

IN RE: PETITION FOR VARIANCE
NW/S Dulaney Valley Road, 110'S
of Swarthmore Drive
(1010 Dulaney Valley Road)
9th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-82-A

John A. Kiely, Legal Owner;
Ann F. von Forthuber, Contract Lessee

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John A. Kiely, and the Contract Lessee, Ann F. von Forthuber. The Petitioners seek relief from Sections 202.3.C.1, 202.3.C.2.c, and 202.3.C.2.d of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a free-standing, lighted identification sign of 9 sq.ft. per face in lieu of the maximum permitted 6 sq.ft., attached, unilluminated sign, and from Sections 409.4.B and 409.6.A.2 of the B.C.Z.R. to permit six (6) parking spaces in lieu of the required seven (7) and to approve the parking as shown on the site plan of the property which was submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Mary Kiely, co-owner of the subject property, Ann F. von Forthuber, Lessee, and Walter T. Parr, a representative of BPS/Land Technology, Inc., who prepared the site plan for this property. Appearing in opposition to the request were John A. Harter, Frank Kaufmann, and Walter F. Kneid, all residents from the surrounding community.

Testimony and evidence offered revealed that the subject property consists of .331 acres, more or less, zoned R.O.A. and is improved with a two-story brick and frame dwelling and an attached two-car garage. The

ORDER RECEIVED FOR FILING

Date 10/21/97

By [Signature]

property is located not far from the interchange of the Baltimore Beltway (I-695) and Dulaney Valley Road, just north of Fairmount Avenue. From a land use perspective, the neighborhood in which this property is located has undergone change in recent years, as is reflected by the zoning of the property. At one time, this area was exclusively a residential community. However, as the R.O.A. zoning classification reflects, the neighborhood has become increasingly a mix of residential uses and offices. Across Dulaney Valley Road from the subject site is the campus of Goucher College, and a large Sheraton Hotel/ Office complex is located on the southwest side of Fairmount Avenue at its intersection with Dulaney Valley Road.

Additional testimony was that the property was zoned R.O.A. by the Baltimore County Council in October 1996 during the last quadrennial zoning process. As disclosed during my site visit to the property, and mentioned during the hearing, many of the structures previously used as dwellings along this stretch of Dulaney Valley Road have been converted to offices, including a law office just south of the Beltway interchange and a dentist's office just south of the subject site.

The subject property is owned by Dr. and Mrs. Kiely who also own adjacent properties on each side, known as 1008 and 1012 Dulaney Valley Road. Those two properties as well as the subject site are improved with two-story brick structures which were formerly used as residences. In fact, Dr. and Mrs. Kiely previously resided in the structure at 1012 Dulaney Valley Road but have recently relocated. The other structure owned by the Kielys at 1008 Dulaney Valley Road was recently leased for residential use but is now vacant.

In any event, Dr. & Mrs. Kiely have leased the subject property to the co-Petitioner, Ann von Forthuber. Ms. von Forthuber is an appraiser

and is in the business of auction and estate appraisal management. Her company is known as Auction and Estate Representatives and was at one time located in Baltimore City. However, on or about August 1, 1996, the Petitioner leased the subject property from the Kielys and now conducts her business thereon. Ms. von Forthuber testified that her business is relatively small, in that it is staffed by only herself and one employee. The subject property is used for office use, only, in that most appraisals and auctions are actually done off-site.

Ms. von Forthuber testified that variance relief is requested to permit an identification sign on the subject property in accordance with that shown on the site plan. The proposed sign will be similar in character to the sign at the dentist's and lawyer's offices nearby. Specifically, the sign will be freestanding and made of wood with raised lettering. In addition, the sign will be supported by brick columns and spot-lit.

Testimony was also offered that the sign is necessary due to the character of both the community and Dulaney Valley Road. It was noted that Dulaney Valley Road at this location is a major corridor leading from Towson to the Baltimore Beltway. Additionally, the roadway is a divided two-lane highway in each direction at this point. Moreover, due to the roadway's character and location, motorists frequently travel at high speeds either preparing to enter or just after exiting the Beltway. Ms. von Forthuber testified that the size of the proposed sign was dictated by the need to assure visibility so that clients would be able to identify the location of her office and safely turn into her property. Testimony was also offered regarding the parking layout as shown on the site plan. A variance to permit one less parking space is requested as set forth above. It was also indicated that the parking available onsite is suffi-

ORDERED
Date
By
10/2/97
JEP

cient in view of the small number of employees and the limited business activity on the property.

The Protestants who appeared are opposed to the proposed sign. There was no testimony in opposition to the parking variance. The Protestants fear that the proposed sign will detract from the character of the community and establish a bad precedent for the neighborhood. As to the Protestants' fears over the precedent set by this decision, it need be noted that by law, each Petition and property is considered independently and the grant or denial of a Petition for Variance for one property does not establish any precedent for other lots in the neighborhood. As to the Protestants' concern over the character of the neighborhood, although well-intentioned, I do not believe that those fears are well-founded. In fact, this neighborhood has already changed from its exclusive residential character. The re-zoning of the property to R.O.A by the Baltimore County Council reflects a recognition of this fact. The law office, the dentist office, and Ms. von Forthuber's operation are all appropriate uses under this zoning classification. Moreover, the existence of the Towsontown Centre, the Sheraton Hotel complex, and Goucher College nearby are persuasive to the conclusion that this property and its immediate neighbors are no longer exclusively residential.

Based upon the testimony and evidence offered, I am persuaded
that the Petition for Variance should be granted. I am very much concerned
about public safety and the high volume of traffic and rates of speed on Dulaney Valley Road. I agree with the Petitioners that a sign of the size proposed is appropriate in order to insure that clients and visitors to the subject site are adequately notified of its location. Moreover, the proposed sign is not out of character with others in the neighborhood.

The attorney's sign and the dentist's sign all appear to be similar in size and character to what is proposed. For all of these reasons I shall grant the Petition for Variance.

In my judgment, the Petitioners have satisfied the requirements set forth in Section 307 of the B.C.Z.R. I specifically find that the property is unique by way of its unusual location, configuration and natural features thereon. Additionally, I find that the Petitioner would suffer a practical difficulty if relief were not granted and that the grant of relief will be without detriment to the surrounding locale.

However, I will impose a restriction upon the relief granted. In this regard, I believe it inappropriate for the sign to be lit after 9:00 PM or before 7:00 AM. Ms. von Forthuber testified that her hours of business did not go beyond 9:00 PM and I see no reason that the sign be lit beyond that hour. Thus, as a condition to the granting of the relief, the Petitioner shall install a timer so that the sign shall not be lit between the hours of 9:00 PM and 7:00 AM. Moreover, any lighting shall be directed only onto the sign itself and directed so as not to produce glare or reflection onto adjacent properties or the traffic on Dulaney Valley Road.

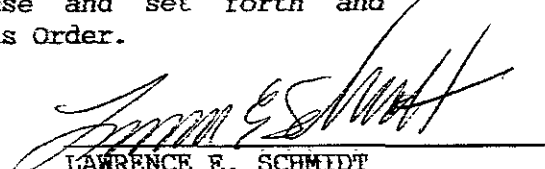
Lastly, the variance from parking requirements shall be granted. I likewise find that the Petitioners have satisfied the requirements at law for variance relief in this respect. In my judgment, it appears that the parking layout as proposed is appropriate and will not cause undue congestion on this site or in the area.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the requested variance relief shall be granted.

ORDER RECEIVED FOR FILING
Date 10/24/97
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 1997 that the Petition for Variance seeking relief from Sections 202.3.C.1, 202.3.C.2.c, and 202.3.C.2.d of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding, lighted identification sign of 9 sq.ft. per face in lieu of the maximum permitted 6 sq.ft., attached, unilluminated sign, and from Sections 409.4.B and 409.6.A.2 of the B.C.Z.R. to permit six (6) parking spaces in lieu of the required 7 and to approve the parking as shown on the site plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed sign shall not be lit between the hours of 9:00 PM and 7:00 AM. In addition, the lighting shall be directed in such a manner so as to not produce glare or reflection onto adjacent properties or the traffic on Dulaney Valley Road.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

by



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 21, 1997

Mr. John A. Kiely
305 Chapelwood Lane
Timonium, Maryland 21093

RE: PETITION FOR VARIANCE
NW/S Dulaney Valley Road, 110'S of Swarthmore Drive
(1010 Dulaney Valley Road)
9th Election District - 4th Councilmanic District
John A. Kiely, Legal Owner; Ann F. von Forthuber, Contract Lessee
Case No. 98-82-A

Dear Mr. Kiely:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Ann F. von Forthuber
1010 Dulaney Valley Road, Towson, Md. 21204

Mr. Tom Parr
1602 Bosworth Court, Bel Air, Md. 21015

Mr. John A. Harter, 939 Radcliffe Road, Towson, Md. 21204
Mr. Frank Kaufmann, 1021 Winsford Road, Towson, Md. 21204
Mr. Walter F. Kneid, 904 Locustvale Road, Towson, Md. 21204

People's Counsel; Case Files





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

98-82-A

1010 DULANEY VALLEY RD

which is presently zoned R.O.A.

This Petition shall be filed with the Department of Permits & 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 Variance from Section(s) 202.3.C.1, 202.3.C.2.C, 202.3.C.2.d, 409.4.B AND 409.6.A.2 TO PERMIT A 95.F. PER FACU. FREE STANDING LIGHTED SIGN IN LIEU OF THE MAXIMUM 6. S.F. ATTACHED. NON-ILLUMINATED SIGN PLUS 6 PARKING SPACES IN LIEU OF 7 PARKING SPACES AND TO APPROVE THE PARKING AS SHOWN AND LOCATED of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACH

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

Contract Purchaser/Lessee

Ann F. von Forthuber

(Type or Print Name)

Ann F. von Forthuber

Signature

1010 Dulane Valley Road

Address

Towson

City

MD.

State

21204

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

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)

John A. Kiely

(Type or Print Name)

John A. Kiely

Signature

(Type or Print Name)

Signature

305 Chapelwood Lane

Address

410-561-8928

Phone No.

Timonium

MD

21093

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Tom Parry

Name

1602 BOSWORTH CT

Address

BEL AIR, MD. 21015

Phone No.

410-893-8286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1-2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

WHL

DATE 9/3/97

ORDER RECEIVED FOR FILING

Date

By

Practical Difficulty And Hardship

98-82-A

The Petitioner having just move their business to Baltimore County at 1010 Dulaney Valley and in trying to comply with BCZR is requesting a variance to the subject property for the following reasons:

1. The existing mature trees along Dulaney Valley Road does not give clients time to see entrance to site, in addition to the existing house, which sets back 47 feet from the property line.
2. The proposed sign at a glance would identified the entrance to the property and minimize interference with traffic since Dulaney Valley Road is a heavily travel road with a posted speed of 40 M.P.H.
3. Since the business is new to Baltimore County the sign is used to identify the property to the existing and future clients of the business whom are unfamiliar with the area.
4. The business operates from 9:00 a.m. to approximately 9:00 p.m. or later in the evening. The illuminated again would aid in directing client to the proper location of the business.
5. In the R.O.A. zone driveway are generally small in width and do not lend them self to large entrances as commercial site.

In keeping with strict compliance with the BCZR it is believed that without this sign a client trying to find the property could impede traffic.

With the proposed sign being double faced, again it would help direct client to the property whom are traveling north bound to the property.

The proposed would be would be aesthetically in keeping with the two (2) existing signs which are within several hundred feet of the property.

It is believed that this sign in no way will have a adversely impacted to the health, safety, and welfare to the public.

ORDER RECEIVED FOR FILING

Date

By

82

Description

98-82-A

Being lot # 5, Block 4, Plat No. 1 in the subdivision of Dulaney Manor in the Baltimore County Plat Book # 17, Folio 16, containing 12,000 square feet or 0.276 acres more or less. Also known as 1010 Dulaney valley Road and located in the 9th Election district.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

043538

DATE 9/3/97

ACCOUNT 01-615

By: msyk

Check: 82

AMOUNT \$ 250.00

RECEIVED 13PS Land Tech Inc. - 1010 Delany Valley Rd.

FROM:

FOR: 020 - Comm Variance - \$ 250.00

TRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

98-82-A

PAID BY
PROPERTY
RECEIVED
CASHIER
DATE
9/3/97
043538

CERTIFICATE OF POSTING

RE: Case No.: 98-82-A

Petitioner/Developer:
(Ann VonForthuber)
Date of Hearing/Closing:
(Oct. 7, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

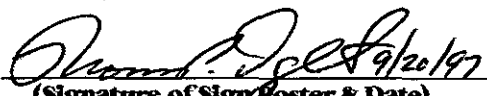
Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____**

__1010 Dulaney Valley Road Baltimore Maryland 21204__

**The sign(s) were posted on _____ Sept 20, 1997
(Month, Day, Year)**

Sincerely,

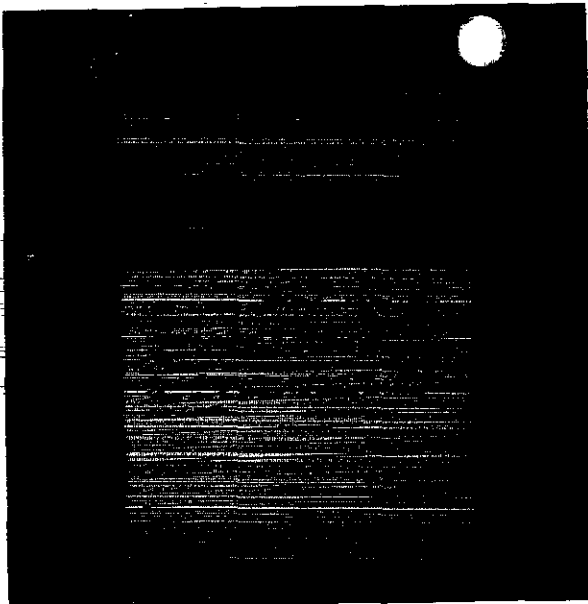

(Signature of Sign-Poster & Date)

____Thomas P. Ogle, Sr.____

____325 Nicholson Road____

____Baltimore, Maryland 21221____

**____(410)-687-8405____
(Telephone Number)**



98-82-A

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than * _____

Format for Sign Printing, Black Letters on White Background:

Item # 82

ZONING NOTICE**Case No.:** 98-82-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: * _____

DATE AND TIME: * _____

REQUEST: variance
to permit a 9 sq ft per face, free-standing,
lighted sign in lieu of 6 sq ft. attached non-illuminated sign
plus 6 parking spaces in lieu of 7 and to approve the parking
as shown and located

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**HANDICAPPED ACCESSIBLE**



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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 82

Petitioner: Ann F. von Forthuber

Location: 1010 Dulany Valley Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Tom Parr

ADDRESS: 1662 Bosworth Court

Bel Air, MD 21015

PHONE NUMBER: (410) 893-8286

AJ:ggs

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

September 17, 1997

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE
ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE
TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN
CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 98-82-A
1010 Dulaney Valley Road
W/S Dulaney Valley Road, 110' S of c/l Swarthmore Drive
Legal Owner(s): John A. Kiely
Contract Purchaser(s): Ann F. VonForthuber

Variance to permit a 9 square foot face free-standing lighted sign in lieu of the maximum 6 square feet attached non-illuminated sign plus 6 parking spaces in lieu of the 7 parking spaces and to approve the parking as shown and located.

HEARING: TUESDAY, OCTOBER 7, 1997 at 11:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

If you have any questions, please feel free to contact Gwen Stephens at 410-887-3391.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: John A. Kiely
Ann F. vonForthuber
Tom Parr

AJ:ggs



TO: PUTUMENT PUBLISHING COMPANY
September 12, 1997 Issue - Jeffersonian

Please forward billing to:

Tom Parr
1602 Bosworth Court
Bel Air, MD 21015
410-893-8286

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-82-A
1010 Dulaney Valley Road
W/S Dulaney Valley Road, 110' S of c/l Swarthmore Drive
Legal Owner(s): John A. Kiely
Contract Purchaser(s): Ann F. VonForthuber

Variance to permit a 9 square foot face free-standing lighted sign in lieu of the ~~maximum~~ 6 square feet attached non-illuminated sign plus 6 parking spaces in lieu of the 7 parking spaces and to approve the parking as shown and located.

HEARING: TUESDAY, OCTOBER 7, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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.



Baltimore County
Department of Permits and
Development Management

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

September 12, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-82-A
1010 Dulaney Valley Road
W/S Dulaney Valley Road, 110' S of c/l Swarthmore Drive
Legal Owner(s): John A. Kiely
Contract Purchaser(s): Ann F. VonForthuber

Variance to permit a 9 square foot face free-standing lighted sign in lieu of the maximum 6 square feet attached non-illuminated sign plus 6 parking spaces in lieu of the 7 parking spaces and to approve the parking as shown and located.

HEARING: TUESDAY, OCTOBER 7, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: John A. Kiely
Ann F. vonForthuber
Tom Parr

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 22, 1997.
(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.



Baltimore County
Department of Permits and
Development Management

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

October 2, 1997

Mr. John A. Kiely
305 Chapelwood Lane
Timonium, MD 21093

RE: Item No.: 82
Case No.: 98-82-A
Petitioner: John A. Kiely

Dear Mr. Kiely:

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 September 3, 1997.

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 (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 22, 1997

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

RE: Property Owner: John A. Kiely

Location: DISTRIBUTION MEETING OF SEPTEMBER 15, 1997

Item No.: 082 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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
Parker F. Williams
Administrator

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

RE: Baltimore County 9-14-97
Item No. 082 MJK

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

1w

Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

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

TO: PDM

DATE: 9/15/97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 15, 97

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

Item #'s: 78
81
82
85

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: September 19, 1997

FROM: *RWB* Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for September 22, 1997
Item Nos. 082, 083, and 085

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

RE: PETITION FOR VARIANCE

1010 Dulaney Valley Road, W/S Dulaney
Valley Road, 110' S of c/l Swarthmore Dr
9th Election District, 4th Councilmanic

Legal Owner(s): John A. Kiely

Contract Purchaser(s): Ann vonForthuber
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 98-82-A

* * * * *

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 29th day of September, 1997, a

copy of the foregoing Entry of Appearance was mailed to Tom Parr, 1602

Bosworth Court, Bel Air, MD 21015, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



97-4832
10/17/97
8 CS for file
dulaney towers

911 LOCUSTVALE ROAD, MARYLAND 21204-2704
TELEPHONE (410) 296-7400

October 15, 1997

Baltimore County Zoning Board
111 West Chesapeake Avenue
Towson, Maryland 21204

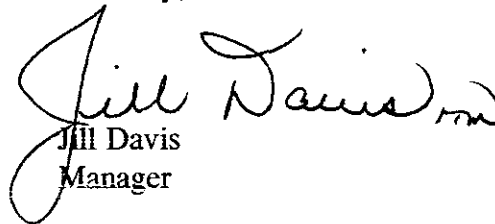
RE: Case Number 98-82-A

Gentlemen:

We are writing to show our support of the Stoneridge and Towson Park communities and their position in the above case. Dulaney Towers strongly opposes the request of the Doctor in the above case to have a lighted sign placed in front of his office/residence on Dulaney Valley Road.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,


Jill Davis
Manager

JD:tjm

JOHN A. KIELY, M.D.
305 CHAPELWOOD LANE
TIMONIUM, MARYLAND 21093
(410) 332-9111

October 3, 1997

Baltimore County Department of Permits
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

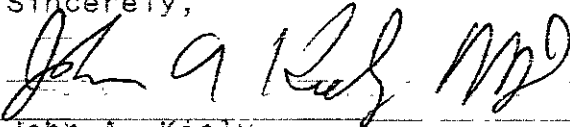
Re: CASE NUMBER: 98-82-A
1010 Dulaney Valley Road
W/S Dulaney Valley Road, 110' S of c/l Swarthmore Drive
Legal Owner: John A. Kiely
Contract Purchaser: Ann F. VonForthuber

Dear Sirs,

I am the legal owner of 1010 Dulaney Valley Road. I support the variance to permit a 9 square foot face free-standing lighted sign in lieu of the maximum 6 square feet attached non-illuminated sign plus 6 parking spaces in lieu of the 7 parking spaces and the approval of the parking as shown and located.

I am also the legal owner of the properties on either side of 1010 Dulaney Valley Road, 1008 and 1012 Dulaney Valley Road. As the owner of those properties I also support the variance.

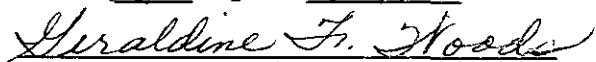
Sincerely,

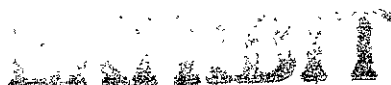


John A. Kiely

Witness by my hand and seal on this 6th day of October 1997.

JAK/cjw


Geraldine F. Woods
Notary Public
Commission expires 7/1/99


 W01

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 2, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item No. 82

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Garry L. Kerns

AFK/JL

#82

September 2, 1997

To whom it may concern:

98-82-A

As the owner of 1008, 1010 and 1012 Dulaney Valley Rd. I have agreed to a cooperative parking arrangement on all three properties by the current tenants.

Sincerely,

John A. Kiely / Mark
John A. Kiely

82

September 2, 1997

To whom it may concern:

98-82-A

As the owner of 1010 Dulaney Valley Rd., I have given permission for Auction and Estate Representatives to install a sign for their business at that location.

Sincerely,

John A. Kiely
John A. Kiely */mick*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ANN F. von FORTHUBER
Mary Kiely
Walter T. Fark

3512 Ailsa Ave 21214
305 Chapelwood Ln. 21093
1606 Basworth Ct. 21015



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

John A. Harter

FRANK KAUFMAN

WALTER F. KNEIP

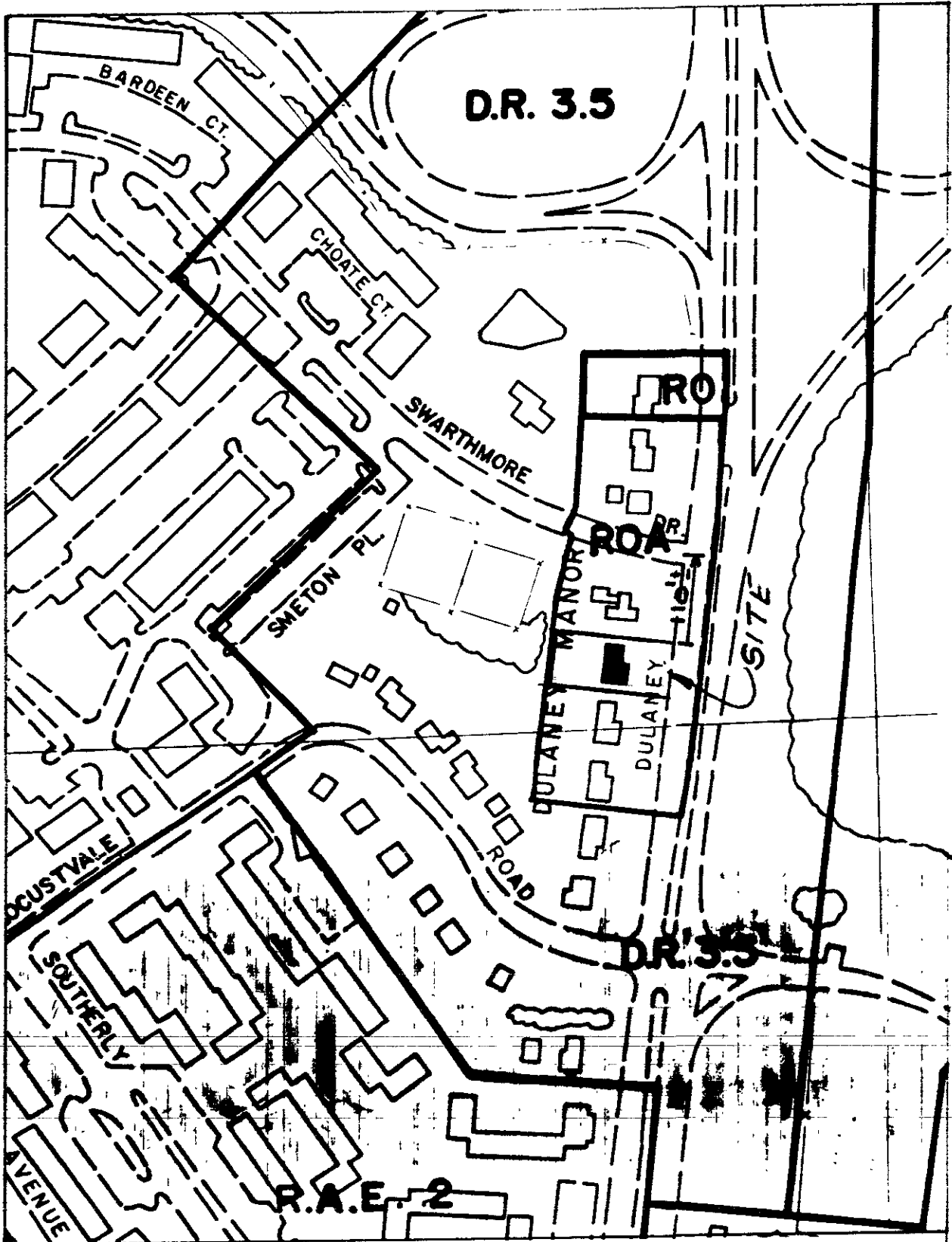
ADDRESS

939 Radcliffe Rd md ^{Towson}

1021 WINSFORD ROAD TOWSON 21204

904 LOCUST VALLEY RD ^{Towson} 21204



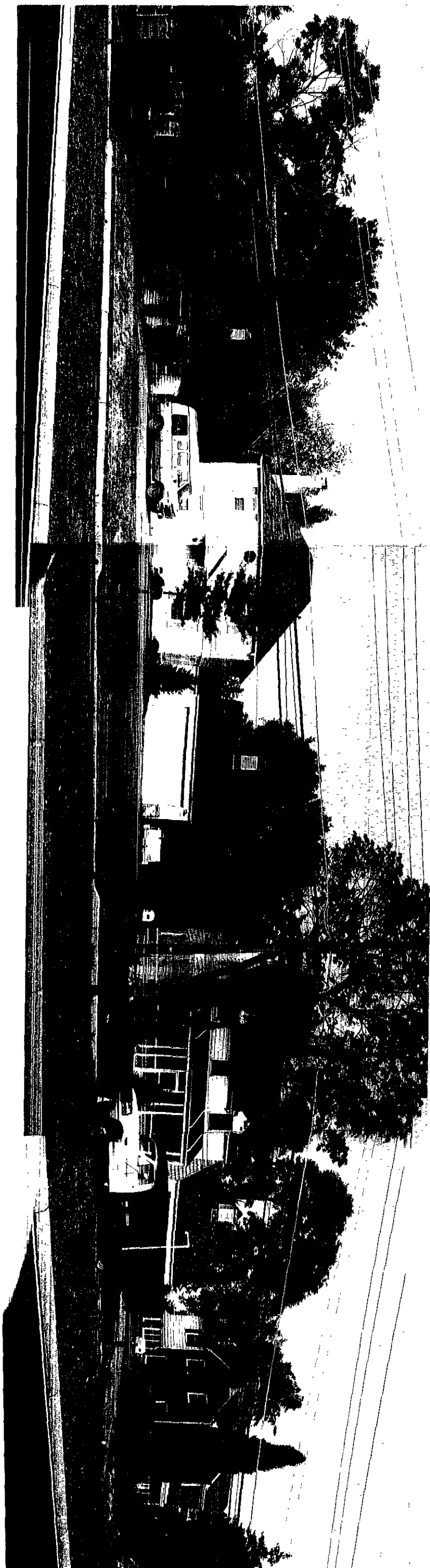


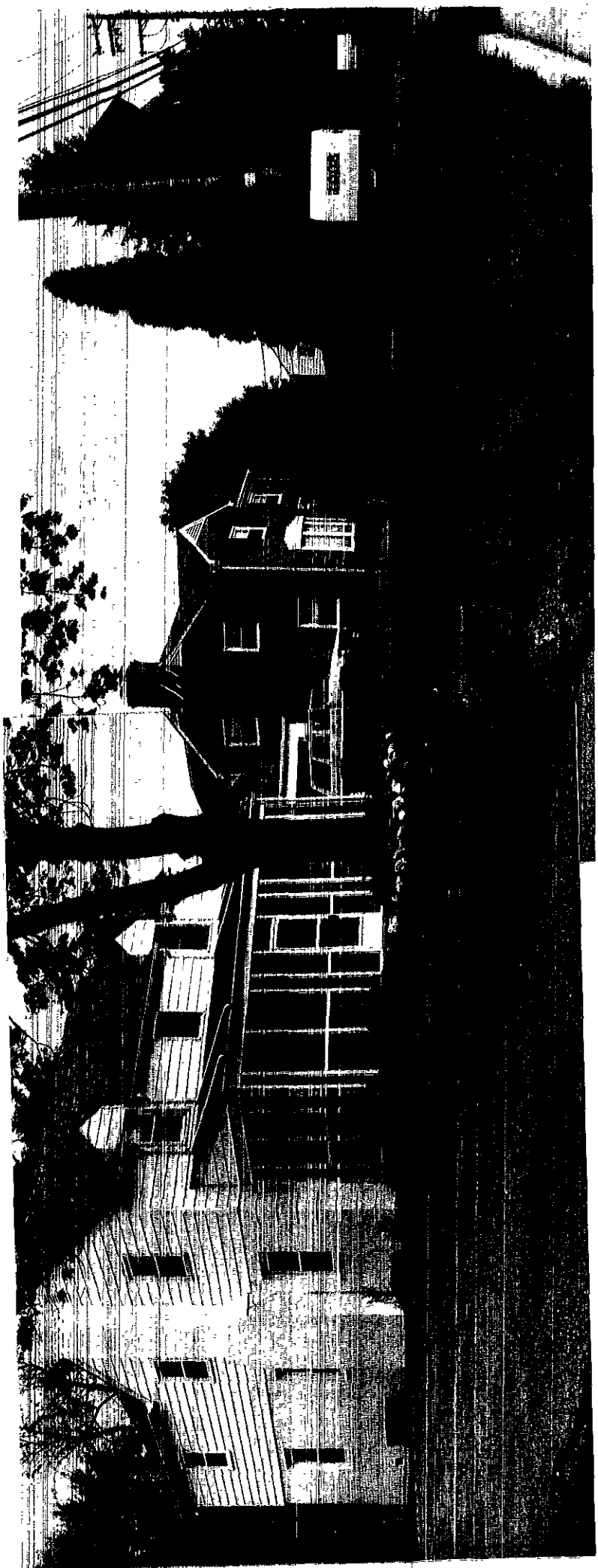
TOWSON
NE
11-A

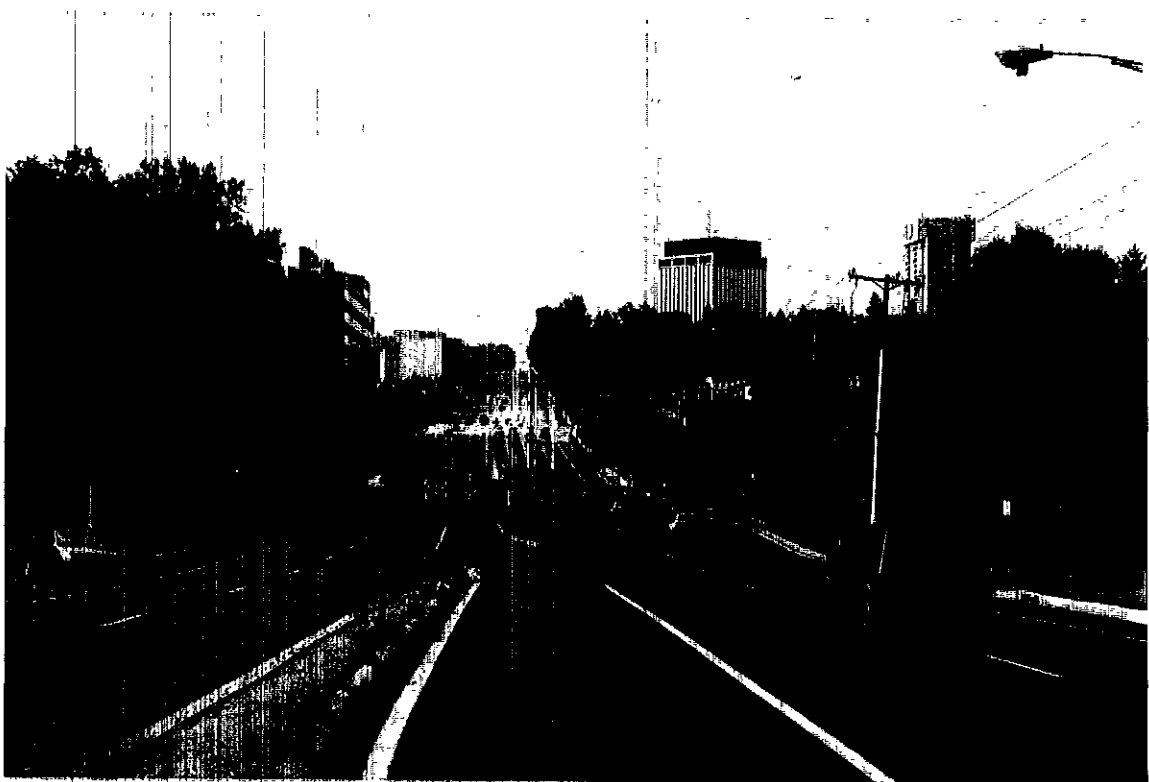
82

98-82-A

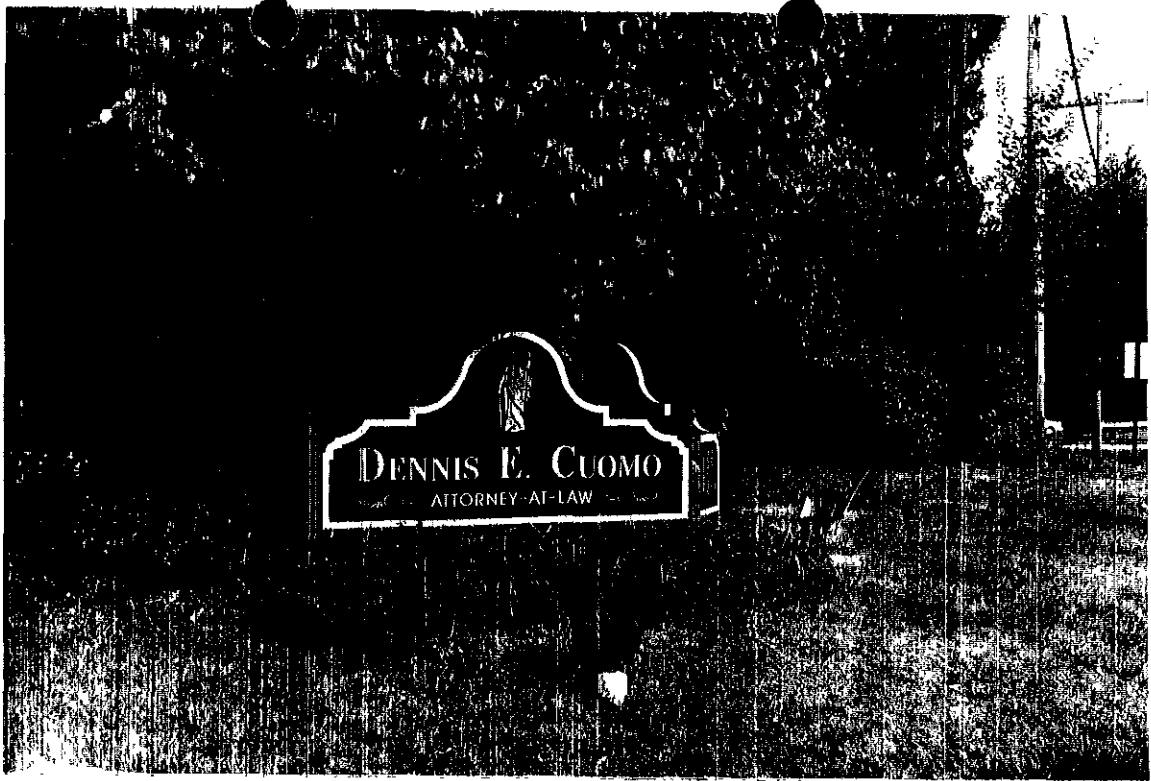
Scale: 1" = 200'











98-82-A



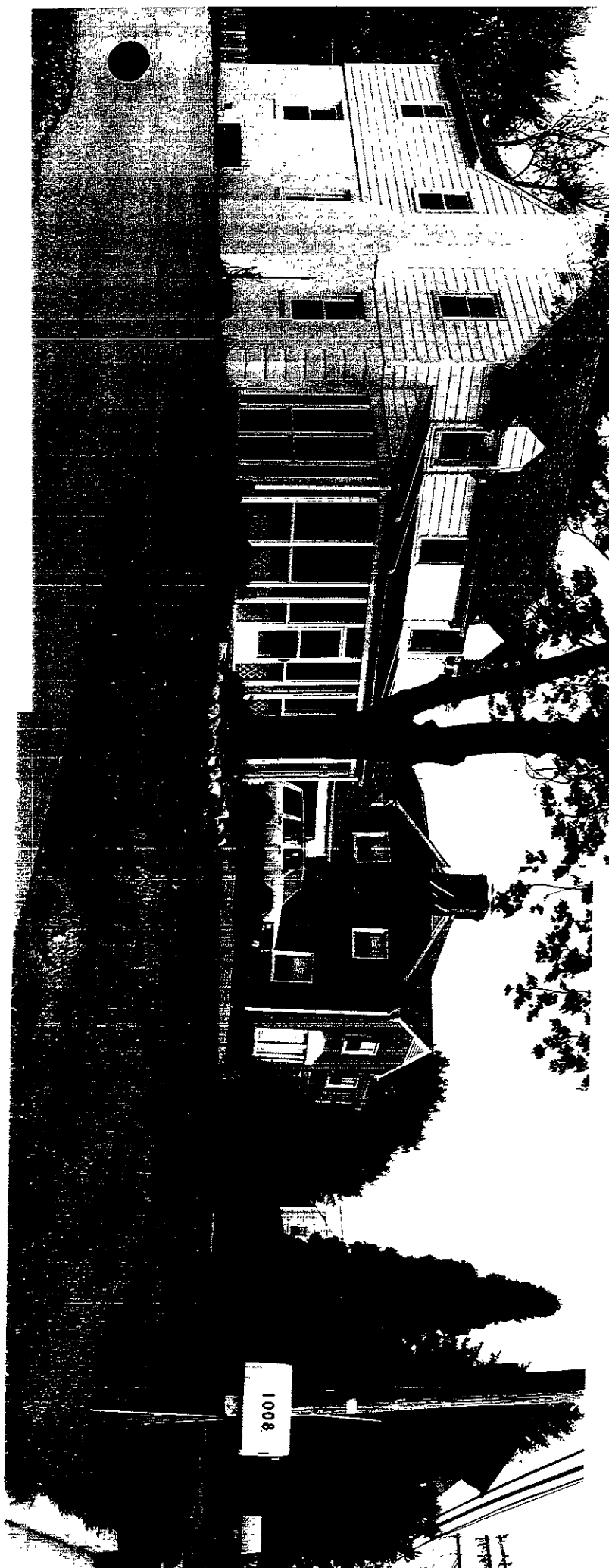
EXISTING POSTED SPEED SIGN LOOKING NORTH



LOOKING NORTH & SOUTH PROPERTY LINE

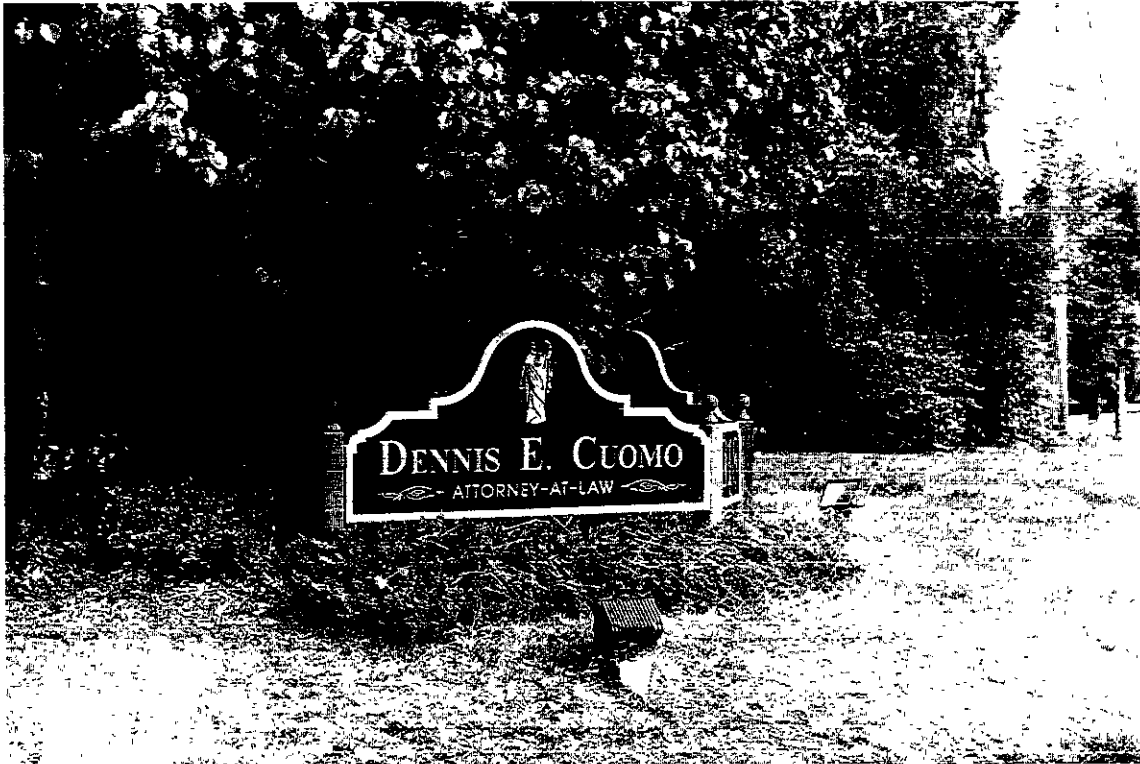
82

Looking Northwest @ Property



82

98-82-A



28 #

EXISTING SIGN WITH LIGHTS



98-82-A

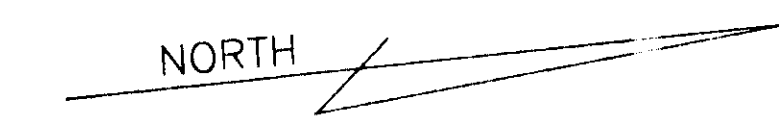
EXISTING SIGN WITH LIGHTS

Proposed Sign Location



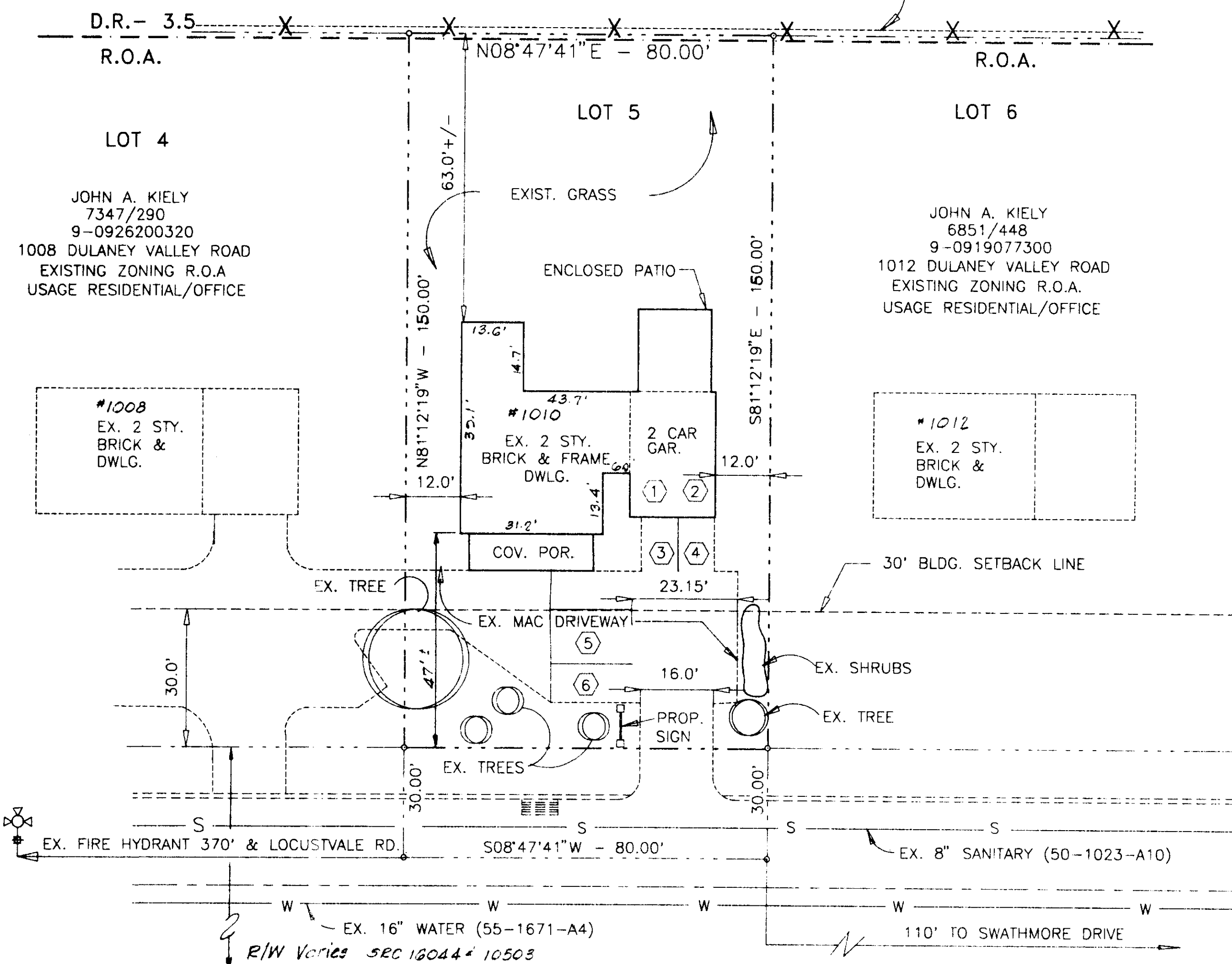
82

98-82-A

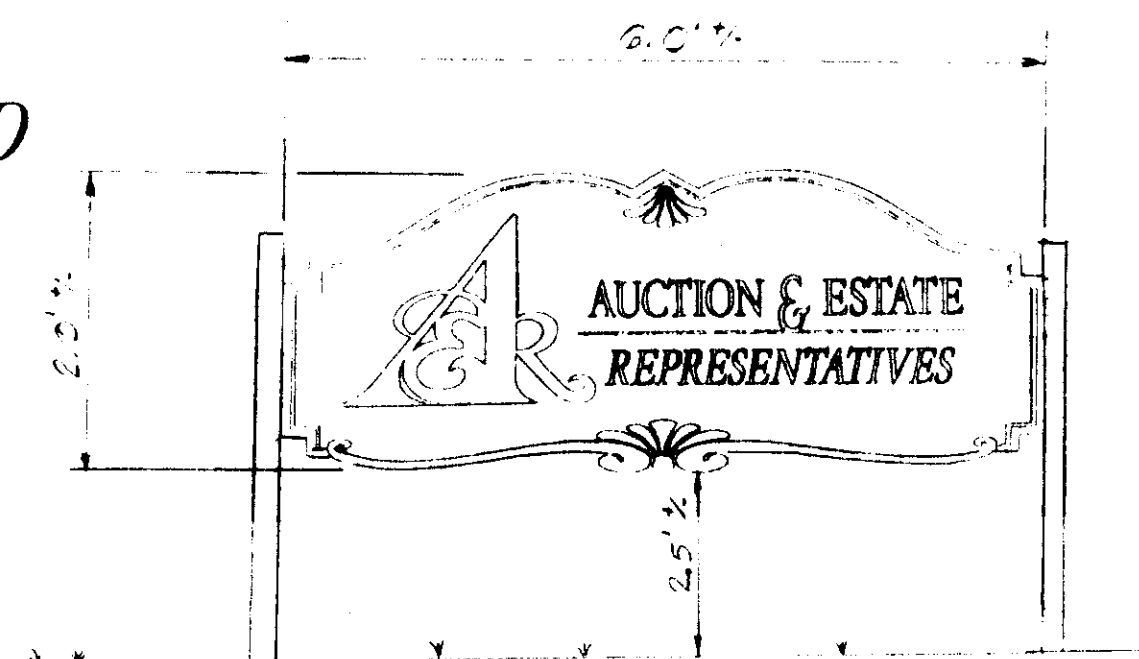


DULANEY TOWER HIGH RISE
5695/846
9-170008886
P.B.336 FOLIO 124
EXISTING ZONING D.R.-3.5
USAGE OPEN SPACE

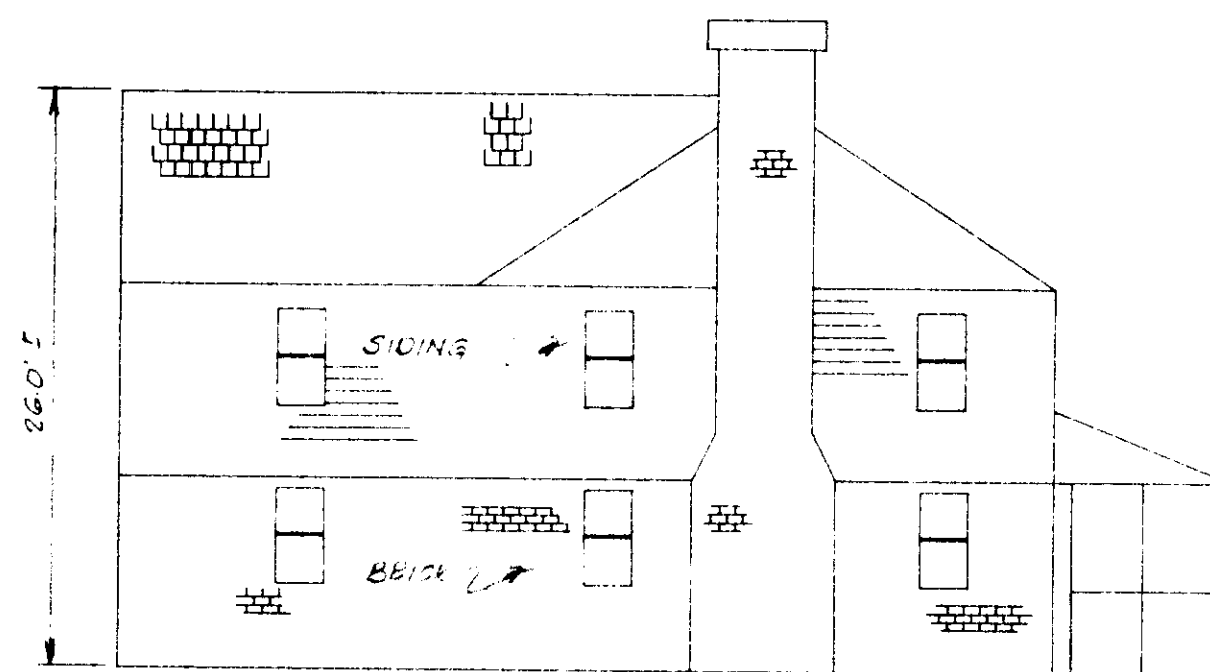
EX. 6' HIGH BOARD ON BOARD FENCE



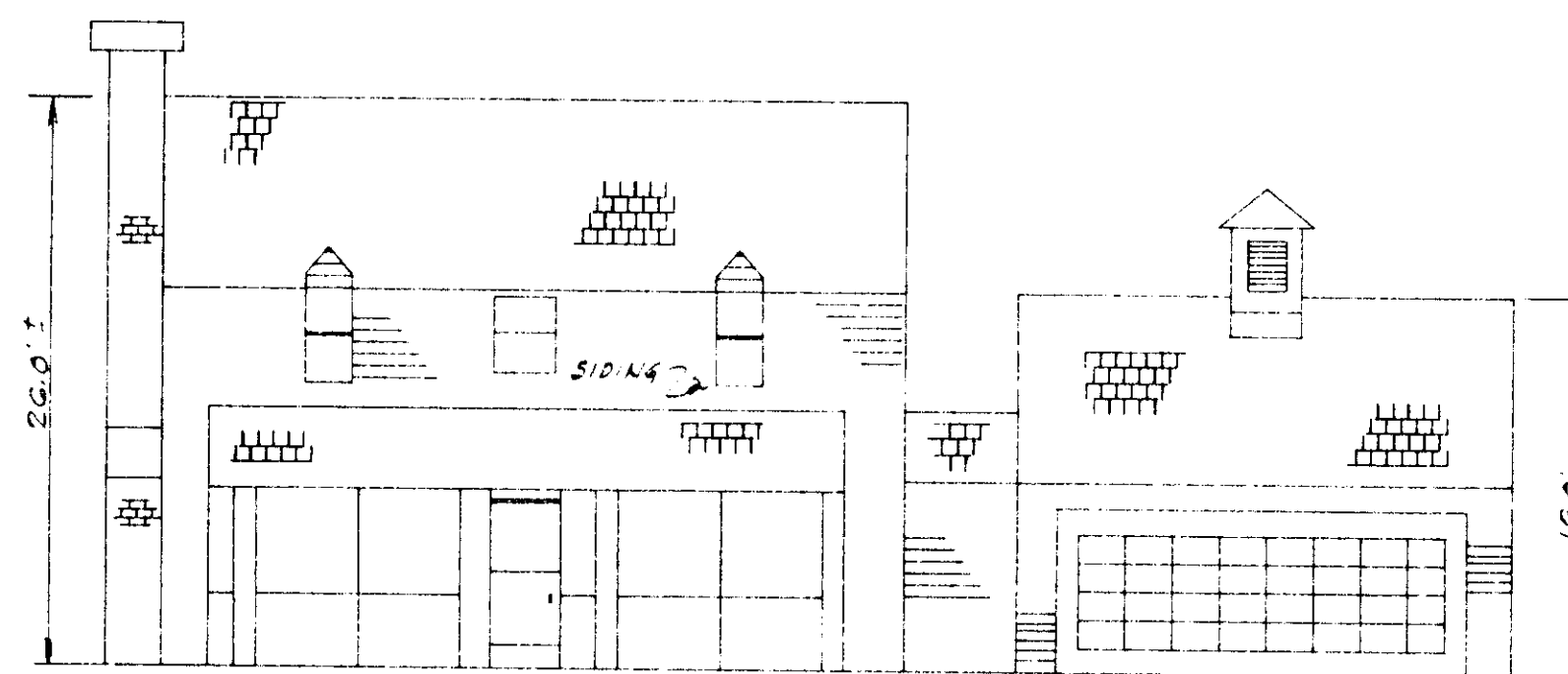
DULANEY VALLEY ROAD



PROPOSED SIGN
N.T.S.



SOUTH SIDE ELEVATION



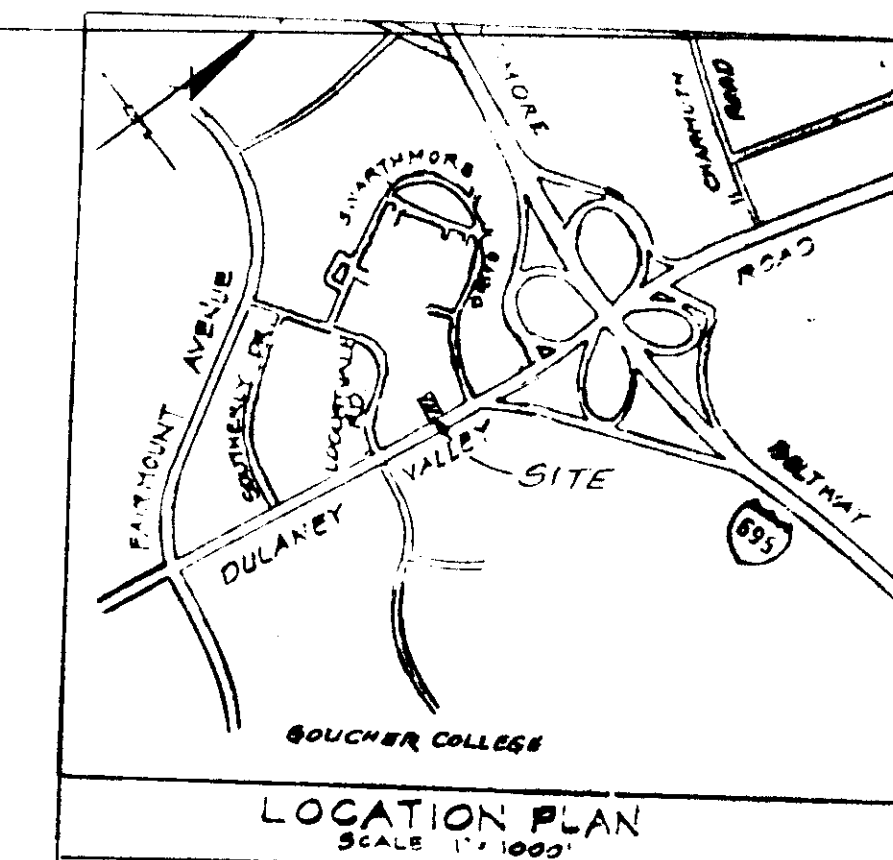
FRONT ELEVATION

EXISTING DWELLING

NO SCALE

GENERAL NOTES

1. THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, WETLANDS, ENDANGERED SPECIES HABITAT, HAZARD MATERIAL SITES, OR HISTORICAL BUILDING WITHIN THE PROPERTY LIMITS SHOWN ON THIS DRAWING.
2. THERE ARE NO PREVIOUS COMMERCIAL PERMITS, ZONING HEARING, C.R.G. AND/OR WAIVERS FOR THIS PROPERTY.
3. THIS PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.
4. NO ADDITIONAL OUTDOOR LIGHTING IS PROPOSED FOR THIS SITE, EXCEPT FOR SPOT LIGHTS ON THE PROPOSED SIGN AND WILL AUTOMATICALLY TURN ON AT DUST AND TURN OFF AT 11:00 P.M.
5. THE EXISTING IMPERVIOUS AREA FOR THIS SITE IS 4,441 S.F.
6. THE PROPOSED SIGN FOR THIS SITE IS TO BE MADE OF WOOD WITH TWO SIDES. RAISE LETTERS IN GOLD COLORS WITH SAND BLASTED GROUND WHITE PAINT. THE SIGN WILL BE SUPPORTED BY BRICK COLUMNS. THERE WILL BE TWO 50 WATTS SPOT LIGHTS WILL BE LIGHT FROM DUST UNTIL 11:00 P.M. SIGN WILL BE APPROXIMATELY 9 S.F. PER SIDE.
7. THERE ARE TWO EXISTING LIGHTED SIGNS WITHIN 300 FEET OF THIS PROPOSED SIGN. ONE LIGHTED SIGN IS 19.5 S.F. AND THE OTHER IS 16.0 S.F.



SITE DATA

OWNER: JOHN A. KIELY
305 CHAPELWOOD LANE
TIMONIUM, MARYLAND 21093

DULANEY MANOR BLOCK 4 LOT 5
PLAT BOOK 17 FOLIO 16

NET SITE AREA: 12,000 S.F. = 0.276 AC. +/-

GROSS SITE AREA: 14,400 S.F. = 0.331 AC. +/-

DEED REFERENCE: 8490/406

TAX ACCOUNT: 0916350333

EXISTING ZONING: ROA

ELECTION DISTRICT: 9TH

COUNCILMANIC DISTRICT: 4TH

CENSUS TRACT: 4903.01

WATERSHED: 10

SUBSEWERED: 29

USAGE CLASS "A" OFFICE

SQUARE FOOTAGE:

1ST FLOOR OFFICE	1,022 S.F.
2ND FLOOR OFFICE	1,022 S.F.
TOTAL AREA	2,044 S.F.

PARKING REQUIREMENTS: OFFICE AREA 2,044 S.F. @ 3.3/1000 = 6.74 P.S.

PROPOSED PARKING:

EMPLOYEE PARKING IN GARAGE	= 2 P.S.
PARKING SPACES OUTSIDE	= 4 P.S.

TOTAL PROPOSED PARKING = 6 P.S.
INCLUDES 1 HANDICAP SPACE

FLOOR AREA RATIO 2,044SF / 14,400 SF = 0.1419

AVERAGE DAILY TRIPS (ADT) 51 TRIPS PER DAY

AVERAGE DAILY TRIPS (ADT) 51 TRIPS PER DAY

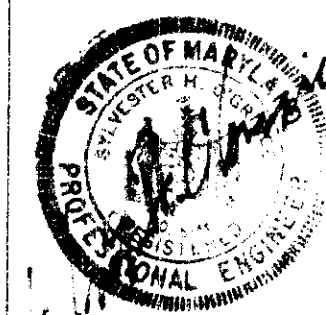
AMENITY OPEN SPACE:

AOS PROVIDED : 12,000 SF NET SITE
BUILDING AND PAVING = 4441 SF
OPEN SPACE = 7559 SF
AOS RATIO 4441/14418 = 30.8%

BPS/land technology, inc.

1602 BOSWORTH COURT
BEL AIR, MARYLAND 21015

TELEPHONE: 410-893-8286
FAX: 410-893-8286



CONTRACT PURCHASER/LESSEE

c/o AUCTION & ESTATE
REPRESENTATIVES

1010 DULANEY VALLEY RD.
BALTIMORE, MARYLAND 2120
410-576-1131

OWNERS

John A. and Mary Kiely
503 Chapelwood Lane
Timonium, Maryland 21093
410-561-8928

THIS DOCUMENT CONTAINS PROPRIETARY
INFORMATION. REPRODUCTION OF THIS
DOCUMENT BY DIGITAL OR PHOTOCOPY
METHODS IS FORBIDDEN UNLESS
APPROVED BY BPS/land technology, inc.

REV.	DATE	DESCRIPTION	BY	CHK'D	APPR

DRAWN BY:

WTP

DESIGN BY:

WTP

CHECKED BY:

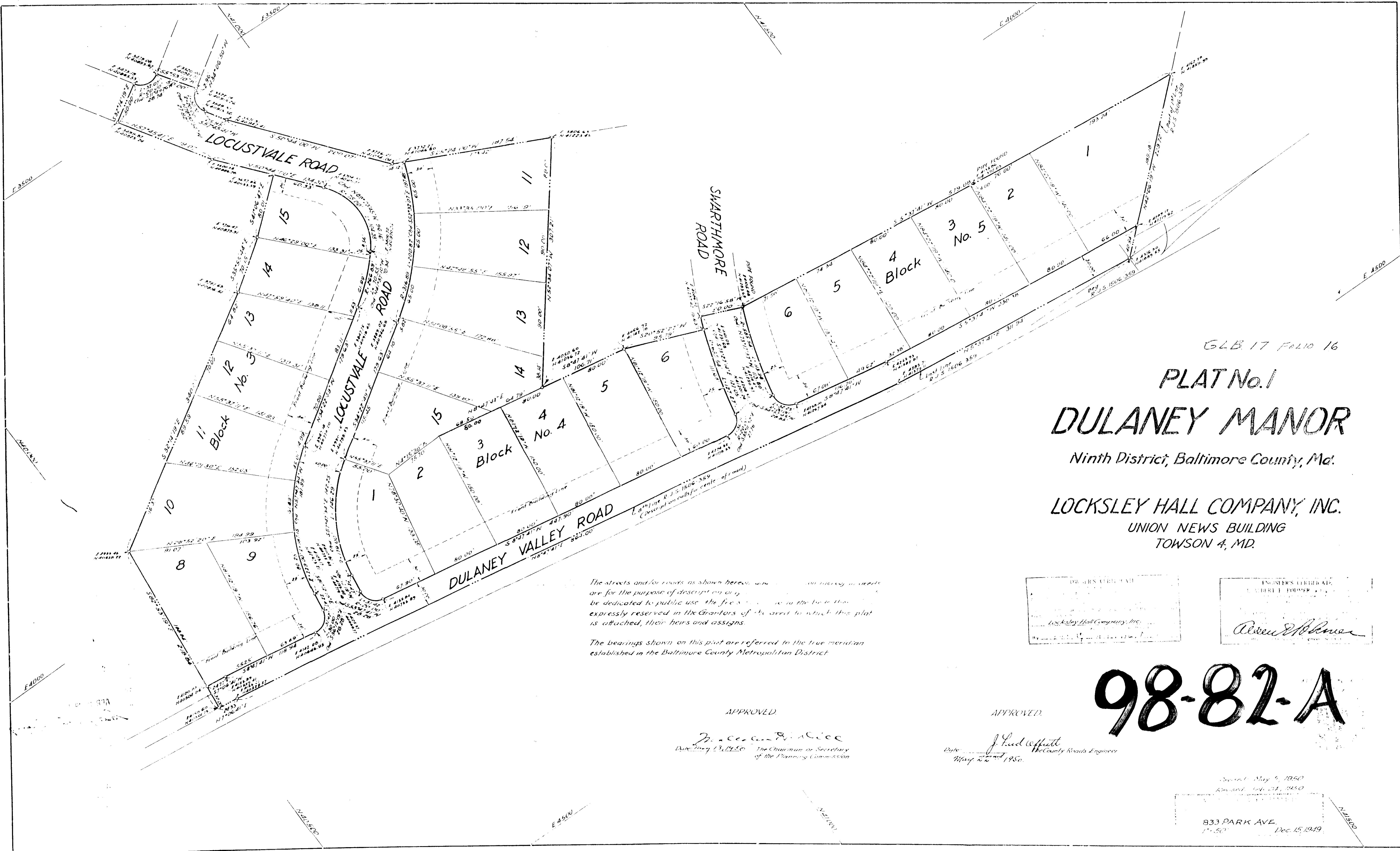
SHO

PLAT TO ACCOMPANY A PETITION
FOR A ZONING VARIANCE

1010 DULANEY VALLEY ROAD
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'

DATE: SEPTEMBER 3, 1997



GLB 17 FOLIO 16

PLAT No. 1
DULANEY MANOR

Ninth District, Baltimore County, Md.

LOCKSLEY HALL COMPANY, INC.
UNION NEWS BUILDING
TOWSON 4, MD.

The streets and/or roads as shown herein, which are hereby dedicated, are for the purpose of description only, and are not to be dedicated to public use, the fee in and to the benefit of which is expressly reserved in the Grants of the deed to which this plat is attached, their heirs and assigns.

The bearings shown on this plat are referred to the true meridian established in the Baltimore County Metropolitan District.

OWNERS CERTIFICATE
I, the undersigned, Locksley Hall Company, Inc., do hereby certify that the above described property is the property of the Locksley Hall Company, Inc.

ENGINEERS CERTIFICATE
I, the undersigned, do hereby certify that the above described property is the property of the Locksley Hall Company, Inc.

APPROVED
James B. Allen
Director
May 13, 1950
The Chairman or Secretary
of the Planning Commission

APPROVED
J. Paul Offutt
Date May 22, 1950
The County Roads Engineer

98-82-A

Recorded May 5, 1950
Approved May 11, 1950
833 PARK AVE.
BALTIMORE, MD.
Dec 15, 1949

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-82-A
1010 Dulaney Valley Road
W/S Dulaney Valley Road,
110' S of c/a Swarthmore Drive
9th Election District
4th Councilmanic
Legal Owner(s):

John A. Kiely
Contract Purchaser(s):
Ann F. VonForthuber

Variance: to permit a 9 square foot face free-standing lighted sign in lieu of the maximum 6 square feet attached non-illuminated sign plus 6 parking spaces in lieu of the 7 parking spaces and to approve the parking as shown and located.

Hearing: Tuesday, October 7, 1997 at 10:00 a.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing. Please Call (410) 887-3391.

9/259 Sept. 18 C174591

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 18, 19 97

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 Sept. 18, 19 97.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON