

6/22/01
IN THE MATTER OF
THE APPLICATION OF
PATRICIA & KENNETH PERHOLTZ -
PETITIONERS FOR A SPECIAL HEARING
ON PROPERTY LOCATED SE OF
CENTERLINE TRUMPS MILL
5701 & 5709 TRUMPS MILL ROAD
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEAL
* OF
* BALTIMORE COUNTY
* Case No. 00-375-SPH

* * * * *

OPINION

This case comes to the Board of Appeals based on an appeal of one condition imposed by the Deputy Zoning Commissioner in his "Findings of Fact and Conclusions of Law" issued on June 7, 2000. A timely appeal was filed on July 7, 2000. The Deputy Zoning Commissioner found that the Petitioners had met their burden under the special hearing that the use of this particular property for the storage of one horse had existed prior to July 10, 1993, which was the effective date of Bill No. 51-1993. Under that legislation, the regulations which permitted one horse on one acre changed, necessitating 3 acres of land in order to maintain one horse on that sized property. The Deputy Zoning Commissioner determined that the Petitioners had always maintained at least one horse on the subject property from 1988 to the present time. The Deputy Zoning Commissioner imposed two conditions and restrictions as follows:

1. The Petitioners shall be required, pursuant to this Order, to reconfigure the fenced-in area wherein the Petitioners' horse is kept. The wood stall which houses the subject horse shall be permitted to remain as shown on the site plan. However, the grazing area or paddock area for the subject horse shall be situated on the property in that area located between the wood stall as shown on the plan and Trumps Mill Road. There shall be no storage of any horse in the area of the property between the wood stall barn and the home and property of Mr. Anthony Rohrs. That area of the Petitioners' property shall only be utilized by the Petitioners consistent with its D.R. zoning. That is, the Petitioners may relocate their vegetable garden to that area of the property or simply may maintain that area as a manicured grass field. However, in no event shall any horse be permitted to graze in that portion of the subject property. The Petitioners shall be required within thirty (30) days from the date of this Order to submit a new site

plan showing the realignment of the wire fencing of the paddock area consistent with this restriction for review and approval by this Deputy Zoning Commissioner.

2. The special hearing relief granted herein, allows the Petitioners to keep and maintain only 1 horse on the subject property. In no event shall the Petitioners be able to store any more than the 1 horse on the subject property at any one time.

The only appeal to this Board by the Petitioners was Condition #1, and that was the only condition considered by the Board at the public hearing held on May 15, 2001.

Ms. Ramona Perholtz appeared *pro se* to present her case relative to the removal of the condition and restrictions. Mr. Anthony R. Rohrs appeared as a Protestant, along with Mr. William J. McCormick. Both are nearby neighbors, and neither was represented by counsel. Because neither party was represented by counsel, the Board permitted both sides to outline their respective positions in a narrative form, with appropriate cross-examination.

Mrs. Perholtz described the subject property which consists of 1.12 acres. The property was purchased in 1987. It is located on the south side of Trumps Mill Road, just east of Hensel Avenue. It is an unimproved site except for a very small structure which is used as a small horse barn. The site is more adequately described in Petitioner's Exhibit No. 1, "Plat to Accompany Zoning Petition prepared by Spellman, Larson, & Associates, Inc." Mrs. Perholtz described the property and explained why she believed the Deputy Zoning Commissioner's condition #1 to be unreasonable. To comply with the condition and restrictions, she would be required to destroy and remove various fruit-bearing trees, beautiful shrubbery, and a vegetable garden in the front of the property along Trumps Mill Road used by neighbors across the road. She opined that it was economically not possible to change the nature of the land in front of the horse barn, and her mother had specifically requested that her "ashes" be scattered on that portion of the property. Her mother passed away recently, and Ms. Perholtz attributed, as one of the causes of her death,

the disagreement concerning the use of the property with neighbors. She stated the horse maintained on the property was a small miniature horse called "Taffy," and is a source of extreme pleasure for her daughter who suffers from Downs Syndrome. Ms. Perholtz' daughter was also present in the hearing room. She cited no Code violations issued by Baltimore County, and that her mother had spent approximately \$10,000 to erect a wooden privacy fence around the rear of the property covered by the Deputy Zoning Commissioner's Order to shield the property from Mr. Rohrs' house and lot, even though this was not specifically required by the Order. She requested the removal of the conditions and restrictions to permit the horse to have complete run of the property.

Mr. Rohrs stated his house is in proximity to the rear of the Perholtz' lot. He purchased the property 14 years ago, and opined that there were no horses present at that time. A review of the site plan reflects that his home is just adjacent to the paddock area of the Perholtz lot. He stated that the closeness of his house to the rear of the subject site causes severe odors coming from the smell of the horse and grazing area near his home. He opined that he cannot open his windows, and even when the air conditioners are running, the odors continue to flow into his house. He opined that he cannot enjoy outdoor uses of his property because of flies and smells. He stated that a rat problem existed. He was also concerned that the miniature horse might be replaced by a larger horse, compounding the existing problems. Mr. Rohrs also stated that the Petitioners were not complying with the Deputy Zoning Commissioner's Order and the entry to the barn needed to be reversed. The addition of the fence had not provided any relief to him.

Mr. William J. McCormick, 5802 East Avenue, also mirrored Mr. Rohrs' objections to eliminating the conditions and restrictions. He indicated that the manure smell was rampant during the summer months, foul air continually present, and he cannot even enjoy cookouts or

any other outdoor activities on his own property. He also indicated that there were no horses present when he purchased his home 14 years ago, and that the entrance to the horse barn should face Trumps Mill Road. His home was about 120 feet to the corner of the paddock.

During the course of the hearing, the Board members posed a number of questions to both sides. At the conclusion of the hearing, the Board recessed for 1-½ hours and subsequently held a public deliberation at 1:00 p.m. There is no question but that, based on the Deputy Zoning Commissioner's Order, the Petitioners are entitled to maintain one horse on the site. There is also no doubt, based on the testimony at the Board's hearing, that the presence of the horse does have an impact on the property of both Mr. Rohrs and Mr. McCormick. It is undisputed that the paddock area for the horse runs right up to Mr. Rohrs' property. Unfortunately, that condition does cause problems for Mr. Rohrs and similar problems for Mr. McCormick. The Perholtzs certainly have a right to keep the horse, and the Board is sympathetic in their concerns that the horse provides Mrs. Perholtz' daughter with pleasure and enjoyment. However, neighbors must also be able to enjoy their property, and the Board concludes that the conditions and restrictions imposed by the Deputy Zoning Commissioner are not unreasonable, arbitrary, capricious, or a denial of the Petitioners' right to use and enjoy the property. While the conditions may require removal of existing vegetation, that is a choice the Petitioner must make. The Board, therefore, will impose conditions and restrictions on maintaining one horse on the subject property as follows:

1. The Petitioners shall be required, pursuant to this Order, to reconfigure the fenced-in area wherein the Petitioners' horse is kept. The wood stall which houses the subject horse shall be permitted to remain as shown on the site plan. However, the grazing area or paddock area for the subject horse shall be situated on the property in that area located between the wood stall as shown on the plan and Trumps Mill Road. There shall be no storage of any horse in the area of the property between the wood stall barn and the home and property of Mr. Anthony Rohrs. That area of the Petitioners' property shall only be utilized by the

Petitioners consistent with its D.R. zoning. That is, the Petitioners may relocate their vegetable garden to that area of the property or simply may maintain that area as a manicured grass field. However, in no event shall any horse be permitted to graze in that portion of the subject property. The only entrance /exit to the existing horse barn shall face the front of the lot where the horse is permitted to graze. There shall be no rear entry or exit to the area from the horse barn where grazing is not permitted. The Petitioners shall be required within thirty (30) days from the date of this Order to submit a new site plan showing the realignment of the wire fencing of the paddock area consistent with this restriction for review and approval by the Deputy Zoning Commissioner.

2. The special hearing relief as granted by the Deputy Zoning Commissioner allows the Petitioners to keep and maintain only one horse on the subject property. In no event shall the Petitioners be able to store any more than the one horse on the subject property at any one time.

ORDER

THEREFORE, IT IS THIS 22nd day of June, 2001 by the
County Board of Appeals of Baltimore County

ORDERED that Petitioners' request to remove Condition #1 from the Order of the Deputy Zoning Commissioner dated June 7, 2000 be and the same is hereby **DENIED**; and it is further

ORDERED that the following conditions and restrictions, as amended by this Board, shall be imposed:

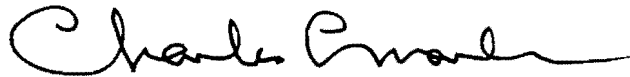
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exit to the area from the horse barn where grazing is not permitted. The Petitioners shall be required within thirty (30) days from the date of this Order to submit a new site plan showing the realignment of the wire fencing of the paddock area consistent with this restriction for review and approval by the Deputy Zoning Commissioner.

2. The special hearing relief as granted by the Deputy Zoning Commissioner allows the Petitioners to keep and maintain only one horse on the subject property. In no event shall the Petitioners be able to store any more than the one horse on the subject property at any one time.

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.

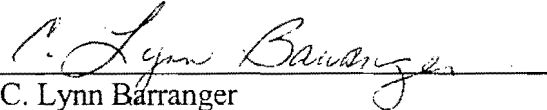
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Panel Chairman



Margaret Worrall

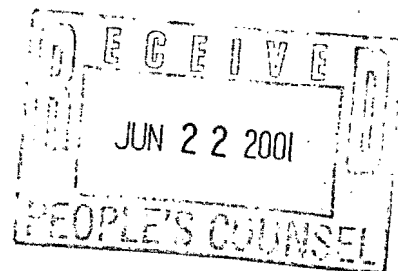


C. Lynn Barranger



County Board of Appeals of Baltimore County

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



June 22, 2001

Mrs. Patricia A. Perholtz
5701 Trumps Mill Road
Baltimore, MD 21206

RE: *In the Matter of: Patricia & Kenneth Perholtz*
- Legal Owners /Petitioners /Case No. 00-375-SPH

Dear Mrs. Perholtz:

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,

Kathleen C. Bianco
Administrator

Enclosure

c: Joseph Larson /Spellman, Larson & Associates
Anthony R. Rohrs
William J. McCormick
✓ People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Kirk Enders /DEPRM
Arnold Jablon, Director /PDM



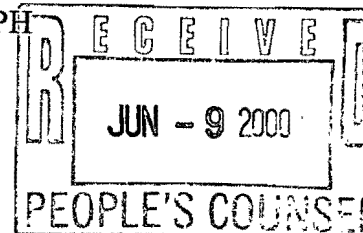
6/7/00

IN RE: PETITION FOR SPECIAL HEARING
S/E of centerline Trumps Mill
Road and Hensel Avenue
14th Election District
6th Councilmanic District
(5701 & 5709 Trumps Mill Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-375-SPH

Patricia & Kenneth Perholtz
Petitioner

* * * * *



FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Patricia and Kenneth Perholtz, for property located at 5701 and 5709 Trumps Mill Road. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-conforming use of the subject property to maintain 1 horse on less than 3 acres of land.

Appearing at the hearing on behalf of the special hearing request were Patricia Perholtz, owner of the property, Joe Larson and Charles Brooks, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioners' request was an adjacent property owner, Mr. Anthony Rohrs.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 1.12 acres, more or less, zoned D.R.3.5. The subject property is located on the south side of Trumps Mill Road, east of its intersection with Hensel Avenue. The subject property is unimproved except for a small horse barn which is shown on the site plan submitted into evidence as Petitioners' Exhibit No. 1. There also exists a wire fence around the horse barn wherein horses have been allowed to graze.

Testimony and evidence indicated that Mrs. Perholtz, who lives at 5701 Trumps Mill Road, purchased the subject 1.12 acres in 1987. Her testimony and evidence demonstrated that since

ORIGINAL FILED TO FOR FILING

Date 6/7/00
By J.R. Gannon

the time of the purchase of the lot in 1987, she has always stored at least 1 horse on the subject property. At times, three horses have been stored on the subject property. At the present time, the Petitioners are keeping a 36" tall mini horse named "Taffy" on the subject property. The horse was purchased for Mrs. Perholtz's granddaughter who was present in the hearing room. The Petitioners' request is to seek approval to keep and maintain the 36" tall mini horse on the subject property.

Appearing in strong opposition to the Petitioners' request was Mr. Anthony Rohrs. Mr. Rohrs lives immediately adjacent to the paddock area of the subject property. His house is shown on the site plan submitted into evidence as Petitioners' Exhibit No. 1. Mr. Rohrs objects to the smell of the horses, testifying that he is unable to open the windows of his bedroom given the close proximity of the grazing area to his house. He further stated that flies are a problem. He testified that he is unable to enjoy the outdoor area of his property. He cannot run his air conditioner which draws in air from the outside, nor leave his windows open. He requests that the Petitioners' special hearing request be denied and the horse removed from the property.

The law in Baltimore County at one time permitted the storage of 1 horse on 1 acre of land. However, in 1993, pursuant to Bill No. 51-93, the regulations changed requiring property owners to at least have 3 acres of land in order to maintain 1 horse on their property. Therefore, the burden imposed upon these Petitioners, pursuant to their special hearing request, is to demonstrate that the use of their particular property for the storage of 1 horse has existed since prior to July 10, 1993, which was the effective date of Bill No. 51-93. In that respect, the testimony and evidence offered by the Petitioners was very clear that they have always maintained at least 1 horse on the subject property from 1988 until the present time. Therefore, their special hearing request, based on the testimony and evidence presented, should be granted.

ORIGINAL FILED FOR FILING
Date 6/17/00
R. J. Janssen

While the special hearing request to allow 1 horse to be kept on the subject property shall be granted, conditions and restrictions must be imposed to insure that the storage of this horse has the least impact on surrounding property owners. The testimony and evidence offered by Mr. Rohrs, and which my site inspection corroborated, demonstrated that the paddock area for the horse runs right up to the property owned by Mr. Rohrs. In fact, it appeared at the time of my inspection that there may have been an encroachment onto Mr. Rohrs' property in that the section of fencing along his property line had been removed. Survey stakes on the property apparently showed some type of encroachment. The keeping of the horse in question immediately adjacent to Mr. Rohrs' house should not be permitted to continue. The Petitioners must reconfigure the fenced in pasture area so as to cause the horse to be kept in the center of the lot as opposed to the rear of the lot adjacent to Mr. Rohrs' property. Therefore, I shall impose an appropriate restriction which will hopefully mitigate some of the adverse affects complained of by Mr. Rohrs.

However, as to the special hearing request for non-conforming use, the Petitioners have demonstrated that a horse has been stored on the subject property, openly, continuously and uninterruptedly since 1988 and the special hearing request shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of June, 2000, that the Petitioners' Request for Special Hearing to maintain 1 horse on the subject property shall be granted, subject, however, to the following conditions and restrictions:

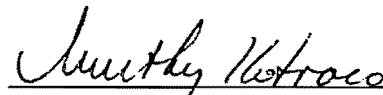
1. The Petitioners shall be required, pursuant to this Order, to reconfigure the fenced in area wherein the Petitioners' horse is kept. The wood stall which houses the subject horse shall be permitted to remain as shown on the site plan. However, the grazing area or paddock area for the subject horse shall be situated on the property in that area located between the wood stall as shown on the plan and Trumps Mill Road. There shall be no storage of any horse in the area of the property between the wood stall

COPIES RECEIVED FOR FILING
Date 6/7/00
By R. Johnson

barn and the home and property of Mr. Anthony Rohrs. That area of the Petitioners' property shall only be utilized by the Petitioners consistent with its DR zoning. That is, the Petitioners may relocate their vegetable garden to that area of the property or simply may maintain that area as a manicured grass field. However, in no event shall any horse be permitted to graze in that portion of the subject property. The Petitioners shall be required within thirty (30) days from the date of this Order to submit a new site plan showing the realignment of the wire fencing of the paddock area consistent with this restriction for review and approval by this Deputy Zoning Commissioner.

2. The special hearing relief granted herein, allows the Petitioners to keep and maintain only 1 horse on the subject property. In no event shall the Petitioners be able to store any more than the 1 horse on the subject property at any one time.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES ARE RETURNED FOR FILING
DATE 6/17/00
BY R. J. JAMES



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5701 & 5709 Trumps Mill Road

which is presently zoned DR 3.5

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a non-conforming use of the subject property to maintain horses.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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 DNA
Signature DNA
Address DNA Telephone No. DNA
City DNA State DNA Zip Code DNA

Attorney For Petitioner:

Name - Type or Print Charles E. Brooks
Signature Charles E. Brooks
Company Brooks & Spicer
Address 610 Bosley Avenue Telephone No. 410-296-2600
Towson, Maryland 21204
City Towson State Maryland Zip Code 21204

Legal Owner(s):

Name - Type or Print PATRICIA PERHOLTZ
Signature Patricia Perholtz
Name - Type or Print Kenneth Michael Kelly Perholtz
Signature Kenneth Michael Kelly Perholtz
Address 5701 Trumps Mill Road Telephone No. 410-733-1999
Baltimore, Maryland 21206-1432
City Baltimore State Maryland Zip Code 21206

Representative to be Contacted:

Attorney
Name
Address
Telephone No.
City
State
Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 1/2 hrs

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 3-14-00

Case No. 00-375-SPH

ad

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 3, 2000

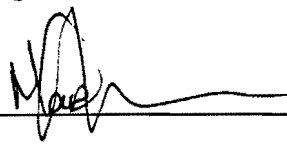
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

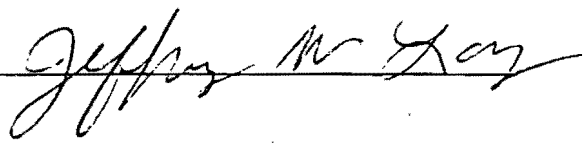
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comments on the following petitions(s):

Item No(s): 375/377/388

If there should be any questions or this office can provide additional information, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: 

Section Chief: 

AFK/JL:MC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

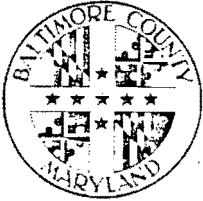
FROM: R. Bruce Seeley *MB*

DATE: April 10, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of March 27, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
370	103 Riverton Road
372	1 Woods Court
374	323 N. Beaumont Road
375	5701 & 5709 Trumps Mill Road
376	301 Golf Course Road
378	2 Forest Drive
379	1603 Dennis Avenue
380	10324 S. Dolfield Road
334	8741-8771 Mylander Lane



Baltimore County
Fire Department

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

March 30, 2000

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 MARCH 27, 2000

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:

371, 372, 374, 375, 376, 377, 378, AND 379

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

cc: File



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.27.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 375 JJS

Dear Ms. Jackson:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
5701 & 5709 Trumps Mill Road,
S/E of c/I Trumps Mill Rd and Hensel Ave
14th Election District, 6th Councilmanic

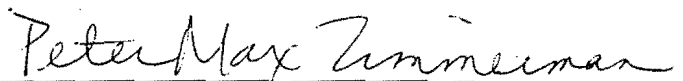
Legal Owner: Kenneth M.K. & Patricia Perholtz
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-375-SPH

* * * * *

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 10th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Charles E. Brooks, Esq., Brooks & Spicer, 610 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

410-887-3391

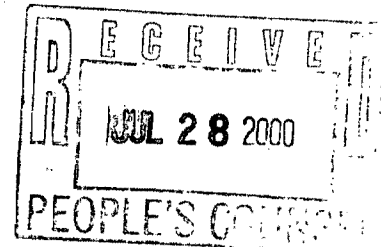
July 27, 2000

Mr. Charles E. Brooks
610 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Brooks:

PERHOLTZ

RE: Case NO. 00-375-SPH, 5701 & 5709 Trumps Rd., 14th Election
District



Please be advised that an appeal of the above-referenced case was filed in this office on July 7, 2000. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

by Petitioners

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

NOTE: The subject property will be posted with the date, time, and location of the appeal hearing. If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

Sincerely,

Arnold Jablon
Director

*Peter,
this is the
horse case I
mentioned.*

AJ:kew

C:

People's Counsel
Mr. & Mrs. Kenneth Perholtz, 5701 Trumps Mill Rd., Balto., MD.
Anthony R. Rohrs, 5808 East Ave., Balto., MD. 21206
Patricia A. Perholtz, 5701 Trumps Mill Rd., Balto., MD 21206
Joseph Larson, 829 Mosley Ave., Balto., MD. 21204
Malcolm F. Spicer, Jr., 610 Bosley Ave., Balto., MD. 21204
Charles E. Brooks, 610 Bosley Ave., Balto., MD. 21204

*we need to
determine if
we're in this one
because of Scott*



APPEAL

**Petition for Special Hearing
S/E of centerline Trumps Mill
5701 & 5709 Trumps Mill Road
14th Election District - 6th Councilmanic District
Patricia & Kenneth Perholtz
Case No. 00-375-SPHA**

Petition for Special Hearing (filed 7/7/00)

Description of Property

Notice of Zoning Hearing (dated 3/28/00)

Certification of Publication (dated 4/25/00)

Certificate of Posting (11/20/99)

Entry of Appearance by People's Counsel (4/10/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet (NONE LISTED)

Zoning Advisory Committee Comments - 6 Comment Letter

Petitioners' Exhibits:

- 1 - Area Plat
- 2A-2F- Affidavits from neighbors
- 3 - County Bill (dated 4/19/93)
- 4 - Nuisances Laws
- 5 - Sections of the Zoning Policy Manual

Protestants' Exhibits:

Miscellaneous (Not Marked as Exhibits):

- 1. Note to Kirk Enders re: Violation
- 2. Letter from Robin Jameson
- 3. Letter from William J. McCormick
- 4. Letter from Charles Nathewitch

Deputy Zoning Commissioner's Order dated June 7, 2000 (Granted with conditions and restrictions)

Notice of Appeal received on July 7, 2000 from Patricia Perholtz

c:

Mr. & Mrs. Kenneth Perholtz, 5701 Trumps Mill Rd., Balto., MD 21204
Anothy R. Rohrs, 5808 East Ave., Balto., MD 21206
Patricia A. Perholtz, 5701 Trumps Mill Rd., Balto., MD 21206
Joseph Larson, 829 Mosley Ave., Balto., MD 21204
Malcolm F. Spicer, Jr., 610 Bosley Ave., Balto., MD 21204
Charles E. Brooks, 610 Bosley Ave., Balto., MD 21204
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

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.

Baltimore County Government
Office of Planning and Zoning



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

PDF/HSR/mjm
FINAL.3/TXTMJM

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

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.

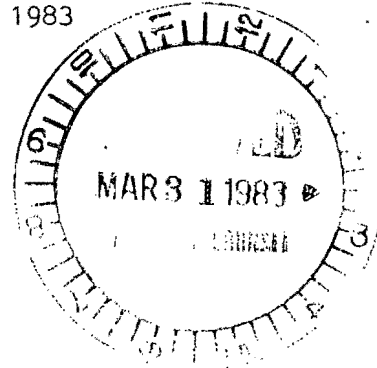




BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

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.

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