IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
S/W Corner of Schroeder Avenue, 100′ W of Sadler Lane	*	ZONING COMMISSIONER
(3839 Schroeder Avenue)	*	OF
11th Election District 5th Council District	*	BALTIMORE COUNTY
	*	
Barry E. Gladstone, *Legal Owner* The Outdoor Connection, Inc., *Contract Purchaser/Lessee* Petitioner	* *	**Case No. 07-229-SPHA**

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Barry E. Gladstone and The Outdoor Connection, Inc., the contract purchaser/lessee through their attorney, J. Neil Lanzi, Esquire. The Petitioners requests a special hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. In addition, variance relief is requested as follows: (1) to permit an internal roadway to be less than 25 feet from a property line per Section 404.1A of the (B.C.Z.R.), (2) to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B of the B.C.Z.R., and (3) to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan which was submitted

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into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Barry Gladstone, individually and as the president of Outdoor Connection, Inc., his wife, Anita Gladstone, Clyde Hinkle, a consultant with William N. Bafitis, P.E., who prepared the site plan and experienced with County zoning regulations, and J. Neil Lanzi, Esquire, attorney for the Petitioners. The request generated overwhelming support from the majority of the residents on Schroeder Avenue, namely Donna and Matt Davis, Claire and Raymond Zeleny, Laura and Emily Kimball, John and Patricia Anne Gonce, James and Angela Mosley, Richard and Suzanne Long, Cheryl and Phillip Curran, Mary Goss, Lambros and Panagiotis Panagodimos, Paul Powell, Nick and Lois Micucci, Ethel Wheeler, Vonnie Eady, and Sandy Mast. Additionally, as evidenced by Petitioners' Exhibit 8, some fourteen (14) neighbors who were unable to attend the hearing also support the Petitioners' endeavor. However, the requested approval was contested. The opponents are adjacent neighbors and included Debra and Robert Thomas, Mr. Thomas' sister, Brenda Ward, and Stephen Ehatt. Debra Beaty appeared as a representative of the Perry Hall Improvement Association. Also present and called as a witness was Kevin Gambrill, a community planner with the Baltimore County's Office of Planning.

An extensive volume of testimony and evidence was offered in this case over the two hearing dates. The primary area of concern relates to the use of the property which has dramatically decreased in past months. Some believe it to be a landscape service operation while others a wholesale flower farm. Due to limitations of time and space, it is impossible to repeat all of the testimony offered herein. Additionally, there were numerous documents, photographs, plats and maps, written memoranda and other exhibits entered into the record of this case.

In brief, the testimony and evidence offered disclosed that the subject property is a rectangularly shaped parcel located at the southwest corner of Schroeder Avenue and Sadler Lane in

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Perry Hall. The property, purchased by Barry Gladstone in 1999, contains a gross area of 2.564 acres, more or less, approximately 180 feet wide by 600 feet in dimension and zoned D.R.2. The site is bisected by a paved bituminous driveway that runs from Schroeder Avenue south to the home of Richard Saville. On the east side of this driveway is a two-story residential dwelling built in 1950. On the west side, a 30′ x 80′ farm equipment storage building, office, parking spaces and a plant inventory stock area. Mr. Gladstone testified that it is in this stock area (17,627 square feet) that he grows most of the flowers, holly trees, Leland Cypress, shrubbery, various grasses and other plant materials. It is this portion of the property (west of the driveway) that is the subject of a Baltimore County Code violation. A hearing on the code violation (Case No. 06-1843) was held in abeyance as it involved the operation of a business from residential property which is the subject of the instant special hearing and variance petition(s) before the Zoning Commissioner.

Mr. Gladstone acknowledged that at the time of the issuance of the Code Enforcement citation (June 16, 2006), he was conducting his landscape business out of the accessory building in conjunction with the flower farm. However, Gladstone unequivocally declared that, within the past twelve (12) months, all equipment and materials relating to the landscape business had been moved off the property to another location further north in Kingsville and that no landscaping supplies or materials have been delivered to the subject site during that period. He testified that the property, 3839 Schroeder Avenue, has been and will continue to be used solely as a wholesale flower farm with the accessory farm building and residence.

There are a number of land uses defined in Section 101 of the B.C.Z.R. that are relevant to rendering a decision in this case. Initially, it is to be noted that a limited acreage wholesale flower farm is defined in the B.C.Z.R. as a farm having "less than three acres of land, and any improvements thereon, and is primarily used for the growing of flowers and small plants and their

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wholesale distribution". The term "farm" as defined in Section 101 of the B.C.Z.R. does not include landscape service operations or horticultural nursery operations. Farms are permitted by right in the D.R.2 zone, pursuant to Section 1B01.1A.7 of the B.C.Z.R, however, this use is subject to the provisions of Section 404 (Farms and Agricultural Operations) which provide for restrictions necessitating in this case the requested variance setbacks. The issue whether the subject property serves as a landscape business was raised by the Baltimore County Office of Planning, the Perry Hall Improvement Association and Bobby Thomas, the Protestants' only witness. A Landscape Service Operation is defined in the regulations as "an operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses".

Turning to the Petition for Special Hearing, attention is first given to the use requested therein. Mr. Gladstone, several long-time residents of the neighborhood and Mr. Hinkle, Petitioners' land use expert, confirmed the property had been used as a farm for decades by the previous owner (Robinson) and as a limited acreage wholesale flower farm by Gladstone for the past seven (7) years. Hinkle described the area as being rather isolated and on the fringe of residential and agricultural uses. It has a village flavor being some 4,500 feet off of Belair Road and away from the attendant high density Perry Hall community. The Gunpowder State Park is to the west and agricultural operations to the north separated by dense woods. His testimony was that the existing use of the property as a farm with the accessory farm structure was in the spirit of the B.C.Z.R. and in no way detrimental to the public health, safety and general welfare of this tight-knit community. Petitioners' Exhibit 6 demonstrates the distances from the equipment building in conjunction to the nearest neighboring homes, i.e., Saville and Thomas - 62 and 175 yards respectively, Gonce and Zeleny on the other side of Schroeder Avenue are the closest – 47 and 57 yards away. Long-time residents

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Phillip Curran, Ethel Wheeler, Lambros Panagodimos, Richard Long, Donna Davis, Laura Kimball, John Gonce, Claire Zeleny, and Sandy Mast, corroborated the testimony of Messrs. Gladstone and Hinkle establishing the property as a limited acreage flower farm with an accessory storage building for farm equipment and materials.

Mr. Thomas and Kevin Gambrill testified and described the operation in a different manner. They believe that the property is used as a landscape business. They produced photographs (Protestants' Exhibits 1- 8) depicting the subject site and past operations thereon. Mr. Thomas argues that the business has changed the dynamics of the neighborhood and states it is rather remarkable that he has never seen flowers being grown on this farm since Mr. Gladstone acquired the property.

It is beyond dispute that the Protestants' photographic exhibits and those submitted to the Office of Planning indicate the existence of landscape materials and equipment on the property. However, it was established through unrefuted testimony that the offered photographs were more than three (3) years old and did not accurately depict the property or farm as it existed at the time of the filing of the petition in November, 2006 or on the date of this hearing. The prejudicial effect of this evidence is demonstrated by comparing the Office of Planning's Zoning Advisory Committee (ZAC) comments, which vary from not opposing the Petitioner's request in December, 2006 to one of recommending a denial in May, 2007. Petitioners argue that the subsequent May comment is erroneous because there was insufficient evidence, other than a partisan letter and dated photographs, in view of the testimony and admitted absence of activities at the site. *See* Baltimore County Exhibit 3. In this regard, taking into consideration a portion of Mr. Gambrill's testimony excerpted from his cross-examination by Petitioners' counsel relative to the reasons for the revised comment is instructive:

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Q: Could you agree that a farm, whether it is a limited acreage wholesale flower farm or any type of farm, would require or typically have vehicles associated with it, is that a fair assessment?

A: Provided you were in the appropriate zone, yes.

Q: And this zone does allow a limited acreage wholesale flower farm, isn't that correct?

A: This zone allows for that use.

Q: So if he has vehicles and he's testified that he has vehicles to be used to deliver materials to his distributor on a job and then he stores them in a building, does that go along with a typical farm use?

A: If the primary operation for this use as it sits now is for the growing of flowers and small plants, then that's it.

Q: That's the testimony and their wholesale distribution that would qualify as a limited acreage wholesale flower farm and that was Mr. Gladstone's testimony and will be again later today, and when you visited the site back in December, you didn't challenge the Zoning Office's interpretation . . .

A: Again, it's the timing, the timing of things . . .

As it often happens, this is a close case. On the one hand, the absence of growing and warehousing plants for pickup by others and the labeling of a site plan as an "Equipment Storage Building and Office" is disturbing and supports the arguments of Ms. Beaty that this is a landscape use. On the other, however, photographs (Petitioner's Exhibit 4) and the weight of the testimonial evidence support the zoning planner's review and classification that the growing of plants, shrubbery and small trees for wholesale delivery is correctly characterized as a limited acreage flower farm. Moreover, as noted, the D.R.2 zone, while a residential classification, allows this type of farm. Maryland courts have held " . . . [Zoning Ordinances] are in derogation of the common law right to so use private property as to realize its highest utility, and they should be liberally construed to accomplish their plain purpose and intent. They should not be extended by implication to cases not

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clearly within the scope and purpose and intent manifest in their language". *White v. North*, 356 Md. 31, 48 (1999) quoting *Aspen Hill Venture v. Montgomery Co. Council,* 265 Md. 303 (313-314) (1972).

Based upon all the testimony and evidence presented, I am persuaded to approve the use of this property as a limited acreage wholesale flower farm. I find that the Petitioners' have satisfied the requirements of Section 1B01.1A(7) and, as set forth below, Section 404.1 of the B.C.Z.R. To assure strict adherence to the zoning regulations and as recommended by the Office of Planning, I will impose restrictions and, therefore, believe relief can be granted without detrimental impacts to the surrounding locale.

Turning next to the variance request, the Petitioner's seek relief to permit an internal roadway and an accessory structure to be located closer to the property line than permitted. They also request approval to load and unload vehicles within the enclosed accessory structure. A zoning variance petition in Baltimore County carries with it two burdens: a burden of production of evidence and a burden of persuasion. The burdens must be met with respect to the two step test propounded by Section 307 of the B.C.Z.R. Section 307.1 states that variances from the regulations may only be granted where "special circumstances or conditions exist that are peculiar to the land or structure ... and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995) is the leading case in Baltimore County addressing the issue of "special circumstances or conditions." In that case the Petitioner sought a height variance for an accessory structure that had been built higher than the building permit stated and higher than the B.C.Z.R. permits. No testimony of unique condition or special circumstances was offered. Judge Cathell articulated the two step variance analysis as follows:

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"The first step requires a finding that the property whereon the structures are to be placed (or uses conducted) is – in and of itself – *unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness or peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property.* Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists...." *Id.* at 694-695. emphasis added.

It is instructive that Judge Cathell was seeking in his opinion to correct a situation "where the zoning authorities are first determining whether a practical difficulty or unreasonable hardship exists. That determination is then used to create a unique or unusual situation as to the subject property because surrounding properties do not experience the hardship or difficulty." *Id.* at 695. It is the uniqueness of the property which has to cause the ordinance to have a different impact on it than on adjoining property. In this regard, it bears emphasis to point out that the internal roadway and accessory structure labeled as the "Equipment Storage Building" have in one form or another existed at their current locations since the 1950's. Although the current structure was built by Mr. Gladstone since his purchase of the property seven (7) years ago, it was built upon the foundation(s) of the barn and trailers used by Mr. Robinson until his death in 1989. Donna Davis was quite clear about these facts and lived across from the subject property since 1964. Obviously, strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners' in that the structure cannot be relocated elsewhere on the property. The unrefuted and uncontradicted testimony of Mr. Hinkle and area residents was that the property is long and narrow with over 600 feet of road frontage. It is bisected by the access road to the adjacent property that runs directly through the middle of this property. It is also unique with limitations caused by the

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By TCC

existing home, well and septic, topography, granite rock outcroppings and subsurface constraints. Petitioners' argument concerning these physical characteristics and special conditions is fully addressed in their written Memorandum and will not be repeated here. I am persuaded to grant the requested variance relief. There will be no detriment to the health, safety, or general welfare of the surrounding locale by doing so. Moreover, there were no adverse comments submitted by any County reviewing agency concerning the requested variances, and no one appeared in opposition to them. The neighbor most affected by the variance requests is in support of them. *See* Richard A. Saville's letter annexed to Petitioners' Exhibit 8. Thus, I find that the relief requested is appropriate in this instance and should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 31st day of May, 2007, that the Petition for Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building, be and is hereby granted.

IT IS FURTHER ORDERED that the variance relief as follows: (1) to permit an internal roadway to be less than 25 feet from a property line per Section 404.1A of the (B.C.Z.R.), (2) to permit an accessory structure to be located 23 feet, +/- from a property line in lieu of the required 50 feet per Section 404.1B of the B.C.Z.R., and (3) to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R, in

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By DEC

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for their permits and be granted same upon receipt of Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

2. The limited acreage flower farm [with its attendant storage of equipment, materials and vehicles associated with the farm] including all parking is limited to a maximum of 1.472 acres as shown on the attached exhibit. The remaining 1.09 acres of the property will continue with the current residential use.

3. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading and unloading activities associated with the flower farm, shall not occur from 6:00 PM to 7:00 AM. There will be no Sunday hours. Vehicles, equipment and materials necessary for the farm operation shall be stored inside the existing accessory building labeled "Equipment Storage Building" on the site plan when not in use and during non-working hours.

4. A final landscape plan in accordance with the site plan submitted and Section 404.1C of the B.C.Z.R. is to be submitted to and approved by Avery Harden, Baltimore County's Landscape Architect. Most notably, the final approved landscaped plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837 and 3861 Schroeder Avenue.

5. The special hearing relief granted to Petitioners herein is personal in nature, limited in duration, and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner. To assure the current and future use of the subject property will not impact adversely upon nearby residential areas or become a Zoning Enforcement problem, the *farm use* shall cease to exist upon the first of the following event(s):

   - The property is sold to an unrelated third party of the Gladstone's immediate family or their heirs; and/or

   - The Outdoor Connection Inc.'s stock ownership is transferred or purchased by anyone other than current stockholders or members; and/or

   - After the passage of twelve (12) years of the date hereof.

6. These conditions are intended to bind the Petitioners and their successors and assigns. Accordingly, Petitioners, through counsel, shall place in any deed of conveyance a reference to this case number and these restrictions.

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7. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

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By

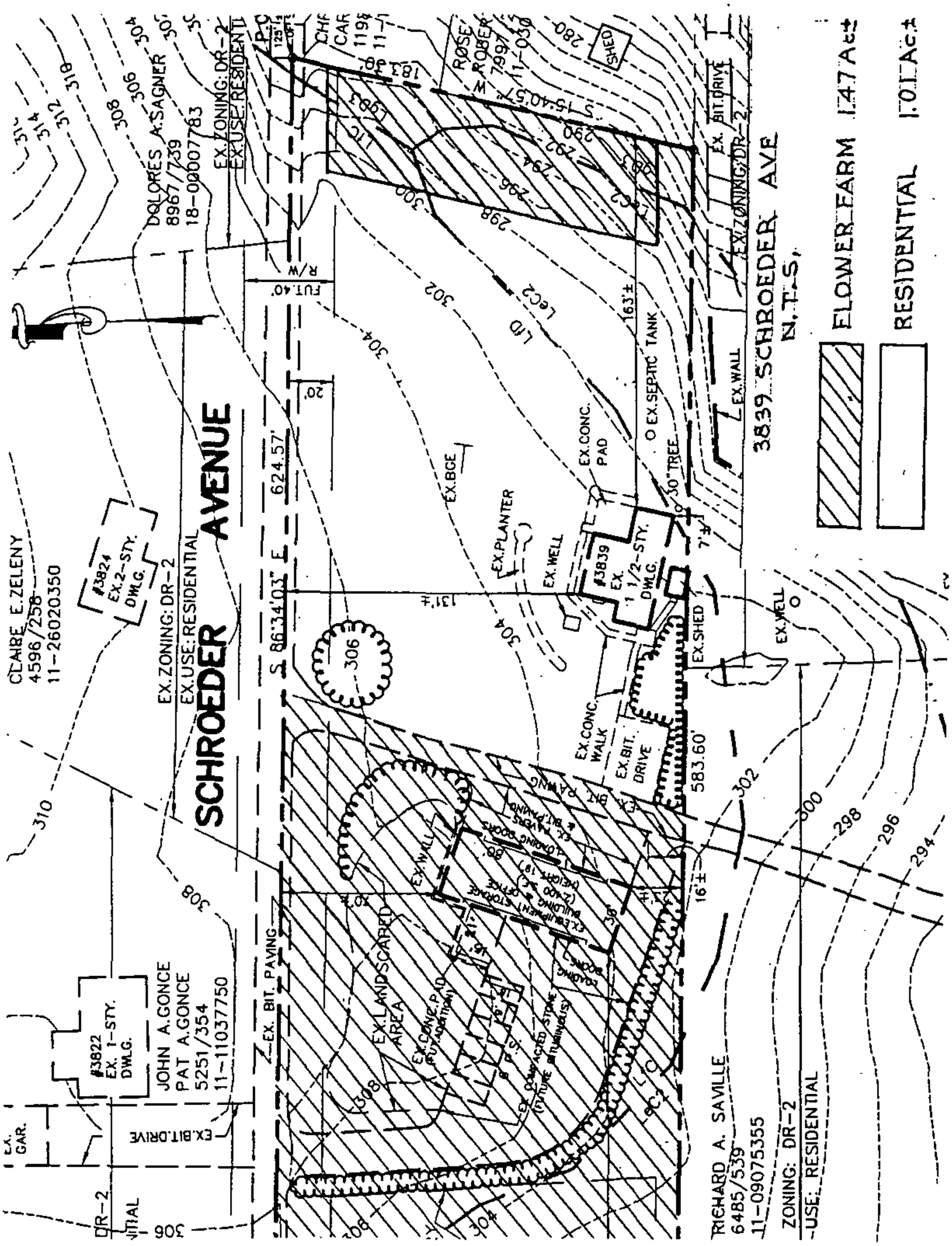

EXHIBIT 07-229-SPHA

(Full Size Plat in Zoning File)

ORDER RECEIVED FOR FILING
Date 5-31-07
By

IN THE MATTER OF THE APPLICATION OF BARRY GLADSTONE AND THE OUTDOOR CONNECTION – PETITIONERS FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SW/COR OF SCHROEDER AVE. AND SADLER LANE (3839 SCHROEDER AVENUE) 11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	* * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 07-229-SPHA

* * * * * * * * *

AMENDED ORDER OF DISMISSAL

Reference is made in the first paragraph of the Board's **Order of Dismissal** dated September 4, 2008, to the Appellants in this matter. However, the file indicates that the names of Charles Ehatt and Dennis and Brenda Ward were to be omitted as parties to the appeal by request of J. Carroll Holzer, Esquire, in a letter filed on March 14, 2008.

ACCORDINGLY, IT IS ORDERED that the first paragraph of the Board's September 4, 2008, Order of Dismissal shall be amended **to delete the names of Charles Ehatt and Dennis & Brenda Ward** from the Order of Dismissal, which shall then read as follows:

> This case comes to the Board on appeal filed by J. Carroll Holzer, Esquire, on behalf of Perry Hall Improvement Assn., Inc., and individuals Debra Beaty and Robert & Deborah Thomas.

No other changes having been made, the Petitions filed in Case No. 07-229-SPHA are **WITHDRAWN AND DISMISSED**, rendering moot the appeal filed in this matter; and the Zoning Commissioner's Order of May 31, 2007, including any relief granted therein, is rendered null and void as of the date of the Board's Order of Dismissal in this matter issued on September 4, 2008.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Robert W. Witt

DATE: September 24, 2008

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

September 24, 2008

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Barry Gladstone and The Outdoor Connection, Inc., Petitioners* /Case No. 07-229-SPHA
Amended Order of Dismissal of Petitions

Dear Mr. Lanzi:

Enclosed please find a copy of the Amended Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter.

Very truly yours,

Kathleen Bianco/sc

Kathleen C. Bianco
Administrator

Enclosure

c: Barry Gladstone and Anita Gladstone
The Outdoor Connection /Barry Gladstone, President
Clyde Hinkle /William N. Bafitis, P.E.
J. Carroll Holzer, Esquire
Perry Hall Imp. Association, Inc
attn: Debra Beaty
Robert & Deborah Thomas
David Marks
Charles Ehatt
Brenda Ward
Emory Levine
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

COUNTY BOARD OF APPEALS

SUITE 203 • THE JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

BRENDA WARD
FAX: 410-256-6255

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:
SEPTEMBER 24, 2008

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

RE: CASE NO. 07-229-SPHA /OUTDOOR CONNECTION /AMENDED ORDER OF DISMISSAL

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED IS A COPY OF THE AMENDED ORDER SENT OUT THIS DATE.

This message is intended only for the addressee and may contain information that is privileged and/or confidential in nature. If the reader is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, and/or received this communication in error, please notify the sender immediately by telephone and return the original message to the sender.

4/01/08 –T/C w/Mr. Lanzi – dates of 8/26 and 8/27 will work for him; t/c to Mr. Holzer's office – to be postponed from the July dates and reassigned to 8/26/ and 8/27; notice to be prepared today.
-- Second Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, August 26, 2008 and Wednesday, August 27, 2008, both dates beginning at 10 a.m.

5/29/08 – Having received several telephone calls this date regarding the location of the appeal sign, which had been posted on Sadler rather than Schroeder Ave., a call was placed to have the sign relocated to Schroeder Avenue.
-- T/C from Mr. Emory Levine – 3811 Schroeder Avenue, Perry Hall, MD 21128 (51-year resident); requested copy of notice, information re case, and copy of any further notices, decisions, etc., related to this property. Added to file; copy of notice sent this date to 3811 Schroeder Avenue for Mr. Levine.

8/25/08 – Letter hand-delivered by Neil Lanzi, Esquire, Counsel for Petitioners; withdrawal of petitions by Petitioners, ending "these proceedings." Hearing dates of 8/26 and 8/27/08 pulled; order to be issued – petitions withdrawn; appeal moot; relief granted below null and void. (Mr. Holzer aware of this withdrawal; advised Mr. Lanzi that no one need appear on 8/26 or 8/27; Board 3-1-6 to be notified.)

CASE #: 07-229-SPHA

IN THE MATTER OF: THE OUTDOOR CONNECTION –Legal Owner /Petitioner 3839 Schroeder Avenue 11th E; 5th C

SPH – To approve limited acreage wholesale flower farm and to allow storage of equipment, materials and vehicles associated with the farm in existing accessory building;
VAR – To permit internal roadway to be less than 25' from property line; to permit accessory structure to be located 23' +/- from property line ilo required 50'; and to permit loading or unloading of vehicles for purpose of shipping and receiving goods within 16' +/- of property line of residentially zoned or used property ilo required 50'.

5/31/2007 – Z.C.'s Decision in which requested zoning relief was GRANTED with restrictions.

1/04/2008 - Notice of Assignment sent to following; assigned for hearing on Tuesday, April 1, 2008 at 10:00 a.m. for Day #1; and for Wednesday, April 9, 2008 at 10:00 a.m. for Day #2:

J. Carroll Holzer, Esquire
Perry Hall Imp. Association, Inc /David
Marks, President
Debra Beaty Robert & Deborah Thomas
Charles Ehatt Dennis & Brenda Ward
J. Neil Lanzi, Esquire
Barry Gladstone and Anita Gladstone
The Outdoor Connection /
Barry Gladstone, President
Clyde Hinkle /William N. Bafitis, P.E.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

2/15/08 – Request for postponement filed by J. Neil Lanzi, Esquire, counsel for Petitioners due to client's schedule conflict; requesting that both dates be postponed.

3/11/08 – Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, July 15, 2008 and Tuesday, July 22, 2008, both dates starting at 10 a.m. FYI copy to 3-1-6 / scheduled panel.

3/14/08 – T/C from Brenda Ward regarding the above notice. Ms. Ward indicated that Mr. Holzer had previously sent a letter requesting that she and her husband, as well as David Marks and Charles Ehatt be omitted as parties in the appeal filed in this matter. Ms. Ward also requested that her husband, Dennis Ward, not be included at all on any future notices. Advised Ms. Ward that there is no indication that this letter had ever been received.
-- T/C to Mr. Holzer's office requesting copy of letter referenced above. Received via FAX this date. Letter sent to Mr. Holzer with appropriate copies – acknowledging receipt of his letter and removing the above names from the Appellants portion of the notice, and including all but Mr. Ward on the left side for notice only.

3/28/08 – Letter from J. Neil Lanzi, Esquire, requesting postponement of 7/15 and 7/22/08 dates; he has a previously scheduled vacation out of state that conflicts with these dates. T/C to Mr. Lanzi and Mr. Holzer regarding possible August dates (offering any two of 8/19, 8/20, 8/21, 8/26, 8/27, or 8/28/08).
-- T/C from Mr. Holzer – available any of the offered dates; will get back to him early next week with confirmation as to new hearing dates.

TRANSMISSION VERIFICATION REPORT

TIME : 09/04/2008 11:01
NAME : BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180
SER.# : 000K7N258308

DATE,TIME	09/04 11:00
FAX NO./NAME	2877
DURATION	00:00:55
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
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September 24, 2008

J. Neil Lanzi, Esquire
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Amended Order of Dismissal of Petitions

Dear Mr. Lanzi:

Enclosed please find a copy of the Amended Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter.

Very truly yours,

Kathleen Bianco/sc

Kathleen C. Bianco
Administrator

Enclosure

c: Barry Gladstone and Anita Gladstone
The Outdoor Connection /Barry Gladstone, President
Clyde Hinkle /William N. Bafitis, P.E.
J. Carroll Holzer, Esquire
Perry Hall Imp. Association, Inc
attn: Debra Beaty
Robert & Deborah Thomas
David Marks
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September 4, 2008

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Barry Gladstone and The Outdoor Connection, Inc., Petitioners* /Case No. 07-229-SPHA
Order of Dismissal of Petitions

Dear Mr. Lanzi:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter in which the subject Petitions for Special Hearing and Variance have been withdrawn and dismissed.

Very truly yours,

Kathleen Bianco/sc

Kathleen C. Bianco
Administrator

Enclosure

c: Barry Gladstone and Anita Gladstone
The Outdoor Connection /Barry Gladstone, President
Clyde Hinkle /William N. Bafitis, P.E.
J. Carroll Holzer, Esquire
Perry Hall Imp. Association, Inc
attn: Debra Beaty
Robert & Deborah Thomas
David Marks
Charles Ehatt
Brenda Ward
Emory Levine
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Post-it® Fax Note 7671	Date 9/4/08	# of pages ▸ 3
To Colleen	From Sunny	
Co./Dept. PDM	Co. Bd. of Appeals	
Phone #	Phone # 3180	
Fax # 2877	Fax # 3182	

IN THE MATTER OF THE APPLICATION OF	*	BEFORE THE
BARRY GLADSTONE AND THE OUTDOOR CONNECTION – PETITIONERS FOR	*	COUNTY BOARD OF APPEALS
SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE SW/COR	*	OF
OF SCHROEDER AVE. AND SADLER LANE (3839 SCHROEDER AVENUE)	*	BALTIMORE COUNTY
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT	*	Case No. 07-229-SPHA

* * * * * * * * *

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeal filed by J. Carroll Holzer, Esquire, on behalf of Perry Hall Improvement Assn., Inc., and individuals Debra Beaty; Robert & Deborah Thomas; Charles Ehatt; and Dennis & Brenda Ward, from the May 31, 2007, decision of the Zoning Commissioner in which the subject Petitions were granted with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petitions filed August 25, 2008, by J. Neil Lanzi, Esquire, Counsel for Petitioners, Barry Gladstone and The Outdoor Connection, Inc., (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petitions for Special Hearing and Variance filed in the above-referenced matter be withdrawn as of August 25, 2008,

IT IS THEREFORE. this 4th day of September, 2008, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 07-229-SPHA are **WITHDRAWN AND DISMISSED**, rendering moot the appeal filed in this matter; and that the Zoning Commissioner's Order of May 31, 2007, including any relief granted therein, is rendered null and void.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr./Chairman

Lawrence S. Wescott

Robert W. Witt

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

August 25, 2008

Hand-Delivered
Kathleen C. Bianco, County Administrator
County Board of Appeals for Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: In the Matter Of: Barry Gladstone and The Outdoor Connection, Inc.
Case No. 07-229-SPHA

Dear Ms. Bianco:

This office represents Barry Gladstone and The Outdoor Connection, Inc., Petitioners in the above referenced case. This case was decided by the Zoning Commissioner for Baltimore County on May 31, 2007 and an appeal was noted by the Perry Hall Improvement Association, Inc. and numerous individuals on June 28, 2007.The hearing in this matter has been scheduled for Tuesday, August 26, 2008 and Wednesday, August 27, 2008 at 10:00 a.m. The purpose of this letter is to advise you that Petitioners have elected to withdraw all petitions for zoning relief in Case No. 07-229-SPHA and end these proceedings. Please issue an order as appropriate and note your docket accordingly.

Thank you for your cooperation and attention to this matter.

Sincerely,

J. Neil Lanzi

JNL\mal
cc: Barry Gladstone
Carroll Holzer, Esquire via fax
Office of People's Counsel via hand-delivery

RECEIVED
AUG 25 2008
BALTIMORE COUNTY
BOARD OF APPEALS

TRANSMISSION VERIFICATION REPORT

TIME : 08/26/2008 12:47
NAME : BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180
SER.# : 000K7N258308

DATE,TIME	08/26 12:47
FAX NO./NAME	2877
DURATION	00:00:25
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

Copy of WID letter from N. Lang - 07-229-SPHA to Colleen PDM. Order to be faxed to her when received.

Post-it® Fax Note 7671

To Colleen	Date 8/26/08 # of pages ▶ 1
Co./Dept. PDM	From Kathi Bianco
Phone #	Co.
Fax # 2877	Phone # 410 887 3180
	Fax #

Requested: Nov. 28, 2007

APPEAL SIGN POSTING REQUEST

28 K8

CASE NO. 07-229-SPHA

3829 SCHROEDER AVENUE

11TH ELECTION DISTRICT APPEALED: 6/28/2007

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

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

CERTIFICATE OF POSTING

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

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-229-SPHA

LEGAL OWNER: **BARRY E. GLADSTONE**

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

3829 SCHROEDER AVENUE

S/west corner of Schroeder Ave. & Sadler Lane

The sign was posted on 5/28/8, 2007.

By: Chen + Kelly
(Signature of Sign Poster)

Chen, J / Kelly S
(Print Name)

ZONING APPEAL
PUBLIC HEARING
97-229
410-887-3180

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE	*	COUNTY BOARD
S/W Corner of Schroeder Avenue, 100' W of Sadler Avenue (3839 Schroeder Avenue)	*	OF APPEALS FOR BALTIMORE COUNTY
Barry Gladstone, Legal Owner The Outdoor Connection. Inc. Contract Purchaser/Lessee	*	Case No. 07-229-SPHA
Petitioner	*	

* * * * * * * * * *

RECEIVED
AUG 15 2008
BALTIMORE COUNTY
BOARD OF APPEALS

SUBPOENA

TO: Keith Parker, Baltimore County Department of Permits and Development Management County Office Building, Code Enforcement, 111 W. Chesapeake Ave, Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the County Board of Appeals for Baltimore County in Hearing Room #2, Second Floor, Jefferson Building, 105 W. Chesapeake Avenue and to bring the code enforcement file for 3839 Schroeder Avenue on the 26th day of August, 2008, regarding the above captioned case, for the purpose of testifying at the request of Barry Gladstone, Petitioner.

Mel Lanzi

Mr. Sheriff/Private Process Server:

Please process in accordance with Board of Appeals Rule 5.

Kathleen C. Bianco
County Board of Appeals
For Baltimore County

Issued: _____

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE	*	COUNTY BOARD
S/W Corner of Schroeder Avenue, 100' W of Sadler Avenue (3839 Schroeder Avenue)	* *	OF APPEALS FOR BALTIMORE COUNTY
Barry Gladstone, Legal Owner The Outdoor Connection. Inc. Contract Purchaser/Lessee	* *	Case No. 07-229-SPHA
Petitioner	*	

* * * * * * * * * *

RECEIVED
AUG 15 2008
BALTIMORE COUNTY
BOARD OF APPEALS

SUBPOENA

TO: John Lewis, Baltimore County Department of Permits and Development Management
County Office Building, Zoning Office, 111 W. Chesapeake Ave, Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the County Board of Appeals for Baltimore County in Hearing Room #2, Second Floor, Jefferson Building, 105 W. Chesapeake Avenue and to bring the zoning file for 3839 Schroeder Avenue on the 26th day of August, 2008, regarding the above captioned case, for the purpose of testifying at the request of Barry Gladstone, Petitioner.

Mr. Sheriff/Private Process Server:

Please process in accordance with Board of Appeals Rule 5.

Kathleen O. Bianco
County Board of Appeals
For Baltimore County

Issued: _____

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

March 14, 2008

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Outdoor Connection*
Case No. 07-229-SPHA

Dear Mr. Holzer:

This will acknowledge receipt this date of the copy of your July 23, 2007 letter via facsimile. I have searched our file and can find no indication that the original July letter was ever received by this office.

In accordance with your request, I have moved the names of David Marks, Charles Ehatt, and Dennis and Brenda Ward from the "Appellants" section of the notice and am listing them as "interested persons" for purpose of notice only. In addition, pursuant to a telephone call I received today from Ms. Ward, I have also removed the name of Dennis Ward from the notice completely, as requested by Ms. Ward.

The file has been noted to reflect this change. Please contact me if I can be of any further assistance.

Very truly yours,

Kathleen C. Bianco
Administrator

c: J. Neil Lanzi, Esquire
Perry Hall Improvement Assn.
Brenda Ward
David Marks
Charles Ehatt
Office of People's Counsel

TRANSMISSION VERIFICATION REPORT

TIME : 03/14/2008 16:51
NAME : BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180
SER.# : 000K7N258308

DATE,TIME	03/14 16:51
FAX NO./NAME	94108254923
DURATION	00:00:35
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

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:

J CARROLL HOLZER, ESQUIRE
ATTN: STERLING

FAX : 410-825-4923

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
MARCH 14, 2008

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

Re: Outdoor Connection /Case No. 07-229-SPHA

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

CARROLL:

ATTACHED IS AN FYI COPY OF THE LETTER THAT WENT OUT TODAY CONFIRMING THE CHANGES TO THE SUBJECT FILE.

THANKS FOR GETTING THE LETTER TO ME TODAY. I FOUND NO INDICATION THAT WE HAD EVER RECEIVED THE ORIGINAL – SORRY IF THIS CAUSED YOU ANY PROBLEMS.

KATHI

This message is intended only for the addressee and may contain information that is privileged and/or confidential in nature. If the reader is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, and/or received this communication in error, please notify the sender immediately by telephone and return the original message to the sender.

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

July 23, 2007
#7720

FAX NO. 410-887-3182
Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

RE: In the Matter Of: Petitions for Special Hearing & Variance
Case No. 07-229-SPHA

Dear Ms. Bianco:

On June 28, 2007, I took an appeal to the County Board of Appeals in the above referenced matter on behalf of Perry Hall Improvement Association and several named individuals. Please omit the names of David Marks; Charles Ehatt and Dennis and Brenda Ward as parties in the appeal. Their addresses appear in the Notice of Appeal. Their withdrawal shall be effective immediately.

As always, I appreciate your assistance and cooperation.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: J. Neil Lanzi, Esq.
Perry Hall Improvement Assn.

RECEIVED
MAR 14 2008
BALTIMORE COUNTY
BOARD OF APPEALS

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	0256
CONNECTION TEL	4108873182
SUBADDRESS	
CONNECTION ID	
ST. TIME	07/25 13:09
USAGE T	01'16
PGS. SENT	2
RESULT	OK

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@CAVTEL.NET

Facsimile Cover Sheet

To: Kathy Bianco

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: July 25, 2007 Time: 2:00 a.m./p.m.

Total Number of Pages Including this Cover: 2

Original Will ____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: 410- Main Number: 410-

Client & Matter: File Number: #

CONFIDENTIALITY NOTICE

****
*** TX REPORT ***
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TRANSMISSION OK

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CONNECTION TEL	4107162109
SUBADDRESS	
CONNECTION ID	
ST. TIME	07/25 13:12
USAGE T	00'23
PGS. SENT	2
RESULT	OK

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@CAVTEL.NET

Facsimile Cover Sheet

To: Debra Beatty

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: July 25, 2007 Time: 2:05 a.m./p.m.

Total Number of Pages Including this Cover: 2

Original Will ____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: 410- Main Number: 410-

Client & Matter: File Number: #

CONFIDENTIALITY NOTICE

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	0544
CONNECTION TEL	4102566255
SUBADDRESS	
CONNECTION ID	
ST. TIME	01/10 14:52
USAGE T	01'03
PGS. SENT	4
RESULT	OK

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@CAVTEL.NET

Facsimile Cover Sheet

To: Brenda Ward

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: Jan. 10, 2008 Time: 2:40 a.m./p.m.

Total Number of Pages Including this Cover: 4

Original Will _____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number:	410-	Main Number:	410-
Client & Matter:		File Number:	#

CONFIDENTIALITY NOTICE

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 8, 2007

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case: 07-229-SPHA, 3839 Schroeder Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on June 28, 2007 by J. Carroll Holzer on behalf of his clients.. 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
Barry Gladstone
The Outdoor Connection
See Attachment

Requested: Nov. 28, 2007

APPEAL SIGN POSTING REQUEST

CASE NO. 07-229-SPHA

3829 SCHROEDER AVENUE

11TH ELECTION DISTRICT APPEALED: 6/28/2007

IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE S/W Corner of Schroeder Ave. **(3839 Schroeder Ave.)** 11th Election District 5th Councilmanic District Barry Gladstone Legal Owner The Outdoor Connection, Inc., Contract Purchaser	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No.: 07-229-SPHA

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

NOTICE OF APPEAL

PERRY HALL IMPROVEMENT ASSN., INC., P.O. BOX 63, PERRY HALL, MD 21128 & DAVID MARKS, PRESIDENT, P.O. BOX 63, PERRY HALL, MD 21128, and individuals DEBRA BEATY, P.O. BOX 63, PERRY HALL, MD 21128; ROBERT & DEBORAH THOMAS, 3833 SCHROEDER AVE., PERRY HALL, MD 21128; CHARLES EHATT, SCHROEDER AVE., PERRY HALL, MD 21128; and DENNIS & BRENDA WARD, 9829 SADLER LANE, PERRY HALL, MD 21128, Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Zoning Commissioner in Case No. 07-229-SPHA, hereby note an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law dated May 31, 2007 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to Baltimore County to cover the costs of the appeal. Appellants were parties below and fully participated in the proceedings.

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

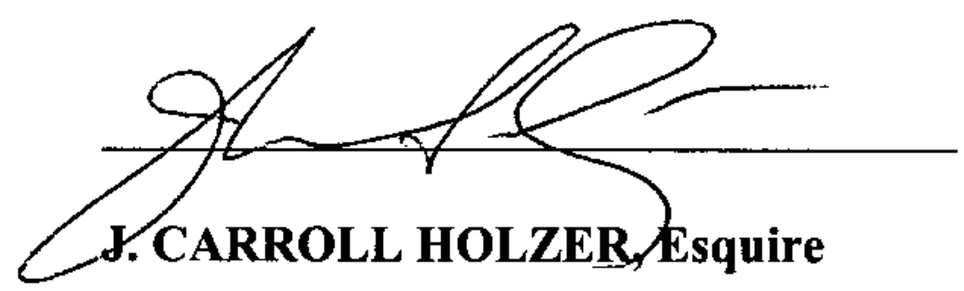
RECEIVED
JUN 28 2007
Per.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of June, 2007, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to J. Neil Lanzi, Esquire, 409 Washington Ave., Suite 617, Towson, MD 21204; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; and People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.



J. CARROLL HOLZER, Esquire

C:\My Docs\Notices 2007\Perry Hall Impr. Assn. CBA 6-27-07

5/31

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
S/W Corner of Schroeder Avenue, 100' W of Sadler Lane	*	ZONING COMMISSIONER
(3839 Schroeder Avenue)	*	OF
11th Election District 5th Council District	*	BALTIMORE COUNTY
	*	
Barry E. Gladstone, *Legal Owner* The Outdoor Connection, Inc., *Contract Purchaser/Lessee* Petitioner	* *	**Case No. 07-229-SPHA**

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Barry E. Gladstone and The Outdoor Connection, Inc., the contract purchaser/lessee through their attorney, J. Neil Lanzi, Esquire. The Petitioners requests a special hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. In addition, variance relief is requested as follows: (1) to permit an internal roadway to be less than 25 feet from a property line per Section 404.1A of the (B.C.Z.R.), (2) to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B of the B.C.Z.R., and (3) to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan which was submitted

Exh. #1

into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Barry Gladstone, individually and as the president of Outdoor Connection, Inc., his wife, Anita Gladstone, Clyde Hinkle, a consultant with William N. Bafitis, P.E., who prepared the site plan and experienced with County zoning regulations, and J. Neil Lanzi, Esquire, attorney for the Petitioners. The request generated overwhelming support from the majority of the residents on Schroeder Avenue, namely Donna and Matt Davis, Claire and Raymond Zeleny, Laura and Emily Kimball, John and Patricia Anne Gonce, James and Angela Mosley, Richard and Suzanne Long, Cheryl and Phillip Curran, Mary Goss, Lambros and Panagiotis Panagodimos, Paul Powell, Nick and Lois Micucci, Ethel Wheeler, Vonnie Eady, and Sandy Mast. Additionally, as evidenced by Petitioners' Exhibit 8, some fourteen (14) neighbors who were unable to attend the hearing also support the Petitioners' endeavor. However, the requested approval was contested. The opponents are adjacent neighbors and included Debra and Robert Thomas, Mr. Thomas' sister, Brenda Ward, and Stephen Ehatt. Debra Beaty appeared as a representative of the Perry Hall Improvement Association. Also present and called as a witness was Kevin Gambrill, a community planner with the Baltimore County's Office of Planning.

An extensive volume of testimony and evidence was offered in this case over the two hearing dates. The primary area of concern relates to the use of the property which has dramatically decreased in past months. Some believe it to be a landscape service operation while others a wholesale flower farm. Due to limitations of time and space, it is impossible to repeat all of the testimony offered herein. Additionally, there were numerous documents, photographs, plats and maps, written memoranda and other exhibits entered into the record of this case.

In brief, the testimony and evidence offered disclosed that the subject property is a rectangularly shaped parcel located at the southwest corner of Schroeder Avenue and Sadler Lane in

Perry Hall. The property, purchased by Barry Gladstone in 1999, contains a gross area of 2.564 acres, more or less, approximately 180 feet wide by 600 feet in dimension and zoned D.R.2. The site is bisected by a paved bituminous driveway that runs from Schroeder Avenue south to the home of Richard Saville. On the east side of this driveway is a two-story residential dwelling built in 1950. On the west side, a 30′ x 80′ farm equipment storage building, office, parking spaces and a plant inventory stock area. Mr. Gladstone testified that it is in this stock area (17,627 square feet) that he grows most of the flowers, holly trees, Leland Cypress, shrubbery, various grasses and other plant materials. It is this portion of the property (west of the driveway) that is the subject of a Baltimore County Code violation. A hearing on the code violation (Case No. 06-1843) was held in abeyance as it involved the operation of a business from residential property which is the subject of the instant special hearing and variance petition(s) before the Zoning Commissioner.

Mr. Gladstone acknowledged that at the time of the issuance of the Code Enforcement citation (June 16, 2006), he was conducting his landscape business out of the accessory building in conjunction with the flower farm. However, Gladstone unequivocally declared that, within the past twelve (12) months, all equipment and materials relating to the landscape business had been moved off the property to another location further north in Kingsville and that no landscaping supplies or materials have been delivered to the subject site during that period. He testified that the property, 3839 Schroeder Avenue, has been and will continue to be used solely as a wholesale flower farm with the accessory farm building and residence.

There are a number of land uses defined in Section 101 of the B.C.Z.R. that are relevant to rendering a decision in this case. Initially, it is to be noted that a limited acreage wholesale flower farm is defined in the B.C.Z.R. as a farm having "less than three acres of land, and any improvements thereon, and is primarily used for the growing of flowers and small plants and their

wholesale distribution". The term "farm" as defined in Section 101 of the B.C.Z.R. does not include landscape service operations or horticultural nursery operations. Farms are permitted by right in the D.R.2 zone, pursuant to Section 1B01.1A.7 of the B.C.Z.R, however, this use is subject to the provisions of Section 404 (Farms and Agricultural Operations) which provide for restrictions necessitating in this case the requested variance setbacks. The issue whether the subject property serves as a landscape business was raised by the Baltimore County Office of Planning, the Perry Hall Improvement Association and Bobby Thomas, the Protestants' only witness. A Landscape Service Operation is defined in the regulations as "an operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses".

Turning to the Petition for Special Hearing, attention is first given to the use requested therein. Mr. Gladstone, several long-time residents of the neighborhood and Mr. Hinkle, Petitioners' land use expert, confirmed the property had been used as a farm for decades by the previous owner (Robinson) and as a limited acreage wholesale flower farm by Gladstone for the past seven (7) years. Hinkle described the area as being rather isolated and on the fringe of residential and agricultural uses. It has a village flavor being some 4,500 feet off of Belair Road and away from the attendant high density Perry Hall community. The Gunpowder State Park is to the west and agricultural operations to the north separated by dense woods. His testimony was that the existing use of the property as a farm with the accessory farm structure was in the spirit of the B.C.Z.R. and in no way detrimental to the public health, safety and general welfare of this tight-knit community. Petitioners' Exhibit 6 demonstrates the distances from the equipment building in conjunction to the nearest neighboring homes, i.e., Saville and Thomas - 62 and 175 yards respectively, Gonce and Zeleny on the other side of Schroeder Avenue are the closest – 47 and 57 yards away. Long-time residents

Phillip Curran, Ethel Wheeler, Lambros Panagodimos, Richard Long, Donna Davis, Laura Kimball, John Gonce, Claire Zeleny, and Sandy Mast, corroborated the testimony of Messrs. Gladstone and Hinkle establishing the property as a limited acreage flower farm with an accessory storage building for farm equipment and materials.

Mr. Thomas and Kevin Gambrill testified and described the operation in a different manner. They believe that the property is used as a landscape business. They produced photographs (Protestants' Exhibits 1- 8) depicting the subject site and past operations thereon. Mr. Thomas argues that the business has changed the dynamics of the neighborhood and states it is rather remarkable that he has never seen flowers being grown on this farm since Mr. Gladstone acquired the property.

It is beyond dispute that the Protestants' photographic exhibits and those submitted to the Office of Planning indicate the existence of landscape materials and equipment on the property. However, it was established through unrefuted testimony that the offered photographs were more than three (3) years old and did not accurately depict the property or farm as it existed at the time of the filing of the petition in November, 2006 or on the date of this hearing. The prejudicial effect of this evidence is demonstrated by comparing the Office of Planning's Zoning Advisory Committee (ZAC) comments, which vary from not opposing the Petitioner's request in December, 2006 to one of recommending a denial in May, 2007. Petitioners argue that the subsequent May comment is erroneous because there was insufficient evidence, other than a partisan letter and dated photographs, in view of the testimony and admitted absence of activities at the site. *See* Baltimore County Exhibit 3. In this regard, taking into consideration a portion of Mr. Gambrill's testimony excerpted from his cross-examination by Petitioners' counsel relative to the reasons for the revised comment is instructive:

Q: Could you agree that a farm, whether it is a limited acreage wholesale flower farm or any type of farm, would require or typically have vehicles associated with it, is that a fair assessment?

A: Provided you were in the appropriate zone, yes.

Q: And this zone does allow a limited acreage wholesale flower farm, isn't that correct?

A: This zone allows for that use.

Q: So if he has vehicles and he's testified that he has vehicles to be used to deliver materials to his distributor on a job and then he stores them in a building, does that go along with a typical farm use?

A: If the primary operation for this use as it sits now is for the growing of flowers and small plants, then that's it.

Q: That's the testimony and their wholesale distribution that would qualify as a limited acreage wholesale flower farm and that was Mr. Gladstone's testimony and will be again later today, and when you visited the site back in December, you didn't challenge the Zoning Office's interpretation . . .

A: Again, it's the timing, the timing of things . . .

As it often happens, this is a close case. On the one hand, the absence of growing and warehousing plants for pickup by others and the labeling of a site plan as an "Equipment Storage Building and Office" is disturbing and supports the arguments of Ms. Beaty that this is a landscape use. On the other, however, photographs (Petitioner's Exhibit 4) and the weight of the testimonial evidence support the zoning planner's review and classification that the growing of plants, shrubbery and small trees for wholesale delivery is correctly characterized as a limited acreage flower farm. Moreover, as noted, the D.R.2 zone, while a residential classification, allows this type of farm. Maryland courts have held "... [Zoning Ordinances] are in derogation of the common law right to so use private property as to realize its highest utility, and they should be liberally construed to accomplish their plain purpose and intent. They should not be extended by implication to cases not

clearly within the scope and purpose and intent manifest in their language". *White v. North*, 356 Md. 31, 48 (1999) quoting *Aspen Hill Venture v. Montgomery Co. Council*, 265 Md. 303 (313-314) (1972).

Based upon all the testimony and evidence presented, I am persuaded to approve the use of this property as a limited acreage wholesale flower farm. I find that the Petitioners' have satisfied the requirements of Section 1B01.1A(7) and, as set forth below, Section 404.1 of the B.C.Z.R. To assure strict adherence to the zoning regulations and as recommended by the Office of Planning, I will impose restrictions and, therefore, believe relief can be granted without detrimental impacts to the surrounding locale.

Turning next to the variance request, the Petitioner's seek relief to permit an internal roadway and an accessory structure to be located closer to the property line than permitted. They also request approval to load and unload vehicles within the enclosed accessory structure. A zoning variance petition in Baltimore County carries with it two burdens: a burden of production of evidence and a burden of persuasion. The burdens must be met with respect to the two step test propounded by Section 307 of the B.C.Z.R. Section 307.1 states that variances from the regulations may only be granted where "special circumstances or conditions exist that are peculiar to the land or structure ... and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995) is the leading case in Baltimore County addressing the issue of "special circumstances or conditions." In that case the Petitioner sought a height variance for an accessory structure that had been built higher than the building permit stated and higher than the B.C.Z.R. permits. No testimony of unique condition or special circumstances was offered. Judge Cathell articulated the two step variance analysis as follows:

> "The first step requires a finding that the property whereon the structures are to be placed (or uses conducted) is – in and of itself – *unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness or peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property.* Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists...." *Id.* at 694-695, emphasis added.

It is instructive that Judge Cathell was seeking in his opinion to correct a situation "where the zoning authorities are first determining whether a practical difficulty or unreasonable hardship exists. That determination is then used to create a unique or unusual situation as to the subject property because surrounding properties do not experience the hardship or difficulty." *Id.* at 695. It is the uniqueness of the property which has to cause the ordinance to have a different impact on it than on adjoining property. In this regard, it bears emphasis to point out that the internal roadway and accessory structure labeled as the "Equipment Storage Building" have in one form or another existed at their current locations since the 1950's. Although the current structure was built by Mr. Gladstone since his purchase of the property seven (7) years ago, it was built upon the foundation(s) of the barn and trailers used by Mr. Robinson until his death in 1989. Donna Davis was quite clear about these facts and lived across from the subject property since 1964. Obviously, strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners' in that the structure cannot be relocated elsewhere on the property. The unrefuted and uncontradicted testimony of Mr. Hinkle and area residents was that the property is long and narrow with over 600 feet of road frontage. It is bisected by the access road to the adjacent property that runs directly through the middle of this property. It is also unique with limitations caused by the

existing home, well and septic, topography, granite rock outcroppings and subsurface constraints. Petitioners' argument concerning these physical characteristics and special conditions is fully addressed in their written Memorandum and will not be repeated here. I am persuaded to grant the requested variance relief. There will be no detriment to the health, safety, or general welfare of the surrounding locale by doing so. Moreover, there were no adverse comments submitted by any County reviewing agency concerning the requested variances, and no one appeared in opposition to them. The neighbor most affected by the variance requests is in support of them. *See* Richard A. Saville's letter annexed to Petitioners' Exhibit 8. Thus, I find that the relief requested is appropriate in this instance and should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 31st day of May, 2007, that the Petition for Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building, be and is hereby granted.

IT IS FURTHER ORDERED that the variance relief as follows: (1) to permit an internal roadway to be less than 25 feet from a property line per Section 404.1A of the (B.C.Z.R.), (2) to permit an accessory structure to be located 23 feet, +/- from a property line in lieu of the required 50 feet per Section 404.1B of the B.C.Z.R., and (3) to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R, in

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for their permits and be granted same upon receipt of Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

2. The limited acreage flower farm [with its attendant storage of equipment, materials and vehicles associated with the farm] including all parking is limited to a maximum of 1.472 acres as shown on the attached exhibit. The remaining 1.09 acres of the property will continue with the current residential use.

3. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading and unloading activities associated with the flower farm, shall not occur from 6:00 PM to 7:00 AM. There will be no Sunday hours. Vehicles, equipment and materials necessary for the farm operation shall be stored inside the existing accessory building labeled "Equipment Storage Building" on the site plan when not in use and during non-working hours.

4. A final landscape plan in accordance with the site plan submitted and Section 404.1C of the B.C.Z.R. is to be submitted to and approved by Avery Harden, Baltimore County's Landscape Architect. Most notably, the final approved landscaped plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837 and 3861 Schroeder Avenue.

5. The special hearing relief granted to Petitioners herein is personal in nature, limited in duration, and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner. To assure the current and future use of the subject property will not impact adversely upon nearby residential areas or become a Zoning Enforcement problem, the *farm use* shall cease to exist upon the first of the following event(s):

    - The property is sold to an unrelated third party of the Gladstone's immediate family or their heirs; and/or

    - The Outdoor Connection Inc.'s stock ownership is transferred or purchased by anyone other than current stockholders or members; and/or

    - After the passage of twelve (12) years of the date hereof.

6. These conditions are intended to bind the Petitioners and their successors and assigns. Accordingly, Petitioners, through counsel, shall place in any deed of conveyance a reference to this case number and these restrictions.

7. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3839 Schroeder Avenue

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

A limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

The Outdoor Connection, Inc.
Name - Type or Print

By: [signature] President
Signature

3839 Schroeder Avenue 410-256-7569
Address Telephone No.

Baltimore MD 21128
City State Zip Code

Legal Owner(s):

Barry E. Gladstone
Name - Type or Print

[signature]
Signature

Name - Type or Print

Signature

3815 Schroeder Avenue 410-256-7569
Address Telephone No

Baltimore, MD 21128
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi,
Name - Type or Print

[signature]
Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Ave Ste 617 410-296-068
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-229-SPHA

Reviewed By SR Date 11/16/06

ORDER RECEIVED FOR FILING
Date 5-31-07
By [illegible]

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3839 Schroeder Avenue

which is presently zoned DR 2

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

See attached

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

To be provided at hearing

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 zoni 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:

The Outdoor Conection, Inc.
Name - Type or Print

Barry E. Gladstone
Signature

3839 Schroeder Avenue 410-256-7569
Address Telephone No.

Baltimore, MD 21128
City State Zip Code

Legal Owner(s):

Barry E. Gladstone
Name - Type or Print

x Barry E. Gladstone
Signature

Name - Type or Print

Signature

3815 Schroeder Avenue 410-256-7569
Address Telephone

Baltimore, MD 21128
City State Zip C

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

J. Neil Lanzi
Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Ave Ste 617 410-296-068
Address Telephone

City State Zip C

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 11/14/06

Case No. 07-229-SPHA

ORDER RECEIVED FOR FILING
Date 5-31-07
By DW

REV 9/15/98

Petition for Variance

The Outdoor Connection, Inc., Contract Purchaser/Lessee and Barry E. Gladstone, Legal Owner of the property known as 3839 Schroeder Avenue in Baltimore County, Maryland hereby petition for a variance from the Baltimore County Zoning Regulations (BCZR) as follows:

1. To permit an internal roadway to be less than 25 feet from a property line per Section 404.1A.

2. To permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B.

3. To permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C.

The basis of the variance requests include the uniqueness of this property as well as practical difficulty. Additional reasons will be provided at the hearing.

#229

Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
3839 SCHROEDER AVENUE
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in Schroeder Avenue situated 125 feet, more or less, Northwesterly from the centerline of Sadler Lane; thence leaving Schroeder Avenue South 15°-40'-37", West 183.30 feet, thence North 86°-34'-51", West 583.60 feet; thence North 02°-45'-18", West 179.02 feet to a point in Schroeder Avenue thence along Schroeder Avenue, North 86°-34'-02" West 624.57 feet to the point of beginning.

Containing 108,094.34 Square Feet, 2.481 Acres, of land more or less.

Being the same lot of ground described in Deed Liber 14061, Folio 024 recorded among the Land Records of Baltimore County, Maryland and dated October 1, 1999.

STATE OF MARYLAND
WILLIAM N. BAFITIS
No. 11641
PROFESSIONAL ENGINEER

P.E.

William N. Bafitis, P.E. Maryland Reg. No. 11641

Date 9/28/06

#229

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 31, 2007

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
S/W Corner of Schroeder Avenue, 100' W of Sadler Lane
(3839 Schroeder Avenue)
11th Election District - 5th Council District
Barry E. Gladstone, *Legal Owner*; The Outdoor Connection, Inc.,
Contract Purchaser/Lessee - Petitioner
Case No. 07-229-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Code Enforcement and Inspection, PDM; Office of Planning; Case File
See Attachment – Addressees

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

October 17, 2007

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

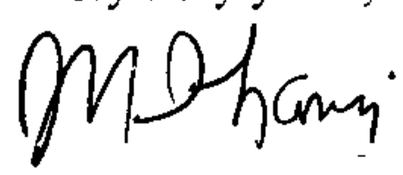
Re: Case No. 07-229-SPHA

Dear Ms. Bianco:

As your file should reflect, I represent the Outdoor Connection, Inc., Petitioner in the above referenced case. I have seen the correspondence back and forth between your office and Mr. Holzer, counsel for the Protestants/Appellants. Please be advised that I anticipate at least two days of hearing time necessary for this case depending on the number of witnesses on the Appellant side.

I look forward to hearing from you with potential hearing dates.

Very truly yours,



J. Neil Lanzi

JNL\mal
cc: Barry Gladstone
J. Carroll Holzer, Esquire

RECEIVED
OCT 20 2007
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

September 24, 2007

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

FILE

RE: Case No. 07-229-SPHA
Petitions for Special Hearing and Variance

Dear Mr. Holzer:

I am writing in response to your letter dated September 14, 2007 regarding the subject matter, the file for which was received in this office in August 2007.

Within the next 4 weeks, I will begin scheduling cases for hearing during the last 2 months of 2007, going into early 2008. At this time, there are a number of cases ahead of Case No. 07-229-SPHA awaiting a hearing date. However, once I have this particular file on my scheduling list, I will let you and Mr. Lanzi know about where it will fall in order to avoid postponement due to schedule conflicts.

Please call me if you have any further questions.

Very truly yours,

Kathleen C. Bianco
Administrator

c: J. Neil Lanzi, Esquire

Printed with Soybean Ink
on Recycled Paper

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

September 14, 2007
#7720

FAX NO. 410-887-3182
Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

RE: In the Matter Of: Petitions for Special Hearing & Variance
Case No. 07-229-SPHA

Dear Ms. Bianco:

On June 28, 2007, I took an appeal to the County Board of Appeals in the above referenced matter on behalf of Perry Hall Improvement Association and several named individuals. To date, the Board has not set this matter in for a hearing. I do not know the Board's availability of dates, but if you call me at 410-825-6961, we can work with Neil Lanzi, attorney for The Outdoor Connection, Inc., to schedule a mutually convenient date.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:mlg

cc: J. Neil Lanzi, Esq.
Perry Hall Improvement Assn.

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

May 18, 2007

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

RECEIVED
MAY 22 2007
BY:

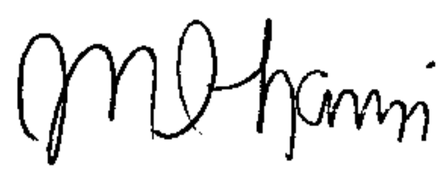
Re: Petitions for Special Hearing and Variance
Case No. 07-229-SPHA

Dear Mr. Wiseman:

Enclosed for filing, please find Petitioner's Memorandum in the above referenced case.

Thank you for your consideration.

Very truly yours,



J. Neil Lanzi

cc: Outdoor Connection, Inc.
Deborah Beaty, Chairman

IN RE: PETITION FOR SPECIAL HEARING AND PETITION FOR VARIANCE	*	BEFORE THE
3839 Schroeder Avenue	*	ZONING COMMISSIONER
S/W Corner of Schroeder Avenue And Sadler Lane	*	FOR
11th Election District	*	BALTIMORE COUNTY
5th Council District		
Barry E. Gladstone, Legal Owner	*	
The Outdoor Connection, Inc., Contract Purchaser	*	CASE NO. 07-229-SPHA
Petitioners		

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

MEMORANDUM OF PETITIONER

Barry E. Gladstone, Legal Owner and the Outdoor Connection, Inc., Contract Purchaser (collectively "Petitioner"), by their attorney, J. Neil Lanzi and J. Neil Lanzi, P.A., respectfully submit this Memorandum in Support of the Petition for Special Hearing and Petition for Variance submitted for the property known as 3839 Schroeder Avenue, Baltimore County, Maryland (the "Property").

I. BACKGROUND

Petitioner has requested a Special Hearing to obtain approval of a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations ("BCZR") and to allow the storage of equipment, materials and vehicles associated with the farm within the existing accessory building on the Property. Petitioner has also requested variances from the BCZR as follows:

1. To permit an internal roadway to be less than 25 feet from a property line per Section 404.1A.

2. To permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B.

3. To permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C.

Public hearing was held before the Zoning Commissioner on March 19, 2007 and May 9, 2007.

II. DISCUSSION – SPECIAL HEARING PETITION

A limited acreage wholesale flower farm is defined in the BCZR, Section 101 as:

"A limited acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon, and is primarily used for the growing of flowers and small plants and their wholesale distribution."

Petitioner's property is located in the DR 2 zone and is subject to Section 1B01.1 of the BCZR, which states in part:

A. Uses permitted as right. The following uses only are permitted as of right in DR zones of all classifications, subject to the restrictions hereinafter prescribed.

7. Farms, produce stands in association with a farm, or limited acreage wholesale flower farms (See Section 404).

Petitioner's Property consists of 2.481 acres and is improved with a residence built in 1950, the limited acreage wholesale flower farm (hereinafter "Farm") and Petitioner's farm equipment storage building and office. Barry Gladstone testified that on the Farm he grows flowers, holly trees, Leland Cypress, various grasses, shrubbery and other plant materials. The existence of the Farm was uncontested. The issue whether the Property also served as a landscape business was raised by the Baltimore County Office of Planning and by Protestant's sole witness.

Petitioner acknowledged that at the time of the issuance of a zoning citation against the Property, he was also operating his landscape business out of the accessory building in conjunction with the Farm. However, Petitioner stated unequivocally that, within the past twelve months, all equipment and materials relating to the landscape business had been removed off the Property to another location and no landscaping supplies or materials have been delivered to the Farm during that period. The Property has been and will continue to be used solely as a Farm with the accessory farm building and residence.

Protestants' photographs offered as exhibits and the photographs submitted by Protestant's spouse to the Office of Planning appeared to indicate the existence of landscape equipment at the Property, however, it was established by unrefuted testimony that the Protestant offered photographs were more than three years old and did not accurately reflect the Property or the Farm as it existed as of the date of the hearing. The prejudicial photographic evidence provided by Protestants was extremely relevant due to its lack of credibility especially since the Office of Planning based its revised comment in part on the photographic evidence provided by Protestants.

Petitioner, through his own testimony, the testimony of several long time residents of the immediate neighborhood and testimony of Petitioner's land use expert, Clyde Hinkle, confirmed the Property had been used as a farm for decades by previous owners and as a limited acreage wholesale flower farm by Petitioner for the past several years. In sum, Petitioner met its burden in establishing the Property as a limited acreage

wholesale flower farm with the necessary accessory storage building for farm equipment and materials associated with the Farm.

II. DISCUSSION – VARIANCES

Petitioner requested three variances to Section 404.1 of the BCZR as follows:

1. To permit an internal roadway to be less than 25 feet from a property line per Section 404.1A.

2. To permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B.

3. To permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C.

The internal roadways on the Property have existed for decades prior to Petitioner's purchase of the Property as confirmed by several area residents, including Donna and Matt Davis of 3835 Schroder Avenue, their daughter Laura Kimball of the same address and Claire Zeleny of 3824 Schroeder Avenue. The evidence confirming the continued existence of the internal roadways in their same location as indicated on the site plan again was uncontradicted.

The accessory farm building constructed by Petitioner replaced several buildings that had been on the Property for decades. The farm building was constructed on the same foundation as the farm buildings it replaced. Several residents of Schroeder Avenue confirmed these unrefuted facts. The Farm building is 16 feet from the property line of residentially zoned or used property in lieu of the 50 feet. Petitioner elected to not provide a sales area providing for the sale of various plants on site despite being allowed to do so by Section 404.1F.

Section 307 of the BCZR provides for variance relief for property in Baltimore County as follows:

> A. 307.1. (In Part) The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations... only in cases where special circumstances or conditions that exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off street parking, or sign regulations, and only in such a manner as to grant relief without injury to public health, safety and general welfare.

Under Maryland case law, the hearing officer or zoning board must follow the following two step process to determine whether the requested variances should be granted,

> "The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is-in and of itself-unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual or different, the process steps here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e. a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists." *Cromwell v. Ward*, 102 Md. App. 691, 694-695 (1995).

Applying the standard of the two step process required by *Cromwell vs. Ward* and the BCZR to the facts presented, it is clear Petitioner has met his burden and approval should be granted to the variances requested. Petitioner, Petitioner's expert and several

neighbors testified as to the existing conditions of the Property, including, but not limited to, the internal roadways and structures on the Property. Photographic evidence, Petitioner's site plan, the County ADC map and aerial photograph offered as exhibits along with expert and non-expert testimony confirmed the uniqueness of the Property as compared to other surrounding properties. The testimony for Petitioner was again uncontradicted as to the irregular shape of the Property, its topography and granite block subsurface material. Further evidence submitted included the location of the well on the Property between the existing house and the accessory farm building and the septic system behind the house. Expert testimony confirmed the only viable location for the accessory building for the Farm was the current location of the building. Petitioner met its burden of demonstrating that special conditions existed peculiar to Petitioner's Property and that strict compliance with the BCZR due to the Property's uniqueness would result in practical difficulty or unreasonable hardship. Petitioner has established that the uniqueness of the farm property has resulted in the BCZR having a different impact on Petitioner's property than on adjoining properties.

The seminal case for variances prior to *Cromwell vs. Ward* was M*cLean v. Soley*, 270 Md 208, 213, 1973, which states,

> "The standard for granting a variance then, as it is now, was whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare".

The criteria for establishing practical difficulty were listed in *McClean v. Soley* as follows:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. 270 Md at 214.

The testimony presented by Petitioner was that strict compliance with the BCZR would prevent Petitioner from using his property for a permitted purpose, the limited acreage wholesale flower farm. The internal roadways were existing. The accessory farm building constructed by Petitioner replaced deteriorating farm buildings on the same footprint. Nothing less than the variances applied for would do substantial justice to Petitioner as well as other property owners in the area.

Protestant's complaint was based on out of date photographs and the alleged rousing from sleep of a teenager on one occasion due to Petitioner's alleged activities on the Farm. All safety concerns with regard to Schroeder Avenue, the bus stop and any other alleged hazards from the Farm business were addressed at length by Petitioner, Petitioner's expert and numerous neighborhood residents at the hearing.

The Court of Appeals in *Lewis v. Department of Natural Resources*, 377 Md 382, (2003), discussed at length the standards of review for a variance request. The facts of the case concerned a hunting lodge where the Petitioner in that case constructed six

hunting lodges without a permit. As part of its findings, the Court held that the Reviewing Board should have considered the variance request "in the context of whether Petitioner was denied a reasonable and a significant use of Phillips Island, the area he requested to be used by the hunting camp", 377 Md at 401. Taking that analysis a step further, the Court stated the Reviewing Board should not look to see if the denial of a variance for a part of a property would deny Petitioner the reasonable and significant use of the entire property, as what reasonable and significant use a Petitioner can make of his or her property not the subject of the variance request was irrelevant to the determination of unwarranted hardship. Interestingly, the Court pointed out the fact that the structures were built (as in Petitioner's case here) was a red herring and the Court should focus on the physical characteristics of the property to determine hardship. In conclusion, the Court found the irregular shape of the property equated to special conditions unique to the property and that strict enforcement of the regulations would result in unwarranted hardship not generally shared by owners of other properties in the area with the result that Petitioners would be denied the reasonable and significant use of a part of the land. This case is right on point as Petitioner in the subject case is attempting to use part of the Property for the Farm and a denial of the requested variances will deny Petitioner a reasonable and significant use of his Property. See also *Mastandrea v. North*, 361 Md 107 (2000).

In another Maryland case, *Belvoire Farms v. North*, 355 Md 259, (1999), the Court of Appeals held that the unwarranted hardship necessary to obtain the variance is equal to the denial of a reasonable and significant use of the property. The Court also

held that a need for the variance must be substantial and urgent and not merely for the convenience of the Petitioner. Petitioner testified in our case that he purchased the Property in 1999 and established the limited acreage wholesale flower farm. Quite simply, the need for the zoning relief is substantial and urgent as Petitioner relies substantially on the Farm for his livelihood and ability to provide for his family. This is not a variance request for the convenience of the Petitioner or a pleasant amenity. The ample testimony, surveys and letters in support all confirm that Petitioner transformed an old farm property to the showplace it is today and, although busy with the business, Petitioner finds time to lend a hand to all of his neighbors and has consistently given back to community schools and other institutions in need.

Petitioner's expert described the nature of the neighborhood in question as agricultural with a village flavor as compared to the high density nature of the remainder of the Perry Hall community. Mr. Hinkle's uncontradicted testimony was that the existing use of the property as a farm with the accessory farm structure and existing roads was in the spirit of the BCZR and was in no way detrimental to the public, health, safety and general welfare of this obviously tight knit community. Many longtime residents, including those residing in homes immediately adjacent to the subject Farm, reiterated those sentiments.

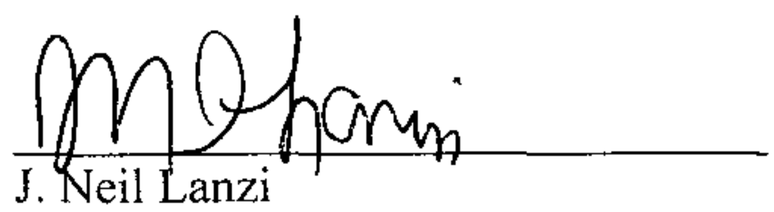
Petitioner established the Farm and its accessory building was not a self created hardship situation under Maryland Law and that strict compliance with the zoning regulations would unreasonably prevent the use of a substantial portion of the Property for the Farm, a permitted use in this residential zone. This is a case of urgent necessity

where the denial of the variances would prevent the use of the Property as a limited acreage wholesale flower farm. Robert Thomas, the sole Protestant witness, testified that he leaves for work prior to the Farm opening for business and returns home from work after the Farm is closed for business. No adverse impact was shown and in fact Petitioner clearly established the Farm and the requested variances would in no way cause any injury to the public, health, safety or general welfare to the adjoining neighbors or surrounding neighborhood.

In this case, it is not the existence of the accessory farm building that creates the practical difficulty. It is the topography and subsoil condition of the ground that is unique to this site. This testimony and evidence was unrefuted. Moreover, Petitioner respectfully requests the Commissioner consider the agency comment from the Office of Planning dated December 26, 2006 and disregard the revised comment dated May 8, 2007 due to the unreliable photographic evidence relied on by the Office of Planning in preparing the revised comment and the admitted absence of activities at the Property other than a limited acreage wholesale flower farm during two visits to the Property. Finally, mention was made to Bill 41-92 referenced in the BCZR definition for a limited acreage wholesale flower farm. Upon review, Council Bill 41-92 simply confirms the definition language in the BCZR previously discussed.

Accordingly, Petitioner respectfully requests the Commissioner approve the Special Hearing and Variance relief requested and the site plan in evidence as Petitioner's Exhibit One.

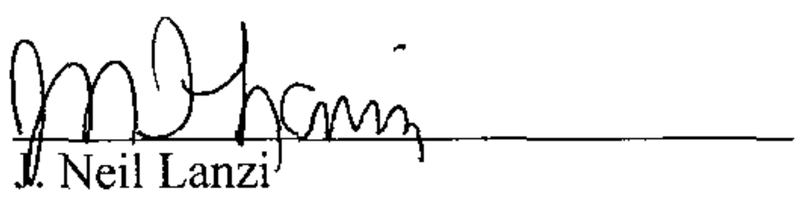
Respectfully Submitted,



J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, Maryland 21204
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2007, a copy of the foregoing Memorandum was mailed, first-class, postage prepaid, to Deborah Beaty, Chairman, P.O. Box 63, Baltimore, Maryland 21128.



J. Neil Lanzi

PLEASE PRINT CLEARLY

CASE NAME 07-229 SPHA
CASE NUMBER 3839 SCHROEDER AVE
DATE 3/20/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Clyde Hinkle	1249 Englebert Rd	Balto. Md. 21221	Bafitis & Assoc. Inc.
Neil Lanzi	409 Washington Ave #617	Towson MD 21204	
Donna Davis	3835 Schroeder Ave	Perry Hall, Md 21128	donnadavis06@yahoo.com.
Matt Davis	3835 Schroeder Ave	Perry Hall, Md 21128	mattlikestofish@yahoo.com
CLAIRE ZELENY	3824 SCHROEDER AVE	PERRY HALL MD 21128	clairezeleny@yahoo.com
RAYMOND ZELENY	3824 SCHROEDER AVE	PERRY HALL MD 21128	[illegible]
Laura Kimball	3835 Schroeder Ave	Perry Hall, MD 21128	laura-kimball@yahoo.com
JOHN GONCE	3822 SCHROEDER AVE	PERRY HALL, MD 21128	JPGOGOLF@bcpl.NET
PATRICIA ANNE GONCE	3822 SCHROEDER AVE	PERRY HALL, MD 21128	JPGOGOLF@bcpl.NET
JAMES MOSLEY	3804 Schroeder Ave	PERRY HALL, Md 21128	
ANGELA MOSLEY	3804 SCHROEDER AVE	PERRY HALL, Md. 21128	
Richard Long	3871 Schroeder Ave	Perry Hall, MD 21128	longdsc@aol.com
Suzanne Long	3871 Schroeder Ave	Perry Hall, MD 21128	longdsc@aol.com
Cheryl Curran	3817 Schroeder Ave	Perry Hall, MD 21128	
PHILLIP CURRAN	3817 SCHROEDER AVE	PERRY HALL MD. 21128	philpc1@aol.com
MARY GOSS	3821 SCHROEDER AVE	PERRY HALL MD 21128	
LAMBROS PANAGODIMOS	3852 SCHROEDER AVE	PERRY HALL MD 21128	
Panagiotis Panagodimos	3852 Schroeder Ave	Perry Hall MD 21128	ppanaged@umd.edu
PAUL POWELL	3812 SCHROEDER AVE	PERRY HALL, MD 21128	K3PL@ARRL.NET
NICK MICUCCI	3807 SCHROEDER	PERRY HALL 21128	

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LOIS MICUCCI	3807 SCHROEDER AVE	PERRY HALL MD 21128	
ETHEL WHEELER	3801 SCHROEDER AVE	PERRY HALL MD. 21128	
VONNIE EADY	9830 SADLER LN	PERRY HALL MD. 21128	
Sandy Mast	3816 Schroeder Ave	Perry Hall MD 21128	
Anita Gladstone	3815 Schroeder Ave.	Perry Hall, MD 21128	gstone921@verizon.net
Barry Gladstone	3815 Schroeder Ave.	Perry Hall, MD. 21128	gstone921@verizon.net
Emily Kimball	3835 Schroeder Ave.	Perry Hall, MD 21128	emyk17@yahoo.com
SANDY MAST ??.			

PLEASE PRINT CLEARLY

CASE NAME Outdoor Connection 3839 Schroeder
CASE NUMBER 07-229-SPHA
DATE 03/19/07

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
D. Beaty	PHIA POBOX 63	Perry Hall MD 21128	debra.beaty@BDK.com
Debbie Thomas	3833 Schroeder Ave	Perry Hall, MD 21128	bandthomas@comcast.net
*Bob Thomas	3833 Schroeder Ave	Perry Hall MD 21128	"
Stephen Ehatt	3825 Schroeder Ave	Perry Hall Md 21128	"
~~Donna Davis~~	~~3835 Schroeder Ave~~	~~Perry Hall, Md 21128~~	~~donnadavis06@yahoo.com~~
~~Matt Davis~~	~~3835 Schroeder Ave~~	~~Perry Hall, Md 21128~~	
Brenda Ward	9829 Saddle Dr	Perry Hall MD 21128	countryhome-bward@comcast.net
Check last Name spelling thru			

KEVIN GAMBRILL - APPEARED AND TESTIFIED - County Exhibits 1 and 2

BALTIMORE COUNTY

MARYLAND

February 23, 2007

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

NEW 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: 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. Variance to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Monday, March 19, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Barry Gladstone, 3815 Schroeder Avenue, Baltimore 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 3, 2007.**
(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.

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: # 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District - 5th Councilmanic District
Legal Owner(s): Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing: to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. **Variance:** to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Monday, March 19, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 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 3/652 Mar. 6 127239

CERTIFICATE OF PUBLICATION

3/8, 2007

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 3/6, 2007.

- ☑ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-229-SPHA

Petitioner/Developer: THE OUTDOOR CONNECTION, IN

Date of Hearing/Closing: MARCH 19, 2007

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

3839 SCHROEDER AVE

DATE CHANGE FROM 2-14 TO 3-19

The sign(s) were posted on 2-17-07
(Month, Day, Year)

Sincerely,

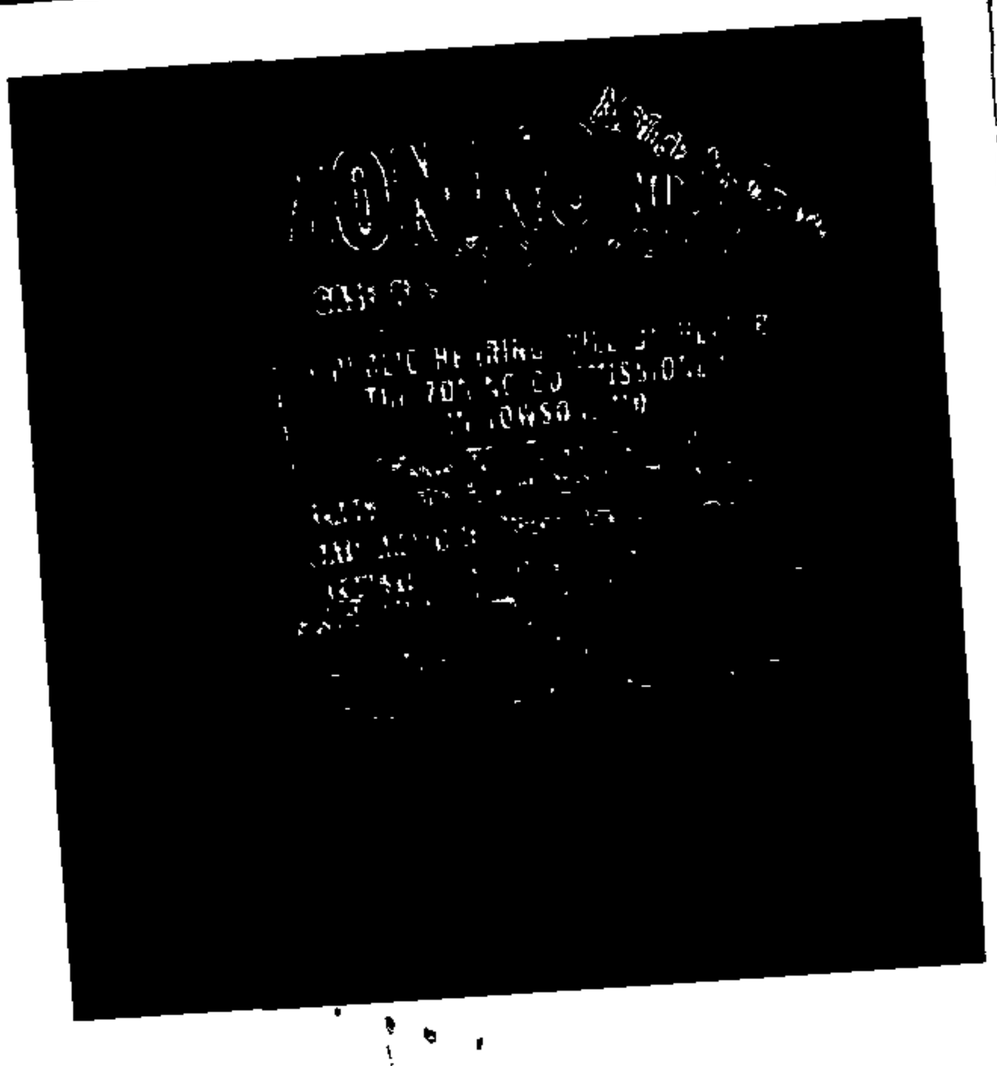
Robert Black 2-20-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
3839 Schroeder Avenue; SW corner of Schroeder Avenue & Sadler Lane	*	ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts	*	FOR
Legal Owner(s): Barry E. Gladstone		
Contract Purchaser(s): The Outdoor Connection* Petitioner(s)		BALTIMORE COUNTY
	*	07-229-SPHA

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
NOV 28 2006
Per.....

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

February 6, 2007

J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 07-229-SPHA, 3839 Schroeder Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Barry E. Gladstone 3815 Schroeder Avenue Baltimore 21128
The Outdoor Connection, Inc. 3839 Schroeder Avenue Baltimore 21128

Fire Department

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

Baltimore County

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

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

November 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27,2006

Item No.: 229

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-05-2006

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

RE: Baltimore County
Item No. 7-229-SPHA
3839 SCHROEDER AVENUE
THE OUTDOOR CONNECTION, INC.
#7-229 SHA
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-229SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 30, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 4, 2006
Item Nos. 07-229, 230, 231, 232, 233, 234, 235, 237, 238, and 239

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-11292006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: 3839 Schroeder Avenue

INFORMATION:

Item Number: 7-229 ***(revised comments)***

Petitioner: Barry E. Gladstone

Zoning: DR 2

Requested Action: **Special Hearing and Variance**

SUMMARY OF RECOMMENDATIONS:

After visiting the subject property, the Office of Planning is of the opinion that the subject property is being used as a landscape service operation. The property does appear to grow smaller plantings (not flowers), but also utilizes the site for onsite storage of other items such as landscaping / hardscaping materials (e.g. stone / brick) as well as construction vehicles. These materials appear to be stored on the premises to be delivered to off-site commercial or residential locations. It is logical to think that, the delivery and storage of landscaping materials to and from the subject property for off-site use distinguishes it as a landscape service operation.

In the subject request the petitioners seek relief from Baltimore County Zoning Regulations (BCZR) sections 1B01.1A(7) and 404.1 to allow the storage of equipment, materials, and vehicles associated with a limited acreage wholesale flower farm. Section 1B01.1A(7) states that a limited acreage wholesale flower farm is a use permitted by right in D.R. zones. However it should be noted that, Special Regulations section 404.1 regulates horticultural nurseries and landscape service operations in addition to the limited acreage wholesale flower farms, and as such are not allowed in the DR zones.

Both of the aforementioned sections of the BCZR refer to Council Bill 41-92. It is important to note that section 101 (General Definitions) defines limited acreage wholesale flower farm, but does not offer a definition for landscape service operations. Section 4 of Council Bill 41-92 distinguishes between a limited acreage wholesale flower farm and landscape service operation. According to Bill 41-92, the definitions for these uses are as follows.

- *"A limited-acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon is primarily used for the growing of flowers and small plants and their wholesale distribution."*

- *"Landscape service operation: An operation primarily engaged in the designing, installing, planting, or maintaining of lawns, gardens, or other plantings at off-site commercial or residential uses."*

Bill 41-92 amended sections 1A01.1, 1A01.2, and 1A01.3 (R.C. 2, R.C. 3, and R.C. 4 Zones respectively) whereas landscape service operations are a use only permitted by special exception in each of the R.C. zones listed. Given that the subject property is located in a D.R. zone, the Office of Planning believes that the existing use is not permitted, and thus recommends the petitioner's request be **denied**.

However, should the Zoning Commissioner determine that the existing use is a use permitted by right under the D.R. 2 zone; the Office of Planning recommends the following conditions be met.

1. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading, and unloading activities associated with the flower farm, shall not occur from 9:00PM to 5:00AM during normal business days. The Office of Planning does not want the normal operations of this business to become a nuisance to adjacent residential properties.

2. Final landscape plans in accordance with the site plan submitted and section 404.1.C of the Baltimore County Zoning Regulations (BCZR), shall be submitted to and approved by the Baltimore County Landscape Architect (Avery Harden). Most notably, the final approved landscape plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837, and 3861 Schroeder Avenue (*Tax Map-63, Grid-14, parcels 608, 62, 591 respectively*).

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

Reviewed by: Curtis M Murray

Division Chief: Lynn Lewis
AFK/LL: CM

W:\DEVREV\ZAC\7-229revised.doc

Case Entry/Update
Format . . . . : CASREC

Mode . . . . : CHANGE
File . . . . : PDLV0001

Notes 4: /U 12/12/06 KLP/SS
12/13/06 SPOKE W/ATTY NEIL LANZI FOR THE PROPERTY OWNER. HAS A HEARING FOR 2/07, BUT DATE HAS TO BE CHANGED BECAUSE OF CONFLICT MONITOR. COMPL. P/U 2/3/07 KLP/SS
2/5/07, HEARING (ZONING) TO BE HELD ON 2/14/07 AT THE COUNTY COURTS BLDG, RM 407, P/U 2/28/07 TO CHECK FOR HEARING ORDER FROM ZONING COMMISSIONER, UPDATE NOT NECESSARY, KLP/CP

March 19, 2007
2PM Rm 407

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Case Entry/Update Mode . . . . : CHANGE
Format . . . . : CASREQ File . . . . : PDLV0001

Notes 3: 8/1/06 PROPERTY OWNER SEEKING RELIREF THROUGH SPECIAL HEARING. LEFT V-MAIL W/OWNER TO CALL. P/U 8/29/06 TO MONITOR. UPDATE NOT NECESSARY. KLP/SS
**9/18/06 PER LETTER RECIEVED FROM ATTY. SITE PLANHAS BEEN PREPARED AND WILL BE REVIEWED WITH COMMUNITY BEFORE SUBMITTING TO ZONING OFFICE. MONITOR. COMPL. UPDATED. P/U 10/16/06 KLP/SS
**10/17/06 LEFT MESSAGE W/NEIL CONZI ATTY. TO UPDATE OUR OFFICE AS TO THE PROGRESS IN SUBMITTING SITE PLANS TO ZONING FOR SPECIAL HEARING P/U 10/31/06 MONITOR COMPL. UPDATED KLP/SS
**11/1/06 COMMUNITY MEETING HAS BEEN SCHEDULED FOR 11/13/06 AT PERRY HALL LIBRARY AT 7PM TO REVIEW SITE PLAN W/COMMUNITY. AFTERWARDS THE OWNERS WILL FILE FOR SPECIAL HEARING W/ZONING. MONITOR UPDATE NOT NECESSARY. P/U 11/9/06 KLP/SS
**11/14/06 RECIEVED A LETTER FROM THE OWNERS ATTY. MR.NEAL KANZI, THEY HAVE A ZONING FILING APPT. FOT 11/16/06, UPON APPROVAL OF THE PETITIONS, A HEARING WILL BE SCHEDULED. P/U 12/12/06 & MONITOR. UPDATED COMPL. BY V-MAIL KLP/SS
**11/16/06 2ND COMPL. WAS SUBMITTED BY D.THOMAS, CONCERNING OUTDOOR CONECTION OPERATING FROM THIS SITE. SPOKE W/MS THOMAS' SON/LEFT CARD. INFORMED CON TO HAVE HIS MOTHER CALL ME. MONITOR

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Case Entry/Update
Format . . . . : CASREC

Mode . . . . : CHANGE
File . . . . : PDLV0001

Notes: 3/8/06 CORRECTION NOTICE ISSUED FOR OPERATING A LANDSCAPING BUSINESS FROM RESIDENTAL ZONED AREA NOTICE ISSUED & MAILED. PHOTOS TAKEN. P/U 4/5/06. COMPL. UPDATED P/U 4/5/06. KLP/SS
**4/6/06 NO OBSERVANCE OF BUSINESS OPERATING FROM THIS PROPERTY. MONITOR ACTIVITY. P/U 4/20/06. UPDATED COMPL. BY V-MAIL. KLP/SS
**4/21/06 NO OBSERVANCE OF BUSINESS OPERATING FROM PROPERTY. SPOKE W/COMPL. STATES THAT THE NEIGHBORS SEEM TO BE SATISFIED AT THIS TIME MONITOR. P/U 5/12/06 COMPL. UPDATED. KLP/SS
**5/15/06 OBSERVED VEHICLE PARKED ON THE PROPERTY. NO BUSINESS ACTIVITY OBSERVED LEFT MESSAGE W/COMPL. TO INFORM ME OF ACTIVITY & IF THEY WANT TO TESTIFY TO ANY ACTIVITY THEY MAY OBSERVE. MONITOR P/U 5/23/06 COMPL. UPDATED. KLP/SS
**5/24/06 NO ACTIVITY SEEN ON THIS PROPERTY, JUST ARKED VEHICLES. EARLY MORNING INSPECTION NEEDED. COMPL. STATES THAT THERE IS ACTIVITY AT THE PROPERTY. P/U 5/31/06 COMPL. UPDATED. KLP/SS
**06/01/06 OBSERVED COMM VEH ON LOT. SPOKE W/ COMPL EARLIER THIS WEEK, STATES THAT THERE HAS BEEN ACTIVITY ON SITE EARLY IN THE MORNING. SUCH AS LOADING VEHICLES WITH MATERIAL

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Case Entry/Update Mode . . . . : CHANGE
Format . . . . : CASREC File . . . . : PDLV0001

Dt Rec: 3072006 Intake: DP Act: Case #: 06-1843
Insp: PARKER Insp Grp: ENF Insp Area: 11 Tax Acct: 1118048450
Address: 3839 SCHROEDER AVE Apt #: Zip: 21128
Owner: BARRY GLADSTONE, 3815 SCHROEDER AVE, PERRY HALL MD 21128

Problem Descript.: BUSINESS FROM RESIDENCE, "OUTDOOR CONNECTIONS"

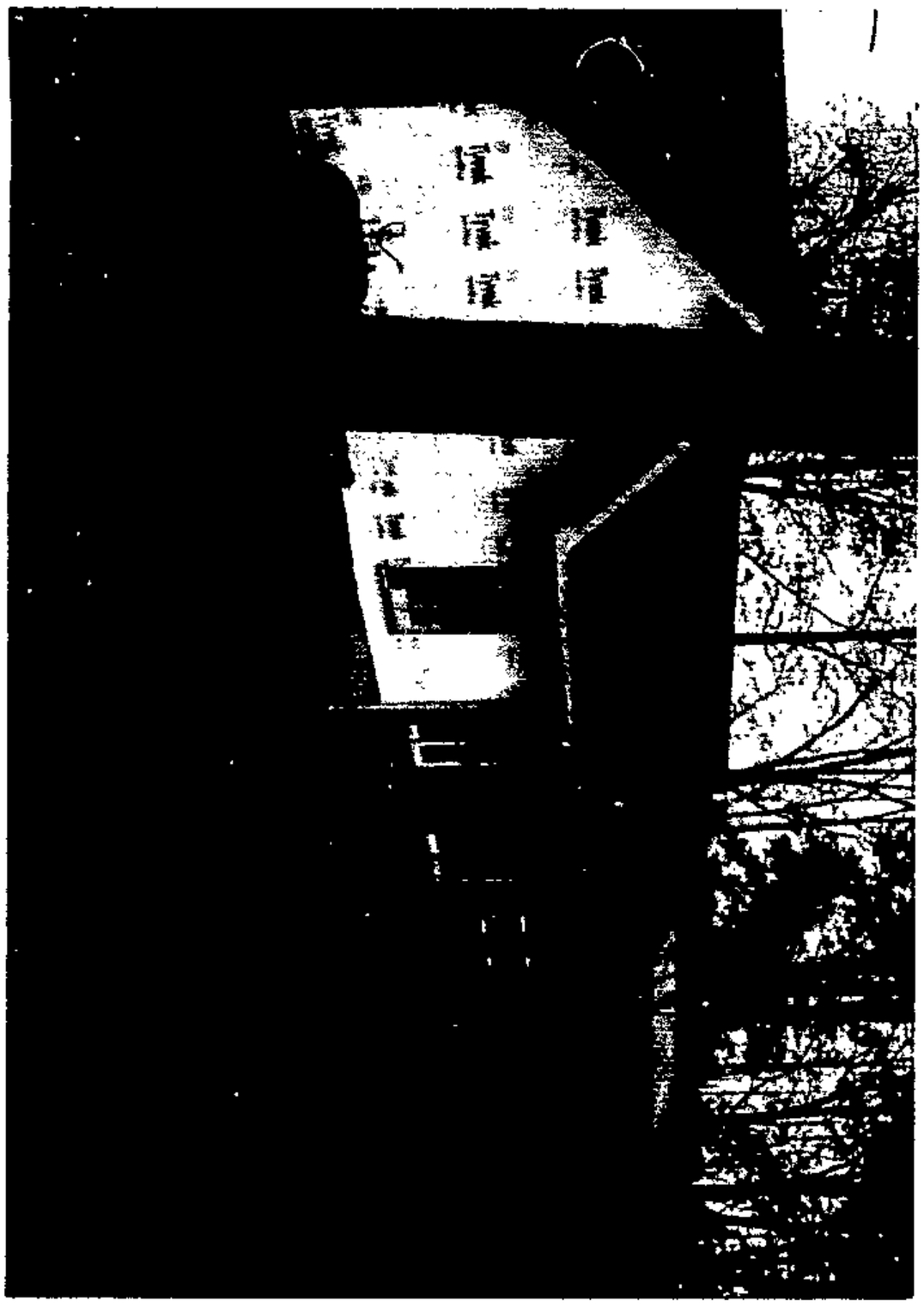
Complainant Name (Last): LIBERCCI (First): WILLIAM
Complainant Addr: P.H.T.A.
Complainant City: State: Zip:
Complainant Phone (H): 4102560675 (W):
Date of Reinspection: 2282007 Date Closed: Delete Code (P):

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

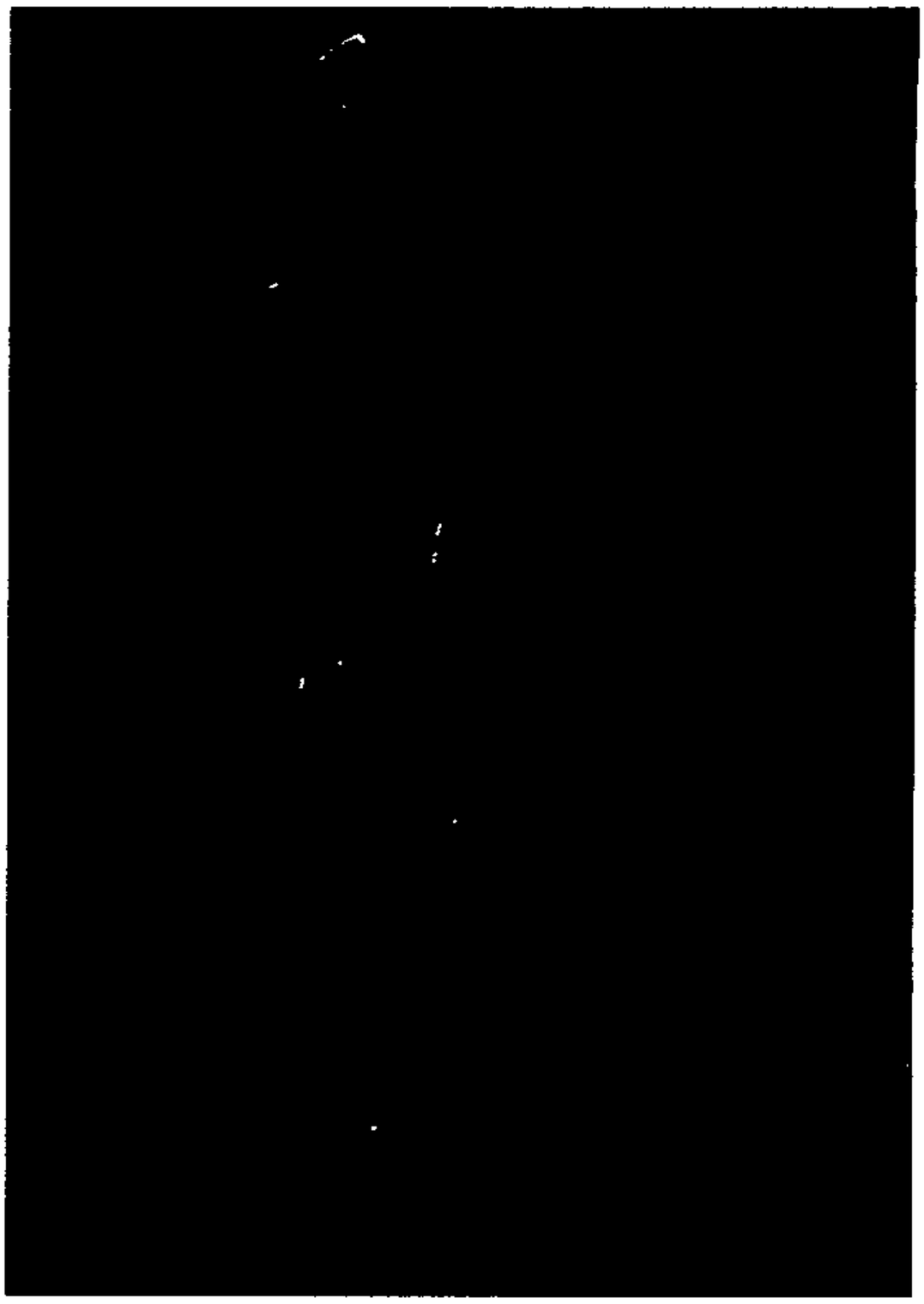
Case Entry/Update Mode . . . . : CHANGE
Format . . . . : CASREC File . . . . : PDLV0001

Notes 2: FOR THE JOB. HE FEELS POSITIVE THAT MATERIAL FOR WORK IS BEING STORED IN THE LARGE GARAGE. HEARING ON07/18/06, SERVICE BY 06/16/06. KLP/KW***
6/5/06, CITATION SENT CERT & REG MAIL TO BARRY EDWARD GLADSTONE, 3815 SCHROEDER AVE, PERRY HALL MD 21128, P/U 6/16/06 TO CHECK FOR SERVICE, KLP/CP
6/8/06, GREEN CARD RETURNED SIGNED, GAVE TO KLP/CP
**6/19/06 SERVICE WAS OBTAINED FILE TO JF TO PLACE ON DOCKET. CHECK BEFORE HEARING. COMPL. UPDATED. P/U 7/13/06 KLP/SS
**7/17/06 OBSERVED SEVERAL VEHICLES IN REAR OF GARAGE. NO OBSERVABLE ACTIVITY FROM PROPERTY. CHECK FINBAL ORDER. COMPL. UPDATED. P/U 7/31/06 KLP/SS
** 7/18/06 RESPONDENTS APPLYING FOR SPECIAL HEARING - VIOLATION HEARING CONTINUED PENDING ZONING COMMISSIONER RULING AND DUE DILIGENCE IN PURSUING APPROVAL IS MAINTAINED - RSW **
**8/31/06 PER LETTER FROM OWNERS ATTY. MR.LANZI, HE WILL BE NOTIFIING ME AROUND SEPT 15/2006 ON THE ENGINEERS PROGRESS IN PREPARATION OF SITE PLAN. MONITOR. UPDATE NOT NECESSARY. P/U 9/15/06 KLP/SS

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change



Backside view unfinished
10 years
view from my backyard



Backhoe parked on
State Park property

Mr. Robert Thomas
3833 Schroeder Ave

11/13/06

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 06-1843

3839 Schroeder Avenue

ZONING CASE: 07-229-SPHA
3839 SCHROEDER AVENUE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: December 18, 2006

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 229
Legal Owner/Petitioner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.
Property Address: 3839 Schroeder Avenue
Location Description: Southwest corner of Schroeder Avenue and Sadler Lane

VIOLATION INFORMATION: **Case No.: 06-1843**
Defendants: Barry E. Gladstone

Please be advised that the aforementioned petition is the subject of an active violation case. **When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:**

William Libercci
19 Shawn Court
Baltimore, MD 21236
libercci@comcast.net
and

Debbie Thomas
3833 Schroeder Avenue
Baltimore, MD 21236

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint letter
Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice
Photographs
Citation
Proof of Service
Request for hearing
Attorney Letters
Order of events
Other: MVA Reports

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Keith Parker

DM Enforce - Web-Code Enforcem Complaint

rom: <webform@co.ba.md.us>
o: <pdmenforce@co.ba.md.us>
ate: 03/03/2006 3:04 PM
ubject: Web-Code Enforcement Complaint

Complaint Location:	NUF 3815 and 3839 Schroder Ave. WCF
Complaint Location Zip Code:	21236
Description of Problem:	ZONING VIOLATION running business at these locations. name of business Outdoor COnnections. ~~Being~~ doing it for years and the neighbors have had enough. The business is getting bigger and the truck traffic has the neighbors upset.
Email:	libercci@comcast.net
Name:	william libercci for the Perry Hall Improvement
Address:	19 Shawn Ct
Zip Code:	21236
Home Phone Number:	410 256 0675
Work Phone Number:	
Additional Information:	

FYI 06-1843

have a situation that I hope you can help ...n or tell me what I can do:

On Monday, November 13th at 7:00 pm, there will be a meeting at the Perry Hall Library between the Perry Hall Improvement Association and The Outdoor Connection--Barry Gladstone (owner) and his attorney. The Outdoor connection operates out of 3839 Schroeder Avenue which is zoned Residential. Mr. Gladsone lives further up on Schroeder (which is a dead end road and very narrow). The property he operates from butts up to the property where I live on 3833. Until he was issued a citation from the county, we have put up with trucks, tractor trailers, large piles of mulch, brick, stone, etc. Children are standing at bus stops on this narrow road when these trucks go by (Mr. Gladstones' kids are in private schools). He has since cleaned it up somewhat since the citation but is applying for a variance of some sort to continue to operate his business. If this gets passed, the next step will be applying for commercial zoning when the time is right.

Cathy, this small residential community cannot support a business like this, nor is it fair to the neighbors like us who work hard to have a nice home in Perry Hall. Some of the neighbors are for it though for various reasons: 1) They think "No one should be able to tell us what we can do back here" or 2) "I'd like to open my own business some day too".

Short of putting my house up for sale, do you have any advice?

Sincerely,

Debbie Thomas
3833 Schroeder Avenue
410-256-0534

Former chairperson for the After Prom Party at the High School to jog your memory)

CONFIDENTIALITY NOTICE
The information contained in this facsimile or electronic message is confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this facsimile message to the intended recipient, you are hereby notified that any dissemination, or copying of this communication is strictly prohibited. If this message contains non-public personal information about any consumer or customer of the sender or intended recipient, you are further prohibited under penalty of law from using or disclosing the information to any third party by provisions of the federal Gramm-Leach-Bliley Act. If you have received this facsimile or electronic message in error, please immediately notify us by telephone and return or destroy the original message to assure that it is not read, copied, or distributed by others.

11-14-06
Please have someone go this this site today if at all possible

11/16/06 - Spoke to Ms. Thomas son, left card. Informed son to have his mother to call me. Monitor, This is an on going case. KIP

CODE ENFORCEMENT REPORT NCF

DATE: 3/7/06 INTAKE BY: BJP CASE #: 06-1843 INSPEC: 11

COMPLAINT LOCATION: 3839 ~~Schroeder~~ Ave
Schroeder P.H ZIP CODE: 21128 DIST: 410

COMPLAINANT NAME: PH.IA. /William Liberucci PHONE #: (H) 256-0675 (W)

ADDRESS: ZIP CODE:

PROBLEM: business from residence) "Outdoor Connections"

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION: Barry Gladstone
3815 Schroeder Ave 21128

TAX ACCOUNT #: 11 18 048450 ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 03/07/2006 STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:25:26

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
11 18 048450	11	3-0	04-00	N	NO		01/04/06

GLADSTONE BARRY EDWARD

DESC-1.. IMPS2.564 AC

DESC-2.. 100 FT W OF SADLER LA

3815 SCHROEDER AVE

PREMISE. 03839 SCHROEDER AVE

00000-0000

PERRY HALL MD 21128-9720 FORMER OWNER: ROBINSON RHODA

	FCV PRIOR	FCV PROPOSED		PHASED IN CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	57,800	150,280				
IMPV:	81,830	98,100	TOTAL..	175,880	175,880	139,630
TOTL:	139,630	248,380	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	08/02	09/05				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	175,880	11/10/05
ASSESS:	139,630	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Permits and Development Management
Code Inspections and [illegible]rcement
County Office Build[illegible]n. 213
111 West Chesapeak[illegible]
Towson, Maryland 21204

Code Enforcement 410-887-3351
Building I[illegible]ion 410-887-3953
Electrical [illegible]ion 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED
06-1843	1118048450	3/8/06

NAME(S): Barry Edward Gladstone

MAILING ADDRESS: 3815 Schroeder Ave

CITY: Perry Hall STATE: Md. ZIP CODE: 21128

VIOLATION ADDRESS: 3839 Schroeder Ave

CITY: BALTIMORE STATE: MARYLAND ZIP CODE: 21128

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

DR1 DR2 DR3.5 DR5.5 DR10.5 DR16
RC2(1A01) RC4(1A03) RC20 & 50 (1A05) RC6(1A07)
RC3(1A02) RC5(1A04) RCC (1A06) RC7 (1A08)

OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

BL (230) BR (236) BM (233)
MR (240) ML (253) MH (256)

OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

101; 102.1: Definitions; general use
1B01.1: DR Zones-use regulations
428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
1B01.1D: Remove open dump/ junk yard
431: Remove commercial vehicle(s)
101; 102.1: Remove contractors equip. storage yard
101; 102.1; ZCPM: Cease service garage activities
402: Illegal conversion of dwelling
101; 102.1; ZCPM: Illegal home occupation
415A: License/ remove untagged recreation vehicle
415A: Improperly parked recreation vehicle
415A: One recreational vehicle per property
410: Illegal Class II trucking facility
400: Illegal accessory structure placement.
1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
102.5: Residential site line violation /obstruction
408B: Illegal rooming/ boarding house
BCC: 32-3-102; 500.9 BCZR; ZCPM: Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C)

13-7-112: Cease all nuisance activity
13-7-115: County to abate nuisance & lien costs
13-7-310: Remove all trash & debris from property
13-7-312: Remove accumulations of debris, materials, etc
13-7-201(2): Cease stagnant pool water
12-3-106: Remove animal feces daily
35-5-208(a)(c): Seal exterior openings from rodents & pests
13-4-201(b)(d): Store garbage in containers w/tight lids
35-2-301: Obtain building/ fence/ sign permit
18-2-601: Remove all obstruction(s) at street, alley, road
13-7-310(2): Remove bird seed / other food for rats
32-3-102: Violation of development plan/ site plan
IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C)

35-5-302(a)(1): Unsanitary conditions.
35-5-302(a)(3): Cease _____ infestation from prop.
35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
35-5-302(b)(1)(4): Repair chimney & similar extentions
35-5-302(b)(1)(6): Repair defective door(s) / window(s)
35-5-302(a)(2): Store all garbage in trash cans
35-5-302(b)(1): Repair exterior structure
35-5-302(b)(1)(3): Repair exterior extentions
35-5-302(b)(1)(5): Repair metal/wood surfaces
35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C)

35-2-404(a)(1)(i): Remove hazardous or unsafe condition
35-2-404(a)(1)(iii): Repair roof or horizontal members
35-2-404(a)(1)(v): Repair ext. plaster or masonry
35-2-404(a)(1)(vii): Repair exterior construction (see below)
35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
35-2-404(a)(1)(ii): Repair ext. walls / vertical members
35-2-404(a)(1)(iv): Repair exterior chimney
35-2-404(a)(1)(vi) Waterproof walls/ roof /foundations
35-2-404(a)(1)(2): Remove trash, rubbish, & debris
35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS: Please Call Number Above

Posted/Mailed

NOTICE POSTED AND MAILED

POTENTIAL FINE: $200 $500 $1000 per day, per violation and to be placed as a lien upon your tax bill.

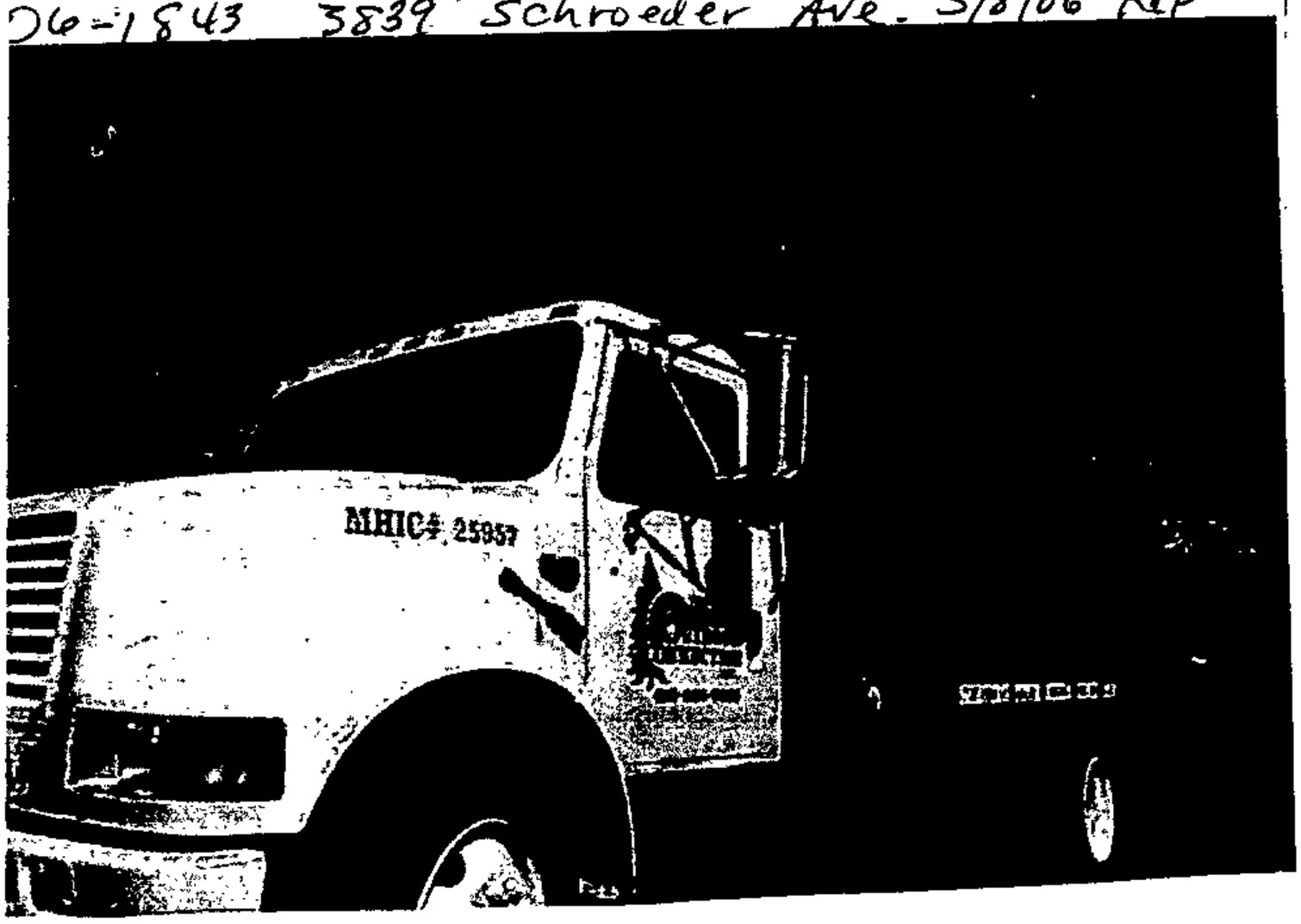
COMPLIANCE DATE: 4/5/06 INSPECTOR NAME: K. Parker
PRINT NAME

AGENCY

(Rev 9/05)

06-1843 3839 Schroeder Ave 3/8/06 KLP

06-1843 3839 Schroeder Ave. 3/8/06 KLP



3/8/06 KLP

06-1843 3839 Schroeder Ave.

2

I HEREBY CERTIFY that I took the 3 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

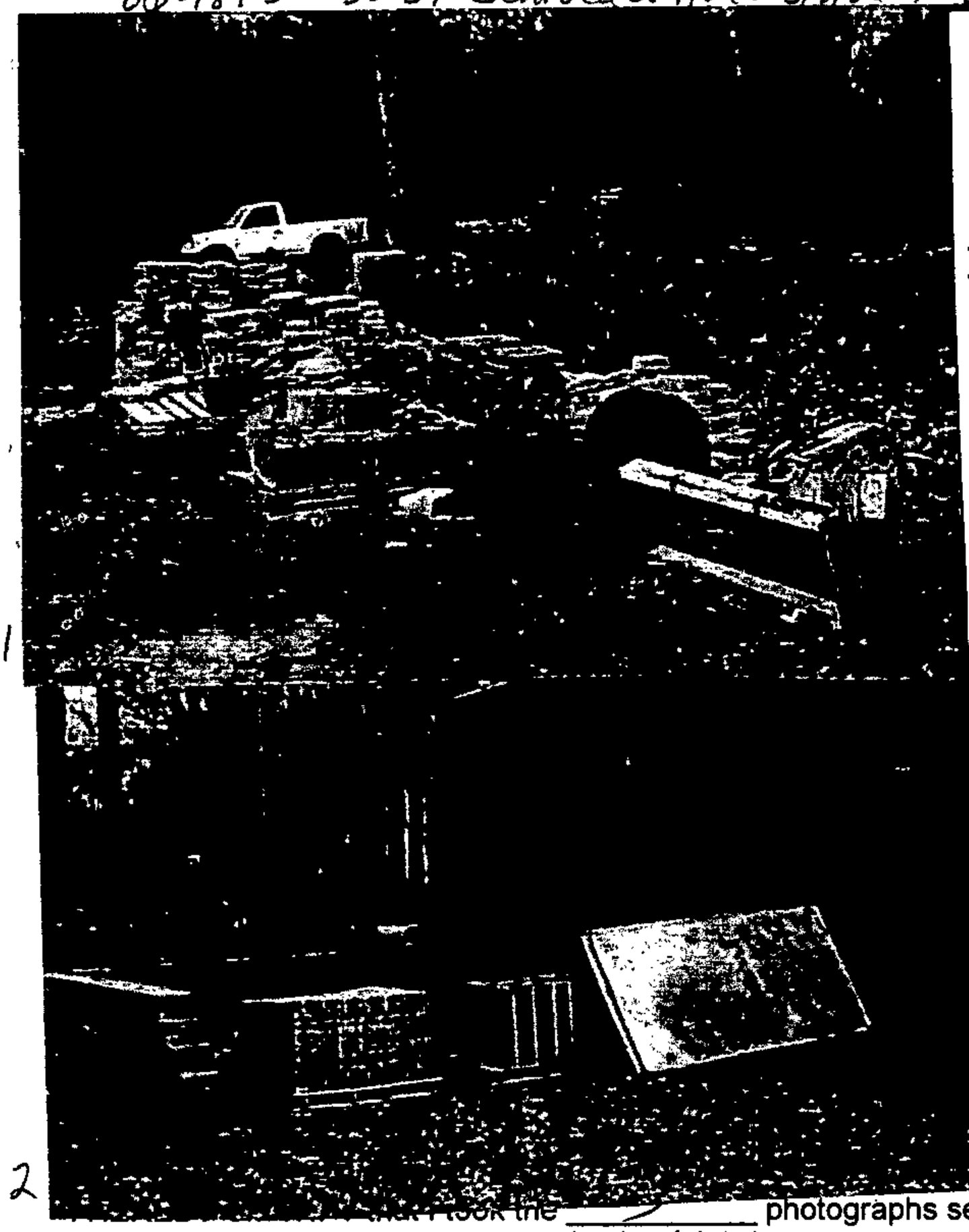
K. Pl

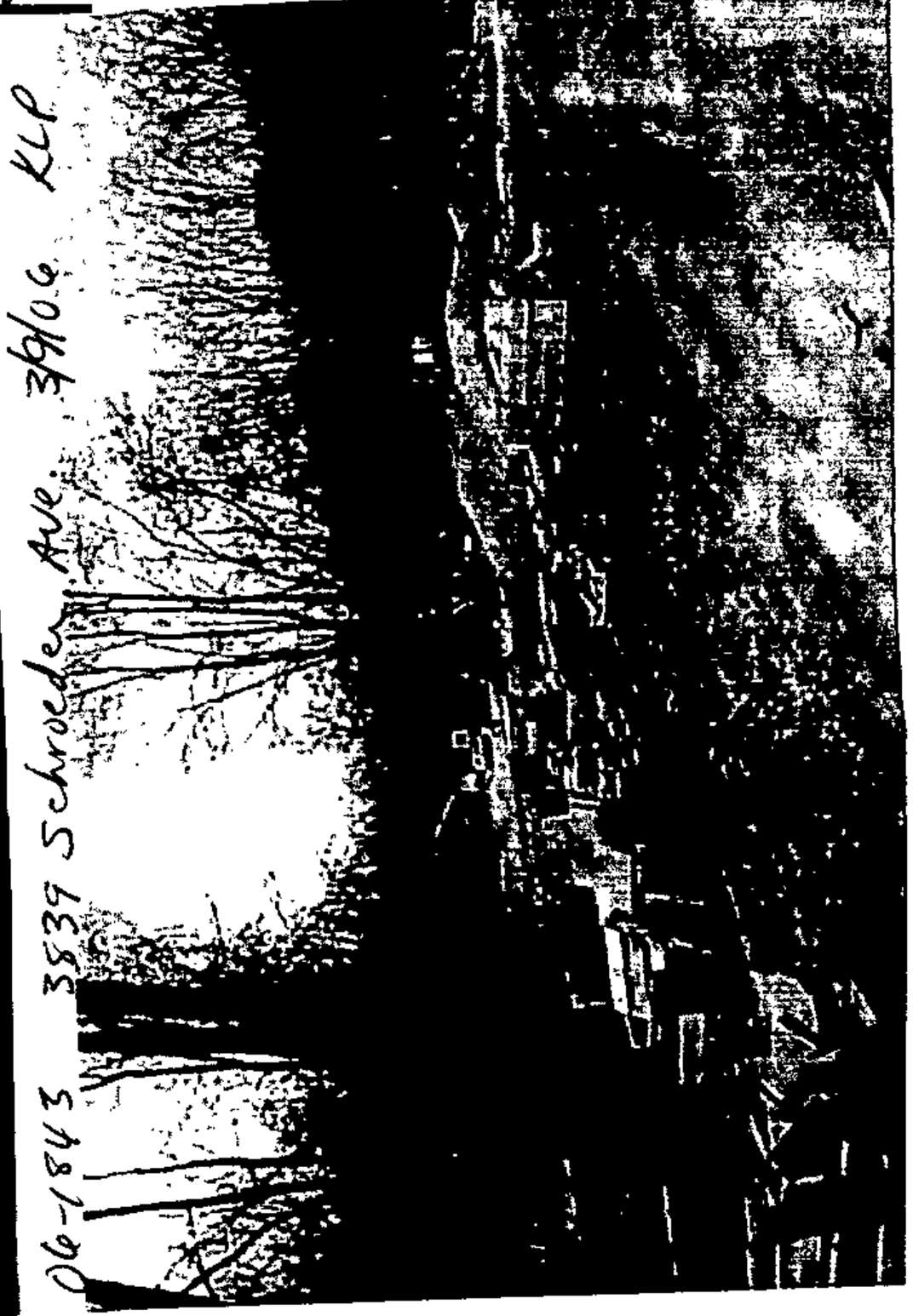
PHOTOGRAPHIC RECORD

Citation/Case No.: 06-1843

Date of Photographs: 3/9/06

06-1843 3839 Schroeder Ave. 3/9/06 KLP





2 3

I, KLP, took the 2 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

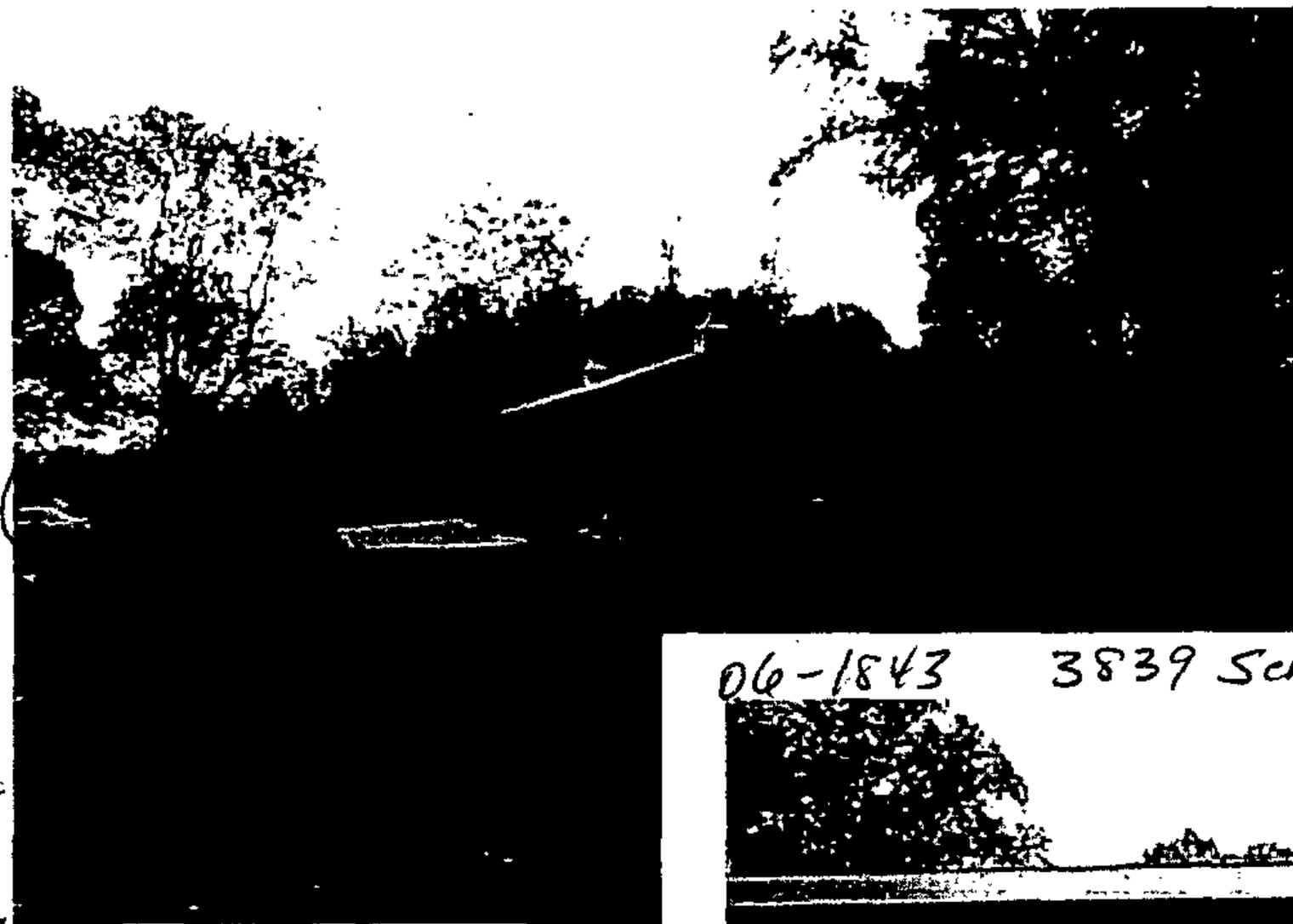
K Parker
Enforcement Officer

11/14/00

PHOTOGRAPHIC RECORD

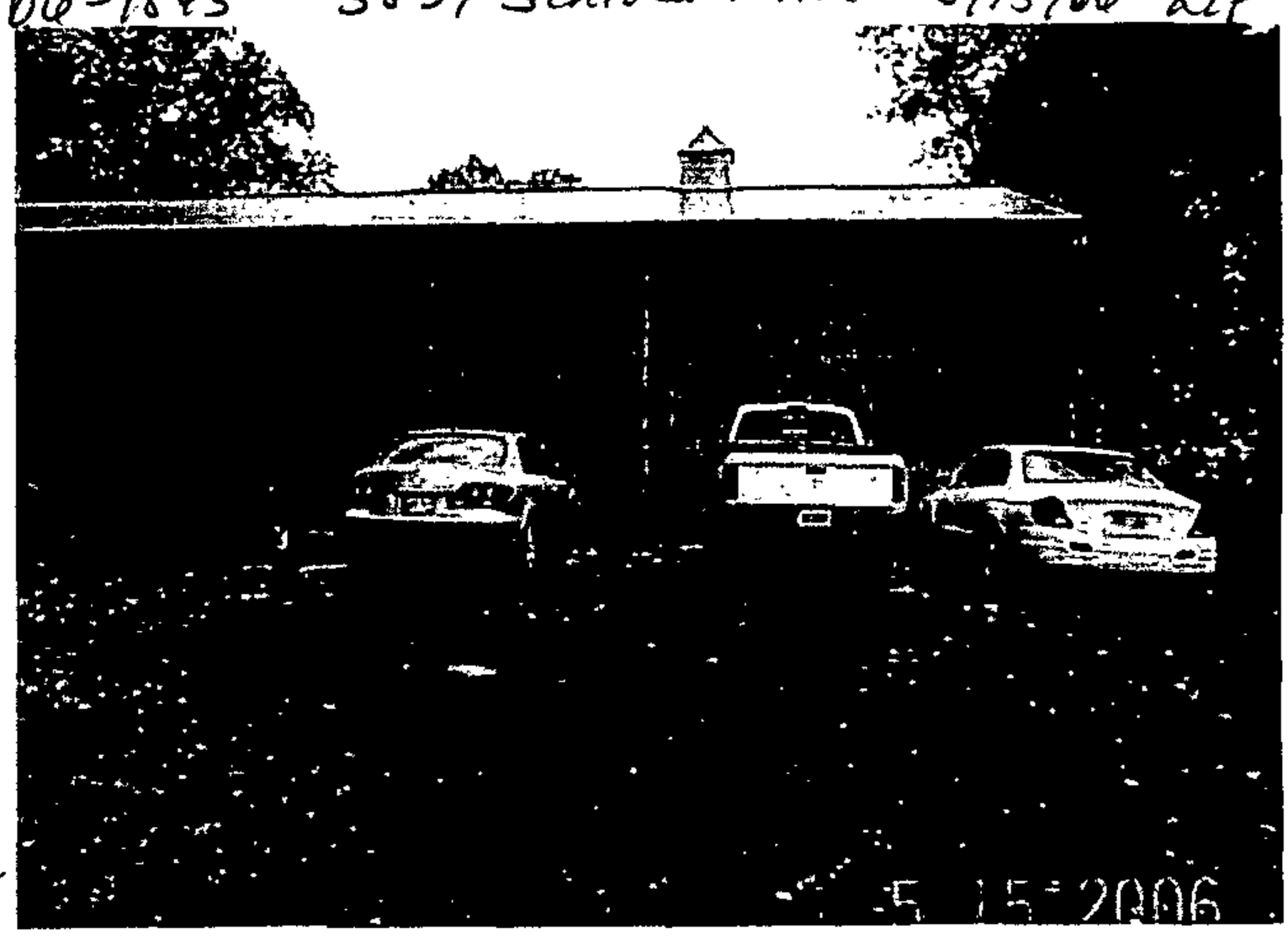
Citation/Case No.: 06-1843

06-1843 3839 Schroeder Ave. 5/15/06 KLP



1

06-1843 3839 Schroeder Ave. 5/15/06 KLP



2

I HEREBY CERTIFY that I took the 2 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

K. Parker

Enforcement Officer

11/14/00

PHOTOGRAPHIC RECORD

Citation/Case No.: 06-1843

Date of Photographs: 5/24/06

06-1843 3839 Schroeder Ave. KLP

I HEREBY CERTIFY that I took the _____ photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

_____
Enforcement Officer

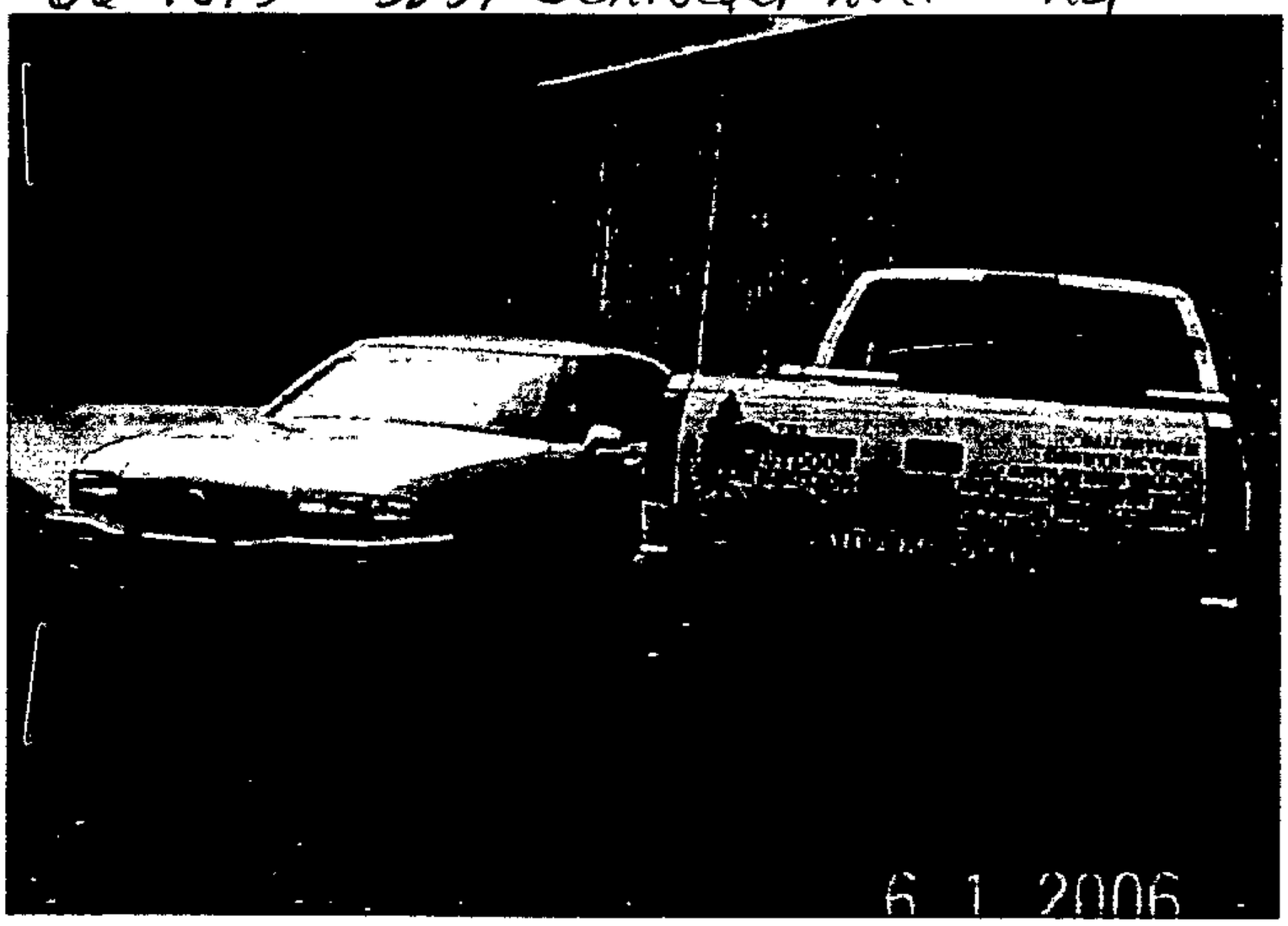
11/14/00

PHOTOGRAPHIC RECORD

Citation/Case No.: 06-1843

Date of Photographs: 6/1/06

06-1843 3839 Schroeder Ave. KLP



I HEREBY CERTIFY that I took the 1 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

K. Parker

Enforcement Officer

11/14/00

more County
partment of Permits and
Development Management

Code Inspections and Enforcement
County C Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 06-1843
Property No. 1118048450
Zoning: DR2

Name(s): Barry Edward Gladstone

Address: 3815 Schroeder Ave.

Violation Location: 3839 Schroeder Ave. Perry Hall, Md. 21128

Violation Dates: 3/8/06 thru 6/1/06

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

BCZR 101, 102.1, 1B01.1A, 431
ZCPM - illegal home occupation.

Failure to Cease Storage of Commercial Vehicles on Residential property. Failure to Cease operation of business from a Residential Property.

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ 17,000.00

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 7/18/06 Time: 9:00 A.M.

Citation must be served by: Date: 6/16/06

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: Keith Parker

6/1/06 Keith Parker
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:

Citation/Case No.: 06-1843

Address:

Date Defendant's Signature

AGENCY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Barry Edward Gladstone, Defendant

Case # 06-1843 Violation Address 3839 Schroeder Ave Zip _____

Hearing Date 7/18/06 Issued Date 6/1/06 Expiration Date 6/16/06

Author of Citation K. Kuller

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

✓ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

___ A Citation and all other papers filed with it were served by personal delivery to _____ (Individual or agent served)

_____ (At this address) Zip _____, on ___/___/___ (Date) _____ (Time) a.m./p.m.

Description of Person Served: Race _____ Sex: M F Height: _____ ft. _____ in. Wt. _____ lbs.

Age: _____ yrs. Other: _____

Telephone verification of citation acknowledgment from _____ on ___/___/___.

I was unable to serve:

1st Attempt ___/___/___ _____ a.m./p.m. because _____ _____ Initials

2nd Attempt ___/___/___ _____ a.m./p.m. because _____ _____ Initials

3rd Attempt ___/___/___ _____ a.m./p.m. because _____ _____ Initials

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

111 W. Chesapeake Ave. Towson, MD 21204
Server's Address

410-887-3351
Telephone

Keith L. Parker
Server's Name (Print)

6/19/06
Date

Keith L. Parker
Server's Signature

7005 1160 0003 7754 4031

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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Postage	$ .39
Certified Fee	2.70
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Restricted Delivery Fee (Endorsement Required)	
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KLP 06-1843

TOWSON FIN BR TOWSON MD
JUN 0 3 2006
USPS - 21285

Sent To: Barry Edward Gladstone
Street, Apt. No.; or PO Box No.: 3815 Schroeder Ave
City, State, ZIP+4: Perry Hall MD 21128

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barry Edward Gladstone
3815 Schroeder Ave.
Perry Hall MD 21128

KLP 06-1843

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Benita G. Gladstone ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery
6-6-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☑ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7005 1160 0003 7754 4031

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

KP

Code enforcement

JUN 21 2006

NOTICE OF INTENTION TO DEFEND

Print Name: Barry Edward Gladstone

Citation/Case No.: 06-1843

Address: 3815 Schroeder Avenue, Perry Hall, MD 21128

Date 6-19-06

Defendant's Signature Barry Edward Gladstone

DEFENDANT

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

November 10, 2006

Balto. Co. Dept. of Permits & Development
Code Inspections and Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Keith Parker

Re: 3839 Schroeder Avenue, Perry Hall, Maryland
Case No. 06-1843

Dear Mr. Parker:

As a further update of the status of this case, please be advised that my client and I will be meeting with the community association on Monday, November 13, 2006. In addition, I have a zoning filing appointment with the zoning office on Thursday, November 16, 2006. Upon acceptance of the zoning petitions, a hearing will be scheduled.

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Clyde Hinkle
Barry Gladstone

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

September 13, 2006

Balto. Co. Dept. of Permits & Development
Code Inspections and Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Keith Parker

Re: 3839 Schroeder Avenue, Perry Hall, Maryland
Case No. 06-1843

Dear Mr. Parker:

As your file should reflect, I represent Barry Gladstone and The Outdoor Connection with regard to the above referenced case number and property. This letter is to provide you with an update on the status of this project. The site plan has been prepared and we will be reviewing the plan with the community in the near future. I will then schedule a filing appointment with the Zoning Office shortly thereafter.

Should you have any questions with regard to this status letter, please do not hesitate to contact me. Thank you again for your continued cooperation in this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Clyde Hinkle
Barry Gladstone

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

QF COUNSEL
*Fred L. Coover**

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

August 16, 2006

Baltimore County Department of
Permits & Development Management
Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Keith Parker

Re: 3839 Schroeder Avenue, Perry Hall, Maryland
Case No. 06-1843

Dear Mr. Parker:

As you may recall, I represent Barry Gladstone and The Outdoor Connection with regard to the above referenced case number and property. The case was placed on hold by the hearing officer pending the filing of a Petition for Special Hearing. In checking with the engineers working on this project with me, I have been advised that the preliminary research for preparation of a site plan has now been completed and the site plan should be available within the next thirty days. Once approved by the client, I will be filing the Petition for Special Hearing and site plan. I will of course keep you informed of our progress.

Should you have any questions with regard to this letter or scheduling please do not hesitate to contact me. Otherwise, I will contact you on or about September 15, 2006 with a new progress report. Thank you for your continued cooperation in this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Clyde Hinkle
Barry Gladstone

KEITH PARKER
CODE ENFORCEMENT OFFICER
111 W. CHESAPEAKE AVE. TOWSON, MD.21204

CITATION NO. 06-1843

VIOLATION ADDRESS: 3839 Schroeder Ave. Perry Hall, Md. 21128

ZONE: DR 2

VIOATION: BCC-

BCZR 101, 102.1, 1B01.1A, 431 - Commercial Vehicles on Residential Property.

ZCPM — illegal Home Occupation

ORIGIN OF COMPLAINT: Perry Hall Improvement Association by way of William Liberaci

COMPLAINT: Business from residence - "Outdoor Connections". READ E-mail complaint

PROPERTY OWNERSHIP: Barry Edward Gladstone
3815 Schroeder Ave.
Perry Hall, Md. 21128

INITIAL INSPECTION: 3/8/06 - Correction Notice issued for operating a landscaping business from Residentially Zoned area. Notice Posted and mailed. Photos Dated 3/8/06 & 3/9/06.

SECOND INSPECTION: 4/6/06 - No observance of business operating from this property. Monitor Activity.

SUBSEQUENT INSPECTIONS: 4/21/06 - No observance of business operating from property. Spoke with Mr. Liberecci, states that the neighbors seem to be satisfied at this time. Monitor.

5/15/06 - Observed Vehicles Parked on the Property. Photos. No Business activity observed. Left message with Mr. Liberecci to informed me of Activity and if they want to Testify to any Activity they may observe.

5/24/06 - No activity seen on the property, Photo - Just Parked vehicles. Mr. Liberecci states that there is Activity on the property early in the Morning, Such as loading vehicles with Material for the Job. Positive material stored in Garage

6/1/06 - Observed Commercial Vehicle on the property, moved to citation. Photo

CITATION: Served by Certified Mail with return receipt, And Notice of intention to Defend from Barry Edward Gladstone.

Signed by Anita Gladstone.

INSPECTION BEFORE HEARING: Observed six vehicles parked at property site. MVA Report - Possible Employees

6BEJ09 3016637 10/07 A 36289839 1G3GR64H91410[illegible]086 01 OLDS 4S
N/A -3700 00N/A $50.50 083005 5 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:012308 V-EXP-DT:012308V-ACC-DT: 010306
INS.CO: STATE FARM MUT AUT INS C POLICY#: 061179720
REG-VAL-DT: 101205

RFND:N ODOMETER: 086132 CODE:A

H-500-676-271-065 SUS.REV: NO PRIVACY: YES CDL.DISQ: NO
PAUL GARLOCK HINE 5-10 210 2 M 01/24/58
929 HEPBURN LN BEL AIR HA MD 21014

06-1843

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: WELLS FARGO FINANCIAL
ADDR: PO BOX 250 DATE: 2005-09-29
CITY: ESSINGTON STATE: PA ZIP: 19029

-END OF RECORD-
>>> INTERROGATION COMPLETE; A/6BEJ09 <<<
PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

55F049 1416927 07/06 LPO 27684562 4TAPM62N4WZ10[illegible]71 98 TOYT TK
N/A 07000 00N/A $63.75 N/A 5 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:013107 V-EXP-DT:013107V-ACC-DT: 012505
INS.CO: STATE FARM MUT AUT INS C POLICY#: 077247120
REG-VAL-DT: 072704
RFND:N ODOMETER: 000055 CODE:A

S-160-660-149-082 SUS.REV: NO PRIVACY: YES
OLIN DOUGLAS SPRY 6-01 250 2 M 01/31/47
609 TWIN BROOK LN JOPPA HA MD 21085

S-160-115-587-584 SUS.REV: NO PRIVACY: YES
CHRISTINE MARY SPRY 5-04 125 2 F 07/25/50
609 TWIN BROOK LN JOPPA HA MD 21085

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: TOYOTA MOTOR CREDIT CORP
ADDR: P.O. BOX 8029 DATE: 1998-07-13

PAGING MODE: PAGE 1 OF 2||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

6BGY25 5125454 03/08 A 36827806 1YVFP80C545N1[illegible]07 04 MAZD 4S
N/A -3700 00N/A $50.50 010206 5 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
03045 V-ST: N V-INSP-ST: V-INSP-DT:080206 V-EXP-DT:080206V-ACC-DT: 040306
INS.CO: SAFECO INS CO OF IL POLICY#: F1290159
REG-VAL-DT: 040306

RFND:N ODOMETER: 029385 CODE:A

R-360-887-441-645 SUS.REV: NO PRIVACY: YES
WILLIAM JOSEPH RIDER JR 5-10 164 2 M 08/18/49
302 FOREST VALLEY DR FOREST HILL HA MD 21050

R-360-589-887-731 SUS.REV: NO PRIVACY: YES
MATTHEW WILLIAM RIDER 5-07 150 2 M 09/21/84
302 FOREST VALLEY DR FOREST HILL HA MD 21050

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: ABERDEEN PROVING GROUND FEDERA
ADDR: 1321 PULASKI HIGHWAY DATE: 2006-03-11

PAGING MODE: PAGE 1 OF 2||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

M902229 1671817 03/07 M 33092672 1J4FF48S6YL114397 00 JEEP TK
N/A +3700 00N/A $76.50 032703 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:082207 V-EXP-DT:082207V-ACC-DT: 091005
INS.CO: SAFECO INS CO OF IL POLICY#: HA9733
REG-VAL-DT: 031105

RFND:N ODOMETER: 053873 CODE:A

>>>> CORRECTED TITLE ISSUED - COPY *01* <<<<

E-460-115-603-726 SUS.REV: NO PRIVACY: YES
CHRISTINA MICHELE ELLER 5-08 130 2 F 09/19/81
912 JESSICAS LN BEL AIR HA MD 21014

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: MANUFACTURERS AND TRADERS TST
ADDR: POB 17292 DATE: 2005-07-29
CITY: BALTIMORE STATE: MD ZIP: 21014

-END OF RECORD-

PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

APS906 1310248 06/06 A 32522986 2G1WN54T7P115014 93 CHEV 4S
N/A -3700 00N/A $27.00 102502 5 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:092006 V-EXP-DT:092006V-ACC-DT: 091504
INS.CO: NATIONWIDE MUTL FIRINSCO POLICY#: 5219A 659001
REG-VAL-DT: 061604
RFND:N ODOMETER: 066200 CODE:A

W-350-730-149-655 SUS.REV: NO PRIVACY: YES CDL.DISQ: NO
RALPH DONALD WHITTEN 5-07 160 2 M 08/22/55
1202 GRAFTON SHOP RD BEL AIR HA MD 21014

-END OF RECORD-

>>> INTERROGATION COMPLETE; A/APS906 <<<
PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

55F049 1416927 07/06 E.O 27684562 4TAPM62N4WZ109 1 98 TOYT TK
N/A 07000 00N/A $63.75 N/A 5 STL:NO SUB:NO FR: Taloma
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:013107 V-EXP-DT:013107V-ACC-DT: 012505
INS.CO: STATE FARM MUT AUT INS C POLICY#: 077247120
REG-VAL-DT: 072704
RFND:N ODOMETER: 000055 CODE:A

S-160-660-149-082 SUS.REV: NO PRIVACY: YES
OLIN DOUGLAS SPRY 6-01 250 2 M 01/31/47
609 TWIN BROOK LN JOPPA HA MD 21085

S-160-115-587-584 SUS.REV: NO PRIVACY: YES
CHRISTINE MARY SPRY 5-04 125 2 F 07/25/50
609 TWIN BROOK LN JOPPA HA MD 21085

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: TOYOTA MOTOR CREDIT CORP
ADDR: P.O. BOX 8029 DATE: 1998-07-13

PAGING MODE: PAGE 1 OF 2||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

6BEJ09 3016637 10/07 A 36289839 1G3GR64H914109 6 01 OLDS 4S
N/A -3700 00N/A $50.50 083005 5 STL:NO SUB:NO FR: Aurora
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:012308 V-EXP-DT:012308V-ACC-DT: 010306
INS.CO: STATE FARM MUT AUT INS C POLICY#: 061179720
REG-VAL-DT: 101205
RFND:N ODOMETER: 086132 CODE:A

H-500-676-271-065 SUS.REV: NO PRIVACY: YES CDL.DISQ: NO
PAUL GARLOCK HINE 5-10 210 2 M 01/24/58
929 HEPBURN LN BEL AIR HA MD 21014

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: WELLS FARGO FINANCIAL
ADDR: PO BOX 250 DATE: 2005-09-29
CITY: ESSINGTON STATE: PA ZIP: 19029

-END OF RECORD-
>>> INTERROGATION COMPLETE; A/6BEJ09 <<<
PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

M902229 1671817 03/07 M 33092672 1J4FF48S6YL114 7 00 JEEP TK
N/A +3700 00N/A $76.50 032703 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:082207 V-EXP-DT:082207V-ACC-DT: 091005
INS.CO: SAFECO INS CO OF IL POLICY#: HA9733
REG-VAL-DT: 031105
RFND:N ODOMETER: 053873 CODE:A

>>>> CORRECTED TITLE ISSUED - COPY *01* <<<<

E-460-115-603-726 SUS.REV: NO PRIVACY: YES
CHRISTINA MICHELE ELLER 5-08 130 2 F 09/19/81
912 JESSICAS LN BEL AIR HA MD 21014

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: MANUFACTURERS AND TRADERS TST
ADDR: POB 17292 DATE: 2005-07-29
CITY: BALTIMORE STATE: MD ZIP: 21014

-END OF RECORD-

PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

APS906 6445701 06/08 A 32522986 2G1WN54T7P1150 4 93 CHEV 4S
N/A -3700 00N/A $50.50 102502 5 STL:NO SUB:NO FR: illuma
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:092006 V-EXP-DT:092006V-ACC-DT: 091504
INS.CO: NATIONWIDE MUTL FIRINSCO POLICY#: 5219A 659001
REG-VAL-DT: 062306
RFND:N ODOMETER: 066200 CODE:A

W-350-730-149-655 SUS.REV: NO PRIVACY: YES CDL.DISQ: NO
RALPH DONALD WHITTEN 5-07 160 2 M 08/22/55
1202 GRAFTON SHOP RD BEL AIR HA MD 21014

-END OF RECORD-

>>> INTERROGATION COMPLETE; A/APS906 <<<
PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

DEV890 6046548 04/08 A 25381874 1FACP45E9MF135 5 91 FORD 2S Mustang
N/A -3700 00N/A $50.50 011196 5 STL:NO SUB:NO FR:020498
FLAG:NO SDX FLAG:NO
00000 V-ST: N V-INSP-ST: C01 V-INSP-DT:080906 V-EXP-DT:080906V-ACC-DT: 080304
INS.CO: STATE FARM FIRE & CAS CO POLICY#: S72 5957F2720A001
REG-VAL-DT: 042606
RFND:N ODOMETER: 053960 CODE:A

Q-500-189-751-323 SUS.REV: NO PRIVACY: YES
EDWARD RUSSELL QUANN 6-00 175 2 M 04/27/71
3839 SCHROEDER AVE PERRY HALL BA MD 21128

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: CHASE BANK
ADDR: 900 STEWART AVE DATE: 1995-03-21
CITY: GARDEN CITY STATE: NY ZIP: 11530

-END OF RECORD-
>>> INTERROGATION COMPLETE; A/DEV890 <<<
PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

Case Entry/Update Mode . . . . . : CHANGE
Format . . . . : CAS C Fil . . . . : PDLV0001

Notes 2: IS BEING STORED IN THE LARGE GARAGE. HEARING ON07/18/06, SERVICE BY 0
5/16/06. KLP/KW***
***6/5/06, CITATION SENT CERT & REG MAIL TO BARRY EDWARD GLADSTONE, 3815
SCHROEDER AVE, PERRY HALL MD 21128, P/U 6/16/06 TO CHECK FOR SERVICE, KLP/CP***
6/8/06, GREEN CARD RETURNED SIGNED, GAVE TO KLP/CP
**6/19/06 SERVICE WAS OBTAINED FILE TO JF TO PLACE ON DOCKET. CHECK BEFORE HEAR
ING. COMPL. UPDATED. P/U 7/13/06 KLP/SS
**7/17/06 OBSERVED SEVERAL VEHICLES IN REAR OF GARAGE. NO OBSERVABLE ACTIVITY F
ROM PROPERTY. CHECK FINBAL ORDER. COMPL. ~~UPDATED. P/U 7/31/06 KLP/SS~~

** 7/18/06 RESPONDENTS APPLYING FOR SPECIAL HEARING - VIOLATION HEARING CONTINUE
D PENDING ZONING COMMISSIONER RULING AND DUE DILIGENCE IN PURSUING APPROVAL IS M
AINTAINED - RSW **

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Mark S. Ledford
1006 Amberly Court
Bel Air, Maryland 21014-2402

To zc file.
TMK

January 8, 2006

Timothy M. Kotroco, Esquire
Director, Baltimore County Department of
Permits and Development Management
County Office Building, Suite 105
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Variance Requested by Barry E. Gladstone & The Outdoor Connection, Inc., Case No. 07-229-SPHA

Dear Mr. Kotroco:

I am writing in support of the variance that has been requested by Barry E. Gladstone and The Outdoor Connection, Inc. I have known Mr. Gladstone for over 20 years and have found him to be an upstanding citizen of Baltimore County and the Perry Hall community. He is the type of person whom the community needs more. He is the type of businessman Baltimore County should seek to encourage and support.

I have watched and admired Barry taking his one-person landscaping venture shortly after graduating from Perry Hall High School and growing it into a successful operation that provides gainful employment for a number of individuals. Barry's success comes, in no small part, to his solid work ethic and reputation.

More importantly, although Mr. Gladstone has successfully grown his business, he has remained cognizant of the needs of the local community. Barry continually contributes to the surrounding area – volunteering to provide goods and/or services to a number of local schools, churches and organizations (e.g., St. Peter's Lutheran Church, Perry Hall High, Chapel Hill Elementary, Baltimore Lutheran and Fallston High). Barry's civic-mindedness is refreshing in today's business world as we all too often see businesses providing very little in return to the communities from which they draw their success.

With respect to the property for which Mr. Gladstone seeks a variance, I have had occasion to visit the premises and can attest that the improvements made thereon blend in with the surrounding properties. In fact, said improvements add to the neighborhood and, in no discernable way, detract from it.

As a fellow alumnus of Kenwood High School (1981), I am sure you can appreciate both Mr. Gladstone's business success and contributions to the surrounding area. Baltimore County needs individuals such as Barry and businesses such as The Outdoor Connection to continue its

renaissance on the east-side. Indeed, Baltimore County should foster more successful, civic-minded entrepreneurs such as Mr. Gladstone who provide good will to the community. Accordingly, I respectfully urge Baltimore County to grant Mr. Gladstone and The Outdoor Connection a variance to further their good work for the area. I appreciate your thoughtful consideration of this matter.

Respectfully Submitted,

Mark S. Ledford, Esquire

cc: Barry E. Gladstone, President
The Outdoor Connection, Inc.

Bill Wiseman - 3839 Schroeder Avenue Item #7-229

From: <b2cdthomas@comcast.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 02/15/07 3:06 PM
Subject: 3839 Schroeder Avenue Item #7-229

Dear Mr. Wiseman,

I spoke with Howard Alderman who suggested I get in touch with you. I was in a panic when Debra Beaty from the Planning and Zoning Committee of the Perry Hall Improvement Association spoke with Neil Lanzi who represents the Petitioner in this case. Mr. Lanzi suggested that you told him that you didn't see any problem with the variance. Howard let me know that you wouldn't make that comment, even in jest, without hearing both sides.

Below is a copy of the email that I sent to Mr. Keller, Mr. Kotroco and Mr. Gambrill. I would appreciate your reviewing it.

Dear Mr. Kotroco, Mr. Keller and Mr. Gambrill,

As one of the residents of 3833 Schroeder Avenue, you can imagine my dismay when one of my neighbors came upon the inter-office correspondence dated December 26, 2006 while at the county office pulling plats for the hearing that was scheduled for Feb. 14th and has been postponed. The letter states that the Office of Planning does not oppose the petitioner's request for variance. When Mr. Gambrill was asked by my neighbor how this can be, he replied "Because no one opposed it".

The Perry Hall Improvement Association had and still does support the residents on this street that do oppose it and wasn't notified of the procedures needed to influence your decision. We thought that was what the hearing was for.

My family lives approximately 50 feet behind where the Outdoor Connection now operates. Mr. Gladstone started off years ago as a small lawn mowing business from his home at 3815 Schroeder Avenue. When he became a full landscaping business is unknown because he ran it from his home and no equipment except one pickup truck was visible from the street.

When Mr. Gladstone purchased 3839 Schroeder Avenue he came to my husband and I and said not to worry, he is just going to plant trees there for his business and rent the house out to one of his workers. The problem lies in that we believed him.

Trees were planted there--no problem. Then the large barn type building went up. And slowly the materials showed up. Pallets of brick and stone. Piles of mulch and dirt covered in tarps. Four or five cars pulled in every morning and parked there for the day. Saturdays included. A bobcat type loader would load up to two dump trucks or pickups with materials, whatever the job was for the day. Sometimes a dump truck would have a trailer on the back with the bobcat loaded to take to a job. This doesn't even include the deliveries the business receives. The pallets of brick and stone come delivered on a huge truck as does piles of mulch and dirt. I'm sure you can imagine the noise associated with all of this. All of this happened gradually, it was not all from the beginning when the property was purchased.

Schroeder Avenue is a dead end street and back where we live the road is approximately 12 feet wide. The Outdoor Connection trucks as well as the delivery trucks are riding on this narrow street where children are waiting for school buses. The buses have never come all the way back our area, the children have to walk down over a steep hill where there are no sidewalks to get to the bus. The street is too narrow and there is no room for the bus to turn around.

Approximately two years my husband went to Mr. Gladstone to let him know how much we opposed the mess and noise and weren't happy about being lied to. Mr. Gladstone got extremely angry with my husband and voiced that we didn't know how much money he has tied up in this. The next day Mr. Gladstone came over and asked what he can do for us not to complain. My husband said that the business shouldn't be ran in this quiet residential neighborhood and just planting trees there like he originally said would be fine. Mr. Gladstone moved some things around but business continued there as usual. Sometime the pallets and such are hidden in the barn and the equipment is left out or vice versa.

The Perry Hall Improvement Association was contacted and they in turn called the violation in.

You can imagine my dismay when I saw the inter-office correspondence stating that the Office of Planning is not opposing this variance. I cannot believe now you are recommending that the equipment operation can go on from 5:00 am to 9:00 pm. This has been a quiet residential neighborhood up to this point. There are at home mothers with babies that take walks--there are no sidewalks--and families like ours that have been there for 20 years living in a residential area. To say that all Mr. Gladstone has to do is plant evergreen screening is ludicrous. We generally can't sleep past 7:00 now Monday thru Saturday (as my sons will attest to) and I don't believe evergreen screening will keep out the noise or the dust kicked up from this operation.

I don't know when the hearing will be rescheduled yet but I would appreciate in having this matter looked at again and reconsidered. The attorney that I contacted said we should hire an attorney for the appeal, but he advised that in his opinion the Petitioner could not prove a case for a variance, especially given the impact on the neighborhood. The setbacks from which variance relief is sought were designed to keep this use separated from residences for a purpose.

I have pictures to support my claims as Mr. Gladstone has cleaned up the area somewhat since he has been issued the citation. He still continues to operate from the location though, as workers still park there and items are still stored in the barn and retrieved.

Thank you for your time,

Debbie Thomas
3833 Schroeder Avenue
Perry Hall, MD 21128
Home: 410-256-0534
Work: 443-461-1203

Debbie Thomas
3833 Schroeder Avenue
Perry Hall, MD 21128

May 11, 2007

Dear Mr. Wiseman,

I am sure that you are so sick of this case (7-229) and in the grand scheme of life it isn't even a blip but I feel I need to clarify a few things since it has been brought up. If this has to be shared with Mr. Lanzi, please disregard, not that it isn't true, but I fear retaliation (remember Mr. Gonce's statement). Retaliation is why a few of us didn't speak at the hearing.

We have never accused the Outdoor Connection trucks of having problems with the school buses. We just suggested that the potential is there because of the extremely tight situation at the bus stop. As Mrs. Mast spoke of babysitting and seeing no problems, why have they changed the bus stop so her grandson doesn't cross the street, it has never been that way in the past. Mr. Gladstone's children never rode the bus; they've always been in private schools.

There is no question that the activities for the Outdoor Connection have dramatically decreased over the past several months. It is news to everyone that he is operating a flower farm and not a landscape business. It's funny that there isn't a flower to be had except in his landscaping. Mr. Gladstone was cited over a year ago. The materials that were kept on site, in and out of the building have been moved. His workers still park there as well as all of the Outdoor Connection trucks. We know that the materials were moved further up the street toward Belair Road, still on Schroeder Avenue. We see his trucks leaving that property loaded with materials, not delivering. This has been going for months, I'm not saying he never did a job for Mr. Long or Mr. Mosley, but the same materials that used to be at 3839 are now stored on this other property, just as the pictures Kim Klein took indicate. Just as Mrs. Gladstone couldn't come up with the property address of this so called leased land in Kingsville, she claims to pay the bills so wouldn't she have the address memorized? Mr. Alderman said we should have requested a copy of the signed lease agreement, but Mrs. Beatty didn't know if she could. I believe if hard pressed, Mr. Gladstone would give the address of Huber's Produce that recently moved to Kingsville, as Mr. Gladstone is friends with Kenny Huber. There has never been evidence of any stored materials on that property though. And Mr. Gladstone had plenty of time since the March hearing to get up to code with all the possible violations, fire, etc.

I was afraid my husband Bobby was going to have to bring in his backhoe to dig us out of all the BS that was piling up at the hearing. By the way, he is 57 years old, you said you are much older, I don't think so. If our backhoe is breaking any law, we would like to know and correct it. Mrs. Davis has brought Bobby over meals to thank for digging her driveway out in bad weather. Bobby also dug the foundation for Mr. Gladstone's home addition years ago. Mrs. Davis and Mr. Gladstone never got along until this matter came up. We know for a fact that she used to call the

county on Mr. Gladstone for hunting in the Gunpowder. Mrs. Davis' interest in this matter is that her husband (of a few years) has spoken of an interest in starting "Davis Construction". We're thinking he wants to put it on the lot that butts up the other side of our driveway. That is Mr. Ehatt's interest in this matter since it is near his property. By the way, in response to Mrs. Davis saying the Ehatts have not improved their property, Mr. Ehatt had to gut his house before moving in. He has the pictures to prove it. Speaking of Mrs. Davis, who truly enjoyed her 15 minutes of fame so she stretched it out to an hour, her son used to ride dirt bikes with our sons and other children in the neighborhood. We always asked surrounding neighbors if it was okay, and no one complained. Bobby has always been respectful of not doing yard work too early, never before 9:00. Why Mrs. Davis would claim to know what time my husband gets up every morning is beyond me. We did not take pictures of her house; it certainly is not perfect, with junk sitting around.

Bobby mowed Mrs. Robinson's lawn for years before she died. There was absolutely no evidence of the road that is now cut in next to the inventory. Not saying it wasn't there 30 years ago, but it wasn't there when Mr. Gladstone bought the property. There were some old sheds and such on Mrs. Robinson's property, but even on a bad day it never looked as bad as what the Zelany property looks like now and 20 years ago when we moved back there. We're sorry that son died, but they had gutted a restaurant and left all the equipment--tables, chairs, stoves, etc. there for years among other items they can't seem to part with, but we never complained because that was there when we bought our property. The sheds on Mrs. Robinson's property were in no way as long or tall as the barn/shed that Mr. Gladstone erected.

There are many people back in our neighborhood that wouldn't sign Mrs. Davis's petition. The petition was taken before the variance request came out. We heard from at least one person (Mr. Saville) that he wouldn't have signed had he know Mr. Gladstone hadn't gotten a permit and was infringing on his property. We did not recruit people to come to the hearing; Mr. Alderman told us it wasn't necessary. There really is an unspoken opinion in the neighborhood from some people (the ones that didn't sign the petition) although they wouldn't want to say it in a courtroom, that Mr. Gladstone got greedy (not my words). We were told the Mrs. Gladstone complained about the mess and traffic in her backyard and wanted it out of there which is why Mr. Gladstone bought that property.

Mrs. Davis claims that she heard Mrs. Ward's name come up during her petition quest. Mrs. Ward is going to contact those people who signed the petition to find out what and if they said anything about her. Mrs. Ward is Bobby's sister. She is also a Realtor, lives in the neighborhood and is a PHIA member. She did not get involved with this until Mr. Gladstone applied for a variance. She is on the zoning committee for the PHIA. Her house has the same zoning as the property in question. The only bad thing I ever heard about her came from Mrs. Davis. I believe that Mrs. Davis still has a bug in her bonnet over Mrs. Ward being instrumental in our getting our property subdivided from Mr. Saville's some 20 years ago.

Speaking of Mr. Saville, he is a very quiet man and shy. He had always worked the 3-11 shift at Franklin Square Hospital. He is single and has been a wonderful neighbor. We have always been very mindful of not making any noise when he could be sleeping. There is still a field between our houses, Mr. Saville has promised us first crack at it if he ever chooses to sell. As Bobby said, Mr. Saville has been approached by Mr. Gladstone on numerous occasions to try to get him to sell

or lease him the land. Mr. Saville has respectfully gotten our input on this matter. Mr. Saville did not understand the variance request and was dumbfounded to learn that the barn was put up without a permit and too close to his property. Mr. Saville has always obtained permits for home improvements and thought everyone else would too.

It is my belief that Mr. Gladstone and his business growth changed the dynamics of our neighborhood and anyone in support of this has commercial business aspirations of their own. Mrs. Ward, as a Realtor, had the courtesy of renting office space on Belair Road for her business instead of adding traffic to our neighborhood. If Mr. Gladstone had gone through proper procedures and been mindful of neighbors, we wouldn't be going through all of this.

Thank you for letting me vent.

Sincerely,

Debbie Thomas

BW
3/19
2pm

John Murphy - Fwd: 3839 Schroeder Avenue item number 7-229

From: Timothy Kotroco
To: Murphy, John; Wiseman, Bill
Date: 02/16/07 4:08 PM
Subject: Fwd: 3839 Schroeder Avenue item number 7-229

Bill or Jack: I'm not sure which of you were assigned this case. This is a neighbor's letter of complaint and it should go into the file. Case was to be heard on the 14th. Tim

Timothy M. Kotroco, Director
Permits & Development Management
Phone: 410-887-3020

>>> <b2cdthomas@comcast.net> 02/15/07 2:40:52 PM >>>
Dear Mr. Kotroco, Mr. Keller and Mr. Gambrill,

As one of the residents of 3833 Schroeder Avenue, you can imagine my dismay when one of my neighbors came upon the inter-office correspondence dated December 26, 2006 while at the county office pulling plats for the hearing that was scheduled for Feb. 14th and has been postponed. The letter states that the Office of Planning does not oppose the petitioner's request for variance. When Mr. Gambrill was asked by my neighbor how this can be, he replied "Because no one opposed it".

The Perry Hall Improvment Association had and still does support the residents on this street that do oppose it and wasn't notified of the procedures needed to influence your decision. We thought that was what the hearing was for.

My family lives approximately 50 feet behind where the Outdoor Connection now operates. Mr. Gladstone started off years ago as a small lawn mowing business from his home at 3815 Schroeder Avenue. When he became a full landscaping business is unknown because he ran it from his home and no equipment except one pickup truck was visible from the street.

When Mr. Gladstone purchased 3839 Schroeder Avenue he came to my husband and I and said not to worry, he is just going to plant trees there for his business and rent the house out to one of his workers. The problem lies in that we believed him.

Trees were planted there--no problem. Then the large barn type building went up. And slowly the materials showed up. Pallets of brick and stone. Piles of mulch and dirt covered in tarps. Four or five cars pulled in every morning and parked there for the day. Saturdays included. A bobcat type loader would load up to two dump trucks or pickups with materials, whatever the job was for the day. Sometimes a dump truck would have a trailer on the back with the bobcat loaded to take to a job. This doesn't even include the deliveries the business receives. The pallets of brick and stone come delivered on a huge truck as does piles of mulch and dirt. I'm sure you can imagine the noise associated with all of this. All of this happened gradually, it was not all from the beginning when the property was purchased.

Schroeder Avenue is a dead end street and back where we live the road is approximately 12 feet wide. The Outdoor Connection trucks as well as the delivery trucks are riding on this narrow street where children are waiting for school buses. The buses have never come all the way back our area, the children have to walk down over a steep hill where there are no sidewalks to get to the bus. The street is too narrow and there is no room for the bus to turn around.

Approximately two years my husband went to Mr. Gladstone to let him know how much we opposed the mess and noise and weren't happy about being lied to. Mr. Gladstone got extremely angry with my husband and

voiced that we didn't know how much money he has tied up in this. The next day Mr. Gladstone came over and asked what he can do for us not to complain. My husband said that the business shouldn't be ran in this quiet residential neighborhood and just planting trees there like he originally said would be fine. Mr. Gladstone moved some things around but business continued there as usual. Sometime the pallets and such are hidden in the barn and the equipment is left out or vice versa.

The Perry Hall Improvement Association was contacted and they in turn called the violation in.

You can imagine my dismay when I saw the inter-office correspondence stating that the Office of Planning is not opposing this variance. I cannot believe now you are recommending that the equipment operation can go on from 5:00 am to 9:00 pm. This has been a quiet residential neighborhood up to this point. There are at home mothers with babies that take walks--there are no sidewalks--and families like ours that have been there for 20 years living in a residential area. To say that all Mr. Gladstone has to do is plant evergreen screening is ludicrous. We generally can't sleep past 7:00 now Monday thru Saturday (as my sons will attest to) and I don't believe evergreen screening will keep out the noise or the dust kicked up from this operation.

I don't know when the hearing will be rescheduled yet but I would appreciate in having this matter looked at again and reconsidered. The attorney that I contacted said we should hire an attorney for the appeal, but he advised that in his opinion the Petitioner could not prove a case for a variance, especially given the impact on the neighborhood. The setbacks from which variance relief is sought were designed to keep this use separated from residences for a purpose.

I have pictures to support my claims as Mr. Gladstone has cleaned up the area somewhat since he has been issued the citation. He still continues to operate from the location though, as workers still park there and items are still stored in the barn and retrieved.

Thank you for your time,

Debbie Thomas
3833 Schroeder Avenue
Perry Hall, MD 21128
Home: 410-256-0534
Work: 443-461-1203

Grounds for a
Motion to Recuse
myself from proceeding
further with this Matter.

Arguably my impartiality
might reasonably be
questioned -

While I don't believe
my representation of Mr. T
automatically disqualifys me
I BELEIVE IT APPROPRIATE
TO ADVISE PARTIES - AND OBTAIN POSITION

LAW OFFICES
O'DOHERTY, GALLAGHER & NEAD
1011 FIDELITY BUILDING
BALTIMORE, MARYLAND 21201

PATRICK A. O'DOHERTY
FRANK X. GALLAGHER
ROBERT K. NEAD
RICHARD T. MOXLEY
GILBERT A. HOFFMAN

MICHAEL P. MAY
ROBERT L. SIEMS

TELEPHONE
AREA CODE 301
837-1828

OF COUNSEL
PATRICK J. COUGHLIN, JR.

May 8, 1981

William J. Wiseman, Esquire
Suite 103, Chesapeake Building
305 W. Chesapeake Avenue
Towson, Maryland 21204

H. Emslie Parks, Esquire
Mercantile-Towson Building
Suite 1012
Towson, Maryland 21204

E. B. Harris, Jr., Esquire
Law Building
15 Guilford Avenue
Baltimore, Maryland 21202

Read K. McCaffrey, Esquire
2000 First Maryland Building
25 S. Charles Street
Baltimore, Maryland 21201

John E. Mudd, Esquire
306 W. Joppa Road
Towson, Maryland 21204

Re: Thomas, et al. v. Lauer, et al.
Date of Loss: 10/28/80
Our File No: 81-D-1043

Gentlemen:

Please be advised that the deposition scheduled of the Custodian of Records of the Office of The Chief Medical Examiner on Friday, May 29, 1981, at 11:30 a.m. is cancelled as that office was kind enough to forward to me the reports requested. I am enclosing a copy of the same for each of your respective files.

Sincerely,

Frank X. Gallagher

FXG/dll

Enclosures

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (the "Declaration") is entered into this_____ day of _____, 2007, by and between Barry E. Gladstone (the "Grantor"), the Outdoor Connection, Inc., a Maryland Corporation ("Outdoor") and the Perry Hall Improvement Association (the "Community Association").

DRAFT

I. RECITALS.

A. Grantor owns a parcel of property in Baltimore County totaling approximately 2.481 acres, tax account number of 11-18048450, which property is known as 3839 Schroeder Avenue and is described in Exhibit A attached hereto and made a part of this Declaration (the "Property").

B. The Community Association is a community association in Baltimore County in whose area the Property is located.

C. The Outdoor Connection, Inc. is a Maryland Corporation whose principal owner is Grantor. Outdoor currently operates a limited acreage wholesale flower farm ("Farm") on a portion of the Property pursuant to a lease with Grantor.

D. The Property is currently zoned DR2.

E. The Property is subject to a Petition for Special Hearing and Petition for Variance, Case No. 07-229-SPHA (the "Case) with a zoning hearing scheduled for March 19, 2007. The Property is also the subject of a code violation citation, Citation No. 06-1843. The code violation hearing was postponed indefinitely the outcome of the zoning case.

(1). The specific zoning relief requested in the Case is as follows:

(a). Special Hearing to allow a limited acreage wholesale flower farm pursuant to Section 1B01.A(7) and 404.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building.

(b). Petition for Variances: (i) To allow an internal roadway to be less than 25 feet from a property line pursuant to Section 404.1A of the B.C.Z.R.; (ii) to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet pursuant to Section 404.1B; and (iii) to permit the loading and unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R.

F. The Property also contains an existing residence located on approximately _____ acres with the remaining _____ acres currently used by Grantor and Outdoor for the Farm use.

G. The Community Association is willing to support Grantor and Outdoor in the Case subject to the placement of certain restrictions on the Property and use of the Property to assure that the current and future use of the Property does not unduly impact nearby residential areas.

H. In order to make the covenants, restrictions and conditions contained in this Declaration binding and fully effective on the Property, and on the present and future owners and occupants thereof, the parties have entered into this Declaration to the end and with the intent that the Grantor, Outdoor and his/its' successors and assigns will hold, use, transfer, convey or foreclose upon the Property subject to the said covenants, restrictions and conditions.

WHEREUPON, in consideration of the promises made in this Declaration by and between Grantor, Outdoor and the Community Association and for other good and valuable consideration, the sufficiency of which the parties acknowledge, the parties hereto agree as follows:

II. AGREEMENT

1. General Use of Property. The Farm use of the Property will be limited to a maximum of ____ acres, which includes all parking, all existing and any future improvements as shown on the zoning site plan attached as Exhibit B. The remaining ____ acres of the Property will continue with the current residential use.

2. Specific Use of Farm Portion of the Property. The Farm portion of the Property by Grantor, Outdoor and/or any subsequent owner or Lessee of the Property or business shall be limited to a limited wholesale flower farm use as allowed by Baltimore County, any zoning order issued for the Case and subject to the following restrictions:

a. hours of operation limited to approximately 10 hours per day in the spring, summer and fall seasons and approximately 8 hours per day in the winter season. The hours of operation will begin no earlier than 5:00 a.m. and no later than 9:00 p.m. There will be no Sunday hours.

b. vehicles necessary for the Farm operation shall be stored in the accessory building located on the Farm portion of the Property when not in use and during non-working hours.

c. all materials and equipment necessary for the Farm operation on the Property will be stored inside the accessory building shown on Exhibit A when not in use.

d. the Property shall be consistently maintained, including any necessary mulching, pruning, weeding, grass cutting and snow removal.

e. loader equipment on the Property shall be limited to the Farm use and snow removal.

f. the Property shall be landscaped so as to screen neighboring property owners from the Farm use of the Property. The landscaping shall be as approved by the Baltimore County Landscape Architect.

3. Buildings. Grantor shall limit building coverage for all uses on the Property to the current residence, any replacements or additions thereto and those Farm buildings existing and as proposed on the zoning site plan attached as Exhibit B.

4. Grantor agrees to restrict the Farm use of the Property as contained in this Agreement to Grantor, Grantor's spouse, Grantor's heirs and Outdoor. In the event the Property is sold to an unrelated third party (not Grantor's spouse or Grantor's heirs) and/or, Outdoor's business is sold to an unrelated third party, the Farm use shall cease at the Property.

5. Notwithstanding anything to the contrary contained herein, should any portion of the Property be taken by eminent domain or by a deed in lieu thereof or be required in any manner for improvements to an existing road or right-of-way, upon the taking or transfer, such portion shall be deemed removed from this Declaration and the Grantor and Outdoor shall have no further liability hereunder for such area taken or transferred.

6. If any party to this Declaration, or its successors or assigns is required to institute legal action to enforce the terms of this Declaration and is successful (whether by judgment or settlement) in obtaining enforcement of the Declaration), that party or its successor or assigns shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Declaration with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within one hundred twenty (120) days after the receipt of this notice may legal action be instituted.

7. The parties warrant and represent that they have taken all necessary action required to be taken by the respective charters, bylaws, or other organizational documents to authorize the execution of this Declaration.

8. This Declaration, which may be executed in counterparts, contains the entire understanding of the parties.

9. Each of the parties to this Declaration warrants that it has carefully read and understands this Declaration, is cognizant of its terms and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

10. 2008 Rezoning and Future Rezoning. During the 2008 CZMP and in any future CZMP or cycle processes, in the event any rezoning issues affect the Property, the Community Association will support the zoning of the Property to allow the Farm and residential use as limited herein. The Community Association agrees it shall provide written notice to Grantor and Outdoor of any such issues affecting the Property and any alleged violations of this Declaration.

11. Rights of Parties. The rights and interests granted by this Declaration are binding on Grantor, Outdoor and Community Association and their respective successors, heirs and assigns.

12. Amendment. This Declaration may only be amended by a writing signed by the parties or their successors and assigns.

13. Interpretation/Recording. This Declaration will be construed by application of Maryland Law. This Agreement will be recorded by Grantor in the Land Records of Baltimore County within 30 days of final unappealable zoning approval of the Case and requested Farm use.

14. All the notices required by this Declaration shall be sent by certified mail, postage prepaid, return receipt requested or by nationally recognized overnight delivery service, to the following addresses, or to other such address as either party shall notify the other of in writing:

Barry Gladstone
3815 Schroeder Avenue
Perry Hall, Maryland 21128

The Outdoor Connection, Inc.
Barry Gladstone, President
3839 Schroeder Avenue
Perry Hall, Maryland 21128

Perry Hall Improvement Association
c/o Debra Beaty, Chairman,
Zoning Committee
P.O. Box 63
Perry Hall, Maryland 21128

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

ATTEST/WITNESS

GRANTOR

DRAFT

Barry E. Gladstone

PERRY HALL IMPROVEMENT ASSOCIATION

BY: David Marks, President

ATTEST/WITNESS

OUTDOOR CONNECTION, INC.

BY: Barry E. Gladstone, President

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 5

BILL NO. 41-92

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

BY THE COUNTY COUNCIL, MARCH 2, 1992

AN ACT concerning

Agricultural Operations

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and classify the various types of farming, forestry, nursery and agricultural related operations and activities in order to preserve and maintain such operations and activities, defining terms, permitting certain agricultural operations and activities in certain zones of the County as of right or by Special Exception, placing certain conditions upon some operations and activities, and generally relating to the regulation of all forms of agricultural related operations and activities in Baltimore County.

BY repealing

Section 101 - Definitions, the definitions of "Farm (Limited - Acreage Wholesale Flower Farm)" and "Farmers' Co-op Roadside Stands" and Sections 404.1 and 404.6

Baltimore County Zoning Regulations, as amended

BY renumbering

Sections 404.2, 404.3, 404.4, 404.5 to be Sections 404.5, 404.6, 404.7, 404.8

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

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

Section 101 - Definitions, the definition of "Farmers' Roadside Stand" and Sections 1A01.2.B.7b., 1A01.2.C.8., 1A02.2.A.10b., 1A02.2.B.9., 1A03.3.A.6b., 1A04.2.A.11b., 1A05.2.A.4. and 5., 1A05.2.F.1., 1A06.2.A.1., 1A06.2.C.1., 1B01.1.A.7., and 230.9, the listing of "garden shop"

Baltimore County Zoning Regulations, as amended

BY adding

Section 101 - Definitions, the definitions, alphabetically, of "Controlled - Environment Structure", "Farm (Limited - Acreage Wholesale Flower Farm)", "Farm Market", "Garden Center", "Indigenous Crops", "Landscape Service Operation", "Locally Grown Produce", "Nursery, horticultural", and "Produce Stand" and Sections 1A01.2.C.10B and 11A., 1A02.2.B.14B. and 14C., 1A03.3.B.7B., 7C. and 15., 1A04.2.B.8B., 1A05.2.A.10, 1A06.2.B., the listing of Landscape Service Operations, alphabetically, and Sections 404.1, 404.2, 404.3 and 404.4

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received two final reports from the Planning Board, dated April 18, 1991 and May 16, 1991 respectively, concerning the subject legislation and held a public hearing thereon on September 26, 1991, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Section 101-Definitions, the definitions of "Farm
3. (Limited-Acreage Wholesale Flower Farm)" and "Farmers' Co-op Roadside Stands"
4. and Sections 404.1 and 404.6 of the Baltimore County Zoning Regulations, as
5. amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 404.2, 404.3, 404.4, and 404.5 of the Baltimore County Zoning Regulations, as amended, be and they are hereby renumbered to be Sections 404.5, 404.6, 404.7, and 404.8.

SECTION 3. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definition of "Farmers' Roadside Stand" and Sections 1A01.2.B.7b., 1A01.2.C.8., 1A02.2.A.10b., 1A02.2.B.9., 1A03.3.A.6b., 1A04.2.A.11b., 1A05.2.A.4. and 5., 1A05.2.F.1., 1A06.2.A.1., 1A06.2.C.1., 1B01.1.A.7., and 230.9, the listing of "garden shop", of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 101 - Definitions

<u>Farmer's Roadside Stand</u>: An accessory structure OWNED AND OPERATED BY AN AGRICULTURAL PRODUCER, USED for the sale of {articles grown or produced on the premises} INDIGENOUS FARM PRODUCTS THE MAJORITY OF WHICH HAVE BEEN GROWN ON THE PREMISES, ADJACENT LAND OR ON PROPERTIES FARMED BY THE SAME AGRICULTURAL PRODUCER.

Section 1A01 - R.C. 2 Zones

1A01.2.B. Uses permitted as of right.

7. Accessory uses or structures, including but not limited to the following:

b. {Farmers'} FARMER'S roadside stand{s} AND PRODUCE STAND, SUBJECT TO THE PROVISIONS OF SECTION 404.4. {(see Section 404)}

1A01.2.C. Uses permitted by Special Exception.

8. {Farmer's co-op roadside stands} FARM MARKET, SUBJECT TO THE PROVISIONS OF SECTION 404.4.

Section 1A02 - R.C. 3 Zones

1A02.2.A. Uses permitted as of right.

10. Accessory uses or structures, including, but not limited to the following:

b. {Farmers'} FARMER'S roadside stand{s} AND PRODUCE STAND (subject to the provisions of Section {404.6} 404.4)

1A02.2.B. Uses permitted by Special Exception.

9. {Farmers Co-op roadside stand.} FARM MARKET, SUBJECT TO THE PROVISIONS OF SECTION 404.4

Section 1A03 - R.C. 4 Zones

1A03.3.A. Uses permitted as of right.

6. Accessory uses or structures, including, but not limited to the following:

b. {Farmers'} FARMER'S roadside stand{s} AND PRODUCE STAND, SUBJECT TO THE PROVISIONS OF SECTION 404.4

Section 1A04 - R.C. 5 Zone

1A04.2.A. Uses permitted as of right.

11. Accessory uses or structures, including, but not limited to, the following:

b. {Farmers'} FARMER'S roadside stand{s} AND PRODUCE STAND (subject to the provisions of Section {404.6} 404.4)

Section 1A05 - R.C. 20 AND R.C. 50 ZONES

1A05.2.A.

	ZONE	
	R.C. 20	R.C. 50
4. Agriculture and agricultural uses including farms, satellite farms, farmettes, and limited acreage wholesale flower farms, PRODUCE STANDS, farmers' roadside stands, subject to the provisions of Section 38-23 of the Baltimore County Code.	P	P
5. {Farmers' co-op roadside stands} FARM MARKET	SE	SE

1A05.2.F. Accessory Uses.

1. Buildings, structures, and uses accessory to agriculture, including, but not limited to, barns, silos, stables, feed yards; farmers' roadside stands, PRODUCE STANDS; tenant houses, including trailers used as tenant houses.

Section 1A06 - R.C.C. Zones

1A06.2.A. Uses permitted as of right.

1. Agriculturally related retail, office and service uses: Agricultural supply and feed store; Auction buildings; {Farmers' co-op; Farmers' market} FARM MARKET; Garden Center; PRODUCE STAND IN ASSOCIATION WITH A FARM; Veterinarian's office; Veterinarium.

1A06.2.C. Accessory uses or structures.

1. Agricultural related uses; {Farmers'} FARMER'S roadside stand{s}; PRODUCE STAND; Intermittent outdoor sales; Cut flowers or live plants; {Farmers' co-op roadside stands} Fish; shellfish and meats; Fruits and vegetables.

Section 1B01.1 - General Use Regulations in D.R. Zones

1B01.1.A. Uses permitted as of right.

7. Farms, PRODUCE STAND IN ASSOCIATION WITH A FARM, or limited-acreage wholesale flower farms (see Section 404).

B.L. Zone - Business, Local

Section 230 - Use Regulations

The following uses only are permitted:

230.9

{Garden shop, with associated outdoor sales area} GARDEN CENTER

SECTION 4. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definitions, alphabetically, of "Controlled - Environment Structure", "Farm (Limited - Acreage Wholesale Flower Farm)", "Farm Market", "Garden Center", "Indigenous Crops", "Landscape Service Operation", "Locally Grown Produce", "Nursery, horticultural", and "Produce Stand", and Sections 1A01.2.C.10B and 11A., 1A02.2.B.14B. and 14C., 1A03.3.B.7B., 7C. and 15., 1A04.2.B.8B., 1A05.2.A.10., 1A06.2.B., the listing of Landscape Service Operations, alphabetically, and Sections 404.1, 404.2, 404.3 and 404.4 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101 - Definitions

CONTROLLED-ENVIRONMENT STRUCTURE: A TEMPORARY OR PERMANENT STRUCTURE ENCLOSED BY GLASS OR PLASTIC, UTILIZED EXCLUSIVELY TO CULTIVATE PLANTS, TO PROTECT PLANTS FROM THE ELEMENTS, OR TO PRODUCE PLANTS OUT OF SEASON.

FARM: (LIMITED-ACREAGE WHOLESALE FLOWER FARM): A LIMITED-ACREAGE WHOLESALE FLOWER FARM IS LESS THAN 3 ACRES OF LAND, AND ANY IMPROVEMENTS

THEREON AND IS PRIMARILY USED FOR THE GROWING OF FLOWERS AND SMALL PLANTS AND THEIR WHOLESALE DISTRIBUTION.

FARM MARKET: AN ACCESSORY OR PRINCIPAL BUILDING OR STRUCTURE OTHER THAN A DWELLING WHICH IS USED BY ONE OR MORE FARMERS FOR THE SALE OF PRODUCE GROWN PRIMARILY ON THEIR OWN FARMS OR FOR THE SALE OF OTHER LOCALLY GROWN PRODUCE. A FARM MARKET MAY SELL A LIMITED AMOUNT OF LOCALLY PRODUCED NONAGRICULTURAL GOODS SUCH AS HANDCRAFTED ITEMS, HOMEMADE BAKED GOODS, HOMEMADE PRESERVES, JAMS AND PROCESSED DAIRY PRODUCTS.

GARDEN CENTER: A PLACE OF BUSINESS WHERE GARDEN RELATED PRODUCTS, HORTICULTURAL MATERIALS OR PRODUCE ARE SOLD TO THE RETAIL CUSTOMER. A GARDEN CENTER MAY INCLUDE A NURSERY OR CONTROLLED-ENVIRONMENT STRUCTURES.

INDIGENOUS CROPS: PRODUCE WHICH CAN BE GROWN IN THE AREA UNDER NATURAL CONDITIONS, WITHOUT THE HELP OF CONTROLLED-ENVIRONMENT STRUCTURES.

LANDSCAPE SERVICE OPERATION: AN OPERATION PRIMARILY ENGAGED IN THE DESIGNING, INSTALLING, PLANTING OR MAINTAINING OF LAWNS, GARDENS OR OTHER PLANTINGS AT OFF-SITE COMMERCIAL OR RESIDENTIAL USES.

LOCALLY GROWN PRODUCE: CROPS WHICH HAVE BEEN PRODUCED IN BALTIMORE COUNTY OR ITS IMMEDIATE VICINITY. THE FOLLOWING AREAS SHALL BE CONSIDERED AS IMMEDIATE VICINITY: MARYLAND, PENNSYLVANIA, WEST VIRGINIA AND DELAWARE.

NURSERY, HORTICULTURAL: AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE PRODUCTION AND MARKETING OF TREES, SHRUBS AND PLANTS. THE PLANT MATERIALS MAY BE PRODUCED ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY STAGE OF MATURITY FOR FURTHER PRODUCTION. HORTICULTURAL NURSERIES MAY ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS, SALE OF PRODUCTS NECESSARY FOR THE HEALTH OF THE NURSERY STOCK, AND PROVISION OF LIMITED LANDSCAPE SERVICES. A NURSERY WHICH SELLS PLANT MATERIALS GROWN EXCLUSIVELY ON-SITE AND WHICH DOES NOT OFFER ANY OF THE ACCESSORY SERVICES PERMITTED AT HORTICULTURAL NURSERIES, SHALL BE CONSIDERED A FARM.

PRODUCE STAND: AN ACCESSORY STRUCTURE OR A VEHICLE TEMPORARILY PLACED ON A FARM PROPERTY FOR THE SALE OF INDIGENOUS PRODUCE ALL OF WHICH HAS BEEN GROWN OR PRODUCED ON THAT PROPERTY, OR ON ADJACENT LAND, OR ON PROPERTIES FARMED BY THE SAME AGRICULTURAL PRODUCER.

Section 1A01 - R.C. 2 ZONES

1A01.2.C. Uses permitted by Special Exception.

10B. HORTICULTURAL NURSERIES, SUBJECT TO THE PROVISIONS OF SECTION 404.1 AND 404.2

11A. LANDSCAPE SERVICE OPERATIONS, SUBJECT TO PROVISIONS OF SECTION 404.1 AND 404.3

Section 1A02 - R.C. 3 ZONES

1A02.2.B. Uses permitted by Special Exception.

14B. HORTICULTURAL NURSERIES, SUBJECT TO THE PROVISIONS OF SECTION 404.1 AND 404.2

14C. LANDSCAPE SERVICE OPERATIONS, SUBJECT TO THE PROVISIONS OF SECTION 404.1 and 404.3

Section 1A03 - R.C. 4 ZONES

1A03.3.B. Uses permitted by Special Exception

7B. HORTICULTURAL NURSERIES, SUBJECT TO THE PROVISIONS OF SECTION 404.1 and 404.2

7C. LANDSCAPE SERVICE OPERATIONS, SUBJECT TO THE PROVISIONS OF SECTION 404.1 and 404.3

15. FARM MARKET, SUBJECT TO THE PROVISIONS OF SECTION 404.4

Section 1A04 - R.C. 5 ZONE

1A04.2.B. Uses permitted by Special Exception.

8B. HORTICULTURAL NURSERIES, SUBJECT TO THE PROVISIONS OF SECTION 404.1 AND 404.2

Section 1A05 - R.C. 20 AND R.C. 50 ZONES

Section 1A05.2.A.

	ZONE	
	R.C. 20	R.C. 50
10. HORTICULTURAL NURSERIES	SE	SE

Section 1A06 - R.C.C. ZONES

1A06.2.B. Uses permitted by Special Exception:

LANDSCAPE SERVICE OPERATIONS (SUBJECT TO THE PROVISIONS OF SECTION 404.1 and 404.2)

SECTION 404 --FARM AND AGRICULTURAL OPERATIONS

404.1-- LIMITED ACREAGE WHOLESALE FLOWER FARMS, HORTICULTURAL NURSERIES AND LANDSCAPE SERVICE OPERATIONS ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. INTERNAL ROADWAYS SHALL BE LOCATED AT LEAST 25 FEET FROM ANY PROPERTY LINE OTHER THAN A STREET RIGHT-OF-WAY LINE.

B. CONTROLLED-ENVIRONMENT STRUCTURES AND ACCESSORY STRUCTURES SHALL BE LOCATED AT LEAST 50 FEET FROM ANY PROPERTY LINE, INCLUDING ANY RIGHT-OF-WAY LINE.

C. THE LOADING OR UNLOADING OF VEHICLES FOR THE PURPOSE OF SHIPPING AND RECEIVING GOODS SHALL TAKE PLACE AT LEAST 100 FEET FROM ANY PROPERTY LINE ADJACENT TO A RESIDENTIALLY ZONED OR USED PROPERTY AND SHALL BE SCREENED WITH PLANTINGS THAT PROVIDE A YEAR-ROUND VISUAL SCREEN UPON MATURITY.

IF THE LOADING ACTIVITIES ARE CARRIED ON WITHIN A FULLY ENCLOSED STRUCTURE, SUCH ACTIVITIES MAY TAKE PLACE UP TO 50 FEET FROM ANY PROPERTY LINE.

D. ONE FREESTANDING SIGN WITH AN AGGREGATE SURFACE AREA OF NO MORE THAN 25 SQUARE FEET PER SIDE, NOT TO EXCEED TWO SIDES, IS PERMITTED AND SHALL BE INTEGRATED WITH THE LANDSCAPING.

E. A SIGN MAY NOT BE ILLUMINATED.

F. NOTWITHSTANDING SECTION 1A01.3, 1A02.3, 1A03.4, 1A04.3, AND 102.2, INTERNAL SET-BACKS BETWEEN CONTROLLED-ENVIRONMENT STRUCTURES SHALL BE AT LEAST FIVE FEET, EXCEPT THAT A FIRE LANE OF 20 FEET MINIMUM WIDTH SHALL BE PROVIDED AFTER EVERY THREE STRUCTURES.

G. FOR LIMITED ACREAGE FLOWER FARMS AND HORTICULTURAL NURSERIES, THE SALES AREA FOR PLANTS AND TREES COMING ONTO THE PROPERTY IN BALLS, CONTAINERS, OR IN ANY OTHER MANNER FOR THE PURPOSE OF IMMEDIATE SALE MAY NOT EXCEED 10 PERCENT OF THE GROSS AREA OF THE SITE OR A MAXIMUM OF 5 ACRES, WHICHEVER IS LESS. FOR THE PURPOSE OF THIS SECTION, "IMMEDIATE SALE" MEANS PLANTS WHICH HAVE BEEN GROWN OFF-SITE AND WHICH, WHEN TRANSPORTED TO A SITE, ARE AVAILABLE FOR SALE WITHOUT FURTHER PROCESSING.

404.2--A HORTICULTURAL NURSERY IS SUBJECT TO THE FOLLOWING REGULATIONS:

A. THE STORAGE AND DISPLAY AREA OF MATERIALS USED FOR LANDSCAPING PURPOSES AND AGRICULTURALLY RELATED PRODUCTS NECESSARY FOR MAINTAINING THE HEALTH OF NURSERY STOCK MAY NOT EXCEED 10 PERCENT OF THE NURSERY OR A MAXIMUM OF ONE ACRE, WHICHEVER IS LESS, AND SHALL BE SCREENED AS SPECIFIED IN SECTION 404.1C. RELATED PRODUCTS INCLUDE BUT ARE NOT LIMITED TO RAILROAD TIES, DECORATIVE STONES, MULCH AND FERTILIZERS.

B. HORTICULTURAL NURSERIES REQUIRE SPECIAL EXCEPTION APPROVAL IN R.C. 2, R.C. 3, R.C. 4 AND R.C. 5 ZONES AND SHALL MEET THE REQUIREMENTS OUTLINED IN SECTION 502.1 OF THESE REGULATIONS. IN ADDITION TO THESE REQUIREMENTS, HORTICULTURAL NURSERIES ARE SUBJECT TO THE FOLLOWING STANDARDS:

1. LANDSCAPE SERVICES MUST BE ACCESSORY TO THE PRODUCTION OF NURSERY STOCK. THE NUMBER OF PIECES AND TYPE OF LANDSCAPING EQUIPMENT SHALL BE LIMITED BY THE ZONING COMMISSIONER ACCORDING TO SITE CONSTRAINTS AND COMPATIBILITY WITH SURROUNDING USES.

2. THE LOCATION OF VEHICLE PARKING, EQUIPMENT AND MATERIAL STORAGE SHALL BE COMPATIBLE WITH THE SURROUNDING USES AND SHALL BE SCREENED FROM RESIDENTIALLY USED OR ZONED PROPERTIES AS SPECIFIED IN 404.1.C.

404.3--A LANDSCAPE SERVICE OPERATION IS SUBJECT TO THE FOLLOWING REGULATIONS:

A. THE OUTDOOR STORAGE AREA OF MATERIALS USED FOR LANDSCAPING PURPOSES, INCLUDING BUT NOT LIMITED TO, TOOLS, DRAINAGE PIPES, RAILROAD TIES, DECORATIVE STONES, MULCH, AND FERTILIZERS SHALL BE COMPATIBLE WITH SURROUNDING USES AND SCREENED FROM RESIDENTIALLY ZONED OR USED PROPERTIES AS SPECIFIED IN SECTION 404.1.C.

B. A LANDSCAPE SERVICE OPERATION MAY PLANT HORTICULTURAL MATERIALS ON-SITE. HOWEVER, SUCH PLANTS MAY ONLY BE SOLD AS AN INTEGRAL PART OF A LANDSCAPE DESIGN, AND MAY NOT BE SOLD TO THE RETAIL CUSTOMER.

C. LANDSCAPE SERVICE OPERATIONS REQUIRE A SPECIAL EXCEPTION APPROVAL IN R.C. 2, R.C. 3 AND R.C. 4 ZONES AND SHALL MEET THE REQUIREMENTS OUTLINED IN SECTION 502.1 OF THESE REGULATIONS. IN ADDITION TO THESE REQUIREMENTS, A LANDSCAPE SERVICE OPERATION IS SUBJECT TO THE FOLLOWING STANDARDS:

1. THE SITE SHALL BE OF SUFFICIENT SIZE AND PROPERLY DESIGNED TO INSURE PROTECTION OF EXISTING NEIGHBORING DWELLINGS FROM NOISE, DUST, GLARE AND OTHER NUISANCE FACTORS.

2. LOCATION OF THE VEHICLE PARKING AND EQUIPMENT STORAGE AREA SHALL BE COMPATIBLE WITH SURROUNDING USES AND SHALL BE SCREENED FROM RESIDENTIALLY ZONED OR USED PROPERTIES AS SPECIFIED IN SECTION 404.1.C.

404.4--AGRICULTURAL ROADSIDE BUSINESSES ARE PERMITTED SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. SETBACKS. A FARM MARKET AND A FARMER'S ROADSIDE STAND SHALL BE SET BACK AT LEAST 35 FEET FROM THE NEAREST EDGE OF THE STREET PAVEMENT. A PRODUCE STAND SHALL BE LOCATED IN SUCH A MANNER THAT CONVENIENT INGRESS, EGRESS AND ADEQUATE PARKING ARE PROVIDED.

B. SIGNAGE. PRODUCE STAND, FARMER'S ROADSIDE STAND AND FARM MARKET--TOTAL SIGNAGE AREA MAY NOT EXCEED 25 SQUARE FEET PER SIDE, NOT TO EXCEED TWO SIDES. SIGNS SHALL BE ERECTED AND MAINTAINED ON THE LOT WHERE THE BUSINESS IS LOCATED.

C. A FARMER'S ROADSIDE STAND IS PERMITTED AS OF RIGHT WITH A USE PERMIT IN R.C. 2, R.C. 3, R.C. 4 AND R.C. 5 ZONES SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE STAND SHALL BE LOCATED ON A FARM.

2. THE OWNER SHALL BE AN AGRICULTURAL PRODUCER.

3. AT LEAST 50% OF THE PRODUCE SOLD ANNUALLY SHALL BE GROWN ON THE PREMISES WHERE THE STAND IS LOCATED, OR ON ADJACENT FARMS OR ON OTHER PROPERTY FARMED BY THE APPLICANT.

A. IN THE EVENT OF CROP FAILURE DUE TO DROUGHT, INSECT DAMAGE, DISEASE, OR OTHER CAUSES BEYOND THE CONTROL OF THE PRODUCER, AS DETERMINED BY THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD, THE 50% MINIMUM MAY BE DECREASED BY THE ZONING COMMISSIONER TO AN AMOUNT COMMENSURATE WITH THE DEGREE OF CROP FAILURE.

B. IN THE ENFORCEMENT OF ~~404.4.6.2~~ <u>404.4.C.3</u>, THE ZONING COMMISSIONER SHALL MAKE THE DETERMINATION UPON THE RECOMMENDATION OF THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

3. A SITE PLAN SHALL BE SUBMITTED INDICATING LOCATION AND TYPE OF STRUCTURE ON THE LOT IN QUESTION, INGRESS AND EGRESS, PARKING ARRANGEMENT, AND PROXIMITY OF DWELLINGS ON ADJACENT LOTS.

4. ON THE PROPERTY IN QUESTION, NOTICE OF THE APPLICATION FOR THE USE PERMIT SHALL BE CONSPICUOUSLY POSTED BY THE ZONING COMMISSIONER FOR A PERIOD OF THIRTY DAYS FOLLOWING THE FILING OF THE APPLICATION.

5. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS NOT FILED, THE ZONING COMMISSIONER, WITHOUT A PUBLIC HEARING, MAY GRANT A USE PERMIT FOR A FARMER'S ROADSIDE STAND IF THE PROPOSED USE MEETS ALL THE REQUIREMENTS OF THIS SUBSECTION AND ANY OTHER APPLICABLE REQUIREMENTS. THE USE PERMIT MAY BE ISSUED WITH SUCH CONDITIONS OR RESTRICTIONS AS DETERMINED APPROPRIATE BY THE ZONING COMMISSIONER TO SATISFY THE PROVISIONS OF THIS SECTION AND TO ENSURE THAT THE FARMER'S ROADSIDE STAND IS NOT DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY.

6. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS FILED, THE ZONING COMMISSIONER SHALL SCHEDULE A DATE FOR THE PUBLIC HEARING TO BE HELD NOT LESS THAN 15 DAYS FOLLOWING PUBLIC NOTICE OF SUCH HEARING IN TWO NEWSPAPERS OF GENERAL CIRCULATION AND NOT MORE THAN 60 DAYS FROM THE DATE OF FILING OF THE REQUESTS FOR PUBLIC HEARING.

7. FOLLOWING THE PUBLIC HEARING, THE ZONING COMMISSIONER MAY EITHER DENY OR GRANT A USE PERMIT CONDITIONED UPON:

A. HIS FINDINGS FOLLOWING THE PUBLIC HEARING; AND

B. THE MANNER IN WHICH THE REQUIREMENTS OF THIS SECTION AND OTHER APPLICABLE REQUIREMENTS ARE MET AND ANY ADDITIONAL REQUIREMENTS AS DEEMED NECESSARY BY THE ZONING COMMISSIONER IN ORDER TO ENSURE THAT THE FARMER'S ROADSIDE STAND IS NOT DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY AND WHICH ARE DEEMED NECESSARY TO SATISFY THE OBJECTIVES OF SECTION 502.1 OF THESE REGULATIONS.

D. FARM MARKET - SPECIAL EXCEPTION STANDARDS.

A FARM MARKET IS SUBJECT TO A SPECIAL EXCEPTION APPROVAL IN R.C. 2, R.C. 3, R.C. 4, R.C. 20 AND R.C. 50 ZONES AND SHALL MEET THE STANDARDS OUTLINED IN SECTION 502.1. OF THESE REGULATIONS. IN ADDITION TO THESE REQUIREMENTS, A FARM MARKET IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

1. THE OWNER SHALL BE AN AGRICULTURAL PRODUCER.

2. AT LEAST 50% OF THE PRODUCE SOLD ANNUALLY SHALL BE GROWN BY THE OWNER OF THE FARM MARKET AND NO MORE THAN 10% OF ANNUAL SALES SHALL BE LOCALLY PRODUCED NONAGRICULTURAL GOODS.

A. IN THE EVENT OF A CROP FAILURE DUE TO DROUGHT, INSECT DAMAGE, DISEASE OR OTHER CAUSES BEYOND THE CONTROL OF THE PRODUCER AS DETERMINED BY THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD, THE 50% MINIMUM MAY BE DECREASED BY THE ZONING COMMISSIONER TO A DEGREE COMMENSURATE WITH THE DEGREE OF CROP FAILURE.

B. IN THE ENFORCEMENT OF 404.4.D.2, THE ZONING COMMISSIONER SHALL MAKE THE DETERMINATIONS IN CONSULTATION WITH THE AGRICULTURAL LAND PRESERVATION ADVISORY BOARD.

3. A SITE PLAN SHALL BE SUBMITTED INDICATING LOCATION AND TYPE OF STRUCTURE ON THE LOT IN QUESTION, INGRESS AND EGRESS, PARKING ARRANGEMENT, AND PROXIMITY OF DWELLINGS ON ADJACENT LOTS.

SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

B04192/BILLS92

READ AND PASSED this 6th day of April, 1992

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 7th day of April, 1992.

Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

4/13/92

Roger B. Hayden
County Executive

I HEREBY CERTIFY THAT BILL NO. 41-92 IS TRUE AND CORRECT AND TOOK EFFECT ON May 28, 1992.

William A. Howard, IV
Chairman, County Council

Section 403
Excavations, Controlled
[BCZR 1955; Bill No. 32-1988]

403.1 Applications for special exceptions hereunder, accompanied by four sets of detailed plans,[1] showing proposed use of land during excavation and grading plans after excavation, shall be directed to the Zoning Commissioner. Any special exception granted hereunder may include the right to erect and operate buildings, machinery and equipment for a temporary period consistent with other provisions of the order of the Zoning Commissioner or the County Board of Appeals on appeal. All pertinent requirements of the Baltimore County Health Department regulations and the Baltimore County Building Code shall be incorporated by the Zoning Commissioner and the Board of Appeals on appeal in approving any application hereunder. **[Bill No. 9-1996[2]]**

Section 404
Farm and Agricultural Operations[3]
[BCZR 1955; Bill Nos. 85-1967; 41-1992]

404.1 Limited acreage wholesale flower farms, horticultural nurseries and landscape service operations are subject to the following requirements:

A. Internal roadways shall be located at least 25 feet from any property line other than a street right-of-way line.

B. Controlled-environment structures and accessory structures shall be located at least 50 feet from any property line, including any right-of-way line.

C. The loading or unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property and shall be screened with plantings that provide a year-round visual screen upon maturity. If the loading activities are carried on within a fully enclosed structure, such activities may take place up to 50 feet from any property line.

D. Signs are permitted, subject to Section 450.

E. Notwithstanding Sections 1A01.3, 1A02.3, 1A03.4, 1A04.3 and 102.2, internal setbacks between controlled-environment structures shall be at least five feet, except that a fire lane of 20 feet minimum width shall be provided after every three structures. **[Bill No. 89-1997]**

F. For limited acreage flower farms and horticultural nurseries, the sales area for plants and trees coming onto the property in balls, containers or in any other

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1 **Editor's Note: See Appendix G, Rules of Practice and Procedure of the Zoning Commissioner of Baltimore County, for the current number of plans required.**

2 **Editor's Note: This bill also repealed former Section 402.3, which followed.**

3 **Editor's Note: See also Section 100.6.**

manner for the purpose of immediate sale may not exceed 10% of the gross area of the site or a maximum of five acres, whichever is less. For the purpose of this section, "immediate sale" means plants which have been grown off site and which, when transported to a site, are available for sale without further processing. **[Bill No. 89-1997]**

404.2 A horticultural nursery is subject to the following regulations:

A. The storage and display area of materials used for landscaping purposes and agriculturally related products necessary for maintaining the health of nursery stock may not exceed 10% of the nursery or a maximum of one acre, whichever is less, and shall be screened as specified in Section 404.1C. Related products include but are not limited to railroad ties, decorative stones, mulch and fertilizers.

B. Horticultural nurseries require special exception approval in R.C.2, R.C.3, R.C.4 and R.C.5 Zones and shall meet the requirements outlined in Section 502.1 of these regulations. In addition to these requirements, horticultural nurseries are subject to the following standards:

1. Landscape services must be accessory to the production of nursery stock. The number of pieces and type of landscaping equipment shall be limited by the Zoning Commissioner according to site constraints and compatibility with surrounding uses.

2. The location of vehicle parking, equipment and material storage shall be compatible with the surrounding uses and shall be screened from residentially used or zoned properties as specified in Section 404.1.C.

404.3 A landscape service operation is subject to the following regulations:

A. The outdoor storage area of materials used for landscaping purposes, including but not limited to, tools, drainage pipes, railroad ties, decorative stones, mulch and fertilizers shall be compatible with surrounding uses and screened from residentially zoned or used properties as specified in Section 404.1C.

B. A landscape service operation may plant horticultural materials on-site. However, such plants may only be sold as an integral part of a landscape design, and may not be sold to the retail customer.

C. **[Bill No. 73-2000]** Landscape service operations require a special exception approval in R.C.2, R.C.3 and R.C.4 and R.C.6 Zones and shall meet the requirements outlined in Section 502.1 of these regulations. In addition to these requirements, a landscape service operation is subject to the following standards:

1. The site shall be of sufficient size and properly designed to insure protection of existing neighboring dwellings from noise, dust, glare and other nuisance factors.

2. Location of the vehicle parking and equipment storage area shall be compatible with surrounding uses and shall be screened from residentially zoned or used properties as specified in Section 404.1.C.

Additions unfinished 7 years

Mr. Steven E hatt
3824 Schroeder Ave

11/13/06

View from driveway

view from my front yard

view from Schroeder Ave

view from driveway

APPEAL

Petition for Special Hearing & Variance
3839 Schroeder Avenue
S/west corner of Schroeder Ave. and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owners: Barry E. Gladstone
Petitioner: The Outdoor Connection

Case No.: 07-229-SPHA

✓ Petition for Special Hearing and Variance (November 16, 2006)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (February 23, 2007)

✓ Certification of Publication (The Jeffersonian – March 6, 2007)

✓ Certificate of Posting (February 20, 2007) by SSG Robert Black

✓ Entry of Appearance by People's Counsel (November 28, 2007)

✓ Petitioner(s) Sign-In Sheet – 2 Sheets

Protestant(s) Sign-In Sheet -None

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

✓ Zoning Advisory Committee Comments

✓ Petitioners' Exhibit
See Attached Exhibit Sheet

✓ Protestants' Exhibits
See Attached Exhibit Sheet

✓ County Exhibits:
See Attached Exhibit Sheet

Miscellaneous (Not Marked as Exhibit)

1. 2 Photos
2. ✓ Violation Case Document
3. ✓ Letter dated January 8, 2006 from Mark Leford
4. ✓ Letter dated 2/15/07 from Debbie Thomas
5. ✓ Letter dated 5/11/07 from Debbie Thomas
6. ✓ Forwarded Email dated 2/16/07 from Timothy Kotroco
7. ✓ Letter of recuse
8. ✓ Petitioner's Memorandum
9. ✓ Declaration of Restrictive Covenants (Draft)
10. ✓ Bill No. 41-92
11. ✓ Section 403 of BCZR
12. ✓ Photos

✓ Zoning Commissioner's Order (GRANTED – May 31, 2007)

✓ Notice of Appeal received on June 28, 2007 from J. Carroll Holzer

RECEIVED
AUG 09 2007
BALTIMORE COUNTY
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
J. Neil Lanzi
J. Carroll Holzer
See Attached Sheet

Notice to Counsel and clients

date sent August 9, 2007 klm

Entry of Appearance:
J. Neil Lanzi, Esq.

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson MD 21204

Clyde Hinkle
1249 Engleberth Road
Baltimore MD 21221

Richard and Suzanne Long
3871 Schroeder Ave
Perry Hall MD 21228

Lambros and Panagiotis Pannagodimos
3852 Schroeder Ave
Perry Hall MD 21228

Sandy Mast
3816 Schroeder Avenue
Perry Hall MD 21128

Debra Beaty
Perry Hall Improvement Assoc.
P.O. Box 63
Perry Hall MD 21128

Brenda Ward
9829 Sadler Lane
Perry Hall MD 21128

EMORY LEVINE
3811 SCHROEDER AVENUE
PERRY HALL MD 21128

Donna and Matt Davis
3835 Schroeder Ave
Perry Hall MD 21228

Claire and Raymond Zeler
3824 Schroeder Ave
Perry Hall MD 21228

John and Patricia Anne Gonce
3822 Schroeder Ave
Perry Hall MD 21228

James and Angela Mosley
3804 Schroeder Ave
Perry Hall MD 21228

Cheryl and Phillip Curran
3817 Schroeder Ave
Perry Hall MD 21228

Mary Goss
3821 Schroeder Ave
Perry Hall MD 21228

Paul Powell
3812 Schroeder Ave
Perry Hall MD 21228

Ethel Wheeler
3801 Schroeder Avenue
Perry Hall MD 21128

Nick and Lois Micucci
3807 Schroeder Avenue
Perry Hall MD 21128

Laura and Emily Kimball
3835 Schroeder Avenue
Perry Hall MD 21128

Barry and Anita Gladstone
3815 Schroeder Avenue
Perry Hall MD 21128

Stephen Ehart
3825 Schroeder Avenue
Perry Hall MD 21128

Debra and Robert Thomas
3833 Schroeder Avenue
Perry Hall MD 21128

Vonnie Eady
9830 Sadler Lane
Perry Hall MD 21128

Case No.: 07-229 SPHA 3839 SCHROEDER AVE.

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1 ✓	AMENDED SITE PLAN	PHoto's - old
No. 2 ✓	ABC MAP COMPOLATION	PHoto's - old
No. 3	GIS MAP - aerial Photo of area	PHoto's - old
No. 4	PHoto's - Collectively	PHoto - PRIOR to Gladstones Purchase of Home
No. 5	LETTERS OF SUPPORT FROM ENTITIES HES DONATED to	PHoto - on other side of Thomas drive
No. 6	LOCATION OF NEIGHBORING PROPERTIES	PHoto FROM ROAD of Thomas
No. 7	LETTER AND PHotographs 10/11/06 WRITTEN BY DAVIS	PHoto (DEBRIS) MR. ZELNY'S Property
No. 8	PETITION - Neighbors in support 10/11/06 (25)	PHoto's - old
No. 9	Collectively - PHotographs taken 5/8/07 - LAURA KIMBALL	Aerials - Gladstone lives away from site
No. 10	Mr + Mrs GONCE's LETTER 10/25/06	Aerial - closer up
No. 11	10/11/06 LETTER from MS ZELNY	APPEARANCE AUTHORIZATION DEBRA BEATY - Rule 8
No. 12	LETTERS FROM BUS DRIVERS	Collectively Attm G

Identification only (Photos)

Case No.: 07-229 SPH-A 3839

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	Covenants Proposed	Collectively 13 Attach C Photo's
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

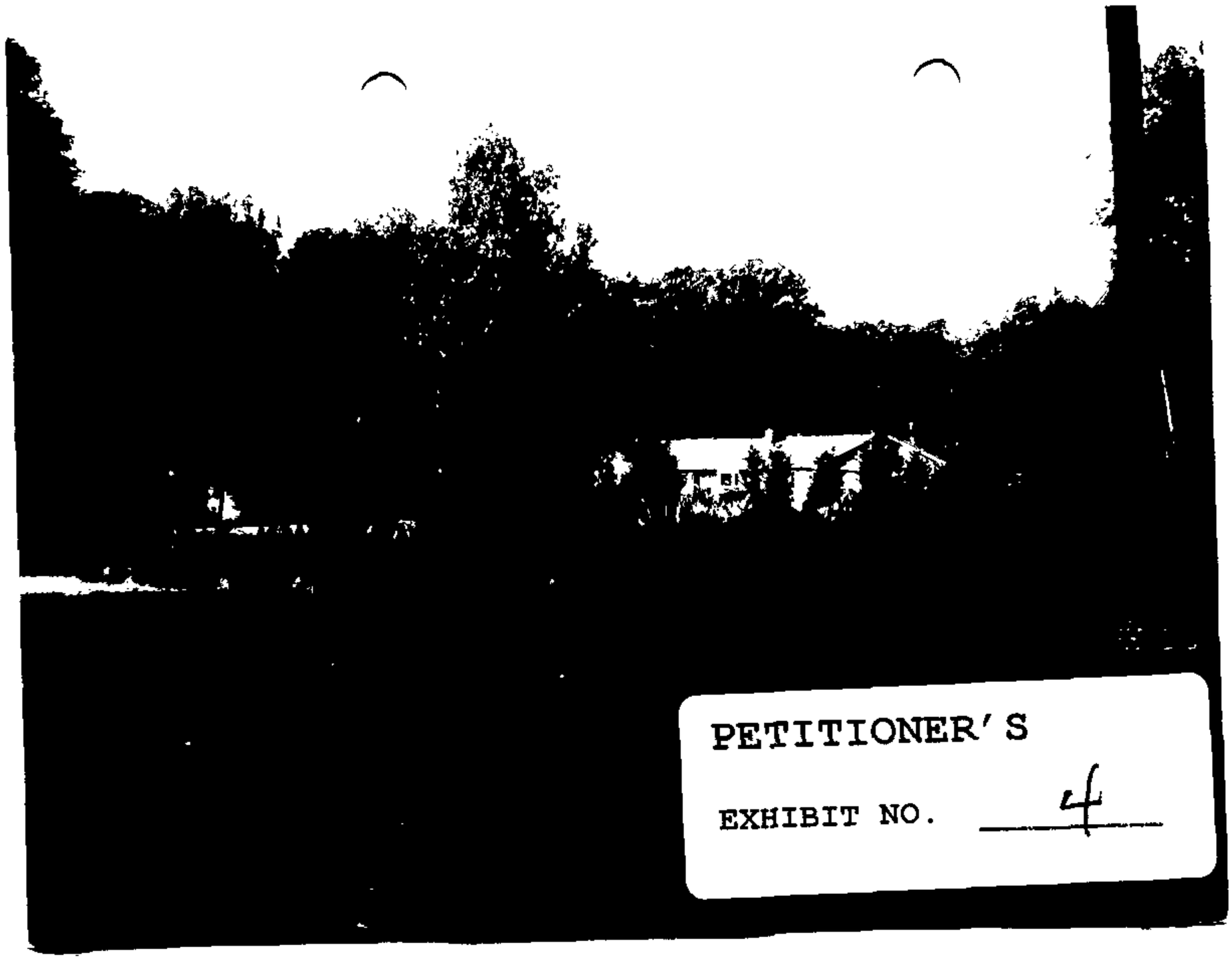
Identification only

Identification

Petitioner's
#4 (14)

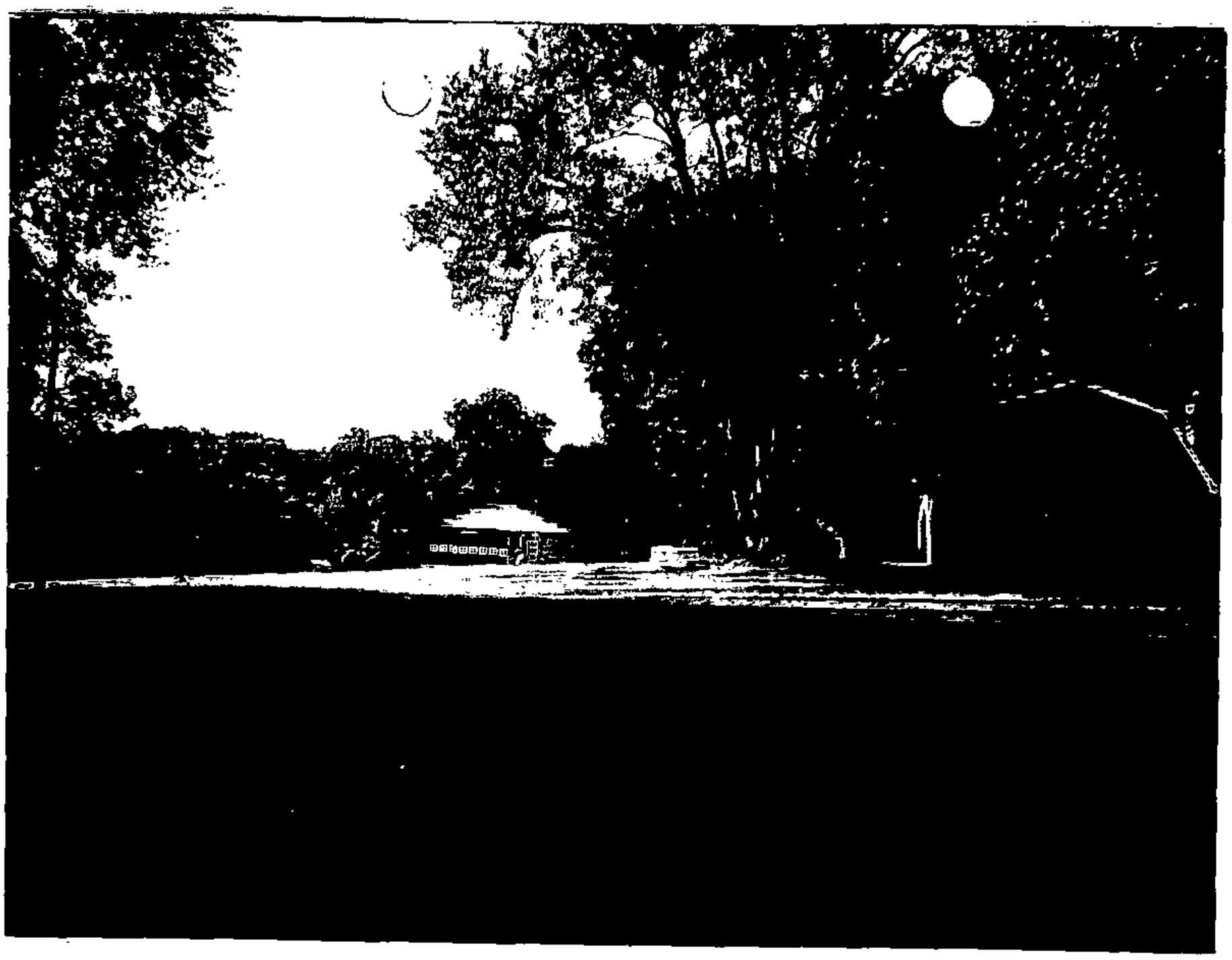
Barry Gladstone
3839 Schroeder Drive

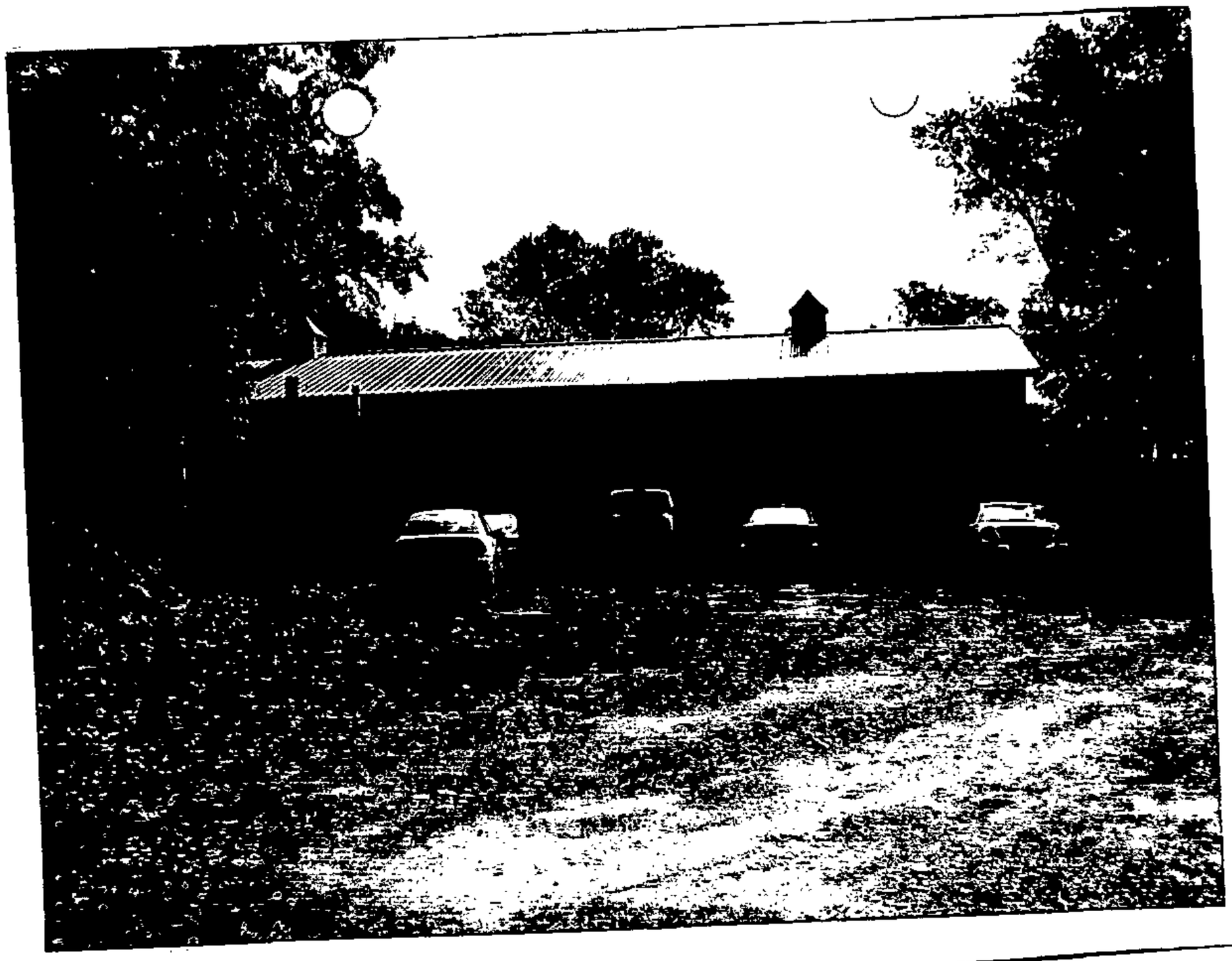
07-229-SPHA Photos 14

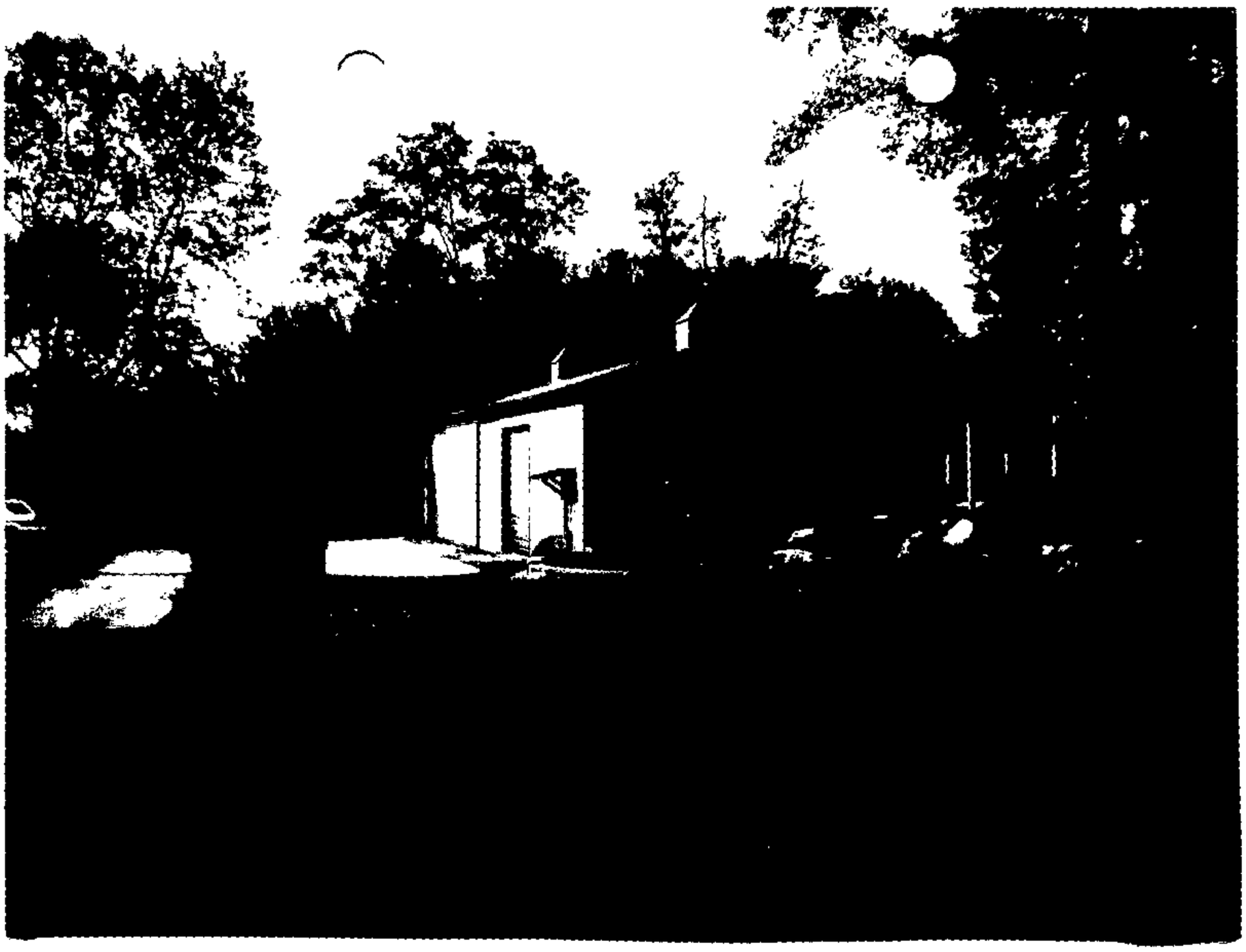


PETITIONER'S

EXHIBIT NO. 4







Saint Peter's Lutheran Church
AND CHRISTIAN DAY SCHOOL

7910 BELAIR ROAD • BALTIMORE, MARYLAND 21236-3775 • CHURCH PHONE: (410) 665-7300
SCHOOL PHONE: (410) 665-4521

March 31, 2006

To Whom It May Concern:

During the years that his sons attended St. Peter's Christian Day School, Mr. Barry Gladstone was supportive and generous with his donations of time and resources. He was a sponsor for our Golf Tournament and our Basket Bingo. He donated 120 sq. ft. of pavers (including labor) for our Silent Auction.

His greatest legacy to the school is our back walkway. He designed and constructed a waiting area that relieved our standing water problem. Students still marvel at the cross in the middle and delight at its presence. Mr. Gladstone donated the design, materials and labor for this project.

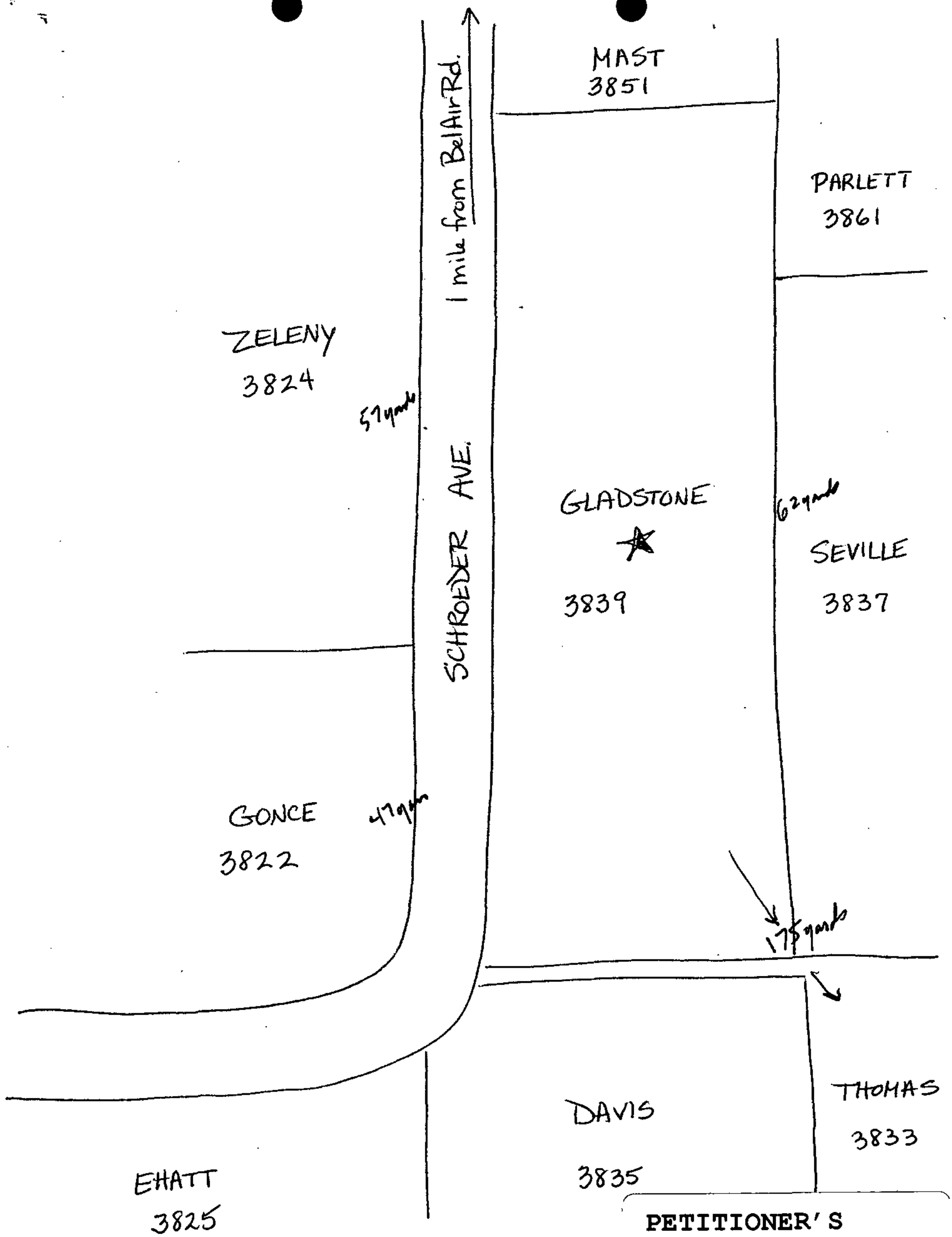
Sincerely,

Nancy S. Drescher

Nancy S. Drescher
Principal

PETITIONER'S

EXHIBIT NO. 5



PETITIONER'S

EXHIBIT NO. 6

Mr. & Mrs. Ramsey
2812 Cross Country Ct.
Fallston, MD 21047

Dear Barry,

Thank you so much for making the paving donation to Fallston High School! It is very generous of you to give to the Scholarship Program in this way. We were very thankful that you contacted us in a very timely manner! We also appreciated that you obviously adjusted your schedule to complete the work. It was refreshing to work with you. Thank you for being a man of integrity!

We were the recipients of your fine work! The newly paved area looks so much better! You and your staff were very helpful with the soil placement. I know that you all went above and beyond what was stated in the donation. We are really thankful!

Sincerely,
Mr. & Mrs. Wm Ramsey

Mr.& Mrs. Wm. Ramsey
6-08-06

Mr. & Mrs. Wm. Ramsey
2812 Cross Country Ct.
Fallston, MD 21047

Dear Fallston High School PTA,

We purchased the pavers that were auctioned at the Dollars for Scholars this year. We are very happy with Mr. Barry Gladstone! He contacted us in a very timely manner. He arranged his schedule to complete the work quickly. He was very knowledgeable about his product. He went above and beyond the donation to help with moving the soil.

Thank you for using Outdoor Connections at the auction! The pavers have improved the grill area of our yard. We experienced quality work and a man with integrity. We are very happy!

Sincerely,

Mr. & Mrs. Wm. Ramsey

Mr. & Mrs. Wm. Ramsey

6-8-06

Perry Hall High School

4601 Ebenezer Road Perry Hall, MD 21236

December 19, 2005

The Outdoor Connection, Inc.
Mr. Barry Gladstone, President
3815 Schroeder Avenue
Baltimore, MD 21236

Dear Mr. Gladstone:

On behalf of the entire Perry Hall High School community, I wish to thank you and your company for donating the labor and materials to landscape the front of our building by our school sign/marquee. The plants and bushes have made for an exceptional enhancement to the front lawn and provided a more upscale look for our signage.

This letter is to certify under provisions of the Internal Revenue Service, Section 170(2)(1) that: "In accordance with the guidelines issued by the Internal Revenue Service, that this is to state that as a donor "The Outdoor Connection, Inc. and/or Barry Gladstone" did not receive any gifts or consideration for this contribution of landscaping at a value assessed at $3,500.00 donated to Perry Hall High School.

Thank you again for your generosity. We will be sure to acknowledge your generous donation in our next PTSA Newsletter.

Sincerely,

Brian Gonzalez

C: Beth Jones
Debbie Birely

Mark S. Ledford
1006 Amberly Court
Bel Air, Maryland 21014-2402

April 5, 2006

Barry Gladstone, President
The Outdoor Connection, Inc.
3815 Schroeder Avenue
Perry Hall, Maryland 21128

Re: Charitable Contribution to Fallston High School PTA

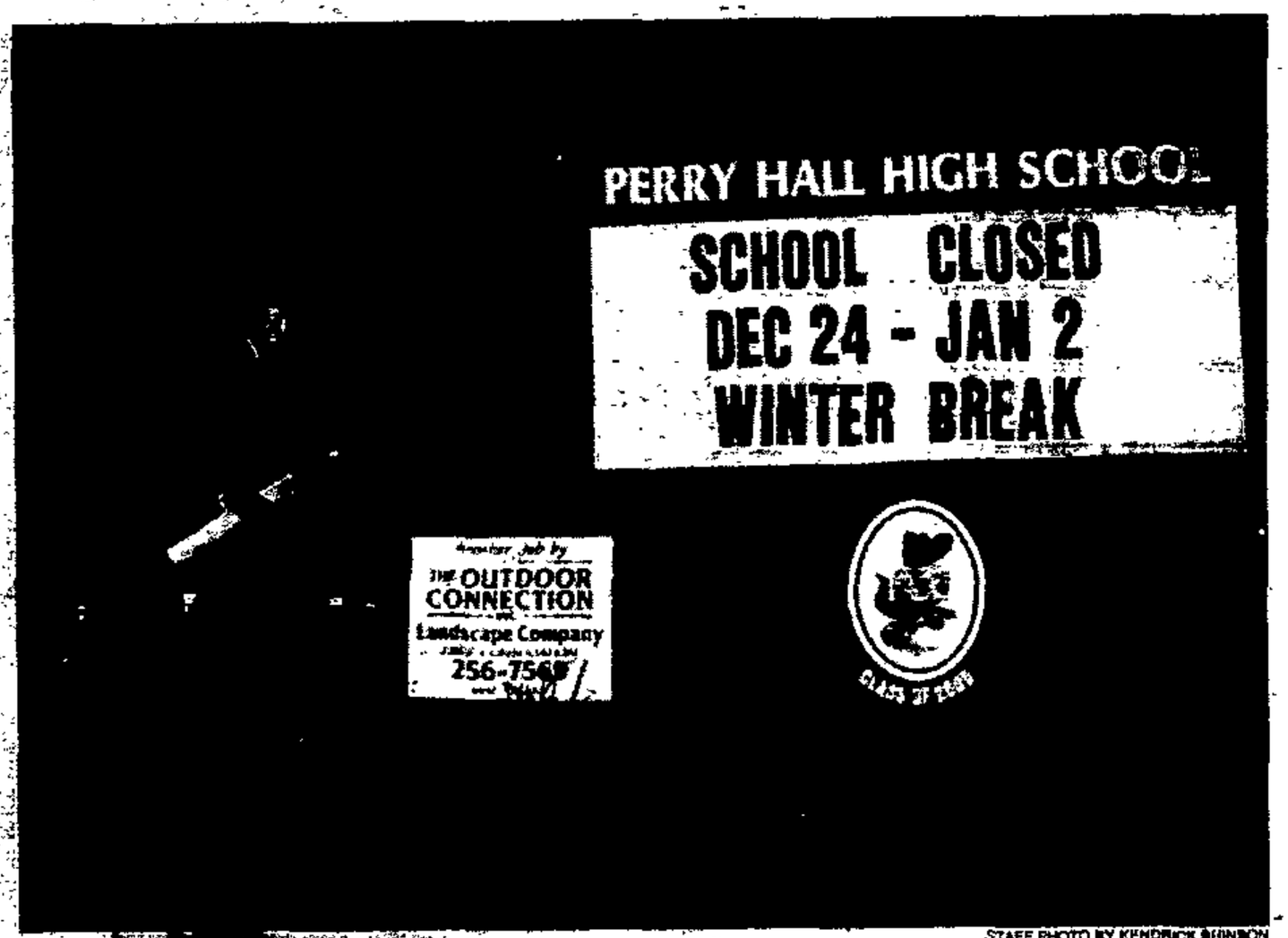
Dear Mr. Gladstone:

I write on behalf of the Fallston High School Parent-Teachers Association (PTA) to express our sincere appreciation for your charitable donation toward the PTA's auction that was held on April 1, 2006. When we were considering businesses to solicit for charitable contributions, yours' was the first that came to mind. Having recently moved from the Fullerton area, I was fully aware of your magnanimity. Specifically, I recalled your business making a contribution for the installation of "hardscaping" for St. Peter's Lutheran Church in Fullerton, as well as donating landscaping services for one of the schools in Perry Hall. Your willingness to extend your generosity to our PTA was no surprise in light of your benevolence.

Your donation of $1575 in materials and services to the Fallston auction, helped the PTA meet its goal of raising more than $8,000. This, despite the fact that attendance was lower than last year. Indeed, your contribution drew $550, or 6% of the total proceeds from the auction. You are to be commended for your willingness to give back to the community. Your civic-mindedness is much appreciated by me and the Fallston High School PTA. You and your business are a valued asset to both the commerce and civic affairs of Baltimore County, as well as the surrounding vicinity. Again, please accept our heartfelt thanks for your support of Fallston High School PTA.

Best Regards,

Mark S. Ledford



STAFF PHOTO BY KENDRICK BRINSON

Barry Gladstone checks on his handiwork — new landscaping around the Perry Hall High School sign.

Perry Hall High alumnus leaves school a legacy that can grow

BY MARC LIGHTDALE

Driving past Perry Hall High School one day, Barry Gladstone thought the school sign looked awfully unadorned.

Some landscaping would really set it off, he thought.

As a professional landscaper and an alumnus of Perry Hall High, he was just the one to do it.

After getting permission, Gladstone spent three days in early December digging and planting.

He planted perennials to bloom in April and May and continue into September. The shrubs will sport red berries throughout the winter.

"I put a lot of thought into it," he said.

A lifelong Perry Hall resident, Gladstone lives with his wife and two boys on Schroeder Avenue. He launched his firm, Outdoor Connections, in 1982.

Helping with the sign project was Chip Simpson, a friend of Gladstone's and Perry Hall High graduate who operates Stump Eaters, a Perry Hall stump-removal firm.

Gladstone, who played football and was a pole vaulter when a student at the school in the 1980s, said the landscaping was done as a gift to the school.

Annual White Marsh VFC
Christmas Tree Sale
To Benefit
White Marsh Volunteer Fire Co.
5419 Ebenezer Road
White Marsh, Md
410.335.5112
www.whitemarshvfc.org
December 1 - December 23
10am—9pm Open Daily
Wide Selection of 6 to 9 foot trees
Balsam Fir * Fraser Fir
Douglas Fir * White Pine
Wreaths * Greens * Garland
Free Baling of Tree
$5 OFF

EDUCATION

At the Schools

Brianna Frederick

Gift for grounds adds to appeal at local school

A local contractor provided a lesson in goodwill at **Chapel Hill Elementary School** recently.

Barry Gladstone, of the Outdoor Connection, donated his time and materials to put up a stone wall and garden around the school's sign at 5200 E. Joppa Road.

Trish Bisaha, a parent of a Chapel Hill student and member of the school's PTA, called the project an extension of "Pitch-in for Progress," Baltimore County's annual community service project.

"The PTA had considered planting a garden around the sign, but we realized that it would be quite a bit of work," she said.

She wrote letters to 11 landscaping companies in the area asking if they were interested in taking on such a project. To her surprise, not only did Gladstone say he would, he said he would do it without charge.

"I'm established. Most of my customers' kids probably go to that school," he said.

Gladstone, a Perry Hall native who didn't go to the school, said the job wasn't complex.

He described the addition of the wall as a creative way to set himself apart from other landscapers.

"Every job is different. It's not a cookie cutter job," he said. "Don't want them all to look the same."

Although simple in terms of its size, the project took a little longer to complete than planned due to the snow that hit the area over the winter.

But the finished project was worth it.

"Everyone's very delighted and shocked at the extent of the work he's done and his generosity," said Bisaha.

Helping out schools is nothing new for Gladstone, who has been in business in Perry Hall for 22 years.

He said he frequently donates walkways or patios for fundraisers for the private school that his sons attend, for example.

"It makes me feel good. I've been fortunate and blessed, (and I) wanted to give back to the community."

STAFF PHOTO BY DENIS ROCHEFORT

Thanks to a donation of work and material by Perry Hall resident Barry Gladstone's landscaping company, Chapel Hill Elementary School's entrance on East Joppa Road is a sight to behold.

Matt & Donna Davis
3835 Schroeder Ave.
Perry Hall, Md 21128
410-529-0661

October 11, 2006

To Whom It Concern;

I have been made aware of the penalties and zoning violations that my neighbor Mr. Barry Gladstone is having with his property at 3839 Schroeder Ave. He is my lifetime neighbor, I live at 3835 Schroeder Ave. and my property is adjacent to his. In fact, over twenty-five years ago I subdivided my lot from the original parcel that he now owns. I grew up in this neighborhood, and Mr. Robinson, the previous owner, sold me a lot to build and raise my family. He said, "I watched you grow up and it's good to be able to pick your neighbors." With the passing of Rhoda Robinson, his survived wife, Barry a lifetime residence of Schroeder Ave. was able to purchase the property with hopes of one day passing it along to his son.

I was very pleased to hear that Barry purchased the property as my neighbor. You see it was like picking a neighbor. As owner, Barry has made MAJOR IMPROVEMENTS to a property that had been neglected. He restored the house by painting, giving it a new roof, covered the driveway and landscaped all areas of his property. Upon purchase he immediately cleaned up the property by removing two trailers, two containers, unlicensed vehicles, tore down a derelict barn, and cleared out the overgrowth, underbrush and fallen trees. To this day, the property is continually kept immaculate.

His landscaping business does not affect us in any negative way. Many neighbors own trucks and many neighbors store items on their property and have barns and garages. In fact, I believe because of his landscaping business Barry has had the talent, skill and equipment to improve and maintain the property. He has also been an asset for all the neighbors having the equipment to help them with their projects. He is always there helping to maintain the road with snow and fallen trees and being neighborly to everyone.

Out of my three immediate neighbors, from my point of view, Barry is the only one that has visually IMPROVED his property. Because of the charges against Barry and what is on his property I wanted to give you a view of my other neighbors and their property that is also adjacent to mine and his.

The property to my right, 3833 Schroeder Ave., Mr. Robert Thomas has lived there for fifteen years; it was originally a horse field. We enjoyed the peaceful open field before he built his home. Because of the orientation of our homes, about thirty feet away I view his four-car garage addition that has never been finished with siding on the rear; tyvek has flapped in the breeze for over 10 years. Weekends are activities at his garage. He also parks his construction size backhoe in my view. We had a garden shed put up to help block the view. He also drives a company truck and leaves very early every morning. His sons grew up using the backyard and State Park as a motor cross course with dirt bikes. You can imagine the noise we lived with for years. They also used our property without permission as part of the dirt bike course that connected to my neighbor on my left, Mr. Steve Ehatt at 3825 Schroeder Ave. Before he bought the property, it was a landscaped envy of the road. His backyard, which is my front yard view,

PETITIONER'S
EXHIBIT NO. 7

has turned into a yard of neglect. For seven years, his property has become one of good intentions and ideas that have been started but left unfinished. He first went through and stripped the land of trees and shrubs and has left them, added mounds of dirt, gravel, unlicensed vehicles, and debris. His outbuildings have become ill repaired and dangerous with fallen in roofs, etc. For the past seven years, he has been working on a second floor addition on both sides and a large front porch that sweeps around his home. Here it is, another neighbor, seven years later still unfinished with tyvek flapping in the breeze. He in no way has improved the property, in fact, I believe it would assess less now, then when he purchased it. The only thing he created he was a great dirt bike racecourse in front of my house.

As you can see, it is a neighborhood of activity in everyone's front yard and backyard. Barry's business is essentially the same activity that is common to the neighborhood. His property does not stick out as an eyesore. It blends in with the surrounding area. He does have a couple of trucks for business use, but I would bet that just about every house on this street has at least one or two pick up trucks in their driveway. The use of his property as a business does not harm the rural setting of the land. Barry finishes every project he starts in a timely manner. Barry's garage is landscaped and is well maintained on the outside without clutter or debris unlike the homes that are on this street. I am in favor of Mr. Barry Gladstone being able to continue his landscaping business from his property. His business has actually increased my property value because of the way he maintains his property. Changing the zoning law would allow him to continue his business and it in no way does it negatively affect our street or neighborhood.

Sincerely,

Donna Davis Matthew Davis

Donna L. Davis Matthew Davis

Mr. Barry Gladstone
3839 Schroeder Ave

11/13/06

view from Schroeder Ave

view from Schroeder Ave

view from Schroeder Ave

view from my property
my property in foreground

October 11, 2006

To Whom It May Concern;

We the neighbors of Mr. Barry Gladstone have no objection or issue with his landscaping business, "Outdoor Connection" that he runs from his property.

We are in support of changing the Zoning Law that will allow him to continue growing his nursery and storing his equipment on site.

Over the years, he has made major improvements to the residence, out buildings and property. They have always been maintained to the high standards that reflect his business.

Name	Address	Phone
John A. Gonce	3822 Schroeder Ave	410 256-4707
Patricia A. Gonce	3822 Schroeder Ave	410 256-4707
Chad Maat	3851 Schroeder Ave	410-256-5891
Carli Maat	3851 Schroeder Ave	410 2565891
Matthew W Davis	3835 Schroeder Ave	410-529-0661
Anna L. Davis	3835 Schroeder Ave	410 529 0661
Raymond A Jolley	3824 Schroeder Ave	410-256-5890
Rick Saville	3837 Schroeder Ave	410-256-8562
Tamiroll Parlett	3861 Schroeder Ave	410-256-2891

PETITIONER'S

EXHIBIT NO. 8

October 11, 2006

To Whom It May Concern;

We the neighbors of Mr. Barry Gladstone have no objection or issue with his landscaping business, "Outdoor Connection" that he runs from his property on 3839 Schroeder Ave.

We are in support of changing the Zoning Law that will allow him to continue growing his nursery and storing his equipment on site.

Over the years, he has made major improvements to the residence, out buildings and property. They have always been maintained to the high standards that reflect his business.

Mary Gross 3821 Schroeder Ave - (410) 256-3879
Sandy Must 3816 Schroeder Ave (410) 256-4960
Rick Must 3816 Schroeder AVE 410 256 4960
[illegible] 3813 Schroeder Ave 410-529-1313
Sherry Green 3813 Schroeder Ave 410-529-1313
Dave Green 3813 Schroeder Ave 410-529-1313
Tracy Bennington 3814 Schroeder Ave 410-529-2464
Richard Bennington 3814 Schroeder Ave 410-529-2464
Marie-Ann Ramsay 3814 Schroeder Ave 410-256-3330
Laura Kimball 3835 Schroeder Ave 410-262-7419
[illegible] 3835 Schroeder Ave 443-834-4442

October 11, 2006

To Whom It May Concern;

We the neighbors of Mr. Barry Gladstone have no objection or issue with his landscaping business, "Outdoor Connection" that he runs from his property on 3839 Schroeder Ave.

We are in support of changing the Zoning Law that will allow him to continue growing his nursery and storing his equipment on site.

Over the years, he has made major improvements to the residence, out buildings and property. They have always been maintained to the high standards that reflect his business.

Paul A Powell Jr. 3812 SCHROEDER AVE 410-251-4648

Ethel M. Wheeler 3801 Schroeder Ave. 410-256-4648

Lou Morley Jr. 3869A Schroeder Ave 410-529-6019

Lou Morley 3804 Schroeder Ave. 410-256-5831

Richard A. Saville
3837 Schroeder Ave.
Perry Hall, MD 21128-9720
410.256.8562

October 13, 2006

I live adjacent to Barry Gladstone's land and have no objection whatsoever to the landscaping business operated there. The property is very well maintained, the business is quiet, and Barry has always been a very helpful neighbor. From my perspective, the property used to look like a used car junkyard crawling with rats before Barry cleaned it up. I regret that I won't be able to attend the meeting Monday night as I will be working.

Rick Saville

← trailer at center

trees hide 2 containers, Barn, + carport

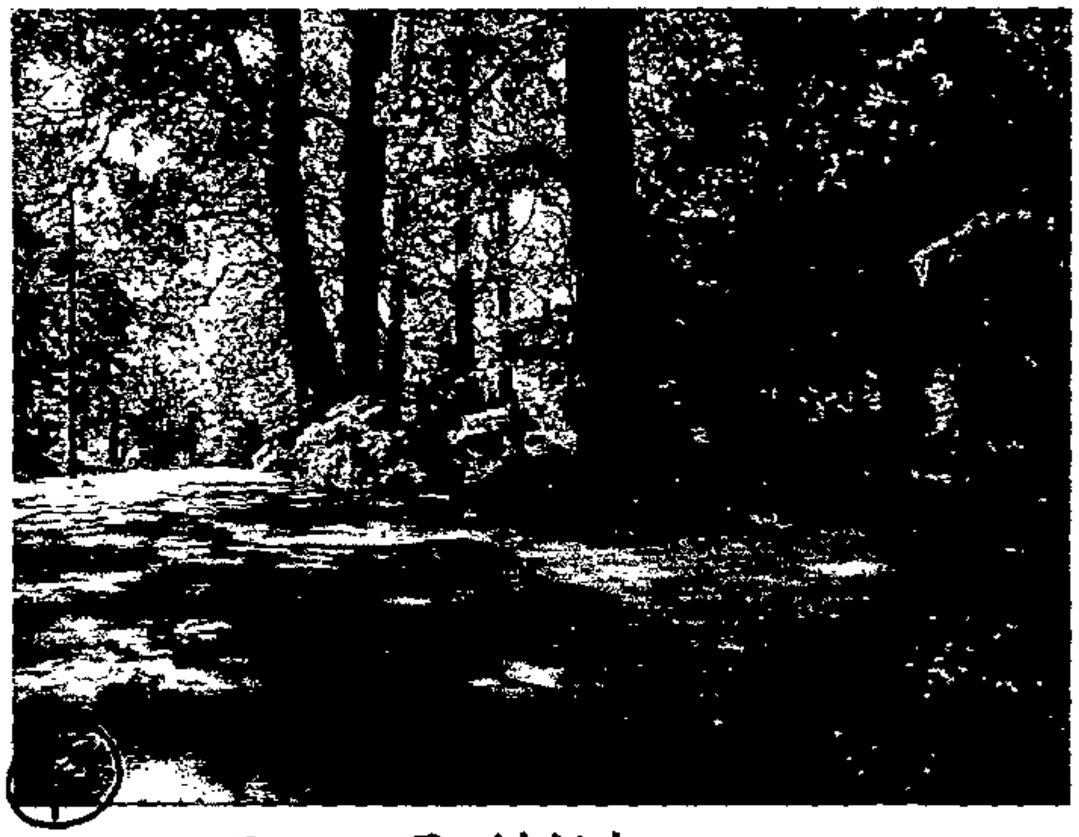
Thoma's Driveway.

(color copy) Before Nursing

PETITIONER'S

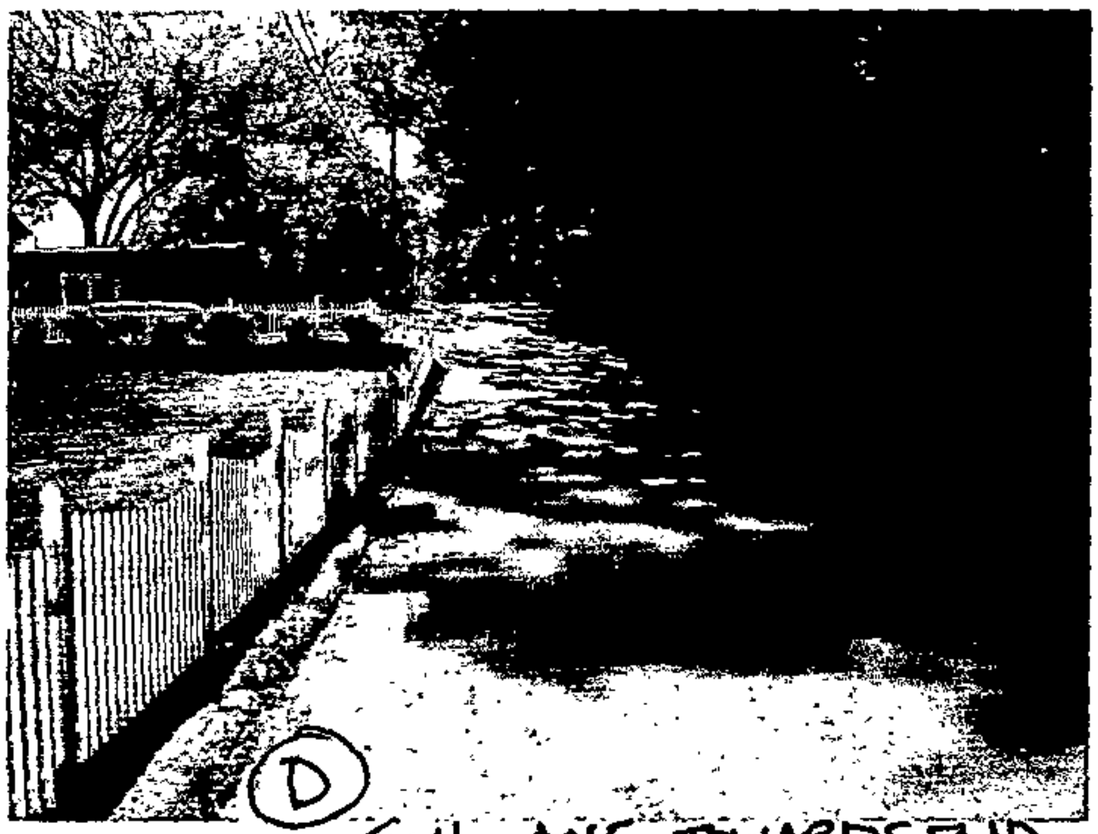
EXHIBIT NO. 9

SEE MAP ON BACK



TOP OF HILL
SCH. AVE. TOWARD END

SAME AS (D) - MID HILL

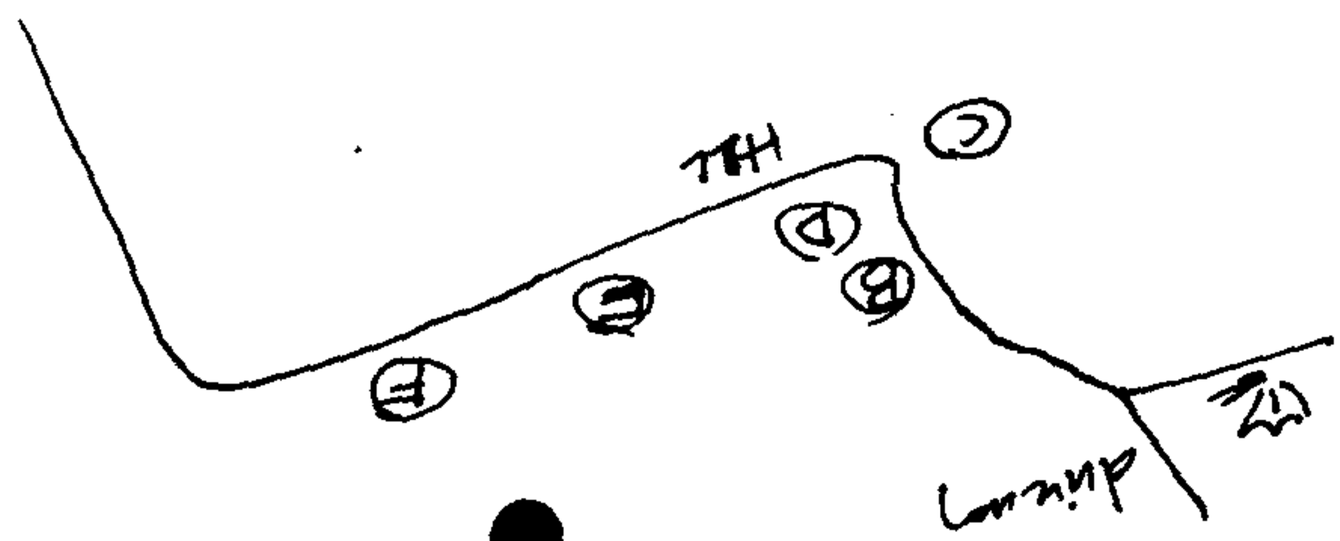


SCH. AVE. TOWARDS END
BOTTOM OF HILL

BUS STOP

SCH. AVE. TOWARDS
SADLER LN.

SCHROEDER AVE LOOKING TOWARDS
Belair Rd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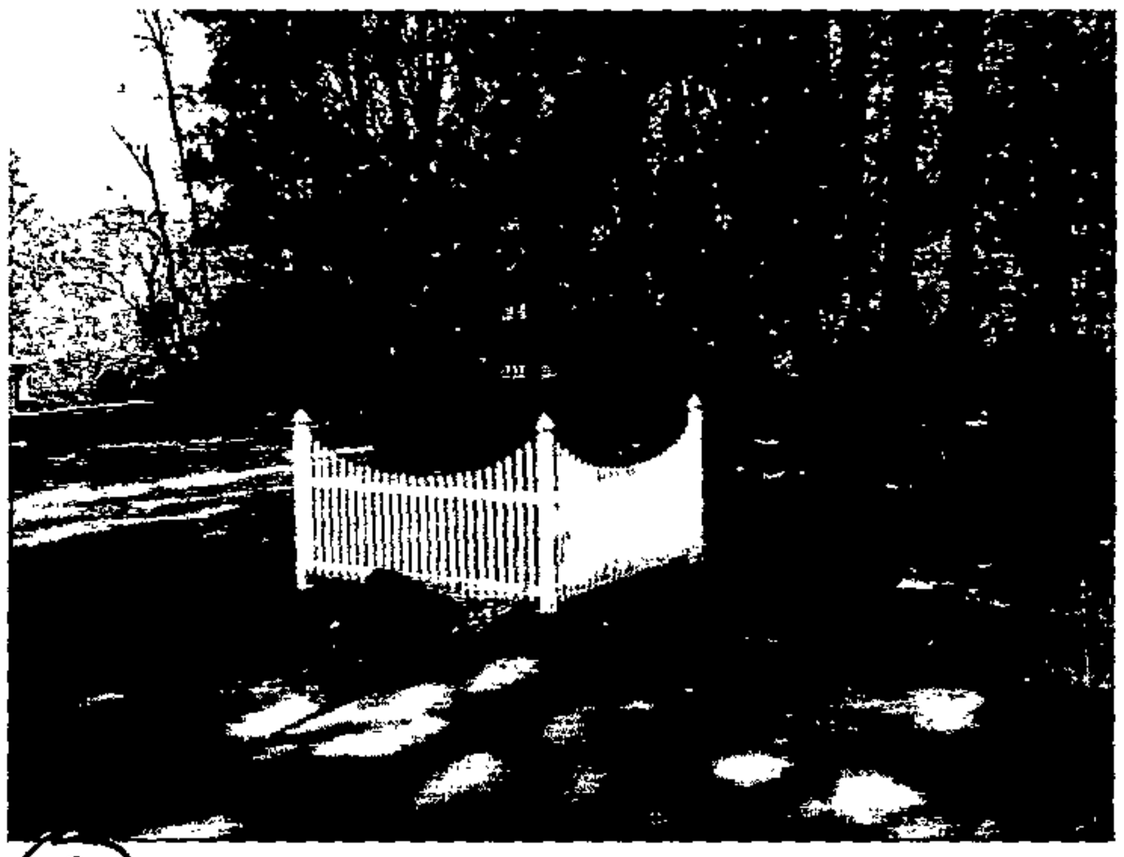

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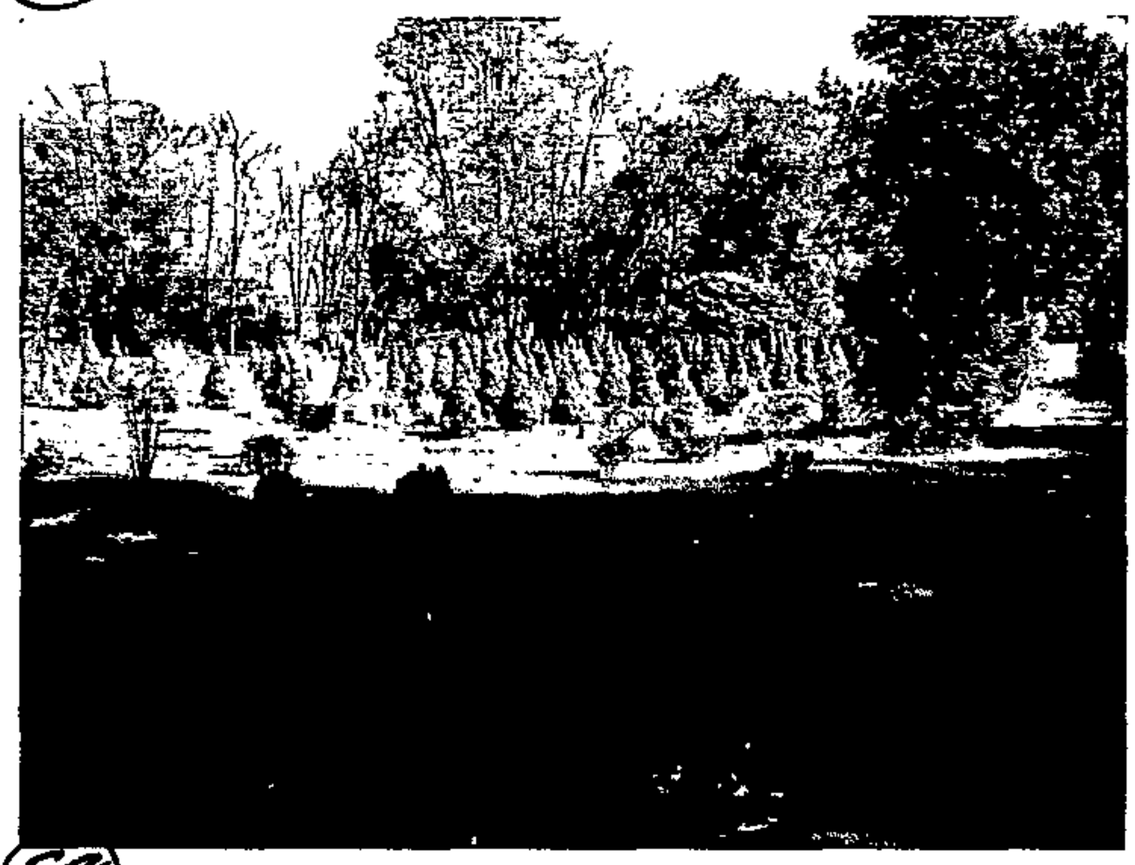


FF

GG

HH

II

JJ

KK

LL

3822 Schroeder Avenue
Perry Hall, Maryland 21128
October 25, 2006

To Whom It May Concern:

My husband and I have been residents of Schroeder Avenue for 33 years. We moved here because the area was rural and we hoped that it would stay that way forever. It basically has for the most part back where our house is located. During that time we have watched Barry Gladstone mature from a young child to a responsible adult, husband, father and business owner.

Mr. Gladstone purchased the property, 3839 Schroeder Avenue, across the street from our residence in the 1990's.

The property had been rundown for years due to the neglect of the aging owners. When Mr. Gladstone took over the property he immediately started to clean up the place - removing junk vehicles, old barns and trailers, etc. He painted the house and put a new roof on the house. He put in a driveway. He has also cleaned out overgrown areas and landscaped the entire place. It is such a pleasure to be able to look out at the well manicured gardens and shrubs that were once an overgrown unsightly mess.

Mr. Gladstone keeps this property in meticulous condition.

Mr. Gladstone is always willing to offer a helping hand to a neighbor in need, using his landscaping equipment to make life easier for the rest of us. Mr. Gladstone's landscaping equipment is no more disruptive than the 4 wheelers and dirt bikes that run up and down the road.

Mr. Gladstone's landscaping business has been more of a positive than a negative to the neighborhood.

John A. Gonce

Patricia A. Gonce

John A. Gonce

Patricia A. Gonce

PETITIONER'S

EXHIBIT NO. 10

Ray and Claire Zeleny
3824 Schroeder Ave
Perry Hall, MD 21128

October 11, 2006

To whom it may concern;

Having been long time residents – 40 years – on Schroeder Avenue and living ACROSS THE STREET from the property in question, we feel it necessary to write this letter. I (Ray) am not able to attend this meeting as I have a class to teach on Monday night at Harford Community College.

We want to let you know that since Mr. Barry Gladstone has owned this property, it has improved 1000%. So you understand what we mean – when the Robinsons owned it there was an old barn propped up to keep it from falling down, three trailers – 2 with no wheels used as storage sheds and the other one was used to store tables and signs for a gem club that was moved once a year. There was also a van truck containing a small train for use at carnivals.

The wooded area on the side was overrun with vines and wild blackberry bushes. The field in back was left to weeds right up to Schroeder Avenue. When Mr. Gladstone bought the property the first thing he did was to put a new roof on the house and had his men paint the outside of the house to brighten it up. Then he cleared the property by taking down the barn, getting rid of the trailers and cleaning out the woods. He landscaped the property along Schroeder Avenue. He cleaned up the field and planted nursery trees that are kept trimmed and pruned.

We are retired which means that we are generally around our home most of the time. The operation of his business does not disturb us at any time day or night. The little equipment he has is stored inside of the handsome looking building he has erected.

He and his men are good neighbors. We had a tree fall down in a storm two years ago which blocked Schroeder Avenue. He cut it up before the County got there and cleared the street. When it snows he cleans up his driveway and then does ours and our next door neighbors'. In all, he is a "good Samaritan' and we are glad to have him as a neighbor.

Sincerely,

Ray Zeleny

Claire Zeleny

Ray Zeleny

Claire Zeleny

PETITIONER'S

EXHIBIT NO. 11

THE OUTDOOR CONNECTION, INC.

Landscaping and Ground Maintenance

MHIC# 0125957

3815 Schroeder Avenue • Perry Hall, Maryland 21128 • (410) 256-7569

March 30, 2007

To Whom It May Concern:

I, Denise Rouse have not experienced any problems or had any safety concerns while servicing the school bus route on Schroeder Avenue in Perry Hall, Maryland.

Denise Rouse
Baltimore County
5166

PETITIONER'S
EXHIBIT NO. 12

THE OUTDOOR CONNECTION, INC.

Landscaping and Ground Maintenance

MHIC# 0125957

3815 Schroeder Avenue • Perry Hall, Maryland 21128 • (410) 256-7569

March 30, 2007

To Whom It May Concern:

I, Marlene Lager, ~~have~~ not experienced any problems or had any safety concerns while servicing the school bus route on Schroeder Avenue in Perry Hall, Maryland.

Marlene Lager

THE OUTDOOR CONNECTION, INC.

Landscaping and Ground Maintenance

MHIC# 0125957

3815 Schroeder Avenue • Perry Hall, Maryland 21128 • (410) 256-7569

March 30, 2007

To Whom It May Concern:

I, Patty Onorati, have not experienced any problems or had any safety concerns while servicing the school bus route on Schroeder Avenue in Perry Hall, Maryland.

Patty Onorati

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (the "Declaration") is entered into this_____ day of _____, 2007, by and between Barry E. Gladstone (the "Grantor"), the Outdoor Connection, Inc., a Maryland Corporation ("Outdoor") and the Perry Hall Improvement Association (the "Community Association").

DRAFT

I. RECITALS.

A. Grantor owns a parcel of property in Baltimore County totaling approximately 2.481 acres, tax account number of 11-18048450, which property is known as 3839 Schroeder Avenue and is described in Exhibit A attached hereto and made a part of this Declaration (the "Property").

B. The Community Association is a community association in Baltimore County in whose area the Property is located.

C. The Outdoor Connection, Inc. is a Maryland Corporation whose principal owner is Grantor. Outdoor currently operates a limited acreage wholesale flower farm ("Farm") on a portion of the Property pursuant to a lease with Grantor.

D. The Property is currently zoned DR2.

E. The Property is subject to a Petition for Special Hearing and Petition for Variance, Case No. 07-229-SPHA (the "Case) with a zoning hearing scheduled for March 19, 2007. The Property is also the subject of a code violation citation, Citation No. 06-1843. The code violation hearing was postponed indefinitely the outcome of the zoning case.

(1). The specific zoning relief requested in the Case is as follows:

(a). Special Hearing to allow a limited acreage wholesale flower farm pursuant to Section 1B01.A(7) and 404.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building.

(b). Petition for Variances: (i) To allow an internal roadway to be less than 25 feet from a property line pursuant to Section 404.1A of the B.C.Z.R.; (ii) to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet pursuant to Section 404.1B; and (iii) to permit the loading and unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R.

F. The Property also contains an existing residence located on approximately _____ acres with the remaining _____ acres currently used by Grantor and Outdoor for the Farm use.

G. The Community Association is willing to support Grantor and Outdoor in the Case subject to the placement of certain restrictions on the Property and use of the Property to assure that the current and future use of the Property does not unduly impact nearby residential areas.

PETITIONER'S

EXHIBIT NO. 13

H. In order to make the covenants, restrictions and conditions contained in this Declaration binding and fully effective on the Property, and on the present and future owners and occupants thereof, the parties have entered into this Declaration to the end and with the intent that the Grantor, Outdoor and his/its' successors and assigns will hold, use, transfer, convey or foreclose upon the Property subject to the said covenants, restrictions and conditions.

WHEREUPON, in consideration of the promises made in this Declaration by and between Grantor, Outdoor and the Community Association and for other good and valuable consideration, the sufficiency of which the parties acknowledge, the parties hereto agree as follows:

II. AGREEMENT

1. General Use of Property. The Farm use of the Property will be limited to a maximum of ____ acres, which includes all parking, all existing and any future improvements as shown on the zoning site plan attached as Exhibit B. The remaining ____ acres of the Property will continue with the current residential use.

2. Specific Use of Farm Portion of the Property. The Farm portion of the Property by Grantor, Outdoor and/or any subsequent owner or Lessee of the Property or business shall be limited to a limited wholesale flower farm use as allowed by Baltimore County, any zoning order issued for the Case and subject to the following restrictions:

a. hours of operation limited to approximately 10 hours per day in the spring, summer and fall seasons and approximately 8 hours per day in the winter season. The hours of operation will begin no earlier than 5:00 a.m. and no later than 9:00 p.m. There will be no Sunday hours.

b. vehicles necessary for the Farm operation shall be stored in the accessory building located on the Farm portion of the Property when not in use and during non-working hours.

c. all materials and equipment necessary for the Farm operation on the Property will be stored inside the accessory building shown on Exhibit A when not in use.

d. the Property shall be consistently maintained, including any necessary mulching, pruning, weeding, grass cutting and snow removal.

e. loader equipment on the Property shall be limited to the Farm use and snow removal.

f. the Property shall be landscaped so as to screen neighboring property owners from the Farm use of the Property. The landscaping shall be as approved by the Baltimore County Landscape Architect.

3. Buildings. Grantor shall limit building coverage for all uses on the Property to the current residence, any replacements or additions thereto and those Farm buildings existing and as proposed on the zoning site plan attached as Exhibit B.

4. Grantor agrees to restrict the Farm use of the Property as contained in this Agreement to Grantor, Grantor's spouse, Grantor's heirs and Outdoor. In the event the Property is sold to an unrelated third party (not Grantor's spouse or Grantor's heirs) and/or, Outdoor's business is sold to an unrelated third party, the Farm use shall cease at the Property.

5. Notwithstanding anything to the contrary contained herein, should any portion of the Property be taken by eminent domain or by a deed in lieu thereof or be required in any manner for improvements to an existing road or right-of-way, upon the taking or transfer, such portion shall be deemed removed from this Declaration and the Grantor and Outdoor shall have no further liability hereunder for such area taken or transferred.

6. If any party to this Declaration, or its successors or assigns is required to institute legal action to enforce the terms of this Declaration and is successful (whether by judgment or settlement) in obtaining enforcement of the Declaration), that party or its successor or assigns shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Declaration with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within one hundred twenty (120) days after the receipt of this notice may legal action be instituted.

7. The parties warrant and represent that they have taken all necessary action required to be taken by the respective charters, bylaws, or other organizational documents to authorize the execution of this Declaration.

8. This Declaration, which may be executed in counterparts, contains the entire understanding of the parties.

9. Each of the parties to this Declaration warrants that it has carefully read and understands this Declaration, is cognizant of its terms and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

10. 2008 Rezoning and Future Rezoning. During the 2008 CZMP and in any future CZMP or cycle processes, in the event any rezoning issues affect the Property, the Community Association will support the zoning of the Property to allow the Farm and residential use as limited herein. The Community Association agrees it shall provide written notice to Grantor and Outdoor of any such issues affecting the Property and any alleged violations of this Declaration.

11. Rights of Parties. The rights and interests granted by this Declaration are binding on Grantor, Outdoor and Community Association and their respective successors, heirs and assigns.

12. Amendment. This Declaration may only be amended by a writing signed by the parties or their successors and assigns.

13. Interpretation/Recording. This Declaration will be construed by application of Maryland Law. This Agreement will be recorded by Grantor in the Land Records of Baltimore County within 30 days of final unappealable zoning approval of the Case and requested Farm use.

14. All the notices required by this Declaration shall be sent by certified mail, postage prepaid, return receipt requested or by nationally recognized overnight delivery service, to the following addresses, or to other such address as either party shall notify the other of in writing:

Barry Gladstone
3815 Schroeder Avenue
Perry Hall, Maryland 21128

The Outdoor Connection, Inc.
Barry Gladstone, President
3839 Schroeder Avenue
Perry Hall, Maryland 21128

Perry Hall Improvement Association
c/o Debra Beaty, Chairman,
Zoning Committee
P.O. Box 63
Perry Hall, Maryland 21128

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

ATTEST/WITNESS

GRANTOR

_____

_____
Barry E. Gladstone

DRAFT

PERRY HALL IMPROVEMENT ASSOCIATION

_____

_____
BY: David Marks, President

ATTEST/WITNESS

OUTDOOR CONNECTION, INC.

_____

_____
BY: Barry E. Gladstone, President

Case No.: 07-229-SPHA

County Exhibits

No. 1	ZAC OP - 5/8/07
No. 2	ZAC OP - 12/26/06
No. 3	LETTER AND PHOTO ATTACHMENTS PRESENTED TO MR. GAMBRILL
No. 4	
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: 3839 Schroeder Avenue

INFORMATION:

Item Number: 7-229 ***(revised comments)***

Petitioner: Barry E. Gladstone

Zoning: DR 2

Requested Action: **Special Hearing and Variance**

SUMMARY OF RECOMMENDATIONS:

After visiting the subject property, the Office of Planning is of the opinion that the subject property is being used as a landscape service operation. The property does appear to grow smaller plantings (not flowers), but also utilizes the site for onsite storage of other items such as landscaping / hardscaping materials (e.g. stone / brick) as well as construction vehicles. These materials appear to be stored on the premises to be delivered to off-site commercial or residential locations. It is logical to think that, the delivery and storage of landscaping materials to and from the subject property for off-site use distinguishes it as a landscape service operation.

In the subject request the petitioners seek relief from Baltimore County Zoning Regulations (BCZR) sections 1B01.1A(7) and 404.1 to allow the storage of equipment, materials, and vehicles associated with a limited acreage wholesale flower farm. Section 1B01.1A(7) states that a limited acreage wholesale flower farm is a use permitted by right in D.R. zones. However it should be noted that, Special Regulations section 404.1 regulates horticultural nurseries and landscape service operations in addition to the limited acreage wholesale flower farms, and as such are not allowed in the DR zones.

Both of the aforementioned sections of the BCZR refer to Council Bill 41-92. It is important to note that section 101 (General Definitions) defines limited acreage wholesale flower farm, but does not offer a definition for landscape service operations. Section 4 of Council Bill 41-92 distinguishes between a limited acreage wholesale flower farm and landscape service operation. According to Bill 41-92, the definitions for these uses are as follows.

- *"A limited-acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon is primarily used for the growing of flowers and small plants and their wholesale distribution."*

BALTIMORE COUNTY

EXHIBIT NO. 1

- *"Landscape service operation: An operation primarily engaged in the designing, installing, planting, or maintaining of lawns, gardens, or other plantings at off-site commercial or residential uses."*

Bill 41-92 amended sections 1A01.1, 1A01.2, and 1A01.3 (R.C. 2, R.C. 3, and R.C. 4 Zones respectively) whereas landscape service operations are a use only permitted by special exception in each of the R.C. zones listed. Given that the subject property is located in a D.R. zone, the Office of Planning believes that the existing use is not permitted, and thus recommends the petitioner's request be **denied**.

However, should the Zoning Commissioner determine that the existing use is a use permitted by right under the D.R. 2 zone; the Office of Planning recommends the following conditions be met.

1. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading, and unloading activities associated with the flower farm, shall not occur from 9:00PM to 5:00AM during normal business days. The Office of Planning does not want the normal operations of this business to become a nuisance to adjacent residential properties.

2. Final landscape plans in accordance with the site plan submitted and section 404.1.C of the Baltimore County Zoning Regulations (BCZR), shall be submitted to and approved by the Baltimore County Landscape Architect (Avery Harden). Most notably, the final approved landscape plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837, and 3861 Schroeder Avenue (*Tax Map-63, Grid-14, parcels 608, 62, 591 respectively*).

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

Reviewed by: Curtis M Murray

Division Chief: Lynn Lochner
AFK/LL: CM

W:\DEVREV\ZAC\7-229revised.doc

BW 2/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 26, 2006

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

SUBJECT: 3839 Schroeder Avenue

INFORMATION:

Item Number: 7-229

Petitioner: Barry E. Gladstone

Zoning: DR 2

Requested Action: **Special Hearing and Variance**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for variance provided the following conditions are met.

1. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading, and unloading activities associated with the flower farm, shall not occur from 9:00PM to 5:00AM during normal business days.

2. Final landscape plans in accordance with the site plan submitted and section 404.1.C of the Baltimore County Zoning Regulations (BCZR), shall be submitted to and approved by the Baltimore County Landscape Architect (Avery Harden). Most notably, the final approved landscape plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837, and 3861 Schroeder Avenue (*Tax Map-63, Grid-14, parcels 608, 62, 591 respectively*).

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

Reviewed by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

BALTIMORE COUNTY

EXHIBIT NO. 2

W:\DEVREV\ZAC\7-229.doc

Dear Mr. Gambrill, 4/9/06 – by MAIL INTO O.P.

Thank you for the re-evaluation of case #07-229, 3839 Schroeder Avenue. My family lives at 3833 Schroeder Avenue. I have enclosed some pictures taken from the front of our home. These materials have since been moved, some to the 30' x 80' building (which is one of the variance requests). They can and will be brought back at any time which is why we oppose the variance request.

Approximately one quarter of a mile up the street a sign is posted of "Road Narrows". This road is 12' wide in some spots. The county school bus goes as far as Sadler Lane and turns around. The delivery trucks for the Outdoor Connection as well as the trucks for the business pose danger for children (and neighbors out for a stroll) walking to the bus stop. The noise associated with the same trucks as well as workers parking and loading the trucks seem to be unfair to neighbors who have for years been living in an all residential, quiet neighborhood.

The plans that Mr. Gladstone and his engineer presented to the Zoning Commissioner leave no room for the retrieval of trees and shrubs planted along our driveway, several feet away. Their trucks would have to park on Schroeder, or our driveway or Mr. Saville's property. Evergreen shrubs planted will not keep out the noise or dust kicked up from this operation. We have complained to Mr. Gladstone about leaving large holes in the ground after removing trees, kids (or our jogging neighbors) could fall in these holes. Right now, we have a large piece of plywood right next to our driveway covering up a hole.

We are just asking that the safety, property values and the noise that prevents the enjoyment of our property be considered in this matter.

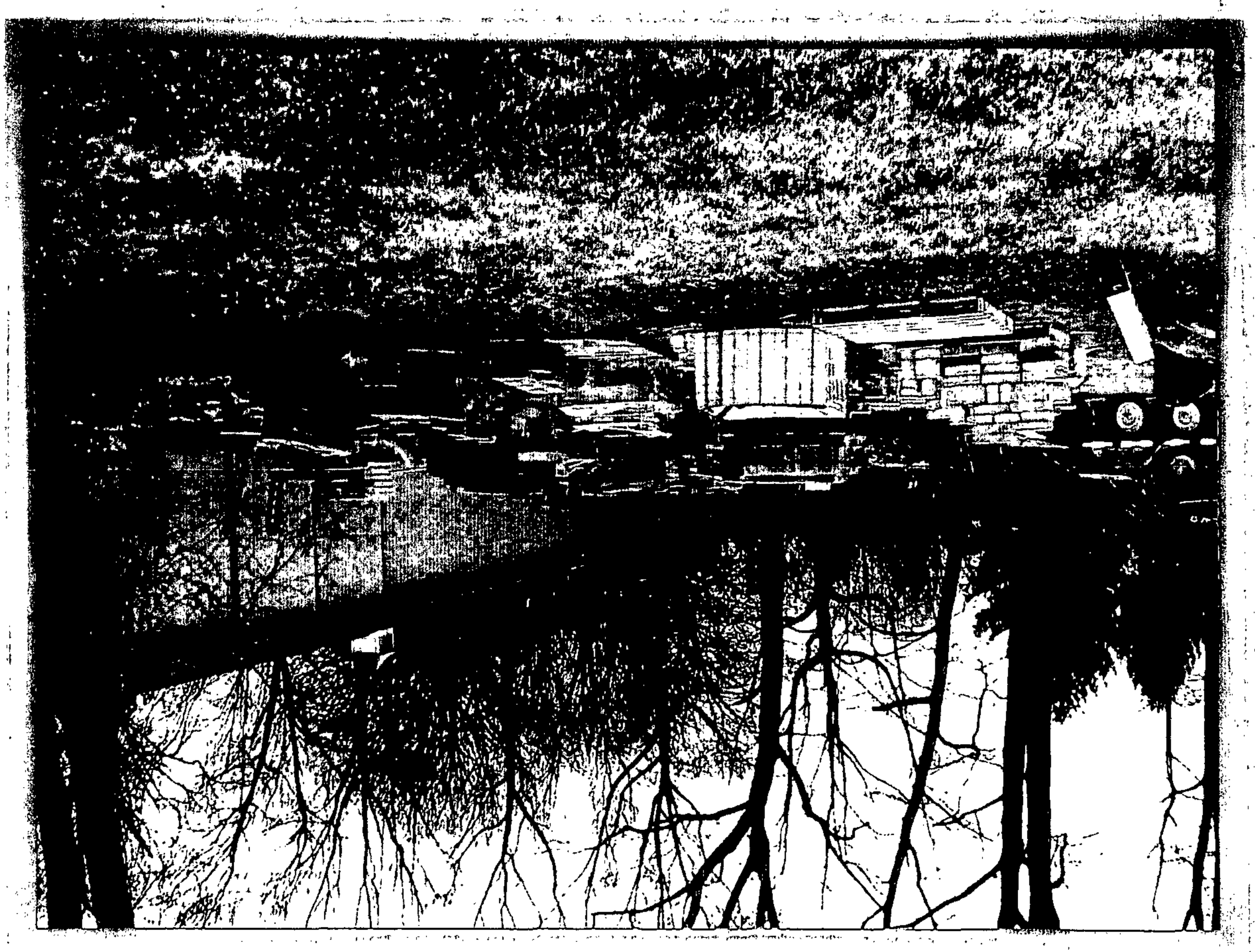
Sincerely,

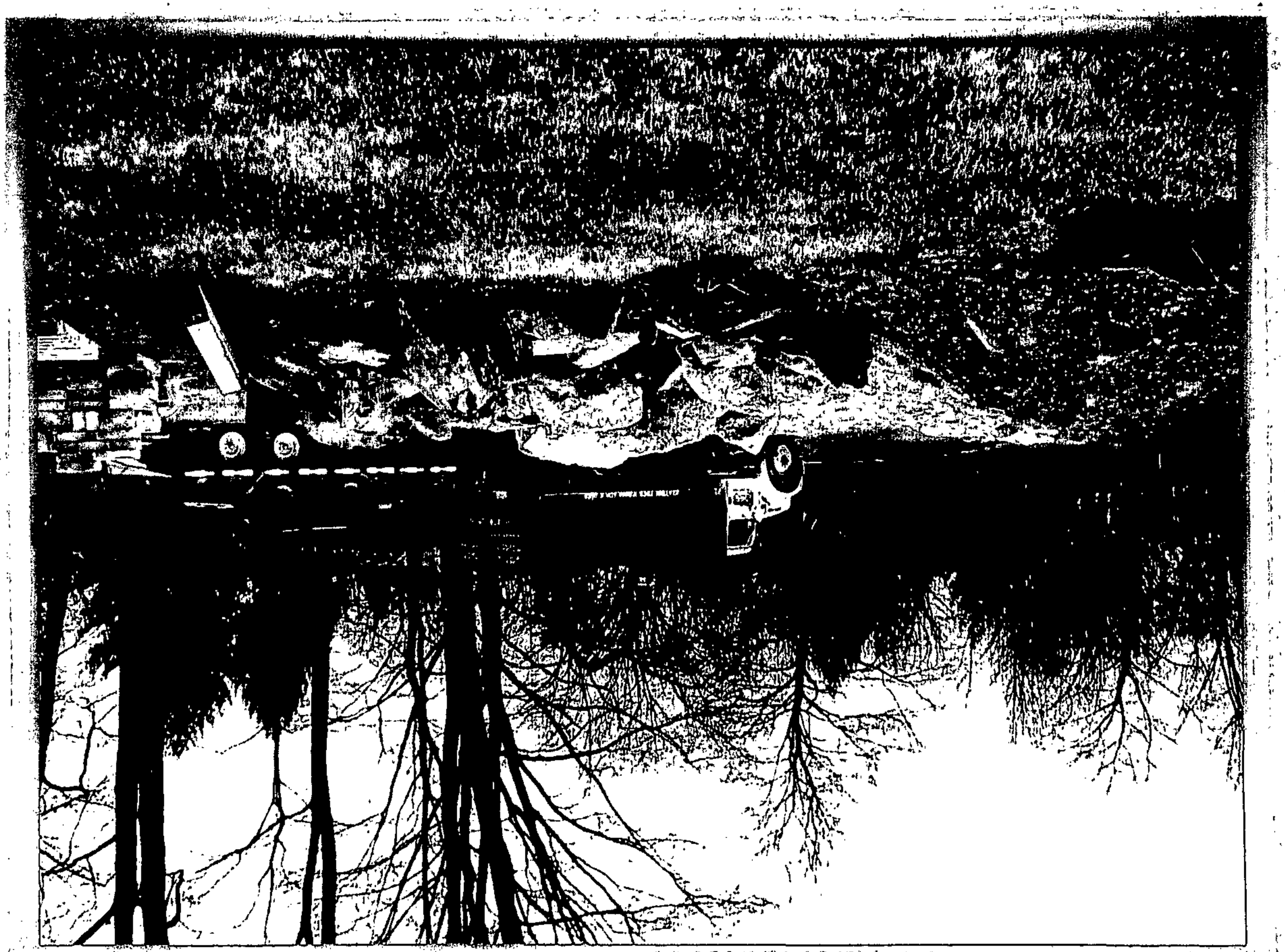
Debbie Thomas

Debbie Thomas

BALTIMORE COUNTY

EXHIBIT NO. 3





Case No.: 07-229 SPHA 3839 SCHROEDER AVE.

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	AMENDED SITE PLAN	PHoto's - old
No. 2	ABC MAP COMPOLATION	PHoto's - old
No. 3	GIS MAP - Aerial Photo of area	PHoto's - old
No. 4	PHoto's - Collectively	PHoto - PRIOR to Gladstones Purchase of Home
No. 5	Letters OF SUPPORT FROM ENTITIES HES DONATED to	PHoto - on other side of Thomas drive
No. 6	LOCATION OF NEIGHBORING PROPERTIES	PHoto FROM ROAD of Thomas
No. 7	Letter and Photographs dated 10/11/06 Provided by MATT & DONNA DAVIS	PHoto (DEBRIS) Mr. ZELNY'S Property
No. 8	Petition - Neighbors in support dated 10/11/06 (25)	PHoto's - old
No. 9	Collectively - Photographs taken 5/8/07 - Laura KIMBALL	Aerials - Gladstone lives away from site
No. 10	Mr. GONCE LETTER 10/25/06	Aerial - closer up
No. 11	10/11/06 Letter from M's ZELENY	APPEARANCE AUTHOCIZATON DEBRA BEATY - Rule 8
No. 12	Letters FROM BUS DRIVERS	Collectively A thru G

~~Identification only (Photos)~~

Case No.: 07-229 SPH-A 3839

Exhibit Sheet - Continued

	Petitioner/Developer	Protestant
No. 13	Covenants Proposed	Collectively 13 Aerial Photo's
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

identification only

identification

P#11

PROTESTANT'S

EXHIBIT NO. P#1

PH#2

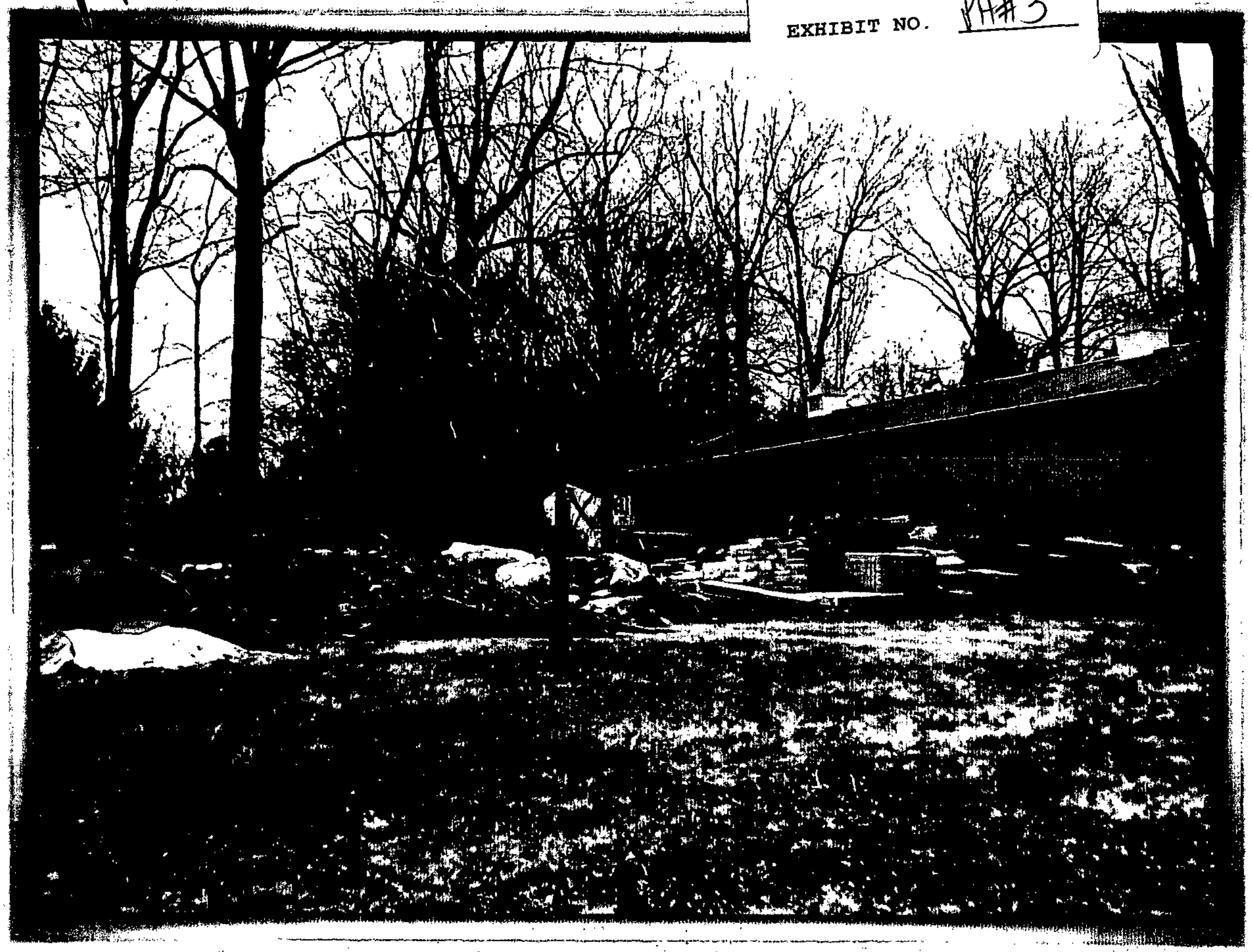
PROTESTANT'S

EXHIBIT NO. PH#2

PH#3

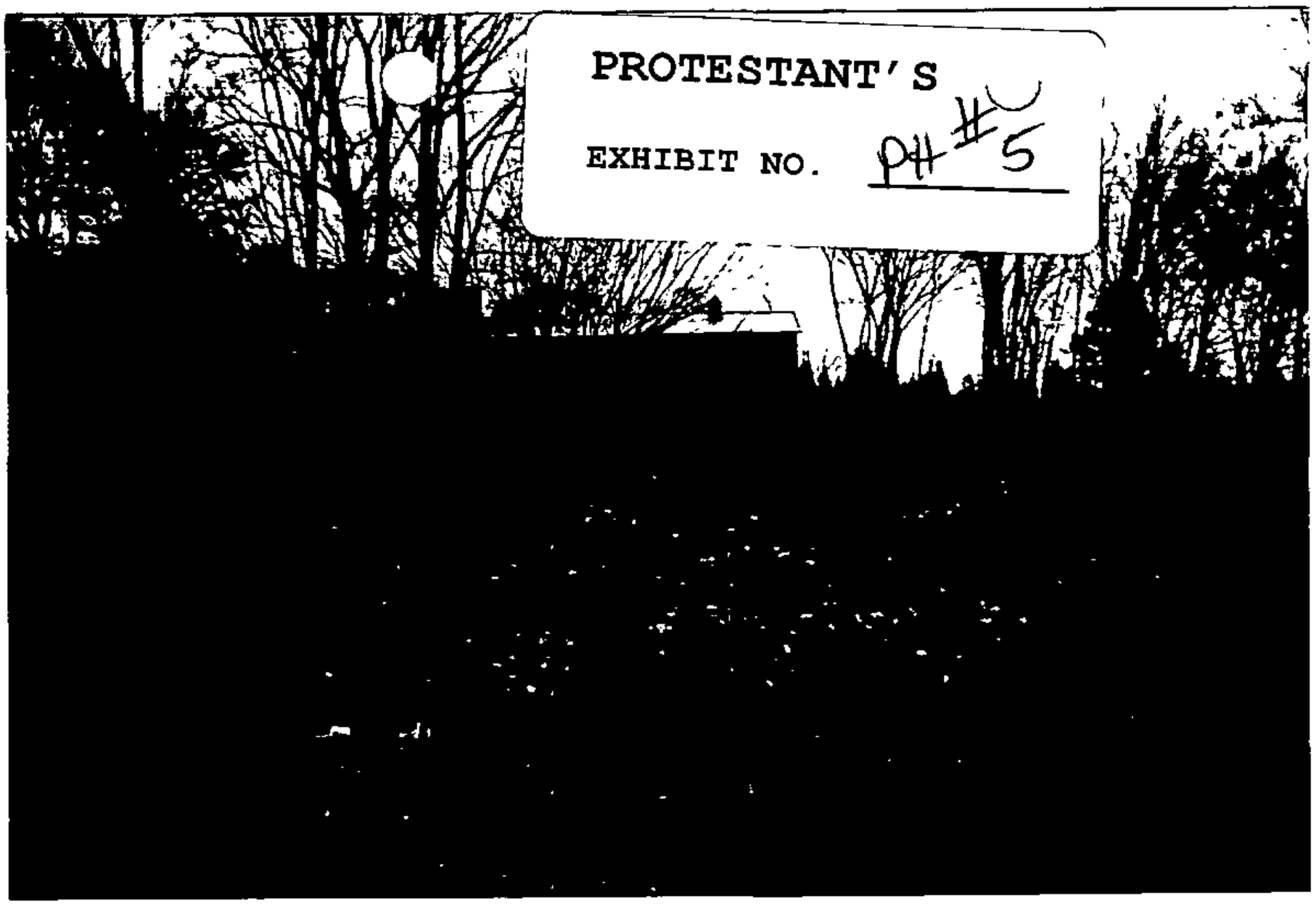
PROTESTANT'S

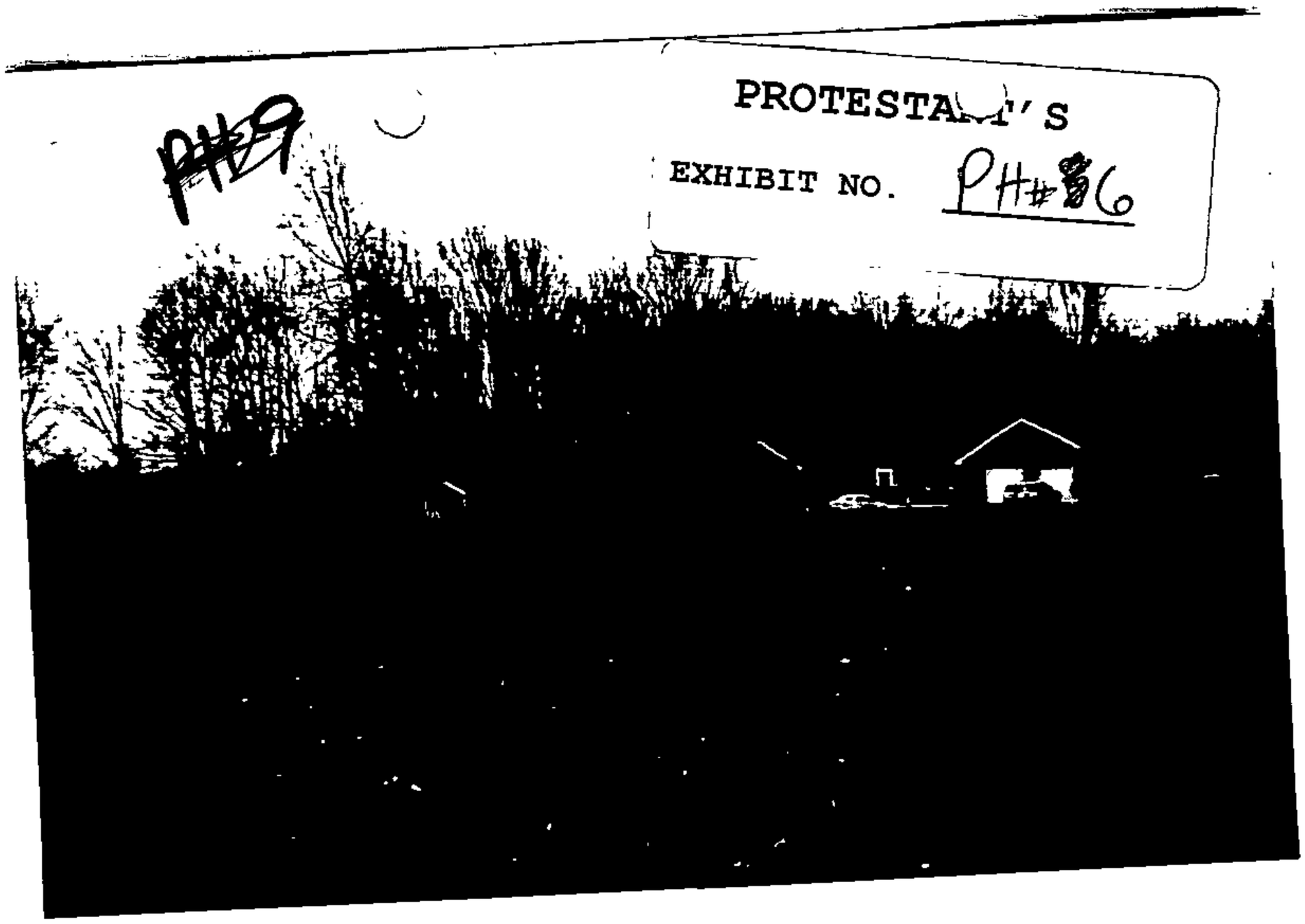
EXHIBIT NO. PH#3



PROTESTANT'S

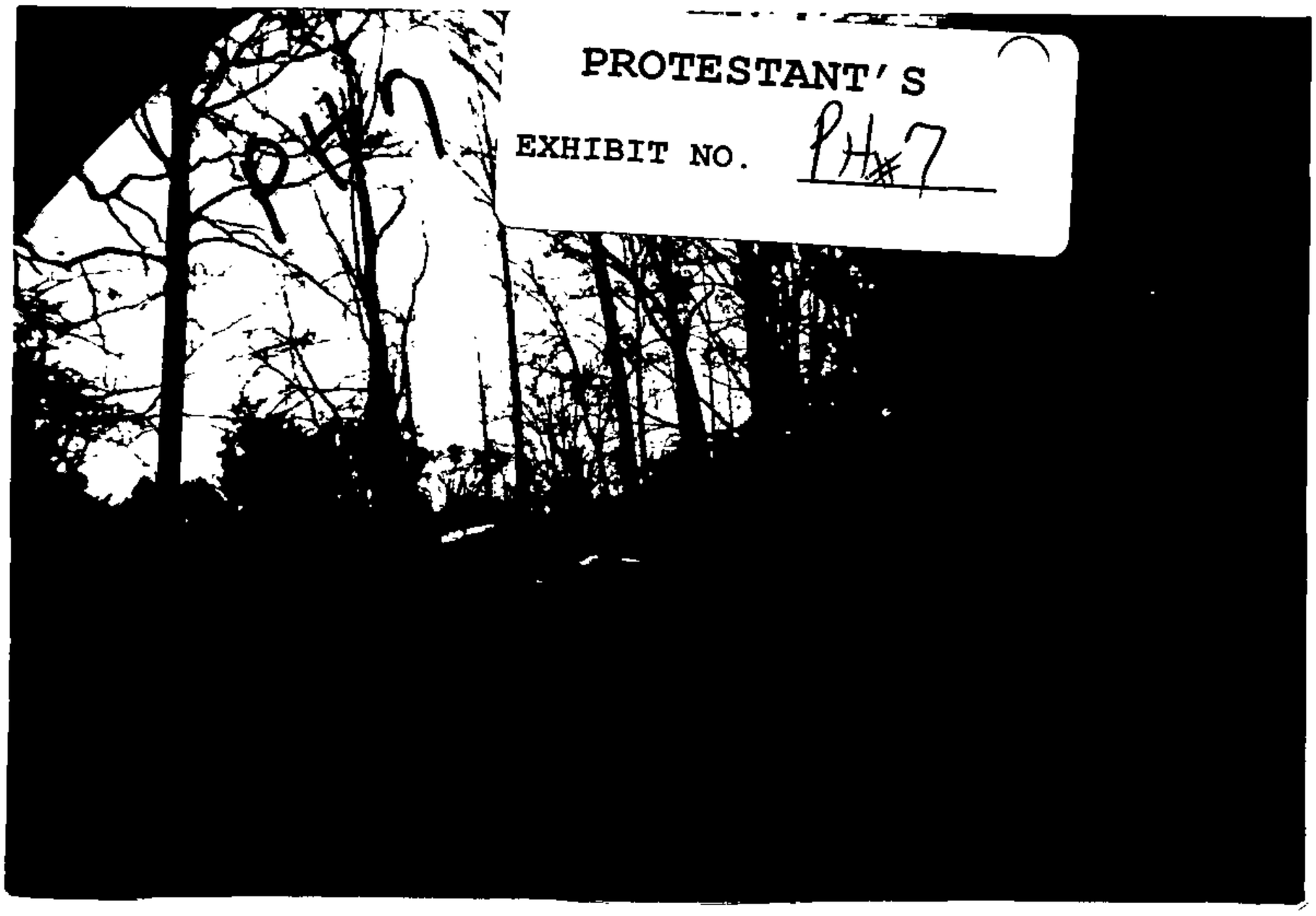
EXHIBIT NO. PH#4

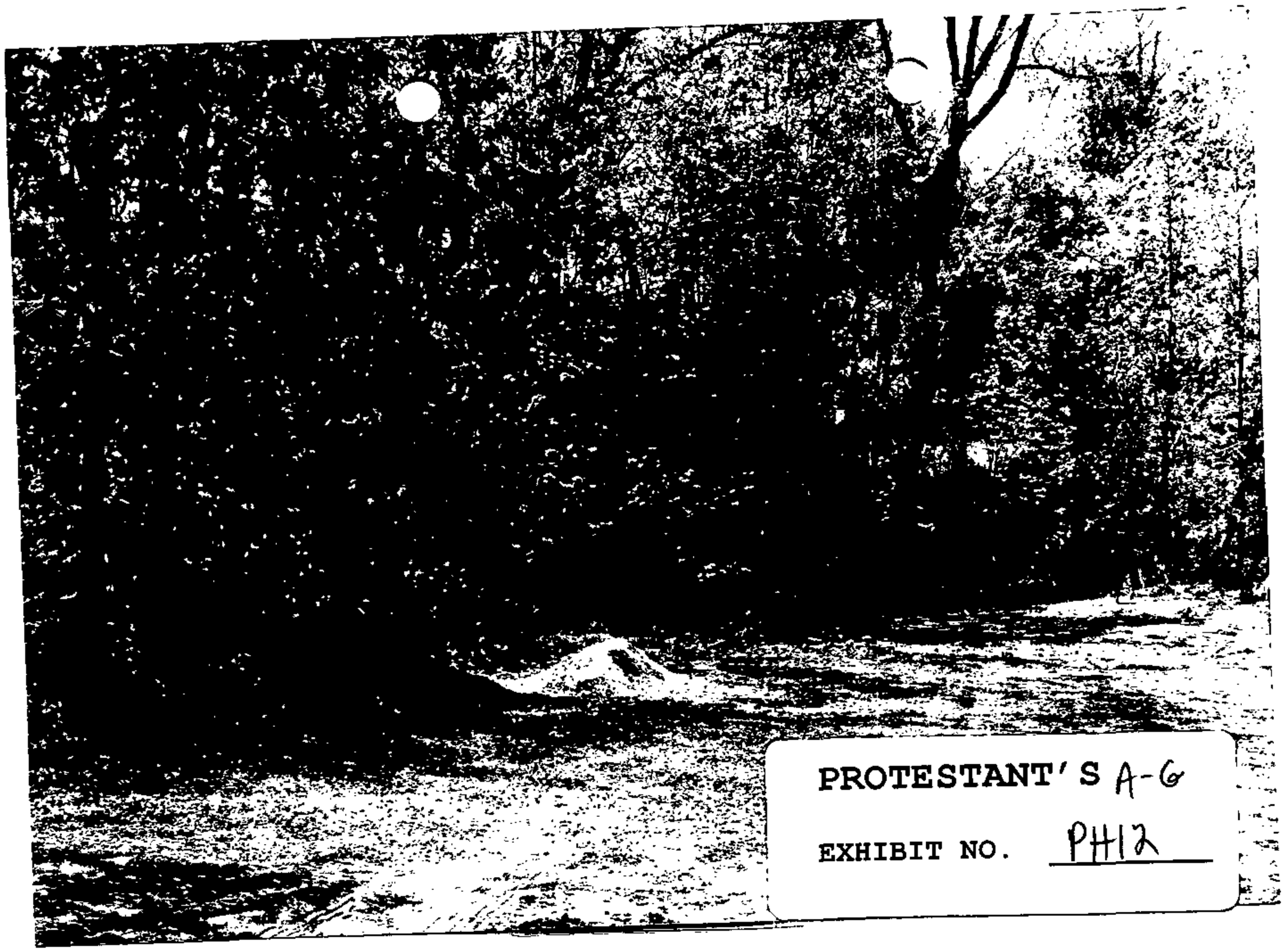

PROTESTANT'S
EXHIBIT NO. PH #5


PH#9
PROTESTANT'S
EXHIBIT NO. PH#6

Protestant's Exhibits #5 [redacted]
Photos [redacted] (A-G)

07-229-SPHA


PROTESTANT'S
EXHIBIT NO. PH#7


PROTESTANT'S A-6
EXHIBIT NO. PH12

PH 10

PROTESTANT'S

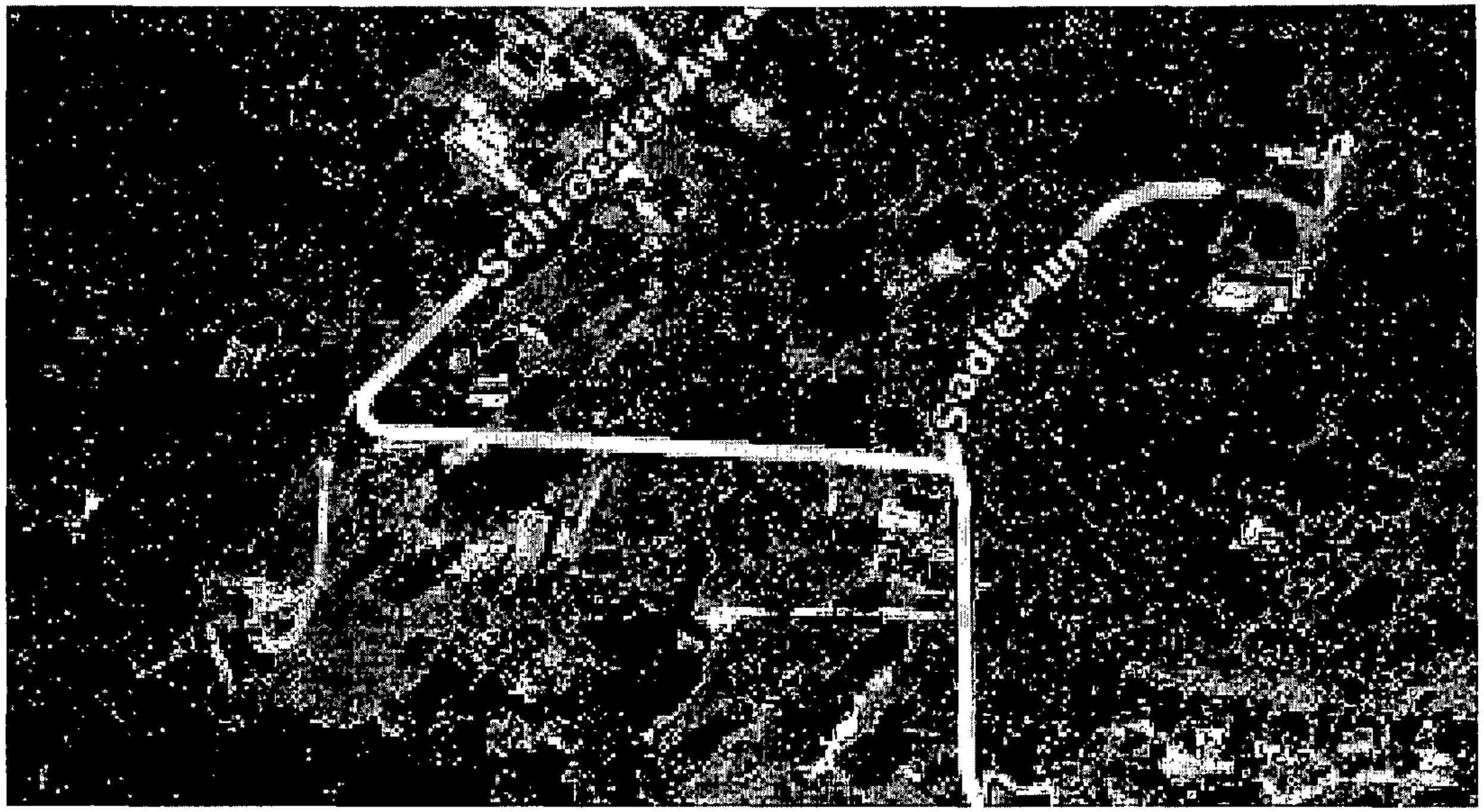
EXHIBIT NO. PH 8

PROTESTANT'S

EXHIBIT NO. PH #9

PROTESTANT'S

EXHIBIT NO. Pt #10



AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear under penalty of perjury that I DEBRA BEATY am a duly-elected member of the Planning and Zoning Committee of the Perry Hall Improvement Association.

ATTEST: Perry Hall Improvement Association

Nina Yeskis, Secretary

David Marks, President

Date: February 1, 2007

PROTESTANT'S

EXHIBIT NO. 11

PERRY HALL
IMPROVEMENT ASSOCIATION, INC.
P.O. Box 63, Perry Hall, Maryland 21128-0063 phia@bcpl.net

February 1, 2007

At its January 4, 2007 meeting, the Perry Hall Improvement Association (PHIA) Board of Directors voted to organize a Planning and Zoning Committee. The responsibility for reviewing and acting on zoning matters is placed in this committee.

Nina Yeskis, Secretary

David Marks, President

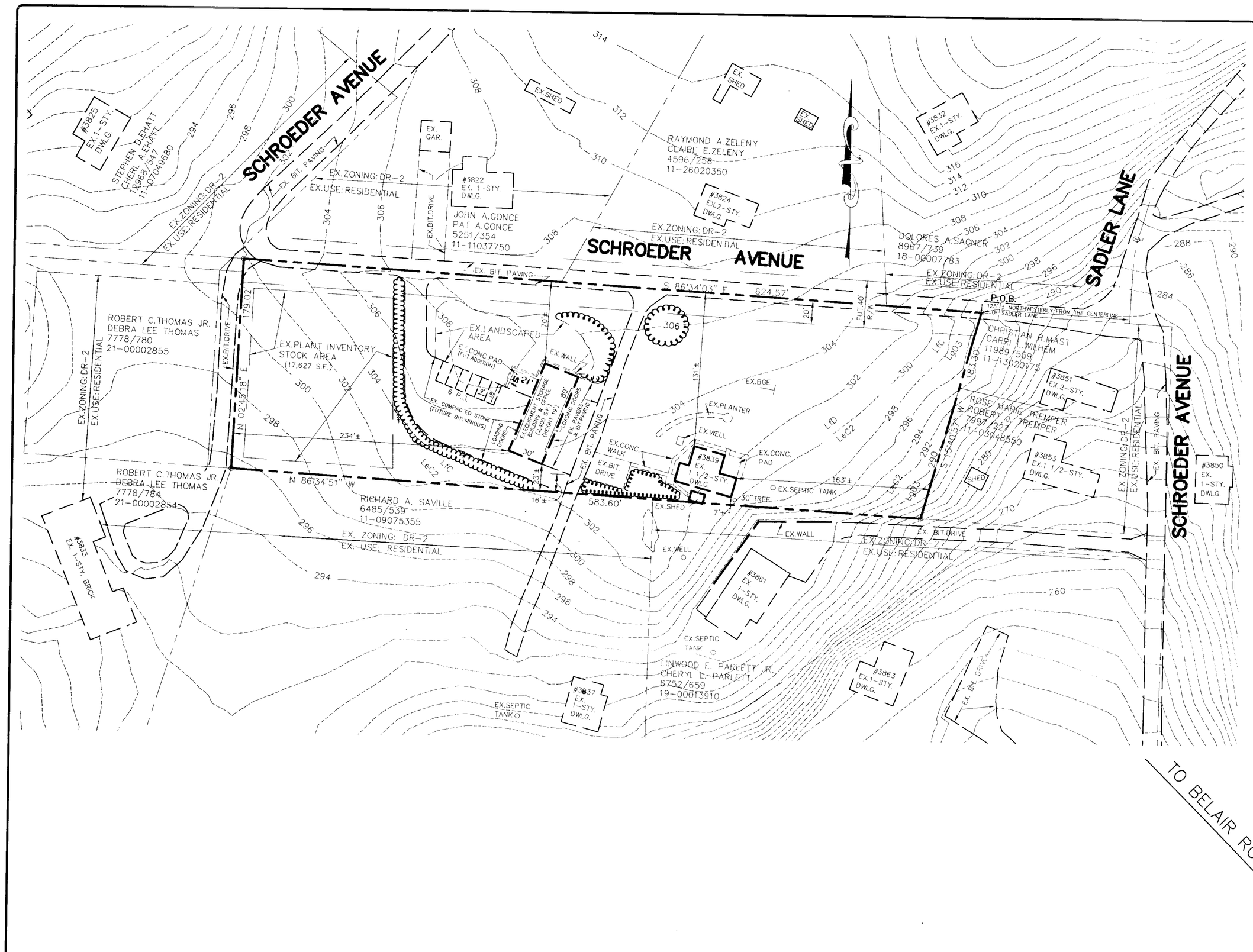
PROTESTANT'S

EXHIBIT NO. PH13 A-C

tens being picked up.

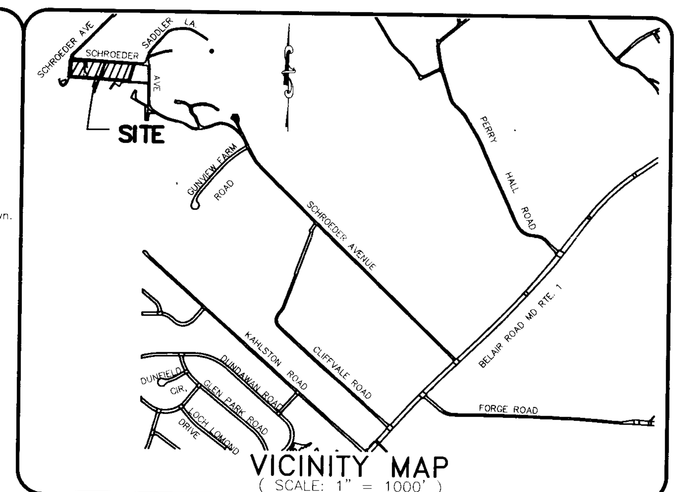
Owner
↓ R. LOI E

Backs to one street



NOTES

1. Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (AUG. 2006)
2. Property lines shown hereon were established by use of public records.
3. This site is not situated within the Chesapeake Bay Critical Areas.
4. There are no forest or developed woodlands on this site.
5. There is no significant plant or animal habitat on this site.
6. There are no known wells on this site except as shown.
7. There are no known underground storage tanks or septic systems on this site except as shown.
8. There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland, except as noted.
9. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
10. All signs shall comply with current Baltimore County Zoning Regulations.
11. Caution underground utilities may exist in Schroeder Avenue & onsite, contact Miss Utility (800-257-7777) prior to any construction.
12. There are no tidal or non-tidal wetlands on or adjacent to this site.
13. Sales Area for plants will not exceed 10% of gross land area per Sect 404.1 F.



VICINITY MAP
(SCALE: 1" = 1000')

ZONING HISTORY

THERE HAVE BEEN NO PREVIOUS ZONING CASES OR HEARINGS.

ZONING SPECIAL HEARING REQUEST

1. SPECIAL HEARING TO ALLOW A LIMITED ACREAGE WHOLESALE FLOWER FARM PURSUANT TO SECTION 1B01.1A(7) AND 404.1 OF THE B.C.Z.R. AND TO ALLOW THE STORAGE OF EQUIPMENT, MATERIALS AND VEHICLES ASSOCIATED WITH THE FARM IN THE EXISTING ACCESSORY BUILDING.

ZONING VARIANCE REQUEST

1. TO PERMIT AN INTERNAL ROADWAY TO BE LESS THAN 25 FEET FROM A PROPERTY LINE SECTION 404.1A.(BCZR).
2. TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED 23'± FROM A PROPERTY LINE IN LIEU OF THE REQUIRED 50' SECTION 404.1B.(BCZR).
3. TO PERMIT THE LOADING OR UNLOADING OF VEHICLES FOR THE PURPOSE OF SHIPPING AND RECEIVING GOODS WITHIN 16'± OF A PROPERTY LINE OF A RESIDENTIALLY ZONED OR USED PROPERTY IN LIEU OF THE REQUIRED 50', SECTION 404.1C.(BCZR).

ZONING VIOLATION

SUBJECT TO VIOLATION CASE NO. 06-1843.

SITE DATA

1) OWNER: BARRY EDWARD GLADSTONE
#3815 SCHROEDER AVENUE
PERRY HALL, MARYLAND 21128
2) DEED REF: 14061/024 (OCT. 01, 1999)
3) TAX ACC. NO.: 11-18048450
4) TAX MAP: 63 PARCEL: 380 LOT: NONE
5) PLAT REF: NONE
6) ELECTION DISTRICT: 11TH
7) CONCILMANIC DISTRICT: 5TH
8) REGIONAL PLANNING DISTRICT: 317A
9) CENSUS TRACT: 4114.03
10) ZONING: DR 2
11) ZONING MAP: 063A2 & 063B2
12) USE: EXISTING & PROPOSED: DWELLING, FLOWER FARM, EQUIPMENT, MATERIAL, & VEHICLE STORAGE.
13) SITE AREA: 108,094.34 S.F. OR 2.481 AC.
14) PARKING
1 P.S./EMPLOYEE = 6 P.S.

SOILS DATA CHART

TYPE	SERIES	WITH BASEMENT	WITHOUT BASEMENT	STREETS AND PARKING LOT	CLASS
LfC	LEGORE	MODERATE: STONINESS; SLOPE	SLIGHT TO MODERATE: SLOPE	SEVERE: SLOPE	C
LeC2	LEGORE	MODERATE: SLOPE	MODERATE: SLOPE	SEVERE: SLOPE	C
LgD3	LEGORE	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE	C

LEGORE VERY STONY SILT LOAM, 3 TO 15 PERCENT SLOPES
LEGORE SILT LOAM, 8 TO 15 PERCENT SLOPES, MODERATELY ERODED
LEGORE SILTY CLAY LOAM, 15 TO 25 PERCENT SLOPES, SEVERELY ERODED

LEGEND

	PROPERTY LINE
	LOT LINE
99	EXISTING CONTOURS
BfD KmA	SOILS LINES
	BGE POLE
	PROPOSED LANDSCAPE SCREENING

Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING AND ZONING VARIANCES FOR # 3839 SCHROEDER AVENUE

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFITIS, P.E.

1

SHEET 1 OF 1

SCALE: 1" = 50'

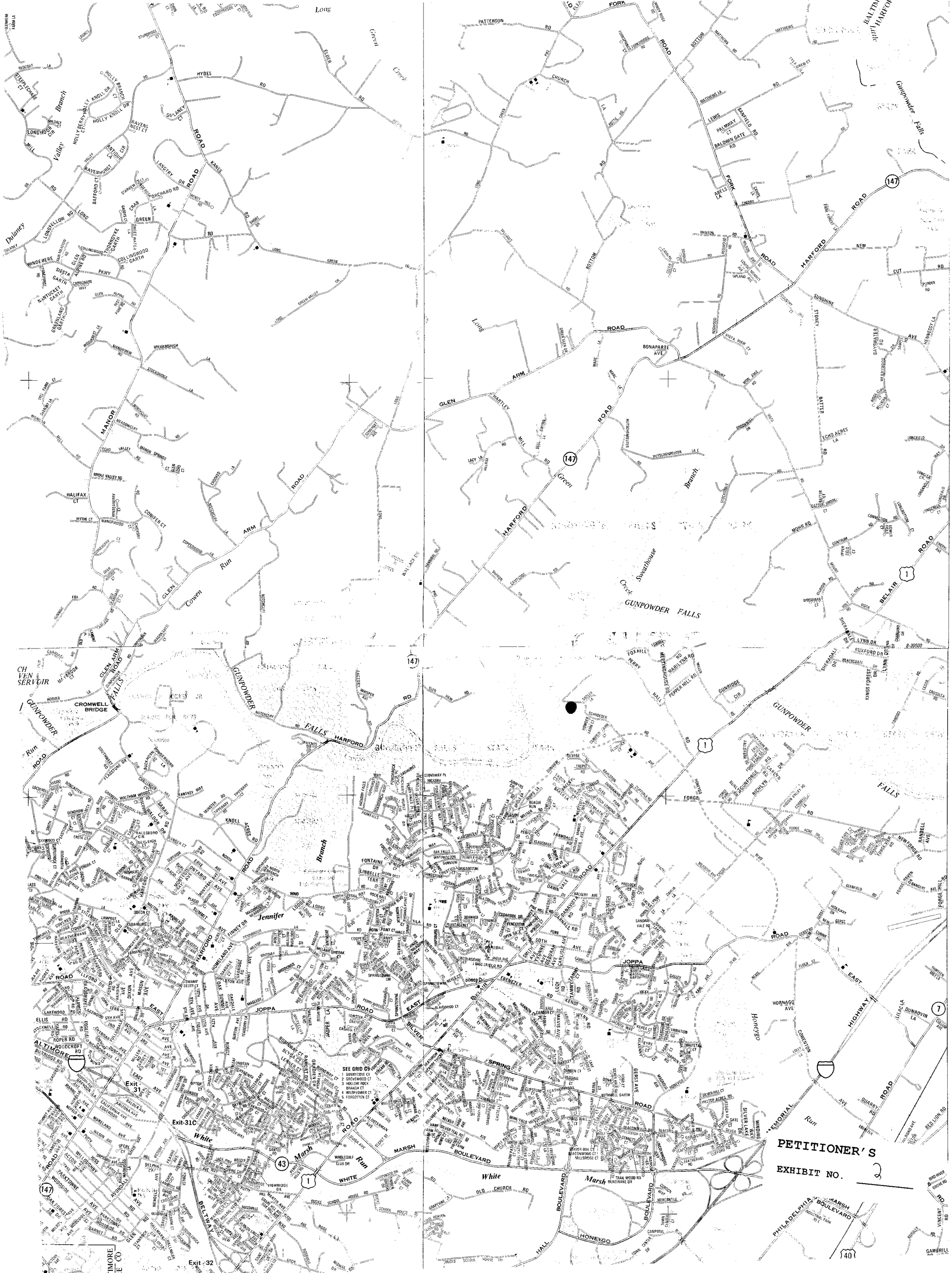
JOB ORDER NO: 20630

DATE: 11/14/06

NO.	REVISIONS	DATE

PETITIONER'S EXHIBIT NO. #1

C:\JOBS\20630\ZONING.dwg Wed Nov 15 08:22:33 2006


PETITIONER'S
EXHIBIT NO. 2
GUNPOWDER FALLS
HARFORD ROAD
BELAIR ROAD
GLEN ARM ROAD
JOPPA ROAD
EAST HIGHWAY
SILVER SPRING ROAD
MARSH BOULEVARD
BELTWAY
CROMWELL BRIDGE
SEE GRID 69
1 SUNNYCOVE CT
2 GROVEWOOD CT
3 HOLLOW ROCK BRANCH CT
4 WILDFLOWER CT
5 FORGOTTEN CT
Exit 31
Exit 31C
Exit 32
Jennifer
Honeygo
White Marsh Run
Gunpowder Falls
Long Green Creek
Sweathouse Creek
Cowen Run
Delaney Valley
Mill Branch
Green Branch
Little Gunpowder Falls

Map Produced By Baltimore County GIS Services
Date of Imagery: April 2005

1 inch equals 200 feet

063A2

PETITIONER'S
EXHIBIT NO. 3

6BGY25 5125454 03/08 A 36827806 1YVFP80C545N14 J7 04 MAZD 4S
N/A -3700 00N/A $50.50 010206 5 STL:NO SUB:NO FR: Mazda 6
FLAG:NO SDX FLAG:NO
03045 V-ST: N V-INSP-ST: V-INSP-DT:080206 V-EXP-DT:080206V-ACC-DT: 040306
INS.CO: SAFECO INS CO OF IL POLICY#: F1290159
REG-VAL-DT: 040306

RFND:N ODOMETER: 029385 CODE:A

R-360-887-441-645 SUS.REV: NO PRIVACY: YES
WILLIAM JOSEPH RIDER JR 5-10 164 2 M 08/18/49
302 FOREST VALLEY DR FOREST HILL HA MD 21050

R-360-589-887-731 SUS.REV: NO PRIVACY: YES
MATTHEW WILLIAM RIDER 5-07 150 2 M 09/21/84
302 FOREST VALLEY DR FOREST HILL HA MD 21050

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: ABERDEEN PROVING GROUND FEDERA
ADDR: 1321 PULASKI HIGHWAY DATE: 2006-03-11

PAGING MODE: PAGE 1 OF 2||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
S/W Corner of Schroeder Avenue, 100′ W of Sadler Lane	*	ZONING COMMISSIONER
(3839 Schroeder Avenue)	*	OF
11th Election District 5th Council District	*	BALTIMORE COUNTY
	*	
Barry E. Gladstone, *Legal Owner* The Outdoor Connection, Inc., *Contract Purchaser/Lessee* Petitioner	* * *	**Case No. 07-229-SPHA**

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Barry E. Gladstone and The Outdoor Connection, Inc., the contract purchaser/lessee through their attorney, J. Neil Lanzi, Esquire. The Petitioners requests a special hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. In addition, variance relief is requested as follows: (1) to permit an internal roadway to be less than 25 feet from a property line per Section 404.1A of the (B.C.Z.R.), (2) to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B of the B.C.Z.R., and (3) to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan which was submitted

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into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Barry Gladstone, individually and as the president of Outdoor Connection, Inc., his wife, Anita Gladstone, Clyde Hinkle, a consultant with William N. Bafitis, P.E., who prepared the site plan and experienced with County zoning regulations, and J. Neil Lanzi, Esquire, attorney for the Petitioners. The request generated overwhelming support from the majority of the residents on Schroeder Avenue, namely Donna and Matt Davis, Claire and Raymond Zeleny, Laura and Emily Kimball, John and Patricia Anne Gonce, James and Angela Mosley, Richard and Suzanne Long, Cheryl and Phillip Curran, Mary Goss, Lambros and Panagiotis Panagodimos, Paul Powell, Nick and Lois Micucci, Ethel Wheeler, Vonnie Eady, and Sandy Mast. Additionally, as evidenced by Petitioners' Exhibit 8, some fourteen (14) neighbors who were unable to attend the hearing also support the Petitioners' endeavor. However, the requested approval was contested. The opponents are adjacent neighbors and included Debra and Robert Thomas, Mr. Thomas' sister, Brenda Ward, and Stephen Ehatt. Debra Beaty appeared as a representative of the Perry Hall Improvement Association. Also present and called as a witness was Kevin Gambrill, a community planner with the Baltimore County's Office of Planning.

An extensive volume of testimony and evidence was offered in this case over the two hearing dates. The primary area of concern relates to the use of the property which has dramatically decreased in past months. Some believe it to be a landscape service operation while others a wholesale flower farm. Due to limitations of time and space, it is impossible to repeat all of the testimony offered herein. Additionally, there were numerous documents, photographs, plats and maps, written memoranda and other exhibits entered into the record of this case.

In brief, the testimony and evidence offered disclosed that the subject property is a rectangularly shaped parcel located at the southwest corner of Schroeder Avenue and Sadler Lane in

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Perry Hall. The property, purchased by Barry Gladstone in 1999, contains a gross area of 2.564 acres, more or less, approximately 180 feet wide by 600 feet in dimension and zoned D.R.2. The site is bisected by a paved bituminous driveway that runs from Schroeder Avenue south to the home of Richard Saville. On the east side of this driveway is a two-story residential dwelling built in 1950. On the west side, a 30′ x 80′ farm equipment storage building, office, parking spaces and a plant inventory stock area. Mr. Gladstone testified that it is in this stock area (17,627 square feet) that he grows most of the flowers, holly trees, Leland Cypress, shrubbery, various grasses and other plant materials. It is this portion of the property (west of the driveway) that is the subject of a Baltimore County Code violation. A hearing on the code violation (Case No. 06-1843) was held in abeyance as it involved the operation of a business from residential property which is the subject of the instant special hearing and variance petition(s) before the Zoning Commissioner.

Mr. Gladstone acknowledged that at the time of the issuance of the Code Enforcement citation (June 16, 2006), he was conducting his landscape business out of the accessory building in conjunction with the flower farm. However, Gladstone unequivocally declared that, within the past twelve (12) months, all equipment and materials relating to the landscape business had been moved off the property to another location further north in Kingsville and that no landscaping supplies or materials have been delivered to the subject site during that period. He testified that the property, 3839 Schroeder Avenue, has been and will continue to be used solely as a wholesale flower farm with the accessory farm building and residence.

There are a number of land uses defined in Section 101 of the B.C.Z.R. that are relevant to rendering a decision in this case. Initially, it is to be noted that a limited acreage wholesale flower farm is defined in the B.C.Z.R. as a farm having "less than three acres of land, and any improvements thereon, and is primarily used for the growing of flowers and small plants and their

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wholesale distribution". The term "farm" as defined in Section 101 of the B.C.Z.R. does not include landscape service operations or horticultural nursery operations. Farms are permitted by right in the D.R.2 zone, pursuant to Section 1B01.1A.7 of the B.C.Z.R, however, this use is subject to the provisions of Section 404 (Farms and Agricultural Operations) which provide for restrictions necessitating in this case the requested variance setbacks. The issue whether the subject property serves as a landscape business was raised by the Baltimore County Office of Planning, the Perry Hall Improvement Association and Bobby Thomas, the Protestants' only witness. A Landscape Service Operation is defined in the regulations as "an operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses".

Turning to the Petition for Special Hearing, attention is first given to the use requested therein. Mr. Gladstone, several long-time residents of the neighborhood and Mr. Hinkle, Petitioners' land use expert, confirmed the property had been used as a farm for decades by the previous owner (Robinson) and as a limited acreage wholesale flower farm by Gladstone for the past seven (7) years. Hinkle described the area as being rather isolated and on the fringe of residential and agricultural uses. It has a village flavor being some 4,500 feet off of Belair Road and away from the attendant high density Perry Hall community. The Gunpowder State Park is to the west and agricultural operations to the north separated by dense woods. His testimony was that the existing use of the property as a farm with the accessory farm structure was in the spirit of the B.C.Z.R. and in no way detrimental to the public health, safety and general welfare of this tight-knit community. Petitioners' Exhibit 6 demonstrates the distances from the equipment building in conjunction to the nearest neighboring homes, i.e., Saville and Thomas - 62 and 175 yards respectively, Gonce and Zeleny on the other side of Schroeder Avenue are the closest – 47 and 57 yards away. Long-time residents

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Phillip Curran, Ethel Wheeler, Lambros Panagodimos, Richard Long, Donna Davis, Laura Kimball, John Gonce, Claire Zeleny, and Sandy Mast, corroborated the testimony of Messrs. Gladstone and Hinkle establishing the property as a limited acreage flower farm with an accessory storage building for farm equipment and materials.

Mr. Thomas and Kevin Gambrill testified and described the operation in a different manner. They believe that the property is used as a landscape business. They produced photographs (Protestants' Exhibits 1- 8) depicting the subject site and past operations thereon. Mr. Thomas argues that the business has changed the dynamics of the neighborhood and states it is rather remarkable that he has never seen flowers being grown on this farm since Mr. Gladstone acquired the property.

It is beyond dispute that the Protestants' photographic exhibits and those submitted to the Office of Planning indicate the existence of landscape materials and equipment on the property. However, it was established through unrefuted testimony that the offered photographs were more than three (3) years old and did not accurately depict the property or farm as it existed at the time of the filing of the petition in November, 2006 or on the date of this hearing. The prejudicial effect of this evidence is demonstrated by comparing the Office of Planning's Zoning Advisory Committee (ZAC) comments, which vary from not opposing the Petitioner's request in December, 2006 to one of recommending a denial in May, 2007. Petitioners argue that the subsequent May comment is erroneous because there was insufficient evidence, other than a partisan letter and dated photographs, in view of the testimony and admitted absence of activities at the site. *See* Baltimore County Exhibit 3. In this regard, taking into consideration a portion of Mr. Gambrill's testimony excerpted from his cross-examination by Petitioners' counsel relative to the reasons for the revised comment is instructive:

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Q: Could you agree that a farm, whether it is a limited acreage wholesale flower farm or any type of farm, would require or typically have vehicles associated with it, is that a fair assessment?

A: Provided you were in the appropriate zone, yes.

Q: And this zone does allow a limited acreage wholesale flower farm, isn't that correct?

A: This zone allows for that use.

Q: So if he has vehicles and he's testified that he has vehicles to be used to deliver materials to his distributor on a job and then he stores them in a building, does that go along with a typical farm use?

A: If the primary operation for this use as it sits now is for the growing of flowers and small plants, then that's it.

Q: That's the testimony and their wholesale distribution that would qualify as a limited acreage wholesale flower farm and that was Mr. Gladstone's testimony and will be again later today, and when you visited the site back in December, you didn't challenge the Zoning Office's interpretation . . .

A: Again, it's the timing, the timing of things . . .

As it often happens, this is a close case. On the one hand, the absence of growing and warehousing plants for pickup by others and the labeling of a site plan as an "Equipment Storage Building and Office" is disturbing and supports the arguments of Ms. Beaty that this is a landscape use. On the other, however, photographs (Petitioner's Exhibit 4) and the weight of the testimonial evidence support the zoning planner's review and classification that the growing of plants, shrubbery and small trees for wholesale delivery is correctly characterized as a limited acreage flower farm. Moreover, as noted, the D.R.2 zone, while a residential classification, allows this type of farm. Maryland courts have held ". . . [Zoning Ordinances] are in derogation of the common law right to so use private property as to realize its highest utility, and they should be liberally construed to accomplish their plain purpose and intent. They should not be extended by implication to cases not

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clearly within the scope and purpose and intent manifest in their language". *White v. North*, 356 Md. 31, 48 (1999) quoting *Aspen Hill Venture v. Montgomery Co. Council,* 265 Md. 303 (313-314) (1972).

Based upon all the testimony and evidence presented, I am persuaded to approve the use of this property as a limited acreage wholesale flower farm. I find that the Petitioners' have satisfied the requirements of Section 1B01.1A(7) and, as set forth below, Section 404.1 of the B.C.Z.R. To assure strict adherence to the zoning regulations and as recommended by the Office of Planning, I will impose restrictions and, therefore, believe relief can be granted without detrimental impacts to the surrounding locale.

Turning next to the variance request, the Petitioner's seek relief to permit an internal roadway and an accessory structure to be located closer to the property line than permitted. They also request approval to load and unload vehicles within the enclosed accessory structure. A zoning variance petition in Baltimore County carries with it two burdens: a burden of *production of evidence* and a burden of persuasion. The burdens must be met with respect to the two step test propounded by Section 307 of the B.C.Z.R. Section 307.1 states that variances from the regulations may only be granted where "special circumstances or conditions exist that are peculiar to the land or structure ... and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

Cromwell v. Ward, 102 Md. App. 691, 651 A.2d 424 (1995) is the leading case in Baltimore County addressing the issue of "special circumstances or conditions." In that case the Petitioner sought a height variance for an accessory structure that had been built higher than the building permit stated and higher than the B.C.Z.R. permits. No testimony of unique condition or special circumstances was offered. Judge Cathell articulated the two step variance analysis as follows:

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> "The first step requires a finding that the property whereon the structures are to be placed (or uses conducted) is – in and of itself – *unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness or peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property.* Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e., a determination of whether practical difficulty and/or unreasonable hardship resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists...." *Id.* at 694-695. emphasis added.

It is instructive that Judge Cathell was seeking in his opinion to correct a situation "where the zoning authorities are first determining whether a practical difficulty or unreasonable hardship exists. That determination is then used to create a unique or unusual situation as to the subject property because surrounding properties do not experience the hardship or difficulty." *Id.* at 695. It is the uniqueness of the property which has to cause the ordinance to have a different impact on it than on adjoining property. In this regard, it bears emphasis to point out that the internal roadway and accessory structure labeled as the "Equipment Storage Building" have in one form or another existed at their current locations since the 1950's. Although the current structure was built by Mr. Gladstone since his purchase of the property seven (7) years ago, it was built upon the foundation(s) of the barn and trailers used by Mr. Robinson until his death in 1989. Donna Davis was quite clear about these facts and lived across from the subject property since 1964. Obviously, strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners' in that the structure cannot be relocated elsewhere on the property. The unrefuted and uncontradicted testimony of Mr. Hinkle and area residents was that the property is long and narrow with over 600 feet of road frontage. It is bisected by the access road to the adjacent property that runs directly through the middle of this property. It is also unique with limitations caused by the

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existing home, well and septic, topography, granite rock outcroppings and subsurface constraints. Petitioners' argument concerning these physical characteristics and special conditions is fully addressed in their written Memorandum and will not be repeated here. I am persuaded to grant the requested variance relief. There will be no detriment to the health, safety, or general welfare of the surrounding locale by doing so. Moreover, there were no adverse comments submitted by any County reviewing agency concerning the requested variances, and no one appeared in opposition to them. The neighbor most affected by the variance requests is in support of them. *See* Richard A. Saville's letter annexed to Petitioners' Exhibit 8. Thus, I find that the relief requested is appropriate in this instance and should be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 31st day of May, 2007, that the Petition for Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building, be and is hereby granted.

IT IS FURTHER ORDERED that the variance relief as follows: (1) to permit an internal roadway to be less than 25 feet from a property line per Section 404.1A of the (B.C.Z.R.), (2) to permit an accessory structure to be located 23 feet, +/- from a property line in lieu of the required 50 feet per Section 404.1B of the B.C.Z.R., and (3) to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R, in

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accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for their permits and be granted same upon receipt of Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is expired. If, for whatever reason, this Order is reversed, the relief granted shall be rescinded.

2. The limited acreage flower farm [with its attendant storage of equipment, materials and vehicles associated with the farm] including all parking is limited to a maximum of 1.472 acres as shown on the attached exhibit. The remaining 1.09 acres of the property will continue with the current residential use.

3. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading and unloading activities associated with the flower farm, shall not occur from 6:00 PM to 7:00 AM. There will be no Sunday hours. Vehicles, equipment and materials necessary for the farm operation shall be stored inside the existing accessory building labeled "Equipment Storage Building" on the site plan when not in use and during non-working hours.

4. A final landscape plan in accordance with the site plan submitted and Section 404.1C of the B.C.Z.R. is to be submitted to and approved by Avery Harden, Baltimore County's Landscape Architect. Most notably, the final approved landscaped plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837 and 3861 Schroeder Avenue.

5. The special hearing relief granted to Petitioners herein is personal in nature, limited in duration, and shall not run with the land as to inure to the benefit of any subsequent property lessor or owner. To assure the current and future use of the subject property will not impact adversely upon nearby residential areas or become a Zoning Enforcement problem, the *farm use* shall cease to exist upon the first of the following event(s):

   - The property is sold to an unrelated third party of the Gladstone's immediate family or their heirs; and/or

   - The Outdoor Connection Inc.'s stock ownership is transferred or purchased by anyone other than current stockholders or members; and/or

   - After the passage of twelve (12) years of the date hereof.

6. These conditions are intended to bind the Petitioners and their successors and assigns. Accordingly, Petitioners, through counsel, shall place in any deed of conveyance a reference to this case number and these restrictions.

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7. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

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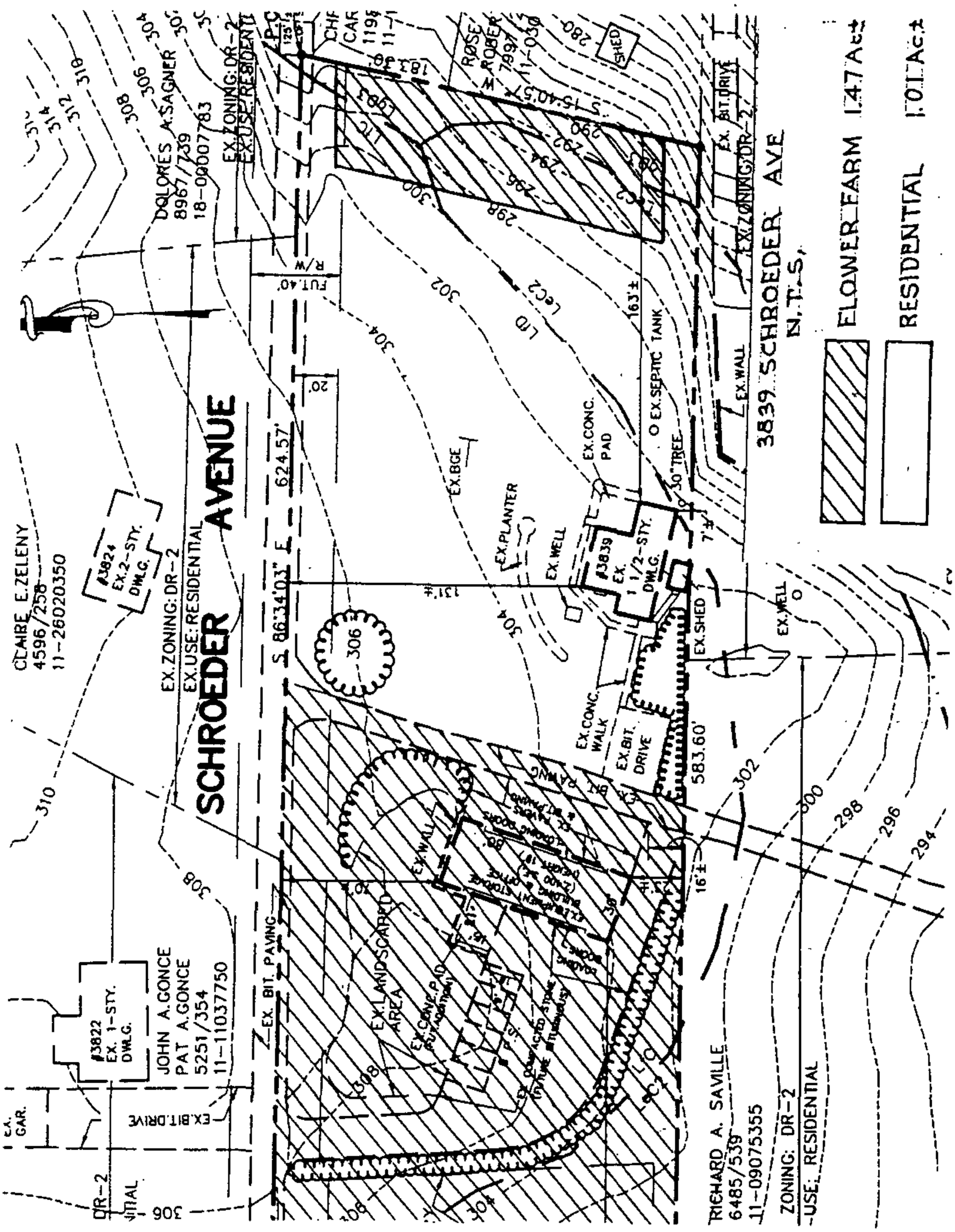

EXHIBIT 07-229-SPHA

(Full Size Plat in Zoning File)

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 31, 2007

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
S/W Corner of Schroeder Avenue, 100' W of Sadler Lane
(3839 Schroeder Avenue)
11th Election District - 5th Council District
Barry E. Gladstone, *Legal Owner*; The Outdoor Connection, Inc.,
Contract Purchaser/Lessee - Petitioner
Case No. 07-229-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted and the 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Code Enforcement and Inspection, PDM; Office of Planning; Case File
See Attachment – Addressees

IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE S/W Corner of Schroeder Ave. **(3839 Schroeder Ave.)** 11th Election District 5th Councilmanic District Barry Gladstone Legal Owner The Outdoor Connection, Inc., Contract Purchaser	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No.: 07-229-SPHA

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

NOTICE OF APPEAL

PERRY HALL IMPROVEMENT ASSN., INC., P.O. BOX 63, PERRY HALL, MD 21128 & DAVID MARKS, PRESIDENT, P.O. BOX 63, PERRY HALL, MD 21128, and individuals DEBRA BEATY, P.O. BOX 63, PERRY HALL, MD 21128; ROBERT & DEBORAH THOMAS, 3833 SCHROEDER AVE., PERRY HALL, MD 21128; CHARLES EHATT, SCHROEDER AVE., PERRY HALL, MD 21128; and DENNIS & BRENDA WARD, 9829 SADLER LANE, PERRY HALL, MD 21128, Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Zoning Commissioner in Case No. 07-229-SPHA, hereby note an appeal to the County Board of Appeals from Findings of Fact and Conclusions of Law dated May 31, 2007 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to Baltimore County to cover the costs of the appeal. Appellants were parties below and fully participated in the proceedings.

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
8 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

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Per.

IN RE: PETITION FOR SPECIAL HEARING AND PETITION FOR VARIANCE 3839 Schroeder Avenue S/W Corner of Schroeder Avenue And Sadler Lane 11th Election District 5th Council District Barry E. Gladstone, Legal Owner The Outdoor Connection, Inc., Contract Purchaser Petitioners	* * * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY CASE NO. 07-229-SPHA

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

MEMORANDUM OF PETITIONER

Barry E. Gladstone, Legal Owner and the Outdoor Connection, Inc., Contract Purchaser (collectively "Petitioner"), by their attorney, J. Neil Lanzi and J. Neil Lanzi, P.A., respectfully submit this Memorandum in Support of the Petition for Special Hearing and Petition for Variance submitted for the property known as 3839 Schroeder Avenue, Baltimore County, Maryland (the "Property").

I. BACKGROUND

Petitioner has requested a Special Hearing to obtain approval of a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 of the Baltimore County Zoning Regulations ("BCZR") and to allow the storage of equipment, materials and vehicles associated with the farm within the existing accessory building on the Property. Petitioner has also requested variances from the BCZR as follows:

1. To permit an internal roadway to be less than 25 feet from a property line per Section 404.1A.

2. To permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B.

3. To permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C.

Public hearing was held before the Zoning Commissioner on March 19, 2007 and May 9, 2007.

II. DISCUSSION – SPECIAL HEARING PETITION

A limited acreage wholesale flower farm is defined in the BCZR, Section 101 as:

"A limited acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon, and is primarily used for the growing of flowers and small plants and their wholesale distribution."

Petitioner's property is located in the DR 2 zone and is subject to Section 1B01.1 of the BCZR, which states in part:

A. Uses permitted as right. The following uses only are permitted as of right in DR zones of all classifications, subject to the restrictions hereinafter prescribed.

7. Farms, produce stands in association with a farm, or limited acreage wholesale flower farms (See Section 404).

Petitioner's Property consists of 2.481 acres and is improved with a residence built in 1950, the limited acreage wholesale flower farm (hereinafter "Farm") and Petitioner's farm equipment storage building and office. Barry Gladstone testified that on the Farm he grows flowers, holly trees, Leland Cypress, various grasses, shrubbery and other plant materials. The existence of the Farm was uncontested. The issue whether the Property also served as a landscape business was raised by the Baltimore County Office of Planning and by Protestant's sole witness.

Petitioner acknowledged that at the time of the issuance of a zoning citation against the Property, he was also operating his landscape business out of the accessory building in conjunction with the Farm. However, Petitioner stated unequivocally that, within the past twelve months, all equipment and materials relating to the landscape business had been removed off the Property to another location and no landscaping supplies or materials have been delivered to the Farm during that period. The Property has been and will continue to be used solely as a Farm with the accessory farm building and residence.

Protestants' photographs offered as exhibits and the photographs submitted by Protestant's spouse to the Office of Planning appeared to indicate the existence of landscape equipment at the Property, however, it was established by unrefuted testimony that the Protestant offered photographs were more than three years old and did not accurately reflect the Property or the Farm as it existed as of the date of the hearing. The prejudicial photographic evidence provided by Protestants was extremely relevant due to its lack of credibility especially since the Office of Planning based its revised comment in part on the photographic evidence provided by Protestants.

Petitioner, through his own testimony, the testimony of several long time residents of the immediate neighborhood and testimony of Petitioner's land use expert, Clyde Hinkle, confirmed the Property had been used as a farm for decades by previous owners and as a limited acreage wholesale flower farm by Petitioner for the past several years. In sum, Petitioner met its burden in establishing the Property as a limited acreage

wholesale flower farm with the necessary accessory storage building for farm equipment and materials associated with the Farm.

II. DISCUSSION – VARIANCES

Petitioner requested three variances to Section 404.1 of the BCZR as follows:

1. To permit an internal roadway to be less than 25 feet from a property line per Section 404.1A.

2. To permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B.

3. To permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C.

The internal roadways on the Property have existed for decades prior to Petitioner's purchase of the Property as confirmed by several area residents, including Donna and Matt Davis of 3835 Schroder Avenue, their daughter Laura Kimball of the same address and Claire Zeleny of 3824 Schroeder Avenue. The evidence confirming the continued existence of the internal roadways in their same location as indicated on the site plan again was uncontradicted.

The accessory farm building constructed by Petitioner replaced several buildings that had been on the Property for decades. The farm building was constructed on the same foundation as the farm buildings it replaced. Several residents of Schroeder Avenue confirmed these unrefuted facts. The Farm building is 16 feet from the property line of residentially zoned or used property in lieu of the 50 feet. Petitioner elected to not provide a sales area providing for the sale of various plants on site despite being allowed to do so by Section 404.1F.

Section 307 of the BCZR provides for variance relief for property in Baltimore County as follows:

> A. 307.1. (In Part) The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations... only in cases where special circumstances or conditions that exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off street parking, or sign regulations, and only in such a manner as to grant relief without injury to public health, safety and general welfare.

Under Maryland case law, the hearing officer or zoning board must follow the following two step process to determine whether the requested variances should be granted,

> "The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is-in and of itself-unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual or different, the process steps here and the variance is denied without any consideration of practical difficulty or unreasonable hardship. If that step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, i.e. a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists." *Cromwell v. Ward*, 102 Md. App. 691, 694-695 (1995).

Applying the standard of the two step process required by *Cromwell vs. Ward* and the BCZR to the facts presented, it is clear Petitioner has met his burden and approval should be granted to the variances requested. Petitioner, Petitioner's expert and several

neighbors testified as to the existing conditions of the Property, including, but not limited to, the internal roadways and structures on the Property. Photographic evidence, Petitioner's site plan, the County ADC map and aerial photograph offered as exhibits along with expert and non-expert testimony confirmed the uniqueness of the Property as compared to other surrounding properties. The testimony for Petitioner was again uncontradicted as to the irregular shape of the Property, its topography and granite block subsurface material. Further evidence submitted included the location of the well on the Property between the existing house and the accessory farm building and the septic system behind the house. Expert testimony confirmed the only viable location for the accessory building for the Farm was the current location of the building. Petitioner met its burden of demonstrating that special conditions existed peculiar to Petitioner's Property and that strict compliance with the BCZR due to the Property's uniqueness would result in practical difficulty or unreasonable hardship. Petitioner has established that the uniqueness of the farm property has resulted in the BCZR having a different impact on Petitioner's property than on adjoining properties.

The seminal case for variances prior to *Cromwell vs. Ward* was *McLean v. Soley*, 270 Md 208, 213, 1973, which states,

> "The standard for granting a variance then, as it is now, was whether strict compliance with the regulations would result in 'practical difficulty or unreasonable hardship'; and that it should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such manner as to grant relief without substantial injury to the public health, safety and general welfare".

The criteria for establishing practical difficulty were listed in *McClean v. Soley* as follows:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. 270 Md at 214.

The testimony presented by Petitioner was that strict compliance with the BCZR would prevent Petitioner from using his property for a permitted purpose, the limited acreage wholesale flower farm. The internal roadways were existing. The accessory farm building constructed by Petitioner replaced deteriorating farm buildings on the same footprint. Nothing less than the variances applied for would do substantial justice to Petitioner as well as other property owners in the area.

Protestant's complaint was based on out of date photographs and the alleged rousing from sleep of a teenager on one occasion due to Petitioner's alleged activities on the Farm. All safety concerns with regard to Schroeder Avenue, the bus stop and any other alleged hazards from the Farm business were addressed at length by Petitioner, Petitioner's expert and numerous neighborhood residents at the hearing.

The Court of Appeals in *Lewis v. Department of Natural Resources*, 377 Md 382, (2003), discussed at length the standards of review for a variance request. The facts of the case concerned a hunting lodge where the Petitioner in that case constructed six

hunting lodges without a permit. As part of its findings, the Court held that the Reviewing Board should have considered the variance request "in the context of whether Petitioner was denied a reasonable and a significant use of Phillips Island, the area he requested to be used by the hunting camp", 377 Md at 401. Taking that analysis a step further, the Court stated the Reviewing Board should not look to see if the denial of a variance for a part of a property would deny Petitioner the reasonable and significant use of the entire property, as what reasonable and significant use a Petitioner can make of his or her property not the subject of the variance request was irrelevant to the determination of unwarranted hardship. Interestingly, the Court pointed out the fact that the structures were built (as in Petitioner's case here) was a red herring and the Court should focus on the physical characteristics of the property to determine hardship. In conclusion, the Court found the irregular shape of the property equated to special conditions unique to the property and that strict enforcement of the regulations would result in unwarranted hardship not generally shared by owners of other properties in the area with the result that Petitioners would be denied the reasonable and significant use of a part of the land. This case is right on point as Petitioner in the subject case is attempting to use part of the Property for the Farm and a denial of the requested variances will deny Petitioner a reasonable and significant use of his Property. See also *Mastandrea v. North*, 361 Md 107 (2000).

In another Maryland case, *Belvoire Farms v. North*, 355 Md 259, (1999), the Court of Appeals held that the unwarranted hardship necessary to obtain the variance is equal to the denial of a reasonable and significant use of the property. The Court also

held that a need for the variance must be substantial and urgent and not merely for the convenience of the Petitioner. Petitioner testified in our case that he purchased the Property in 1999 and established the limited acreage wholesale flower farm. Quite simply, the need for the zoning relief is substantial and urgent as Petitioner relies substantially on the Farm for his livelihood and ability to provide for his family. This is not a variance request for the convenience of the Petitioner or a pleasant amenity. The ample testimony, surveys and letters in support all confirm that Petitioner transformed an old farm property to the showplace it is today and, although busy with the business, Petitioner finds time to lend a hand to all of his neighbors and has consistently given back to community schools and other institutions in need.

Petitioner's expert described the nature of the neighborhood in question as agricultural with a village flavor as compared to the high density nature of the remainder of the Perry Hall community. Mr. Hinkle's uncontradicted testimony was that the existing use of the property as a farm with the accessory farm structure and existing roads was in the spirit of the BCZR and was in no way detrimental to the public, health, safety and general welfare of this obviously tight knit community. Many longtime residents, including those residing in homes immediately adjacent to the subject Farm, reiterated those sentiments.

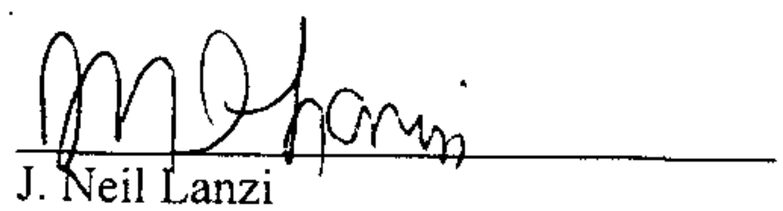
Petitioner established the Farm and its accessory building was not a self created hardship situation under Maryland Law and that strict compliance with the zoning regulations would unreasonably prevent the use of a substantial portion of the Property for the Farm, a permitted use in this residential zone. This is a case of urgent necessity

where the denial of the variances would prevent the use of the Property as a limited acreage wholesale flower farm. Robert Thomas, the sole Protestant witness, testified that he leaves for work prior to the Farm opening for business and returns home from work after the Farm is closed for business. No adverse impact was shown and in fact Petitioner clearly established the Farm and the requested variances would in no way cause any injury to the public, health, safety or general welfare to the adjoining neighbors or surrounding neighborhood.

In this case, it is not the existence of the accessory farm building that creates the practical difficulty. It is the topography and subsoil condition of the ground that is unique to this site. This testimony and evidence was unrefuted. Moreover, Petitioner respectfully requests the Commissioner consider the agency comment from the Office of Planning dated December 26, 2006 and disregard the revised comment dated May 8, 2007 due to the unreliable photographic evidence relied on by the Office of Planning in preparing the revised comment and the admitted absence of activities at the Property other than a limited acreage wholesale flower farm during two visits to the Property. Finally, mention was made to Bill 41-92 referenced in the BCZR definition for a limited acreage wholesale flower farm. Upon review, Council Bill 41-92 simply confirms the definition language in the BCZR previously discussed.

Accordingly, Petitioner respectfully requests the Commissioner approve the Special Hearing and Variance relief requested and the site plan in evidence as Petitioner's Exhibit One.

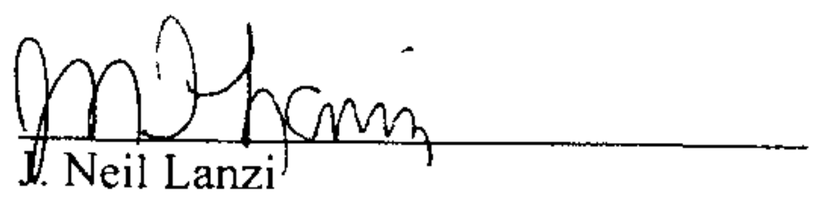
Respectfully Submitted,



J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, Maryland 21204
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2007, a copy of the foregoing Memorandum was mailed, first-class, postage prepaid, to Deborah Beaty, Chairman, P.O. Box 63, Baltimore, Maryland 21128.



J. Neil Lanzi

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3839 Schroeder Avenue

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

A limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

The Outdoor Connection, Inc.
Name - Type or Print

By: [signature] President
Signature

3839 Schroeder Avenue 410-256-7569
Address Telephone No.

Baltimore MD 21128
City State Zip Code

Legal Owner(s):

Barry E. Gladstone
Name - Type or Print

[signature]
Signature

Name - Type or Print

Signature

3815 Schroeder Avenue 410-256-7569
Address Telephone No

Baltimore, MD 21128
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi,
Name - Type or Print

[signature]
Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Ave Ste 617 410-296-068
Address Telephone No

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-229-SPHA

Reviewed By BR Date 11/16/06

ORDER RECEIVED FOR FILING
Date 5-31-07
By [illegible]

REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3839 Schroeder Avenue

which is presently zoned DR 2

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

See attached

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

To be provided at hearing

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 zon 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 whic is the subject of this Petition.

Contract Purchaser/Lessee:

The Outdoor Conection, Inc.

Name - Type or Print

Barry E. Gladstone

Signature

3839 Schroeder Avenue 410-256-7569

Address Telephone No.

Baltimore, MD 21128

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave Ste 617 410-296-0686

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Barry E. Gladstone

Name - Type or Print

x Barry E. Gladstone

Signature

Name - Type or Print

Signature

3815 Schroeder Avenue 410-256-7569

Address Telephon

Baltimore, MD 21128

City State Zip (

Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Ave Ste 617 410-296-06

Address Telephone

City State Zip (

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 11/16/06

Case No. 07-229-SPHA

ORDER RECEIVED FOR FILING

Date 5-31-07

By

REV 9/15/98

Petition for Variance

The Outdoor Connection, Inc., Contract Purchaser/Lessee and Barry E. Gladstone, Legal Owner of the property known as 3839 Schroeder Avenue in Baltimore County, Maryland hereby petition for a variance from the Baltimore County Zoning Regulations (BCZR) as follows:

1. To permit an internal roadway to be less than 25 feet from a property line per Section 404.1A.

2. To permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet per Section 404.1B.

3. To permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C.

The basis of the variance requests include the uniqueness of this property as well as practical difficulty. Additional reasons will be provided at the hearing.

#229

Bafitis & Associates, Inc.

ZONING DESCRIPTION
FOR
3839 SCHROEDER AVENUE
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in Schroeder Avenue situated 125 feet, more or less, Northwesterly from the centerline of Sadler Lane; thence leaving Schroeder Avenue South 15°-40'-37", West 183.30 feet, thence North 86°-34'-51", West 583.60 feet; thence North 02°-45'-18", West 179.02 feet to a point in Schroeder Avenue thence along Schroeder Avenue, North 86°-34'-02" West 624.57 feet to the point of beginning.

Containing 108,094.34 Square Feet, 2.481 Acres, of land more or less.

Being the same lot of ground described in Deed Liber 14061, Folio 024 recorded among the Land Records of Baltimore County, Maryland and dated October 1, 1999.

STATE OF MARYLAND
WILLIAM N. BAFITIS
No. 11641
PROFESSIONAL ENGINEER

P.E.

William N. Bafitis, P.E. Maryland Reg. No. 11641

9/28/06
Date

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: # 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District - 5th Councilmanic District
Legal Owner(s): Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing: to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. **Variance:** to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Monday, March 19, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 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 3/652 Mar. 6 127239

CERTIFICATE OF PUBLICATION

3/8, 2007

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 3/6, 2007.

- ☑ 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. 22713

DATE 11/16/06

ACCOUNT R001-006-6150

AMOUNT $ 650.00

RECEIVED FROM: Lantz, PA

FOR: Special Hearing & Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 229

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
11/16/2006	11/16/2006	10:16:15	1

REG 4501 WALKIN JXIC JMR
>>RECEIPT # 309422 11/16/2006 OFLN
Dept 5 ZONING VERIFICATION
CR NO. 022713
Recpt Tot $650.00
$650.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: # 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District - 5th Councilmanic District
Legal Owner(s): Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing: to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. **Variance:** to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Wednesday, February 14, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 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.

CERTIFICATE OF PUBLICATION

2/1, 2007

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 1/30, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-229-SPHA

Petitioner/Developer: THE OUTDOOR CONNECTION, IN

Date of Hearing/Closing: MARCH 19, 2007

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

3839 SCHROEDER AVE

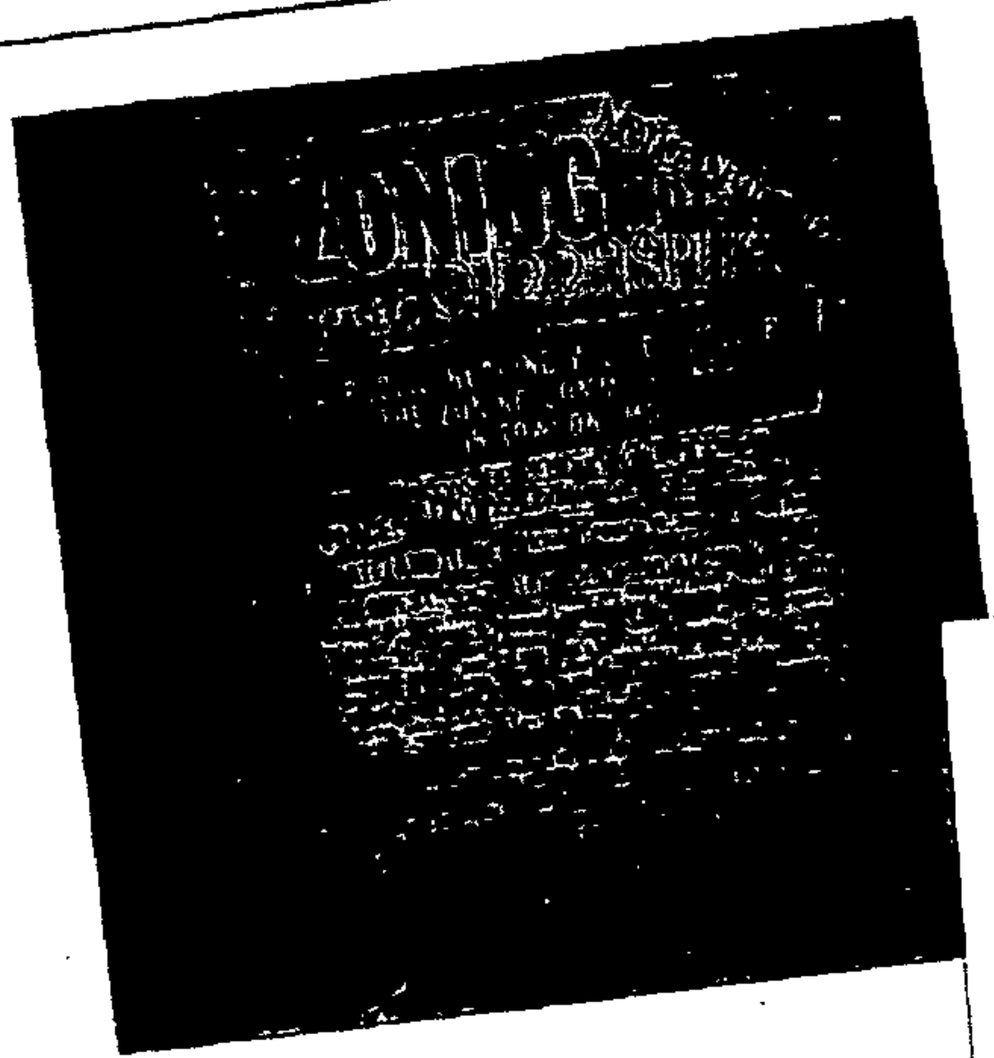
DATE CHANGE FROM 2-14 TO 3-19

The sign(s) were posted on 2-17-07
(Month, Day, Year)

Sincerely,

Robert Black 2-20-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)



CERTIFICATE OF POSTING

RE: Case No.: 07-229-SPHA

Petitioner/Developer: THE OUTDOOR CONNECTION

Date of Hearing/Closing: 2-14-07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3839 SCHROEDER AVE

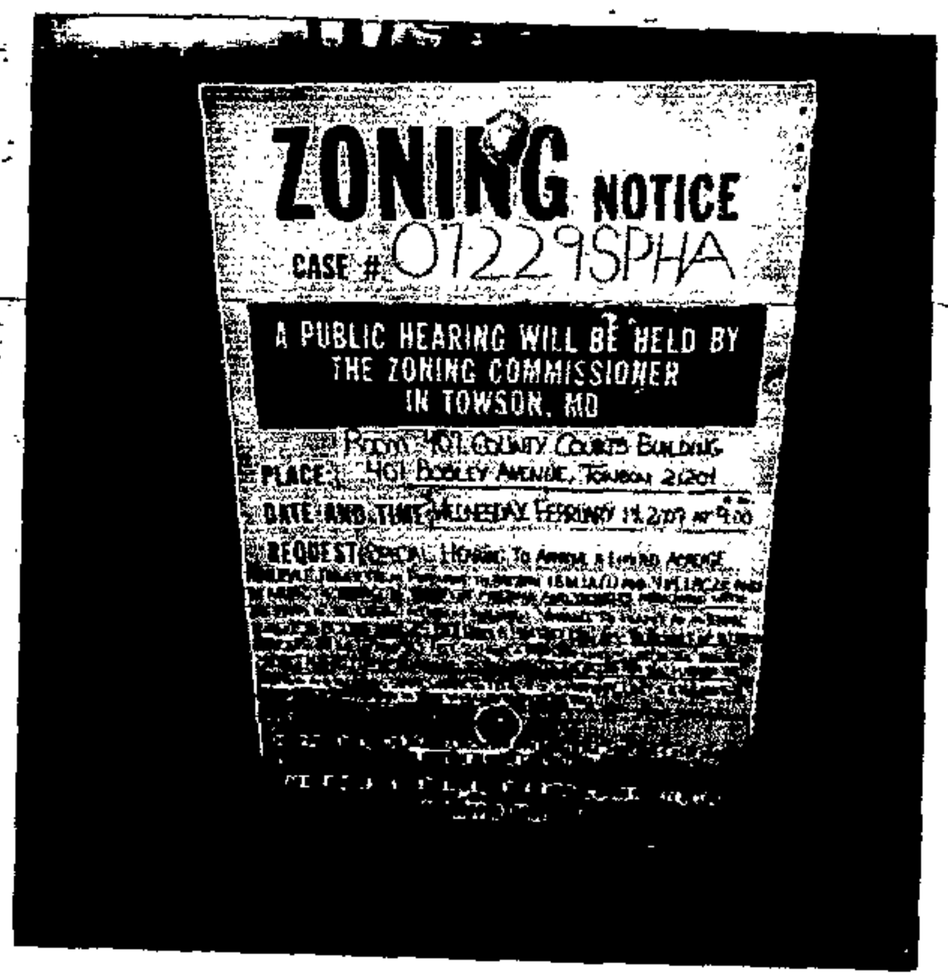
The sign(s) were posted on 1-30-07
(Month, Day, Year)

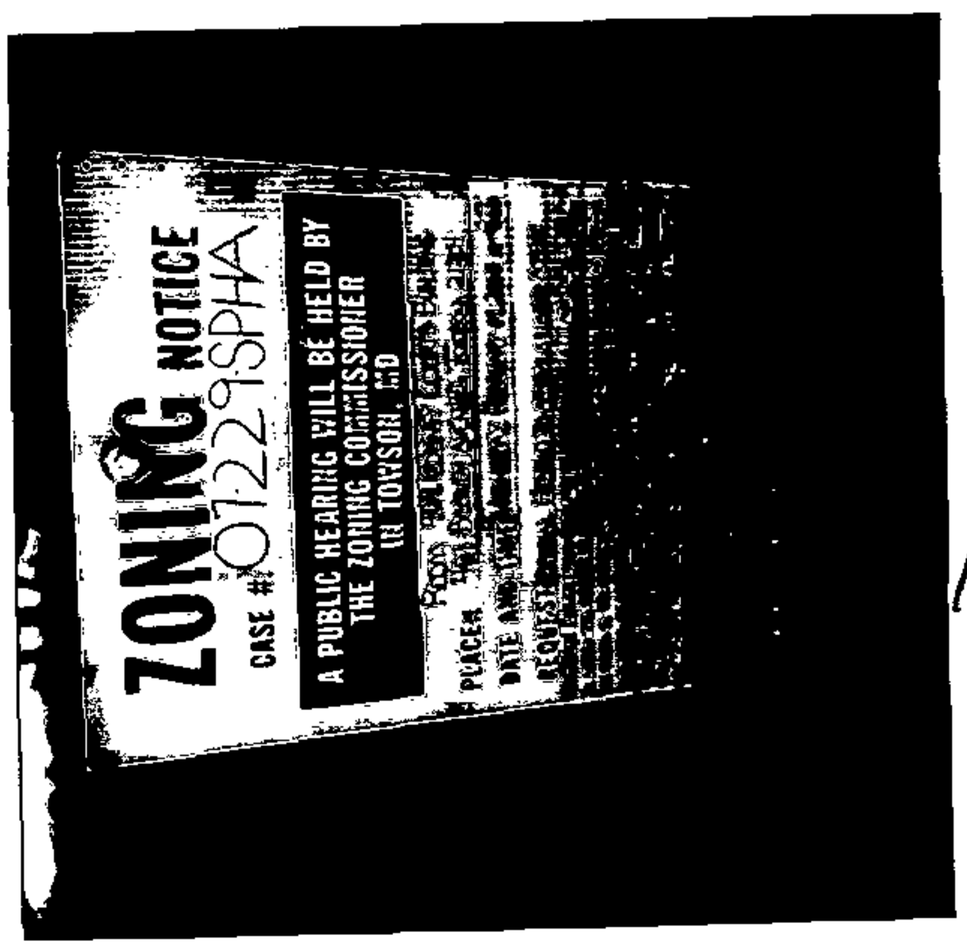
Sincerely,

Robert Black 2-2-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)





BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 26, 2006

NEW 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: 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. Variance to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Wednesday, February 14, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Barry Gladstone, 3815 Schroeder Avenue, Baltimore 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 30, 2007.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 30, 2007 Issue - Jeffersonian

Please forward billing to:
Barry Gladstone
3815 Schroeder Avenue
Baltimore, MD 2118

410-256-7569

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. Variance to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Wednesday, February 14, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 1, 2007 Issue - Jeffersonian

Please forward billing to:
Barry Gladstone
3815 Schroeder Avenue
Baltimore, MD 2118

410-256-7569

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: 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. Variance to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Monday, March 19, 2007 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 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.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 8, 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: 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. Variance to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Thursday, February 1, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Barry Gladstone, 3815 Schroeder Avenue, Baltimore 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 17, 2007.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 16, 2007 Issue - Jeffersonian

Please forward billing to:
Barry Gladstone
3815 Schroeder Avenue
Baltimore, MD 2118

410-256-7569

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: 07-229-SPHA
3839 Schroeder Avenue
S/west corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Councilmanic District
Legal Owner: Barry E. Gladstone
Contract Purchaser: The Outdoor Connection, Inc.

Special Hearing to approve a limited acreage wholesale flower farm pursuant to Section 1B01.1A(7) and 404.1 BCZR and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building. Variance to permit an internal roadway to be less than 25 feet from a property line and to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet and to permit the loading or unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet.

Hearing: Thursday, February 1, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 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
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: 07-229-SPHA

Petitioner: Barry Gladstone

Address or Location: 3839 Schroeder Avenue
Balto MD 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barry Gladstone

Address: 3815 Schroeder Ave
Balto MD 21128

Telephone Number: 410 256 7569

Revised 2/20/98 - SCJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

February 6, 2007

J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 07-229-SPHA, 3839 Schroeder Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 16, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Barry E. Gladstone 3815 Schroeder Avenue Baltimore 21128
The Outdoor Connection, Inc. 3839 Schroeder Avenue Baltimore 21128

Fire Department

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

Baltimore County

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

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

November 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27,2006

Item No.: 229

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

Printed on Recycled Paper

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

State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-05-2006

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

RE: Baltimore County
Item No. 7-229-SPHA
3839 SCHROEDER AVENUE
THE OUTDOOR CONNECTION, INC.
7-229 SHA
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-229SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

- *"Landscape service operation: An operation primarily engaged in the designing, installing, planting, or maintaining of lawns, gardens, or other plantings at off-site commercial or residential uses."*

Bill 41-92 amended sections 1A01.1, 1A01.2, and 1A01.3 (R.C. 2, R.C. 3, and R.C. 4 Zones respectively) whereas landscape service operations are a use only permitted by special exception in each of the R.C. zones listed. Given that the subject property is located in a D.R. zone, the Office of Planning believes that the existing use is not permitted, and thus recommends the petitioner's request be **denied**.

However, should the Zoning Commissioner determine that the existing use is a use permitted by right under the D.R. 2 zone; the Office of Planning recommends the following conditions be met.

1. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading, and unloading activities associated with the flower farm, shall not occur from 9:00PM to 5:00AM during normal business days. The Office of Planning does not want the normal operations of this business to become a nuisance to adjacent residential properties.

2. Final landscape plans in accordance with the site plan submitted and section 404.1.C of the Baltimore County Zoning Regulations (BCZR), shall be submitted to and approved by the Baltimore County Landscape Architect (Avery Harden). Most notably, the final approved landscape plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837, and 3861 Schroeder Avenue (*Tax Map-63, Grid-14, parcels 608, 62, 591 respectively*).

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

Reviewed by: Curtis M Murray

Division Chief: Lynn Lochner
AFK/LL: CM

W:\DEVREV\ZAC\7-229revised.doc

BW
3/19
2pm

John Murphy - Fwd: 3839 Schroeder Avenue item number 7-229

From: Timothy Kotroco
To: Murphy, John; Wiseman, Bill
Date: 02/16/07 4:08 PM
Subject: Fwd: 3839 Schroeder Avenue item number 7-229

Bill or Jack: I'm not sure which of you were assigned this case. This is a neighbor's letter of complaint and it should go into the file. Case was to be heard on the 14th. Tim

Timothy M. Kotroco, Director
Permits & Development Management
Phone: 410-887-3020

>>> <b2cdthomas@comcast.net> 02/15/07 2:40:52 PM >>>
Dear Mr. Kotroco, Mr. Keller and Mr. Gambrill,

As one of the residents of 3833 Schroeder Avenue, you can imagine my dismay when one of my neighbors came upon the inter-office correspondence dated December 26, 2006 while at the county office pulling plats for the hearing that was scheduled for Feb. 14th and has been postponed. The letter states that the Office of Planning does not oppose the petitioner's request for variance. When Mr. Gambrill was asked by my neighbor how this can be, he replied "Because no one opposed it".

The Perry Hall Improvment Association had and still does support the residents on this street that do oppose it and wasn't notified of the procedures needed to influence your decision. We thought that was what the hearing was for.

My family lives approximately 50 feet behind where the Outdoor Connection now operates. Mr. Gladstone started off years ago as a small lawn mowing business from his home at 3815 Schroeder Avenue. When he became a full landscaping business is unknown because he ran it from his home and no equipment except one pickup truck was visible from the street.

When Mr. Gladstone purchased 3839 Schroeder Avenue he came to my husband and I and said not to worry, he is just going to plant trees there for his business and rent the house out to one of his workers. The problem lies in that we believed him.

Trees were planted there--no problem. Then the large barn type building went up. And slowly the materials showed up. Pallets of brick and stone. Piles of mulch and dirt covered in tarps. Four or five cars pulled in every morning and parked there for the day. Saturdays included. A bobcat type loader would load up to two dump trucks or pickups with materials, whatever the job was for the day. Sometimes a dump truck would have a trailer on the back with the bobcat loaded to take to a job. This doesn't even include the deliveries the business receives. The pallets of brick and stone come delivered on a huge truck as does piles of mulch and dirt. I'm sure you can imagine the noise associated with all of this. All of this happened gradually, it was not all from the beginning when the property was purchased.

Schroeder Avenue is a dead end street and back where we live the road is approximately 12 feet wide. The Outdoor Connection trucks as well as the delivery trucks are riding on this narrow street where children are waiting for school buses. The buses have never come all the way back our area, the children have to walk down over a steep hill where there are no sidewalks to get to the bus. The street is too narrow and there is no room for the bus to turn around.

Approximately two years my husband went to Mr. Gladstone to let him know how much we opposed the mess and noise and weren't happy about being lied to. Mr. Gladstone got extremely angry with my husband and

voiced that we didn't know how much money he has tied up in this. The next day Mr. Gladstone came over and asked what he can do for us not to complain. My husband said that the business shouldn't be ran in this quiet residential neighborhood and just planting trees there like he originally said would be fine. Mr. Gladstone moved some things around but business continued there as usual. Sometime the pallets and such are hidden in the barn and the equipment is left out or vice versa.

The Perry Hall Improvement Association was contacted and they in turn called the violation in.

You can imagine my dismay when I saw the inter-office correspondence stating that the Office of Planning is not opposing this variance. I cannot believe now you are recommending that the equipment operation can go on from 5:00 am to 9:00 pm. This has been a quiet residential neighborhood up to this point. There are at home mothers with babies that take walks--there are no sidewalks--and families like ours that have been there for 20 years living in a residential area. To say that all Mr. Gladstone has to do is plant evergreen screening is ludicrous. We generally can't sleep past 7:00 now Monday thru Saturday (as my sons will attest to) and I don't believe evergreen screening will keep out the noise or the dust kicked up from this operation.

I don't know when the hearing will be rescheduled yet but I would appreciate in having this matter looked at again and reconsidered. The attorney that I contacted said we should hire an attorney for the appeal, but he advised that in his opinion the Petitioner could not prove a case for a variance, especially given the impact on the neighborhood. The setbacks from which variance relief is sought were designed to keep this use separated from residences for a purpose.

I have pictures to support my claims as Mr. Gladstone has cleaned up the area somewhat since he has been issued the citation. He still continues to operate from the location though, as workers still park there and items are still stored in the barn and retrieved.

Thank you for your time,

Debbie Thomas
3833 Schroeder Avenue
Perry Hall, MD 21128
Home: 410-256-0534
Work: 443-461-1203

Bill Wiseman - 3839 Schroeder Avenue Item #7-229

From: <b2cdthomas@comcast.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 02/15/07 3:06 PM
Subject: 3839 Schroeder Avenue Item #7-229

Dear Mr. Wiseman,

I spoke with Howard Alderman who suggested I get in touch with you. I was in a panic when Debra Beaty from the Planning and Zoning Committee of the Perry Hall Improvement Association spoke with Neil Lanzi who represents the Petitioner in this case. Mr. Lanzi suggested that you told him that you didn't see any problem with the variance. Howard let me know that you wouldn't make that comment, even in jest, without hearing both sides.

Below is a copy of the email that I sent to Mr. Keller, Mr. Kotroco and Mr. Gambrill. I would appreciate your reviewing it.

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Thank you for your time,

Debbie Thomas
3833 Schroeder Avenue
Perry Hall, MD 21128
Home: 410-256-0534
Work: 443-461-1203

Debbie Thomas
3833 Schroeder Avenue
Perry Hall, MD 21128

May 11, 2007

Dear Mr. Wiseman,

I am sure that you are so sick of this case (7-229) and in the grand scheme of life it isn't even a blip but I feel I need to clarify a few things since it has been brought up. If this has to be shared with Mr. Lanzi, please disregard, not that it isn't true, but I fear retaliation (remember Mr. Gonce's statement). Retaliation is why a few of us didn't speak at the hearing.

We have never accused the Outdoor Connection trucks of having problems with the school buses. We just suggested that the potential is there because of the extremely tight situation at the bus stop. As Mrs. Mast spoke of babysitting and seeing no problems, why have they changed the bus stop so her grandson doesn't cross the street, it has never been that way in the past. Mr. Gladstone's children never rode the bus; they've always been in private schools.

There is no question that the activities for the Outdoor Connection have dramatically decreased over the past several months. It is news to everyone that he is operating a flower farm and not a landscape business. It's funny that there isn't a flower to be had except in his landscaping. Mr. Gladstone was cited over a year ago. The materials that were kept on site, in and out of the building have been moved. His workers still park there as well as all of the Outdoor Connection trucks. We know that the materials were moved further up the street toward Belair Road, still on Schroeder Avenue. We see his trucks leaving that property loaded with materials, not delivering. This has been going for months, I'm not saying he never did a job for Mr. Long or Mr. Mosley, but the same materials that used to be at 3839 are now stored on this other property, just as the pictures Kim Klein took indicate. Just as Mrs. Gladstone couldn't come up with the property address of this so called leased land in Kingsville, she claims to pay the bills so wouldn't she have the address memorized? Mr. Alderman said we should have requested a copy of the signed lease agreement, but Mrs. Beatty didn't know if she could. I believe if hard pressed, Mr. Gladstone would give the address of Huber's Produce that recently moved to Kingsville, as Mr. Gladstone is friends with Kenny Huber. There has never been evidence of any stored materials on that property though. And Mr. Gladstone had plenty of time since the March hearing to get up to code with all the possible violations, fire, etc.

I was afraid my husband Bobby was going to have to bring in his backhoe to dig us out of all the BS that was piling up at the hearing. By the way, he is 57 years old, you said you are much older, I don't think so. If our backhoe is breaking any law, we would like to know and correct it. Mrs. Davis has brought Bobby over meals to thank for digging her driveway out in bad weather. Bobby also dug the foundation for Mr. Gladstone's home addition years ago. Mrs. Davis and Mr. Gladstone never got along until this matter came up. We know for a fact that she used to call the

county on Mr. Gladstone for hunting in the Gunpowder. Mrs. Davis' interest in this matter is that her husband (of a few years) has spoken of an interest in starting "Davis Construction". We're thinking he wants to put it on the lot that butts up the other side of our driveway. That is Mr. Ehatt's interest in this matter since it is near his property. By the way, in response to Mrs. Davis saying the Ehatts have not improved their property, Mr. Ehatt had to gut his house before moving in. He has the pictures to prove it. Speaking of Mrs. Davis, who truly enjoyed her 15 minutes of fame so she stretched it out to an hour, her son used to ride dirt bikes with our sons and other children in the neighborhood. We always asked surrounding neighbors if it was okay, and no one complained. Bobby has always been respectful of not doing yard work too early, never before 9:00. Why Mrs. Davis would claim to know what time my husband gets up every morning is beyond me. We did not take pictures of her house; it certainly is not perfect, with junk sitting around.

Bobby mowed Mrs. Robinson's lawn for years before she died. There was absolutely no evidence of the road that is now cut in next to the inventory. Not saying it wasn't there 30 years ago, but it wasn't there when Mr. Gladstone bought the property. There were some old sheds and such on Mrs. Robinson's property, but even on a bad day it never looked as bad as what the Zelany property looks like now and 20 years ago when we moved back there. We're sorry that son died, but they had gutted a restaurant and left all the equipment--tables, chairs, stoves, etc. there for years among other items they can't seem to part with, but we never complained because that was there when we bought our property. The sheds on Mrs. Robinson's property were in no way as long or tall as the barn/shed that Mr. Gladstone erected.

There are many people back in our neighborhood that wouldn't sign Mrs. Davis's petition. The petition was taken before the variance request came out. We heard from at least one person (Mr. Saville) that he wouldn't have signed had he know Mr. Gladstone hadn't gotten a permit and was infringing on his property. We did not recruit people to come to the hearing; Mr. Alderman told us it wasn't necessary. There really is an unspoken opinion in the neighborhood from some people (the ones that didn't sign the petition) although they wouldn't want to say it in a courtroom, that Mr. Gladstone got greedy (not my words). We were told the Mrs. Gladstone complained about the mess and traffic in her backyard and wanted it out of there which is why Mr. Gladstone bought that property.

Mrs. Davis claims that she heard Mrs. Ward's name come up during her petition quest. Mrs. Ward is going to contact those people who signed the petition to find out what and if they said anything about her. Mrs. Ward is Bobby's sister. She is also a Realtor, lives in the neighborhood and is a PHIA member. She did not get involved with this until Mr. Gladstone applied for a variance. She is on the zoning committee for the PHIA. Her house has the same zoning as the property in question. The only bad thing I ever heard about her came from Mrs. Davis. I believe that Mrs. Davis still has a bug in her bonnet over Mrs. Ward being instrumental in our getting our property subdivided from Mr. Saville's some 20 years ago.

Speaking of Mr. Saville, he is a very quiet man and shy. He had always worked the 3-11 shift at Franklin Square Hospital. He is single and has been a wonderful neighbor. We have always been very mindful of not making any noise when he could be sleeping. There is still a field between our houses, Mr. Saville has promised us first crack at it if he ever chooses to sell. As Bobby said, Mr. Saville has been approached by Mr. Gladstone on numerous occasions to try to get him to sell

or lease him the land. Mr. Saville has respectfully gotten our input on this matter. Mr. Saville did not understand the variance request and was dumbfounded to learn that the barn was put up without a permit and too close to his property. Mr. Saville has always obtained permits for home improvements and thought everyone else would too.

It is my belief that Mr. Gladstone and his business growth changed the dynamics of our neighborhood and anyone in support of this has commercial business aspirations of their own. Mrs. Ward, as a Realtor, had the courtesy of renting office space on Belair Road for her business instead of adding traffic to our neighborhood. If Mr. Gladstone had gone through proper procedures and been mindful of neighbors, we wouldn't be going through all of this.

Thank you for letting me vent.

Sincerely,

Debbie Thomas

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (the "Declaration") is entered into this_____ day of _____, 2007, by and between Barry E. Gladstone (the "Grantor"), the Outdoor Connection, Inc., a Maryland Corporation ("Outdoor") and the Perry Hall Improvement Association (the "Community Association").

DRAFT

I. RECITALS.

A. Grantor owns a parcel of property in Baltimore County totaling approximately 2.481 acres, tax account number of 11-18048450, which property is known as 3839 Schroeder Avenue and is described in Exhibit A attached hereto and made a part of this Declaration (the "Property").

B. The Community Association is a community association in Baltimore County in whose area the Property is located.

C. The Outdoor Connection, Inc. is a Maryland Corporation whose principal owner is Grantor. Outdoor currently operates a limited acreage wholesale flower farm ("Farm") on a portion of the Property pursuant to a lease with Grantor.

D. The Property is currently zoned DR2.

E. The Property is subject to a Petition for Special Hearing and Petition for Variance, Case No. 07-229-SPHA (the "Case) with a zoning hearing scheduled for March 19, 2007. The Property is also the subject of a code violation citation, Citation No. 06-1843. The code violation hearing was postponed indefinitely the outcome of the zoning case.

(1). The specific zoning relief requested in the Case is as follows:

(a). Special Hearing to allow a limited acreage wholesale flower farm pursuant to Section 1B01.A(7) and 404.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and to allow the storage of equipment, materials and vehicles associated with the farm in the existing accessory building.

(b). Petition for Variances: (i) To allow an internal roadway to be less than 25 feet from a property line pursuant to Section 404.1A of the B.C.Z.R.; (ii) to permit an accessory structure to be located 23 feet +/- from a property line in lieu of the required 50 feet pursuant to Section 404.1B; and (iii) to permit the loading and unloading of vehicles for the purpose of shipping and receiving goods within 16 feet +/- of a property line of a residentially zoned or used property in lieu of the required 50 feet per Section 404.1C of the B.C.Z.R.

F. The Property also contains an existing residence located on approximately _____ acres with the remaining _____ acres currently used by Grantor and Outdoor for the Farm use.

G. The Community Association is willing to support Grantor and Outdoor in the Case subject to the placement of certain restrictions on the Property and use of the Property to assure that the current and future use of the Property does not unduly impact nearby residential areas.

PETITIONER'S

EXHIBIT NO. 13

H. In order to make the covenants, restrictions and conditions contained in this Declaration binding and fully effective on the Property, and on the present and future owners and occupants thereof, the parties have entered into this Declaration to the end and with the intent that the Grantor, Outdoor and his/its' successors and assigns will hold, use, transfer, convey or foreclose upon the Property subject to the said covenants, restrictions and conditions.

WHEREUPON, in consideration of the promises made in this Declaration by and between Grantor, Outdoor and the Community Association and for other good and valuable consideration, the sufficiency of which the parties acknowledge, the parties hereto agree as follows:

II. AGREEMENT

1. General Use of Property. The Farm use of the Property will be limited to a maximum of ____ acres, which includes all parking, all existing and any future improvements as shown on the zoning site plan attached as Exhibit B. The remaining ____ acres of the Property will continue with the current residential use.

2. Specific Use of Farm Portion of the Property. The Farm portion of the Property by Grantor, Outdoor and/or any subsequent owner or Lessee of the Property or business shall be limited to a limited wholesale flower farm use as allowed by Baltimore County, any zoning order issued for the Case and subject to the following restrictions:

a. hours of operation limited to approximately 10 hours per day in the spring, summer and fall seasons and approximately 8 hours per day in the winter season. The hours of operation will begin no earlier than 5:00 a.m. and no later than 9:00 p.m. There will be no Sunday hours.

b. vehicles necessary for the Farm operation shall be stored in the accessory building located on the Farm portion of the Property when not in use and during non-working hours.

c. all materials and equipment necessary for the Farm operation on the Property will be stored inside the accessory building shown on Exhibit A when not in use.

d. the Property shall be consistently maintained, including any necessary mulching, pruning, weeding, grass cutting and snow removal.

e. loader equipment on the Property shall be limited to the Farm use and snow removal.

f. the Property shall be landscaped so as to screen neighboring property owners from the Farm use of the Property. The landscaping shall be as approved by the Baltimore County Landscape Architect.

3. Buildings. Grantor shall limit building coverage for all uses on the Property to the current residence, any replacements or additions thereto and those Farm buildings existing and as proposed on the zoning site plan attached as Exhibit B.

4. Grantor agrees to restrict the Farm use of the Property as contained in this Agreement to Grantor, Grantor's spouse, Grantor's heirs and Outdoor. In the event the Property is sold to an unrelated third party (not Grantor's spouse or Grantor's heirs) and/or, Outdoor's business is sold to an unrelated third party, the Farm use shall cease at the Property.

5. Notwithstanding anything to the contrary contained herein, should any portion of the Property be taken by eminent domain or by a deed in lieu thereof or be required in any manner for improvements to an existing road or right-of-way, upon the taking or transfer, such portion shall be deemed removed from this Declaration and the Grantor and Outdoor shall have no further liability hereunder for such area taken or transferred.

6. If any party to this Declaration, or its successors or assigns is required to institute legal action to enforce the terms of this Declaration and is successful (whether by judgment or settlement) in obtaining enforcement of the Declaration), that party or its successor or assigns shall be entitled to recover reasonable attorneys' fees and other reasonable costs of the action from the person or entity against whom enforcement is obtained. However, as a prerequisite to the recovery of fees and costs under this paragraph, the person or entity seeking enforcement shall serve the alleged violator of the Declaration with written notice of the violation, and only if the alleged violator has failed to remedy or make substantial progress towards remedying the violation within one hundred twenty (120) days after the receipt of this notice may legal action be instituted.

7. The parties warrant and represent that they have taken all necessary action required to be taken by the respective charters, bylaws, or other organizational documents to authorize the execution of this Declaration.

8. This Declaration, which may be executed in counterparts, contains the entire understanding of the parties.

9. Each of the parties to this Declaration warrants that it has carefully read and understands this Declaration, is cognizant of its terms and has had ample time to consult with counsel of its choice regarding its respective rights and obligations in connection herewith.

10. 2008 Rezoning and Future Rezoning. During the 2008 CZMP and in any future CZMP or cycle processes, in the event any rezoning issues affect the Property, the Community Association will support the zoning of the Property to allow the Farm and residential use as limited herein. The Community Association agrees it shall provide written notice to Grantor and Outdoor of any such issues affecting the Property and any alleged violations of this Declaration.

11. Rights of Parties. The rights and interests granted by this Declaration are binding on Grantor, Outdoor and Community Association and their respective successors, heirs and assigns.

12. Amendment. This Declaration may only be amended by a writing signed by the parties or their successors and assigns.

13. Interpretation/Recording. This Declaration will be construed by application of Maryland Law. This Agreement will be recorded by Grantor in the Land Records of Baltimore County within 30 days of final unappealable zoning approval of the Case and requested Farm use.

14. All the notices required by this Declaration shall be sent by certified mail, postage prepaid, return receipt requested or by nationally recognized overnight delivery service, to the following addresses, or to other such address as either party shall notify the other of in writing:

Barry Gladstone
3815 Schroeder Avenue
Perry Hall, Maryland 21128

The Outdoor Connection, Inc.
Barry Gladstone, President
3839 Schroeder Avenue
Perry Hall, Maryland 21128

Perry Hall Improvement Association
c/o Debra Beaty, Chairman,
Zoning Committee
P.O. Box 63
Perry Hall, Maryland 21128

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

ATTEST/WITNESS

GRANTOR

_____

_____
Barry E. Gladstone

DRAFT

PERRY HALL IMPROVEMENT ASSOCIATION

_____

_____
BY: David Marks, President

ATTEST/WITNESS

OUTDOOR CONNECTION, INC.

_____

_____
BY: Barry E. Gladstone, President

THE OUTDOOR CONNECTION, INC.

Landscaping and Ground Maintenance

3815 Schroeder Avenue • Perry Hall, Maryland 21128 • (410) 256-7569

MHIC# 0125957

March 30, 2007

To Whom It May Concern:

I, Denise Rouse have not experienced any problems or had any safety concerns while servicing the school bus route on Schroeder Avenue in Perry Hall, Maryland.

Denise Rouse
Baltimore County
5166

PETITIONER'S

EXHIBIT NO. 12

THE OUTDOOR CONNECTION, INC.

Landscaping and Ground Maintenance

3815 Schroeder Avenue • Perry Hall, Maryland 21128 • (410) 256-7569

MHIC# 0125957

March 30, 2007

To Whom It May Concern:

I, Marlene Yager, have not experienced any problems or had any safety concerns while servicing the school bus route on Schroeder Avenue in Perry Hall, Maryland.

Marlene Yager

THE OUTDOOR CONNECTION, INC.

Landscaping and Ground Maintenance

3815 Schroeder Avenue • Perry Hall, Maryland 21128 • (410) 256-7569

MHIC# 0125957

March 30, 2007

To Whom It May Concern:

I, Patty Onorati, have not experienced any problems or had any safety concerns while servicing the school bus route on Schroeder Avenue in Perry Hall, Maryland.

Patty Onorati

3822 Schroeder Avenue
Perry Hall, Maryland 21128
October 25, 2006

To Whom It May Concern:

My husband and I have been residents of Schroeder Avenue for 33 years. We moved here because the area was rural and we hoped that it would stay that way forever. It basically has for the most part back where our house is located. During that time we have watched Barry Gladstone mature from a young child to a responsible adult, husband, father and business owner.

Mr. Gladstone purchased the property, 3839 Schroeder Avenue, across the street from our residence in the 1990's.

The property had been rundown for years due to the neglect of the aging owners. When Mr. Gladstone took over the property he immediately started to clean up the place - removing junk vehicles, old barns and trailers, etc. He painted the house and put a new roof on the house. He put in a driveway. He has also cleaned out overgrown areas and landscaped the entire place. It is such a pleasure to be able to look out at the well manicured gardens and shrubs that were once an overgrown unsightly mess.

Mr. Gladstone keeps this property in meticulous condition.

Mr. Gladstone is always willing to offer a helping hand to a neighbor in need, using his landscaping equipment to make life easier for the rest of us. Mr. Gladstone's landscaping equipment is no more disruptive than the 4 wheelers and dirt bikes that run up and down the road.

Mr. Gladstone's landscaping business has been more of a positive than a negative to the neighborhood.

John A. Gonce

John A. Gonce

Patricia A. Gonce

Patricia A. Gonce

PETITIONER'S

EXHIBIT NO. 10

Ray and Claire Zeleny
3824 Schroeder Ave
Perry Hall, MD 21128

October 11, 2006

To whom it may concern;

Having been long time residents – 40 years – on Schroeder Avenue and living ACROSS THE STREET from the property in question, we feel it necessary to write this letter. I (Ray) am not able to attend this meeting as I have a class to teach on Monday night at Harford Community College.

We want to let you know that since Mr. Barry Gladstone has owned this property, it has improved 1000%. So you understand what we mean – when the Robinsons owned it there was an old barn propped up to keep it from falling down, three trailers – 2 with no wheels used as storage sheds and the other one was used to store tables and signs for a gem club that was moved once a year. There was also a van truck containing a small train for use at carnivals.

The wooded area on the side was overrun with vines and wild blackberry bushes. The field in back was left to weeds right up to Schroeder Avenue. When Mr. Gladstone bought the property the first thing he did was to put a new roof on the house and had his men paint the outside of the house to brighten it up. Then he cleared the property by taking down the barn, getting rid of the trailers and cleaning out the woods. He landscaped the property along Schroeder Avenue. He cleaned up the field and planted nursery trees that are kept trimmed and pruned.

We are retired which means that we are generally around our home most of the time. The operation of his business does not disturb us at any time day or night. The little equipment he has is stored inside of the handsome looking building he has erected.

He and his men are good neighbors. We had a tree fall down in a storm two years ago which blocked Schroeder Avenue. He cut it up before the County got there and cleared the street. When it snows he cleans up his driveway and then does ours and our next door neighbors'. In all, he is a "good Samaritan' and we are glad to have him as a neighbor.

Sincerely,

Ray Zeleny

Claire Zeleny

Ray Zeleny

Claire Zeleny

PETITIONER'S

EXHIBIT NO. 11

Saint Peter's Lutheran Church
AND CHRISTIAN DAY SCHOOL

7910 BELAIR ROAD • BALTIMORE, MARYLAND 21236-3775 • CHURCH PHONE: (410) 665-7300
SCHOOL PHONE: (410) 665-4521

March 31, 2006

To Whom It May Concern:

During the years that his sons attended St. Peter's Christian Day School, Mr. Barry Gladstone was supportive and generous with his donations of time and resources. He was a sponsor for our Golf Tournament and our Basket Bingo. He donated 120 sq. ft. of pavers (including labor) for our Silent Auction.

His greatest legacy to the school is our back walkway. He designed and constructed a waiting area that relieved our standing water problem. Students still marvel at the cross in the middle and delight at its presence. Mr. Gladstone donated the design, materials and labor for this project.

Sincerely,

Nancy S. Drescher

Nancy S. Drescher
Principal

PETITIONER'S

EXHIBIT NO. 5

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 8, 2007

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case: 07-229-SPHA, 3839 Schroeder Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on June 28, 2007 by J. Carroll Holzer on behalf of his clients.. 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
Barry Gladstone
The Outdoor Connection
See Attachment

BW 5/9

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 28, 2007

Ms. Debra Beaty
PHIA
P.O. Box 63
Perry Hall, Maryland 21128

RE: **PETITION FOR SPECIAL HEARING**
3839 Schroeder Avenue
S/W Corner of Schroeder Avenue and Sadler Lane
11th Election District – 5th Council District
~~Barry E. Gladstone, Legal~~ Owner; The Outdoor Connection, Inc., Contract Purchaser
Case No. 07-229-SPHA

Dear Ms. Beaty:

This letter is to confirm that the above-captioned matter, which was held on March 19, 2007, has been scheduled to reconvene on Wednesday, May 9, 2007, at 9:00 AM in Room 407 of the County Courts Building. By copy of this letter, all parties have been notified of the continued hearing date, time and location.

It is my understanding that Neil Lanzi, Esquire, attorney for the Petitioner, has notified his client as well as all of the individuals who signed in on the Petitioner's sign-in sheets.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Bob and Debbie Thomas, 3833 Schroeder Avenue, Perry Hall, Md. 21128
Stephen Ehatt, 3825 Schroeder Avenue, Perry Hall, Md. 21128
Brenda Ward, 9829 Sadler Lane, Perry Hall, Md. 21128
J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, Md. 21204
People's Counsel; Kristen Matthews, DPDM; Case File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: 3839 Schroeder Avenue

INFORMATION:

Item Number: 7-229 ***(revised comments)***

Petitioner: Barry E. Gladstone

Zoning: DR 2

Requested Action: **Special Hearing and Variance**

SUMMARY OF RECOMMENDATIONS:

After visiting the subject property, the Office of Planning is of the opinion that the subject property is being used as a landscape service operation. The property does appear to grow smaller plantings (not flowers), but also utilizes the site for onsite storage of other items such as landscaping / hardscaping materials (e.g. stone / brick) as well as construction vehicles. These materials appear to be stored on the premises to be delivered to off-site commercial or residential locations. It is logical to think that, the delivery and storage of landscaping materials to and from the subject property for off-site use distinguishes it as a landscape service operation.

In the subject request the petitioners seek relief from Baltimore County Zoning Regulations (BCZR) sections 1B01.1A(7) and 404.1 to allow the storage of equipment, materials, and vehicles associated with a limited acreage wholesale flower farm. Section 1B01.1A(7) states that a limited acreage wholesale flower farm is a use permitted by right in D.R. zones. However it should be noted that, Special Regulations section 404.1 regulates horticultural nurseries and landscape service operations in addition to the limited acreage wholesale flower farms, and as such are not allowed in the DR zones.

Both of the aforementioned sections of the BCZR refer to Council Bill 41-92. It is important to note that section 101 (General Definitions) defines limited acreage wholesale flower farm, but does not offer a definition for landscape service operations. Section 4 of Council Bill 41-92 distinguishes between a limited acreage wholesale flower farm and landscape service operation. According to Bill 41-92, the definitions for these uses are as follows.

- *"A limited-acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon is primarily used for the growing of flowers and small plants and their wholesale distribution."*

- *"Landscape service operation: An operation primarily engaged in the designing, installing, planting, or maintaining of lawns, gardens, or other plantings at off-site commercial or residential uses."*

Bill 41-92 amended sections 1A01.1, 1A01.2, and 1A01.3 (R.C. 2, R.C. 3, and R.C. 4 Zones respectively) whereas landscape service operations are a use only permitted by special exception in each of the R.C. zones listed. Given that the subject property is located in a D.R. zone, the Office of Planning believes that the existing use is not permitted, and thus recommends the petitioner's request be **denied**.

However, should the Zoning Commissioner determine that the existing use is a use permitted by right under the D.R. 2 zone; the Office of Planning recommends the following conditions be met.

1. Equipment operation (including but not limited to motorized vehicles and/or equipment) as well as all delivery, loading, and unloading activities associated with the flower farm, shall not occur from 9:00PM to 5:00AM during normal business days. The Office of Planning does not want the normal operations of this business to become a nuisance to adjacent residential properties.

2. Final landscape plans in accordance with the site plan submitted and section 404.1.C of the Baltimore County Zoning Regulations (BCZR), shall be submitted to and approved by the Baltimore County Landscape Architect (Avery Harden). Most notably, the final approved landscape plan must show year round evergreen screening between the south side of the subject property and those properties listed at 3833, 3837, and 3861 Schroeder Avenue (*Tax Map-63, Grid-14, parcels 608, 62, 591 respectively*).

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

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\7-229revised.doc

PLEASE PRINT CLEARLY

CASE NAME 07-229 SPHA
CASE NUMBER 3839 SCHROEDER AVE
DATE 3/20/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Clyde Hinkle	1249 Englebert Rd	Balto. Md. 21221	Bafitis & Assoc. Inc.
Neil Lanzi	409 Washington Ave #617 ~~212~~	Towson MD 21204	
Donna Davis	3835 Schroeder Ave	Perry Hall, Md 21128	donnadavis06@yahoo.com
Matt Davis	3835 Schroeder Ave	Perry Hall, Md 21128	mattlikestofish@yahoo.com
CLAIRE ZELENY	3824 SCHROEDER AVE	PERRY HALL MD 21128	clairezeleny@yahoo
Raymond Zeleny	3824 Schroeder Ave	Perry Hall MD 21128	[illegible]
Laura Kimball	3835 Schroeder Ave	Perry Hall, MD 21128	laura-kimball@yahoo.com
JOHN GONCE	3822 SCHROEDER AVE	PERRY HALL, MD 21128	JPGOGOLF@bcpl.NET
PATRICIA ANNE GONCE	3822 SCHROEDER AVE	PERRY HALL, MD 21128	JPGOGOLF@bcpl.NET
JAMES MOSLEY	3804 Schroeder Ave	PERRY HALL, Md 21128	
ANGELA MOSLEY	3804 SCHROEDER AVE	PERRY HALL, Md. 21128	
Richard Long	3871 Schroeder Ave	Perry Hall, MD 21128	longdsc@aol.com
Suzanne Long	3871 Schroeder Ave	Perry Hall, MD 21128	longdsc@aol.com
Cheryl Curran	3817 Schroeder Ave	Perry Hall, MD 21128	
PHILLIP CURRAN	3817 SCHROEDER AVE	PERRY HALL MD. 21128	philpc1@aol.com
MARY GOSS	3821 SCHROEDER AVE	PERRY HALL MD 21128	
LAMBROS PANAGODIMOS	3852 SCHROEDER AVE	PERRY HALL MD 21128	
Panagiotis Panagodimos	3852 Schroeder Ave	Perry Hall MD 21128	ppanaged@umd.edu
PAUL POWELL	3812 SCHROEDER AVE	PERRY HALL, MD 21128	K3PL@ARRL.NET
NICK MICUCCI	3807 SCHROEDER	PERRY HALL 21128	

PLEASE PRINT CLEARLY

CASE NAME 07-229 SPHA
CASE NUMBER 3839 SCHROEDER AVE
DATE 3/20/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Clyde Hinkle	1249 Englebert Rd	Balto. Md. 21221	Bafitis & Assoc. Inc.
Nell Lanzi	409 Washington Ave #617	Towson MD 21204	
Donna Davis	3835 Schroeder Ave	Perry Hall, Md 21128	donnadavis06@yahoo.com
Matt Davis	3835 Schroeder Ave	Perry Hall, Md 21128	mattlikestofish@yahoo.com
CLAIRE ZELENY	3824 SCHROEDER AVE	PERRY HALL MD 21128	clairezeleny@y[illegible]
RAYMOND ZELENY	3824 SCHROEDER AVE	PERRY HALL MD 21128	[illegible]
Laura Kimball	3835 Schroeder Ave	Perry Hall, MD 21128	laura-kimball@yahoo.com
JOHN GONCE	3822 SCHROEDER AVE	PERRY HALL, MD 21128	JPGOGOLF@bcpl.NET
PATRICIA ANNE GONCE	3822 SCHROEDER AVE	PERRY HALL, MD 21128	JPGOGOLF@bcpl.NET
JAMES MOSLEY	3804 Schroeder Ave	PERRY HALL, Md 21128	
ANGELA MOSLEY	3804 SCHROEDER AVE	PERRY HALL, Md. 21128	
Richard Long	3871 Schroeder Ave	Perry Hall, MD 21128	longdsc@aol.com
Suzanne Long	3871 Schroeder Ave	Perry Hall, MD 21128	longdsc@aol.com
Cheryl Curran	3817 Schroeder Ave	Perry Hall, MD 21128	
PHILLIP CURRAN	3817 SCHROEDER AVE	PERRY HALL MD. 21128	philpc1@aol.com
MARY GOSS	3821 SCHROEDER AVE	PERRY HALL MD 21128	
LAMBROS PANAGODIMOS	3852 SCHROEDER AVE	PERRY HALL MD 21128	
Panagiotis Panagodimos	3852 Schroeder Ave	Perry Hall MD 21128	ppanaged@umd.edu
PAUL POWELL	3812 SCHROEDER AVE	PERRY HALL, MD 21128	K3PL@ARRL.NET
NICK MICUCCI	3807 SCHROEDER	PERRY HALL 21128	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lois Micucci	3807 Schroeder Ave	Perry Hall MD 21128	
ETHEL WHEELER	3801 SCHROEDER AVE	PERRY-HALL MD. 21128	
Connie Eady	9830 Sadler Ln	Perry Hall MD. 21128	
[illegible]	3816 Schroeder Ave	Perry Hall MD 21128	
Anita Gladstone	3815 Schroeder Ave.	Perry Hall, MD 21128	gstone921@verizon.n[illegible]
Barry Gladstone	3815 Schroeder Ave.	Perry Hall, MD. 21128	gstone921@verizon.net
Emily Kimball	3835 Schroeder Ave.	Perry Hall, MD 21128	emyk17@yahoo.co[illegible]

SANDY MAST ??

PLEASE PRINT CLEARLY

CASE NAME 3833 Schroeder
CASE NUMBER 02-229-SPHA
DATE 03/19/02

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
D. Beaty	PHIA POBOX63	Perry Hall MD 21128	debra.beaty@BDK.com
Debbie Thomas	3833 Schroeder Ave	Perry Hall, MD 21128	bardthomas@comcast.net
Bob Thomas	3833 Schroeder Ave	Perry Hall MD 21128	"
Stephen Ehatt	3825 Schroeder Ave	Perry Hall Md 21128	"
~~Donna Davis~~	~~3835 Schroeder Ave~~	~~Perry Hall, Md 21128~~	~~donnadavis06@yahoo.com~~
~~Matt Davis~~	~~3835 Schroeder Ave~~	~~Perry Hall, Md 21128~~	
Patricia Ward	9825 Saddle Dr	Perry Hall MD 21128	countryhome-bward@comcast.net
Check last Name spelling thru			

KEVIN GAMBRILL - APPEARED AND TESTIFIED - County Exhibits 1 and 2

Case No.: 07-229 SPHA 3839 SCHROEDER AVE.

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	AMENDED SITE PLAN	PHoto's - old
No. 2	ABC MAP COMPOLATION	PHoto's - old
No. 3	GIS MAP - aerial Photo of area	PHoto's - old
No. 4	PHoto's - Collectively	PHoto - PRIOR to Gladstones Purchase of Home
No. 5	LETTERS OF SUPPORT FROM ENTITIES HES DONATED to	PHoto - on other side of Thomas drive
No. 6	LOCATION OF NEIGHBORING PROPERTIES	PHoto FROM ROAD of Thomas
No. 7	LETTER AND PHotographs 10/11/06 WRITTEN BY DAVIS	PHoto (DEBRIS) Mr. ZELNY'S Property
No. 8	Petition - Neighbors in support 10/11/06 (25)	PHoto's - old
No. 9	Collectively - Photographs taken 5/8/07 - LAURA KIMBALL	Aerials - Gladstone lives away from site
No. 10	Mr + Mrs GONCE'S Letter 10/25/06	Aerial - closer up
No. 11	10/11/06 Letter from MS ZELNY	APPEARANCE AUTHORIZATION DEBRA BEATY - Rule 8
No. 12	LETTERS FROM BUS DRIVERS	Collectively Attm G

Identification only (Photos)

Case No.: 07-229 SPH-A 3839

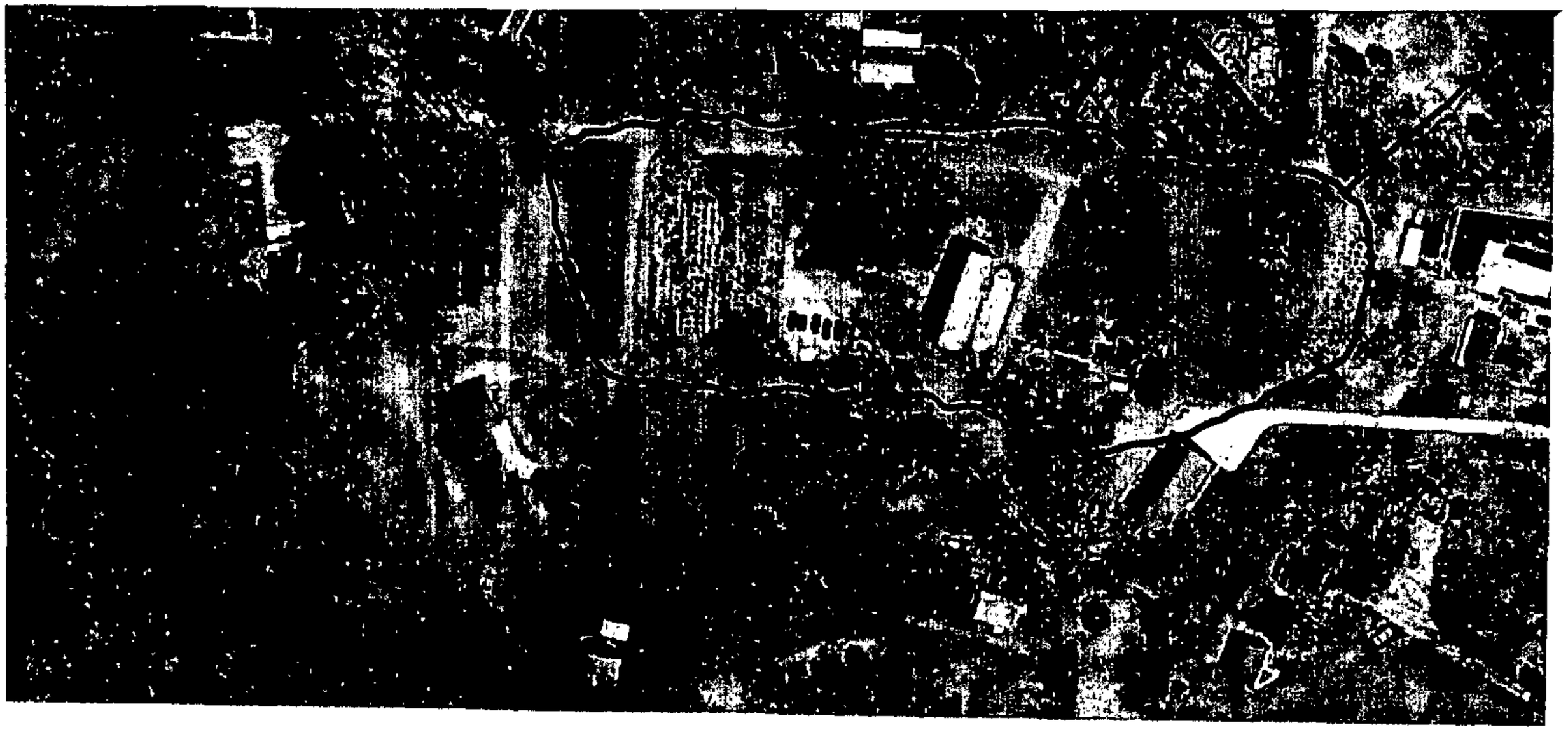
Exhibit Sheet - Continued

identification only

	Petitioner/Developer	Protestant
No. 13	Covenants Proposed	Collectively 13 Attach C Photo's
No. 14		
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

identification

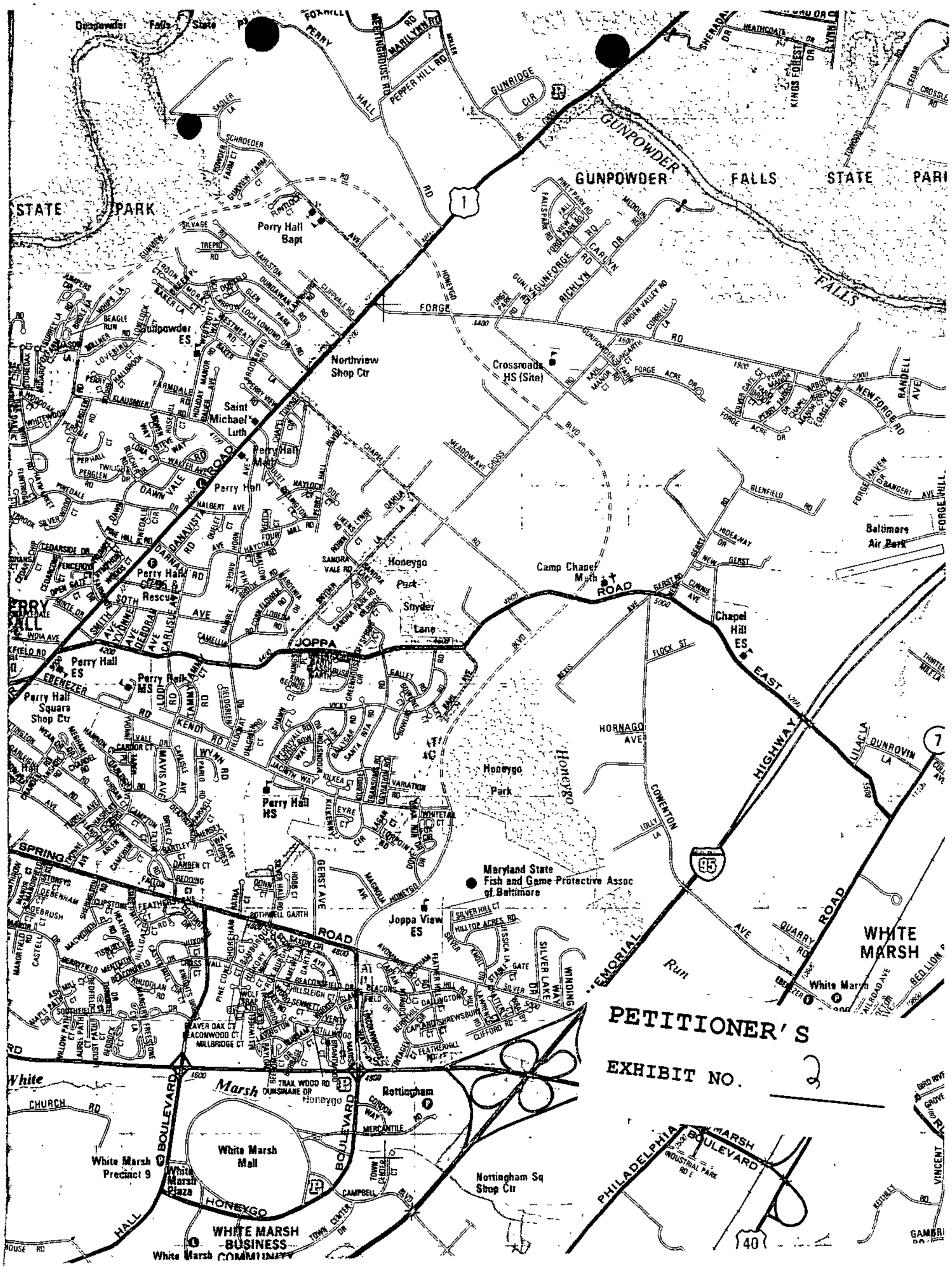
EHRL·C
PETITIONER'S
EXHIBIT NO. 4



063A2

PETITIONER'S

EXHIBIT NO. 3


Gunpowder Falls State Park
GUNPOWDER FALLS STATE PARK
Perry Hall Bapt
Gunpowder ES
Northview Shop Ctr
Crossroads HS (Site)
Saint Michael Luth
Perry Hall Meth
Perry Hall
Perry Hall Rescue
Perry Hall ES
Perry Hall MS
Perry Hall Square Shop Ctr
Perry Hall HS
Honeygo Park
Snyder Lane
Camp Chapel Meth
Chapel Hill ES
Baltimore Air Park
Maryland State Fish and Game Protective Assoc of Baltimore
Joppa View ES
White Marsh Run
White Marsh
White Marsh Mall
White Marsh Precinct 9
White Marsh Plaza
Nottingham
Nottingham Sq Shop Ctr
WHITE MARSH BUSINESS
White Marsh COMMUNITY
PETITIONER'S
EXHIBIT NO. 2

CO[illegible]TY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 5

BILL NO. 41-92

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

BY THE COUNTY COUNCIL, MARCH 2, 1992

AN ACT concerning

Agricultural Operations

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and classify the various types of farming, forestry, nursery and agricultural related operations and activities in order to preserve and maintain such operations and activities, defining terms, permitting certain agricultural operations and activities in certain zones of the County as of right or by Special Exception, placing certain conditions upon some operations and activities, and generally relating to the regulation of all forms of agricultural related operations and activities in Baltimore County.

BY repealing

Section 101 - Definitions, the definitions of "Farm (Limited - Acreage Wholesale Flower Farm)" and "Farmers' Co-op Roadside Stands" and Sections 404.1 and 404.6

Baltimore County Zoning Regulations, as amended

BY renumbering

Sections 404.2, 404.3, 404.4, 404.5 to be Sections 404.5, 404.6, 404.7, 404.8

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

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

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 404.2, 404.3, 404.4, and 404.5 of the Baltimore County Zoning Regulations, as amended, be and they are hereby renumbered to be Sections 404.5, 404.6, 404.7, and 404.8.

SECTION 3. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definition of "Farmers' Roadside Stand" and Sections 1A01.2.B.7b., 1A01.2.C.8., 1A02.2.A.10b., 1A02.2.B.9., 1A03.3.A.6b., 1A04.2.A.11b., 1A05.2.A.4. and 5., 1A05.2.F.1., 1A06.2.A.1., 1A06.2.C.1., 1B01.1.A.7., and 230.9, the listing of "garden shop", of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 101 - Definitions

<u>Farmer's Roadside Stand</u>: An accessory structure OWNED AND OPERATED BY AN AGRICULTURAL PRODUCER, USED for the sale of {articles grown or produced on the premises} INDIGENOUS FARM PRODUCTS THE MAJORITY OF WHICH HAVE BEEN GROWN ON THE PREMISES, ADJACENT LAND OR ON PROPERTIES FARMED BY THE SAME AGRICULTURAL PRODUCER.

Section 1A01 - R.C. 2 Zones

1A01.2.B. Uses permitted as of right.

7. Accessory uses or structures, including but not limited to the following:

b. {Farmers'} FARMER'S roadside stand{s} AND PRODUCE STAND, SUBJECT TO THE PROVISIONS OF SECTION 404.4. {(see Section 404)}

1A01.2.C. Uses permitted by Special Exception.

8. {Farmer's co-op roadside stands} FARM MARKET, SUBJECT TO THE PROVISIONS OF SECTION 404.4.

Section 1A05 - R.C. 20 AND R.C. 50 ZONES

1A05.2.A.

	ZONE	
	R.C. 20	R.C. 50
4. Agriculture and agricultural uses including farms, satellite farms, farmettes, and limited acreage wholesale flower farms, PRODUCE STANDS, farmers' roadside stands, subject to the provisions of Section 38-23 of the Baltimore County Code.	P	P
5. {Farmers' co-op roadside stands} FARM MARKET	SE	SE

1A05.2.F. Accessory Uses.

1. Buildings, structures, and uses accessory to agriculture, including, but not limited to, barns, silos, stables, feed yards; farmers' roadside stands, PRODUCE STANDS; tenant houses, including trailers used as tenant houses.

Section 1A06 - R.C.C. Zones

1A06.2.A. Uses permitted as of right.

1. Agriculturally related retail, office and service uses: Agricultural supply and feed store; Auction buildings; {Farmers' co-op; Farmers' market} FARM MARKET; Garden Center; PRODUCE STAND IN ASSOCIATION WITH A FARM; Veterinarian's office; Veterinarium.

1A06.2.C. Accessory uses or structures.

1. Agricultural related uses; {Farmers'} FARMER'S roadside stand{s}; PRODUCE STAND; Intermittent outdoor sales; Cut flowers or live plants; {Farmers' co-op roadside stands} Fish; shellfish and meats; Fruits and vegetables.

THEREON AND IS PRIMARILY USED FOR THE GROWING OF FLOWERS AND SMALL PLANTS AND THEIR WHOLESALE DISTRIBUTION.

FARM MARKET: AN ACCESSORY OR PRINCIPAL BUILDING OR STRUCTURE OTHER THAN A DWELLING WHICH IS USED BY ONE OR MORE FARMERS FOR THE SALE OF PRODUCE GROWN PRIMARILY ON THEIR OWN FARMS OR FOR THE SALE OF OTHER LOCALLY GROWN PRODUCE. A FARM MARKET MAY SELL A LIMITED AMOUNT OF LOCALLY PRODUCED NONAGRICULTURAL GOODS SUCH AS HANDCRAFTED ITEMS, HOMEMADE BAKED GOODS, HOMEMADE PRESERVES, JAMS AND PROCESSED DAIRY PRODUCTS.

GARDEN CENTER: A PLACE OF BUSINESS WHERE GARDEN RELATED PRODUCTS, HORTICULTURAL MATERIALS OR PRODUCE ARE SOLD TO THE RETAIL CUSTOMER. A GARDEN CENTER MAY INCLUDE A NURSERY OR CONTROLLED-ENVIRONMENT STRUCTURES.

INDIGENOUS CROPS: PRODUCE WHICH CAN BE GROWN IN THE AREA UNDER NATURAL CONDITIONS, WITHOUT THE HELP OF CONTROLLED-ENVIRONMENT STRUCTURES.

LANDSCAPE SERVICE OPERATION: AN OPERATION PRIMARILY ENGAGED IN THE DESIGNING, INSTALLING, PLANTING OR MAINTAINING OF LAWNS, GARDENS OR OTHER PLANTINGS AT OFF-SITE COMMERCIAL OR RESIDENTIAL USES.

LOCALLY GROWN PRODUCE: CROPS WHICH HAVE BEEN PRODUCED IN BALTIMORE COUNTY OR ITS IMMEDIATE VICINITY. THE FOLLOWING AREAS SHALL BE CONSIDERED AS IMMEDIATE VICINITY: MARYLAND, PENNSYLVANIA, WEST VIRGINIA AND DELAWARE.

NURSERY, HORTICULTURAL: AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE PRODUCTION AND MARKETING OF TREES, SHRUBS AND PLANTS. THE PLANT MATERIALS MAY BE PRODUCED ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY STAGE OF MATURITY FOR FURTHER PRODUCTION. HORTICULTURAL NURSERIES MAY ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS, SALE OF PRODUCTS NECESSARY FOR THE HEALTH OF THE NURSERY STOCK, AND PROVISION OF LIMITED LANDSCAPE SERVICES. A NURSERY WHICH SELLS PLANT MATERIALS GROWN EXCLUSIVELY ON-SITE AND WHICH DOES NOT OFFER ANY OF THE ACCESSORY SERVICES PERMITTED AT HORTICULTURAL NURSERIES, SHALL BE CONSIDERED A FARM.

Section 1A04 - R.C. 5 ZONE

1A04.2.B. Uses permitted by Special Exception.

8B. HORTICULTURAL NURSERIES, SUBJECT TO THE PROVISIONS OF SECTION 404.1 AND 404.2

Section 1A05 - R.C. 20 AND R.C. 50 ZONES

Section 1A05.2.A.

	ZONE	
	R.C. 20	R.C. 50
10. HORTICULTURAL NURSERIES	SE	SE

Section 1A06 - R.C.C. ZONES

1A06.2.B. Uses permitted by Special Exception:

LANDSCAPE SERVICE OPERATIONS (SUBJECT TO THE PROVISIONS OF SECTION 404.1 and 404.2)

SECTION 404 --FARM AND AGRICULTURAL OPERATIONS

404.1-- LIMITED ACREAGE WHOLESALE FLOWER FARMS, HORTICULTURAL NURSERIES AND LANDSCAPE SERVICE OPERATIONS ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. INTERNAL ROADWAYS SHALL BE LOCATED AT LEAST 25 FEET FROM ANY PROPERTY LINE OTHER THAN A STREET RIGHT-OF-WAY LINE.

B. CONTROLLED-ENVIRONMENT STRUCTURES AND ACCESSORY STRUCTURES SHALL BE LOCATED AT LEAST 50 FEET FROM ANY PROPERTY LINE, INCLUDING ANY RIGHT-OF-WAY LINE.

C. THE LOADING OR UNLOADING OF VEHICLES FOR THE PURPOSE OF SHIPPING AND RECEIVING GOODS SHALL TAKE PLACE AT LEAST 100 FEET FROM ANY PROPERTY LINE ADJACENT TO A RESIDENTIALLY ZONED OR USED PROPERTY AND SHALL BE SCREENED WITH PLANTINGS THAT PROVIDE A YEAR-ROUND VISUAL SCREEN UPON MATURITY.

1. LANDSCAPE SERVICES MUST BE ACCESSORY TO THE PRODUCTION OF NURSERY STOCK. THE NUMBER OF PIECES AND TYPE OF LANDSCAPING EQUIPMENT SHALL BE LIMITED BY THE ZONING COMMISSIONER ACCORDING TO SITE CONSTRAINTS AND COMPATIBILITY WITH SURROUNDING USES.

2. THE LOCATION OF VEHICLE PARKING, EQUIPMENT AND MATERIAL STORAGE SHALL BE COMPATIBLE WITH THE SURROUNDING USES AND SHALL BE SCREENED FROM RESIDENTIALLY USED OR ZONED PROPERTIES AS SPECIFIED IN 404.1.C.

404.3--A LANDSCAPE SERVICE OPERATION IS SUBJECT TO THE FOLLOWING REGULATIONS:

A. THE OUTDOOR STORAGE AREA OF MATERIALS USED FOR LANDSCAPING PURPOSES, INCLUDING BUT NOT LIMITED TO, TOOLS, DRAINAGE PIPES, RAILROAD TIES, DECORATIVE STONES, MULCH, AND FERTILIZERS SHALL BE COMPATIBLE WITH SURROUNDING USES AND SCREENED FROM RESIDENTIALLY ZONED OR USED PROPERTIES AS SPECIFIED IN SECTION 404.1.C.

B. A LANDSCAPE SERVICE OPERATION MAY PLANT HORTICULTURAL MATERIALS ON-SITE. HOWEVER, SUCH PLANTS MAY ONLY BE SOLD AS AN INTEGRAL PART OF A LANDSCAPE DESIGN, AND MAY NOT BE SOLD TO THE RETAIL CUSTOMER.

C. LANDSCAPE SERVICE OPERATIONS REQUIRE A SPECIAL EXCEPTION APPROVAL IN R.C. 2, R.C. 3 AND R.C. 4 ZONES AND SHALL MEET THE REQUIREMENTS OUTLINED IN SECTION 502.1 OF THESE REGULATIONS. IN ADDITION TO THESE REQUIREMENTS, A LANDSCAPE SERVICE OPERATION IS SUBJECT TO THE FOLLOWING STANDARDS:

1. THE SITE SHALL BE OF SUFFICIENT SIZE AND PROPERLY DESIGNED TO INSURE PROTECTION OF EXISTING NEIGHBORING DWELLINGS FROM NOISE, DUST, GLARE AND OTHER NUISANCE FACTORS.

2. LOCATION OF THE VEHICLE PARKING AND EQUIPMENT STORAGE AREA SHALL BE COMPATIBLE WITH SURROUNDING USES AND SHALL BE SCREENED FROM RESIDENTIALLY ZONED OR USED PROPERTIES AS SPECIFIED IN SECTION 404.1.C.

3. A SITE PLAN SHALL BE SUBMITTED INDICATING LOCATION AND TYPE OF STRUCTURE ON THE LOT IN QUESTION, INGRESS AND EGRESS, PARKING ARRANGEMENT, AND PROXIMITY OF DWELLINGS ON ADJACENT LOTS.

4. ON THE PROPERTY IN QUESTION, NOTICE OF THE APPLICATION FOR THE USE PERMIT SHALL BE CONSPICUOUSLY POSTED BY THE ZONING COMMISSIONER FOR A PERIOD OF THIRTY DAYS FOLLOWING THE FILING OF THE APPLICATION.

5. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS NOT FILED, THE ZONING COMMISSIONER, WITHOUT A PUBLIC HEARING, MAY GRANT A USE PERMIT FOR A FARMER'S ROADSIDE STAND IF THE PROPOSED USE MEETS ALL THE REQUIREMENTS OF THIS SUBSECTION AND ANY OTHER APPLICABLE REQUIREMENTS. THE USE PERMIT MAY BE ISSUED WITH SUCH CONDITIONS OR RESTRICTIONS AS DETERMINED APPROPRIATE BY THE ZONING COMMISSIONER TO SATISFY THE PROVISIONS OF THIS SECTION AND TO ENSURE THAT THE FARMER'S ROADSIDE STAND IS NOT DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY.

6. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS FILED, THE ZONING COMMISSIONER SHALL SCHEDULE A DATE FOR THE PUBLIC HEARING TO BE HELD NOT LESS THAN 15 DAYS FOLLOWING PUBLIC NOTICE OF SUCH HEARING IN TWO NEWSPAPERS OF GENERAL CIRCULATION AND NOT MORE THAN 60 DAYS FROM THE DATE OF FILING OF THE REQUESTS FOR PUBLIC HEARING.

7. FOLLOWING THE PUBLIC HEARING, THE ZONING COMMISSIONER MAY EITHER DENY OR GRANT A USE PERMIT CONDITIONED UPON:

A. HIS FINDINGS FOLLOWING THE PUBLIC HEARING; AND

B. THE MANNER IN WHICH THE REQUIREMENTS OF THIS SECTION AND OTHER APPLICABLE REQUIREMENTS ARE MET AND ANY ADDITIONAL REQUIREMENTS AS DEEMED NECESSARY BY THE ZONING COMMISSIONER IN ORDER TO ENSURE THAT THE FARMER'S ROADSIDE STAND IS NOT DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY AND WHICH ARE DEEMED NECESSARY TO SATISFY THE OBJECTIVES OF SECTION 502.1 OF THESE REGULATIONS.

READ AND PASSED this 6th day of April, 1992

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 7th day of April, 1992.

Thomas J. Peddicord, Jr.
Secretary

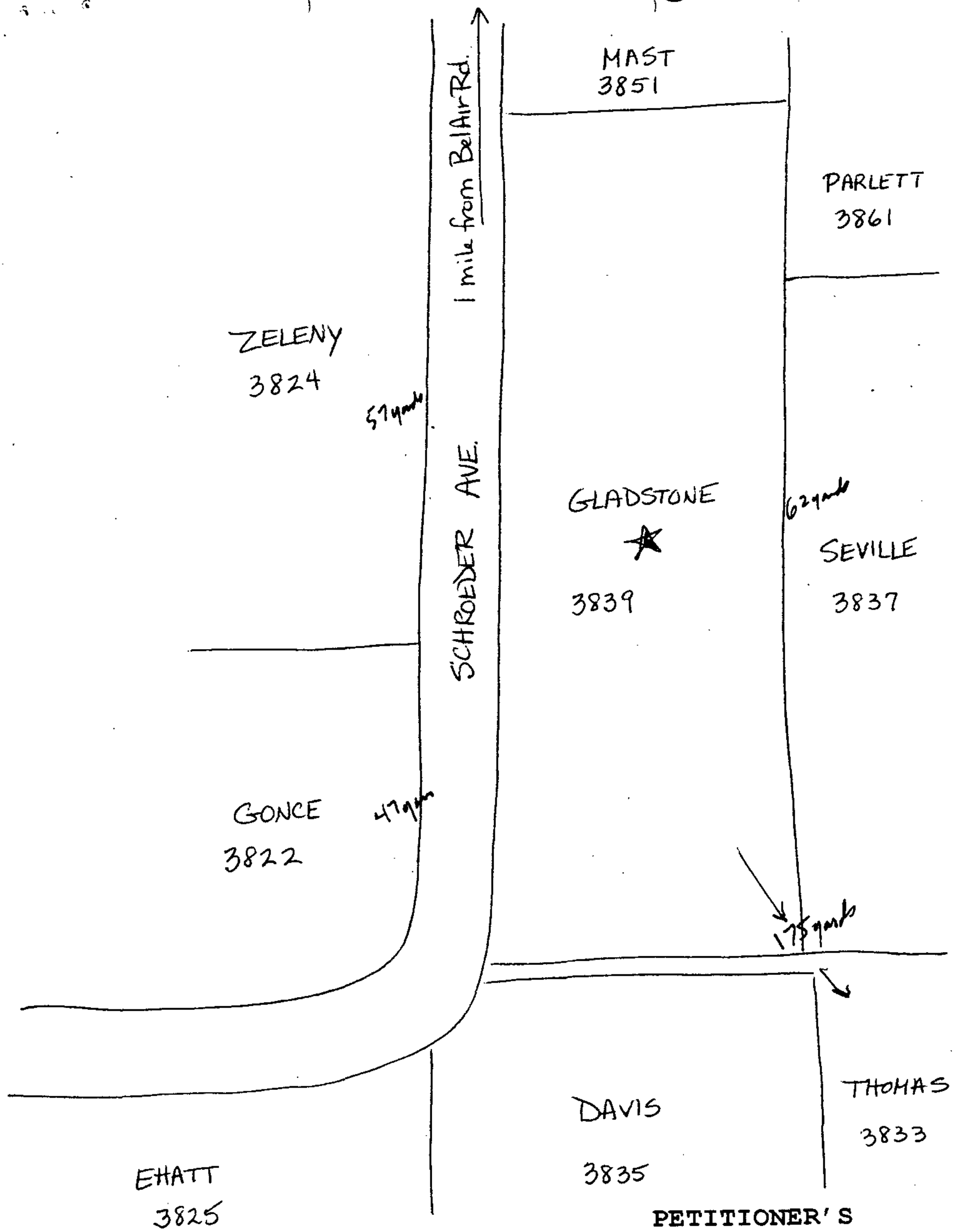
APPROVED AND ENACTED:

4/13/92

Roger B. Hayden
County Executive

I HEREBY CERTIFY THAT BILL NO. 41-92 IS TRUE AND CORRECT AND TOOK EFFECT ON May 28, 1992.

William A. Howard, IV
Chairman, County Council



PETITIONER'S

EXHIBIT NO. 6

Mr. & Mrs. Ramsey
2812 Cross Country Ct.
Fallston, MD 21047

Dear Barry,

Thank you so much for making the paving donation to Fallston High School! It is very generous of you to give to the Scholarship Program in this way. We were very thankful that you contacted us in a very timely manner! We also appreciated that you obviously adjusted your schedule to complete the work. It was refreshing to work with you. Thank you for being a man of integrity!

We were the recipients of your fine work! The newly paved area looks so much better! You and your staff were very helpful with the soil placement. I know that you all went above and beyond what was stated in the donation. We are really thankful!

Sincerely,
Mr. & Mrs. Wm Ramsey

Mr.& Mrs. Wm. Ramsey
6-08-06

Mr. & Mrs. Wm. Ramsey
2812 Cross Country Ct.
Fallston, MD 21047

Dear Fallston High School PTA,

We purchased the pavers that were auctioned at the Dollars for Scholars this year. We are very happy with Mr. Barry Gladstone! He contacted us in a very timely manner. He arranged his schedule to complete the work quickly. He was very knowledgeable about his product. He went above and beyond the donation to help with moving the soil.

Thank you for using Outdoor Connections at the auction! The pavers have improved the grill area of our yard. We experienced quality work and a man with integrity. We are very happy!

Sincerely,

Mr. & Mrs. Wm Ramsey

Mr. & Mrs. Wm. Ramsey

6-8-06

Perry Hall High School

4601 Ebenezer Road Perry Hall, MD 21236

December 19, 2005

The Outdoor Connection, Inc.
Mr. Barry Gladstone, President
3815 Schroeder Avenue
Baltimore, MD 21236

Dear Mr. Gladstone:

On behalf of the entire Perry Hall High School community, I wish to thank you and your company for donating the labor and materials to landscape the front of our building by our school sign/marquee. The plants and bushes have made for an exceptional enhancement to the front lawn and provided a more upscale look for our signage.

This letter is to certify under provisions of the Internal Revenue Service, Section 170(2)(1) that: "In accordance with the guidelines issued by the Internal Revenue Service, that this is to state that as a donor "The Outdoor Connection, Inc. and/or Barry Gladstone" did not receive any gifts or consideration for this contribution of landscaping at a value assessed at $3,500.00 donated to Perry Hall High School.

Thank you again for your generosity. We will be sure to acknowledge your generous donation in our next PTSA Newsletter.

Sincerely,

Brian Gonzalez

C: Beth Jones
Debbie Birely

Mark S. Ledford
1006 Amberly Court
Bel Air, Maryland 21014-2402

April 5, 2006

Barry Gladstone, President
The Outdoor Connection, Inc.
3815 Schroeder Avenue
Perry Hall, Maryland 21128

Re: Charitable Contribution to Fallston High School PTA

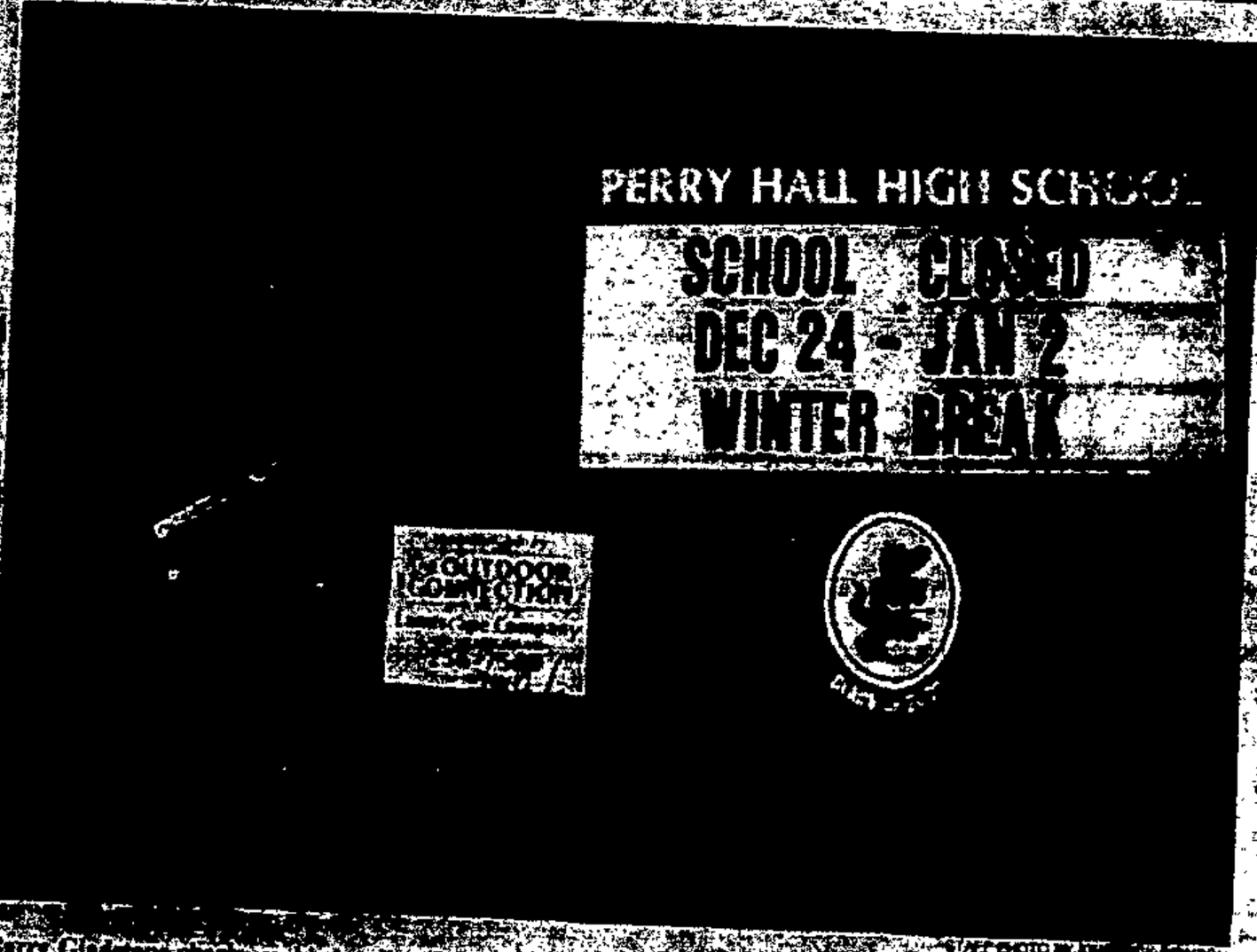
Dear Mr. Gladstone:

I write on behalf of the Fallston High School Parent-Teachers Association (PTA) to express our sincere appreciation for your charitable donation toward the PTA's auction that was held on April 1, 2006. When we were considering businesses to solicit for charitable contributions, yours' was the first that came to mind. Having recently moved from the Fullerton area, I was fully aware of your magnanimity. Specifically, I recalled your business making a contribution for the installation of "hardscaping" for St. Peter's Lutheran Church in Fullerton, as well as donating landscaping services for one of the schools in Perry Hall. Your willingness to extend your generosity to our PTA was no surprise in light of your benevolence.

Your donation of $1575 in materials and services to the Fallston auction, helped the PTA meet its goal of raising more than $8,000. This, despite the fact that attendance was lower than last year. Indeed, your contribution drew $550, or 6% of the total proceeds from the auction. You are to be commended for your willingness to give back to the community. Your civic-mindedness is much appreciated by me and the Fallston High School PTA. You and your business are a valued asset to both the commerce and civic affairs of Baltimore County, as well as the surrounding vicinity. Again, please accept our heartfelt thanks for your support of Fallston High School PTA.

Best Regards,

Mark S. Ledford



Barry Gladstone checks on his handiwork — new landscaping around the Perry Hall High School sign.

Perry Hall High alumnus leaves school a legacy that can grow

BY MARC LIGHTDALE

Driving past Perry Hall High School one day, Barry Gladstone thought the school sign looked awfully unadorned.

Some landscaping would really set it off, he thought.

As a professional landscaper and an alumnus of Perry Hall High, he was just the one to do it.

After getting permission, Gladstone spent three days in early December digging and planting.

He planted perennials to bloom in April and May and continue into September. The shrubs will sport red berries throughout the winter.

"I put a lot of thought into it," he said.

A lifelong Perry Hall resident, Gladstone lives with his wife and two boys on Schroeder Avenue. He launched his firm, Outdoor Connections, in 1982.

Helping with the sign project was Chip Simpson, a friend of Gladstone's and Perry Hall High graduate who operates Stump Eaters, a Perry Hall stump-removal firm.

Gladstone, who played football and was a pole vaulter when a student at the school in the 1980s, said the landscaping was done as a gift to the school.

Annual White Marsh VFC
Christmas Tree Sale
To Benefit
White Marsh Volunteer Fire Co.
5419 Ebenezer Road
White Marsh, Md
410.335.5112
www.whitemarshvfc.org
December 1 - December 23
10am—9pm Open Daily
Wide Selection of 6 to 9 foot trees
Balsam Fir * Fraser Fir
Douglas Fir * White Pine
Wreaths * Greens *
Garland
Free Refills of Tree
$3 OFF

EDUCATION

At the Schools

Brianna Frederick

Gift for grounds adds to appeal at local school

A local contractor provided a lesson in goodwill at Chapel Hill Elementary School recently.

Barry Gladstone, of the Outdoor Connection, donated his time and materials to put up a stone wall and garden around the school's sign at 5200 E. Joppa Road.

Trish Bisaha, a parent of a Chapel Hill student and member of the school's PTA, called the project an extension of "Pitch-in for Progress," Baltimore County's annual community service project.

"The PTA had considered planting a garden around the sign, but we realized that it would be quite a bit of work," she said.

She wrote letters to 11 landscaping companies in the area asking if they were interested in taking on such a project. To her surprise, not only did Gladstone say he would, he said he would do it without charge.

"I'm established. Most of my customers' kids probably go to that school," he said.

Gladstone, a Perry Hall native who didn't go to the school, said the job wasn't complex.

He described the addition of the wall as a creative way to set himself apart from other landscapers.

"Every job is different. It's not a cookie cutter job," he said. "Don't want them all to look the same."

Although simple in terms of its size, the project took a little longer to complete than planned due to the snow that hit the area over the winter.

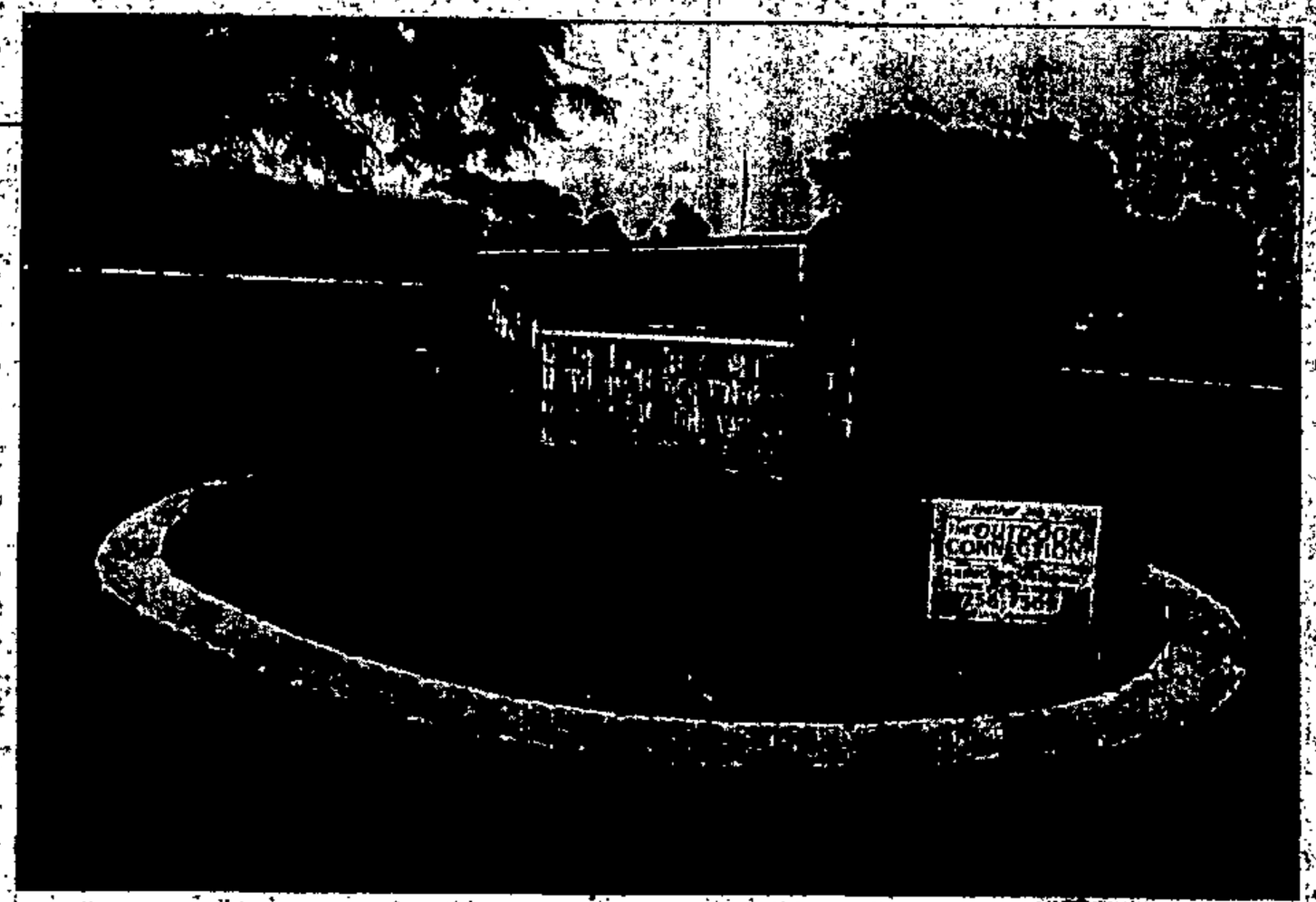
But the finished project was worth it.

"Everyone's very delighted and shocked at the extent of the work he's done and his generosity," said Bisaha.

Helping out schools is nothing new for Gladstone, who has been in business in Perry Hall for 22 years.

He said he frequently donates walkways or patios for fundraisers for the private school that his sons attend, for example.

"It makes me feel good. I've been fortunate and blessed, (and I) wanted to give back to the community."



STAFF PHOTO BY DENIS ROCHESPORT

Thanks to a donation of work and material by Perry Hall resident Barry Gladstone's landscaping company, Chapel Hill Elementary School's entrance on East Joppa Road is a sight to behold.

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear under penalty of perjury that I DEBRA BEATY am a duly-elected member of the Planning and Zoning Committee of the Perry Hall Improvement Association.

ATTEST: Perry Hall Improvement Association

Nina Yeskis, Secretary

David Marks, President

Date: February 1, 2007

PROTESTANT'S

EXHIBIT NO. 11

PERRY HALL
IMPROVEMENT ASSOCIATION, INC.
P.O. Box 63, Perry Hall, Maryland 21128-0063 phia@bcpl.net

February 1, 2007

At its January 4, 2007 meeting, the Perry Hall Improvement Association (PHIA) Board of Directors voted to organize a Planning and Zoning Committee. The responsibility for reviewing and acting on zoning matters is placed in this committee.

Nina Yeskis, Secretary

David Marks, President

Matt & Donna Davis
3835 Schroeder Ave.
Perry Hall, Md 21128
410-529-0661

October 11, 2006

To Whom It Concern;

I have been made aware of the penalties and zoning violations that my neighbor Mr. Barry Gladstone is having with his property at 3839 Schroeder Ave. He is my lifetime neighbor, I live at 3835 Schroeder Ave. and my property is adjacent to his. In fact, over twenty-five years ago I subdivided my lot from the original parcel that he now owns. I grew up in this neighborhood, and Mr. Robinson, the previous owner, sold me a lot to build and raise my family. He said, "I watched you grow up and it's good to be able to pick your neighbors." With the passing of Rhoda Robinson, his survived wife, Barry a lifetime residence of Schroeder Ave. was able to purchase the property with hopes of one day passing it along to his son.

I was very pleased to hear that Barry purchased the property as my neighbor. You see it was like picking a neighbor. As owner, Barry has made MAJOR IMPROVEMENTS to a property that had been neglected. He restored the house by painting, giving it a new roof, covered the driveway and landscaped all areas of his property. Upon purchase he immediately cleaned up the property by removing two trailers, two containers, unlicensed vehicles, tore down a derelict barn, and cleared out the overgrowth, underbrush and fallen trees. To this day, the property is continually kept immaculate.

His landscaping business does not affect us in any negative way. Many neighbors own trucks and many neighbors store items on their property and have barns and garages. In fact, I believe because of his landscaping business Barry has had the talent, skill and equipment to improve and maintain the property. He has also been an asset for all the neighbors having the equipment to help them with their projects. He is always there helping to maintain the road with snow and fallen trees and being neighborly to everyone.

Out of my three immediate neighbors, from my point of view, Barry is the only one that has visually IMPROVED his property. Because of the charges against Barry and what is on his property I wanted to give you a view of my other neighbors and their property that is also adjacent to mine and his.

The property to my right, 3833 Schroeder Ave., Mr. Robert Thomas has lived there for fifteen years; it was originally a horse field. We enjoyed the peaceful open field before he built his home. Because of the orientation of our homes, about thirty feet away I view his four-car garage addition that has never been finished with siding on the rear; tyvek has flapped in the breeze for over 10 years. Weekends are activities at his garage. He also parks his construction size backhoe in my view. We had a garden shed put up to help block the view. He also drives a company truck and leaves very early every morning. His sons grew up using the backyard and State Park as a motor cross course with dirt bikes. You can imagine the noise we lived with for years. They also used our property without permission as part of the dirt bike course that connected to my neighbor on my left, Mr. Steve Ehatt at 3825 Schroeder Ave. Before he bought the property, it was a landscaped envy of the road. His backyard, which is my front yard view,

PETITIONER'S

EXHIBIT NO. 7

has turned into a yard of neglect. For seven years, his property has become one of good intentions and ideas that have been started but left unfinished. He first went through and stripped the land of trees and shrubs and has left them, added mounds of dirt, gravel, unlicensed vehicles, and debris. His outbuildings have become ill repaired and dangerous with fallen in roofs, etc. For the past seven years, he has been working on a second floor addition on both sides and a large front porch that sweeps around his home. Here it is, another neighbor, seven years later still unfinished with tyvek flapping in the breeze. He in no way has improved the property, in fact, I believe it would assess less now, then when he purchased it. The only thing he created he was a great dirt bike racecourse in front of my house.

As you can see, it is a neighborhood of activity in everyone's front yard and backyard. Barry's business is essentially the same activity that is common to the neighborhood. His property does not stick out as an eyesore. It blends in with the surrounding area. He does have a couple of trucks for business use, but I would bet that just about every house on this street has at least one or two pick up trucks in their driveway. The use of his property as a business does not harm the rural setting of the land. Barry finishes every project he starts in a timely manner. Barry's garage is landscaped and is well maintained on the outside without clutter or debris unlike the homes that are on this street. I am in favor of Mr. Barry Gladstone being able to continue his landscaping business from his property. His business has actually increased my property value because of the way he maintains his property. Changing the zoning law would allow him to continue his business and it in no way does it negatively affect our street or neighborhood.

Sincerely,

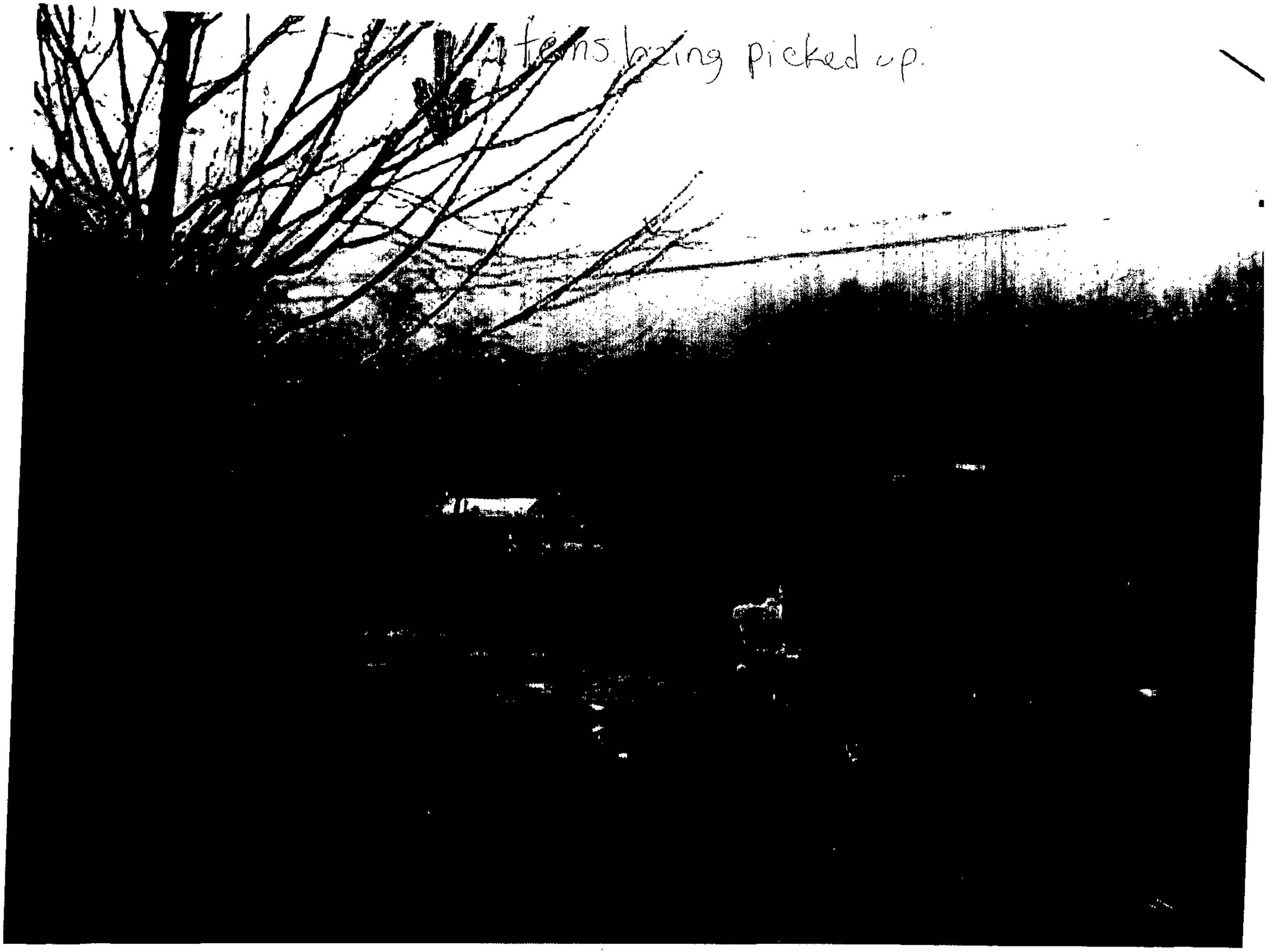
Donna Davis Matthew Davis

Donna L. Davis Matthew Davis

PROTESTANT'S

EXHIBIT NO. PH13 A-C

items being picked up.



owner
R.LOW
BREES TO
1/2

Mark S. Ledford
1006 Amberly Court
Bel Air, Maryland 21014-2402

To 2c file
TMK

January 8, 2006

Timothy M. Kotroco, Esquire
Director, Baltimore County Department of
Permits and Development Management
County Office Building, Suite 105
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Variance Requested by Barry E. Gladstone & The Outdoor Connection, Inc., Case No. 07-229-SPHA

Dear Mr. Kotroco:

I am writing in support of the variance that has been requested by Barry E. Gladstone and The Outdoor Connection, Inc. I have known Mr. Gladstone for over 20 years and have found him to be an upstanding citizen of Baltimore County and the Perry Hall community. He is the type of person whom the community needs more. He is the type of businessman Baltimore County should seek to encourage and support.

I have watched and admired Barry taking his one-person landscaping venture shortly after graduating from Perry Hall High School and growing it into a successful operation that provides gainful employment for a number of individuals. Barry's success comes, in no small part, to his solid work ethic and reputation.

More importantly, although Mr. Gladstone has successfully grown his business, he has remained cognizant of the needs of the local community. Barry continually contributes to the surrounding area – volunteering to provide goods and/or services to a number of local schools, churches and organizations (e.g., St. Peter's Lutheran Church, Perry Hall High, Chapel Hill Elementary, Baltimore Lutheran and Fallston High). Barry's civic-mindedness is refreshing in today's business world as we all too often see businesses providing very little in return to the communities from which they draw their success.

With respect to the property for which Mr. Gladstone seeks a variance, I have had occasion to visit the premises and can attest that the improvements made thereon blend in with the surrounding properties. In fact, said improvements add to the neighborhood and, in no discernable way, detract from it.

As a fellow alumnus of Kenwood High School (1981), I am sure you can appreciate both Mr. Gladstone's business success and contributions to the surrounding area. Baltimore County needs individuals such as Barry and businesses such as The Outdoor Connection to continue its

PROTESTANT'S

EXHIBIT NO. PH #1

PHTC

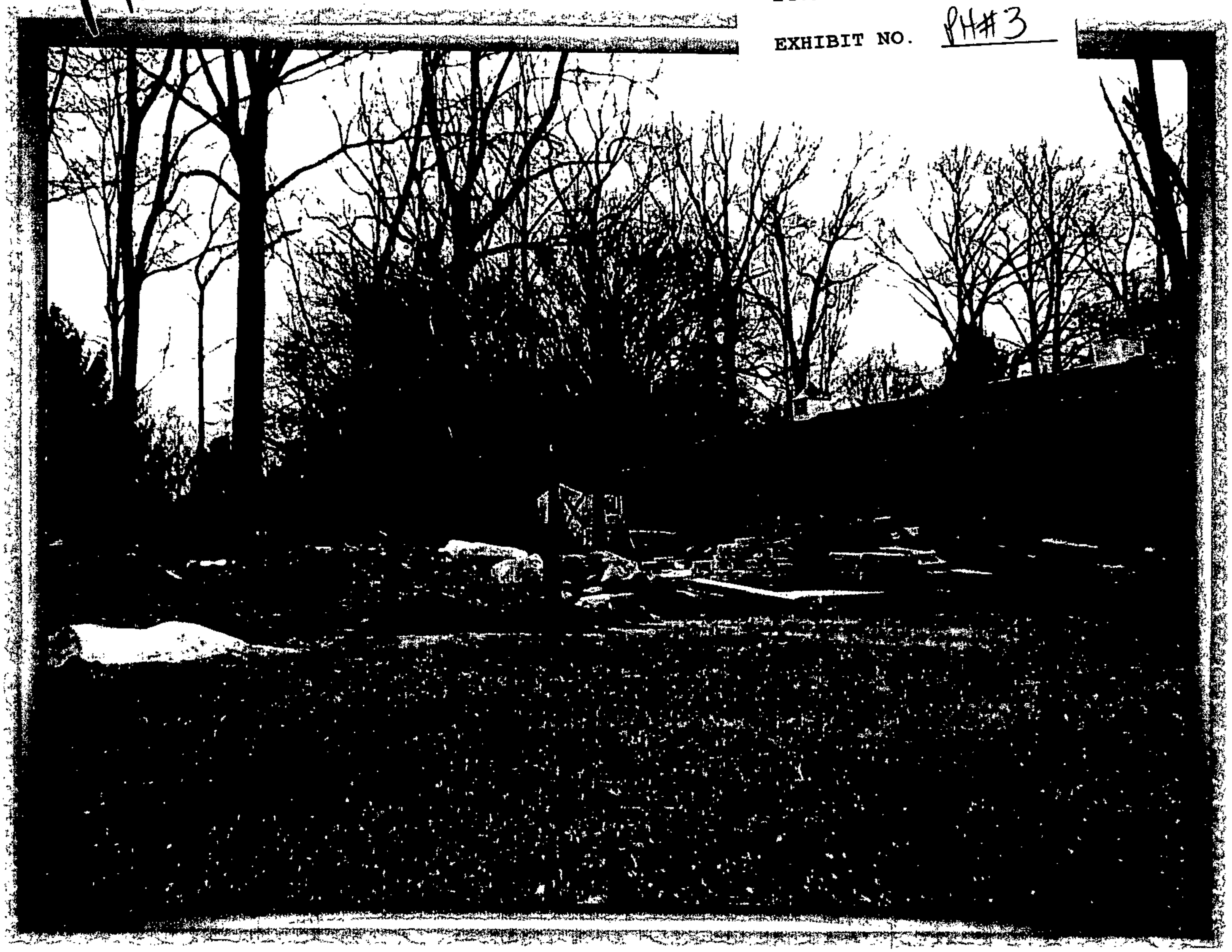
PROTESTANT'S

EXHIBIT NO. PH#2

P #13

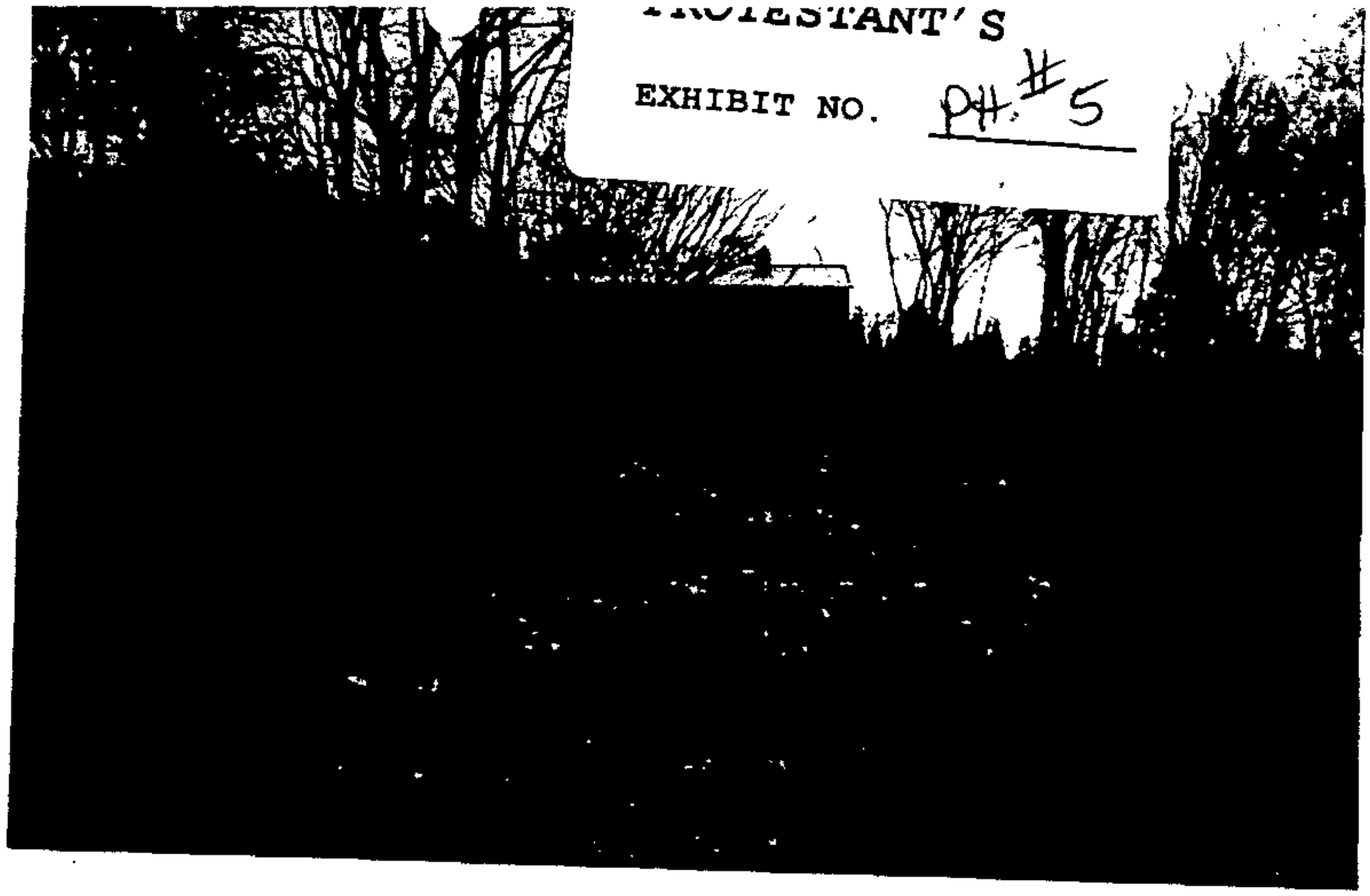
PROTESTANT'S

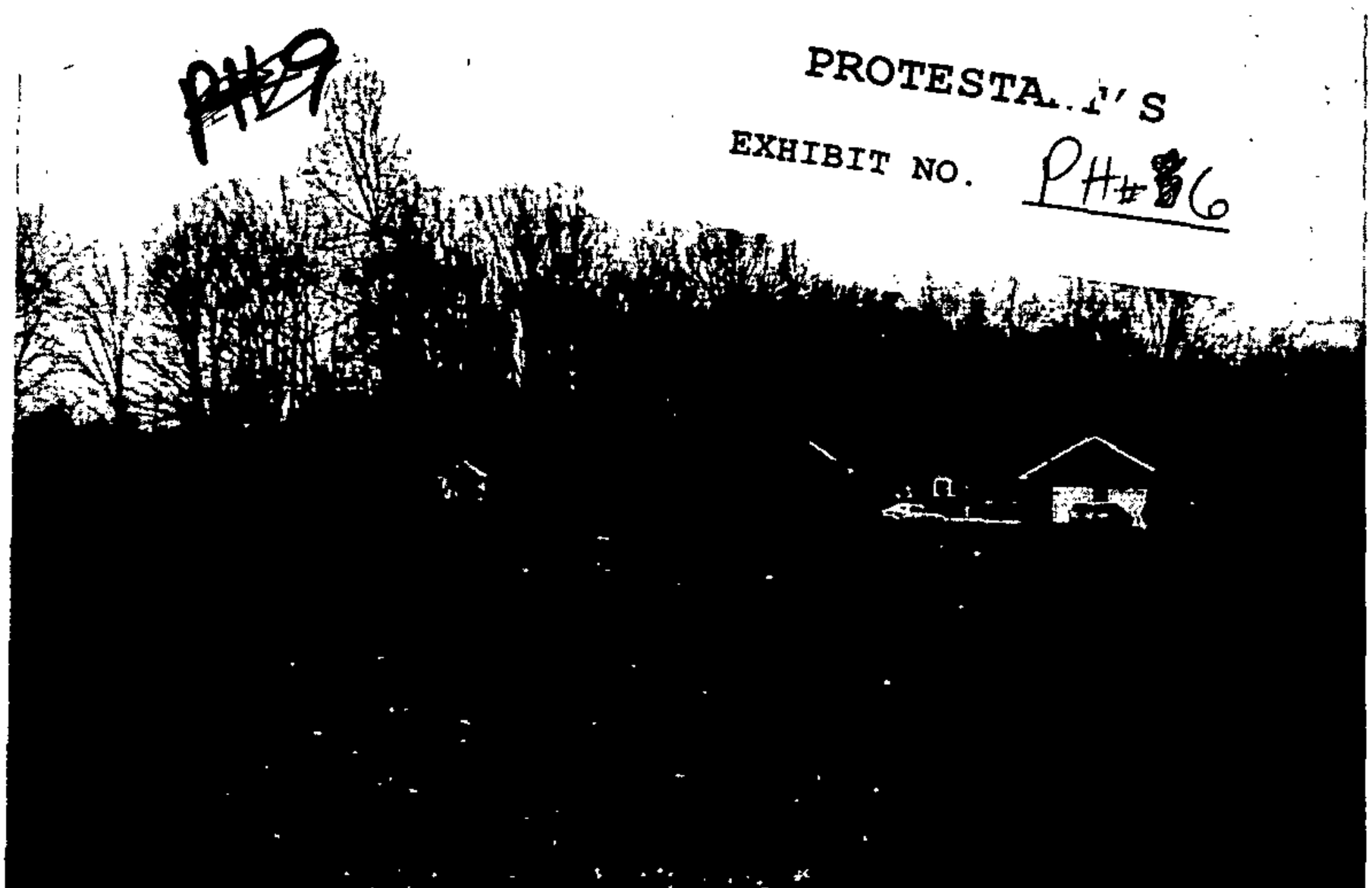
EXHIBIT NO. PH#3



PROTESTANT'S

EXHIBIT NO. PH#4


PROTESTANT'S
EXHIBIT NO. PH. #5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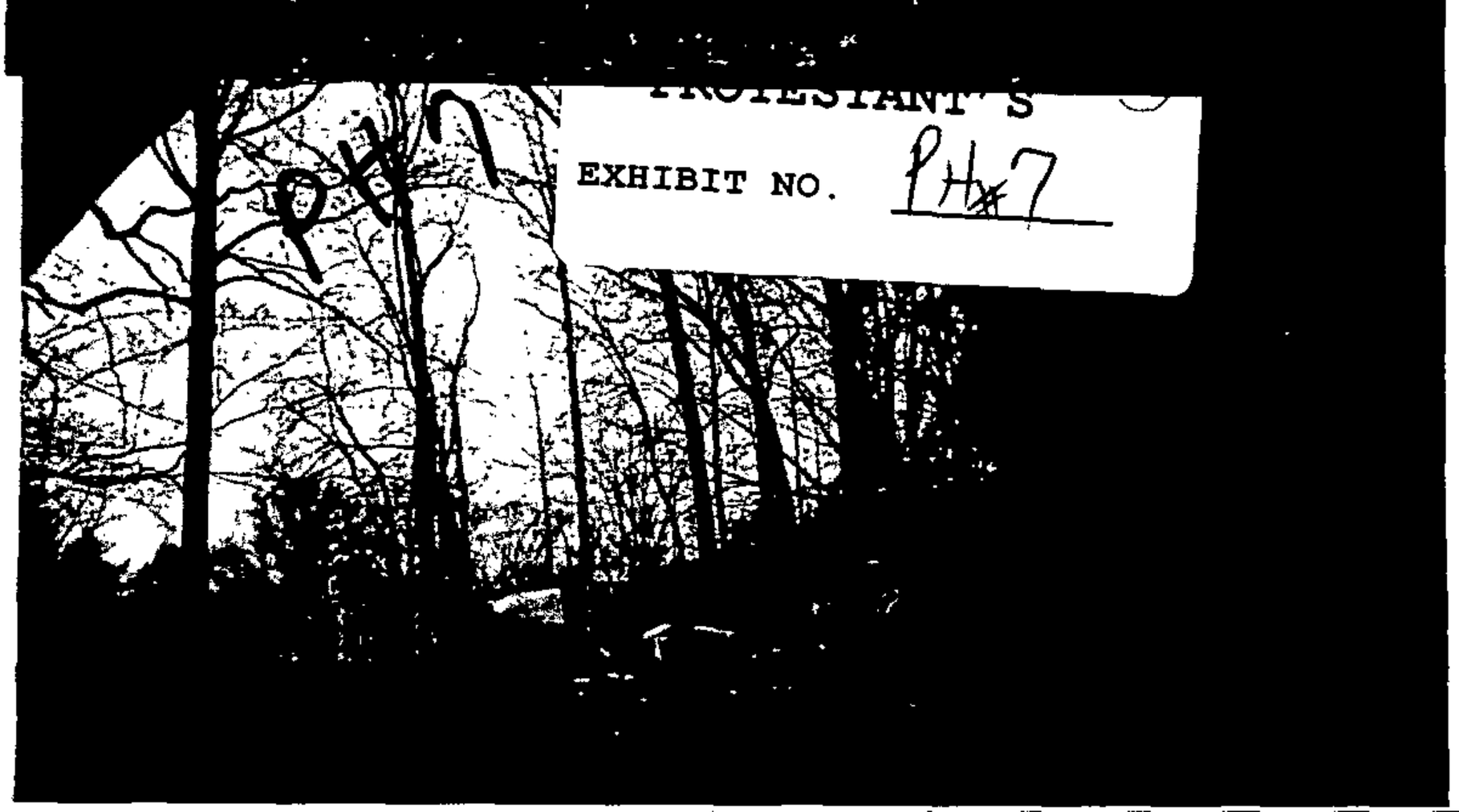
PROTESTANT'S
EXHIBIT NO. PH#6


PH#7
PROTESTANT'S
EXHIBIT NO. PH#7

PROTESTANT'S

EXHIBIT NO. PH 8

PROTESTANT'S

EXHIBIT NO. PH #9

PROTESTANT'S
EXHIBIT NO. Pl # 10

Mr. Barry Gladstone
3839 Schroeder Ave

11/13/06

view from Schroeder Ave

view from Schroeder Ave

view from Schroeder Ave

view from my property
my property in foreground

October 11, 2006

To Whom It May Concern;

We the neighbors of Mr. Barry Gladstone have no objection or issue with his landscaping business, "Outdoor Connection" that he runs from his property.

We are in support of changing the Zoning Law that will allow him to continue growing his nursery and storing his equipment on site.

Over the years, he has made major improvements to the residence, out buildings and property. They have always been maintained to the high standards that reflect his business.

Name	Address	Phone
John A. Gonce	3822 Schroeder Ave	410 256-4707
Patricia A. Gonce	3822 Schroeder Ave	410 256-4707
Chris Mast	3851 Schroeder Ave	410 256 5891
Carli Mast	3851 Schroeder Ave	410 256 5891
Matthew W Davis	3835 Schroeder Ave	410-529-0661
Anna L. Davis	3835 Schroeder Ave	410 529 0661
Raymond A Jolley	3824 Schroeder Ave	410-256-5890
Rick Saville	3837 Schroeder Ave	410-256-7562
Tennison Parlett	3861 Schroeder Ave	410-256-2891

PETITIONER'S

EXHIBIT NO. 8

October 11, 2006

To Whom It May Concern;

We the neighbors of Mr. Barry Gladstone have no objection or issue with his landscaping business, "Outdoor Connection" that he runs from his property on 3839 Schroeder Ave.

We are in support of changing the Zoning Law that will allow him to continue growing his nursery and storing his equipment on site.

Over the years, he has made major improvements to the residence, out buildings and property. They have always been maintained to the high standards that reflect his business.

Mary [illegible] 3821 Schroeder Ave - (410) 256-3879
Sandy Must 3816 Schroeder Ave (410) 256-4960
Rick Must 3816 Schroeder AVE 410 256 4960
[illegible] 3813 Schroeder Ave 410-529-1313
Sherry [illegible] 3813 Schroeder Ave 410-529-1313
Dave [illegible] 3813 Schroeder Ave 410-529-1313
Tracy Bennington 3814 Schroeder Ave 410-529-2464
Richard Bennington 3814 Schroeder Ave 410-529-2464
Marie-Ann Ramsay 3814 Schroeder Ave 410-256-3330
[illegible] Kimball 3835 Schroeder Ave 410-262-7419
[illegible] 3835 Schroeder Ave 443-834-4442

October 11, 2006

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Over the years, he has made major improvements to the residence, out buildings and property. They have always been maintained to the high standards that reflect his business.

Paul A Pearl Jr. 3812 SCHROEDER AVE 410-251-4648

Ethel M. Wheeler 3801 Schroeder Ave. 410-256-4648

Lou Morley Jr. 3869A Schroeder Ave 410-529-6019

Lou Morley 3804 Schroeder Ave. 410-256-5831

Richard A. Saville
3837 Schroeder Ave.
Perry Hall, MD 21128-9720
410.256.8562

October 13, 2006

I live adjacent to Barry Gladstone's land and have no objection whatsoever to the landscaping business operated there. The property is very well maintained, the business is quiet, and Barry has always been a very helpful neighbor. From my perspective, the property used to look like a used car junkyard crawling with rats before Barry cleaned it up. I regret that I won't be able to attend the meeting Monday night as I will be working.

Rick Saville

Bafitis & Associates, Inc.

Civil Engineers / Land Planners / Surveyors
1249 Engleberth Rd. Baltimore, Md. 21221

410-391-2336

LETTER OF TRANSMITTAL

DATE: May 25, 2007

TO: Baltimore County
Zoning Commissioner
Mr. William Wiseman, III
401 Bosley Ave, 4TH Floor
Towson, Md. 21204

REF:

3839 Schroader Ave

WE ARE SENDING:

☐ ORIGINAL TRACING(S)
☐ SEPIA TRANSPARENCIES
☐ PHOTOSTAT(S)
☐ SKETCH(ES)

☑ HEREWITH

☐ BLACK LINE PRINT(S)
☐ BLUE LINE PRINT(S)
☐ SHOP DRAWING(S)
☐ SPECIFICATIONS

☐ UNDER SEPARATE COVER

☐ PHOTOGRAPH(S)
☐ LETTER(S)
☐ SAMPLE(S)
☐ ESTIMATE(S)

☐ REPORT(S)
☐ MAP(S)
☐ AGREEMENT(S)
☑ AS NOTED BELOW

PREPARED BY:

APPROVED:

THESE ARE FORWARDED:

☐ AS REQUESTED
☐ FOR APPROVAL
☐ FOR COMMENT
☐ FOR PAYMENT

☐ FOR CORRECTIONS
☐ FOR CONSTRUCTION
☐ YOUR INFORMATION
☑ AS NOTED BELOW

☐ REVIEWED AND ACCEPTED
☐ REVIEWED AND ACCEPTED AS NOTED
☐ REVIEWED AND RETURNED FOR REVISION

DRAWINGS NO.	NO. OF COPIES	LATEST DATE	DESCRIPTION
	3	–	Reduced Zoning Plan

SENT VIA:

☐ SPECIAL DELIVERY
☐ CERTIFIED MAIL
☐ FIRST CLASS MAIL

☐ AIR MAIL
☐ PARCEL POST
☐ BUS

☐ YOUR MESSENGER
☑ OUR MESSENGER
☐ UNITED PARCEL

☐ EXPRESS
☐ INSURED
☐ AS NOTED BELOW

NOTES: 8½" x 11" Reduction Of Petition Plan With Flower Farm Area Hatched, Acreage Of Flower Farm & Residential Uses Shown.

Very truly yours,

Copy To: Mr. Berry Gladstone w/plan
Mr. Neil Lanzi w/plan

Clyde Hinkle

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

* Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

Kristen
OK to reschedule
T-

December 14, 2006

Sent Via Facsimile: 410-887-3048

Zoning Office
Balto. Co. Dept. of Permits & Development
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Kristen Matthews

Re: 3839 Schroeder Avenue, Perry Hall, Maryland
Case No. 07-229-SPHA

Dear Ms. Matthews:

The above referenced case has been set in for February 1, 2007 at 9:00 a.m. for hearing. As I will be out of town on that day, I would respectfully request the hearing be re-scheduled to either February 7, 8, 14, 15 or 16, 2007.

Thank you for your cooperation.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Barry Gladstone

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 26, 2006

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 07-229-SPHA, 3839 Schroeder Avenue

The above matter, previously scheduled for February 1, 2007, has been postponed at your request. The hearing has been rescheduled and the new notice of hearing is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

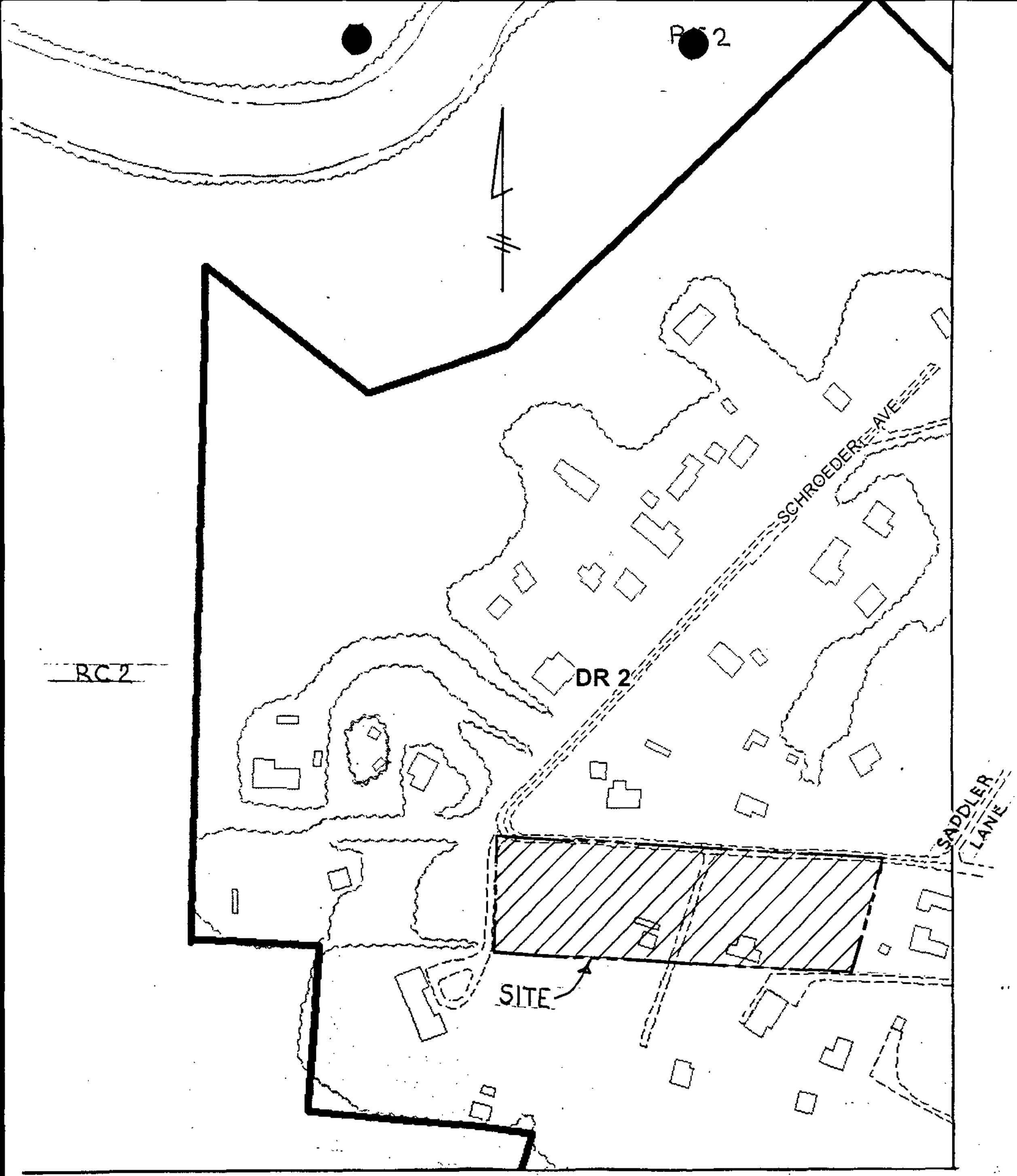
Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

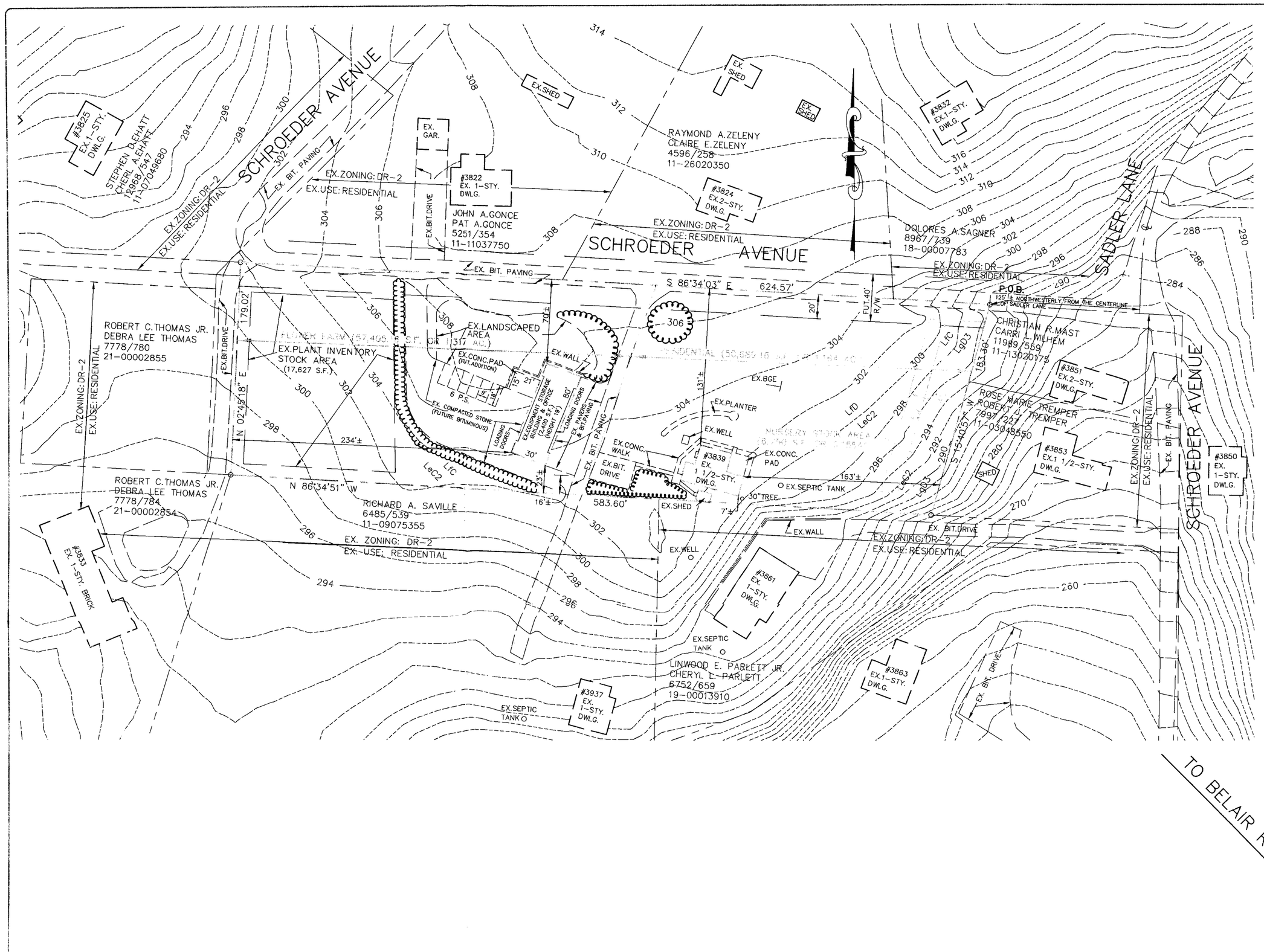
TK:klm

C: The Outdoor Connection, 3839 Schroeder Avenue, Baltimore 21128
Barry Gladstone, 3815 Schroeder Avenue, Baltimore 21128



ZONING PLAN
for
3839 SCHROEDER AVE.
Scale: 1" = 200' MAP #063A2

#229



NOTES

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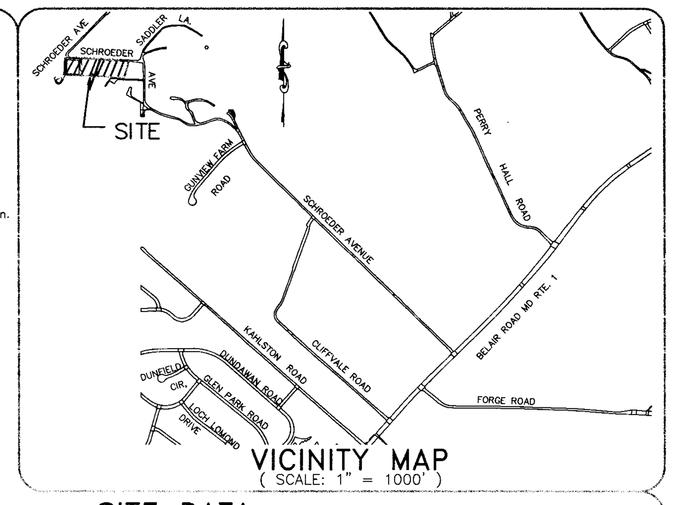
2. Property lines shown hereon were established by use of public records.
3. This site is not situated within the Chesapeake Bay Critical Areas.
4. There are no forest or developed woodlands on this site.
5. There is no significant plant or animal habitat on this site.
6. There are no known wells on this site except as shown.
7. There are no known underground storage tanks or septic systems on this site except as shown.
8. There are no known potentially hazardous materials on this site as defined by Title 7– Health and Environmental Article, Annotated Code of Maryland, except as noted.
9. There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
10. All signs shall comply with current Baltimore County Zoning Regulations.
11. Caution underground utilities may exist in Schroeder Avenue & onsite, contact Miss Utility (800–257–7777) prior to any construction.
12. There are no tidal or non–tidal wetlands on or adjacent to this site.
13. Sales Area for plants will not exceed 10% of gross land area per Sect 404.1 F.



VICINITY MAP
(SCALE: 1" = 1000')

ZONING HISTORY

THERE HAVE BEEN NO PREVIOUS ZONING CASES OR HEARINGS.

ZONING SPECIAL HEARING REQUEST

1. SPECIAL HEARING TO ALLOW A LIMITED ACREAGE WHOLESALE FLOWER FARM PURSUANT TO SECTION 1B01.1A(7) AND 404.1 OF THE B.C.Z.R. AND TO ALLOW THE STORAGE OF EQUIPMENT, MATERIALS AND VEHICLES ASSOCIATED WITH THE FARM IN THE EXISTING ACCESSORY BUILDING.

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ZONING VIOLATION

SUBJECT TO VIOLATION CASE NO. 06–1843.

SITE DATA

1) OWNER: BARRY EDWARD GLADSTONE
#3815 SCHROEDER AVENUE
PERRY HALL, MARYLAND 21128
2) DEED REF: 14061/024 (OCT. 01, 1999)
3) TAX ACC. NO.: 11–18048450
4) TAX MAP: 63 PARCEL: 380 LOT: NONE
5) PLAT REF: NONE
6) ELECTION DISTRICT: 11TH
7) CONCILMANIC DISTRICT: 5TH
8) REGIONAL PLANNING DISTRICT: 317A
9) CENSUS TRACT: 4114.03
10) ZONING: DR 2
11) ZONING MAP: 063A2 & 063B2
12) USE: EXISTING & PROPOSED: DWELLING, FLOWER FARM, EQUIPMENT, MATERIAL, & VEHICLE STORAGE.
13) SITE AREA: 108,094.34 S.F. OR 2.481 AC.
14) PARKING
1 P.S./EMPLOYEE = 6 P.S.

SOILS DATA CHART

TYPE	SERIES	WITH BASEMENT	WITHOUT BASEMENT	STREETS AND PARKING LOT	CLASS
LfC	LEGORE	MODERATE: STONINESS; SLOPE	SLIGHT TO MODERATE: SLOPE	SEVERE: SLOPE	C
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LgD3	LEGORE	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE	C

LEGORE VERY STONY SILT LOAM, 3 TO 15 PERCENT SLOPES
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LEGEND

——— – – ———	PROPERTY LINE
——— – – ———	LOT LINE
-------- 99 --------	EXISTING CONTOURS
BfD KmA	SOILS LINES
⊥	BGE POLE
	PROPOSED LANDSCAPE SCREENING

Bafitis & Associates, Inc.
1249 Engleberth Rd. Baltimore, MD 21221
William N. Bafitis, P.E.
PRESIDENT
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING AND ZONING VARIANCES FOR # 3839 SCHROEDER AVENUE

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFITIS, P.E.

SHEET 1 OF 1

SCALE: 1" = 50'

JOB ORDER NO: 20630

DATE: 11/14/06

NO.	REVISIONS	DATE
	ADDED FLOWER FARM, RESIDENTIAL & EASTERN MOST NURSERY STOCK AREA	05/24/07

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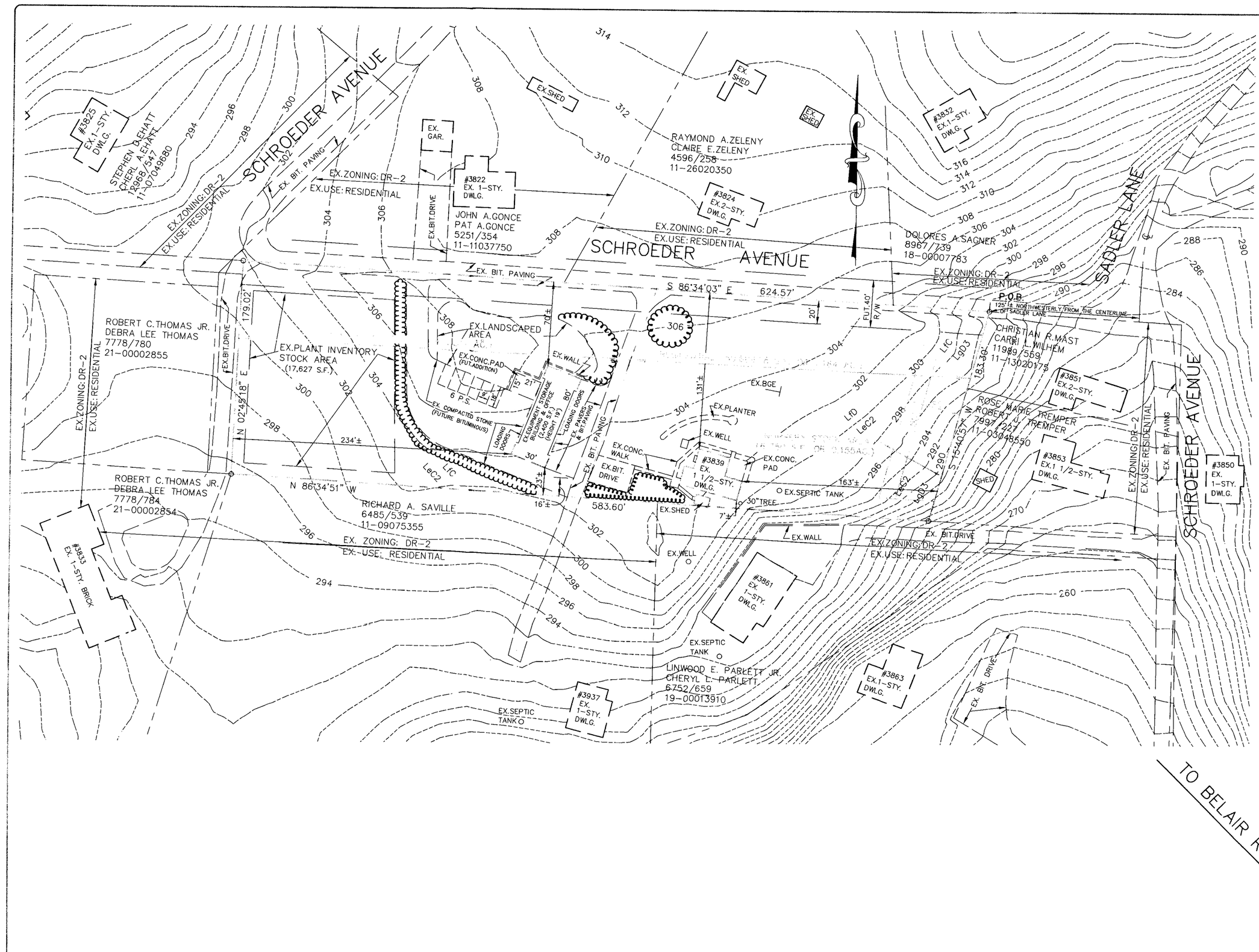

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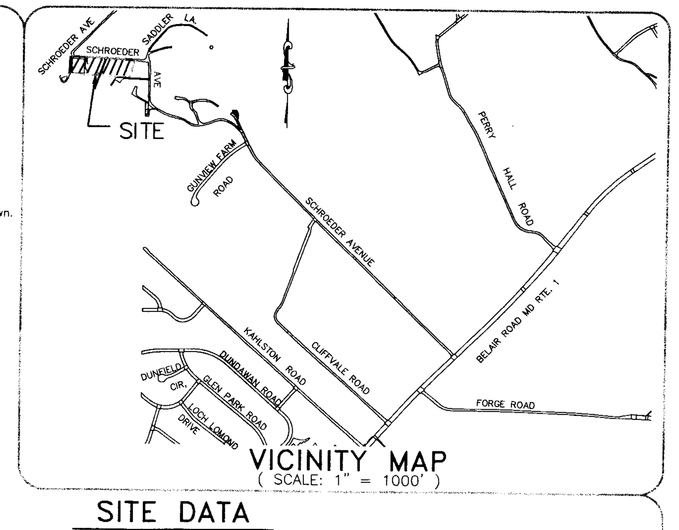

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LEGEND

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⊥	BGE POLE
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William N. Bafitis, P.E.
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PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING AND ZONING VARIANCES FOR # 3839 SCHROEDER AVENUE

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFITIS, P.E.

1

SHEET 1 OF 1

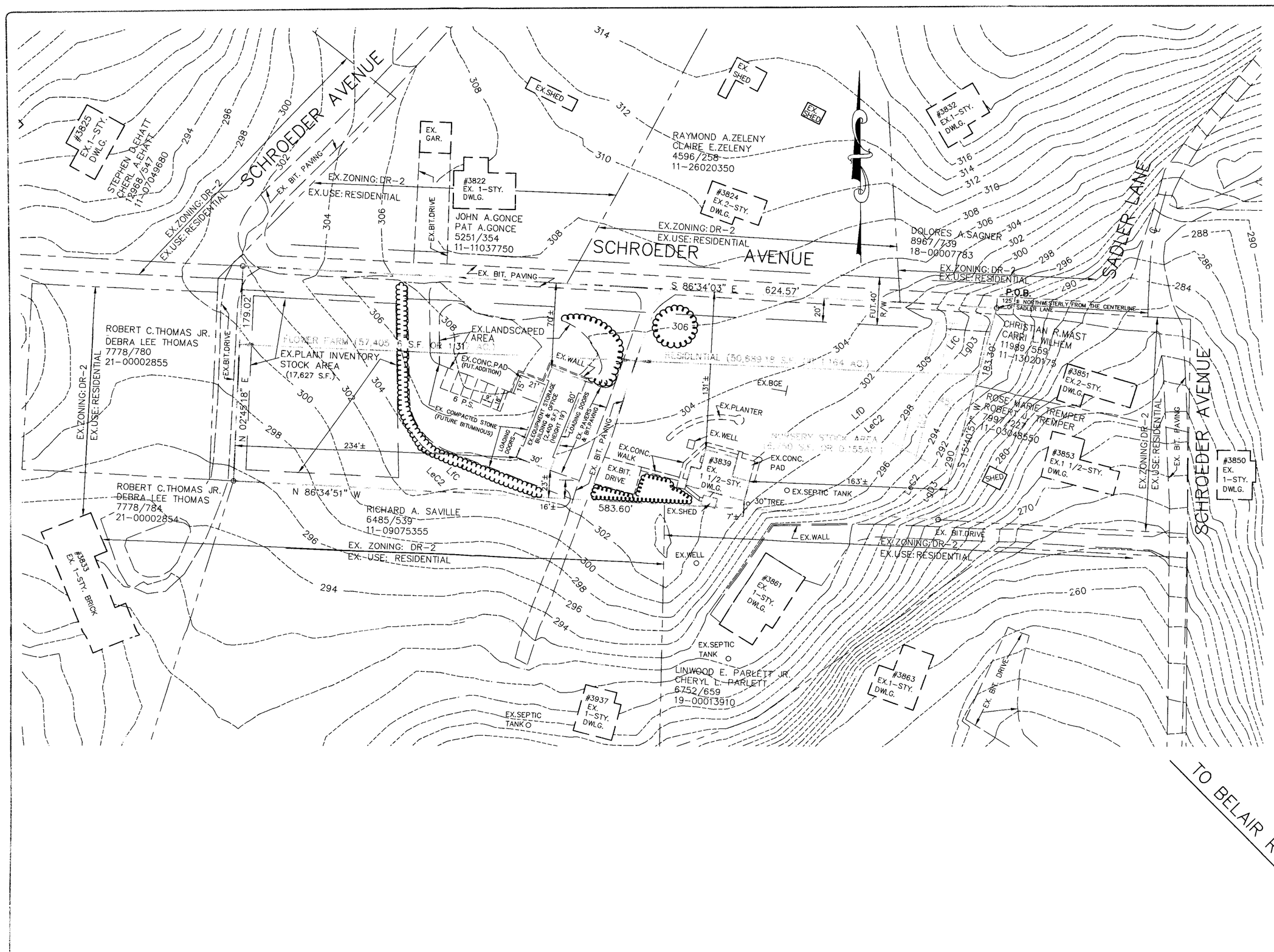
SCALE: 1" = 50'

JOB ORDER NO: 20630

DATE: 11/14/06

NO.	REVISIONS	DATE
	ADDED FLOWER FARM, RESIDENTIAL & EASTERN MOST NURSERY STOCK AREA	05/24/07

C:\JOBS\20630\RED-LINE.dwg Thu May 24 14:44:12 2007



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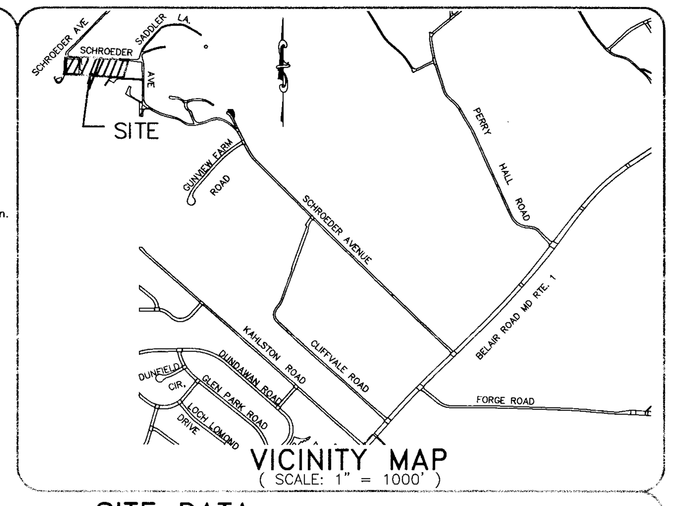

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PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING AND ZONING VARIANCES FOR # 3839 SCHROEDER AVENUE

11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFITIS, P.E.

SHEET 1 OF 1

SCALE: 1" = 50'

JOB ORDER NO: 20630

DATE: 11/14/06

NO.	REVISIONS	DATE
	ADDED FLOWER FARM, RESIDENTIAL & EASTERN MOST NURSERY STOCK AREA.	05/24/07

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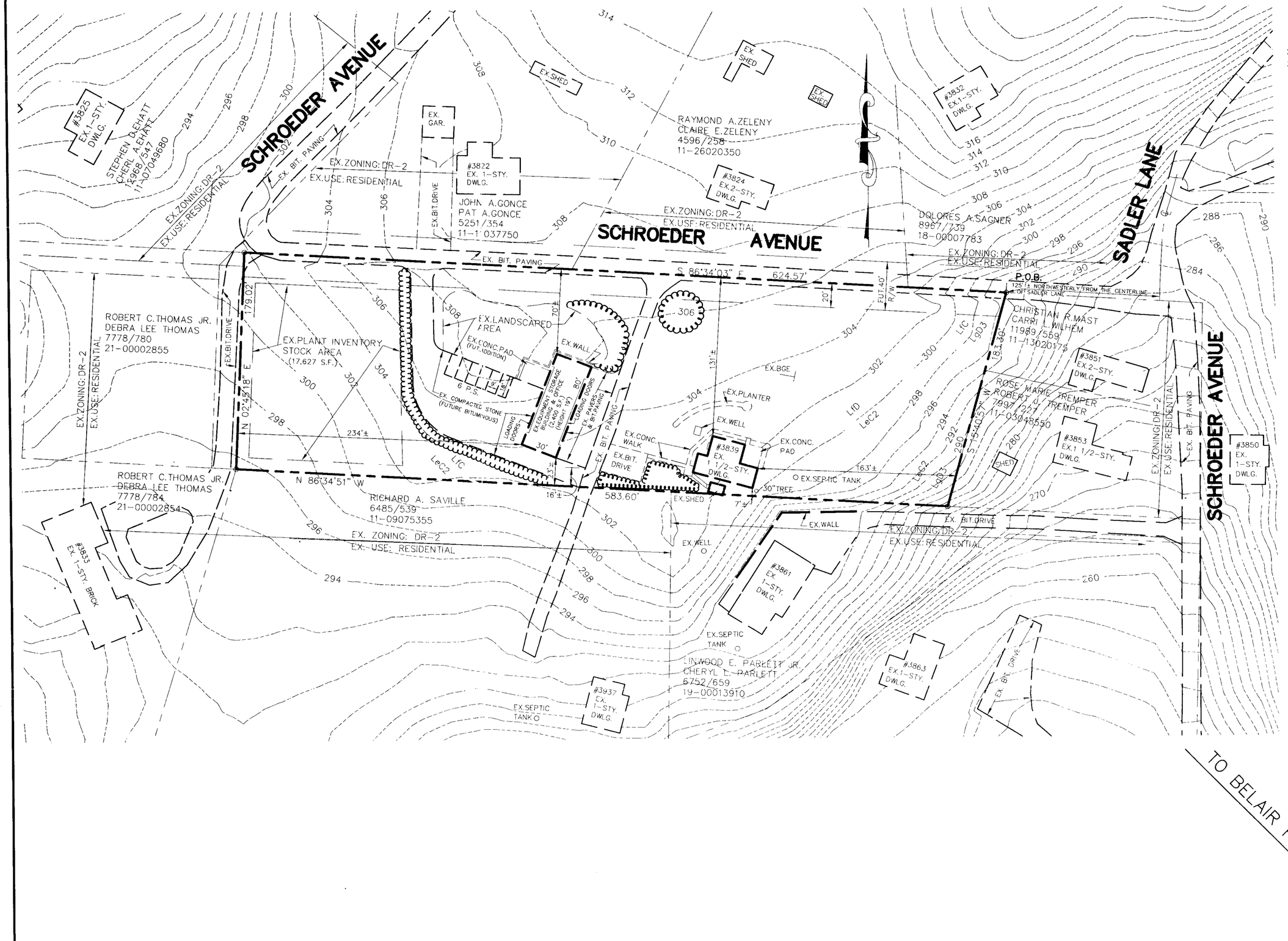
SCHROEDER AVENUE
SADLER LANE
TO BELAIR ROAD
#3825 EX.1-STY. DWLG.
STEPHEN DEHATT
CHERI A. DEHATT
12968/247
11-07049680
EX.ZONING: DR-2
EX.USE: RESIDENTIAL
EX. BIT. PAVING
EX. GAR.
#3822 EX. 1-STY. DWLG.
JOHN A.GONCE
PAT A.GONCE
5251/354
11-1'037750
EX.BIT.DRIVE
EX.SHED
RAYMOND A.ZELENY
CLAIRE E.ZELENY
4596/258
11-26020350
#3824 EX.2-STY. DWLG.
#3832 EX.1-STY. DWLG.
DOLORES A.SAGNER
8967/339
18-00007783
S 86°34'03" E 624.57'
P.O.B.
125±' NORTHWESTERLY FROM THE CENTERLINE OF SADLER LANE
CHRISTIAN R.MAST
CARRI L. WILHEM
11989/569
11-13020175
#3851 EX.2-STY. DWLG.
ROSE MARIE TREMPER
ROBERT A. TREMPER
7697/224
17-05045590
#3853 EX.1 1/2-STY. DWLG.
#3850 EX. 1-STY. DWLG.
ROBERT C.THOMAS JR.
DEBRA LEE THOMAS
7778/780
21-00002855
EX.PLANT INVENTORY STOCK AREA (17,627 S.F.)
EX.LANDSCAPED AREA
EX.CONC.PAD (FUT.ADDITION)
EX.WALL
EX.BGE
EX.PLANTER
EX.WELL
EX.CONC. PAD
EX.CONC. WALK
EX.BIT. DRIVE
EX.COMPACTED STONE (FUTURE BITUMINOUS)
EX.BUILDING (HEIGHT 9')
EX.BUILDING (HEIGHT 9')
EX.BUILDING (HEIGHT 9')

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 30, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 4, 2006
Item Nos. 07-229, 230, 231, 232, 233, 234, 235, 237, 238, and 239

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-11292006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: 3839 Schroeder Avenue

INFORMATION:

Item Number: 7-229 ***(revised comments)***

Petitioner: Barry E. Gladstone

Zoning: DR 2

Requested Action: **Special Hearing and Variance**

SUMMARY OF RECOMMENDATIONS:

After visiting the subject property, the Office of Planning is of the opinion that the subject property is being used as a landscape service operation. The property does appear to grow smaller plantings (not flowers), but also utilizes the site for onsite storage of other items such as landscaping / hardscaping materials (e.g. stone / brick) as well as construction vehicles. These materials appear to be stored on the premises to be delivered to off-site commercial or residential locations. It is logical to think that, the delivery and storage of landscaping materials to and from the subject property for off-site use distinguishes it as a landscape service operation.

In the subject request the petitioners seek relief from Baltimore County Zoning Regulations (BCZR) sections 1B01.1A(7) and 404.1 to allow the storage of equipment, materials, and vehicles associated with a limited acreage wholesale flower farm. Section 1B01.1A(7) states that a limited acreage wholesale flower farm is a use permitted by right in D.R. zones. However it should be noted that, Special Regulations section 404.1 regulates horticultural nurseries and landscape service operations in addition to the limited acreage wholesale flower farms, and as such are not allowed in the DR zones.

Both of the aforementioned sections of the BCZR refer to Council Bill 41-92. It is important to note that section 101 (General Definitions) defines limited acreage wholesale flower farm, but does not offer a definition for landscape service operations. Section 4 of Council Bill 41-92 distinguishes between a limited acreage wholesale flower farm and landscape service operation. According to Bill 41-92, the definitions for these uses are as follows.

- *"A limited-acreage wholesale flower farm is less than 3 acres of land, and any improvements thereon is primarily used for the growing of flowers and small plants and their wholesale distribution."*

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lois Micucci	3807 Schroeder Ave	Perry Hall MD 21128	
ETHEL WHEELER	3801 SCHROEDER AVE	PERRY-HALL MD. 21128	
Vonnie Eady	9830 Sadler Ln.	Perry Hall MD. 21128	
[illegible]	3816 Schroeder Ave	Perry Hall MD 21128	
Anita Gladstone	3815 Schroeder Ave.	Perry Hall, MD 21128	gstone921@verizon.net
Barry Gladstone	3815 Schroeder Ave.	Perry Hall, MD. 21128	gstone921@verizon.net