

MEMORANDUM

DATE: July 26, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0271-XA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 25, 2018. 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: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(13401 Jarrettsville Pike)
10th Election District
3rd Council District
Fiona M. Langham &
Ronald Rash
Legal Owners
Petitioners**

*
*
*
*
*

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0271-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 13401 Jarrettsville Pike. The Petitions were filed on behalf of Fiona M. Langham & Ronald Rash, legal owners of the subject property. The Special Exception petition seeks to permit a commercial kennel on the property. The Petition for Variance seeks to permit a setback for any part of the use of an animal boarding place or private kennel of 0 ft. from the nearest property line in lieu of the required 200 ft. A site plan was marked as Petitioners' Exhibit 1.

Fiona M. Langham and surveyor Bruce Doak appeared in support of the petition. Edward J. Gilliss, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. In fact, Petitioners submitted letters of support from several neighbors in the community. Petitioners' Ex. 5. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR").

The subject property is approximately 37,461 square feet in size and is zoned RC-6. The property is improved with a single-family dwelling with a large, fenced back yard. Petitioners purchased the property four years ago, and Ms. Langham proposes to operate a modest-sized

ORDER RECEIVED FOR FILING

Date 6/25/18

By Sen

commercial kennel at her home. The dogs would be housed in the attached garage which Petitioners have outfitted with enclosures for this purpose. A commercial kennel is permitted by special exception in the RC 6 zone.

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 again emphasized 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. Mr. Doak testified via proffer the use would not have a detrimental impact upon the community and that Petitioners satisfied the requirements set forth in B.C.Z.R. §502.1 and the case law interpreting that provision. I agree, and in the absence of any evidence to the contrary the petition for special exception will be granted.

VARIANCES

Citing BCZR §421.1, Petitioners included a setback variance request in the petition, but added a notation that it was applicable only “if needed.” A discussion was held at the hearing and Petitioners’ counsel noted BCZR §421.1 imposes a 200’ setback requirement only for “private kennels” and “animal boarding places,” not “commercial kennels.” Having reviewed that section I concur and do not believe a variance is required in this case.

Practically speaking, Petitioners are not proposing any improvements at the site and the adjacent neighbors have indicated they “support” the requests. In addition, certain conditions

ORDER RECEIVED FOR FILING

Date 10/25/18
By Sen

proposed by the DOP will be included below to help ensure that the operation does not have a negative impact upon the community.

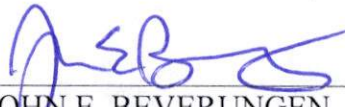
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 25th day of **June, 2018**, that the Petition for Special Exception to permit a commercial kennel on the subject property be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 ft. from the nearest property line in lieu of the required 200 ft. be and is hereby DISMISSED without prejudice as unnecessary.

The relief granted herein shall be subject to and conditioned upon 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. A maximum of ten (10) dogs may be boarded at the property at any one time.
3. No commercial signage shall be permitted in connection with the kennel.
4. No more than three (3) unattended/unaccompanied dogs may be in the rear yard of the property at the same time.

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 6/25/18
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 13401 Jarrettsville Pike, Phoenix, MD which is presently zoned RC6
 Deed References: 34616/00002 10 Digit Tax Account # 10 1 1 0 3 5 2 5 0
 Property Owner(s) Printed Name(s) Fiona M. Langham and Ronald Rash

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

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

1. 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. x a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
See attached page

3. x a **Variance** from Section(s)
See attached page

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

To be presented at the hearing

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Date 6/25/18
 Mailing Address _____ City _____ State _____
 BY _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Edward J. Gilliss
 Name- Type or Print _____
 Signature _____
102 W. Pennsylvania Ave., Suite 600, Towson, MD
 Mailing Address _____ City _____ State _____
21204/ 410-823-1800/ egilliss@rmmr.com
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Fiona M. Langham/ Ronald Rash
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 [Signature] Signature #2 [Signature]
13401 Jarrettsville Pike Phoenix MD
 Mailing Address _____ City _____ State _____
21131 410-823-1800 (ATTORNEY)
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Bruce E. Doak/Bruce E. Doak Consulting
 Name - Type or Print _____
 Signature [Signature]
3801 Baker Schoolhouse Road, Freeland, MD
 Mailing Address _____ City _____ State _____
21053/410-419-4906/bdoak@brucedoakconsulting.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2018-0271-XA Filing Date 4/10/2018 Do Not Schedule Dates: _____ Reviewer [Signature]

Petition Requested

Special Exception to permit an animal boarding place regardless of class, commercial kennels, private kennels and veterinarian offices per Section 1A07.3.B.2 BCZR

Petition Requested (if needed)

Variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 feet from the nearest property line in lieu of the required 200 per Section 421.1 BCZR

0271-XA



Zoning Description

13401 Jarrettsville Pike
Tenth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of Jarrettsville Pike, approximately 780 feet southerly of the centerline of Sunnyview Drive, thence running on the east side of Jarrettsville Pike and running with and binding on the outlines of the subject property, the following course and distance, viz. 1) Southwesterly by a line curving to the right 125 feet, thence leaving Jarrettsville Pike and continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 2) South 77 degrees 13 minutes East 300.0 feet, 3) North 10 degrees 11 minutes East 125.0 feet, and 4) North 77 degrees 13 minutes West 300.0 feet to the point of beginning.

Containing 0.86 of an acre of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2018-0271-XA



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 5616796

Sold To:

Edward Gillis - CU00657066
102 W Pennsylvania Ave
Ste 600
Towson, MD 21204-4510

Bill To:

Edward Gillis - CU00657066
102 W Pennsylvania Ave
Ste 600
Towson, MD 21204-4510

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

May 31, 2018

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: 2018-0271-XA
13401 Jarrettsville Pike
E/s Jarrettsville Pike, 780 ft. S/of centerline of Sunnyview Drive 10th Election District - 3rd Councilmanic District
Legal Owners: Fiona Langham, Ronald Rash

Special Exception to permit an animal boarding place regardless of class, commercial kennel, private kennels and veterinarian offices. Variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 ft. from the nearest property line in lieu of the required 200 ft.

Hearing: Thursday, June 21, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

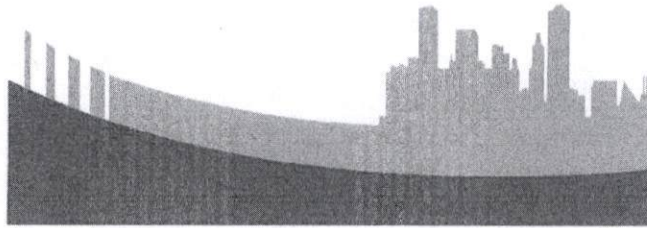
Arnold Jablon
Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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.

5/31/2018 5616796

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising



CERTIFICATE OF POSTING

May 31, 2018 (amended 6/20/18)

Re:

Zoning Case No. 2018-0271-XA

Legal Owner: Fiona Langham & Ronald Rash

Hearing date: June 21, 2018

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **13401 Jarrettsville Pike**.

The signs were posted on **May 31, 2018**.

The signs were inspected again on **June 18, 2018**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

**CASE NO. 2018-0271-XA
13401 JARRETTVILLE PIKE**

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday JUNE 21, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT AN ANIMAL BOARDING
PLACE REGARDLESS OF CLASS, COMMERCIAL KENNEL,
PRIVATE KENNELS AND VETERINARIAN OFFICES.**

**VARIANCE TO PERMIT A SETBACK FOR ANY PART OF
THE USE OF AN ANIMAL BOARDING PLACE OR PRIVATE
KENNEL OF 0 FEET FROM THE NEAREST PROPERTY
LINE IN LIEU OF THE REQUIRED 200 FEET.**

SIGN 2

ZONING NOTICE

**CASE NO. 2018-0271-XA
13401 JARRETTSVILLE PIKE**

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

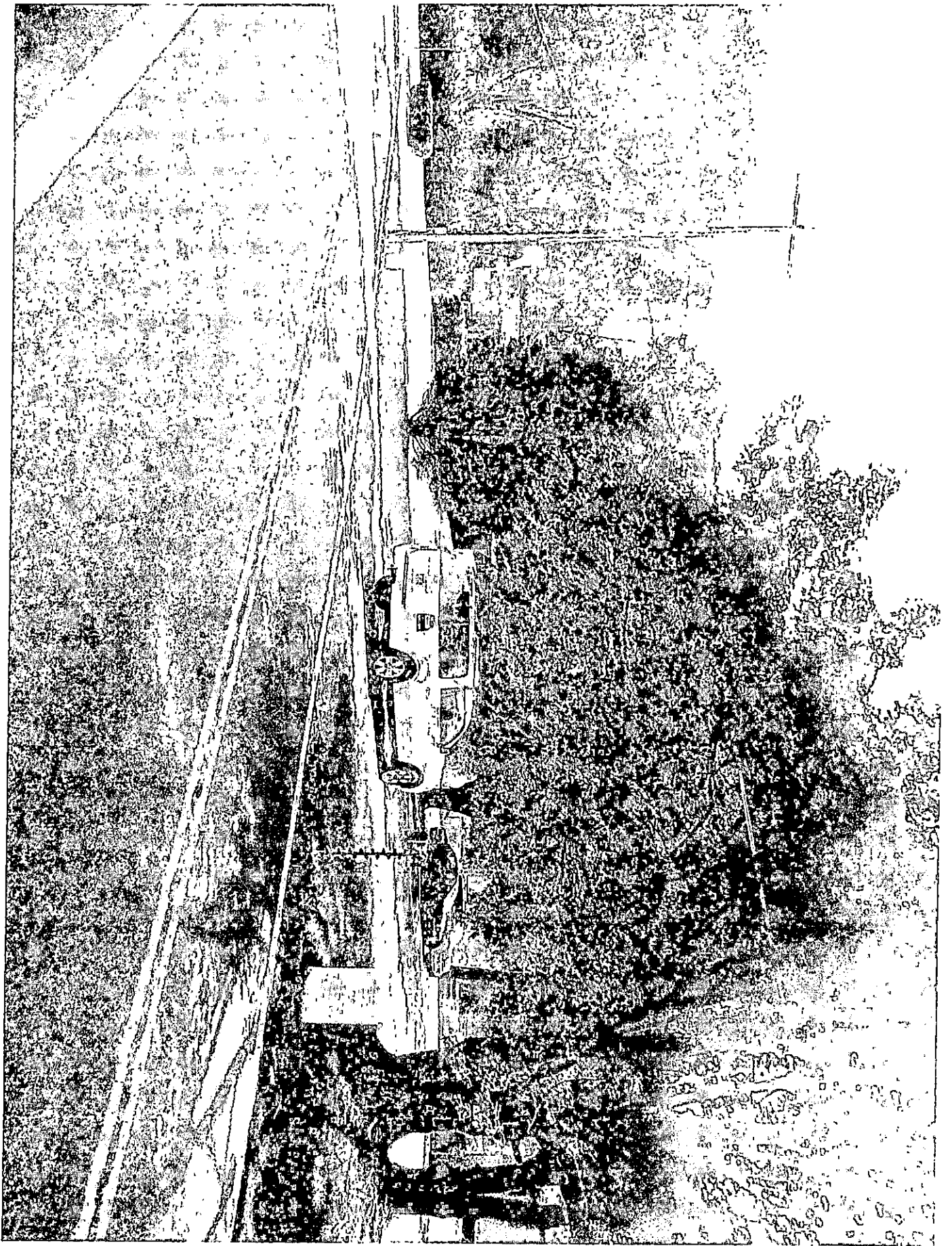
DATE & TIME: Thursday JUNE 21, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT AN ANIMAL BOARDING
PLACE REGARDLESS OF CLASS, COMMERCIAL KENNEL,
PRIVATE KENNELS AND VETERINARIAN OFFICES.**

**VARIANCE TO PERMIT A SETBACK FOR ANY PART OF
THE USE OF AN ANIMAL BOARDING PLACE OR PRIVATE
KENNEL OF 0 FEET FROM THE NEAREST PROPERTY
LINE IN LIEU OF THE REQUIRED 200 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF





CERTIFICATE OF POSTING

May 31, 2018 (amended _____)

Re:

Zoning Case No. 2018-0271-XA

Legal Owner: Fiona Langham & Ronald Rash

Hearing date: June 21, 2018

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **13401 Jarrettsville Pike**.

The signs were posted on **May 31, 2018**.

The signs were inspected again on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

SIGN 1

ZONING NOTICE

**CASE NO. 2018-0271-XA
13401 JARRETTSVILLE PIKE**

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday JUNE 21, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT AN ANIMAL BOARDING
PLACE REGARDLESS OF CLASS, COMMERCIAL KENNEL,
PRIVATE KENNELS AND VETERINARIAN OFFICES.**

**VARIANCE TO PERMIT A SETBACK FOR ANY PART OF
THE USE OF AN ANIMAL BOARDING PLACE OR PRIVATE
KENNEL OF 0 FEET FROM THE NEAREST PROPERTY
LINE IN LIEU OF THE REQUIRED 200 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

POSTPONEMENTS WILL BE AT THE OWNER'S RISK UNTIL THE DAY OF THE HEARING UNDER

SIGN 2

ZONING NOTICE

**CASE NO. 2018-0271-XA
13401 JARRETTSVILLE PIKE**

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday JUNE 21, 2018 1:30 PM

**SPECIAL EXCEPTION TO PERMIT AN ANIMAL BOARDING
PLACE REGARDLESS OF CLASS, COMMERCIAL KENNEL,
PRIVATE KENNELS AND VETERINARIAN OFFICES.**

**VARIANCE TO PERMIT A SETBACK FOR ANY PART OF
THE USE OF AN ANIMAL BOARDING PLACE OR PRIVATE
KENNEL OF 0 FEET FROM THE NEAREST PROPERTY
LINE IN LIEU OF THE REQUIRED 200 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**





KEVIN KAMENETZ
County Executive

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

May 15, 2018

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: 2018-0271-XA

13401 Jarrettsville Pike

E/s Jarrettsville Pike, 780 ft. S/of centerline of Sunnyview Drive

10th Election District – 3rd Councilmanic District

Legal Owners: Fiona Langham, Ronald Rash

Special Exception to permit an animal boarding place regardless of class, commercial kennel, private kennels and veterinarian offices. Variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 ft. from the nearest property line in lieu of the required 200 ft.

Hearing: Thursday, June 21, 2018 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: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Fiona Langham, Ronald Rash, 13401 Jarrettsville Pike, Phoenix 21131
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 1, 2018.**
- (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, May 31, 2018 Issue - Jeffersonian

Please forward billing to:

Edward Gillis
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

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: 2018-0271-XA

13401 Jarrettsville Pike

E/s Jarrettsville Pike, 780 ft. S/of centerline of Sunnyview Drive

10th Election District – 3rd Councilmanic District

Legal Owners: Fiona Langham, Ronald Rash

Special Exception to permit an animal boarding place regardless of class, commercial kennel, private kennels and veterinarian offices. Variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 ft. from the nearest property line in lieu of the required 200 ft.

Hearing: Thursday, June 21, 2018 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.

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
13401 Jarrettsville Pike; E/S Jarrettsville Pike,	*	OF ADMINISTRATIVE
780' S of c/line of Sunnyview Drive		
10 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owners: Fiona Langham & Ronald Rush		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2018-271-XA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

APR 17 2018

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 17th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, MD 21053 and Edward Gilliss, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney 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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2018-0271-XA

Property Address: 13401 JARROTSVILLE PIKE

Property Description: 0.86 ACRES ON EAST SIDE OF JARROTSVILLE PIKE

Legal Owners (Petitioners): FIONA M. LANGHAM & RONALD RASH

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: FIONA M. LANGHAM RONALD RASH

Company/Firm (if applicable): _____

Address: 13401 JARROTSVILLE PIKE

PHOENIX MD 21131

Telephone Number: 410-823-1800 (ATTORNEY)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/14/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-271

INFORMATION:

Property Address: 13401 Jarrettsville Pike
Petitioner: Fiona M. Langham, Ronald Rash
Zoning: RC 6
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for an animal boarding place regardless of class, commercial kennels, private kennels and veterinarian offices and the petition for variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 feet from the nearest property line in lieu of the required 200 feet.

A site visit was conducted on May 10, 2018. The subject property is surrounded by residential uses and is located on Jarrettsville Pike, a rural minor arterial road that functions as the main north / south access to Jacksonville and the smaller communities in that area. Jarrettsville Pike has significant average daily trips (Jacksonville Community Plan, Pg. 37).

Pursuant to BCZR§1A07.4.A the Director of the Department of Planning finds that the plan for special exception and variance proposes no changes to the as-built condition and/or design of the site therefore is consistent with the spirit and intent of the BCZR conditioned upon successfully addressing the conditions identified below.

The Department objects to granting the petitioned zoning relief in part and has no objection to the grant of relief in part conditioned upon the following:

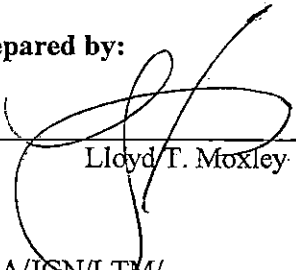
- The Department does not oppose the singular establishment of an Animal Boarding Place, Class B. The petitioner has represented to staff they wish to maintain 7 dogs consistently with a maximum of 10 canines. The Department does not support the establishment of an *“animal boarding place regardless of class, commercial kennels, private kennels and veterinarian offices”* which by definition would allow a menagerie of animals in combination with a commercial office use, the intensity of which far exceeds the capacity of the small property, thereby being inconsistent with the requirements of BCZR § 502.1.B.
- No more than seven (7) dogs maybe boarded at any one time. Of the seven (7) dogs permitted a maximum of three (3) shall be short term boarders the remainder shall be for a period of at least one month.
- No more than three (3) dogs may access the outside exercise area at any time.
- No commercial signage shall be permitted.

To ensure the positive findings on this development proposal within the RC 6 zone as required in BCZR§1A07.4.A the following conditions shall be addressed:

- Pursuant to BCZR § 1A07.8.C.3.c, fencing shall be of rural character split rail or board on post or consistent with the neighborhood.
- Pursuant to BCZR § 1A07.8.C.3.d, off-street parking must be screened from public roads and dwellings.

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

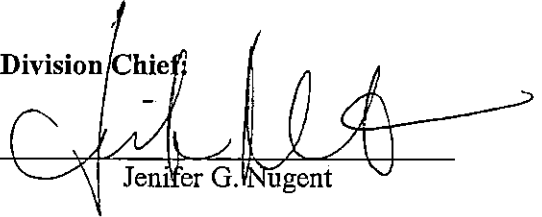
Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jennifer G. Nugent

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting
Edward J. Gilliss
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 23, 2018
Item No. 2018-0271-XA

DATE: May 4, 2018

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

The proposed parking spaces (2) shall be located outside of the ultimate right-of-way.

Any future proposed improvements will require a Highway Widening dedicated to Baltimore County at no cost.

* * * * *

VKD: cen
cc: file

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: April 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0271-XA
Address 13401 Jarrettsville Pike
(Langham & Rush Property)

Zoning Advisory Committee Meeting of **April 23, 2018.**

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

Reviewer: Steve Ford

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: April 18, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0271-XA
Address 13401 Jarrettsville Pike
(Langham & Rush Property)

Zoning Advisory Committee Meeting of **April 23, 2018**.

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

Reviewer: Steve Ford

PETITION IN SUPPORT OF ZONING RELIEF

13401 Jarrettsville Pike
Case No.: 2018-0271-XA

We, the undersigned, support the Petition referenced above and attached.

Name	Address	Signature
Harry P. Stuart	13406 Jarrettsville Pike Phoenix, Md. 21131	Harry P Stuart
Robert Bevans	13400 Jarrettsville Phoenix, MD 21131	Robert Bevans
Orlinda Majaro	13403 Jarrettsville Pike Phoenix, MD 21131	Orlinda Majaro

THE NEW YORK PUBLIC LIBRARY

ASTOR LENOX TILDEN FOUNDATION
 155 E. 42ND STREET, NEW YORK 17, N.Y.

For the purpose of the New York Public Library, the following books have been purchased from the

Library of the University of the City of New York, New York, N.Y.

Author	Title	Date
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...
...	...	...



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 13401 Jarrettsville Pike, Phoenix, MD which is presently zoned RC6
Deed References: 34616/00002 10 Digit Tax Account # 10 1 1 0 3 5 2 5 0
Property Owner(s) Printed Name(s) Fiona M. Langham and Ronald Rash

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

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

1. 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. x a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
See attached page

3. x a Variance from Section(s)

See attached page

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

To be presented at the hearing

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward J. Gilliss

Name- Type or Print

Signature

102 W. Pennsylvania Ave., Suite 600, Towson, MD

Mailing Address City State

21204/ 410-823-1800/ egilliss@rmmr.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Fiona M. Langham/ Ronald Rash

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

13401 Jarrettsville Pike Phoenix MD

Mailing Address City State

21131

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bruce E. Doak/Bruce E. Doak Consulting

Name - Type or Print

Signature

3801 Baker Schoolhouse Road, Freeland, MD

Mailing Address City State

21053/410-419-4906/bdoak@brucedoakconsulting.com

Zip Code Telephone # Email Address

CASE NUMBER _____ Filing Date / / Do Not Schedule Dates: _____ Reviewer _____

Petition Requested

Special Exception to permit an animal boarding place regardless of class, commercial kennels, private kennels and veterinarian offices per Section 1A07.3.B.2 BCZR

Petition Requested (if needed)

Variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 feet from the nearest property line in lieu of the required 200 per Section 421.1 BCZR

CASE NAME LAUGHAM / RUSH
CASE NUMBER 2018-0271-XA
DATE 6/21/18

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

[illegible]

1. The first part of the document is a list of names and dates, arranged in three columns. The names are written in a cursive script, and the dates are in a more formal, printed style. The list appears to be a record of some kind, possibly a roster or a list of events.

2. The second part of the document is a series of short, handwritten notes or entries, also arranged in three columns. These notes are written in a cursive script and appear to be related to the names and dates in the first part. They may be descriptions of events, actions, or other information.

3. The third part of the document is a series of longer, handwritten notes or entries, arranged in three columns. These notes are written in a cursive script and appear to be more detailed than the ones in the second part. They may be descriptions of events, actions, or other information, possibly providing more context or detail than the shorter notes.

ARTICLE 1A. Resource Conservation Zones

SECTION 1A07. R.C.6 (Rural Conservation and Residential) Zone

§ 1A07.3. Permitted uses.

A. Uses permitted by right. The following uses are permitted by right in an R.C.6 Zone:

1. Dwellings, one-family detached.
2. Farms and limited acre wholesale flower farms, subject to Section 404.
3. Open space, common.
4. Schools.
5. Streets and ways.
6. Telephone, telegraph, electrical power or other lines or cables, provided that any such line or cable is underground; underground gas mains; shared well and septic systems when approved by the Department of Environmental Protection and Sustainability; or other underground conduits, except interstate pipelines.
[Bill No. 122-2010]
7. Accessory uses or structures, subject to Section 429, including:
 - a. Farmer's roadside stand and produce stand, subject to Section 404.4;
 - b. Home occupations;
 - c. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professionals, provided that any such office or studio is established within the same building as that serving the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident employee;
 - d. Parking and residential garage space, subject to Section 409;
 - e. Signs, subject to Sections 450 and 1A07.8.C.5; and
 - f. Swimming pools, tennis courts and other recreational amenities, if accessory to a dwelling or residential subdivision only.
8. Commercial film production, subject to Section 435.
9. Churches and other buildings for religious worship, provided that no more than 10% of any lot may be covered by impervious surfaces which include buildings, structures or required parking.

B. Uses permitted by special exception. The following uses only may be permitted by special exception in an R.C.6 Zone:

1. The following uses provided that they are located in a principal building that was originally constructed before the effective date of Bill 73-2000; and the building is converted to the new use without any external enlargement after the effective date of Bill 73-2000:
 - a. Antique shop;
 - b. Bed and breakfast;
 - c. Tea room; and
 - d. Residential art salon.
2. Animal boarding places regardless of class, commercial kennels, private kennels, and veterinarian offices.
[Bill No. 87-2001]
3. Campgrounds and day camps.
4. Cemeteries, which are exempt from the provisions of Sections 1A07.4, 1A07.5, 1A07.6, 1A07.7, 1A07.8, 1A07.9 and 1A07.10.
[Bill No. 11-2008]
5. Churches and other buildings for religious worship if more than 10% of any lot is covered by impervious surfaces which include buildings, structures or required parking.
6. Golf courses.
7. Landscape service operations, subject to Sections 404.1 and 404.3.
8. Shooting ranges, including archery, pistol, skeet, trap and target (small-bore rifle only) except that any such use existing at the time of the effective date of Bill 73-2000 may continue at the same level, provided that within one year of the effective date, the owner shall file for a use permit under Section 500.4, and turkey shoots.
9. Offices for agricultural-related uses.
10. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professionals as an accessory use, provided that any such office or studio is established within the same building as that serving the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.
11. Public utility uses not permitted by right.
12. Riding stables.
13. Volunteer fire company or ambulance rescue facilities.
14. Wireless telecommunications towers, subject to Section 426.
15. The following agricultural support uses as principal commercial uses:
 - a. Winery, including accessory retail and wholesale distribution of wine produced on the premises. Temporary promotional events, such as wine tasting or public gatherings associated with the winery, are permitted within any limits set by the special exception.
 - b. Bottled water plant, if the source of water is located on the same site as the plant, and provided that the Director of Environmental Protection and Sustainability makes a finding that the proposed facility is not expected to adversely affect the quality of capacity of surface water or ground water.
[Bill No. 122-2010]

- c. Notwithstanding any provision of this section or any other county law or regulation to the contrary, if a property to which the zoning classification R.C.6 is applied had a development plan filed, accepted and pending for approval as of September 5, 2000, the development plan shall be reviewed based upon the zoning classification applicable to the property at the time the development plan was filed.
 - d. Brewery, Class 7 or Class 8, including accessory retail and wholesale distribution of beer produced on the premises. Temporary promotional events, such as beer tasting or public gatherings associated with the brewery, are permitted subject to approval by the Administrative Law Judge or Board of Appeals on appeal.
[Bill No. 64-2015]
16. Funeral homes, if in conjunction with a previously approved cemetery consisting of at least 150 acres. A funeral home is exempt from the provisions of Sections 1A07.4, 1A07.5, 1A07.6, 1A07.7, 1A07.8, 1A07.9, and 1A07.10. Any structure dedicated to funeral home use shall be set back at least 200 feet from any tract boundary and 300 feet from any public right-of-way, and may not exceed 50 feet in height.
[Bill No. 11-2008]

SECTION 421. Animal Boarding Place, Kennel, Pet Shop, Veterinarian's Office, Veterinarium

[Bill Nos. 85-1967; 87-2001^m]

[1]

Editor's Note: This bill also provided that its provisions would not apply to any animal boarding place or kennel in existence and operating with a final, valid permit or other final, nonappealable approval from Baltimore County on the effective date of this act, which was 10-22-2001.

§ 421.1. Animal boarding places and kennels in residential zones.

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

§ 421.2. Animal boarding places, kennels and pet shops in office, business and manufacturing zones.

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

§ 421.3. Veterinarian's offices and veterinariums in residential zones.

If a veterinarian's office or a veterinarium is allowed in a residential zone as a special exception, it shall be located only on a lot having an area of two acres or more, and any part of the use may not be located within 100 feet of the nearest property line.

§ 421.4. Number of dogs in private kennels restricted.

A person may not own, keep, or harbor more than 10 dogs, not including puppies less than four months old, in a private kennel that is located in a D.R. Zone.

§ 421.5. Authority to impose additional conditions.

In granting any special exception under this section, the Zoning Commissioner may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number and breeds of dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.

§ 421.6. Animal grooming facility standards.

[Bill No. 93-2006]

The operator of an animal grooming facility shall comply with the minimum standards established for a holding facility in § 12-6-103 of the Baltimore County Code.

§ 421.7. Effect of animal grooming facilities on residential uses.

[Bill No. 93-2006]

An animal grooming facility may not be noxious, offensive or otherwise objectionable to surrounding residential uses.

§ 421.8. Domestic animal sanctuary.

[Bill No. 20-2010]

A.

The operator of a domestic animal sanctuary shall comply with the licensing requirements and minimum standards established for a holding facility in Article 12, Title 6 of the Baltimore County Code.

B.

A domestic animal sanctuary may not be located within a ten-mile radius of any other domestic animal sanctuary.

C.

A domestic animal sanctuary may not be located within 200 feet of the nearest property line, if the sanctuary is allowed in a residential zone.

ANIMAL BOARDING PLACE

Any building, other structure or land, or any portion thereof, that is used, intended to be used, or arranged for the boarding, breeding or other care of animals, except dogs, for profit. An animal boarding place does not include commercial agriculture, as defined in § 101, or a pet shop, veterinarian's office or veterinarian.

[Bill Nos. 85-1967; 87-2001]

ANIMAL BOARDING PLACE, CLASS A

An animal boarding place exclusively for cats, birds or other household pets, excluding dogs.

[Bill Nos. 85-1967; 87-2001]

ANIMAL BOARDING PLACE, CLASS B

Any other animal boarding place not excluded under the general definition of "animal boarding place" above.

[Bill No. 85-1967]⁽³⁾

COMMERCIAL KENNEL

Any establishment where the commercial breeding of dogs or the boarding, sale, or training of dogs takes place and for which a fee is charged. A commercial kennel does not include a private kennel, pet shop, veterinarian's office, or veterinarian.

[Bill Nos. 87-2001; 72-2002]

PRIVATE KENNEL

Any building, structure, or land, or any portion thereof, including a dwelling, that is used, intended to be used, or arranged for the housing of more than three dogs, not including puppies less than four months old, for the purposes of show, hunting, practice tracking, field or obedience trials, or as pets. A private kennel does not include a pet shop or dogs accessory to a farm use.

[Bill No. 87-2001]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
5/4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	NO Comment
4/18	DEPS (if not received, date e-mail sent _____)	NO Comment
	FIRE DEPARTMENT	
6/15	PLANNING (if not received, date e-mail sent _____)	Comment
4/16	STATE HIGHWAY ADMINISTRATION	NO objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. 1984-0055-A)	
NEWSPAPER ADVERTISEMENT	Date: 5/31/18	
SIGN POSTING (1 st)	Date: 5/31/18	by Doak
SIGN POSTING (2 nd)	Date: 6/18/18	by Doak
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 10 Account Number - 1011035250							
Owner Information										
Owner Name:		RASH RONALD LANGHAM FIONA M			Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		13401 JARRETTSVILE PIKE PHOENIX MD 21131			Deed Reference:		/34616/ 00002			
Location & Structure Information										
Premises Address:		13401 JARRETTSVILLE PIKE PHOENIX 21131-			Legal Description:		ES JARRETTSVILLE PK 950 N BLENHEIM RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:	
0043	0017	0055		0000				2017		
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1984		1,300 SF		500 SF		37,461 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Split Foyer	YES	SPLIT FOYER	SIDING	2 full/ 1 half	1 Attached					
Value Information										
			Base Value	Value	Phase-in Assessments					
				As of 01/01/2017	As of 07/01/2017		As of 07/01/2018			
Land:			125,300	125,300						
Improvements			137,800	147,400						
Total:			263,100	272,700	266,300		269,500			
Preferential Land:			0		0					
Transfer Information										
Seller: WILHELM KEVIN				Date: 01/15/2014		Price: \$325,000				
Type: ARMS LENGTH IMPROVED				Deed1: /34616/ 00002		Deed2:				
Seller: KING HAROLD M				Date: 10/21/1983		Price: \$16,500				
Type: ARMS LENGTH IMPROVED				Deed1: /06610/ 00786		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
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

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:



KEVIN KAMENETZ
County Executive

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

June 13, 2018

Fiona M Langham
Ronald Rash
13401 Jarrettsville Pike
Phoenix MD 21131

RE: Case Number: 2018-0271 XA, Address: 13401 Jarrettsville Pike

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 April 10, 2018. 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
Edward J Gilliss, Esquire, 102. W Pennsylvania Avenue, Suite 600, Towson MD 21204
Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

Date: 4/16/18

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
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 4/16/18. A field inspection and internal review reveals that an entrance onto MD 146 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Exception, Variance Case Number 2018-0271-XA

*Fiona M. Loughran & Ronald Rush
13401 Foxetsville Pike
P.D. 146*

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,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-271



INFORMATION:

Property Address: 13401 Jarrettsville Pike
Petitioner: Fiona M. Langham, Ronald Rash
Zoning: RC 6
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for an animal boarding place regardless of class, commercial kennels, private kennels and veterinarian offices and the petition for variance to permit a setback for any part of the use of an animal boarding place or private kennel of 0 feet from the nearest property line in lieu of the required 200 feet.

A site visit was conducted on May 10, 2018. The subject property is surrounded by residential uses and is located on Jarrettsville Pike, a rural minor arterial road that functions as the main north / south access to Jacksonville and the smaller communities in that area. Jarrettsville Pike has significant average daily trips (Jacksonville Community Plan, Pg. 37).

Pursuant to BCZR§1A07.4.A the Director of the Department of Planning finds that the plan for special exception and variance proposes no changes to the as-built condition and/or design of the site therefore is consistent with the spirit and intent of the BCZR conditioned upon successfully addressing the conditions identified below.

The Department objects to granting the petitioned zoning relief in part and has no objection to the grant of relief in part conditioned upon the following:

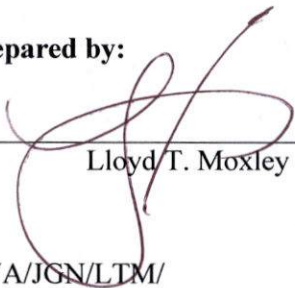
- The Department does not oppose the singular establishment of an Animal Boarding Place, Class B. The petitioner has represented to staff they wish to maintain 7 dogs consistently with a maximum of 10 canines. The Department does not support the establishment of an "*animal boarding place regardless of class, commercial kennels, private kennels and veterinarian offices*" which by definition would allow a menagerie of animals in combination with a commercial office use, the intensity of which far exceeds the capacity of the small property, thereby being inconsistent with the requirements of BCZR § 502.1.B.
- No more than seven (7) dogs maybe boarded at any one time. Of the seven (7) dogs permitted a maximum of three (3) shall be short term boarders the remainder shall be for a period of at least one month.
- No more than three (3) dogs may access the outside exercise area at any time.
- No commercial signage shall be permitted.

To ensure the positive findings on this development proposal within the RC 6 zone as required in BCZR§1A07.4.A the following conditions shall be addressed:

- Pursuant to BCZR § 1A07.8.C.3.c, fencing shall be of rural character split rail or board on post or consistent with the neighborhood.
- Pursuant to BCZR § 1A07.8.C.3.d, off-street parking must be screened from public roads and dwellings.

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

Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jenifer G. Nugent

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting
Edward J. Gilliss
Office of the Administrative Hearings
People's Counsel for Baltimore County

Case No.: 2018-0271-XA

Exhibit Sheet

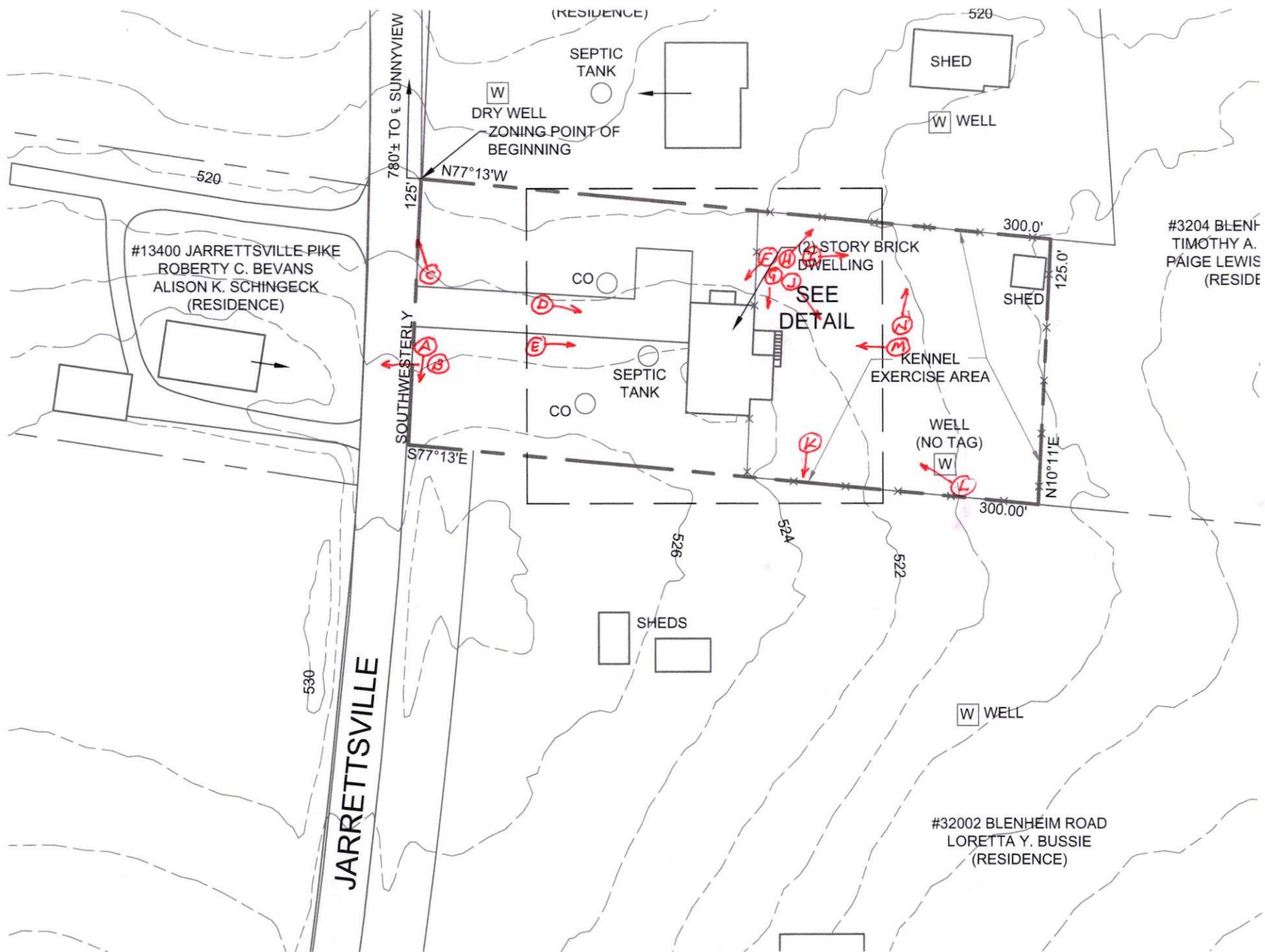
Petitioner/Developer

DW
7-26-18

Protestant

slu
6-25-18

No. 1	Plan	
No. 2	Plan to Accompany Photos A-N	
No. 3	Aerial photo	
No. 4	Site photos ## 1-9	
No. 5	Letters of Support from Neighbors	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PLAN TO ACCOMPANY PHOTOGRAPHS

PET. 2





























13401 Jarrettsville Pike- GIS photo



January 22, 2018

- Regional Planning Districts

ADC 2008 Grid - ADC 2008

200 Scale Grid - 200 Scale

Watersheds

Census Tracts 2010 - Tracts 2010
- INDEX CONTOUR LINE

INTERMEDIATE CONTOUR LINE

Position Sheet Grid - Position Sheet

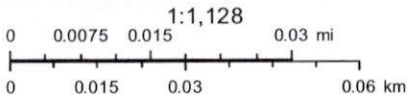
Parcels - Tax parcel

Red: Band_1

Green: Band_2

Blue: Band_3
- Contours

<all other values>



PET.3



Feb. 4







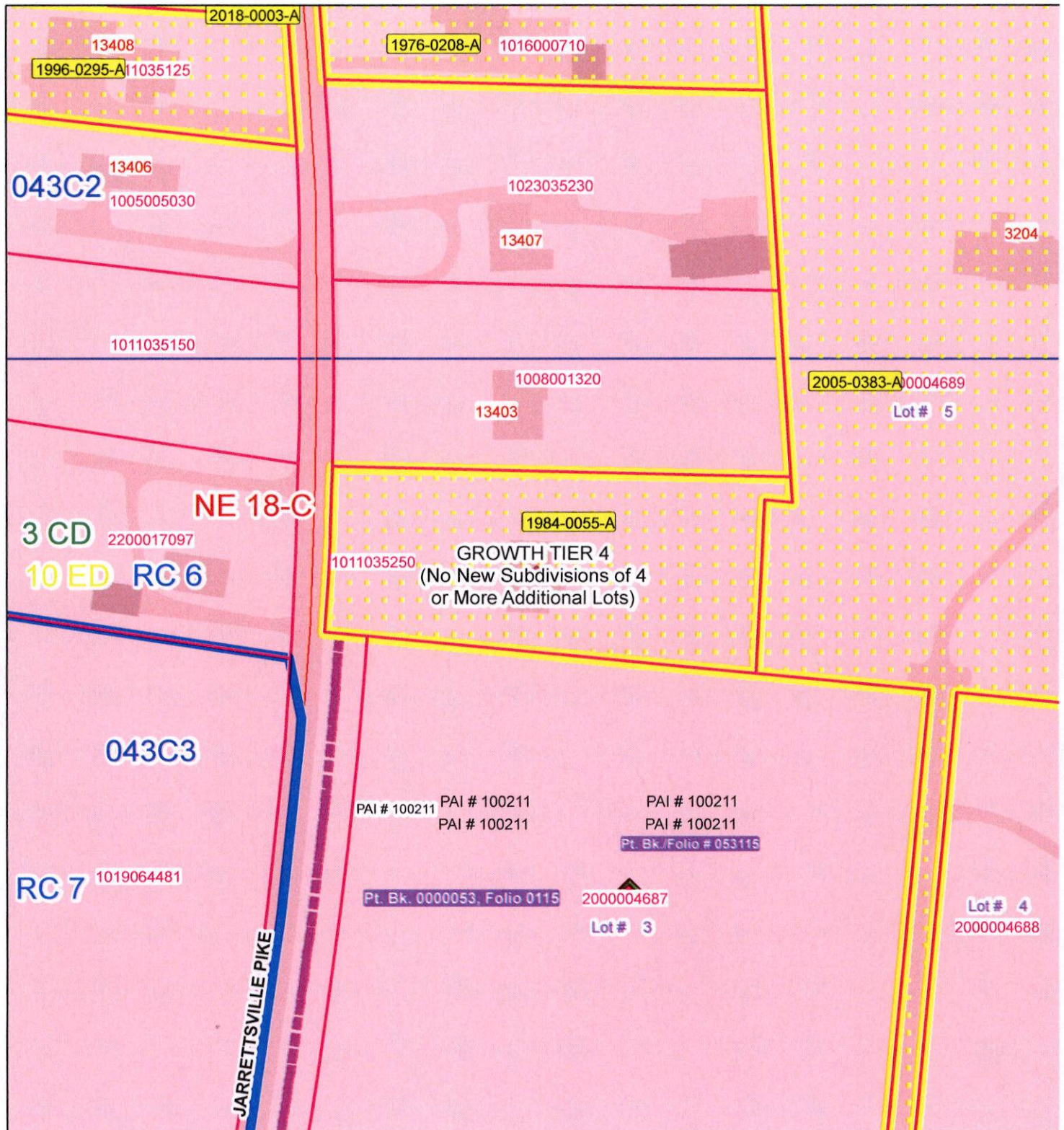












Publication Date: 4/10/2018



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

GENERAL SITE INFORMATION

1. Ownership: Ronald Rash & Fiona M. Langham
2. Addresses: 13401 Jarrettsville Pike Phoenix, MD 21131
3. Deed reference: JLE 34616/ 2
4. Property area: 37,461 square feet / 0.86 acres (per SDAT)
5. Election District: 10th Councilmanic District: 3rd
6. Tax Map 43 Grid 23 Parcel 55 Tax Acc. # 10-11-035250
7. ADC Map Grid: 4461K2
8. Position Sheets: 71NE10
9. GIS Title Numbers: 043C3
10. Regional Planning District: Jacksonville Regional Planning Dist. Code: 305
11. Growth Tier: 4 Growth Tier Description: Preservation & Conservation Areas
12. Watershed Name: Loch Raven Reservoir
13. URDL Land Type: 1
14. School Districts: Jacksonville ES Cockeysville MS/Hereford MS Dulaney HS/Hereford HS
15. Census Block: 240054102003 Census Tract: 410200
16. The boundary shown hereon is from the title deed recorded in JLE 34616/ 2
17. The topography shown hereon is from GIS tile 043C3

GROUND WATER MANAGEMENT

1. The existing dwelling shown hereon is served by a private septic system and a private well.
2. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

1. No forest exists on the subject property.
2. No forest will be disturbed for the requested zoning use.

Forest Buffer

1. No wetlands exist on the subject property.
2. No wetlands will be disturbed for the requested zoning use.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

No portion of the subject property is being used for agricultural purposes. There is no agricultural uses which adjoin the subject property.

STORM WATER MANAGEMENT

1. Storm water management will not be needed for the requested zoning use.

OFFICE OF ZONING

Current Zoning RC 6

Zoning History

Case 1984-0055-A Variances for side yard setbacks - granted

Parking:

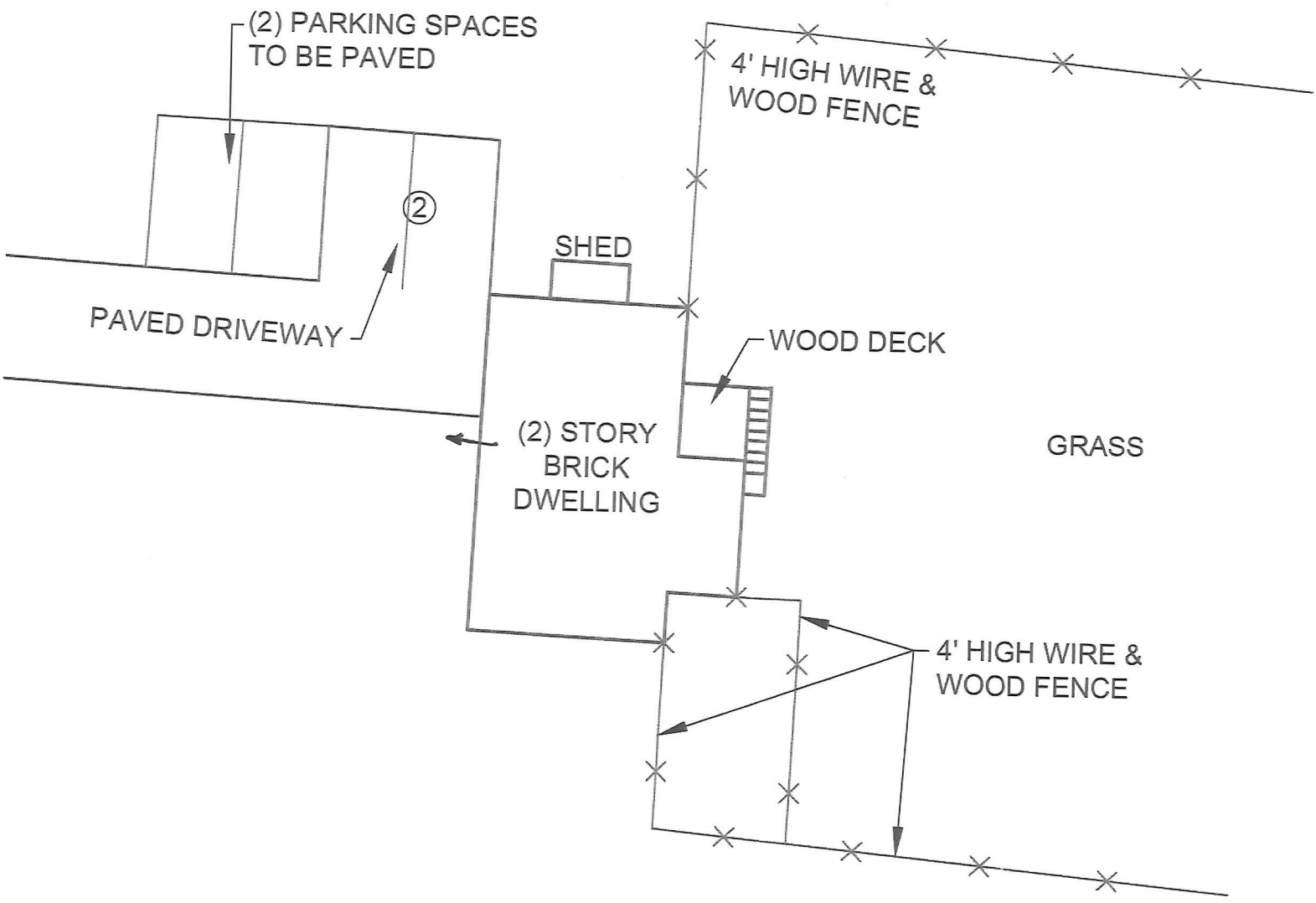
Parking spaces required for the residence: 2

Parking spaces provided for the kennel: 2 (no employees- owners will run the kennel)

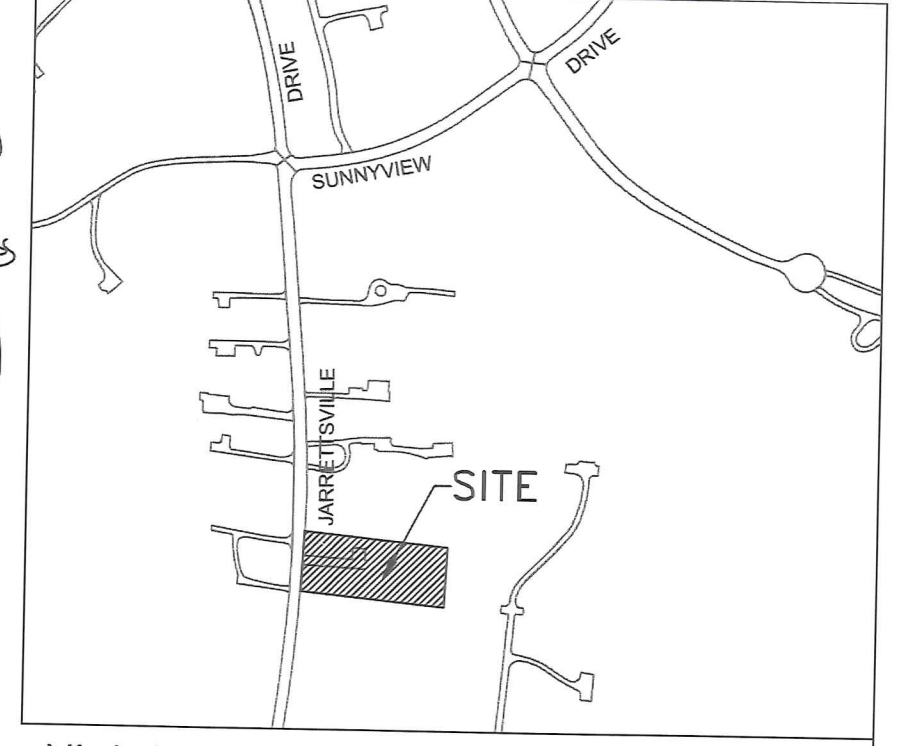
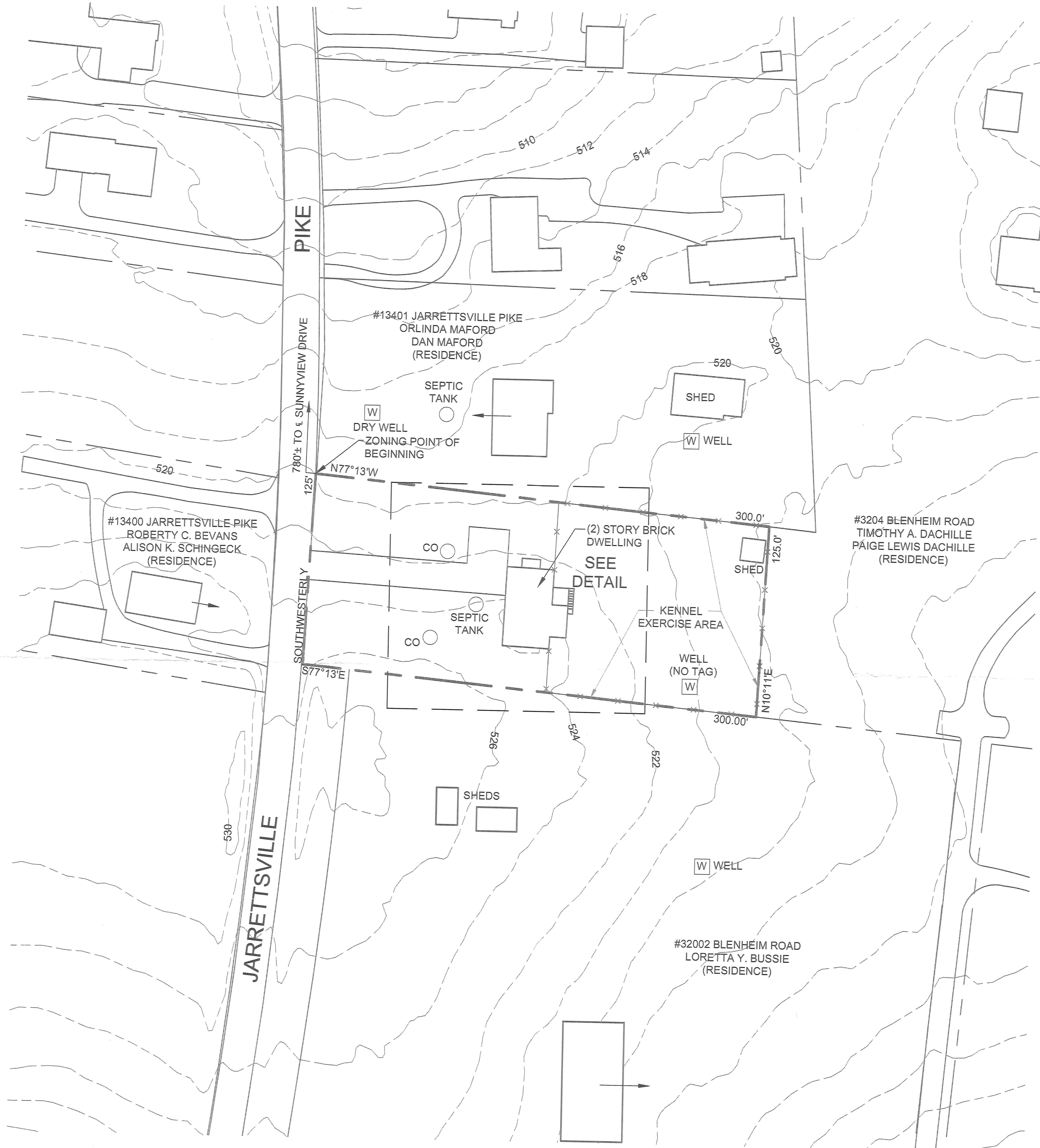
Provided parking spaces: 4

OFFICE OF PLANNING

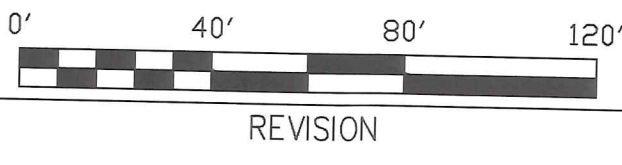
1. The subject property is not located in a National Register Historic District or on any other preservation list.
2. Jarrettsville Pike is designated as a Baltimore County scenic.



DETAIL - N.T.S.



Vicinity Map - Scale: 1" = 400'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#13401 JARRETTSVILLE PIKE
BALTIMORE COUNTY, MARYLAND
10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 2/19/2018
Scale: 1" = 40'



GENERAL SITE INFORMATION

1. Ownership: Ronald Rash & Fiona M. Langham
2. Addresses: 13401 Jarrettsville Pike Phoenix, MD 21131
3. Deed reference: JLE 34616/ 2
4. Property area: 37,461 square feet / 0.86 acres (per SDAT)
5. Election District: 10th Councilmanic District: 3rd
6. Tax Map 43 Grid 23 Parcel 55 Tax Acc. # 10-11-035250
7. ADC Map Grid: 4461K2
8. Position Sheets: 71NE10
9. GIS Tile Numbers: 043C3
10. Regional Planning District: Jacksonville Regional Planning Dist. Code: 305
11. Growth Tier: 4 Growth Tier Description: Preservation & Conservation Areas
12. Watershed Name: Loch Raven Reservoir
13. URDL Land Type: 1
14. School Districts: Jacksonville ES Cockeysville MS/Hereford MS Dulaney HS/Hereford HS
15. Census Block: 240054102003 Census Tract: 410200
16. The boundary shown hereon is from the title deed recorded in JLE 34616/ 2
17. The topography shown hereon is from GIS tile 043C3

GROUND WATER MANAGEMENT

1. The existing dwelling shown hereon is served by a private septic system and a private well.
2. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

1. No forest exists on the subject property.
2. No forest will be disturbed for the requested zoning use.

Forest Buffer

1. No wetlands exist on the subject property.
2. No wetlands will be disturbed for the requested zoning use.
3. The subject property is not located within a 100 year flood plain.
4. The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

No portion of the subject property is being used for agricultural purposes. There is no agricultural uses which adjoin the subject property.

STORM WATER MANAGEMENT

1. Storm water management will not be needed for the requested zoning use.

OFFICE OF ZONING

Current Zoning RC 6

Zoning History

Case 1984-0055-A Variances for side yard setbacks - granted

Parking;

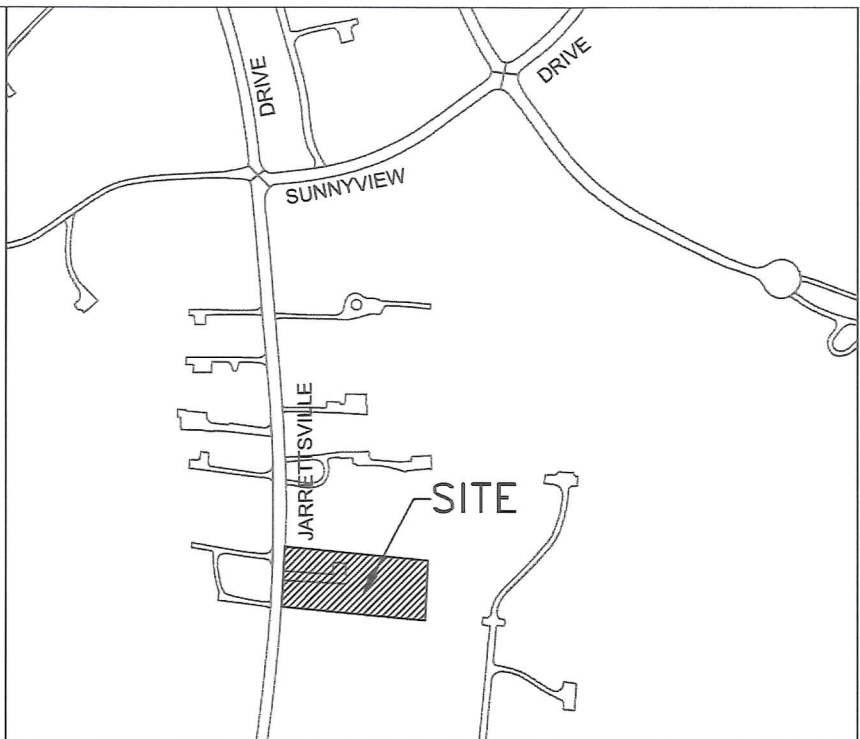
Parking spaces required for the residence: 2

Parking spaces provided for the kennel: 2 (no employees- owners will run the kennel)

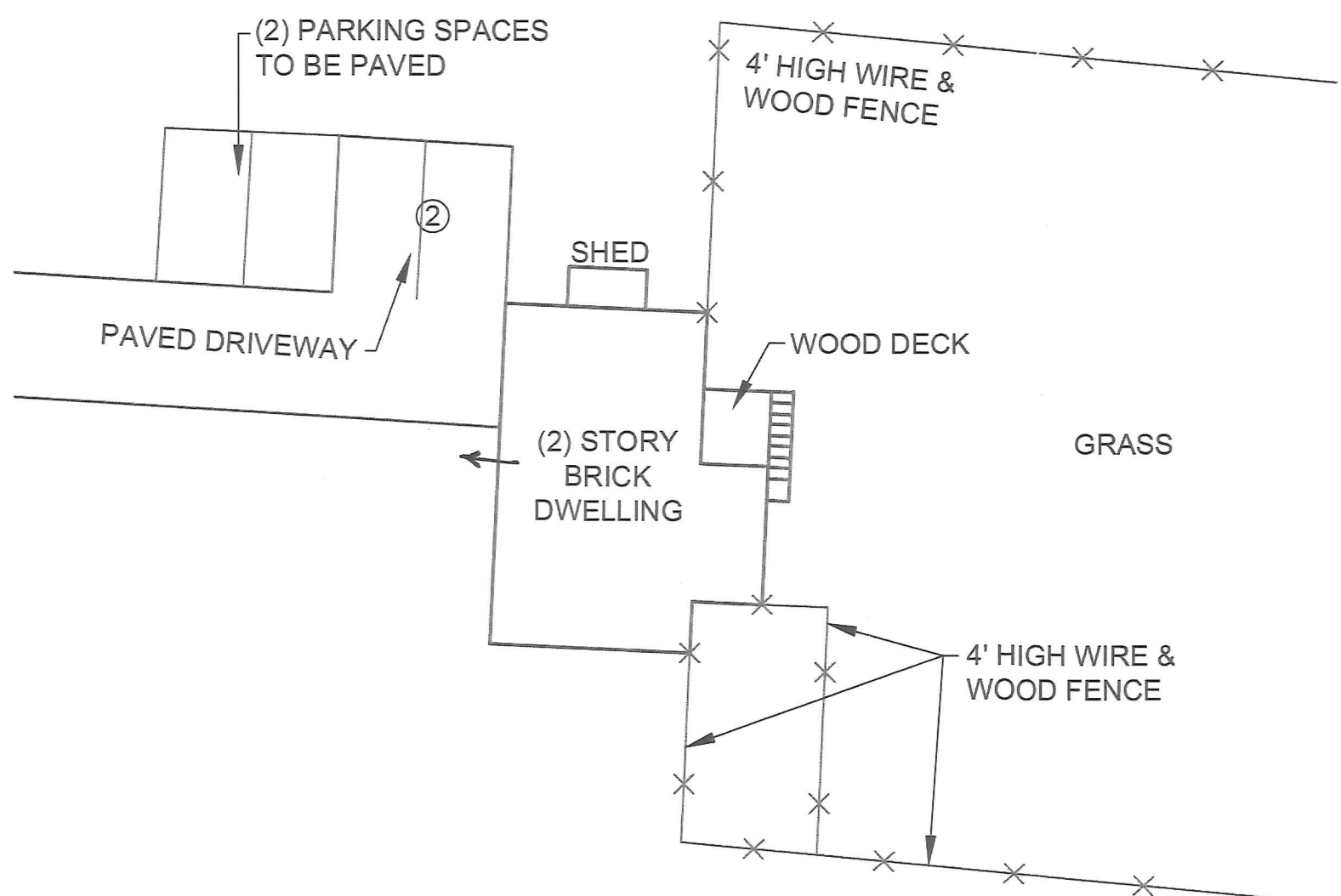
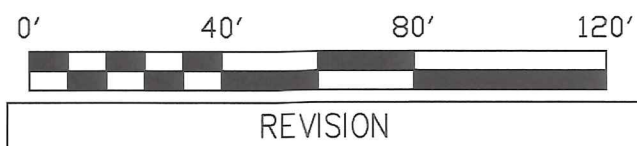
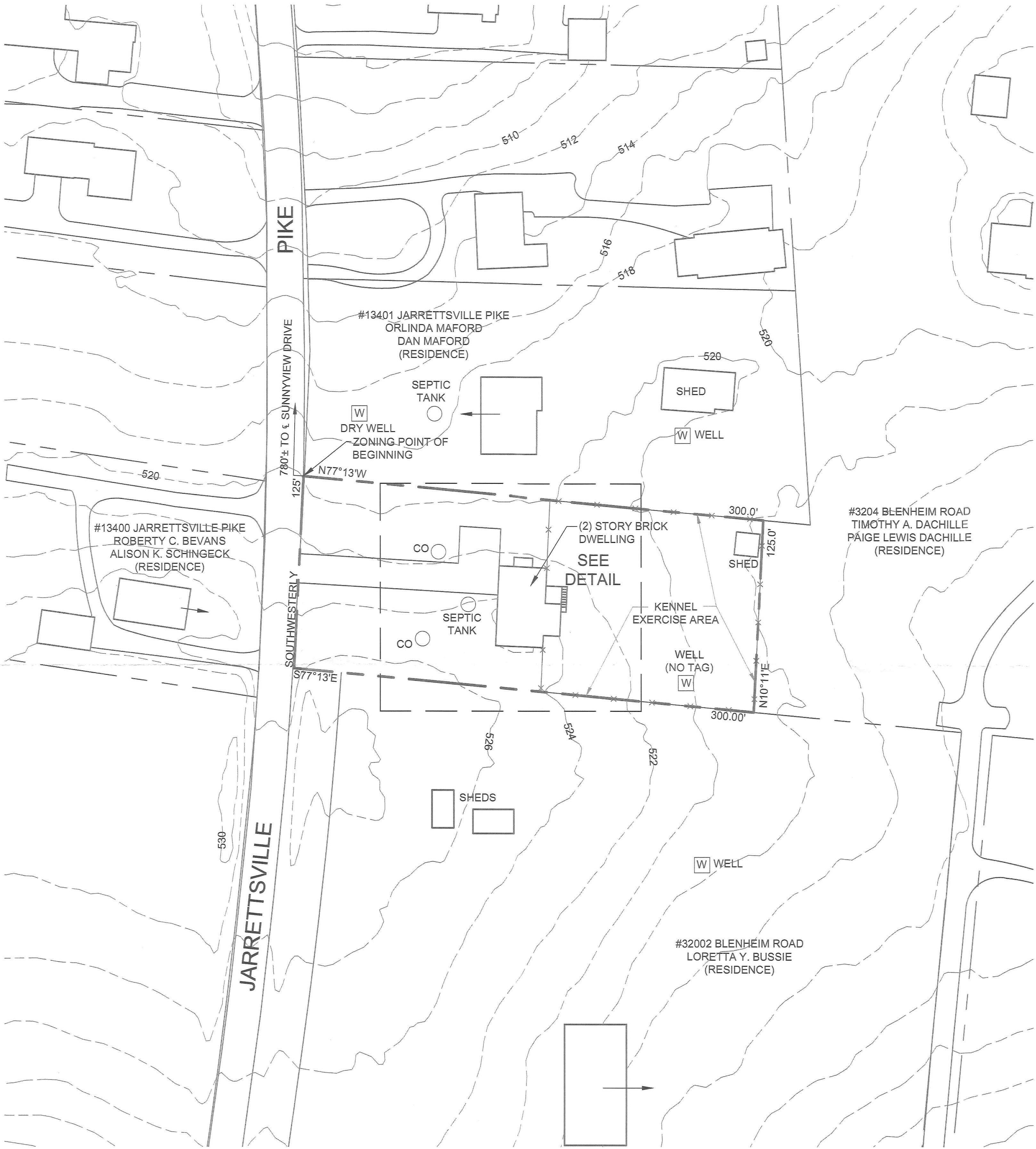
Provided parking spaces: 4

OFFICE OF PLANNING

1. The subject property is not located in a National Register Historic District or on any other preservation list.
2. Jarrettsville Pike is designated as a Baltimore County scenic.



Vicinity Map - Scale: 1" = 400'



DETAIL - N.T.S.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#13401 JARRETTSVILLE PIKE
BALTIMORE COUNTY, MARYLAND
10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 2/19/2018
Scale: 1"= 40'