

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 N/S Butler Road, 200' E +/- *
 Dover Road * DEPUTY ZONING COMMISSIONER
 5th Election District *
 3rd Councilmanic District * OF BALTIMORE COUNTY
 (3334 Butler Road) *
 * CASE NO. 00-191-X
 Gary W. Shaffer & Mary Beth Shaffer *
 Petitioners *

* * * * *

AMENDED ORDER

WHEREAS, this matter came before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Gary W. Shaffer & Mary Beth Shaffer on December 17, 1999. The special exception request was for a firewood operation on property located at 3334 Butler Road in the Butler area of Baltimore County. An Order granting this special exception, with restrictions, was issued on January 3, 2000.

WHEREAS, this office received a letter dated January 12, 2000 from Mr. & Mrs. Philip Spector, adjacent property owners and participants at the hearing before me. Restriction No. 6.a of my Order permitted the use of 2 chain saws in the firewood operation at one time. However, the agreement reached between the Sectors and Shaffer allowed the use of only one chain saw. Therefore, given this contradiction, my Order should be amended to provide that only one chain saw shall be operated at one time during the course of business in the firewood operation.

THEREFORE, IT IS ORDERED this 20th day of January, 2000, by this Deputy Zoning Commissioner, that my previous Order should be amended to be consistent with the Agreement between Mr. & Mrs. Spector and Mr. & Mrs. Shaffer dated December 17, 1999. Restriction No. 6.a. of the Order dated January 3, 2000, should be revised to read as follows:

1/20/2000
R. Jensen



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 19, 2000

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: Amended Order
Case No. 00-191-X
Property: 3334 Butler Road

Dear Mr. Tanczyn:

Enclosed please find an Amended Order concerning the above-captioned case. The Amended Order revises Restriction No. 6.a. as it relates to chain saws.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. & Mrs. Gary W. Shaffer
3334 Butler Road
Butler, Maryland 21023

Mr. Herbert Malmud
Herbert Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208

Paul Sandler, Esquire
201 E. Baltimore Street, Suite 1500
Baltimore, Maryland 21202

Mr. & Mrs. Philip Spector
20 Shaded Glen Court
Owings Mills, Maryland 21117

Mr. Jack Dillon, Executive Director
Valleys Planning Council
207 Courtland Avenue
Towson, Maryland 21204

Ms. Mary Gaines
Piney Run Preservation Association
3423 Black Rock Road
Reisterstown, Maryland 21136

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 N/S Butler Road, 200' E +/- *
 Dover Road * DEPUTY ZONING COMMISSIONER
 5th Election District *
 3rd Councilmanic District * OF BALTIMORE COUNTY
 (3334 Butler Road) *
 * CASE NO. 00-191-X
 Gary W. Shaffer & Mary Beth Shaffer *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Gary W. Shaffer & Mary Beth Shaffer. The special exception request is for property located at 3334 Butler Road, located in Butler, Maryland. The special exception request is filed to approve a fire wood operation on property zoned R.C.2.

Appearing at the hearing on behalf of the special exception request were Gary Shaffer, owner of the subject property, Herbert Malmud, professional land surveyor with H. Malmud & Associates, Inc. The Petitioner was represented by Michael P. Tanczyn, attorney at law. Appearing as interested citizens in the matter were Philip & Ilene Spector, adjacent property owners who were represented by Paul Sandler, attorney at law. Mary Gaines also attended the hearing on behalf of the Piney Run Preservation Association, as was Mr. Jack Dillon, Executive Director of the Valleys Planning Council.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.2 acres, and is part and parcel of an overall tract of land owned by Mr. & Mrs. Shaffer, containing 30.6 acres of land. The Petitioner has specifically set aside a 1.2 acre area which is to be utilized as a firewood operation. The area in question is more particularly shown on the site plan submitted into evidence as Petitioners' Exhibit No. 1.

CASE NO. 00-191-X FOR FILING
 1/13/2000
 J.R. Gineson

Testimony and evidence indicated that the Petitioners own and operate Chesapeake Conservation Services, Inc., which is a business involved in the clearing and cutting of forested areas. Mr. Shaffer has owned that business for the past 25 years. In the early 1990's, Mr. Shaffer began a side business involving a firewood operation, which is the subject of the special exception request. Mr. Shaffer began bringing hardwood trees, which were cut down in his business, to the subject 30 acre parcel of land which he purchased in 1988. Instead of taking these cut trees to landfills or disposing of them in other ways, Mr. Shaffer began processing the trees into firewood. He has utilized a section of his 30 acre parcel, which is now specifically identified on the site plan as containing 1.2 acres, for the purpose of storing, cutting and seasoning firewood which he sells to the general public. As stated previously, Mr. Shaffer has operated his firewood operation from the subject property since the early 1990's. There have been no prior complaints regarding his business.

The Petitioners submitted into evidence photographs of the trucks and equipment that are used in the firewood operation. The firewood operation that takes place on the property was well documented by virtue of the many photographs submitted into evidence at the hearing before me. In addition to cutting and storing firewood on the property, Mr. Shaffer also operates a small pumpkin farm on site, and grows sweet corn. His principal residence is located on the property along with accessory uses such as a tennis court, swimming pool, garage and barn. The subject property is located on the north side of Butler Road and is serviced by a private driveway off of Butler Road.

Mr. Shaffer testified that he does not intend to expand his firewood operation any further than what has occurred on the property for the past couple of years. He seeks a special exception to legitimize that which has been occurring on the property for the past several years.

1/3/2000
R. J. Johnson

Mr. Shaffer was very specific in his testimony as to the operation of his business. Cut trees are brought to the property by way of 2 transport trucks, one of which is shown in Petitioners' Exhibit No. 10, specifically the photograph in the upper left-hand corner of that exhibit. In addition, the truck shown in Petitioners' Exhibit No. 11, specifically the photograph on the top of the page, is also used to transport logs to the property. The logs are then cut into sections utilizing the Stihl chain saw shown in the lower photograph on Petitioners' Exhibit No. 11. The logs are then split by one or two log splitters again shown on the photograph in the upper right hand corner of Petitioners' Exhibit No. 11. A conveyor system is used to take the split logs and stack them in a mound. That conveyor is shown in a photograph on Petitioners' Exhibit No. 11 in the upper right hand corner. Finally, as shown on Petitioners' Exhibit No. 10, the cut firewood is loaded into a single-axle dump truck by virtue of the tractor shown in the lower left hand corner of Petitioners' Exhibit No. 10 and delivered to retail customers by way of the single-axle dump truck also shown in the Photograph marked Petitioners' Exhibit No. 10.

Mr. Shaffer testified that he does not allow members of the public to come to his property for the purchase and pick-up of cut firewood. All firewood sold from the property is delivered to the customer. Mr. Shaffer testified that he does not sell any mulch, stone or sand from the property, nor does he bring any tree stumps to the subject property for processing. He strictly processes firewood on the subject property for sale to the general public.

Appearing as interested citizens in this matter were Mr. & Mrs. Philip Spector, adjacent property owners. Mr. & Mrs. Spector intend to construct a house on the land situated to the west of the Petitioners' property. It should be noted that the 1.2 acre area of land set aside for the firewood operation is situated approximately 80 ft. from the lands owned by the Spectors. Pursuant to negotiations held prior to the hearing before me, Mr. Shaffer and the Spectors, by and through their respective counsel, reached an agreement as to the use of the Petitioners' property. That agreement

1/3/2000
J.P. Spector

was submitted into evidence as Petitioners' Exhibit No. 12. It has been signed by Mr. & Mrs. Spector and Mr. & Mrs. Shaffer. The terms and conditions of that agreement shall be incorporated into this Order as if more fully set out herein. One of the provisions of that agreement, particularly paragraph no. 4, allows the Spectors to have a sound engineer inspect the firewood operation in the event noise becomes a problem in the future. A question arose as to whether or not Mr. & Mrs. Spector could accompany their noise expert onto the properties owned by Mr. & Mrs. Shaffer, in accordance with paragraph no. 4 of that agreement. After hearing from all parties on this issue, I find and shall order that in the event the sound engineer has to go upon the property owned by Mr. & Mrs. Shaffer, the Spectors, who are paying for the sound engineer's advice, shall be permitted to accompany the sound engineer during the time of his analysis and inspection. Naturally, the time of such inspection would be mutually agreed upon by all parties to the agreement.

Having reached an agreement that was satisfactory to them, Mr. & Mrs. Spector did not oppose the Petitioners' request for special exception. As stated previously, also in attendance at the hearing was Mr. Jack Dillon, Executive Director of the Valleys Planning Council (VPC). The Valleys Planning Council remained neutral in this request, neither supporting nor opposing the firewood operation. However, as was noted by their letter dated December 14, 1999, The Valleys Planning Council was very much concerned over any future expansion of the subject use. Accordingly, they have submitted certain recommendations as to potential conditions and restrictions on this firewood operation. Those recommendations of the VPC were taken into consideration when rendering this decision.

Finally, Ms. Mary Gaines appeared at the hearing on behalf of the Piney Run Preservation Association. Ms. Gaines, speaking on behalf of her association, did not oppose the Petitioners in their request so long as reasonable conditions and restrictions were placed on the use of the property and as long as the adjacent property owners were comfortable with the firewood operation.

1/3/2000
R. Spector

Therefore, having considered the testimony and evidence offered by all parties in attendance, I find that the Petitioners' special exception request to approve the use of the subject property as a firewood operation, in accordance with Section 1A01.2 (C)(29)(G), should be approved subject to certain conditions and restrictions imposed at the end of this order.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permits the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

It is to be noted that the subject firewood operation would not be detrimental to the primary agricultural uses in this vicinity, in that the area set aside to store, cut and season this firewood is very rocky and unsuitable for farming. It also should be noted that Mr. Shaffer keeps 30 head of cattle, as well as 2 horses on the subject property, providing large areas for grazing and pasturing of

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1/13/2000
R. J. JAMESON

these animals. It is safe to say that Mr. Shaffer utilizes the majority of his property for farming operations, when one considers the pumpkin farm, the sweet corn that he raises, as well as the live stock that are kept on the property.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief request in the special exception shall be granted.

THEREFORE, IT IS ORDERED this 3rd day of January, 2000, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request pursuant to Section 1A01.2(C)(29)(G) of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a fire wood operation on property zoned R.C.2., be and is hereby APPROVED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their use permit upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The agreement entered into between the Shaffers and the Spectors dated the 17th day of December 1999, and entered into evidence as Petitioners' Exhibit No. 12, shall be incorporated into and enforceable as if part of this decision.
3. The special exception granted herein shall be for the benefit of Mr. & Mrs. Gary Shaffer and their children. The special exception to allow the firewood operation shall not run with the land and shall only be useable by Mr. & Mrs. Shaffer and any direct lineal descendents of them. This special exception shall not be transferable to any future purchaser or lessee of the subject site except for descendents of Mr. & Mrs. Shaffer. In the event of a sale or transfer of the subject property to anyone, other than Shaffer descendents, then the special exception granted herein shall cease and terminate.
4. The special exception relief granted herein shall be specifically limited to the transporting, yarding, seasoning, shipping and receiving of logs, cutting and splitting of firewood only. The Petitioners shall be prohibited from the sale or manufacture of mulch, sand and stone from the subject property. Furthermore, the Petitioners shall not be permitted to bring any tree stumps to the subject property for grinding or processing in any fashion. The special exception granted herein is for a firewood operation only as that term is defined within Section 101 of the B.C.Z.R.

COPIES REQUIRED FOR FILING
1/3/2000
R. J. J. J.

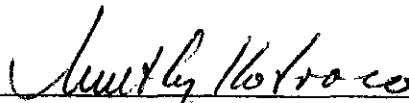
5. There shall be no retail sales of firewood from the subject property. Testimony of the Petitioner demonstrated that all firewood is delivered to the customers business or residence once an order is placed with his company. Therefore, there is no need for members of the general public to come to the Petitioners' property for the purpose of purchasing cut firewood. This restriction shall not apply to any members of the public who visit the Petitioners' property for the purpose of purchasing pumpkins, sweet corn or any other produce grown on the Petitioners' property. This restriction only applies to the firewood operation.
6. Testimony indicated that the Petitioner has no plans to further expand this business. In accordance with that testimony the Petitioner shall be permitted to continue to utilize the following equipment in his firewood operation.
 - a. No more than 2 Stihl or comparable brand name gas powered chain saws, as depicted in the lower photograph of Petitioners' Exhibit No. 11.
 - b. One (Brute) conveyor belt system, also depicted in that same photograph on Petitioners' Exhibit No. 11.
 - c. No more than 3 log splitters, similar to the one depicted in the upper right hand photograph of Petitioners' Exhibit No. 11.
 - d. One farm tractor, containing a front-end loader bucket, whereupon wood is placed prior to dumping into a dump truck for transport. Said tractor is depicted in the photograph in the upper right-hand corner of Petitioners' Exhibit No. 11 and the lower left-hand picture on Petitioners' Exhibit No. 10. The Petitioner shall be permitted to keep and maintain 1 such tractor or similar piece of equipment necessary to perform this function.
 - e. The Petitioner shall be permitted to utilize the 2 types of delivery trucks that currently transport logs to the subject property as are shown in the photographs on Petitioners' Exhibit No. 10. One such vehicle is a flatbed boom truck that is commonly used in the transportation of cut logs. The other vehicle, as shown on Exhibit No. 10, is a flatbed truck with fold down sides. The Petitioner shall only be permitted to utilize these 2 trucks in his firewood operation.
 - f. Petitioner shall be permitted to utilize no more than 3 single-axle dump trucks as are shown again on Petitioners' Exhibit No. 10, for the purpose of transporting and delivering cut firewood to customers.

The purpose of specifically identifying the equipment used by the Petitioner in his operation is to place appropriate and reasonable conditions and restrictions on the expansion of the Petitioner's firewood operation. Petitioner testified that he has no intention of expanding his business beyond that which currently occurs on the property. The photographs submitted provided excellent documentation of the Petitioner's firewood operation and the equipment used therein. These restrictions are imposed to prevent any unreasonable expansion of the business. These restrictions on equipment

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 Date 1/3/2000
 By R. J. [Signature]

shall only apply to the firewood operation and shall in no way affect any type of farming equipment, such as hay wagons, farm tractors, horse trailers, or any other type of equipment needed by Mr. Shaffer to operate other parts of his farm. The Petitioner shall be permitted to replace his firewood equipment with the same or similar equipment, should the need arise. Any new or additional equipment used in the firewood operation must be approved in writing by this Zoning Commissioner's Office.

7. There shall be no outdoor lighting associated with the firewood operation other than what might be necessary for security purposes.
8. In the event it is necessary for a sound engineer to visit the firewood operation in accordance with the agreement entered into between the Sectors and the Shaffers, then the Sectors shall be permitted to accompany their sound expert during his investigation.
9. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED FOR FILING

1/3/2000





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 3, 2000

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 00-191-X
Property: 3334 Butler Road

Dear Mr. Tanczyn:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted with restrictions, in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. & Mrs. Gary W. Shaffer
3334 Butler Road
Butler, Maryland 21023

Mr. Herbert Malmud
Herbert Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208

Paul Sandler, Esquire
201 E. Baltimore Street, Suite 1500
Baltimore, Maryland 21202

Mr. & Mrs. Philip Spector
20 Shaded Glen Court
Owings Mills, Maryland 21117

Mr. Jack Dillon, Executive Director
Valleys Planning Council
207 Courtland Avenue
Towson, Maryland 21204

Ms. Mary Gaines
Piney Run Preservation Association
3423 Black Rock Road
Reisterstown, Maryland 21136



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

3334 Butler Road

for the property located at Butler, Maryland 21203

which is presently zoned RC2

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Pursuant to Baltimore County Zoning Regulations Section 1A01.2(C)(29) Agricultural Support Uses as principal commercial uses for (D) a sawmill and/or in the alternative, (G) firewood operations.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, 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:

Michael P. Tanczyn, Esq.
Name - Type or Print _____
Signature Michael P Tanczyn
Law Offices of Michael P. Tanczyn
Company _____ Telephone No. _____
Suite 106, 606 Baltimore Ave.
Address _____ Telephone No. _____
Townson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Gary W. Shaffer
Name - Type or Print _____
Signature [Signature]
Mary Beth Shaffer
Name - Type or Print _____
Signature [Signature]
3334 Butler Road (410) 781-7330
Address _____ Telephone No. _____
Butler, Maryland 21023
City _____ State _____ Zip Code _____

Representative to be Contacted:

Herbert Malmud & Associates, Inc.
Name _____
100 Church Lane, Attn: Herb Malmud
Address _____ Telephone No. _____
Baltimore, MD 21208 410-653-9511
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hrs
UNAVAILABLE FOR HEARING _____

Reviewed By ucr Date 11-3-99

DROP OFF

No REVIEW

1/3/2000
2210915198

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION
3334 BUTLER ROAD
PETITION AREA ONLY
BALTIMORE COUNTY, MARYLAND

TO GET TO POINT OF BEGINNING OF PETITION AREA: BEGIN AT CENTERLINE INTERSECTION OF DOVER AND BUTLER ROADS, BIND EASTERLY ALONG CENTER OF BUTLER ROAD 190 FEET, MORE OR LESS, TO THE WESTERNMOST OUTLINE OF SUBJECT PROPERTY, THENCE BIND THEREON NORTH 01 DEGREE 43' 10" WEST 1170.00 FEET, THENCE LEAVE SAID OUTLINE AND RUN:

NORTH 88 DEGREES 16' 50" EAST 80.00 FEET TO THE POINT OF BEGINNING, THENCE RUNNING THE FOUR (4) FOLLOWING COURSES AND DISTANCES:

1. NORTH 15 DEGREES 46' 50" EAST 285.00 FEET,
2. NORTH 57 DEGREES 16' 50" EAST 170.00 FEET,
3. SOUTH 06 DEGREES 16' 50" WEST 390.00 FEET AND
4. NORTH 83 DEGREES 06' 15" WEST 179.16 FEET, TO THE PLACE OF BEGINNING.

CONTAINING 1.2 ACRES OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.



HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558

NOVEMBER 5, 1999

FILE: DESBUTLER2

00-191



RECEIVED

NOV - 9 1999

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-191-X
3334 Butler Road
N/S Butler Road, approximately 200' E of 200' E of Dover Road
5th Election District
3rd Councilmanic District
Legal Owner(s):
Gary W. and Mary Beth Shaffer

Special Exception: for a sawmill and/or in the alternative, firewood operations
Hearing: Friday, December 17, 1999 at 11:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391

11/305 Nov. 25 C355778

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11-26, 1999

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 11-25, 1999.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING

FALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 074310

DATE 11/3/99 ACCOUNT 001-6150

AMOUNT \$300.00

RECEIVED FROM: Michael Tanczyn

FOR: 00-191-X

3334 Butler Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
11/03/99 11/03/1999 11/03/99
REG 0303 CASHIER FILES (4) CUSTOMER
Dept 5 ZONING VERIFICATION
Receipt # 105061 0111
C.R. NO. 074310
Receipt Tot 300.00
300.00 OK 00 Gr
Baltimore County, Maryland

CASHIER'S VALIDATION

FALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 074310

DATE 11/3/99 ACCOUNT 001-6150

AMOUNT \$300.00

RECEIVED FROM: Michael Tanczyn

FOR: 00-191-X

3334 Butler Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
11/03/99 11/03/1999 11/03/99
REG 0303 CASHIER FILES (4) CUSTOMER
Dept 5 ZONING VERIFICATION
Receipt # 105061 0111
C.R. NO. 074310
Receipt Tot 300.00
300.00 OK 00 Gr
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-191-X
PETITIONER/DEVELOPER
[Gary W. Shaffer]
DATE OF Hearing
[Dec. 17, 1999]

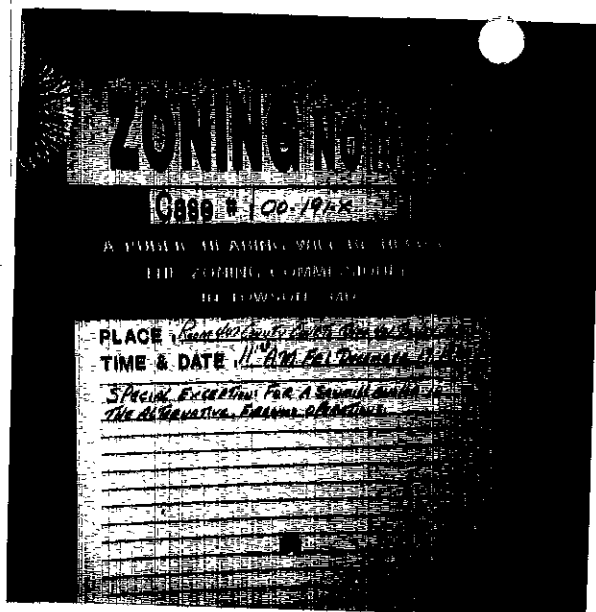
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
3434 Butler Road Glyndon, Maryland 21136—

The sign(s) were posted on 12-1-99
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

RE: PETITION FOR SPECIAL EXCEPTION
3334 Butler Road, N/S Butler Rd,
appx. 200' E of Dover Rd
5th Election District, 3rd Councilmanic

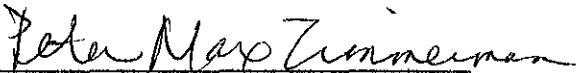
Legal Owner: Gary W. & Mary Beth Shaffer
Petitioner(s)

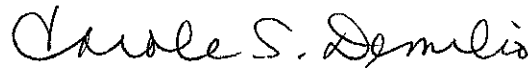
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-191-X

* * * * *

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 Michael P. Tanczyn, Esq., 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 18, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-191-X

3334 Bulter Road

N/S Butler Road, approximately 200' E of 200' E of Dover Road

5th Election District - 3rd Councilmanic District

Legal Owner(s): Gary W. and Mary Beth Shaffer

SPECIAL EXCEPTION: for a sawmill and/or in the alternative, firewood operations.

HEARING: FRIDAY, DECEMBER 17, 1999 at 11:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Gary and Mary Beth Shaffter
Herbet Malmud & Associates
Michael P. Tanczyn, Esq.
Mr. & Mrs. Phil Spector

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 2, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
November ~~23~~, 1999 Issue - Jeffersonian
25

Please forward billing to:

Michael P. Tanczyn, Esq.
Suite 106, 606 Baltimore Avenue
Towson, MD 21204
410-296-8823

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-191-X
3334 Bulter Road
N/S Butler Road, approximately 200' E of 200' E of Dover Road
5th Election District - 3rd Councilmanic District
Legal Owner(s): Gary W. and Mary Beth Shaffer

SPECIAL EXCEPTION: for a sawmill and/or in the alternative, firewood operations.

HEARING: FRIDAY, DECEMBER 17, 1999 at 11:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 9, 1999

Mr. Michael Tanczyn, Esq.
Law Offices of Michael Tanczyn
606 Baltimore Avenue, Ste 106
Towson, Maryland 21204

Dear Mr. Tanczyn:

RE: Case Number 00-191-X , 3334 Butler Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/3/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosure

c: Herbert Malmud & Associates, Inc.
Gary & Beth Shaffer




BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 29, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 22, 1999
Items No. 183, 185, 187, 188, 189,
190, 191, 192, 193, 194, 195, 196,
197 & 198

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZAC1122.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 29, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 15, 1999

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

183, 185, 186, 187, 189, 190, 191, 192, 193, 194, 195, 196,
197, 198

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



July 18/17

BALTIMORE COUNTY MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: December 13, 1999
SUBJECT: Zoning Item #191
3334 Butler Road

Zoning Advisory Committee Meeting of November 15, 1999

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - Prior to approval, a more detailed study must be conducted to determine where the Forest Buffer Easement is located. This study must also include a wetland delineation, a steep slope analysis, and location of the 100-year floodplain.
 - A portion of the proposed firewood operation is within 80 feet of the adjacent property. Section 404.9(z) of the Baltimore County Zoning Regulations requires a 100 foot setback.

CHECKED FOR FILING
Date 1/3/2000
By R. G. [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 17, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - JP
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 191
PETITIONER: Gary W. Shaffer and Mary Beth Shaffer

VIOLATION CASE NO.: 99-3937

LOCATION OF VIOLATION: N/S Butler Rd., approximately 200' E of Dover
Road (3334 Butler Road)

DEFENDANT(S): Gary W. Shaffer and Mary Beth Shaffer

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

<u>NAME</u>	<u>ADDRESS</u>
Mr. and Mrs. Phil Spector	20 Shaded Glen Court Owings Mills, MD 21117

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

JHT/jp/lmh

BALTIMORE COUNTY, MARYLAND

- 2

*Jim
12/1/99*

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: December 1, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 3334 Butler Road

INFORMATION:

Item Number: 191

Petitioner: Gary W. Shaffer

Zoning: RC-2

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

Although agriculture is the predominate land use in the general area, there are scattered residential lots located nearby. Due to the proximity of these residential lots to the petitioner's firewood operation, it is recommended that an alternate limit of the special exception area be considered. If an alternate area farther away from the adjoining property is not practical, it is recommended that the entire 80 feet between the existing firewood operation and the property line be densely screened. Limits on the hours of operation should also be established based on the evidence presented at the time of the hearing.

Section Chief:

Jeffrey M. Long

AFK/JL



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 17, 2000

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: Case No. 00-191-X
Property: 3334 Butler Road

Dear Mr. Tanczyn:

Thank you for your letter dated January 27, 2000 regarding your clients, Mr. and Mrs. Gary Shaffer. I have read your letter and reviewed the brochure from the Timber Wolf Company, and the video tape of the piece of equipment which was the subject of your letter. As you are aware, I imposed a restriction upon your client, specifically Restriction No. 6 of my Order dated January 3, 2000, indicating that any new or additional equipment used in furtherance of your client's firewood operation would have to be approved by this office.

After reviewing the information submitted, I find that the piece of equipment your client intends to purchase would be in character and keeping with the restrictions imposed in my Order dated January 3, 2000. This piece of equipment will make for a more efficient firewood operation in that the length of time needed to cut, split and stack the firewood that is processed on the property will, in fact, be shortened. Furthermore, the hydraulic chain saw attached to this piece of equipment is much quieter than the traditional gas powered chain saws used in cutting firewood. The sound generated by this piece of equipment was comparable to the noise generated by log splitters that are already used in Mr. Shaffer's firewood operation. Therefore, in accordance with Restriction No. 6 of my Order, it shall be appropriate and permission is hereby given to your client to purchase and add to his firewood operation one (1) Pro-M with top roll feeder and a Pro-HD (hydraulic saw and 8-way log splitter) as indicated in the materials submitted.

This new piece of equipment must be used in the area previously set aside by the Petitioner for the cutting and splitting of firewood. (See paragraph 3 of the Shaffer/Spector Agreement dated the 17th day of December, 1999.) The Petitioner shall be permitted to continue to use the one (1) chain saw in his firewood operation as is necessary. However, the primary cutting and splitting of firewood shall be accomplished by this new piece of equipment.

Come visit the County's Website at www.co.ba.md.us

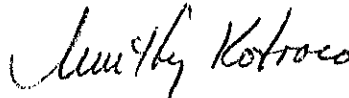


Re: Case No. 00-191-X
Michael P. Tanczyn, Esq.
February 17, 2000
Page --Two--

This letter, as well as a copy of your letter, has been forwarded to Paul Mark Sandler, attorney at law, who represented Philip and Eileen Spector at the hearing before me. In addition, Mary Gaines, who appeared on behalf of the Piney Run Preservation Association and Jack Dillon, Executive Director of the Valleys Planning Council have also been copied with this letter, to make these parties aware of this ruling. Should any party have any questions concerning this matter, please feel free to contact me at 410-887-3868. The brochure and videotape of this piece of equipment shall be retained in my office for 30 days for anyone's review and inspection. After 30 days, the file will be sent to the Department of Permits and Development Management for storage.

In the future, should your client wish to add a new piece of equipment to his firewood operation, please mail a copy of your letter requesting such equipment to the parties listed in the above paragraph, so that they may be aware of his request.

Very truly yours,



Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

Copies to:

Mr. & Mrs. Gary W. Shaffer
3334 Butler Road
Butler, Maryland 21023

Mr. Jack Dillon, Executive Director
Valleys Planning Council
207 Courtland Avenue
Towson, Maryland 21204

Mr. Herbert Malmud
Herbert Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208

Ms. Mary Gaines
Piney Run Preservation Association
3423 Black Rock Road
Reisterstown, Maryland 21136

Paul Sandler, Esquire
201 E. Baltimore Street, Suite 1500
Baltimore, Maryland 21202

Mr. & Mrs. Philip Spector
20 Shaded Glen Court
Owings Mills, Maryland 21117

Office DEPOT

COPY and PRINT CENTER

Fax Transmission

County Commissioner
TO Mr. Timothy Kotroco

FROM

FAX NUMBER *410 887-3468*

SENDER'S PHONE

DATE *12/28/99*

TOTAL NUMBER OF PAGES: *2*
(Including Cover Sheet)

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December 28, 1999

Dear Mr. Kotroco,

This fax is regarding the Special Exception request by Mr. & Mrs. Gary Shaffer on Butler Road in Baltimore County. When I called your office just recently I was told no decision would be made for a few weeks. Mr. Shaffer and his wife, however, have been bragging to their friends that the exception "is in the bag" just as they said it would be. I know that I speak, albeit anonymously, for 3 close neighbors who have tolerated the noise and arrogance of this family long enough. Please, Mr. Kotroco, if your decision has not been made, please consider limiting this profitable business to only weekdays so that at least on weekends we can have some peace in what has always been the quiet area we planned to spend our "twilight years". He rarely does business on Sundays anyway, but to eliminate Saturdays and Sundays would be a blessing to us all. Surely this would be a fair compromise for everyone. Thank you for your time.

December 14, 1999

Dear Mr. Kotroco,

I am writing to you in reference to a "Special Exception" case that you will be reviewing on Friday, December 17, 1999. The property at 3334 Butler Road in Baltimore County is owned by Mr. Gary Shaffer. Unfortunately I must write to you *anonymously* to avoid retribution, but I know I speak for many neighbors. Mr. Shaffer has a reputation for a very bad temper, often intimidating any who disagree with him, making it difficult to formally oppose his special exception request.

My wife and I had enjoyed over 30 years of quiet residence until the wood cutting operation that he runs became progressively larger over the past 4 to 5 years. Large trucks are now seen going in delivering cut trees. At any given time, often early morning and evening hours (weekends *and* weekdays) the loud noise of sawing can be heard even at a great distance. Sound seems to carry *more over the surrounding open rolling acres*. Again, at odd hours, trucks transport the cut (or processed) wood off his property. As property owners who hear the offensive sawing noise, we wonder just how an obviously full-time business such as this is allowed.

This is a peaceful residential/farm area of property owners paying high taxes. It is one thing for *neighbors* to be frightened to stand up to Mr. Shaffer--surely Baltimore County will enforce the established code standards for the good of the entire community rather than please one greedy property owner who believes he can always make his own rules.

Thank you for considering our request to not grant Mr. Shaffer any "special exceptions".



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204
 pdmlandacq@co.ba.md.us

January 7, 2000

Michael P. Tanczyn, Esquire
 Suite 106
 606 Baltimore Avenue
 Towson, MD 21204

*Case # 1-10-00
 00-191-X
 Secty (Kathleen)
 m.s placed my 4/17/99
 comments, I called
 & faxed Tim K. + m
 T, esq. coin file*

Dear Mr. Tanczyn:

RE: Drop-Off Petition Review, Case Number 00-191-X, 3334 Butler Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Darken property lines on the 1" = 400' scale vicinity map.

Add uses of surrounding properties.

Add distance of site to closest intersecting street (Dover Road).

Any proposed sign?

Any proposed parking spaces?

Add approximate distances of property lines to any dwellings on adjoining lots.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan, Jr.
 Planner II
 Zoning Review

SOP

DRO off Petition Review ^{11/17}

#00-191-X (SP-EX)
3334 Butler Rd.

My Comments:

- 1.) Darken property lines on the 1" = 400' scale vicinity map.
- 2.) Submit a 1" = 200' scale zoning map with the site highlighted.
- 3.) Add uses of surrounding properties
- 4.) Add distance of site to closest intersecting street (Dove Rd.)
- 5.) Any proposed sign?
- 6.) Any proposed parking spaces?
- 7.) Add approximate distances of property lines to ~~any~~ ^{any dwelling} on adjoining lots.

Thanks! - JPL

~~11/17~~

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

November 1, 1999

Hand Delivered

Office of Zoning
Attn: Ms. Sophie Jennings
Room 109, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

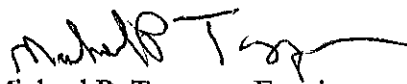
Re: Petition for Special Exception, 3334 Butler Road, 5th Election District

Dear Sophie:

Enclosed herewith please find our Petition for Special Exception with three descriptions and ten plats for the above referenced matter. Please note that Code Enforcement Case No. 99-3937 is pending for this matter.

If you have any questions concerning this, please do not hesitate to call me.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr
Enclosure

cc: Mr. & Mrs. Gary Shaffer

00-191-X

LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue

Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824

Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

November 8, 1999

Hand Delivered

Department of Permits and Development Management


Attn: Mr. Carl Richards

Re: 3334 Butler Road, Case No. 00-191

Dear Carl:

Enclosed herewith please find three revised zoning descriptions for the Special Exception case of Gary and Mary Beth Shaffer at the above address.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/gr

Enclosure

cc: Mr. & Mrs. Gary Shaffer

LAW OFFICES

MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue

Towson, Maryland 21204

(410) 296-8823 • (410) 296-8824

Fax: (410) 296-8827 • Computer Fax: (410) 296-2848

January 27, 2000

JAN 27

The Honorable Timothy M. Kotroco
Deputy Zoning Commissioner for Baltimore County
Room 405, 401 Bosley Avenue
Towson, MD 21204

Re: Mr. & Mrs. Gary Shaffer, 3334 Butler Road, Case No. 00-191-X

Dear Mr. Kotroco:

In an effort to facilitate my clients' desire to make the firewood operation you approved in the above case even quieter than it is at present, they are considering purchasing a hydraulic wood processing unit manufactured by Timberwolf Manufacturing Corporation of Rutland, Vermont. The noise reduction would be realized in the reduction of use of a chain saw by the substitution of a hydraulically operated saw and splitter combined in one unit as depicted in the print materials as a Pro-M with a top roll feeder, not pictured therein, as well as described in the video produced by the manufacturer, both of which I enclose for your review. I am told that this piece of equipment in operation is displayed approximately in the middle of the videotape.

The top roll addition will allow the logs to be fed into this processor by a conveyor which is called a top roll. The logs are then moved forward on the conveyor until they are cut by the hydraulic saw depicted in the eight way wedge Pro HD in the print literature immediately above the processor which my client has circled. After the saw cuts the log, the log is then hydraulically split also as depicted in those pictures and in the video. The only use of a chain saw by my client, if you were to approve this wood processing equipment as additional authorized equipment under your Order, would be for logs which exceed twenty-four inches (24") in diameter or those with knots which cannot be cut or processed by the wood processor. My client would also request the right to use a chain saw additionally, in situations where the wood processor was out of order due to a malfunction of the wood processing equipment.

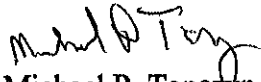
The advantages my client anticipates obtaining from the utilization of this additional equipment are that it will make substantially less noise since the manufacturer's representative has told him the noise is the same as a John Deere farm tractor. This particular machine which my client is considering would be powered by a John Deere diesel unit which is underlined in the print materials. It would also combine two processes in the cutting of the logs and the splitting of the wood to more efficiently process the wood by combining operations. My client would like you to know that the saw

displayed in the print materials is hydraulically operated and part of the machine and is not a chain saw, although it may appear to be so. The manufacturer's phone number is located on the front of the print brochure and the sales manager, whose first name is Al, would be happy to discuss the operating features of this equipment if you felt it necessary to call and discuss it with him.

My client will not order this equipment until you have rendered a decision as to whether this qualifies under paragraph six of your Order as new or additional equipment which you approve for his firewood operation at this property.

If you have any questions for me, please do not hesitate to call me. We look forward to hearing from you after you have had a chance to review the print ad as well as the video. When you are finished with the videotape, my client would like to have it back unless you wish to keep it with the zoning file.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT/gr

Enclosures

cc: Mr. & Mrs. Gary Shaffer

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, Fax: 410 296-5409

16

December 14, 1999

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
401 Bosley Ave.
Towson, Maryland 21204

Re: Case No. 00-191-X, Gary W. Shaffer et ux, 3334 Butler Road

Dear Mr. Kotroco,

While the Valleys Planning Council neither supports nor opposes this special exception request we would however, offer the following comments.

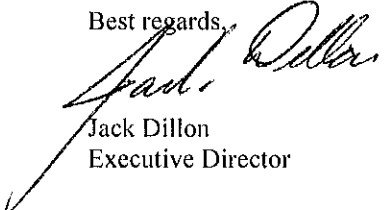
Several years ago a request for a sawmill / firewood, Christmas tree operation was reviewed and granted for a property in western Baltimore County. At first impression the use seemed to be rather innocuous. Unfortunately, over time it became a major community disaster because of a series of modifications to the use and a lack of appropriate restrictions. The case I am referring to is the James Jett property more widely known as the "stump dump".

I am sure that the petitioners in this case have no intention to create such a situation here. However, I believe that should the petitioner meet the requirements under Section 502.1 that certain restrictions should be considered;

- The proposed use is located on the banks of the Piney Run, a designated Rural Legacy project. Because Piney Run is a class III Trout stream highly susceptible to run-off pollutants, and is a primary water source to Loch Raven Reservoir stringent water quality standards must be applied.
- Limit the size of the operation, and specify its location on the property,
- Clearly specify the elements of the use,
- Limit the use so that no noise or odors may be heard or observed off site,
- Because of the use of heavy trucks to deliver logs to the site via a private road, the petitioner should be required to fully maintain that portion of the drive used for this operation,
- You may want the petitioner to secure an agreement with the other property owners who have use of the access road,
- A significant landscape buffer approved by the County Landscape Architect should be required around the entire operation.
- Any lighting connected to this operation should be of a low-level type, which does not cause a glare off site.

Thank you for the opportunity to comment on this issue.

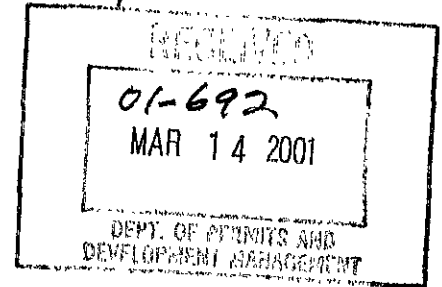
Best regards,


Jack Dillon
Executive Director



County Board of Appeals of Baltimore County

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



March 13, 2001

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of Summit Country Club -Legal Owners;
Bais Hamedrash and Masivta of Baltimore, Inc. -CP*
Case No. 01-191-SPH

Dear Mr. Zimmerman:

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 of Procedure*, 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,

Charlotta E. Redcliffe for
Kathleen C. Bianco
Administrator

Enclosure

c: Robert A. Hoffman, Esquire
Bais Hamedrash and Mesivta of Baltimore, Inc.
Summit Country Club /Bernard Smith, President
Mr. & Mrs. Ernest Feibelman
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

RE: PETITION FOR SPECIAL HEARING
6823 Old Pimlico Road (**Summit Country Club**),
SE/S Old Pimlico Rd, cor S/S Falls Gable Rd
3rd Election District, 2nd Councilmanic

Legal Owner: **Summit Country Club**
Contract Purchasers: **Bais Hamedrash and
Mesivta of Balto., Inc.**
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-191-SPH

* * * * *

ORDER

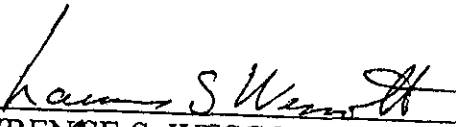
Upon consideration of the appeal by PEOPLE'S COUNSEL, after a public hearing before this Board, and for reasons stated in public deliberation, it is, this 3TH day of MARCH, 2001, by the County Board of Appeals of Baltimore County (CBA)

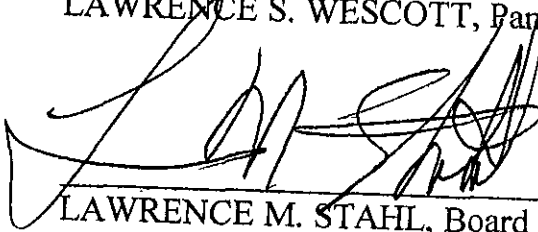
ORDERED that the decision of the CBA on the Petition for Special Hearing is as follows:

1. That the proposed conversion of a part of the existing country club building (bathhouse) for a dormitory is permitted as part of a school use;
2. That any new buildings constructed for use as dormitory or faculty housing would require a Special Hearing to amend the site plan approved in Case No. 01-191-SPH.
3. That any additions to existing buildings for use as dormitory or faculty housing that would increase the square footage of any buildings by more than 50% would require a Special Hearing to amend the site plan approved in Case No. 01-191-SPH.
4. That any new buildings and additions are, in any event, subject to compliance with all applicable zoning and development laws.

5. Prior to the commencement of any new building construction, the property owners shall provide at least thirty (30) days written notice of such plans to the president of the Smith Avenue/Greenspring Community Association and to Mr. and Mrs. Ernest Feibelman.

Any Petition for Judicial Review must be filed within thirty (30) days of the date of this Order.


LAWRENCE S. WESCOTT, Panel Chairman


LAWRENCE M. STAHL, Board Member


C. LYNN BARRANGER, Board Member

JAN 13

January 12, 2000

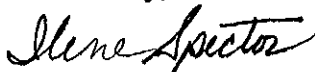
Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Suite 405, County Courts Bldg.
401 Bosley Ave.
Towson, Md. 21204

RE: Petition for Special Exception
Case # 00-191-X
Property: 3334 Butler Road

Dear Mr. Kotroco,

We are writing in regard to the decision rendered in the above case. Page # 7, paragraph "a" states that no more than 2 gas powered chain saws may be used. Our agreement, and legal contract, with The Shaffers stated the use of only one power saw at a time. The noise from one saw will surely be bad enough. Please consider this change in your Special Exception decision.

Yours truly,



Mr. & Mrs. Philip Spector
20 Shaded Glen Court
Owings Mills, Md. 21117

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Paul Sandlen, Esq.

201 East Balto. St.

Balto. Md. 21202

Suite 1500

Philip & ILENE SPECTOR

20 SHADED GLEN CT
OWINGS MILLS MD 21117

JACK DILLON VPO

207 Coville Ave 21204

Dec 17, 1999

3334 Butler Rd

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

00-191X

NAME

ADDRESS

GARY W SWOFFER

3068 SYKEVILLE
SYKEVILLE, MD 21784

HERBERT MALMUD

H. MALMUD & ASSO. INC

100 CHURCH LANE

PIKEVILLE, MD 21208

Michael TANCZYK

STE 106 606 Baltimore Ave
Towson MD. 21204

MARY GARCIA

3423 BLACK ROCK Rd
21136



Pet Ex 12

AGREEMENT

THIS AGREEMENT, made this 17 day of December, 1999 by and between Mr. and Mrs. Gary W. Shaffer ("the Shaffers") and Mr. and Mrs. Philip Spector ("the Sectors").

WHEREAS, the Shaffers are owners of property known as 3334 Butler Road situate in Baltimore County, Maryland and are desirous of performing certain wood cutting operations on the property involving the use of a chainsaw and

WHEREAS, the Sectors are owners of the property known as 4501 Dover Rd. situate in Baltimore County, Maryland and

WHEREAS, certain disputes have arisen between the parties hereto concerning the noise generated by the wood cutting operations by the Shaffers and

WHEREAS, the Shaffers have filed a Petition for Special Exception to permit chain sawing on the premises,

NOW THEREFORE, in consideration of the Agreement of the Sectors to forebear from opposing the Petition for Special Exception and the sum of \$1.00 and mutual promises and undertakings of the parties hereto, it is agreed by the parties as follows:

1. The Shaffers shall provide a double evergreen screen between the existing trees at 3334 Butler Road as shown on the plat accompanying this Agreement and identified as Exhibit A, prepared by Herbert Malmud & Associates, Inc. and dated October 29, 1999.
2. The Shaffers may only use a chainsaw in their firewood operation from Monday through Friday between the hours of 10:00 a.m. and 4:00 p.m. and on Saturday

from 9:00 a.m. to 5:00 p.m. No chain sawing shall be permitted on Sundays or legal holidays. The Shaffers shall be permitted to haul wood to and from the site and move logs and wood at any time.

3. All chain sawing shall occur inside log piles which are to be generally shaped in an elongated U shape with a log pile situated between the chainsaw operations and the Sectors property at all times during which the chainsaw is being used. The log pile shall be high enough to function as a sound barrier.

4. In the event that the above noise abatement measures are unsatisfactory to the Sectors and the parties are unable to reach an acceptable compromise, then the Sectors may, at their sole expense, hire a sound engineer who will be permitted to enter onto the Shaffers property, at a mutually agreeable time, to take measurements and examine the situation created by chain sawing. The sound engineer shall report to the Sectors his or her suggestions for increasing the effectiveness of the elongated U shaped barrier. The Sectors may, at their sole expense, elect to require the Shaffers to permit construction, or comply with the other recommendations of the sound engineer, so long as such construction and/or recommendations do not require the movement of the firewood operation from its proposed location on the Shaffer property. The Shaffers retain the right to approve the architecture and construction standards of any constructions or recommendations of the sound engineer to insure that such recommendations are in keeping with the style and construction quality of the Shaffers' principle residence. The Shaffers' approval shall not be unreasonably withheld.

5. The mutual agreements and undertakings of the parties shall become effective when a residential home is constructed and occupied on the Sectors' property at 4501 Daven Rd

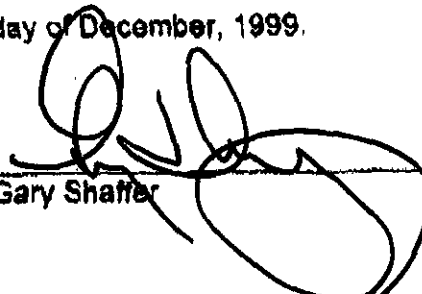
6. The parties further agree that the terms of this Agreement shall be presented to the Baltimore County Zoning Commissioner at the zoning hearing to be held on December 17, 1999 and that the Shaffers shall request that the Zoning Commissioner incorporate the terms of this Agreement in any order approving the Special Exception Petition filed by the Shaffers.

7. This Agreement contains the entire agreement between the parties and is the complete written integration of their understanding and agreement. No other inducements, representations, understandings or agreements have been made or relied upon in the making of this Agreement. The parties have no right to rely on any prior or contemporaneous representations made by anyone concerning this Agreement and have not so relied.


8. The parties have each been represented by independent counsel of their choice, have read the foregoing agreement and fully understand it.

9. This Agreement may only be modified by written agreement of all the parties.

WHEREFORE, the parties hereto have affixed their hands and seals this 17th day of December, 1999.



Gary Shaffer (SEAL)



Philip Spector (SEAL)

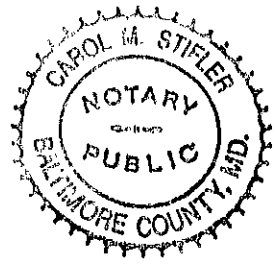
Mary Beth Shaffer
Mary Beth Shaffer (SEAL)

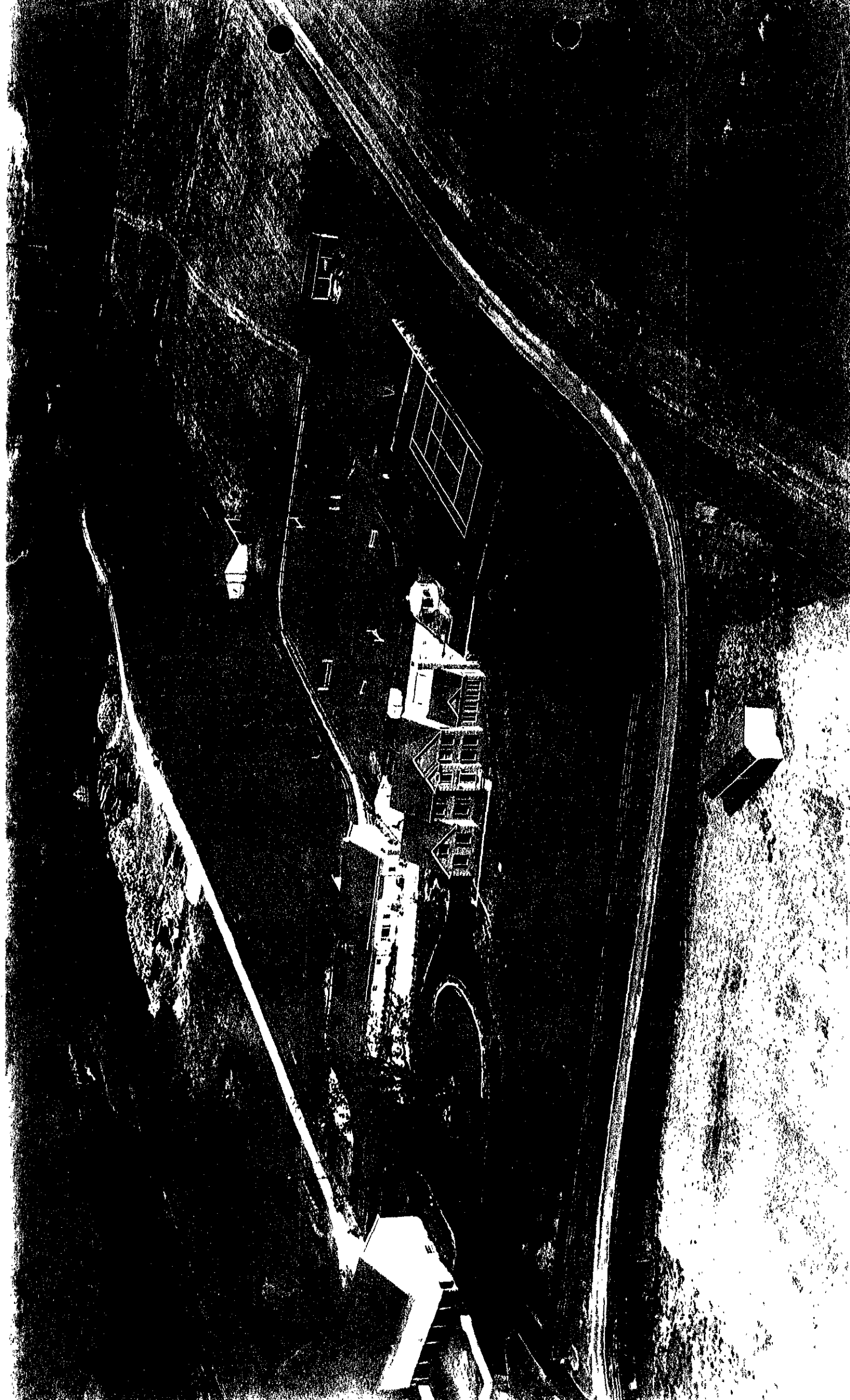
Irene Spector
Irene Spector (SEAL)

C:\My Documents\NISOELLA\pa-agreement.doc

Carol M. Stifler

Carol M. Stifler
My Commission Expires
1/01/03





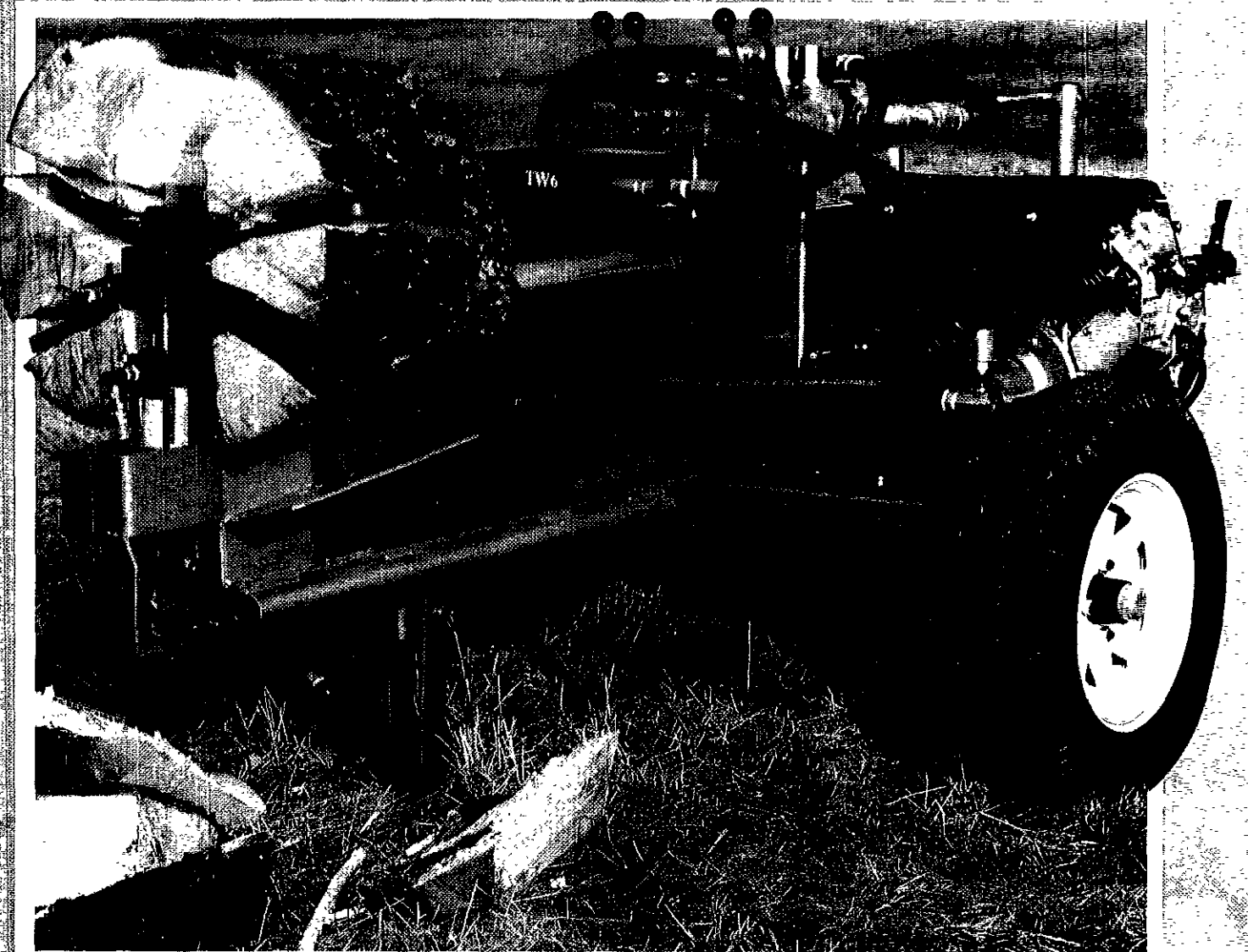


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802-775-4227

FAX 802-773-1275
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WOOD PROCESSING EQUIPMENT

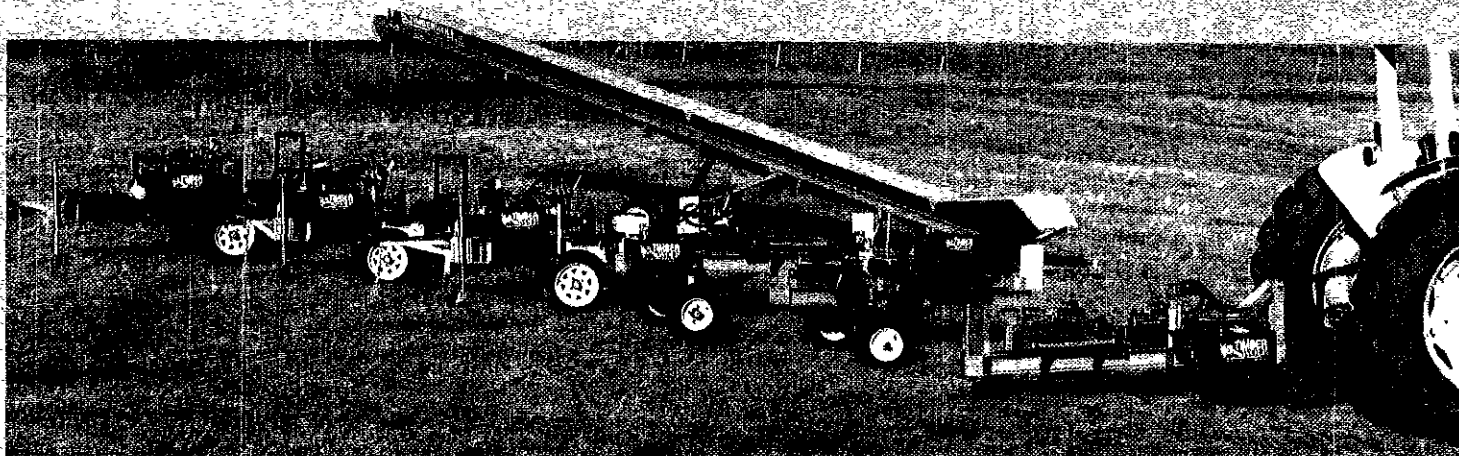
TIMBERWOLF MANUFACTURING CORP. PRODUCT SPECIFICATIONS

SPLITTER MODEL	WEIGHT	SPLITTING TONS	ENGINE H.P.	PUMP GPM	HYDRAULIC TANK CAPACITY - GALLONS	MAX LOG LENGTH	CYLINDER SIZE	CYCLE TIME	FRAME	HITCH	4 WAY WEDGE	6 WAY WEDGE	LOG LIFT	LOG CRADLES	AUTO CYCLE	WEDGE LIFT	FENDERS	AVAILABLE IN 36" & 48" LENGTHS	3 POINT HITCH MACHINE	PTO DRIVEN	DRIVEN FROM TRACTOR HYDROLIOS
TW-P1 BRIGGS	375	20	5	11	4.5	26	24X4X1 1/4	13	5"	2"	OPT	N/A	N/A	STD	N/A	N/A	N/A				
TW-P1 HONDA	375	20	5.5	11	4.5	26	24X4X1 1/4	13	5"	2"	OPT	N/A	N/A	STD	N/A	N/A	N/A				
TW-2	525	20	9	16	7.5	26	24X4X2	11	5"	2"	OPT	N/A	N/A	STD	N/A	N/A	N/A				
TW-2 HD	650	20	9	16	15	26	24X4X2	11	6.5"	2"	OPT	OPT	OPT	STD	OPT	OPT	OPT	L			
TW-P3	260	20	N/A	N/A	N/A	26	24X4X1 1/4	*	5"	N/A	OPT	N/A	N/A	OPT	N/A	N/A	N/A		O		H
TW-3	300	20	N/A	20	7.5	26	24X4X2	6	5"	N/A	OPT	N/A	N/A	STD	OPT	N/A	N/A		O		P
TW-3 HD	525	25	N/A	20	15	26	24X5X2	10	6.5"	N/A	STD	OPT	OPT	STD	OPT	OPT	N/A	L	O		H
TW-4	275	*	N/A	N/A	N/A	26	24X4X2	*	5"	N/A	OPT	N/A	N/A	STD	OPT	N/A	N/A		O		H
TW-4 HD	500	*	N/A	N/A	N/A	26	24X5X2	*	6.5"	N/A	STD	OPT	OPT	STD	OPT	OPT	N/A	L	O		H
TW-5	850	25	11	22	15	26	24X5X2	10	6.5"	2"	STD	OPT	OPT	STD	STD	STD	OPT	L	L		
TW-5 FC	850	20	11	22	15	26	24X4X2	6	6.5"	2"	STD	N/A	OPT	STD	STD	STD	OPT	L	L		
TW-6	1270	28	18	22	20	26	24X5X3.5	8	6.5"	2"	STD	OPT	OPT	STD	STD	STD	OPT	L	L		

FC=FAST CYCLE *Depends on tractor hydraulics

CONVEYOR MODEL	BELT WIDTH	MAX. HEIGHT	RETRACT. HEIGHT	5.5 HP HONDA GR BELT DRIVE	9 HP HONDA HYDRAULIC	POWER BY PROCESSOR HYDRAULICS	LOW CLOG WING PULLEY DRIVE DRUM	RUFF TOP BELTING	CHEVRON "V" BELTING	CHAIN DRIVE WITH CLEATS	BELT SPEED	COUPLER	CHIP SEPARATOR	LIGHT KIT
20 FOOT	18"	11'	84"	STD	OPT	OPT	OPT	STD	OPT	N/A	2.2FT/SEC	2'	OPT	OPT
24 FOOT	18"	12'-6"	85"	STD	OPT	OPT	OPT	STD	OPT	N/A	2.2FT/SEC	2'	OPT	OPT
26 FOOT	18"	14'	92"	STD	OPT	OPT	OPT	STD	OPT	N/A	2.2FT/SEC	2'	OPT	OPT
30 FJOT HD	24"	15' - 4"	98"	N/A	STD	OPT	N/A	N/A	N/A	STD	VARIABLE	2'	OPT	OPT

GR=GEAR REDUCED



W-43,500

R. C. 2

R. C. 2

PRIVATE

N-83,000

N-83,000

PINEY RUN

R. C. 2

R. C. 2

SITE

N-82,000

N-82,000

DOVER CHURCH

BUTLER

POOL

R. C. 2

N-81,000

N-81,000

3334 BUTLER ROAD

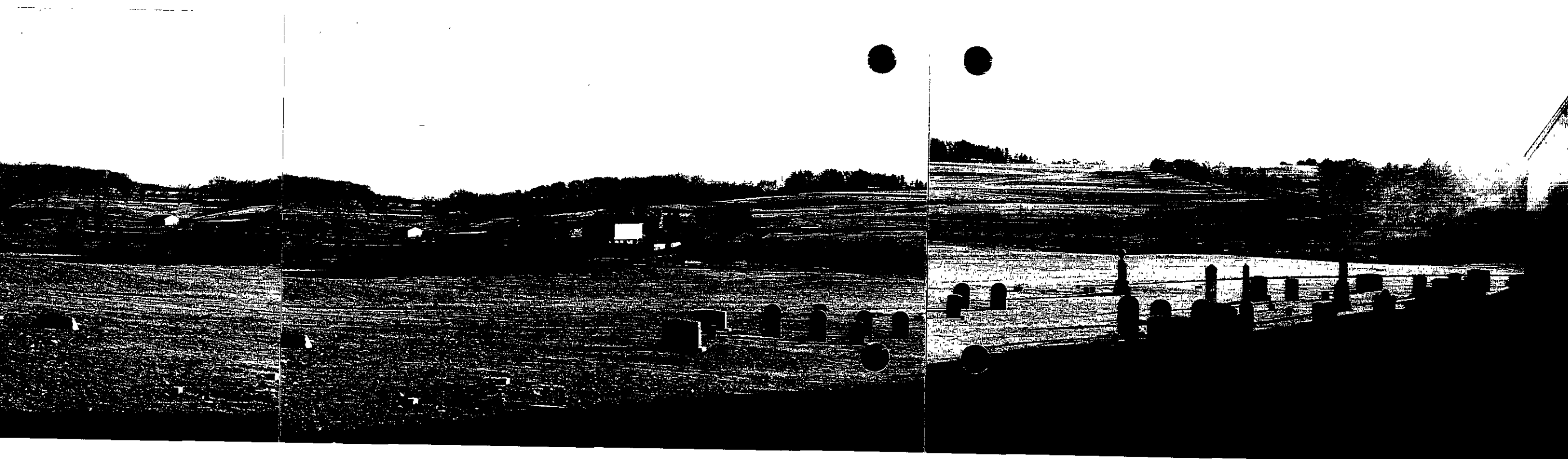
00-191-X

ZONING MAPS N.W. 21-H & N.W. 21-G

Scale: 1" = 200'

191

N-814,000 N-814,000

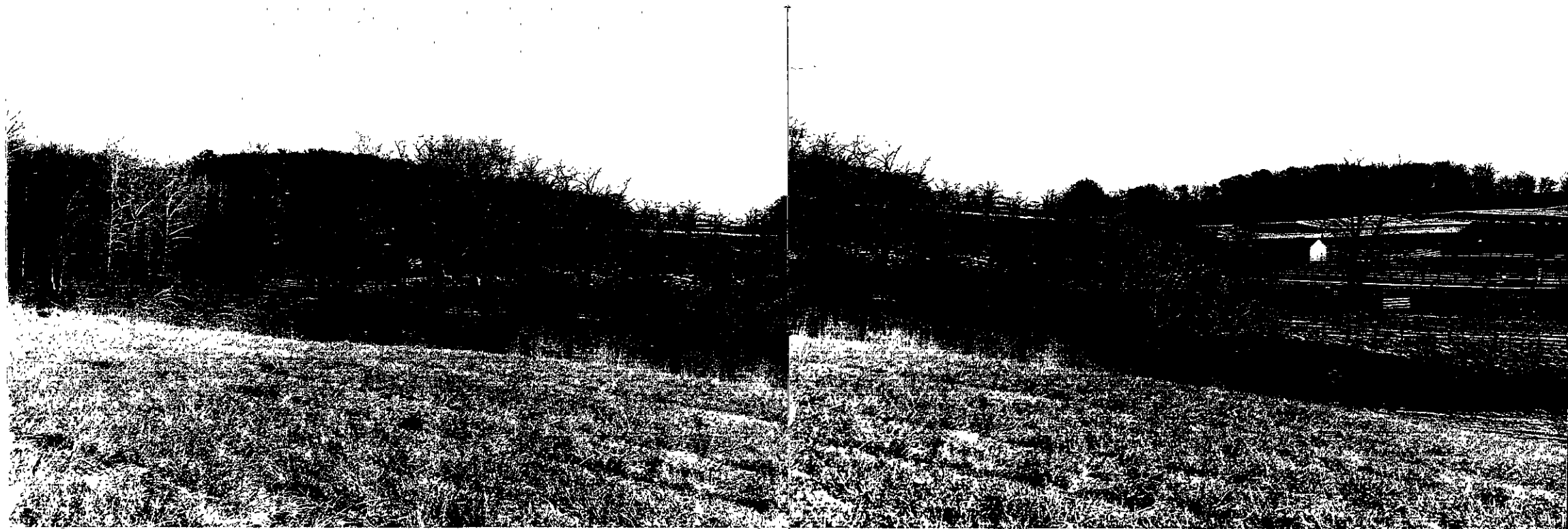


Part 4
Nov 17, 1999

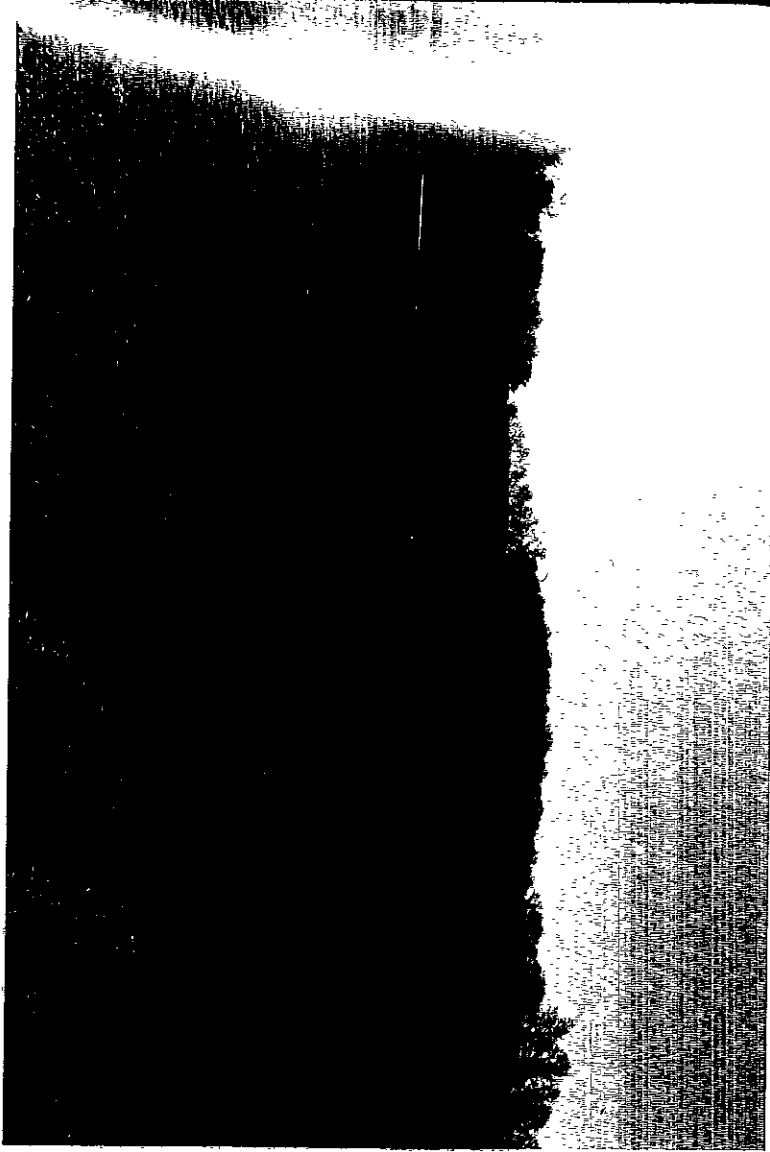


Pat & E
Nov 17, 1999

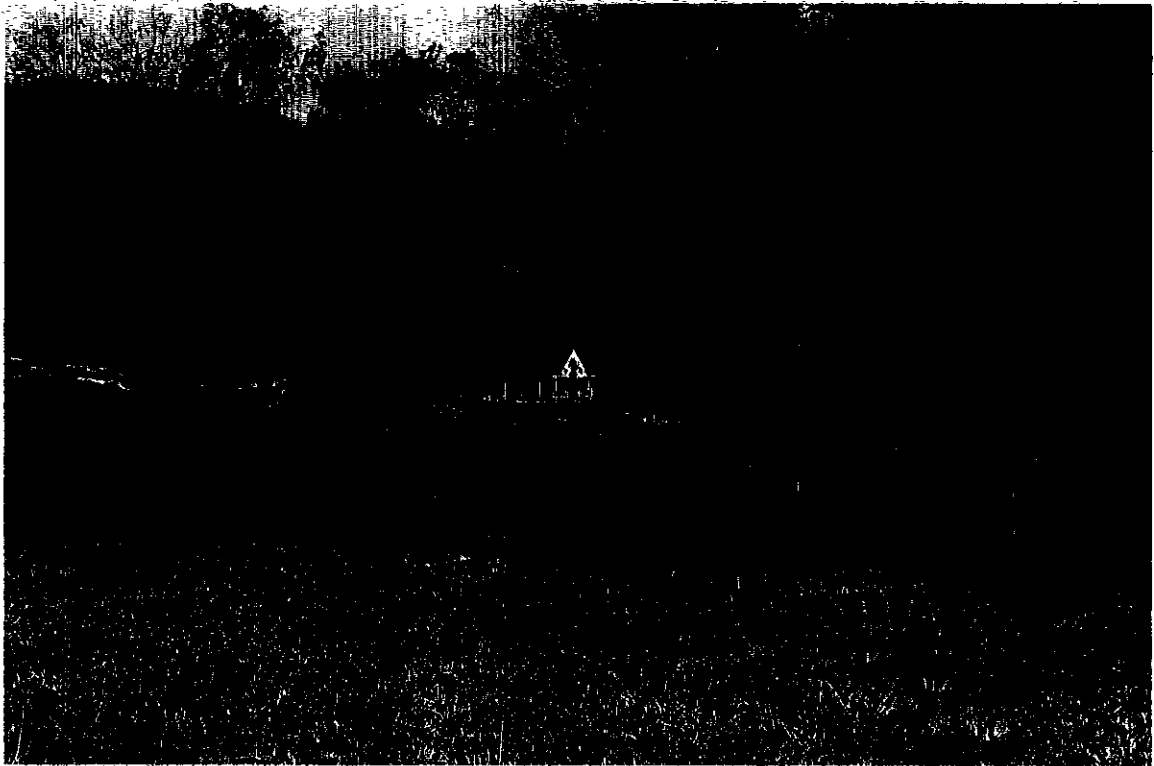


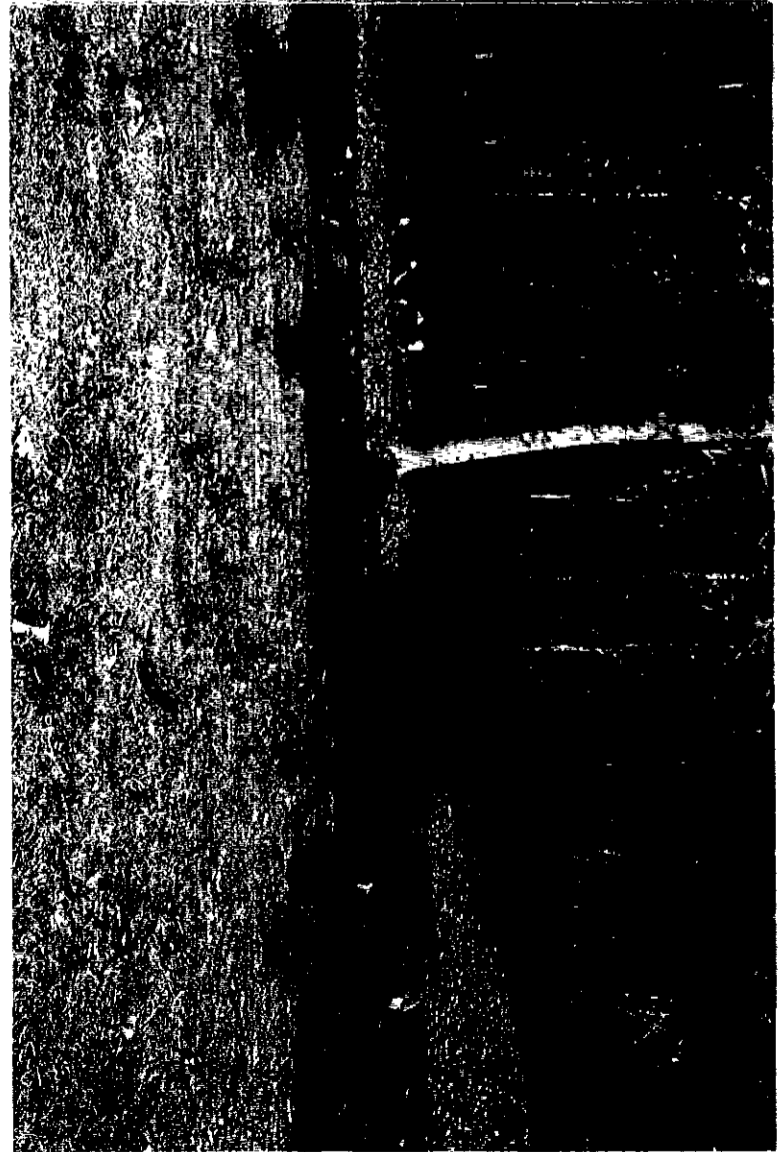
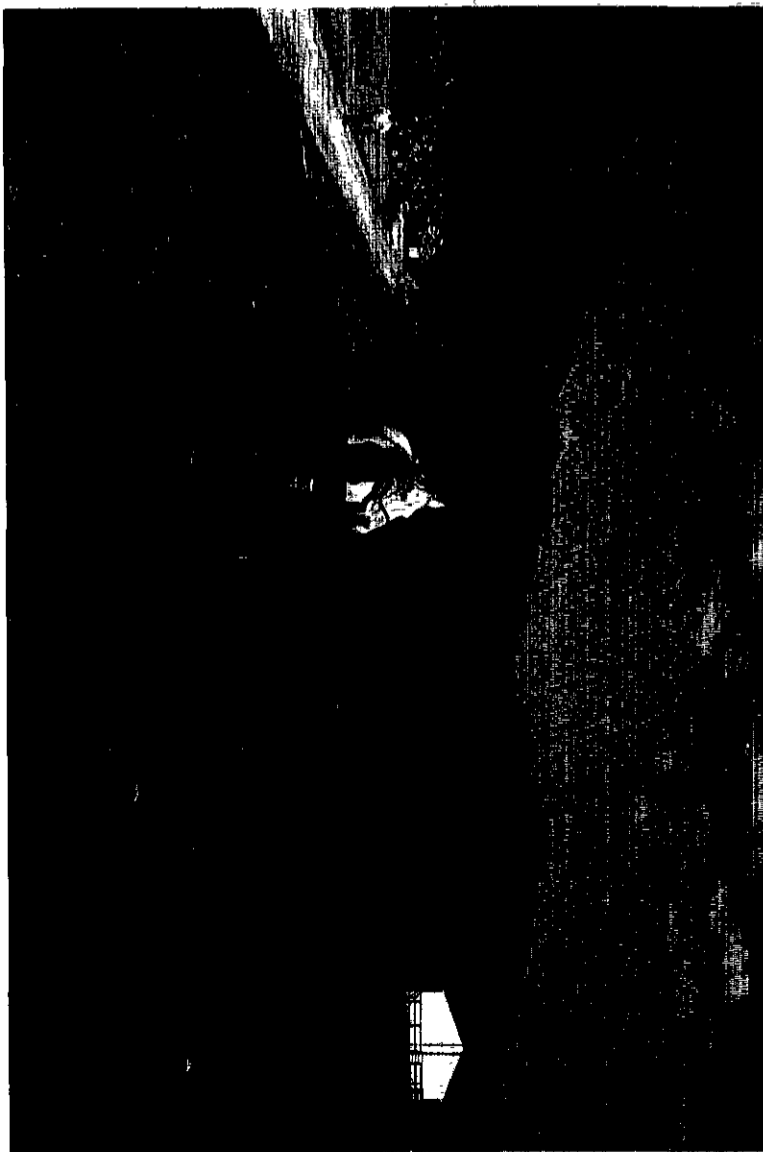
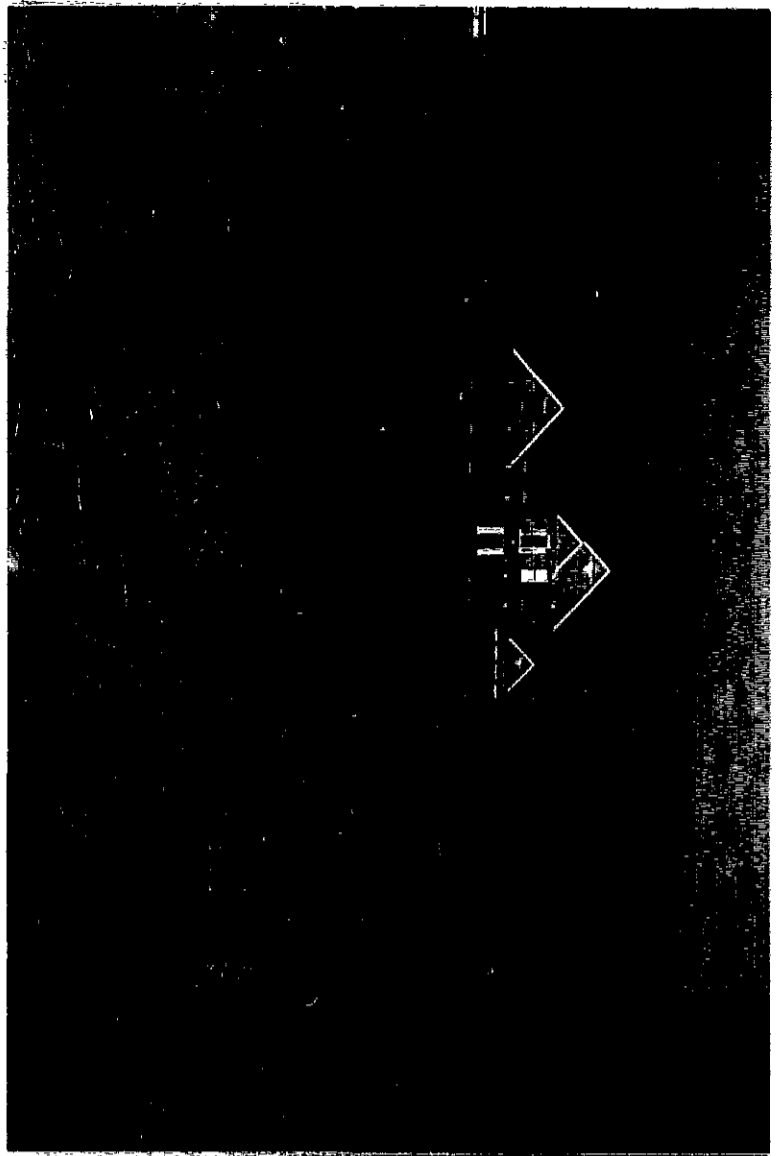
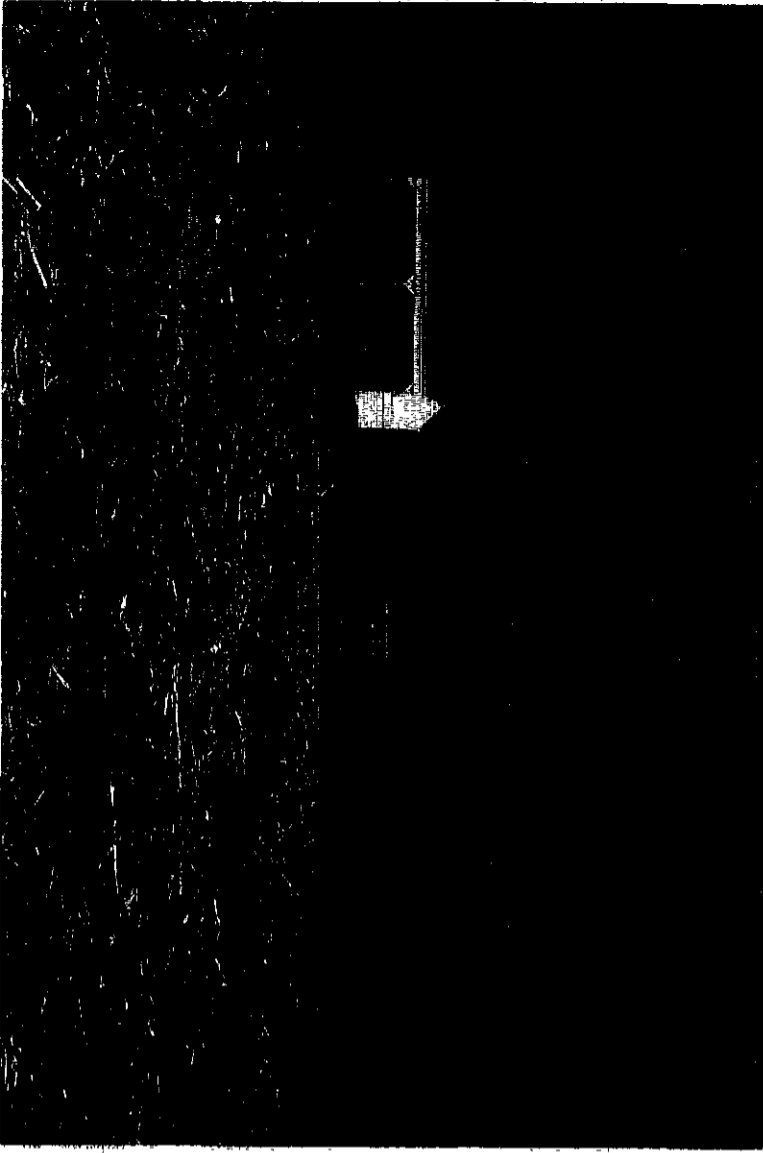






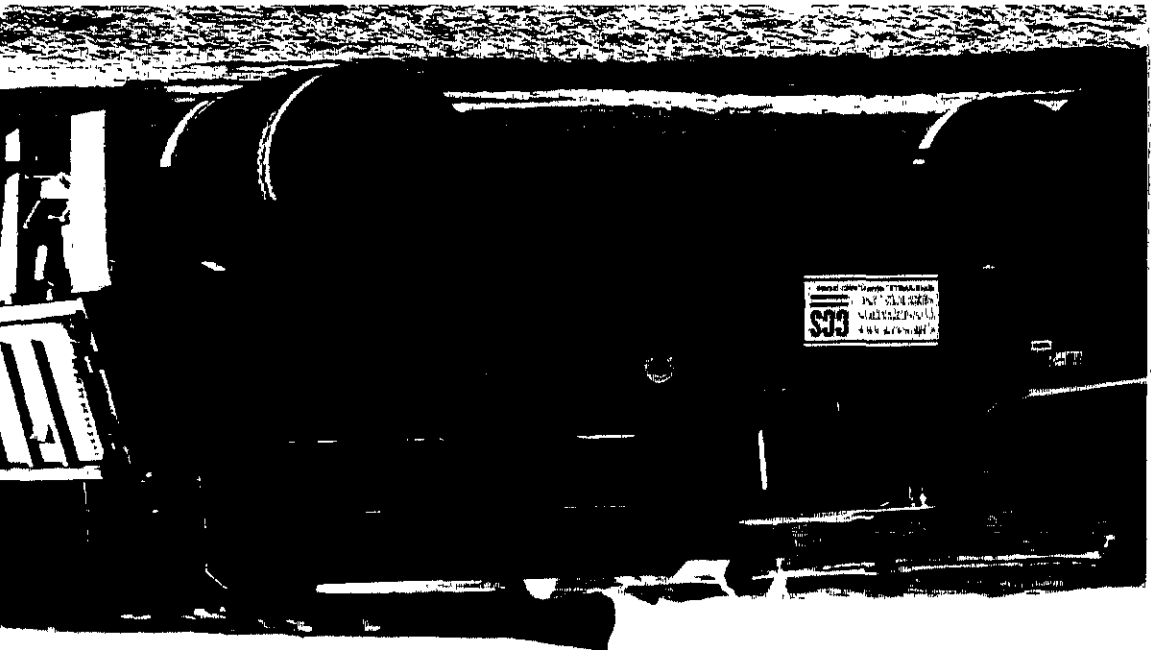
Pat Ex 5
Nov 17, 1999



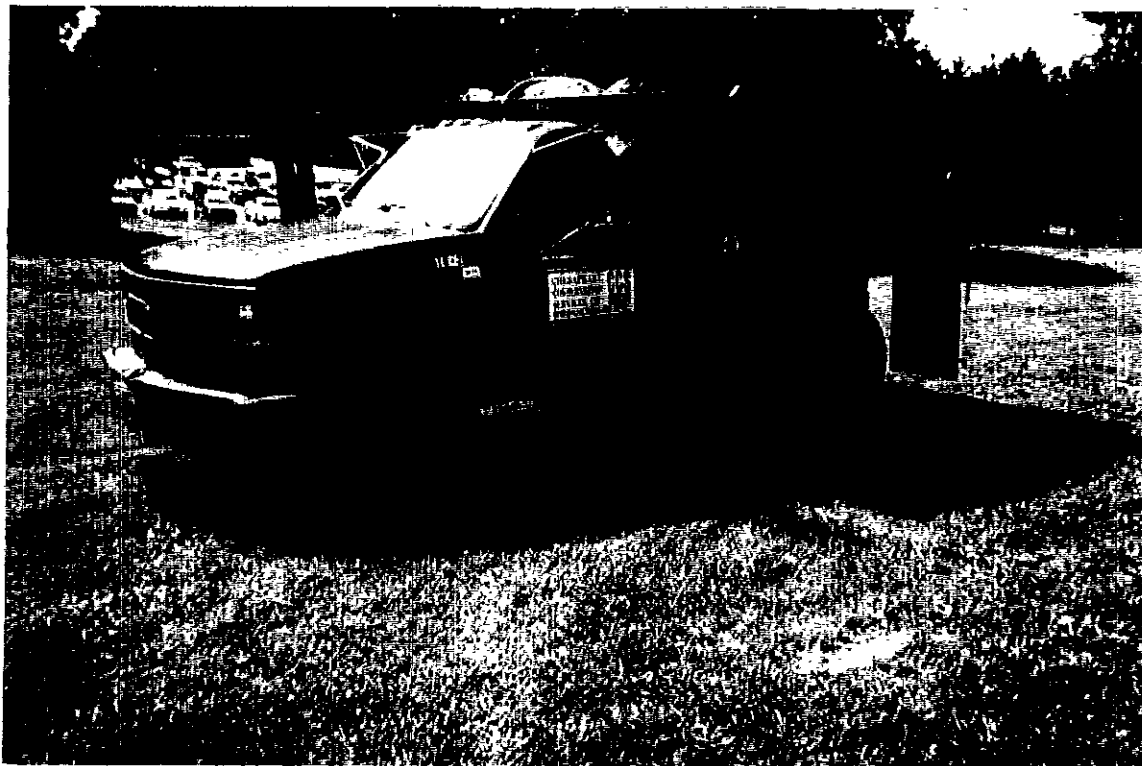


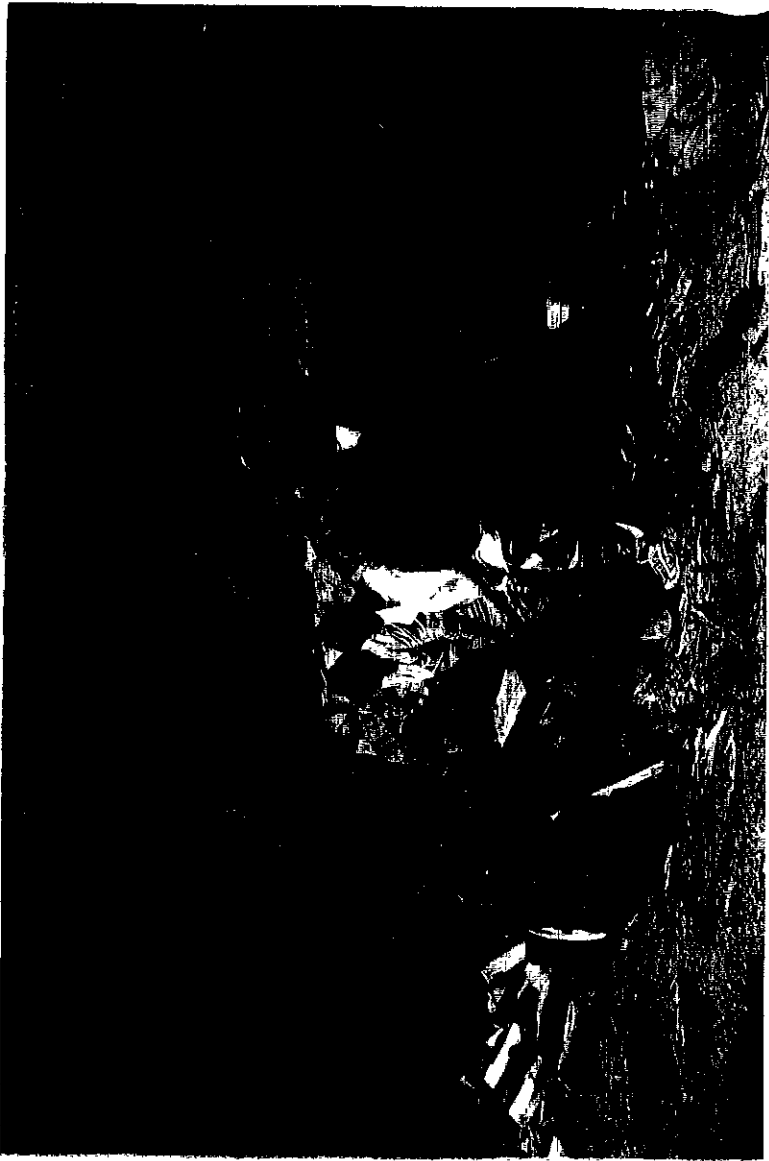
Pat Ex 9

Plat 24 10



Post Ev 112





Page 11

ZC Post
2A



COWS AND FIREWOOD



PANORAMIC VIEW OF FARM WITH FIREWOOD OPERATION IN CENTER



LOOKING AT BUTLER ROAD WHERE DOVER ROAD INTERSECTS ON RIGHT



CONCRETE MONUMENT AT PROPERTY LINE

**SITE PHOTOS
TO ACCOMPANY SPECIAL
EXCEPTION
REQUEST FOR
3334 BUTLER ROAD
5TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND
Date of Photos: September 22, 1999**

Prepared by:
H. Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410 653-9511



PLAYHOUSE

**SITE PHOTOS
TO ACCOMPANY SPECIAL
EXCEPTION
REQUEST FOR
3334 BUTLER ROAD
5TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND**
Date of Photos: September 22, 1999
Prepared by:
H. Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410 653-9511



AT FIREWOOD OPERATION LOOKING TOWARD THE CHURCH CEMETERY



FIREWOOD OPERATION AT GROUND LEVEL

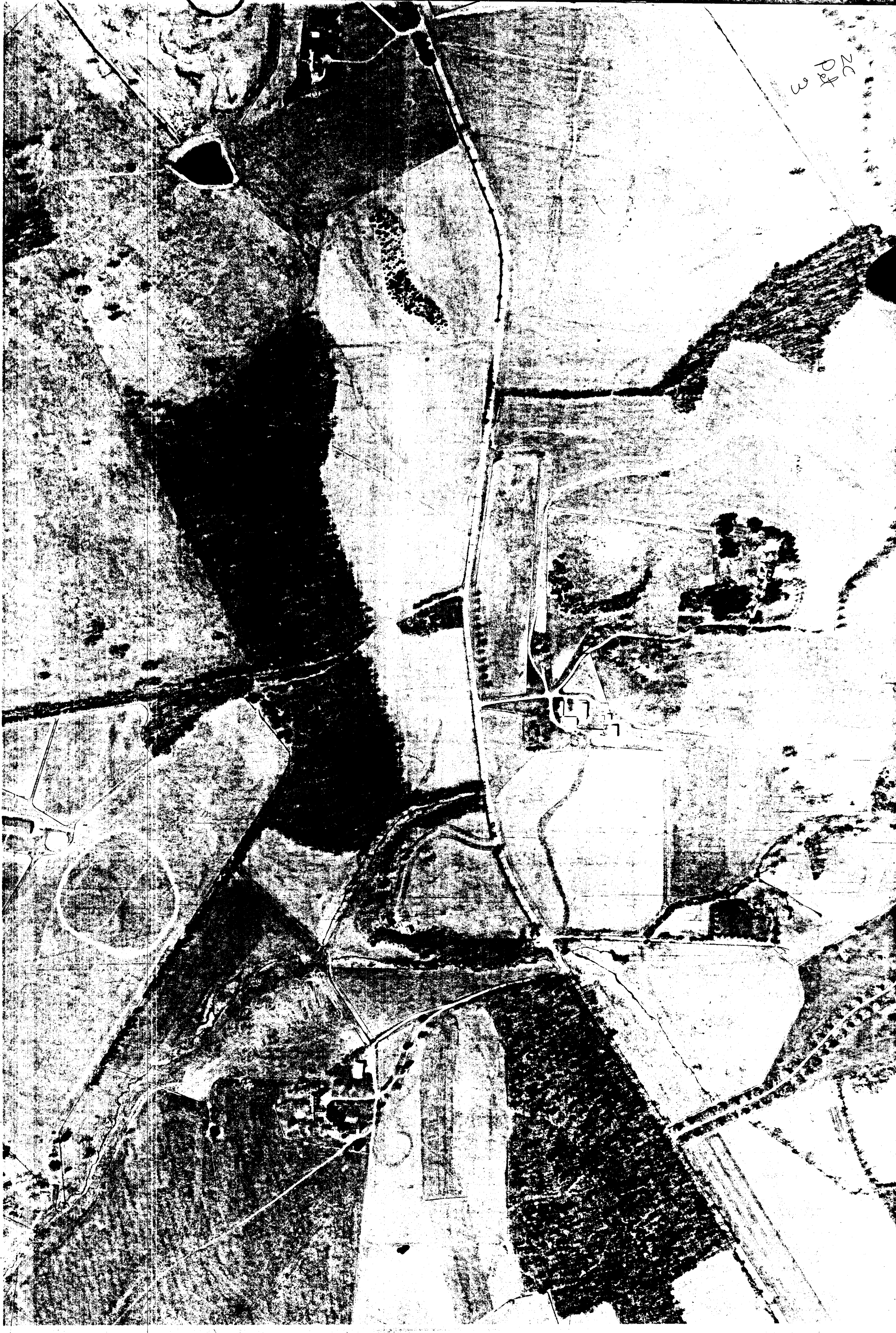
AT CHURCH CEMETERY LOOKING TOWARD THE FIREWOOD OPERATION

ZC
Pet
2B



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	DOVER CHURCH
SHEET	N 1



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	EAST OF DOVER
SHEET	N W 21-9

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

NOTES

1. OWNED PETITIONER:
GARY W. SHAFER & MARY BETH SHAFER
334 WILSON ROAD, BUTLER, MD 21023
BALTIMORE, MD 21208
DEED REFERENCE: LIBER 792A, FOLIO 558
TAX MAP 32, GRID 16, PARCEL 193
ACCOUNT No. 2000005311
2. EXISTING ZONING: R.C.1
3. PRIVATE WATER AND SEWER SERVES THIS SITE.
4. THE PURPOSE OF THIS ZONING REQUEST IS:
A SPECIAL EXCEPTION TO ALLOW A FIREWOOD OPERATION
PUSUANT TO ZONING REGULATIONS 1A01.2C394 - SAWMILLS
OR 1A01.2C395 - FIREWOOD OPERATIONS
CASE # 99-3937
5. AREA OF SUBJECT PROPERTY 30.6 ACRES +/-

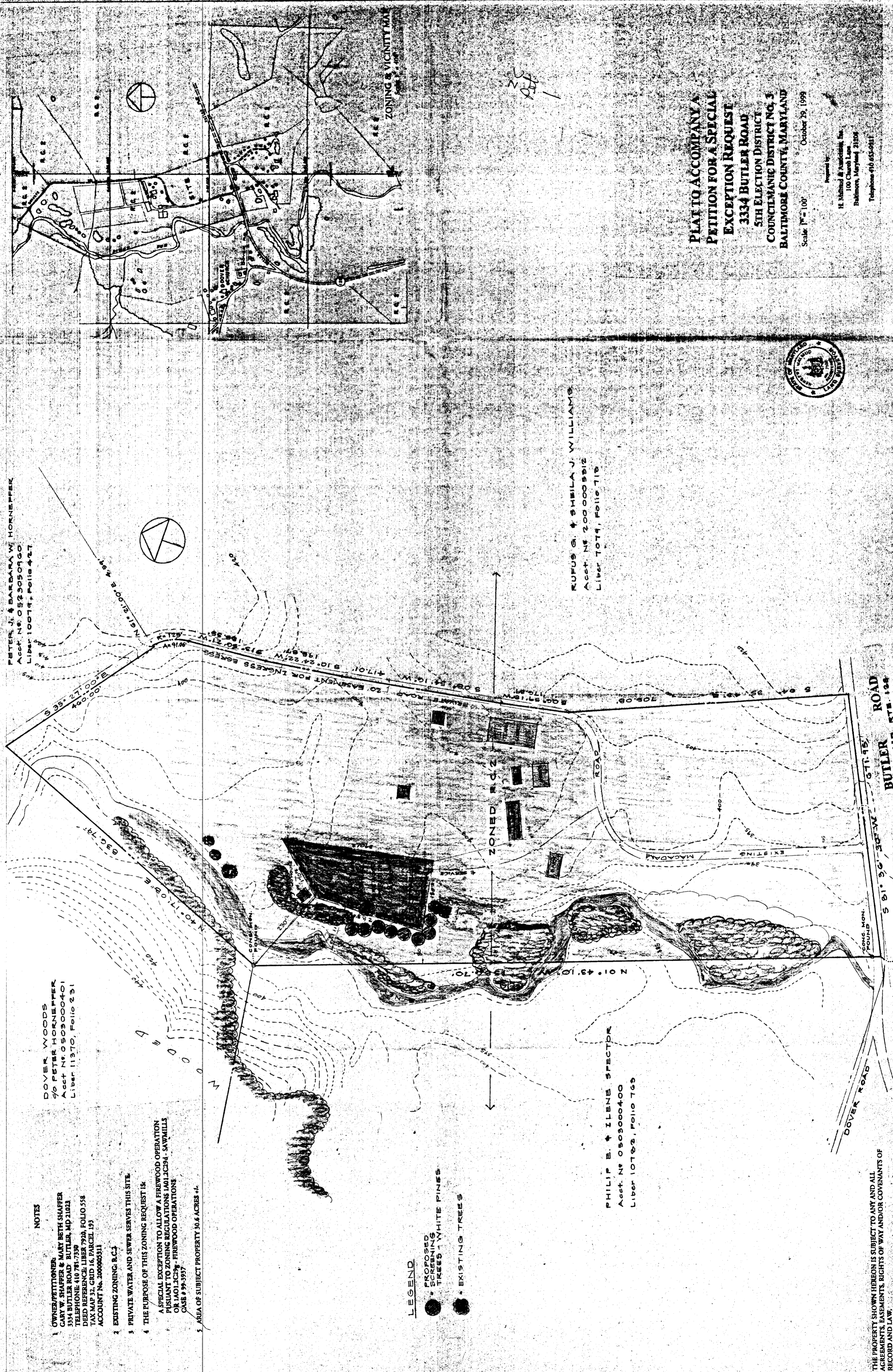
DOVER WOODS
1/6 PETER HORNEFFER
Acct. No. 0529050900
Liber 10079, Folio 427

PHILIP B. & ILENE SPECTOR
Acct. No. 0509000400
Liber 10782, Folio 769

RUFUS G. & SHEILA J. WILLIAMS
Acct. No. 2000000822
Liber 1079, Folio 718

LEGEND

- PROPOSED SCREENING TREES - WHITE PINES
- EXISTING TREES



**PLAT TO ACCOMPANY A
PETITION FOR A SPECIAL
EXCEPTION REQUEST
3334 BUTLER ROAD
5TH ELECTION DISTRICT
COUNCILMANIC DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND**

Scale: 1" = 100'
October 29, 1999

Prepared by:
H. M. M. & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21204
Telephone #410 655-0811



THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

DOVER ROAD
BUTLER ROAD
5 81° 56' 30" W
GTT 95
CONG. MON. FOUND
BEGINNING OF DESCRIPTION
MD. RTE. 102