FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for the subject property, known as 20 Branchwood Court, located in the Pikesville area of northwestern Baltimore County. The Petition was filed by the owners of the property, David and Mary Zinman. The Petitioners seek a special hearing to approve that a Massage Therapist is a professional occupation and falls within the list of Professionals permitted by special exception, pursuant to Section 1801.1.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition to the special hearing relief, the Petitioners seek a special exception for a professional office for Massage Therapy within the dwelling on the subject property. The subject property and relief sought are more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Mary Zinman, property owner, her attorney, Perry Sekus, Esquire, and Joseph Larson, Professional Engineer. There were no Protestants.

Testimony and evidence presented established that the subject property consists of 1.21 acres, more or less, zoned D.R. 1 and is improved with a single family dwelling. The Petitioners are desirous of utilizing an 11' x 8' room in their home as a professional office for Massage Therapy to be conducted by Mrs. Zinman. Testimony revealed that Mrs. Zinman has

extensive education and training in the profession of massage therapy and is licensed by the American Massage Therapy Association, as evidenced by Petitioner's Exhibit 3. Mrs. Zinman also holds a certificate in Kineslology, a certificate of completion for Muscle Energy, is nationally cortified in Therapeutic Massage and Body Work and has successfully completed the Baltimore School of Massage for Advanced Massage and Body Work. In addition, Mrs. Zirman maintains a policy of professional liability from the Chicago Insurance Company as a Massage Therapist. A copy of said policy was entered into evidence as Petitioner's Exhibit 8. Mrs. Zinman testified that all visits will be by appointment only and that there will be no signage associated with her professional occupation whatsoever. She was also agreeable that the special except on for massage therapy will cease if and when she no longer resides on the property.

In further support of her request, Mrs. Zimman submitted as Petitioner's Exhibits 5. 6. and 7. the various national publications dealing with massage therapy, and as Petitioner's Exhibit 4, the 1993 Mational Certification Examination for Therapeutic Massage and Body Work. In addition to the many accomplishments noted above, Mrs. Zinman is a Violist with the Baltimore Symphony Orchestra for which her husband, David Zinman,

The Petitioners first request a ruling that E.s. Zinman's profession as a Massage Therapist be considered as one of the "other professional persons" as specified in Section 1801.1.C.9.b of the B.C.Z.R. Based upon the testimony and evidence presented as to the numerous certificates of achievement Mrs. Zinman has received for her education and training in Massage Therapy, the fact that she maintains professional liability insurance for her profession, and the many national publications with regard to

- 2-

her profession, it is the opinion of this Decuty Zoning Comm cory of "other professional persons" as delineated in Section 1801.1.C.9.b Therefore, the relief requested in the Petition for Special Hearing shall As to the special exception relief sought. I find that Mrs. Times

will not use more than 25% of the total floor area of her residence for the proposed occupation, that she will, in fact, be locating her professional office within a dwelling which is her primary residence, and that profession will not involve the employment of more than one (1) non-resident professional associate, nor two (2) other non-resident employees. It the coinion of this Decuty Zoning Commissioner, the relief requested meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and should therefore be granted

The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associat ed with such a special exception use, irrespective of its location within the zone. Schultz v. Pritte, 432 A.2d 1319 (1961)

The proposed use will not be detrimental to the health, safety, ral welfare of the locality, nor tend to create congestion is streets, or alleys therein, nor be inconsistent with the purpose of the property's zoning classification, nor in any other way be inconsis tent with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and ring on these Patitions held, and for the reasons given above, thr special hearing and special exception relief accept shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Moning Commissioner for Baltimore County this 14th day of March, 1994, that the Petition for Special Hearing to approve that a Massage Therapist is a professional compation and falls within the list of Professionals permitted by special coeption, pursuant to Section 1801.1.C.9.b of the Saltimore County Section tegulations (B.C.Z.R.), be and is hereby GRANTED: and.

IT IS FURTHER CROERED that the Petition for Special Exception to permit a professional office within the dwelling on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, sub lect to the following restrictions:

The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby sade saure that proceeding at this time is at their own risk until such time as the 30-day applicate process from this Order has empared. If, for whetever reason, this Order is reversed, the sailed granted herein shall be reachined.

There shall be no signage whatsoever on the prop-advertising Mrs. Zimman's profession as a Massacra

The special exception granted herein is limited Mrs. hary Zimman and is not transferable to any ture resident/owner of the subject property. Bro-cial exception granted herein shall cears at much me as Mrs. Zimman no loncer resides on the subject

TK:bis

SUMPY.

Baltimore County Governmen Zoning Commissioner Office of Planning and Zoning

Suite 113 Courth 400 Washington Avenu Towson, MD 21204

(410) 887-4386

March 14, 1994

Peter Sekus, Esquire James M. Kramon, Esquire Kramon & Graham One South Street, Suite 2600

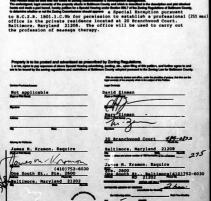
RE: PETIT'ONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
N/S of Branchwood Court, 1494,54° E of Old Court Rose (20 Branchwood Court) 3rd Election District - 2nd Councilmanic District id Zinman, et ux - Petitioner

Enclosed please find a copy of the decision rendered in the ptioned matter. The Petitions for Special Hearing and Special n have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filling an appeal, please contact the Zoning Administration and Development filing an appeal, please cont Management office at 887-3391.

> Very truly yours. TIMOTHY M. KOTROCO Deputy Zoning Commissi for Baltimore County

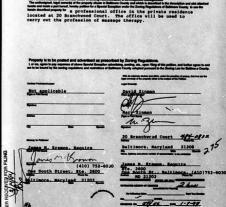
cc: Mr. & Mrs. David Zinman 20 Branchwood Court, Baltimore, Md. People's Counsel



Petition for Special Hearing

to the Zoning Commissioner of Baltings Commissioner

for the property leasted at 20 Branchwood Court





DESCRIPTION FOR ZONING, NO. 20 BRANCHMOOD COURT, 3RD DISTRICT BALTIMORE COUNTY, MARYLAND

Seginning for the same at a point on the north side of ood Court at the distance of 1494.54 feet measured easterly, southerly, and southwesterly along the western and northern side of Branchwood Court from the southeast side of Old Court Road, 70 feet wide, said point being on the cul-de sac of Branchwood Court said point being on the dividing line stween Lot Nos. 9 and 10 as shown on Amended Plat A. Subdivision of Greencourt Hills, said Plat being recorded ng the Plat Records of Baltimore County in Plat Book MJR, No. 27, Folio 112 and running thence and binding on the culde-sac of Branchwood Court southeasterly by curve to the left with a radius of 50.00 feet the distance of 64.13 feet to the dividing line between Lot Nos. 10 and Lot 11 as shown on the Plat herein referred to thence leaving the cul-de-sac of Branchwood Court and running south 7 Degrees 46 Minutes 33 Seconds west 288.86 feet south 60 Degrees 19 Minutes 50 Seconds west: 25.00 feet and north 29 Degrees 08 Minutes 10 Seconds wes: 353.84 feet to the dividing line between Lot Nos. 9 and 10 herein referred to and running thence and

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN + LAND SURVEYING LAND PLANNING + SUBCINISION LAYOUT + FEASIBILITY STUDIES + ESTIMATING

SIVED FOR

Petition for Special Exception to the Zoning Commis

DESCRIPTION FOR ZONING, NO. 20 BRANCHWOOD COURT, 3RD DISTRICT

BALTIMORE COUNTY, MARYLAND Page: 2

binding on said dividing line north 81 Degrees 15 Minutes 9 Seconds east 192.37 feet to the place of beginning.

Containing 1.21 acres of land, more or less.

Bei g Lot No. 10 as shown on Amended Plat. A Subdivision of Greencourt Hills, said Plat being recorded among the Plat Records of Baltimore County in Plat Book WJR No. 27, Polio

James M. France, Enq. One South Street, #2600 Haltimore, Maryland 21202 752-7030

FIGE 8290ER: 94-275-SINS (Item 275) 20 Branchwood Court | 1494.54" E of Old Court Road

Petilicer(s): David Zirman and Mary Zirman MERRING: THES. FER. 22, 1994 at 11:00 a.m. in Na. 106 County Office Bidg.

MOSTOR OF HEADING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public bearing on the property identified benein in Soom 10% of the County Office Buildings, 111 %. Chespooks Revous in Tomono, Naryipided 22204

Special temption for a professional office in the private regidence to carry out the profession of

massape therapy.

Special hearing for permission is establish a professional (25% maximum) office in the private residence
to carry out the profession of massape therapy.

WITES: (1) MEANING MAY MANUFCAPPED ACCESSIBLE: FOR SPECIAL ACCORDINATIONS PLEASE CALL 867-3353. (7) FOR THEORETICS CONCERNED THE VILL AND/OR HEADING, PLEASE CALL BIG-NAVI

CONTRICATE OF POSTER ITMENT OF BALTIMONE COUNTY 94-275-SPAY

Date of Parties 2/11/94 Posted for Space | Frenchis - Special Hearing Posted T May Bainmer Lection of property 20 Brown lewerd Gridge 1984 54 theth Go 184 Lession of the faring verticity, on freperty being to sate 2/11/88

CERTIFICATE OF PUBLICATION

1/20 ,1994 THIS IS TO CERTIFY, that the annexed advertisement was hed in THE JEFFERSONIAN, a weekly newspaper published weeks, the first publication appearing on 1 26 , 1994. Henriksan

LEGAL AD . TOWSON

111 West Chesapeake Avenu Towson, MD 21201 JAMPART 14, 1994

(410) 887 3353

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
loom 106 of the Count: Office Building, 111 to County in Proceedings of the County of the C or Brown 118, Old Courthouse, 400 Machington Avenue, Towson, Maryland 217a4 as tollows:

CASE MARGER: 94-275-579CX (Item 275)

CASE MEMBELL 194-775-ENG (Time 275)
20 hearshowd Court, 1944-194 E of Old Court Road
1872 Erandbood Court, 1944-194 E of Old Court Road
164 Election bileriet - 2nd Councilassic
Feltilosur(s): Envil Jinson and Nory Ziress
ENZIREN TRES. The 22, 1974 at 1100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22, 1974 at 1100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22, 1974 at 11100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22, 1974 at 11100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22, 1974 at 11100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22, 1974 at 11100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22, 1974 at 11100 a.e. in Ro. 106 County Office BildgeENZIREN TRES. The 22 property of the cial facestion for a professional office in the private residence to carry out the profession of message therapy.

Special Hearing for permission to establish a professional (25% maximum) office in the private residence
to carry out the profession of message therapy.

HOTES: (1) DORING SIGN & FOOT PAST TO ENTONING TO DR. 104, 111 W. CHESAVERAL WHERE OR THE MEANING THAT.

(2) HEALINGS HAS HEROCCHAPPED ECCESSIBLE; FOR SPECIAL ECCEMENTATIONS FILENCE CLAS ACT-3353.

(3) FOR INTERNATION CONCLUSION THE FILE MENYOR HEALING, CONTEXT THAS OFFICE AT SOFT-3351.

February 15, 1994

111 West Chesapeake Av Towson, MD 21204

ZINMAN - 20 Branchwood ct. 2120+

040 - Special Hooring - 250.00 asu- sporal Greation - 300 ou

- 70.00

620.00

050 - 2 signs

RE: Case No. 94-275-SPICK, Item No. 275
Petitioner: David Zinman, et al.
Petitions for Special Hearing and Special Exception

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans attited with the above referenced putilion. The attached comment from the results of the re

Enclosed are all comments submitted thus far from the members of ZMC to offer or request information on your patition. If additional members are received from other members are received from other members are received from the formation of the

The following commerts are related only to the filing of future zoning patitions and are aimed at expediting the petition filing process with this office.

The director of Zoning Administration and Development beausement has instituted a system obtained the property of the system of the complete of the complete of the complete of the sound regulations and petitions filling regulations and petitions filling regulations and petitions filling regulations of the complete of th

111 West Chesapeake Avenue Towson, MD 21201

PH-275-SPHX

Number # 275

Takon : USS/PE

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES <u>Ballimore County Zoying Regulations</u> require that notice be given to the general public/majshor no property noters relative to property which require a public hearing, tils notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the Countin at least one

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the potitioner is responsible for the costs associated with these requirements.

Posting fees will be accessed and paid to this office at the time of filing.

Rilling for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

GLI JABLON, DTRECTOR

Item No.: 275 (484-0832 Petitioner: DAVID ZINMAN

LOCATION: 20 BEANCHWOOD CT. PLEASE FORWARD ADVERTISING BILL TO: NAME: JAMES M. KRAMON ADDRESS: ONE SOUTH ST. SUITE 2600 BALTO. MD. 21206 PHONE NUMBER: 752-6030

(Persised 04/09/93)

(410) 887-3353



Maryland Department of Transportation State Highway Administration

Hal Kassoff Administrator

1-20-94

Re: Baltimore County Item No.: + 275 (JEF/JJS)

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

This office has reviewed the referet ced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway

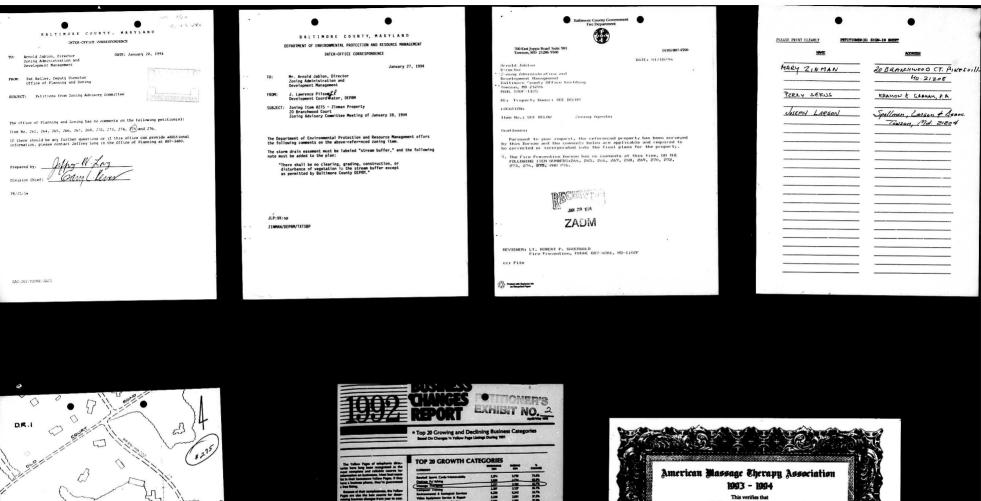
Please contact Bob Small at 410-333-1350 if you have any questions.

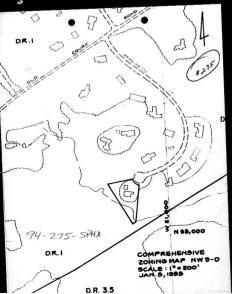
Thank you for the opportunity to review this item.

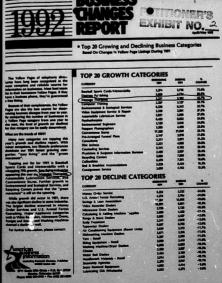
Bob Amall DAVID W. EAHSEY, ACTIVE CITIES

Maryland Relay Sorvice for Impalred Hearing or Speech 1-800-735-2258 Statewide Tull Free Mailing Address: P.O. Box 717 - Baltimore, MO 21203-0717

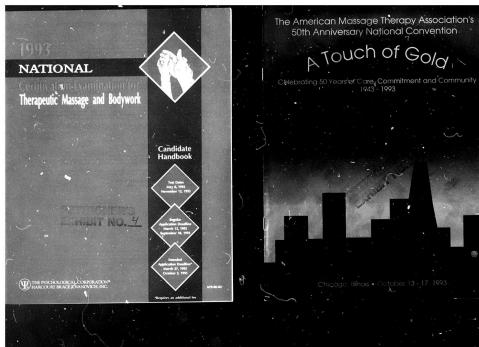
(410) 887-3353

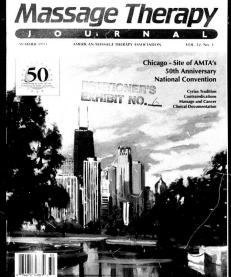










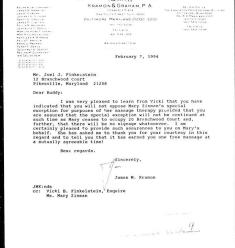






HEALTHCARE PROFESSIONAL LIABILITY
CLAIMS-MADE POLICY

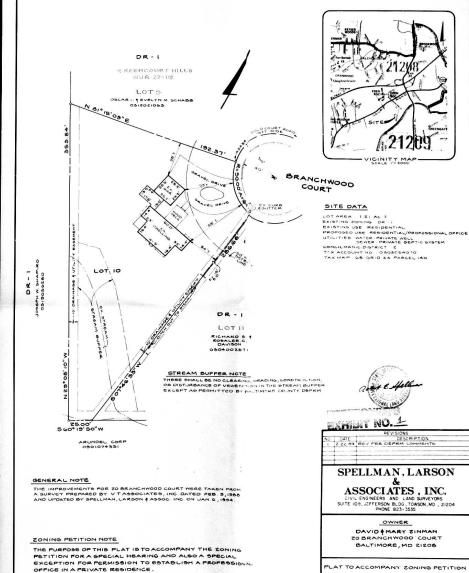
7-17-93/ts 45C-2002329-01





SE ELECTION DISTRICT

SHT. I OF I



SHT_ I OF I 93071

OWNER

20 BRANCHWOOD COURT

GREENCOURT HILLS

3 ELECTION DISTRICT