horsepower Cessna 182. Austin Armacost owns one (1) of the eight (8) aircraft and the rest are owned by neighbors and friends who share with Austin an interest in aviation and as such there are no charges levied for parking of the aircraft or utilizing the facilities.

Distillation of the Protestants' testimony reveals two (2) areas of concern; namely (1) noise and (2) safety. The Cessna Twin Skymaster with one (1) engine in front pulling the aircraft and the other in the back pushing the aircraft is no longer based at the field. Austin Armacost does on occasion fly a light twin engine Piper Navajo based at Westminster in and out of the field as a favor to his neighbor, Barbara Griffith, who owns the aircraft and conducts a large Arabian horse farm operation immediately to the east of the Armacost property.

Most of the Protestants and neighbors testifying in favor of the petition were in general agreement that the Armacosts are good neighbors. This was demonstrated by testimony which established that immediately after learning of the concerns of

MR. CLERK:

Please strike the appearance of the undersigned as counsel for James P. Vonderhorst and Rudolph Toth.

NOTICE TO STRIKE
APPEARANCE OF COUNSEL

JAMES H. COOK

Cook, Howard, Dornes & Tracy
210 Allegheny Ave. - P.O. Box 5517
Towson, Maryland 21204
(301) 823-4111

I HEREBY CERTIFY that on this 21st day of November, 1983, a copy of the foregoing was mailed to Edward C. Covahey, Esq., 614 Bosley Avenue, Towson, Md. 21204; and to John W. Hessian, III, Esquire, Room 223, Court House, Towson, Maryland 21204.

JAMES H. COOK

Rec'd. 11/22/83
4:50 P.M.

some of the Hunter Green residents with the aerial flight path while landing on the northeast oriented runway, Austin Armacost prepared an approach procedure which he disseminated to all pilots and posted on the airport, establishing an essentially straight in approach to the runways away from the more developed areas. When landing on the southwest runway the approach traverses Pretty Boy Reservoir Watershed while the northeasterly approach, for the most part, over-flies unimproved farm land. Significantly, three (3) of the residents testifying in favor of the application, George Gipe, Albert Bruehl and Fred Wilke live closer to the airport than do any of the Protestants. George Gipe, the Hollywood writer, whose house is on Bruehl Road within 800' of the airport testified that he seldom hears the aircraft and when cross-examined by Protestant Vonderhost's counsel as to his motive for testifying stated that he first learned of the proceedings when he found a piece of the Protestants literature in his mailbox which so aggrieved him that he felt obligated as one of those most affected by the airport to put its impact in proper perspective. Protestants' cross examination further revealed that George Gipe is only an acquaintance of the Armacosts and does not participate in any of the aerial activities conducted at the airport. Austin Armacost in testifying from his airport logs established the airport traffic to be sparse, some days no flights are conducted from the airport and the maximum number of flights, consisting of activity on Saturdays and Sundays, during good weather, would be up to 10 operations. Even the Protestants agreed that the noise duration from aircraft overflights never exceeded 30 seconds. Various Protestants professed their fears of an aircraft accident, but none could recall any such occurrence, and in fact, Austin Armacost's testimony conclusively established that in 14 years of

action by the Federal Aviation Agency (F.A.A.). It was stressed by Col. Scott and Platt that aviation is a highly regulated activity and that F.A.A. regulations prohibit operating aircraft at an altitude less than 500' above a dwelling or other structure. Normal aircraft landings and take-offs would put aircraft at an elevation of at least 600' above ground level when crossing Mt. Carmel Road while landing on Runway 3 (30° magnetic bearing) or taking off on Runway 21 (210° magnetic bearing). All pilot witnesses testified that there is no instrument approach procedure for the airfield and accordingly it cannot be utilized for landing in instrument meteorological conditions, i.e., visibility one (1) mile or less, ceiling 1,000 feet or less. Col. Scott and Phil Platt agreed that the length of the runway prohibits its use by other than aircraft designated as light aircraft by the Federal Aviation Administration.

Applicant respectfully submits that the site in question is the very type of airport operation contemplated by the County Council in permitting airports as a special exception in an R.C. 2 Zone. It is hard to envision a more appropriate site for a small sod airport in Baltimore County. Clearly, the maintenance of the sod runway is more consistent with the intent of the R.C. 2 agrarian classification than would be development of the tract for private homes as allowed in an R.C. 2 Zone. Continued operation and maintenance of the Armacost's private use, non-commercial use airport would not be detrimental to the general welfare of the area and would not be detrimental to agrarian uses. The maintenance of the sod runway is in fact an agricultural use entirely compatible with usages made of neighboring land. The Protestants not having demonstrated that their properties would be adversely affected in a manner different from that in which properties surrounding an airport at

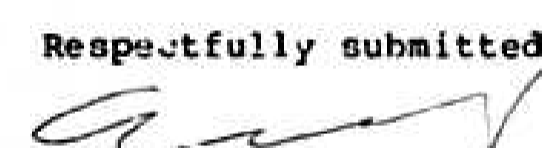
operation there has never been an aircraft crash or incident at the airport.

It is uncontroverted that all aircraft by their very nature make noise and that take-offs in defying the laws of gravity involve greater noise than do landings. It is abundantly clear that the County Council in sanctioning airports as a special exception in an R.C. 2 Zone was cognizant of the fact that aircraft noise is a necessary adjunct of an airport operation. In Deen v. B.G. & E., 240 Md. 317 (1969) the protestants argued that a special exception for high tension electric transmission lines north of Padonia Road should be denied because the nature of the lines would adversely effect the health, safety and general welfare of the area. The Court there cogently emphasized that in satisfying the criteria of §502.1 of the Baltimore County Zoning Regulations high tension wires would not impact that area any differently "than its affect on any other rural area". This holding, was amplified by the Court in Schultz, Supra, where the Court in reviewing the law stated at Page 15:

"These cases establish that a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that an appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone."

It is patently obvious that noise is inherently associated with airports as well as flight over residences to reach the airport. As such noise or the flight of aircraft themselves does not rebut the presumption that the use is valid. The record in

another location would be affected have thus failed to rebut the presumption of validity and accordingly it is respectfully suggested to the Board that granting of the subject special exception is mandated.

Respectfully submitted,

 Edward C. Covehey, Jr.

I HEREBY CERTIFY that on this 28th day of November, 1984, a copy of the foregoing Memorandum was mailed to Cornelius J. Carmody, Esquire, Suite 909, 36 S. Charles Street, Baltimore, MD 21201 and Ms. Phyllis C. Friedman, People's Counsel, Court House, Towson, MD 21204.

Edward C. Covehey, Jr.

RECEIVED
 COUNTY BOARD OF APPEALS
 NOV 28 4 11 00

this case is devoid of any evidence that there would be any adverse effect other than those normally associated with airport use on the neighboring properties. The Schultz rationale was applied by the Court of Special Appeals in Sharp v. Somerlock, 52 Md. App. 207 (1982) where the Court was considering an airport special exception in Howard County.

David Soul, qualified before the Board as an expert witness on sound and sound measurements, testified as to the decibel readings made by him on August 30, 1983 of five (5) aircraft in the landing and take-off configurations measured from four (4) different locations. The locations selected for the tests corresponded to the properties of the Protestants identified as Hunter Ridge, Mrs. Wertz, Schaffer's house close to Vonderhost's and the extended centerline of the runway, 900' from Protestant Dr. Fitzgerald. The sum and substance of Soul's testimony was that the recorded sounds were no louder than vehicular traffic measured 50' from Timonium Road and not as loud as a heavy duty truck. Two (2) of the aircraft involved in the sound test were 2-motored aircraft and the tests conducted by Soul and the measurements made by Soul of the Navajo at Westminster were comparable to the readings obtained on the other aircraft and in fact the Navaho's decibel reading was lower than that of the single engine Piper Cherokee Arrow. The sound tests were video taped and played to the Board in Phil Platt's testimony (Petitioner's Exhibit No. 5). Dr. Fitzgerald's decibel readings were consistent with Dave Soul's and it should be emphasized again that aircraft make noise and the County Council was cognizant of this fact when they permitted airports by special exception in a R.C. 2 Zone.

The maintenance of the sod field is consistent with the agricultural use envisioned in an R.C. 2 Zone within the context

of Baltimore County Zoning Regulation 1A01.2.C which requires the Board find that the proposed use "would not be detrimental to the primary agricultural uses in its vicinity". James Hoswell, of the Baltimore County Office of Planning and Zoning, Carl Gerhold and Phil Platt all testified that a sod field was not detrimental to the primary agricultural uses in the vicinity and that in fact grass cultivation was a specific agrarian use. Austin Armacost stated that less fertilizer and other nutrients are applied to the grass strip than to land under active crop cultivation and that there is no soil erosion from grass which would in any manner constitute a source of watershed pollution.

Mr. Hoswell expanded upon his office's Comments, Petitioner's Exhibit No. 6, and concluded that the airport was an acceptable use. He felt that some conditions should be applied to any airport operation and Austin Armacost in testifying before the Board agreed that he would limit any airport usage by:

- (1) prohibiting practice touch and gos;
- (2) retaining the private airport designation and not open same to the general public;
- (3) prohibiting take-offs between 10:00 p.m. and 7:00 a.m.;
- (4) limiting operations to light aircraft, those of a maximum gross weight of less than 12,500 pounds.

Col. Scott told the Board that the State Aviation Administration is in favor of the application and is prepared to register the Armacost Airport as a private use, non-commercial use airport as defined in the Code of Maryland Regulations pending the granting of the special exception. Both Col. Scott and Phil Platt emphasized that the establishment of a particular traffic pattern by the airport manager is legally binding on all pilots and a pilot's failure to adhere to the published approach procedures could result in the administration of disciplinary

ARMACOST FARMS, INC. * BEFORE THE
 1/5 Bruehl Rd. * COUNTY BOARD OF APPEALS
 2960' N of c/l of *
 Hereford Rd. * FOR
 * BALTIMORE COUNTY
 * Case No. 83-162-X
 * * * * *

REQUEST FOR SUMMONS FOR WITNESSES

Mr. Clerk:

Please issue a summons for the following witnesses:

SUP 8/29/83 Fred J. Wilke *Johnson* Sd 8-29-83 *Bellock*
 17300 Prettyboy Dam Rd. Carl Gerholdt
 Parkton, MD 21120 412 Delaware Ave.
 Towson, MD 21204
 CL-9-13 George Geipe *Bellock* Albert J. Selby, Jr.
 17400 Bruehl Rd. Gen. Aviation Services
 Upperco, MD 21155 Dept. of Transportation
 B.W.I. Airport
 Maryland 21240
 CL-9-13 Albert G. Bruehl *Bellock*
 17522 Bruehl Rd. John F. Scott, Jr.
 Upperco, MD 21155 Asst. Adm. Gen. Aviation
 Services, Dept. of Trans.
 B.W.I. Airport, MD 21240

To testify for Armacost Farms, Inc. Returnable on Thursday, September 15, 1983 at 10:00 a.m., County Board of Appeals for Baltimore County, Hearing Room #218, Towson, MD 21204.

Mr. Sheriff:

Please issue this summons.

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

Received
 8/25/83
 9:50 a.m.

COST \$ 10.00
 SUMMONED 19
 NON EST 19
 NON SUIT 19
 COPY LEFT 10

CHARLES H. HICKLEY, JR.
 CLERK

ARMACOST FARMS, INC. * BEFORE THE
 w/s Bruehl Rd. * COUNTY BOARD OF
 2960' N of C/L of * APPEALS
 Hereford Rd. * FOR
 * BALTIMORE COUNTY
 * Case No. 83-162-X
 * * * * *

REQUEST FOR SUMMONS FOR WITNESS

Mr. Clerk:

Please issue a summons for the following witness:

James G. Hoswell
 Baltimore County Office of
 Planning and Zoning
 401 Bosley Avenue, 4th Floor
 Towson, MD 21204
 To testify for Armacost Farms, Inc. Returnable on Thursday, September 15, 1983 at 10:00 a.m., County Board of Appeals for Baltimore County, Hearing Room #218, Towson, Maryland 21204.

e/f
 9-14-83

Edward C. Covehey, Jr.
 Edward C. Covehey, Jr.
 Atty. for Petitioner
 614 Bosley Ave.
 Towson, MD 21204
 828-9441

Rec'd. 9/14/83 - 2:35 p.m.

Mr. Sheriff:

Please serve this summons.

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

ARMACOST FARMS, INC. * BEFORE THE
 W/S Bruehl Rd. * COUNTY BOARD OF APPEALS
 2960' N of C/1 of *
 Hereford Rd. *
 * FOR
 * BALTIMORE COUNTY
 * Case No. 83-162-X
 * * *

REQUEST FOR SUMMONS FOR WITNESS

Mr. Clerk:
 Please issue a summons for the following witness:
 John L. Wimbley
 Baltimore County Office of
 Planning and Zoning
 Community Planning
 401 Bosley Avenue, Room 406
 Towson, MD 21204

To testify for Armacost Farms, Inc. Returnable on Thursday,
 September 15, 1983 at 10:00 a.m., County Board of Appeals for
 Baltimore County, Hearing Room #218, Towson, Maryland 21204.

Edward C. Covahey, Jr.
 Atty. for Petitioner
 614 Bosley Ave.
 Towson, MD 21204
 828-9441

Rec'd. 9/14/83 - 2:35 p.m.

Mr. Sheriff:
 Please serve this summons.

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

ARMACOST FARMS, INC. * BEFORE THE
 W/S Bruehl Rd. * COUNTY BOARD OF APPEALS
 2960' N of c/1 of *
 Hereford Rd. *
 * FOR
 * BALTIMORE COUNTY
 * Case No. 83-162-X
 * * *

REQUEST FOR SUMMONS FOR WITNESSES

Mr. Clerk:
 Please issue a summons for the following witnesses:

~~Fred J. Wilke
 17300 Parkway Dam Rd.
 Parkton, MD 21120~~

~~George Geipe
 17400 Roswell Rd.
 Uppercro, MD 21155~~

~~Albert G. Bruehl
 17522 Bruehl Rd.
 Uppercro, MD 21155~~

~~Carl Gerholdt
 612 Delwood Ave.
 Towson, MD 21204~~

Albert J. Selby, Mgr.
 Gen. Aviation Services
 Dept. of Transportation
 B.W.I. Airport
 Maryland 21240

John F. Scott, Jr.
 Asst. Adm. Gen. Aviation
 Services, Dept. of Trans.
 B.W.I. Airport, MD 21240

To testify for Armacost Farms, Inc. Returnable on Thursday,
 September 15, 1983 at 10:00 a.m., County Board of Appeals for
 Baltimore County, Hearing Room #218, Towson, MD 21204.

Mr. Sheriff:
 Please issue this summons.

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

Rec'd. 8/25/83
 9:50 a.m.

IN THE MATTER OF * IN THE
 ARMACOST FARMS, INC. * BOARD OF APPEALS
 * OF
 * BALTIMORE COUNTY
 * Case No. 83-162X
 * * *

SUBPOENA DUCES TECUM

Mr. Clerk:
 Please issue a Subpoena Duces Tecum for the
 following individual:
 Armacost Farms, Inc.
 Serve On:
 C. Austin Armacost, Vice-President
 1763 Bruehl Road
 Uppercro, Maryland 21155

Please direct him to be and appear in the Board
 of Appeals of Baltimore County, Court House, Towson,
 Maryland 21204, on Thursday, September 15, 1983 at 10:00
 a.m. and to bring with him and produce at that time:

1. Federal and State tax returns for 1980, 1981 and 1982 of Armacost Farms, Inc.
2. Any and all Registration forms for any planes owned by Armacost Farms, Inc during the last five years.
3. Any and all notices issued by Armacost Farms, Inc. to users of the airport regarding flight patterns during the last five years.
4. Any and all receipts for landing, tie down or storage fees for the last five years.
5. Any and all logs of landings and take-offs during the last five years.
6. Any and all records relating to the operation and supervision of aircraft using or being stored at your

RECEIVED
 1983 SEP - 1 AM 10:28
 FILES OFFICE
 BALTIMORE COUNTY

IN THE MATTER OF * IN THE
 ARMACOST FARMS, INC. * BOARD OF APPEALS
 * OF
 * BALTIMORE COUNTY
 * Case No. 83-162X
 * * *

NOTICE TO ENTER APPEARANCE

Mr. Clerk:
 Please enter the appearance of the undersigned on
 behalf of James P. Vonderhorst and Rudolph Toth.

James H. Cook
 JAMES H. COOK

Cook, Howard, Downes & Tracy
 210 Allegheny Ave. - P.O. Box 5517
 Towson, Maryland 21204
 301-823-4111
 Attorney for Rudolph Toth and
 James P. Vonderhorst

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that on this 14th day of September,
 1983, a copy of the foregoing Notice to Enter Appearance
 was mailed to Edward C. Covahey, Jr., Esquire, 614 Bosley
 Avenue, Towson, Maryland 21204.

James H. Cook
 JAMES H. COOK

IN THE MATTER OF * IN THE
 ARMACOST FARMS, INC. * BOARD OF APPEALS
 * OF
 * BALTIMORE COUNTY
 * Case No. 83-162X
 * * *

SUBPOENA DUCES TECUM

Mr. Clerk:
 Please issue a Subpoena Duces Tecum for the
 following individual:
 Armacost Farms, Inc.
 Serve On:
 C. Austin Armacost, Vice-President
 1763 Bruehl Road
 Uppercro, Maryland 21155

Please direct him to be and appear in the Board
 of Appeals of Baltimore County, Court House, Towson,
 Maryland 21204, on Thursday, September 15, 1983 at 10:00
 a.m. and to bring with him and produce at that time:

1. Federal and State tax returns for 1980, 1981 and 1982 of Armacost Farms, Inc.
2. Any and all Registration forms for any planes owned by Armacost Farms, Inc during the last five years.
3. Any and all notices issued by Armacost Farms, Inc. to users of the airport regarding flight patterns during the last five years.
4. Any and all receipts for landing, tie down or storage fees for the last five years.
5. Any and all logs of landings and take-offs for the last five years.
6. Any and all records relating to the operation and supervision of aircraft using or being stored at your airport for the last five years.

PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 Armacost Farms, Inc. * ZONING COMMISSIONER
 1763 Bruehl Road *
 Uppercro, MD 21155 * FOR
 * BALTIMORE COUNTY
 * Case No. 83-162-X
 * * *

ORDER FOR APPEAL

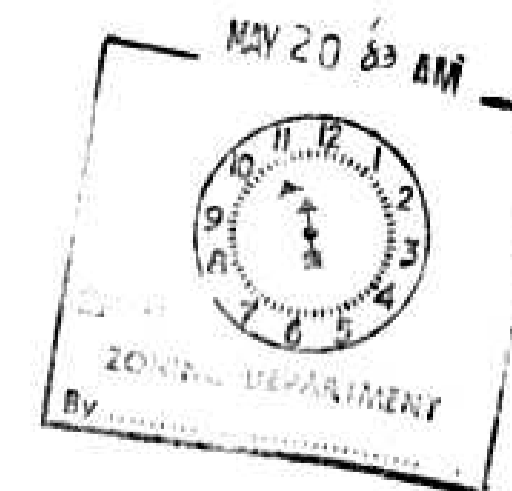
Mr. Clerk:
 Please enter an appeal to the County Board of Appeals from
 the denial of Special Exception for an airport and hangar facilities
 in the above-captioned case.

ARMACOST FARMS, INC.
 By: C. Austin Armacost, Jr.
 C. Austin Armacost,
 Vice President

Edward C. Covahey, Jr.
 Atty. for Appellant
 614 Bosley Avenue
 Towson, MD 21204
 828-9441

I HEREBY CERTIFY that on this 14th day of September, 1983, a
 copy of the foregoing Order for Appeal was mailed to John W.
 Hessian, III, Esquire, Suite 603, 102 W. Pennsylvania Avenue,
 Towson, MD 21204.

Edward C. Covahey, Jr.



7. Any and all manufacturer specifications for each aircraft using your airport during the last five years.
8. All names and addresses of individuals or corporations owning airplanes which have been or are currently using your airport facility and the serial numbers and Federal Aviation Administration registration numbers for any planes using your facility during the last five years.
9. Any and all Notices of Landing Area Proposal, Federal Aviation Administration Form 7480-1 and any revisions or supplements to the same.
10. The Airport Master Record, pertaining to the operation of an airport by yourself, Armacost Farms, Inc. or any person or business entity, filed with the United States Department of Transportation, Federal Aviation Administration.
11. Any and all business records relating to the operation of an airport which is the subject of the Petition for Special Exception for the last five years.

James H. Cook
 JAMES H. COOK

Cook, Howard, Downes & Tracy
 210 Allegheny Ave. - P.O. Box 5517
 Towson, Maryland 21204
 301-823-4111
 Attorney for Rudolph Toth and
 James P. Vonderhorst

Mr. Sheriff:

Please issue the above summons.

Jane Holman, Ed. of Appeals

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
 W/S Bruehl Rd., 2,960' :
 N of the centerline of Hereford Rd., : OF BALTIMORE COUNTY
 5th District :
 ARMACOST FARMS, INC., Petitioner :
 :::::

ORDER TO ENTER APPEARANCE

Mr. Commissioner:
 Pursuant to the authority contained in Section 24.1 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 therefor,
 and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel

John W. Hessian, III
 John W. Hessian, III
 People's Counsel for Baltimore County
 Km. 223, Court House
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 6th day of January, 1983, a copy of the foregoing
 Order was mailed to John O. Hennegan, Esquire, 809 Eastern Boulevard, Baltimore, MD
 21221, Attorney for Petitioner.

John W. Hessian, III
 John W. Hessian, III

PETITION FOR SPECIAL EXCEPTION *
Armacost Farms, Inc.
17634 Bruehl Road
Upperco, MD 21155

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
83-162-X

ORDER FOR APPEAL

Mr. Clerk:

Please enter an appeal to the County Board of Appeals from the denial of Special Exception for an airport and hangar facilities in the above-captioned case.

ARMACOST FARMS, INC.

Edward C. Covahay, Jr.
By: *C. Austin Armacost, Jr.*
C. Austin Armacost,
Vice President

Edward C. Covahay, Jr.
Edward C. Covahay, Jr.
Atty. for Appellant
614 Bresley Avenue
Towson, MD 21204
828-9441

I HEREBY CERTIFY that on this 14 day of May, 1983, a copy of the foregoing Order for Appeal was mailed to John W. Hessian, III, Esquire, Suite 603, 102 W. Pennsylvania Avenue, Towson, MD 21204.

Edward C. Covahay, Jr.
Edward C. Covahay, Jr.

CEPHALOS, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

October 5, 1962

Zoning Description

All that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the west side of Bruehl Road at a point where it is intersected by the outline of the land of the petitioners herein, said point being at a distance of 2960 feet measured northerly along the west side of Bruehl Road from the center of Hereford Road and running thence and binding on the west side of Bruehl Road, the four following courses and distances viz: North 28 degrees 30 minutes East 680 feet, North 22 degrees 48 minutes East 1360 feet, North 7 degrees 40 minutes East 155.09 feet and North 1 degree 14 minutes East 800 feet, thence leaving said road and running North 66 degrees 21 minutes West 120 feet to the outline of the land of the petitioners herein, thence binding on the outline of said land, the two following courses and distances viz: North 23 degrees 39 minutes East 193.42 feet and North 63 degrees 15 minutes East 370 feet, thence leaving said outline and running the ten following courses and distances viz: North 26 degrees 45 minutes East 165 feet, South 63 degrees 15 minutes East 245 feet, North 26 degrees 45 minutes East 120 feet, South 63 degrees 15 minutes East 80 feet, South 26 degrees 45 minutes East 185 feet, South 63 degrees 15 minutes East 200 feet, South 5 degrees 26 minutes West 158.41 feet, South 36 degrees 45 minutes East 495 feet, South 22 degrees 15 minutes West 2415 feet and South 42 degrees 30 minutes West 420 feet to intersect the first herein mentioned outline of the land of the petitioners herein and thence binding on said outline, North 68 degrees 10 minutes West 133 feet to the place of beginning.

Containing 19.29 Acres of land more or less.



OFFICE COPY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
W/S Bruhl Rd., 2,960' : OF BALTIMORE COUNTY
N of the centerline of Hereford Rd., :
5th District :
ARMACOST FARMS, INC., Petitioner :

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of January, 1983, a copy of the foregoing Order was mailed to John O. Hennegan, Esquire, 809 Easton Boulevard, Baltimore, MD 21221, Attorney for Petitioner.

John W. Hessian, III
John W. Hessian, III

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 14, 1983

John O. Hennegan, Esquire
507 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Special Exception
W/S of Bruhl Rd., 2,960' N of e/l of
Hereford Rd.
Armacost Farms, Inc. - Petitioner
Case No. 83-162-X

Dear Mr. Hennegan:

This is to advise you that \$80.65 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 117349
DATE 4/19/83 ACCOUNT R-21-418000
AMOUNT \$80.65
RECEIVED FROM Armacost Farms, Inc. c/o J. Hennegan, Esq.
FOR Advertising & Posting Case #83-162-X
MICROFILMED
VALIDATION ON SIGNATURE OF CASHIER

MICROFILMED

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 5th
Posted for: Special Exception Date of Posting 12-22-82
Petitioner: Armacost Farms, Inc.
Location of property: W/S of Bruhl Road, 2,960' N of the
Centerline of Hereford Road.
Location of Sign: West side of Bruhl Road, Upperco, Md. south
of the Centerline of Hereford Road - between signs N.W. corner
of Hereford and Bruhl Road
Posted by: J. J. [unclear] Date of return: 1-7-83

Whitehouse - Prettyboy Association
P. O. BOX 207
MONKTON, MARYLAND 21111

A NORTHERN BALTIMORE COUNTY
COMMUNITY ASSOCIATION
May 2, 1983
TELEPHONE
329 - 2127

Dear Member:

Welcome to the 52 new members who have joined during April; this newsletter is one way that this association will keep all members informed of what is happening in our community.

On April 25, 1983 the Baltimore County Zoning Commissioner, Mr. William Hammond, signed an ORDER denying the special exception for an airport, hangar facilities, extended runway, etc. that had been requested by Armacost Farms, Inc. A copy of that order is enclosed; we will keep you informed of further developments in this and other matters.

We also want to thank the officers and members of the Northern Baltimore County Alliance who gave valuable advice and help in our opposition to the Armacost Airport and its expansion.

Sincerely yours,

James P. Vonderhorst
James P. Vonderhorst, President

Cc Mr. Glen Peabody, Pres.
Northern Baltimore County Alliance

Mr. William E. Hammond
Baltimore County Zoning Commissioner

Mr. James T. Smith
Baltimore County Councilman
Mr. Donald Hutchinson
Baltimore County Executive



MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/12 1983
THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 29th day of Dec 1982.

THE TOWSON TIMES

Marianne Angella
Cost of Advertisement, \$39.15
MICROFILMED

DUPLICATE
CERTIFICATE OF PUBLICATION

TOWSON, MD. December 30, 1982

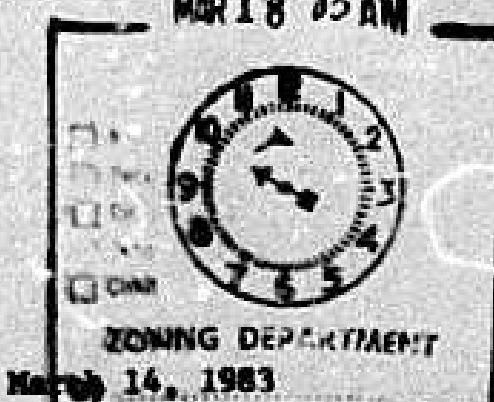
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md. once a week for one time before the 25-18th day of January, 1983, the last publication appearing on the 30th day of December 1982.

THE JEFFERSONIAN

L. Leuk Strubbe
Manager

Cost of Advertisement, \$31.50

WHITEHOUSE - PRETTYBOY ASSOCIATION
P. O. Box 207
Monkton, Maryland 21111



Mr. Clatus A. Armacost, President
Armacost Farms, Inc.
Upperco, Maryland 21155

Dear Mr. Armacost:

A number of your neighbors are concerned about the recent Zoning Exception request for your airport. As a result, The Whitehouse-Prettyboy Association has been formed, and is working to defeat many of your requested zoning exceptions. These include:

1. An increase in the number of airplanes to 15.
2. Airport use as in the past (past use was commercial).
3. Runway expansion from 2200 ft. to 2700 ft.
4. Building of an unspecified use hangar.

At the Zoning Hearing on January 18, 1983 it became evident that:

- 1) The number of airplanes at your airport has grown greatly since 1976:

Year	Number of Planes
1976	4
1978	6
1982	10 or 12
1983 (requested)	15

- 2) Your airport has been used for commercial purposes, and is defined as a commercial use airport by state law.
 - a) Tie-down rent has been charged.
 - b) Aviation fuel has been sold.
 - c) Flying for hire has been done and is currently being done from your airport.

- 3) A runway extension of 500 ft. from 2200 ft. to 2700 ft. would allow planes larger than those now at your airport to land and take off. (now 2 and 4 seaters, but extension would allow 8 seaters and possible fan-jet airplanes).

MICROFILMED

Whitehouse - Prettyboy Association
P. O. BOX 207
MONKTON, MARYLAND 21111

A NORTHERN BALTIMORE COUNTY
COMMUNITY ASSOCIATION

June 2, 1983

TELEPHONE
329 - 2127

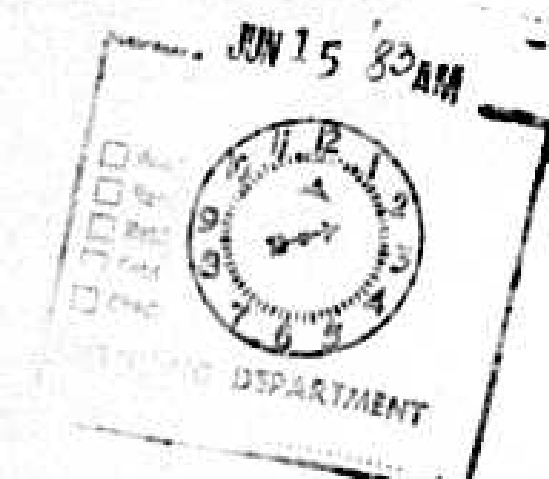
Dear Member:

We have received notice that Armacost Farms, Inc. has f... denying the requested special exception for an Airport and Hangar Facilities. Information on the date and time of the appeal hearing will be sent to us when that hearing is scheduled (see other side). In the meantime, officers of the association are gathering information on the procedures and facts needed to uphold the Zoning Commissioner's ruling; this includes contacting the People's Counsel for Baltimore County, the Zoning Appeals Board, etc.

When these preliminary steps have been concluded a general meeting of the association will be held to ask for advice and help from all members in preparing an effective and strong case against the airport and its expansion.

Sincerely yours,

James P. Vonderhorst
James P. Vonderhorst, Pres.
Citizens Alliance for Northern Baltimore County
Mr. William Hammond
Baltimore County Zoning Commissioner
Mr. John Hessian III, Esq.
Baltimore County People's Counsel



County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 8, 1983

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, Md. 21294

Re: Case No. 83-162-X
Armacost Farms, Inc.

Dear Mr. Covahey:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

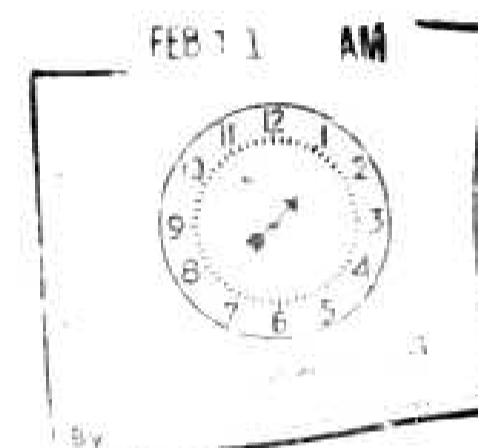
Enclosed is a copy of the Certificate of Notice.

Very truly yours,

James Holmen
James Holmen, Secretary

Encl.

cc: C. Austin Armacost
Nancy Spicer
Phyllis C. Friedman
Norman Gerber
James Heswell
Arnold Jablon
James Dyer



MICROFILMED

April 25, 1983

John C. Hennegan, Esquire
Germania Federal Building
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Exception
W/S of Bruehl Road, 2,960 N of the center-
line of Hereford Road - 5th Election District
Armacost Farms, Inc. - Petitioner
NO. 83-162-X (Item No. 33)

Dear Mr. Hennegan

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/wr

Attachments

cc: Mr. Edwin Fitzgerald
2445 Tracey's Store Road
Parkton, Maryland 21120

Mr. Steve Stanton
5 Hunter Lake Court
Upperco, Maryland 21155

Mr. Rudolph Toth
10 Hunter Lake Court
Upperco, Maryland 21155

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

MICROFILMED

December 23, 1982

John C. Hennegan, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

NOTICE OF HEARING

Re: Petition for Special Exception
W/S of Bruehl Rd., 2,960' N of the
c/l of Hereford Rd.
Armacost Farms, Inc. - Petitioner
Case #83-162-X

TIME: 11:00 a.m.

DATE: Tuesday, January 18, 1983

PLACE: Room 106, County Office Building, 111 West

Chesapeake Avenue, Towson, Maryland

cc: Mrs. Carolyn Fitzgerald
2445 Tracey's Store Road
Parkton, Maryland 21120

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

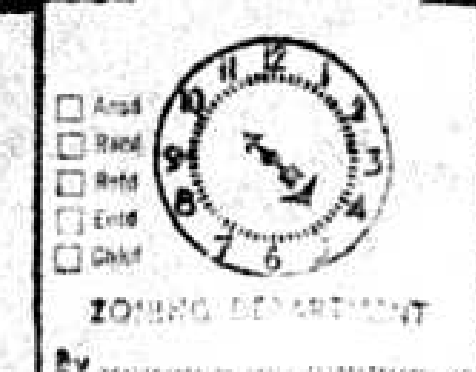
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 111264

DATE 12-23-82 ACCOUNT 83-162-X
AMOUNT 100.00
RECEIVED FROM
FOR
VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

MAR 23 AM



February 25, 1983

Mr. and Mrs. Harry Spicer
16817 Gorsuch Hill Road
Upperco, MD 21155

Dear Mr. and Mrs. Spicer:

I am writing in regard to your recent letter concerning a request for a special exception for an airport and hangar.

As you are aware, the hearing on this matter has already been held. I have forwarded your letter to the Office of Zoning to ensure that it is included in the file. As County Executive, I am prohibited from intervening in the judicial process.

Mr. William Hammond, Zoning Commissioner, has recently undergone open heart bypass surgery and is not expected to return to work for approximately two months. Therefore, most regrettably, there will be a delay on a decision on this request.

I regret that I have not been able to aid you in this matter, but if I can be of future assistance, please contact my office.

Sincerely,

Donald P. Hutchinson
County Executive

lm

cc: W. Hammond

MICROFILMED

83-349

February 14, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, Md. 21204

Dear Mr. Hammond:

We are very concerned about The Armacost Corporation expanding their airport into a commercial operation.

The Armacost family has been friends of my family my entire life. They have helped my family several times over the years. Therefore, I regret having to protest against their attempts to expand their airport.

I never would have opposed the airport because I do not believe the Armacost family would use it commercially. However if the property should ever be sold to someone else and it has been zoned as a commercial airport there is no way that the commercial airport could be prevented.

We have had airplanes coming in and taking off rather low sometimes in the past. The noise has been bad enough sometimes, but we have never objected and do not wish to see the Armacost family not be able to continue to fly their own airplanes.

However, we certainly do not wish to have a commercial airport about a mile away. They have had trouble getting over the trees that surround our home and have had to bank the plane away. I cannot see how larger planes could possibly clear our woods.

We sincerely regret this opposition out in all fairness to ourselves and our community we feel that it is essentially necessary.

Sincerely yours,

Mr. & Mrs. Harry Spicer
Mr. & Mrs. Harry Spicer
16817 Gorsuch Hill Road
Upperco, Md. 21155

FEB 23 AM

MICROFILMED

83-162-X

Mr. & Mrs. James P. Vonderhorst
Fox Gulch Farm
16920 Teche Road
Parkton, Maryland 21120

January 29, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Planning & Zoning
Towson, Maryland 21204

Dear Sir:

Please disapprove the zoning request of Armacost, Inc. for an airport in our community for the following reasons:

1. Armacost, Inc. did not notify anyone in the community of the proposed airport, and the county did not fairly announce the hearing. Only a few people even knew of the hearing.

2. The existing level of air traffic over our farm is a real nuisance which should be stopped not expanded.

3. Armacost, Inc. has abused their agricultural zoning. They should be punished and made to pay back real estate taxes not rewarded with a huge money making, unsafe, both-remote zoning change that will adversely affect the entire area.

Planes take off and land directly over our home which is due south of the north-to-south air strip. They are low enough to rattle windows.

Two years ago the noise was bothersome, but we did not complain. The noise has steadily increased and is today a real problem. We are now outraged that Armacost, Inc. has been profiting from their "private strip."

This air strip should be shut down, not expanded. We anxiously await your decision.

Very truly yours,

James P. Vonderhorst
James P. Vonderhorst
W. Lynn Vonderhorst

MAR 23 AM

MICROFILMED

*Dear Sir
As parent of two young children, my husband and I would have our airport to the commercial airport (Case # 83-162-X) located within a few miles of our home. We fill the commercial airport with the noise and also as a safety hazard to our children at home and when they attend this great school. It would also adversely affect the value of our property.
We therefore, urge you to deny the special exception and investigate the zoning and aviation laws. But you'll give, very truly yours,
Mrs. Paul W. Coose
Please note - new residence in Baltimore County*

MICROFILMED

APMACOST FARMS, INC.
83-162-X
Mr. William E. Hammond
Towson, Maryland
February 1, 1983
Dear Mr. Hammond,
Am writing to ask you to oppose the expanding of the airport at Mr. Bruehl Road.
The preservation of our rural communities, and peace and quiet they offer, is an important part of our heritage.
Sincerely yours,
Beatrice W. Miller
Fox Hill Farm
Miller
Maryland 21107

MICROFILMED

10 Hunter Lake Court
Upperco, MD 21155
March 27, 1983
Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, MD 21204
Dear Mr. Hutchinson:
I am writing this letter to express my deep concern at the Armacost Corporation's attempt at legalizing their commercial airport in northern Baltimore County. Recently, several more aircraft have begun operating out of the Bruehl Road airstrip. This past summer, the traffic and noise had become intolerable. Upon investigation and through testimony at a recent zoning hearing (Case 83162X), it was determined that:
1. It has never been zoned for an airport, it is presently zoned RC 2.
2. It is operated as a private commercial use airport and subject to various State of Maryland laws which do not seem to have been followed.
3. There is a large fuel tank on the property marked for Aviation Fuel which had been used to sell gas without any permits, and without correct zoning.
4. Flying lessons had been given in violation of State laws (it is not certified as a school).
5. Finally, this airport does little to support the agricultural business of the area, and will have a strong commercial influence on the present agricultural/residential complexion of the community.
I would deeply appreciate any actions you undertake to assist residents of this area in preventing a private commercial airport from disrupting our quiet and peaceful community.
Sincerely,
Rudolph P. Toth
cc: William E. Hammond

MICROFILMED

83-427
March, 1983

Dear Mr. Hammond,

I am a neighbor of the Armacost Corporation who operates an airport on Brushle Road off Mt. Carmel. I am very much opposed to the Commercial Airport Case #83162X which would allow this airport to expand Commercial because of the noise, adverse effect on property value, and commercialization of our community. Kindly do what you can to prevent this airport from expanding to a Commercial one. Thank You.

Sincerely,
Mrs. William J. Asher

111 W. Chesapeake Avenue
Towson, Md. 21284

MAR 3 83 AM
MICROFILMED

83-428
Mrs. John R. Barham
His Choice, 1720 Hunter Green
Upperco, Maryland 21155

February 28, 1983

Mr. William E. Hammond
By Honors County Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland, 21284

Dear Mr. Hammond,

Recently I attended a hearing before you concerning the Armacost Airport, Case #83162X. This was my first hearing and I was impressed with democracy in action. I was shocked to learn that Mr. Armacost had developed so extensive a holding, contrary to zoning laws. My husband and I have lived at the above address since May, 1980, and we have often been annoyed with low flying airplanes from the Armacost airport, but thought that we had to put up with the nuisance because this was a legal operation. Many neighbors to whom I have talked thought similarly. I particularly remember the

MAR 3 83 AM
MICROFILMED

so called Air Show held last September, I believe, in the name of charity. Mr. Armacost at this time knew his airport was an illegal operation. We the neighbors did not. I wonder now if permits were granted for the show. For an entire week, in daylight hours, planes and a helicopter offered rides for a fee. The constant "chop, chop, chop" of the helicopter was almost intolerable. You see, all the potential for an accident on the ground or in the air was there. We got through the week, annoyed but safe, but should this sort of thing happen in the midst of a residential community? How much money was made? To whom was an accounting given? How much went for charity? Who checked the pilots? Was there adequate insurance to cover possible accidents? Kindly raise many questions. My feeling is that the private commercial airport presently being operated is not in the

MAR 3 83 AM
MICROFILMED

best interests of the community. I suggest that the Westminster Airport serves far better and more safely the personal and commercial needs of those who fly small planes. It is a short distance away and reached by excellent roads. Could not Mr. Armacost be granted the right to use his airport for his and his family's private use, with only family-owned planes flown by family members operating from the field? This would be fair to the Armacosts and protect community interests as well. I fear that giving Mr. Armacost the right to continue his commercial private airport will only lead to his wanting a commercial public airport in the future. We surely do not need this. Thank you for your kind attention and consideration. Sincerely yours,
Louise D. Barham

MAR 3 83 AM
MICROFILMED

83-430
17211 Hunter Green Rd
Upperco, Md. 21155

Mr. William E. Hammond
Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21284

ARMACOST FARMS, INC.
83-160-7

Dear Mr. Hammond:

As our family lives in the Hunter Green section of the County near the Armacost Farms. Please help us to keep out more than a private airport for Mr. Armacost. We would like him to keep his planes for his use and friends only - not more than four planes.

The County is very beautiful with farms and shows owners very interest in their property. If his going permit, to give his farm, could damage all we see make for a noise, vibration, harmful to all of us.

Sincerely,
Shelba Duncan

MAR 7 83 AM
MICROFILMED

83-617
10 Hunter Lake Court
Upperco, MD 21155

March 22, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, MD 21204

Dear Mr. Hammond:

I am writing this letter to express my deep concern at the Armacost Corporation's attempt to legalize their commercial airport in northern Baltimore County. In 1975, before I purchased my property in the Hunter Green subdivision, I did a considerable amount of research on the area checking zoning maps and talking to people in the County planning office about the potential development of the area. At no point in my investigation did I find any indication that there was a private airfield in the area. Now, in researching the history of this airport, I have talked to people who have lived in the area for some time and have used the airport. I have found that Mr. Armacost only kept three to four planes in his airfield in the 1975-1978 time frame and did not apply to the FAA for listing as an airfield until 1976. Since that time, eight to nine additional planes have commenced operating out of this field. This includes one tandem engine airplane that generates 72 db of noise on landing. Although the evolution of this private airstrip to a private commercial airport has been slow, it has clearly been deliberate. This past summer, the situation had become intolerable. Because of Mr. Armacost's failure to adhere to State laws and County regulations, I am convinced that I have been denied due process of law in determining my place of residence unencumbered by the fear caused by the low-flying aircraft using the airport. This is in addition to the aggravation and mental anguish caused by the noise of aircraft taking off and landing approximately one mile from my residence. I believe this type of uncontrolled airport presents a danger to the community way out of proportion to its size. It is used primarily as a means of recreation for a relatively small group of people. The airport does little to support the agricultural business of the area and will have a strong commercial influence on the present agricultural/residential complexion of the community.

MAR 28 83 AM
MICROFILMED

Page Two
Mr. William E. Hammond
March 22, 1983

I respectfully request that you consider the following:

1. Restrict the airpatterns on take-off and landing to prevent low-flying aircraft from flying over the neighborhood residences.
2. Restrict the number of aircraft to two and only allow the use of single-engine aircraft because of the severe noise the multi-engine planes generate.
3. Restrict the number of flights per day to three maximum as indicated on the plat submitted by Mr. Armacost as Exhibit 1.
4. Restrict the airport so that it may not be run as a commercial airport as defined by State law.
5. Deny permission for the 500-foot extension to the existing runway and thus eliminate the potential of a larger class of aircraft from using the airport.

Sincerely,
Rudolph P. Toth
Rudolph P. Toth

cc: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson

MAR 28 83 AM
MICROFILMED

83-465
Zoning

March 7, 1983

Mrs. Paul W. Cross
18318 Gunpowder Road
Hampstead, MD 21074

Dear Mrs. Cross:

I am writing in regard to your recent letter concerning a request for a special exception for an airport and hangar.

As you are aware, the hearing on this matter has already been held. I have forwarded your letter to the Office of Zoning to ensure that it is included in the file. As County Executive, I am prohibited from intervening in the judicial process.

Mr. William Hammond, Zoning Commissioner, has recently undergone open heart bypass surgery and is not expected to return to work for approximately one month. Therefore, most regretfully, there will be a delay on a decision on this request.

I regret that I have not been able to aid you in this matter, but if I can be of future assistance, please contact my office.

Sincerely,
Donald P. Hutchinson
County Executive

MAR 10 83 AM
MICROFILMED

Mr. William E. Hammond
Zoning Commissioner
Balt. Co. Zoning & Planning Office
Towson, MD 21204

Case # 83162X
Aircraft Zoning Exception

Dear Mr. Hammond:

The above petition to have a zoning exception granted to the Armacost Corp. was recently brought to my attention. I am a resident of the Hunter Green Development, which is a residential community in the immediate vicinity of the farm belonging to the Armacost Corp. As a resident of Northern Balt. County, I want to consider the expense in purchasing land and building a home in the rural area of Balt. Co. to live in a peaceful area protected by zoning that is primarily farmland.

My position as a tax payer and voter of Balt. Co., is that the zoning laws established to protect the present and future property owners of the area. I am totally opposed to granting a zoning exception to the Armacost Corp. for an airfield which would simply allow a few individuals to further their wealth and pleasure at the expense of the majority of the homeowners in the area. This is a farmland area, not commercial or industrial for airfield services. The Armacost Corp. has openly stated that 12 or more aircraft operate out of their fields, which clearly substantiates that the intention is not for their personal aircraft but a business venture for many others.

If the Armacost Corp. is granted a zoning exception to continue the airfield for aircraft other than their own, the property owners in the area plan to oppose with a vigorous opposition through the membership of C.A.M.P. (The Community Association of Mount Carmel & Prettyboy area residents.)

Myself and others wish to preserve the serenity of the area and intend to perpetuate a high quality of life for our children and future families in the area of Balt. County. We strongly urge you to support our position and deny the Armacost Corp. a zoning exception to operate this airfield.

Sincerely
George W. Fletcher
George W. Fletcher
Hunter Green Development
17200 Hunter Green Rd.
Upperco, MD 21155

Attachment: Exhibit "A"

Copies to: Mr. James T. Smith, Jr.
Baltimore County Councilman
Old Court House
County Council Office - 2nd floor
Balt., MD 21204

Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, MD 21204

PLEASE HELP !!

THE ARMACOST CORPORATION IS ATTEMPTING TO LEGALIZE AND
EXPAND THEIR COMMERCIAL AIRPORT LOCATED NEAR THE INTERSECTION
OF MOUNT CARMEL AND BRUEHL ROADS.

MANY OF US ARE OPPOSED TO THE UNDESIRABLE EFFECTS THAT THIS
COULD HAVE ON OUR COMMUNITY:

1. NOISE AND SMOG ASSOCIATED WITH COMMERCIAL AIR TRAFFIC
2. ADVERSE AFFECT ON PROPERTY VALUES
3. COMMERCIALIZATION OF OUR COMMUNITY

IF YOU SHARE OUR CONCERN - PLEASE WRITE TO:

MR. WILLIAM E. HAMMOND
ZONING COMMISSIONER
BALTIMORE COUNTY OFFICE OF ZONING AND PLANNING
TOWSON, MARYLAND 21204

SEND COPIES TO:

MR. JAMES T. SMITH, JR.
BALTIMORE COUNTY COUNCILMAN
OLD COURT HOUSE
COUNTY COUNCIL OFFICE - 2ND FLOOR
BALTIMORE, MARYLAND 21204

AND

MR. DONALD P. HUTCHINSON
BALTIMORE COUNTY EXECUTIVE
EXECUTIVE OFFICE
COURT HOUSE
TOWSON, MARYLAND 21204

TELL HIM THAT YOU ARE OPPOSED TO THE COMMERCIAL AIRPORT.
(CASE # 83162X)
FOR MORE INFORMATION CALL -

329-2127
329-2694
343-0278
239-7270

839-3188 Fletcher

MICROFILMED

February 3, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning & Planning
Towson, Md. 21204

Dear Mr. Hammond:

I am opposed to the commercial airport (case #83162X).

Already planes from this airport located at Mount Carmel and Bruhl Roads flying over this rural area are an annoyance. Expansion would certainly create more disturbance and have other adverse effects on our community.

Yours truly

(Mrs) Doris R. Nelson
2325 Benson Mill Rd
Sparks, Md 21152
FEB 9 '83 AM

cc: Mr. James T. Smith, Jr.
Baltimore County Councilman
Mr. Donald P. Hutchinson
Baltimore County Executive



MICROFILMED

18224 Gunpowder Rd
Hampstead, Md. 21074
January 31, 1983

Baltimore County Executive
Executive Office
Court House
Towson, Maryland 21204

Dear Mr. Donald P. Hutchinson

I enclosed a copy of a letter I sent to the Baltimore County Zoning Commissioner in which I gave my feelings on a zoning change request.

As this community & my County Executive I am requesting of you to do all you can to assist in preventing this undesirable zoning change.

Sincerely
Mr. & Mrs. Paul H. Moore

FEB 9 '83 AM

MICROFILMED RECEIVED

FEB 9 1983
COUNTY EXECUTIVE OFFICE

ARMACOST FARMS, INC.

18224 Gunpowder Rd.
Hampstead, Md. 21074
January 31, 1983

Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, Maryland 21204

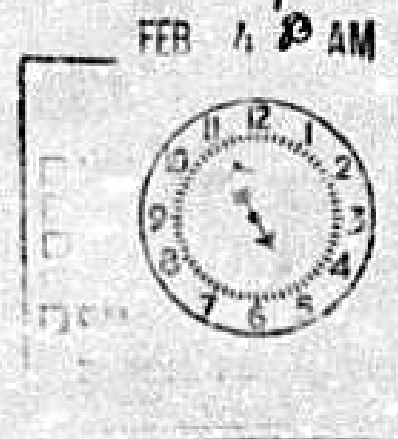
Dear Mr. William E. Hammond

I am opposed to a commercial airport in my area which the Armacost Corporation is attempting to legalize and expand located near the intersection of Mount Carmel and Bruhl Roads Case # 83162-X.

I am opposed to the undesirable effects this could have on our community such as the noise which is harmful to the raising of cattle, the danger of air traffic over private homes, the devaluation of property, and the using of much needed farm land for commercial use.

I see no reason why this zoning permit should be issued in an already established farming and residential community just to satisfy the whims of one resident. The majority of the residents would not be best served by doing so.

Sincerely
Mr. & Mrs. Paul H. Moore



MICROFILMED

204 Lynncrest Court
Lutherville
Maryland
21093

February 7, 1983

Mr. William E. Hammond
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Subject: Armacost Airport
Case No. 83-162-X
FARMS, INC.

Dear Mr. Hammond:

My wife and I own a lot on Hunter Green Court about a mile and a half from the Armacost Airport, and we intend to build on it in 1984.

We have owned the property since 1975, and we were aware of Mr. Armacost's airport. However, we believed it to be a private one for personal use only and had no objections to the occasional flights we have seen. We now understand that he proposes to use it as a commercial airport and has applied for an appropriate zoning change.

We object to this zoning. A commercial airport will:

• Increase traffic on Mt. Carmel Road, which is a narrow, crooked, rural road with no other significant commercial development.

• Create noise, especially in the approach and take-off patterns which we believe are over our property.

Please do not allow this zoning change.

Very truly yours,

John B. Gillett

cc: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson

FEB 10 83 AM

MICROFILMED

February 10, 1983
9 Hunter Lake Court
Upperco, Maryland 21155

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, Maryland 21204

Re: Case # 83162x Special Exception Airport Zoning

Dear Sir,

You are now probably aware of the zoning request by Armacost Farms Inc. of Upperco; they wish to legalize and expand their airport which is located near the intersection of Mt. Carmel and Bruhl Roads.

We are adamantly opposed to the granting of any zoning that would permit the expansion and/or commercialization of this or any other airport in our community. As property owners presently living beneath the flight path, we can personally attest to the frequent noise caused by low-flying aircraft that we know to be associated with Armacost Farms and associates.

The greater majority of the twelve plus planes now docked at the airfield are not owned by people residing within the community, nor are they contributing anything other than a potential danger to our community.

Please consider very carefully the impact that this airport would have on our, or any community before rendering your decision. Again may I urge you to deny said "special exception zoning" as presently requested.

Respectfully yours,

F. Robt. Shaffer
Mr. & Mrs. F. Robt. Shaffer

FEB 17 83 AM

cc: Mr. Donald P. Hutchinson
Mr. James T. Smith, Jr.

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18840 Speaks Hill Road
Perkton, MD 21120
February 20, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, MD 21204

Dear Mr. Hammond:

I am writing to let you know that I do not want a commercial airport in my neighborhood. I am referring to the illegal airport run by Austin Armacost. Certainly twelve planes are too many for our rural community. One or two airplanes for Mr. Armacost's personal use would be appropriate and tolerable.

Presently the airport is a nuisance because the noise of the airplanes landing, taking-off, and buzzing over our neighborhood is a real annoyance. Thank you for your consideration of this problem.

Sincerely,
Margaret Ahrendt
Margaret Ahrendt

cc: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson

FEB 25 83 AM

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SOIL SURVEY

Baltimore County Maryland



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UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
In cooperation with
MARYLAND AGRICULTURAL EXPERIMENT STATION



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SOIL SERIES TO WHICH THE MAPPING UNIT BELONGS. The suitability of the soils for use as cropland is discussed in...
Suitability of soils for wildlife, table 4, p. 88.
Engineering uses of the soils, tables 5 and 6, pp. 94 through 115.

Map symbol	Mapping unit	Described on page	Capability unit	Woodland subclass
Ct	Coastal beaches	22	VIIE-2	1w 80
Cu	Codorus silt loam	22	IIIv-7	1w 80
Cv	Comus silt loam	23	I-6	1w 80
Cw3	Conestoga loam, 3 to 8 percent slopes, moderately eroded	24	IIIe-24	1w 80
DCB	Delancey silt loam, 3 to 8 percent slopes	24	IIIe-24	1w 80
Dv	Dunning silt loam, 3 to 8 percent slopes	24	IIIe-16	1w 80
E2C2	Edgmont gravelly loam, 3 to 8 percent slopes, moderately eroded	25	IIIv-3	1w 80
E2C	Edgmont gravelly loam, 8 to 15 percent slopes, moderately eroded	26	IIIe-4	3c 81
E2D	Edgmont very stony loam, 8 to 25 percent slopes	26	IIIe-4	3c 81
E2E	Elkton silt loam, 3 to 8 percent slopes, 25 to 45 percent slopes	26	IIIe-3	2r-3r 81-83
E2F	Elkton silt loam, 8 to 15 percent slopes, moderately eroded	27	IIIe-3	2r-3r 81-83
E2G	Elkton gravelly silt loam, 3 to 8 percent slopes, moderately eroded	27	IIIe-4	2c 82
E2H	Elkton gravelly silt loam, 8 to 15 percent slopes, moderately eroded	27	IIIe-4	2c 82
E2I	Elkton silty clay loam, 8 to 15 percent slopes, moderately eroded	27	IIIe-4	2c 82
E2J	Elkton silty clay loam, 8 to 15 percent slopes, severely eroded	27	IIIe-4	2c 82
E2K	Elkton silt loam, 8 to 15 percent slopes, severely eroded	28	IIIv-3	2c 82
E2L	Elkton-urban land complex	28	IIIv-9	3v 84
E2M	Elkinsboro loam, 3 to 8 percent slopes	28	IIIv-9	3v 84
E2N	Elkinsboro loam, 8 to 15 percent slopes, moderately eroded	29	IIIe-4	2c 81
E2O	Fallingstone sandy loam	29	IIIe-4	2c 81
E2P	Fallingstone sandy loam	29	IIIv-6	2c 81
E2Q	Fort Hill loamy sand, 0 to 5 percent slopes	29	IIIv-7	2c 82
E2R	Galathea loamy sand, 0 to 5 percent slopes	30	IIIe-4	3c 84
E2S	Galathea loamy sand, 5 to 10 percent slopes	31	IIIe-1	3c 84
E2T	Glenelg loam, 3 to 8 percent slopes, moderately eroded	31	IIIe-1	3c 84
E2U	Glenelg loam, 8 to 15 percent slopes, moderately eroded	31	IIIe-1	2c 81
E2V	Glenelg loam, 15 to 25 percent slopes, severely eroded	31	IIIe-1	2c 81
E2W	Glenelg loam, 15 to 25 percent slopes, moderately eroded	32	IIIv-3	2c 81
E2X	Glenelg channery loam, 3 to 8 percent slopes, moderately eroded	32	IIIe-4	2c 81
E2Y	Glenelg channery loam, 8 to 15 percent slopes, moderately eroded	32	IIIe-4	2c 81
E2Z	Glenelg channery loam, 15 to 25 percent slopes, moderately eroded	32	IIIe-4	2c 81
E3	Glenelg channery loam, 15 to 25 percent slopes, severely eroded	32	IIIv-3	2r 81
E4	Glenelg-urban land complex, 8 to 15 percent slopes	32	Vic-3	2r 81
E5	Glenelg loam, 15 to 25 percent slopes	32	---	---
E6	Glenville silt loam, 0 to 3 percent slopes	32	---	---
E7	Glenville silt loam, 3 to 8 percent slopes	33	IIIv-1	2w 82
E8	Glenville-urban land complex, 0 to 8 percent slopes	33	IIIe-16	2w 82
E9	Hagerstown silt loam, 0 to 3 percent slopes	34	I-1	1c 81
E10	Hagerstown silt loam, 3 to 8 percent slopes	34	I-1	1c 81
E11	Hagerstown silt loam, 8 to 15 percent slopes, moderately eroded	34	IIIe-1	1c 81
E12	Hagerstown silt loam, 15 to 25 percent slopes, moderately eroded	34	IIIv-7	2c 82
E13	Hollinger loam, 3 to 8 percent slopes, moderately eroded	37	IIIe-29	2c 81
E14	Hollinger loam, 8 to 15 percent slopes, moderately eroded	37	IIIe-29	2c 81
E15	Hollinger and Conestoga loams, 15 to 25 percent slopes, severely eroded	37	Vic-3	2r 81

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66 SOIL SURVEY

TABLE 2--Estimated average per-acre yields of specified crops under improved or high-level management--Cr. tined

Soil	Corn		Oats	Wheat	Soybeans	Hay		Pasture	
	Cr. grain	Stilage				Alfalfa-grass	Clover-grass	Illinois	Legume tall grass
Elkton silty clay loam, 8 to 15 percent slopes, severely eroded	110	22	65	40	4.5	3.0	155	255	
Elkton loam, 3 to 8 percent slopes	105	21	60	40	4.5	3.0	150	250	
Elkton silt loam, 3 to 8 percent slopes	100	21	60	40	4.5	3.0	150	250	
Elkton-urban land complex	130	29	80	50	5.0	3.5	150	265	
Elkinsboro loam, 8 to 15 percent slopes, moderately eroded	130	24	75	45	4.5	3.5	160	255	
Fallingstone sandy loam	120	24	75	45	4.5	3.0	160	170	
Fort Hill loamy sand, 0 to 5 percent slopes	100	20	60	40	4.0	3.0	150	170	
Galathea loamy sand, 0 to 5 percent slopes	70	14	30	20	2.5	2.5	145	145	
Galathea loamy sand, 5 to 10 percent slopes	60	12	25	20	2.5	2.5	140	145	
Glenelg loam, 3 to 8 percent slopes, moderately eroded	135	27	80	50	4.5	3.5	160	315	
Glenelg loam, 8 to 15 percent slopes, moderately eroded	125	25	75	45	4.5	3.5	160	285	
Glenelg loam, 15 to 25 percent slopes, severely eroded	110	22	65	40	4.5	3.0	155	255	
Glenelg loam, 15 to 25 percent slopes, moderately eroded	110	22	65	40	4.5	3.0	155	255	
Glenelg channery loam, 3 to 8 percent slopes, moderately eroded	135	27	80	50	4.5	3.5	160	315	
Glenelg channery loam, 8 to 15 percent slopes, moderately eroded	125	25	75	45	4.5	3.5	160	285	
Glenelg channery loam, 15 to 25 percent slopes, moderately eroded	110	22	65	40	4.5	3.0	155	255	
Glenelg channery loam, 15 to 25 percent slopes, severely eroded	110	22	65	40	4.5	3.0	155	255	
Glenelg-urban land complex, 8 to 15 percent slopes	100	20	60	40	4.5	3.0	155	250	
Glenelg silt loam, 0 to 3 percent slopes	100	20	60	40	4.5	3.0	155	250	
Glenelg silt loam, 3 to 8 percent slopes	100	20	60	40	4.5	3.0	155	250	
Glenelg-urban land complex, 0 to 8 percent slopes	135	27	80	50	4.5	3.5	160	315	
Hagerstown silt loam, 0 to 3 percent slopes	135	27	80	50	4.5	3.5	160	315	
Hagerstown silt loam, 3 to 8 percent slopes, moderately eroded	125	25	75	45	4.5	3.5	160	285	
Hagerstown silt loam, 8 to 15 percent slopes, moderately eroded	115	23	70	45	4.5	3.5	160	285	
Hagerstown silt loam, 15 to 25 percent slopes, moderately eroded	95	19	65	40	4.0	3.0	155	230	
Hollinger loam, 3 to 8 percent slopes, moderately eroded	90	18	60	35	4.0	3.0	155	230	
Hollinger and Conestoga loams, 15 to 25 percent slopes, severely eroded	95	19	65	40	4.0	3.0	155	230	
Hollinger and Conestoga very rocky loams, 3 to 10 percent slopes	130	26	80	45	4.5	3.5	160	255	
Iuka silt loam	100	20	60	45	4.5	3.0	155	200	
Joppa gravelly sandy loam, 2 to 5 percent slopes	80	16	40	30	3.0	2.5	170	170	
Joppa gravely sandy loam, 5 to 10 percent slopes, moderately eroded	80	16	40	30	3.0	2.5	170	170	
Joppa gravely sandy loam, 10 to 15 percent slopes, moderately eroded	80	16	40	30	3.0	2.5	170	170	
Joppa-urban land complex, 5 to 15 percent slopes	70	14	30	20	2.5	2.5	145	170	
Kelly silt loam, 3 to 8 percent slopes, moderately eroded	60	12	30	20	2.0	2.0	140	140	
Kelly silt loam, 8 to 15 percent slopes, moderately eroded	60	12	30	20	2.0	2.0	140	140	
Kelly very stony silt loam, 0 to 15 percent slopes	60	12	30	20	2.0	2.0	140	140	
Kelly-urban land complex, 0 to 5 percent slopes	60	12	30	20	2.0	2.0	140	140	

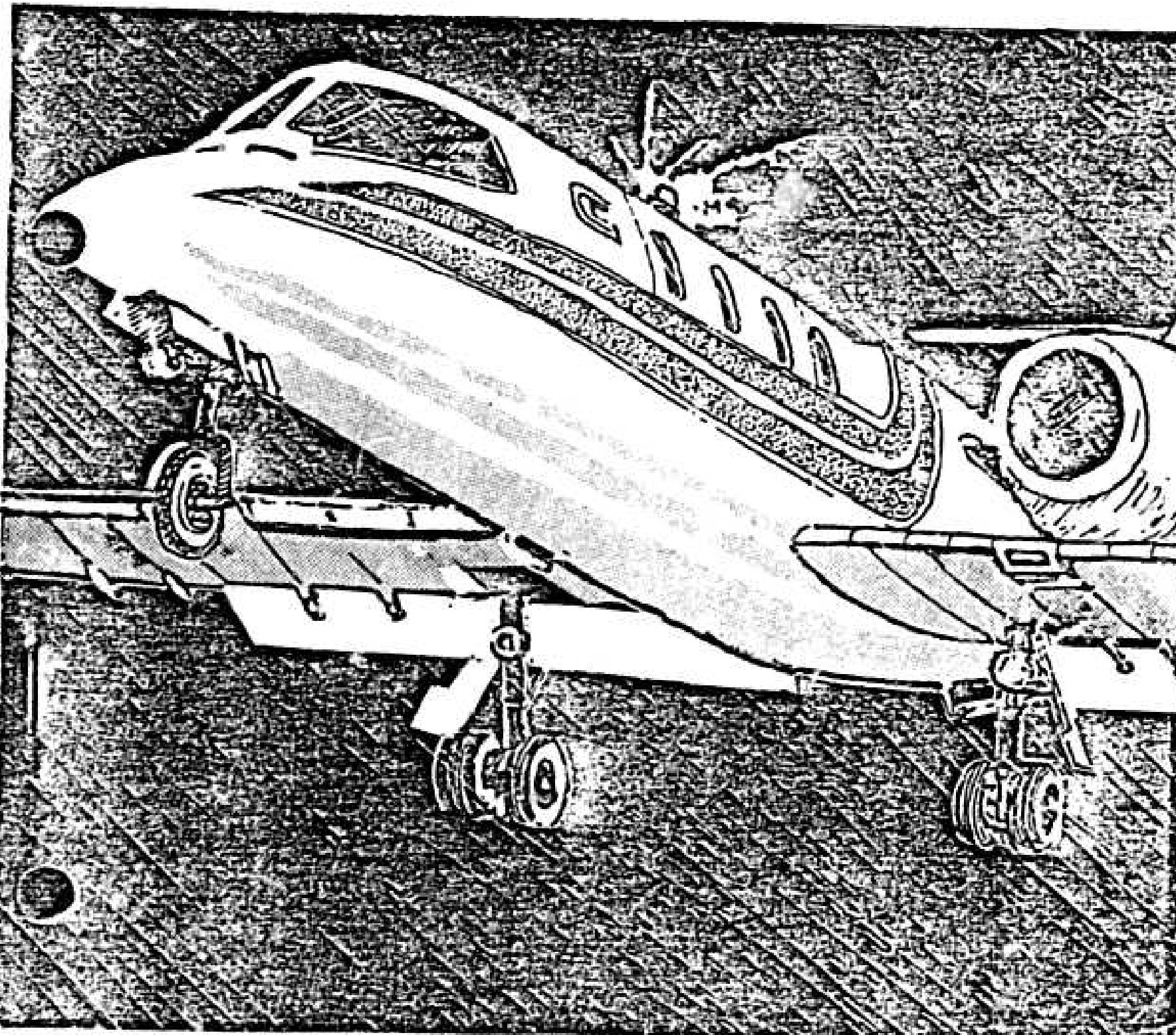
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U.S. Department of Transportation
Federal Aviation Administration

EXHIBIT B
Airman's Information Manual
Basic Flight Information and ATC Procedures

September 2, 1982
Next Issue
December 23, 1982



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Chapter 4. AIR TRAFFIC CONTROL
Section 1. SERVICES AVAILABLE TO PILOTS

150. AIR ROUTE TRAFFIC CONTROL CENTERS
Centers are established primarily to provide Air Traffic Service to aircraft operating on IFR flight plans within controlled airspace, and principally during the en route phase of flight.

151. CONTROL TOWERS
Towers have been established to provide for a safe, orderly and expeditious flow of traffic on and in the vicinity of an airport. When the responsibility has been so delegated, towers also provide for the separation of IFR aircraft in the terminal areas (See PARA. 36. APPROACH CONTROL.)

152. FLIGHT SERVICE STATIONS
FSSs are air traffic facilities which provide pilot briefings, en route communications and VFR search and rescue services, assist lost aircraft and aircraft in emergency situations, relay ATC clearances, originate Notices to Airmen, broadcast aviation weather and NAS information, receive and process IFR flight plans, and monitor NAVADS. In addition, at selected locations FSSs provide En Route Flight Advisory Service (Flight Watch), take weather observations, issue airport advisories, and advise Customs and Immigration of transborder flights.

153. RECORDING AND MONITORING
Calls to air traffic control (ATC) facilities (ARTCCs, Towers, FSSs, Central Flow, and Communications Control Centers) over radio and ATC operational telephone lines (lines used for operational purposes such as controller instructions, briefings, opening and closing flight plans, issuance of IFR clearances and amendments, counter hijacking activities, etc.) may be monitored and recorded for operational use such as accident investigations, accident prevention, search and rescue purposes, specialist training and evaluation, and technical evaluation and repair of control and communications systems.

154. COMMUNICATIONS RELEASE OF IFR AIRCRAFT LANDING AT AN AIRPORT NOT BEING SERVED BY AN OPERATING TOWER
Aircraft operating on an IFR flight plan, landing at an airport not being served by a tower will be advised to change to the airport advisory frequency (UNICOM) when direct communications with ATC is no longer required. Towers and centers do not have non-tower airport traffic and runway in use information. The instrument approach may not be aligned with the airport advisory frequency when authorized. (See PARA. 36.3-A, ADVANCE INFORMATION ON INSTRUMENT APPROACH.)

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SERVICES AVAILABLE TO PILOTS

155. PILOT VISITS TO AIR TRAFFIC FACILITIES
Pilots are encouraged to visit air traffic facilities (Towers, Centers and FSSs) and participate in "Operation Raincheck" benefits. On rare occasions, facilities may not be able to approve a visit because of ATC workload or other reasons. It is therefore requested that pilots contact the facility prior to the visit. Advise of the number of persons in the group, the true itinerary and have someone available to guide the group through the facility.

156. APPROACH CONTROL SERVICE FOR VFR ARRIVING AIRCRAFT
Numerous approach control facilities have established programs for arriving VFR aircraft to contact approach control for landing information. This information includes: wind, runway, and altimeter setting at the airport of intended landing. This information may be omitted if contained in the ATIS broadcast and the pilot issues the appropriate ATIS code.

NOTE - Pilot use of "Have student" does not affect receipt of the ATIS broadcast.
In addition, the controller will provide traffic advisories on a workload permitting basis.
b. Such information will be furnished upon initial contact with concerned approach control facility. The pilot will be requested to change to the tower frequency at a predetermined time or point, to receive further landing information.
c. Where available, use of this procedure will not hinder the operation of VFR flights by requiring excessive spacing between aircraft or devious routing.
d. Compliance with this procedure is not mandatory but pilot participation is encouraged. (See PARA. 165-TERMINAL RADAR PROGRAMS FOR VFR AIRCRAFT.)

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SERVICES AVAILABLE TO PILOTS

157. TRAFFIC ADVISORY PRACTICES AT AIRPORTS WHERE A TOWER IS NOT IN OPERATION

a. Services Available — An airport may have a full or part-time tower and/or FSS, UNICOM operator, or no ground radio facility. Pilots should predetermine what, if any, service is available at a particular airport before planning a flight into the airport. Combining an aural and visual alertness and complying with the following recommended practices will enhance safety of flight into and out of such airports. Traffic Advisory Practices are designed to enhance safety. TRAFFIC CONTROL IS NOT EXERCISED.

b. Recommended Traffic Advisory Practices — It is important that all aircraft transmit/receive on the same frequency while taking off or operating in the traffic pattern. As standard operating practice all inbound traffic should continuously monitor the appropriate frequency from 10 miles to landing. Departing aircraft should monitor the appropriate frequency from start of taxi until 10 miles from the airport, unless local procedures or FARs require otherwise. (See the appropriate Airport/Facility Directory, aeronautical charts, or DOD Flight Information Publications for frequencies in use.)

c. Recommended Outbound and Inbound Reports:

FACILITY AT AIRPORT	FREQUENCY	BROADCAST POSITION	
		Outbound	Inbound
1. UNICOM OPERATOR (No Tower or FSS)	Communicate with UNICOM operator on 122.7, 122.8, or 122.9 as appropriate. If unable to contact UNICOM operator use appropriate UNICOM frequency to broadcast position or intentions in the blind.	Before taking runway for takeoff.	Entering downwind and final.
2. Part-Time Tower * (Closed, FSS Closed, or no FSS)	Broadcast position or intentions in the blind on tower frequency.	Before taking runway for takeoff.	Entering downwind and final.
3. FSS Closed (No Tower)	Broadcast position or intentions in the blind on published AAS frequency.	Before taking runway for takeoff.	Entering downwind and final.
4. No Tower, FSS or UNICOM Operator	Broadcast position intentions in the blind on 122.9.	Before taking runway for takeoff.	Entering downwind and final.
5. Part-Time Tower * (Closed, FSS Open)	Communicate with FSS on tower frequency for Airport Advisory Service (AAS).	Before taxiing and taking runway for takeoff.	10 miles from airport, entering downwind and final.
6. FSS Open (No Tower)	Communicate with FSS on published AAS frequency.	Before taxiing and taking runway for takeoff.	10 miles from airport, entering downwind and final.

* If tower temporarily closed use tower local control frequency for traffic advisory practice unless another frequency is specified in applicable NOTAM. If the highest of position or intentions in the blind (self announce) is used and a UNICOM is in operation at the airport, it is suggested the wind direction and runway in use be obtained from UNICOM even though tower frequency is used for self announce procedure.

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SERVICES AVAILABLE TO PILOTS

d. Communications with an FSS — Establish two-way communications before transmitting outbound or inbound intentions and information. In communicating with an FSS, except for scheduled air carriers and other civil operators, having authorized call signs, departure aircraft should state the aircraft type, full identification number, type of flight planned, i.e., VFR or IFR, and the planned destination or direction of flight. If communications with a UNICOM is necessary after initial report to FSS, return to FSS frequency for traffic update.

e. Information Provided by FSS — An FSS provides: wind direction (magnetic) and velocity, forward or designated runway, altimeter setting, known traffic, notices to airman, airport taxi routes, airport traffic patterns information, and IAP. These elements are varied so as to best serve the current traffic situation. Some airport managers have specified that under certain wind or other conditions designated runways are used. Pilots using other than the favored or designated runway should advise the FSS immediately.

Caution: all aircraft in the vicinity of an air port may not be in communication with the FSS.

f. Recommended Phraseology for Communicating with an FSS:

(1) Departures
Example:
Aircraft: JOHNSON RADIO, COMANCHE SIX ONE THREE EIGHT, ON TERMINAL BUILDING RAMP, READY TO TAXI, VFR TO DULUTH OVER.
FSS: COMANCHE SIX ONE THREE EIGHT, JOHNSON RADIO, ROGER, WIND THREE TWO ZERO AT TWO FIVE, FAVORING RUNWAY THREE ONE, ALTIMETER THREE ZERO ZERO ONE, CESSNA ONE-SEVENTY ON DOWNWIND MAKING TOUCH AND GO LANDINGS ON RUNWAY THREE ONE.

NOTE — The takeoff time should be reported to the FSS as soon as practicable. If the aircraft has limited equipment and immediately after takeoff it is necessary to use the radio for navigation in lieu of communication, advise the FSS to this effect before changing frequency. In such cases, advisories will be transmitted over 121.6 or the tower local control frequency, as appropriate, and the navigation aid frequency.

(2) Arrivals
Example:
Aircraft: JOHNSON RADIO, TRIPACER ONE SIX EIGHT NINER, OVER KEY WEST, TWO THOUSAND, LANDING GRAND FORKS, OVER.
FSS: TRIPACER ONE SIX EIGHT NINER, JOHNSON RADIO, OVER KEY WEST AT TWO THOUSAND, WIND ONE FIVE ZERO, AT FOUR, DESIGNATED RUNWAY FIVE, ALTIMETER THREE ZERO ZERO ONE, DC-3 TAKING OFF RUNWAY FIVE, BONANZA ON TOUCH AND GO LANDINGS, COMANCHE DEPARTED RUNWAY ONE SEVEN AT ONE SIX PRECEEDING EASTBOUND OVER.

NOTE — Pilots should guard 121.6 or the tower local control frequency, as appropriate, until clear of the runway after landing and report leaving the runway to the FSS.
g. Blind Broadcasts of Position or Intentions — When unable to communicate with an FSS or UNICOM operator, use the appropriate UNICOM, tower or FSS frequency and broadcast your position and/or intentions. If there is no tower, FSS or UNICOM on the airport use multicom frequency 122.9 to broadcast your position and/or intentions. To reduce frequency congestion and make it easier for other pilots to understand the message, speak slowly and distinctly and keep your broadcast to an absolute minimum. Also listen for other aircraft who may be broadcasting in the blind.

Caution: all aircraft may not be complying with the recommended 1 blind broadcast procedure.

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Section 3. AIRPORT OPERATIONS

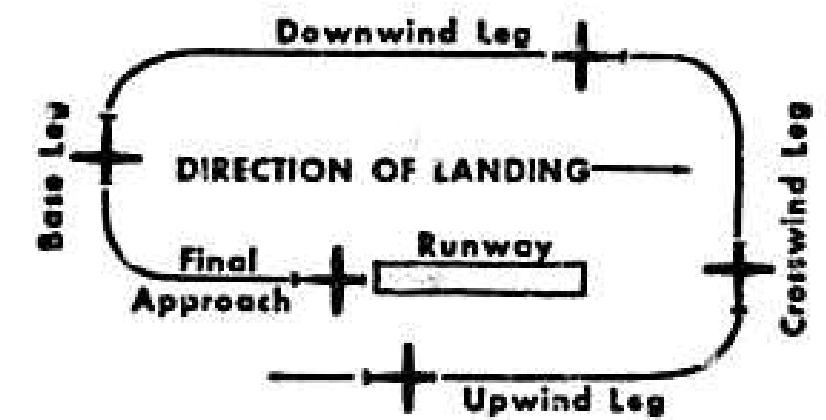
220. GENERAL

Increased traffic congestion, aircraft in climb and descent altitudes, and pilots preoccupation with cockpit duties are some factors that increase the hazardous accident potential near the airport. The situation is further compounded when the weather is marginal — that is, just meeting VFR requirements. Pilots must be particularly alert when operating in the vicinity of an airport. This section defines some rules, practices and procedures that pilots should be familiar with, and adhere to, for safe airport operations.

221. TOWER CONTROLLED AIRPORTS

a. When operating at an airport where traffic control is being exercised by a control tower, pilots are required to maintain two-way radio contact with the tower while operating within the airport traffic area unless the tower authorizes otherwise. Initial call-up should be made about 15 miles from the airport. Unless there is a good reason to leave the tower frequency before exiting the airport traffic area it is a good operating practice to remain on the tower frequency for the purpose of receiving traffic information. In the interest of reducing tower frequency congestion, pilots are reminded that it is not necessary to request permission to leave the tower frequency once outside of the airport traffic area.

b. When necessary, the tower controller will issue clearances or other information for aircraft to generally follow the desired flight path (traffic patterns) when flying in the airport traffic area/control zone, and the proper taxi routes when operating on the ground. If not otherwise authorized or directed by the tower, pilots of fixed-wing aircraft approaching to land must circle the airport to the left. Pilots approaching to land in a helicopter must avoid the flow of fixed-wing traffic. However, in all instances, an appropriate clearance must be received from the tower before landing.



NOTE — This diagram is intended only to illustrate terminology used in identifying various components of a traffic pattern. It should not be used as a reference or guide on how to enter a traffic pattern.

- c. The following terminology for the various components of a traffic pattern has been adopted as standard for use by control towers and pilots:
- (1) Upwind leg — A flight path parallel to the landing runway in the direction of landing.
 - (2) Crosswind leg — A flight path at right angles to the landing runway off its takeoff end.
 - (3) Downwind leg — A flight path parallel to the landing runway in the opposite direction of landing.
 - (4) Base leg — A flight path at right angles to the landing runway off its approach end and extending from the downwind leg to the intersection of the extended runway centerline.

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AIRPORT OPERATIONS

(5) Final approach — A flight path in the direction of landing along the extended runway centerline from the base leg to the runway.

a. Many towers are equipped with a tower radar display. The radar uses are intended to enhance the effectiveness and efficiency of the local control, or tower, position. They are not intended to provide radar services or benefits to pilots except as they may accrue through a more efficient tower operation. The four basic uses are:

- (1) To determine an aircraft's exact location. This is accomplished by radar identifying the VFR aircraft through any spatial relationship to other aircraft can be quickly determined and standard instructions regarding VFR operation in the vicinity have been issued. Once initial radar identification of a VFR aircraft has been established, the appropriate means of surveillance in VFR conditions is visually scanning the airport and local area.
- (2) To provide radar traffic advisories. Radar traffic advisories may be provided to the extent that the local controller is able to monitor the radar radar monitoring duties.
- (3) To provide a direction suggested heading. — The local controller may provide pilots flying VFR with generalized instructions which will facilitate operations (e.g., "PROCEED SOUTHWEST BOUND, ENTER A RIGHT DOWNWIND RUNWAY THREE ZERO"), or provide a suggested heading to establish radar identification or as an advisory aid to navigation (e.g., "SUGGESTED HEADING TWO ZERO ZERO, FOR RADAR IDENTIFICATION"). In both cases, the instructions are advisory aids to the pilot flying VFR and are not radar vectors. PILOTS HAVE COMPLETE DISCRETION REGARDING ACCEPTANCE OF THE SUGGESTED HEADING OR DIRECTION AND HAVE SOLE RESPONSIBILITY FOR SEEING AND AVOIDING OTHER AIRCRAFT.
- (4) To provide information and instructions to aircraft operating within the airport traffic area. — In an example of this situation, the local controller would use the radar to advise a pilot on an extended downwind when to turn base leg.

NOTE — The above tower radar applications are intended to augment the standard functions of the local control position. There is no controller requirement to maintain a constant radar identification and, in fact, such a requirement could compromise the local controller ability to visually scan the airport and local area to meet FAA responsibilities to the aircraft operating on the runways and within the airport traffic area. Normally, pilots will not be advised of being in radar contact since that continued status cannot be guaranteed and since the purpose of the radar identification is not to establish a link for the provision of radar services.

a. A few of the radar equipped towers are authorized to use the radar to ensure separation between aircraft in specific situations, while still others may function as limited radar approach controls. The various radar uses are strictly a function of FAA operational need. The facilities may be indistinguishable to pilots since they are all referred to as an advisory aid to navigation who may have radar available, do not assume communication with a tower controller and complete ATC radar services are being provided.

222. VISUAL INDICATORS AT UNCONTROLLED AIRPORTS

- a. At those airports not having either a tower, an FSS or a UNICOM a segmented circle visual indicator system, if provided, is designed to provide traffic pattern information. (See FARs 157 — TRAFFIC ADVISORY PRACTICES AT AIRPORTS WHERE A TOWER IS NOT IN OPERATION). The segmented circle system consists of the following components:
- (a) The segmented circle — Located in a position affording maximum visibility to pilots in the air and on the ground and providing a central location for other elements of the system.
 - (b) The Wind Direction Indicator — A wind cone, wind sock, or wind tee installed near the operational runway to indicate wind direction. The large end of the wind cone/wind sock points into the wind as does the large end (cross bar) of the wind tee. In lieu of a tetrahedron and where a wind sock or wind cone is collocated with a wind tee, the wind tee may be manually aligned with the runway in use to indicate landing direction. These signaling devices may be located in the center of the segmented circle and may be lighted for night use. Pilots are cautioned against using a tetrahedron to indicate wind direction.
 - (c) The Landing Direction Indicator — A tetrahedron is installed when conditions at the airport warrant its use. It may be used to indicate the direction of landings and takeoffs. A tetrahedron may be located at the center of a segmented circle and may be lighted for night operations. The small end of the tetrahedron points in the direction of landing. Pilots are cautioned against using a tetrahedron for any purpose other than as an indicator of landing direction, and to disregard the tetrahedron at an airport with an operating tower. Tower instructions supersede tetrahedron indications.

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Chapter 7. MEDICAL FACTS FOR PILOTS

Section 1. FITNESS FOR FLIGHT

600. FITNESS FOR FLIGHT

a. Medical Certification
(1) All pilots except those flying gliders and free-air balloons must possess valid medical certificates in order to exercise the privileges of their aviation certificates. The periodic medical examinations required for medical certification are conducted by designated Aviation Medical Examiners, who are physicians with a special interest in aviation safety and training in aviation medicine.

(2) The standards for medical certification are contained in FAR 67. Pilots who have a history of certain medical conditions described in these standards are mandatorily disqualified from flying. The medical conditions include a personality disorder manifested by overt acts, psychosis, alcoholism, drug dependence, epilepsy, an unexplained disturbance of consciousness, myocardial infarction, angina pectoris and diabetes requiring medication for its control. Other medical conditions may be temporarily disqualifying, such as acute infections, anemia, and peptic ulcer. Pilots who do not meet medical standards may still be qualified under special issuance provisions or the exemption process. This may require that either additional medical information be provided or practical flight tests be conducted.

(3) Student pilots should visit an Aviation Medical Examiner as soon as possible in their flight training in order to avoid unnecessary training expenses should they not meet the medical standards. For the same reason, the student pilot who plans to enter commercial aviation should apply for the higher class of medical certificate that might be necessary in the pilot's career.

Caution: The FARs prohibit a pilot who possesses a current medical certificate from performing crewmember duties while the pilot has a known medical condition or increase of a known medical condition that would make the pilot unable to meet the standards for the medical certificate.

b. Illness
(1) Even a minor illness suffered in day-to-day living can seriously degrade performance of many piloting tasks vital to safe flight. Illness can produce fever and distract a symptoms that can impair judgment, memory, alertness, and the ability to make calculations. Although symptoms from an illness may be under adequate control with a medication, the medication itself may decrease pilot performance.

(2) The safest rule is not to fly while suffering from any illness. If this rule is considered too stringent for a particular illness, the pilot should contact an Aviation Medical Examiner for advice.

c. Medication
(1) Pilot performance can be seriously degraded by both prescribed and over-the-counter medications, as well as by the medical conditions for which they are taken. Many medications, such as tranquilizers, sedatives, strong pain relievers, and cough-depressant medications, have primary effects that may impair judgment, memory, alertness, coordination, vision, and the ability to make calculations. Others, such as antihistamines, blood pressure drugs, muscle relaxants, and agents to control diarrhea and motion sickness, have side effects that may impair the same critical functions. Any medication that depresses the nervous system, such as a sedative, tranquilizer or antihistamine, can make a pilot much more susceptible to hypoxia (see below).

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FITNESS FOR FLIGHT

(2) The FARs prohibit pilots from performing crewmember duties while using any medication that affects the faculties in any way contrary to safety. The safest rule is not to fly as a crewmember while taking any medication, unless approved to do so by the FAA.
d. Alcohol
e. Extensive research has provided a number of facts about the hazards of alcohol consumption and flying. As little as one ounce of liquor, one bottle of beer or four ounces of wine can impair flying skills. With the alcohol consumed in these drinks being detectable in the breath and blood for at least 3 hours. Even after the body completely destroys a moderate amount of alcohol, a pilot can still be severely impaired for many hours by hangover. There is simply no way of increasing the destruction of alcohol or alleviating a hangover. Alcohol also renders a pilot much more susceptible to disorientation and hypoxia (see below).

(1) A consistently high alcohol related fatal aircraft accident rate serves to emphasize that alcohol and flying are a potentially lethal combination. The FARs prohibit pilots from performing crewmember duties within 8 hours after drinking any alcoholic beverage or while under the influence of alcohol. However, due to the slow destruction of alcohol, a pilot may still be under influence 8 hours after drinking a moderate amount of alcohol. Therefore, an excellent rule is to allow at least 12 to 24 hours between "bottle and throttle," depending on the amount of alcoholic beverage consumed.

f. Fatigue
(1) Fatigue continues to be one of the most treacherous hazards to flight safety, as it may not be apparent to a pilot until serious errors are made. Fatigue is best described as either acute (short-term) or chronic (long-term).
(2) A normal occurrence of everyday living, acute fatigue is the tiredness felt after long periods of physical and mental strain, including strenuous muscular effort, immobility, heavy mental workload, strong emotional pressure, monotony and lack of sleep. Consequently, coordination and alertness, so vital to safe pilot performance, can be reduced. Acute fatigue is prevented by adequate rest and sleep, as well as regular exercise and proper nutrition.
(3) Chronic fatigue occurs when there is not enough time for full recovery between episodes of acute fatigue. Performance continues to fall off, and judgment becomes impaired so that unwarranted risks may be taken. Recovery from chronic fatigue requires a prolonged period of rest.

g. Stress
(1) Stress from the pressures of everyday living can impair pilot performance, often in very subtle ways. Difficulties, particularly at work, can occupy thought processes enough to markedly decrease alertness. Distraction can so interfere with judgment that unwarranted risks are taken, such as flying into deteriorating weather conditions to keep on schedule. Stress and fatigue (see above) can be an extremely hazardous combination.

(2) Most pilots do not leave stress "on the ground." Therefore, when more than usual difficulties are being experienced, a pilot should consider delaying flight until these difficulties are satisfactorily resolved.

h. Emotion
(1) Certain emotionally upsetting events, including a serious argument, death of a family member, separation or divorce, loss of job and financial catastrophe, can render a pilot unable to fly as a pilot safely. The emotions of depression and anxiety from such events not only decrease alertness but also may lead to taking risks that border on self-destruction. Any pilot who experiences an emotionally upsetting event should not until satisfactorily recovered from it.

i. Personal Checklist
(1) Aircraft accident statistics show that pilots should be conducting preflight checklists on themselves as well as their aircraft, for pilot impairment contributes to many more accidents than failures of aircraft systems. A personal checklist that can be easily committed to memory, which includes all of the categories of pilot impairment as discussed in this section, is being distributed by the FAA in the form of a wallet-sized card.

PERSONAL CHECKLIST
I'm physically and mentally safe to fly — not being impaired by:
Illness,
Medication,
Stress,
Alcohol,
Fatigue,
Emotion.

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EXHIBIT D

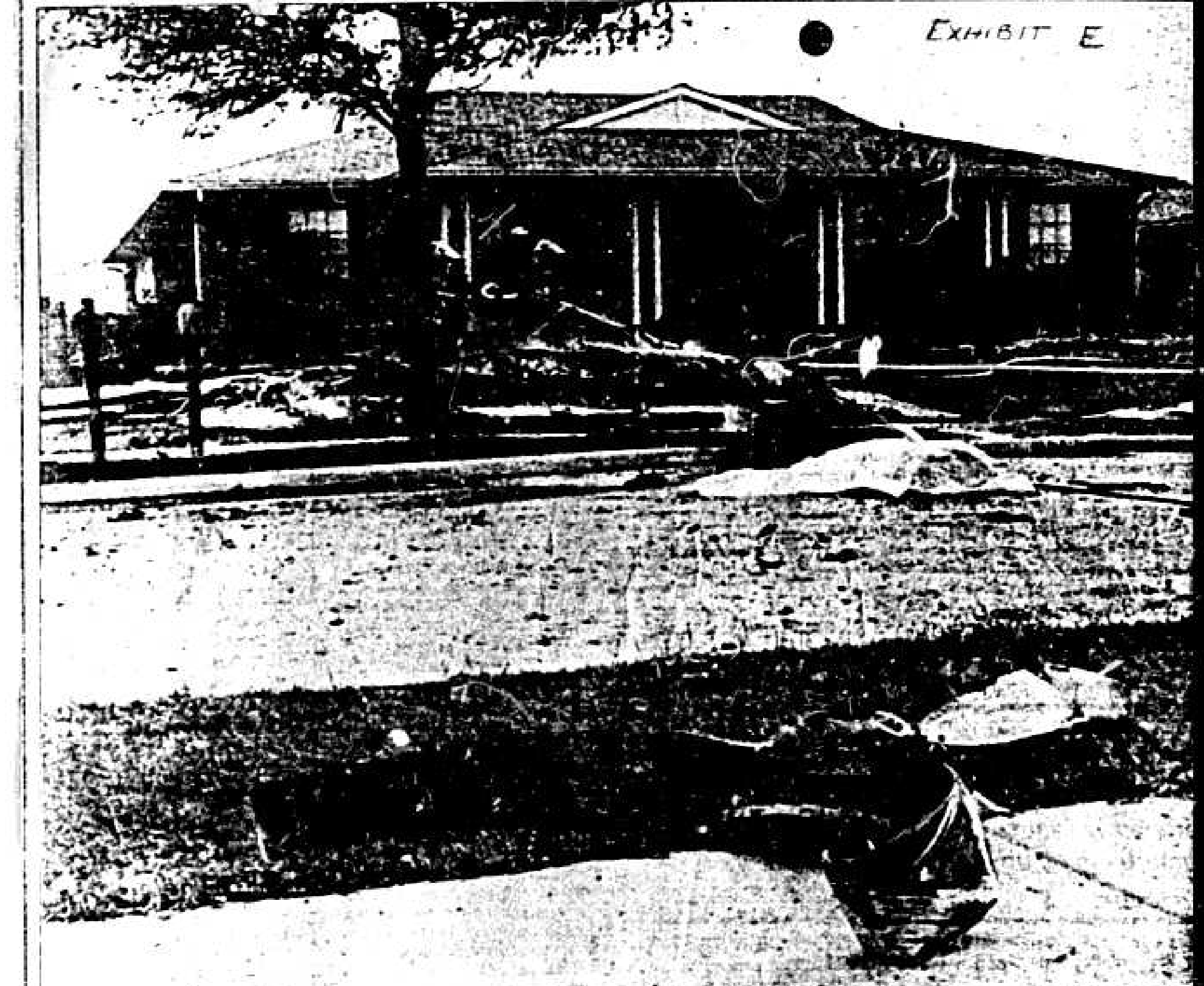


Crash landing

Associated Press
Pilot Chucky Harmon of Logansport, Calif., says he suffered minor injuries but the Phoenix, Ariz., home near Sebastopol, Calif., was severely damaged by a crash landing. He was injured but he and his wife were unhurt. He said he hit it down as gently as he could with this result. See page 1 for details.

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EXHIBIT E



Wreckage from the sky
Freighters spray smoldering wreckage in Dallas suburb of Carrollton after two light planes collided and crashed. Four bodies were found. Authorities said a fifth person may be dead. Debris spread over a two-mile area. Article on Page 1.

Four die in collision of planes

CARROLLTON, Texas (AP) — Two small planes collided and exploded in flames over this Dallas suburb, killing all four people.
Police and firefighters discovered the bodies of three adults and one child at the crash sites, and that another child had been rescued from the wreckage over two miles away. Witnesses reported seeing a single engine plane flying in the air after the collision, but the wreckage of the Federal Aviation Administration spokesman George Butlage said in Fort Worth that the two-engine Skyway plane had crashed into the single-engine Cessna Skyhawk that had taken off from the Addison Airport. It was found in the Carrollton area. The flight instructor of the Skyway plane said that it had taken off from Carrollton and was heading for Fort Worth when the collision occurred and a 10-year-old person plunged from a plane into a street.
Two children were killed in the crash, and a 3-year-old child was injured. The bodies of the two children were found on the ground near the site of the crash. The bodies of the two adults were found in a nearby field.
"We're trying to piece this together, but we were lucky enough to find them," a police officer said. "We're trying to piece this together, but we were lucky enough to find them."

EVENING SUN 10/25/82

February 14, 1983

Mr. Edwin R. Fitzgerald
2445 Tracey's Store Road
Parkton, Maryland 21120

Dear Mr. Fitzgerald:

This is in response to your letter of February 9, 1983, asking to be advised whether the Armacost Farms Airport is in compliance with Maryland State laws related to privately owned Commercial Use airports. As of this date, the Airport has never complied with Section .06 B.(1) and C. of the Maryland Aeronautical Regulations. These sections state as follows:

"B.(1) A person may not operate an airport without an airport license or registration unless exempted by:-----," and

"C. Approval of Local Governing Body. A person may not operate an airport without land use approval from the local governing body if that body has an airport zoning ordinance."

We recently discussed the matter with Mr. C. Austin Armacost who assured us that he is not interested in establishing a commercial operation at the airport, and will cease all such activity that would necessitate a classification of "Commercial Use Airport" as defined in the Aeronautical Regulations. For that reason, he has been provided with the required application for registration of the airport as a "Private Use/Non-Commercial" facility, and we expect to receive it back, properly completed in the near future. The Baltimore County Zoning officials have not, to our knowledge, rendered a decision on the request for a special exemption to allow the airport to continue in operation. Consequently, any action we take to register the airport, in advance of their decision, will be conditioned upon their approval and any restrictions which they specify.

I noted that your letter expressed concern over the fact that no radio procedures are used by aircraft operating to and from Armacost Farms Airport. This is really no cause for concern at an airport like Armacost Farms. The portion of the Airman's Information Manual that you referred to is merely a recommended practice, not mandatory, and the extent to which it is generally followed is based upon the volume of traffic at the particular airport.

P.O. Box 8766, Baltimore/Washington Int'l Airport, Maryland 21240, -0766 Telephone: (301) 859-7100
TTY For the Deaf: (301) 859-7227

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Mr. Edwin R. Fitzgerald
February 14, 1983
Page 2

The basis for all flight safety in the vicinity of an airport, even at those with an operating control tower, is the rule of "see and be seen." Through the use of a standard, rectangular flight pattern at a published altitude (800 feet AGL in the case of Armacost Farms) the pilots of arriving and departing aircraft can readily monitor traffic and identify any others that might pose a threat of collision. At Maryland's forty-one public-use airports, for instance, there are nine without any radio communications, twenty-eight with advisory services on an assigned Unicom frequency, one (Salisbury) with a Flight Service Station, and only three with traffic control provided by a control tower. With over sixty private-use airports within the State, none have identifiable radio communication service.

Please don't hesitate to contact us if we can be of further assistance.

Sincerely,

Albert J. Selby
Albert J. Selby, Manager
General Aviation Services

AJS:lab

cc: Mr. William E. Hammond, Baltimore County

MICROFILMED

IN THE MATTER OF : IN THE
THE APPLICATION OF : CIRCUIT COURT
ARMACOST FARMS, INC. : FOR
FOR SPECIAL EXCEPTION FOR :
AN AIRPORT, ETC. : BALTIMORE COUNTY
W/S OF BRUEHL RD. 2,960' N. : AT LAW
OF C/L OF HEREFORD RD. :
5th DISTRICT :
JAMES P. VONDERHORST, ET AL, : CG Doc. No. 7
PLAINTIFFS : Folio No. 71
Zoning File No. 83-162-X : File No. 85-JG-436

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule 8-2(d) of the Maryland Rules of Procedure, William T. Hackett, William R. Evans, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert St., Baltimore, Md. 21202, Counsel for Protestants-Plaintiffs; James P. Vonderhorst, Pres., Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, Md. 21111, Protestant-Plaintiff; Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, Md. 21120, Protestant-Plaintiff; Steve Stanton, 5 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Rudolph Toth, 10 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, Md. 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc., 17634 Bruehl Rd., Upperco, Md. 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Rd., Upperco, Md. 21155; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore
County, Rm. 200, Court House, Towson,
Md. 21204, 494-3180

MICROFILMED

Armacost Farms, Inc.
Case No. 83-162-X

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert St., Baltimore, Md. 21202, Counsel for Protestants-Plaintiffs; James P. Vonderhorst, Pres., Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, Md. 21111, Protestant-Plaintiff; Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, Md. 21120, Protestant-Plaintiff; Steve Stanton, 5 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Rudolph Toth, 10 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, Md. 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc. 17634 Bruehl Rd., Upperco, Md. 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Rd., Upperco, Md. 21155; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 8th day of February, 1983.

June Holmen
June Holmen
County Board of Appeals of Baltimore
County

MICROFILMED

AIRPORT ZONING NEWSLETTER

On January 18, 1982 a hearing was held before Baltimore County Zoning Commissioner, William E. Hammond, on the petition by Armacost Farms, Inc. for an Airport R.C.2 special exception for their airport along Bruehl Rd.

- Mr. C. Austin Armacost, Vice President of Armacost Farms testified that:
- 1) At present 12 airplanes are based at the airport; the number might increase to 15.
 - 2) The proposed 500 ft. extension of the present 2200 ft. runway included in the petition is not planned to accommodate larger planes, but to increase the margin of safety for present planes.
 - 3) Some of the planes using the airport pay monthly tie-down rent; he (and others) do make hired flights from and to the airport; he has a commercial pilot license; he does not give flying lessons, but others might; aviation gas was formerly sold at the airport, but the pump installed there is no longer in use.
 - 4) The airport was intended for business and pleasure use by friends and neighbors - within a 15 mile radius.

Mr. Edwin R. Fitzgerald representing himself and Protestant, Carolyn J. Fitzgerald, owners of a farm adjacent to Armacost Farms and North of the airport stated that:

- 1) Section 1A0.1 of the Baltimore County Code setting up R.C. 2 (AGRICULTURAL) Zones sets, states that agricultural industry in Baltimore County is an integral part of the Baltimore economy, and that a conversion of agricultural land to other uses will undermine this basic industry; R.C. 2 zoning is set up specifically to prevent the conversion of good farm land to other uses.
- 2) A USDA soil survey indicates that the 19+ acres proposed for airport use is soil type CcB2 (Gleay's loss, 3 to 8 percent slope) capable of very high yields of corn, silage, oats, wheat, soybeans, hay, and other agricultural products. Mr. Armacost in response to a question also acknowledged that prior to its airport use this land was satisfactorily used for raising crops.
- 3) Low flying planes on landing and takeoff over the Fitzgerald house and barn were noisy and a potential safety hazard.
- 4) That as defined by Maryland Law (TR 5-301(b), Md. Code) the Armacost Airport as presently operated is a Commercial Use Airport, and subject to various State of Maryland laws and regulations which do not seem to have been followed (Tr. 5-303; 5-304; 5-804; 5-805; 5-901; 5-902; 5-903; etc.)
- 5) In summary Mr. Fitzgerald said,
(a) Operation of a Commercial Use Airport in a R.C. 2 Agricultural zone is not in accord with the purpose of the zoning.
(b) That if allowed to continue the number of planes using the airport should be reduced to 4, and the type of planes limited to small, propeller airplanes.
(c) That landing and takeoff patterns should be setup to prevent low flying planes over houses. These patterns should be enforced.

(over) MICROFILMED

February 14, 1983

Mr. Ronald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, Md. 21204

Dear Mr. Hutchinson:

We are very concerned about The Armacost Corporation expanding their airport into a commercial operation.

The Armacost family has been friends of my family my entire life. They have helped my family several times over the years. Therefore, I regret having to protest against their attempts to expand their airport.

I never would have opened the airport because I do not believe the Armacost family would use it commercially. However if the property should ever be sold to someone else and it has been zoned as a commercial airport there is no way that the commercial airport could be prevented.

We have had airplanes coming in and taking off rather low sometimes in the past. The noise has been bad enough sometimes, but we have never objected and do not wish to see the Armacost family not be able to continue to fly their own airplanes.

However, we certainly do not wish to have a commercial airport about a mile away. They have had trouble getting over the trees that surround our home and have had to bank the plane away. I cannot see how larger planes could possibly clear our woods.

We sincerely regret this opposition but in all fairness to ourselves and our community we feel that it is essentially necessary.

Sincerely yours,

Mr. & Mrs. Harry Spicer
Mr. & Mrs. Harry Spicer
16817 Gorsuch Mill Rd.
Upperco, Md. 21155

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RECEIVED

COUNTY EXECUTIVE OFFICE

Mr. Norman E. Garber, Director
Office of Planning and Zoning
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Mr. Garber:

In a letter to Mr. William Hammond dated January 12, 1983 you stated that your office was not opposed to the proposed Armacost Airport use. A copy of a Zoning Hearing Newsletter is attached, as well as a letter to Mr. Al Selby of the M.A.A., and other relevant items. Is your office:

- 1) In favor of the conversion of 19+ acres of good farmland in a RC-2 zone to non-agricultural use?
- 2) Is your office in favor of the continued operation and expansion (e.g. 10 airplanes to 15; 2200-ft. runway to 2700 ft., etc.) of a Commercial Use Airport in a RC-2 zone?

Please let me know what the present and possible future stand of your office is or will be on these matters since they seem crucial to the continued preservation (or not) of the present agricultural and (quasi) rural character of Northern Baltimore County. There are many private small, non-commercial airports in our area; in the absence of any county plan or regulations the decision in this case will have great importance as a precedent in future zoning actions. We have confidence in Mr. Hammond's judgement, but wonder if your office has given him the best possible advice and assistance in this matter.

Sincerely yours,
Edwin R. Fitzgerald
Edwin R. Fitzgerald

ERF/cm

MICROFILMED

COURT PROCEEDINGS

Court of Special Appeals of Maryland

No. 1661, Special Term, 1961 - Filed July 13, 1962
LAWTON T. SHARP FARM, INC.
C. RAYMOND SOMERLOCK ET AL.

Appeal from the Circuit Court for Howard County, Robert F. Fischer, Judge.
Argued by James B. Dudley, for appellant.
No brief or appearance for appellee.

At oral before LOWE, CAPLAN, HILARY D. (Specially Assigned), and THIEBE, RAYMOND G., JR. (Specially Assigned) JJ.
I vs. Circuit Court for Howard County, Robert F. Fischer, Judge.

LOWE, J. -
In this appeal from an order of the Circuit Court for Howard County the appellant, Lawton T. Sharp Farm, Inc., was the appellant of a petition to permit a private air-strip landing strip in a residential area of Howard County. Since new zoning regulations were adopted during a comprehensive re-zoning in 1971, such use has been permitted in Howard County as a special exception in residential and other zones.

In 1976, the petitioners applied for a special exception to operate the private air-strip on their property. The Office of Planning and Zoning recommended approval, the Planning Board recommended denial, and thereafter public hearings were held by the Board of Appeals. Following substantial testimony both for and against the petition, the Board voted by an airtip of the demonstration. Two weeks later the Board recommended the demonstration solely "on the basis of testimony."

One witness, Nancy Adams, testified that she purchased a 107-acre farm directly across Sharp Road from the Sharp Farm, and partially moved there in December, 1976, unaware of the petition for an airtip or that a demonstration was scheduled to be conducted. She purchased the farm to train thoroughbred racehorses, a hobby for which she had followed for many years.

Appellant's contention that a remand is unwarranted because the Board did not represent a change in the law is absurd. The case is a landmark interpretation which, if not new, was the first light shed upon an obscure statute. This court should uphold a misinterpretation of the law.

THE DAILY RECORD, BALTIMORE

CITY OF BALTIMORE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF LISTING

Baltimore, Md., August 1, 1962.
Proposed, in duplicate, submitted to the Board of Estimates of the City of Baltimore, and ordered PROPOSED FOR LISTING THE 12,000-SQ. FT. BLDG. LOCATED AT RETAIL DISTRICT, VALUE \$750,000.00. DEMOLITION AREA NO. 277, JOB NO. 3-85, BALTIMORE, MARYLAND. WILL BE HELD AT THE OFFICE OF THE BOARD OF ESTIMATES ON AUGUST 22, 1962, AT 12:30 P.M.

A check of any type drawn upon any account existing in the name of the City of Baltimore, or any other account controlled by the subject petition, would have adverse effects other than those adverse effects contemplated by the subject petition. The Board of Estimates reserves the right to require the petitioner to furnish a bond to indemnify the City of Baltimore for any loss or damage caused by the subject petition.

What the Board of Appeals must consider is whether the use contemplated by the subject petition would have adverse effects other than those adverse effects contemplated by the subject petition. The Board of Estimates reserves the right to require the petitioner to furnish a bond to indemnify the City of Baltimore for any loss or damage caused by the subject petition.

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27 Md. App. 410 (1975), and it is held 51 horses at that time, and that one which was housed at \$100,000.00. Adams testified that he observed high-speed racetrack horses showing signs of being trained, and that he had never seen her horses as trained as they were when the airplane flew over during the take-off and landing for the aerial demonstration.

After a lengthy review of testimony in the case, the Board reached its decision on August 1, 1962, denying the petition. The Board's decision was based on the fact that the Board found that the use contemplated by the subject petition would have adverse effects other than those adverse effects contemplated by the subject petition.

From this provision appellant argues that Judge Fischer exceeded his authority by remanding. If not modifying or reversing. Even if we give credence to that hair-splitting argument, which we do not, it is appellant's brief, not our duty to do so. It is appellant's duty to argue his case, and it is our duty to decide it.

Finally, we note that appellant asks us whether the Board of Estimates' denial of the petition is arbitrary and capricious. We find no evidence to support this claim. The Board's decision was based on the fact that the Board found that the use contemplated by the subject petition would have adverse effects other than those adverse effects contemplated by the subject petition.

The Board of Estimates reserves the right to require the petitioner to furnish a bond to indemnify the City of Baltimore for any loss or damage caused by the subject petition. The Board of Estimates reserves the right to require the petitioner to furnish a bond to indemnify the City of Baltimore for any loss or damage caused by the subject petition.

At oral argument, appellant argued that Md. Ann. Code (1981) Art. 28A, § 25A (6) provides that a circuit court has no authority to affirm the decision of the Board of Estimates, or to modify or reverse such decision, with or without remanding the case for rehearing as justice may require.

The petitioner appealed to the Circuit Court, which affirmed the Board's decision. The Board of Estimates' decision was based on the fact that the Board found that the use contemplated by the subject petition would have adverse effects other than those adverse effects contemplated by the subject petition.

Finally, we note that appellant asks us whether the Board of Estimates' denial of the petition is arbitrary and capricious. We find no evidence to support this claim. The Board's decision was based on the fact that the Board found that the use contemplated by the subject petition would have adverse effects other than those adverse effects contemplated by the subject petition.

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The City of Baltimore through the Department of Housing and Community Development hereby notifies of its intention to issue a bond for the City of Baltimore, Maryland, to be used for the purpose of financing the construction of a new building located at the intersection of the City of Baltimore, Maryland, and the City of Baltimore, Maryland.

All Contractors and subcontractors desiring to bid on or subcontract for work for the construction of the building shall submit their bids to the Office of the City of Baltimore, Maryland, at the City of Baltimore, Maryland, 1100 National Bldg., 200 N. Holladay Street, Baltimore, Maryland, 21204.

A Prepaid Contract will be held on August 14, 1962, at 10:00 A.M. at Room 320, Storage Street Municipal Building, 523 East Saratoga Street, Baltimore, Maryland 21204. Proposers are requested to attend the meeting.

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Mr. William E. Hammond,
Baltimore County Executive
Dear Sir:
In view of the many letters that I received in regard to the removal of our front on the Amacost Farm Road to my lot I have at 3:20 P.M. on August 1st, this is and I would from Bond Road and Mt. Carmel Road. I have had her since 1949 and have never minded the plan of air before to and from this airport. I do not object to the proposal of manufacturing of an air strip.
MICROFILMED

Dear Mr. Hammond,
In regard to the Amacost Farm Road, I have had her since I moved here and she has been there 12 years. I believe now all of a sudden it is too noisy. Now doesn't that sound a little like a reduction-ad-absurdum to you?

Mr. Fitzgerald is protesting the agricultural loss of the Air Field. Maybe Baltimore County better take a look at his property. I believe they would find he has a lot of run-off spraying in to the City owned reservoir. (Paddy Boy Dan) I think this protest is rather foolish and Baltimore County shouldn't over.

Dear Mr. Hammond,
I am writing you about the recent protest of case number 83162X, the Amacost Air Field. Which in my opinion is very foolish on the Fitzgerald's part. They don't live any closer to the Air Field than I do and it surely doesn't bother our family and neighbors. These people (the Fitzgeralds) have moved here and they think they own all of Baltimore County. The Air Field has been there 12 years, I believe now all of a sudden it is too noisy. Now doesn't that sound a little like a reduction-ad-absurdum to you?
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Dear Mr. Hammond,
I am writing you about the recent protest of case number 83162X, the Amacost Air Field. Which in my opinion is very foolish on the Fitzgerald's part. They don't live any closer to the Air Field than I do and it surely doesn't bother our family and neighbors. These people (the Fitzgeralds) have moved here and they think they own all of Baltimore County. The Air Field has been there 12 years, I believe now all of a sudden it is too noisy. Now doesn't that sound a little like a reduction-ad-absurdum to you?
Mr. Fitzgerald is protesting the agricultural loss of the Air Field. Maybe Baltimore County better take a look at his property. I believe they would find he has a lot of run-off spraying in to the City owned reservoir. (Paddy Boy Dan) I think this protest is rather foolish and Baltimore County shouldn't over.

PLEASE HELP !!
THE ARMACOST CORPORATION IS ATTEMPTING TO LEGALIZE AND EXPAND THEIR COMMERCIAL AIRPORT LOCATED NEAR THE INTERSECTION OF MOUNT CARMEL AND BRUEHL ROADS.
MANY OF US ARE OPPOSED TO THE UNDESIRABLE EFFECTS THAT THIS COULD HAVE ON OUR COMMUNITY:
1. NOISE AND DANGER ASSOCIATED WITH COMMERCIAL AIR TRAFFIC
2. ADVERSE AFFECT ON PROPERTY VALUES
3. COMMERCIALIZATION OF OUR COMMUNITY
IF YOU SHARE OUR CONCERN - PLEASE WRITE TO:
MR. WILLIAM E. HAMMOND
ZONING COMMISSIONER
BALTIMORE COUNTY OFFICE OF ZONING AND PLANNING
TOWSON, MARYLAND 21204
SEND COPIES TO:
MR. JAMES T. SMITH, JR.
BALTIMORE COUNTY COUNCILMAN
OLD COURT HOUSE
COUNTY COUNCIL OFFICE - 2ND FLOOR
BALTIMORE, MARYLAND 21204
AND
MR. DONALD P. HUTCHINSON
BALTIMORE COUNTY EXECUTIVE
EXECUTIVE OFFICE
COURT HOUSE
TOWSON, MARYLAND 21204
TELL HIM THAT YOU ARE OPPOSED TO THE COMMERCIAL AIRPORT.
(CASE # 83162X)
FOR MORE INFORMATION CALL -
329-2127
329-3694
343-0278
329-7270
MICROFILMED

It is my opinion these people should have set forth the effort to oppose this zoning before the hearing to enable anyone interested to see these to hear the facts and not fiction after the fact.
Very truly yours,
Lucy A. Metzger
Beverly A. Metzger
enclosure
copies to: Mr. James J. Smith, Jr.
Mr. Donald P. Hutchinson
Mr. Austin Amacost
Mr. Edmond Fitzgerald

JERVIS S. MARSHALL
UPPERCO, MARYLAND 21168
February 1, 1963
Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, Maryland 21204
RE: Case 83162X
Dear Mr. Hutchinson,
My wife and I and two children reside at 3531 Mt. Zion Road, Upperco, Maryland and I have lived here for the past 22 years. We are interested in keeping this area in a rural setting. At the same time we recognize that there are some areas of a progressive nature that will benefit all of us. Specifically, the small but efficient airport operated by Amacost Farms Inc. located near the intersection of Mt. Carmel and Bruehl Roads. We are relatively close to this operation and I find that there is no adverse effect on us whatsoever.
There are occasions when we fly out of this airport and find it quite beneficial as a community service.
We consider ourselves very lucky to have a quiet, unobtrusive community service of this nature in our area. It appears that the majority of the opposition is from people that are unaware of the exact nature of this airport.
I respectfully request that you will consider all the positive benefits of this facility to the majority of the residents when making any decisions that you may have to in this matter.
Yours very truly,
Jervis S. Marshall
MICROFILMED

BEVERLY A. MENTER
17025 York Road
Parkton, Maryland 21120
343-0334
January 31, 1963
Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, Maryland 21204
Dear Mr. Hammond,
Enclosed is a copy of a flyer sent out this past weekend by the few residents present at the hearing opposed to the Amacost petition. I would like to bring this to your attention because I was also present at the hearing and I find it to be disturbingly incorrect.
The headline says "Expand" and "Commercial Airport". Just the Amacost have no intention of expanding in the sense this implies. They requested to be allowed to lighten the runway if they so desired, for the purpose of making safer and for no other reason. Because Mr. Amacost is very conscientious about the safety of everyone, the runway is one of the best in the state. The rumors going around the community about this word "Expand" are the Amacost are going to become an Air Business Center to accommodate Hunt Valley. This is far from the truth.
As for the "Commercial Airport" this is also not true. A commercial airport has to be licensed by the state and approved by the FAA. There is only a "Private & Restricted" runway at the Amacost, which means the only people who can use it are those which have been invited. I have had the privilege to be one of these people and have been flying from there for the past 7 years. As long as I have been there they have had 10 to 12 airplanes on the field. The residents opposed have said the activity has increased. It has remained the same for at least the past 7 years.
The Amacost runway is one of the safest in the state because of the fact there are no homes on either end of the runway. When an airplane lands or departs it has reached a safe altitude by the time it may cross over a home.
They mention "adverse affect on property values", may I add most of them purchased their homes long after the Amacost had the airport. It did not seem to discourage them or they did not know it was there.

FEB 4 1963
ARMACOST FARMS, INC.
3 Feb 63

FEB 1 1963
MICROFILMED

FEB 3 1963
MICROFILMED

FEB 7 1963
MICROFILMED

FEB 4 1963
RECEIVED
COUNTY EXECUTIVE OFFICE

FEB 7 83 AM
MICROFILMED

Enrolled To Practice Before The Internal Revenue Service

13-365
 Parkton, Md.
 Feb. 16, 1983

Mr. William E. Hammond,
 Balto. Co. Zoning Commissioner
 County Office Building,
 111 W. Chesapeake Ave.
 Towson, Md. 21204

Dear Mr. Hammond:

With regards for Case 83162X on the Armacost Farms and Armacost Airport, I would like to voice my opinion, as I am unable to attend hearings.

I have lived adjacent to the "Armacost Airport", just north of it, I have no complaints. I enjoy seeing them come and go, and have had the privilege of taking a pleasure ride at various times.

And since Mr. Armacost does have a commercial pilots license, I think it's a great asset to the community because it has been known, he can fly any one in case of an emergency. I would hope he can continue to do so.

Sincerely yours,
 William R. Wilhelm
 3001 Tracesi Store Rd., Parkton, Md.

MAR 17 83 AM

MICROFILMED

13-371
 Feb 7, 1983

Dear Mr. Hammond,

I live in Parkton, Md. and simply wanted to let you know that I am in favor of the proposed improvements to the Armacost farms airport.

NO REC 107
 Paul Harold
 1100 Armacost Rd
 Parkton 21120

MAR 17 83 AM

MICROFILMED

13-556
 TROY'S, INC. 10029 York Road • Cockeysville, Maryland 21030 • (301) 866-2060

March 17, 1983

Mr. William E. Hammond
 Zoning Commissioner
 Balto. County Office of Zoning & Planning
 Towson, Maryland 21204

Dear Sir:

I am writing to you in support of Mr. Austin Armacost and the zoning matter involving the private airport on his property. As a local landowner who lives approximately 3 miles from the Armacost farm, I can see no problem with aircraft using this sparsely populated piece of ground. The noise is minimal and the people effected is practically nil. The decibal level of general aviation aircraft is no more than a farm or garden tractor.

As a local businessman, V.P. of Troy's Inc. and President of Bay Aviation Insurance, Ltd., the use of a local airport for small, private aircraft would greatly help in the saving of time.

As a Certified Flight Instructor, I can speak about the safety of these aircraft and this airport in particular. The aircraft we use in general aviation have a safety record far exceeding cars or farm equipment. As for this airport, the approach and departure from either direction is clear and free from all obstructions, particularly housing.

The number of years this airport has been there without any problems speaks volumes.

The disposition of this matter in favor of Mr. Armacost would help preserve our way of life allowing a person to make the best use of his property as long as it does not harm others.

Very truly yours,
 Chester A. Troy, Jr.

MAR 21 83 AM

MICROFILMED

13-371
 Can 122

Abbey Color & Chemical Co. Inc.
 400 EAST TOGA STREET • PHILADELPHIA, PENNSYLVANIA 19134 • (215) 9-9360

February 18, 1983

Mr. William E. Hammond
 Zoning Commissioner
 Baltimore County Office of
 Zoning and Planning
 Towson, MD 21204

RE: Case # 83162X

Dear Mr. Hammond:

The purpose of this communication is to request the zoning approval for operation of an aircraft landing strip by Armacost Farms.

My residence on Masemore Road has greater value by virtue of being located within a few minutes of an airstrip even though the facility is small. The presence of this small landing strip is the only way we of North Baltimore County can conveniently use aircraft to make life more pleasant and functional.

I am a licensed pilot and occasionally enjoy the use of the Armacost airstrip and I have always been impressed by the thoughtfulness, honesty and integrity of the Armacost family.

Again, I urge you to approve the zoning application for the Armacost Airstrip.

Sincerely yours,
 Robert McMillion
 ROBERT McMILLION
 900 Hillside View
 Parkton, MD 21120

RM/as

cc: Mr. James T. Smith, Jr. & Mr. Donald P. Hutchinson

MICROFILMED

13-365
 13-371
 13-372

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT, ETC. W/S OF BRUEHL RD. 2,960' N. C/L OF HEREFORD RD. 5th DISTRICT

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

CG Docket No. 7
 Folio No. 71
 File No. 85-CG-536

MAR 28 AM

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, William R. Evans, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Edwin R. and Carolyn J. Fitzgerald, P. O. Box 291, Monkton, MD 21111, Plaintiffs-Protestants; Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert Street, Baltimore, MD 21202, Counsel for Protestants; James P. Vonderhorst, President, Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, MD 21111 and Stephen Stanton, 5 Hunter Lake Court, Upperco, MD 21155 and Rudolph Toth, 10 Hunter Lake Court, Upperco, MD 21155, Protestants; Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc. 17634 Bruehl Road, Upperco, MD 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Road, Upperco, MD 21155; and Phyllis Cole Friedman, Room 223 Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County

MICROFILMED

ARMACOST FARMS V. FITZGERALD - 7/71/85-CG-436 2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Edwin R. and Carolyn J. Fitzgerald, P. O. Box 291, Monkton, MD 21111, Plaintiffs-Protestants; Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert Street, Baltimore, MD 21202, Counsel for Protestants; James P. Vonderhorst, President, Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, MD 21111 and Stephen Stanton, 5 Hunter Lake Court, Upperco, MD 21155 and Rudolph Toth, 10 Hunter Lake Court, Upperco, MD 21155, Protestants; Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, Counsel for Petitioner; C. Austin Armacost, Armacost Farms, Inc. 17634 Bruehl Road, Upperco, MD 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Road, Upperco, MD 21155; and Phyllis Cole Friedman, Room 223 Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 26th day of March, 1985.

Edith T. Eisenhart
 Edith T. Eisenhart, Adm. Secretary
 County Board of Appeals of Baltimore County
 494-3180

cc: Arnold Jablon
 Arlene January
 James G. Howell

MICROFILMED

13-372
 JAN 18, 1983

THOSE PRESENT AT ZONING HEARING OPPOSED TO ARMACOST AIRPORT ZONING

1) Steve Spitzer
 5 Hunter Lake Ct.
 Upperco, Md 21155

Carline West
 3103 Mc Carmel Rd
 Upperco, Md 21155

Eric R. Fitzgerald
 2445 Tracesi's Store Rd.
 Upperco, Md 21155

LYNNE TOTH
 10 HUNTER LAKE CT
 UPPERCO MD 21155

P. Robt. Shaffer
 7 Hunter Lake Ct
 Upperco, Md 21155

Susan C. Shaffer
 11 Hunter Lake
 Upperco, Md

W.D. Cone
 11 Hunter Lake
 Upperco, Md

Robt. Cunningham
 8 Hunter Lake
 Upperco, Md 21155

MICROFILMED

13-371
 Can 122

Persons in favor of Armacost Petition

Jan. 18/1983 - Hearing

31 Luther Rd, Parkton, Md 21120
 Bruehl Rd Upperco, Md 21155
 appears, Md 21155
 appears, Md 21155
 17524 Bruehl Rd 21155
 17522 Bruehl Rd 21155
 Bruehl Rd. 21155
 15604 York Rd. Sparks, Md 21152
 17826 Falls Rd Upperco, Md 21155
 2604 5th Ave.
 2500 N.T. CARMEL RD PARKTON
 4306 Butler Rd, Upperco, Md 21155
 1416 Armacost Rd. Parkton, Md
 appears, Md.
 17206 Hunter Green Rd
 16910 Big Falls Rd. Monkton, Md.
 3727 E. Fippa Rd 21236
 17114 Masemore Rd 21120
 17114 Masemore Rd 21120
 17635 Bruehl Rd 21155
 17635 Bruehl Rd 21155
 1875 Fall Rd 21074
 18915 Palla Rd. 21074
 1003 Masemore Rd 21120
 17310 Bruehl Rd 21155
 45 Oakley Rd 21093
 2317 Stoughton Rd 21152
 11000 Liberty Rd 21133
 4024 Hess Rd 21111

MICROFILMED

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: Nov. 3, 1982

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: Nov. 3, 1982

RE: Item No: 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.
* If the flight patterns of aircraft taking off and landing are such that they must pass over school property we would be deeply concerned since the safety of school children is very important to us.

Very truly yours,
Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/bp

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900

TED ZALESKI, JR.
DIRECTOR
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 83 Zoning Advisory Committee Meeting
are as follows:

Property Owner: Armacost Farms, Inc.
Location: W/S Bruehl Road 2960' N. from centerline of Hereford Road
Existing Zoning: R.C. 2
Proposed Zoning: Special Exception for an airport and hanger facilities.

Area: 9.29
District: 5th

The items checked below are applicable:

- X.A. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82 State of Maryland Code for the Handicapped and Aged and other applicable Codes.
- X.B. A building and other miscellaneous permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- X.E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot line. A firewall is required if construction is on the lot line. See Table 101, Line 2, Section 1107 and Table 1102.
- F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- X.H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments:

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review

020177J

FORM 01-82

MICROFILMED

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
625-7310

PAUL H. RENCKE
CHIEF

December 20, 1982

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Armacost Farms, Inc.

Location: W/S Bruehl Road 2960' N. from centerline of Hereford Road

Item No.: 83

Zoning Agenda Meeting of November 3, 1982

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The fire Prevention Bureau has no comments at this time.

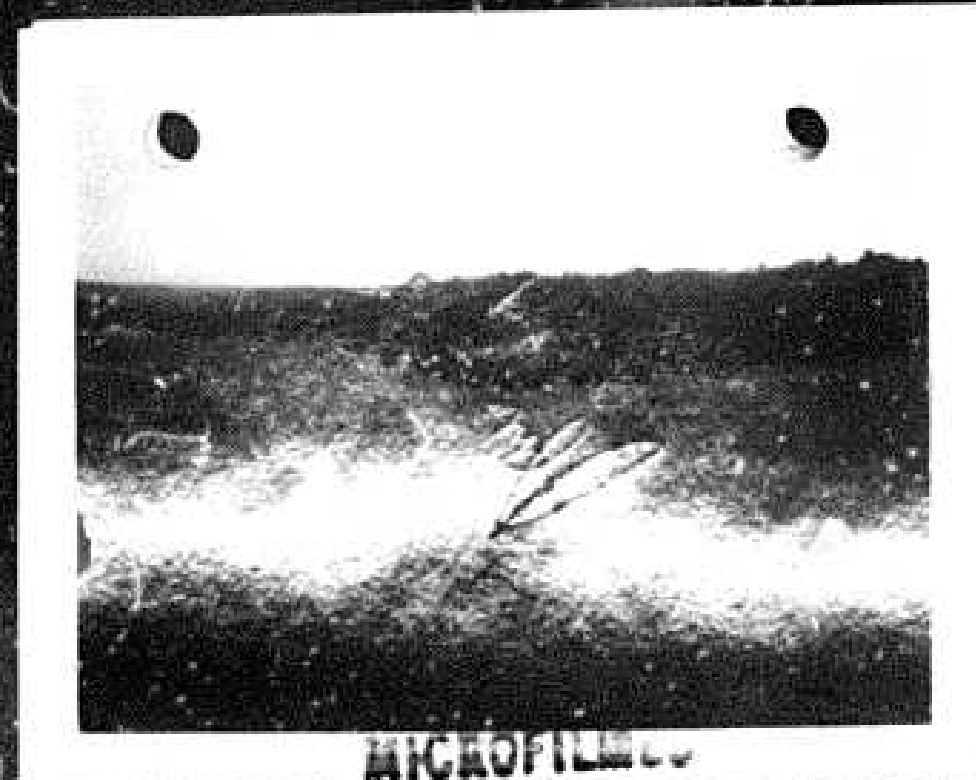
REVIEWED BY: *George M. ...*
Planning Group
Special Inspection Division

Noted and
Approved:

George M. ...
Fire Prevention Bureau

JK/mb/cm

MICROFILMED



MICROFILMED



MICROFILMED



MICROFILMED



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

83-162-X

District: 5th
Posted for: Appeal
Petitioner: Armacost Farms, Inc.
Location of property: W/S of Bruehl Road, 2960' N. of the
centerline of Hereford Road
Location of Signs: signs on W. side of Bruehl Road, Hereford
Road, and larger West side of Bruehl Road, approx. 200' North of
the centerline of Hereford Road
Remarks: the centerline of Hereford Road
Posted by: A. J. ...
Signature: _____
Date of return: Jan. 3, 1983
Number of Signs: 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning
FROM: Zoning Petition No. 83-162-X
SUBJECT: Armacost Farms, Inc.

Date: JANUARY 12, 1983

This office is not opposed to the proposed use. It is assumed that details as to take-off and landing patterns will be provided by the petitioner. Further, if the petitioner's request is granted, it is suggested that the type and number of aircraft and the hours of operation be made a part of the order.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG-JGH:slc

cc: Arlene January
Shirley Hess

John O. Hennegan, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Md. 21284

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 3rd day of November, 1982

Signature of William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Armacost Farms, Inc.

Petitioner's Attorney: John O. Hennegan, Esq.

Reviewed by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 10, 1983

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

Nicholas B. Commodari
Chairman

- MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

John O. Hennegan, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item No. 83 - Case No. 83-162-X
Petitioner - Armacost Farms, Inc.
Special Exception Petition

Dear Mr. Hennegan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that 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 suitability of the requested zoning.

In view of your client's proposal to legalize the existing airport use of the subject property, this hearing is required.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

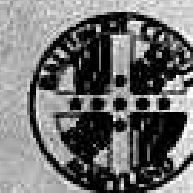
Nicholas B. Commodari, Esq.
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

MICROFILMED



BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

December 15, 1982

HARRY J. PISTEL, P.E.
DIRECTOR

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #83 (1982-83)
Property Owner: Armacost Farms, Inc.
W/S Bruehl Road 2960' N. from Centerline of Hereford Road
Acres: 19.29 District: 5th

Dear Mr. Hammond:

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:

GENERAL:

Bruehl Road, an existing public road in this vicinity, is proposed to be further improved in the future, on a 60 foot 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.

Development of this property through stripping, 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 stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages 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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 83 (1982-83).

Very truly yours,

Robert A. Norton, P.E., Chief
Bureau of Public Services

IAN:EM:FWH:pmg
cc: Jack Wimbley

02-NE Key Sheet
110-115 NE 24 & 25 Pos. Sheet

Case No. 83- X W/S Bruehl Road, 2,960' N of c/l of
Item No. 83 Hereford Road - 5th Election District
Date: May 23, 1983 Armacost Farms, Inc. - Petitioner

- X 1. Copy of Petition
X 2. Copy of Description of Property
X 3. Copy of Certificate of Posting
X 4. Copy of Certificates of Publication
X 5. Copy of Zoning Advisory Committee Comments (Petitioner's Exhibit)
X 6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
X 8. Copy of Order to Enter Appearance
9. Copy of Order - Zoning/Deputy Zoning Commissioner
X 10. Copy of Plat of Property (Petitioner's Exhibit 1)
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
X 13. Letters (9) in Support of Petition along with list of names who were present at hearing in support
X 14. Letter(s) from Protestants (20 total) along with list of names who were present at hearing in protest
15. Letter(s) from Petitioner(s)
X 16. Protestants' Exhibits A to E
X 17. Petitioner's Exhibits 1 to 2
X 18. Order of Appeal
X 19. Letter from Md. Transportation Dept., State Aviation Administration dated February 14, 1983

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204
Attorney for Petitioner (Appellant)

James P. Vonderhorst, President
Whitehouse-Prettyboy Association
P. O. Box 207
Monkton, Maryland 21111
Protestant

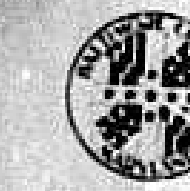
Edwin Fitzgerald
2445 Tracey's Store Road
Parkton, Maryland 21120
Protestant

Steve Stanton
5 Hunter Lake Court
Upperco, Maryland 21155
Protestant

Rudolph Toth
10 Hunter Lake Court
Upperco, Maryland 21155
Protestant

John W. Hessian, III, Esquire
Norman E. Gerber
James Hoswell
William L. Hammond
James E. Dyer
People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification

MICROFILMED



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204 494-3211

NORMAN E. GERBER
DIRECTOR

January 18, 1983

Mr. William E. Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 83, Zoning Advisory Committee Meeting, November 3, 1982, are as follows:

Property Owner: Armacost Farms, Inc.
Location: W/S Bruehl Road 2960' N. from centerline of Hereford Road
Acres: 19.29
District: 5th

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. This petition meets the requirements of the Division of Current Planning and Development.

Sincerely yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning & Development

CLERK OF THE COURT

JOHN F. FADER, II

MEMORANDUM OF JUDGEMENT

December 23, 1982

TO: File

FROM: John F. Fader, II

RE: Edwin R. Fitzgerald
Carolyn J. Fitzgerald v. Board of Appeals
Case No. 85 CG 947

The Decision of the Board of Appeals is AFFIRMED.

On December 18, 1987 Mr. Fitzgerald visited our chambers to ascertain the status of the above captioned case. The matter came before us for a hearing on September 14, 1987.

My law clerk ascertained that my judgment that the Board be affirmed which I rendered from the bench on the date of hearing was never docketed. My court reporter later read back to me the notes of the days proceedings.

Therefore, this memorandum is written with the decision of the court being that the Board of Appeals is affirmed. The fact of affirmation will now be docketed with our apologies to the parties for any apprehension or inconvenience this error may have caused.

Signature of John F. Fader, II
JOHN F. FADER, II
Judge

JFF:am

cc: Mr. Edwin R. Fitzgerald
Edward Covahey, Esq.

RECEIVED
COUNTY CLERK OF APPEALS
131 DEC 20 A 5 11

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 83, Zoning Advisory Committee Meeting of Nov. 3, 1982

Property Owner: Armacost Farms, Inc.

Location: W/S Bruehl Rd. 2960' N of Hereford Rd. District 5

Water Supply Private Sewage Disposal Private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

MICROFILMED

SS 20 1082 (1)

Dec 3 1982
Date

Zoning Item # 83
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
() Soil percolation tests have been conducted.
{ } The results are valid until
{ } Revised plans must be submitted prior to approval of the percolation tests.
() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
() All roads and parking areas should be surfaced with a dustless, bonding material.
(X) No health hazards are anticipated.
(X) Others: 1) The property is seamed by one drilled well and two septic systems, all of which appear to be functioning properly.

MICROFILMED

Signature of Ian J. Corcoran
Ian J. Corcoran, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

CIRCUIT COURT FOR BALTIMORE COUNTY

DOCKET 8 PAGE 282 CASE NO. 85 CG 947 CATEGORY APPEAL

EDWIN R. FITZGERALD
CAROLYN J. FITZGERALD
Protestants-Appellants

ATTORNEYS
PP
2445 Traceys Street Rd.
Parkton, MD 21120

E

BOARD OF APPEALS
ARMACOST FARMS INC.
Petitioners-Appellees

Edward C. Covahay, Jr.
614 Bosley Ave. (4) 828-9447

- (1) Mar. 27, 1985 - Appellants' Order for Appeal from the decision of Board of Appeals fd.
- (2) April 2, 1985 - Protestants-Appellants Petition of Appeal and Exhibits fd.
- (3) April 15, 1985 - Correspondence fd.
- (4) April 25, 1985 - Answer to Order of Appeal to the Circuit Court for Baltimore County and Certified Copies of Proceedings before the Board of Appeals of Baltimore County fd.
- (5) May 6, 1985 - Correspondence fd.
- (6) May 8, 1985 - Amended Answer to Order of Appeal fd.
- (7) May 21, 1985 App. of Edward C. Covahay, Jr. for the Petitioner-Appellee Same Day Answer fd.
- (8) June 5, 1985 - Appellant's Memorandum fd.
- (9) Nov 21, 1986 - 3 Exhibits fd.
- (10) Nov. 24, 1986 - Pltff's Motion to Defer/Drop or Deny Contemplated Dismissal fd.
- (11) Nov 26, 1986 - Appellants Motion for a Hearing and a Pre Hearing Conference fd.
- (12) Nov. 26, 1986 - Appellants Correspondence to Judge Cicone fd.
- March 23, 1987 Hon. Frank E. Cicone, Md. Rule 2-507 suspended for a period of 6 months. Case to be tried within said 6 months or it should be DISMISSED.
- NOV 12 1987 NOTICE BY MD. RULE 2-507
- (13) Dec. 28, 1987 - Memorandum from Judge Fader affirming decision of Board of Appeals fd.

DOCKET 8 PAGE 282 CASE NO. 85 CG 947

TROY'S, INC.
10029 York Road • Cockeysville, Maryland 21030 • (301) 666-2060

March 17, 1983

Mr. William E. Hammond
Zoning Commissioner
Balto. County Office of Zoning & Planning
Towson, Maryland 21204

Dear Sir:

I am writing to you in support of Mr. Austin Armacost and the zoning matter involving the private airport on his property. As a local landowner who lives approximately 2 miles from the Armacost farm, I can see no problem with aircraft using this sparsely populated piece of ground. The noise is minimal and the people effected is practically nil. The decibal level of general aviation aircraft is no more than a farm or garden tractor.

As a local businessman, V.P. of Troy's Inc. and President of Bay Aviation Insurance, Ltd., the use of a local airport for small, private aircraft would greatly help in the saving of time.

As a Certified Flight Instructor, I can speak about the safety of these aircraft and this airport in particular. The aircraft we use in general aviation have a safety record far exceeding cars or farm equipment. As for this airport, the approach and departure from either direction is clear and free from all obstructions, particularly housing.

The number of years this airport has been there without any problems speaks volumes.

The disposition of this matter in favor of Mr. Armacost would help preserve our way of life allowing a person to make the best use of his property as long as it does not harm others.

Very truly yours,
Chester A. Troy, Jr.

Abbey Color & Chemical Co. Inc.
400 EAST TIGOA STREET • PHILADELPHIA, PENNSYLVANIA 19134 • (215) RE 9-9980

February 18, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, D 21204

RE: Case # 83162X

Dear Mr. Hammond:

The purpose of this communication is to request the zoning approval for operation of an aircraft landing strip by Armacost Farms.

My residence on Masemore Road has greater value by virtue of being located within a few minutes of an airstrip even though the facility is small. The presence of this small landing strip is the only way we of North Baltimore County can conveniently use aircraft to make life more pleasant and functional.

I am a licensed pilot and occasionally enjoy the use of the Armacost airstrip and I have always been impressed by the thoughtfulness, honesty and integrity of the Armacost family.

Again, I urge you to approve the zoning application for the Armacost Airstrip.

Sincerely yours,
Robert McMillion
ROBERT McMILLION
900 Hillside View
Parkton, MD 21120

RM/as
cc: Mr. James T. Smith, Jr. & Mr. Donald P. Hutchinson

Parkton, Md.
Feb. 16, 1983

Mr. William E. Hammond,
Balto. Co. Zoning Commissioner
County Office Building,
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Hammond:

With regards for Case 83162X on the Armacost Farms and Armacost Airport, I would like to voice my opinion, as I am unable to attend hearings.

I have lived adjacent to the Armacost Airport, just north of it, I have no complaints. I enjoy seeing them come and go, and have had the privilege of taking a pleasure ride at various times.

And since Mr. Armacost does have a commercial pilots license, I think its a great asset to the community because it has been known he can fly any one in case of an emergency. I would hope he can continue to do so.

Sincerely yours,
William R. Wilhelm
3001 Traceys Street Rd., Parkton, MD

23-235

BEVERLY A. MENTZER
17025 York Road
Parkton, Maryland 21120
343-0334

January 31, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, Maryland 21204

Dear Mr. Hammond,

Enclosed is a copy of a flyer sent out this past weekend by the few residents present at the hearing opposed to the Armacost petition. I would like to bring this to your attention because I was also present at the hearing and I find it to be disturbingly incorrect.

The headline says "Expand" and "Commercial Airport". First, the Armacost have no intention of expanding in the sense this implies. They requested to be allowed to lengthen the runway if they so desired, for the purpose of making safer and for no other reason. Because Mr. Armacost is very conscientious about the safety of everyone, the runway is one of the best in the state. The rumors going around the community about this word "Expand" are the Armacost are going to become an Air Business Center to accommodate Hunt Valley. This is far from the truth.

As for the "Commercial Airport" this is also not true. A Commercial airport has to be licensed by the state and approved by the FAA. There is only a Private & Restricted runway at the Armacost, which means it is only a Private & Restricted runway at the Armacost, which means it is only a Private & Restricted runway at the Armacost. I have had the only people who can use it are those which have been invited. I have had there for the past 7 years. As long as I have been there they have had 10 to 12 airplanes on the field. The residents opposed have said the activity has increased. It has remained the same for at least the past 7 years.

The Armacost runway is one of the safest in the state because of the fact there are no homes on either end of the runway. When an airplane lands or departs it has reached a safe altitude by the time it may cross over a home.

They mention "adverse affect on property values", may I add most of them purchased these homes long after the Armacost had the airport. It did not seem to discourage them or they did not know it was there.

PP 7 83111

It is my opinion these people should have not with the effort to oppose this zoning before the hearing to make anyone interested to be there to hear the facts and not fiction after the fact.

Very truly yours,
Beverly A. Mentzer

enclosure
copies to: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson
Mr. Austin Armacost
Mr. Edward Fitzgerald

PLEASE HELP !!

THE ARMACOST CORPORATION IS ATTEMPTING TO LEGALIZE AND EXPAND THEIR COMMERCIAL AIRPORT LOCATED NEAR THE INTERSECTION OF MOUNT CARMEL AND BRUFHL ROADS.

MANY OF US ARE OPPOSED TO THE UNDESIRABLE EFFECTS THAT THIS COULD HAVE ON OUR COMMUNITY:

1. NOISE AND DANGER ASSOCIATED WITH COMMERCIAL AIR TRAFFIC
2. ADVERSE AFFECT ON PROPERTY VALUES
3. COMMERCIALIZATION OF OUR COMMUNITY

IF YOU SHARE OUR CONCERN - PLEASE WRITE TO:

MR. WILLIAM E. HAMMOND
ZONING COMMISSIONER
BALTIMORE COUNTY OFFICE OF ZONING AND PLANNING
TOWSON, MARYLAND 21204

SEND COPIES TO:

MR. JAMES T. SMITH, JR.
BALTIMORE COUNTY COUNCILMAN
OLD COURT HOUSE
COUNTY COUNCIL OFFICE - 2ND FLOOR
BALTIMORE, MARYLAND 21204

AND

MR. DONALD P. HUTCHINSON
BALTIMORE COUNTY EXECUTIVE
EXECUTIVE OFFICE
COURT HOUSE
TOWSON, MARYLAND 21204

TELL HIM THAT YOU ARE OPPOSED TO THE COMMERCIAL AIRPORT.
(CASE # 83162X)
FOR MORE INFORMATION CALL -

329-2127
239-3694
343-0278
239-7270

Mrs. Edith T. Eisenhart
Administrative Secretary
Board of Appeals of Baltimore County
Room 200 Old Courthouse
Towson, MD 21204

May 1, 1985
Mailing Address:
P.O. # 291
Mount 25, 21111

Re: Circuit Court Appeal
No. 85-CG-947

Dear Mrs. Eisenhart:

The Record & Proceedings in this appeal must include a copy of the Opinion and Order of January 9, 1985 issued by the Board of Appeals in Case No. 83-162-X since the basis/reasons for our rehearing motion and appeal relate directly to that Opinion and Order as clearly stated in our Petition of Appeal.

The list of papers in your Answer to Order for Appeal does not include a copy of the Opinion and Order of January 9, 1985, and therefore is incomplete.

Sincerely yours,
Edwin R. Fitzgerald
Edwin R. Fitzgerald
Carolyn J. Fitzgerald
Protestants-Appellants
2445 Traceys Street
Parkton, Md. 21120

cc. Clerk of Baltimore County
Circuit Court

RECEIVED
BOARD OF APPEALS
MAY 1 1985

16688, 3000 Rd
Ligons, Md 21157
by
March 30, 1984

The Honorable Judges -
Board of Appeals of Baltimore County,
Room 200, Court House -
Towson, Maryland.

Re: Case No. 83-162-X-

Sirs:
We are against any zoning that would enable the
Annapolis State Airport to be expanded to other than a
private family - use facility for single engine planes.
Our farm, where we have lived for over 30 years,
lies southward of the airport, and depending upon
flight patterns the planes fly over our property -
usually at much lower altitudes than normal cross
country air traffic. During recent years, the planes
have become more prevalent - and the large twin
engine planes with loud engines are especially
noisy - Although we are unaware of any
accidents with planes from the airport, the potential

Mrs. Edith T. Eisenhart
Administrative Secretary
Board of Appeals of Baltimore County
Room 200 Old Courthouse
Towson, MD. 21204

April 20, 1985
2445 Traceys Store Fl.
Parkton, Md. 21120

Mailing Address:
P.O. Box 291
Monkton, MD 21111

Dear Mrs. Eisenhart:

In response to your letter of April 17, 1985
I enclose a check for \$10.00 to cover the cost of the certified
documents needed for our appeal in Case No. 83-162-X.

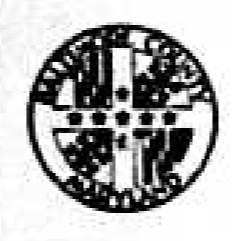
Thank you for your prompt reply to my inquiry.
I assume we will get a list of the documents you send to the Circuit
Court.

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 85183
DATE 4/23/85 ACCOUNT 01.712
AMOUNT \$10.00
RECEIVED FROM Edwin R. Fitzgerald
FOR Certified documents in file #83-162-X, Armacost Farms, Inc.
122*****10001a 823WF
VALIDATION ON SIGNATURE OF CASHIER

RECEIVED
COUNTY BOARD OF APPEALS
MAY 03 10 31 AM '85



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

April 17, 1985

Mr. Edwin R. Fitzgerald
P. O. Box 291
Monkton, MD 21111

Re: Case No. 83-162-X
Armacost Farms, Inc.

Dear Mr. Fitzgerald:

Thank you for your letter re costs of transmitting
the record of the above entitled case which was received in this
office on April 16, 1985. Enclosed is our bill in amount of \$10.00
covering the costs of the certified documents.

The reason for the delay in submitting this bill
was that due to the fact there had been a previous appeal to the
Circuit Court. I had to have a determination of just what records
should be forwarded on your appeal. I have been advised by counsel
that inasmuch as your appeal covers only the matter regarding your
request for rehearing, that just the portion of the file pertaining
to this request should be forwarded to the court.

Inasmuch as there is no transcript involved, we will
forward the necessary papers when we receive your check.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

April 17, 1985

BILLED TO: EDWIN R. FITZGERALD
P. O. BOX 291
MONKTON, MD 21111

COST OF CERTIFIED COPIES OF DOCUMENTS
FILED IN CASE NO. 83-162-X. \$10.00

ARMACOST FARMS, INC.
W/S BRUEHL RD. 2960'
N of C/1 of HERFORD RD.
5th DISTRICT

MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY, MD.

REMIT TO: COUNTY BOARD OF APPEALS
ROOM 200 COURTHOUSE
TOWSON, MD. 21204



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 26, 1985

Edwin R and Carolyn J. Fitzgerald
P. O. Box 291
Monkton, MD 21111

Re: Case No. 83-162-X
Armacost Farms, Inc.

Dear Mr. and Mrs. Fitzgerald:

In accordance with Rule B-7 (a) of the Rules of Procedure of the
Court of Appeals of Maryland, the County Board of Appeals is required to
submit the record of proceedings of the appeal which you have taken to the
Circuit Court for Baltimore County in the above entitled matter within thirty
days.

The cost of the transcript of the record must be paid by you.
Certified copies of other documents necessary for the completion of the
record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid
in time to transmit the same to the Circuit Court not later than thirty days
from the date of any petition you file in court, in accordance with Rule B-7
(a).

Enclosed is a copy of the Certificate of Notice which has been filed
in the Circuit Court. Also enclosed is an invoice covering the cost of
certified copies of necessary documents which must be included in this file.
Please remit as indicated on invoice.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

NO INVOICE
OR RECD -
8/27

Enclosures



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 28, 1985

Cornelius J. Carmody, Esquire
Suite 430, 10 N. Calvert Street
Baltimore, MD 21202

Re: Case No. 83-162-X
Armacost Farms, Inc.

Dear Mr. Carmody:

We are returning to you herewith you check for \$25.00
covering payment of certified documents in the above entitled case.

Inasmuch as you failed to order the transcript of
testimony we did not have a complete file to forward to the Circuit
Court on March 8, 1985, the expiration date for filing the record.

Upon the advice of the Office of Law we could not
file an incomplete record. Therefore, the certified copies were not
forwarded, and the OFFICE of Law has further advised us to return the
check to you.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Thomas J. Bollinger, Esquire
Assistant County Attorney



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 26, 1985

Edward C. Cavahey, Jr., Esquire
614 Bosley Avenue
Towson, MD 21264

Re: Case No. 83-162-X
Armacost Farms, Inc.

Dear Mr. Cavahey:

Notice is hereby given, in accordance with the Rules
of Procedure of the Court of Appeals of Maryland, that an appeal has
been taken to the Circuit Court for Baltimore County from the decision
of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosures

cc: C. Austin Armacost
James P. Vonderhorst
Stephen Stanton
Rudolph Toth
Cornelius J. Carmody, Esquire
Nancy Spicer
Phyllis Cole Friedman

Mrs. Edith T. Eisenhart,
Administrative Secretary
Board of Appeals of Baltimore County
Room 200 Old Courthouse
Towson, MD 21204

2445 Traceys Store Rd.
Parkton, Md. 21120
April 10, 1985

Mailing Address:
P.O. Box 291
Monkton, Md. 21111

Re: Case No. 83-162-X
Circuit Court Appeal No. 85-CG-947

Dear Mrs. Eisenhart:

Your letter of March 26, 1985 in response to our
Order for Appeal of the March 7, 1985 Order of the Board of Appeals states
that an invoice covering costs of certified copies of necessary documents
was enclosed, but no such invoice was, in fact, enclosed, nor has any
invoice been received.

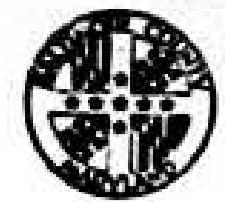
Since there was no rehearing as we requested, there
will be no hearing transcript, but we will pay any other costs of transmitting
the Record, as required by law, just as soon as we learn what those
costs are.

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

Cc: Clerk of Circuit Court for
Baltimore County

RECEIVED
COUNTY BOARD OF APPEALS
MAY 16 10 17 AM '85



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 26, 1985

Edwin R. and Carolyn J. Fitzgerald
P. O. Box 291
Monkton, MD 21111

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. and Mrs. Fitzgerald:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court. Also enclosed is an invoice covering the cost of certified copies of necessary documents which must be included in this file. Please remit as indicated on invoice.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosures



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 7, 1985

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, MD 21204

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. Covahey:

Attached hereto is a copy of the Order on the Motion for Rehearing passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: James P. Vonderhorst
Edwin Fitzgerald
Steve Stanton
Rudolph Toth
C. Austin Armocost
Nancy Spicer
Cornelius J. Carmody, Esq.
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

February 8, 1985

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, Md. 21204

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. Covahey:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Encl.

cc: C. Austin Armocost
Nancy Spicer
Phyllis C. Friedman
Norman Gerber
James Hoswell
Arnold Jablon
James Dyer

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

February 8, 1985

Cornelius J. Carmody, Esq.
Suite 430, 10 N. Calvert St.
Baltimore, Md. 21202

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. Carmody:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule B-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

Jane Holmen
Jane Holmen, Secretary

Encls.

cc: James Vonderhorst
Edwin Fitzgerald
Steve Stanton
Rudolph Toth

February 8, 1985

BILLED TO: Cornelius J. Carmody, Esq.
Suite 430, 10 N. Calvert St.
Baltimore, Md. 21202

Cost of certified documents in Case No. 83-162-X \$ 25.00
Armocost Farms, Inc.
W/s Bruehl Rd., 2960' N. of c/l of Hereford Rd.
5th District

MAKE CHECKS PAYABLE TO: Baltimore County, Maryland

REMIT TO: County Board of Appeals
Rm. 200, Court House
Towson, Md. 21204

ARMACOST - #83-162-X

- Feb. 7, 1985 Order for Appeal filed in the Circuit Court by Cornelius J. Carmody, Esq. on behalf of James Vonderhorst, Edwin Fitzgerald, Stephen Stanton and Rudolph Toth, Protestants
 - " 8 Certificate of Notice sent to all parties - bill for \$25 sent to Mr. Carmody for certified documents to be forwarded to court
 - " 18 Petition to Accompany Order for Appeal mailed by Carmody
 - ✓ " 20 Motion for Rehearing by the Board filed by Edwin R. and Carolyn J. Fitzgerald
 - ✓ " 27 Motion to Dismiss Motion for Rehearing filed by Mr. Covahey for Petitioner
- IN THE MEAN TIME - COURT REPORTER ADVISED US THAT MR. CARMODY WOULD NOT BE ORDERING TRANSCRIPT OF THE HEARING AS HE FELT HE DID NOT NEED IT
- ✓ Mar. 7, 1985 Board's Order DISMISSING Motion for Rehearing
 - " 7 Mr. Bollinger advised us that we could not file the case in court without a complete record
 - ✓ " 8 Reply to Motion to Dismiss Protestants' Motion for a Rehearing filed by Mr. Fitzgerald
 - ✓ " 25.00 bill for cert. docs
27 cert. docs Order for Appeal filed in the Circuit Court by Edwin R. and Carolyn J. Fitzgerald from ORDER of the Board dismissing their Motion for Rehearing.
 - " 26 Certificate of Notice sent to all parties - NO BILL FOR CERTIFIED DOCUMENTS SENT AS PREVIOUS BILL HAD BEEN SENT TO MR. CARMODY AND THIS APPEAL JUST COVERED BOARD'S SECOND ORDER
 - " 28 Per instructions from Mr. Bollinger returned Mr. Carmody's check for \$25 for certified copies as case was not filed in the Circuit Court
 - Apr. 2 Petition of Appeal filed in the Circuit Court by the Fitzgeralds
 - " 16 Letter from Mr. Fitzgerald noting that we did not send him a bill for the certified documents as stated in our FORM letter and would pay these costs but noted that there would be no transcript as his appeal was from the Board's Order denying a rehearing.

On 3/26 I checked the court docket and there was never a Motion for Extension of Time for filing the record.

QUESTION - How do I handle this second appeal and what is forwarded to the court? Apparently the first appeal is DEAD but I suppose the second Order of the board



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 9, 1985

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, MD 21204

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. Covahey:

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

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: James P. Vonderhorst
Edwin Fitzgerald
Steve Stanton
Rudolph Toth
C. Austin Armocost
Nancy Spicer
Cornelius J. Carmody, Esq.
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

Mr. William Hackett, Chairman
County Board of Appeals of Baltimore County
Room 200 Old Courthouse
Towson, Md. 21204

2145 Traceys Store Rd.
Parkton, Md. 21120
Dec. 3, 1984

Re: Case No. 83-162-X

Dear Mr. Hackett:

It is my clear recollection that in requiring summation memoranda for this case within 30 days you specifically said that the procedure was to be "sudden death overtime" with no replies, rebuttals, etc. allowed. Mr. Carmody tells me that Mr. Covahey has written a letter in objection/rebuttal to my memorandum. To date I have received no copy of Mr. Covahey's letter or his memorandum, but I suspect that I too could find something to rebut in his memorandum and in his rebuttal letter.

Has your ban on rebuttals, replies to memoranda, rebuttal to replies, and etc. now been lifted, or will you and the board merely disregard such proffered writings?

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Protestant

Cc: Cornelius Carmody, Esq.
Phyllis Friedman, Esq.

November 30, 1984

AREA CODE 31
828 944

County Board of Appeals
Room 200 Court House
Towson, MD 21204

RE: Armacost Farms, Inc. Appellant
Case No. 83-162-X

Gentlemen:

I have received a copy of a Memorandum re the above from Edwin R. Fitzgerald, Protestant, and same, as I feared, contains numerous exhibits, documentation, etc. which were not introduced at the hearing in this case. Accordingly, I would request that the Board not in any manner consider these documents as possessing any probative value.

Very truly yours,

Edward C. Covahay, Jr.

ECC/pa
cc: Mr. Edwin R. Fitzgerald
Cornelius Carmody, Esquire
Ms. Phyllis Cole Friedman

RECEIVED
COUNTY BOARD OF APPEALS
RECORDED
A 9 11



August 2, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

PER REQUEST OF ALL COUNSEL, WE ARE SCHEDULING AN ADDITIONAL HEARING DAY FOR:

CASE NO. 83-162-X
ARMACOST FARMS, INC.
W/S BRUEHL RD. 2,960' N. c/1 OF HEREFORD RD.
5th DISTRICT

ASSIGNED FOR:
TUESDAY, OCTOBER 30, 1984 at 10 a.m.
AND
WEDNESDAY, OCTOBER 31, 1984 at 10 a.m.

cc: Edward C. Covahay, Jr., Esquire Counsel for Petitioner-Appellant
C. Austin Armacost Petitioner-Appellant
Cornelius J. Carmody, Esquire Counsel for Protestants
James P. Vonderhorst, President Protestant
Edwin Fitzgerald "
Steve Stanton "
Rudolph Toth "
Nancy Spicer "
Phyllis Cole Friedman People's Counsel
Norman E. Gerber "
James G. Hoswell "
Arnold Jablon "
Jean M. H. Jung "
James E. Dyer "

Edith T. Eisenhart, Adm. Secretary



July 25, 1984

NOTICE OF ASSIGNMENT

CONTINUED HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 83-162-X
ARMACOST FARMS, INC.
SE - FOR AN AIRPORT AND HANGER FACILITIES
W/S BRUEHL RD. 2,960' N. c/1 OF HEREFORD RD.
5th DISTRICT
4/25/83 - Z.C. DENIED PETITION

ASSIGNED FOR:
TUESDAY, OCTOBER 30, 1984 at 10 a.m.
cc: Edward C. Covahay, Jr., Esquire Counsel for Petitioner-Appellant
C. Austin Armacost Petitioner-Appellant
Cornelius J. Carmody, Esquire Counsel for Protestants
James P. Vonderhorst, President Protestant
Whitehouse-Prettyboy Assn.
Edwin Fitzgerald "
Steve Stanton "
Rudolph Toth "
Nancy Spicer "
Phyllis Cole Friedman People's Counsel
Norman E. Gerber "
James G. Hoswell "
Arnold Jablon "
Jean M. H. Jung "
James E. Dyer "

494-3180

NOTICE OF POSTPONEMENT

CASE NO. 83-162-X
ARMACOST FARMS, INC.
FOR SE-AIRPORT AND HANGER FACILITIES
W/S BRUEHL RD. 2960' N. c/1 HEREFORD RD.
5th DISTRICT
4/25/83 - Z.C. DENIED PETITION

Scheduled for hearing on Wednesday, May 9, 1984, at 10 a.m. has been POSTPONED at the request of Counsel for Petitioner. The case will be scheduled for hearing at a later date.

cc: Edward C. Covahay, Jr., Esq. Counsel for Petitioner-Appellant
C. Austin Armacost Petitioner-Appellant
Cornelius J. Carmody, Esq. Counsel for Protestants
James P. Vonderhorst Protestant
Edwin Fitzgerald "
Steven Stanton "
Rudolph Toth "
Nancy Spicer "
Phyllis C. Friedman People's Counsel
A. Jablon "
J. Dyer "
J. Jung "

494-3180

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 83-162-X
ARMACOST FARMS, INC.
FOR SE-AIRPORT AND HANGER FACILITIES
W/S BRUEHL RD. 2960' N. c/1 HEREFORD RD.
5th DISTRICT
4/25/83 - Z.C. DENIED PETITION

Scheduled for hearing on Tuesday, May 8, 1984 at 10 a.m. has been POSTPONED at the request of Counsel for the Protestants (client out of town) and

REASSIGNED FOR: WEDNESDAY, MAY 9, 1984 at 10 a.m.

cc: Edward C. Covahay, Jr., Esq. Counsel for Petitioner-Appellant
C. Austin Armacost Petitioner-Appellant
Cornelius J. Carmody, Esq. Counsel for Protestants
James P. Vonderhorst Protestant
Edwin Fitzgerald "
Steven Stanton "
Rudolph Toth "
Nancy Spicer "
Phyllis C. Friedman People's Counsel
A. Jablon "
J. E. Dyer "
J. Jung "
N. E. Gerber "
J. G. Hoswell "

Edith T. Eisenhart, Adm. Secretary

494-3180

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 83-162-X
ARMACOST FARMS, INC.
FOR SE-AIRPORT AND HANGER FACILITIES
W/S BRUEHL RD. 2960' N. c/1 HEREFORD ROAD
5th DISTRICT
4/25/83 - Z.C. DENIED PETITION

Scheduled for hearing on Wednesday, February 22, 1984 at 10 a.m. has been

POSTPONED at the request of People's Counsel (in court) and

REASSIGNED FOR: TUESDAY, MAY 8, 1984 at 10 a.m.

cc: Edward C. Covahay, Jr., Esq. Counsel for Petitioner (Appellant)
C. Austin Armacost Petitioner-Appellant
Cornelius J. Carmody, Esq. Counsel for Protestants
James P. Vonderhorst Protestant
Edwin Fitzgerald "
Steven Stanton "
Rudolph Toth "
Nancy Spicer "
Phyllis C. Friedman Peoples' Counsel
A. Jablon "
J. E. Dyer "
J. Jung "
N. E. Gerber "
J. G. Hoswell "

Edith T. Eisenhart, Adm. Secretary

494-3180

NOTICE OF ASSIGNMENT

CONTINUED HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 83-162-X
ARMACOST FARMS, INC.
W/S Bruehl Rd. 2960' N of c/1 Hereford Rd.
5th District
For SE - Airport and hanger facilities
4/25/83 - Z.C. DENIED PETITION

ASSIGNED FOR: WEDNESDAY, FEBRUARY 22, 1984, at 10 a.m.

cc: Edward Covahay, Jr., Esq. Counsel for Petitioner-Appellant
C. Austin Armacost Petitioner-Appellant
Cornelius Carmody, Esq. Counsel for Protestants
James P. Vonderhorst Protestant
Edwin Fitzgerald "
Steve Stanton "
Rudolph Toth "
Nancy Spicer "
J. W. Hession, Esq. People's Counsel
A. E. Jablon "
J. E. Dyer "
J. Jung "
N. Gerber "
J. Hoswell "

June Holman, Secy.

494-3180

Hearing Room #218
Sept. 16, 1983

NOTICE OF ASSIGNMENT

CONTINUED HEARING

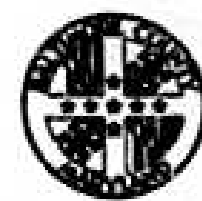
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 83-162-X
ARMACOST FARMS, INC.
W/S Bruehl Rd. 2960' N. of c/1 Hereford Rd.
5th District
For SE - Airport and hanger facilities
4/25/83 - Z.C. DENIED PETITION

ASSIGNED FOR: TUESDAY, DECEMBER 6, 1983 at 10 am and WEDNESDAY, DECEMBER 7, 1983 at 10 am

cc: Edward C. Covahay, Jr., Esq. Counsel for Petitioner-Appellant
C. Austin Armacost Petitioner-Appellant
Cornelius J. Carmody, Esq. Counsel for Protestants (Vonderhorst & Toth)
James P. Vonderhorst Protestant
Rudolph Toth "
Edwin Fitzgerald "
Steve Stanton "
Nancy Spicer Requested Notification
John W. Hession, III, Esq. People's Counsel
Mr. A. E. Jablon "
Mr. J. E. Dyer "
Mrs. Jean Jung "
Mr. N. E. Gerber "
Mr. J. G. Hoswell "

Edith T. Eisenhart, Adm. Secretary



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
June 21, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 83-162-X ARMACOST FARMS, INC.
W/S Bruhl Rd., 2960' N of c/A of Hereford Rd.
5th District
SE—for an airport and hanger facilities
4/25/83 - Z, C.'s Order—DENIED
THURSDAY, SEPTEMBER 15, 1983, at 10 a.m.

cc: Edward Covahey, Jr., Esq. Attorney for Petitioner-Appellant
James H. Cook, Esq. Protestants (Vonderhorst & Toth)
James P. Vonderhorst Protestant
Edwin Fitzgerald "
Steve Stanion "
Rudolph Toth "
C. Austin Armacost Appellant
John O. Hennegar, Esq. Attorney for Petitioner aut - see letter 4/24
Nancy Spicer
J. W. Heslian, Esq. People's Counsel
N. E. Gerber
J. Howell
W. E. Hammond
J. E. Dyer
June Holmen, Secy.



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
August 2, 1984

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, MD 21204

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. Covahey:

Your letter of July 31st refers to the above case as being scheduled on October 31, 1984, whereas, at the present time, it is scheduled for Tuesday, October 30, 1984 at 10 a.m. Please mark your calendar accordingly.

However, inasmuch as all parties have requested an additional hearing date, we are assigning Wednesday, October 31, 1984 for this additional date, per Notice attached hereto.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart,
Adm. Secretary

cc: Cornelius J. Carmody, Esquire
Peter Max Zimmerman, Esquire

COVAHEY & BOOZER
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
J. MELVILLE TOWNSEND

July 31, 1984

AREA CODE 301
828-3441

County Board of Appeals
Room 219
Court House
Towson, MD 21204

RE: Case No. 83-162-X
Armocost Farms, Inc.

Gentlemen:

With respect to Mr. Carmody's letter dated July 30, 1984, it is my position that the case should remain set for October 31, 1984 and possible other dates set. Mr. Carmody's concern about the dilution of testimony of course would also apply to the Applicants as our case was set on several separate occasions in order to accommodate all parties.

The Board's indulgence is appreciated.

Very truly yours,

Edward C. Covahey, Jr.
Edward C. Covahey, Jr.

ECC/pa
cc: Cornelius J. Carmody, Esquire
Peter Max Zimmerman, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
MON AUG -2 A D 5b C

MARR, BENNETT & CARMODY
ATTORNEYS AT LAW

MICHAEL E. MARR, A.C.P.
RICHARD B. BENNETT, P.C.
CORNELIUS J. CARMODY, P.C.
ROBERT A. SCARLETT

SUITE 430
10 NORTH CALVERT STREET
BALTIMORE, MD. 21202

TELEPHONE
(301) 534-4800
4904 N. BALTIMORE

ALSO ADMITTED IN D.C.
ALSO ADMITTED IN ALABAMA

JOSEPH F. CUMMINGSHAM
WASHINGTON OFFICE
8030 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20008

July 30, 1984

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

RE: Case No. 83-162-X
Armocost Farms, Inc.

Gentlemen:

I understand from Mr. Zimmerman of the People's Counsel's Office, that the above-captioned matter has been rescheduled for one day of hearing on October 31, 1984. I believe that one day is inadequate to conclude testimony in this matter and do not wish to have another series of divided hearing days with the resulting dilution of the effect of the testimony presented. Would you be so kind as to schedule three consecutive days for this matter in order that we may conclude what has been a very protracted hearing.

Very truly yours,

Cornelius J. Carmody
Cornelius J. Carmody

CJC:sp
cc: Peter Max Zimmerman, Esq.
Edward C. Covahey, Jr., Esq.
James P. Vonderhorst

RECEIVED
COUNTY BOARD OF APPEALS
MON JUL 31 A 11:39 C

Mr. William Hackett
County Board of Appeals
Room 200
Baltimore County Courthouse
Towson, Md. 21204

2445 Traceys Store Rd.
Parkton, Md. 21120
July 27, 1984

Re: Case No. 83-162-X
Armocost Farms, Inc.

Dear Mr. Hackett:

In order to avoid further delays in the above case, we suggest that at least two days be allotted now for continuation of the hearing. As you know, petitioner took two and one-half days to present its case, and protestants so far have had only one-half day (together with two postponements). It is our estimate that additional protestants' evidence and testimony will occupy at least two days, even without allowance for cross examination.

This airport has now been in discussion before the zoning commissioner and the board of appeals for several years while airport operations continue unabated.

Thank you for your consideration of this request.

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

cc: Cornelius J. Carmody, Esq.
Edward C. Covahey, Jr., Esq.

County Board of Appeals
Room 200 Court House
Towson, Md. 21204

2445 Traceys Store Rd.
Parkton, Md. 21120
Feb. 15, 1984

c/o Edith Eisenhart, Adm. Secretary

Re: Case No. 83-162-X
Armocost Farms, Inc.

Gentlemen/Ladies:

We have been informed that because People's Counsel can not be present it will be necessary to reschedule the February 22, 1984 hearing in the above case. While we regret the delay, we certainly want the People's Counsel to have continued representation at the hearings in this case; a postponement will also give the new People's Counsel additional chance to become familiar with the previous testimony and facts.

Because of prior commitments it will not be possible for me to attend the hearing on March 18-22 or April 6, 1984 (see attached), but almost any other date will be satisfactory.

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald
Protestant

cc: People's Counsel
Baltimore County

Attachments: Notice of Symposium, Edwin R. Fitzgerald one of four principal lecturers.

Circuit Court Hearing on Assessment Appeal
Edwin R. Fitzgerald (pp)

*Hand Delivered
Rec'd 2:15 PM
2-22-84
Meeting 5/14/84
At said hearing*

ANNOUNCEMENT AND CALL FOR PAPERS



Symposium on the Dynamic Mechanical Properties of Elastomers



Dates: 19-22 March 1984
Place: Ramada Inn
Mystic, Connecticut
Sponsors: Office of Naval Research and
Naval Underwater Systems Center

The Symposium / Workshop

The Office of Naval Research and the Naval Underwater Systems Center invite papers from interested authors for a special symposium/workshop on Dynamic Mechanical Properties of Elastomers with Applications to Naval Problems. Accepted papers will be presented at the Ramada Inn, Mystic, Connecticut, 19-22 March 1984. The central theme of the meeting will focus on those naval applications of viscoelastic materials where the complex dynamic mechanical properties are the dominant and primary properties used in a particular application. Cognizance, however, will be taken of the fact that the adjunctive engineering properties often control practical applications.

Invited Tutorial / Overview Lectures

Several invited overview lectures will be given on the first day of the symposium. They are:

- "The Molecular Structure of Elastomers" by Dr. John D. Ferry, Prof. Emeritus, University of Wisconsin.
- "The Dynamic Mechanical Properties of Elastomers" by Dr. Edwin R. Fitzgerald, Mechanics Department, Johns Hopkins University.
- "The Engineering Properties of Elastomers" by Dr. William N. Finley, Division of Engineering, Brown University.
- "Naval Applications of Elastomers" by Dr. Rolf G. Kaizer, Research Scientist, Engineering Mechanics Division of the Naval Underwater Systems Center.

Subject Categories

Special sessions with contributed papers in the following important areas will be held:

- Flow Noise Reduction
- Drag Reduction
- Echo Reduction
- Vibration Reduction
- Measurement Methods
- Mathematical Methods and Modeling
- Other Applications
- Confidential Workshop

Submission of Abstracts

Abstracts should be submitted no later than 6 February 1984 to:

Betty Chaonan
Code 0223
Technical Programs Committee
New London Laboratory
Naval Underwater Systems Center
New London, CT 06320

Abstract and Manuscript Format

The abstracts should be limited to 300 words including the title and the final author's name and address. The text of the abstracts could be typed on one sheet of 8 1/2 x 11 bond paper. The following information should be given at the bottom of the abstract (see attached sample abstract):

- Which technical category or categories, noted above, is most appropriate for abstract subject matter.
- Telephone number of most accessible author.
- If more than one author, give name of the one to receive acceptance or rejection notice.
- Special equipment you need other than Vu-Grabs or transparencies or the usual projectors for 2 x 2 slides.

Authors of papers selected for presentation will be notified by mail no later than 28 February 1984. Detailed instructions for the preparation of final manuscript will be provided following notification of acceptance. The proceedings of the symposium will be published as a theme issue of the Journal of Underwater Acoustics.

Paper Selection

Selection panels have been established to review the technical papers and select those to be presented at the symposium. Authors will be notified by 28 February 1984 of acceptance or rejection of papers.

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Booley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754

February 9, 1984.

Edwin R. & Carolyn J. Fitzgerald (pp)
T. Scott Beatty, Esq.
Irene S. Piliotis, Esq.
Stephen H. Sachs, Esq.
Raye Broken Bushard, Esq.

Moby Rushton - 494-2860
Assignment - Jury - Motion
Martha Fennell
Assistant Clerk Typist
Irene Summers - 494-2681
Assignment - Non-Jury - Motion
Freddie Grove
Assistant Clerk Typist

Jobi Adams - 494-2680
Clerk Assignment Commissioner
Settlement Court
Martha Harris - 494-2682
Assistant Clerk
Medical Records

TO:

NEW JULY - 83 M 275 - FITZGERALD VS. SUPERVISOR OF ASSESSMENTS ET AL

HEARING DATE: Friday, April 6, 1984, @ 9:30 a.m.

Appeals: 1 hour

ON THE FOLLOWING:

UPON RECEIPT OF THIS NOTICE, Counsel shall contact each other immediately to confirm calendars. Claim of not receiving notice will not constitute reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Boye Grimm - 494-3477.

SETTLEMENT CONFERENCE: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CUONE. Please direct all inquiries to the attention of Jobi Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no copy of satisfaction is filed prior to trial.

RECEIVED
COUNTY BOARD OF APPEALS
MON JUL 31 A 11:40 C

September 16, 1983

County Board of Appeals of
Baltimore County
Towson, Maryland 21204

Gentlemen:

This note refers to a zoning hearing on September 13, 1983
in which the issue of the Armacost Farms Airport was discussed.

I recently had business in the Towson area and found use of the
Armacost airport most useful since my point of departure was
Philadelphia. In many airports throughout the United States,
there is community discussion as to the benefits of these air-
ports vs. certain negative factors such as airport noise levels.
I should like to point out to the Board of Appeals that the
Armacost airport is a superbly designed and maintained facility
of a private nature only, without any commercial interests, but
the use of which is available for individuals having business in
the Towson environment. The availability of such an airport
is invaluable to any non-urban environment.

I should also like to point out that the airport owner is most
careful to point out those flight traffic procedures which will
minimize any noise inconvenience to the airport community.

Yours truly,

B. Dawson Shoemaker, M.D.
B. DAWSON SHOEMAKER, M.D.

BDS:ec
cc: C. Austin Armacost

Dear Sirs,

I am a resident of north Baltimore
County, and am in favor of retaining the
Armacost Farms airstrip as it is
currently being operated. I live at
1100 Armacost Road, and have experienced
no problems relating to its operation.

Paul Hoeckel

PAUL HOECKEL
1100 ARMACOST RD
PARKTON, MD 21120

*Rec'd 11-25-83
11:30 a.m.*

8415 Bellows Lane
Towson, Md. 21204
Sept. 11, 1983

Baltimore County
Appeals Board
Old Court House
Towson, Md. 21204
#83-162-X
Armacost Farms, Inc.

Gentlemen:

We are property owners in
the White House Prettyboy
Association.

We are against the commercial
expansion of the Armacost Air-
field and the granting of a
special exception.

Yours truly
James H. Murphy
Jefferson M. Murphy

*Rec'd 9-15-83
9:31 a.m.*

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
ESSEX, MARYLAND 21221

ASSOCIATES
CHARLES E. FUDGE, III
JOHN B. GONTRUM
JOHN D. HENNEGAN
ALFRED M. WALPERT

June 29, 1983

Clerk
BALTIMORE COUNTY
BOARD OF APPEALS
Room 200 Court House
Towson, Maryland 21204

Reference: Armacost Farms, Inc.
Case Number 83-162-X

Dear Clerk:

Please be advised that this office no longer
represents Armacost Farms, Inc. in the above re-
ferenced matter. Please note this on your records.

Thank you for your cooperation.

Very truly yours,

John O. Henneghan
John O. Henneghan

JOH/dlw

cc: Mr. Austin Armacost

*Rec'd 7-5-83
10 a.m.*

Case No. 83-162-X
Item No. 83
Date: May 23, 1983
SE-for an airport and hanger facilities
W/S Bruehl Rd., 2,960' N of c/1 of
Hereford Road - 5th Election District
Armacost Farms, Inc. - Petitioner.

- 1. Copy of Petition
- 2. Copy of Description of Property
- 3. Copy of Certificate of Posting (2 signs)
- 4. Copy of Certificates of Publication
- 5. Copy of Zoning Advisory Committee Comments (Petitioner's Exhibit 2)
- 6. Copy of Comments from the Director of Planning
- 7. Planning Board Comments and Accompanying Map
- 8. Copy of Order to Enter Appearance
- 9. Copy of Order - Zoning/Commissioner; 4/25/83-DENIED
- 10. Copy of Plat of Property (Petitioner's Exhibit 1)
- 11. 200' Scale Location Plan
- 12. 1000' Scale Location Plan
- 13. Letters (9) in Support of Petition along with list of names who were present at hearing in support
- 14. Letter(s) from Protestant(s) (20 total) along with list of names who were present at hearing in protest
- 15. Letter(s) from Petitioner(s)
- 16. Protestants' Exhibits A to E
- 17. Petitioners' Exhibits 1 to 2
- 18. Order of Appeal dated 5/20/83 by Edward C. Covahey, Jr., Esq., counsel for appellant, Armacost Farms, Inc.
- 19. Letter from Md. Transportation Dept., State Aviation Administration dated February 14, 1983

Edward C. Covahey, Jr., Esquire Attorney for Petitioner (Appellant)
614 Bosley Avenue
Towson, Maryland 21204

James P. Vonderhorst, President Protestant
Whitehouse-Prettyboy Association
P. O. Box 207
Monkton, Maryland 21111

Edwin Fitzgerald 343-0278 Protestant
2445 Tracey's Store Road
Parkton, Maryland 21120 MAILING ADDRESS: P.O. BOX 291
MONKTON, MD. 21111

Steve Stanton Protestant
5 Hunter Lake Court
Upperco, Maryland 21155

Rudolph Toth Protestant
10 Hunter Lake Court
Upperco, Maryland 21155

Norman E. Gerber People's Counsel
Request Notification
James Hoswell Request Notification
William E. Hammond Request Notification
James E. Dyer Request Notification

C. Austin Armacost, V.P. - Armacost Farms, Inc. Appellant
17634 Bruehl Rd., Upperco, Md. 21155

Howard Thomas Counsel for Toth and
Vonderhorst
Ave., Box 2512
11/22/83

Nancy Spicer
16817 Gorsuch Mill Rd
Upperco, Md. 21155

ARMACOST FARM, INC. #83-162-X

Nov. 3, 1982	Petition filed
Apr. 25, 1983	ZC DENIED petition
May 20	Order for Appeal filed by Edward C. Covahey, Jr., Esq. Counsel for Armacost Farms
Sept. 15	Hearing held before the Board
Dec. 6	" " " "
Dec. 7	" " " "
Oct. 30, 1984	" " " "
Jan. 9, 1985	Order of the Board GRANTING SE w/ restrictions (Hackett, Evans, Phipps)
Feb. 7	Order for Appeal filed in the Circuit Court by Cornelius J. Carmody, Esq., for Protestants - James Vonderhorst, Edwin Fitzgerald, Stephen Stanton and Rudolph Toth (85-CG-412)
Feb. 8	Certificate of Notice filed
" 18	Petition to Accompany Order for Appeal filed
E " 21	Motion for a Rehearing filed by Edwin R. and Carolyn J. Fitzgerald
E " 27	Motion to Dismiss Motion for Rehearing filed by Edward C. Covahey, Jr., Esq.
E Mar. 7	Board DENIED Motion for Rehearing
E " 8	Reply to Motion to Dismiss Protestants' Motion for a Rehearing filed by Fitzgeralds
March 8	DID NOT FILE CASE IN COURT - SEE NOTE ON BLUE SHEET
E Mar. 26, 1985	Order for Appeal filed in the Circuit Court by the Fitzgeralds from Order denying Motion for Rehearing (85-CG-441)
" 26	Certificate of Notice filed
April 23	Record of proceedings filed in the Circuit Court
May 8	Add'l. record of proceedings filed (cc of 1/9/85 Order)
May 16	Motion to Dismiss Appeal in case 85-CG-436 filed by Covahey
E June 7	Judge Leonard S. Jacobson granted Motion and DISMISSED appeal
September 14, 1987	Hearing had in Circuit Court (J. Fader)
December 28	Memorandum from Judge John F. Fader II affirming decision of Board of Appeals denying Motion for Rehearing. (85-CG-947).
January 6, 1988	Motion to Alter Judgment filed in CCT by Counsel for Appellants (Fitzgerald).
February 4	Motion to Alter Judgment DENIED.

*Rec'd 9-23-83
11 a.m.*

HEP

33
PETITION FOR SPECIAL EXCEPTION 83-162-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property a/cuse in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an airport and hanger facilities.

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

I, or we, agree to pay expenses of above 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s): Armcoast Farms, Inc. (Type or Print Name) Signature: C. O. Hennegan, Esquire (Type or Print Name) Address: 809 Eastern Boulevard, Baltimore, Maryland 21221

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of November, 1982, 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 100, County Office Building in Towson, Baltimore County, on the 18th day of January, 1983 at 11:00 o'clock A.M.

ECO-NO. 1 (over)

93-162-X #93

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER W/S Bruhl Rd., 2,960' N of the centerline of Hereford Rd., 5th District OF BALTIMORE COUNTY ARMACOST FARMS, INC., Petitioner :

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 therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman, Deputy People's Counsel; John W. Hession, III, People's Counsel for Baltimore County

I HEREBY CERTIFY that on this 6th day of January, 1983, a copy of the foregoing Order was mailed to John O. Hennegan, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221, Attorney for Petitioner.

John W. Hession, III

John O. Hennegan, Esquire 809 Eastern Boulevard Baltimore, Md. 21221

Erhold, Cross & Steel 412 Delaware Avenue Towson, Md. 21284

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received and accepted for filing this 3rd day of November, 1982

WILLIAM E. HAMMOND Zoning Commissioner

Petitioner: Armcoast Farms, Inc. Petitioner's Attorney: John O. Hennegan, Esq. Reviewed by: Nicholas B. Commodari, Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 10, 1983

John O. Hennegan, Esquire 809 Eastern Boulevard Baltimore, Maryland 21221

RE: Item No. 83 - Case No. 83-162-X Petitioner - Armcoast Farms, Inc. Special Exception Petition

Dear Mr. Hennegan: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case.

In view of your client's proposal to legalize the existing airport use of the subject property, this hearing is required.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours, Nicholas B. Commodari, Chairman, Zoning Plans Advisory Committee

NBC:bcc Enclosures cc: Gerhold, Cross & Steel 412 Delaware Avenue Towson, Maryland 21204

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E. DIRECTOR

December 15, 1982

Mr. William F. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Re: Item 83 (1982-83) Property Owner: Armcoast Farms, Inc. W/S Bruhl Road 2960' N. from Centerline of Hereford Road Acres: 19.29 District: 5th

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: GENERAL: Bruhl Road, an existing public road in this vicinity, is proposed to be further improved in the future, on a 60 foot 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. Development of this property through stripping, 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 stripping of top soil. The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages 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. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 83 (1982-83).

Very truly yours, Robert A. Norton, Chief Bureau of Public Works

RAM:EM:FWR:mg cc: Jack Wimbley G2-WF May Sheet 110-115 ME 24 & 25 Pos. Sheet NW 28 & 29 F & G Topo 20 & 21 Tax Map

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204 494-3211

NORMAN E. GERBER DIRECTOR

January 18, 1983

Mr. William F. Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond: Comments on Item # 83, Zoning Advisory Committee Meeting, November 3, 1982, are as follows:

Property Owner: Armcoast Farms, Inc. Location: W/S Bruhl Road 2960' N. from centerline of Hereford Road Acres: 19.29 District: 5th

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.

This petition meets the requirements of the Division of Current Planning and Development:

Sincerely yours, John L. Wimbley, Planner III Current Planning & Development

Dec 3 1982

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item # 83, Zoning Advisory Committee Meeting of Nov 3, 1982

Property Owner: Armcoast Farms, Inc.

Location: W/S Bruhl Rd. 2960' N of Hereford Rd. District 5

Water Supply: Private Sewage Disposal: Private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval. () Prior to new installation of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation before work begins. () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 83 Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. () Soil percolation tests have been conducted. The results are valid until revised plans must be submitted prior to approval of the percolation tests. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until it is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications. () All roads and parking areas should be surfaced with a dustless, bonding material. (X) No health hazards are anticipated. (X) Others: 1) The property is served by one drilled well and two septic systems, all of which appear to be functioning properly.

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of failure to meet the requirements of Section 502.1 of the Baltimore County Zoning Regulations and failure to prove that the proposed use of the property would not be detrimental to the health, safety, or general welfare of the locality involved, the special exception should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of April, 1983, that the Petition for Special Exception for an airport and hanger facilities is hereby DENIED.

W. E. Hammond
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE April 25 1983
BY [Signature]

Eileen

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT, ETC. W/S OF BRUEHL RD. 2,960' N. OF C/L OF HEREFORD RD. 5th DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 83-162-X

OPINION

This case comes before the Board of Appeals on an appeal from a decision of the Zoning Commissioner of Baltimore County denying the requested special exception for an Airport in an R.C. 2 zone, said denial being dated April 25, 1983. The subject property is located on the west side of Bruehl Road 2,960 feet north of the centerline of Hereford Road, in the Fifth Election District of Baltimore County.

Testimony and evidence in this case consumed four full hearing days and, therefore, cannot be detailed in this Opinion, but due to the amount of controversy generated by this request the Board will note each person's testimony and encapsulate it accordingly, noting that the entire testimony of each is now part of the record. Opening statements by all attorneys present and one individual Protestant are also part of the case record.

Mr. Carl Gerhold, a registered land surveyor, testified for the Petitioner. Mr. Gerhold stated that he surveyed the subject site, located the zoning lines and superimposed this information onto a photogrammetric map, which was entered as Petitioner's Exhibit #1. He also testified that the existing landing strip is grass, that the area in question is 19 acres in size and that the entire 19 acres are zoned R.C. 2.

Mr. George A. Gipe, 17400 Bruehl Road, resident at this location since 1969, testified for the Petitioner. He noted that his occupation is that of a free-lance writer, that he works from his home, which is 1/4 of a

ARMACOST FARMS, INC. - #83-162-X

2.

mile from the south end of the runway, that he favors the airport use of this land and that the noise therefrom causes him no concern. He also noted its possible emergency use should that occasion ever arise.

Mr. John F. R. Scott, Jr. next testified. Mr. Scott stated that he is the Associate Administrator of the Maryland State Aviation Administration and a commercial pilot with forty years experience. He noted that his department is responsible for registering licensed airports, that he now holds the current application for registering this airport but in order for it to be so registered it must comply with all local zoning regulations. This request is for a private non-commercial airport and no criteria for this type of registration exists. He further testified that it was his expert opinion that this airstrip was safe for this requested use and that all approaches were satisfactory. Mr. Scott also noted that any use other than a private non-commercial use would require re-registration by his department.

Mr. Phillip Platt, a registered professional engineer and an aeronautical engineer next testified. Mr. Platt stated that he has personally flown planes into and out of this site and that it complies with all F.A.A. requirements for its requested use. He testified that this type of landing strip would only be suitable for light single or twin engine aircraft with unpresurized cabins and with no more than a seating capacity for six persons. Mr. Platt showed a Beta Max tape of flying at this site. He also testified that he did a number of take-offs and landings with different aircraft so that ground level sound recordings could be obtained at different locations. He also testified at length on enforcement of regulations for bad flying practices and the procedures available for reporting same.

ARMACOST FARMS, INC. - #83-162-X

3.

Mr. Albert Bruehl, 17522 Bruehl Road, testified that he is a forty-four year resident of this area and owns fifty-eight acres abutting the subject site. He stated that he can see the aircraft land and take off from his home and does not object to this use. He testified that normal farm machinery also makes noise and he finds airplane noise no more objectionable.

Mr. David Soul, President of Baltimore Sound Engineering, next testified as a sound expert, his firm having been in the sound business for some eighteen years. On August 30, 1983, he performed a number of tests at ground level at different sites in this vicinity of aircraft taking off, flying over and landing at the subject site. All of these readings are part of the case record and detail a decibel reading range of from 52 decibels to 83 decibels for aircraft take-offs, from 40 decibels to 80 decibels for landings and from 55 decibels to 65 decibels for aircraft circling overhead. All of these readings were obtained by holding the recording meter at five feet elevation, mostly in fields of standing corn. The Board will note that all of the above readings are pure meter readings with no allowance for variables such as humidity, wind direction, time duration of the Max readings obtained, etc. Mr. Soul also testified that he took readings for comparison purposes fifty feet from Timonium Road and obtained decibel counts from 65 decibels to 88 decibels from the traffic thereon.

Mr. James G. Hoswell, Planner for Baltimore County, testified that his department does not oppose the requested special exception and entered these comments as Petitioner's Exhibit #6. This approval of the proposed use is contingent upon proper restrictions being applied to this use on the site.



BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204 825-7310

PALL H. RENCKE, CHIEF, December 20, 1982

Mr. William Hammond, Zoning Commissioner, Office of Planning and Zoning, Baltimore County Office Building, Towson, Maryland 21204

Attention: Nick Camodal, Chairman, Zoning Plans Advisory Committee

RE: Property Owner: Armacost Farms, Inc.

Location: W/S Bruehl Road 2960' N. from centerline of Hereford Road

Item No.: 83, Zoning Agenda Meeting of November 3, 1982

Continued:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- 1. Fire hydrants for the referenced property are required and shall be located at intervals of 150 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle load and condition shown at [redacted] exceeds the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

Approved: [Signature] Planning and Zoning Division

Noted and Approved: [Signature] Fire Prevention Bureau

JL/mb/can



BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204 494-3900

TED ZALESKI, JR., DIRECTOR

Mr. William E. Hammond, Zoning Commissioner, Office of Planning and Zoning, County Office Building, Towson, Maryland 21204

Dear Mr. Hammond

Comments on Item # 83 Zoning Advisory Committee Meeting are as follows:

Property Owner: Armacost Farms, Inc. Location: W/S Bruehl Road 2960' N. from centerline of Hereford Road, 5th District. Proposed Zoning: R.C. 2. Special Exception for an airport and hanger facilities.

Area: 19.29 Acres; 5th District

The items checked below are applicable:

- X-1. All structures shall conform to the Baltimore County Building Code 1982/ Council Bill 161 State of Maryland Code for the Building and Appeals and other applicable Codes.
X-2. A building and other miscellaneous permits shall be required before beginning construction.
3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
5. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot line. A firewall is required if construction is on the lot line, See Table 101, Item 2, Section 1107 and Table 1102.
6. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
7. Before this office can comment on the above structure, please have the owner, thru the services of a Registered Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
8. Comments:

NOTE: These comments refer only to the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of my permit. If desired, additional information may be obtained by visiting Room 2102 (Plans Review) at 111 West Chesapeake Avenue, Towson, 21286.

Very truly yours, Charles E. Dunham, Chief Plans Review

CEB:rcj FORM 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: Nov. 3, 1982

Mr. William E. Hammond, Zoning Commissioner, Baltimore County Office Building, 1111 West Chesapeake Avenue, Towson, Maryland 21204

Z.A.C. Meeting of: Nov. 3, 1982

RE: Item No: 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85. Property Owner: [redacted] Present Zoning: [redacted] Proposed Zoning: [redacted]

District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population. If the flight patterns of aircraft taking off and landing are such that they must pass over school property we would be deeply concerned since the safety of school children is very important to us.

Very truly yours, [Signature] Mr. Nick Petrovich, Assistant Department of Planning

WNP/bp

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner, Norman E. Gerber, Director, Office of Planning and Zoning, Zoning Petition No. 83-162-X, Armacost Farms, Inc. Date: JANUARY 12, 1983

This office is not opposed to the proposed use. It is assumed that details as to take-off and landing patterns will be provided by the petitioner. Further, if the petitioner's request is granted, it is suggested that the type and number of aircraft and the hours of operation be made a part of the order.

[Signature] Norman E. Gerber, Director, Office of Planning and Zoning

NEG:JGH:slc

cc: Arlene January, Shirley Hess

The next witness was Mr. Fred Wilke of 17300 Prettyboy Dam Road where he has resided for forty-one years. Mr. Wilke owns 144 acres abutting the subject site and does not object to the airport use proposed. Upon cross-examination, he testified that his home is about one-half mile from the runway.

Mr. Rene Cabirac, 17206 Hunter Green Road, testified that he had no problems with this airport use and that he knew of its existence when he purchased his home. Mr. Cabirac also stated that he owns a small airplane and while he does not have a pilot's license, his son is a commercial pilot.

Mr. Charles Spicer, 2834 Tracey Store Road, testified that he has lived in this area since 1950, that planes from this site pass over his home, which is one-third of a mile from the airport, that he can see the landings and take-offs and that he does not object to the requested use.

Mrs. Emily Williams, 17112 Macevone Road, testified that her husband is a pilot and he keeps his plane at this airport. As a hobby, Mrs. Williams' husband rebuilds old aircraft and, therefore, she is in favor of the granting of the requested use.

Mr. Clarence Benson, who lives three-quarters of a mile south of the subject site and has lived there for seventy-two years, does not object to this airport use. Mr. Benson testified that he can see and hear the aircraft, but that when they reach his home they are at a considerable altitude and create no problem for him.

Mr. Austin Armacost, property owner and petitioner, then testified. The property in this petition is owned by Armacost Farms, Inc. which consists of himself, his brother and his father. This property has been family owned for about fifty years. The entire farm is devoted to dairy

farming, orchards and the 19 acres requested for airport use. Mr. Armacost received his pilot's license in 1969 and began using this sod strip in 1970 for only he and his friends. He testified as to the aircraft that use this site and those that are stored there. He stated that this strip, by its nature, can only be used when weather permits, that it usually cannot be used during the winter months. He further testified that he was using this airstrip prior to the existence of Hunter Green Road and its subsequent development. Mr. Armacost further stated that he was agreeable to a limit of ten aircraft stored on this site, that he would perform no services on these aircraft, that he would submit no storage bills, would not permit take-offs after 10 P.M. and would be in agreement with any reasonable restrictions which would assure the airport's non-commercial use. This basically concluded the Petitioner's case.

The first witness for the Protestants was Mr. Edwin R. Fitzgerald, 2445 Tracey Store Road, who submitted his professional resume' as Protestants' Exhibit #4. Mr. Fitzgerald testified that he took decibel readings on an aircraft take-off on September 2, 1982 at 8:24 P.M. and obtained a reading of 75, and again on September 3, 1982 at 10:24 A.M. he obtained a reading of 85 decibels. He played a tape of this noise at his home and noted the maximum levels of noise were of 4 seconds and 9 seconds duration. He opposes any airport use of this site.

Mrs. Nancy Spicer, 16817 Gorsuch Mill Road, an area resident all of her life, testified that when the aircraft pass over her home they are loud and the noise is very loud, and that she feels this is detrimental to the health, safety and welfare of her home and, therefore, objects to the requested use.

Mrs. Louise Bareham, 17205 Hunter Green Road, testified that the aircraft fly low and in circles over her home. As a result, her property is now of less value, is less safe and that the airport use is a detriment to the area and, therefore, she opposes the requested use.

Ms. Caroline Warner, 16815 Falls Road, testified that she grew up in this area and that her present residence is about three-quarters of a mile from the airstrip. She especially complained about the noise generated by the twin engine plane based at the airport, and opposed the requested use.

Mr. James P. Vonderhorst, 16920 Techo Road, testified that he owns 90 acres south of the airstrip. He intends to breed and train fox hunting horses and feels that the overflights scare his horses. When he first purchased this farm, these overflights were only occasional but their frequency has increased and, therefore, he is of the opinion that these flights constitute a detriment to his property and its use.

Mr. Rudolf Toth, 10 Hunter Lake Court, testified he did not know of the airstrip when he purchased his home in 1975. He testified as to only a few flights in 1977, but more each succeeding year. Mr. Toth resents this aircraft activity over his home and is of the opinion that it is a definite detriment.

Mr. Steve Stanton, 5 Hunter Lake Court, testified that he has lived at this location for six years and that ground fog is often present in this area. He testified that, in his opinion, there is now no discernible flight pattern by aircraft using this strip and objects to this use.

Ms. Caroline Wertz, 3101 Mt. Cal. Road, a resident here for twenty-five years, testified that planes take off and land directly over her

house and intrude on her privacy. Her property is some 2,500 feet from the airstrip and for these reasons she objects to the proposed use.

Ms. Shirley Grant, 16119 Gorsuch Mill Road, testified that in earlier years there were fewer flights and smaller aircraft, but that now there are more flights and larger aircraft and, therefore, she objects to the proposed use. Mrs. Grant also testified that the numbers on the aircraft are visible and readable from her location. This testimony concluded Protestants' case.

Well prepared Memoranda have been received from all attorneys in this case as well as from one individual Protestant. These have been carefully reviewed and considered. The testimony received indicates these positives. This airstrip began operations in 1970 but no complaint or dissatisfaction with its operation was evidenced until 1982. Even now there are residents favoring this use and residents opposing it. The distribution of these indicates that some nearby residents approve its use and some oppose it, and the same is true of some who reside further from the site.

The proposed use can only be granted in the existing zone as a special exception pursuant to §1A01.2.C of the Baltimore County Zoning Regulations (BCZR). This use is not detrimental to the primary agricultural uses in the vicinity. However, before a special exception can be granted the proposed use must also comply with all of §502.1 of the BCZR. Only sub-section 502.1.a is in question regarding this site. Protestants claim this operation to be detrimental to the health, safety and welfare of their area.

The only testimony regarding safety from most Protestants was that they felt less safe now than earlier. Mr. Fitzgerald, in his Memo, cites many safety statistics. However, these statistics do not indicate any com-

April 23, 1983

John O. Hennegan, Esquire
Cormack Federal Building
200 Easton Boulevard
Baltimore, Maryland 21221

RE: Petition for Special Exception
W/S of Bruehl Road, 2,960 N of the centerline
of Hereford Road - 5th Election District
Armacost Farms, Inc. - Petitioner
NO. 83-162-X (Item No. 83)

Dear Mr. Hennegan:

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

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEP/arl

Attachments

cc Mr. Edwin Fitzgerald
2445 Tracey's Store Road
Purton, Maryland 21120

Mr. Steve Stanton
5 Hunter Lake Court
Upperco, Maryland 21150

Mr. Rudolf Toth
10 Hunter Lake Court
Upperco, Maryland 21150

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

PETITION FOR SPECIAL EXCEPTION

5th Election District

ZONING: Petition for Special Exception
LOCATION: West side of Bruehl Road, 2,960 ft. North of the centerline of Hereford Road
DATE & TIME: Tuesday, January 18, 1983 at 11:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for an airport and hangar facilities

All that parcel of land in the Fifth District of Baltimore County

Being the property of Armacost Farms, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, January 18, 1983 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CARL L. GERHOLD
PAUL E. CROSS
JUN. E. ETZEL
WILLIAM B. LINDSEY
ROBERT T. LANGRISH

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

ERNESTINE
PAUL B. BOLLEAUB
FRED H. BOLLEAUB

October 5, 1982

Zoning Description

All that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the west side of Bruehl Road at a point where it is intersected by the outline of the land of the petitioners herein, said point being at a distance of 2960 feet measured northerly along the west side of Bruehl Road from the center of Hereford Road and running thence and binding on the west side of Bruehl Road, the four following courses and distances viz: North 28 degrees 30 minutes East 680 feet, North 22 degrees 48 minutes East 1360 feet, North 7 degrees 40 minutes East 155.09 feet and North 1 degree 14 minutes East 800 feet, thence leaving said road and running North 65 degrees 21 minutes West 120 feet to the outline of the land of the petitioners herein, thence binding on the outline of said land, the two following courses and distances viz: North 23 degrees 39 minutes East 193.42 feet and North 63 degrees 15 minutes East 370 feet, thence leaving said outlines and running the ten following courses and distances viz: North 26 degrees 45 minutes East 165 feet, South 63 degrees 15 minutes East 245 feet, North 26 degrees 45 minutes East 120 feet, South 63 degrees 15 minutes East 80 feet, South 26 degrees 45 minutes East 185 feet, South 63 degrees 15 minutes East 200 feet, South 5 degrees 26 minutes West 158.41 feet, South 36 degrees 45 minutes East 495 feet, South 22 degrees 15 minutes West 2415 feet and South 42 degrees 30 minutes West 420 feet to intersect the first herein mentioned outline of the land of the petitioners herein and thence binding on said outline, North 68 degrees 10 minutes West 133 feet to the place of beginning.

Containing 19.29 Acres of land more or less.



OFFICE COPY

Whitehouse - Prettyboy Association

P. O. BOX 397
MONTICELLO, MARYLAND 21111

A NORTHERN BALTIMORE COUNTY
COMMUNITY ASSOCIATION

May 2, 1983

TELEPHONE
329 - 2127

Dear Member:

Welcome to the 52 new members who have joined during April; this newsletter is one way that this association will keep all members informed of what is happening in our community.

On April 25, 1983 the Baltimore County Zoning Commissioner, Mr. William Hammond, signed an ORDER denying the special exception for an airport, hangar facilities, extended runway, etc. that had been requested by Armacost Farms, Inc. A copy of that order is enclosed; we will keep you informed of further developments in this and other matters.

We also want to thank the officers and members of the Northern Baltimore County Alliance who gave valuable advice and help in our opposition to the Armacost Airport and its expansion.

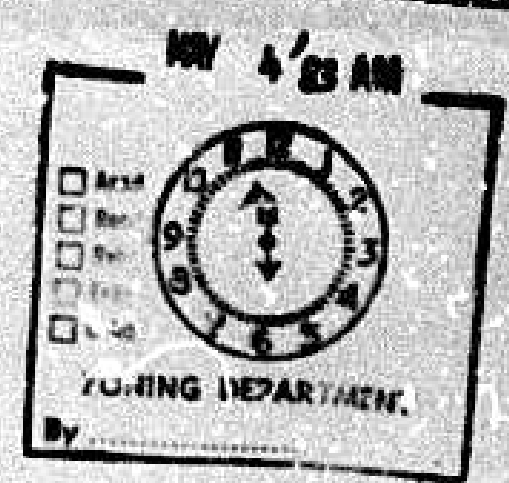
Sincerely yours,

James P. Vonderhorst, President

Cc Mr. Glen Peabody, Pres.
Northern Baltimore County Alliance

Mr. William E. Hammond
Baltimore County Zoning Commissioner

Mr. James T. Smith
Baltimore County Councilman
Mr. Donald Hutchinson
Baltimore County Executive



PC 2 of 2
ESP, 8/1/83
MUNOSTA 1082389 220611
1638 Hessian
Upperco - MD 21155
Check of House
1638 Hessian Rd
Upperco, Md 21155
Carly J. Fitzgerald
2445 Tracey's Store Rd
Parkton, Md 21120
HTOT 3MUKI
TO 3MUKI 027397
2013 019 027397
10/2/83
10/2/83
10/2/83

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an airport and hangar facilities.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
John O. Hennegan
(Type or Print Name)
Signature: _____
Address: _____
Baltimore, Maryland 21221
City and State
Attorney's Telephone No.: 686-8274

Legal Owner(s): _____
(Type or Print Name)
Signature: _____
Address: _____
Upperco, Maryland 21155
City and State
Name, address and phone number of legal owner contact purchaser or representative to be contacted:
John O. Hennegan, Esquire
809 Eastern Blvd., -21221 686-8274
Name Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 3rd day of November, 1982, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of January, 1983 at 11:00 o'clock A.M.

Armocost Farms, Inc.
Case No. 83-162-X

I HEREBY CERTIFY that a copy of the foregoing Certificate

of Notice has been mailed to Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert St., Baltimore, Md. 21202, Counsel for Protestants-Plaintiffs; James P. Vonderhorst, Pres., Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, Md. 21111, Protestant-Plaintiff; Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, Md. 21120, Protestant-Plaintiff; Steve Stanton, 5 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Rudolph Toth, 10 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, Md. 21204, Counsel for Petitioner; C. Austin Armocost, Armocost Farms, Inc., 17634 Bruehl Rd., Upperco, Md. 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Rd., Upperco, Md. 21155; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, on this 8th day of February, 1985.

June Holmen
June Holmen
County Board of Appeals of Baltimore County

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT, ETC. W/S OF BRUEHL RD. 2,960' N. OF C/L OF HEREFORD RD. 5th DISTRICT
JAMES P. VONDERHORST, ET AL, PLAINTIFFS
Zoning File No. 83-162-X

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
CG Doc. No. 7
Folio No. 71
File No. 83-CG-436

CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, William R. Evans, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Cornelius J. Carmody, Esq., Suite 430, 10 N. Calvert St., Baltimore, Md. 21202, Counsel for Protestants-Plaintiffs; James P. Vonderhorst, Pres., Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, Md. 21111, Protestant-Plaintiff; Edwin Fitzgerald, 2445 Tracey's Store Rd., Parkton, Md. 21120, Protestant-Plaintiff; Steve Stanton, 5 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Rudolph Toth, 10 Hunter Lake Ct., Upperco, Md. 21155, Protestant-Plaintiff; Edward C. Covahey, Jr., Esq., 614 Bosley Ave., Towson, Md. 21204, Counsel for Petitioner; C. Austin Armocost, Armocost Farms, Inc., 17634 Bruehl Rd., Upperco, Md. 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Rd., Upperco, Md. 21155; and Phyllis C. Friedman, Court House, Towson, Md. 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

June Holmen
June Holmen
County Board of Appeals of Baltimore County, Rm. 200, Court House, Towson, Md. 21204, 494-3180

PETITION FOR SPECIAL EXCEPTION *
Armocost Farms, Inc.
17634 Bruehl Road
Upperco, MD 21155

BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 83-162-X

ORDER FOR APPEAL

Mr. Clerk:
Please enter an appeal to the County Board of Appeals from the denial of Special Exception for an airport and hangar facilities in the above-captioned case.

ARMACOST FARMS, INC.
By: C. Austin Armocost, Jr.
C. Austin Armocost, Vice President

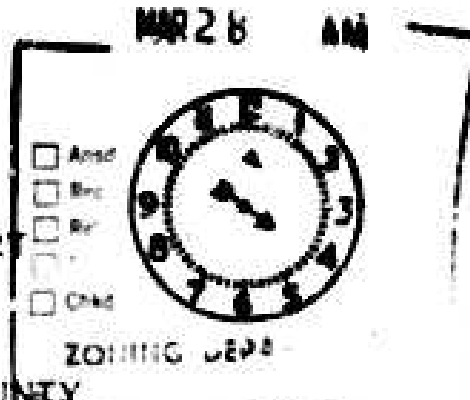
Edward C. Covahey, Jr.
Edward C. Covahey, Jr., Atty. for Appellant
614 Bosley Avenue
Towson, MD 21204
828-9441

I HEREBY CERTIFY that on this 19 day of April, 1983, a copy of the foregoing Order for Appeal was mailed to John W. Hessian, 111, Esquire, Suite 603, 102 W. Pennsylvania Avenue, Towson, MD 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 117618
DATE 5/20/83 ACCOUNT R-01-615-000
AMOUNT \$110.00
RECEIVED FROM Edward C. Covahey, Jr., Esquire
FOR Appeal Fee on Case No. 83-162-X (Armocost Farms, Inc.)
\$ 120****1100048 8238A
VALIDATION OR SIGNATURE OF CASHIER

IN THE MATTER OF THE APPLICATION OF ARMACOST FARMS, INC. FOR SPECIAL EXCEPTION FOR AN AIRPORT, ETC. W/S OF BRUEHL RD. 2,960' N. OF C/L OF HEREFORD RD. 5th DISTRICT
EDWIN R. and CAROLYN J. FITZGERALD PLAINTIFFS

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
CG Docket No. 7
Folio No. 71
File No. 83-CG-436



CERTIFICATE OF NOTICE

Mr. Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, William R. Evans, and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Edwin R. and Carolyn J. Fitzgerald, P. O. Box 291, Monkton, MD 21111, Plaintiffs-Protestants; Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert Street, Baltimore, MD 21202, Counsel for Protestants; James P. Vonderhorst, President, Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, MD 21111 and Stephen Stanton, 5 Hunter Lake Court, Upperco, MD 21155 and Rudolph Toth, 10 Hunter Lake Court, Upperco, MD 21155, Protestants; Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, Counsel for Petitioner; C. Austin Armocost, Armocost Farms, Inc. 17634 Bruehl Road, Upperco, MD 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Road, Upperco, MD 21155; and Phyllis Cole Friedman, Room 223 Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County

- 1. Copy of Petition
- 2. Copy of Description of Property
- 3. Copy of Certificate of Posting
- 4. Copy of Certificates of Publication
- 5. Copy of Zoning Advisory Committee Comments (Petitioner's Exhibit 2)
- 6. Copy of Comments from the Director of Planning
- 7. Planning Board Comments and Accompanying Map
- 8. Copy of Order to Enter Appearance
- 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- 10. Copy of Plat of Property (Petitioner's Exhibit 1)
- 11. 200' Scale Location Plan
- 12. 1000' Scale Location Plan
- 13. Letters (9) in Support of Petition along with list of names who were present at hearing in support
- 14. Letter(s) from Protestants (20 total) along with list of names who were present at hearing in protest
- 15. Letter(s) from Petitioner(s)
- 16. Protestants' Exhibits A to E
- 17. Petitioner's Exhibits 1 to 2
- 18. Order of Appeal
- 19. Letter from Md. Transportation Dept., State Aviation Administration dated February 14, 1983

Edward C. Covahey, Jr., Esquire Attorney for Petitioner (Appellant)
614 Bosley Avenue
Towson, Maryland 21204

James I. Vonderhorst, President Protestant
Whitehouse-Prettyboy Association
P. O. Box 207
Monkton, Maryland 21111

Edwin Fitzgerald Protestant
2445 Tracey's Store Road
Parkton, Maryland 21120

Steve Stanton Protestant
5 Hunter Lake Court
Upperco, Maryland 21155

Rudolph Toth Protestant
10 Hunter Lake Court
Upperco, Maryland 21155

John W. Hessian, III, Esquire
Norman E. Gerber
James Hoswell
William E. Hammond
James E. Dyer
People's Counsel
Request Notification
Request Notification
Request Notification

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Edwin R. and Carolyn J. Fitzgerald, P. O. Box 291, Monkton, MD 21111, Plaintiffs-Protestants; Cornelius J. Carmody, Esquire, Suite 430, 10 North Calvert Street, Baltimore, MD 21202, Counsel for Protestants; James P. Vonderhorst, President, Whitehouse-Prettyboy Association, P. O. Box 207, Monkton, MD 21111 and Stephen Stanton, 5 Hunter Lake Court, Upperco, MD 21155 and Rudolph Toth, 10 Hunter Lake Court, Upperco, MD 21155, Protestants; Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, MD 21204, Counsel for Petitioner; C. Austin Armocost, Armocost Farms, Inc., 17634 Bruehl Road, Upperco, MD 21155, Petitioner; Nancy Spicer, 16817 Gorsuch Mill Road, Upperco, MD 21155; and Phyllis Cole Friedman, Room 223 Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 26th day of March, 1985.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
County Board of Appeals of Baltimore County
494-3180

Arnold Jablon
Arnold Jablon
James G. Harwell

2445 Tracey's Store Road
Parkton, Maryland 21120
February 9, 1983

Mr. Norman E. Gerber, Director
Office of Planning and Zoning
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Dear Mr. Gerber:

In a letter to Mr. William Hammond dated January 12, 1983 you stated that your office was not opposed to the proposed Armacost Airport use. A copy of a Zoning Hearing Newsletter is attached, as well as a letter to Mr. Al Selby of the M.A.A., and other relevant items. Is your office:

- 1) In favor of the conversion of 19 1/2 acres of good farmland in a RC-2 zone to non-agricultural use?
- 2) Is your office in favor of the continued operation and expansion (e.g. 10 airplanes to 15; 2200-ft. runway to 2700 ft., etc.) of a Commercial Use Airport in a RC-2 zone?

Please let me know what the present and possible future stand of your office is or will be on these matters since they seem crucial to the continued preservation (or not) of the present agricultural and (quasi) rural character of Northern Baltimore County. There are many private small, non-commercial airports in our area; in the absence of any county plan or regulations the decision in this case will have great importance as a precedent in future zoning actions. We have confidence in Mr. Hammond's judgement, but wonder if your office has given him the best possible advice and assistance in this matter.

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

ERF/cm

AIRPORT ZONING NEWSLETTER

On January 18, 1982 a hearing was held before Baltimore County Zoning Commissioner, William E. Hammond, on the petition by Armacost Farms, Inc. for an Airport R.C.2 special exception for their airport along Brush Rd.

- Mr. C. Austin Armacost, Vice President of Armacost Farms testified that:
- 1) At present 12 airplanes are based at the airport; the number might increase to 15.
 - 2) The proposed 500 ft. extension of the present 2200 ft. runway included in the petition is not planned to accommodate larger planes, but to increase the margin of safety for present planes.
 - 3) Some of the planes using the airport pay monthly tie-down rent; he (and others) do make hired flights from and to the airport; he has a commercial pilot license; he does not give flying lessons, but others might; aviation gas was formerly sold at the airport, but the pump installed there is no longer in use.
 - 4) The airport was intended for business and pleasure use by friends and neighbors - within a 15 mile radius.

Mr. Edwin R. Fitzgerald representing himself and Protestant, Carolyn J. Fitzgerald, owners of a farm adjacent to Armacost Farms and North of the airport stated that:

- 1) Section 1A0.1 of the Baltimore County Code setting up R.C. 2 (AGRICULTURAL) Zones stipulates that agricultural industry in Baltimore County is an integral part of the Baltimore economy, and that a conversion of agricultural land to other uses will undermine this basic industry; R.C. 2 zoning is set up specifically to prevent the conversion of good farm land to other uses.
- 2) A USDA soil survey indicates that the 19 1/2 acres proposed for airport use is soil type Gc22 (Glenslg loam, 3 to 8 percent slope) capable of very high yields of corn, silage, oats, wheat, soybeans, hay, and other agricultural products. Mr. Armacost in response to a question also acknowledged that prior to its airport use this land was satisfactorily used for raising crops.
- 3) Low flying planes on landing and takeoff over the Fitzgerald house and barn were noisy and a potential safety hazard.
- 4) That as defined by Maryland Law (TR 5-301(b), Md. Code) the Armacost Airport as presently operated is a Commercial Use Airport, and subject to various State of Maryland laws and regulations which do not seem to have been followed (Tr. 5-303; 5-304; 5-804; 5-805; 5-901; 5-902; 5-903; etc.)
- 5) In summary Mr. Fitzgerald said,
 - (a) Operation of a Commercial Use Airport in a R.C. 2 Agricultural zone is not in accord with the purpose of the zoning.
 - (b) That if allowed to continue the number of planes using the airport should be reduced to 4, and the type of planes limited to small, propeller airplanes.
 - (c) That landing and takeoff patterns should be setup to prevent low flying planes over houses. These patterns should be enforced.

(over)

73-270

2445 Tracey's Store Road
Parkton, Md. 21120
February 9, 1983

Mr. Al Selby
Maryland Aviation Administration
BWI, P.O. Box 8766
Maryland 21240

Dear Mr. Selby:

The information that you supplied on the Armacost Airport in response to my wife's telephone call has been very useful. As you can see from the attached Airport Zoning Newsletter a hearing has been held on the petition for a special exception as required by Baltimore County law.

At the hearing I raised the question of possible non-compliance with Md. State laws since the Armacost Farms, Inc. Airport as operated is clearly a Commercial Use Airport according to TR 5-301(b) Md. Code (copy attached). That is, Mr. Armacost testified (we have a copy of the hearing tape) that monthly tie-down fees were and are charged, that aviation gasoline had been sold there in the past, and that he, personally, as well as others fly planes for hire from and to this airport. Furthermore, a pilot who uses the airport has written the Zoning Commissioner that 10 or 12 airplanes have been using the airport for seven (7) years (cf. letter from B. Mentzer); the registration of FAA Airport Master Record you sent to us states that as of 12/23/76 (six years ago) only six (6) airplanes were based at the Armacost Airport. Who is right? - Was it six or twelve in 1976??

Another worry for those of us in the landing and take-off flight paths is that no radio procedures are used; there is no FSS used and pilots do not broadcast (or listen) in the blind on 122.9 as advised by FAA Chapt 4-157 (c) of the Airman's Information Manual.

Can you tell me (and the Baltimore County Zoning Commissioner!) whether or not the Armacost Airport is in compliance with Maryland State laws on privately owned Commercial Use Airports?

Thank you for your continued help in this matter.

Sincerely yours,

Edwin R. Fitzgerald
Edwin R. Fitzgerald

cc: Mr. William E. Hammond
County Office Building
111 W. Chesapeake Ave., Towson, Md. 21204

23-285
Cantile

683 10 50 PM

2445 Tracey's Store Road
Parkton, Maryland 21120
February 14, 1983

Maryland Department of Transportation
STATE AVIATION ADMINISTRATION

Lowell R. Whitford
Secretary
T. James Truby
Administrator

Mr. Edwin R. Fitzgerald
2445 Tracey's Store Road
Parkton, Maryland 21120

Dear Mr. Fitzgerald:

This is in response to your letter of February 9, 1983, asking to be advised whether the Armacost Farms Airport is in compliance with Maryland State laws related to privately owned Commercial Use Airports. As of this date, the Airport has never complied with Section .06 B.(1) and C. of the Maryland Aeronautical Regulations. These sections state as follows:

"B.(1) A person may not operate an airport without an airport license or registration unless exempted by:-----;" and

"C. Approval of Local Governing Body. A person may not operate an airport without land use approval from the local governing body if that body has an airport zoning ordinance."

We recently discussed the matter with Mr. C. Austin Armacost who assured us that he is not interested in establishing a commercial operation at the airport, and will cease all such activity that would necessitate a classification of "Commercial Use Airport" as defined in the Aeronautical Regulations. For that reason, he has been provided with the required application for registration of the airport as a "Private Use/Non-Commercial" facility and we expect to receive it back, properly completed in the near future. The Baltimore County Zoning officials have not, to our knowledge, rendered a decision on the request for a special exemption to allow the airport to continue in operation. Consequently, any action we take to register the airport in advance of their decision, will be conditioned upon their approval and any restrictions which they specify.

I noted that your letter expressed concern over the fact that no radio procedures are used by aircraft operating to and from Armacost Farms Airport. This is really no cause for concern at an airport like Armacost Farms. The portion of the Airman's Information Manual that you referred to is merely a recommended practice, not mandatory, and the extent to which it is generally followed is based upon the volume of traffic at the particular airport.

P.O. Box 8766, Baltimore/Washington Int'l Airport, Maryland 21240, -0760 Telephone (301) 359-7100
TTY For the Deaf (301) 859-7227

Mr. Edwin R. Fitzgerald
February 14, 1983
Page 2

The basis for all flight safety in the vicinity of an airport, even at those with an operating control tower, is the rule of "see and be seen." Through the use of a standard, rectangular flight pattern at a published altitude (800 feet AGL in the case of Armacost Farms) the pilots of arriving and departing aircraft can readily monitor traffic and identify any others that might pose a threat of collision. At Maryland's forty-one public-use airports, for instance, there are nine without any radio communications, twenty-eight with advisory services on an assigned Unicom frequency, one (Salisbury) with a Flight Service Station, and only three with traffic control provided by a control tower. With over sixty private-use airports within the State, none have identifiable radio communication service.

Please don't hesitate to contact us if we can be of further assistance.

Sincerely,

Albert J. Selby
Albert J. Selby, Manager
General Aviation Services

AJS:lab

cc: Mr. William E. Hammond, Baltimore County

EXHIBIT A SOIL SURVEY

Baltimore County Maryland



UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service
In cooperation with
MARYLAND AGRICULTURAL EXPERIMENT STATION



USDA UNITS

soil series to which the mapping was done. The suitability of the soils for use as cropland is discussed in by unit and woodland sub-class. The soil is too variable for grouping. Other information is given

Suitability of soils for wildlife, table 4, p. 88.
Engineering uses of the soils, tables 5 and 6, pp. 94 through 111.

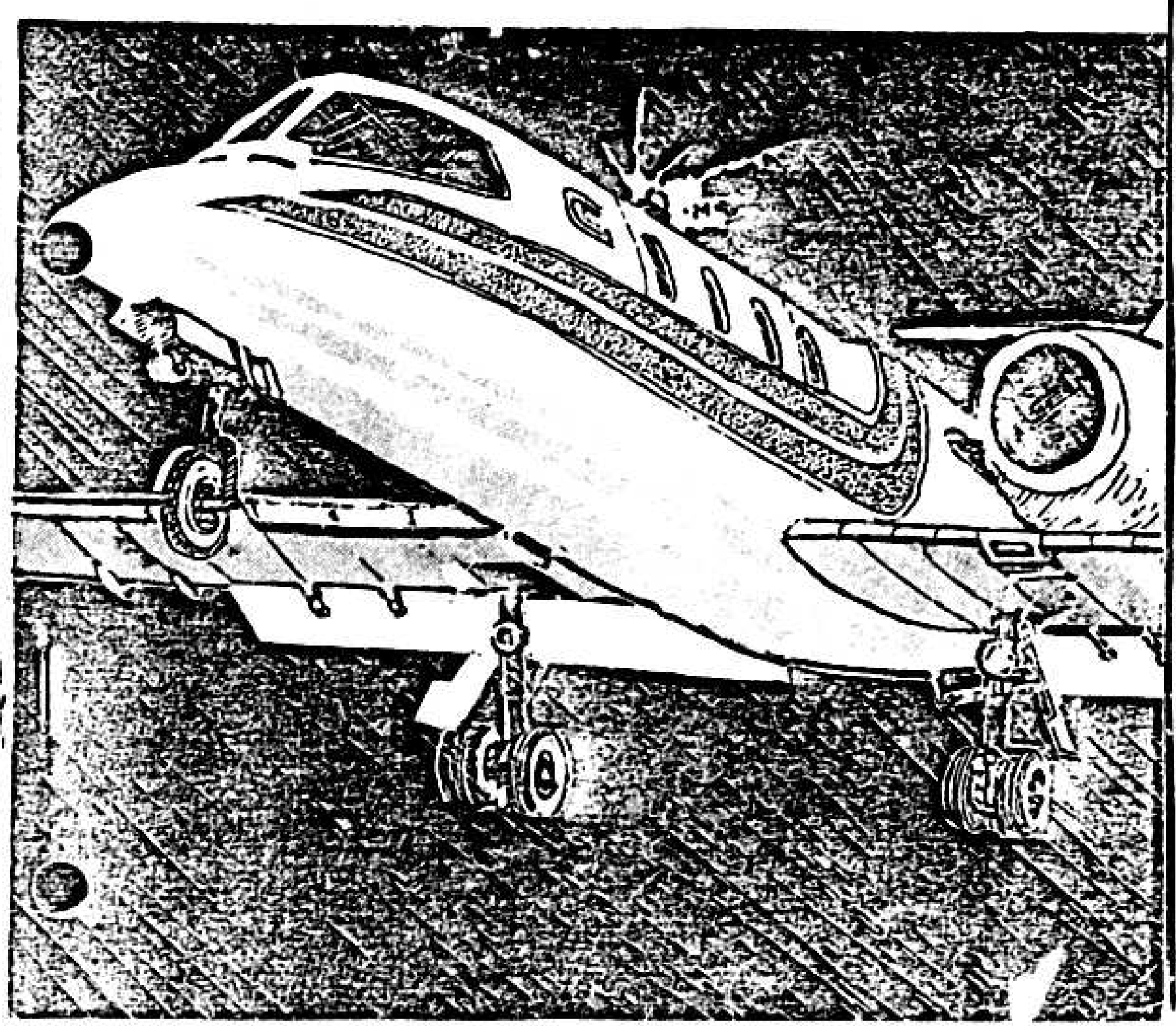
Map symbol	Mapping unit	Described on page	Capability unit	Woodland sub-class
Symbol			Symbol	Symbol
Ct	Coastal beaches	22	VIIa-7	--
Cu	Codorus silt loam	22	III-7	1w 80
Cv	Cross silt loam	23	I-6	1o 80
Cv2	Comestoga loam, 3 to 8 percent slopes, moderately eroded	24	IIIa-2a	1o 80
Cv2	Comestoga loam, 8 to 15 percent slopes, moderately eroded	24	IIIa-2a	1r 80
DeB	Delanco silt loam, 3 to 8 percent slopes	24	IIIa-16	2o 81
Du	Dunning silt loam	25	IVa-3	1w 60
EB2C	Elkton gravelly loam, 3 to 8 percent slopes, moderately eroded	26	IIIa-4	3o 81
EB2C	Elkton gravelly loam, 8 to 15 percent slopes, moderately eroded	26	IIIa-4	3o 81
EgD	Elkton very stony loam, 3 to 25 percent slopes	26	VIIa-1	2r-3r 81-83
EgE	Elkton very stony loam, 25 to 45 percent slopes	26	IIIa-3	2r-3r 81-83
EB2C	Elkton silt loam, 3 to 8 percent slopes, moderately eroded	27	IIIa-4	2o 82
EB2C	Elkton silt loam, 8 to 15 percent slopes, moderately eroded	27	IIIa-4	2o 82
EB2C	Elkton gravelly silt loam, 3 to 8 percent slopes, moderately eroded	27	IIIa-4	2o 82
EB2C	Elkton gravelly silt loam, 8 to 15 percent slopes, moderately eroded	27	IIIa-4	2o 82
EB2C	Elkton silt clay loam, 8 to 15 percent slopes, severely eroded	27	IVa-3	2o 82
EB	Elkton loam	28	IIIa-9	3w 84
EB	Elkton silt loam	28	IIIa-9	3w 84
EB	Elkton-Urban land complex	28	IIIa-9	3w 84
EB	Elkton loam, 3 to 8 percent slopes	29	IIIa-4	2o 81
EB2C	Elkton loam, 8 to 15 percent slopes, moderately eroded	29	IIIa-4	2o 81
Fa	Fallstons sandy loam	29	IIIa-6	2w 82
Fa	Fallstons loam	29	IIIa-7	2w 82
FaB	Fallstons loamy sand, 0 to 5 percent slopes	30	IIIa-4	2o 81
GaB	Galestown loamy sand, 0 to 5 percent slopes	31	IIIa-1	3w 84
GaC	Galestown loamy sand, 5 to 10 percent slopes	31	IIIa-1	3w 84
Gc2C	Glenslg loam, 3 to 8 percent slopes, moderately eroded	31	IIIa-4	2o 81
Gc2C	Glenslg loam, 8 to 15 percent slopes, moderately eroded	31	IIIa-4	2o 81
Gc2C	Glenslg loam, 15 to 25 percent slopes, severely eroded	31	IIIa-4	2o 81
Gc2C	Glenslg channely loam, 3 to 8 percent slopes, moderately eroded	32	IIIa-4	2o 81
Gc2C	Glenslg channely loam, 8 to 15 percent slopes, moderately eroded	32	IIIa-4	2o 81
Gc2C	Glenslg channely loam, 15 to 25 percent slopes, moderately eroded	32	IIIa-4	2o 81
Gc2C	Glenslg channely loam, 15 to 25 percent slopes, severely eroded	32	IIIa-4	2o 81
Gc2C	Glenslg-Urban land complex, 0 to 8 percent slopes	32	IIIa-4	2o 81
Gc2C	Glenslg-Urban land complex, 8 to 15 percent slopes	32	IIIa-4	2o 81
Gc2C	Glenslg-Urban land complex, 15 to 25 percent slopes	32	IIIa-4	2o 81
Gc2C	Glensville silt loam, 0 to 3 percent slopes	33	IIIa-1	2w 82
Gc2C	Glensville silt loam, 3 to 8 percent slopes	33	IIIa-16	2w 82
Gc2C	Glensville-Urban land complex, 0 to 8 percent slopes	33	IIIa-1	2w 82
Gc2C	Glensville-Urban land complex, 8 to 15 percent slopes	34	I-1	1e 81
Gc2C	Glensville silt loam, 3 to 8 percent slopes, moderately eroded	34	IIIa-1	1e 81
Gc2C	Glensville silt loam, 8 to 15 percent slopes, moderately eroded	34	IIIa-1	1e 81
Gc2C	Glensville silt loam	36	IIIa-7	2w 82
H-3	Hollinger loam, 3 to 8 percent slopes, moderately eroded	37	IIIa-5	2o 81
H-3	Hollinger loam, 8 to 15 percent slopes, moderately eroded	37	IIIa-5	2o 81
H-3	Hollinger loam, 15 to 25 percent slopes, severely eroded	37	IIIa-5	2o 81
H-3	Hollinger loam, 15 to 25 percent slopes, severely eroded	37	IIIa-5	2o 81

TABLE 2.—Estimated average per-acre yields of specified crops under improved or high-level management—Continued

Soil	Corn		Oats	Wheat	Soy-beans	Hay		Pasture	
	Grain	Silage				Alfalfa-grass	Clover-grass	Blue-grass	Legume fall-grass
	bu.	tons	bu.	bu.	bu.	tons	tons	acres	acres
Elkton silty clay loam, 8 to 15 percent slopes, severely eroded.....	110	22	65	40	40	4.5	3.0	135	21.3
Elkton loam.....	105	21	60	35	35	4.0	2.5	130	20.7
Elkton silt loam.....	105	21	60	35	35	4.0	2.5	130	20.7
Elkton-Urban land complex.....	130	26	80	50	45	5.0	3.5	160	26.3
Elkton loam, 3 to 8 percent slopes.....	120	24	71	45	45	4.5	3.0	150	24.3
Elkton loam, 8 to 15 percent slopes, moderately eroded.....	120	24	71	45	45	4.5	3.0	150	24.3
Fallingston sandy loam.....	120	24	71	45	45	4.5	3.0	150	24.3
Fallingston loam.....	120	24	71	45	45	4.5	3.0	150	24.3
Fort Mott fine sand, 0 to 5 percent slopes.....	100	20	60	40	30	3.0	2.0	120	19.3
Galesburg loamy sand, 0 to 5 percent slopes.....	70	14	40	30	20	2.5	2.0	100	16.3
Galesburg loamy sand, 5 to 10 percent slopes.....	60	12	35	25	20	2.5	2.0	90	14.3
Glenclay loam, 3 to 6 percent slopes, moderately eroded.....	135	27	70	50	45	4.5	3.5	160	26.3
Glenclay loam, 8 to 15 percent slopes, moderately eroded.....	125	25	75	45	45	5.0	3.5	160	26.3
Glenclay loam, 8 to 15 percent slopes, severely eroded.....	110	22	65	40	40	4.5	3.0	135	22.3
Glenclay loam, 15 to 25 percent slopes, moderately eroded.....	110	22	65	40	40	4.5	3.0	135	22.3
Glenclay loam, 15 to 25 percent slopes, severely eroded.....	110	22	65	40	40	4.5	3.0	135	22.3
Glenclay channery loam, 3 to 8 percent slopes, moderately eroded.....	135	27	80	50	45	5.5	3.5	160	26.3
Glenclay channery loam, 8 to 15 percent slopes, moderately eroded.....	125	25	75	45	45	5.0	3.5	160	26.3
Glenclay channery loam, 15 to 25 percent slopes, moderately eroded.....	110	22	65	40	40	4.5	3.0	135	22.3
Glenclay channery loam, 15 to 25 percent slopes, severely eroded.....	110	22	65	40	40	4.5	3.0	135	22.3
Glenclay-Urban land complex, 8 to 15 percent slopes.....	130	26	75	45	45	5.0	3.5	160	26.3
Glenclay silt loam, 0 to 5 percent slopes.....	100	20	65	40	35	3.5	3.0	135	22.3
Glenclay silt loam, 5 to 10 percent slopes.....	100	20	65	40	35	3.5	3.0	135	22.3
Glenclay-Urban land complex, 0 to 8 percent slopes.....	130	26	75	45	45	5.0	3.5	160	26.3
Hagerstown silt loam, 0 to 5 percent slopes, moderately eroded.....	135	27	80	50	45	5.5	3.5	160	26.3
Hagerstown silt loam, 5 to 10 percent slopes, moderately eroded.....	125	25	75	45	45	5.0	3.5	160	26.3
Hagerstown silt loam, 15 to 25 percent slopes, moderately eroded.....	115	23	68	45	40	4.5	3.5	150	24.3
Hagerstown silt loam, 15 to 25 percent slopes, severely eroded.....	95	19	65	40	40	4.0	3.0	135	22.3
Hollinger loam, 3 to 8 percent slopes, moderately eroded.....	95	19	65	40	40	4.0	3.0	135	22.3
Hollinger loam, 8 to 15 percent slopes, moderately eroded.....	60	12	40	30	30	3.0	2.0	100	16.3
Hollinger and Columbia loams, 15 to 25 percent slopes, severely eroded.....	130	26	80	45	45	4.5	3.5	160	26.3
Hollinger and Columbia loams, 15 to 25 percent slopes, moderately eroded.....	100	20	65	45	35	3.5	3.0	135	22.3
Jopps gravelly sandy loam, 0 to 5 percent slopes, moderately eroded.....	90	18	40	30	30	3.0	2.5	120	19.3
Jopps gravelly sandy loam, 5 to 10 percent slopes, moderately eroded.....	80	16	35	30	30	3.0	2.5	120	19.3
Jopps-Urban land complex, 3 to 8 percent slopes.....	70	14	40	30	30	3.0	2.5	120	19.3
Kelly silt loam, 3 to 8 percent slopes, moderately eroded.....	60	12	35	25	25	2.5	2.0	110	17.3
Kelly silt loam, 8 to 15 percent slopes, moderately eroded.....	70	14	40	30	30	3.0	2.5	120	19.3
Kelly silty clay loam, 0 to 15 percent slopes, moderately eroded.....	60	12	35	25	25	2.5	2.0	110	17.3
Kelly silty clay loam, 15 to 25 percent slopes, moderately eroded.....	60	12	35	25	25	2.5	2.0	110	17.3



EXHIBIT B
Airman's Information Manual
 Basic Flight Information and ATC Procedures
 September 2, 1982
 Next Issue December 23, 1982



Chapter 4. AIR TRAFFIC CONTROL
 Section 1. SERVICES AVAILABLE TO PILOTS

150. AIR ROUTE TRAFFIC CONTROL CENTERS
 Centers are established primarily to provide Air Traffic Service to aircraft operating on IFR flight plans within controlled airspace, and principally during the en route phase of flight.

151. CONTROL TOWERS
 Towers have been established to provide for a safe, orderly and expeditious flow of traffic on and in the vicinity of an airport. When the responsibility has been so delegated, towers also provide for the separation of IFR aircraft in the terminal areas (See PARA. 36—APPROACH CONTROL).

152. FLIGHT SERVICE STATIONS
 FSSs are air traffic facilities which provide pilot briefings, en route communications and VFR search and rescue services, assist lost aircraft and aircraft in emergency situations, relay ATC clearances, originate Notices to Airmen, broadcast aviation weather and NAS information, receive and process IFR flight plans, and monitor NAV AIDs. In addition, at selected locations FSSs provide En Route Flight Advisory Service (Flight Watch), take weather observations, issue airport advisories, and advise Customs and Immigration of transborder flights.

153. RECORDING AND MONITORING
 Calls to air traffic control (ATC) facilities (ARTCC, Towers, FSSs, Central Flow, and Communications Control Centers) over radio and ATC operations are recorded for operational purposes such as controller instructions, briefings, opening and closing flight plans, issuance of IFR clearances and amendments, counter hijacking activities, etc.) may be monitored and recorded for operational uses such as accident investigations, accident prevention, search and rescue purposes, specialist training and evaluation, and technical evaluation and repair of control and communications systems.

154. COMMUNICATIONS RELEASE OF IFR AIRCRAFT LANDING AT AN AIRPORT NOT BEING SERVED BY AN OPERATING TOWER
 Aircraft operating on an IFR flight plan, landing at an airport not being served by a tower will be advised to change to the airport advisory frequency (UNICOM) when direct communications with ATC is no longer required. Towers and centers do not have non-tower airport traffic and runway in use information. The instrument approach may not be aligned with the runway in use; therefore, if the information has not already been obtained, pilots should make an expeditious change to the airport advisory frequency when authorized. (See PARA. 36—ADVANCE INFORMATION ON INSTRUMENT APPROACH.)

SERVICES AVAILABLE TO PILOTS

155. PILOT VISITS TO AIR TRAFFIC FACILITIES
 Pilots are encouraged to visit air traffic facilities (Towers, Centers and FSSs) and participate in "Operations Rancheck." Operation Rancheck is a program designed to familiarize pilots with the ATC system, its functions, responsibilities and benefits. On rare occasions, facilities may not be able to approve a visit because of ATC workload or other reasons. If a pilot therefore requests that pilot contact the facility prior to the visit and advise of the number of persons in the group, the time and date of the proposed visit and the primary interest of the group. With this information available, the facility can prepare an itinerary and have someone available to guide the group through the facility.

156. APPROACH CONTROL SERVICE FOR VFR ARRIVING AIRCRAFT
 Numerous airports which control facilities have established programs for arriving VFR aircraft to contact approach control for landing information. This information includes: wind, runway, and altimeter setting at the airport of intended landing. This information may be confined to the ATIS broadcast and the pilot states the appropriate ATIS code.

NOTE.— Pilot use of "have number" does not indicate receipt of the ATIS broadcast.

In addition, the controller will provide traffic advisories on a workload permitting basis.

b. Such information will be furnished upon initial contact with concerned approach control facility. The pilot will be requested to change to the tower frequency at a predetermined time or point, to receive further landing information.

c. Where available, use of this procedure will not hinder the operation of VFR flights by requiring excessive spacing between aircraft or deviating routing.

d. Compliance with this procedure is not mandatory but pilot participation is encouraged. (See PARA. 165—TERMINAL AREA PROGRAMS FOR VFR AIRCRAFT.)

SERVICES AVAILABLE TO PILOTS

157. TRAFFIC ADVISORY PRACTICES AT AIRPORTS WHERE A TOWER IS NOT IN OPERATION

a. **Services Available.**— An airport may have a full or part-time tower and/or FSS, UNICOM operator or no ground radio facility. Pilots should determine what, if any, service is available at a particular airport before planning a flight into the airport. Combining an aural and visual alertness and complying with the following recommended practices will enhance safety of flight into and out of such airports. Traffic Advisory Practices are designed to enhance safety. TRAFFIC CONTROL IS NOT EXERCISED.

b. **Recommended Traffic Advisory Practices.**— It is important that all aircraft transmit/receive on the same frequency while taking off or operating in the traffic pattern. As standard operating practice all inbound traffic should continuously monitor the appropriate frequency from 10 miles to landing. Departing aircraft should monitor the appropriate frequency from start of taxi until 10 miles from the airport, unless local procedures or FARs require otherwise. (See the appropriate Airport/Facility Directory, aeronautical charts, or DOD Flight Information Publications for frequencies in use.)

c. **Recommended Outbound and Inbound Reports:**

FACILITY AT AIRPORT	FREQUENCY	BROADCAST POSITION Outbound	BROADCAST POSITION Inbound
1. UNICOM OPERATOR (No Tower or FSS)	Communicate with UNICOM operator on 122.7, 122.8, or 123.0 as appropriate. If unable to contact UNICOM operator, use appropriate UNICOM frequency to broadcast position or intentions in the blind.	Before taking runway for takeoff	Entering downwind, and final
2. Part-Time Tower (Closed, FSS Closed or no FSS)	Broadcast position or intentions in the blind on tower frequency.	Before taking runway for takeoff	Entering downwind, and final
3. FSS Closed (No Tower)	Broadcast position or intentions in the blind on published AAS frequency.	Before taking runway for takeoff	Entering downwind and final
4. No Tower, FSS or UNICOM Operator	Broadcast position intentions in the blind on 122.9.	Before taking runway for takeoff	Entering downwind and final
5. Part-Time Tower (Closed, FSS Open)	Communicate with FSS on tower frequency for Airport Advisory Service (AAS).	Before taxiing and taking runway for takeoff	10 miles from airport, entering downwind and final
6. FSS Open (No Tower)	Communicate with FSS on published AAS frequency.	Before taxiing and taking runway for takeoff	10 miles from airport, entering downwind and final

* If tower temporarily closed use tower local control frequency for traffic advisory practices unless another frequency is specified in applicable NOTAM. If broadcast of position or intentions in the blind (self-announce) is used and UNICOM is in operation at the airport, it is suggested the wind direction and runway in use be obtained from UNICOM even though tower frequency is used for self-announce procedures.

SERVICES AVAILABLE TO PILOTS

j. Communications with an FSS — Establish two-way communications before transmitting outbound or inbound intentions and information. In communicating with an FSS, except for scheduled air carriers and other civil operators, having authorized call signs, departing aircraft should state the aircraft type, full identification number, type of flight plan, i.e., VFR or IFR and the planned destination or direction of flight. If communications with a UNICOM is necessary after initial report to FSS, return to FSS frequency for traffic update.

k. **Information Furnished by FSS.**— An FSS provides wind direction (magnetic) and velocity, favored or designated runway, altimeter setting, known traffic, notices to airmen, airport taxi routes, airport traffic pattern information, and IAPs. These elements are varied so as to best serve the current traffic situation. Some airport managers have specified that under certain wind or other conditions designated runways are used. Pilots using other than the favored or designated runway should advise the FSS immediately.

Caution: all aircraft in the vicinity of an airport may not be in communication with the FSS.

f. **Recommended Phraseology for Communicating with an FSS:**

(1) **Departure**
 Example:
 Aircraft: JOHNSON RADIO, COMANCHE SIX ONE THREE EIGHT, ON TERMINAL BUILDING RAMP, READY TO TAXI TO RWY TO DULUTH OVER.
 FSS: COMANCHE SIX ONE THREE EIGHT, JOHNSON RADIO, ROGER, WIND THREE TWO ZERO AT TWO FIVE, FAVORING RUNWAY THREE ONE, ALTIMETER THREE ZERO ZERO ONE, CESSNA ONE SEVENTY ON DOWNWIND MAKING TOUCH AND GO LANDINGS ON RUNWAY THREE ONE.
NOTE.— The takeoff time should be reported to the FSS as soon as practicable. If the aircraft has limited equipment and immediately after takeoff it is necessary to use the radio for navigation in lieu of communications, advise the FSS of this before changing frequency. In such cases, advisories will be transmitted over 122.4 or the tower local control frequency, as appropriate, and the navigation and frequency.

(2) **Arrivals**
 Example:
 Aircraft: JOHNSON RADIO, TRIPACER ONE SIX EIGHT NINER, OVER KEY WEST, TWO THOUSAND, LANDING GRAND FORKS, OVER.
 FSS: TRIPACER ONE SIX EIGHT NINER, JOHNSON RADIO, OVER KEY WEST AT TWO THOUSAND, WIND ONE FIVE ZERO, AT FOUR, DESIGNATED RUNWAY FIVE, ALTIMETER THREE ZERO ZERO ONE, DC-3 TAKING OFF FIVE, BONANZA ON TOUCH AND GO LANDINGS, COMANCHE DEPARTED RUNWAY ONE SEVEN AT ONE SIX PROCEEDING EASTBOUND OVER.
NOTE.— Pilots should guard 122.4 or the tower local control frequency, as appropriate, until clear of the runway after landing and report leaving the runway to the FSS.

g. **Blind Broadcasts of Position or Intentions.**— When unable to communicate with an FSS or UNICOM operator, use the appropriate UNICOM, tower or FSS frequency and blind broadcast your position and/or intentions. If there is no tower, FSS or UNICOM on the airport use multicom frequency 122.9 to broadcast your position and/or intentions. To reduce frequency congestion and make it easier for other pilots to understand the message, speak slowly and distinctly and keep your broadcast to an absolute minimum. Also listen for other aircraft who may be broadcasting in the blind.

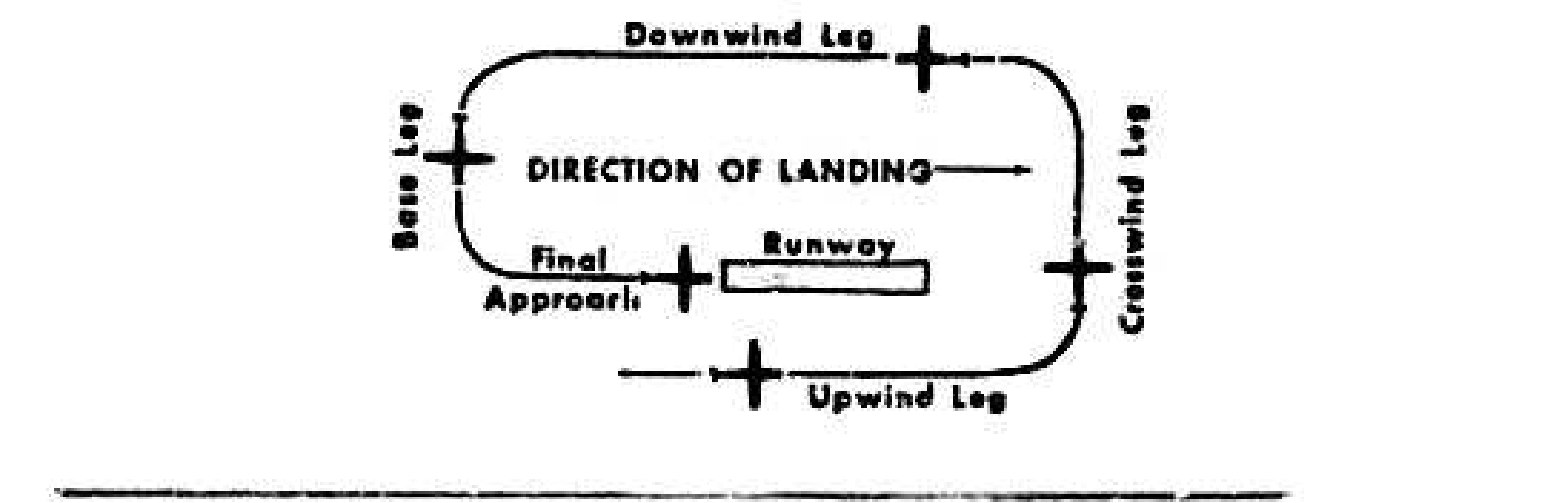
Caution: all aircraft may not be complying with the recommended blind broadcast procedure.

SECTION 3. AIRPORT OPERATIONS

220. GENERAL
 Increased traffic congestion, aircraft in climb and descent altitudes, and pilots preoccupation with cockpit duties are some factors that increase the hazardous accident potential near the airport. The situation is further compounded when the weather is marginal — that is, just meeting VFR requirements. Pilots must be particularly alert when operating in the vicinity of an airport. This section defines some rules, practices and procedures that pilots should be familiar with and adhere to, for safe airport operations.

221. TOWER CONTROLLED AIRPORTS
 a. When operating at an airport where traffic control is being exercised by a control tower, pilots are required to maintain two-way radio contact with the tower while operating within the airport traffic area unless the tower authorizes otherwise. Initial call-up should be made about 15 miles from the airport. Unless there is a good reason to leave the tower frequency before entering the airport traffic area it is a good operating practice to remain on the tower frequency for the purpose of receiving traffic information. In the interest of reducing tower frequency congestion, pilots are reminded that it is not necessary to request permission to leave the tower frequency once outside of the airport traffic area.

b. When necessary, the tower controller will issue clearances or other information for aircraft to generally follow the desired flight path (traffic pattern) when flying in the airport traffic area/control zone, and the proper taxi routes when operating on the ground. If not otherwise authorized or directed by the tower, pilots of fixed-wing aircraft approaching to land must circle the airport to the left. Pilots approaching to land in a helicopter must avoid the flow of fixed-wing traffic. However, in all instances, an appropriate clearance must be received from the tower before landing.



NOTE.— This diagram is intended only to illustrate terminology used in identifying various components of a traffic pattern. It should not be used as a reference or guide on how to enter a traffic pattern.

c. The following terminology for the various components of a traffic pattern has been adopted as standard for use by control towers and pilots:

(1) **Upwind leg**— A flight path parallel to the landing runway in the direction of landing.
 (2) **Crosswind leg**— A flight path at right angles to the landing runway off its takeoff end.
 (3) **Downwind leg**— A flight path parallel to the landing runway in the opposite direction of landing.
 (4) **Base leg**— A flight path at right angles to the landing runway off its approach end and extending from the downwind leg to the intersection of the extended runway centerline.

AIRPORT OPERATIONS

- (5) Final approach — A flight path in the direction of landing along the extended runway centerline from the base leg to the runway.
- 4. Many towers are equipped with a tower radar display. The radar uses are intended to enhance the effectiveness and efficiency of the local control, or tower, position. They are not intended to provide radar services or benefits to pilots except as they may accrue through a more efficient tower operation. The four basic uses are:
 - (1) To determine an aircraft's exact location — This is accomplished by radar identifying the VFR aircraft through any of the techniques available to a radar position; such as having the aircraft identify. Once identified, the aircraft's position and spatial relationship to other aircraft can be quickly determined and standard instructions regarding VFR operation in the airport traffic area will be issued. Once initial radar identification of a VFR aircraft has been established and the appropriate instructions have been issued, radar monitoring may be discontinued. The reason being that the local controller's primary means of surveillance in VFR conditions is visually scanning the airport and local area.
 - (2) To provide radar traffic advisories — Radar traffic advisories may be provided to the extent that the local controller is able to monitor the radar display. Local control has primary control responsibilities to the aircraft operating on the runways which will normally supersede radar monitoring duties.
 - (3) To provide a direction or suggested heading — The local controller may provide pilots flying VFR with generalized instructions which will facilitate operations (e.g., "PROCEED SOUTHWEST BOUND, ENTER A RIGHT DOWNWIND RUNWAY THREE ZERO ZERO"); or provide a suggested heading to establish radar identification or as an advisory aid to navigation (e.g., "SUGGESTED HEADING TWO TWO ZERO, FOR RADAR IDENTIFICATION"). In both cases, the instructions are advisory aids to the pilot flying VFR and are not radar vectors. PILOTS HAVE COMPLETE DISCRETION REGARDING ACCEPTANCE OF THE SUGGESTED HEADING OR DIRECTION AND HAVE SOLE RESPONSIBILITY FOR SEEING AND AVOIDING OTHER AIRCRAFT.
 - (4) To provide information and instructions to aircraft operating within the airport traffic area — In an example of this situation, the local controller would use the radar to advise a pilot on an extended downwind when to turn base leg.

NOTE — The above tower radar applications are intended to augment the standard functions of the local control position. There is no controller requirement to maintain constant radar identification and, in fact, such a requirement could compromise the local controller's ability to visually scan the airport and local area to meet FAA responsibilities to the aircraft operating on the runways and within the airport traffic area. Normally, pilots will not be advised of being in radar contact since that continued status cannot be guaranteed and since the purpose of the radar identification is not to establish a link for the provision of radar services.

5. A few of the radar equipped towers are authorized to use the radar to ensure separation between aircraft in specific situations, while still others may function as limited radar approach controls. The various radar uses are strictly a function of FAA operational need. The facilities may be indistinguishable to pilots since they are all referred to as tower and no publication lists the degree of radar use. Therefore, WHEN IN COMMUNICATION WITH A TOWER CONTROLLER WHO MAY HAVE RADAR AVAILABLE, DO NOT ASSUME THAT CONSTANT RADAR MONITORING AND COMPLETE ATC RADAR SERVICES ARE BEING PROVIDED.

222. VISUAL INDICATORS AT UNCONTROLLED AIRPORTS

a. At those airports not having either a tower, an FSS or a UNICOM a segmented circle visual indicator system, if installed, is designed to provide traffic pattern information. (See PAKA. 157 — TRAFFIC ADVISORY PRACTICES AT AIRPORTS WHERE A TOWER IS NOT IN OPERATION). The segmented circle system consists of the following components:

- (a) The segmented circle — Located in a position affording maximum visibility to pilots in the air and on the ground and providing a centralized location for other elements of the system.
- (b) The Wind Direction Indicator — A wind cone, wind sock, or wind vane installed near the operational runway to indicate wind direction. The large end of the wind cone/wind sock points into the wind as does the large end (cross bar) of the wind vane. In lieu of a tetrahedron and where a wind sock or wind cone is collocated with a wind vane, the wind vane may be manually aligned with the runway in use to indicate landing direction. These signaling devices may be located in the center of the segmented circle and may be lighted for night use. Pilots are cautioned against using a tetrahedron to indicate wind direction.
- (c) The Landing Direction Indicator — A tetrahedron is installed when conditions at the airport warrant its use. It may be used to indicate the direction of landings and takeoffs. A tetrahedron may be located at the center of a segmented circle and may be lighted for night operations. The small end of the tetrahedron points in the direction of landing. Pilots are cautioned against using a tetrahedron for any purpose other than as an indicator of landing direction, and to disregard the tetrahedron at an airport with an operating tower. Tower instructions supersede tetrahedron indications.

Chapter 7. MEDICAL FACTS FOR PILOTS

Section 1. FITNESS FOR FLIGHT

800. FITNESS FOR FLIGHT

- a. Medical Certification
 - (1) All pilots except those flying gliders and free air balloons must possess valid medical certificates in order to exercise the privileges of their airman certificates. The periodic medical examinations required for medical certification are conducted by designated Aviation Medical Examiners, who are physicians with a special interest in aviation safety and training in aviation medicine.
 - (2) The standards for medical certification are contained in FAR 67. Pilots who have a history of certain medical conditions described in these standards are mandatorily disqualified from flying. These medical conditions include a personality disorder manifested by overt acts, a psychosis, alcoholism, drug dependence, epilepsy, an unexplained disturbance of consciousness, myocardial infarction, angina pectoris and diabetes requiring medication for its control. Other medical conditions may be temporarily disqualifying, such as acute infections, anemia, and peptic ulcer. Pilots who do not meet medical standards may still be qualified upon special issuance provisions or the exemption process. This may require that either additional medical information be provided or practical flight tests be conducted.
 - (3) Student pilots should visit an Aviation Medical Examiner as soon as possible in their flight training in order to avoid unnecessary training expenses should they not meet the medical standards. For the same reason, the student pilot who plans to enter commercial aviation should apply for the highest class of medical certificate that might be necessary in the pilot's career.

Caution: The FARs prohibit a pilot who possesses a current medical certificate from performing crewmember duties while the pilot has a known medical condition or in case of a known medical condition that would make the pilot unable to meet the standards for the medical certificate.

- b. Illness
 - (1) Even a minor illness suffered in day-to-day living can seriously degrade performance of many piloting tasks vital to safe flight. Illness can produce fever and distracting symptoms that can impair judgment, memory, alertness, and the ability to make calculations. Although symptoms from an illness may be under adequate control with a medication, the medication itself may decrease pilot performance.
 - (2) The safest rule is not to fly while suffering from any illness. If this rule is considered too stringent for a particular illness, the pilot should contact an Aviation Medical Examiner for advice.
- c. Medication
 - (1) Pilot performance can be seriously degraded by both prescribed and over-the-counter medications, as well as by the medical conditions for which they are taken. Many medications, such as tranquilizers, sedatives, strong pain relievers, and cough-suppressant preparations, have primary effects that may impair judgment, memory, alertness, coordination, vision, and the ability to make calculations. Others, such as antihistamines, blood pressure drugs, muscle relaxants, and agents to control diarrhea and motion sickness, have side effects that may impair the same critical functions. Any medication that depresses the nervous system, such as a sedative, tranquilizer or anti-histamine, can make a pilot much more susceptible to hypoxia (see below).

FITNESS FOR FLIGHT

- (2) The FARs prohibit pilots from performing crewmember duties while using any medication that affects the faculties in any way contrary to safety. The safest rule is not to fly as a crewmember while taking any medication, unless approved to do so by the FAA.
- d. Alcohol
 - (1) Extensive research has provided a number of facts about the hazards of alcohol consumption and flying. As little as one ounce of liquor, one bottle of beer or four ounces of wine can impair flying skills, with the alcohol contained in these drinks being detectable in the breath and blood for at least 3 hours. Even after the body completely destroys a moderate amount of alcohol, a pilot can still be severely impaired for many hours by hangover. There is simply no way of increasing the destruction of alcohol or alleviating a hangover. Alcohol also renders a pilot much more susceptible to disorientation and hypoxia (see below).
 - (2) A consistently high alcohol related fatal aircraft accident rate serves to emphasize that alcohol and flying are a potentially lethal combination. The FARs prohibit pilots from performing crewmember duties within 8 hours after drinking any alcoholic beverage or while under the influence of alcohol. However, due to the slow destruction of alcohol, a pilot may still be under influence 8 hours after drinking a moderate amount of alcohol. Therefore, an excellent rule is to allow at least 12 to 24 hours between "bottle and throttle," depending on the amount of alcoholic beverage consumed.

f. Fatigue
 (1) Fatigue continues to be one of the most treacherous hazards to flight safety, as it may not be apparent to a pilot until serious errors are made. Fatigue is best described as either acute (short-term) or chronic (long-term).
 (2) A normal occurrence of everyday living, acute fatigue is the tiredness felt after long periods of physical and mental exertion, including strenuous muscular effort, immobility, heavy mental workload, strong emotional pressure, monotony and lack of sleep. Consequently, coordination and alertness, so vital to safe pilot performance, can be reduced. Acute fatigue is prevented by adequate rest and sleep, as well as regular exercise and proper nutrition.

(3) Chronic fatigue occurs when there is not enough time for full recovery between episodes of acute fatigue. Performance continues to fall off, and judgment becomes impaired so that unwarranted risks may be taken. Recovery from chronic fatigue requires a prolonged period of rest.

g. Stress
 (1) Stress from the pressures of everyday living can impair pilot performance, often in very subtle ways. Difficulties, particularly at work, can occupy thought processes enough to markedly decrease alertness. Distraction can so interfere with judgment that unwarranted risks are taken, such as flying into deteriorating weather conditions to keep on schedule. Stress and fatigue (see above) can be an extremely hazardous combination.

(2) Most pilots do not leave stress "on the ground." Therefore, when more than usual difficulties are being experienced, a pilot should consider delaying flight until these difficulties are satisfactorily resolved.

h. Emotion
 (1) Certain emotionally upsetting events, including a serious argument, death of a family member, separation or divorce, loss of job and financial catastrophe, can render a pilot unable to fly an aircraft safely. The emotion of anger, depression, and anxiety from such events not only decrease alertness but also may lead to taking risks that border on self-destruction. Any pilot who experiences an emotionally upsetting event should not fly until satisfactorily recovered from it.

i. Personal Checklist
 (1) Aircraft accident statistics show that pilots should be conducting preflight checklists on themselves as well as their aircraft, for pilot impairment contributes to many more accidents than failures of aircraft systems. A personal checklist that can be easily committed to memory, which includes all of the categories of pilot impairment as discussed in this section, is being distributed by the FAA in the form of a wallet-sized card.

PERSONAL CHECKLIST
I'm physically and mentally safe to fly — not being impaired by:

- Illness.
- Medication.
- Stress.
- Alcohol.
- Fatigue.
- Emotion.



Crash landing
Pilot Chubby Harmon of Laguna Niguel, Calif., says he suffered minor injuries, but the Phoenix, Ariz., home base of the contract Airpark—owned by Chubby's heirs but with all of the family gone at the time—sustained \$50,000 in damage.

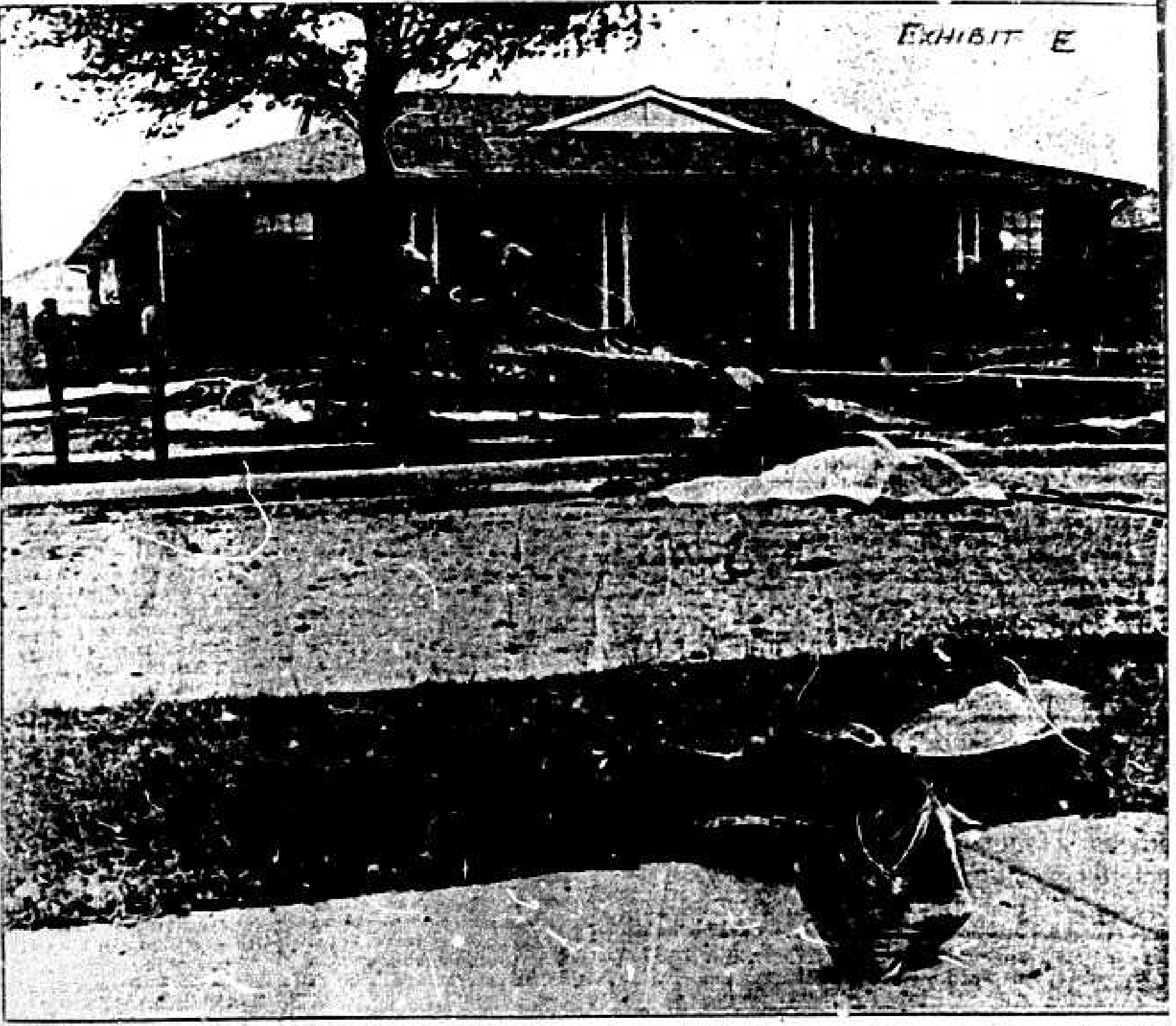


EXHIBIT E

Wreckage from the sky
Freighters spray smoldering wreckage in Dallas suburb of Carrollton after two light planes collided and crashed. Four bodies were found. Authorities said a fifth person may be dead. Debris spread over a two-mile area. Article on Page A

Four die in collision of planes
CARROLLTON, Texas (AP)—Two small planes collided and exploded in flames over the Dallas suburb, killing four people.
The crash occurred on Tuesday, Feb. 15, when a Cessna 441Q II twin-engine plane, piloted by a 37-year-old man, struck a single-engine Cessna 441Q II twin-engine plane piloted by a 35-year-old man.
The two planes were flying in a steep climb over a residential area. The Cessna 441Q II twin-engine plane was flying at an altitude of about 1,000 feet when it struck the Cessna 441Q II twin-engine plane.
The collision caused the Cessna 441Q II twin-engine plane to lose control and crash into a residential area. The Cessna 441Q II twin-engine plane was flying at an altitude of about 1,000 feet when it struck the Cessna 441Q II twin-engine plane.
The crash resulted in the deaths of all four people on board. Authorities are still investigating the cause of the crash.

13-555
10029 York Road • Cockeysville, Maryland 21030 • (301) 866-2060
TROY'S, INC.
March 17, 1983
Mr. William E. Hammond
Zoning Commissioner
Balto. County Office of Zoning & Planning
Towson, Maryland 21204
Dear Sir:
I am writing to you in support of Mr. Martin Armacost and the zoning matter involving the private airport on his property.
As a local landowner who lives approximately 3 miles from the Armacost farm, I can see no problem with aircraft using this sparsely populated piece of ground. The noise is minimal and the people effected is practically nil. The decibal level of general aviation aircraft is no more than a farm or garden tractor.
As a local businessman, V.P. of Troy's Inc. and President of Bay Aviation Insurance, Ltd., the use of a local airport for small, private aircraft would greatly help in the saving of time.
As a Certified Flight Instructor, I can speak about the safety of these aircraft and this airport in particular. The aircraft we use in general aviation have a safety record far exceeding cars or farm equipment. As for this airport, the approach and departure from either direction is clear and free from all obstructions, particularly housing.
The number of years this airport has been there without any problems speaks volumes.
The disposition of this matter in favor of Mr. Armacost would help preserve our way of life allowing a person to make the best use of his property as long as it does not harm others.
Very truly yours,
Chester A. Troy, Jr.
13-371
Case File

13-371
Case File
Abbey Color & Chemical Co. Inc.
400 EAST TOWNA STREET • PHILADELPHIA, PENNSYLVANIA 19134 • 215 982 9900
February 18, 1983
Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, MD 21204
Re: Case # 83162X
Dear Mr. Hammond:
The purpose of this communication is to request the zoning approval for operation of an aircraft landing strip by Armacost Farms.
My residence on Mosemore Road has greater value by virtue of being located within a few minutes of an airstrip even though the facility is small. The presence of this small landing strip is the only way we of North Baltimore County can conveniently use aircraft to make life more pleasant and functional.
I am a licensed pilot and occasionally enjoy the use of the Armacost airstrip and I have always been impressed by the thoughtfulness, honesty and integrity of the Armacost family.
Again, I urge you to approve the zoning application for the Armacost Airstrip.
Sincerely yours,
Robert McMillion
ROBERT McMILLION
900 Hillside View
Parkton, MD 21120
RM/as
cc: Mr. James T. Smith, Jr. & Mr. Donald P. Hutchinson

63-305
Parkton, Md.
Feb. 16, 1983
Mr. William E. Hammond,
Balto. Co. Zoning Commissioner
County Office Building,
111 re. Chesapeake Ave.
Towson, Md. 21204
Dear Mr. Hammond;
With regards for Case 83162X on the Armacost Farms and Armacost Airport, I would like to voice my opinion, as I am unable to attend hearings.
I have lived adjacent to the Armacost Airport, just north of it, I have no complaints. I enjoy seeing them come and go, and have had the privilege of taking a pleasure ride at various times.
And since Mr. Armacost does have a commercial pilots license, I think it's a great asset to the community because it has been known he can fly any time in case of an emergency. I would hope he can continue to do so.
Sincerely yours,
William R. Wilkerson
3001 Tracey Stone Rd. Parkton, Md

93-271

Feb 7, 1983

Dear Mr. Hammond,

I live in Parkton, Md. and simply wanted to let you know that I am in favor of the proposed improvements to the Armacost farms airport.

HSC:HSZ
 Paul Hammond
 11000 Armacost Rd
 Parkton 21220

Baltimore County, Maryland
 Date 2/1/83
 Rec'd To: Stella Jones
 From: Paul Hammond

Please Note & File
 For Your Information
 Please Note & Return
 Please Handle
 Please answer, Sending me Copy of your letter
 Please Prepare reply for my Signature

To be Signed
 Please Comment
 Please See Me
 Investigate & Report

Remarks:
 Attached letter
 Please make sure that they
 it is put in the file
 number

JERVIS S. MARSHALL
 UPPER MERIDIAN ST. 100

February 1, 1983

Mr. Donald P. Hutchinson
 Baltimore County Executive
 Executive Office
 Court House
 Towson, Maryland 21284

RE: Case 83162X

Dear Mr. Hutchinson,

My wife and I and two children reside at 3531 Mt. Zion Road, Upperco, Maryland and I have lived here for the past 22 years. We farm and are interested in keeping this area in a rural setting. At the same time we recognize that there are some areas of a progressive nature that will benefit all of us. Specifically, the small but efficient airport operated by Armacost Farms Inc. located near the intersection of Mt. Carmel and Brushl roads. We are relatively close to this operation and I find that there is no adverse effect on us whatsoever.

There are occasions when we fly out of this airport and find it quite beneficial as a community service.

We consider ourselves very lucky to have a quiet, unobtrusive community service of this nature in our area. It appears that the majority of the opposition is from people that are unaware of the exact nature of this airport.

I respectfully request that you will consider all the positive benefits of this facility to the majority of the residents when making any decisions that you may have to in this matter.

Yours very truly,

Jan S. Marshall
 JSM:mf
 Jervis S. Marshall

RECEIVED
 FEB 4 1983

COUNTY EXECUTIVE OFFICE

93-234 Feb 2, 1983
 Dear Mr. Hammond,

In regard to the Armacost airport, we have lived with our lives in the neighborhood close to there and we have 200 complaints about airplanes coming in or out of the runway.

The fact, the Armacost family is a fine Christian family with no intentions of causing problems to their neighbors.

The people complaining are a relatively new to the community and the airport noise seemed to be a problem with the Fitzgeralds and that it was a "reduction-ad-absurdum" to you?

Mr. Fitzgerald is protesting the Agricultural loss of the Air Field. Maybe Baltimore County better take a look at his property! I believe they would find he has a lot of run-off going in to the City owned reservoir. (Pretty Boy Dam)

I think this protest is rather foolish and Baltimore County shouldn't

BEVERLY A. MENTZER
 17035 York Road
 Parkton, Maryland 21120
 343-0334

January 31, 1983

Mr. William E. Hammond
 Zoning Commissioner
 Baltimore County Office of Zoning and Planning
 Towson, Maryland 21284

Dear Mr. Hammond,

Enclosed is a copy of a flyer sent out this past weekend by the few residents present at the hearing opposed to the Armacost petition. I would like to bring this to your attention because I was also present at the hearing and find it to be disturbingly incorrect.

The headline says "Expand" and "Commercial Airport". First, the Armacost have no intention of expanding in the sense this implies. They requested to be allowed to lengthen the runway if they so desired, for the purpose of making safer and for no other reason. Because Mr. Armacost is very conscientious about the safety of everyone, the runway is one of the best in the state. The rumors going around the community about this word "expand" and the Armacost are going to become an Air Business Center to accommodate Hunt Valley. This is far from the truth.

As for the "Commercial Airport" this is also not true. A commercial airport has to be licensed by the state and approved by the FAA. There is only a "Private & Restricted" runway at the Armacost, which means the only people who can use it are those which have been invited. I have had the privilege to be one of these people and have been flying from there for the past 7 years. As long as I have been there they have had 10 to 12 airplanes on the field. The residents opposed have said the activity has increased. It has remained the same for at least the past 7 years.

The Armacost runway is one of the safest in the state because of the fact there are no homes on either end of the runway. When an airplane lands or departs it has reached a safe altitude by the time it may cross over a home.

They mention "adverse affect on property values", may I add most of them purchased their homes long after the Armacost had the airport. It did not seem to discourage them or they did not know it was there.

FEB 7 83 AM

Enclosed To Be Sent Before The Internal Revenue Service.

ARMACOST FARMS, INC.

FEB 2 1983
 3 Feb 83

Dear Mr. Hammond,

I am writing you about the recent protest of case number 83162X, the Armacost Air Field. Which in my opinion is very foolish on the Fitzgerald's part. They don't live any closer to the Air Field than I do and it surely doesn't bother our family and neighbors. These people (the Fitzgeralds) and a few others in the Community have moved here and they think they own all of Baltimore County.

The Air Field has been there 12 years (I believe) now all of a sudden it is too noisy. How doesn't that sound a little like "reduction-ad-absurdum" to you?

Mr. Fitzgerald is protesting the Agricultural loss of the Air Field. Maybe Baltimore County better take a look at his property! I believe they would find he has a lot of run-off going in to the City owned reservoir. (Pretty Boy Dam)

I think this protest is rather foolish and Baltimore County shouldn't

It is my opinion these people should have set forth the effort to oppose this zoning before the hearing to enable anyone interested to be there to hear the facts and not fiction after the fact.

Very truly yours,
Beverly A. Mentzer
 Beverly A. Mentzer

enclosure
 copies to: Mr. James J. Smith, Jr.
 Mr. Donald P. Hutchinson
 Mr. Austin Armacost
 Mr. Edmond Fitzgerald

93-199
 FEB 1 1983
 Mr. William E. Hammond
 Baltimore County Zoning Commission
 ARMACOST FARMS, INC.
 83-162-X

Dear Sir

In answer to the news letter that I received in regard to the Armacost Air Port on the Armacost farm I would like to say that I live at 3219 Mt Carmel Road. This is about 1/4 mile from Brud Road and Mt Carmel Road. I have lived here since 1978 and have never minded the flow of air traffic to and from this airport. I do not object to the proposed modification of said Air Port.

PLEASE HELP !!

THE ARMACOST CORPORATION IS ATTEMPTING TO LEGALIZE AND EXPAND THEIR COMMERCIAL AIRPORT LOCATED NEAR THE INTERSECTION OF MOUNT CARMEL AND FAUHEL ROADS.

MANY OF US ARE OPPOSED TO THE UNDESIRABLE EFFECTS THAT THIS COULD HAVE ON OUR COMMUNITY:

1. NOISE AND DANGER ASSOCIATED WITH COMMERCIAL AIR TRAFFIC
2. ADVERSE AFFECT ON PROPERTY VALUES
3. COMMERCIALIZATION OF OUR COMMUNITY

IF YOU SHARE OUR CONCERN - PLEASE WRITE TO:

MR. WILLIAM E. HAMMOND
 ZONING COMMISSIONER
 BALTIMORE COUNTY OFFICE OF ZONING AND PLANNING
 TOWSON, MARYLAND 21204

SEND COPIES TO:

MR. JAMES T. SMITH, JR.
 BALTIMORE COUNTY COUNCILMAN
 OLD COURT HOUSE
 COUNTY COUNCIL OFFICE - 2ND FLOOR
 BALTIMORE, MARYLAND 21204

AND

MR. DONALD P. HUTCHINSON
 BALTIMORE COUNTY EXECUTIVE
 EXECUTIVE OFFICE
 COURT HOUSE
 TOWSON, MARYLAND 21204

TELL HIM THAT YOU ARE OPPOSED TO THE COMMERCIAL AIRPORT. (CASE # 83162X)
 FOR MORE INFORMATION CALL -

329-2127
 239-3694
 343-0278
 329-7270

23-270
Case File

18840 Spooks Hill Road
Parkton MD 21120
February 20, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, MD 21204

Dear Mr. Hammond:

I am writing to let you know that I do not want a commercial airport in my neighborhood. I am referring to the illegal airport run by Austin Armacost. Certainly twelve planes are too many for our rural community. One or two airplanes for Mr. Armacost's personal use would be appropriate and tolerable.

Presently the airport is a nuisance because the noise of the airplanes taking, taking-off, and buzzing over our neighborhood is a real annoyance. Thank you for your consideration of this problem.

Sincerely,
Margaret Ahrendt
Parent

cc: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson

FEB 25 83 AM

23-284

February 10, 1983
9 Hunter Lake Court
Upperco, Maryland 21155

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, Maryland 21204

Re, Case # 83162x Special Exception Airport Zoning

Dear Sir,

You are now probably aware of the zoning request by Armacost Farms Inc. of Upperco; they wish to legalize and expand their airport which is located near the intersection of Mt. Carmel and Brushl Roads.

We are adamantly opposed to the granting of any zoning that would permit the expansion and/or commercialization of this or any other airport in our community. As property owners presently living beneath the flight path, we can personally attest to the frequent noise caused by low-flying aircraft that we know to be associated with Armacost Farms and associates.

The greater majority of the twelve plus planes now docked at the airfield are not owned by people residing within the community, nor are they contributing anything other than a potential danger to our community.

Please consider very carefully the impact that this airport would have on our, or any community before rendering your decision. Again may I urge you to deny said "special exception zoning" as presently requested.

Respectfully yours,
Fletcher
Mr. Mrs. F. Robt. Shaffer

cc: Mr. Donald P. Hutchinson
Mr. James T. Smith, Jr.

FEB 17 83 AM

23-269

204 Lynncrest Court
Lutherville
Maryland
21093

February 7, 1983

Mr. William E. Hammond
Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Subject: Armacost Airport
Case No. C-83-9

Dear Mr. Hammond:

My wife and I own a lot on Hunter Green Court about a mile and a half from the Armacost Airport, and we intend to build on it in 1984.

We have owned the property since 1975, and we were aware of Mr. Armacost's airport. However, we believed it to be a private one for personal use only and had no objections to the occasional flights we have seen. We now understand that he proposes to use it as a commercial airport and has applied for an appropriate zoning change.

We object to this zoning. A commercial airport will:

- Increase traffic on Mt. Carmel Road, which is a narrow, crooked, rural road with no other significant commercial development.
- Create noise, especially in the approach and take-off patterns which we believe are over our property

Please do not allow this zoning change.

Very truly yours,

John B. Gillatt

cc: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson

FEB 10 83 AM

2/5/83

Mr. William E. Hammond
Zoning Commissioner
Balt. Co. Zoning & Planning Office
Towson, MD 21204

FEB 9 83 AM

re: case #83162x
Armacost Corp.
Airfield Zoning Exception

Dear Mr. Hammond

The above petition to have a zoning exception granted to the Armacost Corp. was recently brought to my attention. I am a resident of the Hunter Green Development, which is a residential community in the immediate vicinity of the farm belonging to the Armacost Corp. As a resident of Northern Baltimore County, I went to considerable expense in purchasing land and building a home in the rural area of Balt. Co. to live in a peaceful area protected by zoning that is primarily farm land.

My position as a tax payer and voter of Balt. Co., is that the zoning laws were established to protect the present and future property owners of the area. I am totally opposed to granting a zoning exception to the Armacost Corp. for an airfield which would simply allow a few individuals to further their wealth and pleasure at the expense of the majority of the homeowners in the area. This is a farm land area, not commercial or industrial for airfield services. The Armacost Corp. has openly stated that 12 or more aircraft operate out of their fields, which clearly substantiates that the intention is not for their personal aircraft but a business venture for many others.

If the Armacost Corp. is granted a zoning exception to continue the airfield for aircraft other than their own, the property owners in the area plan to appeal with a vigorous opposition through the membership of C.A.M.P. (The Community Association of Mount Carmel & Prettibury area residents.)

Myself and others wish to preserve the serenity of the area and intend to perpetuate a high quality of life for our children and future families in the area of Balt. County. We strongly urge you to support our position and deny the Armacost Corp. a zoning exception to operate this airfield.

Sincerely
George W. Fletcher
George W. Fletcher
Hunter Green Development
17200 Hunter Green Rd.
Upperco, MD 21155

Attachment: Exhibit "A"

Copies to: Mr. James T. Smith, Jr.
Baltimore County Councilman
Old Court House
County Council Office - 2nd Floor
Balt., MD 21204

Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, MD 21204

PLEASE HELP !!

THE ARMACOST CORPORATION IS ATTEMPTING TO LEGALIZE AND EXPAND THEIR COMMERCIAL AIRPORT LOCATED NEAR THE INTERSECTION OF MOUNT CARMEL AND BRUSHL ROADS.

MANY OF US ARE OPPOSED TO THE UNDESIRABLE EFFECTS THAT THIS COULD HAVE ON OUR COMMUNITY:

1. NOISE AND DANGER ASSOCIATED WITH COMMERCIAL AIR TRAFFIC
2. ADVERSE AFFECT ON PROPERTY VALUES
3. COMMERCIALIZATION OF OUR COMMUNITY

IF YOU SHARE OUR CONCERN - PLEASE WRITE TO:

MR. WILLIAM E. HAMMOND
ZONING COMMISSIONER
BALTIMORE COUNTY OFFICE OF ZONING AND PLANNING
TOWSON, MARYLAND 21204

SEND COPIES TO:

MR. JAMES T. SMITH, JR.
BALTIMORE COUNTY COUNCILMAN
OLD COURT HOUSE
COUNTY COUNCIL OFFICE - 2ND FLOOR
BALTIMORE, MARYLAND 21204

AND

MR. DONALD P. HUTCHINSON
BALTIMORE COUNTY EXECUTIVE
EXECUTIVE OFFICE
COURT HOUSE
TOWSON, MARYLAND 21204

TELL HIM THAT YOU ARE OPPOSED TO THE COMMERCIAL AIRPORT.
(CASE # 83162X)

FOR MORE INFORMATION CALL -

329-2127
239-3696
343-0278
239-7270

239-3155 Fletcher

23-250

February 3, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning & Planning
Towson, MD 21204

Dear Mr. Hammond:

I am opposed to the commercial airport (Case #83162x)

Already planes from this airport located at Mount Carmel and Brushl Roads flying over this rural area are an annoyance. Expansion would certainly create more disturbance and have other adverse effects on our community.

Yours truly
(Mrs) Doris R. Wilson
2325 Benson Mill Rd
Sparks, Md 21152

cc: Mr. James T. Smith, Jr.
Baltimore County Councilman
Mr. Donald P. Hutchinson
Baltimore County Executive

FEB 9 83 AM

18224 Gunpowder Rd
Hampstead, Md. 21074
January 31, 1983

Baltimore County Executive
Executive Office
Court House
Towson, Maryland 21204

Dear Mr. Donald P. Hutchinson

I enclosed a copy of a letter I sent to the Baltimore County Zoning Commissioner in which I gave my feelings on a zoning change request.

As the community & my County Executive I am requesting of you to do all you can to assist in preventing this undesirable zoning change.

Sincerely
Mr. & Mrs. Paul H. Moore

FEB 9 83 AM

RECEIVED

FEB 8 1983
COUNTY EXECUTIVE OFFICE

23-224

Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, Maryland 21204

Dear Mr. William E. Hammond

I am opposed to a commercial airport in my area which the Armacost Corporation is attempting to legalize and expand located near the intersection of Mount Carmel and Brushl Roads Case # 83162X.

I am opposed to the undesirable effects this could have on our community such as the noise which is harmful to the raising of cattle, the danger of air traffic over private homes, the devaluation of property, and the using of much needed farm land for commercial use.

I see no reason why this zoning permit should be issued in an already established farming and residential community just to satisfy the whims of one resident. The majority of the residents would not be best served by doing so.

Sincerely
Mr. & Mrs. Paul H. Moore

FEB 4 83 AM

83-162

Zoning

March 7, 1983

Mrs. Paul W. Cross
18318 Gunpowder Road
Hampstead, MD 21074

Dear Mrs. Cross:

I am writing in regard to your recent letter concerning a request for a special exception for an airport and hangar.

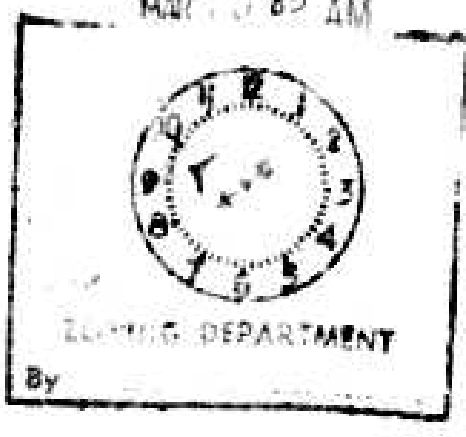
As you are aware, the hearing on this matter has already been held. I have forwarded your letter to the Office of Zoning to ensure that it is included in the file. As County Executive, I am prohibited from intervening in the judicial process.

Mr. William Hammond, Zoning Commissioner, has recently undergone open heart bypass surgery and is not expected to return to work for approximately one month. Therefore, most regretfully, there will be a delay on a decision on this request.

I regret that I have not been able to aid you in this matter, but if I can be of future assistance, please contact my office.

Sincerely,

Donald P. Hutchinson
County Executive



83-356
Cross
18318 Gunpowder Rd
Hampstead, Md
21074
February 18, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning
Towson, Maryland 21204

Dear Sir:

As parents of two young children, my husband and I wish to voice our opposition to the commercial airport (Case # 83162X) located within two miles of our home. We feel the commercialization would be a detriment to our community with the noise and also be a safety hazard to our children here at home and when they attend the local school. It could also adversely affect the value of our property.

We therefore, urge you to deny the special exception and investigate the past zoning violations.

Very truly yours,
Mrs. Paul W. Cross

Please note - our residence is in Baltimore County

83-349
Cross
18318 Gunpowder Rd
Hampstead, Md 21074
February 17, 1983

Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, Maryland 21204

Dear Sir:

My husband and I are interested in the subject for our family and our community here in rural Baltimore County. We therefore vehemently oppose the commercial airport proposal (Case # 83162X) located within two miles of our home. We feel the commercialization could result in increased air traffic danger to our two small children both at home and at the local elementary school. There would also be increased noise and it may adversely affect the value of our property.

We urge you, therefore, to deny any special exception, see that the special exception in zoning is denied and the zoning violations are properly investigated.

Very truly yours,
Mrs. Paul W. Cross

February 16, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Zoning and Planning
Towson, Md. 21204

83-162-X

Dear Mr. Hammond:

We are very concerned about The Armacost Corporation expanding their airport into a commercial operation.

The Armacost family has been friends of my family my entire life. They have helped my family several times over the years. Therefore, I regret having to protest against their attempts to expand their airport.

I never would have opposed the airport because I do not believe the Armacost family would use it commercially. However if the property should ever be sold to someone else and it has been zoned as a commercial airport there is no way that the commercial airport could be prevented.

We have had airplanes coming in and taking off rather low sometimes in the past. The noise has been bad enough sometimes, but we have never objected and do not wish to see the Armacost family not be able to continue to fly their own airplanes.

However, we certainly do not wish to have a commercial airport about a mile away. They have had trouble getting over the trees that surround our home and have had to bank the plane away. I cannot see how larger planes could possibly clear our woods.

We sincerely regret this opposition but in all fairness to ourselves and our community we feel that it is essentially necessary.

Sincerely yours,

Mrs. & Mrs. Harry Spicer
16117 Branch Mill Rd
Towson, Md 21285



83-162

83-162-X

Mr. & Mrs. James P. Janderhorst
Fox Gumbol Farm
16920 Yeoch Road
Parkton, Maryland 21120

January 22, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of Planning & Zoning
Towson, Maryland 21204

Dear Sir:

Please disapprove the zoning request of Armacost, Inc. for an airport in our community for the following reasons:

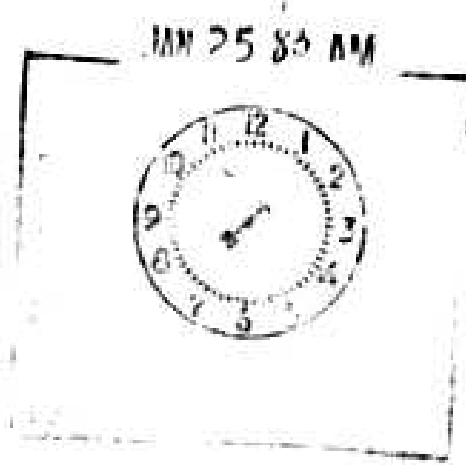
1. Armacost, Inc. did not notify anyone in the community of the proposed airport, and the county did not fairly announce the hearing. Only a few people even knew of the hearing.
2. The existing level of air traffic over our farm is a real nuisance which should be stopped not expanded.
3. Armacost, Inc. has abused their agricultural zoning. They should be punished and made to pay back real estate taxes not rewarded with a huge money making, unsafe, bothersome zoning change that will adversely affect the entire area.

Planes take off and land directly over our home which is due south of the north-to-south air strip. They are low enough to rattle windows.

Two years ago the noise was bothersome, but we did not complain. The noise has steadily increased and is today a real problem. We are now outraged that Armacost, Inc. has been profiting from their "private strip."

This air strip should be shut down, not expanded. We anxiously await your decision.

Very truly yours,
James P. Janderhorst
Mrs. Lynn Janderhorst
Mr. Lynn Janderhorst
Mrs. Lynn Janderhorst



83-323
ARMACOST FARMS, S.W.C.
83-162-X
February 1, 1983

Mr. William E. Hammond
Towson, Maryland

Dear Mr. Hammond,

I am writing to ask you to oppose the expanding of the airport at Mr. Carmel and Bruchl Roads.

The preservation of our rural community and peace and quiet they afford, is an important part of our heritage.

Sincerely yours,
Beatrice W. Miller
Fox Hill Farm
Miller
Maryland 21107

83-467
March 1, 1983

Dear Mr. Hammond,

I am a neighbor of the Armacost Corporation who operates an airport on Bruchl Road off Mt. Carmel. I am very much opposed to the Commercial Airport Case # 83162X which would allow this airport to expand Commercial because of the noise, adverse effect on property value, and commercialization of our community. Kindly do what you can to prevent this airport from expanding into a Commercial one. Thank you.

Sincerely,
Mrs. Winona J. Asher

Mr. Donald P. Hutchinson, City Exec
Towson, Md.



10 Hunter Lake Court
Towson, MD 21159

March 22, 1983

Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, MD 21204

Dear Mr. Hutchinson:

I am writing this letter to express my deep concern at the Armacost Corporation's attempt at legalizing their commercial airport in northern Baltimore County. Recently, several more aircraft have begun operating out of the Bruchl Road airstrip. This past summer, the traffic and noise had become intolerable. Upon investigation and through testimony at a recent zoning hearing (Case #3162X), it was determined that:

1. It has never been zoned for an airport; it is presently zoned RC 2.
2. It is operated as a private commercial use airport and subject to various State of Maryland laws which do not seem to have been followed.
3. There is a large fuel tank on the property marked for Aviation Fuel which had been used to sell gas without any permits, and without correct zoning.
4. Flying lessons had been given in violation of State laws (it is not certified as a school).
5. Finally, this airport does little to support the agricultural business of the area, and will have a strong commercial influence on the present agricultural/residential complexion of the community.

I would deeply appreciate any actions you undertake to assist residents of this area in preventing that private commercial airport from disrupting our quiet and peaceful community.

Sincerely,

Rudolph P. Roth

cc: William E. Hammond

waste their time and the tax payers money investigating it.

As I said there is only a hand full of trouble-makers in this community and I think you know who they are.

Ch. yes Mr. Fitzgerald to get to mention the Commercial Aircraft that buzzed our neighborhood last summer at full throttle! It was so low you could read the tail number! No one found any fault with that! He also failed to mention the 6 C-130 Air Force large planes that buzzed our homes last May. I spent 4 years in the Air Force and I know a little bit more about aircraft than the Fitzgeralds. There was no safety factor involved in those or any incidents.

Thank you for listening.

Sincerely,

Mr. Herman E. Brent
2117 Tracy Street Rd.
Parkton, Maryland

-21120-

AIRPORT ZONING NEWSLETTER

On January 13, 1982 a hearing was held before Baltimore County Zoning Commissioner, William H. Hammond, on the petition by Amacoast Farms, Inc. for an Airport R.C. 3 special exception for their airport along Brush Road.

Mr. C. Austin Amacoast, Vice-President of Amacoast Farms testified that:

- 1) At present 12 airplanes are based at the airport; the number might increase to 15.
- 2) The proposed 500 ft. extension of the present 2200 ft. runway included in the petition is not planned to accommodate larger planes, but to increase the margin of safety for present planes. Some of the planes using the airport pay monthly tie-down rent; 12 (and others) do make hired flights from and to the airport; he has a commercial pilot license; he does not give flying lessons, but others might; aviation gas was formerly sold at the airport, but the pump installed there is no longer in use.
- 3) The airport was intended for business and pleasure used by friends and neighbors - within a 15 mile radius.

Mr. Edwin A. Fitzgerald representing himself and protestant, Carolyn J. Fitzgerald, owners of a farm adjacent to Amacoast Farms and north of the airport stated that:

- 1) Section 120.1 of the Baltimore County Code setting up R.C. 3 (AGRICULTURAL) zones stipulates that agricultural industry in Baltimore County is an integral part of the Baltimore County economy, and that the Commission of Agricultural Land to other uses will undermine this basic industry; R.C. 3 zoning is set up specifically to prevent the conversion of good farm land to other uses.
- 2) A USGS soil survey indicates that the 15-acre parcel proposed for airport use is soil type Gc2 (Glenalee loam, 3 to 8 percent slope) capable of very high yields of corn, alfalfa, oats, wheat, soybeans, hay, and other agricultural products. Mr. Amacoast in response to a question also acknowledged that prior to its airport use this land was satisfactorily used for raising crops.
- 3) Low flying planes on landing and takeoff over the Fitzgerald house and barn were noisy and a potential safety hazard.
- 4) There are designated by Maryland Law (TR 5-301(b), Md. Code) the Amacoast Airport as presently operated is a Commercial Use Airport, and subject to various State of Maryland laws and regulations which do not seem to have been followed (TR 5-303; 5-304; 5-804; 5-805; 5-901; 5-902; 5-903; 5-904; etc.).
- 5) In summary Mr. Fitzgerald said,
 - (a) Operation of a Commercial Use Airport in a R.C. 3 Agricultural zone is not in accord with the purpose of the zoning.
 - (b) That if allowed to continue the number of planes using the airport should be reduced, and the type of planes limited to small, propeller airplanes.
 - (c) That landing and takeoff patterns should be setup to prevent low flying planes over houses. These patterns should be enforced.

The planes that zoom over the airport at times over my house as they take off and approach for landing and unless you are outed the house you cannot hear them.

What is in the best interest of the community to improve the Air Port I say let them do it.

Yours or about
L. Charles Sparks
3329 Mt. Laurel Rd
Upper Marlboro

Mr. Rudy Tsch and Mr. Steve Stanton acted as spokesmen for themselves and other residents from the Amacoast Airport over their houses and properties. Four other persons living south and west of the airport testified on low flying planes from the airport and on the noise and vibration caused by such flights.

Those persons who did not attend the hearing may want to make their opinions on the Amacoast Airport known by writing to:

Mr. William H. Hammond
Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21284

For more information on the zoning hearing call 343-0278, 374-9570, or 219-2770, 219-3694.

(COPY)

January 19, 1982

Mr. Edwin A. Fitzgerald
2445 Tracey Stone Road
Parkton, Maryland 21120

Dear Mr. Fitzgerald:

With regard to your correspondence of January 13, 1982, I contacted Daniel Murphy, Zoning Inspector for case No. C-61-9.

I am advised that although the airport violation seemed overt and obvious, no complaint was filed against the property owner until your own action in July of 1982. Baltimore County does not patrol looking for zoning violations, but rather responds to citizen complaints.

The zoning violation hearing on this matter is being held in absence since after notification of the zoning violation, the property owner applied for a special exception to legalize his airport. Should the special exception be granted by the Zoning Commissioner, then the violation case would become moot. If, however, the special exception is not granted, the violation hearing will proceed.

The next level of appeal for either proponent or the defendant is the Board of Appeals. An appeal must be filed with the Board of Appeals within thirty days of the Zoning Commissioner's decision.

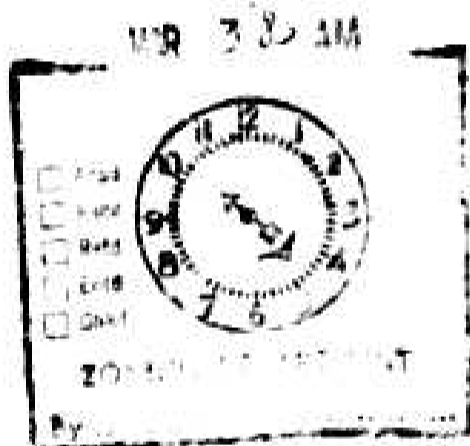
I appreciate this opportunity to assist you and trust this information is useful.

Sincerely,

James F. Smith, Jr.
Commissioner, Third District

(COPY)

12-14-82



February 14, 1983

Mr. Donald P. Hutchinson
Baltimore County Executive
Executive Office
Court House
Towson, Md. 21284

Dear Mr. Hutchinson:

We are very concerned about The Amacoast Corporation expanding their airport into a commercial operation.

The Amacoast family has been friends of my family my entire life. They have helped my family several times over the years. Therefore, I regret having to protest against their attempts to expand their airport.

I never would have opposed the airport because I do not believe the Amacoast family would use it commercially. However if the property should ever be sold to someone else and it had been zoned as a commercial airport, there is no way that the commercial airport could be prevented.

We have had airplanes coming in and taking off rather low sometimes in the past. The noise has been bad enough sometimes, but we have never objected and do not wish to see the Amacoast family not be able to continue to fly their own airplanes.

However, we certainly do not wish to have a commercial airport about a mile away. They have had trouble getting over the trees that surround our home and have had to bank the plane away. I cannot see how larger planes could possibly clear our woods.

We sincerely regret this opposition but in all fairness to ourselves and our community we feel that it is essentially necessary.

Sincerely yours,

Mr. & Mrs. Harry Spicer
1617 Gorsuch Hill Rd
Upperco, Md 21155

February 23, 1983

Mr. and Mrs. Harry Spicer
1617 Gorsuch Hill Road
Upperco, MD 21155

Dear Mr. and Mrs. Spicer:

I am writing in regard to your recent letter concerning a request for a special exception for an airport and hangar.

As you are aware, the hearing on this matter has already been held. I have forwarded your letter to the Office of Zoning to ensure that it is included in the file. As County Executive, I am prohibited from intervening in the judicial process.

Mr. William Hammond, Zoning Commissioner, has recently undergone open heart bypass surgery and is not expected to return to work for approximately two months. Therefore, most regretfully, there will be a delay on a decision on this request.

I regret that I have not been able to aid you in this matter, but if I can be of future assistance, please contact my office.

Sincerely,

Donald P. Hutchinson
County Executive

cc: W. Hammond

COURT PROCEEDINGS

See Monday, August 9, 1982 Issue for Complete Court Proceedings

Court of Special Appeals of Maryland

No. 1681, September Term, 1981 - Filed July 13, 1982

LAWTON T. SHARP FARM, INC.

C. RAYMOND SOMERLOCK ET AL.

Appeal from the Circuit Court for Howard County. Chief J. Fischer.

Argued by James B. Dudley, for appellant.
No brief or appearance for appellees.

Assigned before LOWE, CAPLAN, HILARY D. (Specially Assigned), and THORNE, RAYMOND G., JR. (Specially Assigned).
Present: THORNE, RAYMOND G., JR. (Specially Assigned).
Judgment affirmed.

LOWE, J.

In this appeal from an order of the Circuit Court for Howard County, the appellant, Lawton T. Sharp Farm, Inc., was the opponent of a petition to permit a private aircraft landing strip in a residential section of Howard County. Since new zoning regulations were adopted during a comprehensive rezoning in 1977, such use has been permitted in Howard County as a special exception in residential and other zones.

In 1978, the petitioners applied for a special exception to allow the private aircraft to land on the property. The Office of Planning and Zoning recommended approval, the Planning Board recommended denial, and thereafter public hearings were held by the Board of Appeals. Following substantial testimony both for and against the petition, the Board visited the site of the proposed strip for aerial demonstration. Two weeks later the Board reconvened to hear testimony solely about the demonstration.

One witness, Nancy Adams, testified that she purchased a 167-acre farm directly across Sharp Road from the Sharp Farm, and partially moved there in December, 1978, unaware of the petition for an airstrip or that a demonstration was scheduled to be conducted. She purchased the farm to train thoroughbred racehorses, mainly for Maryland tracks. Adams testified that on the morning of the demonstration, she had 15 horses in the lower pasture when a plane flew in over her barn, looking as if it was going to crash into the hill. She said her horses are very high-strung animals and that they began galloping in the field. She feared some might break through the fence, because they were running wildly through the fields.

Appellant's contention that a remainder is unwarranted because the court did not represent a change in the law is unavailing. The case is a landmark interpretation, which, if not new, was the first light shed on the issue of a remainder. This court labored under a misapprehension in

It was not permissible, he said, to deny the application for the reason that the landing strip was an annoyance or discomfort to its neighbors, only if the particular location of the strip provided a particular adverse effect could the application be denied. Judge Fischer's words.

"What the Board of Appeals must consider is whether the use contemplated by the subject petition would have a severe effect on the neighborhood, other than those adverse effects that would be caused by the existence of an airport meeting the applicable standards in any other part of the zone."

Although we agree with his interpretation of the law, we note that the new standard does give a special emphasis to the testimony of Nancy Adams, which classically exemplified the Schatz criteria of a particular adverse effect. While the petitioners may not be able to understand the crucial significance of her testimony, although we hold that the court did not misuse its discretion by granting a remainder on reconsideration, Judge Fischer should clearly advise the Board to reopen its hearing and permit additional testimony from either side regarding the Schatz standard of review.

Appellant's contention that a remainder is unwarranted because the court did not represent a change in the law is unavailing. The case is a landmark interpretation, which, if not new, was the first light shed on the issue of a remainder. This court labored under a misapprehension in

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"What the Board of Appeals must consider is whether the use contemplated by the subject petition would have a severe effect on the neighborhood, other than those adverse effects that would be caused by the existence of an airport meeting the applicable standards in any other part of the zone."

THE DAILY RECORD, BALTIMORE

2/17/83

CITY OF BALTIMORE

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF LISTING

February 14, 1983

REAR PORCH

REAR PORCH

REAR PORCH

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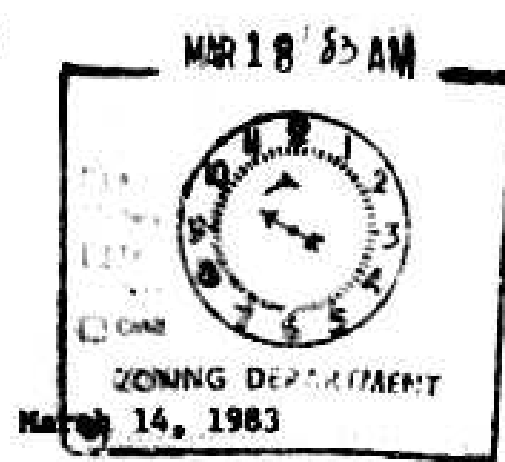
REAR PORCH

REAR PORCH

REAR PORCH

REAR PORCH

WHITEHOUSE - PRETTYBOY ASSOCIATION
P. O. Box 207
Hookton, Maryland 21111



Mr. Clatus A. Armacost, President
Armacost Farms, Inc.
Upperco, Maryland 21155

Dear Mr. Armacost:

A number of your neighbors are concerned about the recent Zoning Exception request for your airport. As a result, The Whitehouse-Prettyboy Association has been formed, and is working to defeat many of your requested zoning exceptions. These include:

1. An increase in the number of airplanes to 15.
2. Airport use as in the past (past use was commercial).
3. Runway expansion from 2200 ft. to 2700 ft.
4. Building of an unspecified use hangar.

At the Zoning Hearing on January 18, 1983 it became evident that:

- 1) The number of airplanes at your airport has grown greatly since 1976:

Year	Number of Planes
1976	4
1978	6
1982	10 or 12
1983 (requested)	15

- 2) Your airport has been used for commercial purposes, and is defined as a commercial use airport by state law.
 - a) Tie-down rent has been charged.
 - b) Aviation fuel has been sold.
 - c) Flying for hire has been done and is currently being done from your airport.

- 3) A runway extension of 500 ft. from 2200 ft. to 2700 ft. would allow planes larger than those now at your airport to land and take off. (now 2 and 4 seaters, but extension would allow 8 seaters and possible fan-jet airplanes).

93-420
2/4

17211 Hunter Green Rd
Upperco, Md 21155

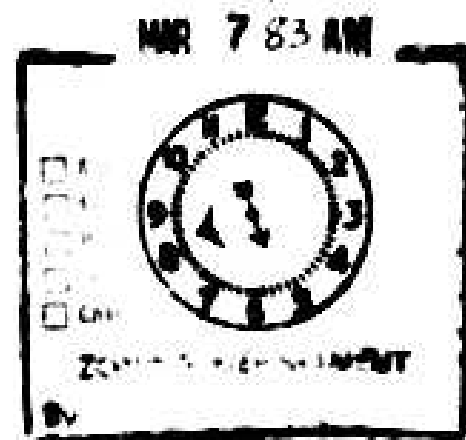
Mr. William E. Hammond
Baltimore County Zoning Commissioner
County Office Building
111 Chesapeake Avenue
Towson, Maryland 21284

ARMACOST FARMS, INC.
93-168-X

Dear Mr. Hammond
Our own family lives in the Hunter Green
Subdivision in Baltimore County near the Armacost Farms.
Please help us to keep out more than
a private airport for Mr. Armacost. We
would like him to keep his planes for his
use and pleasure only, not more than
four planes.

The county is very beautiful and
farms and homes are very interesting
in this property. If Mr. Armacost
to you his farm, could damage all we
worked for us moral, relaxing, beautiful
to see of us.

Sincerely,
John D. Boreham

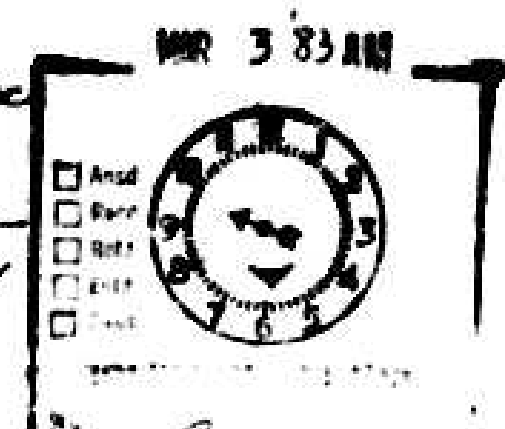


93-420

Mrs. John R. Boreham
His Choice, 17205 Hunter Green
Upperco, Maryland 21155

February 28, 1983

Mr. William E. Hammond
Baltimore County Zoning Commissioner
County Office Building
111 Chesapeake Avenue
Towson, Maryland, 21284

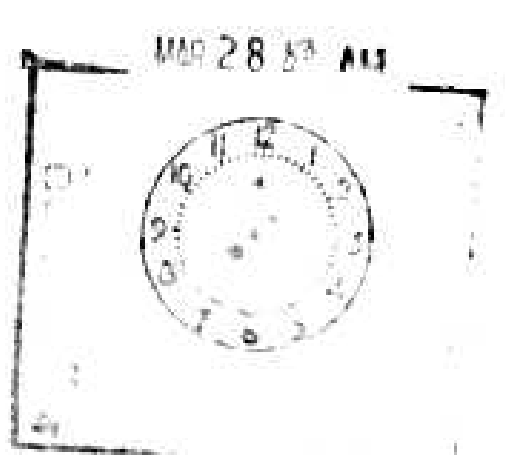


Dear Mr. Hammond,
Recently I attended a hearing
before you concerning the Armacost
Airport, Case #93162-X. This was my
first hearing and I was impressed
with democracy in action.
I was shocked to learn that
Mr. Armacost had developed so
extensive a holding contrary to
Zoning laws. My husband and I
have lived at the above address
since May, 1980, and we have
often been annoyed with low
flying airplanes from the Armacost
airport, but thought that we
had to put up with the nuisance
because this was a legal operation.
Many neighbors to whom I have
talked thought similarly.
I particularly remember the

so called Air Show held last September,
I believe, in the name of Chaney.
Mr. Armacost at this time knew
his airport was an illegal operation.
We the neighbors did not know the
show if permits were granted for
this show. For an entire weekend,
in daylight hours, planes and a
helicopter offered rides for a fee.
The constant "chop, chop, chop" of the
helicopter was almost intolerable.
I was shocked to learn that
an accident on the ground or
in the air was there. We got
through the weekend, annoyed
but safe, but should this sort of
thing happen in the midst of a
residential community? How
much money was made? To whom
was an allowance given? How
much went for Chaney? Who
checked the pilots? Was there
adequate insurance to cover
possible accidents? Windlight
raises many questions.
My feeling is that the private
commercial airport presently
being operated in not in the

best interests of the community.
I suggest that the Westminster
Airport serves far better and more
safely the personal and commercial
needs of those who fly small
planes. It is a short distance away
and reached by excellent roads.
Could not Mr. Armacost be
granted the right to use his air
strip for his and his family's
private use, with only family-
owned planes flown by family
members operating from the field?
This would be fair to the
Armacosts and protect community
interests as well.
I fear that giving Mr. Armacost
the right to continue his commercial
private airport will only lead
to his wanting a commercial
public airport in the future.
We surely do not need this.
Thank you for your
kind attention and consideration.
Sincerely yours,
John D. Boreham

93-617



10 Hunter Lake Court
Upperco, MD 21155

March 22, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office of
Zoning and Planning
Towson, MD 21204

Dear Mr. Hammond:

I am writing this letter to express my deep
concern at the Armacost Corporation's attempt at legal-
izing their commercial airport in northern Baltimore
County. In 1975, before I purchased my property in the
Hunter Green subdivision, I did a considerable amount
of research on the area checking zoning maps and talking
to people in the County planning office about the poten-
tial development of the area. At no point in my investi-
gation did I find any indication that there was a private
airfield in the area. Now, in researching the history of
this airport, I have talked to people who have lived in
the area for some time and have used the airport. I have
found that Mr. Armacost only kept three to four planes at
his airfield in the 1975-1978 time frame and did not apply
to the FAA for listing as an airfield until 1976. Since
that time, eight to nine additional planes have commenced
operating out of this field. This includes one tandem
engine airplane that generates 72 db of noise on landing.
Although the evolution of this private airstrip to a private
commercial airport has been slow, it has clearly been
deliberate. This past summer, the situation had become
intolerable. Because of Mr. Armacost's failure to adhere
to State laws and County regulations, I am convinced that
I have been denied due process of law in determining my
place of residence unencumbered by the fear caused by the
low-flying aircraft using the airport. This is in addition
to the aggravation and mental anguish caused by the noise
of aircraft taking off and landing approximately one mile
from my residence. I believe this type of uncontrolled air-
port presents a danger to the community way out of proportion
to its size. It is used primarily as a means of recreation
for a relatively small group of people. The airport does
little to support the agricultural business of the area and
will have a strong commercial influence on the present
agricultural/residential complexion of the community.

Page Two
Mr. William E. Hammond
March 22, 1983

I respectfully request that you consider the
following:

1. Restrict the airpatterns on take-off and landing to prevent low-flying aircraft from flying over the neighborhood residences.
2. Restrict the number of aircraft to two and only allow the use of single-engine aircraft because of the severe noise the multi-engine planet generate.
3. Restrict the number of flights per day to three maximum as indicated on the plat submitted by Mr. Armacost as Exhibit 1.
4. Restrict the airport so that it may not be run as a commercial airport as defined by State law.
5. Deny permission for the 500-foot extension to the existing runway and thus eliminate the potential of a larger class of aircraft from using the airport.

Sincerely,
Rudolph P. Toth
Rudolph P. Toth

cc: Mr. James T. Smith, Jr.
Mr. Donald P. Hutchinson

December 23, 1982

John C. Hoehn, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

NOTICE OF HEARING
Re: Petition for Special Exception
W/S of Brush Rd., 2,960' N of the
e/1 of Hyattford Rd.
Armacost Farms, Inc. - Petitioner
Case #93-162-X

TIME: 11:00 a.m.
DATE: Tuesday, January 18, 1983
PLACE: Room 106, County Office Building, 111 West
Chesapeake Avenue, Towson, Maryland

cc: Mrs. Carolyn Strangfeld
2445 Tracey's Stone Road
Purton, Maryland 21138

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 111264
DATE: 12-23-82
AMOUNT: 100.00
RECEIVED FROM: Flying for hire
FOR: John D. Boreham
VALIDATION OR SIGNATURE OF CASHIER

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

- 4) Two hangars exist and another is requested.
- 5) Several county and state laws and regulations have been ignored by Armacost Farms, Inc.
 - a) Your airport exists in violation of Baltimore County zoning.
 - b) Your airport has not complied with Maryland State aviation regulations.
 - c) Your airstrip and hangars were constructed without Baltimore County building permits.
 - d) Your airport operation has not complied with State licensing regulations for aviation fuel storage and pumping.
 - e) Your corporation has violated Federal and State income tax laws in connection with income from your airport by not keeping accurate books on the operation.

The above five facts are recorded on tapes taken during the zoning hearing; the zoning hearing itself gave every indication that expansion of your present commercial use airport was wanted. More recently your Vice President, Austin Armacost, has indicated to some of us that perhaps your zoning exception requests could be changed or decreased. He has also put out a flyer to the community stating that your airport is for the private use of the Armacost family and a few friends, but incorrectly says that it is not commercial.

As a group we could accept a small, private-use, non-commercial use airport if it were safely and courteously used and was in compliance with all regulations and laws, but many of us object to the possibilities contained within your present zoning exception requests. We ask you, as President and Chief stockholder of Armacost Farms, Inc. to respond and tell us what Armacost Farms really wants -

- A) A small, closely run, private-use, airport for actual use of only your family and a few friends?

OR

- B) An expanded, unsupervised, and open commercial use airport with many airplanes, no limit on who or when the airport is used, more hangars, and a longer runway for larger airplanes?

We will support you, compromise with you, or oppose you vigorously depending on your decision and response to this letter. We prefer to work with you for the good of our entire community and look forward to your prompt reply to this letter.

Sincerely yours,

James P. Vonderhorst
James P. Vonderhorst, President

- cc: Mr. William E. Hammond, Zoning Commissioner
- Mr. James T. Smith, Baltimore County Councilman
- Mr. Austin Armacost, Armacost Farms, Inc.
- Mr. Donald Hutchinson, Baltimore County Executive
- Mr. Glen Peabody, President, Northern Baltimore County Alliance

PETITION FOR SPECIAL EXCEPTION
RECEIVED

LOCATION: West side of Bruehl Road, 2,960' N of c/l of Hersford Road

DATE: 12/29/82

Public Hearing: Room 108, County Office Building, 113 W. Chesapeake Avenue, Towson, Maryland, on Tuesday, January 19, 1983 at 11:00 A.M.

The zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the west side of Bruehl Road, 2,960 feet north of the centerline of Hersford Road, on Tuesday, January 19, 1983, at 11:00 A.M.

Public Hearing: Room 108, County Office Building, 113 W. Chesapeake Avenue, Towson, Maryland, on Tuesday, January 19, 1983, at 11:00 A.M.

By Order of: **WILLIAM E. HAMMOND**, Zoning Commissioner - Baltimore County Dec. 30.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 30, 1982

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once each week for one time before the 1st day of January 1983, the day of publication, appearing on the 30th day of December 1982.

THE JEFFERSONIAN
L. Leach Strickland
Manager

Cost of Advertisement \$ 31.50

PETITION FOR SPECIAL EXCEPTION
RECEIVED

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By Order of: **WILLIAM E. HAMMOND**, Zoning Commissioner - Baltimore County Dec. 30.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1983

THIS IS TO CERTIFY that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for successive weeks, the first publication appearing on the day of 1982.

THE TOWSON TIMES
William E. Hammond
Manager

Cost of Advertisement, \$

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

83-162-X

District 5th Date of Posting 12-29-82

Posted for Special Exception

Petitioner Armacost Farms, Inc.

Location of property W/S of Bruehl Road, 2,960' N of the Centerline of Hersford Road

Location of Signs West side of Bruehl Road, approx. 3,000' north of the intersection of Hersford Road - location signs NW corner of Bruehl and Hersford Roads

Posted by S. J. Rosta Date of return 1-7-83

Signature
Number of Signs 2



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 14, 1983

John O. Hennegan, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Special Exception
W/S of Bruehl Rd., 2,960' N of c/l of
Hersford Rd.
Armacost Farms, Inc. - Petitioner
Case No. 83-162-X

Dear Mr. Hennegan:

This is to advise you that \$80.65 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117349

DATE 4/19/83 ACCOUNT R-01-615000

AMOUNT \$80.65

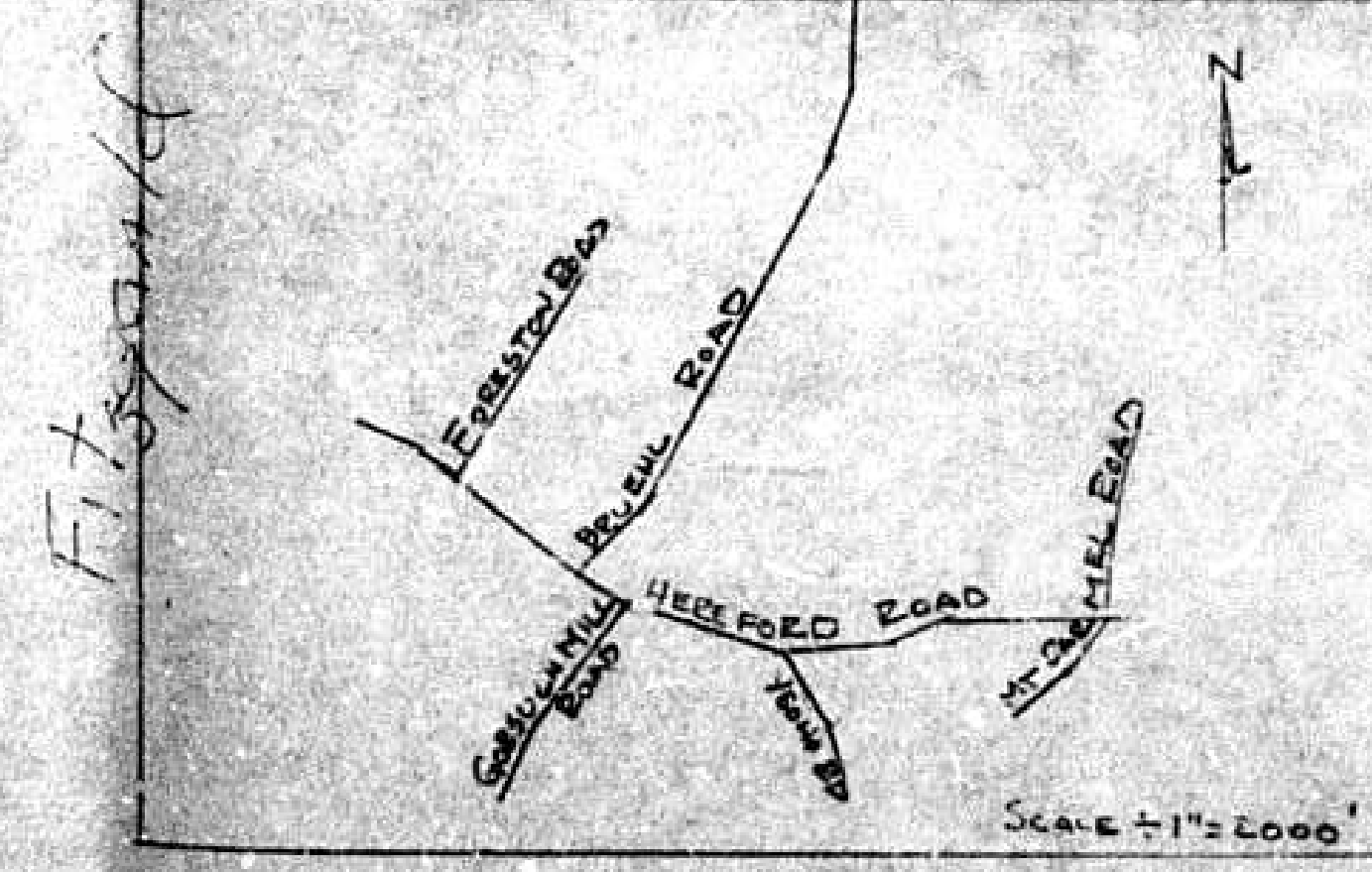
RECEIVED FROM Armacost Farms, Inc. c/o J. Hennegan, Esq.
FOR Advertising & Posting Case #83-162-X

9 1115*****806516 4206A

VALIDATION: SIGNATURE OF CASHIER

more or less.
Being the property of Armacost
Farms, Inc., as shown on plat plan
filed with the Zoning Department.
Hearing Date: Tuesday, Janu-
ary 19, 1960 at 11:00 A.M.
Public Hearing: Room 106, Coun-
ty Office Building, 141 W. Ches-
apeake Avenue, Towson, Maryland.
By Order Of
WILLIAM E. HAMMOND
Zoning Commissioner
Baltimore County
Dec. 30





**PETITIONER'S
EXHIBIT #1**

ZONING PLAT
PROPERTY LOCATED
IN
5TH ELECTION DIST BALTO. CO MD

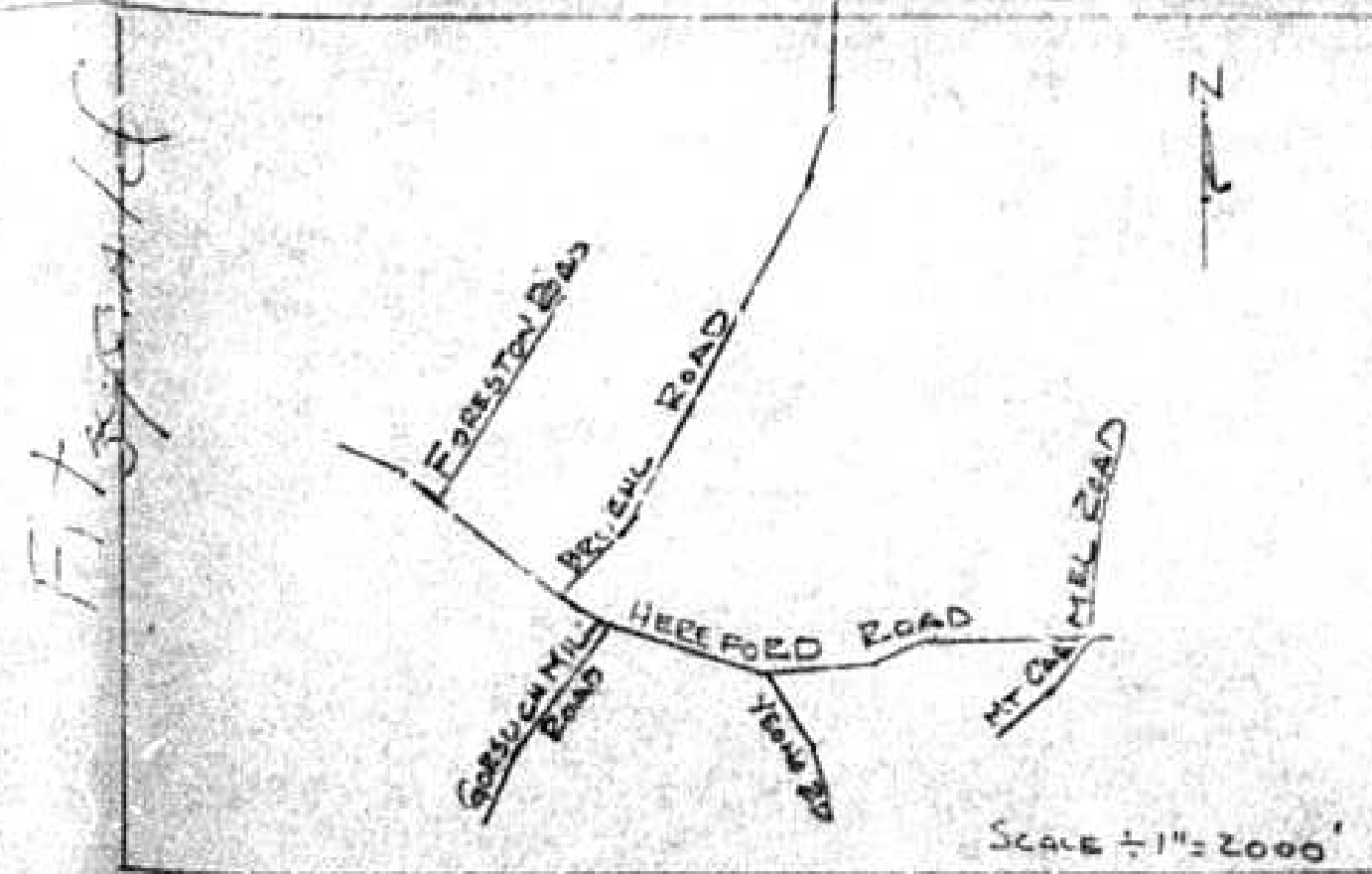
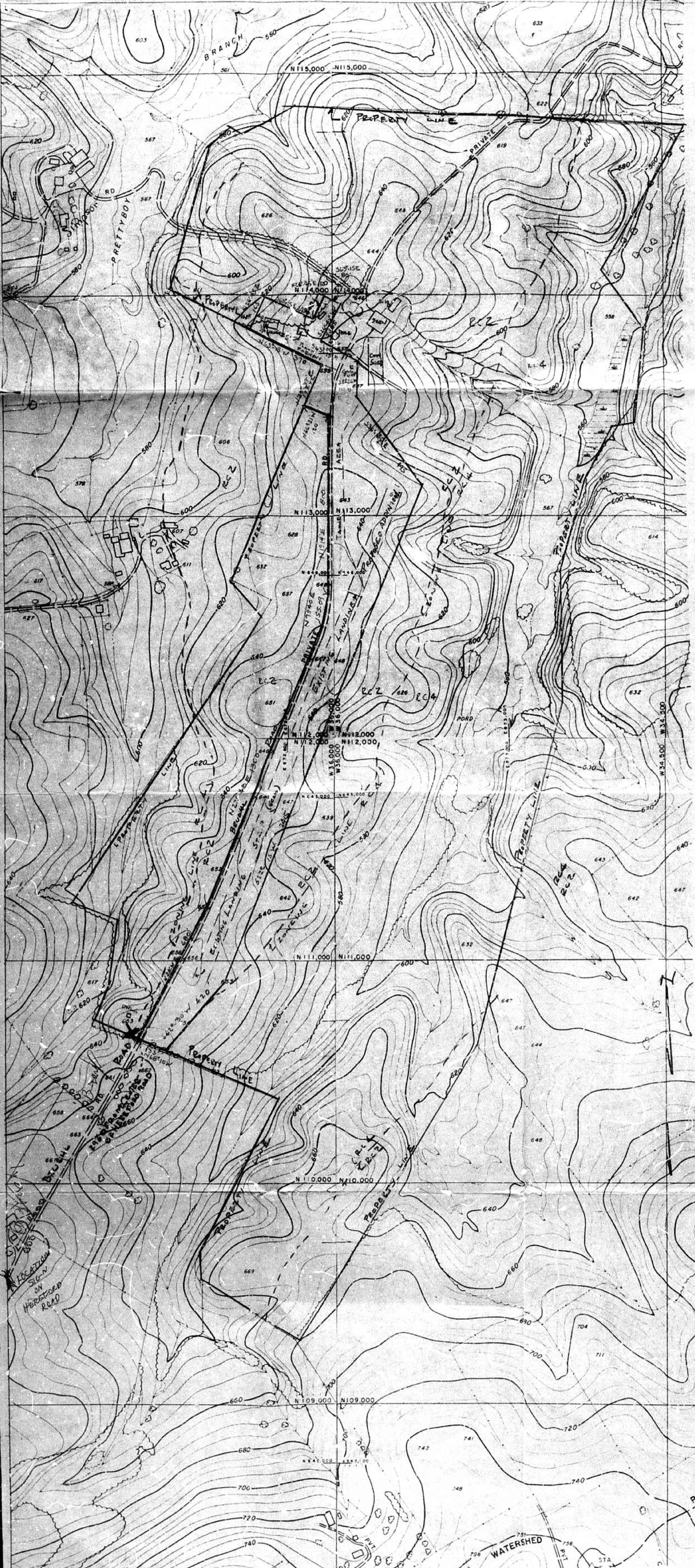
EXISTING ZONING RC2
PROPOSED 1A01Z-C-1 SPECIAL EXCEPTION
FOR AN AIRPORT IN A RC2 ZONE

AREA IN SPECIAL EXCEPTION 19.29 ACRES
AREA IN WHOLE TRACT 185 ACRES

EXISTING USE 10 SMALL AIRPLANES
AVERAGE DAILY FLIGHTS 3



SCALE: 1" = 200' SEPT 27, 1982
GERHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MARYLAND



**PETITIONER'S
EXHIBIT #1**

ZONING PLAT
PROPERTY LOCATED
IN
5TH ELECTION DIST BALTO. CO MD

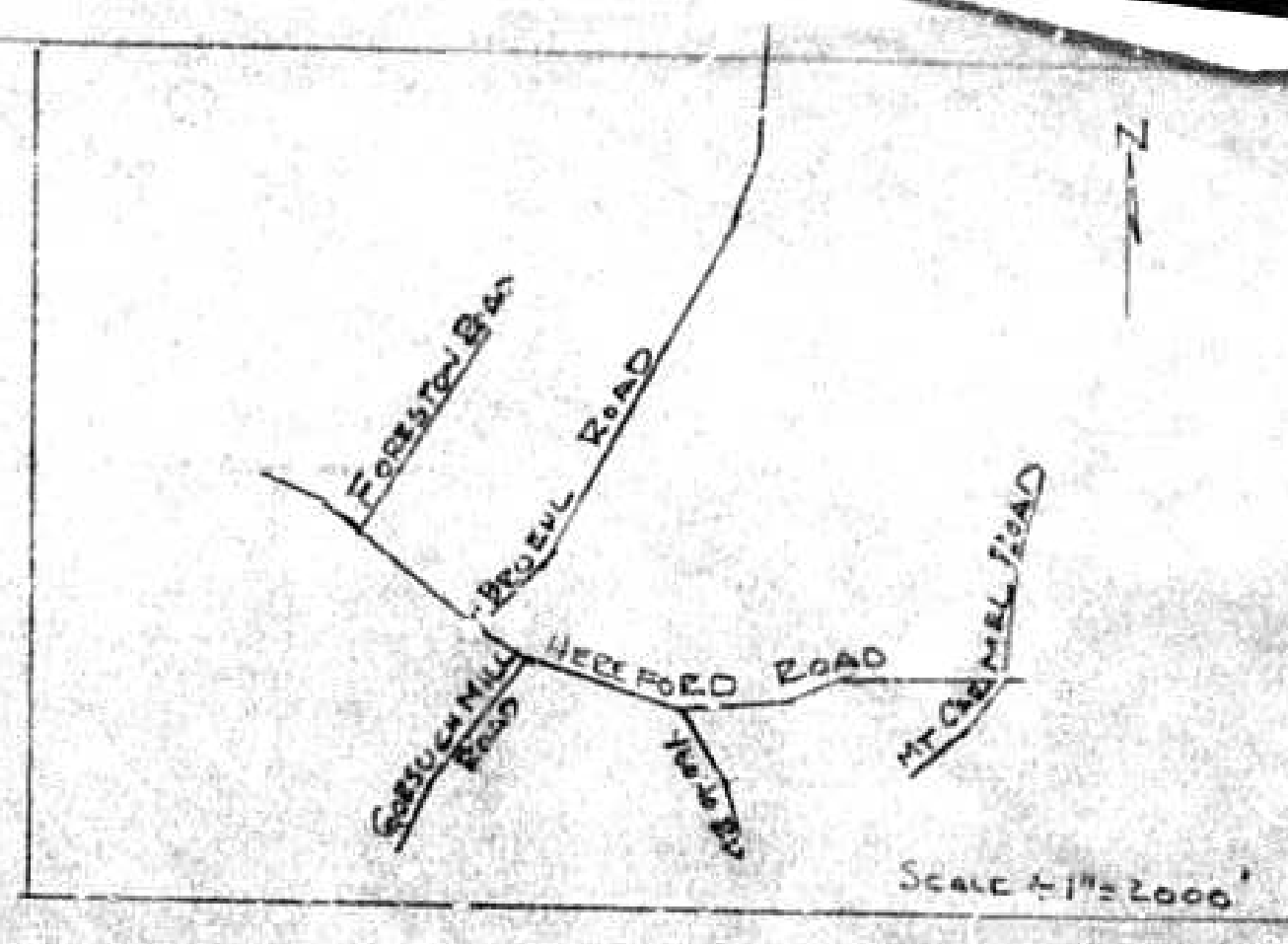
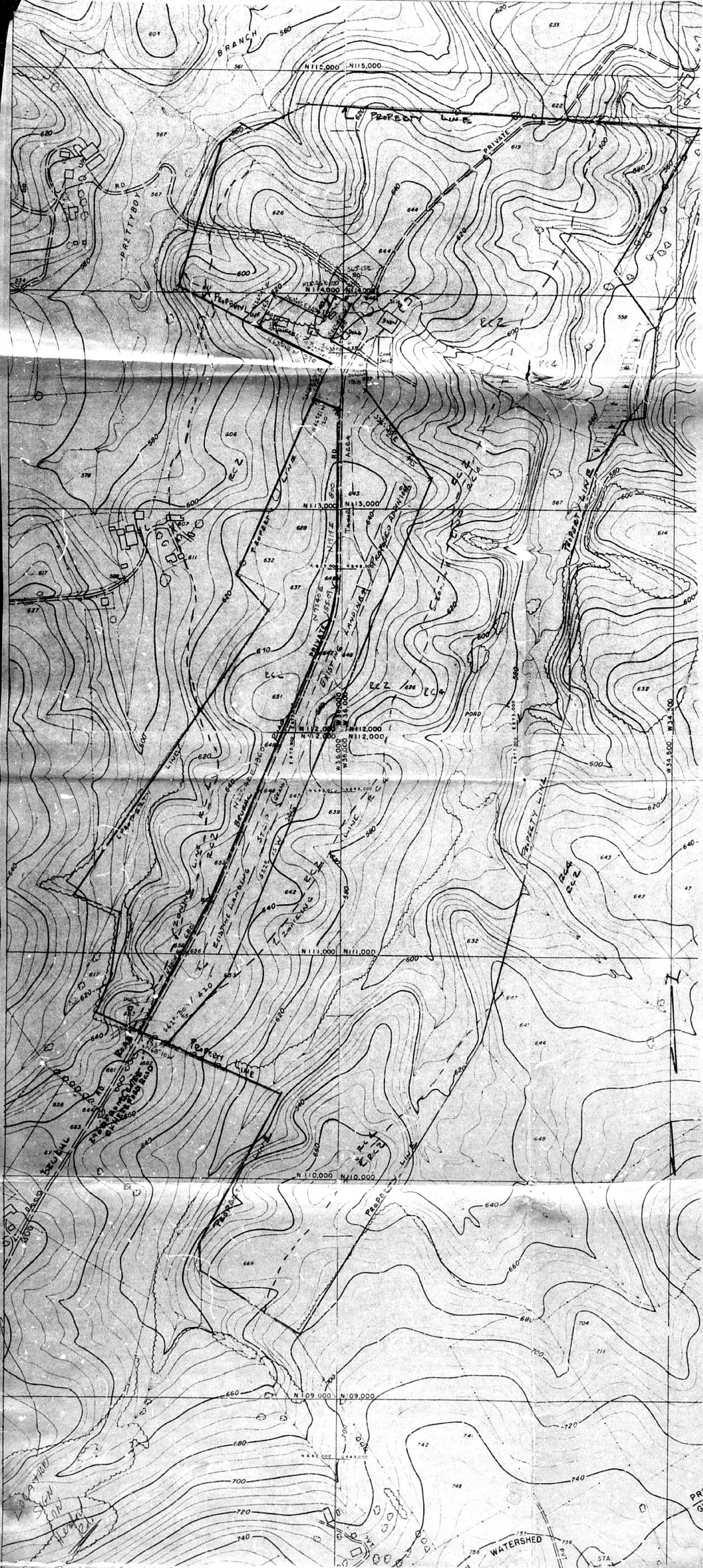
EXISTING ZONING RC2
PROPOSED 1A01Z-C-1 SPECIAL EXCEPTION
FOR AN AIRPORT IN A RC2 ZONE

AREA IN SPECIAL EXCEPTION 19.07 ACRES ±
AREA IN WHOLE TRACT 135 ACRES ±

EXISTING USE 10 SMALL AIRPLANES
AVERAGE DAILY FLIGHTS 3



SCALE: 1" = 200' SEPT 27, 1982
GERHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MARYLAND



ZONING PLAT
 PROPERTY LOCATED
 IN
 5TH ELECTION DIST BALTO. CO MD

EXISTING ZONING RC2
 PROPOSED 1982-C-1 SPECIAL EXCEPTION
 FOR AN AIRPORT IN A RC2 ZONE
 AREA IN SPECIAL EXCEPTION 19.29 ACRES ±
 AREA IN WHOLE TRACT 185 ACRES ±

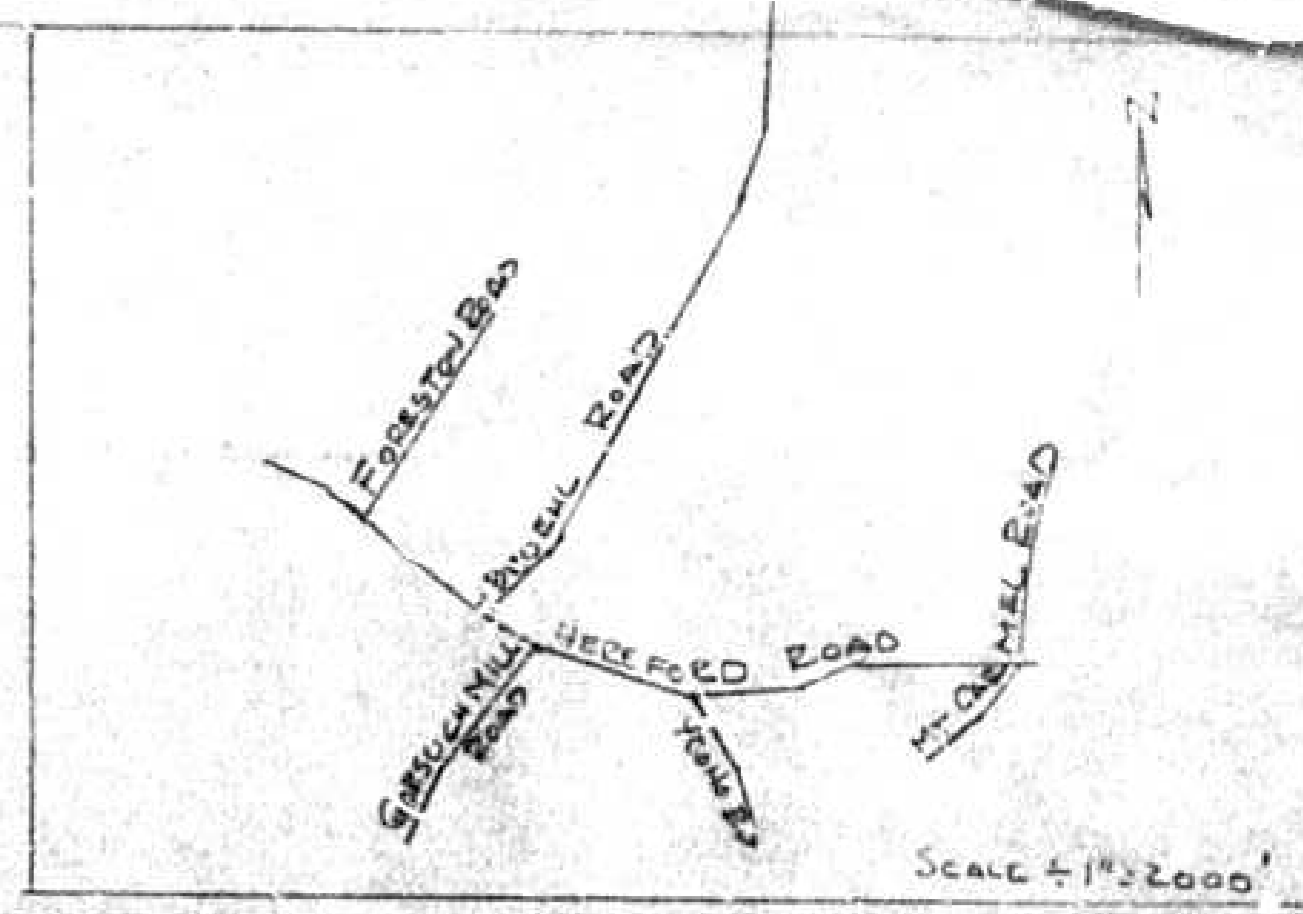
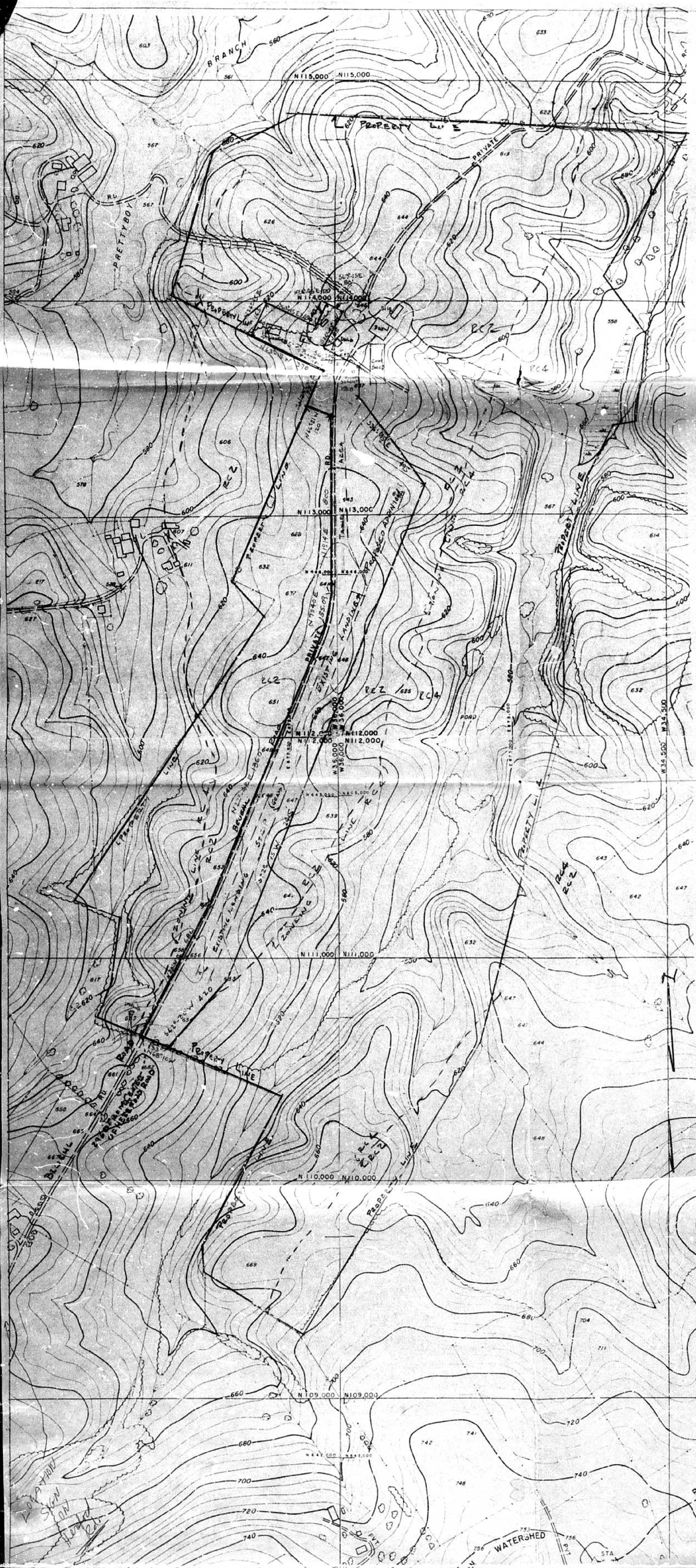
EXISTING USE 10 SMALL AIRPLANES
 AVERAGE DAILY FLIGHTS 3

MICROFILMED

MAP NO.	1982-C-1
DISTRICT	5
DATE	4/9
TYPE	Y
HEARD BY	AT
FILED BY	AT



SCALE: 1"=200' SEPT 27, 1982
 GERHOLD CROSS + ETZEL
 REGISTERED LAND SURVEYORS
 412 DELAWARE AVENUE
 TOWSON, MARYLAND



ZONING PLAT
 PROPERTY LOCATED
 IN
 5TH ELECTION DIST BALTO. CO MD

EXISTING ZONING RC2
 PROPOSED 1A01Z-C-1 SPECIAL EXCEPTION
 FOR AN AIRPORT IN A RC2 ZONE
 AREA IN SPECIAL EXCEPTION 19.29 ACRES
 AREA IN WHOLE TRACT 185 ACRES

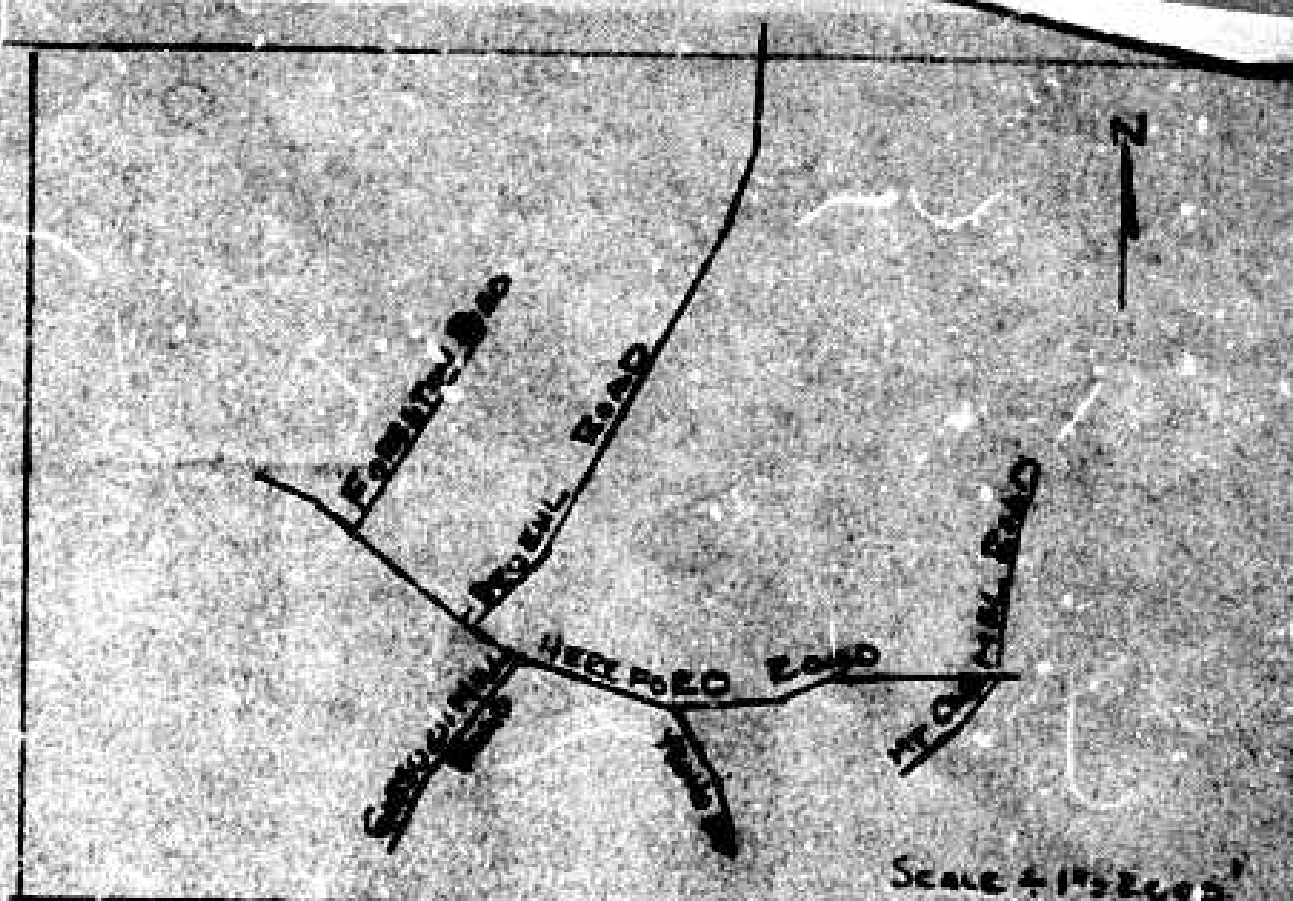
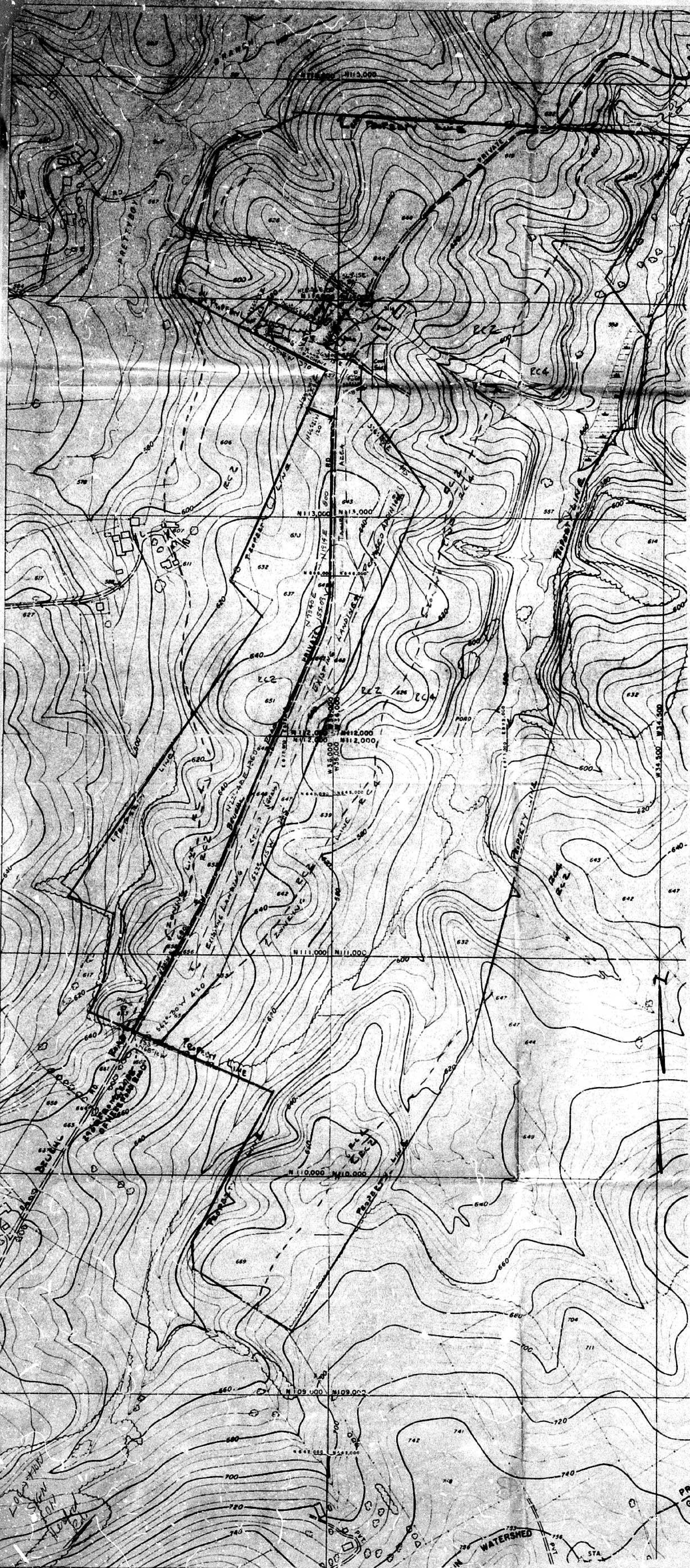
EXISTING USE 10 SMALL AIRPLANES
 AVERAGE DAILY FLIGHTS 3

MICROFILMED

INDEXED	29, A
SERIALIZED	
DATE	4/9
TYPE	
BY	AT
FILED	



SCALE: 1"=200' SEPT 27, 1982
 GERHOLD, CROSS & ETZEL
 REGISTERED LAND SURVEYORS
 412 DELAWARE AVENUE
 TOWSON, MARYLAND



ZONING PLAT
PROPERTY LOCATED
IN
5TH ELECTION DIST BALTO. CO MD



EXISTING ZONING RC2
PROCESSED 12012-C-1 SPECIAL EXCEPTION
FOR AN AIRPORT IN A RC2 ZONE
AREA IN SPECIAL EXCEPTION 19.29 ACRES?
AREA IN WHOLE TRACT 185 ACRES?

EXISTING USE 10 SMALL AIRPLANES
AVERAGE DAILY FLIGHTS 3

APPROVED
BY
DATE 4/23
BY
AT



SCALE: 1"=200' SEPT 27, 1982
GERHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVENUE
TOWSON, MARYLAND