

73-245-A **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

WE, JEROME PLASSE and BARBARA PLASSE, owners 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 for a Variance from Section 21.1 to permit a setback from the...

Property line for a kennel of 100' on the north side, 15' on the south side and 103' on the west side and 90' feet on the east side instead of the required 200 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. We have resided on the property for 4 1/2 yrs. with the same condition that exists today and have had no complaints until we began remodeling the home this summer.
2. We have recently enlarged our home to include indoor kennels and also installed runs for the dogs.
3. Most of the dogs here are our pets and would be difficult to relocate them since most are more than two years old.
4. Before building our addition we obtained permits from the Baltimore County Bldg. Inspector and have been visited by the Health Dept. with no complaints as to the number of dogs on our premises.
5. When we purchased our home the rear garage was divided up we could property up to the second level and was permitted by zoning regulations. We agree to pay expenses of above Variance 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.

Jerome Plasse
Barbara Plasse
Contract purchaser
Legal Owners
Address: Stevenson Road

Petitioner's Attorney
1609 One S. Calvert Bldg.
Baltimore, MD 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1973, 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of April, 1973, at 10:00 o'clock.

Attest: J. Carroll Hagan, Zoning Commissioner of Baltimore County.

(over)

JOAN & HOLDEFER, INC. SURVEYORS AND CIVIL ENGINEERS

6015 BELAIR RD. / BALTIMORE, MD. 21206 (401) 666-1001
1300 PULASKI STREET / CAMBRIDGE, MD. 21613 (301) 226-1300
115 E. MAIN STREET / WESTMINSTER, MD. 21157 (301) 848-1700
12 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

January 5, 1972

DESCRIPTION OF PROPERTY TO ACCOMPANY ZONING VARIANCE, ELECTION
DISTRICT NO. 3, BALTIMORE COUNTY, MARYLAND.

BEGINNING for the same on the east side of Stevenson Road (60.00 feet wide) at a point situate 102 feet, more or less, southerly measured along the east side of Stevenson Road from the intersection of the east side of Stevenson Road with the easterly extension of the centerline of Valley Acres Road, thence leaving said place of beginning and running and binding along said east side of Stevenson Road (1) North 04 degrees 49 minutes 00 seconds West 170.94 feet, thence leaving the east side of Stevenson Road and running the 3 following courses and distances, viz: (2) South 89 degrees 38 minutes 00 seconds East 325.00 feet, thence (3) South 00 degrees 13 minutes 10 seconds West 170.28 feet, thence (4) North 89 degrees 38 minutes 00 seconds West 310.00 feet to the place of beginning.

Containing 1.24 acres of land, more or less.

Being or intending to be all of lot #1 as the Plat of Valley Farms, recorded among the Land Records of Baltimore County in Liber G.L.R. 24 folio 82.



L. ALAN EVANS, P.E., L.S.
J. CARROLL HAGAN, L.S.
GEORGE W. HOLDEFER, P.E.
CAMBRIDGE
AND EASTON
JESSE W. MURLEY
RICHARD HULL

RE: PETITION FOR VARIANCES : BEFORE THE
E/S of Stevenson Road opposite : DEPUTY ZONING
Valley Acres Road - 3rd District : COMMISSIONER
Jerome Plasse, et ux - Petitioners :
NO. 73-245-A (Item No. 133) :
OF :
BALTIMORE COUNTY

AMENDED ORDER

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore County this 25th day of June 1973, that the Order dated May 11, 1973, passed in the above matter, should be and the same is hereby AMENDED on Page 3, under Numeral 3, to read as follows:

"3. As of the date of this Order, the number of dogs to be kept on the property must not exceed 16. Within 6 months of the date of this Order, the number of dogs kept on the property must be reduced to 11. Within 18 months of the date of this Order, the number of dogs kept on the property must be reduced to 6 and shall not exceed that number at any time in the future."

J. Carroll Hagan
Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCES : BEFORE THE
E/S of Stevenson Road opposite : DEPUTY ZONING
Valley Acres Road - 3rd District : COMMISSIONER
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The Petitioners are requesting Variances to permit setbacks of 199, 15, 103, and 90 feet from the north, south, west and east property lines, respectively. Instead of the required 299 foot setback for their kennel operation. The property in question is located on the east side of Stevenson Road opposite Valley Acres Road in the Third Election District of Baltimore County.

In addition to Mrs. Barbara Plasse, the following individuals testified on behalf of the Petition: a civil engineer with the L. Alan Evans surveying and civil engineering company; Officer William T. Kaller, with the Baltimore County Police Department; Mr. Samuel G. Gorn, a resident and neighbor who lives on the opposite side of Stevenson Road; Mr. Rogen Berg, a kennel operator; and the Petitioners' builder, Mr. Frank Singer.

The subject property has a frontage on Stevenson Road of 170.94 feet and a rectangular depth of approximately 325 feet. It is improved with a dwelling on which a 28.7 foot addition is being added to the purpose of housing four indoor kennels, a laundry room and a recreation room. The site as well as the surrounding properties are zoned R.D.P. (Rural, Deferred Planning).

The adjoining area nearest to and adjacent to the kennels on the south side, is heavily wooded with large pine and evergreen trees. The dwelling to the east and rear is located within 50 to 60 feet of the fenced in dog-run and is the source of a pending violation complaint.

Prior to purchasing the property in 1968, the Petitioners were informed by the real estate broker that a kennel use was a permitted use on the subject premises. During the four years subsequent to that time, Mrs. Plasse has

had between sixteen and thirty-five dogs in the kennel which is used to raise show dogs. No dogs are sold for profit or utilized as a commercial venture of any type. At no time, during this period, did she realize that she was violating the zoning regulations. Construction plans for the addition indicating four kennels, a laundry room and a recreation room were approved. Permits were issued in 1972, and the addition was near completion before a complaint was filed.

Testimony also indicated that when the dwelling, at the rear of the subject site, was purchased in 1969, many dogs were kept in the Petitioners' yard area. Since that time, the occupant has registered minor complaints with the Plasses which resulted in a dog-run being constructed to isolate the dogs to a section of the rear yard that is further removed from the dwelling.

Area neighbors and residents testified both for and against the kennel operation. Some objected to noise and odor. However, there was some testimony that the odor could have been brought about by overflowing septic systems. Others testified that they were not adversely affected by the operation. The neighbor on the south, whose property or dwelling lies closest to the kennel, did not appear at the hearing and did not file any objections to the operation. The neighbor at the rear, whose property and dwelling lies closest to the dog-run, did appear and did object to the kennel operation. One neighbor, who lives two properties away, complained of noise while the neighbor immediately on the opposite side of Stevenson Lane had no objection to noise or odor emanating from the operation. The area community association objected to the operation on the basis that if approved, the commercial operation would lead to other commercial operations in the area.

After reviewing the above testimony and making an on site field inspection of the subject property and surrounding area, it is the opinion of the Deputy Zoning Commissioner, that the Petitioner does have practical difficulty

- 2 -

BALTIMORE COUNTY, MARYLAND

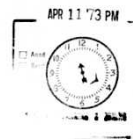
INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna, Zoning Commissioner Date: April 9, 1973
FROM: Norman E. Gerber, Chief
Land Use Master Plans
SUBJECT: Petition 73-245-A, East side of Stevenson Road opposite Valley Acres Road.
Petition for Variance for Property Lines
Petitioners - Jerome Plasse and Barbara Plasse

3rd District

HEARING: Thursday, April 12, 1973 (10:00 A.M.)

The Office of Planning and Zoning will offer no comment on this petition at this time.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: 4/12/73
Posted for: VARIANCE
Petitioner: JEROME PLASSE
Location of property: E/S of Stevenson Rd. opp. Valley Acres Rd.
Location of Sign: E/S of Stevenson Rd. opp. Valley Acres Rd.
Remarks:
Posted by: J. Carroll Hagan Date of return: APR 13 - 1973

JUL 25 1973

PETITION FOR A VARIANCE
2nd DISTRICT
ZONING: Petition for Variance
for Property Lines
LOCATION: East side of
Eleventh Road opposite Valley
Acres Road.
DATE & TIME: THURSDAY,
APRIL 12, 1972 at 10:30 A.M.
PUBLIC HEARING: Room 102,
County Office Building, 111 W.
Chippewa Avenue, Town of

