8/19/09

IN THE MATTER OF THE APPLICATION OF STANARD T. & SUSAN KLINEFELTER FOR VARIANCE ON PROPERTY LOCATED ON THE W/S GREENWOOD ROAD, 965' SOUTH OF CENTERLINE OF JOPPA ROAD (530 GREENWOOD ROAD) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 05-225-A

* * * * * * *

ORDER OF DISMISSAL

This matter comes before this Board on appeal filed by Stanard T. Klinefelter, Legal Owner /Petitioner, from a decision of the Zoning Commissioner dated December 29, 2004 in which the subject request for variance relief was denied; and from the Order of the Zoning Commissioner dated February 23, 2005 in which Petitioner's Motion for Reconsideration was denied. On March 25, 2005, Petitioner noted a timely appeal to this Board.

This Board convened for public hearing on the scheduled date of November 2, 2005. Robert A. Hoffman, Esquire, appeared on behalf of the Petitioner /Appellant; Protestants to this matter appeared *pro se*. At that time Counsel for Petitioner and the *pro se* Protestants jointly requested that this matter be remanded to the Zoning Commissioner for further proceedings as stated on the record. Zoning Commissioner's Order on Joint Request for Remand issued.

This Board convened for public hearing on the scheduled date of March 22, 2006. Memoranda in lieu of closing argument received at the Board of Appeals on April 24, 2006. The Board convened for a Public Deliberation on July 11, 2006.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible;

WHEREAS, the subject matter has been held on the Board's docket since July 11, 2006, and no further action having occurred in this matter;

WHEREAS, by letter dated May 19, 2009, the Board of Appeals notified the Counsel of record for all parties of the inactivity of this matter and requested that Counsel contact this office.

WHEREAS, by letter dated May 26, 2009, James A. Frederick, Esquire, indicated that this matter is moot due to the Petitioners submitting a new Petition to the Zoning Commission, prior to the Opinion being issued in this case. (a copy of which is attached hereto and made a part hereof); and

WHEREAS, there has been no request made for hearing in this matter, nor objection made to said dismissal;

IT IS THEREFORE ORDERED, this 19th day of August, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal filed in Case No.: 05-225-A, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

May 26, 2009

James A. Frederick, Esq.
602 Meadowridge Road
Towson, Maryland 21204

County Board of Appeals of Baltimore County
Jefferson Building
Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Theresa R. Shelton, Administrator

Re: Stanard T. and Sarah Klinefelter
Case No: 05-225-A

Dear Ms. Shelton:

I am in receipt of your May 19, 2009 letter in the above-referenced matter and am responding thereto.

My belief is that Case No. 05-225-A is moot. In 2007, before the Board issued an opinion, the Klinefelters submitted a new Petition for Administrative Variance to the Zoning Commission. That matter was assigned Case No. 07-392-A. After a hearing, the Zoning Commission issued Findings of Fact and Conclusions of Law on May 29, 2007. I attach a copy of that document. It is my understanding that no interested party appealed the determination of the Zoning Commission in Case No. 07-392-A.

Accordingly, it is my belief that Case No. 05-225-A can be closed. If either Mr. Hoffman or the Klinefelters disagree, I would like an opportunity to respond within a reasonable time.

Thank you.

Very truly yours,

James A. Frederick

JAF/tbs
Enclosure
cc: Robert A. Hoffman, Esq. (w/encl)
Mr. & Mrs. Stanard T. Klinefelter (w/encl.)

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BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: **PETITION FOR ADMIN. VARIANCE** W/S Greenwood Road, 965' S of the c/line of West Joppa Road **(530 Greenwood Road)** 9th Election District 5th Council District Stanard T. Klinefelter, et ux Petitioners	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No. 07-392-A**

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (barn) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted with the petition, a copy of which was accepted into evidence and marked as Petitioners' Exhibit 1.

The petition was filed through the Administrative Variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within fifteen (15) days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner based on the documentation contained in the file. While no objections were received from the neighbors, the

12/1/06

IN THE MATTER OF STANARD T. AND SARAH KLINEFELTER, PETITION FOR VARIANCE FOR PROPERTY LOCATED ON THE W/S GREENWOOD 965' S OF THE C/L JOPPA ROAD (530 Greenwood Road)	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
5th Councilmanic District 9th Election District	*	Case No. 05-225-A

* * * * * * * * *

MOTION FOR REHEARING OR REMAND

Appellants/Petitioners Stanard and Sarah Klinefelter ("the Klinefelters"), by Robert A. Hoffman with Venable LLP, their attorney, submits this Motion for Rehearing or Remand and, in support thereof, states, as follows:

1. The Klinefelters filed an appeal with this Board from the Zoning Commissioner of Baltimore County's decision to deny their Petition for Variance. Specifically, the Klinefelters sought approval for an accessory structure to be located in the western portion of their front yard rather than in the rear yard as required by Section 400.1 of the Baltimore County Zoning Regulations (BCZR). The structure in question is a small stable for their miniature horses. Alternatively, the Klinefelters contended that their property and the uses thereon qualify as a "farm" under the definition contained in BCZR Section 101 and that the stable is a farm building not subject to the rear yard restriction contained in Section 400.1. In addition to denying the variance, the Zoning Commissioner rejected this argument.

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BOARD OF APPEALS

2. On appeal before the Board, neighboring property owner James Frederick appeared in opposition to the Klinefelters' zoning request, which was heard *de novo* by the Board. Mr. Frederick complained about the location of the stable being in close proximity to his rear property line, which abuts the western portion of the Klinefelters' front yard.

3. In this hearing, the Klinefelters called witnesses and put on evidence in an effort to demonstrate that their property is a "farm" and, as such, no variance was necessary to place the stable for their horses in their front yard. The Klinefelters also called witnesses and put on evidence to demonstrate that their property has unique and special features that would result in a practical difficulty for them if required to strictly comply with the Zoning Regulations pertaining to the placement of accessory structures, and, thus, were entitled to a variance.

4. The Board has conducted public deliberation on this matter, but has not issued its written order. Having given due consideration to Mr. Frederick's complaints, the Klinefelters propose to relocate the stable on the east side of their front yard. While still in the Klinefelters' front yard (and, thus, still requiring the variance), this new location would place the barn much further away from Mr. Frederick's property line.

5. Mr. Frederick has informally indicated to counsel that he would not oppose the grant of a variance if the stable is relocated as now proposed by the Klinefelters. Further, the Klinefelters have reviewed the new site with their neighbors closest to the new proposed location, F. Gillis and Lynn M. Green. As confirmed by the attached letter, the Greens have no issue with the placement of the stable behind their

house. *See* Exhibit 1, to which is attached a drawing depicting the new location.

6. As the Board of Appeals has not yet issued its written opinion, the Klinefelters are asking the Board to consider the revised proposal as additional evidence and to grant the requested variance for the stable in the new location. In the alternative, and, if deemed necessary by the Board, the Klinefelters request either a rehearing before the Board or a remand to the Zoning Commissioner for a hearing on this alternate location.

WHEREFORE, The Klinefelters respectfully requests that the Board of Appeals consider the information contained in this Motion as additional evidence and grant the requested variance for the new proposed location. Alternatively, the Klinefelters request that the Board either schedule a rehearing before the Board or remand this matter to the Zoning Commissioner of Baltimore County for a new hearing.

Respectfully submitted,

Robert A. Hoffman /PAM

ROBERT A. HOFFMAN
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
(410) 494-6200
Attorney for Mr. and Mrs. Klinefelter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 2006, a copy of the foregoing MOTION FOR REHEARING OR REMAND was mailed to Peter M. Zimmerman, Esquire, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, and to James A. Frederick, Esquire, 602 Meadowridge Road, Towson, Maryland 21204, Protestant.

Robert A. Hoffman /PM
ROBERT A. HOFFMAN

TO1DOCS1/238008 v1

F. GILLIS & LYNN M. GREEN
600 Meadowridge Road
Towson, MD 21204

November 26, 2006

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case #05-225-A - In the matter of Stanard T. & Sarah C. Klinefelter

Dear Sirs:

Mr. & Mrs. Klinefelter have proposed to locate their stable (8'x24") as shown in the attached drawing (the stable is marked in orange). This location is south of our residence at 600 Meadowridge Road on the far side of a large oak tree.

We have met with the Klinefelters to review the proposed location and have no objection to placement of the stable as they have requested.

Thank you for your consideration in this matter.

Very truly yours,

Lynn M. Green

F. Gillis Green

Cc. Mr. & Mrs. Klinefelter

EXHIBIT 1

BALTIMORE COUNTY, MD
CHARLES SPRING WAY
09-2200000977

JAMES A. FREDERICK
602 MEADOWRIDGE ROAD
TOWSON, MD 21204
09-0901352060

LOT 6

N 03°28'21" W 263.10'

S 74°52'13" E 149.64'

N 31°27'47" E 182.36'

S 31°27'47" W 183.97'

DRAINAGE & UTILITY EASEMENT

DRAINAGE & UTILITY EASEMENT

EX. GARAGE

EXISTING BUILDING

FRONT

BARN

LOT 1
3.315 Ac.±
530

PROPOSED LOCATION

LOT 5

LOT 4

LOT 3

F. GILLIS & LYNN M. GREEN
600 MEADOWRIDGE ROAD
TOWSON, MD 21204
09-2200029104

ivate Sanitary
wer Easement

N 64°13'00" E 338.11'

N 24°20'30" E 160.26'

S 01°29'09" E

S 74°52'13" E 552.6

Rebar and Cap Found "GWS C-60"

FB13 FB14 FB7 FB20 FB21 FB22 FB23 FB24 FB25

FP13

236 244 246 25 400

RALPH & NANCY FERRELL
522 GREENWOOD ROAD

6/27/06

IN RE: Stanard T. & Sarah C. Klinefelter	*	BEFORE THE COUNTY
	*	BOARD OF APPEALS
W/S Greenwood Road, 965'S of the c/l	*	
Joppa Road	*	BALTIMORE COUNTY
(530 Greenwood Road)	*	
9th Election District	*	CASE NO: 05-225-A
5th Council District	*	

* * * * * * * * * * * *

CLOSING BRIEF ON BEHALF OF JAMES A. FREDERICK, PROTESTANT

Protestant, James A. Frederick, files this closing brief and states as follows:

1. On or about August 31, 2004 Appellants, Stanard T. and Sarah C. Klinefelter, as owners of the property at 530 Greenwood Road, were issued a Baltimore County Uniform Code Enforcement Correction Notice (Citation No. 04-7114). Most pertinent to these proceedings, the Klinefelters were ordered by that Notice to move a recently erected accessory structure located in their front yard, to the rear of the property so as to be in compliance with Section 400.1 of the County Zoning Regulations. Alternatively, the Klinefelters were required to petition for a variance in order to keep the accessory structure in the front yard location. The subject accessory structure is a barn used to house two miniature horses.
2. The Klinefelters did not chose to move the structure and instead began these proceedings, pro se, by petitioning for a variance to Section 400.1's requirement that accessory structures be located only in the rear yard. A hearing was held before Zoning Commissioner William J. Wiseman, III on December 15, 2004 where both the Klinefelters and the Protestants were

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BOARD OF APPEALS

heard. Mr. Wiseman issued a decision dated December 29, 2004 denying the requested variance. See Findings of Fact and Conclusions of Law attached hereto as Exhibit 1

3. Dissatisfied with this result, the Klinefelters filed a motion for reconsideration which Mr. Wiseman denied by Order dated February 25, 2005. See Order on the Motion for Reconsideration attached hereto as Exhibit 2.

4. An appeal of the Zoning Commissioner's action was noted with this Board. A hearing was set for November 2, 2005. At that hearing, the Klinefelters appeared with counsel. Counsel indicated that he intended to argue that a variance was not, in fact, required under the circumstances presented here because the property at 530 Greenwood Road was a "farm." Alternatively, the Klinefelters would argue that the Commissioner was wrong in his decision. I agreed to a remand to Mr. Wiseman for consideration of the Klinefelters' argument that no variance was needed. An Order to that effect issued from this Board on or about November 10, 2005. A letter from counsel for the Klinefelters on November 11, 2005 amended the petition for variance to include "if necessary" in the application.

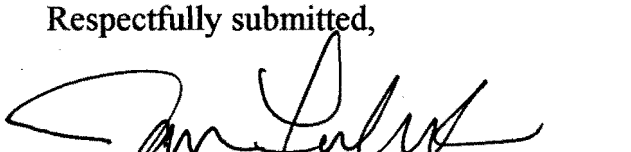
5. A hearing was held before Zoning Commissioner Wiseman on December 19, 2005. The Klinefelters, through counsel, presented their case and argued that the property at 530 Greenwood Road met the definition of a "farm" for purposes of Section 101 of the Baltimore County Zoning Regulations. I appeared at the hearing as a protestant.

6. The Zoning Commissioner, by "Order on Joint Motion for Remand" dated January 5, 2006, found against the Klinefelters and ruled that the property did not qualify as a "farm" pursuant to Section 101. See Order on Joint Motion For Remand attached hereto as Exhibit 3. A second appeal was noted to this Board by the Klinefelters.

7. On March 22, 2006 a hearing was held, de novo, before the Board where, once again, the Klinefelters put on their case and argued that the property met the definition of a "farm" for purposes of Section 101. This Board ordered that closing briefs be submitted subsequent to the hearing date.

8. It is my contention that the property at 530 Greenwood Road does not meet the definition of a "farm" for purposes of Section 101. In support of my contention, I adopt and incorporate herein by reference the reasoning of the Zoning Commissioner contained in his Order on Joint Motion for Remand. See Exhibit 3. Consequently, it is my contention that the Klinefelters are required to obtain a variance in order to maintain the horse barn in its current location. For the reasons articulated by the Zoning Commissioner in his Findings of Fact and Conclusions of Law (See Exhibit 1) and in his Order on Motion for Reconsideration (See Exhibit 2), it is my contention that the Klinefelters have not demonstrated that they are entitled to such a variance. Accordingly, I would respectfully request that this Board affirm the Zoning Commissioner in all aspects of his rulings below as contained in the exhibits attached hereto.

Respectfully submitted,

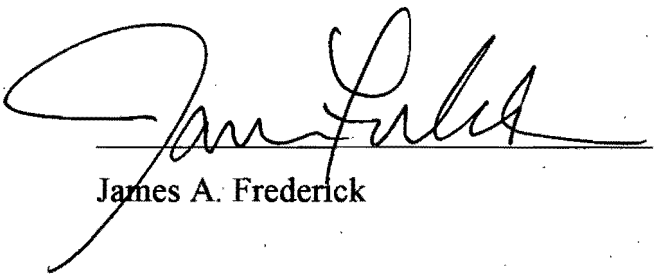


James A. Frederick
Protestant
602 Meadowridge Road
Towson, Maryland 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2006 a copy of the foregoing Closing Brief On Behalf Of James A. Frederick, Protestant was mailed first class postage pre-paid to:

Robert A. Hoffman, Esquire
Venable
210 Alleghany Ave.
P.O. Box 5517
Towson, Maryland 21204



James A. Frederick

Exhibit 1

IN RE: PETITION FOR VARIANCE W/S Greenwood Road, 965' S of the c/l Joppa Road (530 Greenwood Road) 9th Election District 5th Council District Stanard T. Klinefelter, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-225-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, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (barn) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief 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 public hearing in support of the request were Stanard and Sarah Klinefelter, property owners. Appearing as Protestants/interested citizens were James Frederick and Charles O'Donovan, adjacent property owners, and Nancy Horst and Jamie Cahn, both members of the Ruxton-Riderwood Improvement Association and residents of the area.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Greenwood Road, just east of Charles Street and south of Joppa Road in Towson. The property contains a gross area of 3.315 acres, more or less, zoned D.R.2, and is improved with a single-family dwelling. Also existing on the property is an accessory structure, 8' x 29' x 9' in dimension, which is identified on the plan as a "barn." It is this structure which is the subject of the instant request, which was filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development

IN RE: PETITION FOR VARIANCE W/S Greenwood Road, 965' S of the c/l Joppa Road **(530 Greenwood Road)** 9th Election District 5th Council District Stanard T. Klinefelter, et ux Petitioners	* * * * * *	BEFORE THE Exhibit 2 ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-225-A

* * * * * * * * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners sought relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (existing barn/stable) to be located in the front yard in lieu of the required rear yard, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

At the public hearing held on December 15, 2004, the Petitioners/property owners, Stanard and Sarah Klinefelter, appeared, as did several Protestants from the area, including James Frederick and Charles O'Donovan, adjacent property owners, and Nancy Horst and Jamie Cahn, both members of the Ruxton-Riderwood Improvement Association.

Testimony and evidence offered at the hearing indicated that the barn, which had been constructed without benefit of a permit, needed to remain where located to better serve the Petitioners' miniature ponies, and that to require its relocation would result in a practical difficulty and unreasonable hardship for the Petitioners. The Protestants testified that the stable-like structure was a nuisance to the adjacent neighbor and could be relocated elsewhere on the property in compliance with the zoning regulations, away from adjacent residences.

By Order dated December 29, 2004, I concurred with the argument presented by the Protestants. As noted within my Opinion, this is a large lot and it appears that sufficient area exists in the rear of the property where the building could be located to lessen its impact upon the

IN RE: **PETITION FOR VARIANCE** W/S Greenwood Road, 965' S of the c/l Joppa Road **(530 Greenwood Road)** 9th Election District 5th Council District Stanard T. Klinefelter, et ux Petitioners	* * * * * *	BEFORE THE Exhibit 3 ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-225-A

* * * * * * * * * * *

ORDER ON JOINT MOTION FOR REMAND

This matter comes before this Zoning Commissioner on a Joint Motion for Remand, pursuant to the Order issued by the Baltimore County Board of Appeals on November 10, 2005.

By way of background, this matter came before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners sought relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (existing barn/stable) to be located in the front yard in lieu of the required rear yard, in accordance with the site plan submitted and marked as Petitioner's Exhibit 1.

At the public hearing held on December 15, 2004, the Petitioners/property owners, Stanard and Sarah Klinefelter, appeared, as did several Protestants from the area, including James Frederick and Charles O'Donovan, adjacent property owners, and Nancy Horst and Jamie Cahn, both members of the Ruxton-Riderwood Improvement Association.

Testimony and evidence offered at the hearing indicated that the barn, which had been constructed without benefit of a permit, needed to remain where located to better serve the Petitioners' miniature ponies, and that to require its relocation would result in a practical difficulty and unreasonable hardship for the Petitioners. The Protestants testified that the stable-like structure was a nuisance to the adjacent neighbor and could be relocated elsewhere on the property in compliance with the zoning regulations.

6/27/06

IN THE MATTER OF STANARD T. AND SARAH KLINEFELTER, PETITION FOR VARIANCE FOR PROPERTY LOCATED ON THE W/S GREENWOOD 965' S OF THE C/L JOPPA ROAD (530 Greenwood Road)	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
5th Councilmanic District 9th Election District	*	Case No. 05-225-A

* * * * * * * * *

APPELLANTS/PETITIONERS' POST-HEARING MEMORANDUM

Appellants/Petitioners Stanard and Sarah Klinefelter ("the Klinefelters"), by Robert A. Hoffman with Venable LLP, their attorney, respectfully submit this Post-Hearing Memorandum in support of their Petition for Variance, as follows:

INTRODUCTION

In the *de novo* hearing before the Board of Appeals, as described below, the Klinefelters presented sufficient and uncontroverted evidence that their property is a "farm" under the provisions of the Baltimore County Zoning Regulations (BCZR). Accordingly, no variance is necessary to place the stable for their horses in their front yard. However, in the event the Board disagrees, the Klinefelters also presented strong and substantial evidence that their property has unique and special features that would result in a practical difficulty for them if required to strictly comply with the Zoning Regulations pertaining to the placement of accessory structures, and, thus, are entitled to a variance.

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STANDARD OF REVIEW ON APPEAL

On appeal from the Zoning Commissioner, requests for zoning relief, whether in the form of a petition for variance, special hearing, or special exception, are heard *de novo* by the Board of Appeals. With regard to variances, the Board of Appeals may grant a request for a variance "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." BCZR § 307.1.

The proper application of Section 307.1 requires the Board to determine first that the property on which a use is proposed is unique and that such "uniqueness" causes a disproportionate impact in terms of the application of the Zoning Regulations. *Cromwell v. Ward*, 102 Md. App. 691, 694, 651 A.2d 424 (1995). Second, the Board must determine whether those unique circumstances make it practically difficult for the owner to utilize the property for a permitted use without coming into conflict with the Zoning Regulations. *Id.* at 694-695.

Once uniqueness is shown, proving practical difficulty is *not* intended to be a particularly stringent test. Practical difficulty means that, given the balance of interests of the property owner, neighboring property owners, and the public in general, requiring strict compliance with the zoning regulations would unnecessarily burden the property owner when the owner attempts to use the property for a permitted use. *McLean v. Solely*, 270 Md. 208, 214-215, 310 A.2d 783 (1973).

ARGUMENT

I. The Klinefelters Demonstrated that their Property and the Uses thereon Qualify as a "Farm," thus, Obviating the Need for a Variance.

The Klinefelters seek approval for an accessory building in the "front yard" of their property, which is zoned DR 2. The structure in question is a small stable for their miniature horses. Ordinarily, accessory buildings are only permitted to be located in the rear yard. This restriction, however, does not apply to "farm buildings," which are expressly exempt from Section 400.1. The Klinefelters ask that the Board apply the provision of the Baltimore County Zoning Regulations and determine, based on the evidence presented, that their property and the uses thereon qualify as a "farm" under the definition contained in BCZR Section 101. Once categorized as a farm, placement of their stable is not subject to the rear yard restriction contained in Section 400.1.

"Farm" is a use permitted by right in the DR 2 zone in which the Klinefelters' property is located. BCZR § 1B01.1.A.1.7. The Baltimore County Zoning Regulations define "farm" as "[t]hree acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or <u>for residential and associated agricultural uses</u>." BCZR § 101 (emphasis added). As discussed in more detail below, the Klinefelters offered undisputed evidence that their property meets the acreage requirement and is used primarily for residential purposes (the house on the property is the Klinefelters' home) and for associated agricultural uses (the stabling and pasturing of horses).

At the hearing, the Klinefelters produced sufficient evidence to support a finding that the property qualifies as a "farm." As Mr. Klinefelter confirmed, the subject

property is a 3.3± acre property located at 530 Greenwood Road in Towson. (T. 7, 9)[1] The property is improved with a two-story stone house in which the Klinefelters reside. The only other building on site is a small prefabricated stable approximately twenty-four feet by eight feet in size. (T. 11) This building is used for the stabling of the Klinefelters' two miniature horses. As Mr. Klinefelter explained, they fenced in portions of the property to serve as pasture or grazing areas for the horses. (T. 13)

The Klinefelters also offered the testimony of Bruce Doak, a well-known land surveyor with particular expertise in zoning and land use issues in Baltimore County. (T. 24-25) Having heard Mr. Klinefelter's testimony, Mr. Doak offered his opinion that the property does, in fact, qualify under the definition of "farm" contained in Section 101 of the Zoning Regulations. (T. 25-26) Being over three acres, the property clearly meets the minimum acreage required for a farm. Mr. Doak also confirmed that the property contains sufficient "pasturable area" to satisfy the requirements for keeping two livestock animals under BCZR Section 100.6, which requires a minimum of three acres and an acre of pasture land per two animals. (T. 27, 48-49) *See also* Petitioners' Exhibit 2. The right of the Klinefelters to keep the horses on their property is not in question.

Additionally, Mr. Doak explained that the stabling and pasturing of livestock, in this case, two miniature horses, would be considered an "accessory agricultural use," based on his reading of the regulations and his many years of experience in applying those regulations. (T. 26) Therefore, in his opinion, the property and the uses thereon meet the definition of "farm," and the stable would be considered a "farm building"

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[1] A copy of the transcript of the proceedings before the Board of Appeals has been included with this Post-Hearing Memorandum and, throughout this Memorandum, is referenced as "T."

exempt from the restrictions in Section 400.1. (T. 25-26)

In a letter to the Board of Appeals dated March 9, 2006, People's Counsel for Baltimore County offered several cases in an attempt to refute the Klinefelters' position on this argument. Upon closer reading, these cases address only the "commercial agricultural" aspect of the "farm" definition. There is a second part to the "farm" definition that People's Counsel ignores. A farm is also defined as a 3+ acre property used "for residential and associated agricultural uses." BCZR § 101. While the holding of *Marzullo v. Kahl*, in this respect, is not on point, background information contained in the Court's opinion actually lends support to the Klinefelters' position. 366 Md. 158, 783 A.2d 169 (2001).

The Court of Appeals' opinion in the *Marzullo v. Kahl* case contains a detailed history of the treatment of farms and agriculture-related uses in the Baltimore County Zoning Regulations. *Id.* at 176-183. This history confirms that the Klinefelters' use fits within what was formerly called a "farmette," defined as "[a] parcel of land more than 3 acres and less than 10 acres, devoted primarily to a single-family residence with associated agricultural uses such as commercial and noncommercial raising of farm produce, flowers, nursery stock, greenhousing and *limited livestock*." *Id.* at 180. The definition of "farmette" also contained the minimum pasture requirements now found in BCZR Section 100.6. *See* Bill 98-75, p. 4, attached as Memorandum Exhibit 1. "Livestock" is defined to include "ponies" and "miniature horses." Memorandum Exhibit 1. As the Court explains, the Baltimore County Council later consolidated the different terms relating to farm and agricultural uses into the current definitions of "farm"

and "commercial agricultural," the later of which was at issue in the *Marzullo* case. *Id.* at 180-181. *See also* Bill 51-93, attached as Memorandum Exhibit 2. In Bill 51-93, the term "farmette" was deleted; the definition of "farm" was expanded to include the small residential farm; and the pasture requirements were moved to Section 100.6 with the clarification that those requirements only apply to the small residential farm and not the "commercial agricultural operation."

Looking at the current definition of "farm," it is clear that the Council intended to retain the concept that, assuming compliance with minimum acreage and pasture requirements, a residence with associated agricultural/livestock uses is considered a "farm." The Klinefelters ask the Board of Appeals to apply the regulations as written and find that their property qualifies as a "farm" under BCZR Section 101 and that their stable would be a "farm building," thus obviating the need for the requested variance under BCZR Section 400.1, which expressly exempts "farm buildings" from its restrictions.

The general prohibition against placement of accessory structures in front yards is a matter of aesthetics. However, when the property in question qualifies as a farm, the Zoning Regulations recognize that the proper care and well-being of farm animals must prevail over aesthetic considerations.[2] It is evident that the Zoning Regulations are intended to provide greater flexibility for farms with regard to the placement of accessory buildings. This flexibility is necessary. As discussed in more detail below, the Klinefelters' decision on where to locate the stable is based on the well-being of the

[2] In this instance, there are no aesthetic considerations, as the Klinefelters' "front yard" is surrounded by the rear yards of their neighbors.

horses and clearly illustrates the reason why the Zoning Regulations provide such flexibility.

II. The Klinefelters Produced Strong and Substantial Evidence to Support the Requested Variance.

If the Board finds that the property does not qualify as a "farm," the Klinefelters ask the Board to consider their request for a variance from BCZR Section 400.1 to allow an accessory structure – the stable – to be located in the front yard instead of the required rear yard.

In order to grant a variance under BCZR Section 307.1, the Board must find that "special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request." At the hearing, the Klinefelters produced sufficient evidence that special circumstances exist both with regard to the property and to the structure. As both Mr. Klinefelter and Bruce Doak, land surveyor, testified, this property is the only one in the neighborhood where the stabling and pasturing of livestock would be permitted in compliance with BCZR Section 100.6., which requires a minimum of three acres with an additional minimum requirement for pasture land. (T. 16-17, 33, 43-44) *See also* Petitioners' Exhibit 2. This property is, thus, unique in the context of what is around it in the neighborhood.

In terms of the structure at issue in this case, through Mr. Klinefelter's own testimony and that of his expert land surveyor, the Klinefelters offered substantial evidence that the location of the stable is limited not only by the particular needs of the horses themselves, but also by the features of the site, all of which dictate that it be

placed in its present location. (T. 17,20, 33-36) This testimony was confirmed by Charles Fenwick, an experienced horse trainer and expert on the care of horses. (T. 58-64) Mr. Fenwick testified that miniature horses require a high level of care, and, in particular, cannot be allowed to graze more than a few hours a day. (T. 61, 63) As a result, the horses must be stabled for much of each day in order to control how much and what they eat. (T. 17-18, 63) Being in the stable for long periods of time, weather and temperature become critical factors because the structure is not climate-controlled. (T. 17-20, 62-64) Not being climate-controlled, the stable must have southern exposure during the cold winter months to help keep the horses warm and shade during the hot summer months to keep the horses from getting too warm. (T. 17-20, 62-64)

Additionally, the stable must be in an area that is well-drained, and the floor of the stable must be kept dry. (T. 62) Otherwise, as Mr. Fenwick explained, the horses will be susceptible to "thrush," which is an infection related to their hooves. (T. 62) Mr. Doak confirmed that the stable is, in fact, located at a higher and, therefore, drier elevation. (T. 33) Across the property, the elevation drops by approximately 18-20 feet. (T. 54) Mr. Fenwick gave his expert opinion that no location on the property, other than in the front yard where the stable currently stands, satisfies all three of these requirements (T. 62-64) Without the ability to so locate the stable, the Klinefelters would be legally permitted to have their two horses on the property, but would not be in a position to properly locate the stable to best provide care for their animals. This result qualifies as a practical difficulty for the Klinefelters. Opponents to the Klinefelters' petition failed to offer any testimony to challenge Mr. Fenwick's opinion.

Weighed against this is their neighbor James Frederick's complaint regarding aesthetics and odors. On the issue of aesthetics, Mr. Frederick is opposing the variance because he does not want to have to look at the stable from what is his rear yard, which is adjacent to the Klinefelters' front yard. As evidenced by close inspection of the photographs contained in Petitioners' Exhibit 4A-4C, Mr. Frederick's complaint is without merit, as vegetation virtually obscures the barn (which is painted dark green with white trim) from view from his property. In fact, the Klinefelters' front yard is surrounded only by other neighbors' rear yards, including Mr. Frederick's. From their "front yard," the Klinefelters have a view of Mr. Frederick's tool shed and brightly colored play sets for his children. (T. 15-16) *See* Petitioners' Exhibits 1 and 4. Arguably the combined aesthetic impact from other people's accessory structures is greater on the Klinefelters than their barn is on their neighbors. Four neighbors abut the pasture in the northwest corner of the Klinefelters' property in which the stable is located. Mr. Frederick is the only one of the four who objects to the variance. (T. 80) As is evident from the photographs introduced before the Board as Petitioners' Exhibits 4A-4C, the foliage between the stable and the Fredericks' property is such that the stable is very well screened in all but the winter months, and if the Board determines that the barn should be further screened as a condition of granting the variance, the Klinefelters are willing to do so.

Mr. Frederick also complains about odors emanating from the stable. The Klinefelters dispute that odors are, in fact, emanating from the stable. (T.19-20) As Mr. Klinefelter testified, the stalls are cleaned out twice a day. (T.19-20) Regardless, even if

the stable were located elsewhere on the property, the horses would still, during certain portions of the day, be out in the pasture and possibly could be behind or near the Frederick's property. The Klinefelters are legally permitted to have horses on the property, and the horses can go up to the property line. Denying the requested relief would not eliminate the possibility of such odors. In assessing "practical difficulty," therefore, the balance of interests weighs in favor of granting the requested variance.

CONCLUSION

Based on all of the evidence presented, the Board should conclude that the Klinefelter property is a farm, and, as a result, there is no prohibition on placement of their accessory farm structure. In the alternative, there is sufficient (and uncontroverted) evidence for the Board to grant requested variance.

Respectfully submitted,

Robert A. Hoffman /PAM

ROBERT A. HOFFMAN
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
(410) 494-6200
Attorney for Mr. and Mrs. Klinefelter

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2006, a copy of the foregoing APPELLANTS/PETITIONERS' POST-HEARING MEMORANDUM was mailed to Peter M. Zimmerman, Esquire, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, and to James A. Frederick, Esquire, 602 Meadowridge Road, Towson, Maryland 21204, Protestant.

Robert A. Hoffman / PAM

ROBERT A. HOFFMAN

TO1DOCS1/224434 v2

IN THE MATTER OF:	* BEFORE THE
STANARD T. & SUSAN FLEINFELTER	* BALTIMORE COUNTY
Legal Owners/Petitioners	* BOARD OF APPEALS
530 Greenwood Road	* CASE No. 05-225-A
9th Election District	* March 22, 2006.
5th Councilmanic District	*

* * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County, at 400 Washington Avenue, Towson, Maryland 21204, at 10 o'clock a.m, March 22, 2006.

* * * * *

Reported by:

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1975, Legislative Day No. 21

BILL NO. 98-75

Mr. Huddles, Councilman

By the County Council, October 6, 1975

A BILL
ENTITLED

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

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

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

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

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

1. SECTION 1. Be it enacted by the County Council of Baltimore County, Marylan
2. that subparagraph 100.1.A.2, under section 100 of the Baltimore County Zoning Re
3. lations, be and it is hereby repealed and new subparagraph 100.1.A.2 be and it is

MEMORANDUM EXHIBIT 1

C[illegible]TY COUNCIL OF BALTIMORE COUNTY, [illegible]ARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 51-93

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

BY THE COUNTY COUNCIL, APRIL 19, 1993

A BILL ENTITLED

AN ACT concerning

Agriculture

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

BY repealing

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

Baltimore County Zoning Regulations, as amended

BY adding

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

Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brac[illegible]ing law.
~~Strik~~
Under[illegible]

MEMORANDUM EXHIBIT 2

1/5/06

IN RE: **PETITION FOR VARIANCE** W/S Greenwood Road, 965' S of the c/l Joppa Road **(530 Greenwood Road)** 9th Election District 5th Council District Stanard T. Klinefelter, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-225-A

* * * * * * * * * * *

ORDER ON JOINT MOTION FOR REMAND

This matter comes before this Zoning Commissioner on a Joint Motion for Remand, pursuant to the Order issued by the Baltimore County Board of Appeals on November 10, 2005.

By way of background, this matter came before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners sought relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (existing barn/stable) to be located in the front yard in lieu of the required rear yard, in accordance with the site plan submitted and marked as Petitioner's Exhibit 1.

At the public hearing held on December 15, 2004, the Petitioners/property owners, Stanard and Sarah Klinefelter, appeared, as did several Protestants from the area, including James Frederick and Charles O'Donovan, adjacent property owners, and Nancy Horst and Jamie Cahn, both members of the Ruxton-Riderwood Improvement Association.

Testimony and evidence offered at the hearing indicated that the barn, which had been constructed without benefit of a permit, needed to remain where located to better serve the Petitioners' miniature ponies, and that to require its relocation would result in a practical difficulty and unreasonable hardship for the Petitioners. The Protestants testified that the stable-like structure was a nuisance to the adjacent neighbor and could be relocated elsewhere on the property in compliance with the zoning regulations.

ORDER RECEIVED FOR FILING
Date 1/5/06
By

By Order dated December 29, 2004, I concurred with the argument presented by the Protestants and ordered that the barn be relocated to the rear yard of the property, in compliance with the B.C.Z.R. A timely Motion for Reconsideration filed by the Petitioners on January 24, 2005 was subsequently denied by this Zoning Commissioner on February 23, 2005. Thereafter, an appeal was filed to the Board of Appeals on March 25, 2005.

The Board convened for a public hearing on the scheduled date of November 2, 2005 at which time Counsel for the Petitioners, Robert A. Hoffman, Esquire, indicated the Petitioners' intent to modify the Petition for Variance. By agreement, the Protestants and Counsel for the Petitioners requested that the matter be remanded to the Zoning Commissioner for further proceedings. Subsequently, by letter dated November 11, 2005, Counsel for the Petitioners requested the Petition for Variance be amended to request similar relief as set forth above, "***if necessary***." Essentially, the Petitioners request a finding from this Zoning Commissioner as to whether a variance from Section 400.1 of the B.C.Z.R. is required. The amended relief sought can best be appreciated by reviewing the expanded view and photographs of Petitioners' property, which was collectively submitted and accepted into evidence as Remand Exhibit 2.

At the remand hearing held before the undersigned on December 19, 2005, the Petitioners appeared along with their attorney, Robert Hoffman, Esquire. Also present were Bruce E. Doak, the Surveyor who prepared the site plan, and Charles Fenwick, an expert horseman. Appearing as Protestants were James Frederick, an adjacent neighbor and community spokesperson, Nancy Horst and Jamie Cahn, who appeared on behalf of the Ruxton-Riderwood Community Association, and Dick Parsons, who is Chairman of the Zoning Committee for the West Towson Neighborhood Association.

As a preliminary matter, Mr. Frederick argued that the amended request as filed is not consistent with the Petitioners' previous position and should not be allowed as it is subject to the doctrine of judicial estoppel. (See WinMark, Ltd. P'Ship v. Miles & Stockbridge, 345 Md. 614, 693 A2d, 824 (1997) and Kramer v. Globe Brewing Company, 175 Md. 461, 2A2d, 634 (1938).

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Date 1/5/06
By

Mr. Hoffman countered by pointing out that the Petitioners were induced to file the original Petition for Variance at the behest of the Department of Permits and Development Management and did not do so voluntarily. At the conclusion of hearing Counsel's arguments, Mr. Frederick's Motion was denied.

The Court of Special Appeals in its decision of Vogel v. Touhey, 151 Md. App. 682, 828 A2d 268 (2003) clearly stated "The doctrine of judicial estoppel does not always foreclose a party from asserting a position that is inconsistent with one previously adopted in a prior proceeding; judicial estoppel is inapplicable unless the party had, or was charged with, full knowledge of the facts and another will be prejudiced by his action."

At issue in the instant case is the fact that the Petitioners constructed a small barn in the front yard of their property to house their two miniature horses. As is often the case in determining the intent of the legislature and difficult legal issues, the facts are relatively simple and largely not in dispute. The Petitioners now argue that the subject property meets the definition of a "farm" as set forth in Section 101 of the B.C.Z.R., and as such, a variance for the barn structure is not necessary. Much to the Klinefelter's disappointment, I disagree. Although the Petitioners' ponies and barn constitute an "associated agricultural use" of the subject property, I find that the barn structure is not really a farm building, as contemplated in Section 400.1 of the B.C.Z.R. and that variance relief is necessary. I explain.

Section 101 of the B.C.Z.R. defines a farm as "Three acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses." The term "agriculture" is defined in Webster's Third New International Dictionary as including the raising of livestock and husbandry farming. The Klinefelters' property at 530 Greenwood Road consists of 3.315 acres zoned D.R.2, and the Petitioners propose to house their two pet miniature ponies on the site.

A farm is a use permitted by right in D.R. zones (see Section 1B01.1.A.7). Prior to the enactment of Counsel Bill No. 51-1993, the B.C.Z.R. offered two definitions for farms and

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Date 1/3/06
By

two additional definitions, which described different types of farms. In Section 100 of the B.C.Z.R., a definition for small farms between 3 and 10 acres, which are either commercial or non-commercial operations, was included. The definition of "farmette" included a livestock ratio table, which was intended to control animal waste, pollution and over-grazing on small lots. The farmette definition contained a table similar to the table currently found in Section 100.6 of the B.C.Z.R.; however, the farmette definition was deleted from the current regulations at the request of the County Council and the Baltimore County Planning Board. Their initial approach proposed to redefine the "farmette" as a residential use with accessory, non-commercial agricultural activities and label it "hobby farm." When this issue was discussed with representatives from different farm industries, it became apparent that many small-scale operators considered themselves farmers, including some who only farm on a part-time basis. Several of the farmers objected to the "hobby farm" definition, arguing that it was too ambivalent and that it denigrated their efforts in operating "legitimate" farm businesses.

After taking into consideration that the 1988 Agricultural Committee recommended deletion of the farmette definition in its report to the County Council, staff decided to follow this advice and attempts at replacing farmette with a "hobby farm" definition were abandoned. Instead of providing separate definitions for commercial and non-commercial farms, or large and small-scale farms, Baltimore County's zoning regulations would rely on only one farm definition. The primary determinant in deciding whether an operation is a farm would be the criteria used by the State for assessment purposes. Residential properties with accessory farm uses would be subject to the livestock ratio table noted above. This livestock ratio table, which had been part of the farmette definition serving to regulate livestock, was retained for all lots with accessory agricultural activities. The Department of Agriculture at the University of Maryland designed the animal per acre ratio and the Planning Board staff recommended only minor changes to its provisions. Thus, the new Section 100.6 of the B.C.Z.R. grants the Petitioners the right to use their tract of land, which is not a commercial agricultural operation,

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Date 11/5/06
By

for the accessory stabling and pasturing of animals, subject to the ratios set forth therein. As shown on Petitioner's Exhibit 2, 1.4 acres of fenced pastureland is available and therefore, two "small livestock" animals per acre are allowed.

It is clear from the legislative history of what is now Section 100.6 of the B.C.Z.R. that there was no intent to substantially modify the prior farmette definition. The issue at hand in this case is not whether this is a farm or that the Petitioners have a right to pasture ponies on their property, but whether the Klinefelters' barn achieves the status of a farm building as provided for in the regulations.

The legal factor in this analysis is whether or not the County Council intended to exempt the structures on these limited farms (Section 100.6) from the special regulations of Article 4. There is little doubt that the council intended to exempt large farms, such as Sagamore Farms, from these regulations, given its vast pastures and facilities, which reasonably could be scattered over the entire farm. I do not agree however with the broad interpretation argued by the Petitioners and their experts that the Council intended to release from the regulations a property for which its principle use is for a dwelling. According to the pertinent portion of Section 400.1 of the B.C.Z.R., "accessory buildings in residential zones, ***other than farm buildings (Section 404)*** shall be located only in the rear yard and shall occupy no more than 40% thereof..."

In ascertaining the County Council's intent, I must look to the language in the regulation itself, giving that language its ordinary and natural meaning and avoiding a construction that is illogical or unreasonable or inconsistent with common sense. The words "other than farm buildings (Section 404)" clearly refers to buildings used in agricultural operations. I am not persuaded that the Council intended by its enactment of Bill No. 51-1993 to exempt a 3-acre parcel of land devoted primarily to a single-family residence with associated agricultural uses from the special regulation provisions of Section 400.1. Thus, I find the Petitioners' barn/stable is subject to the zoning regulations.

ORDER RECEIVED FOR FILING
Date 1/3/16
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of January 2006 that a variance is necessary from Section 400.1 of the B.C.Z.R., and as such, the Petition for Variance filed in the above-captioned matter be and the same is hereby DENIED.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Robert A. Hoffman, Esquire, Venable, LLP
210 Allegheny Avenue, Towson, Md. 21204
Mr. & Mrs. Stanard T. Klinefelter
530 Greenwood Road, Towson, Md. 21204
Mr. James Frederick
602 Meadowridge Road, Towson, Md. 21204
Ms. Nancy Horst, 7819 Ellenham Avenue, Towson, Md. 21204
Mr. Jamie Cahn, 1819 Thornton Ridge Road, Towson, Md. 21204
Mr. Charles O'Donovan, 600 Greenwood Road, Towson, Md. 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
Code Enforcement Division, DPDM; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 1/5/06
By

Department of Permits and Development Management

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

Baltimore County

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

December 19, 2005

Sarah C. Klinefelter
Stanard T. Klinefelter
503 Greenwood Road
Towson, Maryland 21204

Dear Mr. and Mrs. Klinefelter:

RE: Case Number: 05-225-A, 503 Greenwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 3, 2005.

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.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

VENABLE® LLP

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Baltimore, Maryland 21201-2978

Telephone 410-244-7400
Facsimile 410-244-7742

www.venable.com

Robert A. Hoffman **(410) 494-6262** **rahoffman@venable.com**

November 11, 2005

HAND-DELIVERED

William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Variance - Klinefelter
Property: 530 Greenwood Road
Case No.: 05-225-A

Dear Mr. Wiseman:

ON 11/10/05

By joint agreement, the County Board of Appeals remanded the above-referenced matter to ME you for further proceedings. Mr. and Mrs. Klinefelter have retained me to represent them with regard to the requested zoning relief.

Mr Hoffman amend

By way of this letter, on behalf of the Klinefelters, I am requesting that the Petition for Variance ~~be amended~~, as follows:

> Variance, if necessary, from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (existing barn/stable) to be located in the front yard in lieu of the required rear yard.

I understand that you have scheduled a hearing in this matter for December 19, 2005, beginning at 9:00 am.

Very truly yours,

Robert A. Hoffman /pam

Robert A. Hoffman

RAH/pam

cc: James A. Frederick, Esquire

TO1DOCS1/PAM01/#216758 v1

11/10/05

IN THE MATTER OF THE APPLICATION OF STANARD T. & SUSAN KLINEFELTER FOR VARIANCE ON PROPERTY LOCATED ON THE W/S GREENWOOD ROAD, 965' SOUTH OF CENTERLINE OF JOPPA ROAD (530 GREENWOOD ROAD) 9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 05-225-A

* * * * * * *

REMAND TO ZONING COMMISSIONER
UPON JOINT REQUEST OF PARTIES

This matter comes before this Board on appeal filed by Stanard T. Klinefelter, Legal Owner /Petitioner, from a decision of the Zoning Commissioner dated December 29, 2004 in which the subject request for variance relief was denied; and from the Order of the Zoning Commissioner dated February 23, 2005 in which Petitioner's Motion for Reconsideration was denied. On March 25, 2005, Petitioner noted a timely appeal to this Board.

This Board convened for public hearing on the scheduled date of November 2, 2005. Robert A. Hoffman, Esquire, appeared on behalf of the Petitioner /Appellant; Protestants to this matter appeared *pro se*. At that time Counsel for Petitioner and the *pro se* Protestants jointly requested that this matter be remanded to the Zoning Commissioner for further proceedings as stated on the record.

WHEREFORE, there being no objection to the remand of the above-referenced matter to the Zoning Commissioner, and upon consideration of said request for remand,

IT IS THEREFORE this 10th day of November, 2005, by the County Board of Appeals of Baltimore County

ORDERED that the above-captioned case is **REMANDED** to the Zoning Commissioner for Baltimore County for further proceedings as jointly requested by the parties to this matter.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Mike Mohler

Mike Mohler

John P. Quinn

John P. Quinn

County Board of Appeals of Baltimore County

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

November 10, 2005

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Stanard T. and Susan Klinefelter*
Case No. 05-225-A

Dear Mr. Klinefelter:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Stanard T. and Susan Klinefelter
James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

11/3/05

IN THE MATTER OF STANARD T. AND SUSAN KLINEFELTER, PETITION FOR VARIANCE FOR PROPERTY LOCATED ON THE W/S GREENWOOD 965' S OF THE C/L JOPPA ROAD (530 Greenwood Road)	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
5th Councilmanic District 9th Election District	*	Case No. 05-225-A

* * * * * * * * *

NOTICE OF ENTRY OF APPEARANCE

Pursuant to Rule 6(d) of the Rules of Practice and Procedure of the County Board of Appeals of Baltimore County, I hereby file this Notice of Entry of Appearance requesting that the appearance of undersigned counsel, Robert A. Hoffman, Esquire, be entered on behalf of Appellants Stanard T. and Susan Klinefelter.

Robert A. Hoffman / PAM

Robert A. Hoffman
Venable, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517
Attorney for Appellants
(410) 494-6200

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NOV - 3 2005
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 3rd day of November, 2005, a copy of the foregoing NOTICE OF ENTRY OF APPEARANCE was mailed to James A. Frederick, Esquire, 36 South Charles Street, Fourth Floor, Baltimore, Maryland 21201, Protestant.

Robert A. Hoffman /PAM

Robert A. Hoffman

TO1DOCS1/PAM01/#216372 v1

2/23/05

IN RE: PETITION FOR VARIANCE W/S Greenwood Road, 965' S of the c/l Joppa Road **(530 Greenwood Road)** 9th Election District 5th Council District Stanard T. Klinefelter, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-225-A

* * * * * * * * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners sought relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (existing barn/stable) to be located in the front yard in lieu of the required rear yard, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

At the public hearing held on December 15, 2004, the Petitioners/property owners, Stanard and Sarah Klinefelter, appeared, as did several Protestants from the area, including James Frederick and Charles O'Donovan, adjacent property owners, and Nancy Horst and Jamie Cahn, both members of the Ruxton-Riderwood Improvement Association.

Testimony and evidence offered at the hearing indicated that the barn, which had been constructed without benefit of a permit, needed to remain where located to better serve the Petitioners' miniature ponies, and that to require its relocation would result in a practical difficulty and unreasonable hardship for the Petitioners. The Protestants testified that the stable-like structure was a nuisance to the adjacent neighbor and could be relocated elsewhere on the property in compliance with the zoning regulations, away from adjacent residences.

By Order dated December 29, 2004, I concurred with the argument presented by the Protestants. As noted within my Opinion, this is a large lot and it appears that sufficient area exists in the rear of the property where the building could be located to lessen its impact upon the

ORDER RECEIVED FOR FILING
Date 2/23/05
By

neighbors and still provide a comfortable environment for their ponies. Thus, I ordered that the barn be relocated in compliance with the B.C.Z.R. within 120 days of the date thereof.

By letter dated January 24, 2005, a timely Motion for Reconsideration was filed by the Petitioners. Within their Motion, the Petitioners argued that the only other feasible location for placement of the barn was in the north end of their property where the horses and the structure would actually be more visible to the neighbors.

After due consideration of the representations made within the Motion, I am not convinced that the accessory structure cannot be moved to another location on the property that would meet the needs of its occupants and be in compliance with the zoning regulations. As noted in my earlier opinion, this is a large parcel with a substantial rear yard area. I am certain that a more suitable location on the property can be found.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of February 2005 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby DENIED.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Stanard T. Klinefelter
530 Greenwood Road, Towson, Md. 21204
Mr. James Frederick
602 Meadowridge Road, Towson, Md. 21204
Ms. Nancy Horst, 7819 Ellenham Avenue, Towson, Md. 21204
Mr. Jamie Cahn, 1819 Thornton Ridge Road, Towson, Md. 21204
Mr. Charles O'Donovan, 600 Greenwood Road, Towson, Md. 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
Code Enforcement Division, DPDM; People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 2/23/05
By

STANARD T. KLINEFELTER
530 Greenwood Road
Ruxton, MD 21204

RECEIVED

JAN 27 2005

ZONING COMMISSIONER

January 24, 2005

William J. Wiseman, III
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

RE: PETITION FOR VARIANCE
Case No. 05-225-A
Motion for Reconsideration of Opinion

Dear Mr. Wiseman:

We are in receipt of your opinion denying the Variance Request for our property on Greenwood Road. It is not clear whether you visited the property, but we believe that a visit, particularly if we were present to show property lines, would have lead to a different result.

Please consider this as a Motion for Reconsideration of that Opinion. The basis for the Motion is that the Petitioner provided testimony as to all elements necessary to meet the burden imposed upon them by Section 307 of the B.C.Z.R. for variance relief to be granted and showed that strict compliance with the zoning regulations will be unnecessarily burdensome. There was no evidence refuting the evidence presented by the Petitioners.

The fact of the matter is that the horses need shade in the summer and the most practical place for them to have shade is in the area where the stable is currently located. From the community's perspective, the choice is simple. Do they want the horses in a stable that is cleaned at least once a day or in a small corral at the north end of the property, where they are in the open for extended periods? Restricting the horses to the shady area in the summer time is a solution we had not considered at the time of the hearing, but could prove less satisfactory to the neighbors.

If you are not willing to visit the property and reconsider your opinion, then we may appeal, but our inclination at this point is to abide by the opinion, move the stable and keep the horses in the shade as indicated.

Please acknowledge receipt of this Motion by signing the enclosed copy and returning it in the envelope that is provided for your convenience.

ORDER RECEIVED FOR FILING
Date 2/23/05
By

Thank you for your consideration.

Very truly yours,

Stanard T. Klinefelter

James Frederick, Esq. 602 Meadowridge Road, Towson, Md 21204
Ms. Nancy Horst 7819 Ellenham Avenue, Towson, Md 21204
Mr. Jamie Cahn 1819 Thornton Ridge Rd., Towson, Md 21204
Charles O'Donovan, MD 600 Greenwood Rd., Towson, Md 21204
Code Enforcement Division, DPDM 111 Chesapeake Ave. Towson, Md 21204
People's Counsel 400 Washington Ave., Towson, Md 21204

RECEIPT OF THE FOREGOING MOTION FOR RECONSIDERATION IS ACKNOWLEDGED THIS _____ DAY OF JANUARY, 2005

_____

B

BROWN ADVISORY

To Self
Need letter on Denise's desk like she did for finding
Motion to Reconsider
Mr. Gerber
Order folder
Couldn't find

Bette -
lets talk -
I signed the enclosed
copy and returned it
to Kline Letter as
requested
Bill

1/29/03

William J. Wiseman, III
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

BALTIMORE MD

UNITED STATES POSTAGE
$ 00.37⁰
MAILED FROM ZIP CODE 21231

21204+4423

12/29/04

IN RE: PETITION FOR VARIANCE W/S Greenwood Road, 965' S of the c/l Joppa Road (530 Greenwood Road) 9th Election District 5th Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 05-225-A
Stanard T. Klinefelter, et ux Petitioners	*	

* * * * * * * * * * *

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, Stanard T. Klinefelter and his wife, Sarah C. Klinefelter. The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (barn) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief 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 public hearing in support of the request were Stanard and Sarah Klinefelter, property owners. Appearing as Protestants/interested citizens were James Frederick and Charles O'Donovan, adjacent property owners, and Nancy Horst and Jamie Cahn, both members of the Ruxton-Riderwood Improvement Association and residents of the area.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Greenwood Road, just east of Charles Street and south of Joppa Road in Towson. The property contains a gross area of 3.315 acres, more or less, zoned D.R.2, and is improved with a single-family dwelling. Also existing on the property is an accessory structure, 8' x 29' x 9' in dimension, which is identified on the plan as a "barn." It is this structure which is the subject of the instant request, which was filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development

ORDER RECEIVED FOR FILING
Date 12/29/04
By

Management relative to the use of the structure. In this regard, upon investigation of the complaint by a Code Inspector, it was determined that a variance was needed due to the building's location in the front yard of the subject property.

Testimony and evidence offered revealed that the Petitioners have owned and resided on the property for the past 12 years. Mrs. Klinefelter testified that she has had a love of horses since she was 9 years of age and decided that she would like to have miniature ponies for pets. Apparently, the Petitioners recently constructed a stable-like building in the front, northwest corner of their yard to house the ponies. In addition, a stockade fence encloses the structure into the rear yard of the subject property. Testimony indicated that the barn was constructed where located so that the horses would have a sufficient amount of shade since they are in the barn for most of the day. It was indicated that the horses are out of the barn 12 hours a day during the summer months and 4 to 6 hours during the winter. Photographs of the site show that there are a number of large mature trees and vegetation in that area of the property. Mrs. Klinefelter indicated that other areas of the property were considered; however, the rear yard is uneven and slopes downward and is completely shaded. To the east of the driveway is a large field; however, there is no shade in that location and the structure would be more visible from the road. The Petitioners argued that the present location of the structure is the most practical in that its visibility is obstructed by existing vegetation and affords the ponies a sufficient amount of shade in the summer, yet provides warmth during the winter. Mrs. Klinefelter indicated that she cares for the ponies and regularly cleans the stable. Apparently all old hay and manure is taken to the far southern end of the property to minimize any offensive odors that might occur for the neighbors. Due to the location of the structure in the front yard, the requested variance is necessary.

Mr. James Frederick appeared and testified in opposition to the request. He is vehemently opposed to the location of the structure, which is clearly visible from his property. He submitted photographs, which show that the structure is located in close proximity to his children's play area. Mr. Frederick finds the view and obnoxious odors offensive, and believes that the Petitioners should be required to relocate the building in accordance with the regulations. In this

ORDER RECEIVED FOR FILING
Date 12/29/04
By

regard, he suggested that the stable be placed in the southwest corner of the subject property, opposite open space owned by the Greenwood Meadow Association.

Ms. Nancy Horst testified on behalf of the Ruxton-Riderwood Community Association. She indicated that the Petitioners were the authors of their own misfortune since they did not apply for the requisite building permit and that the community was not in favor of the variance.

Mr. Jamie Cahn testified serves on the Zoning Enforcement Committee of the Ruxton-Riderwood Community Association. He believes that this was a clear violation of the regulations and that there were alternative sites on the Klinefelter property that would be more appropriate.

In response to the issues raised by the Protestants, Mr. Klinefelter testified that he believes the placement of the structure where located is appropriate in that its view is sufficiently buffered by existing trees and vegetation. He indicated that its location is most appropriate for the health and wellbeing of the ponies and that a practical difficulty would result if required to relocate the structure elsewhere on his property. He further argued that its location is not unsightly and does not adversely impact the health, safety or general welfare of the community.

After due consideration of the testimony and evidence presented, I am persuaded to deny the requested relief. I find that the Petitioners have not met the burden imposed upon them by Section 307 of the B.C.Z.R. for variance relief to be granted and that strict compliance with the zoning regulations will not be unnecessarily burdensome. As noted above, this is a large lot and it appears that sufficient area exists in the rear of the property where the building could be located to lessen its impact upon the neighbors and still provide a comfortable environment for their ponies. Moreover, it is clear that the neighbors find the location of the shed to be offensive and that a grant of the variance would have a detrimental impact upon the neighborhood. For all of these reasons, the relief requested must be denied.

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December 2004 that the Petition for Variance seeking relief from Section 400.1

ORDER RECEIVED FOR FILING
Date 12/29/04
By

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (shed) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have 120 days from the date of this Order to relocate the accessory structure in accordance with the zoning regulations.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/29/04
By

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
William J. Wiseman III, Zoning Commissioner

December 29, 2004

Mr. & Mrs. Stanard T. Klinefelter
530 Greenwood Road
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Greenwood Road, 965' S of the c/l Joppa Road
(530 Greenwood Road)
9th Election District – 5th Council District
Stanard T. Klinefelter, et ux - Petitioners
Case No. 05-225-A

Dear Mr. & Mrs. Klinefelter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. James Frederick
602 Meadowridge Road, Towson, Md. 21204
Ms. Nancy Horst, 7819 Ellenham Avenue, Towson, Md. 21204
Mr. Jamie Cahn, 1819 Thornton Ridge Road, Towson, Md. 21204
Mr. Charles O'Donovan, 600 Greenwood Road, Towson, Md. 21204
Code Enforcement Division, DPDM; People's Counsel; Case File

Printed on Recycled Paper

PETITION
CORRESPONDENCE

20050225A
Supplemental

2

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 530 Greenwood Rd

which is presently zoned DR 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) 400.1

TO PERMIT A DETACHED ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

SARAH C. KLINEFELTER
Name - Type or Print

Sarah C. Klinefelter
Signature

STANARD T. KLINEFELTER
Name - Type or Print

Stanard T Klinefelter
Signature

530 Greenwood Rd - 410-823-0989
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM **Date** 11/3/04

ORDER RECEIVED FOR FILING
Date 12/20/04
By

Case No. 05-225-A

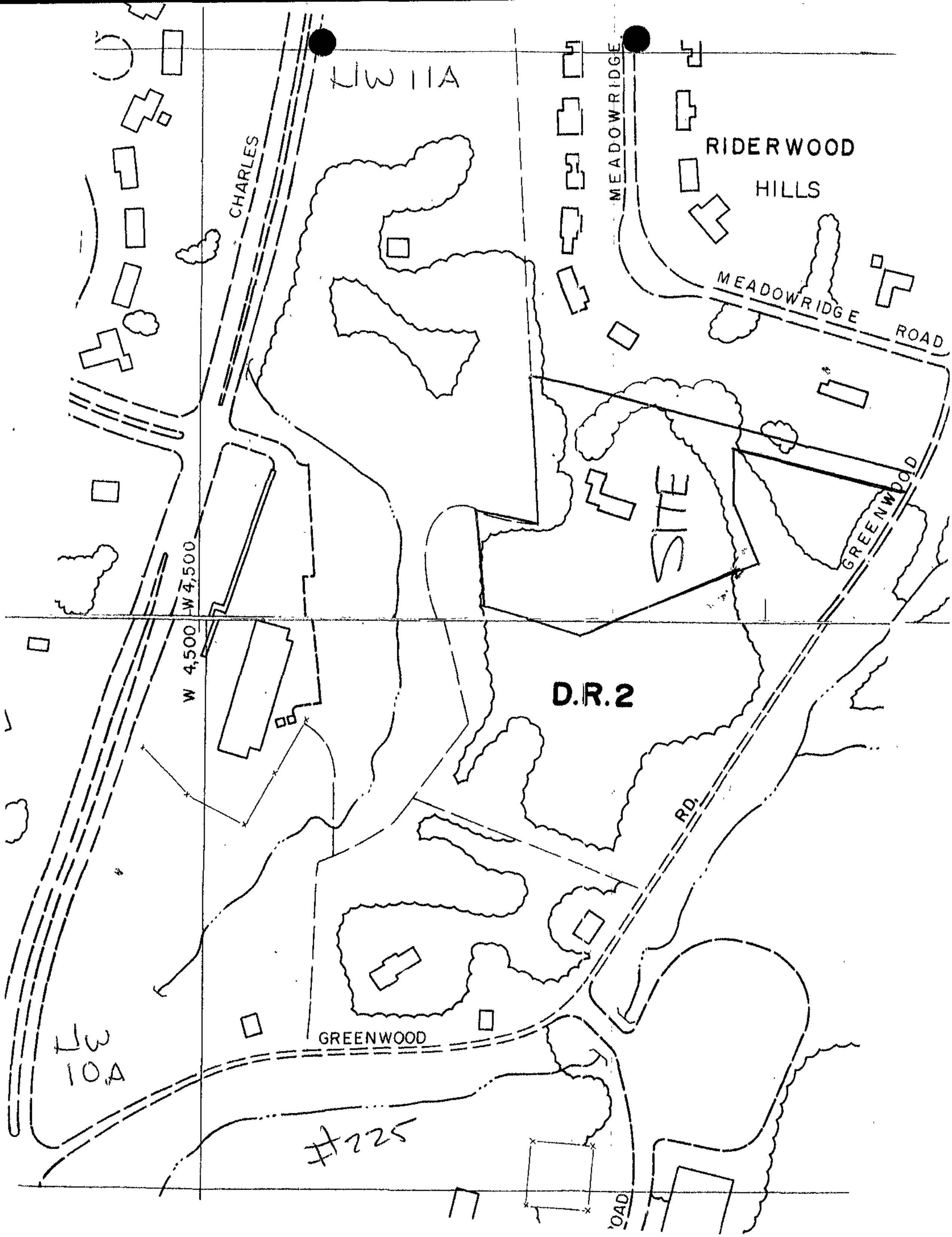
REV 9/15/98

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

ZONING DESCRIPTION FOR 530 GREENWOOD ROAD, TOWSON, MD. 21204

Beginning at a point on the west side of Greenwood Road, which is 55 feet wide at the distance of 965 feet (plus or minus) south of the centerline of the nearest improved intersecting street, Joppa Road, which is 60 feet wide. Being Lot #1 in the subdivision of Greenwood Meadows as recorded in Baltimore County Plat Book #65, Folio #94, containing 3.315 acres. Also known as 530 Greenwood Road and located in the 9th Election District, 5th Councilmanic District.

#225


LW 11A
CHARLES
MEADOW RIDGE
RIDERWOOD
HILLS
MEADOWRIDGE ROAD
SITE
GREENWOOD
W 4,500
W 4,500
D.R.2
RD.
GREENWOOD
LW
10A
#225
ROAD

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

For Newspaper Advertising:

Item Number or Case Number 05-225-A

Petitioner: Sarah C. Kliniefelter

Address or Location: 530 Greenwood Rd. Towson, MD. 21204

PLEASE FORWARD ADVERTISING BILL TO

Name: Sarah C. Kliniefelter

Address 530 Greenwood Rd
Towson, MD. 21204

Telephone Number: 410-823-0989

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: #05-225-A
530 Greenwood Road
W/side of Greenwood Road, 965 feet s/of centerline of Joppa Road
9th Election District
5th Councilmanic District
Legal Owner(s): Sarah C. and Stanard T. Klinefelter
Variance: to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard.
Hearing: Wednesday, December 15, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT11/817 Nov.30 31386

CERTIFICATE OF PUBLICATION

12/2/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/30/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42642

DATE 11/3/04 ACCOUNT R001 A006 6150

AMOUNT $ 65.00

RECEIVED FROM: E. KLINEFELTER

FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

ITEMS	TOTAL	TYPE	NOW
11/03/2004	11/03/2004	10:23:22	1
REF: 1506	WALKIN	WALK IN	
CASHIER # 30661	11/03/2004		DELH
Name:	S 539/OWNER VERIFICATION		
CR NO. 042642			
Recpt Tot		65.00	
65.00 CK		0.00 CA	
Baltimore County, Maryland			

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. [illegible]

DATE 11/3/09

ACCOUNT [illegible]

AMOUNT $ 65.00

RECEIVED FROM [illegible]

FOR

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
[illegible]

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date December 1, 2004

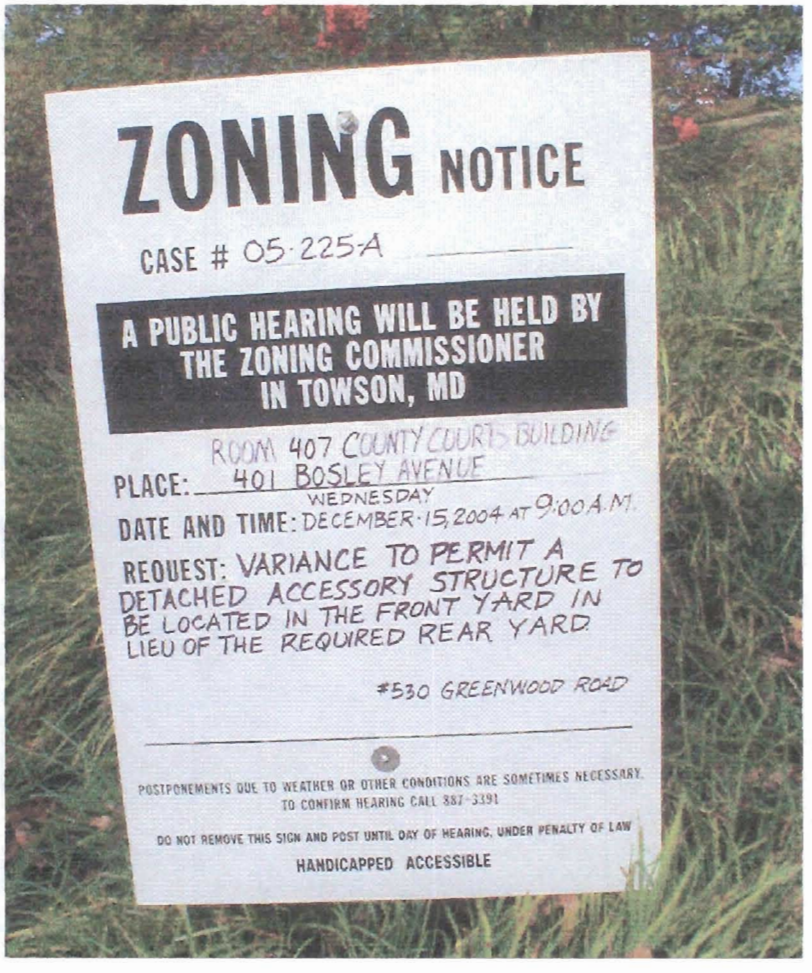
RE: Case Number 05-225-A

Petitioner/Developer Sarah + Stanard Klinefelter

Date of (Hearing)/Closing DECEMBER 15, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 530 GREENWOOD ROAD

The sign(s) were posted on November 28, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 43504

DATE 3/25/05 ACCOUNT R-001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Jennifer T. Fitzgerald

FOR: Appeal Fee for Case # 05-225-A
520 Greenwood Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	CASH
3/28/2005	3/25/2005	12:44:37	4
REG 0506	WALKIN	WALK-IN	
RECEIPT # 347021	3/25/2005		OFLN
Acct 5 528 ZONING VERIFICATION			
CHECK NO. 443504			
Recpt Tot			$325.00
$400.00 CK			$.00 CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 43505

DATE 3/25/05 ACCOUNT R-001-006-6150

AMOUNT $ 75.00

RECEIVED FROM: Jennifer T. Fitzgerald

FOR: Appeal Fee for Case # 05-225-A
520 Greenwood Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	CASH
3/28/2005	3/25/2005	12:44:37	4
REG 0506	WALKIN	WALK-IN	
RECEIPT # 347021	3/25/2005		OFLN
Acct 5 528 ZONING VERIFICATION			
CHECK NO. 443505			
Recpt Tot			$75.00
$400.00 CK			$.00 CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO. 05-225-A

STANDARD & SUSAN KLINEFELTER

530 GREENWOOD ROAD

9TH ELECTION DISTRICT APPEALED: 3/25/2005

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

26 K5

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-225-A

Petitioner/Developer:

STANARD T. & SUSAN KLINEFELTER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

530 GREENWOOD ROAD

The sign was posted on 5/11, 2005

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Print Name)

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

November 16, 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: 05-225-A
530 Greenwood Road
W/side of Greenwood Road, 965 feet s/of centerline of Joppa Road
9th Election District – 5th Councilmanic District
Legal Owners: Sarah C. and Stanard T. Klinefelter

Variance to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard.

Hearing: Wednesday, December 15, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sarah & Stanard Klinefelter, 530 Greenwood Road, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 30, 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.

County Board of Appeals of Baltimore County

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

pp'd to 11/02/05 @ req. of Petitioners

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 7, 2005

NOTICE OF ASSIGNMENT

CASE #: 05-225-A

IN THE MATTER OF: STANARD T. & SUSAN KLINEFELTER
-Legal Owners /Petitioners 530 Greenwood Road
9th Election District; 5th Councilmanic Distirct

12/29/04 – Z.C.'s Order in which Petitioners' requested variance relief was DENIED.
2/23/05 – Z.C.'s Order on Motion for Reconsideration in which Petitioners' Motion for Reconsideration is DENIED.

ASSIGNED FOR: **TUESDAY, SEPTEMBER 20, 2005 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

c: Appellants /Petitioners : Standard T. and Susan Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

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530 GREENWOOD ROAD
TOWSON, MARYLAND 21204

June 22, 2005

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 05-225-A

Gentlemen:

The above case has been set for hearing on September 20, 2005. My wife owns a women's clothing store and must be in New York that day for a buying trip. There is no flexibility in her schedule as the manufacturers gather for a fixed period of time and buyers must attend during that period.

Accordingly, we hereby request a postponement of the hearing date to another time. We will be out of the country from September 30 until October 22, so we would appreciate a date subsequent to October 22.

Thank you for your attention to this matter.

Very truly yours,

Stanard T. Klinefelter

RECEIVED
JUN 23 2005
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County

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

June 28, 2005

TO: PARTIES AS LISTED

RE: *In the Matter of: Stanard T. and Susan Klinefelter*
–Legal Owners /Petitioners
Case No. 05-225-A /Request for Postponement

Enclosed for your information is a copy of a letter received by this office on June 23, 2005 from the Petitioner in the subject matter in which he requests a postponement of the hearing scheduled for September 20, 2005.

At the present time, reassignment of this case will result in a new hearing date for early November 2005. Any comment you may wish to make, prior to further action being taken on this request, must be received by this office, in writing, no later than Friday, July 15, 2005.

Again, reassignment of the subject matter at this time will result in an early November hearing date. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

TO: James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

c: Stanard and Susan Klinefelter
Office of People's Counsel

FILE

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on Recycled Paper

James A. Frederick
602 Meadowridge Road
Towson, Maryland 21204

July 12, 2005

VIA FACSIMILE (410) 887-3182
Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of: Stanard T. and Susan Klinefelter
Case No. 05-225-A

Dear Ms. Bianco:

I am in receipt of your letter dated June 28, 2005 enclosing a copy of a letter from Mr. Klinefelter requesting a postponement of the September 20, 2005 hearing date in the above-referenced matter.

I am the objecting party and am opposed to a continuance of the hearing date. Mr. and Mrs. Klinefelter were made aware of the September hearing date by letter from the Board on June 7. Yet they apparently chose not to advise the Board of their conflict until June 22. Certainly, the "buying trip"with all its attendant inflexibility was set and known to the Klinefelters well before June 22. Consistent with their pursuit of this appeal in the first instance, the request is nothing more than a delay tactic designed to permit them a longer period of time to infringe on the zoning rules and regulations of this County and to annoy, harass and offend their neighbors.

The Board should see through this scheme and keep the hearing as scheduled for September 20, 2005. Please contact me should you require anything further.

Very truly yours,

James A. Frederick

JAF/tbs

RECEIVED
JUL 13 2005
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County

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

July 25, 2005

Mr. James Frederick
602 Meadowridge Road
Towson, MD 21204

RE: *In the Matter of: Stanard T. & Susan Klinefelter*
Case No. 05-225-A

Dear Mr. Frederick:

Enclosed is a copy of the Notice of Postponement and Reassignment in the subject matter.

While your objection to this postponement has been noted for the file, the request for postponement was received well within the prescribed timeframe set forth in Rule 2c of the Board's *Rules of Practice and Procedure*, which states as follows:

> **No postponement shall be granted within fifteen (15) days next prior to the hearing date** except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of an unusual and extraordinary nature.

In this instance, the request was received approximately 12 weeks prior to the actual hearing date. Therefore, the hearing has been pulled from the September 20th date and reassigned to Wednesday, November 2, 2005 at 10:00 a.m.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: Stanard T. and Susan Klinefelter
People's Counsel for Baltimore County

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County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

July 25, 2005

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 05-225-A

IN THE MATTER OF: STANARD T. & SUSAN KLINEFELTER
-Legal Owners /Petitioners 530 Greenwood Road
9th Election District; 5th Councilmanic Distirct

12/29/04 – Z.C.'s Order in which Petitioners' requested variance relief was DENIED.
2/23/05 – Z.C.'s Order on Motion for Reconsideration in which Petitioners' Motion for Reconsideration is DENIED.

which had been assigned for hearing on 9/20/05 has been **POSTPONED** at the request of Petitioners (scheduled to be out of town for business on assigned hearing date of 9/20/05); and has been

REASSIGNED FOR: **WEDNESDAY, NOVEMBER 2, 2005 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Appellants /Petitioners : Standard T. and Susan Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

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Brown Investment Advisory & Trust Company
901 South Bond Street, Suite 400
Baltimore, MD 21231

BROWN ADVISORY

FAX COVER SHEET

TO: Ms. Bianco FAX NO.: 410 887 3182

FROM: S. Klinefelter PHONE NO.: 410 537 5402

DATE: 8/1/5 PAGES: 2

RE:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Please check with Rob Hoffman at Venable on dates - 410-494-6262

STANARD T. & SARAH C. KLINEFELTER
530 GREENWOOD ROAD
TOWSON, MD 21204

August 1, 2005

Via facsimile 410-887-3182
Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the matter of Stanard T. & Sarah C. Klinefelter
Case No. 05-225-A

Dear Ms. Bianco:

We are in receipt of the Notice of Postponement & Reassignment scheduling the hearing in the above referenced case for 10 a.m. on November 2, 2005.

We are most anxious to have the case resolved at the earliest possible opportunity and therefore request an expedited hearing at the earliest possible date, perhaps to fill an opening made available by a cancellation or continuance in another case.

Our case will take less than an hour to present, and Mr. Frederick's presentation should not take more than one half hour. We are available on the following dates:

August 8, 11, 12, 18, 19, 25, 26, 29
September 1, 2, 9, 12, 13, 14, 15, 16, 19, 27, 28, 29
October 24, 25, 26, 27, 28

Thank you for your consideration and prompt attention to this request.

Sincerely yours,

Stanard T. Klinefelter

cc. James Frederick, Esq.

12/19

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 15, 2005

Robert A. Hoffman, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Md. 21204

RE: PETITION FOR VARIANCE - Remand Hearing
(530 Greenwood Road)
Stanard T. Klinefelter, et ux - Petitioners
Case No. 05-225-A

Dear Mr. Hoffman:

This letter is to confirm that the above-captioned matter has been remanded to the undersigned for further proceedings and that a public hearing has been scheduled for Monday, December 19, 2005 at 9:00 AM in Room 407 of the Circuit Courts Building.

Thank you for your cooperation and assistance in this matter.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
For Baltimore County

WJW:bjs

cc: Mr. & Mrs. Stanard T. Klinefelter
530 Greenwood Road, Towson, Md. 21204
Mr. James Frederick
602 Meadowridge Road, Towson, Md. 21204
Ms. Nancy Horst, 7819 Ellenham Avenue, Towson, Md. 21204
Mr. Jamie Cahn, 1819 Thornton Ridge Road, Towson, Md. 21204
Mr. Charles O'Donovan, 600 Greenwood Road, Towson, Md. 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
Code Enforcement Division, DPDM; People's Counsel; Case File

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

AMY DONTELL

FAX : 410-821-0147 FAX

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
JANUARY 11, 2006

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: NOTICE FOR KLINEFELTER
March 22nd hearing date

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

AMY:

ATTACHED IS A COPY OF THE NOTICE GOING OUT TODAY FOR KLINEFELTER (MARCH 22ND DATE AS AGREED).

CALL ME IF YOU HAVE ANY QUESTIONS.

KATHI

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 11, 2006

NOTICE OF ASSIGNMENT

CASE #: 05-225-A

IN THE MATTER OF: STANARD T. & SUSAN KLINEFELTER
-Legal Owners /Petitioners 530 Greenwood Road
9th Election District; 5th Councilmanic Distirct

12/29/04 – Z.C.'s Order in which Petitioners' requested variance relief was DENIED.
2/23/05 – Z.C.'s Order on Motion for Reconsideration in which Petitioners' Motion for Reconsideration is DENIED.

which was remanded to the Zoning Commissioner by joint request of counsel has been reassigned to the earliest workable date on the Board's schedule; and has been

ASSIGNED FOR: **WEDNESDAY, MARCH 22, 2006 at 10:00 a.m.**

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

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

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

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

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : Standard T. and Susan Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

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County Board of Appeals of Baltimore County

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

March 23, 2006

NOTICE OF DELIBERATION

IN THE MATTER OF:

STANARD T. & ~~SUSAN~~ Sarah KLINEFELTER
Case No. 05-225-A

Having heard this matter on 3/22/06, public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, MAY 4, 2006 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Monday, April 24, 2006
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : Stanard and Sarah Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

Amended notice sent 4-05-06 - Req. of Mr. Klinefelter for correction.

FYI: 2-1-4

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Brown Investment Advisory & Trust Company
901 South Bond Street, Suite 400
Baltimore, MD 21231

BROWN ADVISORY

FAX COVER SHEET

TO: Kathleen Bioned FAX NO.: 410-887-5182

FROM: S. Klinefelter PHONE NO.: 410-537-5402

DATE: April 5, 2006 PAGES: 3

RE: 05-225-A

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Amended notice
w/name correction
fax 4-05-06

530 Greenwood Road
Towson, MD 21204

April 5, 2006

VIA Facsimile to 410-887-3182
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Attention: Kathleen C. Bianco, Administrator

Re: Case No. 05-225-A

Dear Ms. Bianco:

I am attaching a copy of the Notice of Deliberation in the above case. Please note that our names are still incorrect in the Caption and the list of recipients of the Notice. I believe we had a conversation about this some weeks ago and thought we had resolved the matter. I would appreciate it if you would take whatever steps are necessary to correct the errors. If appropriate, perhaps your office can issue a notice to all parties, or reissue the Notice of Deliberation with the correct spelling.

Again, the correct names are "Stanard T. & Sarah C. Klinefelter", not "Stanard T. & Susan Klinefelter" as shown in your caption nor "Standard & Sarah Klinefelter".

We have ordered a transcript of the hearing on March 22 and would expect that it will reflect the proper information.

Thank you for your attention to this matter.

Sincerely yours,

Stanard T. Klinefelter

Stanard T. Klinefelter
410-537-5402

County Board of Appeals of Baltimore County

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

March 23, 2006

NOTICE OF DELIBERATION

IN THE MATTER OF:

STANARD T. & SUSAN KLINEFELTER
Case No. 05-236-A

Having heard this matter on 3/22/06, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **THURSDAY, MAY 4, 2006 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: Closing briefs are due on Monday, April 24, 2006
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : ~~Robert A. Hoffman, Esquire~~
Appellants /Petitioners : Standard and Sarah Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

FYI: 2-1-4

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County Board of Appeals of Baltimore County

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400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 5, 2006

AMENDED NOTICE OF DELIBERATION
[Amended to correct Petitioners' names]

IN THE MATTER OF:

STANARD T. & SARAH C. KLINEFELTER
Case No. 05-225-A

This amended notice will serve to reflect the correct names for Petitioners; no other changes have been made; public deliberation remains scheduled for the following date /time:

pl'd to 5/18/06

DATE AND TIME : **THURSDAY, ~~MAY 4~~, 2006 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, ~~Old Courthouse~~**

NOTE: Closing briefs are due on Monday, April 24, 2006 extended to 5/08/06 @ req. of Counsel
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : **Stanard and Sarah Klinefelter**

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

FYI: 2-1-4

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VENABLE® LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

Robert A. Hoffman 410-494-6365 rahoffman@venable.com

April 21, 2006

Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
APR 21 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Case No. 05-225-A
Property: 530 Greenwood Road
Legal Owner: Stanard and Sarah Klinefelter

Dear Ms. Bianco,

I am writing on behalf of my clients, Stanard and Sarah Klinefelter, to request a two week postponement of the deadline for filing the Post-Hearing Memoranda in the above referenced case. We also request that the Board's deliberation be postponed two weeks. James Frederick, the sole protestant in the case, joins the Klinefelters in these requests.

It is, therefore, respectfully requested that the current deadline for the Post-Hearing Memoranda be postponed to May 8, 2006 and the Board's deliberation correspondingly be postponed two weeks. Thank you for your consideration of this request.

Very truly yours,

Robert A. Hoffman

RAH : cdm

cc: James Frederick

TODOC1/225769

From: Kathleen Bianco
To: James Frederick
Date: 4/21/2006 12:59:35 PM
Subject: Re: 530 Greenwood Road - Klinefelters

Jim:

Thank you for providing the e-mail for our file. I will be sending out a formal letter extending the time to Monday, May 8th, once I've received Rob Hoffman's written extension request. (I'll fax a copy to you at that time.)

kathi

Kathleen C. Bianco, Administrator
County Board of Appeals
Room 49, Old Courthouse
Towson, MD 21204
410-887-3180
410-887-3182 (FAX)
kbianco@co.ba.md.us

>>> "Frederick, James (USAMD)" <James.Frederick2@usdoj.gov> 04/20/06 4:41 PM >>>
Good afternoon Kathleen. I understand from the Klinefelter's counsel that I need to e-mail you and let you know that I agree with the request for an extension of time for briefing in this matter. Please let me know if you need anything further from me.

Jim

James A. Frederick
Assistant United States Attorney
District of Maryland
36 South Charles Street
4th Floor
Baltimore, Maryland 21201
Direct: (410) 209-4857
Fax: (410) 962-9947

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

ROBERT HOFFMAN ESQUIRE
FAX : 410-821-0147

JAMES A. FREDERICK, ESQUIRE
FAX : 410-962-9947

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
APRIL 21, 2006

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: KLINEFELTER /CASE NO. 05-225-A

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED FYI IS A COPY OF THE NOTICE OF REASSIGNMENT FOR THE DELIBERATION IN THE SUBJECT MATTER WHICH HAS BEEN REASSIGNED TO MAY 18, 2006.

IN ADDITION, AS REQUESTED, WRITTEN BRIEFS ARE NOW DUE ON MONDAY, MAY 8TH.

April 21, 2006

County Board of Appeals of Baltimore County

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

PP'd to 6/21/06
memo due 6/07/06

April 21, 2006

NOTICE OF REASSIGNMENT OF DELIBERATION

IN THE MATTER OF:

STANARD T. & SARAH C. KLINEFELTER
Case No. 05-225-A

As requested by counsel to this matter, the filing of written briefs has been extended to 5/08/06, with the deliberation of this matter reassigned as follows:

DATE AND TIME : **THURSDAY, MAY 18, 2006 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: Closing briefs are due on Monday, May 8, 2006
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : Stanard and Sarah Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

FYI: 2-1-4

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VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

Robert A. Hoffman 410-494-6365 rahoffman@venable.com

May 4, 2006

Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 05-225-A
Property: 530 Greenwood Road
Legal Owner: Stanard and Sarah Klinefelter

Dear Ms. Bianco,

I am writing on behalf of my clients, Stanard and Sarah Klinefelter, to request a postponement of the deadline for filing the Post-Hearing Memoranda in the above-referenced case. As you may recall, the Board previously postponed the deadline from April 24, 2006 to May 8, 2006. We now request that the Board postpone the Memoranda deadline and subsequent deliberation for thirty (30) days. James Frederick, the sole protestant in the case, joins the Klinefelters in this request.

It is, therefore, respectfully requested that the current deadline for the Post-Hearing Memoranda be postponed to June 7, 2006 and the Board's deliberation correspondingly be postponed. Thank you for your consideration of this request.

Very truly yours,

Robert A. Hoffman

RAH : cdm

cc: James Frederick

TODOC1/225769v2

RECEIVED
MAY 04 2006
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County

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

May 5, 2006

THIRD NOTICE OF REASSIGNMENT OF DELIBERATION

IN THE MATTER OF:

STANARD T. & SARAH C. KLINEFELTER
Case No. 05-225-A

Deliberation in this matter, which had been reassigned at the request of the parties to 6/21/06, is herewith **REASSIGNED** at the Board's request due to a recently encountered schedule conflict (one of the sitting Board members will be out of town during that time); and has been reassigned as follows:

DATE AND TIME : **TUESDAY, JULY 11, 2006 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: Closing briefs are due on ~~Wednesday~~ Tuesday, June 7, 2006 6/27/06
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : Stanard and Sarah Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

FYI: 2-1-4

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on Recycled Paper

County Board of Appeals of Baltimore County

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

pp'd to 7-11-06 - Mr. Mahan out of town during that week.

May 5, 2006

SECOND NOTICE OF REASSIGNMENT OF DELIBERATION

IN THE MATTER OF:

STANARD T. & SARAH C. KLINEFELTER
Case No. 05-225-A

As requested by the parties to this matter, the date for submittal of written briefs has been extended to 6/07/06, with the deliberation of this matter reassigned as follows:

DATE AND TIME : **WEDNESDAY, JUNE 21, 2006 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: Closing briefs are due on Wednesday, June 7, 2006
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners : Robert A. Hoffman, Esquire
Appellants /Petitioners : Stanard and Sarah Klinefelter

James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

FYI: 2-1-4

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on Recycled Paper

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

ROBERT HOFFMAN ESQUIRE
FAX : 410-821-0147

JAMES A. FREDERICK, ESQUIRE
FAX : 410-962-9947

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
MAY 5, 2006

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: KLINEFELTER /CASE NO. 05-225-A

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED FYI IS A COPY OF THE NOTICE OF REASSIGNMENT FOR THE DELIBERATION IN THE SUBJECT MATTER, WHICH HAS BEEN REASSIGNED TO JUNE 21, 2006.

IN ADDITION, AS REQUESTED, WRITTEN BRIEFS ARE NOW DUE ON WEDNESDAY, JUNE 7TH.

VENABLE® LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

Robert A. Hoffman 410-494-6365 rahoffman@venable.com

June 6, 2006

RECEIVED
JUN 06 2006
BALTIMORE COUNTY
BOARD OF APPEALS

HAND DELIVERED
Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 05-225-A
Property: 530 Greenwood Road
Legal Owner: Stanard and Sarah Klinefelter

Dear Ms. Bianco,

I am writing on behalf of my clients, Stanard and Sarah Klinefelter, to request a postponement of the deadline for filing the Post-Hearing Memoranda in the above-referenced case. As you may recall, the Board previously postponed the deadline from April 24, 2006 to June 7, 2006. We now request that the Board postpone the Memoranda deadline until June 27, 2006. James Frederick, the sole protestant in the case, joins the Klinefelters in this request.

It is, therefore, respectfully requested that the current deadline for the Post-Hearing Memoranda be postponed to June 27, 2006. Thank you for your consideration of this request.

Very truly yours,

Robert A. Hoffman

RAH : cdm

cc: James Frederick

TODOC1/225769v3

County Board of Appeals of Baltimore County

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

June 8, 2006

VIA FACSIMILE 410-821-0147 AND US MAIL

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Stanard and Sarah Klinefelter* - Petitioners
Case No. 05-225-A /Extension of Time – Post-Hearing Memoranda

Dear Mr. Hoffman:

In response to your letter received dated June 6, 2006, joined by Mr. Frederick and confirmed via e-mail on June 8th, your request for an extension for filing of memoranda in the subject matter has been granted. **Briefs are now due from all parties on Tuesday, June 27, 2006** in lieu of the previously designated June date.

The **public deliberation remains as reassigned on Tuesday, July 11, 2006 at 9:00 a.m.**

Should you have any questions, please call me.

Very truly yours,

Kathleen C. Bianco
Administrator

FILE

Enclosure

c: James Frederick / **VIA FAX 410-962-9947 AND U.S. MAIL**

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on Recycled Paper

COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

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FAX : 410-821-0147

JAMES A. FREDERICK, ESQUIRE
FAX : 410-962-9947

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
JUNE 8, 2006

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: KLINEFELTER /CASE NO. 05-225-A

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED FYI IS A COPY OF THE LETTER SENT OUT THIS DATE via USPS EXTENDING THE TIME FOR FILING OF MEMOS IN THE SUBJECT MATTER TO TUESDAY, JUNE 27, 2006. DELIBERATION REMAINS AS REASSIGNED ON 7/11/06.

kathi

Department of Permits and Development Management

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

Baltimore County

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

December 7, 2004

Sarah C. Klinefelter
Stanard T. Klinefelter
530 Greenwood Road
Towson, Maryland 21204

Dear Mr. and Mrs. Klinefelter:

RE: Case Number:05-255-A , 530 Greenwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 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.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 6, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 15, 2004.

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-205
05-221
05-222
05-224
05-225
05-226

Reviewers: Sue Farinetti, Dave Lykens

-BW 12/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 26, 2004

RECEIVED

DEC 3 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-225**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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: Mark A Cunningham

Division Chief: Lyn Lanham

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 22, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 22, 2004
Item Nos. 205, 221, 222, 224, and 225

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

RWB:CEN:jrb

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 11-17-04

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

RE: Baltimore County
Item No. 225 LTM

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,

S. F. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County
Fire Department

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

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

November 16, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 15, 2004

Item No.: 205, ~~221-226~~ 225

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File

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on Recycled Paper

RE:	PETITION FOR VARIANCE 530 Greenwood Road; W/side Greenwood Road, 965' S c/line of Joppa Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Sarah & Stanard Klinefelter Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-225-A

* * * * * * * * * * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

RECEIVED
NOV 18 2004
Per

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Sarah & Stanard Klinefelter, 530 Greenwood Road, Towson, MD 21204, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

April 14, 2005

Mr. & Mrs. Stanard T. Klinefelter
530 Greenwood Road
Towson, MD 21204

Dear Mr. & Mrs. Klinefelter:

RE: Case: 05-225-A, 530 Greenwood Road

Please be advised that this office received your appeal of the above-referenced case on March 25, 2005. 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,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
James Frederick, 602 Meadowridge Rd., Towson 21204
Nancy Horst, 7819 Ellenham Avenue, Towson 21204 -(410)494-7757
Jamie Cahn, 1819 Thornton Ridge Road, Towson 21204
Charles O'Donovan, 600 Greenwood Road, Towson 21204

RECEIVED

MAR 25 2005

530 GREENWOOD ROAD
RUXTON, MD 21204

March 25, 2005

HAND-DELIVERED

Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building – Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Lawrence M. Stahl, Chairman
County Board of Appeals for Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of PETITION FOR VARIANCE
W/S Greenwood Road, 965' S of the c/l Joppa Road
9th Election District, 5th Councilmanic District
Case No.: 05-225-A

Dear Mr. Kotroco and Mr. Stahl:

By way of this letter, I hereby note an appeal from the decision of the Zoning Commissioner for Baltimore County on December 29, 2004 to Deny the Petition for Variance requested by Stanard T. Klinefelter and Sarah C. Klinefelter, Petitioners. The time period to appeal from such Denial was tolled by a timely filed Motion for Reconsideration, which was denied by Order dated February 23, 2005. My name and address are as follows:

STANARD T. KLINEFELTER
530 GREENWOOD ROAD
RUXTON, MD 21204

I enclose a check in the amount of $ 400.00 to cover the filing fee for the appeal and associated costs. If you have any questions regarding this appeal, please feel free to give me a call at 410-537-5402.

Very truly yours,

Stanard T. Klinefelter

Stanard T. Klinefelter

APPEAL

Petition for Variance
530 Greenwood Road
W/s Greenwood Rd., 965' S of c/l of Joppa Rd.
9th Election District – 5th Councilmanic District
Legal Owners: Stanard T. & Susan Klinefelter

Case No.: 05-255-A

Petition for Variance (November 3, 2004)

Zoning Description of Property

Notice of Zoning Hearing (November 16, 2004)

Certification of Publication (The Jeffersonian – November 30, 2004)

Certificate of Posting (November 28, 2004) by Linda O'Keefe

Entry of Appearance by People's Counsel (November 18, 2004)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. Site Plan
2. Photographs A – F

Protestants' Exhibits:
1. Photographs A - C

Miscellaneous (Not Marked as Exhibit)
1. Additional Photographs
2. Letter dated December 13, 2004 in support of Petition for Variance

Zoning Commissioner's Order (DENIED – December 29, 2004)

Order on Motion for Reconsideration (DENIED – February 23, 2005)

Notice of Appeal received on March 25, 2005 from Stanard Klinefelter

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM

date sent April 14, 2005, klm

APPEAL

Petition for Variance
530 Greenwood Road
W/s Greenwood Rd., 965' S of c/l of Joppa Rd.
9th Election District – 5th Councilmanic District
Legal Owners: Stanard T. & Susan Klinefelter

Case No.: 05-~~255~~-A (225) → Should be "Sarah" per Mr. Klinefelter.

✓ Petition for Variance (November 3, 2004)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (November 16, 2004)

✓ Certification of Publication (The Jeffersonian – November 30, 2004)

✓ Certificate of Posting (November 28, 2004) by Linda O'Keefe

✓ Entry of Appearance by People's Counsel (November 18, 2004)

✓ Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

✓ Citizen(s) Sign-In Sheet – One Sheet

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit
- ✓ 1. Site Plan
- ✓ 2. Photographs A – F

Protestants' Exhibits:
- ✓ 1. Photographs A - C

Miscellaneous (Not Marked as Exhibit)
- ✓ 1. Additional Photographs
- ✓ 2. Letter dated December 13, 2004 in support of Petition for Variance

Also, please notify Richard Parsons 412 Woodbine Road Towson, MD 21204

✓ Zoning Commissioner's Order (DENIED – December 29, 2004)

✓ Order on Motion for Reconsideration (DENIED – February 23, 2005)

✓ Notice of Appeal received on March 25, 2005 from Stanard Klinefelter

RECEIVED
APR 19 2005
BALTIMORE COUNTY
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM

date sent April 14, 2005, klm

CHARLES O'DONOVAN
4100 N CHARLES STREET
APT 402
BALTIMORE MD 21210-1024

Suzanne Garrigues
506 Greenwood Rd
21204
Please notify her of hearing date.

Cecelia McGrain
12040 Tralee Road
Timonium, MD 21093

Added via inquiry 6/28/

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

Counsel for Appellants /Petitioners

Case No. 05-225-A

In the Matter of: Stanard & Sarah Klinefelter
- Petitioners

VAR – To permit detached accessory structure (barn) to be locatead in the front yard in lieu of the required rear yard.

12/29/04 – Z.C.'s Order in which Petitioners' requested variance relief was DENIED.
2/23/05 – Z.C.'s Order on Motion for Reconsideration in which Petitioners' Motion for Reconsideration is DENIED.

ON JOINT MOTION FOR REMAND – to amend requested variance relief - "if necessary."

1/05/2006 – ZC's Order on Joint Motion for Remand in which the ZC determined that a variance was needed for the accessory structure; and that the variance is DENIED.

6/07/05 -Notice of Assignment sent to following; assigned for hearing on Tuesday, September 20, 2005 at 10 a.m.:

Stanard and Sarah Klinefelter
James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM

6/23/05 – Request for postponement filed by Petitioner, Stanard T. Klinefelter; Mrs. Klinefelter will be out of town in New York on scheduled buying trip that day; manufacturers' meeting cannot be rescheduled; asks that hearing be reassigned to some time after 10/22/05 (will be out of the country 9/30 until 10/22/05).

6/28/05 – Letter to parties listed in file (Frederick through Garrigries; added Cecelia McGrain) and PC – comment by 7/15/05; PP date would be early November 2005.

7/13/05 – Response letter from Mr. Frederick -objects to any continuance, citing notice dated 6/07; Petitioner did not notify Board until 6/22 that his wife would be out of town on 9/20/05.

7/14/05 – Notice of PP to be sent to parties; request granted despite opposition; Board's rule requires that PP request be received no less than 15 days prior to hearing except in unusual circumstance. This request in fact complies with rule and is well outside of 15 days before hearing. Therefore granted and postponed to 11/02/05, a delay of only approximately 6 weeks. Letter to parties explaining that request was granted and that the request complied with the Board's rules; also this was first request from either party.

7/25/05 – Notice of PP and Reassignment sent to parties this date; reassigned to Wednesday, November 2, 2005 at 10:00 a.m.
- Letter to Mr. Frederick, with copy to Mr. and Mrs. Klinefelter and to Mr. Zimmerman – request granted; well within the Board's time frame for request; first requested postponement.

8/01/05 – Letter via FAX from Stanard T. Klinefelter – requesting consideration of earlier hearing date, if possible.

11/02/05 – Board convened for hearing (Stahl, Mohler and Quinn). Robert Hoffman entered his appearance on the record for Petitioner (will submit written Entry). Joint request put before the Board by Mr. Hoffman on behalf of Petitioner and by the Protestants, who appeared *pro se*, with Mr. Frederick speaking for the group, to remand this matter to the Zoning Commissioner (issue arose as to whether or not the structure required a variance or could be constructed on a farm without same). To be remanded to Zoning Commissioner for further proceedings as indicated by the parties on the record. Order to be issued.

11/03/05 – Notice of Entry of Appearance filed by Robert A. Hoffman, Esquire, on behalf of Appellants, Stanard T. and Susan Klinefelter. File so noted.

1/10/06 – T/C from A. Dontelle – has confirmed availability of all parties on 3/22/06; notice to be sent.

1/11/06 – Notice of Assignment sent to parties – assigned for Wednesday, March 22, 2006 at 10:00 a.m. FYI copy via FAX to AD this date.

1/13/06 – Copy to file of Zoning Commissioner's Order on Joint Motion for Remand pursuant to this Board's 11/10/05 remand order.
-- Order of the Zoning Commissioner – a variance is necessary from § 400.1 of the BCZR; Petition for Variance is DENIED.

1/13/06 – Received copy of Zoning Commissioner's Order on Remand.

2/08/06 – Letter to Commissioner Wiseman requesting that any and all additional materials submitted in this matter, from the date of the Board's remand order through present day, be forwarded to the Board, including any exhibits that may have been entered in any proceedings before the ZC.

3/09/06 – Letter from P. Zimmerman regarding the hearing scheduled in this matter and the position of his office.

3/22/06 – Board convened for hearing (Stahl, Mohler M, Grier); concluded hearing this date; memos due on 4/24/06; deliberation to be assigned for 5/04/06 and notice to be sent.

3/23/06 – Notice of Deliberation sent to parties this date; assigned for Thursday, May 4, 2006 at 9:00 a.m. FYI copy to 2-1-4.

4/05/06 – FAX from Mr. Klinefelter – requesting that his wife's name be corrected in all areas of the notice (SARAH Klinefelter) and also pointing out that his name is also misspelled in the lower portion of the notice.
- Amended Notice of Deliberation issued this date – correcting the Mrs. Klinefelter's first name in the heading and Mr. Klinefelter's first name in the lower portion of the notice.

4/21/06 – Letter from R. Hoffman (confirming previous conversations regarding this matter) requesting extension for filing of written briefs for a period of two weeks to 5/08/06; deliberation also to be reassigned in conjunction with this extension.
- E-mail received 4/20/06 from James Frederick – agrees with requested extension for filing briefs; e-mail response to Mr. Frederick acknowledging receipt.
-- Notice of PP and Reassignment of Deliberation sent to parties this date; closing briefs now due on Monday, 5/08/06; deliberation reassigned to Thursday, May 18, 2006 at 9:00 a.m. FYI copy to 2-1-4 (Messrs Stahl and Grier already assigned on 5/18/06; confirmed via e-mail that Mr. Mohler can be here that a.m. for this deliberation.)

5/03/06 – T/C from Chris Mudd, Venable, regarding an additional postponement for the filing of briefs and thus the public deliberation in this matter. He indicated that Mr. Frederick, Protestant, had indicated no objection to this requested extension, and in fact was joining in the request. To be followed up by written letter.
- E-mail from Mr. Frederick – had reviewed proposed letter; consents to request as indicated in letter.
- Response via e-mail to Mr. Frederick regarding extension (he responded indicating that he recollected that the requested extension was to June 7).

5/04/06 – Letter from Robert A. Hoffman, Esquire, requesting extended filing date of June 7, 2006 for memos, with the deliberation also being postponed in accordance with that date.
- E-mail to Mr. Frederick, indicating that the filing date was now June 7, 2006; and that the deliberation would be postponed to June 21, 2006, and that notice would be sent regarding this extension and postponement.
- Letter and Notice of Postponement and Reassignment of Deliberation sent to parties this date; copy sent via FAX to Messrs. Hoffman and Frederick. FYI copy sent to 2-1-4

5/25/06 – T/C from Board member in this matter; he will be out of town June 20 through the 23rd and therefore unable to make this deliberation date.
-- Notice of PP and Reassignment of Deliberation sent to parties this date; deliberation reassigned to Tuesday, July 11, 2006 at 9 a.m. FYI copy to 2-1-4.

6/06/06 – Letter from R. Hoffman – jointly requesting (with Mr. Frederick, sole Protestant) an extension for filing of memos (deliberation as been reassigned to 7/11/06 as requested; requesting that filing of closing memos be reassigned to 6/27/06 rather than earlier June date).

6/08/06 – E-mail from Mr. Frederick – confirming his agreement with extension for memos.
- Letter to Mr. Hoffman, copy to Mr. Frederick – memos now due on Tuesday, 6/27/06; deliberation remains as reassigned on Tuesday, 7/11/06 at 9 a.m. Copy also sent to counsel via FAX.

6/27/06 – Closing Brief on Behalf of James A. Frederick, Protestant, filed by Mr. Frederick this date.
-- Appellants /Petitioners' Post-Hearing Memorandum filed this date by Mr. Hoffman on behalf of Petitioners.
-- FYI copies forwarded via USPS to Stahl, M Mohler, Grier.

Conversation with Stahl - HOLD on opinion – possible submittal re change in circumstances per t/c 10/27/06.

12/01/06 – Motion for Rehearing or Remand filed by Robert Hoffman on behalf of Petitioners.

12/12/06 – Letter from James Frederick via FAX – in response to Motion for Rehearing or Remand stating his position.

Case No. 05-225-A In the Matter of: Stanard & Sarah Klinefelter - Petitioners

VAR – To permit detached accessory structure (barn) to be located in the front yard in lieu of the required rear yard.

12/29/04 – Z.C.'s Order in which Petitioners' requested variance relief was DENIED.
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ON JOINT MOTION FOR REMAND – to amend requested variance relief - "if necessary."

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Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM

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Case No. 05-225-A In the Matter of: Stanard & Sarah Klinefelter
- Petitioners

Page 28/01/05 – Letter via FAX from Stanard T. Klinefelter – requesting consideration of earlier hearing date, if possible.

11/02/05 – Board convened for hearing (Stahl, Mohler and Quinn). Robert Hoffman entered his appearance on the record for Petitioner (will submit written Entry). Joint request put before the Board by Mr. Hoffman on behalf of Petitioner and by the Protestants, who appeared *pro se*, with Mr. Frederick speaking for the group, to remand this matter to the Zoning Commissioner (issue arose as to whether or not the structure required a variance or could be constructed on a farm without same). To be remanded to Zoning Commissioner for further proceedings as indicated by the parties on the record. Order to be issued.

11/03/05 – Notice of Entry of Appearance filed by Robert A. Hoffman, Esquire, on behalf of Appellants, Stanard T. and Susan Klinefelter. File so noted.

1/10/06 – T/C from A. Dontelle – has confirmed availability of all parties on 3/22/06; notice to be sent.

1/11/06 – Notice of Assignment sent to parties – assigned for Wednesday, March 22, 2006 at 10:00 a.m. FYI copy via FAX to AD this date.

1/13/06 – Copy to file of Zoning Commissioner's Order on Joint Motion for Remand pursuant to this Board's 11/10/05 remand order.
-- Order of the Zoning Commissioner – a variance is necessary from § 400.1 of the BCZR; Petition for Variance is DENIED.

1/13/06 – Received copy of Zoning Commissioner's Order on Remand.

2/08/06 – Letter to Commissioner Wiseman requesting that any and all additional materials submitted in this matter, from the date of the Board's remand order through present day, be forwarded to the Board, including any exhibits that may have been entered in any proceedings before the ZC.

3/09/06 – Letter from P. Zimmerman regarding the hearing scheduled in this matter and the position of his office.

3/22/06 – Board convened for hearing (**Stahl, Mohler M, Grier**); concluded hearing this date; memos due on
4/24/06; deliberation to be assigned for 5/04/06 and notice to be sent.

3/23/06 – Notice of Deliberation sent to parties this date; assigned for Thursday, May 4, 2006 at 9:00 a.m. FYI copy to 2-1-4.

4/05/06 – FAX from Mr. Klinefelter – requesting that his wife's name be corrected in all areas of the notice (SARAH Klinefelter) and also pointing out that his name is also misspelled in the lower portion of the notice.
- Amended Notice of Deliberation issued this date – correcting the Mrs. Klinefelter's first name in the heading and Mr. Klinefelter's first name in the lower portion of the notice.

4/21/06 – Letter from R. Hoffman (confirming previous conversations regarding this matter) requesting extension

for filing of written briefs for a period of two weeks to 5/08/06; deliberation also to be reassigned in conjunction with this extension.

- E-mail received 4/20/06 from James Frederick – agrees with requested extension for filing briefs; e-mail response to Mr. Frederick acknowledging receipt.

-- Notice of PP and Reassignment of Deliberation sent to parties this date; closing briefs now due on Monday, 5/08/06; deliberation reassigned to Thursday, May 18, 2006 at 9:00 a.m. FYI copy to 2-1-4 (Messrs Stahl and Grier already assigned on 5/18/06; confirmed via e-mail that Mr. Mohler can be here that a.m. for this deliberation.)

5/03/06 – T/C from Chris Mudd, Venable, regarding an additional postponement for the filing of briefs and thus the public deliberation in this matter. He indicated that Mr. Frederick, Protestant, had indicated no objection to this requested extension, and in fact was joining in the request. To be followed up by written letter.

- E-mail from Mr. Frederick – had reviewed proposed letter; consents to request as indicated in letter.
- Response via e-mail to Mr. Frederick regarding extension (he responded indicating that he recollected that the requested extension was to June 7).

5/04/06 – Letter from Robert A. Hoffman, Esquire, requesting extended filing date of June 7, 2006 for memos, with the deliberation also being postponed in accordance with that date.

- E-mail to Mr. Frederick, indicating that the filing date was now June 7, 2006; and that the deliberation would be postponed to June 21, 2006, and that notice would be sent regarding this extension and postponement.
- Letter and Notice of Postponement and Reassignment of Deliberation sent to parties this date; copy sent via FAX to Messrs. Hoffman and Frederick. FYI copy sent to 2-1-4

5/25/06 – T/C from Board member in this matter; he will be out of town June 20 through the 23rd and therefore unable to make this deliberation date.

-- Notice of PP and Reassignment of Deliberation sent to parties this date; deliberation reassigned to Tuesday, July 11, 2006 at 9 a.m. FYI copy to 2-1-4.

6/06/06 – Letter from R. Hoffman – jointly requesting (with Mr. Frederick, sole Protestant) an extension for filing of memos (deliberation as been reassigned to 7/11/06 as requested; requesting that filing of closing memos be reassigned to 6/27/06 rather than earlier June date).

6/08/06 – E-mail from Mr. Frederick – confirming his agreement with extension for memos.

- Letter to Mr. Hoffman, copy to Mr. Frederick – memos now due on Tuesday, 6/27/06; deliberation remains as reassigned on Tuesday, 7/11/06 at 9 a.m. Copy also sent to counsel via FAX.

6/27/06 – Closing Brief on Behalf of James A. Frederick, Protestant, filed by Mr. Frederick this date.

-- Appellants /Petitioners' Post-Hearing Memorandum filed this date by Mr. Hoffman on behalf of Petitioners.

-- FYI copies forwarded via USPS to Stahl, M Mohler, Grier.

10/17/06 - Conversation with Stahl - HOLD on opinion – possible submittal re change in circumstances. (Deliberated 7/11/2006; D –variance; written opinion and order to be issued; appellate .

12/01/06 – Motion for Rehearing or Remand filed by Robert Hoffman on behalf of Petitioners.

12/12/06 – Letter from James Frederick via FAX – in response to Motion for Rehearing or Remand stating his position.

HOLD – POSSIBLE NEW PETITION TO BE FILED BEFORE ZC IN THIS MATTER – PER PMZ; HOLD UP ON ORDER ON THIS MATTER PENDING FURTHER INFORMATION.

5/14/09 – Reviewed file with Larry Stahl. Letter to be sent to both counsel to advise if matter can be deliberated as to the remand for clarification.

5/19/09 Letter to Counsel re: status of agreement to remand.

follow-up 6/15/09

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 9, 2006

RECEIVED
MAR 0 9 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Lawrence S. Wescott, Chairman
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: In the Matter of: Stanard T. Klinefelter, et ux.- Petitioners
Case No.: 05-225-A

Dear Mr. Wescott,

The County Board of Appeals issued a remand order in this case on November 10, 2005. There followed the Zoning Commissioner's Order on Joint Motion for Remand filed January 5, 2006, which confirms that the proposed barn is subject to BCZR 400.1 accessory building standards. Upon review of the file, it does not appear that an appeal has been filed from this last ZC Order.

The CBA has scheduled the case for a hearing on March 22, 2006. In the absence of an appeal of the latest order, it is questionable whether the CBA has jurisdiction to review it on the merits. In any event, our office agrees with the Zoning Commissioner's opinion that the proposed barn is not exempt from the BCZR 400.1 standards for accessory buildings in residential zones. The claim that the proposed housing for two ponies is exempt as a "farm building" appears to be without merit.

This case follows the path of several cases where property owners have attempted without success to avoid various regulations by claiming the use to be permitted as a farm use. These include Marzullo v. Kahl 366 Md. 158 (2001), reptile breeding facility not a farm use; the Meittinis case, Circuit Court opinion No. 03-C-04-7316 (2005), enclosed, barn and area for horses for riding lessons not exempt from riding stable special exception requirements under guise of being ancillary to farm use; the Conaway case, Circuit Court opinion 03-C-99-11441 (2000) and CBA opinion CC-98-6302 (1999), enclosed, keeping of goats does not exempt kennel from special exception requirements under guise of farm use.

Moreover, upon review of the record to date, we do not discern any uniqueness or practical difficulty which would justify a variance under Cromwell v. Ward 102 Md. App. 691

(1995). At the *de novo* hearing, of course, the CBA will have the opportunity to make findings of fact and conclusions of law with respect to the merits of the variance request.

We believe we have highlighted the issues of concern to our office. Our presence at the upcoming evidentiary hearing should not be necessary, because the various parties are in a position to present the facts material to "uniqueness" and "practical difficulty." We respectfully reserve the right to submit a closing memorandum if required.

Thank you for your attention.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio /RMW

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
Enclósures

cc: Robert A Hoffman, Esquire, Venable, LLP,
210 Allegheny Avenue, Towson, MD 21204
James Frederick, 602 Meadowridge Road, Towson, Maryland 21204
Nancy Horst, 7819 Ellenham Avenue, Towson, Maryland 21204
Jamie Cahn, 1819 Thornton Ridge Road, Towson, Maryland 21204
Charles O'Donovan, 600 Greenwood Road, Towson, Maryland 21204
Richard Parsons, 412 Woodbine Avenue, Towson, Maryland 21204

PETITION OF PROTESTANTS FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	:	IN THE CIRCUIT COURT
	:	FOR BALTIMORE COUNTY
IN THE MATTER OF THE APPLICATION OF STEPHANIE & NICHOLAS MEITTINIS FOR A SPECIAL EXCEPTION	:	
	:	Case No. 03-C-04-7316
Case No. 01-530-X before the Board of Appeals of Baltimore County	:	

RECEIVED
MAR 31 2005
PEOPLE'S COUNSEL

OPINION AND ORDER OF COURT

This matter has come to the Court through appeal and cross-appeal of the opinion of the County Board of Appeals of Baltimore County (hereinafter, "CBA") in a *de novo* appeal from a decision of the Deputy Zoning Commissioner of Baltimore County, who on March 22, 2002, granted one special exception, for a veterinarium, and denied another, for a riding stable, on the property of Petitioners/Applicants, Dr. and Mrs. Meittinis. Arguments were heard by the Court on March 4, 2005.

The CBA heard testimony over the course of some seven days, beginning on March 25, 2003 and concluding on February 12, 2004. The Court has had an opportunity to review the transcripts of that testimony and finds that it is fairly summarized in the CBA's Opinion of June 18, 2004.

Petitioners' property has a somewhat torturous history of review by various zoning officials. It consists of a parcel of some 40.34 acres zoned R.C., located on the south side of Tracey's Road, approximately 1500 feet west of its intersection with Yeoho Road, Fifth Election District, and was purchased its present owners in 1997. Its use as a farm property attracted no unusual attention until Petitioners began horseback riding instruction upon it, and neighboring property owners filed a zoning complaint, giving

CCt AFFIRMS CBA & REVERSES CBA as to Protestant's participation (Judge Daniel's)

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

PETITION OF:	Howard H. Conaway, Jr. & Mai T. Conaway 16535 Yeoho Road Sparks, Maryland 21152	CIVIL
CROSS PETITION OF:	CYNTHIA FRANKEL, MELISSA and HUGH BAILEY and MARLENE SIEGEL All of Yeoho Road	ACTION No. 03-C-99-11441
IN THE CASE OF:	IN THE MATTER OF: HOWARD H. CONAWAY, JR. *et al*, OWNERS 16535 Yeoho Road RE: Code Inspection and Enforcement Violation	
	Civil Citation Case No. CC-98-6302	

ORDER

Upon consideration of the Petition for Judicial Review filed by Howard H. Conaway, Jr. and Mai T. Conaway and the Cross-Petition filed by Cynthia Frankel *et al*, and having reviewed the record and memoranda of the parties and having considered oral argument of counsel, it is this 1ST day of JUNE, 2000 by the Circuit Court for Baltimore County, **ORDERED**, for the reasons stated in the attached oral opinion rendered in open court, that:

1. The Order of the County Board of Appeals for Baltimore County, dated October 22, 1999, affirming the July 13, 1999 Order of the Baltimore County Code Enforcement Hearing Officer be and is hereby **AFFIRMED**; and

2. The portion of the Order of the County Board of Appeals for Baltimore County, dated October 22, 1999, granting the Appellant's motion to deny participation by the citizens in the above-

FILED JUN 5 2000

1 IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, MARYLAND
2

3 IN THE MATTER OF:
HOWARD H. CONAWAY, JR., ET AL.
4

CASE NO.
5 03C99-011441

6 _____/ Tuesday,
May 9th, 2000
7

8 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(***EXCERPTED TRANSCRIPT***)
9

10 BEFORE THE HONORABLE LAWRENCE R. DANIELS, JUDGE

11
APPEARANCES:
12

13 ON BEHALF OF HOWARD AND MIA CONAWAY:

14 HOWARD ALDERMAN, ESQUIRE

15
ON BEHALF OF BALTIMORE COUNTY:
16
DOUGLAS SILVER, ESQUIRE
17

18 ON BEHALF OF: CYNTHIA FRANKEL
MELISSA AND HUGH BAILEY
19 MARLENE SIEGEL:

20 J. CARROLL HOLZER, ESQUIRE

21

22
REPORTED BY:
23 DEBORAH K. LAMBERT
Official Court Reporter
24 401 Bosley Ave., M-08
Towson, Maryland 21204
25 (410) 887-2635

COPY

IN THE MATTER OF HOWARD H. CONAWAY, JR. ET AL - LEGAL OWNERS /DEFENDANTS CIVIL CITATION /PROPERTY LOCATED AT 16535 YEOHO ROAD 5TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: CODE INSPECTION AND ENFORCEMENT VIOLATION	*	CASE NO. CC-98-6302

* * * * * * * * *

OPINION

This case comes to the Board of Appeals based on a Code Inspection and Enforcement Violation /Civil Citation No. 98-6302 (BCC Section 1-7). A public hearing was held on September 16, 1999. Howard L. Alderman, Jr., Esquire, represented the Appellant /Legal Owner. Baltimore County was represented by Robert Loskot, Assistant County Attorney. J. Carroll Holzer, Esquire, had filed on August 30, 1999 a "Notice of Appearance" on behalf of Concerned Citizens of Sparks-Glencoe, Melissa and Hugh Bailey, Marlene Siegel and Cynthia Frankel. An "Intention of Cynthia Frankel, et al to Participate" in Case No. CC-98-6302, was filed with the Board at the time of public hearing.

At the commencement of the hearing, Mr. Alderman moved to strike Mr. Holzer's appearance on the basis that the subject matter before the Board was on an appellate level, and the persons represented by Mr. Holzer had no standing in this Code violation /enforcement matter. Also objected to was Mr. Holzer's submission of Ms. Frankel's "Testimony Summary", submitted as Exhibit No. 1, admitted for identification purposes only. The Board heard oral argument from counsel. Mr. Loskot had no objection to Mr. Holzer's entry in the case.

Hearing argument, the Board sustained the Motion to Strike

County Board of Appeals of Baltimore County

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

RECEIVED
FEB - 2006
ZONING COMMISSIONER

February 8, 2006

The Hon. William J. Wiseman III
Zoning Commissioner for
Baltimore County
Courts Building
401 Bosley Avenue, 4th Floor
Towson, MD 21204

RE: *In the Matter of: Stanard T. & Susan Klinefelter*
Case No. 05-225-A

Dear Mr. Wiseman:

On November 10, 2005, upon joint request of the parties, the subject matter was remanded to you for further proceedings, at which time the Board retained jurisdiction pending the issuance of your Order on Remand.

Having received a copy of your Order on Joint Motion for Remand, which was issued on January 5, 2006, this matter has been scheduled for hearing before the Board on March 22, 2006 at 10:00 a.m.

While the Board has retained possession of the original zoning file for Case No. 05-225-A, I am requesting that you forward to this office any and all additional documents in this case for the period beginning with the Board's remand order of November 10, 2005, through to the present date, including any and all additional exhibits that may have been entered in this matter.

Please contact me should you have any questions or require any additional information.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

c: Robert A. Hoffman, Esquire
Standard T. and Susan Klinefelter
James Frederick
Nancy Horst
Jamie Cahn
Charles O'Donovan
Richard Parsons
Suzanne Garrigries
Cecelia McGrain
Office of People's Counsel
Pat Keller, Planning Director
James Thompson, Code Enforcement /PDM
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

James A. Frederick
602 Meadowridge Road
Towson, Maryland 21204

December 12, 2006

VIA FACSIMILE (410) 887-3182
Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of: Stanard T. and Susan Klinefelter
Case No. 05-225-A

Dear Ms. Bianco:

I am in receipt of the Motion for Rehearing or Remand filed by the Klinefelters in the connection with the above-referenced matter. Please accept this letter as a clarification of my position.

The motion accurately states that I have "informally" indicated that I would not object to the variance should the horse barn be located as is now being proposed. However, should this Board grant the variance rather than remand the matter to the Zoning Commissioner, I request that the grant of the variance be specifically conditioned on the Klinefelters locating the barn at the currently specified location (that is the location specified in their motion). I would oppose and object to a variance that does not contain such a restriction.

Thank you.

Very truly yours,

James A. Frederick

RECEIVED
DEC 12 2006
BALTIMORE COUNTY
BOARD OF APPEALS

JAF/tbs
cc: Robert Hoffman, Esquire (via Facsimile) (410) 821-0147

From: Kathleen Bianco
To: James Frederick
Date: 6/8/2006 11:09:45 AM
Subject: RE: Klinefelter dispute

Jim,

Thanks so much for confirming this for me. The new date for memos will be June 27, 2006 - and I will get that out to you in writing.

kathi

>>> "Frederick, James (USAMD)" <James.Frederick2@usdoj.gov> 06/07/06 11:43 AM >>>
Kathi:
I understand yet another postponement letter is on the way to you. I have consented to the requested extension of time. As always, thanks for your kind help.

Jim

James A. Frederick
Assistant United States Attorney
District of Maryland
36 South Charles Street
4th Floor
Baltimore, Maryland 21201
Direct: (410) 209-4857
Fax: (410) 962-9947

From: Kathleen Bianco
To: James Frederick
Date: 5/5/2006 12:49:03 PM
Subject: RE: Klinefelter dispute

Jim:

I received Rob Hoffman's letter yesterday afternoon. Your recollection is correct - the requested date for memos is June 7, 2006; I've rescheduled public deliberation to June 21, 2006.

A letter and revised notice will go out in today's mail reflecting these dates.

kathi

>>> "Frederick, James (USAMD)" <James.Frederick2@usdoj.gov> 05/04/06 11:47 AM >>>
I think the letter indicates that the submissions are due June 7 with deliberations to follow that date as per your normal schedule. I will defer to the text of the letter as you receive it, but that is what I recall.

-----Original Message-----
From: Kathleen Bianco [mailto:kbianco@co.ba.md.us]
Sent: Thursday, May 04, 2006 11:43 AM
To: Frederick, James (USAMD)
Subject: Re: Klinefelter dispute

Jim,

Thank you for confirming this. As soon as I've received the written request, I'll let you know. I'm assuming that this will be an additional two- week extension for memos, with the deliberation two to three weeks after that date.

Again, I will get back to you upon receipt of the written request.

>>> "Frederick, James (USAMD)" <James.Frederick2@usdoj.gov> 05/04/06
>>> 11:23 AM >>>
Kathleen:
You should be receiving today a further letter from Mr. Hoffman requesting an additional continuance of this matter. I have reviewed that letter and in fact consent, as represented in the letter.

Please let me know if you need anything further from me.

Thank you.
Jim

James A. Frederick
Assistant United States Attorney
District of Maryland
36 South Charles Street
4th Floor
Baltimore, Maryland 21201
Direct: (410) 209-4857
Fax: (410) 962-9947

VENABLE LLP

Two Hopkins Plaza, Suite 1800
Baltimore, Maryland 21201-2978

Telephone 410-244-7400
Facsimile 410-244-7742

www.venable.com

Robert A. Hoffman (410) 494-6262 rahoffman@venable.com

November 11, 2005

HAND-DELIVERED

William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Variance - Klinefelter
Property: 530 Greenwood Road
Case No.: 05-225-A

Dear Mr. Wiseman:

ON 11/10/05

By joint agreement, the County Board of Appeals remanded the above-referenced matter to ME you for further proceedings. Mr. and Mrs. Klinefelter have retained me to represent them with regard to the requested zoning relief.

By way of this letter, on behalf of the Klinefelters, I am requesting that the Petition for Variance ~~be amended~~, as follows:

Variance, if necessary, from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (existing barn/stable) to be located in the front yard in lieu of the required rear yard.

I understand that you have scheduled a hearing in this matter for December 19, 2005, beginning at 9:00 am.

Very truly yours,

Robert A. Hoffman /PAM

Robert A. Hoffman

RAH/pam

cc: James A. Frederick, Esquire

TO1DOCS1/PAM01/#216758 v1

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

Robert A. Hoffman 410-494-6262 rahoffman@venable.com

June 27, 2006

HAND DELIVERED
Kathleen C. Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 05-225-A
Property: 530 Greenwood Road
Legal Owner: Stanard and Sarah Klinefelter

Dear Ms. Bianco,

Please find enclosed for filing in the above-referenced case an original and three copies of Stanard and Sarah Klinefelter's Post-Hearing Memorandum.

If you have any questions please do not hesitate to contact me.

Very truly yours,

Robert A. Hoffman/cdm

Robert A. Hoffman

RAH : cdm

cc: James Frederick
Peter Max Zimmerman, Esquire

TODOC1/231321

RECEIVED
JUN 27 2006
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

2005

530 GREENWOOD ROAD
RUXTON, MD 21204

March 25, 2005

HAND-DELIVERED

Timothy M. Kotroco, Director
Department of Permits and Development Management
County Office Building – Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Lawrence M. Stahl, Chairman
County Board of Appeals for Baltimore County
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of PETITION FOR VARIANCE
W/S Greenwood Road, 965' S of the c/l Joppa Road
9th Election District, 5th Councilmanic District
Case No.: 05-225-A

Dear Mr. Kotroco and Mr. Stahl:

By way of this letter, I hereby note an appeal from the decision of the Zoning Commissioner for Baltimore County on December 29, 2004 to Deny the Petition for Variance requested by Stanard T. Klinefelter and Sarah C. Klinefelter, Petitioners. The time period to appeal from such Denial was tolled by a timely filed Motion for Reconsideration, which was denied by Order dated February 23, 2005. My name and address are as follows:

STANARD T. KLINEFELTER
530 GREENWOOD ROAD
RUXTON, MD 21204

I enclose a check in the amount of $ 400.00 to cover the filing fee for the appeal and associated costs. If you have any questions regarding this appeal, please feel free to give me a call at 410-537-5402.

Very truly yours,

Stanard T. Klinefelter

Stanard T. Klinefelter

Bill Wiseman - CASE # 5-225-A

From: "Richard Parsons" <rparsons@bcpl.net>
To: "John V. Murphy, Esq." <jmurphy@co.ba.md.us>, "William J. Wiseman, Esq." <wwiseman@co.ba.md.us>
Date: 12/17/2004 11:00:52 AM
Subject: CASE # 5-225-A
CC: "Venetia Holland" <vholland@coldwellbankermove.com>, "Stephanie Keene" <Stefkeene@hotmail.com>, "Ruth Pyle" <rhp609@juno.com>, "Richard Parsons" <rparsons@bcpl.net>, "Mike Ertel" <mertel@jacobscompany.com>, "Louise Teubner-Rhodes" <dandlteubner@tidalwave.net>, "Karen Kruger, Esq." <kkruger@bcpl.net>, "John Pyle" <jwp609@juno.com>, "Donald Wright" <Drigsby@comcast.net>, "Debbie Shephard" <dday0645@aol.com>, "Cathi Forbes" <pattersonforbes@comcast.net>, "Arthur London" <Alondon@londoninsurance.com>, "Amy Bateman" <amybateman@comcast.net>, "Jane & Adam Esman" <mrmrsesman@msn.com>, "Kimberly Warren" <kimberlywarren2@aol.com>, "Nancy W Horst" <nwhorst@comcast.net>

Good morning, gentlemen:

I was unable to be present at the hearing held 12/15/04 fn the above referenced case. The West Towson Neighborhood Association, Inc. wishes to enter its support, now, for the opposition to the variance requested by Sarah and Stanard Klinefleter for a front yard accessory building, in case # 5-225-A.

We therefore join the Ruxton/Riderwood/Lake Roland Area Improvement Association in this opposition.

Yours sincerely

Dick

Richard Parsons, Chair, Zoning Committee West Towson Neighborhood Association.,

fbw
12/15

RECEIVED
DEC 16 2004
ZONING COMMISSIONER

Date: December 13, 2004

To: Zoning Commission
Baltimore County

Re: Case # 05-225-A
530 Greenwood

To whom it may concern:

I am a neighbor of the Klineletters our backyards are adjacent to each other. The addition of miniature horses has not adversely affected us in any way.

Respectfully,

Kurt F. [illegible]
7103 Charles Spring Way
Baltimore MD 21204

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Standard T. & Sarah Klinefelter
530 Greenwood Road
Case No.: 05-225-A

DATE: July 11, 2006

BOARD/PANEL Lawrence M. Stahl
Wendell Grier
Mike Mohler

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: Petition for Variance - to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard.

Brief History: 12/29/04 – Z.C.' Order in which Petitioners' requested variance relief was DENIED.

2/23/05 – Z.C.'s Order on Motion for Reconsideration in which Petitioners' Motion for Reconsideration is DENIED.

ON JOINT MOTION FOR REMAND – to amend requested variance relief – "if necessary."

1/05/06 – Z.C.'s Order on Joint Motion for Remand in which the Z.C. determined that a variance was needed for the accessory structure; and that the variance is DENIED.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The question was raised as to whether or not this property is a farm.
- The B.C.Z.R., under General Provisions, 101 – Farm states: "Three acres or more acres of land, and any improvements thereon, used primarily for commercial agricultural uses. The term does not include the following uses as defined in these regulations: limited-acreage wholesale flower farms, riding stables, landscape service, firewood operations and horticultural nursery businesses.
- The Board members reviewed the Section 307, of the .B.C.Z.R., which outlines the granting of variances.
- After discussing the farm issue, the Board decided that this property is not a farm.
- There is no question that the Klinefelters are allowed to have the miniature horses on the property.
- Horses have special needs, grazing a certain amount of hours, temperature, etc.
- Adjustments have to be made for the proper care of animals.
- These horses are pets. No testimony was given that they were used for breeding, or for business income.

- While the size of the lot is not standard to the area, the property itself is not unique.
- One can not, by their own actions, render something unique.
- While moving the location of the stable to the back of the yard may not be optimal, some adjustments will have to be made for the proper care of the horses.
- Moving the stable does not cause practical difficulty.

DECISION BY BOARD MEMBERS:

FINAL DECISION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously decided to *DENY* the Petitioner's request for a variance. It was determined that neither practical difficulty, or uniqueness, could be proven.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel

Linda B. Fliegel
County Board of Appeals

RE: KLINEFELTER – ASSIGNMENT NOTICE

HOLD NOTICE UNTIL 12/28/05; 1/11/06 DATE HAS POTENTIAL PROBLEM FOR PARTY TO THIS MATTER PER AMY

TO BE CLARIFIED 12/28/05

POSSIBLE ALTERNATIVE 2/01/06 /OR LATER – WHEN WILL ZC ISSUE ORDER? SHOULD WE WAIT ON APPELLATE PERIOD?

2/01/06 NOR 2/21/06 WILL WORK; POSSIBLY CONSIDERING 3/07 OR 3/22/06 – WAITING FOR CALL FROM AMY

1/09/06 -

Confirmed hold dates w/ Amy 3/07 or 3/22

1/10/06 -

T/c from AO -

3/22 OK date

notice to go out

RRLRAIA
THE RUXTON ★ RIDERWOOD ★ LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

Nancy Worden Horst
EXECUTIVE DIRECTOR

MAILING P.O. Box 204 Riderwood, Maryland 21139
OFFICE 8013 Bellona Avenue Riderwood, MD
TELE/FAX 410 494 7757 E-MAIL ruxrider@bcpl.net WEB www.rrlraia.org

See notes
Mr. Stahl,
Mrs. Horst stopped by to check on the status of Klinefelter. Do you know what is happening?

Kathi (Grier)
I thought Mr. Stahl was writing the Klinefelter Opinion, but he said no.

William J. Wiseman, III
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

21204-4423

To Self
Need letter on denial like we did for Motion to reconsider
Mr. Casper - Condo's
Address folder SP-?
1/29/05

Bette -
lets talk -
I signed the enclosed copy and returned it to Klinefelter as requested
Bill

BROWN ADVISORY

GREETINGS FROM THE UNITED STATES
$00.37
02 1A 0004341564 JAN 25 2005
MAILED FROM ZIP CODE 21231
BALTIMORE MD 25 JAN 2005 PM

QUICK PRINT PRINT EMAIL OTHER

Case

THOMSON WEST

Vogel v. Touhey
151 Md.App. 682, 828 A.2d 268
Md.App.,2003.
Jul 02, 2003 (Approx. 18 pages)

Win Mark Ltd. P'ship v
Miles & Stockbridge 345 md 614
693 A2d 824 (1997)

Kramer v Globe Brewing Company
175 md 461 (1938)
2 A2d 634

151 Md.App. 682, 828 A.2d 268

Briefs and Other Related Documents

Court of Special Appeals of Maryland.
Karen A. VOGEL
v.
T. Joseph TOUHEY.
No. 01435, Sept. Term, 2002.
July 2, 2003.

Former client brought legal malpractice action against attorney, alleging negligent performance in negotiating property settlement agreement in underlying divorce proceeding. The Circuit Court, Montgomery County, Rowan, J., granted attorney's motion to dismiss, and client appealed. The Court of Special Appeals, Hollander, J., held that: (1) client was judicially estopped from asserting malpractice claim, and (2) acceptance of settlement agreement barred subsequent legal malpractice action.
Affirmed.

West Headnotes

[1] KeyCite Notes

228 Judgment
228V On Motion or Summary Proceeding
228k181 Grounds for Summary Judgment
228k181(2) k. Absence of Issue of Fact. Most Cited Cases

A "material fact," for purposes of summary judgment, is one that will alter the outcome of the case, depending upon how the factfinder resolves the dispute.

[2] KeyCite Notes

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185 Evidence in General
228k185(5) k. Weight and Sufficiency. Most Cited Cases

Neither general allegations nor mere formal denials are sufficient to establish a material factual dispute, for the purposes of summary judgment.

[3] KeyCite Notes

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185 Evidence in General
228k185(5) k. Weight and Sufficiency. Most Cited Cases

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 19, 2009

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD, LLP
210 Allegheny Avenue
Towson, MD 21204

James A. Frederick
602 Meadowridge Road
Towson, Maryland 21204

Re: Stanard T. and Sarah Klinefelter
Case No.: 05-225-A

Dear Messrs. Hoffman and Frederick:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

Please be advised that the last activity that I have noted in this file is that on December 12, 2006 a letter was received via facsimile from Mr. Frederick in Response to the Motion for Rehearing or Remand filed by Mr. Hoffman.

To date, the Board of Appeals has not been contacted with regards to re-scheduling this matter, nor has a Petition to Withdrawal the Appeal/Petition been received. The Motion for Rehearing or Remand to the Zoning Commissioner is still pending before the Board.

Please contact this office upon receipt of this letter to determine the appropriate action with regard to this matter. If there is no objection by the parties, I can set this matter in for a Public Deliberation on the Motion to have the matter Remanded to the Zoning Commission for further proceedings.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original/trs

c: Stanard T. and Sarah Klinefelter

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Stanard T. Klinefelter	530 Greenwood Rd.	Towson, MD 21204	stklinefelter@bowradusay.com
Sarah E. Klinefelter	" " "	" " "	stklinefelter@comcast.net

PLEASE PRINT CLEARLY

CASE NAME 05-225-A
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
James Frederick	602 Meadow Ridge Road	Towson MD 21204	
Nancy Horst	7819 Ellenham Avenue	Towson MD 21204	nwhorst@comcast.net
Jamie Cahn	1819 Thornton Ridge Rd.	Baltimore, MD 21204	jemcahn@comcast.net
Charles O'Donovan, M.D.	600 Greenwood Rd	Baltimore, MD 21204	N/A

PLEASE PRINT CLEARLY

CASE NAME 05-225A Remand
CASE NUMBER 05-225A
DATE 12/19/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
BRUCE E. DORAN	320 E. TOWSONTOWN BLVD	TOWSON MD 21286	
GOLDHOLD CROSS & ETCOL			
Bob Hoffman	210 Allegheny Ave	Towson Md 21204	RAHoffman@venable.com
Sarah Kleinfelter	530 Greenwood Rd.	Towson, MD. 21204	
CHAS. FENWICK	P.O. BOX 1	BALTIMORE, MD 21023	cfenwickjr@valleyM[illegible]RS.COM
STANARD T. KLEINFELTER	530 Greenwood Rd	Towson, MD 21204	stklinfelter@comcast.net

PLEASE PRINT CLEARLY

CASE NAME 05-225- Remanel
CASE NUMBER 5-225-A
DATE 12/19/05

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jim Frederick	602 Meadowridge Rd	Towson MD 21204	
Dick Parsons	412 Woodbine Ave	Towson Md 21204	
Nancy Horst	P.O. Box 204	Riderwood 21139	ruxrider@bcpl.net
Jamie Cahn	1819 Thornton Ridge Rd.	Baltimore, MD 21204	jemcahn@comcast.net

ARTICLE 4

SPECIAL REGULATIONS

Section A400
Purpose
[Bill Nos. 40-1967; 18-1976]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.

Section B400
Application of This Article's Provisions
[Bill No. 18-1976]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.D.7) or unless the provision implicitly relates to accessory usage (as in Section 405A).

Section 400
Accessory Buildings in Residence Zones
[BCZR 1955; Bill No. 27-1963]

400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

400.2 Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. **[Bill No. 2-1992]**

400.3 The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

STANARD & ~~SUSA~~N KLINEFELTER et ux
530 GREENWOOD ROAD
CASE NO. 05-225-A – 9TH E; 5TH C

05-225-A

05-225A

~~9/20/05 @ 10 a.m.~~ PPd
11/02/05 @ 10 a.m. - Joint Renard → Nov. 10, 2005 - Renard Only
3/22/2006 @ 10:00 am ✓
~~5/04/06 @ 9:00 am Delib.~~ PPd
~~5/18/06 @ 9:00 a.m. Delib~~ PPd
~~6/21/2006 @ 9:00 am Delib~~ PPd
7/11/06 @ 9:00 a.m. Delib.

20050225 "A"

Remember to send Sophie a copy

supplemental

Order of Dismissal Issued 8/19/09

3

EXHIBITS

3

4/19/05 Docket Entries
Red Book
Sign-In Sheet
Appeal Book
Pleadings ✓

nonprofit under Section 501 (C) (3) of Title 26 of the United States Code (for the purpose of land conservation and open space preservation) and is used primarily for equestrian activities. For the purpose of this definition, equestrian activities include horse riding, horse training, horse racing, horse showing, dressage, stadium jumping, cross-country jumping, carriage competitions, and any and all other equine activities and events. **[Bill No. 24-2002]**

EXCAVATIONS, CONTROLLED — All types of excavations other than those defined as "excavations, uncontrolled."

EXCAVATIONS, UNCONTROLLED — The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes:

When incidental to the operation of a permitted business or manufacturing use located on the same property, but excluding any digging of material for sale, exchange, processing or manufacture;

For grading or other purposes incidental to improvement of the land; and

When incidental to the development of land or to grading for public improvements. **[Resolution, November 21, 1956]**

EXPRESSWAY — A motorway or portion thereof which is, or is intended, for intra-metropolitan travel of varying distances; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 55 miles per hour; has no direct access to individual uses on abutting private property; and has been designated as an expressway by the Baltimore County Planning Board. **[Bill No. 40-1967]**

FACE-REAR ORIENTATION — Orientation of a building (automotive service station) in such a manner that the pumps, openings to the service bays, etc., face away from any street and toward the rear of the site. **[Bill No. 40-1967]**

FACE-SIDE ORIENTATION — Orientation of a building (automotive service station) in such a manner that the pumps, openings to the service bays, etc., face away from any street and toward a side of the site. **[Bill No. 40-1967]**

FAMILY — Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

FAMILY CHILD CARE HOME — A private residence wherein care, protection and supervision is provided for a fee for part or all of a day at least twice a week to no more than eight children at one time, including children of the adult provider. The operator of a family child care home shall hold at least one fire drill each week for the benefit of the children (see Section 424). **[Bill Nos. 47-1985; 7-1991]**

FARM — Three acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses. The term does not include the following uses as defined in these

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 51-93

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

BY THE COUNTY COUNCIL, APRIL 19, 1993

A BILL ENTITLED

AN ACT concerning

Agriculture

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

BY repealing

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

Baltimore County Zoning Regulations, as amended

BY adding

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

Baltimore County Zoning Regulations, as amended

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

Case No.: REMAND 05-225 A 12/19/05

County Bd of Appeals Order 11/10/05

Exhibit Sheet

	Petitioner/Developer REMAND EXHIBITS	Protestant
No. 1	PLAT OF GREEN WOOD MEADOWS	
No. 2	EXPANDED VIEW OF PETITIONERS PROPERTY - Plat of Greenwood Meadows with Photo Array of Features	
No. 3	CHARLES R. FENWICK JR EXPERT HORSEMEN AND ASSOCIATED CARE (BOARDING)	
No. 4	RAISING OF ALPACA EXAMPLE OF ANOTHER FARM MANOR ROAD	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

on folded sheet

Valleys Planning Council - Director
Towson, MD 21204

Baltimore County Citizens Foundation - President
Baltimore, MD

National Steeplechase Assn. - Director, Vice-Pres.
Elkton MD 21921

Gilman School Centennial Capital Campaign - Chm.
Baltimore, MD 21210

Present:

Shawan Downs - Managing Director

Gilman School - Vice President
Baltimore, MD 21210

Land Preservation Trust - Trustee
Glyndon, MD 21071

Greater Baltimore Medical Center - Director
Baltimore, MD 21204

National Steeplechase Foundation - President
Elkton, MD 21921

Awards:

Sports Illustrated Dealer of the Year - 1986

State of Maryland Athletic Hall of Fame
Baltimore, MD

STEEPLECHASE CAREER:

Winner of The Maryland Hunt Cup – 5 times

1)	1977	Ben Nevis
2)	1978	Ben Nevis
3)	1979	Dosdi
4)	1983	Cancottage
5)	1987	Sugar Bee

Winner of the Grand National Steeplechase - 10 times

Winner of the My Lady's Manor - 3 times

Winner of the Virginia Gold Cup - 3 times

Winner of the English Grand National - 1 time
1980 Ben Nevis

Trainer of Inlander, Champion Steeplechaser in 1987.

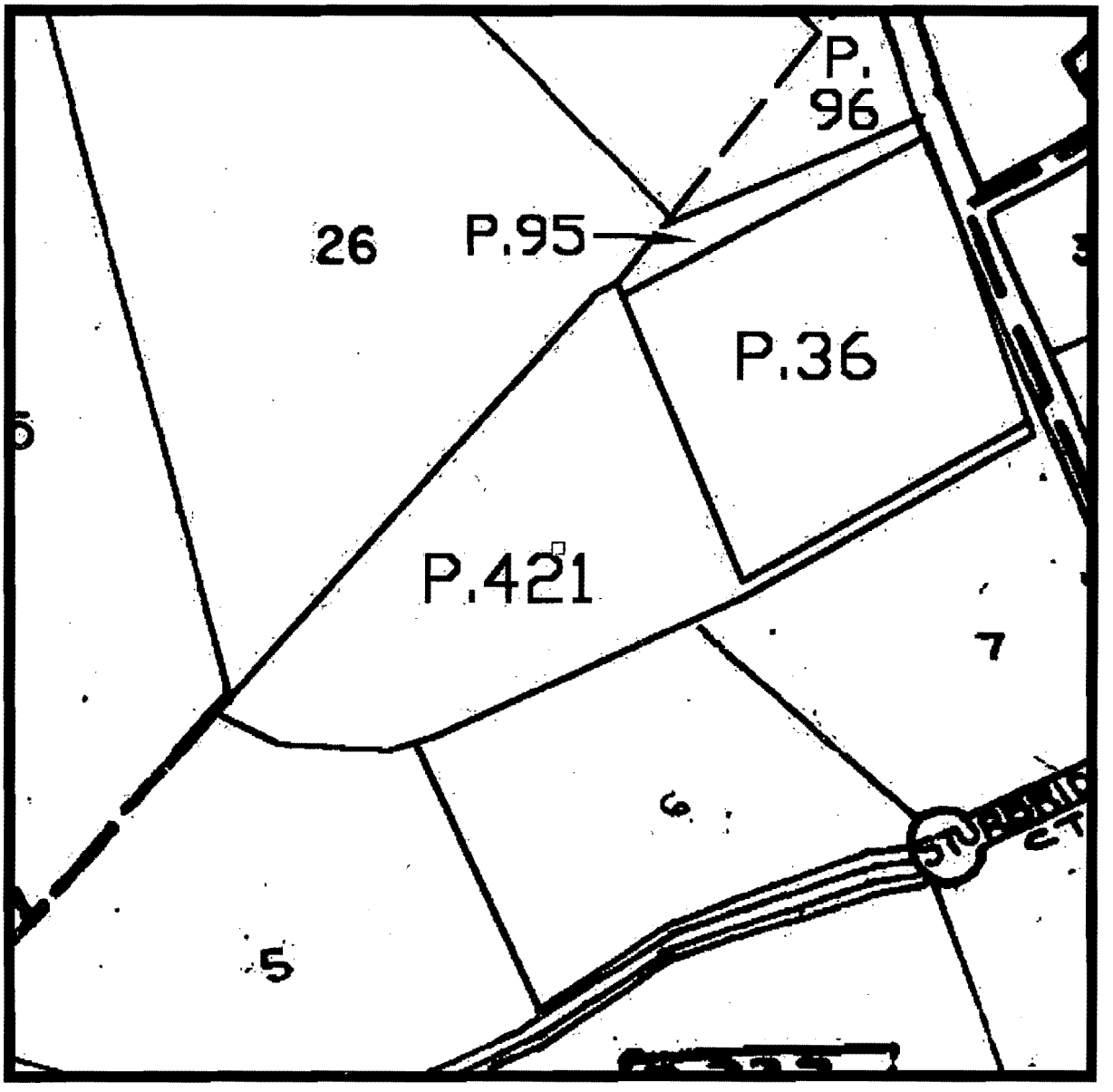
2004

PETITIONER'S EXHIBIT NO. 3

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 10 **Account Number** - 2200021308



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

PETITIONER'S
EXHIBIT NO. 4

Case No.: 05-225A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	Photo's A B + C
No. 2	Photographs 2A -	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NO. 05-255-A
MISCELLANEOUS PHOTOS

PICS BELOW NOT USED

MW

CORNER OF BARN AT LEFT. FREDERICK HOUSE TO REAR AT RIGHT

#225

VIEW OF BARN FACING NORTH

#225

510

Verified 4-04-06

05-225-A

Verified 3-22-06

PROT. EXHIBITS

PROT EXH A - Frederick BACK YARD Dec 15 '04

B - " " "

C - " " "

DEC 15 2004

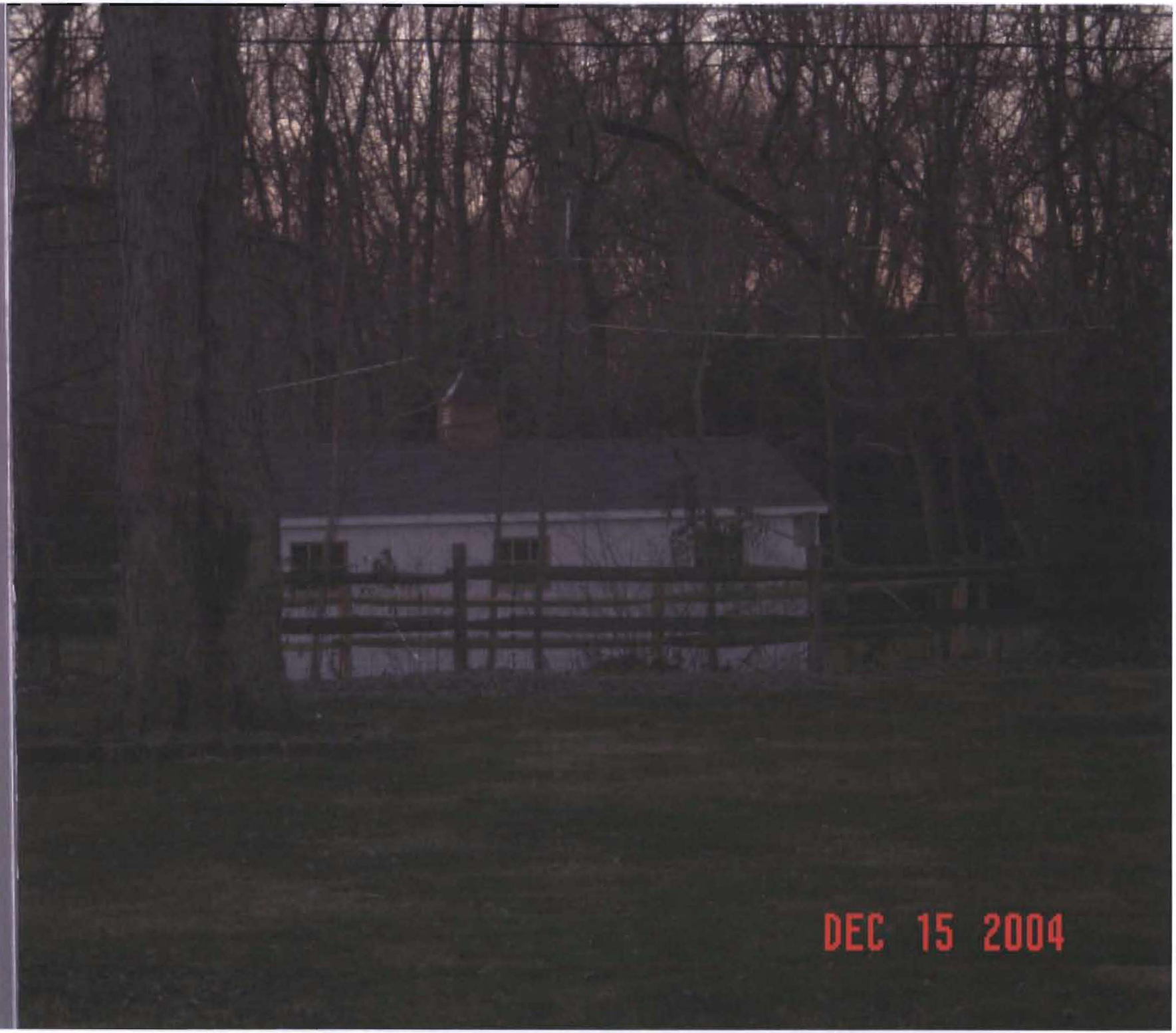
3C

PROTESTANT'S
EXHIBIT NO. 2

DEC 15 2004

Proof
3B
(mm)

PROTESTANT'S
EXHIBIT NO. B


DEC 15 2004

1A

PROTESTANT'S
EXHIBIT NO. A

Verified 3-22-06

Verified 4-04-06

CASE 05-225-A EXHIBITS

PETITIONER

Pet. Ex. 1 (cont) SITE PLAN / PLAT GREENWOOD MEADOWS

Pet Ex 2 (cont) PICTURES + MAP - SITE PLAN

" Ex 3 A-F PICTURES

A- house

B- " + garage

C- stable

D "

E- BARN - GARAGE

F- horses

Ex. 4 - PICTURES

Ex. 4 A- CLOSER VIEW OF 4B BACK OF FRIERICKS HOUSE - OUT FRT DOOR

B-

C- PICTURES OTHER YARDS-

Ex 5 COPY BILL 5193

Ex 6 6A photo RESIDENCE STABLE + BARN - > MANOR RD NOT IN VICINITY

B - " STABLE / BARN

C " PASTURE + ANIMALS

Ex 7 TAX MAP

Ex 8 FENWICK RESUME

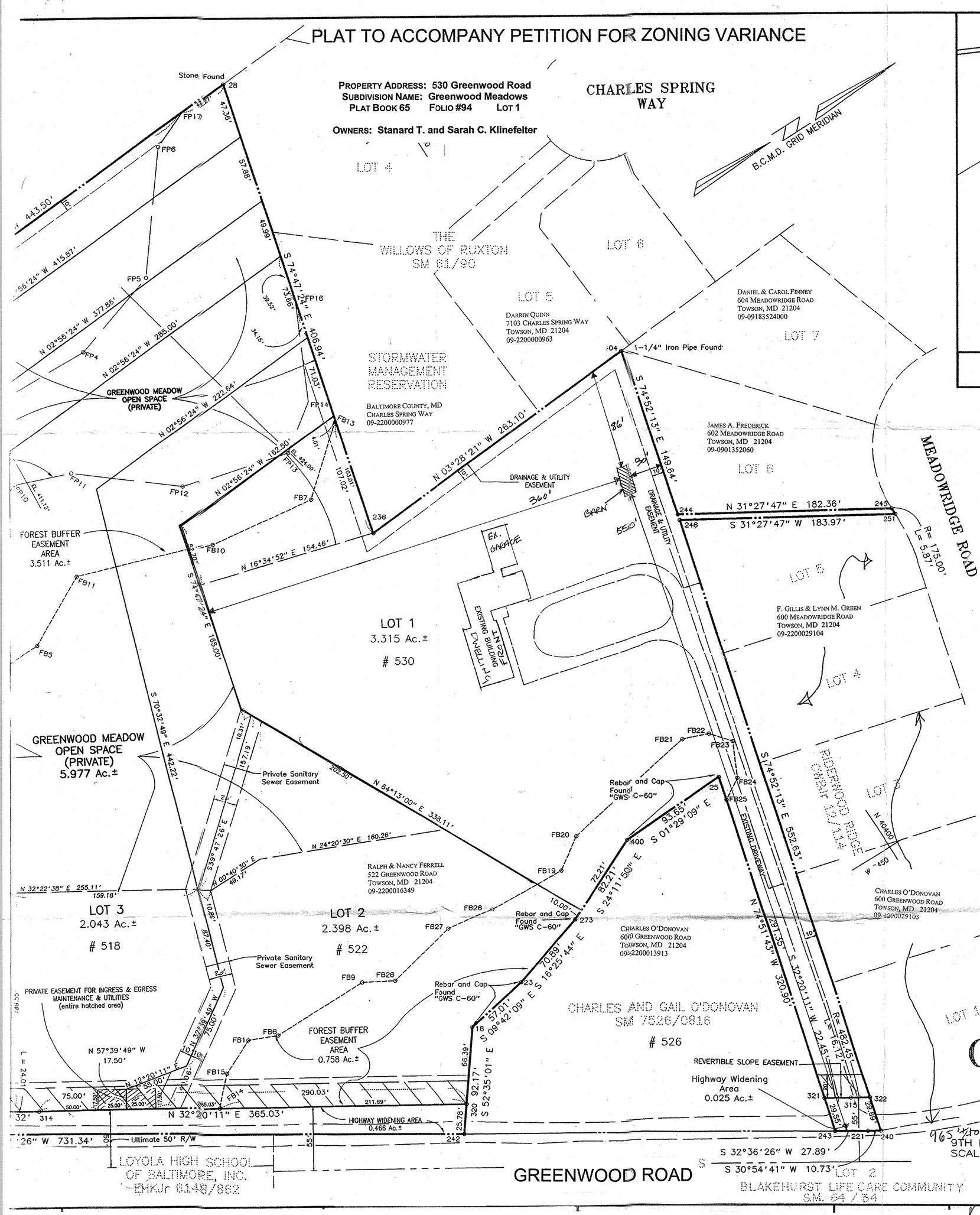
Ex 9 A- TAX info

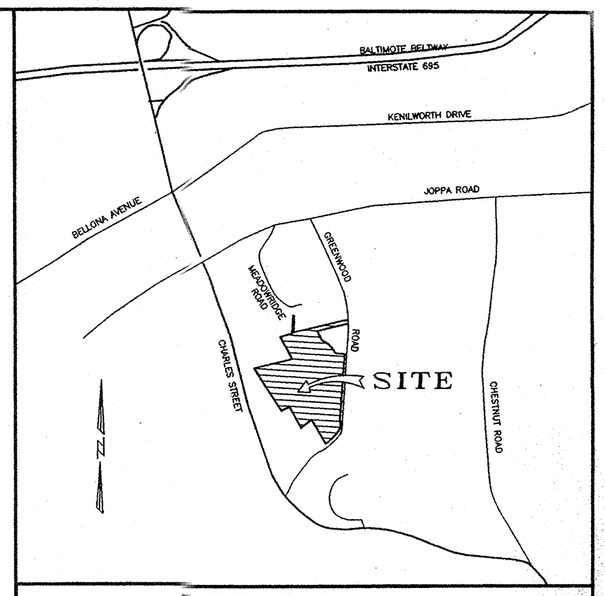
B TAX info

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 530 Greenwood Road
SUBDIVISION NAME: Greenwood Meadows
PLAT BOOK 65 FOLIO #94 LOT 1

OWNERS: Stanard T. and Sarah C. Klinefelter





LOCATION MAP
SCALE: 1" = 500'

LOCATION INFORMATION

Election District 9
Councilman District 5th
1" – 200' Scale Map # NW 10A & 11A
Zoning DR2
Lot Size 3.315 acres - 144401.4 sq. ft.

Public Sewer
Public Water

Ches. Bay Critical Area – No
100 Year Flood Plain – No
Historic Property/Bldg – No
Prior Zoning Hearing – None

Zoning Office Use Only

Reviewed by	Item #	Case #

Filed for record
S.M. 65 FOLIO 94
Date JUN 9 1993
Test:
Clerk

PLAT OF GREENWOOD MEADOWS

965' to Joppa Road
9TH ELECTION DISTRICT
SCALE: 1"= 50'

BALTIMORE COUNTY, MARYLAND
MAY 3, 1993

CBA #1

PETITIONER'S EXHIBIT 1

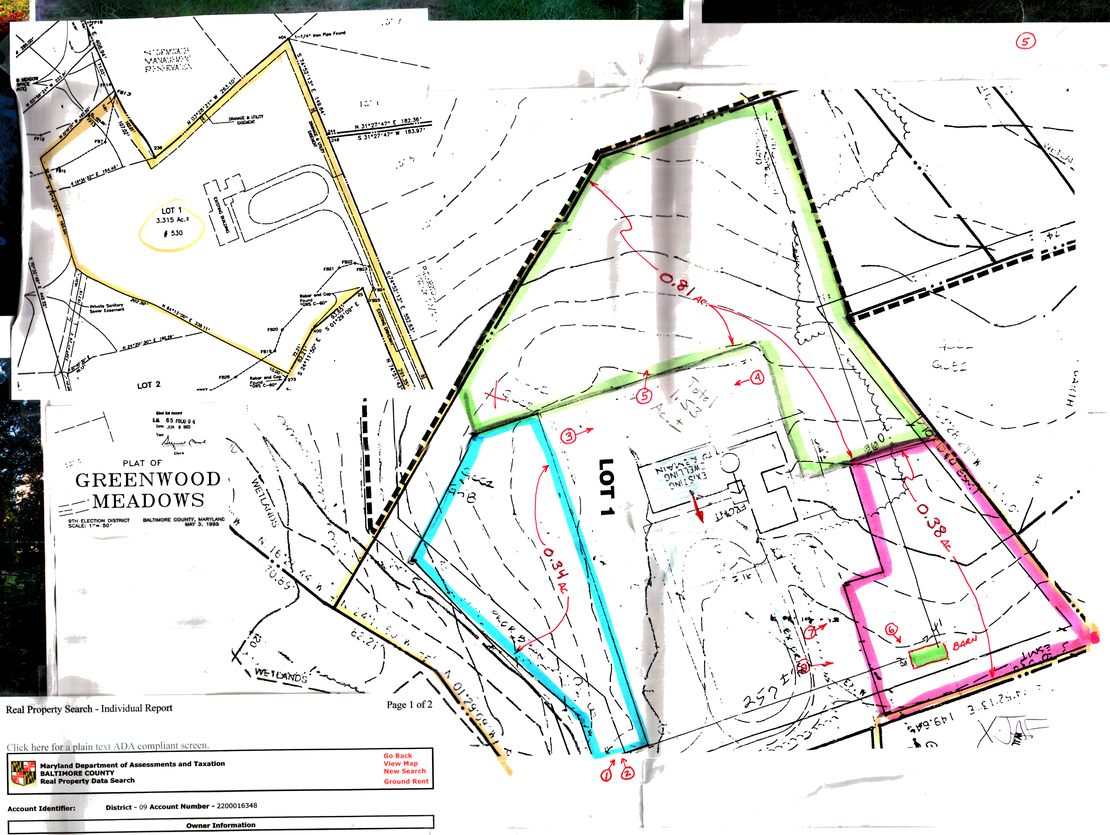
65-94

#225

05-225

③

⑤



⑥

②

⑦

①

Real Property Search - Individual Report

Page 1 of 2

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: District - 09 **Account Number** - 2200016348

Owner Information

Owner Name: KLINEFELTER STANARD T, KLINEFELTER SARAH C

Mailing Address: 530 GREENWOOD RD, TOWSON MD 21204

Use: RESIDENTIAL

Principal Residence: YES

Deed Reference: 1) / 9864/ 192, 2)

Location & Structure Information

Premises Address: 530 GREENWOOD RD

Legal Description: 3.315 AC, 530 GREENWOOD RD NWS GREENWOOD MEADOWS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
09	5	377					1	2	Plat Ref: 65/ 94

Special Tax Areas | Town | Ad Valorem | Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1938	4,805 SF	3.31 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	STONE

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	155,180	165,540		
Improvements:	406,030	503,480		
Total:	561,220	669,020	597,153	633,086
Preferential Land:	0	0	0	0

Transfer Information

Seller: JENCKS CHRISTOPHER SANDYS	Date: 06/30/1993	Price: $225,000	
Type: NOT ARMS-LENGTH	Deed1: / 9864/ 192	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

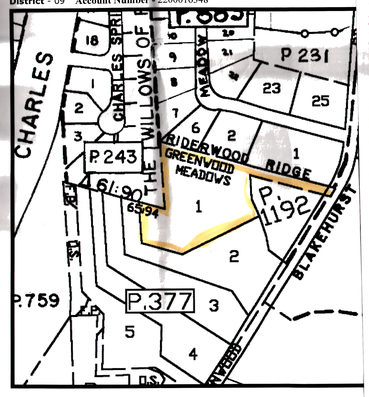
http://sdatcert3.resiusa.org/rp_rewrite/results.asp?streetNumber=530&streetName=greenw... 11/2/20

Page 1 of 2

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Bac
View M
New S

District - 09 Account Number - 2200016348



⑧

SBA #2
Case # 05-225-A

PETITIONER'S
EXHIBIT NO. 2

Exh 3 A-F

CASE NO. 05-255-A
PET. EXHIBITS ~~A-E~~
A-F

3A

2F

3B

2.5

3C

(ma)

2B

3D

3E

(m)

2E

3F

2A

4B

(m)

4c

(mu)

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 51-93

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

BY THE COUNTY COUNCIL, APRIL 19, 1993

A BILL ENTITLED

AN ACT concerning

Agriculture

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

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Baltimore County Zoning Regulations, as amended

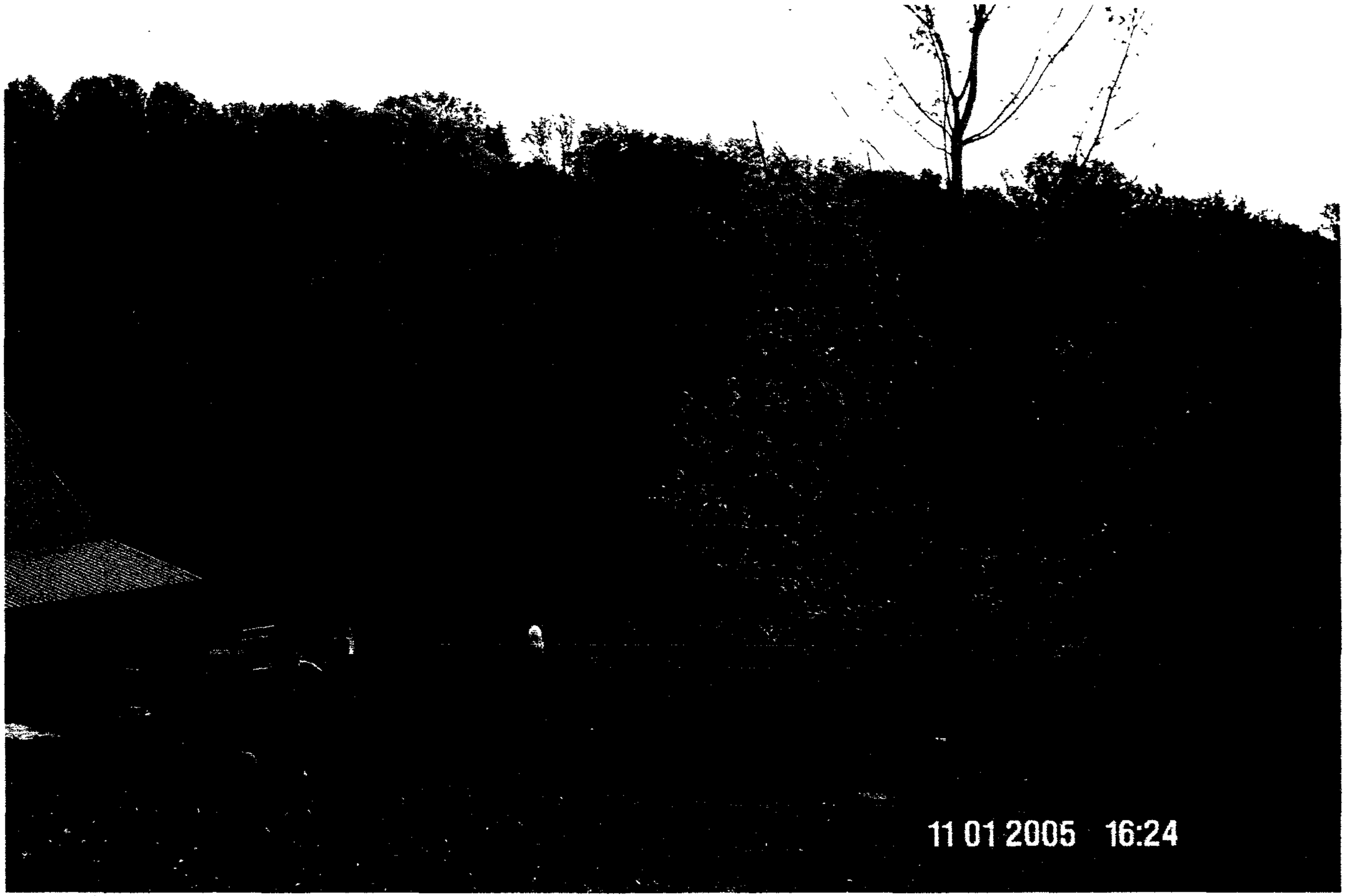
BY adding

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

Baltimore County Zoning Regulations, as amended

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

6A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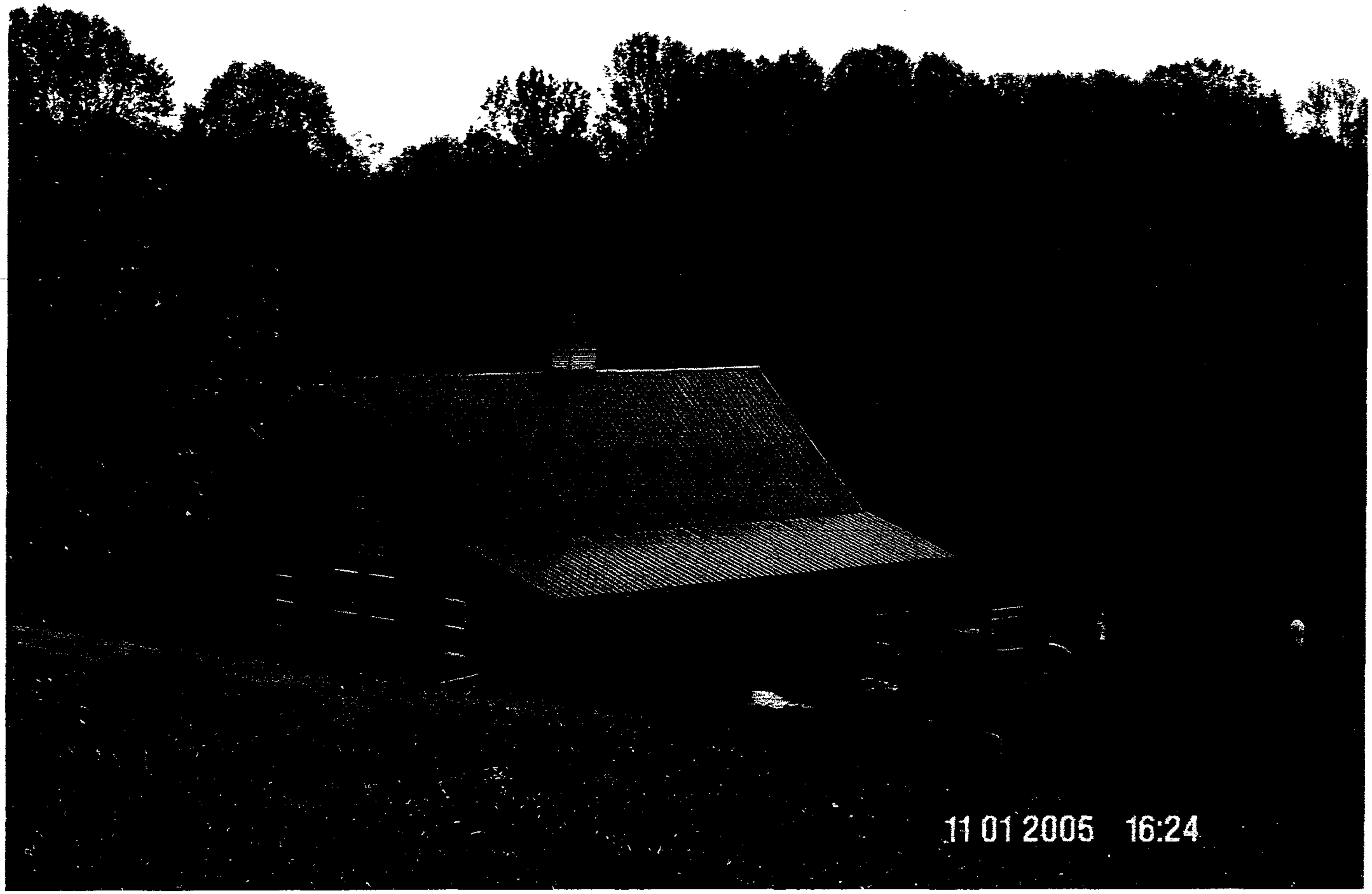
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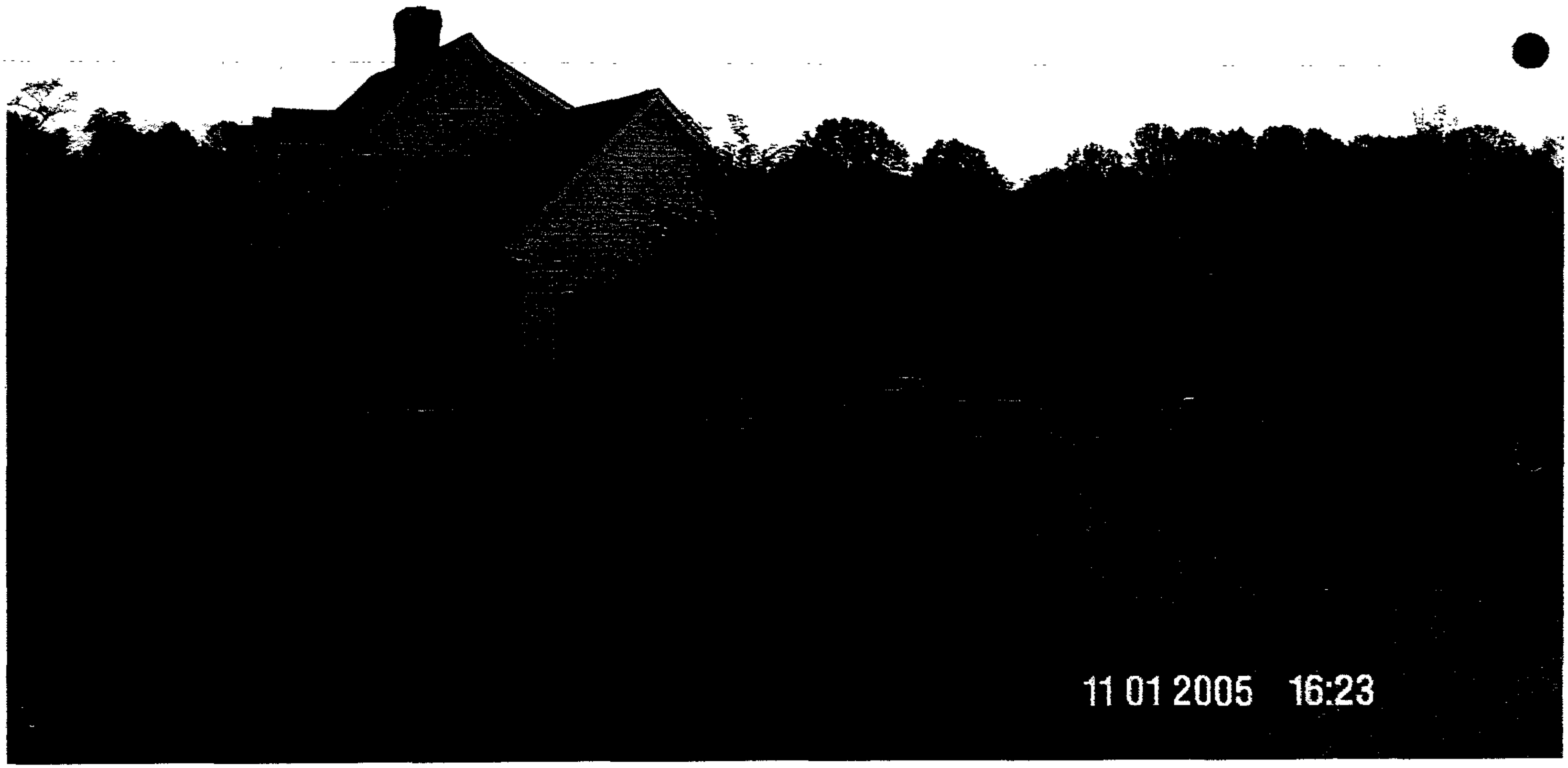
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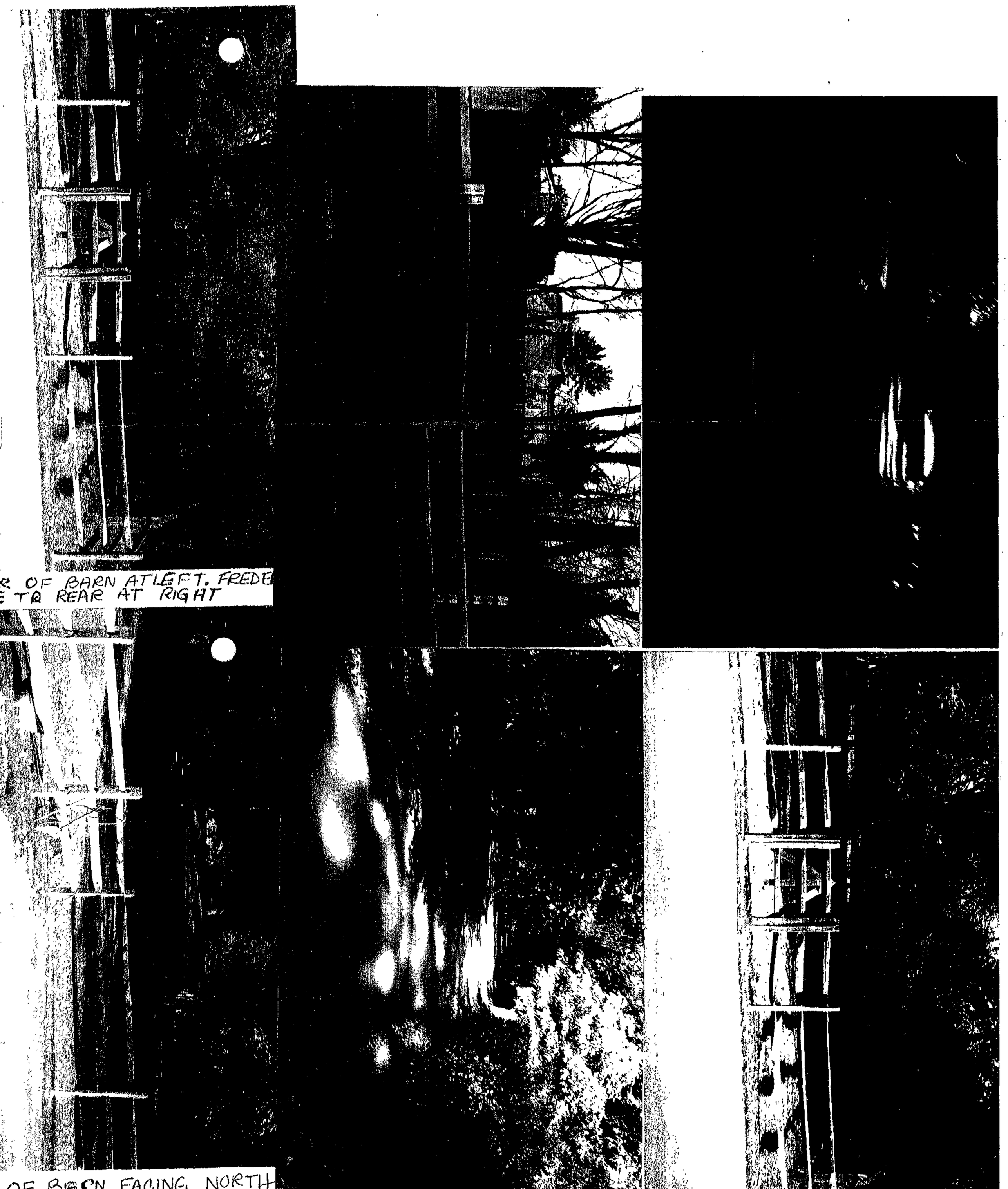
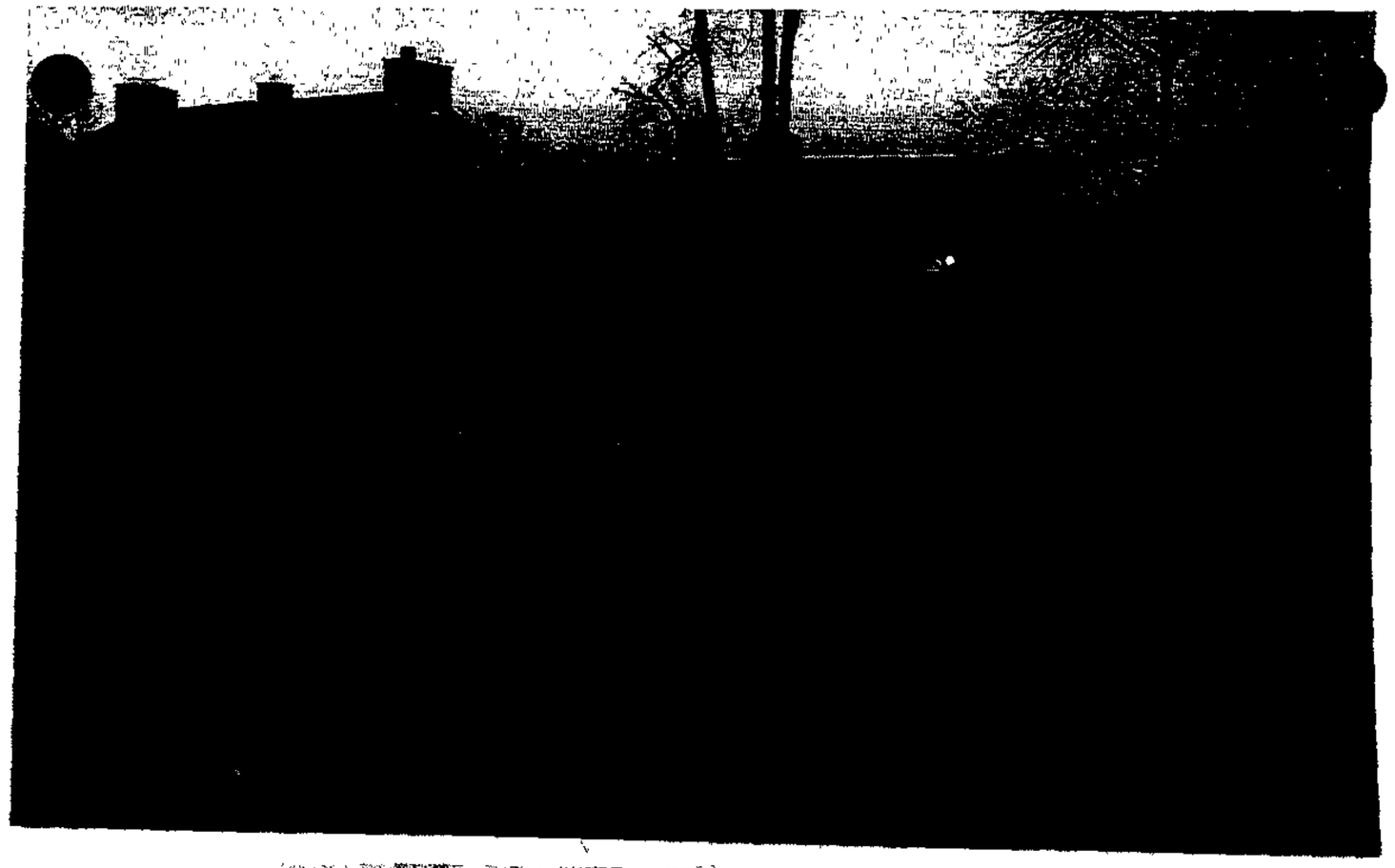
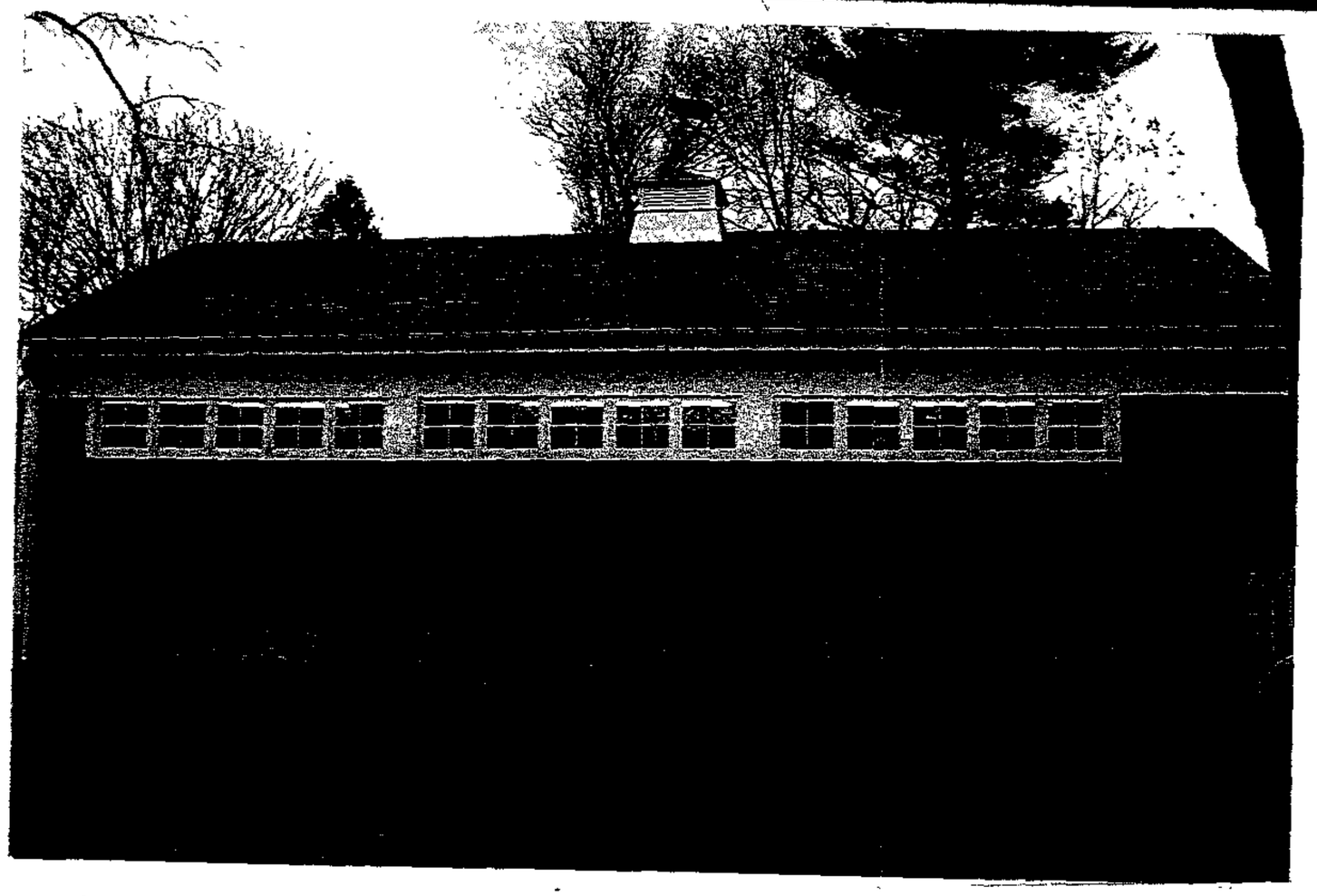
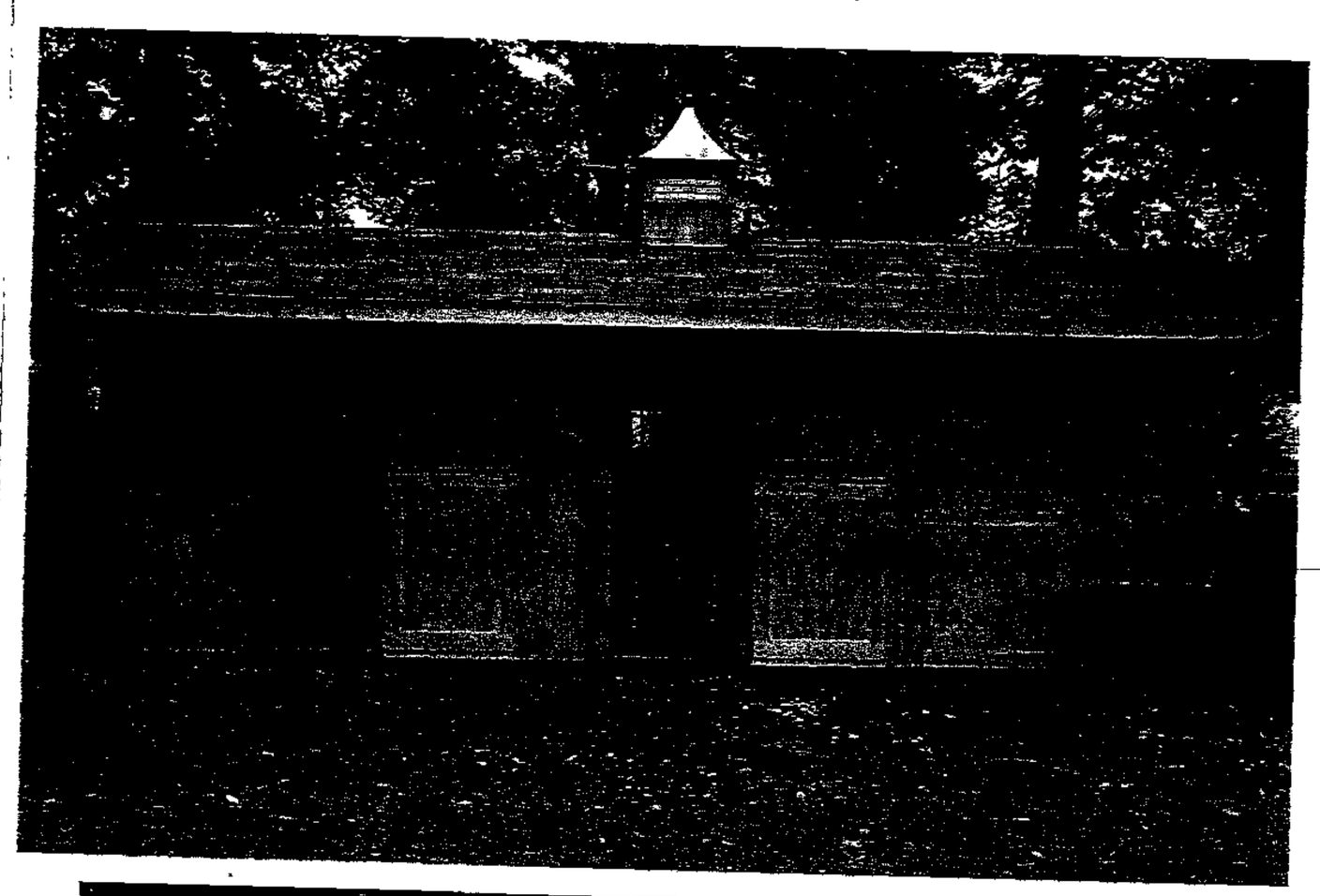


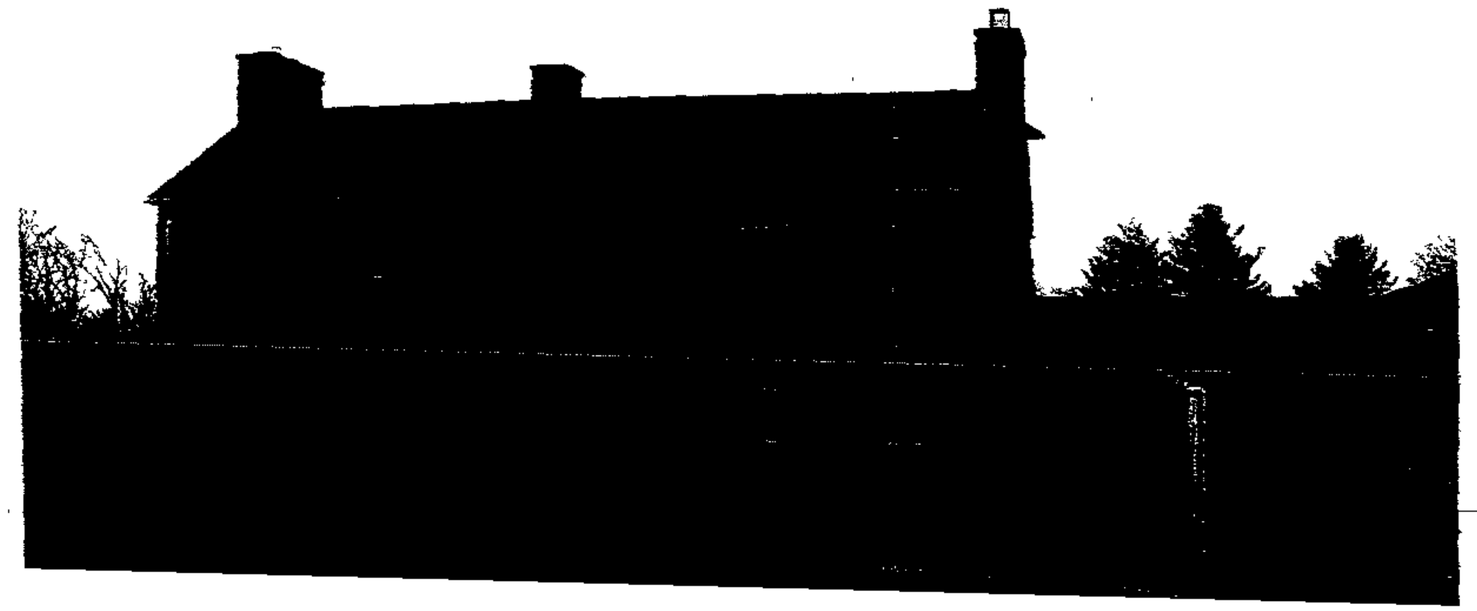
R OF BARN AT LEFT. FREDE
E TO REAR AT RIGHT

OF BARN FACING NORTH









CURVE DATA

From-To	Delta	Radius	Length	Bearing	Chord	Tangent
311-312	40°12'33"	355.00'	249 13'	N 54°26'27" E	244 05'	129 94'
313-314	2°02'00"	3475.00'	123 32'	N 33°21'11" E	123 22'	61 67'
245-251	1°55'19"	175.00'	5 87'	N 86°32'10" E	5 87'	2 94'
315-322	1°54'52"	484.45'	16 12'	N 31°22'45" E	16.12'	8 06'

EASEMENT LINE TABLES

Forest Buffer Easement

From-To	Bearing	Distance
FB12-232	N 02°38'55" E	101 80'
232- 233	S 88°07'28" W	104.98'
233- 238	N 02°38'55" E	80.50'
238- 28	N 02°56'24" W	443 50'
28- FB13	S 74°47'24" E	303.83'
FB13-FB12	S 39°51'39" E	22 08'
FB7- FB10	S 08°33'59" W	82 47'
FB10-FB11	S 19°39'57" W	118.43
FB11-FB9	S 27°10'18" E	96.05'
FB5 -FB4	S 00°58'36" E	98.34'
FB4- FB3	S 55°43'41" W	151.01'
FB3- FB16	S 17°37'05" W	95.30'
FB16-FB17	S 08°28'10" W	54.62'
FB17- FB2	S 34°17'34" W	30 27'
FB2- FB12	N 71°05'12" W	25 59'
FB14-FB15	N 45°09'08" W	30.82'
FB15-FB1	N 24°06'32" W	33.99'
FB1- FB6	N 24°03'20" E	23.59'
FB6- FB8	N 01°10'39" E	85.38'
FB9- FB26	N 30°19'52" E	28.14'
FB26-FB27	N 10°58'50" W	84.09'
FB27-FB28	N 06°28'05" E	41.19'
FB28-FB19	N 03°20'01" E	87 76'
FB19-FB20	N 33°28'14" W	32.06'
FB20-FB21	N 09°41'09" W	121.49'
FB21-FB22	N 22°04'46" E	23 80'
FB22-FB23	N 50°48'09" E	21.01'
FB23-FB24	S 83°42'56" E	31.75'
FB24-FB25	S 30°56'01" W	21 18'
FB25-25	N 74°51'43" W	20.88
25- 400	S 01°29'09" E	83 65'
400- 24	S 24°11'50" E	82 21'
24- 23	S 18°25'44" E	70.69'
23- 18	S 09°42'09" E	57 01'
18- 320	S 52°35'01" E	96 39'
320- FB14	S 32°20'11" W	211.69'

100 Year Flood Plain Drainage & Utility Easement

From-To	Bearing	Distance
FP18-232	N 02°38'55" E	80 81'
232- FP19	S 88°07'28" W	83 20'
FP19-FP2	N 45°36'07" E	56 43'
FP2- FP3	N 18°33'42" E	129 68'
FP3- FP4	N 02°27'10" E	134 87'
FP4- FP5	N 18°21'11" E	83 62
FP5- FP6	N 31°12'55" W	112.80'
FP6- FP17	N 22°45'40" W	35 80'
FP17-28	N 02°56'24" W	42 27'
28- FP18	N 74°47'24" E	194 74'
FP18-FP14	S 63°43'42" E	88 49'
FP14-FP13	S 35°17'11" E	47 83'
FP13-FP12	S 14°47'32" W	93 72'
FP12-FP11	S 40°33'48" W	98.39'
FP11-FP10	S 21°31'21" W	48.52'
FP10-FP9	S 18°00'42" E	142.52'
FP9- FP18	S 41°09'20" W	167 48'

COORDINATES

No	North	West
18	40018.34	3514.56
23	40074.54	3524.17
24	40142.53	3544 22
25	40311.14	3580.35
28	40288.85	4309 74
211	39253.88	4079 58
212	39257 56	4046.76
213	39260.69	4013.93
214	39099.03	3962.00
215	39280.10	3930.82
216	39291.34	3919.88
217	39305.69	3890.17
218	39325.88	3864.05
219	39350.76	3842.43
221	40250.84	3255.55
230	39533.46	4096.84
231	39529.21	4198.87
232	39788.98	4185.78
233	39785.32	4290 72
238	40182.06	3917.06
239	39645.93	4287 00
240	40280.04	3250.04
242	39962.34	3441.36
243	40227.34	3270.58
244	40405.84	3788.54
245	40581.19	3693.36
246	40404.28	3783 51
251	40581.20	3687.49
311	39258 47	4037 24
312	39400.28	3838 82
313	39598.58	3724.88
314	39869.58	3637.06
315	40254.03	3287 09
320	39978 00	3481.83
321	40235.08	3299 10
322	40287.79	3278.70
400	40217 53	3577 82
404	40144.70	3832.89
405	39290.07	4079 29
408	39287.33	4031 40
407	39277 41	3984 95

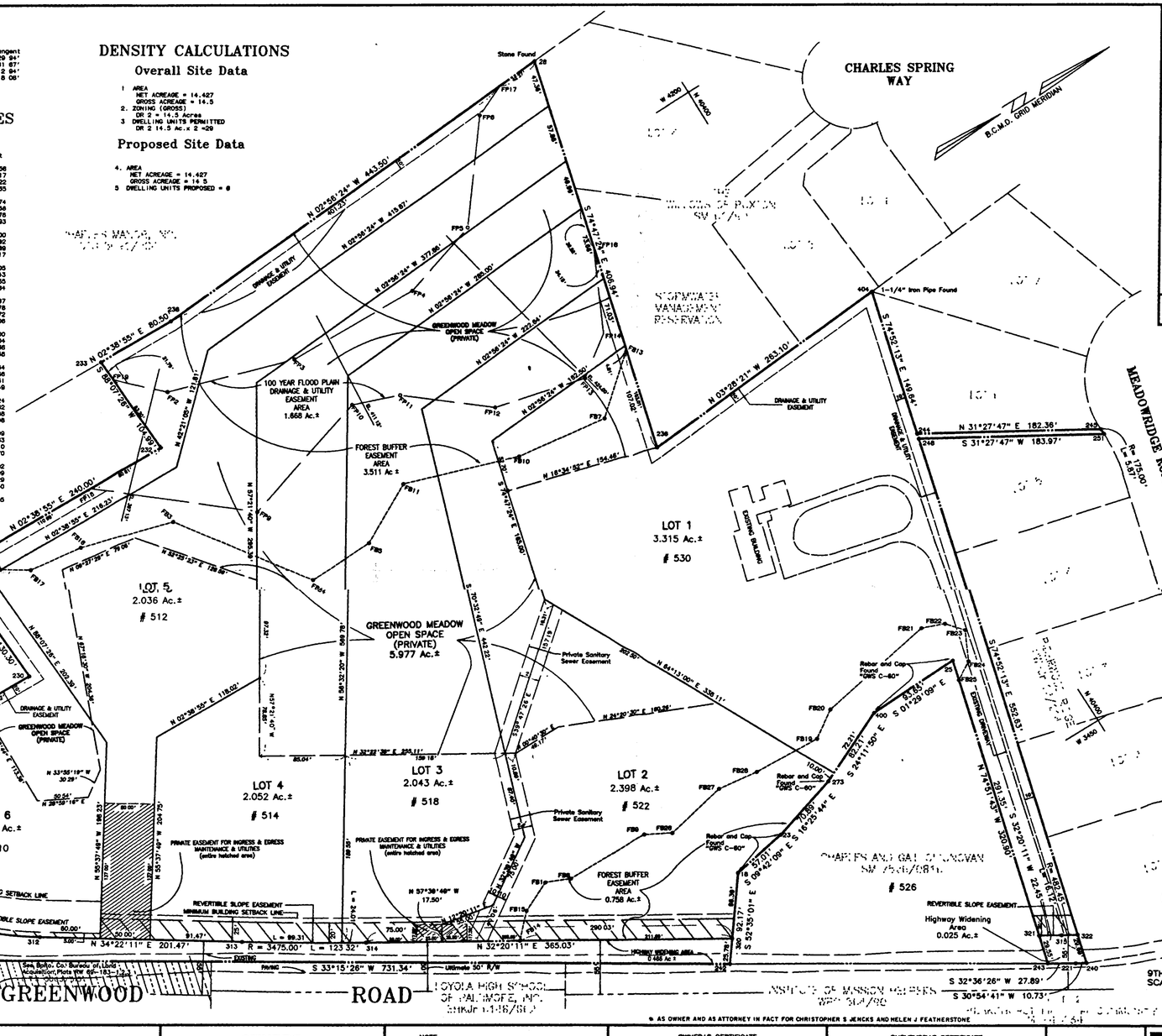
DENSITY CALCULATIONS

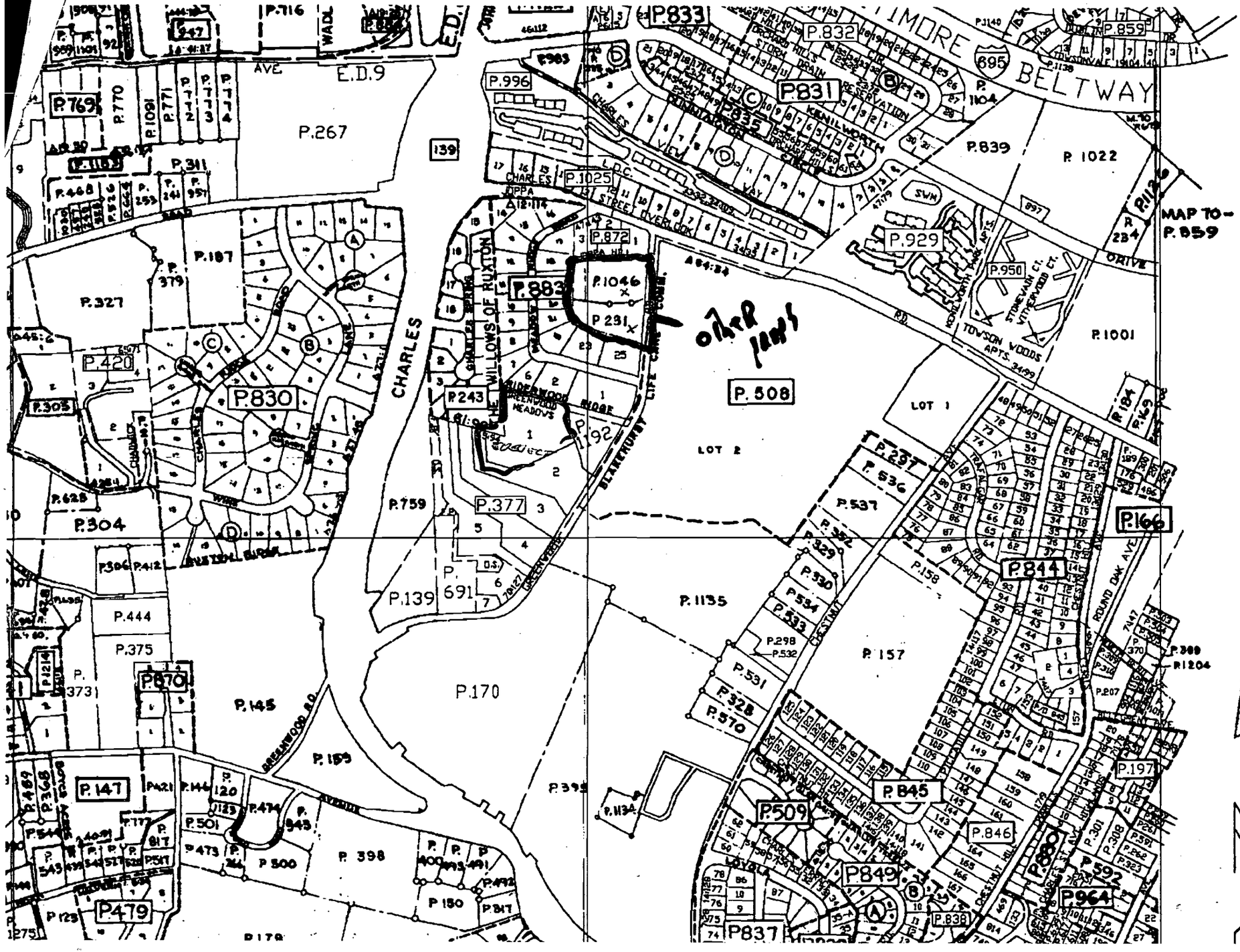
Overall Site Data

1 AREA
NET ACREAGE = 14.427
GROSS ACREAGE = 14.5
2. ZONING (GROSS)
DR 2 = 14.5 Acres
3 DWELLING UNITS PERMITTED
DR 2 14.5 Ac.x 2 =29

Proposed Site Data

4. AREA
NET ACREAGE = 14.427
GROSS ACREAGE = 14 5
5 DWELLING UNITS PROPOSED = 8


CHARLES SPRING WAY
B.C.M.D. GRID MERIDIAN
MEADOWRIDGE ROAD
GREENWOOD ROAD
GREENWOOD MEADOW OPEN SPACE (PRIVATE) 5.977 Ac.±
100 YEAR FLOOD PLAIN DRAINAGE & UTILITY EASEMENT AREA 1.668 Ac.±
FOREST BUFFER EASEMENT AREA 3.511 Ac.±
FOREST BUFFER EASEMENT AREA 0.758 Ac.±
LOT 1 3.315 Ac.± # 530
LOT 2 2.398 Ac.± # 522
LOT 3 2.043 Ac.± # 518
LOT 4 2.052 Ac.± # 514
LOT 5 2.036 Ac.± # 512
LOT 6 2.092 Ac.± # 510
526
Highway Widening Area 0.025 Ac.±
Private Sanitary Sewer Easement
PRIVATE EASEMENT FOR INGRESS & EGRESS MAINTENANCE & UTILITIES (entire hatched area)
REVERTIBLE SLOPE EASEMENT
MINIMUM BUILDING SETBACK LINE
FRONT AVERAGE BUILDING SETBACK LINE
DRAINAGE & UTILITY EASEMENT
Existing Building
LOYOLA HIGH SCHOOL OF BALTIMORE, INC.
INSTITUTE OF MISSION HELPERS
Stone Found
1-1/4" Iron Pipe Found
Rebar and Cap Found "GWS C-60"
N 31°27'47" E 182.36'
S 31°27'47" W 183.97'
S 74°52'13" E 552.63'
S 32°20'11" W 22.45'
S 32°36'26" W 27.89'
S 30°54'41" W 10.73'
N 74°51'43" W 320.90'
N 34°22'11" E 201.47'
N 32°20'11" E 365.03'
S 33°15'26" W 731.34'
R = 3475.00' L = 123.32'
R = 355.00' L = 249.13'
L = 99.31'
R = 175.00' L = 3.87'
Ultimate 50' R/W
Existing Building
Private Sanitary Sewer Easement
N 02°38'55" E 80.50'
N 02°56'24" W 443.50'
N 02°56'24" W 377.86'
N 02°56'24" W 285.00'
N 02°56'24" W 221.84'
N 02°56'24" W 180.50'
N 03°28'21" W 263.10'
S 74°52'13" E 149.84'
N 18°34'52" E 154.46'
S 74°47'24" E 185.50'
S 74°47'24" E 405.94'
N 84°13'00" E 339.11'
N 24°20'30" E 160.28'
N 02°38'55" E 118.00'
N 02°38'55" E 279.92'
N 02°38'55" E 240.00'
N 02°38'55" E 218.31'
S 88°07'28" W 130.50'
S 88°07'28" W 121.81'
S 88°07'28" W 83.20'
N 88°07'28" E 203.91'
N 88°07'28" E 202.54'
N 87°16'39" E 202.54'
N 74°13'40" W 202.36'
N 55°32'20" W 599.79'
N 55°37'48" W 199.23'
N 55°37'48" W 209.79'
N 57°38'48" W 17.50'
S 52°35'01" E 96.39'
S 32°20'11" W 211.69'
S 09°42'09" E 57.01'
S 18°25'44" E 70.69'
S 24°11'50" E 82.21'
S 01°29'09" E 83.65'
S 74°52'13" E 552.63'
S 83°33'26" W 33.00'
S 84°33'26" W 33.00'
S 75°21'26" W 33.00'
S 70°24'26" W 33.00'
S 70°04'26" W 33.00'
S 64°13'26" W 33.00'
S 52°20'26" W 33.00'
S 40°56'26" W 33.00'
N 81°22'42" E 48.44'
N 77°45'36" E 47.53'
N 39°39'16" E
N 33°55'19" W 30.29'
N 39°39'16" E 60.54'
N 02°38'55" E 279.92'
N 02°38'55" E 118.00'
N 02°38'55" E 80.50'
N 02°38'55" E 240.00'
N 02°38'55" E 218.31'
N 02°38'55" E 80.81'
N 02°38'55" E 101.80'
N 02°38'55" E 104.98'
N 02°38'55" E 80.50'
N 02°38'55" E 279.92'
N 02°38'55" E 273.70'
N 02°38'55" E 101.80'
N 02°38'55" E 104.98'
N 02°38'55" E 80.50'
N 02°38'55" E 80.81


BALTIMORE BELTWAY
695
E.D.9
P.267
P.769
P.770
P.771
P.772
P.773
P.774
P.1081
P.311
P.187
P.327
P.420
P.305
P.830
P.628
P.304
P.306
P.412
P.444
P.375
P.373
P.870
P.145
P.147
P.479
P.501
P.473
P.500
P.398
P.150
P.179
P.189
P.170
P.139
P.759
P.691
P.377
P.243
P.883
P.872
P.1046
P.231
P.996
P.983
P.833
P.832
P.831
P.835
P.1025
P.929
P.950
P.839
P.1022
P.1001
P.508
LOT 1
LOT 2
P.237
P.536
P.537
P.352
P.329
P.330
P.534
P.533
P.298
P.532
P.531
P.328
P.570
P.1135
P.157
P.158
P.844
P.166
P.184
P.169
P.845
P.846
P.509
P.849
P.838
P.837
P.880
P.592
P.964
P.197
P.301
P.308
P.591
P.862
P.323
P.395
P.1134
P.817
P.492
P.1104
P.859
P.1140
P.1138
P.1112
P.234
P.1204
P.369
P.370
P.207
P.1163
P.1214
P.1436
P.1275
P.123
P.120
P.474
P.843
P.544
P.543
P.517
P.400
P.491
CHARLES
WILLOWS OF RUXTON
BLENHEIM WAY
LIFE CARE CORT.
GREENWOOD RD.
GREENWOOD AVE.
CHESTNUT HILL
LOYOLA
ROUND OAK AVE.
HILLCREST AVE.
KENILWORTH
STONEVAIN CT.
WITHERWOOD CT.
TOWSON WOODS APTS.
STORM HILLS DRAIN
RESERVATION
L.D.C.
STREET OVERLOOK
JOPPA
MAP 70-
P.859
other parks
Rot
EX 7
573

EX 8

RESUME

CHARLES C. FENWICK, JR.
P. O. Box 1, 2509 Butler Road
Butler, MD 21023
(410) 666-7777 (B) (410) 472-3587 (R)
(410) 683-0272 (FAX)

WIFE:	Sherry L. Fenwick
CHILDREN:	Margaret E. Fenwick Charles C. Fenwick III Emily S. Fenwick
EDUCATION:	Gilman School - Graduated 1966 5407 Roland Avenue Baltimore, MD 21210
	Trinity College - Graduated 1970 Hartford, CT 06106
EMPLOYMENT:	Valley Motors, Inc. 9800 York Road Cockeysville, MD 21030 President & General Manager (1979 - Present)
	Alex. Brown & Sons Incorporated Baltimore, MD 21202 1970 - 1979
DEALER COUNCIL:	Porsche, Volkswagen, Subaru, & Audi
ORGANIZATIONS:	
Past:	Maryland New Car & Truck Dealers Assn. - Director Annapolis, MD 21401
	AIADA - Director Washington, DC
	Father Martin's Ashley - Director Havre de Grace, MD 21678
	Maryland State Fair - Director Timonium, MD 21093
	Baltimore County Human Relations Commission - Member Towson, MD 21204
	Roland Park Country School - Trustee Baltimore, MD

Rob Hoffman paid dry turkey [illegible]

fbw
12/15

Date: December 13, 2004

RECEIVED
DEC 13 2004
ZONING COMMISSIONER

To: Zoning Commission
Baltimore County

Re: Case # 05-225-A
530 Greenwood

To Whom it may concern:

I am a neighbor of the Klineletters our backyards are adjacent to each other. The addition of miniature horses has not adversely affected us in any way

Respectfully,

Kiel F. [illegible]
7103 Charles Spring Way
Baltimore MD 21204

Bill Wiseman - CASE # 5-225-A

From: "Richard Parsons" <rparsons@bcpl.net>
To: "John V. Murphy, Esq." <jmurphy@co.ba.md.us>, "William J. Wiseman, Esq." <wwiseman@co.ba.md.us>
Date: 12/17/2004 11:00:52 AM
Subject: CASE # 5-225-A
CC: "Venetia Holland" <vholland@coldwellbankermove.com>, "Stephanie Keene" <Stefkeene@hotmail.com>, "Ruth Pyle" <rhp609@juno.com>, "Richard Parsons" <rparsons@bcpl.net>, "Mike Ertel" <mertel@jacobscompany.com>, "Louise Teubner-Rhodes" <dandlteubner@tidalwave.net>, "Karen Kruger, Esq." <kkruger@bcpl.net>, "John Pyle" <jwp609@juno.com>, "Donald Wright" <Drigsby@comcast.net>, "Debbie Shephard" <dday0645@aol.com>, "Cathi Forbes" <pattersonforbes@comcast.net>, "Arthur London" <Alondon@londoninsurance.com>, "Amy Bateman" <amybateman@comcast.net>, "Jane & Adam Esman" <mrmrsesman@msn.com>, "Kimberly Warren" <kimberlywarren2@aol.com>, "Nancy W Horst" <nwhorst@comcast.net>

Good morning, gentlemen:

I was unable to be present at the hearing held 12/15/04 fn the above referenced case. The West Towson Neighborhood Association, Inc. wishes to enter its support, now, for the opposition to the variance requested by Sarah and Stanard Klinefleter for a front yard accessory building, in case # 5-225-A.

We therefore join the Ruxton/Riderwood/Lake Roland Area Improvement Association in this opposition.

Yours sincerely

Dick

Richard Parsons, Chair, Zoning Committee West Towson Neighborhood Association.,

QUICK PRINT PRINT EMAIL OTHER

Case

Vogel v. Touhey
151 Md.App. 682, 828 A.2d 268
Md.App.,2003.
Jul 02, 2003 (Approx. 18 pages)

THOMSON WEST

Win Mark Ltd. P'ship v
Miles & Stockbridge 345 Md 614
693 A2d 824 (1997)

Kramer v Globe Brewing Company
175 Md 461 (1938)
2 A2d 634

long recognized the doctrine of estoppel by admission, derived from the rule laid down by the ***707** English Court of Exchequer ... that '[a] man shall not be allowed to blow hot and cold, to claim at one time and deny at another.' " *Id.* at 88, 698 A.2d 1097 (citation omitted). Similarly, this Court explained in ****283** *Gordon v. Posner*, 142 Md.App. 399, 424, 790 A.2d 675, *cert. denied*, 369 Md. 180, 798 A.2d 552 (2002), that "[j]udicial estoppel, also known as the 'doctrine against inconsistent positions,' and 'estoppel by admission,' prevents 'a party who successfully pursued a position in a prior legal proceeding from asserting a contrary position in a later proceeding.' " (quoting *Roane v. Washington Co. Hosp.*, 137 Md.App. 582, 592, 769 A.2d 263, *cert. denied*, 364 Md. 463, 773 A.2d 514 (2001)); *see also Kobrine v. Metzger*, 151 Md.App. 260, 273, 824 A.2d 1031 (2003) (stating that the doctrine of judicial estoppel "is only applicable in cases where the party has successfully pursued one theory, but then asserts a second, contrary theory, in another action."); *Mathews v. Underwood-Gary*, 133 Md.App. 570, 579, 758 A.2d 1019 (2000), *aff'd.*, 362 Md. 187, 763 A.2d 734 (2001). Elucidating the rationale that undergirds the doctrine of judicial estoppel, this Court said in *Gordon:*

There are two important reasons for estoppel. First, the doctrine of judicial estoppel "rests upon the principle that a litigant should not be permitted to lead a court to find a fact one way and then contend in another judicial proceeding that the same fact should be found otherwise." Judicial estoppel ensures "the 'integrity of the judicial process' by 'prohibiting parties from deliberately changing positions according to the exigencies of the moment[.]' "

142 Md.App. at 425, 790 A.2d 675 (alteration in original; citations omitted).

[4] Nevertheless, a party is not always foreclosed from asserting a position that is inconsistent with one previously adopted. Judicial estoppel is inapplicable unless the party " ' "had, or was chargeable with, full knowledge of the facts and another will be prejudiced by his action." ' " *Gordon*, 142 Md.App. at 426, 790 A.2d 675 (citations omitted); *see Stone v. Stone*, 230 Md. 248, 253, 186 A.2d 590 (1962); ***708** *United Book Press v. Maryland Composition Co., Inc.*, 141 Md.App. 460, 470, 786 A.2d 1 (2001); *Roane*, 137 Md.App. at 592, 769 A.2d 263. In ***WinMark Ltd. P'ship v. Miles & Stockbridge***, 345 Md. 614, 693 A.2d 824 (1997), the Court said:

"It may accordingly be laid down as a broad proposition that one who, without mistake induced by the opposite party, has taken a particular position deliberately in the course of litigation, must act consistently with it; one cannot play fast and loose."

Id. at 620, 693 A.2d 824 (citation omitted).

To be sure, "[t]he circumstance under which judicial estoppel may appropriately be involved are probably not reducible to any general formulation of principle." *Allen v. Zurich Ins. Co.*, 667 F.2d 1162, 1166 (4th Cir.1982); *see Lowery v. Stovall*, 92 F.3d 219, 223 (4th Cir.1996). But, the Supreme Court has articulated several factors relevant to the judicial estoppel analysis. In *New Hampshire v. Maine*, 532 U.S. 742, 750-51, 121 S.Ct. 1808, 149 L.Ed.2d 968 (2001), it said:

[S]everal factors typically inform the decision whether to apply the doctrine in a particular case: First, a party's later position must be "clearly inconsistent" with its earlier position. Second, courts regularly inquire whether the party has succeeded in persuading a court to accept that party's earlier position, so that judicial acceptance of an inconsistent position in a later proceeding would create "the perception that either the first or the second court was misled." Absent success in a prior proceeding, a party's later inconsistent position introduces no "risk of inconsistent court determinations," and thus poses little threat to judicial integrity. A third consideration is whether the party seeking to assert ****284** an inconsistent position would derive an unfair advantage or impose an unfair detriment on the opposing party if not estopped.

(Internal citations omitted). The Supreme Court cautioned, however, that it was "not establish[ing] inflexible prerequisites or an exhaustive formula for determining the applicability of judicial estoppel." *Id.* at 751, 121 S.Ct. 1808. To the contrary, ***709** it observed that "[a]dditional considerations may inform the doctrine's application in specific factual contexts." *Id.*

[5] [6] [7] At the divorce hearing, appellant said that she was "fully aware of the issues" and that the supplemental settlement was "fair and equitable." Based upon appellant's representations to the divorce court, she was successful in persuading the master to accept the supplemental settlement and to recommend the divorce decree, which the circuit court subsequently issued. [FN8] Later, in the malpractice action, appellant mounted a collateral attack on the divorce settlement. She insisted that she lacked full knowledge of material facts and claimed that, because of appellee's negligence, her supplemental divorce settlement was grossly unfair and inequitable. Thus,

151 Md.App. 682, 828 A.2d 268

Briefs and Other Related Documents

Court of Special Appeals of Maryland.
Karen A. VOGEL
v.
T. Joseph TOUHEY.
No. 01435, Sept. Term, 2002.
July 2, 2003.

Former client brought legal malpractice action against attorney, alleging negligent performance in negotiating property settlement agreement in underlying divorce proceeding. The Circuit Court, Montgomery County, Rowan, J., granted attorney's motion to dismiss, and client appealed. The Court of Special Appeals, Hollander, J., held that: (1) client was judicially estopped from asserting malpractice claim, and (2) acceptance of settlement agreement barred subsequent legal malpractice action.
Affirmed.

West Headnotes

[1] KeyCite Notes

228 Judgment
228V On Motion or Summary Proceeding
228k181 Grounds for Summary Judgment
228k181(2) k. Absence of Issue of Fact. Most Cited Cases

A "material fact," for purposes of summary judgment, is one that will alter the outcome of the case, depending upon how the factfinder resolves the dispute.

[2] KeyCite Notes

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185 Evidence in General
228k185(5) k. Weight and Sufficiency. Most Cited Cases

Neither general allegations nor mere formal denials are sufficient to establish a material factual dispute, for the purposes of summary judgment.

[3] KeyCite Notes

228 Judgment
228V On Motion or Summary Proceeding
228k182 Motion or Other Application
228k185 Evidence in General
228k185(5) k. Weight and Sufficiency. Most Cited Cases

Speculation concerning the existence of unproduced evidence will not defeat a motion for summary judgment.

[4] KeyCite Notes

156 Estoppel
156III Equitable Estoppel
156III(B) Grounds of Estoppel
156k68 Claim or Position in Judicial Proceedings
156k68(2) k. Claim Inconsistent with Previous Claim or Position in General. Most Cited Cases

The doctrine of judicial estoppel does not always foreclose a party from asserting a position that is inconsistent with one previously adopted in a prior proceeding; judicial estoppel is inapplicable unless the party had, or was chargeable with, full knowledge of the facts and another will be prejudiced by his action.

[5] KeyCite Notes

327 Reference
327II Referees and Proceedings
327k62 Reception of Evidence
327k63 k. In General. Most Cited Cases

327 Reference KeyCite Notes
327III Report and Findings
327k100 Objections and Exceptions, and Hearing Thereof in General
327k100(6) k. Hearing and Determination. Most Cited Cases

A master is not a judicial officer and is not vested with judicial powers, but a master is authorized to take testimony, and a master's findings of fact are to be treated as prima facie correct and are not to be disturbed unless found to be clearly erroneous. Md.Rule 9-208.

[6] KeyCite Notes

327 Reference
327II Referees and Proceedings
327k73 k. Decision or Opinion in General. Most Cited Cases

327 Reference KeyCite Notes
327III Report and Findings
327k102 Confirmation
327k102(2) k. Necessity for Confirmation. Most Cited Cases

A master is authorized to make recommendations, which must be reviewed by the court. Md.Rule 9-208.

[7] KeyCite Notes

PETITION

This petition is being filed by the Triple Union Park Improvement Association and the Undersigned neighbors, against the property known as 3140 Main Avenue, Baltimore County, MD 21219, District 15, Account Number 1507000080, owned by John Hamel and Patrica Jamerson.

The issue is with the garage that is being constructed on the property. The structure exceeds the vertical height allow by the County Building Codes. The height of the garage is 22 foot, in lieu of the 15' that is allowed by Code. The structure is so large that it looks like a warehouse, with its 12' high garage door. The garage is an eyesore, out of place in the neighborhood and not consistent with the rest of the garages on Main and Chesapeake Avenues. If allowed, it will set a precedent for others to do the same.

It was also constructed without the required variance application that would have been posted on the property before construction, giving property owners' notice of changes normally forbidden by regulations.

DATE	NAME	ADDRESS
11/21/05	[illegible] SR	3144 Main Ave 21219
11/21/05	William Foelke	3111 Roger Rd - 21219
11-21-05	Elizabeth Paist	3136 Main Ave - 21219
11-21-05	Claudia Moore	7533 Chesapeake Dr 21219
11/21/05	Roman A. Hamel	7501 Chesapeake Rd 21219
11/22/05	Charlotte M. Kurtz	7311 Chesapeake Dr. 21219
11/22/05	Jeff A Kokosinski	7513 Chesapeake Ave 21219
11/22/05	Elizabeth M Chow	7401 Chesapeake Ave 21219
11/23/05	Leslie V. Cummingham	7501 CHESAPEAKE AVE 21219
11/23/05	Sigmund Dorsch	7421 Chesapeake Ave 21219
11/25/05	Walter W Moeski	7503 Chesapeake Ave 21219
11/25/05	Charles J. Moore	7521 Chesapeake Ave 21219
11-25-05	Karen Wagnotte	7527 Chesapeake Ave 21219
11-25-05	Matt Kelly	7529 CHESAPEAKE AVE 21219
11-26-05	Edward Paylor	7425 CHESPEAK AVE 21219
11-26-05	Jerry T Cole	7519 Chesapeake Dr

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 8

BILL NO. 51-93

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

BY THE COUNTY COUNCIL, APRIL 19, 1993

A BILL ENTITLED

AN ACT concerning

Agriculture

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

BY repealing

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

Baltimore County Zoning Regulations, as amended

BY adding

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

Baltimore County Zoning Regulations, as amended

- -

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

DAIRYING, PASTURAGE AGRICULTURE, HORTICULTURE, FLORICULTURE, AQUACULTURE, APICULTURE, VITICULTURE, FORESTRY, ANIMAL AND POULTRY HUSBANDRY, HORSEBREEDING AND HORSETRAINING AND ALSO INCLUDES ANCILLARY ACTIVITIES SUCH AS PROCESSING, PACKING, STORING, FINANCING, MANAGING, MARKETING OR DISTRIBUTING PROVIDED THAT ANY SUCH ACTIVITY SHALL BE SECONDARY TO THE PRINCIPAL AGRICULTURAL OPERATIONS.

FARM: THREE ACRES OR MORE OF LAND AND ANY IMPROVEMENTS THEREON, USED PRIMARILY FOR COMMERCIAL AGRICULTURE, AS DEFINED IN THESE REGULATIONS, OR FOR RESIDENTIAL AND ASSOCIATED AGRICULTURAL USES. THE TERM DOES NOT INCLUDE THE FOLLOWING USES AS DEFINED IN THESE REGULATIONS: LIMITED ACREAGE WHOLESALE FLOWER FARMS, RIDING STABLES, LANDSCAPE SERVICE, FIREWOOD OPERATIONS AND HORTICULTURAL NURSERY BUSINESSES.

Section 100 - ZONES AND DISTRICTS: BOUNDARIES

100.6 - A TRACT OF LAND USED FOR THE ACCESSORY STABLING AND PASTURING OF ANIMALS AND WHICH IS NOT A COMMERCIAL AGRICULTURAL OPERATION IS SUBJECT TO THE FOLLOWING PROVISIONS:

		MINIMUM ACREAGE
LARGE-LIVESTOCK: HORSES, BURROS AND CATTLE	LIMITATION: 1 ANIMAL FOR EACH ACRE OF GRAZING OR PASTURE LAND*	3
SMALL LIVESTOCK: SHEEP, GOATS AND PIGS, EXCEPT ASIAN POT BELLIED PIG (SEE SECTION 400) PONIES AND MINIATURE HORSES	2 ANIMALS FOR EACH ACRE OF GRAZING OR PASTURE LAND*	3
FOWL OR POULTRY: CHICKENS, DUCKS, TURKEY, GEESE	NO NUMERICAL LIMIT PROVIDED A NUISANCE IS NOT CREATED OR ALLOWED TO EXIST ON THE PROPERTY	1

*SUCKLING AND WEANLINGS UNDER 12 MONTHS OF AGE WILL NOT BE COUNTED.

Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 1A01-R.C. 2. (Agricultural) Zones

1A01.2.B. Uses Permitted as of Right.

2. Farms {, satellite farms, farmettes} and limited-acreage wholesale flower farms (see Section 404)

1A01.2.C. Uses Permitted by Special Exception.

24. The following "agricultural-support" uses AS PRINCIPAL COMMERCIAL USES:

a. Farm-machinery sales, storage, or service; blacksmithing

b. Feed or grain mills or driers

c. Fertilizer sales or storage

d. Sawmills

e. Slaughter houses or manufacture, processing, or packing of fruit, vegetables, animal, or meat products, or by-products

f. {Wine or} Spirits manufacture, including the manufacture of alcohol to be used in gasoline-alcohol mixtures, but excluding the production of these mixtures {(as a principal use)}

G. WINERY, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF WINE PRODUCED ON-PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS WINE TASTINGS OR PUBLIC GATHERINGS ASSOCIATED WITH THE WINERY, ARE PERMITTED, WITHIN ANY LIMITS SET BY THE SPECIAL EXCEPTION.

H. BOTTLED WATER PLANT, IF THE SOURCE OF THE WATER IS LOCATED ON THE SAME SITE AS THE PLANT, AND PROVIDED THAT THE DIRECTOR OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT MAKES A RECOMMENDATION THAT THE PROPOSED FACILITY WILL NOT ADVERSELY AFFECT THE QUALITY OR CAPACITY OF SURFACE WATER OR GROUND WATER.

AGRICULTURAL BUILDINGS, nor to church spires, belfries, cupolas, domes, radio or television aerials, drive-in theatre screens, observation, transmission or radio towers, or poles, flagstaffs, chimneys, parapet walls which extend not more than four feet above the limiting height, bulkheads, water tanks and towers, elevator shafts, penthouses and similar structures provided that any such structures shall not have a horizontal area greater than 25 per cent of the roof area of the building. A satellite receiving dish is subject to the height limitations of the zone in which the dish is located. However, in residential zones, the height of an accessory satellite dish may not exceed 15 feet, unless it is located on the roof of a building.

Section 4. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

B05193/BILLS93

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
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Ground Rent

Account Identifier: District - 09 Account Number - 0915640010

Owner Information

Owner Name: PARCEL 231 LLC
Mailing Address: C/O KIMBERLY WARREN
605 MEADOW RIDGE
TOWSON MD 21204-3737

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /13842/ 220
2)

Location & Structure Information

Premises Address
GREENWOOD RD

Legal Description
1.737 AC WS
GREENWOOD RD
400 S JOPPA RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
60	6	231						2	Plat Ref:

Special Tax Areas Town / Ad Valorem / Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.74 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2005	As Of 07/01/2006
Land:	24,160	25,770		
Improvements:	0	0		
Total:	24,160	25,770	24,696	25,232
Preferential Land:	0	0	0	0

9A

Transfer Information

Seller:	OROURK MARIA D	Date:	06/22/1999	Price:	$210,000
Type:	UNIMPROVED ARMS-LENGTH	Deed1:	/13842/ 220	Deed2:	
Seller:	OROURK THOMAS R,JR	Date:	02/20/1993	Price:	$1
Type:	NOT ARMS LENGTH	Deed1:	/ 9614/ 574	Deed2:	
Seller:	OROURK THOMAS R,JR	Date:	12/28/1992	Price:	$0
Type:	NOT ARMS-LENGTH	Deed1:	/ 9526/ 384	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *