

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(18301 Gunpowder Road)		
5 <sup>th</sup> Election District	*	OFFICE OF
3 <sup>rd</sup> Council District		
Jonathan R. Rathbone	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2016-0302-X

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Jonathan R. Rathbone, legal owner. The Special Exception was filed pursuant to the Baltimore County Zoning Regulations (“B.C.Z.R.”) as follows: (1) to permit a riding stable/boarding stable on an existing agricultural farm, per B.C.Z.R. §1A01.2.C.22; or (2) in the alternative, to permit an animal boarding place for the boarding of horses per §1A01.2.C.2.

Owners Jonathan and Heather Rathbone and surveyor Bruce E. Doak appeared in support of the petition. There were no protestants or interested citizens in attendance. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request but made a recommendation regarding signage at the property which will be included as a condition in the order below.

The subject property is approximately 35 acres and is split-zoned RC 2 & RC 8. The property is improved with a single family dwelling, garage and several barns and outbuildings. Ms. Rathbone is a horse enthusiast and she owns several horses she keeps on her property. She would like to operate on the property a business to board horses, facilitate the purchase and sale

of horses and provide riding lessons. Ms. Rathbone explained she will not provide horse rentals, wherein customers would rent a horse and ride with a guide through trails on the property.

Under Maryland law “the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” Schultz v. Pritts, 291 Md. 1, 22-23 (1981). In this case, no evidence was presented which would suggest the use would have a detrimental impact upon the community. In fact, agricultural and equestrian uses are particularly appropriate on large rural sites such as the subject property.

THEREFORE, IT IS ORDERED this **21<sup>st</sup>** day of **July, 2016** by this Administrative Law Judge, that the Petition for Special Exception to permit a riding stable/boarding stable on an existing agricultural farm, per B.C.Z.R. §1A01.2.C.22 , be and is hereby GRANTED.

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. Any signage on the property must comply with B.C.Z.R. §450 and shall not be illuminated.
3. No horse rentals shall be permitted on the property.

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

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Signed \_\_\_\_\_  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB/sln