

1/28/14

IN THE MATTER OF
KIM HAMMOND, Legal Owner/Petitioner
6314 Falls Road
Baltimore, MD 21209

RE: Petition for Parking Variance

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-13-265-SPHA

* * * * *

OPINION

This case comes to the Board on appeal of the final decision of the Administrative Law Judge ("ALJ") in which the ALJ granted the Petitioner's request for Special hearing relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") §500.7 to approve an amended site plan for Case No.: 86-256-A and to approve a modified parking plan for an existing parking facility. Additionally, the ALJ approved the Petitioner's request for a variance to approve a 10' side yard setback in lieu of 30' and to approve a reduction of 200' setback imposed by Baltimore County Zoning Regulations ("BCZR")§421. 2.

A public hearing was held before this Board on October 13, 2013. The Petitioner, Kim Hammond, (the "Petitioner") was represented by J. Carroll Holzer, Esquire. The Protestant, Peter Belitsos was represented by Vernon Boozer, Esquire. Jessica Shuler, another Protestant was *pro se*. A public deliberation before this Board was held on November 7, 2013.

Evidence

The Petitioner is the legal owner of the property located at 6314 Falls Road, Baltimore, MD 21209 (the "Property"), having purchased the same on April 20, 1982. (Pet. Ex. 7). The Property is zoned commercially as "BR". (Pet. Ex. 4). The Property is surrounded on all sides by either business or industrial zones. (Pet. Ex. 4). It sits on the west side of Falls Road and the north side of Shoemaker Road. (Pet. Ex. 2). The Property is 1.093 acres (47,628 sf.). It is

improved with a two-story building with a basement. Originally constructed as a house, it has been used as animal hospital, kennel and offices since 1954.

The Petitioner is seeking alternative forms of relief namely that this Board (1) approve an Amended Site Plan for a two-story addition with a modified parking plan; and/or (2) grant a variance for rear and side yard setbacks. The Petitioner concedes that if this Board grants the Amended Site Plan than it has, in effect, granted the variance relief.

Testifying as an expert for the Petitioner was Steven K. Broyles, P.E., surveyor and land planner, who was qualified as an expert in the areas of zoning, land planning, site engineering and acoustic engineering. Mr. Broyles has previously testified as an expert before this Board and the Circuit Court for Baltimore County.

With regard to proposed second story addition and parking plan, Mr. Broyles drafted an Amended Site Plan (the original Site Plan having been drafted in 1986; Case No.: 86-256A). (Pet. Ex. 2A). Mr. Broyles explained that the additional space was needed to dispense prescription drugs for the animals because new USDA regulations require strict controls on medications. As such, the second floor would be designed with pneumatic tubing which would send the prescriptions directly to the patient rooms. This system eliminates the number of people handling the prescriptions which ultimately prevents diversion and shrinkage. As of the hearing date, the Petitioner currently has 5 employees on 3 shifts for a total of 15 employees handling prescriptions. With the pneumatic tubing system, the Petitioner would only need 1 employee to receive orders and to dispense medicine.

Due to the size of the lot and existing improvements, a second story addition was the only feasible option. The addition will measure 2,816 sf. (Pet. Ex. 2A). When added to the existing floor area of the building, the total equals 19,781 sf. (Pet. Ex. 2A). The existing footprint of the building will not change.

The zoning history for the Property reflects that on December 20, 1985, in Case No. 86-256-A, the Petitioner was granted a 10' side yard setback and a 0' rear yard setback in lieu of the required 30' for a BR zone. Mr. Broyles confirmed that the proposed addition will not change the dimensions for the 1986 setback variance and thus Petitioner is requesting to continue using the 1986 setbacks.

Mr. Broyles opined that as it relates to the 1986 variance, the Property became nonconforming in 1987 when a 200' setback from the property line was imposed by regulation under BCZR §421.2 for any animal boarding facility, kennel or pet shop. Thus, this Property would have to be 400 x 400 to comply. It only measures 200x200. As a result, he testified that if the same setback variance were not granted by this Board, as was in 1986, the Property, which has existed as an animal hospital since 1954, would be unusable.

Mr. Broyles testified that a variance is warranted because the Property is unique for zoning purposes. The contiguous properties are zoned ML or MLR. It is the only Property along Falls Road with direct access to Falls Road. Because of its use, special regulations under BCZR §421.2 apply to this use as an animal hospital that do not apply to other BR zoned properties in the neighborhood. To comply with the 200' setback would require the Petitioner to cease and desist its business. The Property is also unique as it is the only property in the neighborhood with 10' Class A landscaping. The landscaping provides a buffer on 3 sides. This strict compliance with the law creates a practical difficulty and an undue hardship on the Petitioner.

With regard to the modified parking plan, on the Site Plan, Mr. Broyles calculated the required number of parking spaces as 60 and he testified that the Petitioner has 70 spaces. (Pet. Ex. 2A). Mr. Broyles explained that there is in effect a 99-year lease which is still in effect (the "Lease") (Pet. Ex. 8). He verified through his research that even if the Property was sold that the

Lease would continue. Further, the Petitioner has ingress and egress rights to Shumaker Rd. and a maintenance agreement is in effect for the entire length thereof.

The proposed parking plan will not disturb the existing asphalt as there will no new paving, only restriping of certain spaces. Specifically, Mr. Broyles pointed out that there are 7 hatched spaces at the entrance of Falls Road and Shumaker Road into the Property. (Pet. Ex. 6A). Those spaces currently impede ingress and egress. They will be restriped so that there will be 3 perpendicular spaces. Even doing so, the required number of spaces is still met. Reducing the number of employees will serve to reduce traffic and create a better flow of vehicles in the parking lot.

On cross examination, Mr. Broyles added that the basement of the building will be used for storage which does not affect the parking calculations. He further explained that there are kennels with roofs but those kennels do not require a setback from the property line.

Testifying in opposition was Jessica Schuler who owns 6305 Falls Rd., which is directly across the street from the Property. It is a retail site. She testified that she is concerned that the new second story addition will cause: (1) parking problems; (2) motor vehicle accidents; (3) pollution; and (4) hardship with her tenants who operate businesses. She stressed that she has tenants leave due to the noise generated by the animals. She agreed to the 1986 addition to the Property but the noise problems began in 1987. She added that in 2000 a wood structure was erected on the Property and the County required the Petitioner to obtain a building permit in June of 2001. She believes that the 40 foot kennel was added illegally. She questioned the ownership of the masonry wall/fence around the Property.

On September 24, 2013, she witnessed that an ambulance and fire truck had difficulty pulling into and out of the Property due to parking problems and submitted photographs of the same. (Prot. Exs. 3A – 3G). She is concerned that the noise level will escalate due to the parking

deficiencies. Ms. Schuler has witnessed numerous motor vehicle accidents over the years and the parking issues will only increase this danger.

Also testifying in opposition was Peter Belitsos, the owner of the adjacent property, 6302 Falls Road, which is on the south side of Shumaker Road. He agreed that he and the Petitioner share 6 spaces along the side of Shumaker Road. However, he said that this leaves the Petitioner with at best 3 spaces. He pointed out the Petitioner does not actually have 61 spaces because the parking is first come-first serve due to the shared parking arrangement.

Mr. Belitsos testified about a video that he took of the parking problems he experiences. Delivery trucks going to the Property pull into his property and then turn around. (Prot. Ex. 4). In addition, customers of the Petitioner park on his lot. As a result, Mr. Belitsos has put up signs to warn patrons not to park on his lot. He insists that this ongoing problem causes safety issues. He is concerned that a new addition will increase traffic. He has spent over \$100,000.00 renovating his building and has leased out the space in his building. However, his tenants complain about not only parking issues but the noise level from the animals. Mr. Belitsos was emphatic that more construction will generate more traffic problems for a site that is already non-conforming.

On re-direct, Mr. Broyles clarified that he reviewed the County files and that there were no open violations for the Property. With regard to potential motor vehicle accidents, State Highway Administration did not provide any comments much less negative ones. With regard to the noise level, Mr. Broyles conducted an acoustic assessment on June 24, 2013 and determined that the noise from Falls Road is actually louder than the noise from the kennel. Moreover, he highlighted that Baltimore County does not have any noise regulations for commercial properties, only regulations for noise from residential properties.

With regard to parking along Shumaker Road, his research confirmed that the Petitioner has clear use of 6 spaces and that he has been using those 6 spaces for at least 20 years. Accordingly, Mr. Broyles believes that this is a prescriptive use.

Law

BCZR §421.2 applies to animal boarding places, kennels and pet shops in office, business and manufacturing zones and reads as follows:

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

In order for a setback variance to be granted, this Board must be convinced that the Petitioner has met its burden of proof as to both "uniqueness" and "hardship". Section 307.1 of the BCZR states, in pertinent part, as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

This Board is guided by the holding provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md. App. 691, 698 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of

property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."

In requiring a finding of "uniqueness", the Court of Special Appeals in *Cromwell* referred to the definition of "uniqueness" provided in *North v. St. Mary's County*, 99 Md. App. 502, 514 (1993):

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects in bearing or parting walls....

Id. at 710.

If the Property is determined to be "unique," then the issue is whether practical difficulties also exist. Toward this end, the Board acknowledges that a variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973).

However, the law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell*, *supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.

Id., at 722.

Decision

After reviewing all of the testimony and evidence presented, the Board has determined that the Petitioner has met its burden of proving that the Amended Site Plan should be approved pursuant to BCZR §500.7 for a second story addition to the existing building with a modified parking plan. This Board also finds, based on the evidence as set forth herein that the Property is unique and that the Petitioner will suffer practical difficulty and unreasonable hardship if the setback variance is not granted.

As to uniqueness, the Board finds, based on the evidence, that this Property has inherent characteristics which are not shared by other properties in the neighborhood. At the outset, it is clear to this Board that compliance with new USDA regulations which govern animal hospitals/kennels is driving the Petitioner's request here for a second story addition. But-for the federal drug regulations designed to address theft of prescriptions, the Petitioner would continue operating as it has since the 1986 addition was built. However, due to the unique site constraints of existing improvements and small property size, the Board agrees that building upward was the only feasible means of providing the controlled area for dispensing medications.

The Board finds, based on the evidence that the unique features of the Property under *Cromwell, supra* include: the location of the site (Pet. Ex. 6A); the only property along Falls Rd. with access to Falls Rd. (Pet. Ex. 6A); a BR zoned property surrounded by ML or MLR properties (Pet. Ex. 4); the only Property with vegetative buffer on 3 sides (Pet. Exs. 6A and 9) and 10' Class A landscaping; the only BR zoned property in neighborhood that must comply with the 200' setback due to its existing use as an animal hospital; and the historic use as an animal hospital for the last 59 years. While the zoning regulations have changed, the configuration of the buildings has been the same for the last 27 years.

The Board further finds significant that there will not be an enlargement of the Property footprint and there will be no new paving or disturbance of existing asphalt under the proposed

modified parking plan. The aerial photograph submitted by the Petitioner (Pet. Ex. 6A) gives a snapshot of the already existing tight constraints on the Property. However, the Petitioner's proposed modified parking plan provides some relief in the elimination by restriping of the 7 hatched spaces which are an obstacle to ingress and egress onto Shumaker and York Rds.

Contrary to the Protestants' testimony, the Board does not find a direct correlation between the proposed second story addition or parking modification plan and the amount of noise generated by the animals at the facility. As Mr. Broyles pointed out, the noise level is not in violation of State noise regulations. Moreover, he emphasized that there are no County regulations to address noise generated by commercial properties. As a result, this Board cannot find, based on the evidence, that approving the Amended Site Plan, including the modified parking, or granting the setback variances is in contradiction of the zoning regulations.

This Board also does not find that approving a modified parking plan will increase, as Mr. Belitsos suggested, the issues he has experienced with delivery trucks or customers coming to the Petitioner's business and either turning around or parking on his lot. While this is certainly annoying to Mr. Belitsos and his tenants, Mr. Belitsos' action in erecting "No Parking" signs is appropriate and reasonable.

Due to the unique features of the Property as above, BCZR§421. 2 disproportionately impacts this established business that began in a residence before such current setbacks were required. Therefore, we find that compliance with BCZR§421. 2 would be practically difficult. Denying such relief would also cause unnecessary hardship on the Petitioner in that the business could not comply with federal drug regulations without the second story edition and at the same time continue the historic use as an animal hospital. We note that there was no evidence presented by the Protestants by way of expert testimony as to any feasibility study or other evidence which would suggest another viable use for the Property.

ORDER

THEREFORE, IT IS THIS 28th day of January, 2014, by the
Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing under BCZR §500.7 to approve the Amended Site Plan in Case No.: 85-256-A and to approve a modified parking plan for an existing parking facility. be and the same is hereby **GRANTED**; and it is further,

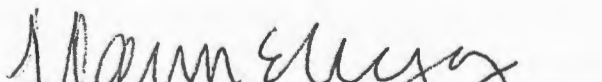
ORDERED that the Petitioner's request for variance to approve a 10' side yard setback in lieu of 30' and to approve a 0' setback in lieu of the required 200' setback imposed by Baltimore County Zoning Regulations ("BCZR")§421. 2 as the same relief was granted in Case No.: 85-256-A be and the same is hereby **GRANTED**.

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chairman



Maureen E. Murphy



Wayne R. Gioioso, Jr.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 28, 2014

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Kim Hammond – Legal Owner/Petitioner*
Case No.: 13-265-SPHA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure

c: Kim J. Hammond
Steven K. Broyles & Associates
The Valley Company c/o Jessica Schuler, President
Pete Belitsos
Mark Schlossberg/Pro-Law-Plus, Inc
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

IN THE MATTER OF:	Kim Hammond	13-265-SPHA
DATE:	November 7, 2013	
BOARD/PANEL:	Andrew M. Belt, Chairman Maureen E. Murphy Wayne R. Gioioso, Jr.	
RECORDED BY:	Sunny Cannington/Legal Secretary	
PURPOSE:	To deliberate the following:	

IN THE MATTER OF:

Kim Hammond

13-265-SPHA

DATE: November 7, 2013

November 7, 2013

BOARD/PANEL: Andrew M. Belt, Chairman
Maureen E. Murphy
Wayne R. Gioioso, Jr.

Andrew M. Belt, Chairman
Maureen E. Murphy
Wayne R. Gioioso, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

To deliberate the following:

1. Petition for Special Hearing to approve an amended site plan for Case No. 86-256-A and to approve a modified parking plan for an existing parking facility;
2. Petition for Variance to approve a 10' side yard setback in lieu of 30'; reduction of 200' setback requirement for animal boarding places, kennels and pet shops in office, business and manufacturing zones.
3. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
4. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. The subject property has been used as Falls Road Animal Hospital since the 1950's. The Petitioner purchased this property in the 1980's and continued the use.
- The Petitioner is requesting a modified parking plan for the property. The Board reviewed testimony presented by the Petitioner and Protestants regarding the current and proposed configuration of the parking area. The Board reviewed that the surrounding buildings are very close to the subject property. The subject property is the only building which does not have direct access onto Falls Road. The Board determined that the reconfiguration of the parking area will not cause more problems than the current configuration.
- The Petitioner has applied for a variance to allow setbacks which currently exist and have existed prior to his purchase of the property. The Board reviewed that the property is approximately 200' by 200' and that if the Petitioner were to comply with the zoning requirements, the property would be unusable. The Board determined that the property is unique by the standards of Cromwell due to the way this property sits in relation to the surrounding properties.
- The Petitioner testified that there have been some changes to the laws regarding pet prescription distribution. The Petitioner has requested to construct a second floor which will be used to house the medications which will be distributed by vacuum tube, similar to the drive-thru bank tellers. The Petitioner testified that because part of the process will be automated, these improvements will slightly reduce the number of employees.

- The Board discussed that the Protestants raised issues with regard to the noise of the animals. The Board determined that they are limited in what they are allowed to consider. This matter is not a code enforcement case so the Board determined that they are not able to get into the noise concerns.

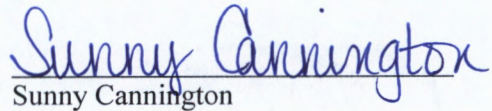
DECISION BY BOARD MEMBERS:

The Board determined that the property is unique pursuant to the standards of Cromwell vs. Ward. The Board determined that strict compliance with the zoning regulations would render the property would be unusable. The Board determined that the reconfiguration of the parking area won't make the parking situation any worse.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested relief.

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

Respectfully Submitted,


Sunny Cannington



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 4, 2013

Jessica Schuler
6305 Falls Road
Baltimore, Maryland 21209

RE: In the matter of: Kim Hammond
Case No.: 13-265-SPHA

Dear Ms. Schuler:

The enclosed letter, which was received by this office on November 1, 2013, is herewith returned to you.

The Board concluded the hearing in the subject matter on October 17, 2013, with the receipt of argument from the parties to this case, at which time the record was closed (Closing Memorandum were not requested by the Board and are not being filed). Public Deliberation is scheduled and on the docket for Thursday, November 7, 2013 at 10:00 a.m., for which notice was sent on October 18, 2013. A copy of the Notice of Deliberation is enclosed.

Therefore, I am returning to you the enclosed documents which cannot be placed in the subject file nor become a part of the record in this matter, which was closed on October 17, 2013.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Acting Administrator

Enclosures: Correspondence received from Jessica Schuler
Notice of Deliberation

cc w/o enclosures:
J. Carroll Holzer, Esquire



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 15, 2013

RECEIVED
AUG 15 2013

BALTIMORE COUNTY
BOARD OF APPEALS

Leslie M. Pittler, Esquire
25 Wandsworth Bridge Way
Lutherville, Maryland 21093

RE: APPEAL TO BOARD OF APPEALS

Case No. 2013-0265-SPHA

Location: 6314 Falls Road

Dear Mr. Pittler:

Please be advised that an appeal of the above-referenced case was inadvertently forwarded to the Maryland State Office of Administrative Hearings who, in turn, forwarded it to the Baltimore County Office of Law. In any event, the appeal was eventually received in the Baltimore County Office of Administrative Hearings on August 7, 2013. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: ✓ Baltimore County Board of Appeals
People's Counsel for Baltimore County
Steven Broyles, 2022 Brown Road, Finksburg, MD 21048
Jessica Schuler, 6305 Falls Road, Baltimore, MD 21209
Pete Belitsos, 6302 Falls Road, Baltimore MD 21209
Mark Schlossberg, 1406 Shoemaker Road, Baltimore, MD 21209
Barbara Guarnieri, RRLRAIA, P.O. Box 204, Riderwood, MD 21139

APPEAL

Petitions for Special Hearing and Variance
(6314 Falls Road)
3rd Election District - 2nd Councilmanic District
Legal Owner: Kim Hammond
Case No. 2013-0265-A

- ✓ *Special Hearing and*
Petition for Variance (May 9, 2013)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (June 4, 2013)
- ✓ Certificate of Publication (June 13, 2013)
- ✓ Certificate of Posting (June 11, 2013) by Linda O'Keefe
- ✓ Entry of Appearance by People's Counsel (May 22, 2013)
- ✓ Petitioner(s) Sign-in Sheet - 1 page
- ✓ Citizen(s) Sign-in Sheet - 1 page
- ✓ Zoning Advisory Committee Comments

RECEIVED
AUG 15 2013

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioner(s) Exhibits -

- ✓ 1. Order in Case No. 86-256-A
- ✓ 2. Broyles Resume
- ✓ 3A & 3B Site Plans
- ✓ 4A & 4B Color photos mounted on boards (4A - 15 photos; 4B - 9 photos)

Protestants' Exhibits -

- ✓ 1. Black and White photos (3)
- ✓ Miscellaneous (Not Marked as Exhibits) - Correspondence
- ✓ Administrative Law Judge Order and Letter (GRANTED with Conditions - July 9, 2013)
- ✓ Notice of Appeal - August 7, 2013 from Jessica A. Schuler, President, The Valley Company

Address List

Petitioner:

Kim J. Hammond
6314 Falls Road
Baltimore, MD 21209

Leslie M. Pittler, Esquire
25 Wandsworth Bridge Way
Lutherville, MD 21093
(Attorney for Petitioner)

Steven K. Broyles & Associates
2022 Brown Road
Finksburg, MD 21048

Appellants:

The Valley Company
c/o Jessica Schuler, President
6305 Falls Road
Baltimore, MD 21209

Interested Persons:

Pete Belitos
6302 Falls Road
Baltimore, MD 21209

Mark Schlossberg
Pro-Law-Plus, Inc
1406 Shoemaker Rd
Baltimore, MD 21209

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdaile, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

APPEAL

**Petitions for Special Hearing and Variance
(6314 Falls Road)
3rd Election District – 2nd Councilmanic District
Legal Owner: Kim Hammond
Case No. 2013-0265-A**

Petition for Variance (May 9, 2013)

Zoning Description of Property

Notice of Zoning Hearing (June 4, 2013)

Certificate of Publication (June 13, 2013)

Certificate of Posting (June 11, 2013) by Linda O'Keefe

Entry of Appearance by People's Counsel (May 22, 2013)

Petitioner(s) Sign-in Sheet – 1 page

Citizen(s) Sign-in Sheet – 1 page

Zoning Advisory Committee Comments

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2. Broyles Resume
- 3A & 3B Site Plans
- 4A & 4B Color photos mounted on boards (4A – 15 photos; 4B – 9 photos)

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1. Black and White photos (3)

Miscellaneous (Not Marked as Exhibits) – Correspondence

Administrative Law Judge Order and Letter (GRANTED with Conditions – July 9, 2013)

Notice of Appeal – August 7, 2013 from Jessica A. Schuler, President, The Valley Company

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR



THOMAS E. DEWBERRY
CHIEF ADMINISTRATIVE LAW JUDGE

OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW BUILDING
11101 GILROY ROAD
HUNT VALLEY, MARYLAND 21031-1301

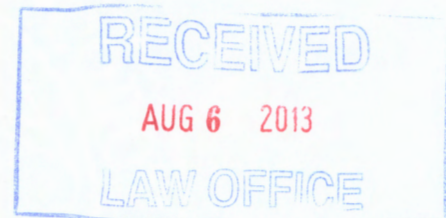
TEL: (410) 229-4100
TOLL FREE: 1-800-388-8805
WEB SITE: www.oah.state.md.us

FAX: (410) 229-4111
MD RELAY: 711

August 5, 2013

Office of Administrative Hearings for
Baltimore County
400 Washington Avenue
Historic Court House
Towson, Maryland 21204

Case No. 2013-0265-SPHA



Dear Sir/Madam:

The enclosed correspondence, Notice of Appeal and check were erroneously sent to the Maryland Office of Administrative Hearings at 11101 Gilroy Road, Hunt Valley, Maryland 21031. The enclosures were received on August 5, 2013.

I attempted to call Ms. Schuler at the number on the letterhead but received an automated message asking me for a "remote access code."

Sincerely,

Bernice M. Verner

C: Jessica A. Schuler, President
The Valley Company
6305 Falls Road
Baltimore, Maryland 21209

RECEIVED

AUG 07 2013

OFFICE OF ADMINISTRATIVE HEARINGS

8/5/13
IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
(6314 Falls Road), 3rd Election District
2nd Councilmanic District

Kim Hammond,
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* Case No. 2013-0265-SPHA

* * * * *

NOTICE OF APPEAL

The Valley Company, owner of the property located at 6305 Falls Road, Baltimore, Maryland 21209, by and through Jessica A. Schuler, President hereby files this Notice of Appeal requesting that the Office of Administrative Hearings and/or the Board of Appeals for Baltimore County review (1) the Petitioner's Request for Special Hearing pursuant to §500.7 of the Baltimore County Zoning Regulations and (2) Petitioner's Request for Variance, as each of the same was granted by John E. Beverungen, Administrative Law Judge for Baltimore County, pursuant to an Opinion and Order dated as of July 9th, 2013.

The name, address, and telephone number of the person making this appeal is as follows:

The Valley Company
c/o Jessica A. Schuler, President
6305 Falls Road, Baltimore, Maryland 21209
410-823-6666

Enclosed with the filing of this Notice of Appeal is a filing fee in the amount of \$530.00.

en 1268
8/2/13

Respectfully submitted,

THE VALLEY COMPANY

By: Jessica A. Schuler
Jessica A. Schuler, President

RECEIVED

AUG 5 2013

OFFICE OF
ADMINISTRATIVE HEARINGS

THE VALLEY COMPANY
6305 Falls Road, Baltimore, Maryland 21209
410-823-6666

Office of Administrative Hearings
11101 Gilroy Road
Hunt Valley, Maryland 21031

Re: *Notice of Appeal*
Case No. 2013-0265-SPHA

Dear Sir/Madam:

Enclosed please find a Notice of Appeal for the above captioned matter, together with a filing fee in the amount of \$530.00, made payable to Baltimore County, Maryland.

Should you have any questions or concerns please do not hesitate to contact me.

Sincerely,



Jessica A. Schuler

RECEIVED

AUG 5 2013

**OFFICE OF
ADMINISTRATIVE HEARINGS**

7/9/13
IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
(6314 Falls Road)
3rd Election District
2nd Councilmanic District
Kim Hammond
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2013-0265-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Leslie Pittler, Esquire on behalf of Kim Hammond, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) to approve an amended site plan for Case No. 85-256-A; and (2) to approve a modified parking plan for an existing parking facility. The Variance petition seeks relief from B.C.Z.R. as follows: (1) to approve a 10' side yard setback in lieu of 30'; and (2) reduction of 200' setback requirement for animal boarding places, kennels and pet shops in office, business and manufacturing zones pursuant to B.C.Z.R. § 421.2. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 3A and 3B.

Appearing at the public hearing in support of the requests was Steven Broyles, the engineer that prepared the site plans. Leslie Pittler, Esquire appeared and represented the Petitioner. Several citizens attended the hearing, and their concerns will be addressed later in this Opinion. Barbara Guarnieri, of Ruxton-Riderwood Lake Roland Area Improvement Association (RRLRAIA) attended the hearing and indicated her association took no position on the case. The file reveals that the Petition was advertised and the site was posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date

7/9/13

By

Den

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated June 18, 2013 and from the Bureau of Development Plans Review dated May 24, 2013. Both agencies noted that the parking facility has functioned effectively since 1986, and that while it does have deficiencies, no improvements were suggested.

The subject property is 0.9 acres in size and is zoned BR. The property has been an animal hospital for many years. A major addition was constructed in 1986, at which time the Deputy Zoning Commissioner approved a 10 ft. side yard setback (in lieu of 30 ft). See Order in case no.: 86-256-A, Petitioner's Exhibit 1. At present, the Petitioner proposes to construct a second story addition to accommodate a pharmacy, which Mr. Broyles indicated was mandated by federal licensing authorities. The footprint or ground floor area of the building will not increase.

At the hearing, two of the Petitioner's neighbors objected to the petition. Pete Belitsos, who owns 6302 Falls Road and Jessica Schuler, who owns 6305 Falls Road, both complained about the excessive noise from barking dogs and the inadequacy of parking on Petitioner's site. Photos were submitted showing that cars were parked in Petitioner's lot in a haphazard fashion, including in cross-hatched areas designating loading zones and such. See Protestants' Exhibit 1. It was abundantly clear from the testimony that there is a great deal of animosity between Petitioner and these neighbors.

While I have no doubt that the dogs boarded on the site make a great deal of noise (another neighboring owner, Mark Schlossberg at 1406 Shoemaker Road, confirmed this fact, and he also noted that the Falls and Shoemaker Road intersection was extremely crowded), I do not believe the petition can be denied on this basis. After researching this issue in some detail, it appears as if there exists a regulatory/enforcement vacuum with respect to noise generated by a

ORDER RECEIVED FOR FILING

Date

7/9/13

2

By

Sen

business. In 2012 (House Bill 190) the State of Maryland divested itself of enforcement authority for State noise pollution standards. Though State regulations (COMAR 26.02.03.01) do impose maximum allowable noise levels for industrial and commercial land, enforcement is the responsibility of local government, and at present the Baltimore County Code (BCC) addresses only "domestic noise," which by definition excludes noise associated with a business. BCC § 17-3-101 et. seq.

In addition, while the undisputed testimony was that the dogs are loud, there was no testimony or evidence presented showing that the noise levels rose above the 67 or 75 dBA (for commercial and industrial properties, respectively) provided by state regulations. As such, I do not believe this Petition can be denied on this basis.

The other issue concerns the parking facility for the Petitioner's business. Both the comments from the county agencies and the photos presented by Mr. Belitsos reveal that the parking arrangement is less than ideal. Notes 9 and 10 on the site plans (Petitioner's Exhibits 3A and 3B) indicate that a sufficient number of spaces exist which are paved and striped. Mr. Belitsos indicated he phoned the zoning office and was told that parking for an animal hospital must be provided at 4.5 spaces per 1,000 square feet, while the plan uses a 3.3 spaces ratio (i.e., "general office" category from B.C.Z.R. § 409.6). The B.C.Z.R. does not contain a category for veterinary hospital, and in 1986 the County applied a ratio of 3.0 spaces per 1,000 square feet. See Petitioner's Exhibit 1. Thus, I believe the 3.3 ratio is an appropriate one, and the zoning office did not make any comment to the contrary.

The real deficiency concerns the layout of the spaces, and the parking at the site is somewhat disorganized and chaotic. But at the same time, there was no testimony that customers of Petitioner's business would park at other locations across Falls or Shoemaker

ORDER RECEIVED FOR FILING

Date

7/9/13

By

Den

Roads. The site is bounded on three sides with dense vegetation that not only creates a visual buffer, but also creates an insular setting. To the extent parking deficiencies exist, they are contained within the Petitioner's site and do not spillover onto neighboring properties. As such, I will approve the modified parking plan pursuant to B.C.Z.R. §§ 409.12 and 409.8.B.1, which will essentially maintain the status quo at the site.

Based upon the testimony and evidence presented, I will also grant the request for variance relief, although it is not clear that such relief is required in the first instance. The 10' side yard variance was granted in case No.: 85-256-A, and such relief runs with the land. The 200' setback requirement imposed by B.C.Z.R. § 421 is arguably inapplicable given that the animal hospital was in existence before this regulation was adopted in 1967, and would qualify as a nonconforming use. Even so, I will consider this a Petition for Variance, as filed.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioner has met this test. The Petitioner must contend with site conditions that have existed for over 25 years, and thus the site is unique for zoning purposes. If the regulations were strictly enforced, the Petitioner would not be able to operate his business, which would clearly constitute a practical difficulty or hardship. Finally, I do not believe the grant of variance relief would endanger the public's health, safety and welfare.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 7/9/13

By pen

THEREFORE, IT IS ORDERED this 9th day of July 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) to approve an amended site plan for Case No. 85-256-A; and (2) to approve a modified parking plan for an existing parking facility, be and is hereby GRANTED.

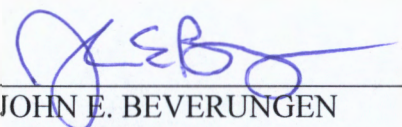
IT IS FURTHER ORDERED that Petitioner's request for Variance as follows: (1) to approve a 10' side yard setback in lieu of 30' ; and (2) to approve reduction of 200' setback imposed by B.C.Z.R. § 421.2, as shown on the site plan admitted as Exhibit 3A, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. 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 must submit to the Department of Planning for approval prior to issuance of building permits elevation drawings of the proposed veterinary pharmacy.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

7/9/13

By

sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 9, 2013

Leslie M. Pittler, Esquire
25 Wandsworth Bridge Way
Lutherville, Maryland 21093

RE: Petitions for Special Hearing and Variance
Case No.: 2013-0265- SPHA
Property: 6314 Falls Road

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Steven Broyles, 2022 Brown Road, Finksburg, Maryland 21048
Jessica Schuler, 6305 Falls Road, Baltimore, Maryland 21209
Pete Belitsos, 6302 Falls Road, Baltimore Maryland 21209
Mark Schlossberg, 1406 Shoemaker Road, Baltimore, Maryland 21209
Barbara Guarnieri, RRLRAIA, P.O. Box 204, Riderwood, MD 21139



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6314 Falls Road; Baltimore, MD 21209

which is presently zoned BR

Deed References: 6388/824

10 Digit Tax Account # 0319010875

Property Owner(s) Printed Name(s) Dr. Kim J. Hammond DVM

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve: an amended site plan for Case BCZR 85-256-A and under Section 409.12 B. approve a modified parking plan for an existing parking facility at the subject site as shown on Petitioners Site Plan to Accompany Zoning Special Hearing and Zoning Variance.

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. **X** a **Variance** from Section(s): BCZR 238.2 BR Zone Area Requirements Side and rear yard,
BCZR 409.3 Parking space dimensions,
BCZR 409.4 Access to parking spaces,
BCZR 409.6 Required number of parking spaces, 54 SPACES IN LIEU OF THE REQUIRED 60 SPACES
BCZR 409.8 Design standards,
BCZR 409.12 B. to approve a modified parking plan for an existing parking facility at the subject site as shown on Petitioners Site Plan to Accompany Zoning Special Hearing and Zoning Variance,
BCZR 421.2 Special regulations for animal boarding places, kennels and pet shops in office, business and manufacturing zones, 200' SET BACK REQUIREMENT
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
TO BE PRESENTED AT HEARING. SEE ATTACHED FOR ITEMIZED RELIEF

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Kim J. Hammond

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6314 Falls Road

Baltimore

MD

Mailing Address

City

State

21209

410-825-9200

/hammonddvm@aol.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Leslie M. Pittler

Name- Type or Print

Signature

25 Wandsworth Bridge Way;

Lutherville

MD

Mailing Address

City

State

21093

410-823-4455

leslaw2@verizon.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0265-SPH12 Filing Date 5/9/13

Do Not Schedule Dates: _____

Reviewer JCM

BCZR Case # 2013-0265-SPHA

Dr. Kim J. Hammond DVM

Falls Road Animal Hospital 2nd floor addition to existing building at
6314 Falls Road; Baltimore, Maryland 21209

**To determine whether or not the Zoning Commissioner should approve Baltimore County
Zoning Regulations Sections:**

Special Hearing:

1. BCZR 500.7 to amended site plan for Case BCZR 85-256-A
2. BCZR 409.12 B. to approve a modified parking plan for an existing parking facility
 - a. 4 existing onsite parallel parking spaces 7X21' in lieu of the required 7.5X21',
 - b. 6 existing offsite on street parallel parking spaces 7X19.66' in lieu of the required 7.5X21',
 - c. 8 existing onsite compact parking spaces 8.5X16' with 4 employee spaces blocked in lieu of the required 8.5X18' spaces,
 - d. 4 existing onsite parallel spaces 7X21' adjacent to 14 perpendicular spaces 8.5X18' with a 15' wide aisle in lieu of the required 22',
 - e. 8 existing offsite perpendicular spaces 8.5X18' that are leased on the adjacent property at 1406 Shoemaker Road within 287' of the subject building entrance,
 - f. 4 existing onsite standard parallel spaces 7.5 X 21' and
 - g. 17 existing onsite standard perpendicular spaces 8.5X18' for a total of
 - h. 61 existing spaces 1 space in addition to the 60 required spaces for the proposed addition.Note this existing parking configuration has functioned properly for Falls Road Animal Hospital since 1986.

Zoning Variance:

3. BCZR 23.2 BR Zone Area Requirements (deficient setbacks) 10' side yard in lieu of the required 30'.
4. BCZR 409.3 Parking space dimensions, allowing:
 - a. 4 existing onsite parallel parking spaces 7X21' in lieu of the required 7.5X21'
 - b. 6 existing offsite on street parallel parking spaces 7X19.66' in lieu of the required 7.5X21'
 - c. 8 existing onsite compact parking spaces 8.5X16' with 4 employee spaces blocked in lieu of the required 8.5X18' spaces;
5. BCZR 409.4 Access to parking spaces allowing existing
 - a. 4 existing onsite parallel spaces 7X21' adjacent to 14 onsite perpendicular spaces 8.5X18' with a 15' wide aisle in lieu of the required 22'
6. BCZR 409.6 54 parking spaces in lieu of the required 60 spaces in the event the existing 6 offsite on street parallel spaces on Shoemaker Road a private road are not allowed.
7. BCZR 409.8 A.5. Design standards, dead end bays to allow an existing dead end bay with existing 8' wide back up area.
8. BCZR 409.12 B. to approve a modified parking plan for an existing parking facility at the subject site as shown on Petitioners Site Plan to Accompany Zoning Special Hearing and Zoning Variance, that has existed since 1986.
9. BCZR 421.2 Special regulations for animal boarding places, kennels and pet shops allowed is in an office, business and manufacturing zone, either as a special exception or as a permitted use, any part of the use, including but not limited to exercise areas, septic systems, dog runs and parking areas, may not be located within 200 feet of the nearest property line or lease line. To allow the existing animal hospital, kennels and offices within 0' of the rear and side property lines, the existing animal hospital, kennels, offices and parking within 10' of the front or street property line, existing animal hospital, kennels, offices and parking within 12' of the side or private road property line, on street parking adjacent to side yard private road property line and the proposed 2nd floor addition for veterinary pharmacy within 10' of the side property line, 56' of the rear property line, 120' of the side private road property line and 69' of the front or street property line in lieu of the required 200'

STEVEN K. BROYLES & ASSOCIATES

ENGINEERS - LAND PLANNERS - SURVEYORS

2022 Brown Road - Finksburg, Maryland 21048

Phone 410-747-5500 - email stevenkbroyles@gmail.com

ZONING DESCRIPTION FOR

Falls Road Animal Hospital

6314 Falls Road; Baltimore, Maryland 21209

May 8, 2013

Beginning for the same at a point on the north west corner of the intersection of the west side of Falls Road MD Route 25 50 ft. of right-of-way width and the north side of Shoemaker Road a private Road 25 ft. width, said point of beginning POB having the Maryland State Coordinates 635,875.97 ft. North, 1,408,987.83 ft. East North American Datum NAD1983/1991, said point of beginning POB also being S77°04'50"W 26.98 ft. from the centerline of the intersection of Falls Road MD Route 25 and Shoemaker Road a private road.

Thence the four following courses and distances:

1. S49°28'56"W 200.00 ft. running and binding on the north side of Shoemaker Road a private Road 25 ft. width to a point, thence leaving said north side of Shoemaker Road
2. N35°01'04"W 200.00 ft. to a point, thence
3. N49°28'56"E 200.00 ft. to a point on the west side of Falls Road MD Route 25 50 ft. of right-of-way width, thence running and binding on the west side of the aforesaid Falls Road MD Route 25
4. S35°01'04"E 200.00 ft. to the point of beginning containing 39,816 sf. or 0.91 acres of land more or less.

Being the same parcel of land described in Deed dated April 20, 1982 and recorded in the Land Records of Baltimore County, Maryland in Liber 6388, Folio 824, which was granted and conveyed from Marvin H. Scham unto Kim J. Hammond.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No.14429, Expiration Date: May 9, 2015.

Steven K. Broyles PE, LS



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2013-0265-SPHA

Petitioner: KIM HAMMOND

Address or Location: 6314 FALLS RD., BALTO, MD. 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAME

Telephone Number: 410-825-9200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **098432**
 Date: **5/9/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 5/13/2013 5/09/2013 14:53:23

REG 0503 WALKIN RBOS LRD
 >>RECEIPT # 457091 5/09/2013
 Dept 5 528 ZONING VERIFICATION
 CR NO. 098432

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				770.-

Recpt Tot \$770.00
 \$770.00 CK \$0.00 CA
 Baltimore County, Maryland

Total: **770.-**

Rec From: **FALLS Rd Animal Hospital.**

For: **2013-0265-SPHA**

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **94611**

Date: **8-7-13**

PAID RECEIPT

BUSINESS ACTUAL TIME
8/09/2013 8/08/2013 12:09:15
REG W604 WALKIN SHIL SAH
>>RECEIPT # 582942 8/08/2013 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				530.00

5 528 ZONING VERIFICATION
CR NO. 094611
Recpt Tot \$530.00
\$530.00 CK \$0.00 CA
Baltimore County, Maryland

Total: **530.00**

Rec From: **Jessica A. Schuler, 6305 Falls Rd., #209**

For: **Appeal - Case No. 2013-0265-SHA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/13/2013

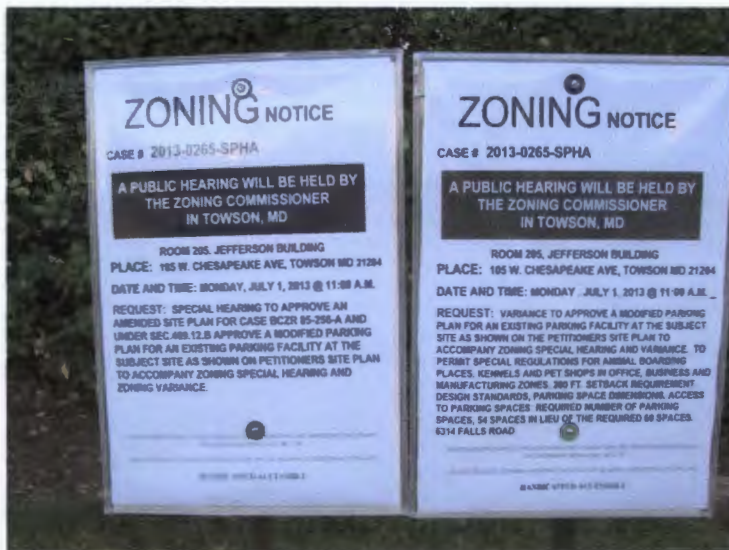
Case Number: 2013-0265-SPHA

Petitioner / Developer: LESLIE PITTLER, ESQ.~KIM HAMMOND

Date of Hearing (Closing): JULY 1, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6314 FALLS ROAD

The sign(s) were posted on: JUNE 11, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 13, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on June 11, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2013-0265-SPHA

6314 Falls Road

NW corner of intersection of the W/s Falls Road and N/s of Shoemaker Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Kim Hammond

Special Hearing to approve an amended site plan for case BCZR 85-256-A and under Sec. 409.12.B to approve a modified parking plan for an existing parking facility at the subject site as shown on Petitioners Site Plan to accompany Zoning Special hearing and Zoning Variance.

Variance to approve a modified parking plan for an existing parking facility at the subject site as shown on the Petitioners Site Plan to accompany Zoning Special hearing and Variance. To permit special regulations for animal boarding places, kennels and pet shops in office, business and manufacturing zones, 200 ft. setback requirement; design standards, parking space dimensions, access to parking spaces; required number of parking spaces, 54 spaces in lieu of the required 60 spaces.

Hearing: Monday, July 1, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 06/690 June 11

927371



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 4, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0265-SPHA

6314 Falls Road

NW corner of intersection of the W/s Falls Road and N/s of Shoemaker Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Kim Hammond

Special Hearing to approve an amended site plan for case BCZR 85-256-A and under Sec. 409.12.B approve a modified parking plan for an existing parking facility at the subject site as shown on Petitioners Site Plan to accompany Zoning Special Hearing and Zoning Variance. Variance to approve a modified parking plan for an existing parking facility at the subject site as shown on the Petitioners Site Plan to accompany Zoning Special Hearing and Variance. To permit special regulations for animal boarding places, kennels and pet shops in office, business and manufacturing zones, 200 ft. setback requirement; design standards, parking space dimensions, access to parking spaces; required number of parking spaces, 54 spaces in lieu of the required 60 spaces.

Hearing: Monday, July 1, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Leslie Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Kim Hammond, 6314 Falls Road, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 11, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 11, 2013 Issue - Jeffersonian

Please forward billing to:
Kim Hammond
6314 Falls Road
Baltimore, MD 21209

410-825-9200

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0265-SPHA

6314 Falls Road

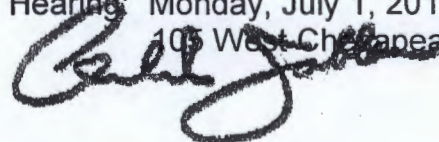
NW corner of intersection of the W/s Falls Road and N/s of Shoemaker Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Kim Hammond

Special Hearing to approve an amended site plan for case BCZR 85-256-A and under Sec. 409.12.B approve a modified parking plan for an existing parking facility at the subject site as shown on Petitioners Site Plan to accompany Zoning Special Hearing and Zoning Variance. Variance to approve a modified parking plan for an existing parking facility at the subject site as shown on the Petitioners Site Plan to accompany Zoning Special Hearing and Variance. To permit special regulations for animal boarding places, kennels and pet shops in office, business and manufacturing zones, 200 ft. setback requirement; design standards, parking space dimensions, access to parking spaces; required number of parking spaces, 54 spaces in lieu of the required 60 spaces.

Hearing: Monday, July 1, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182
September 3, 2013

NOTICE OF ASSIGNMENT

CASE #: 13-265-SPHA

IN THE MATTER OF: Kim Hammond – Petitioner/Legal Owner
6314 Falls Road /3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve an amended site plan for Case No. 86-256-A and to approve a modified parking plan for an existing parking facility;
Petition for Variance to approve a 10' side yard setback ilo 30'; reduction of 200' setback requirement for animal boarding places, kennels and pet shops in office, business and manufacturing zones.

7/9/13 Opinion and Order issued by the Administrative Law Judge wherein the above requested relief was GRANTED with restrictions.

ASSIGNED FOR:

THURSDAY, OCTOBER 17, 2013, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, *Baltimore County Code*.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

Krysundra "Sunny" Cannington
Acting Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Leslie M. Pittler, Esquire
: Kim Hammond

Protestants/Appellants

: The Valley Company c/o Jessica Schuler, President

Steven K. Broyles & Associates
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Pete Belitsos

Mark Schlossber/Pro-Law-Plus, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 18, 2013

NOTICE OF DELIBERATION

CASE #: 13-265-SPHA **IN THE MATTER OF:** Kim Hammond – Petitioner/Legal Owner
6314 Falls Road /3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve an amended site plan for Case No. 86-256-A and to approve a modified parking plan for an existing parking facility;
Petition for Variance to approve a 10' side yard setback ilo 30'; reduction of 200' setback requirement for animal boarding places, kennels and pet shops in office, business and manufacturing zones.

7/9/13 Opinion and Order issued by the Administrative Law Judge wherein the above requested relief was GRANTED with restrictions.

This matter having been heard on October 17, 2013, a public deliberation has been scheduled for the following:

DATE AND TIME: THURSDAY, NOVEMBER 7, 2013 at 10:00 a.m.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Krysundra "Sunny" Cannington
Acting Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: J. Carroll Holzer, Esquire
: Kim Hammond

Protestants/Appellants

: The Valley Company c/o Jessica Schuler, President

Steven K. Broyles & Associates
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Pete Belitsos

Mark Schlossber/Pro-Law-Plus, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 25, 2013

Kim Hammond
6314 Falls Road
Baltimore MD 21209

RE: Case Number: 2013-0265 SPHA, Address: 6314 Falls Road

Dear Mr. Hammond:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 9, 2013. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Leslie M. Pittler, Esquire, 25 Wands worth Bridge Way, Lutherville MD 21093

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 18, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6314 Falls Road

INFORMATION:

Item Number: 13-265

Petitioner: Kim Hammond

Zoning: BR

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan.

The information shown on the modified parking plan appears to be the existing condition on the site and is functional. It was noted that the existing parking configuration has functioned properly for the Falls Road Animal Hospital since 1986. The proximity of the buildings and the respective setbacks appear to be an existing condition as well.

It appears that the only proposed condition associated with this petition is the addition of a veterinary pharmacy on the 2nd floor of the northeastern most building. As such, the Department of Planning requests building elevations of the proposed veterinary pharmacy be submitted to this department for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated here in, please contact Krystle Patchak at 410-887-3480.

Prepared By:

Division Chief:
AVA/LL:cjm

RECEIVED

JUN 19 2013

OFFICE OF ADMINISTRATIVE HEARINGS

6/19/13
To WCR



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 18, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 6314 Falls Road

INFORMATION:

Item Number: 13-265

Petitioner: Kim Hammond

Zoning: BR

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

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It appears that the only proposed condition associated with this petition is the addition of a veterinary pharmacy on the 2nd floor of the northeastern most building. As such, the Department of Planning requests building elevations of the proposed veterinary pharmacy be submitted to this department for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated here in, please contact Krystle Patchak at 410-887-3480.

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0265-SPHA
Address 6314 Falls Road
(Hammond Property)

Zoning Advisory Committee Meeting of May 20, 2013.

 X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

JUN 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 27, 2013
Item No. 2013-0265

DATE: May 24, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

While the parking facility has many deficiencies, it appears to have functioned adequately. There are some improvements that could be made; absent any complaints, we see no reason to require them.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 13-0269-05272013.doc

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-22-13

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2013-0265-SPHA
Special Hearing Variance
Kim Hammond
4314 Falls Road.
MD25

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 5-20-13. A field inspection and internal review reveals that an entrance onto MD25 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance.
Case Number 2013-0265 SPHA.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
6314 Falls Road; NW corner of intersection	*	OF ADMINISTRATIVE
of W/S Falls Road, N/S Shoemaker Road	*	HEARINGS FOR
3 rd Election & 2 nd Councilmanic Districts	*	
Legal Owner(s): Kim Hammond	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2013-265-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

MAY 22 2013

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to Leslie Pittler, Esquire, 25 Wandsworth Bridge Way, Lutherville, Maryland 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County

Phone: 410-887-3180

Fax: 410-887-3182

To: Debbie/Chris

From: Sunny Cannington, Legal Secretary

Date: October 22, 2013

Re: In the matter of: Kim Hammond
Case No: 13-265-SPHA

Hi,

The attached is the recording from the above referenced case. The Board members who sat on this case are Andrew M. Belt, Chairman; Maureen E. Murphy, took exhibits; and Wayne R. Gioioso, Jr., operated CourtSmart.

I have enclosed a copy of the Address list for your convenience. It is my understanding that in addition to the individuals listed on the address list, Vernon Boozer, Esquire was in attendance. I am unsure who he represented.

Ms. Jessica Schuler of The Valley Company is requesting the transcript of the hearing. Her contact information is below.

Should you have any questions or problems, please do not hesitate to contact me.

Thank you.

Sunny

Sunny Cannington

The Valley Company
c/o Jessica A. Schuler, President
6305 Falls Road
Baltimore, Maryland 21209
410-823-6666

From: Krysundra Cannington
To: Leary, Christine
Date: 12/4/2013 3:32 PM
Subject: Re: Transcript - Foxleigh Enterprises

Thanks Chris,

Friday is great! I'll have it ready tomorrow.

I received a letter from Ms. Jessica Schuler with regard to the Kim Hammond matter. In addition to other inquiries, she asked about the transcript. Before I responded to her, I wanted to check with you. Has it been sent out yet?

Thank you for everything you do.

Sunny

>>> Christine Leary <crleary1@verizon.net> 12/4/2013 3:23 PM >>>

Sunny --

I can take it. But I won't be over for pick up until Friday. I'll cc Debbie on this e-mail.

Thanks!

Chris

On Wednesday, December 4, 2013 3:11 PM, Krysundra Cannington
<kcannington@baltimorecountymd.gov> wrote:

Debbie and Chris,

It seems like everything is getting appealed!

I have another case on appeal to the Court. It won't be ready for pick up until tomorrow morning. The hearing was approximately 2 hours long. The transcript will be due to me no later than January 21, 2014. (The County will be closed on 1/20/14)

Please let me know who wants to take this one.

Thank you!

Sunny



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 21, 2014

Jessica Schuler
Valley Company
Sunnyfields
6305 Falls Road
Baltimore, MD 21209

Re: In the matter of: Kim Hammond – Legal Owner/Petitioner
Case No: 13-265-SPHA

Dear Ms. Schuler:

We are in receipt of your letters dated February 14, 2014 and January 31, 2014. Please be advised that the Opinion and Order of the Board of Appeals has been issued and our file is therefore closed.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

/kc

JANUARY 31, 2014

VALLEY COMPANY
SUNNYFIELDS
6305 Falls Road
Baltimore, Md. 21209

RECEIVED
FEB 20 2014

BALTIMORE COUNTY
BOARD OF APPEALS

Governor Martin O'Malley
100 State Circle, State House
Annapolis, Maryland 21401-1925

Dear Governor O'Malley:

For nearly seventy years our family business flourished with reputation, honor and great success. Fourteen years ago this began to alter. I have done everything in my power to save my business and property.

Baltimore County, with help from Maryland State Government, very successfully ended all desire, hope and ability to continue. All properties are in the process of being sold, and the business will be closing.

Mr. Summers did see that I was notified that Baltimore County controlled all noise violations. Mr. Salak, agent for the Federal Justice Department, explained about the law of statute and how a violator could no longer be held responsible for the filth into the bay because of the time delay. After eleven years, I finally received copies of actual lost building permits. Everything became clearer.

As Captain of the helm, would you please have someone explain to me how a private business can advertise on Maryland television that the State of Maryland has selected them for honors, and a big Maryland State shield on their front door? What is the criterion or standard for selection?

Your prompt reply would be appreciated. I do want complete records. Once I have all my affairs in order, I will leave this state as quickly as possible. Having to listen to the catchy little jingle on the radio about dog poop in the rain water is too much.

Yours truly,

Jessica Schuler

Enclosure: Final Baltimore County Plea

Cc: Belitsos
Baltimore County

Pg. 2

February 14, 2014

On Feb. 1st, the long awaited final Opinion and Order was finally received from Board of Appeals, Baltimore County. On November 7, 2013, I had attended public Deliberation hearing, and proceeded for the sale of my properties.

The week of February 3, (last week), I was on planned trip to search for new home state. Thus, delay in this. Exactly two years ago I was before the senate with indisputable proof of criminal acts. The beat just keeps going. My resentment is forcing me to look so forward to moving. How appropriate with the motto. God help this little America in miniature.

I note in Opinion/Order that I must file Judicial Review by February 28. What a farce to waste the time.

A contract to purchase business property is contingent on, among other things, an environment study. If for any reason the sale is affected because of 6214 Falls Road, I shall hold Baltimore County and the State of Maryland responsible. Remember my lack of ability to lease spaces.

If the approved "must have pharmacy" (actually anything) is placed on the NO PERMIT, NO 10 ' set back VARIANCE (1986), NO MENTION, but actually built on ENCROACHED Property at 6322 40 foot new kennel mentioned on work permit that is attached, I shall return and contest before Baltimore County can pull another statute of limitation trick of justice. Serious implications over fourteen years were ignored, but accept.

Yours truly,

Jessica Schuler

ENCLOSURE : WORK PERMIT

ACTUAL BUILDING PERMIT

Krysundra Cannington, Acting Administrator

Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Cannington,

I am still awaiting the promised transcript from Christine Leary and a written opinion/order.



Jessica Schuler
Valley Company
6305 Falls Road
Baltimore, Maryland 21209
410-823-6666

December 3, 2013

Enclosure

INVOICE - LEARY
NOTICE OF DELIBERATION

RECEIVED

DEC 04 2013

BALTIMORE COUNTY
BOARD OF APPEALS

~~**RECEIVED**~~

~~NOV 04 2013~~

~~BALTIMORE COUNTY
BOARD OF APPEALS~~

RC

Sent.
12/3/13
Cery

CHRISTINE R. LEARY
LEGAL TRANSCRIPTIONIST
9529 Fox Farm Road
Baltimore, Maryland 21236
(443) 622-4898
crleary1@verizon.net

INVOICE

November 7, 2013

TO: The Valley Company
c/o Jessica A. Schuler, President
6305 Falls Road
Baltimore, Maryland 21209

IN THE
MATTER OF
KIM HAMMOND

Case No.: 13-265-SPHA

Hearing Date: October 17, 2013

To transcribe 120 pages @ \$3.00 per page = \$360.00

BALANCE DUE \$360.00

CR 1289
11/9/13

Checks should be made payable to Christine Leary.

This invoice is due and payable upon receipt.

Transcript will be mailed upon receipt of payment.

RECEIVED

DEC 04 2013

BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

NOV 04 2013

BALTIMORE COUNTY
BOARD OF APPEALS

RC

SENT
12/3/13



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

I had been told
at end of appeal
hearing on Oct. 17 that
written opinion/order
should be sent
by one month.
Jessica Schuler

Just what was
the purpose of
this?

October 18, 2013

NOTICE OF DELIBERATION

CASE #: 13-265-SPHA

IN THE MATTER OF: Kim Hammond – Petitioner/Legal Owner
6314 Falls Road /3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing to approve an amended site plan for Case No. 86-256-A and to approve a modified parking plan for an existing parking facility;
Petition for Variance to approve a 10' side yard setback ilo 30'; reduction of 200' setback requirement for animal boarding places, kennels and pet shops in office, business and manufacturing zones.

7/9/13 Opinion and Order issued by the Administrative Law Judge wherein the above requested relief was GRANTED with restrictions.

This matter having been heard on October 17, 2013, a public deliberation has been scheduled for the following:

DATE AND TIME: **THURSDAY, NOVEMBER 7, 2013 at 10:00 a.m.**

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Krysundra "Sunny" Cannington
Acting Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

Protestants/Appellants

Steven K. Broyles & Associates
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Pete Belitsos

: J. Carroll Holzer, Esquire
: Kim Hammond

: The Valley Company c/o Jessica Schuler, President

Mark Schlossber/Pro-Law-Plus, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

BALTIMORE COUNTY
BOARD OF APPEALS

DEC 04 2013

RECEIVED

Debra Wiley - Mail

From: Donna McCammon

To: Debra Wiley

Date: 8/7/2013 8:31 AM

Subject: Mail

Attachments: This E-mail was sent from "law6prt" (Aficio MP 3351).

RECEIVED

AUG 07 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Good Morning Deb,

Our office received the attached in yesterday's mail, which I think belongs to you. I'm sending the original to your attention via inter-office mail.

Donna

THE VALLEY COMPANY
6305 Falls Road, Baltimore, Maryland 21209
410-823-6666

Office of Administrative Hearings
11101 Gilroy Road
Hunt Valley, Maryland 21031

020

MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR



THOMAS E. DEWBERRY
CHIEF ADMINISTRATIVE LAW JUDGE

OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW BUILDING
11101 GILROY ROAD
HUNT VALLEY, MARYLAND 21031-1301

TEL: (410) 229-4100
TOLL FREE: 1-800-388-8805
WEB SITE: www.oah.state.md.us

FAX: (410) 229-4111
MD RELAY: 711

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(6314 Falls Road), 3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2nd Councilmanic District		
	*	HEARINGS FOR
Kim Hammond,		
	*	BALTIMORE COUNTY
Petitioner		
	*	Case No. <u>2013-0265-SPHA</u>

* * * * *

NOTICE OF APPEAL

The Valley Company, owner of the property located at 6305 Falls Road, Baltimore, Maryland 21209, by and through Jessica A. Schuler, President hereby files this Notice of Appeal requesting that the Office of Administrative Hearings and/or the Board of Appeals for Baltimore County review (1) the Petitioner's Request for Special Hearing pursuant to §500.7 of the Baltimore County Zoning Regulations and (2) Petitioner's Request for Variance, as each of the

SUNNYFIELDS
6305 FALLS ROAD
BALTIMORE, MD 21209

(410) 823-6666

JB 7-1-13
2013-0265-SPHA

July 4, 2013

Dear Mr. Bevernager,

Thank you for your attention on Monday, July 1st. I did receive my Tax Bills with the RAIN TAX, and am even more distraught.

Recalling the past thirteen years with the dog outhouse, referred to by Baltimore County as a "dog run"; that might or might not be a structure requiring permits or set backs or storm water run off and having to spend six years watching the filth and irreparable damage THEN having to pay this RAIN TAX (in addition to last years double FLUSH TAX) is impossible to be expected to accept. This is plus the so far unstoppable noise pollution of 13 years.

Now all Marylanders are being penalized, but a major violator wants to expand.

I failed to leave any pertinent papers or photos. I also found more to back up my statements in answer to Mr. Pittler's comment about "more hear say". All are copies, but I have originals.

Thank you again:
Jessica Schuler

Enclosure list attached

SUNNYFIELDS
6305 FALLS ROAD
BALTIMORE, MD 21209

(410) 823-6666

6/4/13

Enclosure list to attached J. Berenwanger letter

- SCHMIDT LETTER 2/12/2001
- AIR VIEW 8/12/2005
- HAMMOND LETTER 4/3/1987
ATTACHED TO MY MEMO 3/20/1987
- MESSENGER ARTICLE 7.27/2006
W/3 ATTACHED PHOTOS
OF KREZNER ACCIDENT
- THOMPSON LETTER 9/25/2006
W/HAMMOND ATTACHMENT
- SCHULER LETTER TO THOMPSON 10/6/2006
- TAX ASSESSMENT DECISION 2/2/2009
- SCHULER LETTER TO YOUNG 1/20/2012
- SCHULER LETTER TO O'MALLEY 3/9/2012
- SCHULER LETTER TO SUMMERS 5/6/2012
- SCHULER LETTER TO SCHENNING 6/25/2013
ATTORNEY U.S. JUSTICE
DEPARTMENT

FALLS ROAD ANIMAL HOSPITAL, INC. Veterinarian

DR. KIM J. HAMMOND
DR. DAVID W. POWERS
DR. BILL W. BENSON

6314 FALLS ROAD AT SHOEMAKER
BALTIMORE, MARYLAND 21209 (301) 825-9100

April 3, 1987

Jessica A. Schuler
6305 Falls Road
Baltimore, Md. 21209

Dear Ms. Schuler,

I was surprised to receive a letter from you. As you will recall, when I returned, I immediately came to see you and agreed to cooperate with you. I suggested that if you should be annoyed, call me and we would cooperate with you. You did not call me. We have kept a very close check on the dogs. I personally watched the dogs each day. None and I mean none were real barkers. They only bark when some one approached the cage. The shepards were Dr. Hammond's and they hardly ever bark unless people provoke them.

In your letter you stated that the dogs barked sporadically. Is that a crime. Should I complain that a delivery truck came to your door and gunned his motor much louder than a dog. Should I say also that you are across a street 170 feet away and have a brick wall between you and our outside run. We have 100 to 300 dogs barking in our kennel and we cannot hear the dogs through the brick building. For you to hear the dog you have to stand outside.

I promised you and I kept that promise, that I would not put barking barkers outside. I do not feel that you should be so upset by an occasional bark.

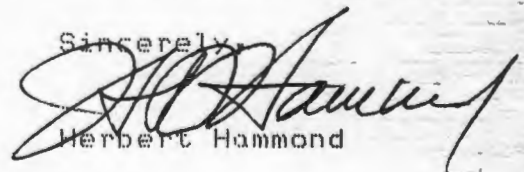
I have installed a listening device at the distance you are from us with no wall between, and shall hear what you could hear. So far the cars and trucks passing are as high as the occasional bark.

We want to be friends of yours, we are already customers and have known your family for years. I do not believe it is a crime for an occasional bark. I do agree with you that the original dog which aroused your procreation was a real pest and should not have been put out. That kind of dog will not be out and as I said, I will record from time to time to make sure that there is no constant barking.

Silence I cannot guarantee. Neither can the hundreds of trucks and cars which barrel past here every day with roars louder in decibels than dogs.

Please don't write. Call me. We want to cooperate and we will.

Sincerely,



Herbert Hammond

TO Mr. Hammon
Falls Road Animal Hospital
6314 Falls Road
Baltimore, Maryland 21209

Sunnyfields Interiors, Inc.

6305 FALLS ROAD
BALTIMORE, MARYLAND 21209
Phone: VALley 3-6666

SUBJECT: Dear Mr. Hammon

DATE: 3-20-87

FOLD -

You asked me to notify you when the noise from barking dogs was offen-
sive again. On Monday or Tuesday a shepard barked sporadically. Wednesday
and Thursday two huge dogs barked the entire day. This morning we are be-
ing serenaded by a sheep dog type. Jean Trout, owner of The Mitre Box, and
I honored your request in 1984, to sign a petition for you to "enclose your
kennels". Now we would greatly appreciate if you would respect your neighbor's
feelings, rights, and well-being.

PLEASE REPLY TO → SIGNED

Yours truly,

Jessica A. Schuen

DATE

SIGNED

SEND WHITE AND PINK COPIES WITH CARBONS INTACT. PINK COPY IS RETURNED WITH REPLY.

DETACH THIS COPY - RETAIN FOR ANSWER

Veterinarian fights redevelopment plan

BY BRANDON DUDLEY

The owner of Falls Road Animal Hospital in Bare Hills has appealed a ruling allowing redevelopment of an old office building and warehouse space into a doctor's office, a cafe and a warehouse.

Dr. Kim Hammond said redevelopment of the neighboring property on the corner of Falls and Shoemaker Roads could make an accident-prone stretch of road even more dangerous. The property is owned by Peter Belitsos and his parents Kathryn and Nicholas Belitsos of Lutherville.

There is also a dispute over who has rights to Shoemaker, a privately owned road in Baltimore County that borders the proposed development site and the animal hospital. Both sides claim access rights.

Hammond said that while he believes the addition of the new offices and cafe would be positive for the area, the section of Falls Road frequently has "careening, head-on accidents where people have to be cut out of their cars."

Cutting a new access point out to Falls Road from the development site, planned in the initial proposal for the property, would cause even more danger, he said. Shoemaker Road should also be widened to make it safer, he said.

"I'm more than happy to see this guy there. But I'm not going to get anybody killed, let alone my clients," Hammond said.

The lawyer for the Belitsos family, former state senator Vernon Boozer, said they have received no word from government agencies that the traffic situation would be unsafe.

"If (Hammond) felt that, he could have certainly produced a traffic expert," Boozer said. "He presented no traffic expert to prove that that was the case."

Neither Hammond nor the Belitsos family presented traffic experts at a July 29 county zoning hearing requesting variances.

Peter Belitsos, whose parents bought the property seven years ago, said that Hammond is being

unreasonable.

"It's not very neighborly like, since we've been so nice to him, allowing him to park on our lot for seven years," he said.

Belitsos did not return repeated calls for further comment about the issue. Nicholas Belitsos, a gastrointestinal physician who practices on Osler Drive, did not return a phone call seeking comment.

Hammond, however, said Peter Belitsos did not let him park on his lot and that it was beside the point.

"I say when you tell someone we're talking about life and death issues and they say it's not neighborly," that doesn't make sense, he said.

When the lot was abandoned, people from around

the community parked there, but Belitsos placed "No Parking" signs on the lot and had violators towed, Hammond said. He said neither he nor any of his employees were ever towed, because they did not violate the parking rule.

E-mail Brandon Dudley at bdudley@patuxent.com.

'...I'm not going to get anybody killed...'

Dr. Kim Hammond

MR. BEVERUNGEN

PLEASE SEE 3 PHOTOS OF ACCIDENT IN 2008. RAY KREMZNER DIED THE NEXT YEAR FROM INJURY.

NOTE: BOTTLE NECK FROM CARS COMING DOWN SHOEMAKER ROAD AND CARS PULLING OUT OF FALLS ROAD ANIMAL HOSPITAL. THIS HAS GONE ON FOR YEARS AND ONLY GETS WORSE

2-3

— NOT TRUE

I FURNISHED PHOTO THAT SHOWED ANIMAL VAN PARKED THAT WAS USED IN HAMMOND/BELITSO TRIAL IN DISTRICT COURT IN NEIGHBOR OF 2011. NEVER RETURNED, BUT HAVE NEGATIVE.

2-3

County appeals board rejects Bare Hills plan

The Baltimore County Board of Appeals has rejected a proposal by a Towson doctor to redevelop a vacant house and warehouse off Falls Road in Bare Hills.

Dr. Nicholas Belitsos, a gastrointestinal physician, had plans to relocate his practice to the warehouse, just south of Shoemaker Road, and open a cafe in the two-story house.

Dr. Kim Hammond, who owns the nearby Falls Road Animal Hospital, opposed Belitsos' plans, citing traffic concerns. Hammond also disputed whether Belitsos had the right to use an unnamed access road.

The county Board of Appeals rejected Belitsos' proposal July 12. His attorney, Vernon Boozer, said his client will wait for a written decision before deciding if he will appeal the case to Circuit Court.

— Kim Dorn

Baltimore
Serving the city's northern neighborhoods
MESSENGER

ATTACHED:
3 PICTURES
OF KREMZNER
ACCIDENT IN 2008



**Department of Permits and
Development Management**

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us



Baltimore County

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

September 25, 2006

Leslie Pittler, Esquire
25 Wadsworth Bridge Way
Lutherville, Maryland 21093

Re: Case No. 06-4773
6314 Falls Road

Dear Mr. Pittler:

In response to your client's letter regarding the above referenced property, the hearing originally scheduled for September 27, 2006 has been postponed. The new hearing date will be October 24, 2006, at 9:00 a.m. in Room 116 of the County Office Building.

Dr. Kim Hammond's landscaper will likely have the opportunity to complete the project prior to the new scheduled hearing date. Please contact Inspector Alphonso Griffin once planting has been completed.

If further questions remain, please contact this office at 410-887-3351.

Sincerely,

A handwritten signature in black ink, appearing to read "J. H. Thompson", written over a large, stylized circular flourish.

James H. Thompson, Supervisor

JHT/lmh

C: Jessica Schuler, 6305 Falls Road, Baltimore, MD 21209
Inspector Alphonso Griffin

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



Printed on Recycled Paper

~~26-5314~~
C6-4773

FALLS ROAD ANIMAL HOSPITAL
24 Hour Emergency Shock Trauma

KIM J. HAMMOND, D.V.M., M.B.A.

6314 FALLS ROAD
BALTIMORE, MARYLAND 21209 (410) 825-9100

Dear Mr Griffin, I am writing you about your notice. There was always a hedge there. Some overzealous neighbors caused the demise of it. I plan to again put up a hedge in front of it as soon as my landscaper returns from Thailand and feels the climate is right for replanting. Thank you, Kim Hammond DVM MBA

Kim Hammond

SUNNYFIELDS
6305 FALLS ROAD
BALTIMORE, MD 21209

(410) 823-6666

October 6, 2006

James H. Thompson, Supervisor
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Thompson:

I received a copy of your letter to a Leslie Pittler, and an attached half letter copy, undated. Neither makes any sense. I understand Leslie Pittler was a lawyer for Baltimore County for a number of years, but is now a member of Maryland's Department of Housing & Community Development. I question the propriety of legal representation. I am quite aware of 6314 Falls Road, having taken noise recordings and pictures for the last six years since a parking lot and structure were put there without building permits. The impact and hardships have also been documented.

It took four years but finally, in 2004, Hanna Sacks, the Baltimore County Constituent Representative, did visit. It was her suggestion to go again for copies of building permits and to protest the graffiti sign. I also pointed out inner caging that had been added and disgusting runoff.

Joan McMahon and Natalie Smolkin went on my behalf to 111 W. Chesapeake Avenue. No building permits, the last recorded in 1990. Craig McGraw took a look at pictures of the sign and said he would never issue a sign permit. In 2005, Peter Belitsos, Falls Road business neighbor, also attempted to obtain a copy of the building permit – unsuccessfully. That's four people in five years requesting access to public records (permit(s) for 6314 Falls Road).

This is not about a hedge. To see what has happened to "the one that was always there" and other development just look at views <http://bamaps/coba.md.us/zoningMapFrame.htm> over the years. I also have numerous pictures from different views.

James H. Thompson, Supervisor
October 6, 2006
Page 2

The issues are an illegal sign on an illegal structure and parking lot that all lacked proper permits; lack or inaccessibility of such permits and records; related question and payment of tax liability; impact on environment and neighboring properties and businesses; and Baltimore County's motive and excuse for such flagrant dereliction of responsibility.

Yours truly,

Jessica Schuler

Cc: Mary Ellen Morrison
Maryland Department of Business & Economic Development

Councilman Kevin Kamenetz

Director, Maryland State Department of Assessments and Taxation



STATE OF MARYLAND
Property Tax Assessment Appeals Board
Baltimore County

Hampton Plaza
300 E. Joppa Road, Suite 404
Towson, Maryland 21286

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor
Kent T. Finkelsen
Administrator
Julie M. Greene
Executive Associate

February 2, 2009

Jessica Schuler
Valley Company
6305 Falls Road
Baltimore, MD 21209

Appeal Number: 08-1337
Account Number: 090922000800

TWO DAYS BEFORE THIS HEARING
IN LATE JANUARY, PETE BELTSON
AND KIMIE HAMMOND WERE IN A
SHOOTING MATCH ON SHOEMAKER RD.
WITH TWO POLICE OFFICERS WATCHING
BECAUSE PETE HAD HAD AT LEAST
2 VEHICLES TOWED (1 THE FALLS RD
ANIMAL VAN) FROM HIS PROPERTY
SURE WISH I HAD MORE FILM.
THIS IS BECOMING A SAGA.

J.S

ORDER

I HEREBY CERTIFY THAT THE PROPERTY TAX ASSESSMENT APPEALS BOARD HAS CONSIDERED THE ABOVE NUMBERED CASE AND HAS RULED THAT THE DETERMINATION BY THE DEPARTMENT OF ASSESSMENTS AND TAXATION IS HEREBY: **REVERSED** and a reduction of \$40,500.00 has been made on the land and \$31,400.00 on the improvements for tax year beginning 7/1/08. The full cash value will be as follows:

Land - \$ 364,200.00

Imps. - 281,700.00

\$ 645,900.00

Memorandum of Grounds for Decision – Reduction reflects economic obsolescence allowance on improvements due to very negative influence of adjacent property and adjustment on land for sewage back-up and run-off of waste from adjacent property.

P.S. Johnson
Clerk to the Board

cc: Department of Assessments

NOTICE: Under the provisions of the Tax-Property Article, Section 14-512 of the Annotated Code of Maryland, you have the right to appeal the above order to the Maryland Tax Court, 301 West Preston Street, Suite 1513, Baltimore, Maryland 21201. Your appeal must be filed in the Maryland Tax Court within thirty (30) days from the date indicated above. Should you have questions concerning the filing of your appeal, you may contact Maryland Tax Court at 410-767-4830. You may obtain further information about Maryland Tax Court by visiting their website: www.txcr.state.md.us

Telephone 410-321-3675 • FAX 410-321-2019
MRS (Maryland Relay Service) 1-800-735-2258 (TT/VOICE)
www.ptaab.state.md.us

VALLEY COMPANY
6305 Falls Road
Baltimore, MD 21209
410-823-6666

January 20, 2012

Mr. Robert Young, Director
Department of Assessments and Taxation
300 West Preston Street, Room 605
Baltimore, Maryland 21201

Dear Mr. Young:

This is another attempt to be concise. In the fall of 2000, a parking lot and a large structure were constructed at 6314 Falls Road. Drainage from a pipe ran directly onto the parking lot of Cox Kitchens. Their call to Baltimore County Health Department found that NO PERMITS had been obtained. Loud dog barking was affecting my business and I began calls and letters to Baltimore County.

Against all logic and believability, we were told that a permit was issued the following year. Drainage changed course, around the structure from the south and then onto Falls Road. Noise continued, and does periodically to this day.

In 2001, The Maryland Department of the Environment issued noise violation to 6314, and I was told noise would not be allowed during business hours.

In 2005, after repeated warnings of environmental concerns and actual damage, Mr. Frank Ciurca, Maryland Department of the Environment, inspected 6314. This only happened because another neighbor, Pete Belitsos, was being visited by a Baltimore County building inspector, and Mr. Belitsos lead the inspector down to stand in the run off from 6314. My son joined them and then called the state. One year later, by October of 2006, plumbing was completed and direct flowing in to the Jones Falls finally appeared to cease. That is six long years.

Regina Bello, owner of The Monogram Shop called Baltimore County about signs and especially noise. She is my highest paying rental, and someone better start listening.

It took me nine years to be able to testify before caring, intelligent people and receive positive results, from Property Tax Assessments Appeals Board.

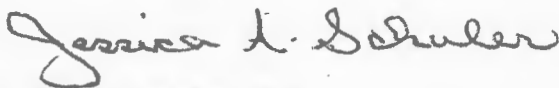
On November 16, 2011 --- eleven years --- again I was listened to in a district court, submitting truth and evidence to real humans who looked and listened. I am not about to stop seeking justice, answers, transparency, accountability and an end to this disgrace.

This has hardly been a silent killer, with only run off into the bay. Visible resulting damage to plant life and erosion to paved areas were very obvious. And let us not forget excessive decibel levels.

Your advice about Mr. Swamm's office is greatly appreciated. THAT has been the purpose of all my letters and effort for twelve years. Who possibly could have allowed this to begin, and what tax liability has been and is being collected? I have been informed of many things, but never received a few very simple things that should have been produced by law, not courtesy.

It had been a state agency, Maryland Department of Environment, two divisions that accomplished some results. I know all about Baltimore County Government, but thanks.

Sincerely,



Jessica A. Schuler

cc: Justice Department

BEUTSO-
HAMMOND

VALLEY COMPANY
6305 Falls Road
Baltimore, MD 21209
410-823-6666
March 9, 1212

Governor Martin O'Malley
100 State Circle, State House
Annapolis, Maryland 21401-1925

Dear Governor O'Malley:

On February 14th, I testified against Bill 240. This was the perfect venue to provide proof of flush pollution violations and correct wrong. I love this state for its history and natural wonders and resent what has been allowed to happen. My values and ethics may be old fashioned and outdated but some things must be guarded.

I grew up in a manor house on the Patapsco River dating back to 1780. It is on the Maryland Trust and the National Historic Trust. My mother began a business there in 1947. She decorated the Governors House in Annapolis for both McKeldin and Tawes as well as the first restaurant at Friendship Airport (now BWI). When housing developments sprang up all over the country after WWII, she decorated the first model home at Harundale and then Dickeyville, all of Rouse's model homes and most of the Baltimore Symphony Show Houses.

The business moved to Falls Road in Baltimore County in 1958, a perfect location on a beautiful scenic route and major artery just north of Baltimore City but 2 miles within the beltway. This was idyllic until 1984 and especially 2000 with the illegal construction of a dog outhouse and parking lot. I believe I deserved to be listened to because of waste runoff into the Chesapeake Bay for six years.

You and your retinue spoke for nearly two hours and I listened carefully. At one point three people or titles I had contacted sat at the same table – Sierra Club, Attorney General Gansler's office and the Maryland Department of the Environment (numerous times). An hour after your group left, I had my three minutes. Senator Conway had made it clear that time was now an issue. The 30

pictures I passed around had been taken in 2004 while Falls Road was being repaved over a period of time. They clearly showed the waste run off going downhill into the first storm drain feeding directly into the Jones Falls, Robert E. Lee Park, Lake Roland, through Baltimore City to the inner Harbor and out to the Bay. There is no question of where this began or the damage to the habitat.

The 25 copies of certified letters over an eleven year period proved of my pleas, warnings and attempts to stop this debacle that had begun in 2000, with NO building permits. No one questioned or showed any concern, much less outrage or disgust. Not then or in the three weeks since.

Just what is the purpose of the Bay Restoration Fund and the hearings held in Annapolis? They are about as effective as Baltimore County Permits and Development Management, with its Code and Enforcement Division. A county rookie sign inspector just "could not understand " why some of us wanted some integrity and conformation.

Will you please have someone contact me with answers? I also need help as soon as possible to maintain a business and rental leases. Baltimore County told a tenant they can do nothing about barking noise pollution. David Jurinko, MDE noise control issued a violation in 2001 and said there would be no noise during business hours. That was before the pollution producing operation tripled in size. I have called John Hill, present MDE noise control twice but he has not responded. I must have an income to survive and the ability to pass on a generations old family establishment.

Yours truly,

Jessica A Schuler

C: Justice Department

Baltimore County Council Chair Vicky Almond

Enc: Young letter

VALLEY COMPANY
6305 Falls Road
Baltimore, MD 21209
May 6, 2012

Robert M. Summers
Maryland Department Of The Environment
Baltimore, Maryland 21230

Dear Mr. Summers,

Thank you for your letter of April 19, 2012. I tried to call you the following week, but was told that you would be away for a week or two. Mr. Sakai was not too aware. He did let me know that you had been at the hearing in Annapolis on Feb. 14, and also stated that "The MDE often saw numerous pollution pictures of no consequence".

You referred frequently to stormwater. Animal urine and feces waste water wash off into the closest storm drain is what I have, am, and always will talk about. This began in 2000.

You also mentioned a new law in 2007. There already were very stringent laws, regulations and permit requirements in place in 2000.

After testifying in Annapolis about Bay Restoration Bill 240, I left feeling I had wasted a lot of my time, effort and money. After waiting three weeks for just an iota of care or concern, I realized that no one really was interested in the water; but only a money maker to raise tax income. How stupid and gullible of me.

The blown up pictures of the pollution that no officials cared to see have been beneficial to me. A customer suggested that I contact a Mrs. John Slade. The family had owned Henry W. Jenkins & Sons, Funeral Directors Since 1799. Because of demographics they built a mortuary in Monkton, Baltimore County, starting in the early 2000s. Delays, regulations and costs to comply exceeded the expense of the new building. She eventually had to sell the practice.

6314 Falls Road by passed everything by simply enlarging a parking lot and constructing an outhouse with no permits or regulations. When caught they only had to wait a month or two to receive the permit from Baltimore County to forget studies, set backs, protections, impacts, really anything, until caught again. The filth dumped down the storm drain was only a little diluted water under the bridge for six years.

Government may not care, but I do and will not accept this odious dilemma until there is disclosure, transparency and relief. Barking dogs do not help. My traders tax escalated drastically, but income continues to diminish. A very large property tax will be due in two months, but my ability to lease a space has been impossible because of the noise pollution.

Yours truly,

Jessica A Schuler

C: Justice Department

Baltimore County Council Chair Vicky Almond

Governor Martin O'Malley

SUNNYFIELDS
6305 FALLS ROAD
BALTIMORE, MD 21209

(410) 823-6666

June 25, 2013

Stephen M. Schenning
United States Assistant Attorney
District of Maryland
Northern Division

Dear Mr. Schenning,

On July 3, 2012, you guided me to Agent Dan Salak about dog kennel pollution (water ways). He was prompt in reply and very courteous and kind. My youngest son was critically ill and did pass away. Agent Salak was patient and did come this spring. Although I did regret the answer about Law of Statute and the inability to act or punish after too many years, his advice and professionalism were greatly appreciated.

I now seek help about noise pollution from the same kennel. This has been a problem since a structure was built in 2000 with no building permit. Unlike the sewage that finally was stopped in 2006, this has been chronic and ever returning.

On July 28, 2001, David Gerinico, the noise control officer from the MDE, issued a noise violation citation. In a letter dated April 19, 2012, from MDE Secretary Robert Summers, it stated that the Baltimore County Police Department was responsible for enforcing noise ordinance per code.

When the noise became really loud this spring, I called the Towson precinct on April 23rd. An officer Park seemed to try, but failed to find any rules or laws for commercial areas. I also called my district council office (Almond) and was told by an aide named Steve that "there was nothing they could do, and that they had already tried." Sam Motley, liaison to Baltimore County, has also been contacted.

It is very difficult for me to understand or accept how many laws have been ignored or broken and the amount of various pollution to occur with little or no care from government officials.

Please,
Jessica Schuler

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Martin O'Malley Governor
 Anthony G. Brown Lt. Governor
 Robert M. Summers Secretary

Volume V, Number 2

May 2012

A sound approach to noise that annoys**By Matthew Rowe, Science Services Administration****To eMDE Cover**

A revised framework for enforcing noise standards is designed to lead to swift responses to complaints.

Under House Bill 190, which was signed into law by Governor O'Malley, enforcement authority for state noise pollution standards will rest with local governments starting Oct. 1. This approach mirrors the delegation agreements MDE has had with some local governments – and is designed to allow citizen noise complaints to be addressed more efficiently and cost-effectively.

A 1974 Maryland law set statewide environmental noise standards and established MDE's predecessor, the Office of Environmental Programs in the Department of Health and Mental Hygiene, as the lead for implementing and enforcing noise standards. It also allowed for local jurisdictions to adopt noise control ordinances, rules or regulations and established committees to review noise controls and consider revisions.

Historically, MDE had an inspector on staff to respond to and investigate noise complaints. In 2004, legislative action defunded MDE's noise control program, limiting the Department's enforcement capability. MDE then provided local governments with limited technical support and training to enforce the state noise standards. MDE also entered into delegation agreements with Anne Arundel and Harford counties, providing those jurisdictions with full enforcement authority.

Local governments can respond to noise complaints more rapidly than a state agency. Police or other local government agencies can enforce standards. And local jurisdictions, through planning and zoning provisions, can help prevent noise conflicts from arising. As a result, MDE worked with the General Assembly this year to legally transfer noise enforcement authority to local governments statewide.

The 2012 noise legislation retains Maryland's noise standards. Those standards set limits based on land use and time of day. For instance, the daytime limit for residential areas is 65 decibels.

**Maximum Allowable Noise Levels (dBA)
for Receiving Land Use Categories**

Day/Night	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

The regulation exempts such activities as lawn care, snow removal and the normal use of household tools during the day.

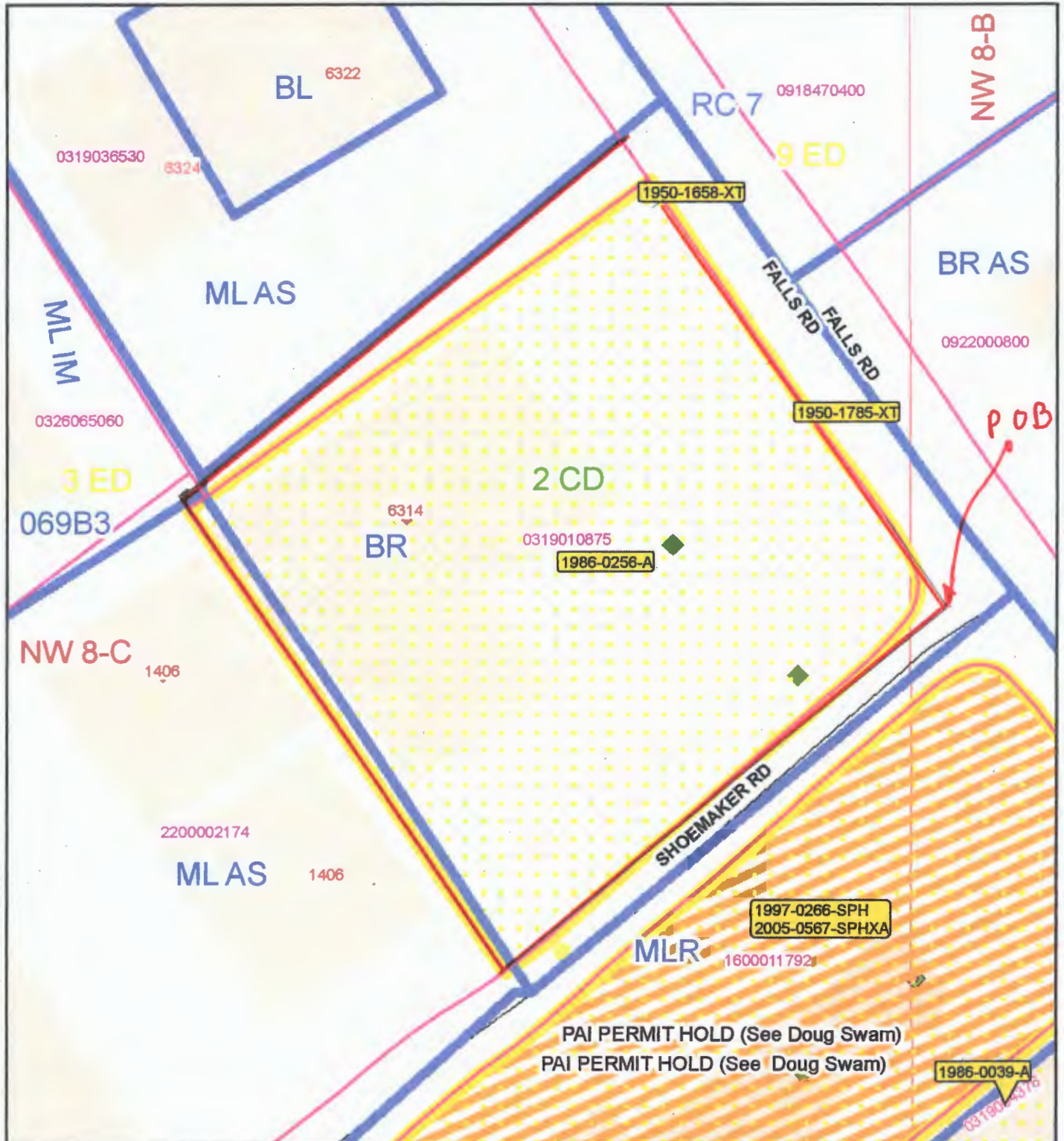
The new law also retains MDE's authority for updating these standards using current scientific and public health data. Local governments no longer need a formal delegation agreement from MDE and may adopt noise standards at least as stringent as existing standards. The law abolishes the state-level noise council and committee that had outlived their purpose.

The changes to Maryland statute are designed to allow citizen noise complaints to be more efficiently and cost-effectively addressed. MDE plans to conduct statewide outreach this summer and continue to provide local jurisdictions with limited technical support and training. Sound measurements and documentation are critical for resolving noise complaints. Citizens can assist during this transition by contacting their local leaders regarding the public health benefit of noise standard enforcement.

[Contact the Office](#) | [Accessibility](#) | [Privacy Notice](#)

MDE 1800 Washington Boulevard, Baltimore, MD 21230 | (410) 537-3000

6314 Falls Road



Publication Date: 5/7/2013



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 03 Account Number - 0319010875

Owner Information

Owner Name: HAMMOND KIM J **Use:** COMMERCIAL
Mailing Address: 6314 FALLS RD **Principal Residence:** NO
BALTIMORE MD 21209 **Deed Reference:** 1) /06388/ 00824
2)

Location & Structure Information

Premises Address **Legal Description**
6314 FALLS RD .92 AC
BALTIMORE MD 21209-2013 SWS FALLS RD
NW COR SHOEMAKER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0069	0021	0425		0000				1	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	11472	40,075 SF	06

Stories **Basement** **Type** **Exterior**
RETAIL STORE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	400,300	400,300		
Improvements:	591,100	713,500		
Total:	991,400	1,113,800	991,400	1,032,200
Preferential Land:	0			0

Transfer Information

Seller: SCHAM MARVIN H	Date: 04/26/1982	Price: \$200,000
Type: ARMS LENGTH IMPROVED	Deed1: /06388/ 00824	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Hammond -
CASE NAME 6314 Falls Rd.
CASE NUMBER 2013-265 SPHA
DATE 7-1-2013

[illegible]

CASE NAME 6314 Falls Rd.
 CASE NUMBER 2013-265 SPHA
 DATE 7-1-2013

[illegible]

Case No: 13-245- Case Name: In Matter Kim Hammond
SPHA. Exhibit List

Party: Protestants Date: 10/17/13

Exhibit No:	Description:
✓ 1	Photo of 6305 Falls Rd.
✓ 2	3/20/87 Shulet letter to Petitioners
✓ 3A-G	Photos Ambulance / truck
✓ 4	Belitso's Video
	VERIFIED BY <u>KAC</u> DATE: <u>10/18/13</u>



6305 FALLS RD



ANIMAL HOSPITAL

1950's



10/17/13

Case

13-

265

SPHA

In the matter
Kim Hammorel

Prot Ex: 1

TO Mr. Hammon
Falls Road Animal Hospital
6314 Falls Road
Baltimore, Maryland 21209

Sunnyfields Interiors, Inc.

6305 FALLS ROAD
BALTIMORE, MARYLAND 21209
Phone: VALley 3-6666

SUBJECT: Dear Mr. Hammon

DATE: 3-20-87

FOLD-

You asked me to notify you when the noise from barking dogs was offen-
sive again. On Monday or Tuesday a shepard barked sporadically. Wednesday
and Thursday two huge dogs barked the entire day. This morning we are be-
ing serenaded by a sheep dog type. Jean Trout, owner of The Mitre Box, and
I honored your request in 1984, to sign a petition for you to "enclose your
kennels". Now we would greatly appreciate if you would respect your neighbor's
feelings, rights, and well-being.

PLEASE REPLY TO →

SIGNED

Yours truly,

Jessica A. Schuler

FOI D

TE

SIGNED

SEND WHITE AND PINK COPIES WITH CARBONS INTACT. PINK COPY IS RETURNED WITH REPLY.

DETACH THIS COPY - RETAIN FOR ANSWER

10/17/13

Prot 2

Case 13-265-SPHA

In matter Kern Hammond





Krysundra Cannington - Re: Parking video with dog barking.

From: Peter Belitsos <peterbelitsos@gmail.com>
To: <appealsboard@baltimorecountymd.gov>, <jcholzer@cavtel.net>, "Isaac M. N...
Date: 10/17/2013 6:18 PM
Subject: Re: Parking video with dog barking.

Video one was at 1:19 pm Sept. 19, 2013

Video two with the mural guy is on August 9th, 13 at 11:36 AM

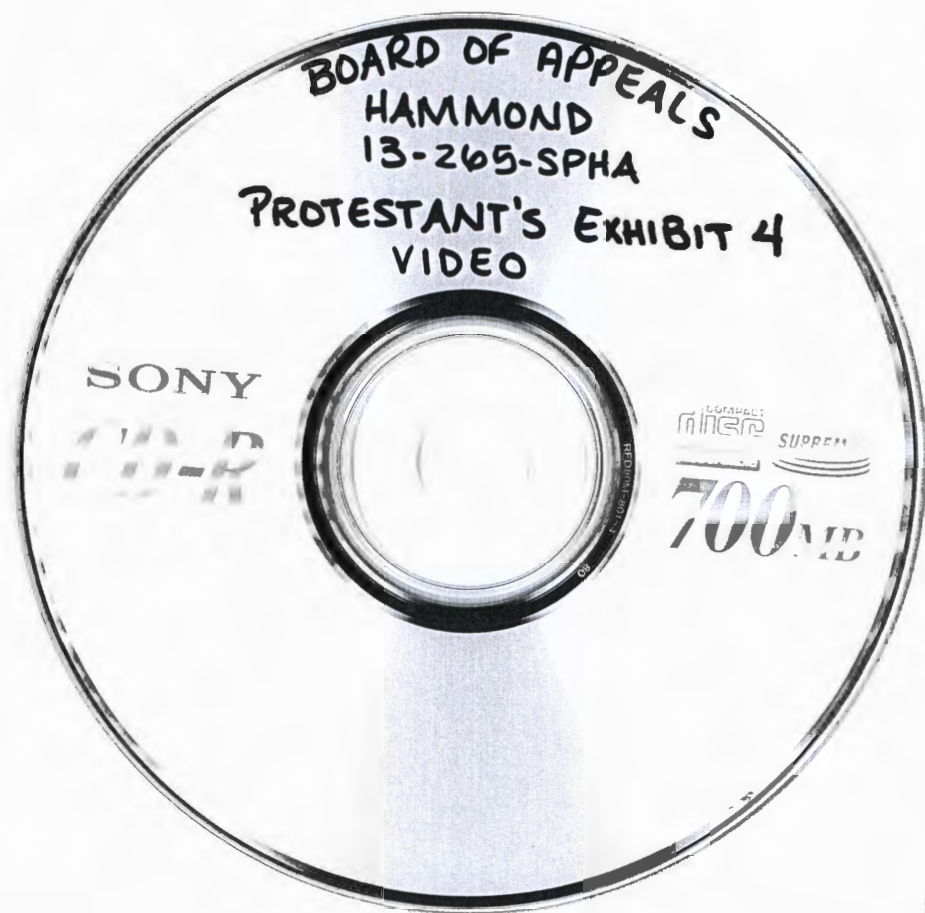
On Thu, Oct 17, 2013 at 6:16 PM, Peter Belitsos <peterbelitsos@gmail.com> wrote:

Dear Mr. Holzer and Board Members-

Here is the promised video.

Thanks again,

Pete Belitsos

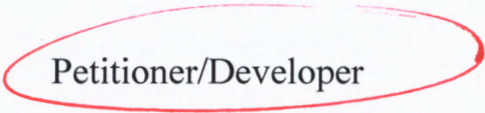


7-1-2013

Case No.:

2013 - 265-SPHA

Exhibit Sheet


 Petitioner/Developer

Protestants

 Sen
 7-9-13

No. 1	Order in Case # 86-256A	Black + White Photos (3)
No. 2	Broyles Resume	
No. 3	3A & 3B Site plans	
No. 4	Color photos mounted on boards 4A - #15 photos 4B - #9 photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Pet. #1

IN RE: PETITION FOR VARIANCE
NW/corner Falls and Shoemaker
Roads (6314 Falls Road) -
9th Election District

Kim J. Hammond -

Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-256-A

* * * * *

The Petitioners herein requests variances to permit a side yard setback of 10 feet in lieu of the required 30 feet and a rear yard setback of zero feet in lieu of the required 30 feet.

Testimony by and on behalf of the Petitioners indicated that the long existing veternarium currently utilizes facilities constructed in 1954, 1967 and 1982. Portions of the buildings have a side yard setback of 10 feet and a rear yard setback of zero feet as viewed from its Falls Road address. The Petitioners propose an additional one-story building and two future additions to the existing building. The location of the new building was determined in mid 1985 in accordance with advice from the Office of Zoning that the 1954 setbacks could be utilized, although the setbacks currently required by the Baltimore County Zoning Regulations (BCZR) could not be further encroached upon. When the Petitioners applied for a building permit they were informed that the policy of the Office of Zoning had changed and that the instant Petition and public hearing were required. The Petitioners, however, were granted a building permit with a full understanding of the risk involved if the Petition were denied. The building is under construction. The Falls Road entrance has been eliminated at the request of the State Highway Administration. The site will comply with the requirements of the Baltimore County Landscape Manual. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the BCZR would result in practical diffi-

ORDER RECEIVED FOR FILING

December 20, 1985

DATE

By Priscilla A. Hillman

BY

RESUME: STEVEN K. BROYLES, P.E., L.S.

2022 Brown Road US

Office:

410-747-5500

Finksburg, Maryland 21048

US Cell:

410-258-3212

E-mail: stevenkbroyles@gmail.com**STRONG BACKGROUND AND EXPERIENCE IN:**

Baltimore City, Baltimore, Carroll, Frederick, Harford and Howard County Zoning Regulations and Development Process

Qualified as expert witness before Baltimore County: Zoning Commissioner, Board of Appeals, District and Circuit Courts

Commercial/Residential Land Planning

Commercial/Residential Site Design

Building Code and Fire Code Interpretation

ALTA/ACSM Surveys, Site Design, Sediment Control, SWM, Boundary Disputes & Litigation

Acoustic Engineering, Noise Control and Abatement, Development of Active Noise Control

COMPUTER SOFTWARE EXPERIENCE:

Drafting/Design: AutoCAD2013

Scheduling: Primavera, MsProject

Hydrology: WinTR20, WinTR55, WinTR66 and HEC-RAS

US Army Corps of Engineers: RMS and CEFMS

MsWord, Excel, PowerPoint, Publisher, Office, Outlook

EDUCATION:

B.S. Civil Engineering, University of Maryland,

Major - Transportation and Structures: Minor - Soil Mechanics

Graduate studies in Computer Structural Design.

CERTIFICATIONS:

State of MD Professional Engineer #14429 Exp 5/9/2015

State of MD Professional Land Surveyor #10860 Exp 4/13/2014

EXPERIENCE:

July 2012-Current Steven K. Broyles and Associates, Owner

April 2011-July 2012 Contract with URS/Trinetics Site Manager US Air Force Planning Land Management and Engineering Office (PLE), Facilities Engineering Team (FET), Bagram Airfield, Afghanistan

2009- April 2011 Steven K. Broyles and Associates, Owner

2008-2009 Contract with Stanley Baker Hill, USACE GRC Structural Concrete Subject Matter Expert(SME) and Construction Manager Al Asad Air Base 3rd Marine Air Wing

1998 - 2007 Steven K. Broyles and Associates, Owner

1988 - 1998 Broyles Hayes and Associates Inc., President

1981 - 1988 Engineering Construction Corp., Vice President

1977 - 1981 The Ellicott Contracting Company, Partner

Pet. # 2

7-1-2013

Case No.:

2013 - 265-SPHA

Exhibit Sheet

Petitioner/Developer

Protestants

Sen
7-9-13

No. 1	Order in Case # 86-256A	Black + White Photos (3)
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No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Don't know / for the





10/17/13

Case No: 13-265-

Case Name: In Matter

SPHA

Exhibit List

Kim Hammond

Party: Petitioner

Date: 10/17/13

Exhibit No:	Description:
✓ 1	CV Steven K. Broyles
✓ 2A	Site Plan
✓ 2B	Reduced Version Site Plan
✓ 2C	Colored Site Plan and Photos. - LARGE EXHIBIT
✓ 3	Broyles Zoning Description
✓ 4	County GIS / My neighborhood maps.
✓ 5	Zoning - ZAC Comments.
✓ 6A	Aerial Photo.
✓ 6B	Photo Board w/ 8 photos - LARGE
✓ 7	Deed - Shumaker Rd.
✓ 8	Parking Lease.
✓ 9	Photo of Site from Falls Rd.
✓ 10	Photo Board w/ Zoning Description - LARGE
✓ 11	Broyles Noise Report.
VERIFIED BY <u>KXC</u> DATE: <u>10/18/13</u>	

In Matter Kim Hammond. Pet. Ex. #1

RESUME: STEVEN K. BROYLES, ES, P.E., L.S.

2022 Brown Road US
Finksburg, Maryland 21048
E-mail: stevenkbroyles@gmail.com

Office: 410-747-5500
US Cell: 410-258-3212

10/17/13
Case No: 13-265
SPHA.

STRONG BACKGROUND AND EXPERIENCE IN:

Baltimore City, Baltimore, Carroll, Frederick, Harford and Howard County Zoning Regulations and Development Process

Qualified as expert witness before Baltimore County: Zoning Commissioner, Board of Appeals, District and Circuit Courts

Commercial/Residential Land Planning

Commercial/Residential Site Design

Building Code and Fire Code Interpretation

ALTA/ACSM Surveys, Site Design, Sediment Control, SWM, Boundary Disputes & Litigation

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US Army Corps of Engineers: RMS and CEFMS

MsWord, Excel, PowerPoint, Publisher, Office, Outlook

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Graduate studies in Computer Structural Design.

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State of MD Professional Engineer #14429 Exp 5/9/2015

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April 2011-July 2012 Contract with URS/Trinetics Site Manager US Air Force Planning Land Management and Engineering Office (PLE), Facilities Engineering Team (FET), Bagram Airfield, Afghanistan

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1998 - 2007 Steven K. Broyles and Associates, Owner

1988 - 1998 Broyles Hayes and Associates Inc., President

1981 - 1988 Engineering Construction Corp., Vice President

1977 - 1981 The Ellicott Contracting Company, Partner

10/17/13 Pet Ex: #3
STEVEN K. BROYLES & ASSOCIATES

ENGINEERS - LAND PLANNERS - SURVEYORS

2022 Brown Road - Finksburg, Maryland 21048
Phone 410-747-5500 - email stevenkbroyles@gmail.com

In matter
Kim Hammond
Case 13-265 -
SPHA

ZONING DESCRIPTION FOR
Falls Road Animal Hospital
6314 Falls Road; Baltimore, Maryland 21209
May 8, 2013

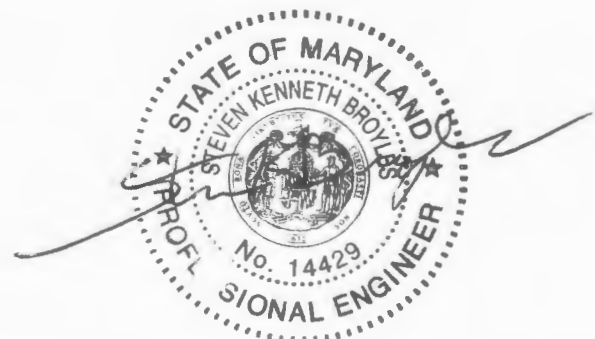
Beginning for the same at a point on the north west corner of the intersection of the west side of Falls Road MD Route 25 50 ft. of right-of-way width and the north side of Shoemaker Road a private Road 25 ft. width, said point of beginning POB having the Maryland State Coordinates 635,875.97 ft. North, 1,408,987.83 ft. East North American Datum NAD1983/1991, said point of beginning POB also being S77°04'50"W 26.98 ft. from the centerline of the intersection of Falls Road MD Route 25 and Shoemaker Road a private road. Thence the four following courses and distances:

1. S49°28'56"W 200.00 ft. running and binding on the north side of Shoemaker Road a private Road 25 ft. width to a point, thence leaving said north side of Shoemaker Road
2. N35°01'04"W 200.00 ft. to a point, thence
3. N49°28'56"E 200.00 ft. to a point on the west side of Falls Road MD Route 25 50 ft. of right-of-way width, thence running and binding on the west side of the aforesaid Falls Road MD Route 25
4. S35°01'04"E 200.00 ft. to the point of beginning containing 39,816 sf. or 0.91 acres of land more or less.

Being the same parcel of land described in Deed dated April 20, 1982 and recorded in the Land Records of Baltimore County, Maryland in Liber 6388, Folio 824, which was granted and conveyed from Marvin H. Scham unto Kim J. Hammond.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 14429, Expiration Date: May 9, 2015.

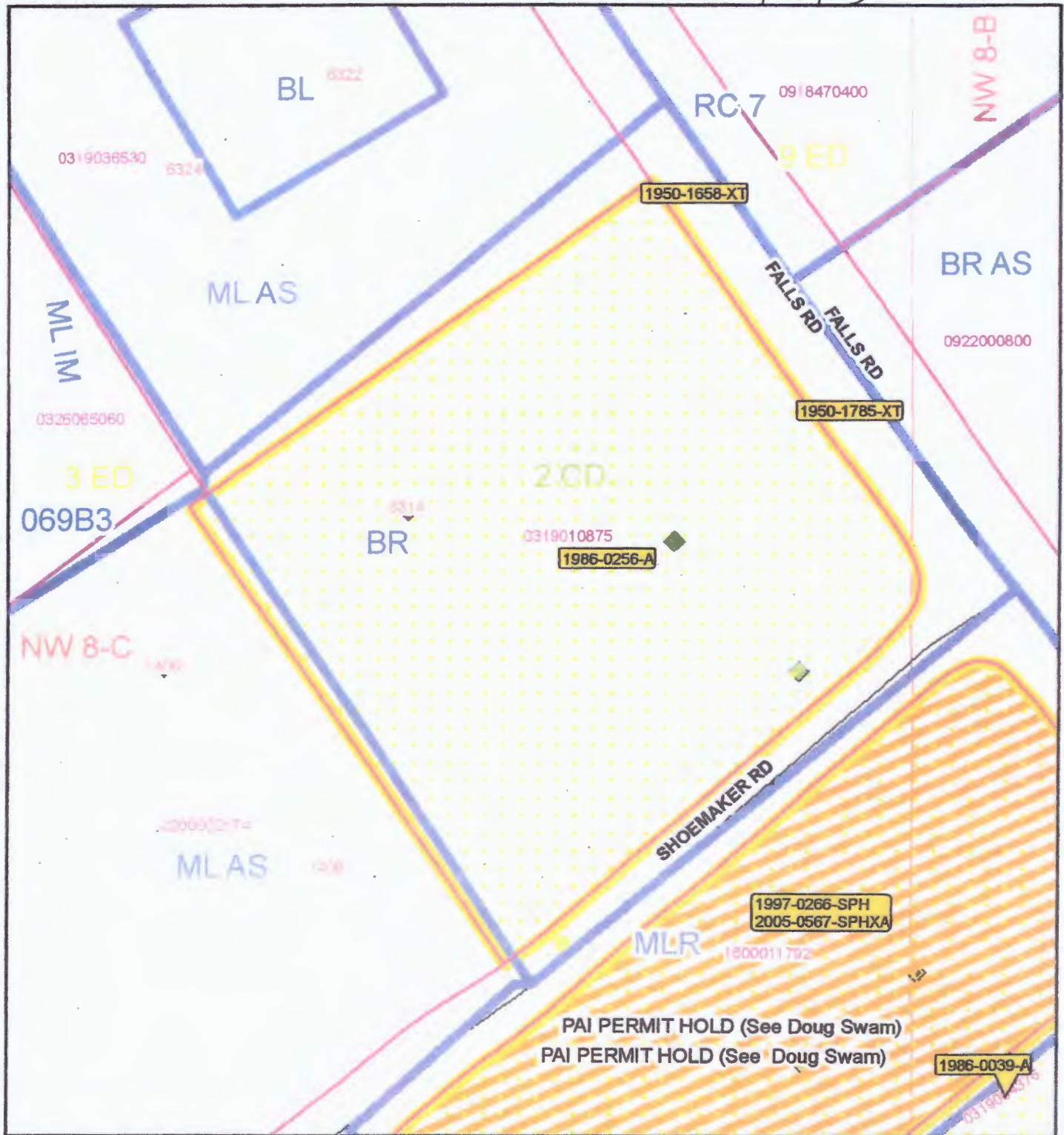
Steven K. Broyles PE, LS



In matter Kim Hammond Pet Ex: 4

6314 Falls Road

Case No: 13-265
10/17/13 SPHA



Publication Date: 5/7/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

In Matter | Kim Hammond Pet Ex: 5

Case No: 13-265-

10/17/13 SPHA



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 25, 2013

Kim Hammond
6314 Falls Road
Baltimore MD 21209

RE: Case Number: 2013-0265 SPHA, Address: 6314 Falls Road

Dear Mr. Hammond:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 9, 2013. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Leslie M. Pittler, Esquire, 25 Wands worth Bridge Way, Lutherville MD 21093



Pet Ex. 6A
Case No 13-265-
SPH 4

In matter
Kim Hammond
10/17/13

10/17/13 In Matter Kim
Hammond

PotEx: 7

Case No:

LIBER 6388 PAGE 824

13-265-

SPHA

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

503-18,227

This Deed, MADE THIS 20th day of April

in the year one thousand nine hundred and eighty-two

by and between

Marvin H. Scham

of Baltimore County, Maryland, party

of the first part, and

Kim J. Hammond, party

of the second part.

WITNESSETH, That in consideration of the sum of Two Hundred Thousand and 00/100ths Dollars (\$200,000.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said party of the first part

does grant and convey to the said party of the second part, her

B RC/F 8.00
B T TX 1000.00
B DOCS 1000.00
DEED 0 H
EHK JR T 2008.00
W02964 C004 R01 T09:1
04/27/13

personal representatives/~~XXXXXXXXXX~~ and assigns

, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

BEGINNING for the same at the corner formed by the intersection of the southwest side of Falls Road 50 feet wide with the northwest side of Shoemaker Road 25 feet wide and running thence and binding on the northwest side of Shoemaker Road with the use thereof in common south 57 degrees 15 minutes west 200 feet thence leaving Shoemaker Road and running for a new line of division the two following courses and distances. North 27 degrees 15 minutes west parallel with Falls Road 200 feet thence north 57 degrees 15 minutes east parallel with Shoemaker Road 200 feet to Falls Road and thence binding on the southwest side of Falls Road south 27 degrees 15 minutes east 200 feet to the place of beginning.

BEING the same lot of ground described in Deed dated October 13, 1954 and recorded among the Land Records of Baltimore County in Liber 2572, folio 433, which was granted and conveyed from John O. Gardner, Executor of the Estate of Alvin Talbrook, unto Marvin H. Scham; and being also the same lot of ground described in Deed of Ground Rent dated March 12, 1964 and recorded among the Land Records of Baltimore County in Liber 4275, folio 428, which was granted and conveyed from Milton B. Edelson, unto Marvin H. Scham.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
DATE 4/27/13
SIGNATURE [Signature]

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
[Signature]
CLERK DATE

B 8112****3000309a 3262A

10/17/13 In Match Kim Hammond

Ref Ex: 8

Case

13-265-

SPHA

THIS AGREEMENT, Made this 1st day of June, 1986, between

Anthony Jacobson, Landlord, and Kim Hammond, Tenant.

WITNESSETH, That the said Landlord hereby rents to the said
Tenant Eight parking spaces for the term of (00)
Ninety-Nine Years on a 24 hour, 7 days a week basis beginning on
the 21st day of June, 1986, and ending on the
20th day of June, 2085, at \$960.00 dollars a year
payable 1st of each month.

And the said Tenant hereby covenants with the said Landlord
to pay the rent as aforesaid, Keep the premises in good order, and
to surrender the peaceful and quiet possession of the same at the
end of the said term, in as good condition as when received (the
natural wear and decay of the property and unavoidable accidents
excepted), and further, that the said Tenant will not do, suffer
or permit anything to be done in or about the premises which will
contravene the policy of insurance against loss by fire; nor use,
nor permit their use for the purposes other than those of a
Parking Lot and will not at any time assign this agreement, or
sublet the property thus let or any portion thereof, without the
consent in writing of the said Landlord or His representatives;
and further, that whatever alterations or repairs the said Tenant
shall be permitted to make shall be done at the the Tenants own
expense.

AND IT ALSO FURTHER AGREED, That this agreement, with all its
provisions and covenants, shall continue in force from term to
term.

AND IT FURTHER AGREED, That the provisions of the lease are
continuous and without interruption. And that the lease is on a
24 hour, 7 days a week basis.

IN TESTIMONY WHEREOF, the said parties have hereunto
subscribed their names and affixed their seals the day and year
first above written.

[Signature] (Seal)

Test:

[Signature] (Seal)

____ (Seal)

DCZR CASE # 20B-0265-SPHA



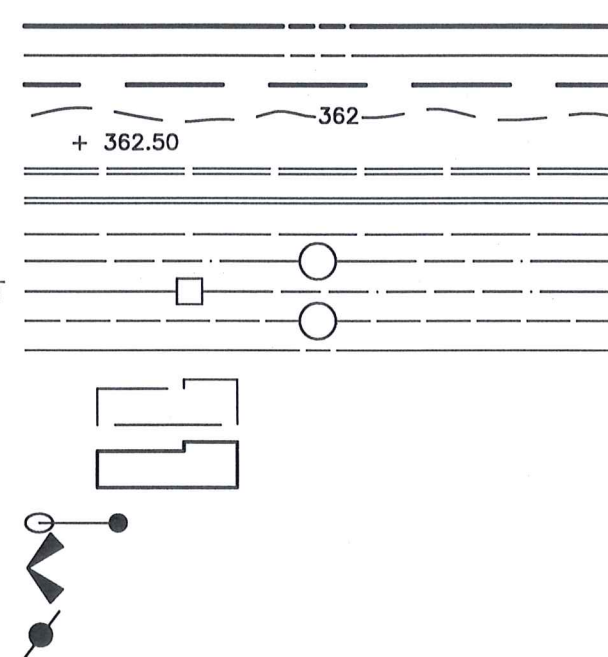




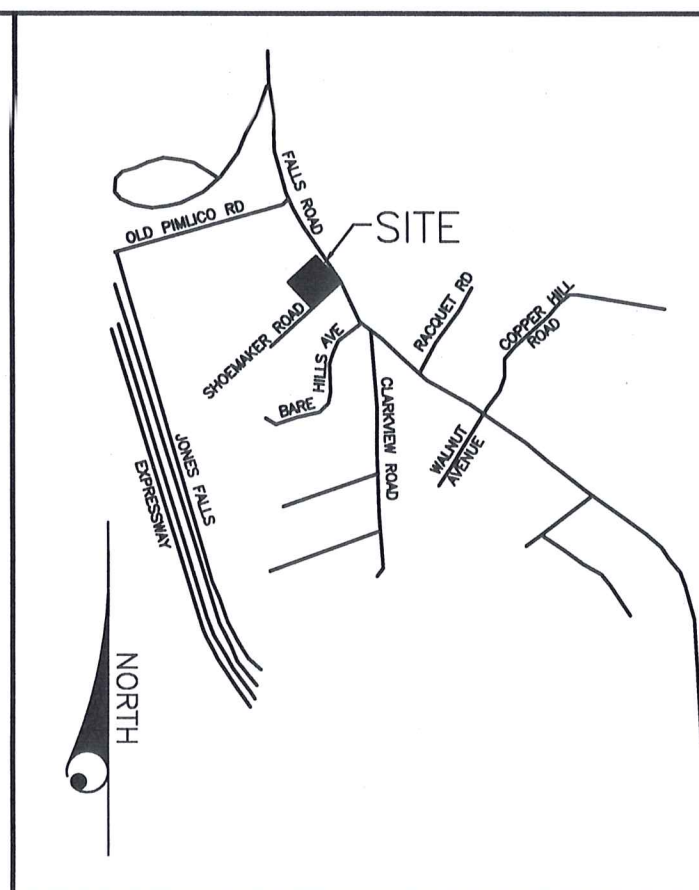
10.15.2013

LEGEND

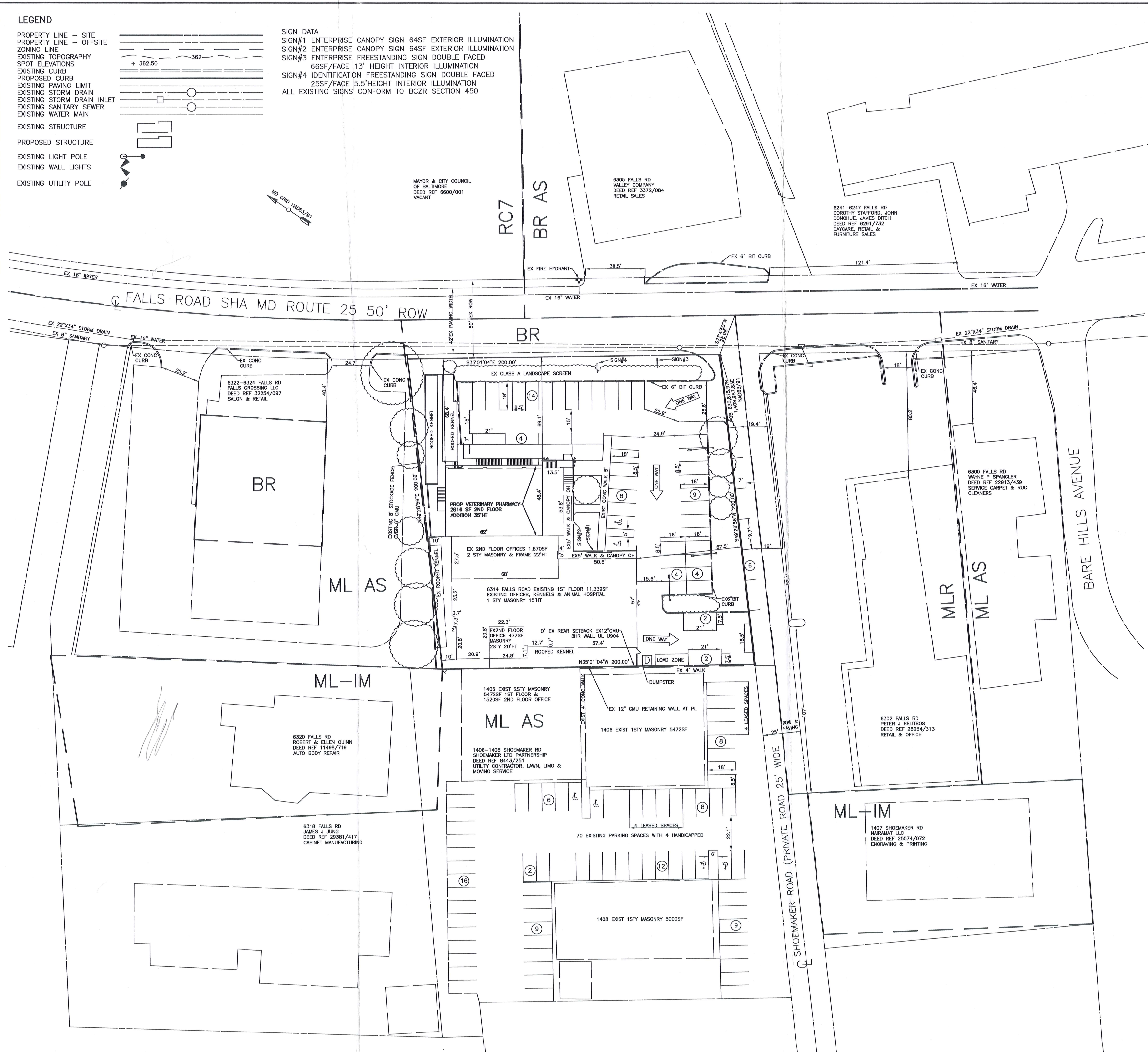
PROPERTY LINE - SITE
PROPERTY LINE - OFFSITE
ZONING LINE
EXISTING TOPOGRAPHY
SPOT ELEVATIONS
EXISTING CURB
PROPOSED CURB
EXISTING PAVING LIMIT
EXISTING STORM DRAIN
EXISTING STORM DRAIN INLET
EXISTING SANITARY SEWER
EXISTING WATER MAIN
EXISTING STRUCTURE
PROPOSED STRUCTURE
EXISTING LIGHT POLE
EXISTING WALL LIGHTS
EXISTING UTILITY POLE



SIGN DATA
SIGN#1 ENTERPRISE CANOPY SIGN 64SF EXTERIOR ILLUMINATION
SIGN#2 ENTERPRISE CANOPY SIGN 64SF EXTERIOR ILLUMINATION
SIGN#3 ENTERPRISE FREESTANDING SIGN DOUBLE FACED
66SF/FACE 13' HEIGHT INTERIOR ILLUMINATION
SIGN#4 IDENTIFICATION FREESTANDING SIGN DOUBLE FACED
25SF/FACE 5.5'HEIGHT INTERIOR ILLUMINATION
ALL EXISTING SIGNS CONFORM TO BCZR SECTION 450



VICINITY MAP
SCALE: 1"=1000'



SITE DATA

- NET SITE AREA= 39,816sf 0.914ac
GROSS SITE AREA= 47,628sf 1.093ac
- CURRENT ZONING: BR (BCZR ZONING MAP 069B3)
- OWNER: KIM J. HAMMON
6314 FALLS ROAD
BALTIMORE, MD 21209
- TENANT: FALLS ROAD ANIMAL HOSPITAL
6314 FALLS ROAD
BALTIMORE, MD 21209
- DEED REFERENCE: 6388/824
TAX MAP 69, PARCEL 425
0319010875
- EXISTING USE: ANIMAL HOSPITAL, KENNEL & OFFICES
PROPOSED USE: ANIMAL HOSPITAL, KENNEL & OFFICES
- EXISTING 1ST FLOOR AREA= 11,339sf
EXISTING 2ND FLOOR AREA= 2,347sf
EXISTING BASEMENT AREA= 3,279sf
TOTAL EXIST FLOOR AREA= 16,965sf
- PROPOSED 2ND FLOOR PHARMACY= 2,816sf
TOTAL PROPOSED FLOOR AREA= 19,781sf
- FLOOR AREA RATIO= TOTAL ADJUSTED FLOOR AREA
GROSS SITE AREA
EXISTING FLOOR AREA RATIO= 16,965sf/47,628sf=35.62%
PROPOSED FLOOR AREA RATIO= 19,781sf/47,628sf=41.53%
- PARKING CALCULATION FOR SITE 6314 FALLS ROAD
1ST FLOOR= 11,339sf
2ND FLOOR= 5,163sf
BASEMENT KENNELS 1,641sf
BASEMENT STORAGE 0sf NO PARKING REQUIRED
TOTAL AREA 18,243sf X 3.3 SPACES =59.87 SPACES
1,000sf
- PARKING REQUIRED = 60 SPACES
PARKING PROVIDED:
STANDARD PERPENDICULAR SPACES 31 SPACES
COMPACT PERPENDICULAR SPACES 04 SPACES
COMPACT EMPLOYEE-BLOCKED SPACES 04 SPACES
PARALLEL SPACES 08 SPACES
SHOEMAKER RD SPACES 06 SPACES
LEASED SPACES AT 1406 SHOEMAKER RD 08 SPACES
TOTAL SPACES PROVIDED 61 SPACES
- PARKING CALCULATION FOR SITE 1406-1408 SHOEMAKER ROAD
LOCATION OF 8 LEASED SPACES FOR FALLS ROAD ANIMAL HOSPITAL
1ST FLOOR= 15,944sf
2ND FLOOR= 1,520sf
TOTAL AREA 17,464sf X 3.3 SPACES =59.21 SPACES
1,000sf
- PARKING REQUIRED = 60 SPACES
PARKING PROVIDED = 70 SPACES
SURPLUS PARKING= 10 SPACES
- EXISTING ON SITE AND OFFSITE PARKING LOT AND PAVING IS A DUSTLESS DURABLE SURFACE OF BITUMINOUS CONCRETE AND IS PERMANENTLY STRIPED AS PER BCZR409.

GENERAL NOTES

- 3rd ELECTION DISTRICT, PRECINCT 9, 2ND COUNTY COUNCIL DISTRICT, CENSUS TRACT 403602.
- THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.
- SITE HAS EXISTING PUBLIC WATER AND PUBLIC SEWER.
- THERE ARE NO KNOWN WETLANDS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES ON THIS PROPERTY.
- EXISTING FIRE HYDRANT IS LOCATED ON THE: NORTHEAST SIDE OF FALLS ROAD 90' NORTHWEST OF THE CENTERLINE OF SHOEMAKER ROAD.
- EXISTING EXTERIOR LIGHTING SHINES DOWN. THERE ARE NO RESIDENTIAL DWELLINGS ADJACENT TO OR ACROSS STREET. CLOSEST RESIDENTIAL DWELLING IS 600 FEET SOUTHWEST ON FALLS ROAD.
- THE 4 EXISTING SIGNS CONFORM TO BCZR SECTION 450.

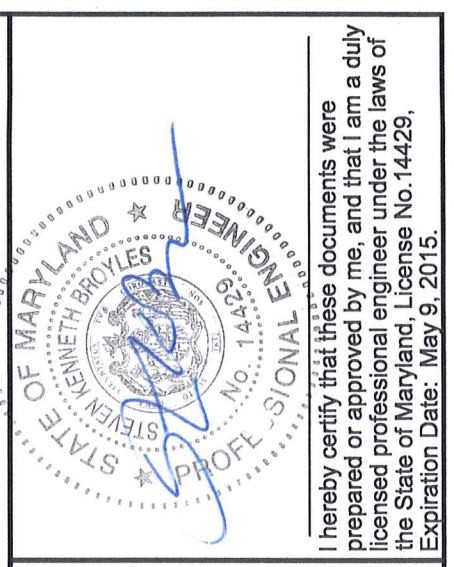
ZONING, DEVELOPMENT & BUILDING PERMIT HISTORY

- ZONING VARIANCE CASE NO. 86-256-A TO ALLOW A 10' SIDE YARD SETBACK AND A 0' REAR YARD SETBACK IN LIEU OF THE REQUIRED 30' IN A BR ZONE GRANTED DECEMBER 20, 1985.

NOTE: THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY OR ENVIRONMENTAL SURVEY.

Steven K. Broyles & Associates.

Engineers * Land Planners * Surveyors
2022 BROWN ROAD, FINKSBURG, MARYLAND. 21048
PHONE (410) 747-5500 E-Mail stevenkbroyles@gmail.com



FALLS ROAD ANIMAL HOSPITAL
6314 FALLS ROAD; BALTIMORE MD 21209
SITE PLAN TO ACCOMPANY ZONING VARIANCE
AND SPECIAL HEARING

SHEET

C-1

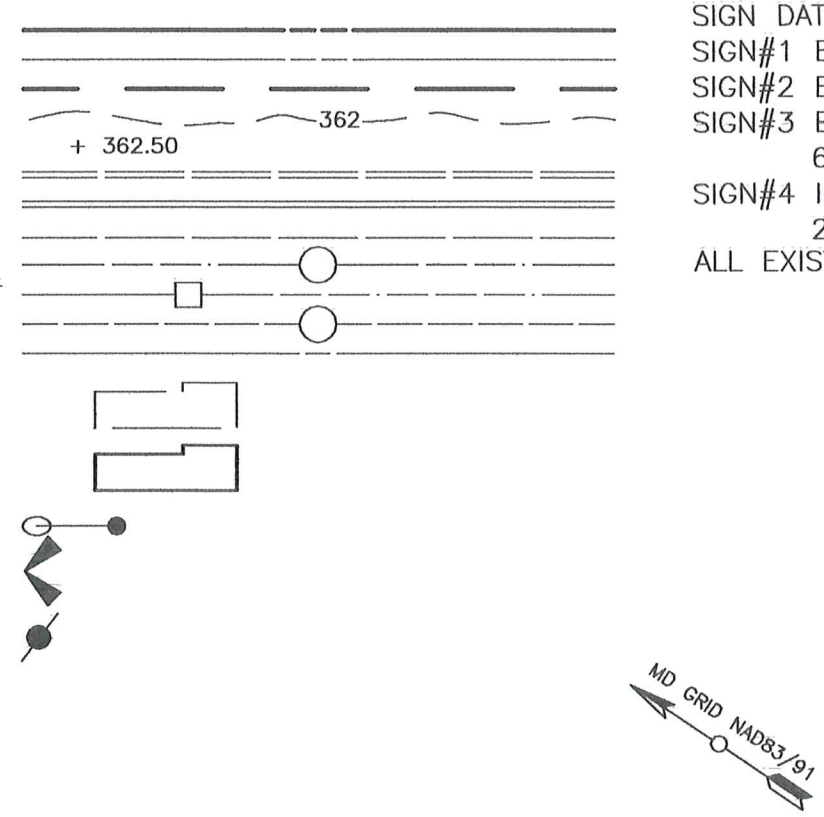
In the Matter of Kim Hammond, Pet. Et. 2A Sep 10/17/13
Case 13-265-SPHA

PROPERTY LINE — SITE
PROPERTY LINE — OFFSITE
ZONING LINE
EXISTING TOPOGRAPHY
SPOT ELEVATIONS
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EXISTING PAVING
EXISTING STORM DRAIN
EXISTING STORM DRAIN INLET
EXISTING SANITARY SEWER
EXISTING WATER MAIN
EXISTING STRUCTURE
PROPOSED STRUCTURE
EXISTING LIGHT POLE
EXISTING WALL LIGHTS
EXISTING UTILITY POLE

SIGN DATA

SIGN#1	ENTERPRISE	CANOPY SIGN	64SF	EXTERIOR ILLUMINATION
SIGN#2	ENTERPRISE	CANOPY SIGN	64SF	EXTERIOR ILLUMINATION
SIGN#3	ENTERPRISE	FREESTANDING SIGN	DOUBLE FACED	66SF/FACE 13' HEIGHT INTERIOR ILLUMINATION
SIGN#4	IDENTIFICATION	FREESTANDING SIGN	DOUBLE FACED	25SF/FACE 5.5'HEIGHT INTERIOR ILLUMINATION

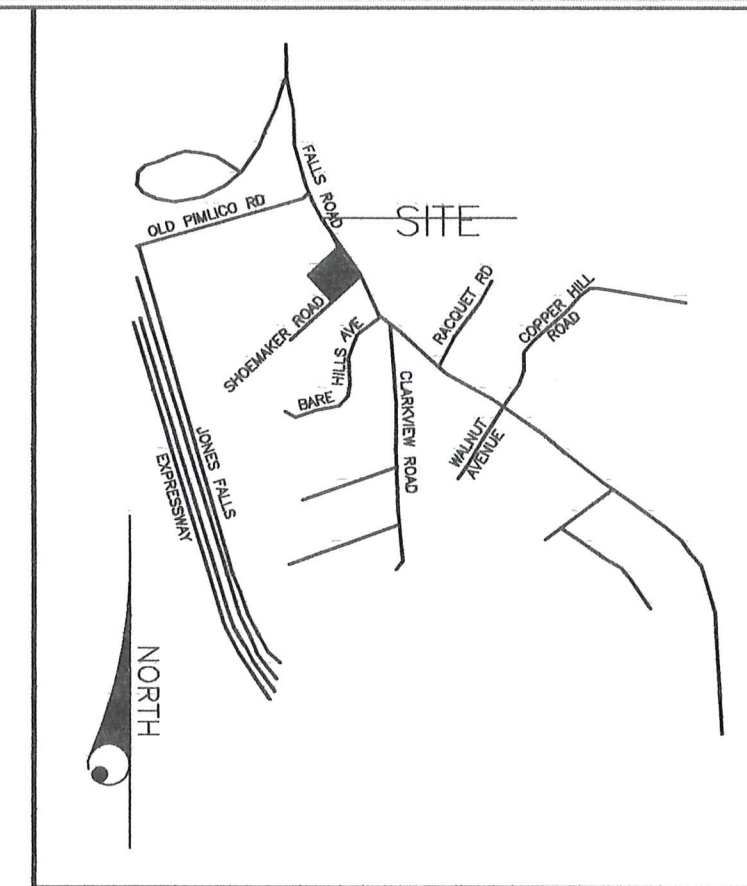
ALL EXISTING SIGNS CONFORM TO BCZR SECTION 450



MAYOR & CITY COUNCIL
OF BALTIMORE
DEED REF 6600/001
VACANT

6305 FALLS RD
VALLEY COMPANY
DEED REF 3372/084
RETAIL SALES

6241-6247 FALLS RD
DOROTHY STAFFORD, JOHN
DONOHUE, JAMES DITCH
DEED REF 6291/732
DAYCARE, RETAIL &
FURNITURE SALES



VICINITY MAP
SCALE: 1"=1000'

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2. GROSS SITE AREA=	47,628sf	1.093ac
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	6314 FALLS ROAD	
	BALTIMORE, MD 21209	
TENANT:	FALLS ROAD ANIMAL HOSPITAL	
4. PROPERTY ADDRESS:	6314 FALLS ROAD	
	BALTIMORE, MD 21209	
5. DEED REFERENCE:	6388/824	
	TAX MAP 69, PARCEL 425	
TAX ACCOUNT NO.	0319010875	
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PROPOSED USE:	ANIMAL HOSPITAL, KENNEL & OFFICES	
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TOTAL PROPOSED FLOOR AREA=	19,781sf	
8. FLOOR AREA RATIO=	<u>TOTAL ADJUSTED FLOOR AREA</u>	

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PROPOSED FLOOR AREA RATIO=	19.781sf/47.628bsf=41.53%
9. PARKING CALCULATION FOR SITE 6314 FALLS ROAD	
1ST FLOOR=	11,339sf
2ND FLOOR=	5,163sf
BASEMENT KENNELS	1,641sf
BASEMENT STORAGE	0sf
TOTAL AREA	18,243sf X 3.3 SPACES =59.87 SPACES
	1,000sf

PARKING REQUIRED =	60 SPACES
PARKING PROVIDED:	
STANDARD PERPENDICULAR SPACES	31 SPACES
COMPACT PERPENDICULAR SPACES	04 SPACES
COMPACT EMPLOYEE-BLOCKED SPACES	04 SPACES
PARALLEL SPACES	08 SPACES
SHOEMAKER RD SPACES	06 SPACES
LEASED SPACES AT 1406 SHOEMAKER RD	08 SPACES
TOTAL SPACES PROVIDED	61 SPACES

10. PARKING CALCULATION FOR SITE 1406-1408 SHOEMAKER ROAD

LOCATION OF 8 LEASED SPACES FOR FALLS ROAD ANIMAL HOSPITAL

1ST FLOOR=	15,944sf
2ND FLOOR=	1,520sf
TOTAL AREA	17,464sf X 3.3 SPACES = 59.21 SPACES
	1,000sf

PARKING REQUIRED =	60 SPACES
PARKING PROVIDED =	70 SPACES
SURPLUS PARKING=	10 SPACES

11. EXISTING ON SITE AND OFFSITE PARKING LOT AND PAVING IS A DUSTLESS DURABLE SURFACE OF BITUMINOUS CONCRETE AND IS PERMANENTLY STRIPED AS PER BCZR409.

12. 3rd ELECTION DISTRICT, PRECINCT 9, 2ND COUNTY COUNCIL DISTRICT, CENSUS TRACT 403602.
13. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.
14. SITE HAS EXISTING PUBLIC WATER AND PUBLIC SEWER.
15. THERE ARE NO KNOWN WETLANDS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES ON THIS PROPERTY.
16. EXISTING FIRE HYDRANT IS LOCATED ON THE: NORTHEAST SIDE OF FALLS ROAD 90' NORTHWEST OF THE CENTERLINE OF SHOEMAKER ROAD.
17. EXISTING EXTERIOR LIGHTING SHINES DOWN. THERE ARE NO RESIDENTIAL DWELLINGS ADJACENT TO OR ACROSS STREET. CLOSEST RESIDENTIAL DWELLING IS 600 FEET SOUTHWEST ON FALLS ROAD.
18. THE 4 EXISTING SIGNS CONFORM TO BC2R SECTION 450.

19. ZONING VARIANCE CASE NO. 86-256-A TO ALLOW A 10' SIDE YARD SETBACK AND A 0' REAR YARD SETBACK IN LIEU OF THE REQUIRED 30' IN A BR ZONE GRANTED DECEMBER 20, 1985.

NOTE: THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY OR ENVIRONMENTAL SURVEY.

Steven K. Brayles & Associates.

Engineers • Land Planners • Surveyors
2022 BROWN ROAD, FINKSBURG, MARYLAND. 21048
PHONE (410) 747-5500 E-Mail stevenkbroyles@gmail.com

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FALLS ROAD ANIMAL HOSPITAL
6314 FALLS ROAD; BALTIMORE MD 21209
SITE PLAN TO ACCOMPANY ZONING VARIANCE
AND SPECIAL HEARING

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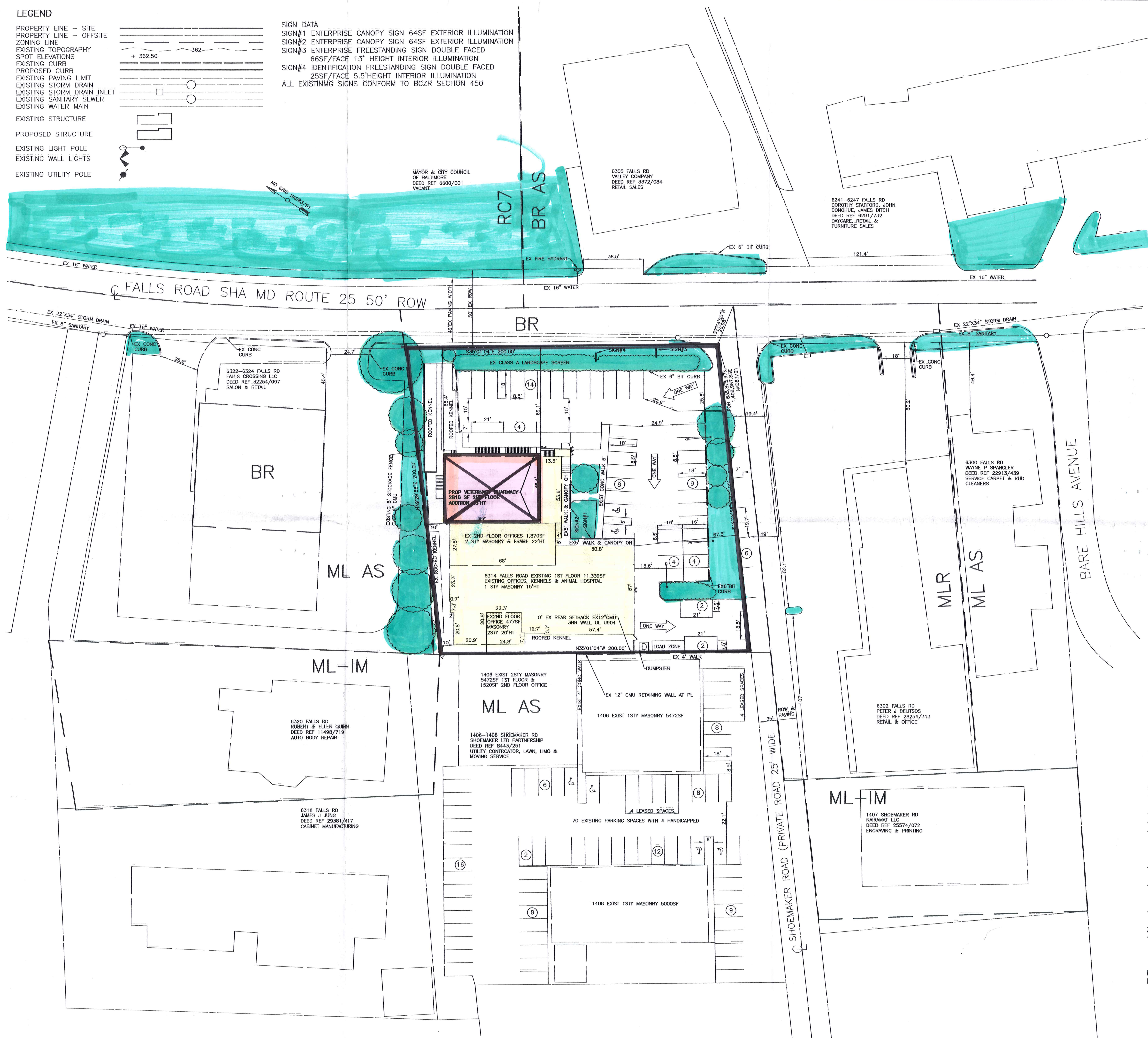
BC 22 CASE # 2013-0265-SPHA EX 3-B

PROPERTY LINE — SITE
PROPERTY LINE — OFFSITE
ZONING LINE
EXISTING TOPOGRAPHY
SPOT ELEVATIONS
EXISTING CURB
PROPOSED CURB
EXISTING PAVING LIMIT
EXISTING STORM DRAIN
EXISTING STORM DRAIN INLET
EXISTING SANITARY SEWER
EXISTING WATER MAIN
EXISTING STRUCTURE
PROPOSED STRUCTURE
EXISTING LIGHT POLE
EXISTING WALL LIGHTS
EXISTING UTILITY POLE

SIGN DATA

SIGN#1	ENTERPRISE	CANOPY SIGN	64SF	EXTERIOR	ILLUMINATION
SIGN#2	ENTERPRISE	CANOPY SIGN	64SF	EXTERIOR	ILLUMINATION
SIGN#3	ENTERPRISE	FREESTANDING SIGN	DOUBLE FACED	66SF/FACE	13' HEIGHT INTERIOR ILLUMINATION
SIGN#4	IDENTIFICATION	FREESTANDING SIGN	DOUBLE FACED	25SF/FACE	5.5'HEIGHT INTERIOR ILLUMINATION

ALL EXISTING SIGNS CONFORM TO BCZR SECTION 450



1. NET SITE AREA= 39,816sf 0.144ac
GROSS SITE AREA= 47,628sf 1.093ac

2. CURRENT ZONING: BR (BC2Z ZONING MAP 069B3)

3. OWNER: KIM J. HAMMON
6314 FALLS ROAD
BALTIMORE, MD 21209

TENANT: FALLS ROAD ANIMAL HOSPITAL

4. PROPERTY ADDRESS: 6314 FALLS ROAD
BALTIMORE, MD 21209

5. DEED REFERENCE: 6388/824
TAX MAP 69, PARCEL 425
0319010875

TAX ACCOUNT NO. 0319010875

6. EXISTING USE: ANIMAL HOSPITAL, KENNEL & OFFICES
PROPOSED USE: ANIMAL HOSPITAL, KENNEL & OFFICES

EXISTING 1ST FLOOR AREA= 11,339sf
EXISTING 2ND FLOOR AREA= 2,347sf
EXISTING BASEMENT AREA= 3,279sf
TOTAL EXIST FLOOR AREA= 16,965sf

7. PROPOSED 2ND FLOOR PHARMACY= 2,816sf
TOTAL PROPOSED FLOOR AREA= 19,781sf

8. FLOOR AREA RATIO= TOTAL ADJUSTED FLOOR AREA
GROSS SITE AREA
16,965sf/47,628sf=35.62%
19,781sf/47,628sf=41.53%

9. PARKING CALCULATION FOR SITE 6314 FALLS ROAD

1ST FLOOR= 11,339sf
2ND FLOOR= 5,163sf
BASEMENT KENNELS 1,641sf
BASEMENT STORAGE 0sf NO PARKING REQUIRED

TOTAL AREA 19,243sf x 3.3 SPACES = 59.87 SPACES
1,000sf

PARKING REQUIRED = 60 SPACES

PARKING PROVIDED:

STANDARD PERPENDICULAR SPACES 31 SPACES

COMPACT PERPENDICULAR SPACES 04 SPACES

COMPACT EMPLOYEE-BLOCKED SPACES 04 SPACES

PARALLEL SPACES 08 SPACES

SHOEMAKER RD SPACES 06 SPACES

LEASED SPACES AT 1406 SHOEMAKER RD 08 SPACES

TOTAL SPACES PROVIDED 61 SPACES

10. PARKING CALCULATION FOR SITE 1406-1408 SHOEMAKER ROAD

LOCATION OF 8 LEASED SPACES FOR FALLS ROAD ANIMAL HOSPITAL

1ST FLOOR= 15,944sf
2ND FLOOR= 1,520sf
TOTAL AREA 17,464sf x 3.3 SPACES = 59.21 SPACES
1,000sf

PARKING REQUIRED = 60 SPACES

PARKING PROVIDED = 70 SPACES

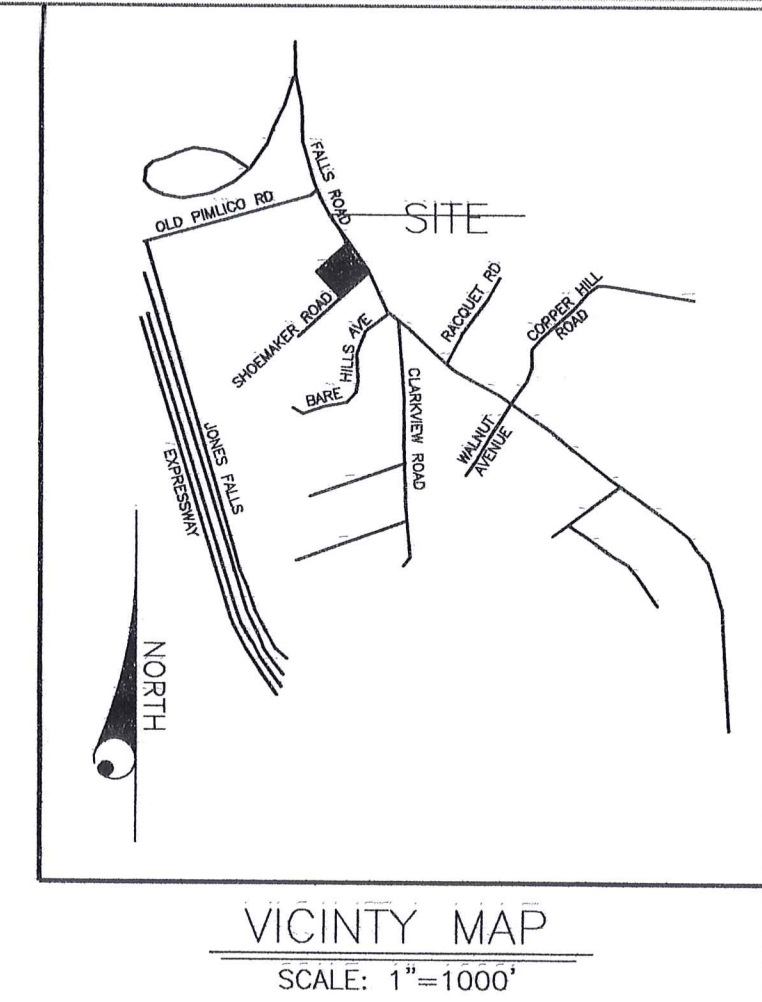
SURPLUS PARKING= 10 SPACES

11. EXISTING ON SITE AND OFFSITE PARKING LOT AND PAVING IS A DUSTLESS DURABLE SURFACE OF BITUMINOUS CONCRETE AND IS PERMANENTLY STRIPED AS PER BC2Z.409.

12. 3rd ELECTION DISTRICT, PRECINCT 9, 2ND COUNTY COUNCIL DISTRICT, CENSUS TRACT 403602.
13. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.
14. SITE HAS EXISTING PUBLIC WATER AND PUBLIC SEWER.
15. THERE ARE NO KNOWN WETLANDS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES ON THIS PROPERTY.
16. EXISTING FIRE HYDRANT IS LOCATED ON THE: NORTHEAST SIDE OF FALLS ROAD 90' NORTHWEST OF THE CENTERLINE OF SHOEMAKER ROAD.
17. EXISTING EXTERIOR LIGHTING SHINES DOWN. THERE ARE NO RESIDENTIAL DWELLINGS ADJACENT TO OR ACROSS STREET. CLOSEST RESIDENTIAL DWELLING IS 600 FEET SOUTHWEST ON FALLS ROAD.
18. THE 4 EXISTING SIGNS CONFORM TO BCZR SECTION 450.

19. ZONING VARIANCE CASE NO. 86-256-A TO ALLOW A 10' SIDE YARD SETBACK AND A 0' REAR YARD SETBACK IN LIEU OF THE REQUIRED 30' IN A BR ZONE GRANTED DECEMBER 20, 1985.

NOTE: THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY OR ENVIRONMENTAL SURVEY.



Steven K. Broyles & Associates.

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 14429,
Expiration Date: May 9, 2015.

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FALLS ROAD ANIMAL HOSPITAL
6314 FALLS ROAD; BALTIMORE MD 21209
SITE PLAN TO ACCOMPANY ZONING VARIANCE
AND SPECIAL HEARING

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BCZRCASE # 2013-0265-SPHA

EX 3-A

LEGEND

PROPERTY LINE - SITE
ZONING LINE - OFFSITE
EXISTING TOPOGRAPHY
SPOT ELEVATIONS
EXISTING CURB
EXISTING TRAVEL LIMIT
EXISTING STORM DRAIN
EXISTING STORM DRAIN INLET
EXISTING SANITARY SEWER
EXISTING WATER MAIN
EXISTING STRUCTURE
PROPOSED STRUCTURE
EXISTING LIGHT POLE
EXISTING WALL LIGHTS
EXISTING UTILITY POLE

SIGN DATA
SIGN#1 ENTERPRISE CANOPY SIGN 645' EXTERIOR ILLUMINATION
SIGN#2 ENTERPRISE CANOPY SIGN 645' EXTERIOR ILLUMINATION
SIGN#3 ENTERPRISE PRESTANDING SIGN DOUBLE FACED
665' FACE 13' HEIGHT INTERIOR ILLUMINATION
SIGN#4 IDENTIFICATION PRESTANDING SIGN DOUBLE FACED
255' FACE 5.5' HEIGHT INTERIOR ILLUMINATION
ALL EXISTING SIGNS CONFORM TO BCZR SECTION 450

VICINITY MAP

SCALE: 1"=1000'

SITE DATA

1. NET SITE AREA* 39.9166 0.9144c
2. GROSS SITE AREA* 47.8266 1.9624c
3. CURRENT ZONING: BR (BCZR ZONING MAP 06983)
4. OWNER: KIM J. HAMMON
6314 FALLS ROAD
BALTIMORE, MD 21209
5. TENANT: FALLS ROAD ANIMAL HOSPITAL
6314 FALLS ROAD
BALTIMORE, MD 21209
6. DEED REFERENCE: 638824
TAX MAP 88, PARCEL 425
0319010675
7. TAX ACCOUNT NO. ANIMAL HOSPITAL, KENNEL & OFFICES
ANIMAL HOSPITAL, KENNEL & OFFICES
8. EXISTING USE:
EXISTING 1ST FLOOR AREA* 11.336sf
EXISTING 2ND FLOOR AREA* 2.347sf
EXISTING BASEMENT AREA* 3.279sf
TOTAL EXIST FLOOR AREA* 16.962sf
9. PROPOSED 2ND FLOOR PHARMACY* 2.816sf
TOTAL PROPOSED FLOOR AREA* 19.781sf
10. FLOOR AREA RATIO: TOTAL ADJUSTED FLOOR AREA
EXISTING FLOOR AREA RATIO* 18.965sf/7.826c=+35.62%
PROPOSED FLOOR AREA RATIO* 19.781sf/7.826c=+35.62%
11. PARKING CALCULATION FOR SITE 6314 FALLS ROAD
1ST FLOOR* 11.336sf
2ND FLOOR* 5.163sf
BASEMENT KENNELS 1.641sf
BASEMENT STORAGE 0sf NO PARKING REQUIRED
TOTAL AREA 18.243sf X 3.3 SPACES = 59.87 SPACES
1.000sf
12. PARKING PROVIDED* 80 SPACES
STANDARD PERPENDICULAR SPACES 31 SPACES
COMPACT PERPENDICULAR SPACES 04 SPACES
COMPACT EMPLOYEE-BLOCKED SPACES 04 SPACES
PARALLEL SPACES 08 SPACES
SHOEMAKER RD SPACES 08 SPACES
LEASED SPACES AT 1408 SHOEMAKER RD 04 SPACES
TOTAL SPACES PROVIDED 81 SPACES
13. PARKING CALCULATION FOR SITE 1408-1408 SHOEMAKER ROAD
LOCATION OF 8 LEASED SPACES FOR FALLS ROAD ANIMAL HOSPITAL
1ST FLOOR* 15.944sf
2ND FLOOR* 1.520sf
TOTAL AREA 17.464sf X 3.3 SPACES = 57.61 SPACES
1.000sf
14. PARKING PROVIDED* 80 SPACES
STANDARD PERPENDICULAR SPACES 31 SPACES
COMPACT PERPENDICULAR SPACES 04 SPACES
COMPACT EMPLOYEE-BLOCKED SPACES 04 SPACES
PARALLEL SPACES 08 SPACES
SHOEMAKER RD SPACES 08 SPACES
LEASED SPACES AT 1408 SHOEMAKER RD 04 SPACES
TOTAL SPACES PROVIDED 81 SPACES
15. EXISTING ON SITE AND OFFSITE PARKING LOT AND PAVING IS A DUSTLESS DURABLE SURFACE OF BITUMINOUS CONCRETE AND IS PERMANENTLY STRIPED AS PER BCZR#46.
16. GENERAL NOTES
12. 3rd ELECTION DISTRICT, PRECINCT 9, 2ND COUNTY COUNCIL DISTRICT, CENSUS TRACT 40302.
13. THIS SITE DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN.
14. SITE HAS EXISTING PUBLIC WATER AND PUBLIC SEWER.
15. THERE ARE NO KNOWN WETLANDS, HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIALS SITES ON THIS PROPERTY.
16. EXISTING FIRE HYDRANT IS LOCATED ON THE NORTHEAST SIDE OF FALLS ROAD BY NORTHWEST OF THE CENTERLINE OF SHOEMAKER ROAD.
17. EXISTING EXTERIOR LIGHTING SHINES DOWN. THERE ARE NO RESIDENTIAL DWELLINGS ADJACENT TO OR ACROSS STREET. CLOSEST RESIDENTIAL DWELLING IS 600 FEET SOUTHWEST ON FALLS ROAD.
18. THE 4 EXISTING SIGNS CONFORM TO BCZR SECTION 450.
19. ZONING, DEVELOPMENT & BUILDING PERMIT HISTORY
19. ZONING VARIANCE CASE NO. 86-258-A TO ALLOW A 10' SIDE YARD SETBACK AND A 0' REAR YARD SETBACK IN LIEU OF THE REQUIRED 30' IN A BR ZONE. GRANTED DECEMBER 20, 1985.

NOTE: THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY OR ENVIRONMENTAL SURVEY.

Steven K. Boyles & Associates,
Engineers & Land Planners & Surveyors
2022 BROWN ROAD, FINKSBURG, MARYLAND, 21048
PHONE (410) 747-5500 E-Mail: stevenkboyles@gmail.com

FALLS ROAD ANIMAL HOSPITAL
6314 FALLS ROAD, BALTIMORE MD 21209
SITE PLAN TO ACCOMPANY ZONING VARIANCE
AND SPECIAL HEARING

C-1

10/17/13

In matter Kim Hammar Det Ex: 23 Case 13-265-SPHA