establish a special exception use, the Baltimore County Zoning Regulations do not require a showing of need. The County Council has established a presumption in favor of the establishment of shooting ranges in RC 2 zones, subject only to their not promising real public harm.

Conclusion

The evidence produced before the Board by the Protestants, when judged by appropriate standards, fails to establish that the construction of the Club's proposed clubhouse and shooting ranges will harm the public health, safety, or welfare. To justify the denial of the proposed special exception, the evidence of harm would have to be far more compelling. As the Court of Special Appeals made plain in Gowl v. Atlantic Richfield Co., 27 Md. App. 410, 415 (1975), it is the probability, and not the mere possibility, of danger that justifies the denial of a special exception.[7]

It is far too easy for those who would oppose a special exception use to conjure up remote and highly speculative perils. Such flights of fancy are not enough to support the denial of permission to establish a use that the County Council has legislatively predetermined to be prima facie

[7] The Gowl case was overruled in Schultz v. Pritts, supra, but on an unrelated issue.

appropriate and compatible in the zone where it is to be located.[8]

The rule in Schultz v. Pritts calls for the administrative agency authorized to grant special exceptions to compare the evidence as to probable impact of the particular proposed use at the location proposed to the likely impact of a similar use at any other location in the zone. Only if the impact of the particular proposed use promises to be more adverse than the impact of a similar use elsewhere is denial of the special exception legally justified. In this case, substantial evidence indicates that any adverse impacts of the Club's proposed facility would be less than the impacts that could be expected were a similar facility to be located elsewhere in the RC 2 zone.[9]

[8] See Mayor of Baltimore v. Foster & Kleiser, 46 Md. App. 163, 171-72 (1980) (administrative agency "may not thwart the legislative will based upon unspecific and unsupported protestations and concerns").

[9] The rule in Schultz v. Pritts was most recently applied in People's Counsel v. Mangione, 85 Md. App. 738 (1991), where the Court of Special Appeals effectively affirmed this Board's denial of a special exception for a nursing home. The Court pointed to various facts and circumstances that made the issue of harm in Mangione "fairly debatable" and thus deferred to the Board's decision. Id. at 750-51. The Board's conclusions in that case were drawn from evidence that clearly showed the overwhelming and dominating nature of the proposed use in the residential neighborhood, the clear exacerbation of a serious storm water runoff problem, and the probable deterioration of a community road system designed for residential traffic. Similar conclusions cannot be drawn, by any stretch of the imagination, from the evidence presented before the Board during the five days of hearings in this case.

Because the Protestants in this case have thus failed to satisfy the evidentiary standard established in Schultz v. Pritts, and because, on the contrary, the Petitioners have produced expert testimony and other evidence that the Club's facilities can be established without adversely affecting the public health, safety, or welfare, without harming the agricultural uses in the vicinity, and without causing any of the other adverse impacts specified in Section 502.1 of the BCZR, the Petitioners respectfully urge the Board to grant the special exception and other relief requested in this case.

Respectfully submitted,

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 1991, a copy of the foregoing Closing Arguments was mailed, first-class postage prepaid, to J. Carroll Holzer, Esquire, Suite 104, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Attorney for Protestants.

PAUL J. CONSBRUCK

CLOS0023.PJC

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July 15, 1991

WRITER'S DIRECT NUMBER 18

William T. Hackett, Chairman
John G. Disney
C. William Clark
County Board of Appeals
of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 91-138-SPHX; Pikesville Sportsman's Club

Gentlemen:

Enclosed please find three copies of the written closing arguments on behalf of the Petitioners in the above-referenced case.

Respectfully submitted,

Paul J. Consbruck

PJC/cac
Enclosures

cc: Robert A. Hoffman

IN THE MATTER OF PIKESVILLE SPORTSMAN CLUB, INC. PETITION FOR SPECIAL EXCEPTION

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 90-138SPHX

* * * * * * * * * * * * *

PROTESTANTS POST-HEARING MEMORANDUM

Protestants by J. Carroll Holzer, their attorney, hereby submit their Post-Hearing Memorandum as requested by the Board of Appeals for Baltimore County.

STATEMENT OF THE CASE

The above captioned cases come before the Board of Appeals (hereinafter "Board") of Baltimore County for public hearing based upon a Petition for Special Exception to permit a "shooting range and clubhouse" and to permit a caretaker's residence as necessary accessory use for the sportsman's club and a parking plan for the shooting range and clubhouse which provides for total parking of 180 spaces.

The proposed facility is located in northeastern Baltimore County, in the Glen Arm area. It is located along Long Green and Factory Roads on the east, Glen Arm Road on the west and adjacent to the Gunpowder State Park on the south. It consists of approximately 201 acres, zoned RC2 and RC5. It is utilized at the present time for purposes of agriculture. The Pikesville sportsman's Club is proposing a 25 meter outdoor pistol range, an outdoor

rifle range of 100 meters along with a six station skeet and trap range, as well as multiple archery ranges along the circumference. In addition to the outdoor ranges, a clubhouse of a proposed first floor of 17,000 square feet and a basement of the same dimensions will house indoor pistol ranges and an indoor archery range as well as meeting rooms; totalling approximately 34,000 square feet.

The Protestants consist of adjacent, adjoining and surrounding individual neighbors as well as the Glen Arm Community Association, which is comprised of community members and neighbors in the immediate vicinity of the of the proposed sportsman's club. The Petitioners presented seven (7)witnesses during the course of this proceeding and four (4) related witnesses while the Protestants presented approximately twenty-one (21) witnesses reflecting various areas of concern in regard to the proposed sportsman's club. Community groups testifying or presenting a position against the proposed gun club by way of testimony or letter included the Glen Arm Community Association, the Long Green Valley Association, and a number of persons signing a Petition against the proposal.

As a result of all of the testimony presented in the instant case, it appears that the legal parameter is set forth in the requirements for approval of a special exception, Baltimore County Zoning Regulations, Section 502.1 and in the Schultz v. Pritz, 291 Md. 1, 432 A. 2nd

1319 (1981). The key to the instant case is found in an analysis and evaluation of the factual testimony of the witnesses and the issues presented therein as it relates to Section 502.1 and Schultz v. Pritz.

ISSUES

I. The issue presented in the instant case is whether the Petitioners have failed to meet the requirements of Baltimore County Zoning Regulation, Section 502.1 and Schultz v. Pritz, 291 Md. 1, 432 A. 2nd 1319 at 1327 (1981) in respect that the facts and circumstances show that the particular use, at the proposed location, has an adverse effect above and beyond those inherently associated with such a special exception use, irrespective of its location in the zone. The Protestants would submit that they have established through their cross-examination of the Petitioners' witnesses, as well as the testimony of the witnesses for the Protestants, that this particular location has a "uniqueness" about it which sets it apart from RC2 and RC5 zoned property situated elsewhere in the county. That "uniqueness" of this site was established during the course of the testimony and will be referred to hereinafter.

II. The proposed use is inconsistent with the Baltimore County Master Plan in that its not favorable to the continued use of the agricultural area, as zoned RC2. And the use would be detrimental to agriculture.

local regulations certifying expertise and/or setting guidelines for the layout of such facilities.

Counsel for the Protestants emphasized the increase in existing and proposed facilities for this geographic area. The present indoor archery range has 6 stations while the proposed range calls for 12 to 14; the trap and skeet ranges each currently have 5 stations while the proposed range has 9; there are 5 indoor rifle range positions at the existing facility, while there are 14 proposed at the new facility; there are 5 pistol positions at the existing facility, while there are 14 proposed. The Protestants further questioned Mr. Blocher about other similar facilities in the area, including but not limited to the Baltimore Fish and Game Club, the Carney Rod and Gun Club, the Loch Raven Trap and Skeet Club, the Baltimore County Police Range, and the National Guard Range.

Corporal Hughes of the Department of Natural Resources testified that he is familiar with the Pikesville Sportsman's Club and that they have held an excellent hunter and safety firearms course in the past. He testified that he is not familiar with the physical layout of the proposed facility.

Mr. Ianniello testified that he was employed by the Petitioners to design a Clubhouse and has developed same in accordance with that depicted in Petitioner's Exhibit 2. He testified that his instructions were to design an exterior structure which complimented the rural surroundings. He testified that the facility will have 51,000 sq.ft. of which 27,000 sq.ft. will be the lower level used for the indoor range facilities and 24,000 sq.ft. on the first floor used for the Clubhouse social area.

Mr. Powell, a member and vice president of the Club, testified that he had 25 years of service with the Baltimore City Police and was a

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special weapons instructor. Mr. Powell testified as to the Maryland State Police using the National Guard property approximately 200 yards from the subject site and to the numerous training courses that occur there a number of times each week. Testimony presented by Petitioners was that there are no plans for the storage of ammunition on the site. On cross-examination, he conceded that while the National Guard stores weapons at the facility, they have a sentry and security guard on-site at all times.

Petitioners then called Mickey Cornelius with The Traffic Group who testified that the study undertaken by his firm indicated that there will be an average of 36 trips per day to the site with no morning peak rush hour trips, and an average of 3 trips during the evening peak hours. Mr. Cornelius testified that if the Club's membership was increased to 135, there would be an average of 60 to 70 trips to the site per day. He testified that Long Green Pike and Glen Arm Road currently operate at satisfactory levels and the site distance at the posted speed limits of 30 mph is sufficient. Upon cross, Mr. Cornelius indicated that he had not taken into consideration the trips generated at times of special events.

Mr. Dillon testified that in his current capacity as Senior Land Planner for Baltimore County he has worked with the Pikesville Sportsman's Club for the past several years in their attempts to relocate as a result of being in the Owings Mills growth area.

Mr. Windsor, expert acoustical consultant, testified that based upon his studies, he concluded that the noise levels produced by the activities proposed by the Petitioners would be below levels which could cause physiological or psychological damage to the residents on any nearby property. Mr. Windsor testified that as a result of testing done at a number of locations around the subject property, the levels ranged from an average

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of 56 to 58 decibels, with none exceeding 62 decibels. He compared this to that of a car door slamming which is approximately 57 decibels at a distance of 100 feet. Mr. Windsor concluded in his opinion that the measurements indicated the adjoining neighbors and the surrounding community would experience no adverse noise impact from the activities proposed for the subject site and that the activities would be acoustically compatible with the surrounding environment.

Petitioners' final witness was William Kirwin, Land Planner. After describing the area Mr. Kirwin concluded that the use proposed is compatible with permitted uses in the area and that in his opinion, there would be no adverse impact upon the community.

The Protestants' first witness was Delegate William Burgess who testified that he is familiar with the area and has been a representative for the area for 12 years. Delegate Burgess testified that he is opposed to the relief requested for four principal reasons: 1) that there are five or six similar operations currently in proximity to the subject property overloading the area; 2) placement of the proposed facility on the subject property will adversely affect the surrounding property values; 3) there will be a negative impact upon the Gunpowder State Park; and 4) the liquor license and gun club operation are incompatible with the surrounding uses.

Delegate Joe Bartenfelter testified that he is a farmer in the Perry Hall and Fork areas and is familiar with the subject property. He testified that his farm is located approximately six miles from the subject site. He indicated he currently hears the National Guard shooting regularly. He voiced his opposition to the relief requested for the following reasons: 1) the disruption to the community from the noise that

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will be generated; 2) the roads in the area are not equipped to handle what he believes would be increased traffic; and 3) there are already enough gun clubs in the area.

Delegate Donna Felling testified that she lives approximately 1 mile from the subject property and is very familiar with the site. She testified that she is opposed to the shooting range for the following reasons: 1) she believes there are currently enough shooting ranges in the area; 2) the noise generated from the site would be adverse to the community; and 3) the location is inappropriate due to its proximity to the Charles Hickey School, a juvenile detention center, which has a history of escapes and problems over recent years.

Senator Bromwell testified that he was familiar with the area and is opposed to the use proposed in view of the number of shooting ranges currently existing in the area. Senator Bromwell distinguished between the new gun club proposed which would be coming into an established area versus the others which have co-existed and been in place since before the development of communities around them. He further expressed concern about the increased traffic that would be generated by the size of the facility and the new clubhouse which would encourage social events.

Michael Reier testified as President of the Glen Arm Community Association as well as an adjoining neighbor to the proposed site. The Protestants introduced as Protestant's Exhibit 1, a Petition signed by numerous residents opposing Petitioners' request with a vicinity map indicating the numerous individuals living in the surrounding community who are opposed to the proposed facility. Mr. Reier testified in opposition to the Petition citing the following reasons: 1) the community believes there are already a sufficient number of shooting ranges in the

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vicinity; 2) the proposed use is not compatible with agricultural activities; 3) the safety issues raised concerning the shooting range's proximity to adjoining residential property, the liquor license and increased traffic on area roads; and 4) he concluded that in his opinion the proposed uses will have an adverse affect on his property value.

Mr. Dawson, Vice President of the Glen Arm Association, and resident of Long Green Pike, testified that in his opinion, this community is already over-burdened with gun club facilities, and the addition of another will only exacerbate the situation.

Ms. Ann Reier, who resides directly across from the subject property on Long Green Pike, testified in opposition to the proposed use. She testified that in her opinion, the use would be incompatible and detrimental to her health, safety and general welfare as a result of the noise, decrease in property values, and increased traffic in the area.

Mr. Heston, a resident of the area who lives to the west side of the subject property, testified regarding his experience with the testing and design of machinery to meet Occupational Safety and Health Administration standards. In his opinion, the noise generated by the proposed use will have a substantial negative impact on the community. To support his testimony, Mr. Heston summarized the data generated by a nomograph as set forth in Protestant's Exhibit 5.

Ms. Christhilf, a resident of the Northcliff Retirement Community, testified the Community consists of 101 apartments and 110 cottages, with residents whose ages range from 60 to 92. She testified that the residents are concerned about the noise that will be generated from the subject site and testified they currently hear the shooting emanating from the National Guard facility on a regular basis. In Ms. Christhilf's opin-

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ion, the use proposed would have a detrimental effect on the health, safety and general welfare of the residents of the Northcliff Community.

Mr. Bronson, senior mechanical engineer with Drummond, testified that he lives on Glen Arm Road approximately 300 feet from the subject property. He expressed concern as to its proximity to the BG & E right-of-way and the location of underground gas pipelines.

Ms. Matsinger, Chairman of the Gunpowder Advisory Board for the State of Maryland, testified as to the incompatibility of the proposed uses with the adjoining Gunpowder State Park. She testified concerning the numerous users of the Park each year and the incompatibility of the sound of gunfire with the peace and serenity of the Park surroundings.

Mr. DeFord, President of the Long Green Valley Association, testified in opposition to the proposed use. He testified as to the use being incompatible with the status of the agricultural land; the noise generated by the proposed use having a detrimental impact on the community; concerns regarding the safety of the proposed use; and its adverse impact on neighboring property values.

Ms. Taylor, a resident of Long Green, a sheep farmer and nurse, testified as to her opposition to the use proposed and the anticipated noise.

Dr. Mosener, a resident of Harford Road, testified as to his objections to the proposed use. He expressed concerns as to the use of lead in shotgun shells on the premises and testified as to the adverse environmental effects that lead pellets can have on the environment.

Mr. Marsh, a resident of Glen Arm, testified as to his objections to the proposed use due to the noise that will be generated from the sub-

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ject property, as well as the increased traffic in the area. Dr. Marsh further expressed concerns regarding the proposed archery ranges.

Mr. Krech, a resident of Glen Arm and a retired Baltimore County Police Officer, and Mr. Baranowski, testified as to their concerns regarding the increased traffic on roads leading to the subject property. Both testified as to the numerous accidents which have occurred in recent years.

Mr. Shane, who lives adjacent to the subject site, testified as to his objections to the proposed use. He testified that his daughter, who is currently three years of age, has been awakened on many occasions due to the shooting at the National Guard property, which is a further distance from their property than the proposed site. He testified that in his opinion, the anticipated noise from the proposed facility would be disruptive and detrimental to his family and other residents in the area.

Mr. Crook, a resident of Glen Arm Road, testified that he lives approximately 225 feet from the archery trail. He testified that he has two small children and is concerned that the proposed archery trails, located in close proximity to his home, will pose a dangerous nuisance to his children. He testified that his daughters have been awakened by gunfire generated by the National Guard property.

Lynn Murphy of Hooper Lane, a horse trainer and mother of four, testified that she lives approximately 3 to 4 city blocks from the proposed site. She testified that she is opposed to the proposed use and believes that it would be detrimental to and incompatible with surrounding agricultural uses.

Dr. Hendrickson, of Notchcliff Road, testified that she has resided in the area since 1967. She testified that at the present time, the noise generated from the Maryland National Guard property is disruptive

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and that the proposed gun club would only exacerbate the situation. She testified as to the limitations placed upon her use of her property as a result of the existing National Guard facility and she fears further restrictions from the use proposed.

Ms. Hastings, as Vice President of the Greater Kingsville Association, and Stanley Pollack, Officer of the Summerfield Farms Association, both appeared and voiced their respective Associations' opposition to the proposed use.

It is clear that the B.C.Z.R. permits the use proposed in the R.C.2 and R.C. 5 zones by special exception. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The evidence presented by Petitioners is based on their current experiences and operation of the Club's facility at its present location. The Petitioners argued the use and impact will be no different than that currently experienced, yet they propose a facility which is double, and in some instances, three times the size of the existing facility. The Club is proposing a larger facility even though the testimony presented indicat-

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As to Appellants' objections and concerns, the Board was not persuaded. Specifically the Board found that there would be no diminution of the surrounding neighbors' home values; that the noise levels would not be objectionable; that the use of the land as a shooting range would not be detrimental to the general health and welfare of the area; and that the traffic level would not create congestion. (Opinion p. 3-4). All of these findings were supported by evidence presented in the record. Although contrary to Appellants' position, the Board's findings were not arbitrary and capricious.

Appellants' second contention, that the proposed Special Exception would detrimentally affect the primary agricultural use, requires an understanding of B.C.Z.R. 502.1(a) and 1A01.2C. Appellants' argue that these two regulations require that the Special Exception foster affirmatively the primary agricultural use of the land.

B.C.Z.R. 502.1 provides the general criteria for Special Exceptions, namely, that such use not:

> a) Be detrimental to the health, safety or general welfare of the locality involved;
>
> b) Tend to create congestion on roads, streets or alleys therein;
>
> c) Create a potential hazard from... danger...
>
> d) Be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of these zoning regulations...

Nowhere in this regulation is there a requirement that the Appellees must show that the Special Exception would affirmatively foster primary agricultural uses of the land or locality involved.

B.C.Z.R. 1A01.2C states:

> C. "The following uses only may be permitted by Special Exception in any RC2 zone, provided that in each case the hearing authority in power to hear the Petition finds that the use would not be detrimental to the primary agricultural uses in the vicinity."

There is no affirmative requirement that before a shooting range may be permitted in the RC2 zone, it must be determined that such Exception fosters agricultural use. A shooting range is one of the specific uses legislatively permitted by special exception in an RC2 zone. See, B.C.Z.R. 1A01.2C. To require an administrative determination that a use specifically allowed by Statute fosters the legislative purpose would be duplicitous of the legislative determination already made by enactment of the legislation permitting the Special Exception use in the RC2 zone. A shooting range is a permitted use in an RC2 zone so long as it is not detrimental to the primary agricultural uses in the vicinity.

The Board found that Appellees' shooting range would use a small portion of the 200 plus acres of the subject site. The Board required that the area not used for the shooting range be used as fully as possible for agricultural purposes. (Opinion p. 2)

William Kirwin testified that the shooting range would have virtually no effect upon the surrounding agricultural uses. (T. II. 139-141) This expert testimony was not even challenged in Appellants' cross-examination of Mr. Kirwin.

For the reasons stated above, Appellants have misconstrued the regulations. B.C.Z.R. 502.1(a) as well as 1A01.2C, require only a finding that the proposed use would not have a detrimental impact on the surrounding agricultural land. The Board was so persuaded, and the Board's decision is supported in the record.

Appellants' third contention, that the proposed Special Exception would have an adverse effect on the neighborhood, again involves the "fairly debatable" standard.

As stated above, the Board found that there would be no reduction in home values, no objectional noise, and no creation of traffic congestion. In summary, the Board found that there would be no detrimental effect upon the surrounding neighborhood (Opinion p. 3-4). This Court cannot substitute its judgment for that decision absent a finding that the Board's determination was without substantial basis and was arbitrary and capricious. This Court is not so persuaded.

Appellants' fourth contention, that the Board misapplied the legal standard of Shultz v. Pritts, raises the "unique site" argument.

The rule espoused in Shultz is that a Special Exception should be denied if there are facts and circumstances that show the particular use at the proposed location would have an adverse effect above and beyond that inherently associated with such a Special Exception use irrespective of its location within the zone.

Appellants cite the Shultz case and then argue that having a shooting range at this particular site would be more onerous than it would be at another RC2 location. Appellants overstate the "uniqueness" of the subject site within the general locality involved, and ignore the attention which the Board gave to their concerns.

The first of Appellants' "uniqueness" allegations is that the proposed range would be within a mile of the Hickey School risking the possibility of juvenile escapees obtaining guns. The uniqueness of this concern is diminished by the existence of the National Guard facility already located in close proximity to the Hickey School, where a complete arsenal is stored without any evidence of problems involving Hickey residents. (T. I.44) To address this concern, however, the Board imposed the restriction that no guns could be stored at the range. (T. I.34)

Secondly, Appellants suggests that the community has reached the shooting range saturation point for location of shooting range facilities in the area. According to John Dillon of the Baltimore County Planning Office, the proximity of the National Guard range was

actually a positive factor in the County's recommendation of this site (T. ii.37-38). This testimony supports the Board's conclusion that the adverse environmental impact generated by the location of Appellees' club facilities on the subject site would be less than would result in another RC2 zone (Opinion p.4).

Thirdly, Appellants suggest that the gun club does not serve a mandated municipal or public safety function, but rather is a pleasure club. There is no requirement that the club serve a municipal or public safety function. As long as there is not a detrimental effect on the primary agricultural use, B.C.Z.R. 1A01.2C allows a shooting range by Special Exception in an RC2 zone.

Fourthly, Appellants suggest that existing gas and electric utility lines could present a potential danger if weapons are unsafely discharged. Such concern does not rise to the level of Shultz "uniqueness". It is a general concern applicable to any proposed site or community. This general concern was addressed in the testimony of Richard Blocker, President of the Pikesville Sportsman's Club. Construction of the proposed facility will comply with the standards set by the National Rifle Association, which require both protective earth beams and overhead traps to absorb errant shots. The range will also be supervised by a safety officer. (T. I.53-58)

Fifthly, Appellants suggest that users of Gunpowder State Park will be driven away because of the noise of gunshots. This not so

unique concern was also addressed in the record. George Winger described the sound of firearms at the range as "ambient background noise" which would not cause people to enjoy the Park any less. (T. II.93-94) More importantly, the noise levels would be required to be within levels allowed by applicable environmental standards. (T. IV.162-163)

Sixthly, Appellants suggest that the area's retirement would be invaded by the noise of gunshots. Evidence in the record indicates that the noise levels would be equivalent to background noise and would be within allowed environmental limits.

The Shultz consideration of the issue of the "uniqueness" of the site is not applicable to Appellees' site and the surrounding community. As to the concerns Appellants raised on the issue, the Board either addressed them or was not persuaded of their merit based on contrary evidence in the record.

Appellants' fifth contention on appeal is that the Board's Restriction No. 3 is unenforceable, undefined and ambiguous. Such contention is without merit. In granting Appellees' Special exception, the Board established this third restriction to address the legislative requirement that there be no detrimental effect on the surrounding agricultural community by requiring that Appellees preserve certain portions of the subject site as agricultural. (Opinion p.5) Exhibits document Appellee's planned use of the site for shooting range purposes.

Appellants' sixth contention, that the Board failed to consider the B.C.Z.R. requirements, has already been discussed above. The Board's finding that there would be no detrimental effect on the health, safety and general welfare as required in B.C.Z.R. 502.1 and 1A01.2C was supported by the record. That the evidence before the Board was controverted and contested is not an indication of a failure to consider by the Board. The Board's decision reflects application of the zoning regulations to the facts as found by the Board, which facts are supported in the record.

Appellants' seventh complaint, that a gun club would not affirmatively foster the continued agricultural use of the property, has already been discussed above when addressing Appellants' second contention raised in this appeal.

B.C.Z.R. 502.1 and 1A01.2C only require that the Special Exception have no detrimental effect on the primary agricultural uses in the area. There is no requirement that the proposed legislatively permitted use be an affirmative enhancement to agriculture.

Appellants' eighth and final contention was not raised in oral argument, but was raised in Appellants' Memorandum, namely an alleged violation of due process standards. Appellants argue that the Board's decision was unsupported by the evidence, arbitrary and capricious, and violative of due process requirements.

As indicated throughout this Opinion, such argument is not persuasive. The Board found that Appellees met the requirements of the B.C.Z.R. for the grant of a Special exception with the restrictions imposed. There was no misapplication of the law. The evidence was "fairly debatable". The decision of the Board was supported by substantial evidence. See Annapolis v. Annapolis Waterfront Company, supra.

For the aforegoing reasons, the decision of the Baltimore County Board of Appeals is hereby AFFIRMED on this 4th day of June, 1992, with the costs of this Appeal to be paid by Appellees.

JAMES T. SMITH, JR., JUDGE

JTS/ss

Copy: Robert A. Hoffman, Esq.
John H. Zink, III, Esq.
J. Carroll Holzer, Esq.

ed the current facility is seldom used to capacity. Petitioners argued the property could be farmed in conjunction with the Club's operation; however, no evidence to support this claim was introduced. These facts taken into consideration with the testimony of the Protestants as to the detrimental impact on the health, safety and general welfare of the community of the proposed use if permitted on the subject property require a denial of the relief requested herein.

Turning to the testimony presented in Case No. 90-139-SPHA, an examination of the plats presented and the testimony presented by William G. Ulrich is in order. Testimony indicated that the subject property consists of two parcels recorded in the Land Records of Baltimore County in Liber 2248, Folio 153. The subject property is presently used for farming, including, but not limited to pasture land and the operation of the family nursery, and will continue to be used for such purposes. The first parcel consists of 190 acres of which all but 4.3 acres is zoned R.C. 2. Pursuant to the B.C.Z.R. it is clear that said parcel contains 3 density units. Testimony presented indicated that prior to the enactment of Bill No. 79-178 regarding the establishment of lots of record subsequent to November 26, 1979, Petitioners conveyed out two lots which are clearly depicted and noted in yellow on Petitioner's Exhibit 1C, both consisting of 2 acres and designated Parcels 1 and 9 on said exhibit.

The second parcel of land is outlined in blue on Petitioner's Exhibit 1A and consists of 38.5 acres more or less. Said parcel contains two density units under the B.C.Z.R. Petitioners are desirous of transfering the density of said lot to create two parcels which are identified as Parcels 3 and 4 on Petitioner's Exhibit 1B and were part of the aforementioned 190 acres. Each parcel would consist of 10 acres and front

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on Long Green Pike Road. The 38.5 acres from the original second parcel would be merged in a deed along with the remaining acreages from Parcel 1 to create Parcel 5 as depicted on Petitioner's Exhibit 1B with a total acreage of 201 acres. These are the 201 acres under contract to The Pikesville Sportmans Club. Petitioners are desirous of obtaining a determination that there would be two dwelling units remaining for Parcel 5. The original transfer for Parcel 1 on Petitioner's Exhibit 1C needs to be considered a non-density transfer and would be combined with adjoining property owned by one of the Petitioners which was in existence and conveyed out prior to November 26, 1979, as noted on Petitioner's Exhibit 1. The new Parcel 1 as noted on Petitioner's Exhibit 1B would continue to be operated by the Bressler family as a nursery which has been ongoing on the property in excess of 38 years. Petitioners argued that the non-density transfer of the two acres to Parcel 1 would promote agricultural uses as it would permit the continuation of the nursery. Testimony indicated that the 2 acres Petitioners seek permission to add on are simply part of the parcel that has been used over the years for the operation of the nursery. Petitioners contend the 2 acres added to Parcel 2 would support the agricultural uses on said lot owned by Mr. & Mrs. Vernon L. Smith, Jr.

Testimony presented by Petitioners explained in detail the planning reasons and the rationale for the reconfiguration of the lots as proposed. Petitioners' testimony indicated that they firmly believe the proposed reconfiguration is within the spirit and intent of the B.C.Z.R. and the property's zoning classification as it will continue to promote the agricultural preservation of the property and continued uses of the property for agricultural purposes.

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the combination of the non-density acreage to two existing parcels is consistent with the B.C.Z.R. Section 1.A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating the R.C. classifications. It is clear that the concern was that agricultural land was being converted by development without sound planning considerations creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral sites, as well as important natural resource areas.

To achieve this result, the County Council formed the Resource Conservation zones for the following reasons: 1) discourage present land use patterns of development and create a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences. (See Bill No. 98-1975) Specifically, the R.C. 2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

Petitioners indicated the request for variances is necessitated due to the height and location of existing buildings in relation to the proposed lot lines. Testimony indicated the granting of the variances will not result in any detriment to the health, safety or general welfare and to deny same will create a practical difficulty for Petitioners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Office of Planning and Zoning did not support Petitioners' request; however, it recommended that if the request was granted, the acreage of Parcels 3 and 4 be limited to one (1) acre unless an increase was necessary to provide for onsite private septic and water well systems. Petitioners contend Planning's comments did not take into consideration Petitioners' desire to promote the continued agricultural uses of the land as pastureland. The Protestants noted their opposition to this case as a matter of principle. A number of Protestants noted the present agricultural uses of the property by Petitioners and their genuine feelings that Petitioners were good neighbors.

In reviewing the testimony, the relief requested in this case, as hereinafter modified, seems appropriate and consistent with the spirit and intent of the zoning regulations. However, the size of Parcels 3 and 4 and the location of the house must be reviewed and approved by DEPREM to insure compliance with the property's zoning classification and Bill No. 134-89 concerning prime and productive soils. Further, the granting of

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the relief requested regarding Parcel 5 will require the input of DEPREM prior to the subdivision of said Parcel to insure the subdivision promotes agricultural preservation.

In conclusion, after due consideration of the testimony and evidence presented in Case No. 90-138-SPHX, it is clear the relief requested in the Petitions for Special Hearing and Special Exception should be denied.

Further, after due consideration of the testimony and evidence presented, in Case No. 90-139-SPHA it is clear that the relief requested in the Petition for Special Hearing and Variance should be granted, subject to the restrictions set forth hereinafter. It is equally clear that to grant the relief requested would not be contrary to the spirit and intent of the B.C.Z.R. and would not be detrimental to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Special Exception in Case No. 90-138-SPHX should be denied and the relief requested in the Petitions for Special Hearing and Zoning Variance in Case No. 90-139-SPHA should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 1990 that the Petition for Special Hearing in Case No. 90-138-SPHX to approve the use of the caretaker's residence on the subject property as an accessory use for a proposed shooting range and clubhouse and a parking plan for the proposed shooting range and clubhouse which provides a total parking of 180 spaces, 125 of which will be used for the Clubhouse and East Trap and Skeet Range, 25

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will be used for the West Trap and Skeet Range, and 30 will be used for the Rifle Range and Archery Trail, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception in Case No. 90-138-SPHX to use the subject property for a shooting range and clubhouse, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing in Case No. 90-139-SPHA to approve the non-density transfer of two (2) 2-acre parcels, each to be combined with an existing lot to form new Parcels 1 and 2, the reservation of two dwelling units for new Parcel 5, and the creation of new Parcels 3 and 4, with total density not to exceed the permitted five (5) dwelling units, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building, in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to the issuance of any permits, Petitioners must obtain the approval of DEPREM as to the location of the dwelling on the lot and the size of the proposed Parcels 3 and 4. DEPREM may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels. The size of the lots may be modified by DEPREM as determined by it to promote

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agricultural preservation. Said lots must be used for agricultural purposes.

3) Prior to the subdivision of Parcel 5, Petitioners must obtain approval of DEPREM and the Agricultural Land Preservation Advisory Board as to the location of the dwelling and size of parcel to insure said use promotes agricultural uses. DEPREM and the Agricultural Land Preservation Advisory Board may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels.

4) The granting of the relief requested herein is conditioned upon Petitioners agreeing to use Parcels 1, 2, 3, 4 and 5 for agricultural purposes only and presenting evidence of same to DEPREM and the Agricultural Land Preservation Advisory Board. This shall not prevent residences from being placed in accordance with DEPREM's approval.

5) Prior to the issuance of any permits, Petitioners shall file new deeds for each of the parcels, along with a record plat, in the Land Records of Baltimore County. A copy of the recorded deed and record plat for each parcel shall be submitted to the Deputy Zoning Commissioner for inclusion in the case file. The new deeds and plats shall reference this case and set forth and address the restrictions of this Order.

6) Petitioners shall submit to the Deputy Zoning Commissioner within one hundred twenty (120) days of the date of this Order, or prior to recording the record plat, whichever occurs first, a minimum 50-scale survey plan certified by a registered land surveyor depicting the proposed Parcel 1, Parcel 2 and the inclusive Smith, Bressler and Eckhart properties. The plan shall clearly and accurately depict the following: 1) locate all existing buildings to remain in relation to the property lines; 2) identify and confirm the variances setbacks as granted herein; 3) provide the dates of creation of all divisional property lines to remain; and 4) confirm the use for farming or residential and provide the size and height of all buildings to remain.

7) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 16, 1990

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
W/S Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District - 6th Councilmanic District
Ida S. Eckhart, et al - Petitioners
Case No. 90-138-SPHX

PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
W/S Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District - 6th Councilmanic District
Ida S. Eckhart, et al - Petitioners
Case No. 90-139-SPHA

Dear Mr. Howard:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Special Hearing and Special Exception in Case No. 90-138-SPHX have been denied and the Petitions for Special Hearing and Zoning Variance in Case No. 90-139-SPHA have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, Md. 21204

People's Counsel

File

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IN THE MATTER OF PIKESVILLE SPORTSMAN CLUB, INC. PETITION FOR SPECIAL EXCEPTION AND PETITION FOR SPECIAL HEARING

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO.: 90-138SPH & 90-139SPHA

* *

RECEIVED
JAN 8 1990
ZONING OFFICE

PROTESTANTS POST-HEARING MEMORANDUM

Protestants by J. Carroll Holzer, their attorney, hereby submit their Post-Hearing Memorandum as requested by the Deputy Zoning Commissioner for Baltimore County.

STATEMENT OF THE CASE

The above captioned cases come before the Deputy Zoning Commissioner of Baltimore County for public hearing based upon a Petition for Special Exception to permit a "shooting range and clubhouse" and to permit a caretaker's residence as a necessary accessory use for the sportsman's club and a parking plan for the shooting range and clubhouse which provides for total parking of 180 spaces. The second case requests permission to redraw a number of boundary lines and a redistribution of the density units permitted thereunder for purposes of the creation of additional lots.

This Memorandum, submitted on behalf of the Protestants, will not address the issues of Case No.: 90-139 regarding the lot lines and the re-distribution of density units in that the case having come before the Deputy Zoning Commissioner for a

hearing, and the Protestants' position in regard to this issue is clearly on the record and the subject of a stipulation on the record before the Deputy Zoning Commissioner. The balance of this memorandum will address the issues requested in Case No.: 90-138 concerning permission by way of a special exception for purposes of a shooting range and clubhouse for the proposed site.

The proposed facility is located in northeastern Baltimore County, in the Glen Arm area. It is located along Long Green and Fallory Roads on the east, Glen Arm Road on the west and adjacent to the Gunpowder State Park on the south. It consists of approximately 201 acres, zoned RC2 nd RC5. It is utilized at the present time for purposes of agriculture. The Pikesville Sportsman's Club is proposing a 25 yard outdoor pistol range, an outdoor rifle range of 100 and 200 meters, along with a six station skeet and trap range, a nine station skeet and trap range, as well as multiple archery ranges along the circumference. In addition to the outdoor ranges, a clubhouse of approximately 35,000 square feet is proposed which will house indoor pistol ranges and an indoor archery range as well as meeting rooms.

The Protestants consist of adjacent, adjoining and surrounding individual neighbors as well as the Glen Arm Community Association, which is comprised of community members and neighbors in the immediate vicinity of the proposed sportsman's club. The Petitioners presented eight (8)

witnesses during the course of this proceeding while the Protestants presented approximately 24 witnesses reflecting various areas of concern in regard to the proposed sportsman's club. Community groups testifying or presenting a position against the proposed gun club by way of testimony or letter included the Glen Arm Community Association, the Long Green Valley Association, the Greater Kingsville Civic Association, the Greater Jacksonville Association, and Manorwoods Community Association, along with the Summerfield Farms Association.

As a result of all of the testimony presented in the instant case, it appears that the legal parameter is set forth in the requirements for approval of a special exception, Baltimore County Zoning Regulations, Section 502.1 and in Schultz v. Pritz, 291 Md. 1, 432 A. 2nd 1319 (1981). The key to the instant case is found in an analysis and evaluation of the factual testimony of the witnesses and the issues presented therein as it relates to Section 502.1 and Schultz v. Pritz.

ISSUES

The issue presented in the instant case is whether the Petitioners have failed to meet the requirements of Baltimore County Zoning Regulation, Section 502.1 and Schultz v. Pritz, 291 Md. 1, 432 A. 2nd 1319 at 1327 (1981) in respect that the facts and circumstances show that the particular use, at the proposed location, has an adverse effect above and beyond those inherently associated with such a special exception use,

irrespective of its location in the zone. The Protestants would submit that they have established through their cross-examination of the Petitioners' witnesses, as well as the testimony of the witnesses for the Protestants, that this particular location has a uniqueness about it which sets it apart from RC2 and RC5 zoned property situated elsewhere in the county. That "uniqueness" of this site was established during the course of the testimony and will be referred to hereinafter.

STATEMENT OF FACTS AND ARGUMENTS

A. Petitioners Case

1. Richard Blocker, the current President of the Pikesville Sportsman's Club testified in regard to their general purpose in acquiring the property and proposing the use of the site as a sportsman's club to include pistol, rifle and archery ranges along with skeet and trap ranges.

Mr. Blocker testified that the Pikesville Sportsman's Club consists currently of 83 members with a maximum of 135 set by the charter. He acknowledged that the charter could be amended to increase the number of members in the Club. In addition, he testified that of the 83 members, only two lived in the Glen Arm area, while many lived in other areas of the state, including Baltimore City, Harford and Howard counties, as well as Delaware. He testified that the members intended to keep the Club small. He acknowledged, however, that the charter could be amended to enlarge the

membership. His testimony was in conflict with the size of the project as presented and in his later testimony acknowledged that there was a substantial increase in the proposed size of the facility almost doubling the archery ranges, doubling the trap and skeet stations and enlarging the number of stations in the pistol, and rifle ranges. He testified that the clubhouse facility could be leased out to other functions. He testified that there would be a liquor license transferred from their existing location, as well as the one day liquor license requested and obtained for social functions. Mr. Blocker had no explanation why the size of the facility had to double if the membership were to be limited as well as they are not utilizing the facilities they have at the existing location. He was unable to satisfactorily explain the need for the increased size of the facility other than to say it was for the benefit of the members. Protestants would submit that in reality the enlarged facility is simply to permit more and greater activity than that currently existing at the Owings Mills site.

Mr. Blocker testified that the hours of operation in the summertime would be from dawn to dusk for the rifle and archery ranges and Sundays from 12:00 to 4:00 for the skeet and trap ranges. Since the facility is not intended to be lighted, during the winter months the hours obviously would be less. Mr. Blocker further acknowledged that other than the Deputy Zoning Commissioner's review of this project, there would be no

federal, state or other local review of the plans for the ranges and/or their safety other than the need to comply with the standard Baltimore County building permit.

Mr. Blocker further acknowledged that there is no fence proposed around the entire facility which would include the archery ranges. Petitioners do intend, however, to fence the immediate area of the rifle range.

Mr. Blocker further testified initially, that firearms would not be stored, but ammunition might be kept in the facility; after further cross-examination he refused to rule out the fact that firearms would not be stored on site. Subsequent testimony further established that there was a storage facility in the clubhouse for possible use of weapon and ammunition storage.

2. Corporal Hughes of the Department of Natural Resources testified to nothing more than the Pikesville Sportsman's Club maintains a hunter safety program.

3. Anthony J. Ianniello - Mr. Ianniello was the architect who designed the clubhouse facility, identified as Petitioner's Exhibit #2. He confirmed that there would be 51,000 gross square feet within the facility, of which 27,000 would be on the indoor range level and 24,000 in the first floor clubhouse socialroom area.

4. Robert L. Powell, Vice-President of the Pikesville Sportsman's Club testified in regard to other ranges in the area. Mr. Powell acknowledged that while the Maryland National Guard Armory in the Gunpowder State Park does store weapons, they have a sentry and security guard on the site.

5. Mickey Cornelius - Mr. Cornelius testifying on behalf of the traffic group as an expert, projected the amount of traffic based upon his count of the 83 members currently utilizing the Club's Owings Mills facility. The witness did not take into account full expansion of the Club to 135 members in his projection of what the traffic would be at the Long Green location. His testimony, therefore, is clearly based upon an erroneous estimation of vehicular traffic for the site. Furthermore, he failed to take into account the traffic count for special events which will be held at the Sportsman's Club at least once a month.

6. Jack Dillion - Mr. Dillion, testifying on behalf of Baltimore County, indicated that Baltimore County suggested a relocation of the Pikesville Sportsman's Club, but suggested that the Club look in areas not just in Baltimore County. It is pretty clear from the testimony that many of the members of the Sportsman's Club come from other jurisdictions outside the County. Protestants submit that it is not incumbent upon Baltimore County to find a home for a pleasure club, such as the Pikesville Sportsman's Club, to the detriment of a large number of its citizens who are concerned about this activity

being placed in their community.

Mr. Dillion acknowledged that the Gun Club turned down another location further north and in a more rural area on Interstate 83 due to the cost. It is, therefore, clear that there are other locations for this facility which would be less of an intrusion upon a community, but that the cost consideration to the Sportsmen's Club was the determining factor in their desire to locate in Glen Arm.

While Baltimore County felt compelled to assist the relocation, Protestants submit that the County should not be involved in an enlargement of such a facility; furthermore, it is pretty clear that Baltimore County adopted the position that since there were already a number of ranges in the location of Glen Arm, that another range would not be detrimental. To adopt this philosophy would be to conclude that any such nuisance, such as a landfill, should be placed next to other landfills because one already exists in the community. This thinking is totally ridiculous and an affront to an otherwise education citizenry.

7. Mr. Winzer - Mr. Winzer testified as to the noise and acoustics concerning the firing of the weapons. While he made little of the noise factor for the firing of a rifle or pistol, he failed to take into account the annoyance and the exasperation felt by citizens who are forced to listen to the intrusion of the sounds of gun fire at all hours of the day from all directions in their neighborhood. It is clear

from his testimony, even though somewhat confused as to the impact of the sound by increasing number of weapons being discharged simultaneously, that the effect is an increase in annoyance to the surrounding neighbors. During the Protestant's case, numerous witnesses testified to the sounds of firearms traveling distances in the valley which caused annoyance and aggravation to them from existing ranges.

8. Bill Curwin - Mr. Curwin testified as a site developer and landscaper in regard to the site.

B. Protestants' Case

The following witnesses were presented on behalf of the Protestants and the testimony summarized herein:

1. Bill Burgess, Delegant, 8th Legislative District - Mr. Burgess testified that he has known the area for twelve (12) years and that he is opposed to the proposed facility on the basis that there are five or six similar facilities in the area; that the property values in the area will go down; that the state has just finished expending vast sums of money to improve and expand the Gunpowder State Park to provide a quiet place for family recreation and this will disrupt that investment; and finally, he is opposed to a gun club with a liquor license in the area.

2. Joseph Bartenfelder, Delegate, 8th District - Mr. Bartenfelder testified that he is a farmer as well as delegate and that he realizes that there are a number of gun clubs which provide suitable recreational activity for their members in the area; that his farm is six (6) miles away from the National Guard Armory and that he can hear the gunshots while he is working in his field. He further testified that he is concerned about traffic safety as well. He testified he travels the area frequently and the roads through the valley, Glen Arm and Cub Hill are very narrow, winding and are not the kinds of roads which would be suitable for increased traffic which would be generated by this large facility. He testified that he was an individual who worked and lived in the area and found the proposed Sportsman's Club incompatible with the environment.

3. Donna Felling, Delegate, 8th Legislative District - Mrs. Felling testified that she grew up and has lived in the Carney-Cub Hill area and presently lives less than one (1) mile from the proposed facility. She testified that the quality of life will be disturbed and diminished by the gunshots in the morning and on Saturdays and Sundays; of most particular importance to her is the fact that this facility will be located one (1) mile from the Charles Hickey School, a juvenile detention center, which has a history of escapes and problems over recent years. In conclusion, Mrs. Felling was very concerned that the proximity of this site to the Charles

Hickey School introduced a major safety concern. She testified further as a former planning board member of Baltimore County from 1985-86 that this proposed use was inappropriate for the agricultural area; that she objected to ammunition and guns at the facility with the close proximity of the Charles Hickey School; and that she is concerned about the liquor license in conjunction with this facility.

4. Tom Bromwell, State Senator, 8th Legislative District - Mr. Bromwell testified that he has first-hand knowledge of this community and has great concern over an additional gun club in view of the number of shooting facilities already in the area. He made particular note that with 83 members, why would the proposed facility include such a large clubhouse with expanded ranges. And, he testified that he was opposed to that expansion. Mr. Bromwell made the point that while other gun clubs in the area have co-existed with communities, those facilities were all in place before the communities developed around them, whereas here, this proposal is being placed right in the middle of an already existing community which he felt was improper an inappropriate. Mr. Bromwell further testified as to his concern about the special events that a new clubhouse and facility would encourage in terms of additional people and opportunities for drinking on the site; he was further concerned as well about the safety factor with the Hickey School where escapes have been relatively frequent. Mr. Bromwell was further concerned about

the fact that livestock and children could not read posted signs in regard to the Gun Club and felt that members of the public and animals straying onto the site with archery ranges and skeet shooting areas would provide a health and safety hazard. Finally, Mr. Bromwell concluded that with only two members of the Glen Arm community in the total membership of the club, this facility was not needed for the Glen Arm area and Glen Arm residents and should be located in some other portion of the county or in another county altogether.

5. Michael Reier - Mr. Reier testified as President of the Glen Arm Community Association as well as an individual living adjacent to the proposed site. He introduced Protestants' Exhibit #1 indicating the blue pins as locations of citizens in opposition to the proposal. He further identified Protestants' Exhibit #2 as a plat showing the existing shooting facilities surrounding the proposed Pikesville Sportsman's Club. He testified that in his opinion as well as the community association's, the skeet and trap ranges plus the various rifle and pistol ranges were not compatible with agricultural activities as specified in the master plan and created a safety issue concerning the firing of these weapons as well as the close proximity of the proposed facility to the Charles Hickey School. Finally, Mr. Reier opposed the use of alcohol creating dangerous and hazardous situations on the ranges and the road.

6. Ward Dawson - Mr. Dawson testified in regard to the numerous gun clubs in the area including the Maryland National Guard range, the Baltimore City Police Firearms Training Facility, the Carney Riding Gun Club, the Baltimore County Game and Fish Protective Association, and the Baltimore County Police Target Range. In enumerating all of these facilities, it become obvious that there are sufficient shooting ranges in the area for purposes both of education and training of individuals and groups to firearms as well as for recreational activities firing weapons and target shooting at the private clubs in the area.

7. Ann Reier - Mrs. Reier testified as an adjacent property owner in regard to the noise concerns that she had. Again, the noise is not the scientific aspect of the sound traveling from one gunshot, but from a multitude of gunshots from the Gunpowder National Guard facility as well as the other shooting ranges. The totality of the gunfire activity is not only disturbing, but has an emotional and negative impact on the surrounding residents. She further testified that she was concerned in regard to the probable decreased property values as well as traffic in the area if the proposed gun club were to be built.

8. Elizabeth Christhilf - Ms. Christhilf testified as President of the Notchcliff Retirement Community. Her testimony is extremely important because she represents not only herself as a resident of the retirement community, but the community of Notchcliff which is concerned about the noise and the invasion of gun fire into the peaceful serenity of their community. They have already been concerned about the gunshots and noise generated by the National Guard. However, she testified that she and the Notchcliff community are willing to accept those disturbances because the National Guard facility was there before Notchcliff and the facility serves a vital public safety purpose. She did indicate however, that she was extremely concerned about a few private citizens having the right to cause this disturbance to an area that she considers her retirement home. She testified there were 101 apartments and 110 cottages at the Notchcliff facility and that all of the individuals there are elderly people looking for peace and quiet in their golden years. She testified the ages of the residents ranged from 60 to 92. She testified that the residents are concerned about the additional traffic on the road because most of the residents drive cars and drive on those roads to and from their retirement homes. The testimony of Ms. Christhilf is extremely important in that it presents one of the unique features of this area, namely, that a retirement community of substantial proportions is within close proximity of the proposed gun ranges and will be obviously

impacted and affected by this proposal.

9. David Heston - Mr. Heston testified as a resident and an individual who has expertise in the area of noise and noise pollution. It was his opinion that the multitude of guns would have a substantial impact in the decibels that would be produced and which would be available to travel over the countryside. His testimony was summarized in a Protestants' exhibit on reflecting the nomograph diagrammed for one, ten and twenty guns. It was his opinion that the gun club would have a substantial negative impact on the community because of the additional noise from gun fire it would produce.

10. Melvin Bronzert - Mr. Bronzert, who lives adjacent to the proposed project, is a graduate mechanical engineer who has lived in the Glen Arm community for 25 years. He testified that he had substantial contact with BG&E and the individuals involved in construction of the power lines near to the proposed gun club and that the power transmission lines which bisect the proposed site consist of one east right-a-way of 13,000 volt amperes and one west right-of-way which carries 115,000 volt amperes through wires with uninsulated conductors. The danger to the electrical transmission lines from an errant bullet from the proposed gun club were testified to by Mr. Bronzert. He further testified that there were underground pipelines carrying gasoline and liquid gas under great pressure and that an errant bullet could easily rupture this line which was buried only three feet below ground level.

11. Louise Matzinger - Mrs. Matzinger is the Chairman of the Gunpowder Advisory Board for the State of Maryland. She testified that the Department of Natural Resources has spent millions of dollars in the acquisition and maintenance of the Gunpowder State Park. She testified that there are over a million users of the park each year and that the sound of guns shatter the peaceful enjoyment of not only the park users, but the wildlife as well. She testified that when they allowed hunting in the woods of the Gunpowder State Park, the attendance fell off and the people protested the sound of gun fire. She indicated that if this project were approved, that the park would be sandwiched between the National Guard facility and the proposed sportsman's club.

12. Rob Deford - Mr. Deford testified as President of the Long Green Valley Association in opposing the Pikesville Sportsman's Club Petition for Special Exception. The Association forwarded a letter dated November 13, 1989 to the Zoning Office which basically raised concerns regarding the status of the agricultural land, noise, safety, effect on property values, and the effect upon the environment and wildlife.

13. Kathy Tyler - Mrs. Tyler testified that she is a resident of the Long Green Valley and owns approximately 74 acres. She is concerned with the noise and the mental pictures conjured up by the use of firearms in her neighborhood. She

objected to people not from the area "having their fun in my backyard".

14. Dr. Richard Mozner - Dr. Mozner, licensed pharmacist in Maryland, who studied at the Harvard Medical School, testified in opposition to the proposal. He testified that he has fired at the Pikesville Sportsman's Club as a shooter of trap and skeet. That he objected to the use of lead in a shotgun shell. He then proceeded to testify as to the environmental dangers of lead saturated on the ground surface. He testified that one shotgun shell contained 410 particles of 1 1/8 inch lead shot, which equalled 13 inches of lead surface. This lead would be leached into the ground water and into the soil by rain as well as being available to animals and geese.

15. Dr. David G. Marsh, PhD. - Dr. March testified as a resident of the Glen Arm area in regard to bringing an additional gun club into the area. He testified in regard to the noise as well as the combination of alcohol and traffic congestion brought by the gun club. He was particularly concerned about the archery ranges which posed a real danger.

16. Charles Krach - Mr. Krach testified that he is a Glen Arm resident and a retired Baltimore County Police Officer with over 24 1/2 years of public safety experience. He testified in regard to the roads leading to the site, both Glen Arm Road and Factory Road, which he characterized as windy, hilly , narrow and dangerous.

17. Renaldo Vitale - Mr. Vitale testified that in addition to residing in close proximity to the proposed site, he has served in the United States Army as an instructor at the small arms school, and in Germany and Italy as a Range Officer for U. S. Army and NATO forces for 2 1/2 years in which he was required to attend and manage troops on rifle ranges. It was his testimony that regardless of the efforts, accidents clearly occur in regard to accidental discharge of weapons on the range. He testified that this potential for an incident increases with "weekend cowboys" and others utilizing the facility. He further testified that at the Loch Raven range facility he had personally observed six incidents of accidents in regard to a skeet and trap range. He concluded by testifying that he believed that there was a real and present danger in regard to safety concerns.

18. Gregory A. Shane - Mr. Shane testified before the Deputy Zoning Commissioner in regard to his concern over noise. He testified that he has a three year old daughter and a one year old son who are terribly afraid of loud noises and that he lives adjacent to the proposed facility. The trap ranges would be shooting in the direction of his home. He is concerned about the safety aspect of this proposed facility as well as the personal concerns regarding safety of his children and their fears. He submitted a letter to the Zoning Commissioner, dated November 25, 1989, to sum up his objections.

19. Stewart T. Crook - Mr. Crook testified that he is a Certified Public Accountant who lives on Glen Arm Road and that his rear yard abuts the proposed archery trails. He testified that he is concerned in regard to the safety of his children and pets based upon the elevation of his property and the trajectory of the proposed archery ranges. He is opposed to the use of alcohol while shooting; he testified that no fencing for precluding wondering pets and children from the archery ranges also concerned him. He was concerned about high-powered bows and their arrow' flight range and the affect any mishaps might have upon their home.

20. Lynn Murphy - Ms. Murphy testified as a resident of Glen Arm, who has horses on her property. She was extremely concerned in regard to the noise and the effect of the gun shots upon the horses and other environmental concerns.

21. Eva Hendrickson - Ms. Hendrickson testified in regard to the location of the proposed gun club in her backyard exposing her family to an almost constant barrage of firing which would result in deterioration of their mental and physical well being.

22. Nancy Hastings - Ms. Hastings testified that she is a 20 year resident of Kingsville and that she is the first Vice-President of the Greater Kingsville Association and also a member of the Advisory Board for the Gunpowder State Park. In representing the Greater Kingsville Civic Association, she

testified in opposition to the proposal citing excessive noise, environmental concerns and declined property values.

23. Stanely Pollack - Mr. Pollack testified as an officer of Summerfield Farms Association. That Association authorized a poll of its members which resulted in 57 members opposed to the proposed facility and six in favor.

Basically, the above concludes substantive testimony from both parties. While there were other witnesses called by both parties, their testimony was not substantive to the issues set forth.

Legal Argument

A special exception is a statutory grant of authority unto the Zoning Commission to test and review certain land uses, in each particular case where application is requested, against a prerequisite set forth within the text of the B.C.Z.R. to determine that the use complies with the spirit, content and letter of the various applicable regulations. It is subject to the guidelines and standards contained in the provisions in the Baltimore County Zoning Regulations. A special exception is a use which has been pre-determined by the County Council of Baltimore County to be conditional compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner must, in each case, decide under the specific standards set forth in Section 502.1 of the B.C.Z.R, whether the presumptive compatibility does, in fact, exist in this case. Rockville Fuel and Feed Company, Inc. v. Board of

Appeals of the City of Gaithersburg, 257 Md. 183, 262 Atlantic 2nd 499 (1970). Furthermore, ". . . there cannot be a grant of the special exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated. . ." Schultz v. Pritz, 291 Md. 1 432 Atlantic 2nd 1319 (1981). . ."the duty of the Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use of the particular case is in harmony with the general purpose and intent of the zoning plan."

Section 502.1, sets forth the criteria which must be met before and special exception may be granted. It must appear that the use for which the special exception is requested will not:

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

B. tend to create congestion on roads, streets or alleys therein;

C. create a potential hazard from fire, panic or other danger;

D. tend to overcrowd land and cause undue concentration of population;

E. interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements, conveniences or improvements;

F. interfere with adequate light and air;

G. be inconstant with the purposes of the property 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 vegetation retention provisions of these zoning regulations."

The issue in the special exception hearing is whether or not the requirements of Section 502 of the B.C.Z.R. have been successfully fulfilled by the Petitioner. The case has clearly established 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 and whether there are facts and circumstances that show the particular use at the proposed location, would have any adverse effect upon and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pritz, 291 Md. 1, 432 A 2nd 1319 at 1327 (1981).[1]

Protestant's submit that the above language clearly sets forth the existing and applicable law guiding the instant case. The real question presented by all of the evidence is whether or not the Pikesville Sportsman's Club would have an adverse effect and, therefore, should be denied upon the proposed site located at Long Green Pike and Glen Arms Road and whether this

[1] All of the above was set forth as the applicable law by the Zoning Commissioner of Baltimore County in the matter of Petition for Special Exception Gordon K. Faulkner, Petitioner, Case No.: 88-240X.

adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Clearly the testimony in this case supports the proposition that the location of this proposed Pikesville Sportsman's Club may well find a suitable home in another RC2 or RC5 zone, but that on this particular site for which it is proposed, it is clearly inappropriate and would have an adverse effect upon the surrounding community.

Without restating all the testimony, it is clear that first, this facility, which indisputably has the capability for the storage of ammunition and guns, would be located within a mile of the Charles Hickey School. The Charles Hickey School is a juvenile detention facility which has experienced numerous escapes and problems over the past years. As recently as the weekend before the hearing, Donna Felling testified that there was an escape from the Hickey School which resulted in two escapees appearing in the community at a church doorstep for assistance. Clearly, the possibility that weapons could be obtained from the Pikesville Sportsman's Club has a chilling effect upon the health, safety and welfare of the community. This facility cannot be compared with the Maryland National Guard facility which also stores weapons, but which has a sentry and a security system in place for the armory.

Secondly, this community has within five miles, six facilities for shooting and weapons practice which certainly saturates the tolerance level of the residents in the community. It is submitted by the Protestants' that it is fallacious to argue that just because six facilities are located in the community that it is appropriate to locate a seventh. As heretofore mentioned, the fallacy and unreasonableness of this argument is self evident.

Third, it should be pointed out that this proposed gun club does not serve a mandated municipal or public safety function, such as a landfill, firehouse, school, or other public facility. To the contrary, this is a private pleasure club which would be exacting a price from the community as a whole for the benefit of a few.

Fourth, there are gas and electric public utility lines running through the property which present potential problems in regard to safety if weapons are discharged in a careless or an accidental fashion.

Fifth, the Gunpowder State Park, for which the state has spent millions in acquisition and additional millions in maintenance, provides a park-like setting and sanctuary for not only wildlife and animals, but for citizens of Baltimore County. The undisputed testimony of Mr. Burgess as well as the Director of the Gunpowder State Park is that the sound of gunfire and gun shots drives people out of the park. For the benefit of a few members, only two of whom live in this

community and, most of whom do not even live in Baltimore County, we would be denigrating our environment, park areas, and even our citizens if we would allow a private pleasure club of this type through a special exception.

Sixth, the county has encouraged the development of retirement facilities and has presented witnesses who testified at hearings before this Zoning Commissioner encouraging the development of retirement communities. Such a retirement community is located at the Notchcliff Retirement Community as testified by Elizabeth Christhilf. Clearly to establish such a residential community for the elderly in a rural area with a peaceful setting and then to have it invaded by a private gun club, the sounds from which will certainly cause aggravation and annoyance, if not potential danger, seems incongruous on the part of Baltimore County.

As previously set forth in this memorandum, there are at least seven unique aspects of this property which do not exist on other similarly zoned properties which establishes the uniqueness of this site which would preclude the proposed Pikesville Sportsman's Club Request for a Special Exception. It is clear that the facts and circumstances from all of the testimony show that the particular use at this proposed location in Glen Arm would have an adverse effect above and beyond those inherently associated with such a special exception use in any other zone. Schultz v. Pritz 291 Md. 1, 432 Atlantic 2nd 1319 at 1327 (1981). Clearly these facts

alone allow us to draw the conclusion that this proposed gun club will not even pass the first criteria of Section 502.1.A in that it will be detrimental to the health, safety or general welfare of the locality involved.

Conclusion

WHEREFORE, Protestants respectfully submit that Petitioners have not satisfied the requirements of Section 502.1 and have not met the required standard. It is respectfully requested that the Deputy Zoning Commissioner deny the Petition for Special Hearing and for Special Exception in the above captioned matter.

Respectfully submitted,

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Ave.
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of January, 1990, a copy of the aforegoing Memorandum was mailed first-class, postage prepaid to John Howard, Esquire and Bob Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

J. Carroll Holzer

1-3-90

RE: PETITION FOR SPECIAL EXCEPTION AND PETITION FOR SPECIAL HEARING, W/S Long Green Pike, 400 feet SW of center line of Glen Arm Road
8th Election District; 6th Councilmanic District
IDA S. ECKHART, et al., Legal Owners, and PIKESVILLE SPORTSMAN'S CLUB OF BALTIMORE COUNTY, INC., Contract Purchaser,
Petitioners

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 90-138-SPHX

RECEIVED
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ZONING OFFICE

POST-HEARING MEMORANDUM OF PETITIONERS

The Petitioners in this case, Ida S. Eckhart, Mary M. Smith, Vernon L. Smith, Jr., Courtenay J. Smith, Patricia A. Cuddy, and Carole L. Chambers, Legal Owners, and Pikesville Sportsman's Club of Baltimore County, Inc., Contract Purchaser, represented here by their attorneys, John B. Howard, Robert A. Hoffman, Judith A. Armold, and Venable, Baetjer and Howard, filed revised petitions on October 18, 1989, asking the Zoning Commissioner for a special exception to use the subject property, zoned primarily RC 2, for a shooting range and clubhouse, and also for approval of: (1) a caretaker's residence as a necessary accessory use, and (2) a parking plan providing a total of 180 parking spaces in various locations within the subject property.[1]

[1] As far as these latter requests are concerned, the Protestants raised no issue of either fact or law. It was undisputed that the caretaker's residence would be a proper accessory use, and the Petitioners' counsel pointed out

A revised plat showing the Sportsman's Club's proposed facility was filed on or about November 25, 1989. On Decerber 5 and 6, 1989, the Deputy Zoning Commissioner heard testimony on behalf of the Petitioners and numerous individual Protestants and community organizations; the parties agreed at the end of this testimony to make their closing arguments in post-hearing memoranda, to which there would be no replies. This Post-Hearing Memorandum sets forth the reasons why applicable legal principles and the record in this case, it is respectfully suggested, compel the Deputy Zoning Commissioner to granc the relief requested in the petitions.

The Applicable Legal Framework

The Petitioners request approval to locate shooting ranges and a clubhouse on slightly less than 200 acres of land zoned RC 2 (Agricultural), part of a somewhat larger parcel totalling 201 acres.[2] The Baltimore County Zoning Regulations ("BCZR") permit shooting ranges, including the archery, pistol, skeet, trap, and rifle ranges proposed by the Sportsman's Club, by special exception in the RC 2 zone. Section 1A01.2.C.9, BCZR. They require, however, that before

that the location of the proposed caretaker's residence had been moved in response to comments of the County Office of Planning and Zoning. The Protestants also failed to question the adequacy of the parking proposed by the Petitioners, and several witnesses explained that parking spaces had been provided throughout the site to accommodate peak activity at each and every proposed activity location.

[2] The remainder of the parcel, on which no construction or disturbance is proposed, is zoned RC 5 (Rural-Residential).

the Zoning Commissioner may grant such a special exception, the Commissioner must assure himself or herself that there is no reason to believe that the particular shooting range or ranges being proposed will be detrimental to the health, safety, or general welfare of the locality involved -- and, in particular, to the primary agricultural uses in the vicinity. Sections 1A01.2.C, 502.1.a, BCZR. Section 502.1 of the Zoning Regulations goes on to set out more specific descriptions of types of detriment to the community of which the Commissioner should be aware and on which any probative evidence should be carefully considered.

The Court of Appeals explained at length the principles applicable to special exception cases, in Schultz v. Pritts, 291 Md. 1 (1981). The underlying principle was stated by the Court, as follows: "The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid." Id. at 11 (emphasis added.) The burden resting on one who applies for permission to establish a special exception use, according to the Court, is to "adduc[e] testimony which will show that his use meets the prescribed standards and requirements [i.e., in Baltimore County, that the use will not create the harms described by the County Council in Section 502.1 of the BCZR].... If he shows ... 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." Id. In Schultz v. Pritts, the Court cited the earlier case of Turner v. Hammond, 270 Md. 41 (1973), underlining the rule that "if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." 291 Md. at 11 (emphasis in Turner).[3]

The opinion in Schultz v. Pritts went on to describe the probable negative effects that a special exception use must have before it may be denied; these cannot be the typical adverse effects that are inherent in the use and would occur no matter where it might be located in the zone. Rather, there must be "strong and substantial" evidence showing that the particular use proposed at the particular location

[3] In Turner v. Hammond, supra, over 200 persons residing within several miles of the property in question registered their objections to a proposed special exception for apartment use. Nevertheless, the Court of Appeals ruled that it was error to deny the special exception. The Court noted that, if nearby residents did not want apartments, they should prevail on the local legislature to change the zoning ordinance; so long as that ordinance made apartments a special exception use, however, "[t]he property owner has a prima facie right to enjoy the benefits of the special exception if he brings himself within the specific requirements of the ordinance." 270 Md. at 60. The Court found in Turner that the protestants had not produced "substantial evidence" (i.e., more than a scintilla) that the granting of the proposed special exception would adversely affect neighboring properties.

proposed would have adverse effects above and beyond the inherent ones ordinarily associated with such uses.

Applying the rule of Schultz v. Pritts in this case requires the Deputy Zoning Commissioner to be cognizant of the fact that the Baltimore County Council has specifically determined, as a part of its zoning plan, that shooting ranges are to be allowed in agricultural zones, notwithstanding their perceived adverse effects. Only if there is strong and substantial, probative evidence to show that the establishment of the proposed shooting ranges on the subject property will give rise to unique and greater adverse effects than the establishment of such ranges in other agricultural zones within the County can the Commissioner properly deny the requested special exception.

No Substantial Evidence of Unique and Greater Adverse Impact

There is no doubt that many residents of the Glen Arm community are opposed to the Pikesville Sportsman's Club and its proposal to locate its clubhouse and shooting ranges in the community. These residents testified repeatedly to their objections to the noise and anxiety-provoking aspects that they felt were inherent in a shooting range, effects that they believed would result in lowering their property values. It is equally clear, however, that complaints of this sort cannot suffice, under Schultz v. Pritts, to overcome the presumption that shooting ranges serve a useful public purpose when located within the RC 2 zone.

The neighbors' expressions of fear and concern were not affected by the concrete testimony of Richard Blocher, president of the Pikesville Sportsman's Club, who described the limited hours during which shooting would be likely to occur on the subject property, as well as the limited number of participants in the Club's customary shooting activities. According to Mr. Blocher, the Club's trap ranges currently operate only on Sunday from noon to 4 p.m. and attract only from nine to 11 participants on a typical Sunday; in addition, there may be six to eight trap meets a year, operating from 9 a.m. to 4 p.m. on Sunday. Outdoor rifle and pistol ranges are open for Club members from 9 a.m. to dusk every day, but Mr. Blocher stated that there would be only one or two members shooting on an average day; there would also be organized competitions involving these ranges on three or four occasions during the year. Mr. Blocher indicated that the Club's indoor pistol range is now open to the public only from 6 p.m. to 9 p.m. each Monday.

The Petitioners also produced expert testimony of an acoustical consultant, George Winzer, to show that noise levels produced by the activities proposed by the Sportsman's Club would be well below levels that could cause physiological or psychological damage to residents on any nearby property. Mr. Winzer described actual noise measurements he had conducted at a number of locations surrounding the subject property; these showed ambient noise levels of from 40 to 49

decibels and noise levels when shots were fired of no more than 62 decibels, generally less. There was also testimony that the near-range sound of an ordinary car engine running is approximately 70 decibels. Mr. Winzer concluded from his measurements that the Glen Arm community would experience no adverse noise impact from the activities proposed for the subject site, and that those activities would be acoustically compatible with the surrounding acoustical environment.[4]

Another focus of the neighbors' testimony was the existing road network in the vicinity of the subject property. According to a number of witnesses, the narrow, winding roads in the area are already unsafe. These witnesses evidently conclude that <u>any</u> additional traffic in the area will be problematic and that, therefore, no new use that will generate traffic should be permitted.

On the subject of traffic, the Petitioners produced expert testimony that the facility proposed by the Pikesville Sportsman's Club, even if the club membership were increased to the maximum permitted by the Club's charter, would result in no increase in morning peak-hour traffic, approximately five extra vehicle trips daily during the evening peak hour,

[4] David Heston, who testified for the Protestants, produced several charts, called "nomographs", and these largely substantiated the testimony of the Petitioners' acoustical expert. They showed that sound levels produced at a distance of only 1,000 feet, even if twenty guns were theoretically fired at the same instant (a condition that is virtually impossible on a shooting range), would be approximately 82 decibels, well below federal standards for <u>8-hour</u> occupational noise exposure.

and probably no more than 30 vehicle trips per day total. Most of the traffic generated by the proposed Club facilities would occur on Sunday afternoons (when other traffic would be light) and on Monday evenings. According to the traffic engineer, Mickey Cornelius, the Club's planned development would have no negative impact on the level of service at the key intersection of Long Green Pike and Glen Arm Road, and there would be more than adequate sight distance in all directions at the proposed entrance to the Club facilities. In light of Mr. Cornelius's expert testimony, the unsubstantiated fears concerning traffic that were voiced by nearby residents cannot be regarded as probative evidence of real detriment to the community.[5]

There was abundant evidence that the subject property lies adjacent to a portion of the Gunpowder State Park where the Maryland National Guard maintains shooting ranges and a firearms training facility, and where it conducts or permits other law enforcement agencies to conduct military and civilian maneuvers.[6] There was also evidence of a number of

[5] While the Protestants expressed concern that the clubhouse proposed for the subject property would be used for a large number of social affairs unrelated to Club activities, the only probative evidence was to the contrary. Mr. Blocher testified that the Club's existing clubhouse was used for non-Club-related social affairs only from six to 12 times per year.

[6] Robert Powell, an officer of the Sportsman's Club who was very familiar with the National Guard facility, testified that it is used heavily five days a week, both by the National Guard itself and by local and State police departments, for handgun training, recruit classes, and

other gun clubs in the general area. From the nearby residents' point of view, these facts gave rise to complaints of "oversaturation". On the other hand, according to Jack Dillon, the representative who testified on behalf of the Baltimore County Office of Planning and Zoning, these facts meant that <u>the actual</u> incremental <u>adverse impact</u> generated by the location of the Pikesville Sportsman's Club on the subject property <u>would be</u> considerably <u>less than the impact of locating such a facility elsewhere in the RC 2 zone</u>. Mr. Dillon testified that the Office of Planning and Zoning had encouraged the Sportsman's Club when it suggested the availability of the subject property, and he indicated that it would be hard to find another site within the County that would be any better suited than the subject site to accommodate the Club.

There was no evidence, except for a few unsupported personal assertions, to suggest that the Sportsman's Club's plans would be incompatible with continuation of agriculture in the area. Mr. Dillon recommended that the maintenance of agriculture be required, and witnesses for the Club indicated that it intended to make every effort, after its proposed facilities are established, to lease approximately one-third of the subject property for continued farming.

training of SWAT teams, entry teams, and counter-sniper teams, as well as for actual simulated combat and other military training operations. Mr. Powell testified further that weapons and ammunition are stored in an armory on the National Guard site.

Mr. Dillon emphasized that the Pikesville Sportsman's Club has a good reputation as a responsible member of the community at its existing location in Owings Mills. Mr. Blocher amplified this testimony by describing the many community-minded and beneficial programs, including fircarms safety, forestry, and conservation programs, in which the Club is currently engaged.

Mr. Dillon also minimized the neighbors' theoretical concerns about the dangers of lead shot to the environment, pointing out that the County Department of Environmental Protection and Resource Management had not provided negative comments, even though it had been urged to consider this point. (See Petitioners' Exhibit 4.) William Kirwin, an expert land planner called by the Petitioners, gave his opinion that the Sportsman's Club's facilities would be environmentally sound and compatible with surrounding uses, since they would require no extensive disturbance to the natural conditions of the site.

Although the Protestants voiced fears concerning the lack of governmental regulation of the safety and operations of shooting ranges and the proximity of the subject property to both the Gunpowder State Park and the Hickey School, there was no substantial evidence that these factors would make the proposed facility a public danger. There was no evidence that accidents had occurred at the existing facilities of the Pikesville Sportsman's Club (which adjoin a Jewish

congregation's summer camp), at the National Guard facility adjoining the subject property, or at any other shooting range, because of the lack of governmental regulations.

Furthermore, the plat produced as Petitioners' Exhibit 1 shows that the outdoor rifle and pistol ranges being proposed by the Sportsman's Club will be fenced and enclosed by berms; and witnesses for the Club testified that all of the shooting ranges will be designed in accordance with safety specifications of the National Rifle Association or the National Archery Association. These witnesses also explained that all members having general access to the Club's shooting ranges will be certified by well-trained instructors. According to this testimony, members of the general public will be allowed to shoot at the Club's ranges only when the ranges are supervised by certified range and line safety officers.

Likewise, the Protestants produced no evidence that operations of the nearby, more intensive National Guard facility had caused significant problems for the Gunpowder State Park or in connection with the Hickey School. Indeed, representatives of the Sportsman's Club noted that their proposed facility would pose less of a hazard than the National Guard facility with respect to possible escapes from the Hickey School, because, in all likelihood, no firearms would be stored on the subject property and, even if firearms

were stored on the premises, these would be kept in locked vaults.

Neighbors raised additional, even more speculative concerns, again offering no substantial evidence to suggest real public danger. Several of them pointed to the fact that the Pikesville Sportsman's Club now has a club beer and wine license that would be moved to the new clubhouse on the subject property, and they hypothesized that club members and guests might become intoxicated and act irresponsibly, either on the shooting range or while driving on nearby roads. One witness suggested that a club member or guest might shoot down the overhead transmission lines crossing the subject property or shoot into a pipeline buried three feet below the surface of the property; another feared that there would be packs of hunting dogs running loose through the community.

There was not one whit of evidence to suggest that any of these far-fetched "dangers" were more than the remotest possibilities, or that there is any legitimate cause for concern. As far as alcohol-related firearms incidents are concerned, Mr. Blocher and Mr. Powell, both officers of the Sportsman's Club, affirmed that the Club had experienced no such incidents and that strictly-enforced Club rules forbade the consumption of alcohol while firearms or archery equipment were being handled.

Finally, a number of Protestants commented on their belief that there is no <u>need</u> for another gun club in the Glen Arm

area. This argument misperceives the legal framework governing these proceedings. In order to obtain permission to establish a special exception use, the Baltimore County Zoning Regulations do not require a showing of need. The County Council has established a presumption in favor of the establishment of shooting ranges in RC 2 zones, subject only to their not promising real public harm.

Conclusion

The evidence produced before the Deputy Zoning Commissioner by the Protestants, when judged by appropriate standards, amounts, at best, to no more than the merest scintilla of evidence that the establishment of the proposed clubhouse and shooting ranges will harm the public health, safety, or welfare. To justify the denial of the proposed special exception, the evidence of harm would have to be far more compelling. As the Court of Special Appeals made plain in <u>Gowl v. Atlantic Richfield Co.</u>, 27 Md. App. 410, 415 (1975), it is the <u>probability</u>, and not the mere <u>possibility</u>, of danger that justifies the denial of a special exception.[7]

It is far too easy for those who would oppose a special exception use to conjure up remote and highly speculative perils. Such flights of fancy are not enough to support the denial of permission to establish a use that the County Council has legislatively predetermined to be prima facie

[7] The <u>Gowl</u> case was overruled in <u>Schultz v. Pritts</u>, <u>supra</u>, but on an unrelated issue.

appropriate and compatible in the zone where it is to be located.[8]

The rule in <u>Schultz v. Pritts</u> calls for the administrative agency authorized to grant special exceptions to compare the evidence as to probable impact of the particular proposed use at the location proposed to the likely impact of a similar use at any other location in the zone. Only if the impact of the particular proposed use promises to be more adverse than the impact of a similar use elsewhere is denial of the special exception legally justified. In this case, Mr. Dillon, a County employee, predicted that any adverse impacts of the Sportsman's Club's proposed facility would be less than the impacts that could be expected were a similar facility to be located elsewhere in the RC 2 zone.

Because the Protestants in this case have thus failed to satisfy the evidentiary standard established in <u>Schultz v. Pritts</u>, and because, on the contrary, the Petitioners have produced expert testimony and other evidence that the Sportsman's Club's facilities can be established without adversely affecting the public health, safety, or welfare, without harming the agricultural uses in the vicinity, and without causing any of the other adverse impacts specified in Section 502.1 of the BCZR, the Petitioners respectfully urge

[8] <u>See Mayor of Baltimore v. Foster & Kleiser</u>, 46 Md. App. 153, 171-72 (1980) (administrative agency "may not thwart the legislative will based upon unspecific and unsupported protestations and concerns").

the Deputy Zoning Commissioner to grant the special exception and other relief requested in this case.

Respectfully submitted,

John B. Howard /gpH
John B. Howard

Robert A. Hoffman /gpH
Robert A. Hoffman

Judith A. Arnold
Judith A. Arnold

Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of January, 1990, a copy of the foregoing Post-Hearing Memorandum was served by mail, first-class postage prepaid, on J. Carroll Holzer, Esquire, Suite 105, 305 W. Chesapeake Avenue, Towson, Maryland 21204, Attorney for Protestants.

Judith A. Arnold
Judith A. Arnold

MEMO0121.JAA

12-5-89

file copy

IN THE MATTER OF
WS LONG GREEN PIKE,
+/- 400' SW OF C/L OF
GLEN ARM ROAD

11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY
* CASE NO.: 90-138-SPHX

* * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the hearing for the matter captioned above on Tuesday December 5, 1989 at 9:30 a.m. in Room 106, located at the County Office Building and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

Witness: J. John Dillon
Address: Office of Planning and Zoning
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204
(Baltimore County)

ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

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

J. Robert Haines,
Zoning Commissioner of
Baltimore County

Cost: $_____
Summoned: _____, 19__
Not Served: _____, 19__

Sheriff of Baltimore County

9-25-89

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR SPECIAL HEARING
W/S Long Green Pike, 400' SW of C/L of Glen Arm Rd.,
11th Election District
6th Councilmanic District

IDA S. ECKHART, et al.,
Petitioners

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY

: Case No. 90-138-SPHX

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 Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 25th day of September, 1989, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners and Contract Purchaser, Pikesville Sportsman's Club, Inc.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

6747

PETITION FOR SPECIAL HEARING 90-138-SPHX

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 Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the caretaker's residence as a necessary accessory use for the Sportsman's Club and a parking plan for the shooting range and clubhouse which provides total parking of 180 spaces as follows: 125 spaces for the clubhouse and East Trap and Skeet range, 25 spaces for the West Trap and Skeet range and 30 spaces for the Rifle range and Archery Trail.
Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser: (of Baltimore County)
Pikesville Sportsman's Club, Inc.
(Type or Print Name)
By: Richard M. Blocher, Pres.
Signature
Address
City and State

Legal Owner(s):
See Attached
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
210 Allegheny Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

Address Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of Sept., 19 89, 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 24 day of Oct., 19 89, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O.—No. 1

(over)

MICROFILMED

OFFICE RECEIVED FOR FILING
Date 9/6/89
By B

Ida S Eckhart
Ida S. Eckhart

By: Evelyn S. Bressler, PIA
Evenlyn S. Bressler, her
Attorney-in-Fact
11908 Long Green Pike
Glen Arm, Maryland 21057
592-5878

Mary M. Smith
Mary M. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

Vernon L. Smith, Jr.
Vernon L. Smith, Jr.
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

Courtenay J. Smith
Courtenay J. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Patricia A. Cuddy
Patricia A. Cuddy
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Carole L. Chambers
Carole L. Chambers
503 Red Pump Road
Bel Air, maryland 21014
838-2209

MICROFILMED

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-138-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a shooting range and clubhouse.

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

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

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

Contract Purchaser: (of Baltimore County)
Pikesville Sportsman's Club, Inc.
(Type or Print Name)
Richard M. Blocher, Pres.
Signature
Address
City and State

Legal Owner(s):
See Attached
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
John B. Howard, Esquire
(Type or Print Name)
Signature
Venable, Baetjer & Howard
Address
210 Allegheny Avenue
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 823-4111

Address Phone No.
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Towson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of Sept., 19 89, 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 24 day of Oct., 19 89, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O.—No. 1

(over)

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. (½ day)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS w/item #73
ALL OTHER
REVIEWED BY: CR/mlk DATE 8/22/89 (procedure)

MICROFILMED

Ida S Eckhart
Ida S. Eckhart

By: Evelyn S. Bressler, PIA
Evenlyn S. Bressler, her
Attorney-in-Fact
11908 Long Green Pike
Glen Arm, Maryland 21057
592-5878

Mary M. Smith
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11900 Long Green Pike
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Glen Arm, Maryland 21057
592-8170

Carole L. Chambers
Carole L. Chambers
503 Red Pump Road
Bel Air, maryland 21014
838-2209

MICROFILMED

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

OFFICE: 825-3908 RESIDENCE: 771-4592

DESCRIPTION TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION
PIKESVILLE SPORTSMAN CLUB

July 31, 1989

Beginning at a point in the centerline of Long Green Pike, said point being located southwesterly 400' ± from the centerline intersection of Long Green Pike and Glenarm Road, running thence in the centerline of Long Green Pike, on the outline of the property of Ida M. Eckhart et al, southwesterly 1190' ±, thence leaving Long Green Pike, S 73° 17' 30" W 570.03', S 29° 19' 01" W 328.69', S 2° 03' 02" E 164.65', S 13° 16' 13" W 244.99', S 7° 03' W 1182.72', S 88° 16' E 739.78' to the centerline of Long Green Pike, running thence in the center of Long Green Pike and continuing the same course and binding in the centerline of Copper Factory Road, southerly 1860' ±, thence leaving Copper Factory Road and binding on the outline of Ida M. Eckhart et al and the Forest and Park Property of the State of Maryland, N 88° 00' W 3458.40', N 37° 45' E 817' ±, thence leaving the property of the State of Maryland, N 46° 00' W 767.25', N 45° 30' E 396' ±, N 47° 45' W 866.30' ± to the center line of Glenarm Road, running thence in the centerline of Glenarm Road, northeasterly 760' ±, thence leaving Glenarm Road, S 48° 45' E 745.80', N 43° 30' E 957.00', S 61° 45' E 528' ±, N 37° 45' E 3200' ± and S 51° 47' E 74.25' to the place of beginning.

Saving and excepting the Right of Way of the Baltimore Gas and Electric Company Transmission Line containing 5.876 Acres± and recorded in W.P.C. 269, folio 272.

MICROFILMED

-2-

Containing 201.0 Acres of Land, more or less.

Being part of the property of Ida M. Eckhart et al and recorded in Liber E.H.K. Jr. 6446, folio 750.

Saving and excepting all of that land in the RC-5 zone containing 4.30 Acres of land more or less.

STATE OF MARYLAND — EDWARD F. RAPHEL — No. 2246 — REGISTERED LAND SURVEYOR

E. F. Raphel
Registered Professional Land Surveyor
2246

CASE NO. 91-CV-6947
IN THE MATTER OF IDA S. ECKHART, ET AL

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE & EXHIBITS.

Clerk's Office

Date: 1/16/92

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-138-SPHX
Towson, Maryland

District 11th — Date of Posting 11/9/89
Posted for: Special Hearing & Variance
Petitioner: Ida S. Eckhart, et al & Pikesville Sportsmen Club & Balto. Co.
Location of property: W/S Long Green Pike, 400' SW/Glen Arm Rd, with part extending to S/S Glen Arm Rd, approx. 300' NE/of Old Cliff Rd
Location of Sign: Facing Glen Arm Rd, approx 8 Ft. from edge, approx. 400' NE/of Old Cliff Rd
Remarks:
Posted by [signature] Signature — Date of return: 11/25/89
Number of Signs: 2

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-138-SPHX
Towson, Maryland

District 11th — Date of Posting 6/14/90
Posted for: Appeal
Petitioner: Ida S. Eckhart, et al
Location of property: W/S Long Green Pike, 400' SW/Glen Arm Rd
Location of Sign: Red cell sign was down — Sign on Glen Arm Rd. W/S 8 Ft. Ext. sign on Long Green Pike was down — Rd. Rd
Remarks:
Posted by [signature] Signature — Date of return: 6/19/90
Number of Signs: 2

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Special Exception
Case number: 90-138-SPHX
W/S Long Green Pike, 400' SW of centerline of Glen Arm Road
11th Election District - 5th Councilmanic
Legal Owner(s): Ida S. Eckhart, et al
Contract Purchaser(s): Pikesville Sportsman's Club, Inc.
Hearing Date: Tuesday, Oct. 24, 1989 at 9:30 a.m.

Special Hearing: Approval of a caretaker's residence as a necessary accessory use for the Sportsmen's Club and required off-street parking calculated at one space per 50 sq. ft. devoted to the assembly of shooting range and clubhouse.

Variance: In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

N/JG/311 Sept. 27.

CERTIFICATE OF PUBLICATION

Sept 27, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 27, 1989

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zahe Ormsby
Publisher

MICROFILMED

PO 17191
req M 34208
ca 90-138-SPHV
price $ 86.09

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-138-SPHX
Towson, Maryland

District 11th — Date of Posting 10/5/89
Posted for: Special Hearing & Special Exception
Petitioner: Ida S. Eckhart, et al & Pikesville Sportsmen Club, Inc.
Location of property: W/S Long Green Pike, 400' SW/Glen Arm Rd
Location of Sign: Facing Glen Arm Rd, approx. 10' from edge of Pavement of Glen Arm Rd
10/11/89 - Received Clerk of Hearing Info - Removed Signs - 10/10/89
Remarks:
Posted by [signature] Signature — Date of return: 10/13/89
Number of Signs: 2

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 90-138-SPHX
Towson, Maryland

District 11th — Date of Posting 5/5/90
Posted for: Appeal
Petitioner: Ida S. Eckhart, et al
Location of property: W/S Long Green Pike, 400' SW/Glen Arm Rd,
Location of Sign: 1 - Facing Long Green Pike & 1 - Facing Glen Arm Rd, on property of Petitioner
Remarks:
Posted by [signature] Signature — Date of return: 5/11/90
Number of Signs: 2

CASE NO. 91-CV-6947
IN THE MATTER OF IDA S. ECKHART, ET AL

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE & EXHIBITS.

Clerk's Office

Date: 1/16/92

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 037590

DATE _____ ACCOUNT _____
AMOUNT $ 150.00
RECEIVED FROM: [illegible] Item 547 Pikesville Sportsmen's Club
FOR: [illegible]
B B111*****15000:a "22"
VALIDATION OR SIGNATURE OF CASHIER
WHITE-CASHIER PINK-AGENCY YELLOW-CUSTOMER

Item 547

Tracking System MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date (Day Month Year)	Receipt Number	FEE TYPE	Identification Number	Council District	Election District	Zip Code
27 05 89	06 7588	07	01-615-000	C	11	21057

Petitioner: Pikesville Sportsman's Club, Inc. (Last) (First) (Middle Initial)

Property Address: W/S of Long Green Pike, 400'S of Glen Arm Road (Number) (Street)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 077347

DATE 10/18/89 ACCOUNT R01-615-000
AMOUNT $ 150.00
RECEIVED FROM Venable, Baetjer & Howard
FOR Revision - 90-138-SPHV
B C66*****15000:a 2127F
VALIDATION OR SIGNATURE OF CASHIER
WHITE-CASHIER PINK-AGENCY YELLOW-CUSTOMER

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2121

Date

	QTY		PRICE
APPEAL FEES			
85% OF A SPECIAL EXC. ORDER	1	X	$175.00
74% OF ALL OTHER ORDERS	1	X	$125.00
100% POSTING SIGNS / ADVERTISING	1	X	$85.00
		TOTAL:	$385.00

LAST NAME OF OWNER: ECKHART

B B052*****32500:a 2135F
Please make checks payable to: Baltimore County

Cashier Validation:

90-138-SPHX
MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 176

Date

	QTY		PRICE
PUBLIC HEARING FEES			
100% POSTING SIGNS / ADVERTISING	1	X	$135.00
		TOTAL:	$135.00

LAST NAME OF OWNER: ECKHART/PIKESVILLE

B B116*****13500:a 2088F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10/3/89

Dennis F. Rasmussen
County Executive

Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

ATTN: BARBARA WHITE

Re: Petitions for Special Hearing and Special Excepiton
CASE NUMBER: 90-138-SPHX
W/S Long Green Pike, 400' SW of centerline of Glen Arm Road
11th Election District - 5th Councilmanic
Legal Owners: Ida S. Eckhart, et al
Contract Purchaser(s): Pikesville Sportsman's Club, Inc.
HEARING DATE: TUESDAY, OCTOBER 24, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that $ 136.09 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional $50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: File

MICROFILMED

Form CA4

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland, 21285-6754

Irene Summers — 887-2660
Civil Assignment Commissioner

Kathy Rushton — 887-2660
Jury Assignments—Civil
Criminal Settlement Conferences

— 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO:

February 26, 1992

J. Carroll Holzer, Esq.

County Board of Appeals of Balto. Co.
Room 49, Court House
Towson, MD 21204

Office of Law
Court House-Mezzanine Fl.
Towson, MD 21204

John H. Zink, III, Esq.
Robert A. Hoffman, Esq.

RE: Non Jury 91 CV 6947 The Matter Of Ida S. Eckhart

HEARING DATE: Thursday, April 23, 1992, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: ½ to 1 hour

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grimm-887-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT CLERK'S OFFICE RECEIVED 92 FEB 27 AM 11:09

STATEMENT OF FACTS AND ARGUMENTS

A. Petitioners' Case

1. Richard Blocker, the current President of the Pikesville Sportsman's Club, testified in regard to their general purpose in acquiring the property and proposing the use of the site as a sportsman's club to include pistol, rifle and archery ranges along with skeet and trap ranges.

Mr. Blocker testified that the Pikesville Sportsman's Club consists currently of 75 members with a maximum of 135 set by the charter. He acknowledged that the charter could be amended to increase the number of members in the Club. In addition, he testified that of the 75 members, only two may live in the Glen Arm area, while many lived in other areas of the state, including Baltimore City, Harford and Howard counties, as well as Delaware. He testified that the members intended to keep the Club small. He acknowledged, however, that the charter could be amended to enlarge the membership. He testified that the clubhouse facility could be leased out to other functions. He testified that there would be a liquor license transferred from their existing location, as well as the one day liquor license requested and obtained for social functions.

Mr. Blocker testified that the hours of operation in the summertime would be from dawn to dusk for the rifle and archery ranges and Sundays from 12:00 to 4:00

for the skeet and trap ranges. Since the facility is not intended to be lighted, during the winter months the hours obviously would be less. Mr. Blocker further acknowledged that other than the Board's review of this project, there would be no federal, state or other local review of the plans for the ranges and/or their safety other than the need to comply with the standard Baltimore County building permit.

Mr. Blocker further testified that in addition to the normal shooting hours and the members firing on the various ranges, there would also be special events such as wedding receptions and parties utilizing the clubhouse, which again would obtain one day liquor licenses from the county for such events. There could be 125 to 200 persons at these events. In addition, he testified that there would be competitions which could draw as many as 100 people or more to those events. The sum and substance of his testimony concerning the control of firing and the control of the use of alcohol on the site consisted of his requiring this Board and the citizens to believe that the members of the organization will police themselves, their guests, and the people who are invited to the various events. Protestants submit that as exampled by the testimony, while driving and drinking on the highway is prohibited, we know as a logical and common sense fact that people do not adhere to these laws and that the mixture of

alcohol and firearms is a potentially dangerous combination.

2. Stuart Cohn testified in regard to the environmental aspects of the lead from the ranges, particularly the skeet and trap range on the property and acknowledged that lead is a potentially dangerous substance to have lying on the surface. He recommended a maintenance plan be adopted by the organization, such as recovery of the lead every five years to prevent any ground water contamination. The irony of this suggestion is that for a club that has been allegedly so civic and environmentally conscious, the testimony from the petitioners is that in over 20 years of its present operation it has never once made an effort to recover lead shot from the fields in its present location.

3. Robert Powell testified that he is rangemaster and supervises the use of the ranges. During the course of his testimony, he testified to the operation of the National Guard Unit and testified as to three-quarters of a million rounds per year being fired at the National Guard range just by the National Guard; that figure did not include the rounds of all the various police departments that also fire on that range. He also testified as to the sketchy background reference check that he conducts concerning prospective members, including the fact that they do not check drunk driving records.

4. Jack Dillion - Mr. Dillion, testifying on behalf of Baltimore County, indicated that Baltimore County suggested a relocation of the Pikesville Sportsman's Club, but suggested that the Club look in areas not just in Baltimore County. It is pretty clear from the testimony that many of the members of the Sportsman's Club come from other jurisdictions outside the County. Protestants submit that it is not incumbent upon Baltimore County to find a home for a pleasure club, such as the Pikesville Sportsman's club, to the detriment of a large number of a large number of its citizens who are concerned about this activity being placed in their community.

Mr. Dillion acknowledged that the Gun Club turned down another location further north and in a more rural area on Interstate 83 duo to the cost. It is, therefore, clear that there are other locations for this facility which would be less of an intrusion upon a community, but that the cost consideration to the Sportsman's Club was the determining factor in their desire to locate in Glen Arm.

While Baltimore County felt compelled to assist in the relocation, Protestants submit that the County should not be involved in an enlargement of such a facility; furthermore, it is pretty clear that the Baltimore County adopted the position that since there were already a number of ranges in the location of Glen Arm,

that another range would not be detrimental. To adopt this philosophy would be to conclude that any such nuisance, such as a landfill, should be placed next to other landfills because on already exists in the community. This thinking is totally ridiculous and an affront to an otherwise educated citizenry.

5. Mickey Cornelius - Mr. Cornelius, a traffic expert, was called by petitioners and testified as to the alleged safety of the road system into this site. He did, however, acknowledge the narrow and winding roads which lead to the proposed site in the area.

6. George Winzer - Mr. Winzer, an alleged expert on acoustical sound, testified in regard to the fact that the firing from this site will not produce extreme noise levels. He was a thoroughly unbelievable witness based upon his "alleged studies" at the proposed site and his conclusion that there would not be an adverse impact on the neighborhood was totally refuted based upon the cross-examination of him in which he acknowledged that he had represented a community organization against a gun club and was at a loss for words to explain his testimony in that instance as it related to this case. It is clear that even the petitioners felt that Mr. Winzer's testimony was utterly worthless when they subsequently called another witness to testify as expert on the same matter.

7. Bill Kirwin - a land planner, testified that this proposed site was compatible to the community.

In rebuttal, petitioners called a number of additional witnesses to include the following:

1. Sergeant Ritter, a Natural Resources officer, called by the Petitioner, testified as to the hunter safety program of the Pikesville Gun Club. He also testified and acknowledged that anytime weapons are involved there are potential accidents, and that accidents do occur with firearms. He further testified, obviously, that the combination of firearms and alcohol is not a good combination.

2. Walter A. Rider, Jr. testified in regard to the proposition that the Gun Club would not have an economic impact on the surrounding properties. It is submitted that his testimony is clouded by the comparison with other gun clubs in the area. The significant difference is that the gun clubs in those situations pre-existed and that the properties were offered for sale with the gun club present. As can be seen from the photographic exhibit submitted as to the Northwinds site, there was an actual sign alerting potential buyers to the existence of the gun club. In this instance, the gun club will be intruding into an already established neighborhood.

3. Michael Staiano - Mr. Staiano was called as an acoustical engineer to attempt to support the

proposition of Mr. Winzer. It is submitted that neither expert for the petitioner was able to properly deny that the gunshots from an additional club would not invade the properties in the valleys surrounding this site and would be an additional source of discomfort, noise, aggravation and potential danger to the residents.

4. Richard Whiting - Mr. Whiting was a representative of NRA who testified that the range would be built according to the NRA guidelines. He also acknowledged that there is no governmental agency in charge of approving their plans or inspecting to see whether the range is built in conformity with the plan.

B. Protestants' Case

1. Bill Burgess - Mr. Burgess testified that he has known the area for twelve (12) years and that he is opposed to the proposed facility on the basis that there are five or six similar facilities in the area; that the property values in the area will go down; that the state has just finished expending vast sums of money to improve and expand the Gunpowder State Park to provide a quiet place for family recreation and this will disrupt that investment; and finally, he is opposed to a gun club with liquor license in the area. Senator Thomas Bromwell testified and agreed to the same concerns.

2. Donna Felling - Mrs. Felling testified that she grew up and has lived in the Carney-Cub Hill area and

presently lives less than one (1) mile from the proposed facility. She testified that the quality of life will be disturbed and diminished by the gunshots in the morning and on Saturdays and Sundays; of most particular importance to her is the fact that this facility will be located one (1) mile from Charles Hickey School, a juvenile detention center, which has a history of escapes and problems over recent year. In conclusion, Mrs. Felling was very concerned that the proximity of this site to the Charles Hickey School introduced a major safety concern. She testified further as a former planning board member of Baltimore County from 1985 to 1986 that this proposed use was inappropriate for the agricultural area; that she objected to ammunition and guns at the facility with the close proximity of the Charles Hickey School; and that she is concerned about the liquor license in conjunction with this facility.

3. Al Redmer, Jr. - Mr. Redmer testified as a Delegate from the 8th Legislative District. He has knowledge of this particular area and that he was familiar with the proposed gun club on this site. Of significance in his testimony was his concern about the alcohol related events which on this proposed site. He testified that he has been for eight years, a paramedic serving the Glen Arm Community and that he has an intimate knowledge of the roads and the dangerous propensities for accidents on the

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

September 13, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Excepiton
CASE NUMBER: 90-138-SPHX
W/S Long Green Pike, 400' SW of centerline of Glen Arm Road
11th Election District - 6th Councilmanic
Legal Owners: Ida S. Eckhart, et al
Contract Purchaser(s): Pikesville Sportm 's Club, Inc.
HEARING DATE: TUESDAY, OCTOBER 24, 1989 at 9:30 a.m.

Special Hearing: Approval of a caretaker's residence as a necessary accessory use for the Sportsman's Club and required off-street parking calculated at one space per 300 sq. ft.
Special Exceptions: A shooting range and clubhouse.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Legal Owners
John B. Howard, Esq.
Joan B. Dawson
File

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Octber 11, 1989

NOTICE OF REASSIGNMENT

Case #'s: 90-138-SPH and 90-139-SPHA
WS Long Green Pike, 400' SW c/l Glen Arm Road
11th Election District - 6th Councilmanic
Contract Purchaser(s): Pikesville Sportman's Club
Legal Owners: Ida S. Eckhart, et al

THE ABOVE MATTERS, SCHEDULED TO BE HEARD ON October 24, 1989, HAS BEEN POSTPONED AND REASSIGNED.

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

TUESDAY, DECEMBER 5, and WEDNESDAY, DECEMBER 6, at 9:30 a.m.

BALTIMORE COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE, ROOM 106
TOWSON, MARYLAND 21204

J. Robert Haines

J.ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs

cc: John B. Howard, Esq.
J. Carroll Holzer, Esq.
Ida S. Eckart
Evelyn Bressler
Mary, Vernon & Courtney Smith
Patricia A. Cuddy
Carole L. Chambers
Joan B. Dawson
Mr. & Mrs. Bronzert
People's Counsel
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Revised 10/18/89

Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Special Exception
Case Number: 90-138-SPHX
W.S Long Green Pike, 400' SW of c/l of Glen Arm Road
11th Election District - 6th Councilmanic
Legal Owner(s): Ida S. Eckhart, et al
Contract Purchaser(s): Pikesville Sportsman's Club of Baltimore County, Inc.
HEARING: TUESDAY AND WEDNESDAY, DECEMBER 5 and 6, 1989 at 9:30 a.m.

Special Exception: A shooting range and clubhouse.

Special Hearing: Approval of caretaker's residence as a necessary accessory use for the Sportsma's Club and a parking plan for the shooting range and clubhouse which provides total parking of 180 spaces as follows: 125 spaces for the clubhouse and East Trap and Skeet range, 25 spaces for the West Trap and Skeet range and 30 spaces for the Rifle range and Archery trail.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

HEARING ROOM - Room 301 (301) ~~XXXXXX~~ 887-3180
County Office Building August 20, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). 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. 59-79.

CASE NO. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District

SE-Shooting range;
SPH-Caretaker's residence as accessory use; parking plan

3/16/90 - D.Z.C.'s Order DENYING Petition

ASSIGNED FOR: WEDNESDAY, DECEMBER 5, 1990 at 10:00 a.m.

cc: Robert A. Hoffman, Esquire Counsel for Appellant
Mr. Richard Blocher, President " Pikesville Sportsman's Club
Ms. Ida S. Eckhart, et al c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire Counsel for Protestants
~~People's Counsel for Baltimore County~~ out per Shirley Hess 8/21/90
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

PP Granted 10/3/90 DO
3/12 and 3/13/91

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room - October 31, 1990
Room 301, County Office Bldg.

NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). 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. 59-79.

Case No. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District
SE -Shooting range;
SPH -Caretaker's residence as accessory use; parking plan
3/16/90 -D.Z.C.'s Order DENYING Petition.

which had been scheduled for hearing on Wednesday, December 5, 1990 at 10 a.m. has been POSTPONED/CONTINUED to the following dates at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: TUESDAY, MARCH 12, 1991 AT 10:00 A.M. and FRIDAY, MARCH 15, 1991 AT 10:00 A.M.

cc: Robert A. Hoffman, Esquire Counsel for Appellant
Mr. Richard Blocher, President Appellant
Pikesville Sportman's Club
Ms. Ida S. Eckhart, et al
c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire Counsel for Protestants
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Atty.

COPY TO: Helen Twining Kadlec 11/16/90

Kathleen J. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

FEB 22 1991
PEOPLE'S COUNSEL OF PUBLIC SERVICES

Hearing Room - February 21, 1991
Room 301, County Office Bldg.

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). 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. 59-79.

Case No. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District
SE -Shooting range;
SPH -Caretaker's residence as accessory use; parking plan
3/16/90 -D.Z.C.'s Order DENYING Petition.

which was scheduled for hearing on March 12 and March 15, 1991 has been POSTPONED at the request of Counsel for Protestants, citing legislative privilege because key witnesses are in Legislature and has been

REASSIGNED FOR: FRIDAY, APRIL 12, 1991 AT 10:00 A.M.

cc: Robert A. Hoffman, Esquire Counsel for Appellant
Mr. Richard Blocher, President Appellant
Pikesville Sportman's Club
Ms. Ida S. Eckhart, et al
c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Helen Twining Kadlec
Mr. Kenneth E. Kadlec
Ms. Catherine Kadlec
Mr. Joseph E. Kadlec
Ms. Constance Szczukowski
Mr. Thomas Szczukowski
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
✓Public Services
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Atty.

LindaLee M. Kuszmaul
Legal Secretary

yes — or no ✓

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-318C

Hearing Room - February 21, 1991
Room 301, County Office Bldg.

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). 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. 59-79.

Case No. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District
SE -Shooting range;
SPH -Caretaker's residence as accessory use; parking plan
3/16/90 -D.Z.C.'s Order DENYING Petition.

which was scheduled for hearing on March 12 and March 15, 1991 has been POSTPONED at the request of Counsel for Protestants, citing legislative privilege because key witnesses are in Legislature and has been

REASSIGNED FOR: FRIDAY, APRIL 12, 1991 AT 10:00 A.M.

cc: Robert A. Hoffman, Esquire Counsel for Appellant
Mr. Richard Blocher, President Appellant
Pikesville Sportman's Club
Ms. Ida S. Eckhart, et al
c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire Counsel for Protestants
Ms. Helen Twining Kadlec
Mr. Kenneth E. Kadlec
Ms. Catherine Kadlec
Mr. Joseph E. Kadlec
Ms. Constance Szczukowski
Mr. Thomas Szczukowski
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
~~Public Services~~ out per Paula 3/4/91
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, County Atty.

LindaLee M. Kuszmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room - March 7, 1991
Room 301, County Office Bldg.

REVISED NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). 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. 59-79.

Case No. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District
SE -Shooting range;
SPH -Caretaker's residence as accessory use; parking plan
3/16/90 -D.Z.C.'s Order DENYING Petition.

which is presently scheduled for hearing on April 12, 1991 has been assigned an additional hearing day as follows:

ASSIGNED FOR: FRIDAY, APRIL 12, 1991 AT 10:00 A.M.
AND
ASSIGNED FOR: FRIDAY, APRIL 26, 1991 AT 10:00 A.M.

cc: Robert A. Hoffman, Esquire — Counsel for Appellant
Mr. Richard Blocher, President, Pikesville Sportman's Club — Appellant
Ms. Ida S. Eckhart, et al, c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire — Counsel for Protestants
Ms. Helen Twining Kadlec
Mr. Kenneth E. Kadlec
Ms. Catherine Kadlec
Mr. Joseph E. Kadlec
Ms. Constance Szczukowski
Mr. Thomas Szczukowski
P. David Fields
Pat Keller — Public Services
J. Robert Haines — W. Carl Richards, Jr., Docket Clerk -Zoning
Ann M. Nastarowicz — Arnold Jablon, County Atty.
James E. Dyer
Mr. Philip V. Miceli
LindaLee M. Kuszmaul, Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room - April 29, 1991
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). 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. 59-79.

Case No. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District
SE -Shooting range;
SPH -Caretaker's residence as accessory use; parking plan
3/16/90 -D.Z.C.'s Order DENYING Petition.

Day #3 - Continued from 4/26/91

ASSIGNED FOR: WEDNESDAY, MAY 22, 1991 AT 1:00 P.M.

cc: Robert A. Hoffman, Esquire — Counsel for Appellant
Mr. Richard Blocher, President, Pikesville Sportman's Club — Appellant
Ms. Ida S. Eckhart, et al, c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire — Counsel for Protestants
Ms. Helen Twining Kadlec
Mr. Kenneth E. Kadlec
Ms. Catherine Kadlec
Mr. Joseph E. Kadlec
Ms. Constance Szczukowski
Mr. Thomas Szczukowski
P. David Fields
Pat Keller — W. Carl Richards, Jr.
J. Robert Haines — Docket Clerk -Zoning
Ann M. Nastarowicz — Arnold Jablon, County Atty.
James E. Dyer
Mr. Philip V. Miceli
LindaLee M. Kuszmaul, Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room - May 23, 1991
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). 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. 59-79.

Case No. 90-138-SPHX — IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District
SE -Shooting range;
SPH -Caretaker's residence as accessory use; parking plan
3/16/90 -D.Z.C.'s Order DENYING Petition.

Day #4 - Continued from 5/22/91

ASSIGNED FOR: FRIDAY, JUNE 14, 1991 AT 10:00 a.m.

cc: Robert A. Hoffman, Esquire — Counsel for Appellant
Mr. Richard Blocher, President, Pikesville Sportman's Club — Appellant
Ms. Ida S. Eckhart, et al, c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire — Counsel for Protestants
Ms. Helen Twining Kadlec
Mr. Kenneth E. Kadlec
Ms. Catherine Kadlec
Mr. Joseph E. Kadlec
Ms. Constance Szczukowski
Mr. Thomas Szczukowski
P. David Fields
Pat Keller — W. Carl Richards, Jr.
J. Robert Haines — Docket Clerk -Zoning
Ann M. Nastarowicz — Arnold Jablon, County Atty.
James E. Dyer
Mr. Philip V. Miceli
LindaLee M. Kuszmaul, Legal Secretary

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

October 3, 1989

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 547, Case No. 90-138-SPHX
Petitioner: Ida S. Eckhart, et al
Petition for Special Hearing and Special Exception

Dear Mr. Howard:

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. 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 at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Ida S. Eckhart
Ms. Mary M. Smith
Mr. Vernon L. Smith, Jr.
Ms. Courtenay J. Smith
Ms. Patricia A. Cuddy
Carole L. Chambers

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

6th day of September, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ida S. Eckhart, et al

Petitioner's Attorney: John B. Howard

MICROFILMED

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

Dennis F. Rasmussen
County Executive

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

RE: Property Owner: PURCHASER: PIKESVILLE SPORTSMAN'S CLUB, INC.

Location: WS LONG GREEN PIKE, 400' SW OF CENTER-LINE OF GLEN ARM ROAD

Item No.: 547 Zoning Agenda: JUNE 26, 1989

Gentlemen:

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

3. The vehicle dead end condition shown at skeet range building 15 and also rifle range exceed 300 feet allowed. Standard tee or cul-de-sac required.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Existing lane shall have a minimum width of 16 feet and be of hard surface and support 50,000 lb. fire apparatus. Also water for fire protection shall be provided in accordance with the Urban Guide for Fire Prevention and Control Master Planning.

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", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly 6-26-89 — Noted and Approved: Capt Wm Bowling
Planning Group / Special Inspection Division — Fire Prevention Bureau

JK/kek

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED
AUG 3 1989
ZONING OFFICE

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 12, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for June 27, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 525, 527, 542, 543, 544, 545, 546, 548, 549, 550, 551, 552, 553, 554, 555, 557 and 559.

For Item 526, comments are attached.

For Item 547, Glen Arm Road and Long Green Pike are existing roads, which shall ultimately be improved as 40-foot street cross-sections on 60-foot rights-of-ways. The Developer must grant the highway widening and slope easements at no cost to the County.

For Item 558, California Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way. The Developer must grant the highway widening and slope easement at no cost to the County.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:ss

Encl.

MICROFILMED

GLEN ARM COMMUNITY ASSOCIATION, et al.
Appellants
v.
IDA S. ECKHART, et al.
Appellees

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 91-CV-6947
* Zoning Case 90-138-SPHX

* * * * * * *

APPELLEES' ANSWERING MEMORANDUM

Ida S. Eckhart, Mary H. Smith, Vernon L. Smith, Jr., Courtney J. Smith, Patricia A. Cuddy, and Carol A. Chambers, legal owners, and Pikesville Sportsman's Club of Baltimore County, Inc., contract purchaser, Appellees, by John H. Zink, III and Robert A. Hoffman with Venable, Baetjer and Howard, their attorneys, in accordance with Maryland Rule B12 submit their Answering Memorandum in this administrative appeal as follows:

I. THE STANDARD OF REVIEW ON APPEAL

The subject matter of this proceeding is an appeal from a decision by the County Board of Appeals for Baltimore County on October 29, 1991, approving a special exception for a shooting range on the Appellees' property in the Glen Arm section of the County. The shooting range will utilize only a relatively small part of the approximately 200 acres which comprise the subject property. (Refer to Petitioners' Site Plan Exhibits 16 and 17 in the record.) The property is zoned for agricultural use (RC2). A shooting range and accessory

uses are permitted in an RC2 zone by special exception in accordance with Baltimore County Zoning Regulation (BCZR) §1A01.2(C.20).

The Appellants' Memorandum does not refer to the standard of review applicable to this appeal--an oversight which should be remedied to give this appeal its proper legal framework. In this regard, it is axiomatic that the decision of the Board of Appeals must be affirmed if the opinion is not based on an error of law and if the opinion is supported by "fairly debatable" evidence. Annapolis v. Annapolis Waterfront Company, 284 Md. 383 (1979). "Fairly debatable evidence" is simply defined as some evidence, however slight, upon which the administrative decision can be reasonably based regardless of the presence of conflicting evidence or inferences, regardless of questions of credibility, and regardless of whether the administrative body came to a conclusion that the court would not have reached on the same evidence. Annapolis v. Annapolis Waterfront Company, supra at 395-396.

The Court of Special Appeals has defined "fairly debatable" evidence as follows:

> "When the evidence presented before [an administrative board] is fairly debatable, i.e., one may draw one of several rational inferences therefrom, courts should not substitute their judgment for that of the agency merely because the court may disagree with the result reached by the agency. In this respect, the "fairly debatable" rule is very much akin, if not identical to, the "clearly erroneous" rule."

Largo Civic Association v. Prince George's County, 21 Md. App. 76, 90 (1974). Refer also to Amberley Association v. Board, 229 Md. 261, 268 (1962).

The Appellees note also that evidence submitted to an administrative agency should be considered only to the extent that evidence is probative; mere speculation, personal preferences and protests (which comprise most of the non-expert testimony submitted to the Board by the Appellants) are outside the definition of probative evidence. Compare Turner v. Hammond, 270 Md. 41 (1973).

Finally, the evidence in a special exception case must be applied in accordance with the following considerations:

> "The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and, therefore, valid [11] . . . When the legislative body determines that other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses [21] . . .. 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 inherently associated with such a special exception use irrespective of its location within the zone [22-23]." (emphasis added).

Schultz v. Pritts, 291 Md. 1, 11 and 21-23 (1981).

In the context of this authority and precedent, the Appellees respectfully submit that the Board's decision granting the special exception was based on overwhelming evidence and in accordance with Baltimore County Zoning Laws.

II. THE DECISION OF THE BOARD OF APPEALS

The County Board of Appeals granted the Appellees special exception for a shooting range in an agricultural zone, including a caretaker's residence as an accessory use, subject to three restrictions; i.e., (1) the overnight storage of firearms on the club property is prohibited, (2) alcohol cannot be allowed when the shooting range is in use, and (3) all efforts must be made for the agricultural use of the subject property which is not associated with the shooting range.

The Baltimore County Zoning Regulations permit a shooting range in an agricultural zone if that use "would not be detrimental to the primary agricultural uses in its vicinity." BCZR §1A01.2(C). In addition to this relationship between the shooting range and adjacent agricultural use, the regulations specify criteria applicable to all special exceptions; these criteria generally involve consideration of issues related to health, safety and the general welfare. BCZR §502.1. The County Board of Appeals specifically addressed the requirements of BCZR §1A01.2 and BCZR §502.1 on pages two through four of its Opinion. The five volumes of testimony

which comprise the record of this appeal contain substantial evidence in support of these conclusions:

III. THE PROPOSED USE WOULD NOT BE A DETRIMENT TO PRIMARY AGRICULTURAL USES IN THE VICINITY (BCZR §1A01.2(C): SPECIAL EXCEPTIONS IN AN AGRICULTURAL ZONE)

The Appellees submitted the testimony of William F. Kirwin, an expert (by stipulation) land planner and consultant (T. II. 117-118). Mr. Kirwin testified explicitly that there would be no detrimental impact on agricultural uses in the vicinity of the shooting range (T. II. 139-141):

> "Q. How will the proposed use impact on surrounding agricultural uses? If at all.
>
> A. Virtually, it will have no impact. There are some very beneficial land use activities in association with this use . . .. It's entirely woods . . .. In terms of location, in terms of land use, it certainly isn't an overdevelopment or use of the land . . .. It has a potential of very little disturbance to the land itself. The woodlands and wetlands will totally remain. It has the potential to re-establish some of the areas in here that do not have turf and probably in the past through farming capabilities have lost a lot of soil . . .. They are planning also to provide a program with DNR [Department of Natural Resources] for the planting of trees, raising of trees for harvesting and that keeps it in the agricultural use . . .. It can create and maintain in long terms a protectiveness of the site, the seeding, the reforestation of the site, is a land management tool, actually using that as managing the site for future use."

There was no cross-examination of Mr. Kirwin, and, interestingly, the Appellants' expert did not dispute or contradict the facts stated by Mr. Kirwin (refer to the testimony of Norman Gerber at T. V. 26-30). The basic opinion

or argument suggested stated by Mr. Gerber with respect to the proposed use was that a shooting range does not "enhance" agricultural use. In an astounding disregard of logic and definition, he then concludes that an absence of enhancement is a detriment.

The simple and decisive answer to this type of reasoning is that BCZR §1A01.2(C) does not require a special exception to enhance agricultural use, but only that there will be no adverse impact on agricultural use in the vicinity of the property. In the absence of factual evidence, the Appellants' expert resorts to rather tortured reasoning to conclude that the absence of an affirmative (enhancement) necessarily means a negative (detriment).

The Appellants certainly agree that the applicable regulations are intended to enhance agricultural uses in agricultural zones, but the designation of a shooting range as a use permitted by special exception in the RC2 zone presumes that such use is compatible with agricultural use. The "exception" is that a hearing is required to determine whether a particular shooting range in a particular location is detrimental to agricultural use in the vicinity. This is the precise relationship between a use by right and a use by special exception as articulated in Schultz v. Pritts, 291 Md. 1 (1981), and which was explicitly followed by the Board of Appeals in its Opinion.

The Board concluded that the Appellees' shooting range would occupy a relatively insignificant area within the 200 acres which comprise the subject property, and that the remaining acreage would be restricted to agricultural use (Opinion at pages 2-3). Therefore, the Board imposed a restriction (authorized by BCZR §502.2) which requires the Appellees to limit the remaining acreage to agricultural use; i.e., to comply with regulations already applicable to RC2 zoning. This restriction further insulates any agricultural uses in the vicinity from the shooting range.

It is also important to note that even if the Appellants had been able to present probative evidence of any detriment to agricultural use in the vicinity of the shooting range, that evidence simply would have made the issue fairly debatable. In addition to Mr. Kirwin's expert testimony, John Dillon, a land planner employed by Baltimore County, testified that the County approved this site because of the agricultural zone where it was located (T. II. 41-42).

The decision of the Board of Appeals clearly addressed BCZR §1A01.2(C): "The Board is of the opinion that the proposed use from the testimony and evidence received does comply with BCZR §1A01.2(C) and will find as a fact that it is in compliance with this section." (Opinion at page 3). There is no legal basis for disturbing this conclusion.

IV. THE EVIDENCE CONFIRMS THAT THIS SPECIAL EXCEPTION IS IN COMPLIANCE WITH BCZR §502.1 (GENERAL CRITERIA APPLICABLE TO SPECIAL EXCEPTIONS)

The County Board of Appeals gave careful consideration to the requirements of BCZR §502.1 as indicated in its Opinion at page four: "The Board has carefully considered all of the evidence and all the testimony presented in relationship to the requirements of 502.1 and will find as a fact that these conditions are complied with." The facts which support the Board's Opinion in the context of the issues raised by the Appellants are as follows:

A. General Welfare and Safety

The President of the Pikesville Sportsman's Club (Richard A. Blocher) testified at length about the safety features, construction, and operations of the shooting range. (Refer in general to T. I. 19-20, 23, 30, 34, 37, 46, and 53-58.) In brief, the entire shooting range would be fenced. The construction of the facility will comply with engineering and safety standards established by the National Rifle Association (including protective earth berms and overhead traps to absorb errant shots). The Club will have a range safety officer, and no firearms will be stored at the facility.

The Appellees' expert (William Kirwin) confirmed that the facility would not be detrimental to the health, safety or general welfare of the community (T. II. 142-143). Refer also to the testimony of Natural Resources Police Sergeant Louis Ritter (T. IV. 87-91) and the testimony of Richard Whiting,

RECEIVED
DEC 4 1989
ZONING OFFICE

BALTIMORE COUNTY

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 4, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-138-SPHX, Item No. 547
Pikesville Sportman's Club, Inc.

The Petitioner requests a Special Exception to permit a shooting range and a clubhouse in an R.C.2 zone.

In reference to this request, staff provides the following information:

- The existing Pikesville Sportsman's Club is located along the Northwest Expressway (I-795), in the Owings Mills Growth Area. The existing facility is shown as "industrial" on the 1984 Owings Mills Plan - Land Use Plan. The existing site was part of a large County Review Group Plan (approved 6/1/89) that showed the area as intensively developed with office, retail, and institutional uses. It was recognized that the club would be displaced as part of the Owings Mills Plan growth area strategy.

- The property is currently in agricultural use and has agricultural zoning on most of the tract. Recreation, Parks and Land Preservation in Baltimore County, a Plan for the 1990's, designates the area as significant for the purposes of maintaining long term agriculture. Section 1A01.2.C.20 allows shooting ranges, including archery, pistol, skeet, trap, or small-bore rifle ranges, or turkey shoots, as a Special Exception.

- The area is designated as an Agricultural Preservation area in the draft 1989 Master Plan.

Based on the analysis conducted, staff supports the concept of a gun club use at this site, however, the continuance of agriculture, intensity of the proposed use, impact on ground water, utilization of existing roads, and impact of the cumulative effect of noise on the immediate neighborhood, are of particular concern.

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Should the Petitioner's request be granted, staff suggests the following conditions be applied:

- The number of club members should be specified and a maximum number of members permitted should be indicated.

- At the Zoning Commissioner's discretion (based upon testimony provided), limits should be established regarding the amount of yearly social events to be held.

- A long term agricultural management plan (cropland and woodland) shall be filed along with the plat accompanying the Petitioner's request, subject to the review of DEPRM.

- Land not actively used by the facility shall be maintained in agricultural use.

- The caretaker's house shall be relocated along the access road and adjacent to Long Green Pike.

- The hours of operation shall be restricted to 8:00 p.m. to 5:00 p.m. for all outdoor shooting of firearms.

- Other than for parking, illumination of roads and for security purposes, no exterior lighting shall be permitted.

- As stated in Section 1A01.2.C.20 of the B.C.Z.R., the proposed use should be limited to small-bore firearms.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK:JL:ggl
90138SPH/ZAC1

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED
DEC 01 1989
ZONING OFFICE

TO: Robert Haines
Zoning Commissioner

DATE: December 1, 1989

FROM: Donald Outen

SUBJECT: Pikesville Sportsman Club
Special Exception
Case Number 9138 and 9139
90-138 & 90-139

The Bureau of Water Quality and Resource Management has reviewed the information submitted with the above referenced zoning item. This site is characterized by a mixture of cropland and hardwood forest. There are several first and second order streams on site, originating in the cultivated fields, and flowing down through the forested areas. These streams and their associated wetlands have been accurately delineated by the engineer and field verified by this office.

The plat, as submitted, does not accurately reflect a Forest Buffer Easement. In order to comply with the current regulations a new plan should be submitted containing the following information:

1) 100 year flood plain.

2) Slopes (differentiated as ≤ 10%, 11-19%, ≥ 20%)

3) Forest Buffer modified adjacent to streams where average slopes within 150 feet of streams are equal to or greater than 18%

4) Steep slope analysis in areas adjacent to streams where average slopes within 150 feet of streams are equal to or greater than 25%

5) Any proposed stream crossings.

6) Relocation of the skeet and trap range so that it will not encroach on wetlands, streams or Forest Buffer Easement.

Donald Outen, A.I.C.P.
Bureau Chief
Water Quality & Resource Management

DO:DL:sp

cc: Mrs. Janice Outen
Mr. Rocky Powell
Mr. David Lykens

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

July 18, 1989

John B. Howard, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

Eugene F. Raphel
E.F. Raphel & Associates
205 Courtland Avenue
Towson, MD 21204

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

See checklist
Review 8/8/89 WCR

RE: Petition Review for Eckert,
Bressler and Smith Property
W/S Long Green Pike, S Glenarm Road
11th Election District

Dear Sirs:

On June 14, 1989 a petition for a Special Exception for a shooting range and Special Hearing for parking was filed in the Zoning Office for the Pikesville Sportsman Club on 201 acres at the above location under Item #547. The petition was accepted incomplete at the insistence of the attorney with the understanding that within seven (7) days, the corrections would be made and a complete, correct application would be submitted to this office. Twenty-two (22) working days have elapsed and the application has not been corrected and the additional zoning issues have not been addressed.

When petitions are filed in this office, it is always the ultimate responsibility of the petitioner to be certain that a complete and accurate application is made addressing all zoning issues on the property. The petitions are routinely reviewed by the associates for completeness and proper form and suggestions may be made to the applicant so that a proper and accurate application is made addressing the zoning issues as presented at the review. Obviously the staff will endeavor to review the petition as presented to be as complete as possible with the time available, but there is no stigma or responsibility either implied or conferred upon the associates to completely correct the application and address all zoning conflicts and issues on the property.

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John B. Howard, Esquire
Eugene F. Raphel
William Ulrich, Jr.
July 18, 1989
Page 2

The above application is incomplete, incorrect and does not address the R.C.-2 density and non-density transfers that are proposed on this property. Unfortunately, as a result of the failure to correct and complete the application to address all zoning issues on this property, this office is withdrawing its acceptance of the application until a proper and complete new application is made. Your original petitions are being returned and a new appointment must be scheduled for filing and new fees paid. With over 600 petitions a year, obviously our limited staff cannot monitor revised petitions to ensure that the application is complete and accurate as advertised, posted and eventually presented at the public hearing. In an effort to avoid costly delays in re-advertising, re-posting, more paperwork, continued hearings, and hardships for the petitioner, applications will not be accepted until they are correct and complete.

The following list of revisions and requirements must be addressed prior to acceptance for filing:

1. Pikesville Sportsman's Club Shooting Range
   - ✓ a. Remove the archery trail from the R.C.-5 zone.
   - ✓ b. Address the caretaker's residence on the petitions.
   - ✓ c. Parking for the clubhouse - Provide detailed use description and layout and list of uses and areas within the building.
   - ✓ d. Clarify the fee ownership and acreage of the B.G.&E. transmission line on the plan and in the descriptions.
   - ✓ e. Provide typical parking layout and paving detail on the plan and provide parking for all uses proposed.
   - ✓ f. Include separate zone acreages and save and except the R.C.-5 zoned portion of the property in the Special Exception description.
   - ✓ g. Provide the required property line setbacks for the rest rooms and equipment building. dimensioned
   - ✓ h. Dimension and include setbacks and height for all proposed buildings and include existing street right-of-ways and any proposed street widening.
   - ✓ i. Include existing and proposed water and septic systems on the plan.
   - ✓ j. Provide larger scale vicinity and ownership map with all existing listed property owner's properties plotted.
   - ✓ k. Evidence prior approval of the Baltimore County Police Department in accordance with Section 18-8 of the Baltimore County Code.

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John B. Howard, Esquire
Eugene F. Raphel
William Ulrich, Jr.
July 18, 1989
Page 2

2. R.C.-2 Density (Policy RSD-10)
   - a. ✓ Provide density plans in accordance with Zoning Policy RSD-10, along with a cover letter certified by a registered surveyor or title attorney, with the chronological title history and the density request.
   - b. The location of all buildings on the properties involved, the uses, setbacks, height and front orientation of all dwellings existing. Evidence compliance with Zoning Policy A-17 (reduced acreage farm) or address relief in the petitions.
   - c. ✓ Address two (2) non-density transfers and one (1) density transfer to a non-contiguous parcel on the plans and in the petition.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Coordinator

WCR:scj

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Suggested SPH wording

SPH - The non-density transfer of 2) two acre parcels each to be combined with an existing lot to form new parcels #1+2; ~~#3~~ and to retain 2 dwelling units on new parcel #5. Also, to determine that the ~~sportsmans club~~ caretaken's residance is ~~accessory~~ a necessary accessory use for the sportsmans club.

WCR 8/8/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

RECEIVED
COUNTY BOARD OF APPEALS
90 APR 30 PM 3:04

Dennis F. Rasmussen
County Executive

April 30, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Special Exception
W/S Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District, 4th Councilmanic District
IDA S. ECKHART, ET AL - Petitioner
Case No. 90-138-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 11, 1990 by Robert A. Hoffman, Attorney on behalf of the Appellant. 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

JRH:cer

Enclosures

cc: Ida S. Eckhart, et al
c/o Evelyn S. Bressler, her Attorney-In-Fact
11908 Long Green Pike, Glen Arm, MD 21057

Robert A. Hoffman, Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, MD 21285-5517

Richard Blocher, 1 Atherton Road, Lutherville, MD 21093

J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL

Petition for Special Hearing and Special Exception
W/S Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District - 6th Councilmanic District
IDA S. ECKHART, ET AL - Petitioner
Case No. 90-138-SPHX

Petitions for Special Hearing and 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

Post-Hearing Memorandum of Petitioners

Protestants Post-Hearing Memorandum

Petitioner's Exhibits:
1. Plats to accompany Petition
2. Architectural Drawing
3. Planning Comments
4. DEPRM's Comments
5A. Acoustic Site Map - Existing Location
5B. Acoustic Site Map - Proposed Location
6. 200 Scale Aerial Map
7. 200 Scale Topographical Map

Protestant's Exhibits:
1. Petition of Opposition
2. Letters of Opposition (Not marked #2)
3. No Exhibit in file
4A - 4E - Photographs of Gun Shops
5A - 5C - Nomograph Charts
6A-6E - Photographs of Harford & Factory Rds.

Deputy Zoning Commissioner's Order dated March 16, 1990 (Denied)

Notice of Appeal received April 11, 1990 from Robert A. Hoffman, Attorney on behalf of the Appellant.

MICROFILMED

Appeal Checklist - Case No. 90-138-SPHX
Ida S. Eckhart, et al - Petitioner
April 30, 1990
Page 2

cc: Ida S. Eckhart, et al
c/o Evelyn S. Bressler, her Attorney-In-Fact
11908 Long Green Pike, Glen Arm, MD 21057

Robert A. Hoffman, Venable, Baetjer and Howard
210 Allegheny Avenue, Towson, MD 21285-5517

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J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180

April 9, 1991

Robert A. Hoffman, Esquire
VENABLE, BAETJER AND HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Case No. 90-138-SPHX
Pikesville Sportsman's Club

Dear Mr. Hoffman:

The Board is in receipt of your letter dated April 8, 1991 regarding the subject matter and the unavailability of one of your witnesses on the reassigned dates of April 12 and April 26, 1991.

Upon review of this matter, the Board will grant your request and schedule an additional hour on the docket to accommodate your witness. We have therefore set aside Tuesday, June 18, 1991 at 9:00 a.m. for this purpose.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

cc: John B. Howard, Esquire
J. Carroll Holzer, Esquire
Mr. Richard Blocher

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

February 27, 1991

J. Carroll Holzer, Esquire
HOLZER, MAHER & DEMILIO
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

Re: Case No. 90-138-SPHX
Ida S. Eckhart, et al

Dear Mr. Holzer:

In answer to your request that the hearing in Case No. 90-138-SPHX scheduled for Friday, April 12, 1991, be adjourned by 1:30 p.m., the Board will not make such a commitment. There are at present no dates available for a second day's hearing until some time in July or possibly August. In light of this situation, the Board will attempt in every way possible to finish the case on April 12th, and will make no promise of an early adjournment.

At this time, it is impossible to foresee at precisely which stage of the hearing we will be at 1:30 p.m., and it would be my suggestion that you give this due consideration.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/kcw

cc: Robert Hoffman, Esquire

Ans File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

November 14, 1989

Reed E. Pyeritz, M.D., Ph.D.
Associate Professor of
Medicine and Pediatrics
Director of Clinical Genetics
The Johns Hopkins Hospital
Blalock Building
Room 1012
Baltimore, Maryland 21205

RE: Pikesville Sportsman Club
Case Nos. 90-138-SPH and 90-139-SPH

Dear Dr. Pyeritz:

I am in receipt of your letter of November 6, 1989 concerning over-development of Baltimore County and the Pikesville Sportsman Club. I have forwarded your letter to the Deputy Zoning Commissioner, Ann Nastarowicz, as she will be presiding over the public hearing on December 5 and 6, 1989. I strongly suggest that you appear at the hearing and express your sentiments publicly.

I understand and appreciate your concerns for the Charles Hickey School, however, the Zoning Commissioner for Baltimore County has absolutely no jurisdiction over the School. This School is a State of Maryland operation and I would suggest that you forward a letter to them.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

November 16, 1990

Ms. Helen Twining Kadlec
5626 Sharon Drive
Glen Arm, MD 21057

RE: Case No. 90-138-SPHX
Ida S. Eckhart, et al
(Pikesville Sportman's Club)

Dear Ms. Kadlec:

The Board is in receipt of your letter of November 7, 1990 regarding the subject matter which is set for hearing before the Board of Appeals. Your letter has been included in the file for the subject appeal.

Please note on the enclosed Notice of Postponement that this case has been rescheduled for hearing on March 12, 1991 at 10:00 a.m. with a second day also being held on the Board's docket. This postponement was granted on October 31 at the request of Counsel for the Petitioner.

Should you have any questions, please contact me at 887-3180. We have also added your name to the subject file for future notifications.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: File

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

7/12/89
Date

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

JUL 13 1989

Zoning Item # 547, Zoning Advisory Committee Meeting of June 27 1989
Property Owner: Ida S. Eckhart; Mary M. Smith; Vernon L. Smith Jr; Courtenay T. Smith
Location: W/S Long Green Pike, 400' SW of centerline of Glen Arm Road District: 11
Water Supply: private Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:

(✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

(✓) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generatior which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Departmer of Environmental Protection and Resource Management for review and approval. For more complete informatic contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulatic For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the eliminati of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

(✓) Soil percolation tests, have been ___, must be ✓, conducted.
( ) The results are valid until ___.
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

(✓) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until ___.
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

(✓) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio logical and chemical water samples.

(✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmenta Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.

( ) In order to subdivide this property, the owner or developer will be required to comply with the subd. sio regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others Successful soil evaluations, approved water supplies and complete plans outlining proposed lots and usages associated with proposed improvements must be submitted to and approved by this office prior to approval of any building permits. For further information contact Mr. Robert Bowling at the Water & Sewer Division at 887-3762.

MICROFILMED

G. H. Ostrom
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Ans File

Baltimore County, Maryland
Executive Office
Courthouse Mezzanine
Towson, Maryland 21204
(301) 887-2450
(301) 887-3728 (TDD)
Fax (301) 887-5781

Dennis F. Rasmussen
County Executive

December 4, 1989

RECEIVED
DEC 15 1989
ZONING OFFICE

Mr. & Mrs. William Trump
1 Chickory Court
Glen Arm, Maryland 21057

Dear Mr. & Mrs. Trump:

Thank you for your letter regarding the proposed relocation of the Pikesville Sportsman Club into the Glen Arm Area.

As County Executive I have no role in this process. The proposed use is permitted by Special Exception in the location proposed. The Zoning Commissioner will hold a public hearing to determine if the proposal meets the standards described in the County Zoning Regulations (Section 502.1). These standards require that the proposed development is not "detrimental to the health, safety or general welfare of the locality involved." I have sent a copy of your letter to the Zoning Commissioner for his information. I am sure he will take your concerns into account.

Thank you once again for taking the trouble to write to me on this issue.

Sincerely yours,

Dennis F. Rasmussen
County Executive

DFR:pat

cc: Robert Haines, Zoning Commissioner

8/20/90 - Following parties notified of hearing set for December 5, 1990 at 10:00 a.m.:

Robert A. Hoffman, Esquire
Mr. Richard Blocher, President
Pikesville Sportsman's Club
Ms. Ida S. Eckhart, et al
c/o Ms. Evelyn S. Bressler
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

10/29/90 -Request for postponement received from R. Hoffman on behalf of Petitioner.

10/31/90 -POSTPONEMENT granted; case reset for hearing on March 12 and March 15, 1991 at 10:00 a.m. on both dates. Above parties advised this date of same.

2/21/91 - Above parties notified of POSTPONEMENT and REASSIGNMENT to April 12, 1991 at 10:00 a.m. at request of Counsel for Protestants.

2/27/91 -Letter from C. Holzer requesting adjournment at 1:30 p.m. on 4/12/91; response 2/27/91 from WTH -Board did not commit to early adjournment on 4/12; see correspondence in file.

3/1/91 Letter received from Robert A. Hoffman, Esquire advising the Board of the inability of one of his witnesses to appear on April 12, 1991 and requesting a small amount of time on another day for the testimony of that witness only.

3/7/91 - Above parties notified of Day #2 set in for April 26, 1991 at 10:00 a.m. April 12, 1991 hearing stands as previously scheduled.

4/9/91 - Letter to Bob Hoffman advising that one hour 9:00 a.m. on June 18, 1991 will be held for the testimony of one of his witnesses due to their unavailability on April 12 or April 26, 1991. cc: Howard, Holzer & Blocher.

4/29/91 - Above parties notified of Day #3 set for May 22, 1991 at 1:00 p.m.

5/23/91 - Above parties notified of Day #4 set for June 14, 1991 at 10:00 a.m.

Closing arguments due 7/15/91.
Paige fld 11:00 am 7/15/91

IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of c/l of Glen Arm Road
CASE NO. 90-138-SPHX
11th Election District
6th Councilmanic District
SPH-Caretaker's residence as an accessory use; parking plan
SE-Shooting range

September 6, 1989	Petition filed by John B. Howard, Esquire on behalf of Ida S. Eckhart, et al for a Special Hearing for a caretaker's residence as an accessory use and a parking plan and a Special Exception for a shooting range.
March 16	Order of the Deputy Zoning Commissioner DENYING Petitions.
April 11	Notice of Appeal received from Robert A. Hoffman, Esquire on behalf of Petitioners.
April 12, 1991	Hearing before the Board of Appeals.
April 26	Continued Hearing before the Board of Appeals.
May 22	Continued Hearing before the Board of Appeals.
June 14	Continued Hearing before the Board of Appeals.
June 18	Hearing concluded before the Board of Appeals.
July 15	Closing Arguments of Petitioners filed by Robert A. Hoffman, Esquire and Paul J. Consbruck, Esquire.
July 15	Protestants Post-Hearing Memorandum filed by J. Carroll Holzer, Esquire.
October 29	Opinion and Order of the Board GRANTING the Petitions with restrictions.
October 29	Dissenting Opinion of John G. Disney.
November 29	Order for Appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire on behalf of Protestants.
December 3	Certificate of Notice sent to interested parties.
----	Petition to accompany appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire.
January 16, 1992	Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.
January 6, 1992	Order of Court extending time to file record to 1/16/92.
June 4, 1992	Order of the CCt,BCO AFFIRMING C.B. of A. (Hon. James T. Smith,Jr.

IDA S. ECKHART, ET AL
W/s Long Green Pike, 400' SW of c/l Glen Arm Rd.
#90-138-SPHX
11th Election District
6th Councilmanic District
SPH-Caretaker's residence as an accessory use; parking plan
SE-Shooting range

PAGE 2 - Continuation

June 25, 1992	Order for Appeal to Court of Special Appeals filed in CCt,BCo by J. Carroll Holzer, Esquire on behalf of Protestants.

6-14-89
Item #547

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

TO: Zoning Hearing Petitioner

Your petition, despite not being 100% complete and/or accurate, is being accepted for filing at your absolute insistence. If the necessary additions and/or revisions to the petition forms, zoning descriptions and/or site plans are not submitted and the appropriate revision fee paid within seven (7) days, then the petition will be dismissed and the fee(s) not refunded.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JJS:scj

Paige Wingert

MICROFILMED

SUMMERFIELD FARMS ASSOCIATION

RESOLVED: That the position of the SUMMERFIELD FARMS Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as: Pikesville Sportsman's Club
Zoning Exception Petition No. 90-138-SPHX
and No. 90-139-SPHA

is that: The Summerfield Farms Association is opposed to the granting of the the request by the Sportsman's Club for the above special exceptions.

AS WITNESS OUR HANDS AND SEAL THIS 4th DAY OF June, 1991.

ATTEST: SUMMERFIELD FARMS ASSOCIATION

Dorothy Streb — Secretary
Stanley M. Pollack — President

SUMMERFIELD FARMS ASSOCIATION

RESOLVED: That at the ANNUAL meeting of the SUMMERFIELD FARMS Association held on OCTOBER 28, 1990, it was decided by the Association that responsibility for review and action on all zoning matters for the period Oct. 1990 through Oct. 1991 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:
Zoning Committee: Stanley Pollack, Charles Conklin and Dorothy Streb
Board of Directors: Raymond Bevans, Bernard Link, William Sarkin and Helen Wofford

AS WITNESS OUR HANDS AND SEAL THIS 4th day of June, 1991.

ATTEST: SUMMERFIELD FARMS ASSOCIATION

Dorothy Streb — Secretary: Dorothy Streb
Stanley M. Pollack — President: Stanley Pollack

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the Summerfield Farms Association.

ATTEST: Dorothy Streb

Dorothy Streb — Secretary
Stanley M. Pollack — President

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 494-6111
FAX (301) 821-0147

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

RICHARD H. VENABLE (1838-1901)
EDWIN G. BAETJER (1868-1943)
CHARLES H.H. HOWARD (1870-1943)

ROBERT A. HOFFMAN

April 8, 1991

WRITER'S DIRECT NUMBER IS
494-9162

William T. Hackett, Chairman
County Board of Appeals for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Appeal Case No.: 90-138-SPHX; Pikesville Sportsman's Club

Dear Mr. Hackett:

In a letter dated April 2, 1991, the Pikesville Sportsman's Club, the Appellant in the above-referenced case, requested an additional day to accommodate one witness who is unavailable for the April 12 and April 26, 1991 hearing dates. The witness has since modified his availability to the following:

April 19, 1991
June 18, 20, 1991

We respectfully request that the Board set aside approximately 1-2 hours to accommodate this witness.

Please do not hesitate to contact me if you have any questions or comments.

Very truly yours,

Robert A. Hoffman

RAH/cac

cc: Richard Blocher
John B. Howard, Esquire
J. Carroll Holzer, Esquire

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD R. VENABLE (1938-1991)
EDWIN S. BAETJER (1888-1961)
CHARLES McH. HOWARD (1870-1943)

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
494-9162

March 1, 1991

William T. Hackett, Chairman
County Board of Appeals
for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 90-138-SPHX; Ida S. Eckhart, et al;
Pikesville Sportsman's Club, Petitioners

Dear Mr. Hackett:

For the record, the Petitioner in the above-referenced case objects to the postponement of the hearing from March 12 and March 15, 1991 to April 12, 1991. (Apparently, the postponement in this case was granted prior to my receiving notice of the request).

However, since the case has been set in for April, we need to inform you that the new date poses a conflict with one of the Petitioner's witnesses. It is therefore respectively requested that a second date, as close to April 12 as possible (but not April 11, 1991), be set in to accommodate this witness.

Very truly yours,

Robert A. Hoffman

RAH/cac

cc: J. Carroll Holzer, Esquire

RECEIVED
91 MAR -1 PM 2:45
COUNTY BOARD OF APPEALS

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD R. VENABLE (1938-1991)
EDWIN S. BAETJER (1888-1961)
CHARLES McH. HOWARD (1870-1943)

ROBERT A. HOFFMAN

April 11, 1990

WRITER'S DIRECT NUMBER IS
494-9162

J. Robert Haines
Zoning Commissioner
for Baltimore County
County Office Building, 1st Floor
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Notice of Appeal
Petitions for Special Hearing and Special Exception
W/S Long Green Pike, 400' SW of c/l of Glen Arm Road
11th Election District, 6th Councilmanic District
Case No. 90-138-SPHX

Dear Mr. Haines:

Please note the appeal of the Pikesville Sportsman's Club of Baltimore County, Inc. (Contract Purchaser) from the decision of the Deputy Zoning Commissioner in the above-referenced case. The Club's mailing address is P.O. Box 163, Owings Mills, Maryland 21117, but notices and correspondence will receive prompt attention if addressed to the Club's president, Richard Blocher, at his home address, 1 Atherton Road, Lutherville, Maryland 21093.

We have enclosed a check in the amount of $325 to cover the cost of filing the appeal.

Thank you for your consideration.

Very truly yours,

Robert A. Hoffman
Attorney for Appellant

RAH/JAA/cns

cc: Richard Blocher
J. Carroll Holzer, Esquire

PETITION RECEIVED
4-11-90
ZONING OFFICE

MICROFILMED

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD R. VENABLE (1938-1991)
EDWIN S. BAETJER (1888-1961)
CHARLES McH. HOWARD (1870-1943)

HOBERT A. HOFFMAN

October 29, 1990

WRITER'S DIRECT NUMBER IS
494-9162

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals
for Baltimore County
3rd Floor, County Office Building
Towson, Maryland 21204

RE: Case No.: 90-138-SPHX
The Pikesville Sportsman's Club of
Baltimore County, Inc., Petitioner

Dear Mr. Hackett:

The referenced case is scheduled for hearing on December 5, 1990. Mr. Richard Blocher, the President of the Pikesville Sportsman's Club of Baltimore County, Inc., the Petitioner, has informed me that this date conflicts with business commitments in his new job. It is essential to our case that Mr. Blocher testify and be present during the hearing. Additionally, this case was not completed at the Zoning Commissioner level in one day, and it is anticipated that the case will likely take two to three days to complete.

Therefore, Petitioner respectfully requests a continuance of this case and that two or three hearing days be assigned.

Thank you for your time and attention.

Yours truly,

Robert A. Hoffman

RAH/tls
cc: J. Carroll Holzer, Esquire
Richard Blocher, President of Pikesville Sportsman's Club

COUNTY BOARD OF APPEALS
RECEIVED
90 OCT 29 PM 12:15

3/13 & 3/15

Ann

RONALD L. MAHER
J. CARROL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLZER

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
223 SHOREHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

CAHT File

Set up - appeal upon date
No further continuance

RECEIVED
OCT 5 1989
ZONING OFFICE

October 5, 1989
#6456

HAND DELIVERED

Mr. Robert Haines
Zoning Commissioner of
Baltimore County
County Office Building
Towson, Maryland 21204

RE: Petition for Special Exception No. 90-138-SPHX
Petition for Special Hearing No. 90-139-SPHA
Petition for Special Hearing No. 90-138-SPHX
Petition for Zoning Variance No. 90-139-SPHA

Dear Commissioner Haines:

Please be advised that I have just been retained as of today's date by the Glen Arm Community Association and a number of individuals to represent them in the above captioned matter concerning the Pikesville Sportsman's Club and their request for approvals under the above petitions for a Gun Club in the Glen Arm area. Because of my schedule I will be forced to request a postponement of the October 24th hearing date presently scheduled. I have a previously scheduled extended hearing before the Circuit Court of Baltimore County in regard to Hechinger v. Bernstein which has previously been postponed and reset specially as of this date. In addition, at noon time I am due to appear at the Department of Employment Security for a continued hearing in the case of Mr. Aldo Scipioni. As a result of these conflicts I would request that you grant my request for postponement of that hearing date and reschedule it for a date later in the year.

Very truly yours,

J. Carroll Holzer

cc: Mr. Ward Dawson

JCH/blt

MICROFILMED

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960
FAX (301) 823-0964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

February 25, 1991

Baltimore County Board of Appeals
County Office Building
401 Bosley Avenue
Towson, MD 21204

ATTN: Chairman Hackett

RE: Pikesville Gun Club

Dear Mr. Hackett:

Thank you very much for postponing the above-captioned matter as per our request. I understand from a recent Notice of Assignment from the Board that the case is now scheduled for Friday, April 12, 1991. I will be prepared to proceed on that date, however, I would request the Board's consideration of an adjournment by 1:30 in the afternoon. I have a previously scheduled meeting in Pennsylvania that is set to begin at 3:00 p.m. on that date. If I am able to leave by 1:30, I will be able to make the previously scheduled meeting.

I would also suggest that the Board consider an additional date for this case in view of the fact that it took a number of days to try before the Zoning Commissioner. I am sending a copy of this letter to Robert Hoffman in order that he may be aware of my situation.

Thank you very much for your courtesy and consideration.

Very truly yours,

J. Carroll Holzer

JCH:dmb
cc: Robert Hoffman, Esquire

RECEIVED
91 FEB 27 AM 10:34
COUNTY BOARD OF APPEALS

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 823-0960
FAX (301) 823-0964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DeSALES STREET, N.W.
WASHINGTON, D.C. 20036

February 18, 1991

Chairman
Board of Appeals of Baltimore County
County Courts Building
Towson, MD 21204

RE: Pikesville Gun Club
Hearing Date: March 12 and March 15, 1991

Dear Mr. Chairman:

Please be advised that on behalf of my clients, the Protestants below, I would like to request a postponement of the above-captioned hearing dates. The reason for the request is that, before the Zoning Commissioner, Senator Thomas Bromwell and Delegate Joseph Bartenfelder were key witnesses with firsthand information in regard to their concerns regarding this proposed location of a firing range and testified. Because they are in the Legislature, they have advised us that they will not be available to testify on those two dates and would request that the matter be postponed by the Board until after the Legislature adjourns.

Because these witnesses are crucial to the case of my clients, I am, therefore, requesting that this case be postponed until after the Legislature adjourns.

I would also point out to the Board that on a previous occasion, a postponement was granted by the Board at the request of the Pikesville Gun Club on the basis that one of it's key witnesses would not be available and was out of town on business. As a result of that postponement, I would request equal treatment on behalf of the community.

Very truly yours,

J. Carroll Holzer

JCH:dmb
cc: Senator Thomas Bromwell
Delegate Joseph Bartenfelder
Ann Ryer
Robert Hoffman, Esquire

COUNTY BOARD OF APPEALS
RECEIVED
91 FEB 19 PM 3:

STAIANO ENGINEERING, INC.
Sound & Vibration
Measurement, Research & Control

1923 STANLEY AVENUE
ROCKVILLE, MD. 20851-2225

MICHAEL A. STAIANO, PE, Mem INCE

301-468-1074

22 May 1991

L 91208A

Mr. Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Subject: Proposed Pikesville Sportsman's Club Shooting Range, Glen Arm, Maryland—Comments Regarding Protestant's Testimony re Noise

Dear Mr. Hoffman:

Testimony in opposition to the proposed Pikesville Sportsman's Club shooting range in Glen Arm, Maryland has suggested that the proposal will create noise problems such as those caused by the existing Carney Rod & Gun Club and Baltimore Game & Fish Association ranges. Opposition testimony also has stated that the shooting noise from the proposed facility is incompatible with the existing Glen Arm environment. This report examines the validity of those concerns.

An analysis was performed which compared the Carney Rod & Gun Club, Baltimore Game & Fish Association, and National Guard/Gunpowder Falls State Park shooting ranges to the proposed Pikesville Sportsman's Club site. The projected *worst-day* noise exposures from the proposed facility fall well within accepted land-use guidelines as well as achieve U.S. EPA/State of Maryland goals for "protecting the public health and welfare with an adequate margin of safety." The results of the analysis also show that *in comparison with the proposed Glen Arm shooting range*:

- The Carney Rod & Gun Club site exposes about 44 times as many properties.
- The Baltimore Game & Fish Association site exposes about 19 times as many properties.

MICHAEL A. STAIANO
—General Resume—

EDUCATION:

B.S., New York University, Aeronautical Engineering -1969
Graduate course work in Acoustics and Aerodynamics, New York University 1969-1970
Graduate course work in Acoustics, University of Pennsylvania -1974
Various short courses including: Microphone and Accelerometer Calibration, Vibration Control, Time Series Analysis, Correlation and Coherence Analyses, and Modal Analysis

EXPERIENCE:

1982- Staiano Engineering, Inc. **Principal**

Founder of Staiano Engineering. Managed and performed over 150 varied noise and vibration engineering projects for commercial, industrial, and governmental clients. Projects include noise and vibration measurement, analysis, prediction, and design services for environmental, occupational architectural, research, and product development requirements. SAMPLE PROJECTS: *Environmental*—Highway noise and vibration measurement, prediction, and control; airport/aircraft and heliport/helicopter noise measurement, prediction, and control; railroad/rail transit noise measurement, prediction, and control; transit car wheel squeal quieting. Stone quarry equipment noise measurements and site noise prediction and control; sand and gravel plant noise measurement, prediction, and quieting; concrete batching plant noise measurement and control; cement plant noise control; asphalt batching plant noise control; construction site noise measurement. Steam turbine power plant noise measurement and quieting; combustion-turbine site ambient noise survey; firing range noise evaluation; bottling plant noise control. *Occupational*—Noise control in: steel mills, polypropylene plant, steel fabrication plant, sawmill, various punch press and metal forming operations, various woodworking operations, brewery/bottling plant, concrete block and concrete pipe manufacturing, drilling operations, shoe manufacturing, printing plant, and indoor firing range. *Architectural*—Commercial, office, and residential buildings' facade noise isolation improvement; luxury residence furnace noise and vibration control; apartment HVAC noise measurement and control; psychiatric consulting room speech privacy improvement; apartment building diesel fire pump noise and vibration control; condominium inter-unit noise isolation; transformer vault noise and vibration control; secure room noise isolation testing; commercial washing-machine-induced floor vibration control; video tele-conference facility acoustical evaluation; conference room, cafeteria, and open plan office design; HVAC system specification; mechanical equipment vibration isolation. *Research and Development*—Long-range aircraft noise propagation studies; LASER installation noise and vibration measurement; parallel noise barrier performance test development; remotely piloted aircraft sound level measurements; vibration-damping product development and testing; disc-brake squeal reduction; transit car propulsion system quieting; nuclear steam turbine control valve noise and vibration analyses.

1979-82 ORI, Inc. **Program Director**

Managed, supervised, and performed noise engineering projects mostly for government clients, primarily for environmental requirements. SAMPLE PROJECTS: heavy truck engine cooling fan quieting; surface mining noise measurement, prediction, and control; light vehicle defective exhaust system noise measurement; railroad coal line noise prediction and mitigation; noise measurement and analysis instrumentation compendium and noise control materials and products compendium development; air-carrier airport noise-exposed population and building soundproofing cost estimation; aircraft auxiliary power unit (APU) and airport ground power unit (GPU) noise estimation and evaluation.

1976-79 Booz, Allen and Hamilton, Inc. **Project Engineer**

Managed and performed noise engineering projects for government clients for environmental and occupational requirements. SAMPLE PROJECTS: transit bus engine cooling fan parametric usage analysis; power lawn mower environmental impact analysis; transit bus noise control; inter-city and school bus noise measurement; mining machinery noise control; oil and gas recovery site noise impact assessment; surface transportation vehicle and construction equipment quieting-benefit evaluation.

Continued

File

Robert Deford
Long Green Valley Association
P.O. Box 91
Baldwin, MD 21013

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Rm 109 County Office Building
Towson, MD 21204

November 13, 1989

Dear Ms. Nastarowicz:

I am writing to you as president of the Long Green Valley Association with regard to the proposed relocation of the Pikesville Sportsman's Club to our Valley (90-138 SPHX & 90-139 SPHA).

Our Board of Directors has voted to oppose the Club's petition for relocation at this time. We have met twice to discuss the Club's relocation, first with several members of the Club in attendance, and subsequently in a closed session. Due to the complexity of the issues involved, we refrained from taking a final vote until after our members had the opportunity to hear testimony from many different perspectives. Our central concern is the question of how the Club will evolve once it has relocatert to its state-of-the-art facility on Long Green Pike. There is nothing to prevent the Club's modest, low-key club from greatly increasing the scope of its activities and its membership.

The concerns which I list below must be resolved to the satisfaction of the residents of Long Green Valley before we could vote to accept the Sportsman's Club as a member of our community. Each of these concerns would be exacerbated by increased membership activities.

STATUS OF THE AGRICULTURAL LAND: We believe that existing agricultural lands should be maintained in agricultural usage. More than half of the 200-acre tract that the Club proposes to use is being rented by one of Long Green Valley's largest dairy farmers. The property is zoned RC-2, and is designated for Agricultural Preservation on the 1989-2000 Master Plan Draft. We are opposed to any activities in our community which will erode the land resource that is indispensible to our farmers. We question the compatibility of proposed skeet shooting ranges with agricultural operations on the property.

NOISE: While we recognize that the Club carries on a variety of activities, there is no escaping the fact that outdoor shooting is fundamental to the membership. Skeet, rifle, and pistol ranges are planned. Such activity will worsen a noise problem which already plagues the residents on the southern end of the Long Green Valley, namely shooting at the National Guard base and the Loch Raven skeet & trap range. While we understand that skeet and trap shooting by the Club are currently limited to certain time periods, we have no assurances that the same holds true for the

MICROFILMED

5626 Sharon Drive
Glen Arm, Maryland
November 7, 1990

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

I am writing in reference to Case # 90-138-SPHX which is being appealed on December 5. It concerns a proposed gun club off of Long Green Pike in Glen Arm.

Although I originally signed a petition in favor of the gun club, I am requesting that my name be removed from this petition. I now oppose the sale of the property for a gun club because the noise would destroy the peacefulness of our semi-rural community.

The traffic on Glen Arm and Harford Roads has increased considerably in the past few years, and this type of establishment would only add to the traffic problem for the local residents.

Thank you for removing my name from the criginal petition.

Sincerely yours,
Helen Twining Kadlec
Helen Twining Kadlec

90 NOV 13 PM 2:47
RECEIVED
COUNTY BOARD OF APPEALS

11731 Camp Cone Road
Glen Arm Maryland
December 21, 1990

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

I am writing in reference to Case #90-138-SPHX which is being appealed. It concerns a proposed gun club on Long Green Pike in Glen Arm.

I am requesting that my name be added along with those that oppose the gun club. I live and have raised my family in this rural area of Baltimore County. For years we have endured the gun fire from three rifle and pistol ranges. (The Northwind Rod and Gun Club, the Loch Raven Skeet Range, and the pistol range used by the Army Reserve and Police Department on Notch Cliff Road.)

The noise level achieved by these three ranges have, in my opinion, reached the level of tolerance and no more is needed. This is not to mention that the volume of traffic on Harford Road, Long Green Pike, and Factory Road has increased considerably in the last few years with no improvement to the roads.

This area should not be further degraded with unwanted and potentially dangerous activities. I hope that the court again realizes this fact as they did during the first hearing.

Thank you for letting my thoughts be known. Since I am certain that I cannot attend this appeal hearing I have no other way of voicing my concerns.

Sincerely yours,

Constance Szczukowski
Constance Szczukowski

91 JAN -8 AM 11:41
RECEIVED
COUNTY BOARD OF APPEALS

11731 Camp Cone Road
Glen Arm Maryland
December 21, 1990

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

I am writing in reference to Case #90-138-SPHX which is being appealed. It concerns a proposed gun club on Long Green Pike in Glen Arm.

I am requestir that my name be added along with those that oppose the gu club. I live and have raised my family in this rural area of Baltimore County. For years we have endured the gun fire from three rifle and pistol ranges. (The Northwind Rod and Gun Club, the Loch Raven Skeet Range, and the pistol range used by the Army Reserve and Police Department on Notch Cliff Road.)

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Thank you for letting my thoughts be known. Since I am certain that I cannot attend this appeal hearing I have no other way of voicing my concerns.

Sincerely yours,

Thomas Szczukowski
Thomas Szczukowski

91 JAN -8 AM 11:41
RECEIVED
COUNTY BOARD OF APPEALS

11715 Camp Cone Road
Glen Arm Maryland
December 09, 1990

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

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Thank you for letting my thoughts be known. Since I am certain that I cannot attend this appeal hearing I have no other way of voicing my concerns.

Sincerely yours,

Catherine Kadlec
Catherine Kadlec

91 JAN -2 PM 12:05
RECEIVED
COUNTY BOARD OF APPEALS

11715 Camp Cone Road
Glen Arm Maryland
December 08, 1990

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

I am writing in reference to Case #90-138-SPHX which is being appealed. It concerns a proposed gun club on Long Green Pike in Glen Arm.

I am requesting that my name be added along with those that oppose the gun club. I live and have raised my family in this rural area of Baltimore County. For years we have endured the gun fire from three rifle and pistol ranges. (The Northwind Rod and Gun Club, the Loch Raven Skeet Range, and the pistol range used by the Army Reserve and Police Department on Notch Cliff Road.)

The noise level achieved by these three ranges have, in my opinion, reached the level of tolerance and no more is needed. This is not to mention that the volume of traffic on Harford Road, Long Green Pike, and Factory Road has increased considerably in the last few years with no improvement to the roads.

This area should not be further degraded with unwanted and potentially dangerous activities. I hope that the court again realizes this fact as they did during the first hearing.

Thank you for letting my thoughts be known. Since I am certain that I cannot attend this appeal hearing I have no other way of voicing my concerns.

Sincerely yours,
Joseph E. Kadlec
Joseph E. Kadlec

91 JAN -2 PM 12:05
RECEIVED
COUNTY BOARD OF APPEALS

5626 Sharon Drive
Glen Arm Maryland
December 08, 1990

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett:

I am writing in reference to Case #90-138-SPHX which is being appealed. It concerns a proposed gun club on Long Green Pike in Glen Arm.

I am requesting that my name be added along with those that oppose the gun club. I live and have raised my family in this rural area of Baltimore County. For years we have endured the gun fire from three rifle and pistol ranges. (The Northwind Rod and Gun Club, the Loch Raven Skeet Range, and the pistol range used by the Army Reserve and Police Department on Notch Cliff Road.)

The noise level achieved by these three ranges have, in my opinion, reached the level of tolerance and no more is needed. This is not to mention that the volume of traffic on Harford Road, Long Green Pike, and Factory Road has increased considerably in the last few years with no improvement to the roads.

This area should not be further degraded with unwanted and potentially dangerous activities. I hope that the court again realizes this fact as they did during the first hearing.

Thank you for letting my thoughts be known. Since I am certain that I cannot attend this appeal hearing I have no other way of voicing my concerns.

Sincerely yours,
Kenneth E. Kadlec
Kenneth E. Kadlec

90 DEC 11 PM 12:00
RECEIVED
COUNTY BOARD OF APPEALS

GACA
Glen Arm Community Association, Inc.

June 3, 1991

Chairman William Hackett
Mr. John Disney
Mr. C. William Clark
Board of Appeals Office
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Chairman Hackett, Mr. Clark and Mr. Disney,

It is my understanding from our attorney, J. Carroll Holzer, that a derogatory letter was written by someone who had attended one of the recent hearings. I want the board to understand that this person is not known to us and furthermore is not a member of The Glenn Arm Community Association, Inc. or is connected in any manner. Believe me that no member of our association would want to jeopardize the decision of this hearing. Our community had invested too much time and human effort to allow this to occur.

Sincerely,
Mike Reier
President
Glen Arm Community Association

91 JAN -4 AM 11:30

#90-295-SPHA

10/1/91 1649-92 CR.

Pikesville Sportsman's Club

P.O. Box 43428 Baltimore, Maryland 21236

September 27, 1991

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

RECEIVED
OCT 3 1991
By DCJ

Attn: Mr. J. Robert Haines
Zoning Commissioner

Mr. Haines:

This is to inform you of a recent change of mailing address for the Pikesville Sportsman's Club, Inc. Our new address is as follows:

Pikesville Sportsman's Club, Inc.
P.O. Box 43428
Baltimore, Maryland
21236-0428

Should you have reason to contact me in reference to information regarding the P.S.C., my home phone number is 931-1822.

Bruce E. Eaton
Bruce E. Eaton
Secretary, P.S.C.

RECEIVED
OCT 2 1991
ZONING

Sophi,
Make sure Kathi at the Board has copy for file
KATHI - YOUR COPY.
Sophia Cook

HELEN DELICH BENTLEY
2d DISTRICT, MARYLAND

WASHINGTON OFFICE:
1610 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-3061

DISTRICT OFFICES:
200 EAST JOPPA ROAD
TOWSON, MD 21204
301-337-7222

7454 GINKGO HILL ROAD
DUNDALK, MD 21222
301-285-2747

6 NORTH MAIN STREET
BEL AIR, MD 21014
301-879-2517

File
90-138-SPHX

Congress of the United States
House of Representatives
Washington, DC 20515
December 8, 1989

COMMITTEE ON THE BUDGET
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION (ON LEAVE)
COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEES:
MERCHANT MARINE
PANAMA CANAL/OUTER CONTINENTAL SHELF
COAST GUARD & NAVIGATION
SELECT COMMITTEE ON AGING
SUBCOMMITTEE ON HEALTH AND LONG TERM CARE
TASK FORCE ON WOMEN AND SOCIAL SECURITY

Mr. J. Robert Haines
Zoning Commissioner
Zoning Administration
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Haines:

Many times I am called upon by my constituents to assist them with a personal problem or one regarding their community even though it is not within my jurisdiction as a Congressional Representative. Even so, I try to help them in some way.

My constituents in the Glen Arm area of the county are extremely upset and vehemently opposed to the Pikesville Sportsman's Club relocating in this area. At the present time there are no less than six gun clubs and shooting ranges within a five to six mile radius. It seems to me that there must be another area less populated in the county to relocate the Pikesville Sportsman's Club. In your decision process with this zoning matter, please consider other areas of the county.

With personal regards,

Sincerely,
Helen Delich Bentley
Helen Delich Bentley
Member of Congress

HDB:fw/k

RECEIVED
DEC 12 1989
ZONING OFFICE

SUMMERFIELD FARMS ASSOCIATION, INC.
GLEN ARM, MARYLAND 21057

File

December 11, 1989

RECEIVED
DEC 13 1989
ZONING OFFIC

Mr.Robert Haines, Zoning Commissioner
Room 119 County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Re: Pikesville Sportsman's Club
Zoning Exception Petition No.'s 90-138-SPHX and 90-139-SPHX

Dear Mr. Haines,

Because of the length of the Pikesville Sportsman's Club special exception hearing on December 5 and 6, the Summerfield Farm Association was unable to present the official position of its members. An earlier letter to your office explained only the views voiced by its members at our annual meeting. No vote was taken at the time.

On November 24, 1989 a survey was mailed to members of the SFA, a community association in Glen Arm with boundaries of the Gunpowder River, Cromwell Bridge Road, Manor Road (to the power lines) and Notch-cliff Road. At present we have approximately 75 dues paying members. This number fluctuates in relation to the importance of various issues confronting the community.

Our survey resulted in the following tally with 52 households responding:

63 individuals opposed to the PSC
8 individuals favored the PSC
2 individuals were indifferent.

This 6 to 1 ratio may have been even greater if we had indicated individual voting. As presented, most ballots were signed by only one family member.

Please consider the position of the SFA when making your determination as to the suitability of this type of facility in a residential community and the adverse impact it will have on the residents of Glen Arm and the Notchcliff Retirement Community. Thank you.

Yours truly,
Dorothy Streb
Dorothy Streb. Sec.

90-138

3911 Millner Road
Baltimore, Maryland 21236

December 3, 1989

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
Room 109
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Nastarowicz:

This letter is to express my support for allowing the Pikesville Sportsman's Club to build a facility in the Glen Arm area.

A sportsman's club and shooting range is an excellent use of this land. I am a lifelong resident of this section of Baltimore County who lives in close proximity to such facilities. I can assure you that the noise is not intrusive. Furthermore, having access to such facilities affords an opportunity to those in the community with an interest in firearms to learn to safely handle them as well as to give them a properly designed and safe environment in which to shoot.

Thinking back to when I was a boy growing up in Parkville, I can remember my instructors at the Loch Raven Junior Rifle Club, and later at the Gunpowder Rifle and Pistol Club, stressing the importance of safe gun handling and proper range safety practices. These lessons were drilled into me until they became second nature. As a result, I developed a lasting appreciation of the responsibilities associated with owning and using firearms.

Having another place in the area that will encourage responsible firearms use and conservation of our natural resources can only benefit the County. Therfore, I respectfully request that your committee rule favorably on this issue and allow the use of this land as a sportsman's club and shooting facility.

Sincerely,
Jeffrey D. Collier
Jeffrey D. Collier

RECEIVED
DEC 4 1989
ZONING OFFICE

11508 Harford Road
Glen Arm, Maryland 21057
December 1, 1989

Mr. J. Robert Haines, Zoning Commissioner
109 County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

90-138

Dear Sir,

I have been a property owner resident of the above address in the Glen Arm area since February 13, 1967. I am a registered voter who takes advantage of that privilege.

I am vehemently opposed to another gun club locating in this vicinity. My reasons are as follows:

1. Safety: Long Green Pike and Glen Arm Road are two lane secondary roads which already carry heavy traffic during "rush hours". As for Harford Road, Cub Hill Road and Cromwell Bridge Road (which are needed for access), it is well known that they are inadequate for the current traffic. A parking area for 200 cars which could conceivably be nearly filled to capacity exiting onto these roads would really compound the existing problems. Add to that the use of alcoholic beverages at the club and the situation becomes very dangerous potentially.

2. Noise: It is very annoying to try and enjoy outdoor activities in the warmer seasons because of the gunfire on the ranges already located nearby. One becoues accustomed to it but it is certainly an irritant, especially when one moved out here to be in the country.

3. Environment: Noise pollution is bad enough but the possibility of lead shot from skeet shooting being consumed by wildlife (which is already decreasing) is upsetting since we now know what tremendous harm it does to the birds and small animals.

4. Property values: I am convinced that this location of the club would adversely affect all property values in this area.

5. Zoning: The public utilities needed for this type of operation are not available therefore it should remain zoned RC-2 and or RC-5 as it is now on the 1989-2000 Master Plan Draft.

Yours very truly,
Gertrude L. Nagy
Gertrude L. Nagy

RECEIVED
DEC 4 1989
ZONING OFFICE

5345 Glen Arm Road
Glen Arm, Maryland 21057
April 11, 1991

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett,

I am concerned with the Case #90-138-SPHX which is currently appealling. This case concerns the proposed move of the Pikesville Sportman's Gun Club to Long Green Pike in Glen Arm, Maryland.

Although I have not lived in the area very long, I am very concerned with the effects the gun club will have on Glen Arm. Increases in noise level as well as the disturbance of the wildlife and environment will be a major problem. Pollution resulting from the lead in the gun shells as well as the toxins from the gun powder residues will have an impact on the area's watershed. With the major public concerns centering on protecting the environment, it seems irrational to move a gun club to an area with three existing clubs: the Northwind Rod and Gun Club, the Loch Raven Skeet Range, and the Army Reserve and Police Dept. Range on Notch Cliff Rd.

In addition to the environmental issues, I am concerned with the increased traffic on Harford Rd, Long Green Pike and Factory Rd. Also the introduction of a beer and wine license to the situation creates a dangerous combination which could lead to drinking and driving accidents.

Thank you for your time and consideration of my concerns. I am making every attempt to be present at the 26 April appeal of Case #90-138-SPHX to show my opposition to the proposed move.

Sincerely,
Wade M. Walters
Wade M. Walters

91 APR 24 AM 11:14

5345 Glen Arm Road
Glen Arm, Maryland 21057
April 11, 1991

Mr. William T. Hackett
Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Dear Mr. Hackett,

I am writing in reference to Case #90-138-SPHX which is currently being appealed. This case concerns the proposed site for the Pikesville Sportman's Gun Club on Long Green Pike in Glen Arm.

I recently purchased a house in the Glen Arm area for its rural setting and peaceful surroundings as a good place to create a home and raise a family. We liked the Glen Arm area so much so, that both my fiance and I are willing to commute to our jobs in the Washington, D. C. area — which is a combined total of 200 miles each day! I was very disappointed to learn of the intended Gun Club site proposal, considering that three other ranges already exist within this area.

There are many disturbing factors surrounding this proposal including increases in noise level, heavier traffic on Harford Rd and Long Green Pike, and the increases in environmental pollution resulting from the lead shells and gun powder residue. These factors combined will work to destroy the natural balance of this mainly agricultural area.

A final major concern is the mixture of fire power with alcohol, as the proposed Gun Club will have the beer and wine license transferred from the current Pikesville site. This transferal of license will also increase the probability of accidents caused by drinking and driving by club members on the twisting roads.

Thank you for your time and consideration of my concerns. Although I was unable to attend the 12 April appeal, I plan to be present at the 26 April appeal to show my opposition to Case #90-138-SPHX.

Sincerely,
Laura L. Torbeck
Laura L. Torbeck

91 APR 18 AM 9:25

5622 Sharon Drive
Glen Arm, Maryland 21057
April 16, 1991

Mr. William T. Hackett
Chairman
Baltimore County Board of Appeals
Room 315
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Hackett:

As a resident of Glen Arm, I am writing this letter to express my opposition to the Pikesville Sportsman Club's appeal to move its location to Glen Arm. My working hours prevent me from attending the hearing.

Glen Arm remains an area of prime agricultural land in a time when development throughout the state is quickly eliminating such areas for our future generations. Glen Arm already has more than its share of gun clubs and organizations in the area. I strongly urge you to reject the Pikesville Sportsman Club's appeal.

Respectfully yours,
Theresa C. Norton
Theresa C. Norton

91 APR 17 AM 11:

90-138

Gregory A. Shane
11637 Long Green Pike
Glen Arm, Maryland 21057

November 25, 1989

Commissioner J. Robert Haines
111 W Chesapeake Ave.
Room 109
Towson, Maryland 21204

RECEIVED
DEC 4 1989
ZONING OFFICE

Dear Commissioner Haines:

I must honestly say that I am appalled that Baltimore County is even considering the possibility of placing another gun related facility in our community.

I am opposed to this proposed move of the Pikesville Sportsman's Club into my neighborhood for the following reasons:

1) NOISE - Obviously the noise will prove to be quite annoying. You must realize that we are already oppressed by noise. Yes, I can hear the other gun ranges and they truly annoy me, but I moved into this area and accepted them. The loud gunfire from the Military Training Site has awakened my children during naps, in mornings, and at night. My 3 year old daughter and 1 year old son are deathly afraid of the loud noises that site creates. That site is amidst dense trees and hills and a distance from me.

According to proposed plans, there will be a skeet and trap range directly across the street from my home. How loud do you think that will be!?! How will that affect my children and animals? I canvassed several members of other gun clubs and was surprised to find that although they all enjoyed shooting, none of them would want a gun range next to their home. These people will be able to get in their cars and go home after a day of play. Where can I go? What will happen to the peaceful weekends at home that I look forward to now?

2) ENVIRONMENT - I feel the environment will be greatly affected by this facility. Migratory birds will leave, animals will be scared off, and the pleasant sounds of nature will be replaced by loud, obnoxious shots echoing throughout. Now doesn't that sound rustic?

I am further concerned about water consumption,

THE JOHNS HOPKINS HOSPITAL
BALTIMORE, MARYLAND 21205

Reed E. Pyeritz, M.D., Ph.D.
Johns Hopkins University
School of Medicine
Department of Medicine

Division of Medical Genetics
Blalock Building
Room 1012
(301) 955-3137

6 November 1989

RECEIVED
NOV 9 1989
ZONING OFFICE

J. Robert Haines
Zoning Commissioner
Room 109 County Offices Building
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

I am a long-term resident of Baltimore County to the east of Loch Raven Reservoir. This is an ideal place to live, at least for the present. The area is being threatened by over development, and I am writing to express my concern over this issue and two others.

There is an increasing amount of traffic in the area on roads that were not designed to be major commuter arteries. Our water tables are falling and our wells are failing because of increased demands placed on ground water. I am strongly supportive of the program to provide financial incentive for farmers to maintain their land in agriculture. The county would benefit from further residential development in this area only in terms of the tax-base. While this is important, no amount of expenditure from increased revenue will improve the quality of life once it is destroyed by overpopulation.

The second issue concerns the Charles Hickey school. I live less than 1/2 mile from the school boundry and my family clearly feels threatened by the lax security at the institution. On the other hand, we do want to see security increased to the extent that the facility becomes a penal institution for more hardened criminals. I sincerely hope that local residents are taken into the deliberative process as the State and the County consider changes at the School.

Finally, my family and I are firmly against the relocation of the Pikesville Sportsman Club to Glen Arm. While personally opposed to firearms for any purpose, I recognize the current right of citizens to use guns for recreation. However, such recreation should not interfere with the lifestyle and ambiance of the community. My family does not want the weekend calm of the area disturbed by the constant din of gunfire. We are accustomed to such noise when we engage in our own forms of recreation in the Loch Raven watershed on account of the gun club located off of Dulaney Valley Road. But we are able to leave the watershed and the racket behind

John Wm. Eckholdt, M.D.
Neurology and EEG
301.332.9625

File

MERCY MEDICAL CENTER
Caring Ministry Advanced Caring
Sponsored by the Sisters of Mercy

301 Saint Paul Place • Baltimore, MD 21202-2165 • 301-332-9000

November 7, 1989

RECEIVED
NOV 14 1989
ZONING OFFICE

J. Robert Haines, Zoning Commissioner
Room 109, County Office Building
111 W. Chesapeake Ave.
Baltimore, MD 21204

Dear Commissioner Haines,

I am writing this letter concerning the possible move of the Pikesville Sportsman's Club to the Glen Arm area. It deals with Zoning Exception Petition Number's - 90-138-SPHX and 90-139-SPHA.

I am quite concerned about the possibility of this move and I feel that it will disturb the serenity and peacefulness of our Glen Arm area. It is these two things that I have come to appreciate over the past many years. I am somewhat disturbed about the fact that the National Guard Rifle Range is within hearing distance, and I find that this oftentimes disturbes my weekend afternoons.

I think it would be inappropriate for the Pikesville Sportsman's Club to be moved from its present Owings Mills location to Glen Arm for these reasons. It would seem to me that western Baltimore county or Carroll county would have some land available for that purpose.

Both my wife and myself feel very strongly about this issue.

Anything that you can do would certainly be appreciated by the two of us.

Yours truly,

John Wm. Eckholdt, M.D.

JWE/cc

Northeast Medical Center • Mercy Southern • Mercy Little Italy • Mercy Basilica Place • Irvin Professional Building

File

90-138-SPHX

GACA
Glen Arm Community Association

October 31, 1989

RECEIVED
NOV 3 1989
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
County Office Building/Rm. 109
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Mr. Haines,

As president of the Glen Arm Community Association, I would like to inform you of our position and concerns, regarding the zoning issue of the Pikesville Sportsman's Club's relocation to our immediate area. I am confident that you are well aware of the grave concern of many citizens within this area. We are directly affected by five existing shooting facilities within a 5 - 6 mile radius of this proposed site. Our association is very opposed to the increase of noise from these proposed activities. The Sportsman's Club plan for the exterior rifle and trap ranges atop one of the highest ridges within Glen Arm leaves most citizens incensed. The existing ranges of the National Guard and the Police shooting facility are heard during weekdays and on weekends. By adding another shooting facility to an already unmanageable situation, seems completely ludicrous.

At present, our concerns are also being shared by neighboring community associations as well as certain committed legislators. Several interesting areas that remain unanswered could possibly be addressed by yourself. First, why would Baltimore County recommend or allow such a facility to be relocated in a rural residential area such as ours. The geographical area of Baltimore County in itself certainly has available, for groups such as Pikesville Sportsman's Club, areas that are less densely populated and would not have grave impact within the community. The Baltimore County Master Plan would surely indicate areas that would be of interest to Pikesville Sportsman's Club and yet not have adverse effects within that community. Baltimore County Department of Land Acquisition should be made aware of these thoughts.

Personally, I feel this relocation will not only disrupt the tranquil atmosphere in the immediate neighborhood but affect wildlife, mental well being and overall environment. This type of club will undoubtly put our property values on the down side of appreciation.

Ann File

Mrs. Lane Kauffmann
5 Wagon Wheel Court
Glen Arm, MD 21057

October 21, 1989

Re: Pikesville Sportsman's Club
Zoning Exception Petition
90-138-SPHX
90-139-SPHA

J. Robert Haines, Zoning Commissioner
Room 109, County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Haines:

I have written to Councilman Evans and People's Counsel Friedman to register my protest at the possible re-siting of the above Sportsman's Club to Glen Arm.

For many reasons we in Baltimore County frequently do not become aware of potential problems in our area, and sometimes it is too late to act.

Only yesterday did most of us learn of the Sportsman's Club's plans; I hasten to alert you to our vehement opposition and to request your support at the hearing, currently scheduled for December 5 and 6.

Thank you very much.

Sincerely yours,

Faith Kauffmann

RECEIVED
OCT 23 1989
ZONING OFFICE

FROM: The Maryland Forum for Animals *December 6th., 1989*
P.O. Box 21166
Baltimore, Maryland 21228

TO: The Baltimore County Zoning Board
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Pikesville Sportsmen's Club Re-Zoning

TO WHOM IT MAY CONCERN:

The Maryland Forum for Animals, with its 750 supporters, is in total opposition to the re-zoning of the Pikesville Sportsmen's Club that is proposed to be adjacent to the Gunpower Falls State Park. I am authorized by the People for the Ethical Treatment of Animals to speak on behalf of their staff and supporters. And I am authorized by the Fund for Animals to speak on behalf of their staff and 200,000 supporters. These organizations will be submitting formal letters of opposition to the commissioner.

WE OPPOSE THE RE-ZONING FOR THE FOLLOWING REASONS:

1. the main concern of our organizations is the health and welfare of both human and non-human animals that reside in or around the proposed shooting range.

A. accidental death or injury of humans or animals, both domesticated and wild, who wander onto the Club's property.
B. accidental death or injury of those who reside within range of weapons that will be discharged on the Club's property.
C. increased incidence of poaching on park property and on Club property. Poaching is defined as illegal hunting:
a. hunting out of season
b. shooting and/or hunting of endangered species if any
c. shooting and/or hunting of non-game animals if any
D. those who wish to use the park to participate in a non-violent form of recreation can not do so for fear of being injured or killed. Since more than 85% of our population conducts non-violent forms of recreation, public land should be for use by this majority.
E. lead contamination of the soil and water systems is possible. Most shot is comprised of lead and once discharged, the surrounding environment can be affected. An environmental impact study would reveal such dangers.

For these reasons we are opposed to the re-zoning and hope that the commissioner will be in opposition as well.

Sincerely,

Anthony Prezutico, Jr.
Anthony Prezutico, Jr.
301-538-0643

10-24-89

9-138-SPHX

TO: J.ROBERT HAINES, ZONING COMMISSIONER
ROOM 109, COUNTY OFFICE BUILDING
111 W.CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

RECEIVED
OCT 27 1989
ZONING OFFICE

FROM: JOHN CONNELL
12000 GLEN ARM RD.
GLEN ARM, MARYLAND 21057

Dear Sir,

I am writing you concerning the relocation of the Pikesville Sportmans Club to Glen Arm. Do you realize that there are 5 shooting ranges with in 6 miles now? There is a National Guard shooting range on the perimeter of Gunpowder State Park now. To locate another range right next to it is ridiculous. We can hear gunfire from the National Guard range now. The proposed Sportsmans Club is on to of a hill(80 feet higher in elevation than the National Guard range).

The Pikesville Sportsmans Club say shooting is only a small part of their activities. If this is true, why are they proposing to build 2 rifle ranges, a pistol range, and a skeet and trap range with 9 stations? I can't imagine any of P.S.C. members wanting this racket in their own back yard so why should they be able to make so much noise in ours? Ask yourself if you would like to raise your children in this environment. Do any of their members even live within earshot of the proposed site?

Don't misunderstand me, I'm not anti-gun or anti-gun club and I have no complaint with Mr.Bressler. In fact I enjoy shooting skeet myself and I have done business with both of Mr.Bressler's sons. Until now, Glen Arm has been a quiet and peaceful neighborhood. Just imagine inviting friends over for a cookout and having to shout to be heard over the sound of gunfire. If we wanted to stay inside with the windows closed and the A.C. on, we would move downtown. You must realize the sound of gunfire in an industrial park in Owings Mills cannot compare to the sound of gunfire in this country setting. Naturally, we occasionally hear gunfire during hunting season but not every Saturday and Sunday of the year.

Some questions to consider:

1. What happens to the lead shot after it falls to the ground?
2. What about the lead contaminating ground water?
3. How about the effect of increased gunfire on wildlife? Has this ever been investigated?
4. What will this do to our property values?

In closing, please keep this in mind - If the members of the P.S.C. get tired of the noise they can simply get in their cars and go home. WHERE CAN WE GO?

JOHN CONNELL

File

October 22, 1989

J. Robert Haines, Zoning Commissioner
Room 109, County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

Re: Pikesville Sportsman's Club
Zoning Exception Petition # 90-138-SPHX
90-139-SPHA

Dear Sir,

I am writing this letter in protest to the Zoning Exception Petition in the upcoming hearing for the Pikesville Gun Club. I am a resident of the Glen Arm community and live close to the site of the proposed club. There is the National Guard Rifle Range already here in our community. As a matter of fact the two sites are next to each other! I am concerned about the Health, Safety and Welfare of the community caused by the undue concentration of these Gun Clubs in our area.

This is a very large site being considered and affects much of the community. I have first hand knowledge of the effects of Gun Clubs, by being near the National Guard Range. The noise level of these Rifle Ranges can be detrimental to the health of the residents in the area. The safety of the community is also endangered just by having the concentration of guns being fired in close proximity to the neighborhood. There is also a safety problem by having the gun fire in and around the BG&E tower lines and Colonial Pipeline that run directly through the middle of the site. I am also concerned about what would happen to property values in the community. The Glenarm Community Association, Summerfield Farms Association and the Notchcliff Retirement Association are all voicing opposition to the proposed Gun Club.

In conclusion, I believe that this Gun Club is not in the best interest of the community. This type of facility does not mesh well with what the area is about, or what the community wants to have. For these reasons my wife and I are opposed.

Sincerely,

Richard J. Watson

c.c. Carol Holtzer esq.

RECEIVED
OCT 23 1989
ZONING OFFICE

certain roads leading to the proposed site - particularly Glen Arm Road and Long Green Pike. His conclusion was that he was in opposition to the proposed gun club on this site.

4. Elizabeth Chrishilf - Ms. Christhilf testified as President of the Notchcliff Retirement Community. Her testimony is extremely important because she represents not only herself as a resident of the retirement community, but the community of Notchcliff which is concerned about the noise and the invasion of gun fire into the peaceful serenity of their community. They have already been concerned about the gunshots and noise generated by the National Guard. However, she testified that she and the Notchcliff community are willing to accept these disturbances because the National Guard facility was there before Notchcliff and the facility serves a vital public safety purpose. She did indicate, however, that she was extremely concerned about a few private citizens having the right to cause this disturbance to an area that she considers her retirement home. She testified there are 101 apartments and 110 cottages at the Notchcliff facility and that all of the individuals there are elderly people looking for peace and quiet in their golden years. She testified that the residents are concerned about the additional traffic on the road because most of the residents drive cars and drive on those roads to and from

their retirement homes. The testimony of Ms. Christhilf is extremely important in that it presents on of the unique features of this area, namely, that a retirement community of substantial proportions is within close proximity of the proposed gun ranges and will be obviously impacted and affected by this proposal.

5. Michael Reier - Mr. Reier testified as President of the Glen Arm Community Association as well as an individual living adjacent to the proposed site. He introduced a Protestants' Exhibit indicating the blue pins as locations of citizens in opposition to the proposal. He further identified as a Protestants' Exhibit a plat showing the existing shooting facilities surrounding the proposed Pikesville Sportsman's Club. He testified that in his opinion as well as the community association's, the skeet and trap ranges plus the various rifle and pistol ranges were not compatible with agricultural activities as specified in the master plan and created a safety issue concerning the firing of these weapons as well as the close proximity of the proposed facility to the Charles Hickey School. Finally, Mr. Reier opposed the use of alcohol creating dangerous and hazardous situations on the ranges and the road.

7. Louise Matzinger - Gunpowder State Park Advisory Board. Ms. Matzinger was appointed by the Governor as the chairperson of the Gunpowder State Park

Advisory Board. She testified at length, however, the sum and substance of her testimony was directed to the proposition that this gun club will negatively impact the use of the Gunpowder State Park and that the investment of the state has been significant over the years in the regard to the state park. She testified as to the potential environmental impacts of this gun club on the park itself and recommended the denial of this special exception on behalf of the Gunpowder State Park Advisory Board for that reason.

8. David Heston - Mr. Heston testified as a resident and an individual who has expertise in the area of noise and noise pollution. It was his opinion that the multitude of guns would have a substantial impact on the decibels that would be produced and which would be available to travel over the countryside. His testimony was summarized in a Protestants' exhibit on reflecting the nomograph diagrammed for one, ten and twenty guns. It was his opinion that the gun club would have a substantial negative impact on the community because of the additional noise from gun fire it would produce.

9. Melvin Bronzert - Mr. Bronzert, who lives adjacent to the proposed project, is a graduate mechanical engineer who has lived in the Glen Arm community for 25 years. He testified that he had substantial contact with BG&E and the individuals involved in construction of the

power lines near to the proposed gun club and that the power transmission lines which bisect the proposed site consist of one east right-a-way of 13,000 volt amperes and one west right-of-way which carries 115,000 amperes through wires with uninsulated conductors. The danger to the electrical transmission lines from an errant bullet from the proposed gun club was testified to by Mr. Bronzert. He further testified that there were underground pipelines carrying gasoline and liquid gas under great pressure and that an errant bullet would easily rupture this line which was buried only three feet below ground level.

10. Jim Ports - Delegate 8th Legislative District testified in opposition to the proposed gun club on the basis of the noise from gun clubs already in the area as well as the fact that this is an agricultural area and the gun club is an intrusion of a different use into this neighborhood.

11. Dr. Paul Hardy - Dr. Hardy is an adjoining to the proposed gun club site and he registered strong opposition to this proposal on noise as well as other environmental concerns.

12. Sergeant. Steward Sardeson - Baltimore County Police Department. Sergeant Sardeson is in the Baltimore County Traffic Enforcement Division, his responsibility is the area in which the proposed sight is located. He testified that Harford Road has been designated by law

enforcement officials as one of the top ten most hazardous and "target" roads in Baltimore County. It has been so designated because of its extremely dangerous and high accident rate. He further testified that Factory Road, which leads from Harford Road to this site, is a single-lane, winding and extremely dangerous road which has produced a number of accidents over the past years. He presented statistics which are part of the exhibits which reflect the extreme number of accidents in the road system surrounding and leading to the proposed site. He further testified as to the extreme mix of agricultural equipment which is on the road mixing with residential vehicles at the present time.

13. Bernie Semon - Mr. Semon was called as an expert real estate appraiser and testified, submitting exhibits to the proposition in his opinion that the intrusion into this community of the Pikesville Gun Club would produce a negative effect upon the real estate values of the properties surrounding this area. His opinion rested primarily on the basis that this is an agricultural, rural area and that the potential buyers of a site in this area were looking for the agricultural benefits of such a site and the proposed gun club will be a negative factor in their deciding to acquire property in the area.

4. Rob Deford - The Long Green Valley Association forwarded a letter dated November 13, 1989 to the Zoning Office which basically raised concerns regarding the status of the agricultural land, noise, safety, effect on property values, and the upon the environment and wildlife.

15. Kathy Tyler - Mrs. Tyler testified that she is a resident of the Long Green Valley and owns approximately 74 acres. She is concerned with the noise and the mental pictures conjured up by the use of firearms in her neighborhood. She objected to people not from the area "having their fun in my backyard".

16. Dr. Richard Mozner - Dr. Mozner, licensed pharmacist in Maryland, who studied at the Harvard Medical School, testified in opposition to he proposal. He testified that he has fired at the Pikesville Sportsman's Club as a shooter of trap and skeet. That he objected to the use of lead in a shotgun shell. He then proceeded to testify as to the environmental dangers of lead saturated on the ground surface. He testified that on shotgun shell contained 410 particles of 1 and 1/8 inch lead shot, which equaled 13 inches of lead surface. This lead would be leached into the ground water and into the soil by rain as well as being available to animals and geese.

17. Renaldo Vitale - Mr. Vitale testified that in addition to residing in close proximity to the proposed

site, he has served in the United States Army as an instructor at the small arms school, and in Germany and Italy as a Range Officer for U.S. Army and NATO forces for 2 1/2 years in which he was required to attend and manage troops on rifle ranges.. It was his testimony that regardless of the efforts, accidents clearly occur in regard to accidental discharge of weapons on the range. He testified that this potential for an incident increased with "weekend cowboys" and others utilizing the facility. He further testified that at the Loch Raven range facility he had personally observed six incidents of accidents in regard to a skeet and trap range. He concluded by testifying that he believed that there was a real and present danger in regard to safety concerns.

18-19. Ms. Dottie Streb and Bruce Baranowski also testified in regard to the noise concerns and the traffic difficulties faced by this proposed site in this agricultural location.

20. Stewart T. Crook - Mr. Crook testified that he is a Certified Public Accountant who lives on Glen Arm Road and that his rear yard abuts the proposed archery trails. He testified that he is concerned in regard to the safety of his children and pets based upon the elevation of his property and the trajectory of the proposed archery ranges. He is opposed to the use of alcohol while shooting. He was concerned about high-powered bows and

their arrows' flight range and the affect any mishaps might have upon their home.

21. Norman Gerber - Mr. Gerber was called as an expert witness on behalf of the protestants and as a former Baltimore County planning director for eight years. He testified in regard to his opinion of this project. Rather than set forth a summary of his testimony Protestants have excerpted testimony of Mr. Gerber before the Board on June 18, 1991, transcribed and attached hereto as Exhibit #1, consisting of 18 pages.

Basically, the above concludes substantive testimony from both parties. While there were other witnesses called by both parties, their testimony was not substantive to the issues set forth.

LEGAL ARGUMENT

I.

A special exception is a statutory grant of authority unto the Board of Appeals to test and review certain land uses, in each particular case where application is requested, against a prerequisite set forth within the text of the B.C.Z.R. to determine that the use complies with the spirit, content and letter of the various applicable regulations. It is subject to the guidelines and standards contained in the provisions in the Baltimore County Zoning Regulations. A special exception is a use which has been pre-determined by the County Council of Baltimore County to

October 25, 1989

J. Robert Haines, Zoning Commissioner
Room 109 County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

RECEIVED
OCT 31 1989
ZONING OFFICE

Re: Special Exception 90-138-SPHX
90-139-SPHA

Dear Commissioner Haines,

We are opposed to the Pikesville Sportsmen Club purchasing a 161 acre parcel of land very close to the center of the town of Glen Arm, Maryland.

At our recent meeting of the Glen Arm Community Association, we were shocked when we studied their plat. This shows a sizeable rifle range, an indoor and outdoor pistol range, and nine skeet shooting stations. The thought of all this noise at the same time is terrifying to those of us who live close by. We are already in hearing distance of the National Guard range and Baltimore County Police range on Notchcliff Road. There is also the Baltimore County Gun Club on Northwind Road about 3 miles away and the Loch Raven Skeet & Trap Club.

We do not believe it is fair to the property owners in this lovely, clean, rural community for a group of men who do not even live near here to shoot their guns for their enjoyment and then go home for some peace and quiet. But we can not escape the noise, seven days a week

File
90-138-SPHX

Four Willows Stables
11508 Wallace Drive
Glen Arm, Maryland 21057
Oct. 27, 1989

Mrs. Haines,

I'm writing to you in opposition to the relocation of the Pikesville Sportsman Club in the Glen Arm community.

First of all I just want you to understand this is a small community owned largely by a handful of older families that have farmed this land for more than 75 years. I've lived here. Over the years small areas have been sold off mostly small dead end streets with ranches & cape cods on 1 acre lots. So it might seem to you not much interest being shown but it a small quiet area with the exception of Gunman's Air Light & Hoppie's, a B D & E ~~subdivision~~ & the National Guard Range. The families

90-138-SPHX

October 23, 1989

Dear Mrs Haines -

I understand that - tries to allow another gun club to move from the Pikesville area to the Glen Arm - Long Green area will be introduced in early December.

I live at Wellcroft Retirement Center & am adversely close 3 gun clubs in close proximity - and I surely do not think - four is necessary.

I strongly request that you turn down the Pikesville Club's appeal - let them stay open in Pikesville.

Sincerely,
Virginia Rettenmyer

October 23, 1989

Mr. J. Robert Haines
Zoning Commissioner
Room 109, County Office Bldg.
Towson, Md. - 21204

90-138-SPHX

Dear Mr. Haines,

I am opposed to the Pikesville Sportsman Club opening & operating a gun club in Glen Arm, already there are 3 gun clubs in the area & that is more than enough — another will add to the danger of someone being shot — it will add to the noise already present & further crowd the narrow road around here.

Please deny the Pikesville Sportsman Club permission to have a gun club in this area.

Sincerely,
(Mrs. C.S.) Ruth P. Rick
11630 Glen Arm Rd.
C-02
Glen Arm, Md.
21057

File
Dec. 30, 1989

Dear Mr. Haines
90-138-SPHX

My husband and I want you to know we oppose the sale of land for the Pikesville Gun Club. Surely there are other areas further out that would be more suitable than among our lovely homes.

Mr & Mrs William Trump
1 Chukar ct
Glen Arm, Md
21057

RECEIVED
NOV 3 1989
ZONING OFFICE

File
90-138-SPHX

October 23, 1989

J. Robert Haines
Zoning Commissioner
Room 109
County Office Bldg.
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Haines,

I understand that a bill to allow a Gun Club to move from the Pikesville area to the Glen Arm area will be introduced for Zoning December 5, 1989.

Because of the following reasons I am very much against allowing the Pikesville Glen Club to move into this area:-

1. As a resident of Notcliff we

90-138-SPHX October 24, 1989

Dear Mr Haines

I strongly urge that you turn down the Pikesville Gun Club's appeal for zoning for another gun club in our area - three are enough.

Environmental pollution, noise pollution and general

Elinor Rettenmyer

November 29, 1990

90 DEC -3 AM 11:07

Dear Mr. Hackett,

We were MOST appreciative when the first request for a zoning change by the Orrings Mills Gun Club was refused.

The beauty and peace of Glen Arm and the Long Green Valley needs to be preserved.

We already have numerous Gun Clubs in the area. What a racket they make! Also, increased traffic already is a problem.

The Board's refusal of their second request and appeal would be appreciated.

Thank you,

Jean & Tom DePetris
Hillrise Rd, Glen Arm.

Appeal # 90-138-SPHX

File
90-138-SPHX

RECEIVED
OCT 26 1989
ZONING OFFICE

Genevieve R. Emerine
Notchcliff
11630 Glen Arm Rd.
Glen Arm, MD 21057

October 24, 1989

J. Robert Haines, Zoning Commissioner:

Dear Sir:

I am writing to express my protest to the possibility of another gun club being developed in the area of Notchcliff.

I am very anti to all gun clubs and to all guns. I object to the wanton killing of creatures & to the possibility of human accidental shooting!

Think of the safety for all peoples & creatures when the vote comes up.

Genevieve R. Emerine

File
Mrs Wiley Sanders
7 Wagon Wheel Ct
Glen Arm, Md. 21057

Re: Pikesville Sportsmen's Club
Zoning Exception Petition
90-138 SPHX
90-139 SPHA

J. Robert Haines, Zoning Commissioner
111 W. Chesapeake Ave.
Towson, Md. 21204

RECEIVED
OCT 25 1989
ZONING OFFICE

Dear Mr. Haines

I am writing you & Councilmen Evans & People's counsel, Friedman to register my protest of the Sportsmen's Club of Pikesville, Md moving into our area of Glen Arm.

I object about 3 weeks ago that we learned of the intended move of this Club to our community. I'm very much opposed to it.

I hope you will give your support to our cause & not allow this move to our community at the hearing scheduled for December 5 & 6.

Thank You
Yours
Wiley Sanders

Ans 90-138-SPHX

RECEIVED
OCT 27 1989
ZONING OFFICE

J. Robert Haines
Zoning Commissioner

Sir -

I am writing to protest the petition to allow the Sportsmen Club to put up a gun club there in Notchcliffe. We do not need another Gun Club near here. I live at Notchcliffe and we should not have to endure that. It would be noisy and unsafe.

Sincerely
Olga L Clayton
11630 Glen Arm Rd apt 8-H
Glen Arm Md 21057

Oct 25, 1989

File
Notchcliff Apts 116
Glen Arm, MD 21057
October 24, 1989

J. Robert Haines,
Zoning Commissioner
Room 109, County Office Bldg.
Towson, MD. 21204

#90-138-SPHX

Dear Mr. Haines,

A great blessing in my old age - I am now 87 - has been its finding the peace and beauty of Notchcliff as my home. I have outgrown its habitat and stamina for many former activities but I still enjoy walking about and this area.

When I first heard gun shooting near here I was frightened but I was assured that the National Guard Range is particularly carefully monitored, and their social and safety are of first importance.

Now I learn that there are already three gun clubs very near Notchcliff and a fourth is petitioning establishment here.

Please accept my plea that this lovely place be maintained as haven for life and serenity. Also, accept my heartfelt thanks for what you have done to preserve its tranquility.

Sincerely,
Lilian S. Pollard

90-138-SPHX

Notchcliff
Glen Arm, Md.

Mr. J. Robert Haines, Zoning Commissioner
Room 109, County Office Bldg.
111 West Chesapeake Ave.
Towson, Md. 21204

Dear Sir,

It has come to my attention that the Pikesville Sportsmen Club wants to move to our vicinity. As I am a resident of Notchcliff Retirement Community I oppose this.

I moved to this community from a lovely suburban home because I had wanted to enjoy a peaceful quiet living as well as nature. The noise would undoubtedly disturb the residents, but also the wild life which we consider our friends.

I trust that you will give our petition your greatest consideration and keep the Pikesville Sportsmen Club from their petition.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Dick Bixler	1 Hatherton Rd Lutherville, Md 21093
[illegible]	P.O. Box 1063 OWINGS MILLS MD
Robert Miller Jr	249 Stacy Terrace
[illegible]	17 Barrett Hall Ct
Mickey Cornelius	40 W CHESAPEAKE AVE, SUITE 600 TOWSON MD 21204
Rosser York	1329 Woodhaven Drive Glen Burnie Md 21061
JEFFREY D COLLIER	3911 MILLNER RD BALTO. MD 21236
James M. Strickland	2418 Braidwood Rd Balto Md 21234
Bruce E. Cator	8 Chimney Ct Perry Hall MD 21128
RICHARD KAHLER	3333 N CHARLES 21218
John J Spink	1325 Stella Rd Lutherville Md 21085
Jean Spink	1325 Stella Rd Lutherville Md 21085
Reynolds Greenacre	610 Jungold Rd Lutherville Md.
Dillon Ellis	6749 Seneca Rd. Sykesville 21784
Joseph Rockstroh	13338 Greenspring Ave Owings Mills
LEO BANGE SR.	3 Park Hills Ct. Reisterstown Md
Marie Wayne	55 Greenwich Rd Pikesville Md 21208
Larry E. Fullem	1675 Sparks Rd Sparks Md 21152
Robert A Powell	111 Pebble Beach Rd Perry Hall Md
Barbara S. Lane	153 Wilgate Rd. Owings Mills, 21117
John F Hardesty	5515 Rockleigh Rd Balto MD. 21207
Mitchell L Pittinger	22 Regional Lane Reisterstown 21136
MIKE SIPES	2434A Cross Section Rd Westminster Md 21157
Allan Stephens	205 Ebenezer Rd. Owings Mills Md 21117
Kyle Cornelius	1141 Old Westminster Pike Westminster Md

MICROFILMED

Winzer Associates
Acoustical & Environmental Consultants
P.O. Box 5717
Rockville, MD 20855
301 921-8360

WINZER ASSOCIATES
ACOUSTICAL & ENVIRONMENTAL CONSULTANTS
Principal: George E. Winzer

SERVICES: Consulting services in architectural, environmental and industrial acoustics and noise control. Sound and vibration measurements. Site suitability assessments, site and building design and specifications. Comprehensive multi-disciplinary environmental impact studies and analyses. Physical measurements of industrial and transportation noise sources and recommendations for compliance with OSHA and other Federal, state and local requirements. Liaison between private and public interests, interpretation and translation of scientific information and public policies. Litigation background studies and legal testimony. Research, development and evaluation of materials, products and systems.

TYPICAL PROJECTS: Acoustical design of university music department facilities, recital hall, orchestra, band and choir rehearsal halls, practice studios; site suitability studies for housing elderly and other residential use relative to air and surface transportation noise sources, specifications for locating and insulating building against noise infiltration from exterior sources; impact analyses of highway construction and technical support for litigation; study of interior noise intrusions and specifications for attaining acoustical privacy, dynamic vibration response of wood-frame buildings to exterior and interior sources; HVAC noise reduction in commercial and private buildings; acoustical privacy and noise control in medical treatment facilities, industrial noise studies in printing plant, bindery and postal equipment shop; evaluation of acoustical properties of building materials and systems with recommendations for improvement; noise emission analyses of business equipment and recommendations for improvements to meet procurement specifications; acoustical analyses of consumer products re: hearing damage; acoustical specifications for worship spaces; measurements for compliance with local noise ordinances.

TYPICAL CLIENTS: Consulting engineers, architects, developers, builders, owners, planners, attorneys-at-law, modular building manufacturers, building material manufacturers, mortgage finance institutions, business equipment manufacturers, other industrial and commercial interests and public agencies.

GENERAL DATA: The firm, founded in 1983, is an alliance of independent professionals who are brought together in a multidisciplinary team under the direction of George Winzer to apply their skills to specific projects. Mr. Winzer formerly was the Senior Scientist, Senior Physicist and Project Leader at the U.S. Department of Housing and Urban Development, the NAS Research Foundation, Inc. and the National Bureau of Standards of the U.S. Department of Commerce respectively. The firm is located in the metropolitan Washington, D.C. area and serves clients without any geographical restrictions.

MICROFILMED

MICKEY A. CORNELIUS, P.E.
TRAFFIC ENGINEER

Mickey Cornelius has over seven years experience in the Highway Transportation and Traffic Engineering profession. He has served as a consulting traffic engineer for more than five years. His experience in both the public and private sectors has provided Mr. Cornelius with a broad range of knowledge.

Mr. Cornelius has conducted numerous Traffic Impact Studies throughout the Baltimore-Washington Metropolitan area, from small residential subdivisions to multimillion-square-foot, mixed-use developments. He has served as a Transportation Planner for the development of Master Plans for both private firms and government agencies. Traffic signal warrant studies, traffic signal design and traffic control plans are examples of the types of projects Mr. Cornelius has undertaken while practicing as a consulting traffic engineer.

Mr. Cornelius' educational background and subsequent responsibilities have qualified him as an expert in the field of traffic engineering.

Job History

1984 to Present
Traffic Engineering Consultant

1982 - 1984
Civil Engineer, Highway Construction
S.J. Groves and Sons Co.

Educational Background

B.S. in Civil Engineering with emphasis in Transportation-
The Pennsylvania State University

Traffic Engineering Courses:
Northwestern University Traffic Institute;
Polytechnic Institute of New York

Affiliations

Registered Professional Engineer (P.E.)
Institute of Transportation Engineers (I.T.E.)

Places Where Mr. Cornelius Has Qualified as an Expert Witness

Board of Appeals — Anne Arundel County, Md.
Zoning Hearing Examiner — Anne Arundel County, Md.
Zoning Commissioner — Baltimore County, Md.
County Review Group (CRG) — Baltimore County, Md.
Board of Appeals — Baltimore County, Md.
Board of Appeals — Charles County, Md.
Planning Advisory Board — City of Bowie, Md.
Mayor and City Council — City of Bowie, Md.
Planning Board — Howard County, Md.
County Council — Howard County, Md.
Board of Appeals — Montgomery County, Md.
Zoning Hearing Examiner — Montgomery County, Md.
Planning Board — Montgomery County, Md.
Planning Board — Prince George's County, Md.
County Council — Prince George's County, Md.
Planning Board — Town of Bel Air, Md.
Town Commissioners — Town of Bel Air, Md.
Zoning Hearing Examiner — Town of Bel Air, Md.
Zoning Hearing Board — Manchester Township, Pa.

THE TRAFFIC GROUP, INC.

414 E. Joppa Road
Towson, Maryland 21204
(301) 583-8405

MICROFILMED

QUALIFICATIONS
Mickey A. Cornelius

STUDY OF IMPACT ON PROPERTY VALUES

Proposed Pikesville Sportsmens Club
Approximately 201 Acres
Long Green Pike
Baltimore County, Maryland

Real Property Consultants, Inc.
Appraisers/Consultants
5730 Executive Drive, Suite 130
Baltimore, Maryland 21228

1

IN THE MATTER OF: * BEFORE THE
LAWRENCE L. FEEHELY, et ux * COUNTY BOARD OF APPEALS
For a special exception and * OF BALTIMORE COUNTY
variances * Case No. 91-470-XA
* January 20, 1993

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, Towson, Maryland 21204 at 10 o'clock a.m., January 20, 1993.

* * * * *

ORIGINAL

Reported by:
C.E. Peatt

MICROFILMED

BOARD OF APPEALS

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

OF COUNSEL
J. HOWARD HOLTZ

LAW OFFICES
HOLZER, MAHER, & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 109
TOWSON, MARYLAND 21204
(301) 823-0960

WASHINGTON, D.C. OFFICE
225 SHORDHAM BUILDING
801 15TH STREET, N.W.
WASHINGTON, D.C. 20005

PLEASE REPLY TO:

January 8, 1990
#6308

RECEIVED
JAN 9 1990
ZONING OFFICE

Ms. Ann Nastarowicz
Deputy Zoning Commissioner
of Baltimore County
County Office Building
Towson, Maryland 21204

RE: Pikesville Sportman's Club

Dear Mr. Nastarowicz:

Enclosed please find photographs of protestant's exhibit 2 and 3 in the above captioned matter to serve as substitutions for the board which was prepared.

Very truly yours,

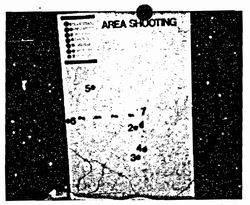
J. Carroll Holzer

enclosures

JCH/blt

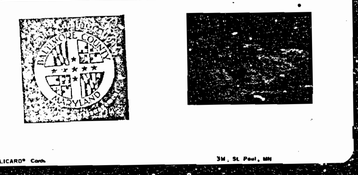
MICROFILMED

PROTESTANT EXHIBIT #2



PROTESTANT EXHIBIT #3

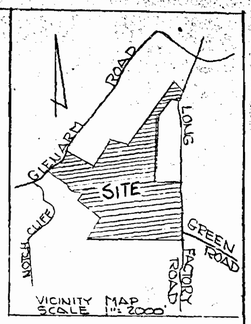
90-138-SPHX Protestant's Exhibit #4



MMM 5824 FILMSORT® & DUPLICARD® Com. 3M, St. Paul, MN

90-138-SPHX Protestant's Exhibit #3

MMM 5824 FILMSORT® & DUPLICARD® Com. 3M, St. Paul, MN



GENERAL DATA

AREA OF PROPERTY = 201 Ac±
EXISTING ZONE RC 2 & RC 5
PROPOSED ZONE RC 2 & RC 5 Sp/Ex
EXISTING USE - AGRICULTURE & VACANT
PROPOSED USE - SPORTSMAN CLUB & SHOOTING RANGE

PARKING DATA.

AREA OF CLUBHOUSE = 34000 SQ.FT.
PARKING REQUIRED 1 SPACE/ 300 SQ.FT. = 114 SPACES
PARKING SHOWN = TOTAL of 200 SPACES

NOTES

1. NO VEHICULAR ACCESS FROM GLEN ARM ROAD EXCEPT EMERGENCY VEHICLES
2. NO CLEAR CUTTING OF WOODS AREA & NO DISTURBANCE IN THE STREAM BUFFER ZONES
3. RIFLE RANGE TO BE CONSTRUCTED IN ACCORDANCE WITH N.R.A. SAFETY STANDARDS
4. PROPOSED USE OF CLUB HOUSE:
   A. CLUB AFFAIR
   B. MEETING ROOMS
   C. KITCHEN
   D. INDOOR PISTOL RANGE
   E. INDOOR ARCHERY RANGE

OFFICE COPY
547

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

PIKESVILLE SPORTSMAN CLUB

11th ELECT. DIST. BALTO. CO. MD.
SCALE 1"=200' MAY 10, 1989

#2286

E. F. RAPHEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
203 COURTLAND AVENUE
TOWSON, MARYLAND 21204

who manages the National Rifle Association Range Department (T. V. 4-13). This evidence indicates that the shooting range poses no unreasonable or material risk to the rural community surrounding the site.

B. Real Estate Values

The expert testimony of Walter Reiter, a real estate appraiser, confirms that there would be no adverse effect on adjacent real estate values (T. IV. 110, 129-130). The somewhat imprecise testimony of the Appellants' appraiser (T. III. 73), at best, makes this issue fairly debatable.

C. Noise Levels

The Appellees submitted the testimony of two acoustical consultants. George Winzer testified that the shooting range was compatible with residential use of adjacent properties and that the sounds of firearms at the shooting range could be described as ambient background noise (T. II. 93-94).[1] Michael Staiano testified that anticipated noise levels would be well within appropriate environmental standards (T. IV. 162-163).

D. Traffic Volume

The Pikesville Sportman's Club currently has 75 members (T. I. 13), and the capacity of the current clubhouse does not exceed 200 people for infrequent special occasions (T. I.

[1]Mr. Winzer is unfairly criticized by the Appellants because of his testimony in another case against a sports club. In that case, Mr. Winzer was asked to study the effects of changing an archery club to a gun club in an existing residential community (T. II. 99). The situation in the instant case is dramatically different.

105). It is beyond reason to argue that such numbers foretell traffic congestion or even inconvenience. The Appellees submitted the testimony of Michael Cornelius, an expert traffic consultant (T. II. 44). Mr. Cornelius testified that traffic conditions attributable to the shooting range would be acceptable (T. II. 52). The Appellees' expert land planner (William Kirwin) also confirmed that the proposed use would not create traffic congestion (T. II. 143).

E. Environmental Impact

The Appellees presented the expert testimony of Stuart Cohen, an environmental scientist and chemist (T. I 113-114). Dr. Cohen confirmed that there would be no adverse environmental impact from lead shot at the shooting range assuming two simple recommendations were followed; i.e., the recovery of lead shot every five years and maintenance of the grass cover in the firing zone (T. I. 122). Sergeant Ritter of the Natural Resources Police testified that the lead shot used at the shooting range will not be a detriment to wildlife (T. IV. 90-91).

F. Miscellaneous Off-Site Concerns

The Appellants argue that somehow there will be undefined and speculative effects related to other shooting facilities within a five-mile radius of the subject property. In fact, the Maryland National Guard operates a target and shooting range in the Gunpowder Falls State Park near the subject property (T. I. 40-44). Richard Blocher testified that his

Club's shooting range would be "negligible" compared to the extensive use at the National Guard facility (T. I 45). William Kirwin testified that the location of the National Guard facility reduces the impact of an adjacent shooting range (T. II. 139). John Dillon (from the Baltimore County Planning Office) also testified that the proximity of the National Guard facility was a positive factor in the County's recommendation of this site for a shooting range (T. II. 37-38). Mr. Dillon's testimony suggests that the actual incremental adverse impact generated by the location of the Club facilities on the subject property would be considerably less than the impact of locating those facilities elsewhere in the RC2 zone (a conclusion also reached by the Board on page 4 of its Opinion).

The Appellants speculate further about possible safety concerns associated with the Hickey School for delinquent juveniles, located approximately one mile from the shooting range. Apparently the concern is that escapees from the school may have access to firearms. Disregarding the considerable arsenal stored at the National Guard facility which is even closer to the Hickey School (T. I. 44), there will be no guns stored on the subject property (T. I. 34, and refer to the restrictions imposed by the County Board of Appeals which prohibit the storage of firearms on the Club property).

G. Summary of BCZR §502 Issues

In addition to the extensive evidence referenced above, the Appellees submitted specific testimony on each of the criteria for a special exception specified in BCZR §502.1. In this regard, William Kirwin gave the following expert testimony (T. II. 142-145):

1. There will be no detriment to the health, safety or general welfare of the community.
2. There will be no traffic congestion.
3. There is no potential hazard from fire, panic or other dangers.
4. The proposed facility will not overcrowd the land or cause undue concentration of population.
5. There will be no interference with adequate provisions for public utilities and conveniences.
6. There will be no interference with light and air.
7. The proposed use does not in any other way violate the spirit and intent of the zoning regulations.
8. Finally, the proposed use is not inconsistent with impermeable surface and vegetative retention provisions of the Zoning Regulations.

V. CONCLUSION

The foregoing summary of the evidence submitted to the County Board of Appeals indicates that the Appellees have complied with BCZR §1A01.2(C) to the effect that their shooting range will not be detrimental to the primary agricultural uses in the vicinity. The evidence also addresses each of the requirements for a special exception specified in BCZR §502.1. It follows that this shooting

range, at its proposed location, complies with all regulations applicable to special exceptions in an agricultural zone.

Certainly the record of the hearing before the County Board of Appeals indicates that this special exception will not cause any adverse effects above and beyond those inherently associated with a shooting range irrespective of location. Therefore, the Board's decision is in compliance with the standards adopted by the Court of Appeals in Schultz v. Pritts, and the decision of the County Board of Appeals granting the special exception should be affirmed.

Respectfully submitted:

JOHN H. ZINK, III

Robert A. Hoffman BY: JHZ
ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 823-4111
Attorneys for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16TH day of MARCH, 1992, a copy of the foregoing Appellees' Answering Memorandum was mailed to: J. CARROLL HOLZER, ESQUIRE, Holzer, Maher, Deallio & Lee, 305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Attorney for Appellants; and to: LINDALEE M. KUSZMAUL, Legal Secretary, County Board of Appeals of

Baltimore County, County Office Building, Room 315, 111 West Chesapeake Avenue, Towson, Maryland 21204.

JOHN H. ZINK, III

MEMO0424.JHZ

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE OF LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY CG Doc. No. 8
GLEN ARM COMMUNITY ASSOCIATION, ET AL, PLAINTIFFS	*	Folio No. 379
ZONING CASE NO. 90-138-SPHX	*	File No. 91-CV-6947

* * * * * * * * *

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

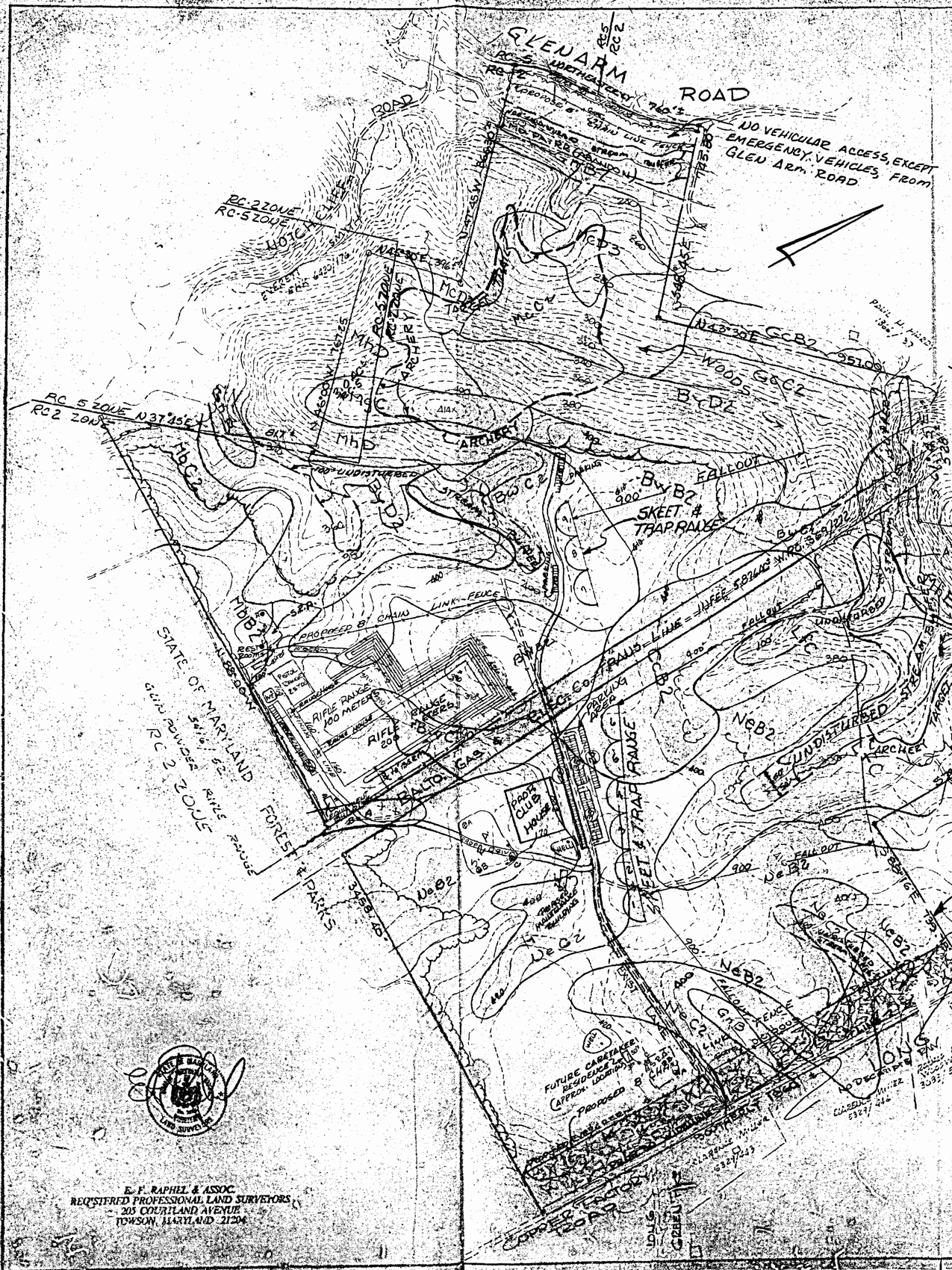
TO THE HONORABLE, THE JUDGE OF SAID COURT:

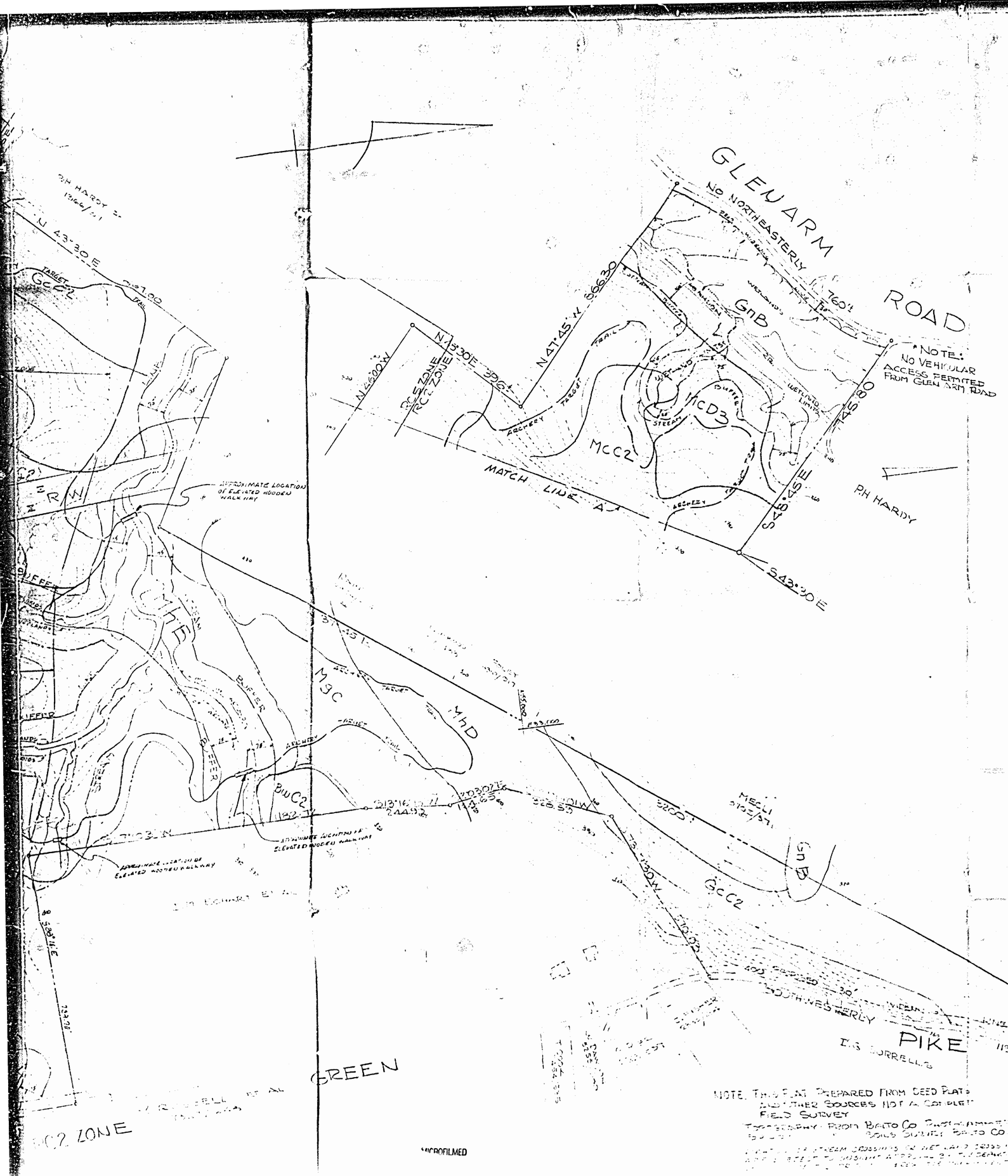
And now come William T. Hackett and C. William Clark, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 90-138-SPHX

September 6, 1989	Petition filed by John B. Howard, Esquire on behalf of Ida S. Eckhart, et al for a Special Hearing for a caretaker's residence as an accessory use and a parking plan and a Special Exception for a shooting range.
September 27	Publication in newspaper.
November 17	Certificate of Posting of property.
October 3	Comments of Baltimore County Zoning Plans Advisory Committee.
October 24	Hearing held on Petition by the Deputy Zoning Commissioner.

January 3, 1990	Post-Hearing Memorandum of Petitioners filed by John B. Howard, Esquire, Robert A. Hoffman, Esquire and Judith A. Armold, Esquire.
January 3	Protestants' Post-Hearing Memorandum filed by J. Carroll Holzer, Esquire.
March 16	Order of the Deputy Zoning Commissioner DENYING Petitions.
April 11	Notice of Appeal received from Robert A. Hoffman, Esquire on behalf of Petitioners.
April 12, 1991	Hearing before the Board of Appeals.
	Motion in Limine by Robert A. Hoffman, Esquire on behalf of Petitioners filed and ruled on in open Hearing.
April 26	Continued Hearing before the Board of Appeals.
May 22	Continued Hearing before the Board of Appeals.
June 14	Continued Hearing before the Board of Appeals.
June 18	Hearing concluded before the Board of Appeals.
July 15	Closing Arguments of Petitioners filed by Robert A. Hoffman, Esquire and Paul J. Consbruck, Esquire.
July 15	Protestants Post-Hearing Memorandum filed by J. Carroll Holzer, Esquire.
October 29	Opinion and Order of the Board GRANTING the Petitions with restrictions.
October 29	Dissenting Opinion of John G. Disney.
November 29	Order for Appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire on behalf of Protestants.
December 3	Certificate of Notice sent to interested parties.
	Petition to accompany appeal filed in the Circuit Court for Baltimore County by J. Carroll Holzer, Esquire.


GLEN ARM ROAD
NO VEHICULAR ACCESS, EXCEPT EMERGENCY VEHICLES FROM GLEN ARM ROAD
RC 5 ZONE
RC 2 ZONE
HOCKEL CLIFFS
ROAD
PROPOSED 6" CMP
PROPOSED 8" CMP
PROPOSED 24" RCP
PROPOSED 30" RCP
PROPOSED 36" RCP
PROPOSED 42" RCP
PROPOSED 48" RCP
PROPOSED 54" RCP
PROPOSED 60" RCP
PROPOSED 66" RCP
PROPOSED 72" RCP
PROPOSED 78" RCP
PROPOSED 84" RCP
PROPOSED 90" RCP
PROPOSED 96" RCP
PROPOSED


GLEN ARM ROAD
No NORTHEASTERLY
760'±
N 71°45' W 666.30
N 43°30' E 396'±
N 46°30' W
RC 5 ZONE
RC 2 ZONE
GnB
MCC2
MCD3
MGC
MHD
BuC2
GcC2
MECL
N 43°30' E 710.09'
S 43°30' E 745.60'
S 43°30' E
MATCH LINE A-A
PH HARDY
PH HARDY 1966 ± 1
TABLET GCC2
APPROXIMATE LOCATION OF ELEVATED WOODEN WALK WAY
BUFFER
STREAM
WETLAND
WETLAND LIMITS
ARCHERY TRAIL
ARCHERY
RIFLE RANGE
TRAP
SKEET
TRAP & SKEET
STREAM
N 43°30' E 1182.32'
S 43°30' E 1182.32'
N 46°30' W 530.00'
S 46°30' W 530.00'
S 43°30' E 1320'
N 43°30' W 1320'
S 43°30' E 1120'
N 46°30' W 1120'
S 43°30' E 1120'
S 43°30' E 1120'
S 43°30' E

RC2 ZONE

RC5 ZONE

N 43°30' E

MCD2

MATCH LINE A

MCD3

MHD

Mgc

ARCHERY TARGET TRAIL

MCC2

45 AGSE

B.H. HARDY ± (1966) ±

N 43°30' E 357.00

GcC2

MbB

BtD2

BtC2

ByB2

BwC2

100 METER RIFLE RANGE

8' CHAIN LINK FENCE

BwB2

SKEET & TRAP RANGE

BwC2

APPROXIMATE LOCATION OF ELEVATED WOODEN WALK WAY

TOWER

ELEC

GAS

BALTO.

CcB2

BUFFER

STREAM

WETLANDS

PROPOSED CLUBHOUSE

NeB2

NeC2

N 88°00' W

STATE OF MARYLAND

N 13°30' E 326.4'

MATCH LINE

MGC

MHD

BwC2

N 7°03' W

APPROXIMATE LOCATION OF ELEVATED WOODEN WALK WAY

I.M. SCHMIDT ET AL

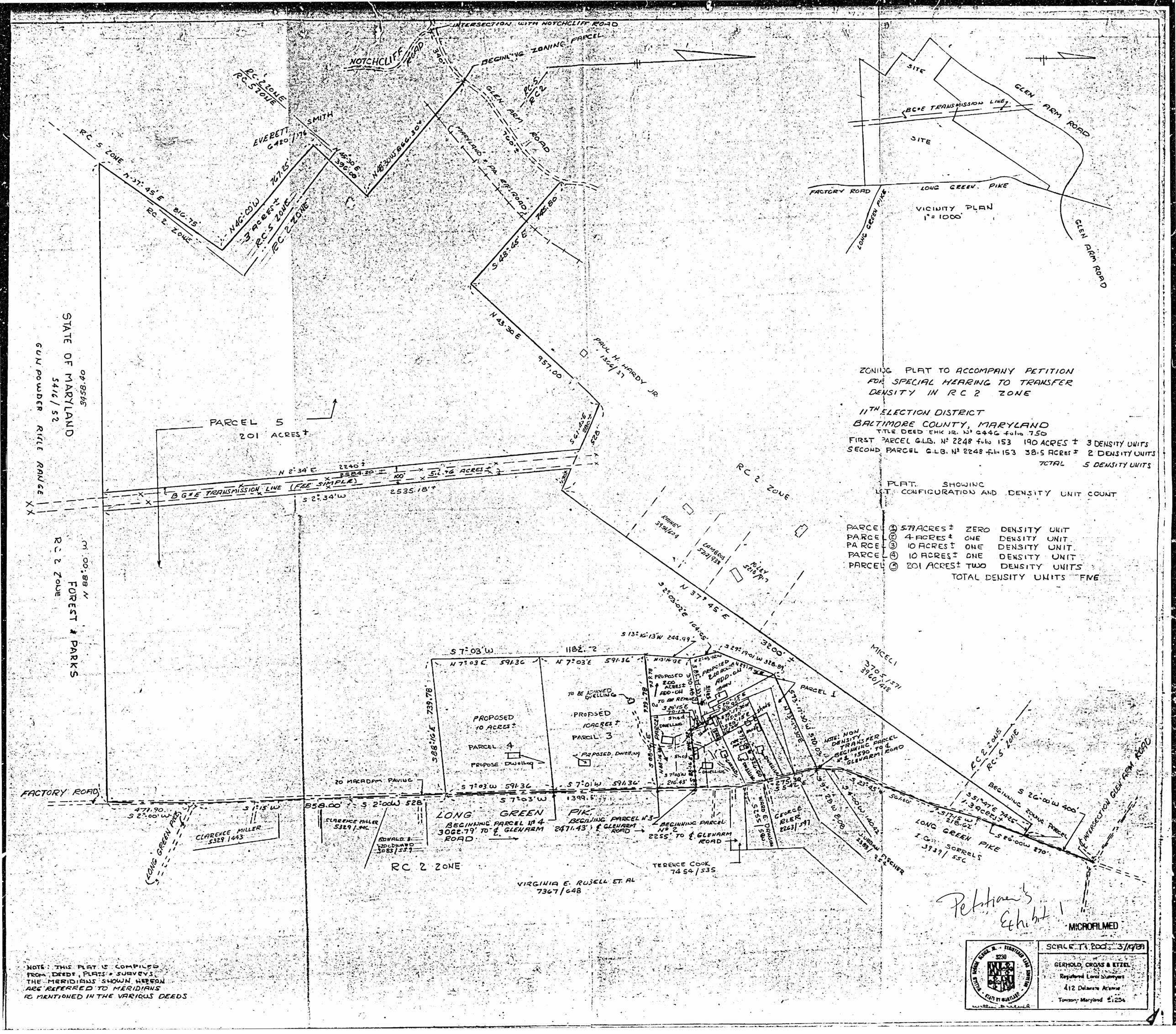
GREEN

LONG

RC2 ZONE

MICROFILMED

R. C. 2
R. C. 5
R. C. 2
R. C. 5
R. C. 2
R. C. 5
R. C. 2
R. C. 2
R. C. 2



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

TITLE DEED EHK JR. No 6446 folio 750

FIRST PARCEL G.L.B. No 2248 folio 153 190 ACRES ± 3 DENSITY UNITS

SECOND PARCEL G.L.B. No 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS

TOTAL 5 DENSITY UNITS

PLAT SHOWING LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ①	5.79 ACRES ±	ZERO	DENSITY UNIT
PARCEL ②	4 ACRES ±	ONE	DENSITY UNIT
PARCEL ③	10 ACRES ±	ONE	DENSITY UNIT.
PARCEL ④	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ⑤	201 ACRES ±	TWO	DENSITY UNITS

TOTAL DENSITY UNITS FIVE

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

Petitioner's Exhibit 1

MICROFILMED

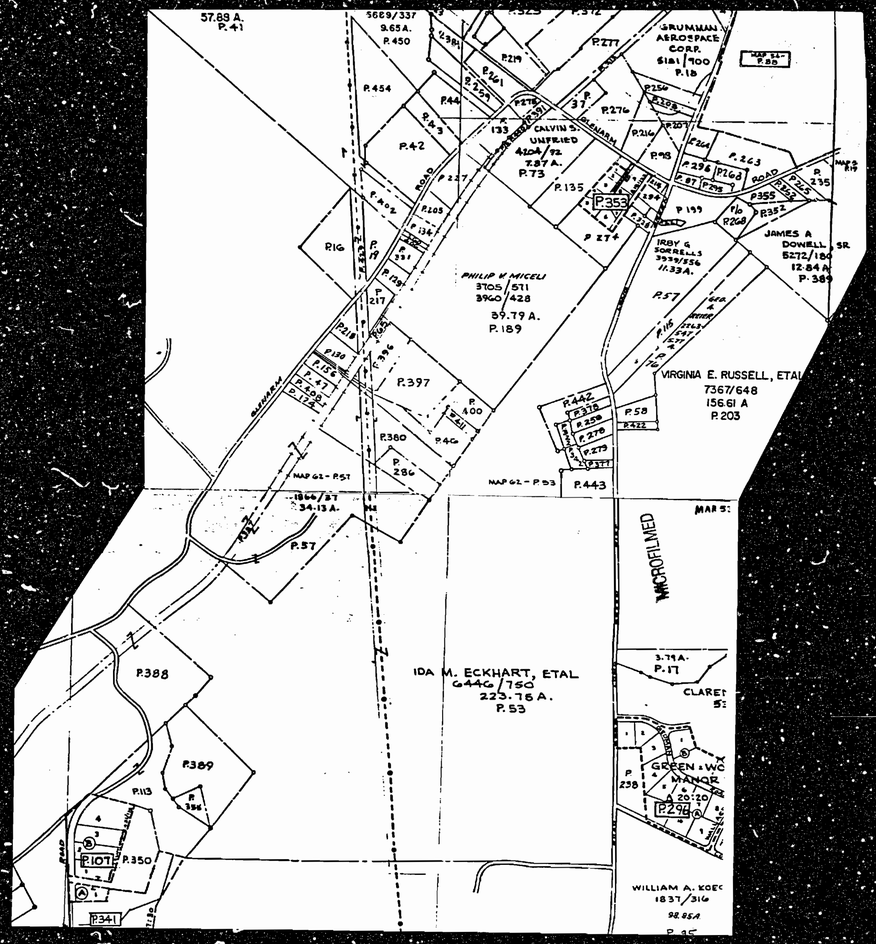
SCALE 1" = 200' 3/19/81

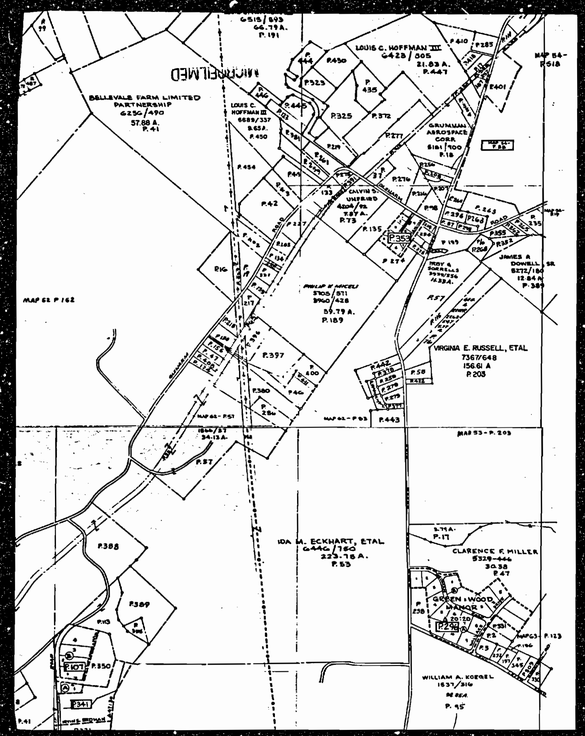
GERHOLD, CROSS & ETZEL

Registered Land Surveyors

412 Delaware Avenue

Towson, Maryland 21204





shall not in itself be sufficient grounds to reclassify property. [Bill No. 98, 1975]

1A00.4--Plans and Plats. [Bill No. 98-75]

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all references to D.R. zones shall include the R.C. zones. [Bill No. 98, 1975]

1A00.5-Application to tract divided by zone boundary. [Bill No. 98-75]

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels. [Bill No. 98. 1975]

Section 1A01--R.C. 2 (AGRICULTURAL) ZONES [Bill No. 98-75]

1A01.1--General provisons. [Bill No. 98-75]

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development; [Bill No. 98, 1975.]

b. that the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry; [Bill No. 98, 1975]

c. that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land; [Bill No. 98-75]

d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs

APPROVED JUL 0 1 1989

xx TABLE OF CASES REPORTED

Page

Stillman *v.* Commission On Medical Discipline of the State of Maryland 390
St. Paul Fire and Marine Insurance Company *v.* Molloy 139
Sullivan and A-1 Insurance Agency, Inc. *v.* Insurance Commissioner of the State of Maryland and Aetna Casualty & Surety Company 277
The Derby Steel Company, Inc., Coffey *v.* 241
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Washington Suburban Sanitary Commission *v.* Pride Homes, Inc. 537

MARYLAND REPORTS

ROGER SCHULTZ ET AL. *v.* ROBERT K. PRITTS ET AL.

[No. 153, September Term, 1979.]

Decided July 16, 1981.

ADMINISTRATIVE LAW — APPEAL — *Final Judgment — Circuit Court's Order Remanding Proceeding To Administrative Agency Is A Final Appealable Order.* Where Circuit Court, in appeal from denial of special exception by Board of Zoning Appeals, remanded the case for further proceedings, the Court *held* that the Circuit Court's order was a "final judgment" and was appealable. Code (1974, 1980 Repl. Vol.) § 12-301 of Courts and Judicial Proceedings Article. pp. 5-6

ADMINISTRATIVE LAW — *Due Process — Administrative Agencies Must Observe Basic Rules Of Fairness To Parties Appearing Before Them.* p. 7

ADMINISTRATIVE LAW — *Due Process — Reliance On Evidence Submitted After Close Of Hearing — Due Process May Be Violated If No Opportunity Is Provided To Challenge Post-Hearing Evidence By Cross-Examination Or Rebuttal — But Due Process May Not Be Violated When Parties Are Aware That Post-Hearing Evidence Will Be Considered, But Make No Objection Prior to Agency's Decision — No Due Process Violation By Receipt Of Post-Hearing Evidence In Instant Case.* Where evidence, consisting of written compilation of data testified to by traffic expert, submitted after the close of the hearing was duplicative in nature; and where applicants for special exception were aware that the post-hearing evidence would be considered by the Board of Zoning Appeals prior to its decision, but raised no objection and did not promptly request a further hearing, the Court *held* that the applicants were not denied procedural due process by the Board's consideration of the post-hearing evidence, or by the Board's denial of a request for a rehearing made after the Board's decision, denying the special exception, had been made. pp. 7-10

ZONING — *Special Exception — Judicial Review — Board's Granting Or Denial Of Special Exception Will Be Sustained If Evidence Is Fairly Debatable On Whether Proposed Use Will Adversely Affect Neighboring Properties Or Is In Harmony With General Purpose And Intent Of Comprehensive Zoning Plan.* pp. 11-12

PIKESVILLE SPORTSMAN'S CLUB, INC.

RULES AND REGULATIONS

General

1. A member, when entering the gates, should open, enter, and close the gate behind himself or herself if no public activity is going on.

2. When entering the Cl b property, if the gate is found open, the club member should police the grounds to see what activity is going on and, when leaving, secure the gates.

3. For the purpose of preserving wildlife and for the protection of your children, the speed limit on the grounds at all times is to be 10 MILES PER HOUR or less. Be on the lookout at all times for dogs being trained.

4. Parents are asked to please supervise your children at all times.

5. Each club member is responsible for his or her guests.

6. All club members should know their proper ranges and use them only for that purpose. Check with the Archery Chairperson on the use of Broad-head hunting arrows as they are not permitted on all ranges.

7. Parking is allowed only in designated areas.

8. Use of ground equipment is subject to approval of the Grounds Chairperson.

9. Due to our Forestry Program, no cutting of timber on Club property is permitted without approval of the Conservation Chairperson.

10. No dumping is permitted on the grounds at any time.

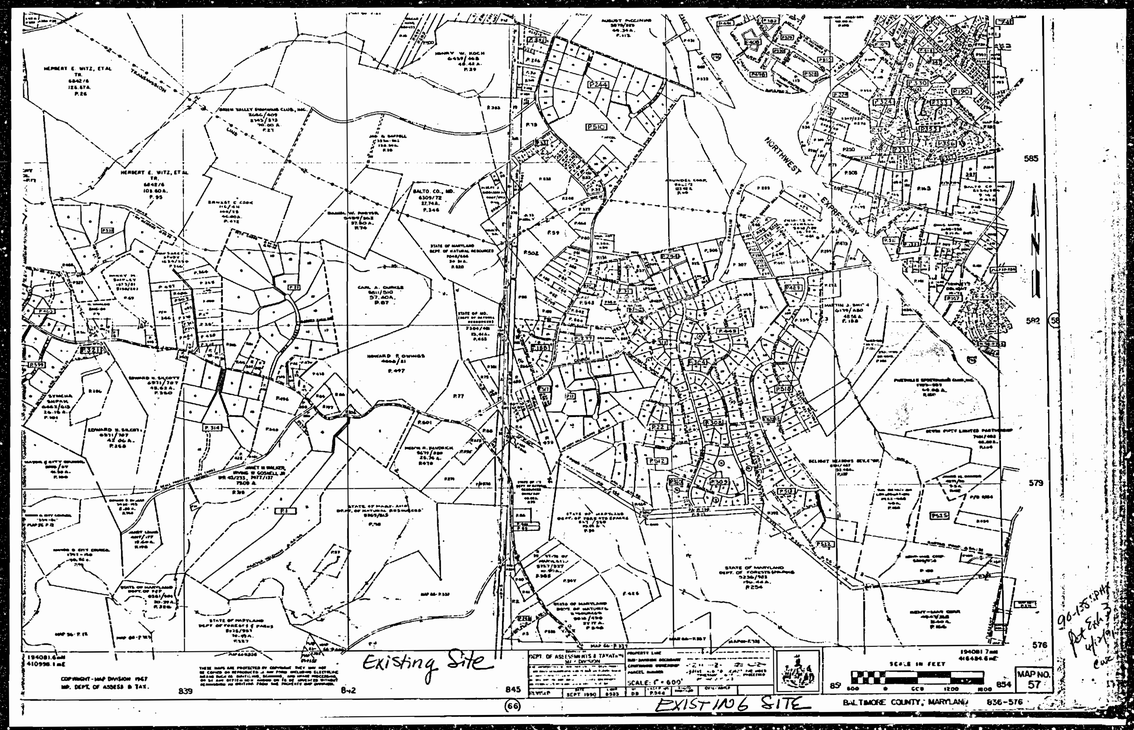
11. No littering is permitted on Club property. Trash cans are available to dispose of waste and are to be used for that purpose.

12. Gambling in the clubhouse is illegal. Poker chips may be used.

13. No person under the age of 21 is allowed behind or sitting at the bar for any reason.

14. Each committee of the club has its own rules and regulations, a copy of which is attached.

Pet. Exh. 2
96-155-SPHX
4/17/96 ewc



be conditionally compatible with the uses permitted as of right in a particular zone. The Board must, in each case, decide under the specific standards set forth in Section 502.1 of the B.C.Z.R., whether the presumptive compatibility does, in fact, exist in this case. Rockville Fuel and Feed Company, Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 Atlantic 2nd 499 (1970). Furthermore, " . . . there cannot be a grant of the special exception unless the B.C.Z.R. provide that the conditional use sought is permissible in the zone in which the land involved is situated . . .". Schultz v. Pritz, 291 Md. 1, 432 Atlantic 2nd 13' (1981), ". . . the duty of the Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use of the particular case is in harmony with the general purpose and intent of the zoning plan."

Section 502.1 sets forth the criteria which must be met before a special exception may be granted. It must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;

B. tend to create a congestion on roads, streets or alleys therein;

C. create a potential hazard from fire, panic or other danger;

D. tend to overcrowd land and cause undue concentration of population;

E. interfere with adequate provisions for school, parks, water, sewage, transportation or other public requirements, conveniences or improvements;

F. interfere with adequate light and air;

G. be inconstant with the purposes of the property 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 vegetation retention provisions of these zoning regulations.

The issue in the special exception hearing is whether or not the requirements of Section 502.1 of the B.C.Z.R. have been successfully fulfilled by the Petitioner. The case has clearly established 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 and whether there are facts and circumstances that show the particular use at the proposed location would have any adverse effect upon and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz

v. Pritz, 291 Md. 1, 432 A 2nd 1319 at 1327 (1981).[1]

Protestant's submit that the above language clearly sets for the existing and applicable law guiding the instant case. The real question presented by all of the evidence is whether or not the Pikesville Sportsman's Club would have an adverse effect and, therefore, should be denied upon the proposed site located at Long Green Pike and Glen Arms Road and whether this adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Clearly the testimony in this case supports the proposition that the location of this proposed Pikesville Sportsman's Club may well find a suitable home in another RC2 or RC5 zone, but that on this particular site for which it is proposed, it is clearly inappropriate and would have an adverse effect upon the surrounding community.

Without restating all the testimony, it is clear that first, this facility, would be located within a mile of the Charles Hickey School. The Charles Hickey School is a juvenile detention facility which has experienced numerous escapes and problems over the past years. The possibility that weapons could be obtained from the Pikesville Sportsman's Club has a chilling effect on the health,

---

1 All of the above was set forth as the applicable law by the Zoning Commissioner of Baltimore County in the matter of Petition for Special Exception Gordon K. Faulkner, Petitioner, Case no.: 88-240X.

safety and welfare of the community. This facility cannot be compared with the Maryland National Guard facility, which also stores weapons, but which has a sentry and a security system in place for the armory.

Secondly, this community has within five miles, six facilities for shooting and weapons practice which certainly saturates the tolerance level of the residents in the community. It is submitted by the Protestants that it is fallacious to argue that just because six facilities are locate din the community that it is appropriate to locate a seventh. As heretofore mentioned, the fallacy and unreasonableness of this argument is self evident.

Third, it should be pointed out that this proposed gun club does not serve a mandated municipal or public safety function, such as a landfill, firehouse, school or other public facility. To the contrary, this is a private pleasure club which would be exacting a price from the community as a whole for the benefit of a few.

Fourth, there are gas and electric public utility lines running through the property which present potential problems in regard to safety if weapons are discharged in a careless or accidental fashion.

Fifth, the Gunpowder State Park, for which the state has spent millions and acquisition and additional millions in maintenance, provides a park-like setting and sanctuary for not only wildlife and animals, but for citizens of

Baltimore County. The undisputed testimony of Mr. Burgess, as well as the Director of Gunpowder State Park is that the sound of gunfire and gun shots drives people out of the park. For the benefit of a few members, only two of whom live in this community and, most of whom do not even live in Baltimore County, we would be denigrating our environment, park areas and even our citizens if we would allow a private pleasure club of this type through a special exemption.

Sixth, the county has encouraged the development of retirement facilicies and has presented witnesses who testified at hearings before this Zoning Commissioner encouraging the development of retirement communities. Such a retirement community is located at the Notchcliff Retirement Community as testified by Elizabeth Christhilf. Clearly to establish such a residential community for the elderly in a rural area with a peaceful setting and then to have it invaded by a private gun club, the sounds from which will certainly cause aggravation and annoyance, if not potential danger, seems incongruous on the part of Baltimore County.

As previously set forth in this memorandum, there are at least seven unique aspects of this property which do not exist on other similarly zoned properties which establishes the uniqueness of this site which would preclude the proposed Pikesville Sportsman's Club Request for a Special

Exception. It is clear that the facts and circumstances from all of the testimony show that the particular use at this proposed location in Glen Arm would have an adverse effect above and beyond those inherently associated with such a special exception use in any other zone. Schultz v. Pritz 291 Md. 1, 432 Atlantic 2nd 1319 at 1327 (1981). Clearly these facts alone allow us to draw the conclusion that this proposed gun club will not even pass the first criteria of Section 502.1.A in that it will be detrimental to the health, safety or general welfare of the locality involved.

II.

In addition to meeting the standards under B.C.Z.R. Section 502.1, the petitioner must also comply with the regulation unique to agricultural zones, B.C.Z.R. 1A01.2C:

> C. "The following uses only may be permitted by Special Exception in any RC2 zone, provided that in each case the hearing authority in power to hear the petition finds that the use would not be detrimental to the primary agricultural uses in the vicinity."
>
> (emphasis added)

Clearly, in this case, the Petitioner has failed to establish that the use of this site as a gun club will not be detrimental to the primary agricultural uses in the vicinity. On the contrary, other than planting trees which does not legally suffice as to a continued agricultural use. The Petitioner has offered no evidence whatsoever

that this gun club will not be detrimental to agriculture in the area.

On the other hand, the evidence and testimony of the various protestant witnesses, including Norman Gerber, far outweighs any slight evidence that may have been presented by the petitioner concerning the negative impact of this proposed use on this site to agricultural uses. It is not even "fairly debatable" under the evidence presented to this Board that there will not be detrimental effects upon agriculture in the area. The petitioner had the burden of establishing in this case, in addition to the normal criteria, (which we feel he has not met), the additional burden as set forth in Section 1A01.2C B.C.Z.R. This they have failed to do.

Without restating Mr. Gerber's testimony, the Protestants would submit that the Board should review pages 7 through 11 of Mr. Gerber's testimony, attached as Exhibit 1, as being illustrative of this legal argument.

III.

Protestants submit that in addition to the Board complying with Sections 502.1 and the standards just referred to in the preceding argument, there is an additional burden which must be met by the petitioners, which they have failed to do. In an RC2 zone, B.C.Z.R., Section 1A01.1A.B PURPOSES, states:

> The RC2 Zoning Classification is established pursuant to the legislative

> findings of above, in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.
>
> (emphasis supplied)

This Section has been interpreted by the Zoning Commissioner of Baltimore County in Case No. 90-492-SPHA, incorporated herein and attached hereto as Exhibit No. 2, placing the burden upon petitioner to demonstrate that the requested relief, if granted, will meet the letter and spirit of these regulations. As such, the Zoning Commissioner found that the question inherent in this Section is whether the petitioner's proposal will "foster conditions favorable to a continued agricultural use of the subject site." (See Exhibit No. 2).

It is clear that there is nothing before this Board, no evidence having been presented by the Petitioners, that this proposed gun club will "foster conditions favorable to a continued agricultural use". There is absolutely no evidence on the part of the Petitioner to support this proposition. There is evidence on the part of the Protestants, in the testimony of Norman Gerber, that this proposed gun range is a "regional" type of activity which is not conducive or does not foster agriculture. If anything, in Mr. Gerber's opinion, it is detrimental thereto.

RECEIVED
DEC 4 1989
ZONING OFFICE

BALTIMORE COUNTY

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 4, 1989
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-138-SPHX, Item No. 547
Pikesville Sportman's Club, Inc.

The Petitioner requests a Special Exception to permit a shooting range and a clubhouse in an R.C.2 zone.

In reference to this request, staff provides the following information:

- The existing Pikesville Sportsman's Club is located along the Northwest Expressway (I-795), in the Owings Mills Growth Area. The existing facility is shown as "industrial" on the 1984 Owings Mills Plan - Land Use Plan. The existing site was part of a large County ! view Group Plan (approved 6/1/89) that showed the area as inter. ively developed with office, retail, and institutional uses. It was recognized that the club would be displaced as part of the Owings Mills Plan growth area strategy.

- The property is currently in agricultural use and has agricultural zoning on most of the tract. Recreation, Parks and Land Preservation in Baltimore County, a Plan for the 1990's, designates the area as significant for the purposes of maintaining long term agriculture. Section 1A01.2.C.20 allows shooting ranges, including archery, pistol, skeet, trap, or small-bore rifle ranges, or turkey shoots, as a Special Exception.

- The area is designated as an Agricultural Preservation area in the draft 1989 Master Plan.

Based on the analysis conducted, staff supports the concept of a gun club use at this site, however, the continuance of agriculture, intensity of the proposed use, impact on ground water, utilization of existing roads, and impact of the cumulative effect of noise on the immediate neighborhood, are of particular concern.

Petitioner's Exhibit 3

PETITIONER'S EXHIBIT 4

PROTECTION AND RESOURCE MANAGEMENT Date 6/27/89

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

Zoning Item # 547, Zoning Advisory Committee Meeting of June 27, 1989
Property Owner: John S. Eckhart; Nancy N. Smith; Verna L. Smith; Pikesville Sportsmen's Club, Inc.
Location: W/S Long Green Pike approximately 2' centerline of Glen Arm Road District: 11
Water Supply: private Sewage Disposal: private
COMMENTS ARE AS FOLLOWS:

(✓) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

(✓) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.

( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generatior which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Departmer of Environmental Protection and Resource Management for review and approval. For more complete informatic contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulatic For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the eliminati of waste oil must be in accordance with the State Department of the Environment.

( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775.

( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.

(✓) Soil percolation tests, have been ___, must be ✓ conducted.
( ) The results are valid until _____
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.

(✓) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
( ) shall be valid until _____
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

(✓) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio logical and chemical water samples.

(✓) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmenta Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3680.

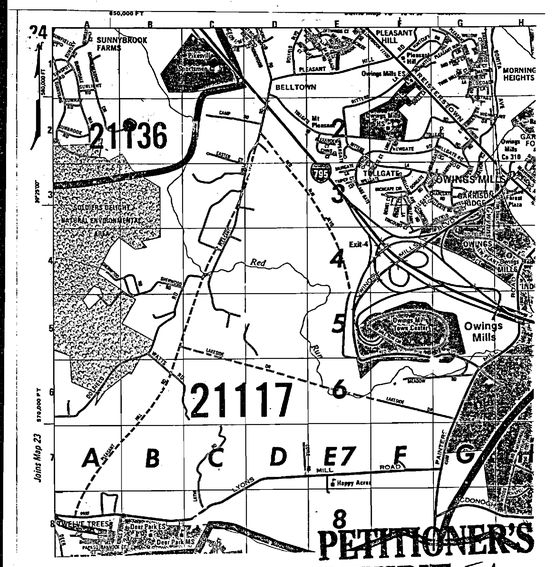
( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivisio regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

( ) Others Successful soil evaluations, approved water supplies and complete plans outlining proposed leach and seepage associated with proposed improvements must be submitted to and approved by this office prior to approval of any building permits. For further information contact Mr. Robert Bowling of the Water & Sewer Division at 887-3762.

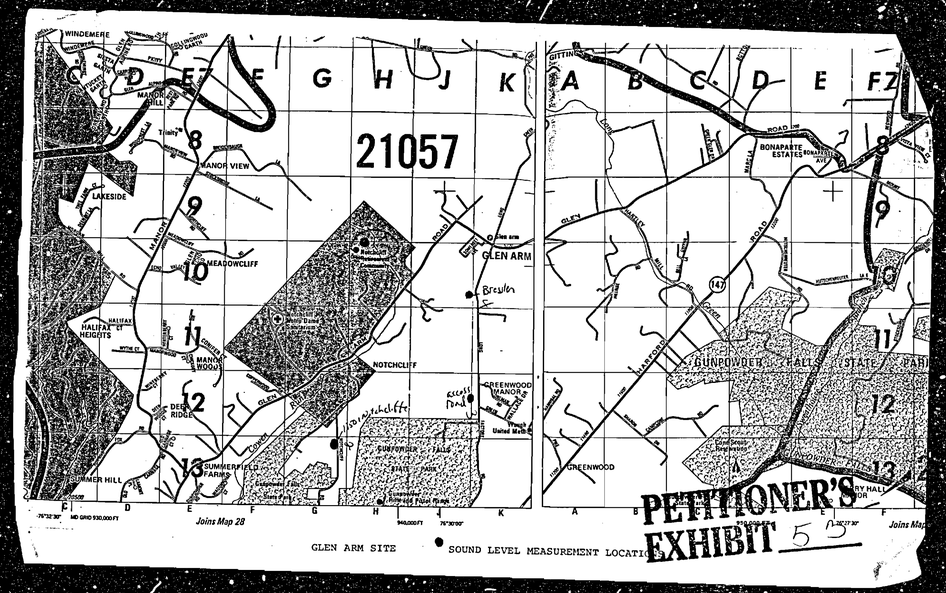
G. H. Ellis
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

PRESENT SITE

SOUND LEVEL MEASUREMENT LOCATIONS



PETITIONER'S EXHIBIT 5A



PETITIONER'S EXHIBIT 5B

STUART Z. COHEN, PH.D.

EDUCATION:
Ph.D., Physical Organic Chemistry, George Washington University, Washington, DC, 1984.

B.S., Chemistry, University of Maryland, Baltimore County, 1975.

Seven short courses in chemical carcinogenesis, chemical engineering, ground water contamination, and physical organic chemistry. Trained in FIFRA Good Laboratory Practices.

EXPERIENCE:
1991 - Present: President and Director, Environmental Science Division, Environmental and Turf Services, Inc., Wheaton, Maryland. Responsible for supervising and conducting field and computer risk assessments for turf chemicals used on golf courses (runoff and leaching); consultation, modeling, and field studies of agrichemicals in ground water; and environmental site assessments in real estate transactions, including records searches, soil-gas studies, visual hazard assessments, etc.

1986 to 1990: Manager, Ground Water and Environmental Programs, Biospherics Incorporated, Beltsville, MD.

Managed programs to evaluate ground water and environmental contamination by pesticides and hazardous wastes. Managed environmental programs for golf course environmental impact assessments and for real estate transactions. Programs varied from basic consultation to full-service efforts involving study design, vulnerability assessments, risk assessments, placement of monitoring wells, soil gas analysis, unsaturated zone modeling, etc. National Priority List site (Superfund) Project Manager.

1976 to 1986: Chemist and Ground-Water Team Leader, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, DC.

One of EPA's key scientists for the development, implementation, and conduct of pesticides in ground water programs. Responsibilities and functions included: management of $1.4 million budget; co-chair of the National Well-Water Survey Steering Committee; senior physical scientist on all pesticides in ground water regulatory actions; direction of ground water studies by pesticide industry; main interagency and international contact on pesticides in ground water; synthesized interdisciplinary risk assessments for several chemicals over a two-year period; conduct of DBCP and EDB ground water risk assessments, which led to bans of all soil uses in 1979 and 1983, respectively; development of biorational pesticides testing guidelines; assessment of heptachlor in milk in Hawaii; testing guidelines and regulations for new chemicals under TSCA.

1980 to 1987: Guest Worker in organic chemistry at the Laboratory of Chemistry, NIADDK, National Institutes of Health (NIH), Bethesda, MD. (One year full-time detail during 1981-1982, part-time to 1987.)

1975 to 1976: Research Technician, The Johns Hopkins University School of Medicine, Department of Immunology, Baltimore, MD.

Prostaglandin and antibody radioimmunoassays.

HONORS AND AWARDS:
EPA Special Achievement Award (cash award) for work in ground water contamination by pesticides, 1985.
EPA Bronze Medal for the ethylene dibromide ground water assessment, 1984.
James Buchannan Duke Honor Scholarship, 1972.

Pet Exh 5
90-138-S
4/27/91
cwc

ENVIRONMENTAL & TURF SERVICES, INC.

Assessment of Lead Contamination Potential for the Proposed Skeet & Trap Range on Long Green Pike, Baltimore County, Maryland

11141 GEORGIA AVE., SUITE 208
WHEATON, MD 20902
PHONE: (301) 933-4700
FAX (301) 933-4701

Printed on recycled paper

Pet Exh 6
90-138 SPHX
4/27/91
cwc

The Traffic Group

MICKEY A. CORNELIUS
PRINCIPAL

Mickey Cornelius is a registered Professional Engineer with over eight years experience in the Highway Transportation and Traffic Engineering profession. He has served as a consulting traffic engineer for more than six years. His experience in both the public and private sectors has provided Mr. Cornelius with a broad range of knowledge.

Mr. Cornelius has conducted numerous Traffic Impact Studies throughout the Baltimore-Washington Metropolitan area, from small residential subdivisions to multi-million square foot, mixed use developments. He has served as a Transportation Planner for the development of Master Plans for both private firms and government agencies. Traffic signal warrant studies, traffic signal design, and traffic control plans are examples of the types of projects Mr. Cornelius has undertaken while practicing as a consulting traffic engineer.

Mr. Cornelius' educational and professional background have qualified him as an expert in the field of traffic engineering and transportation planning before numerous County and municipal planning and zoning boards in Maryland and Pennsylvania.

JOB HISTORY

1984 to Present
Traffic Engineering Consultant

1982-1984
Civil Engineer, Highway Construction
S.J. Groves and Sons Co.

EDUCATIONAL BACKGROUND

B.S. in Civil Engineering with emphasis in Transportation—
The Pennsylvania State University
Traffic Engineering Courses: Northwestern University Traffic Institute; Polytechnic Institute of New York

AFFILIATIONS

Registered Professional Engineer (P.E.)
Institute of Transportation Engineers (I.T.E.)
National Society of Professional Engineers (N.S.P.E.)

PLACES WHERE MR. CORNELIUS HAS QUALIFIED AS AN EXPERT WITNESS

Board of Appeals—Anne Arundel County, Md.
Zoning Hearing Examiner—Anne Arundel County, Md.
Zoning Commissioner—Baltimore County, Md.
County Review Group (CRG)—Baltimore County, Md.
Board of Appeals—Baltimore County, Md.
Circuit Court—Baltimore, Md.
Board of Appeals—Charles County, Md.
Planning Advisory Board—City of Bowie, Md.
Mayor and City Council—City of Bowie, Md.
Planning Board—Howard County, Md.
County Council—Howard County, Md.
Board of Appeals—Montgomery County, Md.
Zoning Hearing Examiner—Montgomery County, Md.
Planning Board—Montgomery County, Md.
Planning Board—Prince Georges County, Md.
County Council—Prince Georges County, Md.
Planning Board—Town of Bel Air, Md.
Town Commissioners—Town of Bel Air, Md.
Zoning Hearing Examiner—Town of Bel Air, Md.
Zoning Hearing Board—Manchester Township, Pa.

The Traffic Group, Inc. Suite 600 40 W. Chesapeake Avenue Towson, Maryland 21204 301-583-8405 Fax 301-321-8455

90-138-SPHX
Exh 7
4/27/91 cwc

The Traffic Group

April 11, 1991

Pikesville Sportsman's Club
c/o Mr. Richard Blocher
1 Atherton Road
Lutherville, Maryland 21093

RE: Pikesville Sportsman's Club
Baltimore County, Maryland
Our Job No.: 91004

Dear Mr. Blocher:

As requested, The Traffic Group, Inc. has reviewed the proposed Special Exception request to relocate the existing Pikesville Sportsman's Club from it's current location to the proposed location in Glen Arm, Maryland.

In December of 1989, The Traffic Group, Inc. evaluated the proposed Special Exception at that time to determine it's impact on traffic conditions in the vicinity of the new site.

The major difference between the plan proposed in 1989 and the current plan, is a downscale of the project which will result in a site very similar to the existing site.

The study conducted in 1989, illustrated that traffic generation by the Club is virtually non-existent in the morning and evening weekday peak hours, which are the primary concerns when conducting Traffic Impact Analyses. The peak periods for the club were determined to be Saturday and Sunday peaks which are typically lower traffic volume periods on the surrounding area road system. The studies conducted in 1989 illustrated that the Club generates an average of 26 trips per day or 13 vehicles on an average weekday. During times of special events, such as the Hunters Safety Course, which was included in our analysis, the trip generation for the site can be expected to increase. Even during those peak times, the use is a low traffic generator, generating a maximum of 68 vehicles during a one hour period during the time the Hunters Safety Course was being offered.

The Traffic Group, Inc. also conducted an analysis of the roadway conditions in the vicinity of the proposed site, analyzing the nearest major intersection of Long Green Pike and Glen Arm Road. This analysis illustrated that during the Saturday and Sunday peak hours when traffic from the Club would be generated, optimum Level of Service "A" conditions exist at this location. Based upon this information, and the projected

The Traffic Group, Inc.
Suite 900
40 W. Chesapeake Avenue
Towson, Maryland 21204
301-583-8455
Fax 301-321-8458

Pet Exh. 8
90-135 SPHX
4/15/91
CWZ

CURRICULUM VITAE

George E. Winzer
17721 Mill Creek Drive
Derwood, Maryland 20855
(301)921-8360 or 869-1234

Born September 24, 1933
Married
Two children
U.S. Citizen

EDUCATION:

- Bachelor of Science (B.S.) - Physics 1960
  Muhlenberg College, Allentown, PA.
- Graduate study in Physics (Acoustics) 1961-63
  American University, Washington, D.C.
- Numerous courses, seminars and conferences on acoustics, environmental issues and supervisory and management topics.

-Diploma (1951) - Emmaus High School, Emmaus, PA.
-Diploma (1952) - The School of Pianoforte Technology, Chicago, Illinois
-Certificate (1953-54) - The Ordnance School, U.S. Army, Aberdeen Proving Grounds, Aberdeen, MD.
-Certificate (1956) - Moravian Preparatory School, Bethlehem, PA.

EXPERIENCE:

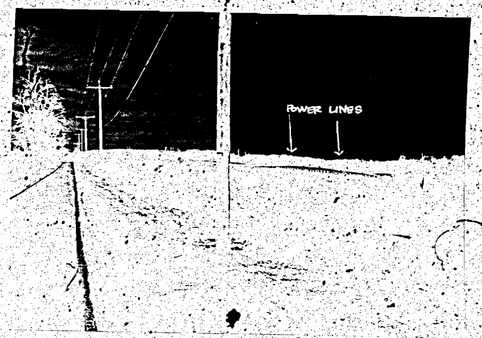
October 1983 to Present: WINZER ASSOCIATES - Acoustical and Environmental Consultants--Self-employed consultant providing services in architectural acoustics, environmental and industrial noise control, sound and vibration measurements, environmental zoning and land-use issues, and environmental hazards; e.g., indoor air quality, asbestos, ionizing radiation, and air and water quality.

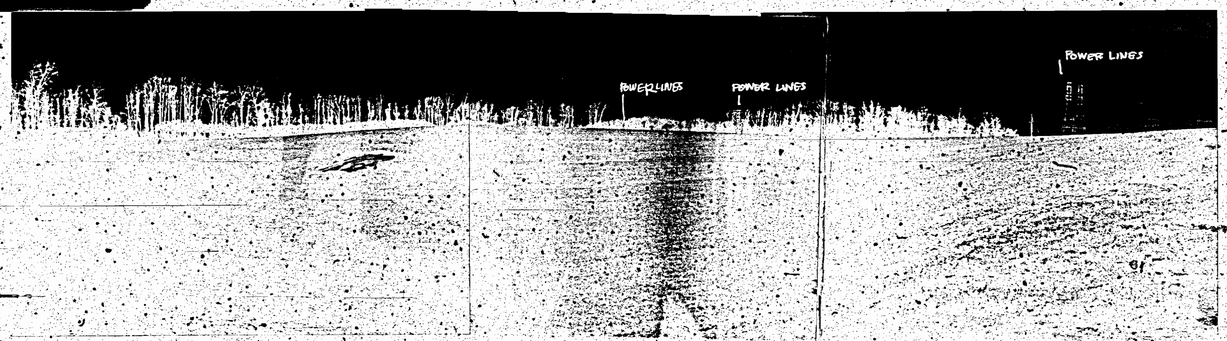
February 1970 through September 1983: U.S. Department of Housing and Urban Development, Washington, D.C.

Senior Scientist---Served as principal scientific and technical advisor to the Assistant Secretary for Policy Development and Research and the Secretary on environmental and other matters affecting the Department. Served on several Working Groups of the Cabinet Council on Natural Resources and Environment. Responsible for designing, developing and conducting applied research, demonstration and evaluation programs directed toward providing the scientific, technological and economic bases for policies, criteria and standards, and methods for avoiding, mitigating or controlling environmental hazards detrimental to health, welfare and property.

Supervisory Environmental Scientist---Directed and managed the Department's environmental research programs dealing with acoustics (e.g. site suitability for housing with respect to transportation, industrial and other noise sources as well as the acoustical properties of buildings and structures), natural hazards (landslide, earth subsidence, flooding and earthquakes), and environmental hazards (e.g. air quality in residential areas, indoor air quality, hazards of ionizing radiation infiltrating houses or emanating from building materials, asbestos hazards, water quality related to assuring adequate supplies of potable water and proper disposal of liquid wastes, and the technical and economic implications of toxic substances and other hazardous wastes upon housing and community development activities.

Petitioner's Ex 7
90-135 SPHX
4/15/91
CWZ



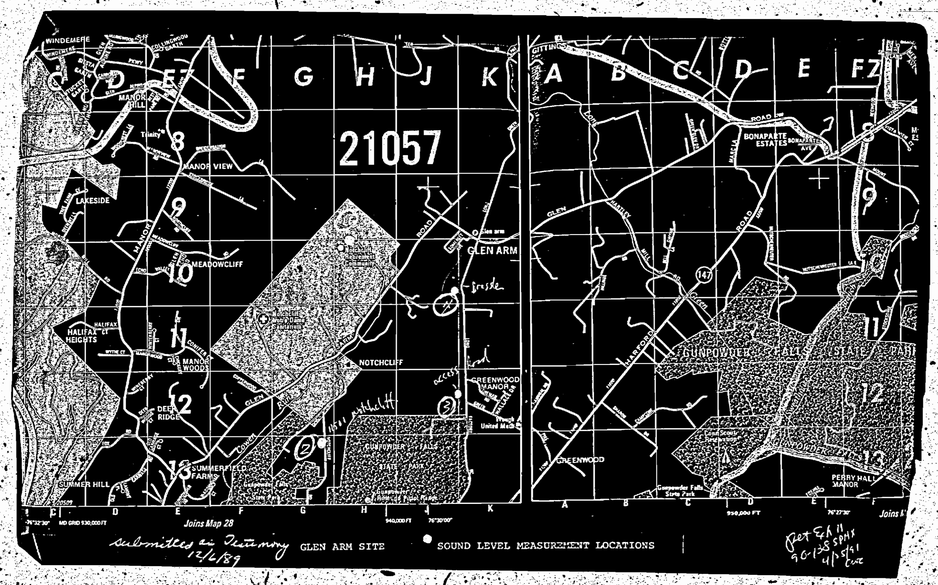


Entered as Testimony
12/6/89

PRESENT SITE

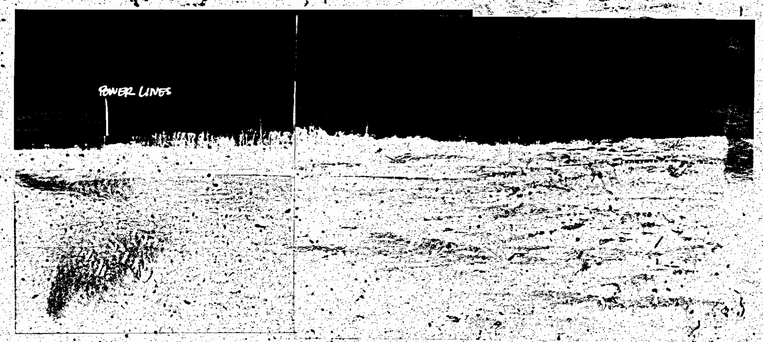
SOUND LEVEL MEASUREMENT LOCATIONS

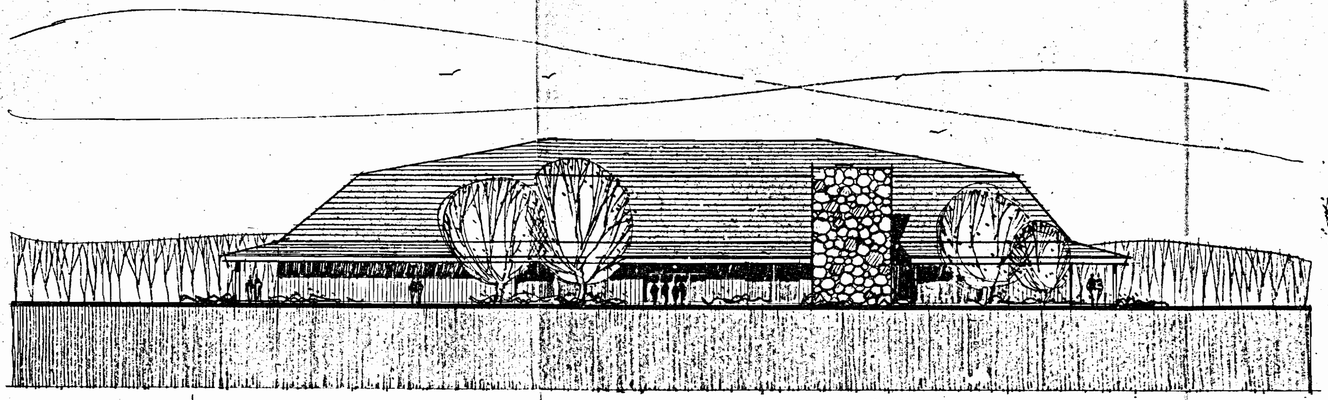
Pet Exh 10
90-135 SPHX
4/15/91
CWZ



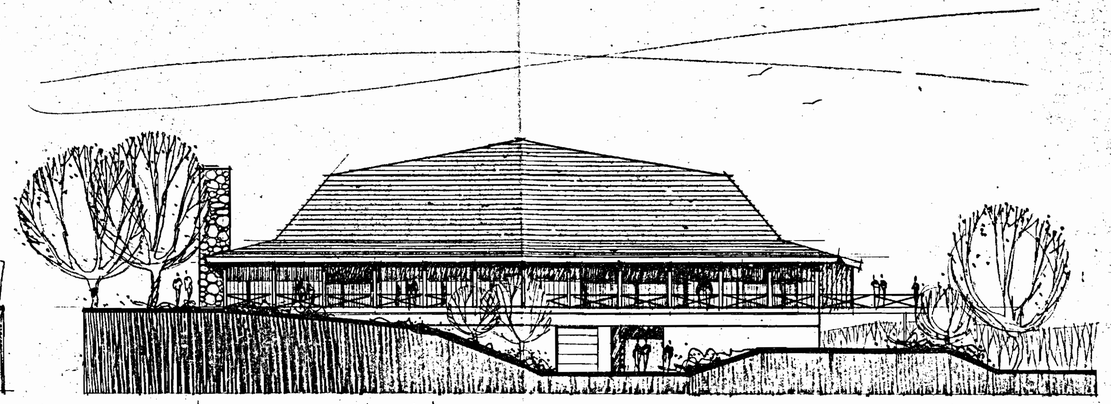
submitted as Testimony 12/6/89 GLEN ARM SITE • SOUND LEVEL MEASUREMENT LOCATIONS

Pet Exh 11
90-135 SPHX
4/15/91
CWZ

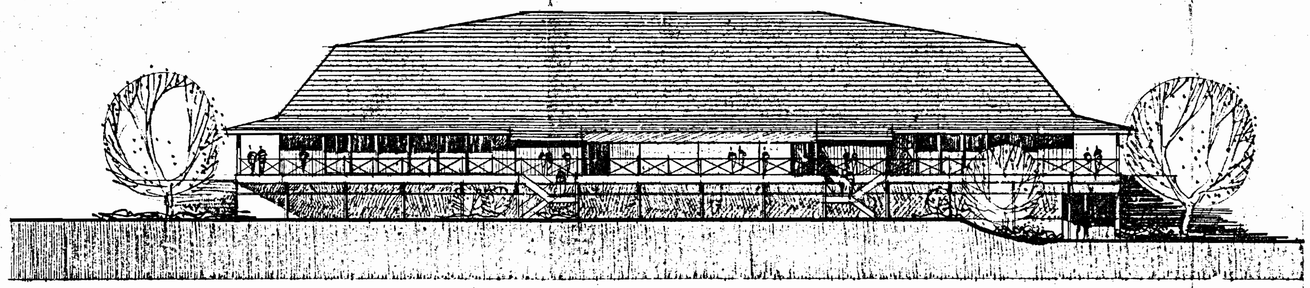




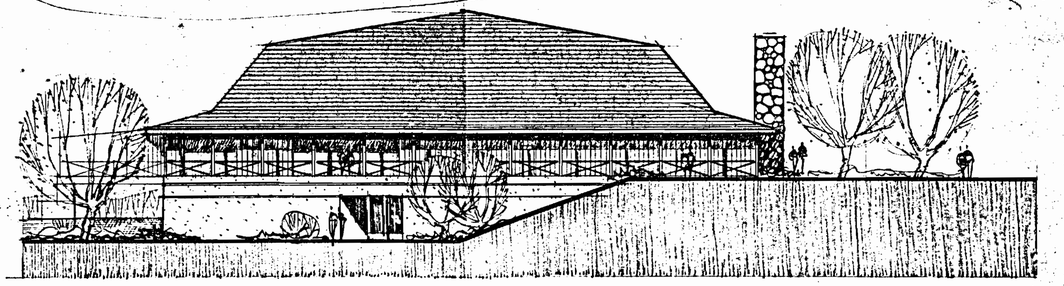
main entrance · north ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

ELEVATIONS 1/16"

CLUBHOUSE FACILITY for PIKESVILLE SPORTSMAN'S CLUB, INC.

LONG GREEN Pike GLEN ARM, BALTIMORE County, MARYLAND ANTHONY J. IANNIELLO, INC. architect

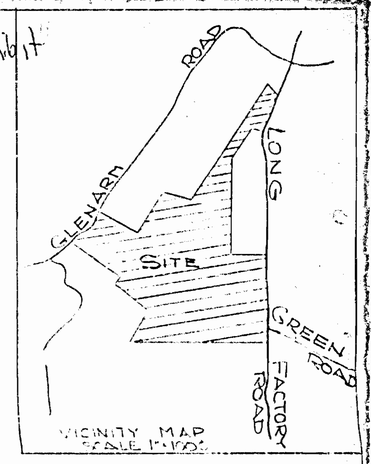
PETITIONER'S EXHIBIT 2

3

DECEMBER 5, 1989

91-38-SPH

Petitioners Exhibit #1



GENERAL DATA

AREA OF PROPERTY = 201 Ac ±
EXISTING ZONE RC 2 & RC 5
PROPOSED ZONE RC 2 & RC 5
EXISTING USE - VACANT-AGRICULTURE USE
PROPOSED USE - SPORTSMAN CLUB & SHOOTING RANGE

PARKING DATA

AREA OF CLUBHOUSE 34,000 SQ FT
PARKING SPACES REQUIRED - 1 SPACE / 300 SQ FT = 114 SPACES
" " SHOWN TOTAL OF 200 SPACES
ALL SPACES 9 x 20 WITH 22' ROADWAY

GENERAL NOTES

1 NO VEHICULAR ACCESS PERMITTED FROM GLENARM ROAD
2 NO CLEAR CUTTING OF WOODED AREAS AND NO DISTURBANCE WETLANDS OR STREAM BUFFERS
3 RIFLE RANGE TO BE CONSTRUCTED IN ACCORDANCE WITH N.R.A. SAFETY STANDARDS
4 PROPOSED USE OF CLUB HOUSE
A. [illegible] AFFAIRS
B MEETING ROOMS
C KITCHEN
D INDOOR PISTOL RANGE
E INDOOR ARCHERY RANGE
5 ALL BUILDINGS TO EXCEED THE MINIMUM SETBACK REQUIREMENT
6 MAXIMUM HEIGHT OF BUILDINGS NOT TO EXCEED 35 FT
7 OWNERS SHALL COMPLY TO ALL PROVISIONS OF SEC. 188 OF THE BALTIMORE COUNTY CODE
8 USE AREAS - ARCHITECTURAL DIAGRAMS AND DIMENSIONS TO BE DETERMINED AT LATER DATE

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

PIKESVILLE SPORTSMAN CLUB

11th ELECT. DIST.
SCALE 1" = 100'

BALTO. CO. MD
REVISED - NOV. 25 1989

GREEN
PIKE
GLENARM ROAD
RC2 ZONE
RC2 ZONE
RC5 ZONE

NOTE: THIS PLAT PREPARED FROM DEED PLATS AND OTHER SOURCES NOT A COMPLETE FIELD SURVEY

E.F. RAPHEL ASSOC.

January 6, 1992 Order of the Circuit Court that extension of time in which to file record be extended to January 16, 1992.

January 16 Transcript of testimony filed.

Petitioners' Exhibit No.
1 -Letters of Commendation (Collectively)
2 -Rules & Regulations
3 -SDAT Tax Map No. 57
4 -Revised Plat 1/3/91
5 -Qualifications of Stuart Z. Cohen
6 -Report of Environmental; Turf Services, Inc. 4/11/91
7 -Curriculum Vitae Mickey Cornelius
8 -Report of Mr. Cornelius
9 -Curriculum Vitae of George E. Winzer
10 -Present site Sound Level Measurement Location
11 -Glen Arm Site - Sound Level Measurement Locations
12 -Balto. Co. Aerial Map
13 -Topographical Map
14 -Notchcliff Topogr. Map 14E
15 -A-G Photos
16 -Site plan w/photo location
17 -Site Plan for proposed use (color coded for topography & water)
18 -Petition
19 -Resume of Walter Reiter
20 -Report by Walter Reiter
21 -Resume of Michael Staino
22 -Report by Staiano
23 -A & B-NRA Baffle designs

Protestants' Exhibit No.
1-Map showing roads of area
2-Photo taken by Alfred Redmer
(IN BOARD'S CLOSET) 3-Area Shooting Map
(IN BOARD'S CLOSET) 4-Opposed Residents Chart
5-Petition of Protestants
6-Migratory Bird Hunting Guide
7-Geological Survey - Towson Quadrant
8-Gunpowder Falls State Park
9-Resume of Bernard F. Semon
10-Plat Showing Zoning
11-Tax Map
12-4/26/91 Long Green Valley Assoc.
13-Summerfield Farms Assoc.
14-Map w/Baranowski photos

Petitioners' Exhibit No.
15-Photos (A-S)
16-Photos (A-Z)
17-Nomograph
18-Article Blood Lead Levels & In-door Target Practice [Protestant reserves right to supply Rule 8]

Protestants' Exhibit No.
19-Resume of Norman Gerber
20-Master Plan Map
21-Master Plan (p. 51 & 52)
22-Language from Zoning Regs.
23-Language from Zoning Regs.
24-Glen Arm Comm. Assoc. (Rule 8)

January 16, 1992 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office and upon request of the parties or the Court will be transmitted to the Court by whomever institutes the request.

Respectfully submitted,

Linda Lee M. Kuszmaul

LindaLee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 49, Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

cc: J. Carroll Holzer, Esquire
Glen Arm Community Association, et al
Robert A. Hoffman, Esquire
Ida S. Eckhart, et al
Richard Blocher, Pres. - Pikesville Sportsman's Club, Inc.

GLEN ARM COMMUNITY ASSOCIATION, et al.
Appellants
v.
IDA S. ECKHART, et al.
Appellees

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 91-CV-6947
* Zoning Case 90-138-SPHX

* * * * * * * *

91 DEC 18 PM 12:58
COUNTY BOARD OF APPEALS
RECEIVED

RESPONSE TO MOTION TO EXTEND TIME FOR FILING RECORD

Ida S. Eckhart, Mary H. Smith, Vernon L. Smith, Jr., Courtney J. Smith, Patricia A. Cuddy, and Carol A. Chambers, legal owners, and Pikesville Sportsman's Club of Baltimore County, Inc., contract purchaser, Appellees, by John H. Zink, III and Robert A. Hoffman with Venable, Baetjer and Howard, their attorneys, responds to the Appellants' Motion to Extend the time for filing the record as follows:

1. This action involves an administrative appeal of a zoning decision by the County Board of Appeals dated October 29, 1991.

2. The Appellants' Petition on Appeal was filed on December 9, 1991, and in accordance with Maryland Rule B7, the record of the administrative proceeding is required to be filed within 30 days after receipt of the Petition by the Board of Appeals.

3. The Board of Appeals requires the Appellants to pay the expense of transcription as permitted under Maryland Rule B7, but apparently the Appellants filed their appeal without having adequate financial resources for transcription of the record.

4. The Appellants have filed a Motion to Extend Time for Filing of Record, but they are not entitled to extend such time unless they have sufficient cause for a delay. Refer to Maryland Rules B7(b) and B7(c).

5. Any cause attributable to the Appellants, and/or predicated on a lack of diligence, is not sufficient to justify delay.

6. The Appellees are entitled to a prompt and efficient resolution of this matter which directly affects their property rights and interests; the Appellants' fundraising exercise is not a legally sufficient reason to delay.

7. The Appellants have not stated any grounds or authorities to substantiate their Motion, and, therefore, the Motion is contrary to the requirements of Maryland Rule 2-311 (Motions).

Accordingly, the Motion to Extend Time should be denied.

JOHN H. ZINK, III

ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 823-4111
Attorney for Appellees

REQUEST FOR HEARING AND STATEMENT OF GROUNDS AND AUTHORITIES

The Appellees respectfully request a hearing on the Appellants' Motion to Extend TIme, and the Appellees will rely on the following grounds and authorities:

1. The Appellants are required to pay for the expense of transcribing the record of proceedings before the Board of Appeals as a condition precedent to the filing of the record in this court. Refer to Maryland Rule B7(a).

2. The record of the proceedings before the Board of Appeals is required to be filed in this court within 30 days after the Board receives the Appellants' Petition on Appeal which was served on December 9, 1991. The time for filing the record may be extended for 90 days based on "sufficient cause." Refer to Maryland Rules B7(a) and (b).

3. An appeal is not to be dismissed because the record is not timely filed only if the delay is not occasioned by any neglect, omission, or other fault attributable to the Appellant. Refer to Maryland Rule B7(c).

4. The Appellants' Motion is based on the reason that the Appellants need additional time "to raise sufficient funds to pay for the [transcript]." The Motion does not include any authority or precedent which would justify such excuse as "sufficient cause." Therefore, the Motion is defective because the Appellants have failed to file a Statement of their Grounds and Authorities. Refer to Maryland Rule 2-311(c).

5. The purpose of Maryland Rule B7 is to permit the efficient resolution of appeals which significantly affect the Appellees' property rights. If the process is to be delayed, the Appellants must have "sufficient reason" to extend the time for filing the transcript. Maryland courts recognize a similarity in the concepts of cause, good cause, and substantial or sufficient reasons. In Re: Trevor, 55 Md. App. 491, 494-496 (1983) and Ohio Casualty Insurance v. Insurance Commissioner, 39 Md. App. 547, 551-552 (1978). These precedents support the conclusion that good or sufficient cause means an appropriate "legal excuse" necessary to accomplish the purpose of the applicable procedural rules. Refer also to Black's Law Dictionary, "Good Cause/Sufficient Cause" (Revised Fourth Edition).

6. "Sufficient cause" means unanticipated circumstances which adversely affect the Appellants and which could not be avoided or anticipated by reasonable diligence. Refer to In Re: Trevor and Ohio Casualty Insurance v. Insurance Commissioner, supra, and Kay Construction Company v. County Council, 227 Md. 479 (1962).

7. The failure to pay for a necessary transcript is not a legal excuse or sufficient reason to delay an appeal. Refer to Wolper v. Wolper, 303 P.2d 578 (CA 1956), and compare Dellerman v. Trager, 327 S.W.2d 667 (TX 1959).

8. The Appellants do not have "sufficient cause;" therefore, their Motion must be denied.

JOHN H. ZINK, III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of , 1991, a copy of the foregoing Response to Motion to Extend Time for Filing Record was, prior to filing, hand delivered to: J. CARROLL HOLZER, ESQUIRE, Holzer, Maher, Demilio & Lee, 305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Attorney for Appellees, and to: LINDALEE M. KUSZMAUL, Legal Secretary, County Board of Appeals of Baltimore County, County Office Building, Room 315, 111 West Chesapeake Avenue, Towson, Maryland 21204.

JOHN H. ZINK, III

RESP0412.JHZ

GLEN ARM COMMUNITY ASSOCIATION, et al.
Appellants
v.
IDA S. ECKHART, et al.
Appellees

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. 91-CV-6947
* Zoning Case 90-138-SPHX

* * * * * * * *

91 DEC 18 PM 12:58
COUNTY BOARD OF APPEALS
RECEIVED

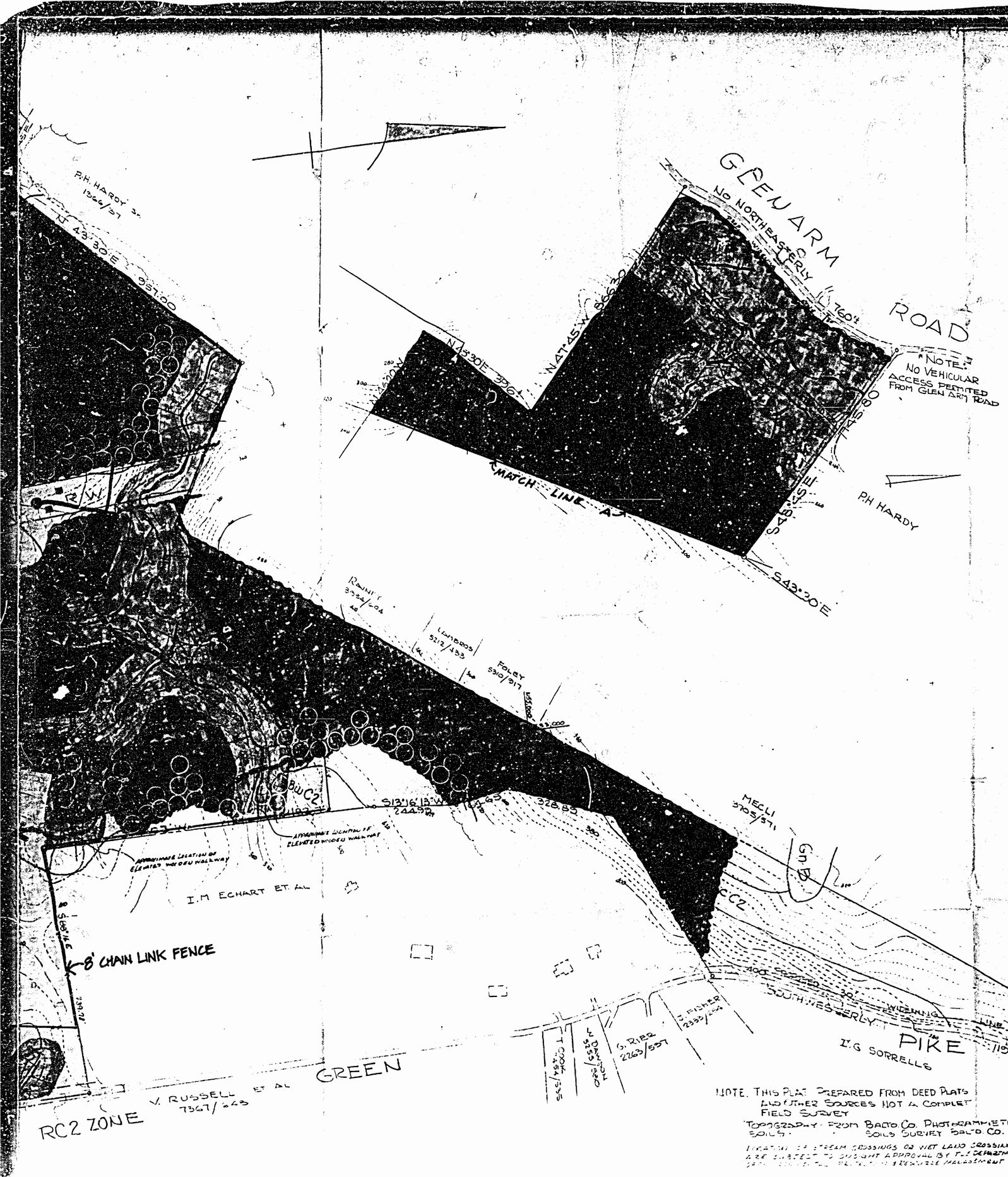
ANSWER TO PETITION

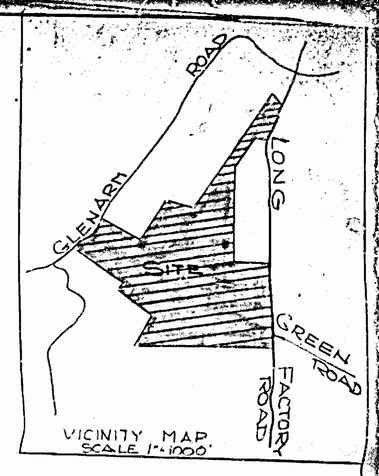
Ida S. Eckhart, Mary H. Smith, Vernon L. Smith, Jr., Courtney J. Smith, Patricia A. Cuddy, and Carol A. Chambers, legal owners, and Pikesville Sportsman's Club of Baltimore County, Inc., contract purchaser, Appellees, by John H. Zink, III and Robert A. Hoffman with Venable, Baetjer and Howard, their attorneys, in accordance with Maryland Rule B9, answer the Appellants' Petition on Appeal as follows:

1. Paragraph 1 is denied.
2. Paragraph 2 is denied.
3. Paragraph 3 is denied.
4. Paragraph 4 is denied.
5. Paragraph 5 is denied.
6. Paragraph 6 is denied.
7. Paragraph 7 is denied.
8. The Petition includes issues neither presented to nor decided by the County Board of Appeals.
9. The record of these proceedings references evidence sufficient to support the conclusions of the Board of Appeals.

STATE OF MARYLAND FOREST AND PARKS

MARYLAND NATIONAL GUARD RIFLE RANGE





GENERAL DATA

AREA OF PROPERTY = 201 Ac ±
EXISTING ZONE RC 2 + RC 5
PROPOSED ZONE RC 2 + RC 5
EXISTING USE VACENT - AGRICULTURE USE
PROPOSED USE - SPORTSMAN CLUB + SHOOTING RANGE

PARKING DATA

AREA OF CLUBHOUSE 17,000 SQ FT
PARKING SPACES REQUIRED - 1 SPACE / 300 SQ FT = 57 SPACES
" " SHOWN TOTAL OF 148 SPACES
ALL SPACES 9 X 20 WITH 22' ROADWAY

GENERAL NOTES

1 No VEHICULAR ACCESS PERMITTED FROM GLENARM ROAD
2 NO CLEAR CUTTING OF WOODED AREAS AND NO DISTURBANCE WETLANDS OR STREAM BUFFERS
3 RIFLE RANGE TO BE COUSTRUCTED IN ACCORDANCE WITH N.R.A. SAFTY STANDARDS
4 PROPOSED USE OF CLUB HOUSE
- A. CLUB AFFAIRS
- B MEETING ROOMS
- C KITCHEN
- D INDOOR PISTOL RANGE
- E INDOOR ARCHERY RANGE

5 ALL BUILDINGS TO EXCEED THE MINIMUM SETBACK REQUIREMENT
6 MAXIMUM HEIGHT OF BUILDINGS NOT TO EXCEED 35 FT.
7 OWNERS SHALL COMPLY TO ALL PROVISIONS OF SEC. 188 OF THE BALTIMORE COUNTY CODE
8 USE AREAS - ARCHITECTURAL DIAGRAMS AND DEMENSIONS TO BE DETERMINED AT LATER DATE

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

PIKESVILLE SPORTSMAN CLUB

11th ELECT. DIST. BALTO. Co. MD
SCALE 1" = 100' REVISED - NOV. 25 1989
NOV. 1, 1990
JAN. 3, 1991

NOTE. THIS PLAT PREPARED FROM DEED PLATS AND OTHER SOURCES NOT A COMPLET FIELD SURVEY
TOPOGRAPHY: FROM BALTO. Co. PHOTOGRAMMETICS
SOILS: SOILS SURVEY BALTO. Co.
LOCATION OF STREAM CROSSINGS OR WET LAND CROSSINGS ARE SUBJECT TO DNR/WMA APPROVAL BY THE DEPARTMENT OF [illegible] A REVISABLE MEASUREMENT

No 135 SPKR
REV 6/11/91
9/4/91

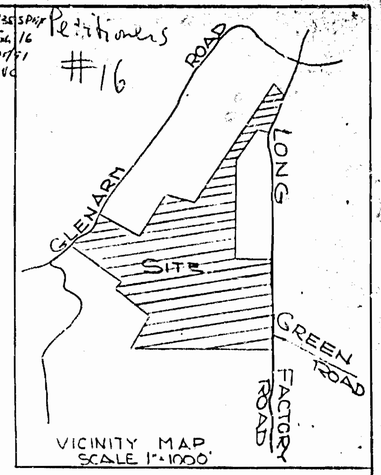
E.F. RAPHEL & ASSOC.
REG. PROF. LAND SURVEYORS
205 COURTLAND AVE TOWSON MD

STATE OF MARYLAND FOREST AND PARKS

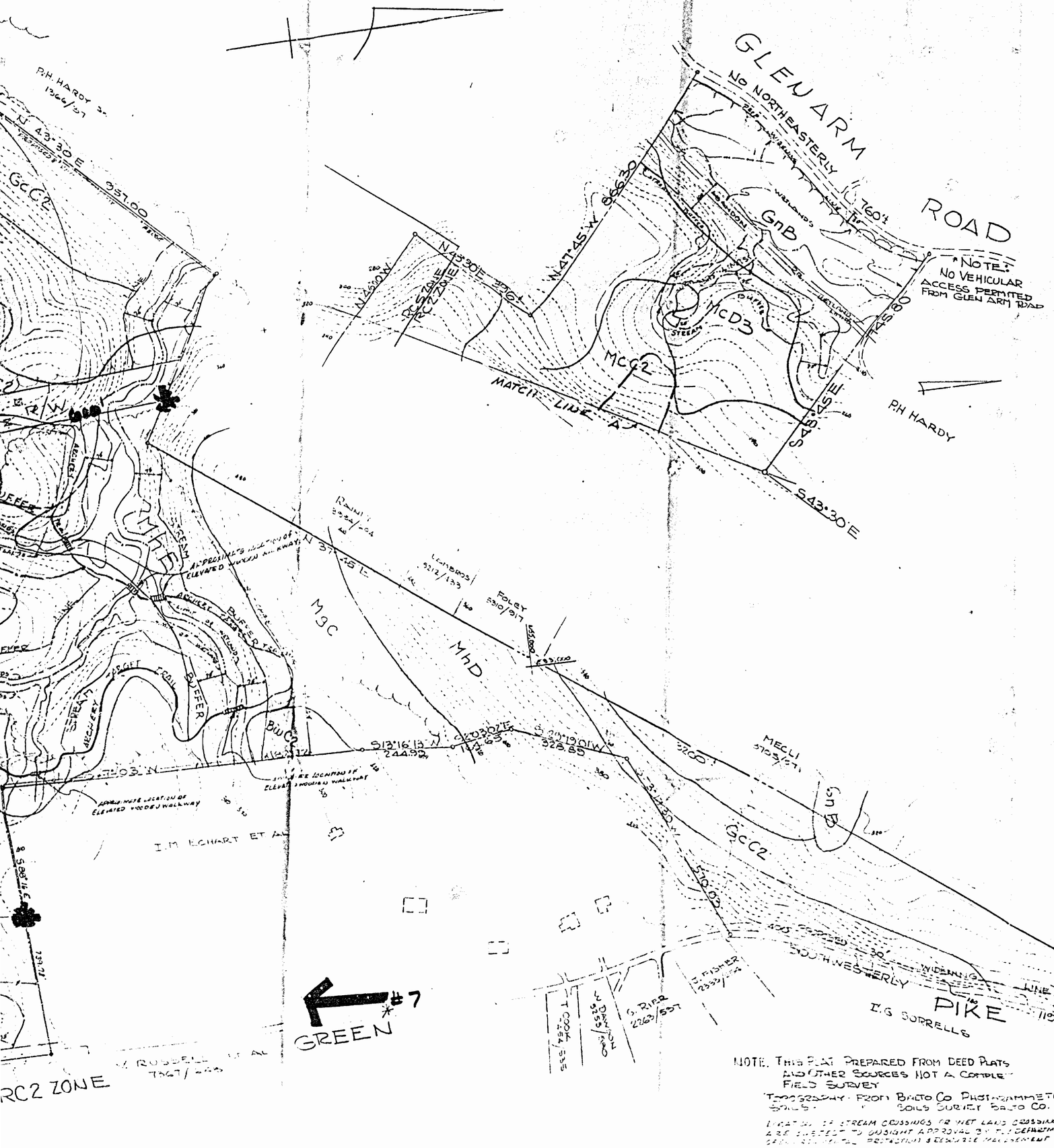
MARYLAND NATIONAL GUARD RIFLE RANGE

90-135 SPHX
Pet Exh 16
4/27/91
AVC

Petitioners #16



VICINITY MAP
SCALE 1"=1000'



GENERAL DATA

AREA OF PROPERTY	= 201 Ac ±
EXISTING ZONE	RC 2 + RC 5
PROPOSED ZONE	RC 2 + RC 5
EXISTING USE	VACANT - AGRICULTURE USE
PROPOSED USE	SPORTSMAN CLUB + SHOOTING RANGE

PARKING DATA

AREA OF CLUBHOUSE	17,000 SQ FT	
PARKING SPACES REQUIRED - 1 SPACE / 300 SQ FT -		57 SPACES
" SHOWN	TOTAL OF	142 SPACES

ALL SPACES 9' X 20' WITH 22' ROADWAY

GENERAL NOTES

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  B MEETING ROOMS
  C KITCHEN
  D INDOOR PISTOL RANGE
  E INDOOR ARCHERY RANGE
5 ALL BUILDINGS TO EXCEED THE MINIMUM SETBACK REQUIREMENT
6 MAXIMUM HEIGHT OF BUILDINGS NOT TO EXCEED 35 FT.
7 OWNERS SHALL COMPLY TO ALL PROVISIONS OF SEC. 103 OF THE BALTIMORE COUNTY CODE
8 USE AREAS-ARCHITECTURAL DIAGRAMS AND DIMENSIONS TO BE DETERMINED AT LATER DATE

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

PIKESVILLE SPORTSMAN CLUB

11th ELECT. DIST.
SCALE 1" = 100'

BALTO. CO. MD
REVISED - NOV. 25 1989
NOV. 1, 1990
JAN. 3, 1991

NOTE: THIS PLAT PREPARED FROM DEED PLATS AND OTHER SOURCES NOT A COMPLETE FIELD SURVEY
TOPOGRAPHY FROM BALTO CO PHOTOGRAMMETICS
SOILS SOILS SURVEY BALTO CO.
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E.E. RAPHEL & ASSOC.
REG. PROF. LAND SURVEYORS
825 CO. PORTLAND AVE. TOWSON MD

RC2 ZONE

RC5 ZONE

N 31° 45' E

N 88° 00' W

STATE OF MARYLAND NATIONAL GUARD RIFLE RANGE

FOREST AND PARKS

MATCH LINE

MATCH LINE

MCD2

MCD3

MhD

MgC

MbB

ByD2

BwB2

BwC2

CcB2

CcC2

NeB2

NeC2

NgB2

NgC2

NcB2

BaA

ReB2

ReC2

ReD2

ReE2

ReF2

ReG2

The Board of Appeals itself, in Case No. 85-132X, In the Matter of the Application of Meadowcliff, a New Covenant Church, recognized the affirmative requirement placed upon the Petitioner in Baltimore County Zoning Regulations 1A01.2C, as set forth in the attached decision, page 2, in finding that "a legislative history of Baltimore County Zoning Regulation 1A01.2C as reflected in Bill 178-79 mandates that uses proposed within an RC2 zone should support agricultural purposes" (emphasis supplied). It is clear that in the past this Board has understood the requirement of an affirmative showing by the petitioners that the proposed us would support or foster conditions of agriculture. In the instant case they have totally failed to produce such evidence. The Meadowcliff case is attached and incorporated herein as Exhibit No. 3.

CONCLUSION

WHEREFORE, Protestants respectfully requested that the Board deny the Petition for Special Exception in the above captioned matter.

Respectfully submitted,

J. CARROLL HOLZER
Holzer, Maher & Demilio
305 West Chesapeake Ave.
Suite 105
Towson, Maryland 21204
(301) 825-6960
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of July, 1991, a copy of the aforegoing Memorandum was mailed, first class, postage prepaid to John Howard, Esquire and Rob Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

J. CARROLL HOLZER

gen.doc.1:a:\pikesgun.phm

* * * * *

Excerpt testimony of Norman Gerber, taken before the County Board of Appeals, at the County Office Building, Towson, Maryland 21204, at 9 o'clock a.m., June 18, 1991.

* * * * *

Reported by:
C.E. Peatt

EXH 1

NORMAN GERBER,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. HOLZER:

Q. Mr. Gerber, you have already been sworn. So would you give us your full name, present address and present occupation.

A. Norman Gerber, 35 Pickbure Court, Cockeysville,, Maryland 21030. Urban and regional planner.

Q. Could you give us a brief resume? I think most of us are familiar with your background, but just very briefly, for the record.

A. I was with the Baltimore County Planning Office for a little over 30 years. I left there in the beginning of 1988. I worked as the Director of Planning for the City of Laurel, and I have been working as a private consultant for the last three years.

Q. You have been very modest. You were also the Baltimore County Planning Director?

A. I was the Director of the Office of Planning and

zoning for almost eight years.

Q. And were you in the Office of Planning and Zoning when the RC zones were developed?

A. Yes, I was. And amended, several times.

MR. HOLZER: I would submit Mr. Gerber's resume.

MR. CLARK: Protestants' Exhibit No. 19.

MR. HOLZER: Your witness.

MR. HOFFMAN: I have no objection to Mr. Gerber's qualifications.

Q. Mr. Gerber, were you requested to do a study concerning this proposed site?

A. Yes.

Q. And we have as Petitioner Exhibit No. 4, I believe, on Mr. Hoffman's desk, a copy of that if you need to refer to it. I don't know whether you're going to need to do that or not, but here it is. we'll get it for you if you do. What did your study consist of?

A. Well, I reviewed the file as it had been developed prior to this hearing and what I guess must have been a hearing last week, and in the Board of Appeal's office. I've got my copy of the latest amended plan. At

the kind opportunity offered me by the petitioner, I field-inspected the area on the 15th, last Sunday, and probably spent about two hours in the area.

I also reviewed the county's master plan as adopted by the County Council and reviewed the county zoning regulation.

Q. Could you briefly describe the area which you studied and also field-inspected?

A. The property is located in what I would primarily characterize as an agricultural area. It is near the edge of, as you approach the property from the Harford road side, it is -- at the top of a slope of the Gunpowder Falls Valley, there's a dramatic change in the character of the area as you reach the top of the slope. It's bordered, I guess, on the east, on the southeast, by Factory Road and Long Green Pike, and on the west by Glen Arm Road for a small portion of the property.

Both sites are basically adjacent to farms. Both sides of the site are adjacent to farms. They probably have a dozen or so houses that are on Long Green Pike and a few that are on Glen Arm Road.

Primarily, it's agricultural in the area. The property itself was being farmed and it was a tractor working the property when I was out there Sunday. It was awfully dusty. We got the rain today. I don't know -- I don't see how the driver could even see where he was going, the dust was so bad. And the southern part of it borders right on the Gunpowder State Park.

Q. As a result of your study and as a result of your review of the area, have you formed any conclusions about the proposed gun club?

A. Yes.

Q. What is that conclusion?

A. My opinion, the proposed use is inconsistent with the county master plan. It's not favorable to the continued use of the agricultural area as identified in the RC 2 zone. And I think it would be detrimental to the continued agricultural use of the adjacent areas.

I don't think it meets all the tests of a special exception described in 502.1.

Q. All right, sir. Would you, as a result of those opinions, would you tell the Board upon which they are

based? And I know you prepared a number of references to either the zoning regulations, the master plan or plats. Do you have a copy of all those?

A. Yes, I do.

MR. HOLZER: I am going to give Mr. Hoffman a copy so that he can follow along with you if need be.

Q. Okay, Mr. Gerber, would you proceed.

A. What I have, when looking at the master plan, if you look at pages 124 and 125 of this document as it was adopted by the County Council on February 5th of 1990, I sketched the property just generally, very, very generally of the general location. And it is in an agricultural preservation area of the master plan.

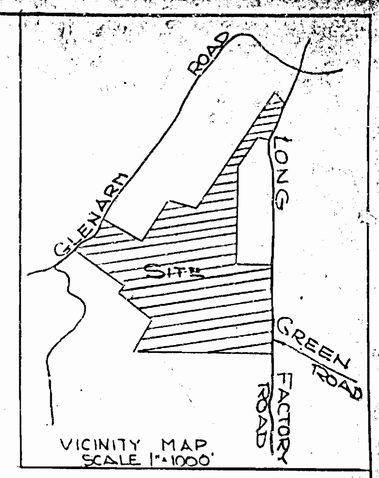
Q. You're referring to this document which is colored in?

A. Right. The small red area down near the bottom of the property --

MR. HOFFMAN: Mr. Hackett, I am going to object to any further testimony with regard to the master plan. I don't see how the master plan is relevant to the burden of proof in this case, unless this witness can tell me where

90-138SPHX
Pet Ex 17
4/5/91
Case

Petitioners
#17



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PROPOSED ZONE RC 2 & RC 5
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PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

PIKESVILLE SPORTSMAN CLUB

11th ELECT. DIST. BALTO. CO. MD
SCALE 1" = 100'
REVISED - NOV. 25 1989
NOV. 1 1990
JAN. 3, 1991

NOTE. THIS PLAT PREPARED FROM DEED PLATS AND OTHER SOURCES NOT A COMPLETE FIELD SURVEY
TOPOGRAPHY - FROM BALTO. CO. PHOTOGRAMMETICS
SOILS - SOILS SURVEY BALTO. CO.
LOCATION OF STREAM CROSSINGS ARE NOT LAND CROSSINGS ARE SUBJECT TO ONSIGHT APPROVAL BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

SCALE 1"=100'

E.F. RAPHEL & ASSOC.
REG PROF. LAND SURVEYORS
305 COURTLAND AVE TOWSON MD

STATE OF MARYLAND
MARYLAND NATIONAL GUARD RIFLE RANGE
FOREST AND PARKS

RC2 ZONE

N 88°00' W

MCD2 CURB LINE FENCE
MATCH LINE
MCD3
MHD
MgC
MbB
BuD2
McC2
BaB45E
R.H. HARDY 1366/57
N 43° 30' E 351.00
GcC2
BYD2
380
400
390
395
25 YD. PISTOL RANGE
200 METER RIFLE RANGE
WETLANDS
BUFFER
STREAM
ELEC TOWER LINE
200' SAFETY ZONE
CB2
RW
NeB2
GnB
FOR AGRICULTURAL STRUCTURE
SEPTIC RESERVE AREA 37,000 SF
LANDSCAPED AREA
SOUTHERLY
FACTORY RD.
C. MILLER 5329/446
R. WOODWARD 5089/565
V. RUSSELL ET AL 7367/648
I.M ECHART ET AL
GREEN
LONG
T. COOK 1454/655
APPROXIMATE LOCATION OF ELEVATED WOODEN WALKWAY
APPROX ELEVATED
FOREST 5310/217
RAINEY 3934/204
LAMPOS 5212/333
N 43° 30' E 392.00
N 47° 45' E
N 46° 00' W
MATCH LINE
RC2 ZONE
RC2 ZONE
S 77° 03' W
N 43° 30' E 351.40
E 33,000
N 5000

SCALE 1" = 100'

PETITIONER'S EXHIBIT 6

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	WEST OF GREENWOOD	N.E. 13-F
DATE OF PHOTOGRAPHY JANUARY 1988		

R-SE Q-SW
P-NE Q-NW

PETITIONER'S EXHIBIT 5

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	WEST OF	N. E.
		DATE OF PHOTOGRAPHY APRIL 1958	GREENWOOD	13-F

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

PROPOSED 200 METER RANGE
POWER LINE
NATIONAL GUARD SHOOTING RANGE
NOTE:
BAFFLES HAVE BEEN REMOVED
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP
90-135-SPHX
Pet Ex 12
Hearing Case
SCALE
1" = 200'±
DATE OF PHOTOGRAPHY
JANUARY 1986
LOCATION
SOUTHEAST OF SUMMERFIELD
SHEET
NE 12-F
Petitioners #12

10. The Board of Appeals correctly applied applicable precedent and regulations.

Accordingly, the Order of the County Board of Appeals dated October 29, 1991, should be affirmed.

JOHN H. ZINK, III

ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(410) 823-4111
Attorney for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of Dec., 1991, a copy of the foregoing Answer to Petition was, prior to filing, hand delivered to: J. CARROLL HOLZER, ESQUIRE, Holzer, Maher, Demilio & Lee, 305 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Attorney for Appellees, and to: LINDALEE M. KUSZMAUL, Legal Secretary, County Board of Appeals of Baltimore County, County Office Building, Room 315, 111 West Chesapeake Avenue, Towson, Maryland 21204.

JOHN A. ZINK, III

ANSW0411.JHZ

12-3-91

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE OF LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
GLEN ARM COMMUNITY ASSOCIATION, ET AL, PLAINTIFFS	*	CG Doc. No. 8 Folio No. 379
ZONING CASE NO. 90-138-SPHX	*	File No. 91-CV-6947

* * * * * * * * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett and C. William Clark, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, J. Carroll Holzer, Esquire, Holzer, Maher, DeMilio & Lee, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Glen Arm Community Association, et al, c/o J. Carroll Holzer, Esquire, Holzer, Maher, DeMilio & Lee, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Plaintiffs; Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204, Counsel for Defendants; Ida S. Eckhart, et al, c/o Evelyn S. Bressler, Attorney-in-Fact, 11908 Long Green Pike, Glen Arm, Maryland 21057, Defendants; Richard Blocher, President, Pikesville Sportsman's Club, Inc., 1 Atherton Road, Lutherville, Maryland 21093; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, a copy of which Notice is

attached hereto and prayed that it may be made a part hereof.

LindaLee M. Kuszmaul,
Legal Secretary
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to J. Carroll Holzer, Esquire, Holzer, Maher, DeMilio & Lee, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Counsel for Plaintiffs; Glen Arm Community Association, et al, c/o J. Carroll Holzer, Esquire, Holzer, Maher, DeMilio & Lee, 305 W. Chesapeake Avenue, Suite 105, Towson, Maryland 21204, Plaintiffs; Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204, Counsel for Defendants; Ida S. Eckhart, et al, c/o Evelyn S. Bressler, Attorney-in-Fact, 11908 Long Green Pike, Glen Arm, Maryland 21057, Defendants; Richard Blocher, President, Pikesville Sportsman's Club, Inc., 1 Atherton Road, Lutherville, Maryland 21093; and Michael B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204 on this 3rd day of December, 1991.

LindaLee M. Kuszmaul,
Legal Secretary
County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Ave., Towson, Maryland 21204 (301) 887-3180

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 3, 1991

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Re: Case No. 90-138-SPHX (Ida S. Eckhart, et al)

Dear Mr. Hoffman:

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

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Ida S. Eckhart, et al
Mr. Richard Blocher, President
Pikesville Sportsman's Club, Inc.
Mr. and Mrs. Kenneth E. Kadlec
Mr. and Mrs. Joseph E. Kadlec
Mr. and Mrs. Thomas Szczukowski
Mr. Philip V. Miceli
P. David Fields
Patrick Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk -Zoning
Arnold Jablon, Director of
Zoning Administration

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 3, 1991

J. Carroll Holzer, Esquire
HOLZER, MAHER & DEMILIO
305 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

Re: Case No. 90-138-SPHX (Ida S. Eckhart, et al)

Dear Mr. Holzer:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

LindaLee M. Kuszmaul
Legal Secretary

Enclosure

cc: Glen Arm Community Association, et al

12-2-91

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

IN THE MATTER OF THE APPLICATION OF IDA S. ECKHART, ET AL FOR A SPECIAL EXCEPTION HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE OF LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD 11th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF 91-CV-6947 BALTIMORE COUNTY 8/379 Case No.: 90-138-SPHX

* * * * * * * * * * * * * *

NOTICE OF APPEAL

J. Carroll Holzer, on behalf of his clients, the Glen Arm Community Association, Michael Reier and Ward Dawson appeal to the Circuit Court of Baltimore County the decision of the Board of Appeals of Baltimore County in the above matter rendered on October 29, 1991.

J. CARROLL HOLZER
Holzer, Maher, Demilio & Lee
305 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204
410-825-6960
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 1991, a copy of this Notice of Appeal was mailed postage prepaid to: Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, Maryland 21204; and the Baltimore County Board of Appeals, 3rd Floor, County Office Building, Towson, Maryland 21204.

J. CARROLL HOLZER

c:\wp\not\eckhart.not

91 DEC -2 PM 12:47

LAW OFFICES
HOLZER, MAHER
& DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND
21204
(301) 825-6960

10-29-91

IN THE MATTER OF THE THE APPLICATION OF IDA S. ECKHART, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-138-SPHX

* * * * * * * * *

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying the requested Petitions. The Petitions ask for a special exception for a shooting range on the subject site and a special hearing to use the caretaker's residence as an accessory use and to approve the proposed parking plan. There was no testimony or evidence in opposition to the special hearing. The thrust of the entire hearing was directed toward the special exception use to permit a shooting range. The testimony and evidence in this case encompassed 5 full days of hearings and was presented by 33 witnesses, 11 of whom were Petitioner's witnesses and 22 of whom were Protestants' witnesses, and many of whom were expert witnesses. The Board will not attempt in this Opinion to encapsulate in total the testimony of all these witnesses and the evidence produced therefrom, since the sheer volume of testimony alone will provide this Board with ample facts to reach a decision.

There was no testimony or evidence received or offered on the special hearing. Therefore, if the special exception was to be granted, the special hearing would be automatically granted; and if

the special exception was denied, the special hearing would be likewise moot.

In deciding this case, the Board must make findings on three issues: (1) Does the proposed use comply with Baltimore County Zoning Regulations (hereinafter "BCZR") 1A01.2.C; (2) Does the proposed use comply with all the requirements as designated in BCZR 502.1; and (3) Does the proposed use comply with the parameters well-established under Schultz v. Pritts, 291 Md. 1 (1981).

BCZR 1A01.2.A notes a series of preferred uses in the R.C. zone designation as of right. The Baltimore County Council, however, has clearly indicated that a shooting range is a permitted use under 1A01.2.C by special exception. This section provides that the hearing authority empowered to hear the Petition find that the use would not be detrimental to the primary agricultural uses in its vicinity and find that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses. There was little or no testimony or evidence indicating the actual primary agricultural uses. There was brief testimony from one witness that some of the land was used to grow soy beans and some used for pasture, but no specifics were presented. The subject site contains some 200+ acres. The proposal to use a relatively small portion of this 200 acres for the shooting range in no way negates the possibility that the remainder could be used for agriculture. Since the proposed shooting range will create a relatively minute percentage of impervious surface, the Board is of

LONG GREEN PIKE

GLEN ARM RD

PROPOSED 200 YARD RANGE

POWER LINE

POWER LINE

NATIONAL GUARD SHOOTING RANGE

NOTE:
BATTLES HAVE BEEN REMOVED

PROPOSED 200 METER RANGE

EL 390

POWER LINE

NATIONAL GUARD SHOOTING RANGE

PARKING

GUNPOWDER RIFLE RANGE

GUNPOWDER PISTOL RANGE

R - SE Q - SW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	SOUTHEAST OF SUMMERFIELD	N. E. 12-F
DATE OF PHOTOGRAPHY APRIL 1958			

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

Pet Exhibits #13 96-135-SPHA Pet Exh'd 4/11/96 Order

POWER LINE

PROPOSED 200 METER RANGE

EL 390

POWER LINE

NATIONAL GUARD SHOOTING RANGE

GUNPOWDER RIFLE RANGE

CLAMMLER STOL RANGE

PRIVATE ROAD

ORCHARD

LONG GREEN PIKE

FACTORY ROAD

HARFORD ROAD

MARYLAND ROUTE 147

C&E CO. R/W

R - NE Q - NW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	NOTCHCLIFF	N. E.
		DATE OF PHOTOGRAPH: APRIL 1958		14-E

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

Petitioners
NOTCHCLIFF #14
90-138-SPHX
Pet'd 14
4/25/91
CWR

in the RC zone zones it requires compliance with the master plan.

THE WITNESS: I intend to do that.

THE CHAIRMAN: I will overrule the objection. You may continue.

A. The master plan also describes the problems associated with and need to preserving and promoting agricultural activities in the agricultural preservation area. Specifically, it's concerned about when nonresidential or nonfarming areas encroach into an agricultural area. It's a concern that farmers find is increasingly dangerous.

I think this is germane here, because a gun club really is not a use that, in my opinion, is directly related to agricultural, nor does it enhance it. So the master plan has a great deal of concern about that.

If you then look at the zoning regulations, and it's section 1A01B -- 1A01.B, it talks about the purposes of the RC 2 zoning classification. It says RC 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to

a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

Same page, move to section 1A01.2, it's a preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practice, shall be afforded preferential treatment over and above all permitted uses in the RC 2 zones.

Again, this is a shooting range. While I have no objection to shooting ranges -- in fact, I had hoped that these people would be able to find something that was more suitable than this a long time ago.

Again, I see the shooting range offering no real activities or in any way furthering the use of the agricultural area. What it can do, it's a regional type use, and it introduces not high volumes of traffic, but introduces the kind of traffic that really has no real need or real business to be traveling on what is essentially rural roads at that point.

If it weren't for the shooting range, they

wouldn't be there. They are not there because of farming activiites or anything related to farming activities.

If you look then at the special exceptions, it talks about uses permitted by special exception. And this is "C" on page 1A-6. It says, "The following uses only may be permitted by special exception in any RC 2 zone provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural use in its vicinity."

That's in part of it. I think, without having the real tie, or any kind of tie to the agricultural community, I think what happens is that the test in 502.1G is inconsistent with the spirit and intent of the RC 2 zone.

It's very clear in the section I have just read to you, it is the spirit and intent of the RC zone to preserve agricultural areas. Agricultural areas are very fragile. And the county has felt for years they have been under attack. They are a very important part of the county's industries, and they have been under attack for

years. And the county has been adopting, for years, program after program in attempts to preserve them.

The problem is that they have been chipped away, a piece here, something here, something there. Something else which may individually might not be as bad as if that was the only one, but you start adding them up and it becomes a cumulative effect.

And at this point, the zones in the master plan are clearly saying, no more. We don't want to do anything that's going to be detrimental to the preservation, or not allow us to enhance the agricultural areas of the county.

Q. Mr. Gerber, you used the words right out of the purposes of the RC 2 zone, the statute itself?

A. That there be a finding that it fosters conditions of agricultural use. To me, that implies it cannot just be not detrimental, but it must do something to foster or enhance.

Q. So it's a positive kind of attest?

A. That's right.

Q. Is that a fair statement?

A. That is correct.

Q. In summary then, could you just give us the summary of the reasons why you believe that this gun club, the proposed gun club, will not only not meet the test of fostering the agricultural use, but it is detrimental to the community?

A. The gun club, in my opinion, does not foster the preservation or enhancement of an agricultural area. I think, because it introduces residential type traffic into the farm community, I think it's going to be detrimental in the long run. And I just think that it's not going to be appropriate. It's not an appropriate agricultural type use. I see no relationship between the gun club and agricultural uses.

Q. What if I were to tell you that they had suggested they were going to introduce trees, or replant areas or develop trees on the property, would that affect your opinion in any way?

A. Really, I suppose, if there was an active tree farm that was being cut for timber, probably. But I think for them to plant trees and be able to do that would be years and years and years. And I'm not sure that that

would ever happen at this point.

I suppose there could be a very active Christmas tree farm there, but I'm not even sure the soils are good for growing Christmas trees. I don't know. I didn't do that kind of study.

Basically, I don't think just the activity of planting trees is going to overcome the deficiencies that I see relative to the spirit and intent of the RC 2 zone and the master plan.

Q. Before I let you go, you testified in regard to -- should I use these?

A. Yours might be better.

Q. You testified in regard to the master plan, page 125, and I'd like to submit that. And Mr. Hoffman has a copy of that.

MR. CLARK: That would be Protestants' Exhibit No. 20.

MR. HOLZER: Then you have testified in regard to page 51 of the master plan in regard to rural development and agricultural preservation, and Mr. Hoffman has a copy of that.

MR. CLARK: That's the pages from the master plan, will be Protestants' Exhibit No. 21.

MR. HOLZER: And you have testified in regard to Section 1A02.1, Purposes of the RC Zoning, page 1A-4.

MR. CLARK: That will be Protestant Exhibit 22.

MR. HOLZER: Thank you. Finally, you testified in regard to paragraph "C" on page 1A-6 dealing with the uses permitted by special exception, and you referred to that language.

MR. CLARK: Protestants' Exhibit 23.

MR. HOFFMAN: For the record, I object to the introduction of the exhibits regarding the master plan.

THE CHAIRMAN: The record will so indicate the objection has been overruled.

MR. HOLZER: Your witness.

MR. HOFFMAN: Thank you very much.

CROSS EXAMINATION

BY MR. HOFFMAN:

Q. Mr. Gerber, basically, your testimony that I have heard here this morning is that you don't believe that a shooting range can foster agricultural activities and,

therefore, it is inconsistent with the purposes and spirit of the RC 2 zoning classification. Is that correct?

A. Apparently, yes.

Q. Mr. Gerber, you are familiar with the the uses that are permitted by special exception in the RC 2 zone, are you not?

A. Yes.

Q. Can you tell me how an airport might foster agricultural activities in an area?

A. It might, under the right set of circumstances. I think if it were located in an RC 2 zoned area adjacent to a major arterial and was used by -- in some places, farmers use airplanes these days. That could be one way.

But I think it would be a problem if it were located such that it was into the actual farming community, I think it would be a problem at that point.

You understand RC 2 zones sometimes are on property that aren't necessarily the best for farming, they are on some steep slope area, some rocky areas, but they happen to be nearby farming communities. And sometimes that's why the RC 2 zone has a number of special

P. O. BOX 576

GLEN BURNIE, MD. 21061

June 2, 1988

Mr. Walt Callis
Mr. George Lenz
Pikesville Sportsman Club
3214 Marnet Road
Pikesville, Maryland 21208

Dear Walt and George:

It was our pleasure that you could attend the bull-roast in celebration of the fiftieth anniversary campfire of the Brotherhood of the Jungle Cock.

Your check in the name of Frank Smoot was more than generous and I know it was given with the same kind and warm regard that we all show for Frank. As we go through life one can count on one hand the men we meet that might be able to stand close to him.

Tight lines,

THE BROTHERHOOD OF THE JUNGLE COCK

M. Bosley Wright
Executive Vice President

MBW/kbb

WE GUARD TOMORROW----TODAY.

Appellee Exh 1 90-138 SPHX 6/4/91

We the undersigned do hereby agree to the relocation of Pikesville Sportsman's Club, Inc. as specified by special petitions filed with Zoning Commissioner of Baltimore County.

Numbers - 90-139-SPHA
90-138-SPHX

Appellees Exh 18 6/4/91

Name	Address	Phone
Laurence Pearce	11839 Harford Rd	592-9772
Elaine Pearce	11839 Harford Rd	592-9772
Daryl Pearce	11839 Harford Rd	592-9772
Louis Pozza	11823 Harford Rd	592-8759
Mary C Pozza	11831 Harford Rd	592-7375
Elizabeth Pozza	11831 Harford Rd	592-7375
Henry J Burbaugh Jr	5455 Glenview Rd Glen Arm	592-6719
Harley Burton	5533 Glenview Rd Glen Arm	592-8651
Earl W Burton	5533 Glenview Rd Glen Arm	592-8651
Ida W. McPeak	5401 Glenview Rd	592-25
Kenneth P Yost	11502 Wallace Dr Glen Arm 21057	
Julia A Carew	11503 Hazelwood Dr Glen Arm MD 21057	
Charles A Fortune	11411 Harford Rd Glen Arm MD 21057	
John Turnbaugh III	11511 Harford Rd Glen Arm MD 21057	
Mary J Burbaugh	5455 Glen View Rd Glen Arm 21057	
Helen Radice	5026 Sharon Dr. Glen Arm, Md. 21057	
Michael Sanger	11525 Hannibal RD Glen Arm 21057	
Richard M Sturgis	11505 Wallace Drive Glen Arm MD 21057	
Karen C Beale	4309 Conifer Ct Glen Arm MD 21057	
John H Hempstt	10040 Long Green Pike Glen Arm 21057	
Alberta J Miller	11504 Wallace Dr Glen Arm 21057 592-658?	
Monroe F Willis	11504 Wallace Dr Glen Arm 21057	
Jim Bussler	11916 Long Green Pike Glen Arm 21057	
Helen Jean Bussler	11916 Long Green Pike	21057

90-138-SPHX Appellees Exh 18 6/4/91

Real Property Consultants, Inc.

QUALIFICATIONS

Walter A. Reiter, Jr., JD, ASA

EDUCATION - Georgetown University
Loyola College - B.S. Degree
University of Maryland Law School - J.D. Degree

CERTIFICATION - Senior Member - American Society of Appraisers
Member - Baltimore and Howard Counties Appraisers' Society
Member - Maryland Bar

EXPERIENCE - Real Estate Appraiser, 1967 to present
Real Estate business since 1958

QUALIFIED AS EXPERT WITNESS - U.S. Federal Court (bankruptcy)
Circuit Courts of Baltimore City & County, Howard, Frederick, Washington, Carroll, Harford, Anne Arundel and Queen Anne's Counties

INSTRUCTOR - The Johns Hopkins University - 12 years -Real Estate and Appraisal Principles
Towson State University
AIREA - Condemnation - Mock Trial

CONTINUING EDUCATION - AIREA - Courses I, II and Industrial VII

SERVED AS OFFICER AND/OR DIRECTOR - American Society of Appraisers, Maryland Chapter - President and Director
Baltimore County Appraisers' Society - President and Director
Maryland Association of Realtors - Director and Treasurer
Real Estate Board of Greater Baltimore - Executive Committee and Director
Society of Real Estate Appraisers - Director

MAJOR CONTRACTS - State of MD Dept. of Health & Mental Hygiene - Nursing Homes
State of Maine - Consultant - Nursing Homes
MD Stadium Authority - appraisal, relocation, negotiation Camden Site

90-138 SPHX Appellants Exh 19 6/4/91

STUDY OF IMPACT ON PROPERTY VALUES

Proposed Pikesville Sportsmens Club
Approximately 201 Acres
Long Green Pike
Baltimore County, Maryland

90-138-SPHX Appellees Exh 17 6/4/91

Real Property Consultants, Inc.
Appraisers/Consultants
5730 Executive Drive, Suite 130
Baltimore, Maryland 21228

MICHAEL A. STAIANO
—General Resume—

EDUCATION:

B.S., New York University, Aeronautical Engineering -1969
Graduate course work in Acoustics and Aerodynamics, New York University 1969-1970
Graduate course work in Acoustics, University of Pennsylvania -1974
Various short courses including: Microphone and Accelerometer Calibration, Vibration Control, Time Series Analysis, Correlation and Coherence Analyses, and Modal Analysis

EXPERIENCE:

1982- Staiano Engineering, Inc. **Principal**
Founder of Staiano Engineering. Managed and performed over 150 varied noise and vibration engineering projects for commercial, industrial, and governamenta' clients. Projects include noise and vibration measurement, analysis, prediction, and design services for environmental, occupational architectural, research, and product development requirements. SAMPLE PROJECTS:
Environmental—Highway noise and vibration measurement, prediction, and control; airport/aircraft and heliport/helicopter noise measurement, prediction, and control; railroad/rail transit noise measurement, prediction, and control; transit car wheel squeal quieting. Stone quarry equipment noise measurements and site noise prediction and control; sand and gravel plant noise measurement, prediction, and quieting; concrete batching plant noise measurement and control; cement plant noise control; asphalt batching plant noise control, construction site noise measurement. Steam turbine power plant noise measurement and quieting; combustion-turbine site ambient noise survey; firing range noise evaluation; bottling plant noise control.
Occupational—Noise control in: steel mills, polypropylene plant, steel fabrication plant, sawmill, various punch press and metal forming operations, various woodworking operations, brewery/bottling plant, concrete block and concrete pipe manufacturing, drilling operations, shoe manufacturing, printing plant, and indoor firing range.
Architectural—Commercial, office, and residential buildings' facade noise isolation improvement; luxury residence furnace noise and vibration control; apartment HVAC noise measurement and control; psychiatric consulting room speech privacy improvement; apartment building diesel fire pump noise and vibration control; condominium inter-unit noise isolation; transformer vault noise and vibration control; server room noise isolation testing; commercial washing-machine-induced floor vibration control; video tele-conference facility acoustical evaluation; conference room, cafeteria, and open plan office design; HVAC system specification; mechanical equipment vibration isolation.
Research and Development—Long-range aircraft noise propagation studies; LASER installation noise and vibration measurement; parallel noise barrier performance test development; remotely piloted aircraft sound level measurements; vibration-damping product development and testing; disc-brake squeal reduction; transit car propulsion system quieting; nuclear steam turbine control valve noise and vibration analyses.

1979-82 ORI, Inc. **Program Director**
Managed, supervised, and performed noise engineering projects mostly for government clients, primarily for environmental requirements. SAMPLE PROJECTS: heavy truck engine cooling fan quieting; surface mining noise measurement, prediction, and control; light vehicle defective exhaust system noise measurement; railroad coal line noise prediction and mitigation; noise measurement and analysis instrumentation compendium and noise control materials and products compendium development; air-carrier airport noise-exposed population and building soundproofing cost estimation; aircraft auxiliary power unit (APU) and airport ground power unit (GPU) noise estimation and evaluation.

1976-79 Booz, Allen and Hamilton, Inc. **Project Engineer**
Managed and performed noise engineering projects for government clients for environmental and occupational requirements. SAMPLE PROJECTS: transit bus engine cooling fan parametric usage analysis; power lawn mower environmental impact analysis; transit bus noise control; inter-city and school bus noise measurement; mining machinery noise control; oil and gas recovery site noise impact assessment; surface transportation vehicle and construction equipment quieting-benefit evaluation.

Continued

90-138 SPHX Appellees Exh 21 6/4/91

STAIANO ENGINEERING, INC.

Sound & Vibration
Measurement, Research & Control

1923 STANLEY AVENUE
ROCKVILLE, MD. 20851-2225

MICHAEL A. STAIANO, PE, Mem INCE

301-468-1074

22 May 1991

L 91208A

Mr. Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Subject: Proposed Pikesville Sportsman's Club Shooting Range, Glen Arm, Maryland—Comments Regarding Protestant's Testimony re Noise

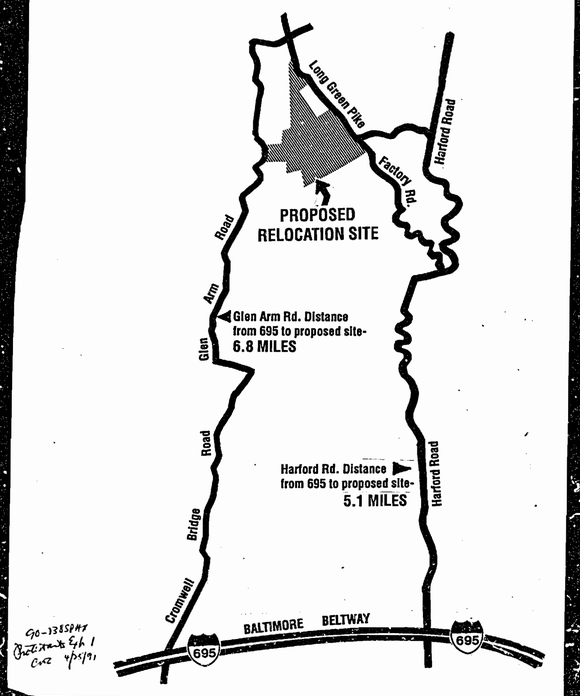
Dear Mr. Hoffman:

Testimony in opposition to the proposed Pikesville Sportsman's Club shooting range in Glen Arm, Maryland has suggested that the proposal will create noise problems such as those caused by the existing Carney Rod & Gun Club and Baltimore Game & Fish Association ranges. Opposition testimony also has stated that the shooting noise from the proposed facility is incompatible with the existing Glen Arm environment. This report examines the validity of those concerns.

An analysis was performed which compared the Carney Rod & Gun Club, Baltimore Game & Fish Association, and National Guard/Gunpowder Falls State Park shooting ranges to the proposed Pikesville Sportsman's Club site. The projected *worst-day* noise exposures from the proposed facility fall well within accepted land-use guidelines as well as achieve U.S. EPA/State of Maryland goals for "protecting the public health and welfare with an adequate margin of safety." The results of the analysis also show that *in comparison with the proposed Glen Arm shooting range*:

- The Carney Rod & Gun Club site exposes about 44 times as many properties.
- The Baltimore Game & Fish Association site exposes about 19 times as many properties.

90-138 SPHX Appellee Exh 22 6/4/91

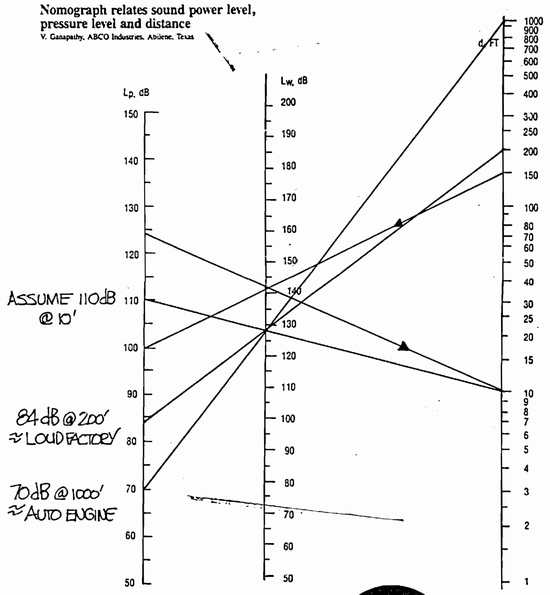


90-138 SPHX Appellees Exh 1 Cover 6/4/91

Appellees Exh 2 90-138 SPHX 6/4/91

Nomograph

Nomograph relates sound power level, pressure level and distance
V. Ganapathy, ABCO Industries, Abilene, Texas

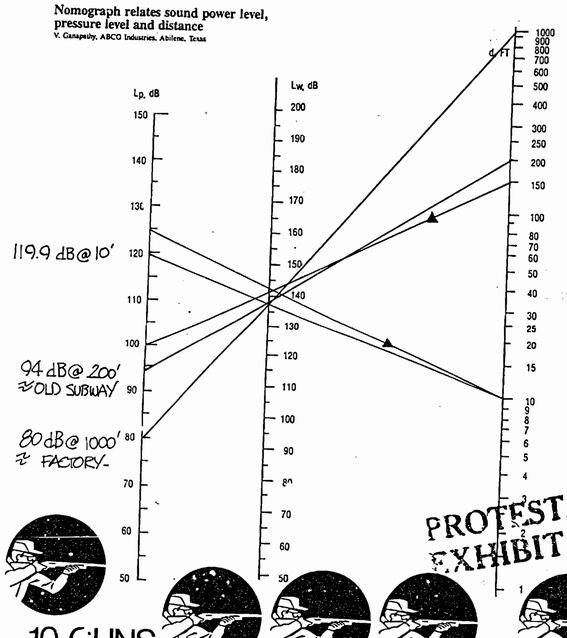


1 GUN

PROTESTANT'S EXHIBIT 5A

Nomograph

Nomograph relates sound power level, pressure level and distance
V. Ganapathy, ABCO Industries, Abilene, Texas

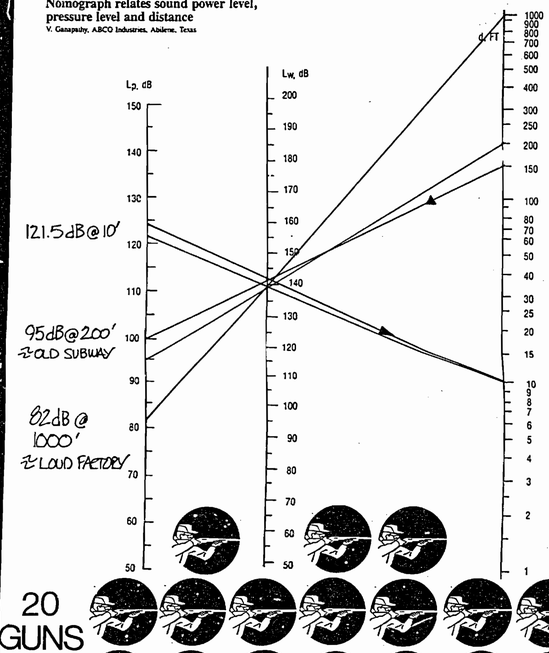


10 GUNS

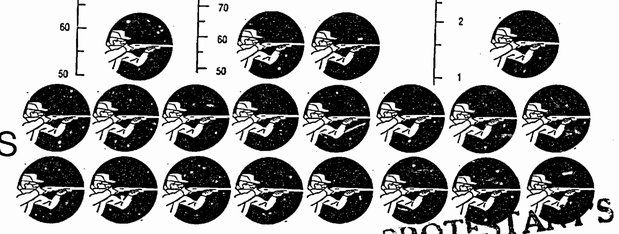
PROTESTANT'S EXHIBIT 5B

Nomograph

Nomograph relates sound power level, pressure level and distance
V. Ganapathy, ABCO Industries, Abilene, Texas



20 GUNS



PROTESTANT'S EXHIBIT 5C

90-138 SPHX
SP-791
Protestants Exh 5

We the undersigned do hereby object to the relocation of Pikesville Sportsmen's Club, Inc. as specified by special petitions filed with Zoning Commissioner Baltimore County.

Numbers - 90-138-SPHX
90-139-SPHX

PROTESTANT'S EXHIBIT 1

Name	Address	Phone
James M Yeamy	24 Gunpowder Rd. 21057	461-9036
Sydney B Schlesinger	4201 Manorwood Dr. 21057	665-9460
Barbara Ann McNeil	4202 Manorwood Dr. 21057	882-6674
Ralph C Longo Jr	5 Winterberry Ct	661-8735
Jo Longo	5 Winterberry Ct. Glen Arm	661-8735
Elaine B. Crabbin	10 Winterberry Ct Glen Arm	661-4150
Marcus W. Crabbin	10 Winterberry Ct. Glen Arm	661-4150
Margaret A. Deux	2 Chickory Ct. Glen Arm	668-6668
Janet Ward Barron	6 Winterberry Ct. Glen Arm	882-5273
Bernie McDonald	4206 Manorwood Dr Glen Arm	665-1332
Alfred J. McGinnis	4212 Manorwood Dr	882-4868
Anita L. DelCorso	4210 Manorwood Dr.	882-6665
Barbara Hinkelman	4209 Manorwood Dr	—
Calvin Long	4300 Conifer Court	882-4068
Marilyn K Long	1 Chickory Ct	668-0126
[illegible]	1 Chickory Ct. 21057	668-0126
Carl R Long	2 Chickory Ct 21057	668-6668
Mark & Pat Kwiecinski	4 Chickory Ct. 21057	661-4286
J Minnick	10 Chickory Ct 21057	661-1811
Mary Louise Reilly	3 Chickory Ct 21057	665-8553
Walter & Karen Zacher	4214 Manorwood Dr 21057	665-5506
Walter Zacher	4314 Manorwood Dr 21057	665-5506
[illegible]	4301 Conifer Ct 21057	882-[illegible]555
Chris Miller	4301 Conifer Ct 21057	882-2555
Diane Visscher	4300 Manorwood Dr 21057	665-3620
Agnes Feliciano	4302 Manorwood Dr	661-4331
Peter Feliciano	4302 Manorwood Dr.	661-4331

90-138 SPHX
SP-791
Protestants Exh 9

QUALIFICATIONS OF APPRAISER
(Bernard F. Semon)

MEMBER

Baltimore County Appraisers' Society - President - 1978-80
Greater Baltimore Board of Realtors, Inc. - Past Chairman of Executive Committee - Appraisal Division.
Baltimore County Chamber of Commerce - President - 1984
Home Builders Association of Maryland - Instructor - School of Building and Construction - Commercial Division.

EDUCATION AND BACKGROUND

Graduate of Baltimore Polytechnic Institute.
Completed Real Estate Appraisal Courses I and II.
Johns Hopkins Evening College.
Licensed Real Estate Salesman since 1960.
Actively engaged in the appraisal and acquisition of Real Estate since 1963.
Actively participated in limited partnerships involving Residential condominium townhouse development, commercial and Office Building partnerships as well as a major size Residential large lot development.

APPRAISED FOR

Baltimore County Bureau of Land Acquisition
Baltimore County Office of Law
Orphans' Court for Baltimore County
Baltimore Gas and Electric Company
Baltimore County Savings and Loan Association
Baltimore Federal Savings and Loan Association

Guide to Migratory Game Bird Hunting in Maryland, 1990-91

Seasons, Bag Limits, Regulations and Laws
1990-1991 Hunting Season

Department of Natural Resources
Torrey C. Brown, M.D., Secretary
Donald E. MacLauchlan, Assistant Secretary, Forest, Park and Wildlife Service

Wildlife Advisory Commission

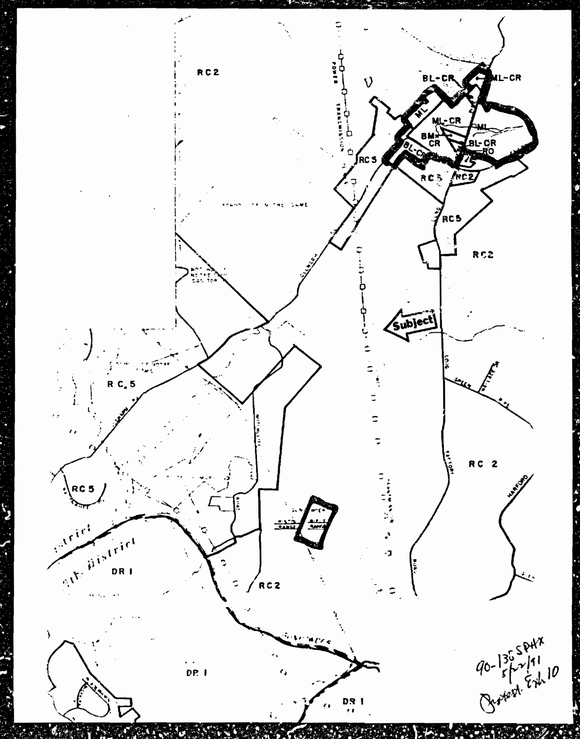
John W. Barton, Chairman	Robert Scrimgeour
The Honorable	The Honorable
C. A. Porter Hopkins	Michael J. Sprague
The Honorable	J. Allen Swann
O. James Lighthizer	The Honorable J. Fife
John Tieder, Jr.	Symington

90-135 SPHX
SP-791
Protestants Exh 6

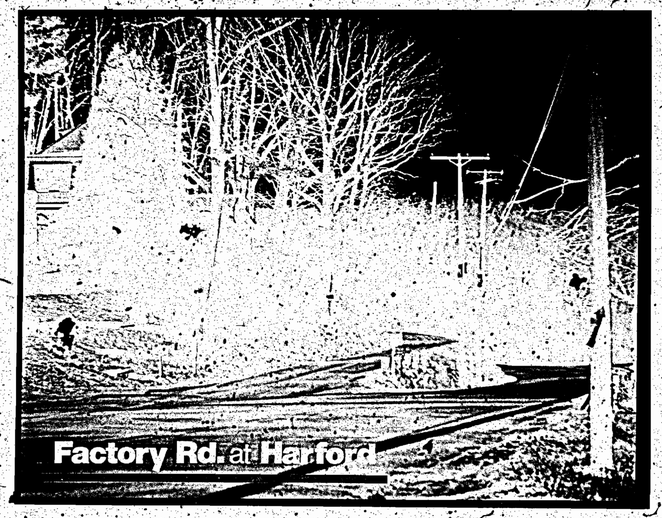
The facilities and services of the Department of Natural Resources are available to all without regard to race, color, religion, sex, age or national origin, and physical or mental disability.

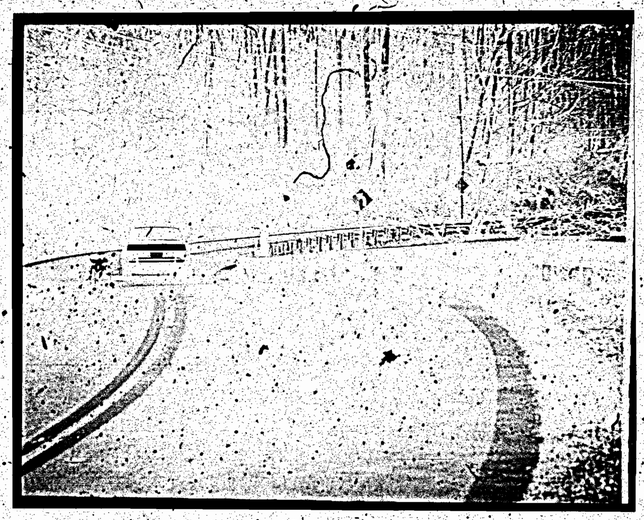
TDD for the hearing-impaired (301) 974-3683

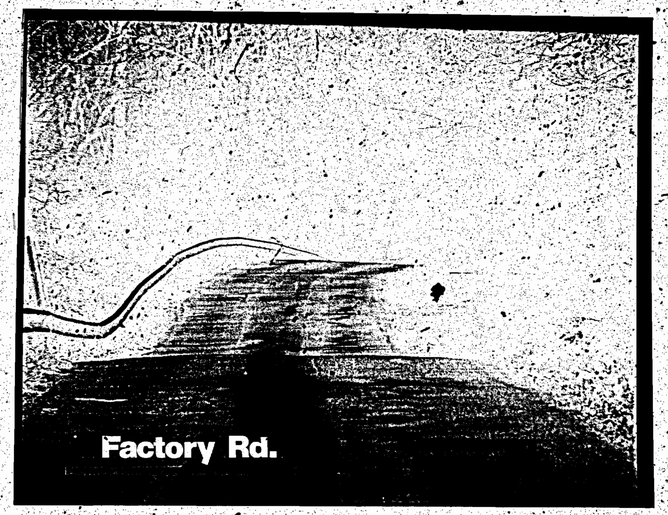
This publication is intended as a guide only. For official law, see the Natural Resources Article of the Annotated Code and DNR Regulations 08.03.01.



90-138 SPHX
SP-791
Protestants Exh 10


Factory Rd. at Harford

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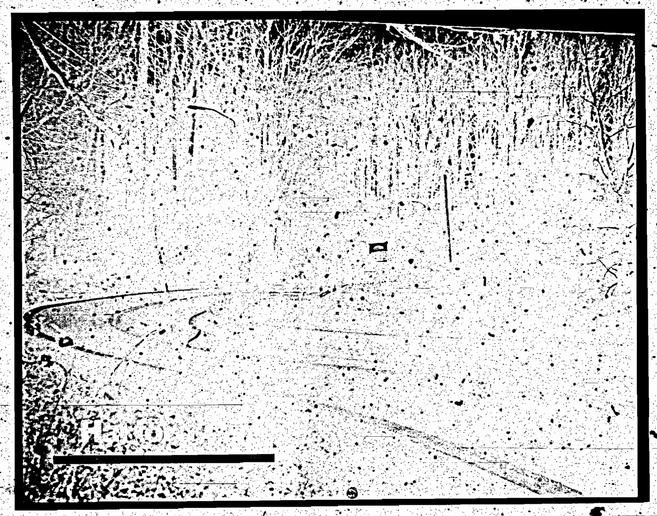
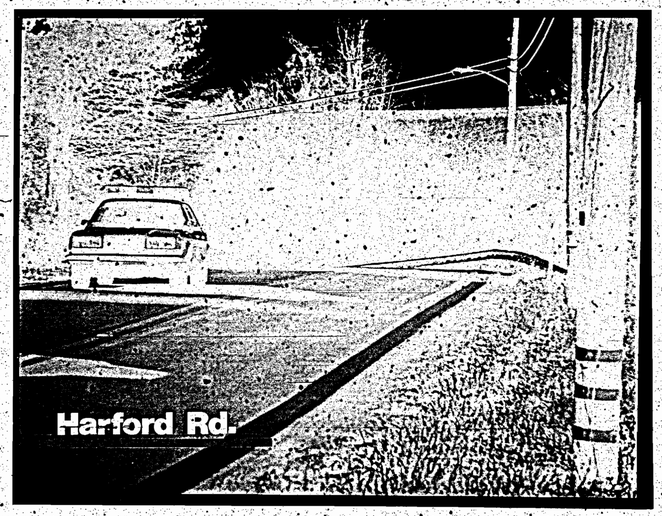
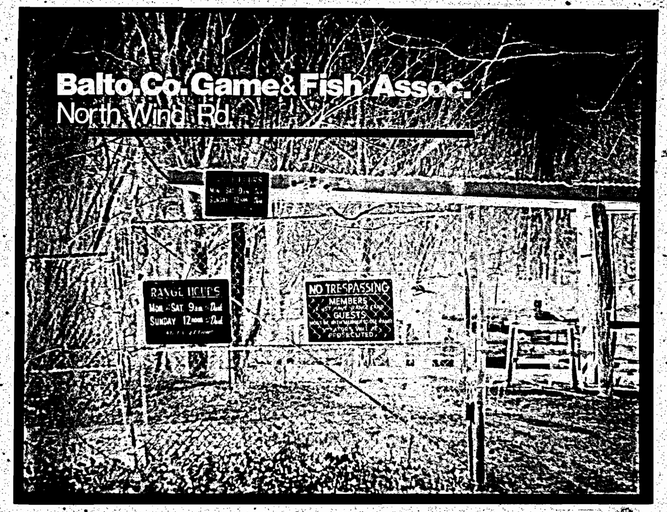
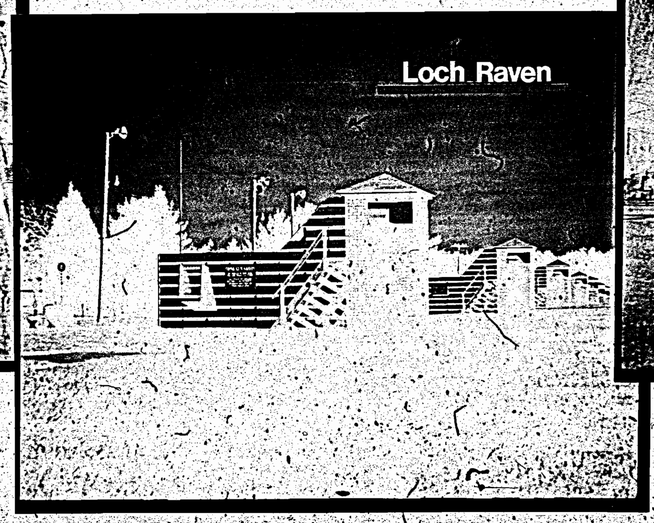
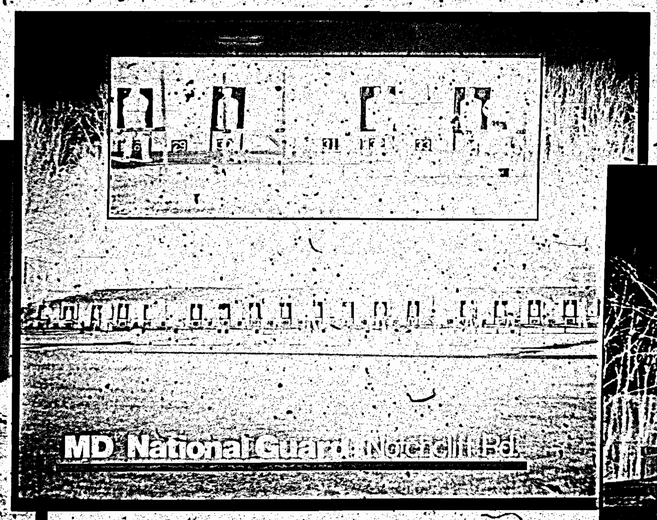



Harford Rd.


Balto. Co. Game & Fish Assoc.
North Wind Rd.
RANGE HOURS
Mon.-Sat. 9 a.m. - Dusk
Sunday 12 noon - Dusk
NO TRESPASSING
MEMBERS
GUESTS

BALTIMORE COUNTY
PISTOL RANGE
TRAINING CENTER
NO


Loch Raven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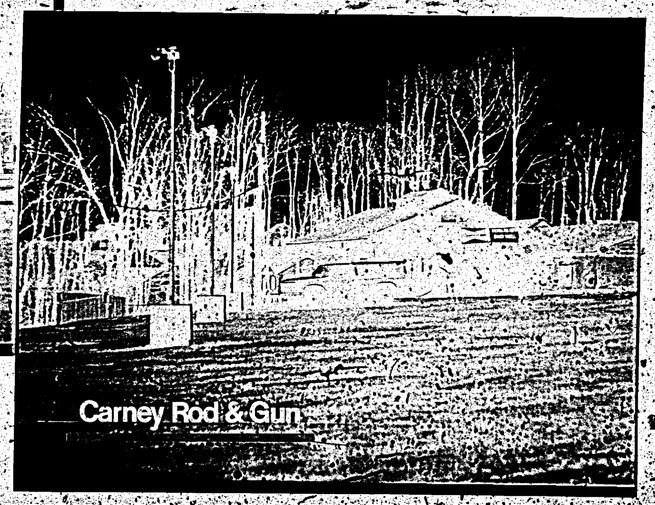
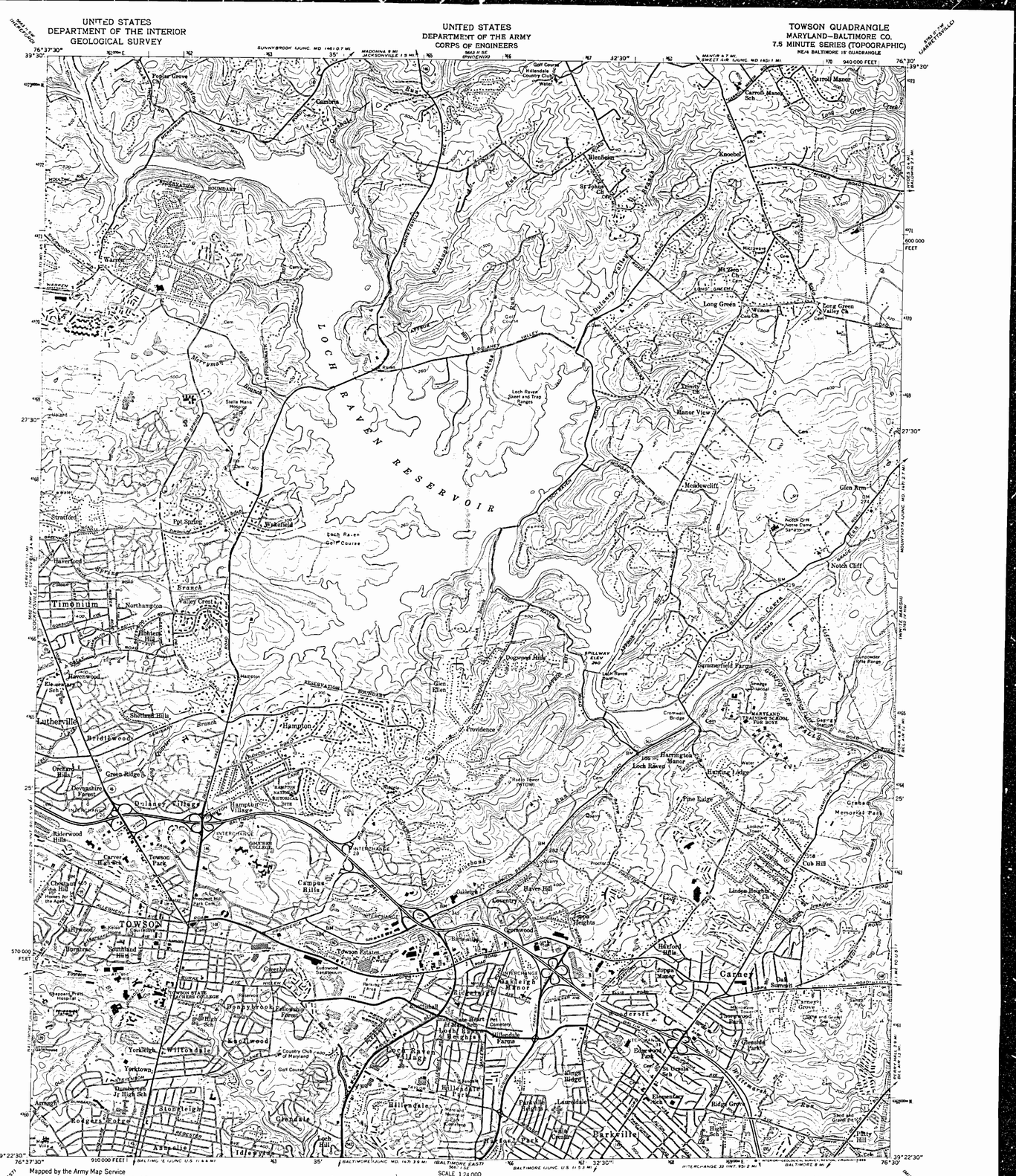
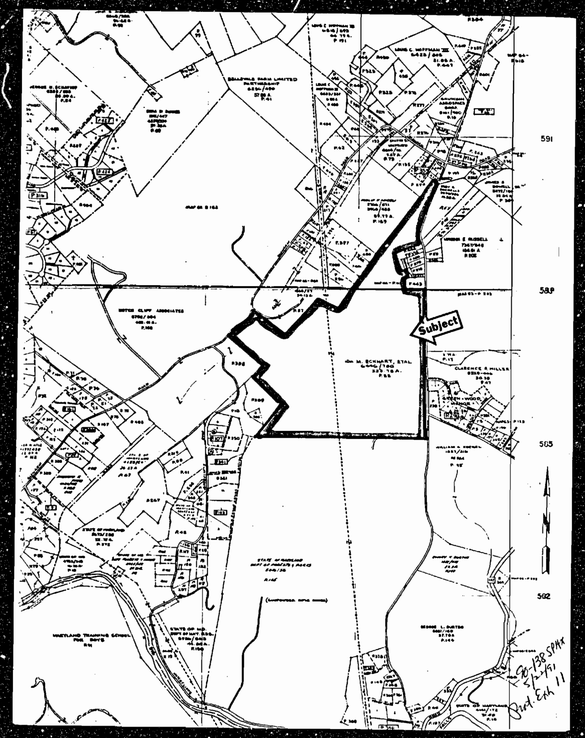

Carney Rod & Gun





TESTIMONY ON THE RELOCATION OF THE
PIKESVILLE SPORTSMAN'S CLUB

April 26, 1991

Prepared on behalf of the Long Green Valley Association

Rob Deford, president

The Board of Directors of the Long Green Valley Association has voted to oppose the relocation of the Pikesville Sportsman's Club to our community. We testified to this effect at the initial special exception hearing, and our position remains unchanged.

We met twice in the fall of 1989 to give this issue our most careful consideration. We refrained from taking a vote until our members had had the opportunity to hear testimony from many different perspectives. Our central concern is the question of how the club will evolve once it has relocated to its state-of-the-art facility on Long Green Pike. There is nothing to prevent today's modest, low-key club from greatly expanding its activities and its membership.

We feel that the use that the club intends for the land would be detrimental to the agricultural land, to the neighboring residents, and to the environment.

There are five concerns which are the basis of our objection to the Club's relocation to our community. Each of these concerns would be exacerbated by increased membership in the club.

1) Status of the Agricultural Land: We believe that existing agricultural land should be maintained in agricultural usage. More than half of the 200-acre tract that the Club proposes to use is being rented by one of Long Green Valley's largest dairy farmers. The property is zoned RC-2, and is in the Agricultural Preservation District. We are opposed to any activities in our community which will erode the land resource that is indispensable to our farmers. We question the compatibility of proposed skeet shooting ranges with agricultural operations on the property.

2) Noise: There is no escaping the fact that outdoor shooting is a primary activity of this club's membership. Such activity will worsen a noise problem which already plagues the residents of the southern end of Long Green Valley, namely shooting at the National Guard base and the Loch Raven skeet and trap range. Once the club is established in its new facility, it will be very difficult to enforce the hours of outdoor shooting activity, regardless of assurances may be given at this time to calm the fears of the community.

3) Safety: There are two issues of concern. First, there is the intrinsically dangerous nature of firearms. What is

SUMMERFIELD FARMS ASSOCIATION, INC.

GLEN ARM, MARYLAND 21057
April 26, 1991

Pikesville Sportsman's Club
re: Zoning Exception Petition No.'s 90-138-SPHX
90-139-SPHA

My name is Dorothy Streb. I am a resident of Glen Arm and am representing the Summerfield Farms Association. Our boundaries extend from Cromwell Bridge Road, up Manor Road to the power lines and up Glen Arm Road to Notchcliff. We cover approximately 200 homes and have 90 dues paying members.

The Summerfield Farms Association (SFA) strongly opposes the granting of a zoning exception for the Pikesville Sportsman Club. In a survey mailed in the fall of 1989 seventy (70) families were in opposition to the gun club and six (6) had no objection. At the annual community meeting in the fall of 1990 fifty five (55) members voted unanimously to oppose the gun club and felt so strongly that they empowered the board of directors to spend a significant part of the treasury to defray the legal expenses.

The residents of Glen Arm pay a premium to locate in this area in terms of both money and travel time. They do so in order to achieve privacy and peace and quiet. The introduction of a semi-commercial gun club (space is rented for weddings, parties, fundraisers, etc.) into a residential-agricultural area threatens the environmental quality and rural integrity of Glen Arm.

The entire Glen Arm - Long Green area is a rural preserve - a beautiful and peaceful countryside - a mixture of residences and rolling farmland. The SFA has been active in promoting land preservation and especially the Satry Hills Farm in the Cromwell Valley. The county is interested in securing 216 acres to add to the Gunpowder State Park. It makes little sense to have the county spend a million or more dollars in acquiring parkland for public enjoyment and respite from a stress filled world and then permit a gun club to destroy the tranquility of the area.

The shooting activity of the Pikesville Gun Club serves no public purpose. It inflicts a barrage of gunfire on an entire community by non-residents. It is simply the shooting of guns as a source of amusement and in no way justifies the disruption of the peace and quiet and safety of area residents.

Dorothy Streb

90-138 SPHX
Prot. Exh. 13
4/29/91

SUMMERFIELD FARMS ASSOCIATION, INC.

GLEN ARM, MARYLAND 21057

1. Represent Summerfield Farms Ass.
2. Location and number of members
3. support or oppose - survey and annual meeting vote
4. Why are members opposed?
   - threatens environmental quality & rural integrity of the area
   - SFA active in environmental protection and land preservation
   - Efforts to save Cromwell Valley - add to Gunpowder State Pk.
   - Adverse impact on the health, welfare and safety of the community.

Dorothy Streb, Sec.

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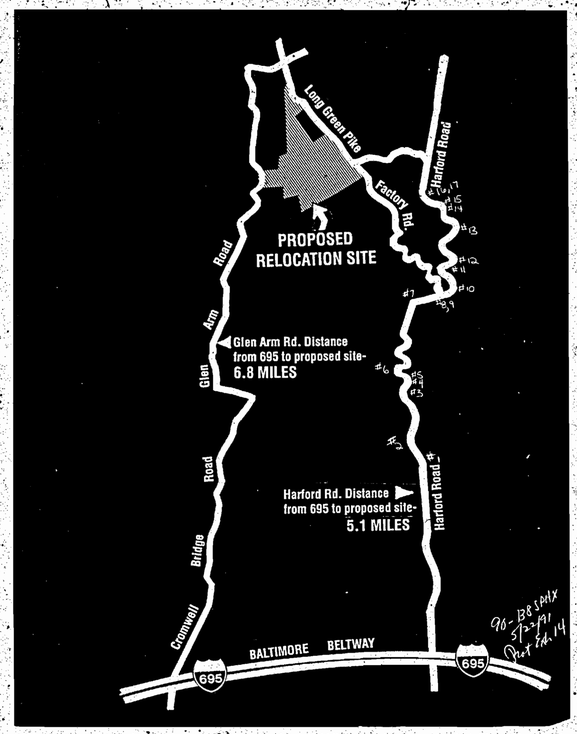

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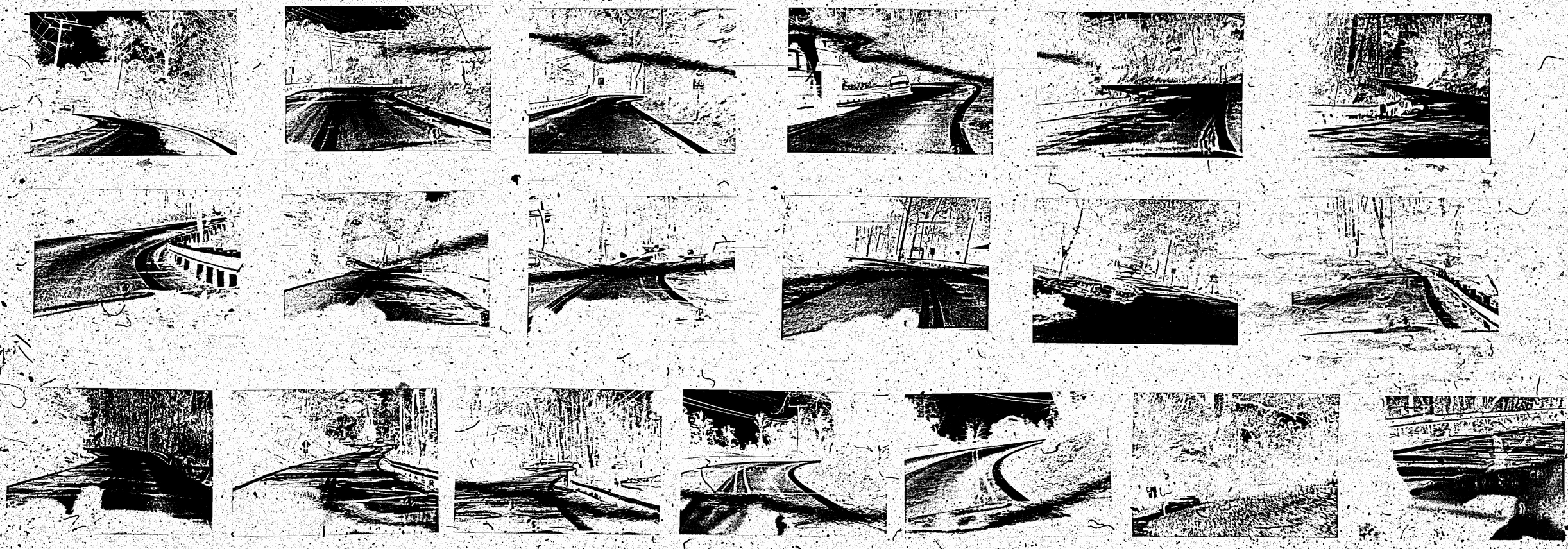
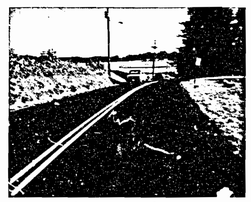
5/23/91
Prot. Exh. 14



HARFORD ROAD

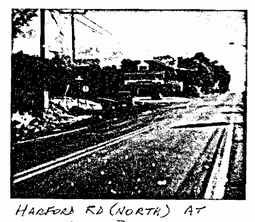
90-135 SPHX Document No. 5 & 16 A-F

(1)



N. on L. Green Rd just past Factory Rd (entrance to proposed club is →

(2)



Harford Rd (North) at Long Green Pike. #2 →

(3)

N. on Factory Road intersecting with Long Green Pike. Proposed club →

(4)

South on L. Green Pike going uphill toward Factory Road. Entrance

(5)

11. on Long Green Pike at Factory Rd (at left)

(6)

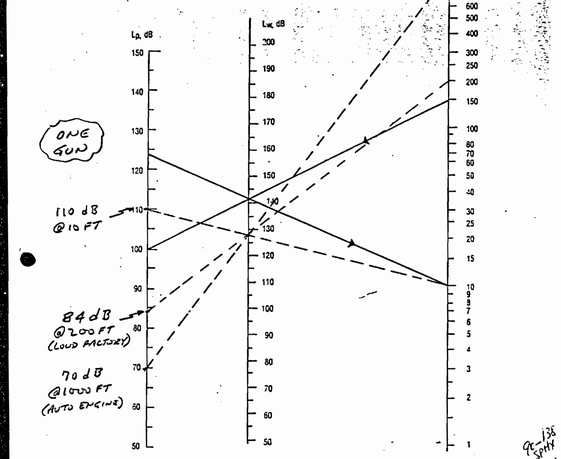
Intersection Long Green Pike (on right) and Harford Rd (going South) #1

Nomograph

EXHIBIT COPY 2-6-91 90-135 SPHX

Nomograph relates sound power level, pressure level and distance

V. Gasiopolis, ABCO Industries, Abilene, Texas



With the (above) chart, one can relate sound power level from equipment with sound pressure level and distance. Also, the effect of distance on noise levels can be easily found.

The following equation relates the variables:

$L_p = L_w - 20 \log d + 2.5$

where L_p = sound pressure level, db (decibels). L_p varies with distance

d = distance from source of noise, ft

L_w = sound power level, db. This is the measure of the total acoustic power radiated from a given source. It is a constant for a given source. It cannot be measured, while L_p can.

The chart relates the above three variables. Also, the effect of distance on noise can be easily studied.

Example 1: A sound pressure level of 124.5 db is measured at 10' from a noise source. Determine the sound power =?.

Solution: Connect L_p = 124.5 with d = 10 to cut L_w scale at 142 db.

Example 2: What will be sound pressure le t at 150' from the source?

Solution: Connect d = 150 with L_w = 142 and extend to cut L_p scale at 100 db.

Note that L_w need not be known if you are interested in only finding the effect of distance on sound pressure level.

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safe. Both the transfusion committee and the department of surgery are desirous of a consultant's opinion.

Prof C. Young, MD
Dover, NH

A Justification of transfusion for this patient is based on the presumed indisputable safety of autologous blood, as well as the need to promote postoperative wound healing. The patient's postoperative anemia is more apparent than real. It most likely is attributable to administration of intravenous fluids, especially since operative blood loss was insignificant. Such lowering of the hematocrit postoperatively is relatively common.

The use of blood transfusions for promoting postoperative wound healing is inappropriate. Extensive experimental evidence has indicated that normovolemic anemia is not detrimental to wound healing.[1] Studies in both animals and humans have shown that low hematocrits are fully compatible with normal wound repair and that blood volume is best maintained with colloid or crystalloid solutions. Admittedly, this is contrary to the logic that higher levels of hemoglobin should enhance wound healing through optimization of tissue oxygenation. A recent report by Hunt et al[2] observed that normal wound healing occurs when the hematocrit exceeds 0.17 (17%).

While use of autologous blood is the safest form of blood transfusion and certainly is safer than use of homologous blood, it is not without possible adverse effects.[3] Any transfusion may result in fluid overload. In addition, there is the possibility of human error resulting in accidental transfusion of homologous blood or of another patient's autologous blood. Finally, although rare, there is the possibility of transmission of bacterial infection or of complications related to damage of the autologous red blood cells by physical agents used in storage or transfusion.

Transfusion of any blood, unless absolutely indicated, is unwise. There should be little doubt that transfusion of homologous blood would have been inappropriate in this situation. Therefore, it can be reasoned that if homologous blood should not be transfused, neither should autologous blood have been transfused.

Harold A. Oberman, MD
University of Michigan Medical Center
Ann Arbor

1. Feng TP, Ke ST, Sirecyn M, et al: Chronic anemia, wound healing, and red cell 2,3-diphosphoglycerate. *Surgery* 1976;79:219-223.
2. Hunt TK, Rabkin J, von Smitten K: Effects of edema and anemia on wound healing and infection. *Curr Stud Hematol Blood Transfus* 1968;32:101-113.
3. Jensen JA, Goodson WH, Vascones LO, et al: Wound healing in anemia. *West J Med* 1980;144:458-467.
4. Foy PTC, Stewart RG, Stebbing LC, et al: Predeposited autologous blood for elective surgery. *N Engl J Med* 1985;313:415-420.
5. Bell W: The hematology of autotransfusion. *Surgery* 1978;84:686-699.

Dr F. From J. Wang W.

Blood Lead Levels and Indoor Target Practice

Q A friend of mine is a competitive marksman. He has recently learned that he has an abnormally elevated blood lead level, although he has no symptoms related to this. I am alarmed that lead toxicity is a possible risk of this sport. I assume it results from inhalation of gunsmoke in the indoor shooting range. What is known about environmental lead levels and the risks to sportsmen in this situation?

Edwin A. Aquino, MD
Harrisburg, Pa

A Lead poisoning in people spending time in indoor firing ranges is well documented,[1] although it is not well publicized in the medical literature. The problem has been well known, particularly in indoor police practice firing ranges, for more than a decade, and outbreaks continue to be reported.[2] I first became aware of the problem in the early 1970s, when I was consulted by an astute Canadian clinician whose recognition of saturnine gout in three police instructors led to the eventual identification of the problem. All reports indicate that the longer the time spent in an indoor range, the greater the risk of lead poisoning. Thus, in police academies, instructors are much more likely to be affected than students.

There are two basic problems that must be addressed if the risk is to be minimized. Ventilation must be arranged in such a manner that air lead levels in the areas where personnel are located are maintained at the lowest possible levels. There is also the matter of lead in settled particulates (dust). To reduce this to a minimum, good housekeeping is essential. Although I am unaware of any data on the distribution of lead according to particle size in the dust in indoor firing ranges, it is highly likely that the major portion of the lead-bearing particulates are small and, therefore, would not be trapped by a standard vacuum cleaner. If this is the case, it would be prudent to use a high-efficiency particle accumulator vacuuming system to keep dust lead levels in the firing range at a bare minimum. The highest blood lead concentration ever recorded by the Baltimore City Health Department was 49.2 μmol/L (1020 μg/dL), which occurred in an attendant who swept up regularly in a shooting gallery in an amusement area. For the protection of all personnel spending time in an indoor range, maintenance of low dust lead levels is imperative. Bulletins on design considerations for indoor firing ranges have been issued.[3] There is also the question of transport of lead-bearing dusts on one's clothing from the range to one's home, thereby contaminating one's automobile and home with fine lead-bearing particulates. Secondary cases of lead poisoning in young children can occur, and have occurred, in this way.[4]

The same considerations apply to the design of lead casting areas. Proper ventilation can carry much of the respirable airborne lead particulates away from the work area; however, the vicinity around the casting area must be kept scrupulously clean to avoid accumulation of lead-bearing particulates. The fact that the particulates are likely to be small is important, because experimental studies indicate that the absorption of lead from the gut is inversely proportional to particle size. The "dusty" lead trades have always been the most dangerous. The same considerations apply to such home hobbies as the making and firing of pottery with lead glazes and art metal work. Considerations with regard to indications for chelation therapy in affected individuals are beyond the scope of this letter; however, the cornerstone of any therapeutic regimen for lead toxicity is identification and control of exposure, which can prevent future episodes. Even so, biologic monitoring through periodic measurements of blood lead levels in exposed individuals is highly advisable and can provide an ongoing index of the continued effectiveness of the measures undertaken to minimize exposure.

J. Julian Chisolm, Jr, MD
The Johns Hopkins Medical School
Kennedy Institute
Baltimore

1. Fischbein A, Rice C, Sabbal L, et al: Exposure to lead in firing ranges. *JAMA* 1978;241:1141-1144.
2. Novotny T, Cook M, Hughes J, et al: Lead exposure in a firing range. *Am J Public Health* 1981;71:1225-1226.
3. *Lead Exposure and Toxicon Considerations for Indoor Firing Ranges*, publication (NIOSH) 78-130. National Institute for Occupational Safety and Health, 1978.
4. Lee SA: Re-facing airborne lead exposure in indoor firing ranges. *FBI Law Enforcement Bull*, February 1986, pp 16-18.
5. Chisolm JJ Jr: Feeding one's own nest. *Pediatrics* 1978;62:614-617.

JAMA, March 4, 1988—Vol 259, No 9

Questions and Answers 138 DHY 90-135 SPHX Document No. 5 & 18 4/9/91

NORMAN E. GERBER AICP
35 Pickburn Court
Cockeysville, MD 21030
(301)-667-4543

PLANNING EXPERIENCE:

-Prepared master plans including policy plans, small-area plans and revitalization plans for older commercial districts.

-Prepared zoning and subdivision ordinances, growth management ordinances and zoning maps

-Enforced zoning laws and regulations

-Evaluated and approved subdivision and development plans

-Prepared and administered historic preservation and agricultural land preservation laws and programs.

-Testified at various state and local boards and commissions, state and federal legislative bodies, and state and federal courts, including The United States Tax Appeals Court.

-Lobbied city and county councils, state legislators and community groups to obtain support of projects, programs, budgets and contracts.

-Prepared capital budget and 5 year capital programs as well as two year borrowing programs.

-Prepared requests for proposals, selected consultants and administered consultant contracts.

-Conducted as well as evaluated transportation studies

-Located sites for publicly and privately owned facilities.

-Conducted various demographic and market studies

EMPLOYMENT RECORD:

2/88 to now	NORMAN E. GERBER AICP - Planning Consultant. Specializing in all land planning issues, preparation of development regulations, evaluating property development potential and providing expert testimony on planning and zoning matters.
2/89 to 10/90	CITY OF LAUREL MARYLAND Director of the Department of Planning and Zoning
4/86 - 1/88	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
9/80 - 1/86	Director of the Office of Planning and Zoning:
1977 to 1980	Deputy Director of Planning

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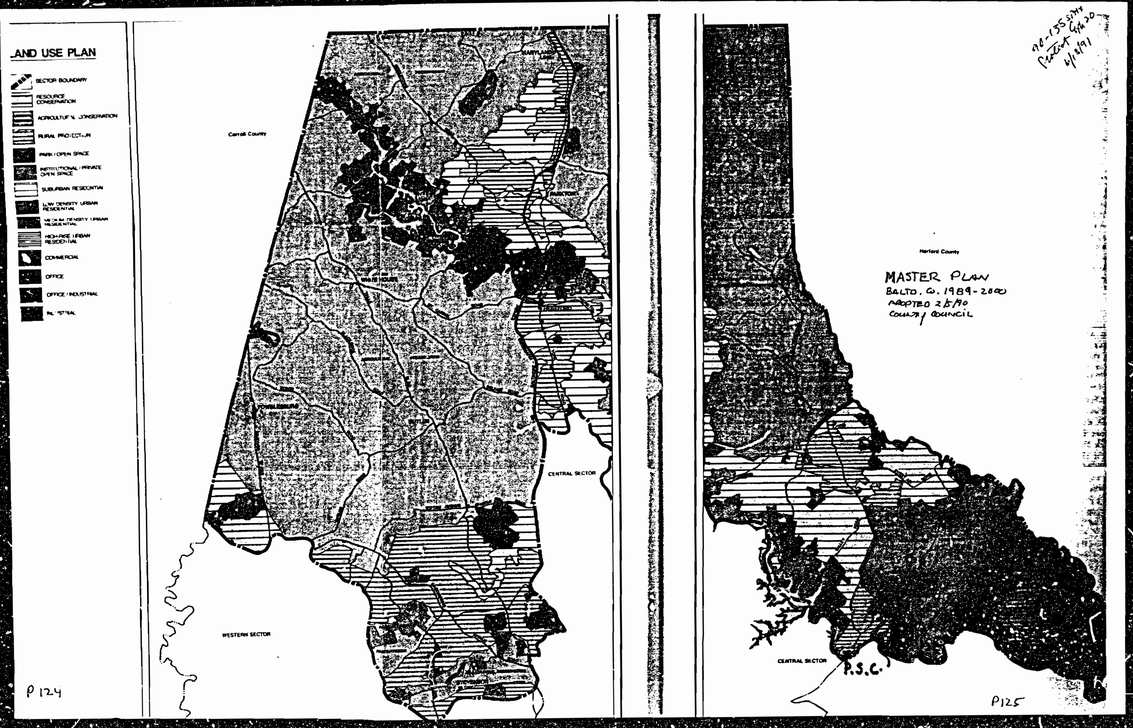
LAND USE PLAN



MASTER PLAN
BALTO. CO. 1989-2000
ADOPTED 2/5/90
COUNTY COUNCIL

90-135 SPHX Document No. 4 4/9/91

P 124

P125

MASTER PLAN
BALTO. Co. 1989-2000
ADOPTED 2/5/90 by the County Council

Rural Development and Agricultural Preservation

RURAL DEVELOPMENT and AGRICULTURAL PRESERVATION

The 1979 Master Plan provided policies and strategies for using the Resource Conservation zoning and Urban-Rural Demarcation Line to accomplish three purposes: protection of the natural resource base; protection of the agricultural industry; and provision for limited residential development in appropriate locations.

The threat to the County's rural areas is not from changes in the structure, but rather from the development currently permitted and the economic pressures that discourage agriculture. Since 1980, the urban-rural structure of the County has not changed, but nonetheless, approximately 17% of the County's new dwelling units were built in the rural areas.

This development has resulted in incremental losses in the resource base and acreage in agricultural production. Large estate farms are broken up into smaller residential lots and the new commercial and residential buildings often look out of character and diminish the value of the rural setting. Newer residents generally expect suburban services and facilities traditionally not supplied by the County. Farmers find it increasingly difficult and dangerous to drive to the fields they rent, and are besieged with nuisance complaints about farm operations.

The agricultural industry is particularly vulnerable to land use changes. Not only does development weaken the viability of the industry, it also challenges the public commitment to maintaining this land in agricultural use.

The conservation of these areas is a County-wide issue. Although the vast majority of rural land is in the northern portion of the County, there are also significant resource conservation areas in the Patapsco - Liberty Reservoir areas and along the Chesapeake Bay. These lands are essential to the County's identity.

The strategy to conserve the County's rural areas must address rural economic development, resource conservation, and resource residential issues in a comprehensive and integrated approach. The combined efforts of the financial, residential, agricultural, development, and environmental communities are needed to find innovative and equitable solutions to these issues.

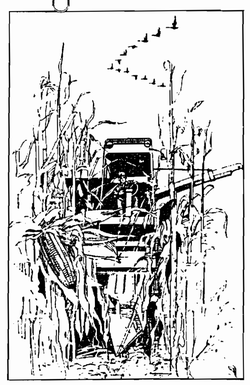
POLICY:

Preserving agriculture and other resource conservation areas in Baltimore County is important for present and potential production of food and other crops, economic diversity, maintenance of environmental quality, open space protection, cultural site protection, and general quality of life. The County reaffirms its public policy to support the retention of a viable agricultural industry, and the protection of resource conservation areas.

RURAL ECONOMIC DEVELOPMENT

Agriculture

Agriculture was the first industry in Baltimore County and still is a major component of the County's diverse economic base. According to the Baltimore County Farm Bureau, in 1987 the total estimated cash receipts for the agricultural industry was $161,000,000. Of this, $60,000,000 was from nursery products; $39,000,000 was from forestry/horticulture/silviculture; $37,000,000 was from crops, dairy, and livestock (excluding horse farms); $.5,000,000 was from greenhousing; and $12,000,000 was from roadside markets.



During the last 8 years, the Farm Bureau estimates that farmland within the RC 2 and RC 4 zoning classifications decreased at an annual average rate of 965 acres. Development of new residences within the agricultural areas has led to loss of prime and productive land, and conflicts with the agricultural industry. Despite large lot zoning, other regulations permit development which continually erodes the County's ability to protect open areas. Perhaps the greatest threat to the long-term viability of agriculture is the question of security protection of the equity in the land. The farming community often sends mixed signals regarding the degree to which farmers want protection from development while farming, and flexibility to sell to developers upon retirement. Development of Reservoir Protection Area within agricultural areas has recently led to the location of residential densities in these areas which jeopardizes the ability of the industry to continue to operate efficiently. These developments are best characterized as sprawl and often roads, schools, and emergency services are inadequate.

ISSUE: Intrusion of Nonagricultural Uses

Despite the strong protection afforded by the Resource Conservation zones and the Urban-Rural Demarcation Line,

90-135 SPHX Document No. 2 4/9/91

but is incompatible with the agricultural use of the surrounding area; [Bill No. 98, 1975]

e. that heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County; [Bill No. 98, 1975]

f. that Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the Bay's biotic life; [Bill No. 98, 1975]

g. that Baltimore County possesses numerous areas which are highly suitable for urban development including residential subdivisions which are not located in areas of productive agricultural land. [Bill No. 98, 1975]

B. Purposes: The R.C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses. [Bill No. 98, 1975]

1A01.2--Use Regulations. [Bill No. 98-75]

A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C. 2 zones. [Bill No. 98, 1975]

B. Uses permitted as of right.[3] The following uses, only, are permitted as of right in all R.C. 2 zones: [Bill No. 98, 1975; No. 178, 1979.]

1. Dwellings, 1-family detached [Bill No. 178, 1979.]

2. Farms, satellite farms, farmettes, and limited-acreage wholesale flower farms (see Section 404) [Bill No. 178, 1979.]

3. Open space, common [Bill No. 178, 1979.]

3A. Public schools. [Bill No. 63, 1980; No. 47, 1982; Bill No. 47, 1985.]

APPROVED JUL 0 1 1989

90-135 SPHX Document No. 22 4/9/91

the opinion that the balance of the 200 acres could be put to some agricultural use. The Board will note that there are 24 separate and distinct uses permitted on agricultural land by special exception, and the proposed use as a shooting range will disturb or negate an agricultural use to a far lesser degree than many of the other special exception permitted uses. The Board is of the opinion that the proposed use from the testimony and evidence received does comply with BCZR 1A01.2.C and will find as a fact that it is in compliance with this section.

BCZR 502.1(a) requires that the proposed use not be detrimental to the health, safety or general welfare of the locality involved. There was ample testimony presented that all possible safety aspects of the proposed use have been addressed. There was testimony from several witnesses that no health problems would arise from the proposed use. There was ample testimony produced that the proposed use would not be detrimental to the general welfare of the area. The Board will particularly note the study on property values presented by Real Property Consultants, Inc., that showed no diminution in the value of homes abutting or in much closer proximity to existing gun ranges than the ones affected by the proposed use of this site. The Board would also take due notice of Petitioner's Exhibit No. 22 on noise levels calculated by an engineering firm specializing in sound and vibration measurement, and their findings that the noise level would not be objectionable. It is the opinion of this Board from the testimony and evidence received that the proposed use would not

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

The testimony of the traffic experts was that the proposed use was a very low traffic generator and that very little of the traffic would be during the peak hours, and that therefore the use would not create congestion in the roads, streets, or alleys.

The Board has carefully considered all the evidence and all the testimony presented in relationship to the requirements of 502.1 and will find as a fact that these conditions are complied with.

The Board has compared the evidence in this case in regard to the Schultz v. Pritts, supra, decision in which the Board must assess the public impact of the proposed use at the location proposed to the likely impact of a similar use at any other location in the zone. Only if the impact of the particular proposed use promises to be more adverse than the impact of a similar use elsewhere is the denial of the special exception legally justified. In this case, a preponderance of the evidence indicates that the adverse impact of the Petitioner's proposed facility would be less than the impact that could be expected were the facility to be located elsewhere.

After consideration of all the testimony and evidence, the Board is of the opinion that the special exception as petitioned for should be granted and will so order with restrictions.

O R D E R

IT IS THEREFORE this 29th day of October, 1991 by the

County Board of Appeals of Baltimore County ORDERED that the Special Exception as petitioned for be and the same is GRANTED with the following restrictions:

1. No firearms of any kind or any sort are to be stored on the club property overnight. Any ammunition stored on the club property must be securely locked up.
2. No alcoholic beverages of any kind are to be served or offered to be served or allowed to be partaken of while the shooting range is being used.
3. All efforts must be made to use the balance of the 200+ acres not associated with the shooting range for agricultural uses; and it is

FURTHER ORDERED that the use of the caretaker's residence as an accessory use be and the same is GRANTED; and it is

FURTHER ORDERED that the parking plan as presented be and the same is GRANTED.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett

William T. Hackett, Chairman

C. William Clark

C. William Clark

10-29-91

IN THE MATTER OF THE THE APPLICATION OF IDA S. ECKHART, ET AL FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE WEST SIDE LONG GREEN PIKE, 400' SOUTHWEST OF THE CENTERLINE OF GLEN ARM ROAD	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO. 90-138-SPHX
11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	

* * * * * * * * * *

DISSENTING OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying Petitioner's requests. There are three requests before this Board: a special exception request for a shooting range in an R.C. 2 zone; a special hearing to use the caretaker's residence as an accessory use; and to approve a proposed parking plan.

I agree with the majority Opinion that the thrust of the entire hearing was directed toward the special exception use to permit a shooting range in an R.C. 2 zoned site. I also agree that if the special exception is granted the other requests should be granted; and, conversely, if the special exception is denied, the other requests would be moot.

This case will be decided on the ability of the Petitioners to meet the requirements of the following sections of the Baltimore County Zoning Regulations and case law as recorded in Schultz v. Pritts, 432 A2d 1319 (1981):

1. BCZR 1A01.2A Use Regulations
   Preferred use permitted as of right.
   Agricultural operations, when conducted in accordance with good and reasonable husbandry practices shall be afforded preferential treatment over and above all permitted uses in R.C. 2 zone.

2. BCZR 1A01.2C Use Regulations
   Uses permitted by Special Exception.
   The following uses only may be permitted by Special Exception in the R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity.

3. BCZR 1A01.2C.20 Use Regulations
   Shooting ranges, including archery, pistol, skeet, trap, or small-bore rifle ranges, or turkey shoots.

4. BCZR 502.1 Special Exception
   Before any Special Exception may be granted, it must appear that the use for which the Special Exception is requested will not:

   a. Be detrimental to the health, safety, or general welfare of the locality involved;
   b. Tend to create congestion in roads, streets, or alleys therein;
   c. Create a potential hazard from fire, panic or other dangers;
   d. Tend to overcrowd land and cause undue concentration of populations;
   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 and vegetative retention provisions of these Zoning Regulations.

5. Schultz v. Pritts, 432 A2d 1319 (1981)
   The facts and circumstances must show that the proposed use at the specific location in the Petition would not adversely impact above and beyond that inherently associated with such special exception use than the impact of a similar use at another site within the same zoning.

The targets of my disagreement with the majority Opinion are that the Petitioners have failed to meet the requirements of the following BCZR sections and case law:

1. 1A01.2A
2. 502.1(a), (g)

3. Schultz v. Pritts, supra

The Petitioners have failed to meet the requirements of 1A01.2A because the preferred use for this property is an agriculture use. I do not only rely on the statute, but the testimony of Norman Gerber, who testified as an expert witness in the field of land planning. Mr. Gerber is the former Director of the Baltimore County Office of Planning & Zoning.

Mr. Gerber described the property as being adjacent to farms and in an area of a dozen or so farms; that the property was on the edge of the Gunpowder Falls Valley and that the site is on top of a steep slope that has a dramatic change from the valley floor. The property is located in what Mr. Gerber describes as an area primarily characterized as agricultural. His conclusions were that the proposed use is inconsistent with the County Master Plan; that the use is not favorable to the continued use of the agricultural areas as identified in the R.C. 2 zone, and Mr. Gerber believes it (the gun club) would be detrimental to the continued agricultural use of the adjacent areas. Mr. Gerber was the only credible witness that went into detail as to the requirements of 1A01.2A and 502.1(g).

Mr. Jack Dillon testified on behalf of Baltimore County. From his testimony, it is my opinion that Baltimore County has adopted the position that since there are already several ranges in the area another range would not be detrimental. When is enough enough?

Mr. Dillon's testimony in suggesting this location for the gun

club is somewhat in conflict with Senator Bromwell, who testified that:

> "Well, as a member Legislature, we, two years ago, closed the Montrose School in central Baltimore County, a large parcel. That's there was a dispute of the land use, one of which was going to be by the Maryland National Guard, one use was supposedly going to be used by the Baltimore County Administration for Recreation and Parks.
>
> Needless to say, the people from that area would much rather see Recreation and Parks. However, we found that the Maryland National Guard had already claim to that property. They came down, they addressed -- as chairman of the Baltimore County Senators, they addressed our Senate delegation. They gave us every indication what they planned to do with that facility. And, in the course of these discussions, because of the complaints that had been getting from the surrounding community in Glen Arm, we felt that it was a good land use that possibly had firing ranges from that facility in Glen Arm could well be transferred into the new facility in central Baltimore County. That's why I felt that at this point the likelihood of that gun club being there longer than the National Guard, I would suggest, is much greater than the National Guard being there forever."

The requirements of Section 502.1(a) of the BCZR will not be met in that the increase in traffic will have a detrimental effect on the health, safety, or general welfare of this locality.

Sergeant Stuart Sardeson of the Baltimore County Police Department testified that he has been a traffic officer, has been on the force for 17 years, and lives on Harford Road in the Glen Arm area.

His testimony included the fact that the roads are very narrow and very steep. The Police Department has targeted this area because of the high number of accidents near this site. On cross examination, Officer Sardeson said that the other road in the area that is being targeted is Belair Road.

Basically, the Sergeant's testimony was that from his own observations and statistically the roads in the area are not safe and that any increase of traffic, especially infrequent drivers drawn to the gun club for special events, would be detrimental to the health, safety, and general welfare of the area.

The requirements called for in case law as recorded in Schultz v. Pritts, supra have not been met. This site is very different from other similar sites in the R.C. 2 zones. The site sits on the top of a steep slope above a river valley, the roads are very narrow and steep, and the roads meet at very odd angles (Factory and Harford Roads).

Mr. Dillon of the Planning Office acknowledged that the gun club turned down another location further north in a more rural area, near Interstate 83, due to the cost. It is clear that there are other locations in Baltimore County for this gun club. It is hard to believe that there are any sites in Baltimore County that would present themselves as a worse site for a gun club.

Therefore, after reviewing all the testimony, exhibits, arguments and memorandums, I must dissent from the majority Opinion in this matter. It is my opinion that the Petition for Special Exception should not be granted, which denial would render the other two requests of the Petitioner to be moot.

John G. Disney

John G. Disney

Date: October 29, 1991

STATE OF MARYLAND
DEPARTMENT OF NATURAL RESOURCES

SHEET NO. 1
SHEET NO. 2
SHEET NO. 3
SHEET NO. 4
SHEET NO. 5
SHEET NO. 6
SHEET NO. 7
SHEET NO. 8
SHEET NO. 9
SHEET NO. 10
SHEET NO. 11
SHEET NO. 12
HARFORD COUNTY
BALTIMORE COUNTY
Bel Air
Fallston
Jarrettsville
Monkton
Parkton
Forest Hill
Jacksonville
Sweet Air
Long Green
Glenarm
Dublin
Joppa
Joppatowne
Magnolia
Gunpowder
Kingsville
Perry Hall
Carney
Parkville
Towson
Providence
Loch Raven Reservoir
Gunpowder Falls
Little Falls
Big Falls
Deer Creek
Winters Run
Broad Creek
Bird River
Gunpowder River
Whitemarsh Run
Pleasantville
Hutchins Mill Rock
Hess
Corbett
Glenwood
Stockton
Singer Mountain
Lyons Corner
Whitaker Mill Rd.
Laurel Brook
Rocky Forest
Gregory
Bottom
Fork
Sunshine
Jerusalem
Belair
Old Belair
Old Joppa
Old Philadelphia
Old Eastern
Eastern Ave.
Pulaski Hwy.
Forge
Garrettsville
Chapel
Memorial
Philadelphia
Baldwin
Ebenezer
Marsh
Kenwood
White Marsh
Silver Spring
Harford
Joppa
Beltway
Potty
Hill
Ave.
Old Pulaski
Old Harford
Old Joppa
Old Eastern
Old Bird
Old Gunpowder
Old Fallston
Old Jarrettsville
Old Baltimore
Old Monkton
Old York
Old Manor
Old Hess
Old Corbett
Old Glenwood
Old Stockton
Old Belair
Old Fork
Old Sunshine
Old Jerusalem
Old Philadelphia

g. Radio antennas in conjuction with wireless transmitting or receiving facilities, provided that any such facility is used by a resident who has an amateur radio operator's licence issued by the Federal Communications Commission. No such antenna may extend closer than the front building line to any street on which the lot may front; no rigid-structure antenna may be taller above grade level than the horizontal distance to the nearest property line or 100 feet, whichever is less; and no supporting structure may be situated within 50 feet of any property line [see also Section 400]. [Bill No. 178, 1979]

h. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429), or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400) [Bill No. 178, 1979; Bill No. 71, 1987.]

i. Tenant houses, including trailers used as tenant houses. [Bill No. 178, 1979]

j. Rubble landfills, provided that the actual fill area does not exceed three percent of the total contiguous acreage of the property in the same ownership, and subject to the provisions of subsection 412.7 only. [Bill No. 97, 1987.]

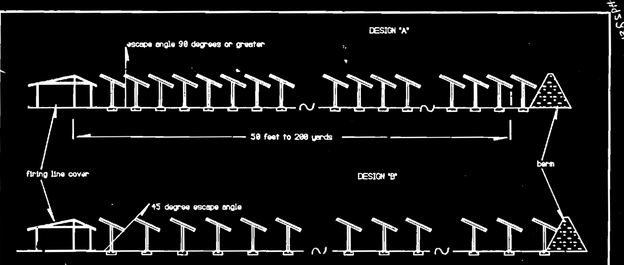
C. Uses permitted by Special Exception.[4] The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses: [Bill No. 178, 1979.]

1. Airports [Bill No. 178, 1979.]

2. Animal boarding places (regardless of class), kennels, veterinarians' offices, or veterinariums (see Section 421) [Bill No. 178, 1979.]

3. Antique shops (see Section 402B) [Bill No. 178, 1979.]

90-135-SPHA
Ord. Exh. 33
6/18/90

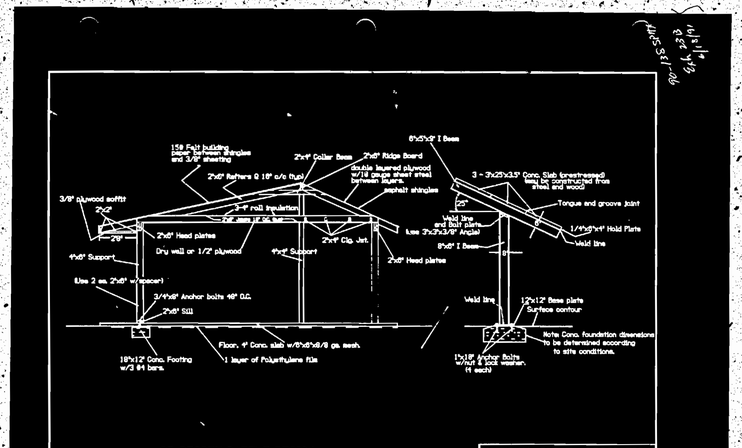


Notes:
1. These are typical examples of a baffled range.
2. Baffles are spaced according to the downrange area.
   a. Where inhabitants are less than one-quarter mile, use design "A".
   b. Where controlled areas extend beyond one-quarter mile, use design "B".
3. Baffle installation may not be required where terrain features such as mountains exist.
4. When baffles may be required as encroachment occurs, plan a program of installation over a five year period.
5. See drawing 38b for firing line cover details.

SUPPLEMENT TO DRAWING # 38
BAFFLED RANGE DESIGNS

NATIONAL RIFLE ASSOCIATION
RANGE DEPARTMENT
Washington, DC 20036
December 1987 Drawing # 38a

90-135-SPHA
Ord. Exh. 33
6/18/90



Note Conc. foundation dimensions to be determined according to site conditions.

25 DEGREE BAFFLE DESIGN

NATIONAL RIFLE ASSOCIATION
RANGE DEPARTMENT
Washington, DC 20036
December 1987 Drawing #38b

GLEN ARM COMMUNITY ASSOCIATION, INC.

RESOLVED: That at the May board meeting of the Glen Arm Community Association held on April 16, 19 91, it was decided by the Association that responsibility for review and action on all zoning matters for the period May 1, 1991 - Dec. 31,1991 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members:

T. Michael Reier
Ward Dawson

AS WITNESS OUR HANDS AND SEAL THIS 14 day of June, 19 91.

ATTEST: GLEN ARM COMMUNITY ASSOCIATION

Secretary President

90-135-SPHA
Pet. Exh. 24
6/19/91

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

FILE COPY

October 29, 1991

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517

RE: Case No. 90-138-SPHX
Ida S. Eckhart, et al

Dear Mr. Hoffman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. Also enclosed is a copy of Mr. Disney's Dissenting Opinion.

Sincerely,

/S/

Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Ida S. Eckhart, et al
Pikesville Sportsman's Club, Inc.
J. Carroll Holzer, Esquire
Mr. Richard Blocher
Ms. Helen Twining Kadlec /
Mr. Kenneth E. Kadlec
Ms. Catherine Kadlec /
Mr. Joseph E. Kadlec
Ms. Constance Szczukowski /
Mr. Thomas Szczukowski
Mr. Philip V. Micele
P. David Fields
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RE: PETITION FOR SPECIAL EXCEPTION AND PETITION FOR SPECIAL HEARING, W/S Long Green Pike, 400 feet SW of center line of Glen Arm Road
8th Election District; 6th Councilmanic District
IDA S. ECKHART, et al., Legal Owners, and PIKESVILLE SPORTSMAN'S CLUB OF BALTIMORE COUNTY, INC., Contract Purchaser,
Petitioners

* BEFORE THE COUNTY
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No.: 90-138-SPHX

* * * * * * * *

CLOSING ARGUMENTS OF PETITIONERS

The Petitioners in this case, Ida S. Eckhart, Mary M. Smith, Vernon L. Smith, Jr., Courtenay J. Smith, Patricia A. Cuddy, and Carole L. Chambers, Legal Owners, and Pikesville Sportsman's Club of Baltimore County, Inc. (the "Club"), Contract Purchaser, represented here by their attorneys, Robert A. Hoffman, Paul J. Consbruck, and Venable, Baetjer and Howard, petitioned the Deputy Zoning Commissioner in 1989 for a special exception to use the subject property, zoned RC-2 (and in very small part RC-5 at the northwest corner of the property), for a shooting range and clubhouse, and also for approval of: (1) a caretaker's residence as an accessory use, and (2) a parking plan providing parking spaces in various locations within the subject property.[1]

[1] As far as these latter requests are concerned, the Protestants raised no issue of either fact or law before the Deputy Zoning Commissioner or the Board of Appeals. It was undisputed that the caretaker's residence would be a proper accessory use and that the parking plan provided sufficient spaces for the proposed use.

On December 5 and 6, 1989, the Deputy Zoning Commissioner heard testimony on behalf of the Petitioners and Protestants, and on March 16, 1990, the Deputy Zoning Commissioner denied the Petitioners' request. The Petitioners appealed to the Board of Appeals and presented a modified plan as part of this de novo appeal. On April 12 and 26, May 22, and June 14 and 18, 1991, the Board of Appeals heard testimony on behalf of Petitioners and Protestants.

These written closing arguments set forth the reasons why applicable legal principles and the record in this case, it is respectfully suggested, compel the Board to grant the requested relief.

The Applicable Legal Framework

The Petitioners request approval to locate shooting ranges and a clubhouse on slightly less than 200 acres of land zoned RC 2 (Agricultural), part of a somewhat larger parcel totalling 201 acres.[2] The Baltimore County Zoning Regulations ("BCZR") permit shooting ranges, including the archery, pistol, skeet, trap, and rifle ranges proposed by the Club, by special exception in the RC 2 zone. Section 1A01.2.C.20, BCZR. They require, however, that before the Zoning Commissioner, or the Board of Appeals on appeal, may grant

[2] The remainder of the parcel, on which no use, construction or disturbance is proposed, is zoned RC 5 (Rural-Residential).

such a special exception, the Commissioner or the Board must be assured that there is no reason to believe that the particular shooting range or ranges being proposed will be detrimental to the health, safety, or general welfare of the locality involved -- and, in particular, to the primary agricultural uses in the vicinity. Sections 1A01.2.C, 502.1.a, BCZR. Section 502.1 of the Zoning Regulations goes on to set out more specific descriptions of types of detriment to the community of which the Commissioner or the Board should be aware and on which any prol ive evidence should be carefully considered.

The Court of Appeals explained at length the principles applicable to special exception cases in Schultz v. Pritts, 291 Md. 1 (1981). The underlying principle was stated by the Court, as follows: "The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore, valid." Id. at 11 (emphasis added). The burden resting on one who applies for permission to establish a special exception use, according to the Court, is to "adduc[e] testimony which will show that his use meets the prescribed standards and requirements [i.e., in Baltimore County, that the use will not create the harms described by the County Council in Section 502.1 of the BCZR].... If he shows ... 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." Id. In Schultz v. Pritts, the Court cited the earlier case of Turner v. Hammond, 270 Md. 41 (1973), underlining the rule that "if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal." 291 Md. at 11 (emphasis in Turner).[3]

The opinion in Schultz v. Pritts went on to describe the probable negative effects that a special exception use must have before it may be denied; these cannot be the typical adverse effects that are inherent in the use and would occur no matter where it might be located in the zone. Rather, there must be "strong and substantial" evidence showing that the particular use proposed at the particular location

[3] In Turner v. Hammond, supra, over 200 persons residing within several miles of the property in question registered their objections to a proposed special exception for apartment use. Nevertheless, the Court of Appeals ruled that it was error to deny the special exception. The Court noted that, if nearby residents did not want apartments, they should prevail on the local legislature to change the zoning ordinance; so long as that ordinance made apartments a special exception use, however, "[t]he property owner has a prima facie right to enjoy the benefits of the special exception if he brings himself within the specific requirements of the ordinance." 270 Md. at 60. The Court found in Turner that the protestants had not produced "substantial evidence" (i.e., more than a scintilla) that the granting of the proposed special exception would adversely affect neighboring properties.

proposed would have adverse effects above and beyond the inherent ones ordinarily associated with such uses.

Applying the rule of Schultz v. Pritts in this case requires the Board of Appeals to be cognizant of the fact that the Baltimore County Council has specifically determined, as a part of its zoning plan, that shooting ranges are to be allowed in agricultural zones, notwithstanding their perceived adverse effects. Only if there is strong and substantial, probative evidence to show that the establishment of the proposed shooting ranges on the subject property will give rise to unique and greater adverse effects than the establishment of such ranges in other agricultural zones within the County can the Board properly deny the requested special exception.

No Substantial Evidence of Unique and Greater Adverse Impact

There is no doubt that some residents of the Glen Arm community are opposed to the Club and its proposal to locate its clubhouse and shooting ranges in the community. These residents testified to their concerns over the expected noise that they felt was inherent in a shooting range, an effect some believed would result in lowering their property values. It is equally clear, however, that complaints of this sort cannot suffice, under Schultz v. Pritts, to overcome the presumption that shooting ranges serve a useful public purpose when located within the RC 2 zone.

The neighbors' expressions of fear and concern were not affected by the concrete testimony of Richard Blocher, president of the Pikesville Sportsman's Club, who described the limited hours during which shooting would be likely to occur on the subject property, as well as the limited number of participants in the Club's customary shooting activities. According to Mr. Blocher, the Club's trap ranges currently operate only on Sunday from noon to 4 p.m. and attract only from seven to nine participants per week; in addition, there may be nine to ten trap meets a year, operating from 9 a.m. to 5 p.m. on Sunday. Outdoor rifle and pistol ranges are open for Club members from 9 a.m. to dusk every day, but Mr. Blocher stated that there would be only three to five members shooting on an average day; there would also be organized competitions involving these ranges several times a year. Mr. Blocher indicated that the Club's indoor pistol range would be open to the public only from 6 p.m. to 10 p.m. each Monday.

The Petitioners also produced expert testimony of two acoustical consultants, George Winzer and Michael Staiano, that sound levels produced and projected off-site by the activities proposed by the Club would be well below even the most restrictive standards (residential land uses) established by various governmental entities. Mr. Staiano described actual sound measurements he and Mr. Winzer had made at a number of locations surrounding the subject property; these showed background ambient sound levels typically ranging from

34 to 68 decibels, and sound levels when shots were fired from the proposed site typically ranging from 45 to 63 decibels. There was also evidence that at locations surrounding the subject property road vehicles produced sound levels of 53-68 decibels, while overflights by aircraft produced sound levels of 52-70 decibels. (See Petitioners' Exhibit 22.) By overlaying sound contours on the Club's site plan, Mr. Staiano concluded that the Glen Arm community would experience no adverse noise impact from the activities proposed for the site, and that those activities would be acoustically compatible with the surrounding acoustical environment[4].

An expert property appraiser for the Club, Walter Reiter, testified to the negligible impact that the proposed facilities would be likely to have on the values of real estate in the community. After carefully studying residential property near two similar clubs in Carney (a more densely populated area of the County), Mr. Reiter concluded that there is no evidence that the operation of the Carney clubs has

[4] As illustrated in Petitioners' Exhibit 22, Mr. Staiano demonstrated that because of the great size of the subject property, the proposed range will not project "worst-day" day-night average sound levels above 55 decibels beyond its boundaries other than on to the existing National Guard facility. These expected sound levels are well within the U.S. Department of Housing and Urban Development "acceptable" levels for residential development, meet the U.S. Environmental Protection Agency sound level goal for residential areas "in protecting the public health and welfare," and fall well below the State of Maryland Regulations' (COMAR) maximum permissible sound levels at a residential property line. Mr. Staiano emphasized that these expected sound levels actually meet the more stringent "goals of attainment" for residential land use, under COMAR 26.02.03.02, which are "protective of the public health and welfare."

exceptions in it which, in the right location of the RC 2 zone, might be all right.

Q. So, Mr. Gerber, you feel that unless the use could foster the agricultural uses either on the property or the property that surrounds it, it shouldn't be permitted in the RC 2 zones?

A. That's the way I think the regulations are.

Q. Why do you think the County Council passed this piece of legislation which you have now submitted as an exhibit, 1A01.2C? Why did they draft this language that reads, "The following uses only may be permitted by special exception in any RC 2 zone, provided in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in the vicinity"?

A. Well, I also felt this was detrimental. And the reason they did it, because they also know -- the reason they did it, in my opinion, because they knew also that not every bit of RC 2 zone is located such that it would be detrimental if that particular use was placed on there. And it's up to the hearing body to make that decision.

Q. Well, you're testifying that the standard for this case is constant in the Declaration of Findings and this petitioner has to prove his use will enhance the agricultural uses in the vicinity.

That's not the standard, Mr. Gerber, the standard found in Section C. Do you want to change all your previous testimony?

A. I also said I felt it was detrimental in this case, detrimental to the surrounding farming community because of the introduction of regional type of traffic.

Q. Regional type of traffic. Do you know how much traffic will be coming to and leaving the site?

A. I saw in one of the exhibits that there was something on the order of, peak occasions, there might be as many as sixty cars, or sixty-five cars per hour, something in that range.

Q. I believe that was per month.

A. I saw something on an hourly basis.

Q. Sixty cars during an hour?

A. When there were certain activities taking place.

Q. When were those activities taking place?

A. It didn't define them exactly when they would take place. It said there was to be some type competition, turkey shooting competitions with other organizations. And I assumed that would be the time when there would be more traffic than you would expect on a normal weekday when the club members are shooting.

Q. And you're assuming now that that traffic will conflict with the agricultural uses in the area?

A. I believe it will, yes.

Q. Mr. Gerber, you were hired by whom to testify here today?

A. I was hired through Mr. Holzer. And I guess I have forgotten the name of the organization, but it is a community organization. I can't tell you which one it is. I can't give you the exact name right now.

Q. Do you know where any of the protestants live in this case?

A. I understand some live on Long Green Pike, Long Green Road. I don't know where all of them live, no.

Q. Do you know if any of them live in close proximity to this site?

A. I don't know where specifically any of them live. I assume they do, but I don't know.

Q. Do you know what they do for a living?

A. No.

Q. Do you know if they are farmers?

A. No.

Q. Mr. Gerber, did Mr. Pilson work for you during your eight years as Director of Planning?

A. Yes.

Q. Was he one of your trusted employees in your department?

A. Yes.

Q. Do you have respect for his opinion?

A. Yes.

Q. Was Mr. Kirwin the chairman of the Planning Board during your tenure with Baltimore County?

A. I don't think so. I mean I may have been an acting director during his tenure, or maybe a deputy director. I'm not sure.

Q. Did you work with Mr. Kirwin?

A. Yes.

Q. Do you have respect for his opinion?

A. Generally, yes.

MR. HOFFMAN: Thank you. I have no further questions.

MR. HOLZER: Thank you, Mr. Gerber.

THE CHAIRMAN: You may step down, Mr. Gerber.

* * * * *

Councilman Ruppersberger

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE - SW/S of Black Rock Road, 800' SE of Benson Mill Road (Black Pine Farm) 5th Election District 3rd Councilmanic District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-492-SPHA
Chesapeake Equity Org., Inc. Petitioner	*	

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the reconfiguration and adjustment of the parcels and lot lines shown on the plat submitted for the subject property, the reservation and clustering of the R.C. 2 densities and the utilization thereof to promote agricultural uses in the vicinity and to protect and preserve the R.C. 2 soils, and a finding that Adjusted Lots 1 and 2 and the combination of same to create a reduced acreage farm incorporating the existing barn thereon is not in violation of Sections 400 or 404.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). Petitioner also requests in the alternative, should the aforementioned special hearing relief be denied, variances from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an existing accessory building on Adjusted Lots 1 and 2 to be located in the front yard in lieu of the required rear yard, to have a height of 26 feet in lieu of the required 15 feet, and to remain larger than the principle structure, as more particularly described in Petitioner's Exhibit 6.

The Petitioner, William Boucher, III, President, Chesapeake Equity Organization, Inc. (CEO), appeared, testified and was represented by Stephen J. Nolan, Esquire and Douglas L. Burgess, Esquire. Appearing as Contract Purchasers were Mr. & Mrs. L. Myrton Gaines. Also appearing on behalf of the Petitions were Michael P. Murphy, Stephen R. Smith and Rich-

EXH 2.

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

July 14, 1987

S. Eric DiNenna, Esquire
Suite 600, 409 Washington Avenue
Towson, MD 21204

RE: Case No. 85-132-X
Meadowcliff, A New Covenant Church

Dear Mr. DiNenna:

Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals regarding the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Pastor C. Albert Meyers
David L. Bowers, Esquire
Ms. Judy Baer
Andrew Radding, Esquire
John Willis, Esquire
F. K. Caporale
Mr. Harry C. Pullen
Phyllis Cole Friedman, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Margaret E. du Bois

EXH 3

IDA S. ECKHART, ET AL. W/S LONG GREEN PIKE, 400' SW OF THE C/L OF GLEN ARM ROAD 11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
SE - SHOOTING RANGE SPH - CARETAKER'S RESIDENCE USE; PARKING PLAN	*	Case No.: 90-138-SPHX

* * * * * * *

MOTION IN LIMINE

Ida S. Eckhart, Mary M. Smith, Vernon L. Smith, Jr., Courtenay J. Smith, Patricia A. Cuddy, and Carole L. Chambers, Legal Owners, and Pikesville Sportsman's Club of Baltimore County, Inc., Contract Purchaser and Petitioner, by Robert A. Hoffman and Paul J. Consbruck with Venable, Baetjer & Howard, their attorneys, request that the Board of Appeals prohibit the introduction of any testimony or evidence thereof at the hearing from elected representatives of the Maryland General Assembly.

A Memorandum of Points and Authorities in Support of the Motion in Limine is attached and incorporated hereto.

WHEREFORE, Petitioner requests that the Board GRANT its Motion in Limine.

ROBERT A. HOFFMAN

PAUL J. CONSBRUCK
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111
Attorney for Petitioner

caused any diminution in property values. Mr. Reiter was able to reach this conclusion despite the facts that one Carney club conducts night-time shooting outdoors (activity not proposed by the Petitioners), and the other has posted a warning to prospective buyers of real estate that a gun range exists in the community. Mr. Reiter also observed that there are no properties in close proximity to the subject property whose values could be adversely affected by the proposed use, taking into account the extent and nature of the proposed operation as testified to by other witnesses.

Another focus of the neighbors' testimony was the existing road network in the vicinity of the subject property. According to a number of witnesses, the narrow, winding roads in the area are already unsafe. These witnesses evidently conclude that any additional traffic in the area will be problematic and that, therefore, no new use that will generate traffic should be permitted.

On the subject of traffic, the Petitioners produced expert testimony by Mickey Cornelius that the facility proposed by the Club, even if Club membership were increased to the maximum permitted by its charter, would result in no increase in morning peak-hour traffic, approximately five extra vehicle trips daily during the evening peak hour, and probably no more than 30 vehicle trips per day total. Most of the traffic generated by the proposed Club facilities would occur on Sunday afternoons (when other traffic would be light) and on

Monday evenings. According to the traffic expert, the Club's planned development would have no negative impact on the level of service at the key intersection of Long Green Pike and Glen Arm Road; optimum Level of Service "A" conditions currently exist at the site for Saturday and Sunday peak hours, and would so remain if the Club relocates to the site. Mr. Cornelius also testified that there would be more than adequate sight distance in all directions at the proposed entrance to the Club facilities, and that the parking plan was satisfactory to accommodate the proposed activities. In light of Mr. Cornelius's expert testimony, the unsubstantiated fears concerning traffic that were voiced by nearby residents cannot be regarded as probative evidence of real detriment to the community.[5]

There was abundant evidence that the subject property lies adjacent to a portion of the Gunpowder State Park where the Maryland National Guard maintains shooting ranges and a firearms training facility, and where it conducts or permits other law enforcement agencies to conduct military maneuvers.[6]

[5] While the Protestants expressed concern that the clubhouse proposed for the subject property would be used for a large number of social affairs unrelated to Club activities, the only probative evidence was to the contrary. Mr. Blocher testified that the Club's existing clubhouse was used for non-Club-related social affairs only from six to twelve times per year.

[6] Robert Powell, an officer of the Club who was stationed as Range Master for 19 years at the National Guard facility, and who remains very familiar with its operations, testified that it is used heavily seven days a week, both by the National Guard itself and by local and State police

There was also evidence of a number of other gun clubs in the general area. From the nearby residents' point of view, these facts gave rise to complaints of "oversaturation." On the other hand, according to Jack Dillon, the representative who testified on behalf of the Baltimore County Office of Planning and Zoning, this site was more appropriate than others "primarily because of its relationship to the National Guard site." Mr. Dillon's testimony suggests that the actual incremental adverse impact generated by the location of the Club facilities on the subject property would be considerably less than the impact of locating those facilities elsewhere in the RC 2 zone. Mr. Dillon testified that the Office of Planning and Zoning had supported the Club when it suggested the availability of the subject property, because of the desirability of the location, proximity to roads, and existence of woodland and agricultural areas on site. He also indicated that the office was guided by the philosophy to relocate the Club next to another gun range.

There was no evidence, except for a few unsupported personal assertions, to suggest that the Club's plans would be incompatible with continuation of agriculture in the area. Witnesses for the Club indicated that it intended to make

departments, for handgun training, recruit classes, and training of SWAT teams, entry teams, and counter-sniper teams, as well as for actual simulated combat and other military training operations, training approximately 40,000 troops a year. Mr. Powell testified further that weapons and ammunition are stored in an armory on the National Guard site.

every effort, after its proposed facilities are established, to devote approximately one-third of the subject property to continued farming or tree-farming, in conjunction with programs sponsored by the Maryland Department of Natural Resources.

Witnesses for the Club testified to its good reputation as a responsible member of the community at its existing location in Owings Mills. Both Mr. Blocher and Sergeant Louis Ritter, Field Supervisor of the Outdoor Education Program for the Maryland Natural Resources Police, described the many community-minded and beneficial programs sponsored by the Club, including firearms safety, forestry, and conservation programs, and the volunteer training of thousands of students through the State's hunter safety program during the Club's existence.

An environmental expert for the Club, Dr. Stuart Cohen, minimized the neighbors' theoretical concerns about the dangers of lead shot to the environment, pointing out that the neutral pH conditions at the proposed site, the lack of perennial streams adjacent to the proposed shooting ranges, and the reduced runoff potential from grassed areas at the site would prevent any adverse impact on the site itself or on the surrounding community. (See Petitioners' Exhibit 6.) Dr. Cohen also indicated that removal of lead shot at least once every five years would keep lead concentrations near the surface below 1,000 parts per million over a 25-year period,

which is the upper limit the U.S. Environmental Protection Agency has established for previous hazardous waste site cleanup. This is based on assumptions of long-term, extensive, direct human exposure to lead-contaminated soil, an unlikely scenario for a shooting range. Two of Protestants' witnesses questioned Dr. Cohen's analysis of the soil's acidity for the ranges, but did not test the site. Dr. Cohen's conclusions were based, in part, on extensive soil sampling (analyzed by an independent, certified Maryland laboratory), which demonstrates clearly that the soil is neutral in the 6.3 to 7.2 pH range, a condition that does not cause lead to migrate.

William Kirwin, an expert land planner called by the Petitioners, gave his opinion that the Club's facilities would be environmentally sound and compatible with surrounding uses, because they would require no extensive disturbance to the natural conditions of the site and would preserve a substantial portion of the site for agricultural use. He also explained that the unique character of the proposed site, in terms of topography and size, serves as an additional safety factor; the rifle and pistol ranges will be located in the areas of lower elevation, the proposed archery range is isolated from the nearest residence by a woodland buffer, and the sheer magnitude of the property provides a significant physical separation between any range and any residence with a minimum distance of approximately 1,000 feet.

Although the Protestants voiced fears concerning the lack of governmental regulation of the safety and operations of shooting ranges and the proximity of the subject property to both the Gunpowder State Park and the Hickey School, there was no substantial evidence that these factors would make the proposed facility a public danger. There was no evidence that accidents had occurred at the existing facilities of the Club (which adjoin a Jewish congregation's summer camp), at the National Guard facility adjoining the subject property, or at any other shooting range, because of the lack of governmental regulations.

In fact, Sergeant Ritter, whose department is the lead State agency in investigating shooting accidents, testified that no shooting accidents have occurred at the existing Club site, and that he was unaware of any shooting injuries on any shooting range in the State. Sergeant Ritter further stated that the Club's new site would have to undergo a range safety survey by his department if the department were to continue using the Club for its hunter safety program. He noted that, without volunteer efforts by entities such as the Club, the State's hunter safety program would be "diminished completely."

Furthermore, the plat produced as Petitioners' Exhibit 4 shows that the entire facility will be fenced and that the outdoor rifle and pistol ranges will be recessed into the ground and enclosed by berms. Witnesses for the Club

testified that all of the shooting ranges will be designed in accordance with safety specifications of the National Rifle Association ("NRA") and the National Archery Association. Richard Whiting, manager of the NRA Range Department and co-author of the NRA Range Safety Manual, testified concerning the baffle system the Club is proposing to implement at its outdoor rifle and pistol ranges. As illustrated in the Range Safety Manual (See Petitioners' Exhibits 23A and 23B), this type of baffle system can eliminate bullet ricochet off the range and contain all bullets on site. Club witnesses also explained that all members having general access to the Club's shooting ranges will be certified by well-trained and certified instructors. According to this testimony, members of the general public will be allowed to shoot at the Club's ranges only when the ranges are supervised by certified range and line safety officers.

Likewise, the Protestants produced no evidence that operations of the nearby, more intensive National Guard facility had caused significant problems for the Gunpowder State Park or in connection with the Hickey School. Indeed, representatives of the Club noted that their proposed facility would pose less hazard than the National Guard facility with respect to possible escapees from the Hickey School, because no ammunition and no firearms will be stored on the subject property.

Neighbors raised additional, even more speculative concerns, again offering no substantial evidence to suggest real public danger. Several of them pointed to the fact that the Club now has a club beer and wine license that would be transferred to the new clubhouse on the subject property, and they hypothesized that Club members and guests might become intoxicated and act irresponsibly, either on the shooting range or while driving on nearby roads. One witness speculated that a Club member or guest might shoot the overhead transmission lines crossing the subject property, causing power outages along the Eastern Seaboard, or shoot into a pipeline buried three feet below the surface of the property, an impossibility considering the proposed layout of the ranges.

There was no evidence to suggest that any of these far-fetched "dangers" were more than the remotest possibilities, or that there is any legitimate cause for concern. As far as alcohol-related firearms incidents are concerned, Mr. Blocher and Mr. Powell, both officers of the Club, affirmed that the Club had experienced no such incidents and that strictly enforced Club rules forbade the consumption of alcohol while firearms or archery equipment were being handled.

Finally, a number of Protestants commented on their belief that there is no need for another gun club in the Glen Arm area. This argument misperceives the legal framework governing these proceedings. In order to obtain permission to

AREA SHOOTING

1. MARYLAND ARMY NATIONAL GUARD GUNPOWDER MILITARY RESERVATION
2. BALTIMORE CITY POLICE FIREARMS TRAINING FACILITY
3. CARNEY ROD AND GUN CLUB
4. BALTO. CO. GAME & FISH PROTECTIVE ASSOCIATION
5. LOCH RAVEN SKEET & TRAP AT LOCH RAVEN WATERSHED
6. BALTO. CO. POLICE TARGET RANGE
7. PROPOSED SITE FOR THE PIKESVILLE SPORTSMAN'S CLUB

4 MI.
3 MI.
2 MI.
1 MI.

Prot. Exh 3
90-138-SPHA
(Eckhart)

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION

OPPOSED RESIDENTS

IDA ECKHART
90-138-SPHXA
Protestants #4
(Last entry = in CSA)

Pet Ex. 4
90-138-SPHXA
(Eckhart)

TOWSON REPORTING COMPANY, INC.
606 Baltimore Avenue, Suite 201
Towson, Maryland 21204
(301) 823-7800
Court and Conference Reporting

ORIGINAL

91CV6947

TRANSCRIPT OF PROCEEDINGS

IDA S. ECKHART, ET AL., W/s Long Green Pike, 400' SW of the c/l of Glen Arm Road 11th Election District 6th Councilmatic District SE-Shooting Range; SPH-Caretaker's residence as accessory use; parking plan	*	BEFORE THE
	*	BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	No. 90-138-SPHX
	*	April 12, 1991

* * * * *

The above matter came on for hearing before the Board of Appeals at 10:15 a.m., April 12, 1991, at Room 301, County Office Building, Towson, Maryland 21204.

* * * * *

BOARD MEMBERS:
WILLIAM T. HACKETT, Chairman
JOHN G. DISNEY, Esquire
C. WILLIAM CLARK, Esquire

APPEARANCES:
ROBERT A. HOFFMAN, Esquire
PAUL CONSBRUCK, Esquire
On behalf of Appellant

J. CARROLL HOLZER, Esquire
On behalf of Protestants

Reported by:
Susan Smith, CSR

4/23/91

91CV6947

IN THE MATTER OF IDA S. ECKHART, et al	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	Case No. 90-138-SPHX
	*	April 26 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, Towson, Maryland at 10 o'clock a.m., April 26, 1991

* * * * *

BOARD MEMBERS:
WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JOHN G. DISNEY

APPEARANCES:
ROBERT A. HOFFMAN, Esquire
On behalf of Petitioner

J. CARROLL HOLZER, Esquire
On behalf of Protestants

Reported by:
C.E. Peatt

91CV6947

IN THE MATTER OF IDA S. ECKHART, et al	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	Case No. 90-138-SPHX
	*	May 22, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, Towson, Maryland at 1 o'clock p.m., May 22, 1991

* * * * *

BOARD MEMBERS:
WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JOHN G. DISNEY

APPEARANCES:
ROBERT A. HOFFMAN, Esquire
On behalf of Petitioner

J. CARROLL HOLZER, Esquire
On behalf of Protestants

Reported by:
C.E. Peatt

91CV6947

IN THE MATTER OF IDA S. ECKHART, et al	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	Case No. 90-138-SPHX
	*	June 14, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, Towson, Maryland at 10 o'clock a.m., June 14, 1991.

* * * * *

BOARD MEMBERS:
WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JOHN G. DISNEY

APPEARANCES:
ROBERT A. HOFFMAN, Esquire
On behalf of Petitioner

J. CARROLL HOLZER, Esquire
On behalf of Protestants

Reported by:
C.E. Peatt

91CV6947

IN THE MATTER OF IDA S. ECKHART, et al	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
	*	OF BALTIMORE COUNTY
	*	Case No. 90-138-SPHX
	*	June 18, 1991

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, Towson, Maryland at 9 o'clock a.m., June 18, 1991.

* * * * *

BOARD MEMBERS:
WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JOHN G. DISNEY

APPEARANCES:
ROBERT A. HOFFMAN, Esquire
On behalf of Petitioner

J. CARROLL HOLZER, Esquire
On behalf of Protestants

Reported by:
C.E. Peatt

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - W/S Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District

Ida S. Eckhart, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-138-SPHX and Case No. 90-139-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In Case No. 90-138-SPHX, Petitioners request a special exception to use the subject property for a shooting range and clubhouse; and a special hearing to approve the use of the caretaker's residence on the subject property as an accessory use for a proposed shooting range and clubhouse and a parking plan for the proposed shooting range and clubhouse which provides a total parking of 180 spaces, 125 of which will be used for the Clubhouse and East Trap and Skeet Range, 25 will be used for the West Trap and Skeet Range, and 30 will be used for the Rifle Range and Archery Trail, all as more particularly described in Petitioner's Exhibit 1.

In Case No. 90-139-SPHA, Petitioners request a special hearing to approve the non-density transfer of two (2) 2-acre parcels, each to be combined with an existing lot to form new Parcels 1 and 2, the reservation of two dwelling units for new Parcel 5, and the creation of new Parcels 3 and 4, with total density not to exceed the permitted five (5) dwelling units. Petitioners also request a variance to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building, all as more particularly described in Petitioner's Exhibit 1.

In Case No. 90-138-SPHX, the Petitioners, property owners, and Contract Purchasers, The Pikesville Sportman's Club, appeared, testified,

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Mills growth area, the existing facility is now zoned for industrial use. The Club, recognizing its need to relocate a number of years ago, commenced its search for a new location. The Petitioners propose to establish their Club at the subject site. Testimony indicated that current operations include indoor and outdoor archery, trap and skeet ranges, indoor and outdoor rifle ranges, indoor and outdoor pistol ranges, dog training, the holding of various community activities at the site, including, but not limited to, turkey shoots, hunter education programs, programs for the Boy Scouts, and dances. The Club currently holds a beer and wine license, and for special events, have applied for and received a one-day license for the consumption of additional alcoholic beverages. In response to questions raised about the liquor license, Mr. Blocher noted that there have been no alcohol-related incidents.

Testimony regarding the hours of operation by Mr. Blocher indicated the trap ranges currently operate on Sundays from 12:00 PM to 4:00 PM. He indicated that there are currently 6 to 8 trap meets each year wherein the ranges are open from 9:00 AM to 4:00 PM on a Sunday. The outdoor rifle and pistol ranges are open to members from 9:00 AM to Dusk each day. Mr. Blocher stated that there are generally only one or two members shooting outdoors on an average day. Further, he indicated that there are outdoor competitions involving the rifle and pistol ranges approximately 3 or 4 times each year. Currently, the Club's indoor range is open to the public from 6:00 PM to 9:00 PM on Mondays only. Members may use the indoor facilities at any time. Testimony indicated that prior to becoming a Club member with full privileges, one must be certified and tested by other members to insure the individual has sufficient knowledge and expertise to use the facilities unsupervised. There are no federal, state or

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special weapons instructor. Mr. Powell testified as to the Maryland State Police using the National Guard property approximately 200 yards from the subject site and to the numerous training courses that occur there a number of times each week. Testimony presented by Petitioners was that there are no plans for the storage of ammunition on the site. On cross-examination, he conceded that while the National Guard stores weapons at the facility, they have a sentry and security guard on-site at all times.

Petitioners then called Mickey Cornelius with The Traffic Group who testified that the study undertaken by his firm indicated that there will be an average of 36 trips per day to the site with no morning peak rush hour trips, and an average of 3 trips during the evening peak hours. Mr. Cornelius testified that if the Club's membership was increased to 135, there would be an average of 60 to 70 trips to the site per day. He testified that Long Green Pike and Glen Arm Road currently operate at satisfactory levels and the site distance at the posted speed limits of 30 mph is sufficient. Upon cross, Mr. Cornelius indicated that he had not taken into consideration the trips generated at times of special events.

Mr. Dillon testified that in his current capacity as Senior Land Planner for Baltimore County he has worked with the Pikesville Sportsman's Club for the past several years in their attempts to relocate as a result of being in the Owings Mills growth area.

Mr. Windsor, expert acoustical consultant, testified that based upon his studies, he concluded that the noise levels produced by the activities proposed by the Petitioners would be below levels which could cause physiological or psyhcological damage to the residents on any nearby property. Mr. Windsor testified that as a result of testing done at a number of locations around the subject property, the levels ranged from an average

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will be generated; 2) the roads in the area are not equipped to handle what he believes would be increased traffic; and 3) there are already enough gun clubs in the area.

Delegate Donna Felling testified that she lives approximately 1 mile from the subject property and is very familiar with the site. She testified that she is opposed to the shooting range for the following reasons: 1) she believes there are currently enough shooting ranges in the area; 2) the noise generated from the site would be adverse to the community; and 3) the location is inappropriate due to its proximity to the Charles Hickey School, a juvenile detention center, which has a history of escapes and problems over recent years.

Senator Bromwell testified that he was familiar with the area and is opposed to the use proposed in view of the number of shooting ranges currently existing in the area. Senator Bromwell distinguished between the new gun club proposed which would be coming into an established area versus the others which have co-existed and been in place since before the development of communities around them. He further expressed concern about the increased traffic that would be generated by the size of the facility and the new clubhouse which would encourage social events.

Michael Reier testified as President of the Glen Arm Community Association as well as an adjoining neighbor to the proposed site. The Protestants introduced as Protestant's Exhibit 1, a Petition signed by numerous residents opposing Petitioners' request with a vicinity map indicating the numerous individuals living in the surrounding community who are opposed to the proposed facility. Mr. Reier testified in opposition to the Petition citing the following reasons: 1) the community believes there are already a sufficient number of shooting ranges in the

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ion, the use proposed would have a detrimental effect on the health, safety and general welfare of the residents of the Northcliff Community.

Mr. Bronson, senior mechanical engineer with Drummond, testified that he lives on Glen Arm Road approximately 300 feet from the subject property. He expressed concern as to its proximity to the BG & E right-of-way and the location of underground gas pipelines.

Ms. Matsinger, Chairman of the Gunpowder Advisory Board for the State of Maryland, testified as to the incompatibility of the proposed uses with the adjoining Gunpowder State Park. She testified concerning the numerous users of the Park each year and the incompatibility of the sound of gunfire with the peace and serenity of the Park surroundings.

Mr. DeFord, President of the Long Green Valley Association, testified in opposition to the proposed use. He testified as to the use being incompatible with the status of the agricultural land; the noise generated by the proposed use having a detrimental impact on the community; concerns regarding the safety of the proposed use; and its adverse impact on neighboring property values.

Ms. Taylor, a resident of Long Green, a sheep farmer and nurse, testified as to her opposition to the use proposed and the anticipated noise.

Dr. Mosener, a resident of Harford Road, testified as to his objections to the proposed use. He expressed concerns as to the use of lead in shotgun shells on the premises and testified as to the adverse environmental effects that lead pellets can have on the environment.

Mr. Marsh, a resident of Glen Arm, testified as to his objections to the proposed use due to the noise that will be generated from the sub-

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and that the proposed gun club would only exacerbate the situation. She testified as to the limitations placed upon her use of her property as a result of the existing National Guard facility and she fears further restrictions from the use proposed.

Ms. Hastings, as Vice President of the Greater Kingsville Association, and Stanley Pollack, Officer of the Summerfield Farms Association, both appeared and voiced their respective Associations' opposition to the proposed use.

It is clear that the B.C.Z.R. permits the use proposed in the R.C.2 and R.C. 5 zones by special exception. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The evidence presented by Petitioners is based on their current experiences and operation of the Club's facility at its present location. The Petitioners argued the use and impact will be no different than that currently experienced, yet they propose a facility which is double, and in some instances, three times the size of the existing facility. The Club is proposing a larger facility even though the testimony presented indicat-

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on Long Green Pike Road. The 38.5 acres from the original second parcel would be merged in a deed along with the remaining acreages from Parcel 1 to create Parcel 5 as depicted on Petitioner's Exhibit 1B with a total acreage of 201 acres. These are the 201 acres under contract to The Pikesville Sportmans Club. Petitioners are desirous of obtaining a determination that there would be two dwelling units remaining for Parcel 5. The original transfer for Parcel 1 on Petitioner's Exhibit 1C needs to be considered a non-density transfer and would be combined with adjoining property owned by one of the Petitioners which was in existence and conveyed out prior to November 26, 1979, as noted on Petitioner's Exhibit 1. The new Parcel 1 as noted on Petitioner's Exhibit 1B would continue to be operated by the Bressler family as a nursery which has been ongoing on the property in excess of 38 years. Petitioners argued that the non-density transfer of the two acres to Parcel 1 would promote agricultural uses as it would permit the continuation of the nursery. Testimony indicated that the 2 acres Petitioners seek permission to add on are simply part of the parcel that has been used over the years for the operation of the nursery. Petitioners contend the 2 acres added to Parcel 2 would support the agricultural uses on said lot owned by Mr. & Mrs. Vernon L. Smith, Jr.

Testimony presented by Petitioners explained in detail the planning reasons and the rationale for the reconfiguration of the lots as proposed. Petitioners' testimony indicated that they firmly believe the proposed reconfiguration is within the spirit and intent of the B.C.Z.R. and the property's zoning classification as it will continue to promote the agricultural preservation of the property and continued uses of the property for agricultural purposes.

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Date
By

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The Office of Planning and Zoning did not support Petitioners' request; however, it recommended that if the request was granted, the acreage of Parcels 3 and 4 be limited to one (1) acre unless an increase was necessary to provide for onsite private septic and water well systems. Petitioners contend Planning's comments did not take into consideration Petitioners' desire to promote the continued agricultural uses of the land as pastureland. The Protestants noted their opposition to this case as a matter of principle. A number of Protestants noted the present agricultural uses of the property by Petitioners and their genuine feelings that Petitioners were good neighbors.

In reviewing the testimony, the relief requested in this case, as hereinafter modified, seems appropriate and consistent with the spirit and intent of the zoning regulations. However, the size of Parcels 3 and 4 and the location of the house must be reviewed and approved by DEPRM to insure compliance with the property's zoning classification and Bill No. 134-89 concerning prime and productive soils. Further, the granting of

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NOTCHCLIFF ROAD

340'

GLEN ARM ROAD

RC 2 ZONE
RC 5 ZONE

SMITH

EVERETT
G420/176

RC 5 ZONE

N 37° 45' E 810.75'

RC 2 ZONE

N 46° 00' W 767.85'

3 ACRES ±

RC 5 ZONE

RC 2 ZONE

N 46° 30' E 396.00

866.30'

1584'

MARYLAND & PA. RAILROAD

RC 5 / RC 2

700' ±

S 47° 45' E 717.7

N 48° 30' W

745.80

S 48° 45' E

SECOND PARCEL
G.L.B. Nº 2248 f.lio 153
38.5 ACRES ±
NET AREA AFTER S/E B.G.&E.
(2 UNITS)

N 43° 30' E 957.00

S 35° 30' W 1864.25

PAUL H. HARDY JR.
1364/37

STATE OF MARYLAND
5416/52
GUN POWDER RIFLE RANGE

3458.40

N 8° 34' E 2240' ±

B.G.&E. TRANSMISSION LINE (FEE SIMPLE)

ESE 4.50' ± / 100' × 5.876 ACRES ±

S 2° 34' W 2535.18' ±

RC 2 ZONE

N 88° 00' W

FOREST & PARKS

FIRST PARCEL G.L.B. Nº 2248 folio 153
NET AREA AFTER S/E B.G.&E. AND
S/E LOTS OF RECORD PRIOR TO 11/25/79
190 ACRES ± (3 UNITS)
RC 2 185.7 ACRES ±
RC 5 4.3 ACRES ±

S 7° 03' W 1182.72

591.36

591.36

739.78'

N 88° 00' W

PROPOSED
10 ACRES ±

PROPOSED
10 ACRES ±

TO BE REMOVED DWELLING

PROPOSED
8.00 ACRES ±
ADD-ON

PROPOSED
2.00 ACRES ±
ADD-ON

TO BE REMOVED SILOS

S 13° 16' 13" W 244.99'

S 69° 40' W 3.5.89'

S 13° 03' 02" E 164.65'

N 37° 45' E 5,055'

3200' ±

S 73° 17' 30" W 530.03'

RC 5 LINE

RC 2 ZONE
RC 5 ZONE

S 23° 45' W 564.60'

S 59° 28' W 8.08

S 34° 00' W 140.42'

S 5° 42' E 174.18'

S 17° 15' W 218.62'

S 51° 47' E 3425' 1.3 ACRES ±

S 26° 00' W 400'

S 26° 00' W 270'

BEGINNING ZONING PARCEL

INTERSECTION GLEN ARM ROAD

20' MACADAM PAVING

RC 5 LINE

S 7° 03' W 1399.15'

471.90
S 2° 00' W

S 1° 15' W

858.00'

S 2° 00' W 528'

LONG GREEN PIKE

FACTORY ROAD
(LONG GREEN PIKE)

CLARENCE MILLER
5329/443

CLARENCE MILLER
5329/446

RONALD B. WOODWARD
5083/559

VIRGINIA E. RUSSELL ET AL
7367/648

RC 2 ZONE

TERENCE COOK
7454/535

WARD E. CUSICK
5255/580

GEORGE RIER
2263/547

J. URBAN FISCHER
2381/254

J. G. SORRELS
3939/556

MICELI
3705/571
3966/428

PROPERTY OF
IDA M. ECKHART ET AL.
2248 folio 153

RAINEY
3494/604

LAMBERT
522/939

FILEY
5285/47

LOTS OF RECORD PRIOR TO NOVEMBER 25 1979
LOTS OF RECORD OCTOBER 15, 1982 IN RC 2
RC 5 PER ZONING PLAT

#73

SITE

GLEN ARM ROAD

BG&E TRANSMISSION LINE

SITE

FACTORY ROAD

LONG GREEN PIKE

VICINITY PLAN
1" = 1000'

LONG GREEN PIKE

GLEN ARM ROAD

ZONING PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING TO TRANSFER
DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. Nº 6446 folio 750

FIRST PARCEL G.L.B. Nº 2248 folio 153	190 ACRES ±	3 DENSITY UNITS
SECOND PARCEL G.L.B. Nº 2248 folio 153	38.5 ACRES ±	2 DENSITY UNITS
TOTAL		5 DENSITY UNITS

TITLE REFERENCE'S

THOMAS JAMES BRESSLER & WIFE EHK JR. 7269 folio 128

①	OCTOBER 15, 1982	6446-753	2.00 ACRES ±
②	APRIL 26, 1962	4870-20	0.495 ACRES ±
③	MARCH 12, 1954	2562-401	0.771 ACRES ±
④	MARCH 26, 1976	5634-630	0.521 ACRES ±
⑤	IDA M. ECKHART	4109/43	0.815 ACRES ± Feb. 15, 1963
⑥	MARY M. SMITH	3947/557	0.93 ACRES ± JAN. 1, 1962
⑦	MARY M. SMITH	4870/19	0.286 ACRES ± APRIL 26, 1968
⑧	MARY M. SMITH	5649/411	0.466 ACRES ± MARCH 26, 1976
⑨	VERON L. SMITH JR. & WIFE	6446-756	2.00 ACRES ± OCTOBER 15, 1982

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

REGISTERED ENGINEER - LAND SURVEYOR - STATE OF MARYLAND
3230

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

NOTCHCLIFF ROAD

340'

GLEN ARM ROAD

RC 5 / RC 2

RC 2 ZONE
RC 5 ZONE

SMITH

EVERETT
C420 / 176

RC 5 ZONE N 37°45'E 816.75'

REC. 2 ZONE

N 46°00'W 767.25'

3 ACRES ±
RC 5 ZONE
RC 2 ZONE

N 45°30'E 396.00'

866.30'
1584'

MARYLAND & PA. RAILROAD

700'±

S 47°45'E 717.7'

N 48°30'W

745.80

S 48°45'E

SECOND PARCEL
G.L.B. N° 2248 folio 153
38.5 ACRES ±
NET AREA AFTER S&E B.G.&E
(2 UNITS)

N 43°30'E 957.00

PAUL H. HARDY JR.
1566/37

S 35°30'W 1866.25

S 61°45'E 150'±

STATE OF MARYLAND
5416/52
GUN POWDER RIFLE RANGE

3458.40

N 2°34'E 2240'±

B.G.&E. TRANSMISSION LINE (FEE SIMPLE)

2504.50'±

100'

5.876 ACRES ±

S 2°34'W 2535.18'±

RC 2 ZONE

N 88°00' W

FOREST & PARKS

RC 2 ZONE

RAINEY
395/209

COMBES
522/193

KILEY
528/197

RC 2 ZONE

PROPERTY OF
IDA M. ECKHART ET. AL.
2248 folio 153

N 37°45'E 5,055'±

S 29°03'02"E 164.65'

S 13°16'13"W 244.99'

S 29°19'01"W 328.99'

3200'±

MICELI
3705/571
3966/428

S 7°03'W 591.36

1182.72

591.36

739.78'

88°16'

PROPOSED
10 ACRES ±

PROPOSED
10 ACRES ±

PROPOSED
2.00 ACRES ±
ADD-ON

PROPOSED
2.00 ACRES ±
ADD-ON

TO BE REMOVED
DWELLING

TO BE REMOVED
SILOS

Shed
DWELLING

ANEXS

OPEN

POND

DWELLING

S 73°11'30"W 510.03'

R.C. 5 LINE

R.C. 5 LINE

N 88°16'

216.43

180.83'

20' MACADAM PAVING

471.90
S 2°00'W

S 1°15'W

858.00'

S 2°00'W 528'

S 7°03'W 1399.15'

LONG GREEN PIKE

FACTORY ROAD

LONG GREEN PIKE

CLARENCE MILLER
5329/443

CLARENCE MILLER
5329/443

RONALD B. WOODWARD
5283/559

VIRGINIA E. RUSSELL ET. AL
7367/648

RC 2 ZONE

TERENCE COOK
7454/535

WARD E. DAWSON
5255/580

GEORGE RIER
6263/547

S 51°42'E 114.18'

S 39°20'W 808'

S 34°00'W 140.42'

JURGEN FISCHER
2881/254

S 25°45'W 564.40'

S 51°47'E 218.62'

LONG GREEN PIKE
I.G. SORRELS
3939/55

S 51°47'E 742.5'
1.3 ACRES

S 86°00'W 270'

RC 2 ZONE
RC 5 ZONE

BEGINNING ZONING PARCEL

S 26°00'E 400'

INTERSECTION GLEN ARM ROAD

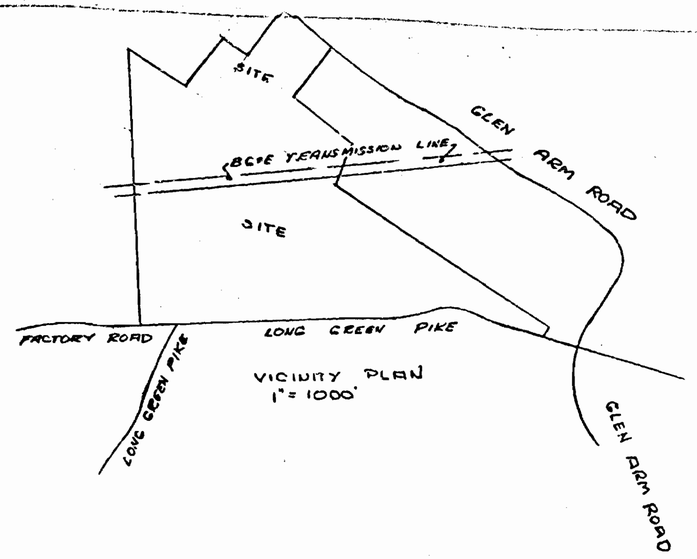
LOTS OF RECORD PRIOR TO NOVEMBER 25 1979
LOTS OF RECORD OCTOBER 15, 1982 IN RC 2
RC 5 PER ZONING PLAT

FIRST PARCEL G.L.B. N° 2248 folio 153
NET AREA AFTER S&E B.G.&E AND
S&E LOTS OF RECORD PRIOR TO 11/25/79
190 ACRES ± (3 UNITS)
RC 2 185.7 ACRES ±
RC 5 4.3 ACRES ±

TITLE REFERENCE'S

THOMAS JAMES BRESSLER & WIFE EHK JR. 7269 folio 128
① OCTOBER 15, 1982 6446-753 2.00 ACRES ±
② APRIL 26, 1962 4870-20 0.495 ACRES ±
③ MARCH 12, 1954 2562-401 0.771 ACRES ±
④ MARCH 26, 1976 5634-630 0.521 ACRES ±
⑤ IDA M. ECKHART 4109/43 0.815 ACRES ± Feb. 15, 1963
⑥ MARY M. SMITH 3947/557 0.93 ACRES ± JAN. 1, 1962
⑦ MARY M. SMITH 4870/17 0.286 ACRES ± APRIL 26, 1962
⑧ MARY M. SMITH 5049/411 0.466 ACRES ± MARCH 26, 1976
⑨ VERON L. SMITH JR. & WIFE 6446-756 2.00 ACRES ± OCTOBER 15, 1982

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS



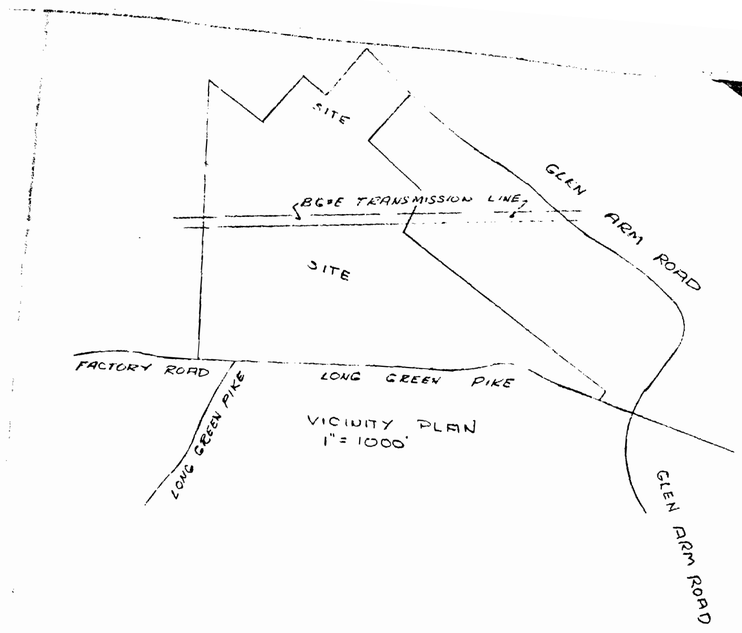
ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. N° 6446 folio 750
FIRST PARCEL G.L.B. N° 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. N° 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

#73

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

TITLE DEED RHKJR. Nº 6446 f.lio 750
FIRST PARCEL G.L.B. Nº 2248 f.lio 153 — 190 ACRES ± — 3 DENSITY UNITS
SECOND PARCEL G.L.B. Nº 2248 f.lio 153 — 38.5 ACRES ± — 2 DENSITY UNITS
TOTAL — 5 DENSITY UNITS

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

PETITIONER'S EXHIBIT 10

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue

#90-139-A

INTERSECTION WITH NOTCHCLIFF ROAD

NOTCHCLIFF ROAD

340'

BEGINNING ZONING PARCEL

RC-2 ZONE
RC-5 ZONE

GLEN ARM ROAD

RC-5 / RC 2

SMITH

EVERETT
6420 / 176

RC 5 ZONE

N 37° 45' E 816.75'

RC 2 ZONE

N 46° 00' W 767.25'

3 ACRES ±

RC 5 ZONE

RC 2 ZONE

N 45° 30' E 396.00

N 48° 30' W 866.30' ±

MARYLAND & PA RAILROAD

745.80

S 46° 45' E

N 43° 30' E 957.00

PAUL H HANDY JR
1366 / 37

PARCEL 5
201 ACRES ±

STATE OF MARYLAND
5412 / 52

3458.40

GUNPOWDER RIFLE RANGE

S 61° 45' E 1680' ±

528'

N 2° 34' E 2240' ±

2584.20 ± × 100' × 5.876 ACRES ±

B G & E TRANSMISSION LINE (FEE SIMPLE)

S 2° 34' W 2535.18' ±

RC 2 ZONE

RC 2 ZONE

N 88° 00' W

FOREST & PARKS

RC 2 ZONE

KINNEY
3981/229

LAMBOS
5221/133

RILEY
526/177

N 57° 45' E

S 29° 03' 02" E 164.05'

S 13° 16' 13" W 244.99'

S 29° 19' 01" W 328.89'

3200' ±

MISC. L
370 5 / 571
3166 / 428

PARCEL 1

S 7° 03' W 1182.72

N 7° 03' E 591.36

N 7° 03' E 591.36

PROPOSED
10 ACRES ±
PARCEL 4

PROPOSED
10 ACRES ±
PARCEL 3

739.76

739.76

PROPOSED 2,000 ACRES ± ADD-ON TO BE REMOVED

PROPOSED 2,000 ACRES ± ADD-ON

TO BE REMOVED DWELLING

shed

DWELLING

shed

NOTE: NON DENSITY TRANSFER BEGINNING PARCEL № 1 1590.' TO ℄ GLENARM ROAD

RC 2 ZONE
RC 5 ZONE

S 23° 45' W 56.60'

S 51° 47' E 1385' ±

S 17° 15' W 218.62'

S 26° 00' W 400'

BEGINNING ZONING PARCEL

INTERSECTION GLEN ARM ROAD

S 26° 00' W 270'

LONG GREEN PIKE

I G SORRELS
3939 / 556

S 93° 28' W R.O.D.

S 4° 00' W 140.62'

JURGEN FISCHER
2363 / 252

WARD E. DAWSON
5155 / 580

GEORGE KIER
226 / 597

20' MACADAM PAVING

FACTORY ROAD

S 7° 03' W 591.36

S 7° 03' W 591.36

S 7° 03' W 1399.15'

471.90
S 2° 00' W

S 7° 15' W

858.00'

S 2° 00' W 528'

LONG GREEN PIKE

CLARENCE MILLER
5329 / 443

CLARENCE MILLER
5329 / 442

RONALD & WOLDLAND
3083 / 337

LONG GREEN PIKE

BEGINNING PARCEL № 4
3068.79' TO ℄ GLENARM ROAD

BEGINNING PARCEL № 3
2471.43' TO ℄ GLENARM ROAD

BEGINNING PARCEL № 2
2255' TO ℄ GLENARM ROAD

RC 2 ZONE

TERENCE COOK
7454 / 535

VIRGINIA E. RUSSELL ET AL
7367 / 648

SITE

GLEN ARM ROAD

BG&E TRANSMISSION LINE

SITE

FACTORY ROAD

LONG GREEN PIKE

LONG GREEN PIKE

GLEN ARM ROAD

VICINITY PLAN
1" = 1000'

ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. № 6446 folio 750

FIRST PARCEL G.L.B. № 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. № 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING
LOT CONFIGURATION AND DENSITY UNIT COUNT

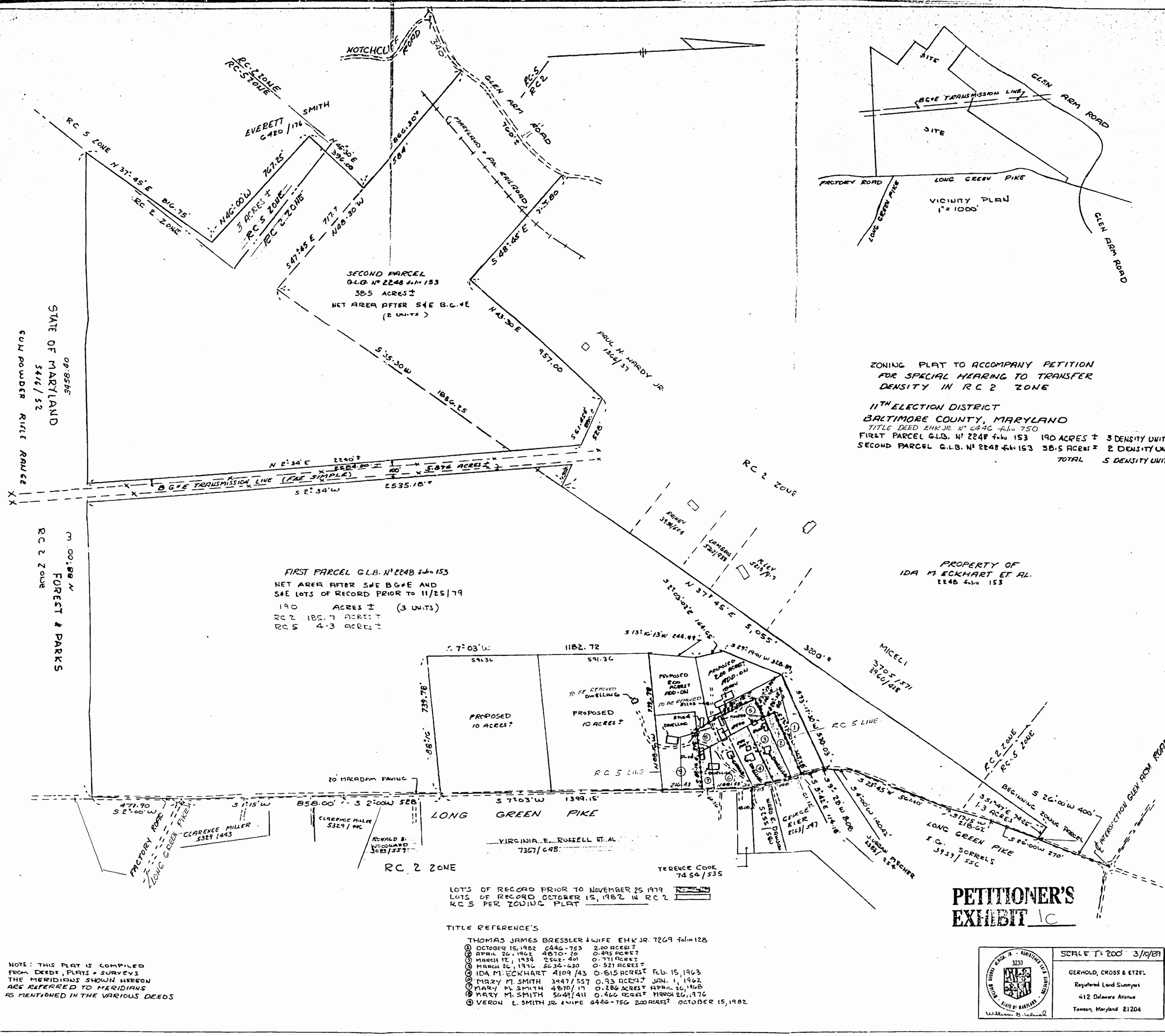
PARCEL ① 5.79 ACRES ± ZERO DENSITY UNIT
PARCEL ② 4 ACRES ± ONE DENSITY UNIT
PARCEL ③ 10 ACRES ± ONE DENSITY UNIT
PARCEL ④ 10 ACRES ± ONE DENSITY UNIT
PARCEL ⑤ 201 ACRES ± TWO DENSITY UNITS
TOTAL DENSITY UNITS FIVE

PETITIONER'S EXHIBIT 1b
90-139

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. N° 6446 folio 750

FIRST PARCEL G.L.B. N° 2248 folio 153	190 ACRES ±	3 DENSITY UNITS
SECOND PARCEL G.L.B. N° 2248 folio 153	38.5 ACRES ±	2 DENSITY UNITS
TOTAL		5 DENSITY UNITS

LOTS OF RECORD PRIOR TO NOVEMBER 25 1979
LOTS OF RECORD OCTOBER 15, 1982 IN RC 2
RC 5 PER ZONING PLAT

TITLE REFERENCE'S

THOMAS JAMES BRESSLER & WIFE EHK JR. 7269 folio 128

①	OCTOBER 15, 1982	6446-753	2.00 ACRES ±
②	APRIL 26, 1962	4870-20	0.495 ACRES ±
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NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

PETITIONER'S EXHIBIT 1C

IDA S. ECKHART, ET AL. W/S LONG GREEN PIKE, 400' SW OF THE C/L OF GLEN ARM ROAD	*	BEFORE THE COUNTY
	*	BOARD OF APPEALS
11TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	OF BALTIMORE COUNTY
SE - SHOOTING RANGE SPH - CARETAKER'S RESIDENCE USE; PARKING PLAN	*	Case No.: 90-138-SPHX

* * * * * * * *

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF THE MOTION IN LIMINE

Ida S. Eckhart, Mary M. Smith, Vernon L. Smith, Jr., Courtenay J. Smith, Patricia A. Cuddy, and Carole L. Chambers, Legal Owners, and Pikesville Sportsman's Club of Baltimore County, Inc., Contract Purchaser and Petitioner, by Robert A. Hoffman and Paul J. Consbruck with Venable, Baetjer & Howard, their attorneys, hereby submit the following Memorandum in Support of its Motion in Limine.

I. Factual Background

The Petitioner in this case filed Petitions on October 18, 1989, asking the Zoning Commissioner for a Special Exception to use the subject property, zoned primarily RC2, for a shooting range and clubhouse, and also for approval of: (1) a caretaker's residence as a necessary accessory use, and (2) a parking plan providing a total of 180 parking spaces in various locations within the subject property. A revised plat showing the Sportsman's Club's proposed facility was filed on or about November 25, 1989. On December 5 and 6, 1989, the Deputy Zoning Commissioner heard testimony on behalf of the Petitioner and individual protestants and community organizations. On March 16, 1990, the Deputy Zoning Commissioner denied the relief requested with regard to the Special Exception for

a shooting range and clubhouse. On April 11, 1990, the Petitioner appealed to the County Board of Appeals of Baltimore County.

During the hearing in this case four elected representatives of the Maryland General Assembly testified on behalf of the Protestants. The testimony of the legislators expressed opposition to the proposed development on the basis (1) that there were already other gun ranges in the area; (2) that property values would diminish in the area; (3) that the range would negatively impact the nearby Gunpowder State Park; (4) that Pikesville is a more appropriate area (presumably, because of the name of the club); (5) that the use of liquor at the club would cause safety problems; (6) that the range would create noise pollution; (7) that the club would cause traffic problems; and (8) that the club would be within one mile of a State Juvenile Services facility.

Only one legislator is an immediate resident of the area, while the other three reside within the same legislative district as the proposed site of the club. In the course of communications prior to this hearing, counsel for Protestants has indicated an intent to present testimony from these legislators once again. Accordingly, Petitioner seeks to exclude any testimony from these individuals.

II. Legal Analysis

Article 8 of the Maryland Declaration of Rights sets forth the separation of powers doctrine for the State of Maryland:

> That the Legislative, Executive and Judicial powers of Government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said

> Departments shall assume or discharge the duties of any other.

As interpreted by the Maryland Court of Appeals, this doctrine is embedded in the principle that commits the legislative, executive and judicial functions of government to separate departments and prohibits encroachment by one department on another in the exercise of its delegated authority. See generally, Comm'n on Med. Discipline v. Stillman, 291 Md. 390, 435 A.2d 747 (1981); Attorney General v. Waldron, 289 Md. 683, 426 A.2d 929 (1981); and Dep't of Nat. Res. v. Linchester, 274 Md. 211, 334 A.2d 514 (1975). This doctrine has been adopted as the guiding principle for federal and state governments, and the United States Supreme Court has been instructive in defining its purpose:

> The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has been stressed and is hardly open to serious question. . . The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there. James Wilson, one of the framers of the Constitution and a former justice of this court, said that the independence of each department required that its proceedings 'should be free from the remotest influence, direct or indirect, of either of the other two powers.' . . neither of the departments in reference to each other 'ought to possess, directly or indirectly, any overruling influence in the administration of their respective powers.'

Humphrey's Ex'r v. United States, 295 U.S. 602, 629, 55 S.Ct. 869, 79 L.Ed. 1611 (1935); O'Donoghue v. United States, 289 U.S. 516, 530-31, 53 S.Ct. 740, 77 L.Ed. 1356 (1933).

In the case before this Board, prior testimony by the elected representatives of the General Assembly focused on alleged physical

and psychological impacts to the surrounding community of the subject property. The anticipated testimony is expected to be similar for this appeal. Such testimony is not related to any matter before the General Assembly, and thus, cannot be considered the performance of legislative duties. A state legislator who testifies before a local quasi-judicial body in a matter such as the one now before this Board is not acting in a manner committed to the furtherance of business before the General Assembly. Petitioner respectfully suggests that the prior testimony at the hearing before the Deputy Zoning Commissioner, as well as that expected before this Board, is intended to exert political leverage and influence on the Baltimore County decision-making process.

It is submitted that such testimony invades the province and duty of the Board to adjudicate the rights of the parties in this case, and is offensive to the authority of this Board, the rights of the Petitioner and the fundamental principles inherent in the separation of powers doctrine.

III. Conclusion

Because of potential violations of the Maryland Constitution and cited authorities by testimony of elected representatives of the General Assembly, counsel requests that the

Board enter the attached Order to prohibit the introduction of the evidence outlined in this Motion.

ROBERT A. HOFFMAN

PAUL J. CONSBRUCK
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111
Attorney for Petitioner

MEMO2.PJC

IN THE MATTER OF IDA S. ECKHART, ET AL. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A SHOOTING RANGE, CARETAKER'S RESIDENCE AND PARKING PLAN, AND APPEAL OF THE DEPUTY ZONING COMMISSIONER'S 3/16/90 ORDER DENYING THE PETITIONS FOR PROPERTY LOCATED AT W/S LONG GREEN PIKE, 400' SW OF THE C/L OF GLEN ARM ROAD	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY
ELEVENTH ELECTION DISTRICT SIXTH COUNCILMATIC DISTRICT	*	Case No.: 90-138-SPHX
IDA S. ECKHART, ET AL. PETITIONER	*	

* * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, June 18, 1991 at 9:00 a.m. in Room No. 301, located at the County Office Building and continuing thereafter if necessary for such witness' testimony and as scheduled by the Director of the Board of Appeals.

Witness: Richard C. Whiting

Address: National Rifle Association of America
1600 Rhode Island Avenue, N.W.
Washington, D.C. 20036

ROBERT A. HOFFMAN, ESQUIRE
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland
(301) 823-4111

91 APR 17 AM 11

The witness named above is hereby ordered to so appear before the County Board of Appeals.

County Board of Appeals of
Baltimore County

IN THE MATTER OF IDA S. ECKHART, ET AL. FOR A SPECIAL HEARING AND SPECIAL EXCEPTION FOR A SHOOTING RANGE, CARETAKER'S RESIDENCE AND PARKING PLAN, AND APPEAL OF THE DEPUTY ZONING COMMISSIONER'S 3/16/90 ORDER DENYING THE PETITIONS FOR PROPERTY LOCATED AT W/S LONG GREEN PIKE, 400' SW OF THE C/L OF GLEN ARM ROAD	*	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY
ELEVENTH ELECTION DISTRICT SIXTH COUNCILMATIC DISTRICT	*	Case No.: 90-138-SPHX
IDA S. ECKHART, ET AL. PETITIONER	*	

* * * * * * * *

SUBPOENA

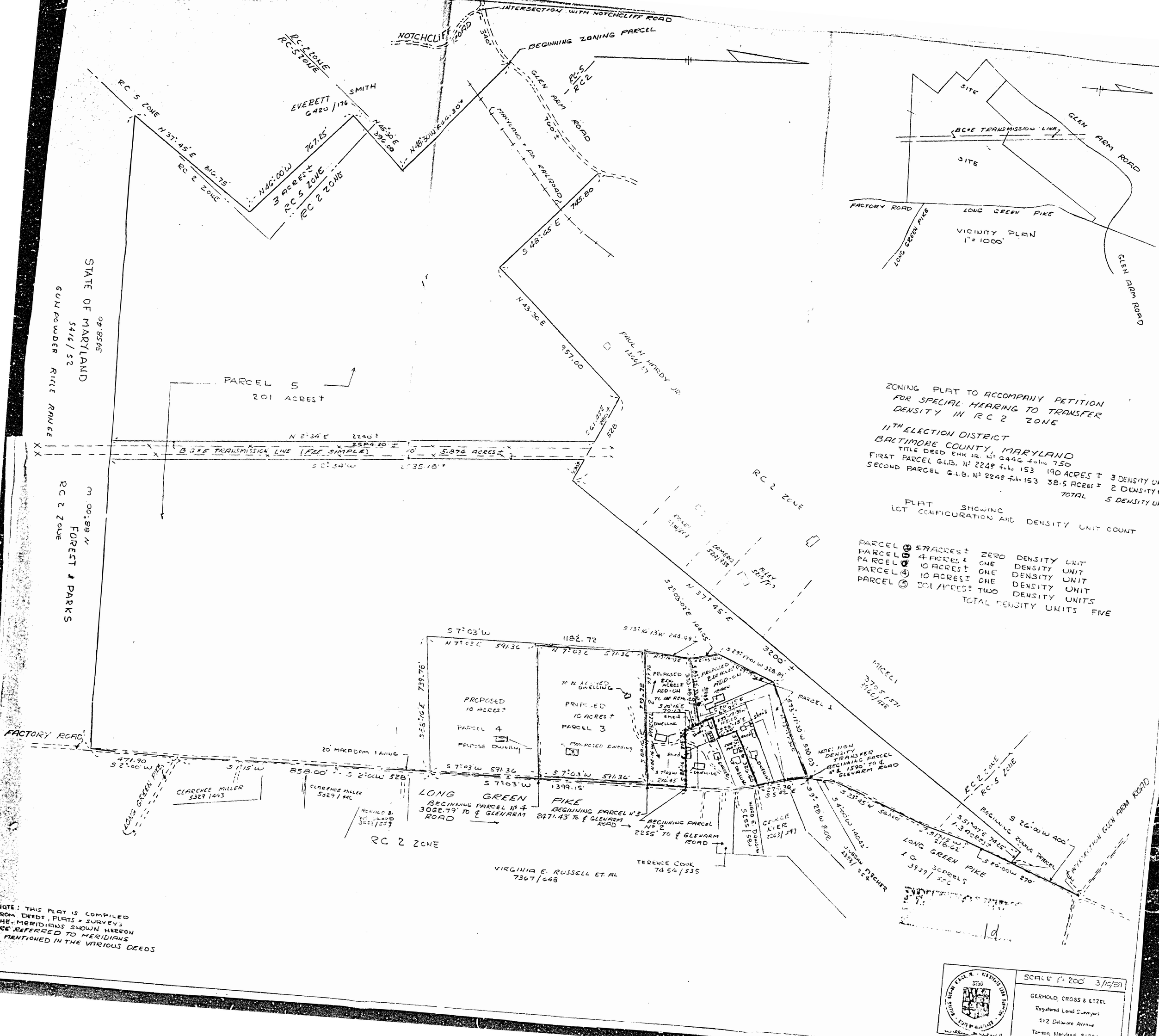
Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Friday, April 12, 1991 at 10:00 a.m. and Friday, April 26, 1991 at 10:00 a.m. in Room No. 301, located at the County Office Building and continuing thereafter if necessary for such witness' testimony and as scheduled by the Director of the Board of Appeals.

Witness: Richard M. Blocher

Address: 1 Atherton Road
Lutherville, Maryland 21093

ROBERT A. HOFFMAN, ESQUIRE
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

91 APR 16 AM 11



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED ENIK JR. N° 6446 folio 750
FIRST PARCEL G.L.B. N° 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. N° 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ⑤	5.79 ACRES ±	ZERO	DENSITY UNIT
PARCEL ③	4 ACRES ±	ONE	DENSITY UNIT
PARCEL ②	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ④	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ①	20.1 ACRES ±	TWO	DENSITY UNITS

TOTAL DENSITY UNITS FIVE

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

SCALE 1" = 200' 3/19/59

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland

NOTCHCLIFF ROAD

INTERSECTION

BEGINNING ZONING PARCEL

340'

RC 2 ZONE
RC 5 ZONE

SMITH

EVERETT
G420 / 176

RC 5 ZONE

N 37° 45' E 816.75'

RC 2 ZONE

N 45° 30' E 396.00

N 48° 30' W 866.30'

N 46° 00' W 767.25'

3 ACRES ±

RC 5 ZONE

RC 2 ZONE

MARYLAND & PA. RAILROAD

GLEN ARM ROAD

RC 5 / RC 2

760' ±

745.80

S 48° 45' E

N 43° 30' E 957.00

PAUL H. HARDY JR.
1366 / 37

PARCEL 5
201 ACRES ±

STATE OF MARYLAND
5416 / 52

3458.40

GUN POWDER RIFLE RANGE

S 61° 45' E 280'

529'

N 2° 34' E 2240' ±

2584.20' ±

100'

5.876 ACRES ±

B G & E TRANSMISSION LINE (FEE SIMPLE)

S 2° 34' W

2535.18' ±

RC 2 ZONE

LINNEY
3956/229

LAMBROS
5221/933

RILEY
5210/417

S 29° 03' 02" E 164.65'

N 37° 45' E 3200' ±

S 13° 16' 13" W 244.99'

S 27° 19' 01" W 328.89'

S 7° 03' W 1182.72

N 7° 03' E 591.36'

N 7° 03' E 591.36'

PROPOSED
10 ACRES ±
PARCEL 4

PROPOSED
10 ACRES ±
PARCEL 3

TO BE LOCATED DWELLING

PROPOSED 2.00 ACRES ± ADD-ON

PROPOSED 2.40 ACRES ± ADD-ON

739.76'

S 88° 16' E 739.76'

S 7° 03' W 591.36'

S 7° 03' W 591.36'

S 7° 03' W 1399.15'

20' MACADAM PAVING

FACTORY ROAD

471.90
S 2° 00' W

S 1° 15' W

858.00'

S 2° 00' W 528'

CLARENCE MILLER
5329 / 443

CLARENCE MILLER
5329 / 446

RONALD B. WOLLWARD
3033 / 559

LONG GREEN PIKE

LONG GREEN PIKE
BEGINNING PARCEL N° 4
3062.79' TO ℄ GLENARM ROAD

LONG GREEN PIKE
BEGINNING PARCEL N° 3
2471.43' TO ℄ GLENARM ROAD

BEGINNING PARCEL N° 2
2255' TO ℄ GLENARM ROAD

RC 2 ZONE

VIRGINIA E. RUSSELL ET. AL
7367 / 648

TERENCE COOK
7454 / 535

WARD E. DAWSON
5255 / 580

GEORGE KLER
2263 / 547

PARCEL 1

MICELI
3705 / 571
3166 / 428

NOTE: NON DENSITY TRANSFER PARCEL BEGINNING 1590' ± TO ℄ GLENARM ROAD

S 23° 45' W 562.60'

S 4° 00' W 140.42'

S 9° 28' W 8.68

JURGEN FISCHER
2382 / 254

S 51° 47' E 748.5' ±
1.3 ACRES ±

S 15° 15' W 218.62'

LONG GREEN PIKE

I. G. SCRIVENS
3939 / 55

S 26° 00' W 400'

S 86° 00' W 270'

RC 2 ZONE

RC 5 ZONE

BEGINNING ZONING PARCEL

INTERSECTION GLEN ARM ROAD

SITE

GLEN ARM ROAD

B G & E TRANSMISSION LINE

SITE

FACTORY ROAD

LONG GREEN PIKE

VICINITY PLAN
1" = 1000'

LONG GREEN PIKE

GLEN ARM ROAD

ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. N° 6446 folio 750

FIRST PARCEL G.L.B. N° 2248 folio 153	190 ACRES ±	3 DENSITY UNITS
SECOND PARCEL G.L.B. N° 2248 folio 153	38.5 ACRES ±	2 DENSITY UNITS
TOTAL		5 DENSITY UNITS

PLAT SHOWING
LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ①	5.79 ACRES ±	ZERO	DENSITY UNIT
PARCEL ②	4 ACRES ±	ONE	DENSITY UNIT
PARCEL ③	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ④	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ⑤	201 ACRES ±	TWO	DENSITY UNITS

TOTAL DENSITY UNITS FIVE

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS
THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS MENTIONED IN THE VARIOUS DEEDS

Petitioner's Exhibit 1
90-139

#13

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

INTERSECTION WITH NOTCHCLIFF ROAD

NOTCHCLIFF ROAD

BEGINNING ZONING PARCEL

340'

RC 2 ZONE
RC 5 ZONE

GLEN ARM ROAD

RC 5
RC 2

700'±

SMITH

EVERETT
G.420 / 176

RC 5 ZONE

N 37° 45' E 816.75

N 46° 00' W 767.25'

N 45° 30' E 396.00

3 ACRES ±
RC 5 ZONE
RC 2 ZONE

EC 2 ZONE

666.30'
1584'

MARYLAND & PENNSYLVANIA RAILROAD Co.

S 47° 45' E 717.7

N 48° 30' W

745.60

S 48° 45' E

SECOND PARCEL
G.L.B. Nº 2248 f.l. 153
3P ± ACRES ±
NET AREA AFTER S&E B.G.&E
(2 UNITS)

N 43° 30' E 957.00

S 35° 30' W 1217.15'

N 54° E 2240'

B.G.&E TRANSMISSION LINE (FEE SIMPLE)

250'±

100'

5.876 ACRES ±

2550.20'

LESS 15' ±

RC 2 ZONE

STATE OF MARYLAND
GUNPOWDER FALLS
G.S. / 2145

FOREST & PARKS
N 88° 45' W
RC 2 ZONE

FIRST PARCEL G.L.B. Nº 2248 f.l. 153
NET AREA AFTER S&E B.G.&E AND
S&E LOTS OF RECORD PRIOR TO 11/25/79
190 ACRES ± 3 UNITS
RC 2 185.7 ACRES ±
RC 5 4.3 ACRES ±

S 7° 02' W 1182.72

PROPOSED
10 ACRES ±

PROPOSED
10 ACRES ±

TO BE REMOVED
DWELLING

PROPOSED
ZERO
ACRES ±
ADD-ON
TO BE REMOVED
SILOS

PROPOSED
2.00 ACRES ±
ADD-ON
AS SHOWN

shed
DWELLING

SHEDS
BARN

SHED

DWELLING

DWELLING

DWELLING

739.76'

1189.19' W

S 88° 16' E 776.32'

S 13° 22' W 367.26'

S 73° 41' 30" W 570.03'

20' MACADAM PAVING

S 7° 03' W 1399.15'

LONG GREEN PIKE

FACTORY ROAD

LONG GREEN PIKE

S 11° 15' W

ADC 00' / 2' 21' 00" W 528'

CLARENCE MILLER
G.L.B. / 490

DONALD E. DIBARD
1383/227

VIRGINIA E. RUSSELL ET AL
1367/ 345

RC 2 ZONE

TERENCE COOK
1454/535

CLAUDE W. DAWSON
WANDA E. DAWSON
5556 / 580

CLAUDE W. DAWSON
1267/ 347

S 5° 42' E 114.18'

S 5° 20' W 91.08'

S 4° 45' W 146.81'

JOSHUA FISCHER
2959/ 254

S 55° 45' W 524.00'

S 31° 47' E 742.5'
1.3 ACRES ±

S 26° 00' W 400'

RC 5 ZONE
RC 2 ZONE

BEGINNING ZONING PARCEL

S 57° 45' E 5,000'

S 28° 03' 02" E 164.55'

S 33° 11' 01" W 328.81'

S 13° 16' 13" W 144.44'

PROPERTY OF
IDA M. ECKHART ET AL
2248 f.l. 153

3° 00' E

N 57° 45' W 5,000'

S 57° 45' E 524'

S 71° 15' W 216.62'

LONG GREEN PIKE

L.S. 26° 00' W 270'

L.S. SCRIBELS
3937/ 556

GLEN ARM ROAD

SITE

GLEN ARM ROAD

B.G.&E TRANSMISSION LINE

SITE

FACTORY ROAD

LONG GREEN PIKE

VICINITY PLAN
1" = 1000'

LONG GREEN PIKE

GLEN ARM ROAD

ZONING PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING TO TRANSFER
DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHKJR. Nº 6446 f.l.n. 750
FIRST PARCEL G.L.B. Nº 2248 f.l.n. 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. Nº 2248 f.l.n. 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

#73

NOTE: THIS PLAT IS COMPILED
FROM DEEDS, PLATS & SURVEYS
THE MERIDIANS SHOWN HEREON
ARE REFERRED TO MERIDIANS
AS MENTIONED IN THE VARIOUS DEEDS

GEORGE GERHOLD, JR. · REGISTERED LAND SURVEYOR · 3230 · WILLIAM E. CROSS · STATE OF MARYLAND · BALTIMORE

SCALE 1" = 200' 3/10/81

GERHOLD CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

and were represented by John B. Howard, Esquire and Robert A. Hoffman, Esquire. Petitioners' witnesses and their testimony will be discussed hereafter. Numerous other individuals appeared on behalf of the relief requested and indicated their support by signing the Petitioner's Sign-In Sheet.

Numerous individuals appeared and testifyied as Protestants in Case No. 90-138-SPHX and will be identified hereafter. Numerous other individuals sent letters in opposition to the relief requested. All Protestants appearing at the hearing signed the Protestant Sign-In Sheet and were represented by J. Carroll Holzer, Esquire.

In Case No. 90-139-SPHA, testimony on behalf of the Petitioners was presented by William G. Ulrich, Registered Land Surveyor with Gerhold, Cross and Etzel, and William Bressler. The Protestants presented no witnesses regarding this issue. Counsel simply profferred the Protestants' position which will be discussed below.

First, an examination of the testimony presented and findings in Case No. 90-138-SPHX will be reviewed.

Testimony presented in Case No. 90-138-SPHX indicated that the subject property as proposed will consist of 201 acres split zoned R.C. 2 and R.C. 5 (only 4.3 acres are zoned R.C. 5) and is located along Long Green Pike and Factory Road on the east, Glen Arm Road on the west, and is adjacent to the Gunpowder State Park on the south. At the present time, the property is used for agricultural purposes.

Testimony indicated that the Pikesville Sportsman's Club was formed in the 1930s in Pikesville. The Club moved in 1946 to its present location in Owings Mills off of the Northwest Expressway near Church Lane and Pleasant Hill Road. As a result of the development in the Owings

local regulations certifying expertise and/or setting guidelines for the layout of such facilities.

Counsel for the Protestants emphasized the increase in existing and proposed facilities for this geographic area. The present indoor archery range has 6 stations while the proposed range calls for 12 to 14; the trap and skeet ranges each currently have 5 stations while the proposed range has 9; there are 5 indoor rifle range positions at the existing facility, while there are 14 proposed at the new facility; there are 5 pistol positions at the existing facility, while there are 14 proposed. The Protestants further questioned Mr. Blocher about other similar facilities in the area, including but not limited to the Baltimore Fish and Game Club, the Carney Rod and Gun Club, the Loch Raven Trap and Skeet Club, the Baltimore County Police Range, and the National Guard Range.

Corporal Hughes of the Department of Natural Resources testified that he is familiar with the Pikesville Sportsmen's Club and that they have held an excellent hunter and safety firearms course in the past. He testified that he is not familiar with the physical layout of the proposed facility.

Mr. Ianniello testified that he was employed by the Petitioners to design a Clubhouse and has developed same in accordance with that depicted in Petitioner's Exhibit 2. He testified that his instructions were to design an exterior structure which complimented the rural surroundings. He testified that the facility will have 51,000 sq.ft. of which 27,000 sq.ft. will be the lower level used for the indoor range facilities and 24,000 sq.ft. on the first floor used for the Clubhouse social area.

Mr. Powell, a member and vice president of the Club, testified that he had 25 years of service with the Baltimore City Police and was a

of 56 to 58 decibels, with none exceeding 62 decibels. He compared this to that of a car door slamming which is approximately 57 decibels at a distance of 100 feet. Mr. Windsor concluded in his opinion that the measurements indicated the adjoining neighbors and the surrounding community would experience no adverse noise impact from the activities proposed for the subject site and that the activities would be acoustically compatible with the surrounding environment.

Petitioners' final witness was William Kirwin, Land Planner. After describing the area Mr. Kirwin concluded that the use proposed is compatible with permitted uses in the area and that in his opinion, there would be no adverse impact upon the community.

The Protestants' first witness was Delegate William Burgess who testified that he is familiar with the area and has been a representative for the area for 12 years. Delegate Burgess testified that he is opposed to the relief requested for four principal reasons: 1) that there are five or six similar operations currently in proximity to the subject property overloading the area; 2) placement of the proposed facility on the subject property will adversely affect the surrounding property values; 3) there will be a negative impact upon the Gunpowder State Park; and 4) the liquor license and gun club operation are incompatible with the surrounding uses.

Delegate Joe Bartenfelter testified that he is a farmer in the Perry Hall and Fork areas and is familiar with the subject property. He testified that his farm is located approximately six miles from the subject site. He indicated he currently hears the National Guard shooting regularly. He voiced his opposition to the relief requested for the following reasons: 1) the disruption to the community from the noise that

vicinity; 2) the proposed use is not compatible with agricultural activities; 3) the safety issues raised concerning the shooting range's proximity to adjoining residential property, the liquor license and increased traffic on area roads; and 4) he concluded that in his opinion the proposed uses will have an adverse affect on his property value.

Mr. Dawson, Vice President of the Glen Arm Association, and resident of Long Green Pike, testified that in his opinion, this community is already over-burdened with gun club facilities, and the addition of another will only exacerbate the situation.

Ms. Ann Reier, who resides directly across from the subject property on Long Green Pike, testified in opposition to the proposed use. She testified that in her opinion, the use would be incompatible and detrimental to her health, safety and general welfare as a result of the noise, decrease in property values, and increased traffic in the area.

Mr. Heston, a resident of the area who lives to the west side of the subject property, testified regarding his experience with the testing and design of machinery to meet Occupational Safety and Health Administration standards. In his opinion, the noise generated by the proposed use will have a substantial negative impact on the community. To support his testimony, Mr. Heston summarized the data generated by a nomograph as set forth in Protestant's Exhibit 5.

Ms. Christhilf, a resident of the Northcliff Retirement Community, testified the Community consists of 101 apartments and 110 cottages, with residents whose ages range from 60 to 92. She testified that the residents are concerned about the noise that will be generated from the subject site and testified they currently hear the shooting emanating from the National Guard facility on a regular basis. In Ms. Christhilf's opin-

ject property, as well as the increased traffic in the area. Dr. Marsh further expressed concerns regarding the proposed archery ranges.

Mr. Krech, a resident of Glen Arm and a retired Baltimore County Police Officer, and Mr. Baranowski, testified as to their concerns regarding the increased traffic on roads leading to the subject property. Both testified as to the numerous accidents which have occurred in recent years.

Mr. Shane, who lives adjacent to the subject site, testified as to his objections to the proposed use. He testified that his daughter, who is currently three years of age, has been awakened on many occasions due to the shooting at the National Guard property, which is a further distance from their property than the proposed site. He testified that in his opinion, the anticipated noise from the proposed facility would be disruptive and detrimental to his family and other residents in the area.

Mr. Crook, a resident of Glen Arm Road, testified that he lives approximately 225 feet from the archery trail. He testified that he has two small children and is concerned that the proposed archery trails, located in close proximity to his home, will pose a dangerous nuisance to his children. He testified that his daughters have been awakened by gunfire generated by the National Guard property.

Lynn Murphy of Hooper Lane, a horse trainer and mother of four, testified that she lives approximately 3 to 4 city blocks from the proposed site. She testified that she is opposed to the proposed use and believes that it would be detrimental to and incompatible with surrounding agricultural uses.

Dr. Hendrickson, of Notchcliff Road, testified that she has resided in the area since 1967. She testified that at the present time, the noise generated from the Maryland National Guard property is disruptive

of the current facility is seldom used to capacity. Petitioners argued the property could be farmed in conjunction with the Club's operation; however, no evidence to support this claim was introduced. These facts taken into consideration with the testimony of the Protestants as to the detrimental impact on the health, safety and general welfare of the community of the proposed use if permitted on the subject property require a denial of the relief requested herein.

Turning to the testimony presented in Case No. 90-139-SPHA, an examination of the plats presented and the testimony presented by William G. Ulrich is in order. Testimony indicated that the subject property consists of two parcels recorded in the Land Records of Baltimore County in Liber 2.48, Folio 153. The subject property is presently used for farming, including, but not limited to pasture land and the operation of the family nursery, and will continue to be used for such purposes. The first parcel consists of 190 acres of which all but 4.3 acres is zoned R.C. 2. Pursuant to the B.C.Z.R. it is clear that said parcel contains 3 density units. Testimony presented indicated that prior to the enactment of Bl. No. 79-178 regarding the establishment of lots of record subsequent to November 26, 1979, Petitioners conveyed out two lots which are clearly depicted and noted in yellow on Petitioner's Exhibit 1C, both consisting of 2 acres and designated Parcels 1 and 9 on said exhibit.

The second parcel of land is outlined in blue on Petitioner's Exhibit 1A and consists of 38.5 acres more or less. Said parcel contains two density units under the B.C.Z.R. Petitioners are desirous of transfering the density of said lot to create two parcels which are identified as Parcels 3 and 4 on Petitioner's Exhibit 1B and were part of the aforementioned 190 acres. Each parcel would consist of 10 acres and front

the combination of the non-density acreage to two existing parcels is consistent with the B.C.Z.R. Section 1.A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating the R.C. classifications. It is clear that the concern was that agricultural land was being converted by development without sound planning considerations creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral sites, as well as important natural resource areas.

To achieve this result, the County Council formed the Resource Conservation zones for the following reasons: 1) discourage present land use patterns of development and create a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences. (See Bill No. 98-1975) Specifically, the R.C. 2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

Petitioners indicated the request for variances is necessitated due to the height and location of existing buildings in relation to the proposed lot lines. Testimony indicated the granting of the variances will not result in any detriment to the health, safety or general welfare and to deny same will create a practical difficulty for Petitioners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

the relief requested regarding Parcel 5 will require the input of DEPRM prior to the subdivision of said Parcel to insure the subdivision promotes agricultural preservation.

In conclusion, after due consideration of the testimony and evidence presented in Case No. 90-138-SPHX, it is clear the relief requested in the Petitions for Special Hearing and Special Exception should be denied.

Further, after due consideration of the testimony and evidence presented, in Case No. 90-139-SPHA it is clear that the relief requested in the Petition for Special Hearing and Variance should be granted, subject to the restrictions set forth hereinafter. It is equally clear that to grant the relief requested would not be contrary to the spirit and intent of the B.C.Z.R. and would not be detrimental to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Special Exception in Case No. 90-138-SPHX should be denied and the relief requested in the Petitions for Special Hearing and Zoning Variance in Case No. 90-139-SPHA should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of March, 1990 that the Petition for Special Hearing in Case No. 90-138-SPHX to approve the use of the caretaker's residence on the subject property as an accessory use for a proposed shooting range and clubhouse and a parking plan for the proposed shooting range and clubhouse which provides a total parking of 180 spaces, 125 of which will be used for the Clubhouse and East Trap and Skeet Range, 25

The witness named above is hereby ordered to so appear before the County Board of Appeals.

County Board of Appeals of
Baltimore County

3-6-91

IN RE: * IN THE COUNTY

IDA S. ECKHART, ET AL. * BOARD OF APPEALS OF
W/S LONG GREEN PIKE
200' SOUTHWEST OF THE C/L * BALTIMORE COUNTY
OF GLENARM ROAD
ELEVENTH ELECTION DISTRICT * Case No.: 90-138-SPHX
SIXTH COUNCILMATIC DISTRICT

* * * * * * * * *

RETURN OF PRIVATE PROCESS SERVER

I, the undersigned, hereby certify that I executed service of process upon John J. Dillon, on March 6, 1991 at County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204 by delivering and leaving a copy of the Summons issued by this Court on March 6, 1991. I further certify that I am over 18 years of age and am not a party to this action. I do solemnly declare and affirm under the penalties of perjury that the matters of fact set forth herein are true to the best of my knowledge information and belief.

BARBARA A. WHITE

91 MAR -7 AM 10: 52
COUNTY BOARD OF APPEALS
RECEIVED

3-6-91

IN RE: * IN THE COUNTY

IDA S. ECKHART, ET AL. * BOARD OF APPEALS OF
W/S LONG GREEN PIKE
200' SOUTHWEST OF THE C/L * BALTIMORE COUNTY
OF GLENARM ROAD
ELEVENTH ELECTION DISTRICT * Case No.: 90-138-SPHX
SIXTH COUNCILMATIC DISTRICT

* * * * * * * * *

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, April 12, 1991 at 10:00 a.m. at Room 301, located at the County Office Building and continuing thereafter as necessary for such witness's testimony and as scheduled by the Board.

Witness: John J. Dillon, Jr.
Address: Office of Planning and Zoning
401 Bosley Avenue
County Courts Building
Towson, Maryland 21204

ROBERT A. HOFFMAN
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the County Board of Appeals.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

91 MAR -6 AM 10: 54
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3-6-91

IN THE MATTER OF IDA S. * BEFORE THE
ECKHART, ET AL. FOR A
SPECIAL HEARING AND *
SPECIAL EXCEPTION FOR A
SHOOTING RANGE, * BOARD OF APPEALS
CARETAKER'S RESIDENCE AND
PARKING PLAN, AND APPEAL *
OF THE DEPUTY ZONING
COMMISSIONER'S 3/16/90 * OF
ORDER DENYING THE PETITIONS
FOR PROPERTY LOCATED AT *
W/S LONG GREEN PIKE, 400' * BALTIMORE COUNTY
SW OF THE C/L OF
GLEN ARM ROAD *
*
ELEVENTH ELECTION DISTRICT * Case No.: 90-138-SPHX
SIXTH COUNCILMATIC DISTRICT *

IDA S. ECKHART, ET AL., *
PETITIONER

* * * * * * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the matter captioned above on Tuesday, March 12, 1991 at 10:00 a.m., and Friday, March 15, 1991 at 10:00 a.m. in Room No. 301, located at the County Office Building and continuing thereafter if necessary for such witness' testimony and as scheduled by the Director of the Board of Appeals.

Witness: Richard C. Whiting
National Rifle Association of America

Address: 1600 Rhode Island Avenue, N.W.
Washington, D.C. 20036

91 FEB -4 PM 1:59
COUNTY BOARD OF APPEALS
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ROBERT A. HOFFMAN, ESQUIRE
Venable, Baetjer and Howard
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204
(301) 823-4111

The witness named above is hereby ordered to so appear before the County Board of Appeals.

County Board of Appeals of
Baltimore County

3-16-90

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - W/S Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District
6th Councilmanic District

Ida S. Eckhart, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-138-SPHX and Case No. 90-139-SPHA
*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In Case No. 90-138-SPHX, Petitioners request a special exception to use the subject property for a shooting range and clubhouse; and a special hearing to approve the use of the caretaker's residence on the subject property as an accessory use for a proposed shooting range and clubhouse and a parking plan for the proposed shooting range and clubhouse which provides a total parking of 180 spaces, 125 of which will be used for the Clubhouse and East Trap and Skeet Range, 25 will be used for the West Trap and Skeet Range, and 30 will be used for the Rifle Range and Archery Trail, all as more particularly described in Petitioner's Exhibit 1.

In Case No. 90-139-SPHA, Petitioners request a special hearing to approve the non-density transfer of two (2) 2-acre parcels, each to be combined with an existing lot to form new Parcels 1 and 2, the reservation of two dwelling units for new Parcel 5, and the creation of new Parcels 3 and 4, with total density not to exceed the permitted five (5) dwelling units. Petitioners also request a variance to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building, all as more particularly described in Petitioner's Exhibit 1.

In Case No. 90-138-SPHX, the Petitioners, property owners, and Contract Purchasers, The Pikesville Sportsman's Club, appeared, testified,

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and were represented by John B. Howard, Esquire and Robert A. Hoffman, Esquire. Petitioners' witnesses and their testimony will be discussed hereafter. Numerous other individuals appeared on behalf of the relief requested and indicated their support by signing the Petitioner's Sign-In Sheet.

Numerous individuals appeared and testifyied as Protestants in Case No. 90-138-SPHX and will be identified hereafter. Numerous other individuals sent letters in opposition to the relief requested. All Protestants appearing at the hearing signed the Protestant Sign-In Sheet and were represented by J. Carroll Holzer, Esquire.

In Case No. 90-139-SPHA, testimony on behalf of the Petitioners was presented by William G. Ulrich, Registered Land Surveyor with Gerhold, Cross and Etzel, and William Bressler. The Protestants presented no witnesses regarding this issue. Counsel simply profferred the Protestants' position which will be discussed below.

First, an examination of the testimony presented and findings in Case No. 90-138-SPHX will be reviewed.

Testimony presented in Case No. 90-138-SPHX indicated that the subject property as proposed will consist of 201 acres split zoned R.C. 2 and R.C. 5 (only 4.3 acres are zoned R.C. 5) and is located along Long Green Pike and Factory Road on the east, Glen Arm Road on the west, and is adjacent to the Gunpowder State Park on the south. At the present time, the property is used for agricultural purposes.

Testimony indicated that the Pikesville Sportsman's Club was formed in the 1930s in Pikesville. The Club moved in 1946 to its present location in Owings Mills off of the Northwest Expressway near Church Lane and Pleasant Hill Road. As a result of the development in the Owings

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Mills growth area, the existing facility is now zoned for industrial use. The Club, recognizing its need to relocate a number of yeers ago, commenced its search for a new location. The Petitioners propose to establish their Club at the subject site. Testimony indicated that current operations include indoor and outdoor archery, trap and skeet ranges, indoor and outdoor rifle ranges, indoor and outdoor pistol ranges, dog training, the holding of various community activities at the site, including, but not limited to, turkey shoots, hunter education programs, programs for the Boy Scouts, and dances. The Club currently holds a beer and wine license, and for special events, have applied for and received a one-day license for the consumption of additional alcoholic beverages. In response to questions raised about the liquor license, Mr. Blocher noted that there have been no alcohol-related incidents.

Testimony regarding the hours of operation by Mr. Blocher indicated the trap ranges currently operate on Sundays from 12:00 PM to 4:00 PM. He indicated that there are currently 6 to 8 trap meets each year wherein the ranges are open from 9:00 AM to 4:00 PM on a Sunday. The outdoor rifle and pistol ranges are open to members from 9:00 AM to Dusk each day. Mr. Blocher stated that there are generally only one or two members shooting outdoors on an average day. Further, he indicated that there are outdoor competitions involving the rifle and pistol ranges approximately 3 or 4 times each year. Currently, the Club's indoor range is open to the public from 6:00 PM to 9:00 PM on Mondays only. Members may use the indoor facilities at any time. Testimony indicated that prior to becoming a Club member with full privileges, one must be certified and tested by other members to insure the individual has sufficient knowledge and expertise to use the facilities unsupervised. There are no federal, state or

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