

M E M O R A N D U M

DATE: October 31, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0024-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 28, 2016. 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

(9022 Belair Road)
11th Election District
5th Council District
9028-22 Belair Road, LLC
Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2017-0024-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by 9028-22 Belair Road, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit 18 parking spaces in lieu of the 25 parking spaces required. A site plan was marked as Petitioner's Exhibit 1.

Michele Deschu and professional engineer John Motsco appeared in support of the petition. Howard Alderman, Esq. represented Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), indicating lighting and landscape plans are required.

The subject property is approximately 15,822 square feet and is zoned BL. The property is improved with a commercial building in which the Perry Hall Animal Hospital is operated. Petitioner proposes to enlarge the building (by approximately 900 sq. ft.) to provide additional space for the business. The enlargement will increase the number of parking spaces required, which generated the need for variance relief.

A variance request involves a two-step process, summarized as follows:

ORDER RECEIVED FOR FILING

Date

9/28/16

By

den

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property is irregularly shaped and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to enlarge the animal hospital. 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 lack of Baltimore County and community opposition.

THEREFORE, IT IS ORDERED, this 28th day of September, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 18 parking spaces in lieu of the 25 parking spaces required, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.

ORDER RECEIVED FOR FILING

Date

9/28/16

By

SEN

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:sln

ORDER RECEIVED FOR FILING

Date 9/28/16

By sln



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 9022 BELAIR ROAD which is presently zoned BL
Deed References: 32197/400 10 Digit Tax Account # 1 1 2 6 0 4 0 0 5 0
Property Owner(s) Printed Name(s) 9028-22 BELAIR ROAD LLC 1 1 2 3 0 7 6 1 9 0

(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)

SEE EXHIBIT 'A' 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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

9028-22 BELAIR ROAD LLC

MICHELE DESCHU

Name #1 - Type or Print

Tara Klimovitz Dm

MEMBER Name #2 - Type or Print

MEMBER

Signature #1

Signature #2

9022 BELAIR ROAD

BALTIMORE,

MD

Mailing Address

City

State

21236

410-256-4888

mdeschu@perryhallanimal.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, JOHN MOTSCO

Name - Type or Print

Signature

1055 TAYLOR AVE

TOWSON,

MD

SUITE 307

Mailing Address

City

State

21286

410-296-1636

JOHN@LITTLEASSOCIATES.COM

Zip Code

Telephone #

Email Address

CASE NUMBER

2017-0024-A

Filing Date

7/22/2016

Do Not Schedule Dates:

Reviewer

JNP

Exhibit 'A'

- A Variance from Section 409.6.A.2 to permit 18 parking spaces in lieu of the 25 parking spaces required for 5,388 square feet of Veterinarian Office.
- Additional relief as may be deemed necessary by the Administrative Law Judge.

2017-0024-A

July 21, 2015

ZONING DESCRIPTION FOR
#9022 & #9028 BELAIR ROAD

Beginning at a point on the northwest side of Belair Road, which has a variable width, at the distance of 193 feet southwest of the centerline of India Avenue, which has a variable width. Thence the following courses and distances: **(1)** North 42 degrees 36 minutes 00 seconds West 119.83 feet; thence **(2)** North 48 degrees 54 minutes 00 seconds East 91.67 feet; thence **(3)** South 77 degrees 30 minutes 00 seconds East 147.43 feet; and thence **(4)** South 48 degrees 32 minutes 00 seconds West 176.02 feet to the place of beginning. Being that land as recorded in Deed Liber J.L.E. 32197, folio 400, containing 0.37 acres of land, more or less. Located in the Eleventh Election District and Fifth Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018

2017-0024-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4420932

Sold To:

Perry Hall Animal Hospital - CU00558457
9022 Belair Rd
Nottingham, MD 21236-2107

Bill To:

Perry Hall Animal Hospital - CU00558457
9022 Belair Rd
Nottingham, MD 21236-2107

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 01, 2016

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

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: # 2017-0024-A
9022 Belair Road
NW/s Belair Road at the corner of India Avenue
11th Election District - 5th Councilmanic District
Legal Owner(s) 9028-22 Belair Road, LLC

Variance: to permit 18 parking spaces in lieu of the 25 parking spaces required for 5,388 sq. ft. of Veterinarian Office; additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Friday, September 23, 2016 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.

9/033 September 1 4420932



KEVIN KAMENETZ
County Executive

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

August 24, 2016

NOTICE OF ZONING HEARING

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9022 Belair Road
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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Michele Deschu, Tara Klimovitz, 9022 Belair Road, Baltimore 21236
Little & Associates, John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 3, 2016.**
- (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, September 1, 2016 Issue - Jeffersonian

Please forward billing to:

Michele Deschu
Perry Hall Animal Hospital
9022 Belair Road
Baltimore, MD 21236

410-256-4888

NOTICE OF ZONING HEARING

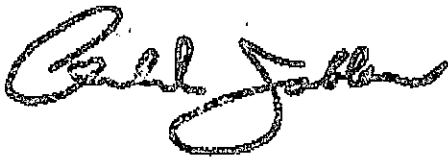
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE
9022 Belair Road; NW/S Belair Road,
At corner S/S of India Avenue
11th Election and 5th Councilmanic Districts
Legal Owner(s): 9028-22 Belair Road, LLC
by Michele Deschu & Tara Klimovitz
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-024-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.

RECEIVED
JUL 29 2016

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 29th day of July, 2016, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 legal owner/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 legal owner/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:

Case Number: 2017-0024-A
Property Address: 9022 Belair Rd., Baltimore, MD 21236
Property Description: 0.363 Ac.± (15,822 S.F.±) located at the
southern intersection of Belair Rd. and India Ave.
Legal Owners (Petitioners): 9022-22 Belair Road LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michele Reschu
Company/Firm (if applicable): Perry Hall Animal Hospital
Address: 9022 Belair Rd., Baltimore, MD 21236

Telephone Number: (410) 256-4888

Revised 5/20/2014

ZONING NOTICE

CASE # 2017-0024-A

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

JEFFERSON BLDG, ROOM 205
PLACE: 105 W. CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: FRI. SEPT. 23, 2016 1:30 PM

REQUEST: VARIANCE TO PERMIT 18 PARKING
SPACES IN LIEU OF THE 25 PARKING SPACES

REQUIRED FOR 5,388 SQ. FT. OF VETERINARIAN
OFFICE. ADDITIONAL RELIEF AS MAY BE DEEMED

NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 487-3391.

THIS SIGN AND POSTER MUST BE REMOVED BY THE DATE OF HEARING, UNDER PENALTY OF LAW.
DO NOT REMOVE OR DESTROY. ACCESSIBLE

July 21, 2015

ZONING DESCRIPTION FOR
#9022 & #9028 BELAIR ROAD

Beginning at a point on the northwest side of Belair Road, which has a variable width, at the distance of 193 feet southwest of the centerline of India Avenue, which has a variable width. Thence the following courses and distances: **(1)** North 42 degrees 36 minutes 00 seconds West 119.83 feet; thence **(2)** North 48 degrees 54 minutes 00 seconds East 91.67 feet; thence **(3)** South 77 degrees 30 minutes 00 seconds East 147.43 feet; and thence **(4)** South 48 degrees 32 minutes 00 seconds West 176.02 feet to the place of beginning. Being that land as recorded in Deed Liber J.L.E. 32197, folio 400, containing 0.37 acres of land, more or less. Located in the Eleventh Election District and Fifth Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2018

2017-0024-A

CERTIFICATE OF POSTING

Date: 8-31-16

RE: Case Number: 2017-0024-A

Petitioner/Developer: 9028-22 Belair Rd LLC

Date of Hearing/Closing: 9-23-16 1:30 PM

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 9022 Belair Rd

The signs(s) were posted on 8-31-16
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

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

No. **142803**

Date: **7/22/2016**

PAID RECEIPT

BUSINESS ACTUAL TIME BSN
 7/22/2016 7/22/2016 10:21:32 1

NO 0501 WALKIN LJR
 RECEIPT # 666791 7/22/2016 OFLN

Dept \$ 520 ZOWING VERIFICATION
 NO 142803

Receipt Tot \$500.00
 \$500.00 CK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
ADD	806	0000		6150					500.00

Total **500.00**

Rec From: **Perry Hall Animal Hospital, Inc.**

For: **9022 Belair Road (201-0024-A)**
Variante (9028-22 Belair Road, LLC)

DISTRIBUTION

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

PLEASE PRESS HARD!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 14, 2016

9028-22 Belair Road LLC
Michele Deschu
Tara Klimovitz
9022 Belair Road
Baltimore MD 21236

RE: Case Number: 2017-0024 A, Address: 9022 Belair Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 22, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
John Motsco, Little & Associates, 1056 Taylor Avenue, Towson MD 21286

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 7/25/16

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 7/25/16. A field inspection and internal review reveals that an entrance onto US 1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0024-A.

4028-22 Belair Road LLC. Michele Desch
9022 Belair Road
US 1

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wendy Wolcott', is written over a horizontal line.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

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 August 01, 2016
Item No. 2017-0024

DATE: August 1, 2016

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

If granted, Lighting and Landscape Plans are required per Landscape Manual requirements.

*

*

*

*

*

*

DAK:CEN
cc:file

ZAC-ITEM NO 16-0024-08012016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: July 29, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0024-A
Address 9022 Belair Road
(9028-22 Belair Road, LLC
Property)

Zoning Advisory Committee Meeting of **July 25, 2016**.

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

Reviewer: Steve Ford

Date: 07-29-2016

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: September 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-024

INFORMATION:

Property Address: 9022 Belair Road
Petitioner: 9028 – 22 Belair Road, LLC
Zoning: BL
Requested Action: Variance

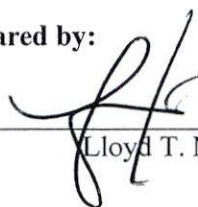
The Department of Planning has reviewed the petition for a variance to permit 18 parking spaces in lieu of the required 25 parking spaces for a veterinarian office.

A site visit was conducted by the Department. The project proposal was administratively approved by the Baltimore County Design Review Panel on September 12, 2016.

The Department has no objection to granting the petitioned zoning relief.

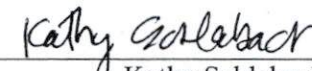
For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: September 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-024

RECEIVED

SEP 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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Petitioner: 9028 – 22 Belair Road, LLC
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Requested Action: Variance

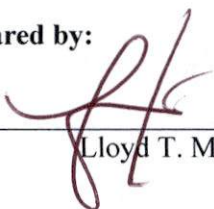
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: September 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SEP 22 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS OFFICE OF ADMINISTRATIVE HEARINGS
Case Number: 17-024

INFORMATION:

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Petitioner: 9028 – 22 Belair Road, LLC
Zoning: BL
Requested Action: Variance

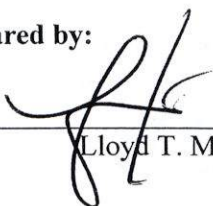
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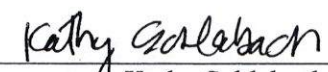
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlach

AVA/KS/LTM/ka

c: Ngone Seye Diop
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County



LEVIN & GANN, P.A.
ATTORNEYS AT LAW

Howard L. Alderman, Jr., Esquire | Principal
D: 410.321.4640 | halderman@levingann.com

August 30, 2016

Kristen Lewis, Docket Clerk
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: Entry of Appearance
9028-22 Belair Road, LLC, Petitioner
9022 Belair Road, Property
Case No. 2017-0024-A

Dear Ms. Lewis:

Please accept for filing the enclosed Entry of Appearance in the above-referenced matter. Should you need any additional information in support of this request, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: Peter Max Zimmerman, People's Counsel

BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

RE: 9028-22 Belair Road, LLC

**9022 Belair Road
5th Councilmanic District
11th Election District**

Case No.: **2017-0024-A**

Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned and Levin & Gann, P.A., as legal counsel for the Petitioner. The Hearing on this Case is scheduled for Friday, September 23, 2016. Please forward copies of all future notices and correspondence to the undersigned at the address listed.



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of August 2016, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, First Class United States Mail to: Peter Max Zimmerman, Esquire, Carole S. Demilio, Esquire, People's Counsel for Baltimore County, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, MD 21204



Howard L. Alderman, Jr.

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment8-1-16DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)C7-129DEPS
(if not received, date e-mail sent _____)NIC

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)7/15

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 9-1-16

SIGN POSTING

Date: 8-31-16by Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1126040050			
Owner Information					
Owner Name:	9028-22 BELAIR ROAD LLC		Use:	COMMERCIAL	
Mailing Address:	9022 BELAIR RD BALTIMORE MD 21236-2103		Principal Residence:	NO	
			Deed Reference:	/32197/ 00400	
Location & Structure Information					
Premises Address:		9022 BELAIR RD 0-0000		Legal Description:	.15 AC 9022 BELAIR RD 144FT S OF INDIA AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0072	0008	0899		0000	
				Assessment Year:	Plat No: Plat Ref:
				2016	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1949	2640		6,534 SF	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	196,000	196,000			
Improvements	208,600	214,500			
Total:	404,600	410,500	406,567	408,533	
Preferential Land:	0			0	
Transfer Information					
Seller: 9022 BELAIR RD LLC		Date: 06/15/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /32197/ 00400		Deed2:	
Seller: EBERTZ PETER E		Date: 06/27/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /18319/ 00127		Deed2:	
Seller: EBERTZ PETER E		Date: 05/06/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12839/ 00652		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

CASE NAME 9028-22 Belau Rd UC
CASE NUMBER 2017-0024-A
DATE 23 Sept 16

CASE NAME 9028-22 Belau Rd UC
CASE NUMBER 2017-0024-A
DATE 23 Sept 16

[illegible]

Case No.:

2017-0024-A

Exhibit Sheet

9-28-16
slh

Petitioner/Developer

DW
10-31-16

Protestant

No. 1	plan	
No. 2	Bill No. 50-12	
No. 3	9-7-2016 letter re: DRP approval	
No. 4	9-22-2016 DDP ZAC comment	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 12

Bill No. 50-12

Mr. David Marks, Councilman

By the County Council, July 2, 2012

A BILL
ENTITLED

AN ACT concerning

Design Review Areas

FOR the purpose of requiring the Design Review Panel to review development plans for
proposed nonresidential developments located in the Perry Hall Revitalization Area; and
generally relating to the review of nonresidential development plans by the Design
Review Panel.

BY repealing and re-enacting, with amendments

Section 32-4-204 (c)
Article 32 - Planning, Zoning, and Subdivision Control
Title 4- Development
Baltimore County Code 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the laws of Baltimore County read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.



1 §32-4-204. Design Review Areas.

2 (c) *Nonresidential plans.* A nonresidential Development Plan is subject to review under
3 this section if the proposed development is located in any of the following areas that are
4 described by map in the Comprehensive Manual of Development Policies:

5 (1) The Towson Master Plan Urban Design Study Area, except that the design of
6 any high performance building, as defined in Article 11, Title 2 of the Code, is not subject to
7 review if it is part of a development plan located in the Towson Commercial Revitalization
8 District;

9 (2) The Essex Revitalization Area;

10 (3) The Catonsville Revitalization Area;

11 (4) The Arbutus Revitalization Area; [or]

12 (5) The Pikesville Revitalization Area; OR

13 (6) THE PERRY HALL REVITALIZATION AREA.

14 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
15 the affirmative vote of five members of the County Council, shall take effect on August 20, 2012
16 and shall apply to any development plan that has not received final approval prior to the effective
17 date of this Act.



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, *Director*
Department of Planning

September 7, 2016

Mr. John Motsco
Little and Associates
1055 Taylor Avenue, Suite 307
Towson, MD 21204

Re: Perry Hall Animal Hospital
9022 Belair Road

Dear Mr. Motsco:

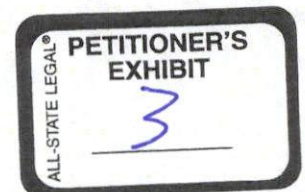
Your request for an addition to the Perry Hall Animal Hospital at 9022 Belair Road subject to review by the Baltimore County Design Review Panel has been administratively APPROVED. The DRP Chair and Department of Planning staff have reviewed your site and landscape plans and architectural elevations. You propose to enlarge the existing building by 931 square feet to allow for expanded office space for the existing business. The addition that is proposed is not substantial and its location at the rear of the building is designed appropriately. The proposed landscape plan and parking lot layout will upgrade the site.

Should you have any questions concerning the matters stated herein, please call Jenifer Nugent with the Department of Planning at 410-887-3480.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Van Arsdale".

Andrea Van Arsdale
Director



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: September 22, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-024

INFORMATION:

Property Address: 9022 Belair Road
Petitioner: 9028 – 22 Belair Road, LLC
Zoning: BL
Requested Action: Variance

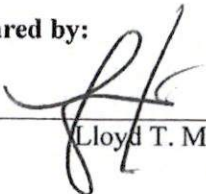
The Department of Planning has reviewed the petition for a variance to permit 18 parking spaces in lieu of the required 25 parking spaces for a veterinarian office.

A site visit was conducted by the Department. The project proposal was administratively approved by the Baltimore County Design Review Panel on September 12, 2016.

The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



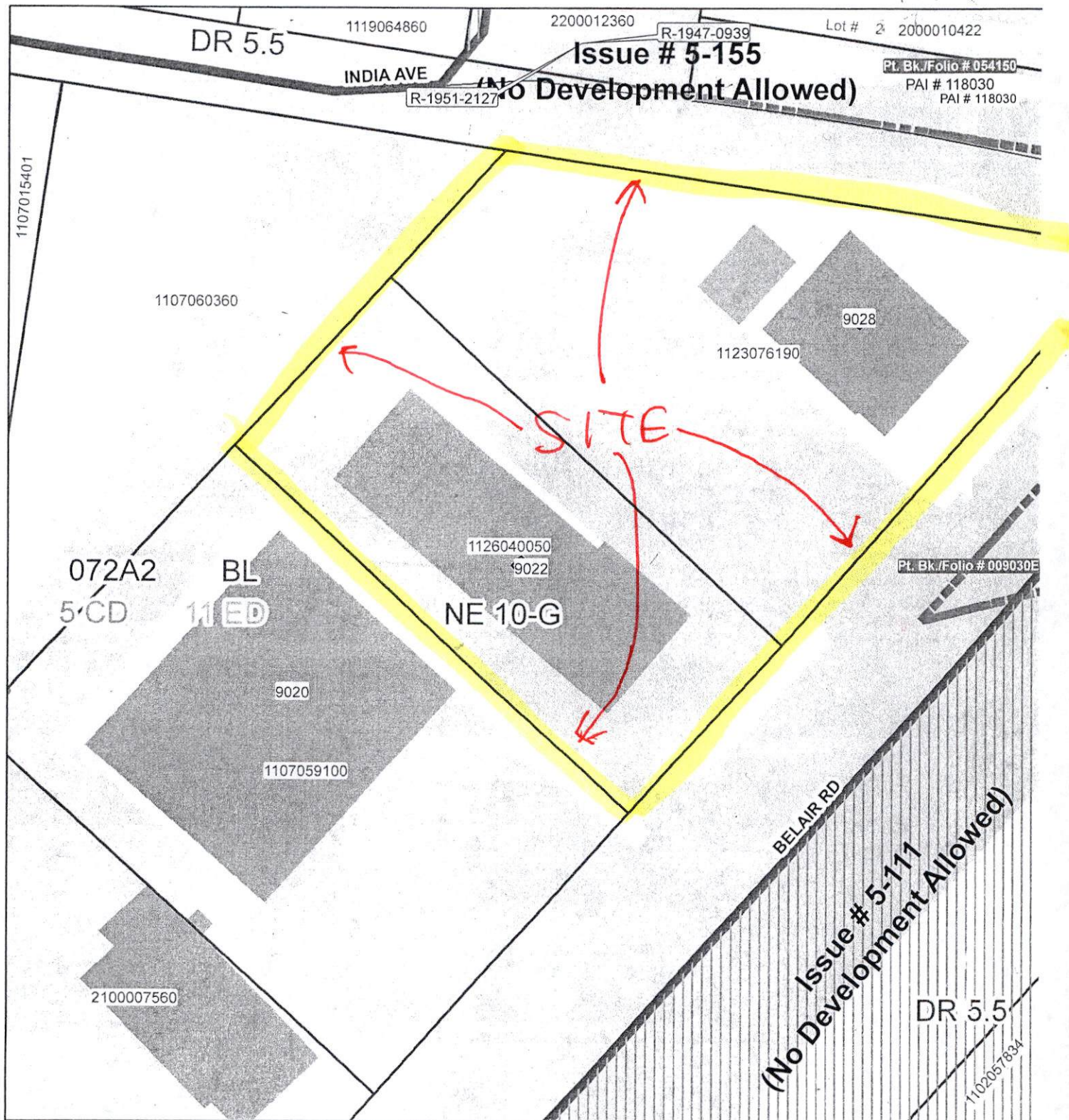
Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
John Motsco, Little & Associates
Office of the Administrative Hearings
People's Counsel for Baltimore County



9022 Belair Road



Publication Date: 7/20/2016



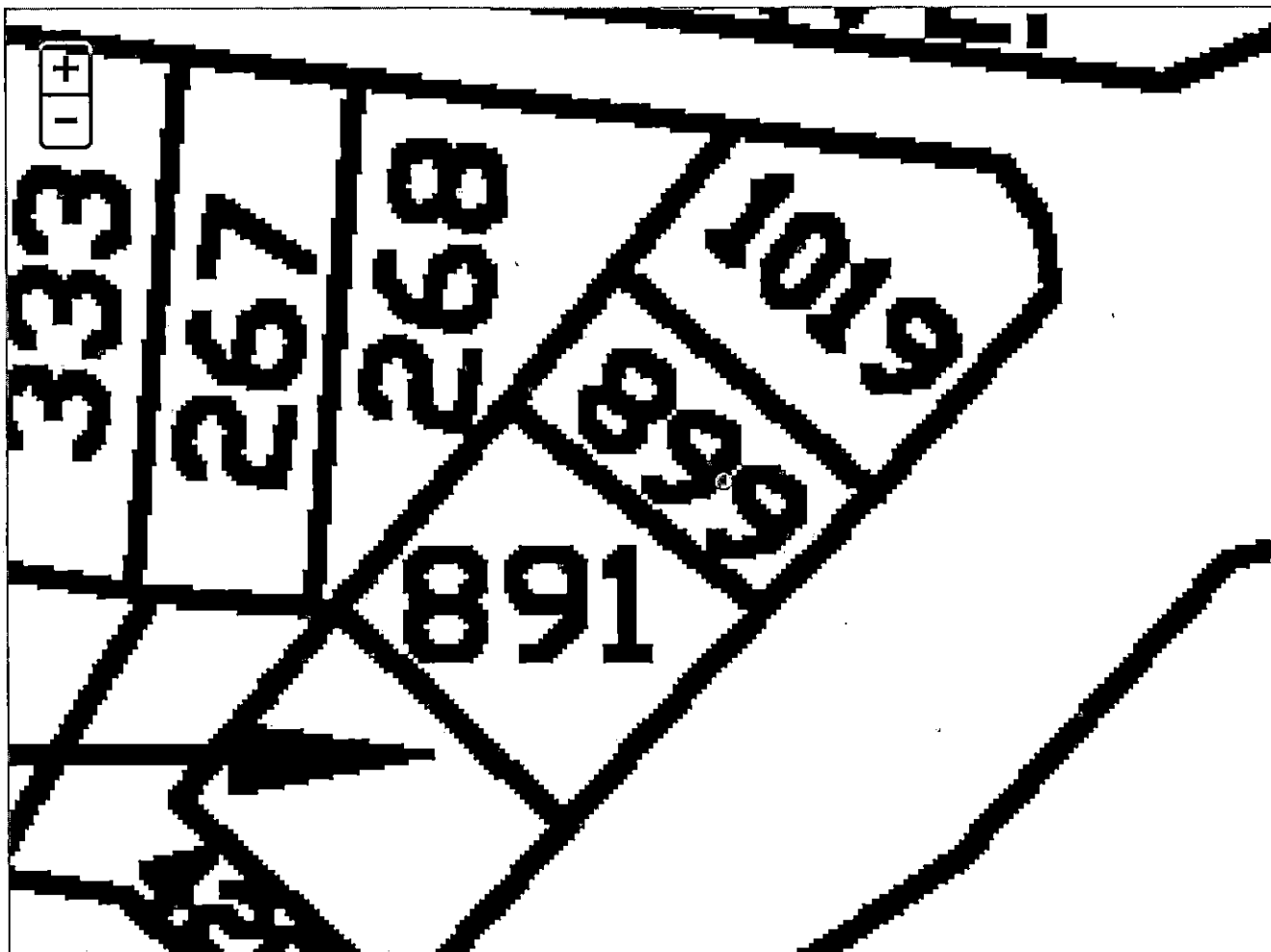
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

2017-0024-A

Baltimore CountyNew Search (<http://sdat.dat.maryland.gov/RealProperty/>)District: **11** Account Number: **1126040050**

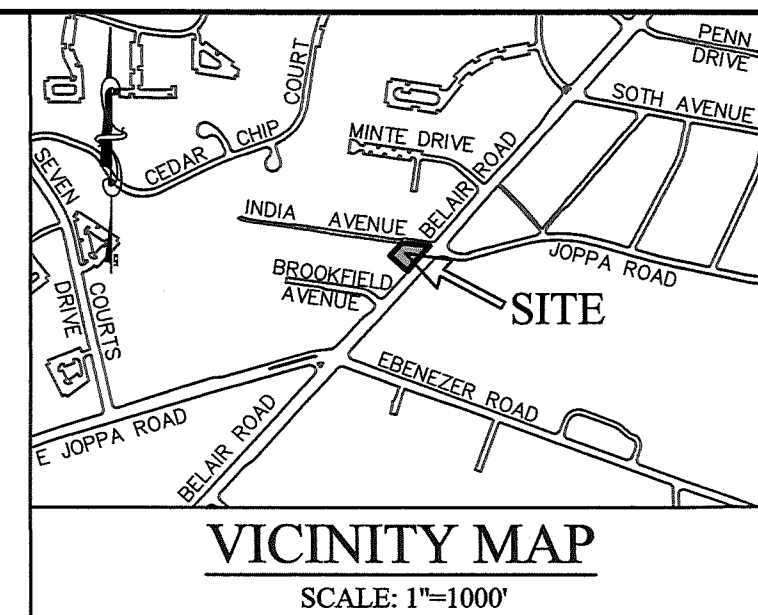
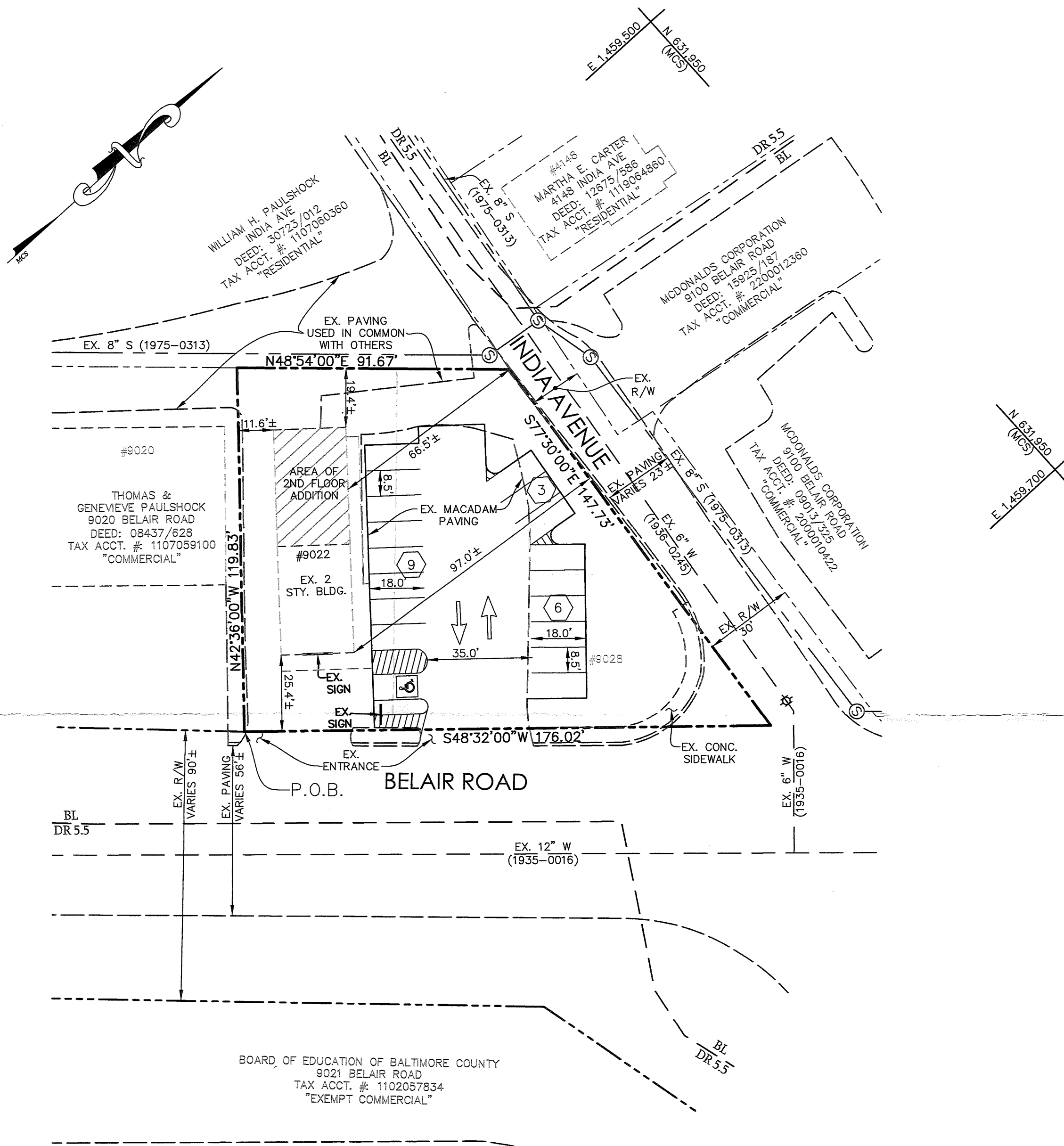
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Y:\PERRY HALL ANIM HOSP 16136.dwg VARIANCE EXHIBIT.dwg, 7/21/2016 5:05:20 PM, Nicholas, User:3076, 1:30



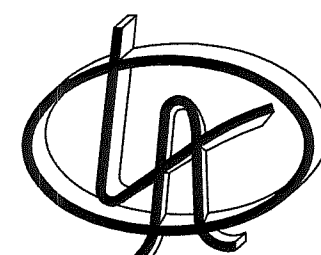
SITE DATA

- OWNER:
9028-22 BELAIR ROAD LLC
9022 BELAIR ROAD
BALTIMORE, MD 21236
(410) 256-4888
- SITE DATA:
ELECTION DISTRICT: 11
COUNCILMANIC DISTRICT: 5
TAX MAP: 72 GRID: 8 PARCEL: 899
DEED REFERENCE: 32197/400
TAX ACCOUNT NO.: 1126040050 & 1123076190
SITE AREA: 0.363 AC.± (15,822 S.F.±)
BUILDING CONSTRUCTED: 1949
EXISTING ZONING: BL
ZONING MAP: 072A2
EXISTING USE: VETERINARIAN OFFICE
PROPOSED USE: VETERINARIAN OFFICE
- SETBACK SUMMARY:
FRONT YARD: 10' TO PROPERTY LINE
40' TO ROAD CENTERLINE
REAR YARD: 0'
SIDE YARD: 0'
- FLOOR SPACE:
EXISTING: 4,462 SF
PROPOSED ADDITION: 926 SF
TOTAL PROPOSED: 5,388 SF
- PARKING DATA:
VETERINARIAN OFFICE/VETERINARIUM
4.5 SPACES/1000 S.F. REQUIRED
TOTAL PARKING REQUIRED:
5,388 S.F. @ 4.5 P.S./1000 S.F. = 24.25 P.S. USE 25 P.S.
PARKING PROVIDED: 18 P.S.
F.A.R. ALLOWED: 3.0
F.A.R. PROPOSED: 0.23

- STORMWATER MANAGEMENT WILL NOT BE REQUIRED AS THE LIMIT OF DISTURBANCE < 5,000 S.F.
- A GRADING PERMIT WILL NOT BE REQUIRED AS THE LIMIT OF DISTURBANCE < 5,000 S.F.
- BASIC SERVICES MAPS DO NOT APPLY. THE PROPERTY IS WITHIN THE PERRY HALL COMMERCIAL REVITALIZATION DISTRICT.

ZONING HISTORY

THIS SITE HAS NO PRIOR ZONING HISTORY.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,
AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND,
LICENSE NO. 16019, EXPIRATION DATE: 5/8/18.

PETITIONER'S

EXHIBIT NO. 1

SITE PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#9022 BELAIR ROAD
PERRY HALL ANIMAL HOSPITAL

DISTRICT 11c5
SCALE: 1"=30'

BALTIMORE COUNTY, MD
JULY 21, 2016

Ex. #1 2017-0024-4