

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
NELLIE S. VOGEL

I, or we, SHELDON B. VOGEL AND 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 for a Variance from Section 421.1 to permit an animal boarding place and/or kennel within One Hundred Thirty-six (136) feet and One Hundred Thirty-four (134) feet of the nearest property lines in lieu of the required two hundred (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. That due to the size and shape of the property it is not possible to locate the new kennel building or facility so that it is at all points two hundred (200) feet from all property lines, and similarly the existing kennel building and enclosure is located within One Hundred Thirty-Six (136) feet of the nearest property line, and without the requested variances the property owners will sustain practical difficulty and unreasonable hardship.
2. That the Petitioners' property is large, and the proposed facility will be well screened and the requested variances are in accordance with the spirit and intent of the Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or 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.

Contract purchaser
Sheldon B. Vogel
Nellie S. Vogel Legal Owners
Address: 5105 Wards Chapel Road
Owings Mills, Md. 21117

Protestant's Attorney
James D. Nolan
James D. Nolan
Nolan, Plumhoff & Williams
Address: 204 W. Pennsylvania Avenue
Towson, Md. 21204 (823-7800)

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of December 5, 1975, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of January, 1976 at 11:00 o'clock

Zoning Commissioner of Baltimore County.

(over)

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
NELLIE S. VOGEL

I, or we, SHELDON B. VOGEL AND 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 re-classified, pursuant to the Zoning Law of Baltimore County, from an N.A. zone to an N.A. 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 animal boarding place, kennel, and accessory yards and enclosures in an R.S.C. zone pursuant to Section 1A01.2 B.9, and Section 421.1, and other applicable sections of the Regulations.

I, or we, agree to pay expenses of above re-classification 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
Sheldon B. Vogel
Nellie S. Vogel, Legal Owners
Address: 5105 Wards Chapel Road
Owings Mills, Md. 21117

Protestant's Attorney
James D. Nolan
James D. Nolan
Nolan, Plumhoff & Williams
Address: 204 W. Pennsylvania Avenue
Towson, Md. 21204 (823-7800)

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

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Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item #2
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
Mr. D. Nolan, Esq.
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Md. 21204
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 1st day of December 1975

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner Sheldon B. & Nellie S. Vogel

Petitioner's Attorney James D. Nolan Reviewed by Franklin T. Hogans, Jr.
Chairman,
Zoning Plans
Advisory Committee
From & Associates
3210 Southgreen Road
Baltimore, Md. 21207

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 5, 1975

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

Franklin T. Hogans, Jr.
Chairman

MEMBERS
ZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF FIRE PREVENTION
DEPARTMENT OF TRAFFIC ENGINEERING
STATE HIGHWAY ADMINISTRATION
BUREAU OF ENGINEERING
PROJECT AND DEVELOPMENT PLANNING
INDUSTRIAL DEVELOPMENT COMMISSION
BOARD OF EDUCATION
OFFICE OF THE BUILDINGS ENGINEER

James D. Nolan, Esq.
Nolan, Plumhoff & Williams
204 W. Pennsylvania Avenue
Towson, Md. 21204

RE: Special Exception and Variance Petition
Item #2
Sheldon B. & Nellie S. Vogel -
Petitioners

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property, zoned R.S.C., and containing 7.4 acres, is located on the east side of Wards Chapel Road, approximately 1.4 miles north of Liberty Road, in the 2nd Election District of the county.

The property is currently improved with a 2-1/2 story dwelling, a number of storage buildings and existing runs and pens for security dogs. Vacant land exists immediately to the north and west of the site, with a one-story masonry dwelling and the Van Hesse log yard existing to the south.

James D. Nolan, Esq.
Re: Item #2
December 5, 1975
Page 2

The petitioner is requesting a Special Exception for a dog kennel and proposes to construct a one-story masonry building, which would include a groom room and twenty-eight additional runs.

Particular attention should be made to the comments of the Health Department regarding the proposed kennels.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Zoning Technician II

NBC:JD

Enclosure

cc: Frann & Associates
3210 Southgreen Road
Baltimore, Maryland 21207

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

November 24, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #82 (1975-1976)

Property Owner: Sheldon B. & Nellie S. Vogel
E/S of Wards Chapel Rd., 1.4 miles N. of Liberty Rd.
Existing Zoning: R.S.C.
Proposed Zoning: Variance from Sec. 421.1 to permit an animal boarding place and/or kennel within 136' and 134' of the nearest property lines in lieu of the required 200' and a Special Exception for animal boarding place, kennel and accessory yards and enclosure in an R.S.C. zone pursuant to Sec. 1A01.2B9 and Sec. 421.
No. of Acres: 7.49 District: 2nd

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Wards Chapel Road, an existing County road, is proposed to be improved in the future as a 40-foot closed-section roadway on a 60-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #82 (1975-1976)
Property Owner: Sheldon B. & Nellie S. Vogel
Page 2
November 24, 1975

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. This property is located beyond the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, amended August 1974, indicates "No Planned Service" in the area which is tributary to Liberty Reservoir via Chimney Branch.

Very truly yours,

Ellsworth N. Diver, P.E.
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: John J. Trenner

Y-SE Key Sheet
NW 11 L Pos. Sheet
42 & 43 NW 45 Topo
66 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners.

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit an animal boarding place and/or kennel within 136 feet and 134 feet of the nearest property lines in lieu of the required 200 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of JANUARY, 1975, that the herein Petition for the aforementioned Variance should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1975, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met.

the above re-classification should be had, and it further appearing that by reason of

a Special Exception for an Animal Boarding Place and/or Kennel should be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of JANUARY, 1975, that the aforementioned Special Exception should be and the same is GRANTED from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1975, that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a zone; and/or the Special Exception for be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

November 18, 1975

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #92, Zoning Advisory Committee Meeting, October 28, 1975, are as follows:

Property Owner: Sheldon B. & Nellie S. Vogel
Location: E/S of Wards Chapel Rd. 1.4 miles N of Liberty Rd.
Existing Zoning: R.S.C.
Proposed Zoning: Variance from Sec. 421.1 to permit an animal boarding place and/or kennel within 136' & 134' of the nearest property lines in lieu of the required 200' & a Special Exception for animal boarding place, kennel, & accessory yards & enclosure in an R.S.C. zone pursuant to Sec. 1A01.2B9 & Sec. 421.

No. of Acres: 7.49
District: 2nd

The existing failing septic system must be corrected.

An approved percolation test must be obtained.

Department of Health approval of an application to house and keep animals is predicated upon the following:

1. The Animal structure is within a reasonable distance (not less than 10 feet) from the adjoining residential property.
2. The corral is cleaned daily and manure is not permitted to accumulate on the ground.
3. Manure is either removed from the premises daily or stored in suitable covered receptacles prior to removal within a reasonable time.
4. Animal food is stored in covered ratproof containers.
5. Rodent, insect, and odor control is maintained.

November 18, 1975
Mr. S. Eric DiNenna, Zoning Commissioner
Page 2

6. No animal shall be permitted within 75 feet of a potable water supply (well or spring).
7. Watering troughs must be of a type that will not create any cross-connections to a potable water supply.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:dls

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550
STEPHEN E. COLLINS
DIRECTOR

November 12, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 82 - ZAC - October 28, 1975

Property Owner: Sheldon B. & Nellie S. Vogel
Location: E/S Wards Chapel Rd. N. of Liberty Road
Existing Zoning: R.S.C.
Proposed Zoning: Var. from Sec. 421.1 to permit an animal boarding place and/or kennel within 136' & 134' of the nearest property lines in lieu of the req. 200' & a Special Exception for animal boarding place, kennel & accessory yards & enclosure in an R.S.C. zone pursuant to Sec. 1A01.2B9 & Sec. 421

No. of Acres: 7.49
District: 2nd

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variance to permit a kennel within 136 and 134 feet of the nearest property lines.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate

MSF:nc

Baltimore County Fire Department

PAUL H. REINKE
Chief



Towson, Maryland 21204

875-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Sheldon B. & Nellie S. Vogel

Location: E/S of Wards Chapel Road 1.4 miles N of Liberty Road

Item No. 82 Zoning Agenda October 28, 1975

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at exceeds the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: [Signature] Noted and Approved: [Signature]
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

November 13, 1975

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #82, Zoning Advisory Committee Meeting, October 28, 1975, are as follows:

Property Owner: Sheldon B. & Nellie S. Vogel
Location: E/S of Wards Chapel Road 1.4 miles N. of Liberty Road
Existing Zoning: R.S.C.
Proposed Zoning: Variance from Sec. 421.1 to permit an animal boarding place and/or kennel within 136' & 134' of the nearest property lines in lieu of the required 200' and a Special Exception for animal boarding place, kennel, and accessory yards and enclosure in an R.S.C. zone pursuant to Sec. 1A01.2B9 and Sec. 421

No. of Acres: 7.49
District: 2nd

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 29, 1975

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: October 28, 1975

Re: Item 82
Property Owner: Sheldon B. & Nellie S. Vogel
Location: E/S of Wards Chapel Rd. 1.4 miles N. of Liberty Rd.
Present Zoning: R.S.C.
Proposed Zoning: Variance from Section 421.1 to permit an animal boarding place and/or kennel within 136' & 134' of the nearest property lines in lieu of the required 200' and a Special Exception for animal boarding place, kennel, and accessory yards and enclosure in an R.S.C. zone pursuant to Section 1A01.2B9 and Section 421.

District: 2nd
No. Acres: 7.49

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative.

H. EMBLE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BERNY

MARCUS M. BOTSARIE
JOSEPH N. MCGEEHAN
ALVIN LORECK
JOSHUA R. WHEELER, CLERK

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.P.D.
MRS. RICHARD F. WUENDEL

DEC 23 1976

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Animal Boarding Place and/or :
Kennel, and : COUNTY BOARD OF APPEALS
VARIANCE from Section 421.1 of :
the Baltimore County : OF
Zoning Regulations : BALTIMORE COUNTY
E/S Wards Chapel Road, 1.4 miles :
N. of Liberty Road : No. 76-136-XA
2nd District :
Sheldon B. Vogel, et ux :
Petitioners :

OPINION

This case comes before the Board on appeal by the People's Counsel of the decision by the Zoning Commissioner which granted a special exception and a variance to the Petitioner.

Following all testimony in this case, attorneys for the Petitioners and the People's Counsel were requested to submit Memoranda of their position, these Memoranda are incorporated in this Opinion by reference, and attached hereto.

In the opinion of the majority of the Board, the case for sustaining the opinion of the Zoning Commissioner is given a forthright, clear and convincing exposition in the Petitioner's Memorandum, and that the Memorandum submitted by the People's Counsel fails to convince the Board that it lacks the power to grant this petition.

Restatement of the facts contained in these Memoranda and the positions stated therein would be redundant and is, therefore, not included at this point in the Order. It is the judgment of the majority of this Board that the variance sought in the subject instance is an area variance, and as such this Board has statutory authority to grant such a variance if warranted.

Without going into detail, but from all the testimony and evidence presented in this case, it is the opinion of the majority of this Board that the Petitioner would suffer practical difficulty and/or unreasonable hardship if this petition were not granted. All of the requirements of Section 502.1 of the Baltimore County Zoning Regulations pertaining to the granting of special exceptions have been met.

Sheldon B. Vogel, et ux - #76-136-XA

2.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 9th day of Sept., 1976, by the County Board of Appeals, ORDERED that the People's Counsel's Motion to Dismiss this petition is hereby DENIED; and

IT IS FURTHER ORDERED, that the Orders of the Zoning Commissioner, dated January 22, 1976, are hereby affirmed, and the special exception and variance petitioned for, be and the same are hereby GRANTED.

Any appeal from this decision must be in accordance with Rules 8-1 thru 8-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Herbert A. Davis
Herbert A. Davis

William T. Hackett
William T. Hackett

PETITIONERS FOR SPECIAL EXCEPTION : BEFORE THE
AND VARIANCES :
East Side of Wards Chapel Road, : COUNTY BOARD OF APPEALS
1.4 Miles North of Liberty Road, :
Second District : FOR

SHELDON B. VOGEL, et ux, : BALTIMORE COUNTY
Petitioners. : Case No. 76-136-XA

PETITIONERS' MEMORANDUM

SHELDON B. VOGEL and NELLIE S. VOGEL, Petitioners, by Newton A. Williams and Nolan, Plunhoff and Williams, their attorneys, respectfully offer the following Memorandum in support of their Petition for Special Exception and Variances for the Board's consideration.

STATEMENT OF THE CASE

Petitioners are the owners in fee simple of a 7.49-acre property located on the east side and a 2.58-acre property on the west side of Wards Chapel Road, approximately 1.4 miles north of Liberty Road in the Second Election District. The subject property, the 7.49-acre parcel on the east side of Wards Chapel Road, on which the Petitioners have resided for seven and one-half years, is presently improved by a two and one-half story dwelling, a storage shed behind the house, a twelve-foot diameter screened shelter to the north of the house, a small, older barn at the northwestern corner of the property and existing dog runs and exercise areas in the central portion of the property.

The Vogels propose to erect a one-story masonry building, with pens and dog runs and an exercise area, all of modest size, in the central area of the tract to the rear of the house, some 200 feet from Wards Chapel Road. Once completed, the Petitioners plan to operate an obedience school to train German Shepherds and other breeds for guard dog and police dog use. In addition to this, there will be some incidental boarding of dogs for the general public with the hours of operation being 9:00 a.m. to

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

*Rec'd 1-12-76
3:15 PM*

5:00 p.m., Monday through Saturday. The Petitioners will, however, continue to reside on the property, and will personally conduct the operation.

Due to the peculiar wedge-shaped configuration of the property, it is not possible to locate the kennel facilities observing the 200-foot side yard requirements set forth in Section 421.1 of the Baltimore County Zoning Regulations (1975 Ed.). If the requirement were observed, only ten usable square feet would be available, very clearly an inadequate area. Therefore, without the requested variance, the Petitioners would sustain practical difficulty and unreasonable hardship, the basis of the requested side yard variances.

On January 22, 1976, the Zoning Commissioner of Baltimore County signed an Order granting both the requested Special Exception and the Variances to permit an animal boarding place or kennel within 136 feet and 134 feet of the nearest property line in lieu of the required 200 feet. From these decisions, the People's Counsel have noted an appeal to this Board to raise an issue concerning the validity of the requested variances, that is whether the variances are permissible as "area variances" or invalid and beyond the Board's powers as a "use variance". No protestants appeared at either the Zoning Commissioner level or the Board of Appeals stage.

QUESTION PRESENTED

Whether the Variances granted in the instant case constitute permissible grants by the Zoning Commissioner from the property line distance requirements of 200 feet set forth in Section 421.1 of the Zoning Regulations?

ARGUMENT

THE TWO HUNDRED-FOOT REQUIREMENT OF SECTION 421.1 OF THE ZONING REGULATIONS IS AN AREA REQUIREMENT FROM WHICH THE ZONING COMMISSIONER AND THE BOARD

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HAVE THE POWER AND AUTHORITY TO GRANT VARIANCES.

On appeal the People's Counsel argues that the 200-foot distance to property line requirement from a residential zone is a use variance from which neither the Zoning Commissioner nor the Board of Appeals may grant variances of the type granted to the Petitioners by the Commissioner's Order dated January 22, 1976. The People's Counsel fails, however, to cite any case on direct point in support of the contention that the situation constitutes an impermissible "use" variance. Instead, the cases they do cite, except for Anderson v. Board of Appeals, 22 Md. App. 28 (1974), do nothing more than obscure the real issue in the case, i.e. the Zoning Commissioner's and Board's power to grant a variance from the 200-foot requirement contained in Section 421.1 of the Zoning Regulations, such variance being an appropriate area variance, and not an invalid use variance.

Section 421.1 of the Zoning Regulations reads:

"Where an animal boarding place or kennel is allowed in a residential zone, either as a Special Exception or as a permitted use, no part of any such use shall be located within 200 feet of the nearest property line."

This section is a similar requirement to such area and height requirements as front yard setbacks, side yard setbacks, rear yard setbacks, etc., all of which both the Commissioner and the Board have the power to grant variances in, in cases of practical difficulty and unreasonable hardship, pursuant to Section 307 of the Zoning Regulations.

In any variance granted for a side yard, a rear yard, etc., of necessity if the variance is granted, then the permissible use and the structural parts thereof are allowed to approach closer to a property line than normally allowed. In the case of a kennel, exactly the same situation is presented, namely portions of the use, whether it be the building, the outdoor runs, or whatever, are allowed to approach closer to a property line.

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

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This is precisely what was requested and granted in the instant case.

Appellants here contend that the 200-foot requirement is a use prohibition, however, they fail to support this contention by demonstrating how or in what way a variance from this requirement permits a use other than that permitted by the Regulations in other residential, commercial and industrial situations. The area requirement of Section 421.1 is completely different from a proscribed use or density variance.

Professor Anderson in Section 14.06 of his work entitled "The American Law of Zoning", defines a use variance as "one which permits a use of land other than that which is prescribed by the Zoning Regulations." Professor Anderson continues as follows: "Thus, a variance which permits a commercial use in a residential district, which permits a multiple dwelling in a district limited to single family homes, or which permits an industrial use in a district limited to commercial uses, is a use variance." Contrary to what Appellants would have the Board believe, the type of variance requested by the Petitioners is not a use variance but rather an area variance of the type which the Commissioner may grant pursuant to Section 307 of the Regulations, and the usage of the term "use" in Section 421.1 does not alter the basic area requirement and nature of this section.

As recently as 1974, the Court of Special Appeals discussed the distinction between the two types of variances in Anderson v. Board of Appeals, supra, at pages 37 and 38. An "area variance, the Court said, is a variance from area, height, density, setback, or sideline restrictions, such as a variance from the distance required between buildings. A "use variance", on the other hand, is a variance which permits a use other than that permitted in the particular district by the ordinance, such as a variance for an office or commercial use in a zone restricted

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

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to residential uses. A use variance is recognized as a variance which changes the character of the zoned land while an area variance does not. Anderson v. Board of Appeals, supra, at page 38. Certainly, the variances requested in this case as granted by the Zoning Commissioner to the Petitioners could not be deemed to have changed the character of the zoned land, and, thus, they are properly classed and treated as permissible area variances.

CONCLUSION

In conclusion, Petitioners respectfully contend that both the Zoning Commissioner and this Board enjoy full and complete power to grant the variances sought in the instant case from the 200-foot requirement contained in Section 421.1 of the Zoning Regulations upon a showing of the practical difficulty or unreasonable hardship that would demonstrably result if the requirement were permitted to stand. Therefore, Petitioners request that this Board affirm the Order of the Zoning Commissioner granting the Petition for Special Exception and Variances.

Respectfully submitted,

Newton A. Williams
NEWTON A. WILLIAMS

Nolan, Plunhoff & Williams
NOLAN, PLUNHOFF & WILLIAMS
204 W. Pennsylvania Avenue
Towson, Maryland 21204
823-7800

I HEREBY CERTIFY that on this 14th day of July, 1976, a copy of the foregoing PETITIONERS' MEMORANDUM was mailed, postage prepaid to JOHN W. HESSIAN III, ESQUIRE, PEOPLE'S COUNSEL and to CHARLES E. KOUNTZ, JR., ESQUIRE, DEPUTY PEOPLE'S COUNSEL, both at the Office of the People's Counsel, Baltimore County Office Building, Towson, Maryland 21204.

Newton A. Williams
NEWTON A. WILLIAMS

LAW OFFICES
NOLAN, PLUNHOFF
& WILLIAMS
TOWSON, MD.

-5-

FRAMM & ASSOCIATES
ENGINEERS • PLANNERS • SURVEYORS
3210 SOUTHGREEN ROAD
BALTIMORE, MARYLAND 21207
PHONE (301) 922-4457

DESCRIPTION TO ACCOMPANY THE PETITION FOR VARIANCE AND SPECIAL EXCEPTION IN THE USE OF THE PROPERTY KNOWN AS 5105 WARDS CHAPEL ROAD, LOCATED IN THE SECOND ELECTION DISTRICT OF BALTIMORE COUNTY, MD.

BEGINNING for the same at a point on the east margin of Wards Chapel Road, at the distance of 1.4 miles, more or less, measured northerly along the east margin of said road from its intersection with the north margin of Liberty Road, said point of beginning has the coordinates of WEST 67,109 feet, more or less, NORTH 42,169 feet, more or less, scaled from the Baltimore County Metropolitan District Grid System, and is intended to be at the beginning of the second or North 184 Degrees East 208.3 feet line of the first parcel of land conveyed from Wayne S. Keldon to Sheldon B. Vogel and Nellie S. Vogel, his wife, by a deed dated, March 30, 1968 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 4866 Folio 186, etc.;

THENCE binding along the outlines of said first parcel of land conveyed to Sheldon B. Vogel and wife, the six (6) following courses, and referring the Bearings of this description to the Magnetic Meridian of September 27, 1975, namely:

- (1) NORTH 21°55'43" EAST 208.30 Feet;
- (2) NORTH 46°55'43" EAST 339.00 Feet;
- (3) SOUTH 25°49'43" EAST 791.70 Feet;
- (4) SOUTH 58°55'43" WEST 110.00 Feet;
- (5) SOUTH 33°55'43" WEST 99.00 Feet; and
- (6) NORTH 80°40'00" WEST 675.38 Feet to the place of beginning.

CONTAINING 7.49 Acres of land, more or less.

The above description is for petition purposes only, and is not intended to be used in any conveyance of title thereto.

Samuel P. Framm
Md. Reg. L.S. N°5817



DEC 23 1976

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Animal Boarding Place and or : COUNTY BOARD OF APPEALS
Kennel, and :
VARIANCE from Section 421.1 of : OF
the Baltimore County :
Zoning Regulations : BALTIMORE COUNTY
E/S Wards Chapel Road, 1.4 miles :
N. of Liberty Road : No. 76-136-XA
2nd District :
Sheldon B. Vogel, et ux :
Petitioners :

DISSENTING OPINION

The subject of this petition is a 7.49 acre parcel located on the east side of Wards Chapel Road approximately 1.4 miles north of the Liberty Road, in the Second Election District of Baltimore County. The property is owned by Sheldon B. Vogel and wife, and all of the lot is now zoned R.S.C. The Petitioner seeks a variance from Section 421.1 of the Baltimore County Zoning Regulations, and a special exception for an Animal Boarding Place and Kennel. The precise proposal is set out in exceptionally good detail on Petitioner's Exhibit #1. This exhibit is a plat of the subject property prepared by Framm and Associates. Samuel P. Framm of Framm and Associates testified before the Board as to the particulars of this Exhibit #1. The Zoning Commissioner granted the variance and special exception as petitioned.

There were no Protestants to this petition before the Zoning Commissioner, nor were there any Protestants to this petition that appeared before this Board. The appeal from the decision of the Zoning Commissioner was taken by the People's Counsel.

The People's Counsel moved to dismiss this petition because the Zoning Commissioner and this Board lack the authority to grant the "use" variance requested.

The Petitioner seeks a variance from Section 421.1 of the Baltimore County Zoning Regulations. This section of the regulations is as follows:

ANIMAL BOARDING PLACE, KENNEL, PET SHOP, VETERINARIAN'S OFFICE, VETERINARIUM [Bill No. 85, 1967.]

421.1 Where an animal boarding place or kennel is allowed in a residential zone, either as a Special Exception or as a permitted use, no part of any such use shall be located within 200 feet of the nearest property line. [Bill No. 85, 1967.]

421.2 Where an animal boarding place, kennel, or pet shop is allowed in a business or industrial zone, either as a Special Exception or as a permitted use, no part of such use shall be

Sheldon B. Vogel - #76-136-XA

2.

located within 200 feet of the nearest residential zone. [Bill No. 85, 1967.]

421.3 Where a veterinarian's office or a veterinarian is allowed in a residential zone as a Special Exception, it shall be located only on a lot having an area of two acres or more, and no part of any such use shall be located within 100 feet of the nearest property line. [Bill No. 85, 1967.]

Also pertinent to the primary issue is Section 307 of the Baltimore County Zoning Regulations which reads as follows:

VARIANCES [B.C.Z.R., 1955; Bill No. 107, 1963.]

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance. [B.C.Z.R., 1955; Bill No. 107, 1963]

The initial issue to be resolved in this case is whether or not the variance requested is a "use" variance which neither this Board, nor the Zoning Commissioner, has authority to grant, or an "area" variance which may be granted by the Zoning Commissioner and/or this Board as per Section 307 of the Baltimore County Zoning Regulations. For reference please note the Memoranda filed by the Petitioner and the People's Counsel.

This member of the Board has carefully reviewed these Memoranda. In addition, I have researched the variance issue and have reviewed carefully the subject petition. Seemingly, because of the precise nature of a variance there are no two cases of record which bear particular similarity and comparison to each other. Hence,

Sheldon B. Vogel - #76-136-XA

3.

there is no specific law on the close issue at hand concerning the requested variance from Section 421.1. It is interesting to note that both the Petitioner and the People's Counsel, and frankly in conclusion this member of the Board, rely upon the same precedents and statements of law. After completing the review and research discussed above, it is the judgment of this member of the Board that the variance sought in this instance is a "use" variance and beyond the scope of the statutory authority of the Zoning Commissioner and/or this Board.

Two of the points of impression that leads this member of the Board to the above conclusion are; one, that Section 421.1 of the Zoning Regulations must be considered unto itself and the legislative intent of this section seems clear from the language of said section. While the Petitioner would make light of the use of the word "use" in Section 421.1, I cannot agree with this position of the Petitioner. While legislative intent is often well clouded and hidden, it seems incumbent that one must give full meaning to the precise language of the section when said section is relatively clearly written and not particularly vague. That part of Section 421.1 which reads: "no part of any such use shall be located within 200 feet of the nearest property line" seems to be clear, and likewise seems to be the other side of the coin from the *Gawl v. Atlantic Richfield Company*, 27 Md. App. 410, at page 413. Secondly, an important point of impression to this Board member is the treatment of the issue by Professor Anderson in "The American Law of Zoning" at paragraph 14.06. Professor Anderson presents a clear guide of interpretation of requested variances in his thought that "a use variance is one which permits a use of land other than that which is presently prescribed by the zoning regulations". A use variance is recognized "as a variance which changes the character of the zoned land" while an area variance does not.

In precisely considering the proposal in the subject instance, it is the conclusion of this member of the Board that the Petitioner's proposal for an Animal Boarding Place and Kennel for the training of approximately twenty-eight K-9 security dogs is a quasi-commercial venture, and would have a tendency to "change the character of the zoned land".

Date: Sept. 9, 1976

Walter A. Reiter, Jr., Chairman

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
and VARIANCES :
E/S of Wards Chapel Road, 1.4 Miles :
N of Liberty Road, 2nd District : FOR BALTIMORE COUNTY
SHELDON B. VOGEL, et ux, Petitioners : Case No. 76-136-XA

MEMORANDUM

This proceeding arrives before the Board distilled to a narrow but important legal question. The Board's interpretation of the involved regulatory provision will have an impact on the future use of the planning device embodied therein by the planning authorities in Baltimore County.

The Zoning Commissioner has in this case held that pursuant to the authority granted him in Section 307 - "Variances" - of the Baltimore County Zoning Regulations he may permit the operation of a kennel within the proscribed area established in Section 421.1 of the Regulations. The pertinent portion of Section 307 reads:

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship... They shall have no power to grant any other variances..."

Section 421.1 of the Regulations reads:

"Where an animal boarding place or kennel is allowed in a residential zone, either as a Special Exception or as a permitted use, no part of any such use shall be located within 200 feet of the nearest property line."

The question posed for decision, therefore, is whether the 200 foot requirement is an area or a use requirement and, if a use requirement, may the Commissioner grant a variance therefrom?

The Court of Appeals, in *Loyola Federal Savings & Loan Association v. Buschman* (1961) 227 Md. 243, 176 A.2d 355 (a Baltimore County case) said at page 357 (A1.):

"The exact type of departure from the usual requirements of the Regulations here sought is a variance (*Montgomery County v. Merlands Club, Inc.*, 202 Md. 279, 288, 96 A.2d 261), and pertains to height regulations and not to the use to which the property may be put. Section 307 of the Regulations deals specifically

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and only with variances from area and height regulations... " (Emphasis Ours).

The conclusion is inescapable, therefore, that the Commissioner has no authority to grant variances from other than height and area regulations, and no such authority with regard to uses. The remaining question is whether the 200 foot provision is a "use" or an "area" restriction.

The Court of Special Appeals, in *Anderson v. Board of Appeals*, 22 Md. App. 28, at page 38, said:

"The Court of Appeals has recognized a distinction between a use variance, which changes the character of the zoned land, and an area variance, which does not." (Emphasis Ours).

Then the Court of Special Appeals, in *Gawl v. Atlantic Richfield Company*, 27 Md. App. 410, at page 413, gave its guidance on that question. The Howard County Zoning Regulations, Section 30.01, establish a use moratorium with regard to certain activities similar to that in Baltimore County's Section 421.1. The Howard County Regulation being considered by the Court provided that "... no land or building shall be used for any of the following uses within 500 feet of any residential district." (Emphasis supplied by the Court). The complete quotation from which this was extracted appears at page 413, viz:

"Judge MacGill sets out the view, which we share, that the proper test to be applied is whether the portion of the property to be used (emphasis ours) for the proposed purpose is within 500 feet of a residential area. According to the voluminous plat and other exhibits submitted to the Board, and according to the testimony of Dr. Dorothy A. Munsey, an expert witness for the appellee, the facilities to be actually utilized on the premises are a minimum of 550 feet from any residential district. Section 30.01 of the Zoning Regulations of Howard County provides that 'no land or building shall be used for any of the following uses within 500 feet of any residential district.' (Emphasis by the Court). Since virtually all of the evidence before the Board was to the effect that none of the land within 500 feet of the nearest residential district would be used for the bulk storage of oil and petroleum products, we believe it immaterial that the perimeter of the property encroaches on the 500 foot line of demarcation. (Emphasis ours). As all structures and tanks constructed on this property will be well buffered from the surrounding property by open unused land, we find no violation of the only obvious intent and purpose of the Zoning Regulation." (Emphasis Ours).

- 3 -

It is submitted, first, that the provision of our regulation should be construed for the guidance of the public and, second, that the construction should be to the effect that the provision establishes a use restriction which cannot be varied by the Commissioner under Section 307, with the result that the variance sought herein by the Petitioner should be denied.

AND AS IN DUTY BOUND, etc.

John W. Hessian, III
People's Counsel

Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24th day of June, 1976, a copy of the foregoing Motion was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 204 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hessian, III

February 26, 1976

Case No. 76-136-XA (Item No. 82) - Sheldon B. Vogel, et ux - Petitioners
E/S of Wards Chapel Road, 1.4 Miles
N of Liberty Road - 2nd Election District

Petitions for Special Exception and Variances, with the Order of the Zoning Commissioner, dated January 22, 1976 - GRANTED

Description of Property

Plat of Subject Property, revised October 10, 1975

Zoning Plans Advisory Committee Comments, dated December 5, 1975

Certificates of Publication

Certificate of Posting (One Sign)

Petitioners' Exhibit 1 - Plat of Subject Property, revised October 10, 1975

Petitioners' Exhibit 2 - Aerial Photograph

Petitioners' Exhibit 3 - Three Pages of Photographs of Subject Property

Order for Appeal from John W. Hessian, III, Esquire, People's Counsel, received February 18, 1976

James D. Nolan, Esquire
204 West Pennsylvania Avenue 21204

Counsel for Petitioners

Mr. & Mrs. Sheldon B. Vogel
5105 Wards Chapel Road
Owings Mills, Maryland 21117

Petitioners

John W. Hessian, III, Esquire
People's Counsel

People's Counsel

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
and VARIANCES :
E/S of Wards Chapel Road, 1.4 Miles :
N of Liberty Road, 2nd District : OF BALTIMORE COUNTY
SHELDON B. VOGEL, et ux, Petitioners : Case No. 76-136-XA

ORDER FOR APPEAL

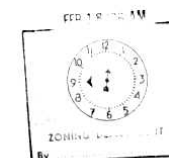
Mr. Commissioner:

Please note an Appeal from your decisions in the above entitled matter under date of January 22, 1976, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Hessian, III
People's Counsel

Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 17th day of February, 1976, a copy of the foregoing Order was mailed to James D. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioners.



FEB 28 1976

RE: PETITION FOR SPECIAL EXCEPTION
and PETITION FOR VARIANCE
East side of Wards Chapel Road
1.4 miles North of Liberty Road,
2nd District
SHELDON B. VOGEL, Petitioner
OF BALTIMORE COUNTY
Case No. 76-136-XA

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Deputy People's Counsel

John W. Hessian, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 23rd day of December, 1975, a copy of the foregoing Order was mailed to James D. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hessian, III

January 22, 1976

James D. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and
Variances
E/S of Wards Chapel Road, 1.4
Miles N of Liberty Road - 2nd Elec-
tion District
Sheldon B. Vogel, et ux - Petitioners
NO. 76-136-XA (Item No. 82)

Dear Mr. Nolan:

I have this date passed my Order in the above referenced matter.
Copy of said Order is attached.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 13, 1975

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 one time, one week before the 7th day of January, 1976, the first publication appearing on the 19th day of December 1975.

THE JEFFERSONIAN

Manager

Cost of Advertisement, \$

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

2nd DISTRICT
ZONING: Petition for Special Exception for an Animal Boarding Place and/or Kennel. Petition for Variances for Property Line Setbacks.
LOCATION: East side of Wards Chapel Road 1.4 miles North of Liberty Road.
DATE & TIME: WEDNESDAY, JANUARY 7, 1976 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Special Exception for an Animal Boarding place and/or Kennel.
Petition for Variances from the Zoning Regulations of Baltimore County to permit an animal boarding place and/or kennel within One Hundred Thirty-Six (136) feet and One Hundred Thirty-four (134) feet of the nearest property line instead of the required Two Hundred (200) feet.
The Zoning Regulations to be accepted as follows:
Section 421.1 - Where an animal boarding place or kennel is allowed in a residential zone, either as a Special Exception or as a permitted use, no part of any such use shall be located within 200 feet of the nearest property line.
All that parcel of land in the Second District of Baltimore County.

BEGINNING for the same at a point on the east margin of Wards Chapel Road, at the distance of 1.4 miles, more or less, measured northerly along the east margin of said road from its intersection with the north margin of Liberty Road, and point of beginning has the coordinates of WEST 63° 10' 55" 30" EAST 208.30 Feet; NORTH 25° 48' 30" EAST 791.70 Feet; SOUTH 58° 55' 30" WEST 110.00 Feet; SOUTH 33° 55' 30" WEST 89.00 Feet; and NORTH 50° 40' 00" WEST 673.38 Feet to the place of beginning.

CONTAINING 7.49 Acres of land, more or less, being the property of Sheldon B. Vogel and Nellie S. Vogel, as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, January 7, 1976 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER OF BALTIMORE COUNTY

ENC. 18

THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 Dec. 18, 1975

THIS IS TO CERTIFY, that the annexed advertisement of Petition for Special Exception & Variance- Sheldon B. Vogel was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week, before the 7th day of Jan. 1976, that is to say, the same was inserted in the issues of Dec. 18, 1975.

STROMBERG PUBLICATIONS, Inc.

By J. Stromberg

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: Dec. 20, 1975
Posted for: PETITION FOR SPECIAL EXCEPTION & VARIANCE
Petitioner: Sheldon B. Vogel
Location of property: E/S of Wards Chapel Rd. 1.4 miles N of Liberty Road
Location of Signs: FRONT SIDE WARDS CHAPEL RD.
Remarks: Thomas R. Nelson
Posted by: Thomas R. Nelson Date of return: Dec. 22, 1975

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: JTH										
Previous case:										
Revised Plans: Change in outline or description										
Map #										

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 16th day of Oct 1975. Filing Fee \$ 50.00. Received [check] BLANK K-9 [cash] [Other]

S. Eric Dinenna,
Zoning Commissioner

Petitioner: Vogel Submitted by: Nolan
Petitioner's Attorney: Nolan Reviewed by: FTH

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: Dec. 20, 1975
Posted for: PETITION FOR SPECIAL EXCEPTION & VARIANCE
Petitioner: Sheldon B. Vogel
Location of property: E/S of Wards Chapel Rd. 1.4 miles N of Liberty Road
Location of Signs: FRONT SIDE WARDS CHAPEL RD.
Remarks: Thomas R. Nelson
Posted by: Thomas R. Nelson Date of return: Dec. 22, 1975

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

2nd DISTRICT
ZONING: Petition for Special Exception for an Animal Boarding Place and/or Kennel. Petition for Variances for Property Line Setbacks.
LOCATION: East side of Wards Chapel Road 1.4 miles North of Liberty Road.
DATE & TIME: WEDNESDAY, JANUARY 7, 1976 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Special Exception for an Animal Boarding place and/or Kennel.
Petition for Variances from the Zoning Regulations of Baltimore County to permit an animal boarding place and/or kennel within One Hundred Thirty-Six (136) feet and One Hundred Thirty-four (134) feet of the nearest property line instead of the required Two Hundred (200) feet.
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All that parcel of land in the Second District of Baltimore County.

BEGINNING for the same at a point on the east margin of Wards Chapel Road, at the distance of 1.4 miles, more or less, measured northerly along the east margin of said road from its intersection with the north margin of Liberty Road, and point of beginning has the coordinates of WEST 63° 10' 55" 30" EAST 208.30 Feet; NORTH 25° 48' 30" EAST 791.70 Feet; SOUTH 58° 55' 30" WEST 110.00 Feet; SOUTH 33° 55' 30" WEST 89.00 Feet; and NORTH 50° 40' 00" WEST 673.38 Feet to the place of beginning.

CONTAINING 7.49 Acres of land, more or less, being the property of Sheldon B. Vogel and Nellie S. Vogel, as shown on plat plan filed with the Zoning Department.
Hearing Date: Wednesday, January 7, 1976 at 11:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER OF BALTIMORE COUNTY

ENC. 18

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 9244
DATE: Jan. 7, 1976 ACCOUNT: 01-662
AMOUNT: \$82.75
RECEIVED Blane L K-9, Wards Chapel Rd., Owings Mills, Md.
Advertising and posting of property - 76136-XA
\$0472.88 82.75 MC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 21624
DATE: February 23, 1976 ACCOUNT: 01-662
AMOUNT: \$75.00
RECEIVED John W. Hessian, III, Esquire, People's Counsel
FOR: Cost of Filing of an Appeal and Posting of Property
on Case No. 76-136-XA (Item No. 82)
E/S of Wards Chapel Road, 1.4 Miles N of Liberty Road - 2nd Election District
Sheldon B. Vogel, et ux - Petitioners 75.00 MC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 9211
DATE: Dec. 8, 1975 ACCOUNT: 01-662
AMOUNT: \$50.00
RECEIVED Blane L K-9, Wards Chapel Rd., Owings Mills, Md.
Advertising and posting of property - 76136-XA
\$0472.88 50.00 MC
VALIDATION OR SIGNATURE OF CASHIER

