

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
W/S Belair Road, 451.5' S of the *
c/l of Putty Hill Avenue * DEPUTY ZONING COMMISSIONER
(8018 Belair Road) *
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
Case No. 97-540-X
Brown 8018 Belair LLC *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Brown 8018 Belair LLC, by Robert F. Brown, D.V.M., through his attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks relief to permit a second floor caretaker's apartment, with direct access to the outside, in a B.L.-A.S. zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert Brown, Doctor of Veterinary Medicine, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 22,100 sq.ft., of which 17,100 sq.ft. are zoned B.L.-A.S., and the remaining 4,115 sq.ft. zoned D.R. 5.5. The property is improved with a two-story dwelling and is the site of Dr. Brown's veterinary practice. Dr. Brown wishes to construct a two-story addition to the existing dwelling to provide additional space for his veterinary practice on the first floor, and a caretaker's apartment on the second floor. Testimony indicated that the caretaker would be an employee who

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Date 7/24/97
By [Signature]

would provide security of the building and oversee the safekeeping of various drugs and medicines used in the treatment of animals. Furthermore, this employee will care for animals which are kept on the premises overnight. Testimony indicated that by having a caretaker living on the premises, Dr. Brown will be able to provide better service to his customers and patients, as well as secure drugs and medicines kept on site for the treatment of animals.

As noted above, no one appeared in opposition to the relief requested and the testimony and evidence presented indicated that the special exception requirements of Section 502.1 of the B.C.Z.R. will be met.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

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Date 7/24/02
By [Signature]

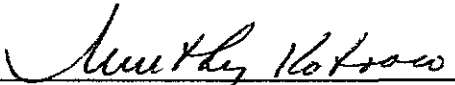
roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of July, 1997 that the Petition for Special Exception to permit a second floor caretaker's apartment in a B.L.-A.S. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 24, 1997

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
W/S Belair Road, 451.5' S of the c/l of Putty Hill Avenue
(8018 Belair Road)
14th Election District - 6th Councilmanic District
Brown 8018 Belair LLC - Petitioner
Case No. 97-540-X

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Dr. Robert F. Brown
8018 Belair Road, Baltimore, Md. 21236

People's Counsel; Case Files



RE: PETITION FOR SPECIAL EXCEPTION
8018 Belair Road, W/S Belair Road, 451.5'
S of c/l Putty Hill Avenue
14th Election District, 6th Councilmanic

Brown 8018 Belair LLC
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-540-X
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*

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr., Esq., 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8018 Belair Road, Baltimore, MD 21236

which is presently zoned B.L.A.S.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for to permit a second floor caretaker's apartment in a B.L.A.S. zone. Proposed apartment to have direct access to the outside.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

Brown 8018 Belair LLC

(Type or Print Name)

Signature

By: Robert F. Brown, D.V.M.
Signature

Address

Robert F. Brown, D.V.M.
(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner:

8018 BELAIR ROAD (410) 665-6996

Address Phone No.

Francis X. Borgerding, Jr.
(Type or Print Name)

BALTIMORE, MD. 21236

City State Zipcode

Signature

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

409 Wash. Ave., Ste. 600 410-296-6820

Francis X. Borgerding, Jr.
Name 409 Washington Ave., Ste. 600

Address Phone No.

Towson, MD 21204 410-296-6820

City State Zipcode

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: mik DATE 6/2/97

ORDER RECEIVED FOR FILING
Date 7/2/97
By [Signature]



Paul Lee, P.E.

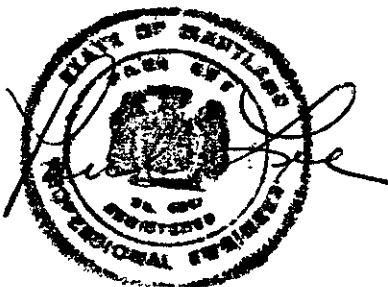
*Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5944*

DESCRIPTION

8018 BELAIR ROAD
ELECTION DISTRICT 14C6
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of Belair Road, said point also being located South $45^{\circ}30'00''$ West 451.50 feet from the center of Putty Hill Road, thence running with the west side of Belair Road (1) South $45^{\circ}30'00''$ West 90.00 feet, thence leaving said west side of Belair Road (2) North $47^{\circ}00'00''$ West 200.00 feet, thence (3) North $51^{\circ}00'00''$ West 45.25 feet, thence (4) North $45^{\circ}40'00''$ East 93.16 feet, and (5) South $47^{\circ}00'00''$ East 245.00 feet to the west side of Belair Road and said point of beginning.

Saving and excepting widening strip dedicated to State Highway Administration by deed 9332-491. Containing 21,215 square feet of land, more or less.



540

Engineers — Surveyors — Site Planners

J.O. 97015

5/9/97

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Town Square, Maryland on the property identified herein as follows:

Case #97-540-X
8018 Belair Road
W/S Belair Road, 461.6 S of
of Puffy Hill Avenue,
14th Election District
6th Councilmanic
Legal Owner(s):
Brown 8018 Belair LLC

Special Exception: to permit
a second floor caretaker's
apartment in a B.L.-A.S. zone.
Hearing: Tuesday, July 8,
1997 at 2:00 p.m., Room
407 Courts Bldg., 401 Bostley
Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
Special accommodations
Please Call (410) 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call (410) 887-3391.

6/29/97 time 19 C152251

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/19, 1997

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 6/19, 1997.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Williams

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

038082

DATE 5/2/97 ACCOUNT 01-615

Intn. 540
By: MFK
AMOUNT \$ 300.00

RECEIVED FROM: Brown, Robert - 8618 Belair Road

FOR: 050- Spec. 1 Exptm - 300.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

06/22/97 01-5 JMR R 6073

DEPT 554 ZONING DEPARTMENT
CR NO. 038082

\$300.00 CR 1-615
BALANCE (CASH) Maryland
Office of Budget & Finance

CERTIFICATE OF POSTING

RE: Case # 97-540-X

Petitioner/Developer:

(Brown 8018 Belair LLC)

Date of Hearing/Closing:

(July 8, 1997)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____
8018 Belair Road Baltimore, Maryland 21236 _____

The sign(s) were posted on _____ Jun. 24, 1997 _____
(Month, Day, Year)

Sincerely,

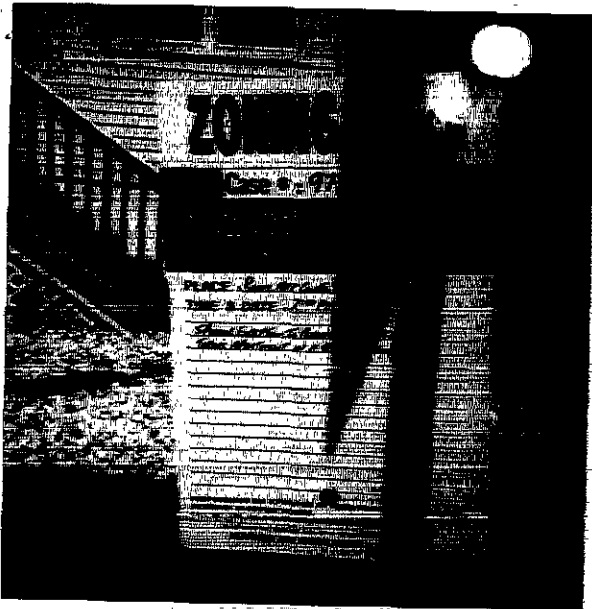

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



97-540-X

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

540

ZONING NOTICE

Case No.: 97-540-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: special exception for a second floor
care taker's apartment in the B.L. zone.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Ave
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 540

Petitioner: Robert F. Brown

Location: 8018 Belair Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert Brown

ADDRESS: 8018 Belair Road

Balto. MD 21236

PHONE NUMBER: (410) 665-6996

AJ:ggs

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY

June 19, 1997 Issue - Jeffersonian

Please forward billing to:

Robert Brown
8018 Belair Road
Baltimore, MD 21236
410-665-6996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-540-X

8018 Belair Road

W/S Belair Road, 451.5' S of c/l Putty Hill Avenue

14th Election District - 6th Councilmanic

Legal Owner(s): Brown 8018 Belair LLC

Special Exception to permit a second floor caretaker's apartment in a B.L.-A.S. zone.

HEARING: TUESDAY, JULY 8, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 13, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-540-X
8018 Belair Road
W/S Belair Road, 451.5' S of c/l Putty Hill Avenue
14th Election District - 6th Councilmanic
Legal Owner(s): Brown 8018 Belair LLC

Special Exception to permit a second floor caretaker's apartment in a B.L.-A.S. zone.

HEARING: TUESDAY, JULY 8, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Brown 8018 Belair LLC
Francis X. Borgerding, Jr., Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY june 24, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 1, 1997

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No.: 540
Case No.: 97-540-X
Petitioner: Brown 8018 Belair LLC

Dear Mr. Borgerding:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 2, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: June 23, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

~~STANDARD~~: ROBERT W. BOWLING

SUBJECT: Zoning Advisory Committee Meeting
 for June 23, 1997
 Item No. 540

 The Development Plans Review Division has reviewed the subject
zoning item. Subject to Landscape Manual to the extent possible.

RWB:HJO:jrb

cc: File

ZONE623.540

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

June 16, 1997

Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Brown 8018 Belair LLC

Location: DISTRIBUTION MEETING OF OCT. 07, 1996.

Item No.: 540

Zoning Agenda:

Gentlemen:

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

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", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Roslyn Eubanks

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: June 17, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 540, 542, 544, 545 and 546

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

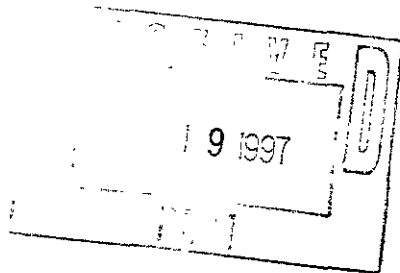
Prepared by:

Jeffrey W. Long

Division Chief:

Carol Keller

AFK/JL



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE:

6/19/97

FROM: R. Bruce Seeley .
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: June 16, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

536

545

540

546

542

547

543

548

544

RBS:sp

BRUCE2/DEPRM/TXTS8P

Paul Lee P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5361

August 25, 1997

8/25/97
To: Mr. Lee
From: Mr. Kellman
Subject: Zoning Case # 97-540-X
25

Mr. Arnold Jablon, Director
PDM Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 8018 Belair Road - Animal Hospital
DRC # 04287H
Zoning Case # 97-540-X

Dear Mr. Jablon:

A DRC limited exemption was granted for a 2 story addition to be added to the existing building at the above mentioned site. A zoning hearing was also held and a Special Exception was granted to permit a apartment on the 2nd floor of the addition.

As a result of our field survey information, it will be necessary to revise the location of the proposed addition in order to accommodate the existing building and site elevations. The requested change will not require any change to the zoning order but would require a change to the DRC pla.

I have met with Mr. Kellman of your office who has reviewed our request. We are requesting from your office that the change as shown does meet the spirit and intent of the zoning order.

I am enclosing 2 marked-up prints showing the requested change along with a check for \$40.00.

Thanking you for your cooperation.

Very truly yours,

Paul Lee
Paul Lee

PL:lp
Enclosures

Speed
Letter

In the interest of speed and economy, we are copying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



— Surveyors — Site Planners

September 2, 1997

14th Election District

Dear Mr. Lee:

Please be advised that after careful review of your amended site plan, the Department of Permits and Development Management, Zoning Review Bureau, has considered the change as within the spirit and intent of the referenced zoning hearing, provided all other zoning regulations are met.

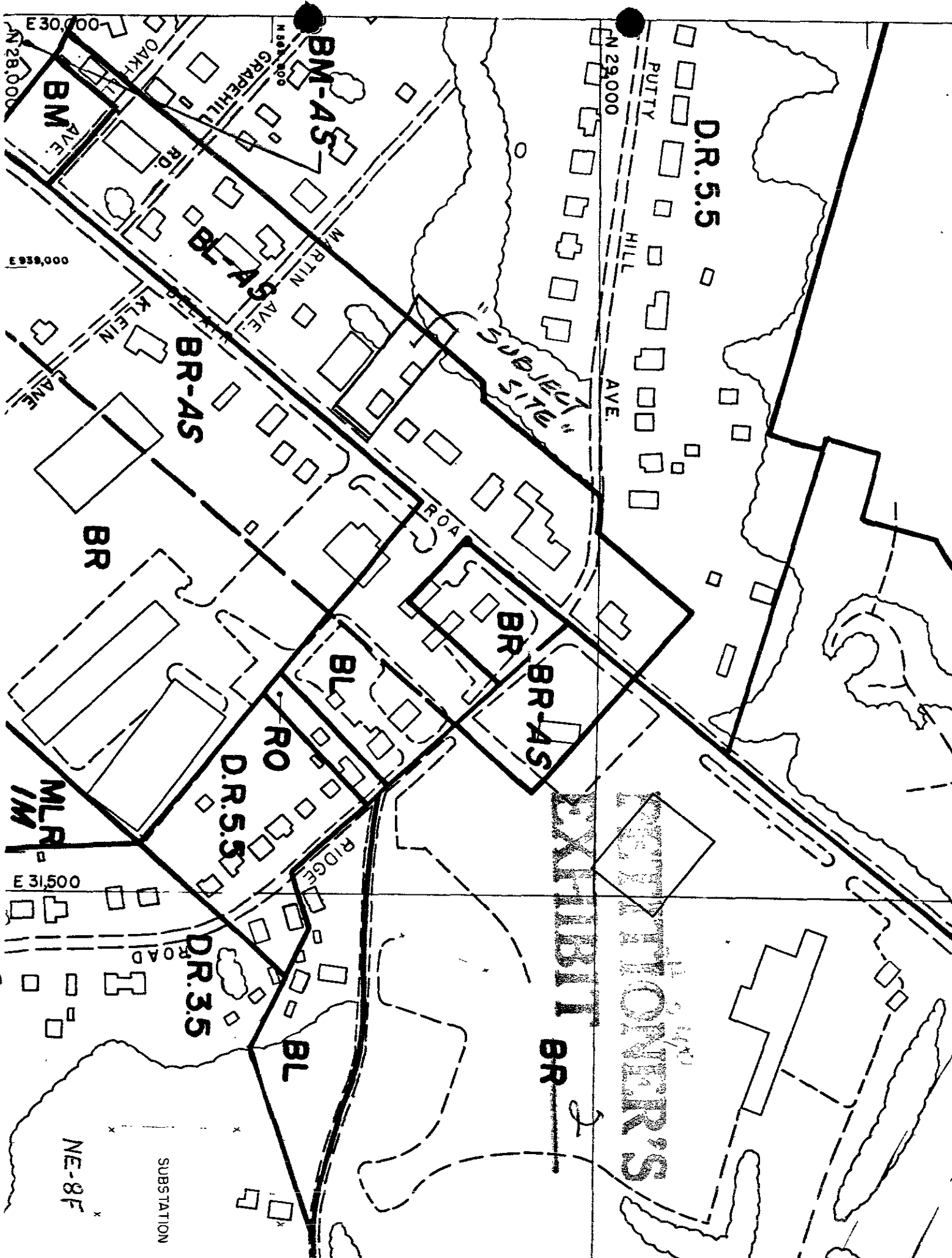
Very truly yours,

Mitchell J. Kellman

Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case 97-540-X



**EXTORTIONER'S
EXHIBIT 1**

SCALE 1" = 200'



