

IN RE: USE PERMIT APPLICATION
N/S Willow Avenue, E of York Road
(33 Willow Avenue)
9th Election District
4th Council District

Keith & Mary Davis
Owners/Applicants

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-552-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before me for consideration of an application for a use permit filed by the owners of the subject property, Keith and Mary Davis, pursuant to Section 408.B of the Baltimore County Zoning Regulations (B.C.Z.R.). The Applicants seek approval of the use of the dwelling on the subject property as a boarding or rooming house for up to six (6) non-related individuals. The subject property and improvements thereon are more particularly shown on the site plan and building sketch submitted with the application.

As noted above, Section 408.B of the B.C.Z.R. sets out the process for obtaining a use permit for a boarding house in the D.R. zone. Specifically, the property owner submits an application for use permit to the Department of Permits and Development Management (DPDM). Thereafter, the property is posted with a sign for a period of 15 days giving notice to the public of the purpose of the application. During that period of posting, any interested neighbor may request that a public hearing be held to determine the merits of the proposal. In this case, Stacy Weiss, on behalf of the Towson Manor Valley Community Association, filed a formal request for public hearing. Thus, the matter was scheduled for a public hearing.

The matter was initially scheduled for a hearing on August 14, 2001. At that time, a request was made by Jeffrey Long on behalf of the Office of Planning to continue the matter. Mr. Long indicated that the application had not been properly docketed before the Zoning Advisory Committee (ZAC), which is comprised of representatives from various County

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Date

By

reviewing agencies, and thus, no agency comments had been prepared for this application. The matter was continued briefly until August 22, 2001 in order to give those County agencies an opportunity to review the application and submit comments, if any.

At the hearing on August 22, 2001, Keith and Mary Davis, property owners, appeared along with their daughter, Erin Davis. Also present were several of the proposed tenants who are students at Towson University. It is to be noted that parents of several of these students appeared at the initial hearing and because they were unable to appear for subsequent proceedings, they submitted letters in support of the application.

Appearing in opposition to the request were Stacy Weiss, President of the Towson Manor Valley Community Association; Donald Gerding, Richard Parsons and Doug Riley on behalf of the Greater Towson Council of Community Associations; and, Elizabeth Z. Kahl on behalf of Burkleigh Square. In addition, Whitney Dudley, Larry Townsend and Elizabeth Clifford, nearby residents of the area, appeared in opposition.

Testimony and evidence offered revealed that the subject property is a roughly rectangular shaped parcel located on the north side of Willow Road, just east of York Road in Towson. The property is approximately 50 feet wide by 105 feet deep and is improved with a single family dwelling known as 33 Willow Avenue. Testimony and evidence offered revealed that the Owners/Applicants purchased the subject property in May 2001 as a two-apartment residence with the sole intent to rent the property to their daughter, Erin, and four (4) women friends who are students at Towson University. Testimony indicated that the use of the property as a boarding house will not be on a long-term basis. In fact, the application is for two years from August 1, 2001 through July 31, 2003, at which time it is anticipated that Mrs. Davis' brother and sister-in-law will move into the home and the number of students will be reduced.

In support of their request, the Applicants submitted a booklet containing the history of their acquisition and use of the subject property. Moreover, it is clear from the photographs submitted at the hearing that Mr. & Mrs. Davis have made improvements to the property.

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Date 8/24/01
By [Signature]

At the hearing, the Applicants argued that a boarding house is an appropriate use for the subject property. They cited its close proximity to Towson University and the need for housing for those students. The Applicants also believe that the proposed use is consistent with other uses in the area. Apparently there are a number of other boarding houses in the neighborhood; however, the legality of those houses was not established. The Applicants further indicated that they are planning to provide off-street parking for the residence. As shown on the site plan, seven (7) spaces will be provided on the lot. A driveway will be paved along the side of the property leading to a rear lot. The Applicants also indicated that their lease with the tenants would prohibit parties, the accumulation of trash and debris on the property, and other impacts that might adversely affect the surrounding neighborhood.

As I explained at the hearing, much of the information contained in the Applicants' booklet was irrelevant. I am appreciative of the fact that Towson University is over-enrolled from a housing standpoint, which causes significant difficulties for the surrounding locale. Nonetheless, the motives of the Applicants, the housing needs of the students and the long-term intentions for the property are not relevant. I believe that the Applicants have proceeded on an above-board basis in an attempt to legally establish a boarding house at the subject location. I do not doubt their intentions. Moreover, I am sure that the students are hard working and in need of housing. However, Section 408.B.2.e of the B.C.Z.R. sets out the criteria that must be considered when reviewing such an application. Specifically, it is provided that I must consider the character of the surrounding community and the anticipated impact of the proposed use thereon. Moreover, I must consider whether the proposal would be detrimental to the health, safety and general welfare of the surrounding locale, in accordance with the guidelines set out in Section 502.1 of the B.C.Z.R.

In this regard, the Protestants cited several factors that they believe merit denial of the use permit application. The Protestants are particularly concerned about traffic on Willow Avenue. They indicated that Willow Avenue is a quiet street and that the addition of seven more cars could be burdensome. The Protestants are also concerned about noise and the character of

the use. That is, although admittedly other boarding and tenant houses exist in the area, the general neighborhood is predominantly that of single family homes. The Protestants also submitted into evidence a copy of the Southeast Towson Community Plan adopted by the Baltimore County Council on February 5, 1990. Page 4 of that plan specifically notes that property rentals to students in the area are an on-going problem for the community. Testimony was also received from Mr. Long regarding the application. He believes that the use should be denied, citing many of the factors voiced by the Protestants. A written ZAC comment was received from the Office of Planning and is included in the case file. Essentially, that comment indicates that traffic could be a problem and that the proposed use is inconsistent with the single family use throughout the community. A ZAC comment was also received from the Bureau of Traffic Engineering indicating that three of the parking spaces on the driveway would have to be eliminated in that they would block access to the rear of the lot.

The above is but an overview of the testimony and evidence offered at the hearing. The record of the case will disclose all of the testimony. Nonetheless, based upon the testimony and evidence presented, I am persuaded to deny the application. Again, I neither question the motives or intentions of the Applicants or their tenants. I am appreciative of the fact that the over-capacity of housing at Towson University causes students a problem; however, that is not the issue. Moreover, the Applicants' failure to investigate and appreciate the requirements of the B.C.Z.R. prior to their purchase of the property does not provide a basis upon which relief can be granted. In this case, I find that the use would be detrimental to the health, safety and general welfare of the surrounding locale. I share the concerns that were voiced by the Protestants regarding parking. Additionally, the parking layout is ill-advised. How will a tenant who parks in the rear yard be able to access the public street, if another tenant's vehicle is blocking the driveway and that tenant is unavailable (e.g., in class)? Moreover, I am concerned about public safety. Can emergency equipment (fire trucks) get access to the rear yard in the event of a car fire with the narrow driveway? Moreover, the testimony of Ms. Clifford, a neighbor, was particularly persuasive. She indicated that she and her family reside across the street from the

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Date

By

subject property. It is unrealistic to expect that these tenants will not behave as college students. This is certainly within their right; however, we cannot expect college students, who traditionally keep late hours and maintain a somewhat different lifestyle than a single family household, to not participate in activities common to college students. In my judgment, the Applicants' proposal does not meet the requirements of Section 408.B.2.e, and thus, should be denied.

Although the Zoning Commissioner can attach conditions to an approved application, the request in this case will be denied. I recognize that any party has the right to file an appeal of this decision. Moreover, the Board of Appeals will have exclusive jurisdiction over any appeal and the Code Enforcement Division of the Department of Permits and Development Management has exclusive authority to prosecute zoning violations. Irrespective of these factors, it is understood that the subject property can be occupied by up to three non-related individuals. For example, the Applicants' daughter and two other tenants would be permitted to reside on the property. I realize that the denial of the application at this late date will create a hardship, particularly on the students since they are already residing on the property. Thus, I believe that the two tenants who cannot remain on the property should be given a period not to exceed 120 days to vacate the premises. Thereafter, the property shall be used in accordance with all applicable zoning and building regulations (i.e., no more than three non-related individuals shall be permitted to reside on the property).

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the application shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 2001 that the Use Permit Application seeking approval of the use of the dwelling on the subject property as a boarding or rooming house for up to six (6) non-related individuals, be and is hereby DENIED.

IT IS FURTHER ORDERED that no more than three non-related individuals shall reside on the subject property.

ORDER RECEIVED FOR FILING
Date 8/24/01
By [Signature]

IT IS FURTHER ORDERED that the two tenants who cannot remain on the property shall be given a period of no more than 120 days from the date of this Order to vacate the premises.

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



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 8/24/01

By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 24, 2001

Mr. & Mrs. Keith Davis
6336 Departed Sunset Lane
Columbia, Maryland 21044

RE: USE PERMIT APPLICATION (#93787)
N/S Willow Avenue, E of York Road
(33 Willow Avenue)
9th Election District – 4th Council District
Keith Davis, et ux – Owners/Applicants
Case No. 01-552-A

Dear Mr. & Mrs. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The use permit application has been denied, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Stacy Weiss, 220 E. Susquehanna Avenue, Towson, Md. 21286
Ms. Elizabeth Clifford, 32 Willow Avenue, Towson, Md. 21286
Mr. Donald Gerding, 335 Old Trail, Baltimore, Md. 21212
Mr. Douglas B. Riley, 623 Wilton Road, Towson, Md. 21286
Ms. Elizabeth Z. Kahl, 61 Burkshire Road, Towson, Md. 21286
Mr. Whitney Dudley, 41 E. Burke Avenue, Towson, Md. 21286
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
Mr. Larry Townsend, 1111 Longbrook Road, Timonium, Md. 21093
Office of Planning; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Summary of Request for Rooming and Boarding House Permit

We are requesting that the property on 33 Willow Avenue be given a Rooming and Boarding House. We understand that this permit must be renewed each year and we will not ask for a renewal of the permit beyond August 1, 2003.

We believe that we meet the principles and conditions of the Special Exceptions as outlined in the Baltimore County Zoning Guide.

As stated in the *CITIZEN'S GUIDE TO ZONING IN BALTIMORE COUNTY* n 63

SPECIAL EXCEPTIONS

In granting any special exception, the Zoning Commissioner and the Board of Appeals, upon appeal, shall be governed by the following principles and conditions [BCZR, 1955].

502.1 Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety, or general welfare of the locality involved;

As owners, we are committed to improving the value of this property as well as the property of the neighborhood. This has been demonstrated by the improvements we have made to the home and the efforts that we have made to keep our neighbors apprised of our intentions with the home.

We have worked with the Baltimore County Zoning Office in a timely manner since purchasing this home to be in compliance with the Zoning Laws and continue to be in compliance by having only two adults living in the home as of the hearing date.

We have had several neighbors share with us, as recently as the original hearing date on Tuesday, August 14, that we are responsible owners and have specifically stated the following:

"If you owned all of the houses on Willow Avenue, we would not have this problem."

"If all of the property owners on Willow Avenue were like you, we would not mind the students living here."

B. Tend to create congestion in roads, streets or alleys therein;

- a. We have outlined the off-street parking that will accommodate the cars for this home.
- b. All of the renters have purchased annual parking permits for Towson University to park their cars on the University lot during the day and in some cases, into the evening, since most have evening classes.
- c. Under the current Zoning Laws, we can rent this home to Erin Davis, (*who is an owner*), Dan and Denise Hanses (*uncle and aunt*), and two other unrelated adults. Again, this has been confirmed by the Baltimore County Zoning Office.

In this scenario, we would not be required to have a special exception and we would have five (5) cars at the property.

C. Create a potential hazard from fire, panic or other danger;

- a. We are not building any additional structures which would create a fire hazards.
- b. We have made major improvements to the house which may prevent future fire hazards etc.
 - 1) Repaired the roofs.
 - 2) Rebuilding a side cover for the porch, which was rotting.
 - 3) Rewired all phone wires in the home, which were old, outdated and had a potential for fire damage.
 - 4) Made repairs as outlined in the Home Owners inspection which could have contributed to fire hazards in the home.
 - 5) Installed smoke alarms in the home.

D. Tend to overcrowd land and cause undue concentration of population;

- a. We are not building any additional structures which would create undue concentration of the land.
- b. The home is a 7-bedroom home and we are only occupying it with 5 people. All renters will have their own bedroom. In addition, there are 3 bathrooms and 4 “common” rooms in the home.

- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;**

None of the improvements that we have made in the home would interfere with any of the above.

- F. Interfere with adequate light and air [Bill No. 45-1982];**

None of the improvements that we have made in the home would interfere with any of the above.

- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations, nor [Bill No. 45-1982];**

This property is Zoned D.R. 16 and allows for a Rooming and Boarding house. We are not requesting a special variance in a Residential Zone which does not allow Rooming Houses.

- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations [Bill No. 45-1982].**

The Zoning Office assisted us in the design of the rear parking for this home and indicated that it would be in compliance with the Zoning Regulations.



FORMAL DEMAND FOR HEARING

CASE NUMBER: 93787

Address: 33 WILLOW AVE

Petitioner(s): DAVIS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We STACY WEISS (TMVCA) PRESIDENT
Name Type or Print

() Legal Owner OR ☒ Resident of

220 Susquehanna Ave
Address

Towson MD 21286
City State Zip Code

410-321-6816
Telephone Number

which is located approximately _____ feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

Stacy Weiss 6/29/01
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3360

DATE 6/29/01 ACCOUNT FOOI 006 6150

AMOUNT \$ 40.00

RECEIVED
FROM:

WEISS

FOR:

REQUEST FOR HEAVILY

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
6/29/2001 6/29/2001 10:14:52
REQ WS01 CASHIER JRIC JHR DRIVER 1
>> RECEIPT # 049725 OFLN
Dert 5 528 ZONING VERIFICATION
CR NO. 003360

Recpt Tot 40.00
.00 CK 40.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 93787

DATE 6/12/01 ACCOUNT ROOI 006 6150

AMOUNT \$ 40.00

RECEIVED
FROM:

KEITH DAVIS

FOR:

USE PERMIT

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
6/13/2001 6/12/2001 16:18:07
REQ WS04 CASHIER DROL LND DRIVER 2
RECEIPT # 144317 OFLN
Dert 5 528 ZONING VERIFICATION
CR NO. 003787

Recpt Tot 40.00
40.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING

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: #01-552-A
33 Willow Avenue
9th Election District
4th Councilmanic District
Legal Owner(s): Keith Davis
Format Demand For Hearing
to approve use of dwelling
as a Boarding House.
Hearing: Tuesday, August
14, 2001 at 9:00 a.m. in
Room 407, County Courts
Building, 481 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT7/780 July 31 C484541

CERTIFICATE OF PUBLICATION

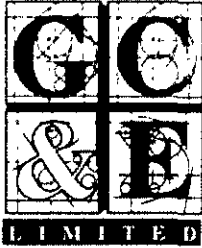
8/2/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 7/31/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 01-552-A
PETITIONER/DEVELOPER:
Keith Davis
DATE OF HEARING:
August 14, 2001

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

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

LOCATION:

33 Willow Avenue, Towson, MD 21286
North side of Willow Avenue

DATE: July 30, 2001

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



POSTED ON : July 27, 2001

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2 408B**

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by LYND T. MOXLEY on 6/12/01
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is ~~\$50.00~~ 40.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 6/24/01 D (15 Days Before C)
DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/9/01 C (B-3 Work Days)

TENTATIVE DECISION DATE 7/12/01 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: 971

Location of Property: 33 WILLOW AVENUE TOWSON MD.

Posted by: Bruce E. Doak Date of Posting: 6/22/01
Signature
BRUCE E. DOAK

Number of Signs: 1



Revised 2/25/99

6/22/01

**SCHEDULED DATES. CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

Department of Permits and Development Management (PDM)

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204

33 WILLOW
AVENUE, TOWSON
MD. 21286

408B

408.8

The application for your proposed Building Permit application has been reviewed and is accepted for
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(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a
decision can be rendered. The cost of filing is ~~\$50.00~~ 40.00. This fee is subject to change. Confirm all
current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be
expected within approximately four weeks. However, if a valid demand is received by the closing date,
then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 6/24/01 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/9/01 C (B-3 Work Days)

TENTATIVE DECISION DATE 7/12/01 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

408B

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by LOYD T. MOXLEY on 6/12/01
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is ~~\$50.00~~ 40.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 6/24/01 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 7/9/01 C (B-3 Work Days)

TENTATIVE DECISION DATE 7/12/01 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: 9th

Location of Property: 33 WILLOW AVENUE TOWSON MD.

Posted by: Bruce E. Doak Date of Posting: 6/22/01

Signature

BRUCE E. DOAK

Number of Signs: 1

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 31, 2001 Issue – Jeffersonian

THUR JULY 26
Please forward billing to:
Keith Davis
33 Willow Avenue
Baltimore MD 21286

410 531 3590
~~410 823 1423~~

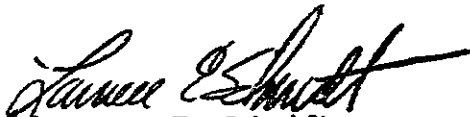
NOTICE OF ZONING HEARING

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: 01-552-A
33 Willow Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Keith Davis

Formal Demand For Hearing to approve use of dwelling as a Boarding House.

HEARING: Thursday, August 16¹⁴, 2001 at 9:00 a.m. in room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 18, 2001

NOTICE OF ZONING HEARING

CORRECTED DATE

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: 01-552-A
33 Willow Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Keith Davis

Formal Demand For Hearing to approve use of dwelling as a Boarding House.

HEARING: Tuesday, August 14, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon 602
Director

C: Keith Davis, 33 Willow Avenue, Towson 21286
Stacy Weiss (TMVCA) President, 220 Susquehanna Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 30, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 31, 2001 Issue – Jeffersonian

Please forward billing to:

Keith Davis
33 Willow Avenue
Baltimore MD 21286

410 823-1423

NOTICE OF ZONING 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: 01-552-A

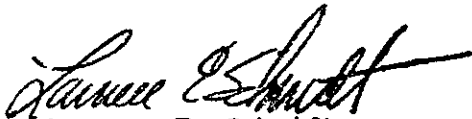
33 Willow Avenue

9th Election District – 4th Councilmanic District

Legal Owner: Keith Davis

Formal Demand For Hearing to approve use of dwelling as a Boarding House.

HEARING: Thursday, August 16, 2001 at 9:00 a.m. in room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 18, 2001

NOTICE OF ZONING 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: 01-552-A
33 Willow Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Keith Davis

Formal Demand For Hearing to approve use of dwelling as a Boarding House.

HEARING: Thursday, August 16, 2001 at 9:00 a.m. in room 407, County Courts Building, 401 Bosley Avenue

HOME
410 571
3590
W 410 301 3376

Arnold Jablon GJZ
Director

C: Keith Davis, 33 Willow Avenue, Towson 21286
Stacy Weiss (TMVCA) President, 220 Susquehanna Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 1, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

August 10, 2001

Keith Davis
33 Willow Avenue
Towson MD 21286

Dear Mr. Davis:

RE: Case Number: 01-552-A, 33 Willow Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Stacy Weiss (TMVCA) President, 220 Susquehanna Avenue, Towson 21286
People's Counsel

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

TO: Lawrence E. Schmidt
Zoning Commissioner

DATE: August 17, 2001

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: *Case #01-552A*
33 Willow Avenue

AUG 22

Parking spaces 1, 2, and 3 shall be eliminated to provide access to the parking spaces in the rear.

RWB:RJF:jrb

cc: File

Larry:
I also fax you
this memo on 8/22
at 8:30 AM.

Carol
Brown

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 20, 2001

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

SUBJECT: 33 Willow Avenue

INFORMATION:

Item Number: 01-552

Petitioner: Keith, Mary & Erin Davis

Property Size: 5,250 sq. ft.

Zoning: DR 16

Requested Action: Use Permit for a Boarding House

AUG 21

REQUEST:

The Special Hearing being requested in this case is to approve the use of a single-family detached dwelling as a boarding house for college students. The subject property is a 5,250 sq. ft. parcel located on the north side of Willow Avenue. The neighborhood consists of single family homes that are owned and/or rented by single families.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support this Petition for a Special Hearing for the following reasons:

1. The proposed use is inconsistent with the predominant single-family use throughout the community.

2. This site cannot accommodate the proposed parking, due to its grade and size limitations. Planning staff would encourage the Zoning Commissioner to visit the property prior to any final decision in this matter.
3. The neighborhood currently does not have sufficient parking to accommodate existing residents.
4. The community is opposed to this use because of the potential noise and increased traffic within the community.
5. This property would be better suited as a single-family use.

Section Chief:

Jeffrey W. Long

AFK/JL:



Baltimore County
Department of Permits and
Development Management

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

July 18, 2001

Mr. Keith Davis
33 Willow Avenue
Baltimore MD 21286

Dear Mr. Davis:

RE: Demand for Public Hearing, Permit For Boarding Use, Case Number 93787
has been filed with this office.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor
Zoning Review

WCR: gdz

C: Stacy Weiss (TMVCA) President, 220 Susquehanna Avenue, Towson 21286



TO: Case File #01-552-A

DATE: August 14, 2001

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Continuance of Hearing
33 Willow Avenue
9th Election District - 4th Council District

This matter came before me this date for consideration of a Petition for Variance filed by the owners of the subject property, Keith and Mary Davis. At the onset of the hearing, a preliminary review of the case file revealed that no Zoning Advisory Committee (ZAC) comments had been submitted by any Baltimore County reviewing agency. As a result, I continued the case and by agreement of all parties present, rescheduled the matter to reconvene on Wednesday, August 22, 2001. Copies of the site plan and accompanying sketch have been forwarded to representatives of the Fire Department and the Department of Permits and Development Management, Development Review Division, with the request that they submit any written comments/concerns prior to the continued hearing date.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 5, 2001

Mr. Whitney Dudley
41 E. Burke Avenue
Towson, Maryland 21286

RE: PETITION FOR VARIANCE (Use Permit)
33 Willow Avenue
Case No. 01-552-A

Dear Mr. Whitney:

In response to your letter dated August 28, 2001 concerning the above-captioned matter, the following comments are offered.

Your understanding of the current Code is not mistaken; however, I did not grant any exception to Mr. & Mrs. Davis. In fact, I denied their application for a boarding house. However, I thought it appropriate for them to be given a period of 120 days to bring the property into compliance. Insofar as the nature of their daughter's ownership/interest in the property, it is somewhat a matter of semantics. It was indicated at the hearing that only Mr. & Mrs. Davis' names are on the deed at the present time. Thus, you are correct in your assertion that they are the only owners. However, Mr. & Mrs. Davis indicated that the deed is in the process of being amended to add their daughter's name. In that Erin is over the age of 18 and therefore an adult, the Davis' can easily amend the deed and make their daughter a co-owner of the property. Such a change could be accomplished in a matter of days and in any event, well before the 120 days I provided for the property to be brought into compliance.

Please do not hesitate to call me should you have any further questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

P.S. I am sending a copy of this letter to the Greater Towson Council of Community Associations, Inc. who submitted a similar inquiry regarding this issue.

cc: Mr. J. Donald Gerding, Zoning Chair, Greater Towson Council of Community Assoc.
335 Old Trail, Baltimore, Md. 21212
Mr. Richard Parsons, 41 Woodbine Avenue, Towson, Md. 21204
Mr. Douglas B. Riley, 623 Wilton Road, Towson, Md. 21286
Ms. Stacy Weiss, President, Towson Manor Village Community Assoc.
220 E. Susquehanna Avenue, Towson, Md. 21286
Case File

Come visit the County's Website at www.co.ba.md.us



Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

AUG 30

Re: Davis case 33 Willow Avenue
Case No. 01-552-A

August 28, 2001

Dear Mr. Schmidt:

My name is Whitney Dudley, and I attended the first hearing for the Davis case in opposition. I was representing the Burkleigh Square Community Association which is a sister community to Towson Manor Village.

I was pleased when I arrived home from vacation to receive the ruling on the Davis case. I am grateful that you could see the impact such a use permit would have on a community.

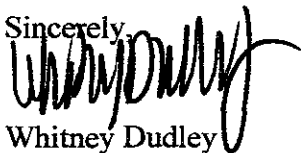
With all due respect sir, I believe there is an error however in the closing of the Findings of Fact. It is my understanding that the current code of Baltimore County is that no more than two unrelated parties can live in the same dwelling unless there is an owner residing at the premises. In the case an owner is residing, it is my understanding that then there can be the owner, and two unrelated parties, total of three occupants. Erin Davis the daughter of owners is not on the deed, thus not making her an owner. I believe that leaves the Davis' with the option of only having two occupants total.

If my understanding of the current code is mistaken, please let me know or if there was a reason why the Davis' have been granted an exception that perhaps I'm unaware of .

Again, I appreciate your understanding of the communities' concern in wanting to maintain our older neighborhoods as thriving communities for families to reside.

Thank you for your attention in this matter.

Sincerely,



Whitney Dudley
41 E. Burke Avenue
Towson, Maryland 21286



August 28, 2001

AUG 28 2001

Lawrence E. Schmidt, Esq., Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Dear Mr. Schmidt:

As the protestants in the recent case # 01-552-A, at 33 Willow Avenue, Towson, we were pleased by your thoughtful and fair decision dated August 24, 2001, denying a use permit for a Rooming House/Boarding House at that address.

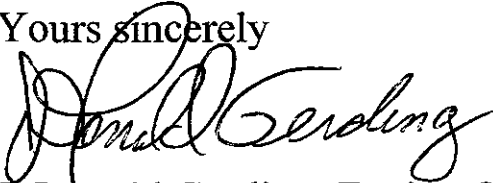
We were concerned, however, by one of the concluding paragraphs on page 5 of your decision. It is our understanding that two unrelated persons, or, a resident owner and two unrelated persons, may reside in a specific residence. While the commissioner was told that the petitioners were moving to add Erin Davis' name to the deed in order to rectify an oversight by the mortgage company- allegedly that very day- this had not been done when the case was concluded. Until the commissioner is provided evidence to the contrary, it is GTCCA's understanding that only two unrelated persons can reside in this property.

We request that the commissioner, in an official communication to the petitioners in this case, make clear that until he is furnished documentary evidence that Erin Davis is on the deed the two unrelated residents remains the rule. Once the deed requirement is met to the commissioner's satisfaction, and Erin Davis is proven

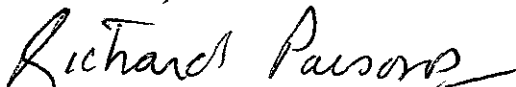
to be on the deed, your more than generous remission of the other occupancy constraints for 120 days-(or, basically, the first semester) could fall into place. When this requirement is fulfilled, and only then, your amended Findings of Fact and Conclusions of Law should show that the owner and only two unrelated persons can reside there, with the remaining two persons covered by your 120 day grace period, but not thereafter.

Thank you for your very prompt consideration of this inquiry. We await your written response.

Yours sincerely



J. Donald Gerding, Zoning Chair
Greater Towson Council of Community Associations
335 Old Trail
Baltimore, MD 21212



Richard Parsons, Deputy Zoning Chair
41 Woodbine Avenue
Towson, MD 21204



Douglas B. Riley, Esq., Deputy Zoning Chair
623 Wilton Road
Towson, MD 21286

Cc: Conrad Poniatowski, President, GTCCA
Mrs. Stacy Weiss, President, Towson Manor Village
Community Association.

Request for Special Use Permit: Rooming and Boarding
33 Willow Avenue Towson, Maryland 21286

We (*Keith, Mary and Erin Davis*) owners of 33 Willow Avenue are requesting from the Zoning Board a **temporary** Use Permit as a Rooming and Boarding House for this property. The Use Permit is being requested for the following reasons:

- 1) The home was purchased in May, 2001 in good faith, as a 2-apartment residence, with the sole intent to rent out to our daughter, Erin, and four (4) women friends, who were also Towson University students.
- 2) Since we became aware, after the purchase of the home, that there was an issue with the zoning of the property, we have taken every step to be in compliance with zoning and to address concerns of the neighbors. This included speaking with the neighbors directly and attending a Towson Manor Valley Community Association (TMVCA) meeting in July.
- 3) The home was/is never intended to be a long-term rental property for Towson University students. The request is for only two years, from August 1, 2001 – July 31, 2003. In August, 2003, Mary's brother and sister-in-law, *Dan and Denise Hanses* will move into the home. At that time, our daughter Erin will continue to live in the home, along with two (2) other Towson University students. We have received clarification from the Zoning Commission that this is acceptable under current Baltimore County Zoning laws.
- 4) On May 15, 2001, upon purchasing this home in good faith to rent out rooms to Erin and the additional four (4) students, these four (4) students gave up the lease on their apartment which was set to expire July 31, 2001 and had not applied for housing with Towson University for the Fall, 2001 semester.

In July, prior to deciding whether or not to proceed with the public hearing or not, the students tried to secure other housing through both the university and apartment complexes in the area, as well as remain in their current apartment. They were told that they could only be placed on a waiting list for January 2002, and that there was not guarantee of housing even then. As of today, August 14, it is too late for the students to secure other housing for the upcoming school year and Mary's brother and sister-in-law have already committed to another year's lease at their current apartment.

- 5) If we are unable to rent 33 Willow Avenue to Erin and the 4 additional students, then we will not be able to make the house payments on this home and will be forced to sell the home immediately or seek relief from other source(s).

This presentation includes the following:

- * Detailed timeline of the events that have led up to the Request for Use Permit and the public hearing.
- * Documentation to support our reasons for purchasing this home; investment in improving the value of the home and commitment to the neighborhood.
- * Agreements that can provide support that whether this house is rented to five unrelated adults, or 3 related adults and 2 unrelated adults, that the same positive impact will occur on the neighborhood.

Summary of Specific Conditions for Request Use Permit

1. We, (Keith and Mary Davis) do not own any other rental property and do not intend to purchase another rental property anywhere during the time of this Use Permit.
2. Our daughter, Erin, who is also an owner, will reside in the property for the entire time of the Use Permit.
3. In addition to Erin, the other 4 renters will be the only renters of this property during the time of this Use Permit. If one of these women leaves the property, we will not rent to another individual. The renters will be:

Baer, Brittany	Barkley, Michelle
Burke, Jackie	Davis, Erin
	Smart, Gina
4. Each of these women/students have made a commitment to be responsible adults in the home; to park in designated parking spaces; to maintain the property and to not have any large gatherings, parties and/or make loud noises that would be disruptive or disrespectful to the neighborhood.

In particular:
 - a) Parking—we are creating a driveway and rear parking on the property.
 - b) Noise—the women may not have any parties or large gatherings in the home.
 - c) Respect for property—there will be no-smoking in the home and the exterior must be maintained.Any violations of the above will result in the woman/student being asked to leave the home.
5. We have made significant investment in improving this property and will continue to do so to keep it up to both livable and safe standards. This has improved the value of the home, not decreased it.
6. We are not applying for a permanent exemption/rezoning as a 2-apartment residence. We are requesting only a 2-year temporary Use Permit, for what the Baltimore Counting Zoning Commission refers to as a “Rooming and Boarding House.” We accept the following conditions of this Use Permit:
 - a. The Boarding House application must be renewed each year.
 - b. Any reasonable complaints may result in the loss of the Boarding House application during the year. *(Reasonable was defined by the Zoning Commission as to include loud noises, parking, trash on the property, etc.)*
 - c. The Boarding House application only is applicable to us as owners; it does not carry forward to a new owner, *(This would only be an issue if we needed to sell the property in the first 2 years, which we do not plan to do if we receive the Use Permit.)*
 - d. The permanent zoning as a 2-apartment residence was an option that was presented to us by the Zoning Commission, since the house had been previously rented this way and there are already two kitchens in the home. We did not choose this option, since we want to maintain 33 Willow as a single family home for the long-term use by my brother and sister-in-law.
7. We offered in July to sign a document with the Home Owners Association and to have it on file with Zoning Board agreeing to all of the above. We are offering again, to sign an document which specifies the unique conditions of our Special Exemption for a Rooming and Boarding House.

Addressing the Towson Manor Village Community Association's Concerns

- 1) The house was advertised for sale and listed in the Multiple Listing Service for over one year as a 2-apartment dwelling. After purchasing the home and meeting with the neighbors, Mary Davis was informed by some of these neighbors that they had prior knowledge of the following.
 - a. That the home was listed as a 2-apartment residence and had the potential to be rented.
 - b. That the upstairs of the home had been rented by the prior owner to 3 Towson students while the owner lived in the residence on the first floor.
 - c. That the house had been used off and on since the 1920's as a boarding house.
- 2) All of the homes on the same side of the street as and south of 33 Willow Avenue to York Road are all currently rental homes. This Use Permit would not be granting the only rental property in this area.
- 3) In June, Mary met with neighbors, prior to meeting with the Zoning Board to apprise them of the repairs and renovations that would be made to the home; the short term and long term plan for who would be residing in the home.
- 4) In July, Mary met with Stacey Weiss and a group of neighbors to address their concerns. At that time she presented a proposal which she and Keith believed addressed TMVCA concerns.
- 5) Through Sunday, August 12, Mary and Keith Davis have made over \$12,000 in repairs to the property, improving both the value of the 33 Willow Avenue as well as the surrounding homes.
- 6) On Sunday, August 12, while working at the home, we received the Towson Manor Village Association newsletter regarding the hearing on this property for Tuesday, August 14. It states that TMVA may consider our request "*counterproductive to the goals of the TMVCA.*"

The owners of 33 Willow Avenue need to understand what the goals of TMVCA are and how these apply to the following:

- a. Other Single Family Residences in the Area
- b. Other rental properties in the area
- c. Ownership and rental of and all properties to students, unrelated adults and/or as Group Homes as defined in the Fair Housing Act of 1998.

The owners of 33 Willow Avenue are very willing to address these concerns and take whatever steps are required to make this a workable situation for all.

- 7) The owners of 33 Willow Avenue intent is to have no more than five (5) adults living in the property during the time of ownership. The make-up of the adults, whether five (5) unrelated adults; or three (3) related adults and two (2) unrelated adults should not have any different impact on the neighborhood.

In fact, with the restrictions on the Use Permit for the Rooming and Boarding House, the TMVCA will have more input and control over the tenants in the house for the next 2 years then after that time, when the home is occupied by three (3) related adults and two (2) unrelated adults and the Use Permit is no longer required.

Towson Manor Village Community Assoc, Inc.

220 East Susquehanna Avenue

Towson, Maryland 21286

Resolved, that the Towson Manor Village Community Association shall, from August 12, 2001 to June 15, 2002, assign official responsibility for review, representation, and action on all zoning and development matters to the following duly – elected officers, who shall be authorized to appear and testify on behalf on the Towson Manor Village Community Association:

STACY WEISS
(Name)

Stacy Weiss
(President)

Thomas Coand
(Name)

Thomas Coand
(Vice president of zoning)

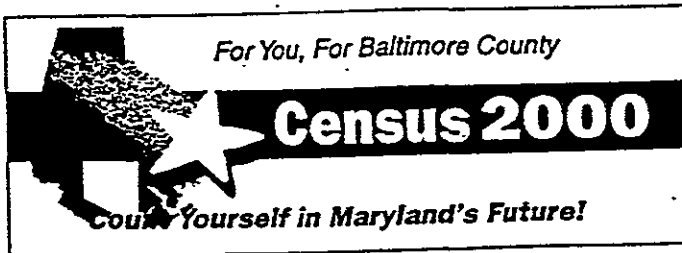
Witness our hands and seal as of this 12th day of August, 2001.

Nancy George
(Secretary)

Stacy Weiss
(President)



FAX COVER SHEET



Date:

8/14/01

Number of Pages including cover sheet:

3

To:

Rakee Famili

Phone:

Fax #

C:

410-887-2931

From:

Larry Schmidt
Planning Commissioner

Phone:

Fax #

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

Re: #01-552-A

33 Willow Ave.

Formal Hearing Request

Building Sketch
Site Plan

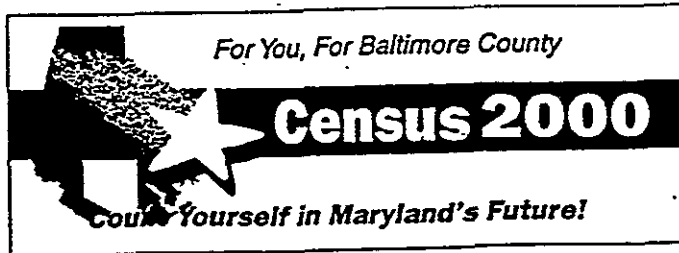
***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	0968
CONNECTION TEL	2931
CONNECTION ID	
START TIME	08/14 13:20
USAGE TIME	01'20
PAGES	3
RESULT	OK



FAX COVER SHEET



Date: 8/16/01

Number of Pages including cover sheet: 3

To:

Attn: Jim Merick
Fire Marshall's Office

Phone: 4881

Fax #: 6572

C:

From:

Harry Schmidt
Zoning Commissioner

Re: Case # 01-552-A
33 Willow Ave, Towson

Phone: 3868

Fax #: 3468

REMARKS:

☐ Urgent

☒ For your review

☒ Reply ASAP

☒ Please comment

Following please find a copy of a building sketch and site plan for the property located at 33 Willow Avenue in Towson. This property was the subject of a zoning hearing on Tuesday, August 14, 2001 for consideration of an application to convert the existing dwelling to a rooming or boarding house. I understand that this case was not included on the last ZAC agenda issued by the Department of Permits and Development Management, and thus, no comments were received from any County reviewing agency. In any event, I continued the hearing to next Wednesday, August 22, 2001, at 9:00 AM and have advised those agencies who would be most likely to comment to review the application and submit their comments to me as soon as possible prior to the hearing. Should you have any questions concerning this matter, please do not hesitate to call me. Thank you for your consideration.

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	0971
CONNECTION TEL	6572
CONNECTION ID	
START TIME	08/16 15:41
USAGE TIME	01'56
PAGES	3
RESULT	OK

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	0992
CONNECTION TEL	913018083002
CONNECTION ID	PAYROLL/HR
START TIME	08/24 13:03
USAGE TIME	02'42
PAGES	7
RESULT	OK

Case 01-552-A (8/22/01)

The
Piedmont
Group

8753 MYLANDER LANE
TOWSON, MARYLAND 21286
PHONE: 410.825.3600
FAX: 410.821.9588

AUG 17

Lawrence Schmidt
Dear Sir:

I attended the hearing on Tuesday Aug. 14, 2001. Unfortunately, it was postponed and I am unable to attend the next hearing due to my work schedule.

I am the mother of one of the tenants. My daughter has no other housing option in Towson for the fall semester. I feel this situation will only be an asset to the neighborhood. The landlord, in this case, is actually helping the neighborhood with the improvements to this property. My daughter is a good student and intends to live by the rules of the community. I request your kind consideration in this matter.

Sincerely,
Linda L. Burke
4009 Pear Cross Ct, Glenview, MD 21737

comments from Fire Marshal's office:

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

#01-522-A – Formal Request for Hearing (APPLICATION FOR USE PERMIT FOR ROOMING HOUSE)

33 Willow Avenue

Mary & Keith Davis

Hearing Date: 8/14/01 @ 9:00 a.m., Room 106

POSTPONED - NO ZAC COMMENTS

Rescheduled: Wednesday, August 22, 2001 @ 9:00 a.m.

**Larry called Bob Bowling - He spoke with Rahee Famili and faxed copies of sketch and site plan. Thought he may make a site visit prior to 8/22/01 hearing and offer comments ASAP.

Fire Dept. called also. Waiting for call back from Mudderman (sp.) If he calls fax copies of sketch and site plan and explain situation.

x 4881 *George* fax 6572

For some reason George never sent memo requesting ZAC comments on this item.

Robin

8/14/01

Greater Timonium Community Council, Inc.

9B Ridgely Rd. Box 276

Timonium, Md. 21093

Phone: 410-252-3444 Email: Leabo@aol.com Web Page: [Http://gtcc.hypermart.net/gtcc.html](http://gtcc.hypermart.net/gtcc.html)

8/21/01
wcc
jk
George
File

August 18, 2001

Zoning Commissioner, Baltimore County
4th Floor, Courts Building
401 Bosley Ave.
Towson, Md. 21204

AUG 24

Re: Case 01-552-A, 33 Willow Avenue

To the Zoning Commissioner:

The Greater Timonium Community Council, Inc. at its August 8, 2001 Board meeting, a quorum present, voted to support the Greater Towson Community Association in its opposition to granting approval for the use of the residential property at 33 Willow Avenue, Towson, Md. as a Boarding House.

Although this location is not within this organizations geographic area, we believe the issue affects the citizens in our area. Student, faculty, and others from Towson University, and others within our area will and are attempting to circumvent the residential zoning laws of Baltimore County. We believe your office can enforce those laws without infringing upon any citizen's rights. If the owners of this location wish to convert their property to business use, then a zoning change should be requested, not a variance to the existing law.

We trust you will give our view careful consideration in this matter and not approve the petition.

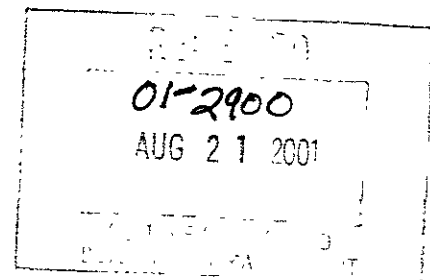
Very truly yours,



Louis W. Miller, President

Copy to: Greater Towson Community Association
✓ Arnold Jablon, Director, Permits and Development

File: GTCC-Zoning 33 Willow Ave.



Timeframe and Key Points

Date

Action

April 20, 2000

33 Willow Avenue Listed by O'Connor Piper and Flynn
(Property was listed as a 7-bedroom home with an accessory apartment.)
(*Exhibit A: MLS Listing BC3197268*)

Tuesday, May 15

This house had remained on the market for over one year and was in need of significant repairs.
(*Exhibit B: List of Repairs*).

Keith and Mary Davis purchased home with the expressed intent of renovating the property and then renting the property to daughter, Erin, and four (4) other Towson University students. There are 7 bedrooms in the home; however, they opted not to use 2 bedrooms on the 3rd level. There is also a kitchen on the second level which is being converted to a common living area. (*Exhibit C: Floor Plan of 33 Willow Avenue*)

Saturday – Sunday, May 19-20

Keith, Mary and the students began to make improvements and repairs to home on weekends and have continued to so for every weekend to date, with exception of June 16/17, when most were out of town.

Mary began meeting informally with the neighbors to introduce herself, explain who would be living in the house and the improvements that were being made. Collectively, these neighbors shared information that they knew the property had been listed and advertised as 2 apartments; that the previous owner had rented the upstairs apartment to three (3) Towson students for many years and that prior to that, that the home had been used as a boarding house.

Since the Towson Manor Village Community Association (TMVCA) is now representing these neighbors, I have not included their names in this presentation. I have included, however, a statement from the Charles Nitsios, confirming the previous owner's understanding of the prior use of the property. (Exhibit D: Letter from Charles Nitsios of O'Connor, Piper and Flynn)

Sunday, May 27

Keith Davis was approached by a neighbor, Bill Mathews, who was aware of how the property had been listed and who informed Keith that the size of the property may not be large enough to support 2 apartments, according to the Baltimore County Zoning. Also, Mr. Mathews informed Keith of the Zoning Law which prohibits more than 2 unrelated individuals from living in a single family home. This was the first time that the owners became aware that there might be a problem with the zoning. In Howard County, where the Davis' own their primary home, the zoning law provides for eight (8) unrelated individuals to live in a home, including those involved in "group homes." (*Exhibit E: Confirmation e-mail from Howard County Division of Public Service and Zoning Administration*)

Wednesday, May 30

Mary Davis went to the Baltimore County Zoning Commission to determine the zoning for 33 Willow Avenue and for clarification on the Baltimore County Zoning Law.

At this initial meeting, Mary was informed, that although the property may have been rented out as 2 apartments and may have been used as a boarding house for several years, it had never been properly zoned for such use. Also, Mary was informed that the lot size must be 6,000 square feet to allow for 2 apartments. The lot size for 33 Willow Avenue is 5,250 square feet.

Mary Davis was informed at that time of the options for requesting special exemption for use of the property. Mary scheduled a meeting for Tuesday, June 12 at 3 p.m. to meet with a Zoning Planner to discuss these options.

Weekends of June 2 – 3; 9 – 10

While working on making improvements to the house, Mary Davis met informally with the neighbors on Willow Avenue to discuss the housing situation; reviewed the list of repairs and renovations to the home; identified who would be living there and the date/time of the upcoming meeting with the Zoning Commission. At that time, there did not appear to be any opposition or concern by the neighbors.

Tuesday, June 12

Mary Davis met with Lloyd Moxley who reviewed the case and discussed the following options regarding this home.

- 1) Request a permanent exemption of the lot size to have the home remain as a 2-apartment residence.
- 2) Convert the home to a single-family residence and request a special exemption as a Rooming and Boarding House. This would have to be reapplied for each year and could be revoked at anytime.

Keith and Mary chose Option #2, since the intent was to maintain the house as a single-family residence.

June 12 – June 16

Mary Davis met informally again with neighbors immediately surrounding the property and explained the situation and the decision to request for the Special Exemption for a Rooming and Boarding House Use Permit. Mary was informed that there would be a Towson Manor Village Association meeting on June 19. She was scheduled to be out of town, so she prepared summary information to be shared with the home owners group and provided these to Betty and Bob Lake, neighbors on Willow Avenue, to share at the meeting. (*Exhibit F: Original Letter shared with Neighbors Prior to June 16*)

June 24 – July 9

The sign for the Public Notice Requesting a Rooming and Boarding House was posted on the property at 33 Willow.

Friday, July 6

Mary Davis contacted the Zoning Commission to determine if anyone had requested a formal hearing on the property. She was informed that Stacey Weiss, President, Towson Manor Village Community Association had requested one on behalf of the association.

Mary Davis contacted Stacey to discuss the situation with her and to schedule a time to met with her on Sunday, July 8 at the home.

Sunday, July 8

Mary provided Stacey with a "tour" to show the improvements and provided her with information, which showed the intent of the use of the property and the responsibilities of the students to respect the property as if it were their own home. (Exhibit F)

Mary explained to Stacey that the Rooming and Boarding House was a conditional use permit and that it required renewal each year and that it did not transfer with the ownership if the house was sold. This appeared to address some concerns that the TMVCA might have had.

Mary also explained to Stacey at that time, that they had scheduled for work to begin on repairing the roof for the week of July 15. The cost of this repair was approximately \$7,900. Mary explained the concerns of moving forward with this expense if they were unable to rent the property and/or had to sell the home immediately.

Stacey and Mary discussed the possibility of an Agreement which could be signed by the TMVCA and the owners of 33 Willow Avenue, which would address and concerns that the TMVCA may have. Stacey invited Mary to attend the TMVCA meeting on Tuesday, July 10 to share this information.

Tuesday, July 10

Mary Davis met with the homeowners who attended the meeting and explained the situation of purchasing the home, intent for use and the reasons for the temporary exemption that the owners were requesting and reviewed the tentative Agreement. (*Exhibit G: An Understanding and Agreement....*)

Thursday, July 12

Mary Davis contacted Stacey Weiss, who informed her that while the neighbors liked her as an owner and she had good intentions, TMVCA wanted to/needed to proceed with the hearing at the request of the Greater Towson Community Association. Mary was told that the GTCA was concerned about the impact that granting 33 Willow Avenue a Use Permit would have on other properties in the area.

Mary Davis contacted Lloyd Moxley of the Zoning Commission, to apprise him of the meeting with the Home Owners Association and to inquire as to the deadline for withdrawing the request for the Use Permit, should the owners decide not to continue with the improvements and sell the home.

Mr. Moxley informed Mary that the deadline was Friday, July 13. Also, he informed Mary, that if she chose to move forward, that the decision for Use Permit would be made based upon the specifics of this situation, not based on the past experiences of other property owners and/or on the assumptions of neighbors as to what may happen in the future.

Mary Davis contacted the parents and students the evening of July 12 to discuss the situation and to make a decision about the future of the home.

Friday, July 13

The parents/students contacted apartment complexes surrounding Towson University to inquire about openings for the Fall 2001 semester. None of the apartments had any openings for the fall and only had long waiting lists for the Winter, 2002 semester. Mary Davis also contacted Towson University, which only had a waiting list for its residence halls.

The owners made the decision at that time to proceed with the hearing, because this was the only chance for the students to have housing and based upon Mr. Moxley's statement that this case would be reviewed on it's own merits.

Mary Davis contacted both Lloyd Moxley and Stacey Weiss of the decision to move forward with the public hearing.

Mary Davis contacted the Brother's Roofing Company, to move forward with the \$7,900 in roof repairs. The owners wanted the roofing project completed before any of the girls moved into the home for safety reasons. (*Exhibit H: Brother's Roofing Contract*)

August 1

Only two students have moved into and live in the home, Gina Smart and Brittany Baer. To be in compliance with the Baltimore County Zoning law, the other women are awaiting the outcome of this hearing. This has not been a hardship yet, since classes have not yet begun at Towson University and they have scheduled vacation time from work to accommodate their schedules.

Metropolitan Regional Information Systems, Inc.

Page: 1

Date: 08/10/01

Time: 13:57

MLS#: BC3197268

Short Listing

33 WILLOW AVE, TOWSON, MD 21286

STATUS: WITHDRN

Ownership: Fee Simple, Sale

Legal Sub: TOWSON MANOR

Adv Sub: TOWSON

Lot-SF: 5250

Lot-Acres: 0.12

#Lvs: 3 #Fpls: 0

Main Entrance: Foyer

Tax Map:

TOTAL

MAIN

UPR1

UPR2

LWR1

LWR2

SCHOOLS

BR: 7

BR: 2

BR: 3

BR: 2

BR: 0

BR: 0

ES:

FB: 3

FB: 2

FB: 1

FB: 0

FB: 0

FB: 0

MS:

HB:

HB:

HB:

HB:

HB:

HB:

HS:

Main: Living Room, 15 X 12

Main: Bedroom-Master, 15 X 12

Main: Kitchen, 20 X 11

Main: Bedroom-Second, 13 X 11

Upper 1: Bedroom-Third, 15 X 12

Upper 1: Bedroom-Fourth, 15 X 12

Upper 2: Other Room 2, 21 X 10

Upper 1: Bedroom-Fifth, 12 X 10

Upper 2: Other Room 1, 21 X 12

Upper 1: Other Room 3, 12 X 11

Basement: YES, Full

Parking: Drwy/Off Str, Street

Heat: Forced Air, Natural Gas

Cool: Central A/C, Electric

TV/Cable/Comm:

INTERIOR: Dishwasher, Dishwasher, Exhaust Fan, Oven/Range-Gas, Refrigerator, Home Warranty, Attic-Finished, Florida/Sun Rm, Laundry-Kit

Lvl, Lndry-Sep Rm, Lndry-Uppr Lvl, Main Lvl BR, Utility Room, Kit-Table Space, Sep Dining Rm, Plaster Walls

EXTERIOR: Shingle-Shingle, Shingle-Asphalt, Fenced - Partially, Patio, City

REMARKS: ABSOLUTE BEST BUY IN TOWSON! TERRIFIC OPPORTUNITY IN TOWSON TO LIVE IN THIS SPACIOUS HOME WHILE

RENTING OUT THE ACCESSORY APT. NEW 20X11 KITCHEN ON 1ST FLR, UPDATED SYSTEMS, CAC, TERRIFIC YARD & A SHORT

WALK TO DOWNTOWN TOWSON! LR, ENCLOSED PORCH, 2 BR, 2 BA & LAUNDRY ON 1ST FLR. LR, 3 BR, 1BA, ADDITIONAL 12X11

KITCHEN ON 2ND & 2 ADDITIONAL BR ON 3RD! 2ND FLR VACANT.

DIRECTIONS: 2 BLOCKS PAST BURKE ON THE RIGHT OFF YORK ROAD

Broker: O'CONOR, PIPER & FLYNN ERA

Brkr Code: OPF50

Brkr Office: (410)433-7800

Brkr Fax: (410)433-5413

Home: (443)831-4420

Cell: (443)831-4420

Listing Agent: CHARLES NITSIOS

Agt Office:

Pager:

Show Instructions: Call Office, All Days

Owner: PRIVATE

Showing Contact: CALL OFFICE

List Date: 20-APR-2000

Update Date: 12-FEB-2001

Update Type: Status

Disclosures: Prop Disclaimer

Documents:

Cur Finance Type:

New Finance Types:

WATER

Water Oriented: N

Phys Dock Conveys: N

Vacation Prop: NO

Water Access: N

Nav Water:

Water View: N

Waterfront: N

Orig Price: \$195,000

Prior Price: \$169,500

H: (410)433-7800

DOM-MLS: 298

DOM-PROP: 338

SubComp: 3

BuyComp: 3

Add'l:

Dual: Y

DesR:

VarC: N

Property Condition: As-is condition

Possession: Negotiable

Inspection Summary

Client must also review entire report

rely solely on the summary notes

CLIENT: MARY DAVIS

INSPECTION ADDRESS: 33 Willow Ave

PRIORITY #1 Major: Immediate service upgrades and/or further evaluation recommended by an experienced professional

- 1) BASEMENT STAIRS - HAZARDOUS / WEAK - REPAIRS NEEDED!
- 2) Sump Pump: NOT OPERATIONAL!
- 3) BASEMENT WATER STATUS & DAMPNESS
- 4) BACK OF HOME: FLAT ROOF RUSTED / FAILING AND ALL FASCIA FLOORS BOARDS ETC, ROTTED OUT.
- 5) LOW BRICK ROOF BELOW FLAT ROOF IS WEAK & NEEDS REPAIRS
- 6) MAIN ROOF: DAMAGE AT GUT - PATCHED - RECOMMEND REPAIRS
- 7) FRONT PORCH RIGHT SIDE: FASCIA BOARDS ROTTED
- 8) SIDE PORCH: SHADE TREES & ROOF NEED REPAIRS & REPLACEMENT
- 9) LANDING LEADING TO ATTIC NEEDS REPAIR - FLOOR WEAK & BOUNCY
- 10) ATTIC: HAND RAILING LOOSE AT TOP OF STAIRS
- 11) ATTIC: HAZARDOUS WORKS / SPICES - MISSING FUNCTION BOX
- 12) OVERSICRANGE: DAMAGED UNIT - NOT FUNCTIONING
- 13) BASEMENT: ELECTRICAL MAIN PANEL: DOUBLE WIRING FURTHER EVALUATION & REPAIRS RECOMMENDED BY LICENSED ELECTRICIAN

PRIORITY #2 Minor: General repairs and/or upgrades soon be required by an experienced professional

- 1) BASEMENT WINDOW DAMAGED!
- 2) KITCHEN: SPRAY DAMAGED
- 3) FIRST FLOOR BATH: VANITY TRICET - LOOSE FROM WALL & LEAKS
- 4) SECOND FLOOR BATH: FLOOR - DAMAGE TILLS
- 5) KITCHEN: CEILING FAN IMPERFABLE
- 6) ATTIC: WINDOW CRACKED
- 7) UPSTAIRS B/POR: OUTLET ON FLOOR: NEEDS TO BE SECURED!
- 8) DEN - FRONT OF HOME: WINDOW CRACKED

- 14) WATER HEATER: ICE WATER LINE ATTACHED IS LEAKING!
- 15) WASTE LINE IN BASEMENT: LEAK ON LINE IN CRAWL SPACE
- 16) BOTH CHIMNEYS NEED REPAIRS / DETRIORATING!

PRIORITY #3 Note: General notes and/or minor maintenance recommendations. Field maintenance is essential for ongoing components

X HIDDEN ROOM: NO ACCESS, BROKEN WINDOW!

PRIORITY #4 Minor: General notes and/or further evaluation recommended by an experienced professional

MAP SKETCH ADDENDUM

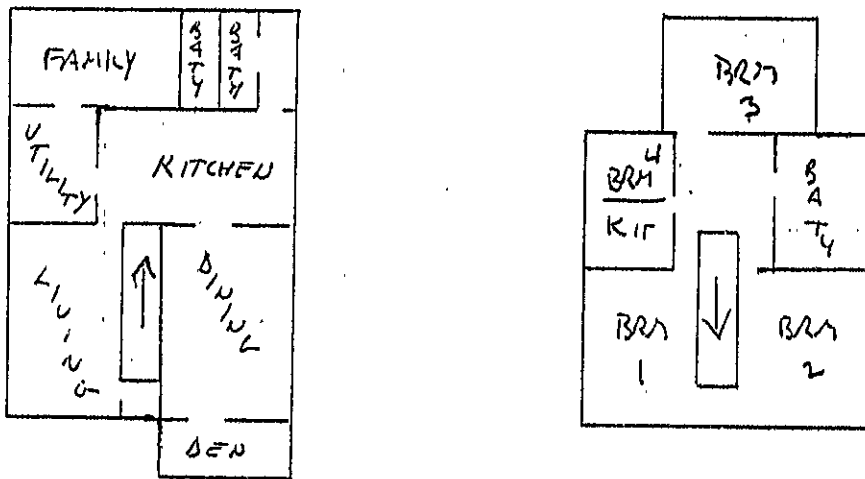
Borrower/Client			
Property Address			
City	County	State	Zip Code
Lender <i>Map D.R. 16</i>			

95-237A

BUILDING SKETCH

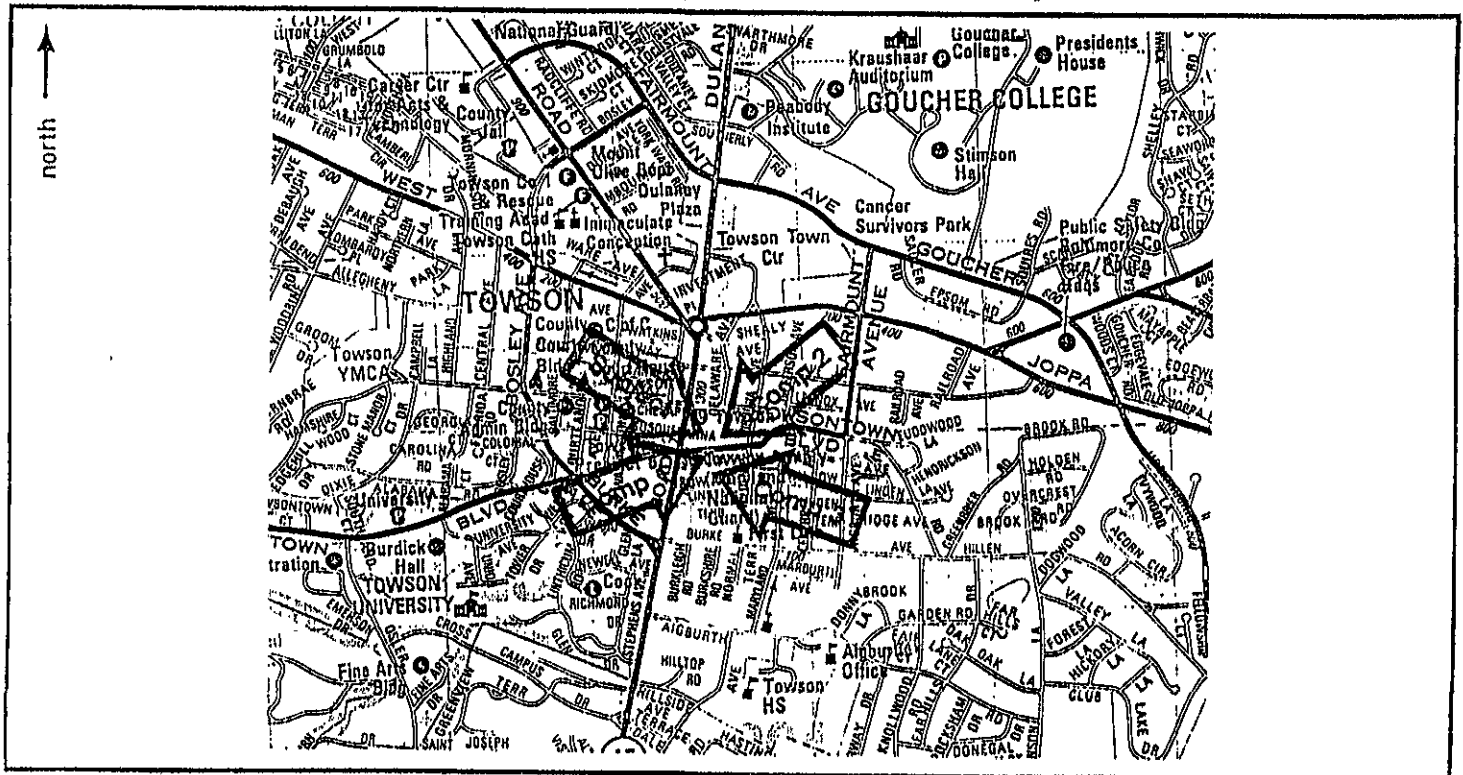
Baltimore County

(C)



- TWO STORY, TRADITIONAL STYLE
- APPROXIMATE FLOOR PLAN
- NOT TO SCALE

LOCATION MAP [*SUBJECT PROPERTY]



OVER FOR PHOTO ATTACHMENTS

O'CONOR, PIPER & FLYNN

D

August 10, 2001

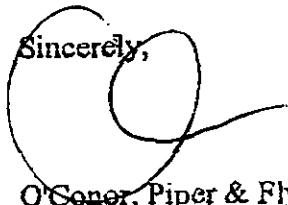
Mary Davis
6336 Departed Sunset Lane
Columbia, MD 21044

Dear Mary:

In reference to 33 Willow Ave, Towson MD 21286 it is my understanding and based on conversation I have had with a past owner that this property has had a long history as a rental and boarding house.

The previous owner acquired the property in the late seventies and at that time the home had multiple boarders and had been used in such fashion for many, many years. After the acquisition the owner reconfigured the space in the home, reduced the number of rooms, and continued to maintain the home as a rental property.

Sincerely,


O'Conor, Piper & Flynn
OP&F

Enclosure:

cc:

Exhibit E: Confirmation E-mail from Howard County
Division of Public Service and Zoning Administration

E

Subject: Re: Zoning Laws

Date: Fri, 10 Aug 2001 09:18:00 -0400

From: Jeff Bronow <jbronow@co.ho.md.us>

To: Mary Davis <mmdavis28@home.com>

CC: planning@co.ho.md.us

References:

1

Mary,

A house occupied by a group of unrelated people who are sharing rent (as opposed to a nursing home or residential care facility), the maximum number as a matter of right is eight persons, because that is what our definition for "family" says.

Answer prepared by:

Bob Lalush, Division of Public Service and Zoning Administration

F

Original Letter/Thoughts Shared with Neighbors prior to June 16

To: Our Neighbors of "The Willow House"
33 Willow Avenue

From: Keith Davis
Mary Davis
Erin Davis
(Owners of 33 Willow Avenue)

The home we just purchased on 33 Willow Avenue was listed by O'Connor, Piper and Flynn as a 2-apartment, multi-family dwelling, which was the main reasons that we purchased the home. After we bought our home, it was brought to our attention by a 3rd party, that the house could not be used as a 2-apartment dwelling, since the lot size 5,250 square feet and it must be 6,000 square feet. Our real estate agent informed us that he had confirmed the use of this property as a 2-apartment dwelling with the Zoning Commission, prior to listing the property, however, he has does not have that verification in writing.

Our daughter, Erin, who is one of the owners of the house, is a sophomore at Towson University. We had planned for one other girl to live in the first floor apartment with her and three other girls to live in the upstairs apartment.

Since the home can not be classified as a 2-apartment home, we are requesting a Special Exception Application, for the next 3 years, to allow these 5 girls to live in the house, and we would appreciate your consideration. After 3 years, when these girls graduate from Towson University, we will rent this house to my brother and his wife, who will be working in the Baltimore area. (*My brother will be 51 years old and his wife 48 years old at that time*).

All of these girls are very responsible and will maintain the house and its exterior so that it is appealing to the neighborhood. All of these girls are honor students, work in the area and three (3) of the girls have scholarships to Towson. They will all sign rental agreements that they must comply with all federal and state laws while living in the home; they may not have any large gatherings at the home nor make any noise which is intrusive to the neighbors and they must park only in our driveway or designated spaces for our house. Violation of the rental agreement will result in immediate eviction.

If there are other issues of concern, which we can address, please let us know and we will do so.

(Over)

The following are what we believe the advantages to this Special Exception:

- 1) The home will be occupied with responsible individuals and will be maintained by us.
- 2) On the exterior, we plan to repair/replace the roofs, repair the front porch, rebuild the side porch and re-landscape the back-yard and paint the exterior.
- 3) We are restoring the inside of the house to it's original wood floors, painting and repairing all walls/rooms and making repairs to the basement and updating all of the appliances
- 4) We believe that all of the above items will bring added value not only to the home, but to the neighborhood, by having it occupied by responsible individuals and properly maintained.

We are making an effort to meet with as many neighbors in the area as possible, prior to filing this Special Exception, to address any questions you may have. If we are unable to secure the special exception, than we will not be able to remodel this home's exterior nor interior, and we may need to sell the home "as is" prior to school starting and/or have it remain unoccupied. Also, these girls will need to secure other housing as soon as possible.

We are very committed to making both this house and the surrounding neighborhood a very special area of Towson and appreciate your consideration. If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Mary M. Davis
Keith M. Davis
Erin Davis

Home: (410) 531-3590
Work: (Mary) (301) 350-3400, Ext. 1362
E-mail: mmdavis28@home.com

Additional Information/Agreement as of July 7, 2001

1. The Special Exemption that we applied for with the Baltimore County Zoning Commission was for a Boarding House, not a permanent rezoning as a 2-apartment residence.
 - a. The Boarding House application must be renewed each year.
 - b. Any complaints may result in the loss of the Boarding House application during the year.
 - c. The Boarding House application only is applicable to us as owners, it does not carry forward to a new owner.
 - d. The permanent zoning as a 2-apartment residence was an option that was presented to us by the Zoning Commission, since the house had been previously rented this way and there are already two kitchens in the home. We did not choose this option, since we want to maintain this as a single family home for the reasons stated below.
2. In addition to the above, we are only requesting the Boarding House status from August 1, 2001 – June 30, 2003. We had originally proposed this for 3 years.
 - a. We have informed one girl that she will not be able to reside in the house, taking us from 6 to 5 girls. These 5 girls will be the only girls who reside in the home during this period, and if one leaves prior to May 31, 2003, we will not replace it with another renter.
 - b. In two years, May, 2003, two of the girls will graduate from Towson University and will move out of the property.
 - c. In September, 2003 the property would be occupied by my brother and his wife (Dan and Denise Hanses), my daughter, Erin and the remaining 2 other girls. This would be permitted under current zoning laws. Since there will be only 5 people living in the house at that time (*3 relatives and 2 unrelated*), we decided to reduce the number of girls living in the house initially from 6 to 5.
 - d. My brother and his wife will live in the home until we sell it, and it maybe that my brother will purchase the home from us. Our current plan is to own the home at least 7 years, in order for us to break even on the improvements that have been made. Our primary reason for purchasing the home was not as an investment property, but as a home for my daughter, and eventually my brother.
3. We will sign a document with the Home Owners Association and the Zoning Board stating that the Boarding Application will only be valid for a maximum of two years (specifically from August 1 – June 30, 2001) and again, that we understand that it may be revoked prior to June 30, 2001 if there are reasonable complaints levied against the property.

We appreciate the Home Owners consideration of our proposal. Once resolved, we will continue to move forward to make the improvements to the home and property value, which we estimate at approximately \$20,000 once completed.

Welcome to the Willow House

33 Willow Avenue
Towson, Maryland 21286

Owned by: Keith , Mary and Erin Davis
6336 Departed Sunset Lane
Columbia, MD 21044
(W: Mary) 301-350-3400, Ext. 1362
Home: 410-531-3590
E-mail: mmdavis28@home.com or mdavis@washsports.com

Rent: \$400 per month

of occupants: 5

Rental Agreement: Renters will sign a Renters Agreement with more specific information outlining rights and responsibilities of owner and renter.
(Occupancy begins August 1st , need to address this issue)

Features and amenities included in rent:

- 1) Basic Phone Service for 2 phone lines, with call waiting and caller id.
- 2) Cable TV with HBO in all living and bedrooms
- 3) Comcast Internet Cable Connection for 5 computers
- 4) All utilities, including electric, gas, water and trash pick-up.
- 5) Furnished common living space, all kitchen appliances, cooking and eating utensils.
- 6) Supplies of all general cleaning supplies for the house.
- 7) All outdoor maintenance of home.

House Rules

- 1) Rent is due by the 5th of the month, payable to Keith Davis. You may give the check to Erin Davis or mail to the address above.
- 2) Treat the house as if you were own by keeping house in good repair and report any problems as soon as possible to Erin and/or Keith/Mary.
- 3) Compliance with all city, county and state laws.
- 4) No alcohol kept or consumed in the house unless the responsible individual is over the age 21.
- 5) No smoking inside the house.
- 6) Park in only designated parking spots on the side and rear of the house.
- 7) Respect the neighbors property, privacy and quiet neighborhood.
- 8) Have fun together.

(Explanation of Rent:

\$400 * 5= House Payment: \$2,200

House Payment/Taxes/Insur.	\$1,550
Gas/Elec/Water/Trash	\$ 360
Cable: TV/Computer	\$ 100
Phone: 2 lines	\$ 90
Monthly Maintenance/Misc	<u>\$ 90</u>
	\$2,190

Draft Agreement which was never signed.

(G)

**An Understanding and Agreement
between the
Owners of 33 Willow House, Towson, Maryland
and
Towson Manor Home Owners Association**

1. Both parties understand that the current owners of 33 Willow applied for a Special Exemption with the Baltimore County Zoning Commission for a Boarding House residence for the following reasons:
 - a. The owners purchased the house at 33 Willow on May 15, 2001, with the understanding that it was properly zoned for 6 non-related people to live in the home.
 - 1) The MLS listing of the home by O'Connor, Piper and Flynn stated that the home was a 2-apartment dwelling.
 - 2) The home has two kitchens and separate entrances into the living spaces.
 - 3) The previous owner had lived in the lower "apartment" and rented the upper level to three (3) Towson University students.
 - b. The owners purchased the home to specifically rent to six (6) Towson University students, *(all girls, including their daughter and all who knew each other)* from August 2001 – July 2004. Beginning August 2004, the owners intended to rent the home to a brother and sister-in-law, a daughter and two other Towson University students.
 - c. The owner intended to reinvest the rent money into the property. The owner determined that approximately \$20,000 worth of improvements was needed in the home.
 - d. The owner was informed on Sunday, May 27, by a neighbor, for the first time that the property may not be properly zoned for a 2-apartment complex since the lot size was not large enough.
 - e. The owner met with the Baltimore County Zoning Office the week of May 26 to determine the zoning for the property and scheduled a meeting to discuss zoning options which would meet the original goals of the owners and so that the owners would not be required to sell the property.
 - f. The owner decided to request a Special Exemption for a Boarding/Rooming house.

Initial:

MD _____

SW _____

2. **Both parties understand that a Special Exemption with the Baltimore County Zoning Commission for a Boarding House includes the following:**
 - a. The Boarding House application must be renewed each year with the Zoning Board.
 - b. Any reasonable complaints may result in the loss of the Boarding House application during the year.
 - c. The Boarding House application only is applicable to us as owners; it does not carry forward to a new owner.
3. **A meeting was held on Tuesday, July 10 between Towson Manor Home Owners Association and Mary Davis, one of the owners, to discuss the owner's intent for the use of the property.**
 - a. At this meeting, the owner explained to the attendees the series of events that led to the purchase of the home and the request for the Special Exemption for a Boarding House.
 - b. The owner explained the timeframe for having a commitment of being able to have renters in the property, which was no later than August 1. This would allow the owners to make the necessary improvements in the property prior to tenants moving into the property. If the owners were unable to have a sufficient number of renters in the property, then they would not be able to keep the property and would need to sell it as soon as possible. Also, they would need to notify the six (6) girls so that they could find alternative housing for the 2001-02 school year.
 - c. Understanding that there have been issues relating to college students renting properties in the area, the owner proposed that the conditions listed below be placed on the Boarding House Special Exemption, either by agreement with the Towson Manor Home Owners Association and/or the Zoning Board.
4. **Revisions to original proposal and conditions for Granting Boarding House Special Exemption.**
 - a. Owners agree to request a Rooming/Boarding House status from August 1, 2001 – July 31, 2003. The owners had originally planned to request this until July 31, 2004. After August 1, 2003, the property would return to a zoning as Single Family Residence and the current owners will not request an extension of the Rooming/Board House Special Exemption.

Initial:
MD _____

SW _____

- b. The owners will reduce the number of renters from 6 girls to 5 girls. The owners have already informed one girl that she will not be able to reside in the house. These 5 girls will be the only girls who reside in the home during this period, and if one leaves prior July 31, 2003, we will not replace it with another renter.
 - c. In September 2003, the owners intend for the property to be occupied by a brother and his wife; a daughter, Erin and the remaining 2 other girls. This would be permitted under current zoning laws. Since there will be only 5 people living in the house at that time (*3 relatives and 2 unrelated*).
 - d. The owner will make the following improvements to the house by September 1, 2001.
 - 1) Repair of 3 lower roofs and installation of gutters, which have been estimated to cost approximately \$8,000.
 - 2) Construction of a driveway along the left side of the house and grading of the backyard to have parking space to accommodate parking for the renters. Approximate cost: \$6,000.
 - 3) Renovation of the home's interior including refinishing of hardwood floors; retiling of kitchen and bathroom floors; purchase of new appliances and painting of all interiors.
 - e. The renters agree to comply with all zoning requirements, to be respectful of the owner's home and the privacy of neighbors. This includes parking only in the property's driveway and/or with a Residential Permit on the street; maintaining the lawn; having no trash or debris on the exterior of the property; no excessive loud noises or activities that would disturb the neighbors.
- 5. The Towson Manor Home Owners Association has stated to the owners that based on the revisions and conditions stated in Number 4, that it will support the owners in their request for a Special Exemption at the Baltimore County Zoning Commissions Public Hearing.**

Based upon this statement of support, the owners will move forward with making the improvements stated in Number 4 and incur the expenses prior to the Public Hearing.

This understanding and agreement was entered into on Thursday, July 12, 2001, by the following individuals who represent the Owners and the Towson Manor Home Owners Association.

Mary M. Davis
Owner
33 Willow Avenue
Towson, Maryland

21286

Stacey Weiss
President
Towson Manor Home Owners Assoc.

1 of 3
DATE June 15, 2001

BROTHERS ROOFING COMPANY

JOB NO. _____

PROPOSAL
REFERENCE NO. 61-125

111 HANOVER PIKE / HAMPSTEAD, MD 21074 / 410-239-6422 / MHC #23479

CONTRACT PROPOSAL

BROTHERS ROOFING COMPANY ("BROTHERS") SUBMITS THIS PROPOSAL FOR MATERIALS AND LABOR TO BE SUPPLIED AT THE SOLE REQUEST AND ORDER OF:

NAME Mr. & Mrs. Davis
ADDRESS 6330 Dependent Street Lane
CITY/STATE Columbia MD ZIP 21046
HOME PHONE 410-531-3592

JOB ADDRESS 33 W. Gray Ave.
CITY/STATE Towson MD ZIP 21286
WORK PHONE 301-550-3110 #1362

(THE "OWNER"), FOR WORK TO BE PERFORMED AT THE JOB ADDRESS SET FORTH ABOVE, ACCORDING TO THE TERMS AND SPECIFICATIONS ATTACHED AS EXHIBIT A (THE "PROJECT").

MODIFICATIONS

All materials used in the Project are guaranteed to be as specified and, whenever possible, will carry a manufacturer's warranty. Subject to the limitations and qualifications contained in the limited warranty attached hereto, the Project shall be completed in a neat and workmanlike manner. Any modification, alteration or deviation from the above specifications must be authorized in

writing executed by the Owner or his authorized agent and by Brothers' authorized agent. Any cost increase in the Project resulting from such modification, alteration or deviation will be billed in addition to the amount due under this proposal. Agreements made with mechanics, subcontractors or unauthorized Brothers' employees are unenforceable against Brothers.

PAYMENT

Brothers Roofing Company proposes to perform the Project in accordance with this Proposal, together with all attachments hereto, for the following sum:

\$ 7,500.00 TOTAL AMOUNT \$ 3,500.00 DEPOSIT (limited to 1/3 of Total Amount) \$ 5,000.00 BALANCE DUE

PAYMENT TO BE DUE AS FOLLOWS: DEPOSIT (due upon acceptance of proposal) BALANCE (due upon completion of project)

CONTRACTOR ACCEPTANCE

Project to be started on or before July 15, 2001
and substantially completed before July 31, 2001

Brothers
Representative Mark Wingard License # 39167
Accepted by
Brothers _____ License # 23479

This proposal may be withdrawn if not accepted within 5 days

SCHEDULING OF PROJECT, STARTING, AND COMPLETION DATES SUBJECT TO TERMS AND CONDITIONS LISTED ON THE BACK OF THIS PROPOSAL

OWNERS ACCEPTANCE

The terms, and conditions of the (1) PROPOSAL, (2) TERMS AND CONDITIONS OF SCHEDULING, STARTING, AND COMPLETION DATES, (3) TERMS AND SPECIFICATIONS, (4) NOTICE OF CANCELLATION and (5) LIMITED WARRANTY (all of which are attached hereto and incorporated herein by reference) together with any amendments, addenda or other documents attached hereto, are satisfactory and are hereby agreed to by Owner. Brothers is hereby authorized to perform the Project as specified and payment will be made as outlined above, the Owner, by accepting this Proposal, represents and warrants that he is the sole owner of the premises located at the Job Address listed above and that he has read and understands the Proposal together with all attachments. Upon execution by Brothers and Owner, the Proposal and attachments shall represent the complete and binding agreement between the parties. If any portion of this Proposal or any attachment hereto is deemed

unenforceable, the Proposal shall be treated as if the unenforceable portion were not a part of the Proposal, and the remainder of the Proposal shall remain in full force and effect. This Proposal and attachments shall be construed in accordance with the laws of the State of Maryland.

YOU, THE OWNER MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

OWNER [Signature] DATE 6/15/01
BROTHERS [Signature] DATE 6/15/01



June 9, 2001

Mary Davis
6336 Departed Sunset Lane
Columbia, MD

Job Site: 33 Willow Avenue
Towson, MD 21286

- | | |
|---|------------|
| 1) Replace metal flat roof on rear of house (12' x 14') with GAFMC Rubberoid roofing material (Black). | \$1,700.00 |
| A) Re-deck roof with 1/2" CDX plywood (This is recommended) | \$800.00 |
| 2) Repair upper portion of main roof (8-sq. ft.) where chimney was removed. | |
| A) Repair lower portion of rear porch with like decking material (6'). | \$338.00 |
| Note: BRC will use Royal Sovereign 25yr shingles for repairs. | |
| 3) Install a GAFMC Cobra 2 ridge vent across ridge of main roof (36'). This will help balance ventilation. | \$420.00 |
| 4) Re-flash upper and lower brick chimneys. (If you decide to remove lower chimney then remove 225.00 from price.) | \$450.00 |
| 5) Remove complete side porch (50 sq. ft.) roofing system (shingles, felt and plywood).
Straighten rafters, install 1/2" plywood, install Shingle Mate felt by GAFMC,
install drip edge, install Royal Sovereign 25yr shingles and counter flash. | \$850.00 |
| 6) Replace 75' of gutters and 110' of downspouts. (Gutters are seamless) | \$817.00 |
| 7) Install 198' of vented vinyl soffit and 227' of fascia and rake aluminum wrap.
(this includes all areas except front porch area) | \$2,096.00 |

TOTAL \$7,900.00

Thank you for your consideration. Please feel free to call me with any question or concerns.

Mark Wingard
443-277-0970

Repair Expenses Incurred to Date for Improving Home
(see Exhibit H: Before/After Pictures of Home)

1.	Repair of Roof Brother's Roofing Company	\$7,500	
2.	Restoration of Hardwood Floors Repair of termite damage Rental of Sander Stain and Sealer	\$750	
3.	Painting of all Interior Walls and Framing (22 gallons of paint @ \$16.95/gallon) All related painting supplies.	\$650	
4.	Repair of flooring in all bathrooms; replacement of vanities and sinks	\$450	
5.	Renovation of rear bedroom.	\$525	
6.	Replacement of all shades/window coverings	\$950	
7.	Updating and rewiring of all phone wiring in home. Verizon Telecommunications	\$320	
8.	Installation of all cable services and internet to home. Comcast Cable	\$240	
8.	All items listed on Building Inspection List	<u>\$1,500</u>	
9.	Excavation and building of driveway and rear parking. (To be done; receiving estimates)		TBD
		\$12,885	

Please visit our Community WebPages: geocities.com/TMVCA/home.html and our bulletin board page at geocities.com/TMVCA/home.update/html



TOWSON MANOR VILLAGE
COMMUNITY NEWSLETTER
AUGUST, 2001

Flea Market – The community will hold its fall flea market at the park on Saturday, September 15th if enough interest is generated. If interested, please call Pam Renner ASAP at 410-583-9272.

Parking – Please be kind to you neighbors and try to park in front of your own house whenever possible. Residents with only one car would especially appreciate your consideration. Some of your neighbors have difficulty when they cannot find a space close to their homes. (Lugging groceries, etc.) Thank you.

14 Willow Avenue Hearing – The hearing to determine the commercial use of Leo's Garage is August 24th at 9:00 a.m. in Room 407 of the new courthouse. If you have an interest in this, please plan to attend the hearing.

33 Willow Avenue Hearing – This property has been purchased and the new owner is hoping for zoning approval for a rooming/boarding house permit. TMV feels this may be counterproductive to community goals. The hearing is August 14th, 9:00 a.m. Room 407. If you have any opinions on this matter and/or would like to attend the hearing, please call Stacy Weiss at 410-321-6816.

**Next TMV Meeting Tuesday, 9/11/01
at 23 W. Chesapeake Ave.,
7:30 p.m. Mark your calendars**

President:	Stacey Weiss	321-6816
Vice President & Newsletter:	Christie Cox	828-0255
Vice President of Membership:	Jocelyn Vaughan	821-5361
Secretary (New officer)	Nancy Georges	823-0479
Treasurer:	Blair Melvin	823-1128
V.P. Zoning (New Officer)	Thomas Coard	337-3514

Reminders: Please stop going the wrong way on Aigburth!

GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS

P.O. BOX 5421, TOWSON MARYLAND 21285-5421
410-828-8694

www.geocities.com/gtcca_towson/updates.html
gtcca_towson@yahoo.com

RESOLVED: That the GREATER TOWSON COUNCIL of COMMUNITY ASSOCIATIONS, Inc. shall, from January 1, 2001 to January 31, 2002, assign official responsibility for review, representation, and action on all zoning and development matters to the EXECUTIVE BOARD and the Chair and Deputy Chairs of the Zoning Committee, which consists of the following members:

- Conrad J. Poniatowski, President
- Timothy Silcott, Vice President
- Peggy Squitieri, Treasurer
- Corinne Becker, Recording Secretary
- Whitney Dudley, Corresponding Secretary
- * J. Donald Gerding, Zoning Committee Chair
- Richard Parsons, Zoning Committee Deputy Chair
- Douglas Riley, Zoning Committee Deputy Chair

AS WITNESS: Our hands and seal this 18th day of January 2001.

ATTEST: GREATER TOWSON COUNCIL of COMMUNITY ASSOCIATIONS, INC.

Corinne Becker
Secretary

Conrad J. Poniatowski
President

Commissioner's
COPY

See
Address
on sign in
sheet
for mailing
of checks, etc

**BYLAWS
OF THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
(GTCCA)**

ARTICLE I. NAME

**The name of this organization shall be the
Greater Towson Council of Community Associations, Inc.,
herein after referred to as GTCCA**

ARTICLE II. OBJECT

- Section 1.** The general object of GTCCA shall be to educate, to assist in preservation, stabilization and development, to serve as a means for member community associations to present a united front on common community problems too large or complex to be handled effectively by individual associations and, given authority on specific occasions, to speak or act on behalf of member associations.
- Section 2.** The specific objects of GTCCA shall be to:
- A. Gain better coverage by the mass media of community problems and positions.
 - B. Act as a nonpartisan influence in obtaining favorable legislative and administrative actions affecting our communities.
 - C. Create an organization capable of amassing data to support or establish GTCCA programs.
 - D. Mobilize human resources and expertise from the expanded community membership base needed to carry out objectives herein listed.
 - E. Create educational programs and publicize information needed by member associations to handle community problems.
 - F. Participate as a full partner to the extent permitted by law in the preparation and review of public planning, cycle zoning and proposed legislation, as these may affect both the core and the adjacent residential areas.
 - G. Undertake any other actions which are necessary and proper to carry out the objects of these bylaws.

NO 1

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1998, Legislative Day No. 18

*# 33 Willow
Commissioner
Cory 10-20-98*

Resolution No. 76-98

Mr. Douglas B. Riley, Councilman

By the County Council, October 19, 1998

A RESOLUTION of the Baltimore County Council to adopt the Southeast Towson Community Plan as part of the Baltimore County Master Plan 1989-2000.

WHEREAS, the Baltimore County Council adopted the Baltimore County Master Plan 1989-2000 on February 5, 1990; and

WHEREAS, the Master Plan advocates the development and use of community plans for the established neighborhoods in the County; and

WHEREAS, a community plan for the Aigburth Manor, Burkleigh Square and Towson Manor Village neighborhoods in southeast Towson is a logical unit for planning within Baltimore County; and

WHEREAS, the Southeast Towson Community Plan was prepared in close cooperation with area residents, business owners and representatives of Towson University and was the subject of community meetings on June 2 and June 18, 1997; and

WHEREAS, the draft plan was the subject of a public hearing by the Planning Board on May 21, 1998, and was adopted by the Board on July 9, 1998; and

WHEREAS, the County Council held a public hearing on the recommended Southeast Towson Community Plan on September 8, 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF

BALTIMORE COUNTY, MARYLAND, that the Southeast Towson Community Plan, a copy of which is attached hereto and made a part hereof, be and it is hereby adopted and incorporated into the Baltimore County Master Plan 1989-2000 to be a guide for the development of the Southeast Towson area, subject to such further modifications as deemed advisable by the County Council.

r07698

PROPOSED AMENDMENTS TO RES. 76-98

By Councilman Douglas B. Riley

Amendments to the Southeast Towson Plan

Page 4. Last paragraph

Insert after second sentence: *"Negatives were associated with disruptive student behavior, commuter traffic and parking, and noise from large parties. Many of the negative comments about rental housing related to behavior of students—too many people, too many cars, too late hours, too much noise, too many parties, etc."*

In the third sentence replace *"has worked"* with *"will work"*

Page 5. Last paragraph, last sentence

Replace *"mixture"* with *"variety"*; add *"owner-occupied"* after *"of"* add *"(for example Condominiums)"* after *"types"*. Delete text in parentheses.

Page 6. first paragraph

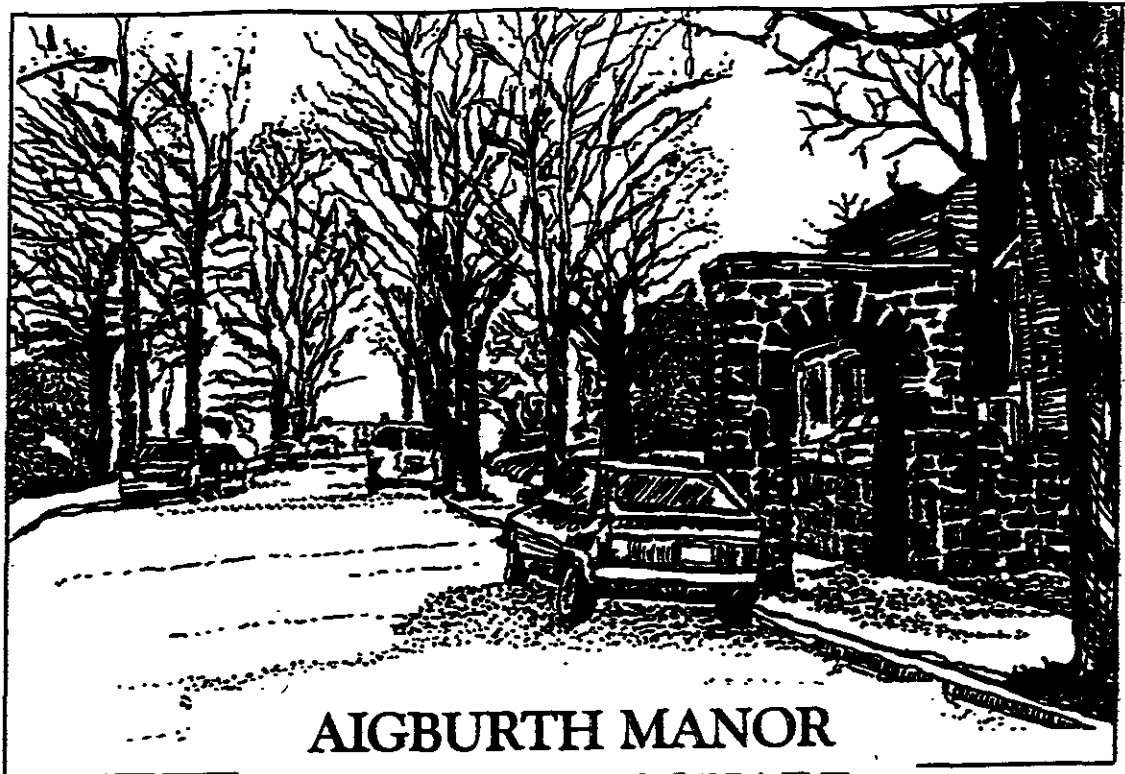
Place a period after RAE 2. Delete *"unless"*. Begin new sentence *"However given the deficit in parkland acreage in Towson,"*

Delete second bullet under number one.

Page 7 insert as # 1

"Work with the Office of Permits and Development Management to improve enforcement of Rooming House/Boarding House regulations."

Renumber succeeding items from 2 through 8.



AIGBURTH MANOR
BURKLEIGH SQUARE
TOWSON MANOR VILLAGE

SOUTHEAST TOWSON COMMUNITY PLAN

As Adopted by the Baltimore County Council
October 1998



Baltimore County
Planning Board

401 Bosley Avenue
Towson, Maryland 21204
(410) 887-3495
Fax: (410) 887-5862

RESOLUTION
Adopting and Recommending the
SOUTHEAST TOWSON COMMUNITY PLAN

WHEREAS the Baltimore County Master Plan 1989 - 2000 places great importance on the development and use of community plans for the established neighborhoods in the County; and

WHEREAS the Community Conservation Committee of The Towson Partnership has assisted residents, business people and representatives of Towson University and Baltimore County government to draft a community action plan for the Aigburth Manor, Burkleigh Square and Towson Manor Village neighborhoods in southeast Towson, which is a logical area for planning in Baltimore County; and

WHEREAS the draft of the Southeast Towson Community Plan was the subject of community-wide meetings on June 2 and June 18, 1997; and

WHEREAS the draft plan, as presented to the Planning Board on April 23, 1998, was the subject of a public hearing by the Board on May 21, 1998, discussion on June 18, 1998, and further discussion and amendment by the Board on July 9, 1998;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 26-81 of the Baltimore County Code, 1988, that the Baltimore County Planning Board hereby adopts the Southeast Towson Community Plan, as amended, to constitute a part of and an amendment to the Baltimore County Master Plan 1989-2000; and

BE IT FURTHER RESOLVED, that the Southeast Towson Community Plan shall be transmitted to the Baltimore County Council for adoption in accordance with Section 523(a) of the Baltimore County Charter.

DULY ADOPTED by vote of the
Planning Board this 9th day of
July, 1998


Arnold F. 'Par' Keller, III
Secretary to the Planning Board

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Southeast Towson Community Action Plan Recommendations

INTRODUCTION

The Southeast Towson Communities of Burkleigh Square, Towson Manor Village and Aigburth Manor participated in the creation of these recommendations. These three communities are located on the east side of York Road, contiguous to downtown Towson's offices, courts, shops and restaurants on the north and across York Road from Towson University.

Members of The Towson Partnership's Community Conservation Committee assisted community member by discussing problems identified in a survey conducted in the tri-community area. Four subcommittees, comprised of area residents, business people, representatives from Towson University and Baltimore County government worked on the Plan. The surveys indicated great appreciation for the convenient location, safe and quiet neighborhoods with well-kept nicely landscaped homes and good schools. Residents expressed concerns about the negative impact of the following:

- the number of properties rented to students,
- large volumes of traffic on neighborhood streets,
- the rate at which that traffic moves,
- the lack of adequate parking enforcement,
- the need for more efficient code enforcement,
- the lack of adequate maintenance of some of the properties.

This provided the basis for the committees' work. The committees discussed these concerns, circulated a draft to the community and held a town meeting to solicit public comments on that draft. These recommendations are the result.

The purpose of these recommendations is to strengthen good neighborhoods and to make them better. The framework relies on neighborhoods defining standards which are considered acceptable and encouraging all of those living or owning property within the Plan area to meet those standards. These standards are those that define a strong community, not the minimum thought necessary through code enforcement to prevent health and safety hazards. For those who are unable to meet these standards, help will be offered. For those who refuse to maintain their properties, code enforcement will be invoked. A poorly maintained property is a blight on the community and decreases the value of all other properties, whether owner-occupied or investment property. It is in everyone's long range economic interest to have an orderly, well-maintained community where residents enjoy a high standard of living, and feel comfortable raising their families or enjoying their retirement.

The plan recommendations envision a cooperative approach among all those with a stake in the plan area: homeowners, renters, students, University administrators, absentee landlords, code and building inspectors, community planners, and the Police. These stakeholders must work together to solve problems, build relationships, and create a solid basis for Southeast Towson's excellent neighborhoods, with their strong housing values, wonderful location, terrific schools, foundation in history, and good working relationships with Towson University.

SUMMARY OF DATA COLLECTION

The Southeast Community Plan area includes the neighborhoods of Aigburth Manor, Burkleigh Square, and Towson Manor Village. Plan boundaries are as follows:

- North Towsontown Boulevard
- West West Burke Avenue and York Road
- South Cedar Avenue and Aigburth Road
- East Hillen Road and Aigburth Road

An estimated one thousand six hundred persons live within the boundaries which includes six hundred twenty three properties, four apartment buildings totaling one hundred thirty five units, fourteen commercial properties on York Road corridor with thirty one businesses, and seven commercial properties on Towsontown Boulevard with 31 businesses.

Methodology:

The members of The Towson Partnership's Community Conservation Committee worked with community residents in gathering the background information. A property survey form was completed for each of the six hundred twenty three properties in the study area from public information in the Tax Assessment Office and from visual inspection of each property. Information on property ownership, assessed value, purchase price, and date of purchase was gathered to establish a basis for determining the percentage of rental properties within the communities and for assessing trends in the value of properties. Teams of two persons looked at each property within each community to observe the exterior condition of the property. These teams also noted the type of home (attached, detached, etc.), availability of off-street parking and the general condition of lawns, landscaping, garages, etc. These teams also noted properties exhibiting maintenance needs, possible zoning violations and any other special features relevant to this survey. This information was then entered into a database.

Following the completion of the property survey, an opinion and demographic survey was distributed to all homes in the communities. Two hundred and twenty one surveys were returned. The survey gathered demographic information about residents in the communities and learned about the attitudes of the residents toward their community. Thirty three percent of the surveys were returned. The surveys allowed the respondents to remain anonymous.

State tax assessment data:

Data gathered on four hundred seventy seven homes show an average assessment of \$37,888, translating to a selling average of \$94,720. Of sixty two houses sold in the 1970's, the average selling price was \$32,674. During the next decade that average price rose 79% to \$58,618, based on eighty four houses sold. Between 1990 and 1995, one hundred four houses sold at 64% increased price versus the prior decade, for an average of \$94,976.

Housing Values 1970-1995

Decade Sold	Number Sold	Average Sale Price	% Increase
1970's	62	32,674	—
1980's	84	58,618	79%
1990-1995	104	94,976	64%

The tax information indicates that assessed value for the three communities varies depending upon the housing styles and size of lot, from a low of \$29,841 for Susquehanna Avenue to a high of \$68,337 for Aigburth Road. A historic review of the average purchase price indicates rising value with an average annual increase for 2½ decades exceeding the average increase for the metropolitan area. On Susquehanna Avenue, for example seven homes were sold in the 1970's for an average price of \$27,782; fourteen were sold in the 1980's for an average price of \$55,075, and fourteen were sold in the 1990's for an average of \$91,174.

Sixty-nine percent or 423 properties are owner occupied. Thirty-one percent or 188 are rented. The apartments at Cardiff Hall were not counted as part of the rental totals. Census block data from 1990 which includes apartment complexes on a per unit basis is given in the following table for comparison.

Percentage of Owner/Renter: Study area vs. Greater Towson area

	Study area(%)	Towson, 2 mile radius(%)
Owner occupied	45.2	58.3
Renter occupied	50.3	37.1
Vacant	4.5	4.6

Residential inventory:

The above chart confirmed community residents belief that a disproportionately large percentage of homes in their neighborhood were rental properties.

Residents noted on the inventory forms that :

- 25 properties were rented to students
- 36 were rented to singles/roommates
- 45 were rented to a family member
- 4 are group homes
- 20 properties have frequent tenant turnover
- 20 owners were listed on 2 or more deeds, 9 of whom live within the study area
- 13 properties were vacant
- 11 properties were listed for sale
- 62 homes (10%) were divided into 2 or more units (apartment conversions)

Perceptions and attitudes:

Respondents expressed very positive opinions about their community, especially:

- Close proximity to services; such as shopping, library, restaurants, stores, doctors' offices, houses of worship

- Safety, quiet and friendliness of the neighborhood
- Variety of shopping opportunities
- Entertainment possibilities
- Excellent schools
- Variety of institutions
- Steady to increasing property values

The stability of southeast Towson is illustrated by the fact that the vast majority of respondents were property owners who have owned their homes for more than seven years and who intend to remain in the community for another seven years or more. Respondents, by and large, know and like their neighbors, maintain their properties well, and appreciate the ambiance of the older homes and tree-shaded streets. Of those who are active in the workplace, most report working in Baltimore County or Baltimore City. Twenty two percent of the population is elderly and/or retired. Among this group, there is an intention to remain in their homes as long as possible, again citing the friendly neighbors, quiet and safe neighborhood, and proximity to hospitals and shopping. Many respondents replied that they would recommend to others that they purchase homes in their neighborhood.

Population by age: Study area vs. Greater Towson area

Age group	#	%	County wide	Study area	Towson 2 mile radius
<18 years	82	18	17%	13.4%	14.1%
18-24 years	36	8	9%	11.5%	2.5%
25-39 years	108	24	25%	13.1%	14.9%
40-64 years	122	27	27%	29.7%	27.1%
65+ years	101	22	20%	32.3%	19.6%
Total	449				

Source: Community Survey

Source: Census Data

Problem areas:

Respondents expressed fairly specific negatives which affect the neighborhoods:

- Rental properties, especially those rented to students, were the number one problem, according to 79 respondents.
- Traffic problems on Burke Avenue, both volume and speed, were also a major problem, noted by 61 respondents.
- Parking problems such as commuters in the neighborhoods and excessive rental housing populations who tend to violate restricted parking regulations were cited by 43 respondents.
- Animal problems, (dog, cats and wild birds) were mentioned by 43 respondents.

Towson University:

Respondents indicated a sometimes mixed relationship with Towson University. Many listed proximity to TU as a positive for the neighborhood; but many of the same people listed it as a negative. The University in an on-going effort to address issues *has* *will* worked with the area neighborhood associations to develop "Good Neighbor

Guidelines", which are now printed in the Student Handbook distributed to students who live off campus.

Maintenance /appearance:

In general, properties in this area are well maintained, neatly landscaped, and with sturdy porches and outbuildings, and fresh paint. Properties which do not adhere to the neighborhood standards are a source of aggravation to the nearby property owners, who are concerned that these properties will lower the standards of the neighborhood. Sixty-three homes were rated poor or terrible which meant that approximately 9.5% of the homes needed exterior work. In addition, 15% of properties were judged in need of landscaping improvements. Of these 63, 29 homes were owner occupied and 34 homes were rented. Subsequent mapping indicated that the homes in poor condition are clustered in one area, leading community residents to speculate that the unkempt rentals were a disincentive for property owners to carefully maintain their properties.

Density:

Limited parking is a problem in both Burkleigh Square and Towson Manor Village, and especially on the streets with row homes. Therefore, the number of persons in each home and the number of cars was of special interest to them. The chart below indicates the increase pressure on parking spaces due to rental property density.

Property type	Average household size (# of persons)	Average vehicles per household
Owner occupied (69%)	2.1	1.7
Rentals (31%)	2.9	2.3
Total (100%)	2.3	1.8

RECOMMENDATIONS

Zoning classification issues:

In general the zoning classifications in the area are appropriate. The residential portion is mostly zoned DR 5.5; the Berkshire is RAE 2, and the York Road commercial corridor is zoned BM.

1. The triangle of land between Burke Avenue, York Road and Towsontown Boulevard should be considered for consolidated future development. The small narrow lots on this section of York Road do not lend themselves to cost-effective redevelopment for commercial uses, and the stream behind them further constrains their redevelopment potential.

2. The community will work with developers to bring this area to their attention as a redevelopment opportunity. The portion of the study area zoned DR 16 should be promoted for redevelopment. Redevelopment of this area should focus on providing a mixture of housing types (i.e., single-family, apartments, assisted living for the elderly, etc.) that are well constructed and maintained.

variety

owner-occupied

3. In the event that the American Legion decides to terminate the use of its property, consider rezoning to RAE 2, unless recreational use would be preferable. (see Appendix A). *Amend see attached*

Community/Business/Institutions initiatives:

The community associations and the business owners should take responsibility for educating their members and informing them of events which may impact the community. Both groups should work together to find solutions to problems and to build a stronger community. Each should consider attendance/membership in the other's organization to foster mutual understanding.

1. The community associations and Towson University will work collaboratively regarding:

- University expansion
- ~~Creation of a scholarship program for long-term residents of the Southeast Towson communities~~
- A model community education program for students who live in off-campus housing
- Students as community volunteers
- University police problem solving
- Use of the campus by area residents

2. Businesses should retain regular lines of communication with one another, including:

- Participation in the Business Watch program
- Coordination of dumpster locations and pickup times
- Shared vehicular access

3. Both businesses and residents would benefit from a deeper understanding of how the development process and the Design Review Panel work so that the impact of proposed development can be better understood. Baltimore County should consider writing a clear and concise manual explaining the processes.

4. Community associations and landlords will address collaboratively:

- Management training for landlords in conjunction with the Apartment Builders and Owners Association.
- Creation of a category for absentee landlord membership in the community association to improve communication.
- Support Tenants Rights.
- Work with Citizens Planning Housing Association to learn how to work productively with landlords.

5. Work with the Office of Planning to develop a University area with guidelines for rental units, adequate parking, and additional police and zoning enforcement services. The University area would apply to areas directly impacted by student housing and commuting issues, and should involve a process for close cooperation among the University, the community, and County regulatory authorities.

Community/property maintenance issues:

Efficient zoning and code enforcement procedures are critical to maintain the appearance of properties. Community members need to understand the regulations and how they are enforced. The Office of Permits and Development Management needs to develop consistent policies and open lines of communication between the inspectors and the residents/community associations. Community concerns about enforcement policies include: fines for non-compliance for repeat violators, use of special exception hearings to rectify violations, lack of interior inspections, cross training of building inspectors to identify possible zoning violations, difficulty in finding posted building permits, accurate record keeping.

- amend
per
attached* *
2. Identify problem properties for investigation by Code Enforcement. Consider community wide enforcement if problems warrant.
 3. Publicize programs which can help defray the costs of repairs for residents who need such assistance.
 4. Develop a "community standards" list for property maintenance which can be distributed to all property owners and residents.
 5. Identify non-traditional sources of help for low-income property owners to repair their properties.
 6. Community associations will work with the Office of Community Conservation to develop a tenants' rights and responsibilities manual, including information about lease terms, property maintenance, housing code requirements, and the reporting of violations.
 7. Community associations will work with the Commander of Precinct 6 to discuss how to call the police for help, what follow through they can expect from the officer, how to obtain copies of arrest reports, and how to coordinate with the University police.
 8. The State needs to evaluate the way in which property ownership is listed in the tax records. Too often, an absentee property owner's address is not accurate, is a post office box, or is the address of the rental property which adjacent residents know is occupied by others. Of the 188 rental properties identified within the study area, ownership could not be determined for 42 properties, or 22% of the rentals. The lack of an accurate address where community residents may inform absentee landlords of problems which their properties are causing is a major frustration for both community residents and those attempting to enforce the Liveability Code.

Transportation/parking initiatives:

The heavy commuter traffic on Burke Avenue negatively impacts its residential character, resulting in many non-single family uses locating here. With the goal of lessening the impact of heavy traffic on this street, the following recommendations are designed to spread traffic over the whole study area and to endorse the use of routes, other than Burke Avenue, for commuter traffic. In an effort to spread out the flow of traffic and reduce the speed of traffic, changes to the present road configuration and

use of neighborhood traffic management techniques should be made to create a more pedestrian friendly environment.

1. A transportation analysis of Towson has recently started and will require approximately 18 months to complete. Community residents and businesses will work with the Bureau of Traffic Engineering and Transportation Planning in identifying problems and potential solutions. Community association representatives should work with Traffic Engineering to focus on a regional approach for a solution.

a. First National Bank customers attempting to turn left from Burke Avenue into the Bank parking lot frequently back up traffic into the intersection of Burke Avenue and York Road. Relief is needed.

b. Consider changes to Goucher Boulevard such as:

- Installing a second left hand turn from Goucher Boulevard to Joppa Road to encourage through traffic on Joppa Road.
- Installing truck restriction sign to prewarn truck drivers of restrictions on Burke/Hillen Avenues.

c. Traffic enforcement should monitor the following:

- Strictly enforce existing laws banning trucks over 3/4 ton on residential streets.
- Install better signage at more appropriate locations to alert truck drivers about restrictions.

d. Clarify towing laws to allow a vehicle that is blocking a driveway or parking pad or maintaining less than 12 foot clearance in an alley to be towed.

e. Enhance Parking enforcement:

- Refine the layout of annual visitor pass in Burkleigh Square to require that the address of the resident be clearly visible. Clearly define how visitor passes are to be used.
- Expand enforcement to include evenings and weekends and early mornings. Coordinate enforcement with the beginning of the University's school terms, especially at the beginning of each new semester.

f. The transportation analysis will form the basis for future updates of the Towson Community Plan.

g. Generally, no zoning variance should be granted for less than the required amount of parking on any site within the study area. Parking requirements, in particular for limited exemption site development, should be reevaluated for adequacy as redevelopment occurs along the York Road strip. Consideration of transit proximity and use should be a factor in determining the need for parking.

Marketing initiatives:

Marketing program can help maintain the viability of the residential neighborhoods.

1. Establish a marketing program with the nearby institutions to market the area for residential use by staff, etc. Develop a "Live Near Your Work" program with Towson's institutions to encourage their employees to live in close proximity to the institutions where they work.
2. Establish special relationships with College/University and communities to promote better understanding of the needs of both and to understand how each impacts the other.
3. Notify HARBEL of properties which could be purchased by homeowners instead of investors.
4. Contact Neighborhood Design Center for help with remodeling strategies that will make housing in the Plan area attractive to today's home buyer.
5. Create a "Good Neighbor" award.
6. Organize a "contractor fair" in the community to have contractors available to meet with residents to discuss multiple projects.
7. Establish a marketing plan to cooperate with Towson's Realtors, local businesses, the local schools, Towson University, Goucher and other area colleges to invite home buyers into the community. Develop packets with all of the neighborhood brochures for Realtors.
8. Create special incentives to encourage converting rental properties into owner occupied homes. For example, extend the tax credit from the Greater Hillendale area to Southeast Towson.
9. Develop a map of historic properties, possibly based on the 1898 tax map, which would emphasize the history of the area.

Responsibility for Implementation

The following chart assigns the responsibility for ensuring implementation for each action to a specific group.

Zoning Classification issues	Community/ Business Initiatives	Community/ Property Maintenance Issues	Transportation/ Parking Initiatives	Marketing Initiatives
1. Community	1. Community and University	1. Permits and Development Management	1. Community and Bureau of Traffic Engineering	1. Community Conservation
2. Planning	2. Businesses	2. Permits and Development Management	1a. First National Bank and Traffic Engineering	2. Community and University
	3. Community and Business	3. Community and Code Enforcement	1b. Traffic Engineering	3. Community
	4. Community and landlords	4. Community Conservation	1b. Traffic Enforcement	4. Community
	5. Planning	5. Community	1d. Traffic Engineering	5. Community
		6. Community and Community Conservation	1e. Traffic Engineering and Parking Enforcement	6. Community
		7. Community and Police	1f. Planning	7. Community
			1g. Planning	8. Community Conservation
				9. Planning

Completion of recommended actions

The actions recommended in this plan will be presented for adoption by the Baltimore County Planning Board and by the Baltimore County Council, as part of the Master Plan. As the Towson Community Plan was adopted in 1992 for a ten year period, it is envisioned that work on these recommendations should be completed, by and large, by the year 2002, in time for the next Towson Community Plan. Implementation of transportation issues which may require Capital Improvement Program funding may not be completed during this time frame.

Evaluation of Success

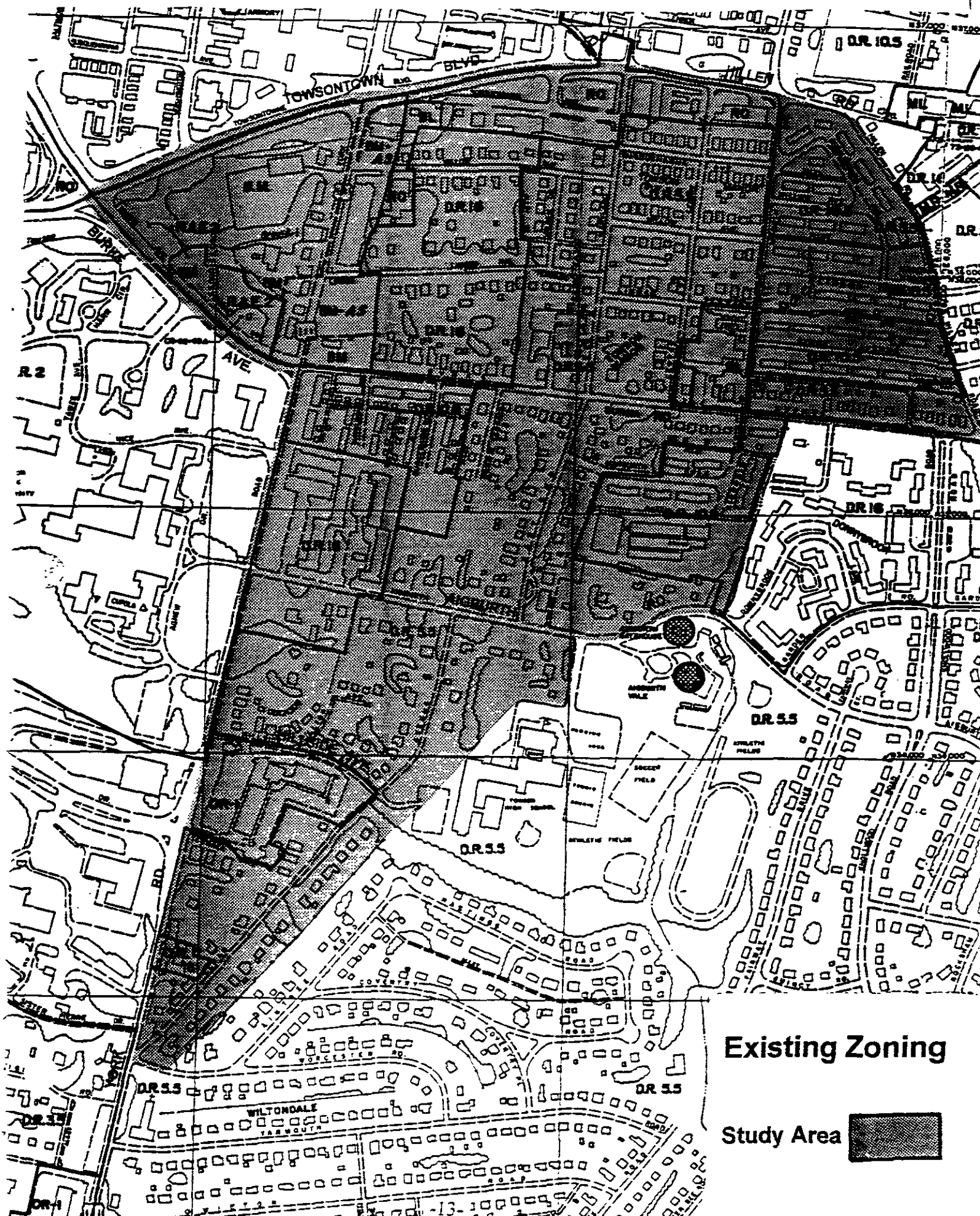
The Community will revisit the recommendations annually to determine the status of implementation and a strategy for moving each recommendation toward completion. Information about the numbers of houses in the study area sold, the prices for which they sold, and the time on market should be used as markers of the success of the recommendations.

Appendix A:

The Baltimore County Department of Recreation and Parks has noted that the only County owned parkland in the study area is Towson Manor Park, though Towson High School Recreation Center is located just outside of the study area boundaries. Based on the State of Maryland's prescribed local parkland goal of $30\pm$ acres per 1,000 residents, the study area's estimated population of 1,600 would result in a parkland acreage goal of $48\pm$ acres. Thus, subtracting out the existing $2.5\pm$ acre Towson Manor Park (including the recently acquired Stebbins Anderson addition), the study area has a parkland deficiency of approximately $45.5\pm$ acres. It must be recognized, however, that achieving this goal will in all likelihood have to be met outside the study area. The challenge for the future is finding available land that could be utilized as parkland (especially quality land).

As a general note, greater Towson is an area in which the Department of Recreation and Parks has great interest in obtaining additional parkland to meet community recreational needs. Therefore, should a sizable property such as the Towson American Legion become available, the Department should consider acquiring a portion of the parcel for use as parkland. This is especially true of the American Legion property as the ball diamond at the site is currently utilized for some recreational programs of the Towson Recreation and Parks Council.

SOUTHEAST TOWSON COMMUNITY PLAN





Baltimore County
Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Case Number 01-552-A

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

01-552-A

8-14-01

NOTE
Please copy
Persons / Groups
marked with *

NAME

ADDRESS

WHITNEY DUDLEY
• Richard Parsons GTCCA
LARRY TOWNSEND
• STACY WEISS *Township President*
* Donald Gerding *Zoning Chair*
Elizabeth Clifford
• Douglas B. Riley GTCCA
Elizabeth Z. Kahl *Berkshire Square*

41 E. BURKE AVE TOWSON 21286
412 Woodbine Ave Towson 21204
1111 LONGBROOK RD 21093 (GTCC)
220 E. SUSQUEHANNA AVE 21286
335 Old Trail 21212
32 Willow 21286
623 Wilton Road, Towson 21286
61 Berkshire Rd., Towson 21286



MAP SKETCH ADDENDUM

Client		
Address		
County	State	
Map D.R. 16		

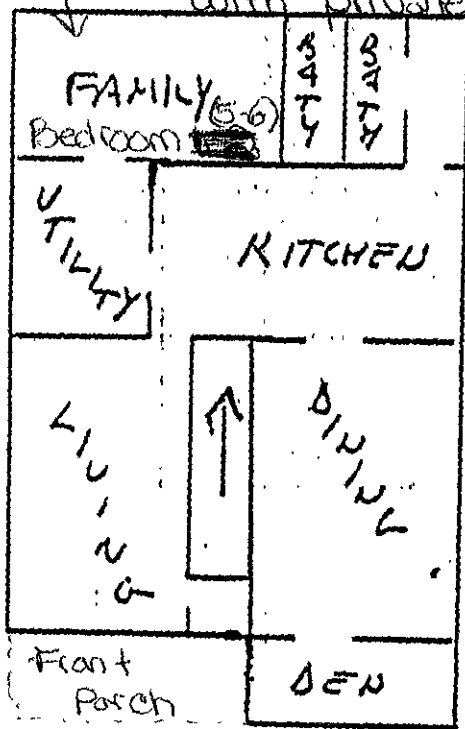
95-237A

BUILDING SKETCH

more County

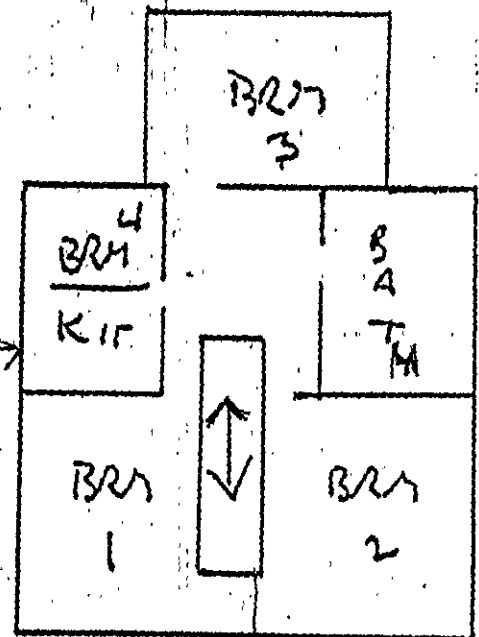
Home will accomodate
Six individuals -

large enough for 2 individuals
with private bath



Note:
Set up as
two apartments
and presented
that way by
realtor.

will convert this to
a bedroom.



Stairwell

leads to 3rd
Story loft -
will not be
occupied.

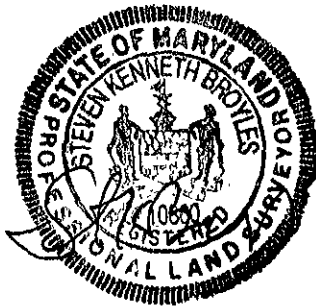
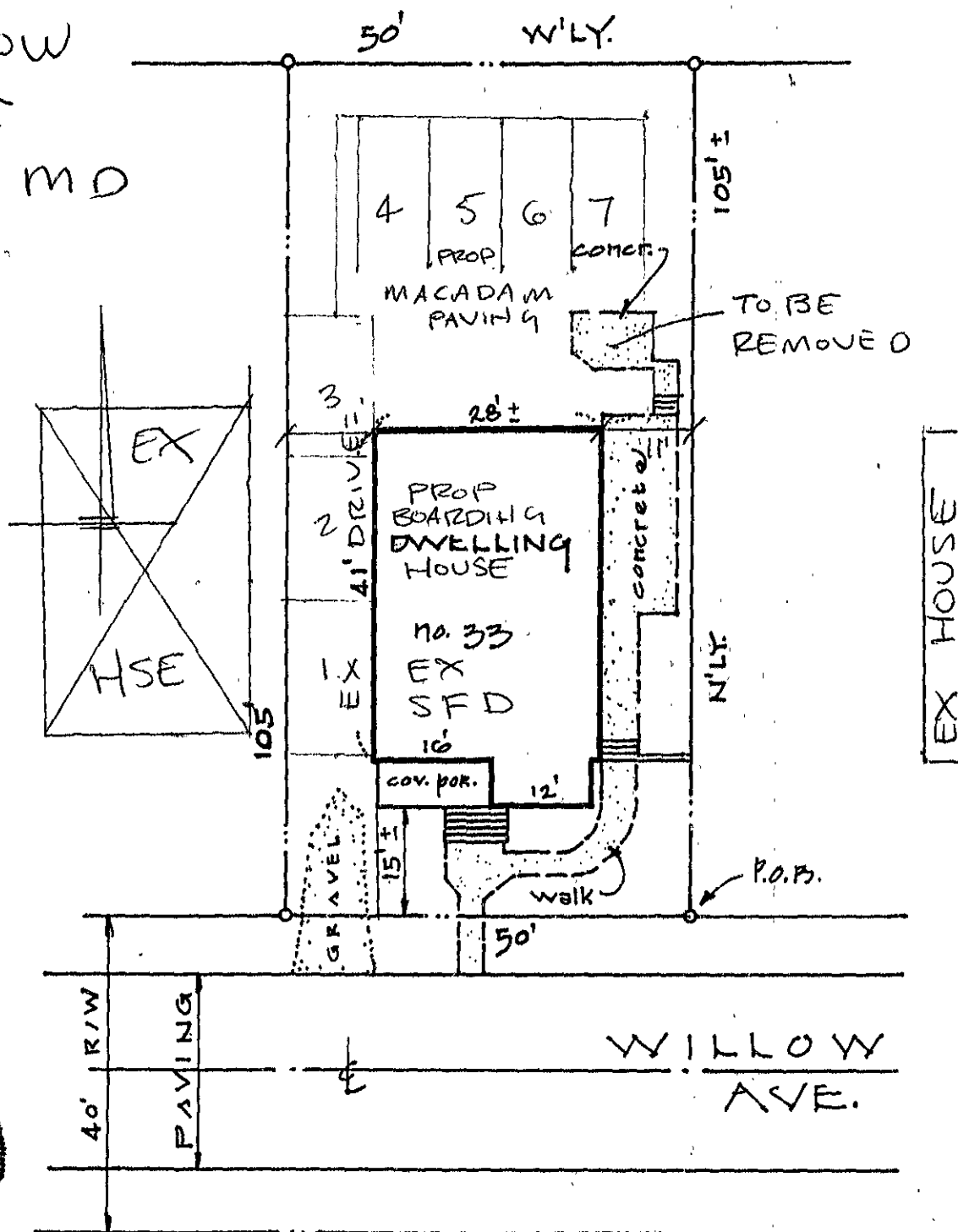
- TWO STORY TRADITIONAL STYLE
- APPROXIMATE FLOOR PLAN
- NOT TO SCALE

LOCATION MAP [*SUBJECT PROPERTY]

2022 Brown Road
Anksburg, Md. 21048
Ph. 410-879-3911

Sta/Vor

#33 WILLOW
AVENUE
TOWSON MD
21286



"Flood Zone" shown is as identified on F.I.R.M.
Community Panel No.: 240010 02653
Effective Date: 3.2.81
Map interpretation though believed accurate
is not guaranteed.

PLAN TO ACCOMPANY
USE PERMIT FOR
BOARDING HOUSE

LIBER 12322 FOLIO 662

BEING KNOWN AS LOT ~~N/A~~ BLOCK
AS SHOWN ON A PLAT ENTITLED

RECORDED IN THE LAND RECORDS OF _____, MARYLAND IN:
PLAT BOOK _____ FOLIO _____

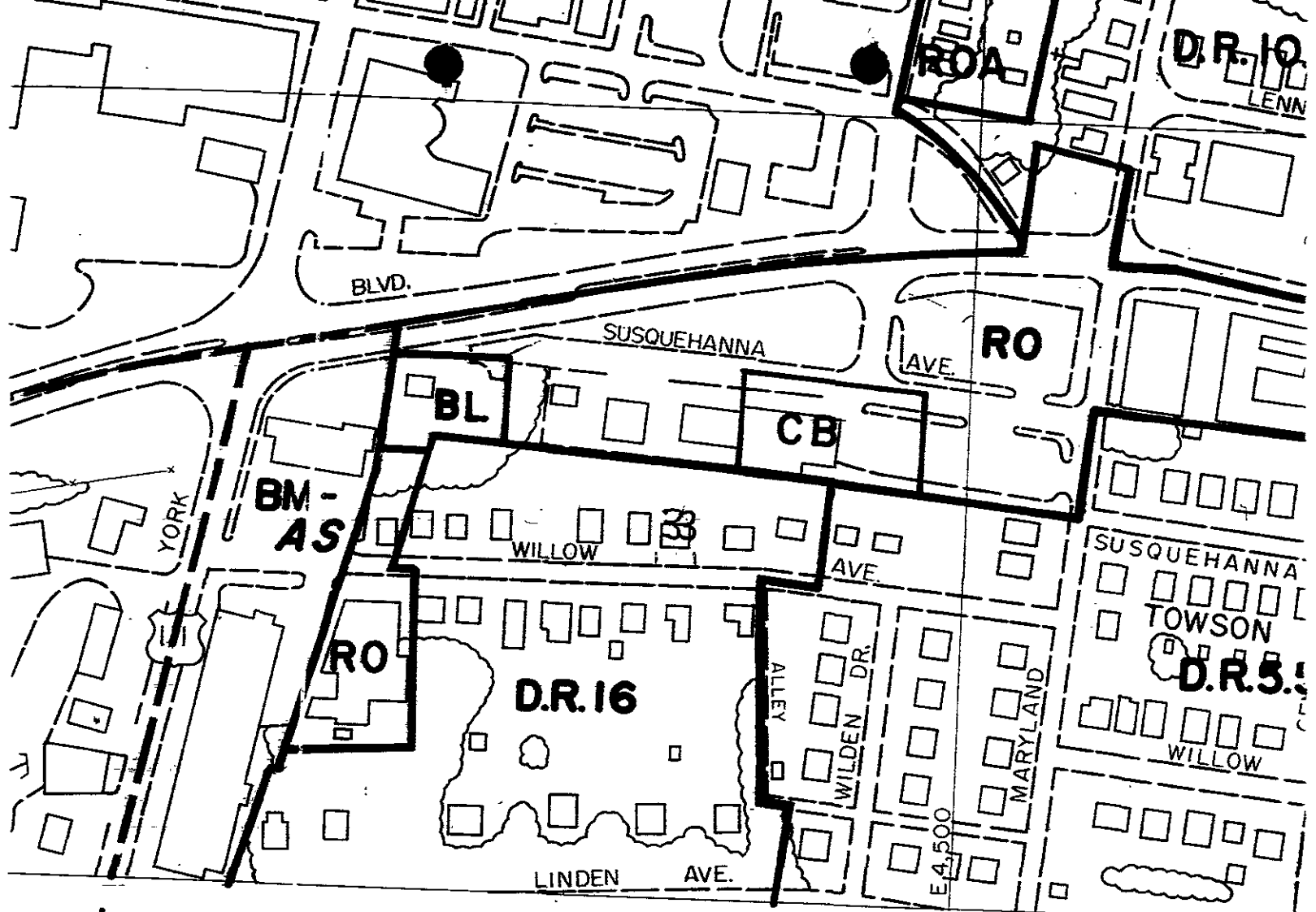
LOCATION DRAWING

33 WILLOW AVENUE
BALTIMORE COUNTY, MARYLAND

FLOOD ZONE: 'C' (min.)

SCALE: 1" : 20'
DATE: 4.25.01

FILE NO.: 01-BR 2890
JOB NO.: FOI-121-321



COUNTY AND ZONING MAP

SCALE

1" = 2'

DATE OF
PHOTOGRAPH
JANUARY
198

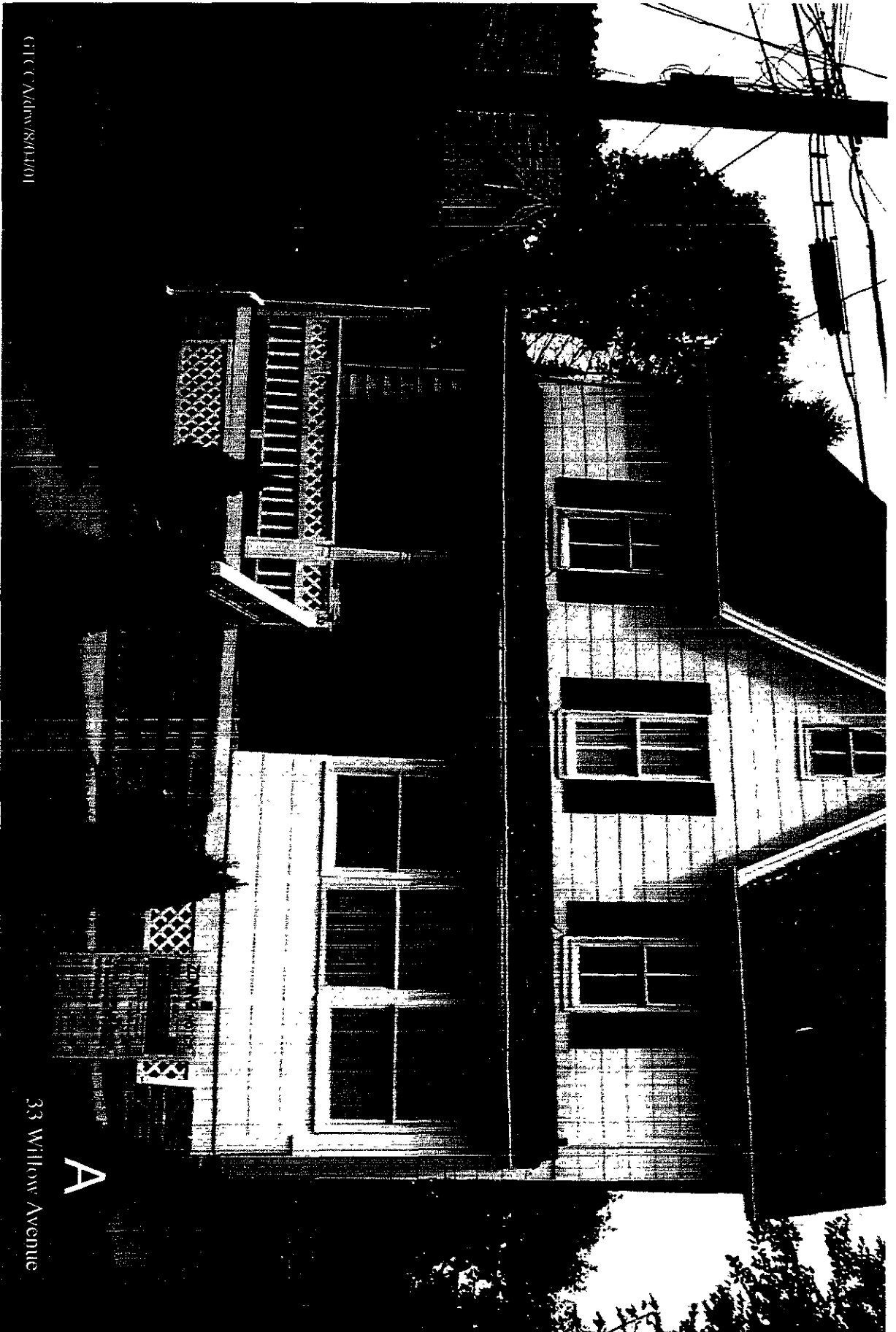
NIE 10A

G11C7/Adm/8/01/01

33 Willow Avenue

A

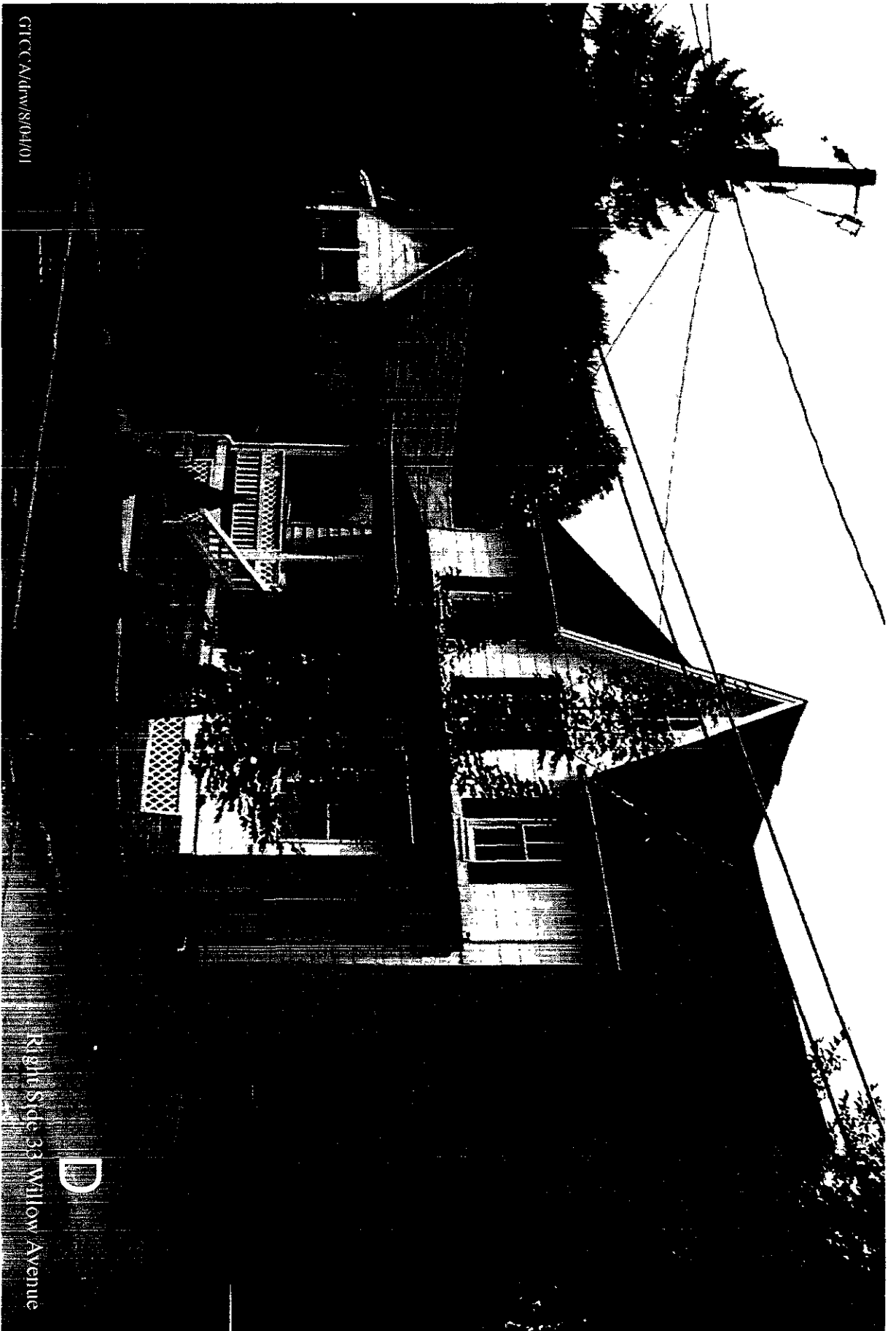
Vol # 01-552-A



G1 CCA/dhw/8/01/01

Back Yard 33 Willow Avenue

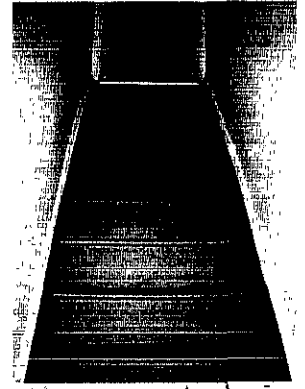




GTCC A/dpw/8/04/01

Right Side 33 Willow Avenue

D



Roof Repaired -
New gutters

Hallway/stairs
repaired.



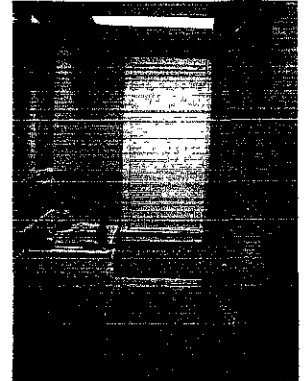
2nd floor kitchen ↓ being removed



Bedroom floor's repaired



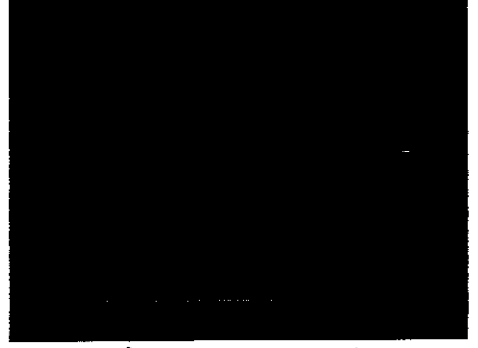
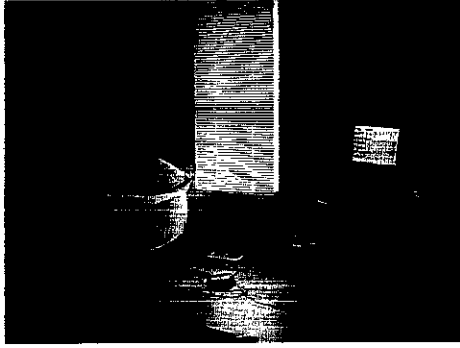
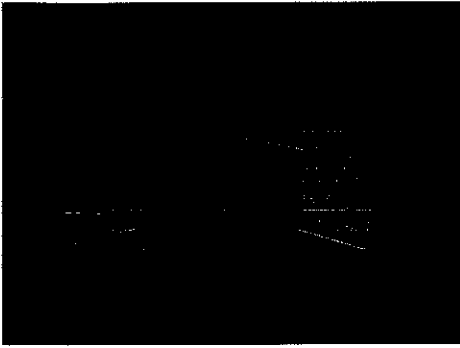
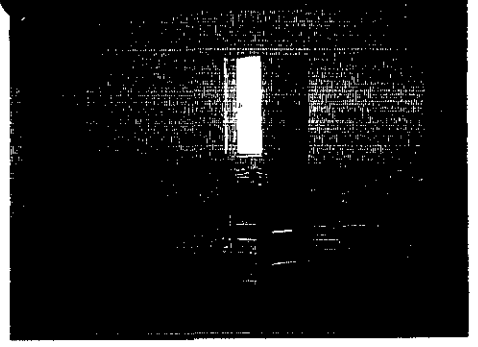
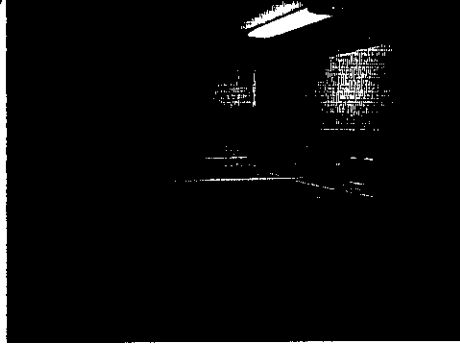
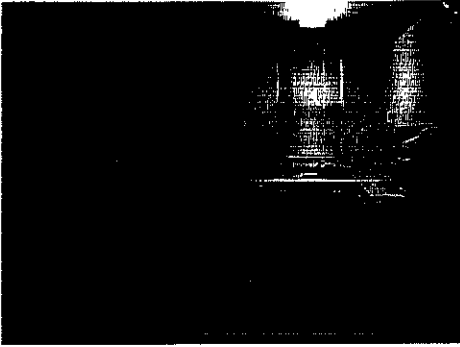
2nd floor



bathroom -
new vanity,
painter

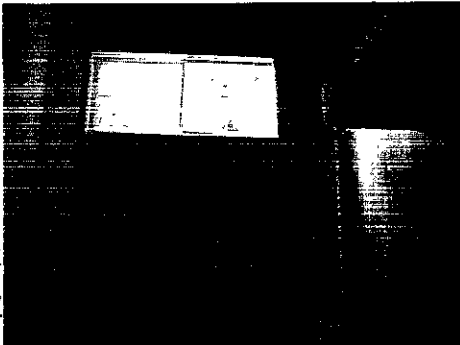
Improvements as of August 12, 2001

Kitchen - floors stripped; walls painted

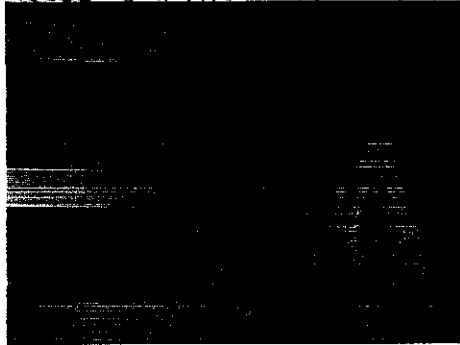


Remodeled back room, which had been closed off.

Painted bedrooms

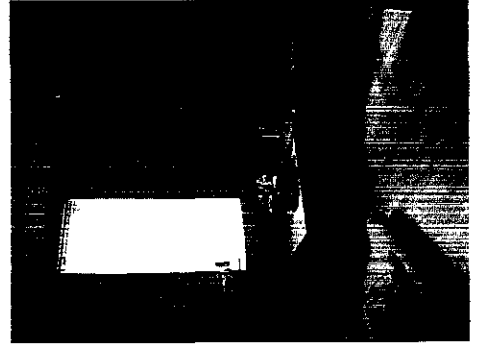


New vanities in all

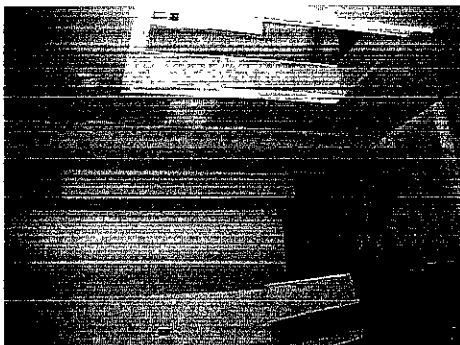


bathrooms

Refinished all



hard wood floors



Back room remodeled - hidden room

