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### **NOTIFICATION OF ZONING HEARING EXAMINER'S DECISION**

**DATE OF DECISION:** May 10, 2011  
**HEARING EXAMINER:** Robert F. Kahoe, Jr.  
**RE:** Zoning Appeal Case No. 5731  
**APPLICANT:** Dr. David Cullum  
**LOCATION:** 2605 Creswell Road, Bel Air  
**REQUEST:** Special exception to permit pet grooming at the existing veterinary clinic in the Agricultural District

Enclosed is an official copy of the Hearing Examiner's decision relative to the above referenced case.

The Hearing Examiner's decision shall become final **JUNE 8, 2011**.

This decision shall be considered a recommended opinion to the Harford County Council, sitting as The Board of Appeals, if a written request for Final Argument before the Harford County Council is filed by the close of business on above date by the Applicant, Applicant's Attorney, Opponents, People's Counsel, or a person aggrieved who was a party to the proceedings before the Hearing Examiner. In addition, any Board Member, upon written notice to the Council Administrator, may request final argument.

COUNTY COUNCIL OF HARFORD COUNTY

Mary Kate Herbig  
Acting Council Administrator

Enclosure

cc: Applicant/Attorney; People's Counsel; Department of Planning and Zoning



**APPLICANT: David Cullum**

**BEFORE THE**

**REQUEST: Special Exception to permit pet grooming at the existing veterinary clinic in the Agricultural District**

**ZONING HEARING EXAMINER**

**FOR HARFORD COUNTY**

**BOARD OF APPEALS**

**HEARING DATE: March 30, 2011**

**Case No. 5731**

**ZONING HEARING EXAMINER'S DECISION**

**APPLICANTS:** David Cullum

**LOCATION:** 2605 Creswell Road, Bel Air  
Tax Map: 57 / Grid: D3 / Parcel 78 / Lot: 5  
First (1<sup>st</sup>) Election District

**ZONING:** AG / Agricultural District

**REQUEST:** Special Exception, pursuant to Section 267-88H(6) of the Harford County Code, to permit a pet grooming clinic in the Agricultural District.

**TESTIMONY AND EVIDENCE OF RECORD:**

Dr. David Cullum identified himself as the owner of Creswell Veterinary Clinic, located on Creswell Road (MD Route 543) north of its intersection with Interstate 95. The property is improved by a two-story, stone and stucco, L-shaped dwelling. By decision in Board of Appeals Case No. 5691 (August 24, 2009), the Applicant was granted a special exception, with conditions, to operate a veterinary clinic.

Dr. Cullum stated that the veterinary clinic, pursuant to the 2009 decision, opened approximately six months ago. Dr. Cullum now discovers that many of his clients are requesting pet grooming services in addition to standard veterinary services. Dr. Cullum believes that pet grooming services would be complimentary to what he now offers to pet owners. However, pet grooming is allowed only as a special exception, separate and apart from veterinary services and, accordingly, this request is made.

Dr. Cullum stated that no modifications would be made to the building and that all pet grooming services would be entirely indoors. There would be no apparent visual change to the site. The conditions proposed by the Department of Planning and Zoning to the requested special exception are acceptable to Dr. Cullum.

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Creswell Veterinary Clinic is in compliance with all conditions imposed by the 2009 decision. Dr. Cullum notes that he has completed a new entrance from MD Route 543 onto the subject property and this has been approved and accepted by the State Highway Administration. The existing landscaping has been supplemented. Dr. Cullum has had no complaints about his current operation, and believes the requested pet grooming operation will have no impact on the neighborhood.

For the Department of Planning and Zoning testified Anthony McClune, Deputy Director. According to Mr. McClune the Department has received no complaints about the veterinary clinic, and Dr. Cullum is in compliance with all previously ordered conditions. The Department believes that the addition of a special exception for pet grooming will result in no greater impact than that generated by the existing veterinary clinic.

The Department, accordingly, recommends that the special exception be approved, with the following conditions:

1. The Applicant shall obtain building permits for any interior modifications that may be necessary to accommodate the pet grooming service.
2. The hours of operation shall be limited from 8:00 a.m. to 9:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. There shall be no business hours on Sunday.
3. There shall be no outdoor runways or holding areas.
4. No animals may be kept overnight, except those owned by the proprietor.

No testimony or evidence was given in opposition.

### **APPLICABLE LAW:**

Special Exception requests for veterinary clinics are governed by Harford County Code Section 267-88H(6):

*“Pet grooming. This use may be granted in the AG District, provided that:*

- (a) The activity takes place inside a completely enclosed building.*
- (b) No animals may be kept overnight, except those owned by the proprietor.”*

Furthermore, Section 267-9I of the Harford County Code, “Limitations, Guides and Standards” is applicable and will be discussed in detail below.

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### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The Applicant proposes a relatively modest change in his existing veterinary clinic operation by the addition of pet grooming services. The building which houses the veterinary clinic will be used. There will be no change to the exterior of the building. No additional improvements will be made to the property. All existing conditions imposed with the approval of the veterinary clinic special exception will continue to be applicable, as will new conditions proposed by the Department of Planning and Zoning. No visible change to the operation will be apparent although, perhaps, some additional traffic may be generated. The Applicant has indicated that his entranceway onto MD Route 543 has been constructed in accordance with State Highway Administration requirements and has been found to be acceptable by SHA.

The Department of Planning and Zoning suggests, and it is hereby found, that the proposed use will not have a greater impact than that of the existing veterinary clinic which itself was found to have no greater impact at the subject location than such a use would have at any other location within the zone. In other words, the earlier decision has already determined that the veterinary clinic has no unusual features or characteristics which would cause an impact different than that generally exhibited by veterinary clinics.

The Applicant can easily comply with specific requirements of the special exception provisions contained in Section 267-88H(6) as follows:

*“Pet grooming. This use may be granted in the AG District, provided that:*

*(a) The activity takes place inside a completely enclosed building.*

The proposed use is in the AG District and will be located within a completely enclosed building.

*(b) No animals may be kept overnight, except those owned by the proprietor.*

The Applicant has agreed to such a restriction.

Furthermore, in addition to the specific applicable special exception requirements, the Applicant must meet the more generalized considerations of the Limitations, Guides and Standards – Section 267-9I of the Harford County Development Regulations, discussed as follows:

*(1) The number of persons living or working in the immediate area.*

There will be no quantifiable impact to the adjoining neighbors by the addition of pet grooming services on the fairly modest scale as proposed by the Applicant.

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- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The property has frontage on and accesses MD Route 543, a major collector – rural road. The property entrance has been upgraded to a commercial entrance and meets all State Highway Administration standards. Accordingly, there will be no adverse impact on traffic conditions. There are no pedestrian facilities in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*

There should be no fiscal impact on the County, and the proposed use is in conformity and will not impact the orderly growth of the neighborhood.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

No such characteristics should be generated by the proposed use. There will be no outdoor runs or pens.

- (5) *Facilities for police, fire protection, sewage, water, trash and garbage collection and disposal and the ability of the County or persons to supply such services.*

Police protection will be provided by the Harford County Sheriff's Office and the Maryland State Police. Water and sewer is provided on-site by the Applicant.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses or worship, theaters, hospitals, and similar places of public use.*

No such structures have been identified.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Harford County Master Land Use Plan.

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(9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

No such impacts have been identified.

(10) *The preservation of cultural and historic landmarks.*

There should be no impact to any cultural or historic landmarks.

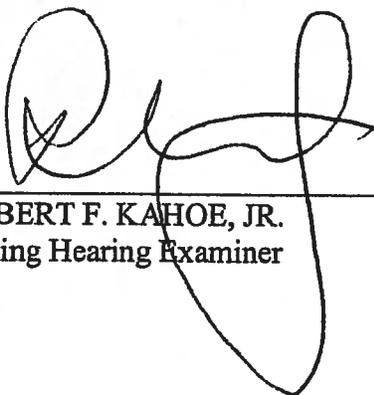
Finally, it is found that the proposed pet grooming operation will have no greater impact at the proposed location than it would at another location within the zone. Indeed, it is difficult to see what, if any, visual impact the use would have on the neighborhood, neighbors or the area as a whole. Certainly, no adverse impact of any nature has been identified.

**CONCLUSION:**

Accordingly, it is recommended that the requested special exception be granted, subject to the following conditions:

1. The Applicant shall obtain building permits for any interior modifications that may be necessary to accommodate the pet grooming service.
2. The hours of operation shall be limited from 8:00 a.m. to 9:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays. There shall be no business hours on Sunday.
3. There shall be no outdoor runways or holding areas.
4. No animals may be kept overnight, except those owned by the proprietor.

Date: May 10, 2011



ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner

Any appeal of this decision must be received by 5:00 p.m. on June 8, 2011