

IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(12802 Sagamore Forest Lane)
4th Election District
3rd Councilmanic District
Jay Weinstein, *Legal Owner*
Bonnie J. Miller D.V.M.,
Contract Purchaser
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0132-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 12802 Sagamore Forest Lane. The Petitions were filed by Timothy M. Kotroco, Esq., on behalf of the legal owner, Jay Weinstein and contract purchaser, Bonnie J. Miller D.V.M. ("Petitioners"). The Special Exception Petition seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) to permit a private kennel in an RC 2 zone pursuant to B.C.Z.R. § 1A01.2.C.2. The Petition for Variance seeks relief under B.C.Z.R. § 421.1 to permit any part of the private kennel use (fence) to be located as close as 5 ft. from the nearest property line in lieu of the minimum required 200 ft. from the nearest property line. The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the hearing in support of the Petitions were Dr. Bonnie Miller, Jay Weinstein, Jared Block and Randy Bachtel. Timothy M. Kotroco, Esq. of Whiteford, Taylor & Preston represented the Petitioners. Several neighbors attended the hearing and opposed the petition, and their names are listed in the case file. The Petition was advertised and posted as required by the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date 2/5/14
By Sen

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. None of the reviewing agencies opposed the petition, but both the Department of Planning (DOP) and Bureau of Development Plans Review (DPR) submitted conditions they requested if the relief is granted.

Testimony and evidence offered at the hearing revealed that the subject property is approximately 3.227 acres, and is zoned RC 2. The property is improved with a single family dwelling and other amenities including a tennis court and swimming pool. Dr. Miller, a veterinarian, is the contract purchaser, and she proposes to live in the home and keep up to twenty (20) dogs on the premises. The County deems this a "kennel" for which a special exception is required in the RC2 zone, but Dr. Miller stressed that all of the dogs are owned by her, and that this will not be a commercial operation. Dr. Miller explained that these are purebred "show dogs," several of which have won national awards. She stated that most of the dogs are English Toy Spaniels, which are less than 10 pounds and are quiet and well-behaved. Dr. Miller explained the dogs would mainly be kept inside the home, and would be let out in the fenced yard (with supervision) 3 or 4 times daily for 15-30 minutes.

Several neighbors testified in opposition to the proposal, citing concerns with noise, animal waste, reduced property values and setting a dangerous precedent for the operation of such facilities in residential neighborhoods. The neighbors stressed that they believe Dr. Miller is a fine person, but they did not think the use was appropriate in this area, and they also feared that a subsequent owner or operator could expand the nature of the kennel, and (for example) keep larger dog breeds on the premises.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest

ORDER RECEIVED FOR FILING

Date

2/5/14

By

Sen

of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. In this case, the required 200 feet setback would be essentially non-existent, and the number of dogs at the proposed kennel could also be problematic, given that 273 single family dwellings are situated close by in the neighborhood. In these circumstances, I believe special exception relief is inappropriate.

VARIANCE

Given the disposition above, the petition for variance will be dismissed (as moot) without prejudice.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 5th day of February, 2014, that the Petition for Special Exception under the B.C.Z.R. to permit a private kennel in an RC 2 zone pursuant to B.C.Z.R. § 1A01.2.C.2, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Variance relief from B.C.Z.R. § 421.1 to permit any part of the private kennel use (fence) to be located as close as 5 ft. from the nearest property line in lieu of the minimum required 200 ft. from the nearest property line, be and is hereby DISMISSED WITHOUT PREJUDICE.

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

ORDER RECEIVED FOR FILING

Date 2/5/14

By sen

KEVIN KAMENETZ
County Executive



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

January 5, 2014

Timothy M. Kotroco, Esq.
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance
Property: 12802 Sagamore Forest Lane
Case No.: 2014-0132-XA

Dear Counsel:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 12802 Sagamore Forest Lane which is presently zoned RC 2

Deed References: Liber 21268, Folio 196 10 Digit Tax Account # 1 7 0 0 0 0 9 1 0 9

Property Owner(s) Printed Name(s) Jay Weinstein

(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

PLEASE SEE ATTACHED.

3. ☒ a **Variance** from Section(s)

PLEASE SEE ATTACHED.

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 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:

Bonnie J. Miller, D.V.M.

Name - Type or Print

Signature

P.O. Box 123 York New Salem PA

Mailing Address City State

17371 / 717-586-5800 /

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 / 410-832-2000 / tkotroco@wtplaw.com

Zip Code Telephone # Email Address

(Petitioners):

Jay Weinstein

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

12802 Sagamore Forest Lane Reisterstown MD

Mailing Address City State

21136 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Timothy M. Kotroco, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 / 410-832-2000 / tkotroco@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0132-XA Filing Date 12/10/2013

Do Not Schedule Dates: 2/5/14 Reviewer JNP

By Sen

REV. 10/4/11

**PETITION FOR ZONING HEARING
12802 SAGAMORE FOREST LANE – BONNIE MILLER**

Variance Relief Requested:

1. Variance from Section 421.1 of the Baltimore County Zoning Regulations to permit any part of the Private Kennel use (fence) to be located as close as 5 feet from the nearest property line in lieu of the minimum required 200 feet of the nearest property line.

from

Special Exception Relief Requested:

1. Special Exception to permit a Private Kennel in an RC 2 Zone pursuant to Section 1A01.2.C.2 of the Baltimore County Zoning Regulations.

BPR, Incorporated
150 Airport Drive
Suite 4
Westminster, Maryland 21157
(410) 876-0333

December 09, 2013
BPR Job Number 13-080-000

DESCRIPTION

AREA: 3.227 ACRES

ALL THAT LAND OF JAY WEINSTEIN ON THE WEST SIDE OF SAGAMORE FOREST LANE, FOURTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND.

Beginning for the same at a point on the south side of Sagamore Forest Lane as laid out and shown on a plat entitled "Section Four, Sagamore Forest" dated February 17, 1976 and recorded among the land records of Baltimore County in Plat Book E.H.K. Jr. 39, Folio 122. Said beginning point being the northernmost corner of a lot of land known as Lot No.70 on said plat of Sagamore Forest and said beginning point being designated as point number 278 on said plat; thence leaving the place of beginning and running for the outline of said Lot No.70 the following three courses;

1) by a curve to the right Southerly, 705.02 feet, said curve having a radius of 570.00 feet and a chord bearing and distance of South 07 degrees 57 minutes 44 seconds East, 660.93 feet; thence leaving said Sagamore Forest Lane,

2) North 59 degrees 53 minutes 21 seconds West, 357.59 feet; thence,

3) North 24 degrees 42 minutes 37 seconds East, 523.20 feet to the place of beginning.

Containing: 3.227 Acres, more or less.

Being all and the same land as described in a conveyance from Jay M. Weinstein to Jay M. Weinstein by deed dated December 1, 2004 and recorded among the Land Records of Baltimore County in Liber SM 21268, Folio 196 and also being known as Lot No.70 on a plat entitled "Section Four, Sagamore Forest" dated February 17, 1976 and recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. 39, Folio 122.

A licensed Maryland Surveyor either personally prepared the metes and bounds description(s) as contained herein, or was in responsible charge over its preparation and the surveying work reflected in it, in compliance with the Maryland Minimum Standards of Practice for Land Surveyors.



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: 2014-0132-XA

Petitioner: Jay Weinstein

Address or Location: 12802 Sagamore Forest Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tim Kotroco

Address: One West Pennsylvania Ave Suite 300
Louisa MD 21204

Telephone Number: 410 832-2004

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

No. **107008**
 Date: **12/10/2013**

PAID RECEIPT

11/2013 12/10/2013 14:54:27 0
 REC 001 WALKIN SHIL SHI
 RECEIPT N 006143 12/10/2013 0614

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	206	0020		6150				575.00	

Total: **575.00**

Rec From: **Whitford Taylor**
 For: **Variance & Special Exception - 12802 Sagamore Forest Lane**
2014-0132-XA (Wooten)

DISTRIBUTION

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

S - 520 ZONING VERIFICATION
 107008
 Recpt Tot 575.00
 575.00 CR 1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: CASE NO: 2014-0132-XA

PETITIONER/DEVELOPER WHITEFOA

TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING: _____

1/21/14

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

12802 SAGAMORE FOREST LANE

THIS SIGN(S) WERE POSTED ON _____

December 20, 2013
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 12/20/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411



mauland 12/10/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

January 2, 2014

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 December 31, 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: #2014-0132-XA

12802 Sagamore Forest Lane

W/s Sagamore Forest Lane, 300 ft. s/of Worthington Avenue

4th Election District - 3rd Councilmanic District

Legal Owner(s): Jay Weinstein

Contract Purchaser/Lessee: Bonnie J. Miller, D.V.M.

Special Exception to permit a private kennel in an RC-2 zone. **Variance** to permit any part of the private kennel use (fence) to be located as close as 5 feet from the nearest property line in lieu of the minimum required 200 feet from the nearest property line

Hearing: Tuesday, January 21, 2014 at 1:30 p.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 12/849 December 31

963535



KEVIN KAMENETZ
County Executive

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

December 19, 2013

NOTICE OF ZONING HEARING

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CASE NUMBER: 2014-0132-XA

12802 Sagamore Forest Lane

W/s Sagamore Forest Lane, 300 ft. s/of Worthington Avenue

4th Election District – 3rd Councilmanic District

Legal Owners: Jay Weinstein

Contract Purchaser/Lessee: Bonnie J. Miller, D.V.M

Special Exception to permit a private kennel in an RC-2 zone. Variance to permit any part of the private kennel use (fence) to be located as close as 5 feet from the nearest property line in lieu of the minimum required 200 feet from the nearest property line.

Hearing: Tuesday, January 21, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Bonnie Miller, P.O. Box 123, York New Salem PA 17371
Jay Weinstein, 12802 Sagamore Forest Lane, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JANUARY 1, 2014.**
- (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, December 31, 2013 Issue - Jeffersonian

Please forward billing to:

Tim Kotroco
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2004

NOTICE OF ZONING HEARING

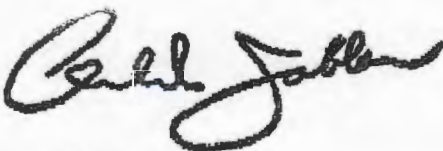
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W/s Sagamore Forest Lane, 300 ft. s/of Worthington Avenue
4th Election District – 3rd Councilmanic District
Legal Owners: Jay Weinstein
Contract Purchaser/Lessee: Bonnie J. Miller, D.V.M

Special Exception to permit a private kennel in an RC-2 zone. Variance to permit any part of the private kennel use (fence) to be located as close as 5 feet from the nearest property line in lieu of the minimum required 200 feet from the nearest property line.

Hearing: Tuesday, January 21, 2014 at 1:30 p.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.

MEMORANDUM

DATE: March 10, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0132-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 7, 2014. 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

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
12802 Sagamore Forest Lane; W/S Sagamore	*	OF ADMINISTRATIVE
Forest Lane, 300' S of Worthington Avenue		
4 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Jay Weinstein		
Contract Purchaser(s): Bonnie J. Miller D.V.M.*		BALTIMORE COUNTY
Petitioner(s)	*	2014-132-XA

* * * * *

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

DEC 19 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 19th day of December, 2013, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 1 Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

12/20/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

1/13/14

PLANNING
(if not received, date e-mail sent _____)

C

12/19/13

STATE HIGHWAY ADMINISTRATION

Noobj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

12/24/13

ADJACENT PROPERTY OWNERS

Support letter

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/31/13

SIGN POSTING

Date:

12/20/13

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

January 15, 2014

Jay Weinstein
12802 Sagamore Forest Lane
Reisterstown MD 21136

RE: Case Number: 2014-0132 XA, Address: 12802 Sagamore Forest Lane

Dear Mr. Weinstein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 10, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bonnie J Miller, D. V. M., P. O. Box 123, York New Salem, PA 17371
Timothy M. Kotroco, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204



State Highway
Administration

Maryland Department of Transportation

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

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

Date: 12/19/13

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

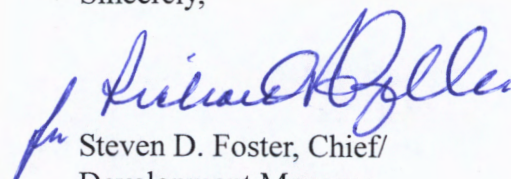
RE: Baltimore County
Item No 2014-0132-XA.
Special Exception Variance
Jay Weinstein
12802 Sagamore Forest Lane

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0132-XA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief/
Development Manager
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

JB 1/30 @ 11:30 AM

Administrative Hearings - Re: Case Number 2014-1032XA (Hearing today @11:30 am)

From: Administrative Hearings
To: Schwartz, Jonathan
Date: 1/30/2014 9:54 AM
Subject: Re: Case Number 2014-1032XA (Hearing today @11:30 am)

This is to acknowledge receipt of your e-mail. This information will be placed in the case file for Case No. 2014-0132-XA.

Thank you.

>>> Jonathan Schwartz <jbs4334@gmail.com> 1/30/2014 9:42 AM >>>
Office of Administrative Hearings,

Per our phone conversation, attached please find a letter in opposition to the awarding of a special exception in case 2014-1032XA. Please provide this to the hearing officer as part of his consideration of this case at today's hearing.

Thank you for your attention to this matter.

Sincerely,

Jonathan Schwartz
President, Fields of Sagamore HOA

RECEIVED

JAN 30 2014

OFFICE OF ADMINISTRATIVE HEARINGS

**Fields of Sagamore HOA
3706 Crondall Lane, Suite 105
Owings Mills MD 21117-2231**

January 30, 2014

Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

Re: Case Number 2014-1032XA

Hearing Officer,

The Fields of Sagamore HOA represents 143 homeowners in Reisterstown, Maryland. Our HOA is directly adjacent to the Sagamore Forest/Worthington Hillside Community. One of the entrances to our community leads directly to Sagamore Forest Lane.

It has been brought to our attention that an application for a special exception has been made to place a dog kennel in an RC2 zone. The special exception that has been applied for regarding 12802 Sagamore Forest Lane will have a direct impact on the quality of our community. These residential neighborhoods are zoned to be quiet, single family residences. They are not zoned for commercial purposes.

We have many dog owners, indeed dog lovers, in our community. All residents are required to abide by the law that no more than 3 dogs are permitted by right in a residential neighborhood. Placing 10-15 dogs on one property would be a violation of the expectation that all of us had when we purchased our homes that we live in a residential, not a commercial, area. There are commercial areas nearby, including Owings Mills Blvd and Crondall Lane which are business districts that can potentially accommodate the proposed use.

The Fields of Sagamore HOA strongly urges that this special exception is denied to the applicant.

Sincerely,

Jonathan Schwartz
President, Fields of Sagamore HOA

Debra Wiley - Rescheduling of Case Nos. 2014-0132-XA, 2014-0133-A & 2014-0127-A

From: Debra Wiley
To: Lewis, Kristen
Date: 1/22/2014 10:43 AM
Subject: Rescheduling of Case Nos. 2014-0132-XA, 2014-0133-A & 2014-0127-A
CC: OAH Staff

Good Morning Kristen,

The zoning cases scheduled for Tuesday, January 21st and Wednesday, January 22nd were canceled due to the inclement weather.

The cases are as follows: Jan. 21 - 2014-0132-XA and Jan. 22 - 2014-0133-A & 2014-0127-A. In addition, the case file for Case No. 2012-0187-SPHX was attached to 2014-0127-A and has been banded together.

Please be advised that the files have been placed in the pick-up box for processing and rescheduling.

Thanks in advance.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: David Rhinehart <clubsudz3@verizon.net>
To: <ajablon@baltimorecountymd.gov>
Date: 12/24/2013 1:05 PM
Subject: Input for Zoning Case # 2014-0132-XA from neighbor at 12800 Sagamore Forest LN
(hearing scheduled for Jan 21, 2014)

Hi,

My name is David Rhinehart and my wife and kids and I live here at 12800 Sagamore Forest LN, Reisterstown, MD 21136. Our neighbor Doctor Miller has a public hearing scheduled for January 21st, 2014 at 1:30 PM for case # 2014-0132-XA regarding a variance about a fence and required set back under county regulations.

I would like to record my support for Doctor Miller and her variance to place her fence which she wishes to place on her property.

Thank you,
David Rhinehart
410-526-9694 Home
443-286-1839 Cell

RECEIVED

DEC 30 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Sherry Nuffer - Fwd: Input for Zoning Case # 2014-0132-XA from neighbor at 12800 Sagamore Forest LN (hearing scheduled for Jan 21, 2014)

From: John Beverungen
To: Sherry Nuffer
Date: 12/30/2013 10:06 AM
Subject: Fwd: Input for Zoning Case # 2014-0132-XA from neighbor at 12800 Sagamore Forest LN (hearing scheduled for Jan 21, 2014)
Attachments: Input for Zoning Case # 2014-0132-XA from neighbor at 12800 Sagamore Forest LN (hearing scheduled for Jan 21, 2014)

can you please put this email in the case file (when we get it).

>>> Arnold Jablon 12/24/2013 1:51 PM >>>
Please put this into file. Thank you.

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 December 23, 2013
Item No. 2014-0132

DATE: December 20, 2013

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

Submit landscape plan to this office for review.

DAK: CEN.

Cc: file.

ZAC-ITEM NO 14-0132-12232013.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 13, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 12802 Sagamore Forest Lane

JAN 16 2014

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-132

Petitioner: Bonnie J. Miller, D.V.M.

Zoning: RC 2

Requested Action: Special Exception and Variance

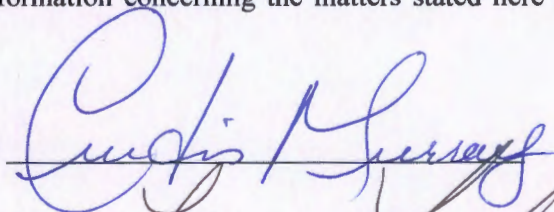
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for special exception and variance. The petitioner owns and keeps at her residence show dogs that are of a small breed. As a condition of approval, the Department of Planning requests that no signage or obtrusive lighting related to the proposed kennel be installed on the subject site. Traffic to and from the proposed site that is dog show and/or kennel related should be at an absolute minimum.

Provided the aforementioned conditions are met, the Department of Planning opines that the proposed request is an appropriate accessory land use and would not be detrimental to the health, safety or general welfare of the surrounding community.

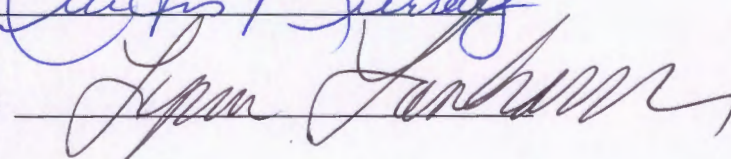
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared By:



Division Chief:

AVA/LL:cjm



Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 04 Account Number - 1700009109	
Owner Information		
Owner Name:	WEINSTEIN JAY M	Use: RESIDENTIAL
Mailing Address:	12802 SAGAMORE FOREST LN REISTERSTOWN MD 21136-1815	Principal Residence: NO Deed Reference: 1) /21268/ 00196 2)
Location & Structure Information		
Premises Address:	12802 SAGAMORE FOREST LN REISTERSTOWN 21136-1815	Legal Description: 3.227 AC 12802 SAGAMORE FOREST LN SAGAMORE FOREST
Map: 0049	Grid: 0002	Parcel: 0263
Sub District:	Subdivision: 0000	Section: 4
Block:	Lot: 70	Assessment Year: 2013
Plat No:	Plat Ref: 0039/ 0122	
Special Tax Areas:	Town:	NONE
Primary Structure Built: 1979	Above Grade Enclosed Area: 2,384 SF	Finished Basement Area: 720 SF
Property Land Area: 3.2200 AC	County Use: 04	
Stories: 1.000000	Basement: YES	Type: STANDARD UNIT
Exterior: FRAME	Full/Half Bath: 0 full/ 1 half	Garage: 1 Attached
Last Major Renovation:		
Value Information		
	Base Value	Value
		As of
Land:	195,500	01/01/2013
Improvements:	320,800	188,300
Total:	516,300	334,900
Preferential Land:	0	0
Transfer Information		
Seller: WEINSTEIN JAY M	Date: 01/12/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /21268/ 00196	Deed2:
Seller: POTTER MALCOLM D	Date: 12/05/1990	Price: \$375,000
Type: ARMS LENGTH IMPROVED	Deed1: /08665/ 00333	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	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Denied		

New Search (<http://sdat.resiusa.org/RealProperty>)

Order the **TAX MAP** [click here...](#)

(<http://msweb05.mdp.state.md.us/website/mosp/>)

X Loading... Please Wait.

Loading... Please Wait.

CASE NAME _____
CASE NUMBER 2014-0132-XA
DATE 1-30-14

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

DATE 1-30-14

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

2014-0132-XA

Exhibit Sheet

Petitioner/Developer

DJ
3-10-14

Protestants

Sen
2/5/14

No. 1	Site plan	1-29-14 letter Sagamore Forest Comm Ass'n.
No. 2	Red line Site plan	Stapled packet of 13 e-mails
No. 3	color photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 1/13/2014

ZONING NOTICE

CASE # 2014-0132-XA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 205 JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE/TIME: THURSDAY, JANUARY 30, 2014
AT 11:30 A.M.

REQUEST: VARIANCE FROM SECTION 421.1 OF THE BALTIMORE
COUNTY ZONING REGULATIONS TO PERMIT ANY PART OF
THE PRIVATE KENNEL USE (FENCE) TO BE LOCATED AS CLOSE AS
5 FEET FROM THE NEAREST PROPERTY LINE INSTEAD OF THE MINIMUM
REQUIRED 200 FEET OF THE NEAREST PROPERTY LINE.

SPECIAL EXCEPTION TO PERMIT A PRIVATE KENNEL IN AN RC 2
ZONE PURSUANT TO SECTION 1A01.2.C.2 OF THE BALTIMORE
COUNTY ZONING REGULATIONS

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES MAY BE NECESSARY.
TO CONFIRM HEARING CALL 410-887-3377

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Address **Sagamore Forest Lane**

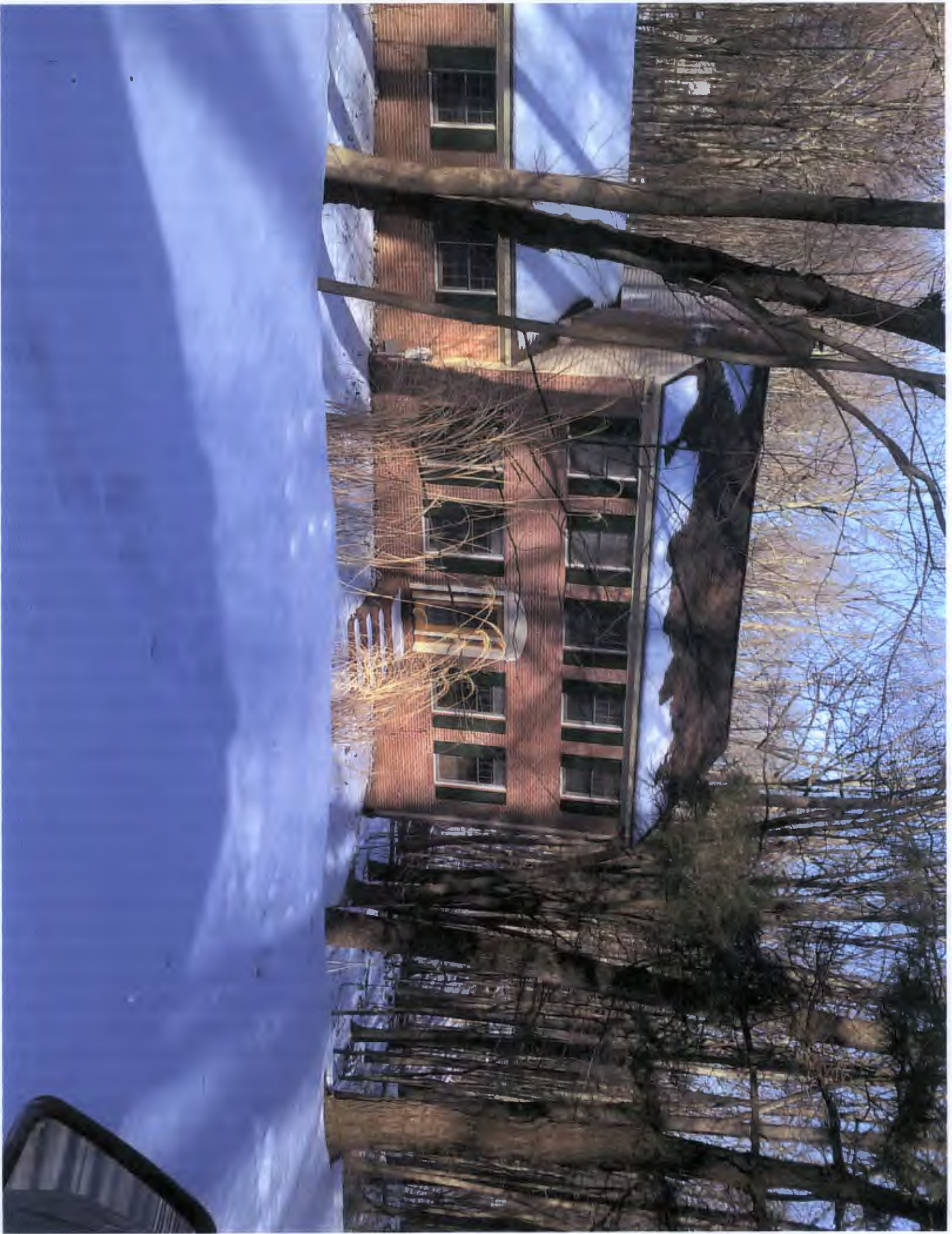
Address is approximate





LITIGENS NO. 3









My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 1/13/2014















**SAGAMORE FOREST &
WORTHINGTON HILLSIDE
COMMUNITY ASSOCIATION**

January 29, 2014

To Whom It May Concern:

RE: 12802 Sagamore Forest Lane, Reisterstown, Maryland 21136 Zoning Variance, Special Exception,
Case # 2014-1032XA

Dear Sirs:

This will officially inform the recipient, more particularly, Baltimore County Zoning Office, that the Sagamore Forest/Worthington Hillside Community Association's duly elected Board of Directors has this date voted unanimously to oppose the granting of the Zoning Variance and Special Exception case numbered: 2014-1032XA.

This is a peaceful community of 270 homes on 600 acres. We do not want any sort of a kennel in the community. Three dogs per household is the Baltimore County law and that, in our opinion, is sufficient.

Our property values are precious to each homeowner. The whole community, as represented by the Board of Directors, is extremely concerned about the potential precedent for any future request for a similar rezoning request which an approval of this petition would or could create, not to mention the probable noise and sanitation factors. As a closely knit community, there is the perception that we have the right to peaceable enjoyment of our properties and this petition, if successful, could seriously put this enjoyment at risk.

In addition to the concerns about noise, sanitation, property values, precedent setting issues, there is also the request to place a large, distinctive fence in the front yard of the house. With but one or two exceptions there is no other house in the community with any fencing in the front yard and the installation of such would disturb the ambience and continuity of the community.

Direct neighbors to the property are in opposition as well as 15-20 years of past and present Sagamore Forest/Worthington Community Association presidents and board members.

This letter is to be presented at the Zoning hearing by William C. Barton, President of the Sagamore Forest/Worthington Community Association.

Respectfully submitted by:

The Sagamore Forest/Worthington Hillside Community Association Board of Directors

Citizen's Ex. 1

Subject: 12802 Sagamore Forest Lane
From: Rich Desser (rdesser@yahoo.com)
To: wcbarton@yahoo.com;
Date: Wednesday, January 29, 2014 6:42 PM

①

Mr. Barton

As you know, my wife, JoAnn Peroutka, and I are residents of the Sagamore Forest / Worthington Hillside Community and I also served as president of the association for 5 years. We have recently learned of the special exception being sought to operate a kennel at the property 12802 Sagamore Forest Lane, as well as a variance to permit a fence within 10 feet of the property line. Although we are animal lovers and a pet owners, we wish to express our strong opposition to these requests, which we believe is totally inappropriate for this property and our community. As a residential community, homeowners have the right to the quite enjoyment of their property, without the negative issues of noise, waste, traffic, outbuildings, etc. imposed by a kennel operation. Such an operation would surely negatively impact the property values of the community as a whole. Our neighborhood is composed of nicely landscaped homes, with large setbacks, in a wooded setting. A fence in the proposed location would be totally out of character within the community and would create a relative eyesore in the area. Additionally, a special exception for a kennel and variance for the fence would open the door to further degradation of the beautiful residential nature of our community by others seeking the same or similar special exceptions. We reiterate our strong opposition to these requests and authorize you to use this correspondence accordingly. Should you have any questions or wish further input, please contact either of use.

Sincerely,
Richard B. Desser
JoAnn Peroutka

Subject: rezoning Sag Forest

From: jwbarton@comcast.net (jwbarton@comcast.net)

To: wcbarton@yahoo.com;

Date: Wednesday, January 29, 2014 1:28 PM

2

To: Bill Barton, President of the Worthington
Hillside/Sagamore Forest Community Association
RE: Request for the Zoning variance for 12802 Sagamore
Forest Lane, Reisterstown, Maryland 21136

As a long-time resident of the Worthington Hillside community and a loving dog owner myself, I wish to express to you my great concern that this zoning variance might be granted by the county zoning board. It is my understanding that the variance would allow the petitioner permission to house as many as 15 or more dogs. Even though my residence is not directly abutting the property under consideration, I believe that such permission will set a long-time precedent which could impact my right to peaceable enjoyment of my own property should another such request by another property purchaser occur closer to my home.

I hope that the community association will strongly oppose this petition for the betterment of our neighborhood. It is my opinion that this petitioner would be better served if he/she would move the proposed kennel to a property much larger than the one proposed and much further away from other homeowners.

Respectfully submitted by,
Jane P. Barton
3707 Timber Knoll Road
Reisterstown, Maryland 21136

Subject: Re: 12802 Sagamore Forest Lane—couple of Q's

From: Jackie Ovad (homes@jackieovad.com)

To: wcbarton@yahoo.com;

Co: terpsandtide@verizon.net;

Date: Tuesday, January 28, 2014 11:02 PM

3

Hello Bill,

We live on Sagamore Forest, next to Amy Johnson and we are also very concerned about this variance and the impact this will have to our property value and precedents in our community.

Please add our names to the list of neighbors opposing this variance.

Thanks,

Jacqueline and David Ovad

On Jan 28, 2014, at 10:08 PM, Amy Johnson <terpsandtide@verizon.net> wrote:

Hi Jackie, Bill Barton forwarded this e-mail stream to me and asked that I respond. If you wish, please respond to him with your thoughts or concerns. He will be attending the variance hearing on Thursday for 12802 Sagamore Forest Lane.

4

Thanks,
Amy

On Tuesday, January 28, 2014 9:57 PM, Amy Johnson <terpsandtide@verizon.net> wrote:

My main concerns are the potential for noise and effect on property values/ability to resell homes. The dog Dr. Miller brought to our home was quiet, but how can we be sure 10-15 of them together would be quiet? Also, I wonder how large the kennels and runs will be that she plans to construct. Will they be visible from the street? Will this give the impression to potential buyers of our homes that there is a commercial kennel in the neighborhood? This would make reselling difficult.

Even if Dr. Miller proves to be a responsible and considerate neighbor, I worry about the precedent it sets to allow one homeowner a variance to house a large number of dogs on a property in our neighborhood. This could lead to others receiving similar variances who might not be as responsible and considerate.

Thank you,
Amy Johnson

On Tuesday, January 28, 2014 9:28 PM, William Barton <wcbarton@yahoo.com> wrote:

Subject: 12802 Sagamore Forest Lane

From: Bruce Galanter (bgalanter@gmail.com)

To: wcbarton@yahoo.com;

Date: Wednesday, January 29, 2014 8:20 AM

6

Dear Bill,

After reading Dr. Miller's reply to your query, as immediate Past President, I would agree with your position that the Sagamore Forest, Worthington Hillside Community Association should oppose the rezoning at 12802 Sagamore Forest Lane for the following reasons:

- The rezoning of the property would allow this address to eventually become a full scale kennel upon sale or change of intention by Dr. Miller
- No matter how well behaved the dogs are, the maintaining of 10-15 show dogs will be disruptive to the neighborhood.
- George Spanos has previously commented on the need for the dogs to be exercised and taken out to relieve themselves, which has the potential for noise and nuisance.

You will recall, I had advised you to discuss the issue with Dr. Miller rather than oppose it from the start. It all seemed very reasonable on paper, but Dr. Miller made no indication that the number of dogs would be in the double digits. This type of operation really requires a rural zoning and I wonder why Dr. Miller did not buy a farm.

I urge you to oppose the rezoning so that our neighborhood is able to maintain its residential characteristics.

Regards,

—
Bruce Galanter
3908 Log Trail Way
Reisterstown, MD 21136
410-241-7089

Subject: Fwd: Sagamore Forest Lane, Dr. Miller

From: Jeanne Sandruck-Fahey (sandruckfahey@gmail.com)

To: wcbarton@yahoo.com;

Cc: jedosan@gmail.com;

Date: Wednesday, January 29, 2014 12:30 PM

7

Mr. Barton,

My husband, Dr. Jed Fahey, and I are contacting you as the President of Sagamore Forest & Worthington Hillside Community Association to implore you to represent the community at the zoning variances application scheduled on Thursday, January 30, 2014 and ask to have the variances denied. Jed and I live at 12807 Sagamore Forest Lane, Reisterstown, MD 21136 (across the street from 12802 Sagamore Forest Lane) and have several concerns if the variances are allowed.

1. Variance Relief Requested. We feel a decline in property values would occur if this address (12802 Sagamore Forest Lane) is permitted to receive the variance from Section 421.1 of the Baltimore County Zoning Regulations. The fence, in question, is to be located on the 3.227 acres in the front of the residence and as close to Sagamore Forest Lane as possible. Driving into the community, your first impression will not be of a beautiful wooded, serene enclave but a fence with dogs, barking day and night.

2. Special Exception Relief Requested. Once the owner (or the next owner) receives the variance requested for a Private Kennel in an RC 2 Zone, what recourse does The Community have if the owner decides to install 15 outdoor kennel runs or decides to add more fences? In addition, other property owners may submit a variance requesting more business opportunities in a residential area and this will have set a standard.

Thank you for your time.

Jeanne Sandruck-Fahey
12807 Sagamore Forest Lane
Reisterstown, MD 21136
410-526-2321

Sent from my iPad

Begin forwarded message:

From: Jeanne Sandruck-Fahey <sandruckfahey@gmail.com>

Date: January 14, 2014 at 6:10:20 PM EST

To: Jed <jedosan@gmail.com>

Subject: Fwd: Sagamore Forest Lane, Dr. Miller

7A

Bill Barton the President of our HOA called today. Will keep you posted.

Sent from my iPad

Begin forwarded message:

From: Jeanne Sandruck-Fahey <sandruckfahey@gmail.com>
Date: January 14, 2014 at 6:07:33 PM EST
To: "wcbarton@yahoo.com" <wcbarton@yahoo.com>
Subject: Sagamore Forest Lane, Dr. Miller

Bill,

Very nice talking with you about the zoning variance application.

1. Why is it necessary to rezone with just 3 dogs?
2. Should Dr. Miller sell the property (or transfer the property to someone) in 2 or 3 years could the variance, applied for now, allow a larger commercial outdoor kennel move onto the property?

Thank you for your concern.

Jeanne Sandruck-Fahey

Sent from my iPad

I pray for the best to happen on Thursday!

8

George

From: William Barton

Sent: Tuesday, January 28, 2014 6:06 PM

To: George Spanos ; GDRira@aol.com ; Bruce Galanter

Subject: Fw: 12802 Sagamore Forest Lane-couple of Q's

gentlemen, please see Dr miller's response to my Q's... a bit alarming. 10-15 dogs.

My Q's were prompted by my vet who has known Dr. Miller for a long time. He said she was ok but could be a little strange.

Several neighbors including Amy Johnson have been concerned.

The hearing has been rescheduled for thurs 1130 am. I think we ought to take a position.

I have no reason to doubt her word...that the dogs are quiet and mostly kept indoors...your thoughts are appreciated...you tell me. If we approve and there is noise, ie. a nuisance, then we are stuck.

~~There is nothing "scary" about this~~. The truth is in there but you've got to dig for it.

On Tuesday, January 28, 2014 4:40 PM, "charliedvm@comcast.net" <charliedvm@comcast.net> wrote:
hi mr barton

who is asking the questions? are they close neighbors or ones in the association from another neighborhood?

the number varies between 10 - 15 depending on who is home and who is out on the circuit. please keep in mind that other than one large dog the dogs are between 11 and 20 lbs, are my personal pets and spend 90% of their time indoors.

hope this answers their questions. please don't hesitate to contact me if you have any other questions.

bonnie

From: "William Barton" <wcbarton@yahoo.com>

To: charliedvm@comcast.net

Sent: Tuesday, January 28, 2014 3:35:52 PM

Subject: Fw: 12802 Sagamore Forest Lane-couple of Q's

Dr Miller, I understand the hearing has been rescheduled. Would you please review these Q's and get back to me . Appreciate your assistance. I can be reached at 443-250-5078. Thanks!

On Monday, January 20, 2014 2:58 PM, William Barton <wcbarton@yahoo.com> wrote:

Subject: as requested

From: srcarmel@comcast.net (srcarmel@comcast.net)

To: wcbarton@yahoo.com;

Date: Wednesday, January 29, 2014 7:16 PM

9

As a neighbor of the property at 12802 Sagamore Forest road, We agree with the concerns of the Sagamore Forrest and Worthington Hillside community association in opposing this property being designated to being used as a kennel.

Sylvia Carmel
Ronald Carmel

January 29, 2014



Dear Mr. Barton,

Please find attached my letter opposing this zoning change for the Sagamore Forest Community. I currently have an EXTREMELY ill husband. If I did not think this was an important issue, I would not have left him and taken the time to write this letter.

Thanks for your every consideration.

Stevie

Stevie Clark

9 Pemberly Lane

Reisterstown, Maryland 21136

Email: stevie@3amigos.biz

Phone: 410-833-2212

Fax: 410-833-2114

10

JAN. 29, 2014

"MY HUSBAND AND I ARE OPPOSED TO THE CONSTRUCTION OF A KENNEL WITH FENCING AT 12802 SAGAMORE FOREST LANE IN REISTERSTOWN, MD.

OUR UNDERSTANDING IS THAT SUCH A FENCE WOULD BE LOCATED UP TO 5 FEET OF THE NEAREST PROPERTY LINE IN LIEU OF THE MINIMUM 200 FEET. WE ALSO UNDERSTAND THAT THERE COULD BE AS MANY AS 10 TO 15 DOGS HOUSED AT THE KENNEL.

AS A RESIDENTIAL COMMUNITY OF HOMES, A KENNEL WITHIN OUR AREA WOULD BE UNACCEPTABLE TO HOME OWNERS WHO WOULD BE SUBJECTED TO CONSTANT BARKING FROM NUMEROUS DOGS, BOTH DAY AND NIGHT, AS WELL AS POTENTIAL ODORS FROM THE PROPERTY IN QUESTION. RESIDENTS WOULD BECOME EXTREMELY CONCERNED ABOUT THE LIKELY DROP IN HOME VALUES DUE TO THE OPERATION OF A KENNEL WITHIN OUR COMMUNITY OF HOMES!

WE URGE THE BALTIMORE COUNTY ZONING TO REJECT THIS PROPOSED VARIANCE IMMEDIATELY SO THAT OUR COMMUNITY OF HOME OWNERS ARE NOT IN ANY WAY ADVERSELY IMPACTED BY THIS UNACCEPTABLE ZONING CHANGE!"

THANK YOU.

STEVIE & CASEY CLARK
NINE PEMBERLY LANE
REISTERSTOWN, MD 21136



Objection to proposed zoning variance

From : sgrancio@comcast.net
Subject : Objection to proposed zoning variance
To : jwbarton@comcast.net
Cc : gbs2184@verizon.net, Michael Grancio <mrgrancio@comcast.net>

Thu, Jan 30, 2014 12:45 AM

Dear Bill,
As President of the Sagamore Forest Worthington Hillside Community Association, would you please take the following statement to the zoning hearing in Towson on January 30, 2014 as an expression of our request regarding the requested change in permitted land use.

My husband and I are opposed to the construction of a kennel with fencing to at 12802 Sagamore Forest Lane, Reisterstown. MD.

Our understanding is that the fencing of this project would be as close as 5 feet from an adjacent property line instead of the required minimum of 200 feet. We also understand that as many as 10 to 15 dogs could be housed in this kennel. We are a community of individual residences and object to the location of a kennel, with unavoidable associated noises and odors to which we could be subjected at all hours of the night and day.

We think that there is a strong concern that the operation of a kennel in our neighborhood would have a negative impact on home values in our community.

We urge the Baltimore County Zoning Board to reject his proposed variance immediately so that our community of home owners is not in any way adversely impacted by this unacceptable requested zoning change.

Best regards,
Susan and Michael Grancio
14 Pemberly Lane
Reisterstown, MD

please review and give me your opinion ASAP. Thanks for your help and attention

5

On Tuesday, January 28, 2014 7:42 PM, George Spanos <gbs2184@verizon.net> wrote:
Hi Bill,

More than ever, I am very concerned about this situation . . and as a non-attorney . . I believe we need an attorney to show up with you (and whoever else) at the 11:30AM meeting this Thursday.

Speaking as a "lay" person, I cannot imagine anyone bringing in 10, 15 or 20 or more dogs into our residential area! Maybe the dogs will be spending 90% of their time indoors . . but are they going to "poop" indoors? Where will there be a designated area for "pooping" and "romping"; in turn, will their "poop" be immediately picked up by Dr. Miller and disposed of without any odors lingering? Would there be an unsightly mess visible to neighbors or passerbys? Who keeps 10-15 (and maybe many more dogs) without this being a kennel/veternarian business . . within a residential area . . with homes being within yards (or an acre, or so) of each other?

We definitely have to be quite concerned about our property values declining if such an enterprise is allowed to maintain a "kennelized operation" in a residential community such as ours! Dogs do what dogs do . . and so many dogs have to be housed in a proper setting and away from a grouping of homes in a community like ours! Dr. Miller may be a very nice person . . but she has to understand that our Board cannot acccept a business such as hers to exist within Sagamore/Worthington Hillside. For any of us to consider selling a home in an environment further complicated in a negative way by a kennel operation . . will be suicidal at best!!

I pray for the best to happen on Thursday!

George

Subject: Re: Fw: 12802 Sagamore Forest Lane—couple of Q's
From: GDRlra@aol.com (GDRlra@aol.com)
To: wcbarton@yahoo.com;
Date: Wednesday, January 29, 2014 9:17 PM



Bruce

My concerns are similar to the rest.

In summary, you have heard the saying that "nothing good happens after midnight" (when speaking to teenagers). Well nothing good can come out of a house with 10-15 dogs. Between the barking, the odors, the "poop", and the traffic in and out of the house, we certainly don't need a kennel business in the heart of our quiet secluded neighborhood.

I hope you (and whoever is with you) can persuade the decision makers at the hearing of the issues that are sure to arise should Dr. Miller be successful in receiving the zoning she desires.

Thank you

Ira Bormel
Treasurer
SFWH HOA

13

Subject: Re: Case Number 2014-1032XA (Hearing today @11:30 am)
From: Jonathan Schwartz (jbs4334@gmail.com)
To: administrativehearings@baltimorecountymd.gov;
Cc: wcbarton@yahoo.com;
Date: Thursday, January 30, 2014 9:42 AM

Office of Administrative Hearings,

Per our phone conversation, attached please find a letter in opposition to the awarding of a special exception in case 2014-1032XA. Please provide this to the hearing officer as part of his consideration of this case at today's hearing.

Thank you for your attention to this matter.

Sincerely,

Jonathan Schwartz
President, Fields of Sagamore HOA

**Fields of Sagamore HOA
3706 Crondall Lane, Suite 105
Owings Mills MD 21117-2231**

13

January 30, 2014

Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

Re: Case Number 2014-1032XA

Hearing Officer,

The Fields of Sagamore HOA represents 143 homeowners in Reisterstown, Maryland. Our HOA is directly adjacent to the Sagamore Forest/Worthington Hillside Community. One of the entrances to our community leads directly to Sagamore Forest Lane.

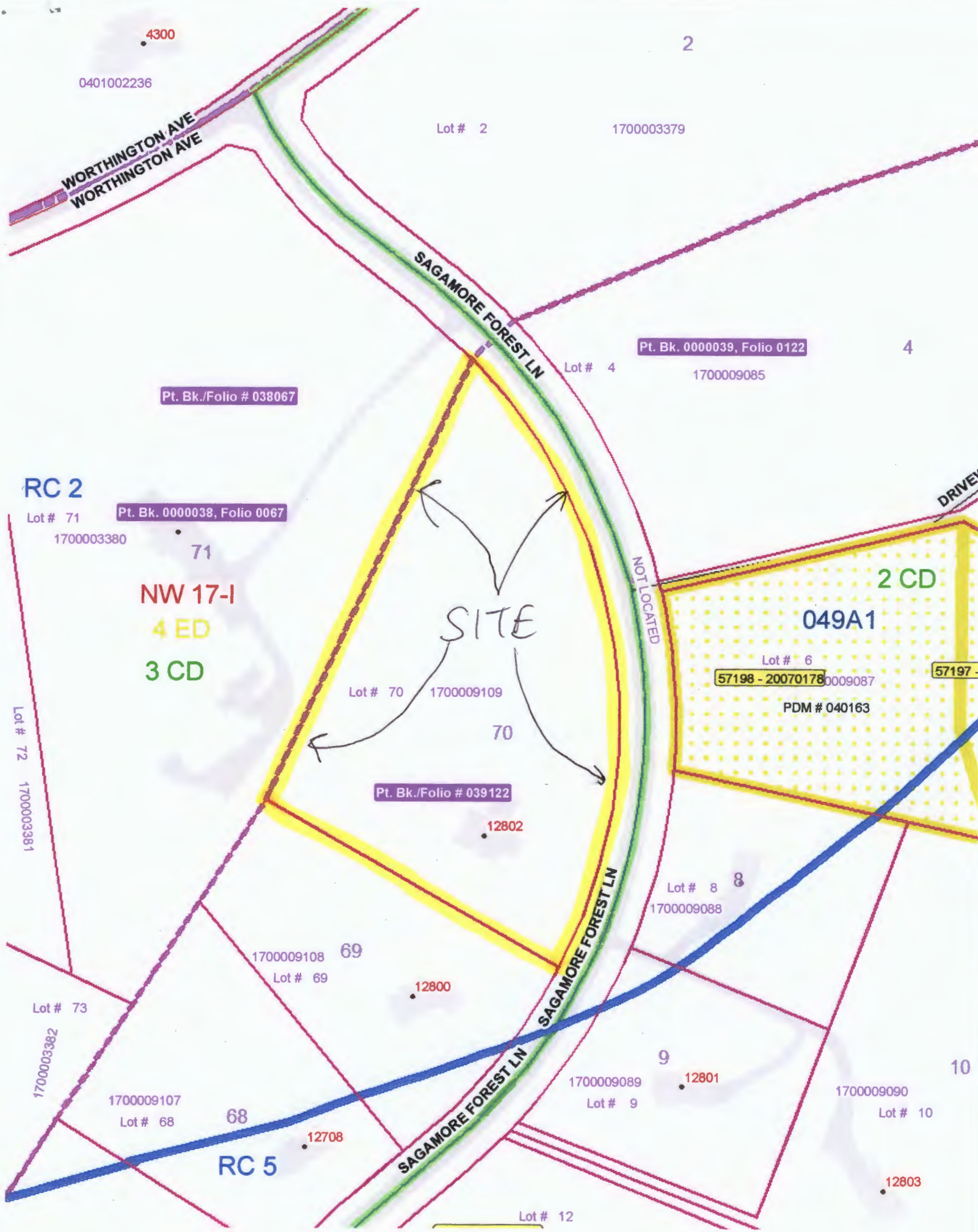
It has been brought to our attention that an application for a special exception has been made to place a dog kennel in an RC2 zone. The special exception that has been applied for regarding 12802 Sagamore Forest Lane will have a direct impact on the quality of our community. These residential neighborhoods are zoned to be quiet, single family residences. They are not zoned for commercial purposes.

We have many dog owners, indeed dog lovers, in our community. All residents are required to abide by the law that no more than 3 dogs are permitted by right in a residential neighborhood. Placing 10-15 dogs on one property would be a violation of the expectation that all of us had when we purchased our homes that we live in a residential, not a commercial, area. There are commercial areas nearby, including Owings Mills Blvd and Crondall Lane which are business districts that can potentially accommodate the proposed use.

The Fields of Sagamore HOA strongly urges that this special exception is denied to the applicant.

Sincerely,

Jonathan Schwartz
President, Fields of Sagamore HOA



2014-0132-XA



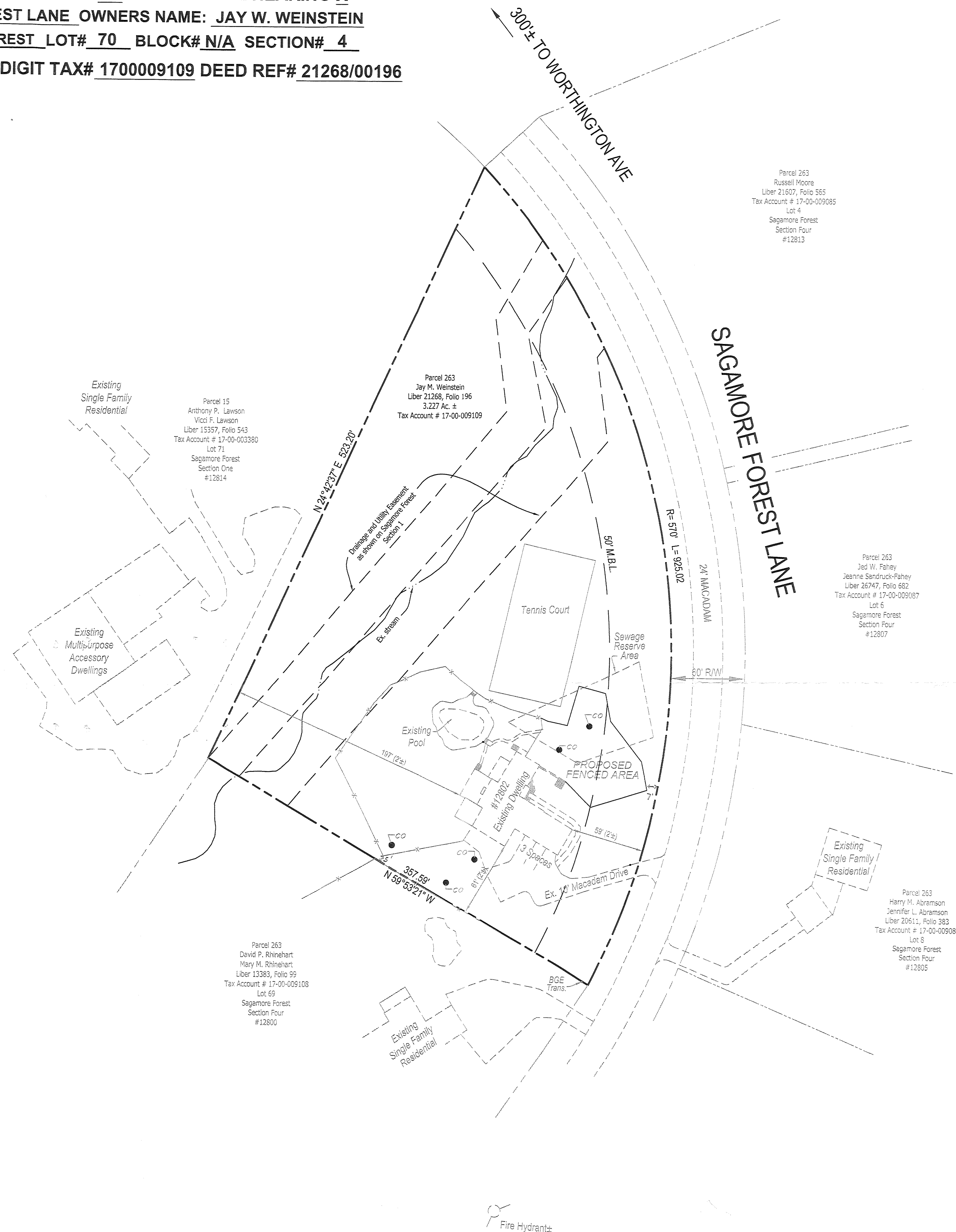
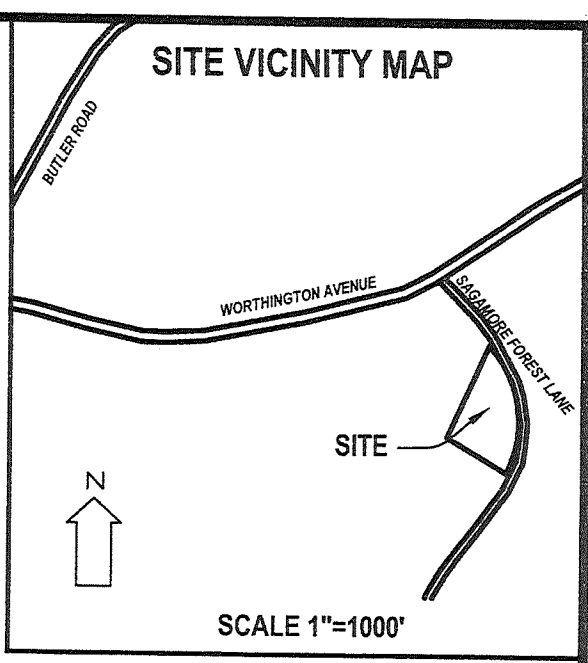
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

ZONING HEARING PLAN FOR VARIANCE ____ FOR SPECIAL HEARING X
ADDRESS: 12802 SAGAMORE FOREST LANE OWNERS NAME: JAY W. WEINSTEIN
SUBDIVISION NAME SAGAMORE FOREST LOT# 70 BLOCK# N/A SECTION# 4
PLATBOOK # 39 FOLIO 122 10 DIGIT TAX# 1700009109 DEED REF# 21268/00196



Parking Required per dwelling = 2
Parking Provided = 3
Per Baltimore County Zoning Regulations Section 409.6

Zoning History: none
Development History : PAI No. 4-163

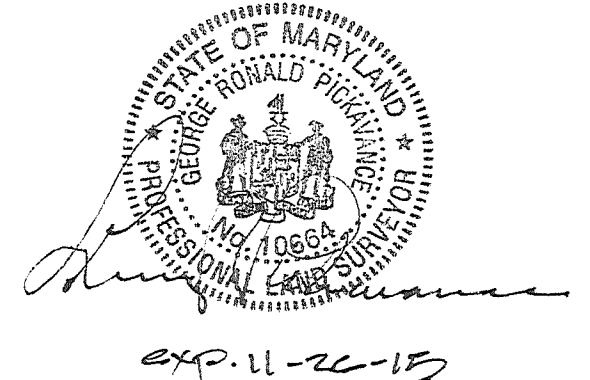
PETITION FOR ZONING HEARING
12802 SAGAMORE FOREST LANE - BONNIE MILLER

- VARIANCE RELIEF REQUESTED:
1. Variance from Section 421.1 of the Baltimore County Zoning Regulations to permit a Private Kennel use within 200 feet of the property line.
SPECIAL EXCEPTION RELIEF REQUESTED:
1. Special Exception to permit a Private Kennel in an RC 2 Zone pursuant to Section 1A01.2 of the Baltimore County Zoning Regulations

GIS MAP COPY # 0494A1
ZONING MAP # 0494A1
SITE ZONED RC2
ELECTION DISTRICT 4th
COUNCIL DISTRICT 3
LOT AREA ACREAGE 3.227 AC.
OR SQUARE FEET
HISTORIC NO
IN CBCA NO
IN FLOOD PLAIN NO
UTILITIES MARK WITH X
WATER IS:
PUBLIC X PRIVATE N/A
SEWER IS:
PUBLIC N/A PRIVATE X
PRIOR HEARING NO
IF SO GIVE CASE NUMBER
AND ORDER RESULTS BELOW

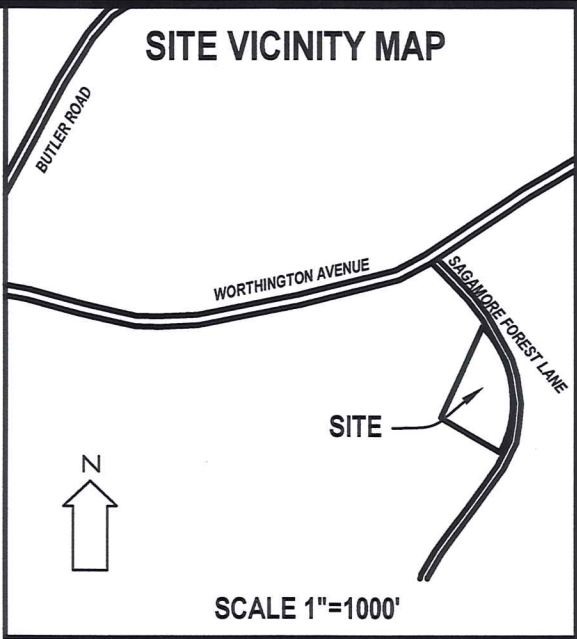
VIOLATION CASE INFO:

BPR
SURVEYORS - LAND PLANNERS
150 Airport Drive, INC.
Suite 4
Westminster, Maryland 21157
Phone: (410)-876-9030
or (410)-876-0333
Fax: (410)-876-1532



PLAN DRAWN BY BPR INC. DATE 12-5-13 SCALE 1 INCH = 50 FEET

ZONING HEARING PLAN FOR VARIANCE ____ FOR SPECIAL EXCEPTION X
ADDRESS: 12802 SAGAMORE FOREST LANE OWNERS NAME: JAY W. WEINSTEIN
SUBDIVISION NAME SAGAMORE FOREST LOT# 70 BLOCK# N/A SECTION# 4
PLATBOOK # 39 FOLIO 122 10 DIGIT TAX# 1700009109 DEED REF# 21268/00196



PETITIONER'S
EXHIBIT NO. 2

GIS MAP COPY # 0494A1

ZONING MAP # 0494A1
SITE ZONED RC2
ELECTION DISTRICT 4th
COUNCIL DISTRICT 3
LOT AREA ACREAGE 3.227 AC.
OR SQUARE FEET
HISTORIC NO
IN CBCA NO
IN FLOOD PLAIN NO
UTILITIES MARK WITH X
WATER IS:
PUBLIC X PRIVATE N/A
SEWER IS:
PUBLIC N/A PRIVATE X
PRIOR HEARING NO
IF SO GIVE CASE NUMBER
AND ORDER RESULTS BELOW

ALL ANIMALS ASSOCIATED WITH THE PRIVATE
KENNEL USE WILL BE HOUSED IN THE EXISTING
DWELLING ON THE PROPERTY

Parking Required per dwelling = 2
Parking Provided = 3
Per Baltimore County Zoning Regulations Section 409.6

Zoning History: none
Development History : PAI No. 4-163

PETITION FOR ZONING HEARING
12802 SAGAMORE FOREST LANE - BONNIE MILLER

Variance Relief Requested:

- Variance from Section 421.1 of the Baltimore County Zoning Regulations to permit any part of the Private Kennel use (fence) to be located as close as 5 feet from the nearest property line in lieu of the minimum required 200 feet of the nearest property line.

Special Exception Relief Requested:

- Special Exception to permit a Private Kennel in an RC 2 Zone pursuant to Section 1A01.2.C.2 of the Baltimore County Zoning Regulations.

REVISED: PER ZONING 1-7-14
REVISED: PER ZONING 12-11-13

BPR
SURVEYORS - LAND PLANNERS
150 Airport Drive, INC.
Suite 4
Westminster, Maryland 21157
Phone: (410)-857-9030
or (410)-878-0333
Fax: (410)-878-1532

Drawing No. 13-080-000

PLAN DRAWN BY BPR INC. DATE 12-5-13 SCALE 1 INCH = 50 FEET