

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
Cor. W/S Long Green Pike and N/S Hydes Road
11th Election District
6th Councilmanic District
Three Cousins Ltd. Partnership
Legal Owner
Dorsey B. Fleming, Jr., et ux
Contract Purchasers
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 90-541-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Petition for Special Exception from Section 1A01.2.C (17) to use the herein described property for a riding stable, and for Zoning Variance from Sections 1A01.3.B.3 and 102.2 to permit a 2.8 foot minimum distance between existing buildings 1-9 in lieu of the minimum 70 feet and Section 421.1 to permit 0 ft. property line setback in lieu of the minimum 200 ft. for a riding stable, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Michael A. Buck, representing the Legal Owners of Three Cousins Farm Limited Partnership, and Dorsey B. Fleming, Jr. and wife, Contract Purchaser, appeared, testified and were represented by John T. Maguire, Esquire and Larry E. Schmidt, Esquire. Appearing in support of the Petition was F.W. Pipitone. Appearing as interested parties were Richard and Denise Shapiro, neighboring property owners. There were no Protestants.

Testimony indicated that the subject property at the northwest corner of Long Green Pike and Hydes Road consists of 100 +/- acres and is zoned R.C.2. The property is currently developed as a horse boarding farm with

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Date 8/15/90
By M. H. Haines

appropriate training facilities for race horses. There is an actual practice race track, numerous barns, breeding stables and training areas for horses, as indicated on Petitioners' Exhibit No. 1. Testimony also indicated that there are several buildings located on the property including two single family homes, two mobile home trailers, four stables and a few small breeding stables or associated sheds and buildings. The property is primarily broken up into various enclosed fields which are fenced for the purposes of either training or turning horses out to run.

Mr. Michael Buck testified that the operation of this site, over the past ten years, has been a training facility for race horses and as a horse breeding farm. Mr. Buck explained in detail the operation of a horse breeding farm and the inter-relationship with a training facility for race horses. The evidence provided by Mr. Buck clearly establishes that a horse breeding farm and a race horse training facility are two separate and distinct operations. However, the operations are closely aligned to one another and often exist in support of one another on the same sites. His testimony also provided an insight into the purposes of each of the fenced areas and the buildings and structures found on the site.

The Contract Purchaser, Mr. Dorsey B. Fleming, testified that he operates the adjoining parcel to the north as a farming operation and it is his intention to continue the race horse training facility and the boarding and breeding of horses at this location. Mr. Fleming testified extensively as to the buildings that he intends to rehabilitate and those that he intends to remove. During the testimony and discussions concerning the various structures on the site, the Zoning Commissioner raised the issue of the tenant farmer facilities specifically the two framed dwelling houses and the two mobile homes shown on Petitioners' Exhibit 1. Clearly, the evi-

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dence establishes that the tenant farmers who are or will reside in the framed dwelling houses are employees who are actively engaged in the operation of either the horse breeding or horse training operations located on this site. It is Mr. Fleming's desire to remove one of the mobile homes, as that unit is in a severe state of disrepair and not habitable. Upon request by the Zoning Commissioner that the second mobile home be removed because the unit is not used as a tenant farmer dwelling unit and is in violation of the Baltimore County Zoning Regulations (B.C.Z.R.), regarding rental units located on R.C.2 lands, Mr. Fleming agreed to remove the second mobile home unit on or before July 1, 1991.

Additional testimony and evidence was provided by adjoining property owners concerning the ongoing farming operations as they relate to the horse industry at this location and their belief that those operations are consistent with the R.C.2 zoning classifications and the farming activities in the general area.

Mr. Shapiro, an adjoining property owner, testified concerning his desires that the 100 +/- acre tract not be subdivided into homesites. Mr. Shapiro understood, at the conclusion at the hearing on this matter, that the Special Exception requested for a riding stable would prohibit any further subdivision of this parcel without an additional public hearing. This issue was also affirmed by Mr. Fleming.

The Petitioner testified that, based on his professional experience, it was his opinion that the business would not cause any adverse impact and would not create traffic congestion over and above what already exists. He testified that the conditions delineated in Section 502.1 (B.C.Z.R.) will be satisfied.

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The prerequisites of Section 502.1 for a special exception were testified to extensively by Mr. Buck.

A special exception is a granting by the Zoning Commissioner, pursuant to the existing provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). It is subject to the guidelines and standards contained in the provisions of the B.C.Z.R. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner or Deputy Zoning Commissioner must in each case, decide under the specific standards set forth in Section 502 of the B.C.Z.R. whether the presumptive compatibility does, in fact, exist in this case. See, Rockville Fuel and Feed Company, Inc., v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499 (1970). Furthermore, "... there cannot be a grant of a 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. Pritts 291 Md. 1, 432 A.2d 1319 (1981). The duty of the Zoning Commissioner or Deputy Zoning Commissioner is to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the zoning plan.

The Petitioner has the burden of adducing testimony which will establish that the Petitioner's use meets the prescribed standards and requirements. He does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community and, furthermore, if the Petitioner shows to the satisfaction of the Zoning Commissioner or Deputy Zoning Commissioner that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the

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public interest, then the Petitioner has met the burden of proof. See Anderson v. Sawyer, 23 Md. App. 612, 617, 329 A.2d 716, 720 (1974).

Mr. Dorsey Fleming testified that, in his opinion, the proposed use at the subject property would not be detrimental to the health, safety, and general welfare of the community, and that the conditions delineated in Section 502.1 of the B.C.Z.R. will be satisfied.

Mr. Dorsey Fleming testified at great length about the needs for the various variances between the various farm buildings that exist on the site. He made it very clear that it is not his intention to reside on this property because his home exists on his adjoining property to the north. The removal of the two mobile home trailers will cause the variances requested between the frame dwelling houses and the mobile homes to be negated and, therefore, the necessity for those two variances will prove to be moot. There is also a possibility that several of the other structures which are currently in violation of the building to building setbacks could be raised and removed from the property and thereby negating the need for the variances. The variances are all created by pre-existing structures most of which have existed for many years and the variances are requested between buildings within one unified property use on a single tract of land. The evidence and testimony clearly establishes that the variances would not be harmful to the health, safety and general welfare of the public and that most of the variances would be indistinguishable by the general public due to their distance from any adjoining property line.

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

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By M. H. Haines

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- 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).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and 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 should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of August, 1990 that a Petition for Special Exception from Section 1A01-R.C.2, 1A01.2.C (17) to use the herein described property for a riding stable, and for Zoning Variance from Sections 1A01.3.B.3 and 102.2 to permit a 2.8 foot minimum distance between

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existing buildings 1-9 in lieu of the minimum 70 feet and Section 421.1 to permit a 0 ft. property line setback in lieu of the minimum 200 ft. for a riding stable, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the foregoing relief:

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. The Petitioners shall remove both mobile home units shown on Petitioners' Exhibit 1 on or before July 1, 1991. The Petitioners shall only rent the two existing framed dwelling houses to actual tenant farmers in compliance with both Baltimore County Zoning Regulations (B.C.Z.R.) and Baltimore County Zoning Policy concerning tenant farmers.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this order.

JRH:mmn
cc: Peoples Counsel

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

ORDER RECEIVED FOR FILING
Date 8/15/90
By M. H. Haines

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

August 15, 1990



Dennis F. Rasmussen
County Executive

John T. Maguire, Esquire
Hollman, Hughes, Finch and Maguire
189 E. Main Street
Westminster, Maryland 21157

Lawrence E. Schmidt, Esquire
White, Page and Lentz
Suite 301
606 Baltimore Avenue
Baltimore, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case #90-541-XA
Three Cousins Farm Limited Partnership, Petitioner

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3331.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
att.
cc: Peoples Counsel
cc:
Mr. Dorsey B. Fleming, Jr.
13220 Long Green Pike
Hydes, Maryland 21082
Mr. Michael A. Buck
13132 Long Green Pike
Hydes, Maryland 21082

#406

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-541-XA**

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 riding stable pursuant to Section 1A01-R.C.2.

1A01.25(17) of said regulations.

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: Dorsey B. Fleming, Jr., Margaret D. Fleming
 (Type or Print Name)
 Signature: [Signatures]
 Address: 13220 Long Green Pike
 City and State: Hydes, Maryland 21082

Legal Owner(s): Three Cousins Farm Limited Partnership
 (Type or Print Name)
 Signature: Michael A. Buck
 Address: 13132 Long Green Pike
 City and State: Hydes, Maryland 21082

Attorney for Petitioner: John T. Maguire
 (Type or Print Name)
 Signature: [Signature]
 Address: 189 East Main Street
 City and State: Westminster, Maryland 21157

Attorney's Telephone No.: 876-3183

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of July, 1990, 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 7th day of July, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

#406

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-541-XA**

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 Variance from Section 1A01.3.R.3 and 102.2 to permit a 2.8 foot minimum distance between existing buildings 1-9 in lieu of the minimum 70' and Section 421.1 to permit a 0' property line setback in lieu of the minimum 200' for a riding stable.

The undersigned, legal owner(s) of the property situate in Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
 Strict compliance with the B.C.Z.R. would result in unreasonable hardship in that the improvements pre-date the zoning regulations and are located to use the entire site. Application of the 200 feet setback would render a 200 foot wide strip around the perimeter of the property useless.
 Strict compliance with the B.C.Z.R. would further result in unreasonable hardship because the variance cannot be abated without destroying and practical difficulty because the variance would not provide for any greater use than what has historically taken place on site; and for such other and further reasons as may be applicable.

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

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

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: Dorsey B. Fleming, Jr., Margaret D. Fleming
 (Type or Print Name)
 Signature: [Signatures]
 Address: 13220 Long Green Pike
 City and State: Hydes, Maryland 21082

Legal Owner(s): Three Cousins Farm Limited Partnership
 (Type or Print Name)
 Signature: Michael A. Buck
 Address: 13132 Long Green Pike
 City and State: Hydes, Maryland 21082

Attorney for Petitioner: John T. Maguire
 (Type or Print Name)
 Signature: [Signature]
 Address: 189 East Main Street
 City and State: Westminster, Maryland 21157

Attorney's Telephone No.: 876-3183

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of July, 1990, 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 1st day of August, 1990, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

#406

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

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

Date: April 11, 1990

Zoning Description:

Special Exception for Riding Stable and setback variance.

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

Beginning for the same at the intersection of the centerline of Hydes Road with the west side of Long Green Pike and running thence and binding on the west side of Long Green Pike, the two following courses and distances viz: North 25 degrees 23 minutes 16 seconds East 181.01 feet and North 30 degrees 32 minutes 10 seconds East 581.72 feet, thence leaving Long Green Pike and binding in the center of a 12 foot right of way and binding on the outlines of the petitioners herein, the nine following courses and distances viz: North 54 degrees 22 minutes 22 seconds West 358.68 feet, North 50 degrees 41 minutes 22 seconds West 140.40 feet, North 44 degrees 31 minutes 22 seconds West 141.30 feet, North 39 degrees 53 minutes 07 seconds West 270.92 feet, North 33 degrees 32 minutes 37 seconds West 21.53 feet, North 30 degrees 34 minutes 07 seconds West 153.15 feet, North 26 degrees 06 minutes 07 seconds West 88.88 feet, North 16 degrees 55 minutes 37 seconds West 74.73 feet and North 15 degrees 21 minutes 22 seconds West 77.50 feet, thence leaving said right of way and still binding on the outlines of the petitioners herein, the eighteen following courses and distances viz: North 70 degrees 52 minutes 42 seconds East 27.96 feet, North 44 degrees 09 minutes 02 minutes East 84.90 feet, North 50 degrees 48 minutes 53 seconds East 111.46 feet, North 46 degrees 00 minutes 13 seconds East 248.66 feet, North 25 degrees 55 minutes 45 seconds East 2.16 feet, North 85 degrees 49 minutes 28 seconds East 22.25 feet, North 47 degrees 45 minutes 26 seconds East 131.12 feet, North 35 degrees 38 minutes 04 seconds East 108.69 feet, North 61 degrees 49 minutes 00 seconds West 1053.58 feet, South 21 degrees 49 minutes 08 seconds West 348.01 feet, North 58 degrees 28 minutes 23 seconds West 16.43 feet, South 21 degrees 23 seconds West 710.59 feet, North 20 degrees 47 minutes 40 seconds East 533.94 feet, North 81 degrees 31 minutes 00 seconds West 702.04 feet, South 4 degrees 55 minutes 30 seconds East 1980.63 feet, South 84 degrees 57 minutes 24 seconds West 65.04 feet and South 3 degrees 48 minutes 33 seconds East 326.00 feet to the center of Hydes Road and thence binding in the center of Hydes Road, the five following courses and distances viz: North 79 degrees 46 minutes 57 seconds East 58.26 feet, North 77 degrees 33 minutes 40 seconds East 200.68 feet, South 84 degrees 04 minutes 45 seconds East 443.21 feet, South 61 degrees 57 minutes 05 seconds East 1073.38 feet and South 67 degrees 17 minutes 05 seconds East 576.09 feet to the place of beginning.

Containing 100.197 Acres of land more or less.

[Signature]

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

Account: R-001-6150
Number: **2525**

Date: 5/16/90 H9000406

PUBLIC HEARING FEE	QTY	PRICE
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00
050 - SPECIAL EXCEPTION	1 X	\$175.00
LARGE NAME OF OWNER: 3 COUSINS FARM		TOTAL: \$350.00

B B092****350D0 a \$174.F
Please make checks payable to: Baltimore County

Cashier Validation: _____

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-541-XA

District: 11th

Posted for: Special Exception & Variance Date of Posting: 7/15/90

Petitioner: Three Cousins Farm Limited Partnership, Dorsey B. Fleming, Jr., et ux

Location of property: W/S Long Green Pike & N/S Hydes Rd.

Location of Signs: Leaving W. side of Long Green & Hydes Rd. approx. 25' N. side of road for property of petitioner

Remarks: _____

Posted by: [Signature] Date of return: 7/19/90

Number of Signs: 2

CERTIFICATE OF PUBLICATION

July 6, 1990

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 July 5, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zetek Orlov
Publisher

PO 105559

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

Account: R-001-6150
Number: **3123**

Date: 8/07/90 H9100092

receipt

90-541

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING 1 X	1 X	\$142.54
LAST NAME OF OWNER: 3 COUSINS FARM		TOTAL: \$142.54

0404840105PHCRIC \$142.54
8A C011:08AM88-07-90

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: 7/24/90

Dennis F. Rasmussen
County Executive

Three Cousins Farm Limited Partnership
13132 Long Green Pike
Hydes, Maryland 21082

ATTN: MICHAEL BUCK

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 90-541-XA
Corner W/S Long Green Pike and N/S Hydes Road
11th Election District - 6th Councilmanic
Legal Owner(s): Three Cousins Farm Limited Partnership
Contract Purchaser(s): Dorsey B. Fleming, Jr., et ux
HEARING: TUESDAY, AUGUST 7, 1990 at 9:30 a.m.

Gentlemen:
Please be advised that \$ 142.54 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 set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: John T. Maguire, Esq.

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

J. Robert Haines
Zoning Commissioner

June 9, 1990

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 Exception and Zoning Variance
CASE NUMBER: 90-541-XA
Corner W/S Long Green Pike and N/S Hydes Road
11th Election District - 6th Councilmanic
Legal Owner(s): Three Cousins Farm Limited Partnership
Contract Purchaser(s): Dorsey B. Fleming, Jr., et ux
HEARING: TUESDAY, AUGUST 7, 1990 at 9:30 a.m.

Special Exceptions & riding stable.
Variances: to permit a 2.8 foot minimum distance between existing buildings 1-9 in lieu of the minimum 70' and to permit a 0 ft. property line setback in lieu of the minimum 200 ft. for a riding stable.

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 of Baltimore County

cc: Three Cousins Farm Limited Partnership
Dorsey B. Fleming, et ux
John T. Maguire, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

J. Robert Haines
Zoning Commissioner

July 16, 1990

John T. Maguire, Esquire
Hollman, Hughes, Finch & Maguire
189 East Main Street
Westminster, MD 21157

Dennis F. Rasmussen
County Executive

RE: Item No. 406, Case No. 90-541-KA
Petitioner: Three Cousins Farm
Petition for Zoning Variance and
Special Exception

Dear Mr. Maguire:

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: Mr. & Mrs. Dorsey B. Fleming
Mr. Michael Buck

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
6th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Three Cousins Farm Ltd Partnership, et al
Petitioner's Attorney: John T. Maguire

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

June 6, 1990

Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 388, 394, 396, 397, 398, 399, 400, 403, 404, 402, 406 and 407.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUN 13 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JUNE 4, 1990

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: THREE COUSINS FARM LIMITED PARTN.

Location: CORNER OF W/S LONG GREEN PIKE

Item No.: 406 Zoning Agenda: JUNE 5, 1990

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.

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. CHAPTER 26 AND CHAPTER 29

REVIEWER: *Paul H. Reincke* Noted and Approved *Paul H. Reincke*
Planning/Group File Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 29, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 5, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 387, 388, 394, 396, 397, 398, 399, 400, 402, 403, 404, 406 and 407.

For Item 401, the previous County Review Group comments still apply.

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

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 12, 1990
Zoning Commissioner

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

SUBJECT: Three Cousins Farm Limited Partnership, Item No. 406

The Petitioner requests a Special Exception for a riding stable and a Variance to permit a 2.8 ft. minimum distance between existing buildings 1-9 in lieu of the minimum 70 ft. and to permit a 0 ft. property line setback in lieu of the minimum 200 ft. for a riding stable.

In reference to the Petitioner's request, staff offers the following information based upon review of the information provided and contact that this office has had with the attorney for the contract purchaser and the local community association.

- The property is currently zoned R.C.2.
- The property is improved with existing stables, barns, paddocks, and a track.
- The property has historically been used as a boarding and training facility for thoroughbred horses in preparation for racing.
- The contract purchaser plans to continue the current use of the property.
- The Baltimore County Zoning Regulations permit riding stables by Special Exception in an R.C.2 zone.

The Office of Planning and Zoning believes the current and proposed uses are appropriate at this location. The racing industry, which is the fourth largest industry in the county, is important to the best interest of the county, and to the community as well. However, Three Cousins Farm suffers to a degree from deteriorated maintenance. It is hoped that the new owner will repair fences, paint buildings, and generally upgrade the property.

Staff recommends that the Petitioner's request be granted.

JL 18 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: December 18, 1991
Mr. Powell / EIRD
Mr. Pilson / W/S
Ms. Farr / CECH
Mr. Maranto / Planning
Mr. Richards / Zoning
Mr. Bowling / DEP (2)
Mr. Farrell / Traffic
Mr. Weiss / Sanitation
Mr. Beaumont / Land Acq.
Ms. Lutz / House Nos.
Capt. Kelly / Fire Dept.
Mr. Kincaid / Rec.&Parks
Mr. Brocato / SHA
Mr. Butcher / CEP
Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley
Bureau of Public Services

SUBJECT: District: IC2
Project Name: W. Bell Plaza Revitalization
Project No.: 89297
Engineer: Kilde Consultants
Phone No.: 494-1573

ACTION REQUESTED:
CRG Plan Review (Meeting Waived) :
CRG Plan Refinement Review :XX
CRG Non-Material Amendment Review :
CRG Plan Approval Extension Review :
Panhandle Minor CRG Plan Review :
Minor Subdivision Review :

Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 1/8/92. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Thank you for your attention to our request.

SDW:mmm
cc: File

TO: MKJ
RECEIVED
JUN 13 1991
By: *scj*

90-541

W. BELL PLAZA REVITALIZATION

CRG Refinement Review
Plan Date: 12/89
Comments Due: 1/8/92
Comments Date: 1/8/92
Comments Completed: 1/15/92

The amended or refined C.R.G. plan of the W. Bell Plaza Revitalization is within the spirit and intent of the last approved C.R.G. plan (approved 8/24/90); however, prior to final zoning approval (building permit application), the following comments must be addressed:

1. All zoning hearings must be shown on the building permit application site plan, including case #90-542-SPHA, with the Orders, restrictions and approval dates.
2. As shown on the revised plan, the proposed is to assign individual lots to each proposed building. Since each lot contains adequate parking for each building, the overall site was approved via a public hearing as a shared parking shopping center; therefore, the lots cannot restrict the parking from other buildings on this site from parking on the separate lot(s). To ensure that this is met, a note must be included on the building permit application site plan stating that "the separate lots or buildings on this overall site cannot restrict parking areas from other uses or buildings on the same site".

Any requests for further information from the Zoning Office must include a reference to the C.R.G. refinement review and written correspondence or revised plans must be accompanied by a copy of these comments.

Mitchell J. Keilman
MITCHELL J. KEILMAN
PLANNER II

MJK:scj

cc: Current Planning
Zoning File - 90-541-SPHA
Waiver File

In Re: * Before the Zoning
 Three Cousins Farm * Commissioner of
 Partnership * Baltimore County
 Petitions for Special *
 Exception and Variance * Case Number: 90-541-XA
 * * * * *

ENTRY OF APPEARANCE

Kindly enter my appearance as co-counsel for the
 Petitioner/Contract Purchaser in the above matter.

Lawrence E. Schmidt

 Lawrence E. Schmidt
 White, Page & Lentz
 Suite 301
 606 Baltimore Avenue
 Baltimore, Maryland 21214
 (301) 823-3300

Attorney for Petition/Contract
 Purchaser

RECEIVED
 AUG 6 1990
 ZONING OFFICE

**PETITIONER'S
 EXHIBIT 2**

90-541XA

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

Re: Petition for Variances and
 Special Exception
 Three Cousins Farm
 Case No. 90-541-XA

Dear Sir:

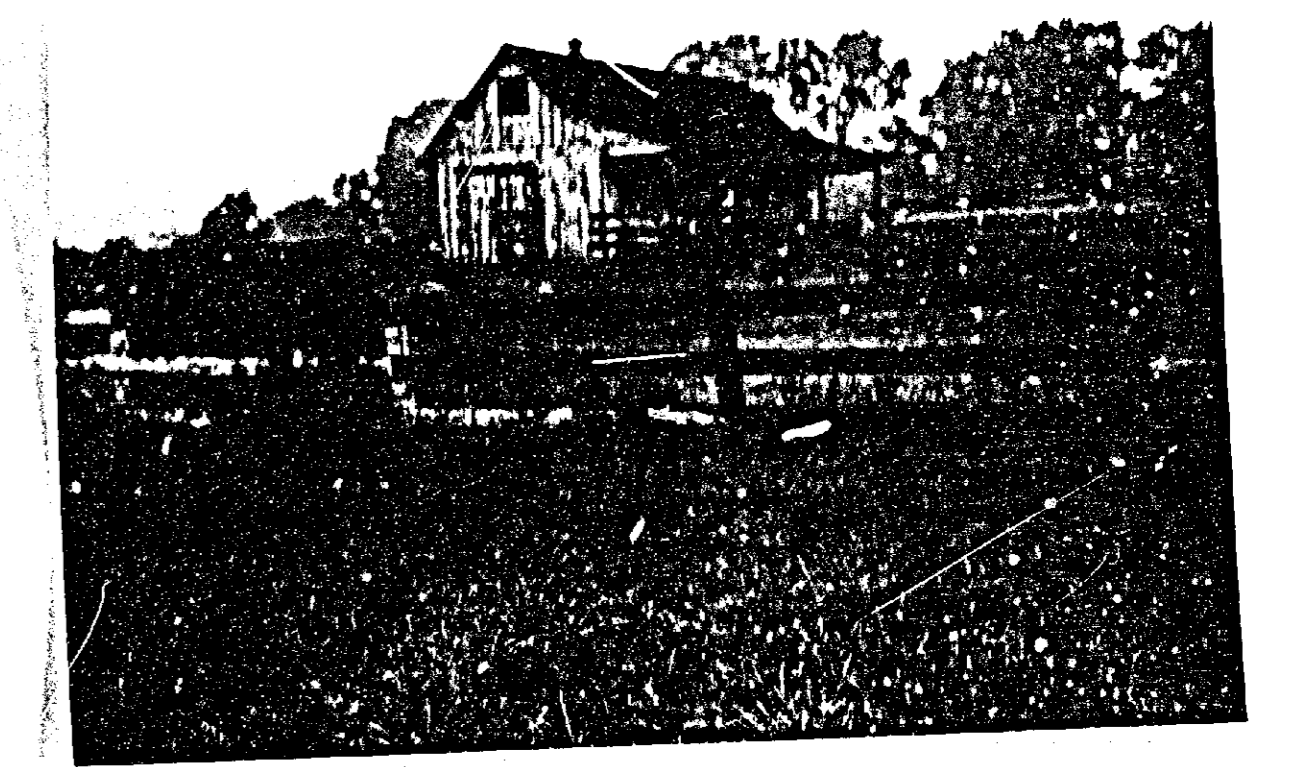
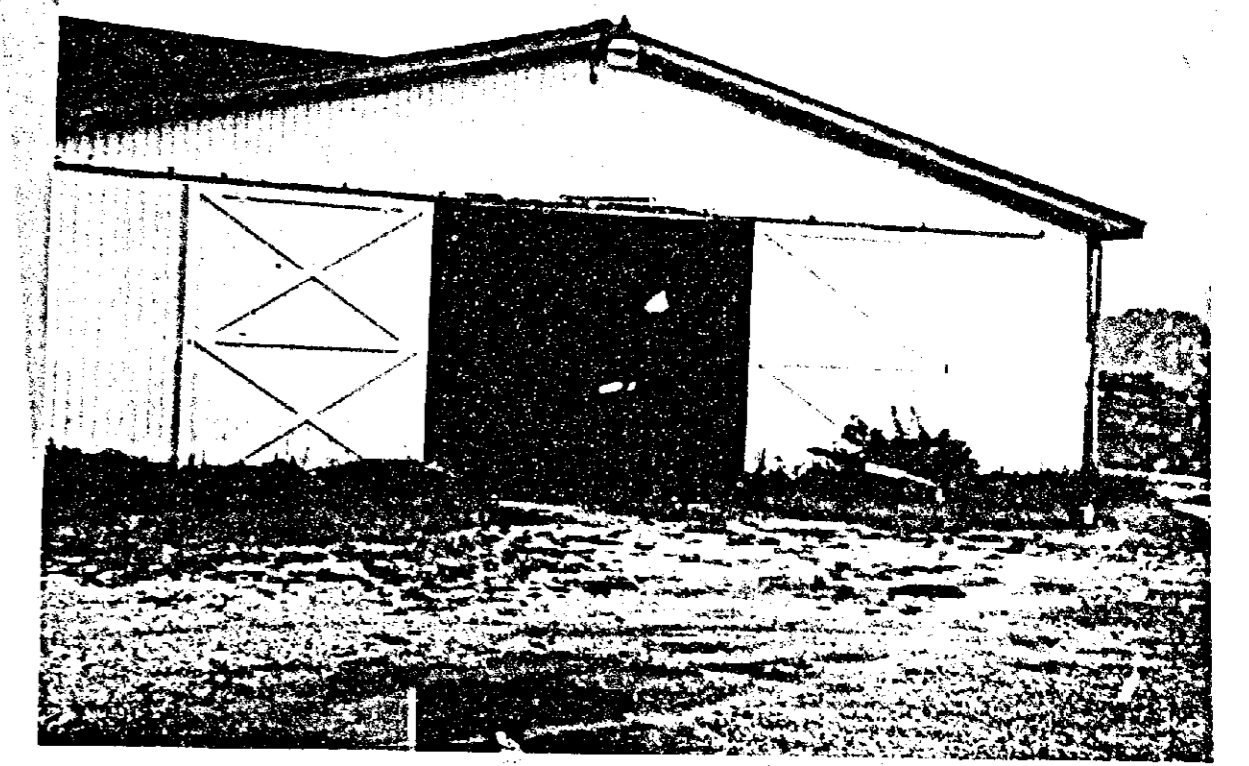
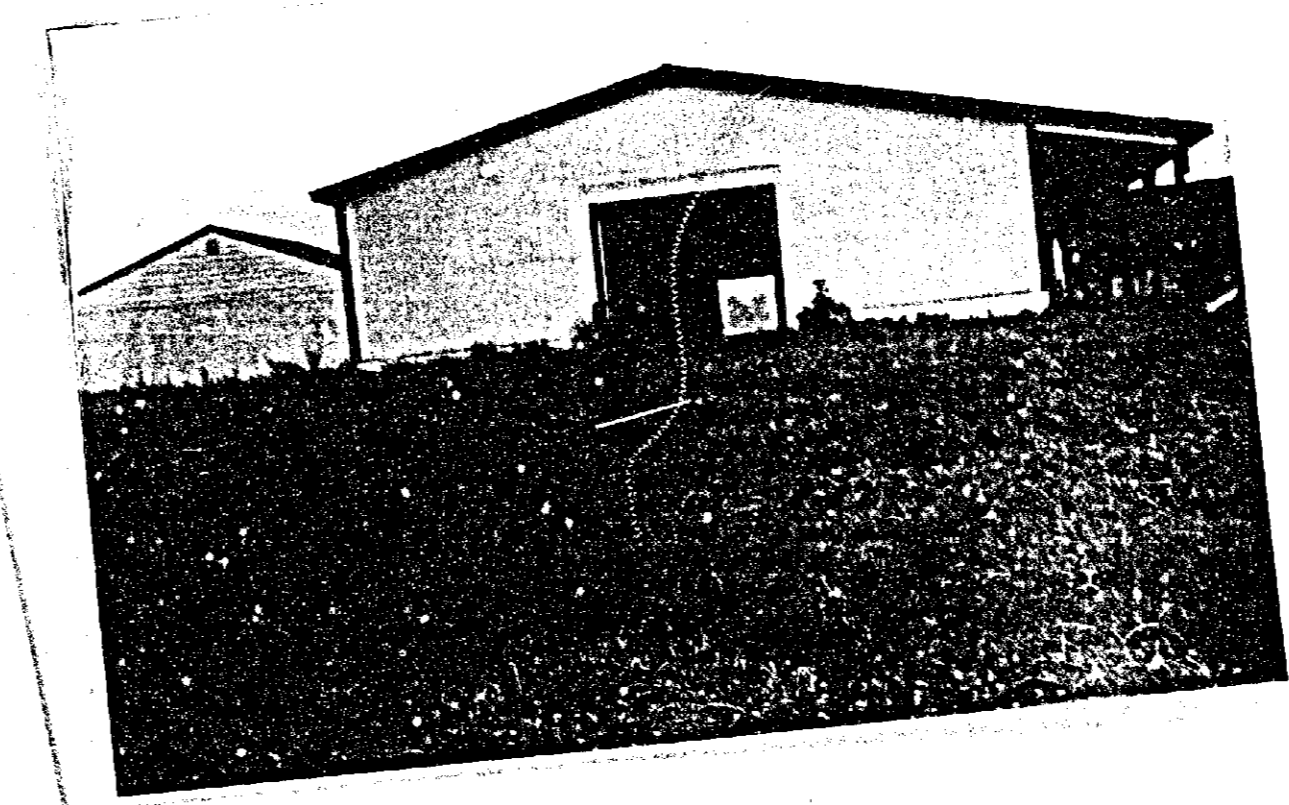
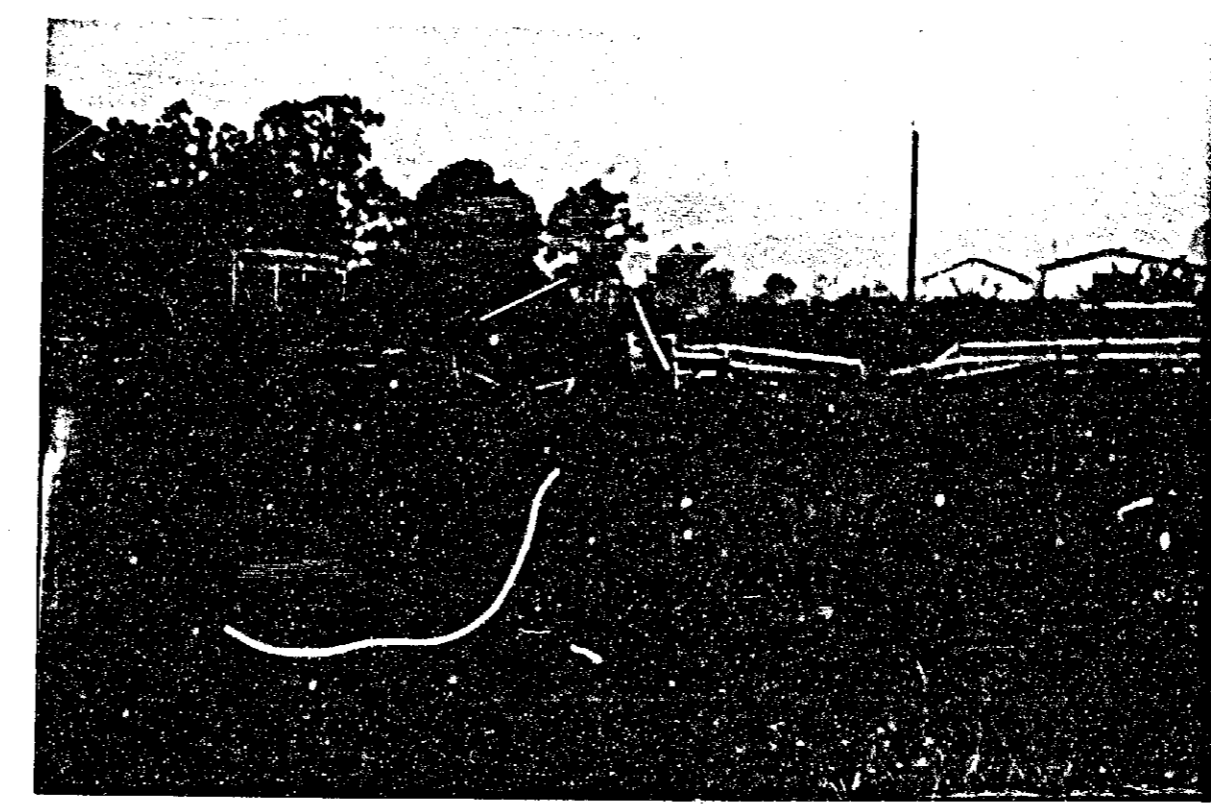
We are the owners of property adjacent to the Three Cousins Farm. We are familiar with the request of Dorsey B. Fleming, Jr. and Margaret D. Fleming for zoning variances and a special exception for a riding stable relating to the Three Cousins Farm. We feel that if their requests are granted, the Flemings will bring about an improvement in the appearance and use of the farm. We also feel this use is appropriate considering the nature and history of the farm and the neighborhood.

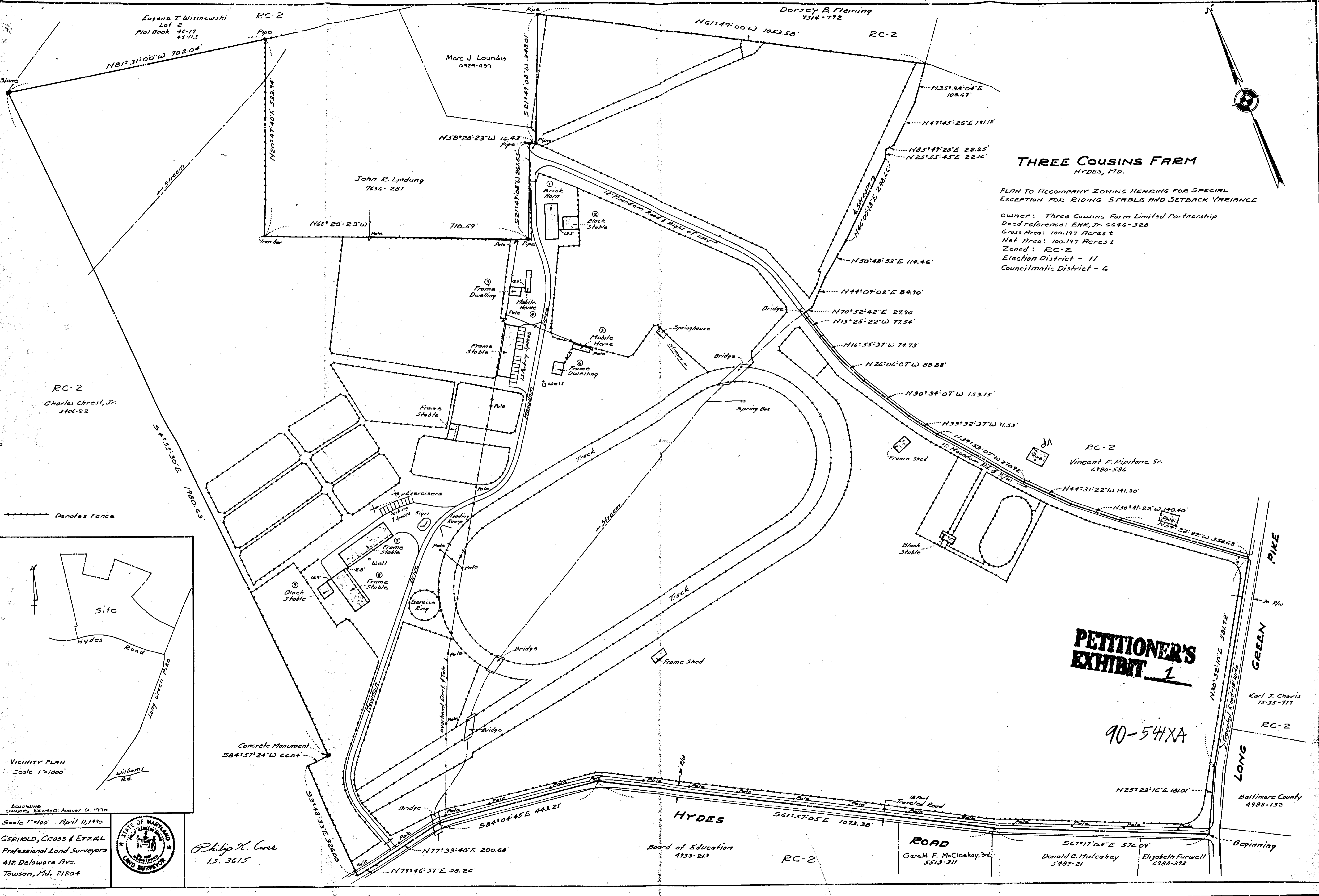
We hereby express our support of the Flemings' Petitions and we consent to the submission of this letter into evidence at the hearing on August 7th.

Max J. Poul

8-6-90

 Date

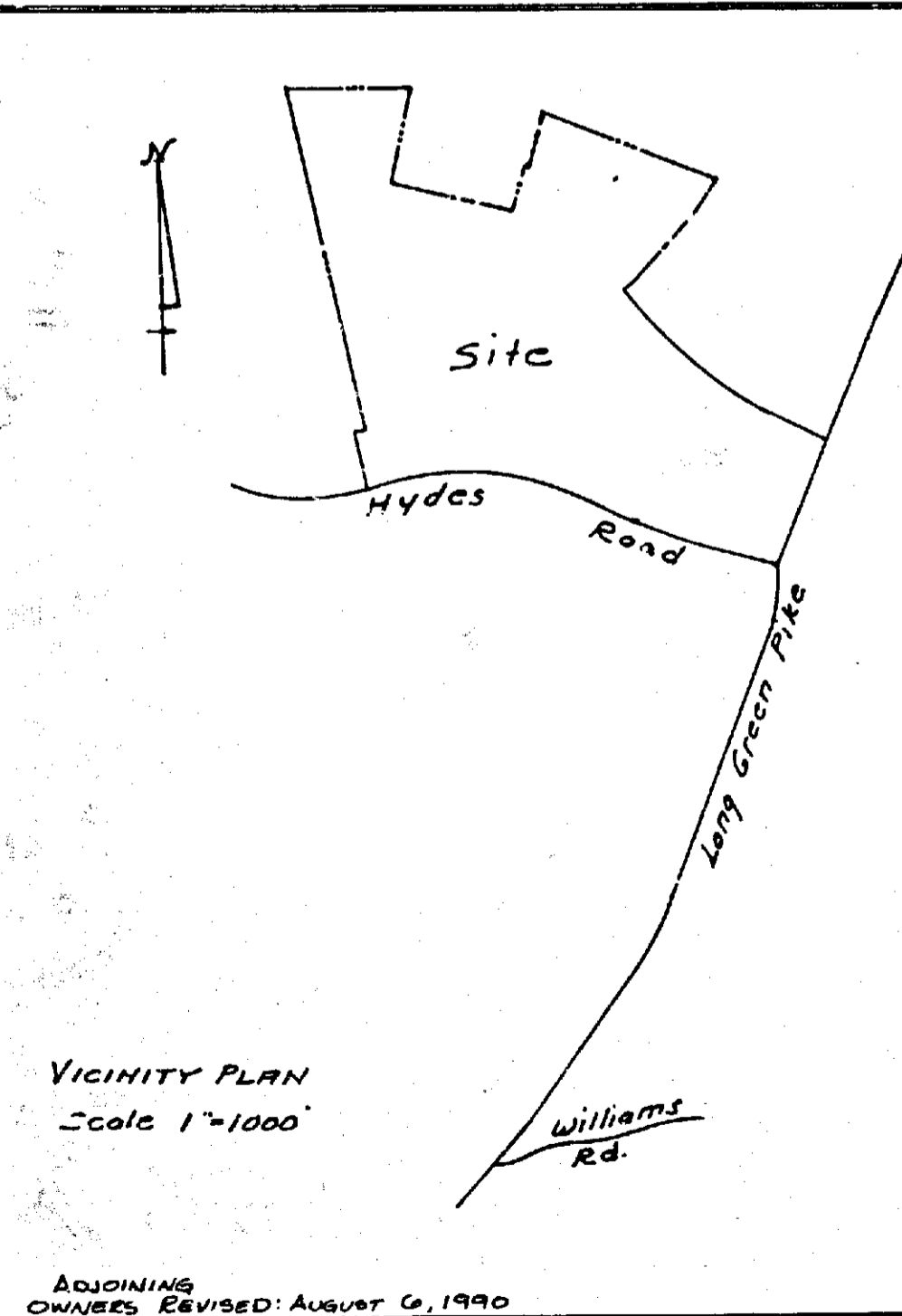




THREE COUSINS FARM
HYDES, MD.

PLAN TO ACCOMPANY ZONING HEARING FOR SPECIAL EXCEPTION FOR RIDING STABLE AND SETBACK VARIANCE

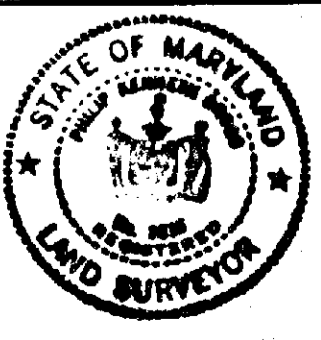
Owner: Three Cousins Farm Limited Partnership
Deed reference: EHK, Jr. 6646-328
Gross Area: 100.197 Acres ±
Net Area: 100.197 Acres ±
Zoned: RC-2
Election District - 11
Councilmatic District - 6



ADJOINING OWNERS REVISED: AUGUST 6, 1990
Scale 1"=100' April 11, 1990

GERHOLD, CROSS & ETZEL
Professional Land Surveyors
412 Delaware Ave.
Towson, Md. 21204

Philip K. Cross
LS. 3615

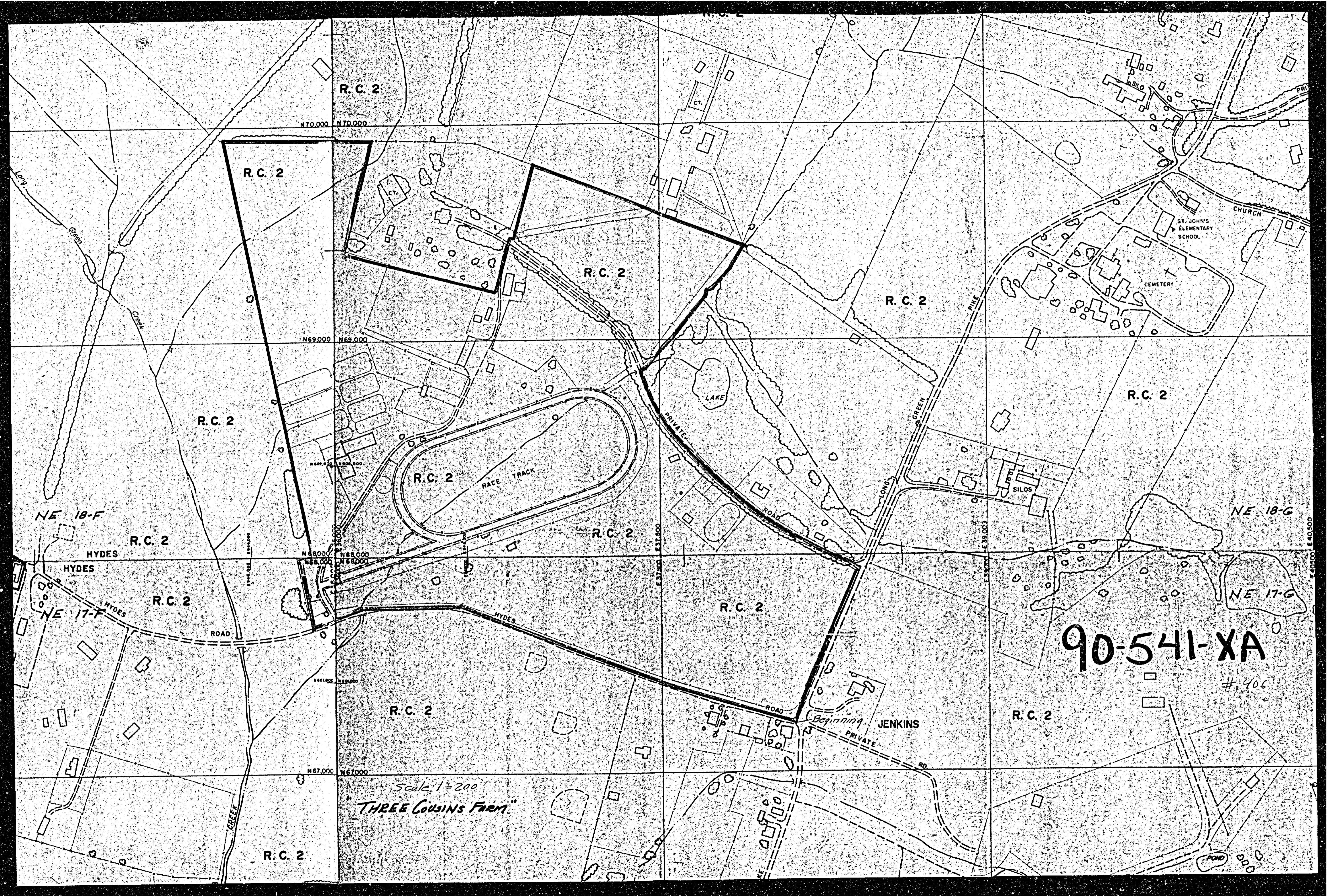


PETITIONER'S EXHIBIT 1

90-541XA

LONG GREEN PIKE
Karl J. Chavis 75-35-717
RC-2
LONG
Baltimore County 4988-132
Beginning

HYDES ROAD
Board of Education 4933-213
RC-2
Gerald F. McCloskey, 3rd 5513-311
Donald C. Mulcahey 5489-21
Elizabeth Farwell 6988-393



Scale 1/200
"THREE COUSINS FARM"

90-541-XA

#406

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

NE 18-F

NE 18-G

NE 17-G

HYDES
HYDES

Beginning JENKINS

PRIVATE

POND

N70,000 N70,000

N69,000 N69,000

N68,000 N68,000
N68,000 N68,000
N68,000 N68,000

N67,000 N67,000

E37,500

E39,000

E40,500