

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(14345 Jarrettsville Pike)		
10 <sup>th</sup> Election District	*	OFFICE OF
3 <sup>rd</sup> Council District		
Michael R. Cooke & Alexandra Von Paris	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Elizabeth Pieper	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0344-X

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Michael R. Cooke & Alexandra L. Von Paris, legal owners and Elizabeth Pieper, lessee (“Petitioners”). The petition was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) to permit an Animal Grooming Facility per BCZR §204.3.B.3 in the one-story building used for an office.

Ellie Pieper, Ali Von Paris and Mike Cooke appeared in support of the petition. There were no protestants or interested citizens in attendance. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS).

The subject property is approximately 1.69 acres in size and is split-zoned RO-CR, RC5-CR & RC5. The property is improved with a one-story commercial building and two single-family dwellings, both of which are over 100 years old. In a 2013 zoning case involving the property (No. 2013-0227-SPH) special hearing relief was granted upon a determination that the three structures on the lot were lawfully nonconforming. This case involves only the one story commercial building, in which the Lessee proposes to operate an animal grooming facility.

### 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 opined Petitioners satisfied all requirements set forth in B.C.Z.R. §502.1, and I concur. Ms. Pieper is an experienced animal groomer, and she successfully operates a facility in Timonium. The new location will serve the Jacksonville area (which Ms. Pieper indicated has a need for dog grooming services) and there is no indication the business would have detrimental impact upon the community. As such the petition will be granted.

THEREFORE, IT IS ORDERED this 5<sup>th</sup> day of **September, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to permit an Animal Grooming Facility per BCZR §204.3.B.3 in the one-story building used for an office, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

3. No overnight dog or cat boarding shall be permitted at the subject property.

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