

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Edith Mae Koch, 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 _____ zone to an _____ 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 _____ kennels.

Property is to be posted and advertised as prescribed by Zoning 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 _____

Address _____

Legal Owner _____

Address _____

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BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 1, 1976

COUNTY OFFICE BLDG.
111 W. Chestnut Ave.
Towson, Maryland 21204

Chairman

MEMBERS

BUREAU OF
ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF
FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL
DEVELOPMENT

Joseph C. Laverghetta, Esq.
607 Bosley Avenue
Towson, Maryland 21204

RE: Special Exception Petition
Item 174
Henry W. & Edith M. Koch - Petitioners

Dear Mr. Laverghetta:

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, currently zoned D.R. 5.5, is located at the southwest corner of Joppa Road and Lilac Lane, in the 15th Election District of the county.

This site is presently improved with a 2-1/2 story combination stone and frame dwelling and storage sheds in the rear. Vacant land exists immediately to the west, with the remaining property to the north, east and south improved with dwellings on large lots.

The petitioner is requesting a Special Exception to utilize the property for kennels. The proposed location of the kennels would satisfy the 200 foot setback as required by Section 421 of the Zoning Regulations.

Joseph C. Laverghetta, Esq.
Re: Item 174
April 1, 1976
Page 2

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.
Chairman, Zoning Plans
Advisory Committee

NICHOLAS B. COMMODARI,
Zoning Technician II

NBC:JD

Enclosure

cc: Evans, Hagan & Holdefer, Inc.
4013 Belair Road
Baltimore, Maryland 21236

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3560

STEPHEN E. COLLINS
DIRECTOR

March 3, 1976

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

Re: Item 174 - ZAC - February 24, 1976
Property Owner: Henry W. & Edith M. Koch
Location: NW/C Lilac Lane & Joppa Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Special exception for kennels
No. of Acres: 8.25
District: 15th

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested special exception for kennels.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

baltimore county
department of public works
TOWSON, MARYLAND 21204

April 1, 1976

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

Re: Item #174 (1975-1976)
Property Owner: Henry W. & Edith M. Koch
N/W cor. Lilac Lane & Joppa Road
Existing Zoning: DR 5.5
Proposed Zoning: Special Exception for kennels
No. of Acres: 8.25 District: 15th

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.

General:

The submitted plan should be revised to indicate the various dwellings, structures, driveways, etc. on the adjacent properties and include a location plan.

Highways:

Joppa 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. Lilac and Dunrovin Lanes, existing public roads, are proposed to be improved in the future as 30-foot closed section roadways on 50-foot rights-of-way. Highway improvements are not required at this time. Highway rights-of-way widenings, including a fillet area for sight distance at the intersection of Lilac Lane and Joppa Road, and 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 submitted plan must be revised accordingly.

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.

Item #174 (1975-1976)
Property Owner: Henry W. & Edith M. Koch
Page 2
April 1, 1976

Storm Drains:

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

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 employing private onsite facilities. The Baltimore County Comprehensive Water and Sewerage Plan indicates "Final Planning" for public water supply and "Planned Service" in 6 to 10 years for public sanitary sewerage in the area.

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

M-NE Key Sheet
36 & 37 NE 36 Pos. Sheets
NE 9 & 10 1 Topo
72 Tax Map

baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 825-7210

Paul H. Reincke
CHIEF

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owners: Henry W. & Edith M. Koch

Location: NW/c Lilac Lane & Joppa Road

Item No. 174

Zoning Agenda February 24, 1976

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.

(X) 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

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

April 2, 1976

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 #174, Zoning Advisory Committee Meeting, February 24, 1976, are as follows:

Property Owner: Henry W. and Edith M Koch
Location: NW/c Lilac Lane and Joppa Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for kennels
Acres: 8.25
District: 15th

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

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NE/corner of Joppa Road and Lilac Lane : DEPUTY ZONING
11th Election District : COMMISSIONER
Henry W. Koch, et ux - Petitioners :
NO. 76-214-X (Item No. 174) :
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner via a Petition for a Special Exception for kennels. The subject property is located at the northeast corner of Joppa Road and Lilac Lane, in a D.R. 5.5 Zone, and comprises 8.5 acres, more or less.

Testimony for the Petitioners indicated that they propose construction of a masonry building and fully enclosed chain link runs to accommodate an aggregate of twenty-four (24) dogs, owned by the Petitioners or boarded. The Petitioners also testified that the proposed kennel area is almost fully encompassed by existing pine trees and that they propose to plant additional trees to affect total screening of the structure from neighboring houses.

Zoning Plans Advisory Committee comments from the Department of Traffic Engineering did not visualize additional traffic problems as a result of the granting of the Special Exception. Comments submitted by the Health Department stated, "water, well, and septic systems are functioning properly in the subject area. The Director of Planning, in written comment, indicated that he is not opposed to the requested Special Exception.

In protest, nearby property owners testified to anxiety about noise, possible adverse effects upon their property values, and possible damage to their dry wells and septic systems, all resulting from the proposed kennels. Further testimony by the Protestants indicated apprehension about any increase in traffic on Lilac Lane, the fear of later expansion of the kennels, and possible health hazards to the neighborhood.

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: February 25, 1976

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

Z.A.C. Meeting of: February 24, 1976

Item #174
Property Owner: Henry W. & Edith M. Koch
Location: NW/c Lilac La. & Joppa Rd.
Present Zoning: D. R. 5.5
Proposed Zoning: Special Exception for kennels

District: 15th
No. Acres: 8.25

Dear Mr. DiNenna:

No adverse effect on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

WNP/ml

M. EMBLE PARKS, PRESIDENT
EUGENE G. HESS, VICE-PRESIDENT
HMS ROBERT L. BARNY

MARCUS M. ROTHSCHILD
JOSEPH M. HIGGINS
ALVIN LORICK
JOSHUA R. WHEELER, REPRESENTATIVE

T. EDWARD WILLIAMS
RICHARD M. TRACY, JR.
HMS RICHARD F. HILLMAN

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the proposed use, with certain restrictions, should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 8th day of July, 1976, that the Special Exception herein described should be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The site plans must be revised to show access to the property via Joppa Road only.
2. Grooming of dogs, other than those owned by the Petitioners, housed on the property is not permitted.
3. A maximum of twenty (20) dogs, including those owned by the Petitioners, is allowed on the property at one time.
4. Dense evergreen screening, four (4) foot high on six (6) foot center, must be installed and maintained on all sides of the kennels and runs.
5. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Sam J. Berman
Deputy Zoning Commissioner of
Baltimore County

LISTED BELOW ARE A FEW OF THE REASONS FOR NEIGHBORHOOD OPPOSITION TO DEATHS DOGGIE DEN BEING LOCATED NEAR OUR HOUSES.

ZONING HEARING APRIL 14 10:30 A.M.

LILAC LANE IS SINGLE LANE - TOO NARROW TO SUSTAIN BUSINESS TRAFFIC.

SEPTIC TANKS AND DRY WELLS NONE FUNCTIONING PROPERLY IN THIS HEAVY CLAY SOIL WITH ROCK UNDER IT.

THE PRESENCE OF HORSES PLUS A LARGE QUANTITY OF DOGS WOULD ADD TO THE HEALTH HAZARD PREVALENT IN THIS NEIGHBORHOOD.

THE PEOPLE PROVED THEMSELVES IRRESPONSIBLE WHILE SELLING OFF CHRISTMAS TREES THEY ALLOWED CUSTOMERS TO PARK INDECRIMINATELY ALL OVER MY LAWN. REPEATED REQUESTS GET NO RESULTS.

WITH THEIR OWN THREE (3) VEHICLES AND VISITORS THEY CONTINUALLY BLOCK THIS NARROW LANE NOW.

THE NEIGHBORHOOD IS RESIDENTIAL IN CHARACTER AND NO CHANGES HAVE BEEN PLANNED BY THE COUNTY IN THEIR MOST RECENT FIVE (5) YEAR PLAN.

THIS SECTION IS IN THE HEART OF THE FASTEST GROWING SECTOR OF BALTIMORE COUNTY. IT IS ONLY 13 MILES FROM DOWNTOWN BALTIMORE. WHY SHOULD THE COUNTY MAKE AN EXCEPTION IN THE PRESENT ZONING STRUCTURE TO THE DETRIMENT OF 18 NEARBY RESIDENTS FOR THE ADVANTAGE OF 1 RESIDENT?

DESTRUCTION OF PRESENT PROPERTY VALUES.

BALTIMORE COUNTY CODE 1966
OF PUBLIC LOCAL LAWS
SECTION 3-25

SEVEN (7) DOGS BARKING ALL DAY AND NIGHT

"BARKING AS TO CONSTITUTE AN ANNOYANCE TO PERSONS RESIDING IN THE NEIGHBORHOOD"

We are unalterably opposed to Baltimore County permitting this public nuisance to be set up in a residential neighborhood

* Mr. & Mrs. Clarence J. Euri
1105 The Long
* H. Gordon Johnson
1100 Larchmont
* R. L. Johnson
4221 Lilac Lane
* William H. Bragdon
4504 Larchmont Lane
* Mrs. Helen P. Pinski
3508 Larchmont La
* Darle S. Kip
5511 Dunwoody Ln.
* Henry G. Smith
5015 Joppa Rd
* P. B. Smith
Perryville Rd

494-3180

County Board of Appeals
Room 219 Court House
TOWSON, MARYLAND 21204

NOTICE OF POSTPONEMENT and REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 76-214-X

HENRY W. KOCH, ET UX

SE - for Kennels

NE corner of Joppa Rd. & Lilac Lane

11th District

7/8/76 - D.Z.C. Granted SE, subject to restrictions

The above case has been POSTPONED by the Board from October 19, 1976 at 2 p.m., and

REASSIGNED FOR: THURSDAY, DECEMBER 9, 1976 at 2 p.m.

cc: Joseph C. Laverghetta, Esq.

Counsel for Petitioners

Mr. and Mrs. Henry Koch

Petitioners

Mr. Clarence J. Euri

Protestant

John W. Hessian, III, Esq.

People's Counsel

Mr. S. E. DiNenna

Mr. George Martinak

Mr. N. E. Gerber

Mr. G. Burl

Mr. J. Howell

Mr. C. L. Perkins

Muriel E. Buddemeier
County Board of Appeals

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE/corner of Joppa Road and Lilac Lane : OF BALTIMORE COUNTY
11th Election District :
HENRY W. KOCH, et ux, Petitioners : Case No. 76-214-X

ORDER FOR APPEAL

Mr. Commissioner:

Please note an Appeal from the decision of the Deputy Zoning Commissioner

In the above-entitled matter under date of July 8, 1976, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

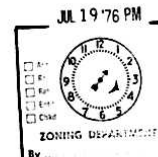
John W. Hessian, III
John W. Hessian, III
People's Counsel

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

I HEREBY CERTIFY that on this 19th day of July, 1976, a copy of the foregoing

Order was mailed to Joseph C. Laverghetta, Esquire, 607 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioners.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.



494-3180

County Board of Appeals
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
ROOM 301

September 16, 1976

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 76-214-X

HENRY W. KOCH, et ux

SE - for Kennels

N/E Corner of Joppa Rd. & Lilac Lane

11th District

7/8/76 - Deputy Zoning Comm. Granted SE
Subject to restrictions

ASSIGNED FOR:

TUESDAY, OCTOBER 19, 1976 at 2 p.m.

cc: Joseph C. Laverghetta, Esq.

Counsel for Petitioners

Mr. and Mrs. Henry Koch

Petitioners

Mr. Clarence J. Euri

Protestant

John W. Hessian, III, Esq.

People's Counsel

Mr. S. E. DiNenna

Mr. N. E. Gerber

Mr. G. Burl

Mr. J. Howell

Mr. C. L. Perkins

Mr. G. Martinak

Postponed 10/19/76
MOVING CASE HAS TO 30
CONTINUED IN AFTERNOON

Edythe D. Lyons

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NE/corner of Joppa Road and Lilac Lane- : DEPUTY ZONING
11th Election District : COMMISSIONER
Henry W. Koch, et ux - Petitioners :
NO. 76-214-X (Item No. 174) :
: OF
: BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner via a Petition for a Special Exception for kennels. The subject property is located at the northeast corner of Joppa Road and Lilac Lane, in a D.R. 5.5 Zone, and comprises 8.5 acres, more or less.

Testimony for the Petitioners indicated that they propose construction of a masonry building and fully enclosed chain link runs to accommodate an aggregate of twenty-four (24) dogs, owned by the Petitioners or boarded. The Petitioners also testified that the proposed kennel area is almost fully encompassed by existing pine trees and that they propose to plant additional trees to affect total screening of the structure from neighboring houses.

Zoning Plans Advisory Committee comments from the Department of Traffic Engineering did not visualize additional traffic problems as a result of the granting of the Special Exception. Comments submitted by the Health Department stated, "water, well, and septic systems are functioning properly" in the subject area. The Director of Planning, in written comment, indicated that he is not opposed to the requested Special Exception.

In protest, nearby property owners testified to anxiety about noise, possible adverse effects upon their property values, and possible damage to their dry wells and septic systems, all resulting from the proposed kennels. Further testimony by the Protestants indicated apprehension about any increase in traffic on Lilac Lane, the fear of later expansion of the kennels, and possible health hazards to the neighborhood.

Henry W. Koch, et ux - File No. 76-214-X (6197)

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your Respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your Respondents will produce any and all such rules and regulations together with the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

Edith T. Eberhart, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Joseph C. LaVerghetta, Esq.
John W. Hession, III, Esq.
Robert J. Ryan, Esq.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the proposed use, with certain restrictions, should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 8th day of July, 1976, that the Special Exception herein described should be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The site plans must be revised to show access to the property via Joppa Road only.
2. Grooming of dogs, other than those owned by the Petitioners, housed on the property is not permitted.
3. A maximum of twenty (20) dogs, including those owned by the Petitioners, is allowed on the property at one time.
4. Dense evergreen screening, four (4) foot high on six (6) foot center, must be installed and maintained on all sides of the kennels and runs.
5. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

CLARENCE J. BURICE, &
ROBERT HAGEMAN
Appellants
vs.
HENRY W. KOCH, ET AL
Appellees
#76-214-X

ASSURE BY PETITION TO
ACCOMPANY ORDER TO APPEAL

Now comes the Appellees/Petitioners, by Joseph C. LaVerghetta, Esq. their attorney and in answer to the Petition, Accompany order for Appeal states:

1. That they admit paragraph No. 1 of the Petition
2. That they deny paragraph No. 2, subsection a through f, inclusive, of the Petition.
3. That the County Board of Appeals of Baltimore County had an opportunity to hear over three (3) hours of testimony and to receive many exhibits from both the appellants and appellees and that after carefully reviewing all testimony and exhibits warranted that they had ample evidence before them to uphold the Zoning Commissioner's decision and grant the Special Exception as requested by Appellee/Petitioner below.

Wherefore, The Appellees pray this Honorable Court by its order,

- (a) To dismiss with prejudice the appeal of the appellants and to assist all costs of these proceedings against appellants.
- (b) And to issue an order affirming the Decision of the County Board of Appeals of Baltimore County granting the Special Exception.

Joseph C. LaVerghetta

I HEREBY CERTIFY that on this day of July, 1977, a copy of the foregoing Answer to Petition to Accompany Order for Appeal was mailed by regular mail to the County Board of Appeals, Court House, Towson, Maryland 21204, E. Scott Moore & Robert J. Ryan, 406 Jefferson Building, Towson, Maryland 21204, John W. Hession III Esq., People's Counsel, County Office Building, Towson, Maryland 21204.

Joseph C. LaVerghetta

Rec'd 1/5/78
9:05 am

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for Kennels : CIRCUIT COURT
NE corner of Joppa Road :
and Lilac Lane :
11th District :
FOR
Henry W. Koch, et ux : BALTIMORE COUNTY
Petitioners :
AT LAW
File No. 76-214-X : Misc. Docket No. 10
Clarence J. Burice and : Folio No. 369
Robert Hageman :
Protestants - Appellants : File No. 6197

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Esquire, Herbert A. Davis, Esquire, William T. Hackett, Esquire, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 76-214-X

- Feb. 24, 1976 Petition of Henry W. Koch, et ux for special exception for kennels, on property located on the northeast corner of Joppa Road and Lilac Lane, 11th District - filed
- Mar. 25 Certificate of Publication in newspaper - filed
- " 25 " " Posting of property - filed
- " 29 Comments of Director of Planning for Baltimore County - filed
- Apr. 1 Comments of Baltimore County Zoning Advisory Committee - filed
- " 14 At 10:30 a.m. hearing held on petition by Deputy Zoning Commissioner - one held sub curie
- July 8 Deputy Zoning Commissioner granted special exception, subject to restrictions
- " 19 Order for Appeal filed by People's Counsel for Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204 494-2660
September 13, 1978

TO: Walter A. Reiter, Jr., Esquire
Herbert A. Davis, Esquire
William T. Hackett, Esquire
County Office Building
Towson, Maryland 21204
Joseph C. LaVerghetta, Esquire
Munsey Building
Baltimore, Maryland 21202
Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Non-Jury Law - Misc. 6197 Balto. Co. Board of Appeals VS Koch
Burice, et al 76-214-X

HEARING DATE: Tuesday, October 17, 1978 at 9:30 A.M.

on the following: "MERITS" (1 1/2 Hours)

[Signature]
Caroleen M. Ensor
Civil Assignment Commissioner

POSTPONEMENTS: If the above date is NOT agreeable to any counsel, please contact this office for another date. If the postponement is granted, IT WILL BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF THE CONFIRMING NOTICE BEING SENT TO THIS OFFICE.

SETTLEMENTS: If a settlement is reached prior to the hearing date this office must be notified IMMEDIATELY.

(Call Mrs. Maree Oravetz, Director, Assignment Office, for postponements/settlements.)

Henry W. Koch, et ux - File No. 76-214-X (6197)

Dec. 9, 1976 Hearing on appeal before County Board of Appeals
Mar. 3, 1977 Order of County Board of Appeals granting Special Exception, subject to restrictions
" 30 Amended Opinion and Order of County Board of Appeals, adding additional restriction
Apr. 1 Order for Appeal filed in the Circuit Court for Baltimore County by Messrs. Moore, Hession, Ryan, & Ryan, attorneys for Protestants-Appellants
" 4 Certificate of Notice sent to all interested parties
" 7 Petition to accompany Order for Appeal to Circuit Court filed
" 28 Transcript of testimony filed -

Petitioner's Exhibit A - Plat of subject property, dated 12/11/75

- " B - Photo of subject property
- " C - " " " "
- " D - General survey of proposed structures
- " E - General picture of side of building
- " F - General picture of front of building
- " G - Book by Long Environmental Systems on kennel construction
- " H - Letter, 10/5/76, from Dr. E.A. Coe, D.V.M.
- " I - Letter, handwritten, from Mrs. Joan Reiter Friday
- " J - Photograph of pond and area of proposed kennel
- " K - Photograph of dog - 12 weeks old
- " L - " " of neighborhood business, boat co.
- " M - " " " " "
- " N - " " " " "
- " O - " " " " "
- " P - " " " " "
- " Q - " " " " mail boxes

Baltimore County Exhibit 1A thru G - Series of photographs of subject site

April 29, 1977 Record of proceedings filed in the Circuit Court for Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204 494-2660
September 20, 1978

TO: Walter A. Reiter, Jr., Esquire
Herbert A. Davis, Esquire
William T. Hackett, Esquire
County Office Building
Towson, Maryland 21204
Joseph C. LaVerghetta, Esquire
607 Bosley Avenue
Towson, Maryland 21204
Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Non-Jury Law - Misc. 6197 Balto. Co. Board of Appeals VS
Burice, et al Koch

HEARING DATE: Monday, October 30, 1978 at 9:30 A.M.

on the following: "MERITS" (1 1/2 Hours)

[Signature]
Caroleen M. Ensor
Civil Assignment Commissioner

POSTPONEMENTS: If the above date is NOT agreeable to any counsel, please contact this office for another date. If the postponement is granted, IT WILL BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF THE CONFIRMING NOTICE BEING SENT TO THIS OFFICE.

SETTLEMENTS: If a settlement is reached prior to the hearing date this office must be notified IMMEDIATELY.

(Call Mrs. Maree Oravetz, Director, Assignment Office, for postponements/settlements.)

Rec'd 9-22-78
11:30 AM

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE
NE/corner of Joppa Road and Lilac Lane- : DEPUTY ZONING
11th Election District : COMMISSIONER
Henry W. Koch, et ux - Petitioners :
NO. 76-214-X (Item No. 174) :
: OF
: BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner via a Petition for a Special Exception for kennels. The subject property is located at the northeast corner of Joppa Road and Lilac Lane, in a D.R. 5.5 Zone, and comprises 8.5 acres, more or less.

Testimony for the Petitioners indicated that they propose construction of a masonry building and fully enclosed chain link runs to accommodate an aggregate of twenty-four (24) dogs, owned by the Petitioners or boarded. The Petitioners also testified that the proposed kennel area is almost fully encompassed by existing pine trees and that they propose to plant additional trees to affect total screening of the structure from neighboring houses.

Zoning Plans Advisory Committee comments from the Department of Traffic Engineering did not visualize additional traffic problems as a result of the granting of the Special Exception. Comments submitted by the Health Department stated, "water, well, and septic systems are functioning properly" in the subject area. The Director of Planning, in written comment, indicated that he is not opposed to the requested Special Exception.

In protest, nearby property owners testified to anxiety about noise, possible adverse effects upon their property values, and possible damage to their dry wells and septic systems, all resulting from the proposed kennels. Further testimony by the Protestants indicated apprehension about any increase in traffic on Lilac Lane, the fear of later expansion of the kennels, and possible health hazards to the neighborhood.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations have been met and the proposed use, with certain restrictions, should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 8th day of July, 1976, that the Special Exception herein described should be and the same is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The site plans must be revised to show access to the property via Joppa Road only.
2. Grooming of dogs, other than those owned by the Petitioners, housed on the property is not permitted.
3. A maximum of twenty (20) dogs, including those owned by the Petitioners, is allowed on the property at one time.
4. Dense evergreen screening, four (4) foot high on six (6) foot center, must be installed and maintained on all sides of the kennels and runs.
5. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE July 8, 1976
BY *[Signature]*
MAY 11 1981

Henry W. Koch, et ux - File No. 76-214-X (6197)

Record of proceedings pursuant to which said Order was entered and said Order noted are permanent records of the Zoning Department of Baltimore County as are also the use district maps and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations together with the zoning use district maps at the hearing on this petition or whenever directed to do so by this Court.

Respectfully submitted

John T. Shankert, Administrative Secretary
County Board of Appeals of Baltimore County

cc: Joseph C. LaVerghetta, Esq.
John W. Hamilton, III, Esq.
Robert J. Ryan, Esq.

CLARENCE J. EURICE, &
ROBERT HACKMAN
Appellants
vs.
HENRY W. KOCH, ET AL
Appellee
#76-214-X
16358/6197

ANSWER TO PETITION TO
ACCOMPANY ORDER TO APPEAL

Now comes the Appellees/Petitioners, by Joseph C. LaVerghetta, Esq. their attorney and in answer to the Petition, Accompany order for Appeal state:

1. That they admit paragraph No. 1 of the Petition
2. That they deny paragraph No. 2, subsection a through f, inclusive, of the Petition.
3. That the County Board of Appeals of Baltimore County had an opportunity to hear over three (3) hours of testimony and to receive many exhibits from both the appellants and appellees and that after carefully reviewing all testimony and exhibits warranted that they had ample evidence before them to uphold the Zoning Commissioner's decision and grant the Special Exception as requested by Appellee/Petitioner below.

Wherefore, The Appellees pray this Honorable Court by its order,

- (a) To dismiss with prejudice the appeal of the appellants and to assist all costs of these proceedings against appellants.
- (b) And to issue an order affirming the Decision of the County Board of Appeals of Baltimore County granting the Special Exception.

Joseph C. LaVerghetta

I HEREBY CERTIFY that on this day of July, 1976, a copy of the foregoing Answer to Petition to Accompany Order for Appeal was mailed by regular mail to the County Board of Appeals, Court House, Towson, Maryland 21204, E. Scott Moore & Robert J. Ryan, 406 Jefferson Building, Towson, Maryland 21204, John W. Hamilton III Esq., People's Counsel, County Office Building, Towson, Maryland 21204.

Joseph C. LaVerghetta

Rec'd 1/5/78
9:45 am

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
NE/corner of Joppa Road and Lilac Lane : CIRCUIT COURT
11th District : FOR
Henry W. Koch, et ux : BALTIMORE COUNTY
Petitioners : AT LAW
File No. 76-214-X :
Charles J. Euler and :
Robert Hackman : Petitioners - Appellants :
File No. :
File No. :
File No. :

CERTIFIED COPIES OF PROCEEDINGS BEFORE
THE ZONING COMMISSIONER AND BOARD
OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Walter A. Reiter, Jr., Esquire, Robert A. Davis, Esquire and William T. Hackett, Esquire, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM BOOKS OF ZONING COMMISSIONER
OF BALTIMORE COUNTY

No. 76-214-X

- Feb. 24, 1976 Petition of Henry W. Koch, et ux for special exception for kennels, on property located on the northeast corner of Joppa Road and Lilac Lane, 11th District - Filed
- Mar. 25 Certificate of Publication in newspaper - Filed
- Mar. 25 Posting of property - Filed
- Mar. 29 Comments of Director of Planning for Baltimore County - Filed
- Apr. 1 Comments of Baltimore County Zoning Advisory Committee - Filed
- Apr. 14 At 10:00 a.m. hearing held on petition by Deputy Zoning Commissioner - one held sub curia
- July 6 Deputy Zoning Commissioner granted special exception, subject to restrictions
- July 19 Order for Appeal filed by People's Counsel for Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204 494-2660
September 13, 1978

TO: Walter A. Reiter, Jr., Esquire
Herbert A. Davis, Esquire
William T. Hackett, Esquire
County Office Building
Towson, Maryland 21204
Joseph C. LaVerghetta, Esquire
Munsey Building
Baltimore, Maryland 21202
Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Non-Jury Law - Misc. 6197 Balto. Co. Board of Appeals VS Koch
Eurice, et al 76-214-X

HEARING DATE: Tuesday, October 17, 1978 at 9:30 A.M.

on the following: "MERITS" (1 1/2 Hours)

[Signature]
Carolene M. Enser
Civil Assignment Commissioner

POSTPONEMENTS: If the above date is NOT agreeable to any counsel, please contact this office for another date. If the postponement is granted, IT WILL BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF THE CONFIRMING NOTICE BEING SENT TO THIS OFFICE.

SETTLEMENTS: If a settlement is reached prior to the hearing date this office must be notified IMMEDIATELY.

(Call Mrs. Marce Gravetz, Director, Assignment Office, for postponements/settlements.)

Rec'd 9-14-78
2 P.M.

Henry W. Koch, et ux - File No. 76-214-X (6197)

- Dec. 9, 1976 Hearing on appeal before County Board of Appeals
- Mar. 2, 1977 Order of County Board of Appeals granting Special Exception, subject to restrictions
- Mar. 29 Amended Opinion and Order of County Board of Appeals, adding additional restrictions
- Apr. 1 Order for Appeal filed in the Circuit Court for Baltimore County by Mann, Moore, Haganan, Conroy & Ryan, attorneys for Petitioners-Appellants
- Apr. 4 Certificate of Notice sent to all interested parties
- Apr. 7 Petition to accompany Order for Appeal to Circuit Court filed
- Apr. 25 Transcript of testimony filed

Petitioner's Exhibit A - Plot of subject property, dated 12/11/76

- B - Photo of subject property
- C - " " " " " "
- D - General sketch of proposed structures
- E - General picture of side of building
- F - General picture of front of building
- G - Book by Long Environmental Systems on kennel construction
- H - Letter, 10/9/76, from Dr. E.A. Cook, D.V.M.
- I - Letter, handwritten, from Mrs. Joan Rankler Piddly
- J - Photograph of pond and area of proposed kennel
- K - Photograph of dog - 12 weeks old
- L - " " " " " "
- M - " " " " " "
- N - " " " " " "
- O - " " " " " "
- P - " " " " " "
- Q - " " " " " "

Baltimore County Exhibit 1A thru G - Series of photographs of subject site

April 29, 1977 Record of proceedings filed in the Circuit Court for Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY
ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204 494-2660
September 20, 1978

TO: Walter A. Reiter, Jr., Esquire
Herbert A. Davis, Esquire
William T. Hackett, Esquire
County Office Building
Towson, Maryland 21204
Joseph C. LaVerghetta, Esquire
607 Bosley Avenue
Towson, Maryland 21204
Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Non-Jury Law - Misc. 6197 Balto. Co. Board of Appeals VS
Eurice, et al Koch

HEARING DATE: Monday, October 30, 1978 at 9:30 A.M.

on the following: "MERITS" (1 1/2 Hours)

[Signature]
Carolene M. Enser
Civil Assignment Commissioner

POSTPONEMENTS: If the above date is NOT agreeable to any counsel, please contact this office for another date. If the postponement is granted, IT WILL BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF THE CONFIRMING NOTICE BEING SENT TO THIS OFFICE.

SETTLEMENTS: If a settlement is reached prior to the hearing date this office must be notified IMMEDIATELY.

(Call Mrs. Marce Gravetz, Director, Assignment Office, for postponements/settlements.)

Rec'd 9-22-78
11:30 AM

AGREEMENT

It is this day of _____, 1978, by and between
HENRY W. KOCH and EDITH MAE KOCH, husband and wife, of Baltimore County,
State of Maryland, Parties of the first part, and CLARENCE J. BURICE

all of Baltimore County, State of Maryland, Parties of the Second part, and
the Baltimore County Board of Appeal of Baltimore County, State of Maryland,
Party of the third part,

WHEREAS, the parties of the first part were Petitioners before the
Zoning Commission of Baltimore County in which Petition a Special Exception
was sought for their property zoned DMS.5 to be granted permission to erect
a dog kennel. The Deputy Zoning Commissioner granted their request. From
this the parties of the second part, as protestants before the Zoning Commission
filed an appeal to the County Board of Appeals, (case no. 76-214x) from which
an Order was passed granting the Special Exception to the parties of the first
part, subject to eight (8) enumerated restrictions. This order was dated
3rd day of March, 1977, and a timely appeal by the parties of the second part
was taken to the Circuit Court for Baltimore County (case no. Misc. 6197).

WHEREAS, all parties seek to resolve their differences over this
dispute, the parties of the second part have agreed to accept the party of
the third part's Order of March 3, 1977, provided the parties of the first
part assent to an Agreement which Agreement will be recorded among the Land
Records of Baltimore County as covenants and restrictions running with the
land binding and governing the use of this Special Exception for the parties
of the first part, their heirs, assigns or personal representatives.

THEREFORE, in accordance with this Agreement, the herein after described
property located in the Eleventh Election District of Baltimore County,
State of Maryland, as more fully described in a Deed dated August 25, 1975, and
recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No.
5590, Folio 166, was granted and conveyed to the herein parties of the first

part, by John S. Caldwell, Jr. and Florence M. Caldwell, husband and wife.

The improvements thereon being known as 11204 Lilac Lane. (contain-
ing approximately 8.25 acres, more or less).

Subject now to the following restrictions which shall bind the use
of this Special Exception and run with the land:

1. Entrance of the property must be from Joppa Road only, as shown on the plat.
2. A maximum of twenty (20) dogs, including those owned by the Petitioners, shall be allowed on the property at one time.
3. Dense evergreen screening, at least four (4) feet in height and six (6) feet on centers, must be installed and maintained on all sides of the kennels and runs.
4. All kennel runs must be separated by solid masonry walls as proposed by Petitioner.
5. An eight (8) foot high chain-link type fence, with an eight (8) foot high gate, must be erected and completely surround the entire kennel area and runs.
6. All Department of Health requirements, as stated in the letter, dated April 23, 1976, from Mr. Thomas H. Devlin to Mr. Eric DiNenna, must be strictly adhered to.
7. It shall be mandatory that the property owner make every effort through screening, closing structures housing dogs and general maintenance and condition of the facility so as to minimize any and all noise that might emanate from this property as a result of the utilization of this special exception.
8. Prior to the utilization of this special exception, the property owner shall draft, execute and present for execution by this Board, an agreement stipulating the conditions, restrictions, and regulations governing this special exception. Upon complete execution, said agreement, shall, at this property owner's expense, be recorded among the Land Records of Baltimore County. Henceforth, said agreement shall govern the exercise of this special exception as granted, conditioned and restricted as to this subject property by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer of the subject property.

NOW THEREFORE, in accordance with the terms of this Agreement, we have
this day before mentioned, placed our hands and seals.

WITNESSES:

(SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this day of _____, 1978,
before me, the subscriber, a Notary Public of the State aforesaid, personally
appeared HENRY W. KOCH, EDITH MAE KOCH, his wife, CLARENCE J. BURICE

known to me (or satisfactorily proven) to be the person(s) whose name(s)
is/are subscribed to the within instrument, and acknowledge that they have
executed the same for the purposes therein contained, and in my presence signed
and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

NOTARY PUBLIC

MISCELLANEOUS DOCKET

April 4, 1977
(1) Order for Appeal from decision of County Board of Appeals of Baltimore County, State of Maryland, in case no. 76-214x, filed by HENRY W. KOCH and EDITH MAE KOCH, husband and wife, Appellants, vs. CLARENCE J. BURICE, Appellee.
(2) April 4, 1977 - Certificate of Notice to Appellants.
(3) April 4, 1977 - Certificate of Notice to Appellants.
(4) April 29, 1977 - Answer and Transcript of Proceedings from County Board of Appeals of Baltimore County, State of Maryland, in case no. 76-214x, filed by HENRY W. KOCH and EDITH MAE KOCH, husband and wife, Appellants, vs. CLARENCE J. BURICE, Appellee.
(5) Jan. 5, 1978 - App. of Jos. C. LaVerghetta for Appellee (Koch, et al) Same day Answer to Petition for Appeal.
(6) April 17, 1978 - Order to strike App. of E. Scott Moore and Robert J. Ryan for Appellants and enter App. Robert J. Rosalia for Appellants.

6197
Joseph C. LaVerghetta
CLARENCE J. BURICE
ROBERT J. ROSALIA
Appellants

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

Petition for Special Exception for...
Kennels NE Corner of Joppa Road and
Lilac Lane 11th District
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Henry W. Koch, et ux, Petitioners
vs.
CLARENCE J. BURICE
ROBERT J. ROSALIA, Appellants

Docket No. Misc. 10. Folio No. 166
Case No. 6197
LAW - EQUITY

NOTIFICATION TO PARTIES OF CONTEMPLATED DISMISSAL

No proceedings of record in the above-styled action having been taken within a period of
thirty (30) days, Counsel of record on the parties herein are hereby notified, as provided
by Maryland Rule 230, that this proceeding will be "DISMISSED FOR WANT OF PROSECUTION
WITHOUT PREJUDICE", thirty (30) days after service of this notice, (computed according to Sec-
tion C 3 of Rule 230), unless prior to that time a motion for the suspension of the operation of this
rule is filed pursuant to section C of Maryland Rule 230. The motion must show "good cause" for
the delay. Costs thereafter shall be assessed against the plaintiff.

Copy of notice mailed to:
Joseph C. LaVerghetta, Esq.
S-400 421 North Charles St.
Baltimore, Maryland 21201

Direct all inquiries to:
Mrs. McClain
404-2621

County Board of Appeals
County Office Bldg.
Towson, Maryland 21204
Robert J. Rosalia, Esq.
400 Eastern Blvd.
Baltimore, Maryland 21221

by regular mail, postage prepaid, this 2nd day of June 1980

RECEIVED
BALTIMORE COUNTY
ASSIGNMENT
Aug 1 10 04 AM '80
COUNTY BOARD
OF APPEALS
BY: _____

DEWATERS
Joseph C. LaVerghetta
CLARENCE J. BURICE
ROBERT J. ROSALIA
Appellants

6197

PETITION FOR SPECIAL
EXCEPTIONS FOR KENNELS
N. E. CORNER OF JOPPA ROAD
AND LILAC LANE
11th District
HENRY W. KOCH, et ux
Petitioners

E

April 1, 1977
(1) Order for Appeal from decision of County Board of Appeals of Baltimore County, State of Maryland, in case no. 76-214x, filed by HENRY W. KOCH and EDITH MAE KOCH, husband and wife, Appellants, vs. CLARENCE J. BURICE, Appellee.
(2) April 4, 1977 - Certificate of Notice to Appellants.
(3) April 4, 1977 - Certificate of Notice to Appellants.
(4) April 29, 1977 - Answer and Transcript of Proceedings from County Board of Appeals of Baltimore County, State of Maryland, in case no. 76-214x, filed by HENRY W. KOCH and EDITH MAE KOCH, husband and wife, Appellants, vs. CLARENCE J. BURICE, Appellee.
(5) Jan. 5, 1978 - App. of Jos. C. LaVerghetta for Appellee (Koch, et al) Same day Answer to Petition for Appeal.
(6) April 17, 1978 - Order to strike App. of E. Scott Moore and Robert J. Ryan for Appellants and enter App. Robert J. Rosalia for Appellants.

JUN 2 8 50
THOMAS H. DEVLIN
NOTARY PUBLIC
BALTIMORE COUNTY

I HEREBY CERTIFY that the foregoing is a true copy
taken from the MISCELLANEOUS DOCKET of the Circuit Court
for Baltimore County, Case No. 10 Folio 166
Signed and sealed attested this 2nd day of June 1980

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Kennels : COUNTY BOARD OF APPEALS
NE corner of Joppa Road :
and Lilac Lane : OF
11th District : BALTIMORE COUNTY
Henry W. Koch, et ux :
Petitioners : No. 76-214-X

OPINION

This case comes before the Board on an appeal by the Deputy People's
Counsel from a decision of the Deputy Zoning Commissioner, dated July 8, 1976, granting
a special exception for the erection and maintenance of a dog kennel. The subject prop-
erty is located on the northeast corner of Joppa Road and Lilac Lane in the Eleventh Election
District of Baltimore County, contains approximately 8.25 acres, and is zoned D.R. 5.5.

Mr. Henry Koch, the property owner since 1975, first took the stand. He
stated that the property was purchased with the understanding that it could be utilized for
dog kennels. He described the property in general, and the proposed kennels to be
erected in great detail. He noted that the contractor's price to erect these kennels at
this time is \$32,000. He stated that in addition to their own dogs they will board dogs if
space is available. He is asking for space for twenty dogs and states that there will be
no hired help, that he will take care of all the work himself. In addition to the kennels,
he proposes to erect an eight foot chain-link fence completely surrounding the kennels as an
added safety factor against the escape of any dogs.

Mrs. Edith Koch then took the witness stand and stated that she will actually
operate the kennels. She stated that she has raised and shown Doberman Pinschers for
eighteen years. She stated that she only raises "show type" dogs, and that these Dober-
mans must be gentle. She noted that she now has a dog grooming salon with Dr. Cocks,
a veterinarian, on Pulaski Highway. She stated that these kennels will be built to
minimize noise, and noted that all individual runs are to be separated with solid masonry
walls to reduce barking. In answer to questions as to the recovery of the cost of these
kennels, she stated that she will keep a show dog at stud, breed and sell puppies, board other
people's show dogs, and train some animals.

Testimony was also received from the surveyor who prepared the property plat,

Henry W. Koch - #76-214-X

and who verified its accuracy.

Testimony was also received from the contractor who quoted on the erection
of the proposed kennels. He stated that these kennels could be erected in sixty days,
would be fully insulated, and verified the accuracy of the proposed sketches and building
plans.

This concluded the Petitioner's case.

A number of neighbors then took the stand individually to protest the grant-
ing of this special exception. All of these neighbors evidenced relatively the same fears
regarding this matter; to wit:

- a. A dog kennel in this area would reduce all nearby property values.
- b. Doberman type dogs are much feared.
- c. The dogs bark and are a nuisance. They can be heard day or night, winter or summer.
- d. All expressed fear that these dogs could escape confinement, and be a serious problem to the neighborhood.

The Board must now evaluate all the testimony presented in this case. If
all legal requirements are met, this is an allowed use by special exception. Clearly all
the requirements of Section 421.1 of the Baltimore County Zoning Regulations have been
met. It is the opinion of this Board that all requirements of Section 502.1 also have been
met, therefore, the special exception should be granted. However, Section 502.2 of the
Baltimore County Zoning Regulations states:

"In granting any Special Exception, the Zoning Commissioner or
the Board of Zoning Appeals, upon appeal, shall impose such
conditions, restrictions, or regulations as may be deemed neces-
sary or advisable for the protection of surrounding and neighbor-
ing properties."

Since the Board feels that the use of a property for a dog kennel, no matter how legal, is
not the most desirable use, full advantage of Section 502.2 should be exercised for the
protection of the surrounding and neighboring properties.

ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms the Order of the Deputy Zoning Commissioner, dated July 8, 1976, and it is this 3rd day of March, 1977, by the County Board of Appeals ORDERED that the special exception petitioned for be and the same is hereby GRANTED, subject to the following restrictions:

1. Entrance to the property must be from Joppa Road only, as shown on the plat.
2. A maximum of twenty (20) dogs, including those owned by the Petitioners, shall be allowed on the property at one time.
3. Dense evergreen screening, at least four (4) feet in height and six (6) feet on centers, must be installed and maintained on all sides of the kennels and runs.
4. All kennel runs must be separated by solid masonry walls as proposed by Petitioner.
5. An eight (8) foot high chain-link type fence, with an eight (8) foot high gate, must be erected and completely surround the entire kennel area and runs.
6. All Department of Health requirements, as stated in the letter, dated April 23, 1976, from Mr. Thomas H. Devlin to Mr. Eric DiNanno, must be strictly adhered to.
7. It shall be mandatory that the property owner make every effort through screening, closing of structures housing dogs and general maintenance and conduction of the facility so as to minimize any and all noise that might emanate from this property as a result of the utilization of this special exception.
8. Prior to the utilization of this special exception, the property owner shall draft, execute and present for execution by this Board, an agreement stipulating the conditions, restrictions, and regulations governing this special exception. Upon complete execution, said agreement shall, at this property owner's expense, be recorded among the land records of Baltimore County. Henceforth, said agreement shall govern the exercise of this special exception as granted, conditioned and restricted as to this subject property by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer of the subject property.

MICROFILMED

Henry W. Koch, et ux #76-214-X

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Joseph C. Laverghetta, Esq., 607 Bosley Avenue, Towson, Maryland, 21204, attorney for Petitioners; Mr. and Mrs. Henry Koch, 11204 Lilac Lane, Perry Hall, Maryland, 21128, Petitioners; Robert J. Ryan, Esq., Messrs. Moore, Hennegan, Carney & Ryan, 406 Jefferson Building, Towson, Maryland, 21204, attorneys for Protestants-Appellants; Mr. Clarence J. Eurice, 11205 Lilac Lane, Perry Hall, Maryland, 21128, Protestant-Appellant; Mr. Robert E. Hackman, 11221 Lilac Lane, Perry Hall, Maryland, 21128, Protestant-Appellant; and John W. Hession, III, Esq., People's Counsel, County Office Building, Towson, Maryland, 21204, attorney for Baltimore County, on this 4th day of April, 1977.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals of Baltimore County

MICROFILMED

Henry W. Koch - #76-214-X

4.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

William T. Hackett
William T. Hackett

Herbert A. Davis
Herbert A. Davis

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE corner of Joppa Road and Lilac Lane
11th Election District : OF BALTIMORE COUNTY
HENRY W. KOCH, et ux, Petitioners : Case No. 76-214-X

ORDER FOR APPEAL

Mr. Commissioner:

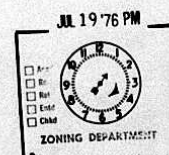
Please note on Appeal from the decision of the Deputy Zoning Commissioner in the above-entitled matter under date of July 8, 1976, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

John W. Hession, III
John W. Hession, III
People's Counsel

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

I HEREBY CERTIFY that on this 19th day of July, 1976, a copy of the foregoing Order was mailed to Joseph C. Laverghetta, Esquire, 607 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioners.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.



MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Kennels : COUNTY BOARD OF APPEALS
NE corner of Joppa Road :
and Lilac Lane : OF
11th District :
Henry W. Koch, et ux : BALTIMORE COUNTY
Petitioners : No. 76-214-X

AMENDED OPINION AND ORDER

WHEREAS, it has been called to the attention of the Board that a restriction intended to be imposed upon the granting of the special exception in this case was inadvertently omitted, the Board, this date, hereby amends and supplements its original Order nunc pro tunc so as to add the restriction set out in the Order below.

ORDER

For the reasons set out above, the Board, this 30th day of March, 1977, hereby amends and supplements nunc pro tunc its Order, dated March 3, 1977, so that the therein granted special exception is hereby made subject to the following additional restriction:

Grooming of dogs, other than those owned by the Petitioners, housed on the property is not permitted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

William T. Hackett
William T. Hackett

Herbert A. Davis
Herbert A. Davis

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
NE corner of Joppa Road and Lilac Lane, :
11th District : OF BALTIMORE COUNTY
HENRY W. & EDITH M. KOCH, :
Petitioners : Case No. 76-214-X

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

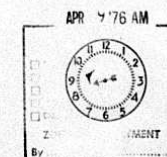
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in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

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

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

I HEREBY CERTIFY that on this 8th day of April, 1976, a copy of the foregoing Order was mailed to Joseph C. Laverghetta, Esquire, 607 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioners.

John W. Hession, III
John W. Hession, III



MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : IN THE
for Kennels : CIRCUIT COURT
NE corner of Joppa Road :
and Lilac Lane : FOR
11th District : BALTIMORE COUNTY
Henry W. Koch, et ux :
Petitioners : AT LAW
File No. 76-214-X : Misc. Docket No. 10
Clarence J. Eurice and : Folio No. 350
Robert Hackman : File No. 6197
Protestants - Appellants :

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, Walter A. Reiter, Jr., Herbert A. Davis and William T. Hackett, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Joseph C. Laverghetta, Esq., 607 Bosley Avenue, Towson, Maryland, 21204, attorney for Petitioners; Mr. and Mrs. Henry Koch, 11204 Lilac Lane, Perry Hall, Maryland, 21128, Petitioners; Robert J. Ryan, Esq., Messrs. Moore, Hennegan, Carney & Ryan, 406 Jefferson Building, Towson, Maryland, 21204, attorneys for the Protestants-Appellants; Mr. Clarence J. Eurice, 11205 Lilac Lane, Perry Hall, Maryland, 21128, Protestant-Appellant; Mr. Robert E. Hackman, 11221 Lilac Lane, Perry Hall, Maryland, 21128, Protestant-Appellant; and John W. Hession, III, Esq., People's Counsel for Baltimore County, County Office Building, Towson, Maryland, 21204, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buddemeier
Muriel E. Buddemeier
County Board of Appeals
Rm. 219 Court House
Towson, Maryland 21204
Tel. - 494-3180

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Kennels : COUNTY BOARD OF APPEALS
NE corner of Joppa Road :
and Lilac Lane : OF
11th District : BALTIMORE COUNTY
Henry W. Koch, et ux :
Petitioners : No. 76-214-X

AMENDED OPINION AND ORDER

WHEREAS, it has been called to the attention of the Board that a restriction intended to be imposed upon the granting of the special exception in this case was inadvertently omitted, the Board, this date, hereby amends and supplements its original Order nunc pro tunc so as to add the restriction set out in the Order below.

ORDER

For the reasons set out above, the Board, this 30th day of March, 1977, hereby amends and supplements nunc pro tunc its Order, dated March 3, 1977, so that the therein granted special exception is hereby made subject to the following additional restriction:

Grooming of dogs, other than those owned by the Petitioners, housed on the property is not permitted.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Chairman

William T. Hackett
William T. Hackett

Herbert A. Davis
Herbert A. Davis

MICROFILMED

PETITION FOR SPECIAL
EXCEPTION FOR KENNELS
N.E. CORNER OF JOPPA ROAD
AND LILAC LANE
11TH DISTRICT
HENRY W. KOCH, et ux
PETITIONERS

PETITION TO ACCOMPANY
ORDER FOR APPEAL

The Petition of Clarence J. Murice and Robert Hackman,
Appellants, by Moore, Hennigan, Carney & Ryan, their attorneys,
respectfully represents unto your Honor as follows:

1. That they are the owners of the properties which are contiguous to the property which is the subject of this appeal.
2. The action of the County Board of Appeals of Baltimore County in granting the requested special exception for use of the above properties for a dog kennel by its Order of March 3, 1977 was erroneous for the following reasons:
 - a. The action of the County Board of Appeals of Baltimore County was unreasonable, arbitrary and unlawful in that it was contrary to the evidence and the weight of the evidence.
 - b. The County Board of Appeals of Baltimore County misconstrued and misinterpreted the evidence before it.
 - c. The decision of the County Board of Appeals of Baltimore County was not supported by any substantial evidence in the record.
 - d. The County Board of Appeals of Baltimore County erroneously interpreted the law and zoning regulations of Baltimore County.
 - e. The uncontradicted evidence showed that the property was not suited for use for dog kennels, and such use will

be detrimental to the health, safety, or general welfare of the locality in which the property is located.
f. The petitioners did not meet the burden of establishing that the special exception is warranted pursuant to the Zoning Regulations of Baltimore County.
WHEREFORE, the Appellants pray that this Honorable Court, by its Order:

a. Reverse the action of the County Board of Appeals of Baltimore County, and deny the special exception.

MOORE, HENNIGAN, CARNEY & RYAN

E. SCOTT MOORE

ROBERT J. RYAN
406 Jefferson Building
Towson, Maryland 21204
828-7100

I HEREBY CERTIFY on this 7 day of April, 1977,
a copy of the foregoing Petition to Accompany Order of Appeal was mailed by regular mail to the County Board of Appeals, Court House, Towson, Maryland 21204, Joseph C. Laverghetta, Esquire, 607 Bosley Avenue, Towson, Maryland 21204 and John W. Hessian, III, Esquire, Peoples Council, County Office Building, Towson, Maryland 21204.

ROBERT J. RYAN

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE
for Kennels : COUNTY BOARD OF APPEALS
NE corner of Joppa Road :
and Lilac Lane : OF
11th District :
Henry W. Koch, et ux : BALTIMORE COUNTY
Petitioners : No. 76-214-X

OPINION

This case comes before the Board on an appeal by the Deputy People's Counsel from a decision of the Deputy Zoning Commissioner, dated July 8, 1976, granting a special exception for the erection and maintenance of a dog kennel. The subject property is located on the northeast corner of Joppa Road and Lilac Lane in the Eleventh Election District of Baltimore County, contains approximately 8.25 acres, and is zoned D.R. 5.5.

Mr. Henry Koch, the property owner since 1975, first took the stand. He stated that the property was purchased with the understanding that it could be utilized for dog kennels. He described the property in general, and the proposed kennels to be erected in great detail. He noted that the contractor's price to erect these kennels at this time is \$32,000. He stated that in addition to their own dogs they will board dogs if space is available. He is asking for space for twenty dogs and states that there will be no hired help, that he will take care of all the work himself. In addition to the kennels, he proposes to erect an eight foot chain-link fence completely surrounding the kennels as an added safety factor against the escape of any dogs.

Mrs. Edith Koch then took the witness stand and stated that she will actually operate the kennels. She stated that she has raised and shown Doberman Pinschers for eighteen years. She stated that she only raises "show type" dogs, and that these Dobermans must be gentle. She noted that she now has a dog grooming salon with Dr. Cocks, a veterinarian, on Pulaski Highway. She stated that these kennels will be built to minimize noise, and noted that all individual runs are to be separated with solid masonry walls to reduce barking. In answer to questions as to the recovery of the cost of these kennels, she stated that she will keep a show dog at stud, breed and sell puppies, board other people's show dogs, and train some animals.

Testimony was also received from the surveyor who prepared the property plat,

Henry W. Koch - #76-214-X

and who verified its accuracy.
Testimony was also received from the contractor who quoted on the erection of the proposed kennels. He stated that these kennels could be erected in sixty days, would be fully insulated, and verified the accuracy of the proposed sketches and building plans.

This concluded the Petitioner's case.
A number of neighbors then took the stand individually to protest the granting of this special exception. All of these neighbors evidenced relatively the same fears regarding this matter; to wit:

- a. A dog kennel in this area would reduce all nearby property values.
- b. Doberman type dogs are much feared.
- c. The dogs bark and are a nuisance. They can be heard day or night, winter or summer.
- d. All expressed fear that these dogs could escape confinement, and be a serious problem to the neighborhood.

The Board must now evaluate all the testimony presented in this case. If all legal requirements are met, this is an allowed use by special exception. Clearly all the requirements of Section 421.1 of the Baltimore County Zoning Regulations have been met. It is the opinion of this Board that all requirements of Section 502.1 also have been met, therefore, the special exception should be granted. However, Section 502.2 of the Baltimore County Zoning Regulations states:

"In granting any Special Exception, the Zoning Commissioner or the Board of Zoning Appeals, upon appeal, shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of surrounding and neighboring properties."

Since the Board feels that the use of a property for a dog kennel, no matter how legal, is not the most desirable use, full advantage of Section 502.2 should be exercised for the protection of the surrounding and neighboring properties.

Henry W. Koch - #76-214-X

ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms the Order of the Deputy Zoning Commissioner, dated July 8, 1976, and it is this 3rd day of March, 1977, by the County Board of Appeals ORDERED that the special exception petitioned for be and the same is hereby GRANTED, subject to the following restrictions:

1. Entrance to the property must be from Joppa Road only, as shown on the plat.
2. A maximum of twenty (20) dogs, including those owned by the Petitioners, shall be allowed on the property at one time.
3. Dense evergreen screening, at least four (4) feet in height and six (6) feet on centers, must be installed and maintained on all sides of the kennels and runs.
4. All kennel runs must be separated by solid masonry walls as proposed by Petitioner.
5. An eight (8) foot high chain-link type fence, with an eight (8) foot high gate, must be erected and completely surround the entire kennel area and runs.
6. All Department of Health requirements, as stated in the letter, dated April 23, 1976, from Mr. Thomas H. Devlin to Mr. Eric DiNenna, must be strictly adhered to.
7. It shall be mandatory that the property owner make every effort through screening, closing of structures housing dogs and general maintenance and conduct of the facility so as to minimize any and all noise that might emanate from this property as a result of the utilization of this special exception.
8. Prior to the utilization of this special exception, the property owner shall draft, execute and present for execution by this Board, an agreement stipulating the conditions, restrictions, and regulations governing this special exception. Upon complete execution, said agreement shall, at this property owner's expense, be recorded among the land records of Baltimore County. Henceforth, said agreement shall govern the exercise of this special exception as granted, conditioned and restricted as to this subject property by any person, firm or corporation, regardless of subsequent sale, lease, assignment or other transfer of the subject property.

Henry W. Koch - #76-214-X

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hackett

Herbert A. Davis

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

June 7, 1976

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

Dear Mr. DiNenna:

Revised comments on Item #174, Zoning Advisory Committee Meeting, February 24, 1976, are as follows:

This office has reviewed the revised site plan which appears to be basically acceptable.

However, at the time of building permit application, the plan will have to be amended to show a 24 foot driveway at Joppa Road.

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning

baltimore county
department of public works
TOWSON, MARYLAND 21204

June 17, 1976

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

Re: Item #174 (1975-1976)
Property Owner: Henry W. & Edith M. Koch
N/W cor. Lilac Lane and Joppa Road
Existing Zoning: DR 5.5
Proposed Zoning: Special Exception for kennels
No. of Acres: 8.25 District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the revised plat (5-19-76) submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

A fillet area for sight distance at the Joppa Road-Lilac Avenue intersection will be required in connection with any building permit application.

The comments supplied April 1, 1976 remain applicable.

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Trenner
J. Somers

N-NE Key Sheet
36 & 37 NE 36 Pos. Sheets
NE 9 & 10 I Topo
72 Tax Map

March 28, 1977

John W. Hession, III, Esquire
People's Counsel
County Office Building
Towson, Md. 21204

Re: Case No. 76-214-X
Henry W. Koch, et ux

Dear Mr. Hession:

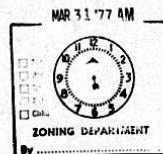
Enclosed herewith is a copy of the Amended Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Hession, Adm. Secretary

Encl.

cc: Joseph C. Laverghetta, Esquire
Mr. and Mrs. Henry Koch
Mr. Clarence J. Eurice
Mr. S. E. DiNenna
Mr. G. J. Martinak
Mr. M. E. Gisher
Mr. J. Hession



March 3, 1977

John W. Hession, III, Esquire
People's Counsel
County Office Building
Towson, Maryland 21204

Re: Case No. 76-214-X
Henry W. Koch, et ux

Dear Mr. Hession:

Enclosed is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Hession, Adm. Secretary

Encl.

cc: Joseph C. Laverghetta, Esquire
Mr. and Mrs. Henry Koch
Mr. Clarence J. Eurice
Mr. S. E. DiNenna
Mr. G. J. Martinak
Mr. M. E. Gisher
Mr. J. Hession



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3351
S. ERIC DINENNA
ZONING COMMISSIONER

July 30, 1976

Mrs. Marie Phillips
Supervisor
Animal Control
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 76-214-X

Dear Mrs. Phillips:

Please be advised that this office supports a request by Mrs. Edith Koch, 11204 Lilac Lane, Perry Hall, Maryland 21128, for the issuance of licenses for her eight (8) dogs pending the decision from the Baltimore County Board of Appeals on the above referenced case.

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

cc: Mrs. Edith Koch
11204 Lilac Lane
Perry Hall, Maryland 21128

Mr. S. Eric DiNenna
Zoning Commissioner

July 21, 1976

Joseph C. Laverghetta, Esquire
607 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
NE corner of Joppa Road and Lilac
Lane - 11th Election District
Henry W. Koch, et ux - Petitioners
NO. 76-214-X (Item No. 174)

Dear Mr. Laverghetta:

Please be advised that an appeal has been filed by John W. Hession, III, Esquire, People's Counsel, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the Baltimore County Board of Appeals.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/arl

cc: Mr. Clarence J. Eurice
11205 Lilac Lane
Perry Hall, Maryland 21128

LISTED BELOW ARE A FEW OF THE REASONS FOR NEIGHBORHOOD
OPPOSITION TO DEITHS DOGGIE DEN BEING LOCATED NEAR OUR
HOUSES.

ZONING HEARING APRIL 14 10:30 A.M.

LILAC LANE IS SINGLE LANE - TOO NARROW TO SUSTAIN BUSINESS
TRAFFIC.

SEPTIC TANKS AND DRY WELLS NONE FUNCTIONING PROPERLY IN
THIS HEAVY CLAY SOIL WITH ROCK UNDER IT.

THE PRESENCE OF HORSES PLUS A LARGE QUANTITY OF DOGS
WOULD ADD TO THE HEALTH HAZARD PREVALENT IN THIS NEIGH-
BORHOOD.

THE PEOPLE PROVED THEMSELVES IRRESPONSIBLE WHILE SELLING
OFF CHRISTMAS TREES THEY ALLOWED CUSTOMERS TO PARK INDE-
CRIMINATELY ALL OVER MY LAWN. REPEATED REQUESTS GET NO
RESULTS.

WITH THEIR OWN THREE (3) VEHICLES AND VISITORS THEY CON-
TINUALLY BLOCK THIS NARROW LANE NOW.

THE NEIGHBORHOOD IS RESIDENTIAL IN CHARACTER AND NO
CHANGES HAVE BEEN PLANNED BY THE COUNTY IN THEIR MOST
RECENT FIVE (5) YEAR PLAN.

THIS SECTION IS IN THE HEART OF THE FASTEST GROWING SECTOR
OF BALTIMORE COUNTY. IT IS ONLY 13 MILES FROM DOWNTOWN
BALTIMORE. WHY SHOULD THE COUNTY MAKE AN EXCEPTION IN THE
PRESENT ZONING STRUCTURE TO THE DETRIMENT OF 10 NEARBY RE-
SIDENTS FOR THE ADVANTAGE OF 1 RESIDENT?

DESTRUCTION OF PRESENT PROPERTY VALUES.

BALTIMORE COUNTY CODE 1958
OF PUBLIC LOCAL LAWS
SECTION 3-25

SEVEN (7) DOGS BARKING ALL DAY AND NIGHT

"BARKING AS TO CONSTITUTE AN ANNOYANCE TO PERSONS RESIDING
IN THE NEIGHBORHOOD"

We are unalterably opposed to Baltimore County permitting this public
nuisance to be set up in a residential neighborhood

* Mr. & Mrs. Clarence J. Eurice
11205 Lilac Lane
* H. Gordon Bachman
11220 W. Chase
* R. Bachman
11221 Lilac Lane
* William H. Bergending
5505 Sunnyside Lane
* Mr. & Mrs. Peter B. B. B.
5505 Sunnyside Lane
* George A. B. B.
5505 Sunnyside Lane
* P. B. B. B.
5505 Sunnyside Lane

Maryland Department of Transportation
State Highway Administration

Harry R. Hughes
Secretary
Bernard M. Evans
Administrator

May 4, 1976

Mr. Joseph C. Laverghetta
Law Offices of Henry W. Klemkowski
The Munsey Bldg.
Balto. Md. 21202

Re: Zoning Petition for
Special Exception
Kennels Edith and
Henry Koch Item
No. 174
Joppa Rd. at the
Kennedy Expressway

Dear Mr. Laverghetta,

In reviewing the subject plan and the S.H.A. right of way
plat, it was revealed that the right of way was acquired for
the purpose of relocating Joppa Road in order to construct a
satisfactory crossing of the Kennedy Expressway. Although the
S.H.A. acquired the right of way, Joppa Road is a county high-
way and the relocated section has reverted back to Baltimore
County. Considering the 700' distance from the expressway, the
State is not concerned about an entrance at this location, there-
fore any proposed point of access should be constructed with the
approval of, and permit from Baltimore County.

We trust that this information is sufficient for your
present needs.

Very truly yours,

Charles Lee, Chief
Bur. of Eng. Access Permits

by: John E. Meyers

CL-JEM/es

cc: Mr. George Martinak
Mr. C. Richard Moore
Mr. J.L. Wimbley

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

July 8, 1976

Joseph C. Laverghetta, Esquire
607 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
NE corner of Joppa Road and Lilac
Lane - 11th Election District
Henry W. Koch, et ux - Petitioners
NO. 76-214-X (Item No. 174)

Dear Mr. Laverghetta:

I have this date passed my Order in the above captioned matter in
accordance with the attached.

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mr. Clarence J. Eurice
11205 Lilac Lane
Baltimore, Maryland 21128

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

LAW OFFICES
HENRY W. KLEMKOWSKI, P.A.
THE MUNSEY BUILDING
BALTIMORE, MARYLAND 21202
(301) 752-5530

NORTH AVENUE OFFICE
24 HARBORLAND LANE
BALTIMORE, MARYLAND 21204
(301) 494-3351

April 22, 1976

Mr. John Meyers
State Highway Administration
Bureau of Engineering Access Permits
300 West Preston Street
Baltimore, Maryland 21201

RE: Baltimore County Zoning
In Re Petition for Special
Exception: Kennels -
Edith and Henry Koch
Item No. 174

Dear Mr. Meyers:

In accordance with our phone conversation, I am enclosing for your use a
plat of the proposed location. I would appreciate your returning it when finished
as it is my only copy.

As I indicated, a hearing has been held on April 14, 1976, before Mr. George
Martinak, Deputy Commissioner of Zoning. The protestants at the hearing voiced
their concern that approval of the kennels may increase the traffic load of Lilac
Lane. Baltimore County Traffic Engineering feels no problems will be caused.
However, the Koch's have decided to relocate the ingress-egress to the kennels
from Lilac Lane to Joppa Road. The red line indicates the approximate location
that the road will intersect from their property onto Joppa Road. As you can see,
their ingress-egress crosses a Maryland State Road right of way. Mr. Martinak
has requested that you be contacted as the source for the Koch's to obtain a
permit to traverse the right of way.

I would appreciate your views, comments and if necessary a permit concerning
the proposed ingress-egress traversing the Maryland State Road right of way No.
14712. Please forward a copy of your reply to Mr. Martinak. Thank you for your
cooperation.

Very truly yours,

Joseph C. Laverghetta
Joseph C. Laverghetta

JCL/dc

cc: Mr. and Mrs. Henry Koch
Mr. George Martinak

July 28, 1976

John W. Hannon, III, Esq.
People's Counsel
County Office Building
Towson, Md. 21204

Re: File No. 76-214-X
Henry W. Koch, et ux

Dear Mr. Hannon:

1. Number of witnesses you anticipate calling Five
2. How many of these witnesses will be "expert witnesses"? Three
3. Fields to be covered by experts you intend to call - please check:

Land Planner One
Real Estate _____
Engineer One
Traffic One
Other _____

4. Total time required (in hours) for presentation of your side of the case
Two and one-half hours

Attorney for Protestants ()

Attorney for Petitioners ()

Rec'd 8-3-76
9am

HENRY W. KLEMKOWSKI
JOSEPH C. LA VERGHETTA

LAW OFFICES
HENRY W. KLEMKOWSKI, P.A.
THE MURPHY BUILDING
BALTIMORE, MARYLAND 21202
(301) 752-5539

TOWSON OFFICE
401 ROULET AVENUE
TOWSON, MARYLAND 21204
(301) 286-7311

NORTH ARUNDEL OFFICE
24 HARMONDS LANE
BALTIMORE, MARYLAND 21218
(301) 686-2322

August 16, 1976

Jack Hannon, Esq.
People's Counsel
County Office Building
Towson, Maryland 21204

RE: 76-214-X
Henry W. Koch, et ux
Appeals

Dear Jack:

According to our conversations of recent days, you indicated that your office appealed the granting of a Special Exception on the grounds that Mill 100 (1976) did not provide for kennels in a P.M. 5.5 zoning. On further study of the matter, you have concluded that Mill 100, though heartily drawn, does provide for kennels. This being so, I would request that your appeal be dismissed. For if this is the only reason an appeal was taken, it is moot, and a great deal of time and cost to my clients and the County is going to be expended in further pursuit.

If it is not your intention thought to drop the appeal, I would appreciate hearing why, and also what if any witnesses your office plans to submit. There is an indication in County Board of Appeals that you intend to call three expert witnesses: traffic, health and engineering. Please advise so that I may prepare myself and the Koch's for the appeal hearing. Thank you.

Very truly yours,

Joseph C. LaVerghetta

JCL/dc
cc: Walter A. Reiter, Jr., Chairman
Mr. and Mrs. Henry Koch

Rec'd 8-17-76
7:45AM

July 28, 1976

Joseph C. LaVerghetta, Esq.
401 Roulette Avenue
Towson, Md. 21204

Re: File No. 76-214-X
Henry W. Koch, et ux

Dear Mr. LaVerghetta:

1. Number of witnesses you anticipate calling 3 6 6
2. How many of these witnesses will be "expert witnesses"? 1 0 2
3. Fields to be covered by experts you intend to call - please check:

Land Planner _____
Real Estate _____
Engineer ✓
Traffic _____
Other ✓

4. Total time required (in hours) for presentation of your side of the case
- 3 -

Attorney for Petitioners (X)

Attorney for Protestants ()

Joseph C. LaVerghetta

Rec'd 8/12/76
10am

HENRY W. KLEMKOWSKI
JOSEPH C. LA VERGHETTA

LAW OFFICES
HENRY W. KLEMKOWSKI, P.A.
THE MURPHY BUILDING
BALTIMORE, MARYLAND 21202
(301) 752-5539

NORTH ARUNDEL OFFICE
24 HARMONDS LANE
BALTIMORE, MARYLAND 21218
(301) 686-2322

August 10, 1976

Walter A. Reiter, Jr., Chairman
County Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

RE: File No. 76-214-X
Henry W. Koch, et ux

Dear Mr. Reiter:

Enclosed is the form requested by you concerning the above case. The information contained therein is subject depending on the outcome of discussions with People's Counsel.

Very truly yours,

Joseph C. LaVerghetta

JCL/dc
Enclosure

Rec'd 8/12/76
10am

KLEMKOWSKI & LAVERGHETTA, P.A.

HENRY W. KLEMKOWSKI
JOSEPH C. LAVERGHETTA

ATTORNEYS AT LAW
SUITE 400
401 NORTH CHARLES
BALTIMORE, MARYLAND 21201
(301) 752-5539

NORTH ARUNDEL OFFICE
24 HARMONDS LANE
BALTIMORE, MD 21218
(301) 686-2322

TOWSON OFFICE
401 ROULET AVENUE
TOWSON, MD 21204
(301) 286-7311

December 5, 1978

Mrs. Edith T. Eisenhart,
Administrative Secretary
County Board of Appeals
Court House - Second Floor
Towson, MD 21204

RE: 76-214-X
Koch, et ux

Dear Mrs. Eisenhart:

Enclosed is the proposed agreement for all parties to sign that is required by the Board's Order of March 3, 1977. The protestants-appellants have retained counsel, Robert Romadka, and the matter has hopefully been resolved. Please review and forward the board's comments. Thank you.

Very truly yours,

Joseph C. LaVerghetta

JCL/mu
Enclosure

Rec'd 12-6-78
2PM

March 13, 1980

Clerk of the Circuit Court
Courts Building
Towson, Md. 21204

Re: Henry W. Koch, Petitioner
10/350/6197

Dear Sir:

The above captioned case was appealed to the Circuit Court on April 1, 1977. In order to keep our records current, may we request a status report from your office concerning this appeal.

Very truly yours,

Walter A. Reiter, Jr., Chairman

WAR:6

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

March 13, 1980

Clerk of the Circuit Court
Courts Building
Towson, Md. 21204

Re: Henry W. Koch, Petitioner
10/350/6197

Dear Sir:

The above captioned case was appealed to the Circuit Court on April 1, 1977. In order to keep our records current, may we request a status report from your office concerning this appeal.

Very truly yours,

Walter A. Reiter, Jr., Chairman

RECEIVED
BALTIMORE COUNTY
APR 5 2 18 PM '80
COUNTY BOARD
OF APPEALS
BY: C

FILED APR 8 1980

SPRING, MAGAN & HOLDEFER, INC.
SURVEYORS AND CIVIL ENGINEERS

8013 BELAIR RD. / BALTIMORE, MD. 21236 (301) 688-1501
419 POPPAN STREET / CAMBRIDGE, MD. 21613 (301) 228-3350
115 E. MAIN STREET / WESTMINSTER, MD. 21157 (301) 848-1780
11 S. WASHINGTON STREET / EASTON, MD. 21601 (301) 822-5433

Feb. 18, 1976

DESCRIPTION OF #11204 LILAC LANE TO ACCOMPANY PETITION FOR
A SPECIAL EXCEPTION FOR KENNELS IN A D.R. 5.5 ZONE

BEGINNING FOR THE SAME at a point formed by the intersection of the centerline of Joppa Road with the centerline of Lilac Lane [40 foot Right of way] with the right and use thereof in common with others entitled thereto, thence leaving said place of beginning and running and binding in the center of said Joppa Road the 2 following courses and distances, viz: (1) North 43 degrees 04 minutes 00 seconds West 209.60 feet and (2) North 37 degrees 34 minutes 00 seconds West 291.18 feet thence leaving said centerline of Joppa Road and running the 2 following courses and distances viz: (3) North 25 degrees 23 minutes 00 seconds East 697.54 feet and (4) South 50 degrees 19 minutes 00 seconds East 471.75 feet to the centerline of Lilac Lane thence running and binding on the centerline of said Lilac Lane the 3 following courses and distances, viz: (5) South 22 degrees 45 minutes 00 seconds West 140.00 feet thence (6) South 16 degrees 27 minutes 00 seconds West 123.33 feet and thence (7) South 29 degrees 54 minutes 00 seconds West 530.00 feet to the place of beginning.

Containing 0.25 acres of land more or less.

This description has been prepared for public purposes only and is not intended to be used for conveyance.



L. ALAN EVANS, P.E., L.S.
J. CARROLL MAGAN, L.S.
GEORGE W. HOLDEFER, P.E.

CAMBRIDGE AND EASTON
JESSE W. HURLEY
WESTMINSTER
RICHARD L. HULL

July 28, 1976

John W. Hession, III, Esq.
People's Counsel
County Office Building
Towson, Md. 21204

Re: File No. 76-214-X
Henry W. Koch, et ux

Dear Mr. Hession:

1. Number of witnesses you anticipate calling Five
2. How many of these witnesses will be "expert witnesses"? Three
3. Fields to be covered by experts you intend to call - please check:

Land Planner One
Real Estate _____
Engineer One
Traffic One
Other _____

4. Total time required (in hours) for presentation of your side of the case
Two and one-half hours

Attorney for Protestants ()

Attorney for Petitioners ()

HENRY W. KLEMKOWSKI
JOSEPH C. LA VERGHETTA

LAW OFFICES
HENRY W. KLEMKOWSKI, P.A.
THE MENDY BUILDING
BALTIMORE, MARYLAND 21202
(301) 732-5519

TOWSON OFFICE
807 ROBERT AVENUE
TOWSON, MARYLAND 21204
(301) 286-1311

NORTH ARUNDEL OFFICE
24 RAMOND LANE
BALTIMORE, MARYLAND 21215
(301) 486-2222

August 16, 1976

Jack Hession, Esq.
People's Counsel
County Office Building
Towson, Maryland 21204

RE: 76-214-X
Henry W. Koch, et ux
Kennels

Dear Jack:

According to our conversations of recent days, you indicated that your office appealed the granting of a Special Exception on the premise that Bill 100 (1976) did not provide for Kennels in a P.R. 5.5 Zoning. On further study of the matter, you have concluded that Bill 100, though imperfectly drawn, does provide for kennels. This being so, I would request that your appeal be dismissed. For if this is the only reason an appeal was taken, it is moot, and a great deal of time and cost to my clients and the County is going to be expended in further pursuit.

If it is not your intention thought to drop the appeal, I would appreciate knowing why, and also what if any witnesses your office plans to submit. There is an indication in County Board of Appeals that you intend to call three expert witnesses: traffic, health and engineering. Please advise so that I may prepare myself and the Koch's for the appeal hearing. Thank you.

Very truly yours,

Joseph C. LaVerghetta

JCL/dc
cc: Walter A. Reiter, Jr., Chairman
Mr. and Mrs. Henry Koch

Rec'd 8-17-76
9:45 AM

July 28, 1976

Joseph C. LaVerghetta, Esq.
607 Bailey Avenue
Towson, Md. 21204

Re: File No. 76-214-X
Henry W. Koch, et ux

Dear Mr. LaVerghetta:

1. Number of witnesses you anticipate calling 5 6 6
2. How many of these witnesses will be "expert witnesses"? 1 0 2
3. Fields to be covered by experts you intend to call - please check:

Land Planner _____
Real Estate _____
Engineer ✓
Traffic _____
Other ✓

4. Total time required (in hours) for presentation of your side of the case
3

Attorney for Protestants ()

Attorney for Petitioners (X)

Rec'd 8/10/76
10:00 AM

HENRY W. KLEMKOWSKI
JOSEPH C. LA VERGHETTA

LAW OFFICES
HENRY W. KLEMKOWSKI, P.A.
THE MENDY BUILDING
BALTIMORE, MARYLAND 21202
(301) 732-5519

TOWSON OFFICE
807 ROBERT AVENUE
TOWSON, MARYLAND 21204
(301) 286-1311

August 10, 1976

Walter A. Reiter, Jr., Chairman
County Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

RE: File No. 76-214-X
Henry W. Koch, et ux

Dear Mr. Reiter:

Enclosed is the form requested by you concerning the above case. The information contained therein is subject depending on the outcome of discussions with People's Counsel.

Very truly yours,

Joseph C. LaVerghetta

JCL/dc
Enclosure

EVANS, HAGAN & HOLDEFER, INC.

SURVEYORS AND CIVIL ENGINEERS

8013 BELAIR RD. / BALTIMORE, MD. 21236 (301) 668-1501

Feb. 18, 1976

DESCRIPTION OF #11204 LILAC LANE TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION FOR KENNELS IN A U.R. 5.5 ZONE

BEGINNING FOR THE SAME at a point formed by the intersection of the centerline of Joppa Road with the centerline of Lilac Lane (40 foot right of way) with the right and use thereof in or upon with others entitled thereto, thence leaving said place of beginning and running and binding in the center of said Joppa Road the 2 following courses and distances, viz: (1) North 43 degrees 04 minutes 00 seconds West 209.60 feet and (2) North 37 degrees 34 minutes 00 seconds West 291.18 feet thence leaving said centerline of Joppa Road and running the 2 following courses and distances viz: (3) North 25 degrees 23 minutes 00 seconds East 697.54 feet and (4) South 50 degrees 19 minutes 00 seconds East 471.75 feet to the centerline of Lilac Lane thence running and binding on the centerline of said Lilac Lane the 3 following courses and distances, viz: (5) South 22 degrees 45 minutes 00 seconds West 140.00 feet thence (6) South 16 degrees 27 minutes 00 seconds West 123.33 feet and thence (7) South 29 degrees 54 minutes 00 seconds West 530.00 feet to the place of beginning.

Containing 0.25 acres of land more or less.

This description has been prepared for zoning purposes only and is not intended to be used for conveyance.



KLEMKOWSKI & LAVERGHETTA, P.A.

HENRY W. KLEMKOWSKI
JOSEPH C. LAVERGHETTA

ATTORNEYS AT LAW

SUITE 400
407 NORTH CHARLES
BALTIMORE, MARYLAND 21201

200 FIVE SEVEN

December 5, 1978

Mrs. Edith T. Eisenhart,
Administrative Secretary
County Board of Appeals
Court House - Second Floor
Towson, MD 21204

RE: 76-214-X
Koch, et ux

Dear Mrs. Eisenhart:

Enclosed is the proposed agreement for all parties to sign that is required by the Board's Order of March 3, 1977. The protestants-appellants have retained counsel, Robert Bonadica, and the matter has hopefully been resolved. Please review and forward the board's comments. Thank you.

Very truly yours,

Joseph C. LaVerghetta

JCL/mu
Enclosure

Rec'd 12-6-78
2 PM

March 13, 1980

Clerk of the Circuit Court
Courts Building
Towson, Md. 21204

Re: Henry W. Koch, Petitioner
10/350/6197

Dear Sirs:

The above captioned case was appealed to the Circuit Court on April 1, 1977. In order to keep our records current, may we request a status report from your office concerning this appeal.

Very truly yours,

Walter A. Reiter, Jr., Chairman

WAR:6

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

March 13, 1980

Clerk of the Circuit Court
Courts Building
Towson, Md. 21204

Re: Henry W. Koch, Petitioner
10/350/6197

Dear Sirs:

The above captioned case was appealed to the Circuit Court on April 1, 1977. In order to keep our records current, may we request a status report from your office concerning this appeal.

Very truly yours,

Walter A. Reiter, Jr., Chairman

RECEIVED
BALTIMORE COUNTY
APR 5 2 10 PM '80
COUNTY BOARD
OF APPEALS
BY: JCL

FILED APR 8 1980

April 20, 1976



Mr. George Martinak
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: Special Exception Petition:
Kennels - Henry and Edith Koch
Item No. 174

Dear Mr. Martinak:

There are two items that I would like to bring to your attention at this time and also to the attention of the neighbors on Lilac Lane by a copy of this letter being sent to Mr. Lawrence Eurice.

The first of these items is something that was meant to be brought out in the testimony before you on April 14, 1976, but was overlooked; and the second is an alternate proposal by Mr. and Mrs. Koch to alleviate traffic and parking on Lilac Lane. In regard to the first item, I will do my best to make our position simple and give the opportunity to the neighbors through Mr. Eurice to make their appropriate replies. The additional testimony would be concerning Mr. Turner, who lives at the very end of Lilac Lane and who maintains a hot house for the purposes of both his own pleasure and his private commercial use of growing azaleas. It is, of course, obvious that a growing azalea will make no noise, but any commercial sales will have an effect on the traffic on Lilac Lane.

Mr. and Mrs. Koch, after hearing the concern of their neighbors about increased traffic on Lilac Lane, and through their own understanding of this problem, wish to amend their proposed plans to show an entrance way coming off of Joppa Road, through the back part of their property and down to the proposed area for the kennels where they will provide the appropriate parking. They will conform to the requirements of the Baltimore County Department of Public Works and the Department of Traffic Engineering. They are also willing to absorb all the necessary costs in placing this roadway on the back part of their property to eliminate any and all traffic from Lilac Lane that might be created through the kennels. It is also intended that all the necessary pine trees that would have to be removed for placement of this roadway would then be relocated bordering the roadway for

Mr. George Martinak

April 20, 1976

Page 2

screening purposes. It is, therefore, requested that the revised plans as mentioned, be turned over to the appropriate county agencies for their comments on the matter.

Please advise your position and what if any other steps should be taken to properly advise the appropriate departments of this change. Thank you very much for your cooperation.

Very truly yours,

Joseph C. LaVerghetta
Joseph C. LaVerghetta

JCL/dc
cc: Mr. Lawrence Eurice
Mr. and Mrs. H. Koch

ok BLM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 23, 1976

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-214-X Petition for Special Exception for Kennels
Northeast corner of Joppa Road and Lilac Lane
Petitioner - Henry William Koch and Edith Mae Koch

11th District

HEARING: Wednesday, April 14, 1976 (10:30 A.M.)

This office is not opposed to the requested special exception.

William D. Fromm
William D. Fromm
Director of Planning

WDF:JGH:rv

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

April 23, 1976

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

Dear Mr. DiNenna:

Comments on Item #174, Zoning Advisory Committee Meeting, February 24, 1976, are as follows:

Property Owner: Henry W. & Edith M. Koch
Location: NW/c Lilac Lane & Joppa Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Special Exception for kennels
Acres: 8.25
District: 15th

Water well and septic system are functioning properly.
Department of Health Approval of an application to 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.

Mr. S. Eric DiNenna
Zoning Commissioner

Page 2 April 23, 1976

5. Rodent, insect, and odor control is maintained.
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
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

RJW:pb6

BALTIMORE COUNTY OFFICE OF PLANNING

OFFICE OF ZONING COMMISSIONER

S. ERIC DINENNA
Zoning Commissioner

George J. Martinak
Deputy Zoning Commissioner

Joseph C. LaVerghetta, Esq.
607 Boyley Ave.
Towson, Md. 21204

Re: Petition for Special Exception for Henry Koch
#76-214-X

\$2.75

Dear Sir:

This is to advise you that _____ is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 121, County Office Building, before the hearing.

Very truly yours,

S. Eric DiNenna
S. ERIC DINENNA
ZONING COMMISSIONER

SKD/ba

Joseph C. LaVerghetta, Esq.
607 Boyley Ave.
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Special Exception for Henry Koch
#76-214-X

TIME: 10:30 A.M.

DATE: Wednesday, April 14, 1976

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,
TOWSON, MARYLAND

S. Eric DiNenna
ZONING COMMISSIONER OF
BALTIMORE COUNTY

KLEMKOWSKI & LAVERGHETTA, P.A.

ATTORNEYS AT LAW
THE MENNEY BUILDING
BALTIMORE, MARYLAND 21204
(301) 752-5539

April 6, 1977

Mr. and Mrs. Henry Koch
11204 Lilac Lane
Perry Hall, MD 21128

RE: Kennels

Dear Mr. and Mrs. Koch:

On Tuesday, April 5, 1977, I spoke with Mr. William T. Hackett of the County Board of Appeals concerning the amendment to the Court Order of March 4, 1977, that read, "Grooming of dogs, other than those owned by the petitioners, housed on the property is not permitted." He explained that the nature of this prohibition was based on your testimony that you had no intentions of bringing your grooming business onto your property and in conjunction with the kennels. This prohibition is to safeguard that aspect.

This does not prohibit those grooming functions that are necessary and vital to the day to day operation of housing dogs in kennels, especially for the health and welfare of all the dogs so kennelled.

Very truly yours,

Joseph C. LaVerghetta
Joseph C. LaVerghetta

JCL/dc
cc: County Board of Appeals
File Number 76-214-X

*Back 4-12-77
9:30 AM*

MOORE, HENNEGAN, CARNEY & RYAN
ATTORNEYS AT LAW
406 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

RSB-7100
AREA CODE 301

April 4, 1977

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Henry W. Koch, et ux
File No. 76-214-X

Attention: Muriel E. Buddemeier

Dear Ms. Buddemeier:

I am enclosing with this letter, a check in the amount of Twenty-Four Dollars (\$24.00) payable to Baltimore County, Maryland. This check is in full payment of the invoice from you dated April 4, 1977 for the cost of certified documents in Case No. 76-214-X.

Very truly yours,

Robert J. Ryan
Robert J. Ryan

RJR:Kat

Enclosure

MAILED TO: Robert J. Ryan, Esq.
Moore, Hennegan, Carney & Ryan
406 Jefferson Building
Towson, Md. 21204

Cost of certified documents in Case No. 76-214-X \$24.00
Henry W. Koch, et ux
NE corner of Joppa Rd. and Lilac Lane
11th District

LAKE CHECKS PAYABLE TO: Baltimore County, Md.

SENT TO: County Board of Appeals
Room 219 Court House
Towson, Md. 21204

cc: Hackman
Eurice

April 4, 1977

Joseph C. Lavaraghetto, Esq.
607 Bailey Avenue
Towson, Maryland 21204

Re: Henry W. Koch, et ux
File No. 76-214-X

Dear Mr. Lavaraghetto:

Notice of Appeal

Muriel E. Buddemeier

cc: Mr. and Mrs. Henry Koch
Mr. John W. Hession, III

April 4, 1977

Robert J. Ryan, Esq.
Moore, Hennegan, Carney & Ryan
406 Jefferson Building
Towson, Maryland 21204

Re: Henry W. Koch, et ux
File No. 76-214-X

Dear Mr. Ryan:

Appeal letter

Muriel E. Buddemeier

cc: Mr. Clarence J. Eurice
Mr. Robert E. Hackman

PETITION FOR SPECIAL
EXCEPTION FOR KENNELS
N.E. CORNER OF JOPPA ROAD
AND LILAC LANE
11TH DISTRICT
HENRY W. KOCH, et ux
PETITIONERS

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Clerk:

Please note an appeal to the Circuit Court for Baltimore County from the Order of the County Board of Appeals of Baltimore County, dated March 3, 1977, granting the special exception, on behalf of Clarence J. Eurice and Robert Hackman.

MOORE, HENNEGAN, CARNEY & RYAN

E. Scott Moore
E. SCOTT MOORE

Robert J. Ryan
ROBERT J. RYAN
406 Jefferson Building
Towson, Maryland 21204
828-7100

I HEREBY CERTIFY that prior to the filing hereof a copy of this Order for Appeal was personally served upon the County Board of Appeals, County Office Building, Towson, Maryland 21204, and that a copy was sent by regular mail to Joseph C. Lavaraghetto, Esquire, 607 Bailey Avenue, Towson, Maryland 21204 and John W. Hession, III, Esquire, Peoples Counsel, County Office Building, Towson, Maryland 21204.

Robert J. Ryan
Robert J. Ryan



JUDGE	CATEGORY	DATE FILED	CASE NO.
DeVaters	Zoning Appeal	4/1/77	76-214-X
Phone 484-2642			
Jury ()	Date at Issue	4/1/77	DOCKET 10 FOLIO 250
Non-Jury ()	Date Assigned	6/1/77	TRIAL DATE
REMARKS: All future correspondence concerning HEARINGS, TRIAL DATES, etc., refer directly to the above assigned Judge. File Pleadings with the Clerk.			
COUNSEL		CASE TITLE	
Walter A. Reiter, Jr., Esq. Herbert A. Davis, Esq. William T. Hackett, Esq. County Office Bldg. Towson, Md. 21204		PETITION FOR SPECIAL EXCEPTION FOR KENNELS N.E. CORNER OF JOPPA ROAD AND LILAC LANE 11TH DISTRICT County Board of Appeals of Baltimore County vs.	
PHONE NO. 494-3146			
E. Scott Moore, Esq. Robert J. Ryan, Esq. 406 Jefferson Bldg. Towson, Md. 21204		Henry W. Koch, et al Petitioners	
PHONE NO. 828-7100		VS. Clarence J. Eurice Robert Hackman Appellants	
PHONE NO.		ATTORNEY	
CA-5			

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Mar. 22, 1976 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM Henry W. Flambourti, Esq. The Henry Building
Baltimore, Md. 21202
Petition for Special Exception for Henry Koch
76-214-X

50.00 CASH

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 20 day of Feb 1976. Filing Fee \$ 50.00. Received ☒ Check ☐ Cash ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner *Henry W. Koch* Submitted by *Joseph C. Lavaraghetto*
Petitioner's Attorney *Joseph C. Lavaraghetto* Reviewed by *2/2/76*

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

Joseph C. Lavaraghetto, Esq.
607 Bailey Avenue
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 24th day of February 1976

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner *Henry W. & Edith M. Koch*
Petitioner's Attorney *Franklin T. Hoggans, Jr.* Reviewed by *Franklin T. Hoggans, Jr.*
Chairman,
Zoning Advisory
Committee

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#76-214X

District 114 Date of Posting 3-25-76
Posted for: Hearing Wed. Apr. 14, 1976 @ 10:30 AM
Petitioner: Henry Koch
Location of property: NE Cor. of Jopp Rd. & Silver Lane
Location of Sign: 1 sign posted @ 11204 Silver Lane
Remarks: _____
Posted by: Mark H. Hess Date of return: 3-1-76

Joseph C. Laverghetta, Esq.
607 Bayview Avenue
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for
filing this 30th day of February 1976

S. Eric DiNenna
Zoning Commissioner

Petitioner Henry W. A. & Elizabeth M. Koch

Petitioner's Attorney _____

Reviewed by Franklin T. Hoggins, Jr.
Chairman,
Zoning Advisory
Committee

cc: Stumm, Hagan & Haldeman, Inc.
6015 Balch Road
Baltimore, Md. 21206

Official

#76-214X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 114 Date of Posting 3-7-76
Posted for: _____
Petitioner: Henry W. Koch
Location of property: N.E. Cor. of Jopp Rd. & Silver Lane
Location of Sign: 1 sign posted @ 11204 Silver Lane
Remarks: _____
Posted by: Mark Hess Date of return: 3-5-76

6/2/80

Mr. Laverghetta called to say that he had been notified by the Circuit Court that they were going to dismiss the Koch case, #76-214-X, in which he is counsel for the Petitioner, and he wanted to know if this is done does the case revert to the Board's Order granting the SE. I told him I thought that was the case but that I would check for him.

I called Mr. Reiter and he confirmed this. However, I pointed out that I had a note in the file when I had previously been trying to get information as to the status of the case that Mr. Romack had said he wasn't going to push for action, that he was going to "let the case hang for expiration of the SE". Mr. Reiter said for me to check with Mr. Hession re this point.

I talked to Mr. Hession and he said that in his opinion the time on a SE runs from the last Order, and if the case is dismissed, this Order of Dismissal will be regarded as the last Order.

I called Mr. Laverghetta office and left the message that the dismissal will revert the case to the Board's Order.

ETE

IMPORTANT MESSAGE

FOR _____
DATE 12-14-78 TIME _____ A.M.
P.M.
WHILE YOU WERE OUT
I called Mr. Reiter to inquire the purpose of
OF the letter and what, if anything, I could
PHONE NO. the Board to be in arrears as
TELEPHONED _____ PLEASE CALL _____
CALLED TO SEE YOU _____ WILL CALL AGAIN _____
WANTS TO SEE YOU _____ RUSH _____
RETURNED YOUR CALL _____

MESSAGE This case is pending in Circuit Court. Not in left message to call 12/14/78 called again, 12/14/78 Mr. R. said he thought the Board signed with this in the agreement as it was stipulated in the Order to do so.



OFFICE OF THE
ZONING COMMISSIONER

494-3351

78-82-V

SUMMONS

ISSUED TO Margaret A. Surice
ADDRESS 11205 Silver Lane
Berry Hall Tract 21/22

TO APPEAR AND TESTIFY IN THE MATTER OF AN
ALLEGED ZONING VIOLATION LOCATED AT:
11204 Silver Lane
INVOLVING SECTION(S) 102.1, 101, 180.1A,
200.6
Rummel

CASE NO. C- 78-50 HEARING DATE 6/13/79
HEARING TIME: 1:30 AM/PM
ROOM 106, BALTO. CO. OFFICE BUILDING

BE PROMPT IN YOUR ATTENDANCE, OTHERWISE YOU
WILL BE ATTACHED

ISSUED BY Thompson DATE 5/29/79

8/9/79- Called. & talked
to Mr. L. Secretary re
status of case. Still sticks
& last Mr. L. call.

3/13/79- Secretary called - said all
parties have come to an agreement
to accept the Board's decision.
?? So case going to be dismissed
in C.C. - Will tell Mr. L. that
we cannot close file as long as case
is open on C.C. docket

Remotion 4/1/79 Entitled for payment
6 TL-8-374 4/1/79 1st 1/2 of 1st year of depreciation 1/2

IMPORTANT MESSAGE

FOR Edith
DATE 6-11-80 TIME _____ A.M.
P.M.
WHILE YOU WERE OUT
M _____
OF _____
PHONE NO. _____
TELEPHONED _____ PLEASE CALL _____
CALLED TO SEE YOU _____ WILL CALL AGAIN _____
WANTS TO SEE YOU _____ RUSH _____
RETURNED YOUR CALL _____

MESSAGE Re: Koch
I called TW if we
could do anything re
clearing this case
SIGNED 2 hrs reply re
attached, ph



OFFICE OF THE
ZONING COMMISSIONER

494-3351

78-82-V

SUMMONS

ISSUED TO Henry Koch
ADDRESS Edith Koch
11204 Silver Lane
Berry Hall Tract 21/22

TO APPEAR AND TESTIFY IN THE MATTER OF AN
ALLEGED ZONING VIOLATION LOCATED AT:
11204 Silver Lane
INVOLVING SECTION(S) 102.1, 101, 180.1A,
200.6
Rummel

CASE NO. C- 78-50 HEARING DATE 6/13/79
HEARING TIME: 1:30 AM/PM
ROOM 106, BALTO. CO. OFFICE BUILDING

BE PROMPT IN YOUR ATTENDANCE, OTHERWISE YOU
WILL BE ATTACHED

ISSUED BY Thompson DATE 5/29/79



TOWSON, MD. 21204 March 25, 1976

THIS IS TO CERTIFY, that the annexed advertisement of
Petition of Special Exception- Koch
was inserted in the following:

- ☐ Catonsville Times
- ☐ Dundalk Times
- ☒ Essex Times
- ☐ Suburban Times East
- ☐ Towson Times
- ☐ Arbutus Times
- ☐ Community Times
- ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland,
once a week for one morning week before the
1st day of April 1976, that is to say, the same
was inserted in the issues of March 25, 1976.

STROMBERG PUBLICATIONS, INC.

BY E. Patricia Strunk

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

15381

DATE 4/14/77 ACCOUNT 01,712

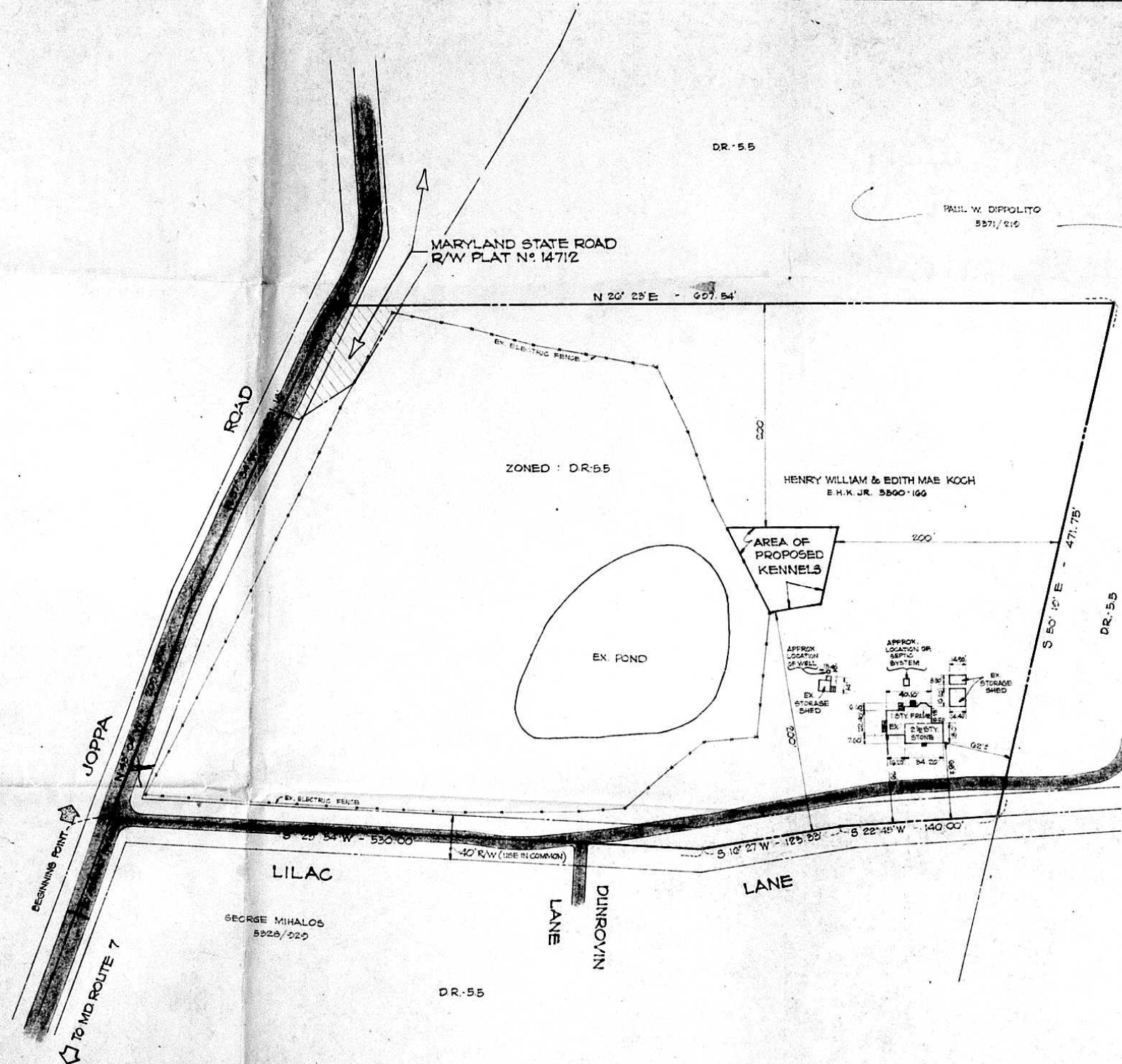
AMOUNT \$24.00

WHITE - CASHIER
Robert J. Ryan, Esq.,
406 Jefferson Bldg.,
Towson, Md. 21204

DISTRIBUTION

YELLOW - CUSTOMER

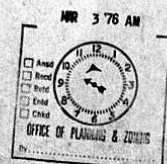
Cost of certified documents in
case #76-214-X
Henry W. Koch, Petitioner
24.00



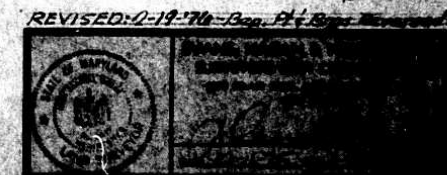
GENERAL NOTE

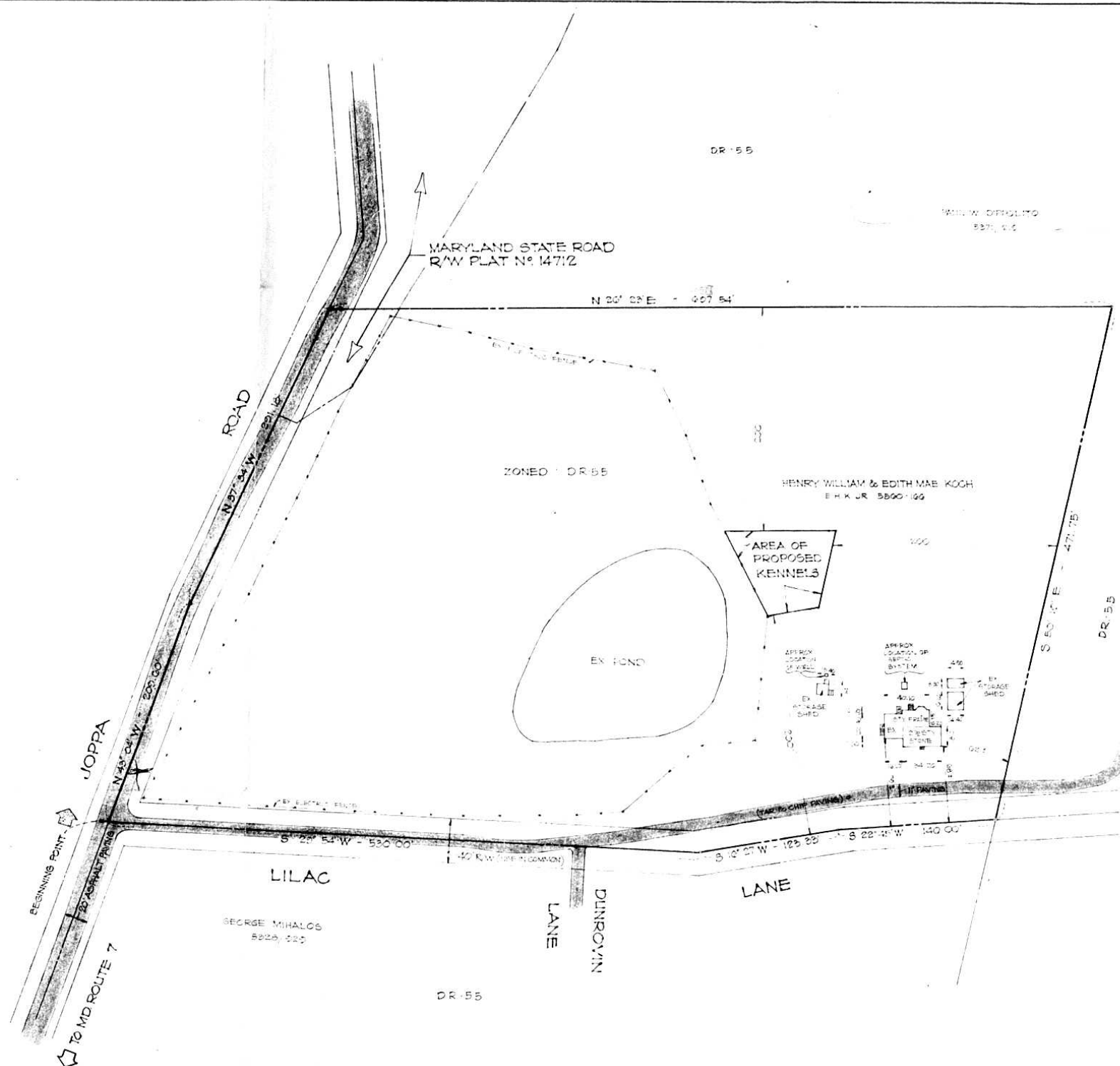
1. AREA OF PROPERTY: 0.25 AC ±
2. LAND USE:
 - EXISTING: RESIDENTIAL
 - PROPOSED: RESIDENTIAL-KENNELS
3. EXISTING ZONING: D.R. 5.5
4. PROPOSED ZONING CLASSIFICATION: SPECIAL EXCEPTION FOR KENNELS
5. UTILITIES: NONE LOCATED ON OR NEAR THE PROPERTY
6. FIRE HYDRANTS: NONE LOCATED NEAR THE PROPERTY

PLAT TO ACCOMPANY PETITION FOR
KENNELS IN A DR.5.5 ZONE
OF
#11204 LILAC LANE
KOCH PROPERTY
ELECTION DISTRICT No. 11 BALTIMORE CO., MARYLAND



REVISED PLANS
#174

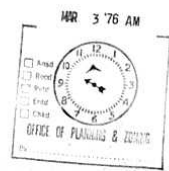




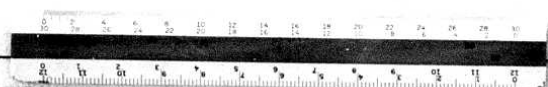
GENERAL NOTE

- | | |
|-----------------------------------|--|
| 1. AREA OF PROPERTY | 0.25 AC ± |
| 2. LAND USE | EXISTING: RESIDENTIAL
PROPOSED: RESIDENTIAL-KENNELS |
| 3. EXISTING ZONING | DR-55 |
| 4. PROPOSED ZONING CLASSIFICATION | SPECIAL EXCEPTION FOR KENNELS |
| 5. UTILITIES | NONE LOCATED ON OR NEAR THE PROPERTY |
| 6. FIRE HYDRANTS | NONE LOCATED NEAR THE PROPERTY |

PLAT TO ACCOMPANY PETITION FOR
KENNELS IN A DR-55 ZONE
OF
#11204 LILAC LANE
KOCH PROPERTY
ELECTION DISTRICT NO. 11 BALTIMORE CO. MARYLAND



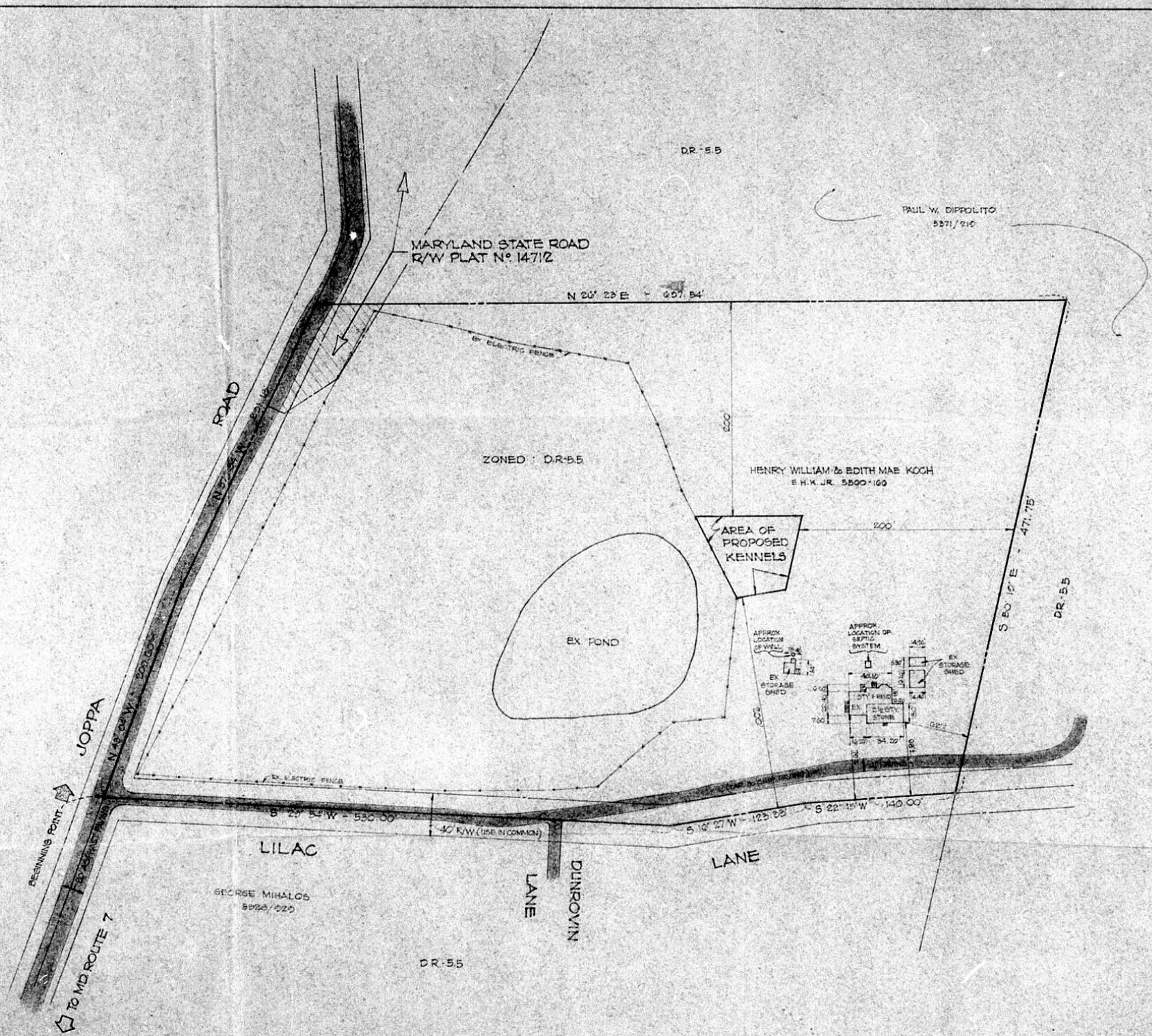
REVISED PLANS
#174



REVISED: 2-19-76 - Beg. Pl. & Brps. Reversed

EVANS, HAGAN & HOLDREGE, INC.
SURVEYORS AND CIVIL ENGINEERS
1013 BELAIR ROAD / BALTIMORE, MD 21206
(410) 594-1000

James H. Hagan
DATE: 12-11-75 SCALE: 1" = 50'



MAP NO. 95
 ELECTION DISTRICT 15
 DATE 8-26-76
 BY [Signature]
 FINAL

GENERAL NOTE

1. AREA OF PROPERTY: 8.25 AC. ±
2. LAND USE: EXISTING RESIDENTIAL, PROPOSED RESIDENTIAL - KENNELS
3. EXISTING ZONING: D.R. 5.5
4. PROPOSED ZONING CLASSIFICATION: SPECIAL EXCEPTION FOR KENNELS
5. UTILITIES: NONE LOCATED ON OR NEAR THE PROPERTY
6. FIRE HYDRANTS: NONE LOCATED NEAR THE PROPERTY

PLAT TO ACCOMPANY PETITION FOR
 KENNELS IN A DR. 5.5 ZONE
 OF
 #11204 LILAC LANE
 KOCH PROPERTY
 ELECTION DISTRICT NO. 15 BALTIMORE CO., MARYLAND

MAP NO. 95
 ELECTION DISTRICT 15
 DATE 8-26-76
 BY [Signature]
 FINAL

REVISED: 2-17-76 - Bgg. Fls. Reversed

EVANS, HAGAN & HOLDERFER, INC.
 SURVEYORS AND CIVIL ENGINEERS
 8013 BELAIR ROAD, BALTIMORE, MD. 21234
 (301) 648-1501

