IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE N/S of Tufton Avenue, 2,350 ft. NE of Belmont Avenue 4th Election District 3rd Councilmanic District (3100 Tufton Avenue)

> Charles C. Fenwick, Sr. Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 04-597-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the legal owner of the property, Charles C. Fenwick, Sr. The property, which is the subject of this request, is located at 3100 Tufton Avenue in the Glyndon area of Baltimore County and is zoned RC 2. The Petitioner is requesting special exception pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

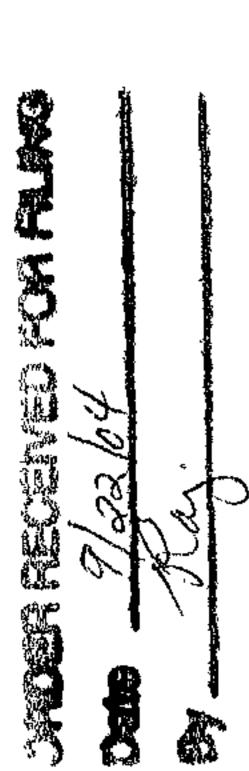
- 1) from Section 1A01, Paragraph 21 of the B.C.Z.R. to use the property for riding stables; and
- 2) from Section 1A01, Paragraph 29.a. of the B.C.Z.R. to use the property for farm machinery sales, storage or service.

In addition, the Petitioner is requesting variance relief from Sections 1A01.3.B.3 and 102.2 of the B.C.Z.R., to permit a proposed 7 ft. to zoning-special exception division line in lieu of 35 ft. Finally, the Petitioner has also requested a special hearing to approve two (2) special exception use areas to occupy the same site as set forth in the Petition for Special Exception filed herein.

The property was posted with Notice of Hearing on August 21, 2004, for 15 days prior to the hearing in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 26, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions



Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights. A ZAC comment was received from the Office of Planning dated July 23, 2004, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated July 21, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the special hearing request was Bruce Fenwick, Petitioner and Edward Halle, Jr. Esquire who represented the Petitioner. Debbie Price attended the hearing as an interested citizen. People's Counsel entered their appearance in the case.

Testimony and Evidence

Petitioner's testimony indicated the subject property consists of 8.845 acres of land, more or less, zoned RC 2. Mr. Halle proffered that the property is part of the 286 acres farm owned by the Petitioner and containing an existing stone tenant house, a farm machinery sales and service facility, riding stables and barns. See Petitioner's Exhibit No. 1. The Petitioner has drawn a zoning use division line around the subject uses to designate the Special Exception area separately from the larger farm.

A second zoning use division line was drawn between the tenant house and the existing driveway. This was done in order to include the existing driveway within the Special Exception and avoid having to build a second driveway in parallel with the existing driveway to access the stables, etc. behind the tenant house from Tufton Road. This creates a request for a 7 ft. setback for the tenant house from the zoning use division line and is the basis for the request for zoning

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variance. Mr. Halle proffered that building a parallel driveway would be unnecessary and a hardship on the Petitioner.

Mr. Halle proffered that the Petitioner has operated a riding stable and farm machinery sales and service since 1973. He noted that the RC 2 zoning was imposed on the property in 1979 and as both uses were legal uses at the time, his uses would qualify as nonconforming uses. However the Petitioner determined to simply apply for a special exception which is allowed by Section 1A01, Paragraph 21 of the B.C.Z.R. for riding stables and from Section 1A01, Paragraph 29.a. of the B.C.Z.R. for farm machinery sales, storage or service.

He noted that the riding stables include buying, selling, training, breeding and boarding horses all of which services he now provides. These services will compliment and support the Maryland Stallion Station which is a major horse breeding operation nearby. In addition, the Petitioner wants to be able to continue his public stables.

In regard to the sales of farm machinery Mr. Halle indicated that the Petitioner now sells new and used farm equipment with customers coming from the surrounding commercial farm community. In addition, the Petitioner also has a machine shop and repair facility which, being located in the heart of the farming community, reduces the need for long trips with large heavy equipment when a farm machine needs repair. He noted that the lands on which these facilities and the riding stables are located are not detrimental to the primary agricultural uses in the community. In fact, he proffered that they would be complimentary to and supportive of these agricultural uses. Finally, he noted that the land on which the farm machinery sales and service uses are located is not situated on the land that could be more appropriately used for agricultural purposes. He stated that this was because the buildings in which these uses are located are too oclose to existing buildings on the property to be used agriculturally.

In regard to the special hearing, the Petitioner indicated that he would like to have dual use of one building as a farm machinery sales and riding stable use, which in particular means locating the office in the same room in which riding equipment (saddles, bridles, etc) are stored. Mr. Halle explained that as strange as this may seem to those unfamiliar with riding stables, the office is a heated, clean and secured space where extremely valuable tack equipment should be stored.

In support of these requests the Petitioner contacted all his neighbors and found all to be supportive. See letters of support in Petitioner's Exhibit No. 3. In addition, the Planning Office and Department of Environmental Protection and Resource Management fully support these requests.

See ZAC comments in file.

Findings of Facts and Conclusions of Law

Special Exception

S. C. C. C.

The request for special exception is filed pursuant to Section 1A01, Paragraph 21 of the B.C.Z.R. for riding stables and from Section 1A01, Paragraph 29.a. of the B.C.Z.R. for farm machinery sales, storage or service. I find that the use of the subject property for these uses would not be detrimental to the health, safety and welfare of the community. On the contrary, I find that these uses will enhance and support the agricultural uses in the area. I further find that the buildings in which these activities will take place will not be situated on land more appropriately used for primary agricultural uses. I also note that the support for these uses not only comes from the community, but also from the Office of Planning and DEPRM which one rarely finds.

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Variance

The Petitioner is requesting a variance from Sections 1A01.3.B.3 and 102.2 of the B.C.Z.R., to permit a proposed 7 ft. setback to a zoning-special exception division use line in lieu of 35 ft. The tenant house and driveway already exist. There is no reason to construct another driveway parallel to the existing driveway. This would be wasteful and not just a hardship on the Petitioner.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Special Hearing

I further find that the dual use of the office as a tack room, although strange to someone with my background, makes great sense when the Petitioner explained that valuable tack equipment should be in the office for its protection. In addition, this is apparently a great tradition. I find that the dual use would not in any way be detrimental to the health, safety or welfare of the community.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the requested relief shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>32</u>day of September, 2004, that the special exception relief requested pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1) from Section 1A01, Paragraph 21 of the B.C.Z.R. to use the property for riding stables; and

2) from Section 1A01, Paragraph 29.a. of the B.C.Z.R. to use the property for farm machinery sales, storage or service.

be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- a) Compliance with the ZAC recommendations submitted by DEPRM dated July 21, 2004, a copy of which is attached hereto and made a part hereof.
- b) Compliance with the ZAC recommendations submitted by the Office of Planning dated July 23, 2004, a copy of which is attached hereto and made a part hereof.

IT IS FURTHER ORDERED, that the variance relief requested from Sections 1A01.3.B.3 and 102.2 of the B.C.Z.R., to permit a proposed 7 ft. to zoning use-special exception division line in lieu of 35 ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the special hearing requested to approve two (2) special exception use areas to occupy the same site as set forth in the Petition for Special Exception filed herein, be and is hereby GRANTED.

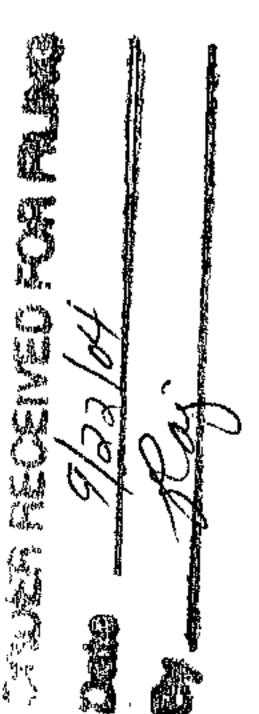
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 22, 2004

Edward A. Halle, Jr., Esquire Executive Place I – Suite 502 11350 McCormick Road Hunt Valley, Maryland 21030

> Re: Petitions for Special Hearing, Special Exception and Variance Case No. 04-597-SPHXA Property: 3100 Tufton Avenue

Dear Mr. Halle:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing, special exception and variance have been granted 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,

John V. Murphy

Deputy Zoning Commissioner

John v. Thuyshy

JVM:raj Enclosure

c: H. Bruce Fenwick 3100 Tufton Avenue Glyndon, MD 21071

> Debbie Price 2315 Teacup Road Sparks, MD 21152



Visit the County's Website at www.baltimorecountyonline.info



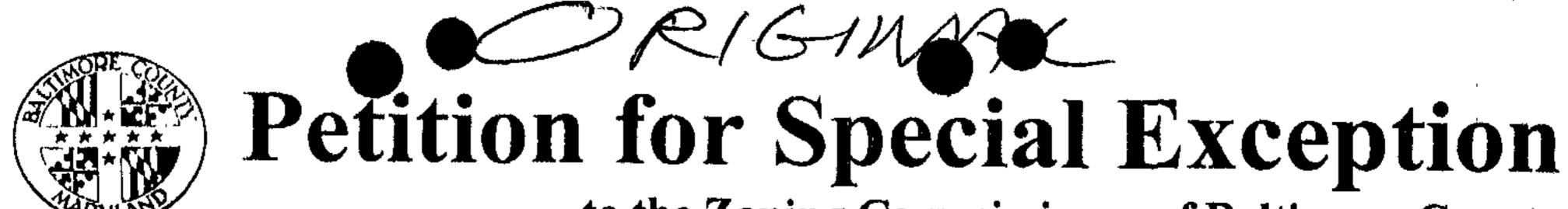
Petition for Special Hearing

for the property located at 3.100 Tuffin

to the Zoning Commissioner of Baltimore County

which is presently zoned

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing uncounty, to determine whether or not the Zoning Commissioner states.	Is described in the description and plat attached hereto and der Section 500.7 of the Zoning Regulations of Baltimore should approve 2. Species at a contract lices
AREAS TO OCCUPY THE SAME SITE, (SEE EXCEPTION REQUESTS) AND TO ALLCAN EXIST LOT LINE SETBACKS TO BE APPRIATED AS A	THE ACCOMPANUING SPECIAL
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursua	. Procing oin and finites areas to and out to be becomined by the
	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:	Legal Owner(s):
Name - Type or Print	Name - Type or Print
Signature	Signature Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	3302 OSe/mont K
Attorney For Petitioner:	4110-666-7777
Edward A Halle Jr	Address Telephone No.
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
I when & Beckles AA	
Inpan L'Recurrice Plenza One Shite 502 11850 McCormich Rd 410 771 9900	Name
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State Zip Code	City State Zip Code
	OFFICE USE ONLY
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Julonantin for of the Sun lo	- owner to be swighted
prior to hearing.	



Case No. 14

REV 09/15/98

to the Zoning Commissioner of Baltimore County

for the property located at 3100 Tufton Avenue

ESTIMATED LENGTH OF HEARING CHRS

Reviewed By JL Date 6

Until After Lubor Day &

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

- Riding Stables (per Section 1A01, Paragraph 21)

- Farm Machinery sales, storage or service (per Section 1A01, Paragraph 29.a.)

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:	Legal Owner(s):									
n/a Name - Type or Print	<u>Charles C. Fenwick, Sr.</u> Name - Type or Print									
Signature	Charles C. Fernick Signature									
Address Telephone No.	Name - Type or Print									
City State Zip Code	Signature									
Attorney For Petitioner:	3302 Belmont Road 410-666-7777 Address Telephone No.									
Edward A. Halle, Jr. Name - Type or Print	Glyndon MD 21071 City State Zip Code Representative to be Contacted:									
Fowley & Beckley, P.A. Company Executive Plaza I Adules O McCormick Road, Suite 502 Telephone No.	Bruce Fenwick Name 3100 Tufton Avenue 410-833-9091									
Hunt Valley MD 21031 City State Zip Code	Address Telephone No. Glyndon MD 21071 City State Zip Code									
	OFFICE USE ONLY									



Case No. _

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at ____

		-	esently zoned	
This Petition shall be filled with the De of the property situate in Baltimore Cou nereof, hereby petition for a Variance from	mu ann winien ie ei	its and Development N	ion and wist state and b	
to zoning special exce	PTION DIVISION	NUNE IN LIEU	OF 35 FT.	1
of the Zoning Regulations of Baltimore Co or practical difficulty)	ounty, to the zoning	law of Baltimore Count	y, for the following reason	ons: (indicate hardsh
Property is to be posted and advertised a , or we, agree to pay expenses of above egulations and restrictions of Baltimore Cour	Variance, advertising	1. posting etc and further	r agree to and are to be nore County.	bounded by the zonin
	I/W perjury, that is the subject of this F	e do solemniy declare and I/we are the legal owner(s Petition.	l affirm, under the penaltle) of the property which	s of
Contract Purchaser/Lessee:		Legal Owner(s):	•	•
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State	Zip Code	Signature	······································	, , , , , , , , , , , , , , , , , , ,
Attorney For Petitioner:	5	Address	······································	Telephone No.
lame - Type or Print		City	State	Zip Code
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ompany Exec. Mazer one - In	te 502	Name		
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ity / State	Zip Code	City	State	Zip Code
		<u>OF</u>	FICE USE ONLY	7

ESTIMATED LENGTH OF HEARING

Reviewed By _____ Date 6/24/04

A. L. Snyder

Surveyor, Inc.

1911 Hanover Pike Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

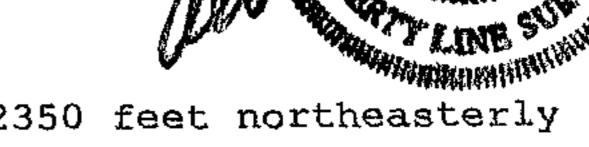
04 597 A

Zoning Description

Special Exception, Special Hearing

The Charles C. Fenwick, Sr. Property

January 15, 2004



Beginning on the north side of Tufton Avenue, 2350 feet northeasterly from the centerline of Belmont Avenue; thence

- 1.) South 46 degrees 38 minutes 33 seconds West 135.53 feet
- 2.) by a line curving to the right with a radius of 2169.98 feet, an arc length of 59.96 feet and a chord bearing South 47 degrees 26 minutes 03 seconds West 59.96 feet
- 3.) North 38 degrees 10 minutes 54 seconds West 242.38 feet
- 4.) South 51 degrees 17 minutes 13 seconds West 181.34 feet
- 5.) South 37 degrees 37 minutes 47 seconds East 244.45 feet
- 6.) by a line curving to the right with a radius of 2169.98 feet, an arc length of 28.23 feet and a chord bearing South 53 degrees 27 minutes 03 seconds West 28.23 feet
- 7.) South 53 degrees 49 minutes 24 seconds West 117.96 feet
- 8.) North 38 degrees 16 minutes 52 seconds West 829.28 feet
- 9.) North 52 degrees 10 minutes 06 seconds East 403.62 feet
- 10.) North 80 degrees 06 minutes 12 seconds East 137.03 feet
- 11.) South 38 degrees 18 minutes 46 seconds East 746.26 feet to the point of beginning.

Containing 8.845 acres of land.

Being a part of that land which was conveyed to Charles C. Fenwick, Sr. from Charles C. Fenwick, Sr. by deed dated February 3, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 13558 folio 462 etc., known as No. 3100 Tufton Avenue and located in the Fourth Election District and Third Councilmanic District of Baltimore County, Maryland.

A. L. Snyder Surveyor, Inc. 1911 Hanover Pike

Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

0A 591 A

Zoning Description

Variances

The Charles C. Fenwick, Sr. Property

January 15, 2004

Beginning on the north side of Tufton Avenue, 2350 feet northeasterly from the centerline of Belmont Avenue; thence

- 1.) South 46 degrees 38 minutes 33 seconds West 135.53 feet,
- 2.) By a line curving to the right with a radius of 2169.98 feet, an arc length of 271.96 feet and a chord bearing South 50 degrees 13 minutes 59 seconds West 271.79 feet,
- 3.) South 53 degrees 49 minutes 24 seconds West 117.96 feet,
- 4.) North 38 degrees 16 minutes 52 seconds West 829.28 feet,
- 5.) North 52 degrees 10 minutes 06 seconds East 403.62 feet,
- 6.) North 80 degrees 06 minutes 12 seconds East 137.03 feet,
- 7.) South 38 degrees 18 minutes 46 seconds East 746.26 feet to the point of beginning.

Containing 9.870 acres of land, more or less.

Being a part of that land which was conveyed to Charles C. Fenwick, Sr. from Charles C. Fenwick, Sr. by deed dated February 3, 1999 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 13558 folio 462 etc., known as No. 3100 Tufton Avenue and located in the Fourth Election District and Third Councilmanic District of Baltimore County, Maryland.



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The Zorang 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: # 04-597-A

3100 Tufton Avenue

Niside of Tufton Avenue, 2,350 feet neast of Belmont Avenue

4th Election District — 3rd Councilmanic District

Legal Owner(s): Charles Ferwick, Sr.

Special Exception: to permit riding stables and farm machinery sales storage or services.

Special Hearing: to allow 2 special exception use areas to occupy the same site.

Yariance: to permit a proposed 7 foot to zoning special exception division line in lieu of 35 feet.

Hearing: Friday, September 10, 2004 at 18:00 a.m. in Hearing: Friday, September 10, 2004 at 18:00 a.m. in

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.

Contact the Zoning Beniew Office at (410) 887 3391.

Contact the Zoning Beniew Office at (410) 887 3391.

8/307 Aug. 26.

1,200<u>4</u> 198

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., in the following weekly once in each of O

凶 The Jeffersonian

Arbutus Times

lle Times Catonsvil

Towson Times

Owings Mills Times

NE Booster/Reporter North County News 1 JULIUS

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHE	EWS Date: August 23,2004
RE: Case Number <u>04-597-</u> Pelitioner/Developer; <u>CHARLES</u> Date of Hearing) Closing: <u>SEPTE</u>	A FENWICK/EDWARD A HALLE JR ESQ. EMBER 10, 2004
	f perjury that the nepessary sign(s) required by law ocated at 3100. TUFTONAVE
The sign(s) were posted on	august 21, 2004 (Month, Day, Year)
CASE & CA-597-A PERSON OF SOUTH RESIDENCE OF SOUTH AND THE CONTROL FORMAL SOUTH RESIDENCE OF SOUTH AND THE CONTROL FOR THE CO	(Signature of Sign Poster) LINDA O KEFF (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster) 410-666-5366 (Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 10, 2004 Issue - Jeffersonian

Please forward billing to:

H. Bruce Fenwick 3100 Tufton Avenue Glyndon, MD 21071 410-833-9091

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: 04-597-A

3100 Tufton Avenue

N/side of Tufton Avenue, 2,350 feet n/east of Belmont Avenue

4th Election District - 3rd Councilmanic District

Legal Owner: Charles Fenwick, Sr.

Special Exception to permit riding stables and farm machinery sales storage or services. Special Hearing to allow 2 special exception use areas to occupy the same site. Variance to permit a proposed 7 foot to zoning special exception division line in lieu of 35 feet.

Hearing: Wednesday, August 25, 2004 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

awrance d. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL

ACCOMODATIONS, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 26, 2004 Issue - Jeffersonian

Please forward billing to:

H. Bruce Fenwick 3100 Tufton Avenue Glyndon, MD 21071

410-833-9091

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: 04-597-A

3100 Tufton Avenue

N/side of Tufton Avenue, 2,350 feet n/east of Belmont Avenue

4th Election District - 3rd Councilmanic District

Legal Owner: Charles Fenwick, Sr.

<u>Special Exception</u> to permit riding stables and farm machinery sales storage or services. <u>Special Hearing</u> to allow 2 special exception use areas to occupy the same site. <u>Variance</u> to permit a proposed 7 foot to zoning special exception division line in lieu of 35 feet.

Hearing: Friday, September 10, 2004 at 10:00 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 ACCOMODATIONS, 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.

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 6, 2004

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: 04-597-A

3100 Tufton Avenue

N/side of Tufton Avenue, 2,350 feet n/east of Belmont Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Charles Fenwick, Sr.

<u>Special Exception</u> to permit riding stables and farm machinery sales storage or services. <u>Special Hearing</u> to allow 2 special exception use areas to occupy the same site. <u>Variance</u> to permit a proposed 7 foot to zoning special exception division line in lieu of 35 feet.

Hearing: Wednesday, August 25, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Edward Halle, Jr., Fowley & Beckley, PA, 11350 McCormick Rd., Ste. 502, Hunt Valley 21031 Charles Fenwick, Sr., 3302 Belmont Road, Glyndon 21071

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 10, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.

Department of Permits a Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 16, 2004

CORRECTED 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: 04-597-A

3100 Tufton Avenue

N/side of Tufton Avenue, 2,350 feet n/east of Belmont Avenue

4th Election District – 3rd Councilmanic District

Legal Owner: Charles Fenwick, Sr.

<u>Special Exception</u> to permit riding stables and farm machinery sales storage or services. <u>Special Hearing</u> to allow 2 special exception use areas to occupy the same site. <u>Variance</u> to permit a proposed 7 foot to zoning special exception division line in lieu of 35 feet.

Hearing: Friday, September 10, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Edward Halle, Jr., Fowley & Beckley, PA, 11350 McCormick Rd., Ste. 502, Hunt Valley 21031 Charles Fenwick, Sr., 3302 Belmont Road, Glyndon 21071

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 26, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

•

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

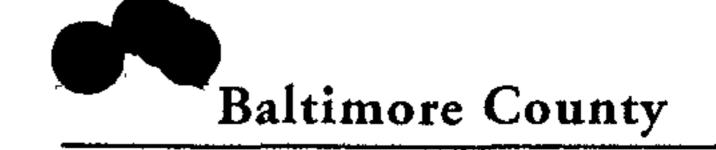
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Department of Permits Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

August 31, 2004

Edward A. Halle, Jr. Fowley & Beckley, PA. 11350 McCormick Road Hunt Valley, Maryland 21031

Dear Mr. Halle:

RE: Case Number:04-597-A, 3100 Tufton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 2004.

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.

U. Call Rila D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Charles C. Fenwick, Sr. 3302 Belmont Road Glyndon 21071

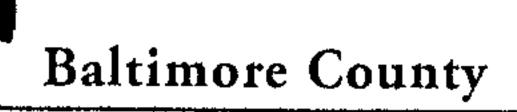


Visit the County's Website at www.baltimorecountyonline.info

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T Smith, Jr., County Executive John J Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 6, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 6, 2004

Item No.:

59/

Dear Ms. Mathews:

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info





DATE: July 23, 2004

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 12, 2004

Item Nos. 585, 592, 593, 594, 595, 596, 597) 598, 599, 600, 601, 602, 603, 605, 606, 607, 608, and 609

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

RWB:CEN:jrb

cc: File





BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 500

DATE:

July 21, 2004

SUBJECT:

Zoning Item

Address

3100 Tufton Ave.

Zoning Advisory Committee Meeting of July 6, 2004.

The Agricultrual Preservation section of DEPRM offers the following comments regarding the above Zoning item:

This property is located in a Master Plan designated Agricultural Preservation Area and although not in the vicinity of Protective Agricultural Easements, the proposed agricultural uses should be supported

Reviewer:

Wally Lippincott

Date: July 21, 2004

S-\Devcoord\ZAC SHELL 11-20-03.doc



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 23, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

3100 Tufton Avenue

JUL 2 7 2004

ZONING COMMISSIONER

INFORMATION:

Item Number:

4-597

Petitioner:

Charles C. Fenwick, Sr.

Zoning:

RC 2

Requested Action:

Variance/Special Exception/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The property is located on Tufton Avenue, which is designated as a scenic route in Master Plan 2010, and is within the Worthington Valley National Register Historic District. The proposed riding stable, farm machinery and sales operation are agricultural support uses that are in keeping with the spirit and intent of the RC 2, agricultural zone. The property is improved with several barns, machine shed and shop with a setback of 480 feet from Tufton Road.

In light of the decision rendered in Board of Appeals Case No. 01-530X, the riding stable operation may be construed as a use that is a customary part of a horse farm operation. If the same logic applies to this property which is part of a 286.65-acre farm, the special exception for riding stable may be unnecessary.

In the event that the Zoning Commissioner determines that the Special Exception is required, the following shall apply:

The Office of Planning supports the petitioner's requests provided that the following conditions are met:

1. The buildings for the riding stable, farm machinery sales, storage and service shall be in accordance with the plan prepared by A. L. Snyder on January 5, 2004.

2. Any outside storage of farm machinery shall be within a fenced area and labeled on the plan.

Prepared by:

Division Chief:

AFK/LL:MAC:







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

7.2.04

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

RE:

Baltimore County

Item No. 5

597

4

Dear. Ms. Matthews:

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,

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

1. 1. Goedh

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
3100 Tufton Avenue; N/side of Tufton
Avenue, 2,350' NE Belmount Avenue
4th Election & 3rd Councilmanic Districts
Legal Owner(s): Charles C Fenwick, Sr.
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 04-597-SPHXA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 July 2004, a copy of the foregoing Entry of Appearance was mailed to Edward J. Halle, Jr, Fowley & Beckley, P.A., Executive Plaza I, 11350 McCormick Road, Suite 502, Hunt Valley, MD 21031, Attorney for Petitioner(s).

RECEIVED

JUL 1 3 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

FOWLEY & BECKLEY, P.A.

ATTORNEYS-AT-LAW
EXECUTIVE PLAZA I, SUITE 502
11350 MCCORMICK ROAD
HUNT VALLEY, MD 21031-1002

EXTENSION 106
EMAIL: nedhalle@aol.com

EDWARD A. HALLE, JR.

TELEPHONE: 410-771-9900 FAX: 410-771-1910 RECEIVED

SEP 1 5 2004

ZONING COMMISSIONER

September 10, 2004

Department of Permits and Development Management Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attention: Zoning Commissioner, John Murphy

Re: Case No. 04-597-A

Hearing Date: 9/10/04

Belmont Farm

Our File Number: 7457/EAH

Dear Commissioner Murphy:

Enclosed please find a copy of Petitioner's Exhibit 2 - an aerial photo of the special exception area of Belmont Farm submitted at the September 10, 2004 hearing.

Thank you for conducting an interesting and enjoyable hearing.

Very truly yours,

Edward A. Halle, Jr.

Edward a. Halle, W/11

EAH/rll Enclosure

cc: H. Bruce Fenwick (w/o enc.)

9/10

George M. Durrett 3366 Belmont Avenue Glyndon, Md 21071 (410) 833-3396

Department of Permits and Development Management Director's Office County Office Building 111 W. Chesapeake Ave. Towson, MD 21204

Re: Case No. 04-597-A

Belmont Farm

Special Exception for Farm Machinery Sales and Service

and

Special Exception for Riding Stables

Dear Mr. Kotroco.

fown property and live in close proximity to Mr. Charles C. Fenwick's Belmont farm and I am familiar with the Belmont Farm horse operation and also the farm machinery sales, storage and service operation, both conducted on a part of the farm by Bruce Fenwick.

I am aware that Mr. Fenwick is requesting Baltimore County to grant him two special exceptions, one to permit a riding stable and another to permit farm machinery sales, storage and service.

I am writing to express my support for both the requested special exceptions. Operation of a riding stable will not be detrimental in any way to the primary agricultural uses in the vicinity of the property. Mr. Fenwick has conducted a horse operation on the property for many years and it has been, and will undoubtedly continue to be, a benefit to the community.

The same is true for the farm machinery sales, storage and service operation which will not be detrimental to the primary agricultural uses in the vicinity of the property. In fact, the proposed farm machinery related use will support the primary agricultural uses in the vicinity. I and many of my neighbors have utilized the services provided by Belmont Farm and will certainly continue to do so in the future

Granting the requested special exceptions will enhance and improve the primary agricultural uses in the area.

Sincerely yours. Duriett

10/10 39A9

PATRICIA WARD T/A SAGAMORE FARM *3510 BELMONT AVENUE* GLYNDON, MARYLAND 21071-4905

Telephone 410 - 526-9720 Facsimile 410 - 526-9721

134

August 24, 2004

Department of Permits and Development Management Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Mr. Kotroco

Re: Case Number 04-597-A

Belmont Farm

Special Exception for Farm Machinery Sales and Service and

Special Exception for Riding Stables

Dear Mr. Kotroco:

I own property and live in close proximity to Mr. Charles C. Fenwick's Belmont Farm and I am familiar with the Belmont Farm horse operation and also the farm machinery sales, storage, and service operation, both conducted on a part of the farm by Bruce Fenwick.

I am aware that Mr. Fenwick is requesting Baltimore County to grant him two special exceptions: One to permit a riding stable and another to permit farm machinery sales, storage, and service.

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The same is true for the farm machinery sales, storage, and service operation which will not be detrimental to the primary agricultural uses in the vicinity of the property. In fact, the proposed farm machinery related use will support the primary agricultural uses in the vicinity. I, and many of my neighbors, have utilized the services provided by Belmont Farm and will certainly continue to do so in the future.

Granting the requested special exceptions will enhance and improve the primary agricultural uses in the area.

Sincerely.

James J. Ward, III

JJWIII:nma

DEVELOPMENT MANAGEMENT
AUG 25 2004
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4 ...

PRECEIVED

FRANK A. BONSAL, JR.

1119 St. Paul Street

Baltimore, Maryland 21202

Tel: (410) 244-0115 Fax: (410)-752-7721

[ONLG]

OCT - 5 2004

ZONING COMMISSIONER

Department of Permits and Development Management Director's Office County Office Building 111 W. Chesapeake Avenue Towson, MD 21204

September 10, 2004

Re: Case No. 04-597-A

Belmont Farm Special Exception for Farm Machinery Sales and Service and Special Exception for Riding Stables

Dear Mr. Kotroco,

I own property and live in close proximity to Mr. Charles C. Fenwick's Belmont Farm and I am familiar with the Belmont Farm horse operation and also the farm machinery sales, storage and service operation, both conducted on a part of the farm by Bruce Fenwick

I am aware that Mr. Fenwick is requesting Baltimore County to grant him two special exceptions: one to permit a riding stable and another to permit farm machinery, sales storage and service.

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The same is true for the farm machinery sales, storage and service operation that will not be detrimental to the primary agricultural uses in the vicinity of the property. In fact, the proposed farm machinery related use would support the primary agricultural uses in the vicinity. Many of my neighbors and I have utilized the services provided by Belmont Farm and will certainly continue to do so in the future.

Granting the requested special exceptions will enhance and improve the primary agricultural uses in the area.

Sincerely yours,

Frank Bonsal, Jr. Bonsal, Jr.

DEVELOPMENT MANAGEMENT
SEP 1 4 2004
SEP 1 4 2004
SEP 1 4 2004
DEVELOPMENT MANAGEMENT

FOWLEY & BECKLEY, P.A.

ATTORNEYS-AT-LAW
EXECUTIVE PLAZA I, SUITE 502
11350 MCCORMICK ROAD
HUNT VALLEY, MD 21031-1002

EDWARD A. HALLE, JR.
EXTENSION 106
E-MAIL: nedhalle@aol.com

TELEPHONE: 410-771-9900 FAX: 410-771-1910

June 7, 2004

Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 111 Towson, Maryland 21204

Attention: John Lewis

Re: 3100 Tufton Avenue

Our File Number: 7457/EAH

Dear John:

Per your request, this letter is to accompany the materials filed on behalf of Belmont Farm (3100 Tufton Avenue) with its Petitions for Special Exception for riding stables and alternatively farm machinery sales.

As we discussed, a portion of the property, specifically the office/tack room, is labeled as having dual use on the plat to accompany the petitions. The owner of the businesses, H. Bruce Fenwick, runs both the riding stable operation and the farm machinery sales operation from his office and hence its designation for dual use. Mr. Fenwick supervises his employees, maintains his records, telephone, fax, computer, etc. in this office and he meets with and directs his employees from the office also. It would not make sense for Mr. Fenwick to operate a separate office for his riding stable operation and another for his farm machinery sales operation.

Please let me know if you need anything additional with regard to this subject.

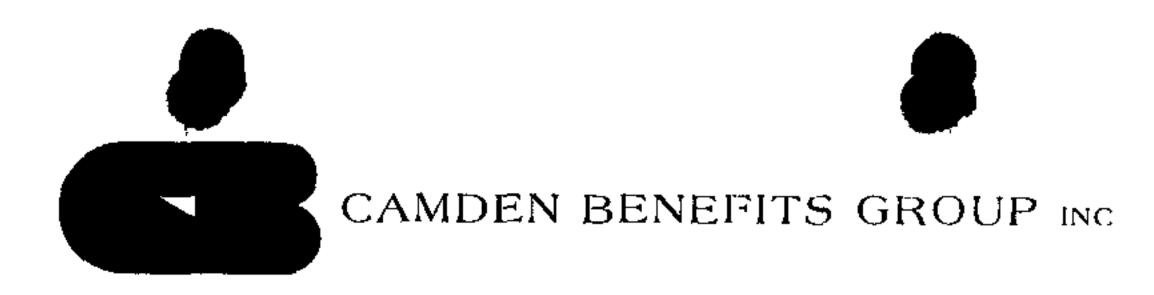
Thank you for your assistance in this matter.

Very truly yours,

Edward A. Halle, Jr.

EAH/rll Enclosures

cc: H. Bruce Fenwick



9690 Decreco Road Suite 410 • Timonium, MD 21093 • Phone 410-252-6226 • Fax 410-252-6567

Department of Permits and Development Management Director's Office County Office Building 111 W. Chesapeake Ave. Towson, MD 21204

Re: Case No. 04-597-A Belmont Farm Special Exception for Farm Machinery Sales and Service And Special Exception for Riding Stables

Dear Mr. Kotroco,

We own property and live in close proximity to Mr. Charles C. Fenwick's Belmont Farm and Alle familiar with the Belmont Farm horse operation and also the farm machinery sales, storage and service operation, both conducted on a part of the farm by Bruce Fenwick.

We are aware that Mr. Fenwick is requesting Baltimore County to grant him two special exceptions: one to permit a riding stable and another to permit farm machinery sales, storage and service.

We are writing to express our support for both the requested special exceptions. Operations of a riding stable will not be detrimental in any way to the primary agricultural uses in the vicinity of the property. Mr. Fenwick has conducted a horse operation on the property for many years and it has been, and will undoubtedly continue to be, a benefit to the community.

The same is true for the farm machinery sales, storage and service operation, which will not be detrimental to the primary agricultural uses in the vicinity of the property. In fact, the proposed farm machinery related use will support the primary agricultural uses in the vicinity. We and many of my neighbors have utilized the services provided by Belmont Farm and will certainly continue to do so in the future.

Granting the requested special exceptions will enhance and improve the primary agricultural uses in the area.

Sincerely yours,

Ausen Chinana June Rhinana Susan G. McDonald

James R. McDonald

3741 Butler Road

Glyndon, MD 21071

Pet 3 A

EMPLOYEE BENEFITS SPECIALISTS www.camdenbenefits.com

PATRICIA WARD T/A SAGAMORE RM 3510 BELMONT AVENUE GLYNDON, MARYLAND 21071-4905

Telephone 410 - 526-9720 Facsimile 410 - 526-9721

August 24, 2004

Department of Permits and Development Management Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ATTN: Mr. Kotroco

Re:

Case Number 04-597-A

Belmont Farm

Special Exception for Farm Machinery Sales and Service and

Special Exception for Riding Stables

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Granting the requested special exceptions will enhance and improve the primary agricultural uses in the area.

Sincerely,

James J. Ward. III

JJWIII:nma

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PLEASE PRINT CLEARLY

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
PETITIONER'S SIGN-IN SHEET

E-MAIL	SELT ACK IN AOL. GOR										
CITY, STATE, ZI	Jun 21071	he halled hand									
ADDRESS	3100 Tettin Ave										
NAME	H. Bruce Fermich	111									

CASE NAME 3100 JULTON Jane CASE NUMBER 04-597-A DATE 9/10/04

SITIZEN'S SIGN-IN SHEET

E- MAIL											
STATE,	Spacks, Md 21152										
] 1	2515 Teaceup Kd										
****	Debbie Years				-						



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