



S/S of Eastern Boulevard, 125 ft. W centerline of Seversky Court

15th Election District

7th Councilmanic District

(1609 Eastern Boulevard)

Essex Dog & Cat Hospital, Inc. By: Gary Goetziner, Member Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-306-SPH

\* \* \* \* \* \* \* \* \* \* \* \*

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Essex Dog & Cat Hospital, Inc, by Gary Goetziner, member. The Petitioner is requesting special hearing relief for property located at 1609 Eastern Boulevard in the eastern area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing permitted veterinarium (which allows overnight care with treatment) and to allow occasional overnight care for established clientele with no treatment involved.

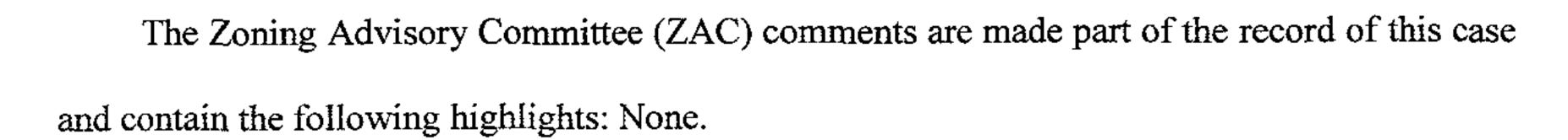
The property was posted with Notice of Hearing on January 22, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 20, 2005 to notify any interested persons of the scheduled hearing date.

# Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

# **Zoning Advisory Committee Comments**



### Interested Persons

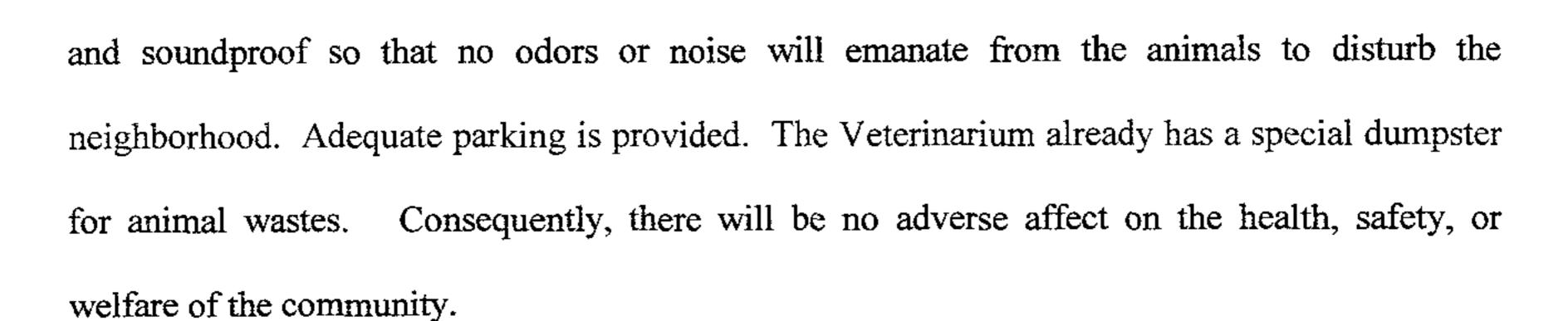
Appearing at the hearing on behalf of the variance and special hearing requests were Dr. Joseph Zulty and Dr. Marvin O'Connell, for the corporate Petitioner. Ralph K. Rothwell, Jr., Esquire represented the Petitioner at the hearing. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

# Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance contains 16,482 sq. ft. of land and is zoned BL-AS. Mr. Rothwell proffered that the corporate Petitioners have operated a veterinarium in the Essex area for the past 50 years and have been located at this address since 2001. They treat animals of many descriptions and are allowed under the regulations to keep animals overnight as part of their treatment.

However, Mr. Rothwell proffered that customers occasionally request that they keep animals overnight when the animals are not being treated. Toward that end, they presented Exhibit 1 which shows the footprint of the existing two-story building and the proposed location and detail of holding pens on the second floor, shown as Exhibit 3, where animals could be kept overnight without treatment.

Mr. Rothwell indicated that the Petitioner would not advertise this service but rather would restrict the availability to established clientele. He noted that the area involved in this request is less than 15% of the building. He also indicated that the site is surrounded by Commercial uses including a cleaners, service garage, used car lot, auto parts store, etc. There is a new park located behind the building. The building is self-contained from a HVAC standpoint



# Findings of Fact and Conclusions of Law

I find that the request to allow an existing permitted veterinarium (which allows overnight care with treatment) to also allow occasional overnight care for established clientele with no treatment involved a reasonable request. Undoubtedly, this would be a valuable service to the clientele.

This is a commercial area, which is used to traffic coming and going for the veterinarium. The requested use will not change any external feature of the building or substantially change the internal building layout. As the building is self-contained with its own dumpster, the additional animals kept overnight will not change the use or utility of the property in any perceptible way as far as the public is concerned.

My only concern is parking. My concern is whether the existing 27 spaces will be adequate under the circumstances. No new spaces are being proposed. I find some comfort in the fact that this service is not to be advertised, but rather will be restricted to established clientele. Presumably this means that the number of clients will stay essentially the same which should translate into approximately the same number of clients trying to use the parking lot. Under these circumstances, I find that the request will not adversely affect the health, safety, or welfare of the community and should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request and request for Special Hearing should be granted.



THEREFORE, IT IS ORDERED, this 22 day of February, 2005, by the Deputy Zoning Commissioner, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing permitted veterinarium to allow occasional overnight care for established clientele with no treatment involved as an accessory use to the veterinarium, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner shall not advertise the overnight service to the general public but may make such a service known to existing clientele only.
- 2. The Petitioner shall limit the overnight service to that area shown on Exhibit 3.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

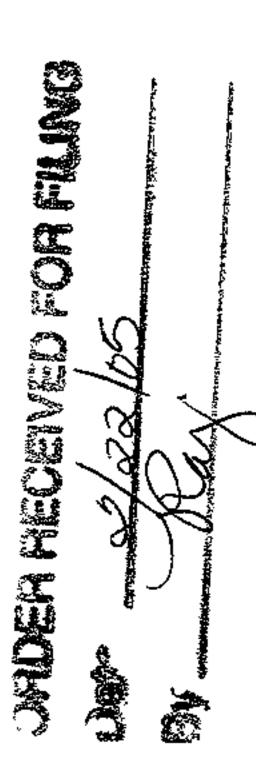
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

olin V. mus

FOR BALTIMORE COUNTY

JVM:raj



# Zoning Commissioner

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





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

February 22, 2005

Ralph K. Rothwell, Jr., Esquire Maslan, Maslan & Rothwell, P.A. 7508 Eastern Avenue Baltimore, Maryland 21224

> Re: Petition for Special Hearing Case No. 05-306-SPH Property: 1609 Eastern Boulevard

Dear Mr. Rothwell:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Dr. Joseph Zulty & Dr. Marvin O'Connell
 Essex Dog & Cat Hospital
 1609 Eastern Blvd.
 Baltimore, MD 21221

Eastern Ave. 1609, LLC Gary Goetzinger 529 Arama Drive Fallston, MD 21047-2921



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



# Petition for Special Hearing

for the property located at 1609 Eastern Blvd.

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

to the Zoning Commissioner of Baltimore County

BL-AS

which is presently zoned

	- •
SPECIAL HEARING to allow on evice	ting normitted vectoring original (1-1-1-1-11)
overnight care with treatments and to	ting permitted veterinarium (which allows
overnight care with treatment) and to a	
established clientele with no treatment	involved.
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Hearing, advertizening regulations and restrictions of Baltimore County adopted p	ining marking the rest first .
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Essex Dog & Cat Hospital, Inc.	Eastern Ave. 1609 LLC
Name Type or Print Off	Name - Type or Print
Signature By: Fresident 1609 Eastern Bivd.	Signature By: Gary Goetzinger, Member
Accress Baltimore, MD 21221	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	529 Arama Drive
	Address Telephone N
Ralph K. Rothwell, J	Fallston, MD 21047-2921
	City State Zip Cod
Signature	Representative to be Contacted:
Maslan, Maslan & Rothwell, P.A.	Rolph Kothisell
7508 Eastern Avenue 410-282-2700	Name / W/02
	Address Fasteru AVE 27
Baltimore, MD 21224	Ba110 UZd 21224
City State Zip Code	City State Zip Cod
Baltimore, MD 21224 State Zip Code	
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Sase No. 05-306-SPH	LINIAN/ATLANIC CON LICANOMIA
X X A	UNAVAILABLE FOR HEARING
Revi	iewed By Date

# DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

# 1609 EASTERN BOULEVARD

Beginning for the same at a point on the south side of Eastern Boulevard, Md. Rte. 150 (150 feet wide) said point being distant 125 feet westerly from it's intersection with the west side of Seversky Court (50 feet wide), thence (1) S 51° 48 '12" W 218 feet, more or less, thence (2) S 38°11' 48"E 77.21 feet, thence (3) N 51°16' 05"E 218 feet, more or less, thence (4) N 38°19' 50" W 74 feet, more or less to the place of beginning. Containing 16,482 square feet or 0.378 acre of land, more or less.

Being known as 1609 Eastern Boulevard. Being located in the 15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District of Baltimore County, Maryland



MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND

ACCOUNT

DISTRIBUTION WHITE - CASHIER RECEIVED FROM: PINK - AGENCY YELLOW - CUSTOMER AMOUNT S . V ~

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authority of the Zolding Act and Regulations of Dataston	٦
County will hold a public bearing in Towson, Maryland of	į,
the property identified nerein as follows:	
Case: #05-306-SPH	•
1609 Eastern Boulevard	1
S/side of Eastern Boulevard, 125 feet west of Seversky Court	
15th Election District - 7th Councilmanic District	
Legal Owner(s): Fastern Avenue, 1609 LLC	
Lessee: Essex Dog & Cat Hospital, Inc.	٠.
Special Hearing to allow an existing permitted	¢
veterinarium (which allows overnight care with treatment	ì
and to allow occasional overnight care for established	
clientele with no treatment involved.	_
Hearing: Monday, February 7, 2005 at 2:08 p.m. in	4
Room 487, County Courts Building, 401 Bosley	
Avegue Towson 21204.	`-
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Will I AM WISEMAN.  Zoning Commissioner for Baltimore County.	, <u>.</u>
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special accommodations Please Contact the Zoning	g
Commissioner's Office at (410) 887-4386.	
(2) For information concerning the File and/or Hearing	į,
Contact the Zoning Review Office at (410) 887-3391.	
1/252 Jan. 20 36211	
ILLOT ANIP TO	

# CERTIFICATE OF PUBLICATION

1/20/,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on $20.5$ .
The Jeffersonian
☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times
☐ Owings Mills Times ☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

	RE: Case No.: 05-306-5PH
	Petitioner/Developer: ESSEX DO
	4 CAT HOSPITAL
	Date of Hearing/Closing: 2/7/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	The state of the s
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	• •
This letter is to certify under the penalties of penaltie	rjury that the necessary sign(s) required by law were
The sign(s) were posted on	1/22/05 (Month, Day, Year)
<b>;</b>	Sincerely,
	Dobort RAM 1/21/2
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
produces to the second against the against the against the second production of the second produ	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

January 10, 2005

### CORRECTED 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: 05-306-SPH

Muthy Kotroco

1609 Eastern Boulevard

S/side of Eastern Boulevard, 125 feet west of Seversky Court

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Eastern Avenue, 1609 LLC Lessee: Essex Dog & Cat Hospital, Inc.

<u>Special Hearing</u> to allow an existing permitted veterinarium (which allows overnight care with treatment) and to allow occasional overnight care for established clientele with no treatment involved.

Hearing: Monday, February 7, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Ralph Rothwell, 7508 Eastern Avenue, Baltimore 21224
Gary Goetzinger, 529 Arama Drive, Fallston 21047
Essex Dog & Cat Hospital, Inc., 1609 Eastern Blvd., Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 22, 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.

# 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





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

January 4, 2005

# **NOTICE OF ZONING HEARING**

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Director

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 20, 2005 Issue - Jeffersonian

Please forward billing to:

Essex Dog & Cat Hospital, Inc. 1609 Eastern Boulevard Baltimore, MD 21221

410-687-1111

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Hearing: Monday, February 7, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

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

For Newspaper Advertising:
Item Number or Case Number > 05-306 - SPM
Petitioner Essex Dog and Cat Hospital Inc
Address or Location: 1669 Eastern 1111, Balton 212
PLEASE FORWARD ADVERTISING BILL TO
Name. Essep Dogand Cat Hospital Inc
Address 1609 Eastern Blvd.
Balto, Ord. 21221
Telephone Number: 410 687 1/1/

# Department of Permits 4 Development Management

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





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

February 2, 2005

Ralph K. Rothwell, Jr. Maslan, Maslan & Rothwell 7508 Eastern Avenue Blatimore, Maryland 21224

Dear Mr. Rothwell:

RE: Case Number: 05-306-SPH, 1609 Eastern Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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,

U. Call Rillall

D-

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C: Eastern Avenue, 1609 LLC Gary Goetzinger 529 Arama Drive Fallston 21047-2921 Essex Dog & Cat Hospital, Inc. 1609 Eastern Blvd. 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





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

January 4, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 10, 2005

Item No.:

305, 306, 308-309, 311-318

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.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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







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

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

LTM

### Maryland Department of Transportation

Date: 1.3.05

Baltimore County

Item No. 306

RE:

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

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

f. f. Soll

Engineering Access Permits Division

# EN LES PROPERTIES DE BONNEMENT DE LE PROPERTIE DE LE PROPERTIE DE LE PROPERTIE DE LA COMPANIÈ DE

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

**DEPRM** 

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 3, 2005.

\_\_X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-305
05-306
05-308
05-309
05-310
05-312
05-313
05-316
05-317
05-317

Reviewers: Sue Farinetti, Dave Lykens

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 5-306

**DATE:** January 5, 2005

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

MAC/LL

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** January 21, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 10, 2005

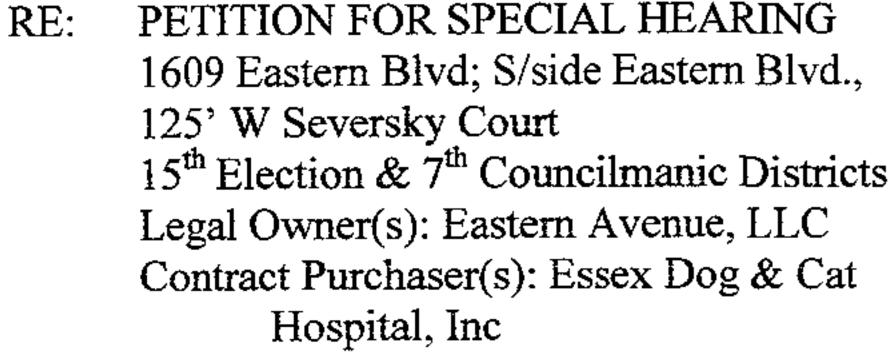
Item Nos. 305, 306, 308, 309, 310, 311, 313, 314, 315, 316, 317, and

318

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

RWB:CEN:jrb

cc: File



RECEIVED

Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 05-306-SPH

\* \* \* \* \* \* \* \* \*

# **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 and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7<sup>th</sup> day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to Ralph K. Rothwell, Jr, Esquire, 7508 Eastern Avenue, Baltimore, MD 21224, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



### Click here for a plain text ADA compliant screen.



Go Back View Map New Search **Ground Rent** 

**Account Identifier:** 

District - 15 Account Number - 1502651267

**Owner Information** 

Owner Name:

EASTERN AVENUE 1609 LLC

FALLSTON MD 21047-2921

**Sub District** 

Use: **Principal Residence:**  COMMERCIAL

Mailing Address:

529 ARAMA DR

Deed Reference:

1) /19802/ 176

2)

Group Plat No:

Plat Ref:

NO

**Location & Structure Information** 

Section

В

**Premises Address** 

1609 EASTERN AVE

Grid

Map

**Legal Description** 

PT LT 1

Lot

1609 EASTERN AVE MARS HOMES-ESSEX

82

22 82 90 Town

> Ad Valorem Tax Class

**Primary Structure Built** 0000

Parcel

**Enclosed Area** 4,000 SF

**Subdivision** 

**Property Land Area** 14,723.00 SF

**County Use** 06

13/50

**Stories** 

**Special Tax Areas** 

**Basement** 

**Type** 

Block

**Exterior** 

Value Information

**Phase-in Assessments** Base Value **Value** As Of As Of 01/01/2003 07/01/2004 07/01/2005 128,300 Land: 178,300

Improvements: Total:

Preferential Land:

294,200 334,900 422,500 513,200

482,966

513,200

As Of

**Transfer Information** 

**Exemption Information** 

Seller: **GOETZINGER GARY** NOT ARMS-LENGTH Type:

Seller: HALL CHARLES H IMPROVED ARMS-LENGTH Type:

Seller: BRACKETT CHARLES E IMPROVED ARMS-LENGTH Type:

Date: 03/29/2004

**Deed1:** / 9461/ 243

Deed1: /8006/749

Date:

Date:

Price: **Deed1:** /19802/ 176 Deed2: 11/16/1992

Price: \$275,000

\$0

Deed2: \$225,000 Price:

Deed2:

10/24/1988

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

Tax Exempt: **Exempt Class:**  NO

**Special Tax Recapture:** 

\* NONE \*

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

Bill No.87-01

# Mr. Kevin Kamenetz, Councilman

By the County Council, September 17, 2001

# A BILL ENTITLED

AN ACT concerning

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

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

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

Underlining INDICATES AMENDMENTS TO BILL.

guidelines concerning commercial kennels and private kennels; repealing, amending, and adding certain definitions; permitting commercial kennels and private kennels to be located in certain zones; establishing certain setback limitations; limiting the number of dogs permitted at a private kennel located in certain zones; authorizing the Zoning Commissioner to impose certain conditions or restrictions for the granting of a special exception; providing certain exemptions from the provisions of this Act; providing an effective date; and generally relating to the regulation of commercial kennels and private kennels.

By repealing

Sections 101 - Definitions, the definition of "Kennel" Baltimore County Zoning Regulations, as amended

By adding

Section 101 - Definitions, alphabetically, the definitions of "Commercial Kennel" and "Private Kennel"
Baltimore County Zoning Regulations, as amended

By repealing and re-enacting, with amendments

Sections 101- Definitions, the definitions of "Animal Boarding Place" and "Animal Boarding Place, Class A", 1A01.1.C.2, 1A02.2.B.2, 1A07.3.B.2, 1B02.1, 236.2, 253.2.C.3, 256.4, and 421
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

COUNTY, MARYLAND, that Section 101 - Definitions, the definitions of "Kennel" of the

Baltimore County Zoning Regulations, as amended be and it is hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 101 - Definitions,

alphabetically, the definitions of "Commercial Kennel" and "Private Kennel" be and they are

- hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:
- 2 Section 101 Definitions
- COMMERCIAL KENNEL ANY ESTABLISHMENT WHERE THE COMMERCIAL
- BREEDING OF DOGS OR THE BOARDING, GROOMING, SALE, OR TRAINING OF
- DOGS TAKES PLACE AND FOR WHICH A FEE IS CHARGED. A COMMERCIAL
- 6 KENNEL DOES NOT INCLUDE A PRIVATE KENNEL, PET SHOP, VETERINARIAN'S
- 7 OFFICE, OR VETERINARIUM.
- PRIVATE KENNEL ANY BUILDING, STRUCTURE, OR LAND, OR ANY PORTION
- THEREOF, INCLUDING A DWELLING, THAT IS USED, INTENDED TO BE USED, OR
- ARRANGED FOR THE HOUSING OF MORE THAN THREE DOGS, NOT INCLUDING
- PUPPIES LESS THAN 4 MONTHS OLD, FOR THE PURPOSES OF SHOW, HUNTING.
- PRACTICE TRACKING, FIELD OR OBEDIENCE TRIALS, OR AS PETS. PRIVATE
- 13 KENNEL DOES NOT INCLUDE A PET SHOP OR DOGS ACCESSORY TO A FARM USE.
- SECTION 3. AND BE IT FURTHER ENACTED, that Sections 101- Definitions, the
- definitions of "Animal Boarding Place" and "Animal Boarding Place, Class A", 1A01.1.C.2.
- 1A02.2.B.2, 1A07.3.B.2, 1B02.1, 236.2, 253.2.C.3, 256.4, and 421 of the Baltimore County
- Zoning Regulations, as amended be and they are hereby repealed and re-enacted, with
- amendments, to read as follows:
- 9 Section 101 Definitions
- Animal Boarding Place Any building, other structure or land, or any portion thereof,
- [which] THAT is used, intended to be used, or arranged for the boarding, breeding or other care
- of animals, EXCEPT DOGS, for profit[, but excluding a farm, kennel,]. AN ANIMAL

- BOARDING PLACE DOES NOT INCLUDE COMMERCIAL AGRICULTURE, AS DEFINED
- 2 IN SECTION 101, OR A pet shop, veterinarian's office or veterinarium.
- Animal Boarding Place, Class A An animal boarding place exclusively for [dogs,] cats,
- birds [and/or] OR other household pets, EXCLUDING DOGS.
- 5 Section 1A01 R.C. 2
- 6 1A01.1 General Provisions.
- C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C. 2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 29, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary
- 2. Animal boarding places (regardless of class), COMMERCIAL kennels, PRIVATE KENNELS, veterinarians' offices or veterinariums (see Section 421).
- 16 Section 1A02 R.C. 3
- 17 1A02.2 Use regulations.

agricultural uses:

13

- B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 Zones:
- 2. Animal boarding places (regardless of class), COMMERCIAL kennels, PRIVATE KENNELS, veterinarians' offices or veterinariums, subject to the provisions of Section 421.

- Section 1A07 R.C. 6
- 2 1A07.3 Permitted uses.
- B. Uses permitted by special exception. The following uses only may be permitted by
- 4 special exception in an R.C. 6 Zone:
  - 2. Animal boarding places regardless of class, COMMERCIAL kennels, PRIVATE
  - KENNELS, and veterinarian offices.
- 7 Section 1B02

6

- 1B02.1 Uses permitted as of right or by special exception according to zoning classification.
- The following uses are permitted in D.R. Zones either as of right or special exception in
- accordance with the schedule below, wherein the abbreviations and symbols shall be interpreted as follows:
- S.E. = Use Permitted by Special Exception Only
- + = Use Permitted as of Right
- (X) = Use Prohibited

	D.R.1	D.R.2	D.R.3.5	DR 5.5	D.R.10.5	D R 16			
Airports	S.E.	(X)	(X)	(X)	(X)	(X)			
Animal boarding places, Class A (see Section 421)	+	S.E	S.E.	S.E.	(X)	(X)			
Animal boarding places, Class B (see Section 421)	S.E.	S.E.	S.E.	(X)	(X)	(X)			
Antique shops (see Section 402B)	S.E.	S.E.	(X)	(X)	(X)	S.E.			
Cemeteries	S.E.	S.E.	S.E.	S.E.	(X)	(X)			
COMMERCIAL KENNELS	(X)	(X)	(X)	(X)	(X)	(X)			
Conversion of dwellings to tearooms or restaurants (see Section 402)	S.E.	S.E.	(X)	(X)	(X)	(X)			
Golf driving ranges, miniature-golf courses or baseball-batting ranges	S.E.	S.E.	(X)	(X)	(X)	(X)			
Kennels PRIVITE KENNELS	[+]5#	S.E.	S.E.	[S.E.]	) (X)	(X)			
Racetracks, commercial	S.E.	S.E.	(X)	(X)	(X)	(X)			
Residential art salons (see Section 402C)	S.E.	S.E.	S.E.	S.E.	(X)	S.E.			
Riding stables, commercial	S.E.	S.E.	(X)	(X)	(X)	(X)			
Sanitary landfills	S.E.	S.E.	(X)	(X)	(X)	(X)			
Shooting ranges	S.E.	S.E.	(X)	(X)	(X)	(X)			
Trailers and trailer parks	See Section 415.6								

- 1 Section 236 Business, Roadside (B.R.) Zone Use Regulations
- 2 The following uses only are permitted:
- 3 236.2 PRIVATE KENNEL AND COMMERCIAL KENNEL, SUBJECT TO SECTION 421
- 4 236.3 The following uses when located at least 50 feet from the residential zone boundaries at
- 5 the ends of the commercially zoned frontages:
- 6 [Kennel]
- 7 Section 253 Manufacturing, Light (M.L.) Zone Use Regulations
- 8 253.2 Uses permitted by special exception. The uses listed in this subsection are permitted by
- 9 special exception only (see Section 502).
- 10 C. The following interim uses, provided that it is shown by the petitioner and verified by the
- Director of Public Works that public sewerage and water supply facilities will not be available to
- the site of any such use for a period of at least two years after the time the petition is heard, and
- provided, further, that any such use shall be discontinued and the grant of the special exception
- shall expire on the date within a year after such time as public sewerage and water supply
- facilities do become available on the site, as shall be more particularly stipulated in the order
- 16 granting the special exception.
- 17 3. [Kennels] COMMERCIAL KENNELS AND PRIVATE KENNELS, SUBJECT TO
- 18 SECTION 421.
- 19 Section 256 Manufacturing, Heavy (M.H.) Zone Use Regulations
- 20 256.4 Special Exceptions. The following uses only when permitted as special exceptions (see
- 21 Sections 270 and 502):
- [Kennel] COMMERCIAL KENNEL AND PRIVATE KENNEL, SUBJECT TO SECTION

1	42	7
<b>T</b>	42	Į

- Section 421 Animal Boarding Place, Kennel, Pet Shop, Veterinarian's Office, Veterinarium
- 3 421.1 [Where] IF an animal boarding place or PRIVATE kennel is allowed in a residential
- zone, either as a special exception or as a permitted use, [no part of any such use shall] 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
- 7 nearest property line.
- 421.2 [Where] IF an animal boarding place, COMMERCIAL KENNEL, PRIVATE kennel, or
- pet shop is allowed in [a] AN OFFICE, business, or [industrial] MANUFACTURING zone,
- either as a special exception or as a permitted use, [no part of such use shall] 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
- [residential zone] PROPERTY LINE OR LEASE LINE.
- 421.3 [Where] 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 [two] 2 acres or more, and
- [no part of any such use shall] 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
- 9 INCLUDING PUPPIES LESS THAN 4 MONTHS OLD, IN A PRIVATE KENNEL THAT IS
- LOCATED IN A RESIDENTIAL D. R. ZONE.
- 421:5 THE GRANTING OF ANY SPECIAL EXCEPTION FOR A COMMERCIAL KENNEL
- ! OR PRIVATE KENNEL, THE ZONING COMMISSIONER MAY IMPOSE ADDITIONAL

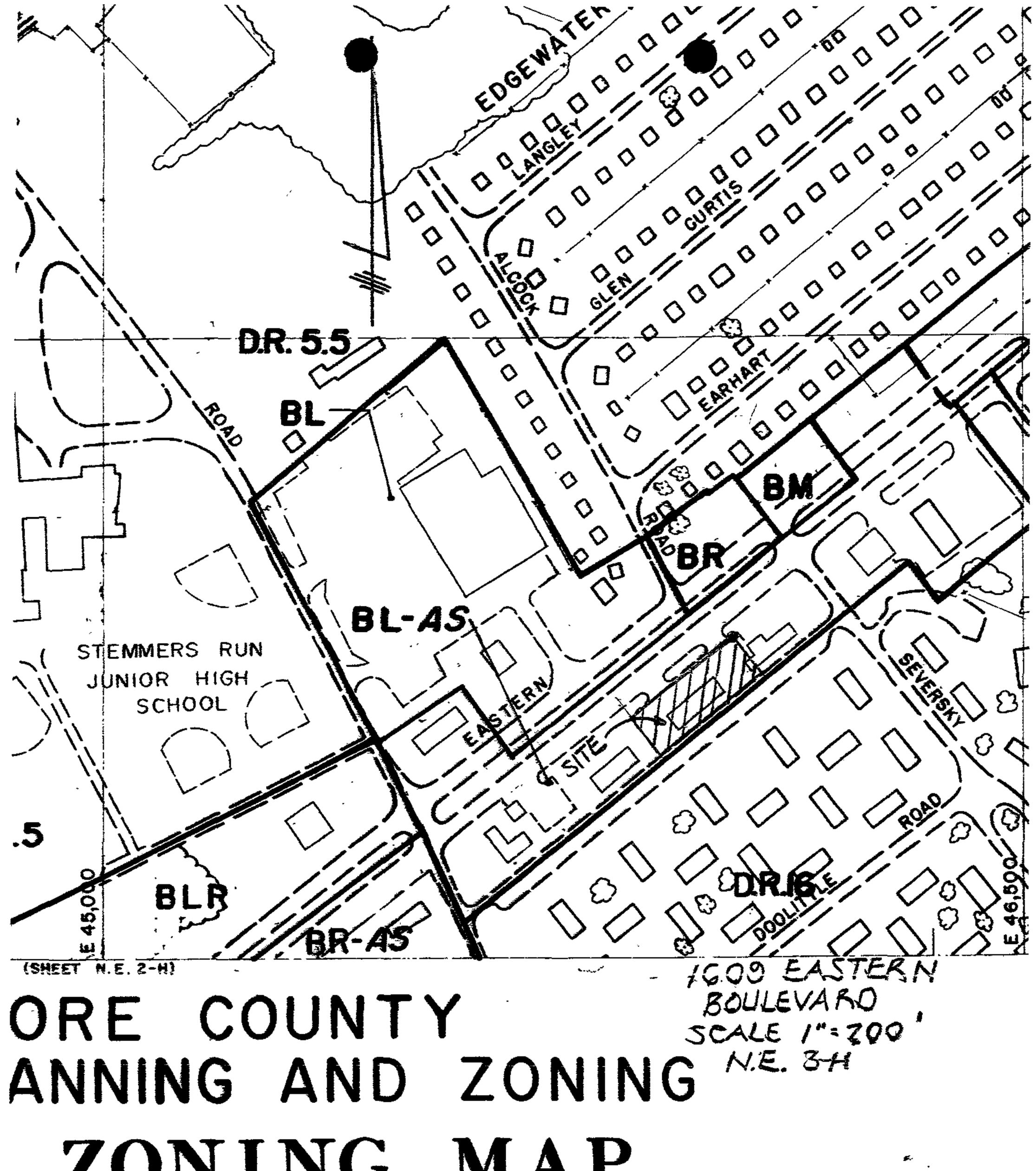
1	421.5 IN GRANTING ANY SPECIAL EXCEPTION UNDER THIS SECTION. THE ZONING
2	COMMISSIONER MAY IMPOSE ADDITIONAL CONDITIONS OR RESTRICTIONS, SUCH
3	AS INCREASING BUFFERS, REQUIRING ODOR, NOISE, OR ANIMAL WASTE
4	DISPOSAL MITIGATION, AND SETTING LIMITS ON THE NUMBER AND BREEDS OF
5	DOGS, TO ENSURE THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE
6	HEALTH, SAFETY, OR GENERAL WELFARE OF THE SURROUNDING AREA.
7	SECTION 4. AND BE IT FURTHER ENACTED, that the provisions of this Act do not
8	apply to any animal boarding place or kennel in existence and operating with a valid permit on
9	the effective date of this Act.
10	SECTION 4. AND BE IT FURTHER ENACTED, that the provisions of this Act do not
11	apply to any animal boarding place or kennel in existence and operating with a final, valid permit
12	or other final, non-appealable approval from Baltimore County on the effective date of this Act.
13	SECTION 5. AND BE IT FURTHER ENACTED, that this Act, having been approved
14	by the affirmative vote of at least five Councilmembers, shall take effect on October 22, 2001.

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CASE NAME 1609 EASTERN BUD CASE NUMBER 05-306-SPH DATE 2/1/05

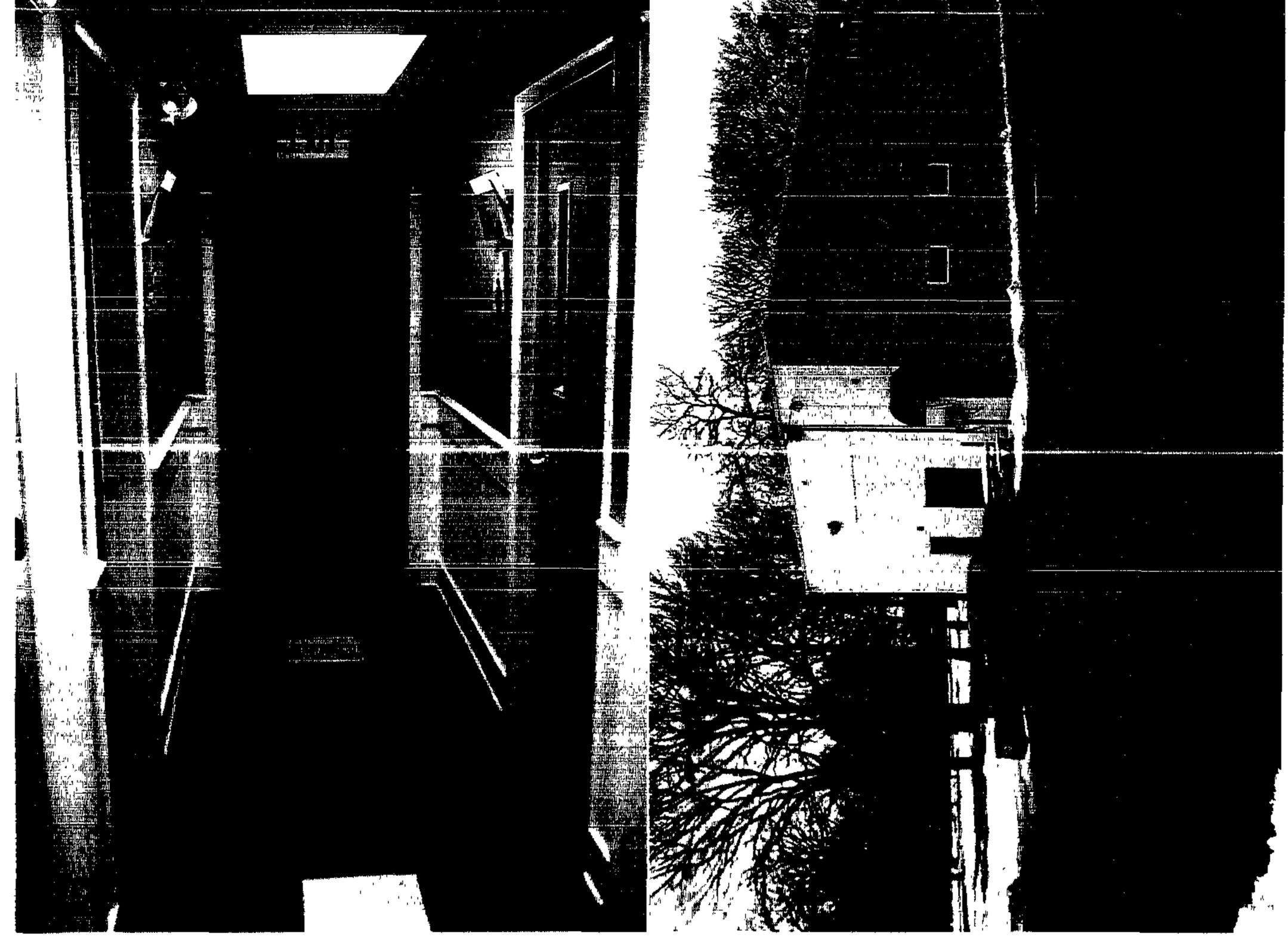
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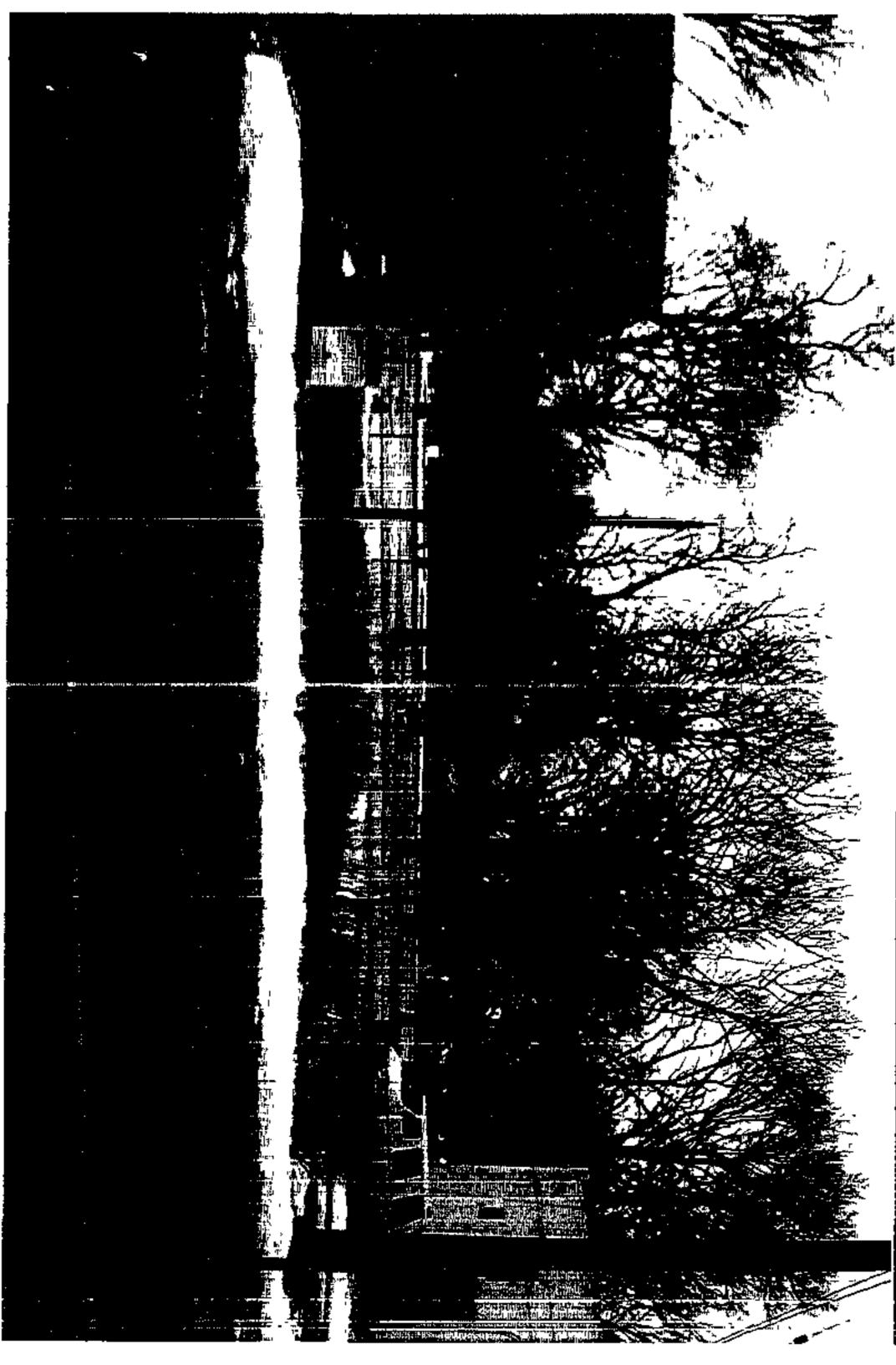
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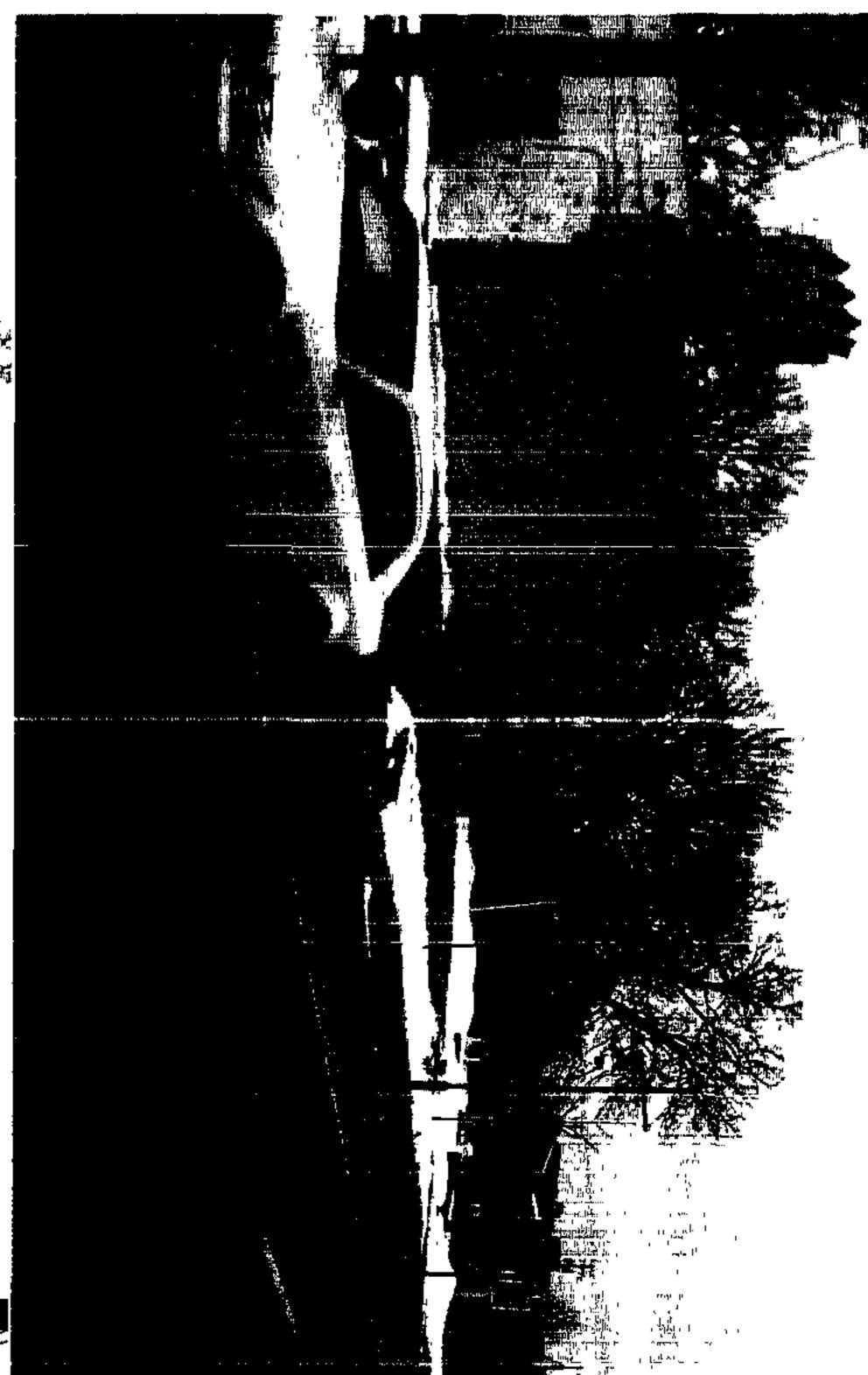


ZONING MAP

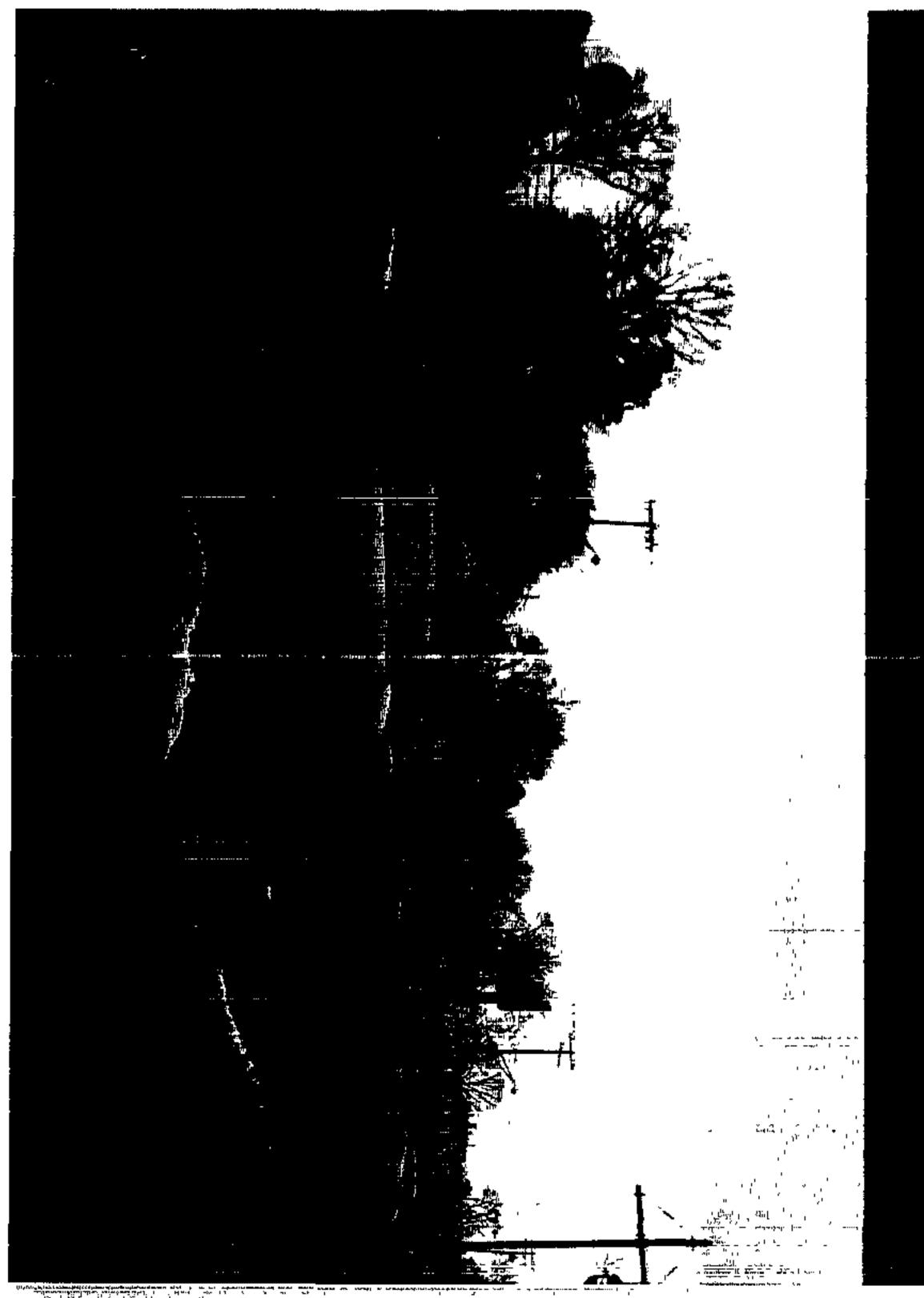








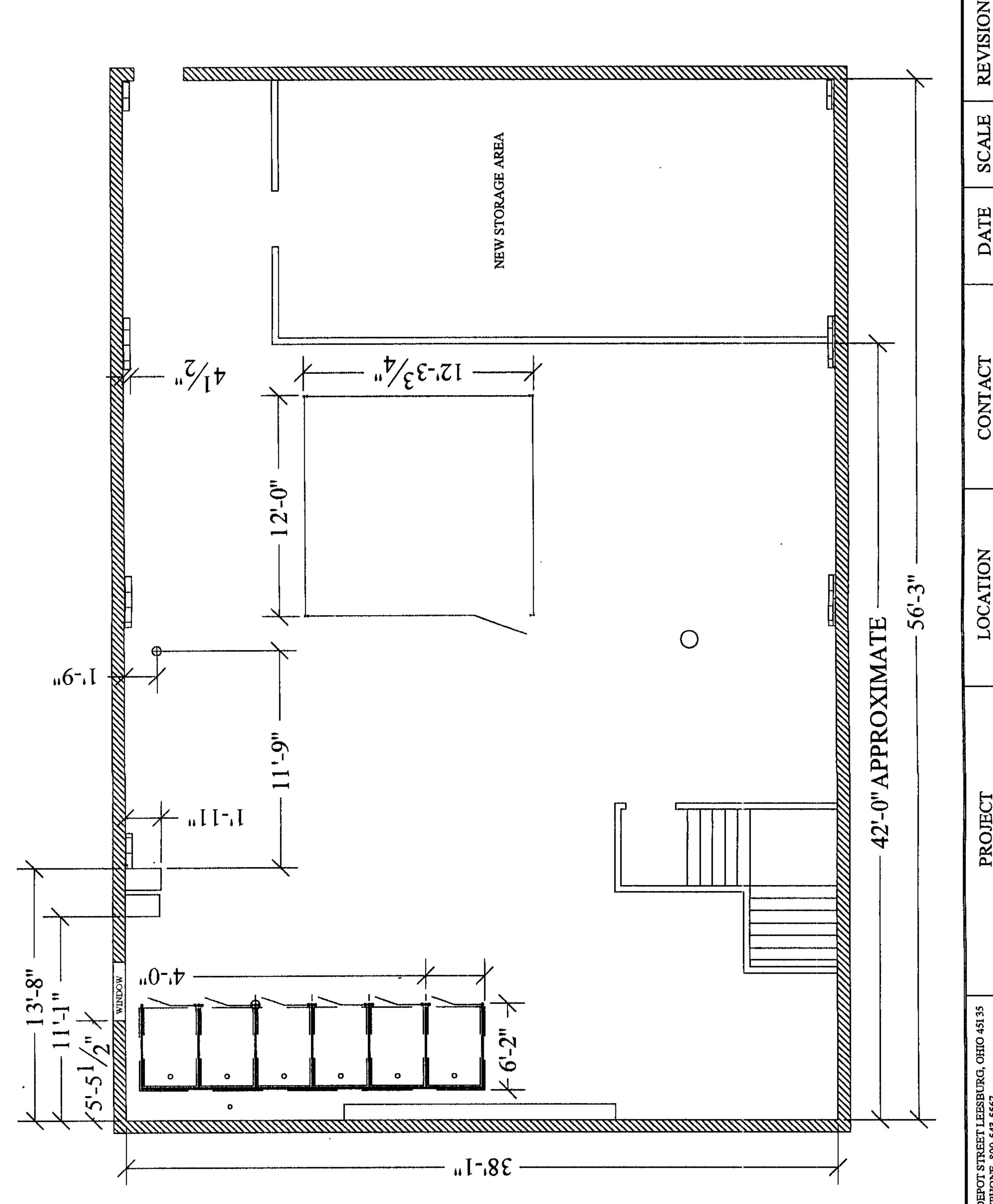








DRAWING NO



DATE JOE ZULTY CONTACT DR BALTIMORE, MD LOCATION

ESSEX DOG AND CAT HOSPITAL

PROJECT

260 DEPOT STREET LEESBURG, OHIO 45135 TELEPHONE 800-543-5567 FAX: 937-780-6336
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