#### IN RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCE

S side Old York Road, 85 feet W c/l Kirkwood Shop Road 7<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District (19604 Old York Road)

Stacey and Michael McCarthy

Legal Owner

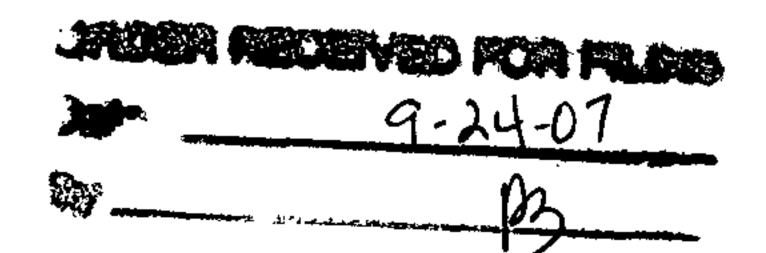
- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY

\* Case No. 07-575-SPHXA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance filed by the legal owners of the subject property, Stacey and Michael McCarthy. The Special Exception request is to allow a commercial kennel pursuant to Sections 1A01.2.C.2, 101 and 421 of the B.C.Z.R. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a combination of a commercial kennel and residential use on the same lot, and that does not conflict with the requirements of Section 102.2 of the B.C.Z.R. The Variance request is from Sections 1A01.3.B.3 and 409.6.A.2 of the B.C.Z.R. to permit a commercial kennel to retain an existing setback of 30 feet in lieu of the required 35 feet, and a parking variance for five spaces in lieu of the required eight, respectively. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

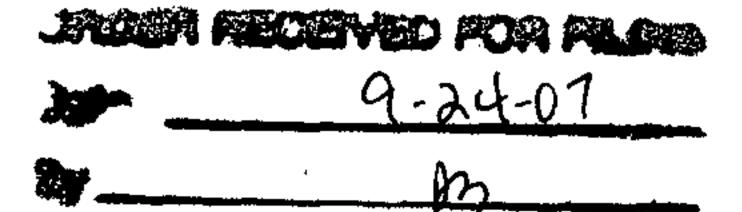
Appearing at the requisite public hearing in support of the special exception, special hearing, and variance requests was Petitioner Stacey McCarthy, her attorney Lawrence E. Schmidt, Esquire, and James D. Grammer with McKee & Associates, Inc., the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing. It should be noted that although there was no opposition to the requests for relief, an interested citizen residing



nearby, Stephanie L. House of 20712 Kirkwood Shop Road, sent a letter to this Office dated August 20, 2007. The letter was marked and accepted into evidence at the hearing as Protestant's Exhibit 1. The letter does not specifically oppose the requests for relief, but posed several questions concerning Petitioner's proposed use. In summary, Ms. House asked in what area of the property would the kennel be located, what provisions had been made to address possible dog barking or runaway dogs, and what was the capacity of the kennel and what types of animals would be housed there. These and similar issues were discussed during the hearing and will be addressed on the whole elsewhere in this Order.

Testimony and evidence offered revealed that the subject property is a trapezoidal-shaped parcel, approximately 280 feet at its widest point on Old York Road and angled inward on the sides measuring approximately 392 feet on the east side and 472 feet on the west side of the property. The property contains 77,549 square feet or 1.78 acres, more or less, zoned RC 2, and is located in the Whitehall area of Baltimore County. It is improved by an existing two-story framed dwelling, as well as an existing barn, pool, deck, and playhouse. The barn, which is situated on the rear-most area of the property, is one story high (15.6 feet) and measures approximately 40 feet wide by 60 feet deep.

Currently, Petitioner utilizes the barn for storage of household and seasonal items. However, Petitioner has recently considered using the barn for a home business. Specifically, Petitioner wishes to open a "doggie daycare" operation, utilizing the barn space and a separate entrance from Old York Road for that purpose. Petitioner anticipates catering to couples and families where both spouses work, but do not wish to leave their dogs "cooped up" in the house all day. As is often the case, a dog left alone in the house while the owners are away at work may destroy items inside the home, may have "accidents" in the home, or may become distressed if left

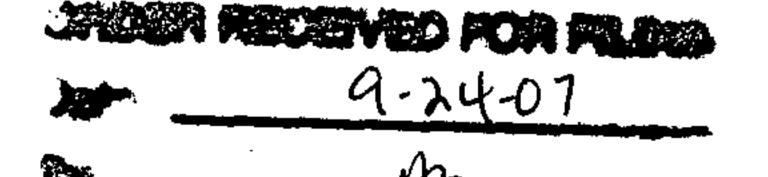


in a dog "crate" all day. Petitioner wishes to alleviate this dilemma for dog owners by having a drop-off for their canines. Customers will drop off their dog in the morning and pick up their dog in the late afternoon/early evening after work, similar to child daycare. There will be no overnight boarding or keeping of dogs, nor any medical, grooming, or similar services. The hours of operation will be approximately 7:00 AM through 7:00 PM on weekdays. There will be areas inside the barn for the dogs to walk around or rest, as well as outside areas for the dogs to get some exercise. There will also be dog "crates" set up inside the barn for unruly dogs or to discipline the dogs when the need arises. In addition, Petitioner intends to limit the number of dogs to 20, and anticipates two employees to assist her in running the business.

In making this request, Petitioner considered her proposed use in consultation with the applicable zoning regulations. In so doing, Petitioner found that her proposed use did not fit precisely within the pet-related uses such as animal boarding places<sup>1</sup>, private kennels, veterinarians' offices, or veterinariums. However, Petitioner did find that the proposed "doggie daycare" fit best within the term "commercial kennel" as defined in Section 101 of the B.C.Z.R., including the "boarding ... of dogs ... for which a fee is charged." Hence, Petitioner desires special exception relief to operate a commercial kennel in an R.C.2 zone pursuant to Section 1A01.2.C.2 of the B.C.Z.R., and in accordance with the requirements of Section 421 of the B.C.Z.R.

In support of this request, Mr. Grammer, Petitioner's consultant, offered expert testimony in the area of surveying and land use and development as applied to the zoning regulations. Mr. Grammer opined that the granting of the special exception would not adversely affect any of the criteria enumerated in Section 502.1 of the B.C.Z.R. Specifically, Mr. Grammer indicated that the vegetation and natural screening from trees along all sides of the property would hide any evidence

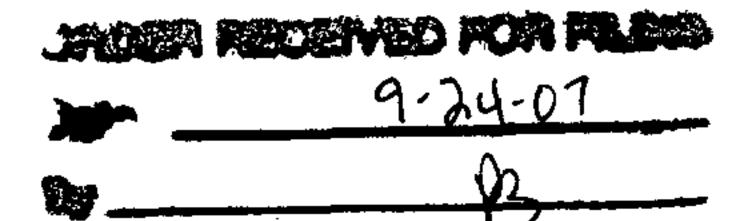
<sup>&</sup>lt;sup>1</sup> It was originally thought that perhaps the use fell within the term animal boarding place defined in Section 101 of the B.C.Z.R. However, it was found that animal boarding places specifically excludes dogs.



of the kennel business from the street and from surrounding neighbors. In addition, the location of the kennel will be in the barn which is located to the rear of the property, and the business will operate during the day and only on weekdays, when most neighbors are at work. Mr. Grammer also pointed out that there is some commercial activity in the area already, on the other side of Old York Road, including a large junk yard just to the northeast of Petitioner's property and a commercial auto repair shop just to the northwest of Petitioner's property. Immediately adjacent to Petitioner's property to the south is a large farming tract. An aerial photograph which was marked and accepted into evidence as Petitioner's Exhibit 4 showed the aforementioned locations.

Petitioner also submitted a letter from the adjacent neighbor to the west, Cheri Stonesifer, expressing support for Petitioner's home-based business. The letter was marked and accepted into evidence as Petitioner's Exhibit 3. Petitioner also attempted to address any environmental or ecological impacts from the dogs by submitting a copy of a brochure for a feces collection system, which was marked and accepted into evidence as Petitioner's Exhibit 2. The collection system, known as a "Dogipot," includes a polyethylene trash receptacle with 50 trash liner bags and a bag dispenser with 400 litterbags. Petitioner indicated she would utilize this system or a similar system in order to properly contain and dispose of the feces.

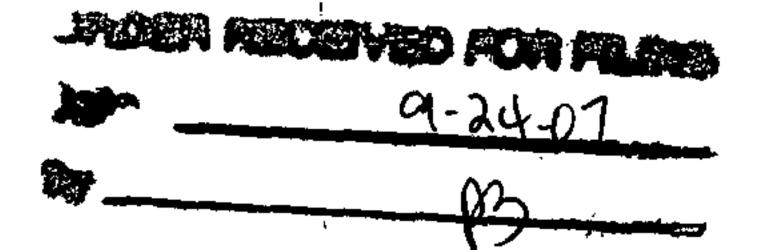
Petitioner filed the request for variance relief from Section 1A01.3.B.3 of the B.C.Z.R. requiring a 35 foot setback because in changing the current use of the property by special exception to a commercial kennel, other aspects of the property must now be in compliance with current zoning regulations, or a variance must be requested if the property does not meet current regulations. If the special exception is granted, Petitioner's setback to Ms. Stonesifer's adjacent property line will be 30 feet, and not the required 35 feet. As such, Petitioner requests a variance from this requirement.



In support of this request, Petitioner indicates that the trapezoidal shape of the property, and its narrowing toward the rear of the property near Ms. Stonesifer's property, makes the subject property unique. Petitioner also points out that not granting this variance would result in undue hardship or practical difficulty, in that Petitioner would not be able to utilize the property for a permitted use, and would be forced to move the barn in order to comply with current regulations, which would be financially prohibitive.

Petitioner also seeks variance relief from Section 409.6.A.2 of the B.C.Z.R. requiring 3.3 parking spaces per 1,000 square feet. This section would require Petitioner to allot eight spaces for parking for the business. As shown on the site plan and referenced in Note 2 of the site plan, Petitioner has allotted five spaces. In support of this request, Petitioner points to the unique nature of the business, as well as the amount of traffic anticipated. In general, most customers will drop off and pick up their dogs between the hours of 7:00 – 9:00 AM and 5:00 – 7:00 PM. In addition, the drop-offs and pick-ups will be relatively brief, lasting no more than three to five minutes. Because of this frequent turnover, and with no more than 20 dogs per day, Petitioner believes five spaces will be sufficient to handle the parking needs of the business.

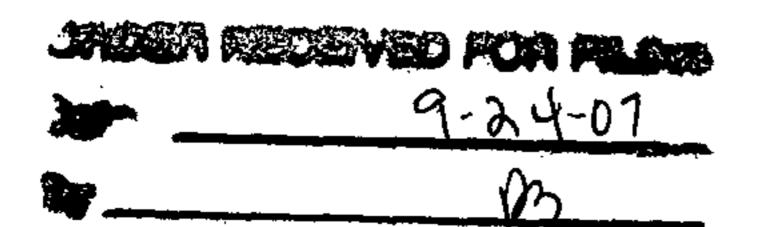
The request for special hearing stems from Section 102.2 of the B.C.Z.R., which requires that "[n]o yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use." Because the subject property is already used a residence and now proposes to also be used for a commercial kennel, each of those uses must stand alone in meeting the area requirements. In essence, there can be no borrowing or "double dipping" in order for each use to meet the area requirements. On this point, Petitioner indicates that the subject property is approximately 1.78 acres. In an R.C.2 zone, it is required that the residential use be on at least one acre. Petitioner states that the area can be maintained and still



have enough land to support the separate use as a commercial kennel. Specifically, the redlined area on Petitioner's Exhibit 1 shows the delineation of one acre of land for the residential use, and the remaining .78 acre for the kennel.

Finally, there is consideration of the Zoning Advisory Committee (ZAC) comment dated July 5, 2007 from the State Highway Administration (SHA). SHA indicates that Old York Road (MD Route 439) is a State road, with two lanes and three to four inch shoulder areas and a 50 mile per hour speed limit. The SHA also indicates that as a result of Petitioner's proposed commercial kennel, a permit may be required to modify the existing access along the road. In response, Petitioner states that she does not believe any modifications to the existing access will be required. She points out that Old York Road is a rural, two-lane road. Although the speed limit is relatively high, it is not a "major" collector road in the same vein as other roads in the northern county such as Middletown Road. In addition, Old York Road is not near any traffic signals or other significant intersections. At this juncture, Petitioner does not intend to place any new paving or curbing, etc., where the access road for the kennel is located, and having lived at the location for approximately three years, does not believe any modifications are required.

Based on the testimony and evidence adduced at the hearing, I am persuaded to grant Petitioner's requests for relief. As to the special exception to allow a commercial kennel, this is a use permitted in the R.C.2 zone by special exception. Moreover, there is no evidence that this proposed use will have any detrimental impact on the health, safety, and welfare of the community, or will have a negative impact on any of the other criteria enumerated in Section 502.1 of the B.C.Z.R. Hence, I will grant the requested relief, conditioned on the commercial kennel complying with the requirements of Section 421 of the B.C.Z.R. In addition, I will not require at this time that Petitioner modify the existing access along Old York Road. Based on the nature of the proposed



business as described by Petitioner, and the limitation on the number of dogs to be cared for during weekdays, I am not convinced that the use will require additional modifications to the existing access.

As to the variances requests, for the reasons set forth above, I find the property unique in a zoning sense. I also find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests, and that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

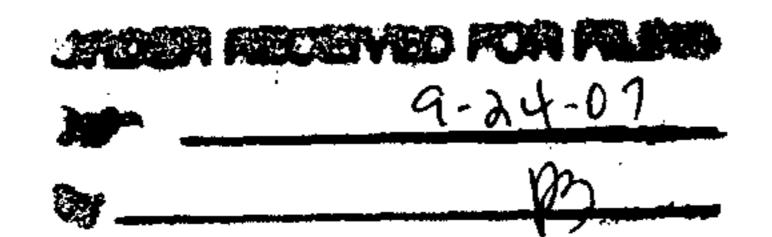
I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. I further find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

In regard to the request for special hearing, the redlined delineation of the residential use of the property and the proposed use as a kennel shows sufficient acreage to meet the requirements of Section 102.2 of the B.C.Z.R., and I am persuaded to grant this relief as well.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception, special hearing, and variance should be granted.

THEREFORE, IT IS ORDERED this \_\_\_\_\_\_\_ day of September, 2007, by the Deputy Zoning Commissioner, that Petitioner's request for Special Exception to allow a commercial kennel pursuant to Sections 1A01.2.C.2, 101 and 421 of the B.C.Z.R. be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's requests for Variance relief from Sections 1A01.3.B.3 and 409.6.A.2 of the B.C.Z.R. to permit a commercial kennel to retain an existing



setback of 30 feet in lieu of the required 35 feet, and a parking variance for five spaces in lieu of the required eight spaces, respectively, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Special Hearing to approve a combination of a commercial kennel and residential use on the same lot, where such uses do not conflict with the requirements of Section 102.2 of the B.C.Z.R. be and is hereby GRANTED.

The granting of the relief herein is subject to the following conditions:

- 1. Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order expires. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner's use of the property as a commercial kennel shall be consistent with the relief granted herein and shall comply with the applicable Special Regulations contained in Section 421 of the B.C.Z.R.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 24, 2007

LAWRENCE E. SCHMIDT, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

Re: Petitions for Special Hearing, Special Exception and Variance

Case No. 07-575-SPHXA

Property: 19604 Old York Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz
Enclosure

c: Stacey and Michael McCarthy, 19604 Old York Road, White Hall MD 21161
James Grammer, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030





#### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By (7m Date 6/27/07)

WRYLAND		for the	e property located at 1	9604 Old York Road		
•				presently zoned		
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A combination of a cor	mmercial kennel and	residential use on the	same lot, and does	not conflict	- with	
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Lawrence E. Schmidt			White Hall	Maryland_	21161 Zin Codo	
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Gildea & Schmidt, LL <sub>i</sub> Company	<del> </del>		Name	1, MCKEE & ASSOC	<u> </u>	
00 Washington Avenu	ne Suite 200	(410) 821-0070	5 Shawan Road, S	nite 1		
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Case No. \_07 - 575- > 5PMA

REV 9/15/98 - 9-24-01



#### Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at: 19604 Old York Road
which is presently zoned: R.C. 2

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):

BCZR §1A01.3.B.3 & BCZR §409.6.A.2

- 1. To permit a commercial kennel to retain an existing setback of 30 feet in lieu of the required 35 feet; and
- 2. A parking variance for five (5) spaces in lieu of the required eight (8); and
- 3. For such other and further relief as may be deemed necessary by the Zoning Commissioner by Baltimore County.

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

To be presented at hearing.

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.

#### Legal Owner(s): Contract Purchaser/Lessee: Stacey McCarthy Name - Type or Phint Name - Type or Print ! Signature Signature Michael McCarthy Telephone No. Name - Type or Print Address muus Zip Code State Signature City 443-491-3117 19604 Old York Road Attorney For Petitioner: Telephone No. Address 21161 Maryland Lawrence E. Schmidt White Hall Zip Code State City Name - Type or Print Representative to be Contacted: Signature James D. Grammer, McKee & Associates, Inc. Gildea & Schmidt, LLC Name Company (410) 821-0070 5 Shawan Road, Suite 1 600 Washington Ave., Suite 200 Telephone No. Telephone No. Address Address 21030 Maryland Cockeysville 21204 Towson Maryland City State Zip Code State Zip Code City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_ J-212-X26MY Case No. UNAVAILABLE FOR HEARING Reviewed By

Engineering • Surveying • Environmental Planning
Real Estate Development

ZONING DESCRIPTION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES 19604 OLD YORK ROAD 7<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MD



BEGINNING at a point on the South side of Old York Road, having a variable width, said point being situated 85' westerly from the centerline of Kirkwood Shop Road extended. Being Lot 2 as shown on Plat One, Walnut Springs recorded in Baltimore County Plat Book E.H.K., Jr. 40, page 77 and containing 77,549 sf or 1.78 acres of land, more or less.

Being known as 19604 Old York Road and lying in the 7<sup>th</sup> Election District, 3rd Councilmanic District.

575

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MOTICE OF ZOMING HEARING

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

Cast. 107-575-SPHXA
19604 Old York Road
S/side of Old York Road, 85 feet west of centerline of Kirkwood Shop Road
7th Election District
3rd Councilmanic District
Legal Owher(s): Stacey & Michael McCarthy
Special Hearing: to approve a combination of a commercial kennel and residential use on the same lot and does not conflict with the requirements of 102.2.BCZR. Special Exception: to allow a commercial kennel pursuant to Sections 1407.2.C.2. 101 and 421 of the BCZR. Variance: to permit a commercial kennel to retain an existing setback of 30 feet in lieu of the required 35 feet and a parking variance for five (5) spaces in lieu of the required

5 at 9:06 a.m. 401 Bosjay Av ring: Friday, August 24, 2007 m 407, County Courts Building, Towson 21204. 25 E E

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Flease Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/122 Aug. 9

# ATE OF PUBLICATION

7002

IFY, that the annexed advertisement was published successive weeks, the first publication appearing y newspaper published in Baltimore County, Md., in the following weekl THIS IS TO CERT ວົກce in each of

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

NE Booster/Reporter Owings Mills Times

North County News

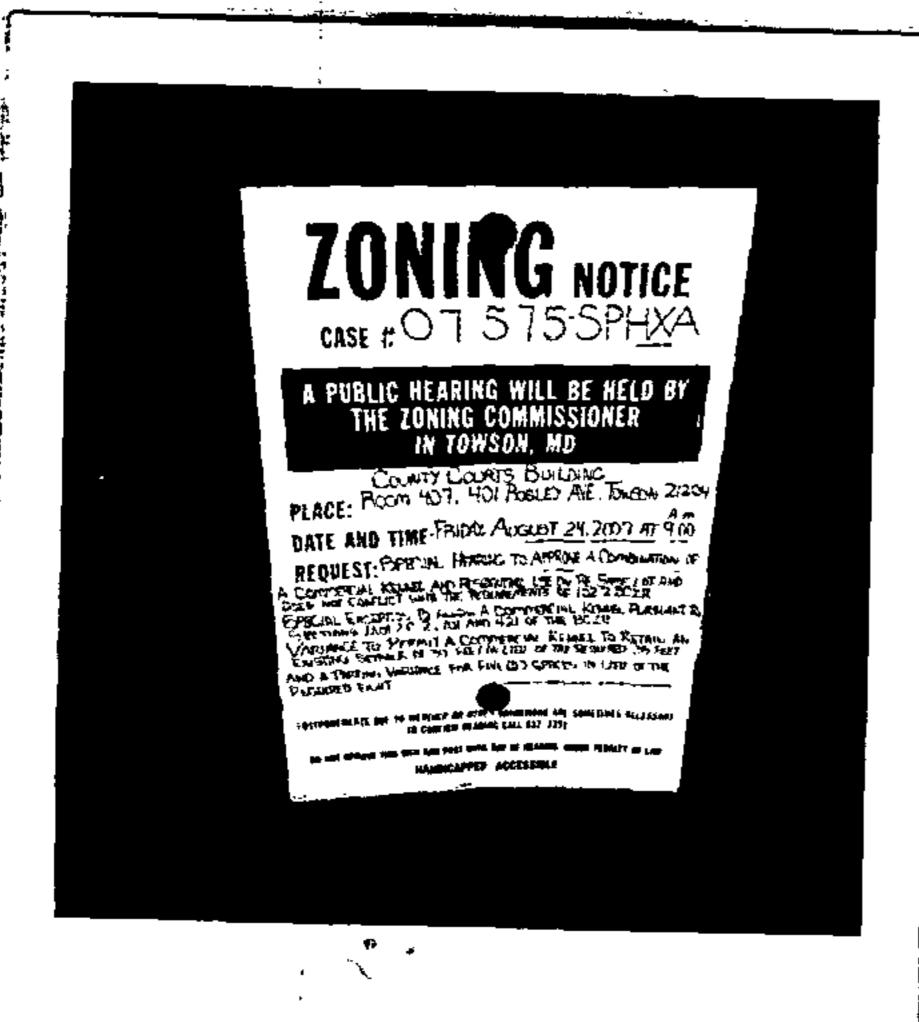
Mulins.

LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

RE: Case No.: 02-575-SPHXA

Petitioner/Developer: STACEX Date of Hearing/Closing: 8-24-07 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 8-8-07 (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)



**Baltimore County Department of** 

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

ATTN: Kristen Matthews {(410) 887-3394}

posted conspicuously on the property located at:



JAMES T. SMITH, JR. County Executive -

July 10, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

#### 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: 07-575-SPHXA

19604 Old York Road
S/side of Old York Road, 85 feet west of centerline of Kirkwood Shop Road
7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Stacey & Michael McCarthy

Special Hearing to approve a combination of a commercial kennel and residential use on the same lot and does not conflict with the requirements of 102.2.BCZR. Special Exception to allow a commercial kennel pursuant to Sections 1A01.2.C.2, 101 and 421 of the BCZR. Variance to permit a commercial kennel to retain an existing setback of 30 feet in lieu of the required 35 feet and a parking variance for five (5) spaces in lieu of the required eight.

Hearing: Friday, August 24, 2007 at 9:00 a.m., County Courts Building, Room 407 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lawrence Schmidt, 600 Washington Avenue, #200, Towson 21204 Stacey & Michael McCarthy, 19604 Old York Road, White Hall 21161

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

- (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

Thursday, August 9, 2007 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt Gildea & Schmidt 600 Washington Avenue, Ste. 200 Towson, MD 21204 410-821-0070

#### NOTICE OF ZONING HEARING

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CASE NUMBER: 07-575-SPHXA

19604 Old York Road

S/side of Old York Road, 85 feet west of centerline of Kirkwood Shop Road 7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Stacey & Michael McCarthy

<u>Special Hearing</u> to approve a combination of a commercial kennel and residential use on the same lot and does not conflict with the requirements of 102.2.BCZR. <u>Special Exception</u> to allow a commercial kennel pursuant to Sections 1A01.2.C.2, 101 and 421 of the BCZR. <u>Variance</u> to permit a commercial kennel to retain an existing setback of 30 feet in lieu of the required 35 feet and a parking variance for five (5) spaces in lieu of the required eight.

Hearing: Friday, August 24, 2007 at 9:00 a.m., County Courts Building, Room 407

40% Bosley Ayenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

OFFICE AT 410-887-4386.

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



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 15, 2007

Lawrence E. Schmidt Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Schmidt:

RE: Case Number: 07-575-SPHXA, 19604 Old York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

James D. Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030 Stacey McCarthy Michael McCarthy 19604 Old York Road White Hall 21161

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 9, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III Director, Office of Planning ECEIVE JUL 1 1 2007

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-575- Variance

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, and 594

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

DAK:CEN:clw

ce: File

ZAC-NO COMMENTS-07052007.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

1 Timothy M. Kotroco, Director

**DATE:** July 9, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-575- Variance

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

#### 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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

515

Item Number: 573 through 578 and 580 through 594

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File





Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

#### Maryland Department of Transportation July 5, 2007

Ms. Kristen Matthews.

Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 07-575-SPHXA MD 439 (Old York Road)

85' west of Kirkwood Shop Road

19604 Old York Road McCarthy Property

Special Hearing, Special Exception and Variance-

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda plan on the subject of the above captioned, which was received on July 2, 2007. We understand that this item illustrates a proposal requesting approval to allow a commercial kennel operating with surface parking for five (5) vehicles.

We have reviewed the referenced plan and offer the following comments:

- The subject property is located on the west side of MD 439 (Old York Road). Our Highway Location Reference Guide indicates MD 439 (Old York Road) is a two-lane facility with 3-4' shoulders owned and maintained by The State of Maryland. The Annual Average Daily Trip volume on MD 439 at the subject location is 4,475 vehicle trips per day. The posted speed limit is 50 MPH.
- A field inspection reveals that a permit may be required to modify the existing access along MD 439 (Old York Road). Coordination with State Highway Administration is necessary to obtain an access permit.

In summation: we recommend that the above comments be a condition of Stacey and Michael McCarthy Property Item No. 07-575-SPHXA approval. Please include our remarks in your staff report to the Zoning Hearing Examiner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<a href="mailto:mbailey@sha.state.md.us">mbailey@sha.state.md.us</a>). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief ()
Engineering Access Permits

Division

 Ms. Kristen Matthews Page 2

#### SDF/MB

Cc:

Ms. Erin Kuhn, ADE-Traffic, SHA

Mr. David Malkowski, District Engineer, SHA

Mrs. Stacey L. McCarthy, Applicant Mr. Michael W. McCarthy, Applicant

Mr. Geoffrey C. Schultz, Consultant Engineer, McKee & Associates, Inc.

RE: PETITION FOR SPECIAL HEARING SPECIAL EXCEPTION & VARIANCE

19604 Old York Road; S/S Old York Rd,

85' W c/line Kirkwood Shop Road

7<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Stacey & Michael McCarthy

Petitioner(s) \*

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

07-575-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

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 16th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to James Grammar, McKee & Associates, Inc, 5 Shawn Road, Suite 1, Cockeysville, MD 21030 and Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 1 & 2007

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

#### GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK. III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

JOSEPH R. WOOLMAN, III

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204 TELEPHONE 410-821-0070

**FACSIMILE 410-821-0071** 

www.gildeallc.com

BALTIMORE, MD OFFICE

300 EAST LOMBARD STREET SUITE 1440

BALTIMORE, MARYLAND 21202 TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE

95 CATHEDRAL STREET

SUPPE 100 ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

June 18, 2007

Sent Via Hand Delivery

Lloyd Moxley
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re: McCarty/19604 Old York Road

Dear Mr. Moxley:

Please find enclosed the revised filing materials for the above referenced matter. I have modified the petition language based on our discussions at the filing appointment last week. Additionally, Jim Grammer has updated the plan to note that any future signs will comply with the BCZR. I have also enclosed the checks for this matter representing the fees for a single residential lot. Please let me know the case number once you have assigned one. If you have any questions, please contact me. With kind regards, I am

Very truly yours,

Charles B. Marek III

CBM: dls Enclosure

cc:

Lawrence E. Schmidt, Esquire

Jim Grammer, McKee & Associates

PLEASE PRINT CLEARLY

CASE NAME MCGNITHY CASE NUMBER O 7-575 SONY

ETITIONER'S SIGN-IN SHEEF,

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CITY, STATE	White Hall MD "								
(7) (2)	PLECH Cld York Road STE				and the second s				
VAME Shure	Staves L. McCarty	5							

Case No.: 07-575-5PHXA

#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

No. 1	Site Plan	Letter of Concern from nearly Neighbor
No. 2	Dogipot Brochuse	
No. 3	Letter of Support from Neighbor	
No. 4	Seval Photograph	
No. 5	DIJE I Digiti i	
A-J	Photographs of Property +	
No. 6		-
No. 7		-
No. 8		
No. 9		
No. 10		
No. 11		
	• •	
No. 12		

BED TB 8-24-07

#### Stephanie L. House 20712 Kirkwood Shop Road White Hall, MD 21161 410-718-5920

August 20, 2007

Baltimore County Zoning Commissioner County Courts Building Towson, MD 21204

FAX: 410-887-3468

RE: Case Number 7-575-SPHXA Hearing Date – August 24, 2007

Dear Zoning Commissioner:

I am unable to attend the Special Hearing to allow a special exemption for a commercial kennel to be located at 19604 Old York Road as I must take my daughter to college on the hearing day. I have several questions that were not able to be answered by zoning staff by phone. They include:

- 1. Where is the exact location of the commercial kennel? The notice states South side Old York Road, centerline 85 feet west Kirkwood Shop.
- 2. What provisions have been made to assure that surrounding residences will not be affected by dog barking, runaway animals, etc.?
- What is the capacity of the commercial kennel and what types of animals will be housed at the commercial kennel?

Thank you in advance for answers to these questions.

Sincerely,

Stephanie L. House

PROTESTANT'S

EXHIBIT NO.

## Station

And Lightweight Polyethylene! Available in Aluminum





Ę DOGIPOT has developed a concerns. The Poly Pet Station stands exciting new products in response owners to pick up after their pets. tool on the market to motivate dog out from all competitive products as the most customers economical and practical suggestions

bags, Dispenser with 400 litter bags, Poly includes the new DOGIPOT Poty Bag and all necessary mounting material 퓲 post, atuminum reflective pet sign Trash Receptacle with 50 trash liner complete green fiberglass telescoping Poly Pet Station

### Specifications:

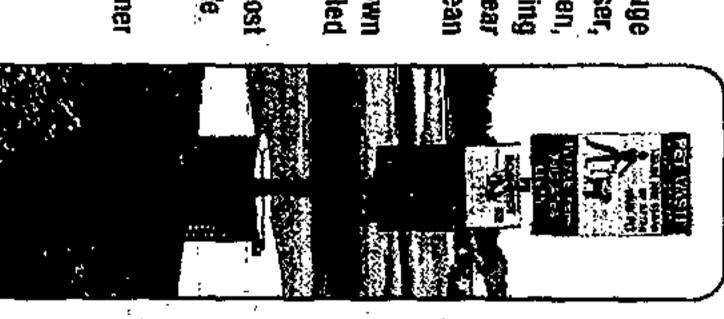
- Post extends from 4" to 7"
- Sign Dimension: 11" x 18"

Ship Weight: 22 lbs

item: #1010

## Aluminum Features:

- DOGIPOT 15.5" Up After Your Dog" sign. instructions, front access powder Aluminum coated, 9,4" Junior and "Please Bag panel with clear 3.25", locking forest <del>.</del> Dispenser, green, Gauge Clean
- 400 Blodegradable opaque brown pick up (2 rolls of 200 bags) litter bags installed
- 41 to 81 galvanized telescope post
- 10 gallon steel trash receptacle
- Pet sign, 18" x 12" aluminum
- bags 50 heavy duty receptacle liner
- Assembly material
- Ship weight 45 lbs.
- Hem #1003-L



Polyethylene



and sand beige, for dog dirt in an odorless, clean fashion while helping to biodegradable DOGIPOT litter bags, and disposal of bagged durable, polyethylene 쿫 nerica beautitul E DOGIPOT Dispenser / Disposal Waste Container is two purposes...Dispensing up container, available in forest to 400 green

#### chudes:

- 4' galvanized mounting post
- 2 rolls of 200 litter bags
- 50 trash liner bags
- Clear instructions posted Locking front access lid
- Measures; 32" x 19" x 14"
- Ship weight: 39 lbs
- Forest Green Item #1005-2
- Sand Beige Item #1006-2

powder coated forest green of dog dirt in an odorless, Basically, DOGIPOT is a ver "Keep America Beautiful". aluminum. This DOGIPOT Item is avaitable in y durable container for disposal clean fashion while helping to

sible dog owner. dirt DOGIPOT eliminates the excuses for not being a respon-DOGIPOT makes it convenie both the tool (litter bags) and the waste receptacie for dog nt to the dog owner by providing

Unlike time consuming clear containers can be convenie the scheduled trash collection. ning of dog walk areas, DOGIPOT ntly emptied at the same time as

## The aluminum dogva et features:

- 400 litter bags installed
- Material: .09 gauge aluminum,
- Measures: 40,4" x 17" x
- Locking front access lid
- Aluminum mounting pilla (includ
- Clear instructions posted
- Ship weight: 42 lbs.
- Item #1001-2



PETI CIONER'

EXHIBI

Н

NO.

August 23, 2007

Baltimore County Zoning Commission 400 Washington Ave Courthouse Towson, MD 21204

Re: Case #07-575-SPHXA

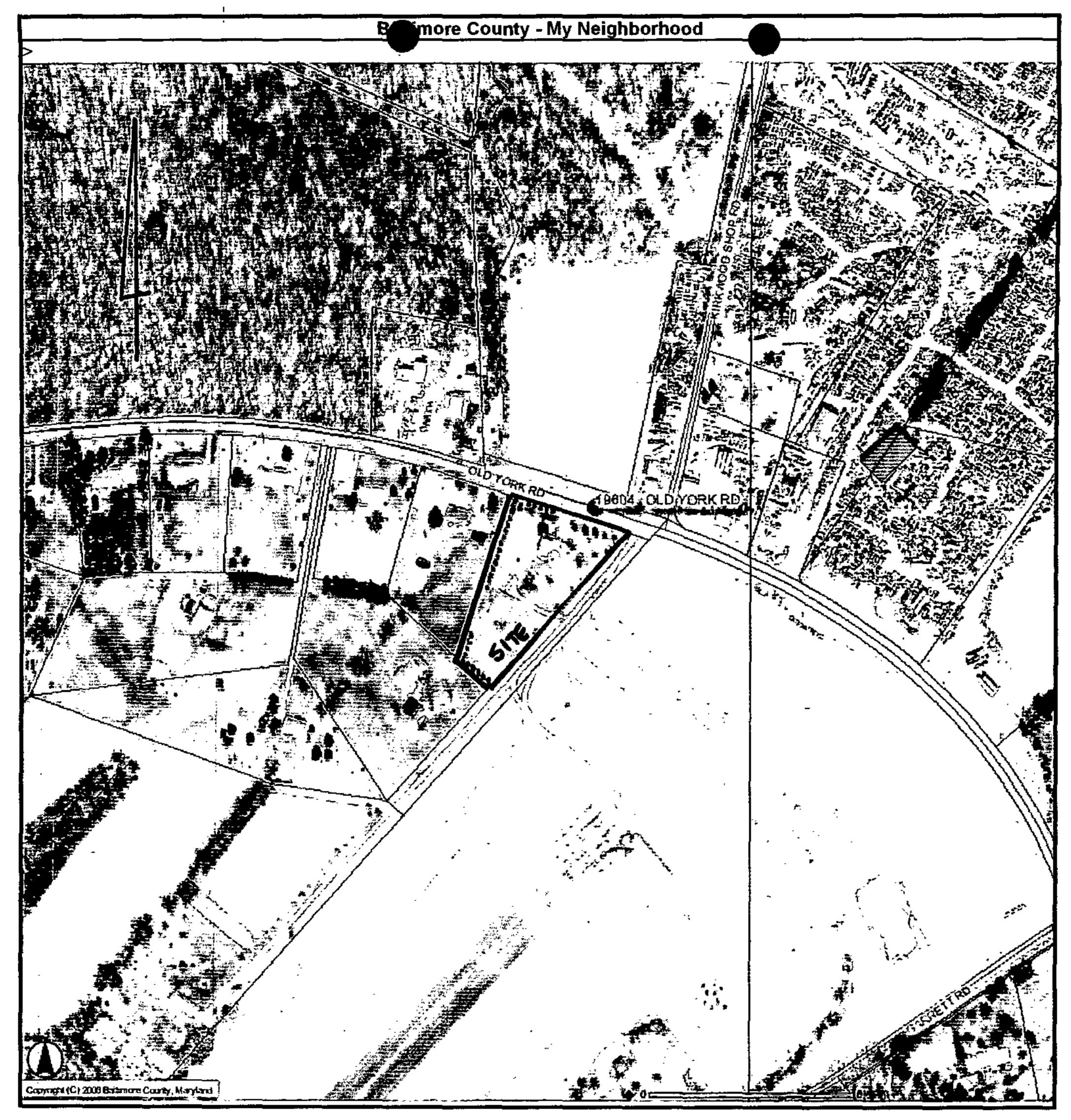
To Whom It May Concern:

I'm writing this letter due to the recent request for a zoning change at 19604 Old York Rd. It is my understanding Mrs. Stacey McCarthy is requesting this change to open a home based business which would consist of daytime dog care service. My property adjoins the McCarthy property on the direct left with my address being 19606 Old York Rd. I am in completed support of Mrs. McCarthy's business endeavor, and do not feel that it would disrupt the neighborhood in any way. I commend her for choosing and occupation that will allow her to remain home to raise her children in a loving environment and still be a financial contributor to the household.

Please feel free to contact me with any questions or concerns that you may have concerning this matter.

Sincerely, Church Stonebyer

Cheri Stonesifer



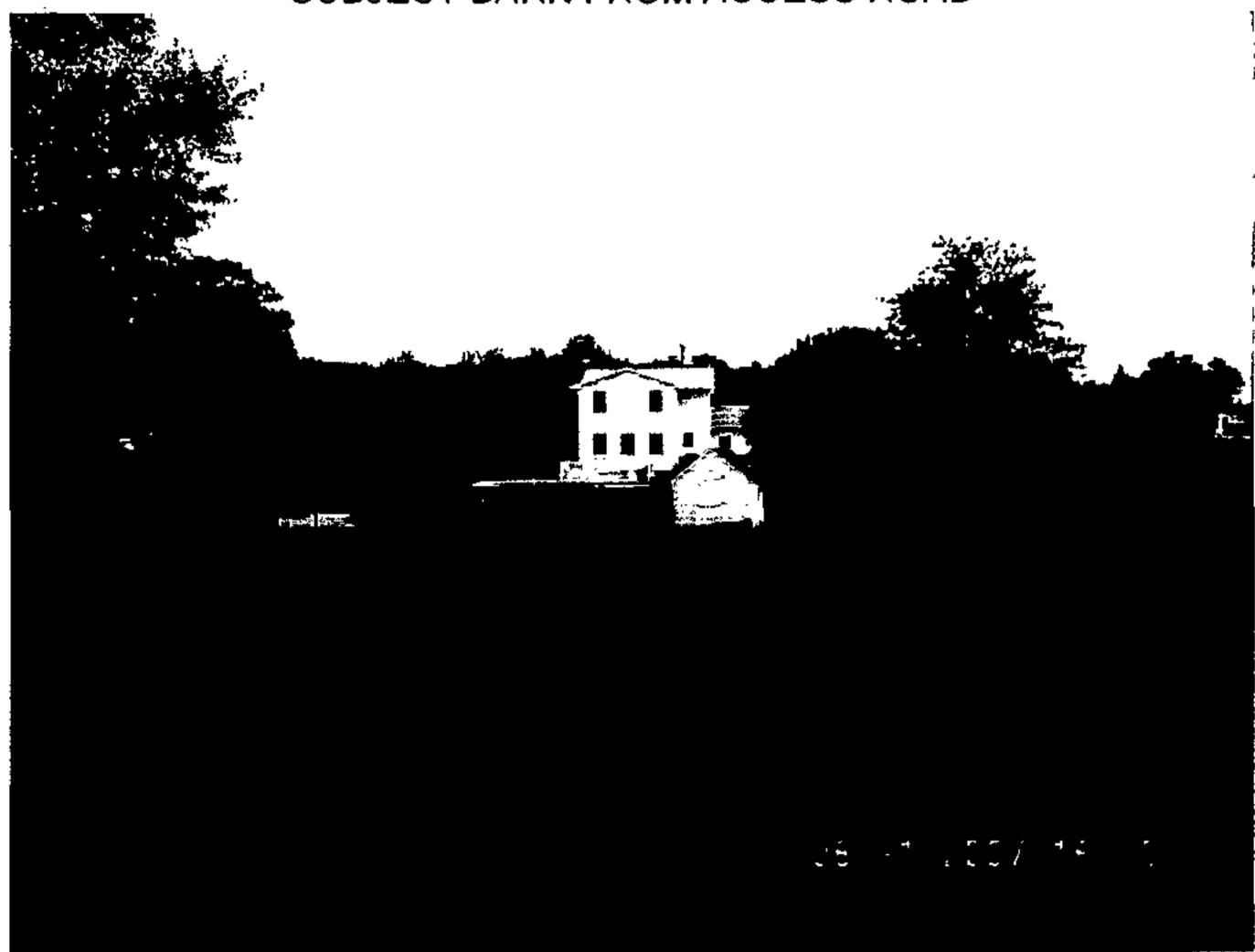
CASE NO. 07-575 SPHXA

PETITIONER'S

EXHIBIT NO. 4







DWELLING ON SUBJECT SITE (REAR)

PETITIONER'S

EXHIBIT NO.

5\_



WESTERLY ALONG OLD YORK ROAD





VIEW TOWARDS KIRKWOOD SHOP ROAD



SOUTHERLY ALONG ACCESS ROAD



REAR OF SCHOELKOPF RESIDENCE (19610 OLD YORK ROAD)



REAR OF SUBJECT SITE TAKEN OPPOSITE FROM BARN TOWARDS SCHOELKOPF RESIDENCE

J

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


FARM EAST OF SUBJECT SITE



LOOKING WESTERLY TOWARDS REAR OF STONESIFER RESIDENCE (19606 OLD YORK ROAD)

J



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