

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(10108 Harford Road)		
9 th Election District	*	OFFICE OF
3 rd Councilmanic District		
Cub Hill Rentals, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Best Friend Pet Crematorium, Inc.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2015-0189-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 Cub Hill Rentals, LLC, Legal Owner, and Best Friend Pet Crematorium, Inc., Lessee (“Petitioners”). The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to approve a pet crematorium as an accessory use (to a pet funeral establishment).

Appearing at the public hearing in support of the requests was Edward Heckrotte, Sr., Jane Heckrotte and Mitch Kellman, from Daft, McCune & Walker, Inc., whose firm prepared the plan. Richard C. Burch, Esq., represented the Petitioners. There were no Protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review. Both agencies indicated certain landscaping should be provided at the site and the Order below will include such a condition.

The subject property is approximately 19,036 square feet and is zoned BR/DR-2. The property was previously used for sales of used motor vehicles pursuant to a special exception granted in Case No. 2000-0207-SPHXA. The Petitioners propose to operate a pet funeral establishment at the site, a use permitted by right in the BR zone; i.e., the Petitioners do not require

a special exception and will not utilize the relief granted in Case No. 200-0207-SPHXA. The only relief sought by Petitioners is a declaration that the crematory facility would constitute an “accessory use,” as that term is defined in B.C.Z.R. §101.1.

Mr. Kellman testified (via proffer) that the crematory facility would occupy approximately 25% of the floor area of the premises, and that it would generate perhaps 30% of the total revenue of the business. Thus, the use would be subordinate in both area and extent, as required by the Regulations. The use would be on the same lot as the principal use, and a crematory is customarily operated as an adjunct to, or in connection with, a funeral establishment. Mr. Kellman also indicated that he revised the site plan with some additional labelling and notations, at the request of the Office of People’s Counsel.

THEREFORE, IT IS ORDERED this 1st day of May, 2015, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to approve a pet crematorium as an accessory use (to a pet funeral establishment), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comment from DOP, dated March 16, 2015; a copy of which is attached hereto and made a part thereof.

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