

IN RE: PETITION FOR VARIANCE

W side Wards Chapel Road, 1320 feet
SW from Reisberg Road
2nd Election District
2nd Councilmanic District
(3814 Wards Chapel Road)

Marilyn Lenz
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2009-0010-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Marilyn Lenz. Petitioner is requesting variance relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow eight small livestock on 3.35 acres in lieu of the required 4 acres. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Marilyn Lenz and her attorney, A. Jalyann Almond, Esquire. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular-shaped and contains approximately 3.35 acres of land, more or less, zoned R.C.2. The property is located on the west side of Wards Chapel Road, south of Liberty Road and north of Marriotsville Road, in the Marriotsville area of Baltimore County -- not far from the Baltimore County-Carroll County line. Access to the property off Wards Chapel Road is by way of a long macadam driveway that meanders across the property, through sloped terrain and around an existing pond. As shown on the site plan, the property is improved with a two-story dwelling, an in-ground pool, and a shed

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10-6-08

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and paddock area situated at the northwest corner of the property. Closer to the center of the property is a 1½-story stable. As also shown on the site plan, the in-ground pool and paddock areas are fenced-in and overall, the majority of the property is also surrounded by wood fencing.

Petitioner explained that she has always had an avid interest in animals and was looking for a farm with the land, fencing, and configuration for her to keep horses, ponies, and other similar animals. To that end, Petitioner purchased the subject property last year and has been living there ever since. Petitioner desires to keep three miniature horses, three ponies, and two alpacas on the land. Section 100.6 of the B.C.Z.R. requires small livestock to be kept at a rate of two animals for each acre of grazing or pasture land, with a minimum of three acres. As such, in order to keep the small livestock requested by Petitioner, she would need at least four acres for the eight animals. Petitioner has 3.35 acres, with a little more than three fenced-in acres available for grazing or pasture. As a result, Petitioner is requesting a variance from the minimum 4 acre requirement.

In support of the variance request, Petitioner's attorney, Ms. Almond, proffered the testimony and evidence. She discussed the differences between traditional horses and ponies, and their relationship to miniature horses. In addition, she submitted a copy of Chapter One from the book entitled, *Understanding the Pony: Your Guide to Horse Health Care and Management* by Karen Briggs, which delineates and explains the distinguishing characteristics of these animals. This document was marked and accepted into evidence as Petitioner's Exhibit 2. The book explains that the main difference between horses and ponies is that horses are the result of hundreds of years of selective breeding for greater speed, strength, and height, but with the sacrifice of losing their natural hardiness, disease resistance, and instincts that helped them survive in the wild. In contrast, most pony breeds have been forced to evolve in more

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[Signature]

inhospitable conditions, thereby allowing ponies to retain qualities -- thick, shaggy manes and tails, heavier winter coats, hard hooves, more compact size, and proportionately shorter legs and a wider barrel and back -- to help in their survival over the long haul. *See, Petitioner's Exhibit 2.* The book also discusses miniature horses, which is the smallest member of the equine family. Miniature horses are designed with horse proportions, shrunk down to canine size, and are the result of breeding that uses mostly the tiniest offspring of various horse breeds to finally achieve a horse no more than 34 inches tall at the withers (the ridge between the shoulder bones of a horse). Miniature horses are rarely ridden by anyone other than a child, but are more often presented as show animals. *Id.*

As indicated above, Petitioner currently keeps three miniature horses. Marked and accepted into evidence as Petitioner's Exhibits 3A through 3C were the Certificates of Registration for the three miniature horses. These horses range in size from approximately 31 inches tall to 33½ inches tall. The total weight of the three horses is approximately 800 pounds. In addition, Ms. Almond noted that miniature horses are specifically delineated in Section 100.6 of the B.C.Z.R. as permitted small livestock. Photographs of the miniature horses were marked and accepted into evidence as Petitioner's Exhibits 6A through 6C. Petitioner also keeps three ponies on her property. One of the ponies is a foal and currently weighs approximately 400 pounds. He has been gelded and is about a year old and is 50 inches tall. The second pony is a full grown mare. She is eight years old and about 55 inches tall and is a Paso Fino breed. The third pony is also a full grown mare. She is about seven to eight years old and about 52 inches tall and is an Icelandic breed. Ms. Almond again noted that ponies are specifically delineated in Section 100.6 of the B.C.Z.R. as permitted small livestock. Photographs of the ponies were marked and accepted into evidence as Petitioner's Exhibits 6D through 6G.

In addition to the miniature horses and ponies, Petitioner has kept and desires to continue keeping alpacas on her property. Alpaca is a domesticated animal similar to the llama family of domesticated mammals. According to the Alpaca Owners & Breeders Association, Inc. Website, adult alpacas are about 36 inches tall at the withers and generally weigh between 100 and 200 pounds. They are gentle and easy to handle. Alpacas do not have incisors, horns, hooves or claws. They are not noisy and require minimal fencing and can be pastured at 5 to 10 per acre. They also have a community dung area so clean-up is relatively easy. Also according to the Website, alpacas produce one of the world's finest and most luxurious natural fibers. It is clipped from the animal without causing it injury, is as soft as cashmere, is warmer, lighter and stronger than wool, and comes in more colors than any other fiber producing animal. Petitioner indicated that alpaca fur presents a good alternative for people with wool aversions or allergies because the alpaca fur is hypoallergenic.

In further support of the variance requests, Ms. Almond presented a collection of photographs of the subject property. These photographs were marked and accepted into evidence as Petitioner's Exhibits 5A through 5X. As shown in the photographs, the property is characterized topographically by slopes and wooded terrain. A large pond is also located towards the center of the property. The photographs also depict the extensive fencing that surrounds the property and the fencing that surrounds the paddock. Petitioner indicated that the home was built in 1969 and that the 1½-story stable and fencing have existed for some time, predating her purchase of the property. Petitioner also indicated that prior owners kept horses on the property.

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The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Considering of all the testimony and evidence presented, I find, as a threshold issue, that the alpaca is an animal that fits within the category of "small livestock" in Section 100.6 of the B.C.Z.R. I also find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property has a number of characteristics that make it unique, including its size, irregular shape, and sloped terrain. It is also split by a long, curving driveway, as well as by a pond. As shown on the site plan, these characteristics, combined with the fencing that surrounds the property, limit the available areas for grazing and pasture. Hence, I find the property unique in a zoning sense. As it is, based on the grazing habits of miniature horses, ponies, and alpacas indicated by Petitioner, the available area for grazing (over three acres) appears more than sufficient for these animals. I also find that practical difficulty or unreasonable hardship would befall Petitioner if the relief were not granted. Petitioner indicated that at one time, she kept four alpacas and was able to place two of them elsewhere; she believes that attempting to place the remaining two alpacas at another location if the relief is not granted would be very difficult and might result in Petitioner having no choice but to euthanize the animals -- a result that appears to be wholly unnecessary given the moderate size, good temperament, and living habits of the alpacas.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Petitioner pointed out that were she attempting to keep traditional-size horses on her property, according to Section 100.6 of the B.C.Z.R., she could keep up to three

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horses (characterized as "larger livestock"). According to the Maryland Department of Agriculture Website under "Animal Unit Equivalencies," which was marked and accepted into evidence as Petitioner's Exhibit 4, horses average approximately 2,000 pounds to only 100-115 pounds for alpacas. Hence, three horses would weigh approximately 6,000 pounds, while three alpacas would weigh only 300-345 pounds on average. Stated differently, Petitioner is entitled by right to keep the three miniature horses and three ponies. In my view, the addition of two alpacas will have very little, if any, additional impact on the property or the surrounding community. I also believe that granting the requested relief will continue to further the goals of the R.C.2 Zone, which includes fostering conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County. In my view, the raising or keeping of the aforementioned animals constitutes an agricultural use of the property.

Thus, I find that this variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 5th day of October, 2008 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow eight small livestock on 3.35 acres in lieu of the required 4 acres be and is hereby GRANTED. The relief granted herein shall be subject to the following:

STUDY RECEIVED FOR FILE

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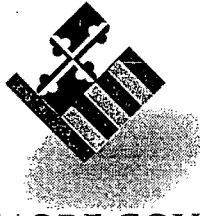
1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is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

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


THOMAS H. BOSFWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

7/10/08 RECEIVED FOR FILING
10-6-08

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 6, 2008

A. JALYNN ALMOND
LAW OFFICES OF A. JALYNN ALMOND
PO BOX 177
WESTMINSTER MD 21158

Re: Petition for Variance
Case No. 2009-0010-A
Property:

Dear Ms. Almond:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Marilyn Lenz, 3814 Wards Chapel Road, Marriottsville MD 21104
Edgar Hubbard, 3818 Wards Chapel Road, Marriottsville MD 21104



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 3814 Wards Chapel Road, Marriottsville, MD 21104
which is presently zoned R.C. 2

Deed Reference: 26058 / 227 Tax Account # 0208801191

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

BCZR 100.6 TO ALLOW 8 SMALL LIVESTOCK ON 3.35 ACRES IN LIEU
OF THE REQUIRED 4 ACRES

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

Strict enforcement of BCZR 100.6 would create a personal hardship for me and would prevent me from using the property for its permitted and preferred purpose, with no discernible benefit to the public health, safety, or general welfare.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

A. Jalynn Almond
Name - Type or Print _____
Signature _____
Law Offices of A. Jalynn Almond
Company _____
P.O. Box 177 (410) 840-3109
Address _____ Telephone No. _____
Westminster MD 21158
City _____ State _____ Zip Code _____

Legal Owner(s):

Marilyn Lenz
Name - Type or Print _____
Signature _____
Name - Type or Print _____

Signature _____
3814 Wards Chapel Road (410) 496-1340
Address _____ Telephone No. _____
Marriottsville MD 21104
City _____ State _____ Zip Code _____

Representative to be Contacted:

A. Jalynn Almond
Name _____
P.O. Box 177 (410) 840-3109
Address _____ Telephone No. _____
Westminster MD 21158
City _____ State _____ Zip Code _____

Case No. 2009-0010-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing 7-14-08 7/26/08 8/4-8/12/08 8/27-9/6/08
Reviewed by CM Date 7-14-08 8/1

REV 8/20/07

10-6-08
m

Zoning Description for property known as
3814 Wards Chapel Road
Marriottsville, Maryland 21104

Beginning at a point on the west side of Wards Chapel Road approximately 30 feet from the centerline of Wards Chapel Road and continuing in a northerly direction for approximately 82.4 feet then NE 58.14 feet, then NE 27.47 feet, then NE 97.03 feet, then NW 42.50 feet, then NW 67.50 feet, said point approximately 1320 feet south/southwest of the centerline of Reisberg Lane, the nearest improved intersecting street which is approximately 12 feet wide.

Then continuing approximately 321 feet northwest to another point, then NW 218 feet, then SW 200 feet, then SE 633.77 feet to the place of beginning.

Said property being further identified as Map 75, Grid 6, Parcel 35 as recorded in Baltimore County Land Records in Liber 26058, Folio 227, and containing 3.354 acres of ground more or less. Said property is located in the 2nd Election District, 4 Councilmanic District.

2009-00107A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18425**

Date: **7-14-0**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/15/2006 7/14/2006 11:33:07

REQ BUS BALTIM MDL DMD
 RECEIPT # 452140 7/14/2006 04:14

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		6150				65.00

Total: **65.00**

Rec From: **A SALYNN ALBERT**

For: **3814 WARD CANTALERO**
VALENTINE 2009-0016-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Certificate of Posting

TB
9/12
10AM

RE: Case NO. 2009-0010-A

Petitioner/Developer _____

Marilyn Lenz

Date of Hearing/Closing 9/12/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

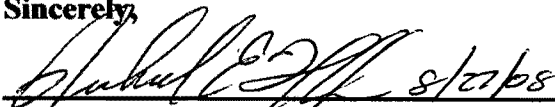
Attention:

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

3814 Wards Chapel Road

The sign(s) were posted on 8/27/08
(Month, Day, Year)

Sincerely,

 8/27/08
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

Certificate of Posting
Photograph Attachment

Re: 2009-0010-A

Petitioner/Developer: _____

Marilyn Lenz

Date of Hearing/Closing: 9/12/08



3814 Wards Chapel Rd.

Posting Date: 8/27/08

Marilyn Lenz 8/27/08
(Signature and date of sign poster)

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: # 2009-0010-A

3814 Wards Chapel Road
W/side of Wards Chapel Road,
1320 feet s/west from Reisberg
Road

2nd Election District

4th Councilmanic District

Legal Owner(s): Marilyn Lenz

Variance: to allow 8 small livestock on 3.35 acres in lieu of the required 4 acres.

Hearing: Friday, September 12, 2008 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

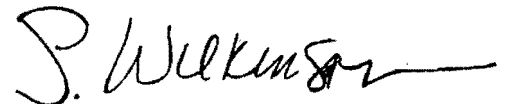
8/29/08 Aug 28 181924

CERTIFICATE OF PUBLICATION

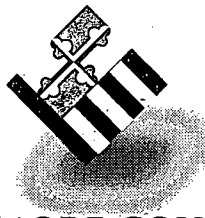
8/28/, 2008

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 8/28/, 2008.

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



LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 6, 2008
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: 2009-0010-A

3814 Wards Chapel Road

W/side of Wards Chapel Road, 1320 feet s/west from Reisberg Road

2nd Election District – 2nd Councilmanic District

Legal Owners: Marilyn Lenz *ML*

Variance to allow 8 small livestock on 3.35 acres in lieu of the required 4 acres.

Hearing: Friday, September 12, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: A. Jalynn Almond, P.O. Box 177, Westminster 21158
Marilyn Lenz, 3814 Wards Chapel Road, Marriottsville 21104

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 28, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 28, 2008 Issue - Jeffersonian

Please forward billing to:

Marilyn Lenz
3814 Wards Chapel Road
Marriottsville, MD 21104

410-496-1340

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: 2009-0010-A

3814 Wards Chapel Road

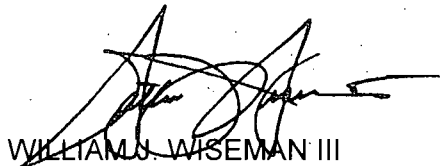
W/side of Wards Chapel Road, 1320 feet s/west from Reisberg Road

2nd Election District – 2nd Councilmanic District

Legal Owners: Marilyn Lenz *ML*

Variance to allow 8 small livestock on 3.35 acres in lieu of the required 4 acres.

Hearing: Friday, September 12, 2008 at 10:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake 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.

** Noted
Jeffersonian
for publishing*

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: 2009-0010-4

Petitioner: MARILYN LENZ

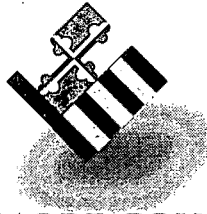
Address or Location: 3814 WARDS CHAPEL ROAD MARRIOTTVILLE, MD 21104

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARILYN LENZ

Address: 3814 WARDS CHAPEL ROAD
MARRIOTTVILLE MD 21104

Telephone Number: 4104961340



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 4, 2008

A. Jalynn Almond
Law Office of A. Jalynn Almond
P.O. Box 177
Westminster, MD 21158

Dear: A. Jalynn Almond

RE: Case Number 2009-0010-A, 3814 Wards Chapel Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Marilyn Lenz, 3814 Wards chapel Rd., Marriottsville, MD 21104

TB 9/12
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2008

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

RECEIVED
AUG 18 2008

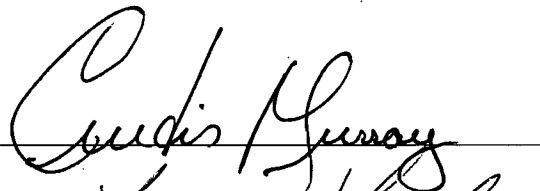
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-010- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

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

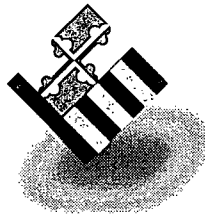
SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item Nos. 2008-0588, 2009-0001, 0002, 0004,
0005, 0006, 0007, 0008, 0009, and 0010

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

DAK:CEN:lrk

cc: File

ZAC-07282008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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.

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

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

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
3814 Wards Chapel Road; W/S Wards Chapel *
Rd, 1320' SW Reisberg Road * ZONING COMMISSIONER
2nd Election & 2nd Councilmanic Districts *
Legal Owner(s): Marilyn Lenz * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-010-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUL 30 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to A. Jalyann Almond, Esquire, P.O. Box 177, Westminster, MD 21158, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 3814 Woods Chapel Rd
CASE NUMBER 2009-0010-A
DATE 12 Sep 2008

[illegible]

SEND COPY OF ORDER TO: EDGAR HUBBARD, 3818 WARDS CHAPEL
ROAD, MARRIOTTSVILLE MD 21104

Case No.: 2009-0010-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Definitions of ponies and miniature horses	
No. 3	reg. certificates for miniature horses	
No. 4	Animal Unit Equivalencies	
No. 5 A-X	photos of site	
No. 6 A-G	photos of animals	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ORSE HEALTH CARE

THEE PONY

YOUR GUIDE TO HORSE HEALTH CARE AND MANAGEMENT

There is more to a pony than a small horse wrapped in a cute package. Ponies differ from their larger counterparts in a variety of ways, from dietary and health considerations to behavior.

In *Understanding the Pony*, author Karen Briggs covers the essentials every pony owner needs to know. Topics include choosing the right pony, nutrition, and pony psychology. Diseases and conditions common to ponies are discussed, along with maintaining a pony's health. Briggs outlines how ponies are used — for jumping, driving, and other disciplines. She also covers the various pony breeds, from Shetlands to Continentals.

Briggs has written a previous Horse Health Care library book, *Understanding Equine Nutrition*. She is a lifelong equestrian and longtime pony enthusiast.



THEE PONY: YOUR GUIDE TO HORSE HEALTH CARE AND MANAGEMENT

www.horsebooks.com

\$1495

THEE PONY



YOUR GUIDE TO HORSE HEALTH CARE AND MANAGEMENT

By Karen Briggs

PETITIONER'S

EXHIBIT NO.

2

Temporary Certificate of Registration

The American Miniature Horse Association, Inc.

This certificate is valid until 04/29/2008 unless horse exceeds 34 inches in height.
Registration will be revoked six months after said date if application
is not made for permanent status.

Grandsire: HSF HILLTOPS WHIPPOORWILL

Registry & No. A 45277

Height: 32.500

DNA TESTED

Sire: WALBON STRIKE EM OUT

Registry & No. A 96795

Height: 31.750

DNA TESTED

Granddam: GYPSY MAGIC BUNTERS STRIKE A POSE

Registry & No. A 53426

Height: 32.000

Name: LITTLE CHAMPAGNE CHARLIE

Registry No. A 147292

Sex: STALLION

Foaled: 04/29/2003

Color & Markings CHAMPAGNE

Breeder: KYM M CATANEO

Country: USA

Grandsire: BOND WHIFFIN POOF

Registry & No. A 20580

Height: 28.500

BLOOD TYPED

Dam: VALHALLA FARMS JUST A MIRAGE

Registry & No. A 61267

Height: 33.500

Granddam: KOBECKS SUGAR SMACK

Registry & No. A 41698

Height: 34.000

PETITIONER'S

EXHIBIT NO.

3A-C

Given under my hand and seal at Alvarado, Texas,
this day of January 12, 2004.

Nanda Jean Litten
Registrar

Ownership Record: (For Office Use-Only)

04/29/2003 A 147292 KYM M CATANEO
ORIGINAL REGISTERED OWNER
09/13/2003 A 147292 MARILYN LENZ
OWNERSHIP TRANSFER

ID 68955
01/09/2004 *Handwritten Signature*
ID 77940
01/09/2004 *Handwritten Signature*



The American Miniature Horse
Association, Inc.
5601 S Interstate 35W
Alvarado, Texas 76009
(817) 783-5600

This certificate is the property of The American Miniature Horse Association, Inc., and it reserves the right to correct any information submitted to conform to Registry records. Alteration of any information entered thereon except by the AMHA Registrar will render this certificate invalid.

To transfer ownership of this animal, a completed transfer form must be submitted with this certificate to the AMHA Office along with the appropriate fee and four (4) current color photographs.

Upon the death of this animal, the registration certificate shall be returned to the AMHA Office for official recording. Certificate may be returned to the owner of record if so requested.

If at any time it is determined that this horse has exceeded 34 inches in height, this certificate will be void on the records of the Registry, without refund or fee.

APPLICATION FOR PERMANENT REGISTRATION

Complete this section and send this Temporary Certificate, four (4) current color photographs according to AMHA requirements (showing all markings) and the prescribed fee to AMHA.

I hereby certify that _____ was measured according to AMHA regulations and found to be _____ inches in height. I further certify that to the best of my knowledge the horse is mature (60 months of age or older). In signing this statement I accept responsibility for the information submitted and understand any misrepresentation on my part will render this certificate null and void and will be subject to penalty and/or suspension.

Date

Signature of owner



Certificate of Registration

The American Miniature Horse Association, Inc.

Name: <u>LIL BITY RANCHS POCOHONTAS</u>	
Registry No. <u>A 107372</u>	Height: <u>31.000</u>
Sex: <u>MARE</u>	Foaled: <u>04/19/1999</u>
Color & Markings <u>SORREL PINTO</u>	
Breeder: <u>LOIS ANN SWART</u>	
Country: <u>USA</u>	

Sire: MOUNTAINDALES BOLD DESTINY

Registry & No. A 62469

Height: 29.000

DNA TESTED

Grandsire: FREEDOM HILL FARMS MOONSTRUCK

Registry & No. A 28748

Height: 29.500

DNA TESTED

Granddam: LUCKY FOUR SNOWMANS UPTOWN GIRL

Registry & No. A 37182

Height: 30.250

DNA TESTED

Grandsire: KOMOKOS FROSTY BOSS

Registry & No. A 15992

Height: 28.250

Dam: MOUNTAINDALES DOWNTOWN DREAM

Registry & No. A 53794

Height: 29.000

Granddam: LUCKY FOUR SNOWMANS UPTOWN GIRL

Registry & No. A 37182

Height: 30.250

DNA TESTED

Given under my hand and seal at Alvarado, Texas,
this day of December 08, 2004.

Wanda Jean Litten
Registrar

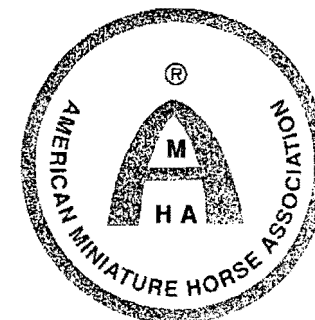
3B

Ownership Record: (For Office Use-Only)

04/19/1999 A 107372	BILL ROBINSON	ID 51497	<i>Handwritten Signature</i>
ORIGINAL REGISTERED OWNER OR CAROLINE ROBINSON		12/30/1999	
08/13/1999 A 107372	BETH A. GRAVELY	ID 53979	<i>Handwritten Signature</i>
OWNERSHIP TRANSFER	LIL BITY RANCH	12/30/1999	
07/15/2004 A 107372	BETH A. GRAVELY	ID 53979	<i>Handwritten Signature</i>
TEMPORARY TO PERMANENT	LIL BITY RANCH	12/07/2004	
12/30/2004 A 107372	SUSANNE WHITE	ID 86011	<i>Handwritten Signature</i>
OWNERSHIP TRANSFER		08/06/2005	
09/04/2005 A 107372	KATHERINE SMITH	ID 47137	<i>Handwritten Signature</i>
OWNERSHIP TRANSFER	VALHALLA FARM	11/04/2005	



THE AMERICAN MINIATURE HORSE
ASSOCIATION, INC.
5601 South Interstate 35W
Alvarado, Texas 76009
(817) 783-5600

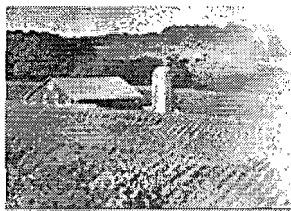


This certificate is the property of The American Miniature Horse Association, Inc., and it reserves the right to correct any information submitted to conform to Registry records. Alteration of any information entered thereon except by the AMHA Registrar will render this certificate invalid.

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Citizen Alerts

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Special Reports

Technical Manuals

Animal Unit Equivalencies**Source: Maryland Department of Agriculture, 1999****Regulatory Citation: COMAR 15.20.07.03 and 15.20.08.03**

The nutrient management law defines an agricultural operation or farm to be a business that produces an agricultural product, has a gross annual income of \$2,500 or more, or has 8 or more animal units. One animal unit is generally defined as 1,000 pounds of live animal weight, but requirements for specific animals must follow 40 CFR, Part 122, Appendix B and are highlighted with an asterisk (*). The table below has been provided as a guideline for how many animals of a certain type and weight would constitute 8 animal units for the purposes of the regulations:

Animal Type	Weight Units (adult)	Number of animals that will make 8 Animal (1 A.U. = 1000 lbs live animal weight)
* Horses	(2000 lbs)	4 horses
* Slaughter/Feeder Cattle	(1000 lbs)	8 cows
* Dairy Cattle	(1400 lbs)	6 cows
* Swine	(140 lbs)	20 pigs
* Sheep	(100 lbs)	80 sheep
**Broilers/Fryers	(3.5-5 lbs)	2000 chickens
**Ducks	(6-7 lbs)	1200 ducks
**Geese	(11-15 lbs)	650 geese
**Turkeys	(15-25 lbs)	425 turkeys
**Goats	(70-125 lbs)	90 goats
**Alpaca	(100-115 lbs)	75 alpacas
**Llama	(250-450 lbs)	25 llamas
**Emu	(125-150 lbs)	60 emus
**Ostrich	(200-350 lbs)	30 ostriches

* Specific weight equivalents as contained in 40 CFR, Part 122, Appendix B

**These numbers are averages for the particular type of animal. Other factors such as animal weight and physiological stage can cause these numbers to differ slightly.

III-B1

Home | Licenses & Permits | Maryland Products | Plants/Pests | Animal Health | Conservation | About MDA
Maryland Department of Agriculture . 50 Harry S. Truman Parkway . Annapolis, MD 21401 . 410-841-5700

PETITIONER' S**EXHIBIT NO.**

4

NW 8-M
Flood Zone X

075C1
4 CD

RC-2
2 ED

0208801191

Patapsco Hydrology 100 Foot Stream Buffer

2100012834

3728

1600008734

3724

2100012832

WARDS CHAPEL RD

0203000655

WARDS CHAPEL RD

02086650133

0203000656

ROAD

ROAD

3820

1600013010

3818

2009-0010-A

PETITIONER'S

EXHIBIT NO. 5A-X



1540110
LENZ1340 Descr1180

Photo of L. itioner's house from
drive way through paddock which
house shows mature horses and
alpaca



1546000
LEN21340 dsch1179

View of adjacent neighbors
property (Hubbard) from NW
corner of Petitioner's property

2



10 dscr1157

From front of Petitioner's house
across alpaca/mini paddock toward
Hubbard house



1040019
LEN21340 dscn1163

Petitioner's alpaca/miniature horse
paddock and their barn/shed



0001
1340 dscr1165

View of stable (structure which
existed at time Petitioner purchased
property)



LENZ1340 dscn1171

View from Petitioner's property
looking across Wards Chapel Road
onto GenStar (quarry) property



1540007
LENZ1340 dsch1172

View of entrance to property
immediately off of Wards Chapel
Road

(9)



104000
LENZ1340 dscr1173

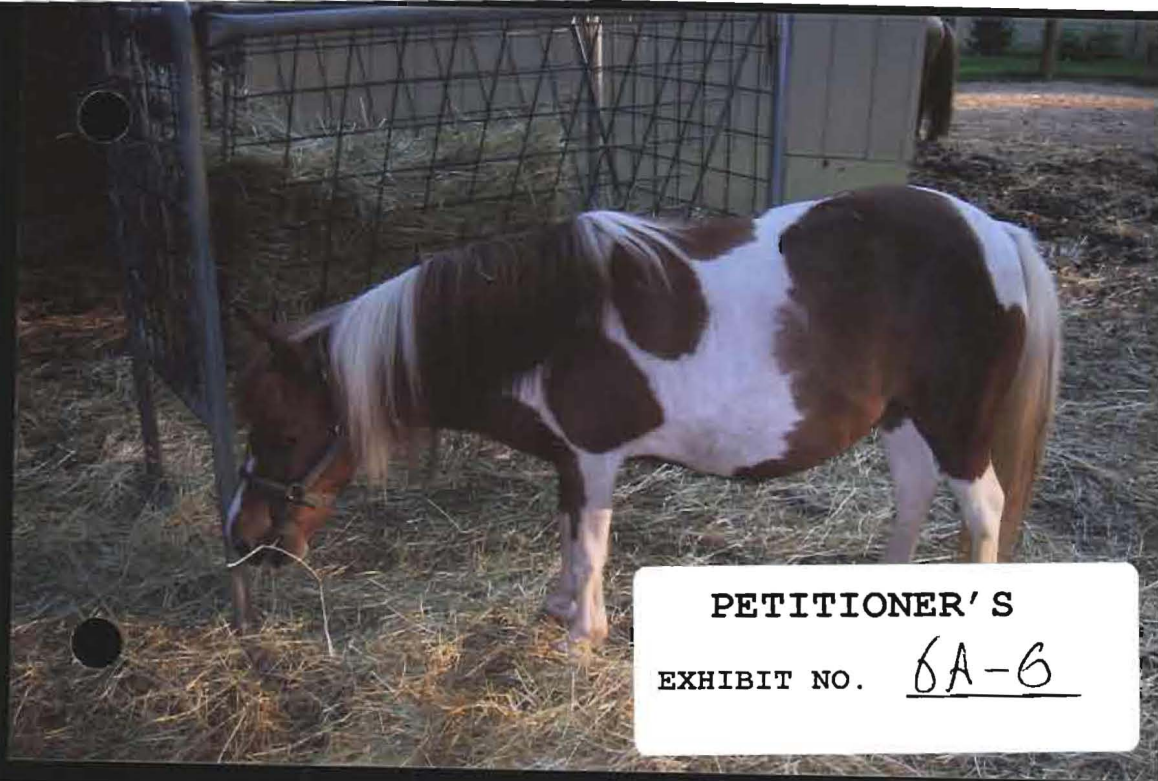
Starting up driveway from Wards
Chapel Road toward Petitioner's
house (easement area)

8



2011-1
21340 descn1175

View from the front of neighbor's
house (Hubbard) looking toward
Petitioner's stable



PETITIONER'S

EXHIBIT NO. 6A-6

134047
LEN21340 dsch1239

Miniature Horse #1

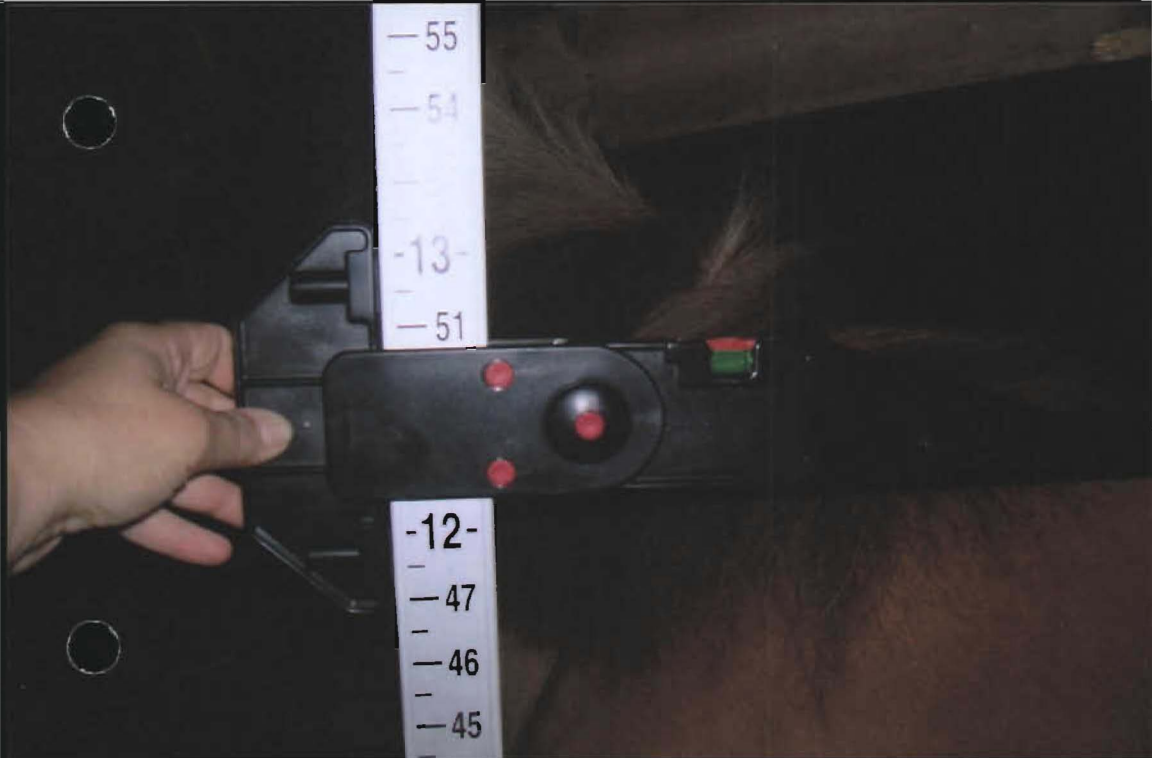
25



134047
LENZ1340 dscr1214

Pony #2-measured

30



bc

134047
LENZ1340 JSC H1272
Pony #1 - measured



134047
LENZ1340 dsch12%h

Miniature Horse #2

26

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

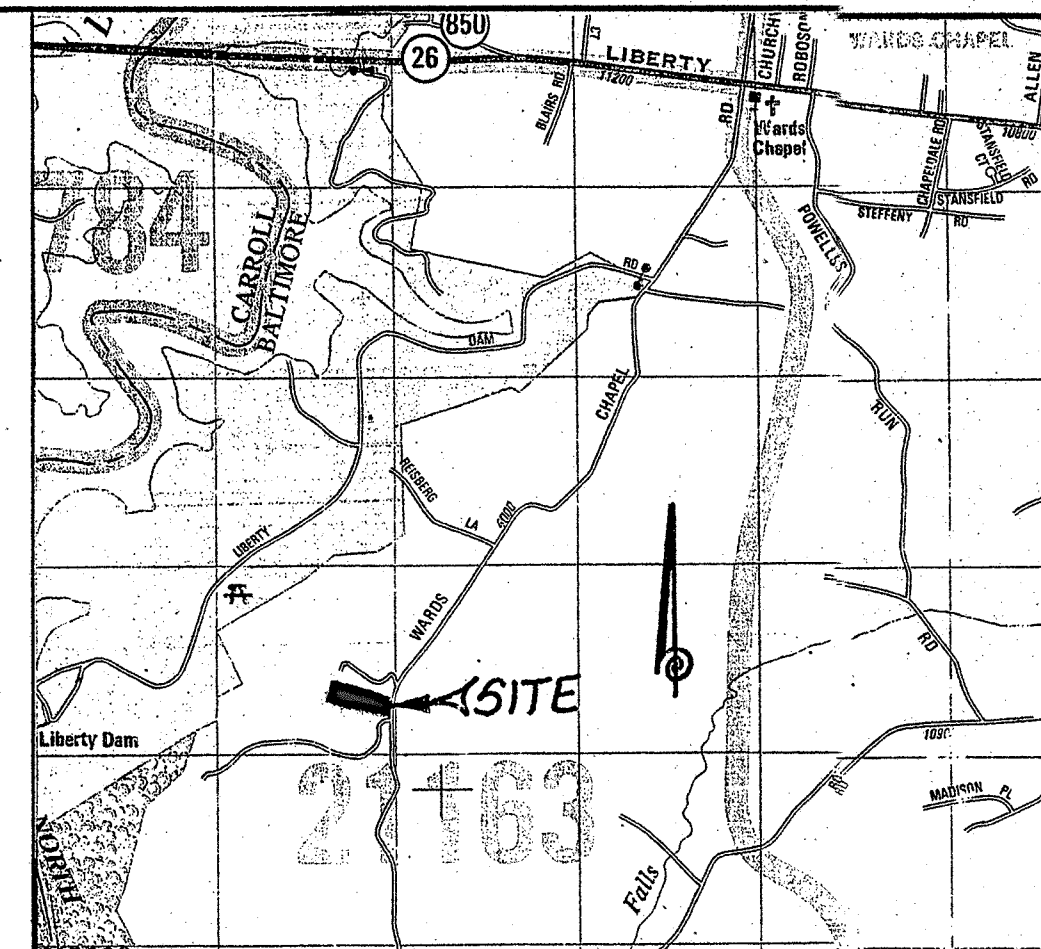
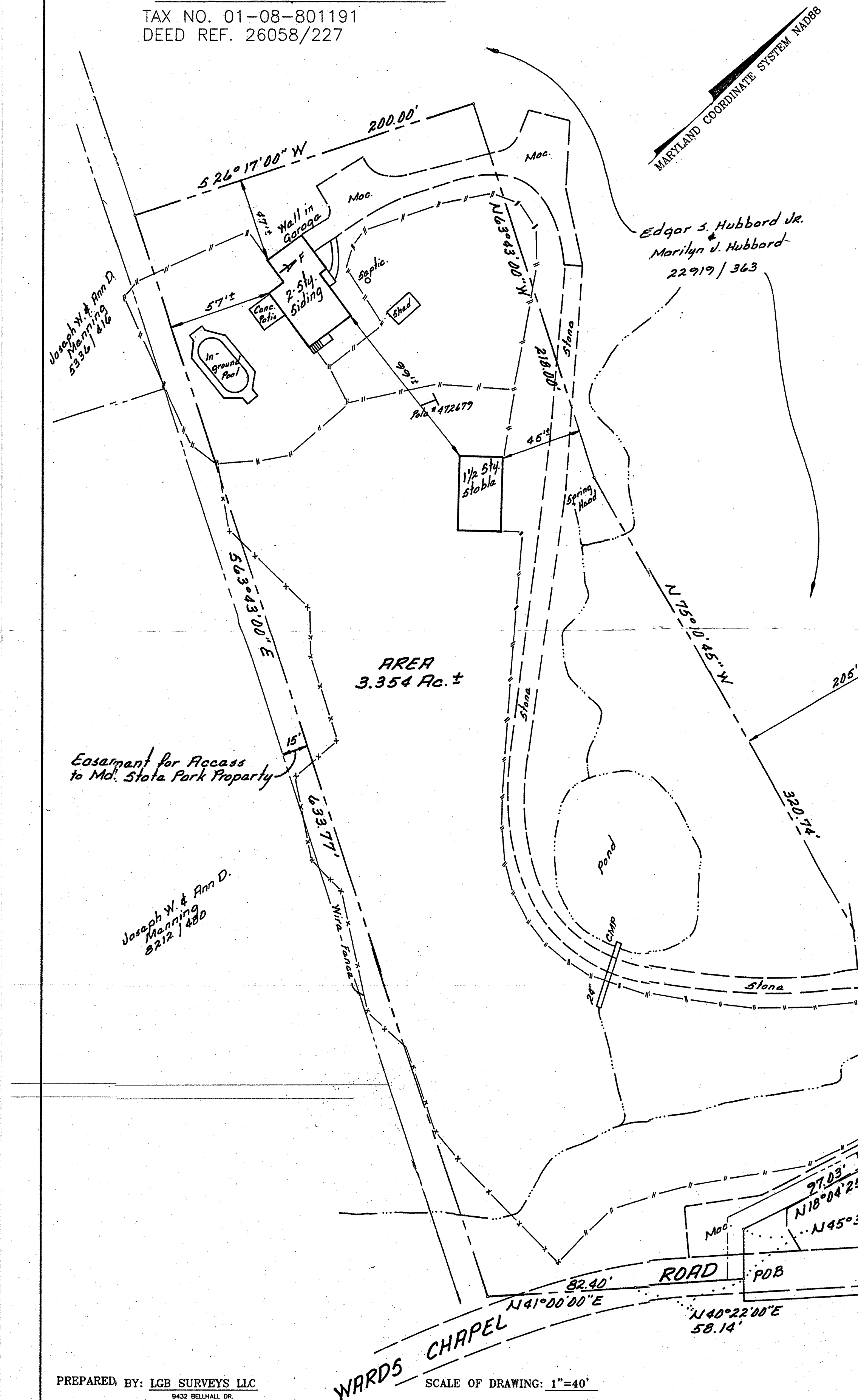
PROPERTY ADDRESS - #3814 WARDS CHAPEL ROAD

SUBDIVISION NAME -

PLAT BOOK _____, FOLIO _____, LOT _____, SECTION _____

OWNER: MARILYN LENZ

TAX NO. 01-08-801191
DEED REF. 26058/227



LOCATION MAP
SCALE: 1"=2000'

LOCATION INFORMATION

ELECTION DISTRICT 2 ND
COUNCILMANIC DISTRICT 4 TH
1"=200 SCALE MAP # 075C1
ZONING RC2
LOT SIZE 3.354 ACREAGE 146,100 SQUARE FEET
SEWER ☐ PUBLIC ☒ PRIVATE ☒
WATER ☐ PUBLIC ☒ PRIVATE ☒
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN ☐ YES ☒
HISTORIC PROPERTY/BUILDING ☐ YES ☒
ZONING HISTORY - NONE ☐ YES ☒

ZONING OFFICE USE ONLY

REVIEWED BY: CM ITEM # 0010 CASE # 2009-0010-A

There are no buildings within 200 feet of Property, except those shown.

There are no walls or septic systems within 200 feet of Property.

This Property lies in Flood Zone C as shown on FIRM 240010 0200B dated 3/2/81

Sharon H. & Alan E. Jackson 11097/245

10' Easement for Ingrass/Egrass to 3818 & 3820