

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – E/S Wye Road,
325' S of the c/l Middleborough Road * ZONING COMMISSIONER
(309 Wye Road)
15th Election District * OF BALTIMORE COUNTY
6th Council District *
Case No. 05-268-XA
Allen L. Wollard, et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Allen L. Wollard, and his wife, Charlene Wollard, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special exception to approve the use of the subject property for a private kennel, pursuant to Sections 270 and 421.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is sought from Section 421.1 of the B.C.Z.R. to permit a kennel with a 0-foot setback in lieu of the minimum required 200 feet in the D.R.3.5 zone. 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 requisite public hearing in support of the request were Allen and Charlene Wollard, property owners, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing were Bruce E. Doak, the Property Line Surveyor who prepared the site plan for this property, Monica Heim, an adjacent property owner, and Veda Hutson, who resides immediately to the rear of the subject property. There were no Protestants or other interested persons present; however, it is to be noted that the Petition was filed as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management, relative to the number of dogs kept on the property. Thus, a public hearing was held before the undersigned on January 26, 2005 to resolve the matter.

ORDER RECEIVED FOR FILING

Date

By

2/11/05
[Signature]

On behalf of the Petitioners, Mr. Doak presented the site plan for this property and offered testified as an expert in zoning matters in support of the request. The site plan shows that the property is a rectangular shaped parcel located on the east side of Wye Road, just south of Middleborough Road in Essex. The property is comprised of four lots, each approximately 50' wide by 215' deep, which contain a combined gross area of 21,000 sq.ft. (0.48 acres), more or less, zoned D.R.3.5. By comparison, most of the neighboring homes are situated on a combination of two or three lots, and are therefore smaller in size and area. The property is improved with a 1½-story, single-family dwelling and two small sheds. In addition, a 6-foot high stockade fence encloses the entire rear yard space. The Petitioners have owned and resided on the property since approximately 1997. Mr. Wollard testified that he and his wife cannot have children, but have 10 dogs which they consider "family" that live with them in the home. Mr. Wollard described each pet and submitted into evidence photographs of the dogs marked as Petitioner's Exhibits 2A through 2C. Mr. Wollard explained that 3 of the dogs are older now and will not live much longer. These older dogs had several litters and the Wollards kept some of the puppies, thereby increasing the number of pets they now have to 10. Mr. Wollard explained that as normal attrition takes place they will be left with 7 dogs, which are small and consist of mixed beagles, Schnauzers and Schneagles. The Petitioners have no intention of breeding any of the dogs or entering into any kind of commercial business boarding other people's dogs on their property, and wish only to keep the dogs that they have for as long as they live. The Wollards work in close proximity to their home and thus are able to let the dogs out three times a day; once in the morning, and twice later in the day. The Wollards contend that the dogs are never unsupervised and that the yard is cleaned daily.

The witnesses who attended the hearing corroborated the testimony offered by the Petitioners. Ms. Heim testified that she has lived on the adjacent property for the past 13 years and that she and her 3 children love the dogs. She knows of no problems, complaints or disturbances caused by the dogs. Ms. Hutson testified that her property abuts the Wollards' property to the rear and that she never hears the dogs. Likewise, she knows of no problems or disturbances associated with them.

Numerous letters of support were received from surrounding neighbors, including the immediately adjacent property owners on each side as well as Ms. Hutson who resides to the rear of the property. Letters of support were also received from the Middleborough Civic Association, the Petitioners' Veterinarian, and their Dog Groomer. All of these letters demonstrate the love, affection and attention the Petitioners devote to their dogs, that the dogs have never presented a problem for the community and that the Petitioners' property is clean and well maintained.

At issue in the instant case is the number of dogs the Petitioners have on their property. The zoning regulations allow a maximum of 3 dogs on any residentially zoned property and any number above that requires a special exception for a kennel. Moreover, pursuant to Section 421.1 of the B.C.Z.R., a minimum setback of 200 feet is required from any adjoining property line is required. Thus, relief is requested as set forth above, to legitimize existing conditions.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested special exception and variance requests. Obviously, it is impossible for the Petitioners to meet the required 200-foot setback. Moreover, it is clear that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners in that it would force them to chose which dogs to remove from their home. The numerous letters of support received from adjacent and surrounding property owners was a persuasive factor. Moreover, there were no adverse comments submitted by any County reviewing agency. I am convinced that the Petitioners are sincere in their desire to have a "private" kennel and have no intention of expanding that use, but only wish to keep the pets they now own. Thus, I find that with certain conditions and restrictions, as suggested by the Office of Planning and provided by Section 421.5 of the B.C.Z.R., the relief requested can be granted and will not result in any detriment to the health, safety and general welfare of the surrounding locale.

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.

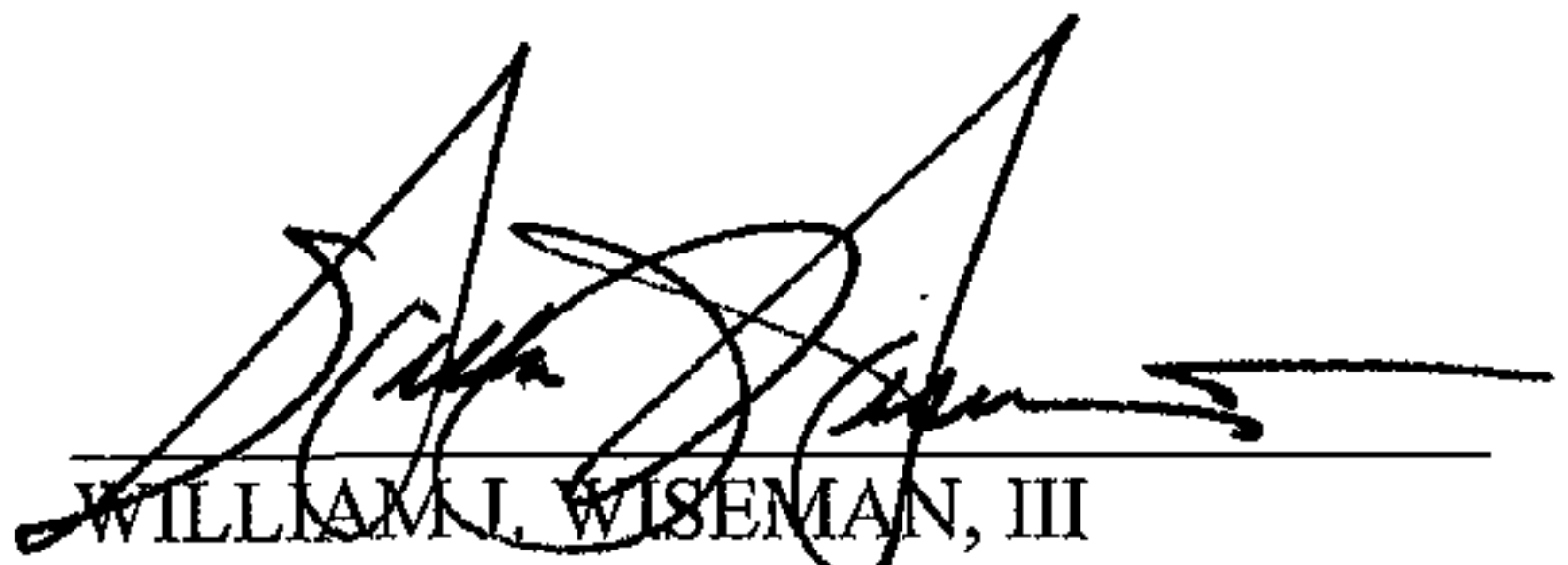
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of February 2005 that the Petition for Special Exception to approve the use of the

subject property for a private kennel, pursuant to Sections 270 and 421.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 421.1 of the B.C.Z.R. to permit a 0-foot setback in lieu of the minimum required 200 feet for a private kennel, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) Upon such time as the natural attrition process reduces the number of dogs on the premises to five, the Petitioners shall be limited to having no more than five dogs on the subject property.
- 2) The Petitioners shall continue to maintain the dogs and their property in good condition and control the barking so as not to become a nuisance to the neighborhood.
- 3) At such time as the Petitioners no longer reside on the property, no subsequent purchaser shall maintain a private kennel on the property without a subsequent special hearing.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date

By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

February 11, 2005

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

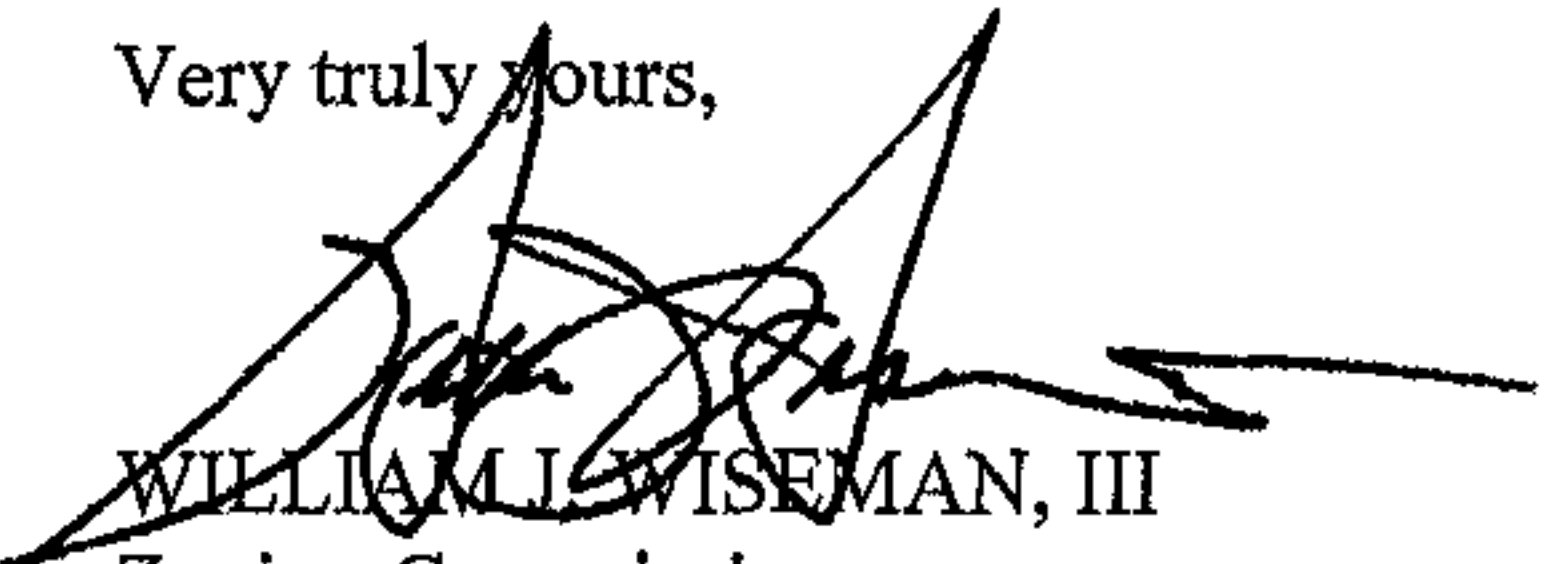
RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
E/S Wye Road, 325' S of the c/l Middleborough Road
(309 Wye Road)
15th Election District – 6th Council District
Allen L. Wollard, et ux - Petitioners
Case No. 05-268-XA

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception 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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Allen Wollard
309 Wye Road, Baltimore, Md. 21221
Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
Code Enforcement Division, DPDM; Office of Planning
People's Counsel; Case File





Critique

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 309 Wye Road, Baltimore, MD 21221

which is presently zoned 3.5 (D.R.)

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 private kennel pursuant to Section 270 and 421.1 of the Baltimore County Zoning Regulations

421.1 -
421.4
421.5

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print _____
Signature *[Signature]* _____
Francis X. Borgerding, Jr.
Company _____
409 Washington Ave., #600 410-296-6820
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Allan L. Wollard
Name - Type or Print _____
Signature *[Signature]* _____
Charlene Wollard
Name - Type or Print _____
Signature *[Signature]* _____
309 Wye Road
Address _____ Telephone No. _____
Baltimore MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Francis X. Borgerding, Jr.
Name _____
409 Washington Ave., #600 410-296-6820
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 11/22/04

ORDER RECEIVED FOR FILING

Date 11/15/05

By [Signature]

Case No. 05-268-XA

REC-09/15/98



Cutler
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 309 Wye Road, Baltimore, MD 21221
which is presently zoned 3.5 (D.R)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 421.1 of the Baltimore County Zoning Regulations to allow a zero foot setback in lieu of 200 feet for private kennel use

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Francis X. Borgerding, Jr. _____

Name - Type or Print _____

Signature _____

Francis X. Borgerding, Jr. _____

Company _____

409 Washington Ave., #600 410-296-6820

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

Case No. 05-268-XA

RECEIVED 9/15/98

Legal Owner(s):

Allen L. Wollard _____

Name - Type or Print _____

Signature *Allen L. Wollard* _____

Charlene Wollard _____

Name - Type or Print _____

Signature *Charlene Wollard* _____

309 Wye Road _____

Address _____ Telephone No. _____

Baltimore MD 21221

City _____ State _____ Zip Code _____

Representative to be Contacted:

Francis X. Borgerding, Jr. _____

Name _____

409 Washington Ave., #600 410-296-6820

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

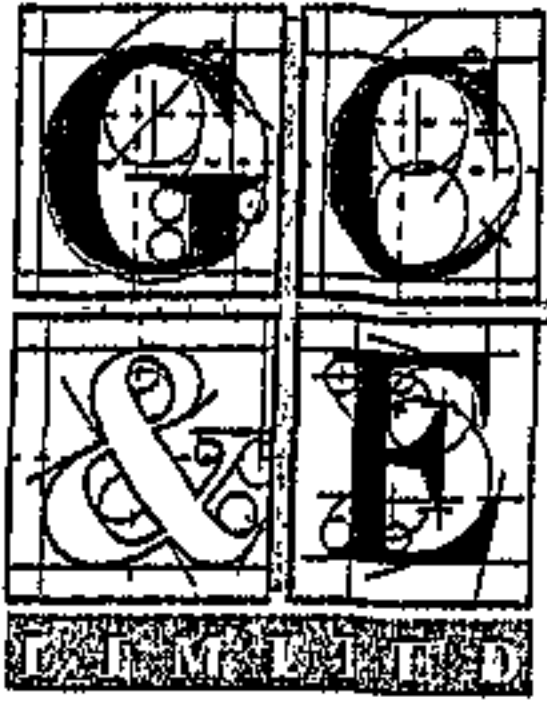
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 11/22/04

ORDER RECEIVED FOR FILING
Date 9/15/98
By [Signature]



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 10, 2004

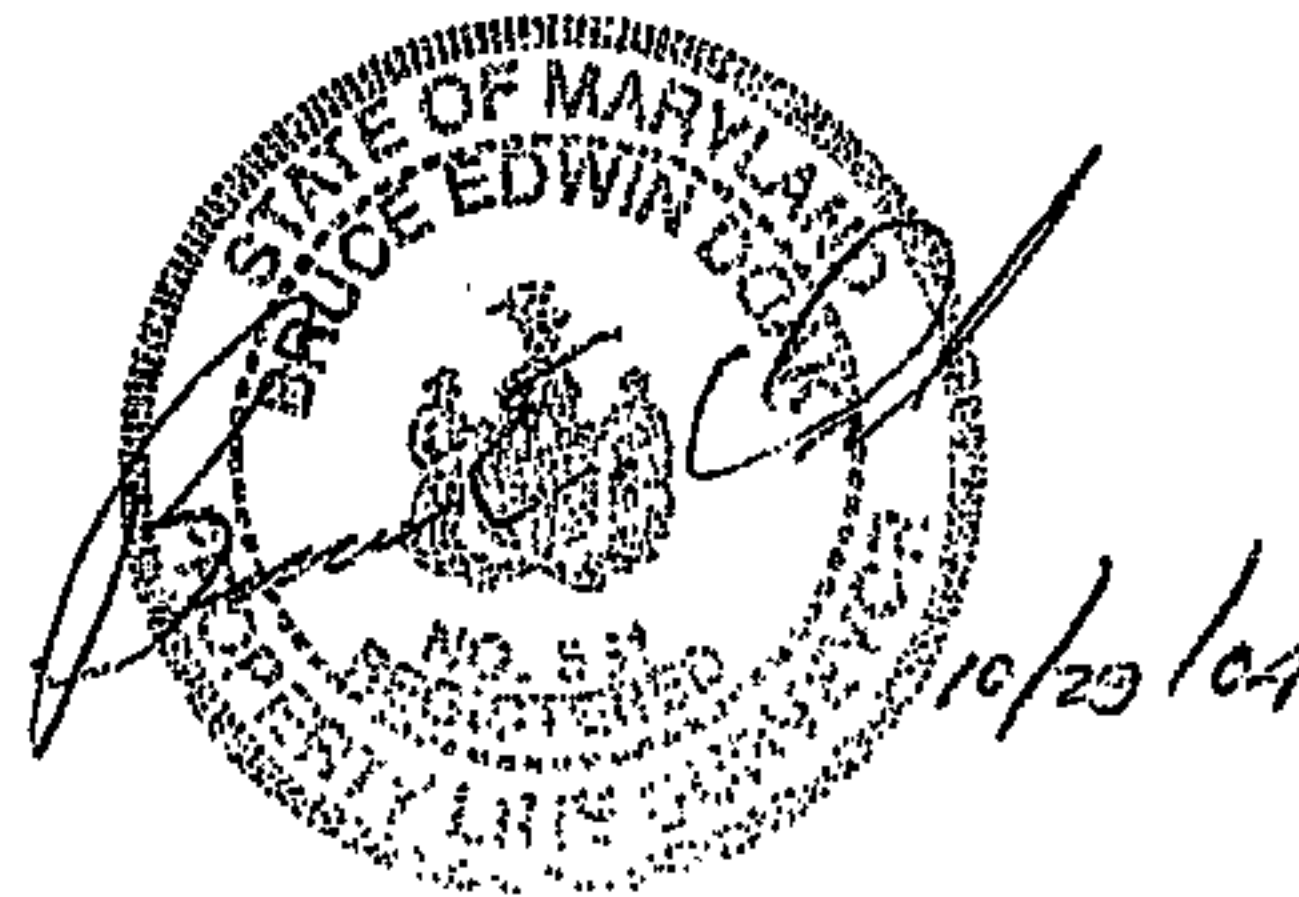
Zoning Description **309 Wye Road**

All that piece or parcel of land situate, lying and being in the Fifteenth Election District and 6th Councilmanic District Of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point three-hundred-twenty-five feet more or less from the intersection of the south side of Middleborough Road (forty feet wide) and the east side of Wye Road (thirty feet wide). Being known and designated as Lots numbered 751, 752, 753, and 754 as shown on the Plat of the property of Middleborough Land Corporation of Baltimore County, which Plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 8, folio 47.

Containing 21,000 sq. ft. or 0.48 Acres 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.



05-268-XA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42869

DATE 11/23/04 ACCOUNT 0010066150

AMOUNT \$ 705.00

RECEIVED FROM ALLEN J WOLLARD

FOR ITEM # 2168 05-268-XA

509 WINE RD RY D THOMPSON

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS NO. 11/23/2004 11/23/04

NO. 4502 MAIL 11/23/04

RECEIPT NO. 37593 11/23/04

DATE 5 11/23/04 VERIFICATION

CA NO. 00000000000000000000

Receipt Tot \$705.00

\$705.00 00

Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #05-268-XA
309 Wye Road
E/End of Wye Road, 325 feet s/of Middleborough Road
15th Election District
6th Councilmanic District
Legal Owner(s): Allen & Charlene Wollard
Special Exception: to allow a private kennel. **Variance:** to allow a 6 foot setback in lieu of 200 feet allowed for private kennel use.
Hearing: Wednesday, January 26, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
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 1/6/48 Jan.11 35326

CERTIFICATE OF PUBLICATION

1/12/2005

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 1/11/2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. : 05-248-XA

Petitioner/Developer: ALLEN &

CHARLENE WOLLARD

Date of Hearing/Closing: 1/24/05

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

Attention:

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
at 309 WYE ROAD

This sign(s) were posted on January 11, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 1/11/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

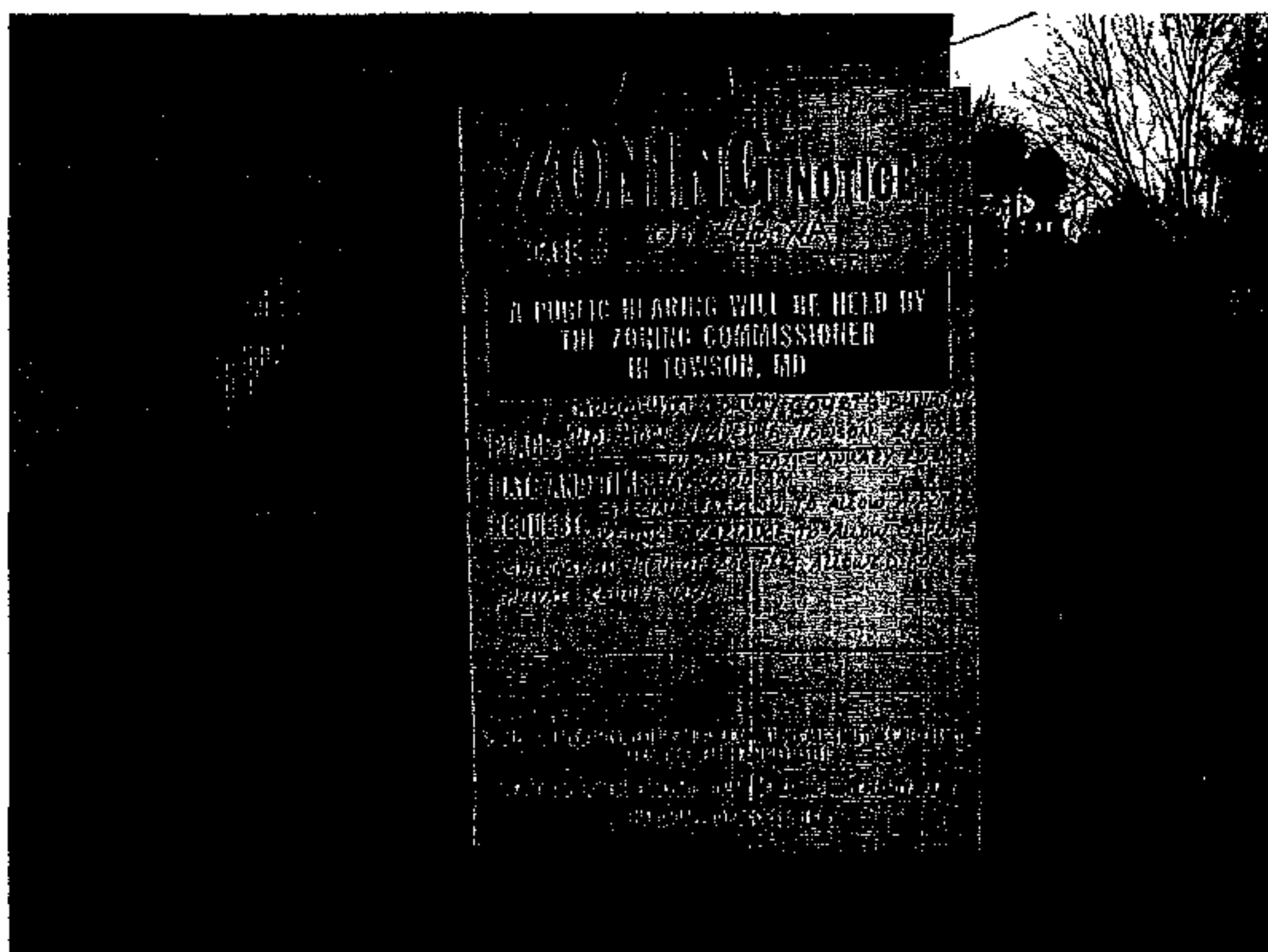
5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

im000174 (1152x864x256 jpeg)



Yester Ogle 11/11/05

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 8, 2004

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: 05-268-XA

309 Wye Road
E/side of Wye Road, 325 feet s/of Middleborough Road
15th Election District – 6th Councilmanic District
Legal Owners: Allen & Charlene Wollard

Special Exception to allow a private kennel. Variance to allow a 0 foot setback in lieu of 200 feet allowed for private kennel use.

Hearing: Wednesday, January 26, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco,
Director

TK:klm

C: Francis X. Borgerding, 409 Washington Avenue, Ste. 600, Towson 21204
Allan & Charlene Wollard, 309 Wye Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 11, 2005.**
(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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 11, 2005 Issue - Jeffersonian

Please forward billing to:
Frank Borgerding, Jr.
409 Washington Avenue, Ste. 600
Towson, MD 21204

410-296-6820

NOTICE OF ZONING HEARING

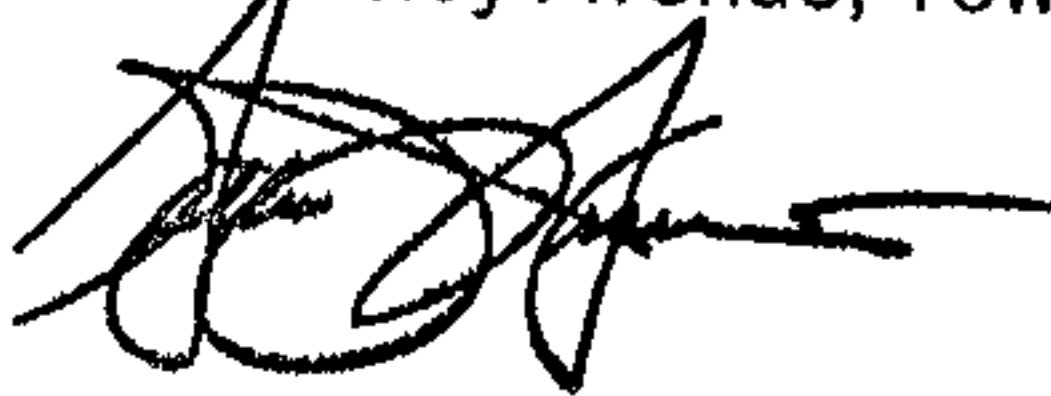
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-268-XA

309 Wye Road
E/side of Wye Road, 325 feet s/of Middleborough Road
15th Election District – 6th Councilmanic District
Legal Owners: Allen & Charlene Wollard

Special Exception to allow a private kennel. Variance to allow a 0 foot setback in lieu of 200 feet allowed for private kennel use.

Hearing: Wednesday, January 26, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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/neighbors 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: 05-268-XA

Petitioner: WOLLARD

Address or Location: 309 WYE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. ALLAN L. WOLLARD

Address: 309 WYE RD.

BALTO. MD 21221

Telephone Number: 410-296-6820 (FRANK BORGERDING)

ATTORNEY

Revised 2/20/98 - SCJ

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 18, 2005

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

Dear Mr. Borgerding:

RE: Case Number: 05-268-XA, 309 Wye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 2004.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Allan L. and Charlene Woolard 309 Wye Road Baltimore 21221

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.: 250, 268-176

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau, and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 13, 2004
Item Nos. 250, 254, 268, 269, 270, 271,
272, 273, 274, 275, and 276

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

RWB:CEN:jrb

cc: File

BW
1/26

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. JDO
DEPRM

DATE: January 10, 2005

SUBJECT: Zoning Item # 05-268
Address 309 Wye Road (Wollard Property)

RECEIVED

JAN 20 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of December 6, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The applicant must comply with the Limited Development Area regulations. Specifically, the property is not permitted to exceed the 25% Maximum Impervious Surface limit nor the 15% Minimum Tree Cover limit (equaling at least 7 trees for this property).

Reviewer: Martha Straus

Date: January 3, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 26, 2005

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

SUBJECT: 309 Wye Road

INFORMATION:

Item Number: 5-268

Petitioner: Allan Wollard

Zoning: DR 3.5

Requested Action: Variance/Special Exception

RECEIVED

JAN 27 2005

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate to the Zoning Commissioner that there are special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the BCZR would result in practical difficulty and unreasonable hardship. The Zoning Commissioner should note that the subject petition was filed due to a complaint that was filed by an adjoining property owner.

If the petitioner's request is approved, the following conditions shall apply:

1. No new or additional dogs or animals shall be permitted.
2. The subject Special Exception shall be discontinued upon the sale of the subject property by the current owner.

Prepared by:



Division Chief:



AFK/LL:MAC:

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 12.3.04

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

RE: Baltimore County
Item No. 268 DT

Dear Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

RECEIVED

DEC - 3 2001

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE *
309 Wye Road; E/side Wye Road, 325' S * ZONING COMMISSIONER
Middleborough Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Allen & Charlene Wollard *
Petitioner(s) * BALTIMORE COUNTY
* 05-268-XA

* * * * *

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 December, 2004, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

DEC 15 2004

Per.....

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

DH
Case No.:

05-268-XA

Exhibit Sheet

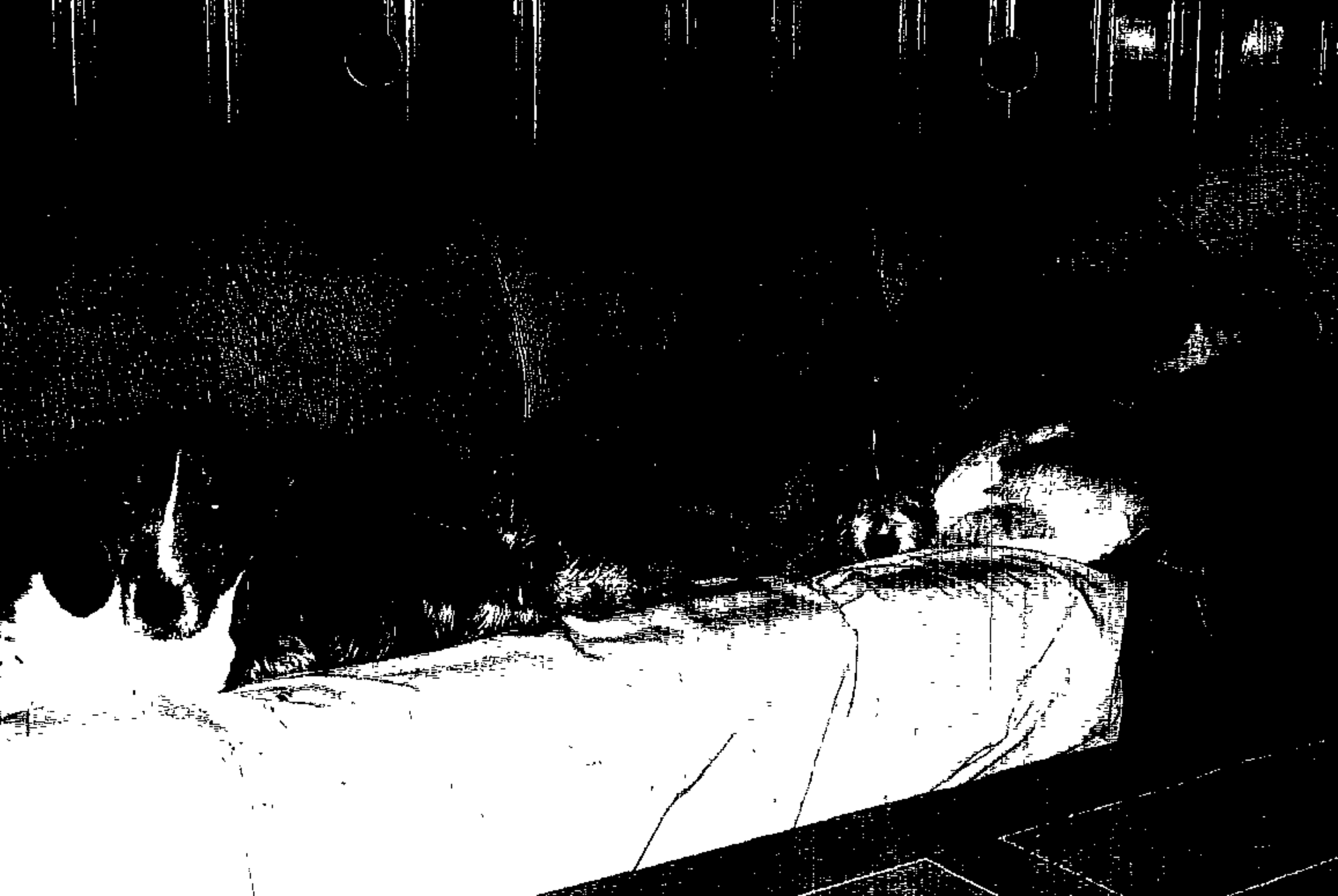
Petitioner/Developer

Protestant

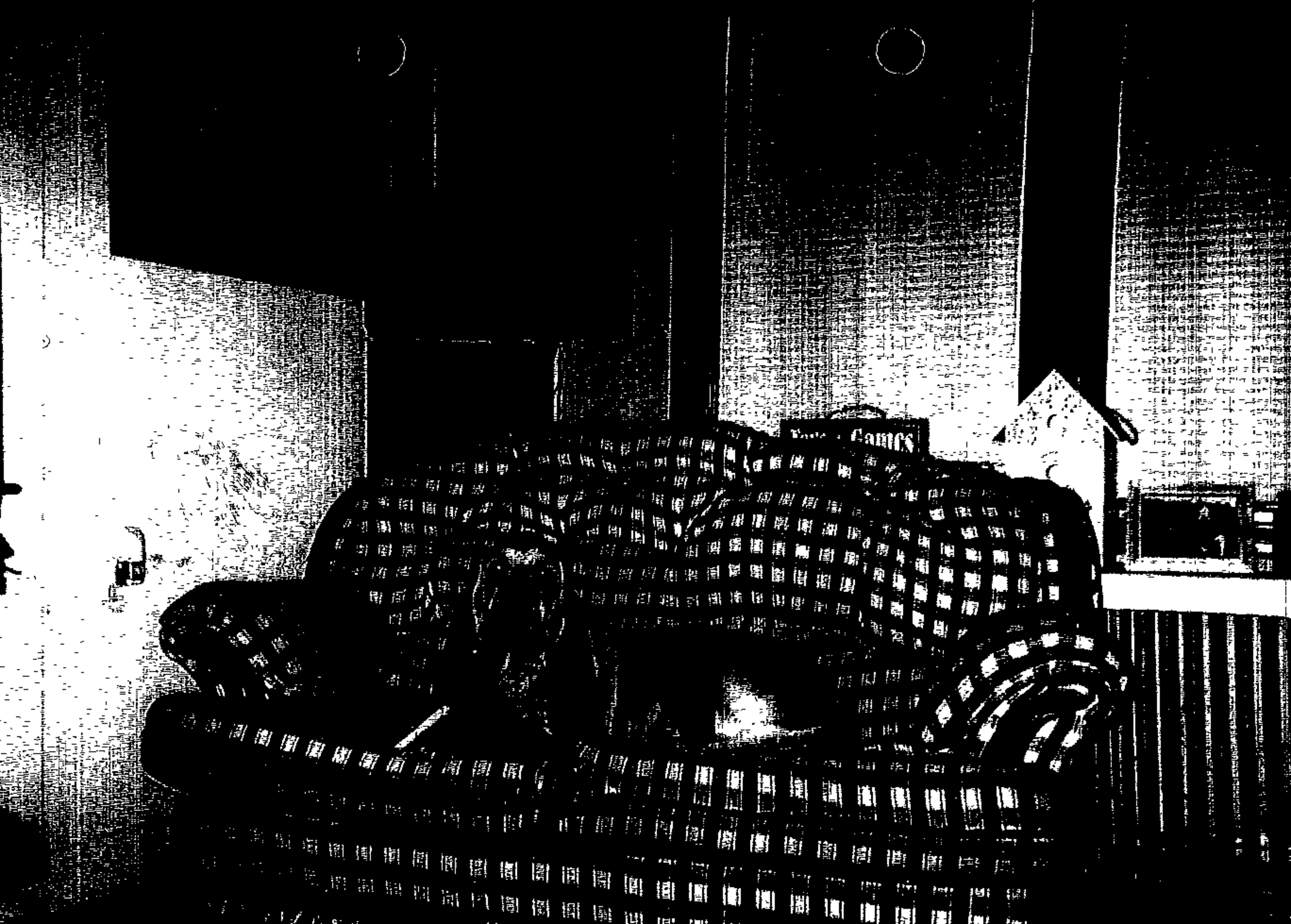
No. 1	Site Plan	
No. 2	Photos of current dogs	
No. 3	Letters of Recommendation - Middleborough 3A thru 3E	
No. 4	Grooming/Dog Care	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S
EXHIBIT 2A



PETTYDONNER'S
EXHIBIT 2B



WILLIAM J. BROWN

NO. 11, 1988

PETITIONER'S
EXHIBIT 2C

1/24/05

To whom it may concern,

I would like to take this opportunity to say on behalf of the Middleborough Civic Association Board, that we are in favor of allowing Allen & Charlene Wallard, of 309 Wye Rd, small kennel status in our community.

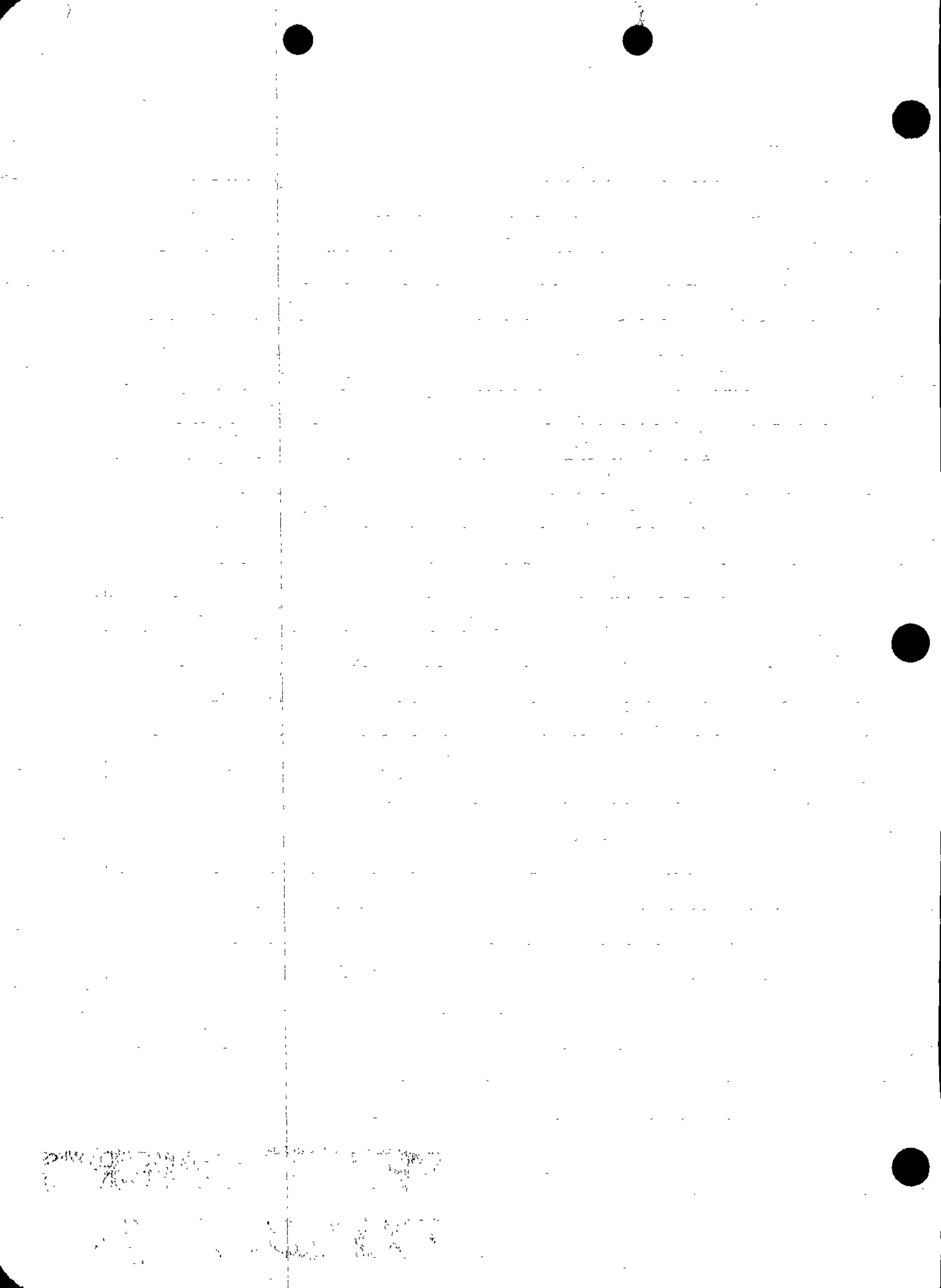
As President of the Association and Association Board, we have never had any complaints against the Wallards or their dogs. They take good care of their dogs and are upstanding residence of our community.

In conclusion, we feel that the Wallards should be able to keep their dogs in our community.

Sincerely,

Bonnie Balch
President of Middleborough
Civic Association

PETITIONER'S
EXHIBIT 3A



January 10, 2005

To Whom it May Concern:

This letter is regarding Case # 02-268-XA for a private kennel and special exception to allow a 0 foot set back in lieu of the 200 feet allowed. I have resided at 313 Wye Road since 1972, with my neighbors Allen & Charlene Willard residing next door to me for approximately 7 years. I have no complaints nor do I oppose a private kennel. I support Allen and Charlene to obtain a private kennel and special exception and variance for a zero foot set back.

Dean R. Pedner
410 574-4687

PETITIONER'S
EXHIBIT 3B

Neighbor to South @ 313 Wye Rd

PETITIONER'S
EXHIBIT 3B

1/19/05

RE: Case Number 05-268-XA

To whom it may concern,

We support The Wollard's who reside at 309 Wye Rd to obtain a private kennel special exception and variance for the "0" foot set back. We have lived at 307 Wye Rd for the past 12 years. We have not had any problems with the dogs next door. They are well behaved and never have caused us any problems.

Allen and Charlene take very good care of the dogs. They spend time out with them and are very caring towards them. They talk about their dogs like we talk about our children. This shows me how much they care and love them.

Allen and Charlene have made improvements such as installing a taller fence. This was an

important item for us. We have 3 children who love dogs and this has made it impossible for our children to put them or stick things through the ^{old} fence.

Also, we feel safer with the dogs next door. We don't have alot of older kids hanging out at front of our homes. Also, if something is wrong or out front ~~go~~ the dogs will let us know.

The dogs never get out or run the neighborhood.

The above information demonstrates why we feel at this time the ~~a~~ special exception should be made.

If you have any questions or comments please contact Monica or Tim Heim at 410 391 8812

Thank you.

Monica and Tim Heim

To Whom it may Concern,
In reference to Case Number - 05-268 X A
Special Exception to allow a private
kennel. Varies to allow a 8 foot
setback in lieu of 200 feet allowed
for private kennel use.

I have lived at 310 St. Georges Rd
for 41 years. And Allen Woodard has
lived for 7 years in at this time.
I have never had any trouble with
his dogs or him. They have kept
their yard & dogs very clean. My
grandchildren pets the dogs when they

are out which is very seldom.
I support this strongly to have
a private kennel.

Veda Hunter

410-686-0229

Jan. 2, 2005

PETITIONER'S
EXHIBIT 3D

January 19, 2005

To Whom It May Concern:

Regarding Case #05-268-XA to permit a private kennel, special exception variance of 0 foot set back in lieu of the required 200 feet. My husband and I resided at 312 Wye Road for 8 years and have known Allen and Charlene Wollard since they moved to 309 Wye Road in 1997. We have always enjoyed their dogs as well as our grandchildren love to come over and pet them. My husband and I always find it very relaxing to sit on our front steps in the summer and watch their dogs play. The Wollards have always been very quiet and kept their yard

RETIRONER'S
EXHIBIT

32

Across Wye Rd - In front of Lot 11



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This image shows a blank white page. A thin, dark vertical line runs down the left side of the page, likely representing the binding or gutter of a book. There are no markings, text, or illustrations on the page itself.

very clean. I support
their private kennel and
special exception.

Please feel free to call me
if you should have any
questions.

Betty M. Bessling

410-682-5653

1. The purpose of this document is to provide a comprehensive overview of the current state of the project and to outline the key findings and recommendations. This document is intended for use by all project stakeholders and is a key component of the project's communication strategy.

2. The project has been successfully completed, and the results have been analyzed and summarized in this document. The findings indicate that the project has achieved its primary objectives and that the results are in line with the expectations of the project sponsors.

3. The key findings of the project are as follows:

- The project has been completed on time and within budget.
- The results of the project are in line with the expectations of the project sponsors.
- The project has been well managed and the team has performed well.

4. The recommendations for future projects are as follows:

- Continue to monitor the project's progress and ensure that it remains on track.
- Ensure that the project is well managed and that the team is performing well.
- Ensure that the project is completed on time and within budget.

5. The project has been a success and the results have been analyzed and summarized in this document. The findings indicate that the project has achieved its primary objectives and that the results are in line with the expectations of the project sponsors.

6. The key findings of the project are as follows:

- The project has been completed on time and within budget.
- The results of the project are in line with the expectations of the project sponsors.
- The project has been well managed and the team has performed well.

7. The recommendations for future projects are as follows:

- Continue to monitor the project's progress and ensure that it remains on track.
- Ensure that the project is well managed and that the team is performing well.
- Ensure that the project is completed on time and within budget.

8. The project has been a success and the results have been analyzed and summarized in this document. The findings indicate that the project has achieved its primary objectives and that the results are in line with the expectations of the project sponsors.

9. The key findings of the project are as follows:

- The project has been completed on time and within budget.
- The results of the project are in line with the expectations of the project sponsors.
- The project has been well managed and the team has performed well.

10. The recommendations for future projects are as follows:

- Continue to monitor the project's progress and ensure that it remains on track.
- Ensure that the project is well managed and that the team is performing well.
- Ensure that the project is completed on time and within budget.

11. The project has been a success and the results have been analyzed and summarized in this document. The findings indicate that the project has achieved its primary objectives and that the results are in line with the expectations of the project sponsors.

12. The key findings of the project are as follows:

- The project has been completed on time and within budget.
- The results of the project are in line with the expectations of the project sponsors.
- The project has been well managed and the team has performed well.

13. The recommendations for future projects are as follows:

- Continue to monitor the project's progress and ensure that it remains on track.
- Ensure that the project is well managed and that the team is performing well.
- Ensure that the project is completed on time and within budget.

14. The project has been a success and the results have been analyzed and summarized in this document. The findings indicate that the project has achieved its primary objectives and that the results are in line with the expectations of the project sponsors.

15. The key findings of the project are as follows:

- The project has been completed on time and within budget.
- The results of the project are in line with the expectations of the project sponsors.
- The project has been well managed and the team has performed well.

16. The recommendations for future projects are as follows:

- Continue to monitor the project's progress and ensure that it remains on track.
- Ensure that the project is well managed and that the team is performing well.
- Ensure that the project is completed on time and within budget.

***Robbins Doggie Design
10249 Bird River Road
Middle River, MD 21220
410-344-9008***

January 12, 2005

To Whom It May Concern:

Allen and Charlene Wollard have been customers of mine since 1997. I first started grooming their Miniature Schnauzer, a few years later they brought me a mixed breed that they called Schneagles which is a mix of a schnauzer and beagle. I have groomed the same Schnauzer and Schneagles for them for the last seven years. I have never know them to breed for profit or sell any dogs or animals. All of their dogs have always been well kept and always brought in for grooming on a regular basis.

If I can be of any further assistance in this matter please do not hesitate to contact me.

Sincerely yours,



**PETITIONER'S
EXHIBIT 4A**

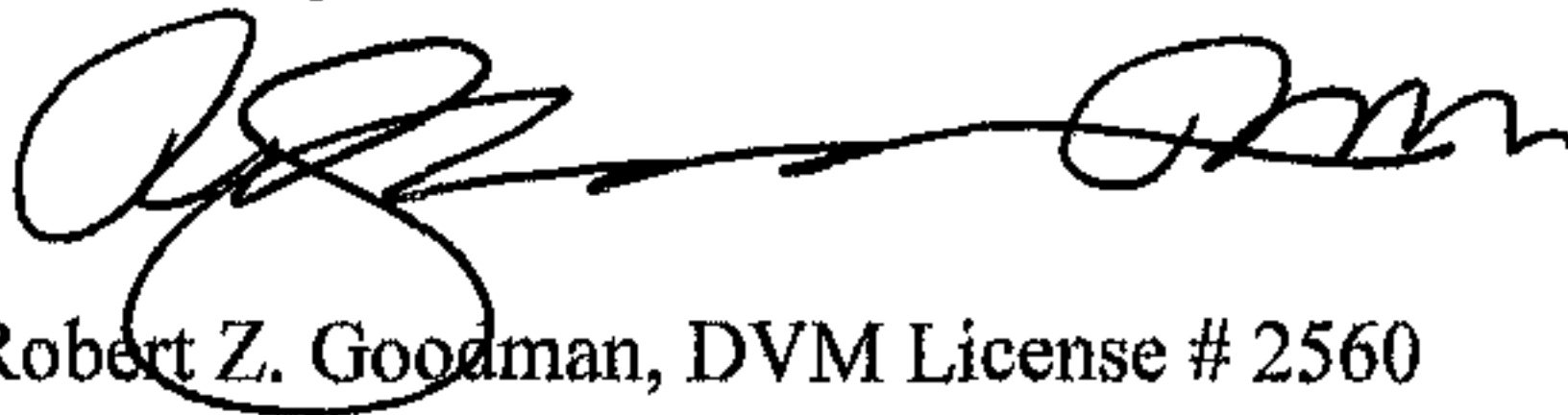
EVERHART VETERINARY MEDICAL GROUP INC.
3914 SOUTH HANOVER STREET
BALTIMORE, MD 21225
410-335-3131

To Whom It May Concern:

Allen and Charlene have been clients of mine for over 12 years. In that time I have cared for the same dogs and for all their medical needs. Their dogs are brought in yearly for all their physical examinations, blood testing as well as being updated for any and all vaccinations. The Wollards show much love, attention and always take great care of all their dogs and make sure their health issues are always addressed. Over the years I have developed a relationship with both Allen and Charlene and I have found they are not the type of dog owners that can breed and then sell or give away a puppy. All the dogs they have, I have cared for since they were puppies and treated more than once.

If you should have any questions please feel free to contact me at my office.

Yours truly,



Robert Z. Goodman, DVM License # 2560

January 20, 2005

PETITIONER'S
EXHIBIT 1 4B



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Account Identifier: District - 15 Account Number - 1507581690

Owner Information

Owner Name: WOLLARD ALLEN L
WOLLARD CHARLENE
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 309 WYE RD
BALTIMORE MD 21221-1547
Deed Reference: 1) /15042/ 329
2)

Location & Structure Information

Premises Address

309 WYE RD

Legal Description

LT 751-754
309 WYE RD
MIDDLEBOROUGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
97	6	470					751	82	Plat Ref:	2 8/ 47

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,112 SF	21,000.00 SF	04
Stories 1 1/2	Basement YES	Type STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	35,250	35,250		
Improvements:	61,490	73,260		
Total:	96,740	108,510	104,586	108,510
Preferential Land:	0	0	0	0

Transfer Information

Seller: WOLLARD ALLEN L Type: NOT ARMS-LENGTH	Date: 03/14/2001 Deed1: /15042/ 329	Price: \$0 Deed2:
Seller: KOMBER ROBERT J Type: IMPROVED ARMS-LENGTH	Date: 12/03/1997 Deed1: /12529/ 102	Price: \$110,000 Deed2:
Seller: KOMBER ROBERT J Type: NOT ARMS-LENGTH	Date: 10/21/1980 Deed1: / 6220/ 152	Price: \$0 Deed2:

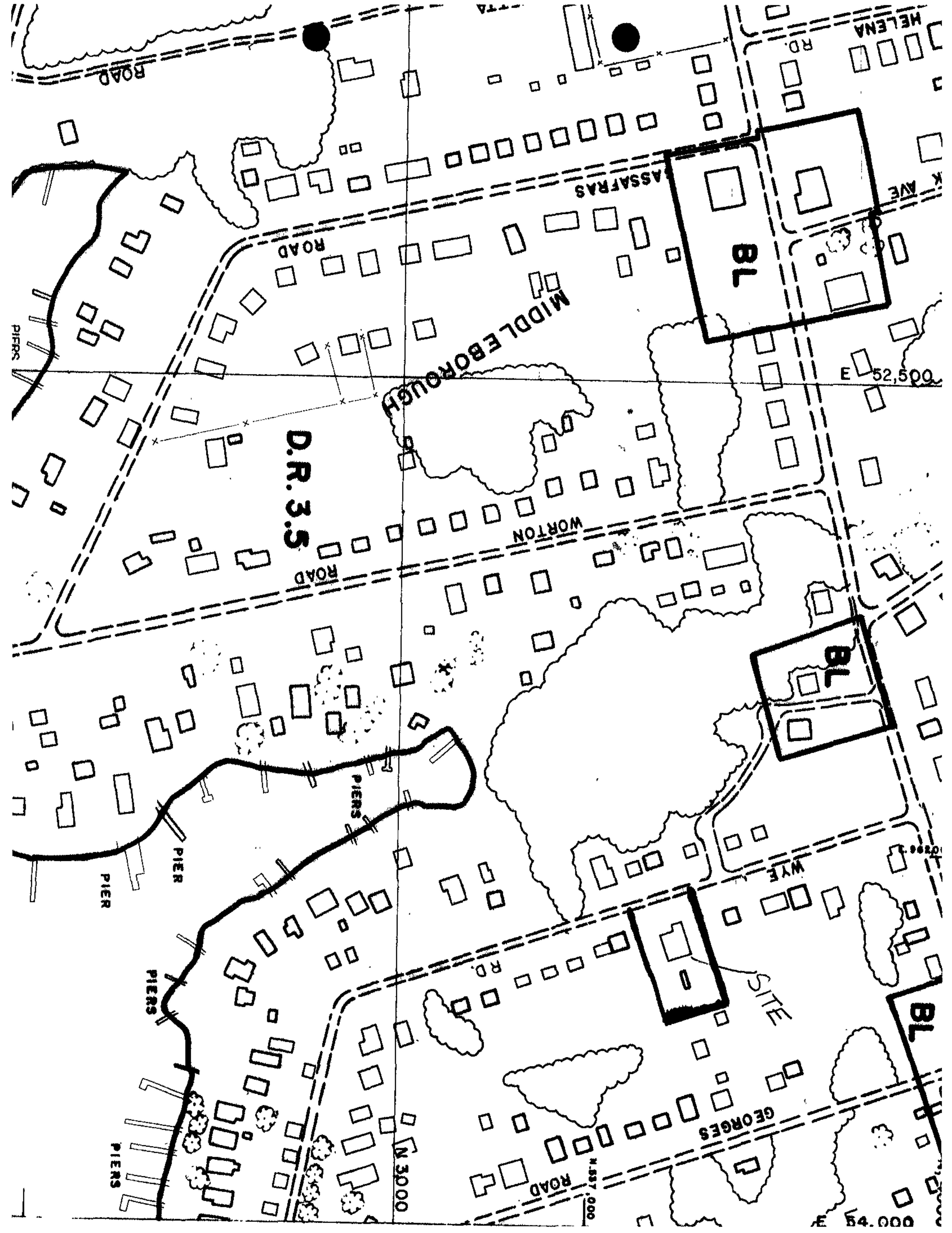
Exemption Information

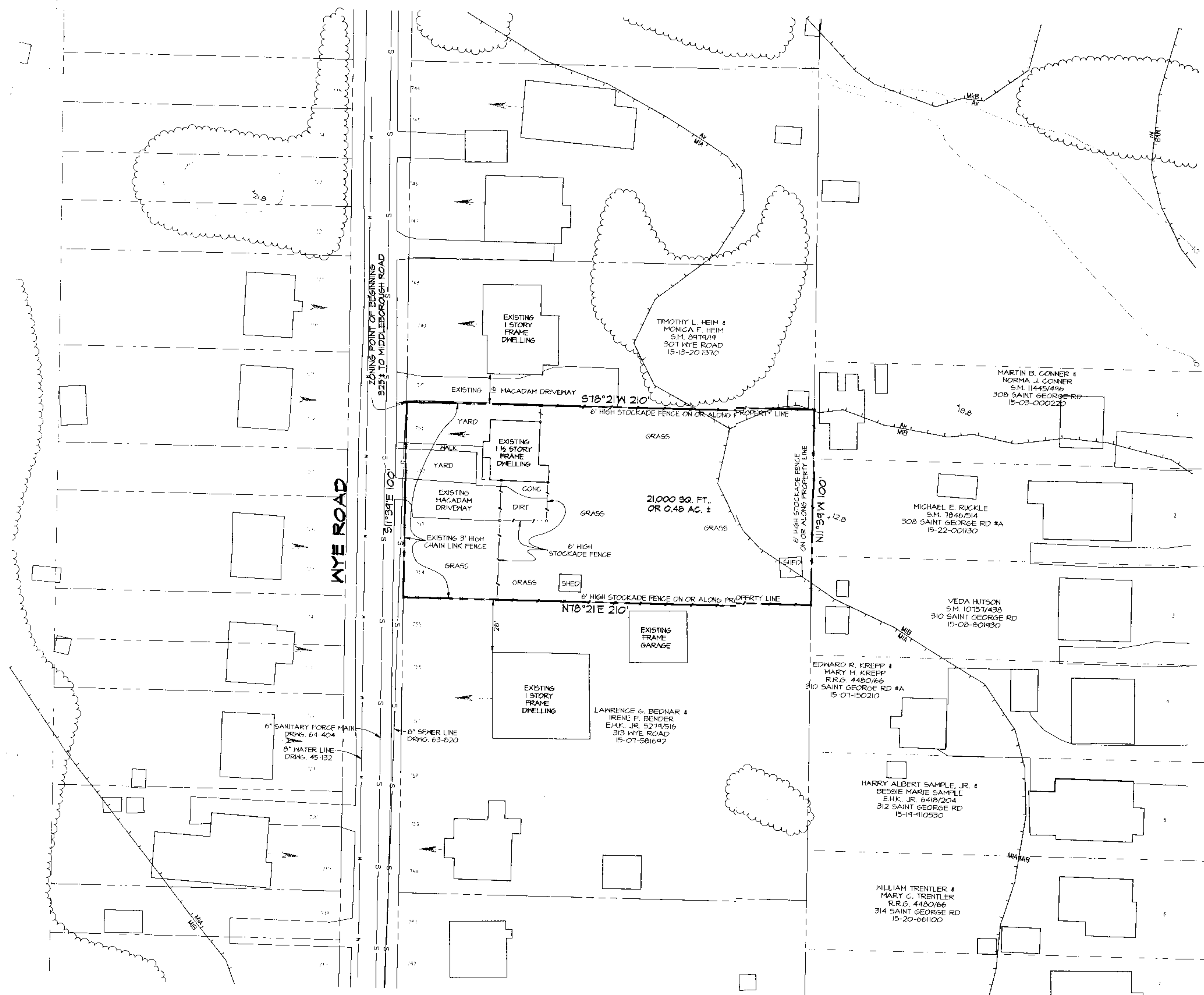
Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

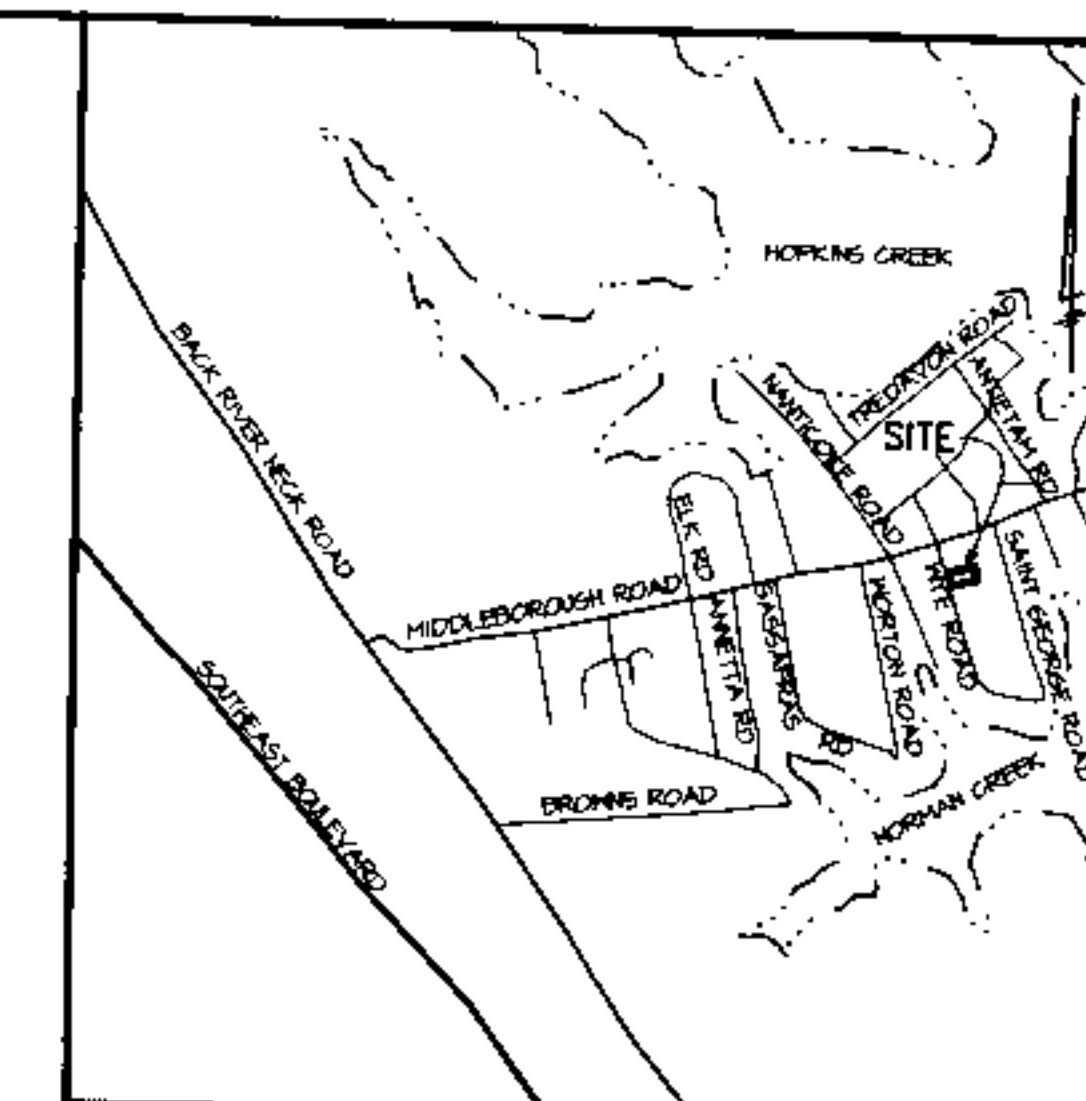
* NONE *





LEGEND

EXISTING DWELLING
 SOIL LINE
 WOODS LINE
 EXISTING PAVING
 PROPERTY LINE
 CONTOURS



VICINITY MAP
 1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER S.M. NO. 15042 FOLIO 329.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 09101 & 09DA1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 45.
4. CENSUS TRACT 45C000 REGIONAL PLANNING DISTRICT 328
5. WATERSHED MIDDLE RIVER SUBWATERSHED 34
6. SCHOOL DISTRICT: ELEMENTARY - MIDDLEBOROUGH E.S., MIDDLE - DEEP CREEK M.S.; HIGH - CHESAPEAKE H.S.
7. A.D.Z. MAP & GRID 37 K10
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.

OWNER

ALLEN L. MOLLARD
 CHARLENE MOLLARD
 309 WYE ROAD
 BALTIMORE, MD 21221-1541
 410-780-4754

PETITION

SPECIAL EXCEPTION REQUESTED:
 SECTION 1802.1, B.C.Z.R.
 TO ALLOW A PRIVATE KENNEL
 IN A D.R.3.5 ZONE
 VARIANCE REQUESTED:
 TO ALLOW A SETBACK OF 0'
 IN LIEU OF 200' FOR
 PRIVATE KENNEL USE

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION AND VARIANCE NOLLARD PROPERTY

309 WYE ROAD
 Deed Ref: S.M. No. 15042 folio 329
 Tax Account No.: 15-07-581690
 Zoned D.R.- 3.5; Map NE 1-1
 Tax Map 97; Grid 06; Parcel 470
 15th ELECTION DISTRICT
 6th COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND



Scale: 1"=30'

Date: AUGUST 30, 2004

GERHOLD, CROSS & ETZEL, LTD.
 REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
 320 East Townsontown Boulevard
 Towson, Maryland 21286
 (410) 823-4470

REVISION	DATE	COMPUTED	DRAWN	K.D.B.	CHECKED	S.A.L.	FILE	X:\Nollard\Wye\basemap.plt

05-248-XA

PLATTONER'S
 EXHIBIT 1