

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(6709 Whitestone Road) *
1st Election District *
1st Council District *
Generation III Limited Liability Company *
Legal Owner *
Mark F. & Lenora M. Cessna *
Lessees *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0168-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Generation III Limited Liability Company, legal owner, and Mark F. & Lenora M. Cessna, lessees ("Petitioners").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to relieve the conditions identified in B.C.Z.R. §253.2.C as required for a special exception for a commercial kennel. A Petition for Variance seeks: (1) pursuant to B.C.Z.R. §421.2, to permit a commercial kennel, within a manufacturing zone, to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft.; and (2) pursuant to B.C.Z.R. §253.4, to permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft. Finally, a Petition for Special Exception seeks to permit a commercial kennel in an ML zone.

Appearing at the public hearing in support of the requests was Lenora and Mark Cessna, Matthew Azrael and professional engineer James Matis. Michael T. Wyatt, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive

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Date 4/28/17

By Len

Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). The DOP objected to the requests, and its comment will be discussed below.

The subject property is approximately 3.07 acres in size and is zoned ML-IM. The property is improved with a 50,000 sq. ft. industrial flex-space warehouse, occupied by a variety of commercial and industrial tenants. The lessees propose to lease a 12,000 sq. ft. space to operate a dog "day care" and boarding operation. To do so zoning relief is required.

Special Hearing

In the request for special hearing Petitioners seek an exception from "the conditions required for a special exception for a commercial kennel as identified under Section 253.2.C." Petitioners are not requesting a special exception without complying with the requirements of B.C.Z.R. §502.1. Instead, Petitioners seek an exemption from an antiquated provision of the B.C.Z.R. (i.e., Section 253.2.C), similar to the one sought in Case No. 2012-0196-SPHXA, which also involved a commercial kennel approved by special exception in an ML zone. Both cases concerned a regulation which permits by special exception commercial kennels in the ML zone, but only as an "interim use." The regulation allows such use to continue only so long as the property is not served by public and water facilities. The exception sought in this case (as in Case No. 2012-0196-SPHXA) seeks to nullify the "interim" nature of the use.

As Mr. Matis testified, this provision was enacted in 1970 (Bill No. 100-1970), at a time when dog kennels were often marginal businesses with incessant barking and odors. Such facilities were mainly located in the rural portions of the County. And the County Council most likely wanted to permit the uses specified in Section 253.2.C only until water and sewer was available to attract owners and tenants to prime industrial land in the county. Baltimore County was much less

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Date 4/28/17
By sen

developed at this time, and planners wanted to ensure an adequate supply of industrial land existed to support continued economic growth. But much has changed in the ensuing fifty years.

As an initial matter, industrial zoned land is now frequently used for residential developments by way of the planned unit development process. The demand for housing continues to rise while warehouse and industrial uses in the county have diminished. Also, Petitioners explained dogs and cats are now treated as family members, and owners frequently seek "day care" services for their pets in addition to the more traditional boarding services when the family goes on vacation. Indeed, "doggie day care" businesses exist in many cities and metropolitan areas.

Petitioners propose to operate a "Camp Bow Wow" franchise at the subject property. Over 135 franchise locations exist in North America, and Petitioners estimated they would have capacity for approximately 125 dogs. They project 75% of their revenue would come from dog day care, while 25% would be from boarding services. Market studies indicate the target customer for such a facility will have an annual income of \$75,000 and would live in a suburban area close to work and other amenities. As Mr. Matis testified, if B.C.Z.R. §253.2.C was enforced literally, a commercial kennel would essentially be unable to locate within an ML zone in the urban portion of the county, since nearly all such land has public sewer and water facilities available.

In Case No. 2012-0196-SPHXA, the DOP submitted a ZAC comment indicating it did not oppose the request to waive the conditions in B.C.Z.R. §253.2.C and did not believe the commercial kennel use would be detrimental to the community. Petitioners' Ex. No. 12. Likewise, I do not believe a commercial kennel located in an industrial park adjacent to the Beltway will have a detrimental impact upon the community. The space has been vacant for some time, and Petitioners propose a creative reuse for the space which will provide a valuable service to the community.

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Date 4/28/17
By sen

Variances

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

- (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).

Petitioners have met this test. The property is irregularly shaped and is bordered by the Baltimore Beltway. As such it is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to operate the commercial kennel. 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.

In its ZAC comment the DOP suggested Petitioners' second variance request could not be granted pursuant to B.C.Z.R. §253.4, since it would be considered a "use variance" which is not authorized under the B.C.Z.R. That comment is based (in part at least) on a recent order issued by the undersigned finding that in a BL zone, within 100 feet of a street right-of-way or residential zone boundary, only passenger automobile parking and uses permitted in the MR zone are permitted. See Case No. 2016-0328-SPHA. A commercial kennel is not a permitted use in the MR zone, and thus the DOP, based on the earlier case noted, believed this would constitute a use variance.

But Mr. Matis suggested the DOP (and the undersigned) were misreading the Regulations, and I believe he is correct. That regulation does not prohibit non-MR uses within 100 feet of a street right-of-way or residential zone boundary in a ML zone; it only requires such uses to be

ORDER RECEIVED FOR FILING

Date

4/28/17

By

SDN

screened in accordance with the landscape manual. And it is from this latter requirement Petitioners seek variance relief.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court reaffirmed a special exception is properly denied only 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. *Id.*

Mr. Matis, who was accepted as an expert, testified Petitioners satisfied the requirements set forth in BCZR §502.1, and I concur. The kennel use will require only interior alterations to the building, and the center has ample parking and is conveniently located off of I-695. In addition, the tenant immediately adjacent to the proposed kennel operates a private ambulance service and indicated it “wholeheartedly supports [Petitioners].” Petitioners’ Ex. No. 8. As such, I do not believe the use will have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this **28th** day of April, **2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to relieve the conditions required for a special exception for a commercial kennel (as set forth in B.C.Z.R. §253.2.C), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a commercial kennel in an ML zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a commercial

ORDER RECEIVED FOR FILING

5 Date 4/28/17
By sen

kennel, within a manufacturing zone, to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft.; and (2) to permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Landscaping or other screening shall be provided as determined in the sole discretion of the Baltimore County landscape architect.

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 4/28/17
By sen



KEVIN KAMENETZ
County Executive

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

April 28, 2017

Michael T. Wyatt, Esq.
1447 York Road, Suite 800
Lutherville, MD 21093

RE: Petitions for Special Hearing, Special Exception and Variance
Case No. 2017-0168-SPHXA
Property: 6709 Whitestone Road

Dear Mr. Wyatt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

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 6709 Whitestone Road which is presently zoned ML - 1M
 Deed References: Liber 11843, folio 341 10 Digit Tax Account # 0 1 0 7 0 0 0 7 6 9
 Property Owner(s) Printed Name(s) Generation III Limited Liability Company

(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

See attached "Exhibit 1"

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

See attached "Exhibit 1"

3. ☒ a **Variance** from Section(s)

See attached "Exhibit 1"

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)

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:

Mark F. Cessna
 Name- Type or Print
 Lenora M. Cessna
 Signature
 7 Saffron Court Reisterstown MD
 Mailing Address City State
 21136 / mark.cessna.cbw@gmail.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Michael T. Wyatt
 Name- Type or Print
 Signature
 1447 York Road, Suite 800 Lutherville MD
 Mailing Address City State
 21093 / 410-825-2255 / mwyatt@hwklawgroup.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Generation III Limited Liability Company
 Name #1 - Type or Print Name #2 - Type or Print
 Signature #1 Signature #2
 101 Chesapeake Ave., 5th Fl Towson MD
 Mailing Address City State
 21204 / matthew@bmzdev.com
 Zip Code Telephone # Email Address

Representative to be contacted:

James E. Matis
 Name - Type or Print
 Signature
 954 RIDGEBROOK RD SUITE 120
 10540 York Road, Suite M Hunt Valley SPARKS MD
 Mailing Address City State
 21036 21152 410-683-7004 / jem@matiswarfield.com
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0168-SFHXA Filing Date 12/20/16

Do Not Schedule Dates: 4/28/17 Reviewer RJD

By sln

REV. 10/4/11

PETITION FOR ZONING HEARING

EXHIBIT 1

Specific Relief Requested

1. Special Hearing is requested pursuant to Section 500.7 BCZR to relieve the conditions required for a Special Exception for a Commercial Kennel as identified under Section 253.2.C of the Baltimore County Zoning Regulations.
2. A Special Exception is also requested to permit a Commercial Kennel in an ML zone as provided under Section 253.2.C of the Baltimore County Zoning Regulations.
3. A Variance is requested pursuant to Section 421.2 of the Baltimore County Zoning Regulations to permit a Commercial Kennel, within a manufacturing zone, to be located within 0 feet of the nearest property line (or lease line), in lieu of the required 200 feet.
4. A Variance is requested pursuant to Section 253.4 of the Baltimore County Zoning Regulations to permit a non-MR Use, unscreened from the motorway, within 45 feet of the right-of-way of an existing freeway, in lieu of required 100 feet.

Item #0168

December 15, 2016

**Description to Accompany Zoning Petition
for Special Hearing, Special Exception and Variances
6709 Whitestone Road
Election District 1
Baltimore County, Maryland**

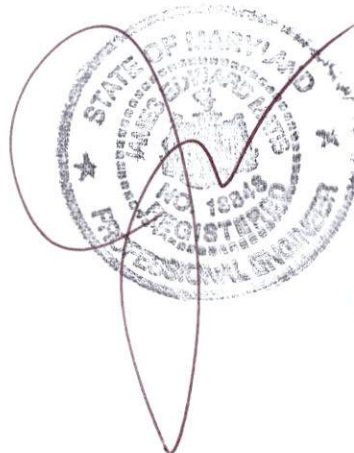


Beginning for the same on the west side of Whitestone Road, at a point located *North 31° 56' West 1,098 feet*, more or less, from the point of intersection of the centerlines of Whitestone Road and Whitehead Road, thence leaving said west side of Whitestone and running thence,

1. **South 72°45'16" West 142.31 feet** to a point, thence
2. **South 89°52'30" West 74.26 feet** to a point on the east side of the Baltimore Beltway, I-695, running thence and binding along the east side of said Baltimore Beltway
3. **North 0° 07' 30" West 180.57 feet** to a point, thence leaving the east side of said Baltimore Beltway and running thence
4. **North 40° 56' 42" East 188.42 feet** to a point on the west side of Whitestone Road, running thence and binding on said west side of Whitestone Road
5. **South 17° 14' 44" East 293.75 feet** to the place of beginning

Containing 1.01 acres more or less or 44,057 square feet of land.

This description is intended for zoning purposes only and is not intended for use in conveyance of land.



12-15-16

Item #0168

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

No.

142835

Date:

12/21/16

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
12/22/2016 12/21/2016 10:25:53 3

REG US03 WALKIN CWN

RECEIPT # 709457 12/21/2016 OFLN

Dept 5 528 ZONING VERIFICATION

NO. 142835

Recpt Tot \$1,200.00

\$1,200.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				\$1200

Total: \$1200

Rec From:

Generation III LLC

For:

Zoning Hearing - case #2017-0168-SPHXA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



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 4748368

Sold To:

HWK Law Group - CU00557863
1447 York Rd
Ste 800
Lutherville Timonium, MD 21093-6089

Bill To:

HWK Law Group - CU00557863
1447 York Rd
Ste 800
Lutherville Timonium, MD 21093-6089

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

Feb 02, 2017

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: # 2017-00168-SPHX
6709 Whitestone Road
W/S Whitestone Road, 1098 ft. +/- North of Whitehead Road

1st Election District - 1st Councilmanic District
Legal Owner(s) Generation III Limited Liability Company
Contract Purchaser/Lessee: Mark & Lenora Cessna

SPECIAL HEARING: to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone.

VARIANCE: 1. to permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Thursday, February 23, 2017 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.

2/017 Feb. 2 4748368

**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 twenty (20) 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: 2017-0168-SPHXA
Property Address: 6709 Whitestone Rd
Property Description: west side of Whitestone Rd, 1/2 1098 feet
north of Whitehead Rd
Legal Owners (Petitioners): Generation III LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael T. Wyle
Company/Firm (if applicable): HuK Law Group
Address: 1447 York Road, Suite 800
Lutherville MD 21093
Telephone Number: 410 825 2255

Revised 7/9/2015

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 31, 2017 Issue - Jeffersonian

Please forward billing to:

Michael Wyatt
HWK Law Group
1447 York Road, Ste. 800
Lutherville, MD 21093

410-825-2255

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-00168-SPHX

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

1st Election District -- 1st Councilmanic District

Legal Owners: Generation III Limited Liability Company

Contract Purchaser/Lessee: Mark & Lenora Cessna

Special Hearing to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone. Variance 1. To permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Monday, February 20, 2017 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.



KEVIN KAMENETZ
County Executive

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

January 23, 2017

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0168-SPHXA

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

1st Election District – 1st Councilmanic District

Legal Owners: Generation III Limited Liability Company

Contract Purchaser/Lessee: Mark & Lenora Cessna

Special Hearing to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone. Variance 1. To permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Monday, February 20, 2017 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: Michael Wyatt, 1447 York Road, Ste. 800, Lutherville 21093
Generation II Ltd Liability Co., 101 Chesapeake Ave., 5th Fl., Towson 21204
Mr. & Mrs. Cessna, 7 Saffron Court, Reisterstown 21136
James Matis, 954 Ridgebrook Road, Ste. 120, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 31, 2017.**
- (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, February 2, 2017 Issue - Jeffersonian

Please forward billing to:

Michael Wyatt
HWK Law Group
1447 York Road, Ste. 800
Lutherville, MD 21093

410-825-2255

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-00168-SPHX

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

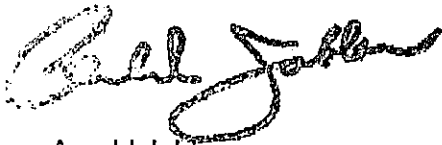
1st Election District – 1st Councilmanic District

Legal Owners: Generation III Limited Liability Company

Contract Purchaser/Lessee: Mark & Lenora Cessna

Special Hearing to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone. Variance 1. To permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Thursday, February 23, 2017 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.



KEVIN KAMENETZ
County Executive

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

January 24, 2017

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0168-SPHXA

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

1st Election District – 1st Councilmanic District

Legal Owners: Generation III Limited Liability Company

Contract Purchaser/Lessee: Mark & Lenora Cessna

Special Hearing to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone. Variance 1. To permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Thursday, February 23, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Michael Wyatt, 1447 York Road, Ste. 800, Lutherville 21093
Generation II Ltd Liability Co., 101 Chesapeake Ave., 5th Fl., Towson 21204
Mr. & Mrs. Cessna, 7 Saffron Court, Reisterstown 21136
James Matis, 954 Ridgebrook Road, Ste. 120, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 3, 2017.**
- (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.



501 N. Calvert St., P.O. Box 137
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4858049

Sold To:

HWK Law Group - CU00557863
1447 York Rd
Ste 800
Lutherville Timonium, MD 21093-6089

Bil To:

HWK Law Group - CU00557863
1447 York Rd
Ste 800
Lutherville Timonium, MD 21093-6089

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

Mar 30, 2017

The Baltimore Sun Media Group

By

S. Wilkerson

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: # 2017-00168-SPHX

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

1st Election District - 1st Councilmanic District

Legal Owner(s) Generation III Limited Liability Company

Contract Purchaser/ Lessee: Mark & Lenora Cessna

SPECIAL HEARING: to relieve the conditions required for a Special Exception for a Commercial Kennel. **SPECIAL EXCEPTION:** to permit a Commercial Kennel in an ML zone.

VARIANCE: 1. to permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Thursday, April 20, 2017 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.

3/202 March 30

4858049

CERTIFICATE OF POSTING

2017-0168-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Generation III limited Liability Company
Mark & Lenora Cessna

April 20, 2017

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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 located at: _____

6709 Whitestone Road

March 30, 2017

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

March 30, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 30, 2017 Issue - Jeffersonian

Please forward billing to:

Michael Wyatt
HWK Law Group
1447 York Road, Ste. 800
Lutherville, MD 21093

410-825-2255

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-00168-SPHX

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

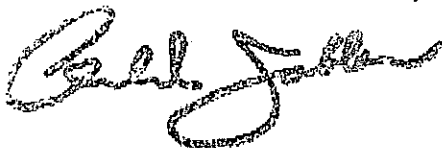
1st Election District – 1st Councilmanic District

Legal Owners: Generation, III Limited Liability Company

Contract Purchaser/Lessee: Mark & Lenora Cessna

Special Hearing to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone. Variance 1. To permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Thursday, April 20, 2017 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.



KEVIN KAMENETZ
County Executive

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

March 21, 2017

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0168-SPHXA

6709 Whitestone Road

W/s Whitestone Road, 1098 ft. +/- North of Whitehead Road

1st Election District – 1st Councilmanic District

Legal Owners: Generation III Limited Liability Company

Contract Purchaser/Lessee: Mark & Lenora Cessna

Special Hearing to relieve the conditions required for a Special Exception for a Commercial Kennel. Special Exception to permit a Commercial Kennel in an ML zone. Variance 1. To permit a Commercial Kennel, within a manufacturing zone to be located within 0 ft. of the nearest property line (or lease line) in lieu of the required 200 ft. 2. To permit a non-MR use, unscreened from the motorway, within 45 ft. of the right-of-way of an existing freeway in lieu of the required 100 ft.

Hearing: Thursday, April 20, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Michael Wyatt, 1447 York Road, Ste. 800, Lutherville 21093
Generation II Ltd Liability Co., 101 Chesapeake Ave., 5th Fl., Towson 21204
Mr. & Mrs. Cessna, 7 Saffron Court, Reisterstown 21136
James Matis, 954 Ridgebrook Road, Ste. 120, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 31, 2017.**
- (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.



KEVIN KAMENETZ
County Executive

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

February 15, 2017

Generation III Ltd Liability Co
101 Chesapeake Avenue
5th floor
Towson MD 21204

RE: Case Number: 2017-0168 SPHXA, Address: 6709 Whitestone Rd

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 December 21, 2015. 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
Mark F& Lenora M Cessna, 7 Saffron Court, Reisterstown MD 21136
Michael T Wyatt, Esquire, 1447 York Road, Suite 800, Lutherville MD 21093
James E Matis, 954 Ridgebrook Road, Suite 120, Sparks MD 21152

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



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

Date: 1/3/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0168-SPHXA

*Special Hearing Special Exception Variance
Generation III Limited Liability Company
6709 Whitestone Road.*

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

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

SUBJECT: Zoning Advisory Committee Meeting
For January 2, 2017
Item No. 2017-0168

DATE: January 6, 2017

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

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

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0168-01022017.doc

2/23

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 2/1/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-168



INFORMATION:

Property Address: 6709 Whitestone Drive
Petitioner: Generation III Limited Liability Company
Zoning: ML-IM
Requested Action: Special Hearing, Special Exception, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should relieve the conditions required for a special exception for a commercial kennel and also the petition for a special exception to use the property for a commercial kennel in an M.L. zone. The Department also reviewed the petition for variance to permit a commercial kennel within a manufacturing zone to be located within 0 feet of the nearest property line (or lease line) and to permit a non-M.R. use, unscreened from the motorway, within 45 feet of the right-of-way of an existing freeway, in lieu of the required 200 feet, screening and 100 feet respectively.

A site visit was conducted on January 4, 2017.

The Department objects to granting the petitioned zoning relief.

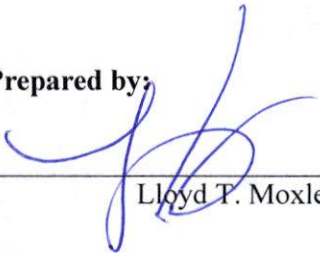
The Department recommends that the conditions determining a special exception are integral to maintaining the health, safety and general welfare of Baltimore County citizens and ensures the orderly development of the communities within which they live and work. The Petitioner has not submitted to the Department of Planning materials that would cause it to support relieving the conditions required for a special exception, that being in conflict with the provisions of BCZR § 102.1, therefore the petitioned zoning relief for a special hearing should not be granted.

Data available to the Department confirms that the subject site is served by public water and sewer. The use of the M.L. zoned property as a commercial kennel is only permitted as an interim use, provided public water and sewer are not available at minimum for a period of 2 years upon the hearing of the petition. This use is further conditioned upon its discontinuation within 1 year of public water and sewer becoming available. BCZR § 253 does not provide for the establishment of a commercial kennel on M.L. zoned property served by public water and sewer. The Department recommends that the petitioned zoning relief for a special exception to use the property for a commercial kennel is beyond the scope of BCZR § 253.2.C.3 and should not be granted.

The Department recommends that the petitioned commercial kennel use, screened or not, is absent from the list of permitted uses in the M.R. zone; therefore, the petition for variance is moot. Based upon prior rulings it is the understanding of the Department that the provisions of BCZR § 253.4 are immune to petitions for variance.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
James E. Matis
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: December 28, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0168-SPHXA
Address 6709 Whitestone Road
(Generation III Limited Liability
Company Property)

Zoning Advisory Committee Meeting of **January 2, 2017**.

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

Reviewer: Steve Ford

Date: 12-23-2016

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE
6709 Whitestone Road; W/S Whitestone Road * OF ADMINISTRATIVE
1098' N of c/line of Whitehead Road
1st Election & 1st Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Generation III Ltd Liability Co.
Contract Purchaser(s): Mark & Lenora Cessna * BALTIMORE COUNTY
Petitioner(s) *
2017-168-SPHXA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
DEC 22 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to James Matis, 954 Ridgebrook Road, Suite 120, Sparks, MD 21152 and Michael Wyatt, Esquire, 1447 York Road, Suite 800, Lutherville, Maryland 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 31, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0168-SPHXA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 2017. 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

Kristen L Lewis

From: Michael Wyatt <mwyatt@hwklawgroup.com>
Sent: Monday, March 20, 2017 2:45 PM
To: Kristen L Lewis
Cc: jem@matisswarfield.com; Mark Cessna (mark.cessna.cbw@gmail.com)
Subject: RE: Confilct Dates-6709 Whitestone Road/2017-0168 SPHXA

Kristin: I still have received a date for the hearing in this matter.

In addition to April 3, 4, 17-19, and 27, as mentioned below, the following dates in April and May are NOT GOOD:

April 12, 13, 14, 25 and 28. May 5, 8, 15, 18 and 19.

Thank you.

Michael T. Wyatt, Esquire
HWK Law Group
The Galleria Towers
1447 York Road
Suite 800
Lutherville, MD 21093
(410) 825-2255 (Ext. 110) *office*
(888) 856-3668 *fax*



www.hwklawgroup.com

From: Michael Wyatt
Sent: Monday, March 06, 2017 4:19 PM
To: 'klewis@baltimorecountymd.gov'
Cc: jem@matisswarfield.com; Mark Cessna (mark.cessna.cbw@gmail.com)
Subject: Confilct Dates

Kristin: Following up on the above-referenced matter, the following dates in April are NOT good for us:

April 3, 4, 17-19, and 27

Thanks.

Michael T. Wyatt, Esquire
HWK Law Group
The Galleria Towers
1447 York Road
Suite 800
Lutherville, MD 21093

Debra Wiley

From: Debra Wiley
Sent: Friday, February 17, 2017 10:27 AM
To: 'mwyatt@hwklawgroup.com'
Cc: Kristen L Lewis; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Postponement Request for Case No. 2017-0168-SPHXA

Good Morning,

ALJ Beverungen is in receipt of your postponement request for the above-referenced matter, which has been granted.

Per ALJ Beverungen, if you're aware of any opposition or interest in this case, please notify those parties that the case has been postponed.

Our office will forward the case file to the Office of Zoning Review for rescheduling.

Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: Debra Wiley
Sent: Friday, February 17, 2017 10:29 AM
To: John E. Beverungen; Lawrence Stahl; Sherry Nuffer
Cc: Kristen L Lewis
Subject: Change to February Calendar

Case No. 2017-0168-SPHXA scheduled for 2/23 @ 1:30 PM has been postponed.

Please mark your calendars accordingly.

Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From: John Beverungen <johnbeverungen@baltimorecountymd.gov>
Sent: Friday, February 17, 2017 10:16 AM
To: Debra Wiley
Subject: Re: FW: 6907 Whitestone Road/Case No 2017 – 0168 –SPHXA

Deb, I have reviewed all of the attachments and we can grant the postponement request. Perhaps in a cover letter or email we could ask Mr. Wyatt if he is aware of any opposition or interest in the case, and if so to please notify those parties the case has been postponed. It's okay to do for my signature. Let me know if you need anything else. John

On Feb 17, 2017 10:06 AM, "Debra Wiley" <dwiley@baltimorecountymd.gov> wrote:

Good Morning John,

It appears that the Zoning Office did not either receive or open their "fax" email system to receive Mr. Wyatt's postponement request for Thursday, February 23, 2017 @ 1:30 PM. It also appears from reading Mr. Wyatt's email that besides his scheduling conflict, the property was not posted.

Kristen is sending it to our office since the files were received yesterday.

Do you want me to notify Mr. Wyatt and should he be advised to send someone in the event anyone shows (seeing the newspaper advertisement) or just simply postpone?

Thanks in advance.

From: Kristen L Lewis
Sent: Friday, February 17, 2017 9:57 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Subject: FW: 6907 Whitestone Road/Case No 2017 – 0168 –SPHXA
Importance: High

This was sent to me this morning in regards to a case for next week. For some reason, we didn't receive his request. June brought the files over yesterday.

SECRET

Debra Wiley

From: Kristen L Lewis
Sent: Friday, February 17, 2017 9:57 AM
To: Debra Wiley; Sherry Nuffer
Subject: FW: 6907 Whitestone Road/Case No 2017 – 0168 –SPHXA
Attachments: SKM_754e17021710520.pdf

Importance: High

This was sent to me this morning in regards to a case for next week. For some reason, we didn't receive his request. June brought the files over yesterday.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Michael Wyatt [mailto:mwyatt@hwklawgroup.com]
Sent: Friday, February 17, 2017 9:54 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: jem@matisswarfield.com; Mark Cessna (mark.cessna.cbw@gmail.com) <mark.cessna.cbw@gmail.com>; Michelle Rachal <Michelle@hwklawgroup.com>
Subject: 6907 Whitestone Road/Case No 2017 – 0168 –SPHXA
Importance: High

Kristin: This follows our phone conversation just now. I was calling to confirm next week's hearing had been postponed. You advised that the request, another copy of which is attached, was not received (most likely due to your new fax system which goes to the computer instead of a dedicated machine).

Anyway, I would appreciate your expedited attention to this postponement request. I have a scheduling conflict and the property has not been posted in any event, based on the assumption that the case would be postponed.

Thank you for your anticipated response regarding this matter.

Michael

Michael T. Wyatt, Esquire
HWK Law Group
The Galleria Towers
1447 York Road
Suite 800
Lutherville, MD 21093
(410) 825-2255 (Ext. 110) office
(888) 856-3668 fax



Michael T. Wyatt
Admitted in Maryland and
the District of Columbia



Phone: 410-825-2255, Ext. 110
Fax: 888-856-3668
Email: mwyatt@hwrlawgroup.com

January 31, 2017

Via Telefax (410-887-3048)

Baltimore County Zoning Review
County Office Building
Attn: Kristin
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

**Re: Zoning Hearing --
6709 Whitestone Road, Suite D
Baltimore, MD 21207
Case No: 2017-0168-SPHXA**

Dear Kristin:

I am in receipt of a "Corrected Notice of Zoning Hearing" setting this matter in for February 23, 2017 at 1:30 p.m. Unfortunately, I have a previously scheduled deposition on February 23, 2017 in the matter of *In re The Charles Angelos Trust*, Baltimore County Case No: 03-C-16-011253 OB.

In view of this conflict, I would respectfully request that the zoning matter be rescheduled. Following our telephone conversation this morning, I am **not** available on the following dates in March 2017: March 6, 13, 16, 21 and 30. Otherwise, my clients, our expert witness, and I are available if you can reschedule in March around these dates.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me if you have any questions or require additional information.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'M. Wyatt', is written over a horizontal line.

Michael T. Wyatt

MTW/mlr

Enclosure

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 01 Account Number - 0107000769								
Owner Information										
Owner Name:		GENERATION III LIMITED LIABILITY COMPANY				Use:		INDUSTRIAL		
Mailing Address:		101 E CHESAPEAKE AVE 5TH FLR TOWSON MD 21286-5338				Principal Residence:		NO		
						Deed Reference:		/11843/ 00341		
Location & Structure Information										
Premises Address:		6709 WHITESTONE RD BALTIMORE MD 21207-4103				Legal Description:		PT PARCEL D 3.0661 A 800 N WHITEHEAD RD MEADOWS INDUSTRIAL PARK		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0095	0002	0229		0000				2015	Plat Ref: 0027/0021	
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use		
						3.0700 AC		15		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of 01/01/2015		As of 07/01/2016		As of 07/01/2017		
Land:		919,800		919,800						
Improvements		1,575,400		2,022,300						
Total:		2,495,200		2,942,100		2,793,133		2,942,100		
Preferential Land:		0						0		
Transfer Information										
Seller: A & E PARTNERS L P				Date: 10/10/1996		Price: \$2,142,032				
Type: ARMS LENGTH IMPROVED				Deed1: /11843/ 00341		Deed2:				
Seller: MEADOWS PARK LIMITED PARTNERSHIP				Date: 10/05/1994		Price: \$23,135,000				
Type: ARMS LENGTH MULTIPLE				Deed1: /10780/ 00523		Deed2:				
Seller: EQUITABLE LIFE ASSURANCE SOCIETY				Date: 08/10/1987		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /07634/ 00789		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										

[illegible]

NAME: [illegible]
DATE: [illegible]
PAGE: [illegible]

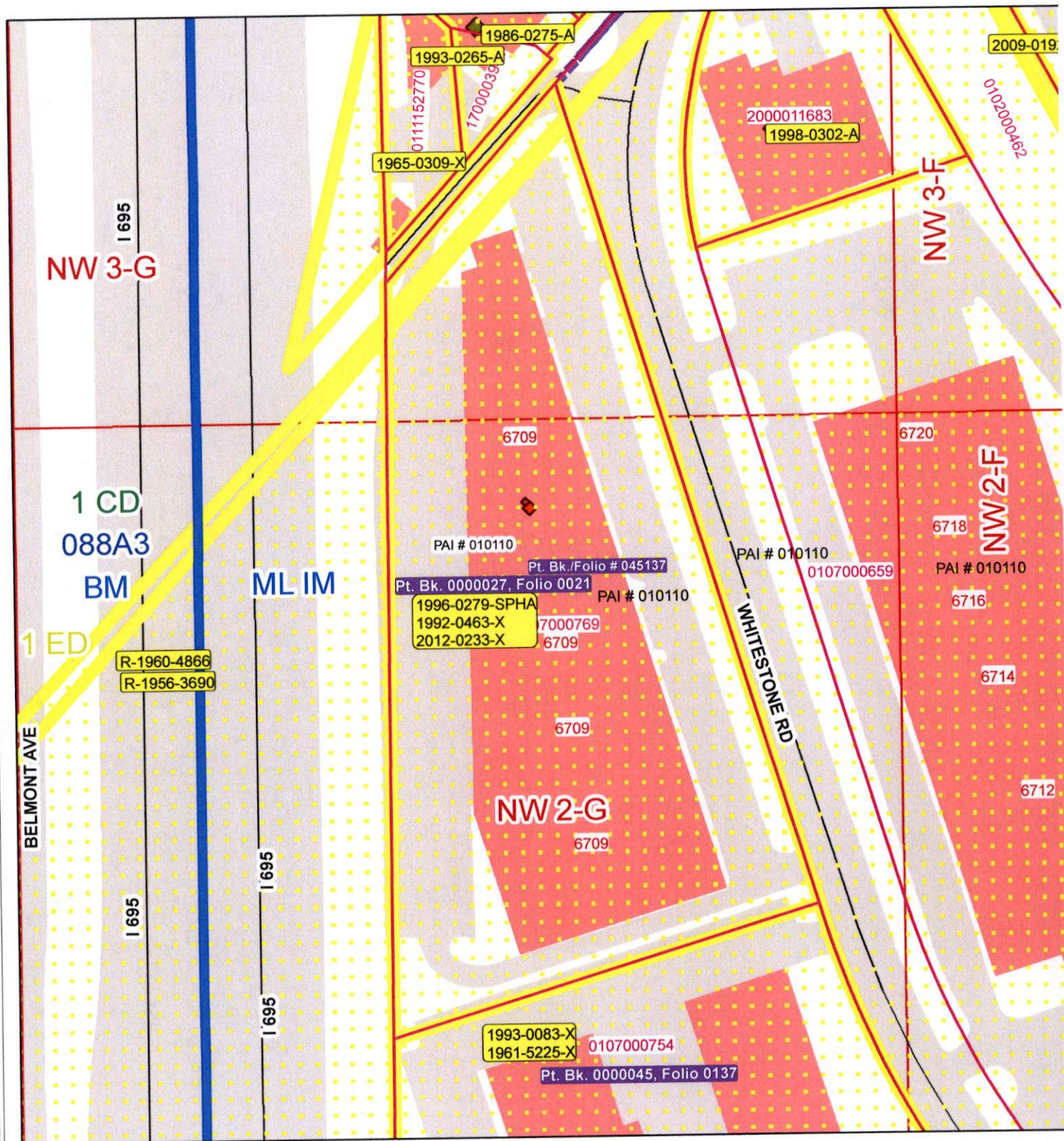
subject: [illegible]

52115 Wm. [illegible]
T-2015 [illegible]

051 of 02 [illegible]
008 of 2, [illegible]

211 [illegible]
[illegible]

6709 Whitestone Road



Publication Date: 12/16/2016



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

IN THE MATTER OF:

6709 Whitestone Road, Suite D
Baltimore, Maryland 21207

GENERATION III LIMITED
LIABILITY COMPANY
Legal Owner/Petitioner

MARK F. CESSNA and
LENORA M. CESSNA
Contract Purchaser/Lessee

*

*

*

*

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*

*

BEFORE THE

BALTIMORE COUNTY

OFFICE OF ADMINISTRATIVE

HEARINGS

Case No: 2017-0168-SPHXA

* * * * *

PETITIONER'S HEARING EXHIBITS

(April 20, 2017)

IN THE MATTER OF:	*	BEFORE THE
6709 Whitestone Road, Suite D	*	BALTIMORE COUNTY
Baltimore, Maryland 21207	*	OFFICE OF ADMINISTRATIVE
GENERATION III LIMITED	*	HEARINGS
LIABILITY COMPANY	*	
<i>Legal Owner/Petitioner</i>	*	
MARK F. CESSNA and	*	
LENORA M. CESSNA	*	
<i>Contract Purchaser/Lessee</i>	*	Case No: 2017-0168-SPHXA
* * * * *		

PETITIONER'S HEARING EXHIBITS **TABLE OF CONTENTS**

1. Plat - 6709 Whitestone Road, Lot 1 D Meadows Industrial Park.
2. Exhibit to Accompany Zoning Petition delineating Special Exception Area and previous zoning cases.
3. Property Advertisement from Blue & Obrecht.
4. Camp Bow Wow Franchise Documentation.
5. Franchise Market Area Map – MD-072 North Baltimore.
6. Photograph - Camp Bow Wow Stand at M&T Bank Stadium.
7. Camp Bow Wow internal business photos.
8. Correspondence from Mid-Atlantic Emergency Vehicles, Inc. dated January 16, 2017.
9. Photographs of space to be leased and surrounding area.
10. Camp Bow Wow Environmental Impact Study.
11. Correspondence from Michael T. Wyatt to Lloyd Moxley and Dennis Wertz of Baltimore County Department of Planning dated March 30, 2017.
12. Opinion and Order dated April 9, 2012.

PUBLIC UTILITIES - THE PROPERTY IS SERVED WITH PUBLIC WATER AND SEWER
 BASIC SERVICES WATER AND SEWER- THE SITE NOT LOCATED IN ANY DEFICIENT OR FAILING 1 AND SEWER AREA
 BASIC SERVICES TRANSPORTATION- THE SITE IS NOT LOCATED WITHIN THE TRAFFIC SHED OF A DEFICIENT OR FAILING INTERSECTION
 SIGNAGE- ANY EXISTING OR FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES
 HOURS OF OPERATION - APPROXIMATELY 7:00 AM TO 7:00 PM DAILY

Parking Tabulation

PARKING REQUIRED		
PROPOSED COMMERCIAL KENNEL 12,344 SF AT 15 EMPLOYEES @ 1 SP /EMPLOYEE	=	15 SPACES
SERVICE GARAGE 15,245 SF @ 3.3 SP /1000 SF	=	51 SPACES
WAREHOUSE 18,760 SF AT 9 EMPLOYEES @ 1 SP /EMPLOYEE	=	9 SPACES
OFFICE 5,663 SF @ 3.3 SP /1,000 SF	=	19 SPACES
TOTAL PARKING REQUIRED	=	94 SPACES
TOTAL PARKING EXISTING SURFACE	=	113 SPACES**
TOTAL SERVICE BAYS	=	22 SPACES
TOTAL PARKING PROVIDED	=	135 SPACES

** PARKING PROVIDED
 39 PARKING SPACES ARE LOCATED WITHIN THE SPECIAL EXCEPTION AREA
 STANDARD PARKING SPACES AT 8.5 FEET X 18 FEET and PARALLEL PARKING AT 7.5' x 21'
 PARKING FOR THE PHYSICALLY HANDICAP AT 13' X 18 SINGLE SPACE; 21' X 18' for TWO SIDE BY SIDE
 and 24'x18' VAN ACCESSIBLE for TWO SIDE BY SIDE
 PARKING SHOWN IS ON DURABLE AND DUST FREE SURFACE

Pet Ex # 1

A Special Hearing is requested pursuant to Section 500.7 BCZR to relieve the conditions required for a Special Exception for a Commercial Kennel as identified under Section 253.2.C of the Baltimore County Zoning Regulations.

A Special Exception is also requested to permit a Commercial Kennel in an ML zone as provided under Section 253.2.C of the Baltimore County Zoning Regulations.

A Variance is requested to Section 421.2 of the Baltimore County Zoning Regulations to permit a Commercial Kennel, within a Manufacturing Zone, to be located within 0 feet of the nearest property line, (lease line) in lieu of the required 200 feet.

A Variance is requested to Section 253.4 of the Baltimore County Zoning Regulations to permit a non MR Use, unscreened from the motorway, within 45 feet of a the right-of-way of an existing freeway, in lieu of required 100 feet.



MCS

DATE	ISSUE
12-20-16	FOR FILING

PLAT TO ACCOMPANY ZONING PETITION
 FOR SPECIAL HEARING, VARIANCE
 AND SPECIAL EXCEPTION REQUEST
 6709 WHITESTONE ROAD
 LOT 1 D MEADOWS INDUSTRIAL PARK

BALTIMORE COUNTY, MARYLAND
 1ST ELECTION DISTRICT
 1ST COUNCILMANIC DISTRICT
 ZONING MAP NO. 88A3
 PLAN SCALE 1" = 30'

Report Results

District 1 [More >](#)

Voting Precinct 01-001 [More >](#)

Census Block 240054011021012 [More >](#)

Census Block 240054011021009 [More >](#)

Census Block Group 240054011021 [More >](#)

Census Tract 401102 [More >](#)

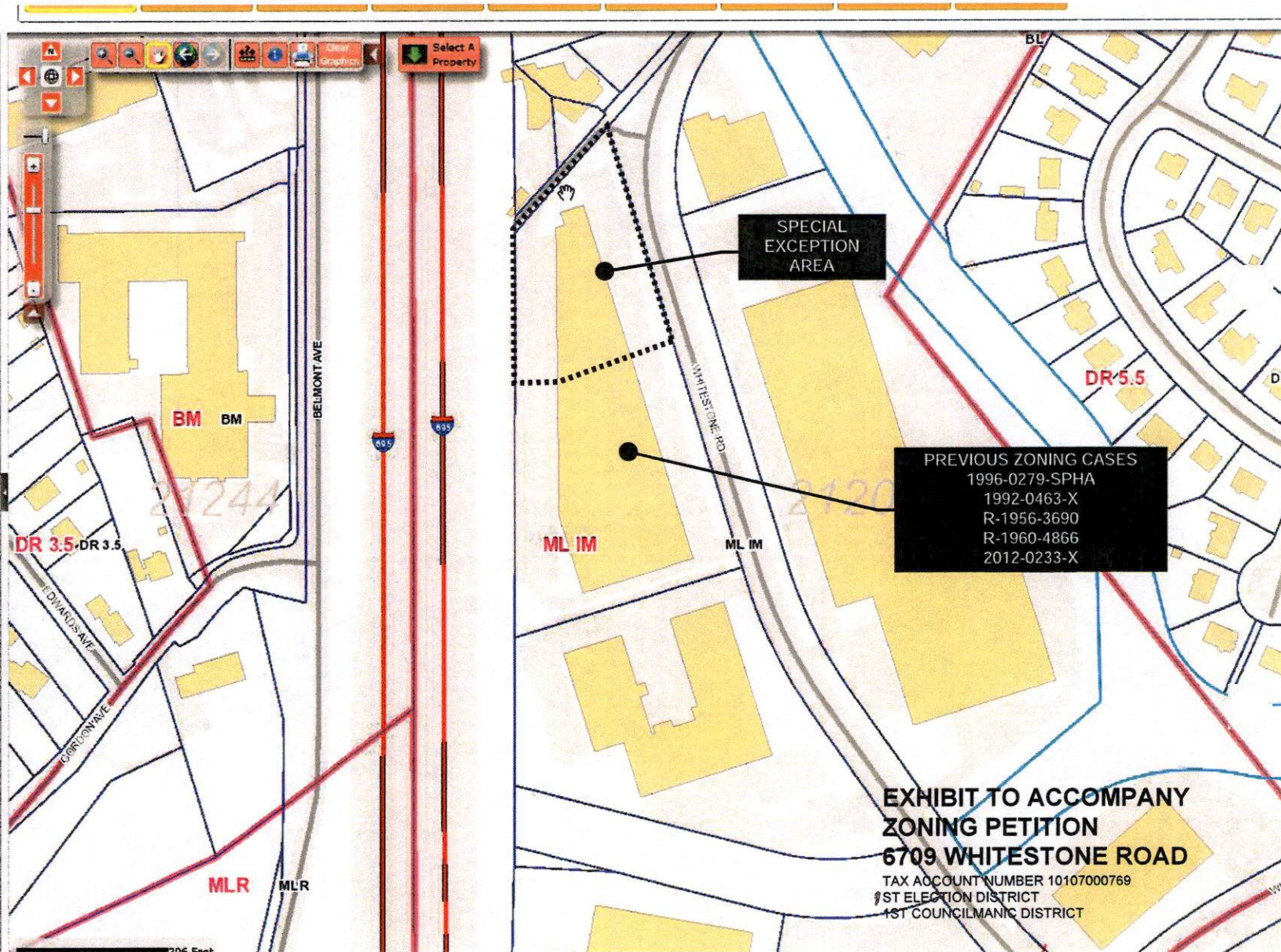
Commercial Revitalization District Woodlawn [More >](#)

Enterprise Zone Federal Center at Woodlawn [More >](#)
Enterprise Zone

Watershed Name Gwynns Falls [More >](#)

GIS Tile Number (200 Scale) 088A3 [More >](#)

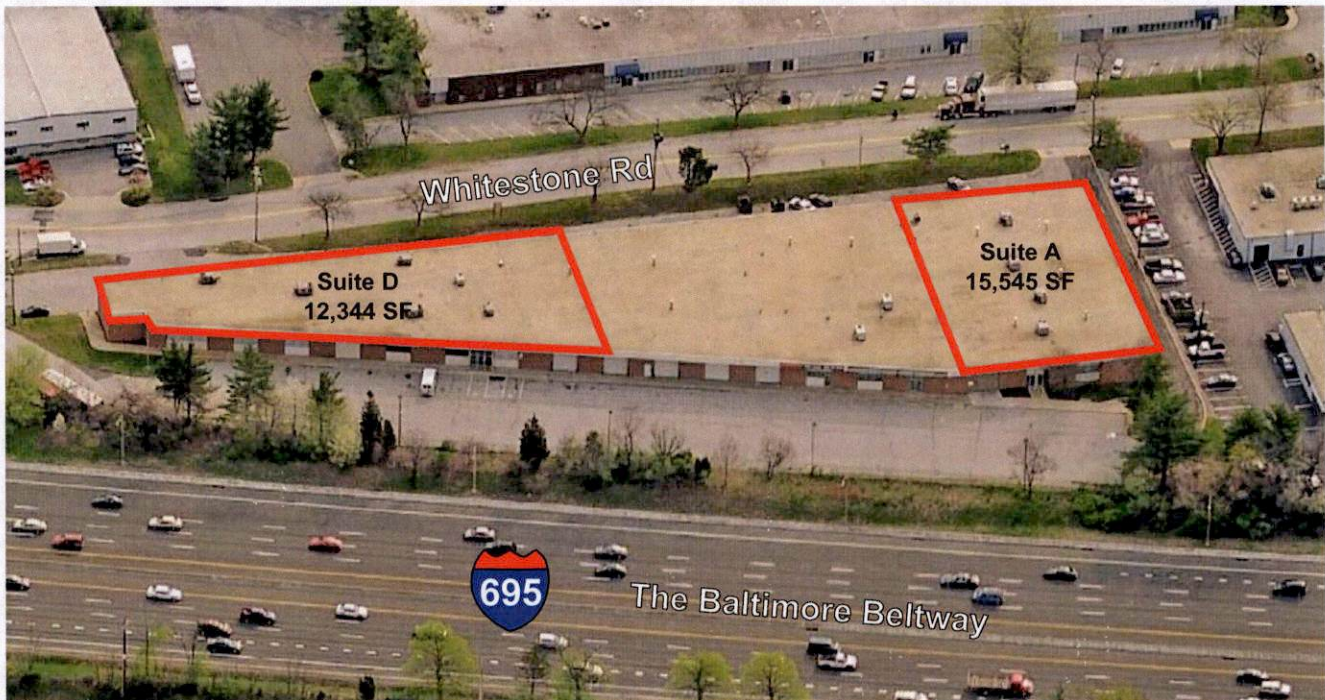
Additional Information



Pet Ex #2

FLEX / WAREHOUSE SPACE FOR LEASE

Immediate Availability



6709 Whitestone Road - Woodlawn, MD 21207

Building Information

Building Size: 51,815 SF
Space Available: **Suite A:** 15,545 SF
\$5.95 PSF, NNN **\$2.95 PSF for 1st year**
Suite D: 12,344 SF
\$7.75 PSF, NNN **\$4.95 PSF for 1st year**

Highlights

Fully air conditioned flex / warehouse space
Suite A has a 12' x 20' drive-in door
18' ceiling height
Excellent Beltway visibility; Close to SSA and CMS
Zoned ML-IM (retail uses also permitted per existing variance)

David Paulson, SIOR

443-330-4804

dpaulson@blueobrecht.com

Kevin Moriarty

443-330-4808

kmoriarty@blueobrecht.com



Ret Ex #3

Blue & Obrecht Realty, LLC
9475 Deereco Road, Suite 200
Timonium, MD 21093
410-561-5568

This building has excellent visibility and signage opportunities along the Baltimore Beltway. It is locally owned and managed, with excellent parking and easy access to I-695 and Security Boulevard.

North America's Largest Pet Care Franchise

Pet Ex #4



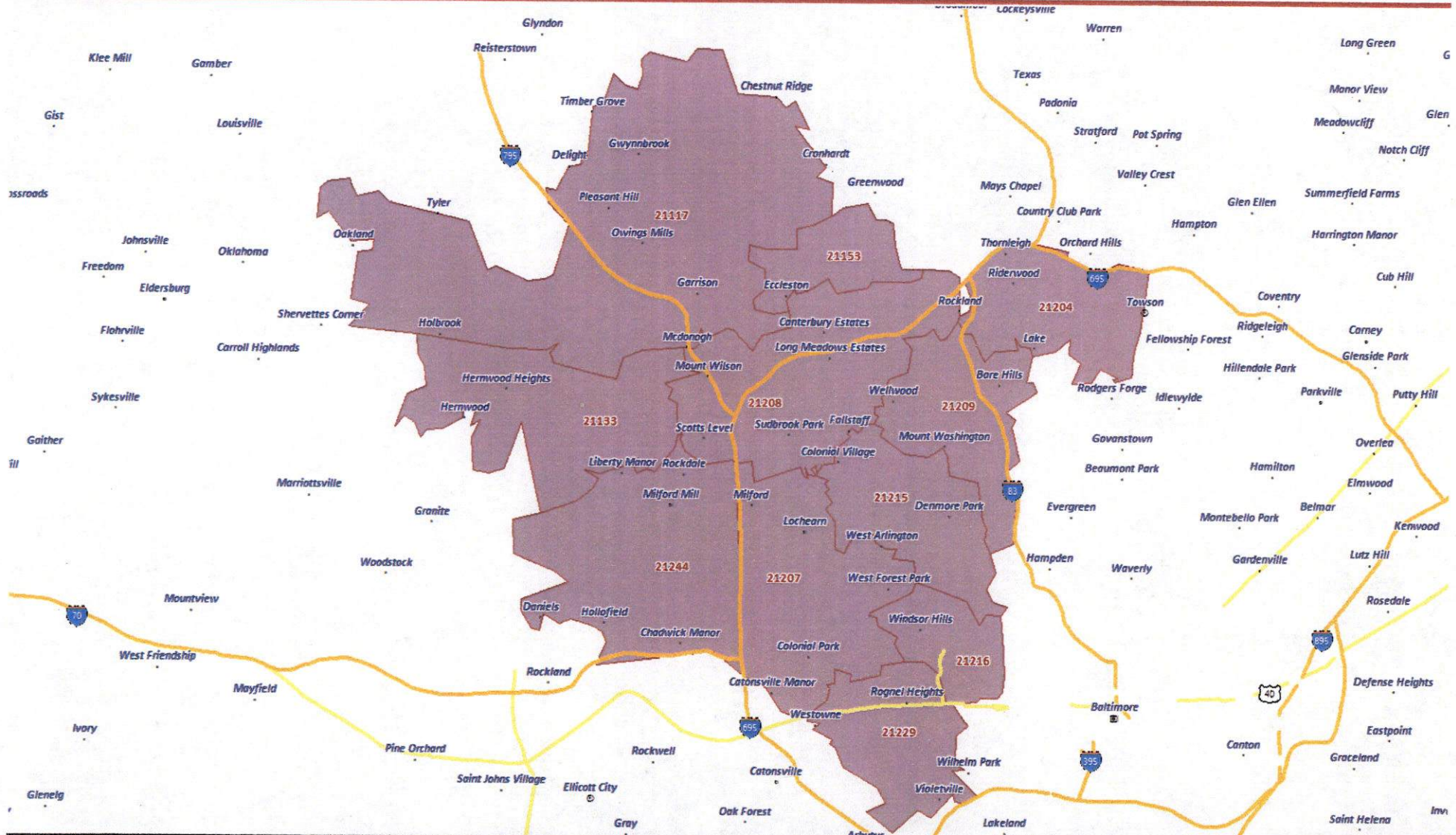
CAMP
BOW WOW



Market: MD-072 North Baltimore

Franchise: MD405 Lochearn

Pet Ex #5



	Territory	POPCY	HHDCY	HH050	HH060	HH070	HH080	HH0 DOG	TGT HH0
+	MD405 Lochearn	399,346	155,874	86,146	73,191	62,286	52,772	39,872	14,012

2014N

Confidential, Camp Bow Wow™ International, Inc. Copyright © 2014 by Territory Solutions International. All rights reserved.

October 15

ank Stadium



Miss Shirley's
Award Winning Breakfast, Brunch & Lunch

Miss Shirley's
Award Winning Breakfast, Brunch & Lunch

Miss Shirley's
Award Winning Breakfast, Brunch & Lunch

CAMP BOW WOW
PREMIER DOGGY DAY CARE & BOARDING

CAMP BOW WOW
WHERE A DOG CAN BE A DOG.

evergreen
HEALTH

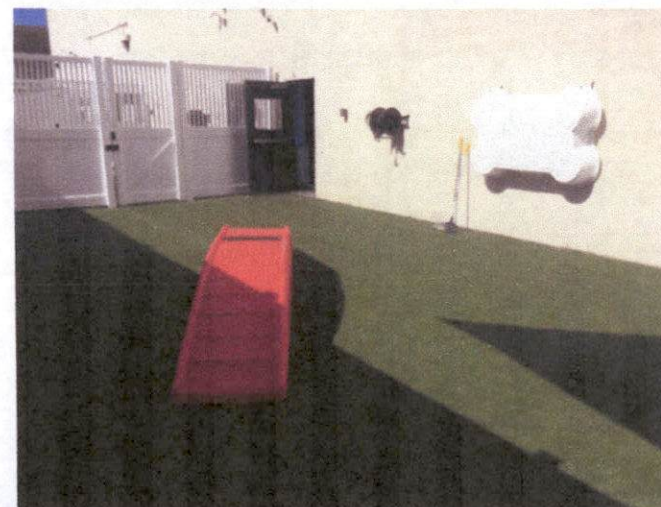
evergreen
HEALTH

Evergreen Health
is a leading health insurance
company in Maryland
dedicated to giving you
a better health care
experience.

WWW.EVERGREENMD.ORG

Pet Ex #6

Indoor & Outdoor Play Areas



Pet Ex #7

Mid-Atlantic Emergency Vehicles, Inc.
6709 Whitestone Road
Suite C
Baltimore, MD 21207

January 16, 2017

RE: Petition for Special Exception
Mark and Lenora Cessna

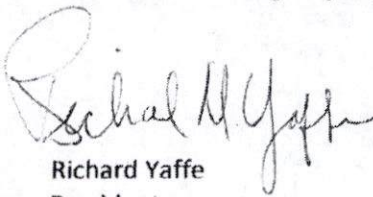
To Whom It May Concern,

I am writing to you today to share with you that Mark and Lenora Cessna, representative of Mema's Canine Companions, LLC, have informed Mid-Atlantic Emergency Vehicles, Inc. of their intent to lease the property located at 6709 Whitestone Rd., Woodlawn, MD. This property is owned by Generation III, LLC and a leasing agreement is pending as per the outcome of the Petition for Special Zoning Exception. We are the tenant located in the space adjacent to property requesting the special exception.

Mark and Lenora Cessna have fully disclosed to Mid-Atlantic Emergency Vehicles, Inc. their intent to utilize the property as a dog day care and boarding facility, under the name of "Camp Bow Wow". We have determined that "Camp Bow Wow" will not hamper our ability to conduct business.

Let it be known that Mid-Atlantic Emergency Vehicles, Inc. wholeheartedly supports Mark and Lenora Cessna's petition for special exception and that they be granted approval to move forward in establishing the business, Camp Bow Wow at this location.

Sincerely,
Mid-Atlantic Emergency Vehicles, Inc.


Richard Yaffe
President

Pet Ex #8

**LIVING WORD
MINISTRIES**
BISHOP DARRELL E. JOHNSON, III - PASTOR
Singles are Welcome

Sunday Morning Worship
10:00am
Wednesday Word Encounter
7:30pm



Pet Ex #9







As Camp Bow Wow continues to expand throughout the USA, some communities have begun to ask about the potential environmental impact the Camp's outside playgrounds might have on nearby storm drains. The primary concern comes from the runoff caused during a rainstorm and the potential risk to the nearby waterway's ecosystem. As a result of these important questions Camp Bow Wow and its supplier partner Spartan Chemical Company, Inc. conducted the following study.

Environmental Impact Study of Camp Bow Wow's Outdoor Playgrounds

Purpose:

The purpose was to make sure that incidental runoff of water and nutrients and maintenance items from the playground do not detrimentally impact the environment. We used San Diego County Region 9 Basin plan and Title 17 of the California Health and Safety Code Storm Water Runoff Limits as the benchmark for allowable discharge limits. They are as follows:

- pH = 6.5 - 8.5
- Nitrogen as Nitrates < 5mg/L
- Un-ionized Ammonia < .025 mg/L
- Total Phosphorus < .05 mg/L
- Total Coliforms: 10,000 cfu / 100ml
- Fecal Coliforms: 400 cfu / 100 ml
- Enterococcus: 104 cfu / 100 ml

Pet Ex #10



A Camp Bow Wow continues to expand throughout the L.A. some communities have begun to ask about the potential environmental impact the Camp's outdoor playgrounds might have on nearby storm drains. The primary concern comes from the runoff caused by the asphalt and the potential risk to the nearby waterway's ecosystem. As a result of these important questions Camp Bow Wow and its supplier partner Spartan Chemical Company, Inc. conducted the following study:

Environmental Impact Study of Camp Bow Wow's Outdoor Playgrounds

Background:
The purpose was to make sure that the potential runoff of water and nutrients and maintenance items from the playgrounds do not detrimentally impact the environment. We used San Diego County Region 9 Basin plan and Title V of the California Clean Water Act (also known as the Clean Water Act) as the benchmark for the study to determine limits that are as follows:

- a. pH = 6.5 - 8.5
- b. Nitrogen = Nitrate = 5mg/L
- c. Un-ionized Ammonia = 0.25 mg/L
- d. Total Phosphorus = 0.5 mg/L
- e. Total Coliforms: 10,000 cfm / 100ml
- f. Fecal Coliforms: 100 cfm / 100 ml
- g. Enterococci: 104 cfm / 100 ml

104 EX #10

Michael T. Wyatt
Admitted in Maryland and
the District of Columbia



Phone: 410-825-2255, Ext. 110
Fax: 888-856-3668
Email: mwyatt@hwklawgroup.com

March 30, 2017

Via Email

lmoxley@baltimorecountymd.gov
dwertz@baltimorecountymd.gov

Mr. Lloyd T. Moxley, Senior Planner
Mr. Dennis Wertz, Senior Planner
Baltimore County Department of Planning
The Jefferson Building, Suite 101
105 West Chesapeake Avenue
Towson, Maryland 21204

**Re: Zoning –
6709 Whitestone Road, Suite D
Baltimore, MD 21207
Case No: 2017-0168-SPHXA**

Dear Mr. Moxley and Mr. Wertz:

Following up on the Department of Planning's February 2, 2017 comments to the above zoning case, and our March 2, 2017 meeting with you, we offer:

Commercial Kennel Operation in an ML Zone.

In 1967 when the definition was written, kennels were primarily in rural areas, and **not** in the urban areas. In 1970 Kennel use qualified as an interim condition special exception use. The policy at the time likely went like this: kennels were still primarily up in the country and therefore not really a use that the County would want to promote in an industrial zone, unless that land didn't have immediate access to public water and sewer – meaning that, without water and sewer that land really couldn't be used for industrial purposes anyway.

The proposed Camp Bow Wow use is not a kennel in the traditional sense. It is a day care facility for dogs whose owners wish to avail themselves of the convenience of dropping off their pet during the day to go to work or attend to other matters. The attached promotional literature and standards for franchised Camp Bow Wow operators amply highlights the modernization of this industry.

Pet Ex #11

Please also consider:

1. Precedents for relieving conditions required under 253.2c have already been supported by the Planning Office and relieved under Case 12-196. See attached.
2. There are not many places where this type of use would be better suited than as an adaptive reuse of a building that was built in a different time for a different purpose.
3. The dog boarding industry is significant and substantially different than what the county council had in mind when with the original definition of kennel. The people that utilize this service pay a lot of money and want their dogs cared for by professionals. Customers utilizing the daily service desire a convenient location close to their home or workplace. This is a far cry from earlier iterations of this industry with kennel operations almost exclusively located in rural areas.
4. Applicant is only asking for a variance or waiver from the condition that there be *no water and sewer* (to support interim use) in this ML-zoned property.
5. The interim use conditions were presumably established at a time (almost 50 years ago) when there was an inventory of ML land which did not have access to public water or sewer and when kennels primarily operated in rural areas. Quite the opposite is true today, as there is negligible inventory of ML land on private well and septic systems; furthermore, not having access to public water and sewer facilities would be particularly detrimental to this petitioner's operation, in that for a modern kennel business to be successful, these types of public facilities are critical in maintaining both a clean and sanitary environment, and providing adequate fire/life safety protection.

Motorway Screening Variance.

BCZR 253.4 – Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, only passenger automobile accessory parking and those uses permitted in M.R. Zones, as limited by the use regulations in Section 241, are permitted. ***Any use other*** than passenger automobile accessory parking and those uses permitted in MR Zones as limited by the use regulations in Section 241 established within 100 feet of the right-of-way of an existing or proposed freeway or expressway so designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to § 32-4-404 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right-of-way.

Applicant is only requesting relief from the screening requirements for a legitimate Special Exception use established within 100 feet of the freeway. The only stipulation that Section 253.4 makes is that **any use other** than MR uses and passenger vehicle parking needs to

Mr. Lloyd Moxley
Mr. Dennis Wertz
Baltimore County Department of Planning
March 30, 2017
Page 3

be screened. The language does not qualify as to whether that use is a special exception use or anything else allowed under Section 253.

Finally, the subject property is located in an Enterprise Zone. Enterprise Zones are intended to encourage investments in areas where adaptive redevelopment is desirable. Applicant's proposed use would be a new business in a relatively stagnant commercial warehouse property that would approximately employ 15 people.

I hope this information provides additional clarification on the petition and addresses the concerns raised by the Planning Department's ZAC comments.

Thank you for your continued attention to this matter.

Very truly yours,



Michael T. Wyatt

MTW/mlr

Attachments

cc: Mr. Mark Cessna
Mr. James E. Matis, P.E.

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

NW side of Cockeysville Road, 376' NE of *
the c/line of Beaver Dam Road
(246 Cockeysville Road) *
8th Election District *
3rd Council District *

246 Cockeysville Road Partnership *
(Richard Clarke), *Owner* *
Best Friends Fur-Ever, Inc., (Kelly Cullum) *
Contract Purchaser/Lessee *
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2012-0196-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing, Special Exception, and Variance filed by Richard Clarke, 246 Cockeysville Road Partnership, Legal Owner, and Kelly Cullum, Best Friends Fur-Ever, Inc., Contract Purchaser/Lessee, (the "Petitioners"). Special Hearing relief is requested as follows:

1. Request that the conditions for the proposed commercial kennel (special exception), as provided in Section 253.2.C of the Baltimore County Zoning Regulations (B.C.Z.R.) be waived;
2. To permit exercise areas and dog runs in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R., Sections 3112.00 and 3112.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414 and 32-8-301 of the Baltimore County Code (B.C.C.);
3. A modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and
4. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

In addition, Petitioners request Special Exception relief for a commercial kennel pursuant to Section 253.2.C.3 of the B.C.Z.R., and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

ORDER RECEIVED FOR FILING

Date 4-9-12

By EW

Pet Ex #12

#13

Enterprise Zone

Background Information



Pet Ex #13

Zone Objectives

Baltimore County has three Enterprise Zones designated by the Maryland Department of Business & Economic Development: the Chesapeake Zone, designated June 15, 2015 (formerly known as the North Point Zone designated December 1995 and renewed December 2005); the Southwest Enterprise Zone, designated December 1996 and renewed in 2003 and 2013; and the Federal Center at Woodlawn, designated June 2011.

The purpose of the zones is four-fold: 1) Insure retention and spur expansions of existing companies; 2) Promote development and occupancy of vacant, underutilized land and buildings; 3) Encourage the creation of well-paying new jobs; and 4) Support the County's commitment to revitalizing older office and industrial areas of Baltimore County.

Eligibility & Benefits

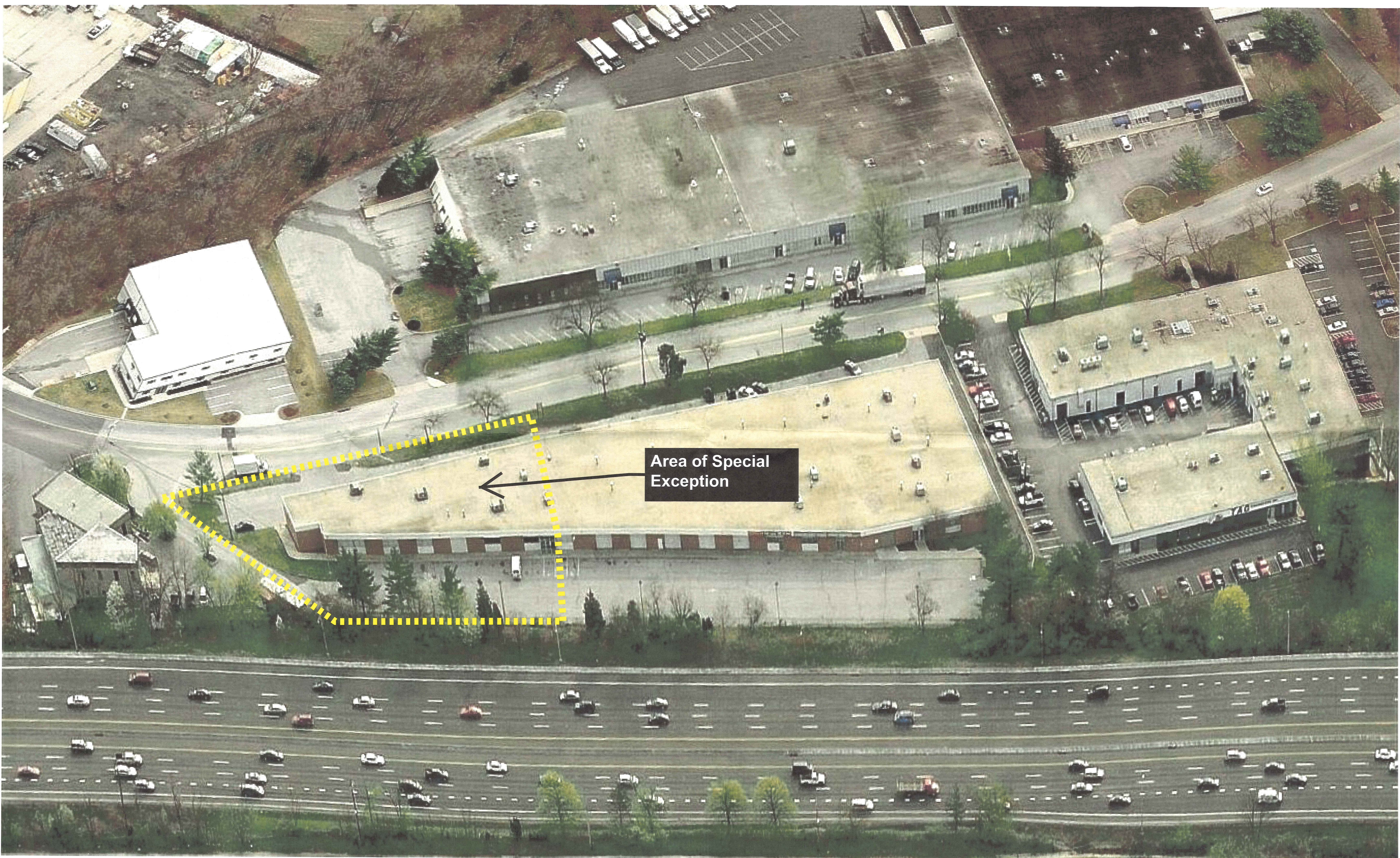
A business may be eligible for Enterprise Zone benefits if it makes a new investment in real property in the Enterprise Zone or if it hires any new employees that work inside the Zone. Qualifying companies in the Enterprise Zone can benefit from property tax credits and income tax credits. Generally, most types of business establishments are eligible for Enterprise Zone benefits with the exception of retail. Benefits include:

The Real Property Tax Credit

Eligible companies that make improvements to real property in the Zone can benefit from property tax credits over a 10-year period. For the first five years, the tax credit is equal to 80% of the increase in property tax owed resulting from the new investment. The tax credit declines in the remaining five years by 10% annually. The sample table on the next page shows the tax rates and credit amounts resulting from a \$500,000 improvement. *Please note: The property tax credit is granted on whole taxable years only; a business would have to pay any half-year levy tax bills should the capital improvement be assessed as complete before July 1 of the first year of eligibility.*

The State Income Tax Credit

Eligible companies located in the Enterprise Zone can benefit from a state income tax credit for newly hired employees. A credit is available for each new, full-time job created in the Enterprise Zone. A company can receive a one-time credit up to \$1,000 per new employee. Additionally, if the new job is filled



Area of Special
Exception



> United States • MD • Balti

> United States • MD • Bal

Zoning History

CASE 3690 (1956) PETITION TO RECLASSIFY PROPERTY FROM R6 TO RQ AND BL DENIED

CASE 4866 (1960) PETITION TO RECLASSIFY PROPERTY TO ML GRANTED BY BOARD OF APPEALS APRIL 21, 1960

CASE 92-463X PETITION FOR SPECIAL EXCEPTION FOR SERVICE GARAGE DISMISSED BY THE ZONING COMMISSIONER ON JULY 13, 1992

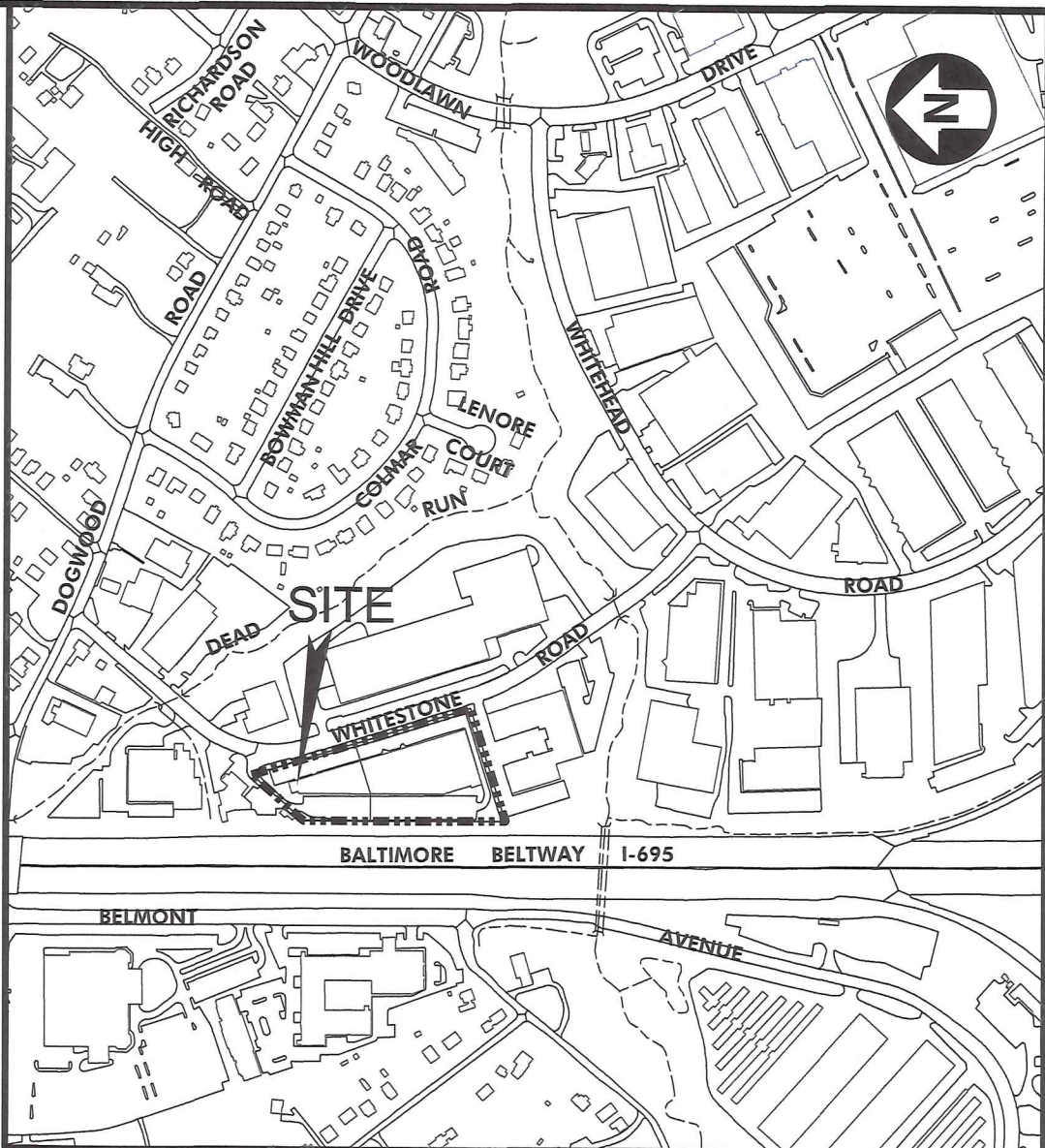
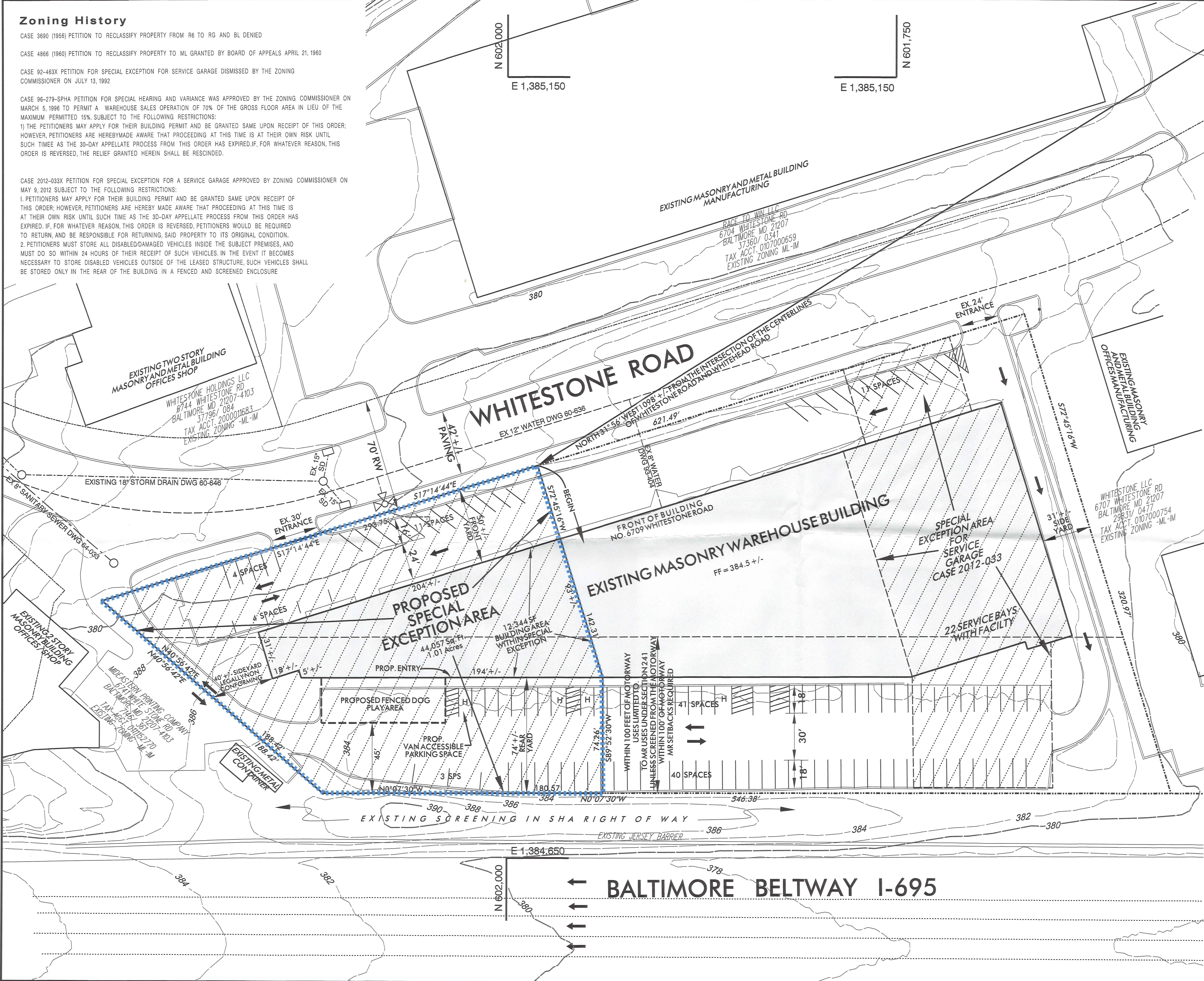
CASE 96-279-SPHA PETITION FOR SPECIAL HEARING AND VARIANCE WAS APPROVED BY THE ZONING COMMISSIONER ON MARCH 5, 1996 TO PERMIT A WAREHOUSE SALES OPERATION OF 70% OF THE GROSS FLOOR AREA IN LIEU OF THE MAXIMUM PERMITTED 15%. SUBJECT TO THE FOLLOWING RESTRICTIONS:

1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBYMADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED.IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

CASE 2012-033X PETITION FOR SPECIAL EXCEPTION FOR A SERVICE GARAGE APPROVED BY ZONING COMMISSIONER ON MAY 9, 2012 SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2. PETITIONERS MUST STORE ALL DISABLED/OAMAGED VEHICLES INSIDE THE SUBJECT PREMISES, AND MUST DO SO WITHIN 24 HOURS OF THEIR RECEIPT OF SUCH VEHICLES. IN THE EVENT IT BECOMES NECESSARY TO STORE DISABLED VEHICLES OUTSIDE OF THE LEASED STRUCTURE, SUCH VEHICLES SHALL BE STORED ONLY IN THE REAR OF THE BUILDING IN A FENCED AND SCREENED ENCLOSURE



Vicinity Map
SCALE: 1" = 500'

Site Data

TAX MAP 95 PARCEL 229
EXISTING ZONING - ML-IM
EXISTING IMPROVEMENTS- EXISTING 52,012 SF MASONRY WAREHOUSE BUILDING
EXISTING USE- WAREHOUSE, OFFICES AND SERVICE GARAGE
PROPOSED USE - SAME WITH SPECIAL EXCEPTION FOR COMMERCIAL KENNEL
GROSS AREA OF PROPERTY (INCLUDES UP TO 1/2 OF ADJOINING WHITESTONE ROAD RW) = 3.49 +/- ACRES OR 152,200SF
NET AREA OF PROPERTY = 3.07 +/- ACRES OR 133,556 SF
AREA OF SPECIAL EXCEPTION = 1.01 +/- ACRES OR 44,057 SF
DEVELOPMENT HISTORY - NONE
ZONING VIOLATIONS - NO KNOWN ZONING VIOLATIONS
PREVIOUS PERMITS - UNKNOWN
TAX ACCOUNT NUMBER - 0107000769
DEED REFERENCE- 11843-341
PLAT REFERENCE- PLAT 27-21 AND PLAT 45-137
EXISTING BUILDING HEIGHT- 30' +/-
FLOOR AREA RATIO - 52,012 /152,200 = 0.34 < 2.0
FLOOD PLAIN - THE PROPERTY LIES WITHIN ZONE X (OTHER AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FIRM MAP COMMUNITY PANEL NO.2400100378F DATED 9-26-08
CRITICAL AREA - THIS PROPERTY IS NOT LOCATED IN THE CRITICAL AREA
PUBLIC UTILITIES - THE PROPERTY IS SERVED WITH PUBLIC WATER AND SEWER
BASIC SERVICES WATER AND SEWER- THE SITE IS NOT LOCATED IN ANY DEFICIENT OR FAILING WATER AND SEWER AREA
BASIC SERVICES TRANSPORTATION- THE SITE IS NOT LOCATED WITHIN THE TRAFFIC SHED OF A DEFICIENT OR FAILING INTERSECTION
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HOURS OF OPERATION - APPROXIMATELY 7:00 AM TO 7:00 PM DAILY

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MCS

MATISWARFIELD
Consulting Engineers

954 Ridgebrook Road Suite 120 Sparks, Maryland 21152
410.683.7004 PHONE 410.683.1798 FAX
www.matiswarfield.com



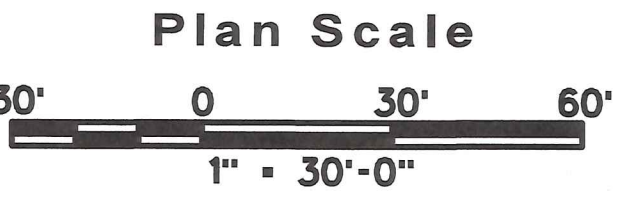
*Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. PE 18848
Expiration Date: 09-19-18."

Legal Owner

GENERATION III LIMITED LIABILITY COMPANY
101 E CHESAPEAKE AVE
5TH FLOOR
TOWSON MD 21286-5338

Petitioner

Mark F. Cessna
Lenora M. Cessna
7 Saffron Court
Reisterstown, MD. 21136



DATE	ISSUE
12-20-16	FOR FILING

PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING, VARIANCE AND SPECIAL EXCEPTION REQUEST
6709 WHITESTONE ROAD
LOT 1 D MEADOWS INDUSTRIAL PARK

BALTIMORE COUNTY, MARYLAND
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
ZONING MAP NO. 88A3
PLAN SCALE 1" = 30'

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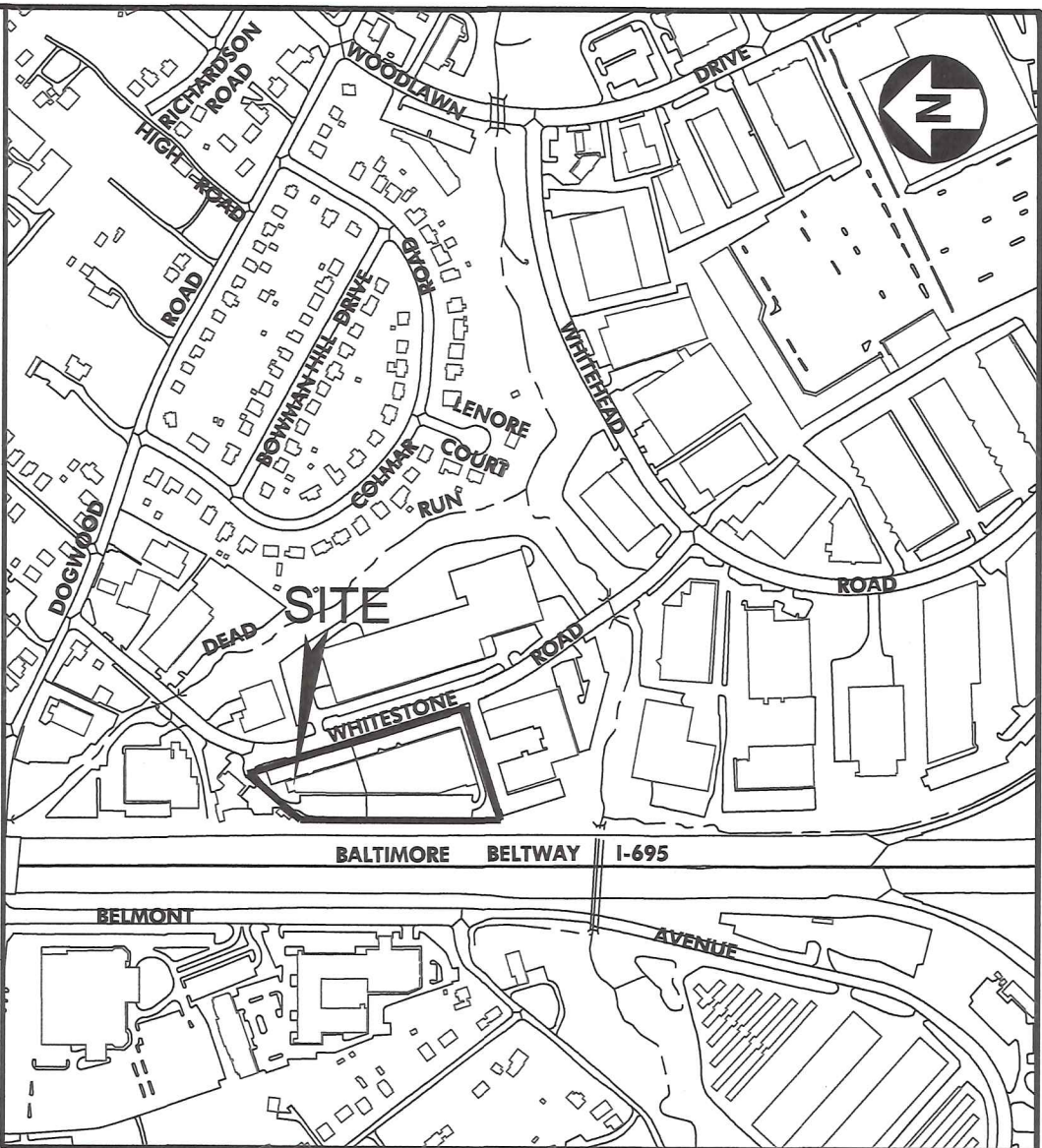
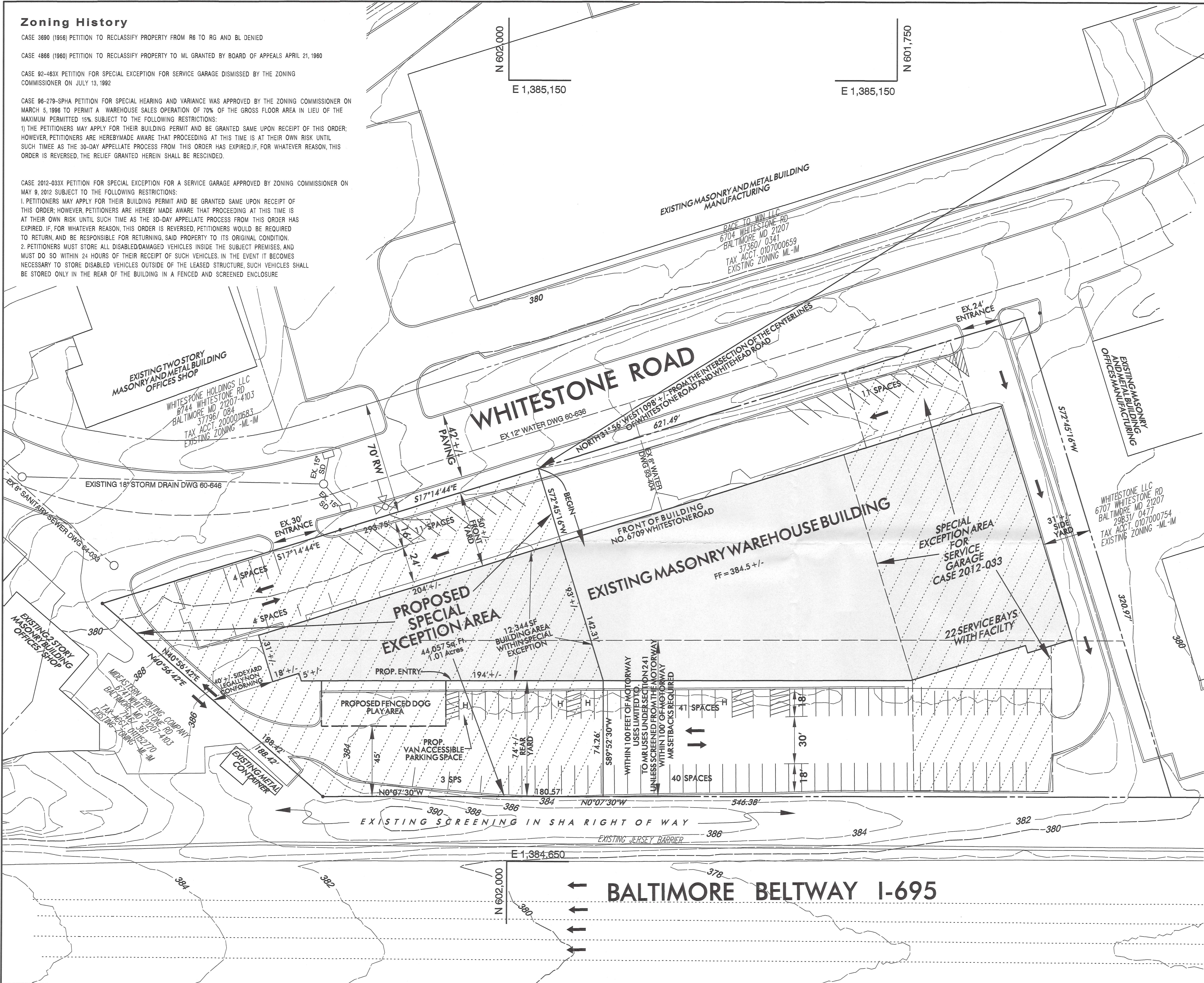
CASE 96-279-SPHA PETITION FOR SPECIAL HEARING AND VARIANCE WAS APPROVED BY THE ZONING COMMISSIONER ON MARCH 5, 1996 TO PERMIT A WAREHOUSE SALES OPERATION OF 70% OF THE GROSS FLOOR AREA IN LIEU OF THE MAXIMUM PERMITTED 15%. SUBJECT TO THE FOLLOWING RESTRICTIONS:

1) THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.

CASE 2012-033X PETITION FOR SPECIAL EXCEPTION FOR A SERVICE GARAGE APPROVED BY ZONING COMMISSIONER ON MAY 9, 2012 SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30-DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.

2. PETITIONERS MUST STORE ALL DISABLED/DAMAGED VEHICLES INSIDE THE SUBJECT PREMISES, AND MUST DO SO WITHIN 24 HOURS OF THEIR RECEIPT OF SUCH VEHICLES. IN THE EVENT IT BECOMES NECESSARY TO STORE DISABLED VEHICLES OUTSIDE OF THE LEASED STRUCTURE, SUCH VEHICLES SHALL BE STORED ONLY IN THE REAR OF THE BUILDING IN A FENCED AND SCREENED ENCLOSURE



Vicinity Map
SCALE: 1" = 500'

Site Data

TAX MAP NO. 228 MAP 088A3
EXISTING ZONING - ML-M
EXISTING IMPROVEMENTS- EXISTING 52,012 SF MASONRY WAREHOUSE BUILDING
EXISTING USE- WAREHOUSE, OFFICES AND SERVICE GARAGE
PROPOSED USE - SAME WITH SPECIAL EXCEPTION FOR COMMERCIAL KENNEL
GROSS AREA OF PROPERTY (INCLUDES UP TO 1/2 OF ADJOINING WHITESTONE ROAD RW) = 3.49 +/- ACRES OR 152,200SF
NET AREA OF PROPERTY = 3.07 +/- ACRES OR 133,556 SF
AREA OF SPECIAL EXCEPTION = 1.01 +/- ACRES OR 44,057 SF
DEVELOPMENT HISTORY - NONE
ZONING VIOLATIONS - NO KNOWN ZONING VIOLATIONS
PREVIOUS PERMITS - UNKNOWN
TAX ACCOUNT NUMBER - 0107000769
DEED REFERENCE- 11843-341
PLAT REFERENCE- PLAT 27-21 AND PLAT 45-137
EXISTING BUILDING HEIGHT- 30' +/-
FLOOR AREA RATIO - 52,012 /152,200 = 0.34 < 2.0
FLOOD PLAIN - THE PROPERTY LIES WITHIN ZONE X (OTHER AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FIRM MAP COMMUNITY PANEL NO.2400100378F DATED 9-26-08
CRITICAL AREA - THIS PROPERTY IS NOT LOCATED IN THE CRITICAL AREA
PUBLIC UTILITIES - THE PROPERTY IS SERVED WITH PUBLIC WATER AND SEWER
BASIC SERVICES WATER AND SEWER- THE SITE IS NOT LOCATED IN ANY DEFICIENT OR FAILING WATER AND SEWER AREA
BASIC SERVICES TRANSPORTATION- THE SITE IS NOT LOCATED WITHIN THE TRAFFIC SHED OF A DEFICIENT OR FAILING INTERSECTION
SIGNAGE- ANY EXISTING OR FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES
HOURS OF OPERATION - APPROXIMATELY 7:00 AM TO 7:00 PM DAILY

Parking Tabulation

PARKING REQUIRED	
PROPOSED COMMERCIAL KENNEL 12,344 SF AT 15 EMPLOYEES @ 1 SP /EMPLOYEE	= 15 SPACES
SERVICE GARAGE 15,245 SF @ 3.3 SP /1000 SF	= 51 SPACES
WAREHOUSE 18,760 SF AT 9 EMPLOYEES @ 1 SP /EMPLOYEE	= 9 SPACES
OFFICE 5,663 SF @ 3.3 SP /1,000 SF	= 19 SPACES

TOTAL PARKING REQUIRED	= 94 SPACES
TOTAL PARKING EXISTING SURFACE	= 113 SPACES**
TOTAL SERVICE BAYS	= 22 SPACES
TOTAL PARKING PROVIDED	= 135 SPACES

** PARKING PROVIDED
38 PARKING SPACES ARE LOCATED WITHIN THE SPECIAL EXCEPTION AREA
STANDARD PARKING SPACES AT 8.5 FEET X 18 FEET AND PARALLEL PARKING AT 7.5' x 21'
PARKING FOR THE PHYSICALLY HANDICAP AT 13' X 18 SINGLE SPACE, 21' X 18' for TWO SIDE BY SIDE
and 24' x18' VAN ACCESSIBLE for TWO SIDE BY SIDE
PARKING SHOWN IS ON DURABLE AND DUST FREE SURFACE

A Special Hearing is requested pursuant to Section 500.7 BCZR to relieve the conditions required for a Special Exception for a Commercial Kennel as identified under Section 253.2.C of the Baltimore County Zoning Regulations.

A Special Exception is also requested to permit a Commercial Kennel in an ML zone as provided under Section 253.2.C of the Baltimore County Zoning Regulations.

A Variance is requested to Section 421.2 of the Baltimore County Zoning Regulations to permit a Commercial Kennel, within a Manufacturing Zone, to be located within 0 feet of the nearest property line, (lease line) in lieu of the required 200 feet.

A Variance is requested to Section 253.4 of the Baltimore County Zoning Regulations to permit a non MR Use, unscreened from the motorway, within 45 feet of a the right-of-way of an existing freeway, in lieu of required 100 feet.



MCS

MATISWARFIELD
Consulting Engineers

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410.683.7004 PHONE 410.683.1798 FAX
www.matiswarfield.com



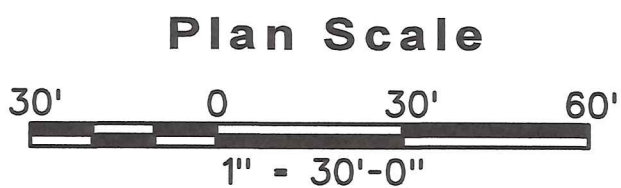
*Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. PE 18848
Expiration Date: 09-19-18.*

Legal Owner

GENERATION III LIMITED LIABILITY COMPANY
101 E CHESAPEAKE AVE
5TH FLOOR
TOWSON MD 21286-5338

Petitioner

Mark F. Cessna
Lenora M. Cessna
7 Saffron Court
Reisterstown, MD. 21136



PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING, VARIANCE AND SPECIAL EXCEPTION REQUEST
6709 WHITESTONE ROAD
LOT 1 D MEADOWS INDUSTRIAL PARK

BALTIMORE COUNTY, MARYLAND
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
ZONING MAP NO. 88A3
PLAN SCALE 1" = 30'

#2017-016B-SPHKA