

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(2219 Hawthorne Road)	*	OFFICE OF
15 th Election District		
6 th Councilmanic District	*	ADMINISTRATIVE HEARINGS
Vicky L. & Joe Sladek		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2013-0249-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Vicky L. and Joe Sladek, legal owners of the subject property. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to approve a residential home kennel for the housing of more than three dogs. The Variance petition seeks relief from B.C.Z.R. § 101.1 to permit a private kennel in a dwelling for the housing of more than three dogs. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the public hearing in support of the requests was Vicky and Joe Sladek. Jan Miller, a neighbor and interested citizen, also attended the hearing. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

There were no substantive Zoning Advisory Committee (ZAC) comments received from County reviewing agencies.

The subject property is 0.036 +/- acres in size and is zoned DR 10.5. The Petitioners have lived in the Hawthorne community for 29 years. At present, they have 4 dogs, and were

told by Baltimore County that zoning relief was necessary in order to keep more than 3 dogs on the premises.

Based upon the testimony and evidence presented, I will grant the request for Special Hearing and Variance relief. Mr. and Mrs. Sladek are responsible dog owners, and their home and back yard are well-maintained and free of litter, dog feces, etc. The dogs are pugs, and the Petitioners indicated they can only be outside in the yard for a maximum of 15 minutes, given certain respiratory problems common among that breed. The Petitioners stated that they own each of the dogs, and have no intention of acquiring any more animals or pet-sitting or operating a commercial kennel on the premises.

Ms. Miller, a Hawthorne resident, saw the zoning sign and wanted to learn more about the exact nature of the relief requested. She indicated she is involved with animal rescue organizations, and wanted to be sure that the Petitioners' dogs are spayed/neutered (each one is) and taken for regular veterinary care and vaccinations. The Petitioners indicated their dogs are treated at Erdman Animal Clinic, which Ms. Miller conceded was a well-regarded facility.

In these circumstances, I do not believe the grant of zoning relief would endanger the public's health, safety and welfare.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 26th day of June 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve a residential private home kennel for the housing of more than three dogs, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance pursuant to § 101.1 to permit a private kennel in a dwelling for the housing of more than three dogs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners shall be required to obtain from Baltimore County all appropriate licenses and permits for the operation of a private kennel.
- Petitioners shall be permitted to own, keep and/or harbor on the premises a maximum of four (4) dogs.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln