

August 31, 2020

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Via Hand Delivery

W. Carl Richards, Jr., Supervisor
Zoning Review Bureau
Department of Permits, Approvals
and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit and Intent Letter
12000 Park Heights Avenue
Owings Mills, MD 21117
2nd Council District, 4th Election District

Dear Mr. Richards:

This firm represents the contract purchaser of the above-referenced property located on the southwest side of Park Heights Avenue, south of its intersection with Walnut Avenue, in the Owings Mills area of Baltimore County. Baltimore County's My Neighborhood system confirms that the Property contains approximately .7 acres of land that is zoned RC 5. In Zoning Case No. 1947-0848-X, the prior owner obtained zoning relief to operate a commercial kennel on the Property. For the last 70 years, the Property has been used as a commercial kennel. Our client intends to continue this use on the Property, and in anticipation of purchasing the Property we are seeking confirmation of the zoning issues outlined below.

I. The Property is not subject to the setbacks established in Bill 7-19

Last year, the Baltimore County Council passed Bill No. 7-19, which amended Section 421.1 of the Baltimore County Zoning Regulations ("BCZR") to require that new commercial kennels located in a residential zone have a 200-foot setback from the nearest property line. However, Bill No. 7-19 made it clear that the bill should be applied prospectively and have no application to:

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- (1) Any existing commercial kennel or pet shop in a residential zone;
- (2) Any commercial kennel or pet shop that has applied for a special exception to operate in a residential zone prior to the effective date of this act; and
- (3) Any future changes and alterations to a commercial kennel that qualifies under (1) and (2) above.

In this case, the commercial kennel existed on the Property long before the effective date of Bill 7-19, which was April 15, 2019. Accordingly, we are seeking confirmation that this kennel, both in its existing configuration and if any “future changes and alterations” are proposed for the kennel, is not subject to the 200- foot setback established in Bill 7-19.

II. The proposed improvements are within the spirit and intent of the relief granted in Case No. 1947-0848-X and will not require any zoning relief

Attached hereto is an exhibit entitled Plan to Accompany Spirit and Intent Request. The Plan shows the existing improvements, which include a 1.5 story building and a series of smaller sheds and block buildings that are used in connection with the kennel operations. There is a large fenced-in outdoor dog area to the north of the existing buildings and a series of runs for dogs staying at the kennel.

As detailed on the attached Site Plan, our client is proposing to remove one of the older buildings that is in poor condition and to replace it with a more efficient 1.5 story wood frame building. Our client also plans to generally clean up and modernize the kennel operations, which are aging and need improvement. Photographs of the existing site are attached hereto for your consideration. Replacing the older building and generally cleaning up the site will benefit future clients and the surrounding area.

As the proposed building is centrally located on the Property and does not materially alter the layout of the existing kennel, we are seeking confirmation that the building falls within the spirit and intent of the relief granted in Case No. 1947-0848-X and will not require any zoning relief.

I have enclosed with this letter a check in the amount of \$200.00 made payable to “Baltimore County, Maryland” to cover the administrative costs associated with your review. If you have any questions or require any additional information regarding this request, please feel free to contact me.

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Please confirm your agreement by countersignature below that:

1. The existing kennel on the Property, and the alterations outlined in this letter, are not subject to the 200-foot setback established in Bill 7-19.
2. The replacement building, as shown on the attached site plan, is within the spirit and intent of the relief granted in Case No. 1947-0848-X and will not require any zoning relief.

Very truly yours,



Adam M. Rosenblatt

AGREED AND ACCEPTED:



W. Carl Richards, Jr., Supervisor
Zoning Review Bureau

Enclosures

PETITION FOR SPECIAL PERMIT

IN THE MATTER OF :
 Charles B. Dudley, Jr., :
 at al, :
 Legal Owners :
 vs :
 Lorraine N. Levin, :
 Contract Purchaser :
 For a Special Permit :

To the Zoning Commissioner of Baltimore County:-

Charles B. Dudley, Jr., et al, Legal Owners
 and Lorraine N. Levin, Contract Purchaser

hereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioner of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act as follows:

A Special Permit to use the land (and improvements now or to be erected thereon) hereinafter described for Dog Kennels

All that parcel of land situate on southwest side of Park Heights Ave., near Caring Mills, in the 4th District of Balto. Co., beginning 2575' southeast of Walnut Ave., thence southeast, on said side of Park Heights Ave., 128' with a rectangular depth southwest of 215'.

Lorraine N. Levin
 Contract Purchaser
 Address: 128' 47' 215'
 215' 47' 215'

ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of February, 1947, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of the Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 11th day of March, 1947, at 3:00 o'clock P. M.

Charles B. Dudley, Jr.
 Zoning Commissioner
 of Baltimore County.

Upon hearing on petition for Special Permit to use the property described therein for Dog Kennels and it appearing by reason of location that the petition should be granted:

It is this 12th day of March, 1947, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition for special permit is hereby granted.

Charles B. Dudley, Jr.
 Zoning Commissioner
 of Baltimore County.

February 20, 1947

RECEIVED OF Lorraine N. Levin, Contract Purchaser, the sum of Eighteen (\$18.00) Dollars, being cost of petition for special permit, advertising and posting of property, southwest side of Park Heights Ave., 4th District of Baltimore County, Maryland.

Zoning Commissioner.

Hearing:
 Tuesday, March 11, 1947
 at 3:00 o'clock P. M.

PAID
 FEB 20 1947
 COUNTY COMMISSIONERS
 OF BALTIMORE COUNTY

CHARLES B. DUDLEY, JR.
 Lorraine N. Levin, Contract Purchaser
 128' 47' 215'

848

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

Date of Posting: Mar 4/47
 District: 4
 Posted for: Dog Kennels
 Petitioner: Charles B. Dudley
 Location of property: Southwest side of Park Heights Ave
 2575 feet southeast of Walnut Ave
 Location of sign: Southwest side of Park Heights Ave
 2625 feet southeast of Walnut Ave
 Remarks: Harry C. Daniels
 Posted by: Harry C. Daniels
 Date of return: Mar 5/47

REC'D MAR 4 1947

CERTIFICATE OF PUBLICATION

TOWSON, MD. 21287
 THIS IS TO CERTIFY, That the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on each successive Friday before the 1st day of March, 1947, the first publication appearing on the 21st day of February, 1947.
 THE JEFFERSONIAN,
 Manager.
 Cost of Advertisement, \$

NOTICE OF HEARING
 PETITION FOR SPECIAL PERMIT
 FOR DISTRICT
 Pursuant to petition filed with the Zoning Commissioner of Baltimore County, for Special Permit to use the property hereinafter described for dog kennels, the Zoning Commissioner of Baltimore County, on the 11th day of March, 1947, at 3:00 o'clock P. M., in the office of the Zoning Commissioner of Baltimore County, Maryland, will hold a public hearing on the petition for Special Permit to use the property hereinafter described for dog kennels, and will receive and consider all objections thereto.
 On Tuesday, March 11, 1947, at 3:00 o'clock P. M., in the office of the Zoning Commissioner of Baltimore County, Maryland, will hold a public hearing on the petition for Special Permit to use the property hereinafter described for dog kennels, and will receive and consider all objections thereto.
 By order of
 ZONING COMMISSIONER OF BALTIMORE COUNTY

WALN - - - UT AVE

PARK HEIGHTS AVE

2625

514N