16701 Yeoho Rd
Sparks, MD 21152
December 1, 2014

Zoning Office
Baltimore County MD
Towson, MD

Hand Delivered

Dear Sirs:

References (attached):

1 - Your FRS#448193

2 - Zoning Commissioner Order - Approval (case # 07-314-SPH)

3 - BOA Order - Approval

4 - Circuit Court Order - Denial

5 - Court of Sp Appeals - Reversal of Circuit Court Denial

6 - Court of Appeals denial of 'writ of certiorari'

Request Farmers Roadside Use Permit be issued in accordance with attached references.

David R. Smith

Please call Catherine Smith-Webb
443-615-5972
cell

(1)

Department of Environmental Protection and Resource Management

FROM: ~~Arnold Jablon~~ TIMOTHY KOTROCO, Director, Department of Permits and Development Management

By: LLOYD T. MOXLEY
(Print Name of Accepting Planner)

RE: Farmer's Roadside Stand Use Permit (FRS # 448193)

Pursuant to Section 404.4.C (Baltimore County Zoning Regulations), this office is requesting recommendations and verification of a farm location, agricultural producer and legitimacy of the production of a minimum 50% of produce sales at the Farmer's Roadside Stand and any recommended reduction in the minimum 50% due to crop failure, etc. This office would appreciate any additional information that you could provide regarding this application and all of your findings will be taken into consideration prior to any zoning decisions.

APPLICANT SUPPLIED INFORMATION:

Print Name of Stand Operator/Owner | Address | Telephone Number

ROADSIDE FARM LOCATION: Election District 5 Councilmanic District 3 Acres 64.61

Land Owner DAVID R+LILLY M. SMITH Telephone Number 410-472-0738

Address 16701 YEOHO RD Tax Account Number 1900002612

SPARKS, MD 21152

A. a signed and notarized affidavit and letter of permission
B. the roadside stand location site plan
C. a copy of the State Tax Map for that area (labeled)

Map	Block	Parcel
21/27		178

PRODUCING FARM LOCATION(S), (use additional sheets if necessary)

DAVID R+LILLY M. SMITH 16701 YEOHO RD, SPARKS 21152
Print Name of Owner | Address and Location | Tax Account Number

a copy of the State Tax Map (labeled) for each location

Map	Block	Parcel
21/27		178

(for additional locations, use the back of this form)

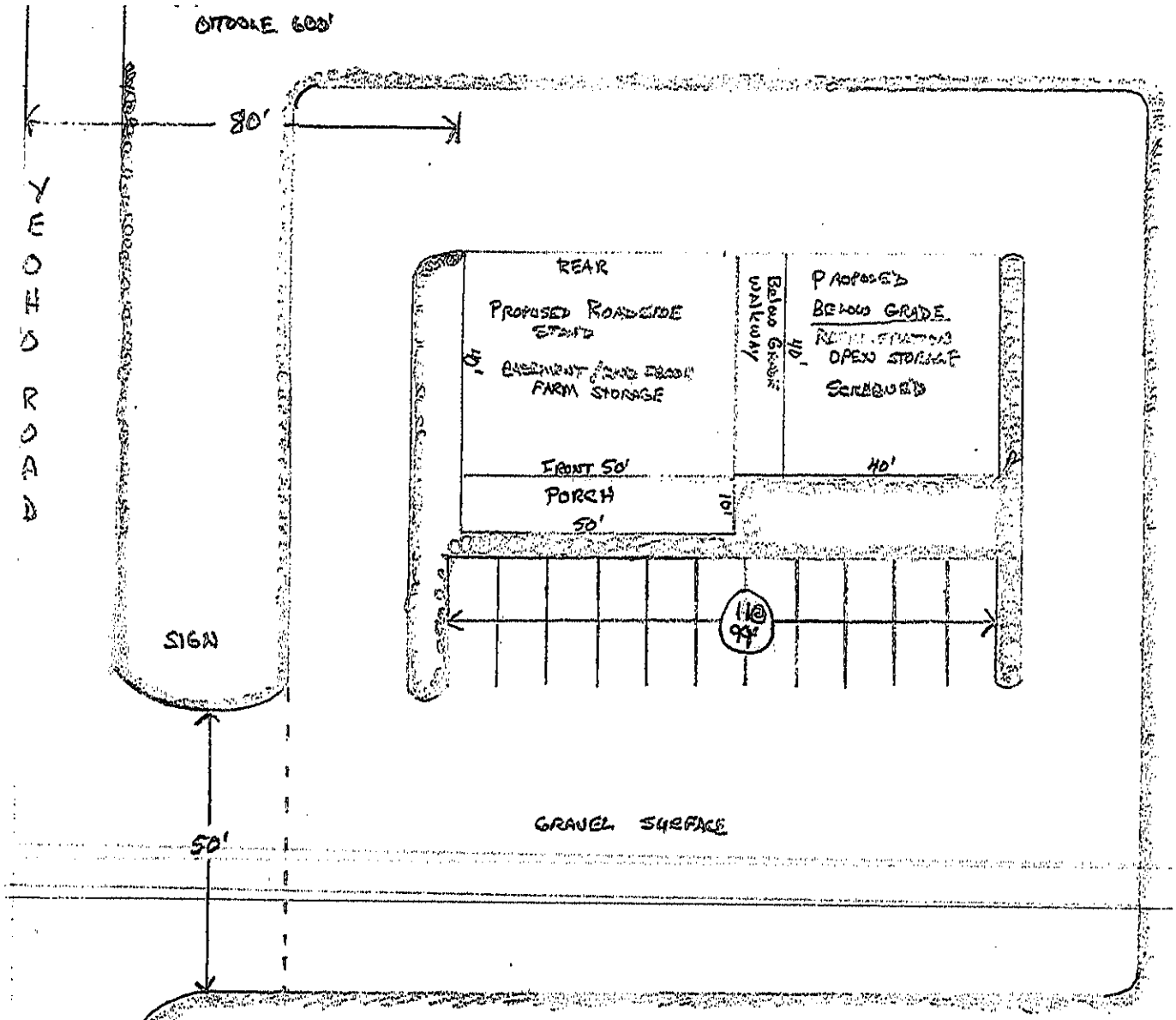
TO BE FILLED IN BY AGRICULTURAL LAND PRESERVATION BOARD ONLY

Verification/Recommendations:

Roadside Stand Location _____ Production Locations _____
Agricultural Producer _____ Production of 50% of Produce Sales _____
Recommended % _____ Recommend Zoning Special Hearing _____
Comments: _____

Signed: _____ Date: _____
Representative of the Agricultural Land Preservation Board for Baltimore County

Revised 3/5/98 - SCJ



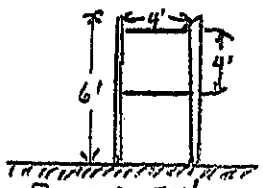
16701 YEOHO RD
SPARKS 21152

PROPERTY ZONED RC-2
5TH ELECTION DISTRICT
3RD COMMISSIONER DISTRICT
PROPERTY 64 ACRES GROSS AREA
SCALE: 1" = 30'

SEE ACCOMPANYING SITE MAP

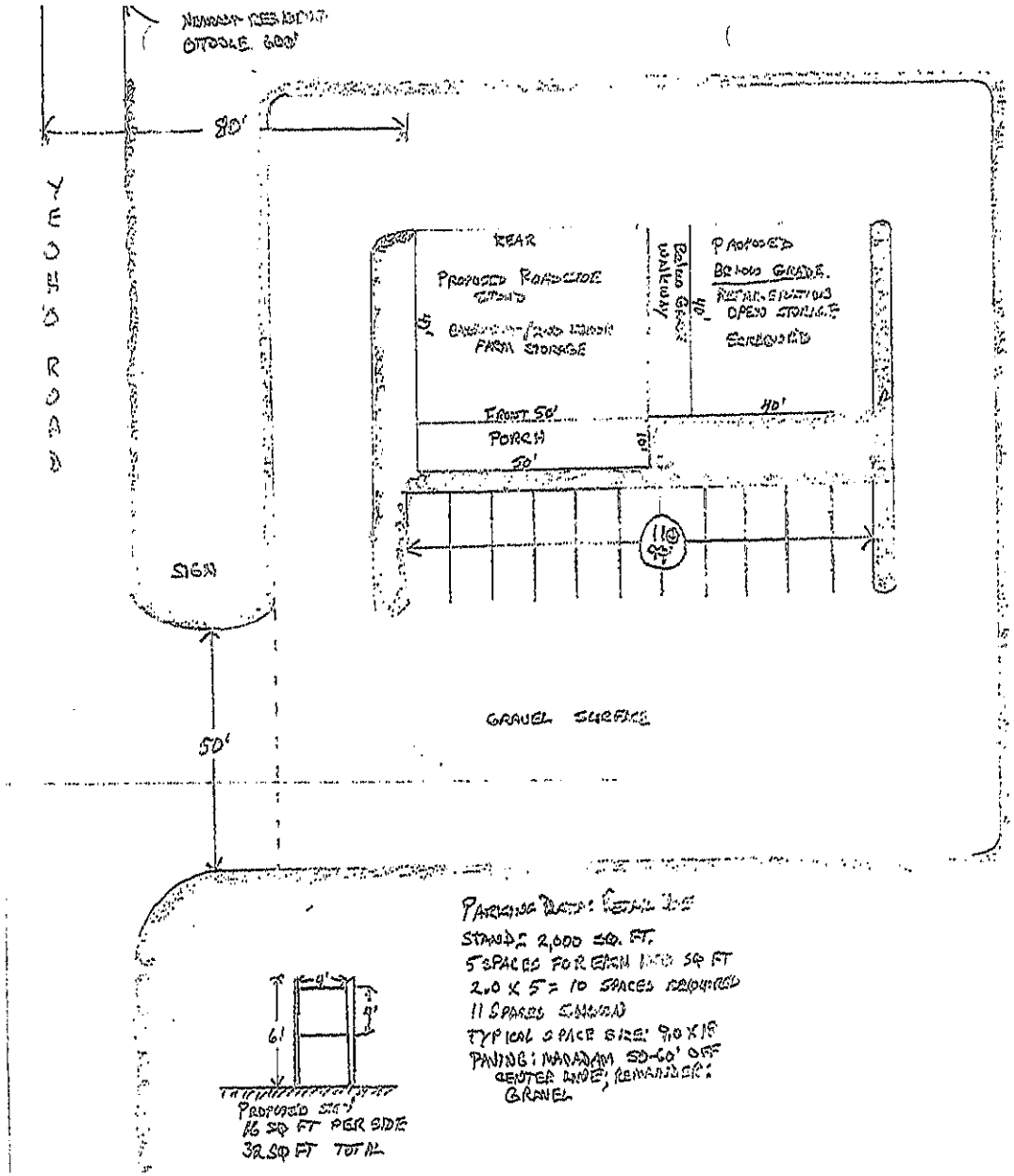
= OPEN SPACE

PARKING DATA: RETAIL USE
STAND = 2,000 SQ. FT.
5 SPACES FOR EACH 1000 SQ FT
2.0 X 5 = 10 SPACES REQUIRED
11 SPACES SHOWN
TYPICAL SPACE SIZE: 9.0 X 18
PAVING: MACADAM 50-60' OFF CENTER LINE; REMAINDER: GRAVEL



PROPOSED SIGN
16 SQ FT PER SIDE
32 SQ FT TOTAL

RESIDENCE
250'



16701 YEOMAN RD
SPARKS MD

PROPERTY ZONED RC-2
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
PROPERTY 64 ACRES GROSS AREA
Scale: 1" = 30'
SEE ACCOMPANYING EXTR MAP

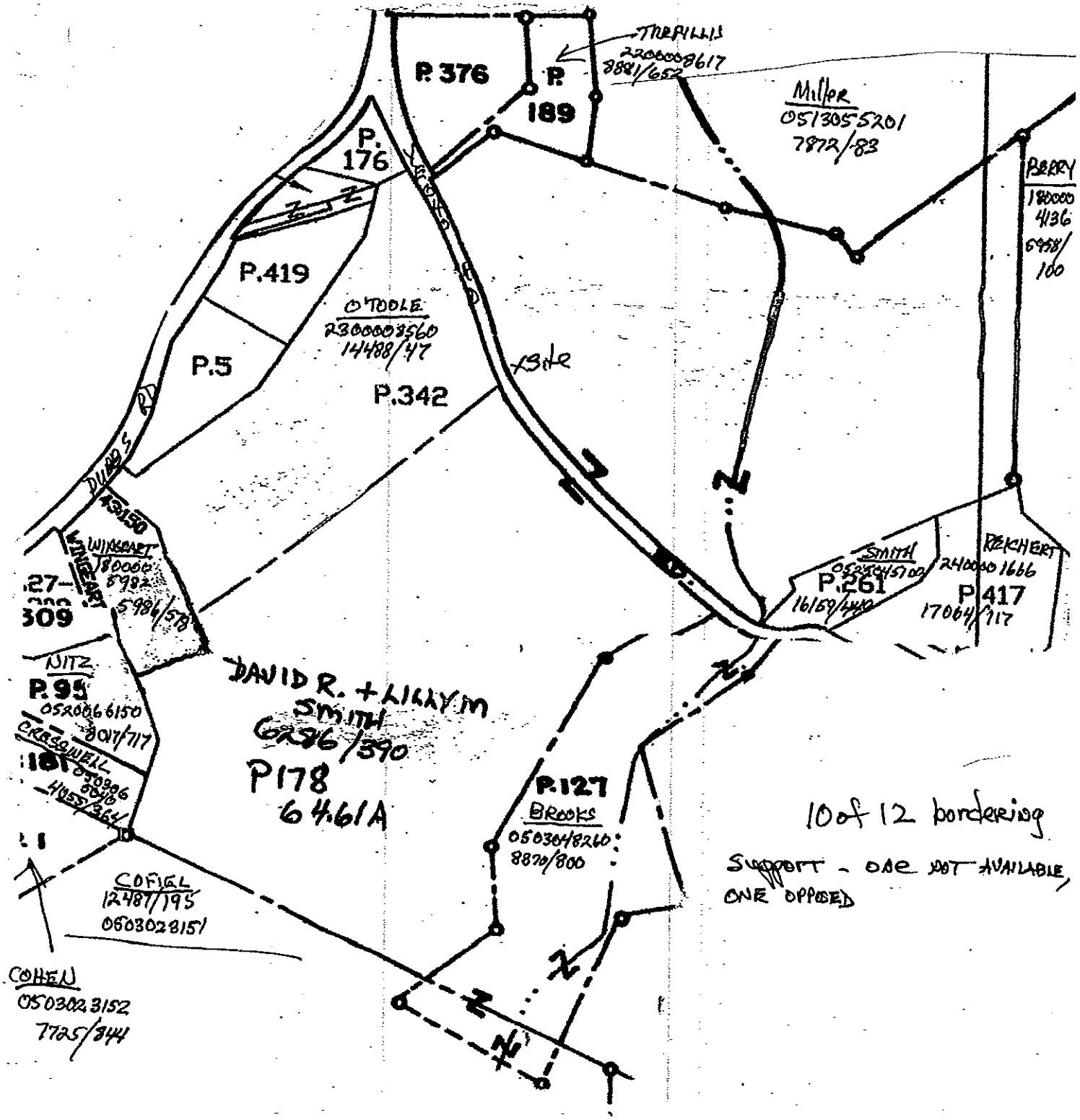
= OPEN STORAGE

N

RESIDENCE
250'

PARKING DATA: RETAIL USE
STANDS: 2,000 SQ. FT.
5 SPACES FOR EACH 1000 SQ FT
2.0 X 5 = 10 SPACES REQUIRED
11 SPACES CONTROL
TYPICAL SPACE SIZE: 9.0 X 19
PAVING: MACADAM 50-60' OFF CENTER LINE; REMAINDER: GRAVEL

PROPOSED SIGN
16 SQ FT PER SIDE
32 SQ FT TOTAL



10 of 12 bordering

Support - one not available, one opposed

Farmer's Roadside Stand Use Permit # FRS 448193

FARMER'S ROADSIDE STAND OWNER'S AFFIDAVIT

That DAVID R. SMITH (name), owner(s) of the roadside stand, (is/are) a local agricultural producer or spouse, sibling, or parents of the local agricultural producer on 61.61 acres at 16701 YEOHO RD SPARKS MD 21152 (location(s)) (Use an additional sheet, if necessary.).

2. That the proposed farmer's roadside stand will be located on a producing farm located at 16701 YEOHO RD, SPARKS, MD 21152.

3. A minimum of 50% of the produce sold will be produced on the properties indicated in Item #1 above or on farms adjacent to where the stand is located. The remainder of crops sold will be indigenous (e.g., produce which can be grown in the Maryland area under natural conditions, without the help of environmental-controlled structures).

4. That up-to-date receipts for seed, transplants, fertilizer, lease agreements, and other dated production related records will be maintained the submitted upon request to Baltimore County to validate the production of 50% of the crops sold.

5. That, upon request, Baltimore County will be permitted to inspect the production and sales facilities and review production-related records associated with this property.

6. With regard to the approval of this use, it is understood that this use cannot be transferred to another party who does not qualify according to the rules and regulations governing this use.

7. That if the owner of the farmer's roadside stand is not the owner of the producing farm property where the stand is located, permission from the land owner to operate the stand will be secured and maintained. A copy of this permission shall be attached hereto.

Agricultural Producer (Signature)

DAVID R. SMITH
Agricultural Producer (Print Name)

16701 YEOHO RD, SPARKS, MD 21152
Address

410-472-0738
Telephone Number

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 30th day of October, ~~19~~ 2006, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared DAVID R. SMITH, having been duly sworn. AS WITNESS my hand and Notary Seal the day and year first above written.

Notary Public

5/23/2010
Commission Expires

Revised 3/5/98 - SCJ

CERTIFICATE OF POSTING

Date: 11/7/06

RE: Case Number: FRS# 448193

Petitioner/Developer: David Smith

Date of Hearing/Closing: 12/11/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 16701 YEOHO RD

The sign(s) were posted on 11/7/06
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

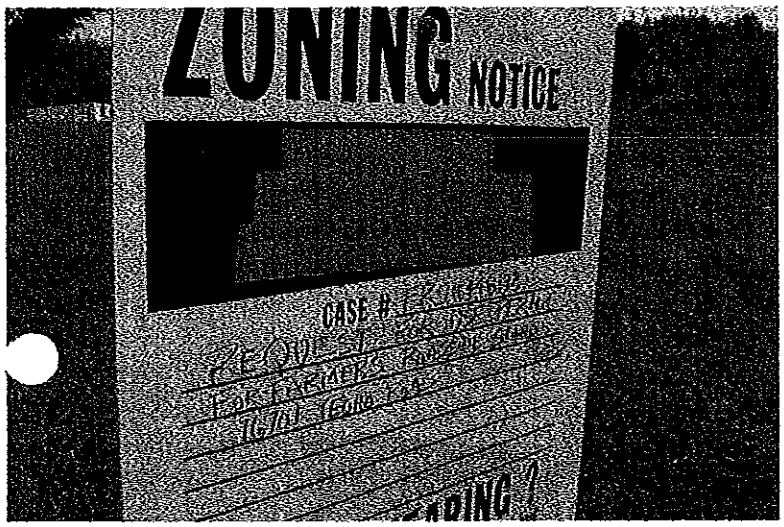
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, Md 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ



Case #07-314-SPH

(2)

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of March 2008 that the Petition for Special Hearing seeking the approval of a use permit to permit a farmer's roadside stand on the subject property, in accordance with Petitioners' Exhibit 15B, is hereby GRANTED, subject to the following conditions:

1. Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall only operate the farmer's roadside stand on the first floor of the proposed structure and shall not expand the operation to the basement or second floor.

3. The hours of operation of the farmer's roadside stand shall be limited to not opening prior to 9:00 a.m. and shall close on or before 9:00 p.m. during any given day of the week.

4. A minimum of 50% of the products sold at the farmer's roadside stand must be grown on the premises where the stand is located or on adjacent farms or on other property farmed by the Petitioners.

5. Should the Petitioners determine that the growth of their operation warrant a modification of these restrictions, including any increase over and above the hours of operation permitted or the first floor area limitations, a public hearing must be held to determine the merits of their request.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER

THEREFORE, IT IS THIS 19th day of November, 2010 by the Board of Appeals of Baltimore County

ORDERED that Petitioner's request for a Special Hearing for a use permit for a Farmer's Roadside Stand pursuant to the BCZR, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the said use as a farmer's roadside stand shall be subject to the following conditions:

1. All conditions and requirements specified on the Petitioners Site Plan (Pet. Exh. 7) including all hand written notations in red that the proposed roadside stand shall:

a. Not exceed the 32' x 60 footprint as shown on the Site Plan;

b. Not exceed a height of 40' per the BCZR;

c. Be placed at the location shown on the Site Plan;

d. Only allow the roadside stand on the first floor and shall not expand the operation to the basement or second floors; and

e. All signage shall comply with the BCZR.

2. The hours of operation for the Farmer's Roadside Stand shall be limited to not opening for business prior to 10:00 a.m. to 5:30 p.m., except Thanksgiving and Christmas holidays, during which time they may have extended hours of operation to meet any additional demand for products.

3. Specifically, the Petitioners must comply with BCZR §404.4 C. 3. in that at least 50% of the products sold annually shall be grown on the premises where the stand is located or on adjacent farms or on other property farmed by the Petitioners.

4. Should the Petitioners determine that the growth of their operation warrants a modification of these restrictions, including any increase over and above the hours of operation set forth herein or the first floor limitations, a public hearing must be held to determine the merits of their request.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules.*

BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Panel Chairman

Edward W. Crizer, Jr.

Andrew M. Belt

To: BPR

IN RE: SPRINGFIELD FARM Legal Owner/Petitioner – David Smith	*	BEFORE THE
	*	BALTIMORE COUNTY
16701 Yeoho Road 5th Election District 3rd Councilmanic District	*	BOARD OF APPEALS
	*	Case No: 07-314-SPH
	*	

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

SUBPOENA *DUCES TECUM*

To: W. Carl Richards, Jr., Chief — BPR
Zoning Review
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

You are hereby summoned and commanded to appear personally before the Baltimore County Board of Appeals, Jefferson Building, 105 W. Chesapeake Avenue, 2nd Floor, Hearing Room 2, Towson, Maryland, 21204 on the 27th day of October 2009 at 11:00 a.m., for the purpose of testifying at the hearing in the above-captioned case, at the request of Michael R. McCann, Michael R. McCann, P.A., 118 West Pennsylvania Avenue, Towson, Maryland 21204, 410-825-2150, on behalf of the Protestants, and bring the documents described in the below Schedule of Documents.

Sunny Cannington
Baltimore County Board of Appeals

Dated: October 19, 2009

RECEIVED
OCT 20 2009
BALTIMORE COUNTY
BOARD OF APPEALS

SCHEDULE OF DOCUMENTS

1. All Zoning Review files related to the application and/or approval of farmer's roadside stands in Baltimore County, Maryland.

PETITION OF: VICKI MERMELSTEIN, ET AL. AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
	*	CIRCUIT COURT
FOR JUDICIAL REVIEW OF THE DECISION OF THE BOARD OF APPEALS	*	FOR
	*	BALTIMORE COUNTY
	*	Case No. 03-C-10-14186
IN THE MATTER OF: THE APPLICATION OF DAVID AND LILY SMITH	*	
	*	

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

MEMORANDUM OPINION AND ORDER

This matter comes before the Court by way of a Petition for Judicial Review from the Opinion and Order, dated November 19, 2010 by the Board of Appeals for Baltimore County (hereinafter the "BOA") granting David and Lily Smith (hereinafter the "Smiths") a use permit for a Farmer's Roadside Stand (hereinafter the "Farm Stand") pursuant to the Baltimore County Zoning Regulations (hereinafter "BCZR"). For the reasons set forth herein, the decision of the BOA shall be **REVERSED**.

BACKGROUND

The Smiths, husband and wife, own Springfield Farm (hereinafter "the Farm") located at 16701 Yeoho Road in the Sparks area of Baltimore County. The Farm consists of 64.61 acres, has been owned by the Smith family since the mid 17th century, and has been actively farmed by the family or rented to tenant

farmers since that time. Yeoho Road, a two lane country road, bisects the property. The property is zoned R.C. 2.

The Smiths reside with one of their daughters, along with her children at their farm house. In a second house, also located on the Farm, the Smiths' other daughter lives with her husband and their children. The entire Smith clan works at the Farm without the assistance of any employees. Mr. Smith describes the Farm's other structures as consisting of a poultry building and an equipment and workshop building. The Smiths also farm another piece of land located nearby, which is owned by their cousins, the Graftons (hereinafter the "Grafton Farm"). The Smiths use the Farm and the Grafton Farm to grow or produce a number of items including brown eggs, chickens, turkeys, other game birds, beef, pork, and lamb.

In addition to farm operations, Mr. Smith runs a distribution business, whereby he facilitates orders by area restaurants for agricultural products from local farmers. During the transportation process, the outside products come onto the Farm before being delivered to Mr. Smith's restaurant clientele. Mr. Smith's distribution business trades as Springfield Farm.

As noted above, the Smiths seek a use permit for a Farmer's Roadside Stand to sell the aforementioned items produced on the Farm. During the course of the hearings before the BOA, Mr. Smith testified that the Smiths had begun selling these items from their kitchen until they moved the retail operation to their garage. However, the Smiths now seek to operate the Farm Stand as they do not desire the public in such close proximity to their living quarters. To this end,

the Smiths seek to build the Farm Stand within the confines of a "bank-barn" (hereinafter the "Barn"), which they intend to build on a site where an old barn previously stood.

The proposed Barn is to be a three (3) story structure built into the side of a hill or slope in such a way that the lowest story is accessible through a door at the bottom of the slope while the upper two (2) stories are accessible through a door located at the top of the slope. According to the testimony of Mr. Smith, the Smiths intend to place the Farm Stand within the confines of the second (middle) story, place an egg washing machine and other farming equipment in the lowest story, and use the uppermost story for storage. As will be discussed *infra*, there is also evidence to suggest that an office may be placed on the uppermost floor.

PROCEDURAL HISTORY

BCZR § 404.4 normally permits a Farm Stand as a matter of right on land zoned R.C. 2 without a formal hearing. However, the BCZR also provides that a property owner residing within 1,000 feet of the subject property may request a public hearing within thirty (30) days of posted public notice having been given. *See* BCZR § 404.4.C.7. In the instant case, several neighbors (hereinafter the "Protestants") filed a timely request for a hearing.

Prior to the hearing the Smiths were informed by the Department of Environmental Protection and Resource Management (DEPRM) that if the Barn were to be built on the proposed location, the Smiths would first need to obtain a forest buffer variance from the regulations for the protection of water quality,

streams, wetlands and floodplains. The Director of the DEPRM, rather than a Zoning Commissioner, has the authority grant such variances. *See* Baltimore County Code § 33-3-106.

Because of the need to acquire the variance from the DEPRM, and because of the great public interest in the proposed Farm Stand, the hearing before the Zoning Commissioner was continued from March 6, 2007 to March 11, 2008, at which time the Smiths submitted a letter from the Director of the DEPRM certifying that the necessary variance had been granted. Following the hearing, the Zoning Commissioner granted the Smiths' request for the use permit. The Protestants appealed.

During the course of a *de novo* appeal to the BOA, People's Counsel for Baltimore County (hereinafter "People's Counsel") entered his appearance in opposition to the proposed Farm Stand. Prior to the hearing before the BOA, subpoenas were issued to obtain records from the Smiths and five (5) other farmers that People's Counsel and the Protestants (collectively the "Opposition") believed would demonstrate the quantity of goods (or lack thereof) produced on the Farm actually sold from the Smiths' farmhouse versus the quantity produced elsewhere and then resold from the Smiths' farmhouse. The Opposition reasoned that if the records indicated that less than 50% of the goods sold from the Smiths' farm were indigenous to the farm it would show that the Smiths would not be able to meet the requirements to operate a Farm Stand in the future if such a use were permitted.

As will be discussed below, the BOA quashed the subpoenas. Following hearings held October 27, 2009, February 23, 2010, February 24, 2010, May 5, 2010, and June 29, 2010, the BOA issued its Opinion granting the Smiths' request for a use permit with conditions.[1] The Opposition filed a timely Petition for Judicial Review of this Opinion.

Questions Presented

Protestants and People's Counsel raise several issues the Court understands to be as follows:

1) Whether the BOA lacked jurisdiction due to lack of public notice as a result of material amendments and misleading flaws in the requisite site plan;
2) Whether the BOA erred in finding that the Baltimore County Agricultural Land Preservation Advisory Board (hereinafter "ALPAB") provided the required support for the proposed Farm Stand;
3) Whether the BOA erred in holding that the DEPRM's approval of the forest buffer variance was not ultimately void due to the Smiths' refusal to accept important conditions of the variance.
4) Whether the BOA erred in discounting the effect a proposed office to be located on the uppermost story of the Barn, without a special

[1] The following conditions applied to the Smiths' use permit: 1) The Smiths are to comply with the requirements set forth in the Site Plan; 2) the Farm Stand shall be limited to opening for business from 10:00 a.m. to 5:30 p.m.; 3) At least 50% of the products sold from the Farm Stand must be produced on the premises as required by BCZR § 404.4.C.3; and 4) should the Smiths determine that the growth of their operation warrants a modification of the restrictions set out by the BOA, a public hearing must be held on the merits of the request.

exception for the office, has on the validity of the use permit for the Farm Stand;

5) Whether the BOA erred in concluding the proposed Farm Stand would not be detrimental to the health, safety, and welfare of the community;

6) Whether the BOA erred in concluding that the Farm Stand satisfies the "50% Rule;"

7) Whether the BOA erred in finding that the proposed Farm Stand is in fact a "Farmer's Roadside Stand;" and

8) Whether the BOA erred in finding that the proposed Farm Stand is permitted as of right.

Each of these issues shall be addressed in turn.

Standard of Review

"[T]he standards of judicial review essentially should be limited to whether a reasoning mind reasonably could have reached the factual conclusion the agency reached." *State Ins. Comm'r v. National Bureau of Casualty Underwriters*, 248 Md. 292, 309 (1967). "[T]he order of an administrative agency must be upheld on judicial review if it is not based on an error of law, and if the agency's conclusions reasonably may be based upon the facts proven." *People's Counsel v. Maryland Marine Mfg. Co.*, 316 Md. 491, 496-97 (1989). Once the court determines that the administrative agency has applied the proper legal standards, judicial review of the agency's conclusions is then tested by the

"substantial evidence test." *See Montgomery County v. Buckman*, 333 Md. 516, 519-20, n. 1 (1994).

> The substantial evidence standard applicable to the Board's findings of fact and resolution of mixed questions of law and fact, sometimes referred to as the "fairly debatable" test, is implicated by our assessment of whether the record before the Board contained at least "a little more than a scintilla of evidence" to support the Board's scrutinization action. If such substantial evidence exists, even if [the court] would not have reached the same conclusion as the Board based on all the evidence, [it] must affirm. Stated another way, substantial evidence pushes the Board's decision into the unassailable realm of a judgment call, one for which [the court] may not substitute [its] exercise of discretion.

Friends of the Ridge v. Baltimore Gas and Electric Co., 120 Md. App. 444, 446 (1998), vacated in part, 352 Md. 645 (1999). However, on pure questions of law, no deference is given "beyond the weight merited by the persuasive force of the reasoning employed." *Id.* The "fairly debatable test," mentioned above, states: "If there is some evidence pointing in each direction, the issue is, by definition, 'fairly debatable,' and the decision of the administrative agency, whichever way it goes, may not be reversed on judicial review as having been arbitrary or capricious." *Futoryan v. Mayor and City Council of Baltimore*, 150 Md. App. 157, 172 (2003).

Applicable Law

A "Farmer's Roadside Stand" is defined as "[a]n accessory structure owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown, or grown and produced, on the premises, on adjacent land or on properties farmed by the same

agricultural producer." BCZR § 101.1. An "accessory use or structure" is further defined as:

> A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

BCZR § 101.1.

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....

4. 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.

5. 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 30 days following the filing of the application.

BCZC § 404.4.C.

A "Farm" is defined as "[t]hree acres or more of land, and any improvements thereon, used primarily for commercial agriculture, as defined in these regulations, or for residential and associated agricultural uses. BCZR § 101.1. "Commercial Agriculture" is:

> The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income... [and] includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquiculture, apiculture, viticulture, forestry, animal and poultry husbandry, the operation of an equestrian center, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations.

Id.

Finally, a Farmer's Roadside Stand must meet the following special exceptions standards:

> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
>
> B. Tend to create congestion in roads, streets or alleys therein;
>
> C. Create a potential hazard from fire, panic or other danger;
>
> D. Tend to overcrowd land and cause undue concentration of population;
>
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
>
> F. Interfere with adequate light and air;
>
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

BCZR § 502.1.

Discussion

1) Jurisdiction of the BOA

People's Counsel first argues that the BOA lacked jurisdiction to consider the Smiths' request for a special exception because the Smiths made material amendments to the requisite site plan after the review of the Zoning Commissioner, but prior to the hearing before the BOA, and failed to give proper public notice. Failure to give notice is fatal to jurisdiction. *See Cassidy v. County Board of Appeals*, 218 Md. 418, 421-22 (1958). Second, while the BOA may review the decision of the Zoning Commissioner *de novo* it lacks original jurisdiction to consider special exceptions, and thus cannot properly consider a plan that has been altered after a hearing before a Zoning Commissioner but prior to a hearing before the BOA. *UPS v. People's Counsel*, 33 Md. 569, 587-91 (1994). Finally, even if the issue were properly before the BOA, People's Counsel argues that the BOA erred in allowing the amendments to the plan. *See People's Counsel v. Mangione*, 85 Md. App. 738 (1991) (holding that the Circuit Court erred in granting petitioner's motion to amend a petition for a special exception for a 240 bed convalescent home to a 120 bed convalescent home).

The Court does not find these arguments convincing. Even a cursory reading of *Cassidy* would show that it does not stand for the proposition that People's Counsel claims it does. Rather, "the heart of the requirement of notification in administrative proceedings, the noticee should be appraised clearly of the character of the action proposed and enough of the basis upon which it rests to enable him intelligently to prepare for the hearing." *Cassidy*, 218 Md. at 424 (quoting 2 Merrill, *Notice*, Sec. 796). Here, the *character* of the action has not changed. Respondents have consistently sought a use permit to allow them to operate their proposed Farm Stand.

Additionally:

> [o]rdinarily, if the... amendment as finally adopted contains alterations substantially different, amounting to a new proposal, from those originally advertised and heard, there must be additional notice, although no further notice is required after a properly advertised and properly conducted public hearing when the alteration of the initial proposal is insubstantial. Moreover, additional notice ordinarily will not be required when the initial notice is broad enough to indicate the possibility of substantial change and substantial changes are made at the initial hearing of the same fundamental character as contained in the notice. A notice has been said to be sufficient if it gives the average reader reasonable warning that property in which he has an interest may be affected by the proposed zoning legislation, and affords him an opportunity by the exercise of reasonable diligence to determine whether such is the fact.

Rasnake v. Board of County Comm'rs. of Cecil County, 268 Md. 295, 301 (1973). People's Counsel's claim that the site plan has drastically changed so that they are prejudiced to the extent that they could not intelligently prepare for the hearing is unavailing. The Court does not perceive the plan to have changed in the fashion averred by People's Counsel. Having reviewed the record, the only

actual significant changes the Court can discern are those relating to the size of the proposed parking lot which is due to the Smiths' attempts to comply with *other* administrative requirements. People's Counsel cites no authority for the proposition that *any* changes to a proposed site plan, made to comply with directives from an administrative agency, result in the proposal being sent back to the Zoning Commissioner prior to it being heard by the BOA.

Additionally, the Court does not view *UPS* or *Mangione* as applicable to the instant case. The Court is unpersuaded that the changes made to the site plan results in the BOA exercising original jurisdiction, and thus *UPS* does not apply. Furthermore, in *Mangione* the Court of Special Appeals held that the *Circuit Court* abused its discretion in granting petitioners' motion to amend their petition before remanding it back to the BOA for consideration. 85 Md. App. at 744. No such action has been requested here, and thus the Court fails to see how *Mangione* is applicable.

Because the Court does not find that the BOA erred as a matter of law, its review is limited to whether a reasoning mind could determine that the changes to the proposed site plan were significant enough to require further notice. As can likely be inferred from the above discussion, the Court finds that a reasoning mind could reach such a conclusion, and as such the BOA did not commit reversible error.

2) Did the Baltimore County Agricultural Preservation Advisory Board provide the required support for the proposed Farm Stand?

People's Counsel also attacks the BOA's finding that the Smiths are agricultural producers. In doing so People's Counsel points to BCZR § 404.4.C.3.b. which states "[i]n the enforcement of [the agricultural producer requirement], the Zoning Commissioner shall make the determination upon the recommendation of the [ALPAB]." People's Counsel argues that while the ALPAB initially recommended approval of the Farm Stand, it later recommended "clarifying what [it] approved based on what was presented to [it] regarding the stand and what Mr. Smith grows and sells." *Compare* ALPAB Minutes Nov. 30, 2006 *with* ALPAB Minutes, Mar. 20, 2007.

People's Counsel's reliance on the latter recommendation of the ALPAB recommending clarification is misplaced. Nothing in § 404.4.C.3.b binds the Zoning Commissioner or the BOA. Rather, § 404.4.C.3.b appears to direct the Zoning Commissioner or BOA not to make its determination until a recommendation is received. Having received the recommendation from the ALPAB, the BOA acted within its sound discretion to not follow the recommendation of the ALPAB, and thus no error was committed.

3) The So Called "Refusal to Accept Important Conditions to the DEPRM's Forest Buffer Variance."

People's Counsel further argues that the BOA erred in granting the Smiths' petition as there was no compliance with or agreement to the conditions

of the forest buffer variance issued by the DEPRM. People's Counsel points to a letter from the Director of the DEPRM dated October 23, 2007 which requested that Respondents return a signed copy of the variance within twenty-one (21) days of the letter being sent. People's Counsel notes that the letter concludes "[f]ailure to return a signed copy may render this approval null and void, or may result in delays in processing of plans for this project." Respondents did not return a signed copy of the variance within the proscribed time period, and thus People's Counsel concludes the DEPRM's approval is now void.

The Court first notes that the October 23 letter did not say that failure to return a signed copy *would* result in the approval becoming null and void, but that it *could* result in that occurrence. Further, a review of the colloquy between People's Counsel and the Director of the DEPRM, which occurred May 5, 2010, shows that the Director did not believe that the Respondents' failure to return a signed copy voided the variance. The Director reasoned that no action needed to be taken to comply with the conditions of the variance as the Barn had not yet been built. Further, the Director testified that there was no procedure set in place that would automatically result in the approval becoming void if no action was taken. Based upon this record, the Court finds that a reasoning mind could conclude that the approval of the forest buffer variance is still valid, and thus the BOA did not err.

4) The Effect of a Proposed Office

The next allegation of error, made by the Protestants, is that the BOA failed to consider the effect of a contemplated office, to be placed on the top floor of the proposed Barn. A review of the record shows that Mr. Smith has indicated that he intends to place an office in this location and that he would use this office to manage his business. Protestants reasonably conclude that such an office would be an "office for agricultural-related uses." Such an office would require a special exception. BCZR § 1A01.2.C.15.

Despite this need for a special exception should the Smiths *seek* to install an office, the Court agrees with the BOA that such concerns are for another day. The Smiths are currently seeking a use permit for a Farmer's Roadside Stand to be installed on the middle floor of their proposed Barn. What might happen if the Smiths install an office on the top floor is speculation. The Court concludes no error was committed.

5) Whether the Proposed Farm Stand would be detrimental to the health, safety, and welfare of the community.

The Opposition next argues that the BOA erred in finding that the requirements needed to grant a special exception, laid out in BCZR § 502.1, had been met. A review of the record, however, shows that sufficient evidence exists so that a reasoning mind could reach the conclusion that the requirements of BCZR § 502.1 have been met. Thus, the BOA did not commit reversible error in granting the special exception in this regard.

6) Compliance with the "50% Rule"

The Opposition also argues the BOA committed error by concluding that the proposed Farm Stand would comply with the so called "50% Rule" of BCZR § 404.4.C. The Opposition points out that, by Mr. Smith's own admission, at least 70% of the Smiths' total income is from the distribution operation. Thus, the reasoning goes, because most of the Farm's income is from distribution of non-indigenous products, a minority of the products sold from the Farm Stand will be indigenous products. In an attempt to prove this point, the Opposition sought records from the Farm and several other farms documenting the products the Smiths transfer in their distribution business.

The Smiths sought to quash the subpoenas arguing that such records were irrelevant to the determination of whether the proposed Farm Stand would be able to sell at least 50% indigenous products. The BOA granted the Smiths' motion to quash the subpoenas. From this resistance, the Opposition would have the Court infer that the requested documents would show that the Farm Stand would not be able to meet the 50% rule as the past is prologue. *See Turner's Executor v. Turner*, 98 Md. 22 (1903) (holding that there is an evidentiary presumption against a party who fails to produce or testify about documents in his possession, and otherwise unavailable).

This reasoning is fallacious. The presumption exists when a party "fail[s] to respond to the demand for [the documents] production." *Id.* at 33. Here the Smiths responded to the demand by moving to quash the subpoenas. The

decision of the BOA to quash the subpoena was based upon the relevance of the documents, and the issue of relevance is a factual determination. *See Green v. State*, 81 Md. App. 747, 753 (1990). Because it is an issue of fact the BOA is given great deference, and the Court believes that a reasoning mind could reach the conclusion that the documents sought would not be relevant to the determination of whether the 50% Rule will be met.

Further, the Court questions the relevance of the Opposition's exercise. Nothing in BCZR § 404.4.C requires that one seeking to build a Farmer's Roadside Stand must prove that they will meet the 50% Rule once the stand is in operation. What the Opposition is seeking puts the cart before the horse. If the Smiths fail to comply with the 50% Rule once they have opened their proposed Farm Stand then the Opposition would be well within its rights to seek that the Zoning Code be enforced. *See* BCZR § 404.12. Because a reasoning mind could find that the Smiths will be able to meet the 50% rule once they are able to open their proposed Farm Stand the BOA did not commit reversible error.

7) When is a Farmer's Roadside Stand a Farmer's Roadside Stand?

Protestants and People's Counsel both argue that the proposed Farm Stand does not fit within the definition of a Farmer's Roadside Stand. To support this contention the Opposition notes that the size of the top two floors of the proposed Barn are greater than that of the Smiths' farm house (which all parties agree is the principal use structure of the Farm) and thus does not fit within the

definition of Farmer's Roadside Stand as the Barn is not subordinate in area to the principal structure.

Additionally, the Opposition argues that the proposed Farm Stand does not fit within the "traditional" understanding of what a "Farmer's Roadside Stand" is, as it is more permanent in nature and not an open air structure. As to this latter point, while the term "Farmer's Roadside Stand" may invoke images of the type of stands one passes while "going down [ ] the ocean," such a facility is not required by the statutory definition of a Farmer's Roadside Stand. Rather the Opposition seems to be describing a "Produce Stand" as defined in the zoning regulations. *See* BCZR § 101.1. Thus, the Court finds this argument meritless.

As to the former argument, the Smiths argue that the Opposition misconstrues the facts, noting that their proposed Farm Stand will only take up the middle floor of the proposed Barn. The single floor of the proposed Barn will be subordinate in size to the farm house and thus complies with the definition of an "accessory use or structure," which itself is part of the definition of "Farmer's Roadside Stand." *See* BCZR § 101.1

Unfortunately for the Smiths, the Court does not believe that one story of a three story building can constitute a "structure" in the common sense meaning of the word. The BCZR does not define "structure," and so the Court will apply the ordinary dictionary definition. "One of the cardinal principles of statutory construction is that we give words their ordinary dictionary definitions unless the context in which they are used in the statute indicates otherwise." *Ray v. State*, 410 Md. 384, 410 (2009).

The dictionary definition of "structure" is "something that is constructed or built." Webster's Third New International Dictionary, Unabridged, 2267 (2002); *see also* BCZR § 101.1 ("Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged."). From this the Court infers that the everyday meaning of "structure" is that of a "building." Fortunately, the word "Building" is defined in the zoning regulations.

"Building" is defined as "[a] structure enclosed within exterior walls or fire walls for the shelter, support or enclosure of persons, animals or property of any kind." BCZR § 101.1. Also helpful is the definition of a "Story," which is defined as "[t]hat portion of a *building* included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it." *Id.* (emphasis added).

Despite the unfortunate circularity of the definitions of "Building" and "structure," if a "Building" is defined as a structure, and a "Story" is defined as a part of a building, the Court does not see how one story of a three story building can be a structure. Even though "an administrative agency's interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts," *Lussier v. Md. Racing Commission*, 343 Md. 681, 696-97 (1996), the Court believes that the BOA erred in concluding that a single story of a larger building could be a "structure."

It is the proposed Barn that is the structure, not the single floor. Because the proposed Barn is the structure, and it is larger than the Smiths' farm house, it cannot be an "accessory use structure." Because it cannot be an "accessory use structure," the Smiths' proposed Farm Stand does not fit within the definition of a "Farmer's Roadside Stand." Thus, the BOA committed reversible error as a matter of law in concluding that the proposed Farm Stand fit within the definition of a Farmer's Roadside Stand.

8) Are the Smiths permitted to operate the Proposed Farm Stand as a matter of right?

Protestants next argue that the Smiths are not permitted, as a matter of right, to operate a Farmer's Roadside Stand because certain conditions set out in § 404.4.C are not met. Particularly, Protestants argue that Springfield Farm is not a "farm" as defined in the zoning regulations; that the Smiths are not "agricultural producers;" and they are unable to comply with the "50% Rule." *See* BCZR § 404.4.C.1, 2, 3. The Court has addressed the third argument above and will now focus on the first two.

Protestants first argue that Springfield Farm is not a "farm" because the majority of the Smiths' business consists of their distribution business. The Court does not find this logic persuasive. As noted above BCZR § 101.1 defines a "farm" as "[t]hree acres or more of land, and any improvements thereon, used primarily for commercial agriculture." It does not define a farm as three acres of or more of land... used primarily for commercial agriculture by an individual who

is primarily engaged in commercial agriculture. It is the use of the land which is important. A reasoning mind could find that *the land* is primarily used for commercial agriculture even if a majority of the Smiths' income is derived from their distribution operations. Therefore, no reversible error was committed as to finding that Springfield Farm is in fact a farm.

Protestants additionally argue that the Smiths are not "agricultural producers." The term "agricultural producer" is not defined. Protestants argue that the Smiths are not agricultural producers because of the comparative size of their distribution operations. However, the BOA concluded that the fact that the Smiths used Springfield Farm to raise livestock was sufficient to classify them as agricultural producers. The BOA's conclusion appears reasonable to the Court, and thus could be reached by a reasoning mind.

Ultimately, however, the Smiths are not entitled to a use permit for a Farmer's Roadside Stand as a matter of right because, as noted above, their proposed Farm Stand does not fit within the definition of "Farmer's Roadside Stand."

CONCLUSION

For the aforementioned reason it is hereby **ORDERED** that the Decision of the Board of Appeals is **REVERSED.**

7/1/11
Date

Susan Souder
Judge Susan Souder

(5)

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1558

September Term, 2011

DAVID SMITH, ET UX.

v.

VICKI MERMELSTEIN, ET AL.

Eyler, Deborah S.,
Kehoe,
Thieme, Raymond G., Jr.
(Retired, Specially Assigned),

JJ.

Opinion by Eyler, Deborah S., J.

Filed: February 6, 2013

This administrative appeal arises from a zoning application filed by David and Lilly Smith, the appellants, to use a portion of a barn proposed to be constructed on their 64-acre property as a farmer's roadside stand ("the proposed Stand"), as that term is defined in the Baltimore County Zoning Regulations ("BCZR"), to sell meat, eggs, and dairy products. The appellees are People's Counsel for Baltimore County ("People's Counsel") and seven nearby property owners ("the protestants").[1] After the zoning commissioner granted the Smith's petition for special hearing, the appellees appealed to the Baltimore County Board of Appeals ("the Board"). The Board held a *de novo* hearing and also granted the petition. The appellees petitioned for judicial review in the Circuit Court for Baltimore County, raising eight contentions of error. Following a hearing, the circuit court affirmed on seven of the issues presented, but ultimately reversed as to the last issue, concluding that the proposed Stand did not meet the definition of an accessory structure. The Smiths appeal from that judgment, presenting eight questions, which we have reframed as two:[2]

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[1]The protestants are Vicki Mermelstein, Samuel Nitzberg, Nicol and Michael O'Connor, Luke and Angel Steckel, and Cynthia Frankel.

[2]The appellees did not note a cross-appeal from the circuit court's judgment. A party may not cross-appeal from a judgment wholly in his or her favor. *See Wolfe v. Anne Arundel County*, 374 Md. 20, 25 n.2 (2003); *Offutt v. Montgomery County Bd. of Ed.*, 285 Md. 557, 564 n.4 (1979). The circuit court judgment in this case reversed the grant of the petition and thus was wholly favorable to the appellees. Where, as here, however, the appellees had issues resolved adversely against them both before the Board and on judicial review of the Board's decision, they may, "as [] appellee[s] and without taking a cross-appeal, argue as a ground for affirmance the matter[s] that w[ere] resolved against [them]." *Offutt*, 285 Md. at 564 n.4. For that reason, all of the issues resolved against the appellees before the Board and raised in their petition for judicial review are before us to the extent the appellees raise those

(continued...)

I. Did the Board err in concluding that the proposed Stand was an accessory structure based in part on its finding that it occupied just one level of the three-story barn or, alternatively, does the amended definition of a farmer's roadside stand permit a portion of a barn to be an "accessory structure"?

II. Did the Board otherwise err in finding that the proposed Stand complied with the applicable zoning regulations and/or in resolving procedural motions?

For the reasons to follow, we shall reverse the judgment of the circuit court and remand with instructions to affirm the decision of the Board.

FACTS AND PROCEEDINGS

A. The Proposed Stand

The Smiths are the owners of an approximately 64-acre property bearing an address of 16701 Yeoho Road in the Sparks area of northern Baltimore County ("the County"). It falls within an agricultural resource conservation zone ("R.C.2 Zone"). The property, now known as Springfield Farm, has been owned by ancestors of David Smith since at least the 1700's. He and his wife purchased the property from his parents in 1990. It has been farmed throughout its history.

The property is bisected by Yeoho Road, which runs in a north-westerly direction. There are two dwellings on the property. To the east of Yeoho Road is a 3,646 square-foot farmhouse where the Smiths reside along with their adult daughter and her two teenage

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[2](...continued)
issues as alternative grounds for affirmance of the circuit court judgment reversing the grant of the petition.

children and to the west of Yeoho Road is a 2,000 square-foot "roundhouse" style home where the Smiths' other daughter, her husband, and their two teenage children reside. The Smiths and their extended family work the farm as their full-time employment and are its only employees. There are several farm buildings, sheds and a greenhouse on the property. Until the 1950s, there existed a barn on the property located along the eastern side of Yeoho Road near the Smiths' farmhouse. The barn was destroyed by a hurricane and was not rebuilt.

After the Smiths purchased the property, they established "The Farm, Ltd.," a corporation doing business as Springfield Farm. Springfield Farm is predominantly a poultry farm. The Smiths raise chickens, turkeys, and other game birds both for eggs and for meat. The farm produces 45,000 dozen brown chicken eggs annually and between 700-1000 turkeys. It also raises lamb, rabbits, pigs, cows, goats, ducks, geese and peacocks in smaller quantities.

The Smiths also farm a nearby property owned by family members.

Springfield Farm sells most of its products wholesale to restaurants and markets in and around Baltimore. It also acts as a distributor for at least two small farms in Pennsylvania: Eberly Farm, a poultry farm, and Trickling Springs Creamery, a dairy farm. Both out-of-state farms deliver their products to Springfield Farm. Springfield Farm stores these products and ultimately delivers the products to third-party clients along with products produced on the farm. David Smith makes deliveries twice weekly to his clients.

Springfield Farm also operates a direct-to-public retail market. Originally, the farm made retail sales only at Thanksgiving and operated the market out of the farmhouse kitchen. The retail operation later expanded and was moved to an attached garage. The hours of operation are currently 10 a.m. until 5:30 p.m., Friday through Sunday. The retail market is busiest at Thanksgiving, when the farm sells turkeys directly to the public.[3]

In November of 2006, the Smiths applied to the Baltimore County Department of Permits and Development Management ("DPDM"), since renamed the Department of Permits, Approvals, and Inspections, for a use permit to operate the proposed Stand on the property. They sought to construct a 5,720 square foot, three-story bank barn on the east side of Yeoho Road in the footprint of the previous barn. A bank barn is a barn that is built into a hillside, with the first level being partially underground and partially above-ground. Because the land adjacent to Yeoho Road at the proposed site slopes downward in an easterly direction away from the road, only the top two levels of the bank barn will be visible from Yeoho Road. The exposed portion of the lowest level will be visible and accessible from the Smiths' property.

The Smiths plan to move the retail operation to the main level of the barn (*i.e.*, the second level, which is flush with the street) and to use the lower level and the top level for storage and other operations. The lowest level of the barn, with a floor area of 1,920 square

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[3]At this time, the Smiths also sell a small number of baked goods. They have no plans to expand the sale of bakery items.

feet, will house a commercial egg-washing machine, a refrigeration unit, storage, and a bathroom for employees.[4] This level will be accessible by means of an overhead garage door, permitting the Smiths to drive farm equipment into the barn for storage.

The main level, with a floor area of 2,280 square feet, will house the proposed Stand. In addition to a sales counter and shelving, a public restroom and additional storage also were proposed for the main level. An existing driveway leading to the farmhouse will provide access to the proposed 19-space parking lot for customers, located adjacent to the bank barn.[5] Only the main level will be accessible to the public for retail sales.

The third level, which from the street will appear to be the second and top level of the barn, will have approximately 1,520 square feet of floor area. It will be designed like a hayloft, with an open area in the center, and will provide space for additional dry goods storage and, potentially, an office.

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[4]Smith testified that he and his family currently hand-wash and package for sale the 45,000 dozen eggs produced on the farm. The egg-washing machine will perform these tasks for them, thereby significantly improving the efficiency of the farm operation. While eggs will be sold in the farm stand, the egg-washing machine will serve the retail and wholesale business.

Similarly, the refrigeration unit will be used for storing a variety of products produced on and off the farm for wholesale and retail sales.

[5]As we shall discuss, the original site plan proposed a smaller parking lot with just nine spaces. The Smiths revised the plan to add spaces in response to concerns raised by the appellees.

B. Applicable Zoning Regulations

At the time of the proceedings before the Board and during the pendency of the action for judicial review in the circuit court, Section 101.1 of the BCZR defined a farmer's roadside stand as:

> an accessory structure owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown, or grown and produced, on the premises, on adjacent land or on properties farmed by the same agricultural producer.

As relevant here, an "accessory use or structure" is:

> A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

BCZR section 404.4 governs agricultural roadside businesses,[6] and, at subsection C, provides that a farmer's roadside stand is an accessory structure that is permitted as of right in an R.C.2 zone so long as it meets three requirements:

> 1. The stand shall be located on a farm.
> 2. The owner shall be an agricultural producer.[7]
> 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.

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[6]The other two types of agricultural roadside businesses covered by this section are farmer's markets and produce stands.

[7]The determination of whether an owner is an "agricultural producer" is to be made "upon the recommendation of the Agricultural Land Preservation Advisory Board" ("Agricultural Advisory Board"). BCZR § 404.4C.3.b.

BCZR § 101.1 defines a "farm" as "[t]hree acres or more of land, and any improvements thereon, used primarily for commercial agriculture . . . or for residential and associated agricultural uses." Commercial agriculture is "[t]he use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income . . . .," including, but not limited to, the pasturing of animals and animal and poultry husbandry. BCZR § 101.1. It also includes the processing, packing, storing, financing, managing, marketing, or distributing of agricultural products, so long as these activities are "secondary to the principal agricultural activities." *Id.*

Section 404.4C also incorporates a requirement that a farmer's roadside stand not be "detrimental to the health, safety or general welfare of the surrounding community" in satisfaction of "the objectives of Section 502.1." BCZR § 404.4C.8.[8]

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[8]BCZR section 502.1 governs the "[c]onditions determining granting of special exception," and requires that the requested use not:

> A. Be detrimental to the health, safety or general welfare of the locality involved;
> B. Tend to create congestion in roads, streets or alleys therein;
> C. Create a potential hazard from fire, panic or other danger;
> D. Tend to overcrowd land and cause undue concentration of population;
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
> F. Interfere with adequate light and air;
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
> H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor

(continued...)

C. Proceedings Before the Board

On January 12, 2007, the Smiths filed a petition for special hearing on their use permit.[9]

On March 6, 2007, the case came before the zoning commissioner for a hearing. It was continued, however, because the Smiths needed approval for a forest buffer variance in conjunction with their petition.

By letter dated October 23, 2007, the Department of Environmental Protection and Resource Management ("DEPRM") granted the forest buffer variance subject to certain conditions.

On March 11, 2008, the continued hearing commenced and, on March 31, 2008, the zoning commissioner issued a decision granting the petition.

On April 29, 2008, the appellees appealed that decision to the Board.

On October 20, 2009, the appellees caused to be served upon David Smith and certain of his business partners *subpoenas duces tecum.* Smith was requested to bring to the Board hearing, *inter alia,* financial records showing the quantity and type of products purchased

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[8](...continued)
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

[9]A use permit for a farmer's roadside stand may be granted by the zoning commissioner without a hearing after notice is posted on the property in question for thirty days and no formal request for a public hearing is made. BCZR § 404.4.C. In the instant case, neighbors of the Smiths made a demand for a public hearing and, as a result, the Smiths filed a petition for special hearing.

from other farms by the Smiths between January 1, 2006 and the hearing date. The Smiths moved to quash the subpoenas. A three-member panel of the Board convened to hear the motion and, on December 17, 2008, granted in part the motion to quash, concluding that the Smiths' personal business records were irrelevant to the issues before the Board relative to the petition. We shall discuss this determination in further detail, *infra*.

The Board held a *de novo* hearing on the petition over the course of five days in October of 2009, and February through June of 2010.[10] David Smith testified and the Smiths called two witnesses: Bruce Doak, who was accepted by the Board as an expert in surveying, County zoning regulations, and farming; and Glenn Shaffer, an employee in the Environmental Impact Review section of DEPRM.

The appellees called four witnesses. Three nearby property owners, including Mermelstein, testified as to their reasons for objecting to the petition. They were concerned about a potential increase in traffic along Yeoho Road, about the size and scope of the barn, and about a "distribution facility" being run out of the barn. Counsel for the protestants also proffered the testimony of two more neighbors, whose testimony would have raised similar concerns. The appellees also called John Lewis, an employee in the Zoning Review section of DPDM, to testify as to whether the placement of an office within the proposed bank barn

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[10]The first day of the hearing, in October of 2009, was very abbreviated. Only one witness testified, a neighbor who had appeared in support of the petition. The hearing was then continued until February of 2010.

would necessitate a special exception under the BCZR. We will discuss this testimony in further detail, *infra*.

The central issues in contention before the Board were whether the proposed bank barn should be considered in its entirety in determining compliance with the definition of a farmer's roadside stand or whether only the main level housing the proposed Stand was to be considered. The appellees also argued that the Smiths' reliance on off-site produced dairy and poultry products was evidence both that their commercial distribution business was their principal use of the property, and, as a result, it was not a "farm" as that term is defined in the BCZR and was evidence that the Smiths' proposed Stand would not comply with the "50% Rule," *i.e.*, that a majority of the products sold at the stand be produced on the premises or on adjacent or nearby farms.

On November 19, 2010, the Board issued its decision granting the petition. The Board first found that the proposed Stand satisfied the four-part definition of an "accessory structure." With respect to the first factor, it found as a fact that it is a "custom and tradition for farmers to have roadside stands to sell their products"; that the principal use of the property was a farm; and that the principal structure on the farm was the farmhouse. It concluded that the proposed Stand was "customarily incident and subordinate to" the farm and the farmhouse because it would be "a small part of the farming operation" and would "provid[e] a space to sell the products produced by the farm and currently sold from the garage."

Turning to the second factor, whether the proposed Stand was "subordinate in area, extent or purpose" to a principal use or structure, the Board concluded that because the proposed Stand would occupy only the 2,280 square foot main level of the barn, it was subordinate in area to the 3,646 square foot farmhouse. It opined that the appellees' argument that the square footage of the entire barn - totaling 5,720 - must be subordinate in area to the farmhouse was "based on a factual error" in that it failed to account for the fact that the proposed Stand would "not consume a 3 story Barn."

The Board found that the proposed Stand also complied with the third and fourth factors, in that it would be "located on the same lot" as the farmhouse and would "contribute to the comfort, convenience and necessity of both the farm and the farmhouse," by permitting the Smiths to separate their retail sales from their living quarters.

The Board explained that the appellees seemed to argue that a farmer's roadside stand must be a "temporary, make-shift" structure constructed from poles and a tarp roof; however, this type of structure is more akin to the definition of a "Produce Stand" under the BCZR.[11] The Board emphasized that the BCZR does not require a "farmer's roadside stand" to be a temporary or seasonal structure.

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[11]A produce stand is "[a]n 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." BCZR § 101.1.

The Board next considered whether the Smiths were "agricultural producers," a term not separately defined in the BCZR. Utilizing a "common sense" definition, the Board found that the testimony and documentary evidence verified that the Smiths produce eggs and meat and plainly are agricultural producers.

Finally, the Board considered whether the proposed Stand will be used for "the sale of indigenous farm products, the majority of which have been 'grown or grown and produced' at Springfield Farm" or the adjacent farm. The Board concluded that David Smith's testimony -- that he understood the 50% rule and would comply with that rule -- supported a finding that the proposed Stand met this requirement. It also relied on evidence concerning the nature of the products currently sold in the retail operation, which largely are products produced on the farm. The Board rejected the appellees' argument that, had they been permitted to subpoena the Smiths' business records, they could have shown that "the majority of products that the Smiths will sell at the Stand will be products from out of state farms," concluding that any such evidence would have been "too speculative on the issue of what 'might' take place at a Stand that does not yet exist." Moreover, the BCZR made clear that the Smiths' could sell products from outside farms at the proposed Stand so long as the "majority" of the products sold were produced on the farm or adjacent farms.

The Board next turned to the three requirements set forth in BCZR section 404.4. First, the Board found that Springfield Farm is a "farm," as that term is defined because it consists of more than three acres and primarily is used for commercial agriculture. It

explicitly rejected the appellees' contention that farming was "ancillary" to Springfield Farm's main business: wholesale distribution of out-of-state farm products. It found as a fact that the Smiths "use the land, including the farmhouse and outbuildings, to cultivate plants and to raise and keep animals . . . for income" and that they "produce field crops, they tend to livestock in their pastures and engage in animal and poultry husbandry."

The second and third requirements under section 404.4, that the Smiths are agricultural producers and that the proposed Stand comply with the 50% rule, already had been addressed and the Board adopted its previous findings on those points.

Finally, the Board found that the proposed Stand would not be "detrimental to the health, safety or welfare of the neighborhood," satisfying the special exception factors set forth in BCZR § 502.1. Specifically, it found that the evidence adduced showed that the proposed Stand would not cause traffic congestion; would not increase the risk of fires or panic; would not result in overcrowding of the land given its size and configuration; would not impact schools, parks, water, sewerage, transportation, or public improvements; would not interfere with adequate light and air; was not inconsistent with an R.C.2 Zone; and would not have any deleterious environmental impacts.

D. Judicial Review in the Circuit Court

On December 17, 2010, the protestants filed a petition for judicial review in the circuit court. On December 22, 2010, People's Counsel filed its own petition for judicial review.

The circuit court held a hearing and, on July 1, 2011, issued a decision reversing the Board's grant of the petition. The court concluded that the Board did not err in its determination on seven issues: that changes to the site plan did not deprive it of jurisdiction to hear the appeal; that it was not bound by the recommendation of the Agricultural Advisory Board; that the forest buffer variance was finally approved; that the propriety, *vel non*, of a proposed office was not before the Board; that the proposed Stand would not detrimentally impact the health, safety, and welfare of the community; that the proposed Stand would comply with the 50% Rule; and that the Smiths are "agricultural producers" and Springfield Farm is a "farm."

The court concluded as a matter of law, however, that the barn was not an "accessory structure" and, therefore, the proposed Stand failed to meet the definition of a farmer's roadside stand. It reasoned that "one story of a three story building can[not] constitute a 'structure' in the common sense meaning of the word" and accordingly the main level of the barn was not an "accessory structure." Relying on dictionary definitions, the court concluded that a "structure" is a "building," not a portion of a building. Accordingly, the proposed barn, not just the main level of the proposed barn, was the structure at issue. Given that the barn as proposed would be "larger than the Smiths' farm house," and therefore not subordinate in area to the principal use, "it [could not] be an 'accessory use structure" [sic]. It followed, according to the court, that the proposed barn did not comply with the BCZR definition of a "Farmer's Roadside Stand."

Within ten days of the court's order, the Smiths moved to alter or amend. Following the denial of their motion, they noted this timely appeal.

STANDARD OF REVIEW

The Court of Appeals recently enunciated the scope of our review in administrative appeals:

> We review directly the action of [a] local government administrative body, notwithstanding the same review by any intervening courts. *People's Counsel for Balt. Cnty. v. Loyola Coll. in Md.*, 406 Md. 54, 66, 956 A.2d 166, 173 (2008). Where findings of fact or discretionary judgments are involved, the scope of our review is narrow—we do not "substitute [our] judgment for the expertise of those persons who constitute the administrative agency." *Loyola Coll.*, 406 Md. at 66-67, 956 A.2d at 173 (quoting *United Parcel Serv., Inc. v. People's Counsel for Balt. Cnty.*, 336 Md. 569, 576-77, 650 A.2d 226, 230 (1994)). We will uphold such decisions of the administrative agency so long as they are supported reasonably by "substantial evidence." *People's Counsel for Balt. Cnty. v. Surina*, 400 Md. 662, 681, 929 A.2d 899, 910 (2007) (quoting, among others, *Mayor & Alderman of Annapolis v. Annapolis Waterfront Co.*, 284 Md. 383, 398, 396 A.2d 1080, 1089 (1979)).
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> When an agency resolves a question of law, however, our review is less deferential. We will not uphold an "administrative decision which is premised solely upon an erroneous conclusion of law." *People's Counsel for Balt. Cnty. v. Md. Marine Mfg. Co.*, 316 Md. 491, 497, 560 A.2d 32, 34-35 (1989). A "degree of deference should often be accorded the position of the administrative agency" charged with interpreting and enforcing a particular set of statutes or regulations. *Surina*, 400 Md. at 682, 929 A.2d at 911 (quoting *Marzullo v. Kahl*, 366 Md. 158, 172, 783 A.2d 169, 177 (2001)). Our task is to "ascertain and effectuate" the intent of the legislative body and to avoid "construction of a statute which is unreasonable, illogical, unjust, or inconsistent with common sense." *Mayor & City Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 550, 814 A.2d 469, 490 (2002). To accomplish this task, "we begin our inquiry with the words of the statute and, ordinarily, when the words of the statute are clear and unambiguous, according to their commonly understood meaning, we end our inquiry." *Id.* We keep in mind that particular provisions of a statute are interpreted in the context of the entire statutory scheme, and "read together and harmonized to the extent

> possible, reading them so as to avoid rendering either of them, or any portion, meaningless, surplusage, superfluous or nugatory." *Id.* (citing *Whiting-Turner Contracting Co. v. Fitzpatrick*, 366 Md. 295, 302-03, 783 A.2d 667, 671 (2001)).

HNS Dev., LLC v. People's Counsel, 425 Md. 436, 449-50 (2012).

DISCUSSION

I.

Accessory Structure

One of the three components of the definition of a farmer's roadside stand is that it be an "accessory structure." BCZR § 101.1. The Board found that the main level of the bank barn satisfied the definition of an accessory structure. The circuit court reversed on this point.

The Smiths contend the Board correctly found as a fact that the proposed Stand will occupy only the main level of the barn and that the main level meets the four requirements of the definition of an "accessory use or structure." Alternatively, they contend that, even if the proposed stand is considered to occupy the barn as a whole, it still may satisfy the definition of an accessory structure. Finally, they maintain that an amendment to the definition of a "farmer's roadside stand" subsequent to the circuit court judgment, which should be applied retrospectively, resolves any doubt that the portion of the barn housing the proposed Stand is an accessory structure.

The appellees do not dispute that the amended definition of a farmer's roadside stand may be applied retrospectively, but argue that the proposed Stand does not qualify as an

accessory structure under either definition. This is so, they assert, because the proposed Stand is not subordinate in "area, purpose, or extent" to the principal structure (the farmhouse) or to the principal use (the farm).

We begin by discussing the amendment to the BCZR. On August 1, 2011, exactly one month after the circuit court determined that the Smiths' proposed Stand did not meet the definition of a farmer's roadside stand, the Baltimore County Council enacted Bill 48-2011, amending the first clause of that definition. The amended definition states:

> an accessory structure, *barn or other farm building or portion thereof* owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown, or grown and produced, on the premises, on adjacent land or on property farmed by the same agricultural producer.

(New language italicized.)

In *Layton v. Howard County Board of Appeals*, 399 Md. 36 (2007), the Court of Appeals considered whether an amendment to a law or regulation during the course of land use or zoning litigation could be applied retrospectively to enlarge permitted uses. The Court previously had held that amendments to laws or regulations limiting land uses were to be applied retrospectively. *See Yorkdale Corp. v. Powell*, 237 Md. 121 (1964). In *Layton*, it expanded the exception to the general rule that statutes are presumed to operate prospectively, holding that in land use and zoning cases, an amendment expanding permissible land uses during the course of the litigation "generally shall be retrospectively applied." 399 Md. at 38. Thus, the amended definition is applicable in the instant appeal.

The Board found as a fact that the main level of the bank barn would house the proposed Stand. This finding was supported by substantial evidence in the record, such as David Smith's testimony that the remainder of the barn would not be open to the public and that the egg-washing machine, refrigeration unit, and the storage space on the first level and the third level would serve Springfield Farm generally and therefore were not a part of the proposed Stand.

Based on this finding, the Board applied the four-part definition of an "accessory use or structure" only to the main level of the barn. The Court of Appeals has made clear that "an administrative agency's interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts." *Marzullo, supra*, 366 Md. at 172 (citing *Lussier v. Md. Racing Comm'n*, 343 Md. 681, 696-97 (1996)); *accord Dep't of Human Res. v. Hayward*, 426 Md. 638, 650 (2012); *Angelini v. Harford County*, 144 Md. App. 369, 373 (2002). Thus, "the expertise of [an] agency in its own field should be respected." *Marzullo,* 366 Md. at 172. For this reason, even if the definition of a farmer's roadside stand had not been amended, we would have concluded that the Board's determination that one floor of a barn may be an "accessory structure" was legally correct.

In any event, the definition, as amended, makes explicit that a stand may occupy only a portion of a farm building, such as a barn.[12] It follows that, in this case, the relevant

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[12]The amended definition arguably could eliminate the requirement that a barn or portion of a barn used as a farmer's roadside stand also meet the requirements for an

(continued...)

"structure" for purposes of the "accessory use or structure" definition is the main level of the barn, with a square footage of 2,280 feet. For the main level to be an "accessory structure," it must satisfy four requirements:

> (a) be customarily incident and subordinate to and serves a principal use or structure;
> (b) be subordinate in area, extent or purpose to the principal use or structure;
> (c) be located on the same lot as the principal use or structure served; and
> (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.

BCZR § 101.1.

There was ample evidence before the Board that a roadside stand for the sale of indigenous farm products, such as poultry and eggs, is customarily incident to, subordinate to, and in service of the principal use – the farm. David Smith testified about Springfield Farm's existing retail operation, which is conducted from the Smiths' garage. He explained that the proposed Stand will operate using the same business model, just from a different location. He also testified about a nearby farm that, until recently, had operated a large-scale roadside stand selling its agricultural products. The sale of farm products direct to the public plainly is customary, incident to, and in service of the production of those farm products. There was substantial evidence in the record supporting the Board's finding on this factor.

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[12](...continued)
"accessory structure." The Smiths do not make this argument, however, and we need not reach this issue to resolve the issues on appeal.

The second factor, phrased in the disjunctive, requires that the proposed structure be "subordinate in area, extent, or purpose" to the principal use or structure. The Board found that the main level of the barn will comprise 2,280 square feet, 1,320 square feet less than the principal structure (the farmhouse), and thus was subordinate in area. We perceive no error in this finding. In addressing the first "accessory structure" factor, the Board also found that the proposed Stand would be "a small part of the farming operation" and would "provid[e] a space to sell the products produced by the farm and currently sold from the garage." This finding also would support a finding under the second factor that the proposed Stand was subordinate "in extent" to the principal use.

The final two factors are self-evident. The Board found that the main level of the barn will be on the same lot as the farm and the farmhouse and will contribute to the convenience of the operation of the farm because it will create a separate space for the retail sales business.

For all of these reasons, the proposed Stand satisfies the first component of the definition of a farmer's roadside stand because it will be an accessory structure.

II.

Appellees' Alternative Grounds for Affirmance

The appellees also argue that the Board made numerous errors of law and erroneous findings of fact in approving the petition. We shall address these contentions seriatim.

A. Farmer's Roadside Stand

In addition to being an accessory structure, the proposed Stand also must satisfy the remaining two components of the definition of a farmer's roadside stand: that it be owned by an "agricultural producer" and that it sell indigenous farm products, at least fifty percent of which are produced on the premises or on adjacent farms also farmed by the same agricultural producer. *See* BCZR § 101.1. It is plain that the proposed Stand satisfies these requirements as well.

Utilizing a common-sense definition of the term "agricultural producer," the Board found that the Smiths are agricultural producers of poultry, eggs, and a variety of animals besides poultry. The appellees contend this finding was in error. They rely on Smith's testimony that approximately 70-75 percent of Springfield Farm's business involves distribution of products. The fact that the Smiths distribute agricultural products from other farms, however, does not preclude a finding that they also produce agricultural products.[13]

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[13]The appellees also contend that the Smiths cannot be found to be "agricultural producers" absent an affirmative recommendation of the Agricultural Advisory Board. The Smiths introduced into evidence the minutes from the November 2006 meeting of the Agricultural Advisory Board showing that that board did recommend approval of the Smiths' petition. At a subsequent meeting, in March of 2007, the advisory board determined that it should "clarify[] what [it had] approved." It is not clear whether any further clarification of its recommendation occurred. BCZR section 404.4C.3.b relates to the "enforcement" of the "agricultural producer" provision, not initial approval of a use permit and, in any event, does not require that the recommendation of the Agricultural Advisory Board be adopted, but that the decision be made after receiving the advisory board's recommendation. That occurred in the instant case.

With respect to the second requirement, there was no dispute that the products the Smiths would sell – eggs, poultry, dairy products, and other meats – are indigenous farm products in Maryland. There was substantial evidence in the record that the Smiths produce eggs, poultry, lamb, rabbit, game birds, beef, and pork on the farm and the adjacent property they also farm and that all of these items will be offered for retail sale. There also was evidence that the Smiths market products produced on two farms in Pennsylvania in both the retail and wholesale components of their business. David Smith testified that he plans to sell a mix of items produced on- and off-site for sale at the proposed Stand, but that he will ensure that a majority of the products sold at the stand are produced on the premises. This evidence supported the Board's finding that the proposed Stand will meet the 50% Rule, satisfying the final component of the definition of a farmer's roadside stand.[14]

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[14]The appellees also contend that the proposed Stand is really a principal structure in the nature of a "Farm Market," a use permitted in an R.C.2 zone only by means of a special exception. BCZR section 101.1 defines a "Farm Market" as:

> [a]n accessory or principal building or structure other than a dwelling which is used by one or more farmers for the sale of products grown, or grown or produced, primarily on their own farms or for the sale of other indigenous farm products. A farm market may sell a limited amount of locally produced non-agricultural goods such as handcrafted items, homemade baked goods, homemade preserves, and jams.

A farmer's roadside stand and a farm market both are subject to the 50% Rule, *see* BCZR § 404.4D, but a farmer's market may be a principal structure, may be operated by multiple farmers, and may market non-agricultural goods. *See Long Green Valley Assoc. v. Prigel Family Creamery*, 206 Md. App. 264, *cert. granted*, 428 Md. 543 (2012) (affirming the Board's grant of a permit for a farmstead creamery to operate a farm market, or, in the alternative, a farmer's roadside stand).

(continued...)

B. Satisfaction of the BCZR section 404.4.C requirements

The appellees also contend that the proposed Stand does not satisfy the requirements set forth in BCZR section 404.4.C: that the proposed Stand be "located on a farm"; be "owned by an agricultural producer"; and satisfy the 50% Rule. For the reasons already discussed, the Board's findings as to the second two requirements are supported by substantial evidence in the record.

As to the first requirement, the appellees contend that Springfield Farm is not a "farm" as that term is defined in the BCZR because it is not "used primarily for commercial agriculture, as defined in these regulations." BCZR §101.1. The term "commercial agriculture" means "the use of land, including ancillary structures and buildings, to cultivate plants or raise and keep animals for income . . . ." It includes "ancillary activities such as processing, parking, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations." *Id.* Relying on David Smith's testimony that "70-75 percent" of his business involves the "distribution of farm products," the appellees maintain that Springfield Farm fails to meet this definition. We

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[14](...continued)

At the outset of the Board hearing, in response to the appellees' suggestion that the proposed Stand actually would be a farm market, the Smiths' counsel offered to amend the petition to request, in the alternative, approval for a farm market. He maintained that the proposed Stand was in the nature of a farmer's roadside stand, but argued that the Smiths were not averse to proceeding by means of a special exception as a farm market. The appellees objected to any amendment of the petition, however, and the Board declined to permit the amendment.

interpret Smith's testimony to mean that he earns 70-75 percent of his business income from distribution. His testimony was clear, however, that the Smiths and their extended family work from sunup to sundown running Springfield Farm. That the farm has no outside employees and just one refrigerated truck used for twice-weekly deliveries underscores the small-scale nature of the distribution business. The Board's finding that Springfield Farm satisfied the definition of a "farm" was supported by substantial evidence in the record and was not erroneous.

C. Satisfaction of the Special Exception Criteria

We also perceive no error in the Board's finding that the proposed Stand would not detrimentally impact the health, safety, or general welfare of the surrounding community. The only evidence offered by the protestants of any likely deleterious effects resulting from the grant of the petition related to speculative concerns about increased traffic along Yeoho Road. The Smiths introduced into evidence traffic counts taken along Yeoho Road reflecting that Yeoho Road has moderate volume in a southbound direction toward I-83 during the weekday morning rush hour and a similar increase in volume during the weekday afternoon rush hour. During the remainder of the time, the volume of traffic on Yeoho Road is very low. Given that the Smiths already offer retail sales during the same hours of operation for the Stand, the evidence simply does not bear out these concerns.

The proposed barn also will be constructed virtually in the center of the Smiths' 64-acre property, and therefore any impact on neighboring properties would be minimal. The

only variance necessitated by the construction was a forest buffer variance, which DEPRM approved prior to the hearing before the zoning commissioner. For all these reasons, the Board's finding that the special exception factors were satisfied was not in error.

D. Amendments to the Site Plan

BCZR section 404.4.C.4 requires an applicant for a use permit for a farmer's roadside stand to submit to the zoning office "a site plan . . . indicating location and type of structure on the lot in question, ingress and egress, parking arrangement and proximity of dwellings on adjacent lots." The Smiths' site plan,[15] admitted into evidence during proceedings before the zoning commissioner, showed the location of a proposed "2-story barn style roadside stand," an adjacent sidewalk and deck, a loading area to the rear of the barn, the footprint of the barn, the means of ingress and egress from Yeoho Road, and nine head-in parking spaces in a row located along the front of the barn.

On October 23, 2009, the Smiths made revisions to the site plan to add five parking spaces in the same row as on the original plan and to add five parking spaces further east, along the driveway leading to the farmhouse. The Smiths originally had calculated the number of parking spaces required to serve the proposed Stand based upon the square

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[15]The original site plan was dated January 2, 2007. Prior to the commencement of the hearing before the zoning commissioner, it was amended three times – on February 12, 2007; February 20, 2007; and March 2, 2007. It was amended twice more - on February 26, 2008 and February 29, 2008 – between the first day of the hearing before the zoning commissioner and the continued hearing date. As mentioned, the continuance was granted to permit the Smiths to apply for a forest buffer variance.

footage of the main level of the barn. Out of an abundance of caution, they subsequently recalculated the required parking based upon the square footage of the main level and the third level of the barn.[16] The revised site plan also increased the footprint of the barn by 480 square feet and expanded the size of the attached deck by 60 square feet. The site plan was otherwise unchanged.

The revised site plan was admitted into evidence before the Board on February 23, 2010, the second day of the *de novo* hearing. (As mentioned, the first day of the hearing, in October of 2009, was very abbreviated.) At the outset of proceedings before the Board the following day, People's Counsel moved to dismiss the Smiths' petition, arguing that the parking changes and other revisions to the site plan were not permitted at that stage of review and had denied the public meaningful notice of the scope of the proposed construction and an opportunity to object. People's Counsel further argued that the site plan should have been "red-lined" to show the changes,[17] and that it was deficient in numerous other respects, including its failure to include the height of the proposed barn.

The Smiths responded that the "nature of the relief" requested never had varied. At all times, the Smiths sought a permit to operate a farmer's roadside stand out of a barn to be constructed adjacent to Yeoho Road. They maintained that interested parties had been

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[16]The square-footage of the lower level was not included because it was treated as a basement.

[17]The dates of all revisions to the site plan were set forth in a box at the bottom of the site plan.

afforded more than adequate notice of that plan, in compliance with the BCZR requirements, and that none of the changes impacted compliance with the applicable regulations. During the hearing, Shaffer from DEPRM testified that the revisions to the site plan did not appear to affect its assessment of the environmental impact of the project and that the Smiths were not obligated to clear revisions with DEPRM so long as the revisions did not impact the forest buffer.

The Board denied the motion to dismiss, finding that the revisions did not substantially change the character of the proposed construction and that all affected parties had received proper notice. We perceive no error in this determination.

In an administrative action, notice is sufficient if it apprizes interested parties "'clearly of the character of the action proposed and enough of the basis upon which it rested to enable' them to 'intelligently prepare for the hearing.'" *Cassidy v. County Board of Appeals*, 218 Md. 418, 425 (1958) (quoting 2 Merrill, *Notice* § 796). Here, the public was on notice that the Smiths' intended to build a barn to house a roadside stand adjacent to Yeoho Road. The original and revised site plans showed the same location, the same means of ingress and egress, and, with the exception of the additional parking, virtually the same configuration. People's Counsel did not make any showing before the Board as to how the addition of ten parking spaces significantly altered the proposal for a farmer's roadside stand or deprived the public of meaningful notice. Moreover, as discussed, the Board ultimately found as a fact that the proposed Stand would occupy only the main level of the barn. As such, the parking

configuration utilized on the original plan may have been sufficient to meet the requirements of the BCZR. The filing of the ***original*** site plan and the posting of public notice on the Smiths' property afforded adequate notice to all interested parties of the nature of the Smiths' application. The Board properly determined that revisions to that plan did not deprive it of jurisdiction to hear the appeal.

E. Quashing of Subpoenas

As mentioned, on October 20, 2009, the appellees caused to be served upon David Smith a *subpoena duces tecum* directing him to bring to the hearing before the Board twelve categories of documents.[18] The documents requested largely related to Springfield Farm's contracts with other farms to distribute their products and records relating to the number of such products distributed by Springfield Farm. The subpoena also sought Springfield Farm's business plans; any drawings or plans for the proposed Stand and barn; and any records of contacts between the Smiths and the County relative to the proposal.

On November 17, 2009, Smith moved to quash the subpoenas directed to him and to his suppliers.

On December 2, 2009, a three-member panel of the Board convened to hear argument on the motion to quash. The Smiths argued that, with the exception of drawings or site plans

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[18]Subpoenas also were served upon the Smiths' business partners. Representatives of those businesses did not appear before the Board and the Board concluded that it had no authority to compel their appearance at a public hearing. The propriety, *vel non*, of those subpoenas is not before us in the instant appeal.

and communications with County agencies, the requested materials were not relevant to the issues before the Board. Specifically, they argued that Springfield Farm's current business practices are not relevant to whether the proposed Stand will comply with the 50% Rule.

The appellees responded that the subpoenaed documents were relevant to numerous issues in contention, including whether the Smiths were agricultural producers and whether their stated intention to comply with the 50% Rule was credible given upon their past business practices.

On December 17, 2009, the three-member panel reconvened to deliberate. The panel concluded that the subpoenaed materials, with certain exceptions, were not relevant; granted the motion to quash; and directed that the appellees could revise their subpoena to request only the Smiths' business plan for the proposed Stand, if any such plan existed; any drawings or site plans for the proposed Stand; and communications between the Smiths and the County relative to its proposal.

At various times during the hearing before the Board, counsel for the appellees argued that the materials sought in the quashed subpoenaes were relevant. The Board declined to reconsider the ruling of the three-member panel, opining that the subpoenas were "too broad and not relevant" to the issues before the Board.

Relevancy determinations are committed to the broad discretion of the fact-finder, which, in this instance, was the panel of the Board. *See, e.g., Neutron Prods., Inc. v. Dep't of the Envt.*, 166 Md. App. 549, 604-05 (2006) (discussing the wide discretion afforded to

a fact-finder to admit or exclude evidence based on a determination of relevance). The Board, in its discretion, concluded that subpoenas requesting records bearing on Springfield Farm's overall business operation for the prior three years, including the retail and wholesale components, were overbroad and unlikely to lead to relevant evidence. Specifically, the Board determined that, even if the records were to show that a majority of the products sold by Springfield Farm were produced by its suppliers, that evidence was not probative of whether the proposed Stand would comply with the 50% Rule. We perceive no abuse of discretion by the Board.

F. Forest Buffer Variance

After the Smiths filed their petition for special hearing, but before the hearing before the zoning commissioner, DEPRM advised them that portions of the proposed construction fell within the forest buffer. The Smiths worked with DEPRM staff to determine whether a relocation of the proposed barn could minimize or eliminate forest buffer impacts, but, ultimately, the Smiths sought a variance. By letter dated October 23, 2007, DEPRM advised the Smiths that it had found "that a practical difficulty exists, that other locations for the bank barn were not feasible due to sight distance and topographical problems . . . ." It determined to "grant [the variance] request in accordance with Section 33-3-106 of the Baltimore County Code," subject to ten conditions set forth in the letter. The letter closed by stating that the Smiths needed to countersign the letter within 21 days and advising that failure to do so "may

render this approval null and void, or may result in delays in the processing of plans for this project."

The Smiths never signed and returned the letter. David Smith testified that he was advised by counsel not to sign the letter until such time as the use permit received final approval.

Glenn Shaffer, a DEPRM employee, testified before the Board that the October 23, 2007 letter was an approval of the variance and that the Smiths' failure to countersign and return the letter simply meant that construction could not yet move forward. The letter was in the nature of "an enforcement tool." He also testified that the grant of a variance may be appealed to the Board and that no appeal had been taken in the instant case.

In its decision, the Board noted Shaffer's testimony that the variance had been granted and that the absence of a countersignature by the Smiths on the approval letter did not "affect the legality of the variance." The appellees challenge the Board's finding on this point, arguing that the October 23, 2007 letter was a "conditional non-final offer which was never consummated because the Smiths refused to countersign." Thus, they maintain that the forest buffer variance approval was null and void.

The Board's determination that the forest buffer variance had been approved was amply in keeping with the DEPRM's own testimony. The conditions stated in the letter were largely of the type that only could be satisfied once construction on the project had commenced. If the Smiths moved forward on the proposed Stand and failed to comply with

the conditions, DEPRM or the appellees could take action against them. We perceive no error in the Board's finding that the variance had been finally approved subject to the conditions set forth in the approval letter.

G. Office in the Barn

During the hearing before the Board, David Smith testified that he planned to move his office, currently located in the farmhouse, to the barn. He had not yet decided where in the barn the office might be located, however. The office would consist of a computer, a telephone, and a desk.

The appellees argued that, although the BCZR permits an office located inside a farmhouse in the R.C.2 Zone, an office in an accessory structure such as the proposed barn would necessitate a special exception. The appellees called John Lewis with the County Zoning Review Office to testify on this issue. Lewis explained that the zoning regulations characterize an office inside a dwelling as a "home occupation," and that this type of use is permitted as of right in an R.C.2 Zone. An office located in an accessory structure, however, is treated as an "office for an agricultural related use," which only is allowed by special exception.

The Board concluded that the issue whether the Smiths could use a portion of the barn for an office was not before it. We agree. The only issue before the Board was whether the Smiths could operate the proposed Stand. If, at some point in the future, the Smiths

determine to use a portion of the barn for an office, at that time they can consult with County agencies to determine the process by which to seek approval for that use.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY REVERSED. CASE REMANDED WITH INSTRUCTIONS TO THE CIRCUIT COURT TO ENTER AN ORDER AFFIRMING THE DECISION OF THE BALTIMORE COUNTY BOARD OF APPEALS. COSTS TO BE PAID BY THE APPELLEES.

(6)

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	**IN THE**
	*	**COURT OF APPEALS**
	*	**OF MARYLAND**
v.	*	**Petition Docket No. 26 September Term, 2013**
DAVID SMITH, et ux.	*	**(No. 1558, Sept. Term, 2011 Court of Special Appeals)**

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the answer filed thereto, in the above entitled case, it is

ORDERED, by the Court of Appeals of Maryland, that the petition be, and it is hereby, denied as there has been no showing that review by certiorari is desirable and in the public interest.

/s/ Robert M. Bell
Chief Judge

DATE: May 20, 2013

IN RE: **PETITION FOR SPECIAL HEARING** North & South Sides of Yeoho Road, 157' East from Dubbs Road **(16701 Yeoho Road)** 5th Election District 3rd Council District David R. Smith, et ux Petitioners	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No. 07-314-SPH**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, David Ronald Smith, and his wife, Lilly Marcelle Smith, by and through their attorney Lawrence E. Schmidt, Esquire. The Smith's, in response to a request for a public hearing, now petition pursuant to Section 404.4.C.7 of Baltimore County Zoning Regulations (B.C.Z.R.)[1] for a formal hearing regarding their request for a use permit to allow for a farmer's roadside stand to be located on their property identified as 16701 Yeoho Road. The subject property, proposed structure and requested relief are more particularly described on the elevation drawings and site plan(s) submitted into evidence and marked as Petitioners' Exhibits 10, 15A and 15B, respectively.[2]

Pursuant to Section 404.4 of the B.C.Z.R., a farmer's roadside stand is ordinarily permitted as of right in the agricultural R.C.2 zone without a formal hearing. That section allows an agricultural producer to obtain a use permit provided that certain conditions are met. One of the requirements is that the property must be duly posted giving public notice of the proposed roadside stand. Under the zoning regulations, any property owner residing within 1,000 feet of the property in question can request a public hearing within thirty (30) days of the sign posting if

[1] As filed, the Petition for Special Hearing erroneously referenced Section 424.4.A.3 of the B.C.Z.R., which was amended at the outset of the hearing by Mr. Schmidt.

[2] At the March 6, 2007 hearing, Petitioners submitted Exhibit 1 as the proposed site plan. At the March 11, 2008 hearing, a newly revised site plan was submitted and marked as Exhibits 15A-B. Exhibits 15A-B replace Exhibit 1.

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that person objects to the granting of a use permit. If no hearing is requested, the Department of Permits and Development Management (DPDM) may grant the permit if the proposal and site plan submitted meet the requirements of Section 404.4 and any other applicable requirements, based on the documentation contained in the file. However, in the instant case, several nearby and adjoining property owners filed a timely request for public hearing. Thus, pursuant to Section 404.4.C.7, the matter was scheduled for a public hearing before the Zoning Commissioner, which began on March 6, 2007 and was continued until March 11, 2008 when it concluded.

Appearing at the requisite public hearing in support of the request were David R. Smith t/a Springfield Farm, his family, and a number of neighbors and community residents. Bruce E. Doak, a professional property line surveyor and consultant with Gerhold Cross & Etzel, Ltd., who prepared the site plan(s) for this property, appeared and testified as did Irving Spitzberg and Edward Murphy. Lawrence E. Schmidt, Esquire represented the Petitioners. The issues presented in this case generated significant public interest, and a large number of other individuals from the surrounding community appeared and/or wrote letters either in favor or in opposition to the request. Due to limitations of time and space, a listing of all of these individuals cannot be set out here but are identified on the sign-in sheets contained in the file. The interest of the public is also well reflected in a number of the exhibits such as the petition submitted by Petitioners, which was marked and accepted into evidence as Petitioners' Exhibit 13, as well as the nearly 50 letters submitted by the Petitioners, which were collectively marked and accepted into evidence as Petitioners' Exhibit 16. The views of the Protestants are equally supported in the record through the submission of a petition, which was marked and accepted into evidence as Protestants' Exhibit 2, and close to 20 letters, which were collectively marked and accepted into evidence as Protestants' Exhibit 5. It should also be noted that Michael R.

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McCann, Esquire represented neighboring property owners namely Russell Clark, Teresa Moore, Cynthia Frankel, Rebecca and Jack Gurley, Lance and Mary Trifillis, Nicol O'Connor, Gillian Miller, J.H. Gurley, Luke and Angela Steckel, Chris and Jennifer Swanson, Vicki Mermelstein and Sam Nitzberg. Glenn Shaffer, Supervisor with the Department of Environmental Protection and Resource Management (DEPRM), section of Environmental Impact Review, appeared and testified at the second hearing on March 11, 2008.

The procedural history of this petition is somewhat complex and deserves some discussion. On March 6, 2007, the parties attended a lengthy hearing where the majority of the Petitioners' case was presented. Shortly before the first hearing, the Petitioners were informed by DEPRM that if the structure were to be built in the proposed location, the Petitioners would first be required to obtain a forest buffer variance from the regulations for the protection of water quality, streams, wetlands and floodplains. Pursuant to Section 33-3-106 of the Baltimore County Code (B.C.C.), the Director of DEPRM, rather than the Zoning Commissioner, is given the authority to grant these variances. Since the parties indicated that this matter would require longer than the scheduled two-hour hearing, and many members of the public had already taken the time to attend the hearing, the majority of the case was presented as scheduled on March 6, 2007. However, the case could not be concluded due to time limitations and the fact that the Petitioners were required to pursue variance relief from DEPRM in a separate proceeding. When the hearing reconvened on March 11, 2008, the Petitioners submitted a letter from the Director of DEPRM certifying that the Department had granted the necessary variance. The letter was marked and accepted into evidence as Petitioners' Exhibit 14.[3] After the preliminary variance

[3] Since the letter involved the issuance of an exemption (a variance), the appropriate method of appealing the variance would have been for the Protestants to file an appeal with the County Board of Appeals. *See* County Charter Section 602; *see also Beth Tfiloh*, 152 Md. App. 97 (2003). The Petitioners did not pursue an appeal here, so the approval of the forest buffer variance is final and has no bearing on the findings of the Zoning Commissioner.

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issue had been resolved, the hearing before the Zoning Commissioner was able to conclude on March 11, 2008.[4]

Testimony was offered describing the subject property and proposed use under the Petition for Special Hearing by Bruce E. Doak and David Smith. The evidence offered revealed that the subject property is an irregular shaped property containing approximately 64.61 acres of land zoned R.C.2. The property is located in northern Baltimore County between Mount Carmel Road and Benson Mill Road, and is almost evenly bisected by Yeoho Road. Petitioners submitted a photograph of the farm, and an overhead satellite view of the property, which were respectively marked and accepted into evidence as Petitioners' Exhibits 2 and 3. As the photographs and testimony indicated, approximately 55 acres of the property consists of open fields, which the Petitioners use on a rotational basis for their farming operations.

The subject property is improved with a single family dwelling on the east side of Yeoho Road in which the Petitioners reside along with their daughter and her husband and two children. The proposed farmer's roadside stand will be located north of the existing dwelling, parallel to the east side of Yeoho Road, and accessible from an existing driveway which leads to the dwelling and farming operation. The Petitioners submitted a series of photographs of the proposed location of the roadside stand, which were marked and accepted into evidence as Petitioners' Exhibits 12A-H. The latest site plan reveals that there is also a tenant dwelling under construction on the west side of Yeoho Road. *See* Exhibit 15A. Petitioners submitted the Meeting Minutes of the Baltimore County Agriculture Advisory Board from November 30, 2006, which demonstrated that this structure has already received the necessary approval to function as a tenant house. The Meeting Minutes were marked and accepted into evidence as

[4] It should be noted that at the second hearing, Mr. McCann made a continuing objection to any further testimony presented by the Petitioners, arguing that the Petitioners had closed their case at the conclusion of the first hearing. While this objection was noted, it was overruled as a review of the transcript of the first hearing demonstrates that the parties were fully informed that if any circumstances changed, the record would be supplemented by additional testimony from both the Petitioners and Protestants.

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Petitioners' Exhibit 8. While the tenant house is reflected on the proposed site plan, it has no bearing on the Special Hearing request currently before the Zoning Commissioner.

Further evidence revealed that the subject property has been in the Petitioners' family for 17 generations, dating back to the early 1600's. The Petitioners acquired the property from Mr. Smith's mother, who was the surviving parent, in the early 1990's. The property is and has historically been used as a farm where the Petitioners raise meat and poultry for sale such as chicken, turkey, lamb, beef, pork, and related products such as eggs. Mr. Smith testified that the Petitioners use the various open fields on the property to maintain a symbiotic relationship of different species that are intermingled on a controlled rotational basis to maximize the efficiency of the farm. The evidence reveals that over the last eight years, the Petitioners have loosely operated a roadside stand, initially in the kitchen, and now from the garage of their existing dwelling, selling products directly to consumers from approximately 10:00 a.m. through 5:30 p.m. Thursdays through Sundays. As the Petitioners' sales increased to approximately 40 customers per week, and even larger numbers during Easter, Thanksgiving and Christmas, their once informal operation essentially overtook a significant portion of their home. Thus, the Petitioners wish to move their roadside stand operation to the separate structure proposed in the Petition for Special Hearing.

Evidence and testimony demonstrated that the Petitioners propose to build a two-story 30 by 60 foot barn-like building with a deck and parking area containing 9 parking spots. The Petitioners submitted several photographs indicating the type of structure that they proposed to build, which were marked and accepted into evidence as Petitioners' Exhibits 4A, 4B, and 9. Mr. Smith testified that he intends to build a professional, nice looking building that is pleasing to the eye, and he believed that the photograph farthest to the left on Exhibit 9 was the best example of the proposed structure.

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The first floor of the building, which will serve as the farmer's roadside stand, will contain several refrigerated display cases that will store products for sale, as well as a public unisex restroom and a small office area. The second floor will be used exclusively as a storage area and will not be open to the customers of the roadside stand. The Petitioners submitted four photographs of various crates and workshop equipment that will be stored on the second floor of the proposed building. The photographs were collectively marked and accepted into evidence as Petitioners' Exhibit 6. The basement of the proposed structure will be used to house refrigeration equipment and will also not be open to the public. The Petitioners submitted photographs of the refrigeration units, which were collectively marked and accepted into evidence as Petitioners' Exhibit 7. Testimony revealed that the grade of the proposed location would allow the Petitioners to maximize the efficiency of the refrigeration units by building the basement against the natural insulation of the slope of the hill.

A brief discussion of the regulations governing this proceeding is warranted due to the somewhat unusual nature of the procedure and requested relief.[5] A "farmer's roadside stand" is defined in Article 1, Section 101 of the B.C.Z.R. as:

> An accessory structure owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown on the premises, on adjacent land or on properties farmed by the same agricultural producer.

Pursuant to Section 1A01.2.B.9b of the B.C.Z.R., farmer's roadside stands are generally permitted as of right in an R.C.2 zone subject to the provisions of Section 404.4. This particular request generated significant public interest and a public hearing was requested. Still, the request must meet the requirements of Section 404.4, namely that at least 50% of the products sold at the

[5] After reviewing all available Zoning Commissioner findings and past applications for use permits received by DPDM, it appears that this is the first time that the Zoning Commissioner has ever held a formal public hearing to review a request for a use permit for a farmer's roadside stand. All other applications have been reviewed by DPDM without a formal public hearing, and a number of sizeable structures have been approved for locations such as 7110 Mt. Vista Road and 1701 Greenspring Road.

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stand must be grown on the premises where the stand is located or on adjacent farms or on other property farmed by the applicant. To prove that they have been meeting the 50% requirement, the Petitioners submitted their 2006 Sales Data, which was marked and accepted into evidence as Petitioners' Exhibit 5. The data demonstrated that almost 80% of the products sold directly to consumers in 2006 were raised on the Petitioners' property or adjacent farms. Since the requirements of Section 404.4 had been met[6] and a public hearing was requested, Section 404.4.C.8 of the B.C.Z.R. dictates that the question for the Zoning Commissioner becomes whether a use permit should be granted based on the findings of the public hearing, the impact on the health, safety or general welfare of the surrounding community, and all other criteria necessary to satisfy the objectives of Section 502.1 of the B.C.Z.R. For the following reasons, I am persuaded that the relief requested by the Petitioners should be granted.

Initially, I find that the proposed farmer's roadside stand will not be detrimental to the health, safety or general welfare of the locality involved. After hearing extensive testimony at the public hearing and reviewing all of the letters for and against the requested relief, it appears that the greatest concerns of the Protestants surround the size of the proposed structure and the potential for the Petitioners to expand their operation into a commercial distribution center. Regarding the size of the proposed structure, it is important to note that while the proposal is for construction of a two-story 30 by 60 foot barn, only the first floor will be approved as a farmer's roadside stand. The second floor storage area, which will not be open to the public, will enable the Petitioners to store many of the unsightly items depicted in Petitioners' Exhibit 6, which are currently in plain view of the public. The basement will also benefit the appearance of the surrounding area by providing space for the Petitioners to store the refrigeration units shown in Petitioners' Exhibit 7.

[6] The Protestants did not raise any issue with the other requirements of Section 404.4 such as the 35-foot street pavement setback and the existence of the proposed structure on a farm owned by an agricultural producer.

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Many of the Protestants' letters express fear that the proposed structure will harm the quiet, rural environment of the surrounding area by operating as a larger distribution center where products from a number of different farms will be sold in bulk. The Protestants adopted for their purposes a photographic representation of a large refrigerated delivery truck taken by Mr. Smith, which was marked and accepted into evidence as Protestants' Exhibit 1, as well as Interoffice Correspondence referring to this request as a "proposed farmer's market" rather than a "farmer's roadside stand," which was marked and accepted into evidence as Protestants' Exhibit 4.[7] However, after reviewing the entire record I find that these concerns are based primarily on speculation and that the evidence demonstrated that the Petitioners have already been operating within the definition of a roadside stand for the past 8 years. The Petitioners have not expressed any interest in expanding their informal operation, and only wish to build a structure that will enable them to continue to sell products directly to customers without taking over a portion of their kitchen and home. Petitioners are dedicated to building a professional, nice-looking structure that is pleasing to the eye and will improve the surrounding area by providing an enclosed storage space for many items that are currently in plain public view. Considering all of the evidence and testimony, I am convinced that the first floor of the proposed structure can operate as a farmer's roadside stand without having any negative impact on the health, safety or welfare of the surrounding locale.

Upon further review, I also find that the requested relief will not create increased traffic or congestion in the surrounding area. Another common concern expressed in the letters submitted by the Protestants is that Yeoho Road is a narrow, winding road, and that the roadside stand will cause an increased safety hazard to the general public. While the concerns of the public are certainly taken into consideration when reviewing the application for a use permit, I

[7] At the second hearing, Glenn Shaffer testified that he drafted the interoffice correspondence and did not realize that referring to the requested relief as a proposed farmer's market had any legal significance.

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find that these letters express speculative concerns that are not backed by the testimony presented at the public hearing. The evidence demonstrates that the proposed structure will be accessible from an already existing driveway that currently leads to the existing single family dwelling on the subject property. The Petitioners have been selling products directly to the public for 8 years, and there is no evidence that the sales have had any negative impact on the traffic on Yeoho Road. Petitioners do not anticipate a large increase in sales, and are simply looking to move the operation out of their home into a separate area on the first floor of the proposed structure. Insofar as the hours of operation, I will limit the daily transactions to a twelve-hour period. The stand will not be allowed to open earlier than 9:00 a.m. and must close no later than 9:00 p.m. It is doubtful, however, from the testimony presented that Petitioners would ever be open for an entire twelve-hour period. Apparently, however and as noted above, they are busy in the weeks before Thanksgiving, Christmas, New Years and Easter selling beef, turkeys, ham and eggs. Thus, I am convinced that the requested relief will not cause a harmful increase in traffic or congestion on Yeoho Road.

I further find that the requested relief will not create any potential hazard from fire, panic or other danger, and that the proposed structure will not tend to overcrowd land and cause an undue concentration of population. There was no evidence that the roadside stand would cause any fire hazard, and the proposed structure would be situated on a 64.61-acre property in an agricultural R.C.2 zone. The roadside stand will be used to sell farm products and will not be used as a residence. Thus, I am convinced it will not have any effect on the population concentration of the surrounding locale.

After careful consideration, I also find that the proposed farmer's roadside stand will not interfere with adequate provisions for any public facilities such as schools, parks, water or sewerage, that the structure will not interfere with adequate light and air, and that the

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environmental impact of the requested relief has been addressed by receipt of a forest buffer variance from the Director of DEPRM. The Protestants submitted a document showing the potential environmental impact of the proposed structure, which was marked and accepted into evidence as Protestants' Exhibit 4. The document submitted was reviewed by DEPRM and was in fact an attachment to DEPRM's approval of the forest buffer variance for the Petitioners. As previously stated, DEPRM's approval is final and will not be reconsidered by this Commission.

Finally, and perhaps most importantly, I find that granting this use permit is consistent with the purposes of the R.C.2 agricultural zone, and furthers the spirit and intent of the B.C.Z.R. The R.C.2 zone was established in Section 1A01.1B of the B.C.Z.R. "in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses." Unfortunately, it has become more and more difficult for R.C.2 zones to maintain their agricultural integrity, and for agricultural businesses to maintain their productivity and profitability. I have reviewed numerous letters submitted by the Petitioners which dictate that northern Baltimore County residents believe that agricultural investments such as the proposed farmer's roadside stand are a necessity if Baltimore County farmers are going to compete with larger corporations for the business of county residents. The letters were supplemented by the testimony of two nearby residents, Irving Spitzburg and Edward Murphy, who furthered the idea that the roadside stand is necessary and fully in line with the tradition of agricultural businesses in Baltimore County. I believe in the underlying principle of facilitating the sale of farm products grown on Baltimore County farms, and believe that granting the requested relief is consistent with the wording and intent of the R.C.2 agricultural zone and spirit of the B.C.Z.R.

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

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of March 2008 that the Petition for Special Hearing seeking the approval of a use permit to permit a farmer's roadside stand on the subject property, in accordance with Petitioners' Exhibit 15B, is hereby GRANTED, subject to the following conditions:

1. Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall only operate the farmer's roadside stand on the first floor of the proposed structure and shall not expand the operation to the basement or second floor.

3. The hours of operation of the farmer's roadside stand shall be limited to not opening prior to 9:00 a.m. and shall close on or before 9:00 p.m. during any given day of the week.

4. A minimum of 50% of the products sold at the farmer's roadside stand must be grown on the premises where the stand is located or on adjacent farms or on other property farmed by the Petitioners.

5. Should the Petitioners determine that the growth of their operation warrant a modification of these restrictions, including any increase over and above the hours of operation permitted or the first floor area limitations, a public hearing must be held to determine the merits of their request.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 31, 2008

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: **PETITION FOR SPECIAL HEARING**
North & South Sides of Yeoho Road, 157' East from Dubbs Road
(16701 Yeoho Road)
5th Election District – 3rd Council District
David R. Smith, et ux – Petitioners
Case No. 07-314-A

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with conditions, 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: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Suite 100, Towson, MD 21286
Michael McCann, Esquire, 118 West Pennsylvania Avenue, Towson, MD 21204
People's Counsel; Glenn Shaffer, DEPRM; Case File
See Attached List of Addressees

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Towson MD 21204

Teresa Moore, Exec. Dir.
Valleys Planning Council
P.O. Box 5402
Towson MD 21285-5402

IN RE: PEITION FOR SPECIAL HEARING, North & South Side of Yeoho Road **(16701 Yeoho Road)**	* *	BEFORE THE ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
5th Election District 3rd Councilmanic District	*	Case No. 07-314-SPH
David R. Smith, *et* ux, Petitioners	*	
	*	

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

NOTICE OF APPEAL

Russel Clark, Vicki Mermelstein, Samuel Nitzberg, Wes and Gillian Miller, Lance and Mary Trifillis, Michael and Nicol O'Connor, Luke and Angela Steckel, Chris and Jennifer Swanson, Nicholas Cowie, William Bonas, Janet and Eugene Wu, Sheran Smith, and James and Jennifer Fortier, hereby notice an appeal of the Zoning Commissioner's March 31, 2008 decision granting special hearing relief to Petitioner David R. Smith. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the addresses of appellants are:

Russell Clark
16819 Yeoho Road
Sparks, MD 21152

Vicki Mermelstein & Samuel Nitzberg
16803 Yeoho Road
Sparks, MD 21152

Wes and Gillian Miller
16730 Dubbs Road
Sparks, MD 21152

Lance and Mary Trifillis
16801 Yeoho Road
Sparks, MD 21152

Michael and Nicol O'Connor
16606 Dubbs Road
Sparks, MD 21152

Luke and Angela Steckel
16619 Dubbs Road
Sparks, MD 21152

Chris and Jennifer Swanson
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Sheran Smith
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William Bonas
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Janet and Eugene Wu
c/o Michael R. McCann
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James and Jennifer Fortier
16817 Yeoho Rd
Sparks, MD 21152

Respectfully submitted,

Michael R. McCann

118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-215-

Attorneys for Appellants

Dated: April 29, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 29th day of April 2008, a copy of the foregoing Notice of Appeal was mailed, first class, postage prepaid to:

Lawrence E. Schmidt, Esquire
600 Washington Avenue
Suite 200
Towson, Maryland 21204

Attorneys for Developer

Michael R. McCann

IN THE MATTER OF:	*	BEFORE THE
SPRINGFIELD FARMS	*	ZONING COMMISSIONER
16701 YEOHO ROAD	*	OF BALTIMORE COUNTY
	*	CASE NO. 07-314-SPH
	*	

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

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Zoning Commissioner of Baltimore County at the Special Hearing for the matter captioned above on March 11, 2008, at 10:00 a.m. in Room 106, County Office Building, located at 11 West Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Commissioner.

WITNESS: Glenn Schaffer Supervisor Environmental Impact Review

ADDRESS: Department of Environmental Protection and Resource Management
Circuit Courts Building
401 Bosley Avenue, Room 416
Towson, MD 21204

Requested by:

NAME: Lawrence E. Schmidt

FIRM: Gildea & Schmidt, LLC

ADDRESS: 600 Washington Avenue, Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Zoning Commissioner of Baltimore County. The Zoning Commissioner requests ( ) the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

Zoning Commissioner of Baltimore County

3/11
10AM
106

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 15, 2008

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

Michael R. McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL HEARING**
North & South Sides of Yeoho Road, 157' East from Dubbs Road
(16701 Yeoho Road)
5th Election District – 3rd Council District
David Ronald & Lilly Marcelle Smith, Legal Owners
Case No. 07-314-A

Dear Counsel:

This letter will serve to confirm that you have agreed that the above-captioned matter has been scheduled for *further proceedings on Tuesday, March 11, 2008, at 10:00 A.M.*, in Room 106, of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204. By copy of this letter, I am informing community members and others who appeared and participated at the March 6, 2007 hearing of this new date.

By way of background, the record of this case was left open to allow the Department of Environmental Protection and Resource Management (DEPRM) time to review and address many unresolved issues pertaining to this farmer's market proposal and the bank barn's ultimate location. That review now complete and a variance obtained from the applicable forest buffer regulations, this matter is now in a posture to move forward.

In the event anyone desires a representative of DEPRM to appear at the onset of the upcoming hearing to provide additional information, please contact my office.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Kristen Matthews, DPDM; Case File
David Lykens & Tom Vidmar, DEPRM
See Attached List of Addressees

Add Petitioner's *Name here;* *Counsel's name too*

Add Petitioner's *Name here;* *Counsel's name too*

Jack and Beckie Gurley
Calvert's Gift Farm
16812 Yeoho Road
Sparks MD 21152-9561

Wesson and Gillian Miller
16730 Dobbs Road
Sparks MD 21152

Mary and Lance Trifillis
16801 Yeoho Road
Sparks MD 21152

Cynthia Frankel
16548 Yeoho Road
Sparks MD 21152

Vicki Mermelstein and San Nitzberg
16803 Yeoho Road
Sparks Glencoe MD 21152-9561

Brian H. Palmer
2737 Mount Carmel Road
Parkton MD 21120

Steven E. Bartenfelder
2205 Benson Mill Road
Sparks MD 21152

Nicholas D. Cowie
Cowie & Mott
2310 Boston Street
Baltimore MD 21224

Luke and Angela Steckel
16619 Dubbs Rd
Sparks MD 21152-9565

Michael and Nicol O'Connor
16606 Dubbs Rd
Sparks MD 21152-9564

James E. Fortier
16817 Yeoho Road
Sparks MD 21152

Bob Franklin
16604 Dubbs Road
Sparks MD 21152

Frank A. O'Toole, Jr.
16704 Yeoho Road
Sparks MD 21152

Jack and Beckie Gurley
16813 Yeoho Road
Sparks MD 21152

Charles and Beth Brooks
16554 Yeoho Road
Sparks MD 21152

Russell Clark
16819 Yeoho Road
Sparks MD 21152

Dianne Fowler
HZBA President
PO Box 466
Hereford MD 21111

Deborah W. Cohen
Dudley's Meadow
16515 Dubbs Road
Sparks MD 21152

Bruce Fenwick
3100 Tufton Ave
Glyndon MD 21071

Robert Prigel Jr.
4851 Long Green Road
Glen Arm 21057

Doug Radenbaugh
1108 Bentley Road
Freeland MD 21053

John Meyer
1220 Armacost Road
Parkton MD 21120

Steve T. Mensh
1432 Belfast Road
Sparks MD 21152

Evelyn Cochran
3542 Butler Road
Glyndon MD 21071

Brigitte Marti
1116 Dulaney Gate Circle
Cockeysville MD 21080

D.W. Hoatson
16304 Falls Road
Upperco MD 21155

Gino Troia
617 Lavenham Ct
Timonium MD 21093

Stacy Cofield
3 Dodworth Ct #104
Timonium MD 21093

Mary Wojnowski
27 Hathaway Rd
Timonium MD 21093

Lisa Hosier
1 Kincaid Ct
Baldwin MD 21013

Jinger Whitcraft
20630 W. Liberty Rd
White Hall MD 21101

Hugh R. Cromwell
601 Cromwell Wye Lane
Monkton MD 21111

Alexandrea Arnold
2720 Corbett Road
Monkton MD 21111

Shelley Kowakczyk
35 Sylvan Park Ct
Baltimore MD 21236

Paula O'Brien
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Westminster MD

Y.M. Beran
2 Old Garrett Court
White Hall MD 21161

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1401 Blue Mount Rd
Monkton MD 21111

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Sparks MD 21192

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Butler MD

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Sparks MD 21152

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Cockeysville MD 21030

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Reisterstown MD 21136

Kitty Julio
25 Victoria Falls Ct
Sparks MD 21120

Leigh Zinniskey
2401 Stringtown Road
Sparks MD 21152

Beth Wood
2120 Bulls Sawmill Road
Freeland MD 21053

Michael Moran
9 Black Valley Ct
Freeland MD 21053

Esther Solomon
18318 Brickstore
Hampstead MD 21074

Gene Swackhammer, Secretary
Jr. Gunpowder Agricultural Club
16429 Yeoho Road
Sparks MD 21152-9533

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-314-SPH

Date Completed/Initials

1-10-07 PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

_____ DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

_____ TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

_____ UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

_____ COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

_____ POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

_____ RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

_____ INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

_____ ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

_____ COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

_____ FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

David and Lilly Smith
16701 Yeoho Road
Sparks MD 21152

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Bruce Doak
Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Blvd., Suite 100
Towson, MD 21286

Michael R. Mccann, Esquire
118 West Pennsylvania Avenue
Towson, MD 21204

Jack and Beckie Gurley
Calvert's Gift Farm
16812 Yeoho Road
Sparks MD 21152-9561

Wesson and Gillian Miller
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Freeland MD 21053

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Gene Swackhammer, Secretary
Jr. Gunpowder Agricultural Club
16429 Yeoho Road
Sparks MD 21152-9533

Jennifer & Chris Swanson
16726 Yeoho Road
Sparks MD 21152

Gaylord & Margery Clark
1706 Hillside Rd
Stevenson MD 21153

Rachel & Catherine Webb
16317 Yeoho Rd
Sparks MD 21152

Edward Murphy
16018 Falls Rd
Sparks MD 21152

Lucy Wright
14626 Thornton Mill Rd
Sparks MD 21152

Maggie Babb
21619 Gun Powder Rd
Linebow MD 21102

Barb Cohn
621 Murdock Rd
Baltimore MD 21212

Norma Jean Belt
18611 Brick Store Rd
Hampstead MD 21074

George Rew
17509 Prettyboy Dam Rd
Parkton MD 21120

Sophie Hess
14415 Cooper Rd
Phoenix MD 21131

Danielle & Valerie Lafferty
16701 Yeoho Rd
Sparks MD 21151

Al Copp
17912 York Road
Parkton MD 21120

Safi Faizy
2411 Benson Mill Rd
Sparks MD 21152-9418

Leslie Richardson
Baltimore County Farm Bureau
1840 York Road
Timonium MD 21093

Jeffrey Smith
1625 Sparks Road
Sparks MD 21152

Wayne Homer, Executive Comm
Third Gunpowder Agric Club
15533 Manor Road
Monkton MD 21111

Dianne Fowler
Hereford Zone Business Assocn
PO Box 466
Hereford MD 21111

Doug Radebaugh
1108 Bently Rd
Freeland MD 21053

CERTIFICATE OF POSTING

RE: Case No.: 07-314-SPH

Petitioner/Developer: DAVID RONALD & LILLY M. SMITH

Date of Hearing/Closing: 3-11-08

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:

16701 YEOHO ROAD

The sign(s) were posted on 2-22-08
(Month, Day, Year)

SSG Robert A Black
1508 Leslie Road
Dundalk, MD 21222
410-282-7940

Sincerely,

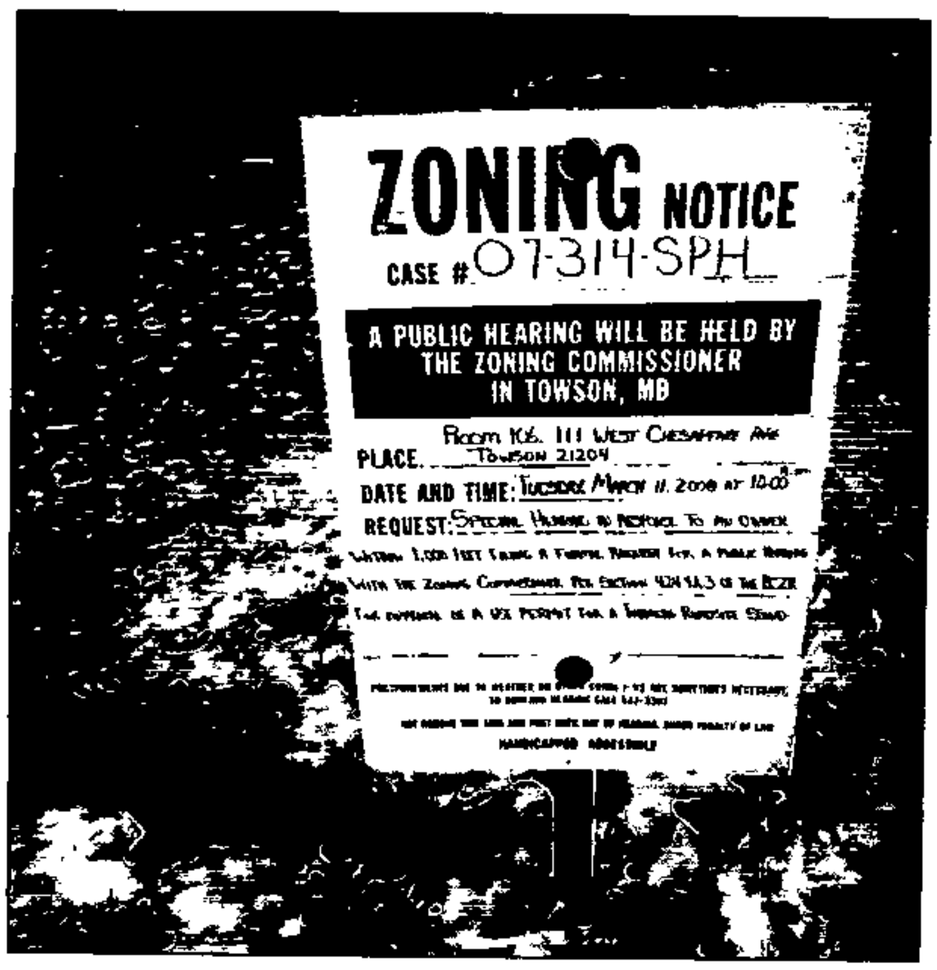
Robert Black 2-26-08
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)



Found this posting notice in the case file for 08-314-A

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI
JOSEPH R. WOOLMAN, III

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

January 25, 2007

Peter Zimmerman, Esquire
People's Counsel
400 Washington Avenue
Room 47
Towson MD 21204

Re: Springfield Farm/16701 Yeoho Road
Farmer's Roadside Stand
Case No.: 07-314-SPH

Dear Mr. Zimmerman:

I received a copy of your letter dated January 11, 2007 to Carl Richards. A Petition for Special Hearing was filed by Bruce Doak on behalf of David Smith in the above referenced matter. It is my understanding that a hearing date has yet to be set. Enclosed herein is a copy of our Entry of Appearance in the above referenced matter. I wanted to make you aware of the pending hearing date, in accordance with your January 11, 2007 letter. We will be certain to notify you of the hearing date upon receipt of same. Please feel free to contact me with any questions.

Very truly yours,

Jason T. Vettori

JTV: sf
Enclosure
CC: W. Carl Richards, Jr., Baltimore County Permits and Development Management
David R. Smith, Springfield Farms
J. Carroll Holzer, Esquire
Bruce E. Doak, Gerhold, Cross & Etzel, Ltd.

RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
Legal Owner(s): Springfield Farms	* ZONING COMMISSIONER
16701 Yeoho Road 5th Election District 3rd Councilmanic District	* FOR * BALTIMORE COUNTY
	* CASE NO. 07-314-SPH

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Jason T. Vettori and Gildea & Schmidt, LLC 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 Jason T. Vettori on all correspondence sent and all documentation filed in the case.

JASON T. VETTORI
Gildea & Schmidt, LLC
300 East Lombard Street, Suite 1440
Baltimore, Maryland 21202
(410) 234-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed, postage prepaid to Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204 and J. Carroll Holzer, Holzer & Lee, 508 Fairmount Avenue, Towson MD 21204.

JASON T. VETTORI

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 11, 2007

Carl Richards, Zoning Supervisor
Zoning Review Office
111 W Chesapeake Avenue
Towson, MD 21204

Re: Farmer's Roadside Stand
Demand for Formal Hearing
16701 Yeoho Road

Dear Mr. Richards,

This letter is to follow up after a conversation with your staff today regarding the above-mentioned matter. It is my understanding that the Petitioner in this case is not pursuing this case any further at this time. In addition, because a request for hearing was filed by interested citizens, we were told that if the Petitioner decides to pursue this matter any further that there would be required a hearing on a Petition for Special Hearing. We trust that your office will let us know of any additional progress in this case.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: David R. Smith

RECEIVED
JAN 1 1 2007
Per.....

BALTIMORE COUNTY
MARYLAND

Zoning Commissioner's Office
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland, 21204

**2-20-08BALTIMORE 21204 PRST 1S 0L

PRESORTED
FIRST CLASS

Hasler

016H26512963
$00.334
02/20/2008
Mailed From 21204
US POSTAGE

07-314-SPH

Change on label mailing list 3/08

Return Service Requested

The Rev. Arthur & Erica Callaham
2401 Benson Mill Rd
Sparks MD 21152

Forwarded 2/22/08

Rec'd 2/22/08

212 NFE 1 1081 00 02/21/08
RETURN TO SENDER
CALLAHAM
3024 MONKTON RD
MONKTON MD 21111-2114

RETURN TO SENDER

LRTNS31 21152
21204@4429

BALTIMORE COUNTY
MARYLAND

Zoning Commissioner's Office
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland, 21204

**2-20-08BRLTOND212PRST1S

PRESORTED
FIRST CLASS

016H26512963
Hasler
$00.334
02/20/2008
Mailed From 21204
US POSTAGE

07-314-SPH

Changed on label
mailing list
3/08

Return Service Requested

Forwarded →
2/22/08

Jinger Whitcraft
20630 W. Liberty Rd
White Hall MD 21101

Rec'd
2/22/08

212 NFE 1 108I 00 02/21/08
RETURN TO SENDER
WHITCRAFT'JINGER
PO BOX 4213
PAGOSA SPGS CO 81157-4213

RETURN TO SENDER

LATN831 21161
21204@4429

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

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

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

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

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

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

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

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

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

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

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

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

regulations: limited-acreage wholesale flower farms, riding stables, landscape service, firewood operations and horticultural nursery businesses. **[Bill Nos. 85-1967;[5] 51-1993[6]]**

FARM (LIMITED-ACREAGE WHOLESALE FLOWER FARM) — A "limited-acreage wholesale flower farm" is 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. **[Bill Nos. 85-1967; 41-1992]**

FARMER'S ROADSIDE STAND — An accessory structure owned and operated by an agricultural producer, used for the sale of indigenous farm products, the majority of which have been grown on the premises, on adjacent land or on properties farmed by the same agricultural producer. **[Bill No. 41-1992[7]]**

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. **[Bill No. 41-1992]**

FIREWOOD OPERATION — The business of processing wood so that it can be marketed and burned as fuel. Such operations include, but are not limited to, harvesting, transporting, yarding, seasoning, marketing, shipping and receiving of logs and firewood. A farm which limits the processing and marketing of firewood to owner-produced forestry resources shall not be considered a firewood operation. **[Bill No. 151-1992]**

FISHING AND SHELLFISHING FACILITY, SHORELINE — A principal use that consists of the buildings, equipment or other facilities necessary to accommodate the onshore activities of a fishing and shellfishing business (including retailing or wholesaling of the catches) and that is situated on a lot on the shoreline of tidal waters. **[Bill No. 30-1978]**

FISHING AND SHELLFISHING FACILITY, SHORELINE, CLASS I — A shoreline fishing and shellfishing facility that can accommodate a fishing business no larger than that entailing the use of not more than two commercial fishing boats and that is situated on a lot also occupied by the primary residence of its operator, who is a person required to have a license by any of the provisions of Title 4 of the Natural Resources Article of the Annotated Code of Maryland. For the purposes of these regulations, a "commercial fishing boat" does not include a boat more than 45 feet long. **[Bill No. 30-1978]**

FISHING AND SHELLFISHING FACILITY, SHORELINE, CLASS II — A shoreline fishing and shellfishing facility other than a Class I shoreline fishing facility. **[Bill No. 30-1978]**

FLOODPLAIN, ONE-HUNDRED-YEAR — The one-hundred-year floodplain includes all of the land that is adjacent to a watercourse and that would be inundated by a flood

---

5 **Editor's Note: This bill also repealed the former definition of "farming."**

6 **Editor's Note: This bill also repealed the former definitions of "farm," "farm, satellite" and "farmette."**

7 **Editor's Note: This bill also repealed the former definition of "farmers' co-op roadside stands."**

Type	Limitation	Minimum Acreage
Fowl or Poultry:		
Chickens, ducks, turkeys, geese	No numerical limit, provided that a nuisance is not created or allowed to exist on the property	1

*Sucklings and weanlings under 12 months of age will not be counted.[5]

Section 101
Definitions
[BCZR 1955]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below. **[Bill No. 149-1987]**

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged. **[Bill No. 149-1987]**

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. **[Bill Nos. 100-1970; 26-1988]**[6]

AGRICULTURE, COMMERCIAL — The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture,

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5 **Editor's Note: See also Section 404.**

6 **Editor's Note: The definition of "acreage, gross residential" which originally followed this definition was repealed by Bill No. 100-1970. The definition of "after-hours club," which followed thereafter, was repealed by Bill No. 36-2000.**

floriculture, aquiculture, apiculture, viticulture, forestry, animal and poultry husbandry, the operation of an equestrian center, horse breeding and horse training and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing, provided that any such activity shall be secondary to the principal agricultural operations. **[Bill Nos. 51-1993; 24-2002]**

AIRPORT — Any area of land or water designed and set aside for landing or taking off of aircraft.

ALLEY — A right-of-way 20 feet or less in width, designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed, which provides service access for vehicles to the side or rear of abutting property.

AMBULATORY — A roofed area, leading to but outside of the main entrance of a nonresidential building, which may be enclosed for purposes of energy conservation and which may be used only as a passageway. **[Bill No. 85-1983]**[7]

AMENITY OPEN SPACE — The available open space on a lot minus the area used for vehicular traffic, maneuvering and parking. In addition to uncovered ground area, the term includes such usable uncovered open area of buildings suitably improved as open space and designated by the owner for the use of occupants or the public and, in enclosed malls in designated town centers, such usable covered open area of buildings, other than parking areas, suitably improved as open space and designated by the owner for the use of occupants or the public.

Covered open space includes exterior space which is open on its sides to weather, but not open above, and which is not in excess of twice the total area of the clear, open and unobstructed portions of the open and partially open sides. The areas of roofed porches, covered exterior balconies and exterior spaces covered by portions of buildings supported on columns or cantilevers, such as porticoes, loggia, arcades, breezeways or galleries, may be considered as covered open space if meeting the above-stated limitations.

Open ground area less than 10 feet wide may not be designated amenity open space, except that a suitably planted area as little as seven feet wide may be so designated if that area is within a parking lot. **[Bill Nos. 111-1968; 167-1980; 115-1982]**

AMENITY OPEN SPACE RATIO — The total amenity open space on a lot divided by the adjusted gross floor area of buildings on the lot. **[Bill No. 111-1968]**

AMUSEMENT DEVICES — Pinball machines (with or without flippers), video games, electronic games and other similar player-operated amusement games, machines and devices, but excluding coin-operated pool tables, music boxes, children's rides and shuffleboards. **[Bill No. 29-1982]**

ANIMAL BOARDING PLACE — Any building, other structure or land, or any portion thereof, that is used, intended to be used, or arranged for the boarding, breeding or other care of animals, except dogs, for profit. An animal boarding place does not include

---

[7] **Editor's Note: The former definition of "ambulatory surgical facility (or center)," which immediately followed this definition, was repealed by Bill No. 39-2002.**

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. Signs are permitted, subject to Section 450. **[Bill No. 89-1997]**

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 404.4C.2, the Zoning Commissioner shall make the determination upon the recommendation of the Agricultural Land Preservation Advisory Board.

4. 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.

5. 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 30 days following the filing of the application.

6. 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.

7. 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.

8. 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 the 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.

404.5 (Reserved)[7]

404.6 Commercial reduction of inedible animal or vegetable matter and commercial slaughtering, except killing of poultry produced on the premises, are prohibited.

404.7 Commercial piggeries (hog raising for other than family use) are permitted only on a farm of at least 10 acres, and no hogs shall be permitted within 150 feet of any land zoned or used for residential purposes.

404.8 Manure must be stored in places removed at least 150 feet from all boundary lines of the lot.

---

[7] **Editor's Note: Former 404.5, which established area requirements for accessory buildings, except farmer's roadside stands, as amended by Bill No. 85-1967, was repealed by Bill No. 41-1992.**

From: Debra Wiley
To: Murray, Curtis
Date: 03/02/07 2:21:06 PM
Subject: Office of Planning Comments

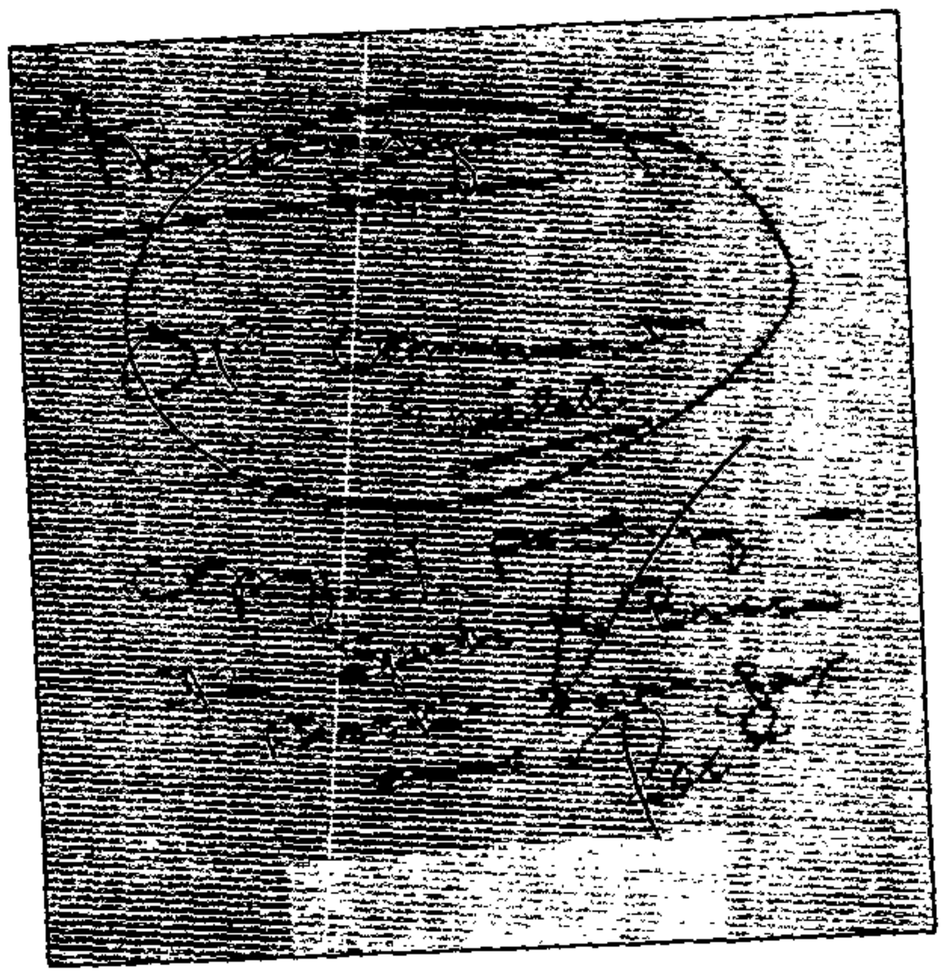
Hi Curtis,

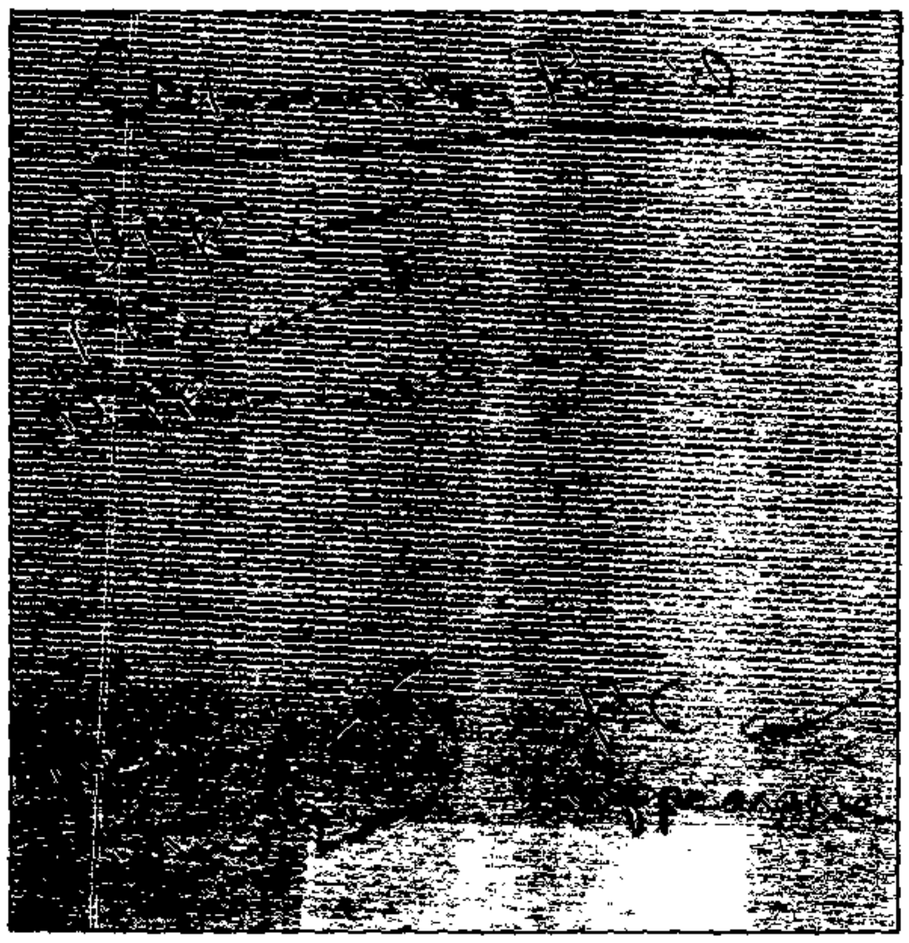
Bill has hearings scheduled next week and is missing comments for the following:

3/6 - 07-314-SPH - 16701 Yeoho Road

3/9 - 07-316-A - 8818 Old Harford Road

Thanks and have a great weekend!!





Debra Wiley - Springfield Farms, 07-314-SPH

From: "Larry Schmidt" <lschmidt@gildeallc.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 02/20/08 9:40 AM
Subject: Springfield Farms, 07-314-SPH
CC: "'David Smith'" <dsmith0011@comcast.net>, "'Debra Wiley'" <dwiley@baltimorecountymd.gov>, "'Michael R. McCann'" <michael@mmccannlaw.net>

Commissioner Wiseman: Just a brief update on the above, which was heard on March 6, 2007 and is scheduled for a second and hopefully final day on March 11, 2008. As requested, we have arranged for a sign to be posted on the property by Friday, February 22, 2008. Mr. McCann and I were both agreed as to the second hearing date so notice to all interested parties should be taken care of. Finally, I have arranged to obtain a copy of the transcript of the first day's proceedings and will forward a copy to you in advance of the hearing so that you can re-familiarize yourself with the testimony and evidence offered on this case. I have advised Mr. McCann of my intent and he does not object. I have copied him on this e-mail.
Please contact me if you have any questions.
Thanks.
Larry Schmidt

Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax

This email contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Gildea & Schmidt, LLC by telephone immediately.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 15, 2008

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

Michael R. McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL HEARING**
North & South Sides of Yeoho Road, 157' East from Dubbs Road
(16701 Yeoho Road)
5th Election District – 3rd Council District
David Ronald & Lilly Marcelle Smith, Legal Owners
Case No. 07-314-A

Dear Counsel:

This letter will serve to confirm that you have agreed that the above-captioned matter has been scheduled for further proceedings on Tuesday, March 11, 2008, at 10:00 A.M., in Room 106, of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204. By copy of this letter, I am informing community members and others who appeared and participated at the March 6, 2007 hearing of this new date.

By way of background, the record of this case was left open to allow the Department of Environmental Protection and Resource Management (DEPRM) time to review and address many unresolved issues pertaining to this farmer's market proposal and the bank barn's ultimate location. That review now complete and a variance obtained from the applicable forest buffer regulations, this matter is now in a posture to move forward.

In the event anyone desires a representative of DEPRM to appear at the onset of the upcoming hearing to provide additional information, please contact my office.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Kristen Matthews, DPDM; Case File
David Lykens & Tom Vidmar, DEPRM
See Attached List of Addressees

David and Lilly Smith
16701 Yeoho Road
Sparks MD 21152

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Bruce Doak
Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Blvd., Suite 100
Towson, MD 21286

Michael R. Mccann, Esquire
118 West Pennsylvania Avenue
Towson, MD 21204

Jack and Beckie Gurley
Calvert's Gift Farm
16812 Yeoho Road
Sparks MD 21152-9561

Wesson and Gillian Miller
16730 Dobbs Road
Sparks MD 21152

Mary and Lance Trifillis
16801 Yeoho Road
Sparks MD 21152

Cynthia Frankel
16548 Yeoho Road
Sparks MD 21152

Vicki Mermelstein and San Nitzberg
16803 Yeoho Road
Sparks Glencoe MD 21152-9561

Brian H. Palmer
2737 Mount Carmel Road
Parkton MD 21120

Steven E. Bartenfelder
2205 Benson Mill Road
Sparks MD 21152

Nicholas D. Cowie
Cowie & Mott
2310 Boston Street
Baltimore MD 21224

Luke and Angela Steckel
16619 Dubbs Rd
Sparks MD 21152-9565

Michael and Nicol O'Connor
16606 Dubbs Rd
Sparks MD 21152-9564

James E. Fortier
16817 Yeoho Road
Sparks MD 21152

Bob Franklin
16604 Dubbs Road
Sparks MD 21152

Frank A. O'Toole, Jr.
16704 Yeoho Road
Sparks MD 21152

Jack and Beckie Gurley
16813 Yeoho Road
Sparks MD 21152

Charles and Beth Brooks
16554 Yeoho Road
Sparks MD 21152

Russell Clark
16819 Yeoho Road
Sparks MD 21152

Dianne Fowler
HZBA President
PO Box 466
Hereford MD 21111

Deborah W. Cohen
Dudley's Meadow
16515 Dubbs Road
Sparks MD 21152

Bruce Fenwick
3100 Tufton Ave
Glyndon MD 21071

Robert Prigel Jr.
4851 Long Green Road
Glen Arm 21057

Doug Radenbaugh
1108 Bentley Road
Freeland MD 21053

John Meyer
1220 Armacost Road
Parkton MD 21120

Steve T. Mensh
1432 Belfast Road
Sparks MD 21152

Evelyn Cochran
3542 Butler Road
Glyndon MD 21071

Brigitte Marti
1116 Dulaney Gate Circle
Cockeysville MD 21080

D.W. Hoatson
16304 Falls Road
Upperco MD 21155

Gino Troia
617 Lavenham Ct
Timonium MD 21093

Stacy Cofield
3 Dodworth Ct #104
Timonium MD 21093

Mary Wojnowski
27 Hathaway Rd
Timonium MD 21093

Lisa Hosier
1 Kincaid Ct
Baldwin MD 21013

Jinger Whitcraft
20630 W. Liberty Rd
White Hall MD 21101

Hugh R. Cromwell
601 Cromwell Wye Lane
Monkton MD 21111

Alexandrea Arnold
2720 Corbett Road
Monkton MD 21111

Shelley Kowakczyk
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Baltimore MD 21236

Paula O'Brien
820 Boxcar Drive
Westminster MD

Y.M. Beran
2 Old Garrett Court
White Hall MD 21161

Henry R. Ruhl
16809 Yeoho Road
Sparks MD 21152

Michael K. and Linda Short
614 College Ave
Lutherville MD 21093

Michael Bacon
15105 East View Dr
Upperco MD 21155

Rachel Steffens
800 Holly Hill Ct
Reisterstown MD 21137

Nancy and Delmasi Gruver
2 Rain Flower Path #301
Sparks MD 21152

Kathy Wheatley
17415 Wesley Chapel
Monkton MD 21111

Gary Lewis
1401 Blue Mount Rd
Monkton MD 21111

Jeanne Unger
15437 Falls Road
Sparks MD 21192

The Rev. Arthur & Erica Callaham
2401 Benson Mill Rd
Sparks MD 21152

Lynn Salganik
1811 Foreston Rd
Hampstead MD 21074

Christina Camardella
735 W. Padonia Rd
Cockeysville MD 21030

Anilkumar J. Hoffberg
14140 Falls Road
Butler MD

Anthony Garner
15721 Yeoho Road
Sparks MD 21152

Mark Steiner
15216 Wheeler Lane
Sparks MD 21152

Carolyn Morton
14024 Cuba Rd
Cockeysville MD 21030

Nancy Mauler
12634 Ivy Mill Rd
Reisterstown MD 21136

Kitty Julio
25 Victoria Falls Ct
Sparks MD 21120

Leigh Zinniskey
2401 Stringtown Road
Sparks MD 21152

Beth Wood
2120 Bulls Sawmill Road
Freeland MD 21053

Michael Moran
9 Black Valley Ct
Freeland MD 21053

Esther Solomon
18318 Brickstore
Hampstead MD 21074

Gene Swackhammer, Secretary
Jr. Gunpowder Agricultural Club
16429 Yeoho Road
Sparks MD 21152-9533

Jennifer & Chris Swanson
16726 Yeoho Road
Sparks MD 21152

Gaylord & Margery Clark
1706 Hillside Rd
Stevenson MD 21153

Rachel & Catherine Webb
16317 Yeoho Rd
Sparks MD 21152

Edward Murphy
16018 Falls Rd
Sparks MD 21152

Lucy Wright
14626 Thornton Mill Rd
Sparks MD 21152

Maggie Babb
21619 Gun Powder Rd
Linebow MD 21102

Barb Cohn
621 Murdock Rd
Baltimore MD 21212

Norma Jean Belt
18611 Brick Store Rd
Hampstead MD 21074

George Rew
17509 Prettyboy Dam Rd
Parkton MD 21120

Sophie Hess
14415 Cooper Rd
Phoenix MD 21131

Danielle & Valerie Lafferty
16701 Yeoho Rd
Sparks MD 21151

Al Copp
17912 York Road
Parkton MD 21120

Safi Faizy
2411 Benson Mill Rd
Sparks MD 21152-9418

Leslie Richardson
Baltimore County Farm Bureau
1840 York Road
Timonium MD 21093

Jeffrey Smith
1625 Sparks Road
Sparks MD 21152

Wayne Homer, Executive Comm
Third Gunpowder Agric Club
15533 Manor Road
Monkton MD 21111

Dianne Fowler
Hereford Zone Business Assocn
PO Box 466
Hereford MD 21111

Doug Radebaugh
1108 Bently Rd
Freeland MD 21053

Debra Wiley - Case 07-314-SPH - new hearing date

From: Patricia Zook
To: Wiley, Debra; Wiseman, Bill
Date: 02/13/08 10:54:56 AM
Subject: Case 07-314-SPH - new hearing date

Good morning —

Kristen just called with the new hearing date and time for this case. She indicated that our office will send letters with the new hearing date information.

Hearing is: Tuesday, March 11, 2008 at 10:00 AM in Room 106 (all day)

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

Debra Wiley - Fwd: Re: 07-314-SPH

From: Kristen Matthews
To: Wiley, Debra
Date: 01/28/08 8:37 AM
Subject: Fwd: Re: 07-314-SPH

Hi Debbie,

Actually Im still waiting for Mr. McCann to check back with me on the dates that I provided him with. Ill let you know once this happens.

>>> Debra Wiley 1/25/2008 10:28 AM >>>
Hi Kristen,

Have you had any luck in scheduling this one ?

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Debra Wiley 01/16/08 8:47 AM >>>
Good Morning Kristen,

The latest telephone number I have for Mike McCann is 410-825-2150.

Also, when the date has been confirmed with Larry and Mike, can you let me know so that Bill can send out a letter.

Thanks and have a great day !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Kristen Matthews 01/15/08 2:48 PM >>>
Hi Debbie,

Im in the process of working out dates with Larry's office. I do not have Mike McCann's telephone number to see if the dates I have work for him. Can you provide me with that number, Im assuming it might be in the file.

Thanks

From: Debra Wiley
To: Matthews, Kristen
Date: 01/16/08 8:47:48 AM
Subject: Re: 07-314-SPH

Good Morning Kristen,

The latest telephone number I have for Mike McCann is 410-825-2150.

Also, when the date has been confirmed with Larry and Mike, can you let me know so that Bill can send out a letter.

Thanks and have a great day !!

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From: Debra Wiley
To: Matthews, Kristen
Date: 12/04/07 10:57:19 AM
Subject: Fwd: Case No. 07-314-SPH (Faxed Letter to you Friday)

Hi Kristen,

Since there were a lot of people involved in the above, Bill asks that we receive notification (via email or telephone) when this gets scheduled so that we can send out a letter to everyone. Thanks again.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Debra Wiley 11/30/07 3:47 PM >>>
Hi Kristen,

In reference to the above, Bill asked me to fax you a copy of Larry Schmidt's letter, dated November 29th, which I've done within the last ½ hr. or so. Larry is asking Bill to reschedule this case, originally heard March 6, 2007, and to work with Mike McCann for a mutually agreeable date (see 4th paragraph on page 1).

Anyway, Bill would like to start looking at dates in January early in the AM (this probably will take all day) and he'd like if at all possible not to have any hearings the day after. I have left a voice mail for Larry Schmidt about this and that hopefully he, in turn, after getting dates from you can speak with Mr. McCann.

Could you please give Larry a call to talk about dates in January. His number is 410-821-0070. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

1/15 Called Larry Spoke to Debbie

From: Debra Wiley
To: Matthews, Kristen
Date: 12/04/07 10:57:19 AM
Subject: Fwd: Case No. 07-314-SPH (Faxed Letter to you Friday)

Deb to send out ltr. w/ new date

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Debbie Wiley
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410-887-3468 (fax)
dwiley@baltimorecountymd.gov

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To: Matthews, Kristen
Date: 11/30/07 3:47:15 PM
Subject: Case No. 07-314-SPH (Faxed Letter to you Friday)

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410-887-3868
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dwiley@baltimorecountymd.gov

********** -CO[redacted]JOURNAL- ********** DATE NOV-30-2[redacted] ***** TIME 15:27 *******

MODE = MEMORY TRANSMISSION START=NOV-30 15:26 END=NOV-30 15:27

FILE NO.=503

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<01>	Zoning Rev	002/002	00:00:39

-ZONING COMMISSIONER OFF M-

********** - - ***** - 410 887 3468- *********

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
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ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

November 29, 2007

RECEIVED
NOV 30 2007
BY:_____

Hon. William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson MD 21204

Re: Springfield Farm/ 16701 Yeoho Road
Case No.: 07-314-SPH

Dear Commissioner Wiseman:

As you recall, the above matter came before you for public hearing on a Petition for Special Hearing filed by my clients, David R. & Lily M. Smith. The hearing was conducted on March 6, 2007 and testimony and evidence was offered at that time.

At the conclusion of that hearing date, the matter was continued in order to address a comment relating to the forest buffer requirements that are monitored by the Department of Environmental Protection and Resource Management. Specifically, the matter was adjourned to determine if a forest buffer variance was required for the proposed farmer's road side stand building.

I appreciate your patience in permitting the applicant to address this issue. As the result of ongoing discussions with DEPRM, my client has applied for and obtained a variance from the applicable forest buffer regulations. That variance was granted by way of DERPM's letter dated October 23, 2007 to Devin Leary, the environmental consultant retained by my clients. I also understand that the grant of this variance as not been appealed and is therefore final.

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Post-it® Fax Note 7671	Date 11-30	# of pages ▸ 2
To Kristen	From Debbie	
Co./Dept.	Co.	
Phone # Sending email to you now.	Phone #	
Fax # this week.	Fax # Thanks.	

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

November 29, 2007

RECEIVED
NOV 30 2007
BY:

Hon. William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson MD 21204

Re: Springfield Farm/ 16701 Yeoho Road
Case No.: 07-314-SPH

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To Kristen	From Debbie	
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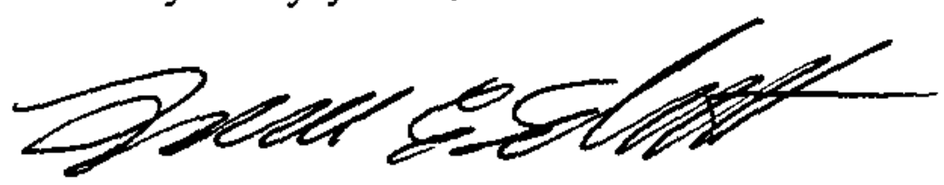
Phone # See my email to you re:	Phone #	
Fax # this letter.	Fax # Thanks.	

Thank you for your patience and cooperation regarding this matter.

Very truly yours,



Lawrence E. Schmidt

LES: jk
CC: David Smith, Springfield Farms
Bruce E. Doak, Gerhold, Cross & Etzel, Ltd.
Michael R. McCann, Esquire, Michael McCann P.A.

BOA 407

TUESDAY **6** MARCH

2007 65

CASE NUMBER: 7-314-SPH
16701 Yeoho Road
Location: North and south sides of Yeoho Road, 157 feet east from Dubbs Road.
5th Election District, 3rd Councilmanic District
Legal Owner: David Ronald and Lilly Marcelle Smith
Contract Purchaser:

SPECIAL HEARING In response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the BCZR for approval of a Use Permit for a Farmer's Roadside Stand.

Hearing: Tuesday, 3/6/2007 at 9:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

CASE NUMBER: 7-289-SPH
12431 Belair Road
Location: E side of Belair Road, 900 feet S of New Cut Road.
11th Election District, 3rd Councilmanic District
Legal Owner: Mary Lou Dietz

Granted W/ Rest. 3/28/07

ADMINISTRATIVE SPECIAL HEARING For a waiver to raze the structure known as 12431 Belair Road which is on the Maryland Historic Inventory Trust List #BA3079.

Hearing: Tuesday, 3/6/2007 at 11:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

From: Debra Wiley
To: Matthews, Kristen
Date: 11/30/07 3:47:15 PM
Subject: Case No. 07-314-SPH (Faxed Letter to you Friday)

Hi Kristen,

In reference to the above, Bill asked me to fax you a copy of Larry Schmidt's letter, dated November 29th, which I've done within the last ½ hr. or so. Larry is asking Bill to reschedule this case, originally heard March 6, 2007, and to work with Mike McCann for a mutually agreeable date (see 4th paragraph on page 1).

Anyway, Bill would like to start looking at dates in January early in the AM (this probably will take all day) and he'd like if at all possible not to have any hearings the day after. I have left a voice mail for Larry Schmidt about this and that hopefully he, in turn, after getting dates from you can speak with Mr. McCann.

Could you please give Larry a call to talk about dates in January. His number is 410-821-0070. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

********** -COM[redacted]OURNAL- ********** DATE NOV-30-2[redacted]***** TIME 15:27 *******

MODE = MEMORY TRANSMISSION START=NOV-30 15:26 END=NOV-30 15:27

FILE NO.=503

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<01>	Zoning Rev	002/002	00:00:39

-ZONING COMMISSIONER OFF M-

********** - - ***** - 410 887 3468- *********

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
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600 WASHINGTON AVENUE
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www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

November 29, 2007

RECEIVED
NOV 30 2007
BY:_____

Hon. William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson MD 21204

Re: Springfield Farm/ 16701 Yeoho Road
Case No.: 07-314-SPH

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To Kristen	From Debbie	
Co./Dept.	Co.	
Phone # Sending email to you as this error.	Phone #	
Fax #	Fax # Thanks.	

GILDEA & SCHMIDT, LLC

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November 29, 2007

RECEIVED
NOV 30 2007
BY:

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Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
Towson MD 21204

Re: Springfield Farm/ 16701 Yeoho Road
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Phone # See my email to you re:	Phone #	
Fax # this letter.	Fax # Thanks.	

Thank you for your patience and cooperation regarding this matter.

Very truly yours,

Lawrence E. Schmidt

LES: jk
CC: David Smith, Springfield Farms
Bruce E. Doak, Gerhold, Cross & Etzel, Ltd.
Michael R. McCann, Esquire, Michael McCann P.A.

MODE = MEMORY TRANSMISSION START=FEB-21 11:13 END=FEB-21 11:14

FILE NO.=672

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	[redacted]	94108234236	001/001	00:00:29

-ZONING COMMISSIONER OFF M-

********** - - ***** - 410 887 3468- *********

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

To: David Lykens
Development Coordination

Date: November 7, 2007

From: Glenn Shaffer
Environmental Impact Review

Subject: David Smith Property at 16701 Yeoho Rd
(Zoning Item 07-314-SHA)

The site of the proposed farmer's market has been set after Mr. Smith received a variance to Section 33-3-111 of the Regulations for the Protection of Water Quality Streams, Wetlands and Floodplains. The attached map shows the location approved by DEPRM through this variance process, which included evaluation of three general locations and six adjustments of the general location preferred by the petitioner. There are still some outstanding mitigation issues to be resolved between the petitioner and DPERM, but they do not affect the location of the bank barn.

If there are any questions, please contact either Jonathan Bowman or me at 410-887-3980.

Enclosure

c: Jonathan Bowman

Smith @ 16701 Yeoho Rd ZC Memo 11.7.07/glenn/shelr

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection and Resource Management

March 21, 2007

Mr. Bruce Doak
Gerhold, Cross & Etzel, LTD.
Suite 100
320 East Towsontown Boulevard
Towson, MD 21286

Re: Smith Property, Yeoho Road, Special Hearing

Dear Mr. Doak,

This letter is to advise you that according to Glen Shaffer of the Department of Environmental Protection and Resource Management (DEPRM) Environmental Impact Review Section we have still not received any additional information from you regarding the Forest Buffer analysis for the Smith Property. Both at the meeting and separately, the Zoning Commissioner has indicated that he wants to know if this site is suitable before proceeding with the Hearing.

Without a DEPRM approved wetland delineation and erodible slope analysis to determine the Forest Buffer in accordance with the County regulations, DEPRM cannot give an indication of the suitability of the proposed site. Please also keep in mind that you were advised of the Department's concerns by email prior to the Zoning Hearing. Additionally, I personally advised you and Larry Schmidt of this concern about Forest Buffers because of the proximity of the proposed stand to the pond on February 21, 2007. I also advised Larry Schmidt of this issue previously on January 29, 2007.

Please submit the required review materials to Environmental Impact Review so that they can analyze the potential impact on the forest buffer.

Sincerely,

W S Lippincott Jr

Wallace S. Lippincott, Jr.

c. William Wiseman, Baltimore County Zoning Commissioner
Larry Schmidt, Gildea and Schmidt
David Smith, applicant
Glen Shaffer, DEPRM

07-314-SPH

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

TRANSMITTAL SHEET

TO: **Lloyd Moxley**

FROM: Scott Hodgkins

COMPANY: Baltimore County Zoning office

DATE: 2/16/07

RE: Smith / Yeoho

TOTAL NO. OF PAGES INCLUDING COVER:

FAX NUMBER:

PHONE NUMBER:

WE ARE TRANSMITTING:

☐ ATTACHED ☐ VIA MAIL X VIA MESSENGER ☐ UNDER SEPARATE COVER ☐ FOR REVIEW

☐ PRINTS ☐ VIA FAX ☐ PROPOSAL ☐ DESCRIPTIONS ☐ LOCATION DRAWING

☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ F.Y.I.

QTY	DATE	ITEM	DESCRIPTION
3			revised zoning descriptions
3			revised petition requests
12			revised plats

NOTES/COMMENTS:

Lloyd,

Mr. Smith's attorneys (Lawrence Schmidt & Jason Vettori) advised me to revise this plat. They also told me that they had consulted with you on this. If you have any questions, please don't hesitate to contact me.

Sincerely,

Scott Hodgkins

07-314-SPH

REVISED PLATS, PETITION REQUESTS AND ZONING DESCRIPTIONS

2/26/07

SPECIAL HEARING REQUESTED (amended)
16701 YEOHO ROAD

IN RESPONSE TO A FORMAL REQUEST BEING FILED FOR A PUBLIC HEARING WITH THE ZONING COMMISSIONER PER SECTION 404.4.C.7 OF THE B.C.Z.R.

07-314-SPH

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 15, 2007

ZONING DESCRIPTION
SMITH PROPERTY
16701 YEOHO ROAD
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Fifth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at the intersection of the centerlines of Dubbs Road and Yeoho Road, running southerly along the centerline of Yeoho Road 157 feet, thence leaving Yeoho Road south 56°26'03" west 29 feet, running thence

1) South 24°03'39" East 39.60 feet,
2) North 65°36'54" East 13.93 feet,
3) South 28°55'54" East 15.62 feet,
4) Curve to the right, Radius = 1425.00 feet, Arc = 416.59 feet, South 20°33'24" East 415.11 feet,
5) South 12°10'54" East 120.00 feet,
6) Curve to the left, Radius = 775.00 feet, Arc = 96.00 feet, South 15°43'49" East 95.94 feet,
7) South 55°05'36" West 1005.54 feet,
8) South 18°14'24" East 165.18 feet,
9) South 71°45'36" West 250.00 feet,
10) South 18°14'24" East 204.63 feet,
11) South 20°34'06" West 253.08 feet,
13) South 59°03'50" East 946.97 feet,
14) North 54°05'46" East 191.98 feet,
15) North 01°15'44" West 226.30 feet,
16) North 33°00'16" East 591.00 feet,
17) North 54°45'16" East 187.70 feet,
18) North 60°35'16" East 223.70 feet,
19) South 56°40'49" East 81.00 feet,
20) North 52°49'17" East 171.84 feet,
21) North 19°39'49" West 66.00 feet,
22) North 72°00'24" East 644.48 feet,
23) North 02°38'32" West 894.79 feet,
24) South 53°56'32" West 514.78 feet,
25) North 30°18'42" West 209.55 feet,

STATE OF MARYLAND
BRUCE EDWIN DUNN
No. 531
REGISTERED
PROPERTY LINE SURVEYOR
2/15/07

07-314-SPH

26) North 74°18'42" West 333.99 feet,
27) North 65°48'42" West 370.75 feet,
28) North 59°25'39" West 231.00 feet,
29) South 56°26'03" West 243.37 feet, to the point of beginning.

Containing 64.61 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 20, 2007 Issue - Jeffersonian

Please forward billing to:
David & Lilly Smith
16701 Yeoho Road
Sparks, MD 21152

410-472-0738

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:

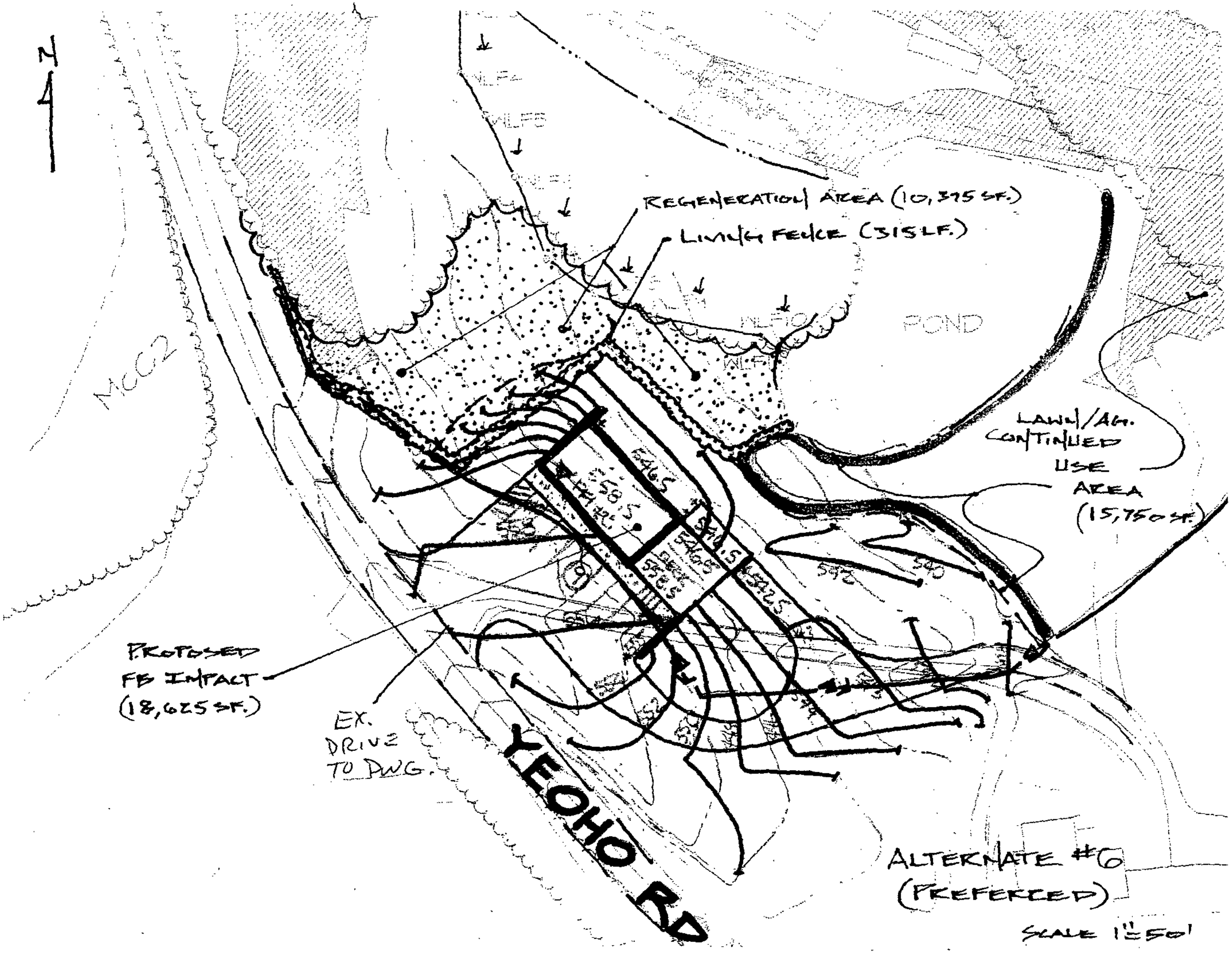
CASE NUMBER: 07-314-SPH
16701 Yeoho Road
North and South sides of Yeoho Road, 157 feet east from Dubbs Road
5th Election District – 3rd Councilmanic District
Legal Owners: David Ronald & Lilly Marcelle Smith

Special Hearing in response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the BCZR for approval of a Use Permit for a Farmer's Roadside Stand.

Hearing: Tuesday, March 6, 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.


N
REGENERATION AREA (10,375 SF.)
LIVING FENCE (315 LF.)
POND
LAWN/AG. CONTINUED USE AREA (15,750 SF.)
PROPOSED FB IMPACT (18,625 SF.)
EX. DRIVE TO DWG.
YEOHO RD
ALTERNATE #6 (PREFERRED)
SCALE 1" = 50'

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: 314

Petitioner: DAVID & LILLY SMITH

Address or Location: 16701 YEOHO ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID & LILLY SMITH

Address: 16701 YEOHO ROAD
SPARKS, MD 21152

Telephone Number: 410-823-4470

Revised 7/11/05 - SCJ

CERTIFICATE OF POSTING

RE: Case No.: 08-314-A

Petitioner/Developer: DANIEL BARTHOLOW

Date of Hearing/Closing: 3-12-08

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:

1028 CEDAR CREEK RD

The sign(s) were posted on 2-27-08
(Month, Day, Year)

Sincerely,

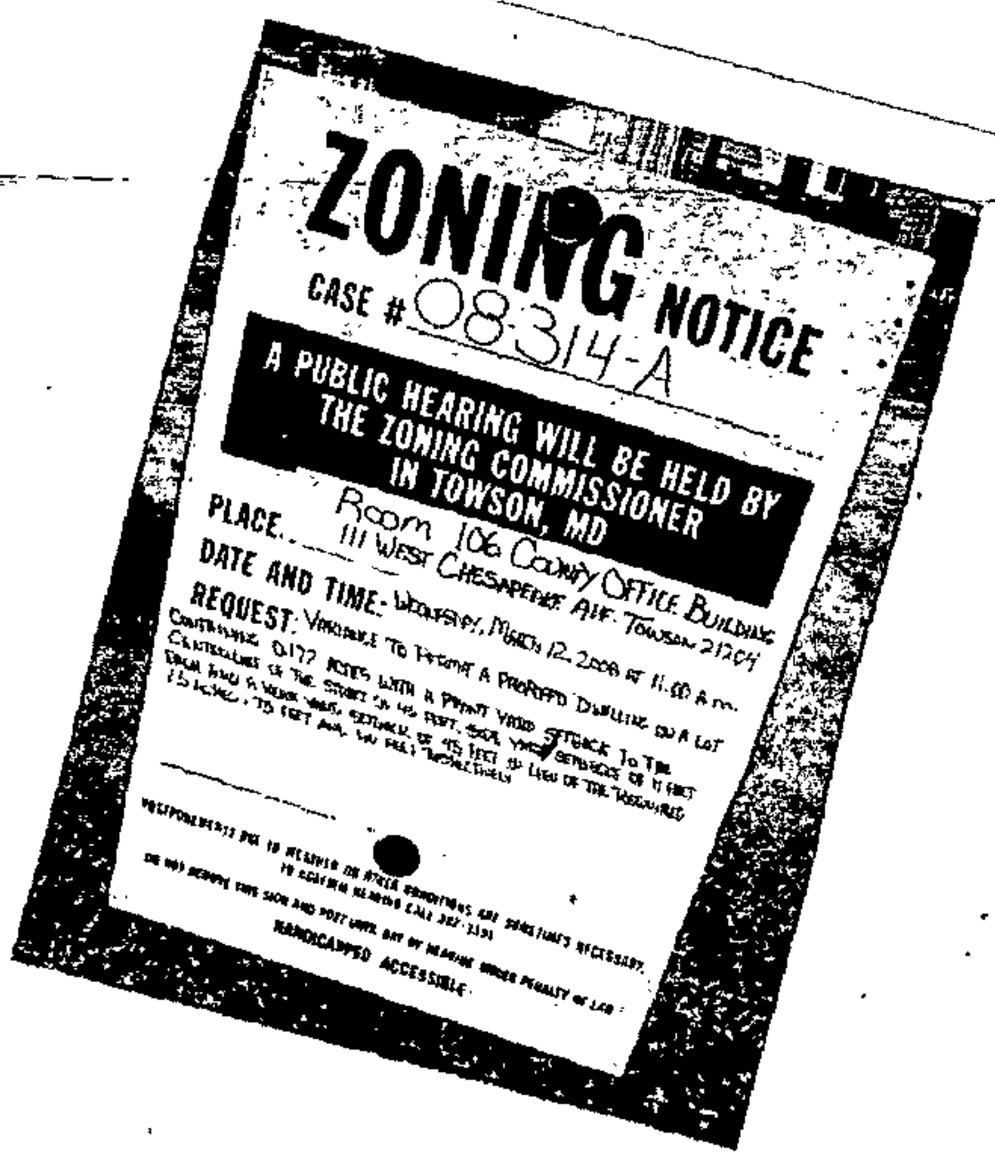
Robert Black 3-3-08
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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

(410) 282-7940
(Telephone Number)



APPEAL

Petition for Special Hearing
16701 Yeoho Road
N & S of Yeoho Rd., 157' East from Dubbs Rd.
5th Election Distict – 3rd Councilmanic District
Legal Owners: David Smith

Case No.: 07-314-SPH

Petition for Special Hearing (January 10, 2007)

Zoning Description of Property

Notice of Zoning Hearing (February 1, 2007)

Certification of Publication (The Jeffersonian – February 20, 2007)

Certificate of Posting (February 8, 2007) by Bruce Doak

Entry of Appearance by People's Counsel (January 30, 2007)

Petitioner(s) Sign-In Sheet – 3 total

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – 2

Zoning Advisory Committee Comments

Petitioners' Exhibit
16 Exhibits as listed on Exhibit Sheet for Petitioner/Developer

Protestants' Exhibits:
5 Exhibits as listed on Exhibit Sheet for Protestant

Miscellaneous (Not Marked as Exhibit)
1. Letter dated February 28, 2007 from Leslie Richardson
2. Letter dated March 4, 2007 from David Smith – Springfield Farm
3. Letter dated March 5, 2007 from David Smith – Springfield Farm
4. Letter dated March 7, 2007 from Jack Gurley – Calvert's Gift Farm
5. Docket
6. Transcript reported by R. Dwayne Harrison (3-6-07)

Zoning Commissioner's Order (GRANTED – March 31, 2008)

Notice of Appeal received on April 29, 2008 from Michael McCann

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Lawrence Schmidt
Bruce Doak
Michael McCann
See Attached List

date sent June 24, 2008 klm

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 24, 2008

Lawrence Schmidt
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case: 07-314-A, 16701 Yeoho Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 29, 2008 by Michael McCann. 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
Bruce Doak, 320 E. Towsontown Blvd., Ste. 100, Towson 21286
Michael McCann, 118 W. Pennsylvania Avenue, Towson 21204
See Attached List

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 16701 YEOHO ROAD

which is presently zoned R.C. 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

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

LAWRENCE E. SCHMIDT
Name - Type or Print

Signature

GILDEA & SCHMIDT LLC
Company

300 E. LOMBARD STREET — SUITE 1440
Address — Telephone No.

BALTIMORE — MD — 21202
City — State — Zip Code

Legal Owner(s):

DAVID DONALD SMITH
Name - Type or Print

Signature

LILLY MARCELLE SMITH
Name - Type or Print

Lilly M. Smith
Signature

16701 YEOHO RD — 410-472-0758
Address — Telephone No.

SPARKS — MD — 21152
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK @ G.C.&E
Name

320 E. TOWSONTOWN BLVD — 410-823-4470
Address — Telephone No.

TOWSON — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ **Date** 1·10·07

Case No. 07-314-SPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 3-31-08
By DLP

SPECIAL HEARING REQUESTED
16701 YEOHO ROAD

IN RESPONSE TO AN OWNER WITHIN 1,000 FEET FILING A FORMAL REQUEST FOR A PUBLIC HEARING WITH THE ZONING COMMISSIONER PER SECTION 424.4.A.3 OF THE B.C.Z.R. FOR FARMER'S ROADSIDE STAND USE PERMIT.

404.4.C.7

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 16701 YEOHO ROAD

which is presently zoned R.C. 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

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

DAVID DONALD SMITH
Name - Type or Print

Signature

LILLY MARCELLE SMITH
Name - Type or Print

Lilly M. Smith
Signature

16701 YEOHO RD — 410-472-0738
Address — Telephone No.

SPARKS — MD — 21152
City — State — Zip Code

Representative to be Contacted:

BRUCE DOAK @ GC&E
Name

320 E. TOWSONTOWN BLVD — 410-823-4470
Address — Telephone No.

TOWSON — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JWM **Date** 1-10-07

Case No. 07-314-SPH

REV 9/15/98

UNDER PROCESSING FOR FILING
Date 3-31-08
By DW

SPECIAL HEARING REQUESTED
16701 YEOHO ROAD

IN RESPONSE TO AN OWNER WITHIN 1,000 FEET FILING A FORMAL REQUEST FOR A PUBLIC HEARING WITH THE ZONING COMMISSIONER PER SECTION 424.4.A.3 OF THE B.C.Z.R. FOR FARMER'S ROADSIDE STAND USE PERMIT.

404.4.C.7

BALTIMORE COUNTY, MARYLAND 314
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23092

DATE 1.10.07 ACCOUNT R001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: D. Smith 16701 YEOHO Rd.

FOR: SPH.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/12/2007	1/10/2007	14:11:25	2

REG WEDE WALKIN JENA MAE
>>RECEIPT # 099201 12/31/2006 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 023092

Recpt Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 5, 2007

ZONING DESCRIPTION
SMITH PROPERTY
16701 YEOHO ROAD
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Fifth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at the intersection of the centerlines of Dubbs Road and Yeoho Road, running southerly along the centerline of Yeoho Road 157 feet, thence leaving Yeoho Road south 56°26'03" west 29 feet, running thence

1) South 24°03'39" East 39.60 feet,
2) South 65°40'54" West 124.87 feet,
3) South 19°25'35" West 141.49 feet,
4) South 36°23'35" West 513.53 feet,
5) South 56°31'35" West 344.40 feet,
6) North 53°34'25" West 74.25 feet,
7) South 39°16'36" West 68.93 feet,
8) South 51°40'30" East 208.13 feet,
9) South 18°14'24" East 432.83 feet,
10) South 71°45'36" West 250.00 feet,
11) South 18°14'24" East 204.63 feet,
13) South 20°34'06" West 253.08 feet,
14) South 59°03'50" East 946.97 feet,
15) North 54°05'46" East 191.98 feet,
16) North 01°15'44" West 226.30 feet,
17) North 33°00'16" East 591.00 feet,
18) North 54°45'16" East 187.70 feet,
19) North 60°35'16" East 223.70 feet,
20) South 56°40'49" East 81.00 feet,
21) North 52°49'17" East 171.84 feet,
22) North 19°39'49" West 66.00 feet,
23) North 72°00'24" East 644.48 feet,
24) North 02°38'32" West 894.79 feet,
25) South 53°56'32" West 514.78 feet,
26) North 30°18'42" West 209.55 feet,
27) North 74°18'42" West 333.99 feet,

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

28) North 65°48'42" West 370.75 feet,
29) North 59°25'39" West 231.00 feet,
30) South 56°26'03" West 243.37 feet, to the point of beginning.

Containing 64.6 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
SCOTT ALAN LINDQUIST
No. 21081
PROFESSIONAL LAND SURVEYOR
1/4/07

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

February 1, 2007

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

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: 07-314-SPH
16701 Yeoho Road
North and South sides of Yeoho Road, 157 feet east from Dubbs Road
5th Election District – 3rd Councilmanic District
Legal Owners: David Ronald & Lilly Marcelle Smith

Special Hearing in response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the BCZR for approval of a Use Permit for a Farmer's Roadside Stand.

Hearing: Tuesday, March 6, 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: Lawrence Schmidt, 300 E. Lombard Street, Baltimore 21202
David & Lily Smith, 16701 Yeoho Road, Sparks 21152
Bruce Doak, 320 E. Towsontown Blvd., Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 19, 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

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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 2/692 Feb. 20 125436

CERTIFICATE OF PUBLICATION

2/22/, 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 2/20/, 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# 07-314-SPH
PETITIONER/DEVELOPER:
David Ronald & Lilly Marcelle Smith
DATE OF HEARING: March 6, 2007

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:
16701 Yeoho Road

(see page 2 for full size photo)

POSTED ON: 2/08/07

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE #:07-314-SPH

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

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

TIME: 9:00 am Tuesday, March 6, 2007

Special Hearing:
In response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the BCZR for approval of a Use Permit for a Farmer's Roadside Stand.

POSTPONEMENTS DUE TO WEATHER OR OTHER CAUSES, SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED DATE.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING

HEARINGS ARE HANDICAPPED ACCESSIBLE

02/07/2007

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 1, 2007

NOTICE OF ZONING HEARING

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Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard Street, Baltimore 21202
David & Lily Smith, 16701 Yeoho Road, Sparks 21152
Bruce Doak, 320 E. Towsontown Blvd., Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 19, 2007.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING 16701 Yeoho Road; N & S/S Yeoho Road 157' E from Dubbs Road 5th Election & 3rd Councilmanic Districts Legal Owner(s): David & Lilly Smith Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-314-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all 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 30th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to, Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED
JAN 30 2007
Per.....

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

R. Dwayne Harrison
Court Reporter
reporter@gorebrothers.com

24 Hours/7 Days
Phone: 410-837-3027
800-734-5292
Fax: 410-685-6361

20 S. Charles Street, Suite 901
Baltimore, MD 21201
www.gorebrothers.com
GORE BROTHERS
Towson Reporting Company ◆ Whitman Reporting - Rockville

SHEET 1 OF 2

CASE NAME SMITH PROPERTY
CASE NUMBER 07-314-SPH
DATE

PETITIONER'S SIGN-IN SHEET

	ADDRESS	CITY, STATE, ZIP	E-MAIL
Catherine Webb	Yeoho Rd	Sparks MD 21152	
EDWARD MURPHY	16511 Yeoho Rd	Sparks MD 21152	
Lucy Wright	16018 FALLS RD	SPARKS MD 21152	vhcwright@aol.com
Maggie Babb	14626 Dunbar Mill Rd	Sparks MD 21152	mlbabb@gmail.com
BARB Cohn	21019 Gunpowder Rd.	Lutherville, MD 21102	LuDbite456@aol.com
Bruce E. Doak	621 Murdock Rd.	BALTO. MD 21212	
Gerhold Cross + Etzel	320 E. Towsontown Blvd.	Towson MD 21286	
NORMA JEAN BELT	15611 BRICK STORE RD	HAMPSTEAD MD 21074	
GEORGE R REW	17509 Prettyboy Dam Rd	Parkton Md 21120-9637	
LAWRENCE E SCHMIDT	600 WASHINGTON AVE Ste 200	Towson MD 21204	
Sophie Hess	14415 Cooper Rd	Phoenix, MD 21131	
Danielle Lafferty	16701 Yeoho Road	Sparks, MD. 21152	Laffertyfarmers@
Valerie Lafferty	16701 Yeoho Road	Sparks, MD 21152	QNACLARK@COMCAST
GAYLORD CLARK III	1704 HILLSIDE RD	Stevenson, MD 21153	
MARGERY W CLARK	1706 HILLSIDE RD	STEVENSON MD 21153	
Al Copp	17912 York Rd	Parkton MD 21120	acopp@ms
IRVING SPITZER	910 MARYLAND AV	MONKTON, MD 21111	1510@AOL.COM
	2411 BENSON MILL RD	SPARKS MD 21224	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Wesson H. Miller, Jr.	16730 Dubbs Road	Sparks, MD 21152	whmiller@rmf.com
SAM NITZBERG	16803 YEOHO RD	Sparks MD 21152	grebztinmas@worldsi.net
Vicki Mermelstein	16803 Yeoho RD	Sparks MD 21152	Mermelstein@brynmawr
Angela Steckel	16619 Dubbs Rd	Sparks, MD 21152	steck55@aol.com
Jennifer Swanson	16726 Yeoho Rd	Sparks, MD 21152	swansonfamily@comcast.
Chris Swanson	"	"	"
LUKE STECKEL	16619 DUBBS Rd	" " "	steck55@AOL.com
J.H. Gurley	2007 Julia Heal Rd	Towson Md 21204	
Jack Gurley	16813 Yeoho Rd	Sparks, MD 21152	giftcal@aol.com
Gillian Miller	16730 Dubbs Rd	Sparks MD 21152	gsmiller4@comcast.n
NICOL O'CONNOR	16606 Dubbs Rd	Sparks MD 21152	nxsmith@yahoo.com
Mary Trifillis	16801 Yeoho Rd.	Sparks, MD 21152	helumax@bcpl.net
LANCE TRIFILLIS	"	"	
Rebecca Gurley	16813 Yeoho Rd	Sparks MD 21152	giftcal@AOL.com
Cynthia Trawinski	16548 Yeoho Rd	SPARKS, MD 21152	
Teresa Moore	VALLEY Planning	PO BOX 5402 21185	moorepl@comcast.net
Russell CLARK	16819 YEOHO ROAD	Sparks, MD 21152	rclark@SAZERAC.com
M. McGann	213 E. Montgomery	Balt. MD 21230	michael@mmccann.bw.net

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Jennifer Swanson	16726 Yeoho Rd	Sparks, MD 21152	swansonfamily@comcast.net
Vicki Mermelstein	16803 Yeoho Rd	Sparks MD 21152	
Sam Mitzberg	16803 Yeoho Rd	Sparks MD 21152	grebzhnmas@comcast
John H. GURLEY SR	2009 INDIAN HEAD RD.	Towson MD. 21204	DEADBIRD@COMCAST.NET
John H Gurley Jr	16818 Yeoho Rd	Sparks MD 21152	giftcal@aol.com
LUKE STECK	16619 DUBBS Rd.	" " "	STECK55@AOL.COM
NICHOLAS COWIE	16616 Dubbs Rd.	Sparks MD 21152	ndc@cowiemott.com
ELI RENN	16833 YEOHO RD	SPARKS MD 21152	eli@baltimorecolor
GEORGE R REW	17509 Prettyboy Dam Rd	Parkton MD 21120-9637	pfate.com
JASON COLE	17006 Yeoho Road	Parkton MD 21120	mjasoncole@hotmail.com
Gillian Miller	16730 Dubbs Road	Sparks MD 21152	gsmiller4@comcast.net

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 28, 2007

Lawrence E. Schmidt
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Dear Mr. Schmidt:

RE: Case Number: 07-314-SPH, 16701 Yeoho Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 10, 2007.

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
David Ronald Smith Lilly Marcelle Smith 16701 Yeoho Road Sparks 21152
Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Boulevard Towson 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2007
Item Nos. 07- 260,304, 307, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319, 320, and 321

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-01222007.doc

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

January 26, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

Item Number: 304 and 307 through 321 314

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: Development Coordination DATE: February 22, 2007

FROM: Wally Lippincott, Jr. WSL

SUBJECT: 16701 Yeoho Road - SpH 07-314

General: The production and sale of farm products from Baltimore County farms is an important part of agriculture in the County and it is a goal of the County to encourage such operations to promote the viability of agriculture in the County. Below are sections in the Baltimore County Zoning Regulations and the Master Plan that support this position.

The Baltimore County Zoning Regulations (BCZR) state in the findings for the RC 2 zone (BCZR 1A01.1A.1.) "That the agricultural industry is an integral part of the Baltimore (County) economy ....." and that the purpose of the RC 2 Zone (BCZR 1A01.1.B) "is established pursuant to the legislative findings above in order to foster conditions favorable to continued agricultural use of the productive agricultural areas of Baltimore County..."

The Baltimore County Master Plan 2010 (page 223) discusses the importance of marketing of agricultural products. The plan proposes as an action "Permit ancillary activities to the farming operation that allow farmers to sell products grown on the farm directly to customers, and promote certain farms as a destination stop for tourists and visitors.

This property located at 16701 Yeoho Road is zoned RC 2 (Agriculture) is in a Master Plan designated Agricultural Preservation Area and Rural Legacy Area, and in is vicinity of other farms that are under publicly funded land preservation easements. The 66 acre farm produces livestock. The landowner has placed the farm in a Maryland Agricultural Land Preservation Foundation (MALPF) District and has applied to sell a permanent preservation easement to restrict future development from occurring on the farm

The consideration of the request for a farmers market must go before the County and meet the MALPF requirements. The procedure for taking requests to the State are to first obtain County approvals before approaching the State. The criteria for each approval differ but requests must first meet local zoning.

Baltimore County Agricultural Land Preservation Advisory Board (BCALPAB) Opinion:

The process for approval of a farmers roadside stand includes the review by the Baltimore County Agricultural Land Preservation Advisory Board. The petitioner must meet the following agricultural requirements:

1. Stand located on a farm
2. Owner shall be an agricultural producer
3. At least 50% of the produce shall be grown on the premises.....

Mr. Smith requested that the BCALPAB review and make a recommendation on his request for a farm stand at the November 30, 2006 Advisory Board Meeting. The Board visited the farm operation and discussed the request at the meeting. The minutes are attached. The Board voted to recommend approval of the farmer's roadside stand conditional on a restriction of the hours of operation and that the upper floor of the building be limited to storage. The minutes reflect that the approval is limited to a building of 40' by 50', that the sales will be a minimum of 50% produced on the farm, and that Mr. Smith was discussing his proposal with his neighbors.

DEPRM: Land Preservation Comments:

As indicated in the introductory remarks, the purpose of land preservation program includes not only saving land but continuing to foster appropriate agricultural uses of that land. Production and sale of locally grown agricultural products is an important part of the County's economy and heritage. More and more additional marketing and direct sales are important to the survival of local farms. The petitioner's operation is consistent with those needs in that his operation is based on direct sales of the goods he produces. This operation and type of business is supported at this location that is eminently suited for this operation.

The support for a farmers roadside stand at this location is however based upon the petitioner being in compliance with the limitations that 50% of the agricultural products are grown on the farm, adjacent farms, or other properties farmed by the farmer. Furthermore there is a distinction between a farmer's roadside stand and a farm market in that nonagricultural products and jams can be sold at the market but not the stand.

Maryland Agricultural Land Preservation Foundation Requirements

Following the decision of the Special Hearing, the landowner must request approval by the State. Currently the pertinent MALPF regulations are: COMAR 15.15.01.17. These regulations permit up to 25% of gross sales can be from products produced locally on other farms.

The General Assembly in 2003 passed legislation providing MALPF with the ability to broaden the uses (SB 626). The MALPF Board of Trustees is currently preparing draft

rules for the proposed uses. Those draft rules state, "the majority of the produce and plants must be grown on site, the remainder can be grown in Maryland or its contiguous states. Facility and parking area shall cover no more that 2% of the farm. Parking area must be pervious. These rules are in draft form only to be discussed at the February 27, 2007 MALPF meeting.

BLS 3/6
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR - 1 2007

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: February 28, 2007

SUBJECT: Zoning Item # 07-314-SPH
Address 16701 Yeoho Road
(Smith Property)

Zoning Advisory Committee Meeting of January 22, 2007

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_X_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_X_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1) A variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains would be required to site the proposed produce stand adjacent to the pond and stream. Any such variance request must demonstrate that a practical difficulty or unreasonable hardship would result from either relocating or not building the structure and that impacts to water quality, streams and wetlands would be minimized. Alternate locations for the stand must be objectively evaluated in any variance request.

2.) An Agricultural Declaration of Intent is required to meet Forest Conservation Regulations.
* These items must be addressed prior to issuance of a building permit.

3.) Storm Water Management may have to be addressed and a Baltimore County grading permit required if the proposed development is over 5,000 square feet.
G. Shaffer; Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: February 28, 2007

SUBJECT: Zoning Item # 07-314-SPH
Address 16701 Yeoho Road
(Smith Property)

Zoning Advisory Committee Meeting of January 22, 2007

_X_ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_X_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_X_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1) A variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains would be required to site the proposed produce stand adjacent to the pond and stream. Any such variance request must demonstrate that a practical difficulty or unreasonable hardship would result from either relocating or not building the structure and that impacts to water quality, streams and wetlands would be minimized. Alternate locations for the stand must be objectively evaluated in any variance request.

2.) An Agricultural Declaration of Intent is required to meet Forest Conservation Regulations.
* These items must be addressed prior to issuance of a building permit.

3.) Storm Water Management may have to be addressed and a Baltimore County grading permit required if the proposed development is over 5,000 square feet.

G. Shaffer; Environmental Impact Review

4.) If plumbing is required in the building, a water supply and sewage disposal system must be provided. More information will be required by DEPRM's Ground Water Management division. – *S. Farinetti; Ground Water Management*

5.) Comments attached from W. Lippincott; *Agricultural Preservation*

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: Development Coordination DATE: February 22, 2007

FROM: Wally Lippincott, Jr. WL

SUBJECT: 16701 Yeoho Road - SpH 07-314

General: The production and sale of farm products from Baltimore County farms is an important part of agriculture in the County and it is a goal of the County to encourage such operations to promote the viability of agriculture in the County. Below are sections in the Baltimore County Zoning Regulations and the Master Plan that support this position.

The Baltimore County Zoning Regulations (BCZR) state in the findings for the RC 2 zone (BCZR 1A01.1A.1.) "That the agricultural industry is an integral part of the Baltimore (County) economy ....." and that the purpose of the RC 2 Zone (BCZR 1A01.1.B) "is established pursuant to the legislative findings above in order to foster conditions favorable to continued agricultural use of the productive agricultural areas of Baltimore County..."

The Baltimore County Master Plan 2010 (page 223) discusses the importance of marketing of agricultural products. The plan proposes as an action "Permit ancillary activities to the farming operation that allow farmers to sell products grown on the farm directly to customers, and promote certain farms as a destination stop for tourists and visitors.

This property located at 16701 Yeoho Road is zoned RC 2 (Agriculture) is in a Master Plan designated Agricultural Preservation Area and Rural Legacy Area, and in is vicinity of other farms that are under publicly funded land preservation easements. The 66 acre farm produces livestock. The landowner has placed the farm in a Maryland Agricultural Land Preservation Foundation (MALPF) District and has applied to sell a permanent preservation easement to restrict future development from occurring on the farm

The consideration of the request for a farmers market must go before the County and meet the MALPF requirements. The procedure for taking requests to the State are to first obtain County approvals before approaching the State. The criteria for each approval differ but requests must first meet local zoning.

Baltimore County Agricultural Land Preservation Advisory Board (BCALPAB) Opinion:

The process for approval of a farmers roadside stand includes the review by the Baltimore County Agricultural Land Preservation Advisory Board. The petitioner must meet the following agricultural requirements:

1. Stand located on a farm
2. Owner shall be an agricultural producer
3. At least 50% of the produce shall be grown on the premises.....

Mr. Smith requested that the BCALPAB review and make a recommendation on his request for a farm stand at the November 30, 2006 Advisory Board Meeting. The Board visited the farm operation and discussed the request at the meeting. The minutes are attached. The Board voted to recommend approval of the farmer's roadside stand conditional on a restriction of the hours of operation and that the upper floor of the building be limited to storage. The minutes reflect that the approval is limited to a building of 40' by 50', that the sales will be a minimum of 50% produced on the farm, and that Mr. Smith was discussing his proposal with his neighbors.

DEPRM: Land Preservation Comments:

As indicated in the introductory remarks, the purpose of land preservation program includes not only saving land but continuing to foster appropriate agricultural uses of that land. Production and sale of locally grown agricultural products is an important part of the County's economy and heritage. More and more additional marketing and direct sales are important to the survival of local farms. The petitioner's operation is consistent with those needs in that his operation is based on direct sales of the goods he produces. This operation and type of business is supported at this location that is eminently suited for this operation.

The support for a farmers roadside stand at this location is however based upon the petitioner being in compliance with the limitations that 50% of the agricultural products are grown on the farm, adjacent farms, or other properties farmed by the farmer. Furthermore there is a distinction between a farmer's roadside stand and a farm market in that nonagricultural products and jams can be sold at the market but not the stand.

Maryland Agricultural Land Preservation Foundation Requirements

Following the decision of the Special Hearing, the landowner must request approval by the State. Currently the pertinent MALPF regulations are: COMAR 15.15.01.17. These regulations permit up to 25% of gross sales can be from products produced locally on other farms.

The General Assembly in 2003 passed legislation providing MALPF with the ability to broaden the uses (SB 626). The MALPF Board of Trustees is currently preparing draft

rules for the proposed uses. Those draft rules state, "the majority of the produce and plants must be grown on site, the remainder can be grown in Maryland or its contiguous states. Facility and parking area shall cover no more that 2% of the farm. Parking area must be pervious. These rules are in draft form only to be discussed at the February 27, 2007 MALPF meeting.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 28, 2007

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

RECEIVED
MAR - 6 2007
ZONING COMMISSIONER

SUBJECT: 16701 Yeoho Road

INFORMATION:

Item Number: 7-314

Petitioner: David Ronald Smith

Zoning: RC 2

Requested Action: **Special Hearing**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following:

The petitioner's request to permit a Farmer's roadside stand is not opposed by this office provided the following conditions are placed in the subject order:

1. Building elevations that include proposed building materials should be submitted to the Office of Planning for review and approval prior to the issuance of building permits.
2. Hours of operation should be limited to the existing hours of operation.
3. The proposed entrance to the stand from Yeoho Road should be reduced in width.
4. Signage should not exceed that allowed by the BCZR.
5. Security lighting, if needed, should be designed to limit ambient light.

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

Reviewed by: Curtis T. Murray

Division Chief: Lynn Lanham

W:\DEVREV\ZAC\7-314.doc

Case No.: 07-314 A 16701 Yeotto RD

Exhibit Sheet - Continued

		Petitioner/Developer	Protestant
	No. 13	Petition in Favor of Use Permit	
✓	No. 14	DEPRM Variance approval letter 10/23/07	
✓	No. 15	15A - Red Lined 15B - ~~Red~~ BLACK Lined	
	No. 16	49 Letters in Support of Use Permit	
	No. 17		
	No. 18		
	No. 19		
	No. 20		
	No. 21		
	No. 22		
	No. 23		
	No. 24		

30'

PLAN TO ACCOMPANY A SPECIAL HEARING

SMITH PROPERTY

YEOHO ROAD

Deed Ref: S.M. No. 8684 folio 322
Tax Account No.: 19-00-002612
Zoned R.C. 2; GIS Tile 21A3, 27A1
Tax Map 21; Grid 19; Parcel 178
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND
BRUCE EDWIN DOAR
PROPERTY LINE SURVEYOR
3/2/07

Scale: 1"=100'

Date: JANUARY 2, 2007

PETITIONER'S

EXHIBIT NO. 1

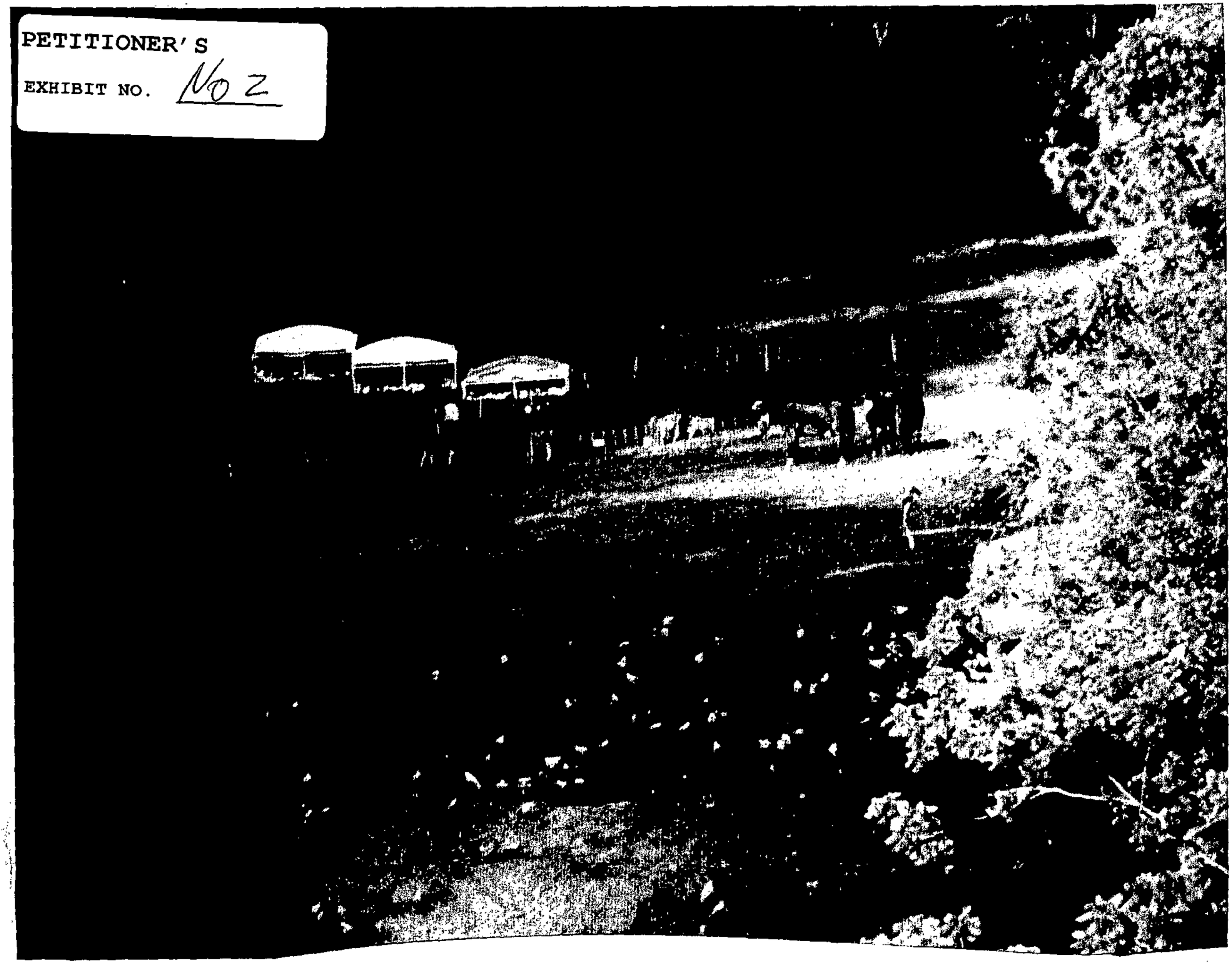
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE
REVISIONS PER ATTORNEY	3/2/07
ISIONS PER ATTORNEY & OWNER	2/20/07
QUEST REVISIONS PER ATTORNEY	2/12/07

COMPUTED:	DRAWN: SMH	CHECKED:	FILE: X:\SMITH - YEOHO\ZONING PLAT.prp

PETITIONER'S

EXHIBIT NO. No 2

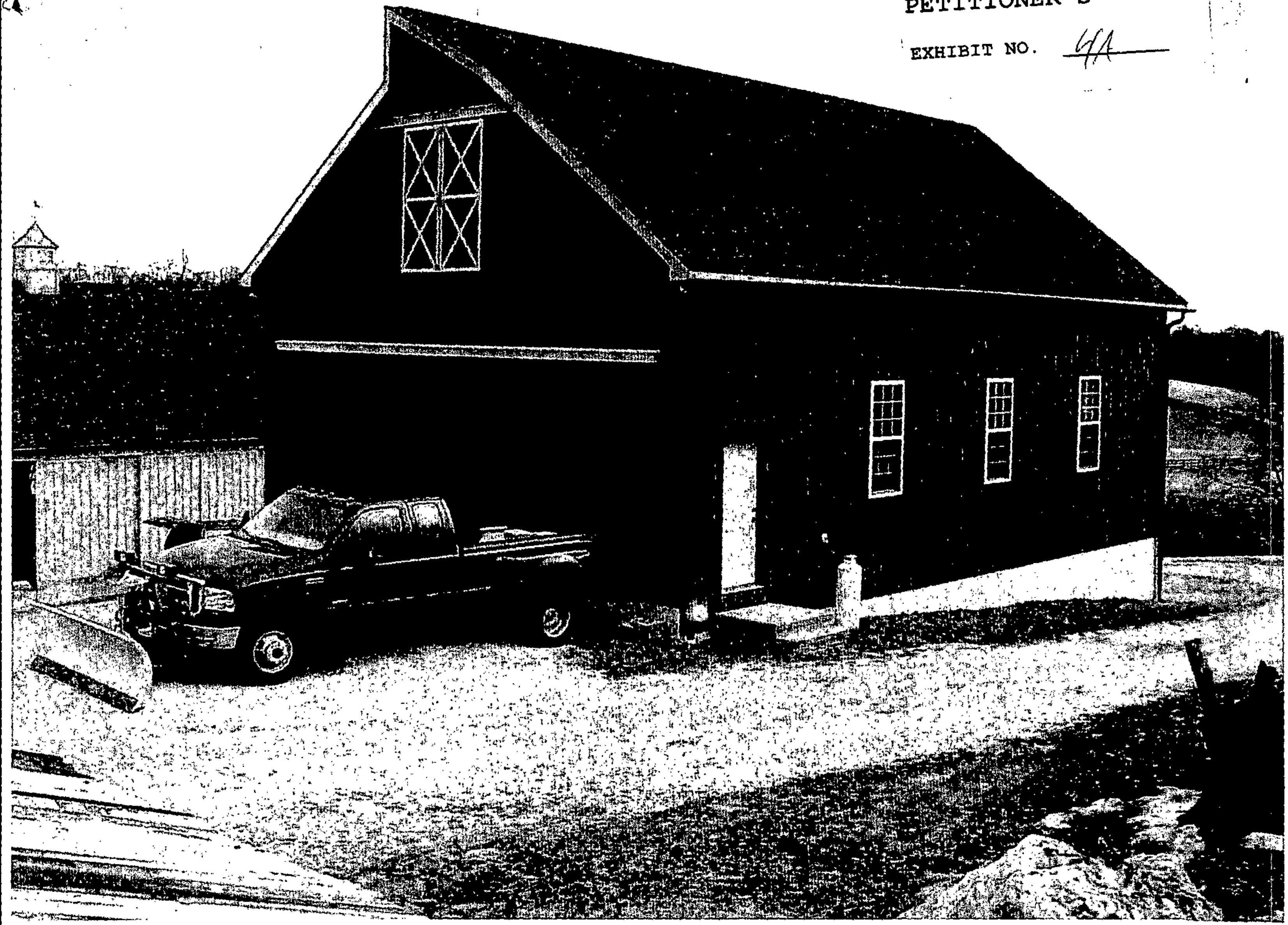


PETITIONER'S

EXHIBIT NO. No 3

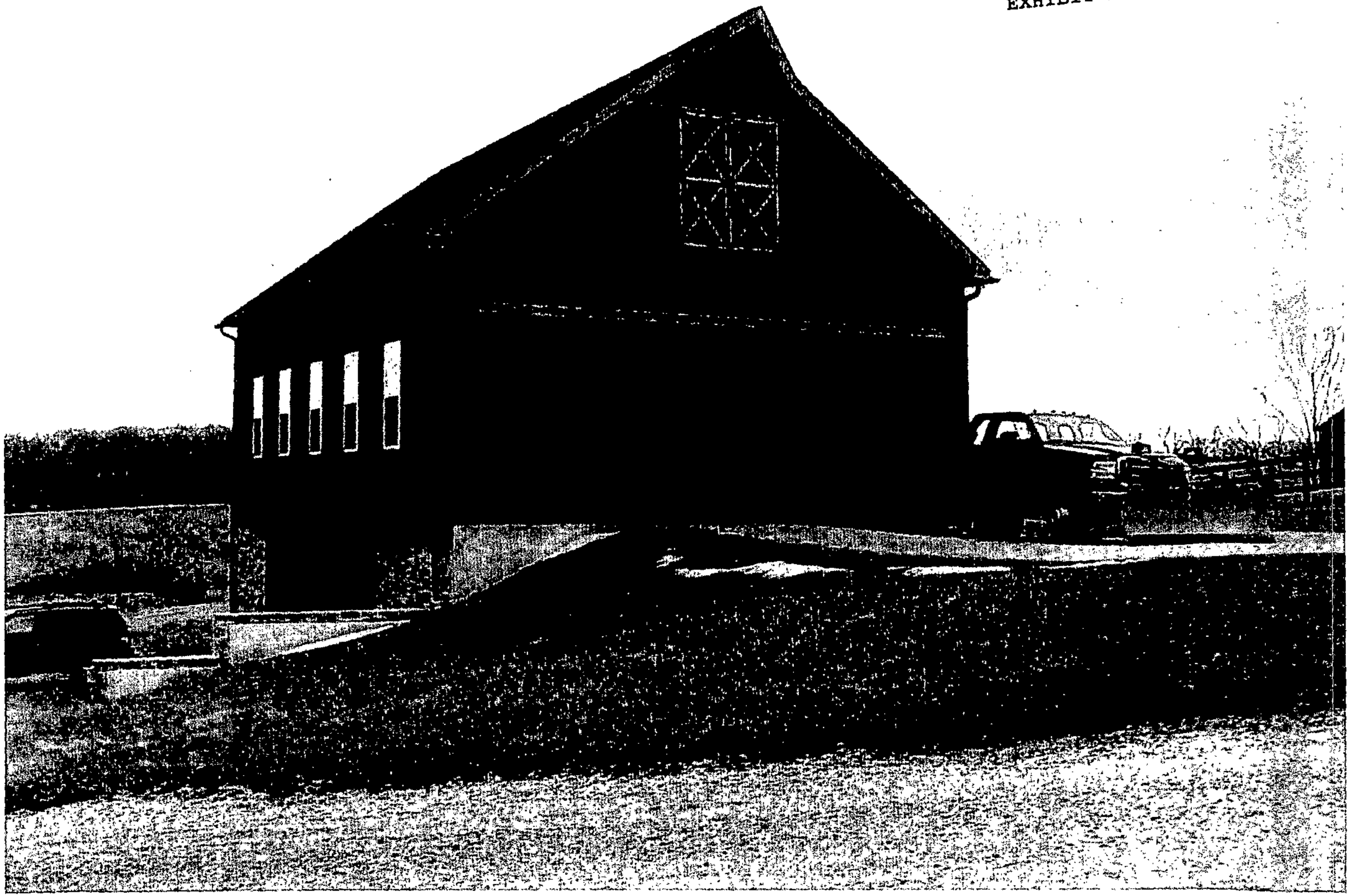
PETITIONER'S

EXHIBIT NO. 4A



PETITIONER'S

EXHIBIT NO. 4B



SPRINGFIELD FARM 2006 SALES DATA

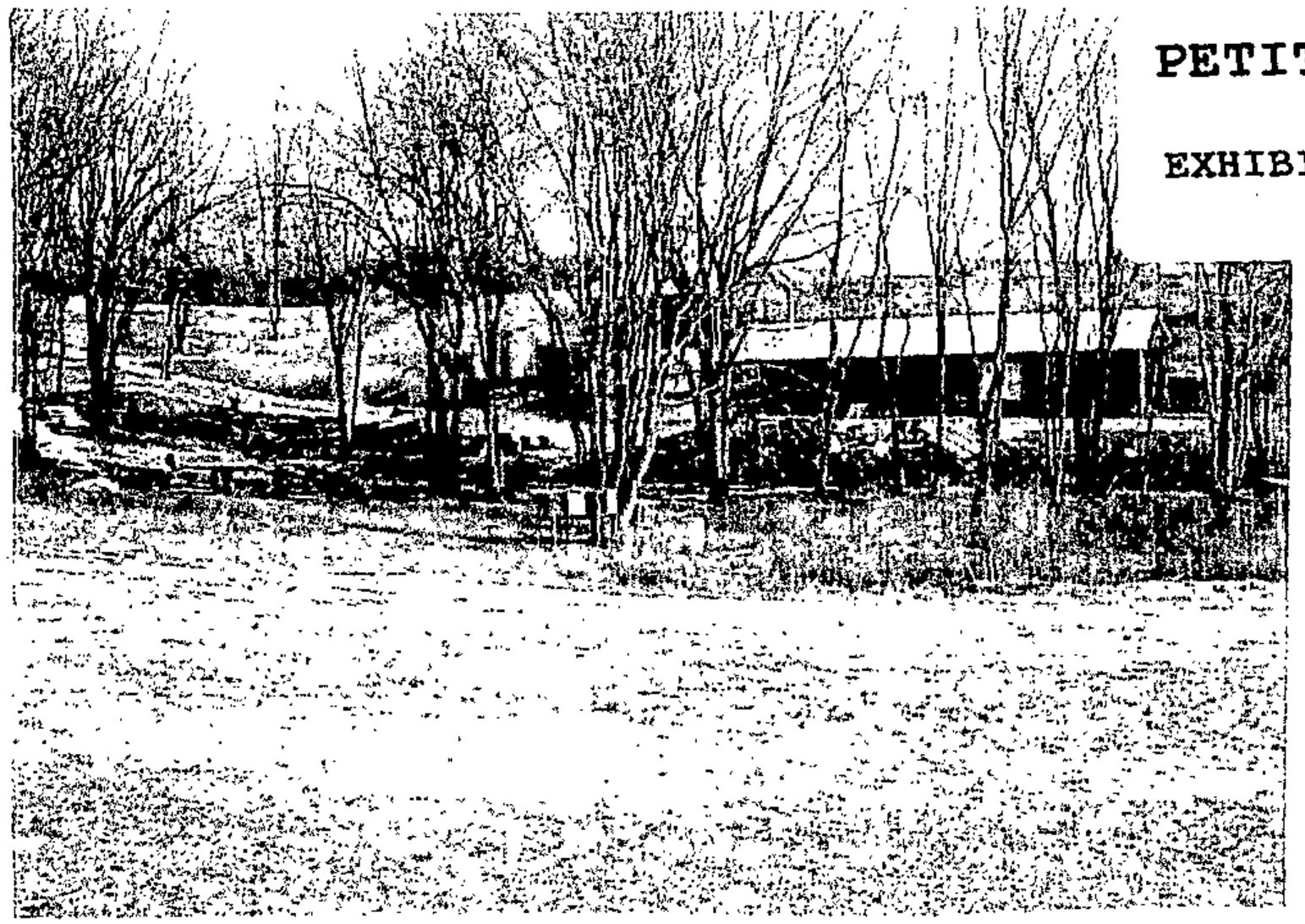
	A	B	C	D	E
1	**ITEM**	**%**	**WEIGHTS**	**UNITS**	**NOT**
2	**(Increase/decrease)**				**HERE**
3					
4	EGGS (-3,7%)	9.20%	N/A	4914 / 36,500	**N/A**
5	.				
6	**CHICKEN (-11.9%)**	11.50%	4811# / 4 #	1203 / 5000	**N/A**
7	.				
8	BEEF (-12.7%)	23.50%	3940 # / 600 #	6.6 / 2	**4.62%**
9	.				
10	PORK (+26%)	13.40%	4493 # / 200 #	22.5 / 27	**N/A**
11	.				
12	LAMB (+68.1%)	3.20%	772 # / 35 #	22 / 18	**0.60%**
13	.				
14	DAIRY (+13.8%)	12.40%	NOT HERE		**12.40%**
15	.				
16	TURKEY **(+49%)**	20.80%	8177 # / 20 #	408 / 450	**N/A**
17	.				
18	OTHER (+14%)	6%	1/2 HERE	N/A	**3%**
19	.	100%			**20.62%**
20	.				
21	**ON FARM 2006/2005 = +9% (4% Inflation) = 5%**				
22	**OFF FARM 2006/2005 = Flat**				

PETITIONER'S

EXHIBIT NO. 5

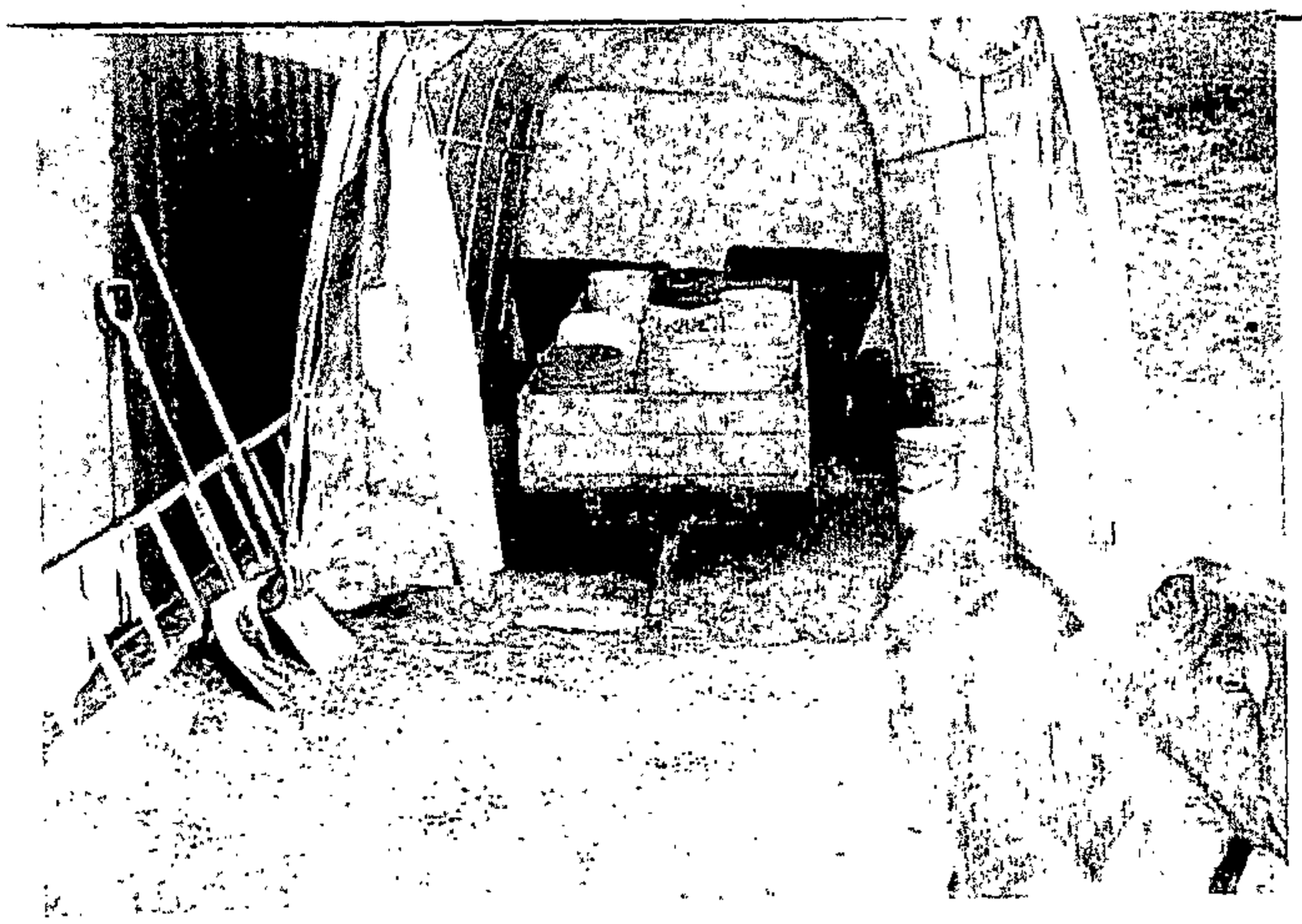
PETITIONER'S

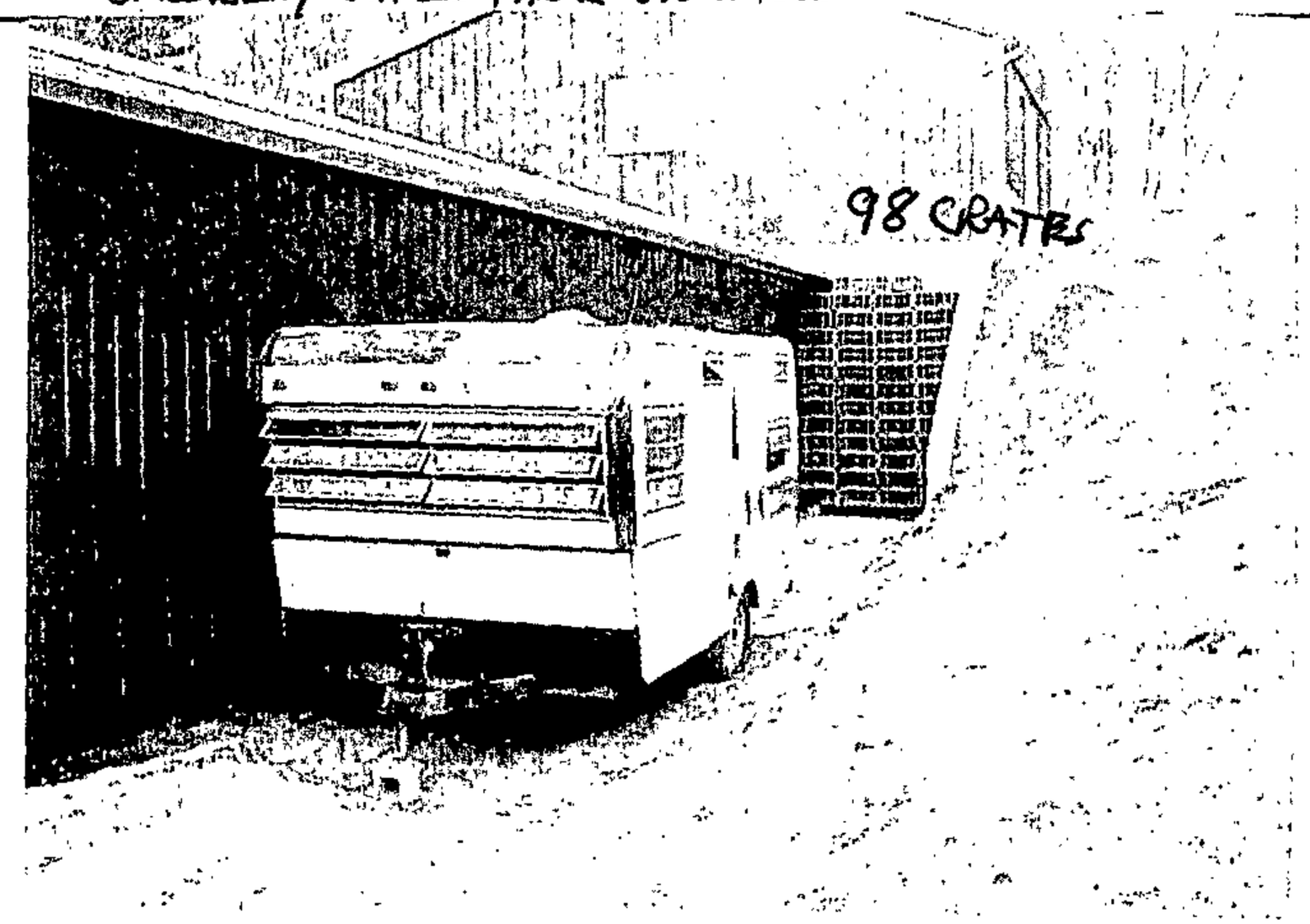
EXHIBIT NO. No 6



WORKSHOP/2ND FLOOR STORAGE / 2 TRACTORS / HAY / WAGONS / ETC

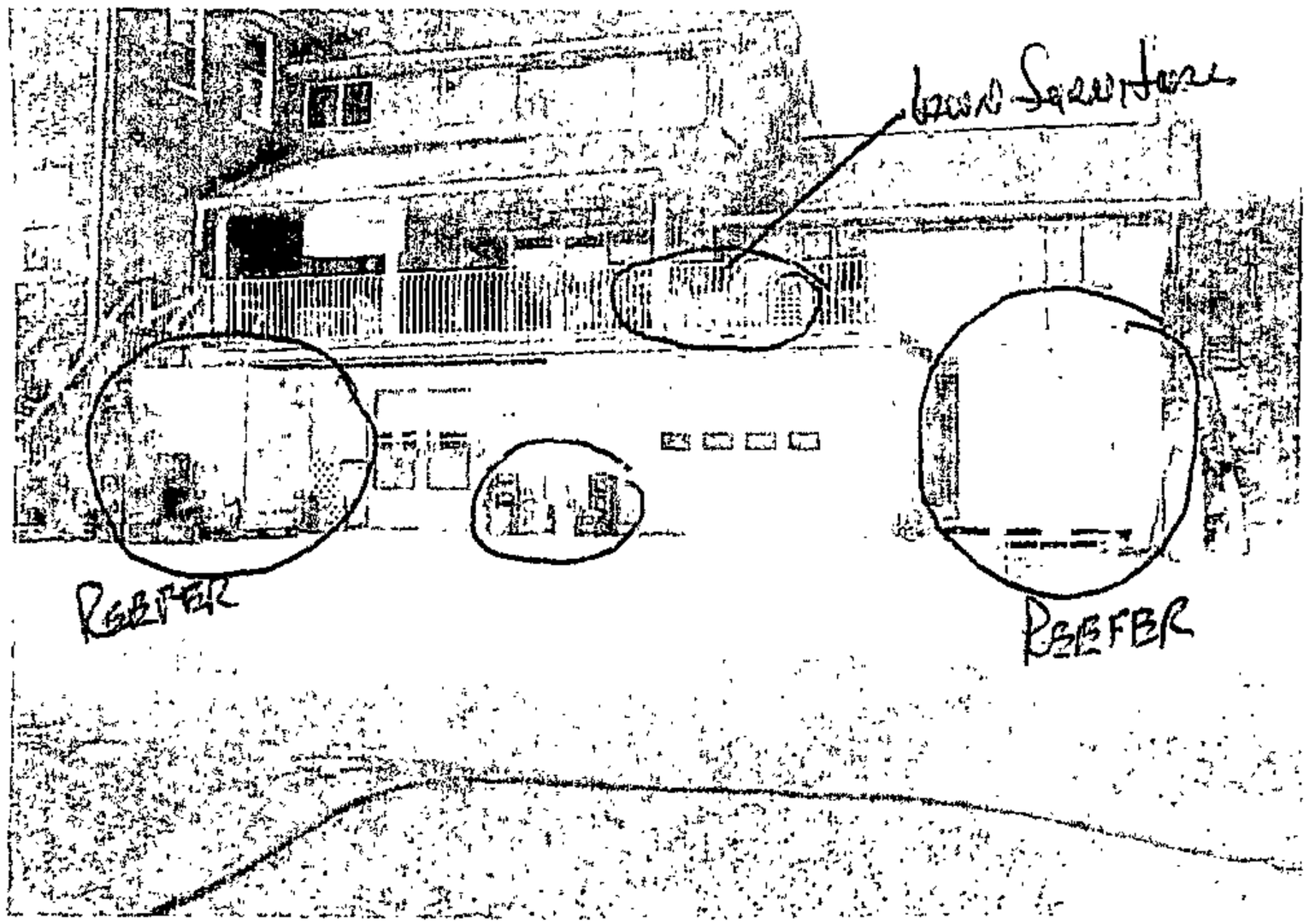
VARIOUS OPERATING EQUIPMENT / 2 TRAILERS
SPREADER / WATER TANK ON WAGON

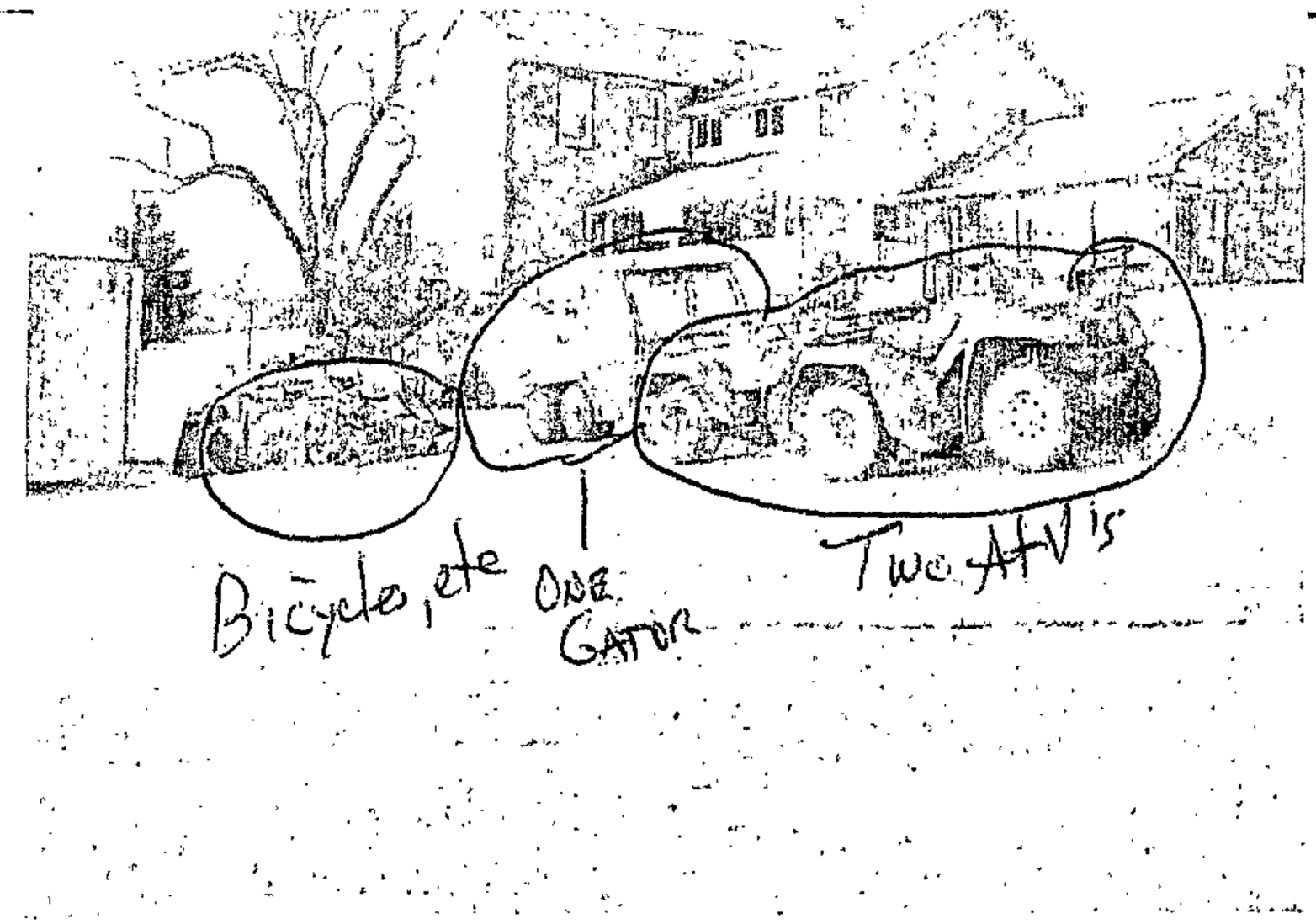


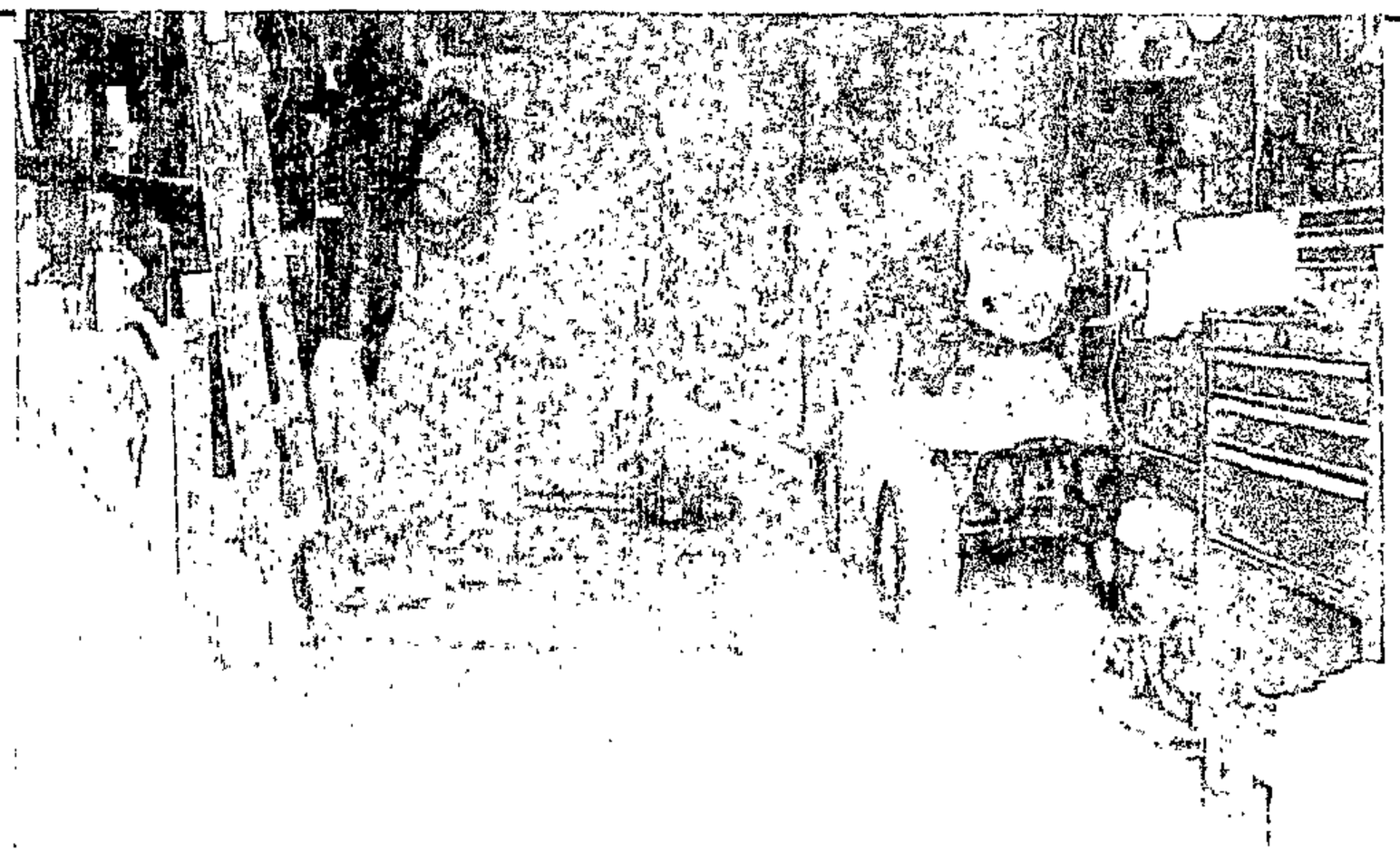


PETITIONER'S

EXHIBIT NO. #7







Baltimore County Agriculture Advisory Board
Meeting Minutes

Field Meeting: November 30, 2006 – 1:30 pm at the Mt. Carmel Park and Ride

BOARD MEMBERS AND STAFF PRESENT:

David Greene, Chairman
Harriet McGinnis, Vice-Chairperson
Pat Patterson
David Hayden
David Sparks
Wally Lippincott, DEPRM
Carmela Iacovelli, DEPRM

PETITIONER'S
EXHIBIT NO. No 8

The following properties were visited:

a. **Mr. Karl Terwilliger. 98 acres. 17027 Evna Road, Parkton, MD.** Mr. Terwilliger is requesting approval of a tenant house.

Discussion: Visited property to observe operation and site for proposed tenant house. Issues: Where will the access road to the tenant house be located? Who is the proposed tenant? The Board would like answers from the prospective buyer of the property concerning future operation of the farm.

b. **Mr. David Smith. 64.61 acres. 16701 Yeoho Road, Sparks, MD.** Mr. Smith is requesting approval of a Farmer's Roadside Stand on his property on Yeoho Road.

Discussion: Discussion of the Farmer's roadside stand and the farm operation. Does it produce enough to fulfill the required 50% of sales product?
Mr. Smith is also requesting approval of a tenant house on his property on 16701 Yeoho Road. The tenant house was previously approved in 2001 but has not yet been built. Mr. Smith has provided an aerial map showing the possible location for the tenant house.

Discussion: Met with Mr. Smith to review the location of the proposed tenant house and access road. Discussed several possible locations.

c. **Mr. Ed Lippy. 230 acres. 334 Lees Mill Road, Hampstead, MD.** Mr. Lippy is requesting approval of a child's lot for his daughter, Mary Margaret Galletti on the property located on Dover Road. He is also requesting a reassignment of a previously approved child's lot to his son, Thomas Edward Lippy, Jr. the property is located on Bortner Road.

Discussion: Board reviewed the location of the proposed child's lot on the Dover Road farm. The proposed location in the middle of the farm field may be a problem. The Board will review other options with Mr. Lippy at the 6:30 pm meeting.

d. Mr. Michael Sayler. 5 acres. 12307 Philadelphia Road, Kingsville, MD. Mr. Sayler is requesting approval for a reduced acreage farm. He would like to build a barn on his property to store his equipment (two tractors, planters, and a corn planter). The equipment is presently outside and exposed to the weather.

Discussion: The Board visited the farm. It's a small operation growing corn and milo. Questions arose as to whether there will be a house on the property and if there is a well on the property. Observed miscellaneous farm equipment out in the field. Questions about the size of the proposed barn.

e. Ms. Margaret Fleming. 120 acres. 13220 Long Green Pike, Hydes, MD. Ms. Fleming is requesting approval of a lot line adjustment to add acreage to one parcel and remove it from another.

Discussion: The Board visited the Fleming farm and operation. Met with Mrs. Fleming at her farm and she outlined her request for the farm. She would like to include a field in her home farm acreage that is presently part of the Green Valley Training Center. The Board would like to ascertain ownership of Green Valley Training Center property.

f. Mr. Richard Price. 312 acres. 2700 Stockton Road, Phoenix, MD. Mr. Price is requesting approval of an agricultural subdivision on his farm on Stockton Road.

Notes: The Board visited the Price farm to view the farm, farm buildings, and fields.

BOARD MEETING: November 30, 2006 – 6:00 PM Extension Service 1840 York Road, Suite J., Cockeysville, MD

BOARD MEMBERS AND STAFF PRESENT:

David Greene, Chairman
Harriet McGinnis, Vice-Chairperson
Pat Patterson
David Hayden
David Sparks
Ann Jones, Ex-Officio
Wally Lippincott, DEPRM
Carmela Iacovelli, DEPRM

MEMBERS/STAFF ABSENT:

David Martin, Ex-Officio

OTHERS PRESENT:

Douglas Lafferty
David Smith, Landowner
Blake Curry, Real Estate Agent
Karl Terwilliger, Landowner
Marjorie Lippy and Ed Lippy, Landowners
Richard Price, Landowner
B.J. Price
Jocelyn R. McCaisland
Michael Saylor, Landowner

I. INTRODUCTIONS:

David Greene, Chairman, called the meeting to order at approximately 7:00 pm and asked the Board members, Advisors, and members of the public to introduce themselves.

II. APPROVAL OF MINUTES/ADDITION OR DELETION OF AGENDA ITEMS:

a. Approval of August 29, 2006 minutes.

Motion: Recommendation to approve the minutes with additions and corrections. Include staff members under the Board Members names; include David Martin in this meeting's minutes (he was not listed as attending and he was present). Agenda Items: a7) David Tracey: This bridge is on the Gunpowder Road property. B1) Clarence Lintz: Put a copy of the support letter in the minutes file. C2) Zoning Enforcement violation: Remove "No action on this enforcement violation" and replace with "For informational purposes only".

Motion made by: Harriet McGinnis Second: David Sparks
Decision: Unanimous

b. Approval of September 26, 2006 minutes

Motion: Recommendation to Approve the minutes with corrections. Correct misspelling of Dan Colhoun's name. Clarify Joe Tassone's remarks and include "The County should not permit more rights than the underlying zoning of the property at the time the easement was signed."

Motion made by: David Sparks Second: Harriet McGinnis
Decision: Unanimous

c. Approval of October 5, 2006 minutes

Motion: Recommendation to Approve the minutes with corrections. Correct the misspelling of Dan Colhoun's name. Under "Additional Questions from Audience" language added: Chairman Greene thanked...and the "Ag Board" meeting continued.

Motion made by: David Hayden Second: Pat Patterson
Decision: Unanimous

III. OLD BUSINESS

a. *Board Recommendation on the Lot Rights issue discussed at the September 26, 2006 meeting. See attached summary.*

Discussion: Wally Lippincott outlined the Lot Rights issues that the Board wanted to address.

1. Tenant Houses: These can possibly be subdivided off. These can be subdivided from the easement but not necessarily be subdivided from the property. The easement is a different layer of authority.
2. Conflict between MALPF and County
3. County easement program and the maximum number of child's lots (5 vs. 3) in the State program. Should the County conform with the State and not allow any additional lots beyond what the density provided when the easement was sold?
4. Should properties without development rights have the same rights for child's lots as those with development rights? The owners are not giving up any density on their property.

Issue #1: Tenant House discussion: Clarify this and come back later to vote on it.

Motion: To Table the tenant house issue
Motion made by: Harriet McGinnis
Second: Pat Patterson
Decision: Unanimous

Issue #2: Total maximum number of lot rights and acreage requirements for both the County and State easement programs to be equal. ***See Figure 1, page 1. "MALPF Subdivision Rights for Owner's and Children, Maryland Code, Agriculture Article 2-513 (b)2."***

Motion: Under the column "Number of Family Lots Allowed", the County number of lots should conform to the State number of lots. Under the column

"Farm Acres", the County number of lots should conform to the State number of lots.

Motion made by: David Hayden
Second: Pat Patterson **Decision: Unanimous Approval**

Issue #3: Under the State program landowners should not be able to have any child's lots rights that exceed the density allowed at the time of the easement sale. Under the County program the number of rights can exceed the density.

Board Recommendation: Revise the language in the County Code to make these changes and conform to the State regulations.

Motion: Amend BCZR 1A01.4 to bring the County regulation in with the 1997 State statute referring to subdivision rights for child's lots.

Motion made by: Pat Patterson
Second: David Sparks
Decision: Unanimous Approval

Issue #4: "Lot rights for properties with no development rights that wish to come into the Easement program"

Only allow under extreme circumstances as described by the Board.

Motion: The County Code would be amended to read: "Landowners with no remaining subdivision rights will not get child's lots except under certain conditions described by the Agricultural Advisory Board.

Motion: To accept the motion
Motion made by: Harriet McGinnis
Second: David Hayden
Decision: Unanimous Approval

b. **Relocation of the Vansant child's lot location**. The proposed location was on a steep hill and appeared to be within the area that would be designed a Forest Buffer. Staff met with Ms. Vansant. Ms. Vansant is requesting approval to move the proposed lot out of the woods and into the edge of the field. She is proposing access to be a right away across a strip between her family's property and the neighbors. The new location will be reviewed further to assure that it is sufficiently out of the stream buffer.

This issue was not discussed at this meeting.

III. New Business

1. **Selection of a monthly meeting date for 2007.**

It was decided to designate every 3rd Tuesday of the month as a meeting night for the Agricultural Board. This will begin in January of 2007. Field visits will continue to be in the afternoon of the same day at 1 pm. The January, February, and March meetings will begin at 5:30 pm. Meetings from April through the end of the year will begin at 6:30pm.

Motion: To designate every 3rd Tuesday of the month as a meeting night.

Motion made by: ? Second: ? Decision: Unanimous

2. **Ag Subdivision Requests**

a. County Request: Ms. Margaret Fleming owns 120 acres at 13220 Long Green Pike, Hydes, MD. The farm is in two parcels each with a dwelling. The 100 acre (parcel 31, Map 45) has 1 dwelling (occupied by Ms. Fleming's son), and numerous farm structures and is used for farming. The 20 acre parcel (parcel 192, Map 45) is where Ms. Fleming resides and has 1 residence, 2 or 3 farm buildings, and is also used for farming. Ms. Fleming is requesting the transfer of 14 acres from the 100 acre parcel to be joined to the 20 acre parcel. To our knowledge both farm parcels can be subdivided one time.

Review standards: The County regulations seek to prevent development on prime and productive soils and to retain parcels in a size that is large enough for continued commercial agriculture.

Discussion: Check on the ownership of both parcels to see if they are owned in the same name.

Motion: The Board recommends approval of the request.
Motion made by: David Hayden Second: David Sparks
Decision: Unanimous

b. MALPF Request: Mr. Richard Price owns 312 acres located at 2700 Stockton Road, Phoenix, MD (MALPF #03-10-17-A&B). The farm is divided into several parcels. Mr. Price is requesting approval of an agricultural subdivision on his farm on Stockton Road. He is requesting a recommendation of approval to agriculturally subdivide 196.883 acres from the farm in order to market it with an adjacent residential lot. The 196.883 acres is primarily in production for corn and beans and has all the agricultural structures including barns, a two-story tenant house, and a tenant trailer. Mr. Price will retain 114.456 acres with the owner's house that he built. If the request is approved and acted upon, Mr. Price will be forfeiting an approved child's lot that was approved on 196.883 acres. He has also indicated that he intends to build a new barn on the 114.456 acres.

Review standards: This must go to the State Board of Trustees for approval. The standards for approval are on the application form.

Discussion: Mr. Price presented his family's issues that led to the request for a subdivision. He wants to do this for estate planning purposes. ***Background****: The original farmhouse was subdivided off in the mid 60s, this was purchased by his nephew. Another house was built on 8 acres. The house and 167 acres and the other 2 parcels (29.853 Ac., 196 Ac. total) will make a better fit on the property and for farming. This will reduce the problems of having development in the center of the property. A partnership was set up on the 167 acre parcel with himself, his wife, and 2 children. This will give the family some cash immediately. Mr. Price wants the guidance of the Ag Board to see if this is a good way to set this up. He wants a yes or no vote before offering this parcel for sale.*

Board and Staff discussion on the issue. Harriet McGinnis and David Hayden questions about the tenant trailer; Is it a rental and will it be sold with the property? Mr. Price replied, Yes, it was a rental dwelling and the trailer has it's own well so it can be sold with the property. Both residential units (tenant house and trailer) will go with the land. Pat Patterson asked about the 5 acre residential lot that will be sold with the 196 acre parcel. Would Mr. Price consider donating the 5 acre parcel for an easement? Mr. Price replied that he does not own the 5 acre residential lot; his nephew does (Mr. Yates). Mr. Price also stated that he would like to build a barn on the remaining 114 acre parcel. He will be giving up the right for a child's lot on the 196 acre parcel but will retain a right for a child's lot on the 114 acre parcel. Mr. Lippincott asked about the Ag purposes of this subdivision. Mr. Price stated that he was concerned about trying to sell such a large parcel of 300+ acres. He wishes to keep the larger parcel (196 Ac) in Ag production since there is more cropland on this parcel.

Motion: The Board recommends approval of the 196 acre subdivision.
Motion made by: Harriet McGinnis Second: David Sparks
Decision: Unanimous

3. **Child's Lot Requests**

MALPF Request. Mr. Ed Lippy. 230 acres. 334 Lees Mill Road, Hampstead, MD. Mr. Lippy is requesting approval of a child's lot for his daughter, Mary Margaret Galletti on the property located on Dover Road. He is also requesting a reassignment of a previously approved child's lot to his son, Thomas Edward Lippy, Jr. the property is located on Bortner Road. Both of these parcels are under a MALPF easement (03-05-98-06c and 03-05-98-15c).

Discussion: Mr. Lippy's daughter is concerned about Lyme's disease and won't build a house in the wooded lot previously assigned to her. Discussion about the site and access for the new child's lot on Dover Rd. The new site is shielded from

the road and the new house would be built into a hill. The area is presently unfarmable and is ¼ of an acre. The house will be the main house for this property and the lot will stay with the farm and not be subdivided off. It will be a restricted lot. Mr. Lippy wishes to buy this farm from the corporation and put it into his will to give to his daughter as an inheritance.

Motion: The Board recommends that the daughter's (Mary Margaret) lot be re-designated to Mr. Lippy's son (Thomas Edward, Jr.).

Motion made by: David Hayden Second: Pat Patterson
Decision: Unanimous

Motion: 2nd motion: The Board recommends accepting the new daughter's lot location but as a restricted lot

Motion made by: David Hayden Second: Pat Patterson
Decision: Unanimous

4. Tenant House Requests

a. Mr. David Smith. 64.61 acres. 16701 Yeoho Road, Sparks, MD. Mr. Smith is requesting approval of the location of a tenant house on his property on 16701 Yeoho Road. The tenant house was previously approved in 2001 but has not yet been built. Mr. Smith has provided and aerial map showing the possible locations for the tenant house.

Review Standards: Issues relate to the impact on the prime and productive soils and future capability of the farm.

Discussion: Mr. Smith stated that his daughter and son-in-law currently reside in his house and work on his farm. He needs a tenant house for them to live in that is closer to the animal operation so that they can oversee the operation more closely. He outlined his choices for the location and access road. He also stated that he has a Soil and Water Quality Conservation Plan in place. Discussion with the Board and staff about the best location for the operation. Site #1 is acceptable and he will get a perc test.

Motion: The Board recommends the approval of site #1 only.
Motion made by: David Hayden Second: Pat Patterson
Decision: Unanimous

e. MALPF Request Mr. Karl Terwilliger. 98 acres. 17027 Evna Road, Parkton, MD. Mr. Terwilliger is requesting a tenant house and a request for a new main house to be built in another location on the property.

Review Standards: Must meet both County and State standards. State standards are on the request form. County requires that the farm justify the need for a tenant and

that the tenant be a full time operator of the farm. Precedent have included requiring demonstration that farming operation is of a scale and meeting and hearing from the tenant.

Discussion: Discussion of the farm operation and need for a tenant house. Mr. Terwilliger discussed the operation. There are presently 25 to 30 horses boarded on the property and many paddocks and barns and is in operation 24 hours a day and 7 days a week. The operation has the need for a full time caretaker. The present "main house" on the property is a log cabin dating from the 1830's. This structure is being occupied by the caretaker but is very small and the 2nd floor is just a loft that is too small to stand up in. Mr. Terwilliger checked with the County on the historical designation of this structure and the County has no information on it. Mr. Terwilliger also discussed the need for a "livable" house on the property and the proposed access road for the new dwelling. The Board had several questions about the operation and need for the new structures. David Greene stated that this is a current operation with an immediate need for a tenant farmer. Wally Lippincott stated that Mr. Terwilliger may have to meet with the State staff to present the issues before going before the State Ag Board.

Motion: The Board recommends the approval of a tenant house on the farm. The Board also supports the building of an owner's house.
Motion made by: David Hayden Second: Pat Patterson
Decision: Unanimous

5. **Reduced Acreage Farm Requests**

Mr. Michael Sayler. 5 acres. 12307 Philadelphia Road, Kingsville, MD. Mr. Sayler is requesting approval for a reduced acreage farm. He would like to build a barn on his property to store his equipment (two tractors, planters, and a corn planter). The equipment is presently outside and exposed to the weather.

Discussion: Mr. Saylor farms this acreage as a hobby (is a hobby farm), his 5 acre parcel is zoned RC-4. He occasionally lets other farmers grow crops on his acreage. He discussed the need for a barn for storage of equipment and the size of the proposed building (60' x 40', two story). The Board members discussed Mr. Saylor's operation and the potential uses and need for this size structure. David Greene stated that he would like to see a size limit designated on the structure. Mr. Saylor stated that the barn would likely be smaller, 32' x 40'. He also stated that he has a SCP on the property (#3848, tract # 3361).

Motion: The Board recommends approval of a reduced acreage farm and proposed barn with input from the County Extension Agent, David Martin, as to the size of the structure.
Motion made by: David Sparks Second: Harriet McGinnis
Decision: Unanimous

6. **Farm Market Request**

Mr. David Smith. 64.61 acres. 16701 Yeoho Road, Sparks, MD. Mr. Smith is requesting approval of a Farmer's Roadside Stand on his property on Yeoho Road. The stand will sell products produced on his farm (eggs, chicken, beef, pork, and lamb), and 50% of the products will be dairy products produced on neighboring farms.

Discussion: David Greene outlined the Farm Stand limitations: It must be a legitimate farm operation and produce 50% of the products intended for retail sales. Wally Lippincott stated that he and the Board would like to see information on the location and size of the stand, the driveway location and dimensions of the driveway. Mr. Smith outlined the farm operation and the production. He stated that the operation can produce 50% of the products needed for the farm stand. He showed the Board the plans and pictures of his operation and the proposal and discussed the size and location of the structure that he intends to build. It will be 40' by 50'. He currently sells his products to the public out of his garage and house. He also stated that 75 to 80% of his business is with restaurants and this will continue and not increase retail sales on site significantly. There is concern in the community about the size of the proposed structure (3 story) and the hours of operation. He is working through the issues with his neighbors. The proposal for the farm stand has been posted for public information.

Motion: The Board recommends approval of the Farmer's roadside stand. The approval will be conditional on a restriction in the hours of operation and will designate that the upper floors will be used for storage.

Motion made by: Harriet McGinnis Second: Pat Patterson
Decision: Unanimous

IV. Policy Issues/ Miscellaneous/ Correspondence

a. Executive appointment #1435 of Mr. Miles (Pat) Patterson as a member of the Baltimore County Agricultural Preservation Advisory Board by James T. Smith, Jr., County Executive.

b. News Releases: *8/9/06 Easement Purchase on 1,295 Acres of Farmland in Central Maryland Approved* as reported on the mda website, www.mds.state.md. Article discusses the Board of Public Works approval of the purchase of easements protecting 1,295 acres.

7/25/06 Owners give up rights, happily as reported in The Jeffersonian. Article interviews local landowners and highlights their intentions to put their properties in the MALPF Easement Program.

7/26/06 Brooke Gunning: A community comes together to preserve Shawan Downs as reported in The Examiner. Article discusses efforts to preserve the Shawan Downs property.

9/2006: Farmland Preservation Report. *Nation's Top 12 Locally Operated Farmland Preservation Programs.* List of the top 12 programs. Baltimore County is number 7.

c. Letter from the Howard County Agricultural Land Preservation Board. Letter from Joy Levi outlining the payments given to landowners for easements and a brochure describing Howard County's outreach activities.

d. **Work Session**: Introduction by David Greene, Chairman of a proposal for a one-time work session to discuss the many issues in land preservation that have arisen in recent months. Mr. Greene submitted a letter to all of the Board members and Staff outlining the issues and requesting that everyone give him their input regarding a future work session date and time. See attached letter and agenda.

VI. STATUS OF COUNTY/STATE EASEMENTS

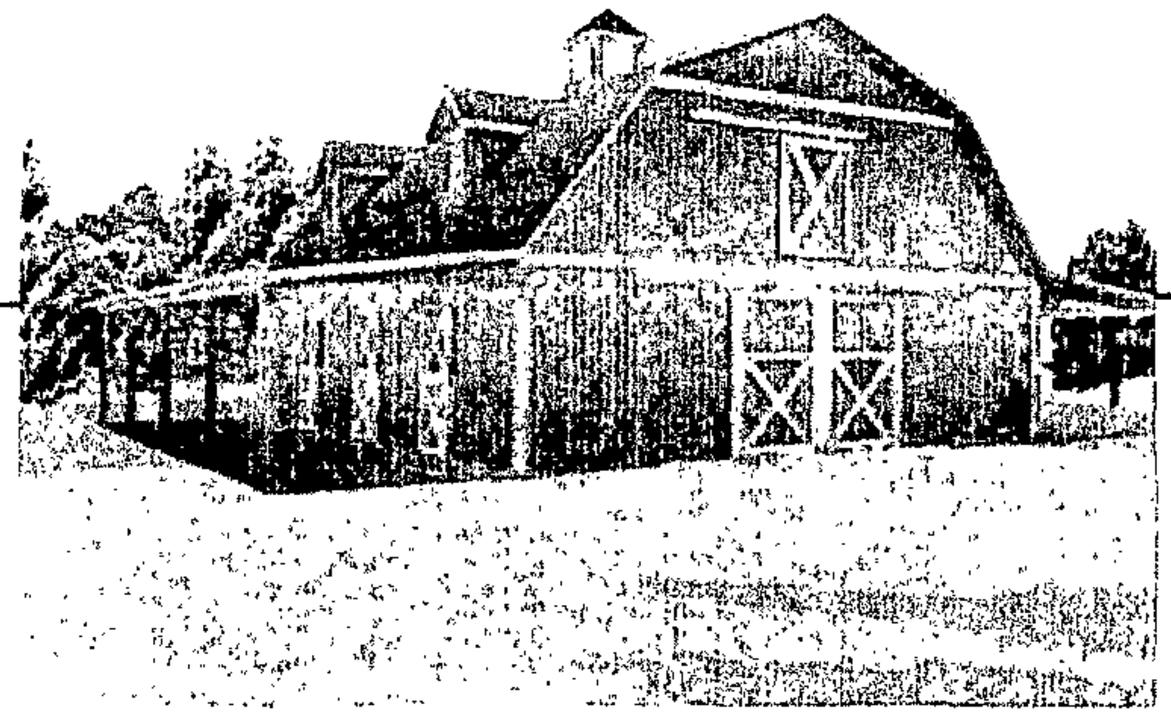
a. FY 06 Easements Update: Leffel (rejected offer), Lintz (ROW Issue), Kalb-Marshall (settled), Towson Presbyterian Church (initiated w/POS money), Weber (County applicant will go through Long Green Valley Rural Legacy), Warns, sold – need to discuss with new owner, Geckle, appraisal redone, Roller appraisal redone.

b. The ranking of properties that applied for FY '07 agricultural easements has been completed and the recommendations have gone to the Baltimore County Council for approval at the December 18, 2006 meeting. The list has been sent to the BCALPAB members and the applicants have been notified by letter of their ranking.

VII. OFFERS/ FUTURE MEETING DATES

The next meeting date will be January 16, 2007. There will be a field meeting at 1:00 pm; meet at the Mt. Carmel park and ride, and a Board meeting at 5:30 pm at the Cooperative Extension Service Office.

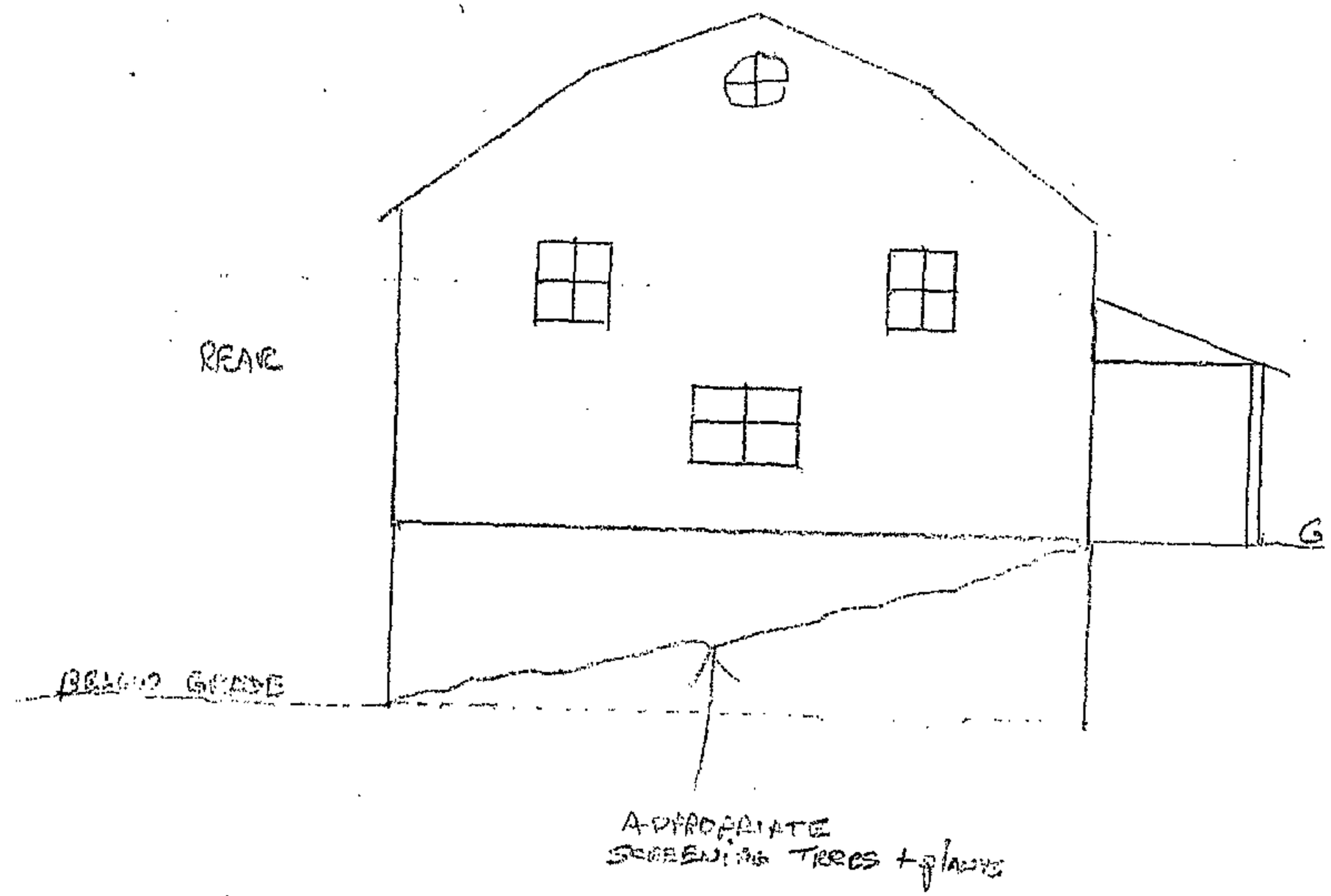
VIII. ADJOURNMENT **Time: 10:50 pm**

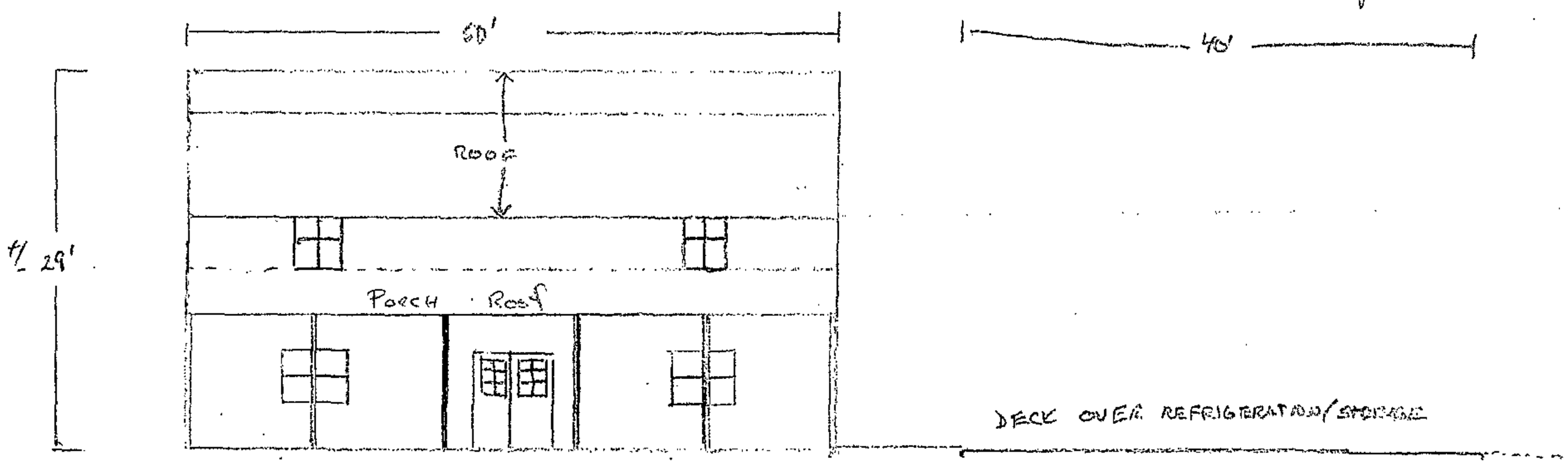


PETITIONER'S

EXHIBIT NO. 9

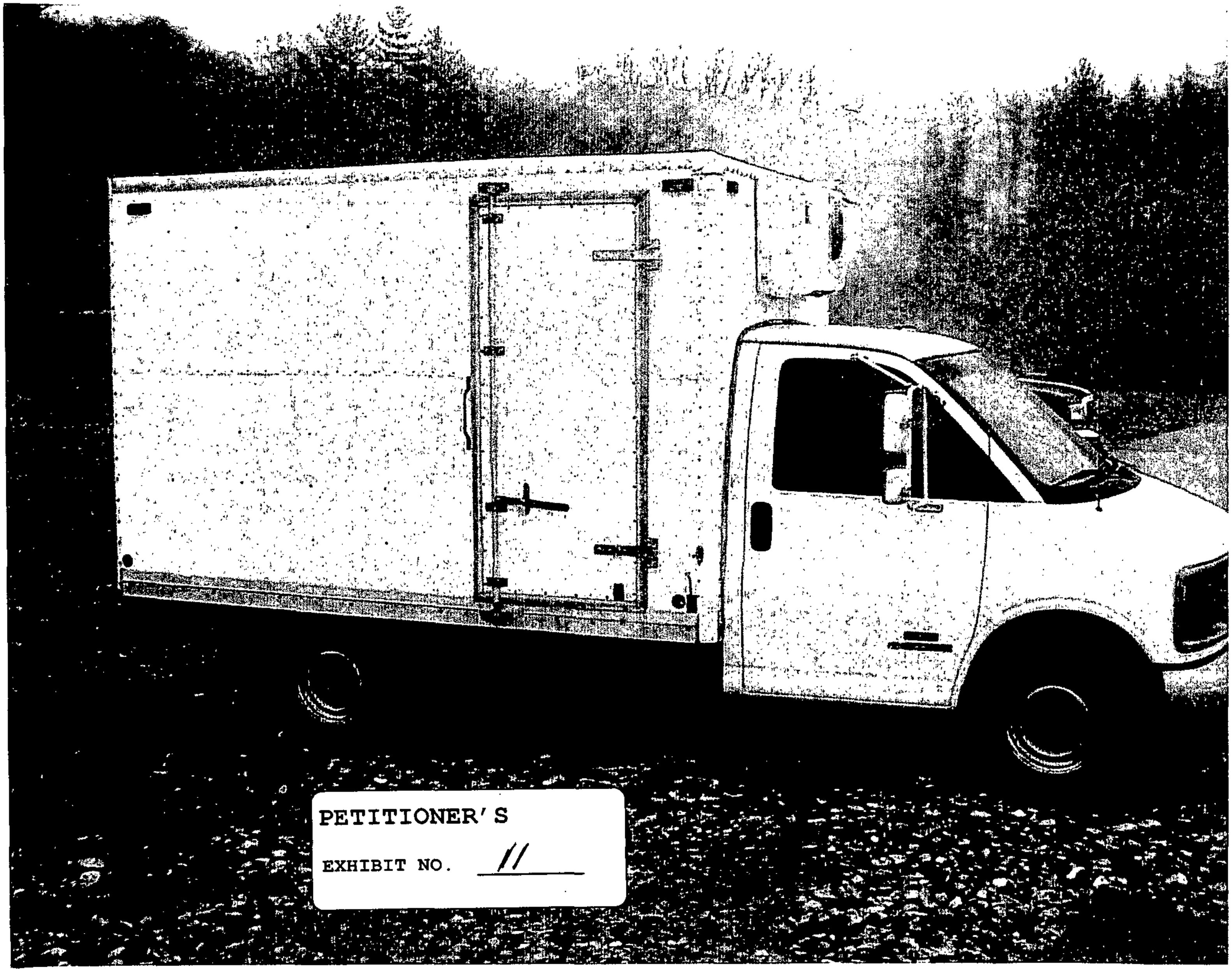
SPRINGFIELD FARM STAND
AND FARM STORAGE BUILDING
FRONT VIEW - PARKING





PETITIONER'S

EXHIBIT NO. 10



PETITIONER'S

EXHIBIT NO. 11

PETITIONER'S

EXHIBIT NO. 12A-H

12A

12B

12C

12D

12E

12F

RG

12H

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

①

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	No
1	John Lindenberg	610 Dunkirk Rd.	410 377 4816		X
		Baltimore MD 21212	erinsenimak@yahoo.com		
2	Dave Squintek	15137 Jarrettsville Pike	410-628-0179	X	
	Diane Squintek	Manchester, Md 21111	dianeh613@earthlink.net		
3	Mike Sprenkle	912 W Northern Pkwy	lindasprenkle@comcast.net		X
	Linda Sprenkle	Balto. MD. 21210			
✓ 4	Beverly Wash	Cockeysville Md 21030	410 598 3965		X
	~~Cooper~~				
5	Joyce Johnson	326 Broxton Rd	410-323-1425		X
		Baltimore			
6	Peter Cooper Graham	14 Hillside Rd	410 889-5523		✓
		Balto MD 21210			
* 7	Ann Chaney	15701 Yoho Rd	(410) 329-8601		
		Sparks Md 21152			
* 8	Bernie Shiao & Marianna	16415 Yoho Rd	410 472 4648		
	Zahurak	Sparks MD 21152			
	RICHARD LUNN	1230 UNIVERSITY PL., NE	202-374-9410		
9		WASH., DC 20002	THELUNNS@[illegible]		X
	DARWIN HOLDER	637 PICCADILLY RD	410-296-1591		X
10		TOWSON, MD 21204			

PETITIONER'S

EXHIBIT NO. 13

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

(2)

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Molly Kunkel	1360 E. MacPhail Rd	mollykunkel@comcast.net	✓	
2	Scott Frazier	7 Pheasant View Pl. 21120	scottfrazier@bigplanet.com		✓
3	Rachel Steffens	800 HOLLY HILL CT. 21136	unity8@hotmail.com		
4	Debbie Adle	18659 Middletown Rd 21120	adleaaves@comcast.net		✓
5	Kyle Leibe	8556 Black Star Cir Columbia, MD 21045	leibe@kyle-and-lia.com		✓
6	Melissa Blondell	6277 Whistlers Pl Waldorf MD 20603	mel-blondell@yahoo.com		✓
7	Al Copp	218 Woodlawn Rd Balto MD 21210	acopp@msn.com	✓	
8	Karen Long	15720 Croom Airport Upper Marlboro, MD	Karen.J.Long@navy.mil		✓
9	Becky Renick	8275 Kenwood Ave Balto, MD 21224	beckrosenberg@yahoo.com		✓
10	Tom Fortman	1808 Belfast Rd Sparks, Md 21152	tuhaintercom.net		✓

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

(3)

	Signature Printed Name	Address	Phone Email	Attend Hearing Yes	 No
1	Mary Ellen Chambers	1608 Bolton St Balto 21217	mechambers@aol.com		✓
2	Lisa Hosler	1 Kincaid Ct Baldwin MD 21013	lmz214@comcast.net		✓
3	R Whitten	Hutchins Mill Rd Monkton, MD.	WE12SpringFarm@yahoo		✓
4	Chris Allnutt	6852 Runkles Rd Mt. Airy, MD	callnutt@jfcexcavating.com		✓
5	Michael Hurley	1290 Bay Dale Dr., #145 Arnold, MD. 21012	mghurley10@yahoo.com		✓
6	Melanie Rosen	" "			✗
7	BOB NELSON, P.E.	3900 BRIARS RD. OLNEY MD 20832	TNG.ECOM@PRODIGY.NET	✓	
8	Lee Campbell	17239 Troyer Rd Monkton, MD 21111			
9	Lutta Mathias	2523 BRADENBAUGH Rd WHITE HALL, MD 21161			
10	Judith Merrill	1803 Thornton Ridge Towson MD 21204	exellegant@hotmail.com	✓	

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

(4)

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Tamy Mazza Tammy Mazza	4811 Westfield Drive Hampstead, MD 21074	410-239-9548 rmazza@adelphia.net		✓
2	Corbin Riemer Sherry Jordan Sherry Jordan	19937 Cora Mill Rd. Freeland, MD 21053	vriemer@aol.com 410-357-8080		✓
3	Norma Jean Belt NORMA JEAN BELT	18611 Brick Store Rd. Hampstead MD 21074	410-239-4054		
4	RICHARD WRIGHT	20851 704 WADE AVE. ROCKVILLE MD	2039696602		
5	Marielle Angel	7 Middle Woods Cr Parkton 21120	21120		
6	MICHAEL DEAMAN	604 CHARLES ST AVE	443-464-6449 TOWSON 21204		
7	ARTHUR A. CALLAHAM	305 H LIMESTONE VALLEY DR COCKEYSVILLE 21030	410-667-1116 acallaham@saintjames.org		
* 8	Pat Murphy PAT MURPHY	16018 Falls Road Sparks, MD 21152	410-472-4056		
9	MICHAEL HOFMANN	327 DIXIE DRIVE TOWSON MD 21204	410-823-2690		
10					

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

(5)

	Signature Printed Name	Address	Phone Email	Attend Hearing Yes	 No
1	MARY TOLAND	1012 Cold Bottom Rd Sparks MD 21152	ZANEYMORSEL@ MSN.Com	✓ (if not giving birth)	
2	Todd Maihle	4143 Bill Moxley Rd Mt. Airy, MD 21771	maihle@msn.com		✓
* 3	Faiz/Liz Safi	2411 Benson Mill RD Sparks MD 21152			
4	KENT RUECKERT	1306 BOYCE AVE TOWSON, MD 21204			
5	[illegible] Horton	1808 Bell East Sparks MD 21152			
6	PEACE [illegible]	[illegible]	[illegible]		
7	[illegible] THAMES [illegible]	9013 [illegible] AVE [illegible] MD			✓
8	Krishna Upadhyayula	342 Broadway Rd Baltimore MD 21212			
9	Allen Scardringh	4614 N. 27th St. Arl. VA 22207			
10	MARNIE TOMASELLO	2922 WYMAN PARK BALT MD 21211	marnietomasello@ yahoo.com	✓	

11 Robert M Parker 1002 Hillside View Rd Parkton MD 21120

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

(6)

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Deedre Carroll	2213 Crest Rd Baltimore MD 21209	deedre.carroll@comcast.net		—
2	Joanne Hayes	2213 Crest Rd Balto MD	21209	+	
3	Vicki Death	413 W. Lanvale			
		Baltimore MD 21217			✓
4	Frank A O'Toole	[illegible]			
		21152			
5	Kathleen Causey	1912 Carbondale Lane	KSCausey@		
	Kathleen Causey	Monkton MD 21111	hughes.net		—
6	Kristina Zarba	187 Comfort Rd - Pasadena MD 21122			—
7	Melanie Sacc-Wass	717 St James Rd			
		Baltimore, MD 21210	Shellwess@jhu.edu		✓
8	Donna Clay	7606 Wilhelm Ave			
		Rosedale MD 21237	dclay31@comcast.net		✓
9	Wanda Clay	7606 Wilhelm Ave			
		Rosedale MD 21237			✓
10	Elizabeth Come	16616 Dubbs Rd Sparks, MD 21152			

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

(7)

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Christine Thompson	1001 Riverside Avenue Baltimore, Md 2123			✓
2	James S Keat	1001 Riverside Ave Baltimore Md 21230			✓
3	James R Martin	725 Miller Rd Parkton MD 21120			✓
4	Sheila White	931 Western RD.			
5	Ron White	Cockeysville, MD			
6	Tina Morgan Bryant	Richmond Hill, GA 31324			
7	Michele Bacon	15105 Eastview Dr Upperco 21155			
8	Nick Silverio	16822 Yerito Rd SPARKS MD			
9	Stacy Cofield	3 Dalworth Ct #104 Timonium, Md. 21093			
10	William Sm	805 MAPLEHURST LANE MONKTON, MD 21111			

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

8

	Signature Printed Name	Address	Phone Email	Attend Hearing Yes	 No
1	Polly Bart Polly Bart	4033 Osborne Rd Reisterstown MD 21136	410.833.4814		
2	[illegible]	2335 Sherrard Rd. Monkton, MD. 21111	410-771-0741		
3	JOHN SIMPSON John Simpson	3 BEECHMEKE LN 21030	410-785-3137		
X 4	Marianne Johnick	16415 Yeoho Rd.	443 465 0950		
5	Lyle Ondayko	1 Dublin Dr Lutherville	410 7698725		
6	Mark Steiner [illegible]	15216 WHEELER LANE 21152	410-472-2272		
7	Nancy Gruver	2 Rainflower Path Unit 301 21152	410-472-7574		
8	Delmont Gruver	2 Rainflower Path Unit 301 21152	410-472-7574		
9	Nancy Maulin	12634 Ivy Mill Rd Reisterstown MD	410-526-0465		
10	MICHAEL DUNAN	9 Brook Valley Court Fulland Maryland 21053	410-357-0747		

PETITION OF SUPPORT / Non-Opposition

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

9

	Signature Printed Name	Address	Phone Email	Attend Hearing Yes	 No
1	Jean Belt	18611 BRICKSTORE RD Hampstead MD 21074	410-239-4054 DALMILL18611@msn.com	✓	
2	Catherine McKinney	14 Middlewoods Ct. Parkton MD 21120	410-357-0320 KjordanJ@aol.com		
3	Bridget Taylor	10120 Churington Rd Cockeysville, MD 21030	410 666 5020 bridget-taylor22@yahoo.com		✓
4	Earl Hruh	23 Tanglewood Rd Cockeysville MD	410-788-1758 ehruh@comcast.net		
5	Ed & Pat Murphy	16918 Falls Rd. Sparks MD 21152	410-472-4053		
6	LOUIS YACHIMOWICZ	4801 PINEY GROVE RD. REISTERSTOWN MD 21136	410-526-4254 LOUIS@WAGMD.COM		
7	Richard Zanetti	16910 Fickelwood Rd Parkton MD 21120	410 343 0772 [illegible]		✓
8	Donna Clay	7606 Wilhelm Ave Rosedale MD 21237	410-866-3041 dclay31@comcast.net		✓
9	Wanda Clay	7606 Wilhelm Ave Rosedale MD 21237	410-866-3041		✓
10	Sandra Hopper	1733 Hilyard RD MD 21234	410-668-6111		✓

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

10

	Signature Printed Name	Address	Phone Email	Attend Hearing Yes	 No
1	Maria Salidis	7 Sedgehill Ct Timonium 21093	410-561-0778		
2	Sheila Woolfolk	18832 Spoons Hill Rd Parkton, Md. 21120	410-357-5199	✓	
3	Sheila White	931 Western Rd. Hunt Valley, MD 21031	410-472-0811	✓	
4	Ken Bauer	9910 Redwing Dr Perry Hall, MD 21128	410-256-3797		X
5	Karyn Bauer	9910 Redwing Dr Perry Hall MD 21128	410-256-3797		X
6	Rick Chrismer	1713 Lynncrest Rd Lutherville, Md. 21093	410-823-6754		✓
7	Amy Schmaljohn Alan Schmaljohn	19554 Gunpowder Rd Hillen MD 21102	410 374 9073		✓
8	Suzy Provine Suzy Provine	8378 Veterans Hwy Millersville MD 21108	410-987-1577	✓	
9	Christine Hoffman	327 Dixie Dr. Towson MD 21204	410-823-2690		
10	Evelyn Mellert	1163 E. Northern Pkwy. Balto, MD 21239	410-433-0293		

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

11

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Steve + Laura Mensh	1432 Belfast Road	Phone 410-897-2061		✓
		Sparks, MD 21152	Email SMENSH@ARINC.COM		
2	VICKI GRIER	8052 KAVANAGH RD	410-285-5554	WISH I COULD	✓
		BALT MD 21214			
3	Keith Kimball	1106 Hampton Garth	410-821-5735	WORKING	✓
		Towson Md 21286			
4	Melissa Doty	4243 Elsa Terr.	410-235-7656	✓	
		Balto. Md 21211			
5	[illegible]	4243 Elsa Terrace		work	—
	Daniel P. Doty	Balto, MD 21211			
6	Werner Mueller	1608 Bolton St	4102996953		✓
	Werner Mueller	BALTD 21217			
7	Ted & Esther Solomon	18318 Brick Store Rd	410 374-9095		✓
	Ted & Esther Solomon	Hampstead 21074			
8	Barb Cohn	621 Murdock Rd.	410-377-7054	✓	
	Barb Cohn	BALTO. MD. 21212			
9	Harmar Glyndon	1590 Carroll Rd	410-771-4604		✓
		Monkton 21111			
10	Jay Gaozzi	16116 Yellow Rd	410-472-3377		—
		Sparks MD 21152			

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

12

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Nancy Shaper	21333 Mikules Manor	nshaper	✓	
	Joel Shaper	Freeland, MD 21053	@jhmi.edu		
2	David Hess	14415 Cooper Road	dess@comcast	?	
	Sally Hess	Phoenix MD 21131	.net		
3	Eugene Schweitzer	16924 Yeoko Rd	410-357-8460		
	Elizabeth "				
4	Kenneth Ridgeway	16728 Dubbs Rd.	410 32933-99	✓	
	Kenneth P. Ridgeway	Sparks, Md.			
5	Maria Salidas	7 Sedgehill Ct.	410-561-0778		
		Timonium 21093			
6	WILLIAM SMITH	805 MAPLEHURST LA	410·343·0551		✓
		MONKTON, MD 21111			
7	JEFFREY MAULEK	12634 Ivy Mill Road	410 458-7333		✓
		Reisterstown Md 21136			
8	Cara Morin	919 Bayard St.	443-465-0420		✓
	Nick Morin	Baltimore, MD 21223			
9	Lucy Wright	21619 Gunpowder Rd	410-239-2224		
	Verben Wright	Linebaro MD 21102; 14626 Thornton Mill Rd Sparks MD 21152			
10	Brette Marti	1116 Dulaney Gate Circle	410 628 1551		
	Greg Marti	Cockeysville MD 21030	~~410~~		

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

13

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Ronald Zepp	535 Willow Ave Westminster	RZepp@Carr.org		
	Democratic Central Committee		Ronzepp@lycos.com		
2	[illegible]				
	CRISTIANA CAMPARELLA		criscam@comcast.net		
3	Elaine Kasner	12306 Happy Hollow	410-561-1175		✓
		Cockeysville 21030			
4	Karla Kulot	8612 Richmond Circle			✓
		Baltimore, MD 21234			
5	Christine Chambrean	908 Cold Bottom Rd Sparks	410 771 4968	?	
6	Jeanne Unger	15437 Falls Road Sparks	410 771 4472	✓	
7	Christine Brown	1601 Western Run Rd.	410 771 8244		
8	Charles Lee Brent Jr	3001 Traceys Store Rd	410-374-6279	?	
	[illegible]	Parkton Md 21120	KBCBMAMA@BGL.NET		
9	Alice Chalmers	2148 Sheppard rd.	410-472-8099	✓	
		Monkton MD 21111	chalmersalice@hotmail.com		
10	Betsy Hochstein	1212 Brandy Springs	410 353 6579		
		Parkton, MD 21120			

PETITION OF SUPPORT

✓ = letter sent

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

A

NEIGHBORS BORDERING

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	No
✓ 1	GRAFTON	MILLER.	410-357-4599		
		2415 Mt Carmel Rd, Parkton 21120			
K NOT 2	Joyce Sheat	16836 Yeoho Rd Sparks MD 21152			
	Charles Sheats	16836 Yeoho Rd 21152	410 343-0586		
✓ 3	[illegible]	16603 DUBBS RD	410-472-4951	✓	
	MICHAEL D. WINGERT	SPARKS, MD. 21152			
4	Clyde Nitz	16525 Dubbs Rd 21152	410-329-3871		
✓ 5	Claire Greenwell	16519 Dubbs Rd. 21152	410 771-9737		
✓ 6	Clyde M. Cofiell	16501 Dubbs Rd.	410-771-4699		
	Clyde Cofiell				
✓ K NOT 7	Glenda L. Zepp	16313 Yeoho Road	410-329-3944		
NOT	Glenda L. Zepp	Sparks, MD. 21152			
K 8	Sheet 6	16704 YEOHO	410-		
	Frank O'Toole				
9	E. F. Berry	2229 Mt Carmel Rd	410 374-4356	✓	
10					

PETITION OF SUPPORT / Non-Opposition

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

B

NEIGHBORS

SOUTH OF DUBBS ROAD

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	GENE SWACKHAMER Gene Swackhamer	16429 YEOHO ROAD, SPARKS	665wzck@cs.com ✓		
* ✓ 2	SIGNATURE PAGE 1 DINI GARNER	15721 YEOHO	410-329-3601		
* 3	Barnie + MARIANNA	16415 YEOHO	410-472-4648		
✓ 4	CHARLES L. CASSIDY Charles Cassidy	16410 YEOHO RD	410-472-2441	✓	
✓ 5	Ellen C Buck Ellen C Buck	16428 Yeoho Rd	410-329-3151		
6	Jack Kamps	16400 Yeoho Rd.	410-382-5224		
7	James H Siegemerten	16531 Yeoho Rd.	410-472-9306		
8	Eric J. Lane Eric J. Lane	16540 Yeoho Rd.	410-472-4403 ericlane04@comcast.net		
9					
10					

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

C

Non-Bordering Neighbors w/in 1 mile

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	Page 7	16822 Yeoho Rd			
*	Nick Silverio				
2	Page 6	16616 Dubbs Rd			
*	Elizabeth Cowie				
3					
✓ *	Faiz + Liz Safi	2411 Bonson Mill Rd			
4		16018 Falls Rd			
✓ *	Pat Murphy				
5					
	Roman Kostick	16818 Yeoho Rd.	410 472-4599		
6					
7					
8					
9					
10					

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID A.C. CARROLL, *Director*
Department of Environmental Protection and Resource Management

October 23, 2007

Mr. Devin Leary
Human & Rohde Inc.
512 Virginia Avenue
Towson, MD 21286

Re: Smith Property at 16701 Yeoho Road
Forest Buffer Variance
Tracking # 03-07-473

Dear Mr. Leary:

A request for a variance from the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department on August 31, 2007. A revised request that reduced proposed buffer impacts was received on September 28, 2007. If granted, this variance would allow impacts to 18,625 square feet of forest buffer to construct and maintain a farmer's market/bank barn. Additionally, it would allow continued existing use of 15,750 square feet of residential yard area in the buffer around the manmade pond. The property contains tributaries that drain to Black Rock Run, a Use III trout stream system.

This Department has reviewed your request, and has determined that a practical difficulty exists, in that other locations for the bank barn were not feasible due to sight distance and topographical problems, and that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Therefore, we will grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all plans submitted for this project: "A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement shown hereon is reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts including planting, fencing and posting of the

PETITIONER'S
EXHIBIT NO. 14

remaining buffer as well as additional buffer establishment throughout the property."

2. The bank barn/farmer's market shall be built in accordance with Alternative 6 included in the amended variance request, which proposes 18,625 square feet of buffer impact; however, proposed grading shall be tightened as much as possible on the final design.

3. The Forest Buffer Area onsite shall be as shown on the attached plan. The Natural Resource Conservation Service (NRCS) Farm Plan must be revised to show and honor these Forest Buffer limits, and shall be submitted to this Department for approval by December 1, 2007. The revised farm plan shall be implemented immediately upon its approval by this Department and shall not be further revised without this Department's approval.

4. 10,400 square feet of remaining Forest Buffer adjacent to the farmer's market must be planted with native species of trees and shrubs, including the planting of a living fence along the limit of the buffer where it abuts the farming and residential uses at the front of the property.

5. The Forest Buffer Area shall be permanently posted at 100-foot intervals or at any turn in the forest buffer limit with "Forest Buffer-Do Not Disturb" signage prior to issuance of any permits. All signs shall be installed as specified and in the locations shown on an approved Forest Buffer Protection Plan as described below.

6. Surveyed limits of the Forest Buffer shall be clearly marked in the field at predetermined intervals with permanent at-grade markers to facilitate identification of easement limits by both homeowners and County staff. The aforementioned Forest Buffer signs shall be installed as "witness" posts near each rebar location. Additionally, the locations of the rebar, and the outer easement limits, shall be submitted digitally to DEPRM by January 2, 2008 in a format that could be incorporated into GIS layer for future County use.

7. A Forest Buffer Protection Plan detailing all forest buffer mitigation shall be submitted to EIR along with an itemized cost estimate and approved prior to EIR approval of any permit and shall be implemented by April 1, 2008.

8. An Environmental Agreement shall be signed, and a security equal to 110% of the EIR approved itemized cost estimate of the mitigation shall be posted prior to grading permit issuance. Release of that security shall be in accordance with the attached policy.

9. Farming, mowing, or any other disturbance of vegetation within the Forest Buffers shall cease immediately. This shall include the relocation of farm equipment storage along the northern edge of the stream system at issue to a minimum of 25 feet from the top of the stream bank, and other buffer areas as indicated on the attached plan and future revised farm plan.

10. A grading and sediment control plan must be submitted to this Department and approved prior to grading permit approval and may be submitted concurrently with the Forest Buffer Protection Plan.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Jonathan Bowman at (410) 887-3980.

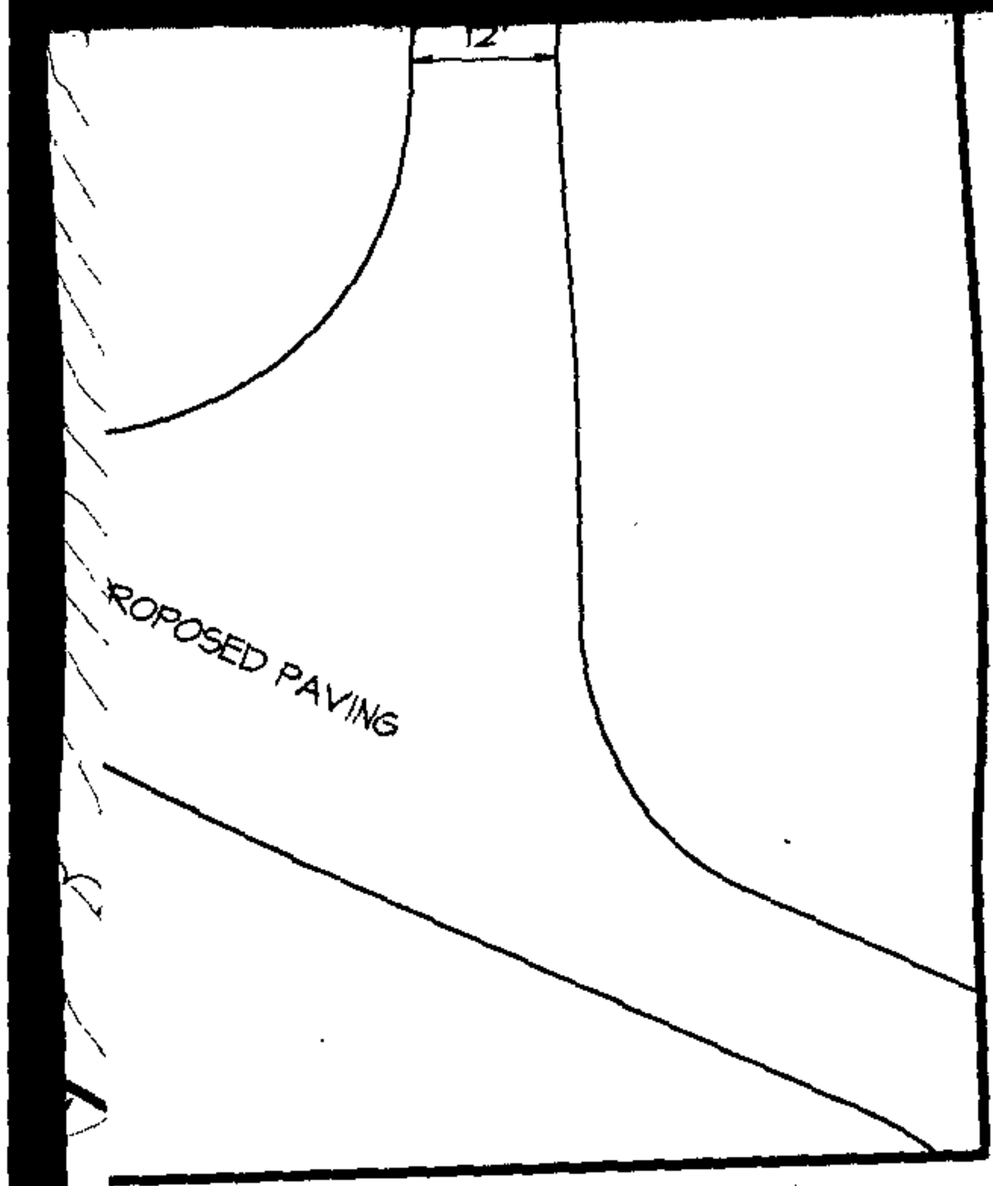
Sincerely yours,

David A. C. Carroll
Director

DACC:jdb

Attachments (2)

c. David Smith, Property Owner
Andrew Thomas, NRCS



NO. 531 REGISTERED PROPERTY LINE SURVEYOR

PLAN TO ACCOMPANY A SPECIAL HEARING

SMITH PROPERTY

YEOHO ROAD

Deed Ref: S.M. No. 8684 folio 322

Tax Account No.: 19-00-002612

Zoned R.C. 2; GIS Tile 21A3, 27A1

Tax Map 21; Grid 19; Parcel 178

5th ELECTION DISTRICT

3rd COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND

Scale: 1"=100'

Date: JANUARY 2, 2007

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100

320 East Towsontown Boulevard

Towson, Maryland 21286

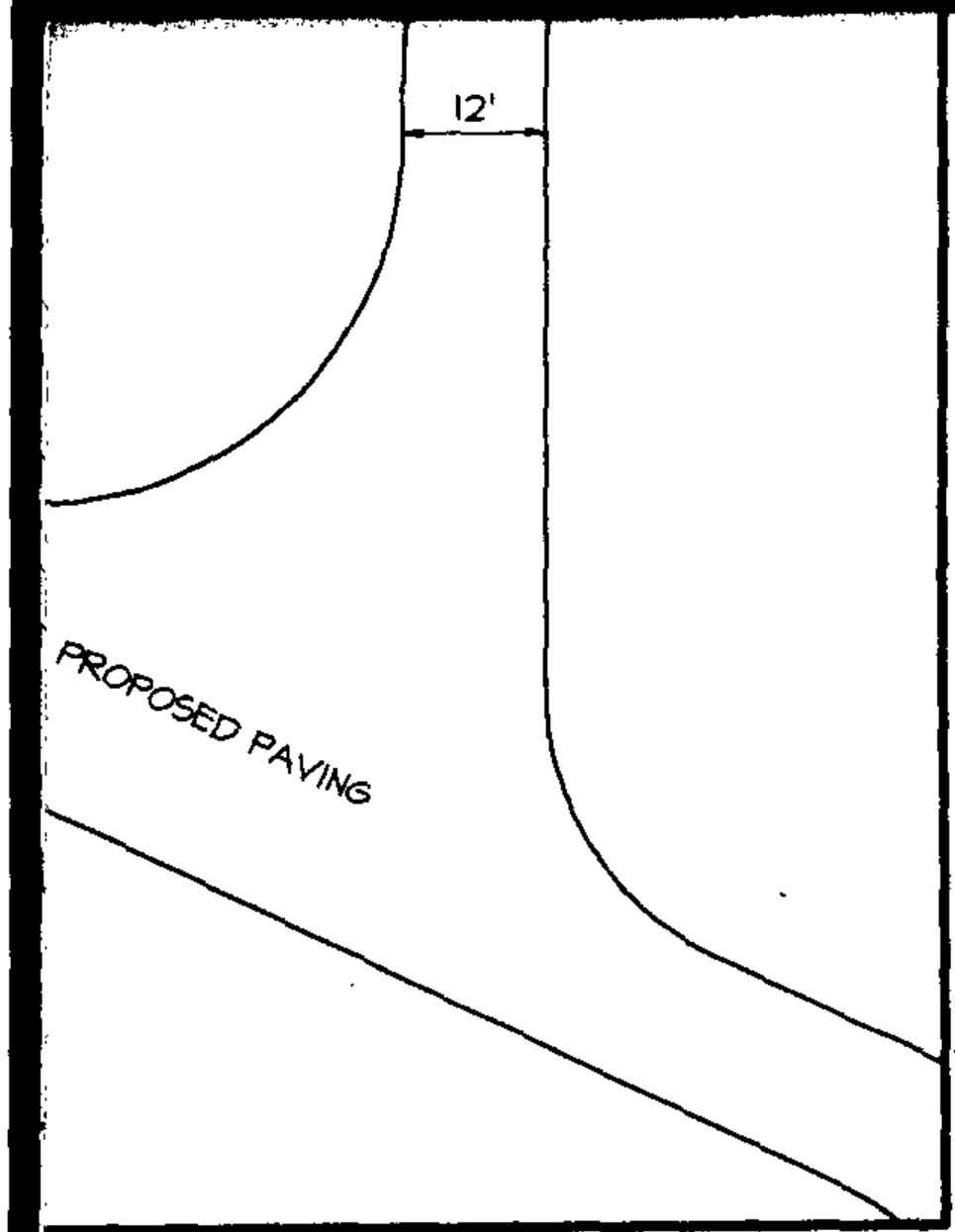
(410) 823-4470

REVISION	DATE
BLDG. SIZE & ADD DWELLING	3/10/08
BUILDING AND PARKING DESIGN	2/29/08
BUILDING AND PARKING DESIGN	2/26/08
REVISIONS PER ATTORNEY	3/2/07
SIONS PER ATTORNEY & OWNER	2/20/07
QUEST REVISIONS PER ATTORNEY	2/12/07

COMPUTED:	DRAWN: SMH	CHECKED:	FI

PETITIONER'S

EXHIBIT NO. 15A



NO. 531 REGISTERED PROPERTY LINE SURVEYOR

PLAN TO ACCOMPANY A SPECIAL HEARING

SMITH PROPERTY

YEOHO ROAD
Deed Ref: S.M. No. 8684 folio 322
Tax Account No.: 19-00-002612
Zoned R.C. 2; GIS Tile 21A3, 27A1
Tax Map 21; Grid 19; Parcel 178
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: JANUARY 2, 2007

ITIONER'S

BIT NO. 15 B

REVISION	DATE
D BLDG. SIZE & ADD DWELLING	3/10/08
TO BUILDING AND PARKING DESIGN	2/29/08
TO BUILDING AND PARKING DESIGN	2/26/08
T REVISIONS PER ATTORNEY	3/2/07
VISIONS PER ATTORNEY & OWNER	2/20/07
EQUEST REVISIONS PER ATTORNEY	2/12/07

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED:	DRAWN: SMH	CHECKED:	FILE:X:\SMITH - YEOHO\ZONING PLAT.pro

As of 3/10/08

CASE NUMBER: 07-314-SPH **16701 Yeoho Road**
Location: North & South Sides of Yeoho Road, 157' East from Dubbs Road
5th Election District, 3rd Council District
Legal Owner(s): David Ronald & Lillly Marcelle Smith

SPECIAL HEARING: In response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the B.C.Z.R. for approval of a Use Permit for a Farmer's Roadside Stand

Hearing: Tuesday, 3/6/07 at 9:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Continued Hearing: Tuesday, 3/11/08 at 10:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

OPPOSE STAND	FAVOR STAND
Jeff and Beckie Gurley, Calvert's Gift	Dianne Fowler, HZBA President
Gillian S. and Wesson H. Miller Jr.	Deborah W. Cohen, Dudley's Meadow
Mary and Lance Trifillis	Bruce Fenwick
Cynthia Frankel	Robert Prigel Jr.
Vicki Mermelstein and Sam Nitzberg	Doug Radenbaugh
Brian H. Palmer	John Meyer
Steven E. Bartenfelder	Steve T. Mensh
Nicholas D. Cowie	Evelyn Cochran
Luke and Angela Steckel	Brigitte Marti *
Jack and Beckie Gurley	D.W. Hoatson
Russell Clark	Gino Troia *
Sheran Smith	Stacy Cofield *
Chris Rossi	Mary Wojnowski
James E. Fortier	Lisa Hosier
Jennifer Swanson	Jinger Whitcraft
Nicol and Michael O'Connor	Hugh R. Cromwell
Bob Franklin	Alexandrea Arnold
Frank A. O'Toole, Jr.	Shelley Kowakczyk *
	Paula O'Brien *
	Y.M. Beran
	Henry R. Ruhl
	Michael K. and Linda Short *
	Michael Bacon
	Rachel Steffens *
	Nancy Gruver
	Kathy Wheatley
	Gary Lewis
	Jeanne Unger
	Arthur & Erica Callaham
	Lynn Salganik
	Christina Camardella *
	Anilkumar J. Hoffberg
	Anthony Garner
	Mark Steiner

PETITIONER'S

EXHIBIT NO. 16

OPPOSE STAND	FAVOR STAND
	Carolyn Morton *
	Nancy Mauler *
	Kitty Julio
	Leigh Zinniskey
	Beth Wood
	Michael Moran
	Esther Solomon
	Gene Swackhammer, Secretary Jr. Gunpowder Agricultural Club
	Wayne Horner, Exec. Comm., Third Gunpowder Agricultural Club
	Bridgid A. McMurtrie
	Susan D. Bachman
	Jeffrey Smith
	Leslie Richardson, Balto. Co. Farm Bureau
	Jean and Mike Vinzant
	Todd Allen

* Out of the area

As of 3/10/08

BW 3/6

BALTIMORE COUNTY Farm Bureau

Baltimore County Farm Bureau * 1840 York Road * Timonium, Maryland 21093 * 410-666-1025 * fax 410-561-7018 * BCFB@hotmail.com

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

RECEIVED
APR 2007
ZONING COMMISSIONER

February 28, 2007

Dear Mr. Richards:

Re: Case # 07-314-SPH

During the February meeting of the Baltimore County Farm Bureau the issue regarding the application for a Farmers Roadside Stand by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152, was brought forward for discussion. Our Board consists of several people who were involved with the construction of the current farmers roadside stand and farm market zoning regulations. Our Board is pleased to see the investment Springfield Farm is making in the future of agriculture in Baltimore County. We believe in the underlying principle of allowing the sale of farm products grown on the farm, including the sale of products from other farms, as being consistent with the wording in the zoning regulations.

Farm Bureau understands this zoning right is not frequently exercised by people with desires to start new marketing activities, but we feel it is very important to defend the right to have one. This is important for existing farm stands and markets, and to encourage markets in the future. Late February, Maryland hosted the Mid Atlantic Direct Farm Market Conference featuring Calvert, Prince George's and St. Mary's county farm markets on a one day tour. Two of five sites visited were less then two years old. On farm markets are the future of agriculture in populated areas and Maryland has some of the best in the country.

Respectfully,

Leslie Richardson
Baltimore County Farm Bureau, President

J. Smith

1625 Sparks Rd, Sparks Md.

Address

March 25, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Jeffrey Smith

Printed Name

THIRD GUNPOWDER AGRICULTURAL CLUB

15533 MANOR ROAD
MONKTON, MARYLAND 21111

February 28, 2007

RECEIVED
MAR 6 2007
ZONING COMMISSIONER

Mr. W. Carl Richards, Jr.
Supervisor, Zoning Review
County Office Building – Room 111
Towson, MD 21204

Dear Mr. Richards:

RE:Case # 07-314-SPH

At the regular meeting of the Third Gunpowder Agricultural Club, held Thursday February 22, 2007, one of the topics discussed was the up coming zoning hearing pertaining to Springfield Farm of 16701 Yeoho road, Sparks, Maryland 21125, in the above referenced case. The members of this club represent a wide range of agricultural enterprises and would like to share their thoughts about Road Side Stands.

It is under stood that a Road Side Stand is permitted as of right in a R.C. 2 Zone, when conducted in accordance with good and reasonable husbandry practices. The Club Members believe the zoning regulations clearly establish the policy, guidelines and rules under which a Road Side Stand must operate. We encourage all members of the Agricultural Community to operate with in these zoning guide lines and will support all those that do so.

The Road Side Stand offers Farmers the opportunity to not only strengthen their Agricultural Community, but production and sale of locally grown agricultural products is an important part of Baltimore County's economy and its heritage.

All members present voted unanimously in favor of this letter, except for two abstentions. One is on a County Board and one was personal.

Respectfully submitted,

Wayne Horner, Executive Committee
cc: David Smith

File

Hereford Zone Business Association

P.O. Box 466 · Hereford, MD 21111 · www.hzba.org

February 14, 2007

Mr. W. Carl Richards, Jr.
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

RE: Case # 07-314-SPH.

The Hereford Zone Business Association hereby indicates its support for referenced case.

We are a business association in Northern Baltimore County, an area that has traditionally been agricultural. With the information presented by David Smith regarding the operations at 16701 Yeoho Road, it is our position that a request for a roadside stand from which to market farm products continues to be in keeping with the agricultural nature of the area.

Therefore, we support the application for a Use Permit for a Farmer's Roadside Stand as submitted in referenced case.

Sincerely,

Dianne E. Fowler

Dianne Fowler
HZBA President

File

DEBORAH W. COHEN

February 18, 2007

Mr. W. Carl Richards, Jr.
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards,

In the case of 07-314-SPH

My residence is on Dubbs Road and backs up to a parcel owned by David and Lily Smith which fronts on Yeoho. That parcel is directly across Yeoho Road from their other parcel on which they have planned some construction as pertains to this hearing case. The Smith's explained to me in person that they plan to construct what looked like some building or facilities which would have a foot print of around 100' x 50'. This would be on their own farm and would be as close as allowed to Yeoho Road.

I have heard directly and indirectly that some of the neighbors seem concerned about the Smith's plans. Just as a suggestion to the Smith's; they may wish to take some measures to promote good will and appease these neighbors. Amongst these measure they may wish to take may be:
1) Adequate screening of the view of the facilities or buildings perhaps by planting trees;
2) Limiting the height of the building(s);
3) Offering neighborhood discounts (just joking);
4) Limiting noise, smells, or other possible irritants to the extent they could legitimately bother neighbors which may result from mechanical systems and other operations taking place related to the building(s);
5) Using conservative and appropriate signage;
6) Not attempt to conduct events or business which is not within the limits of the law, zoning, and respect for neighbors; and
7) Take care to control any environmental issues which may impact neighbors or themselves.

With all this being said, I can't imagine that they wouldn't be considering these types of steps anyway as long time members of this community. If the Smiths are acting within the allowable scope of all applicable local, state, and federal laws, I would see no reason why they should be restricted from building and conducting legal agri-business on their own property. I really see no reason under the circumstances that they should be questioned at all for conducting legal activities on their own property.

Quite frankly, I am not sure what the hullabaloo about this in the neighborhood is for anyway! Is everybody in fear of their property value being compromised by this?

This letter may be read at a hearing or otherwise be made public or just kept to file.

Thank you for you time.

Sincerely,

Deborah W. Cohen

Deborah W. Cohen

DUDLEY'S MEADOW
16515 DUBBS ROAD
SPARKS, MD 21152
USA
TELEPHONE: 410-472-9158

3100 Tufton Ave
Glyndon, MD 21071
February 5, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

RE: Case # 07-314-SPH.

I am a farmer in Northern Baltimore County, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products continues to be in keeping with the traditions of agriculture.

Therefore, I support the application for a Use Permit for a Farmer's Roadside Stand as submitted in referenced case.

Sincerely,

H. Bruce Fenwick

Bruce Fenwick

RECEIVED
FEB 12 2007
07-047
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

4851 Long Green Rd
Glen Arm, MD 21057
February 14, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

RE: Case # 07-314-SPH.

I am a farmer in Northern Baltimore County, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products continues to be in keeping with the traditions of agriculture.

Therefore, I support the application for a Use Permit for a Farmer's Roadside Stand as submitted in referenced case.

Sincerely,

Robert E Prigel Jr

Robert Prigel, Jr

F.6

1108 Bently Rd
Freeland, MD 21053
February 9, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

RE: Case # 07-314-SPH.

I am a farmer in Northern Baltimore County, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products continues to be in keeping with the traditions of agriculture.

Therefore, I support the application for a Use Permit for a Farmer's Roadside Stand as submitted in referenced case.

Sincerely,

Doug Radebaugh

Doug Radebaugh

File
Schulman
3/6

Junior Gunpowder Agricultural Club
16429 Yeoho Road
Sparks, Maryland 21152-9553

"Providing agricultural education for farmers since 1865"

February 9, 2007

Mr. W. Carl Richards, Jr.
Supervisor, Zoning Review
County Office Building—Room 111
Towson, MD 21204

Dear Mr. Richards:

RE: Case # 07-314-SPH

At its regular meeting of Thursday, February 9, 2007, the members of the Junior Gunpowder Agricultural Club of Baltimore County discussed the petition of Springfield Farms of 16701 Yeoho Road, Sparks, Maryland 21152, in the above referenced case. Some members of the Club currently operate farm markets and roadside stands within Baltimore County zoning regulations, which permit exceptions for R.C. 2, 3 and 4 Zones.

The Club directed its Secretary to inform you in writing that the present zoning regulations are an important tool for farmers to market their produce. Furthermore, the regulations clearly establish the policy guidelines and rules under which they can operate in compliance with law. The Club further encourages its members and other producers to operate within these regulations, and will support all who do so.

Because Springfield Farms has development right and/or conservation easement sales in various application stages that may require action by one or more Club members serving on various County boards, the following Club members asked that they be recorded as abstaining during the vote: Wayne McGinnis, David Greene, David Hayden, David Sparks and Daniel Colhoun.

Respectfully submitted,

Gene L. Swackhamer

Gene L. Swackhamer, Secretary

15801 Yeoho Rd
Sparks Md 21152
Address

March 25, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Bridgid A. McMurtrie
Printed Name

Bridgid A. McMurtrie

Susan Bachman
3305 Mt. Zion Rd
Address
Upperco MD 21155
February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Susan D. Bachman
Printed Name

TOM MEYER
1220 ARMACOST RD
Address PARKTON 21120

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

TOM MEYER
Printed Name

RECEIVED
FEB 28 2007
07.335
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

1432 Belfast Road
Sparks, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Steve T. Mensh
Printed Name

3542 BUTLER RD
GLYNDON, MD 21071
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Evelyn L. Cochran
Signature

EVELYN L. COCHRAN
Printed Name

1116 DULANEY GATE CIRCL
COCKEYSVILLE MD 21030
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

BRIGITTE MARTI
Printed Name

16304 Falls Rd.

Upperco, MD 21155

Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

D.W. Hoatson

Signature

D.W. Hoatson

Printed Name

617 LAVENHAM ct

TIMONIUM MD 21093
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

GINO TROIA
Printed Name

3 Dodworth Ct. #104
Timonium, Md. 21093
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Stacy Cofield
Printed Name

27 Hathaway Rd

Timonium, MD
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Mary Wojnowski
Signature

MARY WOJNOWSKI
Printed Name

1 Kincaid Ct
Baldwin MD 21013
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Lisa Hosier
Signature

Lisa Hosier
Printed Name

20430 W. Liberty Rd
White Hall, Md 21161
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Whitcraft
Signature

Jinger Whitcraft
Printed Name

change of address
P.O. Box 4213
Pagosa Springs, CO 81157-4213

601 Cromwell Whye Ln.
Monkton, MD 21111
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Hugh R. Cromwell
Signature

Hugh R. Cromwell
Printed Name

2720 Corbett Road
Monkton MD 21111
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Alexandrea Arnold
Signature

Alexandrea Arnold
Printed Name

35 Sylvan Park Ct.
Baltimore, MD 21236
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Shelley Kowalczyk
Signature

Shelley Kowalczyk
Printed Name

820 Boxcar Drive
Westminster, MD
Address

February 26, 2007

21157
or
58

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Paula O'Brien
Printed Name

Yvonne BERAN
2 Old Garrett Court
White Hall, MD 21161
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Y.M. Beran
Signature

Y.M. BERAN
Printed Name

16,809 Yeoho Rd
SPARKS, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Case # 07-314-SPH.

I am a land owner within 1000+/- feet of the property in subject case in Northern Baltimore County. This area has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16701 Yeoho Rd and support their activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture and should be granted.

As a close neighbor, I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm).

Sincerely,

Henry C. Ruhl
Signature
HENRY C. RUHL
Printed Name

614 College Ave
Lutherville, MD 21093
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Michael R. Short
Printed Name

15105 Eastview Dr
Upperco MD 21155
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Michele Bacon
Signature

Michele Bacon
Printed Name

500 HOLLY HILL CT.
REISTERSTOWN, MD 21136
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

RACHEL H. STEFFENS
Printed Name

2 Rainflower Path #201
Sparks, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Nancy W. Gruver
Signature

Nancy W. Gruver
Printed Name

2 Rainflower Path #201
Sparks, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Dennis J. Gruver
Printed Name

17415 Wesley Chapel
Monkton, MD 21111
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Kathy Wheatley
Signature

Kathy Wheatley
Printed Name

1401 BLUE MOUNT RD
MONKTON, MD 21111
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

GARY S. LEWIS
Printed Name

15437 Falls Road
Sparks, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Jeanne Unger
Signature

Jeanne Unger
Printed Name

2401 Benson Mill Rd
Sparks MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

The Rev. Arthur & Erica Callaham
Printed Name

Change of address
3024 Monkton Rd
Monkton, Md.
21111

18811 Foreston Rd
Hampstead Md 21074
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Lynn Salganik
Signature

Lynn Salganik
Printed Name

CRISTIANA CAMARDELLA
735 W. PADONIA RD
Address COCKEYSVILLE, MD 21030

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

CRISTIANA CAMARDELLA
Printed Name

14140 Falls Road
Butler MD 21023
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

ANILKUMAR J. HOFFBERG
Printed Name

15721 Yeoho Rd
Sparks MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Anthony Garner
Printed Name
443-865 1870

15216 WHEELER LANE
SPARKS, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

MARE B. STEINER
Printed Name

14024 Cuba Rd
Cockeysville MD 21030
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Carolyn Morton
Printed Name

12634 Ivy Mill Rd.
Reisterstown MD 21136
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Nancy Mauler
Signature

Nancy Mauler
Printed Name

Kitty Julio
25 Victoria Falls Ct.
Address SPARKS MD 21120

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

K. Julio
Signature

Kitty Julio
Printed Name

614 College Ave
Lutherville, Md 21093
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

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I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Lynn S. Short
Signature

Lynn S Short
Printed Name

See Michael Short

2401 Stringtown Rd
Sparks, MD 21152
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Signature

Leigh Zimnisky
Printed Name

2120 Bulls Sawmill Rd
Freeland, MD 21053
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Beth Wood
Signature

Beth Wood
Printed Name

Brook
9 Brook Valley Court
Freeland 21053
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Michael Morin
Signature

MICHAEL MORIN
Printed Name

18318 Brick Store
Hampstead 21074
Address

February 26, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Richards:

Reference Zoning Case # 07-314-SPH.

I am a Northern Baltimore County resident, an area that has traditionally been agricultural and I want to see it remain that way. I am familiar with the operations at 16,701 Yeoho Rd and support such activities. It is my position that a request for a roadside stand from which to market farm products is in keeping with the traditions of agriculture.

I support the application for a Use Permit for a Farmer's Roadside Stand as submitted by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152.

Sincerely,

Esther Solomon
Signature

Esther Solomon
Printed Name

EW 3/11
09-314-SPH

Address
Date

Mr. William J. Wiseman, III
Zoning Commissioner
Baltimore County
401 Bosley Avenue – 4th Floor
Towson, MD 21204

RECEIVED
BY:_____

Dear Mr. Wiseman:

I am writing regarding the application of my neighbors, David and Lilly Smith for a Roadside Stand Use Permit on their operating farm at 16701 Yeoho Rd, Sparks, MD 21152.

It is my understanding that under current zoning regulations, a farmer has the right to a use permit. Farmers, especially in Baltimore County, need support of government and neighbors to protect their right to farm in order to survive.

Therefore, Mr. Wiseman, I am putting my support behind the Smiths.

Thank you for your consideration.

Sincerely,

Jean + Mike Vincent
16326 Yeoho Rd 21152

Signature
Name

Jean Vincent
Mike Vincent

Vinzant

Address 16034 Yeoho 21152
Date 3-5-08

Mr. William J. Wiseman, III
Zoning Commissioner
Baltimore County
401 Bosley Avenue – 4th Floor
Towson, MD 21204

RECEIVED
MAR 07 2008
BY:_____

Dear Mr. Wiseman:

I am writing regarding the application of my neighbors, David and Lilly Smith for a Roadside Stand Use Permit on their operating farm at 16701 Yeoho Rd, Sparks, MD 21152.

It is my understanding that under current zoning regulations, a farmer has the right to a use permit. Farmers, especially in Baltimore County, need support of government and neighbors to protect their right to farm in order to survive.

Therefore, Mr. Wiseman, I am putting my support behind the Smiths.

Thank you for your consideration.

Sincerely,

Todd Allen

Signature Todd Allen
Name Todd Allen
16034 Yeoho rd
Sparks, MD 21152

16326 Yeoho Rd
Spark MD 21152

USA 41

MR William J Wiseman
Zoning Commissioner
Balto Co.
401 Bosley Ave 4th Floor
Towson Md 21204

21204+4420 C010

Hereford Zone Business Association
P.O. Box 466
Hereford, MD 21111

BALTIMORE MD 212

16 FEB 2007 PM 7 T

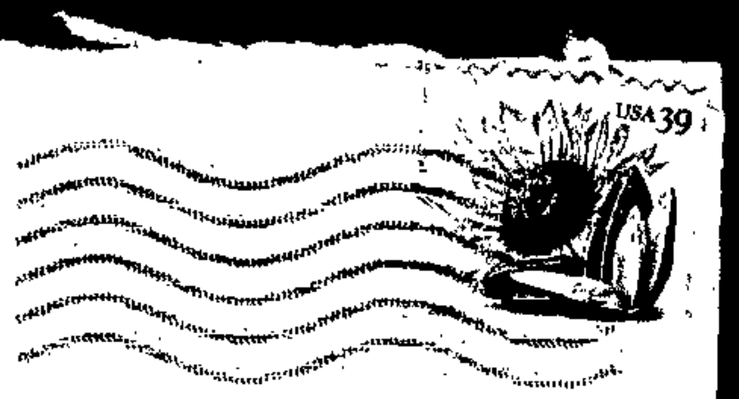
Mr. W. Carl Richards, Jr.
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

21204+4602

Baltimore County Farm Bureau
1840 York Rd
Timonium MD 21093

BALTIMORE MD 212

30 MAR 2007 PM 3 T



Mr William Wiseman
Baltimore County Zoning Commissioner
401 Bosley Ave
Towson, MD 21204

21204+4420

T. Allen Marine LLC
16234 Yeoho RD
Sparks ,MD 21152

BALTIMORE MD 212
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USA First-Class

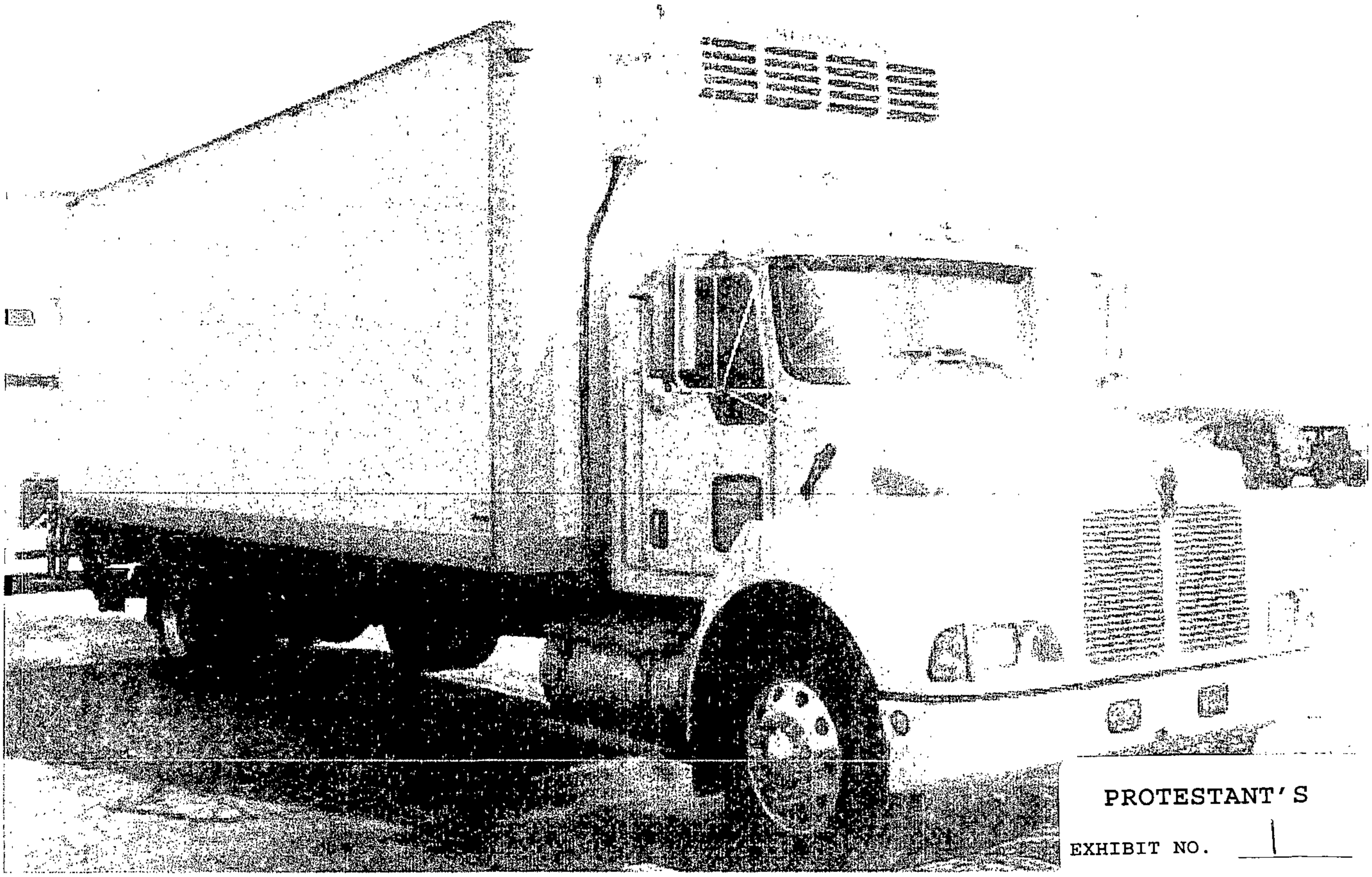
MR William Wiseman, (Zoning comissioner)
401 Bosley Ave 4th floor
Towson, MD 21204

21204 WWW.TALLENMARINE.COM

Case No.: 07-314-SPH 16701 Yeoho Rd

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	REVISED SITE PLAN	REPRESENTATION OF REFRIGERATED DELIVERY TRUCK
No. 2	PHOTO OF FARM	PETITION IN OPPOSITION
No. 3	GOOGLE Earth Satelite PHOTO OF FARM	Attachment to Variance Approval from DEPRM (Petitioners No. 14 - re Condition #3
No. 4 4A - 4B -	PHOTO OF BARN AS AN EXEMPLAR OF WHAT IS BEING PROPOSED	Interoffice Correspondence from Glen Schaffer to Lykens dated 11/7/07
No. 5	2006 SALES DATA (Farmers Road Side Stand)	18 Letters in OPPOSITION
No. 6	4 PHOTO's - Workshop Storage area - all Equipment Unable to be Housed	
No. 7	3 PHOTO's - SHOWS Refrigeration Equipment to be Stored in Barn Bldg	
No. 8	BALTIMORE COUNTY AGRICULTURE ADVISORY Board	
No. 9	PHOTOGRAPHS - BANK BARNES - ONE ON LEFT IS THE TYPE FAVORED	
No. 10	ELEVATION PREPARED BY PETITIONER	
No. 11	DELIVERY TRUCK USED BY FARM	
No. 12	PHOTO'S OF FARM AND SITING LOCATION OF FARM STAND	



PROTESTANT'S

EXHIBIT NO. 1

Petition in Opposition to Proposed "Farm Stand"
(Case No. 07-314 SPH)

We, the undersigned, oppose the approval of the "farm stand" as proposed at 16701 Yeoho Road.

Name	Address	Date
Joyce Pezzuccat	1209 Gramy Springs Rd 21100	2-24-07
Mark Brennan	1444 Glencoe Rd 21152	2-24-07
Tina Carroll	306 Kauffman Rd 21120	2-24-07
Mary Doheny	316 Kauffman Rd 21120	2-24-07
Terri Fendrick	242 Bentley Rd 21120	2-24-07
S Carroll	308 Kauffman Rd	2-24-07
Monica M. Sadler	1511 W. Joppa Rd 21204	2-24-07
Kim Mozelack	2 Bee Tree Rd	2/24/07
Mike Mozelack	2 Bee Tree Rd	2-24-07
WALT WILLIAMSON	4033 COMPASS RUN LN	24 FEB 07
Lisa Weinstein	329 Stablers Church Rd 21120	2.24.07
Sue Nettleton	1226 Riley Hill Rd	2-24-07
Sara Manna	15701 Yeoho Rd Sparks MD 21152	3-5-07
CYNTHIA FRANKUL	16548 YOOHO RD, Sparks 21152	3-6-07

PROTESTANT'S

EXHIBIT NO. 2

Petition in Opposition to Proposed "Farm Stand"
(Case No. 07-314 SPH)

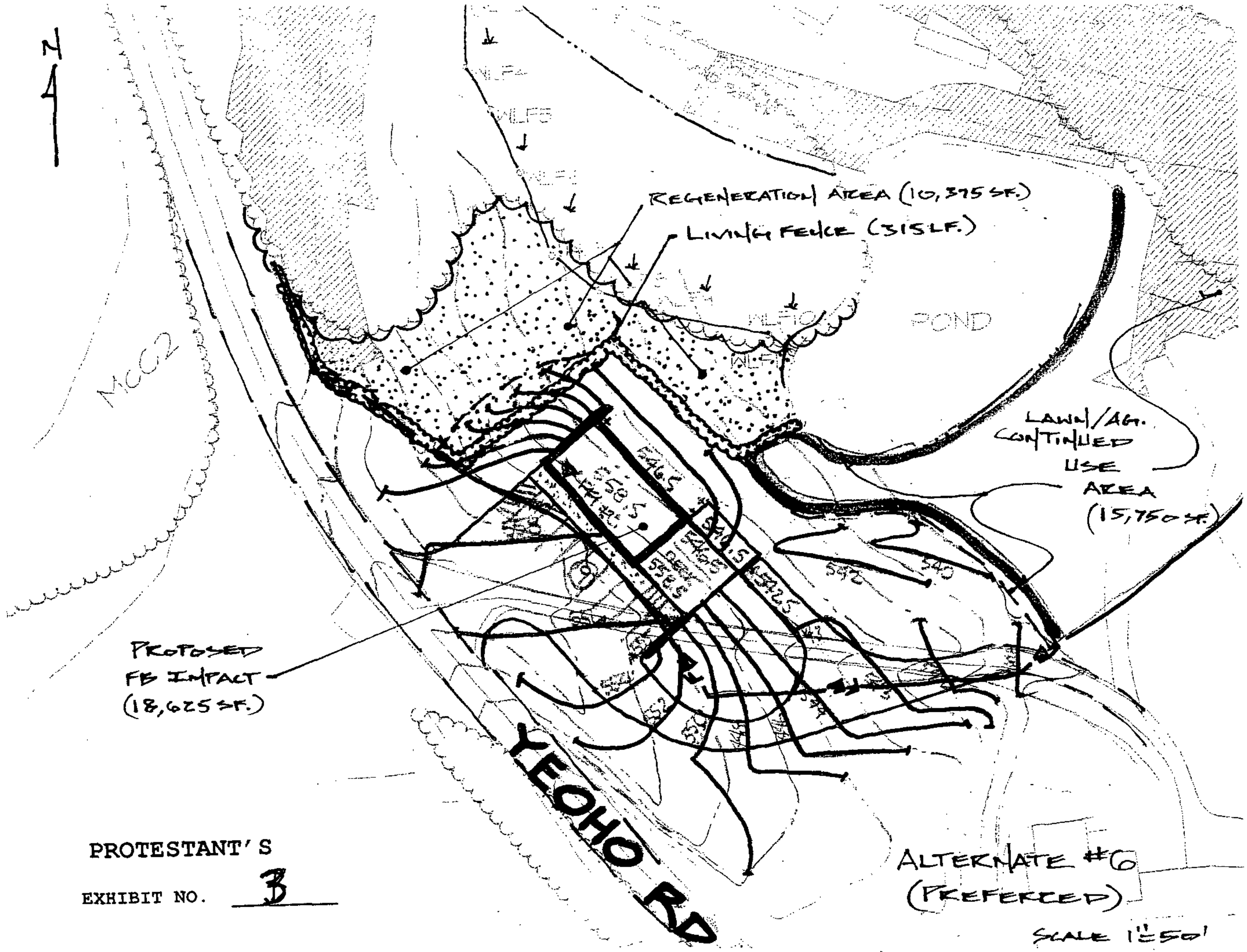
We, the undersigned, oppose the approval of the "farm stand" as proposed at 16701 Yeoho Road.

Name	Address	Date
Jennifer Swanson	16726 Yeoho Rd	2/24/07
Chris Swanson	16726 Yeoho Rd	2/24/07
Mary Tuttle	16801 Yeoho Rd	2/24/07
	"	"
Sherian Smith	16301 Dubbs Road	2/24/07
Nicol OConnor	16606 Dubbs Rd	2/25/07
Michael OConnor	16606 Dubbs Rd.	2/25/07
[illegible]	16623 Dubbs Rd	3/2/07
Nina Nelson	6905 Eastbrook Ave	3/2/07
Jocelyn Amorosso	6312 Benson mill Rd	3/2
DWIGHT HEINMULLER	16529 DUBBS RD	3/2/07
Vick. Mermelstein	16803 Yeoho RD	3/2/07
Sam Nitzberg	16803 Yeoho Rd	3/2/07
[illegible]	16619 DUBBS Rd	3/2/07
Elizabeth Came	16616 Dubbs Rd	3/2/07

Petition in Opposition to Proposed "Farm Stand"
(Case No. 07-314 SPH)

We, the undersigned, oppose the approval of the "farm stand" as proposed at 16701 Yeoho Road.

Name	Address	Date
[illegible]	16612 Dubbs Rd. Sparks MD 21152	3/4/07
[illegible]	16612 Dubbs Rd. Sparks, MD 21152	3/4/07
Ron Clark	16819 Yeoho Road	21152
Mollie Williams	16534 Yeoho rd. Sparks, md	21152
Jack Gunly	16813 Yeoho rd, Sparks, md	21152
[illegible]	16813 Yeoho Rd Sparks	21152
[illegible]	16817 Yeoho Rd	21152
[illegible]	16817 Yeoho Rd	21152
[illegible]	16730 Dubbs Road	21152
[illegible]	16730 Dubbs Road	21152



PROTESTANT'S

EXHIBIT NO. 3

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

To: David Lykens
Development Coordination

Date: November 7, 2007

From: Glenn Shaffer
Environmental Impact Review

Subject: David Smith Property at 16701 Yeoho Rd
(Zoning Item 07-314-SHA)

The site of the proposed farmer's market has been set after Mr. Smith received a variance to Section 33-3-111 of the Regulations for the Protection of Water Quality Streams, Wetlands and Floodplains. The attached map shows the location approved by DEPRM through this variance process, which included evaluation of three general locations and six adjustments of the general location preferred by the petitioner. There are still some outstanding mitigation issues to be resolved between the petitioner and DPERM, but they do not affect the location of the bank barn.

If there are any questions, please contact either Jonathan Bowman or me at 410-887-3980.

Enclosure

c: Jonathan Bowman

Smith @ 16701 Yeoho Rd ZC Memo 11.7.07/glenn/sheir

PROTESTANT'S
EXHIBIT NO. 4

As of 3/10/08

CASE NUMBER: 07-314-SPH **16701 Yeoho Road**
Location: North & South Sides of Yeoho Road, 157' East from Dubbs Road
5th Election District, 3rd Council District
Legal Owner(s): David Ronald & Lillly Marcelle Smith

SPECIAL HEARING: In response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the B.C.Z.R. for approval of a Use Permit for a Farmer's Roadside Stand

Hearing: Tuesday, 3/6/07 at 9:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Continued Hearing: Tuesday, 3/11/08 at 10:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

OPPOSE STAND	FAVOR STAND
Jeff and Beckie Gurley, Calvert's Gift	Dianne Fowler, HZBA President
Gillian S. and Wesson H. Miller Jr.	Deborah W. Cohen, Dudley's Meadow
Mary and Lance Trifillis	Bruce Fenwick
Cynthia Frankel	Robert Prigel Jr.
Vicki Mermelstein and Sam Nitzberg	Doug Radenbaugh
Brian H. Palmer	John Meyer
Steven E. Bartenfelder	Steve T. Mensh
Nicholas D. Cowie	Evelyn Cochran
Luke and Angela Steckel	Brigitte Marti *
Jack and Beckie Gurley	D.W. Hoatson
Russell Clark	Gino Troia *
Sheran Smith	Stacy Cofield *
Chris Rossi	Mary Wojnowski
James E. Fortier	Lisa Hosier
Jennifer Swanson	Jinger Whitcraft
Nicol and Michael O'Connor	Hugh R. Cromwell
Bob Franklin	Alexandrea Arnold
Frank A. O'Toole, Jr.	Shelley Kowakczyk *
	Paula O'Brien *
	Y.M. Beran
	Henry R. Ruhl
	Michael K. and Linda Short *
	Michael Bacon
	Rachel Steffens *
	Nancy Gruver
	Kathy Wheatley
	Gary Lewis
	Jeanne Unger
	Arthur & Erica Callaham
	Lynn Salganik
	Christina Camardella *
	Anilkumar J. Hoffberg
	Anthony Garner
	Mark Steiner

File

Farm Bureau

Baltimore County Farm Bureau * 1840 York Road * Timonium, Maryland 21093 * 410-666-1025 * fax 410-561-7018 * BCFB@hotmail.com

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building – Room 111
111 West Chesapeake Avenue
Towson, MD 21204

February 28, 2007

Dear Mr. Richards:

Re: Case #07-314-SPH

During the February meeting of the Baltimore County Farm Bureau the issue regarding the application for a Farmers Roadside Stand by David and Lilly Smith (Springfield Farm), 16701 Yeoho Rd, Sparks, MD 21152, was brought forward for discussion. Our Board consists of several people who were involved with the construction of the current farmers roadside stand and farm market zoning regulations. Our Board is pleased to see the investment Springfield Farm is making in the future of agriculture in Baltimore County. We believe in the underlying principle of allowing the sale of farm products grown on the farm, including the sale of products from other farms, as being consistent with the wording in the zoning regulations.

Farm Bureau understands this zoning right is not frequently exercised by people with desires to start new marketing activities, but we feel it is very important to defend the right to have one. This is important for existing farm stands and markets, and to encourage markets in the future. Late February, Maryland hosted the Mid Atlantic Direct Farm Market Conference featuring Calvert, Prince George's and St. Mary's county farm markets on a one day tour. Two of five sites visited were less then two years old. On farm markets are the future of agriculture in populated areas and Maryland has some of the best in the country.

Respectfully,

Leslie Richardson
Baltimore County Farm Bureau, President

As All F.tc

Springfield Farm

Naturally Better

March 4, 2007

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building
111 West Chesapeake Avenue, Roon 111
Towson, MD 21204

Dear Mr. Richards:

Reference Case # 07-314-SPH.

In consultation with one of my neighbors, Mr. F.A. O'Toole, Jr, I have agreed to submit the following "definitions" for consideration in the Zoning Commissioner's review of the application:

1 – That the stand will not be used to sell or distribute alcoholic products to the general public, except for special events, and then only by a licensed entity.

2 – That the stand will not be used as an abattoir for livestock.

3 – That the stand be used for the sale of products as defined by the county's definition of a roadside stand.

Sincerely,

David R. Smith

Operated by The Farm, Ltd.
16701 Yeoho Rd, Sparks, MD 21152
Tp: (410) 472-0738 - Fax: (443) 269-0208
www.OurSpringfieldFarm.com

Springfield Farm

Naturally Better

March 5, 2008

William J. Wiseman, III
Zoning Commissioner
401 Bosley Avenue – 4th Floor
Towson, MD 21204

Via Fx: 410-887-3468 (four pages to follow)

Dear Mr. Wiseman:

Reference Case # 07-314 SPH regarding application for a Farmers Roadside Stand Use Permit.

The last time I reviewed the case file, the attached petitions of support were not present and I am forwarding same for your consideration.

Sheet A represents support of eight land owners whose property shares a common border with mine (# 7 inadvertently signed the incorrect sheet and is subtracted from the total). The only bordering neighbor not signing is in the opposition court.

Sheet B represents support of neighbors to the south of our property on Yeoho Rd.

Sheet C represents support of neighbors within one mile. Many other neighbors have written separate letters to you.

Sheet I represents support of six County farmers and is in addition to the letters of support sent to you separately from the two Agricultural Clubs and Farm Bureau. Several other farmers have also sent letters of support.

Thank you for your consideration.

Sincerely,

RECEIVED
MAR 0 5 2008
BY:.....

David R. Smith
4 Encl – as stated above

Operated by The Farm, Ltd.
16701 Yeoho Rd, Sparks, MD 21152
Tp: (410) 472-0738 - Fax: (443) 269-0208
www.OurSpringfieldFarm.com

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

NEIGHBORS BORDERING This Farm

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	GRAFTON MILLER.	2415 Mt Carmel Rd, Parkton 21120	410-357-4599		
2	Joyce Sheat	16836 Yeoho Rd Sparks MD 21152			
	Charles Sheats	16836 Yeoho Rd 21152	410 343-0586		
3	Michael D. Winegart	16603 DUBBS RD	410-472-4951	✓	
	MICHAEL D. WINEGART	SPARKS, MD. 21152			
4	Clyde Nitz	16525 Dubbs Rd 21152	410-329-3871		
5	Claire Brennwell	16519 Dubbs Rd. 21152	410 771-4737		
6	Clyde M. Cofiell	16501 Dubbs Rd.	410-771-4699		
	Clyde Cofiell				
7	Glenda L. Zepp	16313 Yeoho Road	410-329-3944		
	Glenda L. Zepp	Sparks, MD. 21152			
8	Sheet 6	16704 YEOHO	410-		
	Frank O'Toole				
9	F. T. Berry	2229 Mt Carmel Rd	410 374-4356	✓	
10					

B

PETITION OF SUPPORT / Non-Opposition

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

NEIGHBORS (SOUTH) OF DUBBS ROAD

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	No
1	GENE SWACKHAMER Gene Swackhamer	16429 YEOHO ROAD, SPARKS	665wacke@cs.com 771-4437	✓	
✱ 2	SIGNATURE PAGE 1 DINI GARNER	15721 YEOHO	410-329-3601		
✱ 3	Barnie + Margaret	16415 YEOHO	410-472-4648		
✓ 4	CHARLES L. CASSIDY Charles Cassidy	16410 YEOHO RD	410-472-2441	✓	
✓ 5	Ellen C Buck Ellen C Buck	16428 Yeoho Rd	410-329-3151		
6	Jack Kamps	16400 Yeoho Rd.	410-382-5224		
7	James H. Siegemerten	16531 Yeoho Rd.	410-472-9306		
8	Eric J. Lane Eric J. Lane PAGE "A"	16540 Yeoho Rd.	410-472-4403 ericlane04@comcast.net		
9	GLENDA ZEPP	16313 Yeoho Rd	410-329-3944		
10					

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

C

Non-Bordering Neighbors w/in 1 mile

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	PAGE 7	16822 Yecho Rd			
*	Nick Silverio				
2	PAGE 6	16616 Dubbs Rd			
*	Elizabeth Cowie				
3					
*	Faiz + Liz Safi	2411 Bonson Mill Rd			
4		16018 Fall Rd			
*	Pat Murphy				
5					
	Roman Kostick	16818 Yecho Rd.	410 472-4599		
6					
7					
8					
9					
10					

PETITION OF SUPPORT

We, the undersigned, hereby indicate support for Springfield Farm's application for a Roadside Stand

I

FARMERS 1-6 JR AG. Club

	Signature / Printed Name	Address	Phone / Email	Attend Hearing Yes	Attend Hearing No
1	[illegible]	1311 Glencoe Rd	gjmayoe@verizon.net		
	George Mayo	Glencoe MD 21152			
2	David L [illegible]	2014 White Hall Rd	410-329-6241		
		White Hall Md 21161			
3	Dave Sparks	19517 Foreston Rd Upperco Md.	410-239-8480		
4	Leslie A Richardson	5828 EBENEZER ROAD	443 277 0151		
		WHITE MARSH MD 21162	FarmLRS@AOL.com	?	
5	Robert Priegel Jr.	4855 Lons Green Rd. Glen Arm Md. 21057	410-592-7776		
6	James T. Beyer	15659 Dover Rd	410-259-5948		
		Upperco, MD. 21155			
7					
8					
9					
10					

-PBW
3/6
9AM

March 7, 2007

RECEIVED
MAR 7 2007
ZONING COMMISSIONER

Mr. William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland

Dear. Mr. Wiseman

RE: Case #07-314-SPH

I attended the hearing on the above referenced case. I left the proceedings very frustrated. I feel that one of the more important issues in this matter was overlooked. I believe in the very beginning of the proceeding you referenced the project as "the mother of all farm stands" Perhaps that point may be the main issue. As a farmer myself I have many friends who have "farm stands." None of them are even remotely as large or complicated as that proposed by Mr. Smith.

As you consider your decision, please keep in mind the people who live here. We heard a lot of vague responses from Mr. Smith about what the design of the structure would be, what would be inside the structure, what the future uses may be. I was neither reassured nor placated by any response I heard from Mr. Smith on any question he was asked during this hearing

I thank you for your consideration on the matter.
Respectfully submitted,

Jack Gurley

Jack Gurley
Calvert's Gift Farm
16813 Yeoho Road

BALTIMORE MD 212

09 MAR 2007 PM 4 T

Mr. William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

21204+4420

As of 3/10/08

CASE NUMBER: 07-314-SPH **16701 Yeoho Road**
Location: North & South Sides of Yeoho Road, 157' East from Dubbs Road
5th Election District, 3rd Council District
Legal Owner(s): David Ronald & Lillly Marcelle Smith

SPECIAL HEARING: In response to an owner within 1,000 feet filing a formal request for a public hearing with the Zoning Commissioner per Section 424.4.A.3 of the B.C.Z.R. for approval of a Use Permit for a Farmer's Roadside Stand

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Gillian S. and Wesson H. Miller Jr.	Deborah W. Cohen, Dudley's Meadow
Mary and Lance Trifillis	Bruce Fenwick
Cynthia Frankel	Robert Prigel Jr.
Vicki Mermelstein and Sam Nitzberg	Doug Radenbaugh
Brian H. Palmer	John Meyer
Steven E. Bartenfelder	Steve T. Mensh
Nicholas D. Cowie	Evelyn Cochran
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Russell Clark	Gino Troia *
Sheran Smith	Stacy Cofield *
Chris Rossi	Mary Wojnowski
James E. Fortier	Lisa Hosier
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	Paula O'Brien *
	Y.M. Beran
	Henry R. Ruhl
	Michael K. and Linda Short *
	Michael Bacon
	Rachel Steffens *
	Nancy Gruver
	Kathy Wheatley
	Gary Lewis
	Jeanne Unger
	Arthur & Erica Callaham
	Lynn Salganik
	Christina Camardella *
	Anilkumar J. Hoffberg
	Anthony Garner
	Mark Steiner

OPPOSE STAND	FAVOR STAND
	Carolyn Morton *
	Nancy Mauler *
	Kitty Julio
	Leigh Zinniskey
	Beth Wood
	Michael Moran
	Esther Solomon
	Gene Swackhammer, Secretary Jr. Gunpowder Agricultural Club
	Wayne Horner, Exec. Comm., Third Gunpowder Agricultural Club
	Bridgid A. McMurtrie
	Susan D. Bachman
	Jeffrey Smith
	Leslie Richardson, Balto. Co. Farm Bureau
	Jean and Mike Vinzant
	Todd Allen

* Out of the area

As of 3/10/08

1 IN RE: SPRINGFIELD FARM

2 ZONING HEARING

3 CASE NUMBER: 07-314-SPH

4 _____/

5

6 The above-entitled matter came on for Hearing

7 Before Commissioner William Wiseman on Tuesday, March 6,

8 2007 commencing at 9:00 a.m., at the Towson Courthouse,

9 407 Bosley Avenue, 4th Floor, Zoning Commissioner Hearing

10 Room, Towson, Maryland 21204.

11

12

13

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20

21 REPORTED BY: R. Dwayne Harrison

1 would you please send me a formal enter of appearance
2 and list those clients that you represent even though
3 they are part of the record? I would appreciate having
4 that for the file.
5 Mr. Schmidt?
6 MR. SCHMIDT: Preliminary, Mr. Wiseman, I
7 just wanted to correct something. I believe there is a
8 misnumbered section as it was filed in the petition
9 and, actually, we're here pursuant to section 404.4,
10 CR2 Baltimore County zoning regulations.
11 I believe the Petitioner indicated a
12 different section, Section 424 of the zoning
13 regulations. That was some type of typographical
14 error. I don't know if it was by our side or whether
15 it was by the zoning office. I will tell you that the
16 property was properly posted with a sign by Mr. Doak,
17 who is here -- actually, one of the approved signs
18 posted on the property and he could also testify or
19 I'll represent to you that the sign did have the
20 correct section on it. It had a proper description,
21 but also had a correct section referenced on it.

1 Hopefully that's not an issue.
2 MR. MCCANN: It's not an issue.
3 MR. SCHMIDT: Secondly, I didn't arrange
4 for the court reporter. Dwayne Harrison is here but I
5 have no objection to him here. I don't know, sometimes
6 a motion is made to allow him to be here. I guess
7 Mr. McCann can, but I have no objection to Mr. Harrison
8 being here taking notes, I guess, if we can order it.
9 MR. MCCANN: Certainly.
10 MR. SCHMIDT: If I can be heard by way of a
11 brief opening statement, Mr. Wiseman, it might help to
12 sort of tell you why we're here and what the nature of
13 the request is. I'm going to refer to the plan that's
14 on the board which I will ultimately offer as
15 Petitioner's Exhibit 1 in this case.
16 MR. WISEMAN: Are there any changes to that
17 plan? Mr. Schmidt, I could offer a plan for counsel at
18 the table. He can probably see.
19 MR. SCHMIDT: Mr. Wiseman, just by way of
20 opening statement, if I can, just to sort of introduce
21 you to why we're here and the nature of the request

1 that you're here today, my clients, as I've indicated,
2 are David and Lily Smith who are husband and wife and
3 Mr. Smith is seated at the trial table with the
4 overalls on and I think you know Mr. Doak who is the
5 surveyor who prepared the plan.
6 In any event, Mr. and Mrs. Smith own a
7 property in north Baltimore County that's actually
8 bisected by Yeoho Road which is known as -- I'm looking
9 for the address. 16701 Yeoho Road in northern
10 Baltimore County.
11 As shown on the plan, the property,
12 Mr. Wiseman, is about 65 acres, an area that is zoned
13 RC2 which, as you know, the resource conservation zone
14 as is much of the area. This property has actually
15 been in my client's family going back about 17
16 generations from the 1600's, I believe, and was
17 actually acquired by Mr. and Mrs. Smith in the early
18 1990's from his mother who was the surviving parent.
19 The property is improved with a single
20 family dwelling in which Mr. and Mrs. Smith reside and
21 they also live there with a daughter and her husband

1 who are seated in the front row who I will introduce at
2 the appropriate time and also their two grandchildren.
3 So the six of them live on the farm property.
4 The property is and has historically been
5 used as a farm and Mr. and Mrs. Smith raise meat and
6 poultry. There are not road crops here but it is
7 chickens, turkey, lamb, beef and pork and the products
8 that are produced here are generally eggs, meat and
9 poultry.
10 The request that's before you today is for
11 a farmer's roadside stand which is defined in the
12 zoning regulations just generally so that -- I know
13 you're aware of the definition, but it is defined as
14 "an accessory structure owned and operated by an
15 agricultural producer used for the sale of indigenous
16 farm products, the majority of which have been grown on
17 the premises on adjacent land or on properties farmed
18 by the same agricultural producer."
19 Mr. Smith is going to testify but I believe
20 his testimony will be that for about the last eight
21 years he has operated sort of a loose farmer's roadside

There are other uses within Section 404 which are allowed in the RC2 zone including a farm market which is, essentially, a collaborative effort by a number of farmers who would sell not only farm products but they can sell other things like even furniture and handicraft type of items that are permitted. Horticultural nurseries are permitted. Limited acreage flower nurseries are permitted and you can certainly read Section 404 and see all the uses that are permitted.

We are not requesting approval for any of them, particularly the farm market because I've heard and seen some letters which suggested people think it we are asking for that approval. We are asking for a farmer's roadside stand which has the definition that's been described.

I have at least two or three witnesses. I believe there are a number people I know -- we have a number of people here today and I think it's divided, I guess, between the bride's side and the groom's side. We have people here for and against. I have a

petitioner's sign-in sheet which I'll submit which has the folks here which are in support of the stand. I know you've got voluminous correspondence. I have reviewed the file both for and against and people have written on both sides of the issue.

I'm going to have Mr. Smith testify to describe the operation and Mr. Doak is the surveyor who prepared the site plan and he will testify and I may have some other witnesses who have asked to speak. Hopefully, they will not be repetitive.

The final thing is, just so Mr. McCann and you are aware, there were basically two changes to this site plan from the plan that was submitted to Baltimore County and was in your file. Both of those comments were driven by county review and zoning advisory committee comments that we received.

The first one is the farmer's roadside stand is located to be accessed by the existing driveway which leads to the dwelling and the farm operation. So when someone would come up and down Yeoho Road they would pull in there. There's an existing -- I call it

a curb cut. There's no curb but there's an existing access point at that point in time.

We had proposed that to be 50 feet and we received a comment from Mr. Hughey in the county planning office requesting that that be made smaller. So it has been resized and if you look at the inset, particularly on the blowup, you'll see that it is 30 feet. So that has been reduced to that dimension from 50 feet by 30 feet.

The second change to the plan relates to a comment that we received from Baltimore County's Department of Environmental Protection & Resource Management and they noted the existing of a farm pond, which is shown on the plan which is on the property, and, as you know, the county has regulations for the protection of ponds, springs, streams and other wetlands and other areas. In talking to environmental impact review, they have not, I guess, given their blessing as to the location of the building.

There are a number of issues which are basically driving the location of that building. One

is we want to put it at a place where there is an existing entrance and there's a decent site distance so that people who would be coming in would be able to see looking up and down the road and that's where the existing entrance is.

Secondly Mr. Lippincott, at the agricultural preservation section of DEPRM, recognized the existence of these working fields. So we wanted to put the farmer's roadside stand close to the road and not impinge on the agricultural operation and those factors, along with the location of the building as opposed to the pond, may necessitate a movement of that location.

So Mr. Doak added a note on the plan at the request of DEPRM, which is note number 11, which reads: "The proposed farmer's roadside stand may be relocated within the site based upon input from the Baltimore County Department of Environmental Protection & Resource Management. Such relocation would be based upon the location of an existing farm pond, the existing and proposed means of public access, the

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1 keep it there, we would have to ask DEPRM for a forest
2 buffer variance. As you know, the forest buffer
3 regulations are those regulations which I designed for
4 the protection of streams, wetlands, et cetera. So I
5 think our options are to keep it here and ask them for
6 a variance or move it if they want us to move it. So
7 we would not need a variance.
8 That's a comment dated February the 28th.
9 MR. MCCANN: Mr. Wiseman, I share that
10 concern as well. Do you have any indication,
11 Mr. Schmidt, how long DEPRM will take?
12 MR. SCHMIDT: I really don't. Again, I
13 mean --
14 MR. WISEMAN: I see Mr. Schaefer's name at
15 the bottom of this comment, Mr. McCann, and I know for
16 a fact that he was going out as I was coming in. So
17 he's not there. But let's proceed with the hearing and
18 I think we have to define where that stand is going to
19 be located so we know what we're dealing with. At some
20 point in time -- and perhaps DEPRM could tell us or
21 we're going to have to leave that open until we found

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1 out where we stand with that. Pardon the pun.
2 MR. SCHMIDT: Yeah. I mean, our problem is
3 we were dealing with Mr. Lippincott at DEPRM and
4 assumed that he spoke for his agency. I'm not trying
5 to disparage Mr. Lippincott, but we get a three-page
6 comment from him saying nothing and then two days
7 before the hearing or a week before the hearing I get
8 the phone call that there's an issue that another
9 section of DEPRM is raising.
10 So I asked to try -- I asked Ms. Farr and
11 Mr. Schaefer to try to resolve it before today's
12 hearing and I was basically told that they didn't
13 just -- their schedules wouldn't permit it.
14 MR. MCCANN: I'm not faulting Mr. Schmidt.
15 I just think we need to know when it's going to be
16 done.
17 MR. WISEMAN: I'm not faulting anyone. The
18 way I read it, it's like now I'm jello'd to the wall.
19 I don't know it means. Is it okay? Is it not okay?
20 Do you have to file for a variance or not?
21 MR. SCHMIDT: Well, what it would be would

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1 not be a zoning variance, obviously, and it would be a
2 forest buffer variance which would be -- I mean,
3 technically, this is a question, Mr. Wiseman, that I
4 would defer to you certainly and you would have to
5 answer. But I know in other cases that I've
6 participated in, forest buffer variances have been
7 appealed from the grant of a forest buffer variance to
8 the County Board of Appeals.
9 In other words, I think that the
10 environmental article, Article 33, of the county code
11 gives Mr. Carol the authority to grand a forest buffer
12 variance.
13 MR. WISEMAN: I don't want to get into it
14 very deep. I just know that I have many people on this
15 side of the church and many people own this side of the
16 church and they're all concerned and I think one of the
17 concerns is where the stand is going to be.
18 MR. SCHMIDT: Well, depending on what your
19 schedule is, maybe it will work itself out that if we
20 have to come back at some point in time maybe
21 Mr. Schaefer and Ms. Farr can give us that direction.

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1 They frankly told me that the options under
2 consideration would be to move it across the street or
3 move it closer to the road or pivot it so that -- when
4 I say pivot, sort of turn it on its axis 90 degrees and
5 they would want to look at those options.
6 I mean, our -- I think our request would be
7 that it stay essentially where it is, and I'm kind of
8 looking at Mr. Smith, because we think that's the best
9 location and we can certainly tweak it in terms of
10 either pivoting it on its axis or maybe moving it
11 closer to the road. There is some room to do that.
12 Mr. Doak, how far is it set back now, do
13 you recall?
14 MR. DOAK: About 65 feet.
15 MR. SCHMIDT: So we could move it closer to
16 the road, but those options -- we're trying to get some
17 direction from environmental protection.
18 MR. WISEMAN: All right. Who is your first
19 witness going to be, Mr. Schmidt?
20 MR. SCHMIDT: I'll call Mr. Smith.
21 MR. WISEMAN: Let me just say, for the

1 in terms of how big it is and the property zoning
2 classification.
3 A Sure. Generally, so we get an orientation,
4 this is Yeoho Road that dissects the property. This is
5 Yeoho Road that dissects the property, if you will, and
6 Dubbs Road goes off to the northwest. About a mile up
7 this way is Mount Carmel Road and about a mile down
8 this road is intersecting Benson Mill Road.
9 The 67 acres or 65 acres, I should say --
10 we also own almost two acres in this area here -- are
11 comprised of some 55 acres of open fields, about half
12 of the property is on either side of Yeoho Road. We
13 currently use this field, this field, and this field
14 for our production operations which include what we
15 refer to as a symbiotic relationship of different
16 species in that we intermingle on a controlled and
17 rotational basis different species of livestock, be it
18 chickens, ducks, geese, lambs, pigs and/or cattle.
19 Q Before you go too further, what is the
20 zoning of the property?
21 A The zoning is RC2.

1 Q Okay. In terms of -- you started to say
2 this but let me ask you, I guess, formally. You don't
3 have any crops, corn, soybeans?
4 A No. These two fields over here or
5 currently just hay or pasture grass.
6 Q So what do you actually -- what species,
7 what animals do you actually raise on this farm?
8 A We have laying hens for the production of
9 eggs. We raise so-called broilers -- meat chickens,
10 turkeys, ducks, geese, rabbits, pigs, and lambs and a
11 on farm just about an eighth of a mile up here we raise
12 some of our beef.
13 Q I'm going to show this to Mr. McCann and
14 then show it to you.
15 MR. MCCANN: Also, Mr. Schmidt, if you
16 could have Mr. Smith make some reference to where he's
17 pointing to on the plan? The record is not going to
18 reflect --
19 MR. SCHMIDT: Okay.
20 A The current production operations are on
21 the east side of Yeoho Road in a field that is east of

1 the residence in a field that is north of the residence
2 and on the west side of Yeoho Road, the very first
3 field there, some seven acres.
4 Q Also, in terms of improvements on the
5 property, buildings and the like, can you describe for
6 the zoning commissioner what is actually on the
7 property?
8 A Yes. There's a residence on the east side
9 of the road about halfway up and down Yeoho Road, if
10 you will. On the west side there's a 24 by 24 building
11 on the south end of that pasture or field and another
12 one on the north end.
13 Q And what are those used for?
14 A Those are used for -- again, we mix and
15 match things. At the moment, one of them is used for
16 turkeys, one of them it is not in use. We have had in
17 buildings -- at various times we've had sheep and goats
18 and/or pigs.
19 Q The dwelling which you pointed to, is that
20 the only dwelling on the property?
21 A It is.

1 Q And are the other buildings on the property
2 used in connection with the agricultural operation?
3 A Right. There are two others in the north
4 field and two others in the east field on the east side
5 of Yeoho Road and then there's an equipment storage
6 building/workshop with a second floor over the workshop
7 that's for storage.
8 Q Okay. I'm going to show you a photograph
9 and ask you -- I've shown this to Mr. McCann -- and I
10 ask if you can identify this.
11 A This is a photo in one of the first few
12 years that we were in operation of the east field, east
13 of the house, and it reflects or it shows chickens in
14 movable pens, which we no longer use, for eating. It
15 shows some calves, a couple of horses and then a plot
16 of chickens for egg production.
17 Q And all the animals appear to be sort of --
18 A They're intermingling or rotated around
19 each other, yes.
20 Q And did you take this photograph or --
21 A Yes.

1 get our first flock of broiler chicks in. Those are
2 the ones for eating. We will have a number of those
3 flocks come in biweekly or monthly throughout the
4 summer up until about September. Those birds are
5 raised and harvested by us and marketed on the farm as
6 well as off the farm.
7 Our breeder turkeys will begin laying
8 fertilized eggs. We will incubate and hatch those,
9 raise those and offer them for sale as well.
10 Our breeder pigs will be birthing this
11 summer and fall. We had 27 births last year. We
12 expect about the same number this year.
13 We had 18 lambs last year which are birthed
14 on another farm and we bring them to the farm to raise
15 them. This year we expect to have about 30.
16 We raised two steers last year ourselves
17 and we have five on the ground for harvesting this year
18 and then there are an array of rabbits and geese and
19 ducks as well.
20 Q Now, these agricultural products that the
21 farm is producing, I guess did there come a time, about

1 eight years ago, when you started marketing those
2 directly to folks who would want to come in like me or
3 the Commissioner or Mr. McCann or someone and wanted to
4 buy them?
5 A Yes. We began officially, if you will, in
6 January of 2000 and things progressed relatively
7 sanely, if you will, in terms of demand over the first
8 couple of years and then interest in this kind of --
9 the kinds of products that we produce began to
10 escalate. So we had to move from the kitchen to the
11 porch off the kitchen and now into our garage and into
12 the basement of the house.
13 Q And can you describe for the Commissioner,
14 in connection with that business or that portion of the
15 sales of the products, who do you sell to?
16 A People who walk in off the street, if you
17 will. Some of whom are here. They come to the farm on
18 a regular basis, some weekly, some just once a month.
19 Q And they buy eggs?
20 A They buy eggs. We do offer dairy products
21 that are brought in from a creamery in Pennsylvania,

1 but that's something, like, 12 percent, if you will, of
2 the overall operation on the farm there and beef lamb,
3 pork and various selections of poultry.
4 Q Predominantly which is raised on the farm?
5 A Yes, 79 percent of what is sold on the farm
6 is actually raised on the farm.
7 Q I know we have a chart that's going to
8 explain that. I'll show that to you, but before we get
9 to that, I assume, Mr. Smith, needless to say is as
10 business has sort of expanded from the kitchen to the
11 porch to the basement, there has come a time that you
12 wished a desire actually house this in a separate
13 building other than where you and your family live?
14 A Exactly. We've been running, if you will,
15 a home based business kind of on a private basis
16 between our customers and us. We have a list of all of
17 our customers. They sign it and we keep a record of
18 who they are. Our business is growing and we need more
19 room and we want to formalize the actual operation so
20 that we have a more presentable facility.
21 Q Okay. And that brings me, I guess, to the

1 site plan and you have proposed, Mr. Smith, the
2 construction of a building to house the farmers or to
3 serve as the farmer's roadside stand?
4 A Correct.
5 Q Could you describe what you're proposing to
6 build there?
7 A The building itself would only be, in part,
8 used for the farmer's roadside stand. It will be a
9 barn, if you will, a bank barn, the basement of which
10 will be used to store some of the equipment that we
11 haven't been able to get into the other facility. The
12 first floor, some 2,000 square feet -- the building is
13 40 by 50 -- would be designated as the stand, the
14 retail operation, and then there would be a second
15 floor in it to accommodate storage of other items.
16 Additionally, we were showing on the site
17 plan a 40 by 40 and it should be refrigeration/open
18 storage. The refrigeration will not be 40 by 40. That
19 open storage refrigeration was drawn that size so that
20 we could park the refrigerator truck there and other
21 items in open storage.

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1 A I do.
2 Q I'm looking for another copy to give
3 Mr. McCann. Hold on one second.
4 Mr. McCann, I made a copy for you. If I
5 can put my hands on it, I'll give it to you. If not --
6 A You can certainly have this one.
7 Q Let me show it to Mr. McCann. I've got a
8 copy for you, Mike. It's in here somewhere.
9 A What that sheet reflects, just as an
10 example --
11 Q Now, this is -- Mr. Smith, let me ask you.
12 I've given a document which is entitled Springfield
13 Farm 2006 sales data. I'm going to give a copy to the
14 Commissioner and let him follow along, if I can. Let
15 me ask you: Sir, what does this document reflect? Is
16 it the sales through the farmer's roadside stand
17 business?
18 A It does reflect the sales on the farm
19 market.
20 Q So that's the farmer's roadside sales data
21 for 2006?

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1 A That is correct.
2 Q And if you could, maybe go through each
3 line and explain what you're trying to show there. I
4 think Commission Wiseman has a copy so that he can
5 follow along.
6 MR. WISEMAN: Let's mark this as Number 5?
7 MR. SCHMIDT: Yes, sir, I believe we're on
8 Number 5.
9 (Petitioner's Deposition Exhibit Number 5
10 was marked for purposes of identification.)
11 A The first item is eggs. It has parentheses
12 after it indicating that the sales were down
13 3.7 percent -- excuse me, from 2005 and that egg sales
14 constitution 9.2 percent of our sales. We produce
15 36,500 dozen eggs a year. Only 4,914 dozen, give or
16 take a dozen, were sold from the farm.
17 Q At the farmer's roadside stand?
18 A Right, in our garage.
19 Chicken, we brought in 5,000 broilers. We
20 sold 1,200 or so equivalent at the farm. So those were
21 a hundred percent, if you will.

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1 Beef, we sold 6.6 equivalence. We actually
2 raised two. So there was a percentage that was not on
3 the farm.
4 Pork, we had 27 pigs on the farm. We sold
5 22.5 equivalence.
6 Lamb, we had 18 on the farm. We sold
7 22 equivalence. So there was a percentage not on the
8 farm. Dairy, none of that was produced on the farm.
9 Turkey, we produced 450 and 408 were sold
10 on the farm and then the other category, various sundry
11 items, about half of which were produced on the farm.
12 So depending on how you do your calculations one way or
13 the other within a few points, 20.62 percent did not --
14 were not raised on our farm.
15 Q So stated another way, I guess, Mr. Smith,
16 what this chart -- I'm going to ask you. I believe
17 what it's purported to show is that 20.62 percent of
18 what was sold at the farmer's roadside stand in
19 2006 was not produced on your farm?
20 A Correct.
21 Q So that 79.38 percent of what was sold at

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1 the farmer's roadside stand would have been produced on
2 Springfield Farm?
3 A Correct.
4 Q Just a couple of other questions,
5 Mr. Smith, related to the requirements. Are you
6 proposing any signage for the site?
7 A The signage is restricted, as I understand
8 it, by zoning to a four-by-four sign and it would be
9 placed at the north side of the entrance, if you will,
10 opposite the building.
11 Q You've described the hours of operation
12 generally now at the present time. Would you
13 anticipate that they would lengthen somewhat to
14 accommodate this? Have you given any thought to your
15 hours of operation?
16 A At this point, we don't see a need to
17 change. We started out, in order to develop our
18 market, being open from 10:00 in the morning until dusk
19 seven days a week. As things developed, we found that
20 a few people were coming Monday, Tuesday and Wednesday.
21 So we no longer have normal operations

1 have on the farm presently?
2 A Yes, there are some inside the garage areas
3 too.
4 Q Okay. But those are the type of units,
5 just generally, Mr. Smith, I know that would be, in
6 essence, sort of buried into the hill here?
7 A Exactly.
8 Q So that's where you would keep things
9 refrigerated and cold?
10 A Cold.
11 Q Okay. I'll mark this Number 7 and,
12 Mr. McCann, I'm just going to point to Mr. Wiseman what
13 I'm referring to where it marks the refrigeration unit
14 is present which are going to be buried units built
15 into the hill.
16 Mr. Smith, I assume, in addition to this
17 public hearing today, you have had certain
18 conversations with neighbors and other groups regarding
19 this proposed use?
20 A I have.
21 Q Did you, in fact, appear before the

1 Baltimore County Agricultural Advisory Board on
2 November the 30th of 2007 regarding this proposal?
3 A I did.
4 Q And I'm just going submit the minutes which
5 I believe are already in the file, but they heard your
6 proposal and recommended approval of your proposal; is
7 that right?
8 A They did.
9 Q And I know there's a lot of interest on
10 both sides. You have talked to other groups as well,
11 Mr. Smith?
12 A Yes, the two Gunpowder agricultural clubs,
13 I have spoken with them and the Sparks Planning Council
14 and Valley Planning Council members came to the farm as
15 well.
16 MR. WISEMAN: So what are you looking for,
17 Mr. Schmidt?
18 MR. SCHMIDT: The agricultural board
19 minutes dated November the 30th, 2006.
20 MR. WISEMAN: I went down and got a copy of
21 those myself.

1 MR. SCHMIDT: Maybe that's what I saw
2 because I know when I looked through the file first
3 thing this morning --
4 MR. MCCANN: I can get a copy during the
5 break.
6 MR. SCHMIDT: I'll give you a copy during
7 the break.
8 MR. WISEMAN: Pages eight and nine of those
9 minutes, I have them here if you're looking for those.
10 MR. SCHMIDT: Yes. I was just going to
11 give you the entire minutes so the record is complete
12 but they reflect a presentation made on that day
13 related to a tenant house and then also the farmer's
14 roadside market as well. Do you have them already or
15 do you just have the pages?
16 MR. WISEMAN: I have a copy. Mr. McCann
17 may want to see it. I think it's pages eight and nine.
18 MR. SCHMIDT: It's actually on page one,
19 the farmer's roadside stand and then where they went
20 out to the site that day -- they speak for themselves.
21 I would mark those as Number 8.

1 (Petitioner's Exhibit Numbers 7 & 8 were
2 marked for purposes of identification.)
3 MR. SCHMIDT: I think these photographs,
4 Mr. Wiseman, have made their way around the room. So
5 I'll give those back to you, for the record.
6 Subject to rebuttal, I guess I don't have
7 any other questions of Mr. Smith. Thank you.
8 MR. WISEMAN: Why don't we take about a
9 five minute break before you start your
10 cross-examination of Mr. Smith and during that time if
11 counsel would have a minute to speak with one
12 another -- I can tell that there's a lot of people that
13 you probably don't represent that are out there that
14 want to speak. I don't think we're going to get done
15 by 11:00. So those two offers, after lunch or on a
16 different date are what I would like you to discuss
17 with your clients and the members here and let me know
18 how you wish to proceed.
19 MR. SCHMIDT: The other thing,
20 Mr. Wiseman -- and I'll just ask Mr. McCann now, but if
21 there's anyone who would like to speak between now and

that apparently is nearby. Would that be, from your perspective, appropriate?

A Well, it may or may not. The reason I say that is that height is a very important feature of a structure like this one. The way in which it appears from the road would be affected by the elevation and I do know Mr. Smith farm's because, as I say, I go there about once a month and I know that there's a slope down and it could be substantially changed even by putting it lower into the ground. So that would be my response.

MR. SCHMIDT: Okay. Thank you, sir.

EXAMINATION BY MR. MCCANN:

Q I take it, Mr. Spitzberg, you would have concern -- you would be interested in what is occurring within the building itself? That would make a difference to you?

A When is important is, from my perspective, in terms of the policy point I just made, is that Mr. Smith have sufficient space in the facility that allows him to sell to consumers such as myself without

having to do it out of his basement.

Q Consistent with the zoning regulations?

A That's right, consistent with the zoning regulations.

MR. MCCANN: Thank you.

(Mr. Spitzberg stepped down.)

MR. WISEMAN: Anyone else here that's not represented by counsel?

MR. SCHMIDT: There was one other gentleman, I think, wanted to testify and then we can put Mr. Smith back on. Thank you.

MR. WISEMAN: Thank you, sir. Why don't you let me swear you in?

Whereupon,

EDWARD MURPHY,

called as a witness, having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

MR. WISEMAN: State your full name and your address, sir.

THE WITNESS: My name is Edward Murphy. I

live at 16018 Falls Road, post office is in Sparks.

You want me to make a statement?

MR. SCHMIDT: Yes, sir, if you'd like. That's fine, if it's okay with Mr. McCann.

MR. MCCANN: That's fine.

THE WITNESS: For the record, I am a lawyer but not a zoning lawyer. I'm a patent lawyer.

I am here as a neighbor. I live about a mile and a half away from the Springfield farm. My wife and I deal with them, purchase items from them frequently. I want to say, just speaking for myself and I suspect for a lot of other neighbors in my area, I think it's typical, it has been for many, many years, for farmers to sell produce of their farm at a roadside stand. I think this is entirely in keeping with that tradition and I cannot -- it's been in operation for 8 years. It's caused no disruption. I really don't see how it's going to change if they simply move from the house to another building.

BY MR. SCHMIDT: I don't have any questions of Mr. Murphy.

THE WITNESS: Thank you.

(Witness stepped down.)

MR. WISEMAN: Thank you, Mr. Murphy. I guess we'll put Mr. Smith back on?

MR. SCHMIDT: We can try to finish Mr. Smith and Mr. McCann and I will talk about coming back.

MR. MCCANN: One preliminary matter, Mr. Wiseman. I want to make sure everybody has signed the right sheet. This case is a bit unusual because we have -- it's not entirely clear to me who the petitioner is and I want to make sure that no one -- you should not have signed the Petitioner's sign-in sheet.

MR. WISEMAN: I don't -- well, we have more on this side than that side, but why don't give one of these to the court reporter and you keep one and give one to Mr. Schmidt for the Petitioner's sign-in sheet and the same for what's been signed as the citizen's sign-in sheet? That way you'll have a record of who signed in.

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1 Q I know you're not a lawyer, but if a
2 1,600 square foot proposed below grade refrigeration is
3 not a roadside stand, what is it?
4 A It's refrigeration and open storage and, as
5 I said earlier, where we can park the refrigerator
6 truck and other items for open storage.
7 Q And I think I need a better understanding,
8 maybe, of how the building is going to look. I
9 understand that the 2,000 square foot portion of the
10 building is going to be two stories above grade,
11 correct?
12 A Yes.
13 Q Do you have the photos?
14 A This is the style, if you will, of what we
15 kind of like it to look like. We haven't designed the
16 actual outside of the building because I hasn't gone
17 out to contractors.
18 Q Why don't you give these to your attorney?
19 They are not our exhibits.
20 A (Witness complied.)
21 Q Just describe for the zoning commissioner,

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1 if you would, what this two-story barn style roadside
2 stand will look like. It's going to be above grade,
3 both stories, correct?
4 A Right.
5 Q And then the -- is there any portion of the
6 other section of the site going to be above grade?
7 A No.
8 Q So this entire -- is there going to be any
9 covering over the refrigeration?
10 A Yes. At the suggestion one of my
11 neighbors, there will be a deck over it like -- a deck,
12 a screening deck, if you will.
13 Q So a roof?
14 A Not a roof. Kind of like a deck, if you
15 will, off your house with open boards. There will not
16 be a roof over it.
17 Q The refrigerated units will be open --
18 will be exposed to the elements?
19 A Yes.
20 Q And the proposed below grade parkway that's
21 shown between the two envelopes -- walkway, will be at

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1 the grade of the refrigeration level?
2 A Yes, it will.
3 Q So no other enclosed structure other than
4 the 2,000 square foot barn style roadside stand?
5 A That's correct.
6 Q Will the porch be enclosed?
7 A No. It would extend out -- it would be an
8 open porch extending out the front of the building,
9 something like that.
10 Q But the 2,000 square foot roadside stand is
11 going to have three floors, correct? There will be a
12 basement to that portion?
13 A There will be a basement and then two
14 floors above grade.
15 Q Let's talk a little bit about what you're
16 going to do on each of the floors. Starting with the
17 basement, what is going to be down there?
18 A About 25 percent of that would be sectioned
19 off and we would conduct our egg washing operations
20 which is currently conducted in one of the small
21 garages and packing of the eggs, that sort of thing and

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1 then, as they are finished up, moved over into
2 refrigeration.
3 The other 75 percent -- this is going to
4 be, like, ten or twelve feet high, if you will,
5 underground and we can put our small tractors and
6 utility equipment, small pieces of equipment that the
7 larger building across the pond won't accommodate.
8 Q And the access to that basement will be
9 from which direction?
10 A From below grade over here, if you will.
11 Looking at the -- it happens to be from this side here
12 which coming in from the north.
13 Q The northern side which would be below
14 grade?
15 A Correct. I plan -- assuming it all sits
16 exactly as it is now, and it might be shifted around a
17 little bit, but would plant some landscaping screening
18 here to screen that below grade area from the road.
19 Q You would commit to doing that?
20 A Yeah, absolutely. I plan to landscape this
21 building. I mean, our house is landscaped. We've got

1 your farm business including the roadside stand,
2 correct?
3 A For the entire operation of the farm, yes.
4 Q If somebody wants to place an order either
5 in your retail shop or in the distribution portion of
6 your business which we'll talk about in a minute, they
7 will call the phone in that office?
8 A Or an E-mail or a fax, through a computer,
9 yes.
10 Q Anything else on that main floor other than
11 what we've talked about other than the display cases,
12 the office, the bathrooms?
13 A A cash register counter. Things that you
14 would typical find in a retail operation.
15 Q What about the upper floor, the second
16 floor of the roadside stand?
17 A That would be strictly for storage, dry
18 storage, if you will.
19 Q What types of things will you store?
20 A As an example, in order for us to have egg
21 cartons with Springfield Farm on them, we have to order

1 20,000 at a time. That's 16 pallets. The egg cartons
2 would go in there. We don't custom mark, if you will,
3 boxes and other things that we use either for sale of
4 items in the store or otherwise. So all the dry goods.
5 We have egg flats because, as you may
6 remember, we produced 36,000 dozen eggs, the majority
7 of which are delivered out to restaurants. So we need
8 materials to pack those in. So those kinds of things
9 would be up on the second floor.
10 Q This may seem like a silly question. How
11 do you get those types of bulky products to the second
12 floor?
13 A A stairway or -- probably on the end of the
14 barn there will be a door, if you will, that can open
15 outside.
16 Q Sort of a barn door?
17 A Yeah, that could be lifted up for things
18 that are bulky.
19 Q I take it you'll have heating and
20 air conditioning?
21 A Oh, god, I hope so. We freeze in the

1 winter right now and smother in the summer.
2 Q What type of system do you have, do you
3 know?
4 A In regards to?
5 Q The type of HVAC system.
6 A We are looking at -- what is the term?
7 MR. SCHMIDT: If you don't know, you can't
8 say.
9 A We're looking at geothermal but that's a
10 pretty expensive option. There will be
11 air conditioning and probably -- I don't know what kind
12 of heating, but appropriate heating.
13 Q What will the floors be, wood floors?
14 A I haven't even thought about that.
15 Q What about the exterior? Will it be wood?
16 A It will be wood or something that looks
17 like wood. I think I showed you a picture of it, the
18 brown. We really like that color of that other
19 building.
20 Q What about the driveway? You have a
21 driveway on Exhibit 1. What type of surface will that

1 be?
2 A This is currently reflected as gravel.
3 There will be a macadam entrance, if you will, and
4 we'll have gravel around here.
5 Q The driveway will go around the entire
6 building, correct?
7 A As it is at the moment, when you look over
8 here, there is a farm road that comes down here. We
9 may actually just extend it over to here.
10 Q Explain that for the record.
11 A Instead of making it surround the building
12 at the north side, we might go to the north to the
13 existing farm road.
14 Q But as shown you have a driveway around the
15 entire building?
16 A Correct.
17 Q At least 30 feet wide all the way around,
18 approximately?
19 MR. SCHMIDT: If you don't know,
20 Mr. Smith --
21 A I don't. This entrance is 30 feet.

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1 visits to the farm?
2 A No. We have a processing schedule, if you
3 will, and we like to get those things in Monday,
4 Tuesday or Wednesday so we're ready for business, if
5 you will, on Thursday.
6 There is one time in the year that we have
7 a tractor-trailer come in and that's when it's
8 Thanksgiving. We have all of our turkeys processed and
9 it's a refrigerated trailer and rather than taking them
10 off and putting them into refrigeration and then taking
11 them out and giving them to the customer, we park that
12 self-contained refrigeration unit for about ten days
13 there at the farm and take things from it and then it
14 goes away.
15 Q And that's a tractor-trailer, you say?
16 A Right. That's the only one that comes.
17 Q As we know tractor-trailers, the larger
18 trucks? And that will be on the farm, correct?
19 A It would be parked probably out front of
20 the building for easy access when customers are coming
21 in.

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1 Q Do you anticipate more than one
2 tractor-trailer coming to the site one time a year?
3 A I hope not. We've got a long, long way
4 before we would ever fill that thing.
5 Q So no change at all in truck traffic, in
6 your mind?
7 A I see none. I hope it's a long lifetime.
8 I seen none in my lifetime. I'm going to be 65 this
9 year and longevity in my family is in their 90s.
10 Q Bear with me here a second.
11 (Pause.)
12 Let's talk a little bit about the products
13 that you're going to sell out of the store on the
14 retail side of your business at the retail stand.
15 First, with eggs, explain the egg washing
16 that's going to occur, I think you said, in the
17 basement of the building.
18 A We currently use an antique egg washer
19 where you actually put the collected basket of eggs.
20 There's roughly 150. It's a bubbling heated water
21 system with a cleanser and every egg is individually

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1 picked up, looked at and if it needs to be scrubbed,
2 it's scrubbed, put off, rinsed, allowed to dry and then
3 hand sorted.
4 We would hope to purchase a small
5 commercial machine that will eliminate the handling and
6 hand washing of the machine and do in what takes three
7 hours about 30 minutes and accomplish the same thing.
8 Q How big are those types of machines?
9 A It's approximately three foot wide and
10 12-foot long.
11 Q Do you anticipate having just one of those?
12 A Yes.
13 Q Did you anticipate having more than one at
14 some point in the future?
15 A No. It has the capability to do 300 dozen
16 eggs an hour. Help me, Doug. What do we --
17 MR. SCHMIDT: Mr. Smith, if you can't say,
18 you can't ask him.
19 A Okay. Approximately, today -- well, in the
20 wintertime we're collecting about 700 eggs a day. I
21 can't do the math. In the summertime we're collecting

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1 about 1,600 eggs a day. Over the next few years I
2 would think that we would increase our egg production
3 somewhat but whatever 1,600 eggs is in dozens, that
4 machine would, in fact, do them within less than an
5 hour.
6 Q Well, you're going to increase it more
7 somewhat, aren't you? I mean, you're buying a machine
8 and I assume it's an expensive machine. That's going
9 to significantly increase your capability.
10 A We have the capability to double our egg
11 production and still only use less than ten percent of
12 our land on the farm. The real reason, forgetting the
13 machine, is the business model that I've developed is,
14 to the extent possible, we want to use profits to do
15 capital improvements.
16 We have been sitting -- when I say "we,"
17 collectively the farm family has been sitting in front
18 of an egg washer for the last eight years hand washing
19 eggs or even prior to that hand washing them in the
20 kitchen.
21 Q I understand.

1 convey. I want to make sure it says what you say.
2 For instance, chicken, what is the
3 1,203 number?
4 A That's the chickens that we sold at the
5 farm.
6 Q The number of total chickens?
7 A Number of total chickens.
8 Q How many of those chickens were brought
9 from off-site?
10 A None.
11 Q And what's the 5,000?
12 A That's the ones -- that's the chickens that
13 we actually brought on the farm to raise.
14 Q Okay. So the 1,203 are actually chickens
15 that are born on the farm and lived on the farm?
16 A Well, they're hatched somewhere else and
17 shipped in but they were raised on the farm.
18 Q And the 5,000 were not raised on the farm?
19 A No, they were. The second number is the
20 number of units that were actually raised on the farm
21 in any particular category here and the first number is

1 the number of units that were sold in the roadside
2 stand or in our garage.
3 Q So what happened to the balance, the
4 difference between what happened to the chickens in
5 2006, that is, the chickens between the 1,203 figure
6 and the 5,000?
7 A They were --
8 MR. WISEMAN: Hold on one second.
9 Q I'll repeat the question for Mr. Wiseman's
10 benefit. The difference between the 1,203 number and
11 the 5,000 number, what happened to those 3,800 or so
12 chickens?
13 A They were distributed to restaurants.
14 Q When you say distributed to restaurants,
15 describe that process.
16 A We have a number of -- we have a number of
17 restaurant customers and we have our own delivery
18 truck. We do our own delivers and those chickens --
19 not all 5,000 came at once, by the way. They started
20 in March and we stopped in October or November.
21 So, sequentially, if you will, they went to

1 restaurants. At the end of the production season, when
2 we stopped growing, we had taken a large number and put
3 in the freezer so that we would have them available on
4 the farm through the winter.
5 Q And describe for me, if you would,
6 Mr. Smith, how you accept and place distribution, that
7 is, restaurants who are placing orders for chicken, for
8 example. How does that work?
9 A They call us or we call them depending on
10 the particular customer.
11 Q They call you at the farm, correct?
12 A Yes, or they send us an E-mail or a fax.
13 Q And I take it that type of order, the order
14 that you just described, would be order placed at the
15 office in the roadside stand that you propose, correct?
16 A Yes.
17 Q I think I understand now. The D units
18 come. So with respect to eggs, correct me if I'm
19 wrong, of the 36,500 --
20 A Dozen.
21 Q -- dozen eggs that your farm produced in

1 2006, 4,914 of them were sold on-site?
2 A Correct.
3 Q The balance was distributed as part of the
4 distribution business that you've just described?
5 A The restaurant business, yes.
6 Q Do you distribute to anyone other than
7 restaurants?
8 A They are a couple of small markets. One is
9 Health Concerns just down the street here that takes
10 just eggs, they retail the eggs, thus the need for the
11 carts and there are a couple of other places that do
12 the same. No meats or chicken go to any markets, only
13 to restaurants.
14 Q What's the last row? It says "other."
15 A That's things, like, we have blueberry
16 bushes and we sell blueberries when they're in season,
17 rhubarb. We have Maple syrup we get from another
18 place. That's why they're half a year and half it's
19 not. It's a split. It's other than the other
20 categories.
21 Q Okay.

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1 used the 50 percent percentages in the definitional
2 section.
3 MR. MCCANN: That's not my pint. The point
4 isn't that it's distributed. The point is that the
5 definition that Mr. Schmidt is referring to, the 404.C,
6 doesn't make any distinction between what is sold
7 on-site or off-site. It just says sold. Whatever you
8 sell annually, 50 percent of that must come from
9 on-site. It doesn't -- in fact, I would submit
10 Mr. Smith has already testified that the distribution
11 business, its orders, the placement of orders, the
12 taking of orders and the placing of orders is all going
13 to be done out of this very same building.
14 The distribution business, just like the
15 retail business, is going to be performed out of this
16 building. So it should all be included. Mr. Schmidt's
17 distinction is one that's not in the regulations.
18 MR. SCHMIDT: I would beg to differ with
19 Mr. McCann. I think certainly it is -- the implication
20 is that that paragraph is under paragraph 404.4C and it
21 talks about a farmer's roadside stand, the stand should

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1 be located on the farm. The owner should be an
2 agricultural producer, at least 50 percent of the
3 produce sold. Clearly that means the produce that is
4 sold through the farmer's roadside stand.
5 If the neighbors or Mr. McCann's clients
6 believe that Mr. Smith is operating some illegal
7 business, that he's running a restaurant, that he's
8 doing a slaughter house that he's doing a distribution
9 center, then they can certainly do that. This case is
10 about his ability to operate a farmer's roadside stand
11 which is a mechanism, I believe, that says that he can
12 sell directly to members of the public like you and me
13 and how he conducts his farm operation is basically
14 governed by the regulation as they relate to farms
15 including, for example, the definition of commercial
16 agriculture if you look at Section 101. But that's not
17 why we're here today. We're not here to critique the
18 farm operation, we're here to talk about the farmer's
19 roadside stand.
20 MR. MCCANN: I agree completely. I'm not
21 challenging his ability to distribute products. It has

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1 nothing to do with 404.C3. Nothing to do with this.
2 The issue is does the language, at least 50 percent of
3 the produce sold annually, does that include produce
4 that he -- products that he takes orders on in that
5 very same building on the farm -- I'm sorry, products
6 he gets from elsewhere and just happens to distribute
7 elsewhere as opposed to sell on-site and the language
8 that Mr. Schmidt wants to be in that section just isn't
9 there.
10 If the County Council met with Mr. Smith,
11 the County Council would have said at least 50 percent
12 of the produce sold at the stand annually shall be
13 grown on the premises. It doesn't say that. It just
14 says sold.
15 MR. WISEMAN: I'm going to make it easy on
16 myself. Time out for a minute.
17 Mr. McCann, how much more do you have on
18 this witness?
19 MR. MCCANN: Not a whole lot more.
20 MR. WISEMAN: I see the other case is
21 coming in and they're paying attorney time too and

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1 we're not going to finish this case.
2 MR. MCCANN: It would make sense to break,
3 then. I can't promise you right now how much more I
4 have but I do have some more questions of Mr. Smith.
5 MR. SCHMIDT: And I'll have a little bit of
6 redirect.
7 MR. WISEMAN: Well, we have this question.
8 We'll probably have a transcript of this case, but
9 Mr. Smith I am probably going to make you answer the
10 question that was posed to you when we come back. The
11 question will be rephrased and give you an opportunity
12 to answer it.
13 The Exhibit Number 5 that you prepared was
14 prepared for the roadside stand. You, sir, are
15 co-mingling to a degree, from my perspective, by having
16 the office on the second floor where the computer will
17 be taking orders and you will be taking care of your
18 distribution from the very same area that is going to
19 be used as a roadside -- farmer's roadside stand. You
20 see what I mean?
21 THE WITNESS: I understand.

1 Davis, one of the attorneys, that he thinks it's going
2 to be a brief case.
3 MR. SCHMIDT: We could come back at 1:30?
4 Would that be okay? Is that all right? I just have
5 something scheduled at 12:00 and I can get that taken
6 care of.
7 MR. WISEMAN: Anybody opposed to coming
8 back at 1:30?
9 (No response.)
10 We'll come back at 1:30, Mr. Schmidt and
11 please don't discuss proposed testimony with your
12 witness since he's on the stand.
13 MR. SCHMIDT: I will not.
14 MR. WISEMAN: Everyone will come back at
15 1:30. If you're not here, we're not going to finish
16 today. I will certainly advise people when the next
17 hearing date will be and it could be that we can
18 finish. I don't know.
19 (There was a lunch recess taken at 11:05 and
20 the hearing resumed at 1:50 p.m.)
21 MR. WISEMAN: Let the record reflect it is

1 it's 20 of 2:00 and we're going to resume with the
2 cross-examination of the Petitioner, Mr. Smith, and
3 right before we recessed Mr. McCann had posed a
4 question with regard to produce or livestock that was
5 being raised on the farm as opposed to products and I
6 guess food items that you may receive that were
7 produced by others and I've asked Mr. McCann to
8 rephrase the question so it would be done in a
9 professional manner and I'm going to let him do that
10 now.
11 BY MR. MCCANN:
12 Q Mr. Smith, do you have Exhibit 5 in front
13 of you?
14 A Yes.
15 Q Column E in that chart gives us, once
16 again, the relevant -- the percentage of dollars --
17 percentage of gross income you receive from each of
18 those products based on -- let me try to rephrase it.
19 It's a difficult question to pose.
20 Column E represents the percentage of gross
21 income you received from each of these products which

1 were not grown on the premises but, rather, grown
2 off-site, correct?
3 A Correct.
4 Q So this chart does not reflect the
5 number -- the number as opposed to the dollar amount of
6 units of products that you sold in 2006 that were
7 received off premises as opposed to on-site?
8 A Correct.
9 Q And you have not, as of yet anyway,
10 provided that information to us today, correct?
11 MR. SCHMIDT: Objection. And I just --
12 MR. MCCANN: I'll withdraw the question.
13 MR. SCHMIDT: Okay.
14 MR. MCCANN: The record will reflect that
15 he hasn't.
16 MR. SCHMIDT: Well, my objection,
17 Mr. Wiseman -- and I think I agree with Mr. McCann --
18 that maybe this is the crux of the matter. So maybe
19 it's appropriate to try to address it at this time.
20 But I'm objecting to this line of questioning because I
21 don't know what the relevance is.

1 MR. MCCANN: It is the crux of the matter.
2 That question was directed to whether or not he's
3 provided, Mr. Wiseman, you with information today that
4 you can determine whether 404 was met. He's provided
5 you today with gross income received from all the
6 products based on products that were received off-site.
7 He hasn't given you the number of units. All the other
8 information on this chart is the number of units.
9 MR. WISEMAN: Mr. McCann, I look at this
10 chart and I feel that this chart deals with the
11 operation that currently exists, be it the kitchen, the
12 porch, the garage that is the farm stand business. I
13 don't see another chart that shows how many trucks go
14 to market or how many trucks go to restaurants.
15 MR. MCCANN: I'm not talking about that at
16 all.
17 MR. SCHMIDT: And I don't think that's
18 relevant unless you do Mr. Wiseman, and that's where I
19 thought Mr. McCann was going.
20 MR. WISEMAN: I thought he was heading in
21 that direction.

1 actual animal units, if you will.
2 Q You do have those numbers in terms of
3 dollars?
4 A In my accounting system, yes.
5 Q You don't have them on this chart, though?
6 A Correct.
7 Q So it's fair to say that currently you do
8 distribute products to restaurants that are grown
9 off-site?
10 A Yes.
11 Q Would it be fair to say that you distribute
12 a substantial amount of product to restaurants that are
13 not grown on-site but are received that are grown off
14 the premises?
15 MR. SCHMIDT: Objection. I'm going to
16 object.
17 MR. WISEMAN: Sustained.
18 I think the problem, Mr. McCann, is
19 substantial. I don't know what he does. Maybe you
20 could search for the answer.
21 BY MR. MCCANN:

1 Q Let me ask you this. Have you heard of a
2 company called Eberly Chicken?
3 A Yes.
4 Q What are they?
5 A They're a poultry processor.
6 Q Do you distribute to restaurants chicken
7 that you receive from Eberly?
8 A Yes.
9 MR. SCHMIDT: Objection. Mr. Wiseman, I
10 would like to be heard, if I could, on this because I'm
11 objecting to this whole line of questioning and I think
12 it's a fundamental issue in this case and I just
13 want -- I believe it would be appropriate to be heard
14 and then you can either give us your ruling or if
15 you're going to defer your ruling or whatever, but
16 if -- and I don't mean to interrupt -- well, I do mean
17 to interrupt Mr. McCann's cross-examination, but I
18 think it goes to the case.
19 I'm just going to say, if I can, for the
20 record, as I read this zoning regulations -- and I'm
21 going to take it from a broader standpoint to a

1 narrower standpoint -- this property is zoned RC2 and
2 if you look at the uses in the RC2, a use that is
3 permitted is a farm and, as a matter of fact, it's
4 clear that the RC2 regulations are written in such a
5 manner as to encourage and promote agricultural uses as
6 you read the purposes section. So, clearly, a farm is
7 permitted in the RC2 and I would submit that clearly
8 Mr. Smith operates a farm on this property.
9 Now, what is a farm? If you read the
10 definition -- and I'm paraphrasing -- a farm in 101 --
11 and I have a copy of the definitions in front of me
12 which I'm going to give to you which I put together
13 over the lunch hour because I think it might help you
14 in making your ruling in this case.
15 You'll see down at the bottom that it says
16 farms: "A farm is basically three acres or more of
17 land and improvements thereon that is primarily used
18 for commercial agriculture" and then it goes on to
19 indicate and I think it's interesting that it
20 specifically excludes riding stables, limited acreage
21 wholesale flower farms, landscape service, firewood

1 operations and horticultural nursery business and it
2 doesn't include farmer's roadside stands. That's not
3 excluded as a farm.
4 So if a farm is a place where commercial
5 agriculture happens, then the next question is what is
6 commercial agriculture and if you go to the third page
7 of what I've just handed you, commercial agriculture is
8 defined in Section 101 of the DCZR as the use of land
9 including ancillary structures and buildings to
10 cultivate plants or raise animals and that includes
11 field crops, dairying, all kind of things including
12 animal and poultry husbandry and the last part of that
13 sentence in definition says that "commercial
14 agriculture includes processing, packing, storage,
15 financing, managing, marketing or distributing."
16 So my point is is if you operate a farm in
17 Baltimore County, a farm is a place where you do
18 commercial agriculture and commercial agriculture is
19 where you raise crops or raise animals and then you can
20 also do other things including processing, packing,
21 storing, financing, managing, marketing or

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1 someone could be contending that you're running a
2 business out of your house and how does someone know
3 whether, when that UPS truck pulls up it to your house
4 in a residential neighborhood, whether that's some kind
5 of business transaction or whether they're delivering
6 you a new pair of shoes that you bought for your own
7 personal use?
8 That's the nature of the beast. What I'm
9 trying to say -- and I don't know, maybe I'm not very
10 articulate with it --
11 MR. WISEMAN: You're doing a good job,
12 Mr. Schmidt. Don't cut yourself short.
13 MR. SCHMIDT: But, obviously, you are
14 allowed to conduct a farm. You are allowed to have a
15 farm and a farm is what the regulations say it is and,
16 with all due respect, Mr. Smith, I would submit, can
17 sell either chickens that he raised on his property or
18 chickens that he imported. He can do either, either as
19 a distribution or as a farmer's roadside direct to the
20 public for so long as that is less than fifty percent
21 of the operation. That's what the regulations say.

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1 MR. WISEMAN: Let's say that Mr. Smith had
2 100 chickens and he sold 60 chickens to a market.
3 MR. SCHMIDT: Then that would be part of
4 his farm operation. It would be a distribution of a
5 farm product.
6 MR. WISEMAN: And he kept 40 chickens on
7 the stand.
8 MR. SCHMIDT: And he told them through the
9 roadside stand. That would be part of the roadside
10 stand operation.
11 MR. WISEMAN: And you don't see any problem
12 with the 51 percent?
13 MR. SCHMIDT: He's got to do 51 percent of
14 home grown in both instances.
15 MR. WISEMAN: But he just had 60 of them go
16 the other way.
17 MR. SCHMIDT: Then he would have to have
18 31 of the 60 that he sent to market would have had to
19 have been home grown and 21 of the 40 that he set at
20 the farmer's roadside stand from the property. I mean,
21 I didn't write this stuff but that's what it says.

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1 MR. WISEMAN: Now, I'm going to call
2 Mr. McCann.
3 MR. MCCANN: Thank you. I agree with
4 Mr. Schmidt, how we know how my client is doing, how we
5 know what Mr. Smith is doing, whether Mr. Smith is
6 doing what he's supposed to be doing is enforcement. I
7 think you have the authority under 404 to impose
8 conditions such as --
9 MR. WISEMAN: I do.
10 MR. MCCANN: At the end of the day, we'll
11 ask for that. The fact that distribution is allowed on
12 a farm, I'm not sure with that has to do with -- I
13 understand Mr. Schmidt's argument but I'm not sure what
14 that has to do with the issue that he's raised of
15 whether or not you include that business for purposes
16 of a roadside stand which is being operated, a
17 distribution business -- we keep on calling it a
18 distribution business. I've been using that term. I
19 think that's wrong for me to use it because it's not a
20 separate use. It's not a separate use. It's not
21 defined in the zoning regulations as a separate use.

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1 But he's the one -- the only reason this has come up is
2 he's the one from the get-go in discussions long ago
3 with the neighbors, has excluded from his calculation
4 under 404 his so-called distribution to restaurants.
5 But let me speak.
6 I would submit that is not a farm the
7 second he does the distribution that he's doing. What
8 Mr. Schmidt read to you -- I was about to raise this as
9 well -- "commercial agriculture includes distributing
10 provided that any such activity shall be secondary to
11 the principal agricultural operations."
12 That is key. If you look at Mr. Smith's
13 own chart, you add up column D which, as I said, for
14 simplistic purposes, column D is where the products
15 were sold. Column E is where the products came from.
16 Column D tells us that 84 percent of the products that
17 come out of -- that were sold by this farm, regardless
18 of where they come from, 84 percent are distributed.
19 84 percent of his products are distributed.
20 I added up all the numbers he has in his
21 own charts. 84 percent distribution is not secondary

1 That's a farm. That's growing a product and then
2 distributing it to someone and the 10,000 tomatoes he
3 has left, he decides I'm going to sell them to the
4 public. So he opens a farmer's roadside stand and he
5 goes out to the street in front of his tomato farm and
6 he sells them to the public. That's exactly precisely
7 what Mr. Smith does. He raises chickens, he raises
8 eggs, he raises beef, he raises lamb, he raises all of
9 these agricultural products. He distributes some of
10 them and I think Mr. McCann said 84 percent to the
11 restaurant or to the market or whoever it is. He takes
12 the other percentage and he takes that percentage and
13 he sells that as a farmer's roadside stand.
14 Now, the issue, as I understand it, is
15 there are some products that he does what I would say
16 import onto the farm that he does not raise and the
17 regulations, both in the definition of a farm and
18 commercial agricultural and also in the definition of a
19 farmer's roadside stand, both say that he can do that
20 for so long as the amount that he imports, whether he
21 distributes it or whether he sells it as a farmer's

1 roadside stand, in both categories, it has to be less
2 than 50 percent.
3 If it becomes more than that, then it
4 becomes a distribution business and since we're here on
5 a farmer's roadside stand, the testimony and evidence
6 before you is that of what he sells at the farmer's
7 roadside stand, 80 percent is produced on the farm, on
8 the David Smith Springfield farm, and 20 percent is
9 imported and that's what the issue in this case is and
10 if --
11 MR. MCCANN: The tomato example, I've got
12 to go back to that because I agree a hundred percent of
13 tomatoes is distributed to markets off-site. That's
14 what farmers do. A hundred percent of the chickens
15 could go off site. That's not distributing.
16 Distributing under this is distributing -- he has a
17 facility on-site that is distributing on-site. That's
18 the use that's being regulated under this definition.
19 He's doing something completely different than just
20 shipping a hundred percent of his chickens off-site.
21 She's shipping them to -- he's moving them to a farm

1 stand and selling them from there, either distributing
2 them or selling them to retail customers that come
3 onboard. Obviously, a farmer can sell a hundred
4 percent of his products. That's not distributing under
5 this. Distributing is doing it on-site as he proposes
6 to do and he's proposing to do way more than the
7 definition of farm allows.
8 Now, I just heard Mr. Schmidt say that what
9 the regulation is intended to get at is turning this
10 facility into a distribution center because what you're
11 doing is taking too many products from off-site and
12 bringing them to the farm. I think we both agree on
13 that. That's what the 50 percent rule is intended to
14 do, not to create a distributorship on this farm and
15 get too many products from off-site.
16 What does that have anything to do with
17 where they go after they come on-site and why is he
18 allowed to exclude where they go after that? In fact,
19 I would submit that distributing them once they come
20 on-site after they've come off-site makes it more of a
21 distributorship than it doesn't.

1 MR. WISEMAN: Well, I don't know what we're
2 going to do about this. I've looked at the site plan.
3 I don't see any kind of distributing facility there. I
4 see the house, the equipment shed. I don't know what
5 I'm missing. It may be that we'll have to brief this
6 later on.
7 MR. SCHMIDT: I just thought, Mr. Wiseman,
8 that it was an issue at least you should understand
9 where the parties are coming from. It's obvious that
10 Mr. McCann and I are reading these regulations entirely
11 different and if you would like us to brief them, at
12 least from my perspective, I would be happy to do that.
13 MR. WISEMAN: Well, while we were on break
14 I tried to access to our wonderful computer of how many
15 farmer roadside stand cases that have been in this
16 commission. Certainly, this is the first one I've been
17 acquainted with. I've found none, perhaps because
18 they're usually used by or allowed my use permit and
19 they don't come to my office unless we find ourselves
20 here.
21 I don't have much guidance in this area. I

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1 produced on my farm. None of those numbers there came
2 from off the farm.
3 Q Of the 5,000 chickens identified in column
4 D, of those 5,000 that were distributed to
5 restaurants -- I'm sorry. Approximately 3,800 that
6 were distributed to restaurants, how many of those
7 chickens came from off-site as opposed to grown on the
8 premises?
9 A If I think I had pointed this out before.
10 The first number in column D is the number sold at the
11 farm. The second number after the slash is the units
12 produced on the farm. There are no units indicated in
13 here that were not produced on the farm until, as an
14 example, you get down to line item 12 where there were
15 22 lambs sold but we only raised 18. So four units
16 came from our farm.
17 Q So in answer to Mr. Wiseman's question,
18 column D does not reflect any units at all that were
19 received off premises that were not grown on the
20 premises?
21 A Unless the number -- the second number is

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1 smaller than the first number. So four lambs came from
2 off-site.
3 Q And I take it, then, that 4.6 units of beef
4 came off-site, correct?
5 A Correct.
6 Q Am I correct that all of the dairy products
7 on line 14 that were sold, either sold on premises or
8 distributed to restaurants, were not produced on the
9 farm?
10 A That 12.4 percent is the reflection of the
11 dollar amount that were sold on the farm and all of
12 that came from off-site.
13 Q Was any dairy sold off-site for 2006?
14 A Yes, but a very minor amount, relatively.
15 Q Were any lambs sold off-site in 2006?
16 A Yes, there were lambs that came from
17 off-site that were sold to restaurants.
18 Q Are you confused yet, Mr. Wiseman?
19 MR. WISEMAN: No, I'm doing well.
20 Q What type of dairy products do you get from
21 off-site that you sell on-site?

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1 A Milk, butter, ice cream, yogurt.
2 Q I want to make sure I'm clear on this. I
3 apologize. Does column D reflect at all any units --
4 at all, any units that were sold off-site that were
5 grown off-site?
6 A Only insofar as their excess to the first
7 number in column D.
8 Q You said that?
9 A Yes.
10 Q And no others?
11 A No others what?
12 Q No other products were sold off-site and
13 were grown off-site than those you just described?
14 A I don't understand your question.
15 Q You just indicated the first number in
16 column D is higher than the second number. That
17 indicates that those products came from off-site?
18 A No.
19 Q You told me 4.6 units of beef came from
20 off-site?
21 A In that case, yes. Sorry.

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1 Q I'm sorry. When the first number is
2 greater than the second number, that indicates --
3 A It came from off-site.
4 Q I'm asking you about where they were
5 distributed, to whom?
6 A They weren't.
7 Q Any of the products identified on here,
8 does column D reflect products that were distributed
9 off-site and came from off-site originally that weren't
10 grown on the premises? Does column D reflect those
11 products at all?
12 A No.
13 Q Can you tell us, with respect to each of
14 the products in column A, how many of those items that
15 you sold to restaurants came from off premises? Can
16 you tell us that today?
17 A I cannot. I don't have that data.
18 Q Can you approximate it for us?
19 A I can tell you that a portion of sales on
20 the farm versus off the farm has evolved over --
21 particularly over the last year. When I was first

1 gotten lamb.
2 Q Any others in column A?
3 A I don't think so.
4 Q All of those products you obtained from
5 other parties and distributed to restaurants?
6 A We have, yes.
7 Q And you intend to do if this proposal is
8 approved?
9 MR. SCHMIDT: Objection. That question
10 goes exactly to my line of questioning because he said
11 "and you do if this proposal" and that's my point.
12 This proposal is for a farmer's roadside stand. It
13 doesn't have anything to do with the "distribution."
14 The stuff that sold at the farmer's roadside stand is
15 not the restaurant distribution.
16 MR. MCCANN: I'm not sure how the line of
17 questions I just asked Mr. Smith are any more relevant
18 than the question I just asked.
19 MR. SCHMIDT: Well, none of them are
20 relevant in my opinion. Mr. Wiseman overruled my
21 objection when I indicated I was going to have an

1 objection and, again, I say the same thing. We are
2 here on a request to allow a farmer's roadside stand.
3 A farmer's roadside stand is where the produce grown on
4 this farm, at least 51 percent of it has to be grown on
5 this farm or on other farms owned by Mr. Smith or
6 adjacent, as the definition says. It is sold by the
7 farmer to the public from a building on this farm.
8 That's what we're asking for approval on.
9 If Mr. McCann and his clients believe that Mr. Smith's
10 farm operation is not really a farm, it's a
11 distribution center, it's a restaurant, it's a
12 slaughter house, whatever they think it is, with all
13 due respect to them, they call Mr. Thompson over in
14 code enforcement and say he's not operating a farm. It
15 doesn't have anything to do with this case.
16 MR. MCCANN: Mr. Schmidt is correct,
17 Mr. Wiseman. Mr. Smith could have a half acre plot of
18 property and grow tomatoes.
19 MR. SCHMIDT: No, he couldn't because a
20 farm has to be a minimum of three acres in the
21 definition.

1 MR. WISEMAN: Touche.
2 MR. MCCANN: All right, three acres and
3 then sell those, you know, couple of hundred thousand,
4 whatever, tomatoes at what is a farm stand, everybody
5 would agree it was a farm stand. Yet he could -- if it
6 doesn't matter where he distributes the products, even
7 though he gets them from elsewhere, he could open up a
8 used facility that just runs products through this
9 so-called farm stand, it doesn't make a difference that
10 he runs it through them and then that would be okay?
11 It makes a difference where they --
12 MR. WISEMAN: Mr. Schmidt is not agreeing
13 that it's okay. He said that the enforcement arm is
14 someone else to put a stop to that.
15 MR. SCHMIDT: And I hate to be repetitous
16 and I'm not a farmer either, but it's two different
17 things. I don't know how to say it any differently.
18 MR. MCCANN: The zoning regulations don't
19 identify it as two different things.
20 MR. SCHMIDT: It's two different things.
21 You have a farm and it's like your tomato example,

1 Mr. Wiseman. I'm going to go back to that. If
2 Mr. Smith raised tomatoes on this property and he grew
3 100,000 bushels of tomatoes, he could take 90,000
4 bushels of tomatoes and he could "distribute them",
5 sell them to Heinz, to restaurants, to markets, to
6 whoever he pleased and that is permitted as a farming
7 operation. When he decides to build a building on his
8 property and sell to the public, then he is doing a
9 farmer's roadside stand. They are two different
10 activities.
11 MR. MCCANN: Even if they are, Mr. Wiseman,
12 that's not what he's doing. He's operating a
13 so-distribution business and it's not a separate. It's
14 not a separate use. He's operating through this
15 building. He's going to store all the egg cartons for
16 this -- 34,000 of which he sells to restaurants in the
17 third floor. He's going to store them there. That's a
18 distribution part of the business.
19 He's going to have an office which he
20 admitted is going to operate the distribution business.
21 They're not separate, they're one and the same. The

1 A Yes. I would hope that sales would grow,
2 but, yes.
3 Q For instance, would you anticipate that
4 sales of products that are -- that you will distribute
5 to restaurants that are grown off premises, you
6 anticipate that those sales will increase as well?
7 MR. SCHMIDT: Objection.
8 MR. WISEMAN: I know you look at it as
9 two -- a divisional situation but I'm going to allow
10 that to be answered as well, Mr. Schmidt. I realize
11 that you look at that as a separate and distinct
12 activity than the farm stand and that's quite obvious.
13 And maybe I will too but I haven't drawn that
14 conclusion in my mind.
15 MR. SCHMIDT: Very well.
16 A I'm sorry, would you pose the question
17 again?
18 MR. MCCANN: Would you read it back?
19 (The court reporter read back the following:)
20 QUESTION: "For instance, would
21 you anticipate that sales of products that are -- that

1 you will distribute to restaurants that are grown off
2 premises, you anticipate that those sales will increase
3 as well?"
4 A No, and I'd just say that I anticipate that
5 we will produce more of the products ourselves because
6 the demand is increasing and I see the need to do that
7 and there's a better margin if I produce it myself.
8 Q I'm not asking you about the comparative
9 increase between the products you purchase that are
10 grown off premises and those that you grow on premises.
11 I'm talking about based on comparison of 2006 sales to
12 what you anticipate with the facilities proposed.
13 Do you anticipate any increase in the sales
14 or in the number of units sold of products that you
15 distribute to restaurants that are grown off premises?
16 A I thought I answered that but I anticipate
17 an increase in sales, yes.
18 Q For those types of products that I just
19 identified, that is?
20 A Yes.
21 Q You mentioned before purchasing chicken

1 from a butcher. Which butcher or butchers do you
2 purchase from?
3 A I didn't mention purchasing anything from a
4 butcher. I said from Eberly, E-B-E-R-L-Y.
5 Q You don't purchase any chicken, rabbit,
6 pork, duck or any beef from any butcher that --
7 A Poultry, I'll say then because we do get
8 duck and goose as well.
9 Q From a butcher?
10 A No, from a processor. A technical term. A
11 butcher does four-legged animals, a processor does
12 birds.
13 Q Those are -- do you purchase from either a
14 butcher or processor -- what products do you purchase
15 from a butcher or a processor that aren't grown on the
16 premises that you don't send off from processing?
17 A Some of the beef, as you can see, some of
18 the lamb, all the dairy and then that which goes to the
19 restaurants, virtually all the chicken and then some of
20 the pork, lamb and beef.
21 Q Other than Eberly, what other processor or

1 butcher do you purchase those products from?
2 A I use a butcher -- I use a couple of
3 butchers but primarily one in Mount Airy, Maryland
4 that, either in my name, if you will, buys the animal
5 from the farmer or I buy it and deliver it to them and
6 then he processes it, cuts it up and packages it for
7 me.
8 Q What's the name of that butcher?
9 A Mount Airy Locker.
10 Q Any others other than Eberly and Mount Airy
11 Locker?
12 A Not currently. I have used others in the
13 past but I'm not currently using any.
14 Q What about any that you anticipate using?
15 MR. SCHMIDT: Objection. That's so
16 speculative --
17 MR. MCCANN: If he doesn't know, he doesn't
18 know.
19 A I don't anticipate any at the moment.
20 Q You are going to stop working with Eberly
21 and the butcher in Mount Airy?

1 so-called bank barns, and the one on the left is a
2 style we kind of like that we like to look towards
3 putting on our farm.
4 Q And that -- so that we're not
5 misrepresenting anything, that's not the exact building
6 that you're proposing putting here but the style is
7 representative of what you're thinking of?
8 A Correct.
9 Q Number 10 is some drawings. Who prepared
10 that?
11 A I did.
12 Q You're not an architect or an engineer or
13 anything where you would have any professional
14 qualifications to prepare sealed drawings, Mr. Smith?
15 A I'm beginning to wonder if I have any
16 qualifications even as a farmer, but, no.
17 Q Can you tell us what that is?
18 A The one at the top is a view of the
19 elevation, if you will, of the end of the building I'm
20 proposing as you would see it from Yeoho Road and the
21 drawing on the left is what it would look like as you

1 would see if you were standing in front of it, the
2 entrance.
3 Q And that shows that the building would be
4 approximately how high?
5 A More or less, 29 feet. But then, again,
6 that's farmer Dave's rendition.
7 Q And then finally under Petitioner's
8 Exhibit Number 11, can you tell me what that is?
9 A That's our delivery truck.
10 Q And how many of those do you have?
11 A One.
12 Q You mean in this distribution business you
13 only have one single little truck?
14 A Yes, and you're looking at the driver.
15 MR. SCHMIDT: I would offer these as
16 Exhibits 9, 10 and 11.
17 (Petitioner's Deposition Exhibit Numbers 9,
18 10 & 11 were marked for purposes of identification.)
19 Q Mr. Smith, as I understand your testimony,
20 you raise agricultural products on this property; is
21 that right?

1 A Correct.
2 Q And some of those you sell or distribute to
3 restaurants or markets; is that right?
4 A Correct.
5 Q And other of the product that you raise on
6 this property you sell directly to the public; is that
7 right?
8 A Correct.
9 Q And you would like approval, would you not,
10 sir, to do that through a building that you hope to
11 erect a farmer's roadside stand; is that right?
12 A Correct.
13 Q And through that farmer's roadside stand,
14 your use or at least a portion of that building for
15 that purpose, you would move the operation out of your
16 kitchen and basement to a separate building; is that
17 right?
18 A Correct.
19 Q And that would be sales to the general
20 public, people like me and Mr. Wiseman and Mr. McCann
21 who want to buy turkeys or eggs or whatever it might be

1 from you; is that right?
2 A Correct.
3 Q You understand, do you not, sir, that if
4 you get approval to do that, a minimum of 51 percent of
5 the product that you sell through the farmer's roadside
6 stand must be produced on this farm?
7 A Correct.
8 Q Are you are agreeable to conducting your
9 operation in accordance with that limitation?
10 A Yes, I am.
11 Q And you also understand that, under the
12 definition of farm, that you may do certain other
13 activities including distribution and warehousing --
14 I'm sorry, not distribution and warehousing.
15 MR. MCCANN: His questions are very leading
16 and we're getting into an area --
17 MR. WISEMAN: We had this on direct. I'm
18 going to allow him to lead.
19 MR. SCHMIDT: I'm just trying to get
20 through it.
21 BY MR. SCHMIDT:

1 record?
2 A Bruise E. Doak, D-O-A-K. I'm a principal
3 at Gerhold, Cross & Etzel. Our address is 320, East
4 Towsontown Boulevard, Towson, Maryland, 21286.
5 Q Mr. Doak, what's the business of Gerhold,
6 Cross & Etzel?
7 A We're land surveyors and planners.
8 Q What is your specific role and duties at
9 Gerhold?
10 A I'm one of two owners and I handle all the
11 development and zoning projects for the company.
12 Q And are you a property line surveyor
13 licensed by the State of Maryland?
14 A Yes. I have number: 531.
15 Q Could you briefly tell us about your
16 educational background?
17 A I have a degree in land surveying, numerous
18 degrees, classes and accreditation after that fact and
19 I also taught classes in land surveying, zoning and
20 land development.
21 Q How long have you been at Gerhold, Cross &

1 Etzel?
2 A I have been there 17 years.
3 Q Anywhere in this same field prior to
4 Gerhold, Cross & Etzel?
5 A I've been in the land surveying business
6 now for 28 years.
7 Q Have you done any work for any project in
8 Baltimore County?
9 A Probably 95 or more percent of our business
10 is in Baltimore County.
11 Q Do you have any idea over the years how
12 many particular projects that you've been involved with
13 in Baltimore County?
14 A I can only say over a thousand.
15 Q Where do you live?
16 A I live in Freeland, Maryland, which is
17 north of the subject property.
18 Q How big is the property that you live on?
19 A I have 60 acres.
20 Q And what do you do in connection with that
21 property?

1 A I farm.
2 Q So in addition it being a property line
3 surveyor, you're also a farmer?
4 A Yes, sir.
5 Q Have you ever been accepted as an expert
6 land surveyor with an expertise in planning and
7 development in Baltimore County?
8 A And zoning, yes, sir.
9 MR. SCHMIDT: I would offer the witness as
10 an expert in that capacity and allow Mr. McCann to voir
11 dire if he would like.
12 MR. MCCANN: I don't have any questions of
13 Mr. Doak regarding his expertise, but I'm going to
14 reserve on any specific objection, any specific
15 question that may be in one of those areas. Is your
16 green light on, Mr. McCann? I think people are having
17 a hard time in the back.
18 All right. Well, I'll accept Mr. Doak as a
19 land surveyor and a land planner with expertise in
20 Baltimore County and I will give Mr. McCann the right
21 to explore a particular facet of his expertise if we

1 get to that point and during his presentation I may
2 come down and sit next to Mr. McCann. It doesn't mean
3 anything. It just allows me to see the board.
4 BY MR. SCHMIDT:
5 Q Mr. Doak, on the board to my left and
6 Commissioner Wiseman's right is a document entitled
7 Plan to Accompany a Special Hearing For the Smith
8 Property.
9 Are you familiar with that document, sir?
10 A Yes, sir. It was prepared under my
11 supervision from our firm.
12 Q Does it contain your seal a property line
13 surveyor for the State of Maryland?
14 A Yes, it does.
15 Q And does it accurately depict the Smith
16 farm on Yeoho Road as described in the legend of the
17 plan?
18 A Yes, sir, and it meets the requirements of
19 a zoning plan as set forth by the Office of Zoning.
20 MR. SCHMIDT: Mr. Wiseman, if I have not, I
21 would formally offer this as Exhibit Number 2 -- I'm

1 direction towards Yeoho Road and that photograph also
2 includes some of the area that will be utilized for the
3 roadside stand.
4 BY MR. SCHMIDT:
5 Q Which would be on what side of the
6 photograph?
7 A Which would be on the right-hand side and
8 the white which would be in the snowy area. There
9 is -- right here is a stake, a yellow stake on the
10 photograph that represents the corner of the proposed
11 stand building.
12 Q And Mr. Smith generally described this, but
13 you've indicated the driveway exists at this point
14 here, Mr. Doak?
15 A Yes, sir, it does.
16 Q Just show the Commissioner where that leads
17 on the site plan.
18 A There's an existing mechanical driveway
19 that leads from Yeoho Road in an easterly direction,
20 approximately 300 feet, which goes down to the rear
21 part of Mr. Smith's house and that's shown on another

1 photograph.
2 MR. SCHMIDT: I believe we're up to
3 Exhibit 12. I believe it is. I'll mark them
4 sequentially. I'll mark what Mr. Doak has described as
5 Exhibit 12A.
6 (Petitioner's Exhibit Numbers 12A & 12B
7 were marked for purposes of identification.)
8 BY MR. SCHMIDT:
9 Q The second photograph, Mr. Doak, maybe you
10 could, again, tell us where you are standing when you
11 took this and what this is describing?
12 A Yes, sir. I'm standing just north of the
13 existing driveway on the east side of -- right there.
14 I'm standing right there and looking in a northerly
15 direction up Yeoho Road. That's to show the site
16 distance and everything we can up Yeoho Road.
17 Q Now, that would be the site distance from
18 someone headed north to south coming down Yeoho Road?
19 A That's correct.
20 Q That would be the site distance for
21 somebody traveling --

1 A South.
2 Q The third photograph, if you can, tell us
3 what this is.
4 A Yes, sir. That would be -- I'm standing
5 just north of the proposed driveway. I'm looking down
6 in a southerly direction down Yeoho Road. That is to
7 show both the entrance or the existing driveway as well
8 as the site distance in a southerly direction on Yeoho
9 Road. That would be if somebody was pulling out of the
10 existing driveway and was heading south.
11 Q And there's a building on the left-hand
12 side of this photograph. Can you identify that?
13 A That building right there is the existing
14 dwelling right here of Mr. Smith and his family.
15 MR. SCHMIDT: We'll mark that as 12C.
16 (Petitioner's Exhibit Number 12C & 12D were
17 marked for purposes of identification.)
18 Q Let's go to 12D, Mr. Doak.
19 A This is almost the exact same position that
20 I'm standing, just north of the existing driveway on
21 the east side of Yeoho Road. It's, once again, looking

1 in a southeasterly direction towards the existing
2 dwelling. I'm doing -- with these photographs you'll
3 notice I'm doing somewhat of a panoramic, working my
4 way in a counterclockwise direction.
5 Q Is that also the same Smith house that
6 you've described?
7 A Yes, sir, it is.
8 Q Also, I think it would be helpful in this
9 one. There appears to be a structure or a trailer or
10 some RV or something over in the corner?
11 A Yes, sir. I cannot tell you exactly what
12 that is used for. It's a portable -- it's a trailer on
13 wheels. So it's not a permanent structure.
14 Q I point that out because as we get to the
15 next photograph, is that --
16 A It's in there and, like I said, I'm working
17 my way counterclockwise direction with these
18 photographs. What this shows is -- it's hard to see
19 but it shows the slope. We're standing on the driveway
20 and we're looking down towards where the pond and where
21 the proposed building would be. That shows the slope

1 that would either circle around or would go on through
2 to an existing farm road that I'm pointing which is due
3 north of that.
4 Q Why gravel and not macadam?
5 A It's pervious. So, in turn, it would allow
6 for any runoff to soak down in versus running off.
7 Q Mr. Doak, are there any zoning variances
8 that are required in association with this proposed
9 farmer's roadside stand?
10 A No, sir.
11 Q You meet all of the relevant setbacks?
12 A Yes.
13 Q You have sufficient parking under section
14 409?
15 A We have more than adequate parking.
16 Q So there's no variance relief that's
17 required?
18 A No, sir.
19 Q You are here -- you are aware, Mr. Doak,
20 are you not, that we are here because Mr. Smith has
21 asked a use permit for this farmer's roadside stand?

1 A And it's been requested to have the hearing
2 here, yes, sir.
3 Q And, sir, based upon your familiarity with
4 the zoning regulations, are you aware of what criteria
5 the Commissioner has to apply under Section 404 to
6 consider the farmer's roadside stand?
7 A Yes, sir, I am.
8 Q What criteria is that, generally?
9 A That it's on the farm, that what's sold
10 through this cannot exceed 50 percent of what is grown
11 on the farm and there's one other thing. I can't
12 remember what it is.
13 Q Let me ask you specifically.
14 A Thank you.
15 Q Let me ask you this way: Is this proposed
16 farmer's roadside stand located on a farm?
17 A Yes, sir, it is.
18 Q And is Mr. Smith, in your opinion, an
19 agricultural producer?
20 A Yes, sir.
21 MR. MCCANN: Objection. I think he's

1 drawing legal conclusions. He has no basis for any
2 particular expertise in any of the definitions he's now
3 speaking about.
4 MR. WISEMAN: Mr. McCann, I agree but he
5 was here during the testimony of Mr. Smith who
6 testified that he's a farmer. If it gets too far
7 afield, I'll let you object. Right now, so far, he's
8 within bounds. We'll go to the next one.
9 BY MR. SCHMIDT:
10 Q Mr. Doak, are you familiar with the
11 requirements of Section 502.1 of the Baltimore County
12 zoning regulations which are applicable to this
13 proceeding by virtue of Section 404.4C8 of the
14 Baltimore County zoning regulations?
15 A Yes, sir, I am.
16 Q Have you testified in the past about --
17 MR. WISEMAN: Mr. Schmidt, are we at a farm
18 stand? Where does that come into the regulations?
19 MR. SCHMIDT: Under Section 404.C8(b). It
20 provides, Mr. Wiseman, that --
21 MR. WISEMAN: Is that for a farmer's

1 roadside stand?
2 MR. SCHMIDT: Yes, and it stays
3 specifically that you are required to conduct a public
4 hearing if someone is requested and it says that you
5 are determined to make a finding that the matter of the
6 requirements of this section and other applicable
7 requirements are met and that you must also make a
8 finding that any -- I'll just read it.
9 "Any additional requirements as deemed
10 necessary by the zoning Commissioner in order to ensure
11 that the farmer's roadside stand is not detrimental to
12 the health, safety or general welfare of the community
13 and which are deemed necessary to satisfy the
14 objectives of Section 520.1 of these regulations."
15 So, Mr. Wiseman, what I would argue to you
16 is that you're going to first have to make a
17 determination whether those sections are "deemed
18 necessary" to apply to this case and then, if they are,
19 whether the facts that have been --
20 MR. WISEMAN: You're right, counsel.
21 MR. SCHMIDT: I might argue that some of

1 go this far.
2 MR. WISEMAN: Not that I can find.
3 MR. SCHMIDT: But this witness certainly
4 has expertise and has testified to those factors for
5 other agricultural uses as he's indicated.
6 MR. WISEMAN: The evidence before me
7 indicates that Mr. Smith has been operating since 2000
8 and has done so without incident. I don't know how
9 much testimony I need this particular area but,
10 Mr. McCann, your point is well taken. I'm going to
11 receive the testimony over your objection which was
12 noted for the case.
13 BY MR. SCHMIDT:
14 Q Mr. Doak, you can answer the question. Do
15 you believe this with tend to create congestion in the
16 road, streets or alleys?
17 A No, sir.
18 Q Why not?
19 MR. MCCANN: May have a continuing
20 objection?
21 MR. WISEMAN: Yes, I granted you one and

1 certainly you have the right with that objection also
2 to do cross-examination on these points as well.
3 A The reason why is because I've worked on
4 many different cases in agricultural operations where
5 there will be more average daily trips than Mr. Smith
6 is proposing to have here such as riding stables, horse
7 boarding stables, you know, places that sell horses or
8 cattle.
9 So, no, and I've never had any issues with
10 the traffic due to those uses which would be more
11 extensive than what is proposed here.
12 Q Do you have any opinion, Mr. Doak, as to
13 whether the proposed farmer's roadside stand would
14 create any potential hazards from fire, panic or other
15 dangers?
16 A No, sir.
17 Q You do not have an opinion or you do not
18 believe it will create --
19 A I do not believe it will create any
20 problems.
21 Q Do you have an opinion, sir, as to whether

1 the proposed use will tend to overcrowd the land or
2 cause undue concentration of population?
3 A I have an opinion.
4 Q What is that?
5 A I do not believe that it will.
6 Q Do you have an opinion as to whether the
7 proposed farmer's roadside stand will interfere with
8 adequate provision of the schools, parks, water or
9 sewage or transportation?
10 A I have an opinion.
11 Q And your opinion there, sir?
12 A No, it will not be detrimental to those
13 uses.
14 Q And do you have an opinion as to whether
15 the proposed use will interfere with adequate light and
16 air?
17 A I have an opinion.
18 Q And what is your opinion?
19 A It will not prohibit air or light.
20 Q The building height of the proposed
21 building is how tall, do you know, Mr. Doak?

1 A As per Mr. Smith's testimony, he's reported
2 to be 29 feet. It's allowed to be 35.
3 Q So it's not higher than what's permitted
4 under the Baltimore County zoning regulations?
5 A That's correct.
6 Q Do you have an opinion, sir, as to whether
7 the proposed farmer's roadside stand is consistent with
8 the purposes of the zoning classification, the RC2, and
9 the spirit and intent of the zoning regulations?
10 MR. MCCANN: Same objection.
11 A I have an opinion.
12 Q And what is your opinion?
13 A I'm giving these opinions.
14 Q What is your opinion?
15 A I believe it is the spirit of the RC2 and
16 the other RC regulation.
17 Q Why do you say that, Mr. Doak?
18 A I've worked on dozens if not hundreds of
19 commercial agricultural uses, from livestock operations
20 to -- anything you could put in northern Baltimore
21 County I've worked on and, with all of those, it is

1 Q Has anyone else, to your knowledge?
2 A No, sir.
3 Q Could you provide with us any more detail
4 about the structure itself in terms of what's it's made
5 of other than what Mr. Smith provided us with?
6 A No, sir.
7 Q I believe you testified, Mr. Doak, in
8 response to direct examination, it's your
9 understanding -- it's your testimony that both the
10 roadside stand as well as the refrigerated -- let me be
11 accurate in describing it. In Exhibit 1, both the
12 proposed two-story barn style roadside stand as well as
13 the proposed below grade refrigeration comprised the
14 roadside stand, as you understand it?
15 A I don't understand your question.
16 Q Is it your understanding or your testimony
17 that both -- depicted in Exhibit 1, the proposed
18 two-story barn style roadside stand as well as the
19 proposed below grade refrigeration part of the roadside
20 stand is what Mr. Smith seeks approval for?
21 A To answer your question, there is no

1 definition directly of what structures make up a
2 roadside stand. I understand from Mr. Smith that the
3 proposed use would be -- would require both the barn
4 structure and the refrigeration unit to make it viable
5 business-wise.
6 Q I'm not asking about requirements. I'm
7 asking about what your understanding of what Mr. Smith
8 proposes and I ask it because in your direct testimony
9 you said those two structures comprise the proposed
10 roadside stand. I just want to confirm that's your
11 understanding.
12 A Okay. Then, on that, yes, I do believe
13 that.
14 Q And I think you also mentioned that the
15 parking area, which you described as a pervious
16 surface, would also be part of the roadside stand
17 proposed by Mr. Smith; is that correct?
18 A That's correct.
19 Q You mentioned slopes of 20 percent or
20 greater. Would you briefly describe where on this site
21 there exists these slopes of 20 percent or greater?

1 A What I'd like to do on Petitioner's
2 Exhibit 1 is draw some arrows in the direction of the
3 slope going downhill in red. We have slopes of
4 approximately 20 percent in this area that I'm drawing
5 which would be through the area where we're proposing
6 the roadside barn. Just north of there, we have slopes
7 that exceed a 25 percent slope. What I'm going to do
8 is put 25 percent or greater, plus or minus, in that
9 area.
10 Q You've just identified on Exhibit 1 just
11 the steep slopes, the 20 percent or greater slopes in
12 the vicinity of the building envelope?
13 A That's correct.
14 Q There are other steep slopes on-site,
15 correct?
16 A Yes.
17 Q How does Baltimore County define sleep
18 slopes in terms of the percentage of the slope?
19 A It depends in what regards you need it. If
20 you're talking about termination of the forest buffer,
21 if you're talking about acceptable slopes for putting

1 septic systems in, if you're talking about percentage
2 of driveways. It depends on how you are applying it.
3 Q Let's deal first with the type of slopes
4 and the vertical soils analysis for forest buffer.
5 What comprises a steep slope in that context?
6 A There are different grades. There is 5
7 percent, 10 percent and then, in turn, 20 percent.
8 Each one of those have a different calculation factor
9 in determining what the buffers are. So there is no
10 steep slope when determining forest buffers.
11 Q What about for the site of the building
12 envelope? What constitutes a steep slope?
13 A There is none.
14 Q How about for a septic system?
15 A A septic system cannot be on a slope or
16 within a slope within 25 feet of a slope of 25 percent
17 or more.
18 Q Mr. Doak, you mentioned you're a farmer?
19 A Yes.
20 Q In fact, a farm of similar size?
21 A Yesterday.

1 where the stand is located or adjacent on farms or on
2 other property farmed by the applicant."
3 My question is: Is the reference to the
4 language where the stand is located or on adjacent
5 farms or on other property farmed by the applicant,
6 that refers to where the produce shall be grown rather
7 than where it shall be sold; is that correct?
8 A Yes, sir.
9 MR. MCCANN: Thank you. That's all I have.
10 MR. SCHMIDT: Mr. Doak, have you ever
11 worked on any other project not in this county where
12 you've seen a farmer's roadside stand this large?
13 MR. MCCANN: Objection.
14 MR. WISEMAN: Sustained.
15 MR. SCHMIDT: No questions.
16 EXAMINATION BY MR. WISEMAN:
17 Q Mr. Doak, before you step down, I don't
18 know whether this is in your expertise or not.
19 Listening to Mr. Smith testify about how this would
20 work once it's in place, I remember him saying the
21 truck would back up and that the refrigerated products

1 would be unloaded.
2 I, without looking at the plan, assumed
3 that that refrigeration area would be under, as a
4 basement, if you will, to the other two stories and I
5 see that that's not true.
6 A It is true, sir. I have two bank barns on
7 my farm. If you've driven through northern Baltimore
8 County, a lot of times you'll see, because of the
9 slope, you'll have the basement area which is --
10 because of the slope, one face of that or more than one
11 part of a face of it is shown. So it has availability.
12 They used to be used -- in my case, I used livestock
13 animals, cattle and goats. But for his, he's going
14 putting refrigeration units underneath, into the slope
15 itself so, in turn, it will not be seen other than if
16 you were looking directly into that part of the barn.
17 Q But neither of the two stories will be
18 above that subgrade proposal?
19 A That's correct.
20 Q Chicken egg cleaning is going to take place
21 underground?

1 A In the walkout part of the basement
2 underneath of the proposed retail sales.
3 Q And you testified and showed us through
4 photographs and also through the laser pen where the
5 stakes were going to be located. I take it, as an
6 expert in land surveying and land planning, you located
7 that thing within 100 feet of that farm pond, didn't
8 you?
9 A Yes, sir, I did.
10 Q We've got a problem about that, don't we,
11 Mr. Doak?
12 A We're not sure about that, sir.
13 Q We might have to come back here because you
14 may have to do another Exhibit 1.
15 A Well, the problem you have, and you know
16 this as well as I do, that because there are so many
17 reviewing agencies and each of them have their own
18 interests, that, in turn, it's hard to please all them
19 all the time. So, in turn, we have tried our best to
20 please environmental or Wally Lippincott's division as
21 to where to place it. We tried to look into site

1 distance. We tried to look into the aesthetics of it,
2 placing somewhere where part of it will be under the
3 slope.
4 So we looked at a lot of things. One of
5 the things, though, that is still somewhat an issue is
6 its location in respect to the pond. We've had this
7 before where we've placed other agricultural buildings
8 and dwellings that we have to either do some
9 mitigation, get a variance or other things to allow
10 that.
11 Q But despite best efforts, this may change?
12 It may not be a bank barn. It may, I'm saying, at this
13 point, if it's relocated to the other side?
14 A That's correct, sir.
15 MR. WISEMAN: All right. Thank you,
16 Mr. Doak.
17 MR. SCHMIDT: Mr. Wiseman, I don't have any
18 other witnesses at this time. I know there are a
19 series of letters in support. I know there are a
20 series of letters in opposition in the file. The
21 comments are in the file. There's a comment from

1 letters from that were for or against the proposal.
2 Anybody is invited to look at this to see if their name
3 is on here. They will be part of record. That is
4 different?
5 MR. MCCANN: This is different.
6 MR. SCHMIDT: I apologize, Mr. Wiseman. I
7 also have a petition and I apologize I didn't put this
8 in. But when Mr. McCann indicated he had one, I have
9 one as well. So I'm sure it's the same. I'll cite the
10 case of goose vs. gander. We'll both put our petitions
11 in.
12 MR. WISEMAN: Yours will be Exhibit 13,
13 Mr. Schmidt, and yours will be Exhibit Number 2.
14 (Petitioner's Exhibit Number 13 was marked
15 for purposes of identification.)
16 (Protestant's Exhibit Number 2 was marked
17 for purposes of identification.)
18 MR. SCHMIDT: And I believe all of the
19 exhibits I have offered have been admitted, have they
20 not, Mr. Wiseman?
21 MR. WISEMAN: They have been.

1 Now, with regard to some housekeeping
2 measures, is there anyone here that is not being
3 represented by Mr. McCann that has given up time to
4 come here that wants to say a word? I don't want to
5 foreclose anybody.
6 (No response.)
7 Mr. McCann, let's look at this, that they
8 ask for a variance to put the location where it is, in
9 view of the closeness of the pond and that variance is
10 granted. That would be an item that perhaps would be
11 appealable to someone other than myself.
12 MR. MCCANN: Correct.
13 MR. WISEMAN: If the proposed stand
14 location goes somewhere else, I think I have to have
15 people come back and we have to have a little bit more
16 testimony. But if it stays where it is, do we need to
17 come back? You haven't put any testimony on.
18 MR. MCCANN: Well, I'm hesitant to put on
19 testimony.
20 MR. WISEMAN: Were you going to ask me to
21 let you come back and put testimony on? I just want to

1 know for fairness.
2 MR. SCHMIDT: I think that's fair to me.
3 If Mr. McCann wants to put testimony on, he can put it
4 on today. I said I'm not going to offer any additional
5 testimony unless the barn moves, unless the stand moves
6 and I would say it should be the same thing for
7 Mr. McCann. If the stand moves he can certainly put
8 testimony on as well. I intend on asking him -- I
9 don't expect an answer right now. Maybe he won't even
10 give me an answer but, quite obviously, if his clients
11 may support a variance from DEPRM, if one is necessary
12 for the forest buffer regulation, they may want the
13 stand -- they may want the stand some other place. I
14 don't know but I'll certainly ask him and that's going
15 to drive, to a certain extent, what we do when we talk
16 to DEPRM.
17 MR. WISEMAN: Well, I just want to have a
18 clear understanding in my mind. I heard at one
19 point -- and it may have been Mr. McCann that alluded
20 to this -- if a proposal was going to be granted, that
21 certain restrictions were going to be requested. I

1 haven't heard about that but that's what I'm looking
2 for. Mr. McCann's people live there. They have their
3 homes. The letters are very well written, strongly
4 written. I can glean a lot from them but --
5 MR. MCCANN: If you are asking me if I'm
6 going to put on witness to testify. As to witnesses,
7 we have lay witnesses here today that I wasn't
8 intending to -- they are here to show support for our
9 side of the case. But I do have problem with just a
10 blanket saying "our case is done" subject to any
11 specific change in the plan. I'm hesitant to say that
12 because I don't know what is coming. But right now I
13 don't anticipate lining up a bunch of lay witness about
14 what problems they have with the site.
15 MR. WISEMAN: I have everybody's name on a
16 sign-in sheet. If it becomes necessary, when we
17 reconvene -- I guess my office will have the labor of
18 sending out a letter. I indicated I would and I don't
19 want to do that unless it's deemed to be necessary by
20 the parties. So I do ask you and Mr. Schmidt to talk
21 and you know your clients' concerns.

1 State of Maryland,
2 County of Baltimore, to wit:
3 I, R. DWAYNE HARRISON, a Notary Public of
4 the State of Maryland, Baltimore County, do hereby
5 certify that the within-named proceedings took place
6 before me at the time and place herein set out.
7 I further certify that the proceedings were
8 recorded stenographically by me and this transcript is
9 a true record of the proceedings.
10 I further certify that I am not of counsel
11 to any of the parties, nor an employee of counsel,
12 nor related to any of the parties, nor in any way
13 interested in the outcome of this action.
14 As witnessed my hand and notarial seal this
15 20th day of February 2008.
16
17
18 R. DWAYNE HARRISON
19 Notary Public
20 My commission expires:
21 September 15, 2009

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zoning 1:2,9 3:4 4:5,6 6:10,12,15 9:12 12:14 15:15 24:1 30:1,20,21 32:6 44:6 44:9 49:8 63:2,3 64:7 70:21 101:16 116:19 119:20 125:16,21 128:21 152:18 163:3 163:5,6 164:21 174:11,19 176:8 177:19,19 188:12 189:7 190:7 191:4 192:12,14 193:10 195:8 197:10 201:4,8 201:9 231:2 232:3 233:3

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07-314-SPH 1:3 3:16

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1,000 4:4 69:20
1,200 47:20
1,203 93:16 94:3,14 95:5,10
1,600 69:16 70:2 89:1,3 210:13
1:00 5:2 109:2,3
1:30 110:3,8,10,15
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100,000 133:19 153:3
101 103:16 120:10 121:8
1040 139:8
1099 139:8
11 17:15 167:8,16,18 171:3,21 232:18
11:00 4:18,21 57:15 58:1,14
11:05 110:19
118 2:14
12 40:1 142:14 183:3
12A 183:5,6 187:17 232:19
12B 183:6 232:20
12C 184:15,16 233:7
12D 184:16,18 233:8
12E 187:14 233:9
12F 187:14 233:10
12G 187:14 233:11
12H 187:14,17 233:12
12-foot 88:10
12.4 143:10
12:00 109:9,11 110:5
13 222:12,14 233:13
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15 27:21 227:17 230:21
150 87:20
16 79:1 85:11 114:18
16-degree 34:16
1600's 8:16
16018 64:1
164 231:7
1640 28:11
167 232:16,17,18
16701 3:18 8:9 26:15
17 8:15 175:2
170 231:8
1700s 28:12
173 231:18
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183 232:19,20
184 233:7,8
187 233:9,10,11,12
1990 28:8
1990's 8:18
1999 27:16

2

2 35:8,9 177:21 222:13

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. [illegible]

Date: [illegible]

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
[illegible]	[illegible]			6150				400.00
							Total:	400.00

Rec From: [illegible]

For: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

April 29, 2008

Via Hand Delivery

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

RECEIVED
APR 29 2008
Per.....

In Re: Petition for Special Hearing
16701 Yeoho Road
Case No. 07-314-SPH

Dear Mr. Kotroco:

Enclosed please find a notice of appeal for filing in the above-referenced matter, along with a check in the amount of $400.00 for the filing fee.

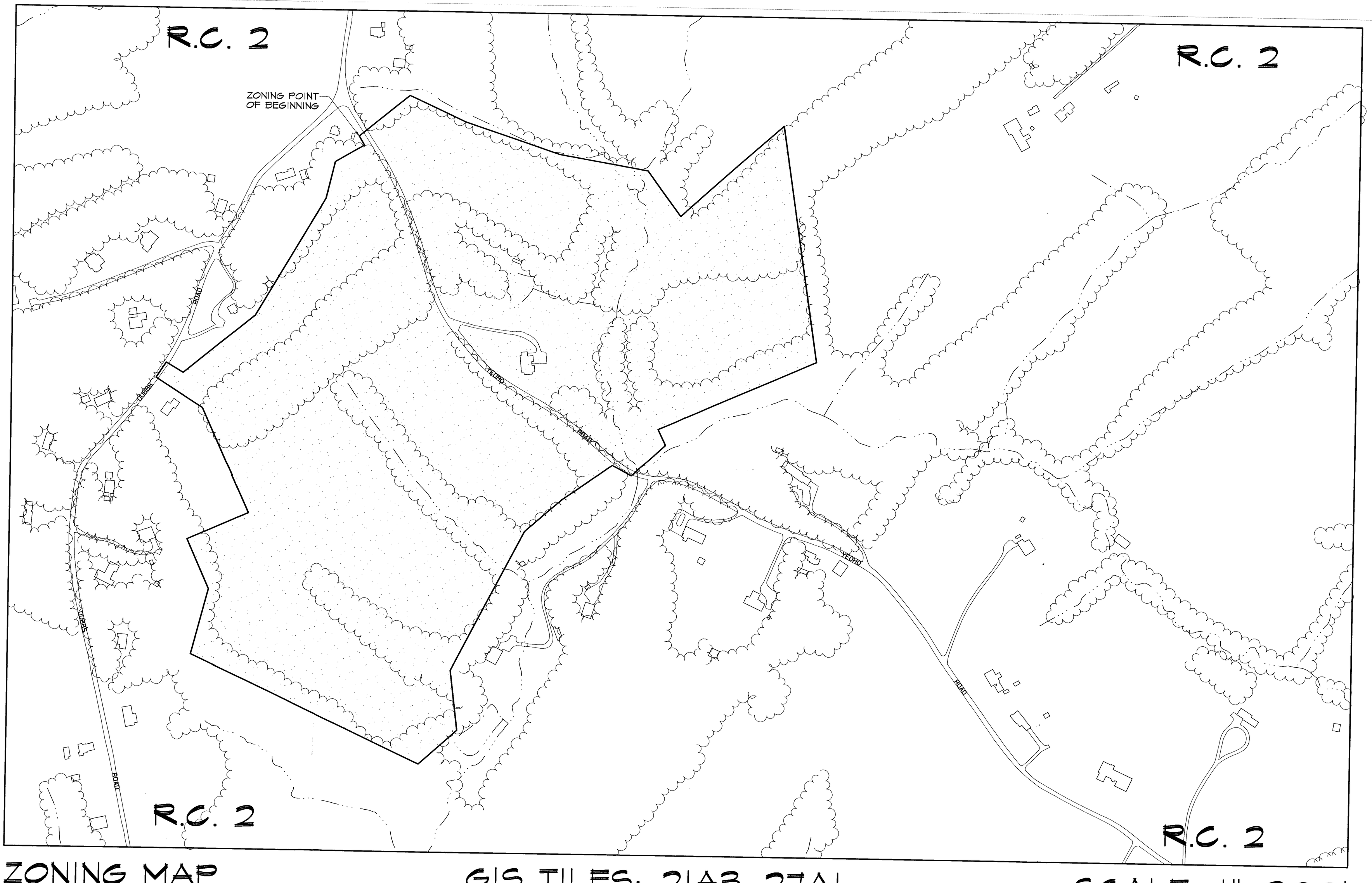
Thank you for your attention to this matter.

Sincerely,

Michael R. McCann

Enclosures

cc: Baltimore County Board of Appeals (with enclosure) (*via* hand-delivery)
Zoning Commissioner/Hearing Officer William J. Wiseman, III (with enclosure)
Lawrence Schmidt (with enclosure)

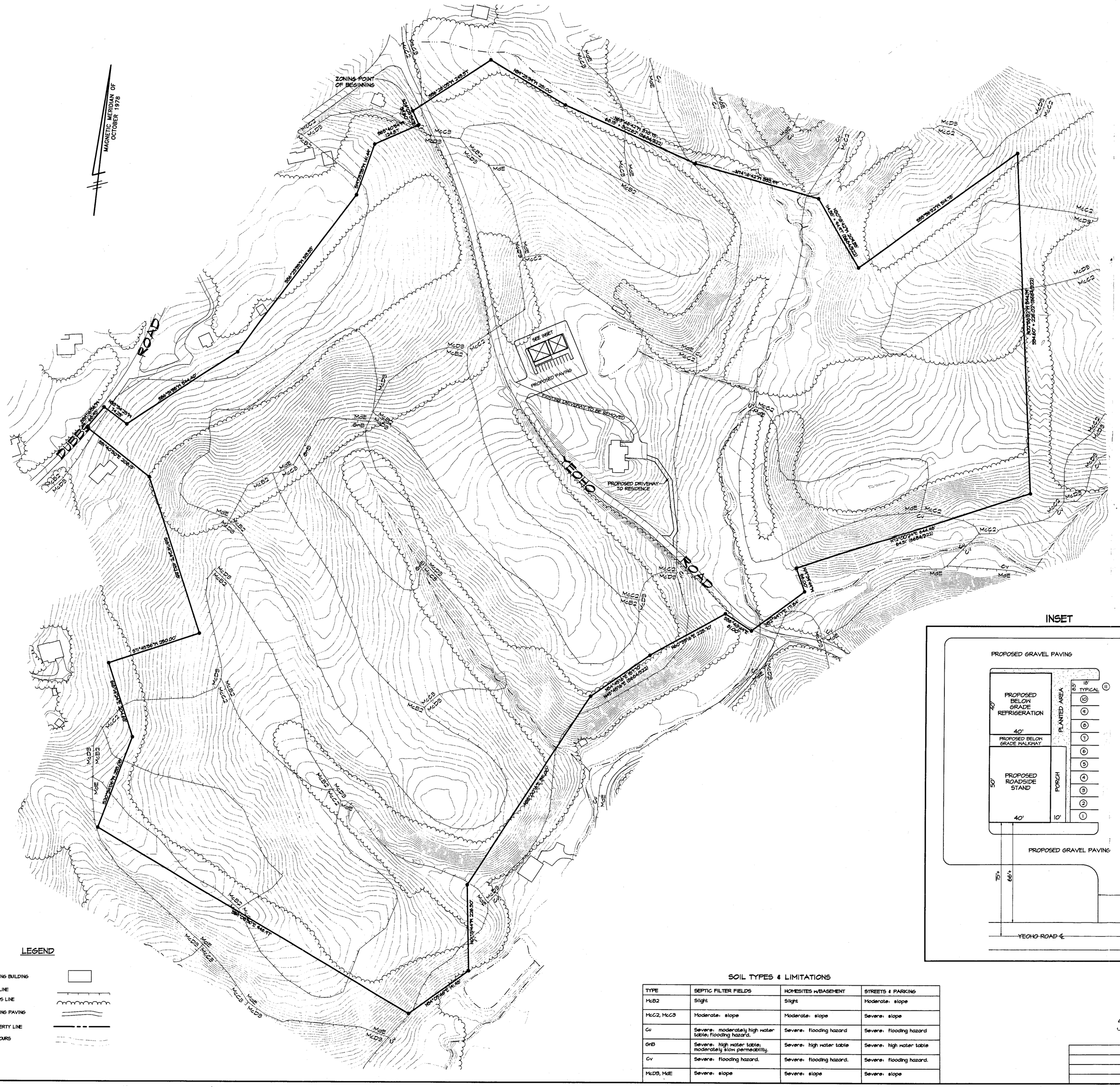


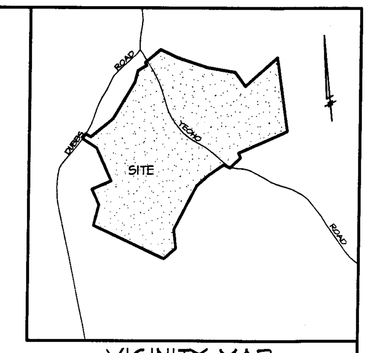
ZONING MAP

GIS TILES: 21A3, 27A1

SCALE: 1"=200'

#314





VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY LEO N. RADER.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 21A3, 27A1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 12.
4. CENSUS TRACT 408.000 REGIONAL PLANNING DISTRICT 302
   WATERSHED LOCH RAVEN SUBDIVERSHED NONE
   SCHOOL DISTRICT: ELEMENTARY - FIFTH DISTRICT E.S.; MIDDLE - HEREFORD M.S.; HIGH - HEREFORD H.S.
   A.D.C. MAP & GRID 5 G8
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

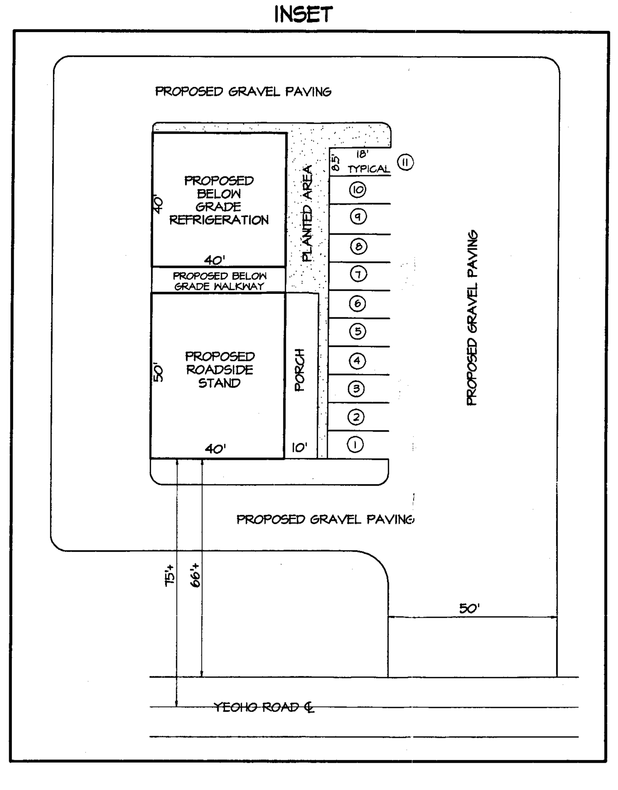
PARKING CALCULATIONS

MINIMUM NUMBER OF PARKING SPACES REQUIRED 3 PER 1,000 SQ. FT.
TOTAL SQUARE FOOTAGE IS 3,600
TOTAL PARKING SPACES REQUIRED = 11
PARKING SPACES PROVIDED = 11

SPECIAL HEARING REQUESTED

IN RESPONSE TO AN OWNER WITHIN 1,000 FEET FILING A FORMAL REQUEST FOR A PUBLIC HEARING WITH THE ZONING COMMISSIONER PER SECTION 424.4.A.3 OF THE B.C.Z.R.

INSET



OWNER\DEVELOPER

DAVID RONALD SMITH
LILLY MARCELLE SMITH
16701 YEOHO ROAD
SPARKS, MD 21152

#314

LEGEND

EXISTING BUILDING
SOIL LINE
WOODS LINE
EXISTING PAVING
PROPERTY LINE
CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
McB2	Slight	Slight	Moderate: slope
McC2, McC3	Moderate: slope	Moderate: slope	Severe: slope
Cu	Severe: moderately high water table; flooding hazard.	Severe: flooding hazard	Severe: flooding hazard
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
Cv	Severe: flooding hazard.	Severe: flooding hazard.	Severe: flooding hazard.
McD3, McE	Severe: slope	Severe: slope	Severe: slope

STATE OF MARYLAND
RONALD KENT SMITH
No. 21781
PROFESSIONAL LAND SURVEYOR
1/8/07

REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED:	FILE:X:\SMITH - YEOHO\ZONING PLAT.pwp

PLAN TO ACCOMPANY A SPECIAL HEARING

SMITH PROPERTY

YEOHO ROAD
Deed Ref: S.M. No. 8684 folio 322
Tax Account No.: 19-00-002612
Zoned R.C. 2; GIS Tile 21A3, 27A1
Tax Map 21; Grid 19; Parcel 178
5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: JANUARY 2, 2007

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

MAGNETIC MERIDIAN OF OCTOBER 1978
ZONING POINT OF BEGINNING
YEOHO ROAD
SEE INSET
PROPOSED PAVING
EXISTING DRIVEWAY TO BE REMOVED
PROPOSED DRIVEWAY TO RESIDENCE
N19°20'24"E 644.40'
S11°45'56"W 250.00'
N19°20'24"E 117.84'
N19°20'24"E 1,320.30'
S89°38'32"W 594.78'
S89°28'05"W 246.51'
S89°40'24"W 124.51'
S17°28'34"W 144.44'
S89°28'05"W 245.25'
S89°38'32"W 594.40'
N19°20'24"E 1,320.30'
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S89°40'24"E 8.00'
N19°20'24"E 228.10'
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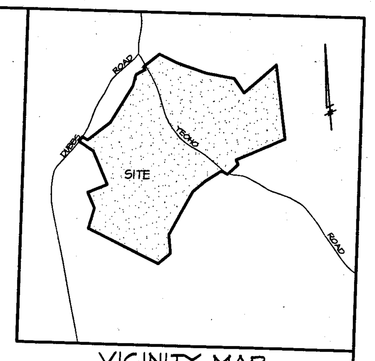

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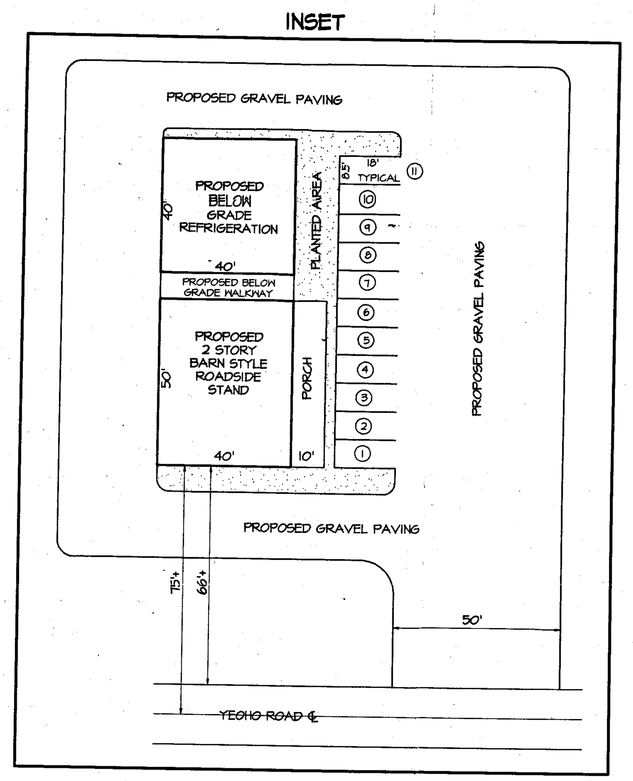
STATE OF MARYLAND
BRUCE EDWIN GERHOLD
No. 10001
REGISTERED PROPERTY LINE SURVEYOR
2/12/07

INSET



OWNER\DEVELOPER

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SPARKS, MD 21152

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EXISTING BUILDING
SOIL LINE
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Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

07-314-SPH

REVISION	DATE
HEARING REQUEST REVISIONS PER ATTORNEY	2/12/07

COMPUTED: DRAWN: SMH CHECKED: FILE:X:\SMITH - YEOHO\ZONING PLAT.prp

Case No.: 07-314-SPH 16701 Yeoho Rd

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	REVISED SITE PLAN	REPRESENTATION OF REFRIGERATED DELIVERY TRUCK
No. 2	PHOTO OF FARM	Petition in Opposition
No. 3	GOOGLE Earth Satelite Photo OF FARM	Attachment to Variance approval from DEARM (Petitioners Exhibit 14) re - Condition # 3
No. 4 4A - 4B -	PHOTO OF BARN AS AN EXEMPLAR OF WHAT IS BEING PROPOSED	interoffice correspondence from Glen Shaffer to David Lykens dated 11/7/07
No. 5	2006 SALES DATA (Farmers Road side Stand)	LETTERS IN OPPOSITION (18)
No. 6	4 Photo's - Workshop Storage area - all Equipment Unable to be Moved	
No. 7	3 Photo's - Shows Refrigeration Equipment to be Stored in Barn Bldg	
No. 8	Baltimore County Agriculture Advisory Board	
No. 9	PHOTOGRAPHS - BANK BARNES - ONE ON LEFT IS THE TYPE FAVORED	
No. 10	ELEVATION PREPARED BY PETITIONER	
No. 11	DELIVERY TRUCK USED BY FARM	
No. 12	PHOTO'S OF FARM AND SITING LOCATION OF FARM STAND	

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 4, 2006

David R. Smith
16701 Yeoho Road
Sparks, MD 21152

Dear Mr. Smith:

RE: Demand for Public Hearing, Farmer's Roadside Stand

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand submitted on December 4, 2006 for a public hearing concerning the above-proposed procedure. I regret to inform you that we are withholding approval of your Use Permit because if has been superseded by said demand for a public hearing, pursuant to Section 424.4.A.3 of the Baltimore County Zoning Regulations (BCZR).

If you wish to proceed with your request, you must file for a zoning Special Hearing (public hearing) without delay. The filing fee for the Special Hearing is $65.00. There is also a requirement the hearing be advertised for which you will be billed late by Paruxent Publishing. The property must be reposted with the hearing date, time, and location. I am enclosing the filing procedure, including the required forms and checklist, and when completed, you should call 410-887-3391 for an appointment to file your petition. A revised scaled site plan must be submitted, in accordance with the checklist.

If you decide to withdraw your request, please notify us in writing within 30 days using the above captioned reference so that the Use Permit file can be closed. If you need any further explanation or additional information, please feel free to contact the Baltimore County Office of Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:amf

C: Luke Steckel 16619 Dubbs Road Sparks 21152
Vicki Mermelstein 16803 Yeoho Road Sparks 21152
Nicol and Mike O'Connor 16606 Dubbs Road Sparks 21152
Jennifer and Jimmy Fortier 16817 Yeoho Road Sparks 21152
Mary and Lance Trifillis 16801 Yeoho Road Sparks 21152
Bob Franklin 16604 Dubbs Road Sparks 21152
Sam Witzberry ~~16603 Dubbs Road Sparks 21152~~ 16803 Yeoho
Resident 16703 Yeoho Road Sparks 21152
Wesson H. Miller, Jr. 16730 Dubbs Road Sparks 21152
Jack and Beckie Gurley 16813 Yeoho Road Sparks 21152
Charles and Beth Brooks 16554 Yeoho Road Sparks 21152
Russ Clark 16819 Yeoho Road Sparks 21152

BALTIMORE COUNTY

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FRS # 448193

Accepting Planner - Print Name LLOYD T. HOXLEY

APPLICATION FOR A USE PERMIT, PUBLIC HEARING REQUEST AND USE PERMIT IF NO PUBLIC HEARING IS REQUESTED FOR A FARMER'S ROADSIDE STAND

APPLICATION TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT:

I, or we, DAVID R. SMITH owner(s) of the farmer's roadside stand proposed in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Subsection 404.4.C of the Baltimore County Zoning Regulations (BCZR), to determine whether or not the Director of Permits and Development Management should issue a sue permit. Said use permit is necessitated to permit the use of land on a producing farm for a farmer's roadside stand to meet the regulations of Subsection 404.4.C. (BCZR) and the attached affidavit.

Property is to be posted and I, or we, agree to pay expenses of processing and posting upon filing of this request, additional public hearing and reposting fees if I decide to proceed after a Protestant's public hearing request and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

DAVID R. SMITH
Farmer's Roadside Stand Owner (type or print name)

10/30/06
Date

Farmer's Roadside Stand Owner(s) Signature(s)

16701 YEOHO Rd, SPARKS, MD 21152
Address (print or type) Zip
Phone # Work - 410-472-0738
Home 410-472-0738

Legal Property Owner of Producing Farm Information:

DAVID R. SMITH
Name (type or print)

16701 YEOHO Rd, SPARKS, MD 21152
Address (type or print) Zip
Phone # Work - 410-472-0738
Home 410-472-0738

PUBLIC HEARING REQUEST

I, or we, LUKE STECKEL REPRESENTING ATTACHED LIST OF NAMES request that the proposed use permit be the subject of a public hearing as provided for in Section 404.4.C of the zoning regulations. I also agree to pay the current established processing fee for this public hearing request.

LUKE STECKEL 12/4/06
Date

Protestant's Signature

16619 DUBBS Rd SPARKS MD 21152
Address (type or print) Zip
Phone # Work - 410 375 3292
Home 410 472 0442

25486

USE PERMIT

Pursuant to the posting of the property, in accordance with Section 404.4.C. (BCZR), and in the absence of a formal public hearing request, this ___ day of _____, 19__, that the herein described USE PERMIT FOR A FARMER'S ROADSIDE STAND is in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the use WILL NOT be detrimental to the health, safety, and general welfare of the surrounding community, subject to the following conditions precedent, if any, as determined appropriate by the Department of Permits and Development Management, and in accordance with the site plan dated _____, application, affidavit, and description filed by the petitioner, is hereby _____ (subject to strict compliance with all of the provisions of the BCZR and any of the following site specific restrictions, which are conditions precedent to the granting of the use permit).

Director, Department of Permits and Development Management
By: _____

Revised 3/5/98 - SCJ

Farmer's Roadside Stand Use Permit # FRS 448193

FARMER'S ROADSIDE STAND OWNER'S AFFIDAVIT

1. That DAVID R. SMITH (name), owner(s) of the roadside stand, (is/are) a local agricultural producer or spouse, sibling, or parents of the local agricultural producer on 61.61 acres at 16701 YEOHO RD SPARKS MD 21152 (location(s)) (Use an additional sheet, if necessary.).

2. That the proposed farmer's roadside stand will be located on a producing farm located at 16701 YEOHO RD, SPARKS, MD 21152.

3. A minimum of 50% of the produce sold will be produced on the properties indicated in Item #1 above or on farms adjacent to where the stand is located. The remainder of crops sold will be indigenous (e.g., produce which can be grown in the Maryland area under natural conditions, without the help of environmental-controlled structures).

4. That up-to-date receipts for seed, transplants, fertilizer, lease agreements, and other dated production related records will be maintained the submitted upon request to Baltimore County to validate the production of 50% of the crops sold.

5. That, upon request, Baltimore County will be permitted to inspect the production and sales facilities and review production-related records associated with this property.

6. With regard to the approval of this use, it is understood that this use cannot be transferred to another party who does not qualify according to the rules and regulations governing this use.

7. That if the owner of the farmer's roadside stand is not the owner of the producing farm property where the stand is located, permission from the land owner to operate the stand will be secured and maintained. A copy of this permission shall be attached hereto.

Agricultural Producer (Signature)

DAVID R. SMITH
Agricultural Producer (Print Name)

16701 YEOHO RD, SPARKS, MD 21152
Address

410-472-0738
Telephone Number

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

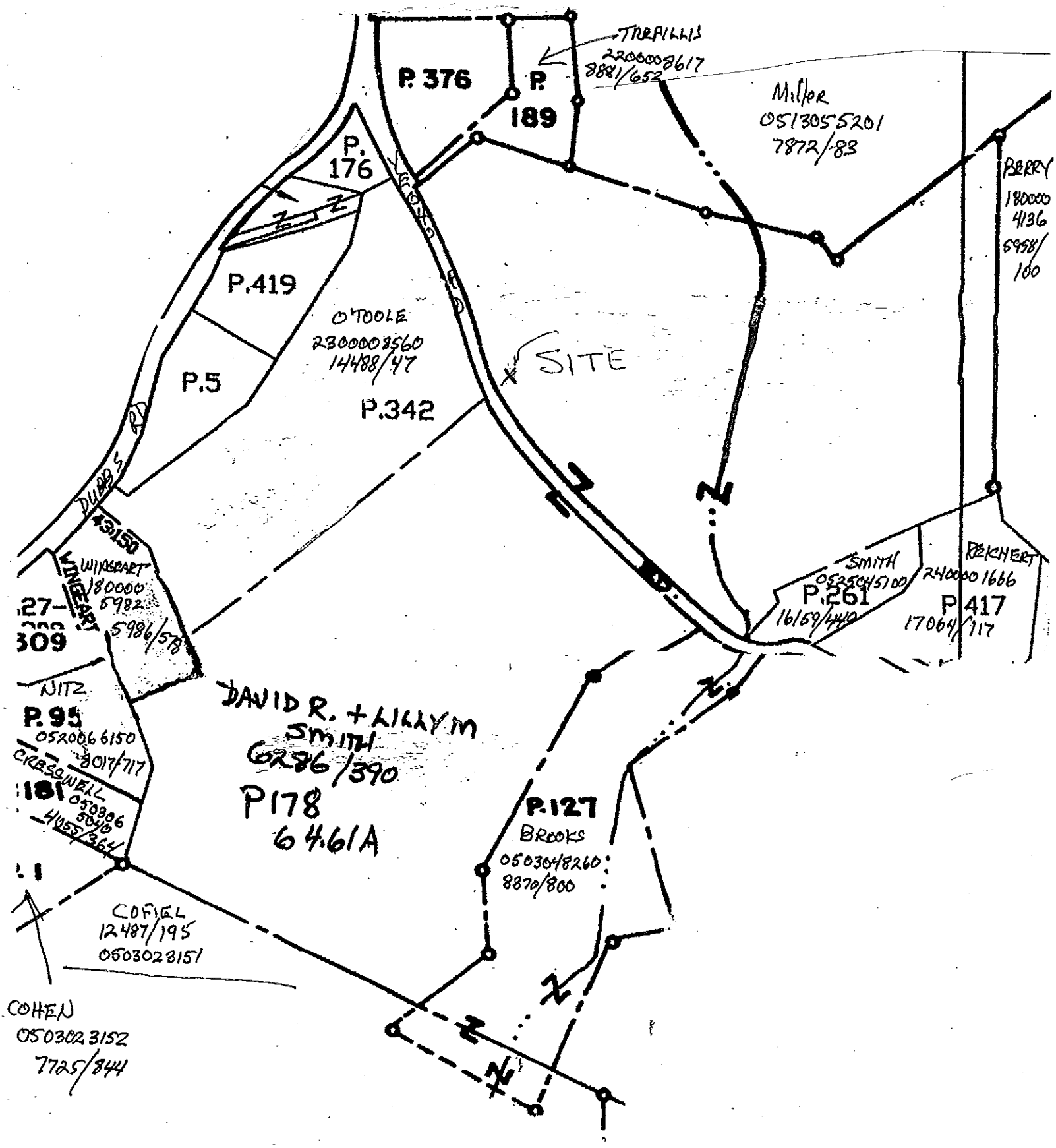
I HEREBY CERTIFY that on this 30th day of October, ~~19~~ 2006, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared David R Smith, having been duly sworn. AS WITNESS my hand and Notary Seal the day and year first above written.

Matthew S. Manger
NOTARY PUBLIC
Baltimore County
State of Maryland
My Commission Expires
August 23, 2010

Notary Public, Matthew Manger

August 23, 2010
Commission Expires

Revised 3/5/98 - SCJ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Miller
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BERRY
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P. 176
P.419
P.5
O'TOOLE
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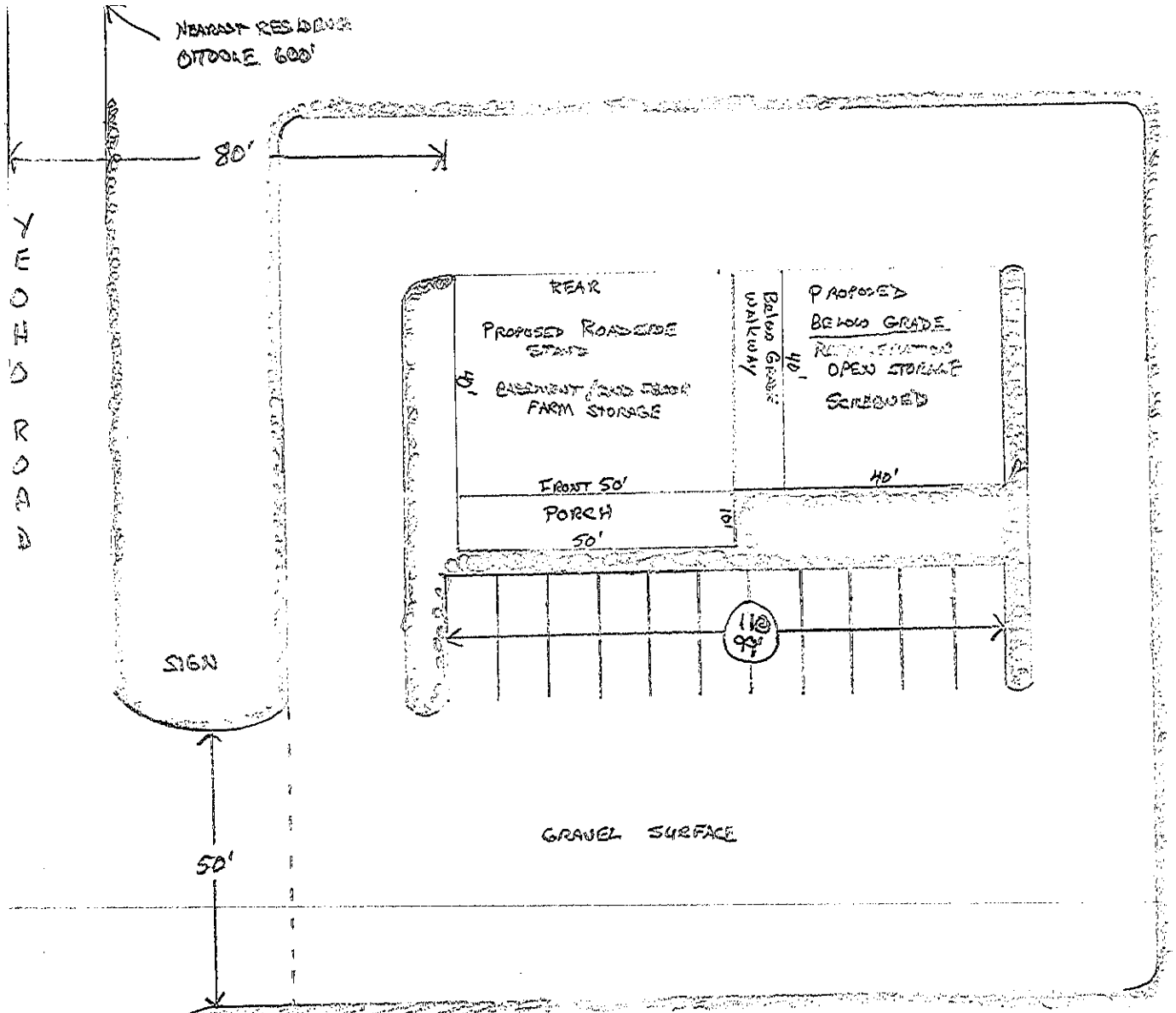
14488/47
P.342
SITE
DILLARD'S RD
43150
WINKBART
180000
5982
5986/58
SMITH
0525045100
P.261
16159/440
REICHERT
2400001666
P.417
17064/717
NITZ
P.95
0520066150
8017/717
CRESSWELL
050306
5040
4055/364
DAVID R. + LILLY M
SMITH
6286/390
P178
64.61A
P.127
BROOKS
0503048260
8870/800
COFIGL
12487/195
0503023151
COHEN
0503023152
7725/844

Baltimore County - My Neighborhood

>



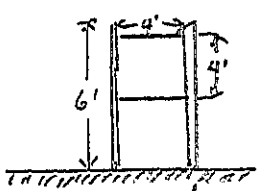
16701 YEOHO RD
SPARKS 21152

PROPERTY ZONED RC-2
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
PROPERTY 64 ACRES GROSS AREA
Scale: 1" = 30'

SEE ACCOMPANYING SITE MAP

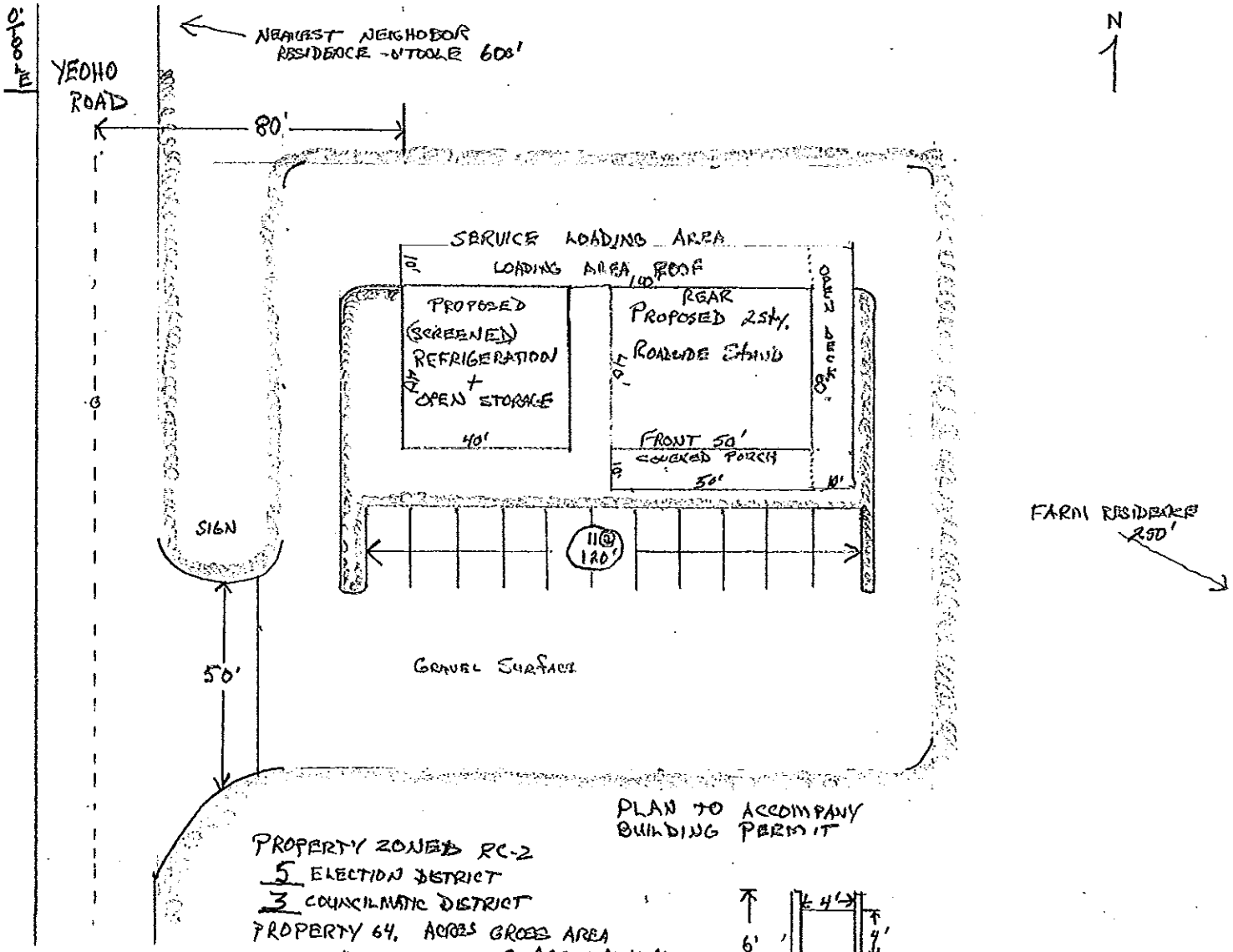
= OPEN SPACE

PARKING DATA: RETAIL USE
STAND: 2,000 SQ. FT.
5 SPACES FOR EACH 1000 SQ FT
2.0 X 5 = 10 SPACES REQUIRED
11 SPACES SHOWN
TYPICAL SPACE SIZE: 9.0 X 18
PAVING: MACADAM 50-60' OFF CENTER LINE; REMAINDER: GRAVEL



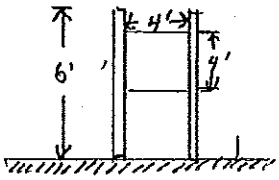
PROPOSED SIGN
16 SQ FT PER SIDE
32 SQ FT TOTAL

RESIDENCE
250'



PLAN TO ACCOMPANY BUILDING PERMIT

PROPERTY ZONED RC-2
5 ELECTION DISTRICT
3 COUNCILMANIC DISTRICT
PROPERTY 64. ACRES GROSS AREA
SCALE : 1" = 40'
SEE ACCOMPANYING SITE MAP
OPEN SPACE



PROPOSED SIGN
16 SQ. FT. PER SIDE
32 SQ. FT TOTAL

PARKING DATA - RETAIL USE
BLDG.: 2,000 SQ. FT.
5 SPACES FOR EACH 1,000 SQ. FT.
2.0 X 5 :
10 SPACES REQUIRED
11 SPACES SHOWN
TYPICAL SPACE: SIZE 9.0 X 18
PAVING TYPE: MACADAM 40' OFF CENTER LINE; GRAVEL REMAINDER

NO PRIOR ZONING HEARINGS
NO STRUCTURES W/IN 200'

16701 YEOHO RD
SPARKS, MD 21152

CERTIFICATE OF POSTING

Date: 11/7/06

RE: Case Number: FRS #448193

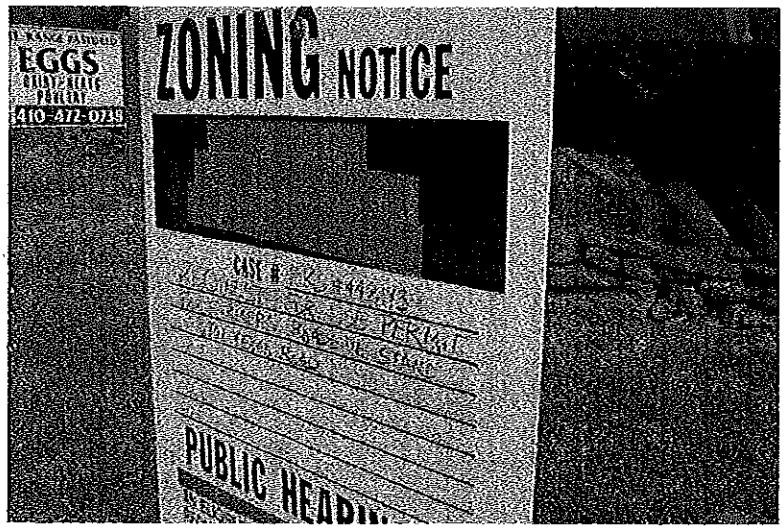
Petitioner/Developer: David Smith

Date of Hearing/Closing: 12/11/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 16701 YEOHO RD

The sign(s) were posted on 11/7/06
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)



J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 OLD BARN RD
(Street Address of Sign Poster)

PARKTON, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

FRS # 498193

BALTIMORE COUNTY PERMITS AND DEVELOPMENT MANAGEMENT
111 West Chesapeake Avenue
Towson, MD 21204

SCHEDULED DATES AND CERTIFICATE OF FILING AND POSTING FOR A USE PERMIT FOR A FARMER'S ROADSIDE STAND

The application for your proposed use permit has been reviewed and is accepted for filing by LLOYD T. MOXLEY on 10/30/06.
Planner's Name (printed) Date ("A")

A sign indicating the proposed use permit must be posted on the property for thirty (30) days before a decision can be rendered. The processing fee for the use permit is $40.00. You must use one of the sign posters on the approved list (on the reverse side of this form) and you are responsible for all printing/posting costs. The zoning notice must be visible on the property on or before the posting date noted. It should remain there through the closing date.

In the absence of a formal demand for a public hearing during the 30-day posting period, a decision can be expected within approximately six weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing (for which additional fees are required).

* SUGGESTED POSTING DATE 11/11/06 **"D"** (30 days before **"C"**)

DATE POSTED _____

HEARING REQUESTED - YES ___ NO ___ _____ (date)

CLOSING DATE (Last day for hearing demand) 12/11/06 **"C"** (**"B"** - 3 work days)

TENTATIVE DECISION DATE 12/14/06 **"B"** (**"A"** + 45 days)

* Usually Within 15 Days of Filing

CERTIFICATE OF POSTING

Location of Property: _____

District: _____

Posted By: _____ Date: _____

Revised 3/5/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448193

DATE 10/30/06 ACCOUNT R001 006 6150

AMOUNT $ 50.00

RECEIVED FROM: DAVID SMITH

FOR: FARMERS ROADSIDE STAND

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
10/31/2006	10/30/2006	14:50:22	1

REG WS01 WALKIN JRIU JWR
>>RECEIPT # 307741 10/30/2006 OFLN
Rept 5 528 ZONING VERIFICATION
CR NO. 448193
Recpt Tot $50.00
$.00 CK $50.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22988

DATE 12/4/06 ACCOUNT R001-006-6150

AMOUNT $ 50.00

RECEIVED FROM: Luke Stekler

FOR: Request for Public Hearing
regarding FRS @ 1701 Trotter Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
12/05/2006	12/04/2006	12:39:54	4

REG WS06 WALKIN KRCM KGH
>>RECEIPT # 532063 12/04/2006 OFLN
Rept 5 528 ZONING VERIFICATION
CR NO. 022988
Recpt Tot $50.00
$.00 CK $50.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

IMPORTANT MESSAGE

FOR LLOYD

DATE 11/27 TIME 1:45 A.M. P.M.

M Russ Clark

OF

PHONE 410-472-0408
AREA CODE NUMBER EXTENSION

☐ FAX

☐ MOBILE
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		WILL FAX TO YOU	

MESSAGE
has objections to
16701 Yeoho Road
(Farmer Roadside stand)
wants more info.

SIGNED

TOPS FORM 4009 MADE IN U.S.A.

Ed Park Rd
, MD 21120

BALTIMORE MD 212
08 NOV 2006PM 8 T

United Way

Balto Co PADM
111 W. Chesapeake Ave
Towson, MD
21204

ATTN: Lloyd Moxley

21204446 15

Lloyd,
Carl approved the letter - please print & mailed to petitioner and all CC's.

Springfield Farm

Naturally Better

December 29, 2006

Mr. W. Carl Richards, Jr
Supervisor, Zoning Review
County Office Building
111 W. Chesapeake Ave – Rm 111
Towson, Md 21204

Via Fx: 410-887-3048

Dear Sir:

Reference Demand for Public Hearing, Farmer's Roadside Stand, dated December 4, 2006 addressed to the undersigned.

I have engaged legal counsel as well as the services of a surveyor to prepare filing data for referenced public hearing. Separate contact will be made to schedule said filing.

Sincerely,

(sent electronically)
David R. Smith

CC: Lawrence E. Schmidt, Esq.
Bruce E. Doak, Surveyor

Operated by The Farm, Ltd.
16701 Yeoho Rd, Sparks, MD 21152
Tp: (410) 472-0738 - Fax: (443) 269-0208
www.OurSpringfieldFarm.com

We the undersigned give Luke Steckel permission to add our names to our request for a public hearing pursuant to application # 448193 "Farm stand".

Vicki Mermelstein
16503 Yeoho Rd
Sparks, MD 21152

Wesson H. Miller, Jr.
16730 Dubbs Rd
Sparks, MD 21152

Nicol + Mike O'Connor
16606 Dubbs Rd
Sparks MD 21152

Jill + Angela Sneed
16619 Dubbs Rd.
Sparks, MD 21152

Jennifer + Jimmy Fortier
16817 Yeoho Rd
Sparks, MD 21152

Jack and Beckie Gurley
16813 Yeoho Rd
Sparks, MD 21152

Mary and Lance Trifillis
16801 Yeoho Rd.
Sparks, MD 21152

Charles & Beth Brooks
16554 Yeoho Rd
Sparks MD 21152
410 771 4499

Bob Franklin
16604 Dubbs Rd.
Sparks, MD 21152

Ross Clark
16819 Yeoho Road
Sparks, MD 21152
410 472 0408

Sam Nitzberg
16803 Yeoho Rd
Sparks MD 21152

16704 Yeoho Rd
Sparks Md 21152