

To HACKETT  
Date 5/4/84 Time 9 PM A.M.   
P.M.

**WHILE YOU WERE OUT**

M MRS. DURST

of \_\_\_\_\_

Phone 343-0616  
Area Code Number Extension

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	<b>URGENT</b>	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>		<input type="checkbox"/>

Sent to our office by Doug Swam of  
Message Zoning Board's Order needs correction  
and he told her it could be done inasmuch as  
it is still in the 30 period. In restriction #1  
you state building should be 28 x 80 per  
plat submitted as Pet. Exh. #1. She said  
this should be 28 x 90 and that it was OK  
by Zoning to make this change. I told her  
I would call this to your attention next  
Operator

HX2

LITHO U.S.A.

week as you were out of town for the week-  
end. However, I pointed out to her that  
Exhibit #1 showed the building to be as you  
stated in your restriction (28 x 80) and I  
asked her why her surveyor didn't change  
the plat on presenting it to the Board. She  
didn't know why.

She stopped by the second time and said  
that she had been over to Zoning again and  
that both Dyer and Swam told her to request  
that you talk to them about this matter  
before making your decision.

ETE

*5/9/84 Per WTH  
not going to change  
order. Told J. Dyer to  
relay to D. Swam who  
was talking to Mrs.  
Durst*



March 23, 1982. The number of dogs at the facility during these inspections ranged from 40 to 100 dogs, and in each and every inspection the facility was rated excellent.

Dr. William Shortall, veterinarian, testified that he does the veterinary work for this existing kennel, either on site or at his facility, the Padonia Veterinarian Hospital. He is of the opinion that the existing kennel is a very good one. He also confirmed the health problems with Chow puppies at this facility, noting an especially severe loss in the years 1979 and 1980, since which time breeding operations have been severely curtailed. He recommended separate breeding facilities as being normal for the breeding of Chow dogs.

Mr. Glenn Durst, property owner and Petitioner, testified that the kennel is operated solely by his wife. He described the proposed breeding kennel as being built of concrete block with wire fence covered runs. The building is to be air-conditioned with an office and an apartment on the upper level, in which he and his wife hope to reside. The new kennel would be underground in the side of a hill and would not be visible from any road. He also asked that he be allowed to move the kennel from 225 feet from the south property line to 205 feet from this line in order to utilize the existing topography and achieve this underground effect to the north. Mr. Durst noted that his land is not really suitable for farming, it being very erosive and wet, and stated that so far he has planted 7-8,000 white pine trees on the property.

Ms. Joyce Carlstrom, 1120 Mt. Carmel Road, a 13 year resident, testified she had no objection to the proposed breeding kennel. She stated that unconfined neighborhood pet dogs create a bigger nuisance than the existing kennel. The Board takes note that Ms. Carlstrom is the nearest neighbor to the proposed site to testify. Her testimony concluded Petitioner's case.

Mrs. Cynthia McCullough, 17008 Sunswept Lane, testified in opposition to the new kennel noting that the proposed location would be some 400 to 500 feet from her residence and she was certain that the barking of the dogs, particularly at night, would be audible to her. Mrs. Reita Erler, 16938 Flickerwood Road, also opposed the proposed kennel. (Note: She did not know just how far her home was from the proposed kennel but a scale on Petitioner's Exhibit #3 indicates it to be some 1400 to 1600 feet). She testified she hears the dogs barking from the existing kennel, day and night, and in fact kept a record of same which was entered as People's Counsel's Exhibit #2. Mrs. Erler also testified that she had made no complaints to anyone about this noise.

Mr. Fred Gunther, 16923 Flickerwood Road, also testified in opposition to the proposed kennel. (Note: His home is the same approximate distance as Mrs. Erler's home). Mr. Gunther testified that he lived at 1114 Mt. Carmel Road while his present home was being erected, and said that he could hear the dogs from the existing kennel at this location. He also made no complaints to anyone, this being only a temporary residence. He stated that he can hear the dogs in the summertime from his present home.

Ms. Maxine Myers, 1310 Mt. Carmel Road, testified that she hears the dogs barking almost daily, the situation being worse in the summertime, and noted that the proposed kennel would be relatively the same distance from her residence as the existing one. Rebecca Tansil, 17003 Sunswept Lane, has a kennel, by special exception, at this location. She breeds poodles and has a fancier's license. She objects to the proposed kennel because it represents increased commercialization in the area.

Mrs. Virginia Deardorff, 16924 Flickerwood Road, testified that she and her husband are developers of the properties along Flickerwood Road and fears that the additional kennel would detract from the area. She testified that there are twenty-five homesites in this area and that so far twelve houses have been erected. Mr. Donald Wirtz, 17002 Sunswept Lane, also testified in opposition to the new kennel because of the noise which is apt to be generated. This concluded Protestants case.

After reviewing all of the testimony and evidence presented, it appears that the special exception applied for by Petitioners should be granted. There was no substantive testimony that the proposed use would decrease property values in the area. A comparison of the testimony and evidence as it pertains to §502.1 indicates that the proposal meets all these prerequisites. The basic objection from the Protestants is to the noise that may result from the granting of this request. The Baltimore County Zoning Regulations clearly permit this land use by special exception in the R.C. 2 zone. Noise and dogs go hand in hand, and since the Council allowed this use in a rural zoning designation; i.e., R.C. 2, it must be considered normal rural noise as are tractors, cattle and other animals, etc., unless the noise can be proved to be unnatural, unusual or excessive. We have inspection notices from Baltimore County officials stating that the existing kennel is an "excellent" one, and the Board has no reason to believe that the proposed kennel will be anything less. It is, therefore, the opinion of this Board that the petition for a special exception for a breeding kennel should be granted and

will so order, subject to restrictions.


ORDER

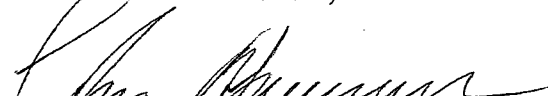
For the reasons set forth in the foregoing Opinion, it is this 24th day of April, 1984, by the County Board of Appeals, ORDERED that the special exception for a Private Breeding Kennel petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That the proposed kennel building be no bigger than 28' x 80' - as shown on Petitioner's Exhibit #1, and that it be orientated in the same manner as shown.
2. That the Petitioners shall totally enclose the proposed kennel, and that all dogs be kept inside this enclosure from dark until 7:00 a.m. to reduce the possibility of noise during normal sleeping hours.
3. That the kennel be allowed to be placed 205 feet from the southern property line instead of the 225 feet now shown.
4. That the kennel itself be insulated and soundproofed to the best possible degree, and that it be appropriately landscaped and maintained in order to obtain the maximum reduction of noise emanating from the kennel.
5. That the Private Breeding Kennel be just that, and that the kennel be used only for the breeding and care of Chow dogs. No other dogs are to be boarded at this site.
6. That the special exception herein granted is for a "Private Breeding Kennel" as opposed to a normal "boarding" kennel.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
William T. Hackett, Chairman

  
LeRoy B. Spurrier

  
Patricia Phipps



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

April 24, 1984

Phyllis C. Friedman  
People's Counsel  
Courthouse  
Towson, Maryland 21204

Re: Case No. 84-54-X  
Glen L. Durst, et ux

Dear Mrs. Friedman:

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

Encl.

cc: Mrs. Reita L. Eler  
Ms. Maxine B. Myers  
Mr. Charles Donald Mays  
Mr. Tim Timber  
Mrs. Elizabeth A. Wirtz  
Glen L. Durst, et ux  
N. E. Gerber  
J. G. Hoswell  
A. Jablon  
Jean M. H. Jung  
J. E. Dyer

84-573

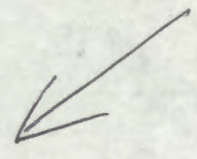
5/15/84  
8

File  
Case File

March 13, 1984

Dr. Rebecca C. Tansil  
Sunswept Lane  
Parkton, Maryland 21120

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners



Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner, who was sitting in his judicial capacity. Attached to your letter you had a copy of his decision, but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

As you note, this decision was appealed to the County Board of Appeals for Baltimore County, where another public hearing was held. A decision by the Board to reverse, modify, or uphold the Commissioner's decision should be forthcoming. Like the Zoning Commissioner, the Board is a quasi-judicial body which takes testimony, hears evidence, and is bound by the law. If you are right in your objections, I am sure the Board would reverse the Commissioner's decision, thereby preventing the kennel from being constructed. Regardless of the Board's decision, an appeal may be taken to the Circuit Court for Baltimore County.

The Zoning Commissioner's rationale for initially granting the kennel can be found in his decision and, although you disagree, the bases for that decision were founded in the testimony and evidence presented to him at the hearing. He heard the testimony of the protestants and obviously recognized their concerns as can be discerned from the number of restrictions.

Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

B. MELVIN COLE

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:AJ:kb

Attachment

✓cc: Arnold Jablon, Zoning Commissioner

MICROFILMED

MAR 15 AM

Ans  
 Rec  
 Ret  
 Entz  
 Chkd

ZONING DEPARTMENT

By .....



# BALTIMORE COUNTY

TRANSMITTAL  
MEMO

TO		B. Melvin Cole, Administrative Officer	
FROM		Arnold Jablon, Zoning Commissioner	DATE 3/9/84
SUBJECT.		Kennel Permit Correspondence Dated March 6, 1984	

FOR YOUR	COMMENTS	TAKE APPROPRIATE ACTION	
	INFORMATION	INVESTIGATE AND REPORT	
	APPROVAL	SUBMITTED PER YOUR REQUEST	
	SIGNATURE	SEE ME	DATE
TRANSMITTED	A.M. P.M.		
NOTE AND	FILE	AS SOON AS POSSIBLE	
	RETURN TO ME		AT YOUR CONVENIENCE
YOUR SIGNATURE	YOUR SIGNATURE	YOUR DATE	DATE
	YOUR SIGNATURE		DATE

**MICROFILMED**



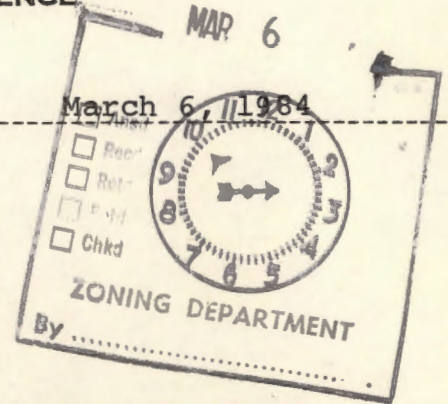
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

84-490

TO Arnold Jablon  
Zoning Commissioner  
FROM B. Melvin Cole  
SUBJECT Kennel Permit

Date March 6, 1984



I received the attached package of materials from Dr. Rebecca Tansil, a fine lady who has a great affection and concern for animals, particularly dogs.

It is obvious that she is very concerned about some action which we have taken to permit the establishment of a kennel devoted to the breeding of Chow dogs somewhere in or near the Gunpowder Park area.

When you have an opportunity, will you give me some type of response which I might make to Dr. Tansil to support the action which we have taken?

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:cr  
Attachment

MICROFILMED

Dr. Rebecca Tansil

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner who was sitting in his judicial capacity. Attached to your letter, you had a copy of his decision but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

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The Zoning Commissioner's rationale for initially granting the kennel can be found in his decision, and although you disagree, the bases for that decision were founded in the testimony and evidence presented to him at the hearing. He heard the testimony of the Protestants and obviously recognized their concerns as can be discerned from the number of restrictions.

Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

**MICROFILMED**

BMC/AJ/srl

B. MELVIN COLE  
Administrative Officer

1-26-84

414

GLENN L. DURST et ux  
Petitioners

\*  
\*  
\*  
\*  
\*

BEFORE THE  
COUNTY BOARD OF  
APPEALS  
Zoning Petition  
Item No. 255  
Case No. 84-54-X

S/S BRANDY SPRINGS RD.  
60' from centerline of  
Masemore Rd

PETITION FOR SPECIAL EXCEPTION

\* \* \*

REQUEST FOR SUMMONS FOR WITNESSES

Mr. Clerk:

Please issue summonses for the following witnesses:

William G. Ulrich, Jr.  
Gerhold Cross and Etzel  
412 Delaware Avenue  
Towson, MD 21204

*Miller*  
*Svd 1-31-84*

Dr. Robert Shortall  
Padonia Animal Hospital  
9827 York Rd.  
Cockeysville, MD 21030

*CL 1-27-84*  
*Shore*

To testify for the Petitioners. Returnable on February 14, 1984  
at 10:00 a.m, before the County Board of Appeals, Room 200,  
Court House, Towson, Maryland 21204.

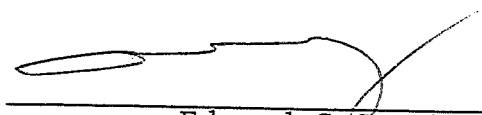
RECEIVED

1984 JAN 23 PM 2:25

SHERIFF'S OFFICE  
BALTO. CO.

COST	\$ 5.00
SUMMONED	1-31 1984
NON EST	19
NON SUNT	19
COPY LEFT	1-27 1984

SHERIFF  
CHARLES H. HICKEY, JR  
OF BALTIMORE COUNTY

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

Rec'd. 1/26/84

9:30 a.m.

Mr. Sheriff:

Please issue this summons.

*Edith T. Eisenhart*

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

GLENN L. DURST, et ux  
Petitioners

S/S Brandy Springs Rd.  
60' from centerline of  
Masemore Road

Petition for Special Exception

\*  
\*  
\*  
\*  
\*  
\*

BEFORE THE  
ZONING COMMISSIONER  
FOR  
BALTIMORE COUNTY  
Item No. 255  
Case No. 84-54-X

\* \* \*

REQUEST FOR SUMMONS FOR  
WITNESSES

Mr. Clerk:

Please issue summons for the following witnesses:

William G. Ulrich, Jr.  
Gerhold Cross and Etzel  
412 Delaware Avenue  
Towson, MD 21204

Dr. Robert Shortall  
Padonia Animal Hospital  
9827 York Rd.  
Cockeysville, MD 21030

To testify for the Petitioners. Returnable on February 14, 1984  
at 10:00 a.m., Office of the Zoning Commissioner for Baltimore  
County, 111 W. Chesapeake Avenue, County Office Building, Towson,  
Maryland.

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

Mr. Sheriff:

Please issue summonses in accordance with the above.

  
Zoning Commissioner of  
Baltimore County

**County Board of Appeals**Room 219, Court House  
Towson, Maryland 21204

November 17, 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 #108

CASE NO. 84-54-X

GLEN L. DURST, ET UX

S/S Brandy Springs Rd., 60' W of the c/1 of  
Masemore Rd. and N/S Mt. Carmel Rd.,  
430' E of c/1 of Sunswept Lane

7th District

SE-Private Breeding Kennel

8/23/83 - Z.C.'s Order-GRANTED with restrictions

ASSIGNED FOR:TUESDAY, FEBRUARY 14, 1984, at 10 a.m.

cc: Glen L. Durst, et ux

Petitioners

*Ed. Crowley Jr*  
Reita Erler & Edward Erler, Sr. Protestants*Att. for Pet.*

Maxine Myers

"

Charles Mays

"

Tim Timber

"

Elizabeth A. Wirtz

"

J. W. Hessian, Esq.

People's Counsel

N. Gerber

J. Hoswell

A. Jablon

J. Jung

J. Dyer

June Holmen, Secy.

11/17/83 - Following were notified of hearing set for Tues. Feb. 14, 1984, at 10 a.m.:

Glen Durst, et ux  
Reita and Ed. Erler  
Maxine Myers  
Charles Mays  
Tim Timber  
Eliz. Wirtz  
J. W. Hessian  
N. Gerber  
J. Hoswell  
A. Jablon  
J. Jung  
J. Dyer

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

84-54-X

District 7th

Date of Posting October 3, 1983

Posted for: Appeal

Petitioner: Glen L Durst et ux

Location of property: S/S Brandy Springs Rd. 60' W of the c/l of Masemore Rd and N/S of Mt Carmel Rd 430 E of the c/l of Sunnyside Lane

Location of Signs: S/S of Brandy Springs Road approx 70' W of the c/l of Masemore Rd and 1 sign N/Side of Mt Carmel Rd at Durst's access Road

Remarks: \_\_\_\_\_

Posted by [Signature]  
Signature

Date of return: October 7, 1983

Number of Signs: 2



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

September 27, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S of Mt. Carmel Rd.,  
430' E of the c/l of Sunswept Lane  
Glen L. Durst, et ux - Petitioners  
Case No. 84-54-X

Dear Mr. & Mrs. Durst:

Please be advised that the following two appeals have been filed from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter:

- 1) Appeal from John W. Hessian, III, Esquire, People's Counsel of Baltimore County
- 2) Appeal from Reita L. Erlner, et al, Protestants

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

Very truly yours,

Arnold Jablon  
Zoning Commissioner

AJ:aj

cc: Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Ms. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120



Case No. 84-54-X  
Item No. 255  
Date: September 22, 1983

S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S of Mt. Carmel Rd., 430'  
E of c/l of Sunswept Lane - 7th District  
Glen L. Durst, et ux - Petitioners

~~SE~~ Private Breeding Kennel

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
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 -8/23/83,  
GRANTED w/restrictions
10. Copy of Plat of Property
- \_\_\_\_\_ 11. 200' Scale Location Plan
- \_\_\_\_\_ 12. 1000' Scale Location Plan
- \_\_\_\_\_ 13. Memorandum in Support of Petition
- \_\_\_\_\_ 14. Letter(s) from Protestant(s)
- \_\_\_\_\_ 15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits 1 to 2
17. Petitioners' Exhibits 1 to 10
18. Letter of Appeal (2 appeals) -9/22/83 by Protestants, neighbors;  
9/22/83 by J. Hession, Esq., Peoples' Counsel
- Glen L. Durst, et ux Petitioners  
1201 Brandy Springs Road  
Parkton, Maryland 21120
- Mrs. Reita L. Erler & Edward, Jr. Protestant  
16938 Flickerwood Road  
Parkton, Maryland 21120
- Ms. Maxine B. Myers Protestant  
1310 Mt. Carmel Road  
Parkton, Maryland 21120
- \* Mr. Charles Donald Mays Protestant  
1411 Mt. Carmel Road  
Parkton, Maryland 21120
- Mr. Tim Timber Protestant  
17008 Sunswept Lane  
Parkton, Maryland 21120
- Mrs. Elizabeth A. Wirtz Protestant  
17002 Sunswept Lane  
Parkton, Maryland 21120
- \* John W. Hession, III, Esquire People's Counsel  
Norman E. Gerber, James Hoswell Request, Notification  
Arnold Jablon, Jean M. H. Jung and  
James E. Dyer " " " " " " " " " " " "

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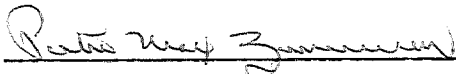


RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
S/S Brandy Springs Rd. 60' W of  
Centerline of Masemore & N/S of : OF BALTIMORE COUNTY  
Mt. Carmel Rd., 430' E of the  
Centerline of Sunswep Lane, :  
7th District :  
:  
GLENN L. DURST, et ux, Petitioners. . . Case No. 84-54-X  
: : : : : :

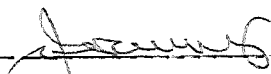
ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision in the above-entitled matter, under date of August 23, 1983, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

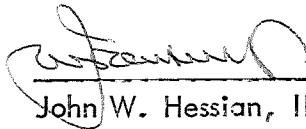


Peter Max Zimmerman  
Deputy People's Counsel

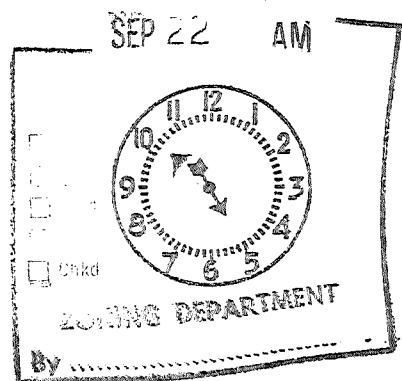


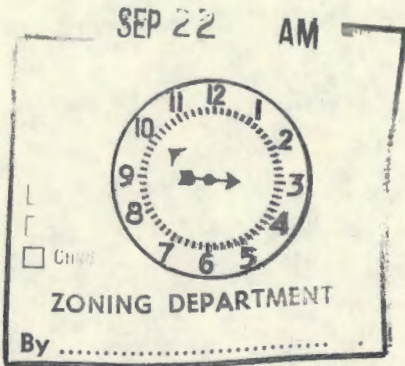
John W. Hessian, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 22nd day of September, 1983, a copy of the foregoing Order for Appeal was mailed to Mr. and Mrs. Glenn L. Durst, 1201 Brandy Springs Road, Parkton, MD 21120, Petitioners.



John W. Hessian, III





Sept. 20, 1983

We wish to appeal zoning case #84-54-X, Glen. L. Durst petitioner

for a private breeding kennel and the granting of Special Exception

for same.

*Charles H. Hub*  
 16940 FLICKERWOOD RD  
 PARKTON MD 21120

*Edward P. Erler* 357-5269  
 16938 Flickerwood Rd. 667-0167  
*Reita L. Erler*

*Jeffrey Thomas Sutton*  
 1317 Mt. Carmel Rd  
 Parkton Md. 21120

*Philip C. Beardoff*  
 16924 Flickerwood Rd.  
*Virginia Beardoff*

*Donald Mays* - 357-4259  
 1411 Mt Carmel Rd. 21120  
*Josephine Perry*  
*Barney Thompson*  
*Pamela R. Holt*  
 1221 Mt. Carmel Rd  
 Parkton, Md. 21120

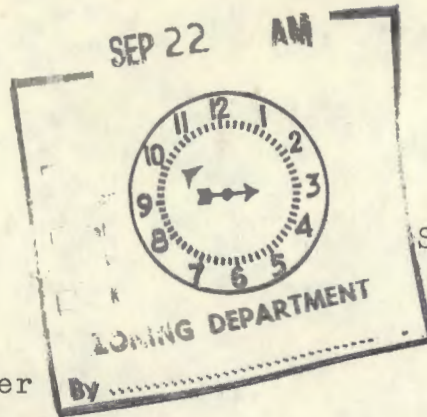
*John E. Inzer*  
*Betty Lantier*  
 1409 Mt. Carmel Rd.  
 Parkton, Md. 21120

*Hilda C. Dixon*  
 1405 Mt Carmel Rd  
 Parkton, Md 21120

*Wanda M. Dunther*  
 16923 Flickerwood Rd  
 Parkton, Md 21120

*Hany M. Dixon*  
 1405 Mt. Carmel Rd.  
 Parkton, Md. 21120

*Katherine Ann Hallett*  
 1321 Mt Carmel Rd  
 Parkton Md. -21120



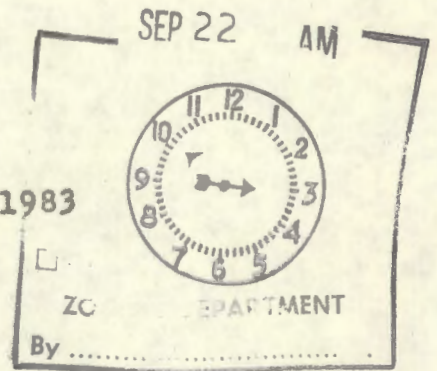
Sept. 20, 1983

Zoning Commissioner  
 County Office Building  
 Towson, Md. 21204

We wish to appeal zoning case #84-54-X, Glen. L Durst petitioner for a private breeding kennel, and the granting of Special Exception for same.

- Mr. S.A. Munaf Jr. 1700 4A Sunswepst La.
- Mrs W.M. Munaf Jr. 1700 B Sunswepst La.
- Mr Donald W. Witz 17002 Sunswepst La.
- Chas H. Muel 1322 Mt. Carmel Rd
- Catherine M. Hrosch 1322 Mt. Carmel Rd.
- Janet L. Gardner 1400 Mt. Carmel Rd.
- Leslie A. Beck 1402 Mt. Carmel Rd.
- George C. Beck 1402 Mt. Carmel Rd. (X.B.)
- Cynthia McLullough/Timothy Timber 17008 Sunswepst Lane
- Mark E. Lasher 1400 Mt. Carmel Rd.
- Rebecca C. Jansil 17003 Sunswepst Lane
- X Blanche A. Jansil 17003 Sunswepst Lane
- Maryellen Gray 1219 Mt. Carmel Rd. Parkton, Md. 21120
- Elizabeth G. Witz 17002 Sunswepst Lane, Parkton, Md 21120
- Margie R. Humphlett 1320 Mt. Carmel Rd, Parkton, Md 21120
- H.D. Humphlett 1720 Mt. Carmel Rd, Parkton, Md 21120
- A. Humphlett " " " " " " " " " " " "

Sept. 20, 1983



We wish to appeal zoning case #84-54-X, Glen. L. Durst petitioner  
for a private breeding kennel and the granting of Special Exception

for same.

Donna H. Ennor  
Joseph W. Ennor 1307 Mt. Carmel Rd. Parkton, Md. 21120  
Estelle M. Hanna 1309 Mt. Carmel Rd. Parkton, Md. 21120  
Juli A. Sutton 1317 Mt. Carmel Rd. Parkton MD 21120  
Robert E. Lusvigi 1318 Mt. Carmel Rd. Parkton, Md. 21120  
Helen McComas 1300 Mt. Carmel Rd. Parkton, Md. 21120  
Mariane B. Myers 1310 Mt Carmel Rd Parkton, Md 21120



the Petitioners have been advised by their veterinarian to separate and isolate the breed from other dogs and personnel in order to safeguard the dogs and protect their investment.

The Petitioners have owned and operated their boarding kennel, the Hereford Country Club for Pets, for the past eleven years. It is a boarding kennel, that is, the Petitioners take in, care for, and provide associated services to, dogs and other animals brought to them by owners. These animals can be boarded with Petitioners for various periods of time. The Petitioners testified that the request for the special exception to build the "private breeding" kennel is due to the introduction of germs to the Chows when the breeds mix at the kennel. This has been a continuous problem and one that has not been solved nor can be. It was explained that the dogs, no matter how well cared for, carry virus which cannot be eliminated no matter what the effort to do so. The virus which brought into the kennel are then transmitted through the air to the Chows, with the new born and puppies being particularly susceptible to disease leading to death. The Petitioners testified that medical evidence concludes that the only solution to the problem is to completely isolate the Chows from outside exposure to other dogs and animals.

They testified that they have lost many puppies to disease related to the problem as described above. The Veterinarian for the Petitioners, through Petitioners Exhibit 9, confirms the dangers as described by the Petitioners and states that the Chows need and require isolation from the animals kept at the boarding kennel as well as from the personnel that work there. It is obvious that the loss to the Petitioners if the Chows were not to be isolated would be extreme, both monetarily and emotionally. The Petitioners brought to the hearing one of their Chows, a prize show dog valued at \$5000.00!

DATE August 23, 1983

BY Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT



Testimony was offered that if sold as pets, Chows as puppies would sell for between \$300.00 to \$500.00. If sold as show dogs, it was estimated that a puppy would bring between \$700.00 to \$1500.00.

The Petitioners propose to avoid the problems described above by building a separate, distinct and literally isolated kennel. This new kennel will be built as more fully described in their Exhibit 10, and as described on the site plans submitted by them and accepted into evidence, and would be 80' by 28'. It will be fully enclosed, insulated and protected from external influences. It would consist of office space, kitchen space, training room, runs, isolation area and holding kennel. Access to the kennel will be by access road from Mt. Carmel Road, approximately 600' long, to the southern boundary line, and then 225' further to the kennel itself. Petitioners testified that the new kennel will be solely used for raising Chows, training them and preparing them for show and/or for sale. The kennel will not be used for boarding other dogs or for boarding Chows not belonging to them. The kennel will be used only for breeding Chows belonging to them, and, therefore, there will be no additional traffic created to the kennel except for the Petitioners themselves and their employees, which they estimate to be three.

The land along the access road is owned by the Petitioners. The stated purpose of the proposed kennel will be for the Petitioners to breed and raise Chows belonging only to them, and they estimate that at any one time they will have approximately ten to twelve puppies and twenty to thirty adult dogs. The Petitioners further testify that the neighbors will hear no noise from this kennel, and explain that Chows do not make a shrill or loud bark, but a sound which is best described as a low growl. In addition, they state the kennel will be insulated, and that the kennel will be totally enclosed with only sliding glass doors on the side of the runs to allow for air. These doors

DATE August 27, 1983

BY Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT

can be closed and will be except for the allowance of air into the runs. When closed, there will be total enclosure. It is also pointed out the great distance between the proposed kennel and the nearest neighbors, as indicated on their Exhibit 10.

The Protestants vigorously disagree and all complain of the noise now emanating from the Petitioners other kennel, and from another on Sunswept Lane, categorized as a Poodle kennel. Whether or not this is a kennel seemed to be a matter of dispute between the parties, but all agree that the Poodles are extremely noisy. The Protestants made it clear that they do not want a third kennel in their neighborhood.

The Protestants complain that property values will decline if the special exception was to be granted, but their main complaint concerns the noise already existing and the expected noise if the proposed kennel was to be built. Apparently there is a plethora of barking dogs, and the Protestants certainly, notwithstanding the Petitioners disclaimer, do not want one more! They state firmly that the noise constitutes a public nuisance.

There is strong disagreement over this issue. The Petitioners deny categorically that noise will be a result, while the Protestants argue that the Petitioners cannot be trusted to be honest in this regard.

The Petitioners seek relief from Section 1A 01.2 C.2, pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR). Section 421.1, BCZR, is not at issue as it is apparent from the site plans that the kennel, if built, would comply with the set back requirements delineated therein.

It is clear that the zoning regulations allow a kennel in any RC 2 zone as a use permitted by special exception. It is equally as clear that the proposed use would not be detrimental to the primary agricultural uses in the vicinity

DATE August 23, 1983  
BY Mary Campagna (Clerk)

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AUG 23 1983  
CLERK

of the proposed kennel. Therefore, the issue to be decided is whether the conditions of Section 502.1, BCZR, are met by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioners should be granted, with certain restrictions as will be more fully set forth later.

There is, of course, a strong presumption of the correctness of original zoning and of comprehensive zoning. See Howard County v. Dorsey, 438 A 2d 1339 (1982). There is a presumption of validity that must be accepted. See Johnson & Wales College v. DiPiete, R.I., 448 A 2d 1271 (1982). The County Council has seen it necessary to legislate the permitted uses, either as a matter of right or as one by special exception, in particular zones in the County, and one of those uses permitted by special exception in a RC 2 zone is the right to have a kennel. In interpreting the zoning ordinance provisions, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Lake Adventure, Inc. v. Zoning Hearing Bd of Dingman Township, Pa Cmwlth, 440 A 2d 1284 (1982).

When the language of a zoning ordinance is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally.

Mongony v. Bevilacqua, R.I., 432 A 2d 661 (1981).

Kennels, dogs and noise go hand in glove; one cannot be without the other. When the Council permitted kennels by special exception in RC 2 zones, it should seem obvious that it took cognizance of this factor. Noise is a natural extension of a kennel. Therefore, if noise alone were to defeat a special exception for a kennel, it would seem that such resulting noise would have to be unusual as measured against the average level of noise emanating from a kennel.

The Petitioners say no unusual noise would result. They are experts.

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DATE August 23, 1983

BY Mary Campagna (Clerk)

COMMUNITY ASSISTANT

The opinions or conclusions of witnesses must be measured by the soundness of their underlying reasons or facts. Surkovich v. Doub, 265 A 2d 447 (1970). The explanation provided by the Petitioners as a basis for their opinion is both substantial and strong. See Coppolino v. County Bd of Appeals of Baltimore County, 328 A 2d 55 (1974). The Petitioners are convincing.

"The special exception use is a 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 special exception use is a valid zoning mechanism that delegates ... a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given ... are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan." Schultz v. Pritts, 432 A 2d 1319 (1981).

The Petitioners have the burden of adducing testimony which will show that the proposed kennel meets the prescribed standards and requirements as set forth in Section 502.1. The Petitioners have shown that the proposed would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances in this matter do not show that the proposed kennel at the particular location proposed for its use by the Petitioners would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. See Schultz, supra.

The proposed kennel will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

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DATE August 23, 1983

BY Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT

property's zoning classification nor in any other way inconsistent with the spirit and intent of the zoning regulations.

The proposed kennel shall not have an adverse effect above and beyond that ordinarily associated with kennels, a use designated as a special exception.

No testimony was presented by the Protestants that property values will decrease if the special exception was to be granted, only that the values will not increase as much or as quickly as they would like. However, nothing was presented that would substantiate this conclusion. Testimony was also presented notwithstanding the existence of the Petitioners' boarding kennel that property values in the area had continued to increase and that values remained high. One Protestant testified that the values of homes in her neighborhood ranged from \$135,000.00 to \$200,000.00. The area so described is within "barking" distance of the Petitioners' existing kennel.

The Protestants are opposed to noise, and especially opposed to more noise that they perceive emanating from the proposed kennel. The Petitioners argue that there will be none. If there is, they state, and if the neighbors are bothered, the Petitioners are willing to work with them to alleviate the problem.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirement of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety and general welfare of the community not being adversely affected, the special exception should be granted.

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DATE August 23, 1983  
BY Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of August, 1983, that the Petition for Special Exception for a kennel in accordance with the site plan as introduced and accepted into evidence as Petitioners' Exhibit 10, and more fully described in Petitioners' Exhibits 7 and 8, is hereby granted, from and after the date of this Order, subject, however, to the following restrictions:


1. The Petitioners may apply for the building permit and be granted same upon receipt of the Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Special Exception is hereby limited now and at any time in the future to the breeding, raising and caring for Chow dogs, and as indicated above, there shall not be permitted any other breed of dog or any other type or kind of animal in said kennel; in addition, there shall be no boarding of any dog or animal owned by others;
3. The special exception is limited to allowing no more than 15 puppies and no more than 40 adult Chow dogs at any one time;
4. The Petitioners are hereby required to totally enclose the proposed kennel, with sliding glass partitions located around the dog runs which shall be open for the express purpose only of allowing air to circulate, and said partitions shall be closed if there is any noise emanating from said kennel;
5. The Petitioners are hereby required to insulate and soundproof to the degree possible the proposed kennel;
6. The Petitioners are hereby required to provide appropriate landscaping surrounding the kennel that will reduce if not eliminate any possible noise escaping from the kennel; with the type and kind at the discretion of the Petitioners.
7. The special exception herein granted shall be as a "private breeding" kennel as opposed to a "boarding" kennel.

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DATE August 27, 1983

BY Mary Campagne (Clerk)

~~ADMINISTRATIVE ASSISTANT~~

  
\_\_\_\_\_  
Zoning Commissioner of  
Baltimore County



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 23, 1983

Mr. and Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

RE: Petition for Special Exception  
S/S of Brandy Springs Rd., 60' W of the  
center line of Masemore Rd. and the N/S  
of Mt. Carmel Rd., 430' E of the center  
line of Sunswept Lane - 7th Election  
District  
Glen L. Durst, et ux - Petitioners  
84-54-X (Item No. 255)

Dear Mr. and Mrs. Durst:

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

Very truly yours,

  
ARNOLD JABLON  
Zoning Commissioner

AJ

Attachments

cc: Ms. Reita L. Erler  
16938 Flickerwood Road  
Parkton, Maryland 21120

Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Ms. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

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

PETITION FOR SPECIAL EXCEPTION

7th Election District

ZONING: Petition for Special Exception

LOCATION: South side of Brandy Springs Road, 60 ft. West of the centerline of Masemore Road and North side of Mt. Carmel Road, 430 ft. East of the centerline of Sunswept Lane

DATE & TIME: Wednesday, August 17, 1983 at 1:30 P.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 a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County

Being the property of Glen L. Durst, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.  
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY





BALTIMORE COUNTY  
 OFFICE OF PLANNING & ZONING  
 TOWSON, MARYLAND 21204  
 494-3353

ARNOLD JABLON  
 ZONING COMMISSIONER

August 8, 1983

Mr. & Mrs. Glen L. Durst  
 1201 Brandy Springs Road  
 Parkton, Maryland 21120

Re: Petition for Special Exception  
 S/S Brandy Springs Rd., 60' W of the c/l of  
 Masemore Rd. & N/S Mt. Carmel Rd., 430' E  
 of c/l of Sunswapt Lane  
 Case No. 84-54-X

Dear Mr. & Mrs. Durst:

This is to advise you that \$38.48 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Sincerely,

  
 ARNOLD JABLON  
 Zoning Commissioner

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

No. 119468

DATE 8/12/83 ACCOUNT R-01-615-000

AMOUNT \$88.48

RECEIVED FROM: Glenn L. Durst  
 FOR: = Advertising & Posting Cas #84-54-X

0 078\*\*\*\*\*8848:0 0150A



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 8, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E  
of c/l of Sunswep Lane  
Case No. 84-54-X

Dear Mr. & Mrs. Durst:

This is to advise you that \$38.48 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

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

Sincerely,

  
ARNOLD JABLON  
Zoning Commissioner

AJ:aj

PETITION FOR SPECIAL EXCEPTION

7th Election District  
ZONING: Petition for Special Exception  
LOCATION: South side of Brandy Springs Road, 60 ft. West of the centerline of Masemore Road and North side of Mt. Carmel Road, 430 ft. East of the centerline of Sunswep Lane.

DATE & TIME: Wednesday, August 17, 1983 at 1:30 P.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 a kennel (private breeding).

All that parcel of land in the Seventh District of Baltimore County

Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Masemore Road, thence running and binding on the southernmost side of Brandy Spring Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances via: South 55 degrees 03 minutes West 255.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY  
48364-L49869

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9-2 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 27<sup>th</sup> day of July 1983.

THE TOWSON TIMES

Cost of Advertisement, \$ 36.48

PETITION FOR SPECIAL  
EXCEPTION  
7th Election District

ZONING: Petition for Special Exception  
LOCATION: South side of Brandy Springs Road, 30 ft. West of the centerline of Masemore Road and North side of Mt. Carmel Road, 430 ft. East of the centerline of Sunswep Lane  
DATE & TIME: Wednesday, August 17, 1983 at 1:30 P.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 a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Masemore Road, thence running and binding on the southernmost side of Brandy Spring Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances viz: South 55 degrees 03 minutes West 225.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35 minutes 45 seconds East 564.89 feet, North 35 degrees 24 minutes 15 seconds West 402.38 feet, South 54 degrees 35 minutes 45 seconds West 741.53 feet, North 63 degrees 52 minutes 53 seconds West 895.76 feet South 49 degrees 06 minutes 09 seconds West 300.00 feet, South 8 degrees 54 minutes 06 seconds East, 156.30 feet, South 4 degrees 26 minutes 52 seconds West 452.77 feet, South 82 degrees 14 minutes 06 seconds East 1179.34 feet, South 33 degrees 45 minutes 15 seconds East 655.89 feet, North 55 degrees

84-54-x

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1983

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 in each~~ of one time ~~successive weeks~~ before the 17th day of August, 1983, the ~~first~~ publication appearing on the 28th day of July 1983.

THE JEFFERSONIAN,

L. Lisak Sirek  
Manager.

Cost of Advertisement, \$ 42.00

PETITION FOR SPECIAL  
EXCEPTION  
7th Election District

84-54-X

ZONING: Petition for Special Exception

LOCATION: South side of Brandy Springs Road, 60 ft. West of the centerline of Masemore Road and North side of Mt. Carmel Road, 430 ft. East of the centerline of Sunswep Lane

DATE & TIME: Wednesday, August 17, 1983 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W Chesapeake Avenue, Towson, Maryland

# CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1983

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 in each~~ of one time ~~successive weeks~~ before the 17th day of August, 1983, the last publication appearing on the 28th day of July 1983.

THE JEFFERSONIAN,

*L. Frank Sierpka*  
Manager.

Cost of Advertisement, \$ 42.00

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 a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Masemore Road, thence running and binding on the southernmost side of Brandy Springs Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seven-teen following courses and distances viz: South 55 degrees 08 minutes West 225.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35 minutes 45 seconds East 564.89 feet, North 35 degrees 24 minutes 15 seconds West 402.38 feet, South 54 degrees 35 minutes 45 seconds West 741.53 feet, North 63 degrees 52 minutes 53 seconds West 895.76 feet South 49 degrees 06 minutes 09 seconds West 300.00 feet, South 8 degrees 54 minutes 08 seconds East, 156.30 feet, South 4 degrees 26 minutes 52 seconds West 452.77 feet, South 82 degrees 14 minutes 06 seconds East 1179.34 feet, South 33 degrees 45 minutes 15 seconds East 655.89 feet, North 55 degrees 13 minutes 33 seconds East 784.08 feet, North 54 degrees 35 minutes 45 seconds East 739.38 feet and North 55 degrees 03 minutes East 247.52 feet to the place of beginning.

Containing 35.20 Acres of land more or less.

20 Foot Wide Ingress-Egress description

Being a 20 Foot Wide in fee strip of land for ingress and egress to Glenn L. Durst property as shown beginning thereof being described as follows, to wit:

Beginning for the same on the north side of Mt. Carmel Road at the distance of 430 feet measured easterly\*along the north side of Mt. Carmel Road as widened 40 feet northerly from the centerline thereof and at the southwest corner of the 20 foot wide in fee strip to Glenn L. Durst property as shown on the Subdivision Plat of Property of Mr. & Mrs. William McKinley Smith and Mr. & Mrs. Glenn L. Durst which plat is recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. No. 47 folio 120 and also shown on the plat accompanying this description.

\*from the centerline of Sunswep Lane

Being the property of Glen L. Durst, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W Chesapeake Avenue, Towson, Maryland.

By Order Of

ARNOLD JABLON  
Zoning Commissioner  
of Baltimore County

July 28

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

84-54-X

District 7th

Date of Posting July 28 1983

Posted for: Special Exception

Petitioner: Glen L. Durst et ux

Location of property: S/S of Brandy Springs Road 60' W of the  
C/L of Massena Road & N/S of Mt Carmel Road 430'  
E of the C/L of Sunnyside Lane

Location of Signs: 1 sign S/S of Brandy Springs Road approx 75' W of the C/L of Massena  
Road - 1 sign N/S of Mt Carmel Road approx 440' E of the C/L of Sunnyside Lane

Remarks:

Posted by AG Arata  
Signature

Date of return: August 5 1983

Number of Signs: 2

7-26-83

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
 S/S Brandy Springs Rd., 60' W of the :  
 Centerline of Masemore & North Side : OF BALTIMORE COUNTY  
 Mt. Carmel Road, 430' East of the :  
 Centerline of Sunswapt Lane, : Case No. 84-54-X  
 7th District :  
 :  
 GLENN L. DURST, et ux, Petitioners :  
 : : : : : :  
 : : : : : :

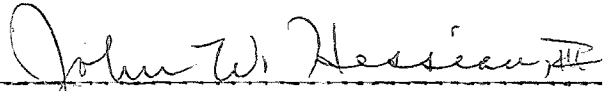
ORDER TO ENTER APPEARANCE

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.

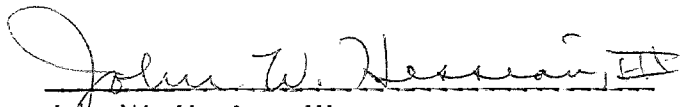


Peter Max Zimmerman  
 Deputy People's Counsel



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

I HEREBY CERTIFY that on this 26th day of July, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Glenn L. Durst, 1201 Brandy Springs Road, Parkton, Maryland 21120, Petitioners.

  
 John W. Hessian, III

July 19, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

NOTICE OF HEARING

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/1 of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E of  
the c/1 of Sunswapt Lane  
Case No. 84-54-X

TIME: 1:50 P.M.

DATE: Wednesday, August 17, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

ZONING COMMISSIONER OF  
BALTIMORE COUNTY

No. 117382

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

DATE 5/26/83 ACCOUNT \$ 100.00

AMOUNT 01-615.000

RECEIVED FROM: Glen L. Durst  
FOR: File for Tax Item # 255

124\*\*\*\*\*1000010 0278A

VALIDATION OR SIGNATURE OF CASHIER



July 19, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

**NOTICE OF HEARING**

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E of  
the c/l of Sunswept Lane  
Case No. 84-54-X

**TIME: 1:30 P.M.**

**DATE: Wednesday, August 17, 1983**

**PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,**

**TOWSON, MARYLAND**



**ZONING COMMISSIONER OF  
BALTIMORE COUNTY**

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Md. 21120

Gerhold, Cross & Hzedl  
412 Delaware Avenue  
Towson, Md. 21204

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  
7th day of June, 1983.



ARNOLD JABLON  
Zoning Commissioner

Petitioner Glen L. Durst, et ux  
Petitioner's  
Attorney \_\_\_\_\_

Received by: Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

PETITION FOR SPECIAL EXCEPTION

84-54-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 (Private Breeding) Kennel

217 6471.1  
263 8502

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):

(Type or Print Name)  
Signature  
Address  
City and State

Glen L. Durst  
(Type or Print Name)  
Signature  
Barbara P. Durst  
(Type or Print Name)  
Signature

Attorney for Petitioner:

(Type or Print Name)  
Signature  
Address  
City and State

1201 Brandy Springs Road  
Address Phone No.  
Parkton, Maryland 21120  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
same  
Name

MAP: 26  
ELECTION DISTRICT: 7  
D. T.E. 6/16  
TYPE  
HEARING: X  
BY: [Signature]  
CON-FINAL:  
BY:

Attorney's Telephone No.:

343-0616  
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of June, 1983, 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 17th day of August, 1983, at 1:30 o'clock P.M.

[Signature]

Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

CARL L. GERHOLD  
PHILIP K. CROSS  
JOHN F. ETZEL  
WILLIAM G. ULRICH  
GORDON T. LANGDON

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

EMERITUS  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG

B23-4470

May 26, 1983

### Zoning Description

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

Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Masemore Road, thence running and binding on the southernmost side of Brandy Spring Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances viz: South 55 degrees 03 minutes West 225.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35 minutes 45 seconds East 564.89 feet, North 35 degrees 24 minutes 15 seconds West 402.38 feet, South 54 degrees 35 minutes 45 seconds West 741.53 feet, North 63 degrees 52 minutes 53 seconds West 895.76 feet, South 49 degrees 06 minutes 09 seconds West 300.00 feet, South 8 degrees 54 minutes 06 seconds East 156.30 feet, South 4 degrees 26 minutes 52 seconds West 452.77 feet, South 82 degrees 14 minutes 06 seconds East 1179.34 feet, South 34 degrees 35 minutes 15 seconds East 655.89 feet, North 55 degrees 13 minutes 33 seconds East 784.08 feet, North 54 degrees 35 minutes 45 seconds East 739.38 feet and North 55 degrees 03 minutes East 247.52 feet to the place of beginning.

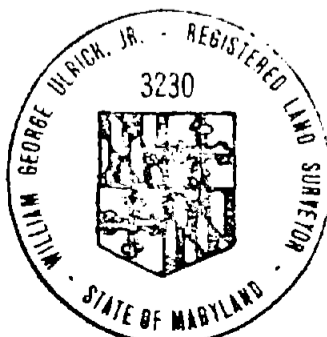
Containing 35.20 Acres of land more or less.

### 20 Foot Wide Ingress - Egress Description

Being a 20 Foot Wide in fee strip of land for ingress and egress to the Glenn L. Durst Property, the beginning thereof being described as follows to wit:

Beginning for the same on the north side of Mt. Carmel Road at the distance of 430 feet measured easterly\*along the north side of Mt. Carmel Road as widened 40 feet northerly from the centerline thereof and at the southwest corner of the 20 foot wide in fee strip to Glenn L. Durst property as shown on the Subdivision Plat of Property of Mr. & Mrs. William McKinley Smith and Mr. & Mrs. Glenn L. Durst which plat is recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. No. 47 folio 120 and also shown on the plat accompanying this description.

\* - from the centerline of Sunswept Lane



William G. Ulrich Jr.

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

No. 121532

DATE 9/26/83 ACCOUNT R-01-615-000

AMOUNT \$110.00

RECEIVED Edward P. Erler, Sr.  
FROM:  
FOR: Appeal fee on Case #84-54-X

6 010\*\*\*\*\*11000:D 0275A

VALIDATION OR SIGNATURE OF CASHIER

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

No. 121531

DATE 9/22/83 ACCOUNT R-01-615-000

AMOUNT \$110.00  
(\$5.00 in cash and  
\$105.00 check)

RECEIVED FROM: People's Counsel  
FOR: Appeal fee on Case #84-54-X

⑆ 128\*\*\*\*\*1100000 8230A

VALIDATION OR SIGNATURE OF CASHIER

84-54-X

7th District

S/S Brandy Springs Rd. 60' W. of the  
c/l of Manmore Road, and  
N/S of Mt. Carmel Rd. 430' E. of the  
c/l of Sunset Lane

Glen L. Durst, et ux

2 - SIGNS



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1983

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

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

o0o

Nicholas B. Commodari  
Chairman

RE: Item No. 255 - Case No. 84-54-X  
Petitioner - Glen L. Durst, et ux  
Special Exception Petition

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

Dear Mr. & Mrs. Durst:

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 proposal to construct a private breeding kennel on a portion of your property, this hearing is required.

At the present time, a kennel exists on the easterly portion of your property, and a previous zoning hearing (Case No. 77-163-A), concerning the existing sign for this use, was heard and eventually dismissed.

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, bsc*

NICHOLAS B. COMMODARI  
Chairman

Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gerhold, Cross & Etzel  
412 Delaware Avenue  
Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO William E. Hammond,  
Zoning Commissioner

Date July 29, 1983

FROM Norman E. Gerber, Director  
Office of Planning and Zoning

SUBJECT Zoning Petition #84-54-X  
Glen L. Durst, et, ux

Assuming compliance with Section 421.1 of the zoning regulations and the provision of adequate landscaping as necessary, this office is not opposed to the granting of the subject request.

*Norman E. Gerber JGH*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG:JGH:si



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.  
DIRECTOR

July 1, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #255 (1982-1983)  
Property Owner: Glen L. & Barbara P. Durst  
S/S Brandy Springs Rd. 60' from centerline  
of Masemore Road  
Acres: 35.20 District: 7th

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.

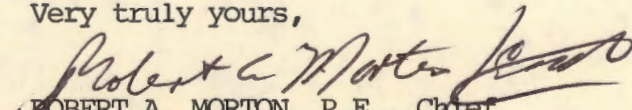
Highways:

Mt. Carmel Road (Md. 137) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Masemore Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way.

Brandy Springs Road, an existing County road, is improved on a 50-foot right-of-way; further highway improvements are not proposed at this time.

Very truly yours,

  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

HH-SW Key Sheet  
108 & 109 NW 14 - 16 Pos. Sheets  
NW 27 & 28 D Topo  
21 Tax Map



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

July 28, 1983

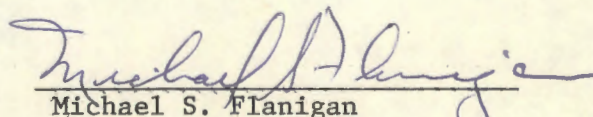
Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 255, 256, and 257      ZAC - Meeting of June 7, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for  
item numbers 255, 256, and 257.

  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/ccm

June 5, 1983  
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 255, Zoning Advisory Committee Meeting of June 7, 1983

Property Owner: Glen L. + Barbara P. Durst

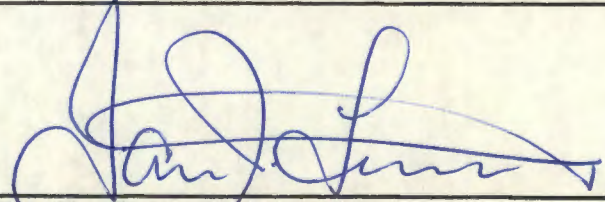
Location: S/S Brandy Springs Road District 7<sup>TH</sup>

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.

- ( ) 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 Feb 8, 1986.
  - ( ) 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.
- (✓) No health hazards are anticipated.
- ( ) Others \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

# BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: June 7, 1983

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

Z.A.C. Meeting of: June 7, 1983

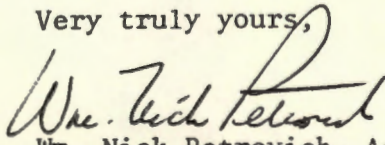
RE: Item No: 254, (255), 256, 257  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,

  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp



**Maryland Department of Transportation**

State Highway Administration

Lowell K. Bridwell  
Secretary

M. S. Caltrider  
Administrator

June 13, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-7-83  
Item: #255  
Property Owner: Glen L.  
& Barbara P. Durst  
Location: S/S Brandy  
Springs Rd., 60' from  
centerline of Masemore  
Rd. & north of Mt. Carmel  
Rd. (Route 137)  
Existing Zoning: R.C. 2  
Proposed Zoning: Special  
Exception for private  
breeding kennel  
Acres: 35.20  
District: 7th

Dear Mr. Hammond:

On review of the site plan of May 2, 1983 and field inspection, the State Highway Administration offers the following comments.

With the site plan showing access from Mt. Carmel Road to the proposed breeding kennel, the State Highway Administration will require highway improvement at the intersection if the site is commercially used.

Very truly yours,

*Charles Lee*

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: George Wittman

CL:GW:vrd

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech

383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717





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

TED ZALESKI, JR.  
DIRECTOR

June 21, 1983

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

Dear Mr. Hammond

Comments on Item # 255 Zoning Advisory Committee Meeting June 7, 1983  
are as follows:

Property Owner: Glen L. & Barbara P. Durst  
Location: S/S Brandy Springs Rd. 60' from centerline of Masemore Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Special Exception for private breeding kennel.

Acres: 35.20  
District: 7th

The items checked below are applicable:

- A. All structure shall conform to the Baltimore County Building Code 1981/  
Council Bill 4-82 State of Maryland Code for the Handicapped and Aged;  
and other applicable Codes.
- 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.
- 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 lines. A  
firewall is required if construction is on the lot line, See Table 401, line 2,  
Section 1407 and Table 1402.
- 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.
- 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 can  
comply with the height/area requirements of Table 505 and the required construction  
classification of Table 401.
- I. Comments: Show compliance to Handicapped Code on plans.

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

CEB:rrj

FORM 01-82



BALTIMORE COUNTY  
 FIRE DEPARTMENT  
 TOWSON, MARYLAND 21204-2586  
 494-4500

PAUL H. REINCKE  
 CHIEF

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

September 14, 1983

Attention: Nick Commodari, Chairman  
 Zoning Plans Advisory Committee

RE: Property Owner: Glen L. and Barbara P. Durst

Location: S/S Brandy Springs Road 60' from centerline of Masemore Road

Item No.: 255 Zoning Agenda: Meeting of June 7, 1983

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.
- ( ) 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.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 9-1983  
 Planning Group  
 Special Inspection Division

Noted and Approved: George M Weigandt  
 Fire Prevention Bureau

8/17/84-54

14  
21 Chow

ANIMAL FACILITIES INSPECTION

Baltimore County Bureau of Animal Control  
Towson, MD 21204  
494-3600, 494-3601

FACILITIES INSPECTION REPORT

**PETITIONER'S  
EXHIBIT** 10/4 3

HEREFORD COUNTRY CLUB FOR PETS  
Name of Establishment

381-6167  
Telephone

10/4 3  
District

Box 252-B MASEMORE Rd, PARKTON Md.  
Address

21120  
Zip Code

Owner GLENN L. + BARBARA DURST

Manager Same

Veterinarian Dr. ROBT SPARTALL

Address Same

Animals kept on premises: DOGS 35 CATS — BIRD — HAMSTERS — GERBILS —  
MICE — GUINEA PIGS — FISH — WILDLIFE N/A Other —

General condition of animals: (Note of presence of ticks, running eyes, diarrhea, sneezing, etc.)  
(X) Satisfactory ( ) Unsatisfactory

Comment on conditions Kennel facility very clean and well maintained, dogs in good health

- Adequate pens and space for animals? (X) yes ( ) no
- Is there adequate, available food, water & bedding? (X) yes ( ) no
- Odors under control? (X) yes ( ) no Noise under control? (X) yes ( ) no
- Animal food stored and handled properly? (X) yes ( ) no
- Facilities inside, clean (X) yes ( ) no outside clean (X) yes ( ) no
- Properly covered refuse containers? (X) yes ( ) no
- Adequate number? (X) yes ( ) no
- Are health certificates given with sale of dogs, cats or monkeys? (X) yes ( ) no

**LICENSE INFORMATION**

Md. Traders License Displayed ( ) yes (X) no  
# N/A

Baltimore County Facilities (X) yes ( ) no  
# # 23

Md. State Psittacine Bird License ( ) yes (X) no  
# N/A

Signature of owner or manager Barbara P. Durst

Animal Control Warden South Price

Date 10/31/78

(8/18/77)

P.C. Exhibit  
#2

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030



Joseph Priestley  
USA 20c

Mr & Mrs Glen Durst  
Hereford County Club for Pets  
Masemore Rd.  
~~Hereford, Md.~~ *Postmark ind*  
~~21111~~ 21120

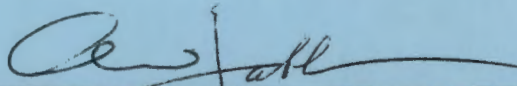
Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
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Gerhold, Cross & Etzold  
412 Delaware Avenue  
Towson, Md. 21204

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  
7th day of June, 1983.



ARNOLD JABLON  
Zoning Commissioner

Petitioner Glen L. Durst, et ux  
Petitioner's  
Attorney \_\_\_\_\_

Received by: Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

8/17/83

(including dog)

84-54-X

Pets, protestants Maxine Mayers, Rita Eiler

Mr & Mrs Dunst - own pup 15 yrs - raised & held

+ had pets - (a) went into pet care - bought 45 acres - operated pet care of 11 yrs - employ 4 or 5 people - can't

build anywhere else on prop because remnants of prop won't sink - only where proposed location - spring divides property - pet advised that should separate breeding kennel from existing kennel - proposed

Mr Dunst

no commercially operated facilities -

### PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: WOL

Revised Plans:  
Change in outline or description  Yes  
 No

Previous case: 77-163A

Map # \_\_\_\_\_

Item # 255

to virus & to prevent would require isolation -

8/17/83

(including dog)

84-54-7

Pets, ~~protectors~~ Maxine Meyer, Rita Eller

Mr & Mrs Durst - own pup 15 yrs - raised & held

+ had pets - (a) went into pet care - bought 45 acres - operated pet care of 11 yrs - employ 4 or 5 people - can't

build anywhere else on prop because remainder of prop won't sink - only where proposed location -

spring divides property - not advised that should separate breeding kennel from existing kennel - proposed

office, board & breed dogs - kitchen area, training room - isolation area - holding kennel - completely

covered, insulated - outside runs, sliding glass doors all around - runs - no heat - 10 or 12

puppies at time, w/ 20-30 adult - no additional traffic, as no daily clients - 2 story in front -

3 bldg, will have heat - 3 people <sup>employed</sup> for personal site - 2 people living on access road

+ both in favor - not commercial - both homes covered by pet on access road - lot will leave

~~Maxine Meyer~~ ~~protector~~ to wear sterile clothes -

II Mrs Durst - reason for isolation is due to introduction of

germs when breeds mixed - due to street carried virus' - airborne virus' which can't be prevented -

hazard - raise & sell - values of dogs between \$500 - \$1500 as show dogs - \$300 - \$500 on site - puppies die due

to virus' & to prevent would require isolation -

no commercially operated facilities -



(2)

must be a boarding kennel - private breeding isolation  
kennel -

I Rita Eller - hear dogs all night - 1 $\frac{1}{2}$  lived in area - 1 $\frac{1}{2}$  acre,  
+ larger - home \$125,000 + valued - doesn't want  
another kennel

II Mrs Myers - home on Mt Carmel Rd - doesn't want another  
kennel - either commercial or overwhelming dog  
population - lived 22 yrs -

III Elizabeth Wertz - 25 yrs lived - don't want any more kennels -  
public nuisance as to noise factor -

IV Tim Timber - 4 $\frac{1}{2}$  - value of homes affected by kennel  
in neighborhood (goodie kennel) - 2 kennels nearby  
will make value of home decrease

---

closing -

23-1760  
AG-AGD-11

AUG 4 '83 AM

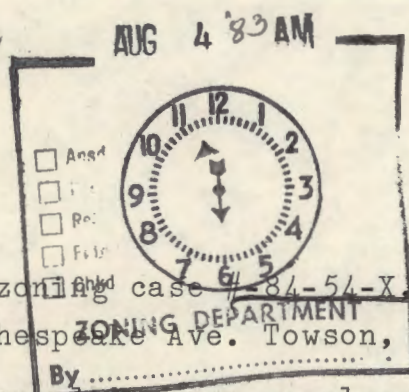
814/83  
ag

August 2, 1983

Dear Mr. Jablon,

GLEN L. DURST, *stump*

In reference to zoning case 7-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.



We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Wayne Mellott

1415 Mt Carmel Rd

Charl R. H. West

Catherine Hirsch

1322 Mt. Carmel Rd.  
Parkton, md. 21120

Janet L. Gardner  
1400 Mt. Carmel Road  
Parkton, MD 21120

Tom Tucker  
17008 Sun swept Lane  
Parkton MD 21120

Denise Donaldson  
1314 Mt. Carmel Rd.  
Parkton, md. 21120

Ruth Ann Robertson  
1106 Mt. Carmel Rd.  
Parkton, md. 21120

D. Keith Whitelam  
1112 Mt. Carmel Rd  
Parkton, md. 21120

Rachel Mc Comae  
Hyles R. Mc Comae  
1300 Mt. Carmel Road  
Parkton, Md. 21120

Calvin L. Blucher  
Ellen Blucher  
1301 Mt. Carmel Rd.  
Parkton, md 21120

Joseph w. Enzor  
Donna H. Enzor  
1307 Mt. Carmel Rd  
Parkton, Md 21120

Estelle Hanna  
1309 Mt. Carmel Rd.  
Parkton Md. 21120

Robert E. Leisinger  
1318 Mt. Carmel Road  
Parkton, Maryland 21120

Maxine B. Myers  
1310 Mt Carmel Rd  
Parkton Md 21120

August 1, 1983 AUG 1 4 83 AM

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204

Ans-  
 Fact  
 Rep  
 Entd  
 Chkt  
 August 17 1983  
 For a kennel  
 ZON  
 By

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- Edward P. + Rita J. Eiler 16938 Flickerwood Rd.
- Chulu H + Mary E Huh 16940 FLICKERWOOD RD
- Virginia Deardoff 16924 Flickerwood Rd
- Philip C Deardoff, Pres. Flickerwood Estates, Inc.
- Katherine Kellotte 1321 Mt Carmel Rd Parkton Md
- Shaw K Kellotte 1321 Mt Carmel Rd Parkton Md
- Brian D Kellotte 1321 Mt Carmel Rd Parkton Md
- Nancy Stockdale 16937 Flickerwood Rd Parkton, Md
- Ally Thomas Kellotte 1317 Mt. Carmel Rd. Parkton Md.

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Virginia Beardoff 16924 Flickerwood Rd  
Philip C. Beardoff, Pres. Flickerwood Estates, Inc.  
Gatherer Skelton 1321 Mt Carmel Rd Parkton Md  
Shaw H Skelton 1321 Mt Carmel Rd Parkton Md  
Dorothy Skelton 1321 Mt Carmel Rd Parkton Md  
Mary Stoddard 16937 Flickerwood Rd Parkton Md  
Mary Thomas Sutton 1317 Mt. Carmel Rd. Parkton Md.

# PETITIONER'S

Aug 12 1983

## EXHIBIT 7

We the undersigned have no objections whatever to Mr. and Mrs Hurst building a private breeding kennel. There present boarding kennel is within sight and for hearing distances of our property, and there is no excessive noise and no odor from that kennel. We understand the necessity for an isolation kennel and have no objection to such.

Name

Address

1	Lay Stevens	1203 Brandy Springs rd
2	Dorald Chaney	1202 Brandy Springs Rd.
3	Nancy Chaney	1202 Brandy Springs Rd.
4	Cathy Goodson	1205 Brandy Springs Rd.
5	Timothy Goodson	1205 Brandy Springs Rd.
6	Gina Smith	17106 Masemore Rd.
7	Raymond Smith	17106 Masemore Rd.
8	Joyce DeJohn	1120 Mt Carmel Rd.
9	Levi Carlstrom	1120 MT. Carmel Rd.
10	Henry W Mentzer	1104 MT CARMEL RD
11	Anita E. Mentzer	1104 Mt. Carmel Rd.
12	Katherine Becker	1207 Brandy Springs Rd.
13	Wm. L. Becker, Jr.	1207 Brandy Springs Rd.
14	John D. Foster	17201 Masemore Rd
15	Bernice Foster	17201 Masemore Rd.
16	Emily Williams	17112 Masemore Rd.
17	Ollie Williams	17112 Masemore Rd.
18	Beverly Mentzel	17114 Masemore Rd.
19	Carolyn Werlein	1308 Mt Carmel Rd
20	Robert A. Werlein	1308 MT CARMEL RD.
21	Susan G. Eller	1314-A2 Mt. Carmel Rd.
22	Perky Rudgeley	" " " "
23	Donald Comer	1314 Mt Carmel Rd
24	Janice Switcho	1316 Mt Carmel Rd
25	Don J. J. J.	" " " "
26	Wm. J. J.	1316 Mt. Carmel Rd.
27	St. Francese	1208 Brandy Springs 2/1/80
28	Paul Francis	" " " "

Aug 12, 1983

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Name

Address

29	George Kron	1512 Mt. Carmel Rd.
30	Alecson Kron	1512 Mt. Carmel Rd.
31	Janne Kubinski	1417 Mt Carmel Rd
32	Frank Walter Kubinski Jr	1417 Mt Carmel Rd
33	Frederic Burkner	Mt. Carmel Rd.
34	John C. Mays	1206 Brandy Spring Rd
35	John E Mays	1206 Brandy Spring Rd.
36	Donald A. Scholtz	17202 Masenore Rd.
37	Shirley A. Scholtz	17202 Masenore Rd.
38	Diane May Turbaugh	17206 Masenore Road.
39	Todd Wakeheim	17119 Erna Rd.
40	Paul Warden	1719 Erna Rd.
41		
42		
43		
44		
45		

14  
21 Chow

ANIMAL FACILITIES INSPECTION

Baltimore County Bureau of Animal Control  
Towson, MD 21204  
494-3600, 494-3601

FACILITIES INSPECTION REPORT

PETITIONER'S  
EXHIBIT 10/4 3

HEREFORD COUNTRY CLUB FOR PETS 381-6164  
Name of Establishment Telephone District

Box 252-B MASEMORE Rd, PARKTON Md. 21126  
Address Zip Code

Owner GLENN L. + BARBARA DURST Manager Same

Veterinarian DR. ROBT. SHORTALL Address Same

Animals kept on premises: DOGS 35 CATS — BIRD — HAMSTERS — GERBILS —  
MICE — GUINEA PIGS — FISH — WILDLIFE NET Other —

General condition of animals: (Note of presence of ticks, running eyes, diarrhea, sneezing, etc.) (X) Satisfactory ( ) Unsatisfactory

Comment on conditions Kennel facility very clean and well maintained, dogs in good health

- Adequate pens and space for animals? (X) yes ( ) no
- Is there adequate, available food, water & bedding: (X) yes ( ) no
- Odors under control? (X) yes ( ) no Noise under control? (X) yes ( ) no
- Animal food stored and handled properly? (X) yes ( ) no
- Facilities inside, clean (X) yes ( ) no outside clean (X) yes ( ) no
- Properly covered refuse containers? (X) yes ( ) no
- Adequate number? (X) yes ( ) no
- Are health certificates given with sale of dogs, cats or monkeys? (X) yes ( ) no

LICENSE INFORMATION

Md. Traders License Displayed ( ) yes (X) no  
# N/A

Baltimore County Facilities (X) yes ( ) no  
# # 23

Md. State Psittacine Bird License ( ) yes (X) no  
# N/A

Signature of owner or manager Barbara P. Durst

Animal Control Warden Lewell Price Date 10/31/78

(8/18/77)

# Dove banding.

Sept. 20/1984 - Before Daylight

21/1984 - Evening

22 '84 - Early morning

23 - Early morning

23 Early Evening

24- 6.30 A.M

25- 3.30 A.M

25- 6.30 A.M

25- 8.30 A.M

25- 10.45 P.M

26- 2.45 A.M Continued on

26- 6.32 A.M

26- 8.24 A.M

27- 7.30 P.M

27- 9.15 P.M

28- 5.32 A.M

28- 6.30 ~~P.M~~

29- 10.30 P.M

29- 11.30 P.M

~~30-~~ 6.30 A.M

30- 8.15 A.M

30- 10.00 P.M



Oct. 1934 - 10/6 - 6.45 A.M  
10/7 - 6.45 P.M  
10/8 - 7.50 A.M  
10/9 - 7.20 A.M  
10/9 - 7.57 - A.M  
10/9 - 4.35 - P.M  
10/10 - 4.55 - P.M  
10/10 - 11. P.M -  
10/15 - 10.00 P.M  
10/16 - 5.14 - A.M  
10/16 - 7.30 - A.M

Bill  
#9

# PETITIONER'S

DR. W. ROBERT SHORTALL

PADONIA VETERINARY HOSPITAL

982 YORK ROAD

COCKEYSVILLE, MARYLAND 21030

Telephone 666-7878

9  
8/11/83

Mr + Mrs Glen Brust have been raising and showing champion Chow dogs for approximately 10-11 years out of The Herford County Club for Pets.

They have had great success at producing champions - as many as 8 in 1 year. This is almost unheard of in dog breeding for 1 kennel to produce that number of champions in that span of time.

However, They have had some disastrous years in the last 4 years attempting to raise puppies at the boarding kennel. I am sure that they have lost at least 30 pups due to disease directly related to the boarding kennel and transmission of disease from the boarding kennel by

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

boarding kennel personnel. This kind of loss has a tremendous economic and emotional impact on a breeding kennel. The value of the pups generally run \$300 to \$500 for an average pup and even higher for good show quality dogs.

It would be in their and their breeding owner's best interest to be as far removed from the boarding kennel as possible so as to avoid transmission of air borne diseases and to avoid kennel personnel from working in the area of the newborn pups.

The Dusters maintain a very well run and clean kennel, but raising pups is like raising new born children in a sense. The area they

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
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one in has to be isolated from other dogs and as aseptic as possible. The Suints have maintained the aseptic aspect as much as humanely possible. The isolation aspect can only be achieved by removing the breeding dogs from the boarding kennel area, as far as possible.

Sincerely  
Dr. W. Robert Shortall

# PROTESTANT'S EXHIBIT

August 1, 1983

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

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Charles R. Hunt

Catherine Thirisch  
1322 Mt. Carmel Rd.  
Parkton, Md. 21120

Janet L. Gardner  
1400 Mt. Carmel Road  
Parkton, MD 21120

Tom Tucker  
17008 Sun swept Lane  
Parkton MD 21120

Denise Donaldson  
1314 Mt. Carmel Rd.  
Parkton, Md. 21120

Reeth Ann Robertson  
1106 Mt. Carmel Rd.  
Parkton, Md. 21120

D. Keith Whitcomb  
1112 Mt. Carmel Rd  
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Rachel Mc Comas  
Helen R. Mc Comas  
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Ellen Blucher  
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Donna H. Ensor  
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Estelle Hanna  
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Katherine Killette 1321 Mt Carmel Rd Packer Md

John H Killette 1321 Mt Carmel Rd Packer Md

Brenda Killette 1321 Mt Carmel Rd Packer Md

Nancy Steedale 16937 Flickerwood Rd Packer. Md

Ally Thomas Killette

1317 Mt. Carmel Rd. Packer Md.

- \* Reita L. Erler 16938 Flickerwood Rd. 21120
- \* Maxine B. Myers 1310 Mt Carmel Rd Parkton 21120
- Joseph W. ENSOR 1307 Mt. Carmel Rd. Parkton 21120
- Shirley M. Whitehurst 1112 Mt. CARMEL Rd. Parkton, 21120
- \* Charles Donald Mays 1411 MT. Carmel Rd. Parkton 21120
- Edward P. Erler Sr. 16938 Flickerwood Rd. 21120
- Donald W. Wirtz 17002 Sunswep Lane Parkton Md. 21120
- Julie Sutton 1317 Mt. Carmel Rd Parkton MD 21120
- \* Tim Tucker 17008 Sunswep La Parkton MD 21120
- \* Elizabeth A. Wirtz 17002 Sunswep Lane Parkton, Md. 21120

PROTESTANT'S  
EXHIBIT 2

PROTESTANTS

Name Address  
Mafine B. Myers 1310 Mt Carmel Rd 21120

✓ Cynthia McCullough 17008 Sunswep Lane 21120

EDWARD P. ERLER SR. 16938 FLICKERWOOD RD. 21120

✓ Neeta S. Erler 16938 Flickerwood Rd. 21120

Virginia Beardoff 16924 Flickerwood Rd 21120

Reverne Taint 17003 Sunswep Lane

Charles LeBoutillier 2711 Old Court Rd <sup>Parkton Md</sup> 21120

~~Donald J. [unclear]~~ <sup>Brownlandville Md</sup>

HARRY M. THRON 1405 MTCARMELO RD. 21120

had to be

Joseph W. Ensor 1307 Mt. Carmel Rd. 21120

✓ Frederick W. Juntha 16923 Flickerwood Rd 21120

Donald W. Wirtz 17002 Sunswep Lane 21120

had to be

Donna H. Ensor 1307 Mt. Carmel Rd 21120



















North





WEST



EAST



BACK OF KENNE!



KENNEL CLEARANCE



TREES AROUND KEAVE!

















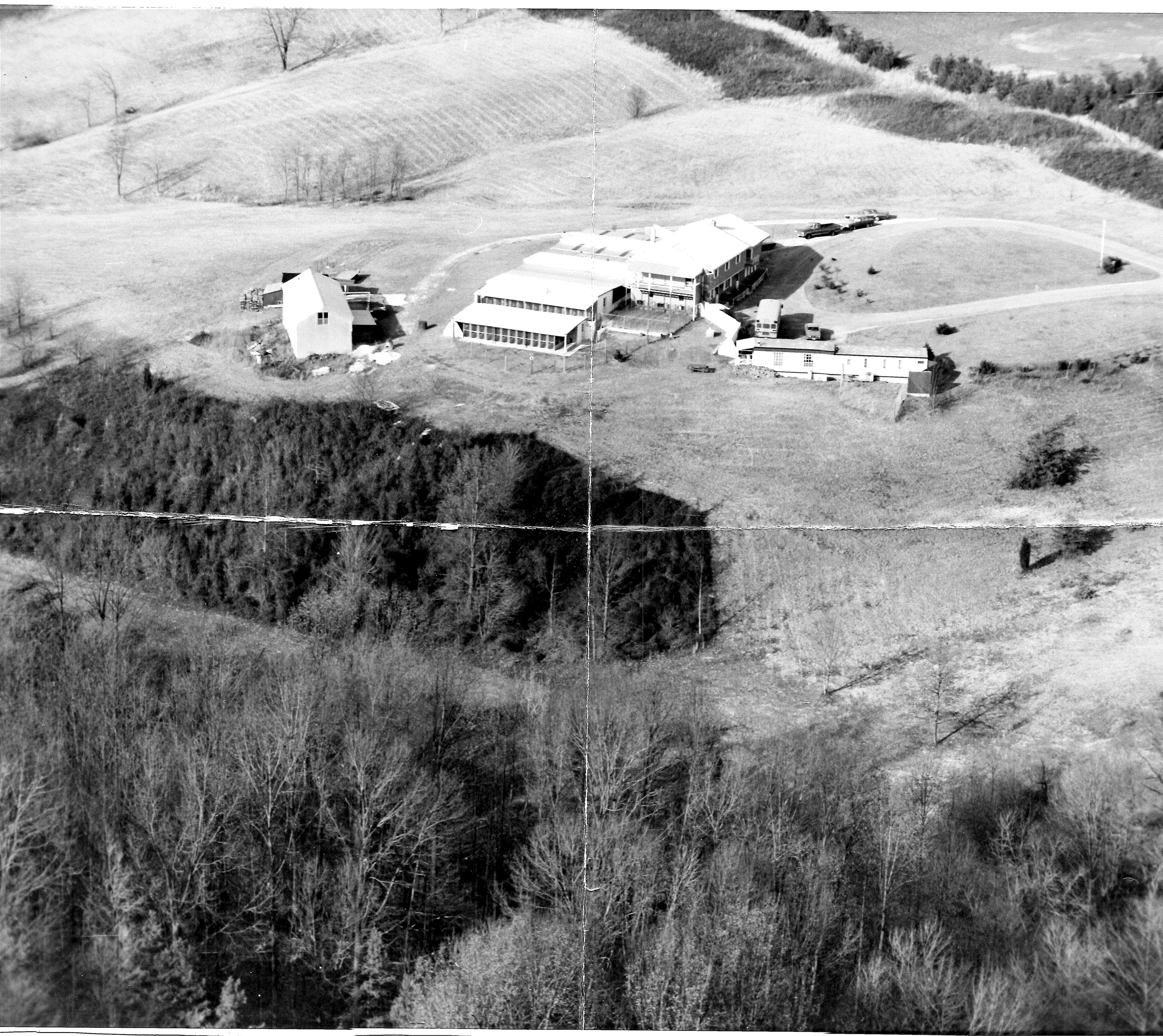
TREES



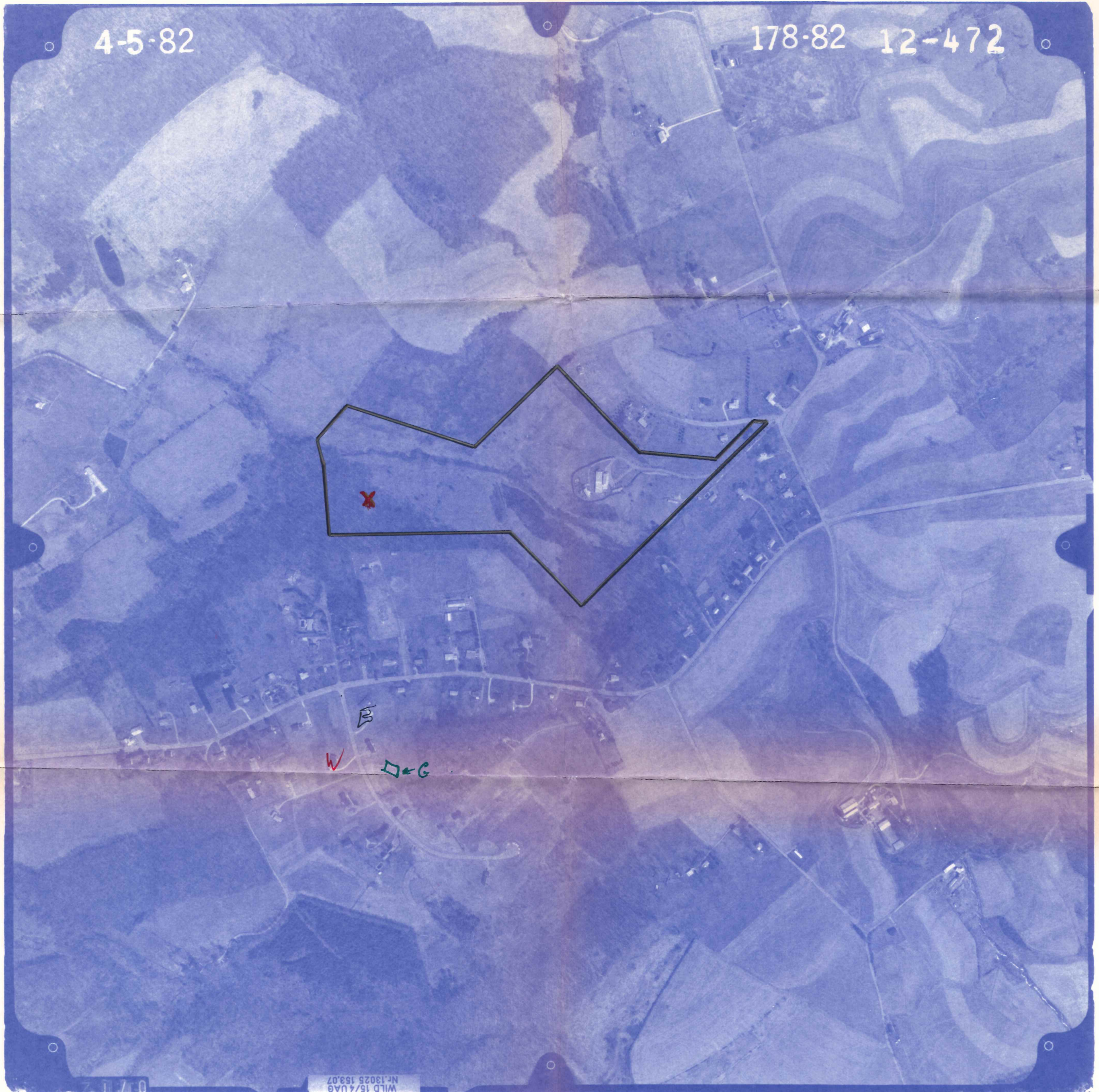
South



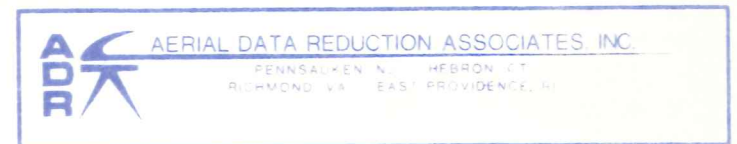
WINTER  
COURT CLERK  
FOR 1975



# People's Counsel Exhibit No. 1.

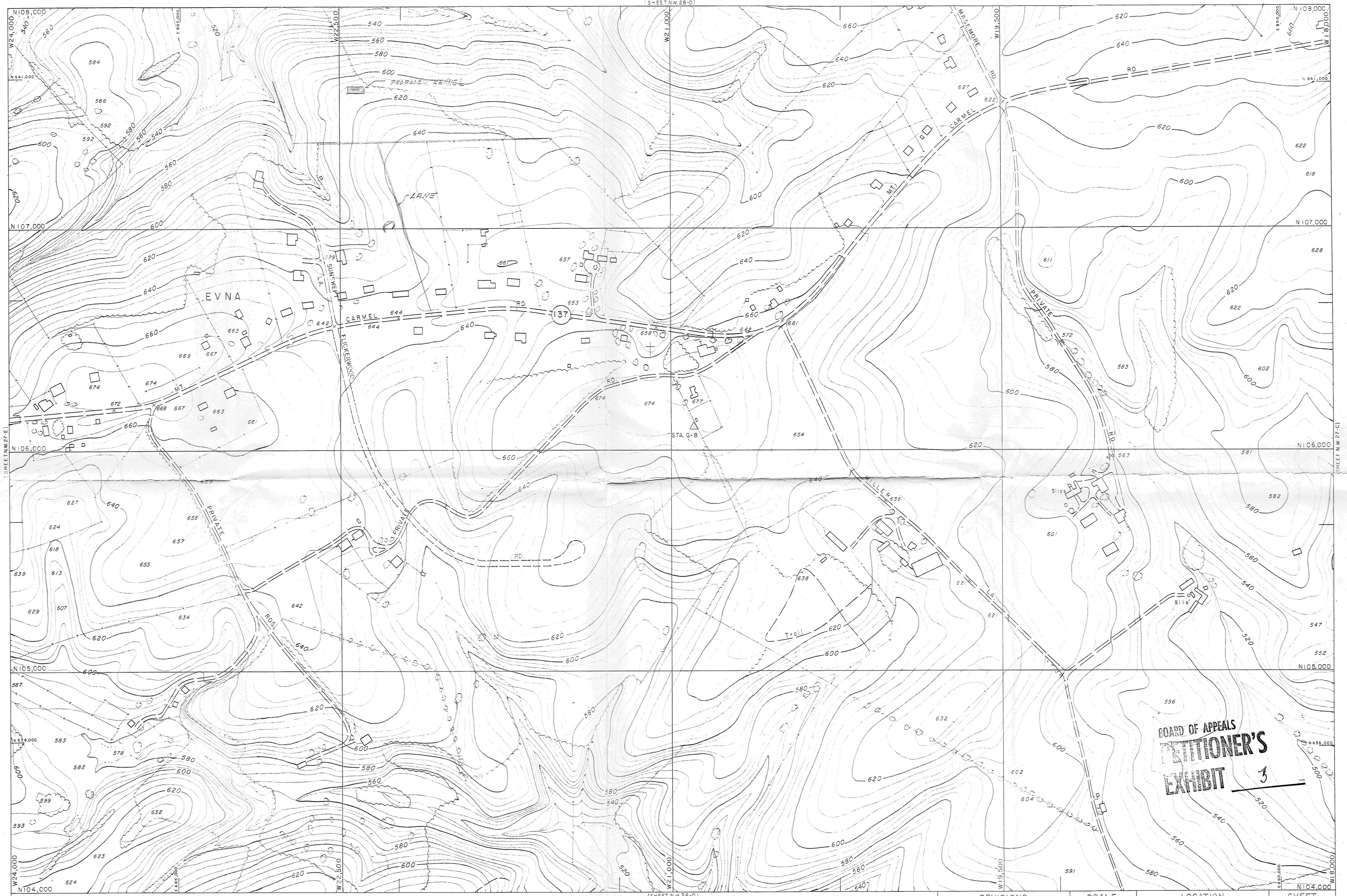


1982



12-20





HH-SW

PHOTOGRAMMETRIC MAP OF  
BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE 1" = 200'	LOCATION EVNA	SHEET N.W. 27-D
BY	DATE			
		DATE OF PHOTOGRAPHY APRIL 1961		

Topography Compiled By Photogrammetric Methods  
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

BOARD OF APPEALS  
PETITIONER'S  
EXHIBIT  
3

# PETITIONER'S EXHIBIT 4

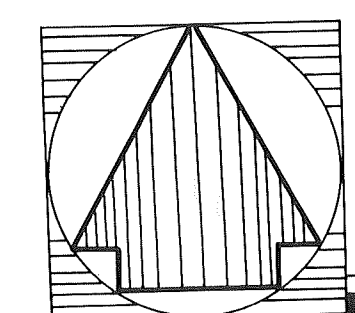
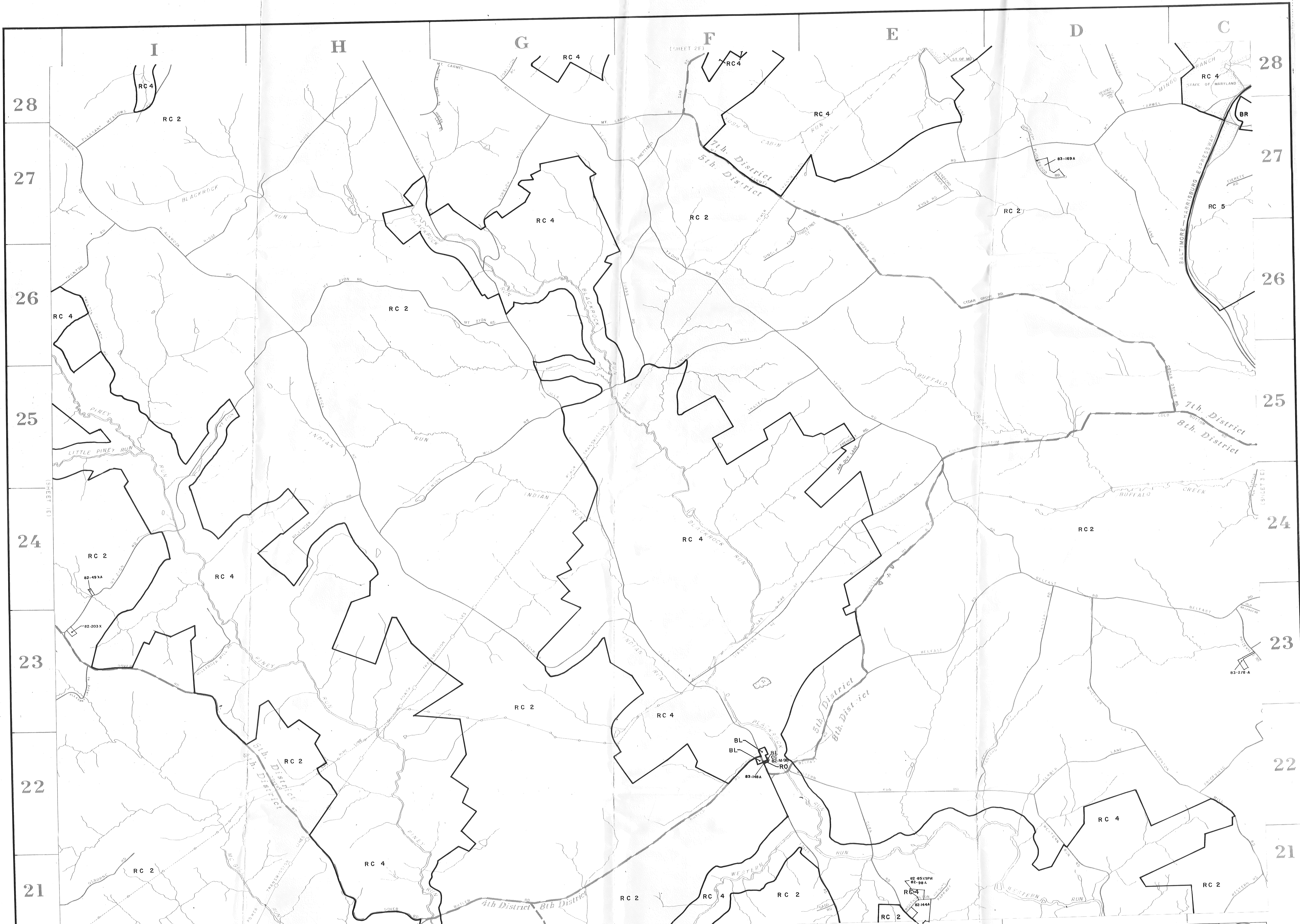


JAMES C. FOSTER  
 7<sup>th</sup> DIST BALTO. CO  
 Platted from Deeds  
 Now Bessie Foster by deed

Test Locations Approx!  
Red area 31.36 Ac

Scale  
 Outline of Topo  
 Stake out  
 100' per lot

150 X 290



1980 COMPREHENSIVE ZONING MAP  
 ADOPTED BY THE  
 BALTIMORE COUNTY COUNCIL  
 OCT. 14, 1980  
 BILL NOS. 184-80, 185-80, 186-80,  
 187-80, 188-80, 189-80 AND 190-80  
 CHAIRMAN, COUNTY COUNCIL

**BALTIMORE COUNTY OFFICE  
 OF PLANNING AND ZONING**

**BUTLER**  
 BALTIMORE COUNTY BASE MAP SERIES -

REVISED DATE
JUNE 63
FEB. 66
MAY '70
SEPT '74
JAN '77

2E



TOTAL AREA 44.71 ACRES  
 AREA TO BE ZONED 3520 ACRES

PROPERTY OF GLENN L. DURST & WIFE  
 LOCATED IN  
 THE ELECTION DISTRICT OF BALTIMORE COUNTY

RC-2  
 PASTURE  
 SUBDIVISION PLAT  
 PROPERTY OF  
 MR. & MRS. WILLIAM M. KINLEY SMITH  
 & MR. & MRS. GLENN L. DURST  
 PLAT BOOK LHM # N. 97-120  
 LOT 1

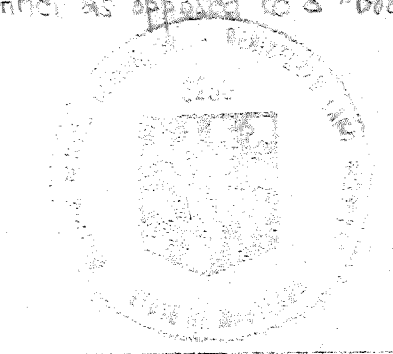
RESTRICTIONS PER ORDER 84-54-K  
 2-73-E-3

1. The Petitioners may apply for the building permit and be granted same upon receipt of the Order. However, Petitioners are hereby made aware that their proceeding on this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning said property to its original condition.
2. The Special Exception is hereby limited now and at any time in the future to the breeding, raising and caring for Chow dogs, and as indicated above, there shall not be permitted any other breed of dog or any other type or kind of animal in said kennel; in addition, there shall be no boarding of any dog or animal owned by others.
3. The special exception is limited to allowing no more than 15 puppies and no more than 40 adult Chow dogs, at any one time.

BOARD OF APPEALS  
 PETITIONER'S  
 EXHIBIT

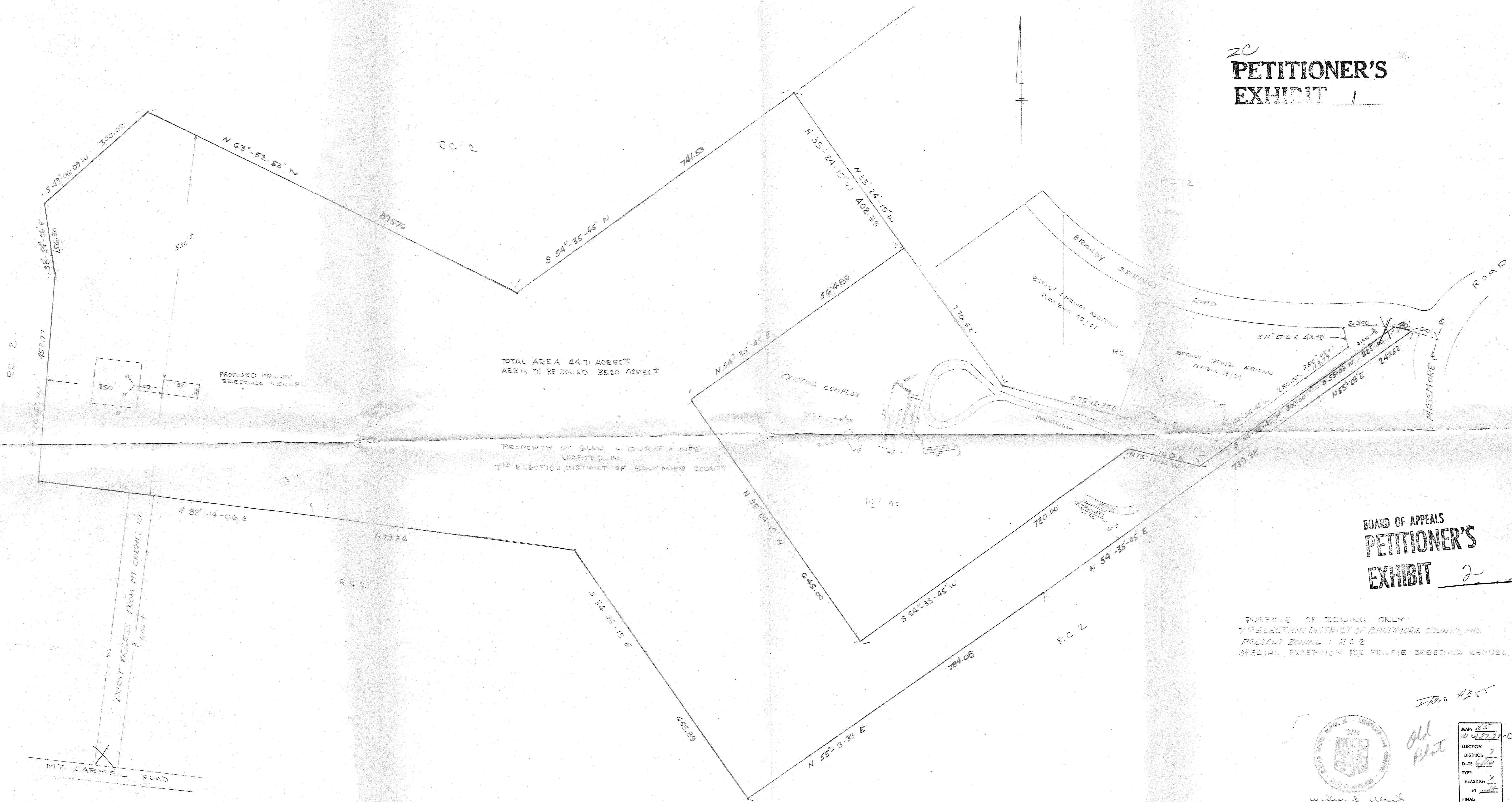
PURPOSE OF ZONING ONLY  
 THE ELECTION DISTRICT OF BALTIMORE COUNTY, MD.  
 PRESENT ZONING RC-2  
 SPECIAL EXCEPTION FOR PRIVATE BREEDING KENNEL

4. The Petitioners are hereby required to totally enclose the proposed kennel, with sliding glass partitions located around the dog runs which shall be open for the express purpose only of allowing air to circulate, and said partitions shall be closed if there is any noise emanating from said kennel.
5. The Petitioners are hereby required to insulate and soundproof to the degree possible the proposed kennel.
6. The Petitioners are hereby required to provide appropriate landscaping surrounding the kennel that will reduce if not eliminate any possible noise escaping from the kennel, with the type and kind at the discretion of the Petitioners.
7. The special exception herein granted shall be as a "private breeding" kennel as opposed to a "boarding" kennel.



SCALE 1" = 100'  
 MAY 2, 1983 REVISED 9-11-83  
 GERHOLD, CROSS & ETZEL  
 Registered Professional Land Surveyors  
 412 Delaware Avenue  
 TOWSON, MARYLAND 21284

2C  
**PETITIONER'S  
 EXHIBIT 1**

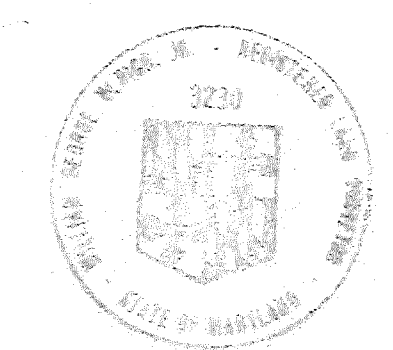


TOTAL AREA 44.71 ACRES ±  
 AREA TO BE ZONED 35.26 ACRES ±

PROPERTY OF GLEN L. DURST & WIFE  
 LOCATED IN  
 7th ELECTION DISTRICT OF BALTIMORE COUNTY

BOARD OF APPEALS  
**PETITIONER'S  
 EXHIBIT 2**

PURPOSE OF ZONING ONLY  
 7th ELECTION DISTRICT OF BALTIMORE COUNTY, MD.  
 PRESENT ZONING: RC 2  
 SPECIAL EXCEPTION FOR PRIVATE BREEDING KENNEL

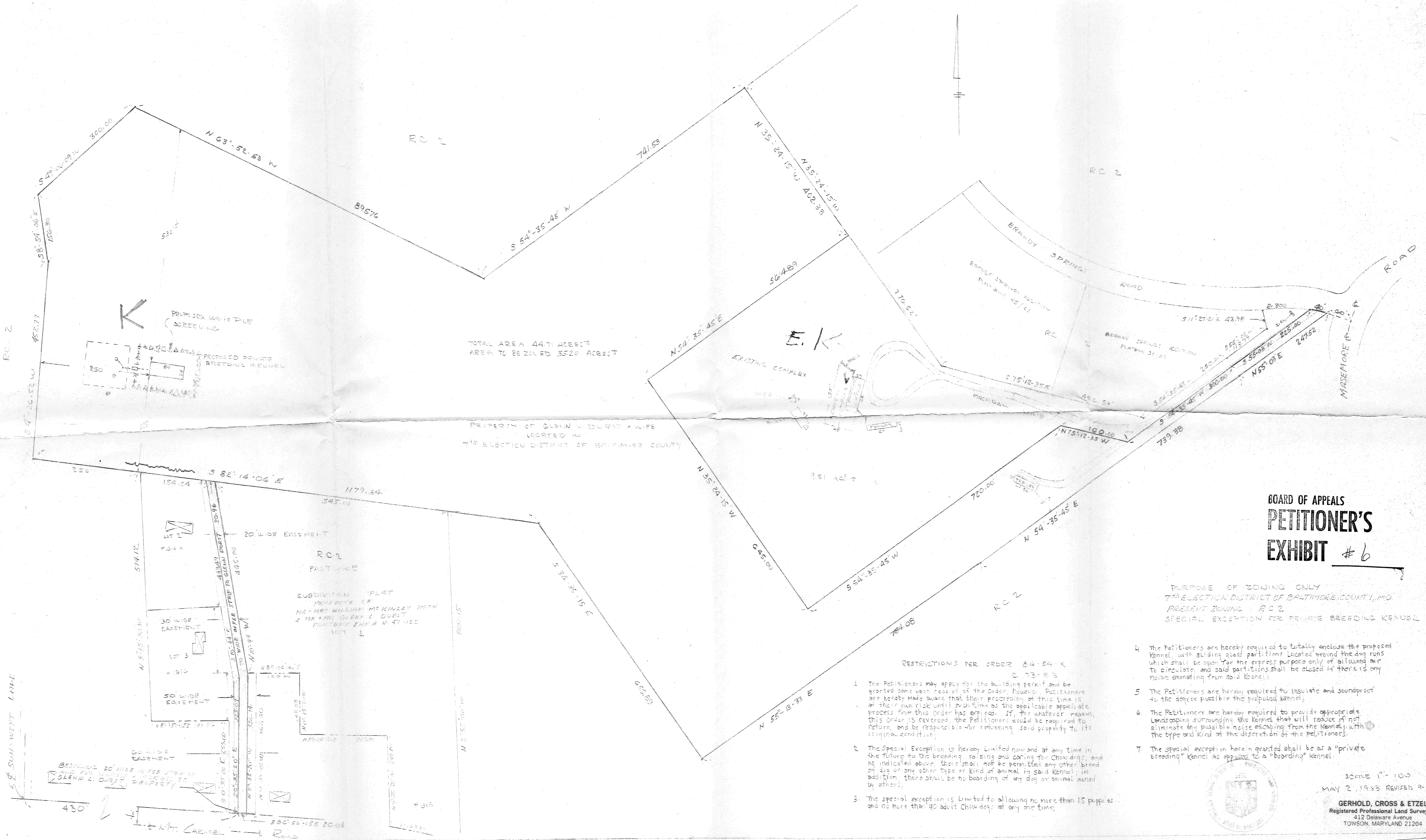


Wilson & Ulrich

Item #255  
 Old Plot  
 MAP: 26  
 DISTRICT: 7  
 DATE: 6/16  
 TYPE: X  
 HEARD BY: [Signature]  
 FINAL BY: [Signature]

SCALE 1"=100' MAY 2 1983

GERHOLD, CROSS & ETZEL  
 Registered Professional Land Surveyors  
 412 Delaware Avenue  
 TOWSON, MARYLAND 21204



TOTAL AREA 44.71 ACRES  
 AREA TO BE ZONED 3520 ACRES

PROPERTY OF GLENN L. DURST & WIFE  
 LOCATED IN  
 7<sup>TH</sup> ELECTION DISTRICT OF BALTIMORE COUNTY

RC-2  
 FAST FIVE  
 SUBDIVISION PLAT  
 PROPERTY OF  
 MR. & MRS. WILLIAM MCKINLEY SMITH  
 & MR. & MRS. GLENN L. DURST  
 PLAT BOOK ENR. # N 47-122  
 LOT 1

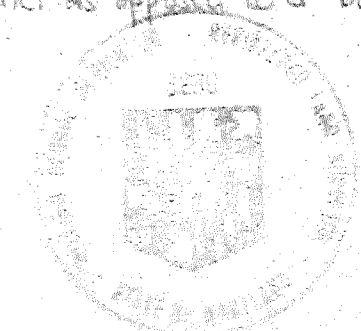
**BOARD OF APPEALS  
 PETITIONER'S  
 EXHIBIT #6**

PURPOSE OF ZONING ONLY  
 7<sup>TH</sup> ELECTION DISTRICT OF BALTIMORE COUNTY, MD.  
 PRESENT ZONING RC-2  
 SPECIAL EXCEPTION FOR PRIVATE BREEDING KENNEL

**RESTRICTIONS PER ORDER 84-54-K  
 C 73-B3**

1. The Petitioners may apply for the building permit and be granted same upon repeal of the Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Special Exception is hereby limited now and at any time in the future to the breeding, raising and caring for Chow dogs, and as indicated above, there shall not be permitted any other breed of dog or any other type or kind of animal in said kennel; in addition, there shall be no boarding of any dog or animal owned by others.
3. The special exception is limited to allowing no more than 15 puppies and no more than 40 adult Chow dogs at any one time;

4. The Petitioners are hereby required to totally enclose the proposed kennel, with sliding glass partitions located around the dog runs which shall be open for the express purpose only of allowing air to circulate, and said partitions shall be closed if there is any noise emanating from said kennel.
5. The Petitioners are hereby required to insulate and soundproof to the degree possible the proposed kennel.
6. The Petitioners are hereby required to provide appropriate landscaping surrounding the kennel that will reduce if not eliminate any possible noise escaping from the kennel, with the type and kind at the discretion of the Petitioners.
7. The special exception herein granted shall be as a "private breeding" kennel as opposed to a "boarding" kennel.



SCALE 1" = 100'  
 MAY 2, 1983 REVISED 9-11-83  
**GERHOLD, CROSS & ETZEL**  
 Registered Professional Land Surveyors  
 412 Delaware Avenue  
 TOWSON, MARYLAND 21204

# PETITIONER'S EXHIBIT 10



TOTAL AREA 44.71 ACRES ±  
AREA TO BE ZONED ACRES ±

PROPERTY OF GLENN L. DURST & WIFE  
LOCATED IN  
7th ELECTION DISTRICT OF BALTIMORE COUNTY

SUBDIVISION PLAT  
PROPERTY OF  
MR & MRS WILLIAM MCKINLEY SMITH  
& MR & MRS GLENN L. DURST  
PLATBOOK EHK & R # 97-120  
LOT 1

PURPOSE OF ZONING ONLY  
7th ELECTION DISTRICT OF BALTIMORE COUNTY, MD.  
PRESENT ZONING: RC 2  
SPECIAL EXCEPTION FOR PRIVATE BREEDING KENNEL



William S. Uebel

Revised 7/15/83  
#255

SCALE 1"=100' MAY 2, 1983

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 Delaware Avenue  
TOWSON, MARYLAND 21284

SE SUNSWEEP LAKE

RC 2

RC 2

RC 2

RC 2

RC 2

MT. CARMEL ROAD

BRANDY SPRINGS ROAD

ROAD

MASEMORE RD

EXISTING COMPLEX

BRANDY SPRINGS NORTH PLATBOOK 45/61

BRANDY SPRINGS ADDITION PLATBOOK 25/85

MAGRIDAN CREEK

STABLES

WATER

SHED

BARN

KENNEL

WELL

HEALTHY

WATER

PROPOSED PRIVATE BREEDING KENNEL



BEGINNING 20' WIDE IN FEE STRIP OF LAND FOR IMPROVEMENT ACCESS TO GLENN L. DURST PROPERTY

60' WIDE EASEMENT

30' WIDE EASEMENT

LOT 2 #1214 A

LOT 3 #1316

50' WIDE EASEMENT

20' WIDE EASEMENT

STAIR

S 82° 14' 06" E

1179.34'

154.04'

445.00'

419.49'

510.41' E

20' WIDE IN FEE STRIP TO GLENN DURST

N 10° 44' W

322.14'

561.50'

N 89° 24' 41" E

100.00'

N 89° 24' 40" E

207.00'

N 89° 24' 40" E

200.00'

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