

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION - N/S of West
Allegheny Avenue, 500' W of the * DEPUTY ZONING COMMISSIONER
c/l of Highland Avenue
(516 W. Allegheny Avenue) * OF BALTIMORE COUNTY
9th Election District
4th Councilmanic District * Case No. 96-442-SPHX

Abraham Korotki *
Petitioner
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 516 West Allegheny Avenue, located in the vicinity of Woodbine Avenue and Joppa Road in Towson. The Petitions were filed by the owner of the property, Abraham Korotki, and the Contract Purchaser, David M. Small, through their attorney, Christine K. McSherry, Esquire. The Petitioners seek approval that an economist is a "professional person", pursuant to Section 1B01.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and a special exception to permit a home/office in a D.R. 3.5 zone. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibits 4A and 4B.

Appearing at the hearing on behalf of the Petitions were David M. Small, Contract Purchaser, Timothy F. Madden, Professional Engineer who prepared the site plan for this property, and Christine K. McSherry, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were numerous residents from the surrounding community and representatives of the West Towson Neighborhood Association. Appearing as interested parties were J. Donald Gerding and Justin King, a representative of the Greater Towson Council.

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Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of a gross area of .43 acres, more or less, zoned D.R. 3.5 and is improved with a two story dwelling and accessory gravel parking area. The Petitioner has contracted to sell the property to Mr. Small who wishes to utilize the property for a home office in accordance with the site plan and floor plan submitted into evidence as Petitioner's Exhibits 4A and 4B. In addition to the special exception request, the Petitioner seeks approval that an economist meets the criteria for a "professional person" as more particularly described in Section 1B01.C.9.b of the B.C.Z.R. Testimony and evidence was offered concerning the business occupation of Mr. Small, who specializes in structured settlements and is a financial consultant. Mr. Small testified that his occupation is specialized in that he works with attorneys and their injured clients to produce structured settlements in personal injury accident cases. Mr. Small submitted his curriculum vitae demonstrating that he is a graduate of the Wharton School of Finance and Commerce from the University of Pennsylvania where he earned a B.S. Degree in Economics. Many other credentials are stated on Mr. Small's curriculum vitae which was marked into evidence as Petitioner's Exhibit 1. After reviewing Mr. Small's credentials and qualifications, I find that his occupation as an economist does, in fact, fall under the category of a "professional person", pursuant to the criteria set forth in Section 1B01.C.9.b of the B.C.Z.R., and thus, the relief requested in the Petition for Special Hearing shall be granted.

As to the special exception relief sought, the Petitioner submitted into evidence as Petitioner's Exhibits 4A and 4B a site plan of the property, and a floor plan of the proposed home office, which was marked as Exhibit D, Sheets 1 and 2. Mr. Small wishes to utilize the first floor

ORDER RECEIVED FOR FILING
Date 8/28/96
By [Signature]

of the subject property for his home office and submitted photographs depicting interior improvements made to the property. The Petitioner also intends to pave the existing gravel parking area with macadam. Mr. Small testified that he would have just a couple of employees and that he would rarely, if ever, see clients at this location. He noted that the bulk of his work is handled outside his office when attending meetings at lawyers' offices. Therefore, Mr. Small opined that the activity taking place on the subject site would be limited to office-type uses and would not involve much traffic to and from the property. Mr. Small believes that his use of the property will be in character and keeping with surrounding residential uses and that it would be difficult to notice that a business was being operated at this location.

As noted above, many residents from the surrounding community appeared in opposition to the Petitioners' request. These residents are opposed to any business activity taking place in this area of West Towson and are very concerned about businesses and offices moving into their neighborhood. They believe that the subject property should maintain its residential character and be strictly utilized as such. They further believe that paving the parking area in the front of the subject property will create a very commercial appearance on Allegheny Avenue. The citizens also questioned the floor area calculations performed by Mr. Madden who prepared the site and floor plans submitted into evidence as Petitioner's Exhibits 4A and 4B. The citizens believe that some of the measurements may be inaccurate or that some areas of space insufficient in size to accommodate actual living space were counted as residential living quarters.

At the close of the hearing, it was determined that a site visit to the property would be necessary. Several residents of the community

met with this Deputy Zoning Commissioner and the Petitioners' attorney, Ms. McSherry, at the site. A full inspection of the property and house was performed and further discussions took place between Mr. Small and the community representatives. Several days after this site inspection, I was advised by the community association that their position remains the same and they are strongly opposed to the granting of the special exception to allow a home office on the subject property.

After due consideration of the testimony and evidence presented, it is clear the relief requested in the special hearing should be granted. It has been established that the Petitioner's occupation as an economist meets the requirements set forth in Section 1B01.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.) for a "professional person" and as such, the relief requested should be granted.

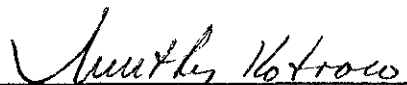
As to the special exception relief, I am compelled to deny the request. It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. However, the Petitioner must show that the proposed use meets the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The evidence and testimony presented by the Petitioner was insufficient to show that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. Even after a site visit to the property and further discussions between the Petitioner and community representatives, it was clear that the Petitioner's use of the property would have an adverse impact upon the surrounding residential uses, and open the door, perhaps, for other businesses to move into this part of Towson. Thus, I am inclined to deny the special exception request and I shall so Order.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of August, 1996 that the Petition for Special Hearing to approve that an economist is a "professional person", pursuant to Section 1B01.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a home/office in a D.R. 3.5 zone, in accordance with Petitioner's Exhibits 4A and 4B, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/8/96
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE
85' W of the Intersection of
Highland Ave. & Allegheny Ave.
(502 Allegheny Avenue)
9th Election District
4th Councilmanic District

John R. Bashaar, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-353-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Carl Scheffer, Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 502 Allegheny Avenue, consists of 7,475 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. Mr. & Mrs. Bashaar moved to the subject property in 1979 whereupon Mr. Bashaar established his law practice in the home. Such use was permitted as of right under the then Baltimore County Zoning Regulations (B.C.Z.R.), Section 1B01.1.A.14.b, provided it was the bona fide residence of the attorney, did not occupy more than 25% of the total square floor area of the residence and did not involve the employment of more than one (1) non-resident professional associate or two (2) other non-resident employees. Mr. Bashaar presented evidence that his use of the property for a law office does not occupy more than 25% of the total square floor area of the existing residence, and testified that he is the sole professional operating from the premises and employs only one (1) non-resident employee, a secretary. Testimony indicated that the subject dwelling is a bungalow-style home built in approximately 1920 and consists

of one and one-half stories. Petitioners are desirous of modernizing and expanding the existing dwelling with a two-story addition to accommodate their growing family. The proposed addition will provide a family room and eat-in kitchen on the first floor, and a master bedroom with a bath the expansion of two existing bedrooms to provide more closet space, and the addition of a shower to an existing bath on the second floor. Due to the layout of the existing dwelling and its location on the property, the proposed addition cannot be constructed without the requested variance. Petitioners testified they discussed their plans with all adjoining neighbors who have no objections and have, in fact, indicated the proposed addition will be an improvement to the area. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

It should be noted that the B.C.Z.R. were amended subsequent to Petitioners' purchase of the property in 1979 pursuant to Bill No. 105 wherein an office for an attorney now requires a special exception with the use being limited as it was in 1979. While there appears to be a legal nonconforming use of the property as a law office by Petitioner, a finding of the nonconforming use would not be proper as no notice of that issue was presented at the hearing. In the event that individuals would refute Mr. Bashaar's facts, this issue must remain open at this time. However, there being no complaint of the use, Petitioners will not be required to file a Petition for Special Exception at this time, unless they wish to do so voluntarily. To insure that the spirit and intent of the zoning regulations are followed in the interim, the variance will be granted, subject to compliance with the restrictions set forth hereinafter which will also deal with the law office use of the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of March, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 24 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner, John Robert Bashaar, shall be the sole professional person operating from the subject property. Mr. Bashaar's law office shall only be permitted to operate from the premises so long as the Petitioner remains a full-time resident.

3) Mr. Bashaar shall be permitted to retain only one (1) non-resident employee.

4) Petitioner's law office is limited to that area depicted in Petitioner's Exhibit 4 consisting of 280 sq.ft. total.

5) In the event a complaint is filed as to the legality of the law office, Petitioner must either establish the nonconforming use by filing the proper Petition and/or request a special exception for such use.

A M Natarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 3/19/99
By [Signature]

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LAND USE SCHEDULE

1. BALTIMORE CO. PROPERTY
2. ATTORNEY'S OFFICE - John R. Bashaar
(Refer to Zoning Case No. 90-353-A)
Petition for Variance w/language in the Order that
speaks to a non-conforming use for offices.
3. TOWSON PRESBYTERIAN CHURCH
(Refer to Zoning Case No. 85-176-SPH)
Petition for Special Hearing for business parking
(Chesapeake Bldg) in a residential zone.
4. ATTORNEY'S OFFICE - Russell J. White
(Refer to Zoning Case No. 89-534-X)
Petition for Special Exception for law office in
a DR 5.5 zone.
5. CHESAPEAKE BLDG PARKING LOT ANNEX
(Refer to Zoning Case No. 64-102 SPH)
Petition for Special Hearing for off street parking in
a residential zone.
6. PRESBYTERIAN HOME OF MD.
(Refer to Zoning Case No. 3624-X)
Petition for Special Exception for a convalescent
home.

7. YMCA
(Refer to Case No. 67-136X)
Petition for Special Exception to use the property for
civic, social, recreational and educational uses.
(Refer to Case No. 68-304X)
Petition for Special Exception to allow for the use of
a nursery school and kindergarten
(Refer to Case No. 94-198SPH)
Petition for Special hearing to allow for expansion of
facilities and to permit a non-residential principal
building in the recreational facility
8. MOUNT MORIAH LODGE
(No applicable Petitions on file)
9. ATTORNEY'S OFFICE - Lewis L. Fleury
(No Petitions on file)
10. DOCTOR'S OFFICE - Chas. E. Shaw, Jr.
(No Petitions on file)
11. TOWSON STATE UNIVERSITY
(No Petitions on file)
12. LAMBETH HOUSE
(Refer to Zoning Case No. 73-301X)
Petition for Special Exception for professional
offices in a DR Zone

13. PICKERSGILL AGED MEN'S AND WOMEN'S HOME
(Refer to Zoning Case No. 4324)
Petition for Special Exception for a convalescent home

14. BLAKEHURST LIFE CARE COMMUNITY
(No applicable Petitions on file)

15. LOYOLA HIGH SCHOOL
(No applicable Petitions on file)

RECENT SALES OF RESIDENTIAL PROPERTIES ON ALLEGHENY AVENUE

Sold for:

551 ALLEGHENY	Colonial Frame	4 bedrm 2 bath	Corner lot Fenced	\$159,900 TX \$1875	Lovely new white kitchen. Master bed- loft & walk-in closet. New carpeting.
527A ALLEGHENY	Contemp. Cedar	3 bedrm 2 bath	7yrs old S/garage	\$170,000 TX \$2980	Cathedral ceilings, decks, energy efficient home. Central air condit.
532 ALLEGHENY	Cottage Frame	4 bedrm 3 bath	67 yrs S/garage	\$172,500 TX \$1800	Modern kitchen, master bath. Hardwood floors. French doors. Fireplace.
532A ALLEGHENY	Split Cedar	4 bedrm 3 bath	16 yrs Carport	\$150,000 TX \$2100	Large family room with wood burning stove, deck off dining room, newly painted. Central air conditioning.

SUBJECT PROPERTY

ASKING PRICE

516 ALLEGHENY	Contem. Frame	3 bedrm 1½ bath	45 yrs	\$259,900 TX \$2000	2 zone central air conditioning Central vacuum system. Fireplace.
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BALT. COUNTY MICROFICHE RECORDS FROM TRW - PROPERTY DATA
SHOW 516 ALLEGHENY AVENUE TO BE A 1.5 STOREY SINGLE
FAMILY UNIT BUILT IN 1923. WOOD CONSTRUCTION. 1886 SQ. FT.
FOUNDATION 1268 SQ. FT. OPEN PORCH 295 SQ. FT.
TAXABLE VALUE \$151,190.

**PROTESTANTS
EXHIBIT NO. 3**

MICROFILMED

MLS# (BC)222608
551 ALLEGHENY AVE
WEST TOWSON

--- P e n d i n g ---
Zip: 21204 Map: BC27B06
Gr. Cap: \$0

-1- Residential
L i s t: \$159,900
Ground Rent: \$0

Desc.	:Colonial	2.5 Levels	Detached	4 Bedrooms	2/0 Baths
	:0 Yrs Old	Frame Home	Wood Siding	Asph Sh Roof	
Rooms	:LR: 13x12/1	DR: 12x09/1	KT: 15x10/Z	FA: 13x13/1	
	:MB: 18x09/2	B2: 13x12/2	B3: 13x10/2	B4: 11x10/2	
	:MASTER BEDRM	LOFT 16'X9'			
Floor	:Formal LRoom	Family Room	Lr/Dr Combo	Modern Kit	Pantry
	:Mud Room				
Appl.	:Gas Range	Self-Cl Oven	Refrigerator	Washer	Elect Dryer
	:Dishwasher	Disposal			
Ament.	:Wood Floors	No Wax Kitch	WW Carpet	Curtn Rod	Blinds
	:Lgt Fixtures	Walk-In Clst	Master Bath	Sep. Shower	
Lwr Lvl	:Full,Unimprv	Laundry	Outside Entr		
Heat	:Fuel-Gas	Heat-Hw Rad	Window A/C	Ceiling Fans	Wdw Screens
Site	:Porch	Parking Pad	Off-St Park	Corner Lot	Tree Studded
	:Fenced Yard	Level Lot			
Lot	:LEVEL CORNER LOT				
Utils.	:Public Water	Public Sewer	Public Gas	220v Service	
Ann.Fees:TX:	\$1,875				
Show	:Call Office	Poss: Immed	Photo Avail		
Contract:	02/14/96	D.O.M.: 26			
	:CB: 6880 Blue Ribbon Properties, Inc.		PH: (410)788-3211		
Dir.	:BOSLEY TO ALLEGHENY TO CORNER OF WOODBINE.		WALK TO YMCA		
Remarks	:STUNNING BLACK & WHITE KITCHEN W/WALK-IN BUTLERS PANTRY! COVE				
	:RED FRONT & BACK PORCH.MASTER BEDRM W/LOFT,WALK-IN CLOSET &				
	:MASTER BATH.NEW WALL TO WALL CARPET AND MASTER BATH FLOOR IN				
	:STALLED 12/27.\$2500 "WISH LIST" ALLOWANCE.FIRST FLOOR OFFERS				
	:MULTIPLE USES OF SPACE--USE YOUR IMAGINATION.RELO ADDENDUM				
SV) Seller Incentive:	/\$2500 "WISH LIST" ALLOWANCE				
DU: Y BB: Y BB1: 4.		SU: Y SU1: 4.			
LA: Sheri Gunther		PH: (410)256-2875	CO:		TL: ER
B#: 6342 Long & Foster Real Estate		PH: (410)583-9400		MLS# (BC)222608	

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===== Run Date: 06/14/96 =====

MLS# (BC)80154
527A Allegheny Ave
West Towson

--- S e t t l e d ---
Zip: 21204 Map: BC27B06
Gr. Cap: \$0

-1- Residential
L i s t: \$179,000
Ground Rent: \$0

Desc.	:Contemporary :7 Yrs Old	2.5 Levels Cedar	Detached Asph Sh Roof	3 Bedrooms	2/0 Baths
Rooms	:LR: 15x13/ :MB: 14x11/2 :Llv Ideal Den/Office	DR: 11x10/ B2: 12x11/2	KT: 13x07/ B3: 10x09/1	FA: 15x13/0	
Floor	:Sunken LRoom :Eat In Kitch	Entry/Closet Modern Kit	Cathdrl Ceil	Skylight(s)	Formal Dr
Appl.	:Elec Range :Elect Dryer	Self-Cl Oven Dishwasher	Microwave Disposal	Refrigerator	Washer
Ament.	:Wood Floors :Lgt Fixtures :Linen Closet	No Wax Kitch Built-Ins Shower/Tub	WW Carpet Security Sys	Curtn Rod Fan On Range	Blinds Walk-In Clst
Lwr Lvl	:Full, Improvd :Walkout	Clubroom Firepl/Stove	Laundry	Rough Bath	Outside Entr
Heat	:Fuel-Elec :Wdw Screens	Heat-Fha 1 Fireplace	Heat Pump Dl Glz Wndw	Central A/C Du Glz Doors	Ceiling Fans
Site	:Deck :Auto Opener	Exter Lightg Inside Lot	Garage 1 Att Part Wooded	Driveway Part Fenced	Off-St Park Stream
Lot	:.25 Acres	Wrap-A-Round	Deck In Tree Tops		
Utils.	:Public Water	Public Sewer	Cable Tv	220v Service	
Deed	:Lib: 8083	Fol: 388			
Ann.Fees	:TX: \$2,980	G&E: \$2,100			
Finance	:Loan=CONV				
Show	:Call Office	Poss: Negot			
Note	:Sign Posted				
Contract	:11/03/93	D.O.M.: 99	Sold Price:	\$170,000	
Settled	:02/24/94	Loan: A01	Rate: 7.00	Term: 30	GR: \$0
	:Mtg:Bf Savl	BP: 1.00	SE: 0.00	Mortg. Amt:	\$52,000
	:CB: 6900 O'Conor, Piper & Flynn			PH: (410)252-2111	
Dir.	:A Few Blocks West Of Towson!	-Walk To Work & Play. Return			
Remarks	:Home To A Total Environment Of Peace & Tranquility In This				
	:Tree Top Hideaway. Dramatic Cont Design W/Glass Decks Cath				
	:Ceilings Just 7 Yrs Young Highly Energy Eff. A Work Of Art!				

SV) Seller Incentive:

DU: N BB: Y BB1:

SU: SU1:

LA: Harriet H Garfink, Gri

PH: ()466-6276 CO: 3

TL: ER

B#: 6912 O'Conor, Piper & Flynn

PH: (410)235-4100

MLS# (BC)80154

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===== Run Date: 06/14/96 =====

MLS# (BC)210167
532 Allegheny Avenue
Towson

--- S e t t l e d ---
Zip: 21204 Map: BC27B06
Gr. Cap: \$0

-1- Residential
L i s t: \$172,500
Ground Rent: \$0

-----+-----+-----+-----+-----+-----+-----
Desc. :Cottage 2 Levels Detached 4 Bedrooms 3/0 Baths
:67 Yrs Old Frame Home Asph Sh Roof
-----+-----+-----+-----+-----+-----+-----
Rooms :LR: 25x13/ DR: 14x13/
Floor :Formal LRoom French Doors Formal Dr Modern Kit Breakfast Rm
Appl. :Gas Range Dishwasher
Ament. :Wood Floors Master Bath
Lwr Lvl :Full,Unimprv
Heat :Fuel-Gas Heat-Hw Rad 1 Fireplace
-----+-----+-----+-----+-----+-----+-----
Site :Porch Garage 1 Det Auto Opener Landscaped
Utils. :Public Water Public Sewer Public Gas
-----+-----+-----+-----+-----+-----+-----
Deed :Lib: 6538 Fol: 516
Ann.Fees:TX: \$1,800
-----+-----+-----+-----+-----+-----+-----
Contract:12/09/94 D.O.M.: 0 Sold Price: \$172,500
Settled :06/06/95 Loan: A01 Rate: 7.50 Term: 30 GR: \$0
:Mtg:Inland BP: 3.00 SE: 0.00 Mortg. Amt: \$138,000
:CA: Judy Morris PH: (410)296-5345
:CB: 6915 O'Conor, Piper & Flynn PH: (410)823-6111
-----+-----+-----+-----+-----+-----+-----

Remarks :Listed & Sold Simultaneously
-----+-----+-----+-----+-----+-----+-----

SV) Seller Incentive:

DU: N BB: Y BB1: 3.0

SU: Y SU1: 3.0

LA: Judy Morris

PH: (410)296-5345 CO:

TL: ER

B#: 6915 O'Conor, Piper & Flynn

PH: (410)823-6111

MLS# (BC)210167

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===== Run Date: 06/14/96 =====

MLS# (BC)211891 --- S e t t l e d --- -1- Residential
 532A ALLEGHENY AVENUE Zip: 21204 Map: BC27B06 L i s t: \$158,900
 TOWSON* 1/2 AS Gr. Cap: \$0 Ground Rent: \$0

Desc.	:Split Foyer	2 Levels	Detached	4 Bedrooms	3/0 Baths
	:16 Yrs Old	Cedar	Alum Siding	Al/Vnyl Trim	Asph Sh Roof
Rooms	:LR: 22x13/	DR: 12x12/	KT: 12x09/	FA: 22x15/0	
	:MB: 14x13/1	B2: 14x11/1	B3: 14x13/0	B4: 14x11/0	
Floor	:Formal LRoom	Family Room	Entry/Closet	Formal Dr	Eat In Kitch
Appl.	:Elec Range	Cont-CI Oven	Microwave	Refrigerator	Washer
	:Elect Dryer	Dishwasher	Disposal		
Ament.	:No Wax Kitch	WW Carpet	Curtin Rod	Shades	Some Drapes
	:Lgt Fixtures	Built-Ins	Fan On Range	Humidifier	Master Bath
Lwr Lvl	:Full, Improvd	Laundry	Full Bath	Workshop	Outside Entr
Heat	:Fuel-Elec	Heat-Fha	Heat Pump	Central A/C	Wdw Screens
	:1 Fireplace	Firepl/Htltr	DI Glz Wndw	Attic Insul	Wall Insul.
	:Awnings	Du Glz Doors			

Site	:Deck	Exter Lightg	2+Car Carprt	Parking Pad	Driveway
	:Off-St Park	Inside Lot	Tree Studed	Level Lot	Landscaped
Lot	:.19 Acres				
Utils.	:Public Water	Public Sewer	Cable Tv	220v Service	
Deed	:Lib: 7520	Fol: 450			
Ann.Fees:TX:	\$2,100				

Show :Poss: Negot

Contract:07/05/95	D.O.M.: 0	Sold Price:	\$150,000
Settled :07/31/95	Loan: A01	Rate: 0.00	Term: 30 GR: \$0
:Mtg:148000	BP: 0.00	SE: 0.00	Mortg. Amt: \$1
:CB: 3060 American Properties, Inc.		PH: (410)740-7100	

Dir. :BOSLEY TO WEST ON ALLEGHENY

Remarks :UNBELIEVABLE HOUSE WITH EVEN MORE UNBELIEVABLE 5 1/2%

:ASSUMPTION*PITI \$805.00 PER MO.,OWNER WILL HOLD 2ND MORTGAGE

:4BD WITH 3 FULL BATHS & PERFECT SEPARATE LIVING QUARTERS

:ARRANGEMENT,DOUBLE CARPORT,DECK,FP,FAMRM.MINUTES TO BUS.

:FRESHLY PAINTED FOR IMMEDIATE POSSESSION.

SV) Seller Incentive: 5 1/2% MORTGAGE ASSUMPTION

DU: N BB: Y BB1: 3.0 SU: Y SU1: 3.0

LA: Joan Klein PH: (410)296-9561 CO: TL: ER

B#: 6900 O'Connor, Piper & Flynn PH: (410)252-2111 MLS# (BC)211891

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==== Run Date: 06/14/96 =====

MLS# (BC)225026
516 W ALLEGHENY AVE.
WEST TOWSON

--- P e n d i n g ---
Zip: 21204 Map: BC27C06
Gr. Cap: \$0

-1- Residential
L i s t: \$259,900
Ground Rent: \$0

Desc. :Contemporary Detached 3 Bedrooms 1/5 Baths 45 Yrs Old
:Frame Home Vinyl Siding Al/Vnyl Trim Asph Sh Roof

Rooms :LR: 16x13/1 DR: 17x10/1 KT: 11x11/1 FA: 29x24/2
:MB: 16x15/2 B2: 17x10/1 B3: 10x11/1
:10X12 1ST FLOOR DEN
Floor :Formal LRoom Family Room Den Powder Room Cathdrl Ceil
:Formal Dr Modern Kit
Appl. :Elec Range Microwave Refrigerator Washer Gas Dryer
:Dishwasher
Ament. :Wood Floors Tile/Slatefl WW Carpet Instant Hot Cntrl Vacuum
:Walk-In Clst Master Bath Shower/Tub
Lwr Lvl :Full,Unimprv Laundry Outside Entr Walkout
Heat :Fuel-Gas Heat-Fha Central A/C 1 Fireplace Storm Windws

Site :Deck Porch Off-St Park Inside Lot Level Lot
:Landscaped
Utils. :Public Water Public Sewer Public Gas 220v Service

Deed :Lib: 5317 Fol: 0113 Deed Date: 01/72
Ann.Fees:TX: \$2,000

Show :Call L.A. Poss: Negot
Note :Sign Posted

Contract:04/25/96 D.O.M.: 58
:CB: 6915 O'Connor, Piper & Flynn PH: (410)823-6111

Dir. :TOWSON BYPASS TO WEST ON ALLEGHENY AVE.
Remarks :COMPLETELY RENOVATED CONTEMPORARY STYLE HOME IN GREAT
:LOCATION FEATURING UNIQUE 29 X 24 FT. 2ND FL FAMILY ROOM W/
:ALCOVE. NUMEROUS AMENITIES INCLUDE 2 ZONE AIR CONDITIONING,
:UPDATED & FULLY EQUIPPED KITCHEN WITH JEN-AIR RANGE, CENTRAL
:VACUUM SYSTEM, FIREPLACE & MORE!

SV) Seller Incentive: RENT TO BUY OPTION POSSIBLE!
DU: Y BB: Y BB1: 3% SU: Y SU1: 3%
LA: Robert Rayman PH: (410)679-6626 CO: TL: ER
B#: 6464 Mainstream Resident. Rlty PH: (410)329-6500 MLS# (BC)225026

All information is deemed reliable but not guaranteed by the Broker or MARIT
-- Copyright (C) 1996 By Mid-Atlantic Real Estate Information Technologies --
===== Run Date: 06/14/96 =====

PROTESTANTS EXHIBIT NO. 2

LAWRENCE SCHMIDT, ESQ.
BALTIMORE COUNTY ZONING COMMISSIONER
OLD COURT HOUSE
TOWSON, MD 21204

MICROFILMED

JUNE 1996

We, the undersigned residents of the 500 block of Allegheny Avenue in Towson, wish to go on record as being opposed to the request for Special Zoning proposed for the house at 516 Allegheny Avenue, Towson.
This is Case #96-442-SPHX.

SIGNATURE

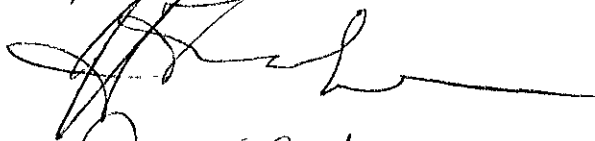
ADDRESS

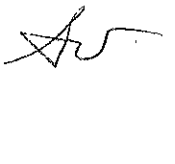
Debra M. Winningham
Elizabeth Roberts

541 Allegheny Ave.
548 Allegheny Ave.

Anthony A. Davis

532 A Allegheny Ave.



5700 Allegheny Ave. 

Paul T. Bailey

544 Allegheny Ave.

James S. Cooney

531 Allegheny Ave.

Margaret Bayne

524 Allegheny Ave.

Don Matthews

515 ALLEGHENY AVE.

Kathleen Miller

528 Allegheny Ave.

June 15, 1996

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
Old Court House
Towson, Maryland 21204

Re: Case #96-442-SPHX requesting Special Exception

Dear Mr. Schmidt,

We are writing this letter to strongly oppose the special exception request for 516 Allegheny Avenue. We are very concerned that if this request is granted, the door will be open to other zoning abuses in our residential neighborhood.

We have lived across the street from this property for 8 years and have watched continuous, flagrant violations of the zoning laws take place. We feel that the preservation of our quality of life in West Towson and the protection of our property values is of utmost importance. Allowing this request would surely jeopardize this.

Another concern we have is traffic safety. We already have a serious speeding problem on Allegheny Avenue and constantly hear tires screeching and witness near misses because of the YMCA driveway-Allegheny Avenue intersection. Allowing this property to have a parking lot and having that lot empty onto Allegheny at this location would only add to the problems that currently exist.

Highland Avenue is, and should remain, the boundary between our residential neighborhood and the commercial properties to the east. (Even those commercial properties don't have parking lots in their front yards.) We feel that there is ample office space already available in Towson's commercial areas without having to encroach upon our residential neighborhoods.

West Towson is truly a beautiful and unique neighborhood. With the wide variety of fine homes in the area, it's likely that we have something for everyone who wishes to live here. Our close proximity to downtown Towson and all that that has to offer makes our neighborhood a very desirable place to live. We, and many of our neighbors, have invested years of hard work, not to mention considerable amounts of money in restoring our homes. To think that we'll have an obviously commercial property in our midst is very distressing. We strongly urge you to help us maintain the enviable residential quality of our neighborhood.

Sincerely,
Mary Laura Kalista
Frank Kalista
Mary Laura and
Frank Kalista
521 Allegheny Avenue

cc: John Pyle, President, West Towson Neighborhood Association
Douglas Riley, Baltimore County Councilman

NANCY & ROBERT BOWEN
550 ALLEGHENY AVENUE
TOWSON, MD 21204

(410) 823-8567

6/15/96

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
Old Court House
Towson, MD 21204

Dear Mr. Schmidt:

This is in re: Property at 516 Allegheny Avenue, Towson
 Case #96-442-SPHX for Special Exception

We are very concerned that, if granted, this request will allow a business to operate in this residentially zoned area. We understand that the front of the property would be paved, allowing parking for employees and customers. We fear that this would set a most undesirable precedent in this DR 3.5 neighborhood and serve to destroy the residential character of West Towson.

As you are surely aware, we residents have a constant battle against landlords turning their properties into dormitory-type apartments for Towson State students. What we do not need is yet another threat to this old established neighborhood. Please help us keep Highland Avenue as the frontier between residences and businesses.

Sincerely,

Robert and Nancy Bowen
Robert and Nancy Bowen

CC: President, West Towson Neighborhood Association
County Councilman Douglas Riley
County Executive Dutch Rupersberger

526 Allegheny Avenue
Towson, MD 21204

June 12, 1996

Lawrence Schmidt, Esq.
Baltimore County Zoning Commissioner
Old Court House
Towson, MD 21204

Dear Sir: REF: Zoning Case #96-442-SPHX (item 438)

My residence is three houses west of the subject property at 516 Allegheny Avenue. Since I have lived here, there has been a continual battle with commercial type use of this building.

This is a residential neighborhood and we need to maintain the character as such. There is a commercial area to the East of Highland Avenue but we are residential. We want to keep it that way.

I strongly oppose any special exception for this property as it would infringe on the appearance of the street and goes against the long range plans for the area. The residents of this area feel strongly about keeping it residential.

Thank you for considering the concerns of the immediate neighbors and other residents of the West Towson area.

Sincerely,

A handwritten signature in cursive script that reads "Venetia Holland". The signature is written in dark ink and is positioned above the printed name.

Venetia Holland

513 Allegheny Ave.
Towson, Maryland 21204
June 16, 1996

RE: 516 ALLEGHENY
CASE # 96-442 SPX ITEM 438

Mr. Lawrence Schmidt, Esq.
Baltimore County Zoning Commissioner
Old Court House
Towson, Md. 21204

Dear Mr. Schmidt,

As the owner of the two properties immediately opposite 516 Allegheny Avenue I have been concerned that for years this has not been a single family residence, which is in keeping with the residential neighborhood that it is.

I am violently opposed to any special exceptions allowing a business to come into our residentially zoned neighborhood. I have previously appeared and spoken at county council hearings resulting from attempts by other parties to commercialize our area.

I am well aware that if you allow this to pass there would be a great effort by other parties to buy properties and change them to business use.

My mother who also lives at 515 Allegheny Ave. is in total agreement with my views.

Sincerely,

Beverly Pugsley
Matilda F. Pugsley

412 Woodbine Avenue
Towson, MD 21204

6/13/1996

Lawrence E. Schmidt, Esq., Zoning Commissioner
of Baltimore County
Old Court House
Towson, MD 21204

Dear Commissioner Schmidt:

Though I am the vice president of the West Towson Neighborhood Association, and on the Board of that association for thirty years, in this instance I am writing only as a resident and a homeowner in West Towson.

I completely support the West Towson Neighborhood Association's opposition to Mr. David Small's application for a special exception at 516 Allegheny Avenue--case # 96-442-SPX (item 438). My reasons for opposing Mr. Small two applications are summarised below.

A: Mr. Small's portrayal of himself as an "economist"

The estimating and bottom-lining of the potential liability exposure of clients, or the clients of clients, leading to settlement, is not covered by either the Oxford English Dictionary's or Webster's definition of "Economist". I would suggest that the American Association of University Professors would **not** include Mr. Small's brokering under their tent of approved "Economist's" professional activities., either!

B: Mr. A.P. Korotki's application for a Special Exception in a D.R. 3.5 zone so that the sale of the property to Mr. Small can move forward.

1. Since Mr. Korotki, in his previous use of the property, left the entire first floor in a totally non-residential mode, it stretches belief that anyone would pretend to want to live in a property where there remained not one inch of \ space for entertaining, or socializing--unless, of course all the entertaining contemplated is planned for the upper floor bedroom. The zoning history of this property while in alleged use as a "home-office" by Mr. Korotki was one long saga of violations of may year's standing. I do not find Mr. Small's assertion that he intends to move out Scarlett Place to use this unattractive, barely useable site as a home credible.
2. Since Mr. Small envisions retaining his current two employees, it would be illegal for him to have an office arrangement on the first floor and deny them the use of the first floor rest room facilities. Therefore the powder room has to be

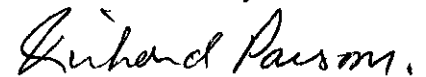
included in the square footage planned for the office use in the submission. Similarly the rather small kitchen would certainly be used by Mr. Small's help; the alternative would be either to have them eat their sandwiches at their computer stations or to let them take the time from the office --to go into Towson's core, with all the attendant parking problems, time waiting to be served, etc. The kitchen, small as it is, would have to be included as part of Mr.Small's office use.in the figuring ofoffice use square feet because of this sharing.

3. Traffic safety is a major concern on Allegheny Avenue. # 516 Allegheny Avenue is directly opposite the entrance to the Towson Family Y.M.C.A. The ingress and egress traffic, both pedestrian and vehicular, is heavy and constant. As much of the traffic of all kinds is children generated or oriented, including school busses, additional, non residential use places further hazards in their path. Speed reductions, and four way stop signs on Allegheny Avenue have helped to cut the rate of accidents; it is still dangerous. The street is not wide at the point of entrance to the Y.M.C.A.
4. The appearance of both house and grounds do not conform to the residential appearance posed by every other property on the street. The crusher run currently replacing half the front lawn, or the asphaltting proposed to replace it, epitomizes the commercial, non residential look of the property. The installation of an enormous, front window on the upper floor, directly facing the YMCA entrance, and a powerful street light at that entrance, is not only incredibly ugly but would force any person purporting to use the upper floor as a bedroom to have the blinds or drapes drawn at all times.
5. Since Mr. Small already rents commercial space where he is operating his business, and since he already rents living space at Scarlett Place, there can be no argument to that the effect that it is a hardship for him not to be able to operate his business where he lives. This is not a cottage industry lap-top and modem run business but a full fledged, **already existing** commercial enterprise. The whole objective is cheap out on paying the commercial rents in the BMCT or ROA zones. Mr. Small alleged that properties looked at in such zones weren't big enough for his needs; the square footage he seems to require goes beyond any 25% of total allowable footage.
6. The proposed sale price of \$259,000 is in excess of the residential sale value of any other property on the street. It is a commercial price.
7. Granting Mr. Small his Special Exception would be a serious blow to the integrity of the Community Conservation program endorsed by both the Hayden and Ruppertsberger Administrations. It would open every D.R. 3.5 zone in the County to equally specious, insincere pretensions to intended home-office use, and to equally -if not even more-fanciful claims as to the 'professionalism' on the part of claimant's. Proving the inevitable violations

is a heavy burden for both neighbors and County code enforcers--as the years of litigation by the County with Mr. Korotki over his use of this property as an alleged home-office proved.

I hope that you will reject Mr. Small's definition of his occupation as being that of an 'Economist'. More especially, I hope that you deny his application through Abrham P. Korotki for a Special Exception for a home-office at 516 Allegheny Avenue.

Yours sincerely,

A handwritten signature in cursive script that reads "Richard Parsons". The signature is written in dark ink and is positioned below the typed name.

Richard Parsons

West Towson Neighborhood Association

P.O. BOX 5580

Towson, MD. 21204

Lawrence Schmidt Esq.
Zoning Commissioner for Baltimore County
Old Court House
Towson, MD. 21204

June 17, 1996

Dear Commissioner,

I am sorry I cannot attend this important zoning hearing for Special Exception for home office use at 516 Allegheny Ave, Case No. 96-442 SPX (item 438). I feel compelled to have my Testimony entered into record as the President of The West Towson Neighborhood Association representing approximately 750 families. (I am duly authorized to represent the neighborhood; see the attached authorization form). Our board has voted to unanimously to reject the Special exception because it continues the attempt by individuals with business interests to erode our neighborhood. It is this board's intent to insure that we maintain our neighborhood in a residential character, and we feel this house has been and continues to be definitely out of character. There is plenty of vacant office space in the transition zone without intruding into our neighborhood.

There are several aspects of this request that really concern us. This special exception is deep in our neighborhood and gives the impression that the 500 block of Allegheny Ave is part of the office transition zone, while in fact Highland Ave to the east is the true transition cutoff of R/OA zoning.

The Towson Plan strongly advises not allowing business in older residential neighborhoods, preserving community conservation and the quality of life in communities such as West Towson. Traffic and the safety of people walking on Allegheny Ave is already a major concern; we have had to install 4 way stop signs at Highland and Allegheny Ave, Woodbine and Allegheny Ave to slow the heavy cut-thru traffic down on our neighborhood streets. There are many children living in the immediate area of this house and school bus stops all along this street.

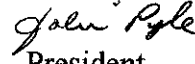
The entrance to this property is directly across from the Towson YMCA Family Center and Day Care Center. There are always people walking, jogging and children taking walks during the day from the Day Care center as well as residents magnifying the concern about traffic safety.

Appearance is also another concern, As the perspective buyer states, he intends to pave the front yard for parking for 5 cars, and install a sign in the front yard, which by the way has not been done in the RO or ROA zoning .They all have backyard parking and small signs on the house in conformance with the zoning regulations. How much more commercial can you get!

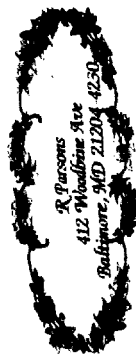
Another point is the amount of floor space allotted for business use on the first floor. This house is a bungalow style with a back dormer. The knee walls have been removed on the second floor to give the appearance of more usable floor space than is available. (These are the wall along the slopping ceilings). We have estimated that you cannot effectively use more than approximately one third of the square footage on the second floor that was used in calculating the allowed 25% floor space for office space on the first floor. He also included the unfinished basement in the calculations (we understand that basements can be included in the calculations but feel this is really stretching a point given the total figures used to calculate the allowable space for office).

The 500 block of Allegheny Ave has improved significantly over the past 20 years having many new dwellings built exclusively as “Homes” on many of the large lots and many existing older homes renovated and cleaned up presenting a desirable residential neighborhood protecting community conservation and the quality of life for everyone living in West Towson.. Unfortunately 516 has been and continues to be out of character with its front yard parking, commercial usage and totally out of character appearance. Please help West Towson continue to be one of the areas most desirable neighborhoods to raise a family in Baltimore County by not granting this special exception .

cc: Councilman, Douglas B. Riley
4th councilmanic District

John Pyle

President,
West Towson Neighborhood Association

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Lawrence E. Schmidt, Esq., Zoning
Commissioner of Baltimore County
Old Court House
Towson, MD 21204

N. and R. Bowen
550 Allegheny Ave.
Towson, MD 21204

Mr. Lawrence Schmitt
Baltimore County Zoning Commissioner
Old Court House
Towson, MD 21204

Case 96-442-SPTX

June 17, 1996

Dear Mr. Schmidt,

This letter is in regard to the property
at 516 Allegheny Avenue in Towson +
the request for special exemption.

We are opposed to the special exemption
request. The residential character
of the West Towson neighborhood must
be maintained through strict enforcement
of the zoning codes. The changes that
would ^{likely} occur at the 516 Allegheny property
if special exemption were granted would
alter this residential character & open
the way to other properties requesting
this exemption. We ^{strongly} urge you to
deny the request for special exemption.

Sincerely, Sally + John Ruppert
532 Allegheny Ave
21204

**PROTESTANT'S
EXHIBIT NO. 1**

West Towson Neighborhood Association

P.O. BOX 5580

Towson, MD. 21204

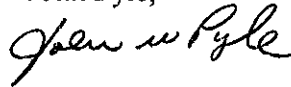
Lawrence Schmidt Esq.
Zoning Commissioner for Baltimore County,
Old Court House,
Towson, MD. 21204

June 14, 1996

Dear Commissioner,

The West Towson Neighborhood Association has empowered John Dillon Jr. of 543 Park Ave Towson, MD to speak on our behalf at the Zoning Hearing for Special Exception for home office use at 516 Allegheny Ave, case no. 96-442 SPX (item 438) on Monday June 17, 1996.

John Pyle,



President, West Towson Neighborhood Association

dillauth.doc

Handwritten note:
10/10/96 10:00 AM

West Towson Neighborhood Association

P.O. BOX 5580

Towson, MD. 21204

Lawrence Schmidt Esq.
Zoning Commissioner for Baltimore County
Old Court House
Towson, MD. 21204

June 17, 1996

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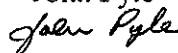
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cc: Councilman, Douglas B. Riley
4th councilmanic District

John Pyle

President,
West Towson Neighborhood Association

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WEST TOWSON NEIGHBORHOOD
ASSOCIATION, INC.

RESOLVED: That at the Annual Meeting of The West Towson Neighborhood Association held on May 13, 1996 it was decided by the association that responsibility for review and action on all relevant and appropriate matters for the period May 1996 thru April 1997 be placed in the board of governors consisting of the following members:

John R. Bashaar, Esq
Nancy Bowen
Russel Davis
Fred & Helen Hiser
Venetia Holland
Amy Kilian

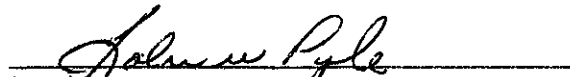
Richard Parsons
John Pyle
Ruth Pyle
Spanky Rykiel
Colin Wilkinson
Donald R Wright

AS WITNESS: OUR HANDS AND SEAL THIS 13th DAY OF MAY 1996

ATTEST


Secretary

WEST TOWSON NEIGHBORHOOD
ASSOCIATION, INC.


President

Timothy F. Madden, ASLA, AICP
Director of Planning and Landscape Architecture
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204

PROFESSIONAL BACKGROUND

SUMMARY: With more than nineteen (19) years experience in land planning and landscape architecture, Mr. Madden has managed commercial, office, institutional, environmental reclamation, land redevelopment, industrial, recreational and residential projects. He has provided testimony in many zoning and site plan review hearings and court cases. Mr. Madden has testified as an expert witness in Anne Arundel County Circuit Court as well as testifying before the Planning Commissions of Charles County, Howard County, Calvert County, Anne Arundel County, Baltimore County, Carroll County, The Howard County Board of Zoning Appeals and the Board of Zoning Appeals in Baltimore County. He has also worked for the Maryland Department of Natural Resources and is a past President of the Maryland Chapter, American Society of Landscape Architects. His experience includes testimony before the Howard County Board of Zoning Appeals and the Baltimore County Board of Zoning Appeals concerning CRG, Development Plan and Zoning Variance Appeals.

**PRESENT
POSITION:**

Mr. Madden is currently employed as a Principal of the firm Morris and Ritchie Associates, Inc. where he serves as the Director of Land Planning and Landscape Architectural Services. In this capacity, Mr. Madden is responsible for the preparation of Land Use Plans, Reports, Zoning Studies, Environmental Effects Reports, Forest Stand Delineations, Forest Conservation Programs, Site Feasibility Studies, Concept Plans, Development Plans and Land Use Planning for projects handled by the firm's Towson office. He also provides consultation and expert witness testimony for projects on an as needed basis. His involvement in the redevelopment of previously mined land has included over 11 projects covering more than 2,000 acres.

MICROFILMED

Some part of Mr. Madden's recent projects include:

- Glyndon Meadows Subdivision
- Penn-Mar Organization Community Care Center Expansion
- Genstar Churchville Quarry Reclamation Plan
- Redland Genstar Davidsonville Quarry Reclamation Study
- Redland Genstar White Marsh Quarry Land Redevelopment
- The DeBalla Property Subdivision
- Owings Run Apartments
- Starwood Townhomes
- Town of Perryville Urban Revitalization Study
- Redland Genstar Texas Quarry Land Use Study. Development of the "Texas Station" PUD.
- Area 3C/3D for the Owings Mills New Town Planned Unit Development
- Russett Mill Site Development in Anne Arundel County, MD

1984 to 1990: Mr. Madden served Kidde Consultants, Inc. as the Director of the Planning Landscape Architecture Division. In this capacity, Mr. Madden was responsible for the preparation of land use studies, zoning justification reports, environmental assessments, concept development and planning as well as providing expert testimony regarding zoning and site plan review projects. Mr. Madden was a Vice President and Principal of the firm.

Some of Mr. Madden's notable projects worked on during his tenure include:

- Land use study for the Painters Mill Venture, a 200+ acre planned development zoned for high density, mixed use development in the Owings Mills Town Center.

- Preparation of case exhibits and testimony before the Circuit Court for condemnation proceedings "Baylin et al vs. Maryland SHA". Consultant to Baylin et al.
- Preparation of case exhibits and testimony before the Circuit Court for condemnation proceedings "Hutzler vs. Baltimore County". Consultant to Baltimore County.
- Ft. Meade Closure and Re-use Study.
- Reclamation and Reforestation Program for the LeHigh company New Windsor Quarry in Carroll County, Maryland.
- Wetland delineation study, permitting and wetland creation and restoration design for Columbia Gateway Business Center, (for The Howard Research & Development Land Company).
- Board of Zoning Appeals case for Cellular One-Elibank Road site special exception.
- Comprehensive Master Plan update and Unified Development Ordinance for the Town of Bel Air, Maryland.
- Site planning and design for the adaptive reuse of the Historic Oella Mill, located on the Patapsco River in western Baltimore County, Maryland.
- Urban design and landscape architectural services for various streetscape projects within the Glen Burnie Urban Renewal District.
- Wetland delineation study for Baltimore Gas & Electric on the chestnut Hill Farm site in Marley Neck, Anne Arundel County, Maryland.
- Testimony before the Baltimore County Deputy Zoning Commissioner regarding zoning variances and a special exception to permit the development of the 40 York Road office/commercial center project.

1979 to 1984: WATKINS & VITALE (W&V)

Severna Park, Maryland

Principal Senior Landscape Architect: As an experienced and Registered Landscape Architect, Mr. Madden was responsible for landscape architectural design, and comprehensive planning services which were required on projects in which W&V, was retained as a consultant. As a principal of W&V, Mr. Madden was responsible for site planning and design for all public and private housing development projects, institutional facilities, recreation programming, planning and design, office parks, industrial sites, collection pond design as well as retail development projects.

His notable projects include

- Land use planning and site design for Two Flint Office Park, Oakton, Virginia.
- Site selection, analysis, design, preparation of application and testimony for rezoning for Liberia Plantation Club Homes, Manassas, Virginia.
- Special exemption testimony, site planning design for Early Learning Daycare Center, Manassas, Virginia.
- Site planning and rezoning application followed by testimony at Public & Commission Board hearings for Leonard's Freehold Housing site in Leonardtown, Maryland.
- Site planning and design for Camelot Court Homes, Gaithersburg, Maryland.
- Site planning and design for Dorado Village Condominiums in the Bay Hills section of Arnold, Maryland.
- Expert witness testimony for the granting of various zoning variances (setbacks) and a special exception (to permit offices and a restaurant in a Maritime District) in the City of Annapolis, Maryland for a mixed use development known as "Annapolis City Marina."

- Expert witness testimony for granting of special exceptions and zoning variances at various locations of "Lucky's" convenience food stores.
- Recreation planning and design for Cove Point Park, Lusby, Maryland.
- Recreation programming and planning for Queen Anne's County, Maryland - Outdoor Recreation Master Plan. Management of public participation and other services also provided.
- Site inventory analysis, recreation planning design and nature interpretive programming for Ruth B. Swann Memorial Park in Western Charles County, Maryland.
- Recreation planning for Cecil County, Maryland - Parks, Recreation and Open Space Master Plan Study.
- "Baltimore County Open Space Manual" - Baltimore County Office of Current Planning. Services included drafting of ordinance manual, and management of intra-agency and public participation process including twelve planning board meetings and management of intra-agency and public participation process including twelve planning board meeting sand two public hearings.
- Expert witness testimony regarding view obstruction and value of existing vegetation - Anne Arundel county Equity Court. "Lonas vs. Gibson Island Homeowners Association," 1984.

1979

MARYLAND DEPARTMENT OF NATURAL RESOURCES
Annapolis, Maryland

Mr. Madden's experience includes work as a contractual design professional for the Maryland Department of Natural Resources Program Open Space (POS). Mr. Madden prepared design programs for the design concept through contract documents and agency approval to bidding and supervision.

1977 to 1979 G.L. RUPERT & ASSOCIATES
Silver Spring, Maryland

Mr. Madden's experience includes work as an Associate Landscape Architect with the landscape architectural firm of G.L. Rupert & Associates. During his tenure with this firm, Mr. Madden was extensively involved in Land Use Analysis projects and recreation planning efforts. Mr. Madden prepared schematic designs, contract documents as well as supervision and inspection on various city, county, state and private projects. Mr. Madden testified in several special exception cases in Falls Church, Virginia, to permit townhouses in single family zoning districts.

While employed with G.L. Rupert & Associates, Mr. Madden provided site planning, landscape design, design code development, signage design and construction review services for Bowman Green Office Park in Reston, Virginia.

ORGANIZATIONS

Member: American Society of Landscape Architects, Maryland Chapter
1983 President, Maryland Chapter ASLA
Member: American Institute of Certified Planners (AICP)
Member: Maryland Recreation & Parks Association (PARC Branch)
Member: Urban Land Institute
Board Member: Urban Design Center
Member: The Baltimore Neighborhood Design Center

As 1983 President of the Maryland ASLA, Mr. Madden's committee work included the following relevant experience:

Member: ASLA Land Reclamation Committee

Development of the City of Annapolis Landscape Manual.

Development of new screening and buffering regulations applicable to commercial and industrial development in Anne Arundel County.

Development of the new landscape manual for Baltimore County, Maryland.

Member: APA Land Use Committee

ACADEMIC TRAINING

Bachelor of Landscape Architecture, University of Georgia School of Environmental Design,
1977.

REGISTRATIONS AND CERTIFICATIONS

Registered Landscape Architect in the following states:

Maryland:	#406	October, 1979
Virginia:	#124	April, 1982
Delaware:	#154	September, 1985
North Carolina:	#154	August, 1990

Certification: Professional Planner, American Institute of Certified Planners (AICP), May, 1985.

Certification: Jurisdictional Delineation of non-tidal wetland in the Mid-Atlantic states, June,
1988.

PETITIONER'S EXHIBIT

EDUCATION: THE WHARTON SCHOOL OF FINANCE AND COMMERCE
University of Pennsylvania
B.S. - Economics Major: Management and Finance (1974)

- PRESIDENT**
Sequoia Settlement Services, Inc. 1989-Present

Member of the Delta Group of Settlement Companies, a multinational firm specializing in damage analysis, financial planning, and the design and placement of structured settlement annuities for personal injury claims.

- **STRUCTURED SETTLEMENT SPECIALIST/FINANCIAL CONSULTANT**
Merrill Lynch Pierce Fenner & Smith 1987-1989

Diversified financial firm (Broker/Dealer) specializing in the placement of structured settlement annuities, various securities, and financial management and planning.

- **PRESIDENT**
First American Energy Company, Inc. 1984-1987

Diversified energy company involved in coal processing and alternative fuel cogeneration development.

- **PRESIDENT AND CHIEF EXECUTIVE OFFICER**
Northeast Linings, Inc. 1974-1984

International construction company specializing in the design and installation of flexible membrane liners for liquid containment.

MICROFILM

LICENSURE/

CERTIFICATIONS: Resident Agent - Maryland (Certificate No. 706960)
Life, Health, Variable Annuity

Non-Resident Agent - California, Connecticut, Michigan, Nebraska,
New Mexico, Texas
Life, Health

National Association of Security Dealers
New York Stock Exchange

MEMBERSHIPS/
PROFESSIONAL
ASSOCIATIONS:

National Structured Settlement Trade Association

Maryland Institute for Continuing Professional Education
of Lawyers, Inc. (MICPEL) - Faculty Member

Benjamin Franklin Society of the University of Pennsylvania

Harford County Chamber of Commerce

SEMINARS/
PUBLICATIONS:

MICPEL Seminars
"Structured Settlements" 1989 and 1990

Balis and Company, Inc. (Reinsurance division of Marsh
McClennin)
Annual Meeting 1989
"The Future of Structured Settlements in Settling
Personal Injury Claims"

State Farm Mutual Automobile Insurance Company
"A Guide to Structured Settlements"
1988 and 1990

Maryland Trial Lawyers Association Annual Meeting-1991
"Structured Settlements-Advantages and
Disadvantages to the Plaintiff and Defendant"

*Comparing Structured Settlements With Alternative Investments to
the Plaintiff* - 1989 (Revised-1990)
Unpublished position paper prepared for Merrill Lynch

Yield to Maturity Analysis - 1988
Unpublished white paper prepared for Merrill Lynch



**Sequoia
Settlement
Services
Incorporated**

David M. Small Biography

David M. Small is president of Sequoia Settlement Services, Inc., a member company of the Delta Group of Settlement Companies, Inc., a multi-national firm specializing in structured settlement annuities. He was formerly associated with Merrill Lynch Pierce Fenner and Smith, Inc. working primarily as a structured settlement specialist. He has over eight years experience in the settlement of personal injury claims which have been resolved through the use of periodic payment annuities. Mr. Small has been asked to lecture on the use of structured settlements at seminars in California, New Jersey, Virginia and Maryland, and is a member of the faculty of the Maryland Institute for the Continuing Professional Education of Lawyers (MICPEL) founded by the Maryland State Bar Association. He has been recognized by the United States Court of Federal Claims as an annuity expert and has testified in several cases before this court. He is a 1974 graduate of the University of Pennsylvania's Wharton School of Finance and is a member of the National Structured Settlement Trade Association. Prior to joining Merrill Lynch, his diversified business background included multi-national sales & marketing, extensive contract negotiations, major project development and management.

SAVE THIS PORTION OF CARD AND USE REVERSE SIDE FOR NAME AND/OR ADDRESS
CHANGES MD INS ADMIN MUST BE NOTIFIED OF THESE CHANGES IMMEDIATELY. SEND
TO MARYLAND INSURANCE ADMINISTRATION, 601 SAINT PAUL PLACE, BALTIMORE MD
21202-2272

MARYLAND INSURANCE ADMIN
501 ST. PAUL PLACE
BALTIMORE, MD. 21202

DAVID M SMALL
375 PADONIA ROAD WEST
SUITE 265
TIMONIUM MD 21093-0000

STATE OF MARYLAND
MARYLAND INSURANCE ADMINISTRATION
MARYLAND INSURANCE ADMIN

CERTIFIES THAT

DAVID M SMALL

IS AN AUTHORIZED
RESIDENT AGENT

LIC REG CERT NO EXPIRATION DATE EFFECTIVE DATE CATEGORY

706960 6/30/97

LICENSE, REGISTRATION, OR CERTIFICATION
Parris N. Glendening Governor Dwight K. Bartlett, III Commissioner

3078280

02 01 706960

3,078,280

LICENSE, REGISTRATION, OR CERTIFICATION

State of Maryland

MARYLAND INSURANCE ADMINISTRATION

CERTIFICATE OF QUALIFICATION

CERTIFIES THAT

DAVID M SMALL
375 PADONIA ROAD WEST
SUITE 265
TIMONIUM MD 21093-0000

IS AN AUTHORIZED RESIDENT AGENT

LIC REG CERT NO EXPIRATION DATE EFFECTIVE DATE CATEGORY
706960 6/30/97 7/01/95-A

WHERE REQUIRED BY LAW THIS MUST BE CONSPICUOUSLY DISPLAYED IN OFFICE TO WHICH IT APPLIES

3078280

Parris N. Glendening
Governor

Dwight K. Bartlett, III
Commissioner

SIGNATURE OF BEARER

STATE OF CALIFORNIA

Department of Insurance License

THIS WILL CERTIFY THAT PURSUANT TO LICENSING REQUIREMENTS OF THE CALIFORNIA INSURANCE CODE, THE PERSON NAMED ON THIS LICENSE IS AUTHORIZED TO ACT IN THE FOLLOWING CAPACITY:

LIFE AGENT

EFFECTIVE DATE: EXPIRATION DATE:

OCT 25, 1994 JUL 31, 1996

SMALL, DAVID MANGAN

375 PADONIA ROAD WEST #265
TIMONIUM MD 21093

LICENSE NO. 0A10926

WITNESS my hand and seal of office.



Arthur J. Wamond
Insurance Commissioner

SEE REVERSE SIDE

STATE OF CONNECTICUT INSURANCE DEPARTMENT

LICENSE
PRODUCER

License Number	Date Issued	Expiration Date	Authority
000982610	02-01-96	01-31-98	LIFE A&H
LICENSEE:			The person, partnership, association or corporation named above, having duly qualified under the laws of this State, is hereby licensed to act within this State as indicated in the above license class and authorization to transact the kinds of insurance business described above. This license shall remain in effect during the designated period unless sooner cancelled, revoked or suspended by the Insurance Commissioner.
SMALL, DAVID M 250 PRESIDENT STREET BALTIMORE, MD 21202			GEORGE M. REIDER, JR.
			 INSURANCE COMMISSIONER

State of Michigan

Department of Licensing and Regulation

Insurance Bureau

This is to Certify That **SMALL, DAVID M**
has fulfilled the requirements of Act 218, of the Public Acts of 1956, as
amended, and is hereby licensed By the Commissioner of Insurance in the
State of Michigan as the following:

LICENSE TYPE **NON-RESIDENT AGENT** EFFECTIVE DATE **07-23-91**
LICENSE NO: **272426931**
QUALIFICATIONS: **ACC AND HEALTH LIFE**



CERTIFICATE NUMBER **139785**

This license shall at all times be the property of the STATE OF MICHIGAN and
upon any suspension, revocation, or termination thereof, the licensee shall promptly
deliver said license to the Commissioner of Insurance.

COMMISSIONER OF INSURANCE

INS-400 11/85

NAME AND/OR ADDRESS CHANGE NOTIFICATION

State of Michigan

SMALL, DAVID M

1101 SOMERSET PLACE

LUTHERVILLE MD 210931

LIC. NO. **272426931**

CROSS OUT INCORRECT INFORMATION AND PRINT CORREC-
TION ABOVE LINE TO BE CHANGED. DETACH AND SEND TO:
DEPARTMENT OF LIC. & REG., INSURANCE BUREAU, P.O.
BOX 30220, LANSING, MICHIGAN 48909.

Department of Licensing and Regulation

Insurance Bureau
SMALL, DAVID M

This is to Certify That
has fulfilled the requirements of Act 218, of the Public Acts of 1956, as amended, and
is hereby licensed By the Commissioner of Insurance in the State of Michigan as the
following:

LICENSE **NON-RESIDENT AGENT**
QUAL. **AH LI**
EFFECTIVE DATE **07-23-91**
LICENSE NO. **272426931**
DAVID J. DYKHUSE

COMMISSIONER CERT. NO. **139785**

AGENT'S LICENSE

SMALL, DAVID M
SEQUOIA SETTLEMENT SERVICES, INC.
375 PADONIA ROAD WEST SUITE 265
TIMONIUM, MD 21093

State of Nebraska

DEPARTMENT OF INSURANCE

941 O STREET SUITE 400
LINCOLN, NEBRASKA 68508-3690

NOTICE TO LICENSEE:

CHANGE OF BUSINESS AND RESIDENCE ADDRESS

EVERY PERSON LICENSED TO TRANSACT THE BUSINESS OF INSURANCE IN THE STATE OF NEBRASKA SHALL NOTIFY THE DEPARTMENT WITHIN 30 DAYS OF ANY CHANGE OF SUCH PERSON'S BUSINESS OR RESIDENCE ADDRESS. ANY PERSON FAILING TO PROVIDE SUCH NOTIFICATION SHALL BE SUBJECT TO A FINE BY THE DIRECTOR OF NOT MORE THAN FIVE-HUNDRED DOLLARS PER VIOLATION, SUSPENSION OF THE PERSON'S LICENSE UNTIL THE CHANGE OF ADDRESS IS REPORTED TO THE DEPARTMENT OF INSURANCE OR BOTH.

SUCH NOTICE OF CHANGE OF ADDRESS SHALL BE FILED ON THE FORM PRESCRIBED BY THE DIRECTOR OF INSURANCE. CHANGE OF ADDRESS FORMS MAY BE OBTAINED FROM THE NEBRASKA DEPARTMENT OF INSURANCE.

STATE OF Non-Resident DEPARTMENT NEBRASKA AGENT'S LICENSE OF INSURANCE THIS IS TO CERTIFY THAT THE PERSON NAMED HEREON IS DULY LICENSED SMALL, DAVID M SEQUOIA SETTLEMENT SERVICES, INC. 375 PADONIA ROAD WEST SUITE 265 TIMONIUM, MD 21093 ID NUMBER 272-42-6931 LICENSE NUMBER AG105798 <i>Robert C. Jantz</i> DIRECTOR OF INSURANCE	AGENT IS AUTHORIZED TO WRITE THE LINES INDICATED BELOW. Life Insurance and Annuities  ISSUED Jun 23, 1995 EXPIRES Jun 30, 1997
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New Mexico
State Corporation Commission

Jerome D. Block
Chairman

Eric P. Serna
Commissioner

Gloria Tristani
Commissioner

P.O. BOX 9
SANTA FE, NEW MEXICO 87504-1269
09/19/95



INSURANCE DEPARTMENT

P. O. Drawer 1269
Santa Fe, NM 87504-1269

TELEPHONE (505) 827-4601
1-800-947-4722
FAX # (505) 827-4734

SMALL, DAVID MANGAN
250 SOUTH PRESIDENT STREET
BALTIMORE MD 21202

RE: CONFIRMATION OF CONTINUING EDUCATION CREDITS
SSN: 272426931

COURSE NUMBER	ORG ID	TYPE OF COURSE	TITLE OF COURSE	NO HR	DATE COMPLETED
9981	0001	EITHER	NON-RESIDENT RETALIATORY - EXE	15	04/26/95

NOTE: THE ABOVE REFERENCED COURSE(S) HAVE BEEN CREDITED

IF THERE ARE ANY QUESTIONS, PLEASE CONTACT PATRICIA ABEYTA
PHONE (505) 827-4553.

NEW MEXICO CORPORATION COMMISSION

DEPARTMENT OF INSURANCE

AGENTS LICENSE

TYPE OF
AGENT

AGENT

LICENSE NO

962623

THIS IS TO CERTIFY THAT

272-42-6931

SMALL, DAVID MANGAN
250 SOUTH PRESIDENT STREET
BALTIMORE MARYLAND

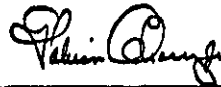
21202

IS LICENSED FOR

LIFE

ISSUED

12/09/92



SUPERINTENDENT OF INSURANCE



TEXAS DEPARTMENT OF INSURANCE

333 Guadalupe P.O. Box 149104 Austin, Texas 78714-9104

LICENSE CERTIFICATE



ID Number	Expires
0008876418	12-12-97

This is to certify that the entity / person named herein is licensed to act for the license period and under the license types indicated and subject to the provisions set forth in the Texas Insurance Code.

DAVID M SMALL
375 PADONIA ROAD WEST SUITE 265
TIMONIUM MD 21093

LICENSE	LICENSE TYPE DESCRIPTION
01-01	AGENT FOR LEGAL RESERVE LIFE INSURANCE COMPANY

I certify that I am familiar with the provisions of the Texas Insurance Code which govern the license type(s) issued to me as identified herein. I further certify that I am knowledgeable of the privileges and limitations which this license extends to me, and the penalties which the Texas Insurance Code and Texas Penal Code provide for the misuse thereof.

Signature of Licensee

Texas Department of Insurance License Card

ID Number: 0008876418

Expires on: 12-12-97

DAVID M SMALL
375 PADONIA ROAD WEST SUITE 265
TIMONIUM MD 21093

X
Signature of Licensee

Texas Department of Insurance
(512) 322-3503

P.O. Box 149104
Austin, TX 78714-9104

License Types

01-01

This is to certify that the person / entity named herein is licensed to act for the license period and under the license types indicated and subject to the provisions set forth in the Texas Insurance Code.

NOT
evidence
FOR I.D.
only

~~Pet. #3~~
Pet. #3

207

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-353-A

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 Variance from Section 1B02.3.C

TO PERMIT A REAR YARD SETBACK OF 24 FEET IN

LIEU OF THE REQUIRED 30 FEET.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached Sheet

MAP	NE10A
	E3
S.D.	9
DATE	11/22/91
200	
1000	
50	G

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

I, or we, agree to pay expenses of above Variance 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.:

Legal Owner(s):

John Robert Bashaar

(Type or Print Name)

Signature

Sally Dawn Bashaar

(Type or Print Name)

Signature

Address

Phone No.

City and State

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

John Robert Bashaar

Name

502 Allegheny Ave

321-7835

Towson, MD. 21204

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 10 day of January, 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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15 day of March, 1990, at 11 o'clock A.M.

J. Robert Hines

Ref. # 6
MICROFILMED

C. RICHARD MOORE
VICE PRESIDENT

PROFILE:

Mr. Moore has 31 years of experience in traffic, transportation, transit, parking, and pedestrian planning and engineering. He has worked for Baltimore County Government for those 31 years in all facets of traffic and transportation planning. This experience includes traffic impact studies, transportation analysis of full scale communities, as well as individual site review of various land uses. Additionally, his experience encompasses travel demand studies, parking studies, transit access studies, traffic signal studies and design, and community transportation studies. Mr. Moore has provided expert testimony before numerous planning boards, elected officials, administrative hearing officers, district and circuit courts, as well as citizens groups.

EXPERIENCE:

Traffic Impact Studies. Conducted and reviewed numerous traffic impact studies for residential, commercial, and mixed use projects, as well as town master plans throughout Baltimore County. This includes preparation of reports and expert testimony in support of rezoning, subdivisions, site plans, and master plan approval.

Conducted large scale multi-modal transportation studies for such communities as White Marsh, Hunt Valley, Owings Mills, Towson, and others. These impact studies included large industrial complexes, such as the Rutherford Business Park, HCFA, town centers of Owings Mills, White Marsh, Towson, Loveton, as well as others while in Baltimore County for the last 31 years. Numerous large and small scaled residential projects, such as Owings Mills New Town, Loveton Farms, Honeygo, Cockeysville, Randallstown, and others.

Traffic Signal Operations. Conducted numerous studies for the installation and modernization of over 400 traffic signals in Baltimore County. This included studies to determine the need for traffic signals, as well as studies analyzing the signal timing and their coordination in signal systems in the various systems throughout the county. Installed and designed the first digital computerized signal system on the East Coast. Participated in the many years of continued upgrading of this signal system with improved signal technology and signal timings.

Transportation Corridor Studies. Provided traffic and transportation expertise as a member of the team of planners, engineers, and others for such arterials as Perry Hall Boulevard, Owings Mills Boulevard, Red Run Boulevard, Rossville Boulevard, as well as others during the 31 growth years in Baltimore County Development. These studies required analysis of the land use and a determination of future traffic volumes to ensure adequate design.

Traffic and Transportation Regulations. Supervised and prepared traffic and transportation regulations for over 100,000 traffic signs and markings in Baltimore County. Also, prepared the residential permit parking law, which was accomplished with numerous community groups attempting to resolve parking problems within their communities. Provided expertise in developing the transportation element of Baltimore County Basic Services legislation.

Transit Impact Analysis. Conducted numerous access studies and participated in the planning of the MTA's Metro Rail Line to Owings Mills, as well as the Light Rail to Timonium. This included Highway Capacity Analyses, traffic signal design, access requirements, as well as adjacent land use requirements. Also participated in the analysis of the Towson Transit Center. Additionally, participated in the semi-annual review of the bus routes in Baltimore County and adjustments to the routes as necessary.

Regional Transportation Studies. Participated with county planning agencies, mass transportation agencies, State Highway Administration, and the Baltimore Council of Governments in regional transportation needs and requirements.

Neighborhood Traffic Studies. Numerous neighborhood traffic studies requiring close coordination with many community groups throughout the county concerning speeding, truck traffic, cut through traffic, parking problems, traffic problems generated by development, and accidents (both pedestrian and vehicular) have been conducted with great success. Some of the communities involved were Loch Raven Village, Catonsville, Reisterstown, Timonium, Hawthorne, and Lochearn.

Transportation Demand Management. Coordinated and participated for over 20 years in the County's Ride Sharing Program. This program was utilized to encourage motorists to car pool, use mass transit, use of flexible work hours, use of bicycles, as well as other tools to reduce the demand on the road system by vehicular traffic. This program increased the importance with the passage of the Clean Air Act. This required our working closely with developers and property owners to reduce peak hour vehicular traffic.

Pedestrian Studies. Conducted pedestrian studies as part of the overall transportation plans in Towson, as well as numerous other communities throughout Baltimore County. This included analysis of pedestrian trips to the many schools, as well as working with the Coalition of the Handicapped to improve their access.

Traffic and Transportation Studies. As the analysis of the traffic and transportation needs on the 2,500 miles of county road were conducted, traffic count studies, highway capacity studies, intersection operational studies, channelization and access studies, truck studies, accident studies, and parking studies were required.

Environmental Impact Studies. Prepared the transportation components for numerous environmental documents required for over 15 years of transportation studies.

Traffic Accident Investigation. Prepared detailed Traffic Engineering studies and traffic accident analysis and provided expert testimony in District and Circuit Courts.

EDUCATION:

Bachelor of Science, Civil Engineering, North Carolina State University, Raleigh, North Carolina 1965

Professional Program in Urban Transportation, Carnegie-Mellon University 1972

Various traffic and transportation short courses:

- Short Course in Traffic Engineering, University of Maryland, 1966
- Urban Transportation Short Course, Georgia Tech, 1966
- Traffic Management, Northwestern University, 1977
- Highway Capacity Manual, Institute of Transportation Engineers, 1986

- Freeway Incident Management, ITE, 1986
- Trip Generation Studies, ITE, 1988
- Traffic Signal System Coordination, Georgia Tech, 1996
- Traffic Engineering Short Course, Georgia Tech, 1996

AFFILIATIONS: Institute of Transportation Engineers
County Engineers Association
American Public Works Association

PUBLICATIONS: - Owings Mills Traffic Study Department of Traffic Engineering and Department and Planning, Baltimore County Government, 1985

- Neighborhood Residential Speed Control, Institute of Transportation Engineers Annual Meeting, Vancouver, British Columbia, 1988

- Catonsville Traffic Study, Bureau of Traffic Engineering, Department of Public Works, Baltimore County Government, 1991

- Accident Analysis of Four Way Stop Signs When Used for Speed Control, Bureau of Traffic Engineering, Department of Public Works, 1992

EMPLOYMENT HISTORY:

1996 - present Wells & Associates, Inc., Towson, Maryland (Vice President)

Primary responsibility for traffic engineering and transportation planning services for the Baltimore region.

1993 - 1996 Baltimore County Government, Department of Public Works, Bureau of Highways and Traffic (Bureau Chief)

Supervise, plans, organize and direct the operations of the bureau and its budget of \$15+ million, and its 400 employees. Responsible for all traffic movement, snow removal, and maintenance on 2,500 miles of county roadway. Responsible for transportation planning, traffic signs and markings, signal maintenance and construction, as well as road resurfacing, storm drain maintenance and grass cutting.

1987 - 1993 Baltimore County Government, Department of Public Works, Bureau of Traffic Engineering (Bureau Chief)

Supervise, plan, organize, and direct the operation of the bureau and its budget of \$4+ million, with more than 80 employees. Responsible for all traffic movement on 2,500 miles of county roads with transportation planning, signs, markings, signal maintenance, and construction for a population of 760,000.

1985 - 1987 Baltimore County Government, Department of Traffic Engineering (Deputy Director)

Assists director in planning, organizing, directing and controlling activities in the Department of Traffic Engineering. Assists in policy and administration, establishment of procedures. Preparation and execution of department budget.

1969 - 1985 Baltimore County Government, Department of Traffic Engineering, Bureau of Planning and Design (Assistant Traffic Engineer)

Supervise operation of Bureau of Planning and Design. Plans, prepares and supervises traffic studies and surveys. Prepares designs on traffic signals, channelization, and intersection design. Operation of computerized traffic system. Reviews zoning, building, subdivision, and parking plans.

1964 - 1969 Baltimore County Government, Department of Traffic Engineering, Bureau of Planning and Design (Engineer)

Preparation of signal design. Reviewed and prepared comments on subdivision and zoning plans. Installation of county's first computerized signal system. Analysis of traffic data and preparation of reports.

Pet. # 7

MICROFILMED

Abraham Korotki
516 Allegheny Avenue
Towson, Maryland 4/14/97

Wells & Associates
420 Virginia Avenue
Towson, Maryland 21286

Case # 96-442-SPHX

Existing conditions:

Speed Limit 25 mph
Opposite drive to YMCA
4-way stop signs on Allegheny Avenue
at Woodbine & Highland Avenue
No Parking Northside
2 Hr parking Mon-Fri 9am-3pm Southside
light parking on Allegheny
502 Allegheny- Attorney in home - John R. Bashaar
30 foot street with sidewalk on both sides

Traffic Volumes (ADT)

Allegheny Avenue	
West of site	1800
East of site	2500
West of Bosley Ave	5000
East of Bosley Ave	8500

45% of all traffic to & from YMCA

PM Peak 277 vehicles passing the intersection at YMCA

Parking spaces at YMCA	194
occupied 3:30 pm 4/9/97	111
occupied 5:30 pm 4/9/97	145
occupied 9:15 am 4/14/97	136

Trip Generation

		Trips	
			727 sq.ft
1000 sq.ft. office	ADT	24.8	17.88
	PM Peak	3.4	2.47
	AM Peak	3.2	2.33
			3 Employees
per Employee	ADT	6	18
	PM Peak	0.92	2.76
	AM Peak	0.77	2.31
			1 D.U.
Single Family	ADT	9.55	9.55
	PM Peak	1.01	1.01
	AM Peak	0.74	0.74
Total (worst case)	ADT		27.43
500 sq ft office +	PM Peak		3.77 * Less than one percent increase of total traffic
1 Dwelling unit	AM Peak		3.07 passing intersection today.
			two trips existing from existing resident

Level of Service

Existing and future level of service is "A"
at all intersections and driveways in this study

516 W. Allegheny Avenue											
Traffic Count 4/8/97											
	Allegheny Ave(EB)		YMCA		Allegheny Ave(WB)			Allegheny Avenue		YMCA Traffic	
Time	Straight	Right	Left	Right	Left	Straight	Total	East	West		% Total
3:45-4:00	12	4	0	5	14	17	52	48	33	23	44.23
4:00-4:15	9	4	2	11	9	21	56	50	36	26	46.43
4:15-4:30	18	4	0	7	21	14	64	60	36	32	50.00
4:30-4:45	26	5	1	8	10	16	66	60	48	24	36.36
4:45-5:00	19	8	2	4	16	24	73	63	53	30	41.10
5:00-5:15	16	6	3	12	18	19	74	65	44	39	52.70
Total											
4:15-5:15	79	23	6	31	65	73	277	248	181	125	45.13



Frederick Allen Hiser, AIA

Associate Principal, Chambers Architectural Associates

Professional Experience:

- Associate Principal to the Firm, Mr. Hiser possesses strong design leadership on an extensive variety of projects.

Education:

- The Catholic University of America, Bachelors of Architecture, 1980.
- Patrick O'Boyle Foreign Studies Program; Rome, Italy and London, England, 1980.
- The Catholic University of America, Master of Architecture, sub-concentration in Urban Design, 1982.

Professional Background:

- Chambers Architectural Associates, Baltimore, Maryland. 1996-Present.
- Cochran, Stephenson & Donkervoet Architects, Inc, Baltimore, Maryland
Promoted to Associate 1994, 1989-1996.
- RTKL Associates, Inc., Baltimore, Maryland. Promoted to Associate, 1985.
1982-1989.
- O'Neil and Manion Architects, Bethesda, Maryland. 1981-1982.
- Marriott Corporation, Bethesda, Maryland. 1981.
- The Architrave Partnership Architects, Washington, D.C. 1979-1980.
- The A+B+S Group, Washington, D.C. 1979.
- Zepplin Graffics, Washington, D.C. 1979.

Professional Registrations:

- The American Institute of Architects, Maryland registration, 1985

Awards:

- Design Award, Naval Academy Visitor Center, Baltimore Chapter AIA, 1996
- Grand Design Award, 300 West Pratt Street, Baltimore Chapter AIA, 1990
- Honor Award, 300 West Pratt Street, Maryland Chapter AIA, 1990
- Preservation Honor Award, 300 West Pratt Street, Maryland Historic Trust, 1990
- Preservation Honor Award, 300 West Pratt Street, Baltimore Heritage, 1990
- Scholarship, Foreign Studies Program Competition, 1980

Representative List of Projects:

Howard County General Hospital,* Doctor's Pavilion MRI Suite Columbia, Maryland	Harbor Hospital,* Radiation Oncology Suite Baltimore, Maryland
Bishop Gadsden Episcopal Retirement Community, Charleston, South Carolina	Canterbury on the Lake Episcopal Retirement Community, Waterford, Michigan
300 West Pratt Street,* Baltimore, Maryland	Baltimore Life Headquarters (Competition),* Owings Mills, Maryland
Fresh Fields Food Market, Mount Washington Mill, Baltimore, Maryland	Visitor Orientation/Administration Center,* Potomac Electric Power Company, Alexandria, Virginia
Baltimore Convention Center,* Baltimore, Maryland	The Weinberg Foundation Headquarters,* Owings Mills, Maryland
United States Naval Academy,* Armel Leftwich Visitor Center, Annapolis, Maryland	Cambridge Park Mixed-Use Complex,* Cambridge, Massachusetts
United States Naval Academy,* Physical Training Facility, Annapolis, Maryland	Design Studio & Offices for CS&D Architects,* The Warehouse at Camden Yards, Baltimore, Maryland
McDonough School Fieldhouse,* Owings Mills, Maryland	Maryland Stadium Complex,* Baltimore, Maryland

* Projects while at another firm

- Chambers Tenure: 1 year
- Healthcare Experience: 7 years

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
ABRAHAM KOROTKI /PETITIONER	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING AND		
SPECIAL EXCEPTION ON PROPERTY	*	OF
LOCATED ON THE NORTH SIDE OF		
W. ALLEGHENY AVENUE, 500' WEST*		BALTIMORE COUNTY
OF THE C/L HIGHLAND AVENUE		
(516 W. ALLEGHENY AVENUE)	*	CASE NO. 96-442-SPHX
9TH ELECTION DISTRICT		
4TH COUNCILMANIC DISTRICT	*	

* * * * *

RULING ON MOTION FOR RECONSIDERATION

People's Counsel, by way of April 29, 1997 correspondence to the Board, brings a Motion for Reconsideration from the Board's Opinion and Order dated April 25, 1997. People's Counsel argues that the Petitioner, Abraham P. Korotki, should not have been allowed to withdraw the Petition for Special Exception for four reasons as stated in their correspondence. In response to People's Counsel's Motion, the Board scheduled a hearing on the record and denied People's Counsel's Motion.

People's Counsel overstates its first point of argument when it writes: "As has been the practice of this Board, no pleadings, evidence, letters or other matters are accepted by the Board once the evidentiary record has been closed...." The practice of this Board, as it relates to "or other matters" as stated by People's Counsel, is determined by the sitting panel's chairman in the respective cases. Said chairman is responsible for conduct of the proceedings before the Board. In this matter, People's Counsel moved to dispose of both the Petition for Special Exception and Petition for Special Hearing, citing numerous deficiencies in the requisite plat to accompany the Petitions. That Motion was made at

MICROFILMED

the conclusion of Petitioner's case-in-chief.

Rule 3b of the Rules of Practice and Procedure of the County Board of Appeals, Appendix C of the Baltimore County Code, indicates that an appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal. It is this Board's belief that the case had not yet been concluded, but that the Petitions themselves were deficient, thereby placing the Petitioner in a position of refiling to cure the deficiencies at some future proceeding. Therefore, the Board denied the Motion based on People's Counsel's first argument.

Regarding Item 2 in People's Counsel's Memorandum, this Board is not constrained to work within the confines of the Maryland Rules of Procedure in the absence of clear direction contained in the Board's Rules of Practice and Procedure. Proceedings before this Board, while quasi-judicial, are administrative in nature. Further, the Board is responsible for interpreting and acting within its own rules of practice and procedure. Therefore, the second item in People's Counsel's Motion fails.

Item 3, the open meetings law issue, is intended to provide the public an opportunity to witness the decision-making processes of the Board. In this case, by the Board's interpretation of the processes in this case in light of Rule 3b, the Board has no decision to render on the merits of the case. Therefore, an open deliberation is not required.

Regarding the fourth item in People's Counsel's Motion, the Board has already addressed these issues as stated above.

ABRAHAM KOROTKI

Under the Board's Rule 10, the Board has revisory power and control over the Order in the event of fraud, mistake or irregularity. The Board has found neither fraud, nor mistake, nor irregularity; therefore, the Order dated April 26, 1997 shall stand as written.

Accordingly, the Motion for Reconsideration be and is hereby DENIED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Kristine K. Howanski


Margaret Worrall

DATE: June 10, 1997

1997 JUN 10



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

June 10, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 96-442-SPHX
Abraham P. Korotki -Petitioner

Dear Mr. Zimmerman:

Enclosed please find a copy of the Ruling on Motion for Reconsideration issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for

Kathleen C. Bianco
Administrator

encl.

cc: Charles E. Brooks, Esquire
Malcolm F. Spicer, Jr., Esquire
John Pyle, President
West Towson Neighborhood Assn.
J. Donald Gerding
Greater Towson Council of Comm. Assns.

RECEIVED





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DE NILIO
Deputy People's Counsel

April 29, 1997

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
516 W. Allegheny Avenue, N/S
Allegheny Ave., 500' W of c/1
Highland Ave., 9th Election
Dist., 4th Councilmanic
ABRAHAM P. KOROTKI, Petitioner
Case No.: 96-442-SPHX

Dear Chairman Schuetz:

This letter is intended as a Motion for Reconsideration. A hearing in this case was conducted on April 16. Following the close of the Petitioner's case on the merits, People's Counsel moved to dispose of both the Petition for Special Exception and Petition for Special Hearing. People's Counsel advised the Board that Petitioner's site plan in the Special Exception case did not conform to the legal requirements and was defective, and that Petitioner failed to produce evidence for the Special Hearing. The Board openly deliberated on these matters and denied both Petitions. There was no reason for Protestants and People's Counsel to proceed on the merits. The Board announced that a written Opinion and Order would follow.

The following day, before the Board had an opportunity to issue a written Order, Petitioner filed a notice of withdrawal of the special exception petition, which the Board accepted in its Opinion dated April 25, 1997.

Petitioner should not have been allowed to withdraw the Petition for the following reasons, which warrant reconsideration:

MICROFILMED

RKW

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
April 29, 1997
Page Two

1) As has been the practice of this Board, no pleadings, evidence, letters or other matters are accepted by the Board once the evidentiary record has been closed. In this matter, the record was closed on April 16. The Petitioner's Dismissal can not be accepted by the Board.

2) There is no rule regarding withdrawal before the County Board of Appeals. Maryland Rule 2-506 addresses Voluntary Dismissal in civil court proceedings (see attached). A party cannot dismiss his complaint after a responsive pleading is filed, unless by agreement of the parties or order of court. If Rule 2-506 does not permit dismissal as a matter of right before trial, a party certainly cannot dismiss his case during or after the trial.

"A contention that either a party or his counsel can 'dismiss' and so nullify the judgment of a court is simply preposterous..." Mildred Davis, Inc. v. Hopkins, 224 Md. 626 (1961).

3) The Open Meetings law provides for open deliberations followed by a written Order. It is not intended to give a party an opportunity to file an intervening pleading to avoid or circumvent a decision rendered by an administrative agency.

4) There is no problem of "subject matter" jurisdiction. The Board (not the Petitioner) controls the case within its jurisdiction.

The Petitioner's voluntary dismissal was not agreed to by the parties nor ordered by the Board. The Board should reconsider its approval of Petitioner's Notice of Withdrawal. Moreover, the decision of the Board to accept the Notice of Withdrawal was not deliberated in public. The Board should issue a revised Opinion and Order denying the Petition for Special Exception.

Please treat this letter as a Motion for Reconsideration, and schedule a hearing and open deliberation.

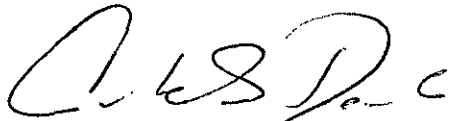
Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County

MICROFILMED

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
April 29, 1997
Page Three



Carole S. Demilio
Deputy People's Counsel

CSD/caf

cc: Charles E. Brooks, Esq. and
Malcolm F. Spicer, Jr., Esq.
Attorneys for Petitioner

Mr. John Pyle, President,
West Towson Neighborhood Assn., Protestant

Mr. J. Donald Gerding
Greater Towson Council of Comm. Assns., Protestant

CBA.LTR/PZONE/TXTCAF

Enclosure



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 25, 1997

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Charles T. Brooks, Esquire
BROOKS & SPICER
610 Bosley Avenue
Towson, MD 21204

RE: Case No. 96-442-SPHX
Abraham Korotki -Petitioner

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Abraham Korotki
Timothy Madden
/Morris & Ritchie Assoc., Inc.
John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

NOT RECORDED



IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	
<u>ABRAHAM KOROTKI /PETITIONER</u>	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING AND	*	
SPECIAL EXCEPTION ON PROPERTY	*	OF
LOCATED ON THE NORTH SIDE OF	*	
W. ALLEGHENY AVENUE, 500' WEST*	*	BALTIMORE COUNTY
OF THE C/L HIGHLAND AVENUE	*	
(516 W. ALLEGHENY AVENUE)	*	CASE NO. 96-442-SPHX
9TH ELECTION DISTRICT	*	
4TH COUNCILMANIC DISTRICT	*	

* * * * *

O P I N I O N

This case comes on appeal of the decisions of the Deputy Zoning Commissioner in which a Petition for Special Hearing was granted and a Petition for Special Exception was denied on the instant site. Before the Deputy Zoning Commissioner, the Petition for Special Hearing was to determine that an economist is a "professional person" as contemplated by Section 1B01.C.9.b of the Baltimore County Zoning Regulations. On appeal the then-subject economist did not appear before this Board; therefore, at the conclusion of Petitioner's case-in-chief, and on Motion to deny the special hearing brought by People's Counsel, the Board ruled from the bench that the Petition for Special Hearing shall be denied, and will so order.

On the issue of special exception, the Petitioner, following open deliberation of this matter, brings "Notice of Withdrawal of Petition for Special Exception," wherein Petitioner withdraws without prejudice the Petition for Special Exception. Having received said notice of withdrawal, this Board does not have subject matter jurisdiction in the instant special exception. Therefore, the instant appeal brought by Abraham Korotki shall be

120

dismissed as moot.

O R D E R

THEREFORE, IT IS THIS 25th day of April, 1997
by the County Board of Appeals of Baltimore County

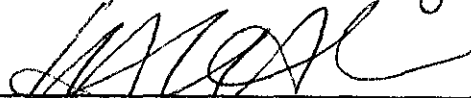
ORDERED that the Petition for Special Hearing to determine
that an economist is a "professional person" as contemplated by
Section 1B01.C.9.b of the Baltimore County Zoning Regulations be
and the same is hereby DENIED; and it is further

ORDERED that the Petition for Special Exception, having been
withdrawn without prejudice by Petitioner, be and the same is
DISMISSED as moot.

Any petition for judicial review from this decision must be
made in accordance with Rule 7-201 through Rule 7-210 of the
Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Robert O. Schuetz, Chairman


Kristine K. Howanski


Margaret Worrall

MICROFILMED

IN THE MATTER OF:

ABRAHAM P. KOROTKI

PETITIONER

(516 WEST ALLEGHENY AVENUE)
9TH ELECTION DISTRICT
4TH COUNCILMANIC

* BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

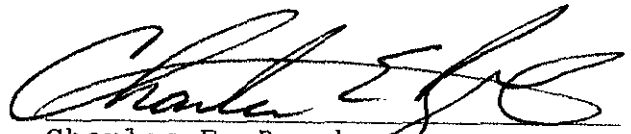
*

* CASE NO.: 96-442SPHX

* * * * *

NOTICE OF WITHDRAWAL OF PETITION FOR SPECIAL EXCEPTION

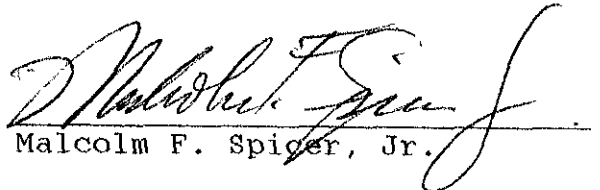
Petitioner, Abraham P. Korotki, hereby withdraws his
Petition For Special Exception without prejudice, no final order
of denial having been entered as of the date and time of filing
of this Notice.



Charles E. Brooks,
Counsel For Petitioner
Law Offices of Brooks & Spicer
610 Bosley Avenue
Towson, Maryland 21204
(410) 296-2600

CERTIFICATE OF FILING

I HEREBY CERTIFY, that this Notice of Withdrawal of
Petition For Special Exception was hand delivered to the Board of
Appeals on April 17, 1997 at 1:40 p.m.



Malcolm F. Spicer, Jr.

CERTIFICATE OF SERVICE *h*

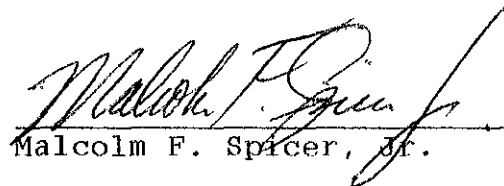
I HEREBY CERTIFY, that on this 17 day of April, 1997, a
copy of the foregoing Notice of Withdrawal of Petition For

RECEIVED
COUNTY BOARD OF APPEALS
97 APR 17 PM 1:40

LAW OFFICES
BROOKS & SPICER
610 BOSLEY AVENUE
TOWSON, MD 21204

296-2600

Special Exception was hand delivered to: Peter M. Zimmerman,
Esquire, Old Courthouse, Towson, Maryland 21204.


Malcolm F. Spicer, Jr.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION * ZONING COMMISSIONER
516 W. Allegheny Avenue, N/S Allegheny *
Avenue, 500' W of c/l Highland Avenue * OF BALTIMORE COUNTY
9th Election District, 4th Councilmanic *
Legal Owner(s): Abraham Korotki * CASE NO. 96-442-SPHX
Contract Purchaser: David M. Small *
Petitioners *

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Christine K. McSherry, Esquire, 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

GENERAL NOTES

10 ZONING HISTORY

1 OWNER:

Abraham Koroki
11931 Park Heights Avenue
Owings Mills, Maryland 21117
Tax Account No.: 0918350400

2 APPLICANT:

Mr. David Small (Contract Purchaser)
Sequoia Settlement Services, Inc.
375 West Padonia Road, Suite 265
Timonium, Maryland 21093

3 MRA CONTACT:

Mr. Timothy Madden, Principal

4 SITE DATA:

Gross Area: .43± Acres / 18731 s.f.
Net Area: .38± Acres / 16553 s.f.
Existing Zoning: D R. 3.5
Election District: 9
Councilmanic District: 4
Zoning Map: NW10A

5 EXISTING USE:

Home-Office

6 PROPOSED USE

Home-Office, in accordance with the conditions set forth in Section 1B01.1 C (9b) of the BCZR, those being that the, "other professional" will use no more than 25% of the total floor area and that the residence serves as the professional's primary residence.

7. The subject residence is a three (3) level structure consisting approximately 3832 square feet on a .38± Acre lot. Primary residence use of the dwelling is interior will include the entire basement, the entire upper level and the kitchen space on the main level. Office use will occupy five (5) rooms, the hallway and the bathroom on the main floor. The following chart has been prepared to account for all interior spaces

11. No additions or alternations to the existing structure are planned

s request is for:

A special exception to permit a home office in a DR Zone

A special hearing to determine whether an Economists a "professional person" in accordance with Section 1B01.1 C(9b).

Interior Space Calculations

AREAS	PERSONAL	BUSINESS	TOTAL
Basement	1261		1261

Upstairs	1261		1261
Main floor:	1310		1310
Kitchen	117.4		
Bath		22.12	
Secretary/Entry		179.48	
Secretary		179.75	
Conference Room		173.81	
Business Office		114.91	
Personal Office		171.9	
Main Hallway		45	
Short Hallway	31.4		
	2670.8	885.97 S.F.	3832

3813
 $\times .25$
 953.25 SF. Permitted for Business Use

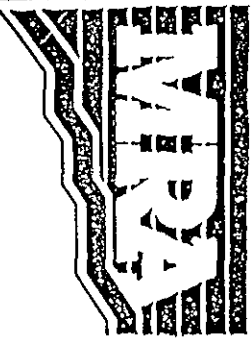
8. D.R. 3.5 ZONE SETBACK REQUIREMENT

Front Yard: 30' from Front Property Line
 Side Yard: 25' Total - 10' from Adjacent Lot
 15' from Adjacent Parcel
 Rear Yard: 30' from Rear Property Line

9. PARKING CALCULATIONS:

Parking Required: 2 Spaces
 Residential Use: 3.3/1,000 SF
 Office Use: 886 SF/1000 SF = .886 $\times$ 3.3 = 2.92 / 3 spaces
 Parking Provided: 5 Spaces

EXHIBIT 'D': SHEET ONE OF TWO



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

110 West Road Suite 105
 Towson, Maryland 21204
 (410) 821-1690
 Fax (410) 821-1748

**SITE PLAN NOTES FOR
 SPECIAL EXCEPTION/SPECIAL HEARING
 FOR
 DAVID SMALL HOME OFFICE
 516 ALLEGHENY AVE. TOWSON, MD 21204**

SCALE:

DATE:

5-2-96

DRAWN BY:

BHJ

DESIGN BY:

REVIEW BY:

TFM

JOB NO:

10348

438



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 516 W. Allegheny Ave, Towson, MD 21204

76-442-SPHX

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

whether an economist is a "professional person" in accordance with Section 1B01.C.9.b

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

I, or we, agree to pay expenses of 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/Lessee.

David M. Small
(Type or Print Name)

Signature

250 W. President Street

Address

Baltimore, MD 21202

City

State

Zipcode

Attorney for Petitioner.

Christine K. McSherry
(Type or Print Name)

Signature

4th Floor

210 W. Pennsylvania Ave 832-2027

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Christine K. McSherry 832-2027

4th Floor

210 W. Pennsylvania Ave, Towson, MD 21204

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP OFF
No REVIEW
5/6/96
WCR



438



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 516 W. Allegheny Ave, Towson, MD 21204

76-442-SFHx

which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 Regulations of Baltimore County, to use the herein described property for

a home/office in a D.R. 3.5 zone

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.

Contract Purchaser/Lessee:

David M. Small

(Type or Print Name)

Signature

250 W. President Street

Address

Baltimore, MD 21202

City

State

Zipcode

Attorney for Petitioner:

Christine K. McSherry

(Type or Print Name)

Christine K. McSherry

Signature

4th Floor

210 W. Pennsylvania Ave

832-2027

Address

Phone No

Towson, MD 21204

City

State

Zipcode

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

Legal Owner(s):

Abraham Korotki /ckmcs

(Type or Print Name)

Abraham Korotki /ckmcs

Signature

(Type or Print Name)

Signature

11931 Park Heights Ave.

Address

Phone No

Owings Mills, MD 21117-1519

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Christine K. McSherry 832-2027

Name 4th Floor

210 W. Pennsylvania Ave, Towson, MD 21204

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP OFF
NO REVIEW
5/6/86
LCR



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



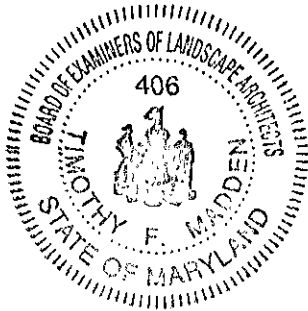
ZONING DESCRIPTION

Property at 516 Allegheny Avenue
Towson, Maryland 21204

96-442-SPHX

Beginning at a point on the North side of Allegheny Avenue which is forty (40) feet wide at the distance of five hundred eighty-five feet (585') West of the centerline of Highland Avenue which is forty feet (40') wide. Thence the following courses and distances:

North 24° 42' 34" 199.52 feet East, South 78° 14' 54" 67.2 feet East, South 204° 42' 34" 205 feet West, North 71° 35' 78" 90 feet West, to the point of Beginning, as recorded in the land records of Baltimore County, Maryland.



Tim Madden

Timothy F. Madden, ASLA, AICP
Registered Landscape Architect #406

TFM:thl/a:\10348\allegave zon\05/06/96

MIRRORED

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7560
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

96-442-SPH

District 9th Date of Posting 6/7/96
Posted for: Special Hearing & Expedited
Petitioner: Abraham Karetke
Location of property: 576 W. A. Highway Area
Location of Sign: Four roadway on property being sold
Remarks: _____
Posted by: [Signature] Date of return: 6/7/96
Number of Signs: 1

RECORDED

NOTICE OF HEARINGS

The Zoning Commission 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 Offices Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #85-442-SPHX
(Item 438)

516 W. Abegny Avenue
NWS Abegny Avenue, 500'
W of off Highland Avenue
9th Election District
4th Councilmanic
Legal Owner(s):
Abraham Korak
Contract Purchaser:
David M. Shiel

Special Hearing: to approve whether an economist is a professional person. Special Exception for a home office.

Hearing: Monday, June 17, 1986 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call 887-3333.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

5/31/85 May 23 CS4204

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 23, 1986.

THE JEFFERSONIAN,

A. H. emick
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this 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 County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 438 Petitioner: David Small

Location: 516 W. Allegheny Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Christine K. McSherry, Esq.

ADDRESS: 210 W. Pennsylvania Ave.
Towson MD

PHONE NUMBER: 832-2027

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
May 23, 1996 Issue - Jeffersonian

Please forward billing to:

Christeine K. McSherry, Esq
210 W Pennsylvania Avenue, 4th Floor
Towson, MD 21204
832-2027

NOTICE OF HEARING

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-442-SPHX (Item 438)
516 W. Allegheny Avenue
N/S Allegheny Avenue, 500' W of c/l Highland Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Abraham Korotki
Contract Purchaser: David M. Small

Special Hearing to approve whether an economist is a "professional person".
Special Exception for a home/office.

HEARING: MONDAY, JUNE 17, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 17, 1996

NOTICE OF HEARING

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-442-SPHX (Item 438)
516 W. Allegheny Avenue
N/S Allegheny Avenue, 500' W of c/l Highland Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Abraham Korotki
Contract Purchaser: David M. Small

Special Hearing to approve whether an economist is a "professional person".
Special Exception for a home/office.

HEARING: MONDAY, JUNE 17, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Abraham Korotki
David M. Small
Christine K. McSherry

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

RECORDED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

Hearing Room - Room 48 (410) 887-3180
Old Courthouse, 400 Washington Avenue

November 26, 1996

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-442-SPHX

ABRAHAM KOROTKI -Petitioner
N/s of W. Allegheny Ave., 500' W of the c/l of
Highland Avenue (516 W. Allegheny Avenue)
9th Election District
4th Councilmanic District

SPH -Approval that economist is "professional person" pursuant to 1B01.C.9.b of BCZR; SE -to permit home/office in DR 3.5 zone.

8/08/96 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Special Exception was DENIED.

ASSIGNED FOR:

THURSDAY, JANUARY 30, 1997 at 10:00 a.m.

cc: Charles E. Brooks, Esquire Counsel for Appellant /Petitioners
Abraham Korotki Appellant /Legal Owner
Donald M. Small (SE only) Appellant /C.P.
Timothy Madden /Morris & Ritchie Assoc., Inc.

People's Counsel for Baltimore County Appellant (SPH only)

John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista

Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Legal Administrator



LAW OFFICES
BROOKS & SPICER
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

CHARLES E. BROOKS
MALCOLM F. SPICER, JR.

(410) 296-2600

TELEFAX
(410) 296-2370

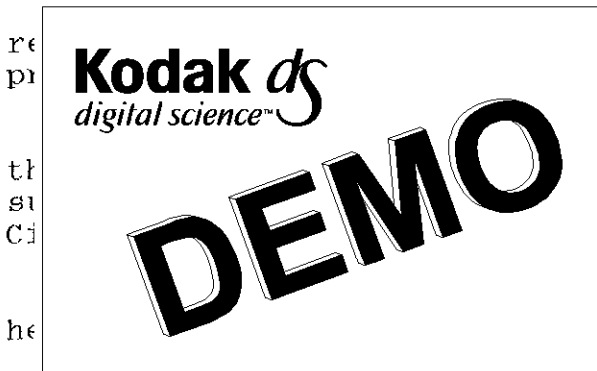
January 16, 1997

HAND DELIVERED

Board of Appeals
For Baltimore County
Old Courthouse
Towson, Maryland 21204

Re: Petitions For Special Hearing and Special Exception
516 West Allegheny Avenue
Abraham Korotki, Petitioner
Case Number: 96-442-SPHX

Dear Members of The Board:



tioner, Abraham Korotki, we must
ement of the above entitled case
on January 30, 1997 at 10:00 a.m.

onement is predicated on the fact
esses, Joseph Larson, has been
itness in a case pending in the
ounty on this date and time.

respectfully requested that the
, 1997 be postponed.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Charles E. Brooks".

Charles E. Brooks

CEB/lg

cc: Abraham P. Korotki
Peter M. Zimmerman, People's Counsel (Hand Delivered)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 17, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 96-442-SPHX IN THE MATTER OF: ABRAHAM KOROTKI -Petitioner
(516 W. Allegheny Avenue)
9th Election District; 4th Councilmanic

(Petition for Special Hearing GRANTED; Special
Exception DENIED)

which was assigned for hearing on 1/30/97 has been POSTPONED at the request
of Counsel for Petitioner due to unavailability of witness; and has been

REASSIGNED FOR: WEDNESDAY, APRIL 16, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should
consider the advisability of retaining an attorney.

No postponements will be granted without sufficient
reasons; said requests must be in writing and in compliance
with Rule 2(b) of the Board's Rules. No postponements will
be granted within 15 days of scheduled hearing date unless
in full compliance with Rule 2(c). For further
information, see Board's Rules of Practice & Procedure,
Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Petitioner
Appellant /Legal Owner
Appellant /C.P.

Charles E. Brooks, Esquire
Abraham Korotki
Donald M. Small (SE only)

Timothy Madden

Morris & Ritchie Assoc., Inc.

People's Counsel for Baltimore County

Appellant (SPH only)

John W. Pyle, President, WTNA

J. Donald Gerding

Justin King

Venetia Holland

Jack Dillon

Beverly Pugsley

Frank Kalista

Norman Gerber

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney



Case No. 96-442-SPHX

Abraham Korotki - Petitioner

N/s of West Allegheny Avenue, 500' W of
the c/l of Highland Avenue
(516 W. Allegheny Avenue)

9th Election District Appealed: 9/6/96
(See attached copy of vicinity map) and 9/9/96



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 1996

Christine K. McSherry, Esquire
4th Floor
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 438
Case No.: 96-442-SPHX
Petitioner: Abraham Korotki

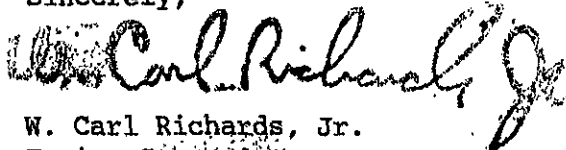
Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 6, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,



W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

RECORDED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6-3-96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: MAY 20, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 437

438

441

442

444

447

RBS:sp

BRUCE2/DEPRM/TXTSBP

1996 JUN 12

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20, 1996

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 437, 438, 440, 441, 442, 443,
444, 445, 446, 447 AND 448.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-17-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 438 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: June 3, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 516 W. Allegheny Avenue

INFORMATION:

Item Number: 438

Petitioner: Abraham Korotki

Property Size: _____

Zoning: D.R. 3.5

Requested Action: _____

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a Special Hearing to determine whether an economist is a professional person and a Special Exception for a home/office in a D.R. 3.5 zone. The property in question is located at 516 West Allegheny Avenue and is within a Community Conservation area (Inner Neighborhood) as designated in the Towson Community Plan adopted by the Baltimore County Council on February 3, 1992.

The property in question has an extensive zoning history largely involving zoning violation cases alleging the operation of commercial enterprises and/or offices in a D.R. zone. At various times, it was alleged to have been used as a law office, a model or talent agency and a mortgage reduction service. A significant issue was whether the professional person, i.e., attorney, maintained his primary residence at the subject property. The zoning case history should be summarized on the plan including the case numbers and disposition of each case. The case references are as follows: 75 -153 V, 87 -381CV, and C-91-1268. The property under review has been subdivided through the minor subdivision process and should comply with all county comments (see PDM No. IX - 665).

Two issues should be considered in the determination of the proposed economist cum professional person. In addition to the credentials and license possessed by this particular economist, Mr. David Small, the type of office should be defined. Is it a title company, a mortgage brokerage, a stock brokerage, an insurance agency or other type of office? It is the opinion of this office that the office, commercial and industrial zones are the appropriate zones for all of the aforementioned uses. This office would prefer a narrow interpretation of Section 1B01.C.9b of the Baltimore County Zoning Regulations, limited to the professions specifically mentioned in that section, i.e., physician, dentist, lawyer, architect, engineer, artists, musicians and those mentioned in the Zoning Commissioner's Policy Manual adopted May 21, 1991.

MAJ:STH:2

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

The second issue involves whether 516 Allegheny Avenue merits a Special Exception for an office use should the zoning commissioner determine that an economist is an "other professional person." It is the opinion of this office that a Special Exception for office use would be highly undesirable for this particular location and would be detrimental to the health, safety and welfare of the neighborhood. The location is well within the West Towson neighborhood and is 500 feet to the west of the West Towson office transition area which ends at Highland Avenue. Additionally, the property is across from the entrance to the YMCA of Towson which operates a day care center as well as a community building with a total membership of 2,931, serving 6,100 members. There are approximately 3300 ADT's on Allegheny Avenue in the vicinity of the property; due to traffic safety concerns, a 4-way stop sign has been placed at the intersection of Allegheny Avenue and Highland Avenue. It is anticipated that left turn movements into and from the parking lot of the property in question will be difficult and would result in traffic congestion.

The Towson Community Plan states that Special Exception office uses impact the Inner Neighborhoods very heavily, bringing in more traffic and large parking lots which create an ambience more suited to a business community than to a residential community. The plan recommended an overlay district which would require Special Exceptions to be linked to neighborhood and county need. While the overlay district was not implemented, the criteria of neighborhood and county need is a valuable one and should be addressed by the petitioner.

In conclusion, this office recommends denial of the Special Hearing and Special Exception.

Prepared by: (Diana Little)

Division Chief: (Carol Keller)

PK/DI

BALTIMORE COUNTY, MARYLAND

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits &
 Development Management

DATE: May 28, 1996

FROM: Robert W. Bowling, P.E., Chief
 Development Plans Review Division

RWB/DAK

SUBJECT: Zoning Advisory Committee Meeting
 for May 28, 1996
 Item No. 438

The Development Plans Review Division has reviewed the subject zoning item, which is subject to Landscape Manual. Parking should be moved back 10 feet off right-of-way and be buffered from street and adjacent residences.

RWB:HJO:jrb

cc: File

[Faint, illegible stamp]



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 23, 1996

Christine K. McSherry, Esquire
210 West Pennsylvania Avenue
4th Floor
Towson, MD 21204

96-442

RE: Preliminary Petition Review (Item #438)
516 West Allegheny Avenue
9th Election District

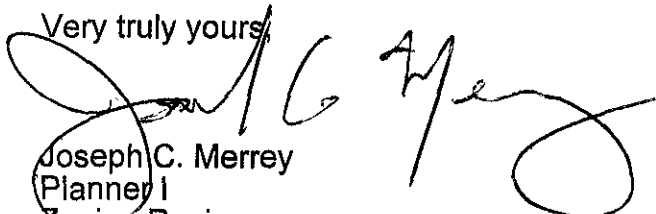
Dear Ms. McSherry:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The applicant/attorney was advised that legal owner must properly authorize the contract purchaser to proceed on his behalf.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1996

Christine K. McSherry, Esquire
4th Floor
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Special Hearing
N/S of W. Allegheny 500' W of
the c/l of Highland Avenue
(516 W. Allegheny Avenue)
9th Election District
4th Councilmanic District
Abraham Korotki-Petitioner
Case No. 96-442-SPHX

Dear Ms. McSherry:

Please be advised that an appeal of the above-referenced case was filed in this office for special hearing only on September 9, 1996 by Peter Zimmerman and Carole S. Demilio on behalf of the People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

ARNOLD JABLON
Director

AJ:rye

cc: Mr. Abraham Korotki
Mr. David M. Small
Mr. John W. Pyle, President, WTNA
Mr. J. Donald Gerding
Mr. Justin King
Ms. Venetia Holland
Mr. Jack Dillon
Ms. Beverly Pugsley
Mr. Frank Kalista
Charles E. Brooks, Esquire



MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1996

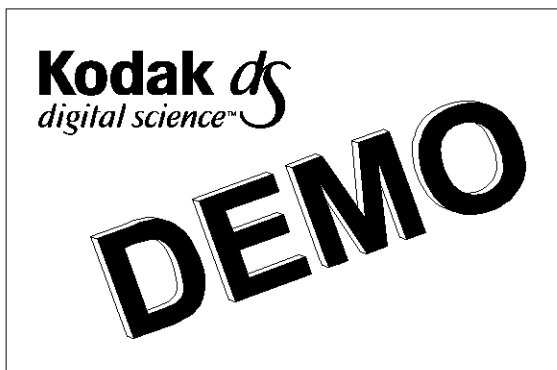
Mr. John Pyle, President
West Towson Neighborhood Association
P.O. Box 5580
Towson, MD 21204

RE: Petition for Special Exception
N/S of W. Allegheny Ave., 500'
W of the c/l of Highland Avenue
(516 Allegheny Avenue)
9th Election District
4th Councilmanic District
Abraham Korotki-Petitioner
Case No. 96-442-SPHX

Dear Mr. Pyle:

Please be advised that an appeal of the above-referenced case was filed in this office for special exception only on September 6, 1996 by Charles E. Brooks, Esquire on behalf of Abraham Korotki and David Small. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.



AJ:ry

cc:

Ms. Venetia Holland
Mr. Jack Dillon
Ms. Beverly Pugsley
Mr. Frank Kalista
Christine K. McSherry, Esquire
People's Counsel

Sincerely,

ARNOLD JABLON
Director



APPEAL

Petitions for Special Hearing and Special Exception
N/S of West Allegheny Ave., 500' W of the c/l of Highland Ave.
(516 W. Allegheny Avenue)
9th Election District - 4th Councilmanic District
Abraham Korotki - Petitioner
Case No. 96-442-SPHX

Petitions for Special Hearing and Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits: 1 - Biography of David M. Small
 2A-2Q - Seventeen Photographs
 3 - Professional Background of Timothy
 Madden
 4A - Floor Plan for David Small's Home Office
 4B - Site Plan for Special Exception and
 Special Hearing

Protestants' Exhibits: 1 - Letter from John Pyle, President, WTNA,
 to Lawrence Schmidt, Zoning Commissioner
 dated June 14, 1996
 2 - Eight Letters of Opposition
 3 - Recent Sales of Residential Properties
 on Allegheny Avenue

Site Plan Notes for Special Exception and Special Hearing

Resolution No. 30-96 of the Baltimore County Council dated May 6, 1996

Letter from Christine K. McSherry, Esquire to Arnold Jablon, Director
of PDM, dated May 29, 1996

Commercial Properties Currently for Sale in West Towson

Letter from Joseph C. Merrey to Christine McSherry, Esquire dated May
23, 1996

Deputy Zoning Commissioner's Order dated August 8, 1996 (Granted in
Part, Denied in Part)

Notice of Appeal of Special Exception only received on September 6,
1996 from Charles E. Brooks, Esquire on behalf of Abraham Korotki and
David Small

Notice of Appeal of Special Hearing only received on September 9, 1996
from Peter Max Zimmerman and Carole S. Demilio on behalf of the
People's Counsel for Baltimore County

cc: Christine K. McSherry, Esquire, 4th Floor, 210 W. Pennsylvania
Avenue, Towson, Md 21204
Charles E. Brooks, Esquire, Brooks & Spicer, 610 Bosley Avenue,
Towson, MD 21204
Mr. Abraham Korotki, 11931 Park Heights Ave., 21117
Mr. David M. Small, 250 W. President St., Baltimore, MD 21202
Mr. John W. Pyle, Pres., WTNA, P.O. Box 5580, Towson, MD 21204
Mr. J. Donald Gerding, 335 Old Trail Road, Baltimore, MD 21212
Mr. Justin King, 620 Murdock Road, Baltimore, MD 21212
Ms. Venetia Holland, 526 Allegheny Avenue, Towson, MD 21204
Mr. Jack Dillon, 543 Park Avenue, Towson, MD 21204
Ms. Beverly Pugsley, 513 Allegheny Avenue, Towson, MD 21204
Mr. Frank Kalista, 521 Allegheny Avenue, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 96-442-SPHX

SPH -Approval that economist is "professional person" pursuant to 1B01.C.9.b of BCZR; SE -to permit home/office in DR 3.5 zone.

8/08/96 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Special Exception was DENIED.

11/26/96-Notice of Assignment for hearing scheduled for Thursday, January 30, 1997 at 10:00 a.m. sent to following:

Charles E. Brooks, Esquire
Abraham Korotki
Donald M. Small
Timothy Madden, Morris & Ritchie Assoc., Inc.
People's Counsel for Baltimore County
John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/16/97 -Request for postponement filed by Charles E. Brooks, Esquire, on behalf of Petitioner, Abraham Korotki due to unavailability of expert witness, Joseph Larson (subpoenaed to testify in AACo CCT that date /time).

1/17/97 -Request for postponement GRANTED; no objection by PC; reassigned to Wednesday, April 16, 1997 at 10:00 a.m. Notice of PP and Reassignment sent to parties.

4/16/97 -Board convened for hearing scheduled for this date. At the conclusion of Petitioner's case-in-chief, C. Demilio moved for denial of petition in that Petitioner did not meet burden of proof; insufficient plan submitted; noncompliant.

- Board deliberated this motion; granted motion and denied petition. Written Opinion and Order to be issued; appellate period to run from date of written Order. (R.K.W.)

MICROFILMED

Case No. 96-442-SPHX

SPH -Approval that economist is "professional person" pursuant to 1B01.C.9.b of BCZR; SE -to permit home/office in DR 3.5 zone.

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Charles E. Brooks, Esquire
Abraham Korotki
Donald M. Small
Timothy Madden, Morris & Ritchie Assoc., Inc.
People's Counsel for Baltimore County
John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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- Board deliberated this motion; granted motion and denied petition. Written Opinion and Order to be issued; appellate period to run from date of written Order. (R.K.W.)

4/29/97 -Motion for Reconsideration (of Board's 4/25/97 Opinion/Order) by way of letter dated April 29, 1997 filed by People's Counsel.

5/09/97 -Notice of Deliberation sent to parties; for purpose of deliberating the grant or denial of reconsideration of Board's 4/25/97 Opinion and Order. Scheduled for Thursday, May 15, 1997 at 9:00 a.m. (RKW)

5/15/97 -Motion of People's Counsel for Board to reconsider its Opinion and Order of 4/25/97 denied by the Board on the record and after oral argument by parties. Ruling to be issued by CBA.

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 9, 1997

NOTICE OF DELIBERATION

Upon receipt of a Motion for Reconsideration filed 4/29/97 by the Office of People's Counsel, the Board has scheduled the following date and time for the purpose of deliberating the grant or denial of this request to reconsider:

ABRAHAM P. KOROTKI -Petitioner
Case No. 96-442-SPHX

DATE AND TIME : Thursday, May 15, 1997 at 9:00 a.m.
LOCATION : Room 48, Basement, Old Courthouse

Contact: Kathleen C. Bianco
Legal Administrator
410-887-3180

c: Counsel for Appellant /Petitioner: Charles E. Brooks, Esquire
Appellant /Legal Owner : Abraham Korotki
Appellant /C.P. : Donald M. Small (SE only)

Timothy Madden / Morris & Ritchie Assoc., Inc.

People's Counsel for Balto Co : Appellant (SPH only)

John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: R.K.W.



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Abraham Korotki -Petitioner
Case No. 96-442-SPHX

DATE : April 16, 1997 /Motion of People's Counsel

BOARD /PANEL : Robert O. Schuetz, Chairman (ROS)
Kristine K. Howanski (KKH)
Margaret Worrall (MW)

SECRETARY : Kathleen C. Bianco
Legal Administrator

Those present at this deliberation included Charles E. Brooks, Esquire, Counsel for Petitioner; Malcolm F. Spicer, Esquire; and Carole S. Demilio, Deputy People's Counsel for Baltimore County.

ROS: Thank you for your patience. I want to say that what we are going to do now is to deliberate the Motion to deny for failure of Petitioner to meet burden of proof, and on the issue of whether or not their plat satisfies the rules of the zoning regulations. I will state that what is going to occur in this part of the proceeding will not be part of the record per se. At this part of the proceeding is the deliberation in accordance with the open meetings law, and the Board's administrator is going to take minutes. While they will be included in the file, they are not part of the record per se.

Basically, this boils down to item 5 found on page A20 of appendix to the BCZR. The last sentence of the first paragraph reads: "must be shown" on surveyor's plat; "a" through "u" under that item 5, some of which apply and some of which do not apply. The long and short of it is it's nothing which is a gray area. It either exists on the plat or it does not.

It's a simple finding for the Board one way or another. When you get down into it, the rather lengthy list -- the list is not complete in what is shown on the plat. Metes and bounds are not on there; we have the name of adjoining street but not the width; no distances; we do not have topography; we do not have -- "k" does not apply but the location and width of proposed entrance on the side of the parcel is not on there. The uses and dimensions and locations are not indicated with the use and any dimensions indicated on here; what we have is

a picture we would presume to be correct, but still deficient; it does not indicate use.

Proposed building or addition at this point -- I would say "n" does not apply. We do not have a case where either setbacks or areas to be determined. Height does not apply; "q" -- I would indicate -- frankly, I don't see that this applies; "r" certainly is not met; "s" is not met; "t" is not met; "u" is not met.

What we have is an overwhelmingly deficient piece of evidence for our consideration. And that being the plat, the one piece of evidence to indicate what is expected from this case; I would therefore have no choice but to grant the Motion for denial of the Petition for Special Exception.

KKH: Looking at this, I must say I have some frustration with having to examine it from this perspective insofar as I like to hear cases on the merits, and I don't like to dismiss on technicalities. But here the deficiencies are so great as to actually infect the merits of the matter. When I look at 5, and I do agree with Mr. Schuetz that 5 is the applicable provision, I also read it must be shown on the surveyor's plat. Both sides are represented by counsel and have experts and so forth; there's no argument that people did not know better. When I go through the checklist, I do find "a" through "d" in existence, and partial compliance with "e" -- it's technically deficient, but I, again, would have a lot of discomfort if that was the only problem. There's partial compliance with "f"; probably not fatal, but "g" is missing; "h" is in compliance; "i" -no compliance; "j" -I concur with Mr. Schuetz that it's inapplicable; "k" -is inapplicable; "l" -there's no evidence and, again, it's entirely deficient; "m" -no evidence of that information either; "n" -I share Mr. Schuetz' opinion that this is inapplicable; "o" -he thought inapplicable, and I agree; as for "p" -not an addition; "q" -he thought was inapplicable. I'm not so sure but I found partial compliance and not totally fatal; "r" - "s" - "t" - and "u" are missing in their entirety. Again, I have to confess as a Board member it's very difficult to make a substantive decision when so much is missing; we really don't know. Reluctantly I would be constrained to agree.

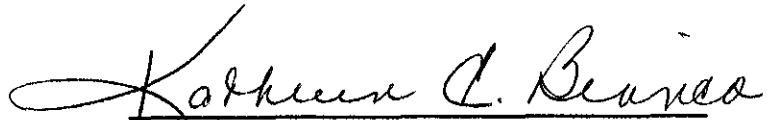
MW: I don't think I need to go through each of those again. I have been through them, and I absolutely agree with my colleagues. Maybe one of these things missing may not be totally fatal, but the overwhelming evidence in this case is that this site plan does not come near meeting what is required, and I would therefore have to agree that we don't know enough.

Case No. 96-442-SPHX Abraham Korotki Minutes of Deliberation

ROS: We are unanimous. The Board will issue a written Opinion and Order subsequent to these proceedings. Any Petition for Judicial Review should be from that Order and not today's date.

Thank you very kindly.

Respectfully submitted,


Kathleen C. Bianco

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

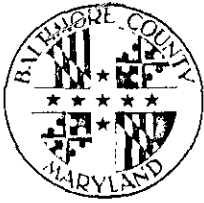
TO: Arnold Jablon, Director DATE: November 18, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File: Case No. 96-442-SPHX
ABRAHAM KOROTKI
9th E; 4th C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 96-442-SPHX w/ 2 large exhibits)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 23, 1996

Christine K. McSherry, Esquire
210 West Pennsylvania Avenue
4th Floor
Towson, MD 21204

96-442

RE: Preliminary Petition Review (Item #438)
516 West Allegheny Avenue
9th Election District

Dear Ms. McSherry:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The applicant/attorney was advised that legal owner must properly authorize the contract purchaser to proceed on his behalf.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe Merrey", is written over the typed name and title.
Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

September 9, 1996

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING &
PETITION FOR SPECIAL EXCEPTION
516 W. Allegheny Avenue, N/S of West
Allegheny Avenue, 500' W of the c/l
of Highland Avenue
(516 W. Allegheny Avenue)
9th Election Dist., 4th Councilmanic
ABRAHAM KOROTKI / D. SMALL, Petitioners
Case No. 96-442-SPHX

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals as to the SPECIAL HEARING ONLY from the Order dated August 8, 1996 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

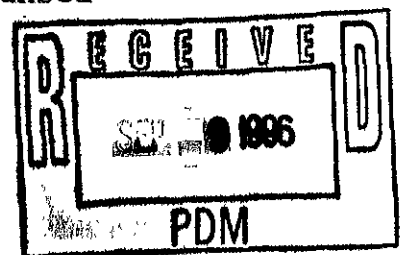
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Christine K. McSherry, Esquire
Attorney for Petitioners

John Pyle, President
West Towson Neighborhood Assn., Protestants



MICROFILMED

Arnold Jablon, Director
Department of Permits and
Development Management
September 9, 1996
Page Two

cc: Robert and Nancy Bowen, Protestants, 550 Allegheny Avenue, 21204
Russ Davis, Protestant, 611 Round Oak Road, 21204
Jack Dillon, Protestant, 543 Park Avenue, 21204
Jim Fraher, Protestant, 540 Allegheny Avenue, 21204
Mrs. Robert Ginn, 606 Horncrest Road, 21204
Fred Hiser, Protestant, 523 Park Avenue, 21204
Venetia Holland, Protestant, 526 Allegheny Avenue, 21204
Frank and Mary L. Kalista, Protestants, 521 Allegheny Ave., 21204
Richard Parsons, Protestant, 412 Woodbine Avenue, 21204
Beverly and Matilda Pugsley, Protestants, 513 Allegheny, 21204
John and Sally Ruppert, Protestants, 532 Allegheny Avenue, 21204
J. Donald Gerding, 335 Old Trail, 21212
Justin King, Greater Towson Council, 620 Murdock Road, 21212

ENCLOSURE

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1996, Legislative Day No. 9

Resolution No. 30-96

Councilmembers Riley and McIntire

By the County Council, May 6, 1996

A RESOLUTION of the Baltimore County Council requesting the Baltimore County Planning Board to consider proposing amendments to the Baltimore County Zoning Regulations in order to update the regulations applicable to home occupations.

WHEREAS, the Baltimore County Planning Board from time to time considers revisions to the Baltimore County Zoning Regulations; and

WHEREAS, the Zoning Regulations currently permit certain home occupations or home-based businesses to be located in residences under limited conditions; and

WHEREAS, the type of home occupation, the number of employees and the size of the office space in a residence is limited by the regulations; and

WHEREAS, the County Council has not addressed the issue of home occupations since 1982; and

WHEREAS, the number and type of home-based businesses has increased tremendously in the last 15 years, but the Zoning Regulations have not been reviewed and updated in order to reflect the changes in technology and

business structures which have allowed many individuals to be able to work out of their homes; and

WHEREAS, the County Council believes that the location of small home-based businesses in residential communities is an issue which should be reviewed at this time by the Planning Board in order to determine if the regulations are in need of revision.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the Baltimore County Planning Board be and it is hereby requested to consider proposing amendments to the Baltimore County Zoning Regulations in order to update the regulations applicable to home occupations.

R03096

COMMERCIAL PROPERTIES CURRENTLY FOR SALE IN WEST TOWSON

706 WASHINGTON	2 storey building Zoned BM-CT	11,000 sq. ft. land Parking lot	Stucco & masonry	Asking price: \$490,000
416 YORK ROAD	2nd. floor office Zoned BM-CT	Across from Towson Commons		Asking price: \$245,000 TAXES \$3100

NOT STAMPED

MLS# (BC)223786 --- A c t i v e --- -6- C/I Sale
706 Washington Avenue Zip: 21204 Map: BC27C05 L i s t: \$490,000
Towson \$/Sq Ft: \$0.00 Gr. Cap: \$0 Gr: \$0

Descript: Office Sale Office Bldg Real Estate Stucco/Masny Asph Sh Roof
: 2 Levels Ceiling: 8 Ft Bus District 0 Yrs Old ZN: BM-CT

Lot Info: Size: 0
Sq. Ftg.: Building: 0 Available: 0

Assess. : Building: \$0 Land: \$0
Income : Scheduled: \$0 Actual: \$0
Expenses: Tax: \$1

Parking : Parking Lot
Access : Pub Transprt Interstate City/Cnty Rd
Util. : Pub Water Pub Sewer Centrl Meter

Finance : Mortgagee: Mortgage Bal: \$0

Dir. : Beltway to south on York Road to west on Washington
Remarks : 11,000 s.f. land size, zoned BM-CT Business Major Town Ctr.
: Perfect for law office. Perfect investment for long term.

SV) Seller Incentive:

DU: N BB: Y BB1: 3. SU: Y SU1: 3.
LA: Robert E Latshaw, Jr PH: (410)296-6000 CO: TL: ER
B#: 6240 Latshaw Associates PH: (410)296-6000 MLS# (BC)223786

All information is deemed reliable but not guaranteed by the Broker or MARIT
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===== Run Date: 06/14/96 =====

RECEIVED

```

MLS# (BC)223889          --- A c t i v e ---          -6- C/I Sale
416 York Road          Zip: 21204      Map: BC27D06      L i s t:      $245,000
Towson                $/Sq Ft:      $0.00      Gr. Cap:      $0      Gr:      $0
-----
Descript:Commrc'l Sale  Retail      Real Estate      Asph Sh Roof  2 Levels
:1 Bldg                Bus District  53 Yrs Old      ZN:      BM-CT
-----
Lot Info:Size:      .08      Dimensions:      23 x 150 = 3,450 sf
Deed      :Lib:      6022      Fol:      0138
Sq. Ftg.:Building:      4,000      Available:      0
-----
Assess. :Building:      $0      Land:      $0
Income  :Scheduled:      $0      Actual:      $0
Expenses:Tax:      $3,100
-----
Access :Pub Transprt
Util.   :Pub Water      Pub Sewer
-----
Finance :Mortgagee:      Mortgage Bal:      $0
-----
Note    :Sign Posted
-----
Dir.     :In the Heart of Towson. Across from Towson Commons!!!
Remarks :2nd floor office suite, convenient location. Office-Retail-
:Professional space. Zoned BM-CT. Excellent Value!!!!
SV) Seller Incentive:
DU: N BB: Y BB1: 3.5      SU: Y SU1: 3.5
LA: Robert E Latshaw, Jr      PH: (410)296-6000 CO:      TL: ER
B#: 6240 Latshaw Associates      PH: (410)296-6000      MLS# (BC)223889
-----

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 ===== Run Date: 06/14/96 =====

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

May 6, 1996

CHRISTINE K. MCSHERRY
DIRECT NUMBER
410 832-2027
2038958@mcimail.com

Mr. Abraham Korotki
11931 Park Heights Avenue
Owings Mills, Maryland 21117-1517

Re: 516 Allegheny Avenue
Sale to David Small

Dear Mr. Korotki:

Thank you for returning my telephone call so promptly on Friday, May 3, 1996. As you know, I am going to ask you to sign the Petitions for Special Hearing and Special Exception for your property at 516 W. Allegheny Avenue, Towson, Maryland. We are filing those petitions on behalf of David Small, so that he can obtain the necessary approvals to operate a home office at that property. His contract for the purchase of that property from you is contingent on these zoning approvals.

During our conversation, you instructed me to sign the petitions on your behalf, and gave me a power of attorney for this purpose only. This letter is to confirm that you have authorized me to sign the zoning petitions on your behalf and file them with Baltimore County. If I am mistaken about any of this, please call me immediately and I will make whatever changes are necessary.

I am enclosing copies of the petitions for your files. If you have any questions or concerns, please feel free to call me at the above telephone number.

Sincerely,

Christine K. McSherry
Christine K. McSherry

CKM:sll
Enclosure

76847

RECEIVED

MAY 13 1996

WHITEFORD, TAYLOR & PRESTON

1/96
✓
TO 68
OK

96-3167

**WHITEFORD, TAYLOR & PRESTON
L.L.P.**

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
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1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

CHRISTINE K. MCSHERRY
DIRECT NUMBER
410 832-2027
2038958@mcimail.com

May 29, 1996

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

**Re: Case No. 96-442-SPHX (Item 438)
516 W. Allegheny Avenue**

Dear Mr. Jablon:

Enclosed you will find several documents as a supplement to the zoning petitions filed in this matter. When I filed those petitions Mr. Korotki, the owner of the property, authorized me to sign on his behalf. Enclosed you will find my letter to him confirming that authorization which bears his signature at the bottom.

I also provided Mr. Korotki with photocopies of the zoning petitions that were filed on behalf of Mr. Small, the contract purchaser. Mr. Korotki signed those petitions and returned photocopies of the signed petitions to me. Copies of those documents are also enclosed. Please accept these documents as supplements to our previously filed zoning petition in this matter.

If you have any other questions or concerns, please feel free to call me at the above telephone number.

Sincerely,

Christine McSherry
Christine K. McSherry

CKM:sll
Enclosure
cc: Mr. David M. Small

78716

MICROFILMED

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

CHRISTINE K. MCSHERRY
DIRECT NUMBER
410 832-2027
2038958@mcimail.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 531-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

September 26, 1996

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Petition for Special Hearing and for Special Exception
516 W. Allegheny Avenue
9th Election District
4th Councilmanic District
Case No. 96-442-SPHX

Dear Mr. Jablon:

Please be advised that Charles E. Brooks, Esquire represents Abraham Korotki only and not David Small. This office represented Mr. Small in these zoning petitions at the hearing before the Deputy Zoning Commissioner. Mr. Korotki was not represented at that hearing. He has retained Mr. Brooks for the purpose of this appeal. Mr. Small, however, is not joining in on the appeal taken by Mr. Korotki.

Mr. Small cancelled the contract to purchase this property. Enclosed is a copy of my letter to that effect.

If you have any questions or concerns, please feel free to call me.

Sincerely,

Christine K. McSherry

Christine K. McSherry

CKM:sl
Enclosure
cc: Mr. David Small
Charles E. Brooks, Esquire

88151

RECORDED

SEP 27 1996

LAW OFFICES
BROOKS & SPICER
610 BOSLEY AVENUE
TOWSON, MARYLAND 21204

CHARLES E. BROOKS
MALCOLM F. SPICER, JR.

(410) 296-2600

TELEFAX
(410) 296-2679

September 6, 1996

HAND DELIVERED

Arnold Jablon, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

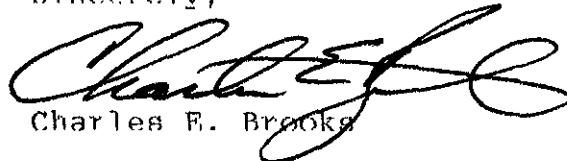
Re: Petition for Special Exception
N/S of West Allegheny Avenue,
500' West of the c/l of Highland Avenue
(516 West Allegheny Avenue)
9th Election District
4th Councilmanic District
Case Number: 96-442-SPHX

Dear Mr. Jablon:

Please enter an appeal on behalf of Abraham Korotki and David Small to the County Board of Appeals from the Order dated August 8, 1996 of the Deputy Zoning Commissioner relating to the Petition For Special Exception.

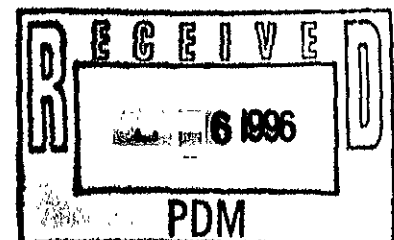
Enclosed is a check in the amount of Two Hundred Eighty Five Dollars (\$285.00) for filing fees.

Sincerely,


Charles E. Brooks

CEB/lg
Enclosure

cc: Abraham P. Korotki



ENCLOSURE

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Timothy F. Madden

DAVID M. SMALL

Christine K. McSherry

MRS 110 West Rd Towson, Md

950 S President St BALTIMORE

210 W. Pennsylvania Ave.

TOWSON MD 21204

MICROFILMED

96-442-SPHX

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

	NAME	ADDRESS
321-0021	JACK DILLON WTNA	543 PARK AVE
	VENETIA HOLLAND WTNA	526 ALLEGHENY
	FRED HISER WTNA	523 PARK AVE
	FRANK KALISTA	521 ALLEGHENY AVE
	Matilda Pugsley	513 ALLEGHENY AVE
	Leverly Pugsley	513 ALLEGHENY AVE. (and 515 ALLEGHENY)
	John Ruppert	532 ALLEGHENY AVE
	JIM FRAHER	540 ALLEGHENY AV.
	Russ Davis	611 Round Oak Road

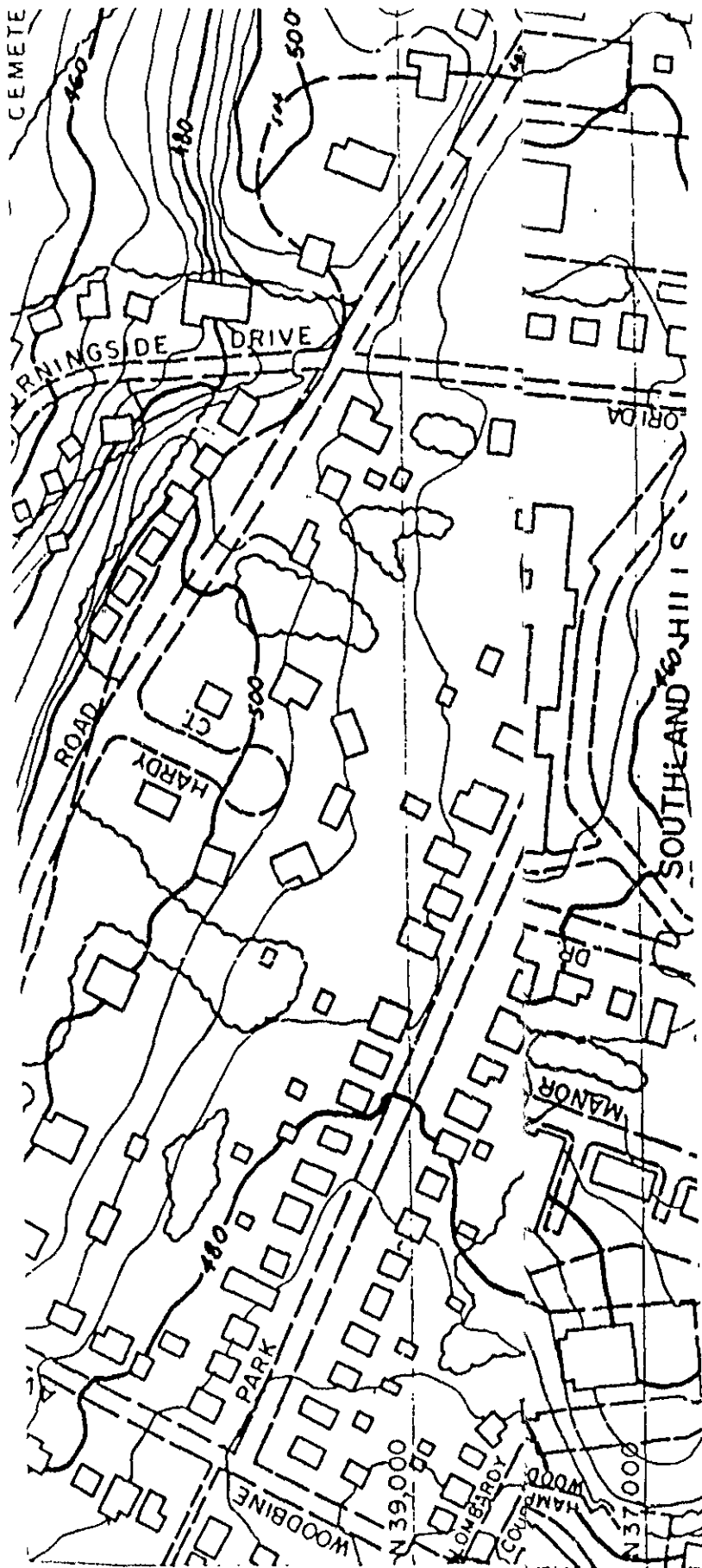
Mrs Robert Gemin
606 Norcross
2/20/4

send copy of
96-442-SPHX

Obtain	J. Donald Gerdling	335 Old Trail 21212
	Justin King - Greener Dawson Council	620 MURDOCK RD 21212

MICROFILMED

438



BALTIMORE COUNTY
TOPOGRAPHIC MAP NW 10A

EXHIBIT 'A'

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

110 West Road Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax (410) 821-1748

DAVID SMALL HOME OFFICE

SPECIAL EXCEPTION/SPECIAL HEARING

516 ALLEGHENY AVE. TOWSON, MD 21204



SCALE: 1"=200'

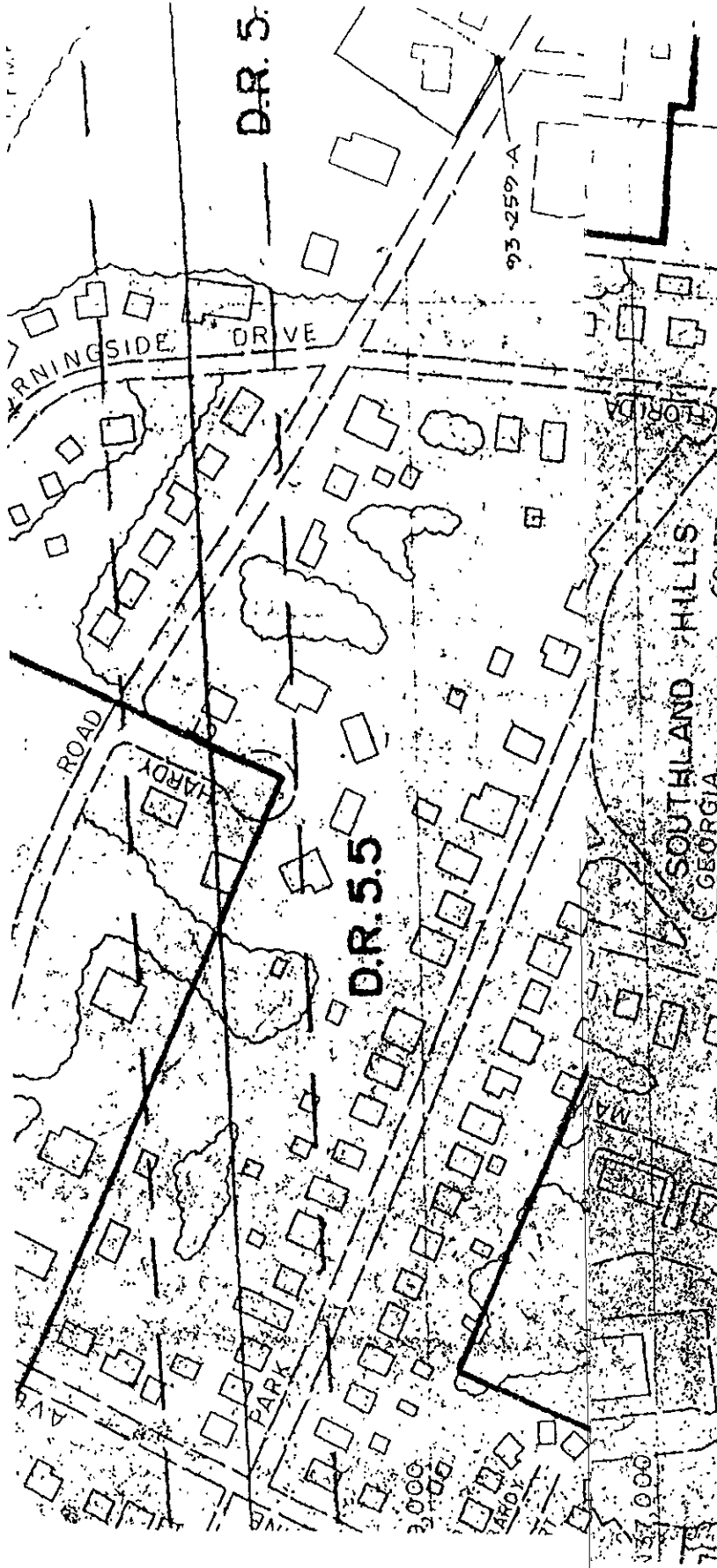
DATE: 4-29-96

DRAWN BY: BHJ

DESIGN BY:

REVIEW BY: TFM

JOB NO: 10348



BALTIMORE COUNTY
ZONING MAP NW 10A

EXHIBIT 'B' **MICROFILMED**
DAVID SMALL HOME OFFICE
SPECIAL EXCEPTION/SPECIAL HEARING
516 ALLEGHENY AVE. TOWSON, MD 21204

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax (410) 821-1748



SCALE 1"=200'

DATE 4-29-96

DRAWN BY BHJ

DESIGN BY:

REVIEW BY TFM

JOB NO: 10348

Petitioner's
Exhibits 2A-2Q

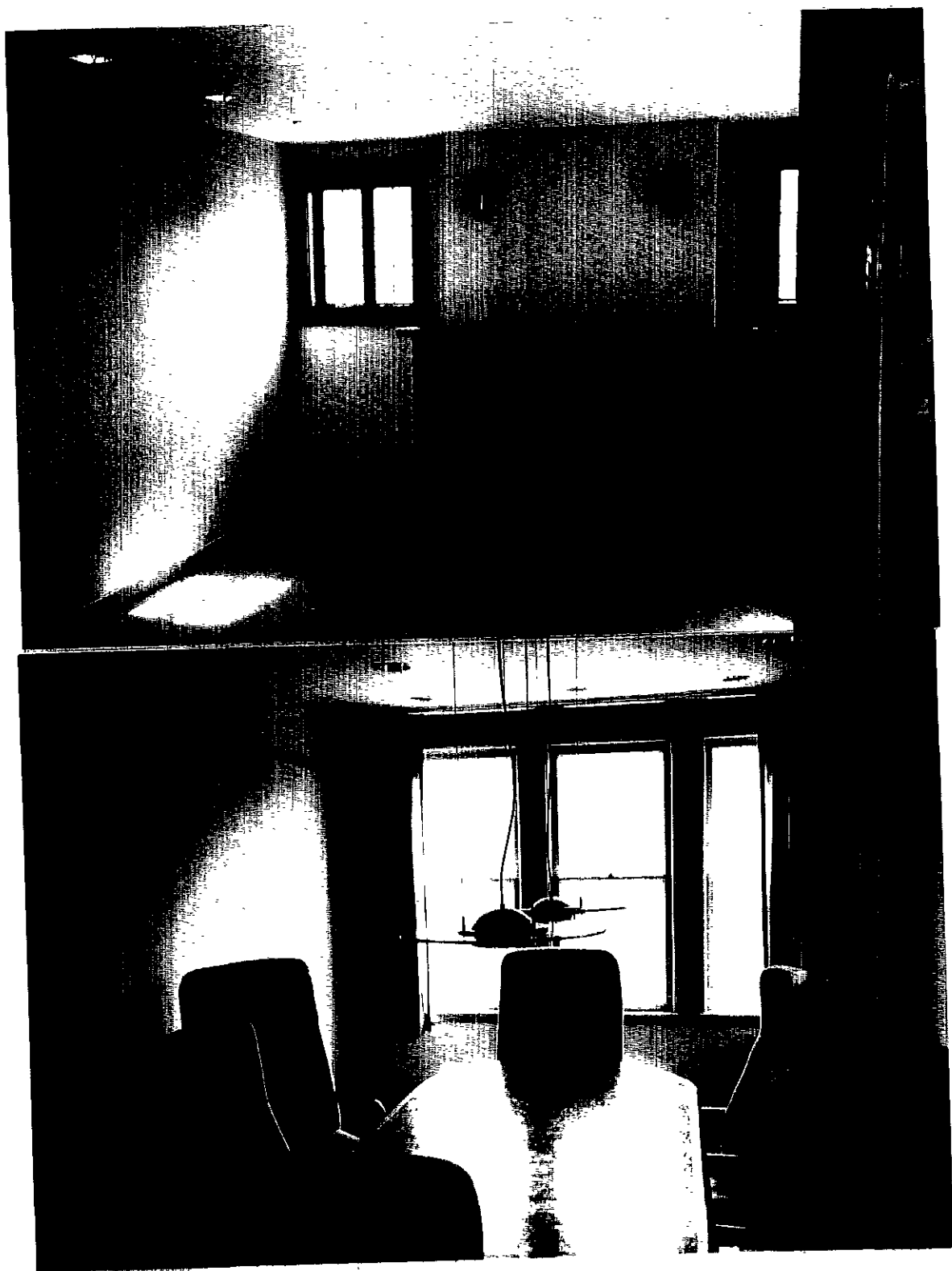
96-442-5PHX

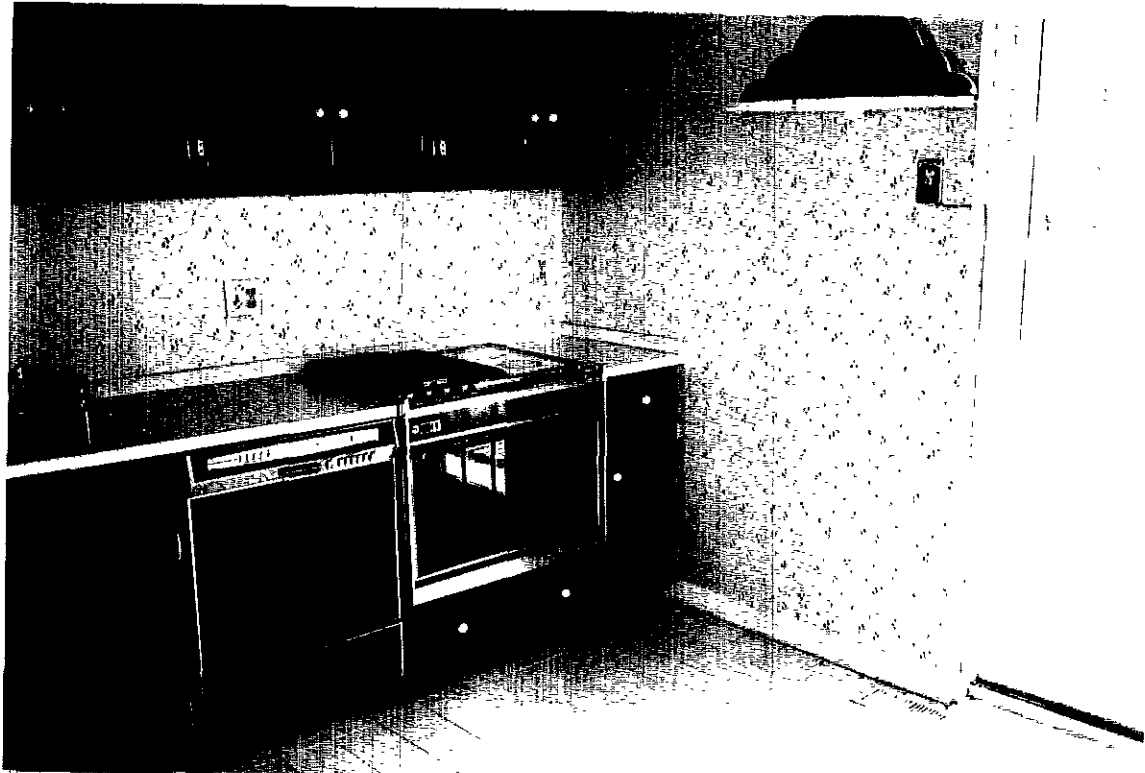
(photographs)

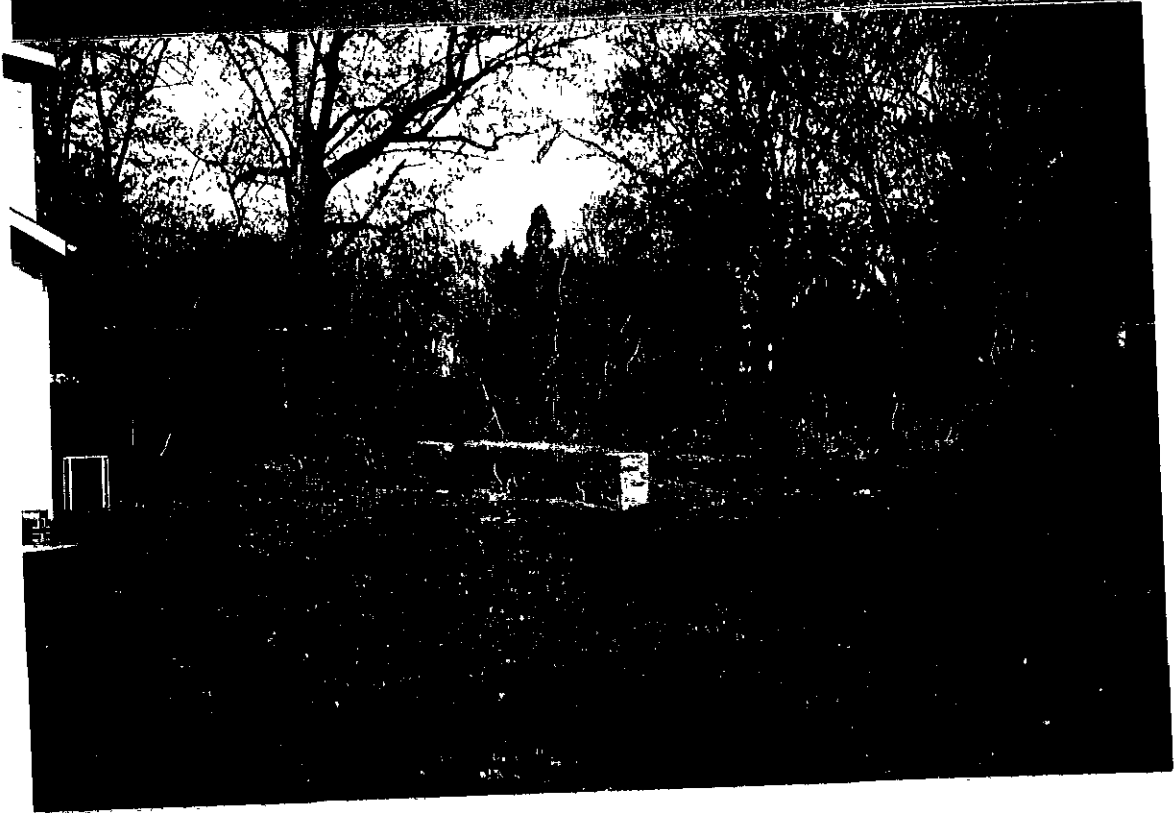
MICROFILMED

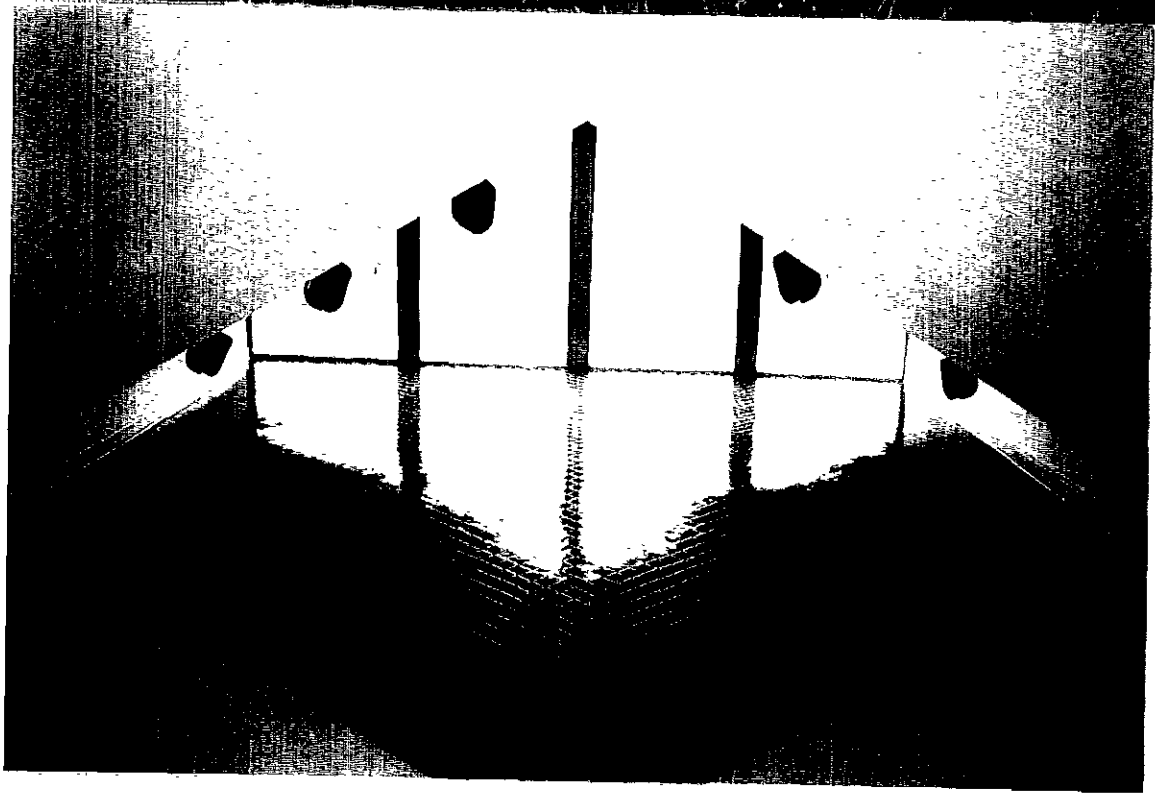






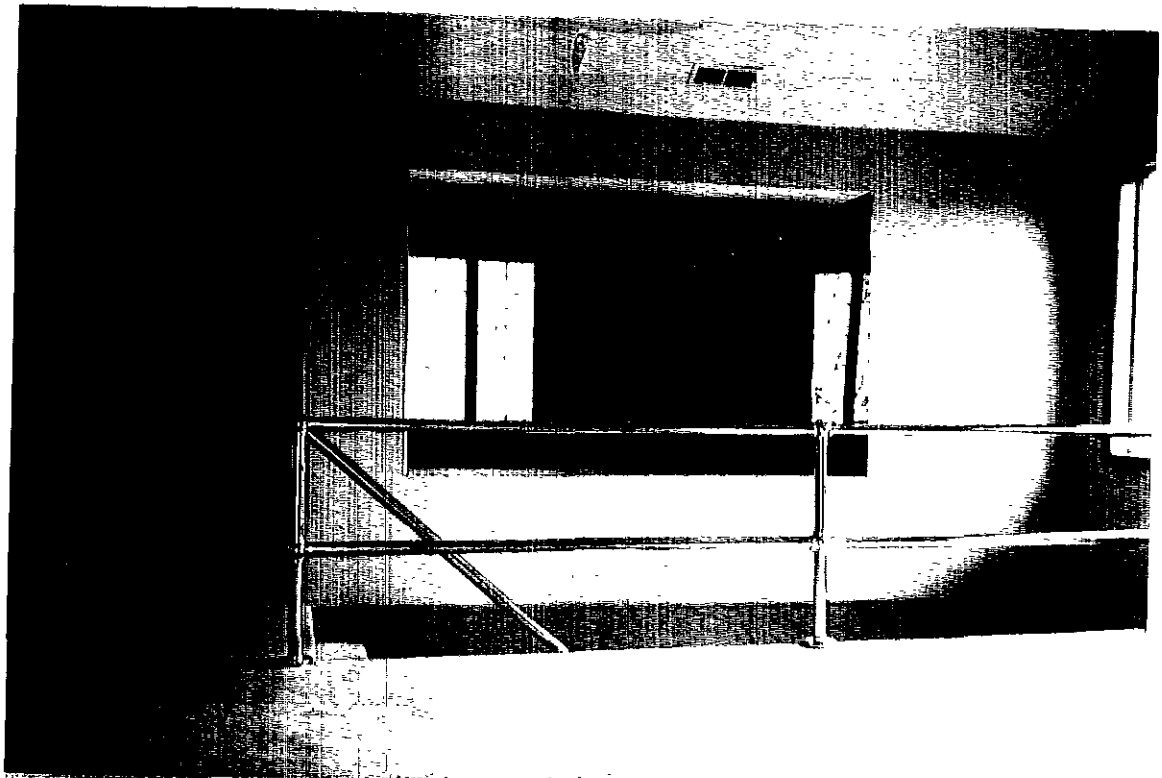


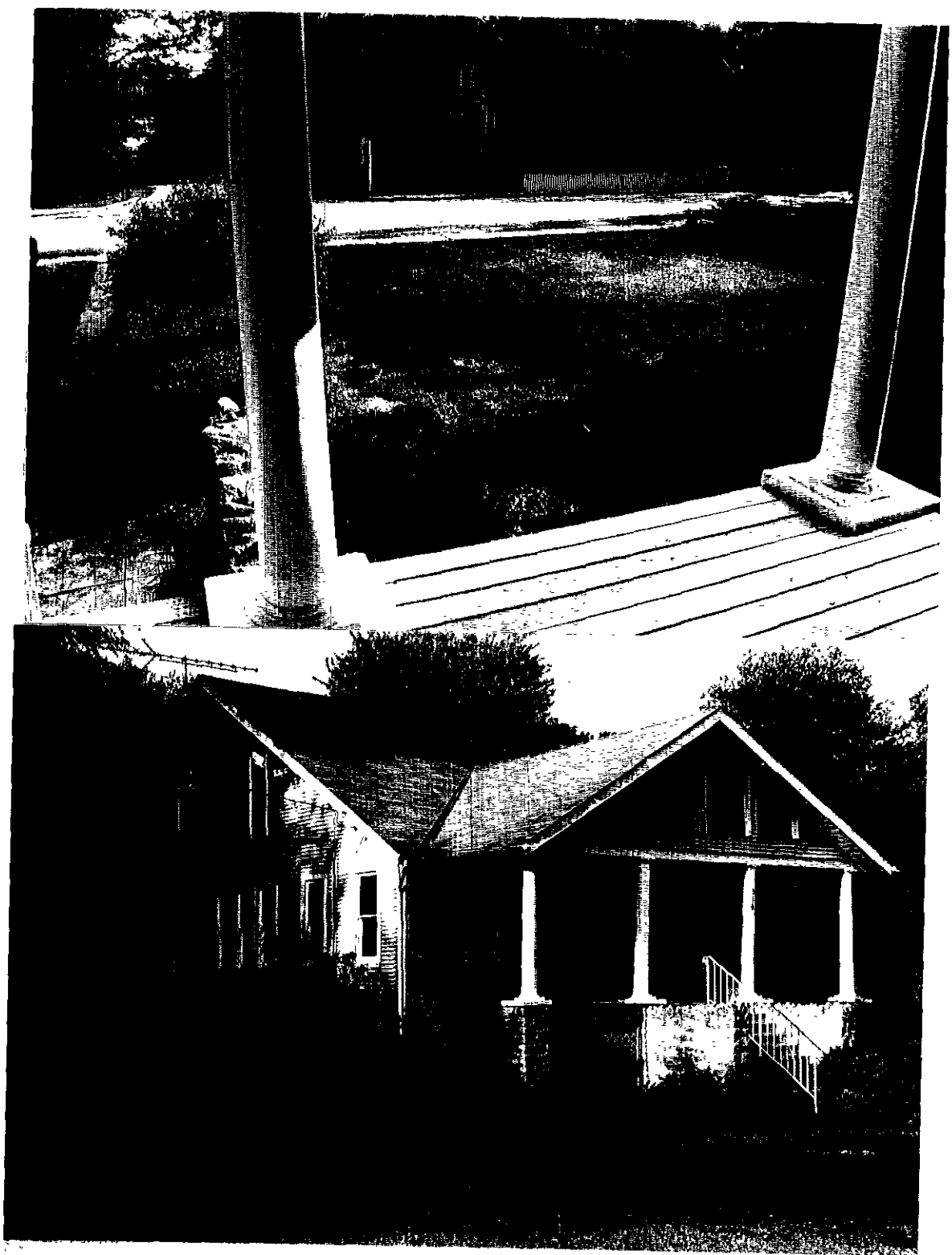


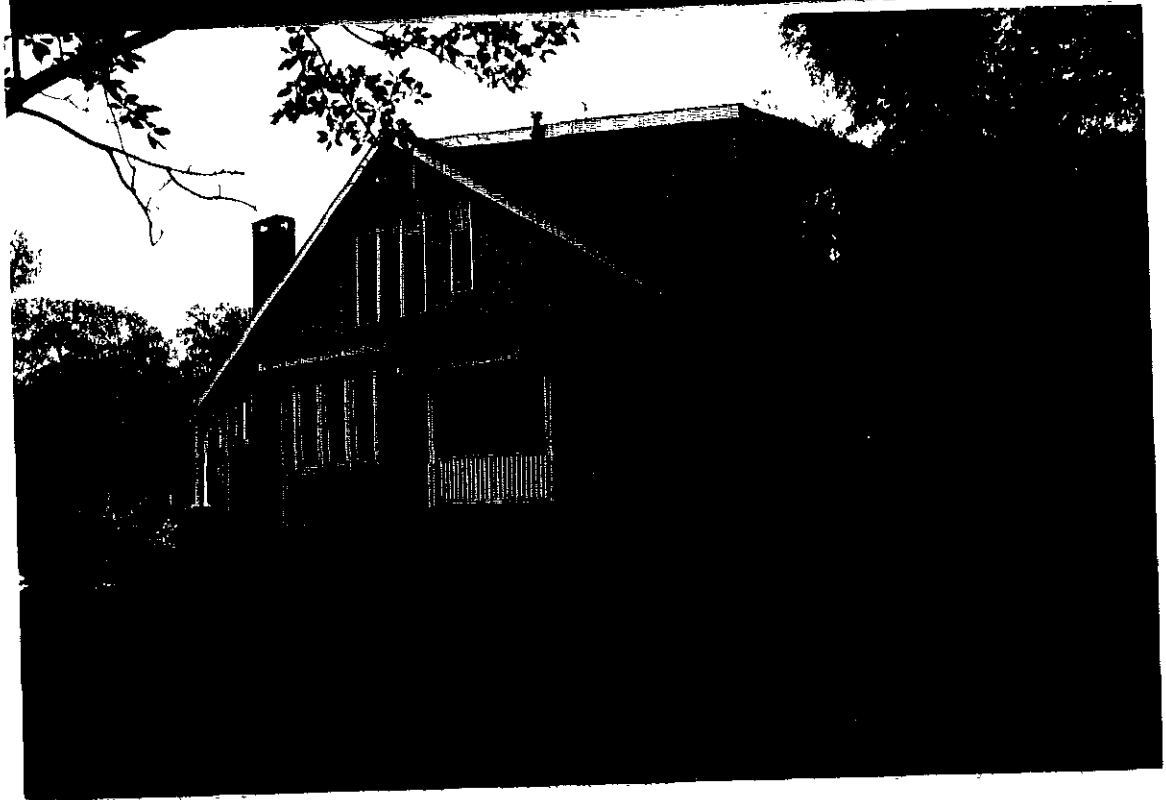


















BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026200

DATE 9/9/96 ACCOUNT R-001-6150

AMOUNT \$ 285.00

RECEIVED FROM: A.P.K. Development Corp.

FOR: Appeal 96-442-SPHX

MICROFILMED

01A00#0299MICHRC
BA 0011-36AM09-09-96

\$285.00

VALIDATION OR SIGNATURE OF CASHIER

RJE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026200

DATE 5-16 ACCOUNT R001-150

AMOUNT \$ 620.00

RECEIVED FROM:

EX. (030)
SP HRG (040)

300.00

250.00

FOR: POSTING (080)

MICROFILMED

2x35
JACOMBOU27MICHRC
BA 0003-52PM05-06-96

70.00

620.00

VALIDATION OR SIGNATURE OF CASHIER

96-442

JCM

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

96-442-SPHX

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th

Date of Posting 9/26/96

Posted for: CASE No 96-442-SPHX

Petitioner: ABRAHAM KOROTEK

Location of property: 516 W. ALLEGHENY AVE

Location of Signer: _____

Remarks: _____

Posted by [Signature] Date of return: 9-27-96

Number of Signs: 1



IN THE MATTER OF * BEFORE THE
THE APPLICATION OF *
ABRAHAM KOROTKI /PETITIONER * COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING AND * OF
SPECIAL EXCEPTION ON PROPERTY *
LOCATED ON THE NORTH SIDE OF * BALTIMORE COUNTY
W. ALLEGHENY AVENUE, 500' WEST *
OF THE C/L HIGHLAND AVENUE *
(516 W. ALLEGHENY AVENUE) * CASE NO. 96-442-SPHX
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT *

RULING ON MOTION FOR RECONSIDERATION

People's Counsel, by way of April 29, 1997 correspondence to the Board, brings a Motion for Reconsideration from the Board's Opinion and Order dated April 25, 1997. People's Counsel argues that the Petitioner, Abraham P. Korotki, should not have been allowed to withdraw the Petition for Special Exception for four reasons as stated in their correspondence. In response to People's Counsel's Motion, the Board scheduled a hearing on the record and denied People's Counsel's Motion.

People's Counsel overstates its first point of argument when it writes: "As has been the practice of this Board, no pleadings, evidence, letters or other matters are accepted by the Board once the evidentiary record has been closed...." The practice of this Board, as it relates to "or other matters" as stated by People's Counsel, is determined by the sitting panel's chairman in the respective cases. Said chairman is responsible for conduct of the proceedings before the Board. In this matter, People's Counsel moved to dispose of both the Petition for Special Exception and Petition for Special Hearing, citing numerous deficiencies in the requisite plat to accompany the Petitions. That Motion was made at

Case No. 96-442-SPHX Abraham Korotki -Petitioner
Ruling on Motion for Reconsideration

2

the conclusion of Petitioner's case-in-chief.

Rule 3b of the Rules of Practice and Procedure of the County Board of Appeals, Appendix C of the Baltimore County Code, indicates that an appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal. It is this Board's belief that the case had not yet been concluded, but that the Petitions themselves were deficient, thereby placing the Petitioner in a position of refiling to cure the deficiencies at some future proceeding. Therefore, the Board denied the Motion based on People's Counsel's first argument.

Regarding Item 2 in People's Counsel's Memorandum, this Board is not constrained to work within the confines of the Maryland Rules of Procedure in the absence of clear direction contained in the Board's Rules of Practice and Procedure. Proceedings before this Board, while quasi-judicial, are administrative in nature. Further, the Board is responsible for interpreting and acting within its own rules of practice and procedure. Therefore, the second item in People's Counsel's Motion fails.

Item 3, the open meetings law issue, is intended to provide the public an opportunity to witness the decision-making processes of the Board. In this case, by the Board's interpretation of the processes in this case in light of Rule 3b, the Board has no decision to render on the merits of the case. Therefore, an open deliberation is not required.

Regarding the fourth item in People's Counsel's Motion, the Board has already addressed these issues as stated above.

Case No. 96-442-SPHX Abraham Korotki -Petitioner
Ruling on Motion for Reconsideration

3

Under the Board's Rule 10, the Board has revisory power and control over the Order in the event of fraud, mistake or irregularity. The Board has found neither fraud, nor mistake, nor irregularity; therefore, the Order dated April 25, 1997 shall stand as written.

Accordingly, the Motion for Reconsideration be and is hereby DENIED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz
Robert O. Schuetz, Chairman

Kristine K. Howanski
Kristine K. Howanski
Margaret Worrell
Margaret Worrell

DATE: June 10, 1997



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

June 10, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 96-442-SPHX
Abraham P. Korotki -Petitioner

Dear Mr. Zimmerman:

Enclosed please find a copy of the Ruling on Motion for Reconsideration issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Pulecky
Charlotte E. Pulecky
Kathleen C. Bianco
Administrator

encl.

cc: Charles E. Brooks, Esquire
Malcolm F. Spicer, Jr., Esquire
John Pyle, President
West Towson Neighborhood Assn.
J. Donald Gerding
Greater Towson Council of Comm. Assns.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave
Towson, MD 21204
(410) 887-3180

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILLO
Deputy People's Counsel

April 29, 1997

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
Room 49 Courthouse
400 Washington Avenue
Towson, MD 21204
Hand-delivered

Re: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
516 W. Allegheny Avenue, N/S
Allegheny Ave., 500' W of s/l
Highland Ave., 9th Election
Dist., 4th Councilmanic
ABRAHAM P. KOROTKI, Petitioner
Case No.: 96-442-SPHX

Dear Chairman Schuetz:

This letter is intended as a Motion for Reconsideration. A hearing in this case was conducted on April 16. Following the close of the Petitioner's case on the merits, People's Counsel moved to dispose of both the Petition for Special Exception and Petition for Special Hearing. People's Counsel advised the Board that Petitioner's site plan in the Special Exception case did not conform to the legal requirements and was defective, and that Petitioner failed to produce evidence for the Special Hearing. The Board openly deliberated on these matters and denied both Petitions. There was no reason for Protestants and People's Counsel to proceed on the merits. The Board announced that a written Opinion and Order would follow.

The following day, before the Board had an opportunity to issue a written Order, Petitioner filed a notice of withdrawal of the special exception petition, which the Board accepted in its Opinion dated April 25, 1997.

Petitioner should not have been allowed to withdraw the Petition for the following reasons, which warrant reconsideration:

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
April 29, 1997
Page Two

1) As has been the practice of this Board, no pleadings, evidence, letters or other matters are accepted by the Board once the evidentiary record has been closed. In this matter, the record was closed on April 16. The Petitioner's Dismissal can not be accepted by the Board.

2) There is no rule regarding withdrawal before the County Board of Appeals. Maryland Rule 2-506 addresses Voluntary Dismissal in civil court proceedings (see attached). A party cannot dismiss his complaint after a responsive pleading is filed, unless by agreement of the parties or order of court. If Rule 2-506 does not permit dismissal as a matter of right before trial, a party certainly cannot dismiss his case during or after the trial.

"A contention that either a party or his counsel can 'dismiss' and so nullify the judgment of a court is simply preposterous..." *Mildred Davis, Inc. v. Hopkins*, 224 Md. 626 (1961).

3) The Open Meetings law provides for open deliberations followed by a written Order. It is not intended to give a party an opportunity to file an intervening pleading to avoid or circumvent a decision rendered by an administrative agency.

4) There is no problem of "subject matter" jurisdiction. The Board (not the Petitioner) controls the case within its jurisdiction.

The Petitioner's voluntary dismissal was not agreed to by the parties nor ordered by the Board. The Board should reconsider its approval of Petitioner's Notice of Withdrawal. Moreover, the decision of the Board to accept the Notice of Withdrawal was not deliberated in public. The Board should issue a revised Opinion and Order denying the Petition for Special Exception.

Please treat this letter as a Motion for Reconsideration, and schedule a hearing and open deliberation.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Robert O. Schuetz, Chairman
Board of Appeals of Baltimore County
April 29, 1997
Page Three

CSD/caf

cc: Charles E. Brooks, Esq. and
Malcolm F. Spicer, Jr., Esq.
Attorneys for Petitioner

Mr. John Pyle, President,
West Towson Neighborhood Assn., Protestant

Mr. J. Donald Gerding
Greater Towson Council of Comm. Assns., Protestant

CBA.LTR/PZONE/TXTCAF

IN THE MATTER OF * BEFORE THE
THE APPLICATION OF *
ABRAHAM KOROTKI /PETITIONER * COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING AND * OF
SPECIAL EXCEPTION ON PROPERTY *
LOCATED ON THE NORTH SIDE OF * BALTIMORE COUNTY
W. ALLEGHENY AVENUE, 500' WEST *
OF THE C/L HIGHLAND AVENUE * CASE NO. 96-442-SPHX
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT *

OPINION

This case comes on appeal of the decisions of the Deputy Zoning Commissioner in which a Petition for Special Hearing was granted and a Petition for Special Exception was denied on the instant site. Before the Deputy Zoning Commissioner, the Petition for Special Hearing was to determine that an economist is a "professional person" as contemplated by Section 1801.C.9.b of the Baltimore County Zoning Regulations. On appeal the then-subject economist did not appear before this Board; therefore, at the conclusion of Petitioner's case-in-chief, and on Motion to deny the special hearing brought by People's Counsel, the Board ruled from the bench that the Petition for Special Hearing shall be denied, and will so order.

On the issue of special exception, the Petitioner, following open deliberation of this matter, brings "Notice of Withdrawal of Petition for Special Exception," wherein Petitioner withdraws without prejudice the Petition for Special Exception. Having received said notice of withdrawal, this Board does not have subject matter jurisdiction in the instant special exception. Therefore, the instant appeal brought by Abraham Korotki shall be

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of August, 1996 that the Petition for Special Hearing to approve that an economist is a "professional person", pursuant to Section 1801.9.b of the Baltimore County Zoning Regulations (S.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a home/office in a D.R. 3.5 zone, in accordance with Petitioner's Exhibits 4A and 4B, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
516 W. Allegheny Avenue, N/S Allegheny
Avenue, 500' W of c/p Highland Avenue
9th Election District, 4th Councilmanic
Legal Owner(s): Abraham Korotki
Contract Purchaser: David M. Small
Petitioners

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Christine K. McSherry, Esquire, 210 W. Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 516 W. Allegheny Ave, Towson, MD 21204
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

whether an economist is a "professional person" in accordance with Section 1801.9.b

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of 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.

Contract Purchaser/Lessor:
David M. Small
DAVID M. SMALL
Type or Print Name
Signature
Address
250 W. President Street
Baltimore, MD 21202
City State Zipcode
Attorney for Petitioner:
Christine K. McSherry
CHRISTINE K. MCSHERRY
Type or Print Name
Address
4th Floor
210 W. Pennsylvania Ave
Towson, MD 21204
City State Zipcode
Phone No. 832-2027
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL OTHER: _____
REVIEWED BY: _____ DATE: _____

ORDER RECEIVED FOR FILING
Date 5/16/96
By [Signature]

DROP-OFF
NO REVIEW
5/16/96
WCR

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 516 W. Allegheny Ave, Towson, MD 21204
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Regulations of Baltimore County, to use the herein described property for

a home/office in a D.R. 3.5 zone

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.

Contract Purchaser/Lessor:
David M. Small
DAVID M. SMALL
Type or Print Name
Signature
Address
250 W. President Street
Baltimore, MD 21202
City State Zipcode
Attorney for Petitioner:
Christine K. McSherry
CHRISTINE K. MCSHERRY
Type or Print Name
Address
4th Floor
210 W. Pennsylvania Ave
Towson, MD 21204
City State Zipcode
Phone No. 832-2027
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL OTHER: _____
REVIEWED BY: _____ DATE: _____

ORDER RECEIVED FOR FILING
Date 5/16/96
By [Signature]

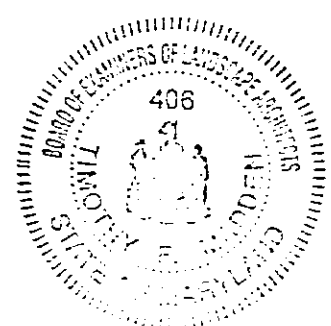
DROP-OFF
NO REVIEW
5/16/96
WCR

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS
AND LANDSCAPE ARCHITECTS

ZONING DESCRIPTION
Property at 516 Allegheny Avenue
Towson, Maryland 21204

Beginning at a point on the North side of Allegheny Avenue which is forty (40) feet wide at the distance of five hundred eighty-five feet (585) West of the corner of Highland Avenue which is forty feet (40) wide. Thence the following courses and distances

North 24° 42' 34" 199.52 feet East, South 78° 14' 54" 67.2 feet East, South 204° 42' 34" 205 feet West, North 71° 35' 78" 90 feet West, to the point of Beginning, as recorded in the land records of Baltimore County, Maryland



Timothy F. Madden
Timothy F. Madden, ASLA, AICP
Registered Landscape Architect #476

TFM dfa110348allegave.zen0506/96

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 5/16/96
Posted for: Special Hearing & Exception
Petitioner: Abraham Korotki
Location of property: 516 W. Allegheny Ave
Location of Sign: King roadway on property being zoned
Remarks:
Posted by: [Signature] Date of return: 5/16/96
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 015882
DATE: 5-16-96 ACCOUNT: R-001-6150
AMOUNT: \$ 620.00
RECEIVED FROM: DAVID SMALL - 516 W. ALLEGHENY AVE.
FOR: EX. (050) 300.00
SP HLG (040) 250.00
FOR: POSTING (010) 2X 55 110.00
01A00H0299HICHR 2A 0011-32AND-00-04
BA 0003:52FMS-06-96 2094-08
VALIDATION OR SIGNATURE OF CASHIER
DATE-TIME: 5/16/96 12:00 PM PINK-AGENCY YELLOW-CUSTOMER 96-442 JCM

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 026260
DATE: 9/9/96 ACCOUNT: R-001-6150
AMOUNT: \$ 285.00
RECEIVED FROM: A.P.K. Development Corp.
FOR: Appeal 96-442-SPHX
01A00H0299HICHR 2A 0011-32AND-00-04
BA 0003:52FMS-06-96 2094-08
VALIDATION OR SIGNATURE OF CASHIER
DATE-TIME: 9/9/96 12:00 PM PINK-AGENCY YELLOW-CUSTOMER 96-442 JCM

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 24, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 23, 1996.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the County and the Board of Commissioners of Baltimore County will hold a public hearing on the property identified herein, to hear testimony and receive comments from interested parties. The hearing will be held at the County Administration Center, 111 W. Thomas Street, 4th Floor, Baltimore, MD 21201, on the date and time specified below.
Case: 96-442-SPHX
Date: May 23, 1996
Time: 10:00 AM
Location: 111 W. Thomas Street, 4th Floor, Baltimore, MD 21201
Special Hearing: To approve whether an economist is a "professional person" as defined in the Zoning Regulations of Baltimore County.
Hearing: Monday, June 17, 1996, at 10:00 AM, in the 4th Floor, 111 W. Thomas Street, Baltimore, MD 21201.
Lawrence E. Sandomeni, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on a regular basis for special exceptions and appeals.
(2) For information concerning the hearing, please call 301-328-1231.
5/15/96 JCM

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 9/26/96
Posted for: Case No 96-442-SPHX
Petitioner: ABRAHAM KOROTKI
Location of property: 516 W. ALLEGHENY AVE
Location of Sign:
Remarks:
Posted by: [Signature] Date of return: 9-27-96
Number of Signs: 1

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this 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 County.

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No. 448 Petitioner: David Small
Location: 516 W. ALLEGHENY AVE.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Christine K. McSherry, Esq.
ADDRESS: 210 W. PENNSYLVANIA AVE.,
TOWSON MD
PHONE NUMBER: 832-2027

TO: PERMITTING PUBLICATIONS COMMITTEE
May 22, 1996 (Date of Publication)
Please forward filing to:
Christine K. McSherry, Esq.
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204
832-2027

NOTICE OF HEARING

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-442-SPHX (Item 438)
516 W. Allegheny Avenue
N/5 of W. Allegheny Avenue, 500' W of c/l Highland Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Abraham Korotki
Contract Purchaser: David M. Small

Special Hearing to approve whether an economist is a "professional person".
Special Exception for a home/office.

HEARING: MONDAY, JUNE 17, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3351.



Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 17, 1996

NOTICE OF HEARING

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-442-SPHX (Item 438)
516 W. Allegheny Avenue
N/5 of W. Allegheny Avenue, 500' W of c/l Highland Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Abraham Korotki
Contract Purchaser: David M. Small

Special Hearing to approve whether an economist is a "professional person".
Special Exception for a home/office.

HEARING: MONDAY, JUNE 17, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Abraham Korotki
David M. Small
Christine K. McSherry

NOTES: (1) ZONING SIGN AND POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3351.

Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

November 26, 1996

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), BOARD'S RULES OF PRACTICE & PROCEDURE, APPENDIX C, BALTIMORE COUNTY CODE.

CASE NO. 96-442-SPHX

ABRAHAM KOROTKI -Petitioner
N/5 of W. Allegheny Ave., 500' W of the c/l of
Highland Avenue (516 W. Allegheny Avenue)
9th Election District
4th Councilmanic District

SPH -Approval that economist is "professional person" pursuant to 1B01.C.9.b of BCZR; SE -to permit home/office in DR 3.5 zone.

8/08/96 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Special Exception was DENIED.

ASSIGNED FOR:

THURSDAY, JANUARY 30, 1997 at 10:00 a.m.

cc: Charles E. Brooks, Esquire Counsel for Appellant /Petitioners
Abraham Korotki Appellant /Legal Owner
Donald M. Small (SE only) Appellant /C.P.
Timothy Madden /Morris & Ritchie Assoc., Inc.

People's Counsel for Baltimore County Appellant (SPH only)

John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista

Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathleen C. Bianco
Legal Administrator

Printed with Soybean Ink
on Recycled Paper

LAW OFFICES
BROOKS & SPICER
910 ROSLEY AVENUE
TOWSON, MARYLAND 21204
(410) 880-0800

CHARLES E. BROOKS
NORMAN P. SPICER, JR.

TELEFAX
410 880-1276

January 16, 1997

HAND DELIVERED

Board of Appeals
For Baltimore County
Old Courthouse
Towson, Maryland 21204

Re: Petitions For Special Hearing and Special Exception
516 West Allegheny Avenue
Abraham Korotki, Petitioner
Case Number: 96-442-SPHX

Dear Members of The Board:

On behalf of the Petitioner, Abraham Korotki, we must respectfully request a postponement of the above entitled case presently scheduled for hearing on January 30, 1997 at 10:00 a.m.

This request for postponement is predicated on the fact that one of our expert witnesses, Joseph Larson, has been subpoenaed to testify as a witness in a case pending in the Circuit Court for Anne Arundel County on this date and time.

Accordingly, it is respectfully requested that the hearing scheduled for January 30, 1997 be postponed.

Sincerely yours,

Charles E. Brooks

CEB/lg

cc: Abraham P. Korotki
Peter M. Zimmerman, People's Counsel (Hand Delivered)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 48
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

January 17, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 96-442-SPHX IN THE MATTER OF: ABRAHAM KOROTKI -Petitioner
(516 W. Allegheny Avenue)
9th Election District; 4th Councilmanic
(Petition for Special Hearing GRANTED; Special Exception DENIED)

which was assigned for hearing on 1/30/97 has been POSTPONED at the request of Counsel for Petitioner due to unavailability of witness; and has been

REASSIGNED FOR: WEDNESDAY, APRIL 16, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellant /Petitioner Charles E. Brooks, Esquire
Appellant /Legal Owner Abraham Korotki
Appellant /C.P. Donald M. Small (SE only)

Timothy Madden Morris & Ritchie Assoc., Inc.
People's Counsel for Baltimore County Appellant (SPH only)

John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kalista
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Baltimore County Department of Permits and Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 10, 1996

Christine K. McSherry, Esquire
4th Floor
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 438
Case No.: 96-442-SPHX
Petitioner: Abraham Korotki

Dear Ms. McSherry:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 6, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (867-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 6-3-96
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: MAY 20, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 437
438
441
442
444
447

RBS:sp

BRUCEZ/DEPRM/TXTSPB

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20, 1996

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 437, 438, 440, 441, 442, 443, 444, 445, 446, 447 AND 448.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

SHJA Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 108
Towson, Maryland 21204

RE: Baltimore County
Item No. 436 (UCB)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5561 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for hearing or speech
impaired persons: 1-800-735-2258
Mailing Address: P.O. Box 777 • Baltimore, MD 21203-0717
Street Address: 707 North Calver Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: June 3, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 516 W. Allegheny Avenue

INFORMATION:

Item Number: 438

Petitioner: Abraham Korotki

Property Size: _____

Zoning: D.R. 3.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a Special Hearing to determine whether an economist is a professional person and a Special Exception for a home/office in a D.R. 3.5 zone. The property in question is located at 516 West Allegheny Avenue and is within a Community Conservation area (Inner Neighborhood) as designated in the Towson Community Plan adopted by the Baltimore County Council on February 3, 1992.

The property in question has an extensive zoning history largely involving zoning violation cases alleging the operation of commercial enterprises and/or offices in a D.R. zone. At various times, it was alleged to have been used as a law office, a model or talent agency and a mortgage reduction service. A significant issue was whether the professional person, i.e., attorney, maintained his primary residence at the subject property. The zoning case history should be summarized on the plan including the case numbers and disposition of each case. The case references are as follows: 75-153 V, 87-381CV, and C-91-1268. The property under review has been subdivided through the minor subdivision process and should comply with all county comments (see PDM No. IX - 665).

Two issues should be considered in the determination of the proposed economist cum professional person. In addition to the credentials and license possessed by this particular economist, Mr. David Small, the type of office should be defined. Is it a title company, a mortgage brokerage, a stock brokerage, an insurance agency or other type of office? It is the opinion of this office that the office, commercial and industrial zones are the appropriate zones for all of the aforementioned uses. This office would prefer a narrow interpretation of Section 1801.C.9b of the Baltimore County Zoning Regulations, limited to the professions specifically mentioned in that section, i.e., physician, dentist, lawyer, architect, engineer, artists, musicians and those mentioned in the Zoning Commissioner's Policy Manual adopted May 21, 1991.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

The second issue involves whether 516 Allegheny Avenue merits a Special Exception for an office use should the zoning commissioner determine that an economist is an "other professional person." It is the opinion of this office that a Special Exception for office use would be highly undesirable for this particular location and would be detrimental to the health, safety and welfare of the neighborhood. The location is well within the West Towson neighborhood and is 500 feet to the west of the West Towson office transition area which ends at Highland Avenue. Additionally, the property is across from the entrance to the YMCA of Towson which operates a day care center as well as a community building with a total membership of 2,931, serving 6,100 members. There are approximately 1300 ADT's on Allegheny Avenue in the vicinity of the property; due to traffic safety concerns, a 4-way stop sign has been placed at the intersection of Allegheny Avenue and Highland Avenue. It is anticipated that left turn movements into and from the parking lot of the property in question will be difficult and would result in traffic congestion.

The Towson Community Plan states that Special Exception office uses impact the Inner Neighborhoods very heavily, bringing in more traffic and large parking lots which create an ambience more suited to a business community than to a residential community. The plan recommended an overlay district which would require Special Exceptions to be linked to neighborhood and county need. While the overlay district was not implemented, the criteria of neighborhood and county need is a valuable one and should be addressed by the petitioner.

In conclusion, this office recommends denial of the Special Hearing and Special Exception.

Prepared by: Dana Little

Division Chief: *Carol K. Pyle*

PK/DI

ITEM436/PZOR/ZAC1

Pg. 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: May 26, 1996

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 28, 1996
Item No. 438

The Development Plans Review Division has reviewed the subject zoning item, which is subject to Landscape Manual. Parking should be moved back 10 feet off right-of-way and be buffered from street and adjacent residences.

RWB:HJO:jrb

cc: File



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 23, 1996

Christine K. McSherry, Esquire
210 West Pennsylvania Avenue
4th Floor
Towson, MD 21204

RE: Preliminary Petition Review (Item #438)
516 West Allegheny Avenue
9th Election District

Dear Ms. McSherry:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The case was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the responsibility of the petitioner to make a proper application, address any zoning concerns and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The applicant/attorney was advised that legal owner must properly authorize the contract purchaser to proceed on his behalf.

If you need further information or have any questions, please do not hesitate to contact me at 887-3381.

Very truly yours,

Joseph C. Merrey
Planner I
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1996

Christine K. McSherry, Esquire
4th Floor
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Special Hearing
N/S of W. Allegheny 500' W of
the c/l of Highland Avenue
(516 W. Allegheny Avenue)
9th Election District
4th Councilmanic District
Abraham Korotki-Petitioner
Case No. 96-442-SPEX

Dear Ms. McSherry:

Please be advised that an appeal of the above-referenced case was filed in this office for special hearing only on September 5, 1996 by Peter Zimmerman and Carole S. Demilio on behalf of the People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

cc: Mr. Abraham Korotki
Mr. David M. Small
Mr. John W. Pyle, President, WTNA
Mr. J. Donald Gerding
Mr. Justin King
Ms. Venetia Holland
Mr. Jack Dillon
Ms. Beverly Pugsley
Mr. Frank Kalista
Charles E. Brooks, Esquire

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1996

Mr. John Pyle, President
West Towson Neighborhood Association
P.O. Box 5580
Towson, MD 21204

RE: Petition for Special Exception
N/S of W. Allegheny Ave., 500'
W of the c/l of Highland Avenue
(516 Allegheny Avenue)
9th Election District
4th Councilmanic District
Abraham Korotki-Petitioner
Case No. 96-442-SPEX

Dear Mr. Pyle:

Please be advised that an appeal of the above-referenced case was filed in this office for special exception only on September 6, 1996 by Charles E. Brooks, Esquire on behalf of Abraham Korotki and David Small. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

cc: Mr. J. Donald Gerding
Mr. Justin King
Ms. Venetia Holland
Mr. Jack Dillon
Ms. Beverly Pugsley
Mr. Frank Kalista
Christine K. McSherry, Esquire
People's Counsel

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APPEAL

Petitions for Special Hearing and Special Exception
N/S of West Allegheny Ave., 500' W of the c/l of Highland Ave.
(516 W. Allegheny Avenue)
9th Election District - 4th Councilmanic District
Abraham Korotki - Petitioner
Case No. 96-442-SPEX

Petitions for Special Hearing and Special Exception

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-in Sheets

Petitioners' Exhibits: 1 - Biography of David M. Small
2A-2C - Seventeen Photographs
3 - Professional Background of Timothy
Malden
4A - Floor Plan for David Small's Home Office
4B - Site Plan for Special Exception and
Special Hearing

Protestants' Exhibits: 1 - Letter from John Pyle, President, WTNA,
to Lawrence Schmidt, Zoning Commissioner
dated June 14, 1996
2 - Eight Letters of Opposition
3 - Recent Sales of Residential Properties
on Allegheny Avenue

Site Plan Notes for Special Exception and Special Hearing

Resolution No. 30-96 of the Baltimore County Council dated May 6, 1996

Letter from Christine K. McSherry, Esquire to Arnold Jablon, Director
of PDM, dated May 29, 1996

Commercial Properties Currently for Sale in West Towson

Letter from Joseph C. Merrey to Christine McSherry, Esquire dated May
23, 1996
Deputy Zoning Commissioner's Order dated August 8, 1996 (Granted in
Part, Denied in Part)

Notice of Appeal of Special Exception only received on September 6,
1996 from Charles E. Brooks, Esquire on behalf of Abraham Korotki and
David Small

Notice of Appeal of Special Hearing only received on September 9, 1996
from Peter Max Zimmerman and Carole S. Demilio on behalf of the
People's Counsel for Baltimore County

cc: Christine K. McSherry, Esquire, 4th Floor, 210 W. Pennsylvania
Avenue, Towson, MD 21204
Charles E. Brooks, Esquire, Brooks & Spicer, 610 Mosley Avenue,
Towson, MD 21204
Mr. Abraham Korotki, 11931 Park Heights Ave., 21117
Mr. David M. Small, 250 W. President St., Baltimore, MD 21202
Mr. John W. Pyle, Pres., WTNA, P.O. Box 5580, Towson, MD 21204
Mr. J. Donald Gerding, 335 Old Trail Road, Baltimore, MD 21212
Mr. Justin King, 620 Murdoch Road, Baltimore, MD 21212
Ms. Venetia Holland, 526 Allegheny Avenue, Towson, MD 21204
Mr. Jack Dillon, 543 Park Avenue, Towson, MD 21204
Ms. Beverly Pugsley, 513 Allegheny Avenue, Towson, MD 21204
Mr. Frank Kalista, 521 Allegheny Avenue, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 96-442-SPHX SPH -Approval that economist is "professional person" pursuant to 1801.C.9.b of BCZR; SE -to permit home/office in DR 3.5 zone.

8/08/96 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED; Petition for Special Exception was DENIED.

11/26/96-Notice of Assignment for hearing scheduled for Thursday, January 30, 1997 at 10:00 a.m. sent to following:

Charles E. Brooks, Esquire
Abraham Korotki
Donald M. Small
Timothy Madden, Morris & Ritchie Assoc., Inc.
People's Counsel for Baltimore County
John W. Pyle, President, WTNA
J. Donald Gerding
Justin King
Venetia Holland
Jack Dillon
Beverly Pugsley
Frank Kallista
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

1/16/97 -Request for postponement filed by Charles E. Brooks, Esquire, on behalf of Petitioner, Abraham Korotki due to unavailability of expert witness, Joseph Larson (subpoenaed to testify in AACo CCT that date /time).

1/17/97 -Request for postponement GRANTED; no objection by PC; reassigned to Wednesday, April 16, 1997 at 10:00 a.m. Notice of PP and Reassignment sent to parties.

4/16/97 -Board convened for hearing scheduled for this date. At the conclusion of Petitioner's case-in-chief, C. Demilio moved for denial of petition in that Petitioner did not meet burden of proof; insufficient plan submitted; noncompliant.

- Board deliberated this motion; granted motion and denied petition. Written Opinion and Order to be issued; appellate period to run from date of written Order. (R.K.W.)

Case No. 96-442-SPHX SPH -Approval that economist is "professional person" pursuant to 1801.C.9.b of BCZR; SE -to permit home/office in DR 3.5 zone.

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J. Donald Gerding
Justin King
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- Board deliberated this motion; granted motion and denied petition. Written Opinion and Order to be issued; appellate period to run from date of written Order. (R.K.W.)

4/29/97 -Motion for Reconsideration (of Board's 4/25/97 Opinion/Order) by way of letter dated April 29, 1997 filed by People's Counsel.

5/09/97 -Notice of Deliberation sent to parties; for purpose of deliberating the grant or denial of reconsideration of Board's 4/25/97 Opinion and Order. Scheduled for Thursday, May 15, 1997 at 9:00 a.m. (RKW)

5/15/97 -Motion of People's Counsel for Board to reconsider its Opinion and Order of 4/25/97 denied by the Board on the record and after oral argument by parties. Ruling to be issued by CBA.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 9, 1997

NOTICE OF DELIBERATION

Upon receipt of a Motion for Reconsideration filed 4/29/97 by the Office of People's Counsel, the Board has scheduled the following date and time for the purpose of deliberating the grant or denial of this request to reconsider:

ABRAHAM P. KOROTKI -Petitioner
Case No. 96-442-SPHX

DATE AND TIME : Thursday, May 15, 1997 at 9:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

Contact: Kathleen C. Bianco
Legal Administrator
410-887-3180

c: Counsel for Appellant /Petitioner: Charles E. Brooks, Esquire
Appellant /Legal Owner : Abraham Korotki
Appellant /C.P. : Donald M. Small (SE only)

Timothy Madden / Morris & Ritchie Assoc., Inc.

People's Counsel for Balto Co : Appellant (SPH only)

John W. Pyle, President, WTNA

J. Donald Gerding

Justin King

Venetia Holland

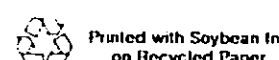
Jack Dillon

Beverly Pugsley

Frank Kallista

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Copied: R.K.W.



Case No. 96-442-SPHX Abraham Korotki Minutes of Deliberation

a picture we would presume to be correct, but still deficient; it does not indicate use.

Proposed building or addition at this point -- I would say "n" does not apply. We do not have a case where either setback or areas to be determined. Height does not apply; "q" -- I would indicate -- frankly, I don't see that this applies; "r" certainly is not met; "s" is not met; "t" is not met; "u" is not met.

What we have is an overwhelmingly deficient piece of evidence for our consideration. And that being the case, the one piece of evidence to indicate what is expected from this case, I would therefore have no choice but to grant the Motion for denial of the Petition for Special Exception.

KKH: Looking at this, I must say I have some frustration with having to examine it from this perspective insofar as I like to hear cases on the merits, and I don't like to dismiss on technicalities. But here the deficiencies are so great as to actually infect the merits of the matter. When I look at it, and I do agree with Mr. Schuetz that 5 is the applicable provision, I also read it must be shown on the surveyor's plat. Both sides are represented by counsel and have experts and so forth; there's no argument that people did not know better. When I go through the checklist, I do find "a" through "d" in existence, and partial compliance with "e" -- it's technically deficient, but I, again, would have a lot of discomfort if that was the only problem. There's partial compliance with "f"; probably not fatal, but "g" is missing; "h" is in compliance; "i" -- no compliance; "j" -- I concur with Mr. Schuetz that it's inapplicable; "k" -- is inapplicable; "l" -- there's no evidence and, again, it's entirely deficient; "m" -- no evidence of that information either; "n" -- I share Mr. Schuetz' opinion that this is inapplicable; "o" -- he thought inapplicable, and I agree; as for "p" -- not an addition; "q" -- he thought was inapplicable. I'm not so sure but I found partial compliance and not totally fatal; "r" -- "s" -- "t" -- and "u" are missing in their entirety. Again, I have to confess as a Board member it's very difficult to make a substantive decision when so much is missing; we really don't know. Reluctantly I would be constrained to agree.

MW: I don't think I need to go through each of those again. I have been through them, and I absolutely agree with my colleagues. Maybe one of these things missing may not be totally fatal, but the overwhelming evidence in this case is that this site plan does not come near meeting what is required, and I would therefore have to agree that we don't know enough.

Case No. 96-442-SPHX Abraham Korotki Minutes of Deliberation

ROS: We are unanimous. The Board will issue a written Opinion and Order subsequent to these proceedings. Any petition for Judicial Review should be from that Order and not today's date.

Thank you very kindly.

Respectfully submitted,

Kathleen C. Bianco
Kathleen C. Bianco

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

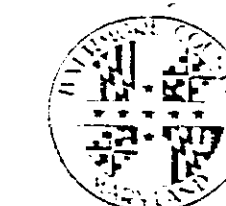
TO: Arnold Jablon, Director DATE: November 18, 1997
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 96-442-SPHX
ABRAHAM KOROTKI
9th E; 4th C

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 96-442-SPHX w/ 2 large exhibits)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 23, 1996

Christine K. McSherry, Esquire
210 West Pennsylvania Avenue
4th Floor
Towson, MD 21204

RE: Preliminary Petition Review (Item #438)
516 West Allegheny Avenue
9th Election District

Dear Ms. McSherry:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The applicant/attorney was advised that legal owner must properly authorize the contract purchaser to proceed on his behalf.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Joseph C. Merrey
Joseph C. Merrey
Planning
Zoning Review

JCM:scj

Enclosure (receipt)

c: Zoning Commissioner

WHITEFORD, TAYLOR & PRESTON
L.L.P.
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1620
TELEPHONE 410 542-7092
FAX 410 542-7092

CHRISTINE K. MCSHERRY
10012 N. WOOD
410 832-2000
2009562@comcast.com

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Case No. 96-442-SPHX (Item 438)
516 W. Allegheny Avenue

Dear Mr. Jablon:

Enclosed you will find several documents as a supplement to the zoning petitions filed in this matter. When I filed those petitions Mr. Korotki, the owner of the property, authorized me to sign on his behalf. Enclosed you will find my letter to him confirming that authorization. Mr. Korotki's signature is at the bottom.

I also provided Mr. Korotki with photocopies of the zoning petitions that were filed on behalf of Mr. Small, the contract purchaser. Mr. Korotki signed those petitions and returned photocopies of the signed petitions to me. Copies of those documents are also enclosed. Please accept these documents as supplements to our previously filed zoning petition in this matter.

If you have any other questions or concerns please feel free to call me at the above telephone number.

Sincerely,

Christine K. McSherry

CKM:sl
Enclosure
cc: Mr. David M. Small

78716

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

September 26, 1996

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Petition for Special Hearing and for Special Exception
516 W. Allegheny Avenue
9th Election District
4th Councilmanic District
Case No. 96-442-SPHX

Dear Mr. Jablon:

Please be advised that Charles E. Brooks, Esquire represents Abraham Korotki only and not David Small. This office represented Mr. Small in these zoning petitions at the hearing before the Deputy Zoning Commissioner. Mr. Korotki was not represented at that hearing. He has retained Mr. Brooks for the purpose of this appeal. Mr. Small, however, is not joining in on the appeal taken by Mr. Korotki.

Mr. Small cancelled the contract to purchase this property. Enclosed is a copy of my letter to that effect.

If you have any questions or concerns, please feel free to call me.

Sincerely,

Christine K. McSherry

CKM:sl
Enclosure
cc: Mr. David Small
Charles E. Brooks, Esquire

88191

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Timothy F. Madden	MRS 110 West Rd Towson, MD
DAVID M. SMALL	350 S President ST BALTIMORE
Christine K. McSherry	210 West Road Suite 105 Towson, MD 21204

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
38-256 JACOB J. WITNA	542 1st St
VERENA HOLLAND WITNA	526 ALLEGHENY
FRED HIGER WITNA	522 PARK AVE
FRANK KALISTA	521 ALLEGHENY AVE
Matthew Pugliese	513 Allegheny Ave
Beverly Pugliese	513 Allegheny Ave (at 515 W. High St)
John Ruffolo	532 Allegheny Ave
JIM FRAHER	540 ALLEGHENY AV
Russ Davis	1611 Round Oak Road

Mrs Robert Klein
606 Norwood
21204

sent copy of
96-442-SPHX

John J. Donnell-Gardner 335 Old Trail 21212
Sustained Kim - 6/20/96 - Sustained Kim - 6/20/96 - Sustained Kim - 6/20/96

96-5291

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1620
TELEPHONE 410 542-7092
FAX 410 542-7092

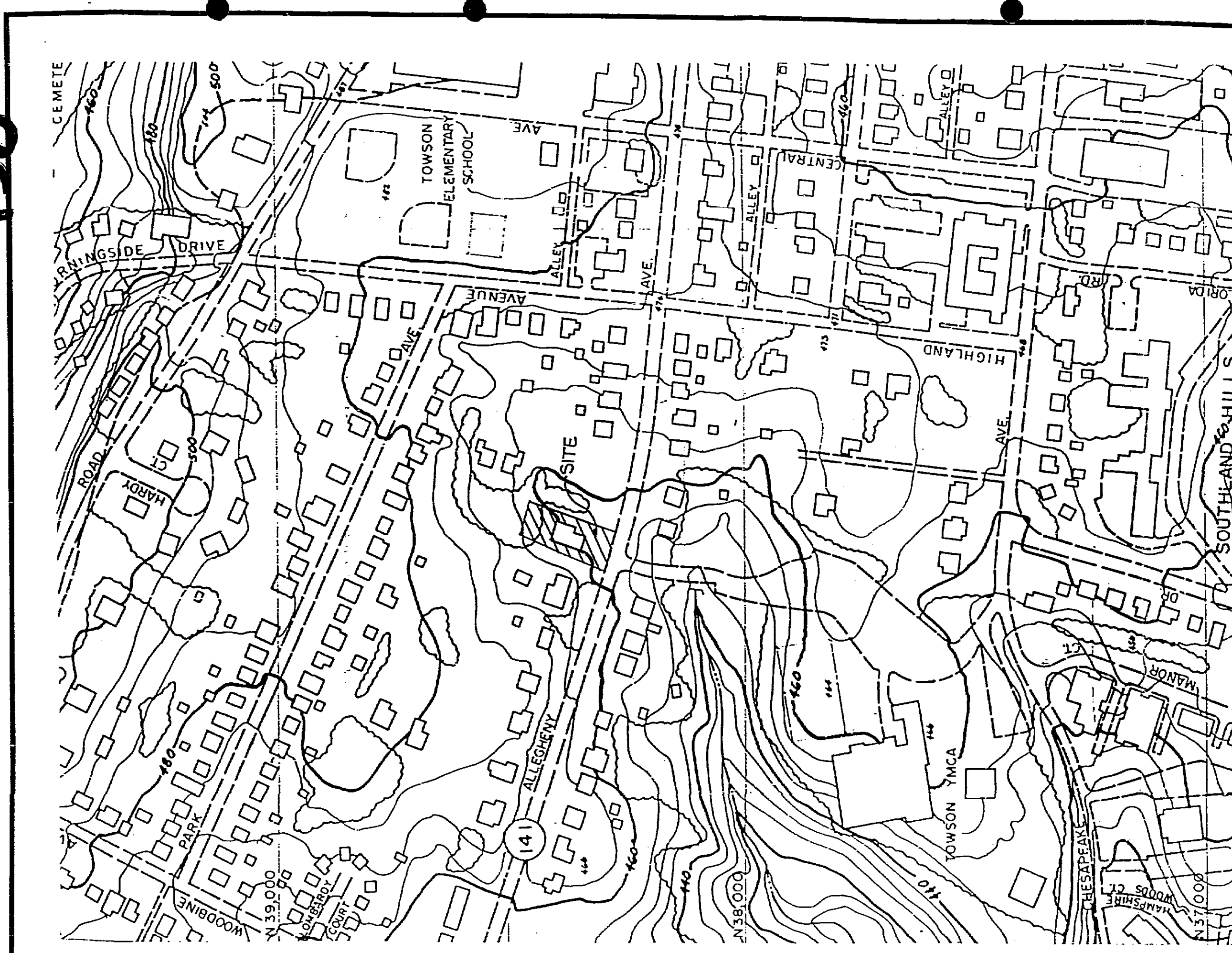
100 COLUMBIA CORPORATE CENTER
100 LITTLE PATENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-6200
FAX 410 884-6277

CHRISTINE K. MCSHERRY
10012 N. WOOD
410 832-2000
2009562@comcast.com

1015 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-4495
TELEPHONE 202 699-6800
FAX 202 521-0973

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 844-7474
FAX 703 844-0285

438



BALTIMORE COUNTY
ZONING MAP NW 10A
TOPOGRAPHIC MAP NW 10A

EXHIBIT 'A'
DAVID SMALL HOME OFFICE
SPECIAL EXCEPTION/SPECIAL HEARING
516 ALLEGHENY AVE. TOWSON, MD 21204

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax (410) 821-1748

SCALE 1"=200'
DATE 4-28-96
DRAWN BY BHJ
DESIGN BY
REVIEW BY TFM
JOB NO. 10348

LAW OFFICES
BROOKS & SPICER
910 ROSLEY AVENUE
TOWSON, MARYLAND 21204

CHARLES E. BROOKS
MALCOLM S. SPICER, JR.

410 256-9800

TELEFAX
410 256-1076

HAND DELIVERED

Arnold Jablon, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
N/8 of West Allegheny Avenue
500' West of the c/c of Highland Avenue
(516 West Allegheny Avenue)
9th Election District
4th Councilmanic District
Case Number: 96-442-SPHX

Dear Mr. Jablon:

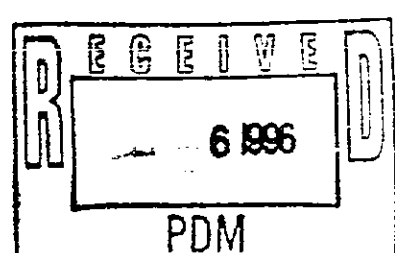
Please enter an appeal on behalf of Abraham Korotki and David Small to the County Board of Appeals for the year ended August 3, 1996 of the Deputy Zoning Commissioner relating to the Petition for Special Exception.

Must send in a check in the amount of \$2,000.00 (Two Thousand Dollars) for filing fees.

Charles E. Brooks

cc: Mr. David M. Small

cc: Abraham F. Korotki



BALTIMORE COUNTY
ZONING MAP NW 10A

EXHIBIT 'B'
DAVID SMALL HOME OFFICE
SPECIAL EXCEPTION/SPECIAL HEARING
516 ALLEGHENY AVE. TOWSON, MD 21204

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax (410) 821-1748

SCALE 1"=200'
DATE 4-29-96
DRAWN BY BHJ
DESIGN BY
REVIEW BY TFM
JOB NO. 10348

DAVID M. SMALL

PETITIONER'S EXHIBIT

Sequoia Settlement Services, Inc.
The Atrium
375 Padonia Road West, Suite 265
Timonium, MD 21093
(410) 561-1700

EDUCATION: THE WHARTON SCHOOL OF FINANCE AND COMMERCE
University of Pennsylvania
B.S. - Economics Major: Management and Finance (1974)

PROFESSIONAL
EXPERIENCE: • PRESIDENT
Sequoia Settlement Services, Inc. 1989-Present

Member of the Delta Group of Settlement Companies, a multi-national firm specializing in damage analysis, financial planning, and the design and placement of structured settlement annuities for personal injury claims.

• STRUCTURED SETTLEMENT SPECIALIST/FINANCIAL
CONSULTANT
Merrill Lynch Pierce Fenner & Smith 1987-1989

Diversified financial firm (Broker/Dealer) specializing in the placement of structured settlement annuities, various securities, and financial management and planning.

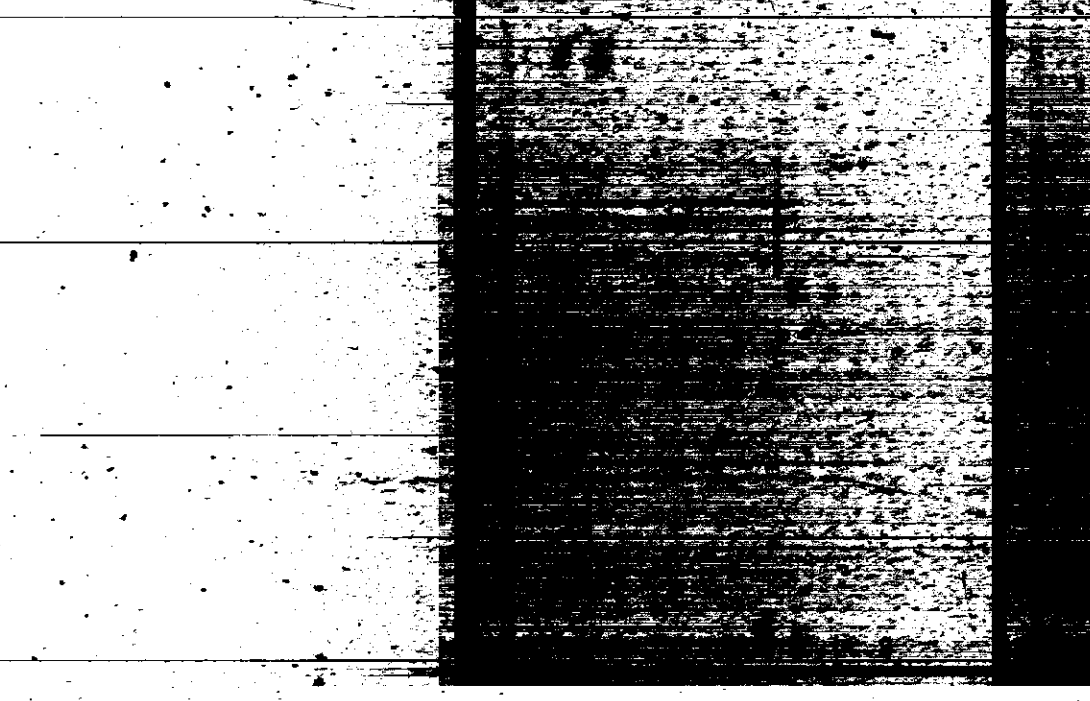
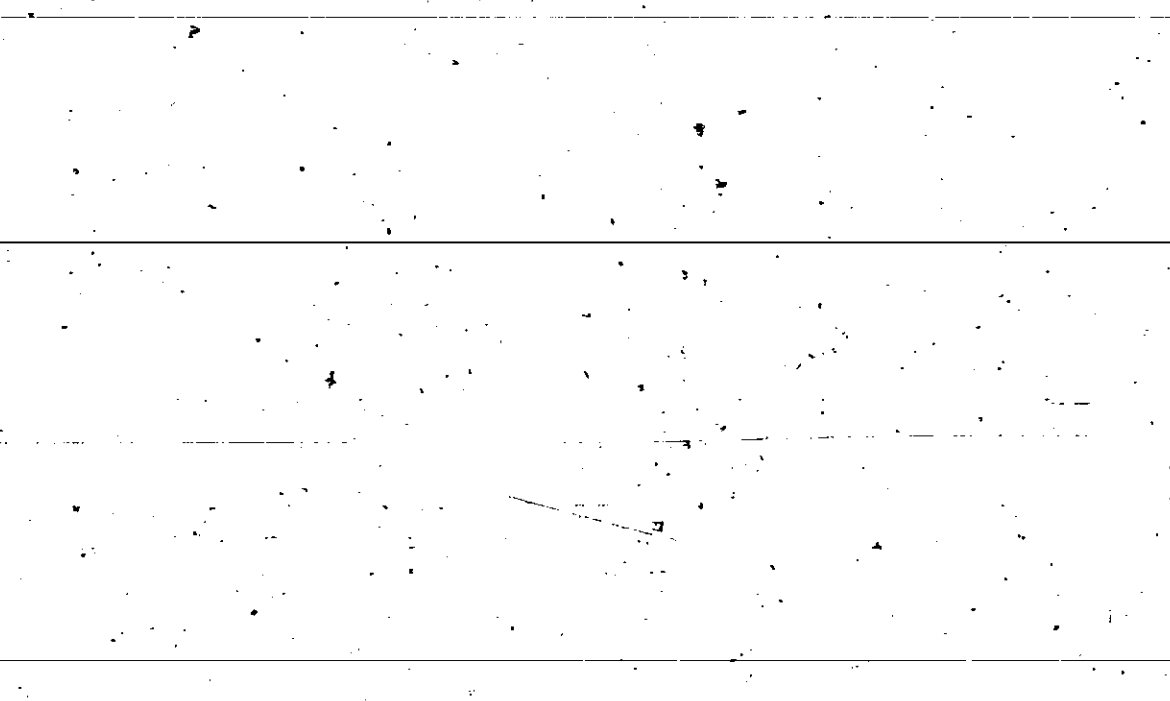
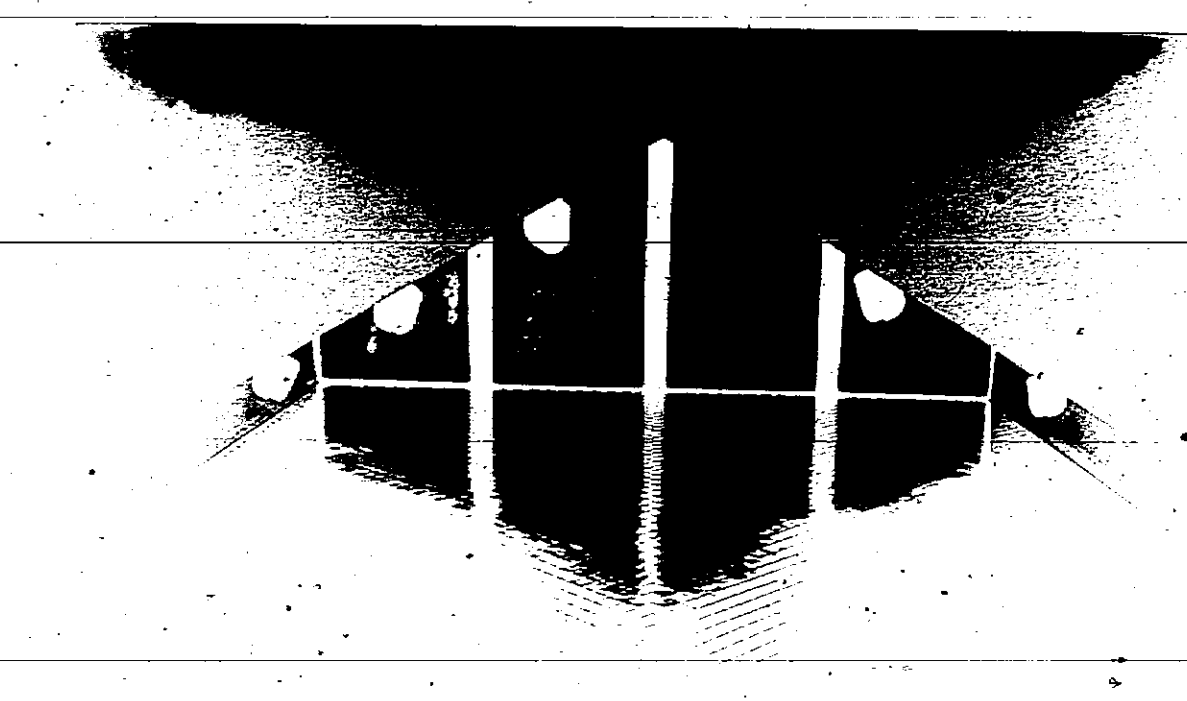
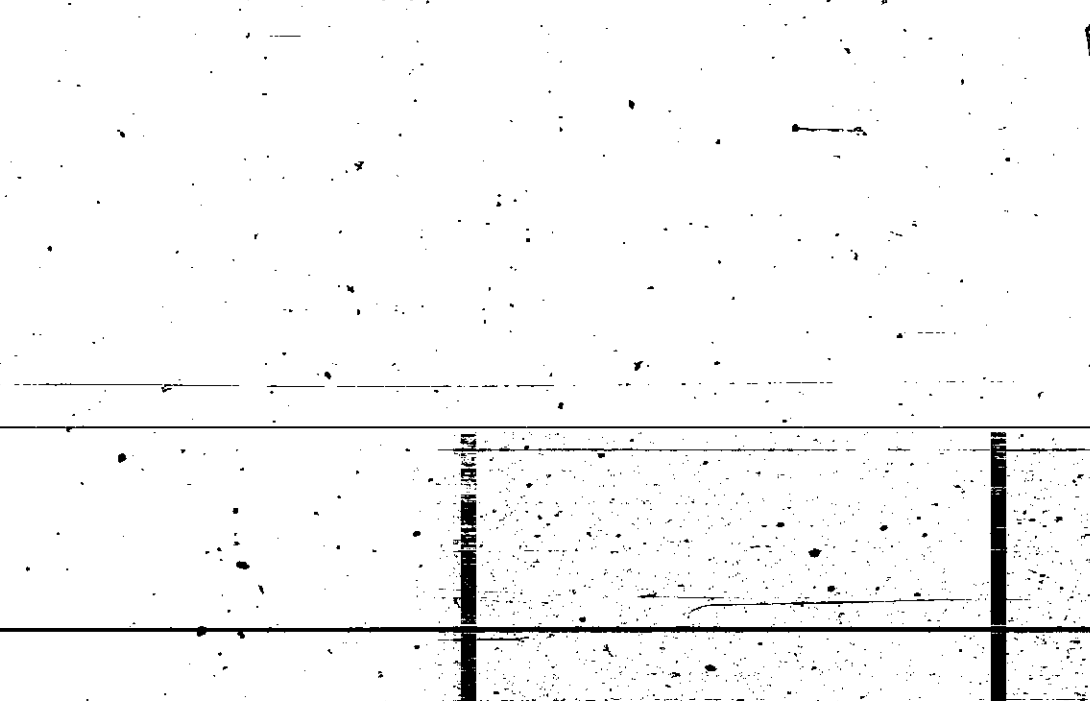
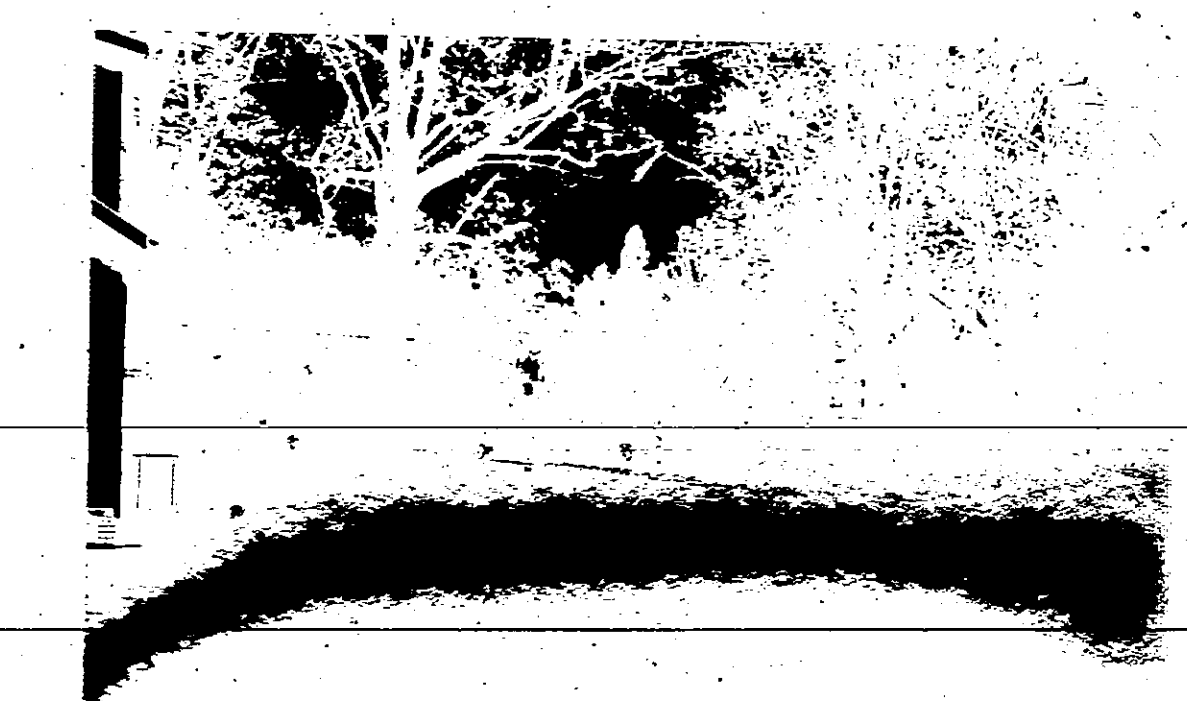
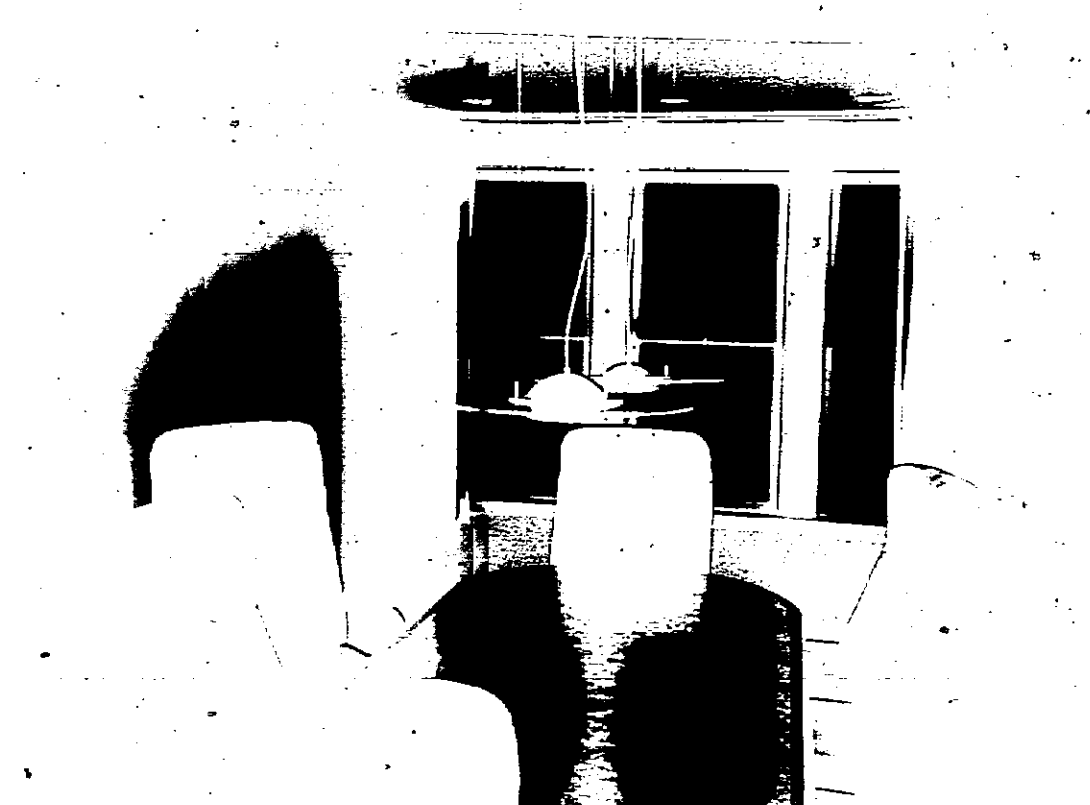
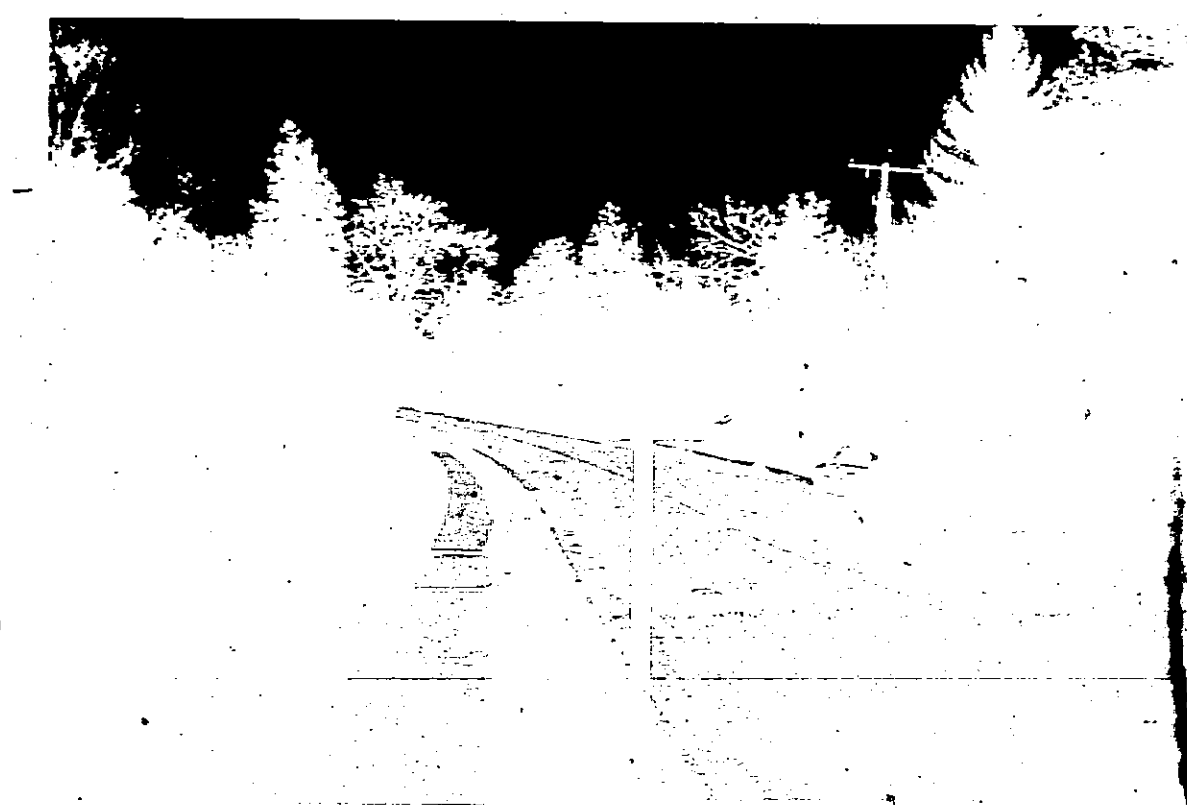
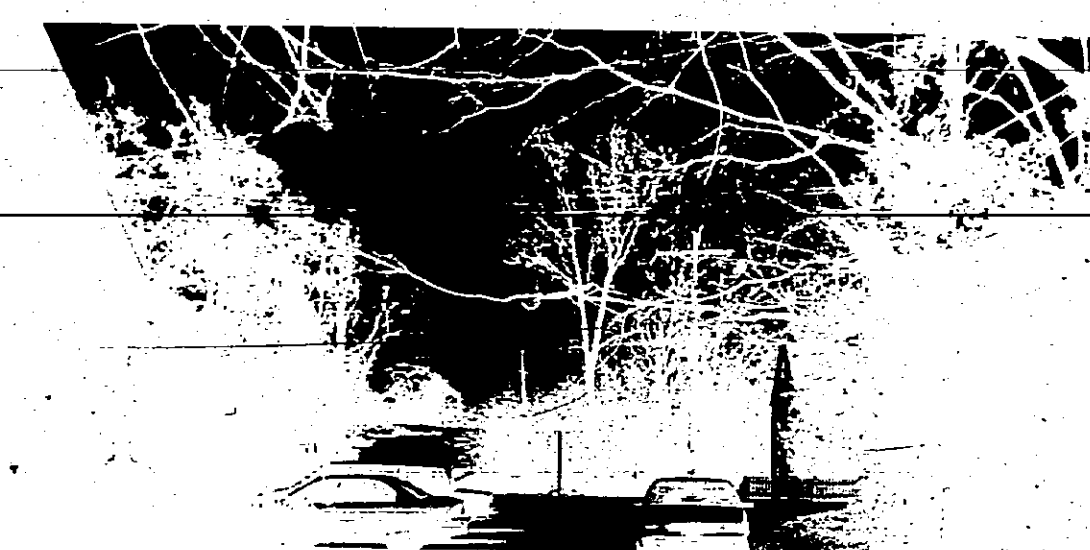
• PRESIDENT
First American Energy Company, Inc. 1984-1987

Diversified energy company involved in coal processing and alternative fuel cogeneration development.

• PRESIDENT AND CHIEF EXECUTIVE OFFICER
Northeast Linings, Inc. 1974-1984

International construction company specializing in the design and installation of flexible membrane liners for liquid containment.

*Petitioner's
Exhibits 2A-2Q
96-442-501X
(photographs)*



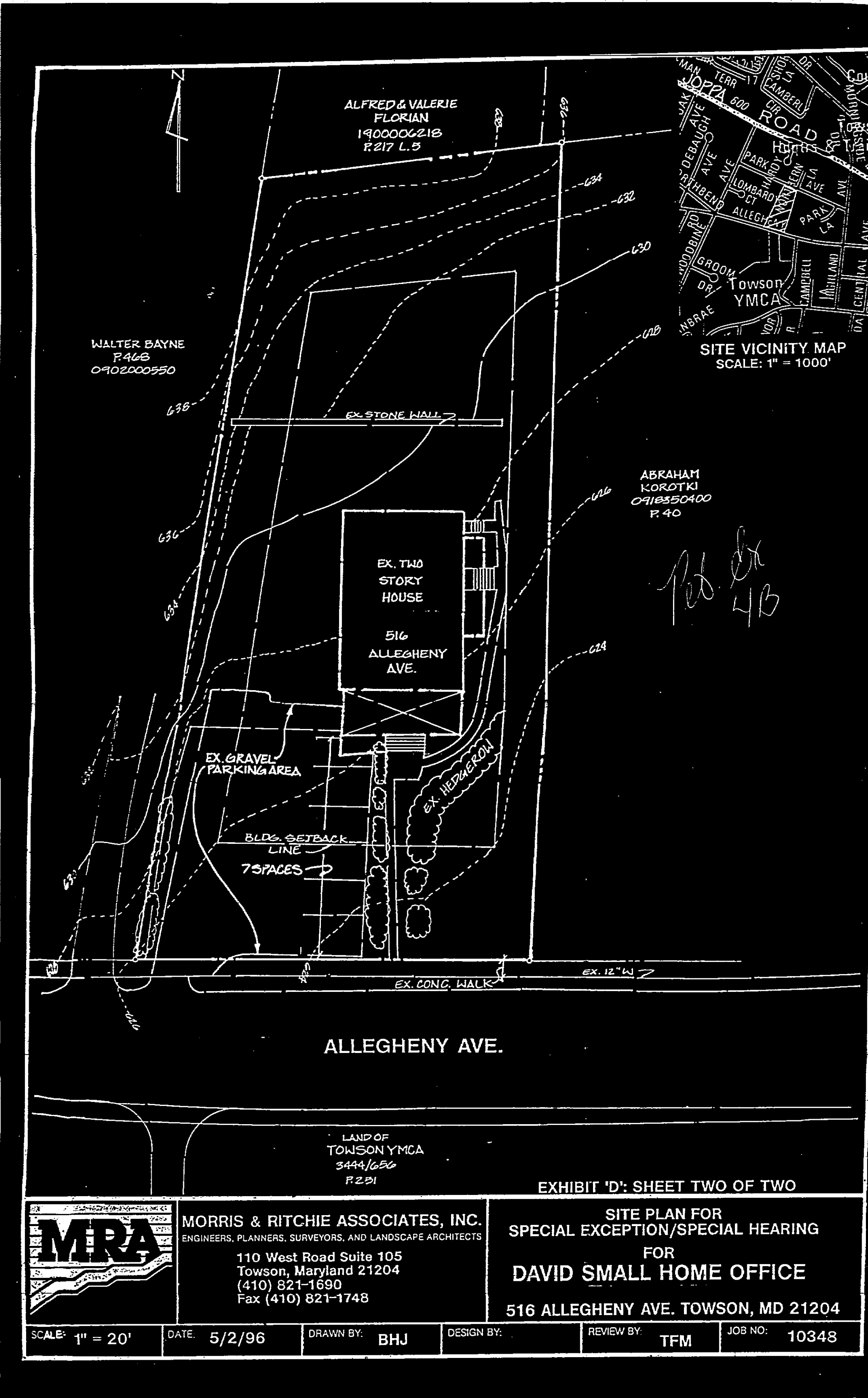
Timothy F. Madden, ASLA, AICP
Director of Planning and Landscape Architecture
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204

SUMMARY:

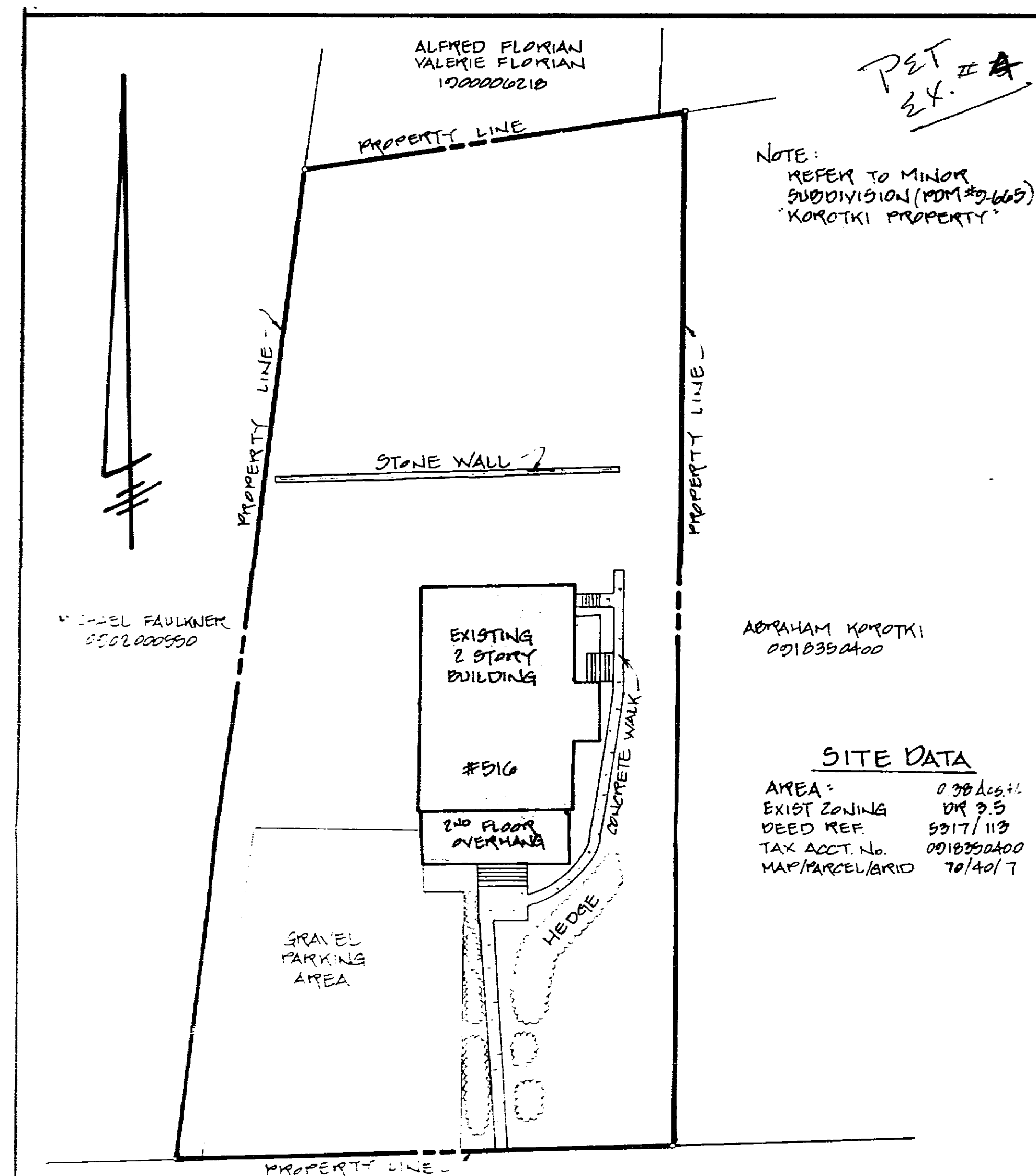
With more than nineteen (19) years experience in land planning and landscape architecture, Mr. Madden has managed commercial, office, institutional, environmental reclamation, land redevelopment, industrial, recreational and residential projects. He has provided testimony in many zoning and site plan review hearings and court cases. Mr. Madden has testified as an expert witness in Anne Arundel County Circuit Court as well as testifying before the Planning Commission of Charles County, Howard County, Calvert County, Anne Arundel County, Baltimore County, Carroll County, The Howard County Board of Zoning Appeals and the Board of Zoning Appeals in Baltimore County. He has also worked for the Maryland Department of Natural Resources and is a past President of the Maryland Chapter, American Society of Landscape Architects. Mr. Madden is currently a member of the Maryland Board of Zoning Appeals and the Baltimore County Board of Zoning Appeals concerning CRG, Development Plan and Zoning Variance Appeals.

PRESENT
POSITION

Mr. Madden is currently employed as a Principal of the firm Morris and Ritchie Associates, Inc. where he serves as the Director of Land Planning and Landscape Architectural Services. In this capacity, Mr. Madden is responsible for the preparation of Land Use Plans, Reports, Zoning Studies, Environmental Effects Reports, Forest Stand Delineations, Forest Conservation Programs, Site Feasibility Studies, Concept Plans, Development Plans and Land Use Planning for projects handled by the firm's Townsfolk office. He also provides consultation and expert witness testimony for projects on an as needed basis. His involvement in the redevelopment of previously mined land has included over 11 projects covering more than 2,000 acres.



- Design Award, Naval Academy Visitor Center, Baltimore Chapter AIA, 1996
- Grand Design Award, 300 West Pratt Street, Baltimore Chapter AIA, 1990
- Honor Award, 300 West Pratt Street, Maryland Chapter AIA, 1990
- Preservation Honor Award, 300 West Pratt Street, Maryland Historic Trust, 1990
- Preservation Honor Award, 300 West Pratt Street, Baltimore Heritage, 1990
- Scholarships: Foreign Studies Program Competition 1980



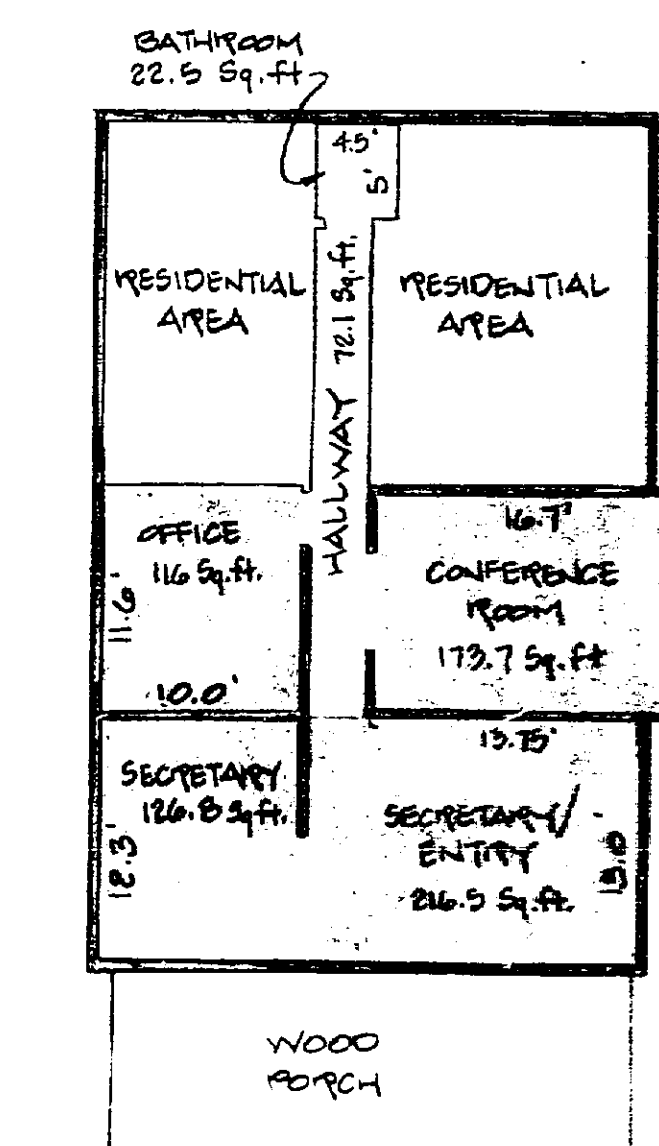
ALLEGHENY AVENUE

SPELLMAN, LARSON
&
ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD., 21204
PHONE: 823-3535

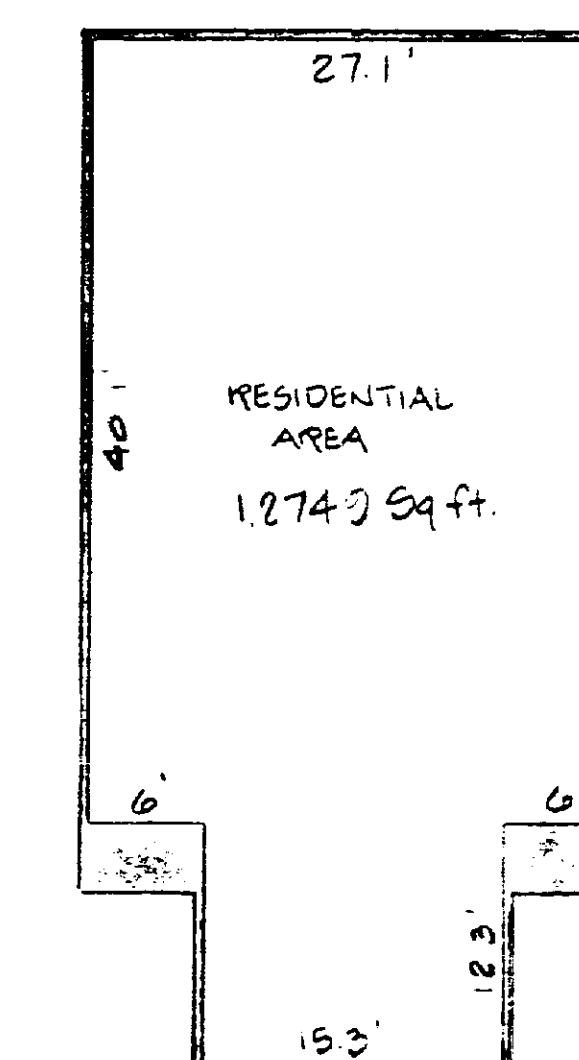
SITE PLAN
516 ALLEGHENY AVE

ELECT. DIST. N. 2 BALTIMORE CO., MD
SCALE: 1" = 20' APRIL 10, 1997

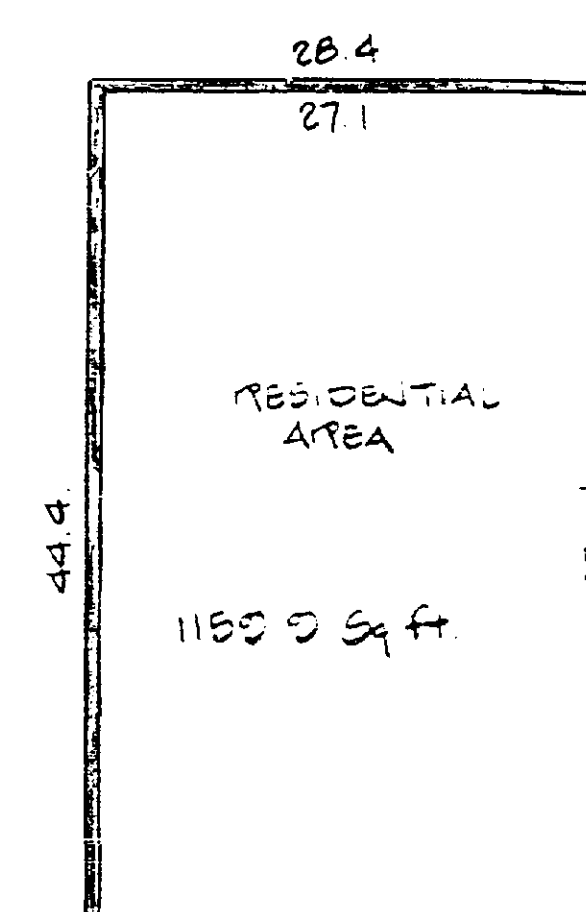
0700B



FIRST FLOOR



SECOND FLOOR



BASEMENT

FLOOR AREA CALCULATIONS

BASEMENT	1,150.0 Sq. Ft.
FIRST FLOOR	1,170.1 Sq. Ft.
SECOND FLOOR	1,274.7 Sq. Ft.
TOTAL	3,613.0 Sq. Ft.

OFFICE USE

SECRETARY/ENTRY	216.5 Sq. Ft.
SECRETARY	126.5 Sq. Ft.
CONFERENCE ROOM	173.7 Sq. Ft.
OFFICE	116.0 Sq. Ft.
HALLWAY (PARTIAL)	30.0 Sq. Ft.
BATHROOM (PARTIAL)	11.2 Sq. Ft.
TOTAL	680.3 Sq. Ft.

PERCENTAGE OF OFFICE USE

680.3 Sq. Ft. ÷ 3,613.0 Sq. Ft. = 18.8 %



NO.	DATE	REVISIONS	DESCRIPTION

SPELLMAN, LARSON
&
ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

FLOOR PLAN LAYOUT

516 ALLEGHENY AVE
(KOROTKI PROPERTY)

ELECTION DISTRICT N. 2 BALTIMORE CO., MD

SCALE: 1" = 10'	DES. BY: P.M.J.	SHT. 1 OF 1
DATE: 4/10/97	DRN. BY: P.M.J.	

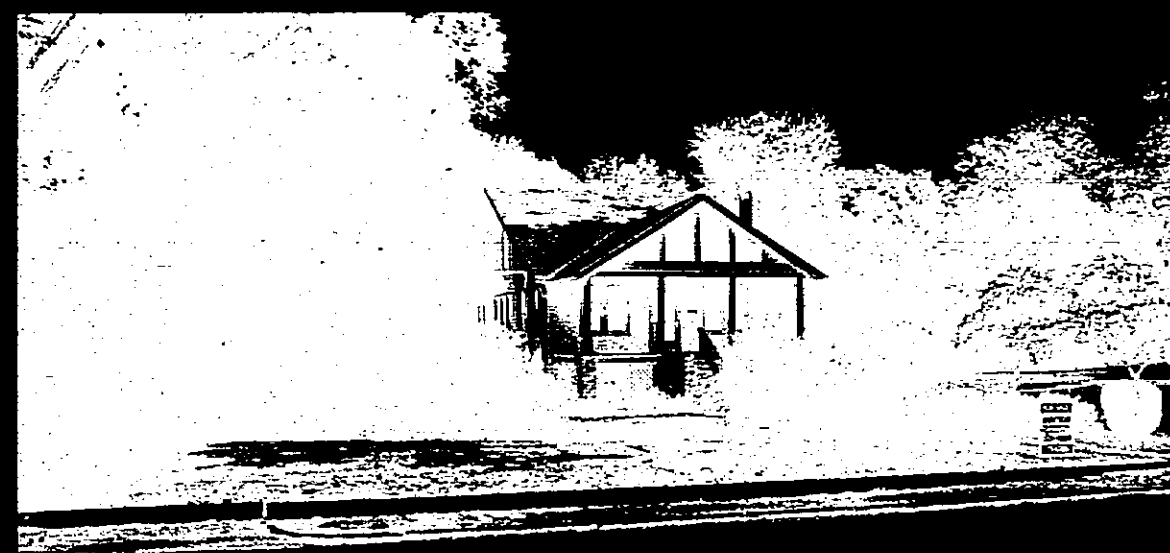
0700B

COMPOSITE LAND USE
AERIAL MAP
WEST TOWSON

SCALE: 1"=200' APRIL 1957

SUBJECT SITE





VIEW FROM ALLEGHENY AVE



FRONT VIEW



SIDE VIEW LOOKING EAST



VIEW TOWARDS ALLEGHENY AVE



SIDE VIEW LOOKING WEST



REAR VIEW

PC Ex. 3A

516 ALLEGHENY AVENUE 17 JUNE 96

PC Ex. 3B 96-442-3PHX
Korotki
PC# 3A & 3B



ALLEGHENY AVE EAST OF HIGHLAND



RESIDENTS ON ALLEGHENY AVE



4



FAMILY RESIDENCE ON ALLEGHENY
WITH "HOME OFFICE"

A hand-drawn floor plan of a house. The plan includes the following labeled areas and features:

- Rooms and Areas:**
 - CLUBSET:** Located in the bottom left corner, with a dimension of 45.5'.
 - BED AREA:** Located in the top left corner, with a dimension of 18'4".
 - BATH:** Located in the bottom center, with a dimension of 9'0".
 - SITTING AREA:** Located in the center, with a dimension of 35'0".
 - UNLIVABLE FLOOR AREA:** A large rectangular area on the right side, indicated by dashed lines.
 - PANTRY:** Located between the Bed Area and the Sitting Area.
- Structural Features:**
 - ROOF:** Labeled in several locations: top left, top center, top right, and bottom right.
 - BAY ROOF:** Located at the top center, above the Sitting Area.
 - LOBBYING:** Located at the top center, above the Bay Roof.
 - Stairs:** Indicated by a set of parallel lines with arrows, located between the Bed Area and the Sitting Area.
 - Windows:** Represented by small rectangles along the exterior walls.

USABLE FLOOR AREA	1096.27 SF	TOTAL
USABLE FLOOR AREA	1732.77 SF	
95% FOR HOME OFFICE	433.19	

UPPER LEVEL FLOOR PLAN $1/4"=1'-0"$

Hand-drawn floor plan of a house. The plan includes a front porch, a living area, a dining area, a kitchen, a bathroom, and a bedroom. A note "d OF CEILING" points to the roofline. A "BOSCH" label is at the top right.

PC # 2A-2B-2C

96-442-SPTX
Xorotki

Case No. 96-442-SPHX Abraham Korotki -Petitioner
dismissed as moot.

ORDER

THEREFORE, IT IS THIS 25th day of April, 1997
by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to determine
that an economist is a "professional person" as contemplated by
Section 1801.C.9.b of the Baltimore County Zoning Regulations be
and the same is hereby DENIED; and it is further

ORDERED that the Petition for Special Exception, having been
withdrawn without prejudice by Petitioner, be and the same is
DISMISSED as moot.

Any petition for judicial review from this decision must be
made in accordance with Rule 7-201 through Rule 7-210 of the
Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

Kristine K. Howanski

Margaret Worrall



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 25, 1997

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Charles T. Brooks, Esquire
BROOKS & SPICER
610 Bosley Avenue
Towson, MD 21204

RE: Case No. 96-442-SPHX
Abraham Korotki -Petitioner

Dear Counsel:

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

Any petition for judicial review from this decision must be
made in accordance with Rule 7-201 through Rule 7-210 of the
Maryland Rules and Procedure. If no such petition is filed within
30 days from the date of the enclosed Order, the subject file will
be closed.

Very truly yours,

Charlotte E. Rudolph for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Abraham Korotki
Timothy Madden
/Morris & Ritchie Assoc., Inc.
John W. Pyle, President, WINA
J. Donald Gerding
Justin King
Venetia Holl rd
Jack Dillon
Beverly Hugsley
Frank Kalista

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN THE MATTER OF:

ABRAHAM P. KOROTKI

PETITIONER

(516 WEST ALLEGHENY AVENUE)
9TH ELECTION DISTRICT
4TH COUNCILMANIC

BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO.: 96-442SPHX

NOTICE OF WITHDRAWAL OF PETITION FOR SPECIAL EXCEPTION

Petitioner, Abraham P. Korotki, hereby withdraws his
Petition For Special Exception without prejudice, no final order
of denial having been entered as of the date and time of filing
of this Notice.

CERTIFICATE OF FILING

I HEREBY CERTIFY, that this Notice of Withdrawal of
Petition For Special Exception was hand delivered to the Board of
Appeals on April 17, 1997 at 1:40 p.m.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 17 day of April, 1997, a
copy of the foregoing Notice of Withdrawal of Petition For

Special Exception was hand delivered to: Peter M. Zimmerman,
Esquire, Old Courthouse, Towson, Maryland 21204.

Malcolm F. Spicer, Jr.

RECEIVED
COUNTY BOARD OF APPEALS
97 APR 17 PM 1:40

LAW OFFICES
BROOKS & SPICER
610 BOSLEY AVENUE
TOWSON, MD 21204
296-2600

LAW OFFICES
BROOKS & SPICER
610 BOSLEY AVENUE
TOWSON, MD 21204
296-2600

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION - N.E. of West * DEPUTY ZONING COMMISSIONER
Allegheny Avenue, 516 W. of the *
c/o of Highland Avenue * OF BALTIMORE COUNTY
(516 W. Allegheny Avenue) *
9th Election District * CASE NO. 96-442-SPHX
4th Councilmanic District *
Abraham Korotki *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Peti-
tions for Special Hearing and Special Exception for that property known as
516 West Allegheny Avenue, located in the vicinity of Woodlawn Avenue and
Joppe Road in Towson. The Petitions were filed by the owner of the prop-
erty, Abraham Korotki, and the Contract Purchaser, David M. Small, through
their attorney, Christine K. McSherry, Esquire. The Petitioners seek
approval that an economist is a "professional person", pursuant to Section
1801.C.9.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and a
special exception to permit a home/office in a D.R. 3.5 zone. The subject
property and relief sought are more particularly described on the site
plan submitted which was accepted and marked into evidence as Petitioner's
Exhibits 4A and 4B.

Appearing at the hearing on behalf of the Petitioners were David M.
Small, Contract Purchaser, Timothy F. Madden, Professional Engineer who
prepared the site plan for this property, and Christine K. McSherry,
Esquire, attorney for the Petitioners. Appearing as Proponents in the
matter were numerous residents from the surrounding community and represen-
tatives of the West Towson Neighborhood Association. Appearing as inter-
ested parties were J. Donald Gerding and Justin King, a representative of
the Greater Towson Council.

Testimony and evidence offered revealed that the subject property
consists of a gross area of .43 acres, more or less, zoned D.R. 3.5 and is
improved with a two story dwelling and accessory gravel parking area. The
Petitioner has contracted to sell the property to Mr. Small who wishes to
utilize the property for a home office in accordance with the site plan
and floor plan submitted into evidence as Petitioner's Exhibits 4A and 4B.
In addition to the special exception request, the Petitioner seeks approval
that an economist meets the criteria for a "professional person" as more
particularly described in Section 1801.C.9.b of the B.C.Z.R. Testimony
and evidence was offered concerning the business occupation of Mr. Small,
who specializes in structured settlements and is a financial consultant.
Mr. Small testified that his occupation is specialized in that he works
with attorneys and their injured clients to produce structured settlements
in personal injury accident cases. Mr. Small submitted his curriculum
vitae demonstrating that he is a graduate of the Wharton School of Finance
and Commerce from the University of Pennsylvania where he earned a B.S.
Degree in Economics. Many other credentials are stated on Mr. Small's
curriculum vitae which was marked into evidence as Petitioner's Exhibit 1.
After reviewing Mr. Small's credentials and qualifications, I find that
his occupation as an economist does, in fact, fall under the category of a
"professional person", pursuant to the criteria set forth in Section
1801.C.9.b of the B.C.Z.R., and thus, the relief requested in the Petition
for Special Hearing shall be granted.

As to the special exception relief sought, the Petitioner submit-
ted into evidence as Petitioner's Exhibits 4A and 4B a site plan of the
property, and a floor plan of the proposed home office, which was marked
as Exhibit D, Sheets 1 and 2. Mr. Small wishes to utilize the first floor

of the subject property for his home office and submitted photographs
depicting interior improvements made to the property. The Petitioner also
intends to pave the existing gravel parking area with macadam. Mr. Small
testified that he would have just a couple of employees and that he would
rarely, if ever, see clients at this location. He noted that the bulk of
his work is handled outside his office when attending meetings at lawyers'
offices. Therefore, Mr. Small opined that the activity taking place on
the subject site would be limited to office-type uses and would not involve
much traffic to and from the property. Mr. Small believes that his use of
the property will be in character and keeping with surrounding residential
uses and that it would be difficult to notice that a business was being
operated at this location.

As noted above, many residents from the surrounding community
appeared in opposition to the Petitioners' request. These residents are
opposed to any business activity taking place in this area of West Towson
and are very concerned about businesses and offices moving into their
neighborhood. They believe that the subject property should maintain its
residential character and be strictly utilized as such. They further
believe that paving the parking area in the front of the subject property
will create a very commercial appearance on Allegheny Avenue. The citizens
also questioned the floor area calculations performed by Mr. Madden who
prepared the site and floor plans submitted into evidence as Petitioner's
Exhibits 4A and 4B. The citizens believe that some of the measurements may
be inaccurate or that some areas of space insufficient in size to accommo-
date actual living space were counted as residential living quarters.

At the close of the hearing, it was determined that a site visit
to the property would be necessary. Several residents of the community

met with this Deputy Zoning Commissioner and the Petitioners' attorney,
Ms. McSherry, at the site. A full inspection of the property and house
was performed and further discussions took place between Mr. Small and the
community representatives. Several days after this site inspection, I was
advised by the community association that their position remains the same
and they are strongly opposed to the granting of the special exception to
allow a home office on the subject property.

After due consideration of the testimony and evidence presented,
it is clear the relief requested in the special hearing should be granted.
It has been established that the Petitioner's occupation as an economist
meets the requirements set forth in Section 1801.C.9.b of the Baltimore
County Zoning Regulations (B.C.Z.R.) for a "professional person" and as
such, the relief requested should be granted.

As to the special exception relief, I am compelled to deny the
request. It is clear that the B.C.Z.R. permits the use proposed in a D.R.
3.5 zone by special exception. However, the Petitioner must show that the
proposed use meets the prescribed standards and requirements set forth in
Section 502.1 of the B.C.Z.R. The evidence and testimony presented by the
Petitioner was insufficient to show that the proposed use would be conduct-
ed without real detriment to the neighborhood and would not adversely
affect the public interest. Even after a site visit to the property and
further discussions between the Petitioner and community representatives,
it was clear that the Petitioner's use of the property would have an
adverse impact upon the surrounding residential uses, and open the door,
perhaps, for other businesses to move into this part of Towson. Thus, I
am inclined to deny the special exception request and I shall so Order.

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By

ORDER RECEIVED FOR FILING
Date
By