

IN THE MATTER OF
THE APPLICATION OF
DONNA SEYFERT -LEGAL OWNER/
PETITIONER FOR VARIANCE ON
PROPERTY LOCATED ON THE N/S
HARFORD RD, 750' W OF CENTER SPAN
OF LITTLE GUNPOWDER BRIDGE
(ALSO BALTIMORE COUNTY /
HARFORD COUNTY LINE)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 00-189-A
*

* * * * *

OPINION

This matter is before the Board on an appeal from a decision and order of the Deputy Zoning Commissioner in which a Petition for Variance was granted to Donna Seyfert with restrictions. The Appellants /Protestants, Michael Tucker and Frank Whitcomb, appeared *pro se*. Ms. Seyfert was represented by J. Carroll Holzer, Esquire. A hearing was held on February 28, 2001, and a public deliberation was held on April 17, 2001.

Facts

The property in question is located at 13026 Harford Road, and is currently zoned R.C. 2. It consists of 2.72 acres, +/- . It is located adjacent to the Gunpowder Falls State Park on two sides and is improved with a single-family dwelling, garage, barn and other accessory structures.

Ms. Seyfert and her husband, a veterinarian, purchased the property in December of 1993. They had lived in Florida prior to purchasing the property. They desired to move to Maryland and hired a realtor to locate a farm for them where they could raise livestock. The property in question was sold to them as a "farmette." After the purchase of the farm, Ms. Seyfert's husband died. Ms. Seyfert made extensive renovations to the improvements on the property and is requesting a variance to allow her to continue to raise sheep and bees on the site. She has contacted the State of

Maryland in an effort to lease some of the adjacent Gunpowder Falls State Park, which would be used in conjunction with her farm operation. If she were able to lease the property, she would meet the minimum requirements of 3 acres under the Baltimore County Zoning Regulations for raising farm animals. She has been unable to make any arrangements with the State concerning such a lease. Ms. Seyfert is very active in the 4-H Club and is currently an adult leader of the "Lucky Shamrocks 4-H Club." She is also an active member of the Baltimore County Sheep and Wool Association and is fully supported by the Baltimore County Farm Bureau. Ms. Seyfert provides an educational opportunity for a number of children in the area to learn livestock and pasture management.

Children involved in her 4-H operations come to the farm about twice a week. These children range in age from 8 to 16 years. The children assist in raising the sheep and show them in various competitions. The sheep are sheared twice a year and the wool is either sold or the children make things out of the wool. Ms. Seyfert would like to have ten sheep on the property or at least average five sheep and four sucklings as allowed by the Deputy Zoning Commissioner. There are no signs on the property except 4-H signs and one sign on a stone indicating the name of the farm at the entrance to the property. Ms. Seyfert does no slaughtering of animals on the property.

Ms. Seyfert started a beekeeping operation after several of the children showed an interest in such an endeavor. She maintained three hives and taught the children the feeding and keeping of bees, showing them how pollination was an important part of the environment. One of the hives produced 24 pounds of honey from April to July. She would like to have five hives, although the Deputy Zoning Commissioner has, in his decision, restricted her from having any beehives.

Until she was cited for a violation, which indicated she was not allowed to have ten sheep

on the property because it was less than 3 acres, Ms. Seyfert had no idea that she was in violation of the zoning regulations. Ms. Seyfert contends that her property is unique in that it is bordered on two sides by the Gunpowder State Park and the property is not square. A vast majority of the property is in a floodplain and cannot be built upon. The only portion not in the floodplain is the portion of the property that protrudes out toward Harford Road and on which Ms. Seyfert's house is constructed.

The Petitioner contends that, if she is not allowed the variance, it would impose a great hardship on her since she bought the house to use as a farm, and she has improved the house and the pasture. If she loses the farm, she loses the income and also the ability to work in the 4-H program with the children in the area.

She contends that her property is being used within the spirit and intent of the R.C. 2 zone since she works with children in 4-H, has a garden, and is conducting agricultural pursuits on the property.

In support of Ms. Seyfert's position, the Petitioner produced Lorraine Minnick, a neighbor of Ms. Seyfert, who indicates that she was born and raised in the area and lived on her property for 67 years. Ms. Minnick testified that, in the early 1800s, the property had been part of a stone quarry which had flourished in the area. Later, the property had been used as a farm, and Ms. Minnick had horses which she kept on her property, while some of her neighbors kept steers and pigs. She testified that Ms. Seyfert has the first option to buy her piece of property which is not quite 1 acre.

The Petition of Ms. Seyfert was supported by two community associations. Ms. Patricia Garner testified on behalf of the Long Green Valley Association and stated that Ms. Seyfert

presented her position to the Association at a meeting in September, and the Board of Directors supported the findings of fact and conclusions of law of the Deputy Zoning Commissioner. Ms. Dorothy Foos, the President of the Greater Kingsville Association, presented the position of that association, and indicated that Ms. Seyfert had also presented her position to that association and explained the hearing before the Deputy Zoning Commissioner. Members of the Association visited the property and were very supportive of Ms. Seyfert's 4-H activities. Ms. Foos stated she believed that the intent of the R.C. 2 zoning was met by Ms. Seyfert and that the association felt that the difference between 2.72 acres and 3 acres as set forth in the zoning regulations was *de minimis*. Ms. Seyfert's position was also supported by BeBe Defoe of the Baltimore County Farm Bureau. Ms. DeFoe testified that she felt that the activities of Ms. Seyfert were consistent with R.C. 2 property. On cross-examination she stated that 23 sheep in a breeding program was consistent with 2.5 acres of ground. She was not aware of any travelling disease which might be caused by the raising of sheep.

Mr. David Green also testified in support of the Petition. He stated that he is a farmer and a retired faculty member from the University of Maryland School of Agriculture. He was employed by the University of Maryland as a Farm Manager in Ellicott City. Mr. Green raises sheep and has approximately 100 ewes on his farm. He is president of the Maryland Sheep Breeders Association. He has sheared the sheep on Ms. Seyfert's operation and is well acquainted with her management of the farm. He stated that it was a typical small farm operation. When he visited the farm she had five sheep in good condition, with approximately 2 acres for pasture. He stated that this would be ample for such an operation. This would support three adult sheep and approximately two lambs per acre. If the sheep were moved frequently, the acreage could support five sheep per acre. It was

Mr. Green's opinion that there would be no type of ticks which could be transported by the sheep, since dog ticks cannot live on sheep because of the lanolin. Mr. Green also stated that he felt it was unlikely that feces or urine would flow off of the property.

Jerry Fischer from Rosedale testified as a bee expert. He is the Maryland State Bee Inspector and covers the entire state of Maryland. Mr. Fischer stated that he was familiar with Ms. Seyfert's beekeeping activities prior to her stopping the beekeeping as a result of the Deputy Zoning Commissioner's Order. Mr. Fischer stated that he had inspected Ms. Seyfert's operations with three random inspections during 1998 and 1999 and the bees passed inspection. He stated that there is no restriction in Maryland with regard to the amount of property needed for keeping bees and that in fact 22 beekeepers are living in the City of Baltimore with bees confined to 50 feet of property. He stated that honeybees are not aggressive and when they sting they die. There is no reason for a honeybee to sting if it is not disturbed. Mr. Green stated that Ms. Seyfert was not a commercial beekeeper, since in order to engage in commercial beekeeping an individual must have at least 1,000 colonies of bees. There is no commercial beekeeper in the State of Maryland. He was supportive of Ms. Seyfert's beekeeping operations in her 4-H activities.

Ms. Judy Jones testified in support of Ms. Seyfert with respect to Ms. Seyfert's activities with her church in allowing the church to borrow lambs for a bible school program.

Finally, two 4-H members, Janet Hash and Jennifer Carr, as well as Ms. Seyfert's daughter who was active in the 4-H, testified with respect to the 4-H activities conducted on the farm. They were all very supportive of the activities and indicated that the members of the 4-H have learned quite a bit about farm animals and beekeeping as a result of Ms. Seyfert's 4-H operation.

The Protestants' case was presented by Frank Whitcomb, his wife Ingrid Whitcomb, and

Michael Tucker, who are all neighbors of Ms. Seyfert. Mr. Whitcomb was concerned about the deterioration of the property values in the area because of the farm, health issues, and Ms. Seyfert's ability to manage the property. He testified that he purchased the piece of property adjacent to Ms. Seyfert's property about 3 ½ years ago and that when he purchased the property there were sheep on the property. His property borders the rear of the Seyfert property, and there is a drain that runs from his basement under the garage to the back of the Seyfert property. He stated that the drain had been covered over and that his basement was flooded on one occasion, but it did not appear that this could be attributed to the grazing of sheep on the Seyfert property. His main problem appeared to be with the odors of the sheep which had forced him to close the windows on his house and made it very difficult for him and his family to have cookouts in the yard. He also stated that Ms. Seyfert used the main pasture for grazing of the sheep and that the other pastures were used less.

On cross-examination, he stated that he bought the property despite the fact that there were sheep on the property and that he had never made a complaint to Ms. Seyfert. In the year 2000 there were up to nine sheep and some lambs on the property.

Mrs. Whitcomb testified that she felt that Ms. Seyfert was neighborly. However, the relationship with Ms. Seyfert had been up and down. She also felt that the odor of the sheep had caused her family to alter their lifestyle. Mrs. Whitcomb stated that, at one point, she had a chronic stomach problem for one month, but there was no evidence that it was attributable to the sheep. Mrs. Whitcomb felt that since the restrictions had been placed on Ms. Seyfert there was an improvement in the smell, since there were just five sheep on the property. She felt that, if the sheep were moved to other pastures, the smell would probably be reduced substantially.

Finally, Michael Tucker, a next-door neighbor at 13032 Harford Road, testified that he had

lived at his property less than 2 years. The sheep were present when he moved in and he was not aware that there was a question concerning the proper zoning. He was concerned that most of the property was in the floodplain and that the millrace running through the property provided drainage to the Gunpowder River. He was concerned that whatever went into the millrace could flow into the Gunpowder. He was also concerned that the runoff from the pastures would go into the neighboring septic systems and possibly into the well water since there were shallow wells in the area. There was no competent expert testimony to support these positions.

Decision

The Board has reviewed the evidence and notes which it took during the hearing and finds that the variance from 3 acres required by *Baltimore County Zoning Regulations* should be granted.

In granting the variance, the Board is mindful of the standards set forth by the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995) and *North v. St. Mary's County*, 99 Md.App. 502, 638 A.2d 1175 (1994). The first burden of the Petitioner for a variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered. In *North v. St. Mary's County*, the Court stated at page 512:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions

The property in question is certainly configured in an irregular manner. The western portion of the property extends 304 feet and borders on the Gunpowder Falls State Park. The

northern portion of the property is 206 feet long and also borders on the Gunpowder Falls State Park. The northeastern portion of the property is 355 feet long and borders on Mr. Whitcomb's property to a point where it then turns and runs south for 205 feet to Harford Road. The front portion of the property is 103 feet, bordering on Harford Road, and then extends back 141 feet to the next point where it extends westerly approximately 300 feet. Most of the property lies in a 100-year river floodplain. Only the portion where the existing dwelling sits is not in the floodplain. This makes the property very difficult to use for anything other than farming, since nothing can be built in the floodplain. The Board finds that because of the configuration, the fact that it borders on two sides of the Gunpowder State Park, and that a vast majority of the property is in the floodplain makes the property unique and therefore meets the first test under *Cromwell*.

The Board also finds that the conditions and circumstances are not the result of Ms. Seyfert's actions. She and her husband purchased the farm from a real estate agent who indicated that the farm was considered a "farmette." There was never any mention as to the limitations placed upon the property by the *Baltimore County Zoning Regulations*.

The Board further finds that by refusing the variance to Ms. Seyfert it would inflict a hardship on her with respect to her farming operations and her 4-H activities. Ms. Seyfert indicated that her livelihood depends upon the wool, the honey, and the other activities carried on at the farm. In addition, her 4-H activities have contributed greatly to the welfare of the community as well as her other activities in the community. The Board finds that it would be a hardship for Ms. Seyfert to be forced to cease all of these activities.

Finally, the Board finds that the activities carried on at the property are in compliance with the intent and spirit of the R.C. 2 zone in the *Baltimore County Zoning Regulations* and will not

cause any injury to the public health, safety or general welfare.

The Board is in disagreement with the Deputy Zoning Commissioner with respect to the beekeeping operation and finds that if the bees were kept in the northwest corner of the property, no less than 100 feet from the residential property lines, and limited to no more than five hives, that the operation could be carried on without any effect on the neighbors. The operation should be in keeping with § 20-6 of the *Baltimore County Code* which sets forth conditions with respect to fencing the beekeeping operation and how it should be treated.

The Board would also limit the number of sheep on the property to five and the limitation on the sucklings or lambs as set forth by the Deputy Zoning Commissioner. The Board also recognizes the problems expressed by the neighbors with respect to odors from the sheep. The Board will order that the sheep must be grazed in an area which is no less than 200 feet from the edge of Harford Road. In addition, the Board will adopt the conditions of the Deputy Zoning Commissioner with respect to signs and slaughtering on the property.

ORDER

THEREFORE, IT IS THIS 23rd day of May, 2000 **by the County**
Board of Appeals of Baltimore County

ORDERED that the Petitioner's request for variance from §§ 100.6, 101 and 1A01.2B.2 of the *Baltimore County Zoning Regulations* (BCZR) to allow a farm with an area of 2.7 acres in lieu of the required 3 acres be and is hereby **GRANTED**, subject to the following restrictions:

1. The Petitioner shall be allowed to keep and maintain no more than five (5) adult sheep on the subject property at any one time and no more than four (4) sucklings or weanlings in the event the five adult sheep are bred.
2. The sheep pasture will be located no less than 200 feet from the northern side of

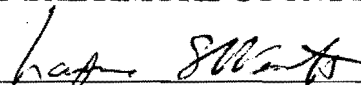
Harford Road.

3. There shall be no slaughtering of animals conducted on the property.
4. The beekeeping operation will be allowed on the property provided it is located in the northwest corner of the property no less than 100 feet from any property line. In addition, the bee operation will be limited to five (5) hives and must be carried on in compliance with § 20-6 of the *Baltimore County Code*.
5. The Petitioner shall be prohibited from installing any electric fence around the perimeter of her property.
6. The Petitioner shall be prohibited from installing any signs on the property other than the current sign which is painted on a rock identifying the property as "Misty Rose Farm." There shall be no other signs on the property.

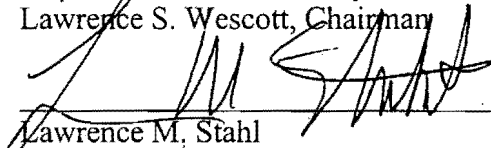
Any petition for judicial review from this decision must be made in accordance with Rule

7-201 through Rule 7-210 of the *Maryland Rules*.

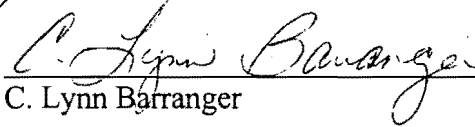
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Lawrence M. Stahl



C. Lynn Barranger

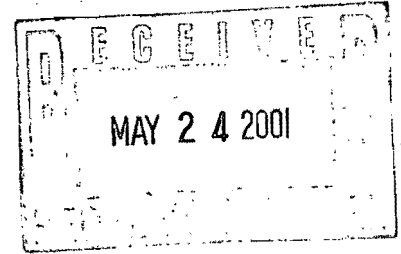


County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

GRANTED
W/RESTR.

CD/ML



May 23, 2001

Mr. Michael Tucker
13032 Harford Road
Hydes, MD 21082

RE: *In the Matter of: Donna Seyfert* - Legal Owner
Case No. 00-189-A

Dear Mr. Tucker:

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.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Christine Blankenship
J. Carroll Holzer, Esquire
Donna Seyfert
Frank and Ingrid Whitcomb
Leslie A. Richardson, President
Baltimore County Farm Bureau
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM



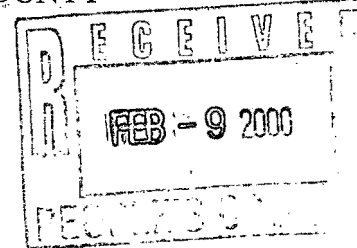
2/2/00

IN RE: PETITION FOR VARIANCE
N/S of Road, 750' W of center
span of Little Gunpowder Bridge
(also Balto. Co./Harford Co. line)
11th Election District
6th Councilmanic District
(13026 Harford Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* CASE NO. 00-189-A

Donna L. Seyfert
Petitioner



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Donna Seyfert. The Petitioner is requesting a variance for property she owns at 13026 Harford Road, which property is zoned R.C.2. The variance request is from Sections 100.6, 101 and 1A01.2.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a farm with an area of 2.72 acres in lieu of the required 3 acres. The petition was prepared and filed by Anthony J. DiPaula, attorney at law representing the Petitioner.

Appearing at the hearing on behalf of the variance request was Donna Seyfert, property owner and several other neighbors and associates of Ms. Seyfert, all of whom signed in on the Petitioner's Sign-In Sheet. Appearing as ^{Protestants} interested citizens in the matter were Michael and George Tucker, and Frank and Ingrid Whitcomb, adjacent property owners.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 2.72 acres, more or less, zoned R.C.2. The subject property is located on the north side of Harford Road, adjacent to the Gunpowder Falls State Park. The subject property is improved with an existing single family dwelling, garage, barn and other accessory structures. Ms. Seyfert testified that she purchased the subject property in December of 1993 and currently resides on the property with her two daughters. Ms. Seyfert has made extensive renovations and improvements to the property and is requesting this variance to allow her to continue to raise sheep

*Close enough to 3 acres, and request
is for farm use. Judgment call. PMZ*

as well as bees on the subject site. Ms. Seyfert has contacted the State of Maryland in an effort to lease some of the adjacent Gunpowder Falls State Park, which land would be used in conjunction with her farm operation. The purpose of leasing property from the State would be to satisfy the 3 acre minimum. At the time of the hearing before me, she was unable to reach an agreement with the State of Maryland.

Testimony and evidence offered demonstrated that Ms. Seyfert is very active in 4-H and currently is an adult leader of the "Lucky Shamrocks 4-H Club". In addition, she is an active member of the Baltimore County Sheep & Wool Association. Her 4-H club provides an educational opportunity for many children in the surrounding area and she currently has 20 members in her club. By virtue of the letters submitted at the hearing, she has the full support of the Baltimore County Farm Bureau, the Baltimore County Sheep & Wool Association, the Maryland Cooperative Extension, and the other citizens who took time to attend the hearing before me.

Ms. Seyfert testified that she understands the restrictions imposed upon her as to the number of sheep raised on the property and the amount of grazing or pasture land required for them. The Zoning Regulations require .5 acre of grazing or pasture land per sheep. However, Ms. Seyfert believes that she is able to maintain more than 1 sheep per half acre, given her management practices. She indicated that she would like to keep at least 6 adult sheep for purposes of breeding, as well as to be used in the education of the 4-H members who come to her property.

In addition to the raising of sheep on the property, Ms. Seyfert began a beekeeping operation in 1999. The area where the hives are kept is shown on Petitioners' Exhibit No. 1. She is a member of the Central Maryland Beekeeping Association and also works with youngsters teaching them about the care and maintenance of bees.

As stated previously, the owners of the houses on either side of Ms. Seyfert's property appeared as interested citizens in this matter. Mr. Tucker, as well as Mrs. Whitcomb indicated that

Ms. Seyfert's farming operation has gotten out of hand. Their testimony revealed that Ms. Seyfert has had as many as 24 sheep on the property at any one time. They indicated that this large number of sheep has caused the limited amount of pasture or grazing area to become dirt or mud. Furthermore, they complained about the odor of the sheep, given the close proximity of their houses to the area where the sheep are kept. Neither neighbor objected to an appropriate amount of sheep being kept on the Seyfert property. However, they believe that Ms. Seyfert should abide by the 1 sheep per ½ acre of pasture land as required by the Zoning Regulations.

As stated previously, Ms. Seyfert recently added a beekeeping operation to the property. As is the case with the keeping of sheep, the keeping of bees also requires a minimum lot size of 3 acres. Beekeeping, or "apiculture", is listed as a commercial-agricultural use within the definitions contained in the Baltimore County Zoning Regulations. Therefore, contrary to the position of many of the citizens in attendance, the keeping of bees on one's property does require 3 acres of land.

Mr. Tucker strongly objects to the keeping of bees on Ms. Seyfert's property. Mr. Tucker's property is only a few feet away from the location of these bee hives. Mr. Tucker indicated that he cuts the grass along his property line and is fearful of getting stung by the bees that are kept on the Seyfert property. He indicated that he is allergic to bees which heightens his objection to them being kept on his neighbor's property. He, therefore, asked that Ms. Seyfert be prohibited from keeping bees on site. Ms. Seyfert added that the bees she keeps on her property are honey bees, which by nature, are not aggressive. Notwithstanding this assurance, Mr. Tucker still objected to the bees.

After considering the testimony and evidence offered at the hearing, I find that the variance request should be granted. However, given the layout of Ms. Seyfert's property and the close proximity of her farm operation to her neighbors' residences, I find that certain conditions and

restrictions must be imposed upon her in order that she may keep sheep on her property without imposing upon her neighbors' enjoyment of their property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

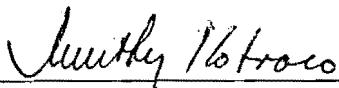
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 2nd day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Sections 100.6, 101 and 1A01.2.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a farm with an area of 2.72 acres

in lieu of the required 3 acres, be and is hereby GRANTED, subject, however, to the following restrictions which are a condition precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Ms. Seyfert shall be permitted to keep and maintain no more than 5 sheep on the subject property at any one time. Section 100.6 of the Baltimore County Zoning Regulations limits sheep to 2 animals per acre of grazing or pasture land. At best, the Petitioner only has enough acreage to keep 5 sheep. Therefore, no more than 5 adult sheep (1 year or older) may be kept on the farm and no more than 4 sucklings or weanlings (under 1 year) in the event the 5 adult sheep are bred.
3. There shall be no slaughtering of animals conducted on the subject property.
4. The Petitioner shall be prohibited from installing an electric fence around the perimeter of her property.
5. The Petitioner shall be prohibited from installing any signs on the property, other than the current sign which is painted on a rock identifying the property as "Misty Rose Farm". There shall be no other signs on the property.
6. There shall be no keeping of bees on the subject property. The subject property is already burdened with the sheep farming operation. A beekeeping operation is not appropriate and, therefore, must be removed within sixty (60) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13026 HARFORD ROAD

which is presently zoned R.C.2

This Petition shall be filed with the Department of Permits and Development Management. 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(s) 100.6, 101 AND 1A01.2.B.2 TO ALLOW A FARM WITH AN AREA OF 2.72 ACRES OF LAND IN LIEU OF 3 ACRES AS REQUIRED.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) **PETITIONER RAISES SHEEP IN CONJUNCTION WITH 4-H YOUTH INVOLVEMENT. THE PROPERTY WAS MORE THAN THREE ACRES AND USED AS A FARM FOR MANY YEARS ALMOST CONTINUOUSLY. THE PROPERTY WAS ADVERTISED, LISTED AND SOLD TO PETITIONER AS A FARMETTE, IDEAL FOR HORSES AND CATTLE, WITH A LIVESTOCK SHED. PETITIONER, A WOMAN, SUPPLEMENTS HER INCOME WITH THE SALE OF LAMBS AND WOOL.**

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

ANTHONY J. DIPAUULA

Name - Type or Print

Signature

COVAHEY & BOOZER, P.A.

Company

614 BOSLEY AVENUE

Address

410-828-9441

Telephone No.

TOWSON

City

MD

State

21204

Zip Code

Legal Owner(s):

DONNA L. SEYFERT

Name - Type or Print

Signature

Name - Type or Print

Signature

13026 HARFORD ROAD

Address

410-592-9152

Telephone No.

HYDES, MARYLAND

City

21082

State

Zip Code

Representative to be Contacted:

ANTHONY J. DIPAUULA

Name

614 BOSLEY AVENUE

Address

410-828-9441

Telephone No.

TOWSON

City

MD

State

21204

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date

11/3/99

Case No. 00-189-A



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
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TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 27, 2000

NOTICE OF ASSIGNMENT

CASE #: 00-189-A

IN THE MATTER OF: DONNA SEYFERT –Petitioner
13026 Harford Road 11th Election District; 6th Councilmanic District

2/02/00 –Order of D.Z.C. in which Petition was GRANTED with restrictions.

ASSIGNED FOR:

THURSDAY, AUGUST 31, 2000 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants

: Christine Blankenship and Mike Tucker

Counsel for Petitioner
Petitioner

: Anthony J. DiPaula, Esquire
Donna Seyfert

Frank and Ingrid Whitcomb
Leslie A. Richardson, President
Baltimore County Farm Bureau

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

November 17, 2000

THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 00-189-A

IN THE MATTER OF: DONNA SEYFERT –Petitioner

13026 Harford Road 11th Election District; 6th Councilmanic District

2/02/00 –Order of D.Z.C. in which Petition was GRANTED with restrictions.

which was reassigned to 2/08/01 has been **POSTPONED** at the request of Counsel for Petitioner (will be out of state during scheduled week); and has been

REASSIGNED FOR:

WEDNESDAY, FEBRUARY 28, 2001 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants

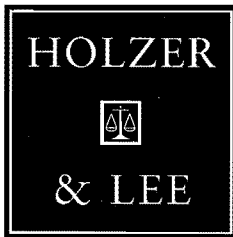
: Christine Blankenship and Mike Tucker

Counsel for Petitioner
Petitioner

: J. Carroll Holzer, Esquire
Donna Seyfert

Frank and Ingrid Whitcomb
Leslie A. Richardson, President
Baltimore County Farm Bureau

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

November 9, 2000

#7212

Kathleen Bianco, Administrator
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Ave.
Towson, MD 21204

Re: Case No. 00-189-A
In the Matter of: Donna Seyfert
Hearing Date February 8, 2001 at 10:00 a.m.

Dear Ms. Bianco:

The above matter has been scheduled before the Board of Appeals on Thursday, February 8, 2001 at 10:00 a.m. I will be out of the state from Monday, February 5, 2001 until Wednesday, February 14, 2001. Therefore, I respectfully request that the hearing set for February 8, 2001 be rescheduled. My calendar is clear any time after February 19, 2001.

I appreciate the Board's attention and consideration in this postponement request.

Very truly yours,

A handwritten signature in black ink, appearing to be "JCH", written over the typed name J. Carroll Holzer.

J. Carroll Holzer

JCH:clh

cc: Donna Seyfert



LAW OFFICES

J. CARROLL HOLZER, PA.

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FARMHOUSE AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CCL.NET

*CRD / pmz*October 10, 2000
#7212

VIA FAX 410-887-3182

Kathleen Bianco, Administrator
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Ave.
Towson, MD 21204RECEIVED
COUNTY BOARD OF APPEALS
00 OCT 10 PM 3:40

Re: Case No. 00-189-A

In the Matter of: Donna Seyfert

Hearing Date October 31, 2000 at 10:00 a.m.

Dear Ms. Bianco:

The above matter has been scheduled before the Board of Appeals on Tuesday, October 31, 2000 at 10:00 a.m. On the same day, the Circuit Court for Harford County has scheduled a hearing on my Petition for Judicial Review. Because of this conflict, I respectfully request that this case be postponed. I will not be available on November 1 and 2 because of two arguments I have scheduled before the Court of Special Appeals. Please give me a call so we can establish alternative dates convenient to the parties and the Board.

As always, I appreciate the Board's attention and cooperation

Very truly yours,

A handwritten signature in black ink, appearing to be "JCH", written over a horizontal line.

J. Carroll Holzer

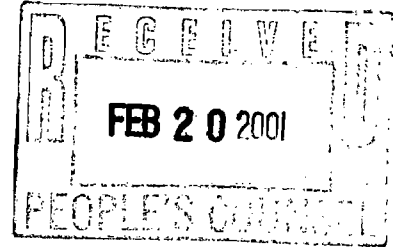
JCH:clh

cc: Tony DiPaula, Esq.
Donna Seyfert

to 2/08

CAROL S. DEMILLO
DEPUTY PEOPLES COUNSEL
Rm 47 OLD COURTHOUSE
400 WASHINGTON AVE
TOWSON, MD. 21204

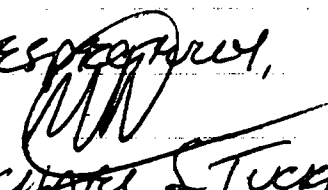
FEBRUARY 15, 01



RE: PETITION FOR VARIANCE
13026 HARFORD RD. N/S HARFORD RD.
750' W OF C/S PAN LITTLE GARDEN
CASE NO: 00-189-A

DEAR COUNSELOR,

PLEASE BE ADVISED THAT MYSELF & MRS. BLANKENSHIP
WILL BE ATTENDING & IN OPPOSITION OF THE REQUEST
FOR VARIANCE. THANK YOU FOR YOUR CORRESPONDENCE,
SHOULD YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE
DO NOT HESITATE TO CONTACT ME

Respectfully,

MICHAEL S. TUCKER

cc. HUR



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

February 7, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

Christine Blankenship and
Mike Tucker
13032 Harford Road
Hydes, MD 21082

Re: Petition for Variance
13026 Harford Road, N/S Harford Rd,
750' W of c/span Little Gunpowder Bridge
11th Election District, 6th Councilmanic
DONNA L. SEYFERT, Petitioner
Case No.: 00-189-A

Dear Ms. Blankenship and Mr. Tucker:

Please be advised that our office is in the process of reviewing the above-captioned case, scheduled for hearing on **Wednesday, February 28, 2001, at 10:00 a.m.** before the County Board of Appeals, to determine whether our participation is warranted. Our office generally opposes requests for variances.

Please advise as to whether you still intend to pursue this appeal.

Very truly yours,

A handwritten signature in cursive script that reads "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

CSD/caf

RE: PETITION FOR VARIANCE
13026 Harford Road, N/S Harford Rd,
750' W of c/span Little Gunpowder Bridge (also
the Balto. Co./Harford Co. Line)
11th Election District, 6th Councilmanic

Legal Owner: Donna L. Seyfert
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-189-A

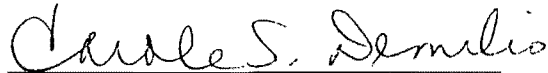
* * * * *

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.



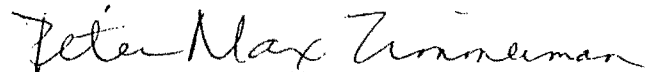
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Anthony J. DiPaula, Esq., Covahey & Boozer, P.A., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

FAX COVER LETTER

FAX NO.
817-9605

TO: CHRISTINE BLANKENSHIP + MIKE TUCKER
FROM: CAROLE DEMILIO, DEPUTY PEOPLE'S COUNSEL
DATE: 2/1/01

PAGES (INCLUDING THIS COVER PAGE):

2

If all pages are not received, please call
at (410) 887-2188.

CAROLE DEMILIO or
CAROL FISHER

COMMENTS: PLEASE BE ADVISED THAT OUR OFFICE
IS IN THE PROCESS OF REVIEWING THE DONNA SEYFERT
ZONING VARIANCE CASE (CASE NO. 00-189-A), SCHEDULED
FOR HEARING ON 2/28/01 BEFORE THE COUNTY BD. OF APPEALS.
TO DETERMINE WHETHER OUR PARTICIPATION IS WARRANTED.
OUR OFFICE GENERALLY OPPOSES REQUESTS FOR VARIANCE.
PLEASE ADVISE AS TO WHETHER YOU STILL
INTEND TO PURSUE THIS APPEAL.

CAROLE S. DEMILIO
410 887-2188

PHONE MEMO	TO	<u>Carole</u>	DATE	<u>2/6</u>	TIME	<u>10:20</u>	AM PM
	FROM	<u>Lisa Taylor</u>	AREA CODE				
	OF		NO.				
			EXT.				
			FAX #				
MESSAGE <u>rec'd in FAX</u> <u>to Christine Blankenship +</u> <u>Mike Tucker - your fax</u> <u>went to the wrong number</u> <u>and did not get to them</u>							
SIGNED							
PHONED ☐ CALL BACK ☐ RETURNED CALL ☐ WANTS TO SEE YOU ☐ WAS IN ☐ WILL CALL AGAIN ☐ URGENT ☐							

N/S of Road, 750' W of center span of Little Gunpowder Bridge
(also Baltimore County /Harford County line)
11th Election District - 6th Councilmanic District
Donna Seyfert, Legal Owner
Case No. 00-189-A

- ✓ Petition for Variance (filed 11/3/99)
- ✓ Description of Property
- ✓ Notice of Zoning Hearing (dated 11/18/99)
- ✓ Certification of Publication (11/25/99 The Jeffersonian)
- ✓ Certificate of Posting (Posted 12/1/99 by Patrick M. O'Keefe)
- ✓ Entry of Appearance by People's Counsel (dated 11/24/99)
- ✓ Petitioners(s) Sign-In Sheet
- ✓ Citizens Sign-In Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED
COUNTY BOARD OF APPEALS

00 MAR 22 AM 10:03

Petitioners Exhibits:

1. ✓ Plat to accompany variance petition (dated 9-31-99)
2. ✓ Package entitled "Presenting 13026 Harford Road"
3. ✓ Devolution of Title
4. ✓ 18 photographs in folder

Miscellaneous (Not Marked as Exhibits):

1. ✓ Memo to Larry E. Schmidt, Zoning Commissioner, from James H. Thompson, Code Enforcement Supervisor, dated 11/17/99
2. ✓ 10 letters

✓E

✓ Deputy Zoning Commissioner's Order dated February 2, 2000 (Granted with restrictions)

✓ Notice of Appeal received on 2/29/00 from Christine Blankenship and Mike Tucker

Christine Blankenship for Seyfert

C: * Christine Blankenship and Mike Tucker 13032 Harford Road, Hydes, MD 21082
Donna Seyfert, 13026 Harford Road, Hydes, MD 21082
Anthony J. DiPaula, Esquire - COVAHEY & BOOZER PA, 614 Bosley Avenue, Towson, MD 21204
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM & James H. Thompson /Code Enforcement Supervisor /PDM
Frank & Ingrid Whitcomb, 13024 Harford Road, Hydes, MD 21082
Leslie A. Richardson, Pres. Baltimore County Farm Bureau, 9811 Van Buren Ln, Cockeysville 21030

LC/D
F/07


**Real Property
Information**
**Maryland Department of Assessments and Taxation
Real Property System**
[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 11 ACCT NO: 1800014108

Owner Information

Owner Name: SEYFERT DONALD J
SEYFERT DONNA L

Mailing Address: 13026 HARFORD RD
HYDES MD 21082-9502

Use: RESIDENTIAL**Principal Residence:** YES**Transferred****From:** WAGNER J FREDERIC**Date:** 01/24/1994 **Price:** \$130,000

Deed Reference: 1)/10293/ 77
2)

Special Tax Recapture:

* NONE *

Tax Exempt: NO
Location Information [View Map]
Premises Address:**Zoning:****Legal Description:**

13026 HARFORD RD

2.72 AC

13026 HARFORD RD NE

6000FT NE SUNSHINE AVE

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
55	1	174					82	Plat Ref:

Special Tax Areas**Town:****Ad Valorem:****Tax Class:****Primary Structure Data****Year Built:****Enclosed Area:****Property Land Area:****County Use:**

1877

1,708 SF

2.72 AC

04

Value Information

	Base Value	Current Value	Phase-In Value	Phase-in Assessments	
		As Of	As Of	As Of	As Of
		01/01/2000	07/01/2001	07/01/2000	07/01/2001
Land:	70,320	70,320			
Impts:	75,140	77,210			
Total:	145,460	147,530	146,840	58,460	146,840
Pref Land:	0	0	0	0	0



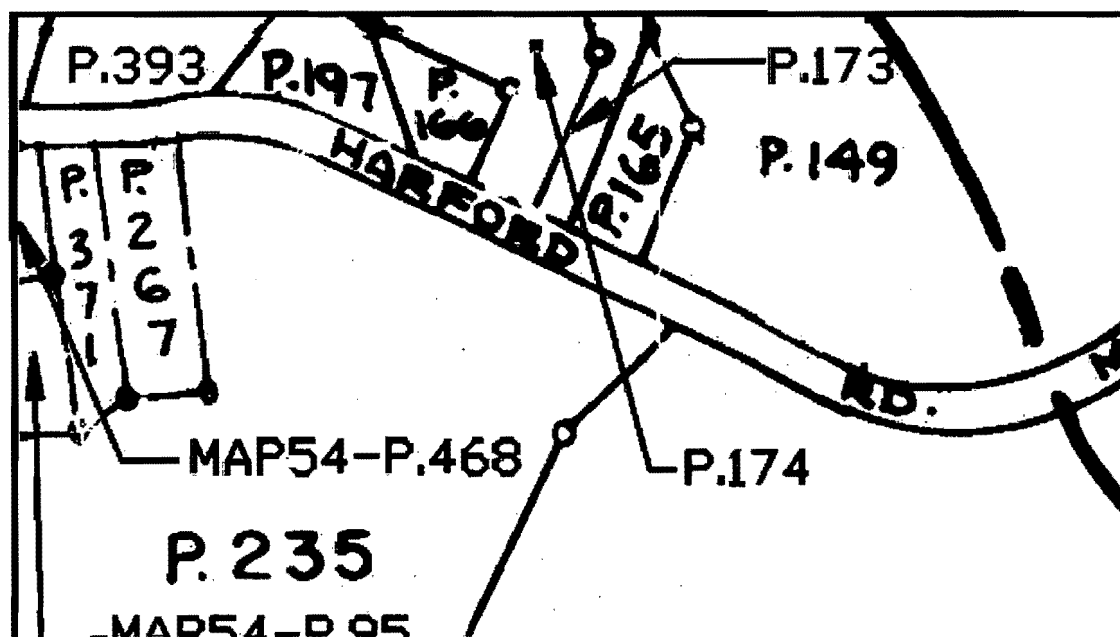
Real Property
Information

Maryland Department of Assessments and Taxation
Real Property System

[\[Go Back\]](#)

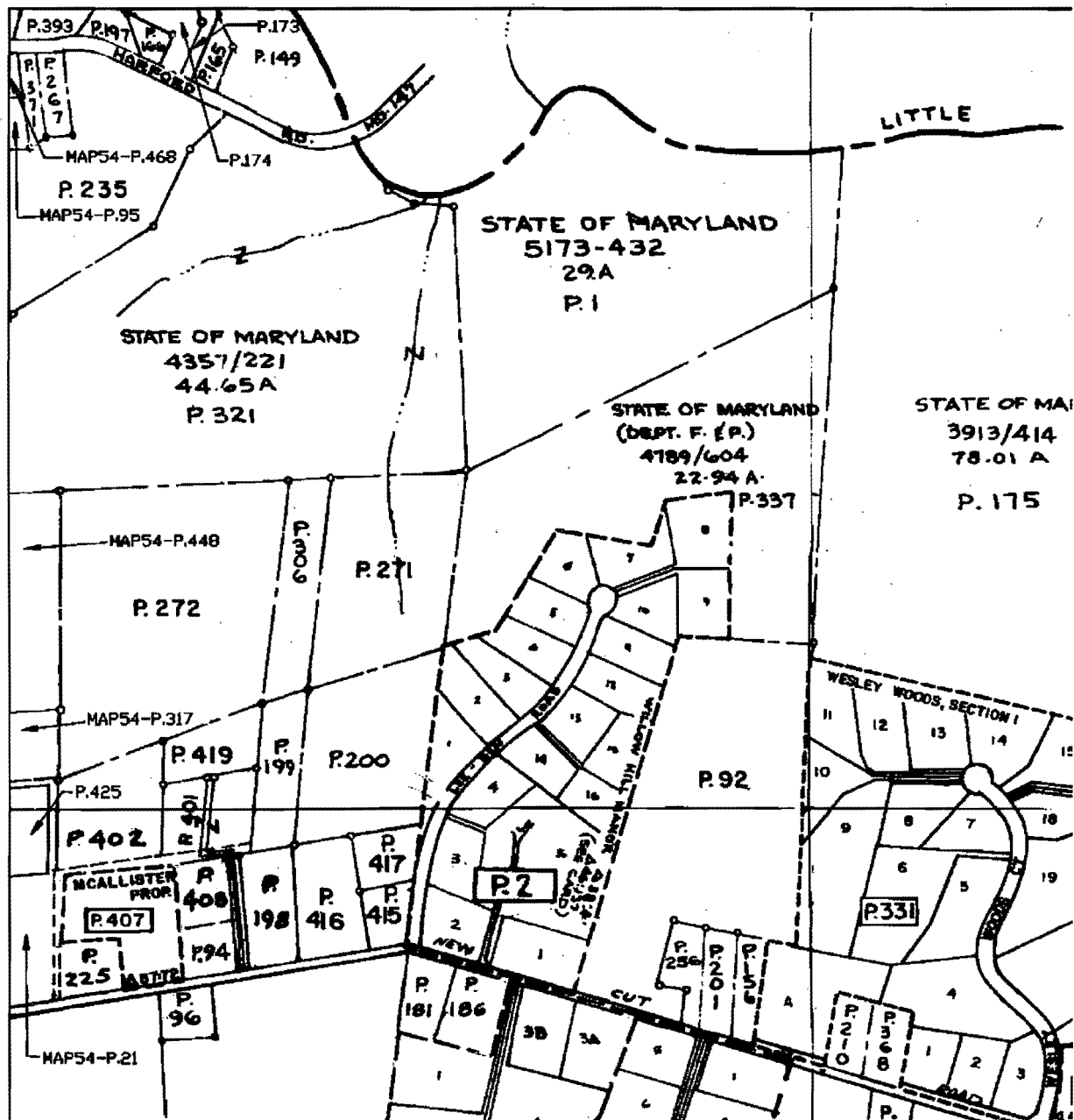
Account ID : 04111800014108

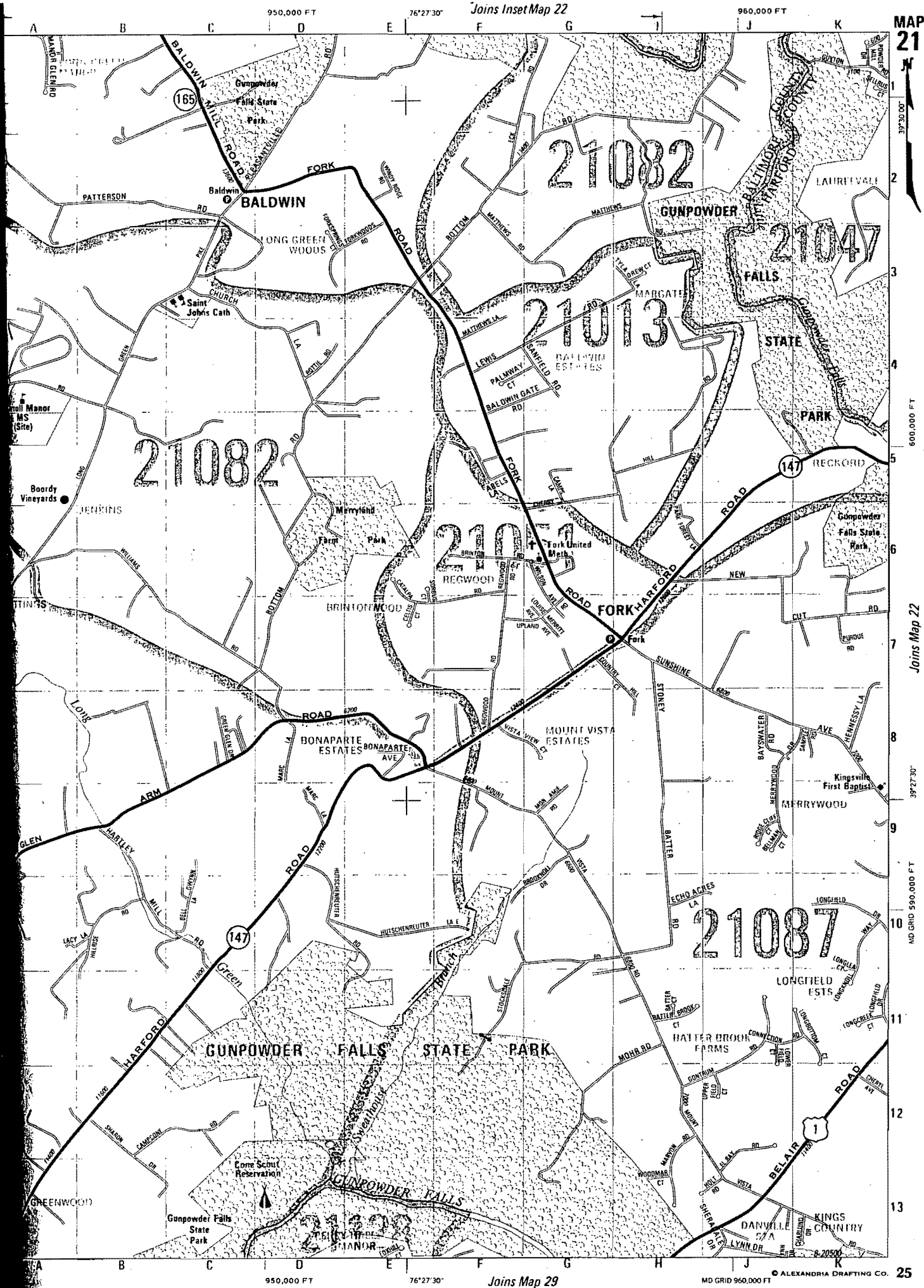
[\[Zoom In\]](#)



Property maps provided courtesy of the Maryland Department of Planning © 2000.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us





MAP
21
N

Joins Map 22

39°27'30"

MD GRID 590,000 FT

39°27'30"

MD GRID 960,000 FT

39°27'30"

25

Craig

Sybil

- look at "doubling" use on same land w/
ZCPM + BC2R

- 2.99 = $5 \times 5 = 5$ sheep max

- 3 acres for bees

BC2R 100.6, 102.2 (no yard space or minimum
area required for a use shall be
considered as part of area for
another use)

ZCPM-

42.1 → mixed uses on one property

follow 8-159 Md Annots Tax Property

- see "attendant use" which seems to indicate
separate pasture land "necessary" to house
residents here

* where's v of md report - Cindy's case?

Zones heretofore classified as R.20 are now classified as D.R.2.

Zones heretofore classified as R.10 are now classified as D.R.3.5.

Zones heretofore classified as R.6 are now classified as D.R.3.5.

Bill No 51-1993	R.G. are R.A. are	Sheep bill
DOES THE 3 ACRES HV TO BE FOR THE ANIMALS THE ACRE OF GRADING SEP. FROM HOUSE	ry, unless y use of property, si ification ed other iteration reservati County rovals as 12-1988	51-93 Call Tim Bugar
J		+ 98- 75 Council Bill
History		

100.6 A tract of land used for the accessory stabling and pasturing of animals and which is not a commercial agricultural operation is subject to the following provisions:

Type	Limitation	Minimum Acreage
Large Livestock:		
9/13/00 - Spoke w/ Jackie McM. - shed in h/w of old rpt - it was Hillary + Wally Lippincott who worked on this - she'll talk to Wally re how to get it	f g s ng er d t ea on f a	Dick Curran was on advisory committee) rpt was w/ extensions so at the time but no longer Wally thinks was 1 acre per animal pasture land per animal + later became 3 CALL WALLY

[Bill No. 51-1993]

U of Md Dept
Agriculture
study of sheep
+ pasture acreage
land
IN PL. BD. RPT p. 6

Farm def
actually came
from Bill
98-75

x3495 GRAZING
PROVISIONS
BEECH
Jackie
McMillan

7/13/2000

- Marginal variance for 5 sheep allowed
- Looks like about 2 acres of pasture
- One additional sheep not an issue of public interest
- Beekeeping prohibited
- most citizens in favor of it
- Let CBA resolve issues

Tentative decision (as of now)

- Don't participate

PMZ

- Sept 00-189-A

- The DZC's order seemed a ~~B~~ rate-faking resolution of a neighborhood dispute regarding the # of animals permitted on a 2.7 tract of land
- notes in the file reflect our position that an appeal of DZC's order was not in public interest & not warranted
- Protestants appealed
- our office reviewed a 2nd time to determine if our participation at CBA was warranted
- In addition to reviewing our file, & CBA file, we obtained B.I. 51-93 & the legislative history, a PB report & proposed amendments as well as customary maps, prop. tax info etc.
- BCLR 100.6 is subject to interpretation for tracts containing a residence & accessory farm uses; the BCLR 101 definition also applies
- one interpretation of "minimum" acreage means grazing land only & not entire tract. Petitioner would have to subtract out her house etc. & would likely fall well below
- 100.6 is not entirely clear on the "minimum acreage" total; here ~~the~~ prop. owner has 2.7 for entire tract. If 3.0 applies to entire tract she is .3 short; also she would need

2.26-01

~~Leffert -~~

~~- This case was reviewed at H~~

. 5 acre per 1 sheep as required in column 2.

- If 3 acre minimum applies to grazing land only, prop. owner would have to subtract out acres attributed to residential use & would be well short of 3 acre minimum.

- also, the 2nd & 3rd columns of 100.4 are difficult to reconcile if one has 1 or 2 horses & 3-4 sheep etc.

- Cld met w/ Wally Lippert - his position is 3 acres applies to entire tract & he was surprised at this minimum since he is favorable, ^{for example,} to a 2 acre parcel w/ house & one ~~house~~ horse as reasonable. he noted 1 acre min. in R² which is favored ^{in many cases more acres} to allow as much for agriculture on a large tract.

- Wally did not want to render an opinion on Seyfert's use since he generally supported agriculture (uses); he would have said she fails to satisfy 3 acre minimum for entire tract, that lot of 2.7 was not unique or KC², that minimum acreage promote soil conservation for grazing animals + growth control

- w/i 1/2 hr of our meeting Wally called to say he spoke w/ Dave Marten from Ind Extension Service ~~to~~ who said Seyfert's 4H participation was most helpful to ag industry + ~~that soil conservation for sheep~~ ^{that} ~~does~~ not present a problem for soil conservation ^{even} if ~~minimum~~ tract is not minimum acreage.

- Wally declined to testify for all those reasons

- on reflection, it does not appear to be in the public interest to participate at the CBA

① the DZC order was reasonable under the circumstances

(2) it is possible the CBA would grant a variance for .3 acres under ~~the~~ Wally's

- Interpreter of 3 case that minimum
 (3) we would like to find with a legal interpreter
 name not to be appeared to Court Court
 (4) neighbors appeared D2C's order +
 gave a fair fax # to your office
 (5) neighbor's never contacted our office
 personally + responded by mail to
 our inquiry - they gave us no phone #
 to contact them to know

- (6) Ag. community support 4H involvement
 if we agreed compromise to US # or
 would be in conflict with Patrick's appeal
 (7) D2C's order may be only 1 sheep in
 stream of "demonstration" in column 2 or
 5 cases for sheep (D2C permitted 5 sheep)
 if 1 case is allotted for residence -
 1 sheep does not meet our participation

- (8) Prop owner was contacted by D2C's
 structure + order

County Council of Baltimore County Maryland

Legislative Session 1975, Legislative Day No. 21

BILL NO. 98-75

Introduced by Mr. Huddles, Councilman

By the County Council, October 6, 1975.

A BILL

Entitled

AN ACT to amend the Baltimore County Zoning Regulations to establish four new zoning classifications intended to insure the preservation of Baltimore County's Natural Resources, by repealing subparagraph 100.1.A.2 of Section 100 of the Zoning Regulations of Baltimore County and enacting a new subparagraph 100.1.A.2 in lieu thereof; by adding certain new definitions to Section 101 of said regulations; by adding new subsection 103.3 to Section 103 of said regulations; and by repealing Article 1A, and Sections 1A00 and 1A01 thereunder, of said regulations and enacting new sections 1A00 through 1A04, under new Article 1A entitled "Resource-Conservation Zones", in lieu thereof.

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE FINAL REPORT OF THE PLANNING BOARD, ENTITLED *PROPOSED ZONING AMENDMENTS: ZONING CLASSIFICATIONS FOR RESOURCE CONSERVATION*, IN ACCORDANCE WITH SECTIONS 22-20 AND 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED TESTIMONY AT THE PUBLIC HEARING HELD IN ACCORDANCE WITH SECTION 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS REVIEWED IN WORK SESSION AND LEGISLATIVE SESSION THE PLANNING BASIS OF THE FINAL REPORT AS ELABORATED BY THE STAFF OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY; AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE COMPREHENSIVE PLAN FOR BALTIMORE COUNTY APPROVED BY THE PLANNING BOARD OCTOBER 13, 1975.

County Council of Baltimore County Maryland

Legislative Session 1975, Legislative Day No. 21

BILL NO. 98-75

Introduced by Mr. Huddles, Councilman

By the County Council, October 6, 1975.

A BILL

Entitled

AN ACT to amend the Baltimore County Zoning Regulations to establish four new zoning classifications intended to insure the preservation of Baltimore County's Natural Resources, by repealing subparagraph 100.1.A.2 of Section 100 of the Zoning Regulations of Baltimore County and enacting a new subparagraph 100.1.A.2 in lieu thereof; by adding certain new definitions to Section 101 of said regulations; by adding new subsection 103.3 to Section 103 of said regulations; and by repealing Article 1A, and Sections 1A00 and 1A01 thereunder, of said regulations and enacting new sections 1A00 through 1A04, under new Article 1A entitled "Resource-Conservation Zones", in lieu thereof.

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE FINAL REPORT OF THE PLANNING BOARD, ENTITLED *PROPOSED ZONING AMENDMENTS: ZONING CLASSIFICATIONS FOR RESOURCE CONSERVATION*, IN ACCORDANCE WITH SECTIONS 22-20 AND 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED TESTIMONY AT THE PUBLIC HEARING HELD IN ACCORDANCE WITH SECTION 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS REVIEWED IN WORK SESSION AND LEGISLATIVE SESSION THE PLANNING BASIS OF THE FINAL REPORT AS ELABORATED BY THE STAFF OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY; AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE COMPREHENSIVE PLAN FOR BALTIMORE COUNTY APPROVED BY THE PLANNING BOARD OCTOBER 13, 1975.

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 10, 1974

1975 EDITION

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

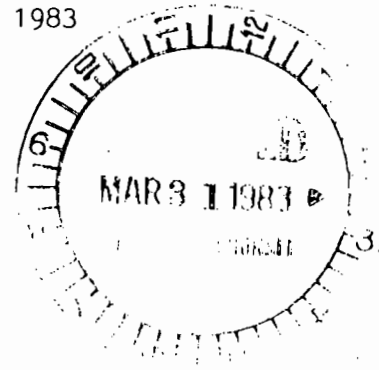
TOWSON, MARYLAND



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

February 25, 1983



Subject: Revised pages, 1981 Edition, Baltimore County Zoning Regulations

Enclosed are new pages for your copy of the 1981 Edition of the Baltimore County Zoning Regulations. Pages containing new or revised provisions are identified by the notation "Rev/82" in the upper right-hand corner of the pages.

Legislative changes made during Calendar Year 1982 required, in some cases, adding new page numbers, e.g. 17-1, 55-1, etc. They also eliminated provisions that had been printed on pages 89, 90 and 91, which should be removed.

In several cases, unchanged pages have been re-printed to retain pagination integrity.

APPROVED Oct 17, 1991

Legislative Project #90-14
Part 3 of a 4 Part Report

PROPOSED AMENDMENTS TO THE
BALTIMORE COUNTY ZONING REGULATIONS
REGARDING FARMING, FORESTRY ACTIVITIES
AND AGRICULTURAL RELATED BUSINESSES

PART 3: DEFINITION OF COMMERCIAL AGRICULTURE AND FARM

JULY 25, 1991

A D D E N D U M

The attached Report was approved by the ad hoc Committee on Regulations and Standards on March 7. Following the meeting, staff identified several issues related to the Part IV Report, Firewood Operations, which could affect the definitions of Commercial Agriculture and Farm. Staff has submitted the Part IV Report to the ad hoc Committee on Regulations and Standards on July 11, 1991. Staff recommends several minor changes to the Part III Report.

The proposed definition of commercial agriculture lists a spectrum of uses which qualify as agricultural functions. One of them is "silviculture." Staff recommends changing the term silviculture to forestry. Subsequent to the March 7th ad hoc Meeting on Regulations and Standards a Planning Board member commented that forestry is a more familiar word than silviculture and thus more appropriate in a defining function. The terms silviculture and forestry are almost synonymous -- Webster defines the former as: "the establishment, development and care of trees;" and the latter as: "the science of developing, caring for or cultivating forests. Changing the terms would not alter the intent of the definition.

Another change stems from an amendment proposed in the fourth agricultural report titled Firewood Operations and Sawmills. That report proposes a separate definition for firewood operations. The definition for "farm" which is proposed in this report lists several uses which do not qualify as a farm, one of them is limited-acreage firewood operations. Staff recommends changing that term to firewood operations.

Two of the changes concern items which were overlooked in the initial report. That report recommended deleting the definitions for satellite farm and farmette, but omitted removing the terms from the land use table for R.C.20 and R.C.50 zones. Paragraph 16 recommends changing the special exception status of aquaculture in R.C.20 zones to a permitted use. The amendment is suggested on page four of this report, but no recommendation to that effect had been added.



Introduced April 16, 1992
Discussed May 7, 1992

Legislative Project #92-4

POSSIBLE AMENDMENTS TO THE BALTIMORE COUNTY
ZONING REGULATIONS REGARDING LIVESTOCK IN R.C. ZONES

A Final Report of the
Baltimore County Planning Board
Adopted May 21, 1992

PROJECT DESCRIPTION

This project is in response to Council Resolution 8-92 (Attachment 1), which requests the Planning Board to consider amendments to the Zoning Regulations with regard to livestock in the Resource Conservation (R.C.) zones.

DISCUSSION

Farming is permitted by right in all of the County's R.C. zones. The Zoning Regulations include two definitions of "Farm" which both define the land use as a tract of at least three acres which is used primarily for "...crop, dairy, stock and poultry farming..." In a Final Report adopted October 17, 1991, the Planning Board recommended that these definitions be replaced by new definitions for "commercial agriculture" and "farm". The new definitions, if adopted by Council, would also include the cultivation of crops or raising of animals for income as part of a farm operation.

The R.C. zones have different purposes, with agriculture the preferred activity in the R.C. 2 zone. The R.C. 3 and R.C. 5 zones are rural residential, with the R.C. 3 zone considered a "deferred development" zone. The purpose of the R.C. 4 zone is watershed protection. The R.C. 20 and R.C. 50 zones are designed to "maintain undeveloped or minimally developed land" in order to protect the Chesapeake Bay.

The Zoning Regulations, and other County and State laws provide standards to protect neighboring uses and the environment from the effects of farming. The standards in the Zoning Regulations are found in Section 404. There are several provisions which deal with the special problems of raising animals. For example, "commercial piggeries" or hog raising is permitted only on a farm of at least 10 acres, with no hogs permitted within 150 feet of the property line if the farm is adjacent to residentially zoned land. Also, manure must be stored at least 150 feet from the boundary lines of the lot.



401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

May 26, 1992

The Honorable William A. Howard, IV
Chairman, Baltimore County Council
Court House
Towson, MD 21204

Dear Councilman Howard:

Enclosed is a Final Report of the Baltimore County Planning Board, adopted May 21, 1992, which I am submitting to you in accordance with Section 26-123(c) of the Baltimore County Code, 1988.

In response to County Council Resolution 8-92, the Planning Board does not recommend that the Zoning Regulations be amended. The Planning Board finds that existing county, state and federal laws effectively control the raising of animals in Resource Conservation zones.

Sincerely,

A handwritten signature in dark ink, reading "David Fields". The signature is written in a cursive, flowing style.

P. David Fields, Secretary
Baltimore County Planning Board

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Enclosures

cc: The Honorable Roger B. Hayden, County Executive
Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Lawrence Schmidt, Zoning Commissioner
H. Emslie Parks, County Attorney
Harold G. Reid, Chairman of the Planning Board
Louis Waidner, Executive Assistant
Patrick Roddy, Director, Legislative Relations
Arnold Jablon, Director, ZADM
Phyllis Cole Friedman, People's Counsel

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8
BILL NO. 51-93

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 19, 1993

A BILL ENTITLED

AN ACT concerning

Agriculture

FOR the purpose of amending the Zoning Regulations in order to define terms relating to agricultural uses; placing limitations on the stabling and pasturing of animals; providing certain height exceptions; providing requirements for farms in D.R. and R.C. 5 zones; repealing provisions dealing with satellite farms and farmettes; permitting a winery or bottled water plant by Special Exception in certain zones; and generally relating to farm and commercial agriculture activities in Baltimore County.

BY repealing

Section 101 - Definitions, the definitions of "farm", as that definition appears twice, "farm, satellite" and "farmette" and Sections 1A02.2.A.4 and 1A04.2.A.4

Baltimore County Zoning Regulations, as amended

BY adding

Section 101 - Definitions, the definitions, alphabetically, of "Agriculture, Commercial" and "Farm" and Sections 100.6, 1A03.3.B.15 and 404.9 and 404.10

Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 51-93

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