

M E M O R A N D U M

DATE: October 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0312-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 3, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: *✓* Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(6350 Frederick Road)

1st Election District

1st Councilman District

Dr. Cheryl Burke

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2013-0312-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Michael T. Wyatt, Esquire, on behalf of the legal owner, Dr. Cheryl Burke. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow two (2) signs along the road frontage in lieu of the permitted one (1) sign pursuant to §450.4 Attachment 1; (2) to allow six (6) lines of copy in lieu of the permitted five (5) lines of copy pursuant to §450.4 Attachment 1.7(b); (3) to permit two (2) signs within 36 feet of each other in lieu of the required 100 feet pursuant to §450.5.B(4)(a); and (4) to permit a sign within 34 feet of a residential zone in lieu of the required 100 feet pursuant to §450.5.B(4)(b) . 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 4.

Appearing at the public hearing in support of the requests was Dr. Cheryl Burke and architect, Kevin Glover, with KGRW & Associates, LLC, who prepared the site plan. Michael T. Wyatt, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 9-3-13

By bw

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 1.69 +/- acres and zoned BL-AS, and RO. The Petitioner has for many years operated an animal hospital at this property, which is situated behind a 7-Eleven retail store. At present, the Petitioner has no signage along Frederick Road; only the 7-Eleven has an enterprise sign along the road frontage. See Exhibit 2. The Petitioner proposes to install two (2) enterprise signs, as designed by and shown on the plans prepared by Mr. Glover. Exhibit 3. To do so, requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

Petitioner has met this test. The site is narrow, extremely deep and irregularly shaped. As such, it is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, since she would be unable to install the proposed signage which would help to direct prospective clients to her clinic. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of County and/or community opposition. In addition, as noted by Mr. Glover, the subject property is located at the intersection of Frederick Road and Paradise Avenue, which are extremely crowded and congested roadways, and the attractive signage proposed will enhance the appearance and safety of these thoroughfares.

ORDER RECEIVED FOR FILING

Date 9-3-13

2

By (signature)

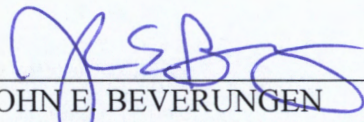
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 3rd day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow two (2) signs along the road frontage in lieu of the permitted one (1) sign pursuant to §450.4 Attachment 1; (2) to allow six (6) lines of copy in lieu of the permitted five (5) lines of copy pursuant to §450.4 Attachment 1.7(b); (3) to permit two (2) signs within 36 feet of each other in lieu of the required 100 feet pursuant to §450.5.B(4)(a); and (4) to permit a sign within 34 feet of a residential zone in lieu of the required 100 feet pursuant to §450.5.B(4)(b), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 her 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: dlw

ORDER RECEIVED FOR FILING

Date 9-3-13

By [Signature]



KEVIN KAMENETZ
County Executive

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

September 3, 2013

Michael T. Wyatt, Esquire
Marlow & Wyatt
404 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Variance
Property: 6350 Frederick Road
Case No.: 2013-0312-A

Dear Mr. Wyatt:

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:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

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

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

Address 6350 FREDERICK RD., CATONSVILLE, MD 21228 which is presently zoned BL/RO

Deed References: 13184/00041

10 Digit Tax Account # 0112740650

Property Owner(s) Printed Name(s) DR. CHERYL BURKE

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ a Variance from Section(s)

Please see attachment

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at the hearing

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

By Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

*Marlow & Wyatt
Attorneys at Law*

State

Zip Code

Telephone #

Email Address

CASE NUMBER

408211013

2013-0312-A

Filing Date

6/20/13

Do Not Schedule Dates:

*6/28/13 - 7/10/13
8/4/13 - 8/11/13*

Reviewer

JS

Legal Owners (Petitioners):

DR. CHERYL BURKE

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6350 FREDERICK RD., CATONSVILLE, MD

Mailing Address

City

State

21228

Zip Code

443-668-7679

Telephone #

*DrBurke@paradisec
animalhospital.com*

Email Address

Representative to be contacted:

CHARLES SCHLAUCH

Name- Type or Print

Signature

3306 GREENWAY DR., ELLICOTT CITY, MD

Mailing Address

City

State

21072

Zip Code

410-207-0606

Telephone #

Charles.Schlauch@

kg-ww.com

Email Address

**ATTACHMENT TO
PETITION FOR VARIANCE**

C.B. SCHWARZ ASSOCIATES, LLLP ("Petitioner") seeks to replace an existing, permit-approved sign (circa 1970s) with two (2) new free-standing, single-sided joint identification signs along the same frontage of Frederick Road. The existing sign is no longer adequate in design and quality to inform the public of the names of the businesses located in Petitioner's shopping center.

Petitioner requests variance relief from the Baltimore County Zoning Regulations ("BCZR") as follows:

1. From Section 450.4, Attachment 1, to allow two (2) signs along the road frontage in lieu of the permitted one (1) sign;
2. From Section 450.4, Attachment 1.7(b), to allow six (6) lines of copy in lieu of the permitted five (5) lines of copy;
3. From Section 450.5.B(4)(a), to permit two (2) signs within 36 feet of each other in lieu of the required 100 feet;
4. From Section 450.5.B(4)(b), to permit a sign within 34 feet of a residential zone in lieu of the required 100 feet.

Zoning Hearing Property Description:

6350 Frederick Road, Catonsville, MD 21228:

Beginning at a pipe now set at the point of intersection of the northwest side of Frederick Road (MD Rte. 144) 66 feet wide, and the southwest side of a 15 foot alley, thence leaving said place of beginning and the northwest side of Frederick road and running and binding on the southwest side of said 15 foot alley, (1) north 17 degrees 09 minutes 33 seconds West 496.55 feet to a pipe now set at the end of the 3rd line of land, (2) south 49 degrees 48 minutes 37 seconds west 162.29 feet to a pipe now set in the 1st line of land, (3) south 17 degrees 11 minutes 23 seconds east 419.26 feet to a pipe now at the beginning of the 5th line, (4) south 19 degrees 26 minutes 23 seconds east 16.50 feet to a cross-cut now set on the northwest side of the aforementioned Frederick Road, thence running and binding on the northwest side of Frederick Road, 66 feet wide, (5) north 71 degrees 48 minutes 19 seconds east 148.50 feet to the place of beginning.

Containing 1.597 acres of land, more or less, as now surveyed by Evans, Hagan & Holdefer, Inc.

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: 2013-0312

Petitioner: C.B. SCHWARTZ ASSOCIATES, LLP

Address or Location: 6350 FREDERICK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: C.B. SCHWARTZ

Address: 6350 FREDERICK RD

CATONSVILLE, MD. 21228

Telephone Number: 443-668-7679

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

No. **099649**
 Date: **6/20/13**

PAID RECEIPT

BUSINESS ACTUAL TIME INH
 6/20/2013 6/20/2013 10:51:07 2

REG W002 WALKIN JOHN JEE
 >>RECEIPT # 029467 6/20/2013 BFLH

Dept 5 520 ZONING VERIFICATION
 CR NO. 099649

Recpt Tot 1385.00
 1385.00 CR \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.00

Total: **385.00**

Rec From: **C.B. SCHWARTZ ASSOCIATES, LLLP**

For: **2013-0312-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Balto. Co. PAI, Zoning office, Attn.: Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

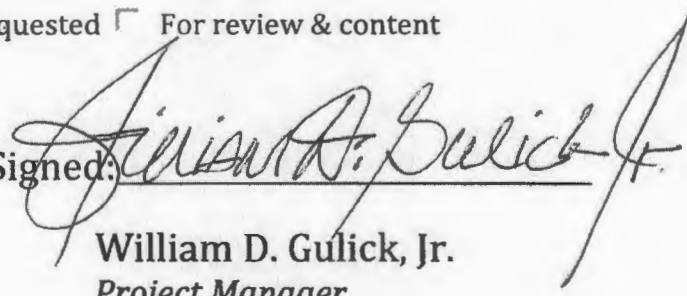
1	Aug. 10, 2013	Certificate Of Posting
2	Aug. 10, 2013	Site Photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Project: 2013-0312-A

Remarks: 6350 Frederick Road

Signed: 

William D. Gulick, Jr.
Project Manager

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: Aug. 10, 2013

Attention: Ms. Kristen Lewis

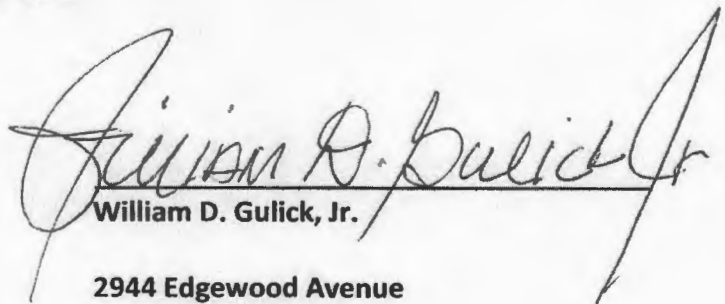
Re: Case Number: 2013-0312-A

Petitioner/Developer: Dr. Cheryl Burke

Date of Hearing/Closing: Aug. 30, 2013

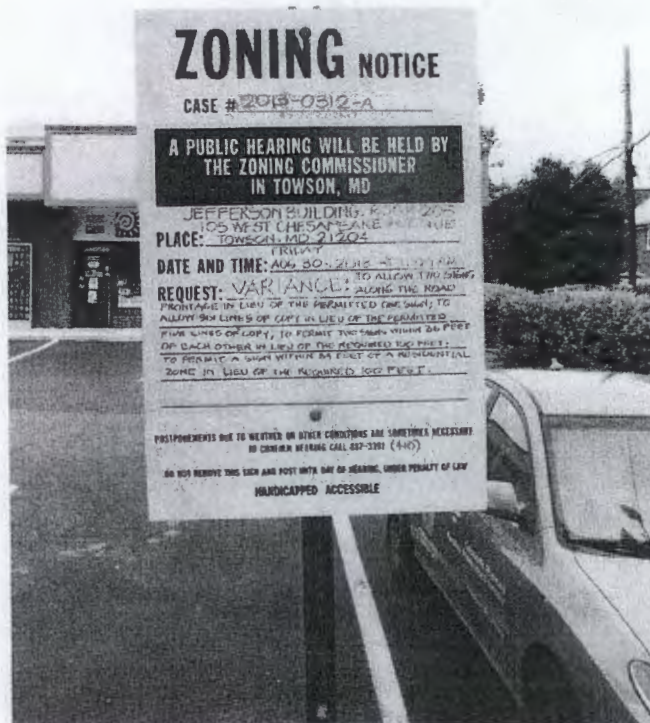
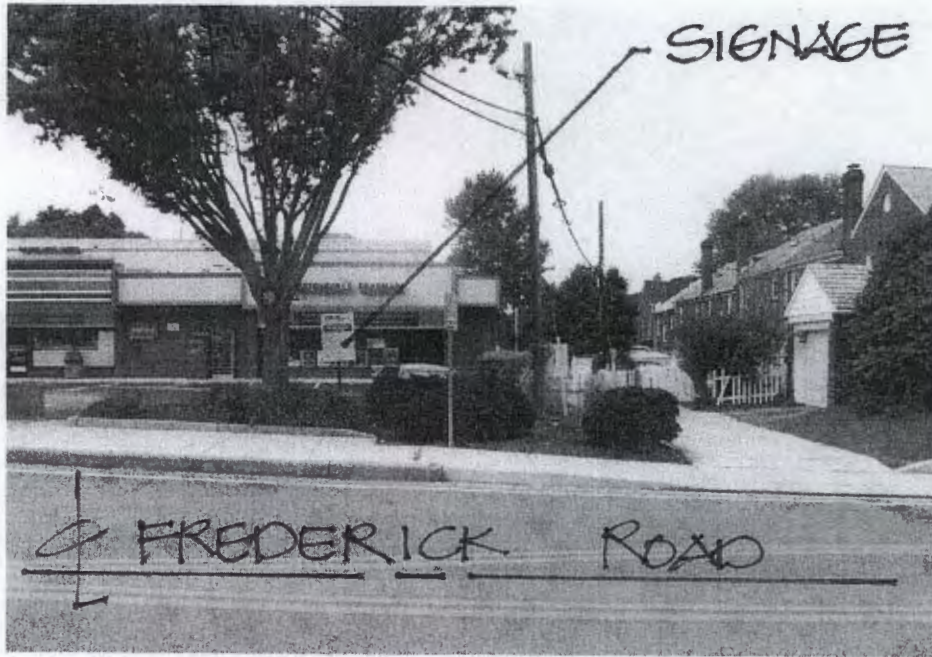
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 6350 Frederick road

The sign(s) were posted on: Aug. 10, 2013

A handwritten signature in cursive script, reading "William D. Gulick, Jr.", is written over a horizontal line.

William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 8, 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 August 8, 2013

☐ The Jeffersonian

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: #2013-0312-A

6350 Frederick Road

NW/s Frederick Road at the intersection with Paradise Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Dr. Cheryl Burke

Variance: to allow two signs along the road frontage in lieu of the permitted one sign; to allow six lines of copy in lieu of the permitted five lines of copy; to permit two signs within 36 feet of each other in lieu of the required 100 feet; to permit a sign within 34 feet of a residential zone in lieu of the required 100 feet.

Hearing: Friday, August 30, 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.

08/127 August 8

938726



KEVIN KAMENETZ
County Executive

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

July 11, 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: 2013-0312-A

6350 Frederick Road

NW/s Frederick Road at the intersection with Paradise Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Dr. Cheryl Burke

Variance to allow two signs along the road frontage in lieu of the permitted one sign; to allow six lines of copy in lieu of the permitted five lines of copy; to permit two signs within 36 feet of each other in lieu of the required 100 feet; to permit a sign within 34 feet of a residential zone in lieu of the required 100 feet.

Hearing: Friday, August 30, 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 the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Michael Wyatt, 404 Allegheny Ave., Towson 21204
Dr. Burke, 6350 Frederick Road, Catonsville 21228
Charles Schlauch, 3306 Greenway Dr., Ellicott City 21042

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 10, 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
Thursday, August 8, 2013 Issue - Jeffersonian

Please forward billing to:

C.B. Schwartz
6350 Frederick Road
Catonsville, MD 21228

443-668-7679

NOTICE OF ZONING HEARING

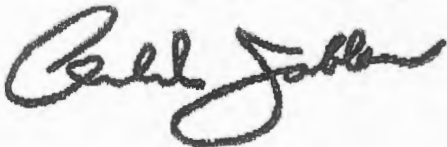
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0312-A

6350 Frederick Road
NW/s Frederick Road at the intersection with Paradise Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Dr. Cheryl Burke

Variance to allow two signs along the road frontage in lieu of the permitted one sign; to allow six lines of copy in lieu of the permitted five lines of copy; to permit two signs within 36 feet of each other in lieu of the required 100 feet; to permit a sign within 34 feet of a residential zone in lieu of the required 100 feet.

Hearing: Friday, August 30, 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.

RE: PETITION FOR VARIANCE
6350 Frederick Road; NW/S of Frederick
Road @ intersection with Paradise Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): Cheryl Burke
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-312-A

* * * * *

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.

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

RECEIVED

JUN 27 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to Charles Schlauch, 3306 Greenway Drive, Ellicott City, MD 21042 and Michael Snyder, Esquire, 404 Allegheny Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/30 11am

CASE NO. 2013-0312-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
7/3/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
7/3/13	DEPS (if not received, date e-mail sent _____)	N/C
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
6/24/13	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. 1999-0024 -SPHXA/attached)	
NEWSPAPER ADVERTISEMENT	Date: 8/8/13	
SIGN POSTING	Date: 8/10/13 by Grulick	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

8/25

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
NW/S Frederick Road, approx. *
200' E of Paradise Avenue * OF BALTIMORE COUNTY
(6350 Frederick Road) *
1st Election District *
1st Councilmanic District * Case No. 99-24-SPHXA

John J. Germenko, Legal Owner; *
Dr. Cheryl Burke, Contract Purchaser

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, John J. Germenko, and the Contract Purchaser, Dr. Cheryl Burke. The Petitioners request a special hearing to approve business parking in a residential zone, a special exception to permit a Class 'A' animal boarding place on the subject property, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.) and to utilize a portion of the R.O. zoned area for a kennel, pursuant to Section 1B01.1.C.18 of the B.C.Z.R., and variance relief from the B.C.Z.R. as follows: From Section 421.2 to permit a Class 'A' animal boarding place and kennel to be located less than 200 feet from the nearest residential zone; and, from Section 232.2.b to permit a side yard setback of 0 feet in lieu of the required 10 feet for an existing commercial building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Dr. Cheryl Burke-Schwarz, Contract Purchaser, her parents, Paul and Edith Burke, James W. Mohler, a nearby property owner, and William P. Monk, a

her operation. Dr. Burke further testified that she wanted to stay in the immediate vicinity in view of the fact that her practice has been located in this community for some time.

Dr. Burke proposes constructing what she described as a "state of the art" veterinary hospital. As shown on the site plan, the hospital building will be connected to the rear of the existing retail shopping center. Although shown on the site plan as being a two-level building, Dr. Burke indicated at the hearing that the building may ultimately reach three stories in height. Apparently, it has been determined that a caretaker's quarters may exist on a third floor and the Petitioner requested to amend her plan accordingly. The proposed building will be 85' wide and 50' deep so as to provide 4250 sq.ft. per level.

Dr. Burke currently employs a staff of 3 full-time veterinarians, and one part-time veterinarian. Additionally, there are approximately 12 other employees of the business. She also indicated that she predominantly treats dogs and cats at her facility and that this type of clientele is not expected to change at the new location. Approximately 90 percent of the animals are of this variety, although there is some treatment/boarding of "pocket" pets including gerbils, ferrets, rabbits, etc. There are no barnyard or exotic animals treated at her facility.

Mr. Monk also testified extensively and described the proposed improvements and existing neighborhood. A series of photographs were submitted which depict the subject property and its environs. Mr. Monk particularly observed the grade of the property and noted the topography of the land to the rear of the building is sloped downward. Thus, although the proposed building will be three stories in height, it will be lower than what might be otherwise thought. Mr. Monk also indicated that the

ment of animals is allowed in the building which is proposed to be located entirely within the B.L. zoned portion of this site.

An animal boarding place is defined in Section 101 as "any building, other structure, or land, or any portion thereof, which is used, intended to be used, or arranged for the boarding, breeding, or other care of animals for profit, but excluding a farm, kennel, pet shop, veterinarian's office, or veterinarian." An "animal boarding place, Class A," is "an animal boarding place exclusively for dogs, cats, birds, and/or other household pets." A Class A animal boarding place as proposed by Dr. Burke for the boarding of her clients' animals is permitted in the B.L. zone by special exception only, pursuant to Section 230.13 of the B.C.Z.R. A "kennel" is defined in Section 101 as "any building, other structure, or land, or any portion thereof, which is used, intended to be used, or arranged for the housing of more than 3 dogs, not counting puppies less than 4 months old, for purposes of show, hunting, breeding, or sale, or as pets, excluding a farm or pet shop."

Within the Petition for Special Exception, relief is requested pursuant to Section 230.13 of the B.C.Z.R. for a Class 'A' animal boarding place in the B.L. zone. Relief is also requested for the operation of a "kennel" in the R.O. zone, pursuant to Section 1B01.1.C.18. This citation as to sub-paragraph 18 is incorrect. A review of Section 1B01.1.C. of the B.C.Z.R. identifies the uses permitted in the D.R. zone, by special exception. This Section is also applicable to the R.O. zone, pursuant to Section 204.3.A.1 of the B.C.Z.R. Section 1B01.1.C.18 identifies "radio stations" as permitted by special exception in the B.R. zone. Perhaps the Petitioner is confusing an older edition of the zoning regulations. Under the

to the proposed building to provide additional parking spaces. Part of this lot is located in the R.O. zoned portion of the property. The location of the parking lot appears appropriate in that it will be buffered from the residential homes which abut this site on the eastern property line. In my judgment, the location of this parking lot is appropriate and will not be detrimental to the health, safety and general welfare of the community. Thus, the Petition for Special Hearing should be granted.

Lastly, turning to the variance relief sought, legitimization of the location of the existing building is requested, pursuant to Section 232.2.B of the B.C.Z.R., which requires a 10-foot side yard setback be maintained. As shown on the site plan, the existing building immediately abuts the side property line; however, the proposed building by Dr. Burke will be setback as required by law. Thus, the requested variance is needed to legitimize the location of the existing building and should be granted.

As to the second variance, same is generated by the new business operation. Section 421.2 of the B.C.Z.R. requires that any Class A animal boarding place be located no less than 200 feet from the nearest residential zone. In that the building will be 10 feet from the D.R. 10.5 zone line along the east side, the requested relief is necessary. Moreover, the accessory outdoor exercise area is located within the R.O. zone. Based on testimony and evidence presented, I am persuaded that the requested variance relief should be granted in this regard.

Thus, after due consideration of the testimony and evidence presented, relief as described above shall be approved. However, certain restrictions shall be imposed to insure that there will be no detrimental impact upon the surrounding neighborhood. In my judgment, the main building to be used by Dr. Burke falls within the definition of a veterinarian.

regarding signage, same should be governed by the current sign regulations or any variance relief which is requested from same.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of September, 1998 that the Petition for Special Hearing to approve business parking in a residential zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a Class 'A' animal boarding place on the subject property, pursuant to Sections 230.13 and 1B01.1.C.22 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 421.2 to permit a Class 'A' animal boarding place and kennel to be located less than 200 feet from the nearest residential zone; and, from Section 232.2.b to permit a side yard setback of 0 feet in lieu of the required 10 feet for an existing commercial building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following terms and restrictions:

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

Date: August 11, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *MS*

SUBJECT: Zoning Item #024

Paradise Animal Hospital

Zoning Advisory Committee Meeting of July 27, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X The kennel run will not be allowed within the Stormwater Management facility.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 3, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 01, 2013
Item Nos. 2013- 0297, 0309, 0310, 0311 and 0312.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 08 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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: July 3, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0312-A
Address 6350 Frederick Road
(Burke Property)

Zoning Advisory Committee Meeting of June 24, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*



KEVIN KAMENETZ
County Executive

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

August 22, 2013

Dr. Cheryl Burke
6350 Frederick Road
Catonsville MD 21228

RE: Case Number: 2013-0312 A, Address: 6350 Frederick Road

Dear Dr. Burke:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 20, 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
Michael T Wyatt, Esquire, 404 Allegheny Avenue, Towson MD 21204
Charles Schlauch, 3306 Greenway Drive, Ellicott City MD 21042

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6-24-13

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

RE: Baltimore County
Item No. 2013-0312-A
Variance
Dr. Cheryl Burke
6350 Frederick Road
MD144

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 6-24-13. A field inspection and internal review reveals that an entrance onto MD144 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0312-A.

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,

Steven D. Foster, Chief
Access Management Division

SDF/raz

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 01 Account Number - 0112740650

Owner Information

Owner Name: C B SCHWARZ ASSOCIATES LLLP **Use:** COMMERCIAL
Mailing Address: 6350 FREDERICK RD **Principal Residence:** NO
BALTIMORE MD 21228-2305 **Deed Reference:** 1) /13184/ 00041
2)

Location & Structure Information

Premises Address **Legal Description**
6350 FREDERICK RD LT NS FREDERICK RD
0-0000 OPP PARADISE AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0101	0003	0127		0000				3	
									Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1976	15136	1.5900 AC	06

Stories **Basement** **Type** **Exterior**
SHOPPING CENTER / NEIGHBORHOOD

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	450,000	450,000		
Improvements:	1,789,600	1,743,300		
Total:	2,239,600	2,193,300	2,193,300	2,193,300
Preferential Land:	0			0

Transfer Information

Seller: GERMENKO JOHN J	Date: 09/30/1998	Price: \$700,000
Type: ARMS LENGTH IMPROVED	Deed1: /13184/ 00041	Deed2:
Seller: LUBY MARY A	Date: 04/26/1976	Price: \$75,000
Type: ARMS LENGTH IMPROVED	Deed1: /05627/ 00015	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

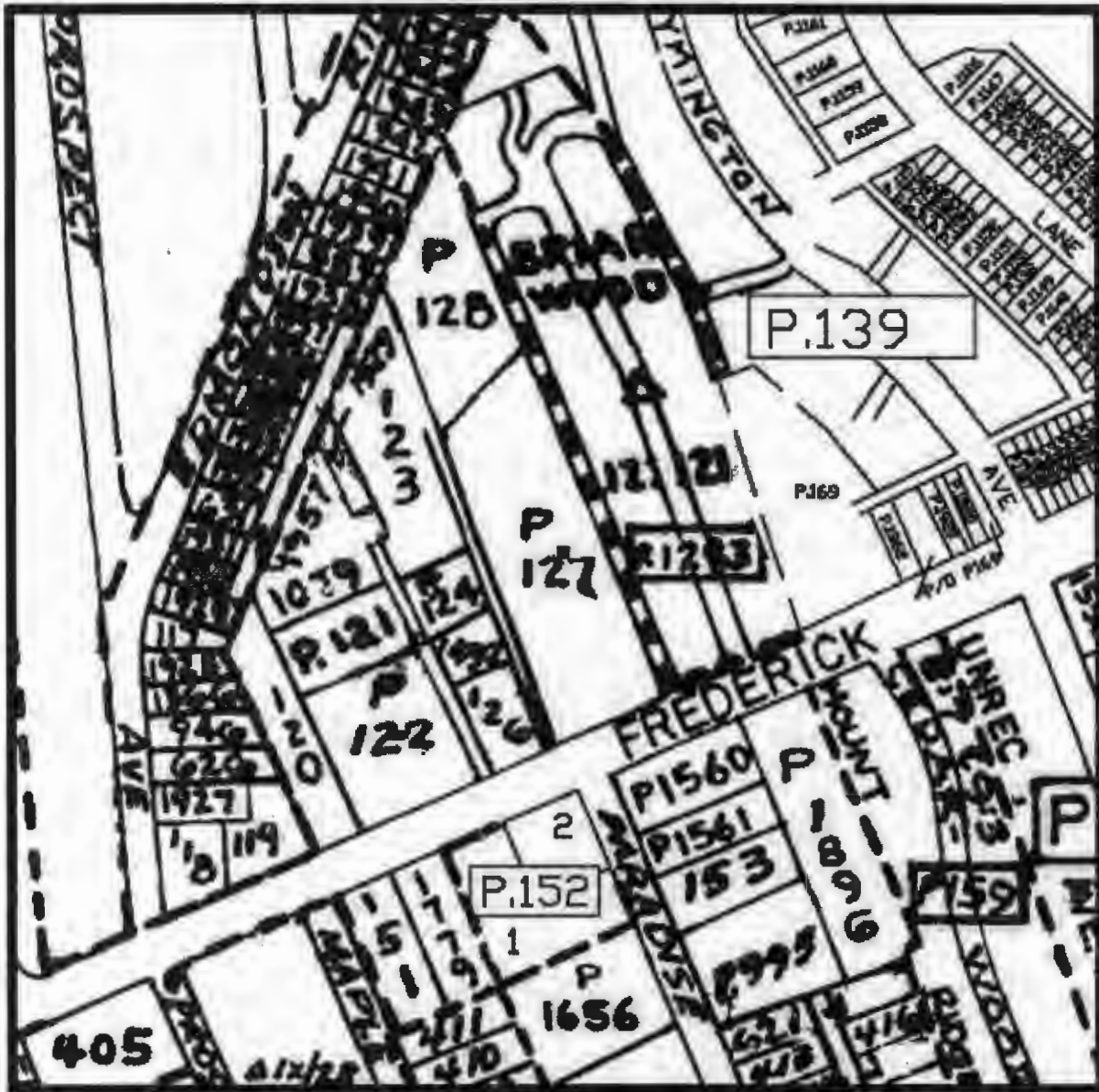
Homestead Application Status: No Application



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

[Go Back](#)
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[New Search](#)

District - 01 Account Number - 0112740650



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.:

2013-312-A

Exhibit Sheet - ~~Continued~~DW10-8'13
9-3-13 aw

Petitioner/Developer

Respondent

No. 101 1	SDAT sheet + deed	
No. 2 2	Color photo - existing sign	
No. 3 3	Rendering of proposed sign	
No. 4 4	Site plan (2 sheet)	
No. 5 5	Photos & Aerial View	
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 01 Account Number - 0112740650		
Owner Information		
Owner Name:	C B SCHWARZ ASSOCIATES LLLP	Use: COMMERCIAL
Mailing Address:	6350 FREDERICK RD BALTIMORE MD 21228-2305	Principal Residence: NO Deed Reference: 1) /13184/ 00041 2)
Location & Structure Information		
Premises Address:	6350 FREDERICK RD 0-0000	Legal Description: LT NS FREDERICK RD OPP PARADISE AVE
Map: 0101	Grid: 0003	Parcel: 0127
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:	Town: NONE	Ad Valorem:
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1976	15136	
Property Land Area	County Use	
1.5900 AC	06	
Stories	Basement	Type
		SHOPPING CENTER / NEIGHBORHOOD
Exterior	Full/Half Bath	Garage
		2001
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	450,000	450,000
Improvements	1,789,600	1,743,300
Total:	2,239,600	2,193,300
Preferential Land:	0	0
Transfer Information		
Seller: GERMENKO JOHN J	Date: 09/30/1998	Price: \$700,000
Type: ARMS LENGTH IMPROVED	Deed1: /13184/ 00041	Deed2:
Seller: LUBY MARY A	Date: 04/26/1976	Price: \$75,000
Type: ARMS LENGTH IMPROVED	Deed1: /05627/ 00015	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	
Tax Exempt:	Special Tax Reca	
Exempt Class:	NONE	
Homestead Application		
Homestead Application Status: No Application		

PETITIONER'S

EXHIBIT NO. 1

0013184 041

DEED

MADE this ^{9th} day of ^{September}, 1998, by and between JOHN J. GERMENKO, party of the first part, and C B SCHWARZ ASSOCIATES, L.L.P., party of the second part.

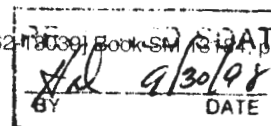
WITNESSETH, that in consideration of the sum of \$796,000.00, and other good and valuable considerations, which includes the amount of any outstanding mortgage or deed of trust, if any, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the party of the second part, its successors and assigns in fee simple, all that property situate in Baltimore County, State of Maryland, described as:

BEGINNING FOR THE SAME at a pipe now set at the point of intersection of the northwest side of Frederick Road (Md. Rte. No. 144) 66 feet wide, and the southwest side of a 15 foot alley as laid out and shown on the plat of "Briarwood" recorded among the Land Records of Baltimore County in Plat Book C.W.B.Jr., 12, folio 121 said place of beginning also being situate in the easternmost boundary of the land which by deed dated April 19, 1922 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 554, folio 222 was conveyed by Julia M. Madigan to Margaret Luby for life - remainder to Mary A. Luby, thence leaving said place of beginning and the northwest side of Frederick Road and running and binding on the southwest side of said 15 foot alley and also binding on the easternmost boundary of said deed, referring all courses of this description to the meridian of said plat of "Briarwood", (1) north 17 degrees 59 minutes 33 seconds West 496.55 feet to a pipe now set at the end of the 3rd line of land which by deed dated Jan. 16, 1953 and recorded among the Land Records of Baltimore County in Liber L.M.B. No. 196, folio 37, was conveyed by John J. Luby to Adam Fuller, thence leaving the southwest side of said 15 foot alley and running and binding on the 3rd line of the 1st hereinmentioned deed and also binding reversely on said 3rd line of the 2nd hereinmentioned deed, (2) south 49 degrees 48 minutes 37 seconds west 162.29 feet to a pipe now set in the 1st line of land which by deed dated June 25, 1958 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3385, folio 131, was conveyed by the Harwood Permanent Building and Loan Association of Baltimore City to Gary O. Hall, Jr., and wife, thence running and binding reversely in part on a part of the 1st line of the 3rd hereinmentioned deed and in part binding reversely on the 1st line of land which by deed dated Sept. 11, 1929 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 532, folio 557, was conveyed by Mary H. Lockard and husband to Samuel O. Turner and wife, and in part binding reversely on the 4th or last line of land which by deed dated Sept. 28, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 543, folio 424, was conveyed by Mary H. Lockard and husband to John Jenkins and wife, and in part binding on the 4th line of land which by Deed dated Nov. 28, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2600, folio 187, was conveyed by Lillian Victoria Lockard to Marcus L. Schwartz and wife, said lines being the westernmost boundary of the 1st hereinmentioned deed, in all (3) south 17 degrees 11 minutes 23 seconds east 419.28 feet to a pipe now at the beginning of the 5th or last line of the last hereinmentioned deed thence running and binding on said 5th line and also still binding on the westernmost boundary of said 1st hereinmentioned deed, (4) south 19 degrees 28 minutes 23 seconds east 16.50 feet to a cross-cut now set on the northwest side of the aforementioned Frederick Road, thence running and binding on the northwest side of Frederick Road, 66 feet wide, (5) north 71 degrees 48 minutes 19 seconds east 148.50 feet to the place of beginning.

Containing 1.597 acres of land, more or less, as now surveyed by Evans, Hagan & Holdefer, Inc.

BEING subject, however, to a 10 foot right of way along the 4th and 5th lines of the above described parcel, as laid out in a right of way agreement dated June 16, 1900 from Adam Fuller and wife to Margaret Luby and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 246, folio 180.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-12039] Book SM 1814, p. 0041. Pri
03/04/2005.



0013184 042

BEING the same lot of ground which by Deed dated April 23, 1978 and recorded among the Land Records of Baltimore County in Liber No. 6827, folio 18, was granted and conveyed by JOSEPH E. LUBY AND MARGARET ROBERTS, to JOHN J. GERMENKO, the within Grantor.

TOGETHER WITH the buildings thereon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, to the said party of the second part, its successors and assigns in fee simple.

AND the said party of the first part covenants that he/she has/have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he/she will warrant specially the property hereby granted; and that he/she will execute such further assurances of said land as may be requisite.

IN TESTIMONY WHEREOF, the said party of the first part has set his/her hand and seal the day and year first above written.

WITNESS:



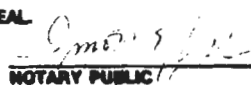
 (SEAL)
JOHN J. GERMENKO

(SEAL)

STATE OF MARYLAND
City of Baltimore, TO WIT:

I Hereby Certify, That on this 9th day of September, 1998, before me, the subscriber, personally appeared JOHN J. GERMENKO, known to me, or satisfactorily proven, to be the person whose name is/are subscribed to the within instrument, and did further acknowledge the foregoing deed to be his/her act, and in my presence signed and sealed the same.

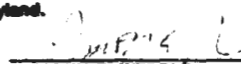
WITNESS MY HAND AND NOTARIAL SEAL.


NOTARY PUBLIC

My commission expires:

2/1/01

IN accordance with Real Property Article Section 3-104(f), this is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.


TIMOTHY E. WEDDLE

CASE #

189-819

RETURN TO:

C B SCHWARZ ASSOCIATES, LLLP
6350 FREDERICK RD
CATONSVILLE, MD 21228

0013184 043

State of Maryland Land Instrument Intake Sheet
☐ Baltimore City ☒ County: Baltimore County

Information provided is for use of the Clerk's Office, State Department of
 Assessments and Taxation and County Finance Office only.
 (Type or Print in Black Ink Only—All Copies Must Be Legible)

IMP TO SURE \$ 5.00
 RECORDING FEE 20.00
 RECORDATION 3,500.00
 TX TAX STATE 3,500.00
 TOTAL 7,025.00
 Recd Bldg: Rev: \$ 430.8
 CM CM Bldg: \$ 430.8
 Ser 38, 1998 83:00 PM

1 Type(s) of Instruments		☒ Deed ☐ Mortgage ☐ Other	
☒ Deed of Trust ☐ Lease ☐ Other			
2 Conveyance Type Check Box		☐ Improved Sale ☐ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms	
3 Tax Exempt (If Applicable)		Arms-Length(1) Arms-Length(2) Arms-Length(3) Length State(4)	
4 Consideration And Tax Calculations		Consideration Amount Purchase Price/Consideration \$ 700,000.00 Any New Mortgage \$ 650,000.00 Balance of Existing Mortgage \$ Other: \$ Full Cash Value \$ Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ Less Exemption Amount \$ Total Transfer Tax \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$ Agent: Tax Bldg: C.B. Credit: Ag. Tax/Other:	
5 Fees		Amount of Fees Doc. 1 Doc. 2 Recording Charge \$ 20.00 \$ 20.00 Surcharge \$ 5.00 \$ 5.00 State Recordation Tax \$ 3,500.00 \$ 0 State Transfer Tax \$ 3,500.00 \$ 0 County Transfer Tax \$ 10,800.00 \$ 0 Other \$ 0 \$ 0 Total Fees \$ 17,525.00 \$ 25.00	
6 Description of Property		District: 01 Property Tax ID No.(1): 01-19-740850 Grantor Libor/Folio: 05827/0016 Map: 0101 Parcel No.: 0127 Ver/LOR: (B) Subdivision Name: Hedges & Co. Ltd. Lot(2a): Block(2b): Sect(2c): Pct(2d): Location/Address of Property Being Conveyed (2): 6350 FREDERICK ROAD, CATONSVILLE, MD 21228 Other Property Identifiers (if applicable): IMPSLT NS FREDERICK ROAD Water Meter Account No.: Residential: ☐ or Non-Residential(2) Fee Simple(2) or Ground Rent(2) Amount: Partial Conveyance? ☐ Yes ☒ No Description/Int. of SoF/Acresage Transferred: If Partial Conveyance, List Improvements Conveyed:	
7 Transferred From		Doc. 1 - Grantor(s) Name(s): JOHN J. GERMENKO Doc. 2 - Grantor(s) Name(s): C B SCHWARZ ASSOCIATES, LLLP Doc. 1 - Owner(s) of Record, if different from Grantor(s): Doc. 2 - Owner(s) of Record, if different from Grantor(s):	
8 Transferred To		Doc. 1 - Grantee(s) Name(s): C B SCHWARZ ASSOCIATES, LLLP Doc. 2 - Grantee(s) Name(s): MICHAEL T. GALLEONE and ROBERT W. LOCKE New Owner's (Grantee) Mailing Address: 8433 FREDERICK ROAD, CATONSVILLE, MD 21228	
9 Other Names to Be Indexed		Doc. 1 - Additional Names to be Indexed (Optional): Doc. 2 - Additional Names to be Indexed (Optional):	
10 Contact/Mail Information		Instrument Submitted By or Contact Person: Name: T.E. WEDDLE (FILE #188-818) Firm: The Security Title Guarantee Corporation Address: 8 South Calvert Street Baltimore, MD 21206-1368 Phone: 410-727-4458 ☐ Return to Contact Person ☐ Hold for Pickup ☒ Return Address Provided	
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER			
Assessment Information		Yes ☒ No ☐ Will the property being conveyed to the grantee's principal residence? Yes ☒ No ☐ Does transfer include personal property? If yes, identify: Yes ☒ No ☐ Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).	
Assessment Use Only - Do Not Write Below This Line		☐ Terminal Verification ☐ Agricultural Verification ☐ Urban ☐ Port ☐ Tran. Process Verification Transfer Number: 118 Date Rec'd: 118 Doc. Rec'd: 118 Land ID: 1318368 Doc. Rec'd: 118 Doc. Rec'd: 118 Book: 118 Page: 118 Doc. Rec'd: 118 Doc. Rec'd: 118 Subdivision: 118 Doc. Rec'd: 118 Doc. Rec'd: 118 BALTMORE COUNTY CIRCUIT COURT (1 and Records) [MSA CE 62-13039] Book SM 13184, p. 0043. Pr 03/04/2005.	



PETITIONER' S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO.

3

Scale: 1/2"=1'

One (1) single faced, post and panel type aluminum sign structure and posts with single faced, 40" x 32" x 9" deep internally H.O. illuminated sign cabinet with divider bars and plotter cut vinyl decorated 3/16" thick white acrylic. One single faced 17" x 39" monochrome 19mm LED message center to be mounted below. Header to be routed 1/4" thick aluminum arch welded to 2" x 11" x 50" long fabricated aluminum cap. Two (2) 11' long 4" x 4" aluminum posts painted black to be set direct burial in ground 4' with concrete. All exposed aluminum to be painted black. Remove existing pylon sign.

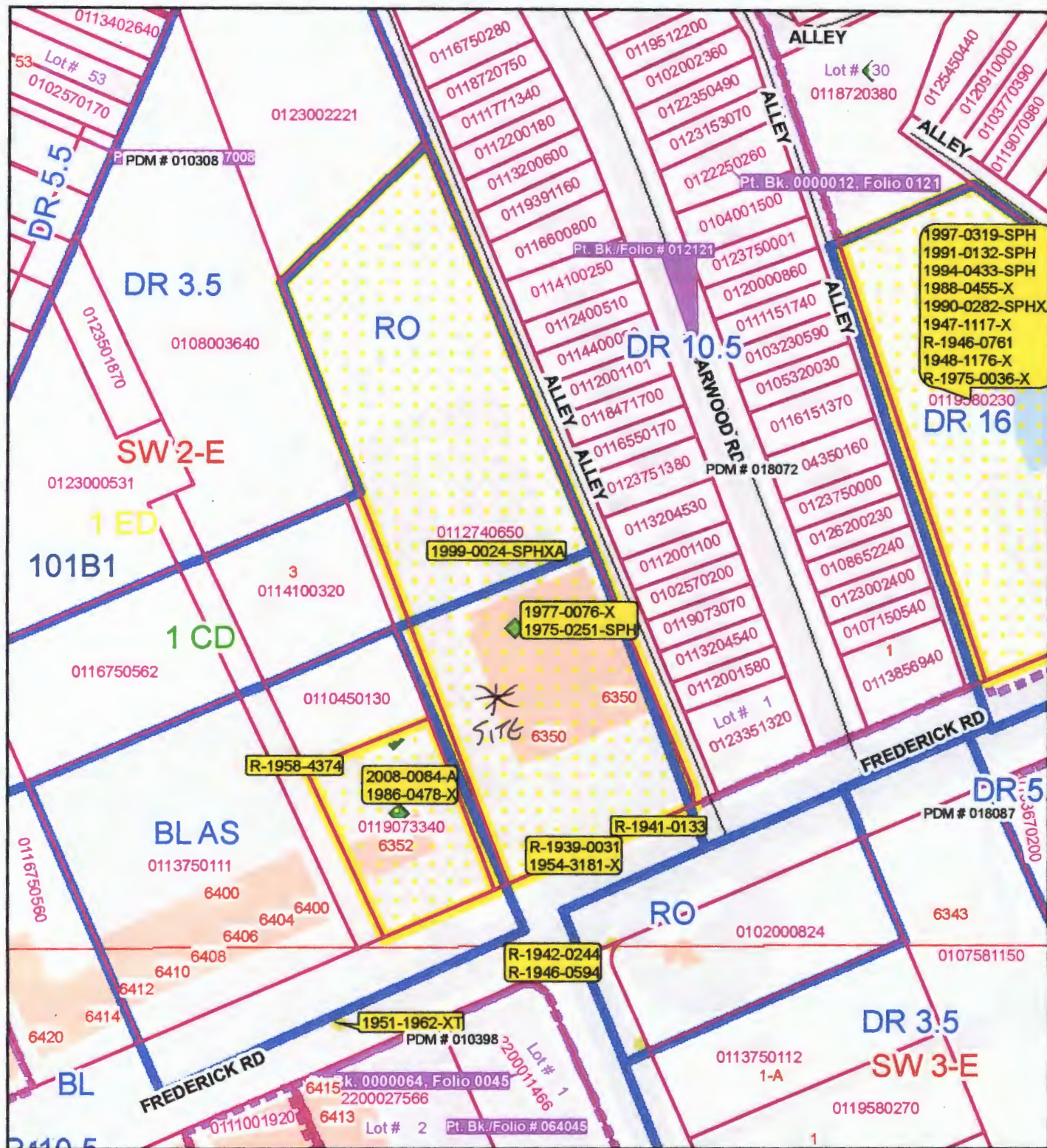
THIS DRAWING IS THE EXCLUSIVE PROPERTY OF 3D SIGNS AND IS TO BE REVIEWED ONLY BY A PROSPECTIVE CUSTOMER FOR THE PURPOSE OF PURCHASING PRODUCTS AND/OR SERVICES FROM 3D SIGNS. ANY USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF THIS DRAWING AND/OR THE INFORMATION CONTAINED HEREIN IS USED, CONVEYED AND/OR DISTRIBUTED IN ANY WAY, THE RECIPIENT OF THIS DRAWING AGREES TO COMPENSATE 3D SIGNS FOR THE TIME AND EFFORT EXPENDED TO PRODUCE SAID DRAWING.



9633 Liberty Rd. Ste. L
Randallstown, MD 21133
ph: 410.655.0202
fax: 410.655.2226
www.dddsigns.com

DRAWING INFO	CUSTOMER	ELECTRICAL NOTES	DESIGN CRITERIA	ALLOWABLE S.Q. FT.	CUSTOMER APPROVAL
DRAWING # : 1	Paradise Animal Hospital	ALL ELECTRICAL COMPONENTS WILL BE UL LISTED AND APPROVED AS PER 1999 NEC 400-4 & 400-4 & DESIGNATED TO UL 48 PER F.S. 553-19. ALL SIGNS ARE TO BE GROUNDING AND BONDING PER NEC 400-7 & 250-95. ALL WIRING INSIDE LETTERS ARE TO BE #12 THIN HIGH TENSION GTO. ALL PRIMARY WIRING PROVIDED BY CUSTOMER IS TO BE #12 THIN HIGH TENSION AS PER NEC 400-21. THESE PLANS COMPLY WITH FBC 455-21. PRIMARY ELECTRIC SOURCE TO BE PROVIDED BY CUSTOMER TO WITHIN 6 FEET OF SIGN LOCATION	EXPOSURE "C" ASCE 7-98 2001FBC BUILT TO WITHSTAND 50 MPH	PROPOSED S.Q. FT.	PLEASE VERIFY COLORS, SPELLING AND LAYOUT PRIOR TO SIGNING. ACTUAL SIZES AND COLORS OF FINISHED PRODUCT MAY VARY. Date: / /
DATE: 3-19-13					
SCALE: As noted					
SALES REP: AP					
REVISIONS:					
DESIGNER: DD					

Enter Property Address Here



Publication Date: 6/20/2013



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

2013-0312-A



EXISTING SIGN ON WEST SIDE OF
ENTRY NORTH OF FREDERICK ROAD



INTERSECTION OF FREDERICK ROAD AND PARADISE
FROM SOUTH SIDE OF FREDERICK ROAD



INTERSECTION OF FREDERICK ROAD AND PARADISE
FROM FREDERICK ROAD LOOKING WEST



ADJACENT PROPERTY FROM
ANIMAL HOSPITAL ENTRY



INTERSECTION OF FREDERICK ROAD AND PARADISE
FROM SOUTH SIDE OF FREDERICK ROAD



6350 PROPERTY FROM SIDEWALK ALONG
WEST SIDE OF PARADISE AVENUE



6350 PROPERTY FROM SIDEWALK ALONG
SOUTH SIDE OF FREDERICK ROAD

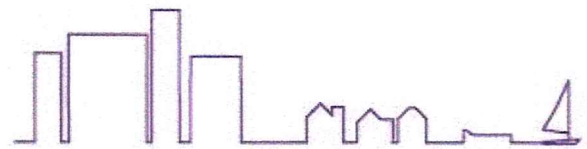


AERIAL VIEW OF PARADISE AVENUE AND
FREDERICK ROAD INTERSECTION WITH 6350
PROPERTY AND SURROUNDING NEIGHBORHOOD

PETITIONER'S
EXHIBIT NO. 5

Owner:
Burke Property

6350 Frederick Road,
Catonsville, MD 21228


KGRW & Associates LLC
development services, planning, architecture, project management.
3306 Gateway Drive Elkton City, MD 21042 / 410.207.4381.
kevin.glover@kg-rw.com
www.kg-rw.com

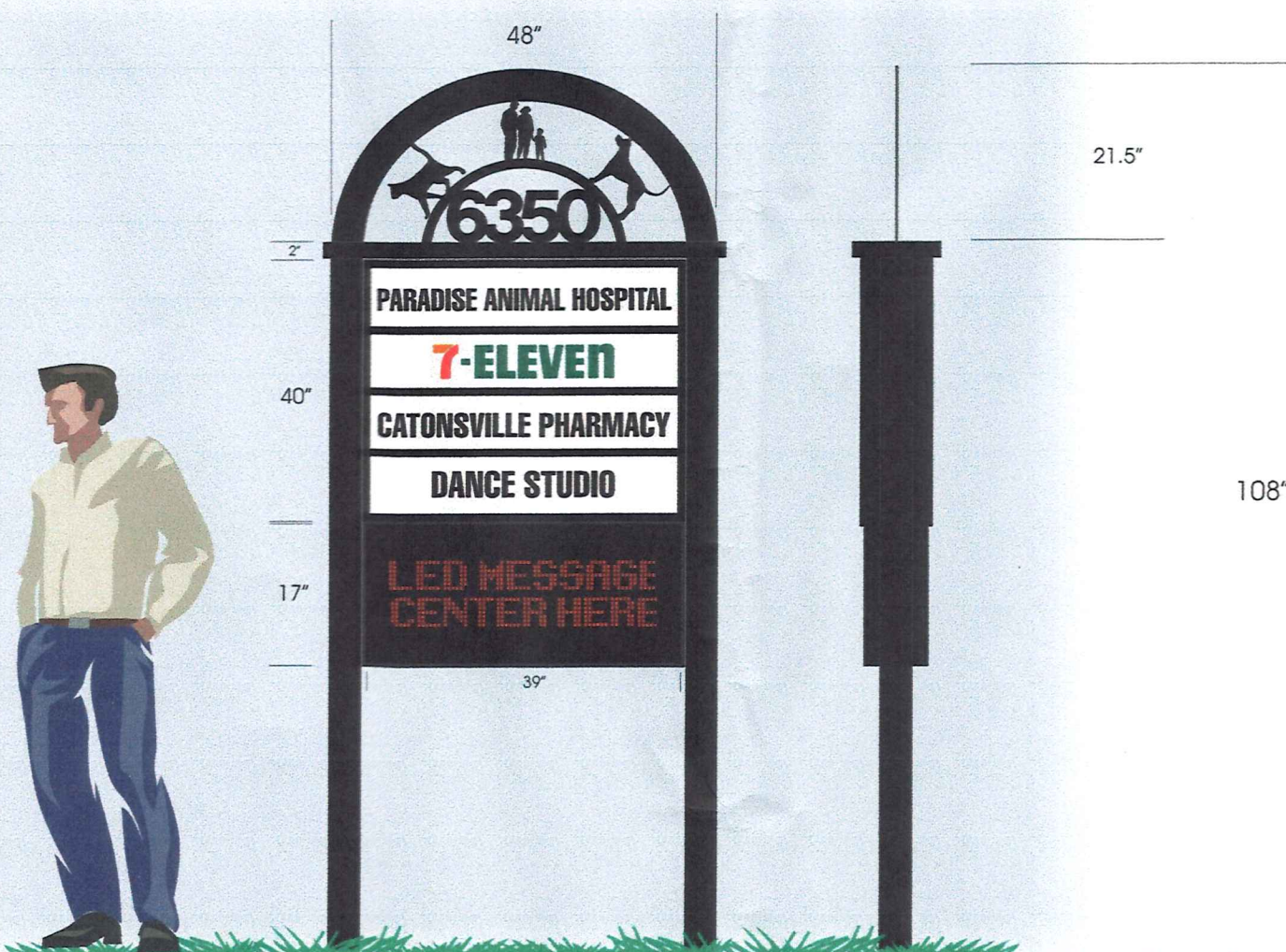
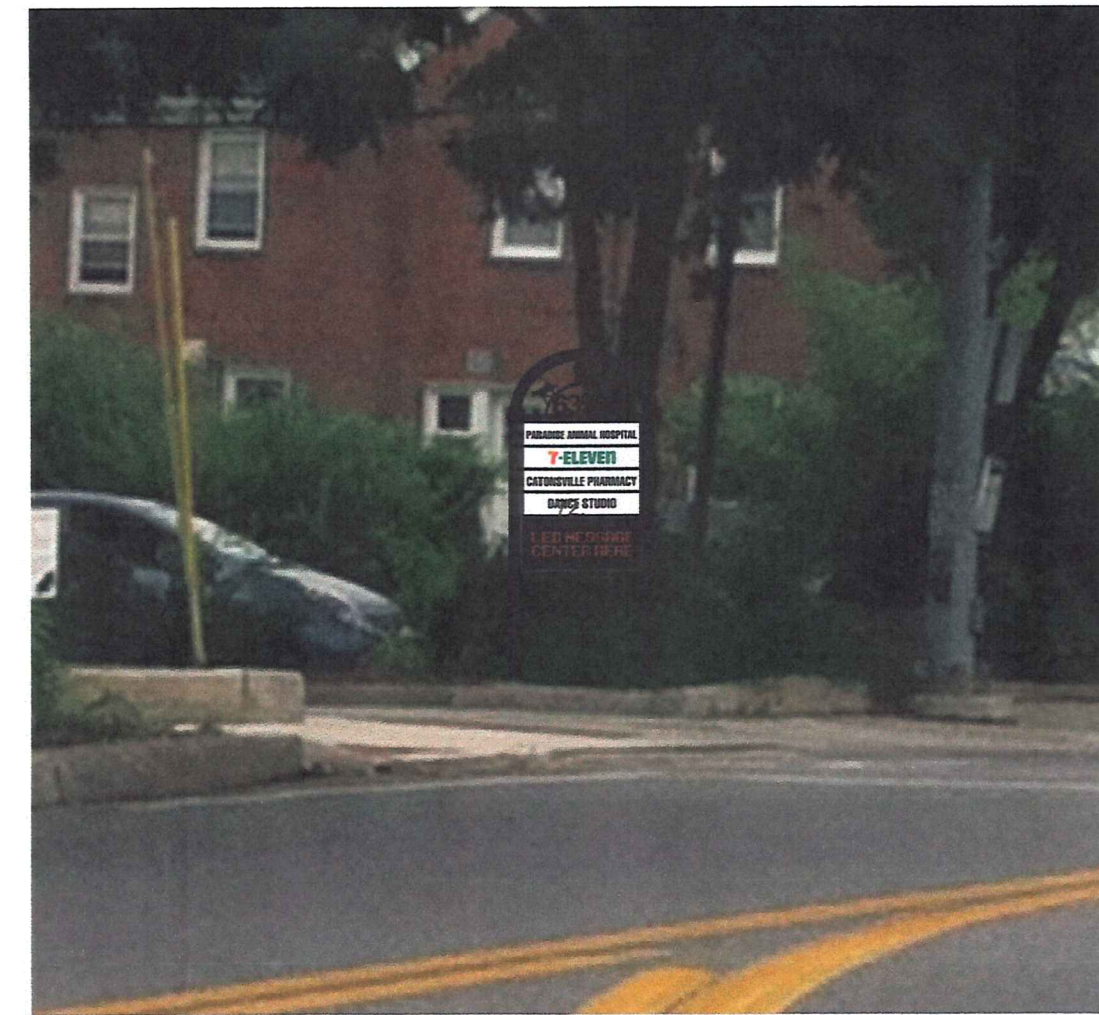
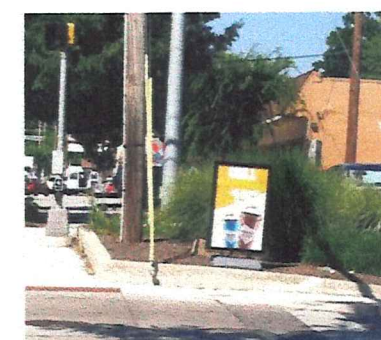
New Signs
6350 Frederick Road
Catonsville, MD 21228

No.	Date	Description

**PHOTOS &
AERIAL VIEW**

Date: 06-20-13
Checked: KPG
Drawn By: CWS
Scale: See Drawing

P-1



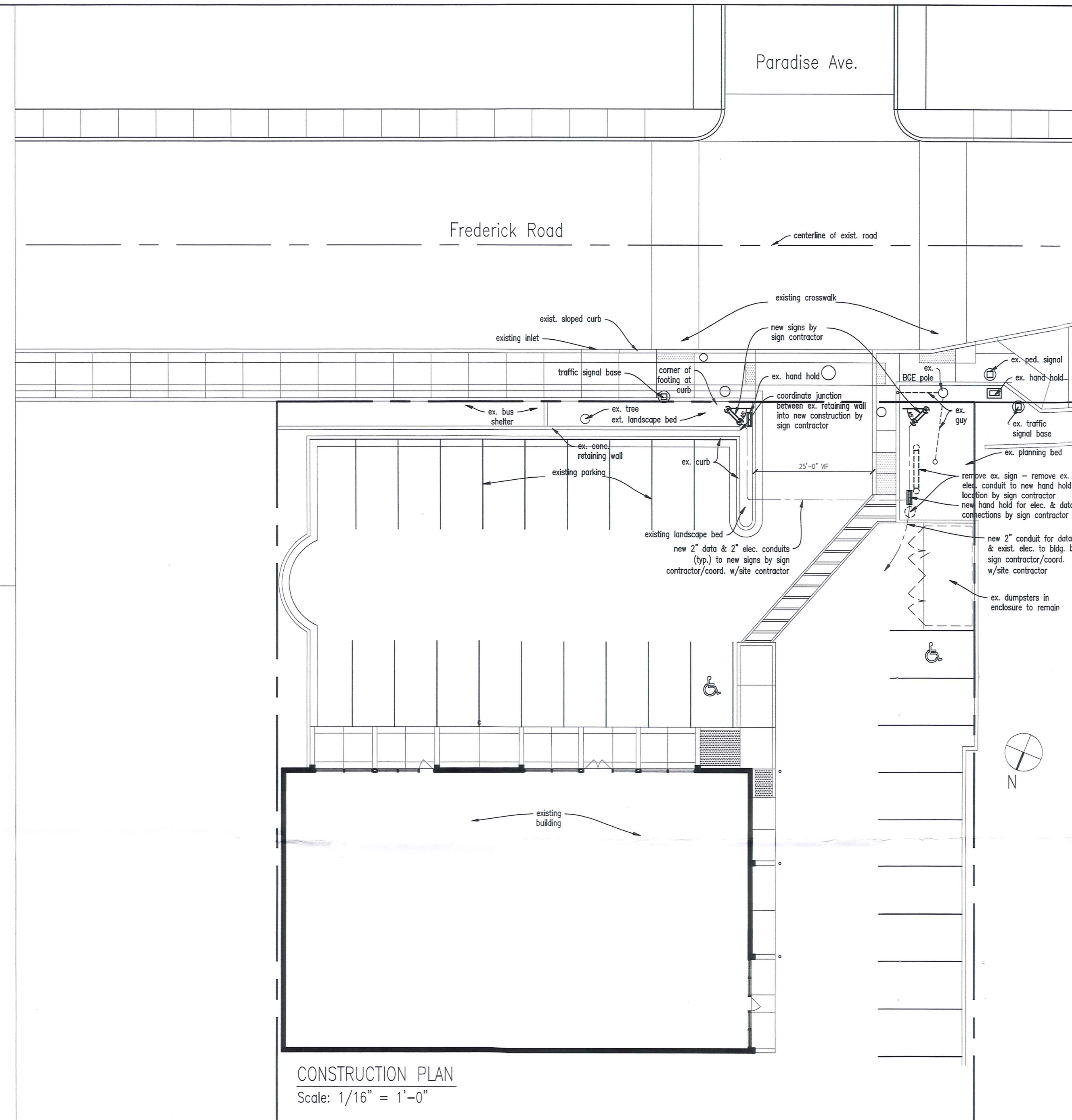
Proposed New
Sign Elevation
Not To Scale

Scale: 1/2" = 1'

One (1) single faced, post and panel type aluminum sign structure and posts with single faced, 40" x 32" x 9" deep internally H.O. illuminated sign cabinet with divider bars and plottor cut vinyl decorated 3/16" thick white acrylic.

One single faced 17" x 39" monochrome 19mm LED message center to be mounted below. Header to be routed 1/4" thick aluminum arch welded to 2" x 11" x 50" long fabricated aluminum cap. Two (2) 11' long 4" x 4" aluminum posts painted black to be set direct burial in ground 4' with concrete. All exposed aluminum to be painted black.

Remove existing pylon sign.



Owner:

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**New Signs
6350 Frederick Road
Catonsville, MD 21228**

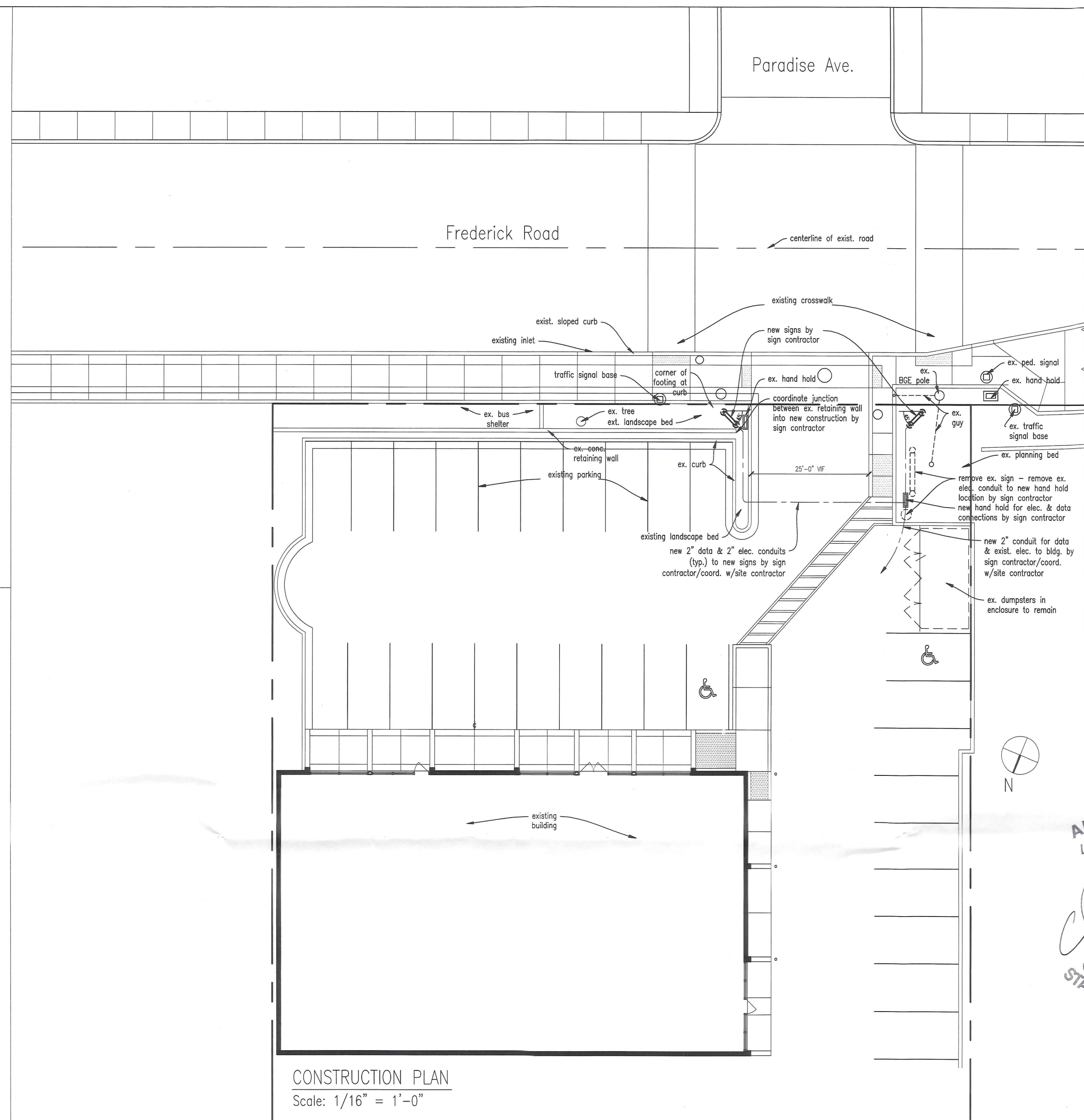
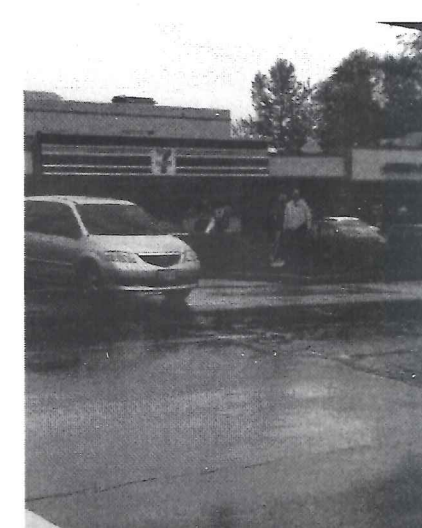
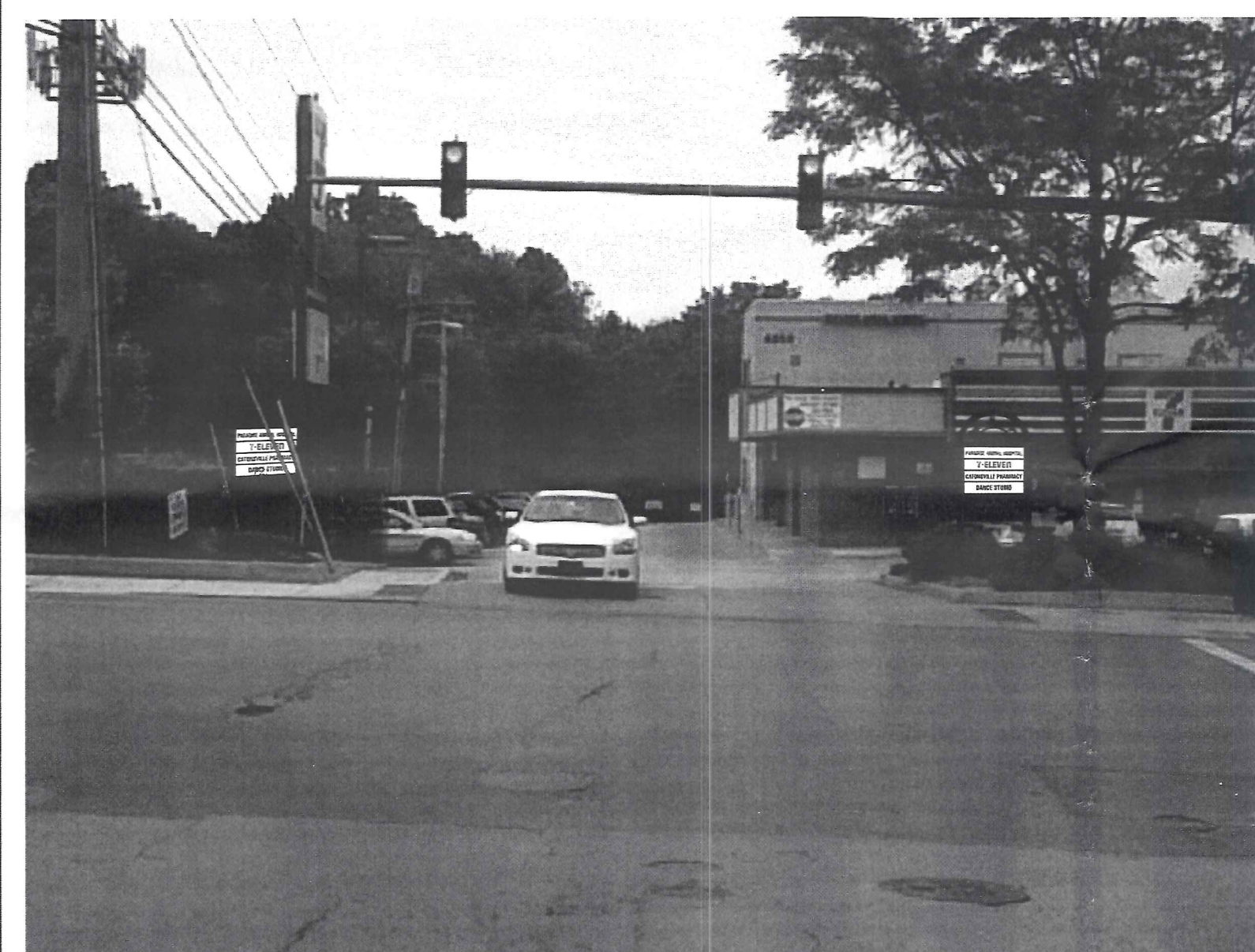
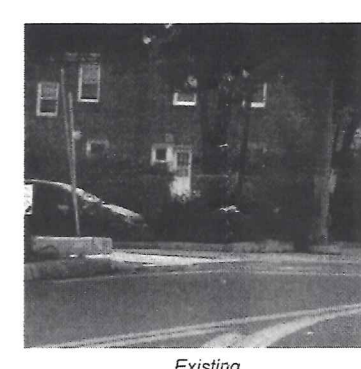
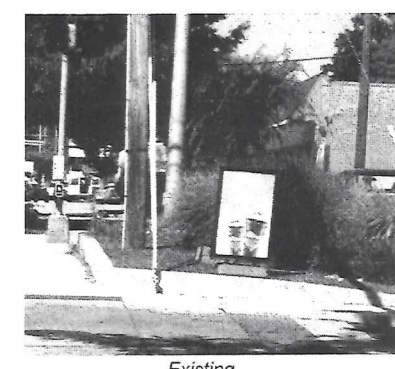
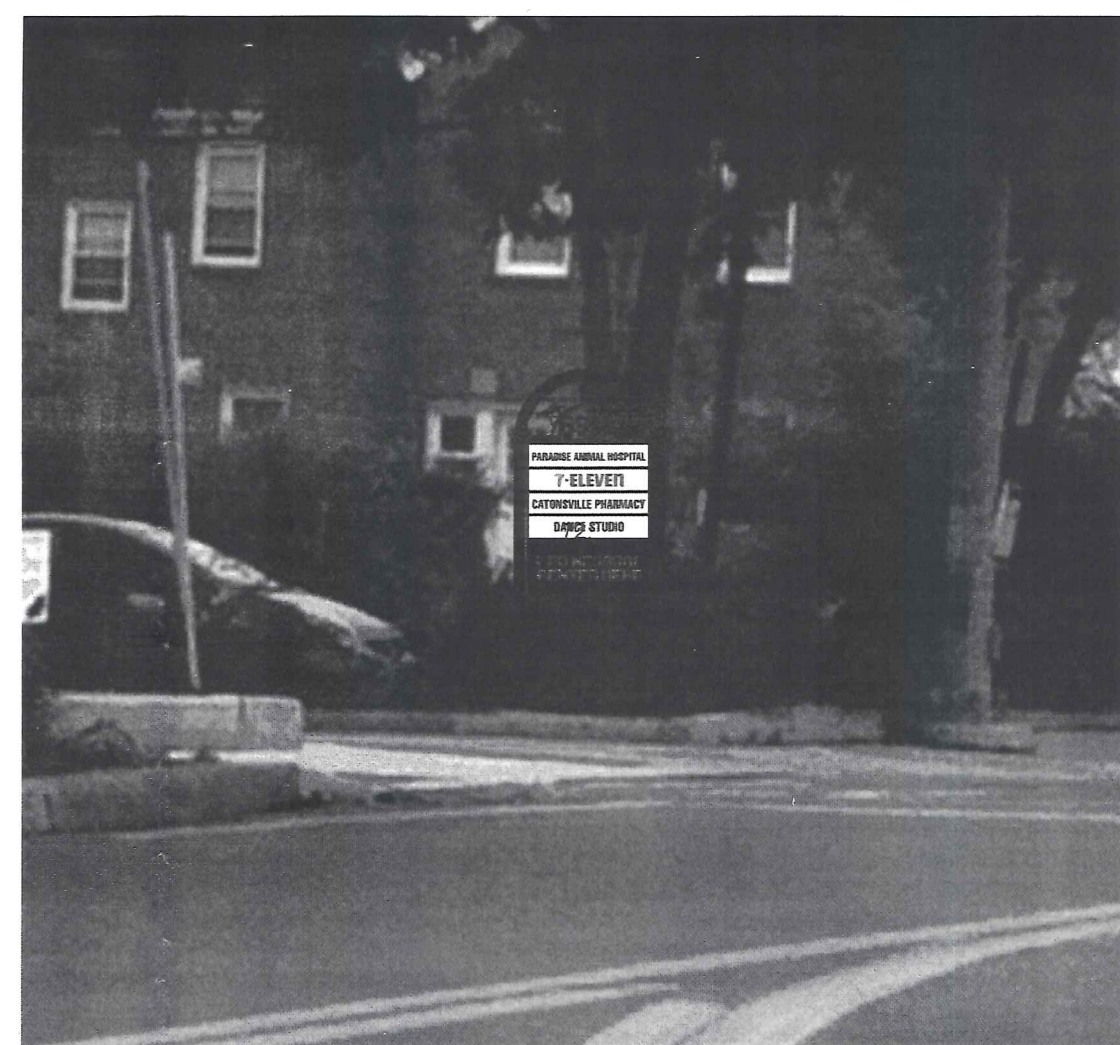
No.	Date	Description
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CONSTRUCTION PLAN

Date:	06-20-13
Checked:	KPG
Drawn By:	TD
Scale:	$1/16" = 1' - 0"$

A-1

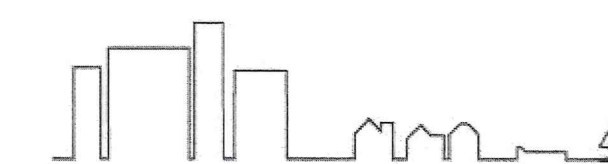
2 of 2



Owner:

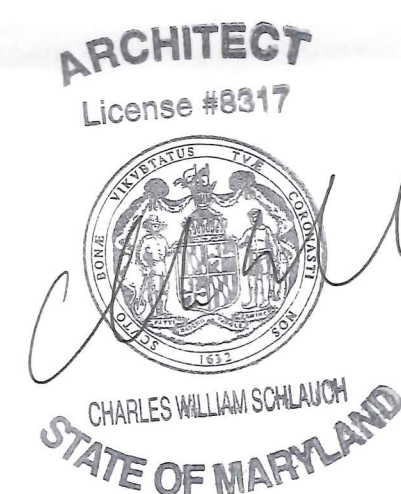
Burke Property

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Proposed New
Sign Elevation
Not To Scale

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One single faced 17" x 39" monochrome 19mm LED message center to be mounted below. Header to be routed 1/4" thick aluminum arch welded to 2" x 11" x 50" long fabricated aluminum cap. Two (2) 11' long 4" x 4" aluminum posts painted black to be set direct burial in ground 4' with concrete. All exposed aluminum to be painted black.
Remove existing pylon sign.

Scale: 1/2"=1'

No.	Date	Description
-----	------	-------------

CONSTRUCTION PLAN

Date:	06-20-13
Checked:	KPG
Drawn By:	TD
Scale:	1/16" = 1' - 0"

A-1

2 of 2

2013-0312-A

ZONING HEARING FOR SIGN VARIANCE

ADDRESS: 6350 FREDERICK ROAD, CATONSVILLE, MD 21228-2305

SUBDIVISION

LOT#

BLOCK #

SECTION #

PLAT BOOK #

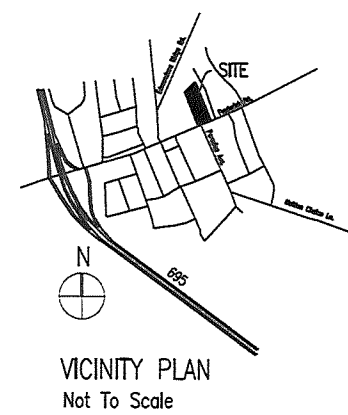
FOLIO #

10 DIGIT TAX # 0112740650

DEED REF. # 13184/00041

OWNER: C.B. SCHWARZ ASSOCIATES, LLLP

APN/Parcel ID: 101-03-00127-000-00000



Owner:

Burke Property

6350 Frederick Road,
Catonsville, MD 21228



KGRW & Associates LLC

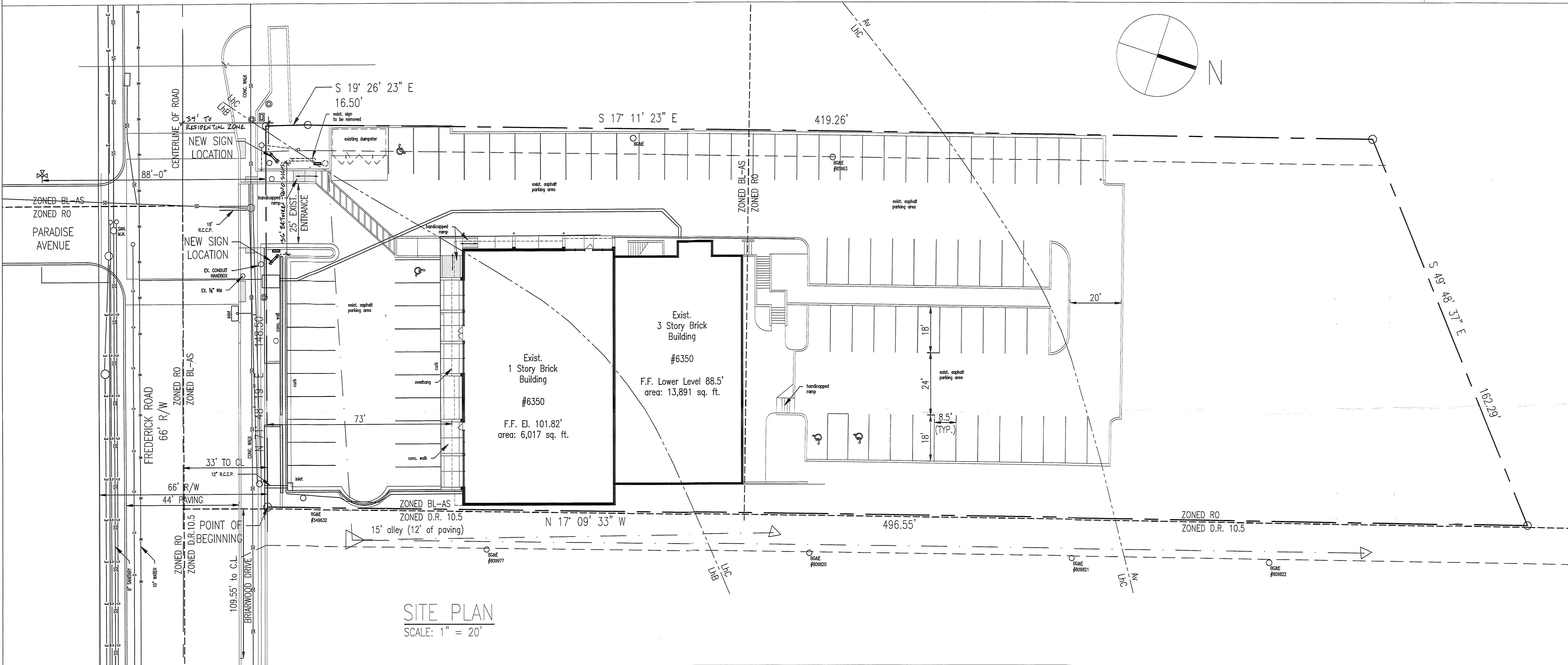
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www.kg-rw.com

New Signs
6350 Frederick Road
Catonsville, MD 21228



SITE PLAN

SCALE: 1" = 20'

NOTES:

1. Zoning Map: #101B1
2. Site Zoned: BL - AS and RO
3. Election District: 1st
4. Council District: 1st
5. Lot Area Gross: 1.69 AC 74,020 SQ. FT.
Net: 1.59 AC 69,553 SQ. FT.
6. Building Area: 15,136 square feet
7. Historic: No
8. In CBQA?: To the best of our knowledge no
Critical Areas exist on the site.
9. In Flood Plain?: No
10. Utilities: Marked with X
11. Water is Public
12. Sewer is Public

13. Prior Zoning Hearings: As Follows:

Case No. 031/1940

Property changed and reclassified from residential use to commercial use.

Case No. 99-24-SPHXA

Granted petition for special hearing, special exceptin and variance to permit a Class-A animal boarding place; to utilize a portion of the RO-zoned area for a kennel, and for variance relief to permit Class-A animal boarding place and kennel to be located less than 200 feet from the nearest residential zone and to permit a side yard setback of 0 feet in lieu of the required 10 feet for an existing commercial building. Subject to the following restrictions:

Case No. 133/1941

Property changed and reclassified to group house use building to be erected according to plans submitted.

Case No. 3181-S/1945

Granted petition for special permit to use the Property for a gasoline service station.

Case No. 75-251-SPH

Denied request for special hearing to permit passenger vehicle parking for a restaurant in a DR-16 zone.

Case No. 77-76-X

Petition for special exception/reclassification for office building (initially denied by deputy zoning commissioner) approved by County Board of Appeals February 23, 1979, subject to the following restrictions:

1. The subject Property shall be developed in substantial compliance with Petitioner's Exhibit 2, subject to the Baltimore County Stormwater Management Program.
2. There shall be no ingress or egress to the subject Property from the concrete alley that abuts the east side of this Property.
3. The entrance to the subject Property from Frederick Road shall be widened approximately 5 feet and this widening of the existing ingress/egress of the subject Property shall be subject to the approval of SHA.

1. Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this order has expired.
2. The proposed veterinarian building must be odor-proofed and sound-proofed to prevent disturbances to the neighborhood.
3. Petitioners shall comply with the ZAC comments submitted by the Department of Environmental Protection and Resource Management dated August 11, 1998.
4. Petitioners shall submit a landscape plan for review and approval by Avery Harden, the landscape architect for Baltimore county. Thick screening along the eastern boundary is particularly warranted in that the outdoor exercise area abuts the rear yards of residential homes.

5. Prior to the issuance of any building permits, a revised site plan shall be submitted to the Department of Permits and Development Management for inclusion in the case file, and elevation drawings of the proposed building (either 2-story or 3-story) shall be submitted to the Office of Planning for review and approval.

6. When applying for any permits, the site plan and/or landscape plan must reference this case and set forth and address the restriction of this order.

No. Date Description

SITE PLAN

Date:

06-20-13

Checked:

KPG

Drawn By:

CWS

Scale:

See Drawing

PETITIONER'S

EXHIBIT NO.

4

S-1

1 of 2