IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - W/S York Road, across from Haddington Road (1626 York Road) 8th Election District 3rd Council District	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-381-SPHXA
James/Rose Hill, LLC, Owners; Christine Gernhart, DVM, Contract Purchaser	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, James/Rose Hill, LLC, and the Contract Purchaser, Christine Gernhart, DVM, through their attorney, C. William Clark, Esquire. The Petitioners request a special exception for a Class A Animal Boarding Place on the subject property, pursuant to Section 230.1 of the B.C.Z.R. In addition, special hearing relief is requested to approve an exercise area not within an enclosed building for animals treated at the veterinarian office, veterinarium or boarded upon the property, pursuant to Section 230.12F of the Baltimore County Zoning Regulations (B.C.Z.R.). Lastly, variance relief is requested from the B.C.Z.R. as follows: From Section 409.4.C to permit a two-way aisle width of 15 feet in lieu of the required 20 feet; from Section 409.4.B.2 to permit three spaces for employee parking that do not have direct access to an aisle; and from Section 420.2 to permit animal boarding uses at a distance of 120 feet from the nearest residential zone in lieu of the required 200 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Christine W. Gernhart, DVM, who, through 1626 York Road, LLC, is now owner of the subject property, Bruce Doak, the Registered Property Line Surveyor who prepared the site plan, and C. William Clark, Esquire, attorney for the Petitioners. Appearing as interested citizens were Larry Towsend, on behalf of the

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Greater Timonium Community Council, and Charles Bao, an adjacent property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the west side of York Road, across from that road's intersection with Haddington Road in Lutherville. The property contains a gross area of 0.302 acres, more or less, zoned B.L., and is improved with a one-story block building, approximately 4250 sq.ft. in area. The building was previously used as a dry cleaning business; however, is now vacant. In addition to the building, the balance of the site is macadam paved providing parking in the front, side and rear. As noted above, the property is located immediately adjacent to York Road, which is a major arterial roadway in this area and the uses that abut it are generally commercial, business and/or retail in character. An automobile dealership is located immediately adjacent to the subject property on the north (side) and west (rear) sides. In fact, the storage area for new vehicles abuts the rear of the subject property and separates it from the residential community of Old Lutherville. Immediately south of the property is another commercial building which is used as a spa/salon.

Dr. Gernhart is a veterinarian by occupation and operates the Timonium Animal Hospital, which is presently located in the shopping center across from the Timonium Fairgrounds. Dr. Gernhart has been a veterinarian for the past 11 years and her practice involves the care of small animals, primarily dogs and cats. Occasionally, "pocket" pets are cared for; however, no birds or large animals are treated. Dr. Gernhart performs routine veterinary medical care and dental services for animals as well as emergencies and surgery. The hours of operation were generally described as being from 6:30 AM to 7:30 PM, Monday through Thursday, 6:30 AM to 6:30 PM on Friday, and 6:30 AM to 2:00 PM on Saturdays; the business is closed on Sunday. There are three part-time employees and nine full-time employees. Most full-time employees work three, 12-hour days and then are off the balance of the week. Two other veterinarians are employed at the site as needed. Dr. Gernhart explained in detail the nature of the operation, the administration and storage of medicine, the scheduling of appointments, etc. Dr. Gernhart also indicated that occasionally, pets will be boarded at the site. Most of the animals that are boarded

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are patients. Some are recovering from illness or surgery, and others are boarded while their owners are unavailable. This service is considered an accessory to the main focus of the business, which is to provide medical services for the animals. It was indicated that approximately 10% of the practice involves boarding. The maximum number of animals that can be boarded would be 42, typically broken down to 24 dogs and 18 cats.

The above is but a summary of the testimony offered by Dr. Gernhart and Mr. Doak in support of the Petitions. Additionally, numerous photographs of the site were submitted. As noted above, the building is presently vacant and the property has become somewhat of an eyesore. The building will be significantly renovated and rehabilitated and the parking lot will be striped and improvements made to the rear portion of the site. In this regard, the site plan shows that a "stadium-type" parking area will be provided to the rear of the building for employees. As more particularly shown on the plan, six parking spaces are shown and three will not have direct access to an aisle. Additionally, a small exercise area for the animals is also shown to the rear of the building. It was indicated that animals would only be exercised in this area in the presence of a staff member. Additionally, fencing and other buffering is proposed to the rear of the site.

As noted above, the subject property is zoned B.L. Pursuant to Section 230.9 of the B.C.Z.R., a "veterinarian's office" and a "veterinarium" are permitted by right in the B.L. zone. A "veterinarian" is defined in Section 101 of the B.C.Z.R. as "A person licensed to engage in the practice of veterinary medicine." Obviously, Dr. Gernhart is a veterinarian in accordance with that definition. A "veterinarian's office" is "An office which is maintained by a veterinarian for the treatment of animals in which no animal is kept overnight." A "veterinarium" is "Any building or portion thereof, which is used, intended to be used, or arranged primarily for the treatment of animals by a veterinarian, where overnight care is allowed and where all areas used for treatment or housing of animals are odor-proofed and sound-proofed." It is also to be noted that the B.C.Z.R. defines an "Animal Boarding Place" as "Any building or other structure or land, or any portion thereof, that is used, intended to be used, or arranged for the boarding, breeding, or other

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care of animals, except dogs, for profit." Animal Boarding Places are further defined into "Class B and Class A" operations.

Upon review of all of these definitions, it is the judgment of the undersigned Zoning Commissioner that the subject proposal is that of a "veterinarium." It is clear that the primary focus of the operation is to provide care for dogs, cats and other small animals. Overnight care is sometimes necessary and boarding of animals not under active care is an accessory part of the overall operation. Thus, I find that the Petition for Special Exception is not necessary and that the operation as described at the hearing and summarized above is that of a veterinarium, which is permitted pursuant to Section 230.9 of the B.C.Z.R. For so long as the primary focus of the business is to provide medical services and treatment of small animals, a veterinarium is permitted. Moreover, boarding is allowed as a reasonable accessory part of this use.

Special hearing relief is requested for the outside exercise area, pursuant to Section 230.12F of the B.C.Z.R. As noted above, this is a small area to the rear of the building, which is buffered from the nearest residential use by the vehicle storage lot owned and maintained by the adjacent automobile dealership. Additionally, the exercise area will be fenced and animals will be exercised only in the presence of a staff member. Under these circumstances, special hearing relief will be granted to permit the exercise area as shown.

Finally, variance relief is requested. Two of the variances relate to the unusual configuration of the property and the proposed parking arrangement. As noted above, there will be stadium parking to the rear of the building for employees who will park back to front in a six-parking space arrangement. Customer parking will be provided along the front and side of the building. The narrowness of the lot and the unique configuration of the property justify the parking variance. Moreover, the location of the existing building limits the two-way drive-aisle width to 15 feet. In my judgment, the proposal will be appropriate and will accommodate the anticipated traffic volumes at the site.

The third variance relates to the location of the proposed use from the nearest residential zone. As noted above, York Road is a commercial corridor and there are residential

communities to the interior. The community of Old Lutherville is nearest the subject property. The nearest residential property is located 120 feet from the rear zone line of the subject property. The buffer afforded by the adjacent car dealer's storage area is a significant factor in evaluating this request. Additionally, the nearest house is located a significant distance away. For all of these reasons I am persuaded that variance relief should be granted. In sum, I find that the Petitioner has met the standards of Section 307.1 of the B.C.Z.R. and that variance relief should be granted.

As noted above, Larry Townsend on behalf of the Greater Timonium Community Council, and Charles Bao, an adjacent property owner, appeared at the hearing out of interest. They are not opposed to the requested relief. Also, a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning. That comment suggests certain limitations as to the use of the outdoor exercise area and general improvements to the property. I find their suggestions appropriate and will attach same as conditions to the grant of relief.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of May, 2003 that the Petition for Special Exception for a Class A Animal Boarding Place on the subject property, pursuant to Section 230.1 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that the proposed use is that of a veterinarium, which is permitted by right and includes the medical treatment of animals and accessory boarding of same; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an exercise area not within an enclosed building for animals treated at the veterinarian office, veterinarium or boarded upon the property, pursuant to Section 230.12F of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.4.C of the B.C.Z.R. to permit a two-way aisle width of 15 feet in lieu of the required 20 feet;

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By

from Section 409.4.B.2 of the B.C.Z.R. to permit three spaces for employee parking that do not have direct access to an aisle; and from Section 420.2 of the B.C.Z.R. to permit animal boarding uses at a distance of 120 feet from the nearest residential zone in lieu of the required 200 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building/use permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the ZAC comments submitted by the Office of Planning, dated March 12, 2003, a copy of which is attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 14, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIALHEARING, SPECIAL EXCEPTION & VARIANCE
W/S York Road, across from Haddington Road
(1626 York Road)
8th Election District – 3rd Council District
James/Rose Hill, LLC, Owners; Christine Gernhart, DVM, Contract Purchaser - Petitioners
Case No. 03-381-SPHXA

Dear Mr. Clark:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been dismissed as moot, and the Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Dr. Christine Gernhart
2135 York Road, Timonium, Md. 21093
Mr. Bruce Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Suite 100, Towson, Md. 21286
Stanley S. Fine, Esquire
P.O. Box 65201, Baltimore, Md. 21209
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

8th Election District
3rd Councilmanic District

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1626 York Road

which is presently zoned BL

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 Baltimore County, to determine whether or not the Zoning Commissioner should approve

An excerise area not within an enclosed building for animals treated at the veterinarian's office, veterinarium or boarded upon the property pursuant to Section 230.12 F, since placing the excerise area in the enclosed building would cause the Petitioner undue hardships.

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 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:

Dr. Christine Gernhart
Name - Type or Print

Dr. C.W. Gernhart
Signature

2135 York Road (410)252-8820
Address Telephone No.

Timonium, Maryland 21093
City State Zip Code

Legal Owner(s):

James/Rose Hill I, LLC
Name - Type or Print

By: Stanley S. Fine, Esquire
Signature

STANLEY S. FINE
Name - Type or Print

E. F. Furman, Member
Signature

P.O. Box 65201 (410)433-5724
Address Telephone No.

Baltimore, Maryland 21209
City State Zip Code

Attorney For Petitioner:

C. William Clark, Esquire
Name - Type or Print

Signature

NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Company

502 Washington Avenue #700 (410)823-7800
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

GERHOLD, CROSS & ETZEL, LTD.
Name

320 E. Towsontown Blvd. #100 (410) 823-4470
Address Telephone No

Towson, Maryland 21286
City State Zip Code

ORDER RECEIVED FOR FILING
Date 6/4/03
By

Case No. 03-381-SPHXA

REV. 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 2.20.03

8th Election District
3rd Councilmanic District

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1626 York Road

which is presently zoned BL

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a Class A animal boarding place pursuant to Section 230.1

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, 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:

Dr. Christine Gernhart
Name - Type or Print

Dr. C.W. Gernhart
Signature

2135 York Road (410) 252-8820
Address Telephone No.

Timonium, Maryland 21093
City State Zip Code

Legal Owner(s):

James/Rose Hill, I, LLC
Name - Type or Print

E.F. Furman, Member
Signature

E.F. Furman, Member
Name - Type or Print

Signature

P. O. Box 65201 (410) 433-5724
Address Telephone No.

Baltimore, Maryland 21209
City State Zip Code

Attorney For Petitioner:

C. William Clark, Esquire
Name - Type or Print

Signature

NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Company

502 Washington Avenue, #700 (410) 823-7800
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

GERHOLD, CROSS & ETZEL, LTD.
Name

320 E. Towsontown Blvd. #100 (410) 823-4470
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 3/11/03
By

Case No. 03-381-SPHXA

REV 09/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 2.20.03

8th Election District
3rd Councilmanic Distr

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1626 York Road

which is presently zoned BL

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) 409.4C to permit a two-way aisle 15'wide in lieu of the required 20'width; and Section 409.4.B.2 to permit 3 spaces for employee parking that do not have direct access to an aisle; and Section 420.2 to permit animal boarding uses at a distance of 120' in lieu of the required 200' to the nearest residential zone.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Compliance with the regulations cause practical difficulty due to the existing configuration and placement of the existing building and existing paved parking area.

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:

Dr. Christine Gernhart
Name - Type or Print

Dr. C.W. Gernhart
Signature

2135 York Road (410) 252-8820
Address Telephone No

Timonium, Maryland 21093
City State Zip Code

Attorney For Petitioner:

C. William Clark, Esquire
Name - Type or Print

Clark
Signature

NOLAN, PLUMHOFF & WILLIAMS, CHTD.
Company

502 Washington Avenue, #700 (410) 823-7800
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

James/Rose Hill, I,LLC
Name - Type or Print

By: Stanley S. Fine, Esquire E. F. Furman
Signature

STANLEY S. FINE E. F. Furman, Member
Name - Type or Print

Signature

P.O.Box 65201 (410) 433-5724
Address Telephone No

Baltimore, Maryland 21209
City State Zip Code

Representative to be Contacted:

GERHOLD, CROSS & ETZEL, LTD.
Name

320 E. Towsontown Blvd.#100 (410) 823-4470
Address Telephone No

Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By _____ Date 7.28.03

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Date 9/5/98
By

Case No. 03-381 SPH

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Phone. (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

January 14, 2003

JAMES & ROSE HILL I, LLC. PROPERTY
1626 YORK ROAD
BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning at a point fifty-two feet, more or less, northwesterly from the center of the intersection formed by York Road and Haddington Road, thence southwesterly thirty-three feet, more or less, perpendicular to York Road to the zoning point of beginning, thence running and binding, along the southwest side of York Road, the following course and distance, viz: (1) South 13 degrees 32 minutes East 80.01 feet, thence leaving York Road and running and binding, the three following courses and distances, viz: (2) South 76 degrees 47 minutes West 170.04 feet, (3) North 14 degrees 44 minutes West 74.29 feet, and (4) North 74 degrees 52 minutes East 171.66 feet to the zoning point of beginning.

Containing 0.302 of an Acre of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

381

STATE OF MARYLAND
BRUCE EDWIN DONK
No. 531
REGISTERED
PROPERTY LINE SURVEYOR
2/6/03

X:\glushakow\zoningdescrip..doc

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: #03-381-SPHXA
- 1626 York Road
- W/side of York Road 52 feet northwest from Haddington Road
- 8th Election District - 3rd Councilmanic District
- Legal Owner(s): James/Rose Hill, I, LLC, E.F. Furman, Member
- Contract/Purchaser: Dr. Christine Gernhart

Special Hearing: to permit an exercise area not within an enclosed building for animals treated at the veterinarian's office, veterinarian or boarded upon the property **Special Exception** to permit the use of a Class A animal boarding place. **Variance:** to permit a two-way aisle 15 feet wide in lieu of the required 20 feet. To permit 3 spaces for employee parking that do not have access to an aisle, and to permit animal boarding uses at a distance of 120 feet in lieu of the required 200 feet to the nearest residential zone **Hearing: Wednesday, April 23, 2003 at 2:00 p.m. in Room 106, 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) 887-3391

JT 4/650 April 8 C596824

CERTIFICATE OF PUBLICATION

4/10/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/8/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

381

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22307

DATE 2-20-03 ACCOUNT 001-006-615

AMOUNT $ 800.

RECEIVED FROM: C. GERNHART

1626

FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME
2/20/2003 2/20/2003 09:19:51
REG 0604 WALKIN DOUL END DANNER 2
RECEIPT # 21630 2/20/2003 OPLN
BSA 5 523 ZONING VERIFICATION
CR NO. 02307
Recpt Tot $800.00
800.00 CK .00 CA
Baltimore County, Maryland

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Registered Professional Land Surveyors • Established 1906
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Phone. (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-381-SPHXA
PETITIONER/DEVELOPER:
Dr. Christine Gernhart
DATE OF HEARING:
April 23 , 2003

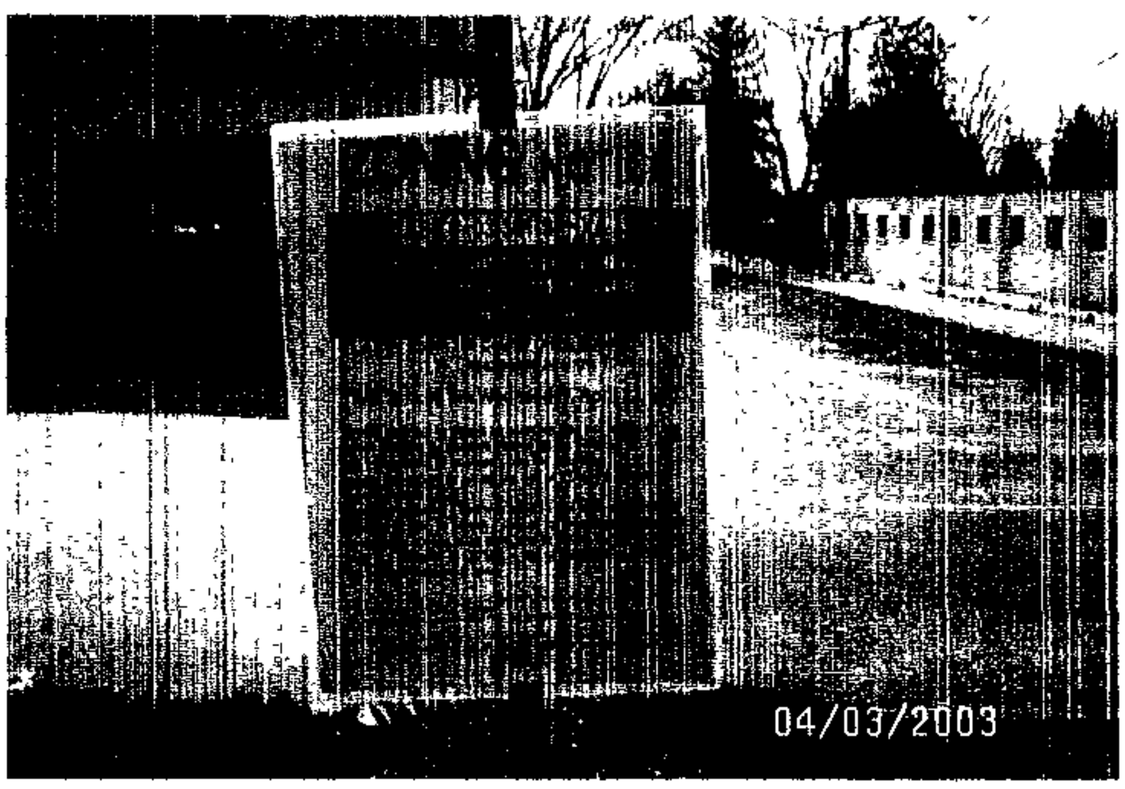
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: REBECCA HART

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

LOCATION:
1626 York Road
W/ side of York Rd, 52 ft. NW of Haddington Rd



POSTED ON : April 3, 2003

DATE:
April 4, 2003

Bruce E. Doak
SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

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

March 6, 2003

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: 03-381-SPHXA
1626 York Road
W/side of York Road 52 feet northwest from Haddington Road
8th Election District – 3rd Councilmanic District
Legal Owner: James/Rose Hill, I, LLC, E.F. Furman, Member
Contract/Purchaser: Dr. Christine Gernhart

Special Hearing to permit an exercise area not within an enclosed building for animals treated at the veterinarian's office, veterinarian or boarded upon the property. Special Exception to permit the use of a Class A animal boarding place. Variance to permit a two-way aisle 15 feet wide in lieu of the required 20 feet. To permit 3 spaces for employee parking that do not have access to an aisle, and to permit animal boarding uses at a distance of 120 feet in lieu of the required 200 feet to the nearest residential zone.

Hearings: Wednesday, April 23, 2003 at 2:00 p.m. in Room 106, County Office Bldg., 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:klm

C: C. William Clark, Esq., Nolan, Plumhoff & Williams, Chtd., 502 Washington Ave., # 700, Towson 21204
James/Rose Hill, I, LLC, E.F. Furman, Member, P.O. Box 65201, Baltimore 21209
Dr. Christine Gernhart, 2135 York Road, Timonium 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 8, 2003 .**
(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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 8, 2003 Issue - Jeffersonian

Please forward billing to:
C. William Clark, Esquire
Nottingham Centre,
502 Washington Avenue
Towson, MD 21204

410-823-7800

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: 03-381-SPHXA
1626 York Road
W/side of York Road 52 feet northwest from Haddington Road
8th Election District – 3rd Councilmanic District
Legal Owner: James/Rose Hill, I, LLC, E.F. Furman, Member
Contract/Purchaser: Dr. Christine Gernhart

Special Hearing to permit an exercise area not within an enclosed building for animals treated at the veterinarian's office, veterinarian or boarded upon the property. Special Exception to permit the use of a Class A animal boarding place. Variance to permit a two-way aisle 15 feet wide in lieu of the required 20 feet. To permit 3 spaces for employee parking that do not have access to an aisle, and to permit animal boarding uses at a distance of 120 feet in lieu of the required 200 feet to the nearest residential zone.

Hearings: Wednesday, April 23, 2003 at 2:00 p.m. in Room 106, County Office Bldg
111 W. Chesapeake 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 381

Petitioner: Dr. Christine Gernhart

Address or Location: 1626 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. William Clark, Esquire

Address: 700 Nottingham Centre, 502 Washington Ave., Towson , Maryland 21204

Telephone Number: (410) 823-7800

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 18, 2003

James/Rose Hill, I, LLC
E. F. Furman, Member
P.O. Box 65201
Baltimore, MD 21209

Dear Mr. Furman:

RE: Case Number: 03-381-SPHXA, 1626 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
C. William Clark, Nolan, Plumhoff, Williams, 502 Washington Avenue, #700, Towson 21204
Dr. Christine Gernhart, 2135 York Road, Timonium 21093
Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., #100, Towson 21204

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on Recycled Paper

State Highway Administration
Driven to Excel

MARYLAND DEPARTMENT OF TRANSPORTATION
Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 3·6·03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 381 JCM

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 45
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 2003

RECEIVED
MAR 17 2003
ZONING COMMISSIONER

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

SUBJECT: 1626 York Road

INFORMATION:

Item Number: 03-381

Petitioner: James/Rose Hill, LLC

Zoning: BL

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request contingent upon the following conditions:

1. Outdoor activities shall be restricted to the "exercise area" identified at the rear of the building. Said area should be adequately buffered from the adjoining residential area.
2. Submit a landscape plan to this office for review and approval prior to the issuance of any building permits.
3. The subject site shall not contain any free access animal runs.
4. A handler shall accompany all animals using the exercise area.

Prepared by: Mark A Cummings

Section Chief:
AFK/LL:MAC:

ORDER RECEIVED FOR FILING
Date 3/14/03
By

W:\DEVREV\ZAC\03-381 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 14, 2003

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 10, 2003
Item Nos. 359, 369 REVISED,
370 REVISED, 372, 373, 374,
375, 376, 377, 378, 379, 380,
381, 382, 383, and 386

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE 1626 York Road; Wside of York Rd, 52' NW from Haddington Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): James/Rose Hill, I, LLC Contract Purchaser(s):Dr. Christine Gernhart Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-381-SPHXA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 10th day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd., 320 E Towsontowne Blvd, Suite 100, Towson, MD 21204, and to C. William Clark, Esquire, Nolan, Plumhoff, & Williams, Chtd, 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

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

PLEASE PRINT CLEARLY

CASE NAME 1626 YORK ROAD
CASE NUMBER 03-381 SPHXA
DATE 4-23-03

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LARRY TOWNSEND	GRANITE TITANIUM CORP. CHURCH 1111 LONGBROOK ROAD	LUTHERVILLE MD 21093	LERTJR@ATT.NET
Charles Bao	1624 York Road, Lutherville, MD	Lutherville, MD 21093	

PLEASE PRINT CLEARLY

CASE NAME 1626 York Rd
CASE NUMBER 03-381 SPHXA
DATE 4/23/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Christine W Bernhart	6801 Schendts Rd	Baltimore MD 21020	
C William Clark	502 WASHINGTON AVE STE 700	TOWSON MD 21204	
Bruce Doak			
Gerhold Cross & Etzel	320 E. Towsontown Blvd	Towson Mo 21286	

the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport, but does not include a warehouse, moving and storage establishment or truck stop. Land used for the parking, storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage area forms a part of shall not be considered a trucking facility within the meaning of this definition. As used in this definition, the terms "trucks," "truck-trailers" and "truck tractors" do not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration. **[Bill Nos. 18-1976;[27] 218-1980]**

TRUCKING FACILITY, CLASS I (TRUCK TERMINAL) — A trucking facility whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types, in order to facilitate the transportation of such goods or chattels. **[Bill No. 18-1976]**

TRUCKING FACILITY, CLASS II — A trucking facility other than a Class I trucking facility, including a truck yard (the primary purpose of which is to accommodate the parking or storage of trucks, truck trailers or truck tractors. **[Bill No. 18-1976]**

TRUCK STOP — A structure or land used or intended to be used primarily for the sale of fuel for trucks and, usually, incidental service or repair of trucks; or a group of facilities consisting of such a use and attendant eating, sleeping or truck parking facilities. As used in this definition, the term "trucks" does not include any vehicle whose maximum gross weight is 10,000 pounds or less, as rated by the State Motor Vehicle Administration. **[Bill No. 18-1976]**

UNLICENSED MOTOR VEHICLE — Any motor vehicle which does not have a current and valid registration plate or plates and validation tab or tabs attached to and displayed on the vehicle for the then current registration period. **[Bill No. 135-1986]**

URBAN-RURAL DEMARCATION LINE — A boundary line established by the Planning Board, dividing that portion of Baltimore County considered as "urban" from that portion of the county considered as "rural." In establishing or relocating such line, the Planning Board shall consider population density, existing public water supply and sewerage facilities, other existing public facilities and public facilities scheduled for planning or construction in the capital budget and five-year capital program. **[Bill No. 40-1967]**

VETERINARIAN — A person licensed to engage in the practice of veterinary medicine. **[Bill No. 85-1967]**

VETERINARIAN'S OFFICE — An office which is maintained by a veterinarian for the treatment of animals and in which no animal is kept overnight. **[Bill No. 85-1967]**

VETERINARIUM — 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. **[Bill No. 85-1967]**

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27 **Editor's Note: This bill also repealed the former definition of "truck terminal."**

1/27

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE W/S of Jarrettsville Pike, 250' S centerline of Paper Mill Road 9th Election District 3rd Councilmanic District (14240 Jarrettsville Pike)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY CASE NO. 03-250-SPHXA
Maryanna B. Apicella, *Legal Owner* and Lynch Family, L.L.L.P., *Contract Purchasers* *Petitioners*	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner on Petitions for Special Exception, Special Hearing, and Variance for the property located at 14240 Jarrettsville Pike in Phoenix, Jarrettsville. The petitions were filed by Maryanna Apicella, property owner and the Lynch Family, L.L.L.P., the contract purchasers/lessee.

Special Exception relief is requested:

1. to allow 10,420 sq. ft. of gross floor area in an existing building in lieu of the 8,800 sq. ft. maximum permitted under the Baltimore County Zoning Regulations (B.C.Z.R.), Section 259.3.C.1.A; and

2. to permit a floor area ratio of 0.26 in lieu of the required 0.20 pursuant to Section 259.3.C.1.b of the Baltimore County Zoning Regulations.

Special Hearing relief is requested to determine the required number of off-street parking spaces for the proposed business; specifically, whether parking should be determined based on a requirement of 4.5 spaces per 1,000 ft. of gross floor area or, in the alternative, 3.3 spaces per 1,000 ft. gross floor area. Also, Special Hearing Relief is requested to confirm that the minor overnight care and temporary housing of animals is permitted as included under activities permitted as Veterinarian under Section 230.9 of the B.C.Z.R. Finally, the Petitioners seek

BUD CLARKE

approva[illegible] proposed [illegible] exercise yard, not to be enclosed pursuant to B.C.Z.R., Section 230.12.

[illegible] relief is [illegible] as follows:

1. [illegible] landscaping of less than the entire available side setbacks to the extent feasible in conjunction with Baltimore County's landscape architect, and not be required to have the sides entirely landscaped as required by Section 259.3.C.3a of the B.C.Z.R (*Note: The side yard setbacks vary because of the location of the existing building and parking lot constraints);

2. [illegible] permit a side yard setback of 6 ft. on the north side of the existing building in lieu of [illegible] ft. required under Section 259.3.C.2b of the B.C.Z.R.;

3. [illegible] permit Petitioner's property to not be accessible to adjoining non-residential [illegible] lots as required under Section 259.3.C.4 of the B.C.Z.R., due to physical [illegible]ints and site configuration; and

4. [illegible] all part[illegible] use as a Veterinarium, including, but not limited to exercise [illegible] septic syst[illegible], dog runs and parking areas, to be less than the required 200 ft. [illegible] nearest [illegible] line under Section 421.2 of the B.C.Z.R.

A[illegible] at the [illegible] public hearing held for this case were Maryanne Apicella, property [illegible] Mich[illegible] D.V.M. & Mary Lee Lynch, D.V.M., principals of Lynch Family, [illegible] Also ap[illegible] in support of the request were Robert J. Bayer, architect, Wilbur D[illegible], civil eng[illegible] with W. Duvall & Associates, Antoinette Bachmann, Margaret Nikola a[illegible] A. Bil[illegible] The Petitioner was represented by Ronald A. Decker, Esquire. There we[illegible] protestants or other interested persons present.

Th[illegible] Zoning Commissioner is familiar with the operations of the Lynch Family, L[illegible] by virtue of [illegible] for case, #99-372-SPHX. The testimony and evidence offered in that ca[illegible] the Lynch Family has long operated a veterinary office in Jacksonville. The existing o[illegible] located on [illegible] Air Road and has been at that location for approximately 30 years. Th[illegible] of the pra[illegible] to treat primarily pets; mostly dogs, cats and other domestic

2

anima[illegible] In addition to outpatient treatment, some animals are hospitalized and kept overnight as nee[illegible]

[illegible] #99-372-[illegible], Dr. Lynch proposed to acquire a property near the existing office know[illegible] Sweet A[illegible]. In fact, the existing office and new property were within close proxim[illegible], separated by [illegible] single lot. Dr. Lynch proposed a two-story building on the new site to [illegible] expansion of the veterinarian offices as a place for boarding of animals. Special except[illegible] special [illegible] relief were requested in that case to approve those plans. By Order [illegible] July 20, 199[illegible] approval was granted.

[illegible]ly, Dr. [illegible] ultimately decided not to pursue the acquisition and use of that proper[illegible] Instead, the subject property has become available and Dr. Lynch now proposes relocat[illegible] his practi[illegible] site. As noted above, the property is located at 14240 Jarrett[illegible]e, just south of the intersection of Paper Mill Road and Jarrettsville Pike, known as the "[illegible]" in [illegible]. The subject property is approximately 0.86 acres in area, zoned [illegible] C.R. (Commercial Rural) district overlay. Presently, the site is [illegible] with an [illegible] building which has been used for many years as a hardware store. [illegible] business is [illegible] by Ms. Apicella. She apparently intends to retire from th[illegible] and c[illegible] operation. Dr. Lynch will move his practice to relocate to this propert[illegible] rebuild the [illegible] of the existing structure, as necessary, to accommodate his office. [illegible]rally, the [illegible] plan shows that a small bump-out addition to the side of the buildin[illegible] removed. However, two smaller additions near that area will be added for stairs and stor[illegible]

[illegible] testifi[illegible] described his practice. His description was similar to that describ[illegible] prior Ord[illegible] The office hours are generally 7:30 A.M. to 8:00 P.M., Monday

3

through [illegible]. The office [illegible] shorter hours on Saturday (8:00 A.M. to 3:30 P.M.) and is closed [illegible]. There [illegible] four veterinarians who practice at the site. However, they are typically [illegible] present at [illegible]. Primarily, small animals and pets are treated. Most of the clie[illegible] on the Jac[illegible] area.

T[illegible] outstanding [illegible] of the practice is evident by the number of exhibits that were presente[illegible] hearing. [illegible] included a letter from Stephen Kirsch, President of the Greater Jackson[illegible] Association, Inc., which supports the request. Additionally, a petition signed by a number [illegible] and cli[illegible] of the practice were submitted at the hearing (Petitioner's Exhibit No. 5) [illegible] the move [illegible] subject property. In addition, testimony was received from Mr. Baye[illegible] architect, de[illegible] the interior changes which will be necessary to accommodate the offic[illegible] are no[illegible] described in the building elevation and floor plan drawings [illegible] submi[illegible] Petitioner's Exhibit No. 7.

S[illegible] of the [illegible] the terms and words used throughout the regulations. A "vete[illegible] is defin[illegible] licensed to engage in the practice of veterinary medicine[illegible] "Veterinar[illegible] is defined as "an office which is maintained by a veterinar[illegible] treatm[illegible] animals, and in which no animal is kept overnight". A "Veterina[illegible] defined as [illegible] building or portion thereof which is used, intended to be used, or arrange[illegible] for tre[illegible] of animals by a veterinarian, where overnight care is allowed, and wher[illegible] are used for treatment or housing of animals are odor-proofed and sound-proofed". [illegible] added)

It i[illegible] that the su[illegible] will be used as a veterinarium, given the overnight facilities [illegible] In this [illegible] Lynch indicated that animals which need prolonged treatment [illegible] are typic[illegible] overnight to monitor their recovery.

4

[illegible] 230 of the [illegible] C.Z.R. lists those uses permitted in the B.L. zone. Section 230.9 specif[illegible] [illegible]ntifies b[illegible] [illegible]rian's office and a veterinarium's use as permitted by right in the [illegible]e. The [illegible] Special Exception is mandated because of the additional requir[illegible] imposed [illegible] C.R. (Commercial/Rural) district overlay. Specifically, Section 259.3. [illegible] B.C.Z.R. [illegible] buildings on a lot with the C.R. district overlay shall not exceed 8,800 [illegible] dditionally, [illegible] floor area ratio of 0.20 is permitted.

[illegible] case, the [illegible] existing structure and exceeds both of those limitations. The t[illegible] and evide[illegible] was persuasive that the change of use of this structure will not de[illegible]ally impact [illegible] health, safety, and general welfare of the locale. The letters and petitio[illegible] at the [illegible] that finding. Moreover, it is clear that the building will be im[illegible] required [illegible] soundproof and odor-proof. For all of these reasons, I am persua[illegible] the Petiti[illegible] Exception should be granted. I specifically find that the propos[illegible] this exi[illegible] this locale, will not detrimentally impact the health, safety [illegible] welf[illegible]. It is to be specifically noted that the site is located within [illegible]town", [illegible] business district and that there are no residences in the immed[illegible]ity.

[illegible] hearing re[illegible] requested. One issue presented under that petition relates to the req[illegible] number of pa[illegible] spaces. The site plan shows that 3.3 parking spaces are required per 1,0[illegible] of buildi[illegible] based upon the square footage of the building, 35 parking spaces [illegible]d. Mo[illegible] the plan shows that 35 spaces are available on site. The issue presents [illegible] whether the [illegible] reduction is appropriate in this instance. Section 409.6 of the B.C.Z.R [illegible] the re[illegible] number of parking spaces for given uses. That regulations indicate [illegible] parking s[illegible] per 1,000 sq. ft. of gross floor area are required for a "medical

5

office o[illegible] This sec[illegible] blishes that 3.3 parking spaces per 1,000 sq. ft. of gross floor a[illegible] required f[illegible] general". The question presented herein is whether the veterina[illegible] within th[illegible] office or general office classification.

A[illegible] above, S[illegible] of the B.C.Z.R. defines the words used throughout the regulatio[illegible] Medical O[illegible] defined therein as "a place for the treatment of outpatients by one or [illegible] medical prac[illegible] This term does not include a veterinarian's office, medical clinic, a[illegible] care ce[illegible] center, birthing center, or dialysis satellite unit. The term do[illegible] include ambu[illegible] surgical facilities." (Emphasis added) The definition of a "Medical [illegible]" doe[illegible] veterinarian. Based on these definitions, it is apparent that the [illegible] Medical O[illegible] Section 409 relates only to places of medical treatment for humans. In [illegible] circu[illegible] should therefore be calculated under the Office-General [illegible] and thu[illegible] 1,000 sq. ft. are required. In sum, the 35 spaces provided [illegible] sufficie[illegible]

Sp[illegible] to also confirm that minor overnight care and temporar[illegible] of vehic[illegible] As noted above, the focus on the Lynch practice is to treat d[illegible] animal[illegible] gery and long-term care is provided as necessary. In my judg[illegible] temporary housing of animals is legitimately an accessory [illegible] of that [illegible]. It is apparent that some animals need to be kept overnight to facilita[illegible] Petitioner also seeks approval of certain proposed outdoor ex[illegible]. Dr. [illegible] that the recovery requires the exercising of animals so as to i[illegible] movement [illegible] limbs. An outdoor exercise yard for this purpose is proposed [illegible] plan. [illegible] exercise yard for such purposes appears consistent with the u[illegible] poses of [illegible] and shall, therefore, be permitted.

6

[illegible] variance [illegible] as noted above. Primarily, these variances are necessary, given [illegible] that the p[illegible] proved with an existing structure which is being converted for the [illegible] use. [illegible] setbacks and landscaping, for example, are as a result of the const[illegible] ts [illegible] iated w[illegible] in its present state. As is noted above, the building has been [illegible] as a hardw[illegible] for many years.

[illegible] on the tes[illegible] idence offered, particularly that rendered by Mr. Duvall (engin[illegible]) and Mr. Bay[illegible], I am persuaded that the Petition for Variance should likewi[illegible] ted. [illegible] the Petitioner has met the requirements of Section 307 of the B.C.Z. [illegible] the gr[illegible] ce relief is warranted.

[illegible], although [illegible] no adverse zoning advisory committee comments, a comm[illegible] received [illegible] Highway Administration regarding improvements to the entran[illegible] property [illegible] ville Pike. It was indicated at the hearing that these impro[illegible] uld be [illegible] part of the redevelopment of the site. Compliance with that zo[illegible] ory co[illegible] will, therefore, be required as a condition precedent to the app[illegible] site pl[illegible]

[illegible] the [illegible] sting of the property and public hearing held on the Petitio[illegible] the rea[illegible] ve, I believe that the special exception, special hearing and va[illegible] quests sho[illegible]

[illegible] E FORE, IT [illegible] D, by the Zoning Commissioner for Baltimore County, this [illegible] February [illegible] the Petitioner's Special Exception request: (1) to allow 10,480 [illegible] gross fl[illegible] existing building in lieu of the 8,800 sq. ft. maximum permitte[illegible] Ba[illegible] Zoning Regulations (B.C.Z.R.), Section 259.3.C.1.A; and

7

(2) to p[illegible] floor area [illegible] 2[illegible] lieu of the required 0.20 pursuant to Section 259.3.C.1.b of the B[illegible] County [illegible]ons, be and is hereby GRANTED;

IT IS FURTHER [illegible] that the Petitioner's request for Special Hearing, (1) to determi[illegible] required [illegible] of off-street parking spaces for the proposed business, specific[illegible] whether parki[illegible] determined based on a requirement of 4.5 spaces per 1,000 ft. [illegible] floor area [illegible] alternative, 3.3 spaces per 1,000 ft. of *gross floor area*; (2) to confi[illegible] the minor [illegible] and temporary housing of animals is permitted as included [illegible] activities [illegible] Veterinarium under Section 230.9 of the B.C.Z.R.; and (3) to se[illegible] for [illegible] outdoor exercise yard, not to be enclosed pursuant to B.C.Z.R. [illegible] 230.12.A [illegible] is hereby GRANTED;

IT IS FURTHER [illegible] the Petitioner's request for Variances, as follows:

1. [illegible] landsc[illegible] than the entire available side setbacks to the extent [illegible] in cou[illegible] Baltimore County's landscape architect, and not be [illegible] to have [illegible] ly landscaped as required by Section 259.3.C.3a of the [illegible] (*Note: [illegible] setbacks vary because of the location of the existing* [illegible] and pa[illegible] [illegible] uts);

2. [illegible] a side [illegible] 6 ft. on the north side of the existing building in lieu [illegible] required [illegible] 259.3.C.2b of the B.C.Z.R.;

3. [illegible] Petit[illegible] to not be accessible to adjoining non-residential [illegible] lots as [illegible] Section 259.3.C.4 of the B.C.Z.R., due to physical [illegible] and si[illegible] ara[illegible]; and

4. [illegible] all parts [illegible] Veterinarium, including, but not limited to exercise [illegible] and parking areas, to be less than the required 200 ft. [illegible] under Section 421.2 of the B.C.Z.R.

be and the [illegible] hereby [illegible] D.

IT [illegible] ER O[illegible] the relief granted herein is subject to compliance with the recom[illegible] State Highway Administration of the Maryland

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Department of Transportation dated December 18, 2002, a copy of which is attached hereto and made a part hereof.

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

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:rai

9

SHA

Maryland Depar[illegible]ent [illegible] Transportation
State Highw[illegible] Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: December 18, 2002

Ms. Ro[illegible]ay Jackson
Baltimore Co[illegible]nty Office of
Permits and Development Manag[illegible]ent
County Off[illegible]e Building, Room 10
Towson, Ma[illegible]land 21204

RE: Baltimore County
Item No. 250 (JNP)
14240 Jarrettsville Pike
MD 146
Mile Post 9.14

Dear Ms. Jack[illegible]on:

This o[illegible]fice has reviewed t[illegible] [illegible]efere[illegible]ced Item and has no objection to approval of the SpecialHearin[illegible].

However we will require t[illegible] [illegible]owne[illegible] to obtain an access permit through our office and as a minimum the f[illegible]llowing roadway in[illegible]ovem[illegible]nts will be required:

- Standa[illegible]d curb, gutter and s[illegible]walk i[illegible]provements from property corner to property corner..
- Minim[illegible]m 25' wide entram[illegible]

Please [illegible]ave their represent[illegible] [illegible]con[illegible]t this office regarding the roadway improvements conditioned t[illegible]e permit.

Should [illegible]ny additional info[illegible]ion b[illegible]required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lg[illegible]edlein@sha.state.m[illegible]s).

Very truly yours,

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

CC: Robert W. B[illegible]wling, P.E.

My telephone [illegible]nber is _____

Maryland R[illegible] [illegible] Servi[illegible] for Impaired Hearing or Speech
1-[illegible] -735-2[illegible] Statewide Toll Free

Mailing Addre[illegible] P.O. [illegible]x 717 • Baltimore, MD 21203-0717
Street Address: 707 [illegible]rth C[illegible]vert Street • Baltimore, Maryland 21202

Section 409
Off-Street Parking and Loading
[Bill Nos. 26-1988; 36-1988]

409.1 Applicability.

A. All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement.

B. Those projects which have County Review Group (CRG) approval prior to the effective date of these regulations may modify their plans to satisfy these regulations or may proceed under the regulations in effect at the time of said approval.

C. Those projects for which a building permit has been submitted but not approved may modify their plans to satisfy these regulations or proceed under the regulations in effect at the time of said submittal.

409.2 Plan. At the time of application for a building permit for the erection or enlargement of any building for which off-street parking or loading spaces are required, a plan shall be provided at an appropriate level of detail showing such parking or loading spaces, including the means of access and interior circulation both from the standpoint of the project itself and in relation to its surroundings.

409.3 Parking space dimensions. Minimum off-street parking space dimensions shall be as follows:

	Angled Parking (feet)	**Parallel Parking (feet)**
Standard space	8½ x 18	7½ x 21
Small car space	7½ x 16	7½ x 18

Small car spaces shall be designated as such and clearly marked to indicate the intended use.

409.4 Access to parking spaces. Vehicular travelways in off-street parking facilities where the parking spaces are located in parking bays or parking lanes shall be divided into driveways, with no direct access to parking spaces, and aisles, providing direct access to adjoining parking spaces.

A. Driveways shall be at least 12 feet in width for one-way movements and at least 20 feet in width for two-way movements.

B. All parking spaces shall adjoin and have direct access to an aisle, except in the following cases:

Att No 5

1. In cases where vehicles will be parked by an attendant, the Zoning Commissioner may approve a parking facility in which up to 50% of all parking spaces do not adjoin and have direct access to an aisle.

2. In office buildings less than 5,000 square feet, the Zoning Commissioner may approve a plan in which spaces designated for employee use only do not have direct access to an aisle.

C. The permitted parking angles and the minimum required widths of aisles shall be as specified below. Parking angles and aisle widths which vary from those specified below may be approved by the Zoning Commissioner for any parking facility based upon the written findings of the Director of Public Works that the design of the particular parking facility involved will provide for the safe and efficient circulation and maneuvering of vehicles.

Parking Angle	One-Way Aisles (feet)	Two-Way Aisles (feet)
90°	22	22
75°	18	20
60°	16	20
45°	14	20
30°	14	20
0°	14	20

409.5 Number of small car spaces.

A. In off-street parking facilities where more than 50 parking spaces are provided, small car spaces shall be permitted as specified below.

1. In facilities serving office or industrial uses: up to 40% of the number of spaces required for such uses.

2. In parking structures serving residential or lodging uses: up to 40% of the number of spaces required for such uses. In surface parking facilities serving residential or lodging uses: no small car spaces permitted.

B. Notwithstanding the provisions of Section 409.5.A., for any nonresidential development, all parking spaces provided which exceed the requirements of Section 409.6 may be small car spaces at the discretion of the developer.

409.6 Required number of parking spaces.

A. General requirements. The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance

Section 420
Helicopter Operations
[Bill No. 85-1967]

420.1 Notwithstanding other provisions of these regulations to the contrary, certain helicopter operations shall be permitted as provided under this Section 420.

420.2 Temporary use may be made of an area for helicopter flights for promotional activities, provided that such area shall be at least 500 feet from any occupied residence and that use permits shall be first procured from the Director of Public Safety[1] and the Zoning Commissioner and that such permits shall be limited as to time as specified by the Zoning Commissioner.

420.3 Helicopters may be used to move equipment and supplies at construction sites, provided that a permit for such use is first obtained from the Director of Public Safety.[2]

420.4 Helicopters may make landings on public utility rights-of-way and, with the owners' consent, on land adjacent thereto for purposes of inspection or repairs of public utility facilities.

420.5 No special exception shall be required to permit either a Type I or Type II heliport if such use is located: at least 1,000 feet from any property line; in a D.R.5.5 or D.R.1 Zone; and beyond the urban-rural demarcation line.

420.6 Any helicopter operation caused by emergency is permitted at any time in any zone, in accordance with current regulations of the Federal Aviation Agency.

Section 421
Animal Boarding Place, Kennel, Pet Shop, Veterinarian's Office, Veterinarium
[Bill Nos. 85-1967; 87-2001[3]]

421.1 If an animal boarding place or private kennel is allowed in a residential zone, either as a special exception or as a permitted use, any part of the use, including but not limited to exercise areas, septic systems, dog runs and parking areas, may not be located within 200 feet of the nearest property line.

421.2 If an animal boarding place, commercial kennel, private kennel or pet shop is allowed in an office, business or manufacturing zone, either as a special exception or as a permitted use, any part of the use, including but not limited to exercise areas, septic

Pet No 6

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1 **Editor's Note: The office of Director of Public Safety was abolished under Bill No. 72-1968, amending Section 504 and Subdivision 4, Division 3, Article V, inter alia, of the Baltimore County Charter. The Administrative Officer has delegated such authority to the Director of the Department of Permits and Development Management.**

2 **Editor's Note: The office of Director of Public Safety was abolished under Bill No. 72-1968, amending Section 504 and Subdivision 4, Division 3, Article V, inter alia, of the Baltimore County Charter. The Administrative Officer has delegated such authority to the Director of the Department of Permits and Development Management.**

3 **Editor's Note: This bill also provided that its provisions would not apply to any animal boarding place or kennel in existence and operating with a final, valid permit or other final, nonappealable approval from Baltimore County on the effective date of this act, which was 10-22-2001.**

systems, dog runs and parking areas, may not be located within 200 feet of the nearest property line or lease line.

421.3 If a veterinarian's office or a veterinarium is allowed in a residential zone as a special exception, it shall be located only on a lot having an area of 2 acres or more, and any part of the use may not be located within 100 feet of the nearest property line.

421.4 A person may not own, keep, or harbor more than 10 dogs, not including puppies less than 4 months old, in a private kennel that is located in a D.R. Zone.

421.5 In granting any special exception under this section, the Zoning Commissioner may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number and breeds of dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.

Section 422
Amusement Devices
[Bill Nos. 29-1982; 66-1983]

A. Amusement devices are permitted as of right in the B.L., B.M. and B.R. Zones when used in combination with (1) a tavern; (2) a bowling alley; (3) a hotel or motel; (4) billiard or pool rooms; (5) skating rink; (6) airport; (7) boatyard/marina; (8) bus, train, boat terminal; (9) community building; (10) racetrack; (11) restaurant; (12) miniature golf; (13) truck stop; (14) swimming pool; (15) social, fraternal or veteran clubs; (16) indoor tennis and racquet clubs; (17) public bathing beaches; or (18) other uses which the Zoning Commissioner finds, after public hearing, to be entertainment, leisure or recreation oriented; and provided, however, that no more than four amusement devices shall be permitted unless a special exception for an arcade is obtained.

B. One amusement device, or two such devices if the net floor area of the location's interior space actually devoted to the principal use exceeds 1,500 square feet, is permitted as a matter of right in the B.L., B.M. and B.R Zones when in combination with uses which are not entertainment, leisure or recreation oriented. The square footage required by this subsection need not be devoted exclusively to the amusement device or devices.

C. Amusement devices are permitted as of right in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:

1. The amusement devices are located on the same lot as the principal use.

2. The amusement devices are located within a building which houses the principal use or which houses facilities that are incidental to the principal use.

3. No more than four amusement devices are used in combination with the principal use.

4. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office, and Office Zones, the principal use is operated as a private club for the benefit of persons who are bona fide members paying dues for the principal use, and the use of the amusement devices is restricted to such members and their guests and is not available for use by the general public or to lessees of said private club.

Section 423
Arcades
[Bill Nos. 29-1982; 29-1983; 66-1983]

A. An arcade is permitted as of right in the B.L., B.M. and B.R. Zones when located in (1) a bowling alley; (2) a hotel or motel; or (3) billiard or pool rooms, or when located in an enclosed mall, provided that public access to the arcade (except for emergency use) may only be via the enclosed concourse. Any number of amusement devices is permitted in an arcade, except that in a billiard or pool room, a maximum of two and one-half amusement devices is permitted for each regulation-size billiard or pool table in the room unless a special exception is obtained for a greater number of amusement devices. (As used herein, a "regulation-size billiard or pool table" is a table which requires for its use a minimum floor area of 192 square feet.)

B. An arcade is permitted by special exception in the B.L., B.M. and B.R. Zones as the sole principal use or in combination with one or more of the entertainment, leisure or recreation oriented uses provided for in Section 422.A.

C. An arcade is permitted by special exception in the Manufacturing, Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones when used in combination with, and accessory to, any entertainment, leisure or recreation oriented principal use provided for in Section 422.A, provided that:

1. The arcade is located on the same lot as the principal use.

2. The arcade is located within a building which houses the principal use or which houses facilities that are incidental to the principal use or, notwithstanding the definition of the term "arcade," the arcade is located under an unenclosed permanent roofed structure which is attached to such a building.

3. The arcade is clearly subordinate in area, extent and purpose to the principal use.

4. The Zoning Commissioner specifies the maximum number of amusement devices to be maintained in the arcade.

5. In the Resource Conservation, Density Residential, Elevator-Apartment Residence, Residential-Office and Office Zones, the principal use is

Maryland Department of Assessments and Taxation 2

Taxpayer Services Division
301 West Preston Street W Baltimore, Maryland 21201

Taxpayer Services Division

Entity Name: TIMONIUM ANIMAL HOSPITAL, INC.
Dept. ID #: D00537530

General Information	Amendments	Personal Property	Certificate of Status

Principal Office (Current):	2109 YORK ROAD TIMONIUM, MD 21093
Resident Agent (Current):	BARRY J. HENDERSON 704 COURT SQUARE BLDG BALTIMORE, MD 21202
Status:	INCORPORATED
Good Standing:	Yes
Business Code:	Ordinary Business - Stock
Date of Formation or Registration:	10/23/1974
State of Formation:	MD
Stock/Nonstock:	Stock
Close/Not Close:	Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Personal Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity.

Maryland Department of Assessments and Taxation 3

Taxpayer Services Division
301 West Preston Street Baltimore, Maryland 21201

Taxpayer Services Division

Entity Name: TIMONIUM ANIMAL HOSPITAL, INC.
Dept. ID #: D00537530

General Information	Amendments	Personal Property	Certificate of Status

NOTICE ABOUT IMAGE AVAILABILITY AND ACCURACY

Page 1 of 1

Description	Date Filed	Time	Film	Folio	Pages	View Document	Order Copies
ARTICLES OF TRANSFER	07/21/1997	01:53-PM	00000	0000	0000		
ARTICLES OF TRANSFER OF TIMONIUM ANIMAL HOSPITAL, INC. (A MD CORP ORATION) (TRANSFEROR) AND CHRISTINE W. GERNHART, D.V.M., P.A. (A MD CORPORATION) (TRANSFEREE)							
ARTICLES OF AMENDMENT	12/29/1977	08:30-AM	F2403	381	0004		
ARTICLES OF INCORPORATION	10/23/1974	08:30-AM	F2117	204	0004		

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Personal Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity.

Maryland Department of Assessments and Taxation 1

Taxpayer Services Division
301 West Preston Street W Baltimore, Maryland 21201

Taxpayer Services Division

Entity Name: 1626 YORK ROAD, LLC
Dept. ID #: W07259393

General Information	Amendments	Personal Property	Certificate of Status

Principal Office (Current):	2135 YORK ROAD TIMONIUM, MD 21093
Resident Agent (Current):	CHRISTINE W. GERNHART 2135 YORK ROAD TIMONIUM, MD 21093
Status:	ACTIVE
Good Standing:	Yes
Business Code:	Other
Date of Formation or Registration:	03/06/2003
State of Formation:	MD
Stock/Nonstock:	N/A
Close/Not Close:	Unknown

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Personal Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity.

Maryland Department of Assessments and Taxation 1

Taxpayer Services Division
301 West Preston Street Baltimore, Maryland 21201

Main Menu | Security Interest Filings (UCC) | **Business Entity Information (Charter/Personal Property)** New Search | Get Forms | Certificate of Status | SDAT Home

Taxpayer Services Division

Entity Name: 1626 YORK ROAD, LLC
Dept. ID #: W07259393

General Information	Amendments	Personal Property	Certificate of Status

NOTICE ABOUT IMAGE AVAILABILITY AND ACCURACY

Page 1 of 1

Description	Date Filed	Time	Film	Folio	Pages	View Document	Order Copies
ARTICLES OF ORGANIZATION	03/06/2003	01:45-PM	B00489	1697	0003		

Link Definition

General Information	General information about this entity
Amendments	Original and subsequent documents filed
Personal Property	Personal Property Return Filing Information and Personal Property Assessments
Certificate of Status	Get a Certificate of Good Standing for this entity.

Section 230
Business, Local (B.L.) Zone
Use Regulations
[BCZR 1955]

The following uses only are permitted (see Section 230.12):

230.1 Uses permitted and as limited in the residential zone immediately adjoining, except that animal boarding place, Class A, is permitted only as a special exception and kennel is prohibited. **[Bill No. 85-1967]**

230.2 Convalescent home.

230.3 Tourist home, boarding or rooming houses.

230.4 Fast food, drive-through only restaurant, carry-out restaurant, fast food restaurant, and standard restaurant, tearoom, convenience store and dairy bar, except drive-in restaurant. **[Bill Nos. 40-1967; 110-1993; 86-1994]**

230.5 Bank, building and loan association.

230.6 Offices and office buildings.

230.7 Private colleges, dancing schools, conservatory for music and the arts, dormitories and fraternity and sorority houses. **[Resolution, November 21, 1956; Bill No. 47-1985]**

230.8 Business and trade schools.

230.9[1] Alcoholic beverage package store
Amusement devices, subject to the provisions of Section 422 **[Bill No. 29-1982]**
Antique shop
Arcade, subject to the provisions of Section 423.A **[Bill No. 29-1982]**
Automobile accessory shop
Automobile parking lot
Bakery, but goods baked on the premises must be sold only at retail on the premises
Barbershops and beauty shops **[Bill No. 9-1999]**
Billiard and pool rooms **[Bill Nos. 61-1967; 85-1967]**
Bowling alley **[Resolution, November 21, 1956; Bill Nos. 58-1957; 85-1967]**
Camera, photo-supply or film-processing shops or pickup stations (including "drive-by" facilities) **[Bill No. 43-1970]**
Candy store, but goods made on the premises must be sold only at retail on the premises
Clothing and accessory stores
Commercial film production, subject to Section 435 **[Bill No. 57-1990]**
Dairy products store
Department store
Dressmaking and millinery establishments

[1] **Editor's Note: Of the entries which follow, the ones without bracketed historical information were reenacted without substantive amendment by Bill No. 58-1957, and again by Bill No. 9-1999.**

Drugstore
Dry cleaning establishment, coin-operated, or retail store plant, etc. (as regulated by the Baltimore County Building Code, Baltimore County Fire, Health and Police Regulations) **[Bill Nos. 142-1962; 85-1967]**
Dry cleaning pickup station
Duplicating service business **[Bill No. 117-1983]**
Electrical contractors and appliance repair shop **[Bill Nos. 58-1957; 85-1967]**
Florist
Food store
Fortune-telling establishments **[Bill No. 124-1978]**
Fuel service stations in a planned shopping center or drive-in cluster only, subject to Section 405 **[Bill No. 172-1993]**[2]
Furniture and upholstery stores
Garden center **[Bill No. 41-1992]**
Gift shop
Hand laundry employing not more than five persons
Hardware store
Helistop **[Bill No. 85-1967]**
Hobby shop
Household appliance store
Jewelry store
Laundromat or self-service laundry
Laundry-pickup station
Medical clinic **[Bill No. 37-1988]**
Parking lot **[Resolution, November 21, 1956; Bill No. 85-1967]**
Pet shop
Photographic studio
Picnic grove **[Resolution, November 21,1956; Bill No. 85-1967]**
Public utility service center
Radio shop
Radio studio
Rail passenger stations, subject to Section 434 **[Bill No. 91-1990]**
Residential art salon **[Bill No. 85-1967]**
Shoe repair shop
Social clubs and fraternal organizations
Sporting goods store
Stationery store
Swimming pool
Tailor shop
Tavern **[Bill Nos. 43-1963;[3] 85-1967]**
Television shop
Television studio

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2 **Editor's Note: "Funeral establishments," which followed this item, was repealed by Bill No. 43-1970.**

3 **Editor's Note: Bill No. 43-1963 erroneously indicates that this entry was listed in this Section in BCZR 1955 and repealed by Bill No. 58-1957. Actually, the entry was originally listed only in Section 233.2; the entry was, however, erroneously deleted from the latter section as printed in the 1957 published edition of the amended zoning regulations.**

Temporary or occasional outdoor sales of cut flowers or live plants (not in connection with florists' establishments), provided that the sales area does not exceed 200 square feet and that the sales are carried on for no more than 120 days per year. Before approving an application for any license required, the Zoning Commissioner must approve a site plan for the premises, showing the sales area and the dates on which flowers or plants are to be sold. Any provision of these regulations to the contrary notwithstanding, the Zoning Commissioner's approval of such a license shall expire one year after its issuance; however, such a license may be reapproved annually upon request of the licensee **[Bill No. 174-1981]**

Transit facilities **[Bill No. 91-1990]**

Variety and dry goods store

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

Veterinarium **[Bill No. 85-1967]**

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

230.10 Combinations of the above uses. **[Bill No. 111-1968]**

230.11 Accessory uses or structures, including signs (see Section 450), garages and parking spaces for the use of owners, employees, tenants and invitees. A maximum of six coin-operated children's rides are permitted as an accessory use. **[Bill Nos. 111-1968; 29-1982; 89-1997]**

230.12 All the above uses in Section 230 are subject to the following conditions:

A. They shall be contained, except for signs, restaurants, swimming pools, outdoor sales or display areas, parking lots, helistops or picnic groves within completely enclosed buildings. **[Bill No. 85-1967]**

B. Not more than five persons shall be engaged in the repair or fabrication of goods on the premises.

C. Not more than five horsepower shall be employed in the operation of any one machine used in repair or fabrication, and not more than 15 horsepower in the operation of all such machines.

D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than five feet in front of the required front building line.

E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning and the Baltimore County Bureau of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Office of Planning. **[Resolution, November 21, 1956]**

F. Where the requirements in Section 230.12.A, B or C would create an undue hardship, the Zoning Commissioner may approve a modified plan upon petition and public hearing thereon.

230.13 Special exceptions. The following uses when permitted as special exceptions (see Sections 270 and 502):

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

Arcade, subject to the provisions of Section 423B **[Bill No. 29-1982]**

Automotive-service station, subject to the provisions of Section 405 **[Bill Nos. 40-1967; 85-1967]**

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

Car wash **[Bill Nos. 108-1964; 85-1967]**

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, including use of the building as a catering hall **[Bill Nos. 64-1963; 85-1967; 26-1988; 110-1993]**

Community care center **[Bill No. 91-1974]**

Drive-in restaurant **[Bill Nos. 40-1967; 85-1967]**

Dry-cleaning plant (see Section 416) **[Bill Nos. 133-1958; 85-1967]**

Excavations, controlled (see Section 403)[20]

Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect[21] and which has since remained continuously in operation is a conforming use, permitted as of right; as such, it may be expanded or otherwise changed in the same manner as any other use permitted as of right. Such funeral establishments shall be a permitted use without the necessity of obtaining a special exception, provided said site was either owned or leased for a term in excess of 15 years by a funeral director who is duly registered as such in accordance with state law, prior to April 9, 1970 and provided said ownership or lease is either as an individual person or in the name of a corporation, the majority of the common stock of which is owned by said registered funeral director or together with a spouse as joint owners, or joint lessees, or as tenants in common or joint lessees by virtue of a partnership or joint venture with one or more other duly registered funeral directors; and provided further said registered funeral director files with the Zoning Commissioner of Baltimore County no later than December 31, 1970 satisfactory evidence of ownership or leasehold interest as outlined above **[Bill Nos. 43-1970; 105-1970]**

Garage, service

Golf course, country club or other outdoor recreational 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]**

Golf driving range, miniature golf and baseball batting range

Heliport, Type II **[Bill No. 85-1967]**

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20 **Editor's Note: "Filling station," which followed this item, was repealed by Bill No. 40-1967.**

21 **Editor's Note: This provision became effective on April 9, 1970.**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 2003

RECEIVED

MAR 1 7 2003

ZONING COMMISSIONER

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

SUBJECT: 1626 York Road

INFORMATION:

Item Number: 03-381

Petitioner: James/Rose Hill, LLC

Zoning: BL

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request contingent upon the following conditions:

1. Outdoor activities shall be restricted to the "exercise area" identified at the rear of the building. Said area should be adequately buffered from the adjoining residential area.
2. Submit a landscape plan to this office for review and approval prior to the issuance of any building permits.
3. The subject site shall not contain any free access animal runs.
4. A handler shall accompany all animals using the exercise area.

Prepared by: Mark A Cummings

Section Chief: Lyle Tucker
AFK/LL:MAC:

Ref No 9

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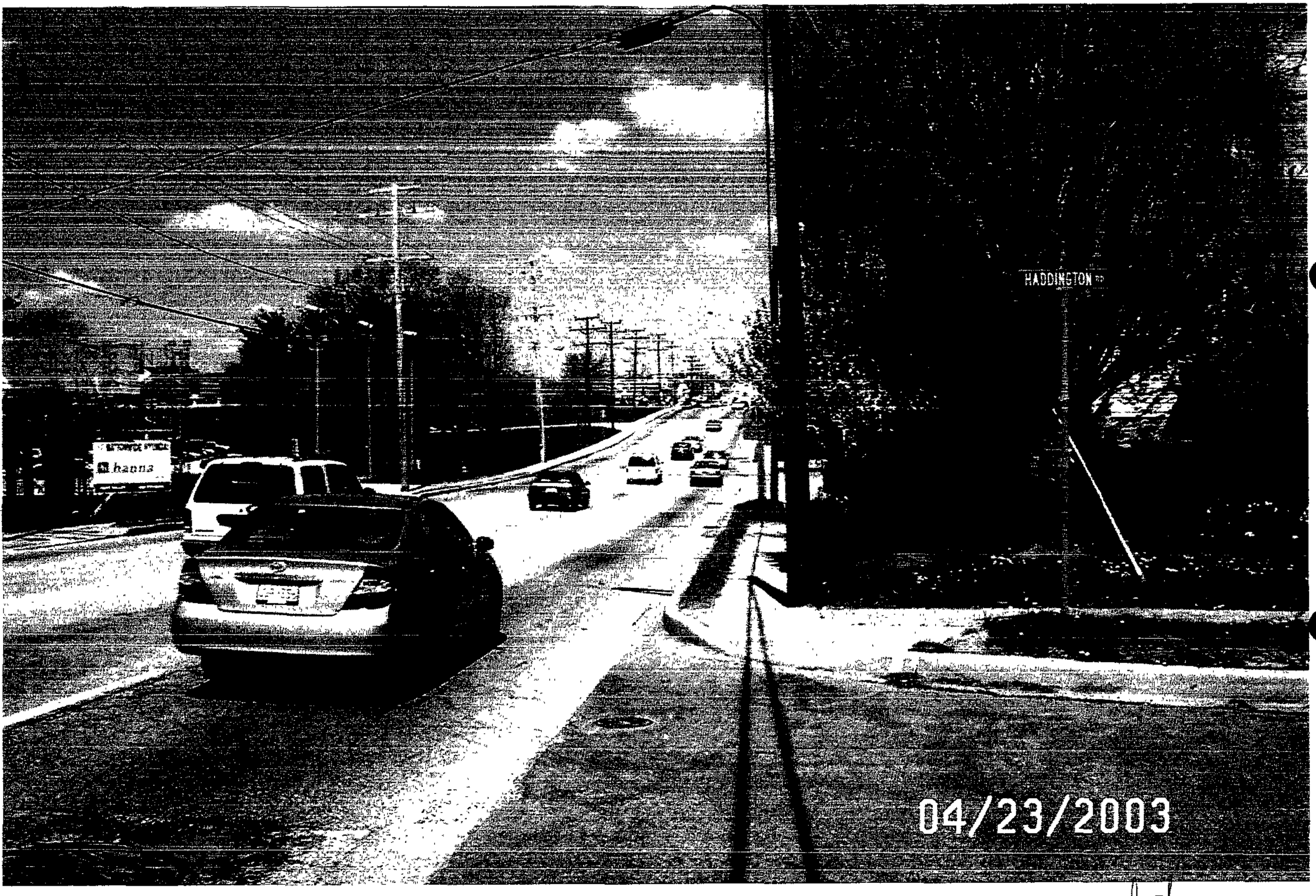

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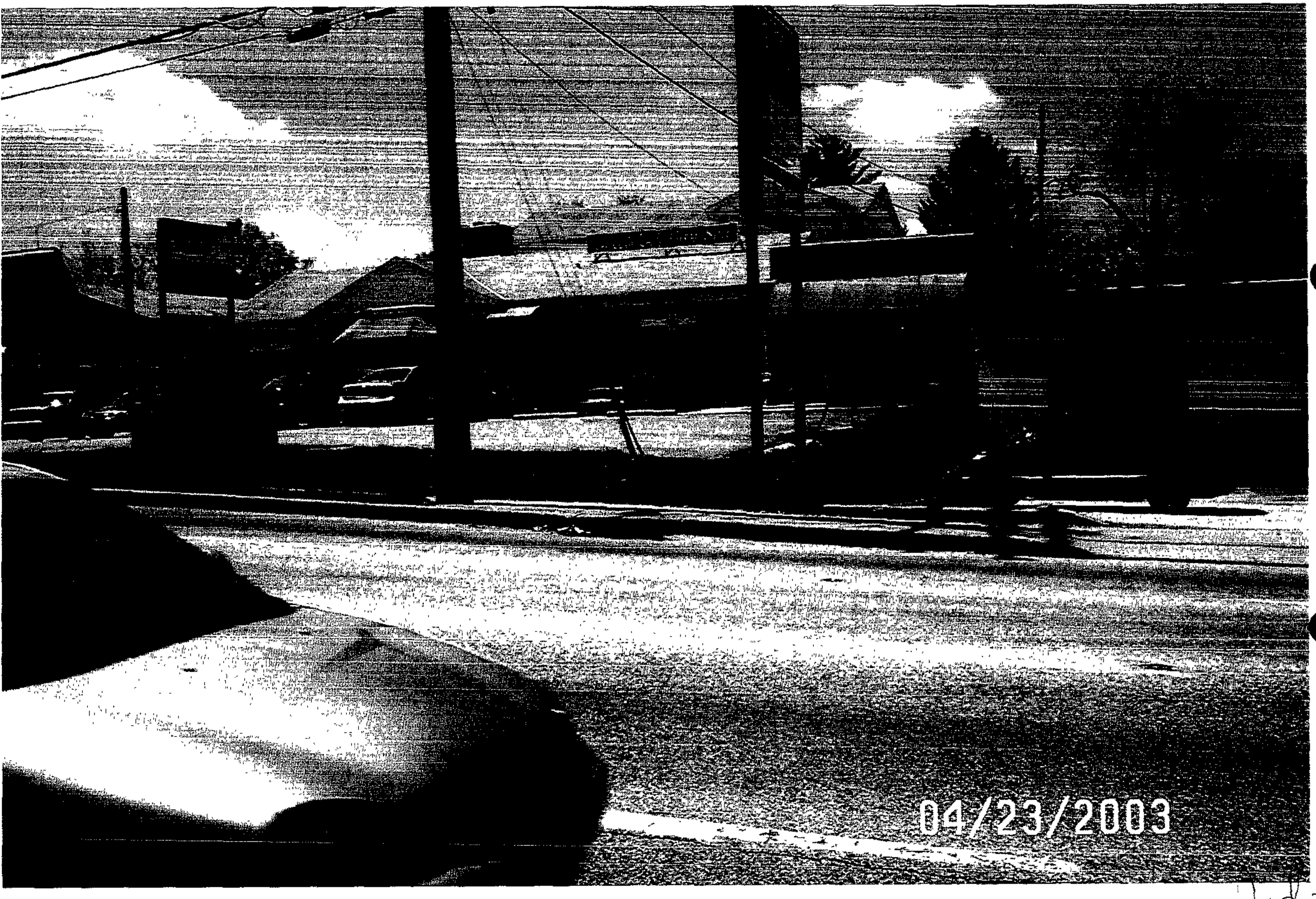

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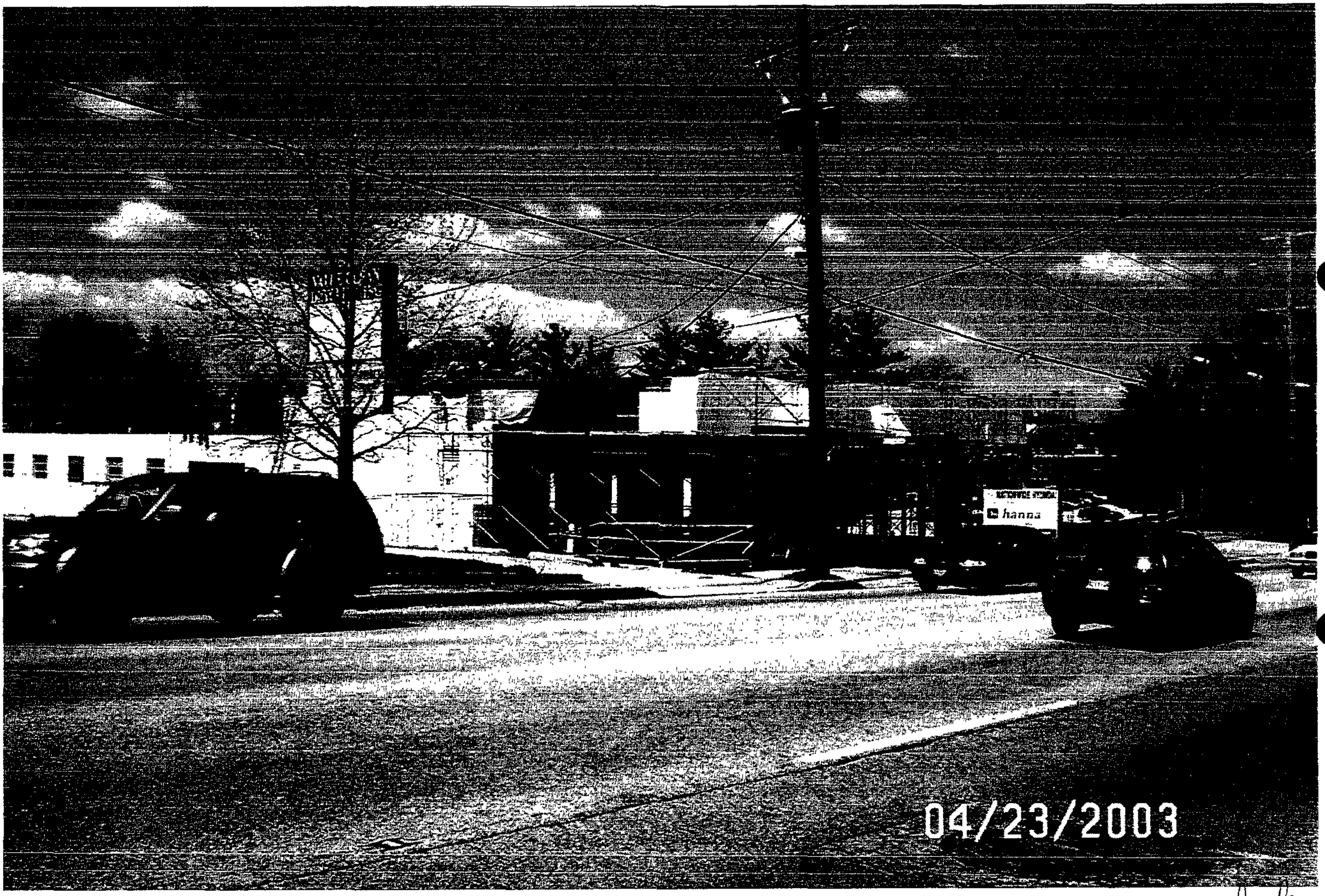

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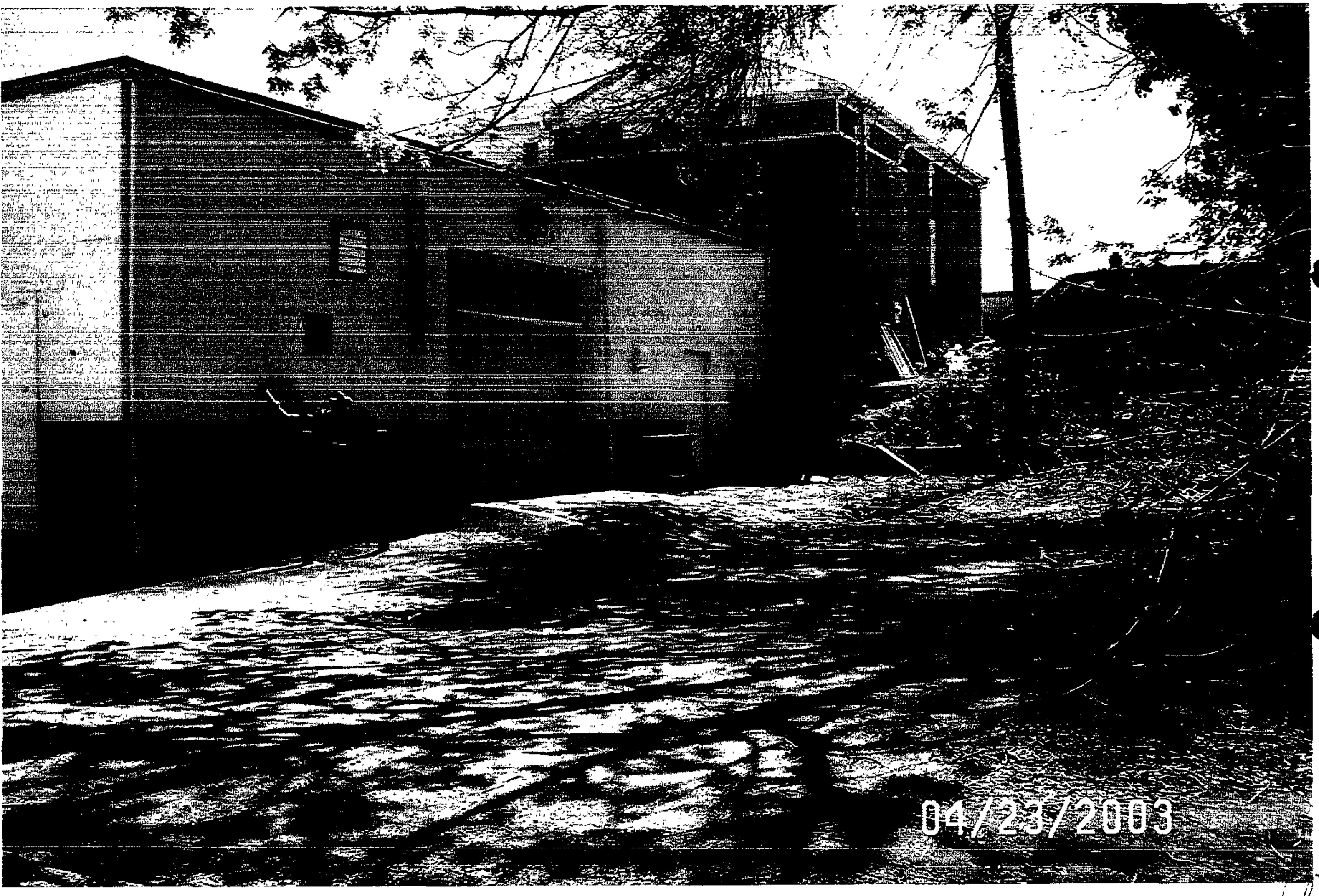

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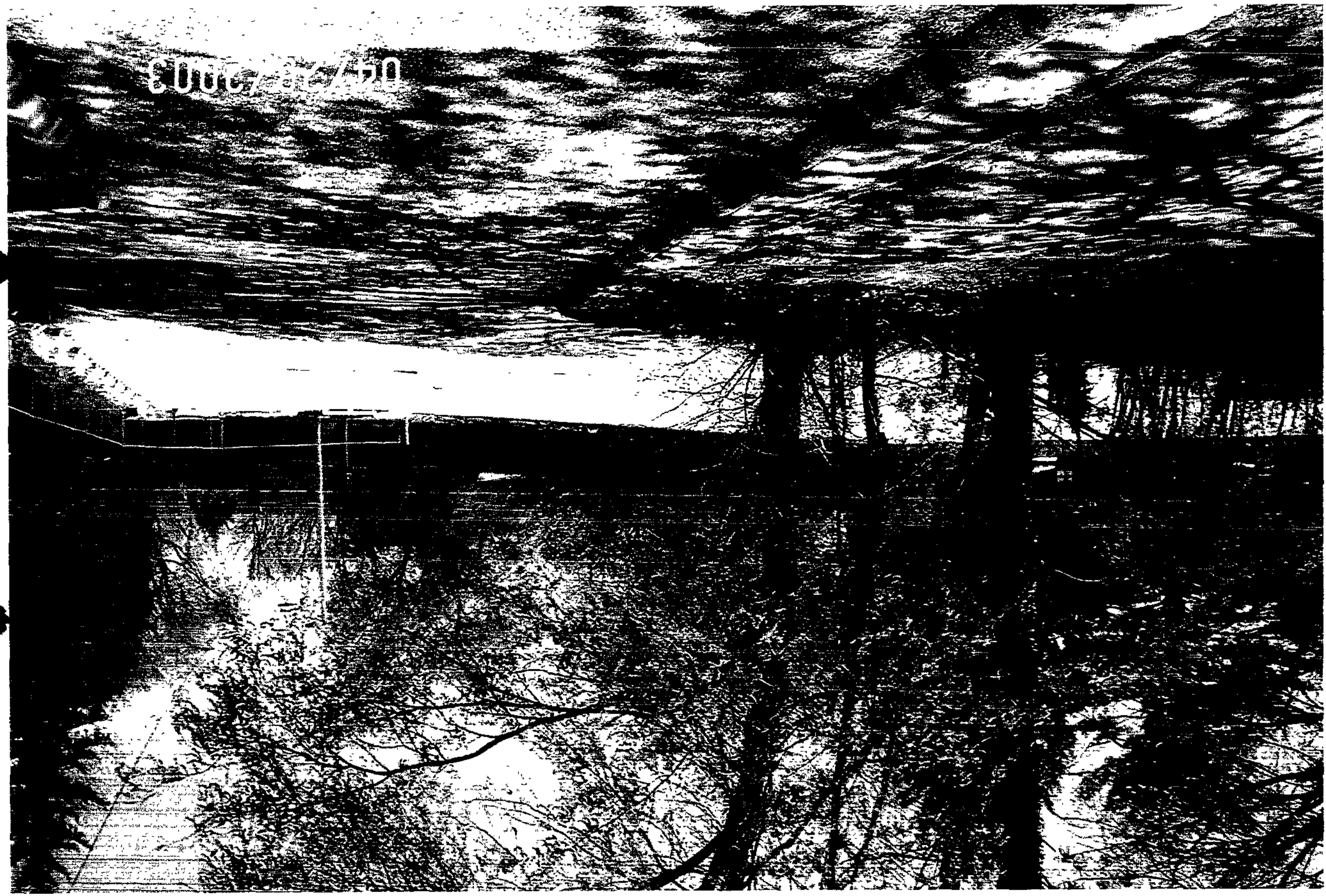
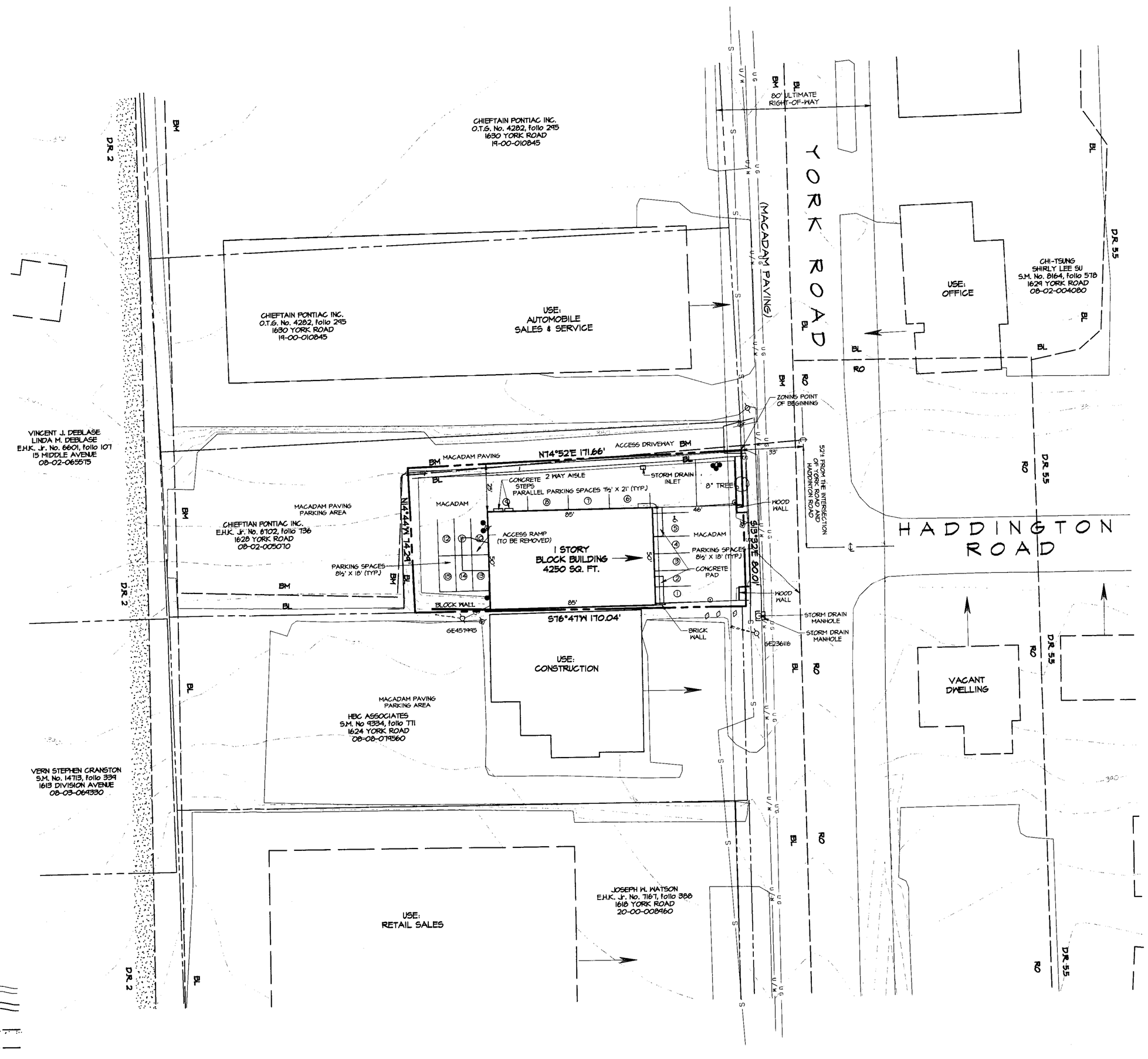
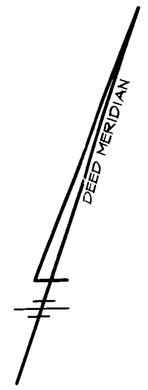
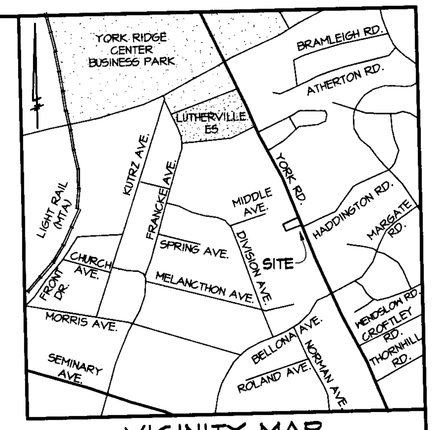








VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 60C2 & 60C3.
3. CENSUS TRACT 4018 A.D.C. MAP & GRID 27 A2
   WATERSHED JONES FALLS SUBSENERSHED 57 N
   SCHOOL DISTRICT 110 REGIONAL PLANNING DISTRICT 308
4. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS 0.302 ACRES PER S.M. 13329/22.
7. PARKING CALCULATIONS:
   BUILDING IS 4250 SQ. FT.
   4.25 X 3.3 (GENERAL OFFICE) = 15 SPACES REQUIRED
   SPACES PROVIDED = 15

SPECIAL HEARING REQUESTED

TO PERMIT AN EXERCISE AREA NOT WITHIN AN ENCLOSED BUILDING FOR ANIMALS TREATED AT THE VETERINARIAN OFFICE, VETERINARIUN OR BOARDED UPON THE PROPERTY PURSUANT TO SECTION 230.12F

VARIANCES REQUESTED

SECTION 409.4C: TO PERMIT A TWO-WAY AISLE OF 15' IN LIEU OF THE REQUIRED 20'

SECTION 409.4.B.2: TO PERMIT 4 PARKING SPACES FOR EMPLOYEES THAT DO NOT HAVE DIRECT ACCESS TO AN AISLE

SECTION 420.2: TO PERMIT ANIMAL BOARDING USES AT A DISTANCE OF 150' IN LIEU OF THE REQUIRED 200' TO THE NEAREST RESIDENTIAL ZONE

OWNER

JAMES/ROSE HILL I, LLC
PO BOX 65201
BALTIMORE, MARYLAND 21209
(410) 433-5724

CONTACT PURCHESER/DEVELOPER

Dr. CHRISTINE GERNHART
2135 YORK ROAD
TIMONIUM, MARYLAND 21093
(410) 252-8820

LEGEND

EXISTING DWELLING
EXISTING PAVING
PROPOSED PAVING
LUTHERVILLE N.R.H.D.
ZONING LINE
GUY WIRE
UNDERGROUND WATER — U/W —
UNDERGROUND GAS — UG —
UNDERGROUND SEWER — S —
PROPERTY LINE
CONTOURS
BOLLARD
SIGN
CLEANOUT
UTILITY POLE
WATER VALVE

SCALE: 1"=30'
30 0 30 60 90

PLAT TO ACCOMPANY A PETITION FOR VARIANCES AND SPECIAL HEARING

OF THE

JAMES/ROSE HILL I, LLC PROPERTY

1626 YORK ROAD
Deed Ref: S.M. No. 13329, folio 22
Tax Account No.: 08-06-082370
Zoned BL; Map NW 12A
Tax Map 60; Grid 18; Parcel 208
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: FEBRUARY 5, 2003

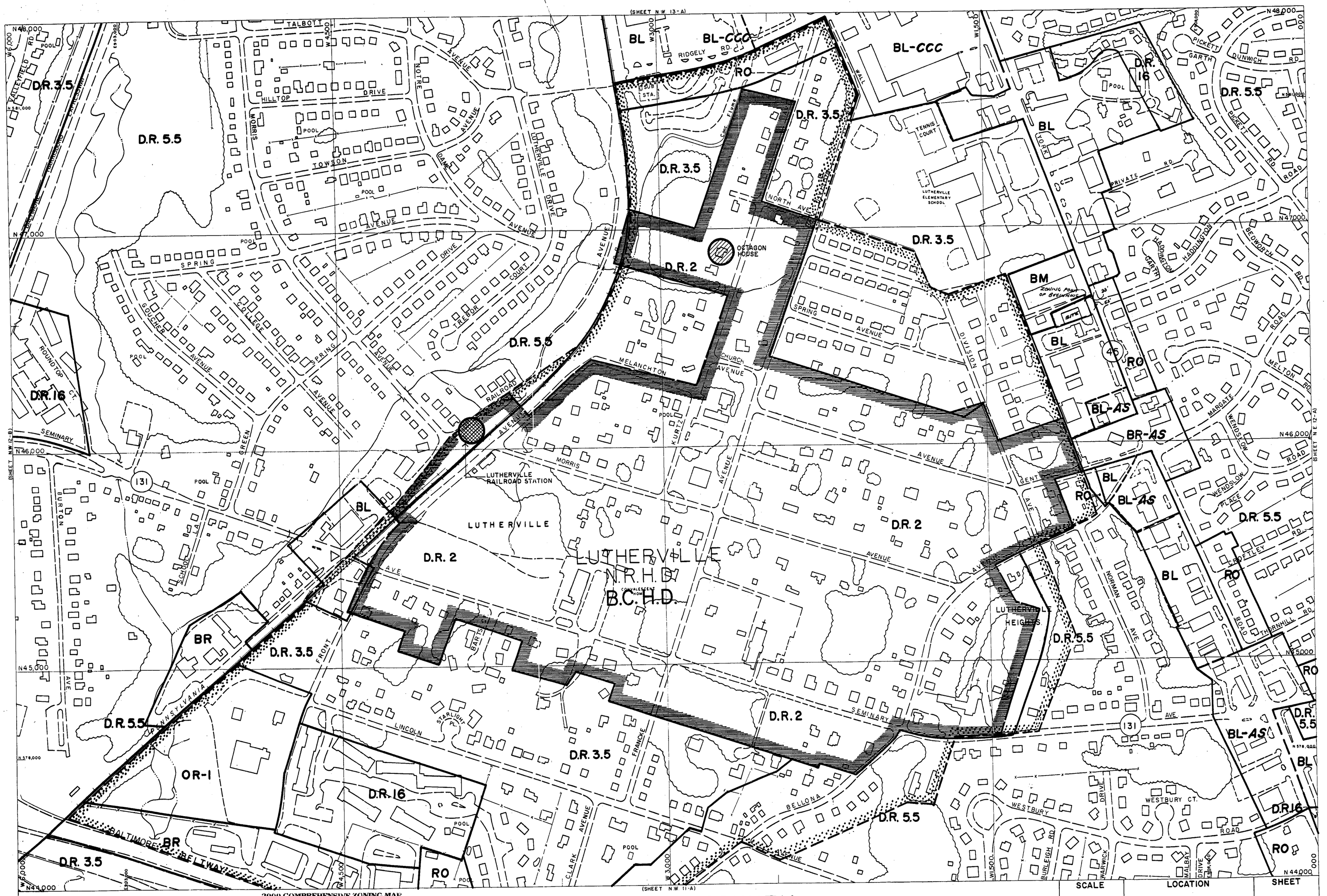
STATE OF MARYLAND — BRUCE EDWIN DORR — No. 53 — REGISTERED PROPERTY LINE SURVEYOR
2/7/03

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE

COMPUTED:	DRAWN: E.T.M.	CHECKED: B.E.D.	FILE:X:\glvshakon\zoning.pro

Feb 7, 2003



S - SE R - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	LUTHERVILLE	N.W. 12-A
DATE OF PHOTOGRAPHY JANUARY 1986		

381

NW 12 A