

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
N.E. Seminary Avenue, 51' E
of 1/1 of York Road
14 E. Seminary Avenue
8th Election District
4th Councilmanic
William Albert Almy, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 90-291-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve a hair replacement business as a professional office, and a Special Exception to use less than 25% of the herein described property for professional offices (hair replacement business) pursuant to Section 1801.1.C.9B of the zoning regulations, the said business to employ not more than one non-resident professional associate or 2 other non-resident employees, as more particularly described on Petitioner's Exhibit No.1.

The Petitioners, William A. and Mary A. Almy, appeared, testified and were represented by John B. Howard, Esquire and Robert A. Hoffman, Esquire. Appearing and testifying on behalf of the Petitioners were David Freishtat, Esquire, Philip Berringer, John Davidson, Richard C. Hurd and William Kirwin, a Professional Engineer. Also appearing on behalf of the Petitioners were Sue Williams and Betty Martin. Phyllis Friedman, Esquire, Peoples Counsel, Mr. and Mrs. Thomas L. McGarvey and Mr. and Mrs. Locke Thomsen appeared and testified as Protestants.

Testimony indicated that the subject property known as 14 E. Seminary Avenue consists of .417 acres +/- zoned D.R. 5.5 and is currently improved with an existing single family dwelling.

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Date 3/14/90
By M. Howard

Mr. Almy testified that he operates a "hair replacement business" from his home at 14 E. Seminary Avenue in Lutherville. He testified that he employs one employee to assist him in this endeavor and that he is open for business Tuesday through Friday. He indicated that he treats approximately 10 clients per day, who generally need to see him on a monthly basis. The Petitioner testified that the first and second floors of the subject dwelling serve as his residence, and the basement is his professional office with a client waiting room. Mr. Almy testified that his business was originally located on commercially zoned property, but decided to relocate at the subject site because his clients prefer a quiet residential atmosphere. Mr. Almy stated that he advertises his business in the yellow pages and local newspapers.

David Freishtat, Esquire, a customer of Mr. Almy, testified in support of the Petition. Mr. Freishtat testified that he has been using Mr. Almy's services for the past 25 years on a monthly basis, and that, in his opinion, Mr. Almy does possess the skills of a "professional".

Mrs. Philip Berringer and John Davidson, customers of Mr. Almy, appeared and testified on behalf of the Petition and concurred with Mr. Freishtat's testimony.

Mr. Richard Hurd, the Petitioner's adjoining neighbor, testified in support of the Petition. He stated that there is no outside evidence of the business, and that, in his opinion, said business is creating no adverse impact on the neighborhood.

Mr. William Kirwin, a professional engineer, appeared on behalf of the Petition and testified regarding the layout of the subject property. Mr. Kirwin testified that, in his opinion, Mr. Almy's business will have no adverse impact on the health, safety or general welfare of this community

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and, otherwise, meets the requirements of Section 502 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Mr. Locke Thomsen, President of the Riderwood Community Association, testified in general opposition to the Petitioner's request, stating the Petitioner's business is adding to the "creeping commercialism" down Seminary Avenue.

Mr. Thomas McGarvey of 19 Thornhill Road testified that he abuts Mr. Almy's property to the rear and that he is in general opposition to Mr. Almy's requested relief.

Peoples Counsel, by Phyllis Friedman, Esquire, appeared in opposition to the Petitioner's request. Mrs. Friedman articulated the differences between a "learned" professional and "artistic" professional as those terms are defined by the U.S. Fair Labor Standards Act, 29 C.F.R., Sec. 541.3, et seq., and concluded that Mr. Almy was neither.

Section 1801.1.C.9B of the B.C.Z.R. requires a special exception for "an office or studio of a physician, dentist, lawyer, architect, engineer, artist, musician or other professional person..." in a D.R. zone. The subject site is, clearly, D.R. zoned property and the Petitioner is required to obtain a special exception in order to conduct any business from his house. Issues have been raised by the Protestants as to whether or not the Petitioner's business of hair weaving renders him a "professional", as that term is used in Section 1801.1.C.9B of the B.C.Z.R.

It is the opinion of the Zoning Commissioner that a person employed in a business of hair weaving, regardless of his skill level at such trade, is not a "professional" person as envisioned by Section 1801.1.C.9B. That definition specifically lists the classic professionals, such as physicians,

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lawyers, artists and musicians. It also includes the commonly accepted professions of dentistry, architecture or engineering. All of these professions, clearly, fit within the concept of a "professional" person, as delineated in Webster's Third International Dictionary for persons engaged in one of the learned professions, or in an occupation requiring a high level of training and proficiency. Furthermore, these professions are characterized by their conformity to technical and ethical standards of a recognized profession and they, clearly, manifest the fine artistry and workmanship and the required sound knowledge and skill resulting from years of education, training and experience in their field. Also, all of the professions listed in Section 1801.1.C.9B are professions that belong to the "learned professions and/or classical professions".

In view of the above, it is the opinion of the Zoning Commissioner that the Petitioner's occupation and experience as a hair weaver does not qualify him as a "professional" as that term is used in the B.C.Z.R. Therefore, the Petitioner's request for special exception must be denied.

At the conclusion of the hearing, counsel for the Petitioner requested, in the alternative, that the Zoning Commissioner, find Petitioner's business endeavor, at the subject property, a "home occupation" within the purview of the B.C.Z.R. Section 101 of the B.C.Z.R. "home occupation" reads in part, as follows:

"Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes..."

In view of the evidence and testimony produced at the hearing of this matter, it is the opinion of the Zoning Commissioner that the Petitioner's operation is not incidental to "the main use of the building for dwelling purposes". The evidence clearly proves the equipment used is not household

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items and that there are at least 10 clients visiting this house each day. These clients are evidence of a business activity. In fact, this operation is a business which rightfully belongs in a business or office zone. Just because a business can possibly be conducted in a private home on a residentially zoned property, does not mean the Zoning Commissioner should rule that a use is a home occupation. Therefore, the Petitioner's request must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of March, 1990 that the Petitions for Special Hearing to approve a hair replacement business as a professional office; a Special Exception to use the herein described property for professional offices (hair replacement business), pursuant to Section 1801.1.C.9B of the zoning regulations, all in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioner shall cease and desist the subject hair replacement business at 14 East Seminary Avenue on or before July 31, 1990.

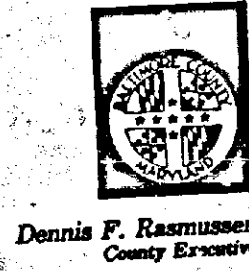
ORDER RECEIVED FOR FILING
Date 3/14/90
By M. Howard

JRH:mm
cc: Peoples Counsel

J. Robert Haines
Zoning Commissioner for Baltimore County

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333
J. Robert Haines
Zoning Commissioner

March 13, 1990



Dennis F. Rasmussen
County Executive

John B. Howard, Esquire
Robert Hoffman, Esquire
Venable, Beutler and Howard
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204

RE: Case No. 90-291-SPHX
William Albert Almy, et ux, Petitioners

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Special Exception have been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mm

cc: Peoples Counsel

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-291-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a hair replacement business as a professional office.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

ORDER RECEIVED FOR FILING
Date 3/14/90
By M. Howard

ESTIMATED LENGTH OF HEARING - 1/2 HR. AVAILABLE FOR HEARING - 2:30 HOURS

J. Robert Haines
Zoning Commissioner of Baltimore County

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-291-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for professional offices (hair replacement business) pursuant to Section 1801.1.C.9B of the Zoning Regulations, the said property being the professional person's primary residence and the said offices not to occupy more than 25% of the total floor area of

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

City and State

ORDERED By the Zoning Commissioner of Baltimore County, this 14th day of March, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of March, 1990, at 9:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR. AVAILABLE FOR HEARING - 2:30 HOURS
REVIEWED BY J. Robert Haines
DATE 3-23-90



SCALE 1" = 200' ±	LOCATION LUTHERVILLE	SHEET N.W. 12-A
DATE OF PHOTOGRAPHY JANUARY 1986		

YORK RD NORTH

AIR PHOTOGRAPHICS, INC.
W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

**PETITIONER'S
EXHIBIT 7**

SCALE 1" = 200' ±	LOCATION HAMPTON GREENRIDGE
DATE OF PHOTOGRAPHY JANUARY 1986	



S-SE R-SW

PHOTOGRAMMETRIC MAP OF
 BALTIMORE COUNTY METROPOLITAN AREA
PETITIONER'S
EXHIBIT 8

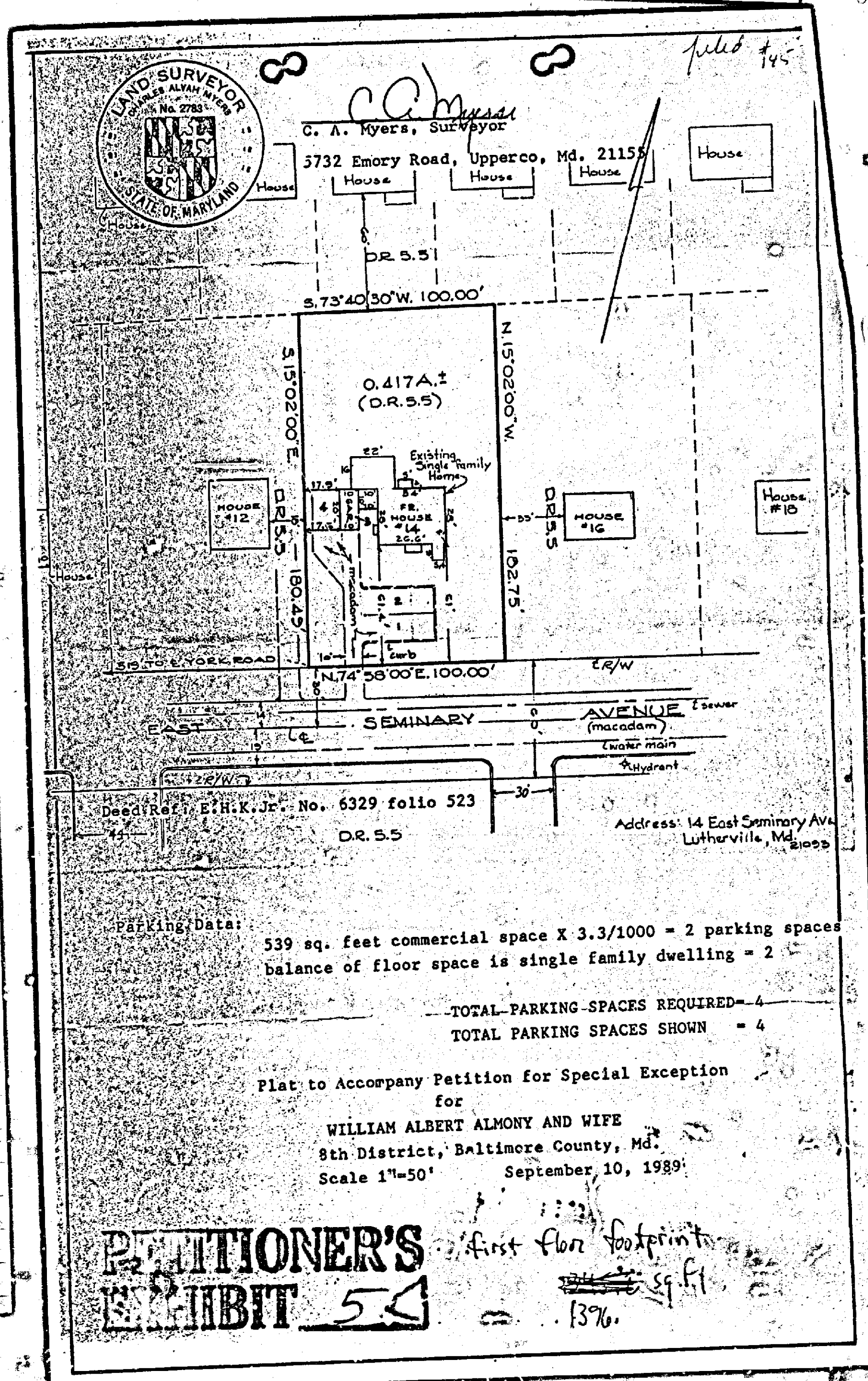
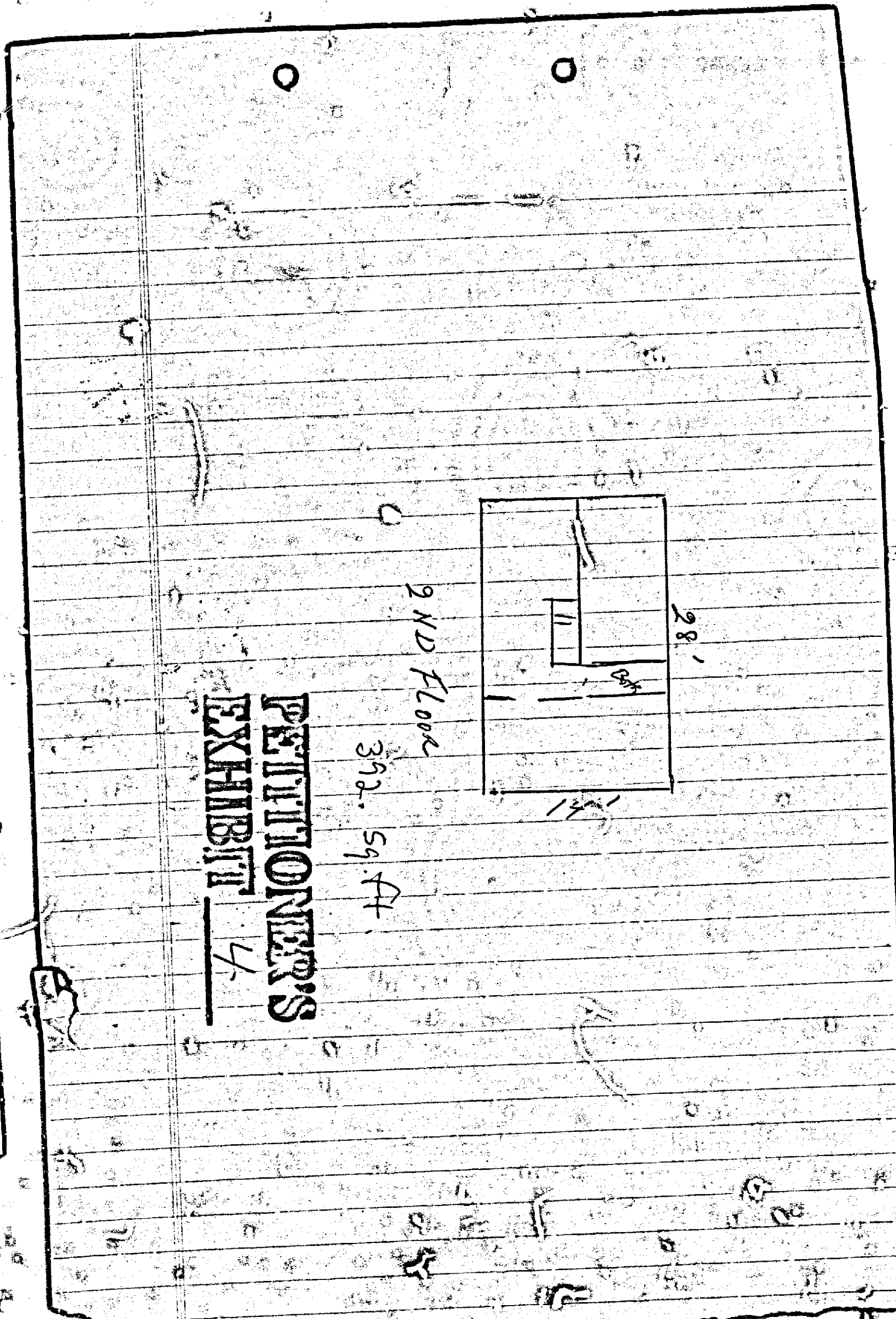
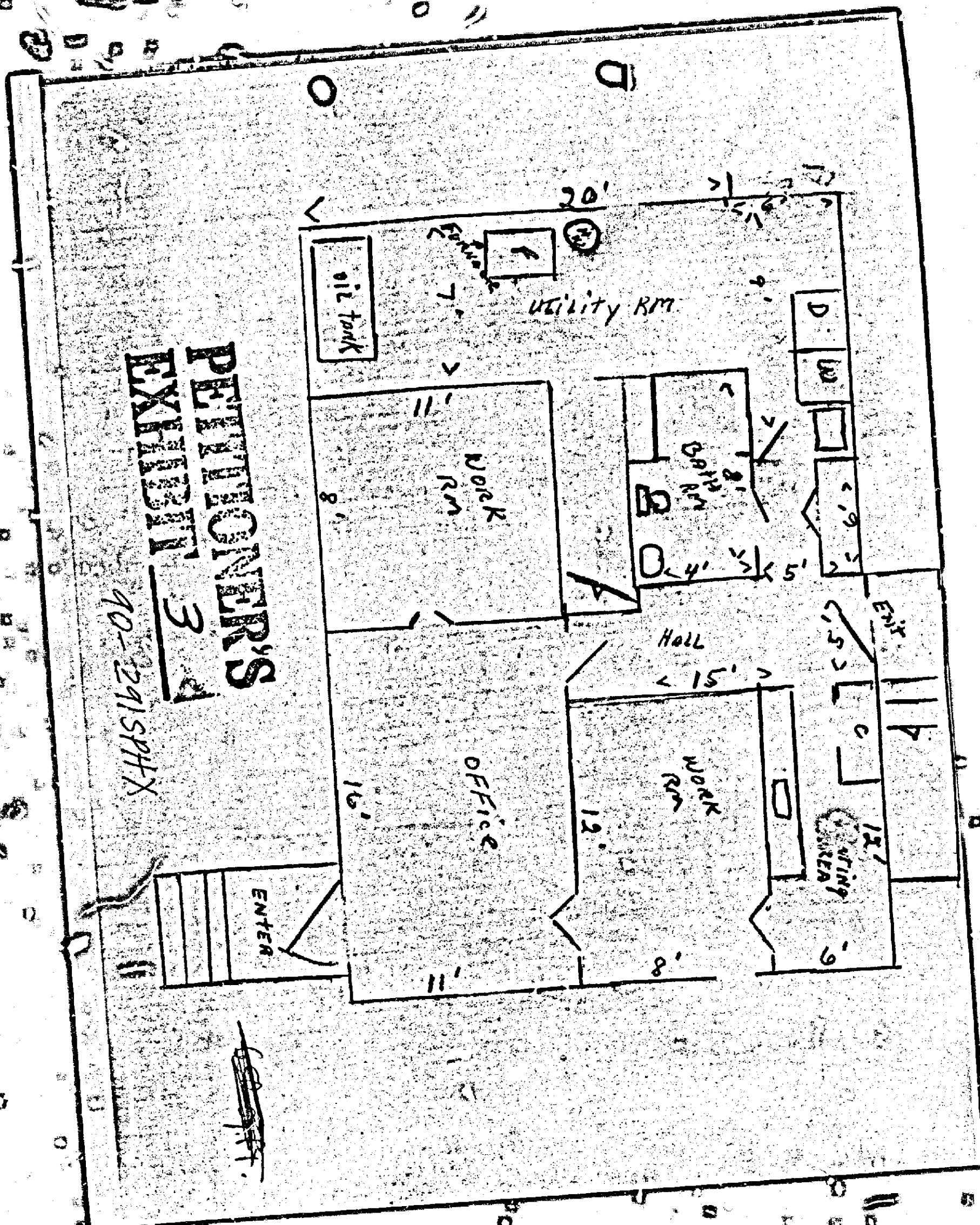
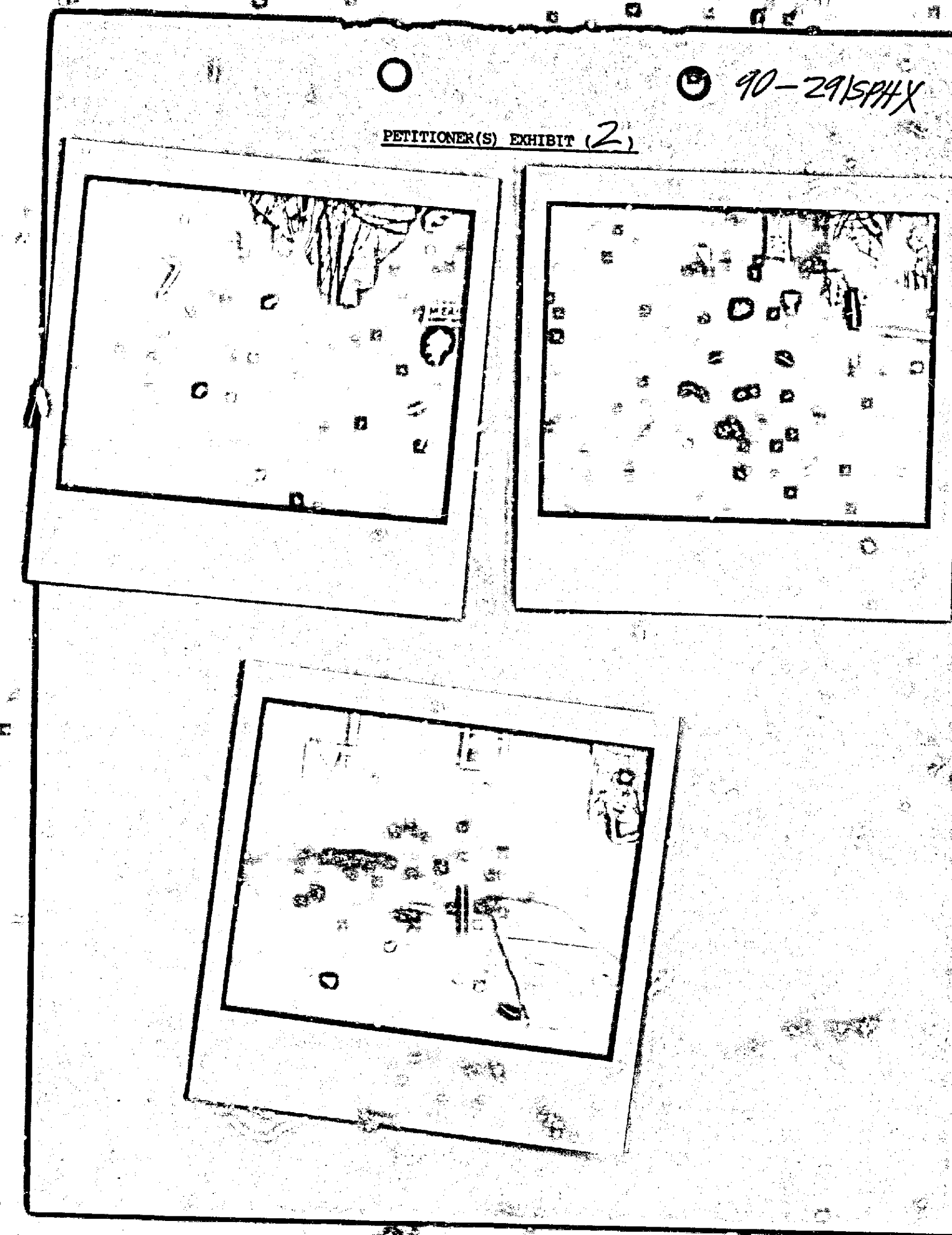
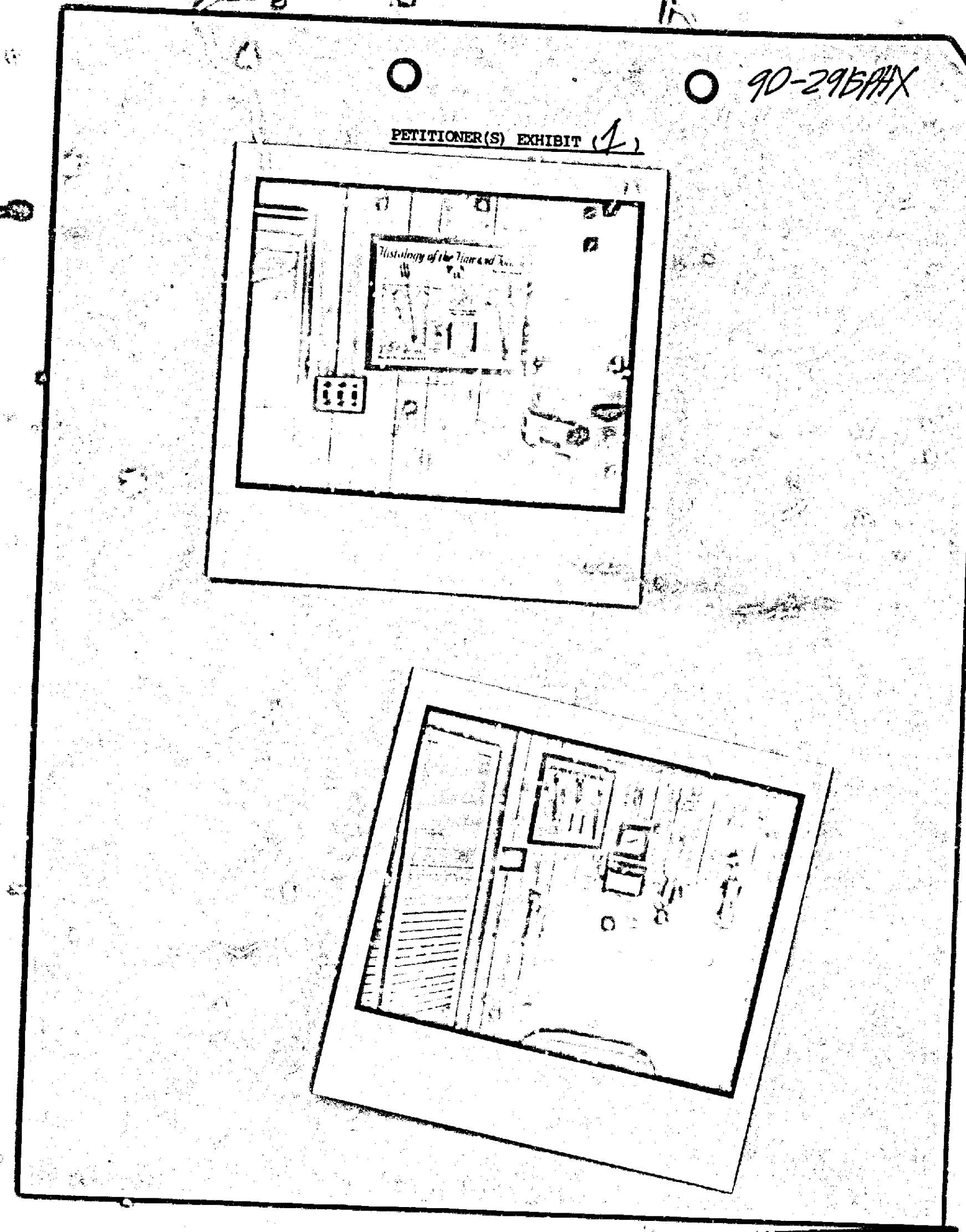
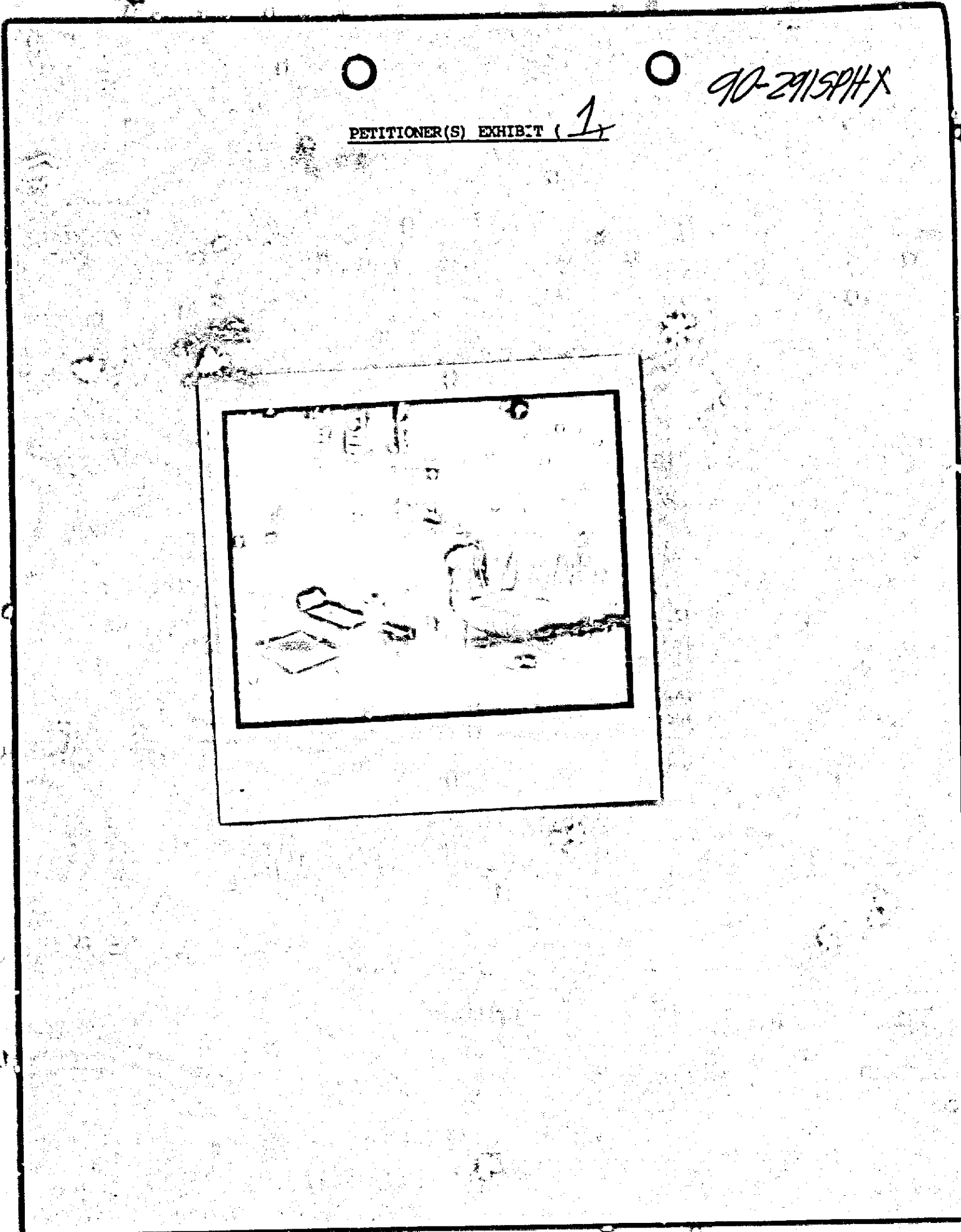
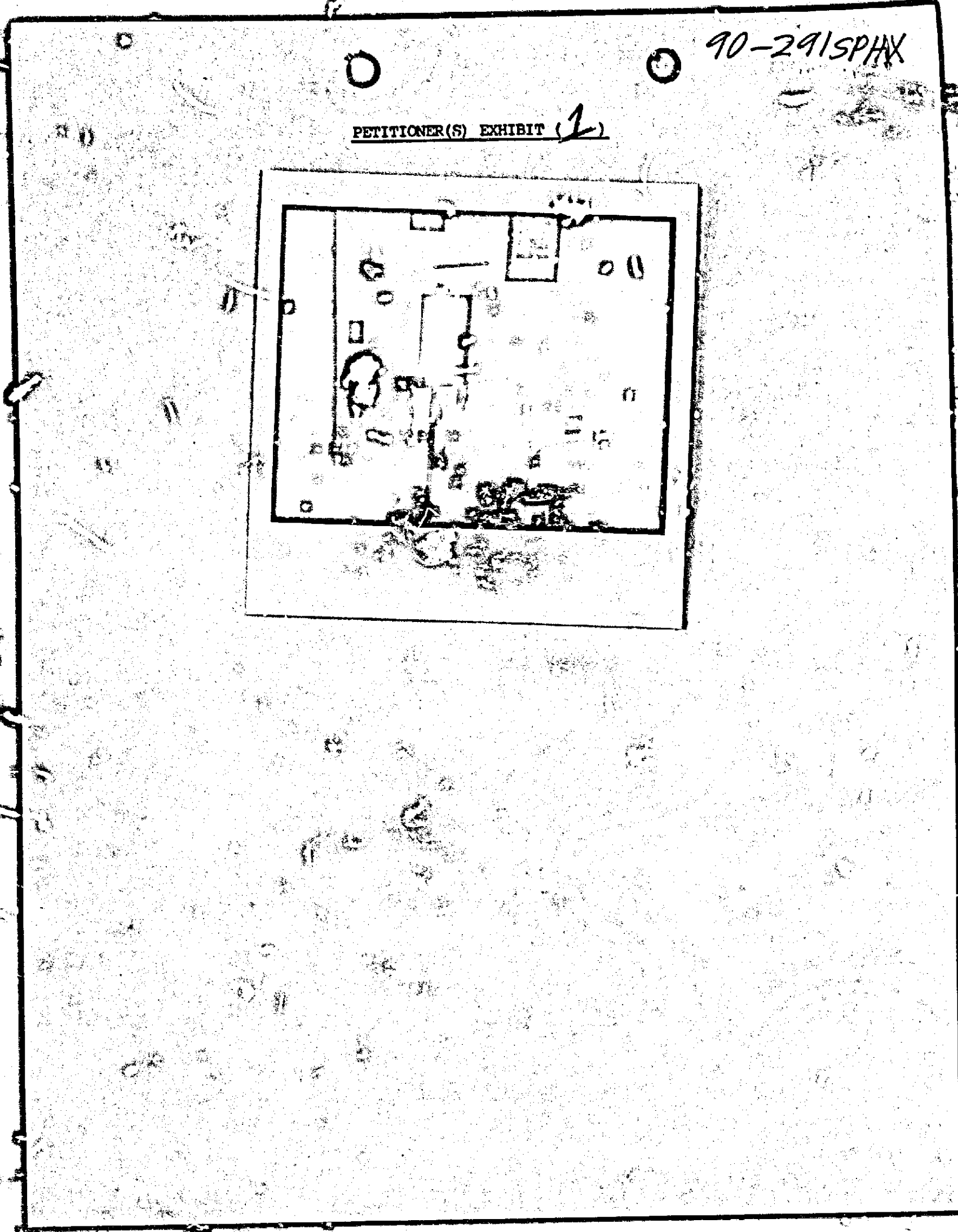
REVISIONS	
BY	DATE
Topographic	MAPS, 4-11-70
INC	12-31-81
225	31 Aug. 87

SCALE	1" = 330'
DATE OF PHOTOGRAPHY	APRIL 1953

LOCATION	HAMPTON GREENRIDGE
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SHEET	N.E. 12-A
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Topography Compiled By Photogrammetric Methods
 AERO SERVICE CORPORATION-PHILADELPHIA, PA



Department of Anesthesiology
301578-5209

January 25, 1990

Mr. John Howard, Esq.
Venable, Baetjer, and Howard
Attorneys at Law
210 Allegheny Ave.
P.O. Box 5517
Towson, Maryland 21285-5517

Dear Mr. Howard:

I have been a client of Mr. Albert Almony for almost one year. For the past seven years, I have suffered from severe arthritis and a muscle disease, called polymyositis. These chronic illnesses necessitate the administration of steroid therapy. While steroids do much to control my illness, unfortunately they have some rather devastating side effects. One of these side effects was severe thinning and loss of my hair. My appearance was altered to such an extent that I was reluctant to go out socially. However, after using Al's services for this past year, I feel good about myself and how I look.

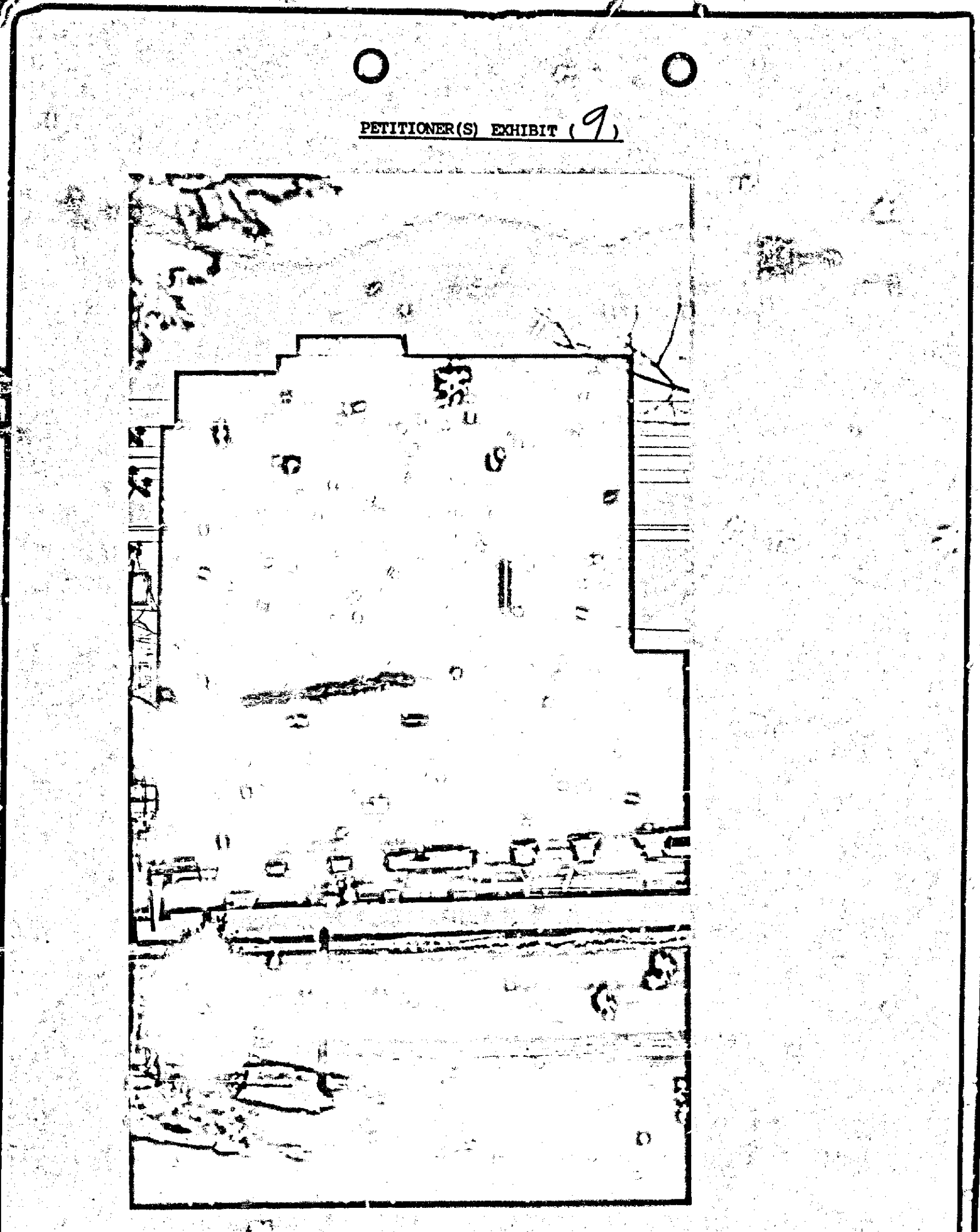
I have never seen more than two clients in Al's shop at any one time. This helps maintain his client's confidentiality, as well as a low profile image. His shop is clean and well managed. I cannot understand anyone's objection to its existence.

As a long standing employee of Sina Hospital, I have referred Al's services to the Chemotherapy Department of Oncology. This includes a newly organized Pediatric Division. The confidence that people gain when their image is once again intact is gratifying, and Al has much to do with this through his expertise.

PETITIONER'S EXHIBIT 6

Beloved at Greenspring, Baltimore, Maryland 21215-5271
An Agency of the Associated Anesthetists and Veterans Fund

PETITIONER(S) EXHIBIT (9)



IN THE MATTER OF THE APPLICATION OF WILLIAM ALBERT ALMONY, ET UX FOR A SPECIAL HEARING AND SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE NORTHEAST SIDE SEMINARY AVE., 51' EAST OF C/L YORK RD. (14 E. SEMINARY AVE.) 8TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter came to the Board on appeal from a decision of the Zoning Commissioner which denied the subject Petitions. WHEREAS, the Board is in receipt of Appellants' Withdrawal of Appeal filed by David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, Counsel for Petitioners/Appellants, on July 3, 1991 (a copy of which is attached hereto and made a part hereof); and WHEREAS, said Counsel for said Petitioners/Appellants request that the appeal be dismissed and withdrawn as of July 3, 1991;

IT IS HEREBY ORDERED this 9th day of July, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

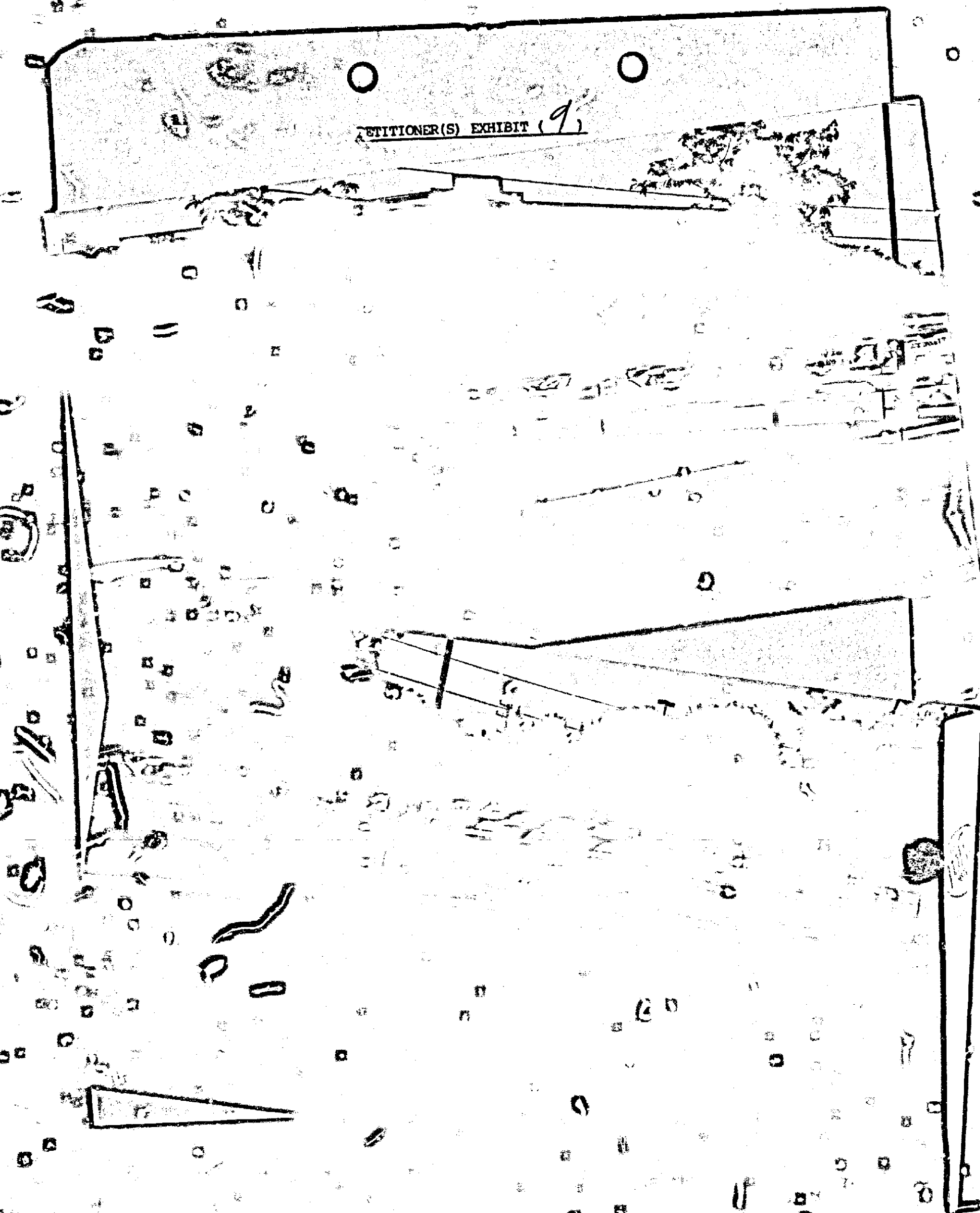
6/21/90 - Following parties notified of hearing set for December 10:00 a.m.:

- David Freishtat, Esquire
Raymond Daniel Burke, Esquire
Mr. and Mrs. William Almony
Mr. Locke Thomsen
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastorowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

11/21/90 - Above parties notified of POSTPONEMENT of December 7, 1990 hearing as of Counsel for Appellant. No reset date at this time.

7/03/91 - Appellants' Withdrawal of Appeal received by CBA from Appellants' Counsel. Order of Dismissal to be issued.

PETITIONER(S) EXHIBIT (9)



WILLIAM ALBERT ALMONY, et ux NE/s Seminary Ave., 51' E of c/l York Road (14 E. Seminary Ave.) 8th Election District 4th Councilmanic District

SPH - Hair Replacement Business As Professional Offices
SE - Professional Offices
3/14/90 - Z.C.'s Order DENYING Petitions

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

OF BALTIMORE COUNTY

Case No.: 90-291-SPHX

3/14/90 - Z.C.'s Order DENYING Petitions

APPELLANTS' WITHDRAWAL OF APPEAL

The Appellants, William A. Almony and Mary A. Almony, by their attorneys, David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, pursuant to Rule 3.b. of the Rules of Practice and Procedure of the County Board of Appeals, hereby withdraw the above captioned appeal, the business in question having been successfully relocated.

David Freishtat Esq.
Raymond Daniel Burke

FREISHTAT & SANDLER
Suite 1500
One Calvert Plaza
201 East Baltimore Street
Baltimore, Maryland 21202
(301) 727-7740

FREISHTAT & SANDLER
ATTORNEYS AT LAW
ONE CALVERT PLAZA
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21202
301-727-7740

Rec'd 7/03/91
CBA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 1st day of July, 1991, a copy of the foregoing Appellants' Withdrawal of Appeal was mailed, postage prepaid, to:

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Arnold Jablon, Esquire
Baltimore County Attorney
Court House
Towson, Maryland 21204

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
County Office Building
Room 304
111 West Chesapeake Avenue
Towson, Maryland 21204

Mr. Locke Thomsen
1523 Pickett Road
Lutherville, Maryland 21093

Mr. P. Bruce Austensen
Reisterstown and Delight Roads
Reisterstown, Maryland 21136

Raymond Daniel Burke

FREISHTAT & SANDLER
ATTORNEYS AT LAW
ONE CALVERT PLAZA
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21202
301-727-7740

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 9, 1991

Raymond Daniel Burke, Esquire
FREISHTAT & SANDLER
201 E. Baltimore Street
Suite 1500
Baltimore, MD 21202

RE: Case No. 90-291-SPHX
William Albert Almony, et ux

Dear Mr. Burke:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Kathleen C. Weidenhammer
Administrative Assistant

encl

- cc: Mr. & Mrs. William Almony
Mr. Locke Thomsen
Mr. P. Bruce Austensen
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotrocco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

J. Robert Haines
Zoning Commissioner

May 1, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21284

RE: Petition for Special Hearing and Special Exception
NES Seminary Avenue, 51' E of c/1 of York Road
(14 East Seminary Avenue)
8th Election District, 4th Councilmanic District
WILLIAM ALBERT ALMONY, ET UX - Petitioners
Case No. 90-291-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 12, 1990 by David Freishtat and Raymond Daniel Burke, Attorneys on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer
Enclosures

cc:

William & Mary Almony, 14 E. Seminary Ave., Lutherville, MD 21093

David Freishtat & Raymond Daniel Burke - Freishtat & Sandler
Suite 1500 One Calvert Plaza,
201 East Baltimore Street, Balto., MD 21202

John B. Howard, 210 Allegheny Avenue, Towson, Maryland 21284

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21284

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
NES Seminary Avenue
51' E of c/1 of York Road
14 East Seminary Avenue
8th Election District
4th Councilmanic
William Albert Almony, et ux.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No.:
90-291-SPHX

PETITIONERS' NOTICE OF APPEAL

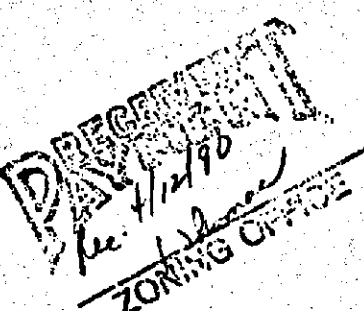
The Petitioners, William A. Almony and Mary A. Almony, by their attorneys, David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, pursuant to Article 5 of the Baltimore County Zoning Regulations, hereby give notice of their appeal to the Board of Appeals of the decision of the Zoning Commissioner in the above referenced matter dated March 14, 1990, finding on the Petition for Special Hearing that the subject activity is not one within the scope of Section 1B01.1.C.9B, denying the Petition for Special Exception under that Section, and declining to find that the subject use is a permitted "home occupation" under Section 101.

David Freishtat / RD
David Freishtat

Raymond Daniel Burke
Raymond Daniel Burke

FREISHTAT & SANDLER
Suite 1500
One Calvert Plaza
201 East Baltimore Street
Baltimore, Maryland 21202
(301) 727-7740

FREISHTAT & SANDLER
ATTORNEYS AT LAW
SUITE 1500 CALVERT PLAZA
201 EAST BALTIMORE ST.
BALTIMORE, MD 21202
301-727-7740



IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
NES Seminary Avenue
51' E of c/1 of York Road
14 East Seminary Avenue
8th Election District
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William Albert Almony, et ux.
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BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No.:
90-291-SPHX

PETITIONERS' NOTICE OF APPEAL

The Petitioners, William A. Almony and Mary A. Almony, by their attorneys, David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, pursuant to Article 5 of the Baltimore County Zoning Regulations, hereby give notice of their appeal to the Board of Appeals of the decision of the Zoning Commissioner in the above referenced matter dated March 14, 1990, finding on the Petition for Special Hearing that the subject activity is not one within the scope of Section 1B01.1.C.9B, denying the Petition for Special Exception under that Section, and declining to find that the subject use is a permitted "home occupation" under Section 101.

David Freishtat / RD
David Freishtat

Raymond Daniel Burke
Raymond Daniel Burke

FREISHTAT & SANDLER
Suite 1500
One Calvert Plaza
201 East Baltimore Street
Baltimore, Maryland 21202
(301) 727-7740

FREISHTAT & SANDLER
ATTORNEYS AT LAW
SUITE 1500 CALVERT PLAZA
201 EAST BALTIMORE ST.
BALTIMORE, MD 21202
301-727-7740

FREISHTAT & SANDLER
ATTORNEYS AT LAW

(300) 727-7740

April 12, 1990

HAND DELIVERED

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21284

Re: William A. Almony, et ux., Petitioners
Case No.: 90-291-SPHX

Dear Mr. Haines:

Enclosed please find the Petitioners' Notice of Appeal to the Board of Appeals from the decision, dated March 14, 1990, rendered in the above referenced matter, along with our check payable to Baltimore County, Maryland in the amount of \$325.00. (special hearing: \$125.00; special exception: \$175.00; sign: \$25.00).

The order embodied in the decision from which the appeal is taken included the direction that the activity which was the subject of the Petitions cease and desist on or before July 31, 1990. In light of the appeal, I am requesting that you confirm that this portion of the order is stayed pending the decision of the Board of Appeals.

There are also two companion District Court proceedings pending: J. Robert Haines v. A.A. Enterprises, Inc., and J. Robert Haines v. Mary and William Almony. Case Nos. 1842-89 and 1843-89. Trial of these cases is scheduled for June 20, 1990. Accordingly, I am also requesting that these matters

30 APR 16 PM 12:39
RECEIVED
COUNTY BOARD OF APPEALS

201 EAST BALTIMORE STREET, SUITE 1500, BALTIMORE, MARYLAND 21202

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
ROCKVILLE, MD
ROCKVILLE, VA
ROCKVILLE, MD
BETH LEAH, MD

210 ALLEGHENY AVENUE
P.O. BOX 8877
TOWSON, MARYLAND 21286-8877
(301) 887-4111
FAX (301) 887-4127

REGARD TO: VENABLE & BAETJER (1988-1989)
EDWIN S. BAETJER (1989-1990)
CHARLES W. HOWARD (1990-1991)

ROBERT A. HOFFMAN

494-9102

MAY 9, 1990

TELECOPIER
301-727-7356

HAND DELIVERY

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21284
Attention: Kathy Weidenhammer

Dear Kathy:

As you will note from the attached Notice of Hearing, the Petitioners in this case are now represented by David Freishtat and Raymond Daniel Burke. Accordingly, please withdraw the appearance of John B. Howard in this case.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH:ons
Enclosure
cc: William and Mary Almony

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

J. Robert Haines
Zoning Commissioner

May 1, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21284

RE: Petition for Special Hearing and Special Exception
NES Seminary Avenue, 51' E of c/1 of York Road
(14 East Seminary Avenue)
8th Election District, 4th Councilmanic District
WILLIAM ALBERT ALMONY, ET UX - Petitioners
Case No. 90-291-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 12, 1990 by David Freishtat and Raymond Daniel Burke, Attorneys on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer
Enclosures

cc:

William & Mary Almony, 14 E. Seminary Ave., Lutherville, MD 21093

David Freishtat & Raymond Daniel Burke - Freishtat & Sandler
Suite 1500 One Calvert Plaza,
201 East Baltimore Street, Balto., MD 21202

John B. Howard, 210 Allegheny Avenue, Towson, Maryland 21284

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21284

RECEIVED
COUNTY BOARD OF APPEALS
MAY 9 - 9 PM 1:14

FREISHTAT & SANDLER

J. Robert Haines, Esquire
April 12, 1990
Page 2

be continued pending the outcome of the appeal, and, by copy of this letter, am so advising the Assistant County Attorney and the Zoning Inspector. Please apprise me of the County's position in this regard so that I may make the appropriate filing with the District Court.

With thanks for your cooperation, I am

Very truly yours,

Raymond Daniel Burke

Raymond Daniel Burke

RDB/smr

Enclosure

cc: Board of Appeals of Baltimore County (via First Class Mail)
Timothy M. Kotroco, Esquire (via First Class Mail)
Mr. Kevin R. Connor (via First Class Mail)
Phyllis C. Friedman, Esquire (via First Class Mail)

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21284
(301) 887-3150

May 9, 1990

Mr. Locke Thomsen
1523 Pickett Road
Timonium, Maryland 21093

Re: Case No. 90-291-SPHX (William Albert Almony, et ux)

Dear Mr. Thomsen:

Enclosed please find a copy of the Zoning Commissioner's Order dated March 14, 1990 as requested. Also, please be advised that your name has been added to our file as an interested party.

If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,
Linda Lee M. Kuzsnaul
Linda Lee M. Kuzsnaul
Legal Secretary

Enclosure

FREISHTAT & SANDLER
ATTORNEYS AT LAW
WILLIAM ALBERT ALMONY, et ux
111 West Chesapeake Avenue
Towson, Maryland 21284
(301) 727-7740

DAVID FREISHTAT
RAYMOND DANIEL BURKE
ROBERT M. KUSZMAUL
JOHN CAROL BODENACK
LLOYD I. SHAPIRO
ABRAHAM F. DYER
BARBARA L. SOLOMON
LYNN WEINBERG

TELECOPIER
301-727-7356

November 14, 1990

Ms. Linda Lee M. Kuzmaul
Legal Secretary
County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Re: William Albert Almony, et ux
Case No.: 90-291-SPHX

Dear Ms. Kuzmaul:

Enclosed is the Appellants' Request for Postponement. The hearing in this matter is currently scheduled for Friday, December 7, 1990. Accordingly, I would appreciate the Board's consideration of this request at its earliest opportunity.

With thanks for your assistance in this regard I am,

Very truly yours,
Raymond Daniel Burke
Raymond Daniel Burke

RDB/smr
cc: Mr. William A. Almony

201 EAST BALTIMORE STREET, SUITE 1500, BALTIMORE, MARYLAND 21202

FREISHTAT & SANDLER
ATTORNEYS AT LAW
DAVID FREISHTAT
RAYMOND DANIEL BURKE
ROBERT M. KUSZMAUL
JOHN CAROL BODENACK
LLOYD I. SHAPIRO
ABRAHAM F. DYER
BARBARA L. SOLOMON
LYNN WEINBERG

TELECOPIER
301-727-7356

July 1, 1991

Ms. Linda Lee M. Kuzmaul
Legal Secretary
County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Re: William Albert Almony, et ux
Case No.: 90-291-SPHX

Dear Ms. Kuzmaul:

Enclosed is the Appellants' Withdrawal of Appeal for filing in the above referenced matter.

Thank you for your assistance and cooperation in this regard.

Very truly yours,
Raymond Daniel Burke
Raymond Daniel Burke

RDB/smr
cc: Mr. William A. Almony

201 EAST BALTIMORE STREET, SUITE 1500, BALTIMORE, MARYLAND 21202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

90-291-SPHX

NAME	ADDRESS
JOHN B. HOWARD	ATTORNEY - 210 ALLEGAN AVE - 21204
ROBERT A. HEFFMAN	14 E. Seminary Ave. 21093
William A. Almony	14 E. Seminary Ave. 21093
Mary A. Almony	10708 Angler Hill Rd. Cockeysville 21030
Philip BERRIGER	515 St. Francis Rd. Towson 21284
John Davidson	2312 Tarleton Lane, Balto 21234
Sue Williamson	Baltimore, Md 21212
Raymond Daniel Burke	14 E. Seminary Ave. 21093
Raymond Daniel Burke	201 EAST BALTIMORE AVE TOWSON 21204
ELL KIRWIN	

NOTICE OF APPEAL

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No.: 90-291-SPHX

Petitioners: William Albert Almony, et ux

Petitioners:

PETITIONERS' NOTICE OF APPEAL

The Petitioners, William A. Almony and Mary A. Almony, by their attorneys, David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, pursuant to Article 5 of the Baltimore County Zoning Regulations, hereby give notice of their appeal to the Board of Appeals of the decision of the Zoning Commission in the above referenced matter dated March 14, 1990, finding on the Petition for Special Hearing that the subject activity is not one within the scope of Section 1501.1.C.9B, denying the Petition for Special Exception under that Section, and declining to find that the subject use is a permitted "home occupation" under Section 101.

David Freishtat
Raymond Daniel Burke

FREISHTAT & SANDLER
Suite 1500
One Calvert Plaza
201 East Baltimore Street
Baltimore, Maryland 21202
(301) 727-7740

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21284
(301) 494-3180

HEARING ROOM - Room 301
County Office Building
November 21, 1990
NOTICE OF POSTPONEMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-291-SPHX

WILLIAM ALBERT ALMONY, ET UX
NE/S Seminary Ave., 51' E of c/1
York Road (14 E. Seminary Ave.)
8th Election District
4th Councilmanic District

SPH - Hair replacement business as professional office;
SE - Professional Offices

3/14/90 - Z.C.'s Order DENYING Petitions, which had been scheduled for hearing on December 7, 1990 has been POSTPONED at the request of Counsel for Appellant with no reset date at this time.

cc: David Freishtat, Esquire - Counsel for Petitioners/Appellants
Raymond Daniel Burke, Esquire
Mr. and Mrs. William Almony
Mr. Locke Thomsen
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Linda Lee M. Kuzmaul
Legal Secretary

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21284
(301) 494-3180

HEARING ROOM - Room 301
County Office Building
August 21, 1990
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 90-291-SPHX

WILLIAM ALBERT ALMONY, ET UX
NE/S Seminary Ave., 51' E of c/1
York Road (14 E. Seminary Ave.)
8th Election District
4th Councilmanic District

SPH - Hair replacement business as professional office;
SE - Professional Offices

3/14/90 - Z.C.'s Order DENYING Petitions.

ASSIGNED FOR: FRIDAY, DECEMBER 7, 1990 at 10:00 a.m.

cc: David Freishtat, Esquire - Counsel for Petitioners/Appellants
Raymond Daniel Burke, Esquire
Mr. and Mrs. William Almony - Petitioners/Appellants
Mr. Locke Thomsen
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Linda Lee M. Kuzmaul
Legal Secretary

11/14/90
Appellants reset date
at request of Counsel
for Appellant

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Thomas J. Garvey	19 Thornhill Rd 21093
Mary Jo McManis	19 Thornhill Rd 21093
Kathy Thomsen	1523 Pickett Rd 21093
John Thomsen	1523 Pickett Rd 21093

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No.: 90-291-SPHX

Petitioners: William Albert Almony, et ux

Petitioners:

PETITIONERS' NOTICE OF APPEAL

The Petitioners, William A. Almony and Mary A. Almony, by their attorneys, David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, pursuant to Article 5 of the Baltimore County Zoning Regulations, hereby give notice of their appeal to the Board of Appeals of the decision of the Zoning Commission in the above referenced matter dated March 14, 1990, finding on the Petition for Special Hearing that the subject activity is not one within the scope of Section 1501.1.C.9B, denying the Petition for Special Exception under that Section, and declining to find that the subject use is a permitted "home occupation" under Section 101.

David Freishtat
Raymond Daniel Burke

FREISHTAT & SANDLER
Suite 1500
One Calvert Plaza
201 East Baltimore Street
Baltimore, Maryland 21202
(301) 727-7740

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1990

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21286

RE: /Item No. 145, Case No. 90-791-SPHX
Petitioner: William A. Almony, et ux
Petition for Special Exception and
Special Hearing

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with your referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing is scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINKSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee


JED:jw

Enclosures

cc: Mr. & Mrs. William A. Almony
14 East Seminary Avenue
Lutherville, MD 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-8383

J. Robert Haines
Zoning Commissioner


Dennis F. Easumussen
County Executive

Your petition has been received and accepted for filing this _____ day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: William A. Almony, et ux
Petitioner's Attorney: John B. Howard

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: January 2, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: William Albert Almony, Item 145
Zoning Petition No. 90-291

The Petitioner requests a Special Exception for professional offices (hair replacement business) pursuant to Section 1231.1C9B of the Zoning Regulations, the said property being the professional person's primary residence and the said office not to occupy more than 25% of the total floor area; and the Special Hearing to approve a hair replacement business as a professional office.

In reference to the Petitioner's request, staff offers the following comments:

- Staff contacted the Petitioner's attorney regarding whether the hair replacement profession requires licensing or specialized education. To date, the requested information has not been provided.
- Staff contacted the State of Maryland Cosmetology Department to ascertain if licensing is required for the purposes of hair replacement. We were advised that several methods of hair replacement are employed and that only hair weaving is licensed by their department. They further advised that without additional information, specific requirements for the proposed use would be impossible to address.
- In the matter of Richard A. Dala Fezza, Case No. 85-78-X, the Zoning Commissioner cited several cases involving the issue of what constitutes a professional person.
- In 1986, a trader's license was issued for the Petitioner's property on the assumption that it was zoned B.L. However, the property is, in fact, zoned D.R.-5.5.
- The property was subject to a map issued during the 1988 Comprehensive Map process (see Item 4-0130). The requested change from D.R.-5.5 to B.L. was denied by the County Council.

JAN 09 1990

William Albert Almony, Item 145
Page 2
January 2, 1990

A representative from the Bridlewood Community Association filed a complaint regarding the use of this property as a beauty shop. After the complaint was filed, the Petitioner filed the instant case.

Based upon an analysis of this request, a review of Case No. 85-78-X, and the information provided, staff recommends denial of the Petitioner's request.


If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

EK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21284
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21284


Dennis F. Easumussen
County Executive

RECEIVED
NOV 16 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 145, 146, and 149.

Very truly yours,


Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21284-2586
(301) 887-4500

Paul H. Eubanks
Chief

NOVEMBER 6, 1989


Dennis F. Easumussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: WILLIAM ALBERT ALMONY
Location: #14 EAST SEMINARY AVENUE
Item No.: 145 Zoning Agenda: NOVEMBER 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl W. Brady* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 19, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 7, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 146, 147, 148 and 149.

For Case No. 89-406-1A the creation of the lot for the station leaves residence #8907 without frontage.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

5332 EMORY ROAD - UPPERCO, MD. 21155
C. A. Myers 90-291-SPHX #145
 State Registered Surveyor No. 2783
 PHONE: 429-5079

ALL that lot or parcel of land situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING on the North side of East Seminary Avenue at a point 519 feet East of the centerline of York Road, thence along the North side of East Seminary Avenue, North 74 degrees 58 minutes 00 seconds East 100.00 feet, thence North 15 degrees 02 minutes 00 seconds West 132.75 feet, South 73 degrees 40 minutes 00 seconds East 100.00 feet and South 15 degrees 02 minutes 00 seconds East 180.49 feet to the beginning, containing four hundred seventeen thousandths of an acre (0.417) of land more or less.

BEING all of the Deed from T. Merrill Galloway and wife to William Albert Almony and Mary Angela Almony, his wife, dated September 21, 1981, recorded in Liber E.H.K.Jr. No. 6329 folio 523 etc.

AS prepared September 10, 1989.

C.A.M.
C. A. Myers, SURVEYOR
 No. 2783
 STATE OF MARYLAND

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines November 30, 1990

FROM: James E. Dyer

SUBJECT: 14 E. Seminary Avenue
 Hair Replacement Business

I met with Mr. Almony some time ago. At which time I expressed doubt that his use would fall into the category of an office. However, I did indicate that I would discuss the matter with you and upon discussing same with you it was determined that the use could be in an R.O. office zone. As a result of this discussion, I wrote to Mr. Almony's attorney, Raymond D. Burke of Freishtat & Sandler and informed him that I had reviewed same with the Zoning Commissioner and the use was acceptable in an R.O. zone.

I have not heard anything since that time. There is, however, a letter in the file from David Fields indicating that the waiver of the C.R.G. meeting on the subject project was granted, but the Waiver on the CRG Plan was denied with a request that the CRG Plan be submitted to the Bureau of Public Services.

I have no further information at this time.

J.E.D.
 James E. Dyer
 Zoning Supervisor

JED:cer

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3333
 J. Robert Haines
 Zoning Commissioner

May 1, 1990

Dennis F. Rasmussen
 County Executive

Baltimore County Board of Appeals
 County Office Building, Room 315
 Towson, Maryland 21204

RE: Petition for Special Hearing and Special Exception
 NES Seminary Avenue, 51' E of c/l of York Road
 (14 East Seminary Avenue)
 8th Election District, 4th Councilmanic District
 WILLIAM ALBOMONY, ET UX - Petitioners
 Case No. 90-291-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 12, 1990 by David Freishtat and Raymond Daniel Burke, Attorneys on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner

JRH:cer
 Enclosures

cc: William & Mary Almony, 14 E. Seminary Ave., Lutherville, MD 21093

David Freishtat & Raymond Daniel Burke - Freishtat & Sandler
 Suite 1500 One Calvert Plaza,
 201 East Baltimore Street, Balto., MD 21202

John B. Howard, 210 Allegheny Avenue, Towson, Maryland - 21204

People's Counsel of Baltimore County
 Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL
 Petition for Special Hearing and Special Exception
 NES Seminary Avenue 51' E of c/l of York Road
 (14 E. Seminary Avenue)
 8th Election District - 4th Councilmanic District
 WILLIAM ALBOMONY, ET UX - Petitioner
 Case No. 90-291-SPHX

Petition for Special Hearing and Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits:

1. Four photographs of office interior
2. Three photographs of office exterior
3. Flat to accompany petition
4. Floor Plan of office
5. Floor Plan of second floor
6. Flat to accompany SPX Petition
7. Letters of support from clients
8. Photographic Map
9. Photogrammetric Map
10. Four photographs of area businesses

Zoning Commissioner's Order dated March 14, 1990 (Denied)

Notice of Appeal received April 12, 1990 from David Freishtat and Raymond Daniel Burke, Attorneys on behalf of the Petitioner.

cc: William & Mary Almony, 14 E. Seminary Ave., Lutherville, MD 21093

David Freishtat & Raymond Daniel Burke - Freishtat & Sandler
 Suite 1500 One Calvert Plaza,
 201 East Baltimore Street, Balto., MD 21202

John B. Howard, 210 Allegheny Avenue, Towson, Maryland 21204

People's Counsel of Baltimore County
 Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
 Patrick Kellie, Office of Planning & Zoning
 J. Robert Haines, Zoning Commissioner
 Ann M. Nastarowicz, Deputy Zoning Commissioner
 James E. Dyer, Zoning Supervisor
 M. Carl Richards, Jr., Zoning Coordinator
 Docket Clerk
 Arnold Jablon, County Attorney

FREISHTAT & SANDLER
 ATTORNEYS AT LAW
 900-727-7140

TELECOMER
 301-727-7256

April 12, 1990

HAND DELIVERED

J. Robert Haines, Esquire
 Baltimore County Zoning Commissioner
 County Office Building
 Room 109
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Re: William A. Almony, et ux., Petitioners
 Case No.: 90-291-SPHX

Dear Mr. Haines:

Enclosed please find the Petitioners' Notice of Appeal to the Board of Appeals from the decision, dated March 14, 1990, rendered in the above referenced matter, along with check payable to Baltimore County, Maryland in the amount of \$325.00, (special hearing: \$125.00; special exception: \$175.00; sign: \$25.00).

The order embodied in the decision from which the appeal is taken included the direction that the activity which was the subject of the Petition cease and desist on or before July 31, 1990. In light of the appeal, I am requesting that you confirm that this portion of the Order is stayed pending the decision of the Board of Appeals.

There are also two companion District Court proceedings pending: J. Robert Haines v. A.A. Enterprises, Inc. and J. Robert Haines v. Mary and William Almony, Case Nos. 1842-89 and 1843-89. Trial of these cases is scheduled for June 20, 1990. Accordingly, I am also requesting that these matters

201 EAST BALTIMORE STREET SUITE 1500, BALTIMORE, MARYLAND 21202

FREISHTAT & SANDLER

J. Robert Haines, Esquire
 April 12, 1990
 Page 2

be continued pending the outcome of the appeal, and, by copy of this letter, am so advising the Assistant County Attorney and the Zoning Inspector. Please apprise me of the County's position in this regard so that I may make the appropriate filing with the District Court.

With thanks for your cooperation, I am

Very truly yours,
Raymond Daniel Burke
 Raymond Daniel Burke

RDB/smr
 Enclosure

cc: Board of Appeals of Baltimore County (via First Class Mail)
 Timothy M. Kotroco, Esquire (via First Class Mail)
 Mr. Kevin R. Connor (via First Class Mail)
 Phyllis C. Friedman, Esquire (via First Class Mail)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
 AND SPECIAL HEARING : OF BALTIMORE COUNTY
 NE Seminary Ave., 51' E of C/L :
 York Rd. (14 E. Seminary Ave.) :
 8th Election District :
 4th Councilmanic District :

WILLIAM A. ALBOMONY, et ux., : Case No. 90-291-SPHX
 Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 304, County Office Building
 Towson, Maryland 21204
 887-2188

I HEREBY CERTIFY that on this 19th day of December, 1989, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., P.O. Box 5517, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
 Peter Max Zimmerman

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 8th
 Date of Posting: 11/26/89

Posted for: Special Hearing & Special Exception

Petitioner: William Albert Almony, et ux.

Location of property: NES Seminary Ave., 51' E of York Rd.

Location of Sign: Facing Seminary Ave. across 70' E. of York Rd. on property of G.H. Hovner

Remarks:

Posted by: *William A. Almony* Date of return: 1/5/90

Number of Signs: 7

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County will hold a public hearing on the proposed Special Exception for the use of a building for the purpose of a hair replacement business, pursuant to Section 1801.1.C.98 of the Baltimore County Zoning Ordinance, at the County Office Building, Room 106, 111 West Chesapeake Avenue, Towson, Maryland 21284, on Thursday, January 18, 1990, at 9:30 a.m.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec 28 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 28, 1989.

TOWSON TIMES,
S. Lake Olson
Publisher

138-172

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

January 12, 1990

RE: Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-291-SPHX
NE Seminary Avenue, 519' E of c/l of York Road
14 E. Seminary Avenue
8th Election District - 4th Councilmanic
Petitioner(s): William A. Almony, et ux

Dear Mr. Howard:

Please be advised that the above referenced case is hereby postponed due to a scheduling conflict. This case was originally scheduled for Thursday, January 18, 1990 at 9:30 a.m. You will be notified when the hearing has been rescheduled.

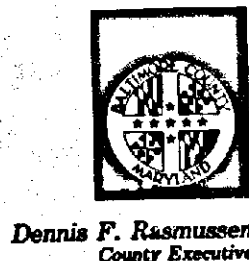
If you have any questions, please do not hesitate to Gwendolyn Stephens at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:acj
cc: Mr. & Mrs. William Almony

COPY 8



Dennis F. Rasmussen
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 1-5-90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. William A. Almony
14 E. Seminary Avenue
Luthersville, Maryland 21093

RE: Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-291-SPHX
NE Seminary Avenue, 519' E of c/l of York Road
14 E. Seminary Avenue
8th Election District - 4th Councilmanic
Petitioner(s): William Albert Almony, et ux
HEARING: THURSDAY, JANUARY 18, 1990 at 9:30 a.m.

Dear Mr. & Mrs. Almony:

Please be advised that a \$185.17 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland, 21284

Date	Account #	Number	Price
1/17/90			
PUBLIC HEARING FEES		QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1	X	\$185.17
TOTAL:			\$185.17

LAST NAME OF OWNER: ALMONY

Cashier Validation:

Please make checks payable to: Baltimore

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner

December 12, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception
CASE NUMBER: 90-291-SPHX
NE Seminary Avenue, 519' E of c/l of York Road
14 E. Seminary Avenue
8th Election District - 4th Councilmanic
Petitioner(s): William Albert Almony, et ux
HEARING: THURSDAY, JANUARY 18, 1990 at 9:30 a.m.

Special Hearing: A hair replacement business as a professional office.
Special Exception: Professional offices (hair replacement business) pursuant to Section 1801.1.C.98 of the Zoning Regulations, the said property being the professional person's primary residence and the said offices not to occupy more than 25% of the total floor area of such residence or to involve the employment of more than 1 nonresident professional associate or 2 other non-resident employees.

In the event that this petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTES
(If "PHASE II" of the "SHOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

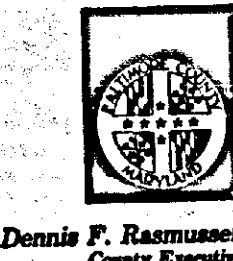
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Almony
John B. Howard, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner

CONFIRMING

January 18, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

90-291-SPHX

Case #(s):
Petitioner(s): William A. Almony, et ux

THE ABOVE MATTER HAS BEEN REASSIGNED.

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

WEDNESDAY, JANUARY 31, 1990 at 2:00 p.m.

BALTIMORE COUNTY OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21284

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Mr. & Mrs. Almony
John B. Howard, Esq.

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Timothy J. Kotroco, Esquire
Office of Law
DATE: November 16, 1990

FROM: J. Robert Haines
Zoning Commissioner

SUBJECT: Petitions for Special Hearing and Special Exception
NE/S Seminary Avenue, 519' E of the c/l of York Road
(14 E. Seminary Avenue)
8th Election District - 4th Councilmanic District
William A. Almony, et ux - Petitioners
Case No. 90-291-SPHX

Referencing the letter to me from Raymond D. Burke, Esquire dated November 5, 1990 regarding the above-captioned matter, a copy of which was forwarded to you, please be advised that I am not opposed to granting his request for an extension of the Board of Appeals hearing. However, if there are any factors of which I am not aware, please advise me as soon as possible. If there are no outstanding problems, we will request the Board for an extension of the hearing for a period of ninety (90) days and advise Mr. Burke accordingly.

Thank you for your attention in this matter.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Kevin Connor, Zoning Enforcement
Case File

FREISHTAT & SANDLER
ATTORNEYS AT LAW

(301) 727-7740

TELECOMER

301-727-7356

November 5, 1990

DAVID FREISHTAT
PHIL SAE SANDLER
RAYMOND E. ALTMAN
RAYMOND D. BURKE
W. MICHAEL MUELEN

ROBERT N. HUBBARD
JOHN CARROLL BRODEUR
LLOYD I. SNOW
AND E. YOUNG
RALPH E. WILSON III
MARIA L. SOLOMON
LYNN WEINBERG

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 106
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: William Albert Almony, et ux.
Case No.: 90-291-SPHX

Dear Mr. Haines:

The above referenced matter is scheduled to be heard before the Board of Appeals on Friday, December 7, 1990. As I believe you are aware, Mr. Almony has secured a new location for the operation of this business at 1416 East Joppa Road. He is in the process of renovating that facility and has obtained all necessary permits, including the approval of your office that the use is acceptable at that location. He has further obtained a waiver from the Office of Planning and Zoning for the CRG Meeting. However, he is still required to submit an CRG Plan.

As you can appreciate, preparation and submission of the CRG Plan takes some time, and it is not likely that approval will be obtained prior to the Board of Appeals hearing. Under the circumstances, it seems entirely wasteful to consume the time and expense involved in the Board of Appeals hearing while an acceptable new location for this activity is pending. Accordingly, I would suggest that we agree to ask the Board of Appeals to continue the hearing for 90 days. This should provide ample time to resolve this matter without further expense to the County or Mr. Almony.

201 EAST BALTIMORE STREET SUITE 1500, BALTIMORE, MARYLAND 21202

FREISHTAT & SANDLER

J. Robert Haines, Esquire
November 5, 1990
Page 2

By copy of this letter, I am advising Mr. Kotroco of this proposal and invite your comments at your earliest convenience.

With thanks for your attention to this matter, I am

Very truly yours,

Raymond Daniel Burke
Raymond Daniel Burke

KDB:ms
cc: Timothy J. Kotroco, Esquire
Mr. William A. Almony

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3353
J. Robert Haines
Zoning Commissioner

May 1, 1990

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Special Exception
NES Seminary Avenue, 51' E of York Road
(14 East Seminary Avenue)
8th Election District, 4th Calhoun District
WILLIAM ALMONY, ET UX Petitioners
Case No. 90-291-SPHX

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on April 12, 1990 by David Freishtat and Raymond Daniel Burke, Attorneys on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer
Enclosures

cc: William & Mary Almony, 14 E. Seminary Ave., Lutherville, MD 21093
David Freishtat & Raymond Daniel Burke - Freishtat & Sandler
Suite 1500 One Calvert Plaza
201 East Baltimore Street, Balto., MD 21202
John B. Howard, 210 Allegheny Avenue, Towson, Maryland 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

DUPLICATE

August 1, 1990

Raymond Daniel Burke, Esquire
Freishtat and Sandler
201 E. Baltimore Street
Suite 1500
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Exception
William A. Almony, et ux, Petitioners
Case No. 90-291-SPHX

Dear Mr. Burke:

I am in receipt of your letter regarding the Petitions for Special Hearing and Special Exception for your clients, William A. Almony and wife.

I understand this matter is on appeal to the Baltimore County Board of Appeals and all enforcement requirements set forth in my Order dated March 14, 1990 are stayed by the Appeal.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm

FREISHTAT & SANDLER
ATTORNEYS AT LAW
(301) 727-7740

RECEIVED
JUL 30 1990
TELECOMER
301-727-7356
ZONING OFFICE

July 27, 1990

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: William A. Almony, et ux., Petitioners
Case No.: 90-291-SPHX

Dear Mr. Haines:

I called your office regarding my letter of July 18, 1990 and was informed that you have been on vacation. I would appreciate it, upon your return, you would call me concerning the above referenced matter. Your Order of March 14, 1990 directed that the subject activity cease and desist on or before July 31, 1990, and I wish to confirm that this portion of the Order is stayed pending the decision of the Board of Appeals. I look forward to hearing from you.

Very truly yours,
Raymond Daniel Burke

RDB/smr
Enclosures
cc: Mr. and Mrs. William Almony

201 EAST BALTIMORE STREET SUITE 1500, BALTIMORE, MARYLAND 21202

FREISHTAT & SANDLER
ATTORNEYS AT LAW
(301) 727-7740

RECEIVED
JUL 20 1990
ZONING OFFICE

July 18, 1990

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: William A. Almony, et ux., Petitioners
Case No.: 90-291-SPHX

Dear Mr. Haines:

A Notice of Appeal to the Board of Appeals from the decision, dated March 14, 1990, in the above referenced matter was filed on April 12, 1990. In my cover letter accompanying the Notice of Appeal, a copy of which is enclosed, I noted that the Order contained in the Findings of Fact and Conclusions of Law included the direction that the subject activity cease and desist on or before July 31, 1990. In light of the appeal, I requested that you confirm decision of the Board of Appeals. Although you transferred the file to the Board of Appeals on May 1, 1990, I have not heard from you concerning the cease and desist portion of the Order.

Additionally, by letter to Mr. Connor dated June 15, 1990, a copy of which is also enclosed, I presented a proposal for resolution of this matter which included relocation of the activity at issue. I have not had an acknowledgment or other response from your office as to that proposal.

201 EAST BALTIMORE STREET SUITE 1500, BALTIMORE, MARYLAND 21202

FREISHTAT & SANDLER
J. Robert Haines, Esquire
July 18, 1990
Page 2

With thanks for your attention to these matters, I am

Very truly yours,
Raymond Daniel Burke

RDB/smr
Enclosures
cc: Mr. and Mrs. William Almony

FREISHTAT & SANDLER
ATTORNEYS AT LAW
(301) 727-7740

TELECOMER
301-727-7356

April 12, 1990

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: William A. Almony, et ux., Petitioners
Case No.: 90-291-SPHX

Dear Mr. Haines:

Enclosed please find the Petitioners' Notice of Appeal to the Board of Appeals from the decision, dated March 14, 1990, rendered in the above referenced matter, along with our check payable to Baltimore County, Maryland in the amount of \$325.00, (special hearing: \$125.00; special exception: \$175.00; sign: \$25.00).

The order embodied in the decision from which the appeal is taken included the direction that the activity which was the subject of the Petitions cease and desist on or before July 31, 1990. In light of the appeal, I am requesting that you confirm that this portion of the Order is stayed pending the decision of the Board of Appeals.

There are also two companion District Court proceedings pending: *J. Robert Haines v. A.A. Enterprises, Inc.* and *J. Robert Haines v. Mary and William Almony*, Case Nos. 1842-89 and 1843-89. Trial of these cases is scheduled for June 20, 1990. Accordingly, I am also requesting that these matters

HAND DELIVERED

201 EAST BALTIMORE STREET SUITE 1500, BALTIMORE, MARYLAND 21202

FREISHTAT & SANDLER
J. Robert Haines, Esquire
April 12, 1990
Page 2

be continued pending the outcome of the appeal, and, by copy of this letter, am so advising the Assistant County Attorney and the Zoning Inspector. Please advise me of the County's position in this regard so that I may make the appropriate filing with the District Court.

With thanks for your cooperation, I am

Very truly yours,
Raymond Daniel Burke

RDB/smr
Enclosure
cc: Board of Appeals of Baltimore County (via First Class Mail)
Timothy M. Kotrocu, Esquire (via First Class Mail)
Mr. Kevin R. Connor (via First Class Mail)
Phyllis C. Friedman, Esquire (via First Class Mail)

FREISHTAT & SANDLER
ATTORNEYS AT LAW
(301) 727-7740

TELECOMER
301-727-7356

June 15, 1990

Mr. Kevin R. Connor
Zoning Enforcement Section
Baltimore County Office of Zoning
111 West Chesapeake Avenue
Room 107
Towson, Maryland 21204

J. Robert Haines, Zoning Commissioner
vs. Mary Angela and William Almony
Case No.: 1842-89SP/T
Citation No.: 90-75

J. Robert Haines, Zoning Commissioner
vs. AA Enterprises, Inc. (Hair Forever)
Case No.: 1843-89SP/T
Citation No.: 90-70B

Dear Mr. Connor:

Enclosed is a copy of my letter to Mr. Kotrocu and the Stipulations for Continuance which I have prepared for filing in the above referenced District Court cases.

With regard to our discussion concerning a resolution of this matter, including the appeal to the Board of Appeals, the Almonys have entered into a contract for the purchase of the property at 1416 East Joppa Road. The listing for the property indicates that the zoning is R-O.

201 EAST BALTIMORE STREET SUITE 1500, BALTIMORE, MARYLAND 21202

WILLIAM ALBERT ALMONY, et ux.
NE/s Seminary Ave., 51' of c/1
York Road (14 E. Seminary Ave.)
9th Election District
4th Councilmanic District

BEFORE THE
COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY
Case No.:
90-291-SPHX

SPH Hair Replacement Business
As Professional Office;
SE - Professional Offices

3/14/90 - Z.C.'s order DENYING
Petition's

APPELLANTS' REQUEST FOR POSTPONEMENT

The Appellants, William J. Almony and Mary A. Almony, by their attorneys, David Freishtat, Raymond Daniel Burke and Freishtat & Sandler, pursuant to Rule 2.b. of the Rules of Practice and Procedure of the County Board of Appeals, request that the hearing scheduled in the above captioned matter for December 7, 1990 be postponed, and in support thereof, state as follows:

1. The Appellants operate a therapeutic hair counseling, analysis and replacement business from their home at 14 East Seminary Avenue, which consists of a single family dwelling zoned D.R. 5.5.
2. These services are provided to a small clientele in connection with the analysis and treatment of hair loss resulting from chemotherapy and radiation treatments, psoriasis, reactions to medications, hereditary male pattern baldness, nerve disorders, congenital diseases and alopecia. The office sees approximately six to eight clients per day, four days per week.

FREISHTAT & SANDLER
ATTORNEYS AT LAW
300 ONE CALVERT PLACE
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21204
301-727-7746

3. On or about October 23, 1989, the Appellants filed Petitions for Special Hearing and Special Exception with the Zoning Commissioner. The Petitions sought a finding that the therapeutic hair counseling, analysis and replacement business is within the scope of Section 1B01.1.C.9B of the Baltimore County Zoning Regulations and the granting of a special exception under that Section:

Uses Permitted by Special Exception.
The following uses, only, are permitted by special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed:

9B. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 percent of the total floor area of such residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Alternatively, the Appellants sought a finding that the therapeutic hair counseling, analysis and replacement business is a permitted "home occupation" under Section 101 of the Baltimore County Zoning Regulations:

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.

FREISHTAT & SANDLER
ATTORNEYS AT LAW
300 ONE CALVERT PLACE
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21204
301-727-7746

and in connection with which no commodity is kept for sale on the premises, not more than one person is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment is used except such as may be used for domestic purposes.

4. On January 31, 1990, a hearing was held before the Zoning Commissioner on the Petitions for Special Hearing and Special Exception.

5. On March 14, 1990, the Zoning Commissioner issued his Findings of Fact and Conclusions of Law, pursuant to which he found on the Petition for Special Hearing that the subject activity is not one within the scope of Section 1B01.1.C.9B, denied the Petition for Special Exception under that Section, and declined to find that the subject use is a permitted "home occupation" under Section 101.

6. On April 12, 1990, the Appellants filed their Notice of Appeal to this Board, and, on August 21, 1990, the Board issued its Notice of Assignment scheduling the hearing for Friday, December 7, 1990.

7. On May 26, 1990, Appellants entered into a Contract of Sale for the purchase of the property at 1416 East Joppa Road with the intent of relocating the therapeutic hair counseling, analysis and replacement business from their home on Seminary Avenue to the Joppa Road location, which is zoned R-O and is assessed as a commercial property.

FREISHTAT & SANDLER
ATTORNEYS AT LAW
300 ONE CALVERT PLACE
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21204
301-727-7746

8. The Appellants have subsequently settled on and obtained title to the property at 1416 East Joppa Road for the purpose of relocating the therapeutic hair counseling, analysis and replacement business.

9. The Appellants have undertaken extensive exterior and interior renovations to the property at 1416 East Joppa Road, including grading and construction of a parking area, to accommodate relocation of the therapeutic hair counseling, analysis and replacement business.

10. In connection with undertaking renovations to the property at 1416 East Joppa Road, the Appellants obtained all necessary and required government approvals and permits. In particular, the Appellants obtained the Zoning Commissioner's opinion that operation of the therapeutic hair counseling, analysis and replacement business is an acceptable use in the R-O Zoning applicable to 1416 East Joppa Road. A copy of the letter of the Zoning Supervisor in this regard, dated October 2, 1990, is attached hereto as Exhibit 1.

11. The Appellants also obtained from the Office of Planning and Zoning a waiver from the CRG Meeting with respect to relocation of the therapeutic hair counseling, analysis and replacement business to 1416 East Joppa Road. However, the Appellants are still required to submit the CRG Plan. A copy of the letter of the Director of the Office of Planning and Zoning in this regard, dated October 19, 1990, is attached hereto as Exhibit 2.

FREISHTAT & SANDLER
ATTORNEYS AT LAW
300 ONE CALVERT PLACE
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21204
301-727-7746

12. Preparation, submission and approval of the CRG Plan for 1416 East Joppa Road will take several weeks.
13. Once the Appellants obtain approval for operation at 1416 East Joppa Road, the issues raised in this appeal with respect to the operation at 14 East Seminary Avenue will become moot.
14. Given the pending relocation of the Appellants' business to an R-O Zone, current consideration of this appeal represents an unnecessary expense to the Appellants, the County and the Board.
15. The appellants intend to cease operation of their business at 14 East Seminary Avenue as soon as they are able to commence operation at 1416 East Joppa Road.
16. Under the circumstances of this case, it is in the interest of economy and efficiency that the presently scheduled hearing be postponed to allow an adequate time for the Appellants to complete their relocation process.

WHEREFORE, the Appellants respectfully request that the Board postpone the hearing currently scheduled for December 7, 1990 for a period of ninety (90) days.

David Freishtat for
David Freishtat

FREISHTAT & SANDLER
ATTORNEYS AT LAW
300 ONE CALVERT PLACE
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21204
301-727-7746

Raymond Daniel Burke
Freishtat & Sandler
Suite 1500
One Calvert Plaza
201 East Baltimore Street
Baltimore, Maryland 21202
(301) 727-7740

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 15th day of November, 1990, a copy of the foregoing Appellants' Request for Postponement was mailed, postage prepaid, to:

J. Robert Haines, Esquire
Baltimore County Zoning Commissioner
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Arnold Jablon, Esquire
Baltimore County Attorney
Court House
Towson, Maryland 21204

Rhyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
County Office Building
Room 304
111 West Chesapeake Avenue
Towson, Maryland 21204

Mr. Locke Thomsen
1523 Pickett Road
Lutherville, Maryland 21093

Mr. P. Bruce Austensen
Reisterstown and Delight Roads
Reisterstown, Maryland 21136

Raymond Daniel Burke

FREISHTAT & SANDLER
ATTORNEYS AT LAW
300 ONE CALVERT PLACE
201 EAST BALTIMORE ST.
BALTIMORE, MD. 21204
301-727-7746

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
County Courts Building, Suite 406
Towson, Maryland 21284
(301) 887-3250
J. Robert Haines
Zoning Commissioner

October 2, 1990



Dennis F. Rasmussen
County Executive

Mr. Raymond D. Burke
Freishtat & Sandler
201 East Baltimore Street, Suite 1500
Baltimore, MD 21202

RE: Change of Occupancy from
Single Family Dwelling to
Office (R.O.) Zone
1416 E. Joppa Road
9th Election District

Dear Mr. Burke:

Reference is made to your letter of September 10, 1990 regarding zoning approval of your therapeutic hair counseling, analysis and replacement operation in an R.O. (Residential-Office) Zone.

The Zoning Commissioner has reviewed your letter with me and is of the opinion that your use as described in your letter is an acceptable R.O. use.

If you have any questions concerning the above, please do not hesitate to contact me.

Very truly yours,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

JED:cer

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Eosley Avenue
Towson, Maryland 21284
(301) 887-3211
P. David Fields
Director

October 19, 1990



Dennis F. Rasmussen
County Executive

Mr. W. Albert Almony
14 East Seminary Avenue
Lutherville, Maryland 21093

Re: Towsondale Lot 45
W-90-253

Dear Mr. Almony:

We have reviewed your waiver application for the above property and have determined that a waiver from the CRG meeting would be within the scope, purpose and intent of the Development Regulations of Baltimore County and is therefore approved. However, the CRG Plan has not been DENIED. This development shall comply with all other applicable laws, rules and regulations of Baltimore County (Section 22-51).

Should you have any questions, please contact Jack Fisher, Chief, Current Planning and Development at 887-3335 or Pat Keller, Deputy Director of Planning at 887-3311.

A CRG Plan shall be submitted to the Bureau of Public Services for review and approval prior to the issuance of Building Permits. Please include the waiver number that appears at the top of the letter on the submitted Plan. (Call 887-3340)

NOTE: This waiver approval letter shall be presented by the applicant when applying for a building permit.

Sincerely yours,
P.D. Fields
P. David Fields, Director
Office of Planning and Zoning

cc: William Ulrich, Gerhold, Cross & Etzel, 412 Delaware Avenue, Towson, MD 21284
David Thomas, Assistant Bureau Chief MS 1301
Robert Bowling, Developers Engineering Division MS 1208
Susan Urbley, Bureau of Public Services MS 1301
File

EXHIBIT 1

EXHIBIT 2