

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1050 Cromwell Bridge Road)		
9 th Election District	*	OFFICE OF
5 th Council District		
Sarikas Properties, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Dr. Ira Luskin	*	FOR BALTIMORE COUNTY
<i>Contract Purchaser</i>		
	*	
Petitioners	*	Case No. 2019-0236-SPH
* * * * *		* * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Sarikas Properties, LLC, legal owner, and Dr. Ira Luskin, contract purchaser (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”): to confirm the permitted use of the property as a business or trade school where classes/clinics are offered for the purpose of training veterinarians and their technicians to perform dental work on small animals and to allow the incidental sale of products and tools associated with the school; to approve the use of the subject property as a veterinarian's office in accordance with Section 270, Attachment 1:4 of the BCZR; and to allow the limited service of performing specialty dental consults and procedures on small animals by referral from another veterinarian. A site plan was marked and admitted as Petitioners’ Exhibit 1.

Dr. Ira Luskin and professional engineer Rick Richardson appeared in support of the petition. Timothy M. Kotroco, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the County reviewing agencies.

The subject property is 33,062 square feet (0.76 Ac.) in size and zoned ML-IM (Manufacturing, Light). The property is improved with a 1-story commercial building (7,763 sq. ft.) which was previously used as a manufacturing facility. Petitioners propose to use the property to train veterinarians to perform dental procedures on small animals. In addition, Dr. Luskin would also perform dental procedures on patients referred to him by other veterinarians.

As discussed at the hearing, schools and trade schools are permitted by right in the ML zone. BCZR §253.1.C.22. In addition, Dr. Luskin testified he will stock in the warehouse portion of the building certain equipment and surgical tools for purchase by veterinarians and their staff. This use is also permitted in the ML zone pursuant to Section 253.1.F.1 which permits as an accessory use “incidental sales (wholesale or retail).” Finally, although not listed in Section 253, BCZR Section 270 specifically permits by right both a “veterinarian’s office” and “veterinarium,” the latter of which is defined in the BCZR as a veterinarian’s office where “overnight care is allowed.” As such this aspect of the proposed operation is also permitted by right in the ML zone.

THEREFORE, IT IS ORDERED this 5th day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing: to confirm the permitted use of the property as a business or trade school where classes/clinics are offered for the purpose of training veterinarians and their technicians to perform dental work on small animals and to allow the incidental sale of products and tools associated with the school; to approve the use of the subject property as a veterinarian's office in accordance with Section 270, Attachment 1:4 of the BCZR; and to allow the limited service of performing specialty dental consults and procedures on small animals by referral from another veterinarian, 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. No overnight boarding of animals shall be permitted on the subject property.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County