

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Testimony and evidence presented by Mr. and Mrs. Henneman was that the subject property owned by them is 2.651 acres in area. This is in a rural/suburban part of Baltimore County not far from Middletown Road. The

Shortly after placing that animal on the property in October of 1993, the Petitioners acquired a second horse. This animal was a pony and was more suited to personal use and riding. Unfortunately, the Petitioners admitted, however, that the pony had escaped the pasture on several occasions and did some damage to neighboring properties. Shortly before this public hearing on this case, the Petitioners indicated that they sold the pony and it is no longer on the property. Lastly, the Petitioners indicated that they began boarding a third horse in November of 1993. This animal is also no longer on the property.

As noted above, several Protestants testified in opposition to the variance request. These included Barbara Albright who resides immediately next door to the Petitioners' property. She has lived there 17 years and has several objections to the keeping of the horse on the property. As shown in photographs submitted by Ms. Albright, as well as the site plan, her property is a small tract of approximately 6/10ths of an acre. Be-

Lastly, testimony was received from Anna Guy who resides nearby. She echoed the concerns raised by the other Protestants. She believes that

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of April, 1994 that a variance from Sections 102.1, 100.6 and 1A04.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory stabling and pasturing area for 1 animal (horse)

1.85/100

April 11, 1934

(410) 887-4386

Very truly yours,
Lawrence E. Schmid
Lawrence E. Schmid
Zoning Commissioner

LES:mmn
att.
cc: J. Carroll Holzer, Esquire
cc: Mrs. Elizabeth Tracey, 18200 Horn Lane, Parkton 21120

[illegible]

1315 Annand RD 343-2230
 1315 Annand RD 343-2230

Printed with Backman Ink on Recycled Paper

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of these cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1315 ARMACOST RD
 Election District 6 Councilmanic District 3
 Beginning at a point on the East side of Armocost Rd
 (street on which property fronts) which is 50 Feet
 (number of feet of right-of-way width)
 wide at a distance of 10 Feet of the
 (number of feet) (north, south, east or west)
 centerline of the nearest improved intersecting street Holmesworth
 (name of street)
 which is 30 Feet wide. *Being lot # _____
 (number of feet of right-of-way width)

STARTING AT THE POINT OF BEGINNING ON THE SW SIDE
 OF ARMACOST RD 50 FT WIDE THENCE SW 150 FT, N 73°
 SW 365 FT, SE 241.45 FT, NW 234.45 FT, NE 89.67 FT
 N 73° E 71.8 FT, DE 20 FT, THENCE ALONG
 ARMACOST RD NW 140 FT BACK TO THE POINT OF
 BEGINNING.

2.65 ACRES

I accept responsibility for the accuracy of this description and
 certify it is true Baltimore County John F. Henneman

7

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 6 Date of Posting 3/14/94
 Posted By John F. Henneman
 Petitioner John F. Henneman
 Location of property 1315 Armocost Rd, N. Holmesworth Rd
 Location of Sign Along Highway on property being posted
 Remarks _____
 Posted by John F. Henneman Date of return 3/15/94
 Number of Signs 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb 14, 1994
 THIS IS TO CERTIFY that the annexed advertisement was
 published in THE JEFFERSONIAN, a weekly newspaper published
 in Towson, Baltimore County, Md., once in each of 1 successive
 weeks, the first publication appearing on Feb 10, 1994

THE JEFFERSONIAN
 A. Henneman
 LEGAL AD. - TOWSON

111 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-3333

VIOLATION receipt

Acc. No. 8-001-0100
 Number 293
 Date 3/28/94

1/27/94
 (1) residential variance Code 010 \$50.00
 1 sign posting Code 080 35.00
 Total \$85.00

Owner Henneman
 Dec. 1315 Roman Rd.
 Please Make Checks Payable To Baltimore County

SHADISLATA/DWC
 68 COUNCILMANIC DISTRICT
 \$85.00

Chester V. Ballinger

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3333

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to
 the general public in relation to property owners relative to property
 which is the subject of an upcoming zoning hearing. For those petitions
 which require a public hearing, this notice is accomplished by posting
 a sign on the property and placement of a notice in at least one
 newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and
 advertising are satisfied. However, the petitioner is responsible for the
 costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the
 time of filing.
- 2) Billing for legal advertising, due upon receipt, will come
 from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:
 Item No. 293
 Petitioner: John F. Henneman
 Location: 1315 Armocost Rd.

PLEASE FORWARD ADVERTISING BILL TO:
 NAME: John F. Henneman
 ADDRESS: 1315 Armocost Rd.
Parkton MD 21204
 PHONE NUMBER: 410-343-2234

Arnold Jarman, Director

Advised (Revised 04/09/93)

THE PETITIONER'S CERTIFICATE
 Feb. 10, 1994 Issue - Jeffersonian
 Please forward billing to:
 John F. Henneman
 1315 Armocost Rd.
 Parkton, Maryland 21204
 410-2204

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
 or
 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-292-A (Item 293)
 1315 Armocost Road
 6th Election District, 10' E of Holmesworth Road
 6th Election District - 3rd Councilmanic
 Petitioner(s): John F. Henneman and Carol A. Henneman
 HEARING: THURSDAY, MARCH 3, 1994 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit accessory stabling and pasturing of 2 animals (horse, pony) on 1 acre of grazing land
 in lieu of the 3 acres required.

Arnold Jarman
 Director

cc: John and Carol Henneman
 Barbara Albright

NOTES: (1) HEARING IS SCHEDULED ACCORDINGLY. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 (2) FOR INFORMATION CONCERNING THE FILE REVIEW HEARING, PLEASE CALL 887-3353.

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3333

FEBRUARY 4, 1994

NOTICE OF HEARING

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 (3) FOR INFORMATION CONCERNING THE FILE REVIEW HEARING, CONTACT YOUR OFFICE AT 887-3353.

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3333

MARCH 7, 1994

NOTICE OF REASSIGNMENT

RESCHEDULED FROM 3/3/94
 CASE NUMBER: 94-292-A (Item 293)
 1315 Armocost Road
 6th Election District, 10' E of Holmesworth Road
 6th Election District - 3rd Councilmanic
 Petitioner(s): John F. Henneman and Carol A. Henneman

Variance to permit accessory stabling and pasturing of 2 animals
 (horse, pony) on 1 acre of grazing land in lieu of the 3 acres
 required.

HEARING: THURSDAY, APRIL 7, 1994 at 9:00 a.m. in Room 106 County
 Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Arnold Jarman
 Director

cc: J. Carroll Holser, P.A.
 John and Carol Henneman
 Barbara Albright
 Stephen N. Krug

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3333

February 23, 1994

Mr. and Mrs. John F. Henneman
 1315 Armocost Road
 Parkton, Maryland 21204

RE: Case No. 94-292-A, Item No. 293
 Petitioner: John F. Henneman, et al.
 Petition for Variance

Dear Mr. and Mrs. Henneman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans
 submitted with the above referenced petition. The attached comments from
 each reviewing agency are not intended to indicate the appropriateness of
 the zoning action requested, but to ensure that all parties, i.e., zoning
 commission, attorney and/or the petitioner, are made aware of plans or
 problems with regard to the proposed improvements that may have a bearing
 on this case.

Enclosed are all comments submitted thus far from the members of ZAC
 that offer or request information on your petition. If additional
 comments are received from other members of ZAC, 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 January 27, 1994,
 and a hearing was scheduled accordingly.

The following comments are related only to the filing of future
 zoning petitions and are aimed at expediting the petition filing process
 with this office.

1. The Director of Zoning Administration and Development Management
 has instituted a system whereby assessed zoning attorneys who
 feel that they are capable of filing petitions that comply with all
 aspects of the zoning regulations and petitions filing
 requirements can file their petitions with this office without
 the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassoff
Commissioner

2-7-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 6-392 (JL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
JAMES KASSOFF, ACTING CHIEF
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Hearing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 127 North Carroll Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration, and
Development Management

DATE: February 14, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 291, 293 and 298.

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 887-3480.

Prepared by:

Division Chief:

PK/JLW

ZAC-291/PZOM/ZAC1

Baltimore County Government
Fire Department

700 East Joyce Road, Suite 301
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/03/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

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.

7. The Fire Prevention Bureau has no comments at this time FOR THE FOLLOWING "ITEM NUMBERS": 285, 289, 291, 292, 293, 294 AND 298.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-6881, MD-11027

cc: File

RECEIVED
FOR THE
ZADM

PETITION FOR VARIANCE
1315 Armacost Road

BEFORE THE
ZONING COMMISSIONER

OF BALTIMORE COUNTY

PETITIONERS:
JOHN F. HENNEMAN, et ux

CASE NO: 94-292-A
Item 293

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carol S. Denillo
Carol S. Denillo
Deputy People's Counsel
Room 41, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of March, 1994, a copy of the foregoing Entry of Appearance was mailed to John F. Henneman, 1315 Armacost Road, Parkton, MD 21120, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

-2-

divelving front
property border toward rear -
rear 1.75 acre is fenced -
bought.

1 animal is there now -

House - have one horse, which
they own

were 3 animals -
1 horse -
- retired thoroughbred -
- personal use
- horse has bad knee
- wanted to have horses
- considered horse country
- bought horse in 1992 as race horse -

fence + shed built - ~~to retire~~ for
retired horse
then got a pony -

-3-

Someone came from Penitentiary
Licenses - said it was ok
Had horse, pony + was going to
board another
Rec'd a letter from Baltimore
got rid of pony - escaped
from the yard + destroyed on property -
raked fields + ~~to remove~~ manure piles
try to maintain property
Tried to be a good neighbor -
Didn't want too big pasture
7/89 - moved

House -
- Oct 1973 - is when road back
- Pony 10/73 till 1/84
- Bought 11/93 to 3 weeks ago

Cross -
property is the home -
not a farm

Wire fence on ~~side~~ south + west
side
Wooden fence on north + east

-4-

Rearranging shed for shelter in fall -
- horse fields grown + hay
- carry water to the horse
- with tractor spreads manure
throughout
Admitted pony was nuisance - never had
problem w/ adult horse
Sold the pony -
Now not out because problem - Understand
problem w/ pony - well

Barbara Albright -
- live adjacent to Pit
- 17 years there -
- submitt tax map
- lives P. 66 - 1/10 of acre
- hay lives on blue, Albright the last,
Henneman is

10/93 - 1 horse + 1 pony -
- concern over manure
- remove ground vegetation
- ~~concern~~ concern over smell,
strip vegetation
Bill 31-93 - effective 7/10/93

94-292-A

-Pg 1-



Carol Albright -
represented
- they thought
from any
Jones they
vision, used

and A. Henneman
1315 Armacost
2.691 acres.

Rearranging shed
1.4 acres fenced w/ post-and-rail

1 horse, present -

LCS property -

But no 3 shows property

5- No NCU

- Small in this row -
 - over 100 in this row -
 - most houses & lots are close together
 - many houses are too crowded - clustered
 - for lots
 - small plots
 - they mean
 - 13 row row low
 - p. 40
 - rows 25 rows
 - rows 3 rows - on property
 - one row is not enough
 - narrow
 - can't get into
 - houses - plus
 - apartments - other
 - be put from the house to the
 - house - she has plus in her house
 - rats, mice
 - Rodent plus & barn
 - (continued)
 - Marguerite King - close to where they
 - eat picnic table
 - during season
 - are downhill - afraid of run-off

6- Post #

No wooden fence - see photo 165
 - small & flies
 - Run-off (she's downhill)
 - afraid that horses will eat
 - Hedge Row
 - Anna Huy -
 - p. 46 - 10 acres
 - 10 horses in close proximity -
 - if done for one what
 - about the others
 - she has no animals but
 - lots of flies
 - This rural suburbia
 - Rebuttal #
 - Under female definition
 - Hedges - long See Bill
 - 51-93
 - DENV
 - SET TIME
 - TO REMOVE

Law Office
 1100 W. 10th St.
 Tacoma 1, WA
 (206) 325-1000
 FAX (206) 325-1001

Town Office
 1100 W. 10th St.
 Tacoma 1, WA
 (206) 325-1000
 FAX (206) 325-1001

County Clerk Office
 1100 W. 10th St.
 Tacoma 1, WA
 (206) 325-1000
 FAX (206) 325-1001

February 23, 1994

RECEIVED
 FEB 23 1994
 ZONING COMMISSIONER

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

Dear Mr. Commissioner:

Please be advised that I have been retained to represent a number of neighbors who desire to attend the Hearing in Case No. 94-292-A (Item 293), scheduled for March 3, 1994. I am entering my appearance on behalf of Mr. and Mrs. Gary Albright, 1317 Armacost Road; Mr. and Mrs. Stephen King, 1305 Armacost Road; Mr. and Mrs. James Guy, 1231 Armacost Road; and Mr. and Mrs. Vernon Tread, 1317 Armacost Road.

Unfortunately, I am already scheduled on that date to be in a continuous hearing before the Zoning Hearing Examiner in Prince George's County on the case of Brandwyn Enterprises. This is a continued case and has been set for a number of weeks for Thursday, March 3, and Friday, March 4, 1994. I will therefore be unable to attend and would respectfully request a postponement in this case and a rescheduled hearing date. Thank you very much for your cooperation.

Very truly yours,
 J. Carroll Nolser
 J. Carroll Nolser
 Postponement Granted,
 JMN
 3/1/94

cc: Arnold Jablon
 Director, SANM

1000-2000-1000

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

1317 Armacost Rd. 21204

18111 Linn Ln. 21102

1205 Diamond St. 21102

1305 Diamond Rd. 21102

1231 Armacost Rd. 21102

1317 Armacost Rd. 21204

1/1/94

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

1315 Armacost Rd.

1315 Armacost Rd.

1315 Armacost Rd.

A-5 ANIMALS, HORSES ON RESIDENTIAL PROPERTY, FARMS AND FARMETTES

A. Poultry, small livestock, such as pigs, sheep, goats, chickens, ducks, geese or similar livestock not permitted within any residential area on land less than one acre in size.

B. Large livestock, such as horses, cows and ponies, shall not exceed one animal per acre.

Sec. 13-80, RC

C. One horse or other large livestock may be permitted as an accessory use on residential property, with dwelling, on land of more than one acre in any D-1 zone.

D. On parcels of property between 3 and 10 acres with a dwelling in the RC zone, use the definition of farmette as guide.

E. In all other zones on parcels greater than 3 acres, principally used as a farm, there are no limits or guidelines on the number of animals.

F. In all other zones on parcels greater than 3 acres not used principally as a farm, and that meet the farmette definition, one horse or other livestock per acre is permitted.

G. For dogs, see definition of kennel and section 121.

H. For horses, see definition of riding stable and section 121.

Sec. 1401.2-8.2 (RC2)
 1401.2-8.4 (RC3)
 1401.2-8.5 (RC4)
 1401.2-8.6 (RC5)

Reference Section 101 definitions of Farm and Farmette

94-292-A

101

Farm, Farmette: A tract of land owned by the farmer or another individual or individuals which is more than 5 acres, and is primarily devoted to productive agriculture, including but not limited to the raising of crops, forestry, dairy, or livestock grazing; provided that the products from these areas are processed on the site or are brought to and processed on the principal farm, as defined, or are processed in other appropriate areas. [Bill No. 98-75]

Farmette (Crop Production): A principal building other than a dwelling which is used by one or more individuals commonly engaged in the sale of actually grown seasonal produce from their respective farms or satellite farms. [Bill No. 98-75]

Farmette (Livestock): An accessory structure for the sale of articles grown or produced on the premises. [B.C.Z.R., 1953]

Farmette: A parcel of land more than 3 acres and less than 10 acres, devoted primarily to a single-family residence with associated agricultural use such as commercial or non-commercial raising of farm produce, flowers, nursery stock, greenhouse and limited livestock, not to exceed the following table:

Type	Limitation
Large Livestock horses, burros, and cattle	1 animal for each acre of grazing or pasture land
Small Livestock sheep, goats and pigs (see subsection 1401.2-8.4)	2 animals for each acre of grazing or pasture land
Animals and miniature horses	1/2 animals for each acre of grazing or pasture land
Poultry or similar chickens, ducks, geese, pigeons, pheasants and quail	1 acre of land; however the number shall not be directly limited.

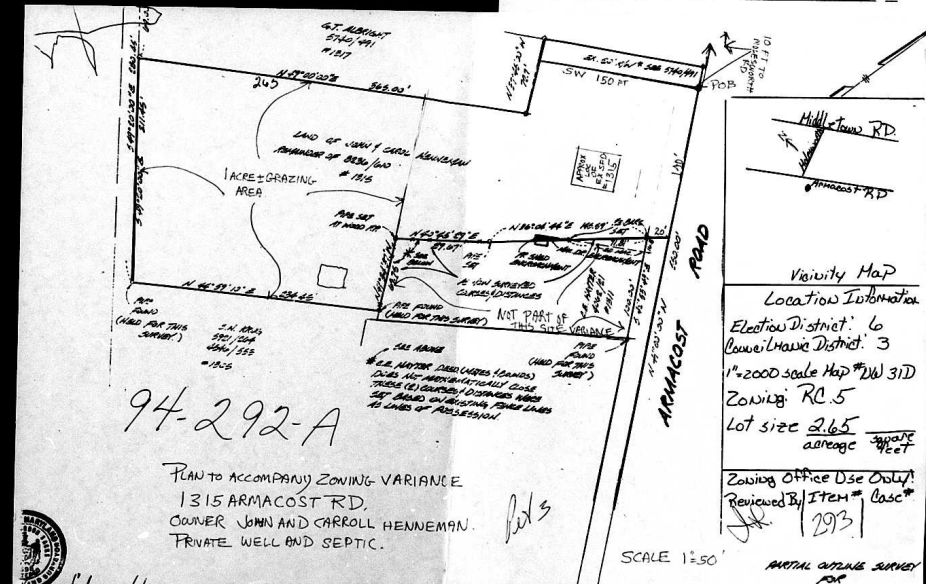
[Bill No. 98-75]

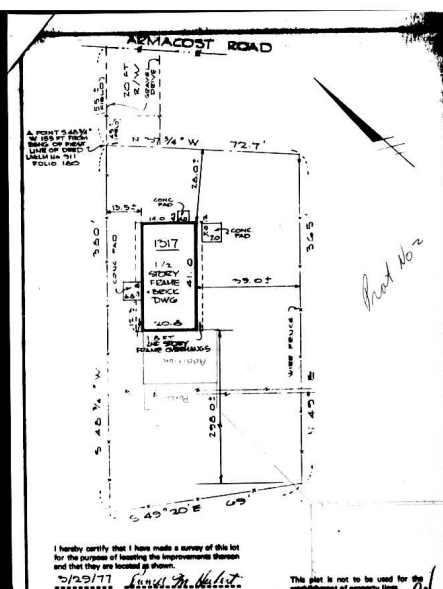
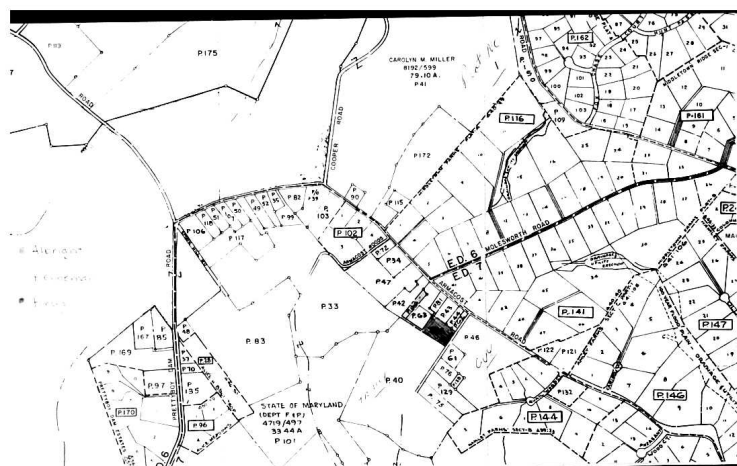
["Farming" and definition deleted by Bill No. 85, 1967.]

Fishing and shellfishing facility, shorelines: A principal use that consists of the buildings, equipment or other facilities necessary to accommodate the outdoor activities of a fishing and shellfishing business (including retailing or wholesaling of the catches) and that is situated on a lot on the shorelines of tidal waters. [Bill No. 30-78]

Fishing and shellfishing facility, shorelines, Class I: A shoreline fishing and shellfishing facility that can accommodate a fishing business no larger than that entailing the use of not more than 2 commercial fishing boats and that is situated on a lot also occupied by the primary residence of its operator, who is a person required to have a license by any of the provisions of Title 4 of the Natural Resources Article of the Annotated Code of Maryland. For the purposes of these regulations, a "commercial fishing boat" does not include a boat more than 45 feet long. [Bill No. 30-78]

Fishing and shellfishing facility, shorelines, Class II: A shoreline fishing and shellfishing facility other than a Class I shoreline fishing facility. [Bill No. 30-78]





1. The field and manure pile are only 65 feet from our picnic table and only 93 feet from our kitchen/dining room. In the warm weather this will be a stinking mess as well as a health hazard from the flies.
2. We are on the downhill side so therefore the snow melt and rain runoff come down over our yard where our kids play.



4. This area is too crowded, we are living on top of each other, its not the wide open spaces anymore. That's why this law was passed, to protect property owners from these things happening.

