

IN THE MATTER OF THE APPLICATION OF GORDON K. FAULKNER FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SOUTH WEST SIDE TANTARD ROAD AND BELFAST ROAD 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CASE NO. 88-240-X

ORDER OF DISMISSAL

This matter comes before this Board on appeal from a decision of the Zoning Commissioner dated June 5, 1992.

WHEREAS, by letter dated April 16, 1992, the Board of Appeals notified the parties of record in the above-entitled matter that the appeal would be dismissed for lack of prosecution after a period of 30 days; and

WHEREAS, the Board has not received a reply from its letter of April 16, 1992, within 30 days as requested;

THEREFORE, the Board will, on its own motion, dismiss the within appeal.

IT IS HEREBY ORDERED this 16th day of June, 1992 by the County Board of Appeals of Baltimore County that the above-referenced appeal in Case No. 88-240-X be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
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June 18, 1992

David Dowell, Esquire
22 W. Pennsylvania Avenue
Towson, MD 21284

RE: Case No. 88-240-X
Gordon K. Faulkner

Dear Mr. Dowell:

Enclosed is a copy of the Order of Dismissal issued this date by the County Board of Appeals in the subject matter.

Very truly yours,

Kathleen C. Weldenhamer
Administrative Assistant

encl.

cc: Mr. Gordon K. Faulkner
J. Carroll Holzer, Esquire
Susan Fischer, Esquire
Mr. Jeffrey Blair Held
Mr. David Soul
Mr. James A. Forbes
Mr. Kenneth T. Bosley
Mr. Kenneth Bosley
Ms. Sandy Shortall
Greater Sparks-Glencoe Community Assn.
The Hon. C. A. Dutch Ruppertsberger, III
Baltimore County Council
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
W. Carl Richards
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration
Mr. and Mrs. M. J. Cromwell, Jr.

IN RE PETITION FOR SPECIAL EXCEPTION SIZING COMMISSIONER

SOUTHWEST CORNER OF TANTARD ROAD AND BELFAST ROAD, 8TH DISTRICT

GORDON K. FAULKNER, Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case 888-240-X

PETITIONER'S BRIEF

Gordon K. Faulkner, the Petitioner, by David L. Dowell, his attorney, states:

SUMMARY OF FACTS - Faulkner owns a 50 acre lot in Sparks on which he is building a residence, and on which he wants to operate a small grass airstrip solely for his own use. The Faulkner property is in an RC-2 (Resource Conservation, Agricultural) zone. Several of his adjacent neighbors (Shortall to the east and Ramberg to the west) object for reasons of noise and safety, while another adjacent neighbor (Bacon, to the south) approves. The adjacent neighbor to the north did not appear. Several other people from the area, who live anywhere from just under a mile to several miles away, also appeared and objected, again for reasons of noise and safety. A few residents sent in letters, some approving, some objecting. The community association objected by letter, but this appears to be the act of the board of directors and not the membership at large. The Office of Planning and Zoning filed a report not objecting.

Faulkner strip, even under adverse conditions caused by winds and hot weather. (Note: The manufacturer's operating manual for the aircraft gives the total horizontal distance required to clear a theoretical 50-foot obstacle at the end of a runway - in other words, the horizontal distance required to begin the takeoff roll, accelerate to flying speed, become airborne and climb 50 feet. The actual ground roll (runway length needed) is stated as a percentage of this total distance, and is always less than the obstacle clearance distance.)

In all events, no one who saw the live takeoff and landing demonstrations in June could seriously doubt that the Faulkner strip is more than adequate for the Christen Husky.

THE STRIP - The strip is a grass runway approximately 1300 feet long, oriented on a southwest-northeast axis. Because the runway slopes slightly downward to the southwest, and because of trees to the northeast, takeoffs would be made in a southwesterly direction, while landings would be made in a northeasterly direction.

The State Aviation Administration has given approval to operate the Christen Husky in and out of the Faulkner strip on the sole condition that several trees to the southwest be either removed or topped, a task which can be easily accomplished.

Faulkner proposes to use a "modified straight-in" approach and departure pattern, by which the aircraft would be flown along

an essentially north-south line immediately after takeoff and immediately prior to landing. This pattern is directly over the Bacon property to the south of the Faulkner property, minimizes noise, and keeps the aircraft away from residences and animals.

The use of the strip would be severely limited as follows.

First, it would be closed to the public, and "x's" would be installed on each end of the strip. In aviation symbology, the letter "x", as seen from the air, indicates that a runway is closed.

Second, the Christen Husky is the only aircraft which would be used at the strip. When not in actual use, it would be stored in a hangar, to be tastefully constructed in architectural conformity with the other buildings on the property (that is to say, a brick, Georgian-style building).

Third, since the strip is of the "privately owned, privately used" variety, Faulkner is the only person who would be using it.

Fourth, in keeping with the rural nature of the surroundings, the strip will be maintained in grass, and will not be paved.

Fifth, only one aircraft will be based at the strip (and indeed, the proposed hangar will hold only one aircraft).

Sixth, no fuel, oil or other petroleum will be stored above-ground, under-ground or otherwise at the strip.

Seventh, no maintenance will be done at the strip, and there will be no shop or mechanic.

Eighth, no charter, flight-school, sight-seeing, spraying, banner-towing or other commercial activities will be conducted.

Ninth, the strip will not be lighted, there will be no rotating beacon, and no night takeoffs or landings will be conducted. There will be no radio, radar or other electronic antennas at the strip.

Tenth, no takeoffs or landings will be done except in good weather. Good weather ("visual flight rules"), according to the FAA, requires a ceiling of at least 1000 feet and a horizontal visibility of at least three miles.

In short, this is strictly a small-time private operation. Faulkner testified that on average, he would not expect to do more than two or three takeoffs and landings per week. This is not BMI, nor will it ever become BMI, and the neighbors need not fear that large, commercial aircraft will ever be operated at the strip because the State Aviation Administration won't allow it, the zoning won't allow it, and in all events the laws of physics won't allow it.

THE PILOT - Faulkner is a conservative, college-educated advertising executive in his early fifties who has approximately 750 hours of flying time. He learned to fly nearly four years ago in a Cessna 182, which is a larger, heavier and more compli-

SPECIAL EXCEPTIONS - Baltimore County Zoning Regulations, Section 1A01.2.C.1, authorizes the approval of a special exception for an "airport" if such use "would not be detrimental to the primary agricultural uses in its vicinity." In order to evaluate "detriment", the tribunal must consider the nature of the proposed use in the context of the area of the use.

THE AREA - Faulkner's lot is at the intersection of Belfast and Tantard Roads in Sparks. Although there are some lots in the area in the 5-10 acre range, the RC-2 region for miles around is generally characterized by relatively large parcels of land, very low-density housing, and the usual farm buildings. Some land is in crops, some is used for pasture, and some is idle. Several residents within a mile keep horses. No evidence was offered as to other livestock.

THE AIRCRAFT - Faulkner has committed himself to using a Christen Husky aircraft on this strip, to the exclusion of all other aircraft. The testimony was uncontroverted that this aircraft can be used safely on this type and size of strip. Indeed, the Protestants' aviation expert testified that he himself had landed large airplanes on smaller strips without difficulty.

The manufacturer's performance specifications clearly show that the takeoff and landing distances needed are well within the

dent or mishap, has never had a problem in maintaining insurance, and has never been cited by the FAA or any other organization for any reason.

Faulkner is by nature a conservative and cautious individual. As much as he does not want to injure his neighbors or their property, he wants to injure himself and his own property even less.

NOISE - Faulkner's sound expert took readings from various points on the perimeter of the property during the flight test approximately six months ago. He testified that the decibel (loudness) readings were the same as would be heard if one were to stand next to a vacuum cleaner. One of the readings was taken from the foot of Mrs. Shortall's driveway; it is safe to assume that the level of noise inside her house would be even lower.

Engine noise reaches its peak at and just after takeoff. It is thereafter reduced almost immediately because a normal operating procedure for the Christian Husky (and most aircraft) is to reduce power and propeller RPM shortly after becoming airborne. Moreover, as the aircraft moves away from the observer (as it necessarily does during and after a takeoff), the distance between the observer and the aircraft increases, and the noise further decreases. This is particularly true with an aircraft because it increases its distance not only horizontally, but also vertically. A southerly departure path keeps the aircraft away

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from residences, and gets it out of the area in the quickest possible way.

When the aircraft is landing, it is essentially in a glide, with the engine either idling or at a very low setting. The engine noise is almost imperceptible to anyone not in the immediate vicinity of the runway. The noisiest part of a landing is usually the sound made by the wheels touching the ground and a slight metallic sound as the weight of the aircraft is transferred from the wings to the undercarriage, rather than by the engine.

Unfortunately, no place is totally quiet, and a certain amount of noise goes along with living in the country. The sounds of farm tractors, combines, balling machines, back-hoes, generators, power tools, lawn mowers, chain saws and even horses, cows and dogs are not uncommon. Large trucks regularly travel Belfast Road. The sound of a small airplane is no louder than most of these, would be audible to only a handful of people, and the duration is only a few seconds.

SAFETY - There was no evidence that the operation of the Christian Husky into the strip creates any significant safety risk. Various of Faulkner's witnesses testified that they saw no problems, and even the Protestants' aviation expert went so far as to say that a competent pilot would have no difficulties. Any

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remaining questions should have been answered by watching Jack Poage's flight demonstration.

The debate seemed to center not so much around whether the Christian Husky and the Faulkner airstrip were compatible, but whether Faulkner had the right stuff to do the flying.

Faulkner is not exactly a beginner, and Poage testified that he was doing quite well in his transition training in the Husky. Faulkner, being the cautious type, is not about to risk his own safety, and since the pilot is invariably the "first one to arrive at the crash", it goes without saying that the neighbors cannot be more at risk than he is.

In addition to any requirements which may be imposed upon him by the Zoning Commission, the State Aviation Administration, the Federal Aviation Administration, the Federal Air Regulations and his insurance company, Faulkner will not under any circumstances operate in and out of his strip until he has received a full and complete check-out and sign-off by Poage (or equivalent), and Faulkner himself is satisfied that he is ready. For the same reasons, Faulkner intends not only to achieve, but to maintain: a high level of proficiency, safety and caution.

The Protestants, relying perhaps more on imagination than probability, posited various accident scenarios, such as Faulkner crashing into the grain silos northeast of the property, Faulkner crashing into one of their houses, or Faulkner crashing into a school bus, gasoline truck or other vehicle. While none of these

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can be mathematically eliminated, common experience tells us that such events would be remarkably unusual. It is much more likely that the grain silos would be damaged through vandals, maintenance problems, "grain dust" explosions or lightning strikes than from airplane crashes. There was no evidence that even if a silo were to be damaged (by whatever means), the damage would go beyond the silo itself, and the owner of the silos was apparently not too concerned, as he did not bother to testify. Vehicular accidents are almost always caused by driver error or weather or maintenance problems rather than collisions with small airplanes, and in rural areas, livestock, dogs, other animals and even farm equipment on the road also contribute to such accidents. Home accidents and injuries are most frequently caused by fires and unsafe conditions created or permitted by the occupants of the homes themselves rather than by the homes being struck by airplanes. For any of these events to actually occur would be truly extraordinary.

(By far the most common reason for an off-airport landing is fuel exhaustion; mechanical failure of the engine is rare. Both have the same result - insufficient power to maintain altitude. But just because an airplane has insufficient power does not mean it stops being an airplane; as with a power boat, it continues to have the same inherent design stability that it had when the engine was operating, only it can't maintain altitude. The altitude it already has isn't lost immediately, and the air-

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plane doesn't fall like a rock - it glides, like a bird which is not flapping its wings. Indeed, every landing is preceded by an intentional reduction of power to make the plane go "lower and slower", and in light aircraft, the latter stages of landing are done with little or no power at all. "Power off" landings are practiced regularly, and are a required maneuver for a pilot's license.

Most airplanes, including the Husky, have a glide ratio of about 16 to 1; that is, they can glide forward 16 feet for each foot of altitude lost. An engine failure 500 feet above the ground means the plane can glide 5,000 feet horizontally. By simple mathematics, this allows an area of over three square miles (about 36 Faulkner lots) where the plane may be landed. The same failure at 1,000 feet allows an area of over 12 square miles. Even a failure at 200 feet allows an area of about half a square mile (6 Faulkner lots). Given the statistical improbability of such an event in the first place, the rather large open areas available for potential off-airport landings, and the Husky's built-in capacity for handling rough terrain, the chance for an upspay ending is quite nominal.

It is true that reports of small aircraft accidents are regularly reported in the media, but this is only because they are interesting; lead stories such as "Small Airplane Lands Without Incident" do not make the Evening News. There are hundreds of thousands of general aviation (non-commercial, non-military)

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aircraft in this country, flying millions of passengers over hundreds of millions of miles each year, yet the number of "accidents", when compared to the number of hours, miles and passengers flown, is remarkably low. Statistically, by far the most dangerous portion of any flight (commercial, general or otherwise) is the drive to and from the airport.

Mrs. Shortall admitted in her testimony that she might be "a little paranoid" about the safety aspects of the special exception. There is nothing wrong with paranoia as long as it is recognized for what it is.

ANNOYANCE TO ANIMALS - Some of the Protestants who keep horses complained that low-flying aircraft might disturb their stock. However, none lives beneath the proposed flight path. One witness, who operates a riding stable which is the better part of a mile perpendicular to (and not aligned with) the airstrip and flight path, said that a recent low-flying airplane had startled some of her horses, and perhaps put their riders in danger. However, the testimony developed that the airplane in question was apparently an agricultural plane, either spraying chemicals on a field at the request of a local farmer, or possibly spraying pesticide for gypsy moths on behalf of Baltimore County. Sprayer-planes must fly at tree-top level to be effective. Faulkner regrets this incident because it gives aviation a bad name, but the fact is he had nothing to do with it. He would

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have no reason to fly at low level because it is not necessary. It is not safe and it is in violation of the Federal Air Regulations, not to mention it would put his special exception in jeopardy. The riding stable is well away from the airstrip, and off to the side. Even Mrs. Shortall's horses are well off to the side, and not under the flight path; her pasture is behind, not in front of her house.

Faulkner's witness, Skip Lacey, testified that in his employment with the Department of Natural Resources, he has for years been routinely flying into state parks, wildlife preserves and agricultural areas, and that doing so does not present any risk or annoyance to the animals; he said that the animals don't even pay any attention to him after he has been there a few times.

Mr. Harris, a neighbor who lives well to the northwest, has horses, but as the lady with the riding stable, he is nowhere near the flight path. He also admitted that the demonstration flight "didn't make much noise".

In addition, Faulkner's entire lot is protected by a sturdy wooden fence which should be more than adequate to keep any straying horses, etc., from entering.

No evidence was offered to show that the operation of a light aircraft would have any adverse effect on crops.

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EFFECT ON RESIDENTIAL VALUE - The Protestants did not produce any competent evidence that the airstrip would reduce their property values. Mrs. Shortall, a lay witness, said that in her opinion, the effect would be adverse; however, she did not support this conclusion other than by stating it, and did not say how much she thought her value would be depreciated. On the contrary, Faulkner produced an expert appraiser (held) who said that at worst, the effect on value would be neutral. In all events, diminution of value, even where present, is not one of the statutory factors specifically enumerated in the zoning law (see discussion of Section 502 below).

THE ZONING LAW - The purpose of zoning laws is to permit the orderly and planned development and use of real property. Conceptually, land uses are essentially divided into three categories: those which are absolutely permitted, those which are absolutely forbidden, and those which are permitted under certain circumstances. The latter are known as "Special Exceptions".

Since the County Council cannot be expected to adopt zoning for every individual piece of land and every possible land use in the county, the ability to grant special exceptions via the Zoning Commission on a case by case basis is an integral part of any comprehensive zoning plan, and is needed to permit flexibility, adaptation to changing circumstances, and to correct

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minor errors. The Zoning Commissioner is in effect the field agent of the Council.

The law in Maryland, and particularly in Baltimore County, is that special exceptions are tentatively approved by the County Council when it specifically mentions them in the law as possible uses, subject to final approval by the Zoning Commissioner after a review of the local conditions attending the use. The Council has provided guidelines in section 502. A special exception should be granted if the petitioner can negate the factors in this section. Once a prima facie negation is made, the burden shifts to the protestants.

SECTION 502 - Section 502 of the Baltimore County Zoning Regulations governs special exceptions. Under 502.1, a special exception may not be granted if:

- a. It is detrimental to the health, safety or general welfare of the locality.
- b. It tends to create road congestion.
- c. It creates a potential hazard from fire, panic or other dangers.
- d. It tends to overcrowd land and cause a concentration of population.
- e. It interferes with public requirements, conveniences or improvements such as schools, parks, sewerage, transportation, etc.

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f. It interferes with light and air.
g. It is inconsistent with the purposes of the property's zoning classification or is otherwise inconsistent with the Zoning Regulations.

h. It is inconsistent with certain surface and vegetative retention provisions of the Zoning Regulations.
There is no evidence or other reason to believe that the airstrip would cause road congestion ("b"), cause land crowding ("d"), interfere with schools, etc. ("e"), interfere with light and air ("f"), or interfere with surface or vegetative retention requirements ("h"). The only areas subject to discussion concern health, safety and welfare, fire and other dangers, or inconsistency with the property's zoning classification.

HEALTH, SAFETY & WELFARE - The issues of health, safety, welfare, fire, panic or other dangers can be discussed together. There was simply no evidence that several takeoffs and landings per week would have any adverse effect in any of these areas other than the theoretical chance that the aircraft might crash. For example, there was no evidence that the noise level during a takeoff, even though it exists for only a fraction of a minute and is no louder than standing next to a vacuum cleaner, is harmful to man, beast, crops or property. There was no evidence that the fuel in the aircraft or its exhaust presented any type of health problem. There was no evidence that the aircraft would

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cause a "panic". There was no evidence that the airstrip would be inconsistent with either the property's present zoning classification or with the zoning regulations in general. The noise factor which cannot be mathematically eliminated is the chance of an off-airport crash, but the Protestants presented no evidence of the probability or consequences of such an event.

INCONSISTENCY WITH PRESENT ZONING CLASSIFICATION - The operation of a small, private airstrip is not inconsistent with the property's present RC-2 classification. There are several other private strips in Baltimore County in an RC-2 zone (see Appraisal report). Faulkner's lot is 50 acres, and the strip fits well within it. Except for the fact that some minor grading has been done, the strip blends into Faulkner's front yard and is essentially invisible. It in no way interferes with the RC-2 use of the property.

POLICING - The Protestants complained that it would be difficult for them to "police" Faulkner if the special exception is granted. On the contrary, there are only a few things he could do "wrong". He could use the "wrong" airplane, but the residents have already shown their facility for observing and recording airplane registration numbers. He could take off or land in the "wrong" direction, or fly the "wrong" flight pattern,

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or fly after dark or in bad weather, but again, any such violation would be patently obvious. It is hard to hide an airplane.

Once an infraction were detected and witnessed, the Protestants would have various alternatives, and indeed, it is probably the over-abundance rather than the under-abundance of governmental agencies interested in such things that produces the apparent problem. For example, if a motorist is in an accident, or if a house is broken into, or if a person is assaulted, there is one agency to call - the police. If a home repair is not completed properly, there is one agency to call - the Home Improvement Commission. However, if Faulkner misses his privileges, the Protestants can call the police, the State Aviation Administration, the Federal Aviation Administration or the Zoning Commissioner.

The Protestants have an additional ally, though perhaps not directly addressable by them, in Faulkner's insurance company. Aircraft liability insurance is mandatory in Maryland, TA 5-1002, and for a person such as Faulkner, it is essentially mandatory for other reasons as well. All such insurance requires the pilot to operate safely, within the regulations, with inspected and maintained equipment, etc. Were Faulkner to violate these requirements, his insurance would terminate and he would be grounded. There is no NAIP for flyers.

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OTHER AIRPORTS - The Protestants also need not fear that the owners of other open fields in the vicinity will seek to create private airstrips. Although this is a theoretical possibility, there is absolutely no evidence of it, and the statistics are totally against it. Only a pilot would want a private strip on his own land, and only a small percentage of all people are pilots. Of these, only those owning an airplane would want a strip (most pilots rent, and nobody builds an airstrip so he can park a rented plane on it). The plane would have to be of the very light, Christen Husky type, but this type represents a very small minority of all aircraft. Of those still qualifying, very few would own suitable land, and of those who did, only a fraction would actually try to implement their objective. And of those still left, they could not impact the Faulkner area unless they owned nearby. There is only so much land to go around. The truth of this proposition is borne out by the fact that there are only several small private airports in Baltimore County (and not by coincidence, they are located in RC-2 zones).

INTERPRETATIONS AND PRECEDENTS - Zoning regulations are to be interpreted in accordance with guidelines set forth in the case of Schultz v. Pritts, 299 Md. 1 (1981), which has been referred to as a "landmark interpretation", Sharp v. Somerlock, 52 Md. App. 207 (1982).

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The burden of showing that an intended special exception use should not be granted is on those opposing it. Thus, Schultz says that

the special exception use is a valid zoning mechanism that (permits) enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption...

and that the applicant

does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community...

and that if his use does not cause a "real detriment" and would not "actually adversely affect the public interest", he has met his burden" (at 11, emphasis added).

Schultz adds that the tribunal must consider the proposed use "in light of the nature of the zone involved", and that if there is "no probative evidence of harm", the special exception should be granted (at 11). "Harm" is not shown merely because the neighbors dislike the sound of an occasional takeoff; or because they fear the minute statistical chance of an accident (especially when no evidence of probability was offered); or because their horses, not located beneath the flight path, might be disturbed if the aircraft were flown not in the correct pattern.

Baltimore County Zoning Regulations, Section 1A01.2.C.1, states that "airports" are acceptable as special exceptions if their use "would not be detrimental to the primary agricultural uses in (their) vicinity." The term "airport" can connote any facility from a small, inobtrusive and infrequently used grass

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strip to a major commercial or military terminal accommodating day and night jet traffic in all-weather conditions. The fact that the statute does not limit, qualify or define the term is significant. If a large or even medium-sized "airport" is not specifically prohibited as a special exception, a tiny strip like Faulkner's would seem all the more acceptable.

Moreover, the Protestants introduced a copy of a previous report from the Planning Board regarding airports. While it dealt with airports generally in the RC zone, it predated and did not specifically concern the Faulkner matter. The report indicated that, as of the time it was written, the County Council might want to reduce or eliminate special exceptions for airports in the RC zone except for agricultural spraying and similar operations. However, the Council did not act on the report and did not amend the law. The only conclusion which can be drawn from this is that the Council felt it was correct in the first place, and that airports should be permitted as special exceptions in the RC zone in proper cases.

THE WORD FOR UNIQUENESS - A special exception should be granted unless there is something unique about the specific area where it is proposed that is not generally found elsewhere within the zone. Accordingly, Schultz held that

a special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the ad-

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verse effect that would otherwise result from the development of such a special exception use located anywhere within the zone (at 13, emphasis added), and that

we now hold that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore, should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherent, associated with such a special exception use, irrespective of its location within the zone (at 23, emphasis added, citing three Maryland cases).

In Anderson v. Sawyer, 21 Md. App. 612, 624 (1974), the Petitioner wanted to locate a funeral home in a residential area in Baltimore County. The Court of Special Appeals affirmed, approving the special exception. Even though the appellate court noted that "an undertaking business has an inherent depressing and disturbing psychological effect, and that the values of the neighboring homes might be lessened", it stated that

the presumption that the general welfare is promoted by allowing funeral homes in a residential use district, notwithstanding their inherent depressing effects, cannot be overcome unless there are strong and substantial existing facts or circumstances showing that the particular proposed use has detrimental effects above and beyond the inherent ones ordinarily associated with such uses... Because there were neither facts nor valid reasons to support the conclusions that the grant of the requested special exception would adversely affect adjoining and surrounding properties in any way other than would result from the location of any funeral home in R2Z residential zone, the evidence presented by the Protestants was, in effect, no evidence at all (emphasis added).

In Holbrook v. Board of County Commissioners, 70 Md. App. 207 (1987), the Petitioner sought a special exception to locate a mobile home on a lot next to a "normal" house. The owner of the

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"normal" house objected for reasons of aesthetic and diminished value. After criticizing mobile homes for their looks, the Court of Special Appeals added that

it could hardly be disputed that any fine residential structure would lessen in value if joined by a mobile home. But that is not the test to be applied to this adverse effect upon surrounding properties under Schultz.... (at 215).

The court concluded that

under Schultz, the proper test [would have been to determine whether] a mobile home on the Appellant's land had any adverse effects on the neighboring properties above and beyond those inherently associated with such a special exception irrespective of its location within the A-2 zone. We hold that since there was no substantial evidence before the Board of Appeals to meet that test, its denial of the Appellant's application was arbitrary, capricious and illegal (at 217, emphasis added).

And in Putach Center v. Board of County Commissioners, 60 Md. App. 477 (1984), the court quoted and followed Schultz, stating that

Schultz is a more particularized, and normally a more stringent, test for an applicant to meet than is Gow [V. Atlantic Richfield Company, 27 Md. App. 410 (1975)].

In other words, if there was something unique and different about the "Faulkner area", which would not be found generally in the RC-2 zone, and which would make the airstrip particularly inappropriate for this particular area, then the special exception should be refused. However, there is no evidence of this whatsoever. The evidence, as well as common knowledge, shows that the development of the RC-2 zone in the vicinity of the Faulkner property is similar to its development in other areas of

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the county - relatively large parcels of land, used primarily for farming, with low-density residential development. There is nothing to indicate that the Faulkner area is unique or different from other areas in the RC-2 zone.

It is up to the Protestants to show not only that one or more of the factors in 502.1 has been violated, but also that the violation is peculiar to Faulkner's specific location, whereas the violation would not necessarily occur in another part of the RC-2 zone. This is at the heart of the case, but the Protestants have not and cannot meet this burden. There is nothing unique about the Faulkner area that significantly distinguishes it from other areas within the zone. (In fact, Mr. Bosley, one of the Protestants, objected to the approval of the Faulkner airstrip because he himself wants to create an airport only a mile or so down the road.)

Since private airports are a recognized special exception, the County Council must think they are generally acceptable. The RC-2 zone is rural open space; farm land and occasional residences. If a small, restricted, private grass airstrip is not acceptable in an RC-2 zone, the least dense zoning classification in Baltimore County, one wonders where it would be acceptable.

IS IT "AGRICULTURE"? - As stated above, Baltimore County Zoning Regulations, Section 1A01.2.C.1, authorizes the approval of a special exception for an "airport" if such use "would not be

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detrimental to the primary agricultural uses in its vicinity." "Agriculture", according to Webster's New World Dictionary (Desk Edition, 1976), is "the work of raising crops and livestock", while Black's Law Dictionary (Revised Fourth Edition, 1968), defines it as "the art or science of cultivating the ground, including the harvesting of crops, and in a broad sense, the science or art of producing plants and animals useful to man, including in a variable degree, the preparation of these products for man's use." None of the Protestants claimed either to be a grower of ground crops, or that Faulkner's light aircraft would be detrimental to such crops. Those Protestants who complained on behalf of their animals kept horses only, either for their own riding pleasure, or for business purposes (riding lessons). None of these uses qualifies as "agriculture". Keeping a horse for one's own riding enjoyment, in and of itself, is not agriculture - the horse is the equivalent of a recreational vehicle and/or a large pet. And using horses for riding lessons is a business operation - not agriculture.

A RESOLUTION FOR THIS CASE - Faulkner is entitled to the special exception. However, he also wants to be a good neighbor and a member of the community; as such, he respects and wants to address the concerns of those already in residence, even though he doesn't agree with them. In order to minimize the already small impact which the grant of the special exception would

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have, Faulkner would agree to a series of limitations and conditions. The Zoning Commissioner is specifically authorized to impose such under Section 502.2. Faulkner suggests the following:

1. The only permissible aircraft at the strip is the Christian Husky.
2. Not more than one such aircraft may be kept at the strip.
3. The aircraft must be hangared when not in use.
4. No maintenance (other than routine, nominal maintenance) may be performed at the strip.
5. All takeoffs must be to southwest, all landings to the northeast.
6. The approach and departure path must be the "modified straight-in", to and from the south.
7. The airplane may not be flown between sunset and sunrise as defined by the Federal Air Regulations.
8. The strip may not have any type of runway lights or rotating beacon, and there will be no radio, radar or other antennas installed.
9. The aircraft may not be flown except under visual Flight Rules (as opposed to Instrument Flight Rules) as defined by the Federal Air Regulations.
10. The runway must be marked with "x"s to indicate to other aircraft that it is closed.

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11. No person may be invited or knowingly permitted to land at the strip, and there may not be any "fly-ins", air shows, flight demonstrations, etc.

12. No aviation fuel may be stored at the strip.

13. All flight operations must be in strict accordance with the Federal Air Regulations, the manufacturer's flight manual, and the requirements of the State Aviation Administration, the Federal Aviation Administration and Faulkner's insurance companies. In the event of a conflict among any such requirements, the more strict one will control.

14. Public liability insurance in an amount of at least \$1,000,000/\$1,000,000/\$500,000 must be maintained at all times.

15. Faulkner may not operate the aircraft solo until he is approved in writing by Jack Poage or some other qualified flight instructor.

16. The Zoning Commissioner will maintain continuing jurisdiction over the strip, and upon complaint, notice and hearing, may modify any of the above requirements by making them less or more restrictive as the case may require.

The above conditions severely limit the use of the strip, but are nevertheless consistent with Faulkner's purposes, and represent a reasonable compromise.

Subject to the above restrictions, the special exception should be granted.

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IN RE * BEFORE THE
PETITION OF SPECIAL EXCEPTION * ZONING COMMISSIONER
SOUTHWEST CORNER OF TAYNARD ROAD * OF
AND BELFAST ROAD, 8TH DISTRICT * BALTIMORE COUNTY
GORDON K. FAULKNER, Petitioner * Case #88-240-X
* * * * *

PETITION FOR REMOVAL AND EXCHANGE OF ARTISTIC RENDERING

Gordon K. Faulkner, Petitioner, by Susan H. Fischer, his attorney, requests authority to remove the artistic rendering and replace it with a photograph of the rendering and states:

1. At the Zoning Hearing on February 25, 1988 in the above matter, the Petitioner entered, as an Exhibit, an artistic rendering of the proposed hangar. That artistic rendering is currently in the custody, control and possession of the Zoning Commissioner.

2. Petitioner requests authority to remove the artistic rendering from the possession of the Zoning Commissioner for the purpose of photographing the artistic rendering.

3. Petitioner then requests authority to substitute the photograph of the artistic rendering in lieu of the exhibit which was entered into evidence on February 25, 1988.

4. Petitioner's attorney has contacted Carroll J. Holser, Attorney for some of the protestants. Mr. Holser indicated that he does not oppose this Petition.

WHEREFORE, it is requested that the Commissioner grant authority for the Petitioner to remove the artistic rendering entered as an Exhibit, photograph that rendering and replace the photograph with the Exhibit which was entered into evidence.

Susan H. Fischer
SUSAN H. FISCHER
Of Counsel to Petitioner
Loyola Federal Building
Towson, Maryland 21204
823-5800

CERTIFICATE OF MAILING

I HEREBY CERTIFY that copies of the above pleading/paper were sent to the following on the date indicated:

Carroll J. Holser, Esquire
Suite 105
385 W. Chesapeake Avenue
Towson, Maryland 21204
William E. Hammond Esquire
107 Main Street
Beltsville, Maryland 21136

DATE: March 17, 1988

Susan H. Fischer
SUSAN H. FISCHER

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IN RE * BEFORE THE
PETITION OF SPECIAL EXCEPTION * ZONING COMMISSIONER
SOUTHWEST CORNER OF TAYNARD ROAD * OF
AND BELFAST ROAD, 8TH DISTRICT * BALTIMORE COUNTY
GORDON K. FAULKNER, Petitioner * Case #88-240-X
* * * * *

ORDER OF COURT

Upon consideration of the Petition for Removal and Exchange of the Artistic Rendering it is this 21st day of March, 1988, ORDERED that the artistic rendering may be removed for the purpose of photographing it and then the photograph may replace the Exhibit which was entered into evidence on February 25, 1988.

J. Robert Gaines
J. ROBERT GAINES
Zoning Commissioner

SHP/dms/803/16s162369R

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IN RE * BEFORE THE
 PETITION OF SPECIAL EXCEPTION * ZONING COMMISSIONER
 SOUTHWEST CORNER OF TANTARD ROAD * OF
 AND BELFAST ROAD, 8TH DISTRICT * BALTIMORE COUNTY
 GORDON K. FAULKNER, Petitioner * Case #88-240-X
 * * * * *

PETITIONER'S RESPONSE TO PROTESTANTS' BRIEF

Gordon K. Faulkner, the Petitioner, by David L. Dowell, his attorney, responds to the Protestants' Brief as follows:

FLIGHT PATTERNS

POINT: "Testimony from a number of Protestants establishes that the flight and landing patterns for the proposed strip are directly over homes and farms in the area." (Protestants' Brief, page 1).

COUNTER-POINT: A "left-hand traffic pattern" for landings is typical at airports without control towers. "Left traffic" is a U-shaped pattern (with the corners of the "U" squared off). As applied to the Faulkner property, the U would have its right leg over the runway, and the open part of the U facing northeast. The three segments of the approach pattern are known as "downwind", "base" and "final". Arguably, such a pattern would cause the airplane to pass over or near the Harris property on downwind and the Hamberg property on base.

The typical departure pattern at uncontrolled airports is for the airplane to fly "straight out" (aligned with the runway) until it gains a safe altitude (several hundred feet), at which time it makes a 45 degree turn to the left to exit the immediate airport area.

(The reason for the left-hand pattern is that in airplanes with side-by-side cockpit seating, the pilot in command sits in the left seat, and it is thought that making turns to the left will maximize his vision. Additionally, with all airplanes at a given airport using the same traffic pattern, it provides predictability and standardization, which in turn contribute to safety. However, these factors are inapplicable to an aircraft such as the Christian Husky, which has tandem (front and back) rather than side-by-side seating, and to an airport which does not have multiple traffic.)

The left-hand traffic rule is not mandatory, and Faulkner intends to use a "modified straight-in" rather than a "left-hand" pattern. Under the modified straight-in, both the approach and departure paths would be conducted along essentially a north-south line extending from the southwestern end of the airstrip, and continuing southward over the remainder of the Faulkner property and to some extent the Bacon property. Bacon filed a letter indicating he had no objections to the airstrip, or overflights during takeoff and landing.

At the demonstration flight in June, Poage generally used the modified straight-in, taking off to the south and landing from the south. However, during one circuit, and at the specific request of the Zoning Commissioner, he flew the traditional left-hand pattern. Again, such a pattern, if in fact used, would cause the airplane to pass over or near the Harris property on downwind and the Hamberg property on base, but this is not the pattern advocated by Faulkner.

The Federal Air Regulations provide that in sparsely populated areas (such as this one), an aircraft may be legally operated as low as 500 feet above ground level (AGL). By simple mathematics applied to the speed, climb and descent figures given by the manufacturer, it can be seen that the Husky would arrive at or descend from the 500 AGL point somewhere over the Bacon property or the south half of the Faulkner property, depending on the headwind or tailwind component (and to a lesser degree, the actual weight of the aircraft and the temperature of the air).

Crosswinds would have no effect on the ground course of the aircraft. For example, if there were a crosswind from the left (as seen from the airplane), the pilot would simply change his heading (the direction the nose of the aircraft is pointed) slightly to the left. With reference to the air (which is in motion, but not the ground (which isn't)), the aircraft would then move to the left at the same speed the wind was blowing it to the right, so that its net movement over the ground continued to be

ed to learn that SAA approval would be given only for a specific make and model of plane. There are several aircraft which could operate at this strip (Christian Husky, Heale, Super-Cub, certain Cessnas), and Faulkner wanted to keep his options open; however, when it became clear that this was not feasible, the Christian Husky was designated. The decision to use this specific aircraft was not made until literally moments before Faulkner mentioned it in his testimony. This was not a trial tactic of counsel, nor was there ever any intention to withhold information until the decision was made, there was no information.

THE SHULTS TEST

POINT: "The Shults Test allows for a denial of a special exception because of adverse effect if, '... there are facts and circumstances that show that the particular use proposed at a particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within a zone.'" (Protestants' Brief, page 4; emphasis added by Protestants).

COUNTER-POINT: The Protestants have accurately stated "The Shults Test". However, neither in testimony nor in their brief have they met its burden.

Shultz, paraphrased, says that special exceptions, when tentatively authorized by the legislature's providing for them by statute, are presumptively permitted unless those objecting can

show that the "particular use proposed at the particular location proposed" is especially harmful or inappropriate at that specific location, whereas the use would not have such consequences elsewhere within the same zone. In other words, there have to be conditions surrounding the specific area which make it unique and different from the zone in general.

In the instant case, if perhaps there were a school, hospital, public park, high-tension line, etc., in the immediate vicinity of the Faulkner property, an airstrip there might be inappropriate, whereas the same airstrip a mile away (but within the same zone) would be acceptable. However, the Protestants did not prove, and it would have been impossible for them to prove, that there is anything unique and different about the Faulkner area which distinguishes it from the zone in general. The area in the vicinity of Faulkner's lot is virtually identical to the rest of the zone - relatively large parcels of land used primarily for agriculture, with low residential density. There are no schools, hospitals, parks, retirement homes, high-tension lines or other obstructions or features near the Faulkner lot which would make the impact of a small, privately-owned, infrequently-used airstrip at that location any different from the impact which the same airstrip would have elsewhere within the zone.

THE FITNESS OF THE FAULKNER PROPERTY

POINT: "The Faulkner property [is] unfit and inappropriate

ate for an airstrip [because such use would be] detrimental to the health, safety and welfare of the locality involved. ... it creates a potential hazard ... or other danger; [and] it is inconsistent with the purposes of the property's zoning classification and certainly inconsistent with the spirit [and] intent of these regulations." (Protestants' Brief, page 5).

COUNTER-POINT: The Protestants' statement is, at best, conclusory and self-serving, and they have not backed it up with any facts. Except for the possibility of an off-airport landing (discussed at length in Petitioner's brief), there was no evidence proving risk. Statistically, the airplane creates less of a "potential hazard" than the automobiles that the Protestants regularly drive, not to mention the hazards associated with farm equipment and horses. Inasmuch as the County Council has provided for airports as special exceptions in this zone, it can hardly be said that an airport would be inconsistent with the property's zoning classification. And for the Protestants to conclude that a Faulkner-type airstrip would be "certainly inconsistent with the spirit of [the zoning] regulations", in light of the fact that the County Council has already provided for airports as special exceptions, is equivalent to looking the wrong way through a one-way mirror: All you can see is your own point of view. It is undisputed that the Protestants don't like Faulkner's idea, but dislike by itself is insufficient.

HORSES

POINT: The airstrip will "jeopardize the many valued horses and other livestock in the area." (Protestants' Brief, page 5).

COUNTER-POINT: The only evidence produced by the Protestants was that if an airplane flies over a horse at low altitude, the horse may become startled or confused. Whether this amounts to "jeopardy" is subject to debate. However, assuming it does, in order for there to be "jeopardy", there must first be a low-flying airplane. The evidence clearly shows that the use of the modified straight-in approach and departure path will prevent the airplane from flying over any horses at low altitude.

No evidence was produced as to "other livestock", much less the potential effect on them.

LIGHT PLANE CRASHES

POINT: "The number of light plane crashes that result in destroyed property and lost lives all over the country as well as in the State of Maryland recently is well documented. Low-flying aircraft also interferes [sic] with the airspace over the property of the Protestants." (Protestants' Brief, page 5).

COUNTER-POINT: It is true that airplane accidents are "well documented"; by law they must be reported to the Federal Aviation Administration, and in some cases to the local police and/or National Transportation Safety Board. However, "document-

ation" merely means "making a record". The sinking of the Titanic was also well documented, although it happened only once. What the Protestants really mean by "well documented" is "well publicized", and there is a major difference.

Despite the statement in their brief, the Protestants did not offer a shred of evidence to show the number of "light plane crashes" in Baltimore County or anywhere else. There are at least four small grass-strip airports in Baltimore County (see appraisal report), not to mention three paved airports in the southeastern part of the county. Armcoast Farms Airport, located near Prettyboy reservoir, has for years had a number of airplanes as tenants, but the Protestants were unable to prove a single mishap, much less an accident involving "destroyed property or lost lives".

It is difficult to understand how a plane (even a low-flying one) would "interfere" with the airspace over the Protestants' property unless they were making some use of the airspace. There was no evidence of use except for possible kite-flying. Faulkner's airplane could not interfere with kite-flying unless the kite were straying (trespassing, actually) over Faulkner's or Bacon's property, where the flight path is. Kite-flying at a height more than 500 feet AGL violates the Federal Air Regulations.

ENFORCEMENT

POINT: "It is difficult, if not impossible, to enforce restrictions." (Protestants' Brief, page 6).

COUNTER-POINT: To the contrary, enforcement would be simple. Most of the Protestants probably already know what a Christian Husky looks like, and those who don't could be quickly educated. If Faulkner used an unauthorized airplane, they would be eyewitnesses to the violation. Likewise, if Faulkner flew at night, in the wrong flight corridor, or in demonstrably bad weather, the Protestants would again be eyewitnesses. All they have to do is file a complaint with the Zoning Commissioner; they need not be particularly concerned with the police, the Federal Aviation Administration or the State Aviation Administration. These agencies, while vested with certain criminal and civil enforcement powers, do not have the clout of the Zoning Commissioner, who, with the stroke of a pen, can shut down the airport for good cause shown. Faulkner is totally aware of his obligations, both legal and practical, to follow the rules.

The Petitioners' example of a plane landing and taxiing into the hangar without their being able to verify that Faulkner was the pilot is a little far-fetched. The only way this could happen and be Faulkner's responsibility would be for him to loan his airplane to someone. With his flight privileges at risk, it seems rather unlikely he would do this.

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The image of the Protestants sitting on their roofs, field glasses in hand as if trying to spot German planes during World War II, comes to mind. Faulkner hopes it does not come to this. He wants to be a good neighbor, but a neighbor with a small airplane, and he realizes he will be watched closely. He has not gone to the trouble and expense of prosecuting his petition just so he can lose it by making an obvious mistake.

WHIM AND FANCY

POINT: Faulkner's airstrip "is based upon a whim and a fanciful desire to have such an airstrip conveniently located next to his home." (Protestants' Brief, page 8).

COUNTER-POINT: Flying, like riding horses, is a perfectly legal activity. Faulkner has testified that his purpose for having an airplane is primarily as a business convenience (not to be confused with a business). However, even if he did want it solely for recreation, and even if his motives were whimsy and fancy, there would be nothing wrong with this; indeed, the keeping of horses for one's own riding pleasure and amusement might be said to be a bit self-indulgent. In all events, it is the use, not the subjective purpose of the use, which is regulated.

Protestants raised for the first time a possible objection that Faulkner may be proposing to use his strip "as an adjunct to his business ventures". As stated above and in his original Brief, he is not operating the airplane in any commercial manner.

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If anyone is operating a vehicle-oriented business in the area, it may be the lady with the riding stable.

AIRPLANE NOISE

POINT: "There can be no doubt that this aircraft can take off and land in a relatively short distance. The ability to do so rests with the pilot. Likewise, this plane may be quiet, or on the other hand, it may produce substantial noise due to the increased horsepower and manner of its climb. Again, this noise factor depends upon the pilot." (Protestants' Brief, page 8).

COUNTER-POINT: Faulkner agrees that the Christian Husky can take off and land in a short distance. This superior short-field performance is built into the airplane through its design, but in a sense, extracting it depends in some degree on actions taken by the pilot. Those actions, however, are unexpectedly simple.

After an airplane rolls along the ground for a sufficient distance to build up flying speed (about 40 miles per hour in the Husky), the pilot pulls back on the control stick. This in turn rotates the nose upward, and aims the airplane at the sky rather than the ground. Because it already has sufficient flying speed, it stops rolling and starts flying. All the pilot has to do then is basically keep the wings level (by moving the stick left and right) and keep the nose at the right angle to maintain the

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COUNTER-POINT:

Nobody said that Faulkner was unqualified. The five pilots who testified for Faulkner, as well as the Protestants' one pilot-witness, were unanimous that a "qualified" pilot would have little difficulty operating a Christian Husky on the Faulkner strip. Each of them expressed in the subjective his belief that "if" Faulkner had the proper training, etc., "then" he would have no problem. Poase obviously had no trouble, and the Protestants' aviation witness said he himself had safely flown larger planes into smaller strips. Faulkner testified that while he thought he was capable of operating into the strip, he would not feel comfortable until he had a few more hours of instruction with Poase. Faulkner is not a daredevil, and consistent with his conservative attitude, is obviously operating on the side of caution.

Operating a plane like the Husky in and out of a strip like Faulkner's is no big deal for someone who already knows how to fly; it simply requires a little practice, which Faulkner is already getting. For a person who is used to a Buick Electra, it would be rather like learning to drive a small pickup truck with stick shift. It is probably more difficult and more dangerous learn to ride horses over jumps.

SHORT RUNWAY

POINT: "Because of its length and position, the runway,

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while it may meet minimal state standards, is not the best." (Paraphrased from Protestants' Brief, page 9).

COUNTER-POINT: Protestants refer to the runway as being short, and quote Mr. Selby as saying there is "little margin for error". By complaining that the runway is too short, they encourage Faulkner to soothe their fears by offering to make it longer. This, however, is unnecessary, as the runway already meets or exceeds all required standards, and is more than adequate for the Christian Husky.

VISUAL DISTRACTIONS

POINT: "Lay witness testimony concerning the distracting view of a low flying aircraft coming directly toward you if you were traveling on Belfast Road seems very obvious and real when one views the site from Belfast Road." [sic] (Protestants' Brief, page 10).

COUNTER-POINT: Although Belfast Road carries its share of traffic for a two-lane country road, it could hardly be called congested or heavily used. In any event, as mentioned by the Protestants themselves ("your attention gravitates toward the Faulkner homestead"), it is most probably the house, not the airstrip, which might generate interest. For drivers to see and avoid horseback riders along or near the road is at least as distracting as the Faulkner house and/or airplane.

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CIRCLING AT LOW ALTITUDE

POINT: "Faulkner's plane [was] circling at a low altitude above [Protestants'] homes." (Protestants' Brief, page 10).

COUNTER-POINT: Faulkner has on occasion flown over the house he is building to view it from the air. However, he categorically denies "buzzing" the neighbors or their horses. For him "to provoke the community during the course of the hearing on this case" would be absurd, and would give the Protestants the very ammunition they might use to shoot him down.

As to "low altitude", the Federal Air Regulations permit flight over sparsely populated areas provided the aircraft maintains an altitude of at least 500 feet AGL. Several of the Protestants made complaint to the FAA about this, but the FAA, having investigated the matter, found no violation (see "frustration regarding federal involvement" comment, Petitioners' Brief, page 6).

Mrs. Holliday's riding business is approximately three-quarters, not one-quarter, of a mile from the airstrip, and is nowhere near, much less under, the flight pattern (see photo-map the airstrip, which is about 1300 feet, or one-quarter of a mile long, makes a convenient measuring stick). Protestants say "the plane has frightened her ponies", but the testimony actually disclosed this was not Faulkner's plane, but rather an agricultural spray plane, which Faulkner had nothing to do with. No one, including Faulkner, wants children to be thrown off horses.

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Statements to the effect that Faulkner will be doing "fly-overs" around the horses are argumentative and totally unfounded. We could not imagine a better reason for the Zoning Commissioner to revoke the special exception.

OLD MCFADEN HAD A FARM

POINT: "The strip basically prohibits the use of Faulkner's 49 acres for purposes of raising cattle, horses, livestock and the growing of any appropriate crops consistent with the spirit and intent of RC-2." (Protestants' Brief, page 12).

COUNTER-POINT: This almost sounds like the Protestants believe Faulkner has a duty to raise horses, livestock and crops just because he owns land in an RC-2 zone. Obviously, there is no such duty; he can use his land for any purpose he wants as long as it is legal. And while some of the Protestants testified that they keep horses (for their personal riding pleasure, and in one case, for instruction), none of them testified that they raise horses in the normal sense of the word "raise" in the agricultural context, that is, to grow or husband animals or crops until maturity, and then harvest and sell (or in appropriate cases eat) them. Also, there was no evidence that any of the Protestants themselves raise crops.

PLANNING BOARD REPORT

POINT: "The Planning Board ... intended to limit the def-

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inition of airport to 'airports that are necessary to support aerial spraying of pesticides.' It is clear that the Planning Board's efforts where to send the message of the spirit and intent concerning the clarification of the type of airports to be permitted in an RC-2 zone." (Protestants' Brief, page 12).

COUNTER-POINT: It is not the Planning Board, but the County Council, which determines the zoning laws in Baltimore County. If the Planning Board felt the definition of "airport" should be restricted, the County Council, which has the final say, did not.

Courts occasionally refer to the reports and findings of legislative committees when interpreting statutes. Here, where a committee of sorts suggested and brought to the attention of the Council a proposal for legislative changes, and the Council, having been made aware of the recommendation, rejected it, there can hardly be a more clear example of "message sending" regarding the true legislative intent.

The Protestants allege that the reason the County Council did not change the law was because of "a controversial section of that same report which dealt with churches"; but this is pure speculation, and certainly beyond the proper area of inquiry at a zoning hearing. In any event, there is no doubt that if the County Council had wanted to, it could have adopted only that part of the report which dealt with airports. It clearly thought the law was proper as it already existed.

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CONCLUSION

The special exception should be granted for two basic reasons.

First, a relatively low number of flights of a small, two-seat airplane into a compatible, privately-used airstrip entirely on the Petitioner's property in a decidedly rural area is not excessively dangerous or burdensome to the neighbors, particularly where airports have been authorized by statute as special exceptions, and the RC-2 zone is the least dense in the county.

Second, and in all events, the "Faulkner area" is not so unique and different from the remainder of the zone as to make the special exception particularly inappropriate for this particular area under Schultz.

David L. Dowell
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823-5800

CERTIFICATE OF MAILING

I HEREBY CERTIFY that copies of the above pleading/paper were sent to the following on the date indicated:

Carroll J. Holzer, Esquire
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305 W. Chesapeake Avenue
Towson, Maryland 21204

DATE: September 30, 1988

David L. Dowell
DAVID L. DOWELL

DLDr:car/809/21d87y2369R

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SM/C TANYARD ROAD AND BELFAST * ZONING COMMISSIONER
8TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT * OF
GORDON K. FAULKNER * BALTIMORE COUNTY
Petitioner * Case No.: 88-240-A
* * * * *

RECEIVED ZONING OFFICE
DATE: 10/1/88
PROTESTANT'S MEMORANDUM
STATEMENT OF THE CASE

The Protestants to the Faulkner Petition for Special Exception, include a substantial number of adjacent property owners and individual neighbors, as well as the Greater Sparks-Glencoe Community Council.

The Faulkner property, a 50-acre parcel, located at the intersection of Belfast and Tanyard Roads, is currently zoned R.C. 2 and is surrounded by many of the individual Protestants who reside on residential lots to the East, South, West and North of the Faulkner property. Belfast Road is a heavily travelled connector road between York Road and Interstate 83 and the western portion of Baltimore County. The subject property further lies in a valley surrounded by hills, which generally create substantial cross winds to the proposed airstrip. The runway is laid out in a northeasterly, southwesterly direction ending within 100 feet of Belfast Road on the north.

Testimony from a number of Protestants establishes that the flight and landing patterns for the proposed strip are directly over homes and farms in the area. Faulkner desires

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the strip and hangar for the purpose of occasional use (annually - one flight per week) when weather conditions permit. He indicates there would be no night flights, no lights on the airstrip, no landings in snow or rain, no instructional flights, and that he would be the only user of the strip. Further, that he would utilize a STOL, Christian Huski plans and be the sole pilot thereof.

Testimony in this hearing was produced over a number of months and included a legion of witnesses on behalf of both the Protestants and Petitioner. It clearly serves no purpose in this Memorandum to recite the testimony of all the witnesses, because the Zoning Commissioner's notes are certainly as complete as those of both parties. Additionally, from the beginning of the testimony until the end of the case, a number of factors changed substantially.

First, the Petitioner, at the time of the initial hearing had not explained his operation to the Baltimore County Planning Office which necessitated the Planning Staff submitting a follow-up report.

Secondly, the Petitioner had not properly applied to Federal and State authorities at the time the hearing began, but subsequently did file certain applications with those jurisdictions, which shall be discussed later in this Memorandum.

Finally, the Petitioner, at the time he rested his case, after three (3) days of testimony from his witnesses and persistent refusal to designate the type of aircraft to be utilized on this site, finally designated the Christian Huski as the plane he intended to purchase and use.

In addition, the Zoning Commissioner and respective parties have had the opportunity to view the site and take off and landings by a Christian Huski on this particular strip. Before reviewing significant portions of the testimony concerning this Petition for Special Exception, it would be appropriate to review the law which should be applied to Faulkner's request.

STATEMENT OF THE LAW

A review of the law applicable to the Zoning Commissioner's decision in the instant case concerning the request for the Special Exception permitting an airstrip and hangar in an R.C. 2 Zone, must first focus on the general theory of a special exception adopted by the Maryland Courts. Zoning was historically created from a desire to separate "incompatible" parcels of land in a particular area. By separating such uses, it became clear that certain uses would be permitted while others be precluded from an existing zone; but not all uses fit neatly into a particular zone. Thus, the Special Exception was born as a method for handling this ambiguity of uses.

In Baltimore County, the County Council left the authority to determine the granting of such special exceptions to the Zoning Commissioner and prescribed in Section 502.1, the list of factors which must be considered by the Commissioner in determining whether or not such proposed use is permitted. A discussion of the Protestants' objections to this special exception, based upon those 502.1 criteria will be discussed later. In a general way, however, the Court of Appeals has set forth in Schultz v. Pritts, 291 Md. 1, at page 22 and 23, what has come to be known as the "Schultz test" in order to guide the Commissioner in his application of the facts to the various 502.1 factors. The "Schultz test" has been applied by this Zoning Commissioner on many prior occasions. The Schultz test allows for denial of a special exception because of adverse effect, if "...there are facts and circumstances that show that the particular use proposed at a particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within a zone."

It is quite clear, that in this case, the Zoning Commissioner should examine the specific site of the Faulkner property, along with the impact of the airstrip as it applies to that property. In doing so, it is submitted on behalf of the Protestants, that sufficient grounds have been established through the testimony of Protestants and Protestants' witnesses

that render the Faulkner property unfit and inappropriate for an airstrip. The basis for such a conclusion rests upon the fact that the proposed strip is detrimental to the health, safety and welfare of the locality involved; that it creates a potential hazard... or other danger; that it is inconsistent with the purposes of the property's zoning classification and certainly inconsistent with the spirit intent of these regulations.

ARGUMENT

Protestants intend to make it clear in this Memorandum that they object to the proposed use of the Faulkner property as an airstrip and hangar and are opposed to the special exception being granted at all. Their concern rests upon fears for their safety and general welfare both from the standpoint of the plane taking off and landing and/or falling on their home and person, as well as a concern for their personal well-being as a result of loud motor noises or low flying aircraft noises. In addition there is fear that it jeopardizes the many valued horses and other livestock in the area that are threatened by the plane. Their concern for the potential hazard of these flights is real and serious. The number of light plane crashes that result in destroyed property and lost lives all over the country as well in the State of Maryland recently is well documented. Low flying aircraft also interferes with the air space over the property of the Protestants.

Finally, their concern is that the use of the Faulkner property for an airstrip is completely inconsistent with the R.C. 2 zoning classification and the spirit thereof and may well generate increased air activity and similar requests in the future by other property owners. It is undisputed that many large farms are available in this particular area for uses as an airstrip if their owners so desire.

Second, it might be argued that a number of proposed limitations and conditions could be placed upon the use of the Faulkner property as an airstrip seemingly making it more palatable. These limitations, while appearing reasonable in and of themselves, concern the Protestants because they then become the enforcers or policemen of these limitations. Enforcement by citizens has proven difficult or ineffective. As an illustration, it is clear that the Zoning Commissioner could attach certain restrictions to this site such as times of use, conditions of use, day versus night operation, type of plane to be used, individual pilot to fly the plane and many other such restrictions as discussed during the course of the testimony. The reality of such conditions, however, is that it is difficult, if not impossible, to enforce restrictions and the Zoning Commissioner is placing upon the individual Protestants and members of the community the responsibility of policeman. The frustration of the neighbors in attempting to get Federal involvement through the FAA, the State through the

State Department of Aviation, and local enforcement through the Baltimore County Police, Zoning Office, Planning Office, Traffic Engineering Office and other agencies to enforce violations and concerns that have existed to the time of this Memorandum have led the Protestants to the clear conclusion that it is impossible to get any real enforcement.

The overlapping nature of this problem through the FAA regulating air space, the State of Maryland regulating only the technical aspects of the runway and the County regulating the County and land use produced such confusion on occasion and gaps on other occasions, that real enforcement even in the hands of dedicated citizens is ineffectual. A simple illustration to this enforcement problem would be if the plane lands one afternoon or evening and taxis into the hangar or behind the hangar, who is to know whether or not it is Mr. Faulkner that flew that plane and landed it.

Similarly, without an ever vigilant neighborhood, it will be impossible to condition the pilot of the plane, the nature of the weather or the nature of the conditions of the runway as to appropriate takeoffs and landing. Likewise, flight patterns and proof of height over Protestants' property is also extremely difficult to establish to the technical satisfaction of the various agencies.

It is interesting to note, parenthetically at this point, that Faulkner's proposed use of his airstrip is not based upon need or economic reasons concerning his business or his

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personal commitments, nor is it based upon any reasonable requirement that he have such a method of transportation available. Instead, it is based upon a whim and a fanciful desire to have such an airstrip conveniently located next to his home. Faulkner's testimony supports the fact that he already has a number of commercial planes located at the Glen L. Martin Airport in Middle River which he uses for business purposes. If, in fact, Faulkner is proposing to use this strip on his property as an adjunct to his business ventures, then Protestants would further argue that this is clearly an improper use of R.C. 2.

For purposes of analyzing the impact of this special exception upon Faulkner's property and the surrounding neighborhood, four factors must be analyzed: the plane; the pilot; the airstrip (runway) and the air patterns.

First, the plane. After hours of hedging, Faulkner designated the Christian Huski as the plane which would be utilized. There can be no doubt that this aircraft can take off and land in a relatively short distance. The ability to do so rests primarily with the pilot. Likewise, this plane may be quiet, or on the other hand, it may produce substantial noise due to the increased horsepower and manner of its climb. Again, this noise factor depends upon the pilot. In the hands of an expert, this STOL type of aircraft could be landed on Faulkner's strip as demonstrated on the day of the view;

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however, in the hands of an amateur, it could be an exceedingly difficult plane craft to land on the Faulkner strip with a topography unlike the Glen L. Martin Airport.

Second, the pilot. The ability of the pilot is crucial from the testimony of all of the witnesses including those experts presented by Faulkner during the course of the hearing. The fact of the matter is Faulkner with ten hours or less in a stol aircraft is incapable of operating the aircraft in and out of this site in the same manner as the expert pilot retained for purposes of the view. By the admitted testimony of Faulkner's own experts, Faulkner was incompetent, at the time of his testimony, to fly that aircraft and land it safely. Faulkner's flying over the neighborhood during the course of this hearing demonstrate questionable judgement and maturity as it pertains to the operation of a potentially dangerous aircraft in this residential community. There is no dispute that, at the present time, Faulkner is unqualified to operate this plane in and out of this location.

Third, the runway (airstrip). There can be no doubt after the testimony of Mr. Shelby of the state aviation administration, that this runway, both its length and position, are not the best while it may meet minimal state standards. This strip is on an incline, it is grass which has the potential for problems in wet weather or snow, it has prevailing cross winds from left to right, from west to east

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which are not favorable for an operation in and out of this location. With an 824 foot net usable runway, there is "very little margin for error" in the words of Mr. Shelby. Shelby felt that the proposed airport must be restricted to the use of the aircraft with a published performance capability compatible with a net usable runway, but also precision of flight instruction due to a limited runway width, length, slope and prevailing cross wind.

It is interesting to note, the strip ends within 100 feet of Belfast Road and that does not appear to worry any official who testified. Yet lay witness testimony concerning the distracting view of a low flying aircraft coming directly toward you if you are travelling on Belfast Road seems very obvious and real when one views the site from Belfast Road. A number of witnesses testified that when travelling on Belfast Road, your attention gravitates toward the Faulkner home site and with an added feature of an aircraft landing, further tends to call driver's attention off the road to this location.

Fourth, the air patterns. Testimony of a number of the neighbors concerning low flying aircraft, the noise over their homes, the pattern of Faulkner's plane circling at a low altitude above their homes, produced concern for their own well-being as well as concern for livestock and horses, including thoroughbreds, which are common to this locality.

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Attention is called to testimony of Louise Holliday, who testified she teaches writing to small children within a quarter of a mile of the airstrip. The plane has frightened her ponies as a result of flights over her property. Her descriptive testimony concerning noise over the head of a horse impressed everyone in the hearing room as to the nature of the reaction of a horse to a loud noise over its head. The consequence is frightening if one considers three year old children who may be on those ponies at the time of a fly over by Mr. Faulkner. It is interesting to recall that Ms. Holliday moved from Cromwell Bridge Road to her present location off the road where there are no trucks, no bikes, no cars, in 1956 to get away from noise and to operate her business and, in her words, "didn't count on planes."

Lenell Smith likewise has thoroughbred horses for which she is concerned. Richard Harris, in moving from the flight path of Dulles Airport has now been "buzzed" at least on two occasions by the Faulkner plane as well as having his horses startled in May. His concern of "poor judgment" of Faulkner is predicated upon low flying incidents which seem nothing more than efforts to provoke the community during the course of the hearing in this case.

The Zoning Commissioner need only look at the plate submitted by the Protestants of the proposed site with the encircling of the houses colored in yellow to realize that the Protestants are substantially the entire community of adjacent

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and adjoining property owners and not just one or two upset neighbors.

Finally, there was a consensus of expression by Protestants in their testimony that the R.C. 2 Zone, created for the purposes of agricultural use, would not be well served by the utilization of the almost 49 acres of Faulkner property by this airstrip. The strip basically prohibits the use of Faulkner's 49 acres for purposes of raising cattle, horses, livestock and the growing of any appropriate crops consistent with the spirit and intent of R.C. 2. The Protestants recognize that airports are uses permitted by special exception. However, Protestants submit that in U.S. instance, a Faulkner airstrip on the subject property is not consistent with this particular site and location as previously argued.

Furthermore, while recognizing that the County Council resolution #96-85 which resulted in a Planning Board report of May 15, 1986 was not enacted into law in Baltimore County, it clearly establishes that the Planning Board was concerned about the allowance of a special exception for an airport in an R.C. 2 Zone and intended to limit the definition of airport to "airports that are necessary to support aerial spraying of pesticides." It is clear that the Planning Board's efforts were to send the message of the spirit and intent concerning the clarification of the type of airports to be permitted in an R.C. 2 Zone.

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The testimony of a County Planner on behalf of the Petitioner resulted in testimony indicating that the County Council did not enact this particular Planning Board report based upon a controversial section of that same report which dealt with churches and which resulted in a lobbying effort by churches against this particular legislation.

SUMMARY

In summary, it is clear to the Protestants that an application of the "Schultz test" to the particular use of Faulkner proposed at the particular location of Faulkner's airstrip would have an adverse effect above and beyond those uses inherently associated in a Special Exception irrespective of its location within the Zone. **SCHULTZ, SUBD.** For that reason, the Zoning Commissioner in applying this "aite specific" criteria possesses the legal authority to deny this special exception request. The legal and factual authority and basis to deny this special exception request.

Respectfully submitted,

J. CARROLL HOLZER
Holzer, Meher & Demilio
105 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
301-825-6960

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of September, 1988, a copy of the foregoing Protestants' Memorandum was mailed to David Howell, Loyola Federal Building, 22 West Pennsylvania Avenue, Towson, Maryland; and People's Counsel, County Office Building, Third Floor, Towson, Maryland 21204.

J. CARROLL HOLZER

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DATE: 9/30/88

File

IN RE: PETITION FOR SPECIAL EXCEPTION
SM/C TANYARD ROAD AND BELFAST
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
GORDON E. FAULKNER
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No.: 88-240-A

REPLY TO PROTESTANT'S MEMORANDUM
STATEMENT OF THE CASE

The Protestants, hereby desire to make the following comments specifically in rebuttal and reply to the Petitioner's Brief:

The following comments have been submitted by individual Protestants as points which they felt should be addressed and replied to in the Petitioner's Brief.

1. Page 1. The Protestants' take exception to the comments concerning the representation of adjacent neighbors to the north of the site. Adjacent property owners to the north of the site did appear and sign the Protest sheet; they are Mrs. McNutt, approximately 800 feet away from the runway; Mr. & Mrs. Duranco, Mrs. McCafferty, and Mrs. Peters. To the east, Mrs. Seward signed the Protestants' sheet and was in attendance; Dr. & Mrs. Shortall testified; Mr. & Mrs. Bass Grines testified. To the northwest, Mr. Harris and Mr. & Mrs. Milton Saches signed the Protest sheet and were there for the hearing. Also including Mr. & Mrs. DeFontas; To the west Mr. & Mrs. Hansberg testified against the air strip. To the south, Mrs. Pierce signed the Protest sheet and attended many of the hearings.

2. Page 3. Since the time of the hearing, Mr. Bacon's property from which the property of Faulkner was subdivided, has now been put up for sale (approximately 3 1/2 weeks ago). It will be recalled that the tree line which needed to be trimmed back and removed were located on this property. It is now speculative as to whether or not the new owners will allow the trees to be trimmed.

3. Page 10. The Protestants' take exception to the comment in regard to the potential concern, the health and safety concern. The incident of a plane crashing or having some difficulty would greatly increase if an air pattern were established over Belfast Valley.

4. Page 11. Protestants are concerned as to what happens if a plane loses power and starts gliding in for 1,000 feet and does not have the power to go over one of the twelve (12) houses that are 600-2,000 feet from the proposed air strip. Airplane crashes of light aircraft are relevant as well as tragic and deadly in regard to this issue. Since the Petitioner's Brief indicated the relative safety of this plane, it is the Protestants' desire to submit in this Reply Brief the comment in regard to Mrs. Shortall, as to the number of small plane crashes, seven (7) of which occurred right here in Maryland. Of the 21 small plane crashes from December, 1987 to August, 1988, 16 of the crashes were right after or right before takeoff or landing, all of which are investigated by the

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FAA and put on record. Mrs. Shortall further has a right to be concerned and frightened for that, in a nine month period, there were 21 small plane crashes, two of which hit homes.

Newspaper clippings which are public knowledge are submitted in support of this concern. (Incorporated herein as Exhibit No. 1).

5. Page 12 and 13, Protestants' reiterate their concern in regard to the animals and the agricultural nature of the surrounding area. Mrs. Holliday's property line is less than one-half mile from the Faulkner property. She testified that in November, 1987, low flying airplanes were the cause of spooking two of her ponies. Likewise, Lanell Smith testified that low flying aircraft in the Spring, 1988, spooked her horses. These are two separate incidents that involved low flying airplanes causing mishaps with horses. The net effect of this discussion is to establish that the low flying aircraft are capable in deed of spooking and disrupting livestock, particularly horses.

6. Page 17. The Protestants' submit that of the four air strips located in the area before RC 2 zoning, two of these air strips are no longer operative.

7. Page 21. Protestants would submit as to the uniqueness of the area.

A. Faulkner's property is on the floor of a valley.

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B. The air strip has to be limited to one takeoff and landing from one direction because it is bounded on the north and east by roads and electrical and telephone lines.

C. There is a grain dryer located directly across from the air strip on the ridge of valley wall.

D. The dense morning fog that forms on the valley floor will cause visibility problems for takeoff and landing. Faulkner's pond further contributes to the fog that is created in this low lying area.

E. A configuration of Faulkner's property limits the length of his runway to a situation where he has little room for air. Forty-nine acres is the smallest of all the properties on which an air strip is located. Faulkner's is also the shortest strip. All other areas are 2,000 feet or longer.

F. There are trees to be trimmed or taken down which are not on Faulkner's property. The property is now for sale.

G. Faulkner's property is surrounded by homes on the north, south, east and west including on the ridge line ranging as close as 600-2,000 feet from the strip. The other strips do not have homes surrounding nor is in close proximity.

H. The other air strips are located on much larger parcels of property. The smallest, according to the Petitioner's testimony, is 98 acres.

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8. Another aspect of this site is that it is only 12 minutes away from a small public grass airport where the plane could be housed. This air strip is over 2,000 feet long and takeoff and landing can be done both ways. That air strip is "Aracost" located on Mt. Carmel Road.

Respectfully submitted,

J. CARROLL HOLZER
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301-825-6960

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1988, a copy of the aforesaid Reply to Protestants' Memorandum Statement of Case was mailed to David Dowell, Loyola Federal Building, 22 West Pennsylvania Avenue, Towson, Maryland 21204; and Peoples's Council, County Office Building, Third Floor, Towson, Maryland 21204.

J. CARROLL HOLZER

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IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SM/C Tanyard Road * ZONING COMMISSIONER
and Belfast Road * OF
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 88-240 X
Gordon E. Faulkner *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for an airstrip and hangar as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by attorney, Susan H. Fischer. Those persons also appearing on behalf of the Petitioner are listed on a separate sheet attached hereto. There were Protestants who were represented by J. Carroll Holzer, Esquire, and their names are also listed on a separate sheet of paper and attached hereto. Mr. Kenneth Rosley appeared as a Protestant and represented himself.

This matter comes before the Zoning Commissioner for final disposition after a long history. There were several days of testimony and more witnesses than this Commissioner has ever heard in one matter. The case took many days of hearings over more than a four (4) month period. The final written statements and briefs of the parties took several additional months. The positions of the parties are strongly argued and vigorously defended.

Some of the testimony was useful and on point, but much of it was prologued and repetitive. Additionally, some of the evidence was irrelevant to the final finding, in light of the requirements set forth in Sections 502.1 and 1801.2.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.).

The parties have argued their positions very clearly and effectively. I will not attempt to recount every fact presented into the record, as many are unnecessary to the final disposition of this case. I will review the major relevant facts and interpose additional facts when and where necessary in this opinion.

The Petitioner owns a 50 acre lot in the Sparks residential section of Baltimore County on which he is building a personal residence, and on which he wants to operate a grass airstrip solely for his own use. The property is located at the intersection of Belfast and Tanyard Roads. The Faulkner property is in an RC-2 (Resource Conservation, Agricultural) zone. The subject property lies in a valley surrounded by hills on three sides.

The runway has already been constructed and has been used on a few occasions. A great deal can be learned from visiting a site where such a special exception use is proposed. To judge such a special exception use, the particular site must be taken into account and the unique features of the site closely reviewed.

I have personally visited the property. Upon my site visit, the topography is, clearly, revealed and the uniqueness of the site is obvious. There are several features of this particular site that should be viewed in person. During my visit, several take-offs and landings were executed by the Petitioner's expert pilot.

This particular site is unique in several ways. First, the site is in a valley and the hills raise sharply from the north end of the runway. Second, the hills to the west and north are mostly covered with dense tree cover. There is no apparent room for pilot error in these areas. Third, the south end of the runway must be approached after a sharp descent over a

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stand of trees on a neighboring property. Fourth, the runway is very short; so much so, that even the Petitioner's witnesses admit the airport can only be used by an experienced pilot flying a highly specialized aircraft. Finally, there is a very steep road embankment at the north end of the runway which eliminates any margin for error.

The Protestants are mostly residential home owners from both adjoining lands and from the general area. The Protestants have several major concerns and objections to this limited airport. Most of the objections are based upon a belief that the use of the airport by the Petitioner or anyone else would be unsafe, too noisy and/or disruptive of the rural character of the area. Where necessary, I will recount in greater detail the Protestants' testimony and evidence.

The Protestants have spent a great deal of time arguing that the Special Exception for an airport in the R.C.2 zone, as established by Section 1801.2.C.1. of the B.C.Z.R. is inconsistent with the statement of purpose and the legislative policy of the R.C.2 zone.

Clearly, the County Council of Baltimore County enacted legislation permitting airports in the R.C.2 zone by Special Exception. (See County Council Bill No. 79-178). I do not believe, nor do I except that the County Council of Baltimore County was in error when it enacted Bill No. 178 in 1979. The B.C.Z.R. provide for airports by Special Exception and the Petitioner's request is clearly, properly and legally before the Zoning Commissioner.

One of the issues of greatest debate during the hearing was the specific aircraft to be used by the Petitioner at this location. The Petitioner settled the question at the close of his case. The Protestants objected to this decision at the conclusion of the Petitioner's case. The

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testimony of all the Petitioner's witnesses included this particular aircraft. I, therefore, find there is no prejudice to the Protestants and the selection is valid and binding upon the Petitioner.

The Petitioner is committed to the Christian Husky aircraft for this airstrip. He has made it clear that he will use no other airplane on this airstrip. There is no question that this aircraft is basically safe. The design specifications seem to indicate that this aircraft can use this type, kind and size of airstrip with certain limitations and changes to the airstrip. The witnesses for the Petitioner all explained how the Christian Husky could possibly use an airstrip about this length and width and, how the airplane is designed to handle this type of airstrip if certain limitations and restrictions were followed.

The airstrip is a grass runway approximately 1365 feet long, oriented on a southwest-northeast axis. The Petitioner and several expert witnesses testified that the runway slopes slightly downward to the southwest, and because of trees to the southeast, takeoffs would be made in a southeasterly direction, while landings would be made in a northeasterly direction. There are but a few of the limitations that even the Petitioner's witnesses agree would handicap this airport.

The State Aviation Administration has given approval to operate the Christian Husky on the Petitioner's airstrip. The State Aviation Administration has required that several trees to the southwest be removed or topped. The trees are not on the Petitioner's property and the Petitioner has no legal right to control the status of these trees.

The fact is that even with trees removed, the airstrip is really short. The effective runway is less than 825 feet and even the Christian Husky will be pushing the usable limits of this runway according to the

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evidence. The usable runway also comes within 100 feet of Belfast Road and there is a very steep embankment at Belfast Road. The hills rise steeply from Belfast Road at the end of the runway.

The Petitioner set forth many limitations and controlling factors about the airstrip which, in his opinion, make it safer and better for the community. Those conditions are best set forth in the Petitioner's own words:

Faulkner proposes to use a "modified straight-in" approach and departure pattern by which the aircraft would be flown along an essentially north-south line immediately after takeoff and immediately prior to landing. This pattern is directly over the Bacon property to the south of the Faulkner property, minimizes noise, and keeps the aircraft away from residences and animals.

The use of the strip would be severely limited as follows:
First, it would be closed to the public and "g" would be installed on each end of the strip. In aviation symbology, the letter "g", as seen from the air, indicates that a runway is closed.

Second, the Christian Husky is the only aircraft which would be used at the strip. When not in actual use, it would be stored in a hangar, to be tastefully constructed in architectural conformity with the other buildings on the property (that is to say, a brick, Georgian-style building).

Third, since the strip is of "privately owned, privately used" variety, Faulkner is the only person who would be using it.
Fourth, in keeping with the rural nature of the surroundings, the strip will be maintained in grass and will not be paved.

Fifth, only one aircraft will be based at the strip (and indeed, the proposed hangar will hold only one aircraft).
Sixth, no fuel, oil or other petroleum will be stored above-ground, under-ground or otherwise at the strip.

Seventh, no maintenance will be done at the strip and there will be no shop or mechanic.
Eighth, no charter, flight school, sight-seeing, aviation, banner-towing or other commercial activities will be conducted.

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Ninth, the strip will not be lighted, there will be no rotating beacon, and no night takeoffs or landings will be conducted. There will be no radio, radar or other electronic antennas at the strip.

Tenth, no takeoffs or landings will be done except in good weather. Good weather ("Visual Flight Rules", according to the FAA, requires a ceiling of at least 1000 feet and a horizontal visibility of at least three miles."
(Petitioner's brief, pages 4 and 5)

Clearly, the case is not resolved in these statements by the Petitioner. The issue of acceptability here is this particular airstrip; at this location and taking into account the features that are unique to this particular site. Of course, the Protestants disagree with this airstrip and believe it is substandard and unsafe. They do not believe the limitation and/or restrictions will be of any real benefit to them.

A special exception is a statutory grant of authority under the Zoning Commission to test and review certain land uses. In each particular case where application is requested, against the prerequisite set forth within the text of the B.C.Z.R. to determine that the use complies with spirit, intent and letter of the various applicable regulations. It is subject to the guidelines and standards contained in the provisions of the B.C.Z.R. A special exception is a use which has been predetermined by the County Council of Baltimore to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commission must, in each case, decide under the specific standards set forth in Section 502 of the B.C.Z.R. whether the prescriptive compatibility does, in fact, exist in this case. See, Rockville Fuel and Food Company, Inc., v. Board of Appeals of the City of Baltimore, 257 Md. 103, 262 A.2d 499 (1970).

Furthermore, "... there cannot be a grant of a Special Exception unless the B.C.Z.R. provides that the conditional use sought is permissible in the

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zone in which the land involved is situated..." Schultz v. Wittig, 291 Md. 1, 432 A.2d 1319 (1981). Clearly, the B.C.Z.R. provides for the relief the Petitioner has requested. (See MDI.2.C.1 of the B.C.Z.R.) The duty of the Zoning Commission is 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 zoning plan.

The Petitioner has the burden of adducing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements set forth in Section 502.1. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community and, furthermore, if the Petitioner shows to the satisfaction of the Zoning Commission that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, then the Petitioner has met the burden of proof. See Anderson v. Sawyer, 23 Md. App. 617, 329 A.2d 716, 720 (1974). A Special Exception for an airstrip in the R.C. 2 zone is controlled by the regulations in Section MDI.2.C.1, and conditioned by Section 502.1 of the Baltimore County Zoning Regulations.

"Section 502.1--Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

- be detrimental to the health, safety, or general welfare of the locality involved;
- be detrimental to the health, safety, or general welfare of the locality involved;
- be detrimental to the health, safety, or general welfare of the locality involved;
- be detrimental to the health, safety, or general welfare of the locality involved;

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e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements;

f. Interfere with adequate light and air;

g. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; nor

h. Be inconsistent with the impermeable surface vegetative retention provisions of these Zoning Regulations." (Section 502.1 of B.C.Z.R.)

The issue in the Special Exception is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully fulfilled by the Petitioner. The cases clearly establish that "... the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show the particular use, proposed at the particular location, would have any adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Wittig, 291 Md. 1, 432 A.2d 1319 at 1327 (1981).

The Court went on to say in Schultz, that:

"... the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring areas and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is

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one for the Board to decide. But, if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing dissonance to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal." (at pp.1325)

The real issue here is the Schultz application of the Section 502.1 standards. The Petitioner argues there are no significant safety issues. The Protestants naturally argue there are many safety issues.

A close review of the safety issue in light of the Schultz test shows the site is unsafe. The issue is controlled by the facts and circumstances that establishes that the special exception airport use at this particular location would have more adverse effect upon this community than is normally associated with this use in the R.C.2 zone. The adverse impact of this airport is above and beyond those inherently associated with an airstrip use, irrespective of where it is located within the R.C.2 zone. The facts show that this airstrip is very short and located in a deep valley; this makes the usable runway unsafe under normal conditions. It also has trees at both ends and a road at one end.

Even the Petitioner's witnesses expressed concern over the many problems this airstrip has that are different from those usually found in the R.C.2 zone in Baltimore County.

This airport is no unique. It requires a type of aircraft that only three (3) manufacturers, in the free world, build. In fact, this aircraft can only be used by these very specialized aircraft.

The issue is not whether the airstrip meets minimum state or federal regulations, but is it adverse to the community's health, safety or general welfare above and beyond those inherently associated with other airstrip uses in the R.C. 2 zone. It, clearly, is more adverse from a safety point of view.

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I want to make it very clear that the Petitioner is not required to prove that the airstrip would be of benefit to the community. The Petitioner is only required to prove that the use has no more adverse impact than the same use does anywhere in the R.C.2 zone. (See, Schultz v. Wittig, et al)

The Petitioner has failed to show that the airport use at this location will not be more detrimental to the neighborhood than an airport use elsewhere in the R.C.2 zone. In the language of the Schultz test, this airstrip is more detrimental to the health and safety of the community than other airstrip within the R.C.2 zone.

The Petitioner's case falls another very basic application of the Schultz standards. Schultz, also, stands for the concept that all special exceptions must be considered in light of the purpose of the zone involved. The zone in this case is the R.C.2 zone and all special exceptions within that zone are controlled by the requirements of Section MDI.2.C.1 of the B.C.Z.R.

The subsection requires the Special Exception use to support the primary agricultural use of the vicinity. The Petitioner provided no evidence of his involvement in agricultural uses or activities. The airstrip does not provide any benefit or support of the local primary uses in the vicinity. The Petitioner has failed to meet his burden of proof and the relief requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commission for Baltimore County this 5th day of June, 1989 that the Petition for Special

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Exception for an airstrip and hangar, as more particularly described in Petitioner's Exhibit 1, be and is hereby DENIED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Witness:
cc: Peoples Counsel
attachments

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PETITION FOR SPECIAL EXCEPTION

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 hereto described property forRESEARCH AND JANAGAR.....

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 in and 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 penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:
 Type of Contract (Plat)
 Signature
 Address (Type or Print Name)
 City and State
 Attorney for Petitioner:
 Susan H. Fischer, 3700 Malden Avenue, 225-7333, Towson, Md.
 Name, address and phone number of legal owner, contact purchaser or representative to be contacted
 22 W. Pennsylvania Avenue, Baltimore, Maryland 21204
 City and State
 Attorney's Telephone No.: 823-5800

Legal Owner(s):
 Signature
 Address (Type or Print Name)
 City and State
 Attorney for Petitioner:
 Susan H. Fischer, 3700 Malden Avenue, 225-7333, Towson, Md.
 Name, address and phone number of legal owner, contact purchaser or representative to be contacted
 22 W. Pennsylvania Avenue, Baltimore, Maryland 21204
 City and State
 Attorney's Telephone No.: 823-5800

APPROVED BY THE Zoning Commissioner of Baltimore County, this 10th day of December, 1987, 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 25th day of January, 1988, at 10:00 a.m. o'clock.
 J. Robert Hines
 Zoning Commissioner of Baltimore County.

PROPERTY BOUNDARY DESCRIPTION
 OF GORDON K. FAULKNER PROPERTY
 8th ELECTION DISTRICT, BALTIMORE, COUNTY, MD.

PROPERTY BOUNDARY DESCRIPTION IS BASED ON A SURVEY PREPARED BY GEORGE CROSS FETZEL, REGISTERED SURVEYOR IN THE STATE OF MARYLAND, REFERENCED IN DEED LIBER 6913, PAGE 589 AS BACON PROPERTY WITH PLAT REFERENCE ENW 52145 AND CONVEYED TO GORDON K. FAULKNER ON MAY 9, 1985. THIS DESCRIPTION IS AS FOLLOWS:

BEGINNING AT THE SOUTH-EAST CORNER OF THE ABOVE CONVEYED PROPERTY, 30.67 FEET FROM THE CENTER LINE OF TANYARD ROAD, DESIGNATED AS PIPE NO. 18 AND CONTINUING 62°15'50" IN A DIRECTION OF SOUTH-EASTERLY AXIS 1269.51 FEET TO THE CORNER DESIGNATED AS PIPE NO. 17, THEN TURNING 26°55'00" IN A DIRECTION OF SOUTH-WESTERLY AXIS AND CONTINUING FOR 528.68' TO A CORNER DESIGNATED AS PIPE NO. 18 AND FROM THIS CORNER TURNING 63°00'00" IN A DIRECTION OF SOUTH-EASTERLY AXIS AND CONTINUING FOR 183.00 FEET TO A CORNER DESIGNATED AS PIPE NO. 16, THEN FROM THIS CORNER TURNING 28°59'35" AND CONTINUING FOR 1,298.10 FEET TOWARD BELFAST ROAD TO A CORNER DISTANCE 15 FEET FROM THE CENTER LINE OF BELFAST ROAD, DESIGNATED AS PIPE NO. 1, AND CONTINUING ALONG CURVE #2 TO A PIPE DESIGNATED AS PIPE NO. 4 FOR A DISTANCE OF 27.78 FEET THEN A PIPE DESIGNATED AS PIPE NO. 4 AND CONTINUING ALONG THIS CURVE WITH CURV RADIUS 86°55'00" FOR A DISTANCE OF 442.29 FEET TO A TANGENT POINT DESIGNATED AS PIPE NO. 201, THEN CONTINUING N78°14' FOR A DISTANCE OF 19.22 FEET TO A CORNER DESIGNATED AS PIPE NO. 111, THEN TURNING 32°31'15" IN A DIRECTION OF NORTH-WESTERLY AXIS AT THE INTERSECTION OF BELFAST AND TANYARD ROADS AND CONTINUING FOR A DISTANCE OF 50 FEET TO A CORNER DESIGNATED AS PIPE NO. 12; THEN TURNING 13°14'45" IN A DIRECTION OF NORTH-EASTERLY AXIS ALONG TANYARD ROAD FOR A DISTANCE OF 1693.50' TO A POINT OF BEGINNING. THE BOUNDARY LINES ENCLOSE AN AREA OF THE PROPERTY COMPRISING OF APPROXIMATELY 49,080 ACRES.

CERTIFICATION:
 THIS PLAT HAS BEEN PREPARED IN CONFORMANCE WITH THE DATA INDICATED IN THE RECORD PLAT ENW 52145 FILED WITH THE DEED LIBER 6913, PAGE 591 WHICH WAS CONVEYED BY JOHN F. BACON AND PHOEBE F. BACON TO GORDON K. FAULKNER ON MAY 9, 1985.

DATE: JULY 23, 1987
 EUGENE RATYCH, INC.
 1669-A
 STATE OF MARYLAND
 Eugene Ratych, P.A.

CERTIFICATE OF POSTING
 BALTIMORE COUNTY
 Towson, Maryland

Date: 9th Date of Posting: February 3, 1988
 Petition for: Special Exception
 Petitioner: Gordon K. Faulkner
 Location of property: SW Corner of Tanyard Rd. & Belfast Rd.
 Location of Signs: SW Corner of Tanyard Rd. & Belfast Rd.
 Number of Signs: 1
 Date of return: February 5, 1988



CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 3, 1988
 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on 1 successive weeks (the first publication appearing on Feb. 3, 1988).

TOWSON TIMES,
 Susan Steudt Abrecht
 Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb. 4, 1988
 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper, printed and published in Towson, Baltimore County, Md., appearing on 1 successive weeks (the first publication appearing on Feb. 4, 1988).

THE JEFFERSONIAN,
 Susan Steudt Abrecht
 Publisher



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 16, 1987
 Susan H. Fischer, Esquire
 22 W. Pennsylvania Avenue
 Towson, Maryland 21204

RE: Item No. 77 - Case No. 88-240-1
 Petitioner: Gordon K. Faulkner
 Petition for Special Exception
 Dear Ms. Fischer:
 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.

Enclosed are all comments submitted from the members of the Committee as 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,
 James E. Dyer, III
 Chairman
 Zoning Plans Advisory Committee

JED:kkb
 Enclosures

Baltimore County
 Department of Public Works
 Bureau of Traffic Engineering
 Courts Building, Suite 403
 Towson, Maryland 21204
 694-5554

December 23, 1987

Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Dear Zoning Commissioner:
 The Bureau of Traffic Engineering has no comments for items number 73, 74, 75, 77, 78, and 80.

Very truly yours,
 Michael S. Planigan
 Traffic Engineering Associate II

MSF:sb
 RECEIVED
 DEC 30 1987
 ZONING OFFICE

Baltimore County
 Fire Department
 Towson, Maryland 21286
 694-4000
 December 1, 1987

J. Robert Hines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204

Re: Property Owners: Gordon K. Faulkner
 Locations: 80/C Tanyard Road and Belfast Road
 Item No.: 77
 Zoning Agency: Meeting of 9/1/87

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ 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.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code, in addition to compliance with the following:
 - (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
 - () 6. Site plans are approved, as drawn.
 - () 7. The Fire Prevention Bureau has no comments at this time.
- REVIEWER: John F. O'Neill (Signature)
 Fire Prevention Bureau
 Special Inspection Division

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 J. Robert Hines
 To: Zoning Commissioner
 P. David Fields, Director
 FROM: Office of Planning & Zoning
 SUBJECT: Zoning Petition # 88-240-1
 Date: May 23, 1988

Additional information detailing the subject proposal was received by this office on May 18, 1988. Based on the submitted information (a copy of which is attached), this office is not opposed to the granting of the petitioner's request. However, there is one detail that puzzles this office, i.e., the decibel rating for the airplane operation. It is assumed that this information can and will be supported by specifications from the manufacturer. Our presumption is that the noise level of a "can opener" and a "vacuum cleaner" are, in our experience, quite dissimilar. Further, the decibel levels of 50, 70 and 82 seem rather low for any plane, but this office will accept the manufacturer's specifications.

P. David Fields, Director
 Office of Planning & Zoning

PDF:bjh
 Enclosures
 CC: Susan H. Fischer, Esq., 22 W. Pennsylvania Avenue, Towson, MD 21204-5084
 J. Carroll Bolser, Esq., 105 W. Chesapeake Ave., Suite 105, Towson, MD 21204
 Shirley Hess, People's Counsel, Zoning File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
 TO: Zoning Commissioner
 Date: December 9, 1987

Norman E. Gerber, AICP
 FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition No. 88-240-X

More information such as maximum number of planes, frequency of flights, flight approaches with respect to adjacent development, etc., is needed before comments can be made.

Norman E. Gerber, AICP
 Norman E. Gerber, AICP
 Director

NSJ:JMD:md

cc: Mr. Shirley H. Hess, Legal Assistant, People's Counsel
 File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

James Dyer
 TO: Zoning Supervisor
 Date: November 5, 1987

James Thompson
 FROM: Zoning Enforcement Coordinator

Item No. 17 (if known)
 SUBJECT: Petitioner's Address (if known)

VIOLATION CASE # C-87-1748

LOCATION OF VIOLATION: Belfast and Tanyard Roads
 3703 Maudslayi Avenue
 DEFENDANT: Gordon E. Faulkner ADDRESS: Baltimore, MD 21211

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Forest Grimes Greater Sparks/Blaine Community Assoc.	P.O. Box 396 Sparks, MD 21152
Councilman Supperberger	

After the public hearing is held, please send a copy of the Zoning Commission's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (410) 887-3253

J. Robert Haines
 Zoning Commissioner

July 31, 1989



Baltimore County Board of Appeals
 County Office Building, Room 315
 Towson, Maryland 21284

RE: Petition for Special Exception
 SW/C Tanyard Road and Belfast Road
 8th Election District, 3rd Councilmatic District
 GORDON E. FAULKNER - Petitioner
 Case No. 88-240-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 30, 1989 by David L. Dowell, on behalf of Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
 Zoning Commissioner

Enclosure

Enclosures

cc: Gordon Faulkner, 3700 Maudslayi Ave., Baltimore, MD 21211
 David Dowell, 22 W. Pennsylvania Ave., Towson, MD 21204
 Susan Fischer, 22 W. Pennsylvania Ave., Towson, MD 21204
 Jeffrey Blair Reid, 19 W. Pennsylvania Ave., Towson, MD 21204
 David Soul, 6712 Whitestone Road, Baltimore, MD 21207

Appeal - Case No. 88-240-X
 GORDON E. FAULKNER - Petitioner
 July 31, 1989
 Page 2

Jack Poage, 1130 Littlestown Road, Westminster, MD 21157
 James A. Forbes, 16623 Hereford Road, Monkton, MD 21111
 J. Carroll Holzer, 305 W. Chesapeake Ave., Suite 105, Towson, MD
 Kenneth Rowley, P.O. Box 927, Pine Valley, CA 92062
 People's Counsel of Baltimore County
 Rm. 304, County Office Bldg., Towson, MD 21204
 File

APPEAL

Petition for Special Exception
 SW/C Tanyard Road and Belfast Road
 8th Election District - 3rd Councilmatic District
 GORDON E. FAULKNER - Petitioner
 Case No. 88-240-X

- Petition for Special Exception /
 Description of Property /
 Certificate of Posting /
 Certificate of Publication /
 Entry of Appearance of People's Counsel /
 Zoning Plans Advisory Committee Comments /
 Director of Planning & Zoning Comments /
 Petitioner's Brief /
 Petition for Removal and Exchange of Artistic Rendering /
 Protestants' Memorandum /
 Reply to Protestants' Memorandum Statement /
 Petitioner's Response to Protestants' Brief /
 Violation Notice
- Joint Exhibit:
- Proposed Amendment: Non-Agricultural /
 Use in R.C.2 Zone
 - Plan to accompany Petition /
 - No Exhibit in file marked "P" /
 - Aerial photographs of location /
 - Copy of aerial photograph of location /
 - Application for Private Airport /
 - Letter of support /
 - 3 x 5 photographs of location /
 - Sound Pressure Measurements /
 - Appraisal of property /
 - Video Tape /
 - Letter from MD Dept. of Transportation /
 - Application for Private Airport /

Appeal Checklist - Case No. 88-240-X
 GORDON E. FAULKNER - Petitioner
 July 31, 1989
 Page 2

- Letter of support /
 - Operating Limitations /
 - Letter from MD Dept. of Transportation /
- Protestant's Exhibits:
- Photographic Map /
 - 3, 4, & 4 - Letters of Opposition /
 - Photogrammetric Map /

Zoning Commission's Order dated June 5, 1989 (Denied) /

Notice of Appeal received June 30, 1989 from David L. Dowell, on behalf of the Petitioner /

Mrs. Mrs. M.J. Cromwell, Jr., 14910 Tanyard Rd., Sparks, MD 21152

cc: Gordon Faulkner, 3700 Maudslayi Ave., Baltimore, MD 21211

David Dowell, 22 W. Pennsylvania Ave., Towson, MD 21204

Susan Fischer, 22 W. Pennsylvania Ave., Towson, MD 21204

Jeffrey Blair Reid, 19 W. Pennsylvania Ave., Towson, MD 21204

David Soul, 6712 Whitestone Road, Baltimore, MD 21207

JACK HESS, 1930 Siddleston Road, Westminster, MD 21157

James A. Forbes, 16623 Hereford Road, Monkton, MD 21111

J. Carroll Holzer, 305 W. Chesapeake Ave., Suite 105, Towson, MD

Kenneth Rowley, P.O. Box 927, Pine Valley, CA 92062

People's Counsel, Greater Sparks/Blaine Community Assoc., P.O. Box 396, Sparks, MD 21152

JANET SWINTWALL, People's Counsel of Baltimore County

Rm. 304, County Office Bldg., Towson, MD 21204

Request Notification: P. David Fields, Director of Planning & Zoning

Patrick Heller, Office of Planning & Zoning

J. Robert Haines, Zoning Commissioner

Ann M. Mastarowicz, Deputy Zoning Commissioner

James E. Dyer, Zoning Supervisor

Docket Clerk

James Thompson - Zoning Enforcement Coordinator

Arnold Jablon, County Attorney

Councilman Supperberger

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Office of the Zoning Director
 DATE: July 21, 1992

Lindalee N. Kusnau
 FROM: County Board of Appeals

Closed Files
 SUBJECT: Case Nos. 81-122-SPW (Charles W. Held, et al.), 86-170-X (Valleybrook Realty, Inc.), 85-283-A (Richard T. Jonsdale, et al.), 84-013 (William M. Mastarowicz, et al.), 84-013 (Gordon E. Faulkner), 80-131-X (John H. Martin), and 81-137-SPW (Shopping Center Associates/Federal Realty Trust)

As no further appeals have been taken regarding the subject cases, we have closed the files and are returning same to you herewith.

Linda

Attachments

9/26/89 - Following parties notified of hearing set for February 6, 1990 at 10:00 a.m.:

David Dowell, Esq.
 Susan S. Fischer, Esq.
 Mr. Gordon Faulkner
 J. Carroll Holzer, Esq.
 Mr. and Mrs. M. J. Cromwell, Jr.
 Mr. Jeffrey S. Reid
 Mr. David Soul
 Mr. Forest Grimes
 Mr. Jack Hoop
 Mr. James A. Forbes
 Mr. Kenneth Rowley
 People's Counsel for Baltimore County
 P. David Fields
 Pat Keller
 J. Robert Haines
 Ann M. Mastarowicz
 James E. Dyer
 W. Carl Richards, Jr.
 Docket Clerk - Zoning
 Arnold Jablon
 Councilman Supperberger
Kenneth T. Dooly

1/23/90 - Request for Postponement filed by D. Dowell, Counsel for Appellant /
 Petitioner.

1/23/90 - Notice of POSTPONEMENT and Rescheduling sent to above for hearing
 rescheduled to Friday, May 11, 1990 at 10:00 a.m.

6/18/90 - Above parties notified of Day #2 set for October 19, 1990 at 10:00 a.m.

10/10/90 - Above parties notified of POSTPONEMENT and RESCHEDULING to March 8, 1991
 at 10:00 a.m. at request of Counsel for Petitioner.

2/21/91 - Above parties notified of POSTPONEMENT at request of Counsel for Petitioner.
 Not to be reset until requested by said Counsel.

4/16/92 - Letter to D. Dowell, Esquire and J. C. Holzer, Esquire and People's Counsel;
 (Forthcoming Order of Dismissal for lack of prosecution) 30 days allowed
 for response.

5/04/92 - Letter from C. Holzer /recalls that matter is no longer being pursued;
 copied Counsel for Petitioner.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
(410) 887-3180
September 24, 1989
NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASON. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(a). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 98-79.

CASE NO. 88-240-X GORDON K. FAULKNER
SM/Corner Tanager Road and Belfast Road
8th Election District
3rd Councilmatic District
SE -Airstrip and hangar
6/5/89 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: TUESDAY, FEBRUARY 6, 1990 at 10:00 a.m.

- cc: David Dowell, Esquire Counsel for Petitioner/Appellant
Mr. Gordon Faulkner Petitioner/Appellant
Susan Fischer, Esquire Counsel for Petitioner/Appellant
J. Carroll Holzer, Esquire Counsel for Protestants
Mr. and Mrs. M. J. Cromwell, Jr.
Mr. Jeffrey Blair Reid
Mr. David Soul
Mr. Jack Poag
Mr. James A. Forbes
Mr. Kenneth W. Bosley
LindaLee M. Kusumad
Legal Secretary
Pat Keller
J. Robert Balnes
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Councilman Ruppenger
Mr. Kenneth T. Bosley

PP 1/18/90
to 5/1/90 @ 10:00 a.m.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
(410) 887-3180
January 3, 1990
NOTICE OF POSTPONEMENT AND REASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASON. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(a). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 98-79.

CASE NO. 88-240-X GORDON K. FAULKNER
SM/Corner Tanager Road and Belfast Road
8th Election District; 3rd Councilmatic District
SE -Airstrip and hangar
6/5/89 - Z.C.'s Order DENYING Petition.

which had been scheduled for hearing on Tuesday, February 6, 1990 has been POSTPONED at the request of Counsel for Petitioner/Appellant and with objection by Counsel for Protestants and has been

REASSIGNED FOR: FRIDAY, MAY 11, 1990 at 10:00 a.m.

- cc: David Dowell, Esquire Counsel for Petitioner/Appellant
Mr. Gordon Faulkner Appellant/Petitioner
Susan Fischer, Esquire Counsel for Petitioner/Appellant
J. Carroll Holzer, Esquire Counsel for Appellees/Protestants
Mr. David Soul
Mr. James A. Forbes
Mr. Kenneth T. Bosley
People's Counsel for Baltimore County
Mr. Kenneth W. Bosley
The Honorable C. A. Dutch Ruppenger
Baltimore County Council
F. David Fields
Pat Keller
J. Robert Balnes
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kusumad
Legal Secretary
Kathleen C. Weidemann
Administrative Assistant

6/10/90
set in for May 11

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
(410) 887-3180
June 18, 1990
NOTICE OF ASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASON. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(a). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 98-79.

CASE NO. 88-240-X GORDON K. FAULKNER
SM/Corner Tanager and Belfast Roads
8th Election District; 3rd Councilmatic District
From 5/11/90 SE -Airstrip and hangar
6/5/89 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, OCTOBER 19, 1990 at 10:00 a.m.

- cc: David Dowell, Esquire Counsel for Petitioner/Appellant
Mr. Gordon Faulkner Counsel for Appellees/Protestants
Susan Fischer, Esquire Counsel for Appellees/Protestants
Mr. and Mrs. M. J. Cromwell, Jr.
Mr. Jeffrey Blair Reid
Mr. David Soul
Ms. Sandy Shortall
Mr. Jack Poag
Mr. James A. Forbes
Mr. Kenneth T. Bosley
People's Counsel for Baltimore County
The Honorable C. A. Dutch Ruppenger
Baltimore County Council
F. David Fields
Pat Keller
J. Robert Haines
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kusumad
Legal Secretary

collected per to 3/10/90
to 5/1/90 @ 10:00 a.m.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
(410) 887-3180
October 10, 1990
NOTICE OF POSTPONEMENT AND REASSIGNMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASON. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(a). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 98-79.

CASE NO. 88-240-X GORDON K. FAULKNER
SM/Corner Tanager & Belfast Road
8th Election District
3rd Councilmatic District
SE -Airstrip
6/5/89 - Z.C.'s Order DENYING Petition.

which was scheduled for hearing on October 9, 1990 has been POSTPONED at the request of Counsel for Petitioner and has been

REASSIGNED FOR: FRIDAY, MARCH 8, 1991 at 10:00 a.m.

- cc: David Dowell, Esquire Counsel for Petitioner/Appellant
Susan Fischer, Esquire Counsel for Appellees/Protestants
Mr. Gordon Faulkner
J. Carroll Holzer, Esquire Counsel for Appellees/Protestants
Mr. and Mrs. M. J. Cromwell, Jr.
Mr. Jeffrey Blair Reid
Mr. David Soul
Ms. Sandy Shortall
Mr. Jack Poag
Mr. James A. Forbes
Mr. Kenneth T. Bosley
People's Counsel for Baltimore County
The Honorable C.A. Dutch Ruppenger
Baltimore County Council
F. David Fields
Pat Keller
J. Robert Haines
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kusumad
Legal Secretary

3/10/91
PP 1/18/90
to 5/1/90 @ 10:00 a.m.

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286
(410) 887-3180
February 22, 1991
NOTICE OF POSTPONEMENT
NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASON. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(a). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH BOARD RULE 2(c), COUNTY COUNCIL BILL NO. 98-79.

CASE NO. 88-240-X GORDON K. FAULKNER
SM/Corner Tanager & Belfast Road
8th Election District
3rd Councilmatic District
SE -Airstrip
6/5/89 - Z.C.'s Order DENYING Petition.

which was scheduled for hearing on March 8, 1991 has been POSTPONED at the request of Counsel for the Petitioner and will not be reset until requested by said Counsel. For informational purposes the actual time from the request for hearing to the hearing is approximately six months.

- cc: David Dowell, Esquire Counsel for Petitioner/Appellant
Susan Fischer, Esquire
Mr. Gordon Faulkner
J. Carroll Holzer, Esquire Counsel for Protestants
Mr. and Mrs. M. J. Cromwell, Jr.
Mr. Jeffrey Blair Reid
Mr. David Soul
Ms. Sandy Shortall
Mr. Jack Poag
Mr. James A. Forbes
Mr. Kenneth T. Bosley
Mr. Kenneth W. Bosley
The Honorable C.A. Dutch Ruppenger
Baltimore County Council
People's Counsel for Baltimore County
F. David Fields
Pat Keller
Public-Service
J. Robert Balnes
Ann M. Mastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
LindaLee M. Kusumad
Legal Secretary

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
323 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286
(410) 887-3180
April 16, 1993

David Dowell, Esquire
323 W. Pennsylvania Avenue
Towson, MD 21286
J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue
Suite 305
Towson, MD 21286
Phyllis C. Friedman, People's Counsel
for Baltimore County
Room 315, Old Courthouse
Towson, MD 21286

Re: Case No. 88-240-X
Gordon K. Faulkner

Dear Council:
The Board of Appeals has been reviewing its docket, particularly with reference to inactive cases. By this review, the Board intends to eliminate as many of these cases as possible.

Pursuant to the above intent, the purpose of this letter is to advise you that an Order of Dismissal for lack of prosecution will be entered in the above-captioned matter after the expiration of 30 days from date of this Notice. On notice filed on any time before 30 days after date of this Notice, the Board, for good cause, may delay entry of the Order of Dismissal for the period and on the terms it deems proper.

Very truly yours,
William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/SH
cc: Susan Fischer, Esquire

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONERS
S/W Corner Tanager Rd. & Belfast
Rd., 8th District OF BALTIMORE COUNTY
GORDON K. FAULKNER, Petitioner : Case No. 88-240-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis C. Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County
Peter Rex Slomeron
Deputy People's Counsel
Room 315, Court House
Towson, Maryland 21286
98-2189

I HEREBY CERTIFY that on this 26th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Susan S. Fischer, Esquire, 22 W. Pennsylvania Ave., Towson, MD 21286, Attorney for Petitioner.

Peter Rex Slomeron

MEMORANDUM TO CLERK

DATE: 3-17-88
COUNCIL / OFFICER
COURT
COUNTY / COMPT
CASE NO. 88-240-X
ENCLOSURE:
1. Petitioner's Counsel's Affidavit of Title
2. Hearing
3.
4.
5.
6. Check for \$

- FILED:
File original(s)
Forward to Chambers Judge
Forward service copy to Sheriff/Constable
Return service copy for Private Process Service
Trust and return entire copy (marked at top)
Return
Set in for trial on merits; time needed =
Set in for hearing on appeal; time needed =
No hearing requested
Other:

RECEIVED
MAR 28 1988
ZONING OFFICE
LAW OFFICES OF DAVID L. BOWALL
Loyola Federal Building
Towson, Maryland 21286
923-3800
cc: Opening counsel/parties Client Other:
24

RECEIVED **FILED**

MEMORANDUM TO CLERK

File

DATE: 9/26/87

CLERK / OFFICE

Zoning Commission

COUNTY / OFFICE

Baltimore

COUNTY / CITY

RE: Faulner Zoning Matter CASE #: 89-240-1

ENCLOSED ARE:

1. Petitioner's Response to Protester's Brief
2. _____
3. _____
4. _____
5. _____
6. Check for \$ _____

PLEASE:

File original(s)

Forward to Chambers Judge

Forward service copy to Sheriff/Constable

Return service copy for Private Process Service

Trial-set and return extra copy (marked at top)

Release

Set in for trial on merits; time needed = _____

Set in for hearing in open court; time needed = _____

Set in for hearing before Master; time needed = _____

No hearing requested

Other: _____

Law Offices of DAVID L. DOWELL
Lopola Federal Building
Towson, Maryland 21286
823-5800

By: David L. Dowell

cc: Opposing counsel/parties Client Other:

FILED = 24
2367

RECEIVED **FILED**

MEMORANDUM TO CLERK

DATE: 9/14/87

CLERK / OFFICE

Zoning Commission

COUNTY / OFFICE

Baltimore

COUNTY / CITY

RE: Stankovic Zoning Matter CASE #: 89-240-1

ENCLOSED ARE:

1. Petitioner's Brief
2. _____
3. _____
4. _____
5. _____
6. Check for \$ _____

PLEASE:

File original(s)

Forward to Chambers Judge

Forward service copy to Sheriff/Constable

Return service copy for Private Process Service

Trial-set and return extra copy (marked at top)

Release

Set in for trial on merits; time needed = _____

Set in for hearing in open court; time needed = _____

Set in for hearing before Master; time needed = _____

No hearing requested

Other: _____

Law Offices of DAVID L. DOWELL
Lopola Federal Building
Towson, Maryland 21286
823-5800

By: _____

cc: Opposing counsel/parties Client Other:

FILED = 24
2349

IN THE MATTER OF

Gordon E. Faulner

34 Corner Tanyard Road and

Belfast Road Airstrip & Hangar

• BEFORE THE

• BOARD OF APPEALS

• BALTIMORE COUNTY

• CASE NO. 89-240-1

• • • • •

ATTORNEY OF SERVICES

I, the undersigned, certify that on May 1, 1980

I effected service of process by personally serving a Subpoena upon Gordon Faulner at 15464 Tanyard Rd.

Apex, Md.

to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Name: J. Carroll Holzer
Firm: Holzer, Mahr & Smith
Address: 300 West Chesapeake Ave., #100
Towson, Maryland 21286 823-2800
Attorney for Protestants

SC 4310 2-18805
STEVENS & COMPANY ALBANY
NEW YORK

IN THE MATTER OF

Gordon E. Faulner

34 Corner Tanyard Road and

Belfast Road Airstrip & Hangar

• BEFORE THE

• COUNTY BOARD OF APPEALS

• BALTIMORE COUNTY

• CASE NO. 89-240-1

• • • • •

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday, May 11, 1987 at 10:00 a.m. at Room 301, located at 300 West Chesapeake Ave., #100, Towson, Maryland 21286 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Gordon Faulner
Address: 15400 Tanyard Rd.
Apex, Md.

TO WITNESS:

Please bring at time of hearing the following:

1. G. Faulner's Pilot Log from Jan. 1980 to present.

2. All logs and records of Christen Husky

3. Christen Husky Operating Manual

Name: J. Carroll Holzer
Firm: Holzer, Mahr & Smith
Address: 300 West Chesapeake Ave., #100
Towson, Maryland 21286 823-2800
Attorney for Protestants

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Court: \$ _____

Summons: _____, 19 _____

Not served: _____, 19 _____

Sheriff of Baltimore County

11:30 AM 05 84005
STEVENS & COMPANY ALBANY
NEW YORK

IN THE MATTER OF

Gordon E. Faulner

34 Corner Tanyard Road and

Belfast Road Airstrip & Hangar

• BEFORE THE

• BOARD OF APPEALS

• BALTIMORE COUNTY

• CASE NO. 89-240-1

• • • • •

ATTORNEY OF SERVICES

I, the undersigned, certify that on April 24, 1980

I effected service of process by personally serving a Subpoena upon Bruce Munkie at 144 Anderson Avenue

Baltimore, Md.

to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Name: J. Carroll Holzer
Firm: Holzer, Mahr & Smith
Address: 300 West Chesapeake Ave., #100
Towson, Maryland 21286 823-2800
Attorney for Protestants

SC 4310 22 84105
STEVENS & COMPANY ALBANY
NEW YORK

IN THE MATTER OF

Gordon E. Faulner

34 Corner Tanyard Road and

Belfast Road Airstrip & Hangar

• BEFORE THE

• COUNTY BOARD OF APPEALS

• BALTIMORE COUNTY

• CASE NO. 89-240-1

• • • • •

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday, May 11, 1987 at 10:00 a.m. at Room 301, located at 300 West Chesapeake Ave., #100, Towson, Maryland 21286 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Bruce Munkie
Address: 144 Anderson Ave., Baltimore, Md. 21202

Name: J. Carroll Holzer
Firm: Holzer, Mahr & Smith
Address: 300 West Chesapeake Ave., #100
Towson, Maryland 21286 823-2800
Attorney for Protestants

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Court: \$ _____

Summons: _____, 19 _____

Not served: _____, 19 _____

Sheriff of Baltimore County

05 4310 22 84105
STEVENS & COMPANY ALBANY
NEW YORK

IN THE MATTER OF

Gordon E. Faulner

34 Corner Tanyard Road and

Belfast Road Airstrip & Hangar

• BEFORE THE

• BOARD OF APPEALS

• BALTIMORE COUNTY

• CASE NO. 89-240-1

• • • • •

ATTORNEY OF SERVICES

I, the undersigned, certify that on April 24, 1980

I effected service of process by personally serving a Subpoena upon Albert J. Selby at 13 St. George, Essex

to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Name: J. Carroll Holzer
Firm: Holzer, Mahr & Smith
Address: 300 West Chesapeake Ave., #100
Towson, Maryland 21286 823-2800
Attorney for Protestants

SC 4310 22 84105
STEVENS & COMPANY ALBANY
NEW YORK

IN THE MATTER OF

Gordon E. Faulner

34 Corner Tanyard Road and

Belfast Road Airstrip & Hangar

• BEFORE THE

• COUNTY BOARD OF APPEALS

• BALTIMORE COUNTY

• CASE NO. 89-240-1

• • • • •

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday, May 11, 1987 at 10:00 a.m. at Room 301, located at 300 West Chesapeake Ave., #100, Towson, Maryland 21286 and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Albert J. Selby
Address: 13 St. George, Essex, Md.

NOTE TO WITNESS:

Please bring all personal notes, documents and other items related to the above captioned matter.

Name: J. Carroll Holzer
Firm: Holzer, Mahr & Smith
Address: 300 West Chesapeake Ave., #100
Towson, Maryland 21286 823-2800
Attorney for Protestants

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

County Board of Appeals of Baltimore County

Court: \$ _____

Summons: _____, 19 _____

Not served: _____, 19 _____

Sheriff of Baltimore County

11:30 AM 05 84005
STEVENS & COMPANY ALBANY
NEW YORK

IN THE MATTER OF * BEFORE THE
Gordon K. Faulkner * COUNTY BOARD OF APPEALS
5W Corner Tanyard Road * BALTIMORE COUNTY
Belfast Road Airstrip & Hangar * CASE NO. 88-240-X

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday, May 11, 1989 at 10:00 a.m. at Room 301 located at Hearing Room, County Office Building, containing overheads as necessary for such witness' testimony and as scheduled by the Board.

Witness: Bruce Mudd
Address: 200 WESTVIEW DRIVE, BMT APPROX
GENERAL AVIATION JAC 7108F

Name: J. Carroll Holzer
First Name: ALVIN E Middle: FRANK
Address: 305 West Chesapeake Ave., #10
TOWSON, MARYLAND 21286-2909
Attorney for Protestants

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

Anda De M. Kuyersmaul
County Board of Appeals of Baltimore County

Cost: \$ _____
Summoned: _____, 19____
Not served: _____, 19____
Sheriff of Baltimore County

05 JUN 12 02 24 06
BALTIMORE COUNTY

David L. Dowell
DAVID L. DOWELL
Of Counsel to Petitioner
Loyola Federal Building
Towson, Maryland 21204
821-5600

CERTIFICATE OF MAILING

I HEREBY CERTIFY that copies of the above pleading/paper were sent to the following on the date indicated:

Mr. Faulkner, Esquire
Carroll J. Holzer, Esquire
Suite 105
305 W. Chesapeake Avenue
Towson, Maryland 21204

DATE: September 16, 1988
DLDrms/808/198802369R

David L. Dowell
DAVID L. DOWELL

RECEIVED MAY 18 1989

DOWELL, SALTYSIAK & ASSOCIATES
ATTORNEYS AT LAW

DAVID L. DOWELL
WILLIAM A. SALTYSIAK
SUSAN H. FISCHER
(301) 823-5800
LOYOLA FEDERAL BUILDING
21 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21286-2904

May 17, 1988

Mr. James G. Roswell
Office of Planning and Zoning
Room 406, County Courts Building
Towson, Maryland 21204

Re: Faulkner Proposed Airstrip

Dear Mr. Roswell:
I am writing to update you as to information concerning Mr. Faulkner's proposed airstrip.

Mr. Faulkner intends to purchase a Christen Husky single engine aircraft for use on that strip. The aircraft is known as a STOL type aircraft which means that it has a short take off and landing capability. Mr. Faulkner anticipates that he will have one to two flights per week from that location. The use of the airstrip would only be during daylight hours.

A sound engineer recorded the ambient noise level at 50 decibels and the aircraft take off decibel level at approximately 79 to 82 decibels and the landing noise level to be 50 decibels. The ambient noise level is that noise level which normally exists without any additional noises being added to the environment. The sound engineer stated that the noise level of this airplane is approximately comparable to a car engine or vacuum cleaner.

I have enclosed an aerial photograph which was taken from the west of Mr. Faulkner's property. The red ink is an approximate outline of the property owned by Mr. Faulkner. The blue outline is the approximate location of the proposed airstrip. In black I have indicated the two proposed landing and take off routes. One possible landing route is called a left hand pattern. You can see that pattern travels along the western edge of Mr. Faulkner's property then heads east and lands from the southwest to the northeast corner of the property. This left hand landing pattern is over uninhabited land. The other proposed alternative is basically a straight in landing pattern from the south to the north, again over uninhabited land. In either case, the take off pattern would be from the northeast corner of the property to the south of the property in a straight out pattern as indicated by the black arrow heading to the south. The property to the south of Mr. Faulkner's property is owned by a person who has no objection to Mr. Faulkner's landing strip.

DOWELL, SALTYSIAK & ASSOCIATES
ATTORNEYS AT LAW

DAVID L. DOWELL
WILLIAM A. SALTYSIAK
SUSAN H. FISCHER
(301) 823-5800
FAX (301) 321-8811
LOYOLA FEDERAL BUILDING
21 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-2004

June 30, 1989

Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

Re: Faulkner Zoning Matter
Case #88-240-X

REMO-DELIVERED

On behalf of Gordon K. Faulkner, Petitioner in the above matter, please note our appeal of the decision of June 5, 1989. Our check for \$15.00 (\$10.00 appeal fee, \$5.00 sign fee) is enclosed.

Very truly yours,
David L. Dowell
DAVID L. DOWELL

DLDrms/8906/2943042369L
Enclosure
cc: Carroll J. Holzer, Esquire
Mr. Gordon K. Faulkner

PAYMENT
6/30/89 (O.K. CW)
ZONING OFFICE

DOWELL, SALTYSIAK & ASSOCIATES
ATTORNEYS AT LAW

DAVID L. DOWELL
WILLIAM A. SALTYSIAK
SUSAN H. FISCHER
(301) 823-5800
FAX (301) 321-8812
LOYOLA FEDERAL BUILDING
21 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-2004

December 29, 1989

Board of Appeals of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Faulkner Airstrip Matter
Case #88-240-X

Gentlemen:
I respectfully request a postponement of the above zoning appeal, presently set before you on February 6. This is the first postponement request by either side.

This is a relatively complicated case, involving issues of both law and fact; I have been swamped in work lately, and don't think I can be prepared by early February. Additionally, my client has at least tentative plans to be out of town on business. Further, in the event the Board wishes to observe a demonstration flight at the proposed airstrip, we are likely to have more suitable weather in April or May.

Carroll Holzer, Esquire, who represents the protestants, does not object to this request.

Thank you for your interest in this matter, and please advise.

Very truly yours,
David L. Dowell
DAVID L. DOWELL

DLDrms/8912/274682369L
cc: Carroll Holzer, Esquire
Mr. Gordon K. Faulkner

DOWELL, SALTYSIAK & ASSOCIATES
ATTORNEYS AT LAW

DAVID L. DOWELL
WILLIAM A. SALTYSIAK
(301) 823-5800
LOYOLA FEDERAL BUILDING
21 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-2004

October 9, 1990

REMOVED
DELIVERED
COUNTY BOARD OF APPEALS
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Re: Faulkner Zoning Matter
Case #88-240-X

Gentlemen:
The above case is set to resume before you at 10:30 a.m. on October 19; however, I am constrained to request a postponement for two reasons. First, my client owns an automobile dealership in South Carolina. Unfortunately, the on-site general manager unexpectedly quit, and this has required my client to operate the dealership personally. He has been gone for weeks at a time, and has not been available to me to help with preparations for his case. It would also be difficult for him to personally appear on the 19th. Second, one of our witnesses, Jack Pope, the pilot who flew the demonstration flights into and out of the Faulkner strip, died several weeks ago, and we need time to arrange for a substitute.

We estimate it will require at least several more months before the problems at the dealership can be resolved, and knowing the Board's own schedule, we realize that a postponement would probably put off a resumption of this hearing until the spring of 1991. I have unsuccessfully attempted to contact Carroll Holzer, who represents the protestants, to secure his acquiescence; however, a delay would not prejudice the protestants, and indeed, unless and until the Board renders a favorable decision, there will be no flying, and the longer there is no flying, the happier the protestants are.

Thank you for your time and consideration.

Very truly yours,
David L. Dowell
DAVID L. DOWELL

DLDrms/9010/18482369L
cc: Mr. Gordon K. Faulkner
J. Carroll Holzer, Esquire

DOWELL, SALTYSIAK & ASSOCIATES
ATTORNEYS AT LAW

DAVID L. DOWELL
WILLIAM A. SALTYSIAK
(301) 823-5800
LOYOLA FEDERAL BUILDING
21 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-2004

February 20, 1991

Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Faulkner Airstrip
Case #88-240-X

Gentlemen:
The above case (airstrip on farm in Sparks) is set to resume on March 8. I regret, however, that I must request a continuance due to the fact that my client continues to be forced to remain in away because of pressing and unavoidable out-of-state business matters. This is the very same reason which forced us to request a postponement a few months ago. We had expected the problem to be cleared up by now, but unfortunately, it isn't.

I have not had a chance to discuss this with Carroll Holzer, but would think that a postponement would please his clients, as it would mean another few months with no flying and no legal bills.

We appreciate the Board's continued understanding in this matter.

Very truly yours,
David L. Dowell
DAVID L. DOWELL

DLDrms/9102/18482369L
cc: J. Carroll Holzer, Esquire

DOWELL, SALTYSIAK & ASSOCIATES
ATTORNEYS AT LAW

DAVID L. DOWELL
WILLIAM A. SALTYSIAK
SUSAN H. FISCHER
(301) 823-5800
FAX (301) 321-8812
LOYOLA FEDERAL BUILDING
21 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-2004

May 1, 1992
#6639

Chairman William T. Hackett
Baltimore County Board
of Appeals
Old Courthouse
Towson, Maryland 21204

RE: Case No.: 88-240-X
Gordon K. Faulkner

Dear Chairman Hackett:
I received your letter of April 16, 1992 suggesting dismissal of the above captioned case. It was my recollection that Mr. Dowell had advised the Board by correspondence that he was no longer pursuing this matter. However, I may be incorrect. I believed, based upon Mr. Dowell's stated position, that he was no longer pursuing this appeal.

Please advise if there is any change in this status.

Very truly yours,
Carroll Holzer
Carroll Holzer

JCH:mjg
cc: David Dowell, Esquire

05 JUN 12 12 43 16
BALTIMORE COUNTY



GREATER SPARKS-GLENCOE COMMUNITY COUNCIL

P.O. Box No. 4 Sparks, Maryland 21152

Mr. Robert Haines, zoning Commissioner

April 3, 1988

Dear Mr. Haines -

Our community association feels so strongly opposed to the proposed striping and changes on Route 2 that we have to address again our concerns. Ridge Valley in Sparks is both a natural and a scenic area. It is beautiful! This area was designated as a rural area and has remained so through the years. It is an historic district. It is tremendously important to the County for many reasons. It provides a natural resource for horse raising (the County's third largest use), cattle raising. It provides a scenic view of natural resources and it provides a natural resource for recreation. It is a beautiful and historic area. It is important and beautiful. It is important and beautiful.

The striping in rural Route 2 is dangerous and destructive. The idea of a striping like would set an extremely dangerous precedent with a very detrimental impact on the area - the people, farms, and culture.

Our people's convenience and pleasure does not justify the endangering and destroying the well being of a entire community - in our area or any other.

We appreciate your thoughtfulness on this issue. Sincerely, Jack Stephens

2/24/88

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, MD 21204

Dear Sir:

Though we are unable to attend the public hearing scheduled for February 25, 1988 concerning the petition for special exception on the property at the corner of Taward Road and Bullard Road in Sparks, we are unable to attend to this petition calling for an airstrip and hangar at that location.

Sincerely,

John Woodall Stephens 15201 Wheeler Lane Sparks, MD 21152

Jack Stephens

Baltimore County Board of Appeals County Office Building, Box 315 Towson, Maryland

Re: Petition for Special Exception Gordon K. Faulkner, Petitioner Case No. 88-240-1

Dear Board:

Please enter my appearance in the above entitled matter.

I appeared in the case as a Protestant before the Zoning Commission.

My son, K. Webster Bosley, appeared as an expert witness as a member of the Civil Air Patrol and as a professional Wind expert who address is listed as Pine Valley, California.

Very truly yours,

John T. Bosley

Kenneth T. Bosley Box 205 Sparks, Maryland 21152 771-4316

Oct 30, 1987

01-1117 513000

01-1117 513000

Charles and Robin Hundley 2005 Inwood Road Sparks, MD 21152

February 24, 1988

Mr. J. Robert Haines Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, MD 21204

Re: An airstrip & hangar on the S/W corner of Taward Road & Bullard Road Gordon K. Faulkner, Case #88-240-1

Dear Mr. Haines:

Although I am unable to attend this meeting my absence does not reflect a lack of interest. Indeed my husband and I are very concerned in what is at stake here. Rolling countryside does not become urban overnight. It begins with only one or two seemingly innocuous changes in zoning. The 'snowball effect' is a tired cliché, but nothing describes the eventual and rapidly occurring results better.

In regards to the proposal itself - anyone who chooses to live in the Sparks - Bosley area was already committed to doing some driving to get home. But in return we wake up each morning to see deer, rabbits, many varieties of birds and, of course, the neighborly horses and cows. Heavy trucks unless they are farm related, are off limits to these peaceful pastures. An airstrip, hangar, runway and heliport (which will be needed) have to be sited in a few years' just does not fit into this pastoral ideal.

We very simply like living here and feel very strongly about preserving a rapidly disappearing way of life. In addition to the above reasons, the obvious threat to the safety of all of the inhabitants of the area should make it self-evident that this permit must be denied.

I would greatly appreciate hearing about your findings in this matter.

Sincerely yours,

Robin McCowan Inwood Hundley

Charles Baird Hundley

PROTESTANT(S) LIST IN GORDON FAULKNER CASE 88-240-1

Ken Webster Bosley P.O. Box 927 Pine Valley CA 92062

Cleon W. Shatt, Jr. 15117 Wheeler Lane Sparks, Md. 21152

William B. Seches 1624 Bullard Road Sparks Md. 21152

Lesna J. Grims 15229 Taward Road Sparks, Maryland 21152

Dr. W. Robert Shortall Mrs. Sammie Shortall 15401 Taward Road Sparks, Md. 21152

Jonathan J. Greenway 1790 Springfield Lane Frederick, Maryland 21701

E. Holly Metzger 15125 Western Lane Sparks, Md. 21152

Anne B. Hackney 1729 Western Run Road Cockeysville, Md. 21030

Edward Kenney 14835 Carroll Road Phoenix, Md. 21131

Alfred Biltzer 1112 Bullard Road Sparks, Md. 21152

L. Joseph 1112 Bullard Road Sparks, Md. 21152

Neryl Warburton 15200 Wheeler Lane Sparks, Maryland 21152

Margaret Madson 15200 Wheeler Lane Sparks, Maryland 21152

Russ G.F. Lanlett, Jr. 14925 Taward Rd. Sparks, Maryland 21152

Hillard Slope Marlene Slope 16540 Yooho Road Sparks, Maryland 21152

Janifer B. Bamberg 1651 Bullard Road Sparks, Maryland 21152

Alice Cross Dorrance 1420 Bullard Rd. Sparks, Md. 21152

W.D. Bamberg 1651-1711 Bullard Road Sparks, Maryland 21152

Hurry Pullen 1625 Sparks Road Sparks, Md. 21152

F. Peters 15625 Yooho Road Sparks, Md. 21152

Sharon D. Suckowear 16429 Yooho Road Sparks, Maryland 21152

Linda Blaine 15615 Yooho Hill Road Sparks, Md. 21152

Alvin Steiner 15601 Manor Hill Rd. Sparks, Md. 21152

Shirley Case 15600 Clifton Road Sparks, Md. 21152

Dorothy Carroll 1120 Bullard Road Sparks, Maryland 21152

Carolyn Murphy 15207 Wheeler Lane Sparks, Md. 21152

Kenneth E. Michael Sr. 15124 Wheeler Lane Sparks, Md. 21152

Denise R. Rapa 14629 Thornton Hill Rd. Sparks, Md. 21152

Helen E. Seward 15415 Taward Road Sparks, Md. 21152

S.R. Pearce 15225 Taward Road Sparks, Md. 21152

Mr. and Mrs. C. Richard Lohmert 707 Old Bullard Road Sparks, Md. 21152

Richard T. Harris 1540 Bullard Road Sparks, Maryland 21152

Harry H. L. (Illegible) 1540 Bullard Road Sparks, Md. 21152

Marshall Smith 1618 Bullard Road Sparks, Md. 21152

Louise E. Hollyday 15215 Wheeler Lane Sparks, Md. 21152

Linda Blaine 15615 Yooho Hill Road Sparks, Md. 21152

Alan Steiner 15601 Manor Hill Rd. Sparks, Md. 21152

Dr. and Mrs. Morton Redlich 15014 Taward Road Sparks, Md. 21152

Karen Shortless 15717 Yooho Road Sparks, Md. 21152

Ann C. Bells 15629 Pineville Road Sparks, Md. 21152

Denise W. McCafferty 1306 Bullard Road Sparks, Md. 21152

LIST OF PETITIONER'S WITNESSES, GORDON FAULKNER CASE 88-240-1

Jeffrey Blair Bald Area Real Estate Appraisers, Inc. 19 W. Pennsylvania Avenue Towson, Maryland 21204

David Soul Baltimore Sound Engineering Co., Inc. 6712 Whitestone Road Baltimore, Maryland 21207

Jack Poppo 1120 Inwood Road Sparks, Maryland 21157

James A. Forbes 16023 Harford Road Wootton, Maryland 21111

1971 SATURDAY
DECEMBER 26, 1967

Plane crash kills pilot in Carroll

Son, lone passenger, is seriously hurt

By Brian Kladko

An 18-year-old Carroll County man, flying a single engine airplane with his son as a sole passenger, crashed shortly after takeoff from an airport near Parkersburg, West Virginia, on Saturday, Dec. 23, 1967. The pilot, Charles Earl McWilliam, 39, of 1000 E. Parkersburg, was pronounced dead at the scene of the crash by the Carroll County coroner, John A. Smith.

The son, Charles Earl Smith Jr., 18, of 1000 E. Parkersburg, was seriously injured. He was taken to the Parkersburg Hospital, where he was being treated in intensive care. The crash occurred about 10 miles north of Parkersburg. The plane was flying at an altitude of about 1,000 feet when it crashed. The cause of the crash is still under investigation.

Pilot said that the sky was clear, but it was not raining at the time of the crash. McWilliam said he was flying for his husband and son because they were out to Christmas dinner. He said that he was flying for his wife and son because they were out to Christmas dinner. He said that he was flying for his wife and son because they were out to Christmas dinner.

McWilliam had been flying for 10 to 15 years. Mrs. Smith said she was a member of the Civil Air Patrol. She said that she had been flying with her husband for several years. She said that she had been flying with her husband for several years.

The small airport, which was built in 1972, has a 2,000-foot grass runway and no tower or radio communication.

The owner, Robert Smith, who lives near the airport, was also injured. He was taken to the hospital and is recovering.

The crash occurred on a clear day. The weather was good. The pilot was flying at a low altitude. The plane was flying at a low altitude.

The crash occurred on a clear day. The weather was good. The pilot was flying at a low altitude. The plane was flying at a low altitude.

The crash occurred on a clear day. The weather was good. The pilot was flying at a low altitude. The plane was flying at a low altitude.

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The crash occurred on a clear day. The weather was good. The pilot was flying at a low altitude. The plane was flying at a low altitude.

PETITION(S) EXHIBIT (3)

- 3-1
- 3-2
- 3-3
- 3-4
- 3-5
- 3-6

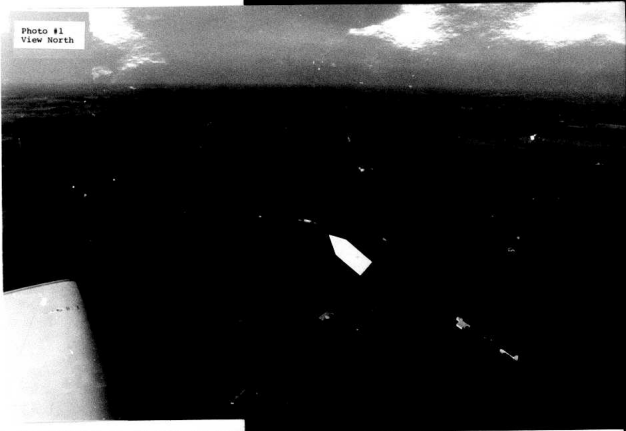


Photo #1
View North



Photo #2
View East



Photo #3
View Southeast



Photo #4
View South



red = house
green = runway
yellow = ground track



Photo #5
View West



Photo #6
View Northwest

Handwritten notes:
 1. ...
 2. ...
 3. ...
 4. ...
 5. ...

APPLICATION FOR REGISTRATION OF PRIVATE AIRPORT

Application is hereby made for the registration of the below named airport:

SECTION I - AIRPORT IDENTIFICATION

1. Official Name of Airport Fairfield
Address Belfast and Tanyard Hds., Sparks, Maryland
County Baltimore County
Zip Code 21152 Telephone 472-2709

2. Applicant Gordon K. Faulkner
Address 3700 Hidden Avenue
City Baltimore State Maryland
Zip Code 21211 Telephone 225-7333

SECTION II - AIRPORT DATA

1. LOCATION
(a) Distance and direction FROM nearest city or town. _____ miles _____ from Cockeysville
(b) Latitude 39 32 38 N Longitude 076 41 61 W
(c) Elevation above mean sea level 150 m-ft
(d) Size of airport property 50 acres

2. LANDING AREA
List all runways
(a) Numerical designation 5 / 23 / / /
(b) Length 1300
(c) Width 50
(d) Surface (turf or hard) turf
(e) Length of overrun 5 mil 231600

P.O. Box 6768 Baltimore/Washington Airport, Maryland 21140-0768 Telephone: (301) 852-7100
TV Fax: (301) 852-7249

EXHIBIT 5

John Foster Bacon
Woodrow Dale Farms
Sparks, Maryland 21152

April 5, 1988

Dear Mr. Faulkner:

To set the record straight, not everybody in the Butler/Sparks community opposes your plan to operate a light, single engine airplane from your property at the corner of Belfast and Tanyard Roads. The majority have spoken and in so doing most have expressed their objections. I respect them for their opinions. Now is the time for a member of the minority to express his.

My decision is based on two assumptions: (a) that the type of plane to be used will be similar to the one that I observed from your front lawn during its three practice landings and three take-offs last winter; and (b) that the flight pattern will always be the same, i.e., northeastern approach and south-western departure. This pattern would necessitate that your final approach would be over the pasture east of our house and your take-off would be over the same pasture. This pasture is owned by my family. In addition there is approximately 100 acres owned by my family which surrounds your property. I recognize that some day a future buyer of my property may not share my opinion, however, I want you to know that I do not object to your plans.

I will never forget the thrill that I experienced as a youth when an airplane flew overhead. No matter what I was doing, I immediately stopped everything to gaze at it in awe! During World War II, I served on board two aircraft carriers in the Pacific and though not a pilot I rushed up to the flight-deck to observe flight quarters at every opportunity. I considered it a momentous event when one of my pilot buddies took me on a flight to and from the deck experience (National Airport excepted) and flight, even on the uncomfortable modern monsters, is an event in my life. If your application is approved I do hope my grandson will be visiting me on one of the days that you will be flying in and out of your strip. I want him to share the same wonderful thrill that I experienced so many years ago.

PETITIONER'S
EXHIBIT 6



BALTIMORE SOUND ENGINEERING INC.
4713 WHITESTONE ROAD BALTIMORE, MARYLAND 21207-4179 (301) 288-0434

SOUND PRESSURE MEASUREMENTS
PREPARED FOR
AIRCRAFT LANDING STRIP

Location: Faulkner Residence
Belfast Road
Baltimore County, Maryland

Time: 1:00PM
Date: February 5, 1988

Test Equipment: Simpson Sound Pressure Level Meter
Model 886
Calibrated Prior to Usage

Data: All levels measured on "A" scale at maximum peak

Test Aircraft - Christen Husky
Ambient noise level: 50 dB

1st Observation Point: Approximately 1000 feet from the runway measured at neighbors residence on Belfast Road.
Take-off - 75 dB
Landing - 50 dB

2nd Observation Point: Approximately 800 feet from the runway. Measured at neighbors residence located at first house on Tanyard Road.
Take-off - 84 dB
Landing - 50 dB

3rd Observation Point: Approximately 1000 feet from the runway. Measured at neighbors residence located at second house on Tanyard Road.
Take-off - 78 dB
Landing - 50 dB

PETITIONER'S
EXHIBIT 8

TELEPHONE
301-852-0424

AREA REAL ESTATE APPRAISERS, INC.
19 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21284
January 28, 1988

Susan Fischer, Esq.
22 W. Pennsylvania Avenue
Loyola Federal Building
Towson, Maryland 21284

RE: Gordon K. Faulkner Property
13401 Tanyard Road
Sparks, Maryland 21152

Dear Ms. Fischer:

Pursuant to your request and authorization, I have made a careful investigation and analysis of the surrounding area and neighborhood of the above referenced property relative to the proposed installation of a private, non-commercial, grass airstrip on the premises.

I have inspected the subject property in December and early January and my comments and conclusions are based upon market data available as of the writing of this letter.

The subject property is located in northern Baltimore County in an area generally referred to as Sparks. Situated at the intersection of Belfast and Tanyard Roads, access to local and regional shopping and businesses is by way of rolling country roads and nearby I-83.

This rural location is approximately 601 built-up with single family owner occupancy predominant. Large, single land holdings prevail throughout the area with a number of agricultural uses still in operation. Growth rate is considered steady with property values increasing, also at a steady pace. Demand and supply is good with marketing time generally taking 2 - 4 months. Employment stability, recreational facilities, general appearance of properties and appeal to the market are all rated good.

The present owner took title to the subject site in early 1983. Consideration paid for 49.06 acres was \$185,000. The deed is recorded among the Land Records of Baltimore County in Liber 6913 Page 284 and additionally is described in Baltimore County Plat Book 32-145. Present zoning as classified by the Baltimore County Zoning Regulations is RC-2, a restrictive resource conservation zone. This irregular corner site is gently rolling with a panoramic view of the surrounding countryside.

PETITIONER'S
EXHIBIT 9

88-240-X

Notes + Video Tapes
London Faulkner
Case
88-240-X

PER EXHIBIT
10



Exhibits
88-240-X

- 1. Petitioner/Appellant
✓ 1. Copies of Gordon Faulkner's
Foot Book
- 2. Manufacturer's Brochure
for Husky A-1 Utility Aircraft
- 3. Flight Manual 5/1/87 for
Husky A-1
- 4. Copy of Transamerica Ins. Co.
policy on Husky 2/5/90-2/5/91
- 5. Photogrametric Maps marked
by Petitioner/Appellant, 1986 1"-200'
- 6. Site Plan - color-coded 1"-100'
- 7. Photograph of 'topped' trees
- 8. Ltr. to Mr. Faulkner from
Theodore L. Mathison 3/29/88
MDOT
- 9. Ltr. to Susan H. Fischer from
Theodore L. Mathison 7/29/88
MDOT
- 10. Video tapes (ID only) 2/16/88
"Gordon's Landing"
(over)

No.	NAME	ADDRESS	CITY	STATE	ZIP	PROPERTY TAXES		MORTGAGE		TOTAL TAXES	
						1987	1988	1987	1988	1987	1988
1
2
3
4
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CHRISTEN INDUSTRIES, INC

AIRPLANE FLIGHT MANUAL

CHRISTEN A-1

HUSKY

SERIAL # 1097

REGISTRATION # N20721-246F

FAA APPROVED: *Richard H. Trebor*
MANAGER, DENVER AIRCRAFT
CERTIFICATION OFFICE
NORTHWEST MOUNTAIN REGION
FEDERAL AVIATION ADMINISTRATION

DATE: May 1, 1987

"This Aircraft Data Page, the policy cover, the aircraft insurance policy, all endorsements and your application form your complete insurance policy. This page contains any aircraft data page covered under the insurance policy." Reference Number: 189-00990-004-A

Issued by: TRANSAMERICA Insurance Company Policy Number: 189-00990-004-A

Unless otherwise stated below, named insured is an "Owner" and an "Insured".

Item 1: RELEASE AVIATION, INC. & GORDON FAULKNER & COMPANY
Item 2: 3700 MAIDEN AVENUE BALTIMORE, MD 21211
Item 3: Private, Business and Pleasure uses EXCEPT any use for which an insured person receives or expects to receive compensation.

Item 4: **COVERAGE, LIMITS OF LIABILITY AND AMOUNT OF BENEFITS.** Coverage is provided where a provision and limit of liability are shown for the coverage.

COVERAGE	LIMIT OF LIABILITY	PERIOD
A. BODILY INJURY (including Passenger) and Property Damage	\$1,000,000 Each Person \$1,000,000 Property Damage	\$1,000,000 \$1,000,000
B. Medical Payments	\$500 Each Passenger INCLUDED	\$
C. Aircraft Physical Damage	\$111,000 Per Aircraft \$500 Per Inflation \$500 Deductible	\$ 2,000 \$ 2,000 \$
ENDORSEMENTS: 1501(10/10/88) 1900(10/10/88) 1900(10/10/88)		

Item 5: This policy applies when the named aircraft is in flight; it only will be operated by the pilot's named or endorsed pilot, and the named aircraft is in flight. It does not apply to any other aircraft, and it does not apply to any other aircraft.

PILOTS	Certification and Ratings	LOGGED HOURS				Occupation	Age
		Total	Gear	Multi	Engine		
FAULKNER, GORDON	PTE	500	100	100	100		54
ANY PILOT	PTE	500	100	100	100		20-69

Item 6: FINANCIAL INTEREST. Any loss under Coverage C is payable as indicated above to you and to the party named below.

Approved by: *Richard H. Trebor*
DATE: *May 1, 1987*

Maryland Department of Transportation
STATE AVIATION ADMINISTRATION

Richard H. Trebor Secretary
Theodore E. Mathison Administrator

March 29, 1988

Mr. Gordon K. Faulkner
3700 Maiden Avenue
Baltimore, Maryland 21211

Dear Mr. Faulkner:

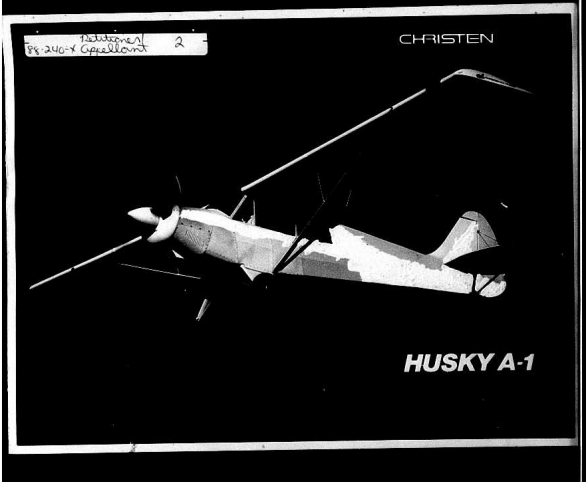
Thank you for sending us your Application for Registration of a Private Aircraft and the supplemental statement of its intended use. We appreciate such thoroughness and are pleased to see both planned use of the airport.

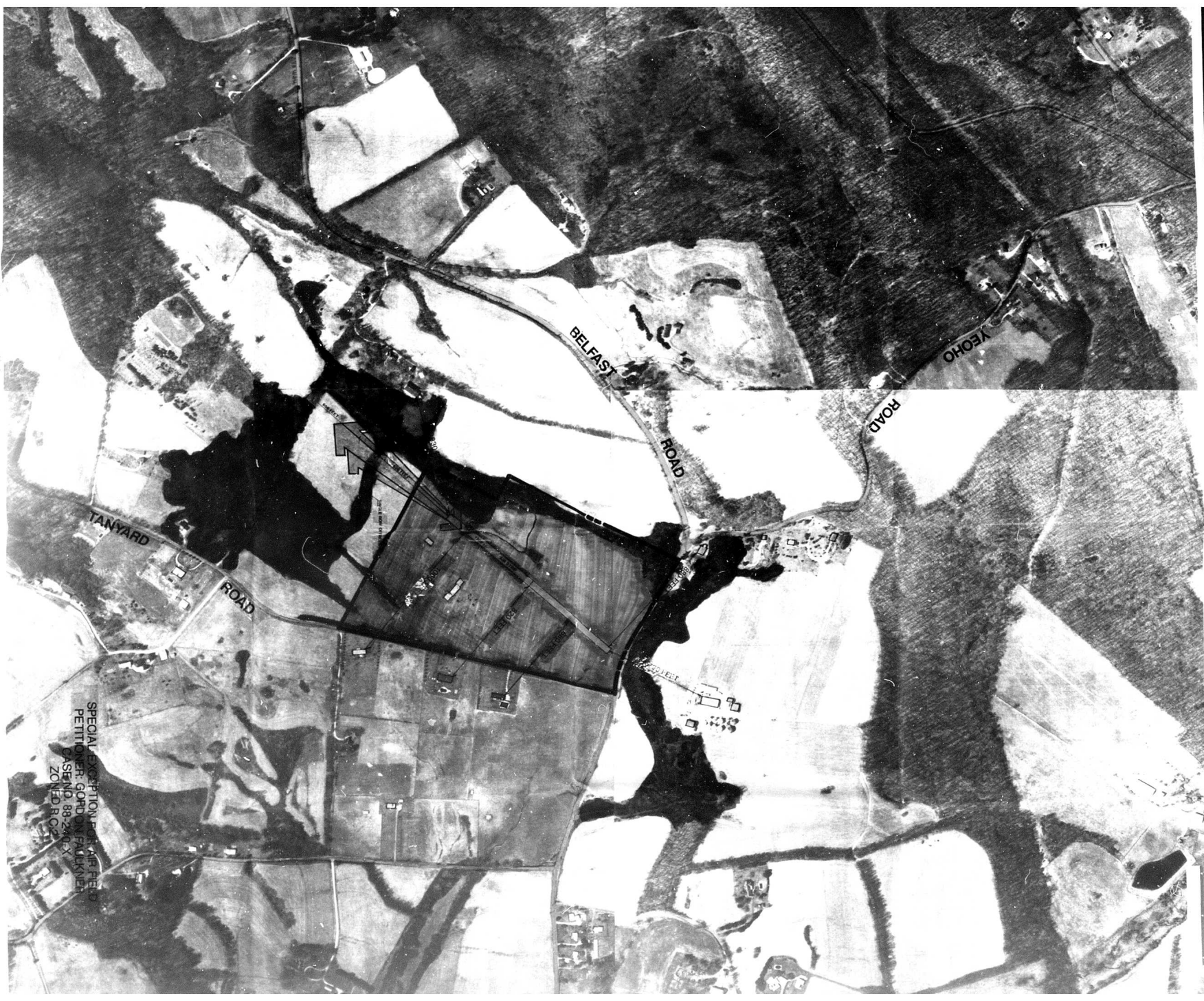
Representatives of the State Aviation Administration (SAA) inspected the site of your proposed airport at Sparks, Maryland, on March 16, 1988. In addition, we have reviewed the proposed development plan provided by your representative, Mr. John F. R. Scott, Jr. I regret to say that because of existing and proposed obstructions on the site that limit the usable runway length, we cannot approve the site as an unrestricted private-use airport.

It is our understanding, however, that you wish to establish the site for use only by your own single-engine, STOL-type aircraft, using the proposed Runway 05 for landings and Runway 23 for takeoffs. As permitted by Section 11.03.04.08A(3) of the Maryland Aeronautical Regulations, the site may be approved as a restricted airport if found to be of sufficient size to safely accommodate a particular type of aircraft. If you remove two trees now obstructing the approach to Runway 05, and reposition your proposed hangar to a location clear of the trapezoidal-shaped approach some, it is possible that the site could be approved for use with a particular type of STOL aircraft. A final decision is dependent upon the performance capability of the particular aircraft you propose to use.

During our inspection, we determined that your proposed runway has an overall length of 1,285 feet; however, the proposed hangar and existing trees severely limit the usable portion of the runway following table indicates the calculated impact of each obstruction.

P.O. Box 8768, Baltimore/Washington Int'l Airport, Maryland 21240-0768 Telephone: (301) 855-1100
TTY Fax: (301) 855-1887





DATE: 11/1/88
BY: [illegible]

SPECIAL EXCEPTION FOR AIR FIELD
PETITIONER: GORDON FAULKNER
BASED ON 88-249-X
ZONED R-2

July 29, 1988

Ms. Susan H. Fischer
 c/o Howell, Salyerak and Associates
 22 N. Pennsylvania Avenue
 Towson MD 21284-5084

Dear Ms. Fischer:
 Thank you for informing us that Gordon K. Faulkner has decided to purchase a Christen Industries Model A-1 (Buzzy) for use at his proposed airstrip near Sparks, Maryland.

Based upon our analysis of the performance data published by the manufacturer of the aircraft and approved by the Federal Aviation Administration (FAA) for use in the pilot's Flight Manual, and the demonstration flights conducted at the site on June 6, 1988, by Jack Ponger, it appears that the aircraft can be operated safely from the proposed airstrip when operated within the flight envelopes reflected in the referenced Flight Manual.

Upon receipt of a favorable ruling by the Baltimore County zoning officials allowing you to operate your airport and receipt of airspace approval by the FAA, we will be prepared to issue Mr. Faulkner an Airport Operating Certificate designating the airstrip as a Private-Use/Non-Commercial airstrip. The certificate will bear the following restrictions:

- Approved only for use by Christen Model A-1 aircraft;
- Limited to VFR daylight operations;
- Landings only on Runway 05; take-offs only on Runway 23; and
- Not to be used for flight instruction.

POSSIBLE RESTRICTIONS - FAULKNER AIRSTRIP

FIELD LIMITATIONS

- Aircraft must be kept in hangar
- No maintenance performed at strip
- No fuel or petroleum stored at strip
- No runway lights, beacon, etc.
- No radio antennas
- Mark runway with X's
- Do not list strip on aviation charts
- Install Visual Approach Slope Indicator (VASI)

OPERATING LIMITATIONS

- Daytime use only
- Good weather (VFR) use only
- One-way operation: takeoff to southwest, land to northeast
- Use modified straight-in (down-lee south) approach and departure path
- Private use - Faulkner only - no outsiders
- No fly-ins, air shows, flight demonstrations
- All flights in accordance with FAA & State Aviation Administration regulations, manufacturer's limitations, insurance requirements, whichever are higher

AIRCRAFT LIMITATIONS

- Aircraft maintained to FAA, manufacturer & insurance company standards, whichever are higher.
- All maintenance by FAA certified mechanic
- Aircraft must be airworthy
- Only aircraft in Buzzy
- One aircraft only

PILOT CONDITIONS

- Maintain insurance of at least \$1,000,000
- Faulkner may not operate solo until approved by FAA certified flight instructor
- Faulkner must have current FAA pilot license, current FAA flight physical, meet all FAA & insurance requirements

M. DAVID LOEBURN ATTORNEY AT LAW
 100 INTERNATIONAL CENTER, SUITE 2000
 HUNT VALLEY, MARYLAND 21084
 (301) 260-2530
 TELEFAX: (301) 264-1113

June 7, 1988

Gordon K. Faulkner
 3700 Malden Avenue
 Baltimore, MD 21211

Dear Mr. Faulkner:
 As one of your neighbors in Belfast Valley (just up the hill at 15701 Yeoho Road), I would like to convey my sense of bewilderment and embarrassment on the treatment you are receiving because you want to operate a small plane in and out of your property.

For myself and my wife, I can say that we support your right to have a plane and grass strip on your property. We do not understand why the proposed plane is objectionable in light of its safety and low noise features.

It is ironic how the good citizen protest group, professing such fervent belief in and support for the notion of "property rights" is so quick to condemn you for wanting to use your property in the manner you desire. Could it be that your "property rights" don't rise to the same level of importance as their "property rights"?

If you wanted to fly jets, jet props or cargo transports in and out of Belfast Valley, it too would object. But to carry on this protracted debate about "property rights" [equivalent?] that's stretching any legitimate concern or interest of the community too far.

Very truly yours,
 M. David Loeburn

PETITIONER'S EXHIBIT 13

CHRISTEN INDUSTRIES AIRPIECE FLIGHT MANUAL MODEL A-1 AIRPLANE
 PETITIONER'S EXHIBIT 14

SECTION I OPERATING LIMITATIONS

AIR SPEEDS	IAS
Airspeed Limitations	
1. Maximum flap operation (Vfe)	73 MPH (Do not exceed in any operation with flaps extended.)
2. Maximum structural cruising speed (Vno)	119 MPH (Do not exceed this speed in smooth air, and then only with caution.)
3. Never exceed speed (Vne)	152 MPH (Do not exceed this speed in any operation.)
Airspeed Indicator Markings	145
1. Flap extended speed (white arc)	44 MPH
to maximum flap extended speed	73 MPH
2. Normal operating range (green arc)	50 MPH
to maximum normal operating speed	119 MPH
3. Caution range (yellow arc)	119 MPH
to never exceed speed (red radial)	152 MPH
4. Never exceed speed (red radial)	152 MPH

POWERPLANT LIMITS

For Lycoming 0-360-C16 engine and Hartzell HC-C2V-18F/J7666A propeller. Propeller minimum diameter is 76 inches. Propeller maximum diameter is 76 inches.

1. Propeller Pitch Settings	High Pitch 29° ± 1.0° Low Pitch 13° ± 0° - 0.5°
2. Maximum Continuous Power	180 H.P. at 2700 RPM
3. Normal Operating Power	135 H.P. at 2400 RPM
4. Minimum Fuel Grade	100/100L Octane
5. Oil Pressure	25 PSI
Minimum (red radial)	25 PSI
Caution Range (yellow arc) from	60 PSI
to	60 PSI
Normal Range (green arc) from	60 PSI
to	90 PSI

FAA APPROVED May 1, 1987

March 29, 1988

Mr. Gordon K. Faulkner
 3700 Malden Avenue
 Baltimore, Maryland 21211

Dear Mr. Faulkner:
 Thank you for sending us your Application for Registration of a Private Airport and the supplemental statement of its intended use. We appreciate such thoroughness and are pleased to see both the extent of your interest in aviation and foresight in the planned use of the airport.

Representatives of the State Aviation Administration (SAA) inspected the site of your proposed airport at Sparks, Maryland, on March 16, 1988. In addition, we have reviewed the proposed development plan provided by your representative, Mr. John F. R. Scott, Jr. I regret to say that because of existing and proposed obstructions on the site that limit the usable runway length, we cannot approve the site as an unrestricted private-use airport.

It is our understanding, however, that you wish to establish the site for use only by your own single-engine, STOL-type aircraft, using the proposed Runway 05 for landings, and Runway 23 for takeoffs. As permitted by Section 11.03.04.08A(3) of the Maryland Aeronautical Regulations, the site may be approved as a restricted airport if found to be of sufficient size to safely accommodate a particular type of aircraft. If you remove two trees now obstructing the approach to Runway 05, and reposition your proposed hangar to a location clear of the trapezoidal-shaped approach zone, it is possible that the site could be approved for use with a particular type of STOL aircraft. A final decision is dependent upon the performance capability of the particular aircraft you propose to use.

During our inspection, we determined that your proposed runway has an overall length of 1,282 feet; however, the proposed hangar and existing trees severely limit the usable portion of the runway due to the requirements for a 20:1 obstruction clearance slope. The following table indicates the calculated impact of each obstruction.

Richard H. Trainer Secretary
 Theodore E. Mathison Administrator
 Maryland Department of Transportation
 STATE AVIATION ADMINISTRATION

July 29, 1988

Ms. Susan H. Fischer
 c/o Howell, Salyerak and Associates
 22 N. Pennsylvania Avenue
 Towson MD 21204-5084

Dear Ms. Fischer:
 Thank you for informing us that Gordon K. Faulkner has decided to purchase a Christen Industries Model A-1 (Buzzy) for use at his proposed airstrip near Sparks, Maryland.

Based upon our analysis of the performance data published by the manufacturer of the aircraft and approved by the Federal Aviation Administration (FAA) for use in the pilot's Flight Manual, and the demonstration flights conducted at the site on June 6, 1988, by Jack Ponger, it appears that the aircraft can be operated safely from the proposed airstrip when operated within the flight envelopes reflected in the referenced Flight Manual.

Upon receipt of a favorable ruling by the Baltimore County zoning officials allowing you to operate your airport and receipt of airspace approval by the FAA, we will be prepared to issue Mr. Faulkner an Airport Operating Certificate designating the airstrip as a Private-Use/Non-Commercial airstrip. The certificate will bear the following restrictions:

- Approved only for use by Christen Model A-1 aircraft;
- Limited to VFR daylight operations;
- Landings only on Runway 05; take-offs only on Runway 23; and
- Not to be used for flight instruction.

APPLICATION FOR REGISTRATION OF PRIVATE AIRPORT

Application is hereby made for the registration of **PETITIONER'S EXHIBIT 12**

SECTION I - AIRPORT IDENTIFICATION

1. Official Name of Airport Fairfield
 Address Belfast and Tanyard Rds., Sparks, Maryland
 County Baltimore
 Zip Code 21152 Telephone 412-2709

2. Applicant Gordon K. Faulkner
 Address 3700 Malden Avenue
 City Baltimore State Maryland
 Zip Code 21211 Telephone 225-7333

SECTION II - AIRPORT DATA

1. LOCATION

(a) Distance and direction FROM nearest city or town. 4 miles
 (b) Latitude 39 32 12 miles NW from Cockeysville
 (c) Elevation above mean sea level 450 m/l Longitude 076 41 44
 (d) Size of airport property 50 acres

2. LANDING AREA

List all runways

(a) Numerical designation 5 / 23
 (b) Length 1300
 (c) Width 50
 (d) Surface (soft or hard) ASPH
 (e) Length of overrun 50ft / 21,600

472-4766 - Indy
 PROTESTANT'S EXHIBIT 15

Wheeler Lane where I have lived since 1956. I own and operate a riding school, Ponies for Children, Inc., on these premises. I teach riding to children aged 3 and up. Before 1956, I taught for 10 years on my property on Cowpens Rd in what is now the Greater Towson area. But by the early 1950's the area was changing rapidly and the operation of a riding school for little children became hazardous. So I moved to Sparks. Here I made sure that even though I was in farming country my set up for teaching was removed from all roads and in the center of my acreage so that I would have control over conditions when the children rode.

An airstrip in this area could put me out of business. Insurance rates for riding schools are prohibitive now, even under my set up. But the danger posed by ponies shying or spooking from incoming or outgoing planes is something I feel I could not guard against.

I moved to my present location to make sure my pupils had the safest environment possible in which to learn. I feel that if I cannot assure them of that safe environment, I cannot continue to teach them. After better than 40 years of earning a living in this business, that would be a bitter blow indeed. I respectfully request that the petition to build this airstrip be denied.

Drew Robert Shelton
15407 Tanyard Rd
Sparks, Md 21152
5-11-1988

Dear Mr. Haines:

I feel that Gordon Faulkner desires to land a business plane at his private residence is one mans selfish desire to disrupt a quiet country community and possibly jeopardize the residents. Mr Faulkner's home is surrounded by other homes and his proposed airstrip leads into Belfast road, electric lines, and a can dryer where large quantities of propane gas are stored.

Most airplane accidents occur on takeoff or landing. Commercial airports have been designed and located to provide maximum safety to the people on the plane as well as the people on the ground. There are local commercial airports readily available for the utilization by private business aircraft. Both Westminster Airport and Martins airport are a short drive from Mr. Faulkner's property. The thirty minute drive to get to either of these locations is nothing to ask for

The added safety they provide. Which is more important. The convenience of a business plane in a residential neighborhood or the safety of the residents.

Sincerely
Drew Robert Shelton

DEANE WEAVER
1306 BELFAST

House located at End of runway next to farm!!!

1. Mr. FAULKNER, his skill (or lack thereof) as a pilot, and the type of plane and frequency of its use is the NOT the issue in my mind. Mr. F. may move in two years - but the airport will remain forever. How do we know what kind of planes will come in the future? What frequency will the next owner use the airport? There is no zoning that can regulate 2 times a week or 2 times an hour once the airstrip is approved.

In ten years will a harrier-type jet be available to land on this strip - one could theoretically land there now!

2. If this airport were existing when we purchased our home in 1980 I am certain we would not have even considered living where we do. An airport that exists when one purchases near it is one thing - to have one arrive in a clearly quiet, rural neighborhood where the residents have obviously come to avoid just ~~the~~ this kind of potential nuisance is in my opinion - absurd!

3. Very concerned about real estate values.

April 2, 88

Dear Mr. Shelton,

My husband and I are against the building of Gordon Faulkner's airstrip. We were unable to attend the final meeting at our home in 4 or the sign sheet.

I would also like to mention that every Thursday Nighter flies to Ocean City, Md. and returns every Monday morning. He flies in and out of Rankinville Airport. His pilot is an instructor for the Ocean City Airport. There have been occasions when when he returns sometimes they were return was allowed to take off without. Some Nighter pilots are very experienced. I have a lot of concern about someone landing in the runway with out the benefit of communication with an airport.

Sincerely
Susan M. Deane
1150 Belfast Rd
Sparks, Md. 21152
771-9994

PROTESTANT'S
EXHIBIT 3

GREATER SPARKS-GLENCOE
COMMUNITY COUNCIL

P.O. Box 986 • Sparks, Maryland 21152

February 19, 1988

J. Robert Haines
Zoning Commissioner
of Baltimore County

SUBJECT: Gordon Faulkner
Case #88-240
Hearing Date 2-25-88

Dear Mr. Haines:

On December 2, 1987, the Board of Directors of the Greater Sparks-Glencoe Community Council took an unanimous vote to support the residences' fight against Gordon Faulkner's petition for a Special Exception (88-240) for an airstrip and hangar located on his RC 2 property.

The RC 2, Rural Conservation Zone, was designed as an agricultural protection zone. Mr. Faulkner's petition is inconsistent with the intent of this zone and is incompatible with the neighborhood, which is located within the Belfast National Historic District.

If we were to give up the farmland, it would be gone forever. It is important to us to preserve and protect the RC 2 Zone and not set a dangerous precedent by granting the Special Exception for an airstrip and hangar.

Respectfully,
Judith Waldman
Judith Waldman
President
Greater Sparks-Glencoe
Community Council

PROTESTANT'S
EXHIBIT 4

FIML REPORT of the
Baltimore County Planning Board
Adopted May 15, 1988
(No Public Hearing Held)

Joint Exhibit
#1

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS
CONCERNING
NON-AGRICULTURAL USES IN THE R.C.2 ZONE

Office of Planning and Zoning
Baltimore County, Maryland



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200'
DATE PHOTOGRAPHY JAN 1981
LOCATION WEST OF PRICEVILLE

SHEET 54
OPENTERRAIN, INC.

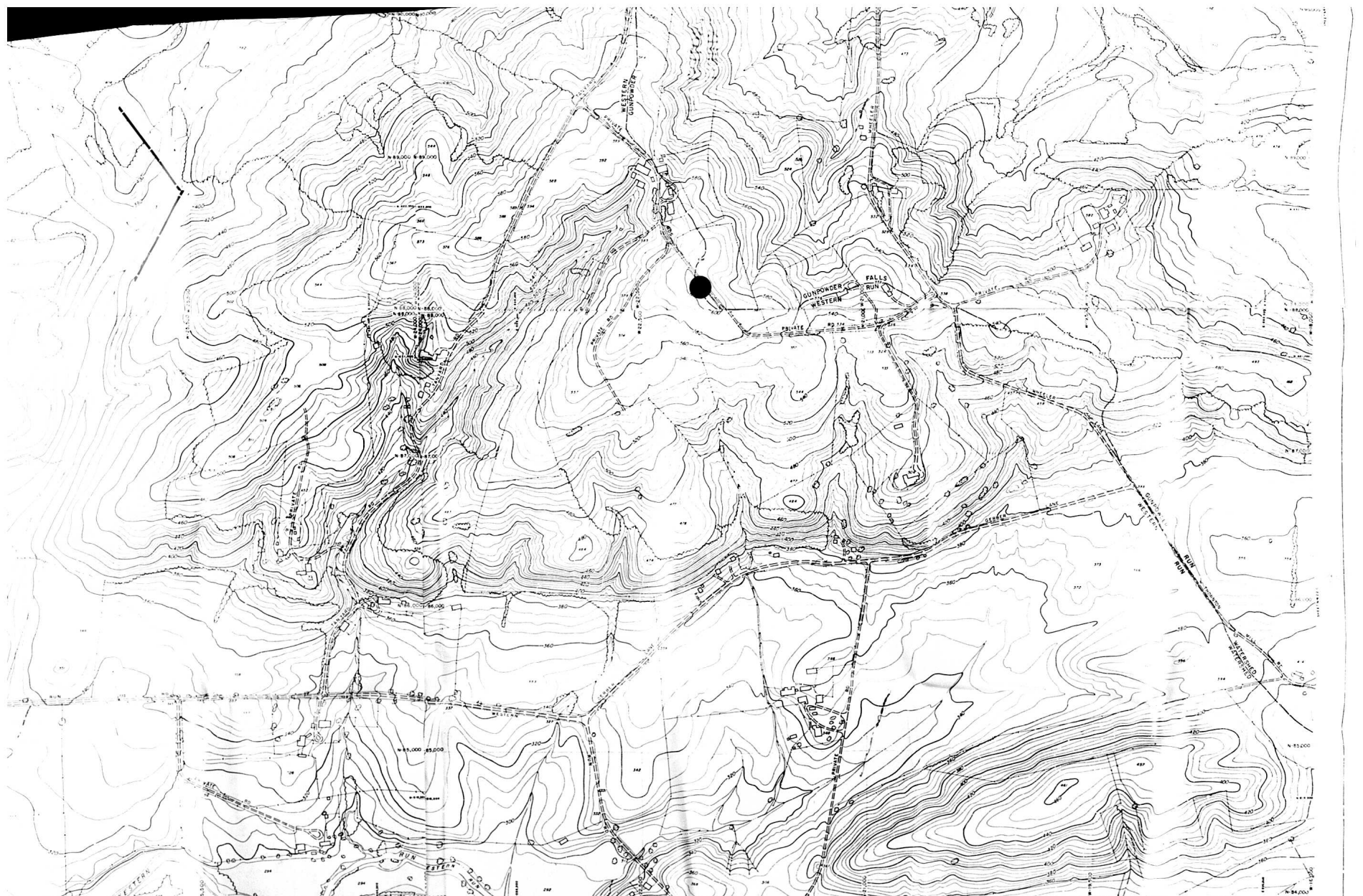


BALTIMORE COUNTY

SECTION 22, TOWNSHIP 11 N., RANGE 11 W.

PHOTOGRAPHED BY

LOCATION



MAP OF
Y. MARYLAND

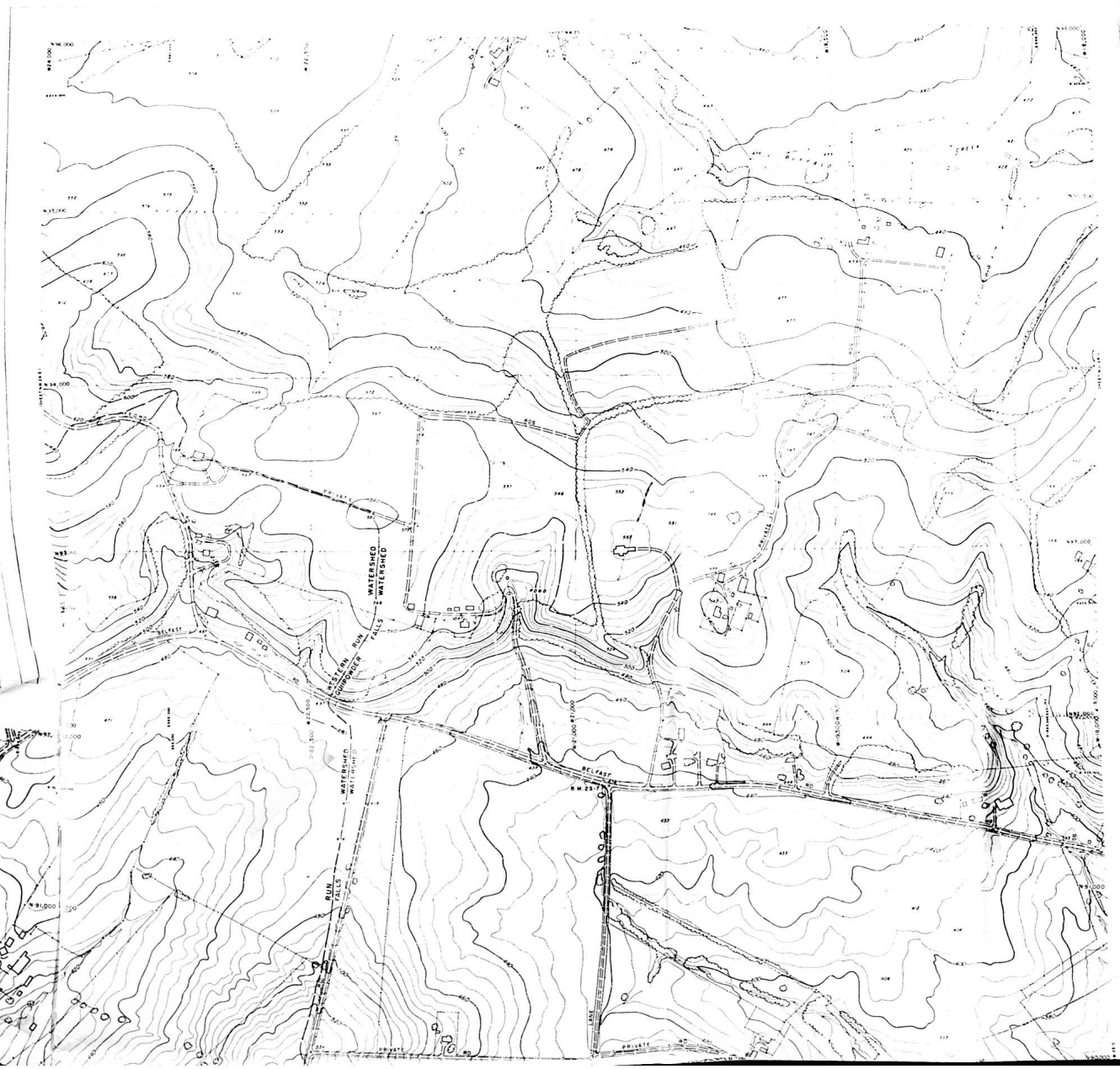
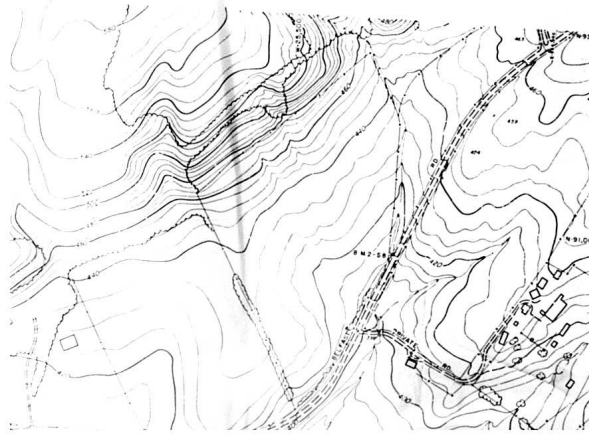
REVISIONS BY DATE
SCALE 1" = 200'
DATE OF PHOTOGRAPHY DECEMBER 1953
Topography Compiled By Photogrammetric Methods
MAPS INCORPORATED-BALTIMORE 22, MARYLAND

LOCATION EAST OF BUTLER
SHEET N.W. 22-E
DD-5W

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

REVISIONS BY DATE
SCALE 1" = 200'
DATE OF PHOTOGRAPHY DECEMBER 1953
Topography Compiled By Photogrammetric Methods
MAPS INCORPORATED-BALTIMORE 22, MARYLAND

LOCATION WEST OF GUNPOWDER MEETINGHOUSE
SHEET N.W. 22-D



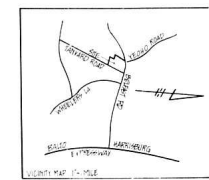
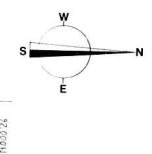
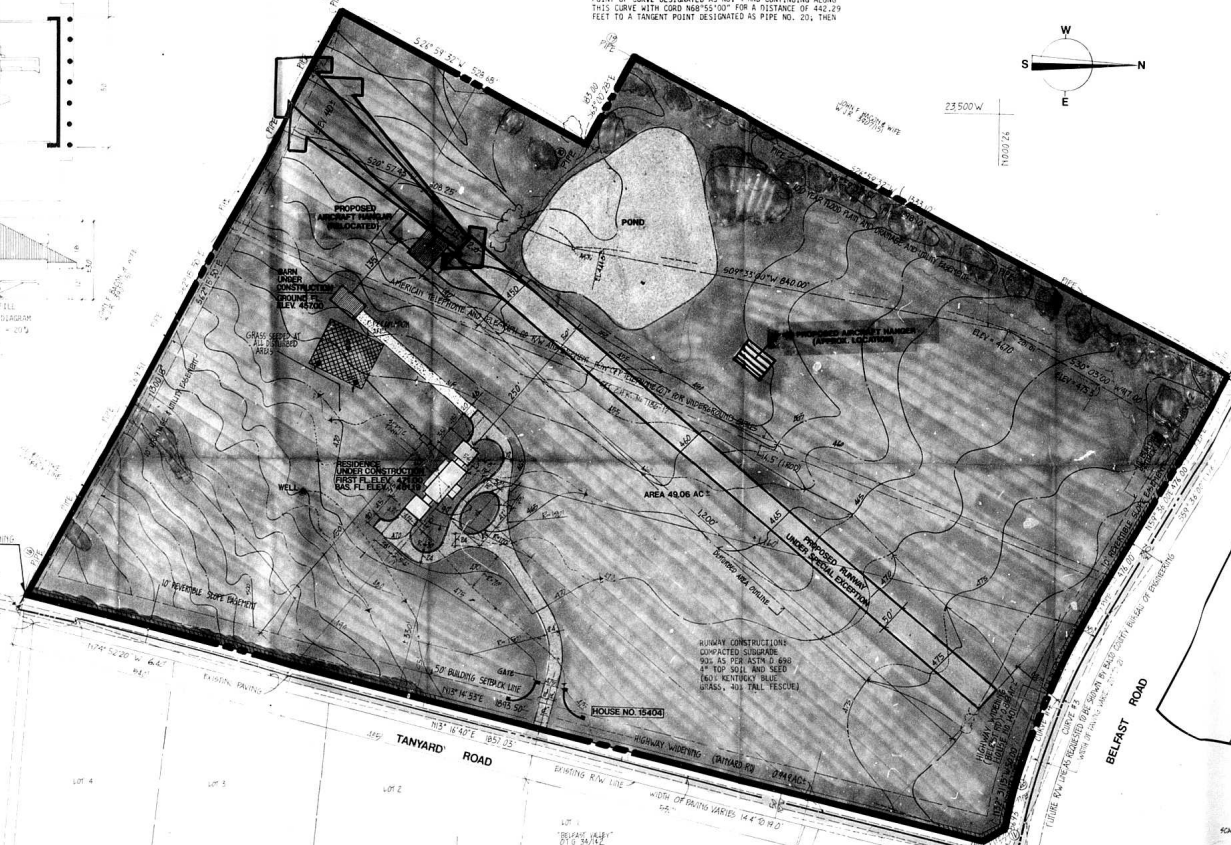
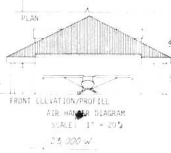
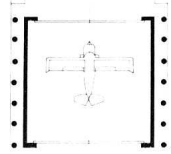


PROPERTY BOUNDARY DESCRIPTION
OF GORDON K. FAULKNER PROPERTY
8TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.

PROPERTY BOUNDARY DESCRIPTION IS BASED ON A SURVEY PREPARED BY GERMOLD, CRODS & ETZEL, REGISTERED SURVEYORS IN THE STATE OF MARYLAND, REFERENCED IN DEED LIBER 6913, PAGE 589 AS BACON PROPERTY WITH PLAT REFERENCE FOR 57148, AND CONVEYED TO GORDON K. FAULKNER ON MAY 9, 1985. THIS DESCRIPTION IS AS FOLLOWS:
BEGINNING AT THE SOUTH-EAST CORNER OF THE ABOVE CONVEYED PROPERTY, 30.67 FEET FROM THE CENTER LINE OF TANYARD ROAD,

DESIGNATED AS PIPE NO. 16 AND CONTINUING 62°15'50" IN A DIRECTION OF SOUTH-EASTERLY AXIS 1200.51 FEET TO THE CORNER DESIGNATED AS PIPE NO. 17, THEN TURNING 26°59'33" IN A DIRECTION OF SOUTH-WESTERLY AXIS AND CONTINUING FOR 504.66' TO A CORNER DESIGNATED AS PIPE NO. 18 AND FROM THIS CORNER CONTINUING FOR 183.00 FEET TO A CORNER DESIGNATED AS PIPE NO. 19; THEN FROM THIS CORNER TURNING 26°59'33" AND CONTINUING FOR 1,028.10 FEET TOWARD BELFAST ROAD TO A CORNER DISTANCED 35 FEET FROM THE CENTER LINE OF BELFAST ROAD, DESIGNATED AS PIPE NO. 1 AND CONTINUING ALONG CURVE 72° TO A PIPE DESIGNATED #4 FOR A DISTANCE OF 27.75 FEET; THEN TURNING 80°16'00" IN A DIRECTION OF NORTH-WESTERLY AXIS AND CONTINUING FOR A DISTANCE OF 476.00 FEET TO A TANGENT POINT OF CURVE DESIGNATED AS NO. 4 AND CONTINUING ALONG THIS CURVE WITH CURV 68°55'00" FOR A DISTANCE OF 442.29 FEET TO A TANGENT POINT DESIGNATED AS PIPE NO. 20; THEN

CONTINUING N76°14' FOR A DISTANCE OF 19.22 FEET TO A CORNER DESIGNATED AS PIPE NO. 11; THEN TURNING 32°13'15" IN A DIRECTION OF NORTH-WESTERLY AXIS AT THE INTERSECTION OF BELFAST AND TANYARD ROADS AND CONTINUING FOR A DISTANCE OF 50 FEET TO A CORNER DESIGNATED AS PIPE NO. 12; THEN TURNING 13°14'53" IN A DIRECTION OF NORTH-EASTERLY AXIS ALONG TANYARD ROAD FOR A DISTANCE OF 1894.50' TO A POINT OF BEGINNING. THE BOUNDARY LINES ENCLOSE AN AREA OF THE PROPERTY COMPRISING OF APPROXIMATELY 49.00 ACRES.



SCALE: 1" = 50'
PLAT OF FAULKNER PROPERTY - 22044-CR2
8TH ELECTION DISTRICT, BALTIMORE COUNTY, MD

CERTIFICATION:
THIS PLAT HAS BEEN PREPARED IN CONFORMANCE WITH THE DATA INDICATED IN THE RECORD PLAT FOR WHICH IT IS FILED WITH THE DEED RECORDS AND HAS BEEN CHECKED AND CORRECTED BY GORDON K. FAULKNER IN MAY 92, AND BY BALTIMORE COUNTY PHOTOGRAMMETRIC MAP, DATED APRIL 1985, SHEET 24-D N.W. - WEST OF WHITEVILLE AND SHEET 24-D N.W. - NORTHWEST OF WHITEVILLE AND ADJACENT QUADRANT FOR IMPROVEMENT OF THIS SITE.

DATE: JULY 23, 1987
EUGENE RATYCH, INC.
Eugene Ratych, AIA

REVISIONS	BY

SEAL

PLAN OF FAULKNER PROPERTY



DRAWN BY	
CHECKED BY	
DATE	7/23/87
SCALE	1"=50'
JOB NO.	150184
SHEET NO.	
G1	

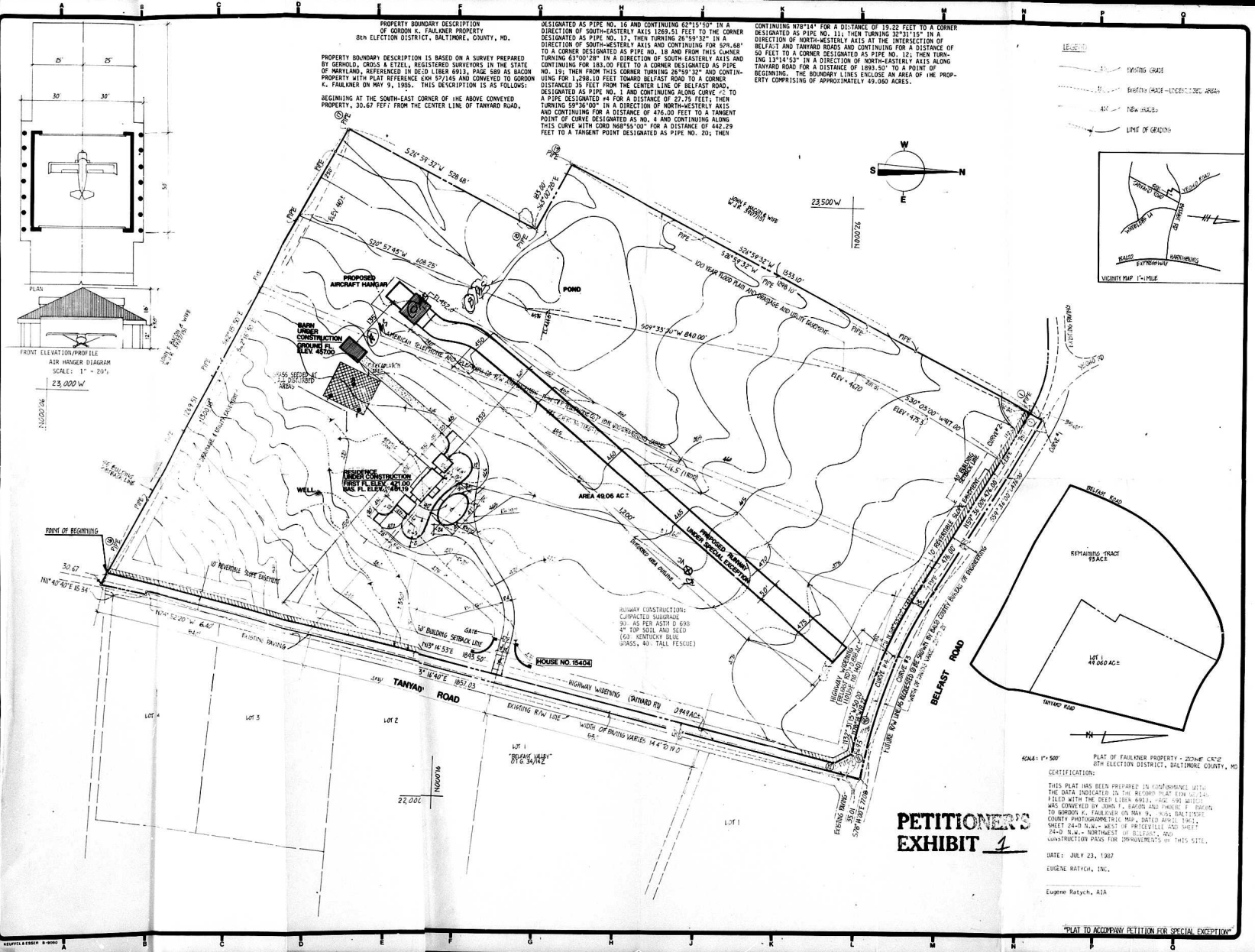
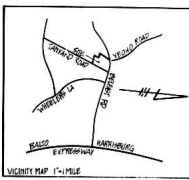
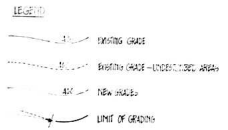
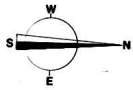
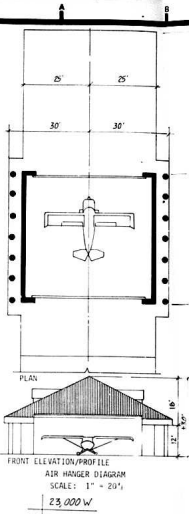
PROPERTY BOUNDARY DESCRIPTION
OF GORDON K. FAULKNER PROPERTY
8TH ELECTION DISTRICT, BALTIMORE COUNTY, MD.

PROPERTY BOUNDARY DESCRIPTION IS BASED ON A SURVEY PREPARED BY GERNOLD, CROSS & ETZEL, REGISTERED SURVEYORS IN THE STATE OF MARYLAND, REFERENCED IN DEED LIBER 4913, PAGE 589 AS BACON PROPERTY WITH PLAT REFERENCE EON 57145 AND CONVEYED TO GORDON K. FAULKNER ON MAY 9, 1965. THIS DESCRIPTION IS AS FOLLOWS:

BEGINNING AT THE SOUTH-EAST CORNER OF THE ABOVE CONVEYED PROPERTY, 30.67 FEET FROM THE CENTER LINE OF TANYARD ROAD,

DESIGNATED AS PIPE NO. 10 AND CONTINUING 62°15'50" IN A DIRECTION OF SOUTH-EASTERLY AXIS 1899.51 FEET TO THE CORNER DESIGNATED AS PIPE NO. 17, THEN TURNING 26°59'32" IN A DIRECTION OF SOUTH-WESTERLY AXIS AND CONTINUING FOR 576.68' TO A CORNER DESIGNATED AS PIPE NO. 18 AND FROM THIS CORNER TURNING 63°00'50" IN A DIRECTION OF NORTH-WESTERLY AXIS AND CONTINUING FOR 183.00 FEET TO A CORNER DESIGNATED AS PIPE NO. 19, THEN FROM THIS CORNER TURNING 26°59'32" AND CONTINUING FOR 1,298.10 FEET TOWARD BELFAST ROAD TO A CORNER DESIGNATED AS PIPE NO. 1 AND CONTINUING ALONG CURVE 7/2 TO A PIPE DESIGNATED #4 FOR A DISTANCE OF 27.75 FEET; THEN TURNING 50°28'00" IN A DIRECTION OF NORTH-WESTERLY AXIS AND CONTINUING FOR A DISTANCE OF 476.00 FEET TO A TANGENT POINT OF CURVE DESIGNATED AS NO. 4 AND CONTINUING ALONG THIS CURVE WITH CURV 96°55'00" FOR A DISTANCE OF 442.29 FEET TO A TANGENT POINT DESIGNATED AS PIPE NO. 20, THEN

CONTINUING N78°14' FOR A DISTANCE OF 19.22 FEET TO A CORNER DESIGNATED AS PIPE NO. 11; THEN TURNING 32°31'15" IN A DIRECTION OF NORTH-WESTERLY AXIS AT THE INTERSECTION OF BELFAST AND TANYARD ROADS AND CONTINUING FOR A DISTANCE OF 50 FEET TO A CORNER DESIGNATED AS PIPE NO. 12; THEN TURNING 12°14'43" IN A DIRECTION OF NORTH-EASTERLY AXIS ALONG TANYARD ROAD FOR A DISTANCE OF 1893.50' TO A POINT OF BEGINNING. THE BOUNDARY LINES ENCLOSE AN AREA OF THE PROPERTY COMPRISING OF APPROXIMATELY 49.00 ACRES.



REVISIONS	BY

SEAL

PLAN OF FAULKNER PROPERTY

EUGENE RATYCH, INC.
ARCHITECTS

DRAWN BY: JTC
CHECKED BY: JTC
DATE: 7/23/67
SCALE: 1"=100'
JOB NO.: PLK/784
SHEET NO.:

PETITIONER'S EXHIBIT 4

SCALE: 1"=500'
PLAT OF FAULKNER PROPERTY - 22ND ELEC. DISTRICT, BALTIMORE COUNTY, MD
CERTIFICATION:
THIS PLAT HAS BEEN PREPARED IN PERFORMANCE WITH THE DATE INDICATED IN THE RECORD PLAT FROM WHICH THE DATA INDICATED IN THIS RECORD PLAT WERE OBTAINED AND CONVEYED BY JOHN H. BACON AND PHOENIX F. BACON TO GORDON K. FAULKNER ON MAY 9, 1965. BALTIMORE COUNTY PHOTOGRAMMETRIC MAP, DATED APRIL 1963, SHEET 24-D 44-4 - WEST OF PRICESVILLE ROAD SHEET 24-D 44-4 - NORTHWEST OF BELFAST ROAD. THIS CONSTRUCTION PASSES FOR IMPROVEMENTS ON THIS SITE.
DATE: JULY 23, 1967
EUGENE RATYCH, INC.
Eugene Ratych, AIA

"PLAT TO ACCOMPANY PETITION FOR SPECIAL EXEMPTION"