

PETITION FOR SPECIAL EXCEPTION AND VARIANCE
7th Election District

LOCATION: Westside of York Road, 65 feet North of Mount Carmel Road (17004-17006 York Road)
DATE AND TIME: Tuesday, December 17, 1985 at 1:30 p.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Class A animal boarding place under Section 230.1 BL and Variance from Section 421.2 to allow a 24 foot distance from a residential zone in lieu of the required 200' and Section 232.1 to permit a front setback of zero feet (0') in lieu of the required ten feet (10'), and a twenty-six feet setback (26') in lieu of the required forty feet (40'), and Variance from Section 232.2b (1A04.38.3) to permit a side yard setback of thirty feet (30') in lieu of the required fifty feet (50').

Being the property of Dr. Stanley A. Cohn, et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
W/S York Rd., 65' N of Mt. Carmel Rd. (17004-17006 York Rd.), 7th District
DR. STANLEY A. COHN, et ux, : Case No. 86-257-XA
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 22nd day of November, 1985, a copy of the foregoing Entry of Appearance was mailed to Dickee M. Howard, Esquire, Howard, Butler & Melfa, P.A., 401 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

December 11, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Dickee M. Howard, Esquire
Howard, Butler & Melfa, P.A.
401 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Exception and Variance
W/S York Rd., 65' N of Mt. Carmel Rd.
(17004-17006 York Rd.)
7th Election District
Dr. Stanley A. Cohn, et ux
Case No. 86-257-XA

Dear Dr. Cohn:

This is to advise you that \$ 94.25 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

BALTIMORE COUNTY, MARYLAND No. 016183
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12/11/85 ACCOUNT: 86-257-XA

AMOUNT: \$ 94.25

RECEIVED FROM: Dr. Stanley A. Cohn, et ux

FOR: Advertising and Posting of Petition for Special Exception and Variance

VALIDATION OR SIGNATURE OF CASHIER

AND POST RETURNED ON
BE ISSUED.

time it is placed by
County, Maryland, and remit
ing, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD, November 28, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 28, 1985

THE JEFFERSONIAN,

186 Kuntz
Publisher
Cost of Advertising

27.50

CERTIFICATE OF PUBLICATION

TOWSON, MD, November 27, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 27, 1985

TOWSON TIMES,

186 Kuntz
Publisher
46.75

PETITION FOR SPECIAL EXCEPTION AND VARIANCE

LOCATION: Westside of York Road, 65 feet North of Mount Carmel Road (17004-17006 York Road)

DATE AND TIME: Tuesday, December 17, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a Class A animal boarding place under Section 230.1 BL and Variance from Section 421.2 to allow a 24 foot distance from a residential zone in lieu of the required 200' and Section 232.1 to permit a front setback of zero feet (0') in lieu of the required ten feet (10'), and a twenty-six feet setback (26') in lieu of the required forty feet (40'), and Variance from Section 232.2b (1A04.38.3) to permit a side yard setback of thirty feet (30') in lieu of the required fifty feet (50').

Being the property of Dr. Stanley A. Cohn, et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Nov. 28

Dickee M. Howard, Esquire
Howard, Butler & Melfa, P.A.
401 Allegheny Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Exception and Variance
W/S York Rd., 65' N of Mt. Carmel Rd.
(17004-17006 York Rd.)
7th Election District
Dr. Stanley A. Cohn, et ux
Case No. 86-257-XA

TIME: 1:30 p.m.

DATE: Tuesday, December 17, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND No. 012745
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12-18-85 ACCOUNT: 86-257-XA

AMOUNT: \$ 200.00

RECEIVED FROM: M. Howard & Associates

FOR: Item No. 143 - Cohn

VALIDATION OR SIGNATURE OF CASHIER

86-257-XA
for
Dr. Stanley A. Cohn, et ux
Petition, No. 21204
Dec. 9, 1985

Coming to the Zoning Board
Board of Zoning Appeals
Dear Sirs:

Upon reading the zoning sign posted on the property of Dr. Stanley A. Cohn, et ux, located at 17004 York Rd., Towson, Md., I feel that I have got to protest his request to the zoning board which he is now requesting.

My property borders this property on the west side and the backing of animals next to me will greatly depreciate the value of my home. The kennels now located on Dr. Cohn's property are more than enough for the residents of the village of Towson. During the summer months and you would like to open your windows the backing can be very annoying. In addition to this there is the possibility of water contamination from changing dogs, as well as odors and insects.

I have 2 sons and the area who will also be affected by this addition of more kennels. We try to maintain a well kept property and consider our neighbors, and I am sure that if Dr. Cohn resided here he would not want this kind of business located next to his home.

-2-
Thank you for your consideration from some
of the zoning board who have been in this
village for some years.

Sincerely,
Mrs. George Chiswick, Sr.
14 Mt. Carmel Rd.
Towson, Md. 21204

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 11-28-85

Posted for: Special Exception and Variance

Petitioner: Dr. Stanley A. Cohn, et ux

Location of property: Westside of York Road, 65' N of Mt. Carmel Road

(17004-17006 York Rd.)

Location of Sign: 14 Mt. Carmel Rd., Towson, Md. 21204

Remarks: 2 signs on front of 17004 York Rd.

Posted by: M. Howard & Associates

Number of Signs: 4 Date of return: 11-28-85

MT. CARMEL ANIMAL HOSPITAL, INC.
17004 YORK ROAD, HEREFORD

announces expanded services to include:

- VETERINARY HORSE CARE
- BOARDING FOR DOGS & CATS
- 7-DAY EMERGENCY SERVICE
- PRACTICAL PET GROOMING (7:30 a.m. - 6 p.m.)

Necessary House Calls • Specialized Diets

Doctor's Hours By Appointment:
Monday 9 a.m. - 8 p.m.; Tues. - Thurs. 9 a.m. - 6 p.m.
Wed. - Fri. 9 a.m. - 5 p.m.; Sat. 9 a.m. - 12 noon

Veterinarians: Perky Ridgely, Alex O'Rourke
Technicians: Perky Ridgely, Alex O'Rourke

Our reputation is based on quality medicine, personalized service and reasonable fees.

329-6441

Raw before
6:30 July 84

Prototanto Cohn Case Dec 17 1985
Letter of Denial to deny
San Q. Galtman 1120 MT. CARMEL RD, PARKTON, MD 21120
REMOVING FIRST BAPTIST CHURCH OF HEREFORD
24 MT. CARMEL RD, PARKTON, MD 21120

Michael R. Miller
17004 York Rd. Hereford
Towson, Md 21111
Randy W. Norton 319 Quaker Ridge Rd.
Hummelstown, Pa 17037 Co-owners 17004 York Rd.
Blades Chilant (Mrs. Sings Chilant Dr.)
14 Mt. Carmel Rd. Parkton 21120
Emory E. Light
17918 York Road Parkton Md. 21120
Yvonne H. Chiles
12 MT. CARMEL RD. PARKTON MD 21120
Patricia Chilant
17015 York Road
Parkton, Md 21120
Stephen P. Dyer - Husband Patricia Chilant Pte. Banking Fund
1401 Parkway Spring Rd. Parkton Md
Less than one mile from Cohn Hospital
Sharon T. Dyer (Parkton Md) 21120

Case No. 86-257-XA

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
13th day of November, 1985.

Petitioner Stanley A. Cohn, et ux
Petitioner's Attorney Dickie M. Howard, Esq.

ARNOLD JABLON
Zoning Commissioner

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

MT. CARMEL ANIMAL HOSPITAL, INC.
17004 YORK ROAD, HEREFORD

announces expanded services to include:

- VETERINARY HORSE CARE
- BOARDING FOR DOGS & CATS
- 7-DAY EMERGENCY SERVICE
- PRACTICAL PET GROOMING (7:30 a.m. - 6 p.m.)

Necessary House Calls • Specialized Diets

Doctor's Hours By Appointment:
Monday 9 a.m. - 8 p.m.; Tues. - Thurs. 9 a.m. - 6 p.m.
Wed. - Fri. 9 a.m. - 5 p.m.; Sat. 9 a.m. - 12 noon

Veterinarians: Perky Ridgely, Alex O'Rourke
Technicians: Perky Ridgely, Alex O'Rourke

Our reputation is based on quality medicine, personalized service and reasonable fees.

329-6441

Raw before
6:30 July 84

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

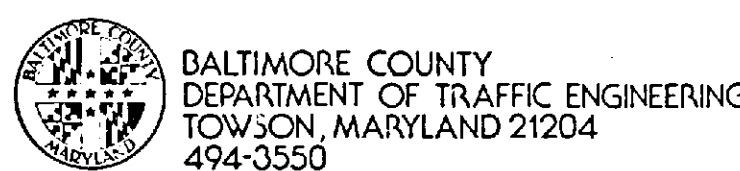
Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
SUBJECT: Zoning Petition No. 86-257-XA

Date: November 26, 1985

This office is opposed to the granting of this request. Because the proximity of the building and proposed Dog Run to the adjacent homes, the requested special exception should not be granted. The intent of the setback regulations governing this type of use is to protect residential uses from the nuisances inherent in the proposed operation.

Norman E. Gerber, AICP
Director

NEG:JGH:slm



STEPHEN E. COLLINS
DIRECTOR

November 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC- Meeting of October 29, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The department of Traffic Engineering has no comments for items numbered 141, 142, 143, 144, 145, 146, 149, and 150.

Michael S. Flansburg
Traffic Engineer Associate II

MSF:ld

12/17
86-257

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 2, 1985

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

Dickie M. Howard, Esquire
Howard, Butler & Melfa
401 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 143 - Case No. 86-257-XA
Petitioners - Stanley A. Cohn, et ux
Special Exception and Variance Petition

Dear Ms. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 suitability of the requested zoning.

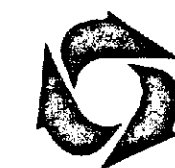
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: McKee & Associates, Inc.
1717 York Road
Lutherville, Maryland 21093



Maryland Department of Transportation
State Highway Administration

November 1, 1985

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Md. 21204

Attn: Mr. James Dyer

Re: ZAC Meeting of 10-29-85

ITEM: 143
Property owner: Stanley A. Cohn, et ux
Location: W/S York Road, Route 45, 65 feet N of centerline of Mount Carmel Road
Existing Zoning: B.L.
Proposed Zoning: Variance to allow a 24 foot distance from a residential zone in lieu of the required 200 feet and to permit a front setback of zero feet in lieu of the required ten feet and a twenty-six foot in lieu of the required forty feet, and to permit a side yard setback of thirty feet in lieu of the required fifty feet. (a Special Exception for a Class A animal boarding place)
Acres: .78 Acres
District: 7th Election District

Dear Mr. Jablon:

On review of the submittal of 10-14-85 and field inspection, the State Highway Administration finds the plan generally acceptable.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

Sy: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
303-7555 Baltimore Metro - 503-0451 D.C. Metro - 1-800-485-5083 Statewide Toll Free
P.O. Box 717 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

NOVEMBER 25, 1985

Re: Zoning Advisory Meeting of October 29, 1985
Item # 143
Property Owner: STANLEY A. COHN, et ux
Location: W/S YORK ROAD, 65 FEET N. OF
E OF MOUNT CARMEL ROAD

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [blank].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual, 8111 178-75. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by 811 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ Additional comments:

cc: James Howell

Eugene A. Boser
Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF HEALTH
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 143, Zoning Advisory Committee Meeting of October 29, 1985

Property Owner: Stanley A. Cohn

Location: 17004-17006 York Rd District 7th

Water Supply Private Sewage Disposal Private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathroom, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Case No. 86-257-XA W/S York Rd., 65' N of Mt. Carmel
Item No. 143 (17004-17006 York Road)
Date: January 22, 1986 7th Election District
SE-Animal boarding place Petitioners
W/S York Rd. Petitioners

1. Copy of Petition
2. Copy of Description of Property
3. Copy of Certificate of Posting (2 Signs)
4. Copy of Certificates of Publication
5. Copy of Zoning Advisory Committee Comments
6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
8. Copy of Order to Enter Appearance
9. Copy of Order - 10/24/85 Deputy Zoning Commissioner GRANTED with restrictions
10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
16. Protestants' Exhibits 1 to 2
17. Petitioners' Exhibits 1 to 1
18. Letter of Appeal by Robert M. Miller, Protestant, and 1/27/86 by Phyllis Friedman, People's Counsel.

Dr. Stanley A. Cohn
17004-17006 York Road
Horseford, MD 21111

Dickie M. Howard, Esquire
Howard, Butler & Melfa, P.A.
401 Allegheny Avenue
Towson, MD 21204

Mr. Robert R. Miller
17009 York Road
Monkton, MD 21111

Mr. Harold Burton
2100 Daiswood Court
Lutherville, MD 21093

Mr. Joseph Matricciani
20705 Keeney Mill Road
Freeland, MD 21053

Phyllis C. Friedman, Esquire
Norman E. Genger
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification

John O. Henderson
1935 Washington Rd.
White Hall, Md. 21161

RECEIVED
COUNTY BOARD OF APPEALS
FEB 24 P 3 32

Zoning Item # 143 Zoning Advisory Committee Meeting of OCT. 29, 1985
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test:
() shall be valid until _____
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others: HEALTH DEPT. APPROVAL OF THIS SPECIAL EXCEPTION AND ZONING VARIANCE WILL NOT BE GIVEN UNLESS THE PARCEL KNOWN AS 17006 YORK RD. IS REMOVED FROM THE PETITION. THE EXISTING SEPTIC SYSTEM AT 17006 IS NEAR FAILURE AND UNIL CORRECTIONS ARE MADE CANNOT BE APPROVED WITH 17004.

SS 20 1283 (2) R

John J. Forrester, Director
BUREAU OF ENVIRONMENTAL SERVICES

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300

PAUL H. REINCKE
CHIEF

November 20, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Stanley A. Cohn, et ux

Location: W/S York Road, 65' N of centerline of Mount Carmel Road

Item No.: 143

Zoning Agenda: Meeting of October 29, 1985

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 operation.

- (X) 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 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

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

REVIEWED: Paul H. Reincke Noted and Approved: John F. O'Neill
Planning Office Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

December 5, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 143 Zoning Advisory Committee Meeting are as follows:

Property Owner: Stanley A. Cohn, et ux
Location: W/S York Road, 65' N of c/l of Mount Carmel Road
District: 7th.

APPLICABLE CODES ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #1785, a "Building Code for the Handicapped and Aged (A.B.C.)" #177-1 - 1971 and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland and Architect or Engineer is not required on Plans and Technical Data.
4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Approved seals are not acceptable.
5. All the Groups except Sub-Group Single-Family Detached Dwellings require a minimum of a four hour fire rating for exterior walls closer than 6'-0" to an interior lot line. For the Groups require a one hour wall if closer than 1'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 505 and 506 and have your Architect/Engineer contact this Department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a requested Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from the _____ to the _____ or to _____ See Section 312 of the Building Code.
9. The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 10-2 of the Building Code as adopted by Bill #1725. This plan shall show the correct elevations above sea level for the lot and the flood plain levels including basement.
10. Comments: A building sitting on the property line would be in violation of today's Code if the use is changed unless there is an approved fire wall without openings for each structure no located. See Item "E" above for main building. Also see Section 1111.0 for opening protective in rated walls. Compliance to the State Handicapped Code is not shown as per State Regulation 05-01.07. See the attached of Planning and Zoning and are not intended to be construed as the City of Baltimore. If desired, some of the applicant may obtain additional information by visiting Room 102 of the County Office Building at 101 Chesapeake Avenue, Towson, Maryland 21204.

additional Code items which may be involved.

Charles E. London

LJZ/MS



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

August 28, 1986

Dickie M. Howard, Esq.
Howard, Butler & Melfa, P.A.
401 Allegheny Ave.
Towson, Md. 21239

Dear Mr. Howard:

Re: Case No. 86-257-XA
Dr. Stanley A. Cohn, et ux

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

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

Dr. Stanley Cohn
Mr. Robert Miller
Mr. Harold Burton
Mr. Joseph Matricciani
Phyllis C. Friedman
Norman E. Genger
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF
DR. STANLEY A. COHN, ET UX
FOR SPECIAL EXCEPTION AND
VARIANCES ON PROPERTY LOCATED
ON THE WEST SIDE OF YORK RD.,
65' NORTH OF MT. CARMEL RD.,
(17004-17006 YORK ROAD)
7th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS

OF
BALTIMORE COUNTY

No. 86-257-XA

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner granting the requested Special Exception and Variances. Case was heard this day in its entirety.

At the outset of this hearing, testimony produced the following facts:

1. The two parcels under petition known as 17004 and 17006 York Rd. are both zoned B.L.
2. The abutting parcel to the south is zoned BM-CR as evidenced on Petitioner's Exhibit No. 1.
3. All other abutting or adjacent properties are zoned residential - R.C. 5.
4. The Petition for the Special Exception and Variances on the property known as 17006 is withdrawn and no action on this petition is to be taken.
5. That the present use of the property known as 17004 is that of a veterinarian, permitted under Section 230.9.

Petitioner's first witness was James W. McKee, Civil Engineer and Land Surveyor, who prepared the site plan entered as Petitioner's Exhibit No. 1. He testified as to the pertinent points portrayed on this site plan. Dr. Stanley Cohn, Veterinarian and property owner, testified in his own behalf. He described his use of the property and the facility itself. This testimony was lengthy and is part of the record and will not be detailed here. He especially noted that he plans no physical changes to the property or his operation but wanted to legitimize the boarding of pets on the site. He also agreed to no expansion of the existing boarding facilities, no added cages nor

Dr. Stanley A. Cohn, et ux
Case No. 86-257-XA

any added runs. Mr. Grant Mays, who resides at 17005 York Road, directly across the street, testified that he was not opposed to the requested petition. Six other persons asked to be identified as not in opposition to this petition. They were, Diane Fisher, Kim Little, Rebecca Tansel, Randy Shelly, Carol Clark Fisher and Sherrie Nagel. This concluded Petitioner's case.

Protestants first offered Sheila Peabody, representing the Citizen's Alliance for Northern Baltimore County, who testified as opposed to the petition. Mr. Thomas Ernst, Acting Director of Environmental Support Services, testified as to his concerns about the potential failure of the septic systems on the two properties. There was, by his testimony, evidence of failure on 17006, but no evidence of failure on 17004. Mr. Robert Miller, 17009 York Road, testified in opposition to the petition. He testified he has had problems with dogs barking and was concerned about potential well problems should the septic systems fail. Dr. Harold Burton, a retired Veterinarian, testified that there was no need for a Class A Boarding Place here and that this was a very bad location to permit a boarding operation. Mr. James Hoswell, Planner for Baltimore County, testified in opposition and noted his official comment entered as People's Counsel's Exhibit No. 1. This concluded testimony in this case.

After consideration of all the testimony and evidence received this day and consideration of Section 421.2 of the Baltimore County Zoning Regulations (BCZR), the Board is of the opinion that the request for a Class A Animal Boarding Place must be denied. There already exists upon the site a veterinarian, where animals may be boarded if the Veterinarian in charge deems their boarding on this site necessary for health reasons. The restrictions imposed on both animal boarding placus and kennels as enacted under Bill 85, 1967, are for the protection of neighboring properties, thus the 200 ft. setback required in Section 421.2. Section 421.2 is very clear in its wording herein quoted:

Dr. Stanley A. Cohn, et ux
Case No. 86-257-XA

Sec. 421.2 - Where an animal boarding place, kennel, or pet shop is allowed in a business or industrial zone, either as a Special Exception or as a permitted use, no part of such use shall be located within 200 feet of the nearest residential zone. (emphasis added) (Bill No. 85, 1967.)

Clearly, this site cannot meet this requirement. The Board will also note that while the present owner may be making every effort to operate in a non detrimental fashion, any Special Exception granted could not be restricted to his ownership but would run with the land. It is clear to this Board that the requested petition cannot satisfy the requirements of the Baltimore County Zoning Regulations (BCZR) Section 502.1, and therefore the Special Exception must be denied and therefore also the requested Variances must be denied.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 23th day of August, 1986, by the County Board of Appeals, ORDERED:

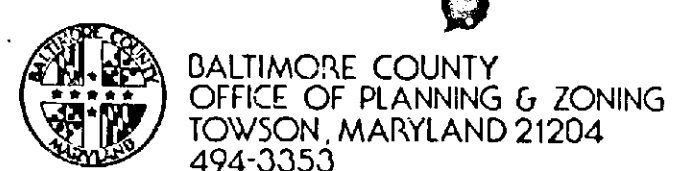
1. That the Special Exception and Variances petitioned for on property known as 17006 York Road be DISMISSED.
2. That the Special Exception and Variances petitioned for on property known as 17004 York Road be and the same are DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William P. Hackett, Chairman

Patricia Phipps



ARNOLD JABLON
ZONING COMMISSIONER

January 22, 1986

Dickee M. Howard, Esquire
Howard, Butler & Melfa, P.A.
401 Allegheny Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL EX-
CEPTION AND VARIANCE
W/S York Rd., 65' N of
Carmel Rd. (17004-17006
York Rd.) - 7th Elec. Dist.
Dr. Stanley A. Cohn, et ux,
Petitioners
Case No. 86-257-XA

Dear Ms. Howard:

Please be advised that an appeal has been filed by Mr. Robert R. Miller, Protestant, 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 County Board of Appeals.

Sincerely,
Arnold Jablon
Zoning Commissioner

AJ:bq

cc: Mr. Harold Burton
Mr. Joseph Matricciani
Mr. Robert R. Miller
People's Counsel

RE: PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE
W/S of York Rd., 65' N of Mt.
Carmel Rd. (17004-17006 York Rd.)
7th Election District

Dr. Stanley A. Cohn, et ux,
Petitioners
Case No. 86-257-XA

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of December 26, 1985, to the County Board of Appeals.

Robert R. Miller
17009 York Road
Monkton, MD 21111

RRM:bq

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	
No. 016187	
DATE 1/22/86	ACCOUNT R-01-515-000
AMOUNT \$ 165.00	
RECEIVED Robert R. Miller	
FOR Appeal Fee for Case No. 86-257-XA	
8 8562*****165001a 5726F	
VALIDATION OR SIGNATURE OF CARRIER	



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

April 9, 1986

Mr. John Oberender
928 Weisburg Road
White Hall, MD 21161

RE: Dr. Stanley A. Cohn, et ux, Petitioners
Zoning Case No. 86-257-XA

Dear Mr. Oberender:

Confirming our telephone conversation of this morning and, as requested, I am enclosing a copy of the Deputy Zoning Commissioner's Orders and the Notices of Appeal in the above-captioned matter. The hearing before the County Board of Appeals is set for Wednesday, June 25, 1986, at 10 a.m.

By copy of this letter, I am also requesting that the County Board of Appeals add your name to its notification list.

Thank you for your interest in this matter, and please call this office or the County Board of Appeals (494-3180) if you need further information.

Very truly yours,
Shirley M. Hess
Shirley M. Hess
Legal Assistant

Enclosures

cc: County Board of Appeals

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
W/S of York Rd., 65' N of : OF BALTIMORE COUNTY
Mt. Carmel Rd. (17004-17006 :
York Rd.), 7th District :
DR. STANLEY A. COHN, et ux, : Case No. 86-257-XA
Petitioners

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of December 26, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of January, 1986, a copy of the foregoing Notice of Appeal was mailed to Dickee M. Howard, Esquire, Howard, Butler & Melfa, P.A., 401 Allegheny Ave., Towson, MD 21204; Mr. Harold Burton, 2100 Dalewood Ct., Lutherville, MD 21093; and Mr. Joseph Matricciani, 20705 Keeney Mill Rd., Freeland, MD 21053.

Phyllis Cole Friedman
Phyllis Cole Friedman

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR VARIANCES
W/S of York Rd., 65' N of : OF BALTIMORE COUNTY
Mt. Carmel Rd. (17004-17006 :
York Rd.), 7th District :
DR. STANLEY A. COHN, et ux, : Case No. 86-257-XA
Petitioners

NOTICE OF APPEAL

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, entitled "Amended Order" under date of January 27, 1986, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 18th day of February, 1986, a copy of the foregoing Notice of Appeal was mailed to Dickee M. Howard, Esquire, Howard, Butler & Melfa, P.A., 401 Allegheny Ave., Towson, MD 21204; Mr. Harold Burton, 2100 Dalewood Ct., Lutherville, MD 21093; Mr. Joseph Matricciani, 20705 Keeney Mill Rd., Freeland, MD 21053; and Mr. Robert R. Miller, 17009 York Rd., Monkton, MD 21111.

Peter Max Zimmerman
Peter Max Zimmerman



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

March 7, 1986

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(c). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-257-XA
DR. STANLEY A. COHN, ET UX
W/s York Rd., 65' N of Mt. Carmel Rd.
7th District
SE-Animal Boarding Place
Var.-Setbacks
12/26/85 - DZC's Order - Granted w/restrictions

ASSIGNED FOR: WEDNESDAY, JUNE 25, 1986, at 10 a.m.
cc: Dr. Stanley Cohn, Petitioner
Dickee M. Howard, Esq., Counsel for Petitioner
Robert Miller, Protestant
Harold Burton, "
Joseph Matricciani, "
Phyllis C. Friedman, People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Drer

June Holmen, Secy.

3/7/86 - Following notified of hear. set on Wed. June 25, '86, at 10 a.m.:

Dr. Stan. Cohn
Dickee Howard, Esq.
Robt. Miller
Harold Burton
Jos. Matricciani
P. Friedman
N. Gerber, J. Hoswell
A. Jablon, J. Jung, J. Dyer

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 7th Date of Posting Feb 5 - 86
Posted for: Appeal
Petitioner: Dr. Stanley A. Cohn et ux
Location of property: W/S of York Rd., 65' N of Mt. Carmel Rd.
Location of Sign: West side of York Rd. 1/2 mi. N of York Rd.
Remarks: 17004 and 17006 York Rd.
Posted by: P. Phipps Date of return Feb 7, 1986
Number of Signs: 2

MT. CARMEL ANIMAL HOSPITAL, INC.
17004 YORK ROAD, HEREFORD
PARKTON, MARYLAND 21120

1 COPY OF MULTIPLE
FORM LETTERS.

Sept. 9, 1985

Dear Friends:

In response to ever increasing requests by you, our clients, to provide boarding facilities for your pets, and with the growing local pet population, we are applying for a Special Exception to board animals in our facility.

As we have always tried to be a "good neighbor" and a responsible member of the community, we are taking this opportunity to inform you of our intentions, and to invite your comments and support. We are convinced that this Special Exception will enable us to better serve you and your pets, and would appreciate your signature and address.

Sincerely,

Stanley A. Cohn, VMD

Stanley A. Cohn, VMD
Mt. Carmel Animal Hospital, Inc.

Microfilm This first
Sheet only.

We (I) support the Special Exception to board animals

Name: John F. Phillips

Address: 16939 Bunting Rd
Mount Airy, NC 27111

Comments:

STANLEY A. COHN'S
EXHIBIT 1

