

KEVIN KAMENETZ County Executive December 20, 2017

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

Ms. Paulette Ringley c/o Mrs, Carolyn Whittington 4231 Wards Chapel Road Marriotsville, MD 21104

To Whom it May Concern

RE: Spirit and Intent Letter Dated December 15, 2017 Spirit and Intent Case No. 2006-0437-X 2nd Election District

Your letter addressed to Mr. Jablon, dated December 15, 2017, has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

The proposed 40' x 40'x 15'maximum height (run-in) shed does not meet the restriction requirements of Item # 10 in the above listed Special Exception. A Special Hearing is required to amend Special Exception 2006-0437-X.

The foregoing is merely an informal opinion; it is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

ORIGINAL SIGNED BY LEONARD J. WASILEWSKI Leonard Wasilewski Planner II Zoning Review

LW/17-487

To: LW 5+I 1211911740

December 15,2017

Ms. Paulette Ringley c/o Mrs. Carolyn Whittington 4231 Wards Chapel Road Marriottsville, MD 21104

Mr. Arnold Jablon, Director Baltimore county Zoning Office County Office Building 111 W. Chesapeake Avenue Room 111 Towson, MD 21204

RE: Spirit and Intent Letter
Zoning Case No. 2006-437-X

Dear Mr. Jablon,

This letter is a request for your approval and concurrence that the enclosed "red-lined" plan meets the spirit and intent of the approved site plan presented and approved in the above referenced zoning case.

Per the zoning order, Judge Wiseman granted the following: "a Special Exception as modified at the time of the public hearing held, for use of specifically delineated areas of the subject property and the improvements constructed thereon as a riding stable and a commercial kennel" all as depicted on the enclosed site plan. The plan has been red-lined to show the proposed run-in shed (structure is 40'x40' and enclosed on three (3) sides). The accessory structure is less than 15' in height and 3' off the property line (boundary markers are present in the field). The structure is to be used in support of the agricultural use of the property and has no association with the commercial kennel. As written in the zoning order "the proposed uses as conditioned and limited will not be inconsistent with the agricultural purpose of the property's zoning classification or with the spirit and intent of the BCZR".

We hope that you agree with our interpretation that the proposed modification meets the spirit and intent of Zoning Case No. 2017-0132-A and provide a letter of written confirmation of your agreement.

We have enclosed, with this letter, a "red-lined" variance plan and filing receipt. Thank you in advance for your time and attention to this matter.

Best regards,

Ms. Paulette Ringley

Enclosures

IN RE: PETITION FOR SPECIAL EXCEPTION
4231 Wards Chapel Road; E/S Wards Chapel
Road, 146.39' S c/line Liberty Dam Road

2nd Election District
4th Councilmanic District

Carolyn V. Whittington, Legal Owner,

Humane Domain, LLC, Lessee,

Petitioners

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No.: 06-437-X

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Carolyn V. Whittington and the lessee, Humane Domain, LLC (collectively, the "Petitioners"). The Petitioners seek relief from Sections 1A01.2C.21 & §1A01.2C.2 of the *Baltimore County Zoning Regulations* ("BCZR"), for use of the specifically delineated areas of the subject property and the improvements constructed thereon as a riding stable [for horses, donkeys and mules] and an outdoor commercial kennel/dog run, as shown graphically or textually on the Plat submitted in support of the Petition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioners' Exhibit 1.

The record in this case reflects that the subject property was properly posted and advertised as required by the *Baltimore County Zoning Regulations* ("BCZR"). Appearing at the public hearing on this Petition were Ms. Carolyn V. Whittington who owns the subject property and Ms. Deborah Askew and Ms. Paulette Ringley, members of the lessee, Humane Domain, LLC. Accompanying the Petitioners was Daniel R. Staley, a Maryland Registered Land Surveyor and President of D.R.S.

Page 1 of 8

Humane Domain SPX-6 wpd/(Actober 27, 2006)

& Associates who prepared Plat to accompany the zoning petition. Mr. Staley affixed his professional seal to the Plat. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. Appearing initially in opposition to the requested relief were Ernest Conrey and Richard and Nancy Smith who were represented by Francis X Borgerding, Jr., Esquire. Also appearing in initial opposition to the relief requested was Mr. Jacobs who was represented by Benjamin Bronstein, Esquire. There were several other citizens and neighbors present who were also in initial opposition to the relief requested. The clients of Messrs. Borgerding and Bronstein and the others in initial opposition to the requested relief are referred to, collectively herein, as the Protestants.

Before this case was officially called, Messrs. Alderman, Borgerdine and Bronstein requested an opportunity to discuss the specifics of the requested relief and to explore the possibility of conditions and/or restrictions acceptable to those in attendance which, if implemented, would remove the opposition to the relief requested and proposed uses. After consultations with their respective clients and others in attendance, the attorneys present were able to develop conditions and restrictions for the proposed uses.

The hearing proceeded by way of a proffer of the evidence by Mr. Alderman, with a complete recitation of the agreed upon conditions and restrictions. Mr. Alderman proffered that the Petition was filed by the owner, who resides and will continue to reside at the subject property, and the lessee which intends to operate a riding stable and, what the BCZR define as, a commercial kennel. The subject property is approximately 19 acres in size and is presently zoned RC-2. At present, although the subject property fronts directly on Wards Chapel Road, the owner's residence is accessed through an existing gravel driveway that runs parallel to and binds on the northern property line of the subject property. In addition to Ms. Wittington's home and detached garage, the

Page 2 of 8

subject property is improved with an existing metal barn and attached stables.

As originally presented, the lessee proposed to use the existing gravel drive to gain access to a proposed gravel parking area located just west of the existing metal barn. The metal barn was proposed for use as an indoor riding ring. As depicted on Petitioners' Exhibit 1, an outdoor commercial kennel/dog run was proposed for the northeast corner of the portion of the subject property shown on Sheet 1 of 2. The use of the gravel road for the proposed special exception uses and the outdoor commercial kennel/dog run were opposed by the Protestants. Mr. Alderman proffered that because the lessee proposed to train dogs to be used as search/rescue animals, assistance animals, dogs trained for therapy of disabled individuals and the training of private dogs under the K-9 good public citizen program, the BCZR (Section 101) define such training as a commercial kennel. No overnight boarding, breeding or sale of dogs was ever proposed by the lessee.

As a result of the negotiations among the Petitioners, Protestants and legal counsel, redline modifications to Petitioners' Exhibit 1 and additional conditions and restrictions were agreed upon. Specifically, the outdoor area proposed for the commercial kennel is to be removed from the plan presented for approval. The training of the dogs, to be conducted only during the days and times specified below, will occur within the existing metal barn. Additionally, there are to be no retail uses conducted on the subject property, including no sales of dog, horse or animal products. The dog training/commercial kennel use will be limited to seven (7) dogs at any one time and only during the following hours: i) Weekdays - only during evening hours; ii) Saturday - only between noon and 5:00 p.m.; and no training on Sunday.

To address the issue of access to the proposed uses, the Protestants required the special

Page 3 of 8

exception use driveway to be located on the south side of the subject property within an area designated as a 50 foot wide use-in-common right of way and a permanent fence to be installed along the existing opening on the present access road, preventing its use to access the areas of special exception uses. Rather than having the special exception access road paved with macadam, which is an impervious surface, or a gravel base which might generate dust in dry periods, the Protestants proposed and the Petitioners agreed to cover the width and length of the southern access road and the required parking area with millings. To mitigate any potential visual impact on the property of Ms. Crissman, who lives south of the referenced right-of-way, her neighbors requested and the Petitioners agreed to the planting of eight, evergreen trees, 10 feet on center, parallel to the southern property line in the area of Ms. Crissman's home.

Limitations on the existing stables included four (4) stalls for the boarding of horses/donkeys/mules and six (6) stalls for the horses/donkeys/mules owned by the lessee or the owner of the subject property. The outdoor area labeled as "Riding Ring" will be used only for the riding, cantering, etc. of horses/donkeys/mules. The indoor riding ring will be used for the same functions, as well as therapeutic riding for those individuals having physical or developmental disabilities. Any and all manure will be managed in accordance with a County approved nutrient management plan.

Mr. Alderman proffered that Mr. Staley, being familiar with the subject property and the area in which the subject property is located, would offer his professional opinion that the proposed special exception uses, as limited and conditioned by agreement would not be detrimental to the health, safety or general welfare of the community nor will the uses overcrowd the land or create congestion on roads in the area. The proposed uses as conditioned and limited will not have any

Page 4 of 8

adverse impact on public facilities or improvements nor will they create a potential hazard from fire, panic or other danger or otherwise interfere with adequate light and air, or be inconsistent with the impermeable surface and vegetation retention requirements of the BCZR. The proposed uses as conditioned and limited will not be inconsistent with the agricultural purposes of the property's zoning classification or with spirit and intent of the BCZR. The proffered testimony of Mr. Staley was that the proposed uses, as conditioned and limited by agreement would not be detrimental to the environmental and natural resources of the site and the vicinity including forests, streams, wetlands, aquifers and floodplains in a RC2 zone, nor would such uses as limited have any adverse effects above and beyond those inherently associated with such special exception uses irrespective of where they are located in the same zone.

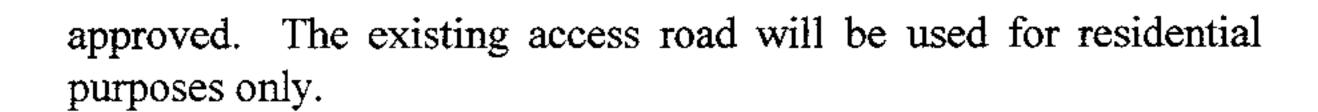
The Petitioners and the Protestants agreed that a modified plan to accompany the requested relief would be prepared by the Petitioners, consistent with the proffered testimony and the agreed upon conditions and restrictions. Additionally, legal counsel for the Petitioners agreed to prepare a draft of an order for my consideration, which draft order and modified plan would be sent to Messrs. Borgerding and Bronstein for review and approval before its presentation to me for my consideration. The modified plan to accompany the Petition is accepted as Petitioners' Exhibit No. 2.

I am persuaded that the requested special exception relief should be granted, subject to the modified plan and the conditions and limitations below. The proffered testimony and evidence of the Petitioners has shown that the proposed uses, as conditioned below, meet the requirements of BCZR §§ 1A01.2C.21, 1A01.2C.2 and 502.1 and will not be detrimental to the health safety or general welfare of the public or the community.

Page 5 of 8

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this day of November, 2006, that: (i) the commercial kennel area in the northeast corner of the subject property and the outdoor commercial kennel use originally proposed by Petitioners have been eliminated from Petitioners' Exhibit No. 2 and are NOT approved in conjunction with this Order; and (ii) the Petition for Special Exception as modified at the time of the public hearing held, for use of specifically delineated areas of the subject property and the improvements constructed thereon as a riding stable [for horses, donkeys and mules] and a commercial kennel all as depicted on Petitioners' Exhibit No. 2, be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1) Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) No retail sales or uses of any kind, including without limitation sales of dog, horse or animal products shall be permitted.
- No dogs are to be bred, housed overnight or boarded as part of the special exception uses granted, including no dog day care or dog weekend care.
- The stables are limited to a maximum of ten (10); four (4) for boarding and six (6) for private use for horses/mules/donkeys.
- 5) The commercial kennel dog training shall be conducted entirely within the existing barn, shall be limited to seven (7) dogs at any one time and only during the following days, times and hours: i) Weekdays 4:00 p.m. until 8:30 p.m.; and ii) Saturday only between noon and 5:00 p.m.; no training shall occur on Sunday.
- A permanent fence shall be constructed adjacent to the south side of the existing access road as shown on Petitioners' Exhibit No. 2, prohibiting use of such existing road for the special exception uses



- A new access road for the special exception uses shall be constructed, intersecting with Wards Chapel Road and running easterly within the existing 50 foot wide right-of-way for a distance, then running parallel to the northerly edge of the right-of-way, not less than 15 feet from said right-of-way to the proposed parking area. In lieu of a macadam surface, millings shall be used as a road surface, all as shown more particularly on Petitioners' Exhibit No. 2.
- The outdoor riding ring shall be used only for the riding, cantering, etc. of horses/donkeys/mules. The open space pasture areas depicted on Petitioners' Exhibit No. 2 shall be used for the grazing of horses/donkeys and mules and are not to be used for dog training. Grazing on the balance of the entire property is permitted if all such grazing areas are properly fenced. The areas depicted on Petitioners' Exhibit No. 2 shall be used for grazing. Not less than ten acres of Petitioners' property shall be available for grazing of the horses, donkeys and/or mules.
- 9) A nutrient management plan shall be submitted to and reviewed by the County in connection with the manure/waste products resulting from the approved special exception uses and all manure removed to an approved disposal/deposition location.
- 10) If any use other than approved by this Order or as shown on Petitioners' Exhibit No. 2 is proposed, specifically on any of the open field areas in the rear of the subject property, Petitioners shall be required to seek approval by filing a Petition for Special Hearing to amend the Plan/plat approved as Petitioners' Exhibit No. 2.

11) When applying for a building permit, the site plan filed must reference this Case and set forth and address the conditions and restrictions of this Order.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

[Approvals of Counsel on Next Page]





Approved as to form:

Howard L. Alderman, Jr., legal counsel

for the Petitioners

Francis X Borgerding, Jr., Esquire legal counsel

for certain of the Protestants

Page 8 of 8



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 9, 2006

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION

E/S Wards Chapel Road, 146.39' S C/l Liberty Dam Road

(4231 Wards Chapel Road)

2nd Election District – 4th Council District

Carolyn V. Whittington, Legal Owner; Humane Domain, LLC, Lessee - Petitioners

Case No. 06-437-X

Dear Mr. Alderman:

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

MANA, WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Ms. Carolyn V. Whittington, 4231 Wards Chapel Road,

Marriottsville, Md. 21104

Mr. Daniel Staley, PLS, D.R.S. & Associates, Inc.,

52 Winters Street, Westminster, Md. 211157

Humane Domain, LLC, 6825 Whiterock Road, Sykesville, Md. 21784

Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue,

Suite 600, Towson, MD 21204

Benjamin Bronstein, Esquire, Suite 205, Susquehanna Building.

29 W. Susquehanna Avenue, Towson, MD 21204

Ms. Paulette S. Ringley, 6825 Whiterock Road, Sykesville, Md. 21784

Ms. Deborah Askew, 6825 Whiteneck Road, Sykesville, Md. 21784

Mr. Neil Klingelhofer, 10807 Liberty Road, Randallstown, Md. 21133

Ms. Carol L. Hohman, 3726 Wards Chapel Road, Marriottsville, Md. 21104

Ms. Susan J. Koon, 4016 Wards Chapel Road, Marriottsville, Md. 21104

Richard & Nancy Smith, 4233 Wards Chapel Road, Marriottsville, Md. 21104

Ms. Kathy Kluka, 4229 Wards Chapel Road, Marriottsville, Md. 21104

Ms. Barbara Hartman, 4325 Holbrook Road, Randallstown, Md. 21133

C. Hartman, 4325 Holbrook Road, Randallstown, Md. 21133

Mr. Ernest Conrey, 4321 Wards Chapel Road, Marriottsville, Md. 21104

Mr. Don Burgard, 4400 Powells Run Road, Randallstown, Md. 21133

Mr. John C. Dells, 4212 Wards Chapel Road, Marriottsville, Md. 21104

Mr. Robert J. Walshe, 4206 Wards Chapel Road, Marriottsville, Md. 21104

Mr. Donald W. Reisberg, 4106 Wards Chapel Road, Marriottsville, Md. 21104

Mr. Gilbert C. Deitz, 3019 Ridge Road, Baltimore, Md. 21244

Ms. Rose Ann Sabaka, 11421A Reisberg Lane, Marriottsville, Md. 21104

Barbara Jean and David Jacobs, 4224 Powells Run Road, Randallstown, Md. 21133

Terrill Esposito, 4314 Holbrook Road, Randallstown, Md. 21133

DEPRM; People's Counsel; Case File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4231 Wards Chapel Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

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

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

Local Owner(c).

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/Lesson

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Humane Domain, LI	LC		Carolyn A. Whittingto	n	
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Attorney For Pe	titioner:		4231 Wards Chapel R	oad	410-521-3668
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Company			Name		
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ATTACHMENT

PETITION FOR SPECIAL EXCEPTION

CASE NO: <u>06-</u> <u>-X</u>

Address:

4231 Ward Chapel Road

Legal Owner:

Carolyn V. Whittington

Lessee (s/e portion):

Humane Domain, LLC

Present Zoning:

RC-2

REQUESTED RELIEF:

Special Exception Uses Requested:

Pursuant to BCZR §1A01.2C.21 & §1A01.2C.2, use of the specifically delineated areas of the property [5.83939 + acres] and the improvements constructed thereon as a riding stable [for horses, donkeys and mules] and a commercial kennel, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this Petition.

Additional Information:

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com



EXHIBIT "A"

Zoning Description

of 19.04626 acres of the Carolyn V. Whittington property, on the east side of Wards Chapel Road, near Marriottsville, in the 2nd Election District of Baltimore County, Maryland.

BEGINNING for the same at a point on the east side of Wards Chapel Road at the distance of 146.39 feet south of the centerline of Liberty Dam Road, thence leaving said place of beginning as now surveyed and referring all courses of this description to the Maryland State Coordinate System 1987 (U.S. Feet),

- 1) South 81°02'05" East 602.76 feet, thence
- 2) North 8°59'22" East 108.91 feet, thence
- 3) South 81°12'04" East 204.73 feet, thence
- 4) South 8°47'55" West 407.14 feet, thence
- South 81°21'05" East 480.02 feet, thence by a line curving to the right in a Southeasterly direction with the radius of 214.01 feet for the distance of 153 11 feet the arc which is subtended by a chord bearing
- 6) South 60°51'23" East 149.87 feet, thence
- 7) South 40°21'40" East 90.01 feet, thence by a line curving to the left in a Southeasterly direction with the radius of 830.74 feet for the distance of 159.51 feet the arc which is subtended by a chord bearing
- S) South 45°51'42" East 159.27 feet, thence
- 9) South \$1°21'44" East 80.01 feet, thence
- 10) South 4°25'27" East 392.13 feet, thence
- 11) South 68°33'24" West 495.00 feet, thence
- 12) North 1°52'16" West 664.65 feet, thence

- 13) North 81°19'39" West 1042.03 feet, thence
- 14) North 3°37'02" West 200.00 feet, thence
- 15) North 81°19'38" West 222.87 feet, thence
- 16) North 3°37'00" West 120.10 feet, thence
- 17) North 24°09'47" East 59.94 feet, thence
- North 37°27'55" East 173.09 feet to the place of beginning.

BEING 19.04626 acres of land as recorded in Baltimore County County Land Record 5872 Page 001 also known as 4231 Wards Chapel Road Marriottsville Maryland 21104 2nd Election District of Baltimore County, Maryland.

Carolyn Whittington Property

Name	North	East	Bearing	Distance
DB53	627578.26000	1349945.04850	0.000000000	600 D6
DB55	627484.33010	1350540.44280	S 81°02'05"E	602.76
DB56	627591.90070	1350557.46010	N 8°59'22"E	108.91
			S 81°12'04"E	204.73
DB57	627560.58390	1350759.78290	S 8°47'55"W	407.14
DB58	627158.23290	1350697.50530	S 81°21'05"E	480.02
DB59	627086.05050	1351172.07040		
DB72	626874.47080	1351139.88960	S 8°38'54"W	214.01
Del				
Arc	lius 214.0 : 153.1 ngent 80.0	1 Chord	S 60°51'23"E	149.87
	ment 1362.2			
DB60	627013.06560	1351302.96330	N 49°38'21"E	214.01
DB61	626944.48190	1351361.25250	S 40°21'40"E	90.01
			N 49°38'20"E	830.74
DB73	627482.46900	1351994.25720		
Del Pad	ta 11°00'05.0 Nus 830.7			
Arc	: 159.5 igent 80.0	Chord	S 45°51'42"E	159.27
Seg	ment -406.3	7	S 38°38'15"W	830.74
DB62	626833.57060	1351475.55120	S 51°21'44"E	80.01
DB63	626783.61440	1351538.04550	S 4º25/27"E	392.13
DBG4	626392.65320	1351568.29470		
DB65	626211.69260	1351107.56270	S 68°33'24"W	495.00
			N 1052'16"W	664.65

DB66	626875.99070	1351085.85960		
			N 81°19'39"W	1042.03
DB67	627033.11450	1350055.74620		
			N 3°37'02"W	200.00
DB68	627232.72010	1350043.12830		
			N 81°19'38"W	222.87
DB70	627266.32750	1349822.80270		
			N 3°36'60"W	120.10
DB71	627386.18890	1349815.22650		
			N 24°09'47"E	59.94
DB52	627440.87390	1349839.76060		
			N 37°27'55"E	173.09
DB53	627578.26000	1349945.04850		

Total Area 829654.91 sf 19.04626 acres +/Perimeter 5656.01 ft

G Word DRS Project Deeds 98566D01 xxw

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The Zening 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: #06-437-X

4231 Wards Chapel Road

East side of Wards Chapel Road, 143,39 feet ±/- south

of centerline of Liberty Dam Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Carolyn A. Whittington Contract Purchaser: Humane Domain, LLC

Special Exception: to allow the use of the specifically delineated areas of the property and the improvements constructed thereon as a riding stable (for horses, donkeys and mules) and a commercial kennel, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this petition.

Hearing: Wednesday, April 19, 2006 at 2:00 p.m. in Room 186, County Office Building, 111 West

Chesapeake Avenue, Towson, MD 21204.

WILLIAM J. WISEMAN, III

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. JT/4/609 Apr. 4 90262

CERTIFICATE OF PUBLICATION

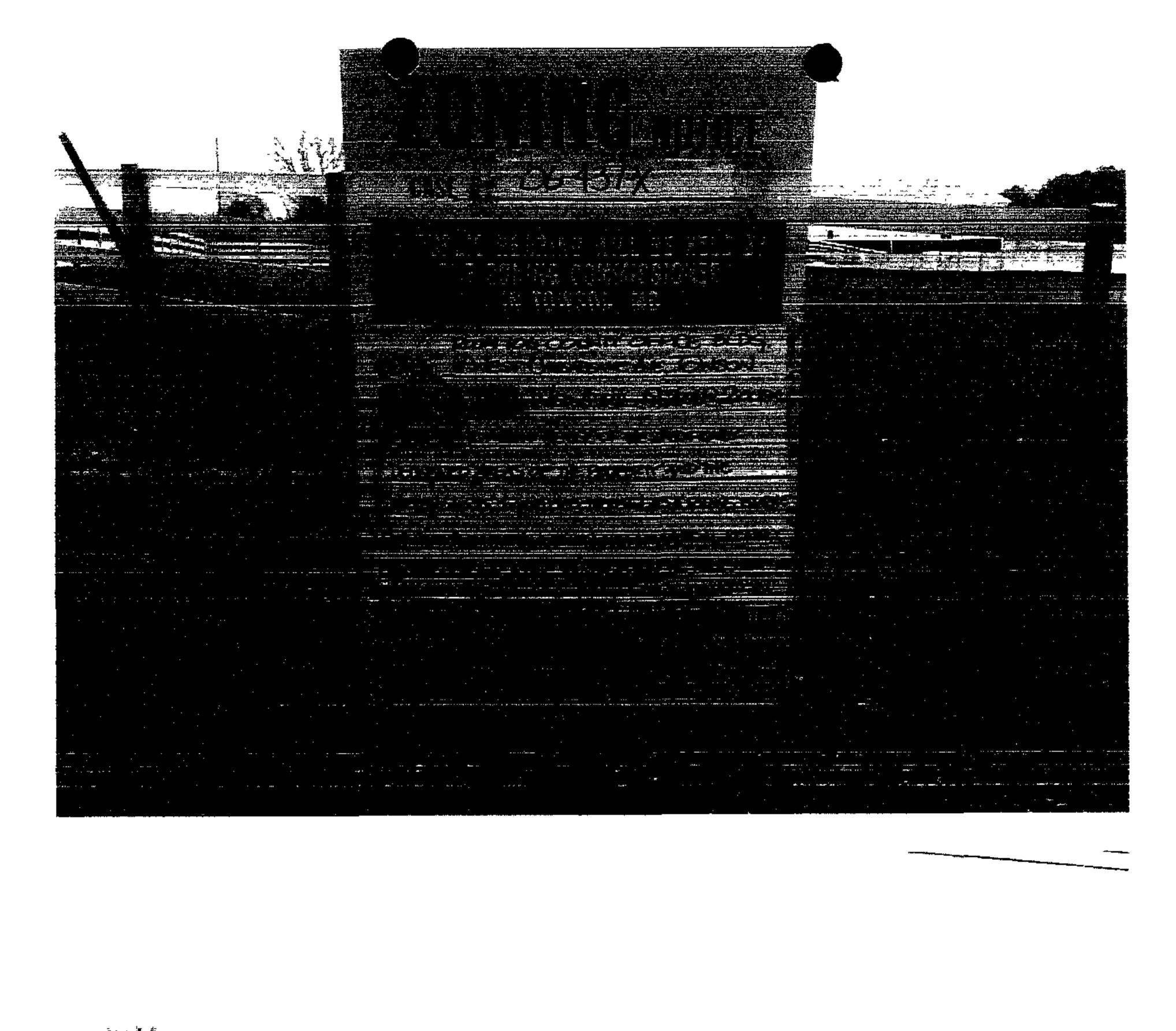
<u>416</u> , 20 <u>06</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each of successive weeks, the first publication appearing
n 4 4 ,20 06.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
S. Wilkinson

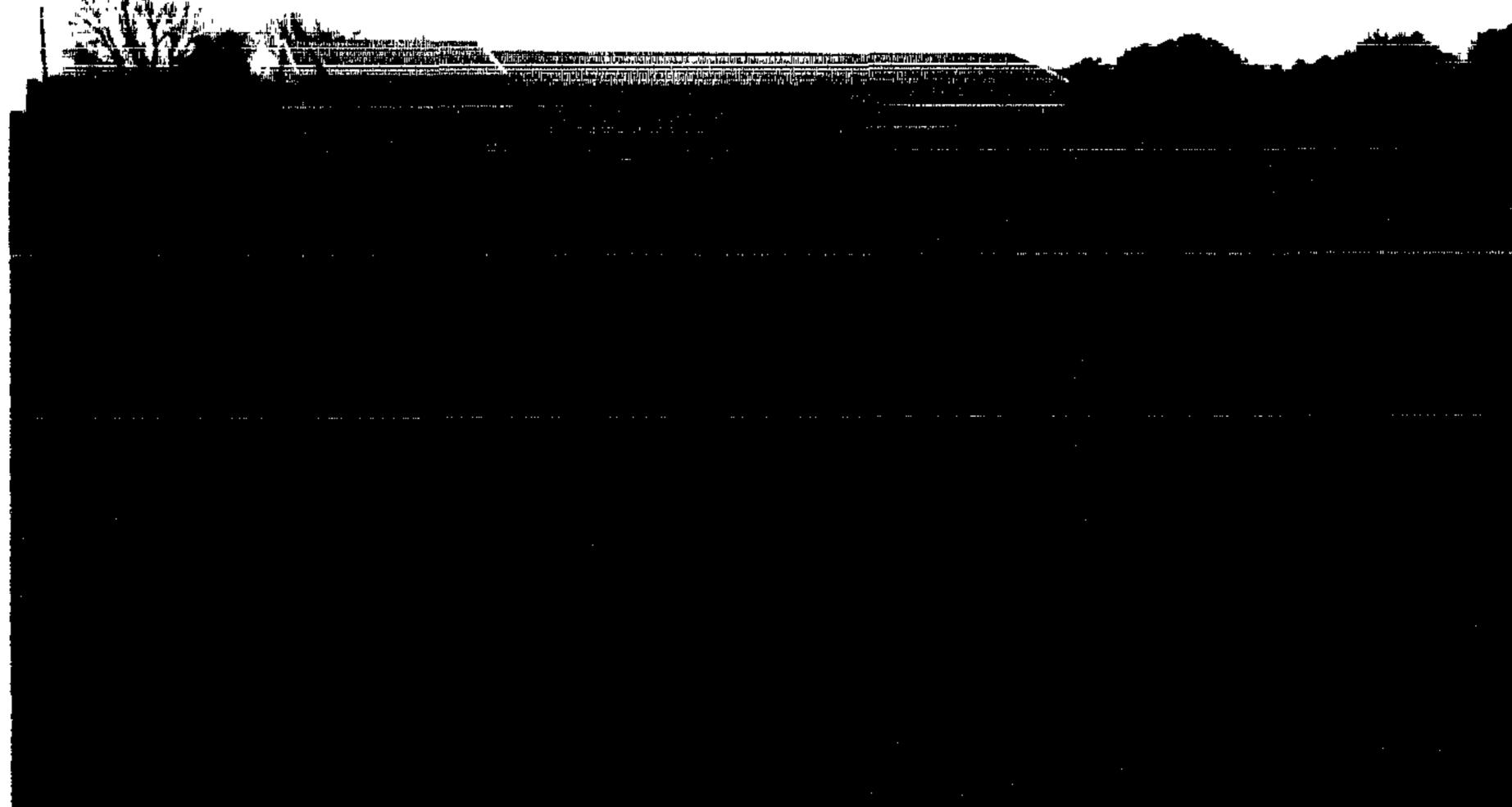
THE TOWNSHING

CERTIFICATE OF POSTING

Date: 4306
E: Case Number: 06-437-X Petitioner/Developer: HUMANE DOMAIN LLC Date of Hearing/Closing: 4/19/06
his is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously in the property located at 4231 WARDS CUAPEL ROAD
he sign(s) were posted on 4/3/06 (Month, Day, Year)

Charles E. Merritt 9831 Magledt Road Baitimore, MD 21234 410-665-5562





TO: PATUXENT PUBLISHING COMPANY Tuesday, April 4, 2006 Issue - Jeffersonian

Please forward billing to:
Paulette Ringley
6833 White Rock Road
Sykesville, MD 21784

410-984-9412

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: 06-437-X 4231 Wards Chapel Road

East side of Wards Chapel Road, 146.39 feet +/- south of centerline of Liberty Dam Road 2nd Election District – 4th Councilmanic District

Legal Owners: Carolyn A. Whittington

Contract Purchaser: Humane Domain, LLC

<u>Special Exception</u> to allow the use of the specifically delineated areas of the property and the improvements constructed thereon as a riding stable (for horses, donkeys and mules) and a commercial kennel, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this petition.

Hearing: Wednesday, April 19, 2006 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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



Baltimore County

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

March 21, 2006

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: 06-437-X

4231 Wards Chapel Road

East side of Wards Chapel Road, 146.39 feet +/- south of centerline of Liberty Dam Road 2nd Election District – 4th Councilmanic District

Legal Owners: Carolyn A. Whittington

Contract Purchaser: Humane Domain, LLC

Special Exception to allow the use of the specifically delineated areas of the property and the improvements constructed thereon as a riding stable (for horses, donkeys and mules) and a commercial kennel, together with any additional relief as may be necessary to approve the uses shown graphically or textually on the Plat submitted in support of this petition.

Hearing: Wednesday, April 19, 2006 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204

Mutty Kotroco
Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Floor, Towson 21204 Carolyn A. Whittington, 4231 Wards Chapel Road, Marriottsville 21104-1205 Humane Domain, LLC, 6825 Whiterock Road, Sykesville 21784 Daniel Staley, PLS, 52 Winters Street, Westminster, 21157

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 4, 2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising: 427	
Item Number or Case Number:/	
Petitioner: DEBORAH ASKEW	
Address or Location: 4231 WARD'S CHAPEL RD. NARRIOTT	SYILLE MD ZIII
PLEASE FORWARD ADVERTISING BILL TO:	
Name: POULETTE RINGLEY	
Name: PROCETTE RINGLEY Address: 6833 WHITE ROCK RD. SYKESYILLE, MD 21784	

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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





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

April 14, 2006

Howard L. Alderman, Jr. Esquire Levin & Gann, PA Nottingham Centre, 8th Floor 502 Washington Avenue Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 06-437-X, 4231 Wards Chapel Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 10, 2006.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor. Zoning Review

WCR:amf

Enclosures

c' People's Counsel Carolyn A. Whittington 4231 Wards Chapel Road Marriotsville 21104-1205 Daniel Staley, PLS DRS & Associates, Inc. 52 Winters Street Westminster 21157 Humane Domain, LLC Deborah Ashew 6825 Whiterock Road Sykesville 21784



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

DATE: March 27, 2006

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For March 27, 2006

Item Nos. 429, 430, 431, 432, 433, 434, 435,

436, 437, 439, 440, and 441

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

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-03272006 doc



ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: Zoning Commissioner DATE: April 19, 2006

FROM: Wally Lippincott, Jr.

SUBJECT: 4231 Wards Chapel Road – SpH 06-437X

The proposed use for this small property for livestock raises concerns about the environmental implications of the waste and potential soil disturbance on the soils and water quality. It is recommended that in the event the request is approved, the landowner be required to have a Management Plan for the property to address these issues. The plan should be similar to that of the Soil Conservation and Water Quality Plans developed by the Baltimore County Soil Conservation District.

RECEIVED

APR 1 9 2000

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** April 11, 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4231 Wards Chapel Road

INFORMATION:

Item Number:

6-437

Petitioner:

Deborah Askew

Zoning:

RC 2

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a riding stable and commercial kennel on 5.84 acres of land in an RC 2 zone. The petitioner's request is consistent with the legislative intent of the RC 2 zone, as it fosters conditions favorable to a continued agricultural use of productive agriculture areas in Baltimore County by preventing incompatible forms and degrees of urban uses. This aforementioned is conditioned upon the following:

- 1. The petitioner shall provide a 20-foot private durable and dustless road along the existing 50' right-of-way to accommodate ingress and egress to the proposed riding stable, parking lot and barn. The existing gravel driveway may not be used for vehicular circulation to accommodate the subject commercial use.
- 2. Screening shall be provided to protect the privacy of any adjacent residential property from the commercial uses. Additionally, all commercial kennel dog runs, parking areas, boarding area, and any other kennel related activities must be at least 200 feet from any adjacent residential property line.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:

Division Chief:

Arkul CM

रक उत्तर कार्यक्ष है। कार्यक है देखें हैं।



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

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

Maryland Department of Transportation

Date: 3.21.06

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

RE:

Baltimore County

Item No. 437

7 JCM

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,

Steven D. Foster, Chief

Engineering Access Permits Division

1. J. Duel

RE: PETITION FOR SPECIAL EXCEPTION

4231 Wards Chapel Road; E/S Wards Chapel

Road, 146.39' S c/line Liberty Dam Road

2nd Election & 4th Councilmanic Districts

Legal Owner(s): Carolyn A. Whittington

Contract Purchaser(s): Humane Domain, LLC

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-437-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 and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

HEREBY CERTIFY that on this 23rd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed Daniel Staley, PLS, DRS Associates, Inc. 52 Winters Lane, Westminster, MD 21157 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

R 2 3 2006

PI-TER MAX ZIMMERMAN

People's Counsel for Baltimore County

Par

Mr. L. . . .

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600 409 WASHINGTON AVENUE Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884

June 29, 2006

Mr. Howard L. Alderman, Jr. Nottingham Centre 502 Washington Avenue, 8th Floor Towson, Maryland 21204

RE:

Humane Domain

4231 Wards Chapel Road Case No.: 06-437-X

RECEIVED

JUL 0 3 2006

ZONING COMMISSIONER

Dear Howard:

Pursuant to my voice mail to your office yesterday, it is my understanding that you are presently on vacation. Upon your return to town, could you please have your office forward a copy of the proposed revised zoning plat for the property for my client's review.

As I indicated in the message I left, I will be on vacation next week and returning to the office on Tuesday, July 11, 2006. At that time, I will contact you on behalf of my clients with regard to potential revisions of the draft proposed Order forwarded to myself and Ben Bronstein. I am copying the Zoning Commissioner on this correspondence to indicate that after we have had a chance to discuss this matter, we will submit a draft of the proposed Order to the Commissioner which has hopefully been agreed upon by all counsel.

Thank you for your cooperation with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk/

William J. Wiseman, III, Zoning Commissioner Benjamin Bronstein, Esquire

As 4/19

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640

LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600

June 9, 2006

TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

JUN I 2003

Benjamin Bronstein, Esquire

Towson, Maryland 21204

29 West Susquehanna Avenue, Suite 205

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: 4231 Wards Chapel Road

Case No. 06-437-X

Draft Decision and Revised Exhibit

Dear Ben and Frank:

Earlier today I faxed to your office the first draft of a proposed order in the above-referenced case. As indicated in the cover sheet I am sending a hard copy of that draft order, together with the revised plan to accompany the Petition. You will note that the redline changes have been made and additional notes added consistent with the conditions and restrictions agreed upon by the parties.

Since I do not have your respective email addresses, I am also enclosing a CD-Rom which contains an electronic version of the enclosed order in WordPerfect format, in Adobe/pdf format and in converted Word format [note that spacing, tabs, etc. may have been altered during the conversion from WordPerfect to Word]. I would appreciate it if you would provide to me your comments on and proposed modifications to the draft order as soon as possible.

I am sending a copy of this letter (but none of the enclosures) to Commissioner Wiseman so that he is kept aware of the status of our review. If either of you need any additional information, please contact me at your earliest convenience.

Thanks.

1 Johnson

Howard L. Alderman, Jr.

HLA/gk

Enclosures (3)

e (w'out enel.): William J. Wiseman, III. Zoning Commissioner

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640 LAW OFFICES

LEVIN & GANN
A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204

410-321-0600 TELEFAX 410-296-2801

July 13, 2006

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

RECEVED

JUL 17 2006

ZONING COMMISSIONER

HAND DELIVERED

Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE: Humane Domain, LLC

4231 Wards Chapel Road

Case No. 06-437-X

Revised Settlement Agreement

Dear Frank:

Following our recent telephone conversation and after speaking with my clients, I have made all but one of your suggested modifications. The recollection of my clients was the same as mine in that the dog training, now to be conducted completely indoors, was to occur during the week during "evening hours". Given the various work schedules of pet owners, my clients did not suggest, agree to or authorize me to identify specific weekday training hours during my recitation of the settlement agreement into the record in the above-referenced case. I and they are confident that the tapes of the hearing will validate that position and that there was no objection at the time.

I am enclosing a redline copy of the revised agreement, together with a clean copy for your review. Once you have approved this document, I will have Petitioners' Exhibit No. 2 modified to clarify the note about the use of the existing roadway, consistent with the revised Order.

Thank you for your cooperation in resolving this. I am forwarding a copy of this letter and enclosures to Ben Bronstein so that he is kept in the loop. In keeping with past practice, I am sending a copy of this letter, without the enclosures, to Commissioner Wiseman for his information.

Very truly yours,

Howard L. Alderman, Jr.

HLA/pal Enclosures

c (w'encl.): Humane Domain, LLC

Benjamin Bronstein, Esquire

William J. Wiseman, III, Zoning Commissioner

LAW OFFICES

HOWARD L. ALDERMAN, JR.

DIRECT DIAL 410-321-4640

halderman@LevinGann.com

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

July 6, 2006

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

RECEIVED

JUL 1 0 2006

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

70 MING COMMISSIONER

Re: Humane Domain, LLC 4231 Wards Chapel Road Case No. 06-437-X

Dear Frank:

Thank you for your letter of June 29, 2006 while I was out of the State, unfortunately <u>not</u> on vacation. As requested in your letter, I am sending to you an additional copy of the proposed, revised zoning plat for the above-referenced property. I had first transmitted a copy of this to both you and Ben Bronstein, Esquire under cover of my letter dated June 9, 2006.

Upon your return from vacation, fully rested, I hope that you will be able to contact me promptly so that we might finalize a proposed order in this case. I look forward to hearing from you shortly after your return.

Very truly yours,

howard L. Alderman, Jr.

HLA/pal Enclosure

cc: Humane Domain, LLC (w/copy of 6/29/06 letter from Francis X. Borgerding, Jr., Esq.)

William J. Wiseman, III, Zoning Commissioner

G Chents Humane Domain (15239) borgerding-filtr.wpd

13w 4/10

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640 LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

October 27, 2006

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)



HAND DELIVERED

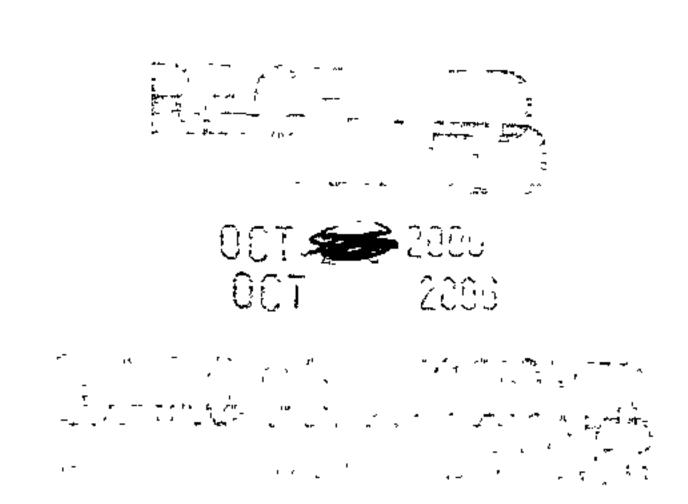
Francis X. Borgerding, Jr., Esquire 409 Washington Avenue, Suite 600 Towson, Maryland 21204

RE:

4231 Wards Chapel Road

Case No. 06-437-X

Revised Order & Final Exhibits



Dear Frank:

Here are the revised, final exhibits prepared by Dan Staley. In addition to adding restrictions as modified in the agreed upon Order, the second sheet was added to show the open field areas available for grazing. I have also enclosed an executable original of the final Order which I have modified only to remove the approval line for Ben Bronstein. I have signed it as requested by Commissioner Wiseman. I met with Ben last week and he advised that he is no longer involved in this matter and expects to file a withdrawal of appearance.

Please review the enclosed materials and advise me as soon as possible of your approval. I would ask that you sign the enclosed Order where indicated and call me so that I may have it picked up and delivered to the Commissioner with two (2) copies of each of the enclosed drawings.

Thank you all for your cooperation in resolving this matter.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

Enclosures (2)

c (w/out encl.):

Humane Domain, LLC

William J. Wiseman, III, Zoning Commissioner

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640

LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

November 8, 2006

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

NOV - 8 2005

VIA HAND DELIVERY

William J. Wiseman, III, Zoning Commissioner Baltimore County Hearing Officer 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

RE: 4231 Wards Chapel Road

Case No. 06-437-X

Counsel Approved Order & Final Exhibits

Dear Mr. Wiseman:

In furtherance of the agreements put on the record on April 19, 2006 in the above-referenced matter, I am pleased to provide to you the original of a proposed Order that Mr. Borgerding and I have approved. I have also enclosed two (2) originals of the revised Petitioners' exhibit as approved by the parties. Please note, also, that the second sheet has been added to ensure that sufficient grazing/field area is available to the proposed livestock. You will also note that the landscaping proposed at the hearing to be located immediately south of the new access road, north of the property owned by Ms. Eleanor Crissman, has been eliminated at Ms. Crissman's request through Mr. Borgerding.

The Petitioners would appreciate it if you would consider the enclosed Order and drawings and approve them at your earliest possible convenience. All involved have worked long and hard to reach the agreement embodied in the enclosed Order which may differ from that put on the record in April, but which all parties represented have agreed to approve.

Again, thank you for your cooperation and patience in allowing the parties to work through this matter.

Very truly yours,

lioward L. Alderman, Jr.

HLA/gk

Enclosures

c(w'encl.): Francis X. Borgerding, Jr., Esquire

Humane Domain, LLC

April 18, 2006

To: Baltimore County Zoning Board, att: Bill Wiseman Case # 06-437-X

This letter is in response to the request of the owners of the large property located at 4231 Wards Chapel Rd. to be zoned for a commercial kennel. We have lived at 3724 Wards Chapel Rd for 33 years and we find the new building to be an attractive addition to the neighborhood. We have no problem with the request of the owners of that property to be allowed to operate the facility as a commercial kennel and riding stable and we sincerely hope that their request for zoning approval is granted.

Sincerely,

Joseph W. Menning

Ann D. Menning

3724 Wards Chapel Red

marriotteville mol 21104

From:

DRS & Associates 52 Winters Street Westminster, MD 21157 410-848-4060 * 410-876-6040

Fax: 410-876-7603

To:

Baltimore County Zoning Office 111 W Chesapeake Ave Rm111

Towson MD 21204

Transmittal: 4625
Date: 2006-03-10
Project: 2884-98566

Title: Whittington Property, PC/Ringley

Re: Petition for Special Exeption

Delivery: Courier/drs

- 3 Petition for Special Exception Application
- 12 Plan to Accompany Petition for Special Exception Humane Domain
- 3 Exhibit A Zoning Description
- 1 Zoning Map
- 1 Notice of Advertising
- 1 Filing Fee \$300.00 Check# 308 payable to Baltimore Co.

Du

Bill Wiseman - RE: Humane Domain, LLC/Ward Chapel Road

From: "Howard Alderman" < halderman@levingann.com>

To: <wwiseman@co.ba.md.us>

Date: 10/18/06 9:49 AM

Subject: RE: Humane Domain, LLC/Ward Chapel Road

CC: <m41344@toadmail.com>, <Borgerdinglaw@aol.com>, <benbronstein@terralaw.net>,

<m41344@toadmail.com>, <inathan@comcast.net>, <drs@ramss.com>

Mr. Wiseman:

I write to update you on the status of the above-referenced case. The form and substance of a zoning order for your consideration has been approved by counsel. The agreed upon conditions and restrictions have been sent to the Petitioners' surveyor for inclusion on a modified plan to accompany and mirror the zoning order. As soon as copies of that revised plan have been received and reviewed with counsel, I will deliver the original of the order, signed by counsel, and copies of the plan for your review and consideration.

Thank you for your patience in allowing the parties to reach agreement.

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204 410-321-0600 (voice) 410-296-2801 (fax)

E-Mail Address: halderman@LevinGann.com

Website: www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: If a file in Adobe PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following http://www.adobe.com/products/acrobat/readstep2.html

From: Howard Alderman

06-	437-	X

Case	No.	•
	7.44	٠

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A SITS PLAN 102	<u> </u>
	1A SITE PLAN 192 1B SITE PLAN 2012	
	13 SITE PLAN LUJA	
No. 2	20 realised site Plan 1012	
	2A revised site Blan 10/2 2B revised 5,ta Plan 20/3	
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CASE NAME CASE NUMBER 06-437 X DATE

CITIZEN'S SIGN-IN SHEET

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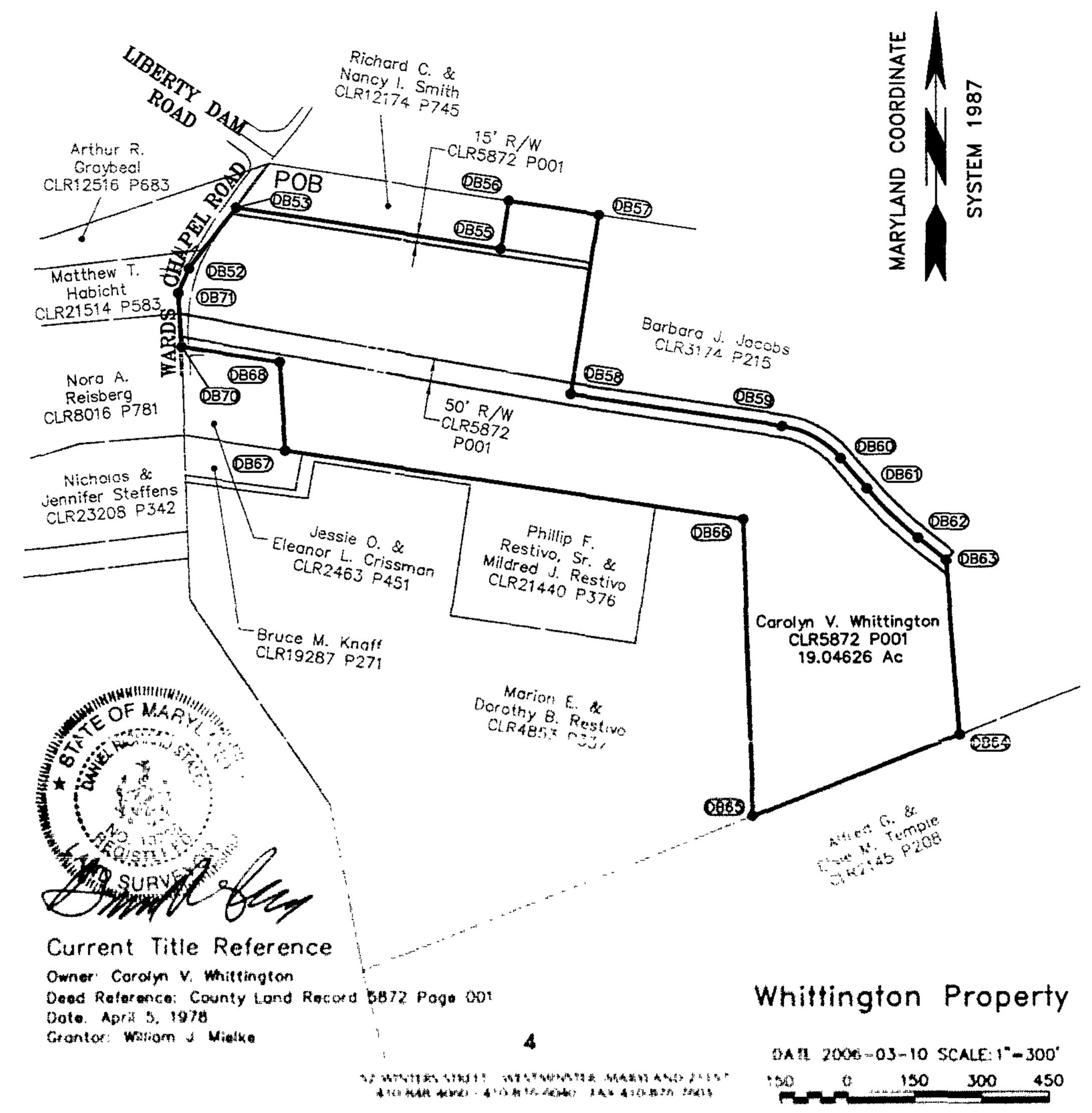
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
ZONING HEARING FILE INTERNAL CHECKLIST


Zoning Case No. 06-437X

Date Completed/Initials	
3/14/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
······································	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
"- '}'' - ' - '- '	COMMENTS (check off agency comments received on front of hearing file, make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)











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


PETITIONER'S
EXHIBIT



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EXHIBIT NO. 2 A







Sent: Friday, August 11, 2006 2:53 PM
To: Bill Wiseman (wwiseman@co.ba.md.us)

Cc: Debbie Askew (debbiew@dogearsandpaws.com); Frank Borgerding (Borgerdinglaw@aol.com)

Subject: Humane Domain, LLC

Commissioner Wiseman:

I write to update you on the progress of the development of an order for your consideration. The parties have a potential snag on one issue. I had hoped to either resolve it this week or advise that another hearing would be necessary. However, because of my schedule and that of Mr. Borgerding, we were unable to continue our efforts in resolution. I expect Mr. Borgerding back in the office on Monday and, although I will be out of state on business, I have requested that he contact me by cell phone to discuss the open issue.

Have a great vacation and upon your return I hope that we will have a proposed order for your consideration.

Howard Alderman

c: Humane Domain, LLC Francis X. Borgerding, Jr., Esquire

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre, 8th Floor 502 Washington Avenue Towson, Maryland 21204 410-321-0600 (voice) 410-296-2801 (fax)

E-Mail Address: halderman@LevinGann.com

Website: www.LevinGann.com

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