

M E M O R A N D U M

DATE: June 19, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0267-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 18, 2018. 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 VARIANCE

(7519 Fort Avenue)
15th Election District
7th Council District
CMW Properties, LLC
Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0267-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by CMW Properties, LLC, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a side yard setback of 7 ft., lot width of 43.4 ft., and a lot area of 4,426 sq. ft. in lieu of the required 10 ft., 55 ft., and 6,000 sq. ft. respectively, for a replacement dwelling on an existing lot of record. A site plan was marked as Petitioner’s Exhibit 1.

Charles Wolinski and David Billingsley appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 4,426 square feet in size and zoned DR 5.5. The subject property is improved with one-half of a semi-detached or duplex dwelling. The home was constructed in 1919 and is in poor condition. Petitioner proposes to raze the structure and construct a single family dwelling on the lot.

ORDER RECEIVED FOR FILING

Date

5/17/18

By

Sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is narrow and deep and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of Baltimore County and/or community opposition.

In its ZAC comment the DOP recommended that parking for the new dwelling be provided at the rear of the home, along Blank Avenue. Mr. Billingsley explained that in the Blank Plat (recorded in 1944) which created this neighborhood, what is now Blank Avenue was shown as an alley. *See* Ex. 6. Blank Avenue is narrow and provides access and on-street parking for several dwellings located along that road. I believe additional parking on this narrow street/alley could present a safety hazard, and as Mr. Billingsley also noted the proposed home will have a garage and parking pad for residents' vehicles.

THEREFORE, IT IS ORDERED, this 17th day of May, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a side yard setback of 7 ft., lot width of 43.4 ft., and lot area of 4,426 sq. ft. in lieu of the required 10 ft., 55 ft. and 6,000 sq. ft., respectively, for a replacement dwelling on an existing lot of record, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 5/17/18
By SEN

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must comply with the CBCA regulations.

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:sln

ORDER RECEIVED FOR FILING

Date 5/17/18
By sln



CBCA

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 7519 FORT AVENUE which is presently zoned DR 5.5
 Deed References: L. 40089 F. 478 10 Digit Tax Account # 1504001350
 Property Owner(s) Printed Name(s) CMWY 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. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)

SECTION 1B02.3.C.1 (BCZR) TO PERMIT A SIDE YARD SETBACK OF 7 FEET AND A LOT WIDTH OF 43.4 FEET IN LIEU OF THE REQUIRED 10 FEET AND 55 FEET, RESPECTIVELY, FOR A REPLACEMENT DWELLING ON AN EXISTING LOT OF RECORD

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)

TO BE PRESENTED AT HEARING

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners): CMWY LLCCHARLES WOLINSKI

Name #1 - Type or Print Name #2 - Type or Print

Charles Wolinski

Signature #1 Signature #2

9019 CUCKOLD POINT RD BALTO. MD

Mailing Address City State

21219 (443) 850-9431 cwolinski@bcps.org

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

David Billingsley

Signature

601 CHARWOOD CT. EDGEWOOD MD.

Mailing Address City State

21040 (410) 629-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0267-A Filing Date 4/4/18 Do Not Schedule Dates: _____ Reviewer _____

ZONING DESCRIPTION

7519 FORT AVENUE

Beginning for the same at a point on the south side of Fort Avenue (40 feet wide) distant 111.6 feet easterly from its intersection with the center of Todd Avenue (40 feet wide) thence being all of Lot 30 as shown on the Blank Plat recorded among the Baltimore County plat records in Plat Book 13 Folio 84.

Containing 4426 square feet or 0.102 acre of land, more or less

Being known as 7519 Fort Avenue. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2018-0267-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5569389

Sold To:

Charles Wolinski - CU00486508
9019 Cuckold Point Rd
Sparrows Point, MD 21219-1635

Bill To:

Charles Wolinski - CU00486508
9019 Cuckold Point Rd
Sparrows Point, MD 21219-1635

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 24, 2018

Notice of Zoning Hearing
The Administrative Law Judge 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: 2018-0267-A
7519 Fort Avenue
S/s Fort Avenue, 116.6 ft east of centerline Todd Avenue
15th Election District - 7th Councilmanic District
Legal Owners: Charles Wolinski

Variance to permit a side yard setback of 7ft and alot width of 43.4 ft. in lieu of the required 10 ft, and 55ft., respectively, for a replacement dwelling on an existing lot of record.

Hearing: Wednesday, May 16, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Cheasapeake Avenue, Towson 21204

Arnold Jabloh
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
5569389- April 24, 2018

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

5/10/18
Date: APRIL 26, 2018

RE: Project Name: 7519 FORT AVE
Case Number /PAI Number: 2018-0267-A
Petitioner/Developer: CMW LLC
Date of Hearing/Closing: MAY 16, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7519 FORT AVE

The sign(s) were posted on

Re Certify 5/10/18
APRIL 26 2018

(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

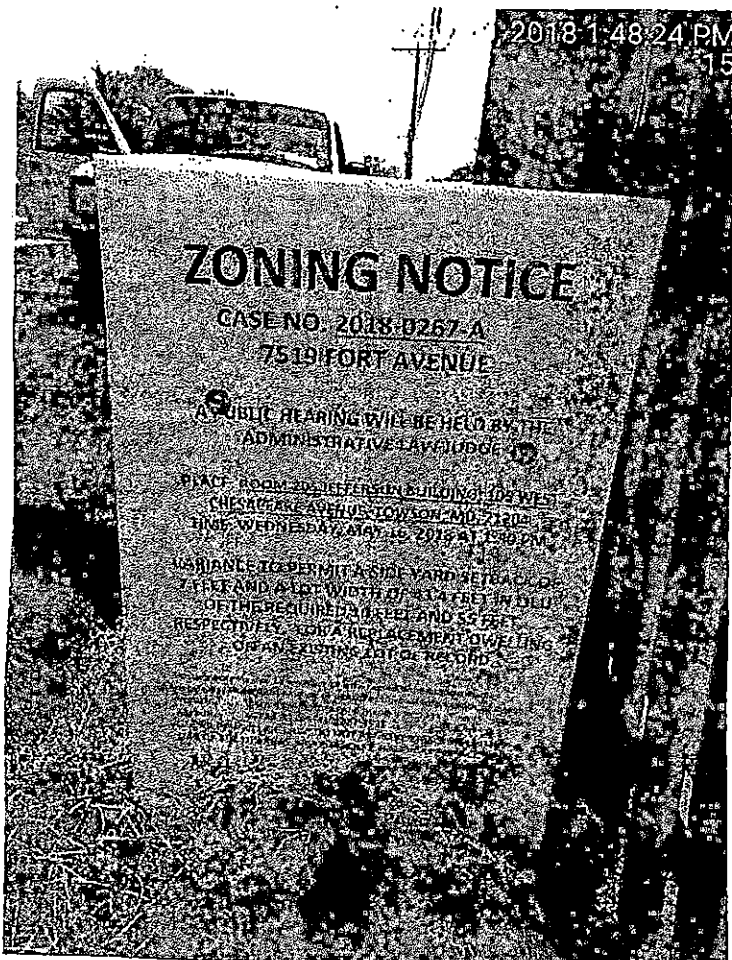
EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

#1



CERTIFICATE OF POSTING

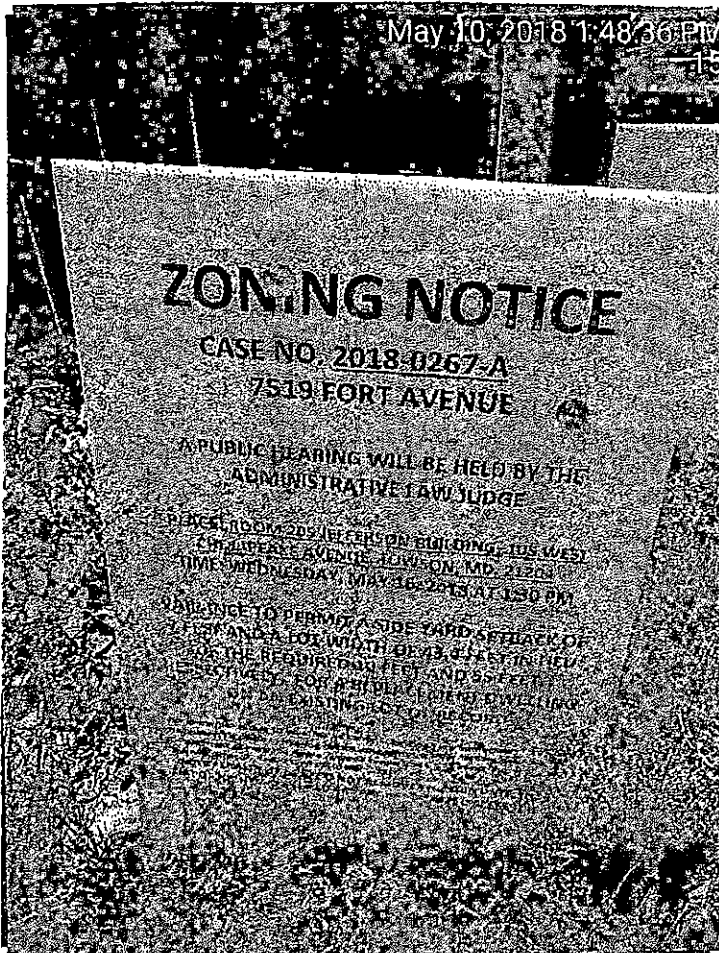
Date: APRIL 26, 2018

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(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

2

CERTIFICATE OF POSTING

Date: APRIL 26, 2018

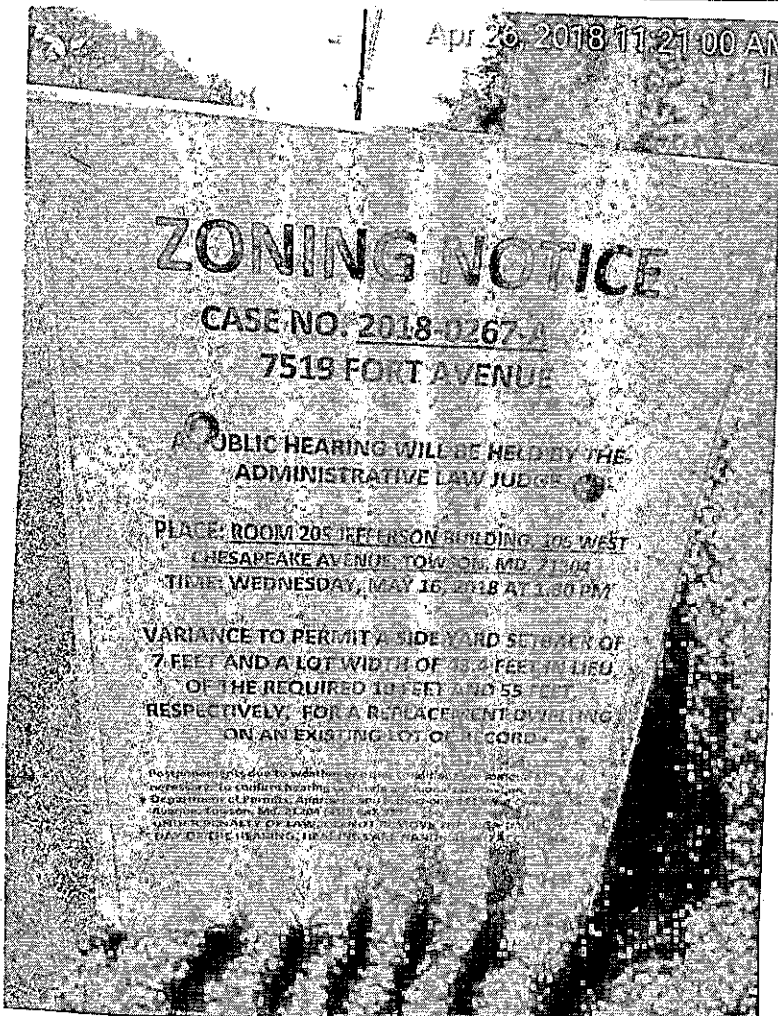
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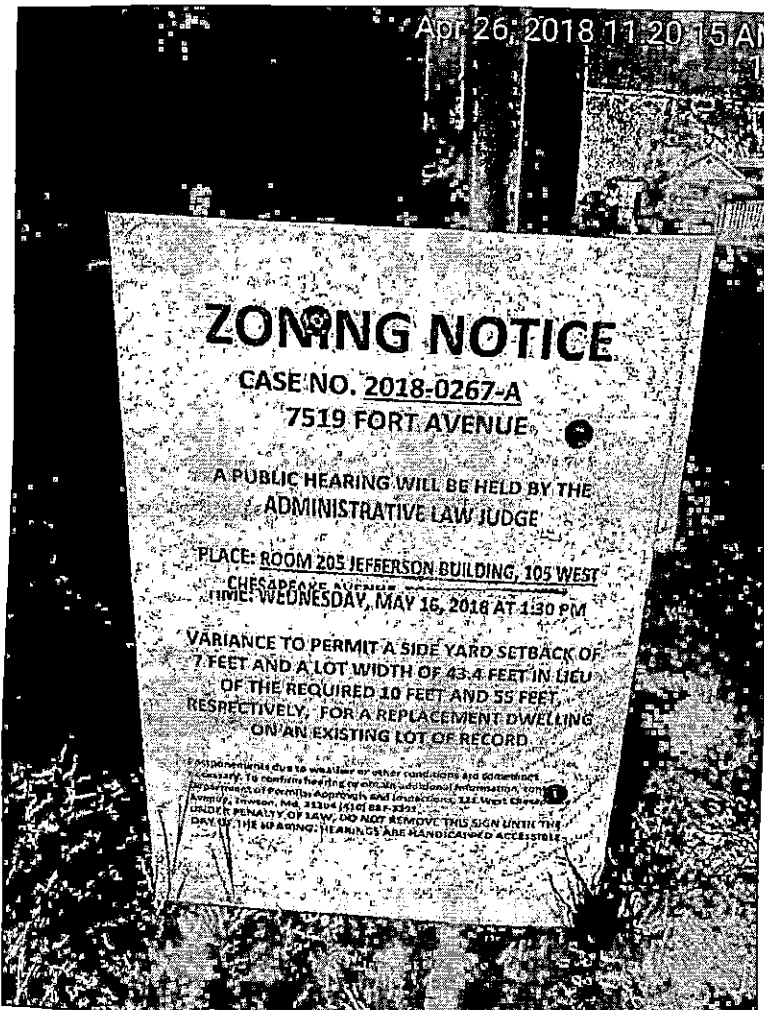
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(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

2



KEVIN KAMENETZ
County Executive

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

April 16, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0267-A

7519 Fort Avenue

S/s Fort Avenue, 111.6 ft. east of centerline of Todd Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Charles Wolinski

Variance to permit a side yard setback of 7 ft. and a lot width of 43.4 ft. in lieu of the required 10 ft., and 55 ft., respectively, for a replacement dwelling on an existing lot of record.

Hearing: Wednesday, May 16, 2018 at 1:30 p.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: Charles Wolinski, 9019 Cuckold Point Road, Baltimore 21219
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 26, 2018.**
- (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
Thursday, April 26, 2018 Issue - Jeffersonian

Please forward billing to:
Charles Wolinski
9019 Cuckold Point Road
Baltimore, MD 21219

443-850-9431

NOTICE OF ZONING HEARING

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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.
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RE: PETITION FOR VARIANCE
7519 Fort Avenue; S/S Fort Avenue,
111.6' E of c/line of Todd Avenue
15th Election & 7th Councilmanic Districts
Legal Owner: CMW, LLC by Charles Wolinski*
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
HEARINGS FOR
* BALTIMORE COUNTY
* 2018-267-A

* * * * *

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.

RECEIVED
APR 12 2018

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

5/10/18
Date: APRIL 26, 2018

RE: Project Name: 7519 FORT AVE
Case Number /PAI Number: 2018-0267-A
Petitioner/Developer: CMW LLC
Date of Hearing/Closing: MAY 16, 2018

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Re Certify 5/10/18
APRIL 26 2018

(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

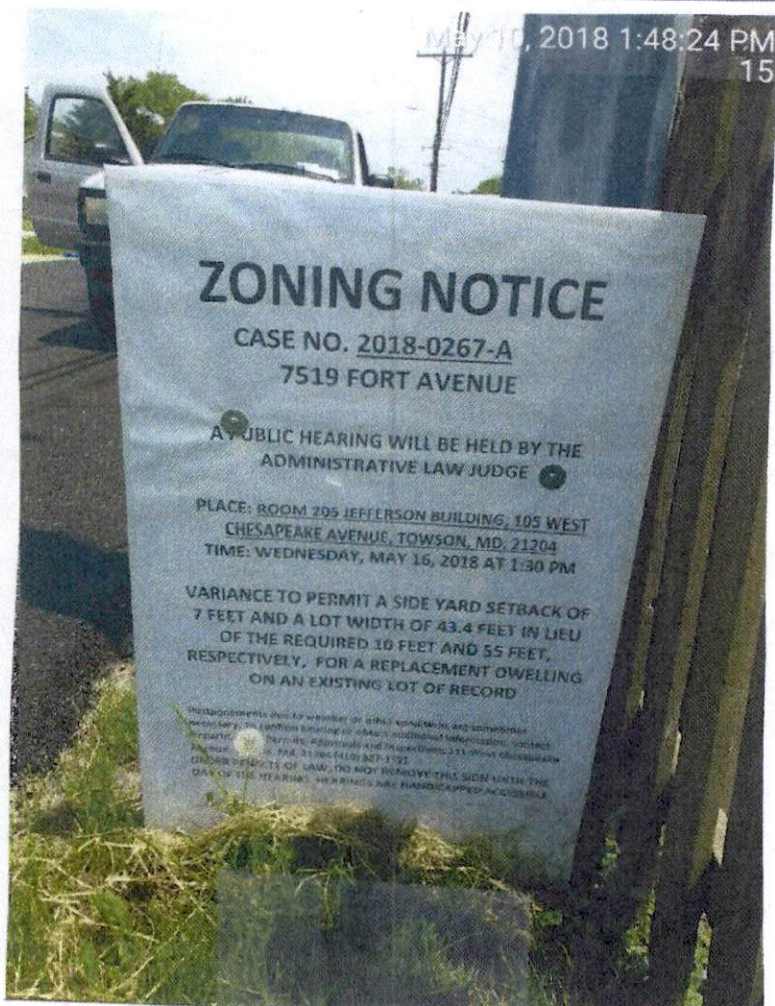
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



#1

CERTIFICATE OF POSTING

Date: APRIL 26, 2018

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Case Number /PAI Number: 2018-0267-A
Petitioner/Developer: CMW LLC
Date of Hearing/Closing: MAY 16, 2018

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The sign(s) were posted on

APRIL 26 2018

(Month, Day, Year)

May 10, 2018 1:48:36 PM

Daved Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

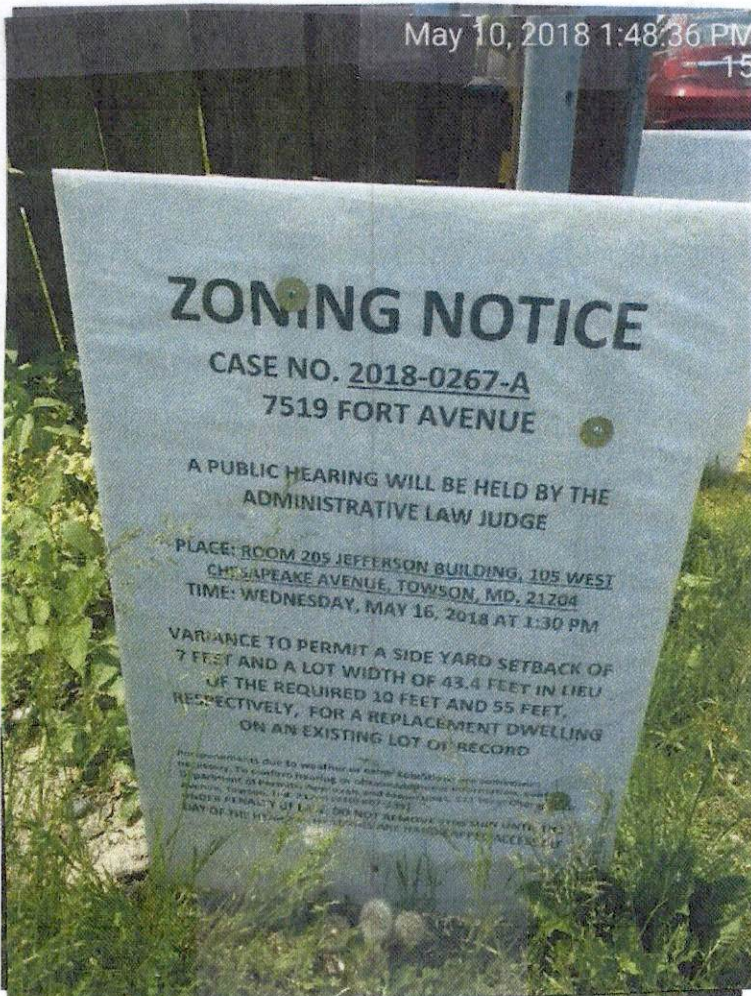
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



#2

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0267-A
Property Address: 7517 FORT AVENUE
Property Description: _____

Legal Owners (Petitioners): CMW LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES WOLINSKI
Company/Firm (if applicable): CMW LLC
Address: 9019 CUCKOLD POINT RD.
BALTO MD 21219

Telephone Number: (443) 850-9431

Revised 7/9/2015

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

No. **168082**

Date: **4/4/18**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
4/05/2018 4/05/2018 08:23:04 5

REG US65 WALYIN LRG
> RECEIPT # 949045 4/05/2018 DFLN

Dep 5 528 ZONING VERIFICATION

CR NO. 168082

Recpt Tot 75.00

150.00 CK 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount	Dep
001	FOG	0000		CUS				75.00	CR

Total: **75.00**

Rec From: **CHARGES WALYNSKI**

For: **7519 FORT AVE.**

COOR # 2018-0267-A

DISTRIBUTION

WHITE CASHIER

PINK AGENCY

YELLOW CUSTOMER

GOLD ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

May 9, 2018

Charles Wolinski
9019 Cuckold Point Road
Baltimore MD 21219

RE: Case Number: 2018-0267 A, Address: 7519 Fort Avenue

Dear Mr. Wolinski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 4, 2018. 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

Date: 4/11/18

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

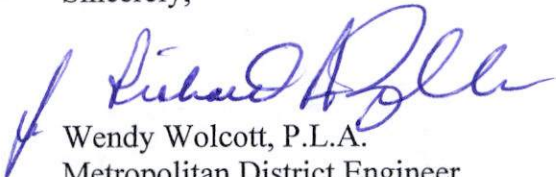
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0267-A

Variance
Charles Wolynski
7519 Fort Avenue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/2/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-267



INFORMATION:

Property Address: 7519 Fort Avenue
Petitioner: Charles Wolinski, CMW, LLC
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a side yard setback of 7 feet and a lot width of 43.4 feet in lieu of the required 10 feet and 55 feet, respectively, for a replacement dwelling on an existing lot of record.

A site visit was conducted on April 17, 2018. The site is within a Community Conservation Area (CCA) as per the Master Plan 2020. The subject property is currently improved with a duplex dwelling a portion of which occupies 7517 Fort Avenue. Zoning petition in case # 18-266-A, being nearly identical to this petition, has been filed for 7517 Fort Avenue. Because of the immediate proximity, the Department will review the proposals comprehensively.

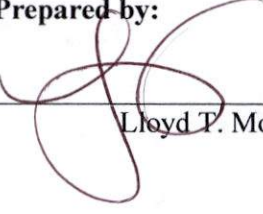
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- This filing presents an opportunity to raise the residential performance of this property and provide incentive for other residential properties in the area to do the same. The Department is fully supportive of the petitioner's efforts. That notwithstanding, the Department advises that no matter the condition the community may be in, the Department is not obviated from its duty to apply the goals of the Master Plan 2020 in ensuring the orderly development of the County so directed by BCZR § 100.1.A. CCAs were established to "*conserve, revitalize and enhance our older communities*" (MP2020 pg. 39). The Department recommends that providing parking at the rear of the new dwelling(s) in a manner similar to that already established along the length of those sections of Fort and Blank Avenues preserves this increasingly rare development pattern thereby successfully responding to the conservation goals of the MP2020. Unless it is demonstrated through the hearing process that an unsafe condition would result, the petitioner should consider a housing type that allows parking accessed from Blank Avenue.

Date: 5/2/2018
Subject: ZAC #18-267
Page 2

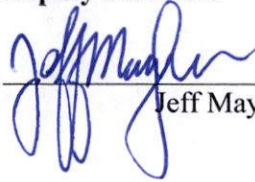
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Josephine Selvakumar
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 2, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0267-A
Address 7519 Fort Avenue
(Wolinski Property)

Zoning Advisory Committee Meeting of April 16, 2018

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

- 
1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
 2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
 3. A wood mulch pathway; or
 4. A deck with gaps to allow the water to pass freely.

The petitioner is requesting to permit a replacement dwelling with side yard setback of 7 feet and a lot width of 43.4 feet, in lieu of the required 10 feet and 55 feet, respectively, on an existing lot of record, comprising 4,426 square feet (sf). In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirements which on this property cannot exceed 1,607 sf, with mitigation required for lot coverage between 1,107 sf and 1,675 sf. In addition, the LDA regulations require 15% afforestation on the property. Any building permits or plans received by DEPS for review will include application of the LDA regulations, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

2. Conserve fish, wildlife, and plant habitat; and

The current development proposal for the property will be reviewed for application of the LDA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Old Road Bay and the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The items requested will be consistent with established land use policies, provided that the applicants meet any LDA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 3, 2018

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2018
Item No. 2018-0264-A, 0265-A, 0266-A, 0267-A and 0269-SPHA

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/2/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-267

INFORMATION:

Property Address: 7519 Fort Avenue
Petitioner: Charles Wolinski, CMW, LLC
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a side yard setback of 7 feet and a lot width of 43.4 feet in lieu of the required 10 feet and 55 feet, respectively, for a replacement dwelling on an existing lot of record.

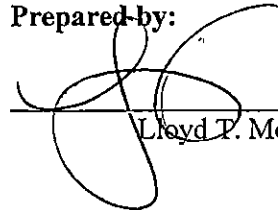
A site visit was conducted on April 17, 2018. The site is within a Community Conservation Area (CCA) as per the Master Plan 2020. The subject property is currently improved with a duplex dwelling a portion of which occupies 7517 Fort Avenue. Zoning petition in case # 18-266-A, being nearly identical to this petition, has been filed for 7517 Fort Avenue. Because of the immediate proximity, the Department will review the proposals comprehensively.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- This filing presents an opportunity to raise the residential performance of this property and provide incentive for other residential properties in the area to do the same. The Department is fully supportive of the petitioner's efforts. That notwithstanding, the Department advises that no matter the condition the community may be in, the Department is not obviated from its duty to apply the goals of the Master Plan 2020 in ensuring the orderly development of the County so directed by BCZR § 100.1.A. CCAs were established to "*conserve, revitalize and enhance our older communities*" (MP2020 pg. 39). The Department recommends that providing parking at the rear of the new dwelling(s) in a manner similar to that already established along the length of those sections of Fort and Blank Avenues preserves this increasingly rare development pattern thereby successfully responding to the conservation goals of the MP2020. Unless it is demonstrated through the hearing process that an unsafe condition would result, the petitioner should consider a housing type that allows parking accessed from Blank Avenue.

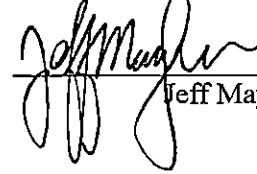
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Josephine Selvakumar
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 2, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0267-A
Address 7519 Fort Avenue
(Wolinski Property)

Zoning Advisory Committee Meeting of April 16, 2018

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
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The petitioner is requesting to permit a replacement dwelling with side yard setback of 7 feet and a lot width of 43.4 feet, in lieu of the required 10 feet and 55 feet, respectively, on an existing lot of record, comprising 4,426 square feet (sf). In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirements which on this property cannot exceed 1,607 sf, with mitigation required for lot coverage between 1,107 sf and 1,675 sf. In addition, the LDA regulations require 15% afforestation on the property. Any building permits or plans received by DEPS for review will include application of the LDA regulations, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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The items requested will be consistent with established land use policies, provided that the applicants meet any LDA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

PETITIONER'S EXHIBITS

7517 AND 7519 FORT AVENUE CASE NOS. 2018-0266-A & 2018-0267-A

Sen
5/17/18

DW
6-19-18

1. PLAT TO ACCOMPANY PETITION DATED MARCH 31, 2018 (NO CHANGES)
2. SDAT REAL PROPERTY DATA SEARCH FOR 7517 FORT AVE
3. DEED OF RECORD FOR 7517 FORT AVE. L.28232 F.200
4. SDAT REAL PROPERTY DATA SEARCH FOR 7519 FORT AVE
5. DEED OF RECORD FOR 7519 FORT AVE. L.40089 F.478
6. BLANK PLAT RECORDED JUNE 12, 1944 PB 13 F 84
7. GOOGLE AERIAL PHOTO
8. BALTIMORE COUNTY MY NEIGHBORHOOD AERIAL PHOTO
- 9 A-K. PHOTOS
10. BUILDING FRONT ELEVATION

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502573810			
Owner Information					
Owner Name:		CIEZKOWSKI JERRY		Use:	RESIDENTIAL
Mailing Address:		404 GRUNDY ST BALTIMORE MD 21224-		Principal Residence:	NO
				Deed Reference:	/28232/ 00200
Location & Structure Information					
Premises Address:		7517 FORT AVE FT HOWARD 21052-0000		Legal Description:	7517 FORT AVE BLANK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0115	0011	0024		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
	31	2018		0013/0084	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1919	784 SF		4,590 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	END UNIT	STUCCO	1 full	
Value Information					
Base Value		Value	Phase-in Assessments		
		As of 01/01/2015	As of 07/01/2017	As of 07/01/2018	
Land:	35,000	35,000			
Improvements	28,400	28,400			
Total:	63,400	63,400	63,400		
Preferential Land:	0				
Transfer Information					
Seller: WOLINSKI MELVIN		Date: 06/15/2009		Price: \$107,000	
Type: ARMS LENGTH IMPROVED		Deed1: /28232/ 00200		Deed2:	
Seller: MARYLAND HOUSING FUND OF THE		Date: 01/29/2004		Price: \$36,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /19513/ 00157		Deed2:	
Seller: PETTIE FRANCINE JOY		Date: 04/09/2003		Price: \$68,854	
Type: NON-ARMS LENGTH OTHER		Deed1: /17820/ 00565		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Denied					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application		Date:			

PETITIONER'S
EXHIBIT NO. 2

1st National Title, LLC
File No. NT-2993
Tax ID # 15-02-573810

This Deed of Assignment, made this 23rd day of February, 2009, by and between Melvin Wolinski, GRANTOR, and Jerry Ciezkowski, GRANTEE.

- Witnesseth -

DM

That ^{Seven} ~~in~~ consideration of the sum of One Hundred ~~Ten~~ Thousand Dollars 00/100 (\$100,000.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and assign to the said Grantee, as sole owner, his heirs Personal Representatives, and assigns, the LEASEHOLD interest in all that property lying and being in the Fifteenth Election District of the County of Baltimore, State of Maryland, and described as follows, that is to say:

Beginning for the same on the southwest side of Fort Avenue, 40 feet wide, at the distance of 490.02 feet northwesterly from the intersection of the southwest side of Fort Avenue, if the same were extended southeasterly, with the northwest side of North Point Road, said place of beginning being also at a fence there situate, and running thence north 69 degrees 46 minutes west, binding on the southwest side of Fort Avenue, 45.60 feet thence south 20 degrees 23 minutes west 102.70 feet to the northeast side of an alley 20 feet wide there situate, thence south 70 degrees 6 minutes east 46 feet to a fence there situate, thence northeasterly, binding on said fence to the center of the partition between the house erected on the lot now being described and that adjoining on the southeast, thence continuing the same course, through the center of said partition to a fence there situate, and continuing the same course, binding on said fence, in all 102.50 feet to the place of beginning.

The improvements thereon being commonly known as No. 7517 Fort Avenue, (formerly No. 31 Fort Avenue), Fort Howard, MD 21052.

Property ID 15-02-573810

BEING the same property conveyed to Melvin Wolinski from The Maryland Housing Fund of the Department of Housing and Community Development of the State of Maryland, by Deed of Assignment dated May 29, 2003, and recorded on January 29, 2004, in Liber 19513, Folio 157 among the Land Records of Baltimore County, Maryland.

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 property to the said Grantee, as sole owner, his heirs, Personal Representatives and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever, subject to the payment of the annual rent of \$42.00 payable semi-annually on the 1st days of January and July in each and every year.

And the said Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

PETITIONER'S
EXHIBIT NO. 3

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1504001350		
Owner Information		
Owner Name:	CMW PROPERTIES LLC	Use: RESIDENTIAL
Mailing Address:	9019 CUCKOLD POINT RD SPARROWS POINT MD 21219-	Principal Residence: NO Deed Reference: /40089/ 00478
Location & Structure Information		
Premises Address:	7519 FORT AVE FT HOWARD 21052-	Legal Description:
		BLANK
Map:	Grid:	Parcel:
0115	0011	0024
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	30	2018
Plat No:	Plat Ref:	
	0013/ 0084	
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1919	1,509 SF	
Property Land Area	County Use	
4,386 SF	04	
Stories	Basement	Type
2	NO	END UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2018	07/01/2017
Land:	35,000	
Improvements	50,700	
Total:	85,700	85,700
Preferential Land:	0	87,633
		0
Transfer Information		
Seller: EDWARDS LEWIS DOUGLAS	Date: 03/29/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40089/ 00478	Deed2:
Seller: ESTER CHARLES T	Date: 01/14/2013	Price: \$11,000
Type: NON-ARMS LENGTH OTHER	Deed1: /33051/ 00317	Deed2:
Seller: DAWSON CLARA B	Date: 08/06/1981	Price: \$18,500
Type: ARMS LENGTH IMPROVED	Deed1: /06315/ 00777	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2017
State:	000	0.00
Municipal:	000	0.00
		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

PETITIONER'S
EXHIBIT NO. 4

R&P Settlement Group, LLC
 File No. 17-11805-NC
 Tax ID # 15 15-1504001350

This Assignment, made this 16th day of March, 2018, by and between Lewis Douglas Edwards and Donald Eugene Kraemer, GRANTORS, and CMW Properties LLC, GRANTEE.

Witnesseth –

That in consideration of the sum of Forty Thousand and 00/100 Dollars (\$40,000.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and assign to the said Grantee, the LEASEHOLD interest in all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the southwest side of Fort Avenue, 40 feet wide and at the distance of 446 and 58/100 feet northwesterly from the intersection of the southwest side of Fort Avenue, if the same were unextended southeasterly, with the northwest side of North Point Road; and thence north 69 degrees 46 minutes West binding on the southwest side of Fort Avenue 43 and 44/100 feet to a fence there situate, thence southwesterly binding on said fence, to the centre of the partition between the house erected on the lot now being described and that adjoining on the northwest; thence continuing the same course though the centre of said partition, to a fence there situated and continuing the same course, binding on said fence in all 102 and 50/100 feet to the northeast side of an alley twenty foot wide there situate thence south 70 degrees 6 minutes East, binding thereon 43 feet; and thence north 20 degrees 23 minutes East 102 and 55/100 feet to the place of beginning.

The improvements thereon being known as 7519 Fort Avenue.

BEING the leasehold property which, by DEED dated December 7, 2012, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 33051, Folio 317, was granted and conveyed by ANGELA CHRISTINE ESTER AND CHARLES ESTER, III, PERSONAL REPRESENTATIVES OF THE ESTATE OF CHARLES T. ESTER, ALSO KNOWN AS CHARLES T. ESTER, JR., DECEASED unto LEWIS DOUGLAS EDWARDS AND DONALD EUGENE KRAEMER.

By the execution of this Assignment, the Grantors hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinbefore set forth.

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 Grantee, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever, subject to the payment of the annual rent of \$42.00 payable half-yearly on the 1st days of January and July in each and every year.

And the Grantors 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.

LR - Deed (w Taxes)
 Recording only \$120.00
 Name: Edwards/Kraemer
 Ref: -
 LR - Deed (with Taxes)
 Surcharge 40.00
 LR - Deed State 200.00
 Transfer Tax 100.00
 LR - MR Tax - 100.00
 SubTotal: 260.00
 Total: 260.00
 03/28/2018 11:17 AM
 #1007372 C00201 -
 Baltimore
 County/C003.01.01 -
 Register 01

PETITIONER'S
 EXHIBIT NO. **5**

Untitled Map

Write a description for your map.

Legend

7517 Fort Ave



PETITIONER'S
EXHIBIT NO. 7

Earth

Baltimore County - My Neighborhood



PETITIONER'S
EXHIBIT NO. 8

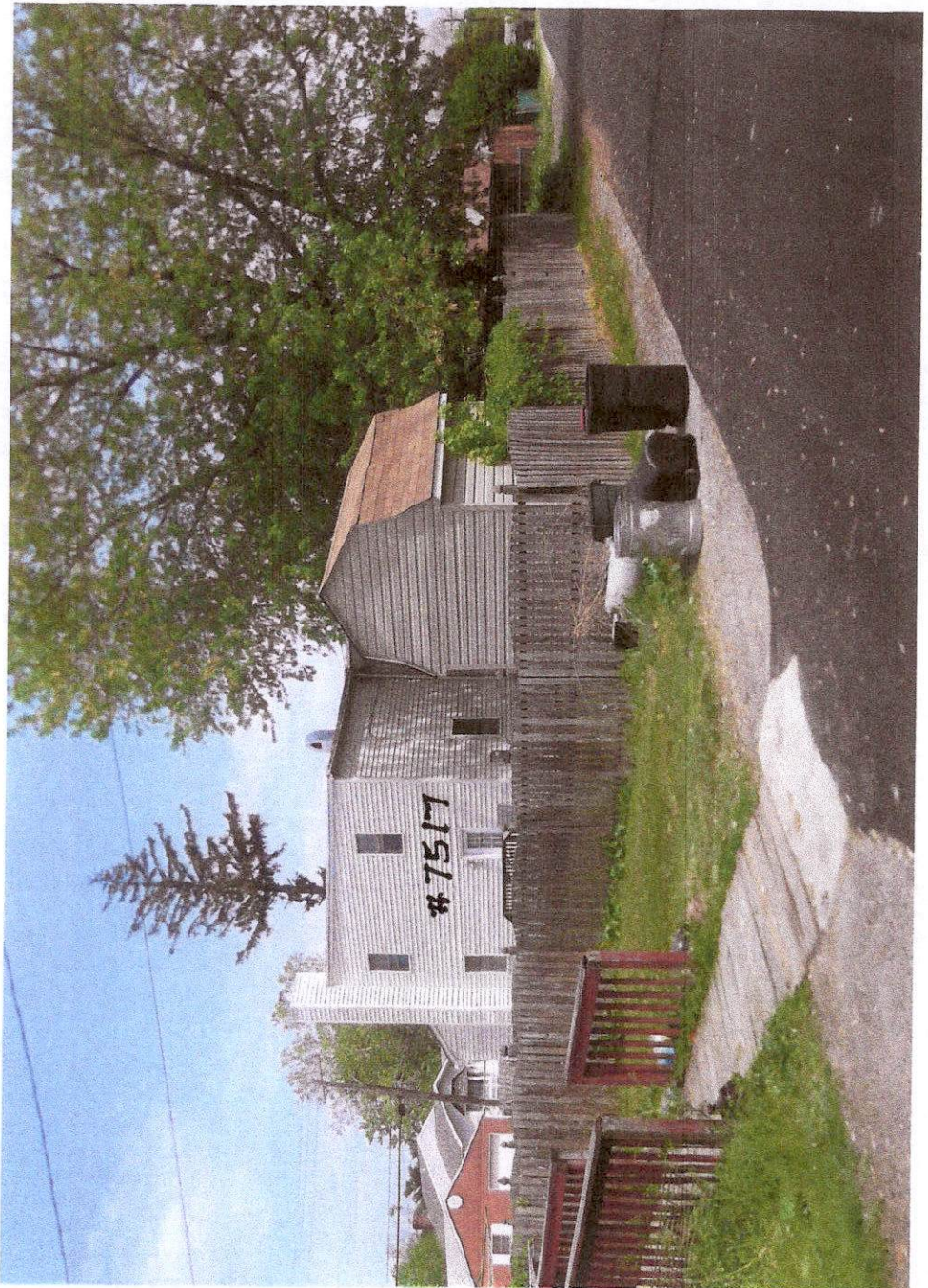


A



B





F



E



G



H



I



J



K



Linwood – Model

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5/3/18DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no Comment5/2/18DEPS
(if not received, date e-mail sent _____)Comment5/2/18

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)no objection
w/conditions4/11/18

STATE HIGHWAY ADMINISTRATION

no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 4/24/18SIGN POSTING (1st)Date: 4/26/18by BuelingsleySIGN POSTING (2nd)Date: 5/10/18by Buelingsley

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

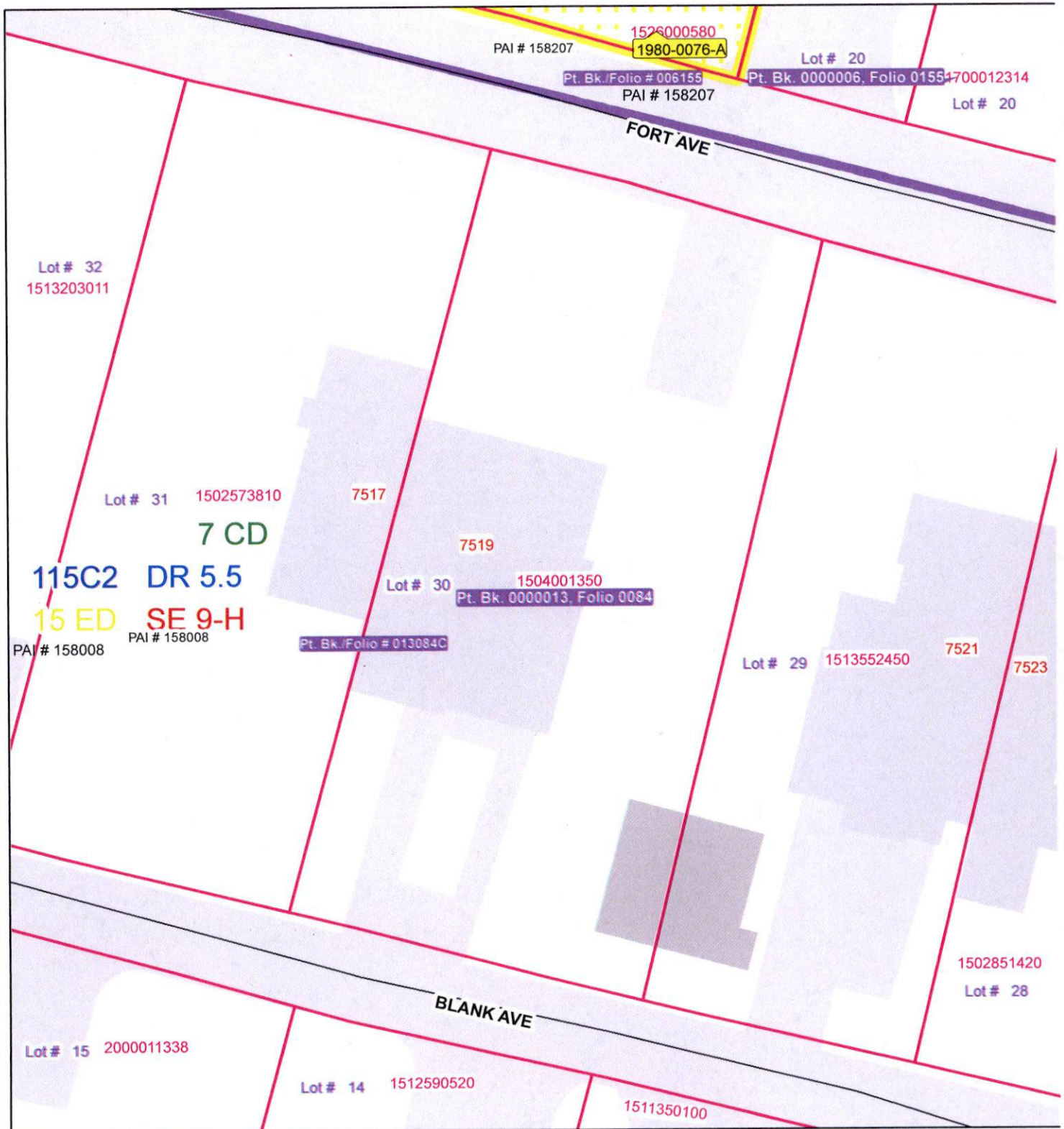
☐

Comments, if any: _____

Search Result for BALTIMORE COUNTY

5/14/2018

7519 Foul Avenue, Tax #15-C .-001-350



Publication Date: 4/4/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 20 feet

2018-0267-A

M E M O R A N D U M

DATE: July 3, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0268-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on July 2, 2018. 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 HEARING** * BEFORE THE
(4231 Wards Chapel Road) *
2nd Election District * OFFICE OF
4th Council District *
Carolyn Whittington * ADMINISTRATIVE HEARINGS
Legal Owner *
Paulette Ringley t/a Humane Domain * FOR BALTIMORE COUNTY
Lessee *
Petitioners * **Case No. 2018-0268-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Carolyn Whittington, legal owner, and Paulette Ringley, lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") as follows:

1. To approve an amended site plan to include a new agriculture building;
2. To confirm the special exception area may also include RC 2 uses by right;
3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area;
4. To amend Condition 2 of the Order, Case No. 06-437-X:
 - a. To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events; and
 - b. To allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area;
5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables;
6. To amend Condition 5 of the previous Order:

ORDER RECEIVED FOR FILING

Date 6/1/18

By Sen

a. To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes);

b. To amend the hours to Monday through Sunday, 9:00 a.m.-9:00 p.m.;

c. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order, and;

7. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

A site plan was marked and admitted as Petitioners' Exhibit No. 1.

Paulette Ringley and Bernadette Moskunus appeared in support of the petition. J. Neil Lanzi Esq., represented the Petitioners. Several neighbors attended the hearing to obtain additional information and to express concern regarding certain aspects of the operation. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency opposed several of the special hearing requests.

SPECIAL HEARING

Petitioners in 2006 (No. 2006-437-X) were granted special exception approval to operate a "commercial kennel" on the subject property, a 19.9 acre tract zoned RC-2. Ms. Ringley testified she has worked at the farm for 12+ years, and she described the types of animals, crops and flowers that she raises at the site. The kennel business, known as the Humane Domain, provides dog training classes, educational seminars and other learning experiences for children, students, veterans and other special needs groups. Dog boarding is not offered at the site. The business has been successful and has grown since it was approved in 2006. But also admitted that

ORDER RECEIVED FOR FILING

Date 6/1/18
By Sen

time friction and disagreements have arisen with certain neighbors. This had led to numerous complaints filed with the County's Code Enforcement bureau. Petitioners seek through this special hearing to amend certain of the restrictions imposed in the 2006 order and to obtain clarification of exactly what activities/uses are permitted at the subject property.

An owner/lessee may seek to modify a zoning order, provided she can show there has been a change in circumstances which justifies reconsideration of the original order. *Seminary Galleria, LLC v. Dulaney Valley Improv. Ass'n.*, 192 Md. App. 719 (2010). In this case the commercial kennel and other activities at the property have increased in scale, which I believe justifies revisiting the earlier Order which is now 12 years old. In addition, Petitioners are not seeking variances or additional special exceptions. Rather, the petition for special hearing is in essence a declaratory judgment, which is specifically permitted under B.C.Z.R. §500.7. *Antwerpen v. Balto. Co.*, 163 Md. App. 194, 209 (2005) ("A request for special hearing is, in legal effect, a request for a declaratory judgment"). Such a petition seems especially appropriate in this case, since it will hopefully clarify the terms under which the property must operate and impose clear restrictions which should eliminate the need for code enforcement officials to make judgment calls when interpreting the 2006 Order.

As noted above, the subject property is zoned RC-2 and is actively farmed by Petitioners. Petitioners also raise farm animals at the property. These uses are favored in the RC-2 zone. Owners of agricultural land in Baltimore County often struggle to generate sufficient income from their property, and frequently seek to offer additional services or products to increase their rate of return. This is not an unreasonable goal, but an owner cannot be given carte blanche authority to use her property as she sees fit.

The zoning regulations specifically require that a special exception use (i.e., commercial

ORDER RECEIVED FOR FILING

Date 6/11/18

By Sen

kennel) not have a detrimental impact upon the community. BCZR §502.1. The subject property is located in a rural section of Baltimore County, but there are also single-family dwellings within the immediate vicinity. Petitioners must operate the property in such a manner that, while enabling them to obtain a reasonable rate of return on their investment, preserves the rural nature of the community.

As listed above the zoning petition contains several special hearing requests. Many of the requests seek to relax certain restrictions imposed upon the kennel operation in the 2006 Order. Petitioners would like to be able to train dogs and conduct educational seminars in the outdoor riding ring area shown on the plan. Petitioners explained that search and rescue dogs require outdoor training and the riding ring proposed for this use is situated at the rear of the site far removed from any off-site dwellings. As such I believe this is a reasonable request which will serve the public interest and the 2006 Order (which required all dog training to be indoors) will be amended accordingly.

Other requests in the petition pertain to the hours of operation and number of dogs permitted at any one time on the property. Petitioners explained many of their clients have requested expanded hours of operation. It is of course common for service businesses to offer expanded hours of operation to cater to working clients who find it difficult to make appointments during what was heretofore "normal business hours." I believe the kennel should be permitted to expand its hours of operation to accommodate its clientele, and I also believe the restriction on the number of dogs can be relaxed without having a negative impact upon the community. But Restriction No. 5 (i.e., "no training shall occur on Sunday") is reasonable and will be retained. While commercial activities are appropriate in rural areas under certain circumstances, I do not believe they should be 7-day a week operations. Many service-oriented

ORDER RECEIVED FOR FILING

Date

6/11/18

By

Sen

businesses in Baltimore County do not operate on Sundays; such businesses in rural zones should be closed on Sunday as well.

Petitioners also seek to confirm that uses permitted by right in the RC-2 zone (such as a produce stand or agricultural buildings for storing agricultural equipment or products) may be conducted within the special exception area (approx. 5.5 acres) outlined on the site plan. Real property--especially an approximately 20 acre rural parcel—may be used for more than one purpose, provided the owner does not jeopardize the health, safety and welfare of her neighbors. While I am mindful of the disagreements which have arisen between Petitioners and an adjoining neighbor, I do not believe the business and agricultural activities at the subject property have had a detrimental impact upon the community. Activities and uses permitted by right under the RC-2 regulations may be conducted anywhere on the 20 acre tract, although all activities and parking for the commercial kennel must take place entirely within the special exception area.

In opposing certain of the zoning requests, the DOP cited the property's "close proximity" to Liberty Reservoir. Ms. Moskunus prepared a map (Pets. Exhibit No. 6) showing that the reservoir is approximately 1,400 feet from the subject property. As such, I do not believe the relief granted herein will have a detrimental impact upon that resource.

The DOP also noted in its ZAC comment that any increase in the number of dogs permitted on site should be considered an "accommodation" to allow dog training clients and their animals to enter and exit the site before and after class. I concur, and the modification below (permitting 20 dogs) is designed to allow Petitioners to operate the kennel without fear of receiving a code enforcement citation when there is a temporary increase in the number of dogs during the period of ingress and egress from a training session.

THEREFORE, IT IS ORDERED this 1st day of **June, 2018** by this Administrative Law
ORDER RECEIVED FOR FILING

Date 6/1/18
By Sen

Judge, that the Petition for Special Hearing:

1. To approve an amended site plan (marked and admitted as Petitioners' Exhibit No. 1) to include a new agriculture building in the rear yard;
2. To confirm that uses permitted by-right in the RC-2 zone may be conducted within the special exception area shown on the site plan;
3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X (the "2006 Order") to allow the agricultural use of the barn in the special exception area;
4. To amend Condition 2 of the 2006 Order:
 - a. To allow the facilities within the special exception area to be utilized for ancillary agricultural uses (educational seminars and programs, children's educational programs, animal rescue training, animal trainer training, assistance dog training, patient therapy, rabbit rescue and to allow the advertising of such on Petitioners' website and otherwise; and
 - b. To allow a farmer's produce stand (whether inside or outside of the special exception area) to sell farm products grown on site;
5. To strike Condition 4 of the 2006 Order which imposed certain restrictions upon the use of the stables;
6. To amend Condition 5 of the 2006 Order:
 - a. To limit the number of dogs on the property at any one time to twenty (20);
 - b. To amend the hours of operation to Monday through Friday 12:00 p.m.-9:00 p.m. and Saturday 10:00 a.m.-5:00 p.m.; and
 - c. To allow training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the 2006 Order; and
7. To strike Condition 10 of the 2006 Order, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6/1/18

By Sen

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Except as expressly amended herein, all terms and conditions set forth in the 2006 Order shall continue in full force and effect.
3. No overnight dog boarding shall be permitted on the subject property.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6/1/18

By sln



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 4231 Wards Chapel Rd Marriottsville MD which is presently zoned RC2

Deed References: 5872/001

10 Digit Tax Account # 02-0213550040

Property Owner(s) Printed Name(s) Carolyn V. Whittington

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

See attached

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

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:

Paulette Ringley t/a Humane Domain

Name- Type or Print

X

Signature

6833 White Rock Road Sykesville MD

Mailing Address

City

State

21784 / 410 984-9412

Zip Code

Telephone #

Email Address

paulettethemillmeadowlands@gmail.com

Attorney for Petitioner:

J. Neil Lanzi

Name- Type or Print

Signature

102 W. Pennsylvania Ave Ste 406 Towson MD

Mailing Address

City

State

21204 / 443 991-5917

Zip Code

Telephone #

Email Address

jlanzi@wclaw.com

Legal Owners (Petitioners):

Carolyn Whittington

Name #1 - Type or Print

Name #2 - Type or Print

X

Signature #1

Signature #2

4231 Wards Chapel Rd Marriottsville MD

Mailing Address

City

State

21104

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bernadette Moskunas

Name - Type or Print

Signature

200 E. Joppa Rd Ste 101 Baltimore MD

Mailing Address

City

State

21286 / 410 828-9060

Zip Code

Telephone #

siteriteinc@aol.com

Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2018-0268-SPH Filing Date 4/5/18

Do Not Schedule Dates 6/1/18 Reviewer RS

By Sen REV. 10/4/11

RECEIVED

MAY 25 2018

PETITION FOR SPECIAL HEARING OFFICE OF
ADMINISTRATIVE HEARINGS

Paulette Ringley t/a Humane Domain hereby petitions the Administrative Law Judge for relief from the Baltimore County Zoning Regulations pursuant to Section 500.7 as follows:

1. To approve an amended site plan to include a new agriculture building.
2. To confirm the special exception area may also include RC2 uses by right.
3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area.
4. To amend Condition 2 of the Order, Case No. 06-437-X:
 - (a) To allow the facilities within and outside the special exception area to be utilized for private parties, ancillary agricultural uses (educational seminars and programs, children education, animal rescue training, animal trainer training, assistance dog training, patient therapy, rabbit rescue, animal training) and to allow the advertising of such on Petitioners website and otherwise events; and
 - (b) To allow a farmer's produce roadside stand to sell farm products to customers inside and outside the special exception area.
5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables.
6. To amend Condition 5 of the previous Order:
 - (a) To ~~eliminate the limit to the number of dogs on the property at any one time to 20 that can attend commercial kennel (dog training classes)~~; and
 - (b) To amend the hours to Monday through ~~Friday~~ Sunday, 12:00 9:00 a.m.p.m. - 9:00 p.m., Saturday, 10:00 a.m. - 5:00 p.m. and Sunday 12:00 p.m. - 5:00 p.m.; and
 - (c) To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order.
7. To amend condition 10 of the previous Order and confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside produce stand, field crops, animal husbandry, raising/keeping of animals, riding stables, and horse training, and ancillary agricultural uses (including, educational seminars and programs, children education, animal rescue training, animal trainer training, assistance dog training, patient therapy, rabbit rescue, animal training).

Amended at hrg.
5/24/2018 JEB

PETITION FOR SPECIAL HEARING

Paulette Ringley t/a Humane Domain hereby petitions the Administrative Law Judge for relief from the Baltimore County Zoning Regulations pursuant to Section 500.7 as follows:

1. To approve an amended site plan to include a new agriculture building.
2. To confirm the special exception area may also include RC2 uses by right.
3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area.
4. To amend Condition 2 of the Order, Case No. 06-437-X:
 - (a) To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events; and
 - (b) To allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area.
5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables.
6. To amend Condition 5 of the previous Order:
 - (a) To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes); and
 - (b) To amend the hours to Monday through Sunday, 9:00 a.m. – 9:00 p.m.; and
 - (c) To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order.
7. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

Item #0268



DRS & ASSOCIATES
LAND DESIGN CONSULTANTS

EXHIBIT "A"

Zoning Description

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

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

- 1) South 81°02'05" East 602.76 feet, thence
- 2) North 8°59'22" East 108.91 feet, thence
- 3) South 81°12'04" East 204.73 feet, thence
- 4) South 8°47'55" West 407.14 feet, thence
- 5) South 81°21'05" East 480.02 feet, thence by a line curving to the right in a Southeasterly direction with the radius of 214.01 feet for the distance of 153.11 feet the arc which is subtended by a chord bearing
- 6) South 60°51'23" East 149.87 feet, thence
- 7) South 40°21'40" East 90.01 feet, thence by a line curving to the left in a Southeasterly direction with the radius of 830.74 feet for the distance of 159.51 feet the arc which is subtended by a chord bearing
- 8) South 45°51'42" East 159.27 feet, thence
- 9) South 51°21'44" East 80.01 feet, thence
- 10) South 4°25'27" East 392.13 feet, thence
- 11) South 68°33'24" West 495.00 feet, thence
- 12) North 1°52'16" West 664.65 feet, thence

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

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

Carolyn Whittington Property

Name	North	East	Bearing	Distance
DB53	627578.26000	1349945.04850		
DB55	627484.33010	1350540.44280	S 81°02'05"E	602.76
DB56	627591.90070	1350557.46010	N 8°59'22"E	108.91
DB57	627560.58390	1350759.78290	S 81°12'04"E	204.73
DB58	627158.23290	1350697.50530	S 8°47'55"W	407.14
DB59	627086.05050	1351172.07040	S 81°21'05"E	480.02
DB72	626874.47080	1351139.88960	S 8°38'54"W	214.01
Delta 40°59'26.97"				
Radius 214.01				
Arc 153.11 Chord				
Tangent 80.00				
Segment 1362.29				
			S 60°51'23"E	149.87
			N 49°38'21"E	214.01
DB60	627013.06560	1351302.96330	S 40°21'40"E	90.01
DB61	626944.48190	1351361.25250	N 49°38'20"E	830.74
DB73	627482.46900	1351994.25720		
Delta 11°00'05.03"				
Radius 830.74				
Arc 159.51 Chord				
Tangent 80.00				
Segment -406.37				
			S 45°51'42"E	159.27
			S 38°38'15"W	830.74
DB62	626833.57060	1351475.55120	S 51°21'44"E	80.01
DB63	626783.61440	1351538.04550	S 4°25'27"E	392.13
DB64	626392.65320	1351568.29470	S 68°33'24"W	495.00
DB65	626211.69260	1351107.56270	N 1°52'16"W	664.65

Item #0268

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

Total Area	829654.91 sf	19.04626 acres +/-
Perimeter	5656.01 ft	

2006-03-09

G Word.DRS:Project Deeds 98566D01 xxx

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-268

INFORMATION:

Property Address: 4231 Wards Chapel Road
Petitioner: Carolyn Whittington
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve the zoning relief as identified on the attachment submitted in support of the petition.

A site visit was conducted on May 10, 2018. Wards Chapel Road is a Baltimore County Scenic Route. The subject property lies within a Resource Preservation Area as established by the Baltimore County Master Plan 2020 (MP 2020). A stated goal of the Master Plan 2020 for these important areas is to "*preserve valuable cultural, historic, recreational and environmental resources*" (MP2020 Pg.91). The site is the subject of previous zoning case no. 06-437-X wherein petitioned zoning relief was denied in part and granted in part with conditions. The property gains access at two points, from Wards Chapel Road and from a shared driveway at the north of the property.

The Department cannot support granting the requested zoning relief in its entirety. Addressing the zoning petition attachment point by point, the Department offers the following recommendations.

Attachment #1 – The Department can support the expansion of the previously approved special exception through the construction of a new agricultural building only if such building provides sufficient separation from the dwelling at 4233 Wards Chapel Road to mitigate any adverse impacts.

Attachment #2 – The Department recommends that the riding stable and commercial kennel uses established in the prior case along with the pasturing of a menagerie of animals represents the limit the land may accommodate such activities and remain within the goals of the MP 2020 for Resource Preservation Areas, especially for an area in such close proximity to the Liberty Reservoir. Limiting the intensity of the use to that already established will also ensure the requirements of BCZR §502 are met therefore the Department does not support additional RC 2 uses, whether by right or by special exception, in combination with the prior approved special exception uses.

Attachment #3 – Please see Attachment #2 response above.

Attachment #4 (a) (b) and # 7 – Please see Attachment #2 response above. The Department is not opposed to a temporary produce stand as defined in BCZR §101.1 at a location on the south side of the property, outside of the established special exception area and in close proximity to Wards Chapel Road , provided adequate sight distance is provided to ensure public safety.

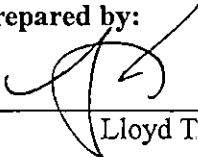
Attachment #5 – The plan does not indicate changes to the riding stable operation to cause the condition # 4 of the previous order be changed and therefore Department does not support granting the requested relief.

Attachment #6

- (a) The Department is not opposed to amending condition # 5 to allow a maximum of 14 canines on site but only as a brief accommodation to allow reasonable time for dog training clients to enter and exit the property before and after class. Class participation shall remain at 7 canines pursuant to said condition.
- (b) The Department is not opposed to amending condition # 5 in said order to allow dog training to occur entirely within the existing barn Monday thru Friday 12 p.m. to 9 p.m. and Saturday 10 a.m. to 5 p.m. with no dog training permitted on Sundays.
- (c) The Department does not support amending condition # 5 in said order to allow outside training of dogs at any location on the subject property.

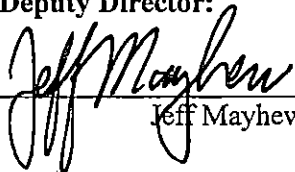
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
Bernadette Moskunus, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County



April 24, 2018

KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

The Administrative Law Judge 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: 2018-0268-SPH

4231 Wards Chapel Road

E/s Wards Chapel Road, south of Liberty Dam Road

2nd Election District – 4th Councilmanic District

Legal Owners: Carolyn Whittington

Special Hearing 1. To approve an amended site plan to include a new agriculture building. 2. To confirm the special exception area may also include RC 2 uses by right. 3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area. 4. To amend Condition 2 of the Order, Case No. 06-437-X: a. To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events; and b. To allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area. 5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables. 6. To amend Condition 5 of the previous Order: A. To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes); and B. To amend the hours to Monday through Sunday, 9:00 a.m.-9:00 p.m.; and C. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order. 7. D. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

Hearing: Thursday, May 24, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: J. Neil Lanzi, 102 W. Pennsylvania Avenue, Ste. 406, Towson 21204
Humane Domain, 6833 White Rock Road, Sykesville 21784
Carolyn Whittington, 4231 Wards Chapel Road, Marriottsville 21104
Bernadette Moskunas, 200 E. Joppa Road, Ste. 101, Baltimore 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 4, 2018.**
- (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
Thursday, May 3, 2018 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
102 W. Pennsylvania Avenue, Ste. 406
Towson, MD 21204

443-991-5917

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-268-SPH

4231 Wards Chapel Road
E/s Wards Chapel Road, south of Liberty Dam Road
2nd Election District – 4th Councilmanic District
Legal Owners: Carolyn Whittington

Special Hearing 1. To approve an amended site plan to include a new agriculture building. 2. To confirm the special exception area may also include RC 2 uses by right. 3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area. 4. To amend Condition 2 of the Order, Case No. 06-437-X: a. To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events; and b. To allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area. 5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables. 6. To amend Condition 5 of the previous Order: A. To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes); and B. To amend the hours to Monday through Sunday, 9:00 a.m.-9:00 p.m.; and C. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order. 7. D. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

Hearing: Thursday, May 24, 2018 at 1:30 p.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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
4231 Wards Chapel Road; E/S Wards Chapel	*	
Road, 145' S of c/line of Liberty Dam Road	*	OF ADMINISTRATIVE
2 nd Election & 4 th Councilmanic Districts	*	
Legal Owner(s): Carolyn Whittington	*	HEARINGS FOR
Contract Purchaser(s): Pauline Ringley	*	
t/a Humane Domain	*	BALTIMORE COUNTY
Petitioner(s)	*	2018-268-SPH

* * * * *

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

APR 12 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunus, 200 E. Joppa Road, Suite 101, Towson, Maryland 21286 and J. Neil Lanzi, Esquire, 102 W. Pennsylvania Avenue, Suite 406, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0268-SPH
Property Address: 4231 Wards Chapel Rd
Property Description: east side Wards Chapel Rd, 1/4- 145' south
of Liberty Dam Rd
Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL Lanzi
Company/Firm (if applicable): Wright Constable + Skzen
Address: 102 W. Pennsylvania Ave #406
Towson MD 21204
Telephone Number: 443 991-5917

CERTIFICATE OF POSTING

CASE NO. 2018-0268-SPH

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC.

DATE OF HEARING/CLOSING

5/24/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4231 WARDS CHAPEL ROAD

SIGN #1

THIS SIGN(S) POSTED ON

May 4, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/4/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2018-0268-SPH

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: Thursday, May 24, 2018 at 1:30 p.m.

REQUEST: Special Hearing 1. To approve an amended site plan to include a new agriculture building. 2. To confirm the special exception area may also include RC 2 uses by right. 3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area. 4. To amend Condition 2 of the Order, Case No. 06-437-X: a. To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events; and b. To allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

REQUEST (cont.): 5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables. 6. To amend Condition 5 of the previous Order: A. To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes); and B. To amend the hours to Monday through Sunday, 9:00 a.m.-9:00 p.m.; and C. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order. 7. D. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

SIGN 1

Yankee St 5/4/18

LEFT SIDE OF
PROPERTY

CERTIFICATE OF POSTING

CASE NO. 2018-0268-SPH

PETITIONER/DEVELOPER

SITE RITE SURVEYING INC.

DATE OF HEARING/CLOSING

5/24/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION :

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SIGN # 2

THIS SIGN(S) POSTED ON

May 4, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/4/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2018-0268-SPH

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REQUEST (cont.): 5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables. 6. To amend Condition 5 of the previous Order: A. To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes); and B. To amend the hours to Monday through Sunday, 9:00 a.m.-9:00 p.m.; and C. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order. 7. D. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

SIGN#2

myadong 5/4/18 RIGHT SIDE OF PROPERTY



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5591559

Sold To:

J. Neil Lanzi - CU00650481
102 W Pennsylvania Ave
Ste 406
Towson, MD 21204-4509

Bill To:

J. Neil Lanzi - CU00650481
102 W Pennsylvania Ave
Ste 406
Towson, MD 21204-4509

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 03, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2018-268-SPH

4231 Ward Chapel Road
E/s Wards Chapel Road, south of Liberty Dam Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Carolyn Whittington

Special Hearing 1. To approve an amended site plan to include a new agriculture building. 2. To confirm the special exception area may also include RC 2 uses by right. 3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area. 4. To amend Condition 2 of the Order, Case No. 06-437-X: a. To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events; and b. To allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area. 5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables. 6. To amend Condition 5 of the previous Order: A. To eliminate the limit to the number of dogs that can attend commercial kernel (dog training classes); and B. To amend the hours to Monday through Sunday, 9:00 a.m.-9:00 p.m.; and C. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order. 7. D. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

Hearing: Thursday, May 24, 2018 at 1:30 p.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.

5/3/2018

5591559

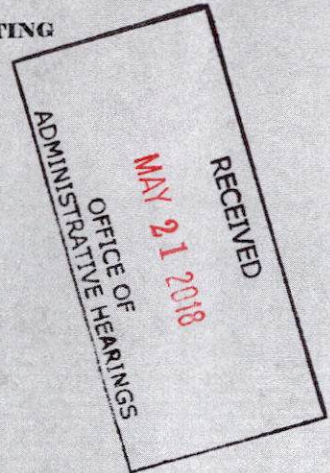
The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING



CASE NO. 2018-0268-SPH
 PETITIONER/DEVELOPER
SITE RITE SURVEYING
INC.

DATE OF HEARING/CLOSING
5/24/18

BALTIMORE COUNTY DEPARTMENT OF
 PERMITS AND DEVELOPMENT MANAGEMENT
 COUNTY OFFICE BUILDING ROOM 111
 111 WEST CHESAPEAKE AVENUE
 ATTENTION :

LADIES AND GENTLEMAN :
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4231 WARDS CHAPEL ROAD
SIGN # 2

THIS SIGN(S) POSTED ON 5/4/18 5/19/18
 (MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 5/19/18
 SIGNATURE OF SIGN POSTER

MARTIN OGLE
 9912 MAIDBROOK ROAD
 PARKVILLE, MD. 21234
 443-629-3411

ZONING NOTICE

CASE # 2018-0268-SPH
 A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD

PLACE: Room 215, Jefferson Building
 105 W. Chesapeake Ave, Towson MD 21204
 DATE AND TIME: Thursday, May 24, 2018 at 1:30 p.m.
 REQUEST: Special Hearing 1. To approve an amended site
 plan to include a new agricultural building. 2. To confirm the
 special exception area may also include RC 2 uses by right. 3.
 To amend the prior Special Exception Order dated November
 9, 2016 in Case No. 06-437. 4. To allow the agricultural use of
 the lot in the special exception area. 5. To amend Condition
 2 of the Order. Case No. 06-437. 6. To allow the facilities
 within the special exception area to be utilized for private
 parties and to allow the advertising of such events, and b.
 To allow a farmer's roadside stand to sell farm products to
 customers inside and outside the special exception area.

REQUEST (cont.): 5. To amend Condition 4 of the previous
 Order to eliminate the restriction for use of the stables. 6. To
 amend Condition 5 of the previous Order. A. To allocate the
 lot to the number of dogs that can attend commercial level
 (dog training classes), and B. To amend the hours to identify
 through Sunday, 9:00 a.m. - 9:00 p.m. and C. To allow outside
 training of dogs in the outdoor riding ring area in addition
 to the outdoor riding ring uses provided in Condition 8 of
 the previous Order. 7. D. To confirm the by-right commercial
 agricultural uses of the subject property, including farmer's
 roadside stand, field crops, animal husbandry, raising, keeping
 of animals, riding stables and horse training.

MAIDBROOK RD. 9912

1

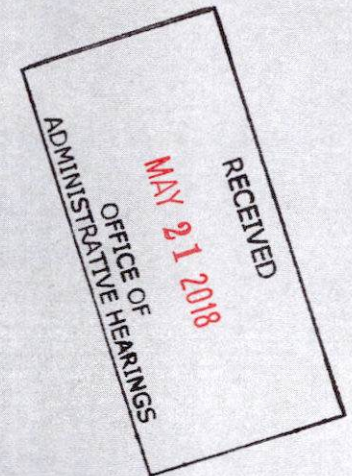
Handwritten notes on the zoning notice form, including "Request (cont.)" and "5/19/18".

5/19/18

SIGN #2
 WARDS
 CHAPEL
 RD

RECEIVED
JUL 11 1962
FBI - NEW YORK

CERTIFICATE OF POSTING



CASE NO. 2018-0268-SPH
 PETITIONER/DEVELOPER
SITE RITE SURVEYING
INC.

DATE OF HEARING/CLOSING
5/24/18

BALTIMORE COUNTY DEPARTMENT OF
 PERMITS AND DEVELOPMENT MANAGEMENT
 COUNTY OFFICE BUILDING ROOM 111
 111 WEST CHESAPEAKE AVENUE
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 (MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 5/19/18
 SIGNATURE OF SIGN POSTER

MARTIN OGLE
 9912 MAIDBROOK ROAD
 PARKVILLE, MD. 21234
 443-629-3411

ZONING NOTICE
 CASE # **2018-0268-SPH**
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
 PLACE: Room 205, Jefferson Building
 105 W. Chesapeake Ave, Towson MD 21204
 DATE AND TIME: Thursday, May 24, 2018 at 1:30 p.m.
 REQUEST: Special Hearing 1. To approve an amended site plan to include a new agriculture building. 2. To confirm the special exception area may also include RC2 uses by right. 3. To amend the prior Special Exception Order dated November 9, 2006 in Case No. 06-437-X to allow the agricultural use of the barn in the special exception area. 4. To amend Condition 2 of the Order, Case No. 06-437-X. To allow the facilities within the special exception area to be utilized for private parties and to allow the advertising of such events and to allow a farmer's roadside stand to sell farm products to customers inside and outside the special exception area.

REQUEST (cont.): 5. To amend Condition 4 of the previous Order to eliminate the restrictions for use of the stables. 6. To amend Condition 5 of the previous Order. A. To eliminate the limit to the number of dogs that can attend commercial kennel (dog training classes). and B. To amend the hours to Monday through Sunday 9:00 a.m. - 9:00 p.m. and C. To allow outside training of dogs in the outdoor riding ring area in addition to the outdoor riding ring uses provided in Condition 8 of the previous Order. 7. D. To confirm the by-right commercial agricultural uses of the subject property, including farmer's roadside stand, field crops, animal husbandry, raising/keeping of animals, riding stables and horse training.

Martin Ogle 5/19/18

5/19/18
 4231
 WARDS
 CHAPEL
 RD

12 MINISTATIVE HEARING
OFFICE OF
12 MINISTATIVE HEARING



KEVIN KAMENETZ
County Executive

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

May 17, 2018

Carolyn Whittington
4231 Wards Chapel Road
Marriottsville MD 21104

RE: Case Number: 2018-0268 SPH, Address: 4231 Wards Chapel Road

Dear Ms. Whittington:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 5, 2018. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Paulette Ringley, Humane Domain, 6833 White Rock Road, Sykesville MD 21784
J Neil Lanzi, Esquire, 102 W Pennsylvania Avenue, Suite 406, Towson MD 21204
Bernadette Moskunas, 200 E Joppa Road, Suite 101, Towson MD 21286

Date: 4/11/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0268-SPH

Special Hearing
Carolyn Whittington
4231 Woods Chapel Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

JB 5-24-18 1:30 PM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/22/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-268

INFORMATION:

Property Address: 4231 Wards Chapel Road
Petitioner: Carolyn Whittington
Zoning: RC 2
Requested Action: Special Hearing



The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve the zoning relief as identified on the attachment submitted in support of the petition.

A site visit was conducted on May 10, 2018. Wards Chapel Road is a Baltimore County Scenic Route. The subject property lies within a Resource Preservation Area as established by the Baltimore County Master Plan 2020 (MP 2020). A stated goal of the Master Plan 2020 for these important areas is to "*preserve valuable cultural, historic, recreational and environmental resources*" (MP2020 Pg.91). The site is the subject of previous zoning case no. 06-437-X wherein petitioned zoning relief was denied in part and granted in part with conditions. The property gains access at two points, from Wards Chapel Road and from a shared driveway at the north of the property.

The Department cannot support granting the requested zoning relief in its entirety. Addressing the zoning petition attachment point by point, the Department offers the following recommendations.

Attachment #1 – The Department can support the expansion of the previously approved special exception through the construction of a new agricultural building only if such building provides sufficient separation from the dwelling at 4233 Wards Chapel Road to mitigate any adverse impacts.

Attachment #2 – The Department recommends that the riding stable and commercial kennel uses established in the prior case along with the pasturing of a menagerie of animals represents the limit the land may accommodate such activities and remain within the goals of the MP 2020 for Resource Preservation Areas, especially for an area in such close proximity to the Liberty Reservoir. Limiting the intensity of the use to that already established will also ensure the requirements of BCZR §502 are met therefore the Department does not support additional RC 2 uses, whether by right or by special exception, in combination with the prior approved special exception uses.

Attachment #3 – Please see Attachment #2 response above.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 11, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0268-SPH
Address 4231 Wards Chapel Road
(Whittington Property)

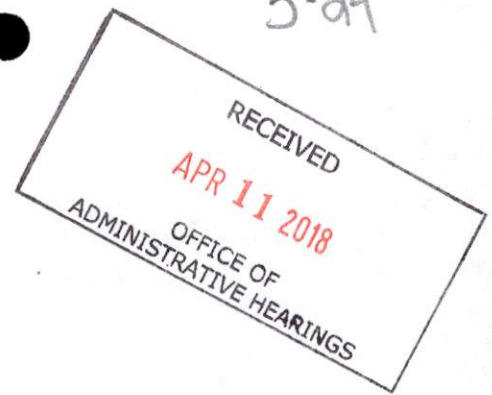
Zoning Advisory Committee Meeting of April 16, 2018

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 11, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0268-SPH
Address 4231 Wards Chapel Road
(Whittington Property)

Zoning Advisory Committee Meeting of **April 16, 2018**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Attachment #4 (a) (b) and # 7 – Please see Attachment #2 response above. The Department is not opposed to a temporary produce stand as defined in BCZR §101.1 at a location on the south side of the property, outside of the established special exception area and in close proximity to Wards Chapel Road provided adequate sight distance is provided to ensure public safety.

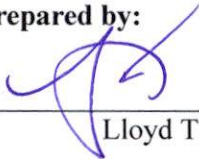
Attachment #5 – The plan does not indicate changes to the riding stable operation to cause the condition # 4 of the previous order be changed and therefore Department does not support granting the requested relief.

Attachment #6

- (a) The Department is not opposed to amending condition # 5 to allow a maximum of 14 canines on site but only as a brief accommodation to allow reasonable time for dog training clients to enter and exit the property before and after class. Class participation shall remain at 7 canines pursuant to said condition.
- (b) The Department is not opposed to amending condition # 5 in said order to allow dog training to occur entirely within the existing barn Monday thru Friday 12 p.m. to 9 p.m. and Saturday 10 a.m. to 5 p.m. with no dog training permitted on Sundays.
- (c) The Department does not support amending condition # 5 in said order to allow outside training of dogs at any location on the subject property.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
Bernadette Moskunus, Site Rite Surveying, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

IN RE: PETITION FOR SPECIAL EXCEPTION
4231 Wards Chapel Road; E/S Wards Chapel
Road, 146.39' S c/line Liberty Dam Road
2nd Election District
4th Councilmanic District

Carolyn V. Whittington,
Legal Owner,

Humane Domain, LLC,
Lessee,

Petitioners

BEFORE THE
ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No.: 06-437-X

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

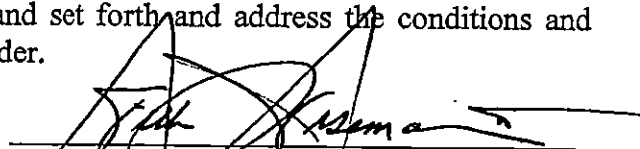
I am persuaded that the requested special exception relief should be granted, subject to the modified plan and the conditions and limitations below. The proffered testimony and evidence of the Petitioners has shown that the proposed uses, as conditioned below, meet the requirements of BCZR §§ 1A01.2C.21,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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 9th day of NOVEMBER, 2006, that: (i) the commercial kennel area in the northeast corner of the subject property and the outdoor commercial kennel use originally proposed by Petitioners have been eliminated from Petitioners' Exhibit No. 2 and are NOT approved in conjunction with this Order; and (ii) the Petition for Special Exception as modified at the time of the public hearing held, for use of specifically delineated areas of the subject property and the improvements constructed thereon as a riding stable [for horses, donkeys and mules] and a commercial kennel all as depicted on Petitioners' Exhibit No. 2, be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

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

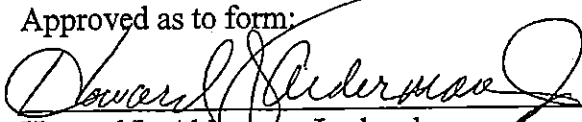
approved. The existing access road will be used for residential purposes only.

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

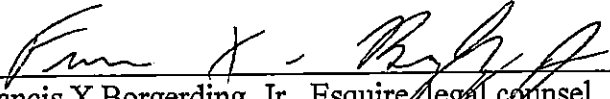

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

[Approvals of Counsel on Next Page]

Approved as to form:



Howard L. Alderman, Jr., legal counsel
for the Petitioners



Francis X Borgerding, Jr., Esquire, legal counsel
for certain of the Protestants

Case No.: 2018-0268-SPH 4231 wards
Exhibit Sheet Chapel Row

Petitioner/Developer

DW 1-3-18

Protestants

SEN 6-1-18

No. 1	Site plan	Petition signed by neighbors opposing zoning requests.
No. 2	Photos - sub. property	letter dated 10-24-2017 to Mr. Jablon
No. 3	Letters of support	Photos of sub. property
No. 4	Photos of neighbor's property	
No. 5	Internet advertisement	
No. 6	Topographical map	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 25



















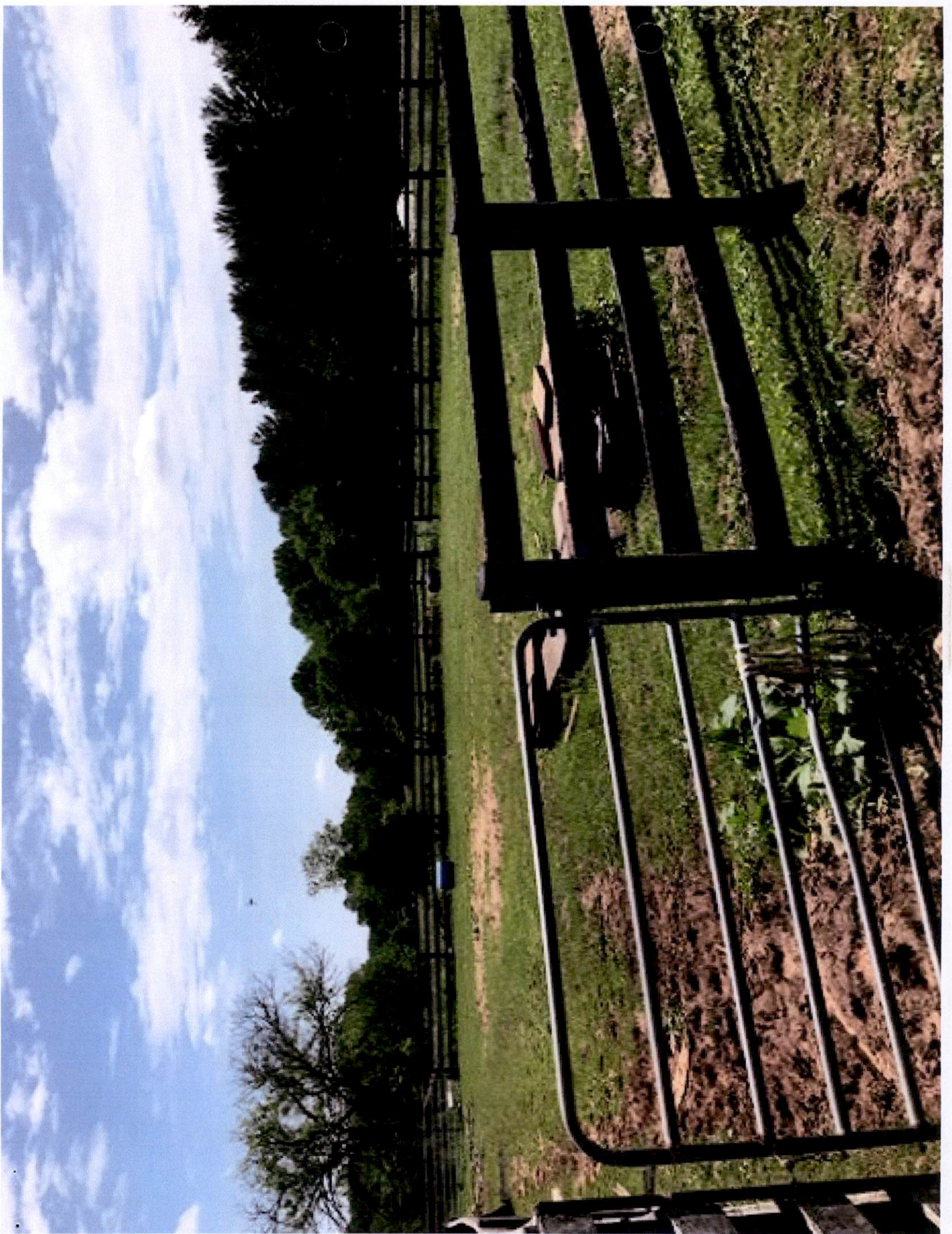


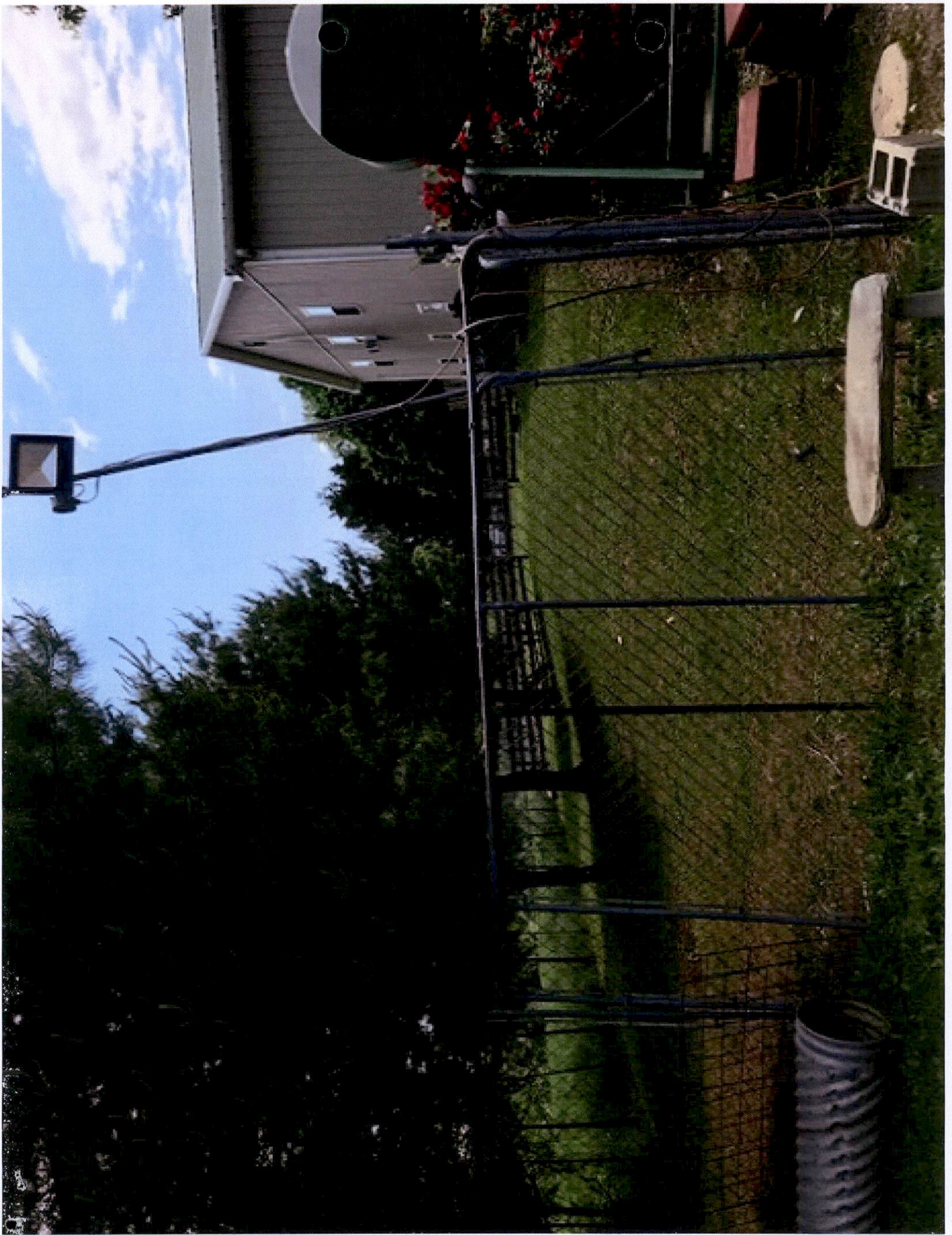














1391 Sykesville Rd.
Sykesville, MD 21784
410 442-5506
Web: fbcmd.org
Email: frndship@wecare.org

May, 2018

To Whom It May Concern,

I am the leader of the Comfort Dogs Ministry of Friendship Baptist Church (FBC). The Ministry was approved in 2013, and has been actively serving within the church & surrounding communities since then.

The Ministry has developed a relationship with Humane Domain over the last several years to provide training for our Comfort/Therapy dog group. Unfortunately there have been a few people who have not been able to attend/participate in the evening classes which has hindered their ability to join this Ministry.

I have asked for a Sunday afternoon class at Humane Domain's facility in order to accommodate our group.

Any consideration you can afford us to make these training days possible will be greatly appreciated.

Sincerely,

Lori Colson

Lori Colson
FBC Comfort Dogs
Ministry Leader
fbccomfortdogs@aol.com

PETITIONER' S

EXHIBIT NO. 3

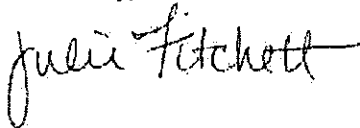
May 17, 2018

To Whom it May Concern,

When I Volunteered with helping out in the barn at the farm at Humane Domain, located at 4231 Wards Chapel Rd in Marriottsville, MD in the years of 2015, 2016, and some of 2017, there were several occasions where I heard the neighbors next door yell at their children to, "get their f-ing asses inside the house". I occasionally still volunteer as a dog-training instructor.

Thank you for taking the time to read this

Sincerely,

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

Julie Fitchett

Jody L. Broughton
8004 Chapel Cove Drive
Laurel, Maryland 20707

May 19, 2018

To Whom It May Concern:

This letter is in reference to the neighbors next to Humane Domain. I was an intern at Humane Domain for approximately 2 years. During that time, I was at Humane Domain at different times of the day/night to help and/or teach classes. Several times while I was outside with clients, the neighbors were very loud; I heard screaming/yelling by both children and adults. It was uncomfortable being with clients while the neighbors were exhibiting this behavior.

Sincerely,

Jody L. Broughton

Jody L. Broughton

May 10th, 2018

To whom it may concern:

I have a below the knee amputation and am helped by a service dog trained by Humane Domain. On more than one occasion when I was there, the disturbing yelling and obscene language was extremely upsetting. On one occasion I was given an obscene gesture. At this time, I am very reluctant to return to the establishment which I find disheartening since this is one of the few places I can go alone, and my dog sometimes needs retention training.

Sincerely

Linda Barnes

Aaron Weissberg DVM
Community Animal Hospital
9035 Liberty Rd.
Randallstown, Maryland 21133
410-922-4800

May 14, 2018

Re: Humane Domain public services on Sundays

To whom it may concern:

I am a veterinarian and an orthodox Rabbi in Maryland and have been for 38 years.

For 28 years our observant community, as well as many of our clients, have used the services of Humane Domain in it's prior location and for the past 12 years in its present location for humane education and animal training services. Humane Domain usually provides humane education on a volunteer basis, donating their time and services.

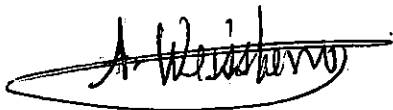
We have only had the opportunity to attend humane educational events on Sundays and have never understood why dog training was restricted and unavailable to us on Sundays, especially for members of our community needing assistance dogs or dogs learning behavior specific to animal assisted intervention.

It is now my understanding that even the humane educational events at Humane Domain may be restricted on Sundays when that is the most opportune time for observant Jewish families to attend them.

I and many members of our community are waiting to learn the outcome of the zoning hearing and hoping that these needed community services will be available to us on Sundays.

Sincerely,

Rabbi Aaron Weissberg DVM

A handwritten signature in black ink, appearing to read "A. Weissberg", is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

2018

May 15,

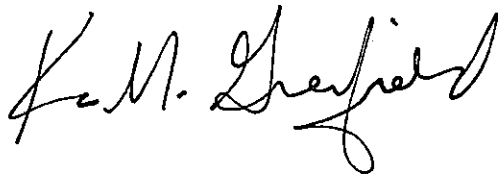
To Whom It May Concern,

I have have done volunteer work for Humane Domain at 4231 Wards Chapel Road for the past three years. I've also brought my dog for training classes. I've heard screaming and yelling from the adjacent property on many occasions. The yelling consists of numerous swear words. The screaming seems to be directed at the children at the residence. It is frequently so loud that it is difficult to have a conversation outside. It's embarrassing to listen to it, especially when there are children present. I've often wished something should be done so that the atmosphere at the place of business would be more professional.

Sincerely,

Karen M. Greenfield

*The screaming & swearing is
also directed at clients, including me.*

A handwritten signature in cursive script that reads "K.M. Greenfield". The signature is written in dark ink and is positioned below the typed name.

The second & primary of
also noted at points, including
an isolated

Wm. B. Wright

May 9, 2018

John Beverungen, Administrative Law Judge
105 W. Chesapeake Avenue
Jefferson Building, Room
Towson, MD 21204

Re: 4231 Wards Chapel Road
Zoning Case No. 2018-0268-SPH

Dear Judge Beverungen:

This letter is to confirm my support of the Petition for Special Hearing filed by Humane Domain for the property known as 4231 Wards Chapel Road. I live in the immediate vicinity of this 19 plus acre farm owned by Carolyn Whittington. I am familiar with the Petitioner, Humane Domain and its two principals, Paulette Ringley and Deb Winkler. The Whittington property is a working farm consisting of many agricultural uses, including the growing and harvesting of field crops, animal husbandry, the raising and training of various animals, including horses and dogs. Petitioners have successfully and peacefully operated a dog training business on the property since 2006 and it is my understanding they wish to clarify the terms of the 2006 Zoning Order by expanding hours and eliminating certain restrictions. I have reviewed the Special Hearing Petition and the various requests of the Petitioner. The Petitioner serves a wonderful purpose for Baltimore County with the dog training and helping behaviorists who work with individuals and animals. The people the Petitioners help include veterans, psychologists, social workers and special education teachers. It is my sincere hope you approve all of the requested zoning relief.

Name

Address

Date

Walter Helmer 4231 Wards Chapel Rd 5-10-18
2703 2nd ave Parkville MD

Juanita Stahl 4215 Wards Chapel Rd 5/19/18

Larry Beigel 4023 Wards Chapel Rd 5/21/18

Erin M. 4220 Wards Chapel Rd Marriottsville MD 21104

Erin M. 4220 Wards Chapel Rd Marriottsville MD 21104

May 9, 2018

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Name

Address

Date

Ann Menning 3224 Wards Chapel Rd Marriottsville, MD 21104
Jennifer Lyndak 4201 Wards Chapel Rd
Marriottsville, MD 21104 5-23-18

May 9, 2018

John Beverungen, Administrative Law Judge
105 W. Chesapeake Avenue
Jefferson Building, Room
Towson, MD 21204

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Name

Address

Date

5/22/2018

Philip J. Reston - 4203 Wards Chapel Rd Marriottsville Md 21104

Philip J. Reston, Sr. 4203 Wards Chapel Rd. Marriottsville, Md - 21104

Matthew Adam Kalinga, 4203 Wards Chapel Rd. Marriottsville, MD 21104

Carolyn Whittington 4231 Wards Chapel Rd Marriottsville, Md 21104

James H. Thompson
1871-1941

We live across the
@ Street from
Domain farms we
have lived here for
20 years and we
have ~~any~~ complain
against the farm or
any animals. She is
a very nice lady
I wish this letter
will help them. farm
she or her staff is
not the problem.

P.S. we had
to plant pine
trees to block
the Smiths out
so we can ~~help~~
have peace

Thank you
Evelyn Dekeese
Pher (Graham)

Aaron Weissberg DVM
Community Animal Hospital
9035 Liberty Rd.
Randallstown, Maryland 21133
410-922-4800

May 14, 2018

Re: Humane Domain public services on Sundays

To whom it may concern:

I am a veterinarian and an orthodox Rabbi in Maryland and have been for 38 years.

For 28 years our observant community, as well as many of our clients, have used the services of Humane Domain in its prior location and for the past 12 years in its present location for humane education and animal training services. Humane Domain usually provides humane education on a volunteer basis, donating their time and services.

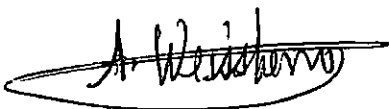
We have only had the opportunity to attend humane educational events on Sundays and have never understood why dog training was restricted and unavailable to us on Sundays, especially for members of our community needing assistance dogs or dogs learning behavior specific to animal assisted intervention.

It is now my understanding that even the humane educational events at Humane Domain may be restricted on Sundays when that is the most opportune time for observant Jewish families to attend them.

I and many members of our community are waiting to learn the outcome of the zoning hearing and hoping that these needed community services will be available to us on Sundays.

Sincerely,

Rabbi Aaron Weissberg DVM

A handwritten signature in black ink, appearing to read 'A. Weissberg', is written over a horizontal line. The signature is stylized and cursive.



PETITIONER' S

EXHIBIT NO. 4









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PETITIONER'S

EXHIBIT NO.

5

410-549-1135

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About Us

Humane Domain, located in Owings Mills/Marriottsville Maryland, was founded and created for the purposes of education and training for individuals and groups dedicated to working in harmony with nature while pursuing interests and careers concerning the earth and all its' inhabitants.

If you are pursuing a career or hobby as an animal trainer and behaviorist or humane educator you can be assured that you will receive a scientifically researched and evidenced based academic education and the opportunity to obtain practical hours.

We provide dog training and animal behavior services for dogs, cats, birds, horses and other domestic and exotic species in Baltimore, Carroll and Howard Counties and part of Baltimore City. Our facility is convenient to areas including: Owings Mills, Reisterstown, Finksburg, Randallstown, Pikesville, central & western Baltimore County & Baltimore City, Eldersburg, Winfield, Taylorsville and Marriottsville.

Owners:

Debbie Winkler CABC, CPDT-KA has been providing behavior consultations & training for many domestic & exotic species, from dogs to dolphins for more than 25 years. She was on the education committee of the APDT helping to create the first national certification for professional dog trainers known as

the CPDT & is both past vice president and president of the International Association of Animal Behavior Consultants. Since Debbie is an IAABC certified consultant and also a CPDT-KA, she regularly attends seminars and conferences that feature well known experts in the field such as Ian Dunbar, Ken McCort and Karen Overall to meet continuing education requirements. Debbie has served on many rescue and shelter boards including the Baltimore Humane Society, as well as the Baltimore Vicious Dog Hearing Board and has volunteered to train assistance dogs and animal assisted therapy animals for more than 2 decades. She learned American Sign Language and lobbied for assistance dogs to have the same public access rights as guide dogs. Debbie is also working to prevent dog bites to children and is a Dogs & Storks presenter. Being passionate about humane education Debbie is working on creating a new nonprofit dedicated to animal assisted therapy and humane education known as Future Hope. She is also SATS certified, teaches and provides practical hours for animal training and behavior in the Humane Domain facility in Owings Mills Maryland, and also teaches animal behavior and training at Kutztown University in PA and Carroll Community College in Carroll County Maryland. She is currently a board member of the Canine Humane Network.

Paulette Ringley is certified in aquatic health and closed ecosystems, and also specialized in breeding, raising & training exotic birds and Koi for nearly 30 years in Sykesville Maryland. She has installed and maintained over 2000 ponds & also specializes in equine management as well as sheep, alpaca and goats. Additionally she was the owner of Your Companions Country Store offering holistic animal products. If you live within an hour of Owings Mills Maryland and you have an aquarium or pond issue or difficulty with maintaining fish, frogs or other aquatic life, Paulette holds the key to your solutions. Paulette attends continuing education seminars with Koi experts like Dr. Sandra Yosha. Paulette is available to diagnose and treat aquarium, pond and fish problems and can also often provide successful solutions via paid phone consultations. Paulette is also committed to humane education believing that this will help create a more compassionate society and currently serves on the board of the Canine Humane Network.

Additional instructors:

Lindsay Hebert, CPDT-KA, has been instructing/teaching the Refine Your Relationship Basic Manners classes for 14 years. We have only heard wonderful things about her classes from our clients. Lindsay is also available for in-home instruction and behavior counseling. Lindsay receives a lot of compliments about her classes and works hard for her clients. She is also excellent as a family instructor for the companion family dog and owns Lindsay Trains Dogs.

Dru Luers is working towards her CPDT-KA certification and has been instructing for 7 years, specializing in agility. Dru is also available for in home instruction and behavior counseling, trains assistance and therapy dogs and is a CGC evaluator. She is the owner of Lottery Dog Mentors and enjoys mentoring adopters.

Gene Brownson, whose business is known as The Train More Humane Guy, is working towards his CPDT and dedicated to teaching people that humane training methods are more effective than harsh techniques. Gene has a class especially created for teaching busy men and women the most advanced training skills and methods.

Jody Broughton, CPDT-KA, instructs any class. She has a special interest in puppy socialization to help prevent future problems in adult dogs. She is the owner of Social TailWaggers, LLC., specializing in puppy socialization, confidence building, and behavior management.

Julie Fitchett, trainer/instructor and animal behavior intern working towards her certification. Julie has a special interest in agility and teaches agility classes.

Kelly O'Hara CPDT-KA with an interest in keeping pets in their homes and working with assistance dogs. Kelly also works in an animal hospital, has completed the Fear Free course and has started her own business in BelAir MD Dog Gone Good LLC.

Sherry B. True is a small animal nutritional counselor with many years experience in helping owners choose the best diets for their pets to help them thrive. She is also available for nutritional counseling for weight loss and other physical problems by appointment.

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Promotion Codes



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We provide group classes, limited to 7 dogs to provide optimal individual attention with controlled distractions using non-aversive, motivational methods known as operant conditioning with emphasis on positive reinforcement...

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Animal Trainer Careers



These programs are for individuals interested in becoming animal trainers & behavior counselors. Students must be over 18 years of age & have a high school diploma or equivalency.

Courses include academic & practical hours handling 4 species & are ideal for college students studying experimental or comparative psychology & animal behavior.

Husbandry procedures are included, & ethology is also taught. Perspective animal trainers will learn operant conditioning methods with a strong emphasis on positive reinforcement. Monthly, weekly, & weekend courses that are semi-private & private one on one tutoring are available.

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«< April 2018 >»						
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

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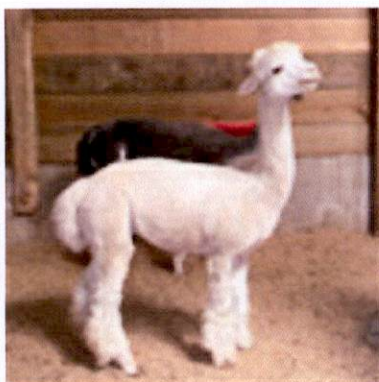
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Humane Domain - Education and Training



Animal Behavior Counseling



Continuing Education



Training: Book a Class Now!

We also provide behavior & enrichment counseling for wildlife sanctuaries, nature centers, zoos etc. Behavior counselors are certified by the International Association of Animal behavior Counselors or are Registered Veterinary Behavior...

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We routinely offer seminars for animal trainers & behavior counselors with pre-approved CEUs for CPDTs, CABCs, CDBC, CCBCs, CPBCs, CHBCs, veterinarians, veterinary technicians, LCSWs, MSWs, psychologists & Humane Educators...

I AM OPPOSED TO THE REVISIONS REQUESTED BY PAULETTE RINGLEY,

DEBORAH ASKEW, ASLO KNOW AS HUMANE DOMAIN,

FOR THE PROPERTY OF 4233 WARDS CHAPEL RD. MARIOTTSTVILLE, MD 21104

CASE # 2018- 0268 -SPH.

NAME

ADDRESS & DATE

1. Nancy L. Smith

5/12/2018
4233 Wards Chapel Rd 21104

2. Mark Kockte

5/19/18
4216 Wards Chapel Rd 21104

3. Harriett Walshe

5/19/18
4206 Wards Chapel Rd.

4. Robert G. Welch

4206 WARDS CHAPEL RD.

5. Christina

5/19/18
4200 WARDS CHAPEL RD

6. Frank Parris

5/20/18
4134 Wards Chapel Rd.

7. Charles Blum

5/20/18
4301 Powell/Kim Rd

8. John C. Delle

5/20/18
4212 Wards Chapel Rd.

9. _____

10. _____

PROT. 1

10th 117 WCR - please review & comment
RECEIVED

OCT 25 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

October 24, 2017

Page 1

Baltimore County, Maryland
Director of PAI and Department Administration Offices
Attn: Mr. Arnold Jablon
111 West Chesapeake Ave
Towson, Maryland 21204

Ref: 4231 Wards Chapel Rd.

Dear Mr. Jablon,

I am writing to you after making several attempts to resolve a few issues I have concerning the property located at 4231 Wards Chapel Rd. Marriottsville Md, 21104.

After speaking with several of your employees in the zoning department and code enforcement department I was told it was best to express my concerns to you.

I have lived at 4233 Wards Chapel road for the last 20 years. In 2005 there was a huge barn constructed on the property located at 4231 Wards Chapel Rd. This property has been listed as having agricultural zoning.

Why do I question this? It is because that is the excuse I receive every time I have a problem. The answer they give me is because it is agricultural zoning she can do it or she can build it. Yet when talking to several of my neighbors who have the same zoning they have to abide by certain rules when building on their property BUT she does not. Why is this so? Why is it still that the property has agricultural zoning I don't understand. She does not sell the hay off the farm. Does dog training income constitute as agricultural income? When speaking with several people in zoning it seems this property does not have the necessary requirements for this zoning but no one wants to question it.

I have several concerns and will go through them one at a time.

First, from the very beginning Ms. Paulette Ringley and Ms. Deborah Askew have just done whatever they wanted. (Mrs. Carolyn Whittington owns the property). Everyone else would have been required to pull the necessary permits to run electric or put plumbing in. If you check your files there has been only one permit pulled for electric on May 31, 2006 with very little installed. The only plumbing permit was pulled on June 19, 2006 again with only a few things installed. Yet since then there has been additional electric installed inside the barn as well as outside the barn and all around the property. The same goes for plumbing. An added upstairs apartment that several people live in not specified on the original site plan has been added. Still no permits. Outdoor lighting no permit. She has even had wiring installed to run very large machines used in run a mill to process wool into yarn.

C/N Violation. s/k
10/25/17

Prot. 2

When asked by the person who was installing the mill, they were told don't worry about getting the necessary permits, don't need them. When the owners of the mill found out about the special exception ruling about no retail use or sales of any kind other than training of dogs was allowed she immediately shut down the mill and moved it out. The business was called The Mill at Meadowlands.

How is this facility safe for the public to enter if there is electric and plumbing that has not been inspected to be up to code and safe? Add a wagon full of hay inside and you have a great fire hazard.

Second, according to agricultural code there is a specific number of animals allowed per acre. At last count there are over fifty animals on this property consisting of horses, mules, donkeys, cows, alpacas, sheep, goats, and turkeys, chickens Over limit?

Third, behind the barn there is a broken down fence with a trailer, breeding area for mice, rats, possums, raccoons. Allowed?

Now to the Special Exception granted. I have enclosed a copy for your convenience.

#2 This specifically states no retail sales or uses of any kind etc. If you check out her current website for Humane Domain you will see she offers the following:

- Animal Trainer Careers Educational Training Seminars

- Interactive Educational Zoo

- Pony Rides

- Birthday Parties for Children or Your Dog

- Animal/environmental cakes

- Animal/environmental party favors

Are these not all commercial businesses? I have enclosed a picture of the sign posted on the driveway of the property advertising the next event taking place on October 29, 2017. How is this allowed?

#5 Operating hours

They start several of their classes at 10 or 11 A.M exception states 12 noon.

There is not to be any classes of any kind on Sundays. Her intern program run two days Saturday and Sunday.

They are there all hours of the day having activities going on with a parking lot full of cars.

One such activity took place on Monday October 23 from 11 am to 3 pm. I have enclosed several pictures of the parking lot. I was told need to provide license plate numbers. Picture shows this.

Again she just does what she wants.

#8 Grazing on the balance of the entire property if properly fenced. Animals get out regularly because fences are falling down. Any additional buildings are to be preapproved if being built on any of the grazing fields. She currently is building a huge building located on the property line. Awful big for a run in shed. Looks more like another barn. Why not 6 feet from boundary line? Where's the preapproval.

#9 I have made several calls to find out if there is a Nutrient Management Plan. No one seems to be able to tell me if one exists. The manure is left on the fields. They are never raked or treated. When they clean the stalls the manure is piled outside of stall door in corner and left. The animals use it as a bed.

We are right across the street from Liberty Dam and when it rains the water runs off the barn into the fields and then runs down the street and crosses over and eventually ends up in the dam. We get our water from a well that is located less than 20 feet from this property. Would you not be concerned? Is not all manure to be removed to an approved disposal/deposition location?

Why have we waited this long to file a complaint. We have tried to ignore her but guess I am finally tired of having the local police and DNR police visit my house for every little unfound thing. It seems the more you try to ignore her the worst she gets. I truly think she must have too much time on her hands with nothing to do but harass other people, pick on a 13 year old boy or a handicapped 76 year old man. She thinks she is above the law and she can do whatever she wants when she wants. Maybe my complaints will keep her busy for a while. She is the first to complain about what other people are doing. My mother always taught me people who live in glass houses should not throw stones. I guess her mother never taught her the same.

I would like to thank you in advance for taking the time to look into my concerns and would appreciate it if you could send me your results in writing as it seems no one in your departments take the time to respond back to me when I have a complaint even though I leave my name and telephone number.

Please feel free to contact me if you have any further questions.

Sincerely yours,

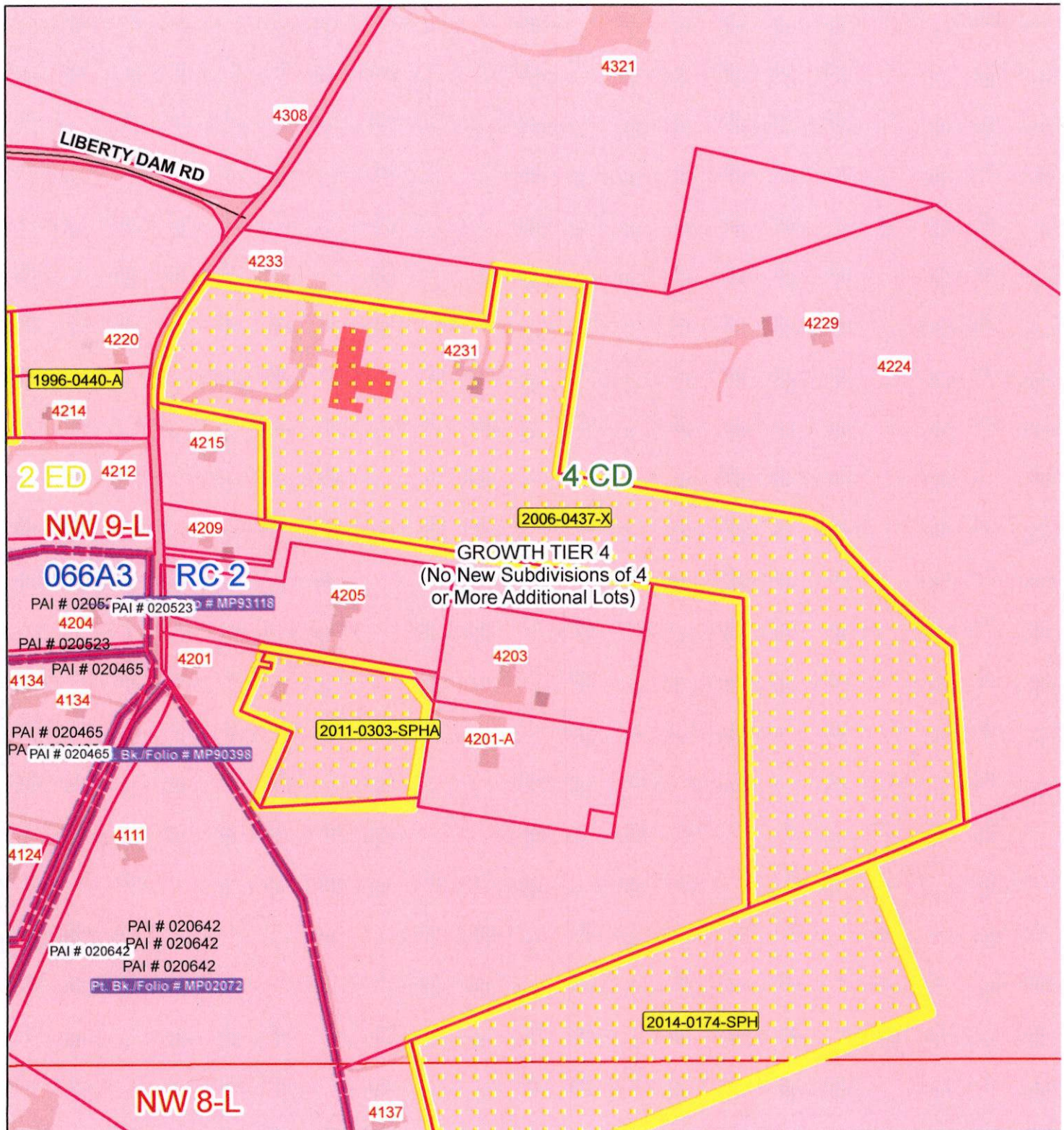

Nancy I. Smith

4233 Wards Chapel Rd.

Marriottsville, MD 21104

443-286-4245

4231 Wards Chapel Road



Publication Date: 3/28/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 80 160 320 480 640 Feet

1 inch = 300 feet

Item #0268

John E. Beverungen

From: John E. Beverungen
Sent: Thursday, June 21, 2018 12:17 PM
To: 'Neil Lanzi'
Cc: Marissa Merrick
Subject: 4231 Wards Chapel Rd; Case No. 2018-0268-SPH

Mr. Lanzi,

I am in receipt of and have reviewed your letter dated June 14, 2018 in connection with the captioned zoning case, on which Ms. Merrick was copied. You are seeking clarification of certain issues discussed in the June 1, 2018 order issued in this zoning case.

The restrictions in the order pertaining to the days and hours of operation concern only the "commercial kennel" special exception granted in the 2006 order involving the subject property. Such restrictions are expressly contemplated by BCZR Sec. 502.2, and thus any and all activities which would be encompassed within the BCZR definition of "commercial kennel" must be conducted within the special exception area and are subject to the days and hours of operation restrictions. The BCZR (Sec. 101.1) defines "commercial kennel" (in pertinent part) as an "establishment where the...training of dogs takes place." As such, any activities at the property which directly or tangentially involve dog training are subject to the restrictions in Condition No. 6 of the June 1, 2018 Order.

Uses permitted by right in the RC 2 zone may be conducted anywhere on the property and are not subject to the restrictions imposed on the commercial kennel use.

John Beverungen
ALJ



Wright, Constable & Skeen, L.L.P. | Attorneys at Law

102 W. Pennsylvania Avenue - Suite 406 - Towson - Maryland - 21204 - Phone: 443-991-5917

J. NEIL LANZI

Email: nlanzi@wcslaw.com

June 14, 2018 .

John Beverungen, Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Jefferson Building, Room
Towson, MD 21204

Re: Petition for Special Hearing
4231 Wards Chapel Road
Zoning Case No. 2018-0268-SPH

Dear Judge Beverungen:

Thank you for the Decision and Order rendered in the above captioned case. In the interest of my client avoiding conflicts and potential code violations in the future, I am writing to you today for clarification.

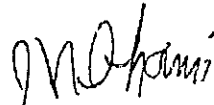
Specifically, in Item 6 of your Order, you allowed the amendment of Condition 5 of the 2006 Order by now limiting the number of dogs at any one time on the property to 20 and amending the hours of operation for the dog training (special exception use) Monday through Friday, 12:00 p.m. – 9:00 p.m. and Saturdays, 10:00 a.m. to 5:00 p.m. In Item 4 of your Order, you approved the use of the facilities within the special exception area of the property for ancillary agricultural uses without any restriction as to days or times. You indicated in the body of the Opinion that such ancillary agricultural activities that were permitted by right under RC2 Regulations could be conducted anywhere on the 20 acre tract and not be limited to the special exception area.

Accordingly, I specifically request confirmation the ancillary (by right) agricultural uses (educational seminars and programs, children's educational programs, animal rescue training, animal trainer training, assistance dog training, patient therapy, rabbit rescue and to allow the advertising of such on petitioner's website and otherwise) are allowed without restriction as to location on the property, days or times. You had also indicated in the body of your Opinion that you agreed that Restriction 5 in the previous Order (i.e., "no [dog] training shall occur on Sunday") would be retained thus limiting the restriction to no dog training only on Sundays. My understanding of your Order is the day and time restriction is limited to dog training only.

June 13, 2018
Page Two

Thank you for your consideration and should you require a formal Motion for Reconsideration, I will be happy to provide one.

Regards,



J. Neil Lanzi

cc: Humane Domain, LLC
Marissa Merrick, Assistant County Attorney

PLEASE PRINT CLEARLY

CASE NAME 4231 Wards Chapel Road
CASE NUMBER 2018-268-SPH
DATE 24 May 2018

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Bernadette Moskunas (Site Rite)	200 E. Joppa Rd Rm 101	Towson, MD 21286	siteiteinc@aol.com
Paula S. Ringley	6825 White Rock Rd	Sykes, MD 21784	deborahwedman@aol.com
Debbie Walker	6825 White Rock Rd	Sykesville MD 21784	Walterterm@aol.com
Walter Heine	2703 2nd Ave Parkville MD	Parkville MD	gassawaylisa@gmail.com
Lisa Gassaway	2457 Lonesome Dove Road	Mount Airy MD 21771	Kingreenfield@me.com
KAREN GREENFIELD	10949 ROCK CONST RD	COLUMBIA MD 21044	jessikaiberry@gmail.com
JESSICA BERRY	193 Old Rd	Seharen NJ 07077	kt504@gmail.com
Linda Barnes	6825 White Rock Rd	Sykesville MD 21784	KLanzi@WCSaw.com
NEIL LANZI	102 W. Pennsy/Virginia Ave	#408 Towson 21204	

DATE _____

2018-268-SPH
May 24, 2018

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

RE: SPECIAL HEARING * BEFORE THE OFFICE
4231 Ward Chapel Road *
E/s Wards Chapel Road, South of Liberty * OF ADMINISTRATIVE
Dam Road * HEARINGS FOR
2nd Election District, 4th Councilmanic District * BALTIMORE COUNTY
Legal Owner: Carolyn Whittington *
Petitioner * 2018-268-SPH

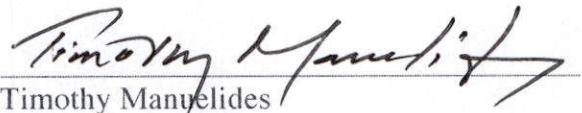
* * * * *

ENTRY OF APPEARANCE ON BEHALF OF SUSAN WANDISHIN

Please enter the appearance of Timothy Manuelides, Esq. and the law office of Timothy Manuelides, LLC as counsel for Susan Wandishin, whose address is 4201A Wards Chapel Road, Marriottsville, Maryland 21104 .

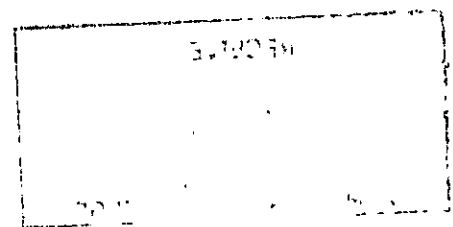
Date: May 24, 2018

Respectfully submitted,



Timothy Manuelides
TIMOTHY MANUELIDES, LLC
401 Washington Avenue
Suite 803
Towson, MD 21286
(443) 538-5725





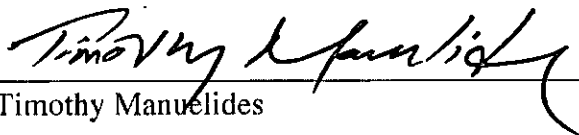
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of May, 2018, a copy of the foregoing Entry
of Appearance on Behalf of Susan Wandishin was served via hand delivery upon:

People's Counsel
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Carolyn Whittington
4231 Ward Chapel Road
Marriottsville, MD 21104

Petitioner



Timothy Manuelides

Shaping with PORTL

Presented by Dr. Jesús Rosales-Ruiz & Mary Hunter
June 23-24, 2018

Earn CEUs:

CPDT 18

IAABC 15

PPG 10

The Presenters:

Dr. Jesús Rosales-Ruiz is an associate professor at the University of North Texas in the Department of Behavior Analysis and serves as chair of the department.

Jesús is one of the few scientists in the world studying animal training from both the theoretical and applied perspectives. He, along with his students, has greatly contributed to the understanding of the science and practice of animal training. He advises the Organization for Reinforcement with Animals (ORCA), a not-for-profit student organization that works to enhance the lives of animals and their guardians through behavior analytic research and to inform the public about these discoveries.



Mary Hunter

earned a master of science in behavior analysis from the University of North Texas in 2013. She has trained a wide range of species, including dogs, horses, cats, rats, raccoons, Patagonian caviar, macaws, and more. Mary is interested in how behavior analysis can be used to improve human-animal interactions, as she believes that an understanding of the science of behavior can help us find smarter and more humane ways for training our animals. Mary shares regularly about her training adventures and about the science of training on her blog, StaleCheerios.com. Mary is a full member of the Association for Behavior Analysis International and has presented her research at the organization's annual convention.



Prepare to leave with a completely new understanding of shaping!



Join Dr. Jesús Rosales-Ruiz and Mary Hunter for two intensive days of lectures and hands-on exercises using the shaping game PORTL (Portable Operant Research and Teaching Lab).

PORTL is a tabletop shaping game that will teach you more about behavior and shaping. Through playing the game, you will get to

see the principles of behavior in action and practice applying those principles to change behavior.

During the workshop, you'll learn about behavior principles and techniques that will help you create optimal learning situations when working with both animals and people. Topics will include the principles and techniques of shaping behavior, how to use resurgence during shaping, the constructional approach, errorless learning, and more.

The workshop will consist of hands-on exercises using PORTL, as well as lectures. There will also be plenty of time for discussion. This workshop will be limited to a small group to allow ample time for discussion and questions and so that participants can receive individual coaching during the shaping exercises.



LOCATION:

Humane Domain
4231 Wards Chapel Road,
Marriottsville, MD 21104
410-549-1135

Lunch will be provided, or you are welcome to bring your own.

TIMES:

Sat., June 23: 10:00 a.m.—5:00 p.m.
Sun., June 24: 10:00 a.m.—5:00 p.m.

COST:

Early Bird (Before April 30): \$275
After May 1: \$299



Register Online:

HumaneDomain.net
<http://bit.ly/portlseminar>
info@humanedomain.net

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

4/11

DEPS

(if not received, date e-mail sent _____)

NO Comment

FIRE DEPARTMENT

5/23

PLANNING

(if not received, date e-mail sent _____)

Comment

4/11

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2006-0437-X)

NEWSPAPER ADVERTISEMENT

Date:

5/3/18

SIGN POSTING (1st)

Date:

5/4/18

by

Ogle

SIGN POSTING (2nd)

Date:

5/19/18

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 02 Account Number - 0213550040							
Owner Information										
Owner Name:		WHITTINGTON CAROLYN V				Use: Principal Residence:		AGRICULTURAL YES		
Mailing Address:		4231 WARDS CHAPEL RD MARRIOTTSVILLE MD 21104-1205				Deed Reference:		/23101/ 00080		
Location & Structure Information										
Premises Address:		4231 WARDS CHAPEL RD 0-0000				Legal Description:		19.9019 AC 4231 WARDS CHAPEL RD ES 2400 SW LIBERTY RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0066	0019	0074		0000				2016		Plat Ref:
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1958		2,727 SF				19.9000 AC		33		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage		Last Major Renovation		
2	NO	STANDARD UNIT		SIDING	2 full/ 1 half	1 Detached				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of 01/01/2016		As of 07/01/2017		As of 07/01/2018		
Land:		91,900		91,900						
Improvements		265,000		291,500						
Total:		356,900		383,400		374,567		383,400		
Preferential Land:		5,700						5,700		
Transfer Information										
Seller: WHITTINGTON CAROLYN V				Date: 12/20/2005				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /23101/ 00080				Deed2:		
Seller: MIELKE WILLIAM J AG USE 83-84				Date: 04/07/1978				Price: \$90,000		
Type: ARMS LENGTH IMPROVED				Deed1: /05872/ 00001				Deed2:		
Seller:				Date:				Price:		
Type:				Deed1:				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								

Exempt Class:

AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 06/28/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application**Date:**





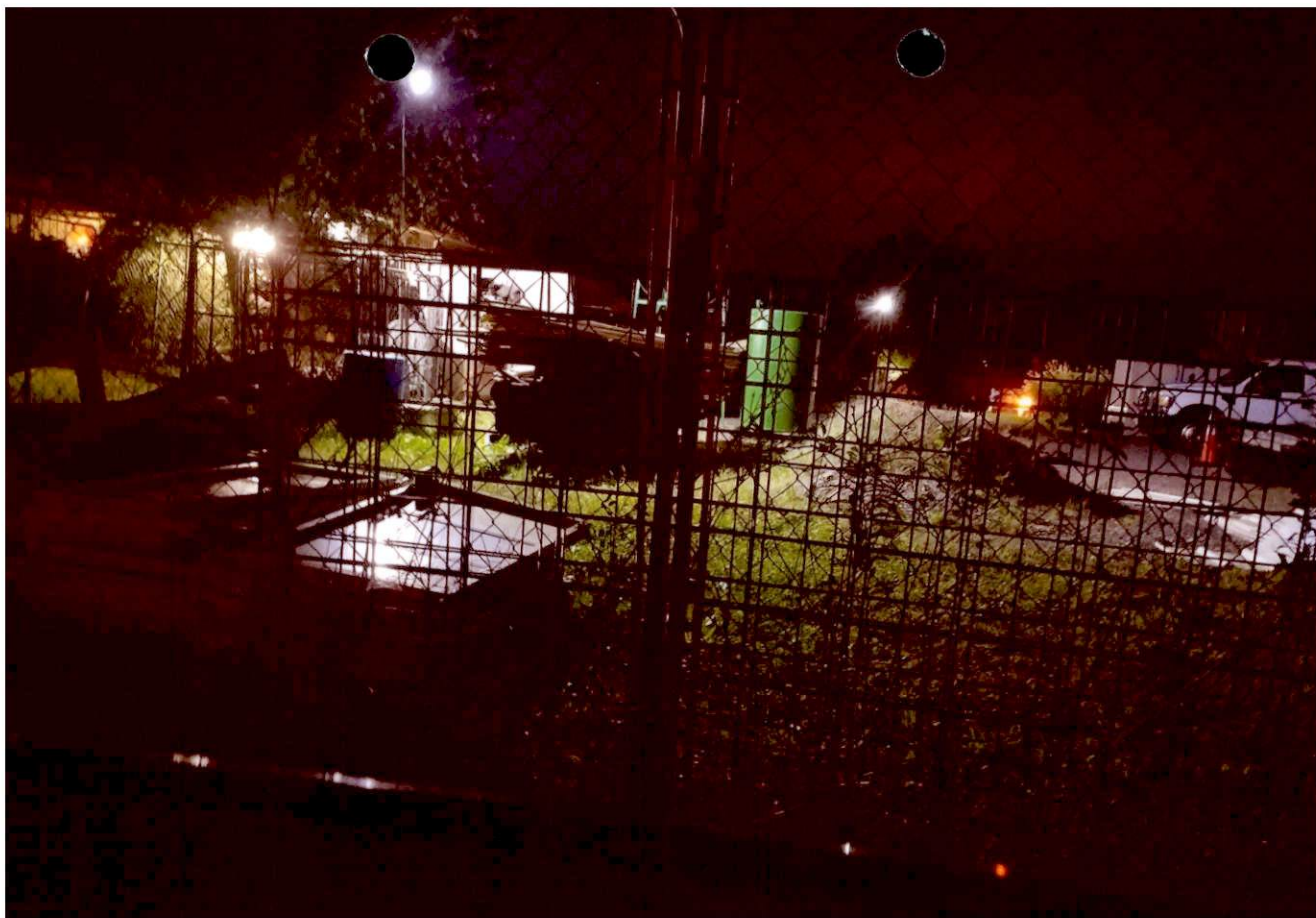
























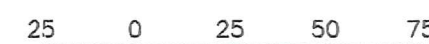












- 1) Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) No retail sales or uses of any kind, including without limitation sales of dog, horse or animal products shall be permitted.
- 3) No dogs are to be bred, housed overnight or boarded as part of the special exception uses granted, including no dog day care or dog weekend care.
- 4) The stables are limited to a maximum of ten (10); four (4) for boarding and six (6) for private use for horses/mules/donkeys.
- 5) The commercial kennel dog training shall be conducted entirely within the existing barn, shall be limited to seven (7) dogs at any one time and only during the following days, times and hours: 1) Weekdays - 4:00 p.m. until 8:30 p.m.; and 2) Saturday - only between noon and 5:00 p.m.; no training shall occur on Sunday.
- 6) A permanent fence shall be constructed adjacent to the south side of the existing access road as shown on Petitioners' Exhibit No. 2, prohibiting use of such existing road for the special exception uses approved. The existing access road will be used for residential purposes only.
- 7) A new access road for the special exception uses shall be constructed, intersecting with Wards Chapel Road and running easterly within the existing 50 foot wide right-of-way for a distance, then running parallel to the northerly edge of the right-of-way, not less than 15 feet from said right-of-way to the proposed parking area. In lieu of a macadam surface, millings shall be used as a road surface, all as shown more particularly on Petitioners' Exhibit No. 2.
- 8) The outdoor riding ring shall be used only for the riding, cantering, etc. of horses/donkeys/mules. The open space pasture areas depicted on Petitioners' Exhibit No. 2 shall be used for the grazing of horses/donkeys and mules and are not to be used for dog training. Grazing on the balance of the entire property is permitted if all such grazing areas are properly fenced. The areas depicted on Petitioners' Exhibit No. 2 shall be used for grazing. Not less than ten acres of Petitioners' property shall be available for grazing of the horses, donkeys and/or mules.
- 9) A nutrient management plan shall be submitted to and reviewed by the County in connection with the manure/waste products resulting from the approved special exception uses and all manure removed to an approved disposal/deposition location.
- 10) If any use other than approved by this Order or as shown on Petitioners' Exhibit No. 2 is proposed, specifically on any of the open field areas in the rear of the subject property, Petitioners shall be required to seek approval by filing a Petition for Special Hearing to amend the Plan/plot approved as Petitioners' Exhibit No. 2.
- 11) When applying for a building permit, the site plan filed must reference this Case and set forth and address the conditions and restrictions of this Order.

Francis X Borgerding, Jr., Esquire, legal counsel
for certain of the Protestants

Page 7 of 8

VICINITY MAP SCALE: 1"= 1000'

1. Current Title Reference:
Owner: Carolyn V. Whittington
Deed Reference: County Land Record 5872 Page 001
Date: April 5, 1978
Grantor: William J. Mielke
2. Property zoned: RC-2
Map#: plan sheet 066A3
3. Property address: 4231 Ward's Chapel Road
Marriottsville, MD 21104
4. 2nd Election District, 4th Councilmanic District
5. Property: 19.04626 Ac., 829,654.91 sqft gross Area *SDAT 19.0402 AC*
6. FAR: 14.555/ 829,654.91=0.01754 *866 931.12 sq. FT.*
7. AOS: none required
8. Use: riding stable and commercial kennel 5.52649 Ac.,
240' x 33.90' stft
9. Parking Data: 10 spaces provided including 1 handicapped
paving type: gravel
10. No previous commercial permits.
11. No prior zoning hearing on site. *CASE NO. 2006-0437-X*
12. No floodplain on site.
13. No signs on site.
14. The property not in any area shown on Basic Service Maps.
15. ~~No retail uses or uses of any kind, including without limitation~~
~~uses of dogs, horses or animal products shall be permitted.~~
16. No dogs are to be bred, housed overnight or boarded as part of the special exception uses granted, including no dog day care or dog weekend care.
17. The stables are limited to a maximum of ten (10); four (4) for boarding and six (6) for private use for horses/mules/donkeys.
18. The commercial kennel dog training shall be conducted entirely within the existing barn, shall be limited to seven (7) dogs at any one time and only during the following days, times and ~~hours~~ - i) Weekdays - 4:00 p.m. until 8:30 p.m.; and ii) ~~Saturday - only between noon and 5:00 p.m.; no training shall occur on Sunday.~~
19. PEP LINE PLAN PREPARED BY SITE KITE SURVEYING, INC.
SOLE PURPOSE TO SHOW CHANGES TO PREVIOUSLY APPROVED ZONING PLAN
AND PETITIONER'S EXHIBIT.

AAA

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
Plan to Accompany
Petition for Special Exception
Humane Domain

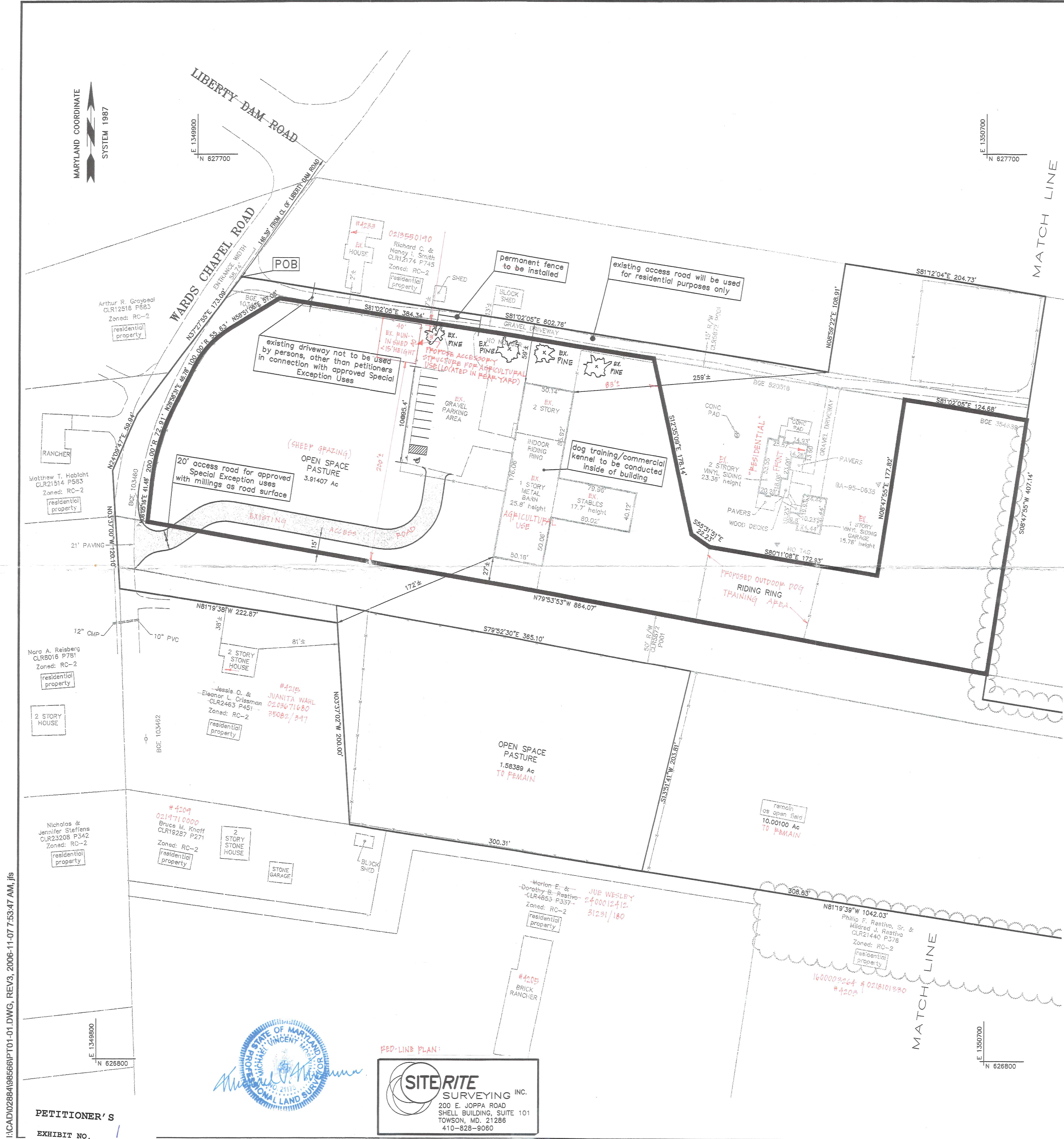
<u>OWNER</u>	<u>PETITIONER</u>
Carolyn V. Whittington 4231 Wards Chapel Road Marriottsville, MD 21104	Humane Domain C/O Deborah Ashew 6825 White Rock Road Sykesville, MD 21784

52 WINTERS STREET WESTMINSTER, MARYLAND 21157
410-848-4060 410-876-6040 F. 410-876-7603

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BA.CO. FILE NO.

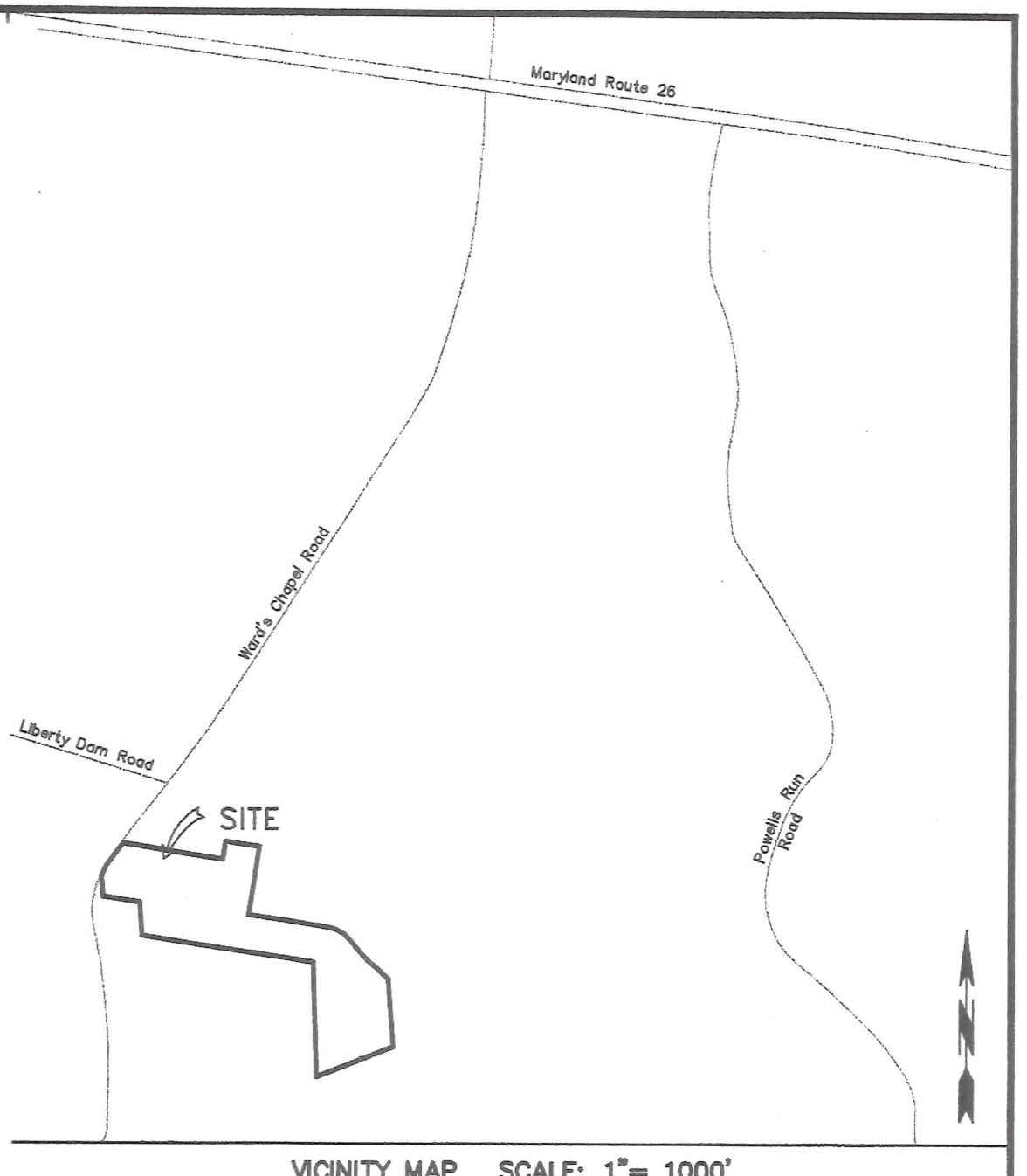
PET. Ex. 1



THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 9th day of November, 2006, that: (i) the commercial kennel area in the northeast corner of the subject property and the outdoor commercial kennel use originally proposed by Petitioners have been eliminated from Petitioners' Exhibit No. 2 and are NOT approved in conjunction with this Order; and (ii) the Petition for Special Exception as modified at the time of the public hearing held, for use of specifically delineated areas of the subject property and the improvements constructed thereon as a riding stable [for horses, donkeys and mules] and a commercial kennel all as depicted on Petitioners' Exhibit No. 2, be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1) Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) No retail sales or uses of any kind, including without limitation sales of dog, horse or animal products shall be permitted.
- 3) No dogs are to be bred, housed overnight or boarded as part of the special exception uses granted, including no dog day care or dog weekend care.
- 4) The stables are limited to a maximum of ten (10); four (4) for boarding and six (6) for private use for horses/mules/donkeys.
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- 7) A new access road for the special exception uses shall be constructed, intersecting with Wards Chapel Road and running easterly within the existing 50 foot wide right-of-way for a distance, then running parallel to the northerly edge of the right-of-way, not less than 15 feet from said right-of-way to the proposed parking area. In lieu of a macadam surface, millings shall be used as a road surface, all as shown more particularly on Petitioners' Exhibit No. 2.
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- 9) A nutrient management plan shall be submitted to and reviewed by the County in connection with the manure/waste products resulting from the approved special exception uses and all manure removed to an approved disposal/deposition location.
- 10) If any use other than approved by this Order or as shown on Petitioners' Exhibit No. 2 is proposed, specifically on any of the open field areas in the rear of the subject property, Petitioners shall be required to seek approval by filing a Petition for Special Hearing to amend the Plan/plan approved as Petitioners' Exhibit No. 2.
- 11) When applying for a building permit, the site plan filed must reference this Case and set forth and address the conditions and restrictions of this Order.

Approved as to form
Howard L. Alderman, Jr., legal counsel
for the Petitioners
Francis X. Borgerting, Jr., Esquire, legal counsel
for certain of the Protestants



General Notes

1. Current Title Reference:
Owner: Carolyn V. Whittington
Deed Reference: County Land Record 5872 Page 001
Date: April 5, 1978
Grantor: William J. Mielke
2. Property zoned: RC-2
Map#: plan sheet 066A3
3. Property address: 4231 Ward's Chapel Road
Marriottsville, MD 21104
4. 2nd Election District, 4th Councilmanic District
5. Property: 19.04626 Ac., 829,654.91 sqft gross Area **STAT 19.902 AC ± 866,931.12 SQ FT**
6. FAR: 14.555 / 829,654.91 = 0.01754
7. AOS: none required
8. Use: riding stable and commercial kennel 5.52649 Ac., 240,733.90 sqft
9. Parking Data: 10 spaces provided including 1 handicapped
typical space size: 8.5'x18'
paving type: gravel
10. No previous commercial permits.
11. No prior zoning hearing on site. **CASE NO 2006-0457-X**
12. No floodplain on site.
13. No signs on site.
14. The property not in any area shown on Basic Service Maps.
15. ~~No retail sales or uses of any kind, including without limitation sales of dog, horse or animal products shall be permitted.~~
16. No dogs are to be bred, housed overnight or boarded as part of the special exception uses granted, including no dog day care or dog weekend care.
17. ~~The stables are limited to a maximum of ten (10); four (4) for boarding and six (6) for private use for horses/mules/donkeys.~~
18. ~~The commercial kennel dog training shall be conducted entirely within the existing barn, shall be limited to seven (7) dogs at any one time and only during the following days, times and hours: i) Weekdays - 4:00 p.m. until 8:30 p.m.; and ii) Saturday - only between noon and 5:00 p.m.; no training shall occur on Sunday.~~

19. PRELIMINARY PLAN PREPARED BY SITE SITE SURVEYING, INC. SOLE PURPOSE TO SHOW CHANGES TO PREVIOUSLY APPROVED ZONING PLAN AND PETITIONER'S EXHIBIT

	YES	NO
Chesapeake Bay Critical Area	☐	☒
Floodplain	☐	☒
Historic	☐	☒

ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING
Plan to Accompany
Petition for Special Exception
Humane Domain

on Wards Chapel Road near Marriottsville
2nd Election District Baltimore County, Maryland

OWNER Carolyn V. Whittington 4231 Wards Chapel Road Marriottsville, MD 21104	PETITIONER Humane Domain C/O Deborah Ashew 6825 White Rock Road Sykesville, MD 21784
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D.R.S. & ASSOCIATES LAND DESIGN CONSULTANTS 52 WINTERS STREET WESTMINSTER, MARYLAND 21157 410-848-4060 410-876-6040 F. 410-876-7603					DATE: 2006-03-08
REV. NO.	DATE	BY	DESCRIPTION		
1	2006-05-30	DRS/jfs	PER CLIENT ATTORNEY		SCALE: 1"=50'
2	2006-10-23	DRS/jfs	PER CLIENT ATTORNEY		SHT. NO.: 1 OF 2
3	2006-11-07	DRS/jfs	PER CLIENT ATTORNEY		DWG.: PT01-01
2016-2-20 5RS INC PRELIM PLAN FOR SPECIAL HEARING					BA.CO. FILE NO.
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Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 6

