

RE: PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION	*	BEFORE THE COUNTY
SW side of Dogwood Road to a private Lane, 2,000 feet NW from Wrights Mill	*	BOARD OF APPEALS
2 <sup>nd</sup> Election District	*	FOR
4 <sup>th</sup> Councilmanic District (8729 Dogwood Road)	*	BALTIMORE COUNTY
 Debbie Sharp and Joseph Campayno Petitioner(s)	 * *	  Case No. 2011-0279-SPHX

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**OPINION**

This case comes before the Baltimore County Board of Appeals as an appeal of the Petitioners, Debbie Sharp and Joseph Campayno’s request for Special Hearing and Special Exception that was granted on May 16, 2011 by Administrative Law Judge, Lawrence M. Stahl. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to confirm an existing non-conforming unpaved access roadway of variable width pursuant to B.C.Z.R. Section 104.1 and to approve a modified parking plan for a riding stable without a durable and dustless surface and without striped parking places in lieu of the required durable and dustless surface and stripped spaces pursuant to B.C.Z.R. Section 409.8.2. Petitioner also filed a Petition for Special Exception request to approve a riding stable.

Appearing before the Board in support of this Petition was Debbie Sharp and Joseph Campayno, as well as their attorney Jason Vettori. Also appearing was the Appellant, The Moore of 8721 Dogwood Road.

The Zoning Advisory Committee (ZAC) comments were received and are part of the case file. Comments were received from the Office of Planning dated April 8, 2011. The Office of Planning recommends denial of the proposed Special Hearing to confirm an existing non-

conforming unpaved access roadway of variable width. They also recommend denial of a modified parking plan for the riding stable without a durable and dustless surface and striped spaces. However, the Office has no opposition to Petitioners request for special exception itself to operate a riding stable, presuming their desires as to road surfaces are accepted. Comments were also received from the Bureau of Development Plans Review dated April 8, 2011. They are opposed to the surface structure of the road and driveways and have other concerns in conjunction with issues related to the issuance of building permits or requests for subdivision approval. The Agricultural Preservation Section of the Department of Environmental Protection and Sustainability supports the proposal an appropriate agricultural use in an RC 2 zone, but likewise have a concern regarding the road and any future subdivision of the site.

Petitioner Debbie Sharp testified on behalf of the proposed relief. She provided a brief history of the property, including a description of the infamous “stump dump” that once occupied the property. Her position is that she believes few of concerns of the applicable County agencies regarding the “dump” are relevant to their requested use, which she maintains will have little impact on the property. She described the general area of the site as primarily agricultural, with some houses, a cemetery, forests and nearby Patapsco Park.

She reviewed her background as it relates to horse and rider training and her plan for the proposed project. She has been a riding instructor for ten years and hopes to have this project pay for itself and be a true “non-profit”. She explained that the requested use was not going to be a traditional riding stable with horses rented for hire or for the boarding of other horses. The only horses used would be those owned by the Petitioners and outside activities on the property would cease by 7:00 pm. She testified that she has no immediate plans to make the property available to large school groups for lessons, and clarified that only one or two lessons could take

place at a time due to the limited amount of horses and personnel. She testified that she intends to shield the Moore property by setting back the fence between the two properties and putting in place additional trees as a buffer.

Keith Wills, President of the Baltimore County Farm Bureau, which promotes agricultural use in Baltimore County, testified briefly in support of the Petitioner's plan.

James Herman, of JV Herman and Associates testified as an expert on behalf of the Petitioners' project. He testified that he had prepared the plat to accompany the Petition for special hearing and special exception and had reviewed the comments by various County agencies. He stated that in his opinion, the comments submitted were mostly development issues and not applicable to the zoning requests present in the Petitioners' request. He stated that horses are permitted as of right in the RC 2 zone and that the Special Exception requested is solely for a riding stable in the RC 2 zone.

In regards to the request for special hearing relief, the witness illustrated that the panhandle access to Dogwood Road is already in use and functions appropriately. He further clarified that there are no plans for the additional subdivision of the site. He stated that it was his opinion that since the riding stable will use its own horses and not be boarding others, that the limited additional traffic of those taking lessons will not require any change in the roads' size or configuration. He believes that the current surface is practically and environmentally appropriate and that any increase in impervious surfacing on either the road or parking area is unnecessary and adverse to the environment.

Regarding the Petitioners' special exception request, he foresees that the impact of the requested use at this site is minimal. Regarding 502.1 of the BCZR, he stated that in his opinion the requested use would not be detrimental to the health, safety or general welfare of the locality

involved as it would only call for minimal construction and would otherwise be primarily grassland; that the request would not tend to create congestion in the roads, streets or alleys, given the obvious nature of the use and the limited number of people who would be availing themselves of the riding services; that it would not create a potential hazard from fire, panic or other danger as the site is a 36 acre open area; that it would not tend to overcrowd land and cause undue concentration of population, due to the nature of the requested use; would not interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements or conveniences or improvements as the use would clearly not add population and the site utilizes private well and septic facilities, that the request would not interfere with adequate light and air, as there would be minimal construction, all within code, and no vistas would be adversely affected; that the request would not be inconsistent with the purpose of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations, as the requested use would be an agricultural use within an agricultural area; would not be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulation, especially based upon their requested special hearing relief granting crush and run surfacing and not imposing the additional impervious surface requirements on the site; and would not be detrimental to the environment and natural resources of the site and vicinity including forests, streams, wetlands, aquifers, and floodplains in an RC 2, RC4, RC5 or RC7 zone as the Petitioners request will leave undisturbed all environmental amenities already in place, including swales for rainfall and runoff, forests, etc.

Adjacent property owner, Thel Moore testified as to his concerns regarding the Petitioners' request. While Mr. Moore appreciates the efforts the Petitioners' have put forth in cleaning up the property, he is concerned that the granting of the special exception would clear

the way for the Petitioners to expand their horse riding operation in the future, causing an increased amount of traffic to be placed on the road that is already in extremely poor shape and which is vigilantly maintained by Mr. Moore. Mr. Moore was also concerned that there should be some natural buffer between his property and the Petitioners'.

In the instant matter, however, the Petitioners wish to put the property to an agriculturally related use that has minimal impact on the surrounding community in stark contrast to the property's prior use and troubles. Based on the testimony presented the little impact that will occur is of a positive nature. The testimony of Debbie Sharp was credible in that she stated that she had no future plans for further development of the property and only wishes to operate a very small non-profit horse riding facility. The Board notes the agency comments generated in conjunction with the proposed project deal primarily to future permit and development issues and do not cause concern for the Petitioner's proposed use.

Judging the Petitioner's request separate and apart from any future development issue, this Board finds that granting the proposed special hearing relief will have minor affect on the property and its neighbors. The Board is satisfied that only a small increase in the use of the panhandle access to Dogwood Road will occur, and the proposed use will not create a significant increase of vehicles used on the property itself. The Board also finds that any increase to impervious surface as a result of the Petitioner's Special Exception request would not be environmentally beneficial and is unnecessary.

Addressing the Special Exception for the riding stable itself, the Board finds that the proposed use is appropriate for the site and meets the requirements of subsection 502.1 of the B.C.Z.R.

In conclusion the Board finds the Petitioners request for Special Hearing relief and

Special Exception are GRANTED.

**ORDER**

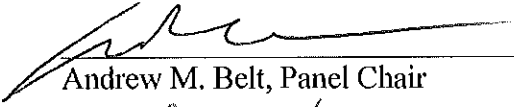
THEREFORE, IT IS this 11<sup>th</sup> day of January, 2012 by the Board of Appeals for Baltimore County


**ORDERED**, that the Petition for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to confirm an existing non-conforming unpaved access roadway of variable width pursuant to B.C.Z.R. Section 104.1, and to approve a modified parking plan for a riding stable without a durable and dustless surface and without striped parking spaces in lieu of the required durable and dustless surface and striped spaces pursuant to B.C.Z.R. Section 409.8.2; be and are hereby **GRANTED**; and it is further

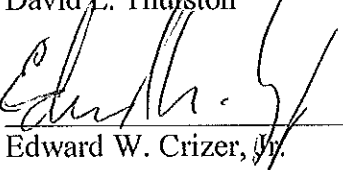
**ORDERED** that the Petitioner’s request for Special Exception to approve a riding stable be and is hereby **GRANTED**; subject to the following condition:

1. Petitioners shall landscape the fence line between their property and the driveway of the Moore property. The length of this additional landscaping will be approximately 150 linear feet and will consist of no less than 15 fast growing arborvitae evergreen trees, placed 10 feet apart.

**BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
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Andrew M. Belt, Panel Chair

  
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David L. Thurston

  
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Edward W. Crizer, Jr.