

IN THE MATTER OF
THE APPLICATION OF
GRETEL K. WHITE - LEGAL OWNER
FOR VARIANCE ON PROPERTY
LOCATED ON THE N/S GREENSPRING
AVENUE, N OF I-695, EXIT 22
(7800 GREENSPRING AVENUE)

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 00-438-A

* * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Matthew Azrael, Esquire, on behalf of Gretel K. White, Appellant /Petitioner, from the August 30, 2000 Order of the Deputy Zoning Commissioner in which the subject Petition was denied.

WHEREAS, the Board convened on October 16, 2001 for hearing as scheduled, notice having been sent. Matthew Azrael, Esquire, appeared on behalf of Petitioner /Appellant, Gretel K. White, and J. Carroll Holzer, Esquire, appeared on behalf of concerned citizens /Protestants; and

WHEREAS, said Counsel for Petitioner moved for a postponement of these proceedings until such time as a pending Petition for Special Hearing related to this property was concluded; objection made thereto by Mr. Holzer on behalf of Protestants. Petitioner's Motion for Postponement was denied on the record; and

WHEREAS, Counsel for Petitioner then requested that the instant Petition for Variance be withdrawn, with prejudice, rather than confuse the issues in this matter,

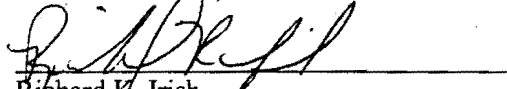
IT IS THEREFORE this 26th day of October, 2001, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Variance filed in Case No. 00-438-A is **WITHDRAWN AND DISMISSED** with prejudice.

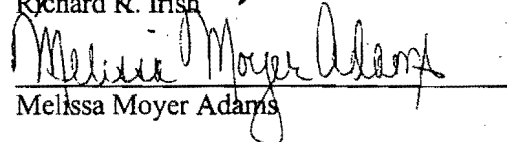
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Panel Chairman



Richard K. Irish



Melissa Moyer Adams

IN THE MATTER OF
GREENSPRING VALLEY KENNELS
7800 GREENSPRING AVENUE
BALTIMORE, MD 21208

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-00-142

RE: ORDER TO RESCIND COMMERCIAL
HOLDING FACILITY/KENNEL LICENSES * BALTIMORE COUNTY

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision /letter issued by Deborah L. Kendall, Supervisor, Miscellaneous Permits and Licenses /Department of Permits & Development Management in which approvals of Commercial Holding Facility /Kennel License #135-C, expiring June 30, 2000, and #01-C, expiring June 30, 2001, were rescinded.

WHEREAS, a hearing was scheduled to be held before this Board on Tuesday, October 16, 2001 at 10:00 a.m. The Board convened at the scheduled hearing time. Matthew Azrael, Esquire, appeared on behalf of Erika Lanasa and Gretel White, Appellants; J. Carroll Holzer, Esquire, appeared on behalf of interested citizens; and Nancy C. West, Assistant County Attorney, appeared on behalf of Baltimore County; and

WHEREAS, at the onset of the hearing, Counsel for Appellants moved to withdraw the instant appeal filed on behalf of Erika Lanasa and Gretel White, indicating that this matter was now moot, the rescinded licenses having since expired; and

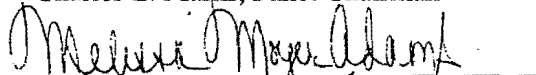
WHEREAS, it is requested on behalf of said Appellants that the appeal filed in Case No. CBA-00-142 be dismissed and withdrawn as of October 16, 2001,

IT IS HEREBY ORDERED this 26th day of October, 2001 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Charles L. Marks, Panel Chairman



Melissa Moyer Adams



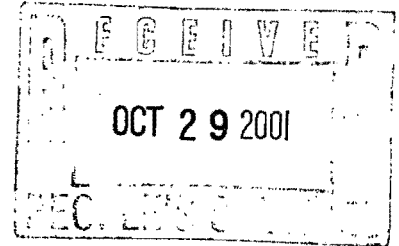
Richard K. Irish



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 26, 2001



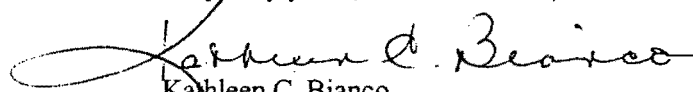
Matthew H. Azrael, Esquire
101 E. Chesapeake Avenue
Baltimore, MD 21286

RE: *In the Matter of: Gretel K. White - Legal Owner*
/Petitioner Case No. 00-438-A and
Greenspring Valley Kennels / Case No. CBA-00-142

Dear Mr. Azrael:

Enclosed please find a copy of the Order of Dismissal of Petition in Case No. 00-438-A issued this date by the County Board of Appeals of Baltimore County in which the above-referenced Petition has been withdrawn and dismissed. Also enclosed is a copy of the Order of Dismissal of appeal issued in Case No. CBA-00-142.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

cc: Gretel K. White
Erika Lanasa
J. Carroll Holzer, Esquire
Jack Dillon, Executive Director /Valleys Planning Council, Inc.
Joanne Adleberg
Elaine O'Mansky /Old Court Greenspring Improvement Assn.
Aurelia Bolton
Mical Carton /PGCC
Amy Kahn
Barbara Hettleman /Stevenson Halcyon Ridge Comm. Assn.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence Schmidt /Z.C.
Deborah L. Kendall, Misc P&L /PDM
James Thompson - Code Enforcement /PDM (CC122420)
Arnold Jablon, Director /PDM
Nancy C. West, Assistant County Attorney





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7800 Greenspring Avenue

which is presently zoned D.R.1

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s)

421.1 to permit a side yard depth of 20 feet

in lieu of the required 200 feet for a proposed kennel
and animal boarding place, Class A.

-409.4A to allow existing 10' driveway in lieu of required 20' for fire truck movement.
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

undue hardship and practical difficulty

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

MATTHEW H. AZRAEL

Name - Type or Print

Signature

AZRAEL, GANN & FRANZ, LLP

Company

5th Floor

101 East Chesapeake Avenue (410)821-6800

Address

Telephone No.

Baltimore,

Maryland

21286

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

7800 Greenspring Avenue (410)560-3237

Address

Telephone No.

Baltimore,

Maryland

21208

City

State

Zip Code

Representative to be Contacted:

Tony Viti

Name

200 E. Pennsylvania Avenue (410)296-3333

Address

Telephone No.

Baltimore,

Maryland

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By BR Date 4/18/00

Case No. 00-438-A

REV 9/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7800 Greenspring Avenue

which is presently zoned D.R.1

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s)

421.1 to permit a side yard depth of 20 feet
in lieu of the required 200 feet for a proposed kennel
and animal boarding place, Class A.

409.4A to allow existing 10' driveway in lieu of required 20' for two-way movement.
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

undue hardship and practical difficulty

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

MATTHEW H. AZRAEL

Name - Type or Print

Signature

AZRAEL, GANN & FRANZ, LLP

Company

5th Floor

101 East Chesapeake Avenue (410)821-6800

Address

Telephone No.

Baltimore,

Maryland

21286

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

7800 Greenspring Avenue (410)560-3237

Address

Telephone No.

Baltimore,

Maryland

21208

City

State

Zip Code

Representative to be Contacted:

Tony Viti

Name

daya corp.

200 E. Pennsylvania Avenue (410)296-3333

Address

Telephone No.

Baltimore,

Maryland

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BH

Date 4/18/00

Case No. 00-438-A

REV 9/15/98

8/30/00

IN RE: PETITION FOR VARIANCE
N/S Greenspring Avenue
North of Interstate 695, Exit 22
3rd Election District
2nd Councilmanic District
(7800 Greenspring Avenue)

Gretel K. White
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-438-A

SEP - 6 2000

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Gretel White. The variance request is for property owned by Ms. White located at 7800 Greenspring Avenue, zoned DR 1. The variance request is from Section 421.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard depth of 20 ft. in lieu of the required 200 ft. for a proposed Kennel and Animal Boarding Place, Class A. In addition, the Petitioner is requesting a variance from Section 409.4.A to allow an existing 10 ft. driveway in lieu of the required 20 ft.

Appearing at the hearing on behalf of the variance request were Gretel White, owner of the property and her daughter, Erica Lanasa. Melanie Moser, landscape architect with Daft, McCune & Walker, also appeared. The Petitioner was represented by Keith Franz and Jonathan Azrael, on behalf of Azrael, Gann & Franz, attorneys at law. Many residents of the surrounding community appeared in strong opposition to the Petitioner's request, all of whom signed in on the Protestant's Sign-In sheet. Also appearing, representing some of those residents, was Carroll Holzer, attorney at law. Jack Dillon, a representative of the Valleys Planning Council, also attended the hearing.

ORDER RECEIVED FOR FILING

Date

8/30/00

By

[Signature]

Testimony and evidence offered at the hearing demonstrated that the property, which is the subject of this variance request, consists of 6.66 acres, more or less, zoned DR 1. The subject property is improved with a two-story dwelling and driveway which leads out to Greenspring Avenue. The property is located on the north side of the Baltimore Beltway at the exit ramp for Greenspring Avenue. The specifics of the property are more particularly shown on Petitioner's Exhibit No. 3, the site plan submitted into evidence.

The subject property is owned by the Petitioner, Gretel K. White. Her daughter, Erica Lanasa, resides within the dwelling that is located on the property along with her two children. Ms. Lanasa currently operates a kennel on the subject property and has a license for same. A Kennel and Animal Boarding Place Class A are a permitted use in the DR 1 zone. However, the Zoning Regulations require a 200 ft. setback for any such use on the subject property. The site plan submitted into evidence shows a small triangular portion of the property which meets all setback requirements. Apparently, the only way in which Ms. Lanasa can legally operate at this time is to confine the kennel activities to that triangular area as shown on the site plan. Testimony from Ms. Lanasa indicated that she currently houses 11 dogs on the subject property, 2 of which are her own.

Ms. Lanasa is interested in expanding her operation and constructing a proposed one-story Kennel and Class A Animal Boarding structure on the south side of the subject property adjacent to the Baltimore Beltway. The kennel structure itself is approximately 160 ft. in length and 40 ft. in width. The structure includes two 14 ft. outside dog runs on the outside of the structure. It is situated approximately 20 ft. from the side property line. The Petitioner proposes to operate her kennel facility from the subject structure. She proposes to provide 50 indoor/outdoor runs for

ORDER RECEIVED FOR FILING

DATE 8/30/00

[Signature]

dogs. In addition, she would provide indoor facilities for up to 50 cats. In order to proceed with her plans and for the construction of the proposed kennel facility, a variance is necessary.

As stated previously, many residents of the surrounding community appeared in opposition to the Petitioner's request. The community is vehemently opposed to such a large kennel operation being operated from the subject property in a residential area of Baltimore County. The Protestants indicated that their neighborhood is entirely residential and, notwithstanding its proximity to the Baltimore Beltway, is fairly quiet in the evening hours. Several residents testified that the sounds of barking dogs have been heard at this time from the Petitioner's property. They are concerned that given the proposed magnitude of the Petitioner's operation (up to 50 dogs at one time), the noise and odor from the operation would be overwhelming. Furthermore, they are very much concerned over the amount of traffic that would be generated if this facility were running at full capacity (50 dogs and 50 cats). The community is also opposed to granting a variance for the width of the driveway in the event the kennel is allowed to be constructed. These residents indicated, that given the commercial nature of this operation, a driveway with a width of 20 ft. should be mandated given the amount of traffic coming and going to the site. Therefore, they do not believe a variance should be granted for the width of the driveway.

At the conclusion of the testimony and evidence, Mr. Holzer, on behalf of his clients, asserted that Section 421.1 of the Baltimore County Zoning Regulations cannot be varianced. He argued that the 200 ft. setback requirement is a condition precedent to the operation of a Kennel and Animal Boarding Place Class A, and consequently cannot be varianced. His argument is based on two cases which are cited in his Memorandum which was submitted shortly after the close of the taking of testimony in this case. He relies on Chesterhaven Beach

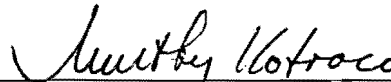
Partnership v. County Board of Appeals for Queen Annes County, 103 Md. App. 324 (1995) and Leo J. Umerley v. People's Counsel for Baltimore County, 108 Md. App. 497 (1996). After considering the arguments made by Mr. Holzer on behalf of his clients, his Memorandum submitted, as well as the cases cited therein, and in consideration of the Petitioner's Memorandum which was submitted after the close of the taking of testimony, I find that Section 421.1 of the B.C.Z.R. can be varianced and the 200 ft. setback requirement for a kennel is not a condition precedent to the use of a Kennel and Animal Boarding Class A. Therefore, Mr. Holzer's motion that the variance be dismissed, for the reasons cited at the hearing, as well as in his memorandum, be and is hereby denied.

Having denied Mr. Holzer's motion, I must now turn to the variance request at hand. The Petitioner is requesting permission to situate her kennel facility 20 ft. from the side property line in lieu of the required 200 ft. After considering all of the testimony and evidence offered at the hearing, as well as the memoranda submitted at the close of the hearing, I find that the Petitioner has failed to satisfy the burdens imposed on her in order to justify the granting of this variance. The subject property is simply not an appropriate candidate to house such an extensive kennel operation as is proposed by the Petitioner. The size and magnitude of the proposed operation would be better suited for a larger tract of land, located in a more rural area of the County. To approve this particular operation on this parcel of property would, in fact, cause injury to the public, safety and general welfare of the neighbors that surround this property in this residential community. Furthermore, an operation of this size, proposed in the area as shown on the site plan, is not within the spirit and intent of the subject property's residential classification. Having so found, the Petitioner's variance shall be denied.

THEREFORE, IT IS ORDERED this 30th day of August, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 421.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard depth of 20 ft. in lieu of the required 200 ft. for a proposed Kennel and Animal Boarding Place, Class A, be and is hereby DENIED.

IT IS FURTHER ORDERED, that Petitioner's request for variance from Section 409.4.A, to allow an existing 10 ft. driveway in lieu of the required 20 ft. driveway, be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

DATE

BY

*Kennel case -
note
opposition -
ad*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 19, 2000

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

SUBJECT: 7800 Greenspring Ave.

INFORMATION:

Item Number: 438

Petitioner: Gretel K. White

Zoning: D.R.1

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the variances to permit a side yard setback of 20 feet in lieu of the required 200 feet for a proposed Class A kennel and animal boarding house, or to allow an existing 10 foot driveway in lieu of the required 20 feet for two way traffic.

Due to the need for variances, this office has determined that the proposed site cannot accommodate such a use.

Prepared by: *Pat Keller*

Section Chief: *Jeffrey W. Long*

AFK:MAC:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: May 8, 2000
SUBJECT: Zoning Item #438: 7800 Greenspring Avenue

RECEIVED MAY 10 2000

Zoning Advisory Committee Meeting of May 1, 2000

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

GROUNDWATER MANAGEMENT SECTION (410-887-2762):

Prior to issuance of any building permits, the following comments must be addressed:

1. A Justification for Variance to the Baltimore County Master Water and Sewer Plan must be submitted to the Department of Public Works validating whether public sewer is available to this property. If public sewer is deemed available, the kennel must be connected to the sewer. If public sewer is not available, an Interim Agreement is required and must be approved by DEPRM for the proposed sewage disposal system.
2. A usage letter must be submitted projecting daily water usage supported by documentation such as water bills from kennels of similar capacity. The usage letter must also indicate the potential number of employees, number of dog runs and overall kennel capacity.
3. Soil evaluation tests are required to determine the suitability of soils for the proposed sewage disposal system. A septic reserve area of a size determined by DEPRM is required for the installation of an initial sewage disposal system and two future repairs.
4. The "dog runs" must be covered. A pretreatment system will be required for the sewage disposal system.
5. The existing well on the property must be inspected and verified to be in good working condition.

STORMWATER MANAGEMENT SECTION (410-887-3768):

Prior to issuance of any building permits, site plans will be subject to review for compliance with stormwater management requirements as well as erosion, grading and sediment control requirements.



**Maryland Department of Transportation
State Highway Administration**

5/19/00

WCK

Parris N. Glendening
Governor

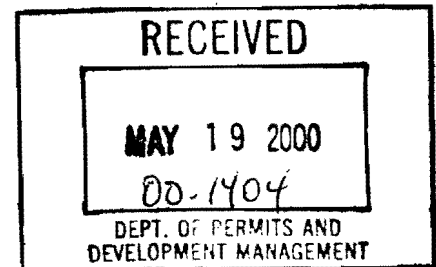
John D. Porcari
Secretary

Parker F. Williams
Administrator

File

Please Reply to:
Office of the District Engineer
2323 West Joppa Road
Brooklandville MD 21022
410-321-2800
1-800-962-3077

May 17, 2000



Ms. Joanne L. Adleburg
7808 Greenspring Avenue
Baltimore MD 21208

Dear Ms. Adleberg:

Thank you for your recent letters to State Highway Administrator Parker F. Williams and me regarding your neighbor's request for a zoning variance to operate and expand the kennel operation along Greenspring Valley Road. We certainly appreciate the how upset you must be as a result of this proposal.

It is important to understand the State Highway Administration's role in the local zoning process. Baltimore County, like most other counties in Maryland, has a planning and zoning division that reviews and approves such requests. Our role is to look at the impact such a development or zoning change would have on the safety and operations of the adjacent state roadway. We can and often do request that a developer make changes at the access point onto the state road if we feel the development would have a negative impact on the state road, but we do not become involved in approving or disapproving particular developments or zoning requests. As a result, you may wish to contact Mr. W. Carl Richards, Jr., Zoning Review Supervisor, at 410-887-3391, regarding your opposition.

While we cannot help in this regard, we are pleased to advise you that work will begin shortly to widen Greenspring Avenue from just north of the I-695 inner loop ramp south through the Old Court Road intersection to Valley Park Drive. We will also widen the exit ramp onto Greenspring Avenue and install a traffic signal at the end of the ramp. These improvements should greatly alleviate the problem you are having with the heavy back ups and u-turn movements at your driveway.

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

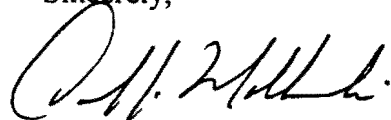
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

00-438-A

Ms. Joanne L. Adelberg
May 17, 2000
Page Two

We hope this information is helpful. Please feel free to contact me or our Community Liaison, Mrs. Linda Singer, if you have any further questions. Mrs. Singer may be reached at 410-321-2812.

Sincerely,



David J. Malkowski
Metropolitan District Engineer

DJM:LIS:ko

cc: Mr. Larry Gredlein, Engineering Access Permits Division, State Highway
Administration
Mr. W. Carl Richards, Jr., Zoning Review Supervisor, Baltimore County ✓
Mr. Randall Scott, Assistant District Engineer for Traffic, State Highway
Administration,
Mrs. Linda Singer, Community Liaison, State Highway Administration
Mr. Parker F. Williams, Administrator, State Highway Administration



Baltimore County
Fire Department and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

ATTENTION: Gwen Stephens

RE: Property Owner: GRETTEL K. WHITE

Location: DISTRIBUTION MEETING OF APRIL 17, 2000

Item No.: 438

Dear Ms. Stephens:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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", 1994 edition prior to occupancy.

*DRIVEWAY TO BE A MINIMUM OF 16 FT. IN WIDTH.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: **5.1.00**

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. **438 BR**

RECEIVED MAY 05 2000

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
7800 Greenspring Avenue, W/S Greenspring Ave,
1620 sq.' S of c/l Grasty Rd
3rd Election District, 2nd Councilmanic

Legal Owner: Gretel K. White
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-438-A

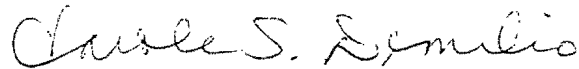
* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Matthew H. Azrael, Esq., Azrael, Gann & Franz, 101 E. Chesapeake Avenue, 5th Floor, Towson, MD 21286, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

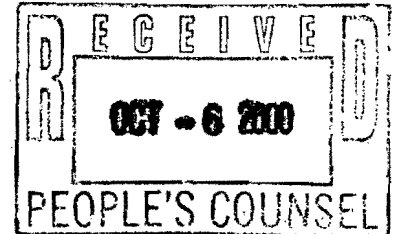
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cal PHZ

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

October 4, 2000

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286



Dear Mr. Holzer:

GRETEL K. WHITE

RE: Case No. 00-438-A, 7800 Greenspring Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on September 28, 2000 by Matthew H. Azrael, Esquire of Azrael, Gann & Franz, LLP. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon/sg

Arnold Jablon
Director

AJ:scj

- C: Matthew Azrael, Esquire, Azrael, Gann & Franz, LLP, 101 E. Chesapeake Avenue, 5th Floor, Baltimore, MD 21286
Gretel White, 7800 Greenspring Avenue, Baltimore, MD 21208
Joanne Adleberg, 7808 Greenspring Avenue, Baltimore, MD 21208
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286
Jack Dillon, c/o Valleys Planning Council, P.O. Box 5402, Towson, MD 21285
Aurelia Bolton, 8301 Greenspring Avenue, Baltimore, MD 21208
Amy Kahn, 2 Brickford Lane, Baltimore, MD 21208
People's Counsel



Census 2000



For You, For Baltimore County



Census 2000



APPEAL

Petition for Variance
7800 Greenspring Avenue
N/S Greenspring Avenue, N of Interstate 695, Exit 22
3rd Election District – 2nd Councilmanic District
Gretel K. White - Legal Owner
Case Number: 00-438-A

Petition for Variance (filed 4/18/00)

Description of Property

Notice of Zoning Hearing (dated 5/15/00)

Certification of Publication – NOT FOUND IN FILE

Certificate of Posting -- HEARING DATE OF 6/7/00 -- (5/19/00 – George A. Brown, 3rd, DMW)

Certificate of Posting – COVER MEMO ONLY (dated 6/23/00)

Certificate of Posting – HEARING DATE OF 6/27/00 – NO ORIGINAL, ONLY COPY – (6/12/00 – John Speicher, DMW)

Entry of Appearance by People's Counsel (dated 4/27/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheets – 2 PAGES

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1 Plat of 7800 Greenspring Avenue (dated 4/18/00)
- 2 Plat of 7800 Greenspring Avenue, colored (dated 4/18/00)
- 3 Plat of 7800 Greenspring Avenue, with setbacks marked (dated 4/18/00)
- 4A Photographs Taped Together – View from south property line looking west to kennel site
- 4B Photograph – View from NE side of house looking NE
- 4C Photographs Taped Together – View from center of site looking south
- 4D Photograph – View from center of site looking north
- 5 Explanation of proposed structure and hours of operation
- 6 Letter to Ms. Joanne L. Adleburg from David J. Malkowski, Metropolitan District Engineer, Maryland Department of Transportation, State Highway Administration (dated 5/17/00)

Protestants' Exhibits:

- 1 Affidavit of Complaint from Joan Barton (notarized 6/26/00)
- 2 Resume of Jack Dillon
- 3 Inter-office Correspondence to Arnold Jablon, Director, Department of Permits and Development Management, from Arnold F. "Pat" Keller III, Director, Office of Planning (dated 5/19/00)
- 4 Letter to Department of Permits and Development Management from Lieutenant Herb Taylor, Fire Marshall's Office

Misc. (Not Marked as Exhibits):

- ❖ Letter (1) in support of kennel
- ❖ Letters (102) in opposition of kennel – SOME ARE DUPLICATES
- ❖ Letter to Sophia Jennings, Department of Permits, Development, & Management from Joanne L. Adleberg (dated 5/8/00)
- ❖ Letter to Lawrence Schmidt, Zoning Commissioner of Baltimore County, from J. Carroll Holzer, Esquire (dated 6/2/00)
- ❖ Telephone Message to Tim from Matthew Azrael (dated 6/5/00) and attached response to Robin from Tim (dated 6/6/00)
- ❖ Note to Carl from Robin (dated 6/6/00)
- ❖ Letter to J. Carroll Holzer, PA from Arnold Jablon (dated 6/12/00) – THIS COPY WAS FOR MATHEW AZRAEL – THERE IS NO FILE COPY IN THE FOLDER
- ❖ Hand-written Note to Carl Richards and Sophia Jennings from Jon Azrael (not dated)
- ❖ Note to File from Sophia (dated 6/23/00)
- ❖ Note to File from Sophia and Carl (dated 6/26/00)
- ❖ Letter to Timothy M. Kotroco, Deputy Zoning Commissioner for Baltimore County from Jonathan A. Azrael (dated 7/19/00)
- ❖ Protestants' Memorandum in Lieu of Final Argument from J. Carroll Holzer, Esquire (dated 7/17/00)
- ❖ Memorandum of Petitioner from Jonathan A. Azrael (dated 7/21/00)

Deputy Zoning Commissioner's Order dated 8/30/00 (Denied)

Notice of Appeal received on 9/28/00 from Matthew H. Azrael, Esquire of Azrael, Gann & Franz, LLP

C: Matthew Azrael, Esquire, Azrael, Gann & Franz, LLP, 101 E. Chesapeake Avenue, 5th Floor, Baltimore, MD 21286
Gretel White, 7800 Greenspring Avenue, Baltimore, MD 21208
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286
People's Counsel of Baltimore County. MS #2010

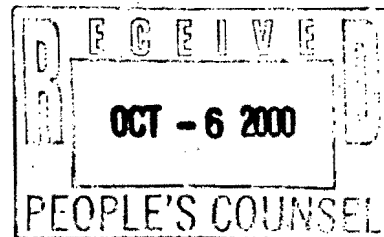


Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdinspect@co.ba.md.us

October 4, 2000

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286



Dear Mr. Holzer:

GRETTEL K. WHITE

RE: Case No. 00-438-A, 7800 Greenspring Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on September 28, 2000 by Matthew H. Azrael, Esquire of Azrael, Gann & Franz, LLP. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon/sq

Arnold Jablon
Director

AJ:scj

C: Matthew Azrael, Esquire, Azrael, Gann & Franz, LLP, 101 E. Chesapeake Avenue, 5th Floor, Baltimore, MD 21286
Gretel White, 7800 Greenspring Avenue, Baltimore, MD 21208
Joanne Adleberg, 7808 Greenspring Avenue, Baltimore, MD 21208
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286
Jack Dillon, c/o Valleys Planning Council, P.O. Box 5402, Towson, MD 21285
Aurelia Bolton, 8301 Greenspring Avenue, Baltimore, MD 21208
Amy Kahn, 2 Brickford Lane, Baltimore, MD 21208
People's Counsel



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

October 15, 2001

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

Charles L. Marks, Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
01 OCT 15 PM 3:19

Re: Petition for Variance
7800 Greenspring Avenue, W/S Greenspring Ave,
1620 sq.' S of c/l Grasty Rd
3rd Election District, 2nd Councilmanic
Gretel K. White / Greenspring Valley Kennels,
Petitioners
Case No.: 00-438-A

Dear Mr. Marks:

When this case was originally scheduled, our office wrote to express its interest. It is still our position that a variance is not available under the regulations pertaining to kennels and other facilities for animals. BCZR Section 421. The reason is that BCZR 421 establishes a use limitation, and a use variance is not allowed under BCZR 307. Even if a variance were allowed, the record does not appear to support one here.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

Charles L. Marks, Panel Chairman
County Board of Appeals
of Baltimore County
October 15, 2001
Page Two

PMZ/caf

cc: Matthew H. Azrael, Esq., Attorney for Petitioners

J. Carroll Holzer, Esq., Attorney for Protestants

TRANSMISSION VERIFICATION REPORT

TIME: 10/15/2001 03:18
NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

10/15 03:17
94108211265
00:00:45
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OK
STANDARD
ECM

TO: MATTHEW
AZRAEL
2 PAGES
410 821-1265

TRANSMISSION VERIFICATION REPORT

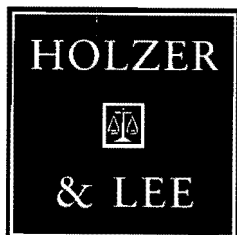
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NAME: BOARD OF APPEALS
FAX : 4108873182
TEL : 4108873180

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DURATION
PAGE(S)
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94108254923
00:00:45
02
OK
STANDARD
ECM

TO: CARROLL
HOLZER

2 PAGES
410 825-4923



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

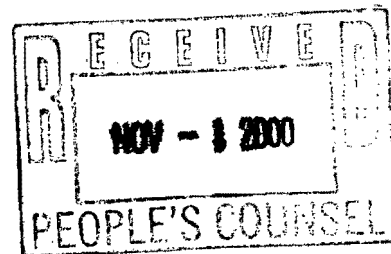
FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

October 30, 2000

#7210

George Zahner
County Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204



Re: Case No. 01-148-SPH

7800 Greenspring Ave.

Legal Owner: Gretel White

Petitioners: Ira + Joanne Wagonheim et al.

Dear Mr. Zahner:

Attached you will find a Notice of Hearing in the above referenced matter scheduled for a hearing on November 15, 2000. Matthew Azrael, attorney for the property owner, Gretel White, has requested that my clients' Petition for Special Hearing be postponed until December 14, 2000. We do not object to the requested postponement.

Please set the above matter in for a hearing on December 14, and if that date is not convenient, Petitioners respectfully request that the hearing be set in as soon as possible after that date. If you prefer, please call counsel to determine the best alternative dates. If you have any questions, please call me at 410-825-6961.

Very truly yours,

J. Carroll Holzer

Enclosure

JCH:clh

cc: Amy Kahn

Lawrence Schmidt, Zoning Commissioner



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

October 13, 2000

CAROLE S. DEMILIO
Deputy People's Counsel

Lawrence M. Stahl, Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

RECEIVED
COUNTY BOARD OF APPEALS
00 OCT 13 PM 2:03

Re: PETITIONS FOR VARIANCES

(1) 7800 Greenspring Avenue,
3rd Election District, 2nd Councilmanic
Legal Owner: Gretel K. White, Petitioner
Case No.: 00-438-A

(2) 1026-1028 York Road ("Just Puppies"),
9th Election District, 4th Councilmanic
Legal Owner: Timothy R. Quigg
Contract Purchaser: Mitchell J. Thomson,
Petitioners
Case No.: 00-532-A

Dear Chairman Stahl:

The above cases have in common an important legal issue. They both present the question of whether deviation from BCZR Section 421 standards for kennels, pet shops, and other uses enumerated in that Section are subject to variance. It has been the position of this office that such deviations amount to "use variances," which are impermissible under BCZR Section 307.

As long ago as 1979, Circuit Court Judge Walter Haile agreed with our position in the case of Walter Ross Rumage, et ux., No. 10/433/6363, August 3, 1979, enclosed.

While the facts in the two above cases are different, we think that the common legal issue should be decided by the same CBA panel. We think it also would be advisable to schedule these cases together or back to back, if feasible.

Lawrence M. Stahl, Chairman
County Board of Appeals
of Baltimore County
October 13, 2000
Page Two

In any event, by this letter we are making sure that all of the parties in both cases are aware of their interrelationship.

At this writing the Quigg case is scheduled for November 2, 2000 at 10 a.m. The White case was recently appealed and is yet to be scheduled.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf
Enclosure

cc: Howard L. Alderman, Jr., Esq.,
Keith Franz, Esq. and Matthew H. Azrael, Esq.,
J. Carroll Holzer, Esq.
Jack Dillon, Valleys Planning Council

RE: PETITION FOR VARIANCE
from Section 421.1 of the
Baltimore County
Zoning Regulations
NE corner Harford and
Glen Arm Roads
11th District

Walter Ross Ramage, et ux
Petitioners

Case No. 76-138-A

William C. Klapaska, et ux
and John W. Hessian, III,
People's Counsel for
Baltimore County
Protestants-Appellants

IN THE
CIRCUIT COURT
BALTIMORE COUNTY

AT LAW

Misc. Docket No. 10

Folio No. 433

File No. 6363

ORDER

The Court, in its Opinion dictated at the conclusion of the hearing on this matter, having found that the 200-foot requirement found in Section 421.1 of the Baltimore County Zoning Regulations is a use restriction which cannot be changed by variance under the provisions of Section 307 of said Regulations, it is, this 3rd day of August, 1979,

ORDERED, by the Circuit Court for Baltimore County, that the Order of the County Board of Appeals for Baltimore County dated September 8, 1977, granting a variance herein be and it is hereby REVERSED.

Walter R. Hyde

JUDGE

True Copy Test

ELMER H. KAHLIN, JR., Clerk

J. T. WMA
Deputy Clerk

RECEIVED
BALTIMORE COUNTY
AUG 8 10 55 AM '79
COUNTY BOARD
OF APPEALS
BY: _____

IRA J. WAGONHEIM
7808 Greenspring Avenue
Pikesville, Maryland 21208
TELEPHONE AND FAX: 410-486-5595

FACSIMILE COVER SHEET

Date: May 23, 2000

To: Peter Zimmerman, Esquire

Facsimile Telephone Number: 410-887-3182

Number of pages being sent (including cover sheet): 9

From: Ira J. Wagonheim

Re: Greta White zoning application (Case No. 00-438-A)

Dear Mr. Zimmerman:

In accordance with the telephone conversation which I just had with Ms. Fisher, copies of the following documents follow: the plat which accompanied Ms. White's variance petition request, letter from the State Highway Administration, and one of several letters which my wife sent out, listing some of our concerns. (For purposes of clarification, when Joanne acquired our property, her last name was "Adleberg".)

Thank you for your consideration.

CONFIDENTIALITY NOTICE: The information set forth in this facsimile message is confidential, and if addressed to my client or certain counsel, is subject to the attorney-client or work product privilege, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please notify me immediately by telephone, and return this original message to me at the above address via the U.S. Postal Service.

JOANNE L. ADLEBERG
7808 Greenspring Avenue
Baltimore, Maryland 21208
(410) 484-1563

May 7, 2000

Parker F. Williams, Administrator
State Highway Administration
Maryland Department of Transportation
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: 7800 Greenspring Avenue
Pikesville, Maryland 21208
Case No. 00-438A

Dear Mr. Williams:

I am the next door neighbor of the property owner who has made application for the operation/expansion of a dog kennel at 7800 Greenspring Avenue, and vehemently objection to the granting of the applicant's variance in the above referenced case, for the following reasons:

1. The run-off from a dog kennel will have a disastrous impact upon our ecological and environmental systems by reason of the seepage into our well water and the Slaughter House Creek, which runs along the boundary of both properties. Moreover, that problem will not be alleviated in any way by a direct hook-up to the sewerage system.

2. Even if the structures were permitted to be located closer to the beltway to enable the applicant to comply with the distance requirements from our property, the additional traffic on the already overloaded Greenspring Avenue will get worse, and the bottleneck bottleneck between Old Court Road and the beltway exit ramps will continue to escalate. At the present time, vehicles which are exiting from north-bound exit of the beltway are experiencing long traffic lines to make a left hand turn onto southbound Greenspring Avenue. We are being directly affected, because many of those drivers turn right (north) onto Greenspring, make a "U" turn into our driveway, and then head south. The problem will continue to deteriorate when more homes are built in the new developments to the north of us.

3. The noise which will be generated by the trucks and cars going entering and leaving the next door property, in addition to the barking dogs is totally inconsistent with our quiet, residential neighborhood. Even at the present time, barking dogs can be heard during the day, and they interrupt our sleep at night.

In conclusion, if the applicant does not have the right to use the property for a kennel

without the variance (or even if he/she has a limited right), the use should not be expanded or enhanced by the granting of a variance. It is our sincere hope that the application will be denied..

Thank you for any assistance which you may offer.

Very truly yours,

cc: Arnold Pat Keller,
Director of Office of Planning and Zoning



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Please Reply to:
Office of the District Engineer
2323 West Joppa Road
Brooklandville MD 21022
410-321-2800
1-800-962-3077

May 17, 2000

Ms. Joanne L. Adleburg
7808 Greenspring Avenue
Baltimore MD 21208

Dear Ms. Adelberg:

Thank you for your recent letters to State Highway Administrator Parker F. Williams and me regarding your neighbor's request for a zoning variance to operate and expand the kennel operation along Greenspring Valley Road. We certainly appreciate the how upset you must be as a result of this proposal.

It is important to understand the State Highway Administration's role in the local zoning process. Baltimore County, like most other counties in Maryland, has a planning and zoning division that reviews and approves such requests. Our role is to look at the impact such a development or zoning change would have on the safety and operations of the adjacent state roadway. We can and often do request that a developer make changes at the access point onto the state road if we feel the development would have a negative impact on the state road, but we do not become involved in approving or disapproving particular developments or zoning requests. As a result, you may wish to contact Mr. W. Carl Richards, Jr., Zoning Review Supervisor, at 410-887-3391, regarding your opposition.

While we cannot help in this regard, we are pleased to advise you that work will begin shortly to widen Greenspring Avenue from just north of the I-695 inner loop ramp south through the Old Court Road intersection to Valley Park Drive. We will also widen the exit ramp onto Greenspring Avenue and install a traffic signal at the end of the ramp. These improvements should greatly alleviate the problem you are having with the heavy back ups and u-turn movements at your driveway.

My telephone number is _____

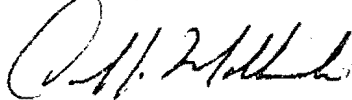
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Joanne L. Adelberg
May 17, 2000
Page Two

We hope this information is helpful. Please feel free to contact me or our Community Liaison, Mrs. Linda Singer, if you have any further questions. Mrs. Singer may be reached at 410-321-2812.

Sincerely,



David J. Malkowski
Metropolitan District Engineer

DJM:LIS:ko

cc: Mr. Larry Gredlein, Engineering Access Permits Division, State Highway Administration
Mr. W. Carl Richards, Jr., Zoning Review Supervisor, Baltimore County
Mr. Randall Scott, Assistant District Engineer for Traffic, State Highway Administration,
Mrs. Linda Singer, Community Liaison, State Highway Administration
Mr. Parker F. Williams, Administrator, State Highway Administration

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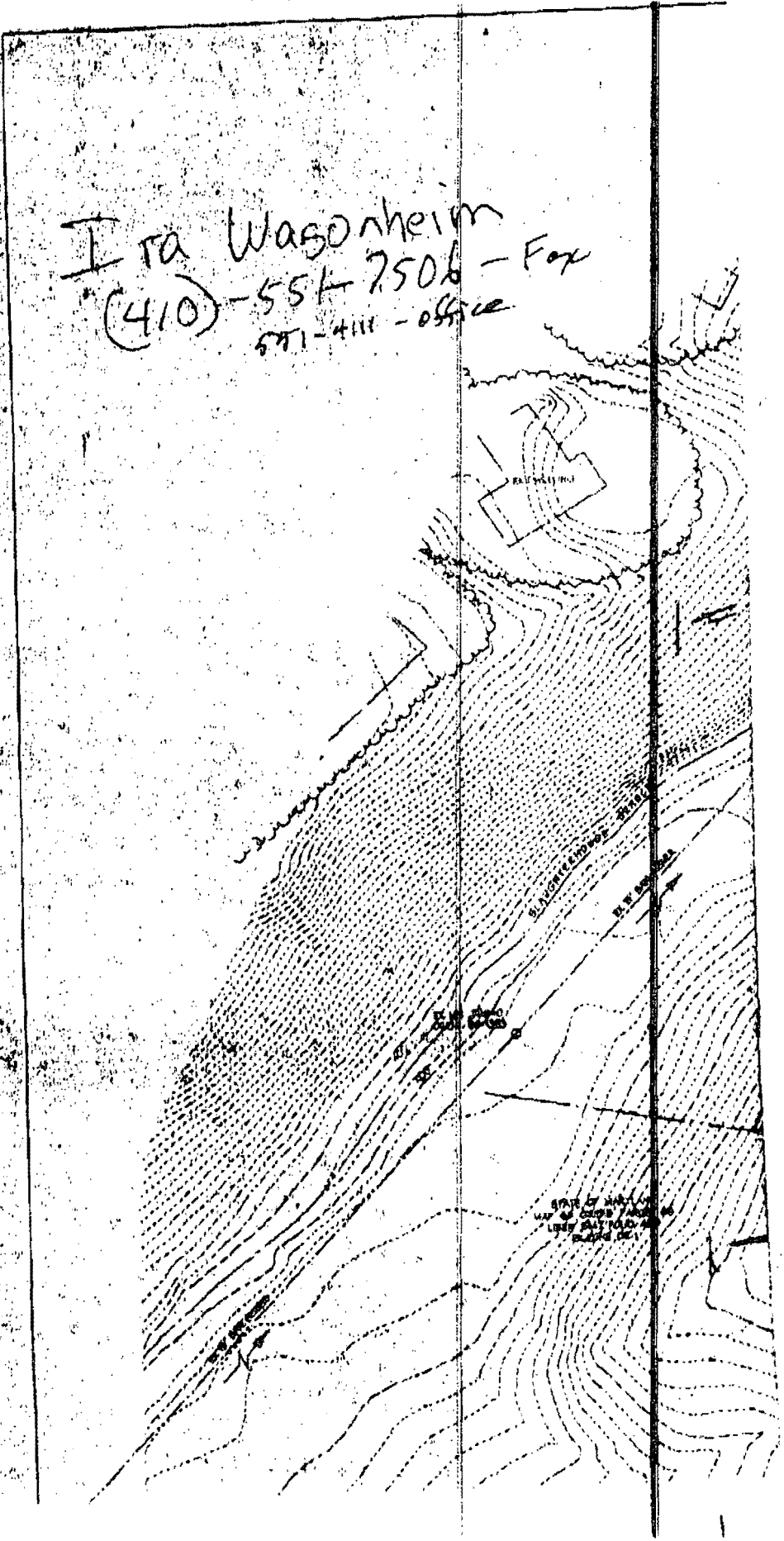
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May 15-00 2:53PM;

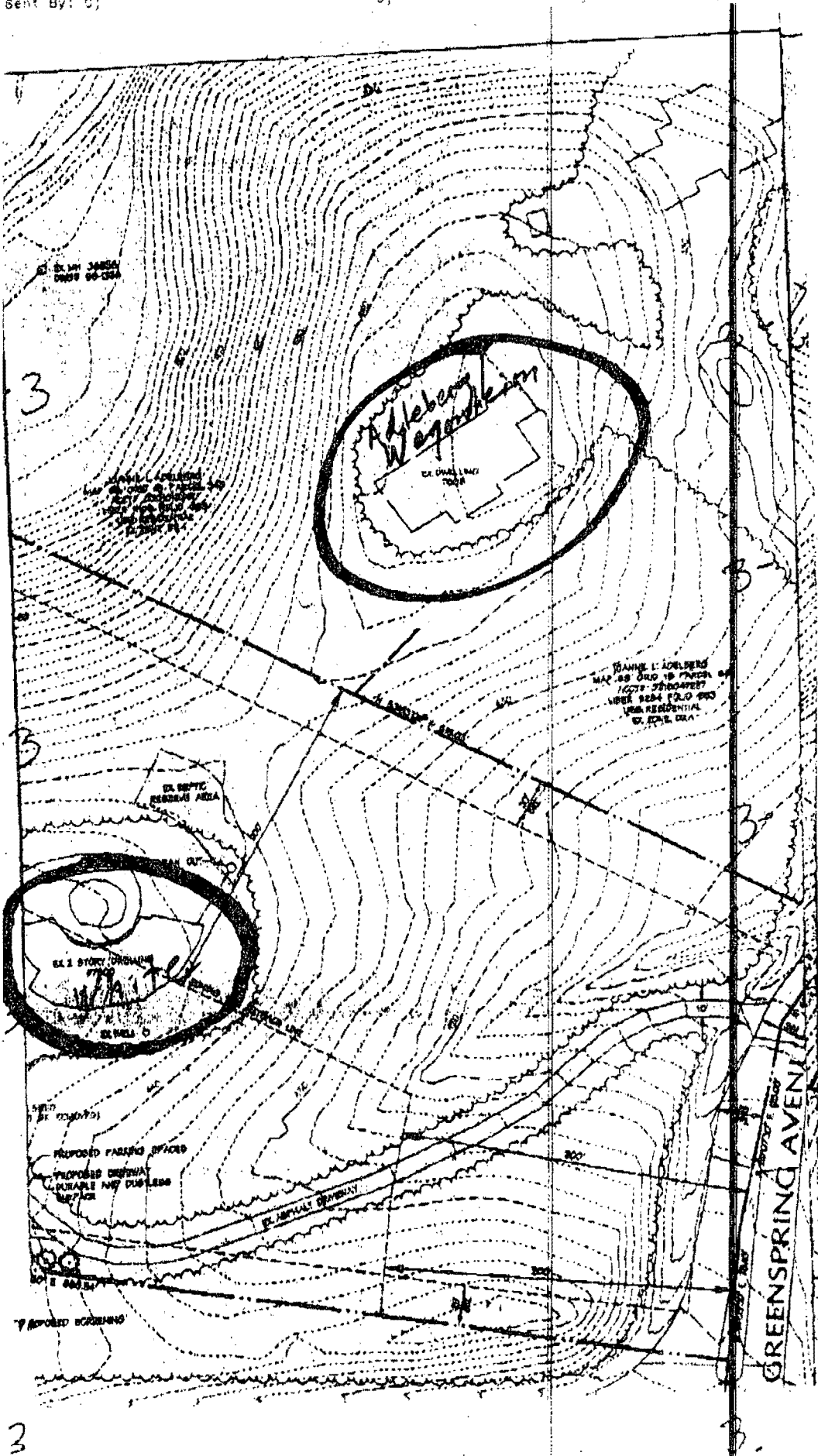
Page 1

Ira Wagonheim
(410)-554-7506 - Fox
571-4111 - office

1



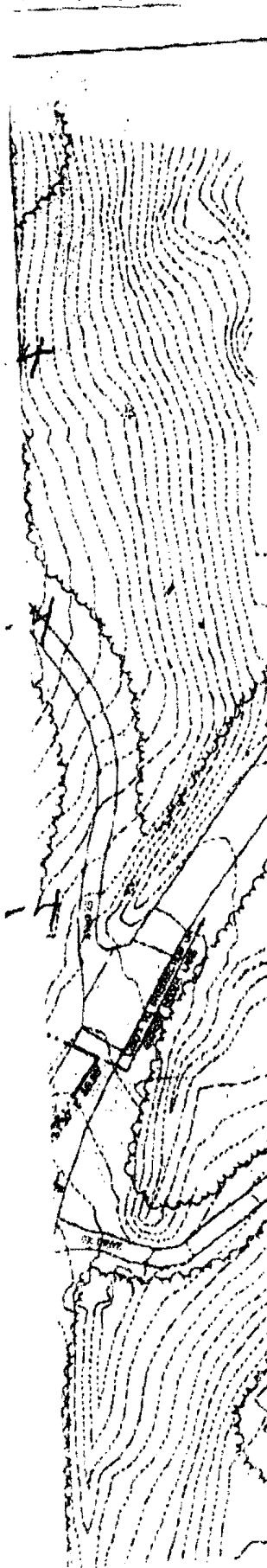
STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
DIVISION OF WATER
PLOT NO. 1



Sent By: 0;

0;

May



VICINITY MAP
SCALE 1"=1000'

SITE DATA

1. CURRENT OWNER AND STREET ADDRESS: GRETEL K. WHITE, 7800 GREENSPRING AVENUE, BALTIMORE, MD 21208

2. SITE AREA: GROSS AREA: 6.66 ACRES, NET AREA: 6.66 ACRES

3. EXISTING ZONING: ZONING U.S.I.

4. EXISTING USE: RESIDENTIAL

5. SITE ADDRESS: 7800 GREENSPRING AVENUE, BALTIMORE, MD 21208

6. SITE DATA: TAX MAP 66, 0000 IS MARCEL 66, DEED REFERENCE 3801329, TAX ACCOUNT NUMBER 04-00-001000000, ELECTION DISTRICT 03, COUNTY COUNCIL DISTRICT 10, ZONED D.U.1, BALTIMORE (SEE ZONING MAP 10-0), TOTAL GROSS FLOOR AREA 6,000 SF, GROSS SITE AREA 6.66 ACRES = 278,892 SF - 0.00

7. FLOOR AREA RATIO: 2 EMPLOYEES, PROPOSED 8 SPACES

8. PARKING REQUIREMENTS: 2 EMPLOYEES, PROPOSED 8 SPACES

9. THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEM WITHIN 100' OF THE ADJACENT PROPERTY OWNER.

10. PROPOSED SIGNAGE AND CLASS 'A' ANIMAL BOARDING BUILDING WILL MEET BUILDING CODE AND FIRE CODE REQUIREMENTS.

11. EXISTING ALL OTHERS WILL COMPLY WITH S.C.E.R. SECTION 450

VARIANCE PETITION REQUEST

1. A VARIANCE FROM S.C.E.R. SECTION 450.1 TO PERMIT A SIDE YARD DEPTH OF 10 FEET IN LIEU OF THE REQUIRED 100 FEET DEPTH.

2. A VARIANCE FROM S.C.E.R. SECTION 450.2 TO PERMIT EXISTING 10' DRIVEWAY IN LIEU OF REQUIRED 20' (OR 2 WAY) DRIVEWAY.

DATA SOURCES:
EXISTING TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY OFFICIAL 6X6" MAPS 1986.
PROPERTY INFORMATION IS TAKEN FROM DEEDS, PLATS AND OTHER INFORMATION DEEMED TO BE RELIABLE SOURCES.
THE INFORMATION HEREON IS NOT THE RESULT OF A D.M.W. INC. BOUNDARY SURVEY OR FIELD TOPOGRAPHIC SURVEY.

D.M.W.
Dan J. DeCicco, P.E., Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21206
(410) 293-8800
Fax 293-8708

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE HEARING
GRETEL K. WHITE PROPERTY
7800 GREENSPRING AVENUE

Handwritten: I am, Waggonheim, 7/1/01, 4/1/01.

4

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2001, Legislative Day No. 17

Bill No.87-01

Mr. Kevin Kamenetz, Councilman

By the County Council, September 17, 2001

A BILL
ENTITLED

AN ACT concerning

Animal Boarding Places, Kennels, Pet Shops, Veterinarian's Offices, and Veterinarianiums
Kennels - Commercial and Private

FOR the purpose of amending the Baltimore County Zoning Regulations in order to establish
~~guidelines concerning animal boarding places, commercial kennels, private kennels, pet~~
~~shops, veterinarian's offices, and veterinarianiums, repealing, amending, and adding certain~~
~~definitions, permitting commercial kennels and private kennels to be located in certain~~
~~zones, establishing certain setback limitations, limiting the number of dogs permitted at a~~
~~private kennel located in a residential zone, authorizing the Zoning Commissioner to~~
~~impose certain conditions or restrictions, making certain stylistic changes, and generally~~
~~relating to the regulation of animal boarding places, commercial kennels, private kennels,~~
~~pet shops, veterinarian's offices, and veterinarianiums.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining INDICATES AMENDMENTS TO BILL.

1 1

FINAL

**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2001, LEGISLATIVE DAY NO. 19
OCTOBER 15, 2001 7:00 P.M.**

CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE

- A. MOMENT OF SILENT MEDITATION
PLEDGE OF ALLEGIANCE TO THE FLAG**
- B. APPROVAL OF JOURNAL** - Meeting of October 1, 2001
- C. ENROLLMENT OF BILLS** - 74-01, 75-01, 76-01, 77-01, 78-01, 79-01, 80-01, 81-01, 82-01 & 83-01
- D. INTRODUCTION OF BILLS**
 Bill 89-01 - Mr. Moxley(By Req.) - CEB - Watershed/Floodplain study
 W/DRAWN ~~Bill 90-01 - Councilmembers Olszewski, Skinner, Gardina - Rental Housing Licenses~~
 Bill 91-01 - Councilmembers Olszewski, Skinner & Gardina - Rental Housing Licenses
 Bill 92-01 - Councilmembers Kamenetz & Skinner - Roller Skating Rinks
- E. CALL OF BILLS FOR FINAL READING AND VOTE**
 PASSED Bill 84-01 - Mr. Moxley(By Req.) - Metro. Dist. Ext. - SW & NW Sides of Cherry Hill Road south of Red Run Blvd
 PASSED Bill 85-01 - Mr. Moxley(By Req.) - CEB - Patrons of the Park Program
 PAM Bill 86-01 - Councilmembers Skinner, McIntire, Gardina & Moxley - Zoning Regulations - Definitions
 PAM Bill 87-01 - Mr. Kamenetz - Zoning Regulations - Kennels
- F. APPROVAL OF FISCAL MATTERS/CONTRACTS**
 APPROVED 1. Contract of Sale - North Charleston Lands Corporation - Piney Run Rural Legacy Program
 APPROVED 2. Agreement - Evergreen Systems, Inc. - Help Desk Software Package
 APPROVED 3. Agreement - People Encouraging People, Inc. - Transitional Age Youth Services for MD Public Mental Health System
 APPROVED 4. Contract - YMCA of Central MD, Inc. - After School Services for Loch Raven Academy
 APPROVED 5. Agreement - Bonham Research - Evaluating After School Programs under the MD After School Opportunity Fund Initiative
 APPROVED 6. Agreement - Comcast Business Communications, Inc. - 10MB LAN connect - New Office Site (Caldor Bldg.)
- G. MISCELLANEOUS BUSINESS**
 1. Correspondence - (a) Non-Competitive Awards (09/18/01), (09/20/01) & (09/21/01)
 PASSED 2. Res. 116-01 - Mr. Moxley(By Req.) - Support the expansion of Tessco Technologies, Inc.
 PASSED 3. Res. 117-01 - Mr. Moxley(By Req.) - MTA Application for Section 9 and I8 Grant
 W/DRAWN ~~4. Res. 118-01 - Councilmembers Skinner & Olszewski - Community Conservation - Housing Programs & Rental Housing~~

Court File

RE: PETITION FOR VARIANCE
from Section 421.1 of the
Baltimore County
Zoning Regulations
NE corner Harford and
Glen Arm Roads
11th District

Walter Ross Ramage, et ux
Petitioners

Case No. 76-138-A

William C. Klapaska, et ux
and John W. Hessian, III,
People's Counsel for
Baltimore County
Protestants-Appellants

IN THE
CIRCUIT COURT
BALTIMORE COUNTY
AT LAW

Misc. Docket No. 10

Folio No. 433

File No. 6363

ORDER

The Court, in its Opinion dictated at the conclusion of the hearing on this matter, having found that the 200-foot requirement found in Section 421.1 of the Baltimore County Zoning Regulations is a use restriction which cannot be changed by variance under the provisions of Section 307 of said Regulations, it is, this *3rd* day of August, 1979,

ORDERED, by the Circuit Court for Baltimore County, that the Order of the County Board of Appeals for Baltimore County dated September 8, 1977, granting a variance herein be and it is hereby REVERSED.

Walter R. Hill

JUDGE

True Copy Test

ELMER H. KAHLIN, JR., Clerk

J. T. [Signature]
Deputy Clerk

RECEIVED
BALTIMORE COUNTY
AUG 8 10 55 AM '79
COUNTY BOARD
OF APPEALS
BY: *[Signature]*

ARTICLE 4

SPECIAL REGULATIONS

Section A400

Purpose

[Bill Nos. 40-1967; 18-1976]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.

Section B400

Application of This Article's Provisions

[Bill No. 18-1976]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.D.7) or unless the provision implicitly relates to accessory usage (as in Section 405A).

Section 400

Accessory Buildings in Residence Zones

[BCZR 1955; Bill No. 27-1963]

- 400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.
- 400.2 Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. **[Bill No. 2-1992]**
- 400.3 The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

Reviewed with Ira Wagenaar
outlined legal concepts
potential issues