

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 31, 2024

Howard L. Alderman, Jr., Esquire Alderman Law, LLC 7505 Mount Vista Road Kingsville, MD 21087

RE: Petitions for Special Hearing, Special Exception and Variance

Case No. 2024-0245-SPHXA

Property: 18719 Upper Beckleysville Road

Dear Mr. Alderman:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlm Enclosure

c: Michael and Carol Leaf – <u>timberrunstables@msn.com</u> Pond View Kennels, LLC <u>timberrunponies@msn.com</u> Patrick Richardson rick@richardsonengineering.net IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE

SPECIAL EXCEPTION & VARIANCE

(18719 Upper Beckleysville Road) * OFFICE OF ADMINISTRATIVE

5th Election District * HEARINGS FOR

Michael and Carol Leaf

Legal Owner * BALTIMORE COUNTY

Pond View Kennels, LLC

Pond View Kennels, LLC

* Case No. 2024-0245-SPHXA

Petitioners

* * * * * * * *

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 the owners, Michael and Carol Leaf, and the contract purchaser/lessee Pond View Kennels, LLC ("the Petitioners"), for the property located at 18719 Upper Beckleysville Road, Hampstead, (the "Property"). The Special Hearing was filed pursuant to Baltimore County Zoning Regulation ("BCZR"), Sections 500.7 and 104, for the continued use and occupancy of the two dwellings located on the subject property as previously approved and permitted; and for such relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied the Petition. The Petition for Special Exception from BCZR Sections 1A01.2.2C.2 and 421.1, for a commercial kennel and related uses on a portion of the subject property; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition. A Petition for Variance relief from BCZR, Section 421.1 was filed to allow the use of the existing and proposed facilities for a commercial kennel and related uses to be located 16 feet from the nearest property line in lieu of the 200 feet required; and for

such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

A public virtual WebEx hearing was conducted on December 18, 2024. The Petitions were properly advertised and posted. Petitioners, Michael and Carol Leaf, appeared at the hearing in support of the Petition. They were represented by Howard L. Alderman, Jr., Esquire of Alderman Law, LLC. Also in attendance was Patrick Richardson, the engineer who prepared and sealed the sight plan, which was admitted as Petitioners' Exhibit 1.

Nearby resident, Patricia Ray testified as well regarding her concerns with the proposed relief.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and DEPS. These agencies did not oppose the requested relief.

The Property is 31.50 acres +/- and is zoned RC 2. The property is accessed using Upper Beckleysville Road. Mr. Alderman proffered the case and explained that the Petitioners wish to operate a kennel/dog training facility on their property, which is currently also an operating hay farm. Mr. Alderman explained that while the parking area for the proposed facility requires a setback variance of 16 ft. in lieu of the required 200 ft., the majority of the proposed operation will take place at least 200 ft. from neighboring property lines. Mr. Alderman and Mr. Richardson noted that the proposed location of the kennel is on the flattest portion of the property, with the remainder of the property consisting of a pond and steep slopes. Mr. Leaf testified that the proposed kennel would have a maximum of 40 dogs, but it would take some time to reach that level, if ever. He further testified that dogs will be housed in doors but may be outside between the hours of 8:00 am and 5:00 pm. He estimated that a maximum of five customers will visit the property on any given day. Mr. Leaf testified that he acquired the subject property from his mother

in 2006 and has long been in the Leaf family. He explained that the tenant farm house that was approved in 1997 was originally occupied by one of Mr. Leaf's brothers and was later taken over by another brother. Each brother assisted with the hay farm and cattle operation that were previously operated on the property. Mr. Leaf explained that after the passing of the last brother to occupy the tenant farmer house, he, Mrs. Leaf and their son moved back to the property and occupied the dwelling. The Petitioners' son is now 18, and also helps with the hay farm's operation. Mr. Leaf testified that while the principal dwelling was being remodeled, his mother also moved in the tenant farming house. Unfortunately, while under renovation, the principal dwelling was destroyed by fire and is yet to be rebuilt, pending an insurance settlement. Mr. Leaf explained that his son will continue to occupy the tenant farm house with his mother when the principal dwelling is rebuilt.

Nearby resident, Patricia Ray testified that there is another kennel in the area whose dogs generate a considerable amount of noise that can be heard for some distance. She stated her concerns with the number of dogs proposed for the subject kennel and the additional noise such an operation may generate.

SPECIAL HEARING

Pursuant to BCZR, Section 500.7, "a request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

As noted in the DOP comments, in 1997, the prior property owners (Mr. Leaf's parents), sought approval from Baltimore County Agricultural Land Preservation Advisory Board for the erection of a tenant building on the subject property. The proposed tenant building was to be used as a residence for their son (Mr. Leaf's brother) and daughter in law who helped with the farm operation. Petitioners have filed for Special Hearing relief to determine if this tenant farm house is still a permissible non-conforming use for the subject property. Such a use is defined as "a legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use." BCZR, Section 101.1,104.1. Such a use may continue unless terminated by change in use, or abandonment to discontinue issuance of such a nonconforming use for a period of a year or more. *See id*.

Mr. Leaf testified that the subject property, while previously including cattle, has continued, without interruption to be a working hay farm. While Mr. Leaf does not recall specific dates, he testified that another brother took over the tenant farm house after the first brother to occupy the house moved out. The second brother also assisted in farm operations until his passing. Mr. Leaf described moving into the tenant farm house with his wife and son sometime after that. He further testified to purchasing the property in 2006, when his son would have been quite young, and obviously would have not been the tenant farmer. It is also noteworthy that since Mr. Leaf was owner of the property in 2006, it is questionable that he could also be deemed the tenant farmer for the house in question.

The vagueness of the time line for when Mr. Leaf and his wife and son moved into the tenant farm house following the passing of Mr. Leaf's brother falls short of fulfilling the Petitioners' burden to establish an uninterrupted non-conforming use. Additionally, as a result of the fire that destroyed the principal dwelling on the property, the subject tenant farm house now houses the

entire family and has become the property's principal dwelling. This fact further serves as a disqualifying interruption of the previously permitted non-conforming use. Due to the fact that the tenant farm house is the sole dwelling on the property, I find it not to be in violation of BCZR until the principal dwelling is rebuilt, upon which time the Petitioners may consider applying for other possible designated uses permitted in the zoning regulations.

In keeping with the discussion above, the Petitioners' request for Special Hearing is denied.

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). In *People's Counsel for Baltimore County v. Loyola College of Maryland*, 406 Md. 54 (2008) the Court of Appeals quoted the following excerpt from *Schultz* to explain the proper legal analysis:

The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan.

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material.

Id., at 88-89.

The special exception test is codified in BCZR, Section 502.1 which reads as follows:

Section 502.1- Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

Mr. Richardson provided uncontradicted testimony that the proposed Special Exception meets the requirements of BCZR, Section 502.1.

Based on the record evidence in the instant case I find that the Petitioners' Special Exception petition should be granted. Specifically, I find that all the requirements of BCZR, Section 502.1 are satisfied, and that the kennel at this location will have no greater adverse impacts than those inherent with such a use, i.e., noise generated associated with the boarding of dogs.

VARIANCE

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).

As described through the expert testimony of Mr. Richardson, the proposed Special Exception use is to be located on the "flattest" portion of the subject property. While there is ample space to place the proposed operation further from the property line, the remainder of the property is subject to steep slopes and includes a pond located at its center. (Pet. Ex. 3) I find that these topographical characteristics fulfill the "uniqueness" requirement of the *Cromwell* analysis and that if the requested variances were denied the Petitioners would suffer practical difficulty and hardship because they would be unable to operate the proposed kennel here due to the fact that it is impossible to meet the required setbacks given the existing site conditions. Finally, I find that the variances are within the spirit and intent of the BCZR and that they will not harm the public health, safety or general welfare. This is further evidenced by the fact that all neighbors bordering the subject property are not opposed to the requested relief. (Pet. Ex. 4)

THEREFORE, IT IS ORDERED this <u>31st</u> day of **December**, 2024, by this Administrative Law Judge that the Petition for Special Hearing from BCZR, Sections 500.7 and 104, of the continued use and occupancy of the two dwellings located on the subject property as previously approved and permitted; and for such relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied the Petition, be and is hereby **DENIED**; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to BCZR, Sections 1A01.2.2C.2 and 421.1, of a commercial kennel and related uses on a portion of the subject property; be and is hereby **GRANTED**; and

IT IS FURTHER, ORDERED that, pursuant to BCZR, Section 502.3, the Special Exception is **valid for a period of five (5) years** from the date of this Order; and

IT IS FURTHER ORDERED that the Petition for Variance relief in regard to BCZR, Section 421.1, to allow the use of existing and proposed facilities for a commercial kennel and related uses to be located 16 feet from the nearest property line in lieu of the 200 feet required; 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 his 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. The dog Kennel shall not allow dogs outdoors after 5:00 pm., or before 8:00 am.
- 3. Petitioners must comply with the DEPS and DOP ZAC comments, copies are attached hereto, and made a part hereof.

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

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

November 25, 2024

SUBJECT:

DEPS Comment for Zoning Item # 2024-0245-SPHXA

Address: 18719 UPPER BECKLEYSVILLE ROAD

Legal Owner: Pond View Kennels, LLC

Zoning Advisory Committee Meeting of November 26, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- 1. If the zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
 - a. A detailed water usage letter must be completed and submitted to Kevin Koepenick, <u>kkoepenick@baltimorecountymd.gov</u>, for review and approval for the proposed work. The water usage form and policy related to properties with non-residential on-site sewage disposal systems (OSDS) can be found on Ground Water Management's overview page for Baltimore County. See page 10 of the policy manual for information to include in the water usage letter.
 - b. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

Additional Comments:

Reviewer:

Mia Lowery, L.E.H.S.

Ground Water Management

C:\Users\klewis\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\7YS522L4\2024-0245-SPHXA 18719 Upper Beckleysville Road Comment Letter-GWM EIR.doc

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Reviewer:

Michael S. Kulis, NRS

Environmental Impact Review, DEPS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

T0:

C. Pete Gutwald

DATE: 12/9/2024

Director, Department of Permits, Approvals and Inspections

FROM:

Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0245

INFORMATION:

Property Address:

18719 Upper Beckleysville Road

Petitioner:

Michael and Carol E. Leaf

Zoning:

RC-2

Requested Action: Special Exception, Special Hearing and Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing - Pursuant to BCZR §§ 500.7 and 104, for the continued use and occupancy of the two dwellings located on the subject property as previously approved and permitted; and for any additional relief that may be necessary for approval of the existing and proposed uses as shown on the accompanying plan.

Special Exception - Pursuant to BCZR §§ 1A01.2.C.2 and 421.1, for a commercial kennel and related uses on a portion of the subject property; and for any additional relief that may be necessary for approval of the existing and proposed uses as shown on the accompanying plan.

Variance - From BCZR § 421.1 to allow the use of existing and proposed facilities for a commercial kennel and related uses to be located 16 feet from the nearest property line, rather than the required 200 feet; and for any additional relief that may be necessary for approval of the existing and proposed uses as shown on the accompanying plan.

The subject property spans 31.50 acres in the Hampstead area of Baltimore County. Zoned RC-2, the property is designated primarily for agricultural use. The property is surrounded by other farms, forest areas, and residential dwellings.

The RC-2 zone is a zoning district established to preserve the rural character of the area and promote lowdensity residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns.

The proposed commercial kennel is situated near the property line away from any nearby dwellings, minimizing potential disturbances. The property, acquired by the current tenants in 2013, includes a second dwelling that was affirmed for agricultural use by the Baltimore County Agricultural Land Preservation Advisory Board as of June 10, 1997, under the previous ownership. According to the 2023 Edition of the Baltimore County Zoning Policy Manual (Page 72), tenant dwellings are restricted to farm properties and must be occupied by tenant farmers whose primary occupation is farming on the S:\PIanning\Dev Rev\ZAC\ZACs 2024\Due 12-3\2024-0245-SPHXA Henry Due 12-03\Shell\2024-0245-SPHXA-Planning Rev. docx

Premises. This requirement emphasizes the intended agricultural focus of such dwellings within the county. The petition is unclear as to whether the house that was originally approved as a farm tenant residence is still utilized as such. Planning recommends that if the request is to reaffirm the second house as a farm tenant dwelling, then the petitioner must seek verification through the Agricultural Land Preservation Advisory Board. If the second house is not a farm tenant house and is instead a temporary accessory dwelling of another type, the petition should clarify the request.

The Department of Planning has deferred all decision-making to the Administrative Judge. However, asks the following are ensured:

 The designated area for kennel use must not be expanded or relocated without prior review and approval from the Department of Planning.

 Signage should be minimal and designed to harmonize with the character of the neighborhood.

For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:

Krystle Patchak

Kyte RK

Division Chief:

enifer G. Nugent

SL/JGN/KP

c: Rick Richardson, PE.
Megan Benjamin and Joseph Wiley, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



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 18719 Upper Beckleysville Road	which is presently zoned RC-2
Deed References: 33278/0222	10 Digit Tax Account # 0512020270
Property Owner(s) Printed Name(s) MICH	HAEL LEAF and CAROL E. LEAF

(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. xxx 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

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

SEE ATTACHED

3, xxxx a Variance from Section(s)

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zero, or we, agree to pay expenses of above petition(s), advertising and restrictions of Baltimore County adopted pursuant to the zero. Legal Owner(s) Affirmation: I / we do so solemnly declare anywhich is the subject of this / these Petition(s).	g, posting, etc. and further agree to and are to oning law for Baltimore County.	
'Lessee:	Legal Owners (Petition	ners):
POND VIEW KENNELS LLC	Michael Leaf	Carol E. Leaf
Name-Type or Print	Name #1 – Type or Print	Name #2 – Type or Print

Name-Type or Print

Signature

18179 Upper Beckleysville Road Hampstead MD

Mailing Address City State

21087-2835 / 410-259-8746 / timberrunstables@msn.com

Zip Code Telephone # Email Address

Signature #1 Signature #2

18719 Upper Beckleysville Road Hampstead MD

Mailing Address City State

21074-2835 (410) 259-8746 , timberrunstables@msn.com

Zip Code Telephone # Email Address

Representative to be contacted:

Attorney for Petitioner:

Howard L. Alderman, Jr., Esq. / ALDERMAN LAW LLC

Name-Type or Print

Signature

ZEOS MOUNT VISTA PD KINGSVILLE MD

7505 MOUNT VISTA RD KINGSVILLE MD

Mailing Address City State
21087-1759 , 410-929-9113 , halderman@aldermanlaw.net

Zip Code Telephone # Email Address

Filing Date (1 , 14, 24

Name - Typeyor Print

Rick Richardson, PE

Do Not Schedule Dates:

Signature

7 Deneison Street Timonium Maryland

Mailing Address City State
21093 ,410-560-1502-x1 ,rick@richardsonengineering.net

Zip Code Telephone# Email Address

Zip Code	Telephone#	Email Address

2024-0245-SPHXA

Richardson Engineering, LLC

Attachment 1 CASE NO: 2024-0245 -SPHXA

Address:

18719 Upper Beckleysville Road

Legal Owner:

Michael Leaf and Carol E. Leaf

Lessee:

Pond View Kennels LLC

Present Zoning:

RC-2

PETITION FOR SPECIAL HEARING

Approval, pursuant to BCZR §§ 500.7 and 104, of the continued use and occupancy of the two dwellings located on the subject property as previously approved and permitted; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

PETITION FOR SPECIAL EXCEPTION

Approval, pursuant to BCZR §§ 1A01.2.C.2 and 421.1, of a commercial kennel and related uses on a portion of the subject property; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

PETITION FOR VARIANCE

A variance from BCZR § 421.1 to allow the use of existing and proposed facilities for a commercial kennel and related uses to be located 16 feet from the nearest property line in lieu of the 200 feet required; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire Alderman Law LLC 7505 Mount Vista Road Kingsville, Maryland 21087-1759

> (410) 929-9113 Fax: (410) 817-6769

halderman@aldermanlaw.net



SPECIAL EXCEPTION PROPERTY DESCRIPTION FOR 18719 UPPER BECKLEYSVILLE ROAD 5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located at a point on the South side of Upper Beckleysville Road approximately 1,313+/-feet Southwest of the intersection of Upper Beckleysville Road and Brick Store Road. Then running Southeast away from Upper Beckleysville Road the following bearings and distances 1) South 09 degrees 30 minutes East 219.30 feet to the Special Exception Area, 2) North 72 degrees 45 minutes East 348.59 feet, 3) South 17 degrees 15 minutes East 200.00 feet 4) South 72 degrees 45 minutes West 200.00 feet, 5) North 17 degrees 15 minutes West 170.00 feet. 6) South 72 degrees 45 minutes West 148.59 feet 7) South 37 degrees 58 minutes West 89.41 feet 8) South 17 degrees 15 minutes East 127.57 feet 9) North 72 degrees 45 minutes East 44.67 feet 10) South 17 degrees 15 minutes East 129.37 feet, 11) North 17 degrees 15 minutes West 103.64 feet, 12) North 62 degrees 42 minutes 54 seconds East 147.64 feet, 13) North 17 degrees 15 minutes West 156.87 feet, 14) North 72 degrees 45 minutes East 77.70 feet, 15) North 38 degrees 01 minutes 56 seconds East 64.45, 16) North 17 degrees 15 minutes East 15.00 feet to the place of beginning.

Containing a net area of 84,107 square feet or 1.95 acres +/-.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2025



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 18719 Upper Beckleysville Road which is presently zoned RC-2

Deed References: 33278/0222 10 Digit Tax Account # 0512020270

Property Owner(s) Printed Name(s) MICHAEL LEAF and CAROL E. LEAF

(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. xxx 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

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

SEE ATTACHED

3. xxxx a Variance from Section(s)

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

KINGSVILLE

SEE ATTACHED

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

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

TO BE PRESENTED AT HEARING

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). Legal Owners (Petitioners): Lessee: Michael Leaf Carol E. Leaf POND VIEW KENNELS LLC Name #1 - Type or Print Name #2 - Type or Print Name- Type or Print Signature # 2 Signature Signature #1 18719 Upper Beckleysville Road Hampstead MD MD 18179 Upper Beckleysville Road Hampstead State Mailing Address Mailing Address State timberrunstables@msn.com 21074-2835, (410) 259-8746 21087-2835,410-259-8746 timberrunstables@msn.com **Email Address** Zip Code Telephone # Telephone # **Email Address** Zip Code Representative to be contacted: **Attorney for Petitioner:** Richardson Engineering, LLC Rick Richardson, PE Howard L. Alderman, Jr., Esq. / ALDERMAN LAW LLC Name- Type or Print Name Type/or Print

MD

halderman@aldermanlaw.net Email Address 7 Deneison Street

Do Not Schedule Dates:

Mailing Address

21093

Zip Code

2024-0245-5PHXA Filing Date 11,14,24

Telephone #

7505 MOUNT VISTA RD

21087-1759,410-929-9113

Mailing Address

Zip Code

REV. 10/4/11

rick@richardsonengineering.net

Email Address

Maryland

Timonium

City

410-560-1502-x1

Telephone #

Attachment 1 CASE NO: 2024-0245 -SPHXA

Address:

18719 Upper Beckleysville Road

Legal Owner:

Michael Leaf and Carol E. Leaf

Lessee:

Pond View Kennels LLC

Present Zoning:

RC-2

PETITION FOR SPECIAL HEARING

Approval, pursuant to BCZR §§ 500.7 and 104, of the continued use and occupancy of the two dwellings located on the subject property as previously approved and permitted; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

PETITION FOR SPECIAL EXCEPTION

Approval, pursuant to BCZR §§ 1A01.2.C.2 and 421.1, of a commercial kennel and related uses on a portion of the subject property; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

PETITION FOR VARIANCE

A variance from BCZR § 421.1 to allow the use of existing and proposed facilities for a commercial kennel and related uses to be located 16 feet from the nearest property line in lieu of the 200 feet required; and for such additional relief as the nature of this case may require for approval of the existing and proposed uses as shown on the plan which accompanied this Petition.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire Alderman Law LLC 7505 Mount Vista Road Kingsville, Maryland 21087-1759

> (410) 929-9113 Fax: (410) 817-6769

halderman@aldermanlaw.net



SPECIAL EXCEPTION PROPERTY DESCRIPTION FOR 18719 UPPER BECKLEYSVILLE ROAD 5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located at a point on the South side of Upper Beckleysville Road approximately 1,313+/-feet Southwest of the intersection of Upper Beckleysville Road and Brick Store Road. Then running Southeast away from Upper Beckleysville Road the following bearings and distances 1) South 09 degrees 30 minutes East 219.30 feet to the Special Exception Area, 2) North 72 degrees 45 minutes East 348.59 feet, 3) South 17 degrees 15 minutes East 200.00 feet 4) South 72 degrees 45 minutes West 200.00 feet, 5) North 17 degrees 15 minutes West 170.00 feet. 6) South 72 degrees 45 minutes West 148.59 feet 7) South 37 degrees 58 minutes West 89.41 feet 8) South 17 degrees 15 minutes East 127.57 feet 9) North 72 degrees 45 minutes East 44.67 feet 10) South 17 degrees 15 minutes East 129.37 feet, 11) North 17 degrees 15 minutes West 103.64 feet, 12) North 62 degrees 42 minutes 54 seconds East 147.64 feet, 13) North 17 degrees 15 minutes West 156.87 feet, 14) North 72 degrees 45 minutes East 77.70 feet, 15) North 38 degrees 01 minutes 56 seconds East 64.45, 16) North 17 degrees 15 minutes East 15.00 feet to the place of beginning.

Containing a net area of 84,107 square feet or 1.95 acres +/-.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2025

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 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: 2024-0245-5PHXA
Property Address: 18719 UPPER BELLEYSVILLE RD
Legal Owners (Petitioners): MICHAEL LEAF
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): MICHAFL LEAF
Address: 18719 UPPER BELKEYSVILLE RA
Telephone Number: 410-359-8746

^{*}Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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CERTIFICATE OF POSTING

(CORRECTED)

	2024-0245-SPHXA RE: Case No.:
	Petitioner/Developer: Pond View Kennels. LLC Michael & Carol Leaf
	December 18, 2024 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: Jeff Perlow:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
18719 Upper Beckleysvill	e Road SIGN 1A & 1B
The sign(s) were posted on	November 27, 2024
The sign(s) were posted on	(Month, Day, Year)
S	Sincerely,
YE XX I I I I I I I I I I I I I I I I I I	November 27, 2024
DOTTICO September 1997 Septe	(Signature of Sign Poster) (Date)
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ZONINGON AASE # 2024-024 From the property of the property o	(Print Name)
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	(Address)
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NG NOTTIC 2024-0245-SPH 2024-024-SPH 2024-0245-SPH 2024-024-SPH 2024-SPH 2024-SPH 2024-SPH 2024-	(City, State, Zip Code)
HING NOTICE THE RECLASSIVE BLA LIBRARIANE BLANK	(410) 282-7940
(SE)	(Telephone Number)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: November 16, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0245-SPHXA

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

DPR: No comments.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: November 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0245-SPHXA

Address:18719 UPPER BECKLEYSVILLE ROAD

Legal Owner: Pond View Kennels, LLC

Zoning Advisory Committee Meeting of November 26, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- 1. If the zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
 - a. A detailed water usage letter must be completed and submitted to Kevin Koepenick, kkoepenick@baltimorecountymd.gov, for review and approval for the proposed work. The water usage form and policy related to properties with non-residential on-site sewage disposal systems (OSDS) can be found on Ground Water Management's overview page for Baltimore County. See page 10 of the policy manual for information to include in the water usage letter.
 - b. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.

Ground Water Management

S:\PAI\Zoning Review\Zoning Review\2024 Zoning Case Files\2024-0245\2024-0245-SPHXA, 18719 Upper Beckleysville Road, Comment Letter-GWM & EIR.doc

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Reviewer: Michael S. Kulis, NRS

Environmental Impact Review, DEPS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald DATE: 12/9/2024

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0245

INFORMATION:

Property Address: 18719 Upper Beckleysville Road **Petitioner:** Michael and Carol E. Leaf

Zoning: RC-2

Requested Action: Special Exception, Special Hearing and Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing - Pursuant to BCZR §§ 500.7 and 104, for the continued use and occupancy of the two dwellings located on the subject property as previously approved and permitted; and for any additional relief that may be necessary for approval of the existing and proposed uses as shown on the accompanying plan.

Special Exception - Pursuant to BCZR §§ 1A01.2.C.2 and 421.1, for a commercial kennel and related uses on a portion of the subject property; and for any additional relief that may be necessary for approval of the existing and proposed uses as shown on the accompanying plan.

Variance - From BCZR § 421.1 to allow the use of existing and proposed facilities for a commercial kennel and related uses to be located 16 feet from the nearest property line, rather than the required 200 feet; and for any additional relief that may be necessary for approval of the existing and proposed uses as shown on the accompanying plan.

The subject property spans 31.50 acres in the Hampstead area of Baltimore County. Zoned RC-2, the property is designated primarily for agricultural use. The property is surrounded by other farms, forest areas, and residential dwellings.

The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns.

The proposed commercial kennel is situated near the property line away from any nearby dwellings, minimizing potential disturbances. The property, acquired by the current tenants in 2013, includes a second dwelling that was affirmed for agricultural use by the Baltimore County Agricultural Land Preservation Advisory Board as of June 10, 1997, under the previous ownership. According to the 2023 Edition of the Baltimore County Zoning Policy Manual (Page 72), tenant dwellings are restricted to farm properties and *must be occupied by tenant farmers whose primary occupation is farming on the*

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premises. This requirement emphasizes the intended agricultural focus of such dwellings within the county. The petition is unclear as to whether the house that was originally approved as a farm tenant residence is still utilized as such. Planning recommends that if the request is to reaffirm the second house as a farm tenant dwelling, then the petitioner must seek verification through the Agricultural Land Preservation Advisory Board. If the second house is not a farm tenant house and is instead a temporary accessory dwelling of another type, the petition should clarify the request.

The Department of Planning has deferred all decision-making to the Administrative Judge. However, asks the following are ensured:

- i. The designated area for kennel use must not be expanded or relocated without prior review and approval from the Department of Planning.
- ii. Signage should be minimal and designed to harmonize with the character of the neighborhood.

For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Division Chief:

Prepared by:

Krystle Patchak

SL/JGN/KP

c: Rick Richardson, PE.

Kyte Rte

Megan Benjamin and Joseph Wiley, Community Planners Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald DATE: 12/3/2024

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0245

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Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Rick Richardson, PE.

Megan Benjamin and Joseph Wiley, Community Planners Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: AGRICULTURAL TRANSFER TAX

District - 05 Account Number - 0512020270 Account Identifier:

Owner Information

Owner Name:

LEAF MICHAEL

AGRICULTURAL Use:

LEAF CAROL E

Principal Residence:YES

Mailing Address:

18719 UPPER BECKLEYSVILLE RDDeed Reference:

/33278/ 00222

HAMPSTEAD MD 21074-2835

Location & Structure Information

Premises Address:

18719 UPPER BECKLEYSVILLE RDLegal Description: 31,50 AC REAR SES

HAMPSTEAD 21074-2835

UPPER BECKLEYSVILLE RD

1320 W OF BRICK STORE RD

Map: Grid: Parcel: Neighborhood: 0014 0012 0017

5030002.04

3,862 SF

Subdivision:

Section: Block: Lot: Assessment Year:

Plat Ref:

Town: None

1876

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

31.5000 AC

Stories Basement Type

Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

3 full/ 1 half YES STANDARD UNIT FRAME/ 4

Value Information

	Base Value	Value	alue Phase-in Assessments		
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025	
Land:	140,100	155,600			
Improvements	385,100	451,300			
Total:	525,200	606,900	579,667	606,900	
Preferential Land:	7,100	7,100			

Transfer Information

Seller: LEAF ROBERT L Type: NON-ARMS LENGTH OTHER	Date: 03/08/2013 Deed1: /33278/ 00222	Price: \$417,000 Deed2:
Seller: LEAF WALTER L AG USE 83-84	Date: 04/26/1971	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05181/ 00418	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Ass	sessments:Class	07/01/2024	07/01/2025	
County:	000	0.00		
State:	000	0.00		
Municipal:	000	0.00 0.00	0.00 0.00	

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application





