

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, David E. Crook, Jr., legal owner... of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an an R-5 zone to an an R-6 zone, for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for a kennel and a class A animal boarding place.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser: David E. Crook, Jr. Legal Owner
Address: Ennor Road
Parkton, Maryland
Protestant's Attorney: Alva P. Weaver, III
Address: 804 Munsey Building
Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of March, 1968, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of April, 1968, at 10:00 o'clock A.M.

(over)

LORD, WHIP, COUGHLAN & GREEN
COUNSELLORS AT LAW
SUITE 200 ARLINGTON BLVD
CHARLES & LEWINGTON STS
BALTIMORE, MD 21201

July 5, 1968

Mr. John G. Rose
Zoning Commissioner
Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
W/S of Ennor Road 1865' NE of
Stablersville Road - 7th District
David E. Crook, Jr. - Petitioner
No. 68-234-X

Dear Mr. Commissioner:

Please enter an appeal to the Board of Zoning Appeals from the decision of Deputy Zoning Commissioner Hardest, entered on July 3, 1968.

Our check for \$80.00 to cover the cost thereof is enclosed herewith.

Very truly yours,

Alva P. Weaver, III
Alva P. Weaver, III

APW:js

Enclosure

cc: Cullen H. Harries, Esquire

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
W/S of Ennor Road 1,865' NE of Stablersville Road - 7th District : DEPUTY ZONING
David E. Crook, Jr. - Petitioner : COMMISSIONER
NO. 68-234-X : OF
BALTIMORE COUNTY

The Petitioner seeks a Special Exception to use part of his property for a kennel and a class A animal boarding place. The over-all tract consist of 48 acres, but the parcel in question consist of 2,287 acres of land.

The proposed kennel operation would be located just about 200 feet from Ennor Road, directly behind the Petitioner's home. The parcel in question is improved by two block buildings, one of which is used for kennel purposes and the other is used for storage of hay, equipment, etc. The over-all tract was purchased in March, 1965. Outside runs were installed sometime in the summer of 1967. Breeding did not begin until January, 1967, and it was in the summer of 1967 that the Petitioner went into the business of boarding dogs.

At the time of the hearing, the Petitioner had approximately nine dogs (four puppies - five grown) on the premises. He stated that at times he had boarded as many as thirty dogs, most of which were puppies.

This Petition was vigorously opposed by various neighbors. Mr. Krimmell, who lives across Ennor Road, purchased 54 acres in November, 1965, and subsequently caused to be erected thereon a \$60,000 home. He is greatly disturbed about the barking and the roaming at large of dogs. His next door neighbor, who lives about one-third of a mile from the subject property, likewise complained of barking. Another aggrieved neighbor

David E. Crook, Jr. - No. 68-234-X - 2 -

and contained its own septic sewerage system. Each individual pen had its own water drains and germicidal lights, with each being cleaned and disinfected twice daily. Raising German shepherds and golden retriever dogs had been the speciality of the petitioner, but he would limit his future animal breeding to raising the golden retrievers.

A professional A.K.C. dog handler and trainer, who has worked with the petitioner's dogs for more than sixteen months, testified on behalf of the petitioner. He has shown and handled dogs throughout the middle and eastern United States, and based on his experience cited that this operation was a professional one well maintained and managed. He testified that the dogs are not vicious, and that the golden retrievers as a breed are not barkers. From the testimony presented it is clearly evident to the Board that the petitioner now maintains an elaborate, very expensive kennel and Class A animal boarding place.

The protestants' main objection is the barking of dogs, and some testimony as to unleashed, free running dogs was also presented. However, one protestant stated that the unleashed dogs were "positively not from the kennel". It is not clearly established as to whom such dogs belonged, but another protestant on cross-examination admitted that the barking of dogs also emanates from her in-law's property, next to the petitioner, and that there are other dogs in the area.

Mr. Hugh Gelston, a well qualified real estate broker and appraiser, testified for the protestants. He described the area surrounding the subject site as rural in nature, with perhaps a trend toward three to five acre homesteads and commercial development along the major roads, being the foreseeable use of the surrounding land. However, same now is mostly large tracts, with some farming and dairying now in operation. It was his opinion that Section 502.1 of the Zoning Regulations would not be violated by the granting of this petition, with the cross-section exception that there "could be" a nuisance from barking of dogs.

Present zoning of the subject site is R-5. The Zoning Regulations permit kennels and animal boarding places, Class A, in an R-6 zone, by special exception.

complained about loose dogs and particularly one which she claims killed her chickens.

This was an extremely difficult case to hear because of the flaring of tempers between certain parties at the hearing.

At the request of counsel representing both sides, the Deputy Zoning Commissioner visited the subject property. The area is one of rolling countryside. The Deputy Zoning Commissioner parked his car approximately one-third of a mile down the road from the subject property. As hard as it may seem to believe, the barking of the dogs coming from the Petitioner's property was most audible. In a densely populated section, the barking probably could not have been heard. However, in this particular locality, sound obviously travels a much greater distance.

The Deputy Zoning Commissioner, after considering all evidence, feels that the subject Petition should be denied because it is fairly obvious that granting it would be detrimental to the public health, safety and general welfare of the locality involved. In denying this Petition, it should be borne in mind by the Protestants that the Petitioner need not dispose of his personal dogs and he will not have to dismantle the existing kennel structure. The effect of this opinion is that the Petitioner can no longer breed or board animals for hire or profit.

For the foregoing reasons, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 3 day of July, 1968, that the Special Exception for a kennel and class A animal boarding place be and the same is hereby DENIED.

Edward D. Hardest
DEPUTY ZONING COMMISSIONER

David E. Crook, Jr. - No. 68-234-X - 3 -

Considering the rural nature of the area and the testimony presented, the Board is of the opinion that the subject site is well suited for the petitioned use. The photos entered in evidence and testimony given convinces the Board that the kennels are clean, efficient and under responsible management. The petitioner has met the burden of proving to the Board's satisfaction that the granting of the special exception will not be detrimental to the health, safety and general welfare of the general locality and will not violate Section 502.1 of the Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of May, 1969, by the County Board of Appeals ORDERED, that the special exception petitioned for be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

Walter A. Reiter, Jr.

John A. Miller

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Kennel and Class A Animal Boarding : COUNTY BOARD OF APPEALS
Place : OF
West Side of Ennor Road 1865 feet : BALTIMORE COUNTY
Northeast of Stablersville Road : No. 68-234-X
7th District :
David E. Crook, Jr. :
Petitioner :
No. 68-234-X

OPINION

This case comes before the Board on an appeal by the petitioner from the Deputy Zoning Commissioner's denial of a special exception for a Kennel and Class A Animal Boarding Place.

The proposed site of the requested special exception contains 2,287 acres shown on plat, Petitioner's Exhibit No. 1, which is part of a larger tract of 48,354 acres owned by the petitioner situated on the west side of Ennor Road approximately 1865 feet northeast of Stablersville Road, in the 7th Election District of Baltimore County, approximately two miles east of the Iarrisburg Expressway, northeast of Parkton. The larger tract contains approximately 1400 feet of frontage on Ennor Road. As required by Bill No. 85, Section 421.1 of the Baltimore County Zoning Regulations, the boundaries of the area sought for the special exception meet the criteria of being at least 200 feet from the nearest property line and also 200 feet west of Ennor Road.

The property of the petitioner is improved by his new residence constructed in 1968 at a cost of \$30,000.00, as well as sundry outbuildings now used for the kennel and other general purposes. The petitioner described an elaborate physical set-up of his improvements. This included a remodeled cinder block building used as the kennel and costing the petitioner \$12,600.00, paved drives laid in March of 1968 at a cost of \$2,600.00, eight outside runs at \$750.00, a 5/8 acre pond at \$2,350.00, 2,000 feet of wood rail fencing at \$2,000.00, and outdoor exercise pens at \$1,035.00. The petitioner testified that the kennel had five indoor runs, was neat and air conditioned,

January 30, 1968

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Alva P. Weaver III, Esq.,
804 Munsey Building
Baltimore, Maryland 21202

SUBJECT: Special Exception for Kennel,
for David E. Crook, Jr., located on
the W/S Ennor Road 1215' SE of
Stablersville Road
7th District
(Item 75, January 23, 1968)

Dear Sirs:

The Zoning Advisory Committee has reviewed the subject petition and has the following comments to offer:

BUREAU OF ENGINEERING:

Road - Ennor Road is to be ultimately developed on a 60' R/W. Public utilities are not available.

ZONING ADMINISTRATION DIVISION:

The proposed plan must show a 200' restrictive strip around the proposed kennel. Also, a variance to the front property must be requested for 182' instead of the required 200'.

It should be noted to the petitioner that according to Bill 85, the definition of a kennel is any building, other structure or land, or any portion thereof, which is used, intended to be used, or arranged for the housing of more than three dogs, not counting puppies less than four months old, for purposes of show, hunting, breeding, or sale, or as pets, excluding a farm or pet shop; and if the kennel is to be used to house dogs as a boarding place, it must conform to an animal boarding place, Class A, which states, "an animal boarding place exclusively for dogs, cats, birds, or other household pets." Animal boarding place, Class A, states, "any other animal boarding place not excluded under the general definition of animal boarding place."

Furthermore, it is suggested that because of the complexity of Bill 85 that the petitioner, or the attorney for the petitioner contact this office before any further procedure on this petition.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Bureau of Traffic Engineering
Health Department
Bureau of Fire Prevention
State Roads Commission
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James E. Miller
James E. Miller,
Zoning Supervisor

cc: Carlisle Brown-Sur, of Engr.

Notes:
 Election District N47
 Area of Special Exception 1.281Aft
 Existing Zoning - Residential R-6
 Proposed Zoning - Special Exception for Dog Kennels
 Existing Use - Residential & Agricultural
 Proposed Use - Dog Kennels
 Pro. 1st of Parking Spaces 2 (1/2)

Norman C. Weber & Co.
 P.E.S. 1650/175
 Zoned R-6

EVANS, HAGAN & ASSOCIATES			
DATE	REVISION	BY	SURVEYING & CIVIL ENGINEERING -Main Office- 4200 ELSRODE AVE. - PHONE 236-2144 BALTIMORE, MARYLAND 21214 -Branch- 539 POPLAR STREET - CAMBRIDGE, MARYLAND PHONE 228-3335 115 E. MAIN STREET - WESTMINSTER, MARYLAND PHONE 548-1799 DATE JULY 1, 1967 SCALE 1"=100' <i>J. Paul Evans</i>
SUBMITTED BY DAVID E. CROOK, JR. 115 E. MAIN STREET WESTMINSTER, MARYLAND			
COMPUTED BY J.M. DRAWN BY J.M. CHECKED BY J.M. DRWG. NO. 231			
STATE OF MARYLAND LAND SURVEYOR 			

OUTLINE SURVEY
 DAVID E. CROOK, JR.
 PROPERTY
 THE ELECTION DISTRICT, BALTO COUNTY
 WHITEHALL, MD.

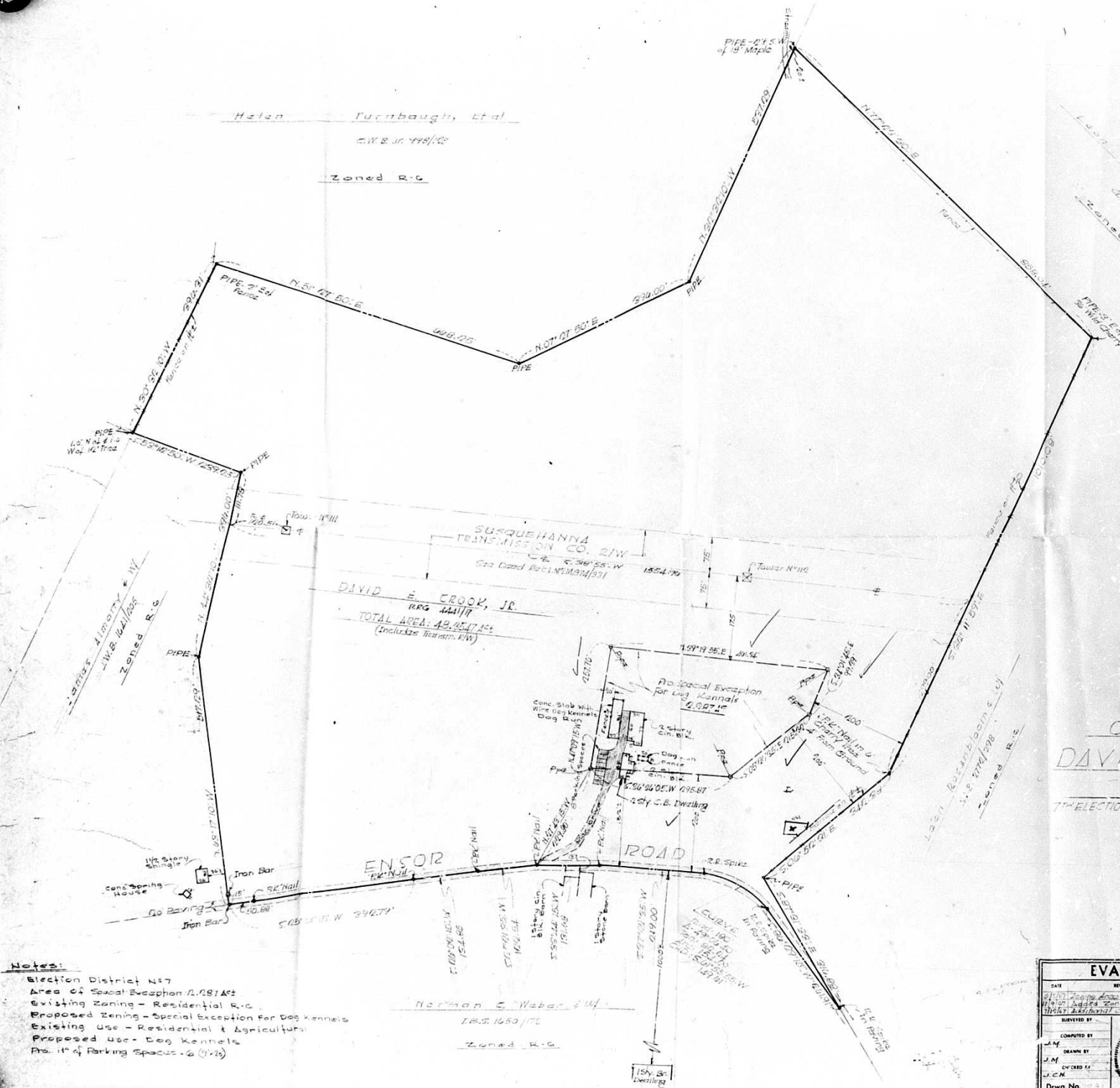
MAP #7
 RECORD PRINT
 SHEET 3F-1-F

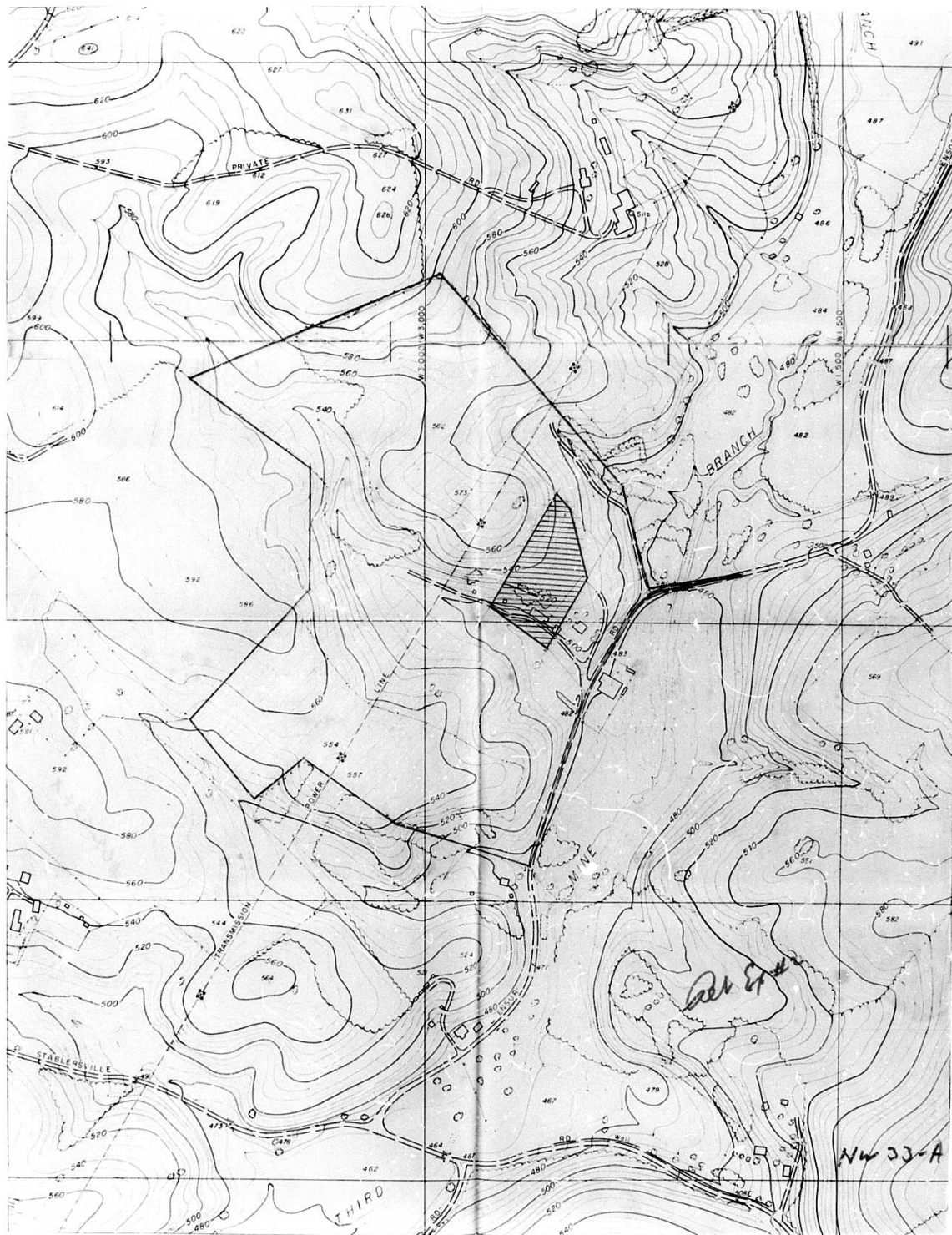
"X"

#68-234-X

OFFICE
 COPY

NOTE:
 The Bearings Shown Hereon
 are Related to the Survey of
 the Surrounding Transmission
 Lines by B. B. County, dated 12/29/1956





NW 33-A