

IN THE MATTER OF
THE APPLICATION OF
SHERRY M. & MICHAEL C. PALMER
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SE/S WALLACE DRIVE,
400' NW OF C/L LONG GREEN PIKE
(11505 WALLACE DRIVE)

11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 01-071-A

* * * * *

ORDER OF DISMISSAL

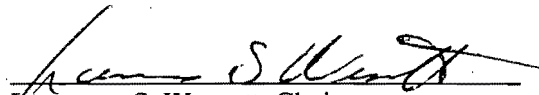
This matter comes to the Board of Appeals by way of an appeal filed by Richard Seiden, Esquire, on behalf of Mr. and Mrs. Kirk Justis, from a decision of the Zoning Commissioner dated October 23, 2000 in which the requested variance relief was granted with restrictions.

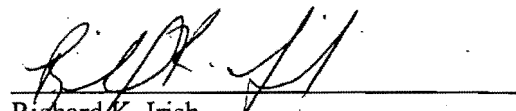
WHEREAS, the Board is in receipt of a letter of withdrawal of appeal dated November 13, 2001 filed by Richard Seiden, Esquire, on behalf of Mr. & Mrs. Kirk Justis, Appellants /Protestants (a copy of which is attached hereto and made a part hereof); and

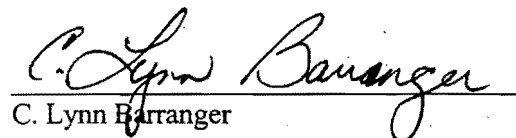
WHEREAS, Counsel for said Appellants request that the appeal taken in this matter be withdrawn and dismissed as of November 13, 2001;

IT IS ORDERED this 26th day of November, 2001 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 01-071-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Richard K. Irish


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

PM2
SP

November 26, 2001

Richard Seiden, Esquire
3024 Marnat Road
Baltimore, MD 21208

RE: *In the Matter of: Sherry M. and Michael C. Palmer*
Case No. 01-071-A /Order of Dismissal

Dear Mr. Seiden:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco /trs
Kathleen C. Bianco
Administrator

Enclosure

c: Mr. and Mrs. Kirk Justis
I. William Chase, Esquire [recvd entry 9/12/01 FAX]
Sherry M. & Michael C. Palmer
Mr. & Mrs. Pete Constantino
Mr. & Mrs. Gregory Stolins
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James Thompson, CIE /PDM (#00-4939)
Arnold Jablon, Director /PDM

IN RE: PETITION FOR VARIANCE

SE/S Wallace Drive, 400' NW of the c/l-
Long Green Pike
(11505 Wallace Drive)
11th Election District
5th Council District

Michael C. Palmer, et ux
Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 01-071-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Michael C. and Sherry M. Palmer, through their attorney, Stephen Marsalek, Esquire. The Petitioners seek relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) animals (ponies) to be stabled and pastured on 1/3 acre in lieu of the minimum required 2.0 acres, and to permit 1.2 acres in area for maintaining livestock, in lieu of the minimum required 3.0 acres. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite hearing in support of the request were Michael and Sherry Palmer, property owners, and Stephen Marsalek, Esquire, attorney for the Petitioners. Also appearing in support of the request were Pete and Roxanne Constantino, who reside on the southwest side of the subject property, and Greg and Tracy Stolins, who reside across from the subject site. Appearing in opposition to the request was Kirk Justis, who resides on the adjacent, northeast side of the subject property.

Testimony offered and evidence presented revealed that the subject property is roughly rectangular in shape, approximately 1.118 acres in area, zoned R.C.2, and is located with frontage on Wallace Drive, not far from Long Green Pike in Glen Arm. The property is improved with a one-story dwelling, a detached garage, an above-ground swimming pool, and shed. Other

improvements include a rectangularly shaped block stable that is used to provide shelter for two Shetland ponies the Petitioners own and are the subject of the instant request. Mrs. Palmer testified about these animals, indicating that her family is emotionally attached to them and that they are considered as pets. The issue of the two ponies came about as a result of a complaint filed by a neighboring property owner with the Code Enforcement Division of the Department of Permits and Development Management relative to the number of dogs being kept on the property. During the course of investigating the matter, the Petitioners were advised to file the instant Petition relative to the two ponies.

Photographs of the animals were submitted at the hearing. In addition, testimony presented indicated that these ponies are smaller than full-sized horses and they are quite old. Apparently, one is 26 years of age and the other 18 years. Mrs. Palmer indicated that they purchased the subject property approximately 3 years ago due to the agricultural character of the surrounding neighborhood. She testified that the previous owner had maintained horses on the subject property and noted that there are other livestock maintained throughout the neighborhood. Mrs. Palmer believes that the existing 150' x 130' pasture area is sufficient for the animals and that her animals are healthy.

Mr. Kirk Justis, who resides adjacent to the subject site, appeared and testified in opposition to the request. He complained about the sights, smells, and impacts associated with the ponies and produced pictures of manure piles in the yard which he said detract from his use and enjoyment of his own property. In his judgment, the maintenance of these two ponies on the subject property results in an adverse impact upon his property. Mr. Justis also testified that a fence which keeps the animals contained has been damaged but not repaired and he is concerned about the safety of his minor children.

As noted above, the Petitioners seek relief from Section 100.6 of the B.C.Z.R. That Section requires a minimum area of 3.0 acres for any livestock to be maintained on a property. Additionally, each pony must have a minimum area of 1.0 acre for grazing purposes. A Zoning Advisory Committee (ZAC) comment was submitted by the Agricultural Preservation Division of

the Department of Environmental Protection and Resource Management (DEPRM), which raises concerns about waste management and soil conservation on such a small property. DEPRM recommends that if approved, this Zoning Commissioner require a waste management plan, soil conservation plan, and water quality plan be submitted for their review and approval.

This is a difficult case to decide. On the one hand, this property is very small and it is clear from the photographs submitted that much of the pasture area has been reduced to dirt. Additionally, Mr. Justis' concerns regarding the sights and smells of manure and the potential impacts these two ponies could have on his property and his small children are legitimate. On the other, I realize that the horses are quite old and that the Palmer family has become attached to them over the years that they have owned them.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. However, in doing so, I shall impose conditions and restrictions to insure that the surrounding neighborhood is protected. First, the relief granted herein is limited to only the two ponies presently on the property. The Petitioners are prohibited from bringing other livestock onto the property, whether it be horses, cows, goats, etc. Moreover, upon the death of the two animals, the variance relief granted herein shall expire. That is, the Petitioners may maintain these two ponies on the site until their death, but shall not be permitted to replace either animal thereafter.

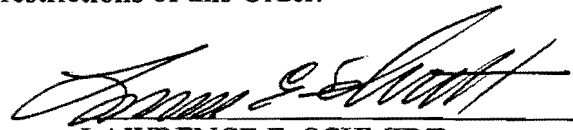
Second, the Petitioners shall submit waste management (manure), soil conservation, and water quality plans for review and approval by DEPRM. Insofar as the manure plan, it shall contain provisions to include the timely clean-up of manure. I am appreciative of Mr. Justis' concerns that manure should not be allowed to accumulate on the property for days at a time. Thus, it shall be cleaned up and disposed of on a daily basis.

Finally, the Petitioners shall repair and/or replace that portion of the fence that separates their property from the Justis property. Moreover, the entire fence along that side of the property shall be relocated to a point 5 feet inside the Petitioners' property line. This will prevent the horses from reaching through the fence and adversely impacting Mr. Justis' yard. This 5-foot "buffer" will also insure that the animals do not trespass onto his property or endanger his children.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the zoning Commissioner for Baltimore County this 23rd day of October, 2000 that the Petition for Variance seeking relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) small livestock (ponies) to be stabled and pastured on 1/3 acre in lieu of the minimum required 2.0 acres, and to permit 1.2 acres in area for maintaining livestock, in lieu of the minimum required 3.0 acres, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use and/or building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 relief granted herein is limited to the two ponies currently maintained on the property and shall not be extended to any other horses. That is, the Petitioners may maintain these two ponies on the site until their death, but shall not be permitted to replace either animal thereafter.
- 3) Within thirty (30) days of the date of this Order, the Petitioners shall submit waste management (manure), soil conservation, and water quality plans for review and approval by DEPRM. Insofar as the manure plan, it shall contain provisions to include the daily clean-up of manure.
- 4) The Petitioners shall replace the fence that separates their property from the Justis property. Moreover, the entire fence along that side of the property shall be relocated to a point 5 feet inside the Petitioners' property line to insure that the horses do not trespass onto Mr. Justis' yard or endanger his children.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



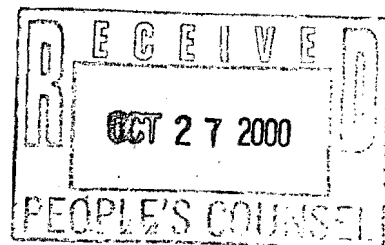
Baltimore County
Zoning Commissioner

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

October 23, 2000

Stephen Marsalek, Esquire
28 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SE/S Wallace Drive, 400' SE of the c/l Long Green Pike
(11505 Wallace Drive)
11th Election District – 6th Councilmanic District
Michael C. Palmer, et ux - Petitioners
Case No. 01-071-A



Dear Mr. Marsalek:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Michael C. Palmer
11505 Wallace Drive, Glen Arm, Md. 21057
Mr. Kirk Justis, 11507 Wallace Drive, Glen Arm, Md. 21057
Code Enforcement Division, PDM; People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11505 Wallace Dr
which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 100.6 TO Permit 2 small

LIVE STOCK (PONIES) TO BE STABLED & PASTURED 3 ACRES and 1.2
ACRES IN LIEU OF THE REQUIRED MINIMUM 3 ACRES TO ALLOW
ANY LIVESTOCK 1 ACRE MINIMUM FOR 2 PONIES
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED LETTER

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Stephen Marsalek

Name - Type or Print

Signature

Company

28 Allegheny Ave. 321-0061

Address

Telephone No.

Towson MD

21204

City

State

Zip Code

Legal Owner(s):

Michael C Palmer

Name - Type or Print

Michael C Palmer

Signature

Sherry M. Palmer

Name - Type or Print

Sherry M. Palmer

Signature

11505 Wallace Dr. 817-4690

Address

Telephone No.

Glen Arm MD

21057

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING SCHEDULE
W/01-072-A

UNAVAILABLE FOR HEARING

Reviewed By ASD Date 05-14-00

Case No. 01-071-A
00-4939

Dear Zoning Commissioner,

We are applying for a variance to keep two ponies at 11505 Wallace Drive, Glen Arm, MD 21057 ^{C 1/3 of an Acre} in lieu of the three acres required by Baltimore Co. section 100.6, for these reasons. I am asking for the variance for the simple fact that I have not proposed anything new into the neighborhood. The house was built in 1953 with barn, there has always been horses, ponies on property. We purchased the house three years ago June. It was advertised with barn and fence, previous owners had horses too. We live in the country, there is a hay field in front of and behind us, and farms all around us. There are cows and cornfields. Cow manure and horse manure spread when they fertilize fields. The ponies also have the use of a 10 acre field. The vet quoted "These animals are better taken care of then with people who have more land." I have enclosed signatures and letters from neighbors that have been here for along time to validate my fact that this is nothing new to the neighborhood and they like them here.

Thank you,



Sherry Palmer

01-0711-A



Baltimore County
Department of Permits and
Development Management

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

September 29, 2000

Stephen Marsalek
28 Allegheny Avenue
Towson, MD 21204

Dear Mr. Marsalek:

RE: Case Number: 01-071-A, 11505 Wallace Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 14, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Michael C. & Sherry M. Palmer, 11505 Wallace Drive, Glen Arm 21057

People's Counsel





September 19, 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 September 11, 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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS REGARDING THE FOLLOWING:

ITEM #'S 070, 071, 072, 073, 074, 075, 079, 080, 081, 082, 083,
084, 085, 086, 087, 088, 089, 092, 093, 094, 095, 097,
098, 099, 100, 101, 102, 103, AND 104

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

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: September 18, 2000
SUBJECT: Zoning Item #071
11505 Wallace Drive

Zoning Advisory Committee Meeting of September 11, 2000

X 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 may need to 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).

X Agricultural Preservation: This zoning petition raises concerns regarding waste management and soil conservation on such a small property. It is recommended that the Zoning Commissioner's Order require a waste management plan and soil conservation and water quality plan. The Order should also require the limitation of animals on the property to two ponies and not permit horses, cattle, etc. It is recommended that the Zoning Office be responsible for the enforcement of the required plans and number of animals.

Reviewer: Wally Lippincott

Date: September 18, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 14, 2000

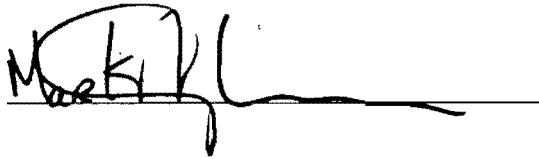
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-071, 01-072, 01-085, 01-086 and 01-092

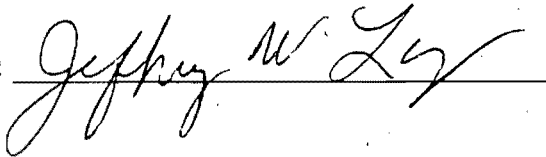
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC

RE: PETITION FOR VARIANCE
11505 Wallace Drive, SE/S Wallace Dr,
400' NW of Long Green Pike
11th Election District, 6th Councilmanic

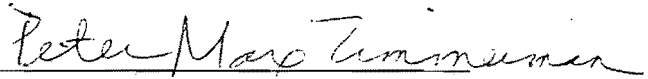
Legal Owner: Michael C. & Sherry M. Palmer
Petitioner(s)

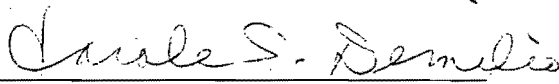
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-71-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 13th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Stephen F. Marsalek, Esq., 28 W. Allegheny Avenue, Suite 1303, Towson, MD 21204, attorney for Petitioner(s).


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

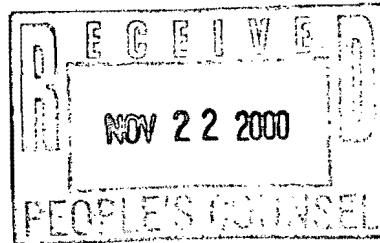
CD
PM2

November 20, 2000

Stephen Marsalek, Esquire
28 Allegheny Avenue
Towson, MD 21204

Dear Mr. Marsalek:

RE: Case No.01-071-A, 11505 Wallace Avenue



Please be advised that an appeal of the above-referenced case was filed in this office on November 8, 2000 Richard Seiden Esquire, on behalf of Mr. and Mrs. Kirk Justis. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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.

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

Sincerely,

GDZ

Arnold Jablon
Director

AJ:gdz

C: Richard Seiden, Esquire, 3024 Marnat Road, Baltimore 21208
Sherry M. & Michael C. Palmer, 11505 Wallace Drive, Glen Arm 21057
Kirk Justis, 11507 Wallace Drive, Glen Arm 21057
Mr. & Mrs. Stuart Field, 11506 Hannibal Road, Glen Arm 21057
Mr. & Mrs. Robert Bowling, 11500 Wallace Drive Glen Arm 21057
Mr. & Mrs. Tony Patterson 11523 Long Green Pike, Glen Arm 21057
People's Counsel



APPEAL

Petition for Variance
11505 Wallace Drive
SE/S Wallace Drive, 400' NW of centerline Long Green Pike
11th Election District – 5th Councilmanic District
Sherry M. & Michael C. Palmer - Legal Owners
Case Number: 01-71-A

Petition for Variance (filed 8/14/00)

Description of Property

Notice of Zoning Hearing (dated 9/8/00)

Certification of Publication (9/19/00 – The Jeffersonian)

Certificate of Posting (9/16/00 – Patrick M. O'Keefe)

Entry of Appearance by People's Counsel (dated 9/13/00)

Zoning Advisory Committee Comments

Zoning Commissioner's Order dated 10/23/00 (Granted with Restrictions)

Misc. (Not Marked as Exhibits):

- 4 Pages of Photographs
- Partial Copy of Article from Horse Sense
- Real Estate Ad
- Note to File
- Plat to Accompany Petition for Zoning Variance (undated)
- Violation Notice for Case # 00-4939 (issued 6-28-00)
- Note from Muddy Creek Veterinary Service (dated 7-17-00)
- Letter to Zoning Commissioner from the Stolins' Family (dated 8-9-00)
- Letter to Zoning Commission from Terry Gervais (dated 8-9-00)
- Letter to Mr. Lawrence Schmidt from Mr. Kirk Justis (dated 9-25-00)
- Letter to Mr. & Mrs. Michael C. Palmer from Lawrence E. Schmidt, Zoning Commissioner (dated 11-3-00)
- 14 Photographs
- Petition In Support of Variance
- Division of Code Inspections and Enforcement Violation Case Documents

Notice of Appeal received on 11/8/00 from Richard Seiden, Esquire, on behalf of Mr. and Mrs. Kirk Justis

C: Stephen Marsalek, Esquire, 28 Allegheny Avenue, Towson 21204
Richard Seiden, Law Offices of, 3024 Marnat Road, Baltimore 21208
Sherry M. & Michael C. Palmer, 11505 Wallace Drive, Glen Arm 21057
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM



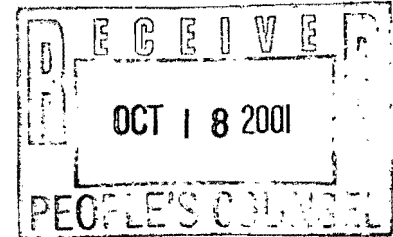
Baltimore County
Zoning Commissioner

October 12, 2001

PMZ
GP *per not in*
Suite 405, County Courts Bldg. *thi*
401 Bosley Avenue *Case*
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468 *PMZ*

Richard Seiden, Esquire
3024 Marnat Road
Baltimore, Maryland 21208-4502

RE: PETITION FOR VARIANCE
SE/S Wallace Drive, 400' SE of the c/l Long Green Pike
(11505 Wallace Drive)
11th Election District – 6th Councilmanic District
Michael C. Palmer, et ux - Petitioners
Case No. 01-071-A



Dear Mr. Seiden:

In response to your letter dated October 5, 2001 concerning the above-captioned matter, the following comments are offered.

Please be advised that the Code Enforcement Division of the Department of Permits and Development Management (DPDM) is charged with the responsibility of enforcing the terms and conditions of any Order issued by the Zoning Commissioner's Office. Thus, by copy of this letter, your correspondence is being forwarded to that agency for proper handling. However, as you noted within your letter, my decision in this matter was appealed to the Board of Appeals and a hearing has been scheduled for November 27, 2001. Given the de novo nature of the Board's hearing, it is the practice of Code Enforcement to not actively prosecute such cases while an appeal is pending. Thus, they may be awaiting a decision from the Board before they proceed to take any legal action against the property owners. Nonetheless, I am forwarding your letter to the Code Enforcement Division of DPDM for their response and it is suggested that you contact them at 887-3351 for further information/guidance in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Kirk Justis, 11507 Wallace Drive, Glen Arm, Md. 21057
I. William Chase, Esquire
1190 W. Northern Parkway, Suite 124, Baltimore, Md. 21210-1467
Mr. & Mrs. Michael C. Palmer
11505 Wallace Drive, Glen Arm, Md. 21057
Code Enforcement Division, PDM; People's Counsel; Case File

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





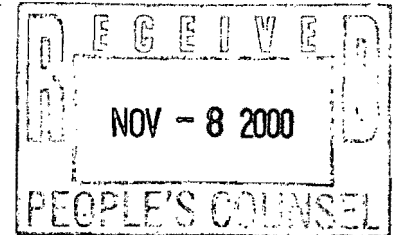
Baltimore County
Zoning Commissioner

November 3, 2000

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

Mr. & Mrs. Michael C. Palmer
11505 Wallace Drive
Glen Arm, Md. 21057

RE: PETITION FOR VARIANCE
SE/S Wallace Drive, 400' SE of the c/l Long Green Pike
(11505 Wallace Drive)
11th Election District - 6th Council District
Michael C. Palmer, et ux - Petitioners
Case No. 01-071-A



Dear Mr. & Mrs. Palmer:

In response to your letter dated November 1, 2000 in which you have requested a modification of a portion of Restriction No. 4 of the Order issued by me in the above-captioned matter on October 23, 2000, the following comments are offered.

Please be advised that after due consideration of the information contained in your letter, I am persuaded to grant your request. Therefore, in lieu of requiring a relocation of the entire PVC fence along the side of your property adjoining the Justis property, I will allow you to install a barbed wire fence, five feet inside the existing PVC fence. However, pursuant to my Order, you are still required to repair/replace that portion of the PVC fence which was previously damaged.

All other terms and conditions of the Order issued on October 23, 2000 shall remain in full force and effect. Therefore, if any party wishes to file an appeal of this minor modification, you are reminded that the thirty (30) day appeal period runs from the date of the Order.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

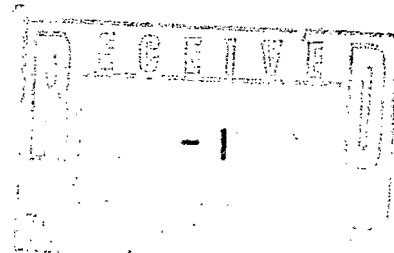
cc: Mr. Kirk Justis, 11507 Wallace Drive, Glen Arm, Md. 21057
Stephen Marsalek, Esquire, 28 Allegheny Avenue, Towson, Md. 21204
Code Enforcement Division, PDM; People's Counsel; Case File



Mr. Lawrence E. Schmidt
Suite 405, County Courts Bldg.
401 Bosely Avenue
Towson MD, 21204

November 1, 2000

Re: Petition for Variance
Case No 01-071-A



Dear Mr. Schmidt,

We would like to take this opportunity to thank you for granting the Petition for Variance to keep our two ponies. The conditions of the Variance as stated in your letter are fair and equitable and we intend to comply to the fullest.

We had anticipated the need for a barrier to keep the ponies a safe distance from the Justice property and had installed barbed wire fence inside our PVC fencing. This was done because the three rail PVC fence posts are cemented in the ground. We would ask that you consider the installation of the barbed wire fence, five feet from the Justice property, but inside our PVC fence, as an acceptable alternative to pulling the whole PVC fencing up.

As stated before, we intend to comply with the conditions of the Variance. This is the only one that may be troublesome.

I am still waiting to hear from Mr. Lippincott on the waste management plan to submit to you.

Sincerely

Sherry and Michael Palmer
11505 Wallace Drive
Glen Arm, MD 21057
410-817-4690

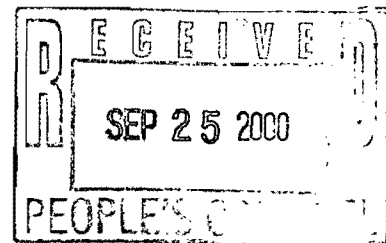
10/19/2000

Spoke to Kirk Justus on 10/3/2000

He said he would attend hearing scheduled
(would) 10/4

PHV

Mr. Kirk Justis
11507 Wallace Drive
Glen Arm, Md., 21057
(410) 817-6541 Home
(410) 817-6851 Work



September 25, 2000

Mr. Lawrence Schmidt
Zoning Commissioner
401 Bosley Ave.
Towson, Md., 21204

RE: Zoning Variance Case # 01-071-A
and # 01-072-A

PALMER

CONSTANTINO

} ZC HRC DATE 10/4/00

Dear Mr. Schmidt,

Enclosed is a picture of where our children play. Ten to fifteen feet away from horse manure. This should say it all!!!!

Back in June someone sent in several complaints anonymously against 11503, 11505 and our home also at 11507 Wallace Drive.

As they did, I also need to remain anonymous due to verbal threats from the homeowner at 11505 already. I've since called Community Reachout to make a report on these incidences. But mostly for the safety of our children. They would probably be assaulted and tormented by the neighborhood children that are 2 times there age. Our girls are 8 and 5 years of age. They've already been physically assaulted because of past problems we've had with our neighbors at 11505 Wallace Drive.

First Off! Looking at the Zoning Variance Sign posted Case# 01-072-A for 11503 Wallace Drive, (picture enclosed). The sign states that the 3 Pigmy Goats are stabled and pastured on 1/4 of an acre of land. Picture enclosed clearly shows that it is no where near 1/4 of an acre. More like 20 feet by 25 feet of stables which is where they are all the time. I agree with the earlier complaint that they need more land to live properly and I would like to oppose this variance for this reason. If they aren't stopped now, then what's next!!

I also fully agree with the complaint at 11505 Wallace Drive only on the issues with the horses and the dogs.

We did not move out to this residential neighborhood in Glen Arm to raise our children smelling horse manure in the young years of there life or ever.

Due to the prior complaint I know we're not the only ones that can't stand the odors. Not to mention the contamination to our well water which we have had checked. The test was positive for nitrates definitely due to piles of manure behind stables and all over their yard, (pictures enclosed). We've since installed a water purification system because of this!

Another issue is that the pony bites and nothing is stopping our children or guests from walking up to their 3 railed fence and getting bitten or maimed. One of my guests has already been bitten by the pony. I now have to warn all guests and children not to go near the horses.

As far as the dogs and their other animals, we've had to ask them several times to keep them off of our property. If they're going to have all these animals, then cage them up!!

The Zoning Variance Case# 01-071-A is scheduled for Wed. Oct. 4th., 2000, at 9am. The sign states that the variance is to permit 2 small Ponies to be stabled and pastured on 1/2 acre of land, which is wrong!! Enclosed is a picture of a horse and a pony fenced in 1/3rd of an acre. Which have been there for 3 years. Their full property consists of 1.11 acres per their plat and deed, (copies enclosed).

If they get these variances, then what's stopping them from enlarging their mini farms with more horses, more dogs, more goats, and other farm animals adding to the smells and dangerous conditions.

Hopefully, since 11505 has 2 violations with animals, farm and domestic, it might not be too hard for you to deny the variances because of further health and safety issues which could evolve from ongoing growth of their mini farms, that they have already started!

If there is no other way to stop these variances, but to expose this complaint, know that you would be leaving us, (my family), exposed. So, I am asking you to PLEASE, PLEASE, follow the LETTER OF THE LAW. Keep us anonymous and confidential for the safety and well-being of our children and our investments, water well incl. and for the sake of this small community.

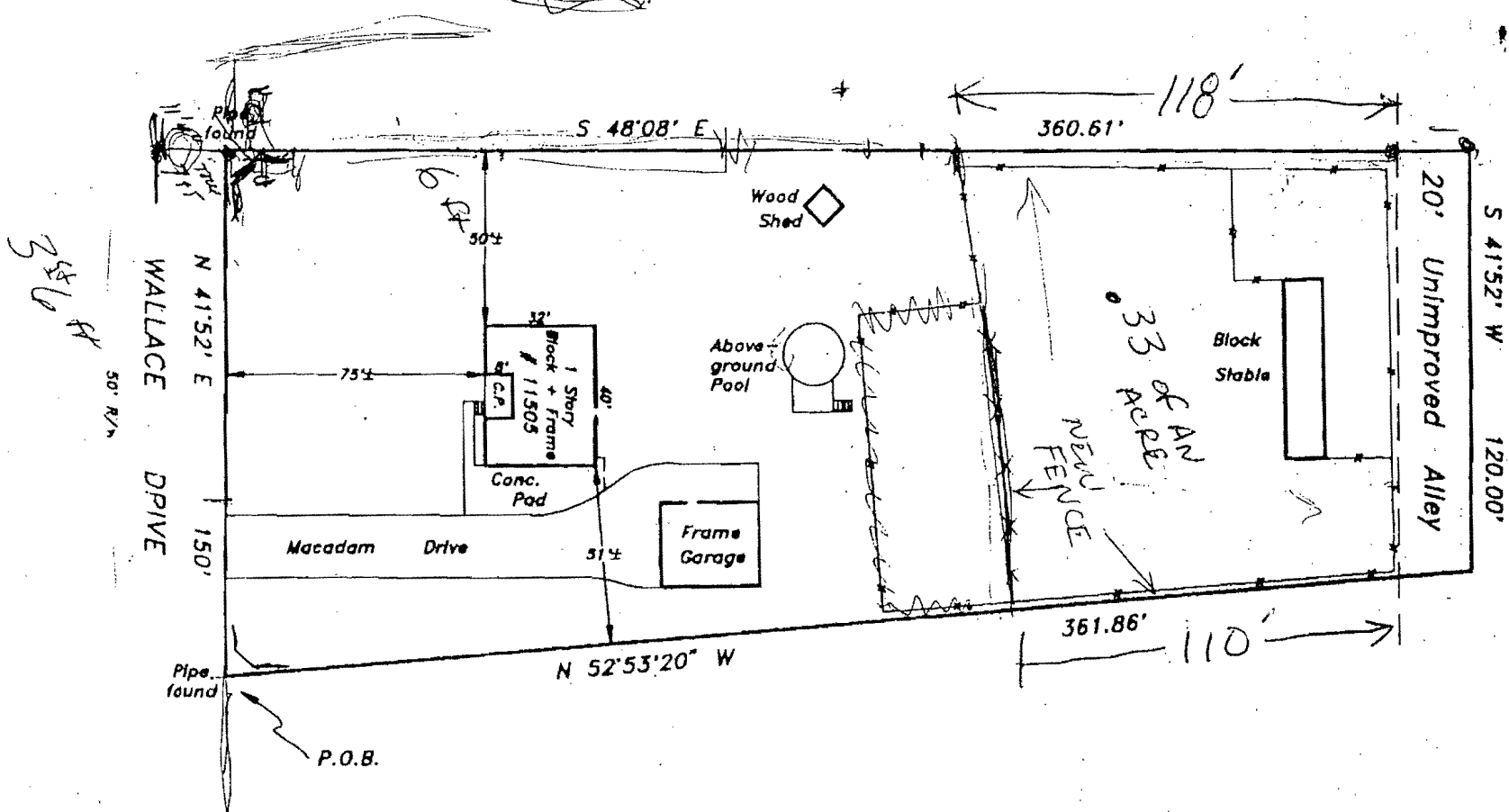
Sincerely,

A handwritten signature in cursive script, appearing to read "Keith Justus".

cc: Peter M. Zimmerman
Peoples Council for Baltimore County
Raymond Wisnom
Permits and Development Mgmt.

NOTES:

- 1) B.L.R. Information, if shown, was obtained from existing record plot or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone formation is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Setback distance accuracy: 1'±

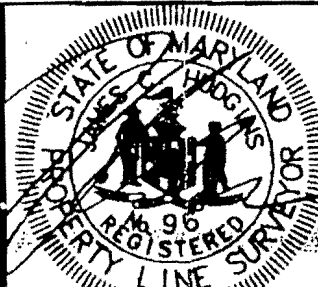


Subject property is shown in Zone C on the FIRM Map of Baltimore County, Maryland on Community Panel # 240010 0280 B. Effective March 2, 1981

This is to certify that I have surveyed the property shown hereon, being known as 11505 Wallace Drive

and recorded among the land records of Baltimore County, Maryland in Liber 6280, folio 223 for the purpose of locating the improvements thereon.

- This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins

LOCATION DRAWING
11505 Wallace Drive
Baltimore County, Maryland

11th Election District

285

NTT Associates, Inc.

16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

Scale: 1" = 50'

Date: 6/12/97

Field By: bp

Drawn By: bp

This Deed, MADE THIS 30th day of June in the year One Thousand Nine Hundred Ninety Seven by and between **Richard M. Gervais and Teresa Y. Gervais**, parties of the first part, and **Michael C. Palmer**, party of the second part.

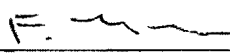
Witnesseth, That in consideration of the sum of **One Hundred Sixty Five Thousand Dollars and NO Cents (\$165,000.00)**, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey to the said party of the second part, as Sole Owner, his personal representatives, heirs and assigns, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING FOR THE SAME on the southeast side of Wallace Drive laid out on a Plat of GREENWOOD MANOR SECTION ONE and recorded among the Plat Records of Baltimore County in Plat Book GLB No. 20, folio 20, said point of beginning being distant 150.00 feet measured north 41 degrees 52 minutes east along the fourth or north 41 degrees 52 minutes east 300 feet line of the parcel of land conveyed by S. Wallace Diedeman and wife to Lawrence T. Hayes and wife, by a deed dated November 5, 1953, and recorded among the Land Records of Baltimore County in Liber GLB No. 2386 folio 202 from the beginning of said line, running thence and binding on the southeast side of Wallace Drive on a part of said fourth line north 41 degrees 52 minutes east 150.00 feet to the end of said fourth line thence leaving the drive and binding on the fifth line in said deed south 48 degrees 08 minutes east 360.61 feet to the end of said line and to the southeast side of an alley 20 feet wide, thence binding on a part of the sixth line thereof and on the southeast side of said alley, with the use thereof in common with others entitled thereto, south 41 degrees 52 minutes west 120.00 feet; thence crossing and leaving said alley and running for a line of division now made north 52 degrees 53 minutes 20 seconds west 361.86 feet to the place of beginning. Containing 1.118 acres of land more or less. The improvements thereon being known as No. 11505 Wallace Drive.

BEING the same parcel of ground which by deed dated April 23, 1981 and recorded among the Land Records of Baltimore County, Maryland in Liber EHK JR No. 6280, folio 232 was granted and conveyed by Jack R. Weber, Jr. and Marie Amelia Weber, his wife unto Richard M. Gervais and Teresa Y. Gervais, his wife, the Grantors herein.

THE WITHIN GRANTEE(S) DO HEREBY CERTIFY UNDER THE PENALTY(IES) OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY US AS EVIDENCED BY THE SIGNATURE(S) BELOW.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.


F. Michael Grace

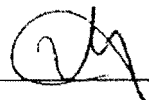
TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

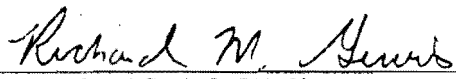
TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part as Sole Owner, his personal representatives, heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

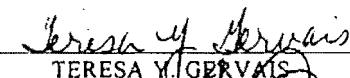
WITNESS the hands and seals of said Grantor(s) and Grantee(s).

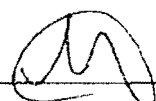
Test:



 (SEAL)
RICHARD M. GERVAIS



 (SEAL)
TERESA Y. GERVAIS



 (SEAL)
MICHAEL C. PALMER

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE  DATE 6/30/97

By

Date

pony ↓

horse ↓





MANURE
↓

WERE
OUR
CHILDREN
PLAY

8:18:00

ZONING NOTICE

Case # : 01-071-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON

PLACE : ^{401-BOSLEY AVENUE} ROOM 407, COUNTY COURTS BUILDING

TIME & DATE : WEDNESDAY, OCT 4, 2000 @ 9 AM.

VARIANCE TO PERMIT 2 SMALL
LIVESTOCK (PONIES) TO BE STABLED AND PASTURED
ON 1/2 ACRE AND 1.2 ACRES IN LIEU OF THE
REQUIRED MINIMUM 3 ACRES

(#11505 WALLACE)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN & POST UNTIL DAY OF HEARING. UNDER PENALTY OF THE LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE





A photograph of a manure pile in a field. In the background, there is a white fence and a stone building. A white sign with the text "MANURE PILE" is placed near the pile. The foreground shows green plants growing in the soil. A red digital timestamp "9 2 1 00" is visible in the bottom right corner.

MANURE
pile

9 2 1 00

MANURE
LEFT
FOR
1 WEEK.

2 18'00

Case # : 01-072-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON , MD.**

401- BOSLEY AVE.

PLACE : ROOM 407, COUNTY COURTS BLDG.

TIME & DATE : WEDS., OCT. 4, 2000 @ 9 A.M.

**VARIANCE TO PERMIT 3- SMALL LIVESTOCK
(PYGMY GOATS) TO BE STABLED AND PASTURED ON
1/4 ACRE AND 1.2 ACRES IN LIEU OF THE REQUIRED
MINIMUM 3 ACRES.**

11503 WALLACE DR.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN & POST UNTIL DAY OF HEARING, UNDER PENALTY OF THE LAW

HEARINGS ARE HANDICAPPED ACCESSIBLE



3 GOATS.
STABLE'S