

MEMORANDUM

DATE: November 1, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 201~~2~~-0322-X - Appeal Period Expired

The appeal period for the above-referenced case expired on October 29, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL
EXCEPTION

(10307 Davis Avenue)

The Polakoff Family, LLC,

Legal Owners

Wayne Schaefer, Lessee

Petitioners

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2012-0322-X

* * * * *

MOTION FOR RECONSIDERATION
ORDER AND OPINION

Now pending is Petitioners' Motion for Reconsideration of the August 24, 2012 Order (the "Order") entered in the above matter. I will deny the Motion, as explained in greater detail below.

Petitioners contend that the Order has caused confusion "as to the rights of the Petitioners and the Varvaros to the Easement Area." *See* Motion, p. 2. That was certainly not my intent. The Order was drafted in such a way as to define the area of property subject to the special exception. This is standard practice in special exception cases. *See, e.g., Lucas v. People's Counsel*, 147 Md. App. 209, 219 (2002). The Order clearly defined the relevant special exception area as including those lands owned by Petitioners, but not including the shared use driveway not owned by Petitioners.

Under Maryland law, an "easement area remains the property of the owners of the servient estate," here the Varvaros. *Greenwalt v. McCardell*, 178 Md. 132, 136 (1940). It is also an unremarkable proposition that in zoning cases, the owners of the property at issue must each join in the petition, lest a variance or special exception be granted with respect to property not owned by the petitioner. *Fiol v. Howard Co.*, 67 Md. App. 595, 603 (1986).

ORDER RECEIVED FOR FILING

Date 9-27-12

By DW

So that is why the Order was drafted to exclude from the special exception area the land owned by the Varvaros, who were not petitioners in the case. I agree with Petitioners' counsel that the Office of Administrative Hearings has no authority to construe or interpret a deed, and the Order did not do so. In fact, the deed in question was not an exhibit in the case, and was submitted as an exhibit to the Motion for Reconsideration. Petitioners suggest that the Order be amended, to include certain conditions regarding the permissible number of vehicle trips and parking with respect to the Easement Area. Again, the Easement Area is not included within the special exception area, and to do as Petitioners' suggest would involve interpreting the deed language and determining, for example, whether the easement would be overburdened if used by Petitioners' clients and invitees. Only the circuit court has jurisdiction to do so. Gwynn v. Oursler, 122 Md. App. 493, 500 (1998) (court considers scope of express easement for "ingress and egress").

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 27th day of September, 2012, that the Motion for Reconsideration, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 9-27-12

By DW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

September 27, 2012

Benjamin L. Polakoff, Esquire
1777 Reisterstown Road, Suite 204
Baltimore, Maryland 21208

RE: **MOTION FOR RECONSIDERATION**
Petition for Special Exception
Case No.: 2012-0322-X
Property: 10307 Davis Avenue

Dear Mr. Polakoff:

Enclosed please find a copy of the Motion for Reconsideration Order and Opinion rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

- c: Wayne and Bethany Schaefer, 10307 Davis Avenue, Woodstock, MD 21163
Richard Rynd, 8570 Leisure Hill Drive, Pikesville, MD 21208
Dorothy and Vincent J. Varvaro, 10305 Davis Avenue, Woodstock, MD 21163
Cathy M. Wolfson, 8434 Dogwood Road, Baltimore, MD 21244
Melvin Thomas, 329 Willow Oak Circle, Baltimore, MD 21208
Martin B. Mintz, 2 Woodchester Court, Baltimore, MD 21208

September 28, 2012

RECEIVED

Before the Office of Administrative Hearings for Baltimore County
RE: 10307 Davis Ave.
Case #21012-0322-X

OCT 01 2012

OFFICE OF ADMINISTRATIVE HEARINGS

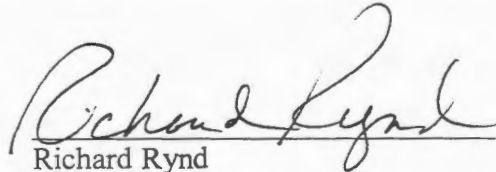
Rebuttal to the Motion for Reconsideration

Answer to the Petition 2012-0322-X:

1. The Petitioners Deed Rights were never denied in the final order by the decision of the administrative Judge. There were no boarding stables when the original Deed was written. The guests, family, and friends who have no interest in the Boarding stable can continue to use the driveway (although overburdened) as they have used it before the decision by the Administrative law Judge and is written in the Deed.
2. There is no confusion by the Varvaro's who understand that the driveway cannot be blocked but can restrict traffic if it relates to the Boarding Stable only. In the last 30 days the petitioner has used the driveway as though there were No restrictions on Horse Boarding traffic (see picture). They have broken county law and continue to have up to 11 horses (3 additional ones as of 9/21/12) when there is a zoning restriction to have no more than 8.
3. The determination by the administrative law Judge did not in any way change the opportunities the petitioner has and will have relating to the Deed. The administrative Judge only dealt with the Special Exception disallowing for additional usage of the driveway in it's relating only to the special exception. The administrative law Judge did not deny the petitioner any rights that he may have under the deed. There is no reason to modify the restrictions for it would create undue harm to the Varvaro's with more conflict and usage.
- 4i. The voluntary restriction of 5 vehicle trips in and out each week would be extremely difficult for Mr. Varvaro to administer. This would create more hostility than we have now. Mr. Schaffer now is not following any of the restrictions and has continued to use the driveway as though there were no new restrictions including bringing in additional horses over the number of allowed. How can we rely on Mr. Schaffer to abide by an open ended opportunity to flaunt the law. It's either there is a restriction or there is none, no in between.
- ii. There is now a restriction for parking on the right of way, see Mr. Sidney Weiman, Esq.'s letter which was part of the evidence where he states that no where in the Deed does it say that the Grantor has the right to park on the easement.
- iii. This statement of non interference cannot be relied upon. The Petitioner continues to use the driveway for boarders and continues to create problems now when the restriction is no more than 30 days old.
5. If the motion for reconsideration was granted and the petitioner was allowed the changes, it would create more confusion, more hostility, further conflict and would negatively impact the Varvaro's.

The Petitioner does have an opportunity to build an additional driveway. We presented such evidence at the hearing by Mr. Matz, a civil engineer. This new driveway can be used for the needs of the Horse facility when completely finished.

Because of the above we request that any changes or modifications by the administrative law Judge hearing not be granted.

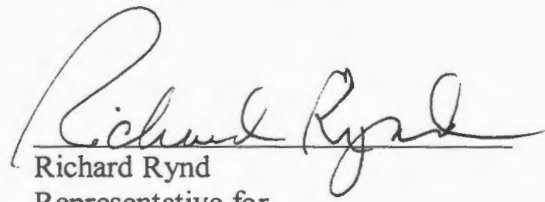
A handwritten signature in cursive script, appearing to read "Richard Rynd", written over a horizontal line.

Richard Rynd

Approved Representative for
Mr. & Mrs. Vince Varvaro
8570 Leisure Hill Drive
Baltimore, MD 21208

Certificate of Service

I HEREBY CERTIFY, that on this 28th day of September, 2012 a copy of the foregoing Rebuttal to the Motion for Reconsideration was mailed, postage paid to the following addresses: People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Ave., Towson, Md. 21204; Dorothy and Vincent J. Varvaro, 10305 Davis Avenue, Woodstock, Maryland 21163, Cathy M. Wolfson, 8434 Dogwood Road, Baltimore, Maryland 21244; Melvin Thomas, 329 Willow Oak Circle, Baltimore, MD 21208; Martin B. Mintz, 2 Woodchester Court, Baltimore, Md. 21208; Wayne & Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163; Herschel Polakoff, 10307 Davis Ave., Woodstock, MD 21163, Benjamin L Polakoff, Esq., 1777 Reisterstown Rd., Ste. 24, Baltimore, Md., 21208

A handwritten signature in black ink, appearing to read "Richard Rynd", is written over a horizontal line.

Richard Rynd
Representative for
Mr. & Mrs. Vince Varvaro

RECEIVED

SEP 21 2012

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

S side of Davis Avenue, 230' E of c/line
of intersection with Siena Way
2nd Election District
2nd Councilmanic District
(10307 Davis Avenue)

The Polakoff Family, LLC, *Legal Owner*
Wayne Schaefer, *Lessee*
Petitioners

BEFORE THE **OFFICE OF ADMINISTRATIVE HEARINGS**

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2012-0322-X

MOTION FOR RECONSIDERATION

Benjamin L. Polakoff, and Polakoff LLC, attorney for Petitioners, The Polakoff Family, LLC and Wayne Schaefer, files this Motion for Reconsideration of the Order and Opinion rendered by the Administrative Law Judge of the Office of Administrative Hearings of Baltimore County dated August 24, 2012 (the "Order"), granting the Petition for Special Exception for a riding stable pursuant to Sec. 1A07.3.B.12 of the Baltimore County Zoning Regulations (the "Special Exception") in the above captioned case. The grounds for the Motion are as follows:

(1) The Petitioners' right to the use and enjoyment of the access easement (the "Easement Area") shared by the Petitioners and their neighbors, Vincent and Dorothy Varvaro (the "Varvaros"), is derived from an express reservation set forth in a Deed dated May 4, 1984, from Petitioner's predecessors-in-interest, Herschel Polakoff and Ruth Polakoff, husband and wife, to Vincent Varvaro and Dorothy Varvaro, husband and wife, recorded among the Land Records of Baltimore County in Liber 6738, page 344 (the "Varvaro Deed") (See, Exhibit A). Specifically, the Varvaro Deed expressly states that the Varvaros:

...acknowledge that the purpose of the aforesaid easement by reservation is to allow the Grantors, their heirs, successors and assigns perpetual ingress and egress to and from the property owned by Grantors.... (See, Varvaro Deed, page 3).

(2) The restrictions in the Order have caused confusion as to the rights of Petitioners and Varvaros to the Easement Area, and have created a false sense that the Varvaros have the right to block and restrict use Petitioners' use of the Easement Area.

(3) A determination as to the scope and parameters of an expressly reserved easement is a matter reserved for the Circuit Courts for Maryland and, as stated by the Administrative Law Judge at the Petitioners' hearing, a decision that the Administrative Law Judge does not have legal authority to make. Accordingly, the Petitioners were not required to, and consequently did not, directly address the relative rights of the Petitioners and the Varvaros to the Easement Area, other than to make the Administrative Law Judge aware of the Varvaro Deed and the express reservation of the Easement Area for the Petitioners benefit. Petitioner respectfully submits that the Order, in restricting the Petitioners' use of the Easement Area, is outside of the Administrative Law Judge's jurisdiction, and should be amended or modified to remove such restrictions.

(4) Notwithstanding the foregoing, the Petitioners, in an effort to voluntarily address and alleviate the concerns articulated by the Varvaros and other Protestants at the hearing in this matter, propose that the Order be modified to limit the impact of the Special Exception on the Easement Area, and hence the Varvaros, in the following manner:

(i) The total number of vehicle trips solely for the Special Exception use through the Easement Area shall be limited to a maximum of five (5) (in and out) per week.

(ii) No vehicles accessing the Petitioners' property for the Special Exception use shall at any time park in the Easement Area or on any property other than that of the Petitioners.

(iii) At all times in connection with the use of the Easement Area for the Special Exception use, Petitioners and their invitees shall use due care to prevent any unreasonable interference to the Varvaros use and enjoyment of the Easement Area.

(5) The foregoing voluntary conditioned proposed by Petitioners are entirely consistent with the testimony presented by the Petitioners at the hearing in this matter. Furthermore, such conditions are fair and reasonable, and will in no material way negatively impact the Varvaros or their use and enjoyment of the Easement Area or their property. Conversely, the Petitioners respectfully submit that effect of the Order, as it presently stands, (i) improperly adjudicates the status of a recorded easement, (ii) creates confusion and further conflict, (iii) results in an undue financial burden on the Petitioner, far out of proportion to the benefit of the Special Exception use, and (iv) effectively negates the substantive effect of the Order in approving the Special Exception.

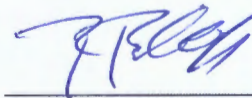
WHEREFORE, Petitioners the Polakoff Family, LLC and Wayne Schaefer pray that the Administrative Law Judge of the Office of Administrative Hearings of Baltimore County modify his earlier decision in accordance with this Motion.



Benjamin L. Polakoff, Esq.
Polakoff LLC
1777 Reisterstown Road
Suite 204
Baltimore, Maryland 21208
(443) 219-1020
Attorney for the Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 21st day of September, 2012, a copy of the foregoing Motion to Reconsider was mailed, postage prepaid to the following address: People's Counsel for Baltimore County, Old Courthouse, room 47, 400 Washington Avenue, Towson, Maryland 21204; Richard Rynd, 8570 Leisure Hill Drive, Pikesville, Maryland 21208; Dorothy and Vincent J. Varvaro, 10305 Davis Avenue, Woodstock, Maryland 21163; Cathy M. Wolfson, 8434 Dogwood Road, Baltimore, Maryland 21244; Melvin Thomas, 329 Willow Oak Circle, Baltimore, Maryland 21208; Martin B. Mintz, 2 Woodchester Court, Baltimore, Maryland 21208.



Benjamin L. Polakoff, Esq.

EXHIBIT A

4838-1362-1264, v. 1

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

S side of Davis Avenue, 230' E of
c/line of intersection with Siena Way
2nd Election District
4th Councilmanic District
(10307 Davis Avenue)

The Polakoff Family, LLC,
Legal Owners
Wayne Schaefer, *Lessee*
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2012-0322-X

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings as a Petition for Special Exception filed for property located at 10307 Davis Avenue. The Petition was filed by the legal owner of the subject property, The Polakoff Family, LLC and the lessee, Wayne Schaefer (the "Petitioners"). The Special Exception Petition seeks approval to permit a riding stable pursuant to § 1A07.3.B.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit A.

Appearing at the hearing on behalf of the Petitioners were Wayne and Bethany Schaefer. Benjamin L. Polakoff, Esquire attended and represented the Petitioners. Appearing in opposition were Richard Rynd, Dorothy and Vincent J. Varvaro, Cathy M. Wolfson, Melvin Thomas, and Martin B. Mintz. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning on July 16, 2012, which indicated that the riding stable is consistent with the spirit and intent of the RC 6

ORDER RECEIVED FOR FILING

Date 8-24-12

By aw

regulations, and that the proposal enhances the unique rural character of the site by preserving the agricultural use of the property.

In addition, a ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS), dated July 16, 2012, as follows:

Comments from Environmental Impact Review (EIR)

1. 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).
 - A Forest Buffer Easement may be required off of any existing streams and/or wetland that may effect the amount of pasture available onsite.

Comments from Agricultural Preservation (AP):

2. The request raises the following concerns:
 - A.) the size and configuration of the pasture relative to the number of horses,
 - B.) the impact on soil and soil erosion, and
 - C.) the treatment of manure especially because of proximity to many dwellings.

Recommendations:

- A.) One acre per horse is not sufficient acreage to protect soil & promote good condition for horses. Limit the number of horses to no more than 1 horse per acre of land owned and/or leased.
- B.) The acreage is small and the number of horses can quickly lead to erosive conditions. Require the operator to have and implement a "Soil and Water Quality Conservation Plan" from the Baltimore County Soil Conservation District.
- C.) The number of horses and proximity to neighboring homes could easily create a nuisance situation with flies and other nuisances from improperly managed manure. Require a State approved "Nutrient Management Plan".

ORDER RECEIVED FOR FILING

Date 8-24-12

By [Signature]

Mr. Wayne Schaefer, who leases the subject property, testified in support of the petition. He stated that the property has three pasture areas totaling over eight acres, and that he has seven stalls provided for the horses. He also indicated the property has an automatic watering system for the horses, and fans in the stalls to control insects and keep the horses comfortable. Mr. Schaefer said that at present he has ten horses on site, seven of which are owned by customers who board their horses at the facility.

Three neighbors testified at the hearing, and each opposed the special exception petition. While each of the witnesses expressed certain individual concerns regarding the proposal, the main points of concern shared by the neighbors were: (1) concern with the safety at the point of ingress/egress at Davis Avenue, (2) concern with the over-use and congestion on the private driveway shared by the Petitioners and the home at 10305 Davis Avenue, and (3) that the Petitioners have long ignored County zoning laws and should not be entitled to relief.

While it is unfortunate that relations between the Petitioners and their neighbors have deteriorated to the point they have, the zoning hearing process cannot remedy the situation. Rather, I am obliged to consider the case solely on the facts and the law, and having done that I believe the petition should be granted. At the same time, the regulations provide me with the authority to impose certain conditions, which I will do in this case to address the valid concerns raised by the neighbors.

Under Maryland law, a special exception use is presumptively in the interest of the general welfare, absent evidence that the adverse effects of such use (inherent in all special exception uses) would be greater at the location proposed than elsewhere in the zone. *People's Counsel v. Loyola College*, 406 Md. 54 (2008). In this case, no evidence was presented to rebut this presumption, and Petitioners are therefore entitled to special exception relief.

ORDER RECEIVED FOR FILING

Date 8-24-12

By [Signature]

Some of the concerns identified by the neighbors – i.e., increased traffic, use of horse trailers, a commercial enterprise within a rural, residential neighborhood – are inherent in the operation of any riding stable where horses are boarded. The County Council is presumed to have been aware of such negative impacts when it permitted riding stables by special exception in an RC 6 zone. To overcome the presumption that this use is permissible, the opponents need to show that the negative impacts associated with this stable at this location are greater than they would be if the stable was located elsewhere in the RC 6 zone. I do not believe the Protestants made such a showing.

At the same time I take seriously the agricultural and environmental concerns raised by DEPS and will impose conditions to address those issues. In addition, I was especially troubled by the testimony of Mrs. Varvaro, who described certain altercations or conflicts she has had with Mr. Schaefer regarding use of the driveway. While I cannot force neighbors to like each other or get along, I will impose conditions regarding the use of this shared driveway that should help to alleviate some of the friction. The Order granting relief will clearly provide that this driveway is not part of the special exception area, and cannot be used by the Petitioners or their guests, invitees and/or licensees in connection with the riding stable operation.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 24th day of August, 2012, that the Petition for Special Exception seeking approval to permit a riding stable pursuant to § 1A07.3.B.12 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 8-24-12

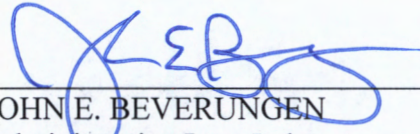
By [Signature]

IT IS FURTHER ORDERED that the area of land encompassing the special exception use shall be restricted to the three pasture areas (referred to on the Plan as Pasture Area #1, Pasture Area #2 and Pasture Area #3) identified on the site plan (totaling 8.78 acres per Note 12 on Exhibit A) and the shared driveway used by both 10305 and 10307 Davis Avenue shall not be considered part of the special exception area, and the Petitioners, their guests, invitees and licensees shall not be permitted to use this driveway in connection with the riding stable operation.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for any needed 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. Petitioners must comply with the ZAC comments provided by the Department of Environmental Protection and Sustainability (DEPS), a copy of which is attached and made a part hereof.
3. The subject property shall be used as a riding stable for no more than eight (8) horses, regardless of whether the horses are owned by Petitioners or are owned by clients boarding their horses at the facility.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

ORDER RECEIVED FOR FILING

Date 8-24-12

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

August 24, 2012

Benjamin L. Polakoff, Esquire
1777 Reisterstown Road, Suite 204
Baltimore, Maryland 21208

RE: Petition for Special Exception
Case No.: 2012-0322-X
Property: 10307 Davis Avenue

Dear Mr. Polakoff:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

- c: Wayne and Bethany Schaefer, 10307 Davis Avenue, Woodstock, MD 21163
Richard Rynd, 8570 Leisure Hill Drive, Pikesville, MD 21208
Dorothy and Vincent J. Varvaro, 10305 Davis Avenue, Woodstock, MD 21163
Cathy M. Wolfson, 8434 Dogwood Road, Baltimore, MD 21244
Melvin Thomas, 329 Willow Oak Circle, Baltimore, MD 21208
Martin B. Mintz, 2 Woodchester Court, Baltimore, MD 21208



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 10307 Davis Ave, Woodstock, MD 21163 which is presently zoned R.C. 6
 Deed References: 0014806/022 10 Digit Tax Account # 1 9 0 0 0 0 0 1 5 2
 Property Owner(s) Printed Name(s) The Polakoff Family LLC

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

2. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

A Riding Stable pursuant to BCZR Section 1A07.3.B.12

3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Wayne Schaefer

Name- Type or Print

Signature

10307 Davis Ave Woodstock MD

Mailing Address City State

21163 / 410-227-0198
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Benjamin L. Polakoff, Esq.

Name- Type or Print

Signature

1777 Reisterstown Rd, Ste 204 Baltimore MD

Mailing Address City State

21208 / 443-691-5364 / blp@polakofflaw.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

The Polakoff Family LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

c/o Polakoff LLC 1777 Reisterstown Road, Ste 204, Baltimore, MD 21208

Mailing Address City State

21208 / 443-691-5364 / blp@polakofflaw.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Benjamin L. Polakoff, Esq.,

Name - Type or Print

Signature

1777 Reisterstown Rd, Ste 204 Baltimore MD

Mailing Address City State

21208 / 443-691-5364 / blp@polakofflaw.com
 Zip Code Telephone # Email Address

CASE NUMBER

2012-0322 X

Filing Date

6/14/2012

Do Not Schedule Dates:

Reviewer

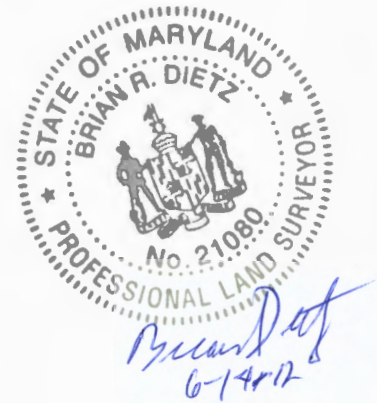
JS/BA

Dietz Surveying
Professional Land Surveyor #21080
8119 Oakleigh Road, Parkville, MD 21234
Phone 410-661-3160 Fax 410-661-3163
www.dietzsurveying.net

June 14, 2012

Zoning Description

10307 Davis Avenue



All that piece or parcel of land situate, lying and being in the 2nd Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same in the center of Davis Avenue, distant South 54 degrees 51 minutes East 230 feet more or less, as measured along the center of Davis Avenue, from the intersection with the center of Siena Way and running thence and leaving Davis Avenue, and binding on the outlines of the land of the herein petitioner, the seven following courses and distances viz:

1. South 8 degrees 11 minutes 33 seconds West 2176.51 feet,
2. North 61 degrees 51 minutes 17 seconds East 169.35 feet,
3. South 68 degrees 07 minutes 27 seconds East 213.32 feet,
4. North 8 degrees 11 minutes 33 seconds East 51.46 feet,
5. North 68 degrees 7 minutes 27 seconds West 139.48 feet,
6. North 8 degrees 11 minutes 33 seconds East 1936.30 feet, to the center of Davis Avenue, and thence running and binding on the center of Davis Avenue
7. North 54 degrees 51 minutes 00 seconds West 233.54 feet to the place of beginning.

Containing 10.00 Acres of land more or less.

Being the land of the petitioners herein as shown on a plat filed in the office of the Zoning Commissioners, known as 10307 Davis Avenue.

**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: 2012-0322-X

Petitioner: The Polakoff Family LLC

Address or Location: 10307 Davis Ave, Woodstock, MD 21163

PLEASE FORWARD ADVERTISING BILL TO:

Name: Benjamin L. Polakoff, Esq.

Address: 1777 Reisterstown Road, Suite 204

Baltimore, Maryland 21208

Telephone Number: 443-691-5364

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **83497**

Date: **6-14-12**

PAID RECEIPT

BUSINESS DATE TIME BOM
 6/14/2012 6/14/2012 10:45:19 2

895 4502 MALLIN ALAN JEE
 RECEIPT # 801057 6/14/2012 0712

Dept 5 528 DRIVING VERIFICATION
 NO: 083497

Recpt Tot 450.00
 450.00 45 4.00 04
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
000	806	0000		6150				\$ 450.00

Total: **\$ 450.00**

Rec From:

2012-0322-X

For:

POLAKOFF

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2012-0322-X

Petitioner/Developer JORDAN
ROSEN ESQ

Date Of Hearing/Closing: 8/20/12

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 10307 DAVIS AVENUE

This sign(s) were posted on July 27, 2012

Month, Day, Year

Sincerely,

Martin Ogle 7/27/12
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411

10307 DAVIS AVENUE
HO

ZONING NOTICE

CASE # 2012-0322-X

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

PLACE: ROOM 205 JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: MONDAY, AUGUST 20, 2012
AT 10 00 A.M.

REQUEST:

SPECIAL EXCEPTION TO USE THE
HEREIN DESCRIBED PROPERTY FOR A
RIDING STABLE PURSUANT TO
SECTION 1A07.5.B.12.

POSTPONEMENTS DUE TO WEATHER AND OTHER CIRCUMSTANCES ARE SOMETHING OF A RISK
TO CONFIRM HEARING CALL 410-871-2000

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

Malaga 7/27/12



KEVIN KAMENETZ
County Executive

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

July 11, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0322-X

10307 Davis Avenue

S/s Davis Avenue, 230 ft. east of centerline of intersection with Siena Way

2nd Election District – 2nd Councilmanic District

Legal Owners: The Polakoff Family, LLC

Special Exception to use the herein described property for a riding stable pursuant to Section 1A07.3.B.12.

Hearing: Monday, August 20, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Benjamin Polakoff, 1777 Reisterstown Road, Ste. 204, Baltimore 21208
Wayne Schaefer, 10307 Davis Avenue, Woodstock 21163

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 31, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 31, 2012 Issue - Jeffersonian

Please forward billing to:
Benjamin Polakoff
1777 Reisterstown Road, Ste. 204
Baltimore, MD 21208

443-691-5364

NOTICE OF ZONING HEARING

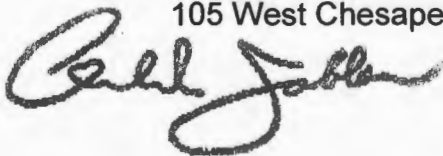
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Hearing: Monday, August 20, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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Case: #2012-0322-X

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S/s Davis Avenue, 230 ft. east of centerline of intersection with Siena Way

2nd Election District - 2nd Councilmanic District

Legal Owner(s): The Polakoff Family, LLC

Special Exception: to use the herein described property for a riding stable pursuant to Section 1A07.3.B.12.

Hearing: Monday, August 20, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

11 07/773 July 31

864947



501 N. Calvert Street, Baltimore, MD 21278

August 2, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on July 31, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

This Deed, MADE THIS 4th day of MAY

in the year one thousand nine hundred and EIGHTY-FOUR

by and between

Herschel Polakoff and Ruth Polakoff, his wife

of Baltimore County, Maryland

parties of the first part, AGK

("Grantors") and Vincent J. Varvaro and Dorothy Varvaro, his wife, parties

of

of the second part. ("Grantees").

WITNESSETH, That in consideration of the sum of Ninety Thousand Dollars (\$90,000.00)

the said parties of the first part

do

grant and convey to the said parties

entirety, and their

personal representatives/successors and assigns

those

lots

of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

Beginning for the same at a point in or near the center line of Davis Avenue at the end of the third line of that parcel of land described in a deed from Milton Albert and wife to Bankers Trust Company and others, dated November 18, 1960 and recorded among the Land Records of Baltimore County in Liber WJR No. 3781, page 279, said point of beginning being also in the first or S 64° E 109½ perch line of that parcel of land thirdly described in a deed from Milton Albert and wife to Philip H. Goodman and others, dated March 29, 1965 and recorded among the said Land Records in Liber RRG 4438, page 160, running thence and binding reversely on a part of the third line of said first mentioned deed and passing over various ½ inch pipes set on line, two of which are located at the distances of 30.00 feet and 1731.54 feet, (1) due south 1904.99 feet to a ½ inch pipe set due north 51.46 feet from a point on the fourth or S 75° E 40 perch line of that parcel of land firstly described in said deed to Goodman, said last mentioned point being located S 76° 19' 00" E 213.47 feet as measured along said last mentioned line from a granite stone at the beginning thereof, said stone being also at the end of the eighth or N 77° W 40 perch line of that parcel of land firstly described in a deed from Daphne A. Duncan to Margot D. Hochmuth and husband, dated December 14, 1954 and recorded among said Land Records in Liber GLB No. 3312, page 566, thence parallel to and 50 feet northerly from said 40 perch line, and binding on the north side of a right-of-way, 50 feet wide, running through the lands of Goodman and leading to the Patapsco State Park, (2) N 76° 19' 00" W 74.39 feet, thence for a new line of division, (3)

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
23 6-2884

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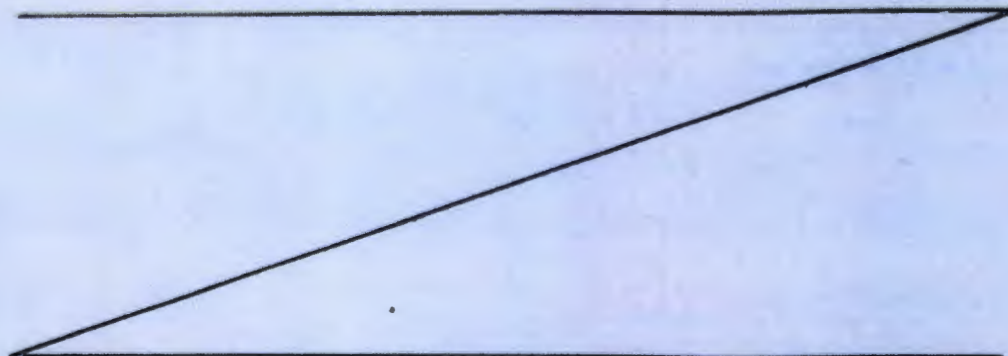
with

center of Davis Avenue, (4) S 64° 37' 00" E 50.00 feet to the place of beginning. Containing 3.1747 acres of land. Together with the rights of others entitled thereto, to the use of the 50 foot right-of-way hereinabove mentioned, which leads through the property of Goodman to the Patapsco State Park.

Beginning for the second at a point in or near the center line of Davis Avenue at the end of the third line of that parcel of land described in a deed from Milton Albert and wife to Bankers Trust Company and others, dated November 10, 1960 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3781, page 279, said point of beginning being also in the first or S 64° E 109½ Perch line of that parcel of land thirdly described in a deed from Milton Albert and wife to Philip H. Goodman and others, dated March 29, 1965 and recorded among said Land Records in Liber R.R.G. 4438, page 160, running thence and binding reversely on a part of the third line of said first mentioned deed and passing over a various ½ inch pipes set on line, two of which are located at the distances of 30.00 feet and 1731.54 feet, (1) due South 1904.99 feet to a ½ inch pipe set due north 51.46 feet from a point on the fourth or S 75° E 40 perch line of that parcel of land firstly described in said deed to Goodman, said last mentioned point S 76° 19 minutes 00 seconds 213.47 feet as measured along said last mentioned line from a granite stone at the beginning thereof, said stone being also at the end of the eighth or N 77° W 40 perch line of that parcel of land firstly described in a deed from Daphne A. Duncan to Margot D. Hochmuth and husband, dated December 14, 1954 and recorded among said Land Records in Liber G.L.B. 3312, page 566, thence parallel to and 50 feet northerly from said 40 perch line, and binding on the north side of a right-of-way 50 feet wide, running through the lands of Goodman and leading to the Patapsco State Park, (2) north 76° 19 minutes 00 seconds W 139.48 feet to a ½ inch pipe set, thence for a new line of division and passing over various ½ inch pipes set on line, two of which are located at the distance of 140.46 feet and 1906.30 feet, (3) due north 1936.30 feet to a point in or near the center of Davis Avenue and in the first line of said thirdly described parcel deeded to Goodman, thence binding thereon and in or near the center of Davis Avenue, (4) S 64° 37 minutes 00 seconds E 150.00 feet to the place of beginning. Containing 5.9753 acres of land. Saving and excepting, however, all of that portion of the hereinabove described lot of ground which by deed dated April 17, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4752, folio 313 which was granted and conveyed from the Baers, et al unto the Palmisano, et al:

Together with the rights of others entitled thereto, to the use of the 50 foot right-of-way hereinabove mentioned, which leads through the property of Goodman to the Patapsco State Park.

Being the same two lots of ground described in a deed dated December 1, 1977 and recorded among the Land Records of Baltimore County in Liber E.H.R. No. 6120, folio 284, which lots were granted and conveyed from Joseph Palmisano, Senior, and Norma Palmisano, his wife, unto the within named Grantors.



→ RESERVING, however, unto said Grantors, their heirs, successors, and assigns, a perpetual easement over the existing roadway upon said lot of ground which runs from Davis Avenue across said lot of ground ("Access Road") to adjacent property owned by Grantors. The Grantees acknowledge that the purpose for the aforesaid easement by reservation is to allow the Grantors, their heirs, successors and assigns perpetual ingress and egress to and from property owned by the Grantors which is adjacent to the property conveyed hereunder and without which the Grantors would have no other means of ingress and egress.

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the aforesaid described property to the proper use and benefit of said Grantees their personal representation, successors, heirs and assigns, in fee simple.

~~AND the Grantees, for themselves, their heirs, successors, and assigns hereby covenant that in the event the aforesaid Access Road and easement should be destroyed or rendered incapable of repair following damage due to natural causes, disasters, or Acts of God, then they shall relocate and rebuild, at their own expense, a comparable access road so as to provide the Grantors, their heirs, successors, and assigns a perpetual~~

[Handwritten signature]

AND the Grantees, for themselves, their heirs, successors and assigns, hereby further covenant that they will, at all times, ~~preserve, and keep, or cause to be~~ ~~preserved and kept, the aforesaid Access Road and easement~~

[Handwritten signature]

~~the same shall be maintained and kept in good condition and~~
~~the same shall be maintained and kept in good condition and~~
~~the same shall be maintained and kept in good condition and~~
~~the same shall be maintained and kept in good condition and~~

~~Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges,~~
appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot

of ground and premises to the said

personal representatives/successors

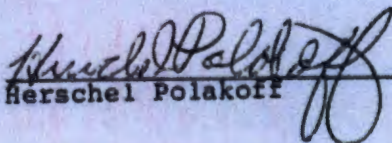
~~and assigns~~ in fee simple.

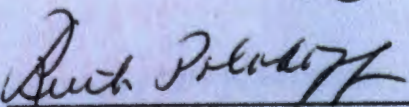
AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hand s and seal s of said grantor s

Test:




Herschel Polakoff (SEAL)


Ruth Polakoff (SEAL)

STATE OF MARYLAND, *City of Balto.*, to wit:

I HEREBY CERTIFY, That on this *4th* day of *May*,
in the year one thousand nine hundred and *eighty-four*, before me,
the subscriber, a Notary Public of the State aforesaid, personally appeared Herschel Polakoff
and Ruth Polakoff, his wife

known to me (or satisfactorily proven) to be the persons whose name s *are* subscribed to
the within instrument, and acknowledged that they have executed the same for the purposes
therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

My Commission expires:

July 1, 1996



Witness the hands and seals of said grantees:

Test:

[Signature]

Vincent J. Varvaro (SEAL)
Vincent J. Varvaro

Dorothy Varvaro (SEAL)
Dorothy Varvaro

STATE OF MARYLAND, City of Baltimore, to wit:

I HEREBY CERTIFY, That on this 4th day of May,
in the year one thousand nine hundred and eighty-four, before me,
the subscriber, a Notary Public of the State aforesaid, personally appeared Vincent J. Varvaro
and Dorothy Varvaro, his wife,

known to me (or satisfactorily proven) to be the persons whose names they are subscribed to
the within instrument, and acknowledged that they executed the same for the purposes
therein contained, and in my presence signed and sealed the same.

In WITNESS WHEREOF, I hereunto set my hand and official seal.



Connie L. Whiteley
Notary Public

My Commission expires:

July 1, 1986

Rec'd for record JUN 28 1984 at 12:05 P.M.
Per Elmer H. Kahline, Jr., Clerk
Mail to Henderson & Wase
Receipt No. 24.00



KEVIN KAMENETZ
County Executive

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

August 15, 2012

The Polakoff Family LLC
Benjamin L. Polakoff, Esquire
1777 Reisterstown Road
Suite 204
Baltimore MD 21208

RE: Case Number: 2012-00322 X, Address: 10307 Davis Avenue, 21163

Dear: Mr. Polakoff:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 14, 2012. 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Wayne Schafer, 10307 Davis Avenue, Woodstock MD 21163

7/20 10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 16 2012



OFFICE OF ADMINISTRATIVE HEARING

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: July 13, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0322-X
Address 10307 Davis Avenue
(The Polakoff Family, LLC Property)

Zoning Advisory Committee Meeting of June 18, 2012.

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

Comments from Environmental Impact Review (EIR)

1. 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).

- A Forest Buffer Easement may be required off of any existing streams and/or wetland that may effect the amount of pasture available onsite.

Reviewer: John G. Russo(EIR)

Comments from Agricultural Preservation (AP):

2. The request raises the following concerns:

A.) the size and configuration of the pasture relative to the number of horses,

ORDER RECEIVED FOR FILING B.) the impact on soil and soil erosion, and

Date 8-24-12 C.) the treatment of manure especially because of proximity to
By [Signature] many dwellings.

Recommendations:

A.) One acre per horse is not sufficient acreage to protect soil & promote good condition for horses. Limit the number of horses to no more than 1 horse per acre of land owned and/or leased.

B.) The acreage is small and the number of horses can quickly lead to erosive conditions. Require the operator to have and implement a "Soil and Water Quality Conservation Plan" from the Baltimore County Soil Conservation District.

C.) The number of horses and proximity to neighboring homes could easily create a nuisance situation with flies and other nuisances from improperly managed manure. Require a State approved "Nutrient Management Plan".

Reviewer: W.S. Lippincott (AP)

ORDER RECEIVED FOR FILING

Date 8-24-12

By DW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10307 Davis Avenue

INFORMATION:

Item Number: 12-322

Petitioner: The Polakoff Family, LLC

Zoning: RC 6

Requested Action: Special Exception

RECEIVED

JUL 16 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Director of the Department of Planning finds that the proposed area of property shown on the site plan accompanying the petition as a riding stable is consistent with the spirit and intent of the RC 6 regulations. The proposal enhances the unique rural character of the site by preserving the agricultural use of the property. As such, the proposal is in conformance with Section 1A07.1.B.1 of the Baltimore County Zoning Regulations.

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

Prepared by:

Division Chief:
AVA/LL: CM

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 6-19-12

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

RE: Baltimore County
Item No. 2012-0322-X
Special Exception
The Pola Koff Family LLC
10307 Davis Avenue.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0322-X

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: June 27, 2012

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 02, 2012
Item Nos. 2012-0310, 0311, 0312, 0313, 0314, 0315, 0316, 0318, 0319
0321 and 0322

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07022012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 10, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10307 Davis Avenue

INFORMATION:

Item Number: 12-322

Petitioner: The Polakoff Family, LLC

Zoning: RC 6

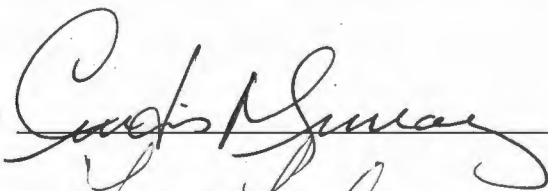
Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

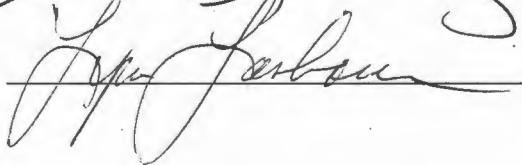
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Director of the Department of Planning finds that the proposed area of property shown on the site plan accompanying the petition as a riding stable is consistent with the spirit and intent of the RC 6 regulations. The proposal enhances the unique rural character of the site by preserving the agricultural use of the property. As such, the proposal is in conformance with Section 1A07.1.B.1 of the Baltimore County Zoning Regulations.

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

Prepared by:



Division Chief:
AVA/LL: CM



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
10307 Davis Avenue; S/S Davis Avenue; *
230' E of c/line of Sienna Way * OF ADMINISTRATIVE
2nd Election & 2nd Councilmanic Districts *
Legal Owner(s): The Polakoff Family LLC * HEARINGS FOR
Contract Purchaser(s): Wayne Schaefer *
Petitioner(s) * BALTIMORE COUNTY
* 2012-322-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 19 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of June, 2012, a copy of the foregoing Entry of Appearance was mailed to Benjamin Polkaloff, Esquire, 1777 Reisterstown Road, Suite 204, Baltimore, MD 21208, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

SIDNEY WEIMAN
sweiman@LevinGann.com

DIRECT DIAL
410-321-4654

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
5th Floor
TOWSON, MARYLAND 21204
410-321-4500
TELEFAX 410-296-2801

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

July 28, 2011

Mr. Vincent J. Varvaro
1305 Davis Avenue
Woodstock, Maryland 21163

Re: Easement of Ingress/Egress

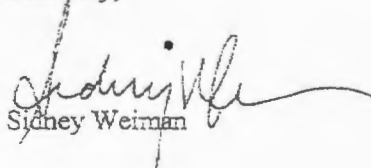
Dear Mr. Varvaro:

In accordance with your request, I have reviewed the easement for ingress/egress over the existing road provision in the Deed from Herschel Polakoff, *et al.* to you and your spouse dated May 4, 1984 and recorded in the Land Records of Baltimore County on June 28, 1984. Specifically, you asked whether the Polakoff's or their successors in interest can park their vehicles and farm equipment on the Access Road and/or your property bordering the Access Road.

It is my opinion that the Polakoff's or their successors in interest can only use Access Road for ingress and egress to their property. They can only park their vehicles and farm equipment on their property and not the Access Road and/or your property bordering the Access Road.

If you have any further questions please advise.

Sincerely,


Sidney Weiman

SW:lb



10305 Leisure Hill Dr.
 10305 Davis Ave.
 8434 Dogwood Rd
 329 Willow Oak Circle
 2 Woodchester Ct

IN-SHEET

CITY, STATE, ZIP
 Pikesville Md 21208
 Woodstock Md. 21163
 Woodstock Md
 Balto MD
 BALTO, MD
 Balto, MD

DATE NUMBER
 8-20-2 Davis A
 2012

CASE NAME CASE NUMBER
 DAVIS AVE 2012-3221X
 8-20-12

PLEASE PRINT CLEARLY

PETITIONER'S SIGN-IN SHEET

NAME ADDRESS
 NAME Schaefer 10307 Davis Ave
 Bethany Schaefer 10307 Davis Ave
 Henry Schaefer 7 1/2 Ave

CITY, STATE, ZIP
 Woodstock, MD 21163
 Woodstock, MD 21163
 Pikesville MD

E-MAIL
 y.schaefer@gmail.com



**MARYLAND DEPARTMENT OF AGRICULTURE
MARYLAND HORSE INDUSTRY BOARD**

50 Harry S. Truman Parkway, Annapolis, Maryland 21401

Telephone (410) 841-5861 Facsimile (410) 841-5780 www.marylandhorseindustry.org

HORSE STABLE LICENSE

**BALTIMORE
BOARDING
ROCK BAR ACRES
VINCENT J. VARVARO
10305 DAVIS AVE.
WOODSTOCK, MD 21163**

HR #: 510

LICENSE #: 1373

The person named above is granted this license in accordance with the provisions of Agricultural Article,
Sections 2-701 through 2-719, Annotated Code of Maryland.

POST IN A CONSPICUOUS PLACE

EXPIRES: JUNE 30, 2013

THIS LICENSE IS NON-TRANSFERABLE

Earl F. Hance
Secretary Of Agriculture



VIABLE ALTERNATE DRIVEWAY

RICHARD MATZ PE

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Tracy Vann, Department of Permits & Licenses, Miscellaneous
Division
410-887-3630

As of 8/10/12 Permits and Licensing has o record of a Horse
boarding license for the property 10307 Davis Ave, Woodstock,
Md. 21163.

She also said if people come to the hearing and state their
disapproval or send letters that will be taken into consideration
before any special exceptions or permits are granted.

8/20 10am

CASE NO. 2012- 0322-x

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>7-16</u>	DEPS (if not received, date e-mail sent _____)	<u>Comments</u>
_____	FIRE DEPARTMENT	_____
<u>7-16</u>	PLANNING (if not received, date e-mail sent _____)	<u>S</u>
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: _____		
SIGN POSTING Date: _____ by _____		
PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐		
PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐		

Comments, if any: _____

Debra Wiley - ZAC Comments - Distribution Mtg. of June 18, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/19/2012 8:28 AM
Subject: ZAC Comments - Distribution Mtg. of June 18, 2012

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0310-A - 32 Bramleigh Rd.
Administrative Variance - Closing Date: 7/2

2012-0311-A - 6624 Baltimore National Pike
No hearing date in data base as of 6/18

2012-0312-A - 7313 Holabird Avenue - **CRITICAL AREA**
Administrative Variance - Closing Date: 7/9

2012-0313-SPH - 6915 Markel Avenue
No hearing date in data base as of 6/18

2012-0314-A - 12235 Jerico Road - **HISTORIC**
Administrative Variance - Closing Date: 7/9

2012-0315-X - 9831 Van Buren Lane
No hearing date in data base as of 6/18

2012-0316-A - 6 Saxony Court
Administrative Variance - Closing Date: 7/9

2012-0318-A - 12301 Harford Road
Administrative Variance - Closing Date: 7/9

2012-0319-A - 313 Weatherbee
Administrative Variance - Closing Date: 7/9

2012-0320-X - 6850 Sunshine Avenue
No hearing date in data base as of 6/18

2012-0321-A - 6506 Hal Court
Administrative Variance - Closing Date: 7/9

2012-0322-X - 10307 Davis Avenue
No hearing date in data base as of 6/18

D-1

August 8, 2012

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To whom this may concern,

I reside on Davis Avenue. I'm an avid horse rider and have owned horses for decades. I've been to the Schaefer's farm and find their property and animals are well maintained and I'm in agreement with a boarding license being granted to the Schaefer's.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Maynard". The signature is written in dark ink and is positioned above the printed name and address.

Mary Ann Maynard
10712 Davis Avenue
Woodstock, MD 21163

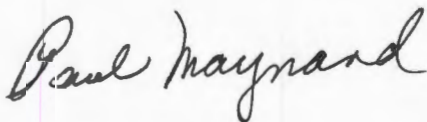
August 8, 2012

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To whom this may concern,

I reside on Davis Avenue and am a neighbor of Mr. and Mrs. Schaefer. Their property and animals are well maintained and I'm in agreement with a boarding license being granted to the Schaefer's.

Sincerely,

A handwritten signature in cursive script that reads "Paul Maynard". The signature is written in dark ink and is positioned above the printed name and address.

Paul Maynard
10712 Davis Avenue
Woodstock, MD 21163

D-2

August 8, 2012

Joshua Jasper
Ashley Jasper
10708 Davis Avenue
Woodstock, MD 21163

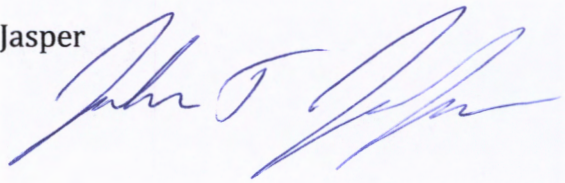
Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

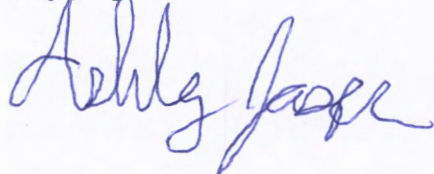
We are residents on Davis Avenue. We are horse owners and riders. We are in agreement with the Schaefer's obtaining a horse boarding license.

Sincerely,

Joshua Jasper

A handwritten signature in blue ink, appearing to read "Joshua Jasper", written over a light blue rectangular background.

Ashley Jasper

A handwritten signature in blue ink, appearing to read "Ashley Jasper", written over a light blue rectangular background.

July 30, 2012

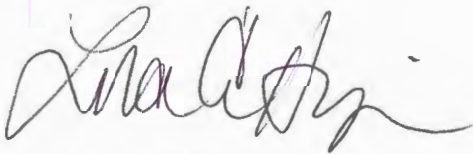
Lora A. Higgins
Howard Tutman
2203 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

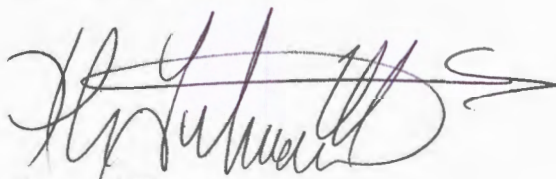
To Whom It May Concern:

My home boards the property known as "At Last Farm". I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I'm writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



Lora A. Higgins



Howard Tutman

July 30, 2012

Larry Fryer
Sandy Fryer
2215 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

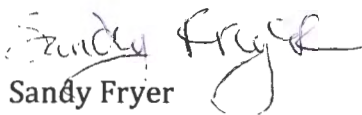
To Whom It May Concern:

My home borders the property known as "At Last Farm". I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I'm writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



Larry Fryer



Sandy Fryer

D-5

July 30, 2012

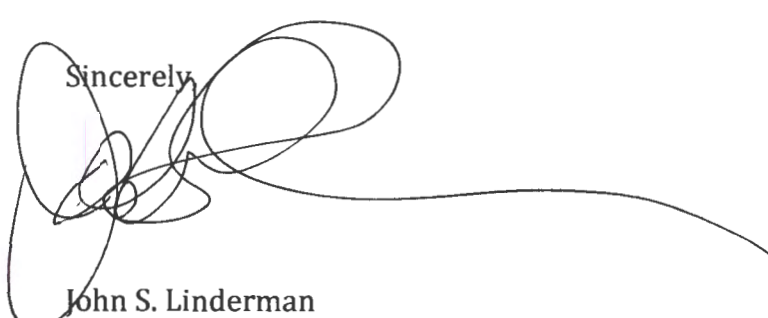
John S. Linderman
Jean Linderman
2205 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

My home borders the property known as “At Last Farm”. I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I’m writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



John S. Linderman



Jean Linderman

July 30, 2012

John Tuzynski
Laurie Levin
2201 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding - At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

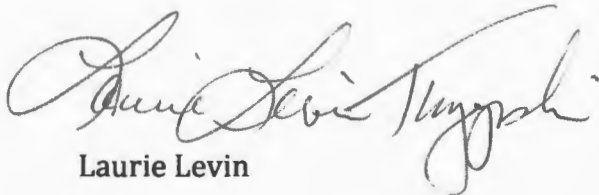
To Whom It May Concern:

My home boarders the property known as "At Last Farm". I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I'm writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



John Tuzynski



Laurie Levin

D-7

July 30, 2012

Frank Beccio
Tina Beccio
2207 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

My home boarders the property known as "At Last Farm". I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I'm writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



Frank Beccio



Tina Beccio

D-8

July 30, 2012

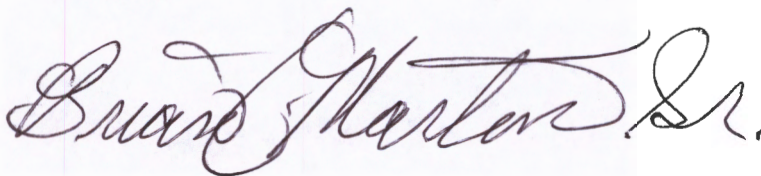
Brian Martin
Jacqueline Martin
2235 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

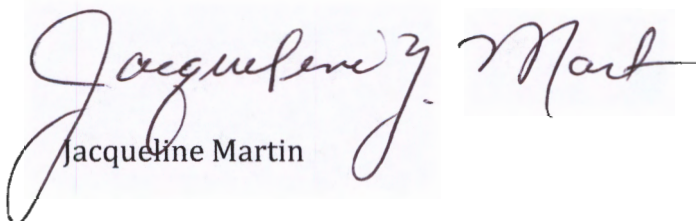
To Whom It May Concern:

My home boarders the property known as “At Last Farm”. I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I’m writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian Martin Dr.", written in a cursive style.

Brian Martin

A handwritten signature in dark ink, appearing to read "Jacqueline Martin", written in a cursive style.

Jacqueline Martin

D-9

July 30, 2012

Marco Grados
Judy Grados
2309 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

My home boards the property known as "At Last Farm". I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I'm writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



Marco Grados


Judy Grados

D-10

July 30, 2012

Robert Smith
Delphine Smith
2311 Sienna Way
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

My home boarders the property known as “At Last Farm”. I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I’m writing this letter to say I approve of the above referenced property being licensed to board horses.

Sincerely,



Robert Smith



Delphine Smith

D-11

William Perigo
2313 Siena Way
Woodstock, MD 21163
410-984-3241

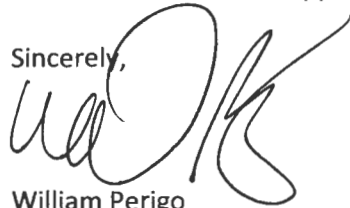
August 2, 2012

RE: Case# 2012-0322-X – Section: 1A07.3.B.12
License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer
10307 Davis Ave
Woodstock, MD 21163

Dear Sir or Ma'am,

My property borders the property at 10307 Davis Ave, known as "At Last Farm." I have been informed that Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I am writing this letter to indicate that I approve of the above referenced property being licensed to board horses.

Sincerely,

A handwritten signature in black ink, appearing to read 'W Perigo', written over the word 'Sincerely,'.

William Perigo

D-12

August 8, 2012

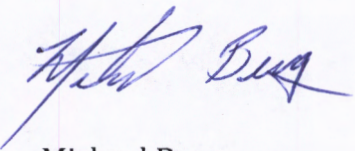
Michael Berg
Jean Berg
10224 Davis Avenue
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

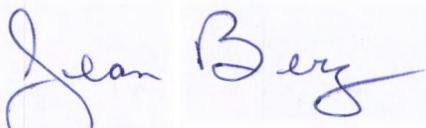
To Whom It May Concern:

We are Mr. and Mrs. Schaefer's neighbors. We are long term residents on Davis Avenue. We are hay farmers and horse owners. We have no problem with the Schaefer's obtaining a horse boarding license. We also sell hay to the Schaefer's and in fact sold 75 round bales to them last year. We feel they maintain the property and horses very well.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Berg", written over a light blue rectangular background.

Michael Berg

A handwritten signature in blue ink, appearing to read "Jean Berg", written over a light blue rectangular background.

Jean Berg

Dr. Joseph N. Tatarew
10218 Davis Avenue
Granite, MD 21163
(410) 925-0582
Tatarewicz@comcast.net

D-13

August 9, 2012

To Whom it may concern:

I am writing concerning an application for a License for Horse Boarding at the "At Last Farm", operated by Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163, Case # 2012-0322-X - Section: 1A07.3.B.12.

It is my understanding that the application is necessary due to ambiguous RC-6 language concerning permitted uses, and that it would enable the Schaefer family to continue their existing and long standing operation.

I have resided here approximately fifteen years, and during that time the operators have been good neighbors, and we have endured no inconveniences. On the contrary, Granite is famously rural and "horse country," a chief reason that it is such a desirable location. Their operation fits harmoniously within the community, preserves its rural character, and is an overall plus. While my property is not technically contiguous, I have direct line of sight from my home and see the operation clearly on a daily basis.

I was a member of the citizen panel that drafted the RC-6 classification and guidelines. Our charge, among others, was to enumerate the kinds of commercial and other operations permitted, so as to manage inevitable growth and preserve the rural character of some of the last remaining less-developed land in the county. It remains important to reward residents and owners who try to operate within the spirit of the zoning classification.

For all these reasons, I have no objections to granting the application. Having worked with the community on development issues for fifteen years, and attended and testified at numerous hearings, this is the easiest decision I have seen. So long as the operation complies with the other elements of RC-6, this seems to me to be a simple clarification of uses.

I understand further that the Schaefer family has contacted the Greater Patapsco Community Association (GPCA) concerning their request. I would defer to GPCA's overall opinion, if submitted, and if at variance with mine.

If you need additional information or clarification, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Joseph N. Tatarewicz". The signature is fluid and cursive, with a large, stylized "Z" at the end.

Dr. Joseph N. Tatarewicz, Ph.D.

cc: Greater Patapsco Community Association

D-14

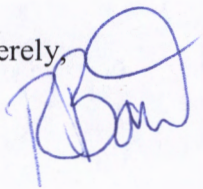
August 7, 2012

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To whom this may concern,

I reside on Davis Avenue and am a neighbor of Mr. and Mrs. Schaefer. Their property and animals are well maintained and I'm in agreement with a boarding license being granted to the Schaefer's.

Sincerely,



Robert Baim
410-480-4836
10203 Davis Avenue
Woodstock, MD 21163

D-15

August 8, 2012

Thomas McGovern
Margaret McGovern
10108 Davis Avenue
Woodstock, MD 21163

Re: License for Horse Boarding – At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

As a 50 year residents on Davis Ave, we have no problem with Mr. and Mrs. Schaefer maintaining horses on their property. We approve of the boarding license being granted.

Sincerely,

Thomas McGovern

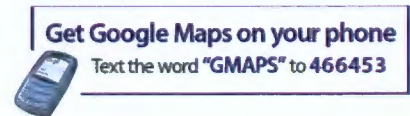
Thomas P. McGovern

Margaret McGovern

Margaret McGovern

LIST OF
LETTERS OF SUPPORT

1. Paul and Mary Ann Maynard, 10712 Davis Ave
2. Joshua and Ashley Jasper, 10708 Davis Ave
3. Lora A. Higgins and Howard Tutman, 2203 Siena Way
4. Larry and Sandy Fryer, 2215 Siena Way
5. John and Jean Linderman, 2205 Siena Way
6. John Tuzynski and Laura Levin, 2201 Siena Way
7. Frank and Tina Beccio, 2207 Siena Way
8. Brian and Jacqueline Martin, 2235 Siena Way
9. Marco and Judy Grados, 2309 Siena Way
10. Robert and Delphine Smith, 2311 Siena Way
11. William Perigo, 2313 Siena Way
12. Michael and Jean Berg, 10224 Davis Ave
13. Dr. Joseph N. Tatarewicz, 10218 Davis Ave
14. Robert Baim, 10203 Davis Ave
15. Thomas and Margaret McGovern, 10108 Davis Ave



**BALTIMORE COUNTY DEPARTMENT OF HEALTH
ANIMAL CONTROL DIVISION**

13800 Manor Road, Baldwin, Maryland 21013 410-887-5961

HOLDING FACILITY / EXOTIC BIRD INSPECTION FORM

Facility Name: AT LAST FARM Owner: Wayne & Bethany Schaefer
Location: 10307 Davis Ave Phone Number: 410 750-0645
License / Permit #: _____ Visit Date: 7/28/11 Time: 1200
Type of Inspection: _____ Routine _____ Follow-up ☒ Other New inspection

RECORD COMPLIANCE

N/A Acquisition Records (Date; Invoice #; Lot #; Species; Quantity; Color; Seller's name, address, phone #)

N/A Transfer Records (Corresponding Invoice information; Date of Sale / Transfer; Customer's name, address, phone #; Species; Quantity; Color)

N/A Records kept for minimum [one year] period

SANITARY CONDITIONS

S 7 Stalls & Run-in shed being built
S Cages cleaned / sanitized on regular schedule N/A Disinfection Technique

S Soiled food / water bowls washed, rinsed, sanitized daily prior to reuse

N/A Arrangement of cages (husbandry: cages not stacked; barriers used if adjoining cages)

S General cleanliness of facility (walls, floors, ceiling, counters, storage areas)

N/A Trash Disposal N/A Dead animal storage / disposal N/A Odor present

N/A Handwashing facilities N/A Protective equipment availability S Ventilation

ANIMALS (Check if present)

_____ Fish
_____ Reptiles (Iguanas, Lizards, Snakes, Others _____)
_____ Turtles, Tortoises, Viable Eggs (4" requirement) _____ **CAUTION NOTICE POSTED**
_____ Dogs, Cats, Ferrets _____ Health Certificate _____ Rabies Vaccination > 4 months
_____ Small Animals (Gerbils, Guinea Pigs, Hamsters, Rats, Mice, Rabbits)
☒ Other Animals Horses
_____ Information Distributed at Sale of Pet

Veterinarian Consultant Dr. Casey Phone # ~~410~~ 301 785-5167
301 725-4371

COMMENTS
Excellent maintenance records
Automatic waterer

Inspected by: James Burnett

Received by: [Signature]

S = Satisfactory

U = Unsatisfactory

N/A = Not Applicable

Rev - 3/07

(301) 725-4371 Office
(301) 490-2513 Fax
(301) 785-5167 Mobile



VETERINARY SERVICES
Sports Medicine, Dentistry and Surgery



E-Mail: casey@us.net
Website:
www.equinehorsevet.com

JAMES M. CASEY, D.V.M., M.S.

EQUINE PRACTITIONER AND SURGEON

8301 FROSTWOOD DRIVE ♦ LAUREL, MARYLAND 20724

August 5, 2012

To Whom It May Concern:

I provide veterinary care to the horses owned by or stabled at:

Wayne and Bethany Schaefer

At Last Farm

10307 Davis Ave

Woodstock, MD 21163

If you need additional information or have questions, please do not hesitate in contacting me at 301-785-5167.

Sincerely,

James M. Casey, D.V.M.



Triangle Home Services Inc.

3197 Atlee Ridge Road New Windsor Md 21776

WORK ORDER: 28024
WORK DATE:

MDA #28891
VDA #83926-C

OFFICE:

1-866-756-3764

7:30 - 8:30

Customer Information:

[101755]

BETH & WAYNE SCHAEFER
10307 DAVIS ROAD
Woodstock, MD 21163

[101755]

443-472-6474

BETH & WAYNE SCHAEFER
10307 DAVIS ROAD
Woodstock, MD 21163

Target Pest:

GPC, MICE, RATS HERNANDO

COO

TREAT FULL PERIMETER, TREAT FULL FOUNDATION OF HOUSE, BARN AND HORSE STABLE,
ALL NESTING AREAS, RE-BAIT ALL RODENT BAIT STATIONS, TREAT FOR MICE, RATS AND
ALL OTHER GENERAL PESTS

Job Description:

MONTHLY PC

Monthly Pest Control

HI MR. & MRS. SCHAEFER, IF YOU'RE NOT HOME WHEN WE TREAT
AND YOU DO WANT INSIDE SVC. PLEASE GIVE OUR OFFICE A
CALL SO THAT WE CAN SCHEDULE AN INSIDE APPT. AT NO EXTRA
CHARGE TO YOU.

Note to Customer:

Remember that in between your Scheduled Pest
treatments if a problem should arise all you need to
do is call and you are covered at NO CHARGE for the
extra treatments that you need.

Customer Signature: X

Amount Due:

\$

45.00

Payment Method:

Cash

Check

Charge

Card Type:

Card Number:

Exp Date:

Cvv #:

Service Area

Yard Spray	Attic	Kitchen	Bathrooms
Bedrooms	Basement	Perimeter	Spot Treat
Garage	Wall Void	Trash Area	Pipes
Foundation	Nesting Area	Carpet	Other

Target Pest

Ants	Spiders	Ticks	Stink Bugs
Bees	Rodents	Crickets	Wildlife
Carpenter Ants	Fleas	Roaches	Termites
Carpenter Bees	Mites	Box elder	Other

Equipment

Dust Bulb	Back Pack	Glue Boards	Rod
Stations	Hand Held	Snap Trap	TC Rig
Traps	B&G	Bait Gun	Cages

Pesticide

EPA

Amount

Cy Kick	499-470	0.01
Alpine	499-527	51
Contract Blox	12455-79	0.005
Niban Granulars	64405-2	5
P.I.	499-444	4.5
Phantom	241-392	0.5
Precor	2724-352-5089	1
Talstar EZ	279-3168	0.2
Talstar One	279-3206	7.9
Tempo SC Ultra	3125-498	0.05
Termidor	432-901	0.06
Wasp Freeze	439-362	0.25
Max Force Roach Bait	64248-5	2.15
Cyper Tc	538883-92	0.06

* Next Svc.

Comments: Time In Time Out

Temp Wind Speed Direction Precip

Mon. Aug. 27th

7:30 - 8:30 AM

Served By:

DATE:

Hernando
7-23-2012

**Thank You For Supporting Your
Local Company !*

August 5, 2012

Steven Jewell
5 Coach Lane
Baltimore, MD 21225

Re: License for Horse Boarding - At Last Farm
Wayne and Bethany Schaefer, 10307 Davis Ave., Woodstock, MD 21163
Case # 2012-0322-X - Section: 1A07.3.B.12

To Whom It May Concern:

I understand Mr. and Mrs. Schaefer are applying for a license to board horses on their property. I'm writing this letter to say that I am a hired hand at At Last Farm. I keep the lawn and pastures mowed and clean stalls. The farm is well maintained and the horses well cared for. I see no reason why the boarding license should be denied.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven Jewell", written in a cursive style.

Steven Jewell

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2012-0322-X

10307 Davis Avenue

S/s Davis Avenue, 230 ft. east of centerline of intersection with Siena Way

2nd Election District - 2nd Councilmanic District

Legal Owner(s): The Polakoff Family, LLC

Special Exception: to use the herein described property for a riding stable pursuant to Section 1A07.3.B.12.

Hearing: Monday, August 20, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 07/773 July 31 864947



501 N. Calvert Street, Baltimore, MD 21278

August 2, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on July 31, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

G 1

BILLING
COUNTYWIDE POSTING

TO: JORDAN S ROSEN ESQ

INV# 005

FROM: MARTIN OGLE

DATE: 7/31/12

REF: ZONING HEARING SIGN

G 2

SIGN TYPE/DESCRIPTION:

(1) ONE HEARING SIGN 10307 DAVIS AVENUE

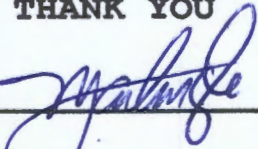
PLEASE PAY THIS AMOUNT \$ 50.00

MAKE CHECKS PAYABLE TO:

MARTIN OGLE

60 CHELMSFORD COURT
BALTIMORE MD, 21220

THANK YOU



MARTIN OGLE

3
G



20029

Bertha H Grelek & Husband
Right of Way to
Susquehanna Transmission Co

- See Lib. 872, p. 20029
May 14, 1931.

This Deed Made this 20th day of April in the year one thousand nine hundred and thirty one by and between Bertha H Grelek and William Grelek her husband of Baltimore County in the State of Maryland hereinafter called the Grantors and Susquehanna Transmission Company of Maryland a corporation of the State of Maryland hereinafter called the Company

Witnesseth that in consideration of the sum of Five Dollars and other valuable considerations this day paid the receipt whereof is hereby acknowledged the Grantors do hereby grant and convey unto the Company its successors and assigns a Right of Way 150 feet in width over the land situate on Davis Avenue and adjoining the lands of Hugh F Peach et al Henry H Deitz James Kelley and others containing 165 acres 2 rods and 20 square perches of land more or less in the Second Election District of Baltimore County and acquired by Bertha H Grelek from Thomas J Groomes et al by Deed dated Nov 26 1927 and recorded among the Land Records of Baltimore County in Liber W H M No 654 folio 30 etc to be used for the erection and maintenance thereon of an electrical transmission line including the necessary towers structures wires cables attachments appliances and ground wires beneath the surface of the right of way together with the right to enter upon the property using as far as practicable existing roads thereon for the purpose of construction patrol repair and maintenance work connected with the transmission line and also the right to cut down trim remove and keep out all trees and brush upon the right of way or adjacent property which might at any time interfere with or be liable to interfere with or fall upon the transmission line

The center line of the said right of way herein granted shall be as shown upon the blueprint attached hereto and made a part hereof marked "File No 60-B-295"

The land in the right of way may be farmed by the Grantors their heirs or assigns or used by them in any manner which does not interfere with the transmission line and the proper maintenance thereof but no buildings or structures of any kind are to be erected on the right of way

Should any damage be done to growing crops during the construction patrol repair or maintenance of the transmission line the Company will pay the Grantors their heirs or assigns for such damage as may be done according to the prevailing market prices of the crops The Company will also pay for the cost of repairing any fences that may be damaged during such work

Witness the hands and seals of said Grantors

Test

Bertha H Grelek (seal)

David Hettelman

Wm Grelek (seal)

as to both

State of Maryland Baltimore County to wit

I Hereby Certify that on this 20th day of April 1931 before me the subscriber a Notary Public of the State of Maryland in and for the County aforesaid personally appeared Bertha H Grelek and William Grelek her husband and acknowledged the foregoing deed to be their act

Witness my hand and Notarial Seal
(Notarial Seal)

Agnes H Laukaitis
Notary Public

Recorded May 14 1931 at 8 30 A M & Exd per Louis McL Merryman Clerk

Case No.: 2012-0322-X

Exhibit Sheet

Petitioner/Developer

Protestants

DJ 8-24-12

No. 1 A	Site Plan	#1 Petition w/ Signatures
No. 2 B	Zoning Map	#2 Photos
No. 3 C1- C17	Photos	#3 Correction Notice 5-19-89
No. 4 D1- D1b	Letters of Support	#4 7-28-11 Letter Sidney Weiman
No. 5 E1- E4	Docs. from Animal Control + Veterinarian	#5 10-5-11 Letter Richard Matz
No. 6 F1- F3	ZAC Comments	#6 Letter - Richard Rynd
No. 7 G1- G3	Notice of Publication + Posting	#7 Letter - Mr + Mrs. Varvaro
No. 8 H	Deed	
No. 9		
No. 10		
No. 11		
No. 12		

(ORIGINAL)

(1)

PETITION

PROTESTANT' S

EXHIBIT NO. 1

CASE #2012-0322-X

HEARING – ROOM #205

JEFFERSON BUILDING – 105 W.CHESAPEAKE AVE.

TOWSON, MD. 21204

MONDAY , AUGUST 20, 2012 @ 10:00 AM

REQUEST EXCEPTION TO USE THE HEREIN
PROPERTY (10307 DAVIS AVENUE-GRANITE-
WOODSTOCK, MD.) FOR A RIDING STABLE
PURSUANT TO SECTION 1A07.3.B.12

WE HEREWITH THE UNDERSIGN PROTEST THE SPECIAL EXCEPTION FOR A RIDING STABLE, THE
PROPERTY KNOWN AS 10307 DAVIS AVENUE IN GRANITE – WOODSTOCK, MD. FOR THE FOLLOWING
REASONS:

1. IT WOULD ADD ADDITONAL TRAFFIC TO A COUNTY ROAD THAT IS DESIGNATED WITH PRIVATE HOMES.
2. BECAUSE OF THE CURVATURE OF DAVIS AVENUE APPROXIMATELY NEAR THE SITE WOULD PROVIDE FOR A DANGEROUS TRAFFIC SITUATION.
3. THE SITE IN QUESTION USES A SHARED DRIVEWAY , WHICH ALREADY PROVIDES FOR OVER USAGE.
4. RIGHT-A-WAY THROUGH THE PRESENT DRIVEWAY WAS AGREED TO IN PRIOR YEARS WHEN THE PROPERTY IN QUESTION ONLY HAD A PRIVATE HOME. NOW UNDER THIS POSSIBLE DESIGNATION WOULD CREATE A COMMERCIAL BUSINESS AND WOULD MAKE THIS DRIVEWAY OVERBURDENED.
5. THE USAGE OF THIS PROPERTY AS A BUSINESS WOULD CHANGE THE PERSONALITY OF THE ENTIRE NEIGHBORHOOD.

SIGNATURES:

NAME:

ADDRESS:

1. Vincent J. Harward	10305 Davis Ave. Woodstock, MD. 21163
2. Dorothy F. Harward	
3. Ken Petty, 1st Lina Petty	10600 Davis Ave. C1 Woodstock, MD. 21163
Nichole Petty	10600 Davis Ave C25 Woodstock, MD. 21163
6. Jack Duggan	10600 Davis Ave. C25 Woodstock, MD. 21163
7. August Betty McKin	10433 Davis Ave Woodstock, MD 21163
9. Freida Hinder	10306 Davis Ave Woodstock, MD. 21163
10-11 Mr & Mrs Richard Hall	2216 Siena Way Woodstock MD 21163
12 - Kara Hall	2216 Siena Way woodstock MD 21163

PETITION

CASE #2012-0322-X
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 JEFFERSON BUILDING – 105 W. CHESAPEAKE AVE.
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SIGNATURES:

NAME:

ADDRESS:

13. Charles R. Matthena	10508 Davis Ave Woodstock MD 21163
14. Mary Jo Matthena	10508 Davis Ave Woodstock MD 21163
15. Leroy R. Matthena Jr	12 MOLINE CT WOODSTOCK MD 21163
16. Sarah Matthena	12 Moline Ct. Woodstock MD, 21163
17. Kelly Mahnasky	10600 Davis Avenue Woodstock, MD 21163
18. Andrew Mahnasky	10600 Davis Avenue Woodstock, MD 21163
19. Jennin M. Meekins	10700 Davis Avenue Woodstock, MD 21163
20. Joyce L. Meekins	10700 Davis Avenue Woodstock, MD 21163

PETITION

CASE #2012-0322-X

HEARING – ROOM #205

JEFFERSON BUILDING – 105 W. CHESAPEAKE AVE.

TOWSON, MD. 21204

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SIGNATURES:

NAME:

ADDRESS:

21	Steven M. Smith	10435 Davis Ave	21163
22	Lee M. Smith	10435 DAVIS AVE	21163
23	Robert T. Smith	2216 Sierra Way	21163
24	Mr & Mrs Eugene Manly	2218 Sierra Way, Woodstock Md,	21163
25	Mr. & Mrs. Jeffery Reynolds	10302 Davis Ave. Woodstock, MD	21163
26	John Mathews	10304 Davis Ave Woodstock Md	21163
27	Ann A. Brown	7202 Rockland Hill Rd. Baltimore	21209
28	Dana Hughes	10310 Davis Ave	21163

PETITION

CASE #2012-0322-X

HEARING – ROOM #205

JEFFERSON BUILDING – 105 W. CHESAPEAKE AVE.

TOWSON, MD. 21204

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SIGNATURES:

NAME:

ADDRESS:

31.	John Smith	10010 Davis Ave	21143
32-33.	Dave & William Link	2312 Serra Way	21163
34.	Raren Kleis	109 Sunset Dr, Annapolis, Md.	21403
35.	George Haas	321 Gravelhorn Rd, Middle River, MD	21276
36.	John Thompson	3294 Wilbur Oak Cir.	21208
37.	Mark Mintz	2 Woodchester Ct	21208
38.	Richard Rynd	8570 Leisure Hill	21208
39.	Richard Solomon	5000 Klee Mill Rd. S	21784

PETITION

CASE #2012-0322-X
HEARING – ROOM #205
JEFFERSON BUILDING – 105 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
MONDAY, AUGUST 20, 2012 @ 10:00 AM
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SIGNATURES:

NAME:

ADDRESS:

40.	Mauraen Boskin	3037 Kermeyer Rd. Woodstock MD 21163
41.		
42.		
43.		
44.		
45.		
46.		
47.		



PROTESTANT' S

EXHIBIT NO. 2

(#1)

ZONING ENFORCEMENT SECTION



TELEPHONE: 887-3351

***** CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION *****

CASE NUMBER C- 89-1695

ELECTION DISTRICT: 2ND

LOCATION: 10205 DAVIS AVE WOODSTOCK MD 21163

DEAR MR HERSCHEL - MRS RUTH POLAKOFF :

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

☐ THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.

☒ THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

1- CEASE THE OPERATION OF AN ANIMAL BOARDING PLACE IN A RC5 Zone which is (PROHIBITED) PROHIBITED UNDER BALTIMORE COUNTY ZONING REGULATIONS.

2- REMOVE BUSINESS SIGN FOR THIS OPERATION

3 A SPECIAL EXCEPTION HEARING MUST BE GRANTED TO ALLOW ONE TRAILER (mobile home) ON RURAL RESIDENTIAL PROPERTY THAT CONSISTS OF LESS THAN 25 ACRES

4) ONLY ONE ADDITIONAL TRAILER MAY BE STORED ON THIS PARCEL IT CANNOT BE OCCUPIED MUST BE IN REAR YARD AND MUST MEET THE 25 FOOT SETBACK FROM THE PROPERTY

IF YOU HAVE ANY QUESTIONS PLEASE CALL ME AT 8878096

FAILURE TO COMPLY BY JUNE 30 1989, WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

☐ COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.

INSPECTOR: D Thomson

DATE: 5/19/89

COPIES: WHITE - Defendant Original
GREEN - Defendant Duplicate
YELLOW - Complainant

PINK - File
GOLD - Inspection Report

SIDNEY WEIMAN
sweiman@LevinGann.com

DIRECT DIAL
410-321-4664

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

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

July 28, 2011

Mr. Vincent J. Varvaro
1305 Davis Avenue
Woodstock, Maryland 21163

Re: Easement of Ingress/Egress

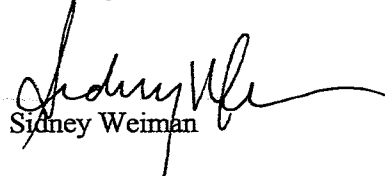
Dear Mr. Varvaro:

In accordance with your request, I have reviewed the easement for ingress/egress over the existing road provision in the Deed from Herschel Polakoff, *et al.* to you and your spouse dated May 4, 1984 and recorded in the Land Records of Baltimore County on June 28, 1984. Specifically, you asked whether the Polakoff's or their successors in interest can park their vehicles and farm equipment on the Access Road and/or your property bordering the Access Road.

It is my opinion that the Polakoff's or their successors in interest can only use Access Road for ingress and egress to their property. They can only park their vehicles and farm equipment on their property and not the Access Road and/or your property bordering the Access Road.

If you have any further questions please advise.

Sincerely,


Sidney Weiman

SW:lb

N:\Rynd, Richard (6559)\Vavaro.wpd

PROTESTANT' S

EXHIBIT NO. 4

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



October 5, 2011

Mr. Richard Rynd
Rynd Associates
8H Music Fair Road
Owings Mills, MD 21117

RE: 10305 Davis Avenue
CMR Job No. 2011-141

Mr. Rynd:

Pursuant to your request, we have visited the site at Davis Avenue several times and performed some limited surveying on the ground.

We have read the title deeds to each of three properties. The deed for Parcel 191, the Varvaro property, L06738, F00344 states that "... and without which the Grantors would have no other means of ingress or egress."

Our professional opinion with regard to the line in the aforementioned deed is that there is at least one viable driveway entrance location, taking into consideration sight distance, slope, and physical obstacle issues. We have enclosed attachments showing the most viable driveway to serve the house on the Polakoff Property.

Very Truly Yours,

Richard E. Matz, P.E.
Vice President

J:\2011\2011141\201110052011\ Rynd.doc

PROTESTANT' S
EXHIBIT NO. 5



VIABLE
ALTERNATE
DRIVEWAY

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

PROTESTANT'S

EXHIBIT NO. 6*To Judge*

My name is Richard Rynd. I board my horse next door to the property that is seeking the special Exception. I have been boarding there for more than 15 years. When I arrived, the property in question next door was a private home which was not lived in. It was not a business enterprise. This property shared a small driveway with its neighbor, Mr. Varvaro who had given a right of way at the time of sale because the owner claimed he had no other way to gain entrance to his property.

Last year Mr. Varvaro hired a Civil Engineer to find out that what was written in the deed was fraudulently stated. Quote "the Grantors would have no other means of ingress or egress."

The Civil engineer stated in a letter that Mr. Polokoff always had the opportunity to have his own driveway. Even now, the property owner created a temporary, not county approved driveway on the grass to alleviate the parking and ingress and egress. A new driveway might alleviate the problem. I say might because Davis Avenue is a small country road which has a hill just at the driveway of the property which makes it extremely difficult to see the cars coming over the hill when pulling out of the driveway. This is a major hazard. 127 new homes were built now using Davis Ave. to shortcut to Old Court Rd. (picture given)

Now the owner of that property wants to again change the usage of that driveway, commercializing it even further by creating a Riding stable where persons will come and go for 1 or 2 hours of riding and some continue boarding horses. People will not have their own horse there and so will have no interest in keeping the area safe, clean and less hazardous, with much more unsafe traffic.

If this property was to receive a special exception which will extend to Mr. Varvaro's right of way it will take away his rights to his property and radically diminish the value because of the overburdened driveway on his property.

Reasons the special exception should not be given:

1. It creates a traffic hazard in an area that has 127 new private homes closely adjacent to the property which go by the entrance every day.
IT IS ALSO ADJACENT TO 10 VERY UPSCALE HOMES RECENTLY CONSTRUCTED
2. Many owners near the property ask that it be denied. A petition has been signed by many property owners. They could not be here because they are all working people. All of the people signed live near the property or board their horses there.
3. According to Mr. Varvaro, the right of way was given 27 years ago for the usage of the property next door to be used as it was at that time, which was a private driveway. If it was to be used for a more commercial use it never would have been given. Mr. Varvaro's small private drive cannot

take the present traffic with cars & trucks. A special exception would only exacerbate the situation.

4. According to Baltimore County, Tracy Van in Permits & Licensing, Mr. Polakoff's present horse boarding facility is not licensed and he does not have a rental housing license, Section 35-60105. How can you give a special exception to an unlicensed entity, (Polakoff Family LLC.) That has continued to break the law now and for a number of years
5. The petitioner's big sign located on Davis Ave. blocks the view of cars coming up the hill on Davis Ave. and was never approved by the county which is a violation of the law of Baltimore County A special exception adds to this hazard.
6. Petitioner now has 10 horses on property, which is a Violation of Baltimore County zoning laws.
7. The office of Zoning who makes recommendations has never seen the property in accordance with my conversation at their office; they require the petitioner to meet Baltimore County Regulation 502.1 conditions before a special exception is granted. There are 9 such conditions. The Petitioner only meets 5 of them (Does not meet A, B, C, D, G.)
 - A. It will be detrimental to the safety of the locality Involved because of the narrow driveway and entrance
 - B. It will create congestion on roads, both the driveway and Davis Ave.
 - C. It will create a potential hazard or danger due to overburdening the driveway and a traffic hazard coming from the driveway to Davis Ave.
 - D. It will overcrowd an already over burdened small driveway.
 - G. Because of the above it is inconsistent with the spirit and intent of the Zoning regulations.

I believe if the petitioner wants to enlarge the usage of his property he should put in his own driveway and then come back for a new hearing. Until then Mr. & Mrs. Varvaro request that the Special Exception be denied.

PROTESTANT'S

GOOD MORNING

EXHIBIT NO.

117

PAGE 1 OF 2

MY NAME IS DOROTHY VARVARO AND MY HUSBAND VINCE AND I OWN THE PROPERTY NEXT DOOR TO 10307 DAVIS AVENUE, WOODSTOCK, MD. 21163 WHERE THEY ARE SEEKING A SPECIAL EXCEPTION FOR THE USE OF A RIDING STABLE.

WE HAVE BEEN LIVING AT 10305 DAVIS AVENUE FOR 28 YEARS IN A SMALL HOME CARING FOR ABOUT 10 HORSES. WHEN WE GAVE THE RIGHT OF WAY FOR OUR SMALL DRIVEWAY (12 FT. WIDE) TO MR. & MRS. HERSCHEL POLAKOFF AT THE TIME OF PURCHASE, THERE WAS NO ONE LIVING NEXT DOOR. THERE WAS ONLY A BARN WITH A SITTING ROOM, KITCHEN AND BATHROOM IN FRONT OF THE BARN. THAT WAS THE CASE FOR MANY YEARS.

APPROXIMATELY 2 YEARS AGO, MR. POLAKOFF RENTED THE PROPERTY TO MR. WAYNE SHAFFER AND FAMILY WHO RENOVATED SAME AND MADE IT INTO A RESIDENCE AND A HORSE BOARDING STABLE AND HAS BEEN OPERATING THE BOARDING OF HORSES FOR THE LAST 2 YEARS WITHOUT A BOARDING LICENSE. MR. SHAFFER HAS HAD SEVERAL LARGE PARTIES FOR HIS FAMILY, FRIENDS AND BOARDERS WHO HAD TO PARK IN THE DRIVEWAY BECAUSE HE DID NOT HAVE A PARKING FACILITY FOR THEM.

THE TRAFFIC ON OUR SMALL DRIVEWAY IS NOW OVER-BURDENED AND HAZARDOUS. HEAVY EQUIPMENT IS BROUGHT IN REGULARLY WITH HORSE TRAILERS, ETC. THE USE OF THE DRIVEWAY IS NO LONGER THE WAY IT WAS ORIGINALLY INTENDED. WHEN LEAVING THE DRIVEWAY ONTO DAVIS AVENUE, IT HAS BECOME VERY HAZARDOUS BECAUSE YOU CANNOT SEE THE CARS ON THE ROAD ON YOUR LEFT DUE TO THE LONG DIP IN THE ROAD AND THEIR SIGN INCREASES THE TRAFFIC HAZARD.

HAVING A RIDING STABLE, USING ^{our} ~~the~~ DRIVEWAY WOULD BE AN ADDITION THAT WOULD BE INTOLERABLE AND DANGEROUS. IT WOULD BRING IN DAILY RIDERS, WHO WOULD SPEND AN HOUR OR TWO OF RIDING WITH THE NEED FOR ADDITIONAL PARKING AND TRAFFIC. WE ARE SURROUNDED BY HOMES THAT ARE ADJACENT TO THE PROPERTY IN QUESTION. ONE FENCE SEPARATES THE PROPERTY AND THE HOMES.

THIS, OF COURSE, WOULD CREATE MORE ACTIVITY TO A VERY QUIET NEIGHBORHOOD. OUR DRIVEWAY BECOMES PART OF THE SPECIAL EXCEPTION AND WE ARE AGAINST IT. MR. WAYNE SHAFFER NOW LIVING AT 10307 DAVIS AVENUE HAS ALREADY CUT AN UNAPPROVED PATH TO DAVIS AVENUE BECAUSE OF THEIR INCREASED TRAFFIC.

I BELIEVE THE PROPERTY IN QUESTION NOW DOES NOT HAVE A HORSE BOARDING LICENSE AND IS BREAKING THE LAW. HIS BOARDING OPERATION THAT HE HAS, MAY NOT QUALIFY THEM TO HAVE ANY HORSES AT ALL. HOW CAN WE GIVE A SPECIAL EXCEPTION TO EXPAND AN UNLICENSED BUSINESS????

MANY OF THE NEIGHBORS INCLUDING US, DO NOT WANT A SPECIAL EXCEPTION GRANTED DUE TO THE FACT THAT THIS COUNTRY ROAD IS SO NARROW WITH LIMITED SITE LINES DUE TO CURVATURE AND VEGETATION ON ROADSIDE ^{There are} ONLY CENTER LINES – NO LINES TO MARK EDGES OF ROAD. ^{The} ~~THIS~~ ^{With a dangerous hill starting at the driveway} SPECIAL EXCEPTION WOULD CREATE A DANGEROUS TRAFFIC SITUATION.

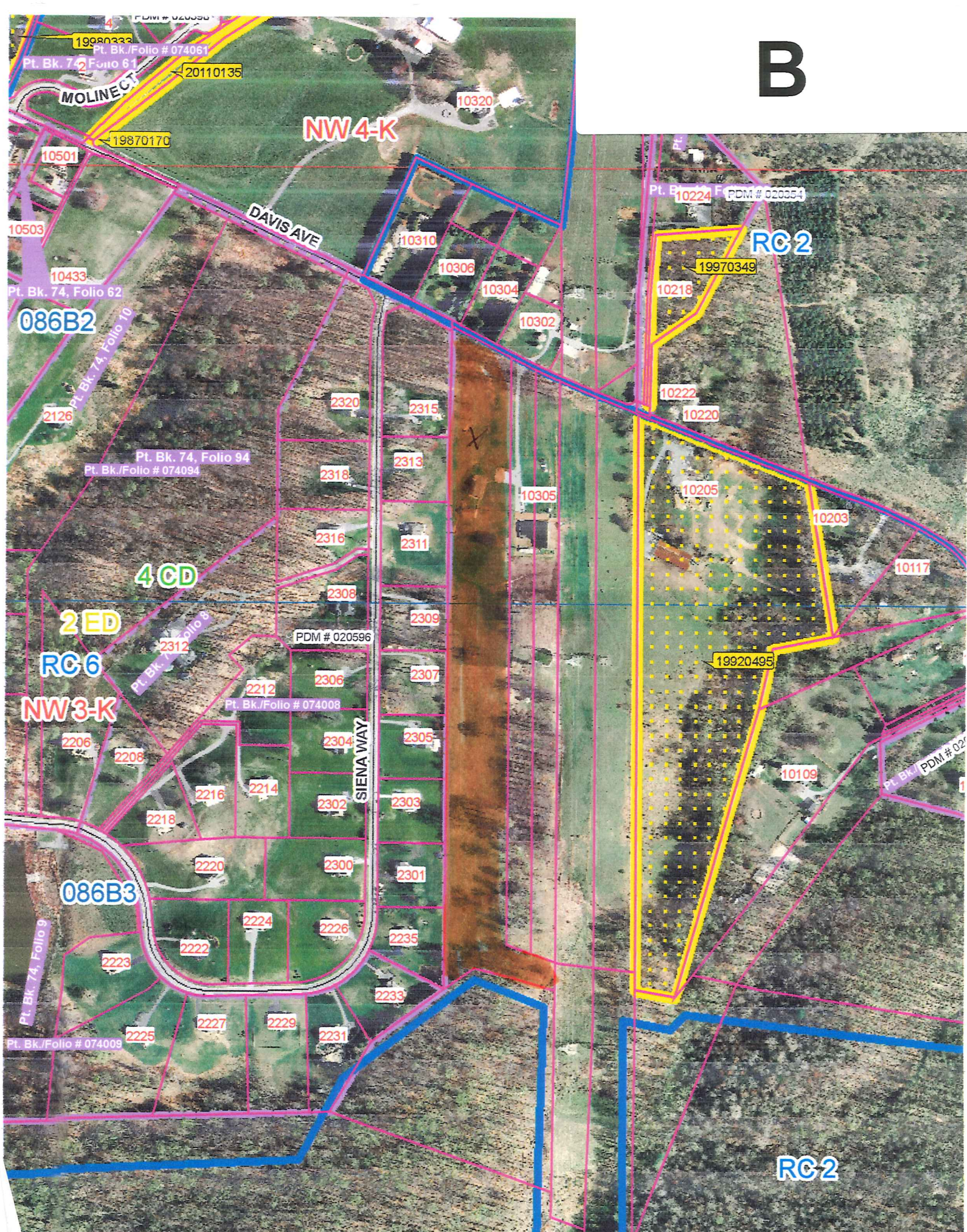
A PETITION HAS BEEN SIGNED BY VERY CONCERNED NEIGHBORS.

MR. & MRS. VINCENT & DOROTHY VARVARO

10305 DAVIS AVENUE

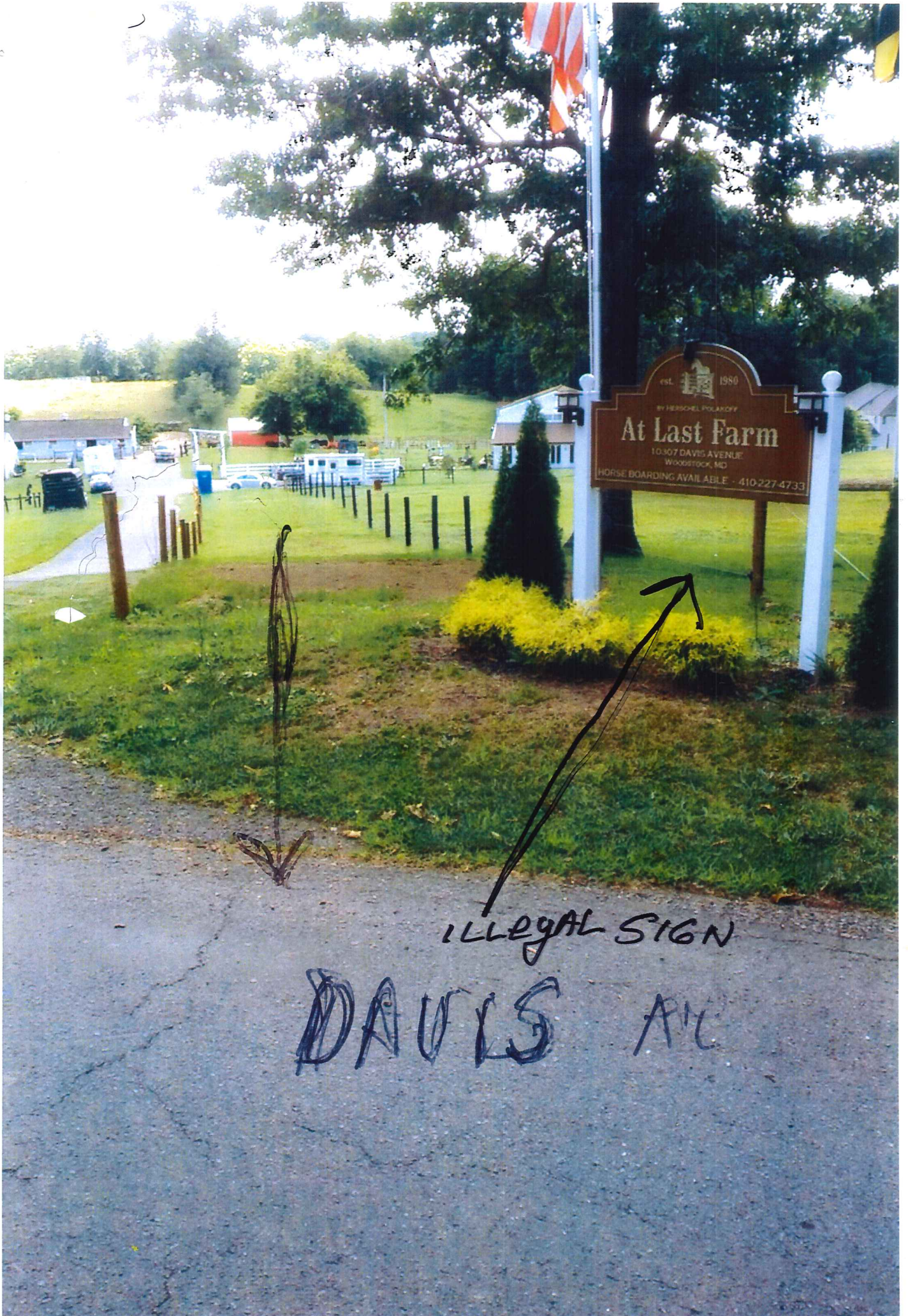
WOODSTOCK, MD. 21163

RC 2





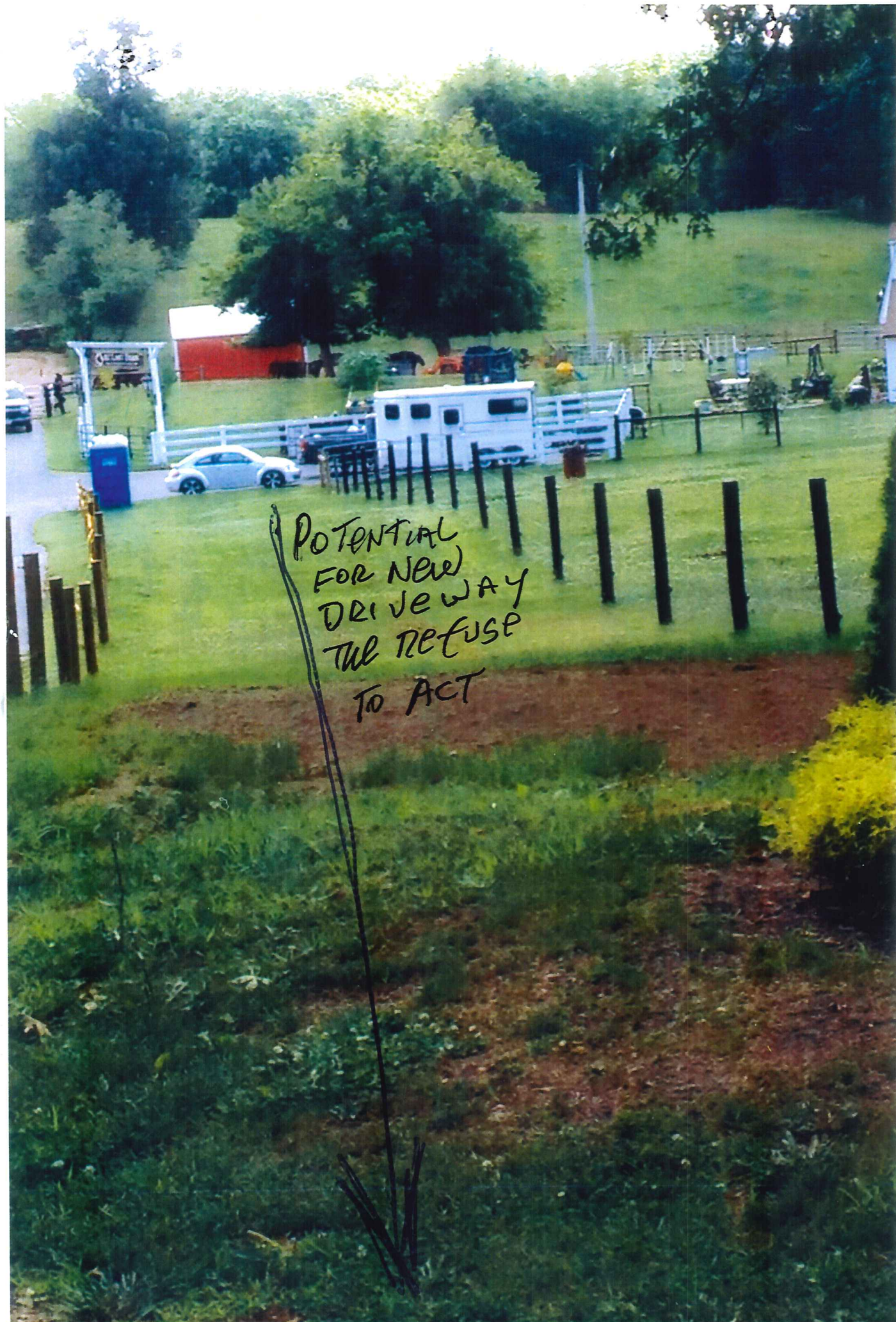
67



ILLEGAL SIGN

DAVIS AVE

3



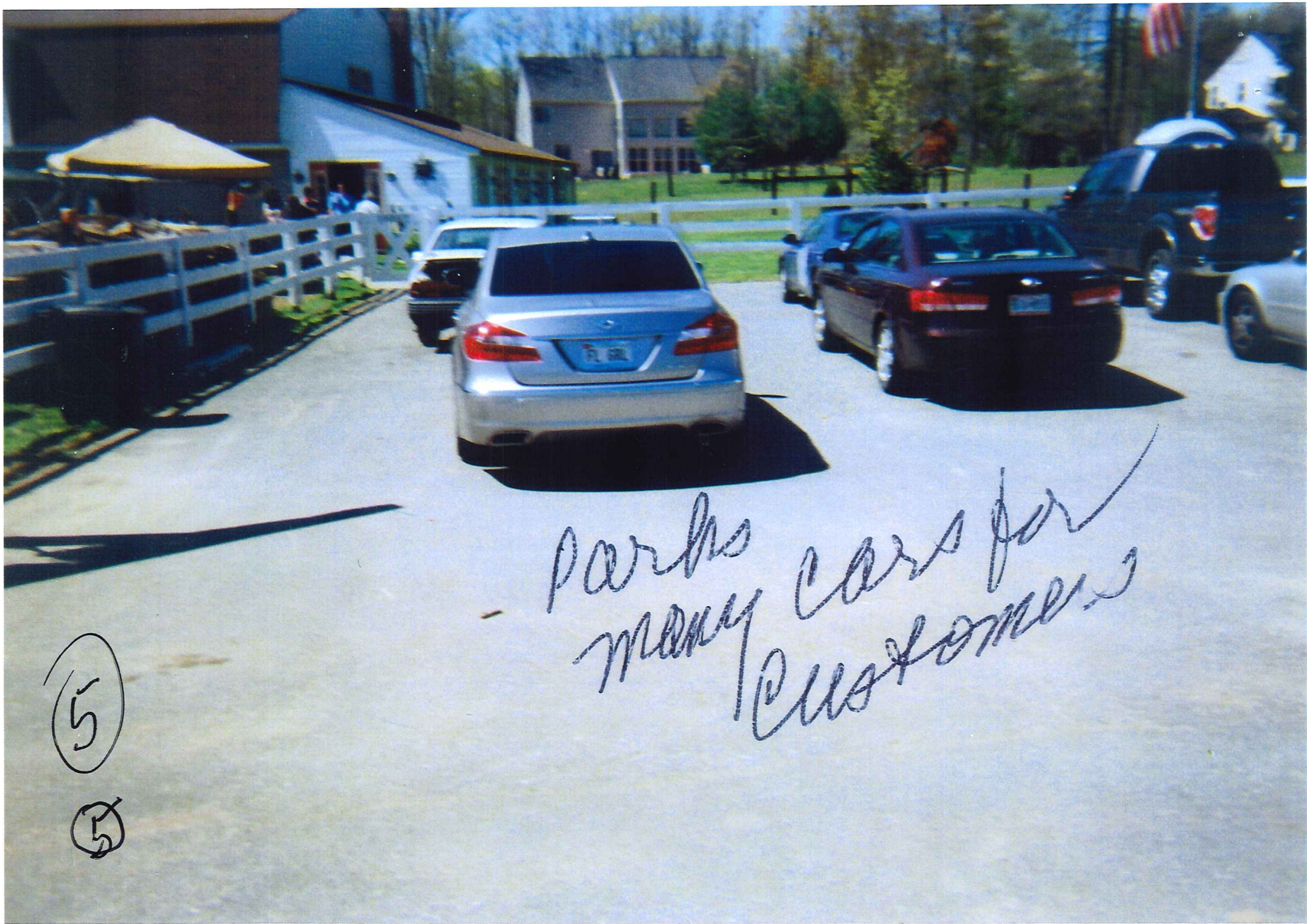
Shows TRAFFIC FROM Polakoff



3A
more Traffic
for Mr Polakoff



This could be a approved DRIVEWAY. IT IS NOT NOW!
the CARS & TRUCKS PLUS WHAT'S IN THE PARKING LOT USE THE SHARED Rd



parking cars for
many customers

5

5

6 HEAVY FOR
EQUIP NEW STABLE



7

Commercial Farm
Equip + Trailers
with outdoor Toilet



⑧

New
Horses being delivered
Very ACTIVE



9

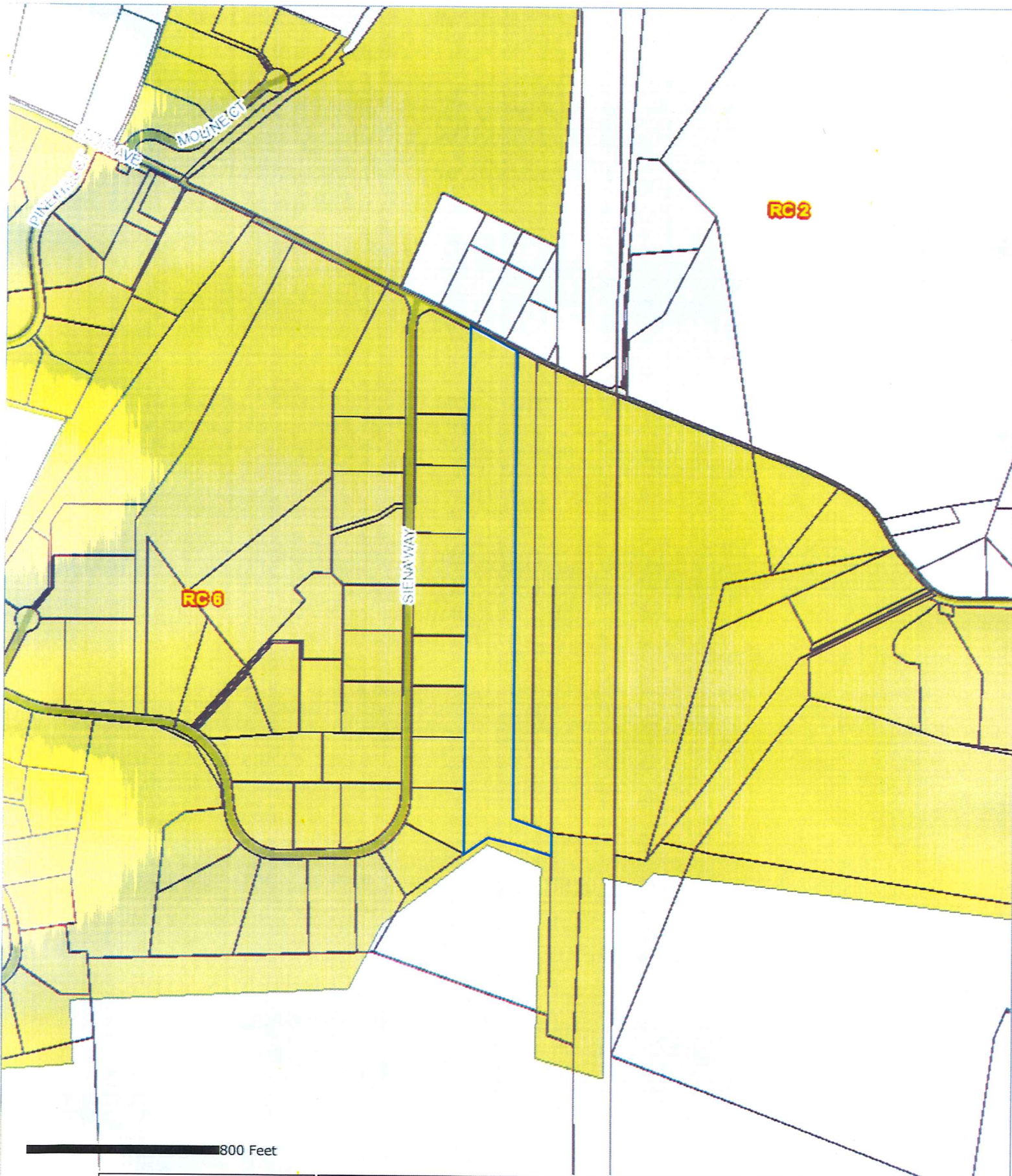
Created a business
LOTS of SIGNS



10

New Home
10 New Homes
Bothering on property
See PLAT





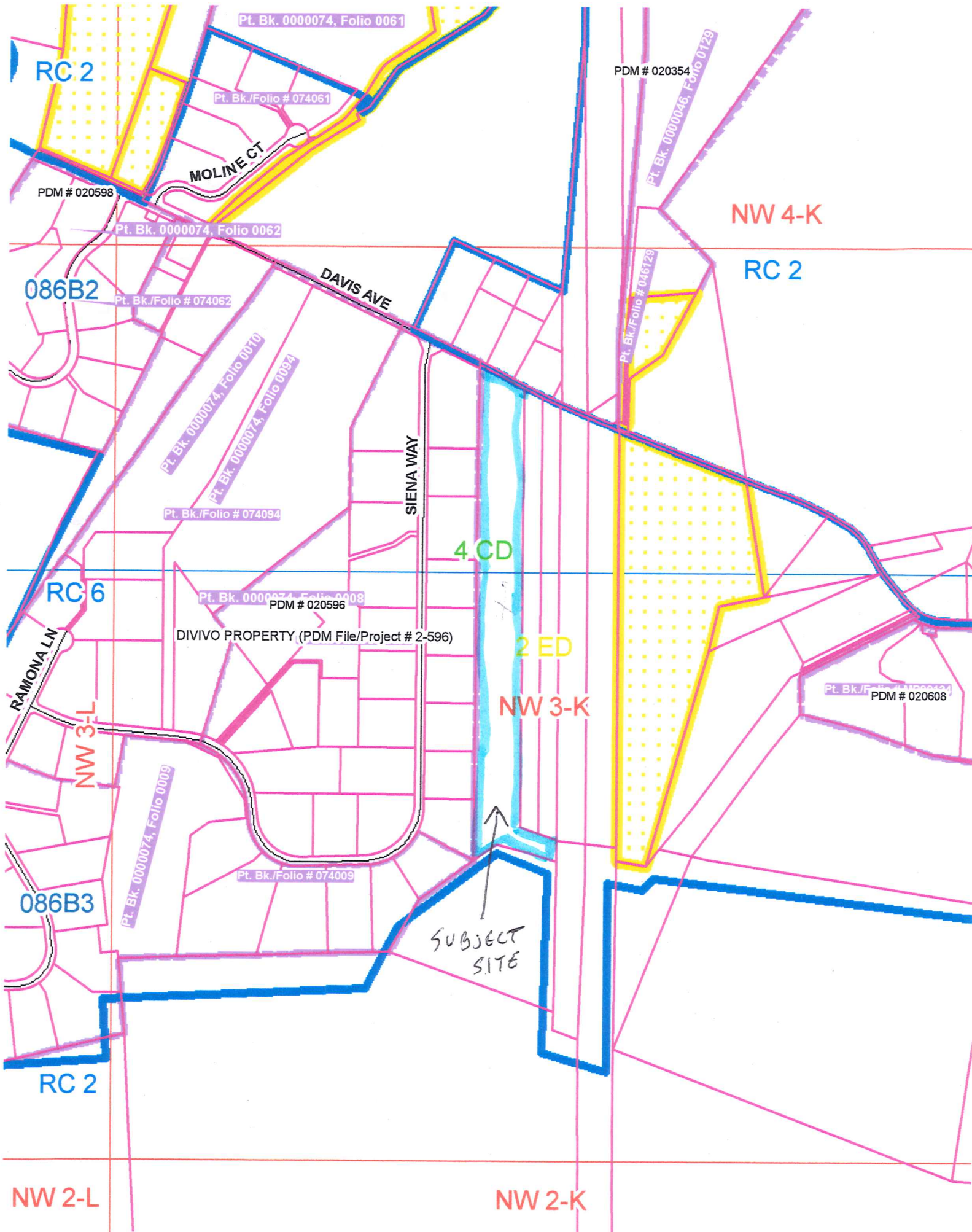
My Neighborhood Map

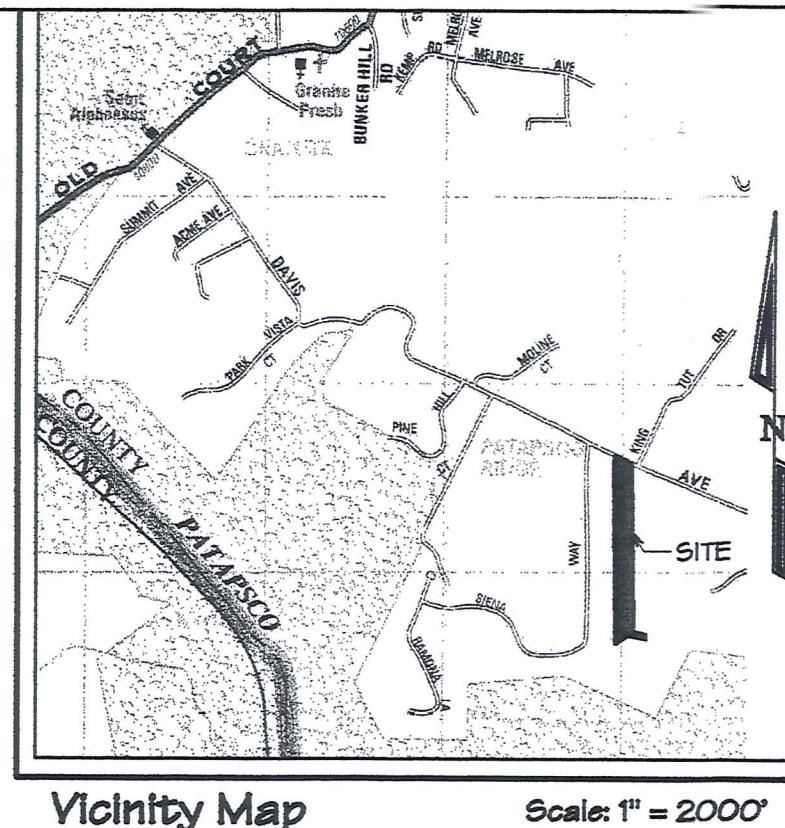
Created By
Baltimore County
My Neighborhood



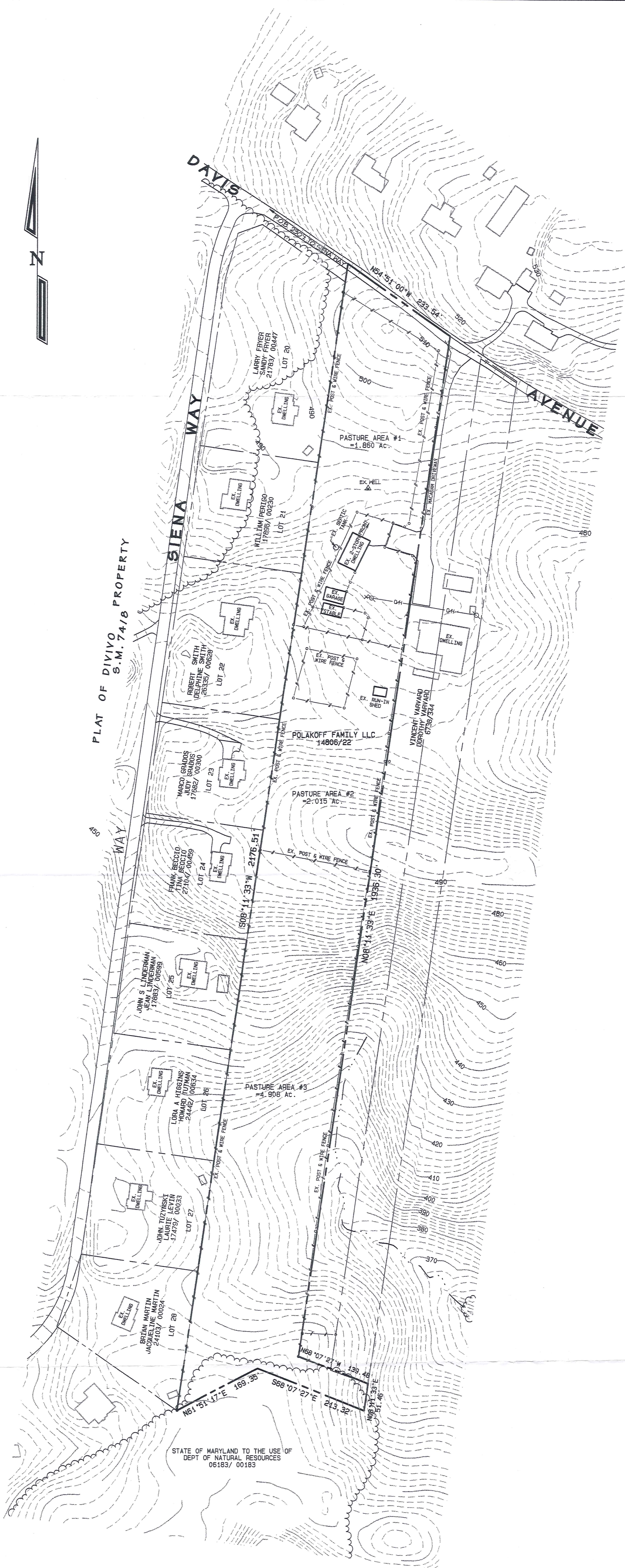
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Printed 6/13/2012





PLAT OF DIVIVO S.M. 74/8 PROPERTY



Notes

- Owner: Wayne Schaeffer
10307 Davis Avenue
Woodstock MD, 21163
phone: 410-227-4733
- Deed SM 14806/22
- Area= 10.00 Ac. ±
- Tax # 19000000152
- Zoned: RC-6
- This site is not in the Chesapeake Bay Critical Area or the 100 year flood plain.
- There are no underground fuel tanks.
- This is not a historic property/building.
- This site is serviced by private well and septic.
- No prior Zoning Hearings.
- Contours and off site features shown hereon were taken from Baltimore County GIS tiles 86-B-2 and 86-B-3.
- Total of 8.78 Ac. of open pasture at 1 horse per Ac. = 8 horses

Plat to Accompany
a Petition for a
Zoning Hearing
for a
Special Exception

of the
**Polakoff Family LLC
Property**

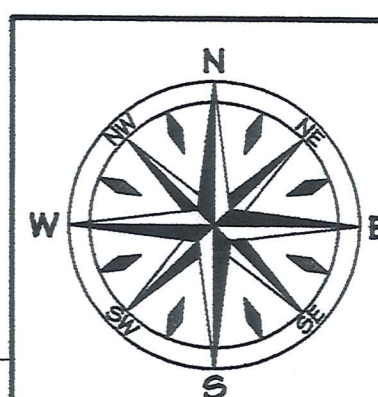
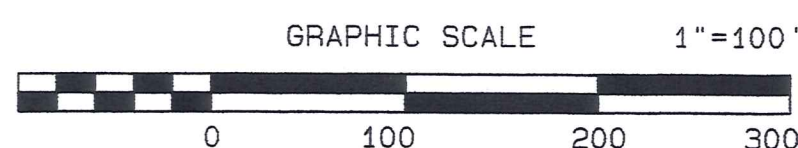
10307 Davis Avenue
Baltimore County, Maryland
2nd Election District
Scale: 1"=100' Date: April 26, 2012

Dietz Surveying Co.

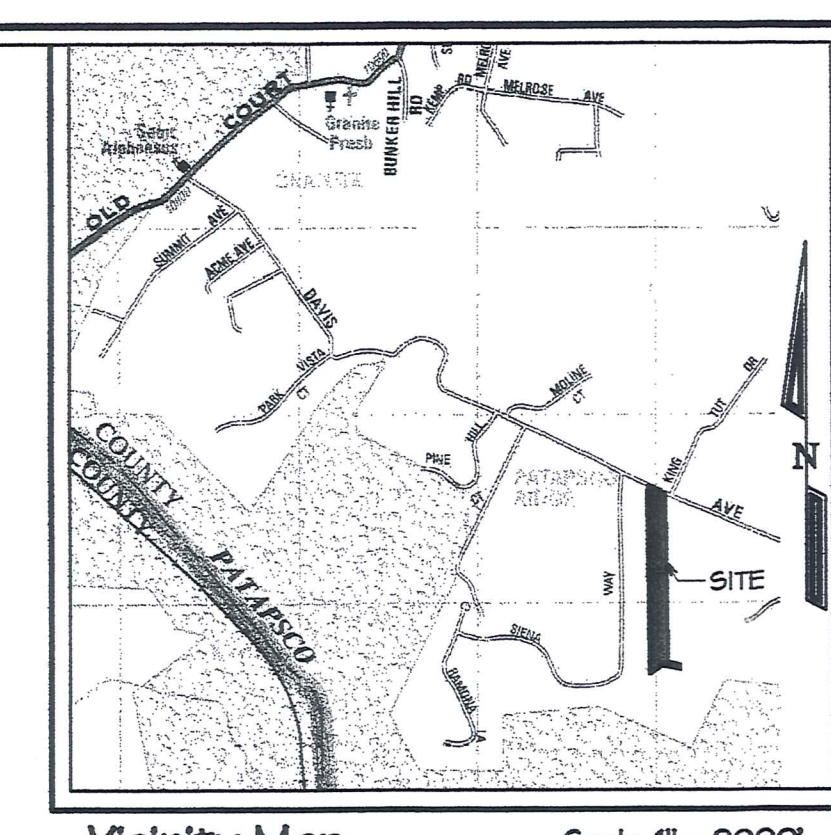
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Plot Date: 5/14/2012

Job No. 10179
Party Chief KCK/JPB



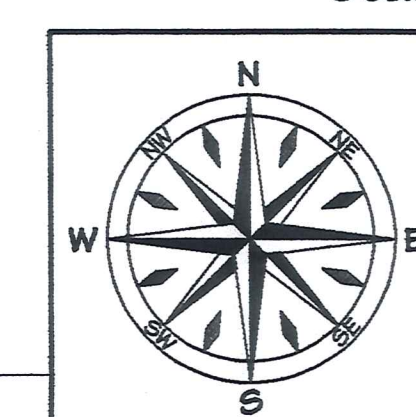
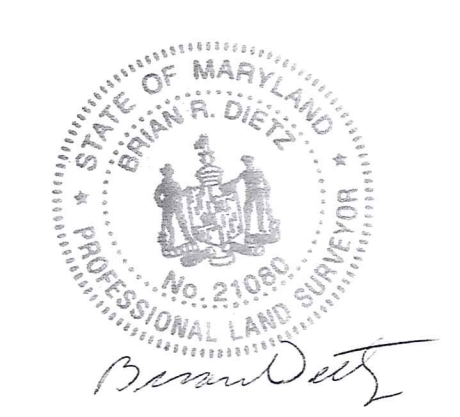
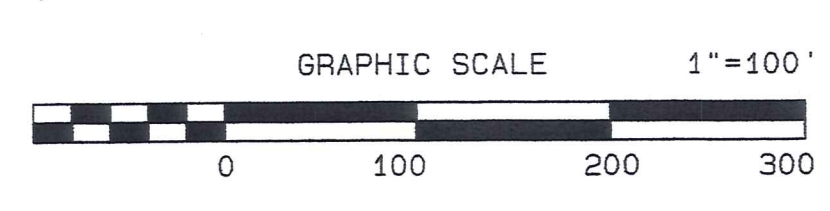
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