IN RE: PETITION FOR SPECIAL HEARING

NEC Crondall Lane and Owings Mills Boulevard 4th Election District

4th Election District

3rd Councilmanic District

(Owings Mills Blvd. and Crondall Lane)

Crondall Corner Associates, LLC

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-239-SPH

* * * * * * * *

*

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Crondall Corner Associates, LLC. The special hearing request involves property located on the northeast intersection of Owings Mills Boulevard and Crondall Lane. The property is zoned ML-IM. The special hearing request is to approve a veterinarium as a permitted use in the ML zone.

Appearing at the hearing on behalf of the special hearing request were William Berman on behalf of the owner of the property, Suzanne Rittler, DVM, Patricia Palumbo and Rob Hoffman, attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is located on the northeast corner of the intersection of Crondall Lane and Owings Mills Boulevard. The subject property is improved with a strip shopping center and associated parking. The Petitioner proposes to lease 2,475 sq. ft. on the property. The area she proposes to lease is highlighted on Petitioner's Exhibit No. 2, the site plan submitted into evidence. In order to proceed with her leasing of the property, a special hearing request is necessary to make a determination that the intended use of the property as a veterinarium is permitted.

ev ne per

Mr. Hoffman proffered the testimony of his client. He fully explained the intended use of the property and applied that use to the definitions as contained within Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifically the definition of a veterinarium. Based on the testimony as explained at the hearing before me, the Petitioner's use of the property is in fact a veterinarium. Therefore, it is a permitted use on the subject property and the special hearing request shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31.51 day of January, 2001, that the Petitioner's request for special hearing to approve a veterinarium use on the subject property as a permitted use in the ML zone, be and is hereby APPROVED.

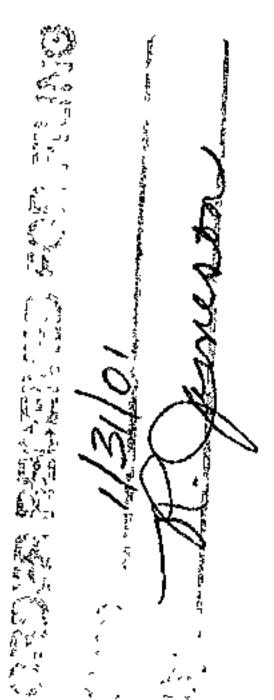
IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



IN THE MATTER OF
THE APPLICATION OF
CRONDALL CORNER ASSOCIATES, LLC PETITIONER FOR A SPECIAL HEARING
ON PROPERTY LOCATED ON THE NEC
CRONDALL LANE & OWINGS MILLS
BOULEVARD (CRONDALL CORNER)
11299 OWINGS MILLS BOULEVARD
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

BALTIMORE COUNTY

* Case No. 01-239-SPH

OPINION

This matter comes before the Board from the decision of the Deputy Zoning

Commissioner granting the Petitioner's request for a special hearing to approve a veterinarium use on the subject property within an M.L. zone. The appeal was taken by the People's Counsel, Peter Max Zimmerman. The Petitioner, Crondall Corner Associates, LLC, was represented by Robert A. Hoffman, Esquire, and VENABLE, BAETJER & HOWARD. A public hearing was held before this Board on March 27, 2001, and public deliberation took place on April 8, 2001.

There was no dispute with respect to the facts in this matter, and the sole question is a legal one, as to whether or not the use is permitted in an M.L. zone.

Section 101 of the *Baltimore County Zoning Regulations* (BCZR) defines "veterinarian" as "a person licensed to engage in the practice of veterinary medicine." A "veterinarian's office" is defined as "an office which is maintained by a veterinarian for the treatment of animals and in which no animal is kept overnight." A "veterinarium" is defined as "any building or portion thereof which is used, intended to be used or arranged primarily for treatment of animals by a veterinarian, where overnight care is allowed, and where all areas used for treatment or housing of animals are odorproofed and soundproofed."

Petitioner contends that the veterinarium is allowed in the M.L. zone as a matter of right under § 270 of the BCZR. This is based upon the chart found in that section which shows that there is no requirement for a special exception nor is the veterinarium prohibited in the M.L.

zone. There is a footnote to the chart which states, "These uses are not listed in § 253, as amended, after the enactment of this entry among uses allowable in the M.L. zone. (See section 253.5 regarding conflicts between sections 270 and 253.)" It is the position of the Petitioner that the notes attached to the chart were probably made by the publisher and were not made by the County Council.

Section 253.C of the zoning regulations sets forth certain uses which are allowed in an M.L. zone by special exception. Among these uses is "veterinarian's offices." There is no mention of a veterinarium in § 253.C.

Section 253.5 of the regulations states, "Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of § 270, the provision in this section shall control." People's Counsel cites this section as the basis for his contention that a veterinarium is not allowed in an M.L. zone, since it was not mentioned in § 253.C. People's Counsel contends that, since there is no mention of a veterinarium in § 253.C, there is a conflict with § 270, and, since it is not mentioned, § 253.5 controls, and the use is not allowed in an M.L. zone. In support of his position, People's Counsel cites the decision of the Court of Special Appeals in *Kowalski v. Lamar*, 25 Md.App. 493.

People's Counsel also cites the Baltimore County Zoning Commissioner's "Policy Manual" which he contends, while not controlling, is generally acceptable. His contention is based upon the fact that the Zoning Commissioner's "Policy Manual" goes to the County Council for approval. In that Manual, there is a chart showing the uses allowed in various zones. The chart shows that, for a veterinarium, the space under the M.L. zone is blank, indicating to People's Counsel that the use is not allowed.

Decision

The Board has reviewed its notes and the documents presented. It has considered the Petitioner's argument that, in the creation of the M.L. zone, a number of less intensive uses were removed from that zone. The Board cannot find that the veterinarium is allowed as a matter of right, or by special exception.

In Kowalski v. Lamar, 25 Md. 493, the complaint alleged a violation of the zoning regulations by permitting a certain commercial fishing business to be conducted on land zoned residential. The Zoning Commissioner found that the Appellee, Lamar, was operating a commercial business on land classified in a residential zone and ordered that such uses cease. The Baltimore County Board of Appeals reversed the Zoning Commissioner and was affirmed on appeal by the Circuit Court for Baltimore County. A commercial fishing operation had been carried on on this property for 18 years.

The Court of Special Appeals cited § 102.1 of the zoning regulations, which stated:

No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations.

The Court then went on to cite § 1A00.2.A and B of the zoning regulations which provided the uses permitted by right in an R.D.P. zone and the uses permitted by special exception. A commercial fishing business was not listed as a use permitted as a matter of right or by special exception.

In reviewing subsections A and B of § 1A00.2 of the regulations, the Court of Special Appeals stated:

Those sections established that the only uses permitted in the R.D.P. zone are those designated as uses permitted as of right and uses permitted by special exception. Any use other than those permitted and being carried on as of right or by special exception are prohibited.

Case No. 01-239-SPH / Condall Corner Associates, LLC

The Court went on to find that this Board failed to determine whether the uses complained of were permitted in the R.D.P. zone, and if not prohibited, were they permitted by special exception. Therefore, the Board erred and the Court of Special Appeals reversed the Board and the Circuit Court.

Since the use of a veterinarium is not listed in § 253.C, and § 253.5 states that in any conflict with § 270, the provision of § 253 shall control, the Board has no alternative but to find that the use is not allowed in an M.L. zone since it is not listed as a use.

ORDER

THEREFORE, IT IS THIS 3rd day of May, 2001 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to approve a veterinarium use on the subject property in an M.L. zone be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Donna M. Felling

Charles L. Marks



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

Northeast	intersection	of	Owings
Matte Dies		1 1	· ['

Date 12/12/00

for the property located at Mills Blvd. and Crondall Lane

which is presently zoned ML-IM

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 Special Hearing under Section 500.7 of the Zoning Regulations of Ballimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing to approve a veterinarium as a permitted use in the ML zone.

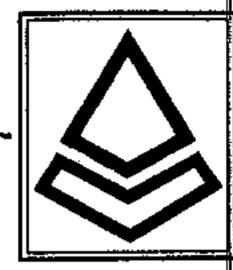
Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded∥by the

zoning regulations a	and restrictions of Baltimore	County adopted pu	rsuant to the zoning law	tor Baitimore County.		
	•		I/We do solemnly d perjury, that I/we ar is the subject of this	eclare and affirm, under e the legal owner(s) of the s Petition.	the penalties he property w	of hich
Contract Purch	aser/Lessee:		Legal Owner(s) <i>:</i>	:	
Name - Type or Print	·		Crondall Cor Name - Type or Print	ner Associates,	LLC	· · · · · · · · · · · · · · · · · · ·
Signature		<u> </u>	Signature			
Address	<u></u>	Telephone No.	William S B Name Type or Rrint			
City	State	Zip Code	Signature			-
Attorney For Pe	etitioner:		11299 Owings Address	Mills Blvd, S-200		2-0290 one No.
David H. Karc	eski		Owings Mills,	MD	21117	,
Name - Type or Print	2/		City	State to be Contacted:	Zi	p Code
Signature Venable, Baet	jer and Howard, LL	P	David H. Karc			
Company	<u> </u>		Name			day 4 xu
210 Allegheny	Avenue 410-	494-6200	210 Allegheny	Avenue 4	10-494-62	
Address		Telephone No.	Address	3.4m	Telepho	
Towson,	MD State	21204 Zip Code	Towson, City	MD State		1204 Code
		2 ,p 3 000	Only .		•	1
			<u>c</u>	FFICE USE ONLY	i i	.'
			ESTIMATED LE	NGTH OF HEARING	s	
Case No.)/-239-5PH		UNAVATLABLE	FOR HEARING	1	

Reviewed By BR

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

VETERINARIUM LOT 3, CATALYST RESEARCH CORPORATION PLAT BOOK 69, PAGE 52

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF OWINGS MILLS BOULEVARD, 70 FEET WIDE,40 FEET, MORE OR LESS, NORTH OF THE NORTH SIDE OF CRONDALL LANE, VARIABLE WIDTH RIGHT-OF-WAY; THENCE LEAVING SAID POINT OF BEGINNING AND BINDING ON THE AFOREMENTIONED EAST SIDE OF OWINGS MILLS BOULEVARD BY A CURVE TO THE LEFT HAVING A RADIUS OF 2899.79 FEET, AN ARC LENGTH OF 381.95 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTH 85 DEGREES 40 FEET 53 MINUTES EAST 76.72 FEET; THENCE NORTH 32 DEGREES 48 MINUTES 26 SECONDS EAST 65.00 FEET; THENCE NORTH 76 DEGREES 48 MINUTES 26 SECONDS EAST 175.00 FEET THENCE: SOUTH 21 DEGREES 11 MINUTES 34 SECONDS EAST 158.13 FEET; THENCE SOUTH 61 DEGREES 08 MINUTES 38 SECONDS EAST 109.12 FEET; THENCE SOUTH 13 DEGREES 32 MINUTES 32 SECONDS EAST 312.61 FEET TO A POINT ON THE AFOREMENTIONED NORTH SIDE OF CRONDALL LANE; THENCE BINDING ON SAID RIGHT-OF-WAY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 1,402.40 FEET, A LENGTH OF 402.67 FEET; THENCE NORTH 85 DEGREES 24 MINUTES 38 SECONDS WEST 64.90 FEET; THENCE NORTH 42 DEGREES 52 MINUTES 11 SECONDS WEST 57.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.69 ACRES OF LAND, MORE OR LESS.

J:\970511des.doc ,P 3



NOTICE OF ZONING 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: #01-239-SPH
Owings Mills Blvd. and
Crondall Lane
NEC Crondall Lane and
Owings Mills Boulevard
(Crondall Corner)
4th Election District
3rd Councilmanic District
Legal Owner(s): Crondall
Corner Associates, LLC
Special Hearing: to approve a veterinarium as a permitted use.
Hearing: Friday, January
19, 2001 at 2:00 p.m. in
Room 106, Baltimore
County Office Building, 111
W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For Information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.
1/057 Jan. 4 C442435

CERTIFICATE OF PUBLICATION

TOWSON, MD, 14,	20 <u>OL</u>
THIS IS TO CERTIFY, that the annexed advertisem	ent was
published in THE JEFFERSONIAN, a weekly newspaper publ	ished in
Towson, Baltimore County, Md., once in each ofsu	ccessive
weeks, the first publication appearing on, 2	
39	
THE JEFFERSONIAN,	
J. William Str	
· · · · · · · · · · · · · · · · · · ·	<u> </u>

RE:	Case No.: 61-239-59H
	Petitioner/Developer: CRONDALL, ETAL
	76 VENABLE - AMY DONTELL
	Date of Hearing/Closing: 1/19/0/

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

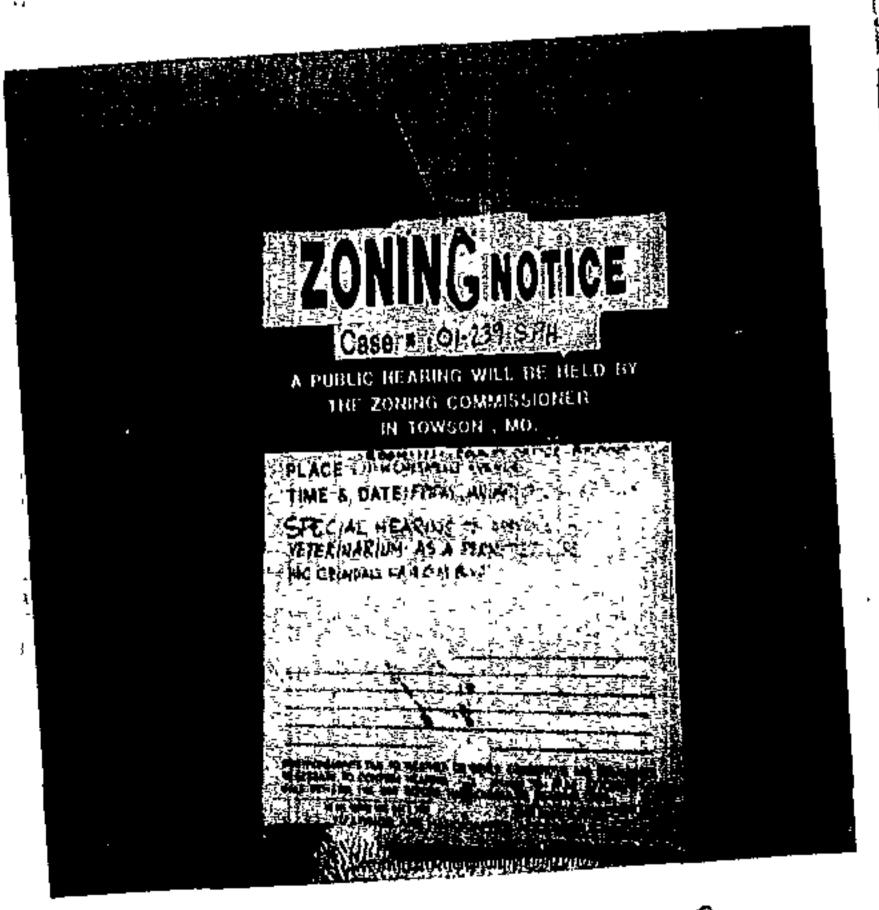
Attention: Ms. Gwendolyn Stephens

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 <u>NEC CRONDALL LA, g</u>

OWINGS MULS BLYD, - ZSIGNS

The sign(s) were posted on ______ (Month, Day, Year)



CRONDALL & O.M.B. 239 SPH

Sincerely,

Well M. Oo 1/3/01

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366; CELL-410-905-8571

(Telephone Number)

DATE 12 11 60 ACCOUNT ROUT 6/50 RECEIVED PROMITE PROPERTY Alloward PROMITE Country, Warshall FOR: 12/12/2000 12/12/2000 15/12/20 RECEIVED PROMITE PROPERTY Alloward Property Country, Warshall FOR: 12/12/2000 12/12/2000 15/12/20 RECEIVED PROMITE PROPERTY Alloward Property Country, Warshall FOR: 12/12/2000 12/12/2000 15/12/200 RECEIVED PROMITE PROPERTY Alloward Property Country, Warshall FOR: 12/12/2000 12/12/2000 15/12/200 RECEIVED PROMITE PROPERTY Alloward Property Country, Warshall FOR: 12/12/2000 12/12/2000 15/12/200 RECEIVED PROPERTY Alloward Property Country, Warshall FOR: 12/12/2000 12/12/2000 15/12/200 RECEIVED PROPERTY Alloward Property Country, Warshall RECEIVED PROPERTY Alloward Property Country Propert	BALTIMORE COUNTY, MARY ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	Nø.	00115		V 154 44. AV		
RECEIVED Prescrible Parties allowerd Ballimore Country, Harstoni	DATE 12/14/60 ACCOUNT 120	* 1		Ni.6 W05 Dept : Niccipit I	COMMISS WIE NESS 1700 WHITE WERE	in a	
FOR: Special Hanging	DECENTED ()			انو م م	1901 is Archt Tot 190,00 is	.00	
	FOR:	v	1			,	

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 9, 2001 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, Baetjer & Howard, LLC 210 Allegheny Avenue Towson, MD 21204

410 494-6201

NOTICE OF ZONING 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: 01-239-SPH

Owings Mills Blvd and Crondall Lane

NEC Crondall Land and Owings Mills Boulevard (Crondall Corner)

4th Election District – 3rd Councilmanic District Legal Owner: Crondall Corner Associates, LLC

Special Hearing to approve a veterinarium as a permitted use.

HEARING: Thursday, January 25, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY Thursday, January 4, 2001 Issue – Jeffersonian

Please forward billing to:
Amy Dontell
Venable, Baetjer & Howard, LLC
210 Allegheny Avenue
Towson, MD 21204

410 494-6201

NOTICE OF ZONING 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: 01-239-SPH
Owings Mills Blvd and Crondall Lane
NEC Crondall Land and Owings Mills Boulevard (Crondall Corner)
4th Election District – 3rd Councilmanic District
Legal Owner: Crondall Corner Associates, LLC

Special Hearing to approve a veterinarium as a permitted use.

HEARING: Friday, January 19, 2001 at 2:00 p.m. in Room 106, Baltimore County

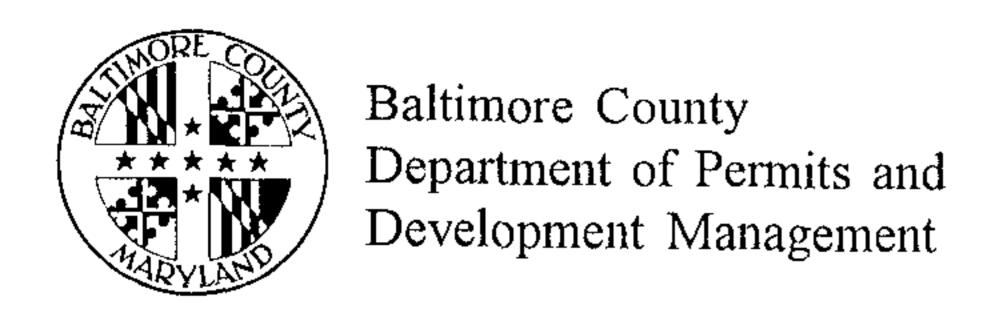
Office Building, 111 W. Chesapeake Avenue

672

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

December 22, 2000

RESCHEDULE NOTICE OF ZONING 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: 01-239-SPH

Owings Mills Blvd and Crondall Lane

NEC Crondall Land and Owings Mills Boulevard (Crondall Corner)

4th Election District – 3rd Councilmanic District Legal Owner: Crondall Corner Associates, LLC

Special Hearing to approve a veterinarium as a permitted use.

HEARING: Friday, January 19, 2001 at 2:00 p.m. in Room 106, Baltimore County

Office Building, 111 W. Chesapeake Avenue

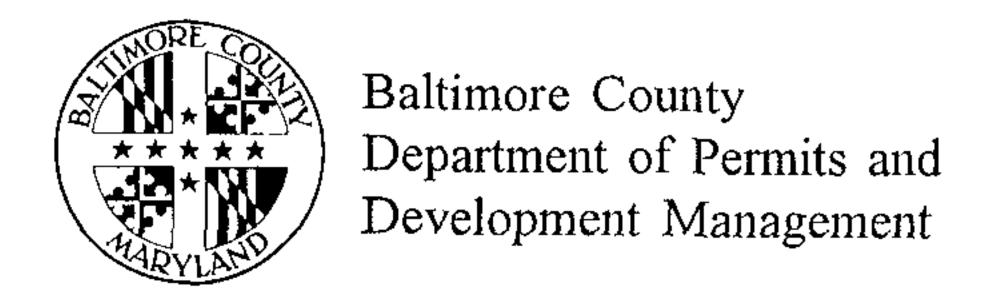
Arnold Jablon Director

C: David H. Karceski, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue Towson 21204 Crondall Corner Associates, LLC, William S. Berman, Partner, 11299 Owings Mills Blvd, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 04, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

December 21, 2000

NOTICE OF ZONING 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: 01-239-SPH
Owings Mills Blvd and Crondall Lane
NEC Crondall Land and Owings Mills Boulevard (Crondall Corner)
4th Election District – 3rd Councilmanic District

Legal Owner: Crondall Corner Associates, LLC

Special Hearing to approve a veterinarium as a permitted use.

HEARING: Thursday, January 25, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

C: David H. Karceski, Venable, Baetjer and Howard, LLP, 210 Allegheny Avenue Towson 21204 Crondall Corner Associates, LLC, William S. Berman, Partner, 11299 Owings Mills Blvd, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 10, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

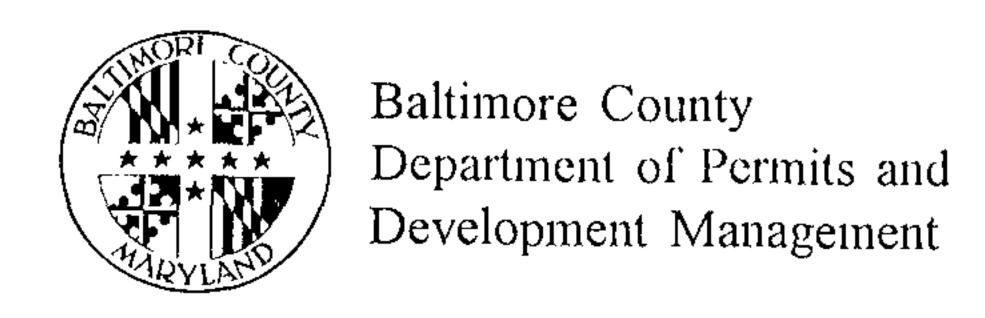
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 01-239-5P1+	
Petitioner: Crondall Cirner Associates (C	
Address or Location: 11399 Owings Millo Blue Owensp M	11 21
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Amy Donte 11	
Address: 210 Alleghany Ave Venable Barytu & Howard Towson, MD	γ
Telephone Number: 410-494-6001	ι

Revised 2/20/98 - SCJ



4.6

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

January 12, 2001

David H Karceski Venable Baetjer and Howard LLP 210 Allegheny Avenue Towson MD 21204

Dear Mr. Karceski:

RE: Case Number: 01-239-SPH, Owings Mills Blvd and Crondall Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. GDZ
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: William S Berman, Partner, Crondall Corner Associates LLC, 11299 Owings Mills Blvd, Owings Mills 21117 People's Counsel



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

December 27, 2000

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

ATTENTION: Gwen Stephens

RE: Property Owner: CRONDALL CORNER ASSOC., 239

WESTMINSTER ROAD LLC, 248

Location: DISTRIBUTION MEETING OF December 26, 2000

Item No.: 239 AND 248

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.

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

Come visit the County's Website at www.co.ba.md.us

cc: File



Maryland Department of Transportation State Highway Administration

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

1.3.01 Date:

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

Baltimore County RE:

> Item No. 239 BR

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.rad.us).

Very truly yours,

I. J. Aredla For Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: February 2, 2001

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 01-239, 01-242, 01-245 & 01-248

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Ac/R135

DATE:

January 18, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of December 26, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
231	8100 Salt Lake Drive
233	1305 Lincoln Woods Drive
234	3 Arrowhead Court
235	1223 Lake Falls Road
238	Oak Grove Parcel B
239	Crondall Corner
241	10 McCormick Avenue
242	1324 & 1325 Chippendale Road
243	Pikesville Giant
244	4800 Mt. Carmel Road
245	6 Aston Court
246	3700 Essex Road
247	7163 E. Baltimore Street
248	113 Westminster Road
250	10002 & 10002A Lodge Road

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 18, 2001

Department of Permits & Development Mgmt.

FROM:

R bert W. Bowling, Supervisor ureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 2, 2001

Item Nos. 233, 234, 235, 236, 238, 239, 240, 241, 244, 246, 247, 248, 249, and 250

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

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

February 22, 2001

Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING

Crondall Corner, NEC Crondall Ln and

Owings Mills Blvd

4th Election Dist., 3rd Councilmanic

Crondall Corner Associates, LLC, Petitioner

Case No.: 01-239-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated January 31, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Peter Max Zimmerman

Varile S. Demilio

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: David H. Karceski, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204 Attorney for Petitioner



Baltimore County Department of Permits and Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

February 28, 2001

David H Karceski Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204

Dear Mr. Karceski:

RE: Case No. 01-239-SPH, Northeast intersection of Owings Mills Boulevard and Crondall Lane

Please be advised that an appeal of the above-referenced case was filed in this office on February 23, 2001 by Office of People's Counsel. 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 Jablo

Director

AJ: gdz

c: William S Berman Partner, Crondall Corner Associates LLC, 11299 Owings Mill Blvd, S-200, Owings Mills 21117

Rob Hoffman, 210 Allegheny Avenue, Towson 21204

Patricia Palumbo, MMC Commercial RE, 11299 Owings Mills Blvd Ste 200,

Owings Mills 21117

William S Berman, c/o Crondall Corner Associates LLC, 11299 Owings Mills Blvd,

Owings Mills 21117

R Suzanne Rittler DVM, 13479 Jarrettsville Pike, Phoenix 21131

People's Counsel

APPEAL

Petition for Special Hearing
11299 Owings Mill Boulevard
NEC Crondall Land & Owings Mill Boulevard (Crondall Corner)
4th Election District - 3rd Councilmanic District
Crondall Corner Associates, LLC- Legal Owner
Case No 01-239-SPH:

Petition for Special Hearing (filed 12/12/00) Zoning Description of Property Notice of Zoning Hearing (dated 12/21/00) Notice of Zoning Hearing (dated 12/22/00) Certification of Publication (The Jeffersonian issue 1/4/01) _Certificate of Posting (1/1/01 posted Patrick M. O'Keefe) Entry of Appearance by People's Counsel (12/28/00) Petitioner(s) Sign-In Sheet (1 page) Protestarit(s)-Sign-In-Sheek (none) Citizen(s) Sign-In Sheet (none) Zoning Advisory Committee Comments Petitioners' Exhibits: Space Plan Metropolitan Management Veterinary Hospital (dated 11/21/00) Plan To Accompany Special Hearing For Veterinarium Crondall Corners (dated 11/30/99) Protestants' Exhibits: (None) Miscellaneous (Not Marked as Exhibits): (None) Deputy Zoning Commissioner's Order 01/31/01 – (Approved) Notice of Appeal received on 2/23/01 from People's Counsel for Baltimore County David H. Karceski, Venable, Baetjer & Howard LLP, 210 Allegheny Avenue, C: Towson 21204 Patricia Palumbo, MMC Commercial RE, 11299 Owings Mills Blvd Ste 200, Owings Mills 21117 William S Berman, c/o Crondall Corner Associates LLC, 11299 Owings Mills Blvd, Owings Mills 21117 R Suzanne Rittler DVM, 13479 Jarrettsville Pike, Phoenix 21131

People's Counsel of Baltimore County, MS #2010

Timothy Kotroco, Deputy Zoning Commissioner

Arnold Jablon, Director of PDM



County Board of Appeals of Baltimore County

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

May 3, 2001

Peter Max Zimmerman People's Counsel for Baltimore County Room 48, Old Courthouse 400 Washington Avenue Towson, MD 21204

RE: In the Matter of: Crondall Corner Associates, LLC Case No. 01-239-SPH

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco Administrator

Charlotte E Roddliffe for

Enclosure

c: Robert A. Hoffman, Esquire
David H. Karceski, Esquire
William S. Berman c/o Crondall Corner Assoc
Patricia Palumbo /MMC Commercial RE
R. Suzanne Rittler, DVM
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

BOARD OF APPEALS OF BALTIMORE COUNTY MINUTES OF DELIBERATION

IN THE MATTER OF:

Crondall Corner Associates, LLC

Case No. 01-239-SPH

DATE

Thursday, April 5, 2001

BOARD /PANEL

Lawrence S. Wescott

(LSW)

Donna M. Felling

(DMF)

Charles L. Marks

(CLM)

RECORDED BY

Kathleen C Bianco / Administrator

PURPOSE: To deliberate Case No. 01-239-SPH /Petition for Special Hearing to approve use of property as veterinarium; appeal filed by Office of People's Counsel from 1/31/01 Order of the Deputy Zoning Commissioner in which Petition was granted.

Discussion:

- ♦ Issue Whether or not a veterinarium is a permitted use in an M.L. zone.
- Reviewed information presented; notes; case provided (Kowalski v. Lamar, 25 Md.App 493)
- Reviewed § 270 and § 253
- ◆ Definition of "veterinarium" and difference between that and the definition of "veterinarian's office"
- Reviewed footnotes / § 253 relating to conflicts in the regulations / if conflict exists, 253 controls

Regarding this case:

- □ Under *Kowalski*, if the use is not listed, then it's not permitted
- Could find nothing to contradict that
- □ In another case, *Kowalski* was used to deny a use which was not listed
- □ Difference between veterinarium and veterinarian's office veterinarium allows overnight stay; requires that a veterinarian be on the premises; veterinarian's office does not allow overnight stay (veterinarian's office requires a special exception; but no reference is made in 253 to "veterinarium"
- □ Petitioner's position that veterinarium is permitted by right as indicated in chart /§ 270
- □ However § 253 does not list this as a permitted use by right and 253 states that, if there is a conflict, then 253 controls
- □ Zoning position Not allowed; but § 421 as noted in that document refers to residential zones

Decision:

- 270 chart permitted by right
- 253 only references veterinarian's office; no reference to veterinarium
- Conflict between 253 and 270; if conflict exists, then 253 controls
- Cannot even request a special exception because only veterinarian's office is referenced
- Problem with this however, there appears to be no alternative but to deny request
 - not permitted if not listed; not listed
 - 253 controls if conflict exists



- 253 does not list veterinarium as a permitted use
- Appears that law may need to be changed to address this
- Board has no alternative but to interpret existing legislation
- Obvious that this is not a listed use; may have been oversight permitted use under 270
- Again although with great difficulty, request must be denied for the veterinarium
- ✓ Unanimous decision (LSW; DMF; CLM) -- Petition for Special Hearing is DENIED.
- ✓ Appellate period to run from date of written Order (30 days to file Petition for Judicial Review in Circuit Court)

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kathleen C. Bianco, Administrator

County Board of Appeals

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

March 28, 2001

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

01 MAR 28

PM 3:51

Lawrence S. Wescott, Chairman Donna M. Felling, Panel Member Charles L. Marks, Panel Member County Board of Appeals of Baltimore County 401 Washington Avenue, Room 49 Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing

Crondall Corner, NEC Crondall Ln and Owings Mills

Blvd., 4th Election District, 3rd Councilmanic Crondall Corner Associates, LLC, Petitioner

Hearing Date: 3/27/01

Case No.: 00-239-SPH

Dear Board Members:

For the sake of completeness, it appears helpful to enclose a copy of BCZR 256.1, which lists the permitted uses for the M.H. zone. In contrast to BCZR 253 (M.L. zone), it includes "Veterinarian's Office" and "Veterinarium" as permitted uses.

In addition, please note the language in the preamble of BCZR 253.1, which was not discussed at the hearing:

"Uses permitted as of right. The uses listed in this section, only, shall be permitted as of right in M.L. zones, subject to any conditions hereafter described."

This is submitted as supplementary information. Its relevance speaks for itself.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/caf Enclosure

cc: Robert A. Hoffman, Esq., Attorney for Petitioner

Section 256 Manufacturing, Heavy (M.H.) Zone Use Regulations [BCZR 1955]

The following uses only are permitted, subject to the provisions of Subsection 256.5: [Bill No. 85-1967]

Uses permitted in M.R. Zone, Section 241.1 and in Section 253.4⁶⁹ of the M.L. Zone: [Bill No. 85-1967]⁷⁰

Animal boarding place, Class A [Bill No. 85-1967]

Animal boarding place, Class B [Bill No. 85-1967]

Boatyard [Bill Nos. 64-1963; 85-1967]

Brewery, Class 5B, if within the urban rural demarcation line [Bill No. 185-1995]

Car wash in a planned industrial park only, subject to Section 419 [Bill No. 172-1993]

Commercial beach, with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area and boat rental [Bill Nos. 64-1963; 85-1967]

Community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities [Bill Nos. 64-1963; 85-1967; 26-1988]

Fuel service station, in a planned industrial park only, subject to Section 405 [Bill No. 172-1993]

Golf course, country club or other outdoor recreation clubs; also quasi-public camp, including day camps, but no such uses shall be located on less than five acres, and no building, parking lot or out-of-water marine craft storage thereon shall be located within 60 feet of any residential property line [Bill Nos. 64-1963; 85-1967]

Living quarters for watchmen and caretakers and their families employed and living on the premises, in connection with any lawful use in the M.H. zone

Marina [Bill Nos. 64-1963; 85-1967]

Storage of inflammable liquids and gases underground (for requirements see Baltimore County Building Code)

Veterinarian's office [Bill No. 85-1967]

Editor's Note: Previous Subsection 253.4 (derived from BCZR 1955; Bill Nos. 56-1961; 64-1963; 85-1967), to which this refers, was repealed by Bill No. 100-1970. It read as follows:

[&]quot;253.4—The following (see also Section 255.1): Assembly of automobiles and airplanes; Boatyard; Bus terminal; Carpet, rug cleaning; Cleaning and dyeing; Concrete products, including concrete and/or cinder block manufacture; Contractor's equipment storage yard; Creamery; Enameling, japanning, lacquering, galvanizing and plating, when merely accessory to other permitted uses; Excavations, controlled, exclusive of those embodying use of explosives (see Section 403); Grain, processing of, provided equipment is installed for effective precipitation and recovery of dust; Heliport, Type I; Heliport, Type II; Ice, manufacture of; Milk pasteurization and distributing stations; Non-liquid fuel storage and sale (for requirements see Baltimore County Building Code); Poultry, commercial killing of; Storage of inflammable liquids and gases above ground (for requirements see Baltimore County Building Code); Vegetable canning or packinghouse (see also Section 255.1)."

Editor's Note: The title of Bill No. 56-1961 indicates amendment of this subsection; however, no amendment to this subsection appears in the body of that bill.

Veterinarium [Bill No. 85-1967]

Volunteer fire company

Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426 [Bill Nos. 64-1986; 30-1998]

The following uses when located at least 300 feet from any residence zone or 200 feet from any business zone:⁷¹

Bag cleaning

Bituminous concrete mixing plant

Brewery, Class 5A, if within the urban rural demarcation line [Bill No. 185-1995]

Chemical fertilizer manufacture

Distilling of liquor and malt manufacture [Bill No. 185-1995]

Enameling, japanning, lacquering, galvanizing and plating

Excavations, controlled, exclusive of those embodying use of explosives (see Section 403)

Gravel, processing of

Hot rolling mills

Manufacture of airplanes, automobiles, trailers, trucks, railway cars, locomotives and other vehicles

Manufacture of felt and shoddy, provided equipment is installed for effective precipitation and recovery of dust; wool pulling and scouring

Manufacture of pickles, sauerkraut, vinegar, yeast, soda and soda compounds

Manufacture of structural clay products, babbitt metal and other nonferrous alloys

Manufacture or processing of meat products, except slaughterhouses

Moving and storage establishments [Bill No. 18-1976]

Processing, fabricating and assembling of metals, including foundries, forging and casting shops, structural steel or pipe works, large stamping shops

Railroad classification yards and round house

Sand, processing of

Sanitary landfill

Shipbuilding and repair

Steam power plants

Stone, crushing and processing of

Testing of components or equipment manufactured or used in conjunction with heavy manufacturing or assembly.

Trucking facilities (see Sections 410 and 410A). [Bill No. 18-1976⁷²]

Any other industrial or manufacturing use, except those listed in Section 256.4, when located at least 1,000 feet from any residential zone and at least 500 feet from any B.L., B.M. or M.R. Zone. [Bill No. 85-1967]

Editor's Note: See also Article 4B, Section 4B-102, of these regulations for certain adult uses permitted in the M.H. Zone.

Editor's Note: This bill also repealed the former entry for "Truck terminal."



County Board of Appeals of Baltimore County

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

March 28, 2001

NOTICE OF DELIBERATION

IN THE MATTER OF:

CRONDALL CORNER ASSOCIATES, LLC -Legal Owner

<u>Case No. 01-239-SPH</u>

Having heard this matter on 3/27/01, public deliberation has been assigned as follows:

DATE AND TIME

THURSDAY, APRIL 5, 2001 at 12:00 noon

LOCATION

Hearing Room 48, Basement, Old Courthouse

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: Robert A. Hoffman, Esquire David H. Karceski, Esquire

Petitioners
Patricia Palumbo /MMC Commercial RE

R. Suzanne Rittler, DVM

: William S. Berman c/o Crondall Corner Assoc

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c S.F.C.

. 🕶	RE: Cast 0.: 07-237-377
•	Petitioner/Developer:
	CRONDAU CORNER ASSOC.
•	Date of Hearing/Closing:
Saltimore County Department Permits and Development Man County Office Building, Room 11 West Chesapeake Avenue Cowson, MD 21204	agement .
Attention: Ms. Gwendolyn Ster	phens
adies and Gentlemen:	
BLVD.	the property located at $1/299$ Owings MILLS $3/9/01$
ne sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
•	GARY C. FREUND
	(Printed Name)
•	(Address)
•	(City, State, Zip Code)
•	(Telephone Number)
	$/\!\!\!/$



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

March 2, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-239-SPH

IN THE MATTER OF: CRONDALL CORNER ASSOCIATES LLC

11299 Owings Mills Boulevard

3rd Election District; 2nd Councilmanic District

1/31/2001 – Petition for Special Hearing GRANTED by DZC.

ASSIGNED FOR:

TUESDAY, MARCH 27, 2001 at 9:00 a.m.

This matter has been specially set for the above date by agreement of Counsel.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County

Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests

must be in writing and in compliance with Rule 2(b) of the Board's Rules. No

postponements will be granted within 15 days of scheduled hearing date unless in full

compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: Robert A. Hoffman, Esquire David H. Karceski, Esquire

Petitioners
Patricia Palumbo /MMC Commercial RE

: William S. Berman c/o Crondall Corner Assoc

R. Suzanne Rittler, DVM

Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnbart, County Attorney

Virginia W. Barnhart, County Attorney

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

February 22, 2001

Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING

Crondall Corner, NEC Crondall Ln and

Owings Mills Blvd

4th Election Dist., 3rd Councilmanic

Crondall Corner Associates, LLC, Petitioner

Case No.: 01-239-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated January 31, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

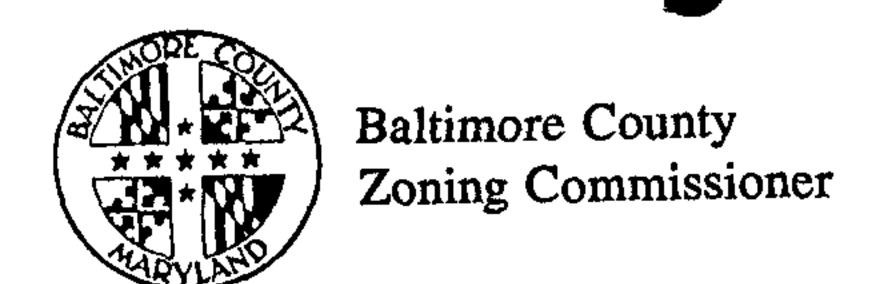
People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: David H. Karceski, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204 Attorney for Petitioner



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

Fax: 410-887-3468

January 31, 2001

Robert A. Hoffman, Esquire Venable, Baetjer & Howard, LLP 210 Allegheny Avenue Towson, Maryland 21204

Re: Petition for Special Hearing

Case No 01-239-SPH

Property: N/E intersection of Owings Mills Boulevard and Crondall Lane

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy 16 traco

TMK:raj Enclosure



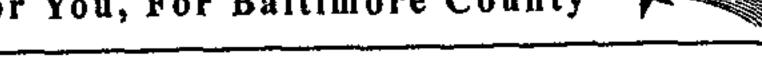
Census 2000



For You, For Baltimore County



Census 2000



Copies to:

Mr. William S. Berman c/o Crondall Corner Associates, LLC 11299 Owings Mills Boulevard Owings Mills, MD 21117

Ms. Patricia Palumbo MMC Commercial R. E. 11299 Owings Mills Boulevard, Suite 200 Owings Mills, MD 21117

R. Suzanne Rittler, DVM 13479 Jarrettsville Pike Phoenix, MD 21131 RE: PETITION FOR SPECIAL HEARING Crondall Corner, NEC Crondall Ln and Owings Mills Blvd 4th Election District, 3rd Councilmanic

Legal Owner: Crondall Corner Associates, LLC Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 01-239-SPH

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 28th day of December, 2000 a copy of the foregoing Entry of Appearance was mailed to David H. Karceski, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

Retar May Zimmennin

1/31/2001 -D.Z.C.'s decision in which SPH was GRANTED.

3/02/01 - Upon request of Counsel for Petitioners and Office of People's Counsel, this matter has been specially set for Tuesday, March 27, 2001 at 9:00 a.m.; notice sent to the following:

Office of People's Counsel
Robert A. Hoffman, Esquire
David H. Karceski, Esquire
William S. Berman c/o Crondall Corner Assoc
Patricia Palumbo /MMC Commercial RE
R. Suzanne Rittler, DVM
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

3/27/01 - Board convened for hearing as specially set; to be scheduled for public deliberation. (Wescott, Marks, Felling)

3/28/01 – Notice of Deliberation sent to parties; scheduled for Thursday, April 5, 2001 at 12:00 noon; FYI copy to S.C.F.

--- Letter from P. Zimmerman – supplementary information to 3/27/01 hearing.

4/05/01 - Convened for Deliberation (S.C.F.); special hearing to permit veterinarium in ML zone as permitted use was unanimously denied; written Order to be issued; appellate period to run from date of written Order.

VENABLE, BAETJER AND HOWARD, LLP Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Number: (410) 494-6201



December 26, 2000

HAND-DELIVERED

George Zahner
Baltimore County Department of Permits
and Development Management
County Office Building - Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing -- Crondall Corner Associates, LLC

11299 Owings Mills Blvd. Case No. 01-239-SPH

Dear Mr. Zahner:

As you are aware, an accelerated hearing date of January 24, 2001 was respectfully requested and granted for the above referenced matter. We are now asking that the hearing date be further accelerated to January 19, 2001.

I would appreciate any assistance you can offer in setting this hearing in as soon as possible.

Very truly yours,

Amy L. Dontell

ALD

TO1DOCS1/DHK01/#110003 v1

Case Number 01-239 - 504

PLEASE <u>PRINT</u> LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Rob Hotman	210 Alleghen Ave	Tauson	21204
Patricia Palumbo	MMC commencial BIE. 11299 Owings MIIIS Blue So	uteroo mD	
William Berman	11299 owerig mill Bliel		2/1/7
1/2 1/2 1/2 1	13419 Januetsome	Phoenix	2/13/
1) Surve / Illa	VM PERU	mP	
			
.,,,,,,,,,,		 	
			, , , , , , , , , , , , , , , , , , ,
·		<u></u>	
			-
······································			<u> </u>
		<u></u>	· · · · · · · · · · · · · · · · · · ·
	 	Revised 4	/17/00

