IN RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

S/S of Harwall Road,

NW side of Forest Park

1st Election District

1st Councilmanic District

(1104 Harwall Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-242-XA

Stephen K. Gosnell, Legal Owner and John R. Gosnell, Jr., Contract Purchaser Petitioners

\* \* \* \* \* \* \* \*

### ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by the legal owner of the subject property, Stephen K. Gosnell and John R. Gosnell, Jr., contract purchaser. The Petitioners originally requested special exception and variance relief for property located at 1104 Harwall Road in the western area of Baltimore County. The special exception request was to allow an office for a CPA established within the same building as the primary residence. In addition, variance relief was requested from the B.C.Z.R. as follows:

- 1. from Section 1B01.1.C.12, to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.);
- 2. from Section 409.6.A.1, to allow no off-street parking spaces for a one-family townhouse in lieu of the required two (2) spaces; and
- 3. from Section 409.6.A.2, to allow no off-street parking spaces for a professional office in lieu of the required two (2) spaces.

WHEREAS, The special exception and variance requests were approved by Order of this office dated January 26, 2005 with conditions.

WHEREAS, on February 7, 2005, the Petitioners filed a timely Motion for Reconsideration of this Deputy Commissioner's Order. The motion was officially accepted by this office for filing on February 8, 2005.

WHEREAS, in their Motion for Reconsideration, the Petitioners have requested that the Deputy Zoning Commissioner reconsider and address the following items:

MARKED SORFILES

- 1. Accept a revised Plat to Accompany as Petitioner's Exhibit 1A showing a zoning use division line in the Petitioner's home separating business and residential uses; and
- 2. Revise and clarify condition Nos. 3 and 5.

In reviewing the Motion for Reconsideration and associated Revised Plan Exhibit 1A to show the line of demarcation so as not to exceed the 25% rule, I find that the changes to the Petitioners' plan fulfill the intent of the prior Order and shall be approved. In addition, Condition No. 3 shall remain the same and I shall revise Condition No. 5 to read as follows:

5. Only one part-time employee, in addition to those persons who use the dwelling as their bona fide residence, shall be involved in the home occupation on that property.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16 day of February, 2005, that the Petitioners' revised plan to show the line of demarcation so as not to exceed the 25% rule requested in their Motion for Reconsideration, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioners' request for clarification of Condition Nos. 3 and 5 of my Order dated January 26, 2005 shall be addressed as follows:

Condition No. 3 – Shall remain the same;

Condition No. 5 - Shall be changed to read: "Only one part-time employee, in addition to those persons who use the dwelling as their bona fide residence, shall be involved in the home occupation on that property".

IT IS FURTHER ORDERED, that all other terms and conditions of the January 26, 2005 decision not modified herein shall remain in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

February 17, 2005

Anthony J. DiPaula, Esquire DiPaula & Sullivan, LLC 34 S. Main Street Bel Air, Maryland 21014

> Re: Order on Motion for Reconsideration Case No. 05-242-XA Property: 1104 Harwall Road

Dear Mr. DiPaula:

Enclosed please find my decision rendered in connection with the motion for reconsideration you filed in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: John Gosnell & Stephen Gosnell, 1104 Harwall Rd., Baltimore, MD 21207 Thomas Hoff, 406 W. Pennsylvania Ave., Towson, MD 21204 Mr. & Mrs. Austin Twigg, 1022 Harwall Road, Baltimore, MD 21207 Howard Moose, 1631 Kirkwood Rd., Baltimore, MD 21207 John Borchers, 1507 Langford Rd., Baltimore, MD 211207



Visit the County's Website at www.baltimorecountyonline.info

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE S/S of Harwall Road, NW side of Forest Park 1st Election District 1st Councilmanic District (1104 Harwall Road)

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY \*

CASE NO. 05-242-XA

Stephen K. Gosnell, Legal Owner and John R. Gosnell, Jr., Contract Purchaser Petitioners

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Variance filed by the legal owners of the subject property, Stephen K. Gosnell and John R. Gosnell, Jr., contract purchaser. The Petitioners are requesting special exception and variance relief for property located at 1104 Harwall Road in the western area of Baltimore The special exception request is to allow an office for a CPA established within the same building as the primary residence. In addition, variance relief is requested from the B.C.Z.R. as follows:

- from Section 1B01.1.C.12, to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.);
- from Section 409.6.A.1, to allow no off-street parking spaces for a one-family townhouse in lieu of the required two (2) spaces; and
- from Section 409.6.A.2, to allow no off-street parking spaces for a professional 3. office in lieu of the required two (2) spaces.

The property was posted with Notice of Hearing on December 28, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on December 28, 2004 to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 502.1 of the B.C.Z.R. - Special Exceptions

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;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

### Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated December 10, 2004, a copy of which is attached hereto and made a part hereof.

### TORK TECHNISH FOR FLING

### **Interested Persons**

Appearing at the hearing on behalf of the variance and special exception requests were John Gosnell, and Stephen Gosnell, Petitioners. Thomas Hoff, the Landscape Architect who drew up the Plan to Accompany also attended the hearing. Anthony J. DiPaula, Esquire represented the Petitioners. Mary and Austin Twigg, Howard Moose and John Borchers attended the hearing as interested citizens. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 4,002 sq. ft. and is zoned DR-10.5. An end of group town house as shown by Petitioner's Exhibit 1 improves the property. Mr. DiPaula proffered that John Gosnell is a licensed Certified Public Accountant who works for various companies in the area but who also has a limited private practice of perhaps 300 clients for whom he principally prepares tax returns. He has lived for the past 11 years at the Harwall Road address and conducted his limited tax practice from that location. Stephen Gosnell, his brother, actually owns the property but the two have entered into a contract for sale of one half interest so that John would qualify under the applicable Zoning Regulations for a special exception for a professional office within a primary residence. John Gosnell employs one part time person several days a week to assist his practice. Mr. DiPaula noted that most of John's clients communicate their needs by mail with a handful coming to the residence during tax season. He would like to continue his part time practice but he received a stop work order from the County because of a anonymous complaint.

Mr. DiPaula indicated that his client uses a 11.5 ft. x 15.4 ft. office on the first floor of the home where his part time employee works at a desk and with file cabinets. The Petitioner uses the front room on the first floor both as his office and a living room. Because of this dual use he counts the whole 15.4 ft. x 16.8 ft. front room as office. The whole house contains 1,389 sq. ft.

POER RECEIVED FOR FILING

excluding the basement as depicted on Petitioner's Exhibit 1. Mr. DiPaula noted that if the basement were included in the calculation of the area, use of the two first floor rooms would easily meet the 25% rule, but the basement is not a full 8 ft. high and so does not count in the equation per the Zoning Office. The Petitioner admits that he could also meet the 25 % rule by erecting a partition wall in the first floor front room to separate the office from his living space but does not want to do so, being content to watch television in the same room as his desk.

In regard to parking, the Petitioner once again notes that very few clients come to his office and contends that they can find adequate parking on the street. He notes that Harwall Road contains an island in the center, which separates parking as a practical matter so that only his side of the street parks on his side of the street. He also indicates that his peculiar shaped lot is substantially wider on Harwall Road then in the alley in the rear of the row of homes. Finally he notes that if he were required to provide two parking spaces in the rear of his lot, he would lose the substantial hedge that now graces his property on the alley. In addition, he contends that this would change the character of the neighborhood from its present appearance of residential to something else. Photographs were submitted to show the rear of the Gosnell property and the alley in support of the contention that no one parks in the rear.

Mr. DiPaula indicated that the Landscape Architect, Thomas Hoff would testify that in his opinion allowing the professional office would not adversely affect the neighborhood and that the plan to accompany met all the criteria listed in Section 502.1 of the B.C.Z.R. In addition, he indicated that because of the oddly shaped lot, the property was unique. He noted that it would be a hardship to locate two parking spaces in the rear of the property and that the request for variance was within the spirit and intent of the zoning regulations.

The interested citizens attending the hearing were members of and/or representatives of the Edmondson Heights Improvement Association. They were not opposed to Mr. Gosnell's part time practice from his home but worried about setting a precedent which would be used by

others to open the community to commercial uses. At that point, the parties entered into a general discussion of the merits of limiting the special exception to Mr. Gosnell only and not have it apply to the land. In this way, no future owner would be able to use the special exception without a hearing as to the proposed use and the impact on the neighborhood. Mr. Gosnell agreed to this and stated that he had no intention of selling the home as a professional office but needed to have the office for his limited practice. He also agreed that there would be no sign or outside evidence of the office. All the citizens indicated that they did not favor parking in the rear and thought that street parking was adequate for this case.

### Findings of Fact and Conclusions of Law

### **Special Exception**

MOER RECEIVED FOR

In regard to the request for special exception, I find that the profession of Certified Public Accountant is the kind of profession which had traditionally been accepted as qualifying for the home office special exception under the "other professional persons" category of Section 1B01C.12 of the B.C.Z.R.

Much more difficult is any professional office in a townhouse neighborhood some of

whose parking problems are legendary in the County. The Petitioner has an end of group row home which sets him apart somewhat from the congested parking in front of inside homes. He agreed that the special exception would apply only to him as a condition of approval and that his practice is limited in time and impact on the community. He proposes only part time help even though the legislation suggests more could be allowed. Finally, the representatives of the improvement association do not oppose having his office in that location if the special exception is granted to him personally. Considering all these factors, I will approve the special exception with the condition that it apply to the Petitioner only and that any future owner of the property would have to have a public hearing to continue the office use in that building.

## 

### **Variance**

In regard to the variances, but for the unanimous opposition for parking in the rear I would surely deny the request for no off-street parking. Apparently the neighbors feel strongly that parking in the rear would change the residential character of the neighborhood. Consequently, I will grant the parking variances finding that the lot shape is unique and that it would be a hardship to remove the large hedge now occupying the rear yard by the alley. I further find that this request is within the spirit and intent of the DR zoning regulations and will not adversely affect the surrounding community.

The Planning Office, however, opposes the variance of the 25 % rule for professional home offices. They contend that the area limitation goes to the use of the property as this is listed not in the building setback requirements of Section 1B01C but rather are found as a limitation of the special exception itself. The latter is of course a special exception as to use.

The Petitioner points out that if the basement were considered there would not be need for a variance but apparently the longstanding interpretation of the Zoning Office is that basements less than 8 ft. in height cannot be counted as living space. The Petitioner admits he could erect a wall to separate the office uses from the living uses in the first floor front room and meet the 25% rule. I am very reluctant to grant a variance to the 25% rule as this will have substantial implications in other cases, which are not apparent here. However, I believe that dual use rooms (both living and office) make great sense and erecting a wall to separate the uses in this very small room is impractical. Therefore, whereas I will deny the variance to the 25% rule, I will not require the Petitioner to erect a wall between uses. I simply note that the evidence before me indicates that only a portion of the room is used for office and that this portion added to the secretary's office meets the 25% rule. Essentially, I am allowing the Petitioner to demarcate the portion of the first floor front room used for office by means of a zoning use line and not a

physical wall. The Petitioner may amend his Exhibit 1 to show the zoning use line located in such a manner that the Petitioner will not violate the 25% rule.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special exception should be granted and the request for variance granted in part and denied in part.

THEREFORE, IT IS ORDERED, this 26 day of January, 2005, by the Deputy Zoning Commissioner, that the Special Exception request filed pursuant to Section 1B01.C.12 of the B.C.Z.R., to allow an office for a CPA established within the same building as the primary residence, be and is hereby GRANTED, subject, however, to the following conditions which are conditions precedent to the relief granted herein:

- 1. That the special exception for a professional office is granted only to the Petitioner personally and does not attach to the real property. The special exception granted in this case is not transferable to any other person. If and when the Petitioner ceases to practice as a certified public accountant from the subject property, the special exception shall become null and void;
- 2. The hours of operation of the office are limited to 9:00 a.m. to 5:00 p.m., except that the Petitioner's clients may pick-up and drop-off documents after these hours;
- 3. The Petitioner may employ one part-time employee;

SALE OF THE SALE O

- 4. There shall be no signage indicating the office location or the Petitioner's occupation; and
- 5. No employees, except persons who use the dwelling as their bona fide residence, shall be involved in the home occupation on that property.

IT IS FURTHER ORDERED, that the Variance relief requested from the B.C.Z.R. as follows:

- 1. from Section 409.6.A.1, to allow no off-street parking spaces for a one-family townhouse in lieu of the required two (2) spaces; and
- 2. from Section 409.6.A.2, to allow no off-street parking spaces for a professional office in lieu of the required two (2) spaces.

be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

IT IS FURTHER ORDERED, that the Petitioners' request for variance from Section 1B01.1.C.12, to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.) is denied as unnecessary and that the Petitioner may designate on Exhibit 1 the zoning use line separating the office and living uses in the first floor front room such that the Petitioner's office use complies with the 25% rule of Section 1B01.C.12 of the B.C.Z.R.;

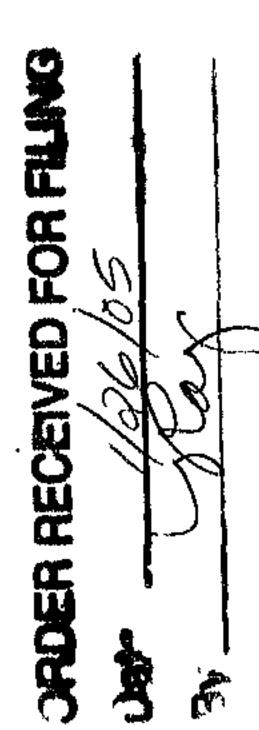
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

January 27, 2005

Anthony J. DiPaula, Esquire DiPaula & Sullivan, LLC 34 S. Main Street Bel Air, Maryland 21014

Re: Petitions for Variance & Special Exception

Case No. 05-242-XA

Property: 1104 Harwall Road

Dear Mr. DiPaula:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: John Gosnell & Stephen Gosnell, 1104 Harwall Rd., Baltimore, MD 21207 Thomas Hoff, 406 W. Pennsylvania Ave., Towson, MD 21204 Mr. & Mrs. Austin Twigg, 1022 Harwall Road, Baltimore, MD 21207 Howard Moose, 1631 Kirkwood Rd., Baltimore, Md 21207 John Borchers, 1507 Langford Rd., Baltimore, Md 211207



Visit the County's Website at www.baltimorecountyonline.info



### Petition for Special Exception

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

### Contract Purchaser/Kesses: Legal Owner(s): John R. Gosnell, Jr. Stephen K. Gosnell Name - Type or Print Name - Type or Print With goodl Signature Signature 1104 Harwell Road 410)719-6626 Address Telephone No. Name - Type or Print Baltimore, MD 21207 City Zlp Code State Signature 1104 Harwell Road Attorney For Petitioner: (410)719-6626 Address Telephone No. Anthony J. DiPaula Baltimore, MD 21207 Name - Type or Print State City Zlp Code Representative to be Contacted: Signature DiPaula & Sullivan, LLC Thomas J. Hoff Company Name 34 S. Main Street (410)893-4255 403 W. Pennsylvania Ave. (410)296-3688 Address Telephone No. Address Telephone No. Bel Air, MD 21014 Towson, MD 21204 City Zip Code State City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 05-242. XA UNAVAILABLE FOR HEARING Date 11/10/04 Reviewed By LTm

POER RECEIVED FOR FILE

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION 1104 Harwell Road Zoned DR-10.5

An office for a CPA, established within the same building as the primary residence, pursuant to BCZR Section 1B01.C.12.

#242



### Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1104 Harwall Road

which is presently zoned DR-10.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

(SEE ATTACHED)

410)719-6626

(410)893-4255

Telephone No.

Zip Code

State

State

Telephone No.

Zlp Code

City

Address

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

The property is a rowhouse and cannot satisfy the off-street parking requirements for a home office. Without the variance, Petitioner is denied the use of his home that single-family dwellings enjoy.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s):

Stephen K. Gosnell

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

### Contract Purchaser/KASCACE:

John R. Gosnell, Jr.

1704 Harwell Road

Baltimore, MD 21207

Attorney For Petitioner:

Anthony J. DiPaula

DiPahla & Sullivan, LLC

Main Street

Air MD 21014

Name<sub>x</sub> Type or Print

Name - Type or Print

Signature

Address

Signature

Company

Addres:

REV 9 15/98

ර

Name	- Type or Print	<del></del> _
	sepan the Somel	
	Signature	
•	Name - Type or Print	
	Signature	
	1104 Harwell Road	(410)719-6626
	Address	Telephone No.
	Baltimore, MD 21207	
City	State	Zlp Code
-	Representative to be Contacted	<u>1:</u>
	Thomas J. Hoff Name	- 
	403 W. Pennsylvania Ave.	(410)296-3668

FOR FILE ÆD

POER REC

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_

MD\_21204

UNAVAILABLE FOR HEARING \_

Reviewed By

Date 1

State

Telephone No.

Zlp Code

ATTACHMENT TO PETITION FOR VARIANCE 1104 Harwell Road Zoned DR-10.5

- 1. Section 1B01.1.C.12 to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.).
- 2. Section 409.6.A.1 to allow no off-street parking spaces for a one-family townhouse in lieu of the required two (2) spaces.
- 3. Section 409.6.A.2. to allow no off-street parking spaces for a professional office in lieu of the required two (2) spaces.

### THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

November 9, 2004

Description of 1104 Harwall Road, Gosnell Property, to Accompany Petition for Special Exception and Variances.

BEGINNING FOR THE SAME at a point on the southwest side R/W line of Harwall Road (100' R/W), 109 feet more or less northwest of the center line of Forest Park Avenue (80' R/W).

Being Lot #40, Block "D", Plat 3 in the subdivision of "Edmondson Heights" as recorded in the land records of Baltimore County in Plat Book 19, Folio 60, Containing 4,002 square feet or 0.092 acres of land more or less.

Located in the First Election District.

Note:

This Description has been prepared for zoning purposes only.



# 202

	·		_	
				TOTAL CISTORER
	ACCOUNT.			
UTTAMMATAND RECEIPT				
BALTIMORE COUNTY, MAI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT				
TIMORE TO BUT THE FAME		a		PERMITTEE CASTER
PACE OFFICE MISCE	DATE	MECENTED FROM		

•

.

•

1

.

Α.

### 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: # 05-242-XA
1104 Harwall Road
S/side of Harwall Road, n/west side of Forest Park

Avenue
1st Election District — 1st Councilmanic District
Legal Owner(s): Stephen Gosnell
Contract Purchaser: John R. Gosnell, Jr.

Special Exception to allow an office for a CPA established within the same building as the primary residence.

Variance to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.) to allow no off-street parking spaces for a one-family townhouse in lieu of the required two (2) spaces, an to allow no off-street parking spaces for a professional office in lieu of the required two (2) spaces.

Hearing: Wednesday, January 12, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN ...

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special faccommodations 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.

JT 12/788 Dec. 28

### CERTIFICATE OF PUBLICATION

12/30/,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing
$\frac{1228}{2004}$
The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No. 05-242-XA Petitioner/Developer: Stephen Gosnell

Hearing Date: Jan. 12, 2005

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

Attention: Ms. Kristen Matthews:

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 1104 Harwall Rd.

The sign(s) were posted on 12/28/04.

Sincerely,

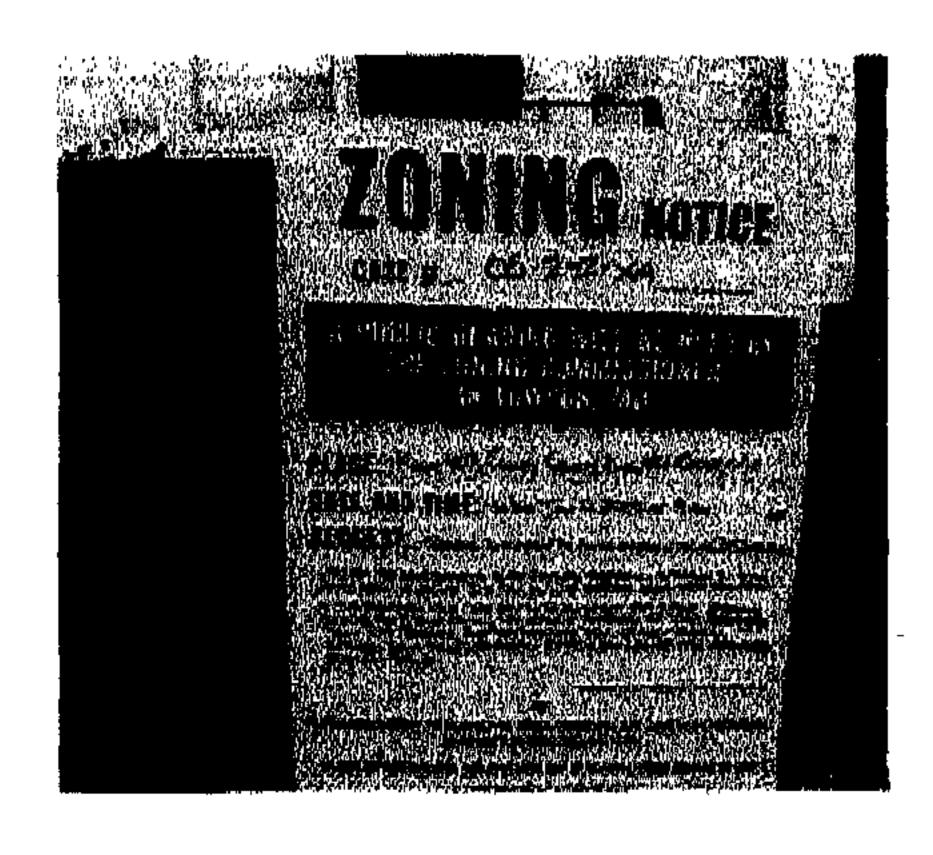
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 28, 2004 Issue - Jeffersonian

Please forward billing to:

John Gosnell, Jr. 1104 Harwell Road Baltimore, MD 21207

410-719-6626

### **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: 05-242-XA

1104 Harwall Road

S/side of Harwall Road, n/west side of Forest Park Avenue

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Stephen Gosnell

Contract Purchaser: John R. Gosnell, Jr.

Special Exception to allow an office for a CPA established within the same building asthe primary residence. Variance to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.) to allow no off-street parking spaces for a ine-family townhouse in lieu of the required two (2) spaces, and to allow no off-street parking spaces for a professional office in lieu of the required two (2) spaces.

Hearing: Wednesday, January 12, 2005, at 9:00 a.m. in Room 407, County Courts Bill ding, 401 Bosley Avenue, Towson 21204

**WILLIAM WISEMAN** 

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.

### Department of Permits and Development Management

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



### **Baltimore County**

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 23, 2004

### **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: 05-242-XA

1104 Harwall Road

S/side of Harwall Road, n/west side of Forest Park Avenue

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Stephen Gosnell

Contract Purchaser: John R. Gosnell, Jr.

Special Exception to allow an office for a CPA established within the same building as the primary residence. Variance to allow office space to occupy 31% (436 sq. ft.) of the total floor area in lieu of the allowed 25% (347 sq. ft.) to allow no off-street parking spaces for a one-family townhouse in lieu of the required two (2) spaces, and to allow no off-street parking spaces for a professional office in lieu of the required two (2) spaces.

Hearing: Wednesday, January 12, 2005, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Anthony Dipaula, 34 S. Main Street, Bel Air 21014
Stephen K. Gosnell, 1104 Harwell Road, Baltimore 21207
John R. Gosnell, Jr., 1104 Harwell Road, Baltimore 21207

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 28, 2004.

- (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.







### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

### ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number 05 - 242 - xA	<del></del>
Petitioner. JOHN GOSNEU, JR.	
Address or Location: 1104 HARWALL RD.	· ·
PLEASE FORWARD ADVERTISING BILL TO	
Name. JOHN GOSNEW, JR.	
Address 1104 HARWALL RD.	
BAJTMORE, MD. 21207	
**************************************	1
Telephone Number: 410-719-6626	<del></del>

### Department of Permits a Development Management

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





James T. Smith, Jr., County Executive Timothy M Kotroco, Director

January 4, 2005

Anthony J. DiPaula DiPaula & Sullivan, LLC. 34 S. Main Street Bel Air, Maryland 21014

Dear Mr. DiPaula:

RE: Case Number:05-242-XA, 1104 Harwall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 10, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

u. Callabal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel Stephen K. Gosnell 1104 Harwell Road Baltimore 21207 C: John R. Gosnell, Jr. 1104 Harwell Road Baltimore 21207 Thomas J. Hoff 403 W. Pennsylvania Avenue Towson 21204



Visit the County's Website at www.baltimorecountyonline.info

### Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.:

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. 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.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

DATE: December 7, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 29, 2004

Item Nos. 227, 228, 229, 230, 231, 232, 233, 234, 237, 238, 239, 240, 241, 242,

243, 244, 246, and 248

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr TPO

DEPRM

DATE:

December 10, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-227

05-229

05-230

05-232

05-233

05-234

05-235

05**-**238 05**-**239

05-240

05-241

05-242

05-243

05-244

05-245

05-246

05-247

05-248

Reviewers: Sue Farinetti, Dave Lykens



**DATE:** December 10, 2004

MANUSSIONED

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1104 Harwall Road

**INFORMATION:** 

Item Number:

5-242

Petitioner:

Stephen K. Gosnell

Zoning:

DR 10.5

Requested Action: Variance/Special Exception

### SUMMARY OF RECOMMENDATIONS:

The 25% floor area limitation for home offices is contained in the use regulations of the Density Residential Zones (see Section 1B01.1.C-Uses permitted by special exception). Therefore, the Office of Planning is of the opinion that the subject request is a use variance and not an area variance. Use variances are not permitted. Nevertheless, the petitioner has not provided any justification for the requested area increase.

The proposed home office will be located in a rowhouse with no off-street parking. It appears that most of the dwellings in this neighborhood do not have off-street parking. As a result onstreet parking is inadequate. A home office should not be approved at this location if the proposed use will increase the need for parking.

In the event petitioner's request is approved, this office recommends the following restrictions:

- There shall be no exterior evidence that the property is used in any way other than for a dwelling.
- No employees, except persons who use the dwelling as their bona fide residence, shall be involved in the home occupation on that property.

CA FILING  For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL:MAC:



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date:

11.22.04

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

RE:

Baltimore Coun Item No.

Dear. Ms. Matthews:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

RE: PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

1104 Harwell Road; S/side Harwell Road,

NW/side Forest Park

1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts

Legal Owner(s): Stephen K Gosnell

Contract Purchaser(s): John R Gosnell, Jr.

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

\* BALTIMORE COUNTY

05-242-XA

### ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

NOV 2 4 2004

Per ( )

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to Thomas Hoff, 403 W. Pennsylvania Avenue, Towson, MD 21204, and Anthony DiPaula, Esquire, DiPaula & Sullivan, LLC, 34 South Main Street, Bel Air, MD 21014, Attorney for Petitioner(s).

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Anthony J. DiPaula\*
aid@dipaulasullivan.com

Roger J. Sullivan rjs@dipaulasullivan.com

\*Also admitted in D.C.

ATTORNEYS AT LAW

34 South Main Street Bel Air, Maryland 21014

Telephone: 410-893-4255

Fax: 410-893-4277

Elizabeth Anne Boyle-Donahue eabd@dipaulasullivan.com

Towson Office 300 Allegheny Avenue Towson, MD 21204 410-823-8705

FEB - 8 2005

February 7, 2005

ZONNIG COMMUSSIONER

John V. Murphy, Deputy Zoning Commissioner Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE:

Petitions for Variance and Special Exception

Case No.: 05-242-XA

Property: 1104 Harwell Road

Dear Mr. Murphy:

In accordance with your decision, Mr. Hoff prepared a marked up plan showing the line of demarcation so as not to exceed the 25% rule. The zoning office suggested that the plan be submitted to you for approval and that you could then advise that office accordingly. Mr. Hoff has also included a memo with the plan for explanation purposes. In addition, however, we note that in reviewing your decision, it would appear that condition Nos. 3 and 5 seem to be contradictory. We know what you meant to say, but someone else reading the decision may not understand. We would appreciate it if you could address same.

Please let us know if there is any problem with the plan, and we would also like to know when same is forwarded to the zoning office. Thank you.

Very truly yours,

Anthony J. DiPaula

AJD/dh

cc:

Thomas J. Hoff

John Gosnell

s:\das\ajd\Gosnell.1\Zoning Comm'r.ltr.1

**MEMO** 

TO: JOHN V. MURPHY, DEPUTY ZONING COMMISSIONER

FROM: TOM HOFF

RE: ZONING CASE NO.05-242-XA

DATE: 02/04/05

Attached please find a redlined copy of the plan to accompany the petition in the above referenced case. This redline copy is in response to your comments in the zoning order requesting an amended Exhibit 1. If these revisions are acceptable to you, I will make the revisions on the plan and submit a copy to the zoning office for the file. Also, I talked to Joe Merrey about these revisions and he suggested that you make a memo to put in the file that explains why the revisions were made so that in the future the zoning staff would understand why this revised plan was there.

If you have any questions or require any additional information, please give me a call.

My direct line - 410-296-3669

### THOMAS J. HOFF, IN 406 W. Pennsylvania Ave. 2nd Floor TOWSON, MARYLAND 21204

### LETTER OF TRANSMITTAL

	(410) 296 FAX (410) 2		DATE 3 22 05 ATTENTION JOE MERRE	No. 479-01		
го		FICE	RE: 1104 HARWALL RD.			
<u> </u>		<u> </u>	CASE # 05-242	<u></u>		
·	· , · , · , · - · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		i		
	I			-		
/E ARE S	SENDING YOU   A	ttached 🗆 Under separate cover via .	the follow	ving items:		
	□ Shop drawings	☐ Prints ☐ Plans		ecifications		
	☐ Copy of letter	☐ Change order ☐	- - ——————————————————————————————————	-		
			-			
COPIES	DATE NO.		DESCRIPTION			
2	3/18/05 ZP.	1 REVISED PLAN - F	ETITIONERS EXHIBI	IT "1-A"		
<del></del>			<del></del>	<del>-</del>		
	<u> </u>			<del></del>		
· · · <del>- ·</del> · ·	<u> </u>	·· <del></del>	<del></del>	<del> </del>		
				-		
		-				
HESE AF	RE TRANSMITTED as ch	ecked below:		-		
	☐ For approval	☐ Approved as submitted	d 🗆 Resubmitco	pies for approval		
	☐ For your use	☐ Approved as noted	☐ Submitcopi	• •		
	☐ As requested	☐ Returned for correction				
	☐ For review and co	the second and the second		stou prints		
		771		LOANTOLIS		
EMADRO		RUT THIS TO YOUR ATTEN				
		ON GETTING THIS REVISE				
		SOUNDE MURPHY TO SIC	•	<del></del>		
		ARE FOR YOUR FILES				
		· · · · · · · · · · · · · · · · · · ·	·			
1-21	of checlion	5, PLEASE CALL.	<u></u>			
<del> </del>	· ····· · · · · · · · · · · · · · ·			<del></del>		
<u> </u>	<del></del>		· · · · · · · · · · · · · · · · · · ·			
				i 		
				· · · · · · · · · · · · · · · · · · ·		
	·	······································		<del></del>		
OPY TO			•			

SIGNED: THOWAS I TOFF

If enclosures are not as noted, kindly notify us at once.

- a. Only three persons including the disabled person and the members of his immediate family who are residents of the dwelling are employed in the use on the premises; and
- b. In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in this occupation away from the premises of his home.

Any provision of Subsection 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) Five years after the issuance of the permit;
- (2) The death of the disabled person;
- (3) The termination of the disability; or
- (4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings. [Bill No. 27-1981]

- 12. Office or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees. [Bill Nos. 105-1982; 65-1999]
- 13. Poultry killing, commercial, as an accessory use on farms, only.
- 14. Private colleges (not including business or trade schools), dancing schools, dormitories or fraternity or sorority houses. [Bill No. 47-1985]
- 15. Public utility uses other than those permitted as of right, but excluding steam power plants, service centers and storage yards.
- 16. Public utility service centers.
- 17. Public utility storage yards.
- 18. Radio studios.

1B-10 7-25-2001

PLEASE PRINT CLEARLY

CASE NAME 1104 OUR ALLE K CASE NUMBER 05-24-XA DATE 110 105

# PETITIONER'S SIGN-IN SHEET

BOSALW & AUL COM TOM ETHOURSUNDER. COM ADDEDIMUFINALIM. ON			
Bultumer Med 26207 Towson, MD 21207 Rath MO 21014 BALTIMONEMA 21209			
164 Harwall Road 400 W. Pennsylvania ALE 34 S. MN So 1104 MARWALLOND			
John R. Gognell Thomas J. Hoff Amon T. Allmun Sontan M. Domell			

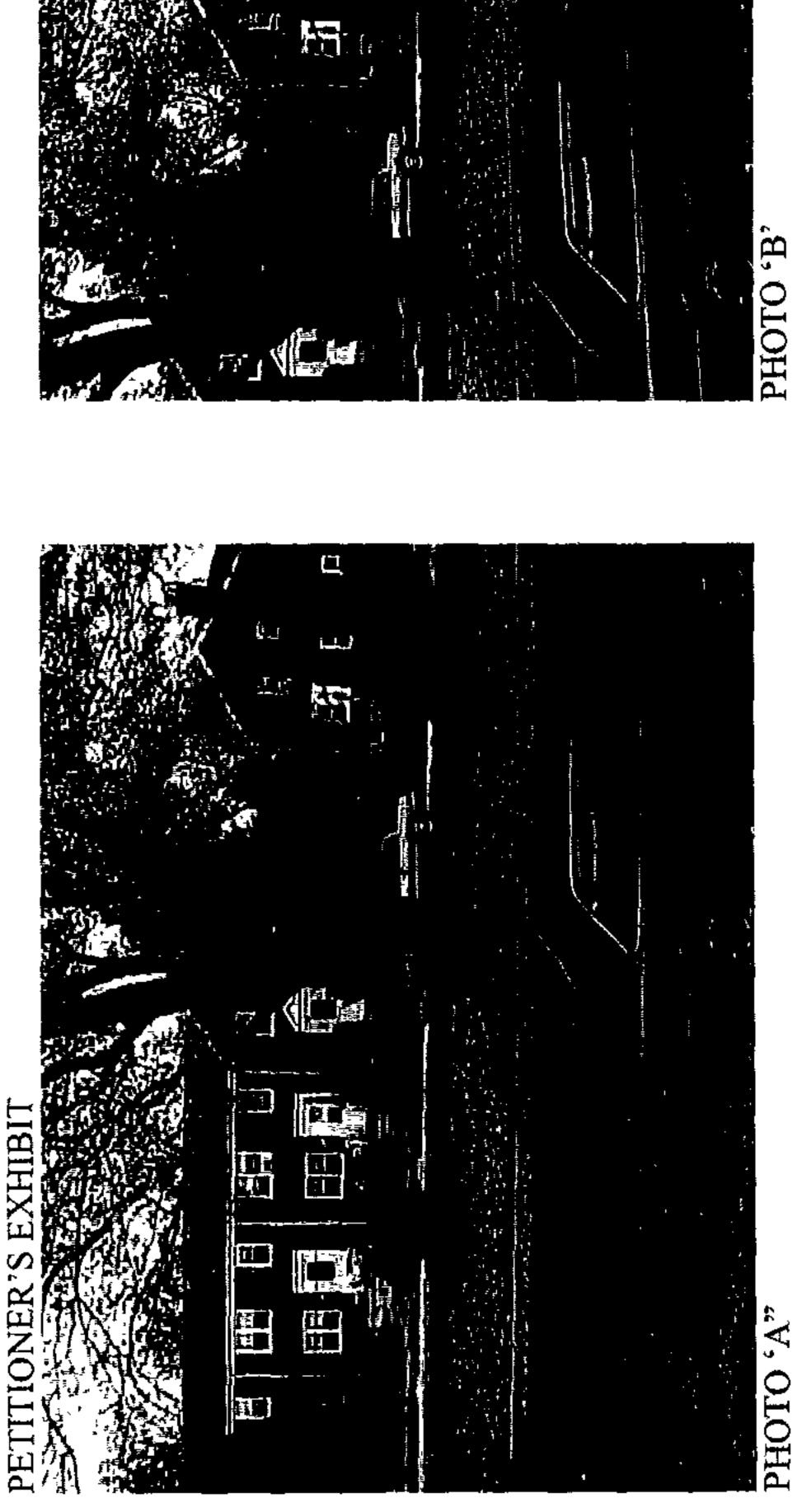
PLEASE PRINT CLEARLY

CASE NAME (104 Thousald L. CASE NUMBER 05-942-XP)
DATE //0/05

## CITIZEN'S SIGN-IN SHEET

austuiss Charcon				
Beltwice MD 21207  1.  BACO NO 21207  MADLE MERRILOST				
1022 Harwall Rd 1631 Kintenaga Rd 1507 Langhal Rd				
Mond Whole				

D.R. 10.5 RARY GRANVILL ROAD SCALE LOCATION SHEET  $1'' = 200' \pm$ S.W. CATONSVILLE DATE I-E PHOTOGRAPHY JANUARY 1986



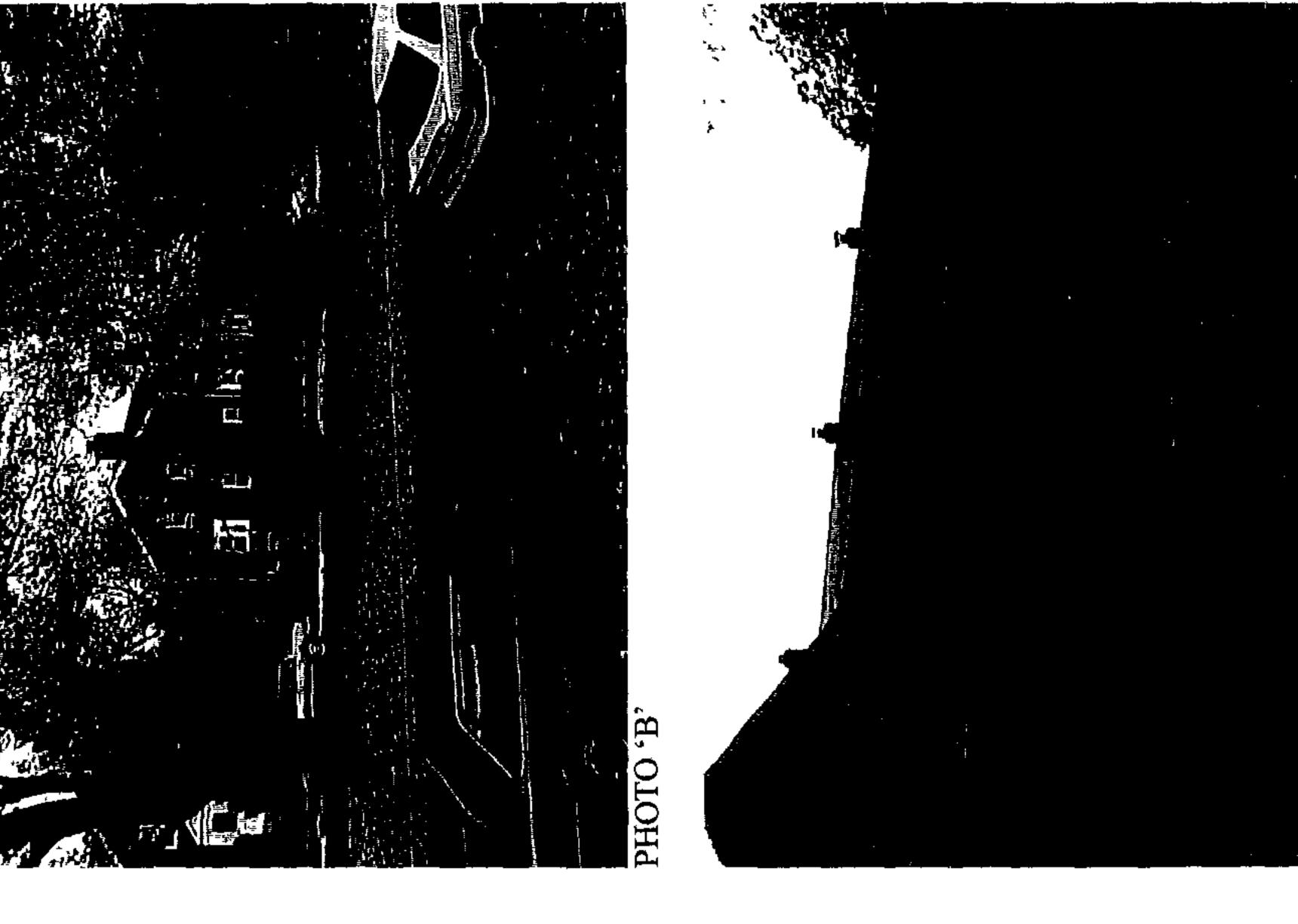
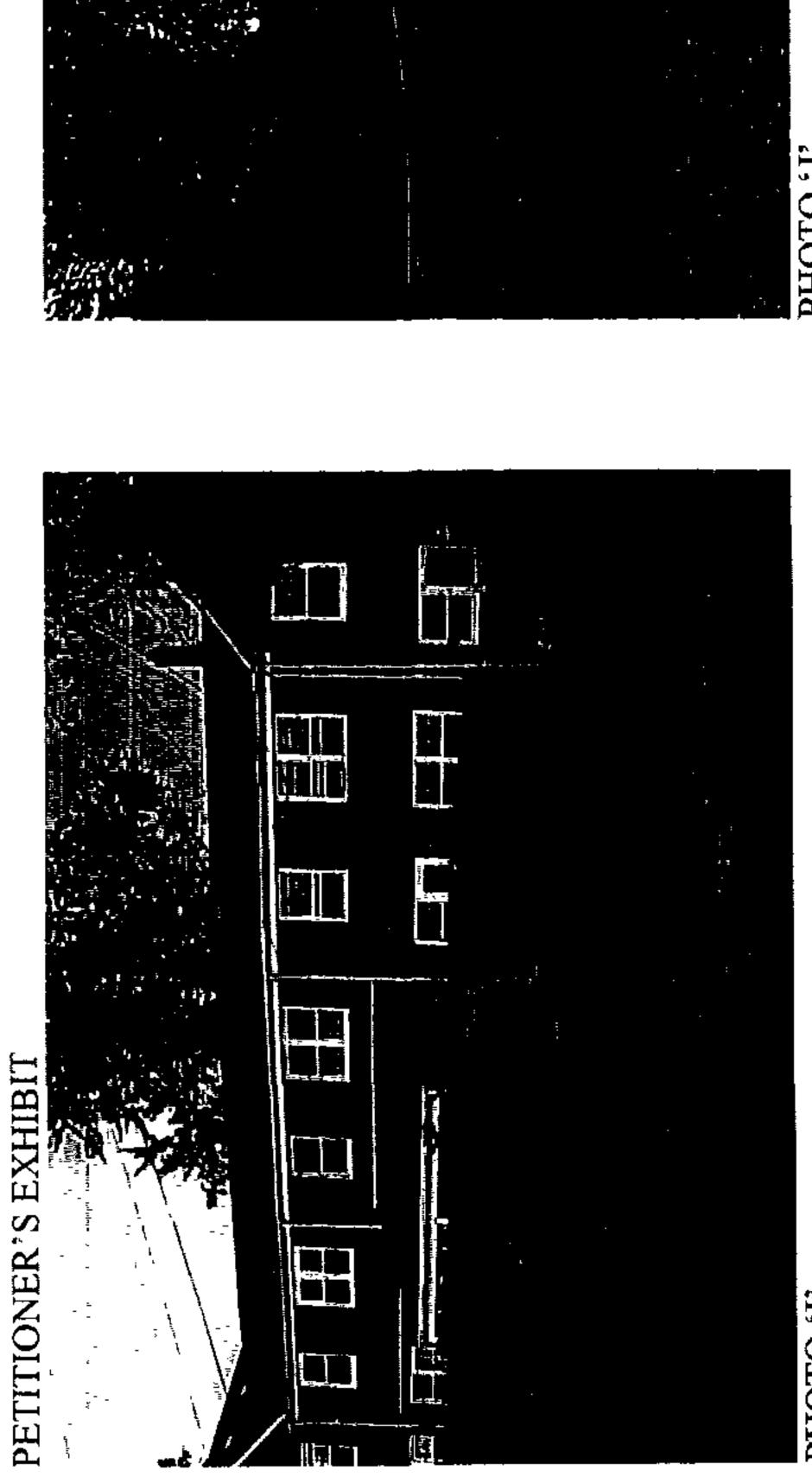




PHOTO 'C'

PHOTO 'D'





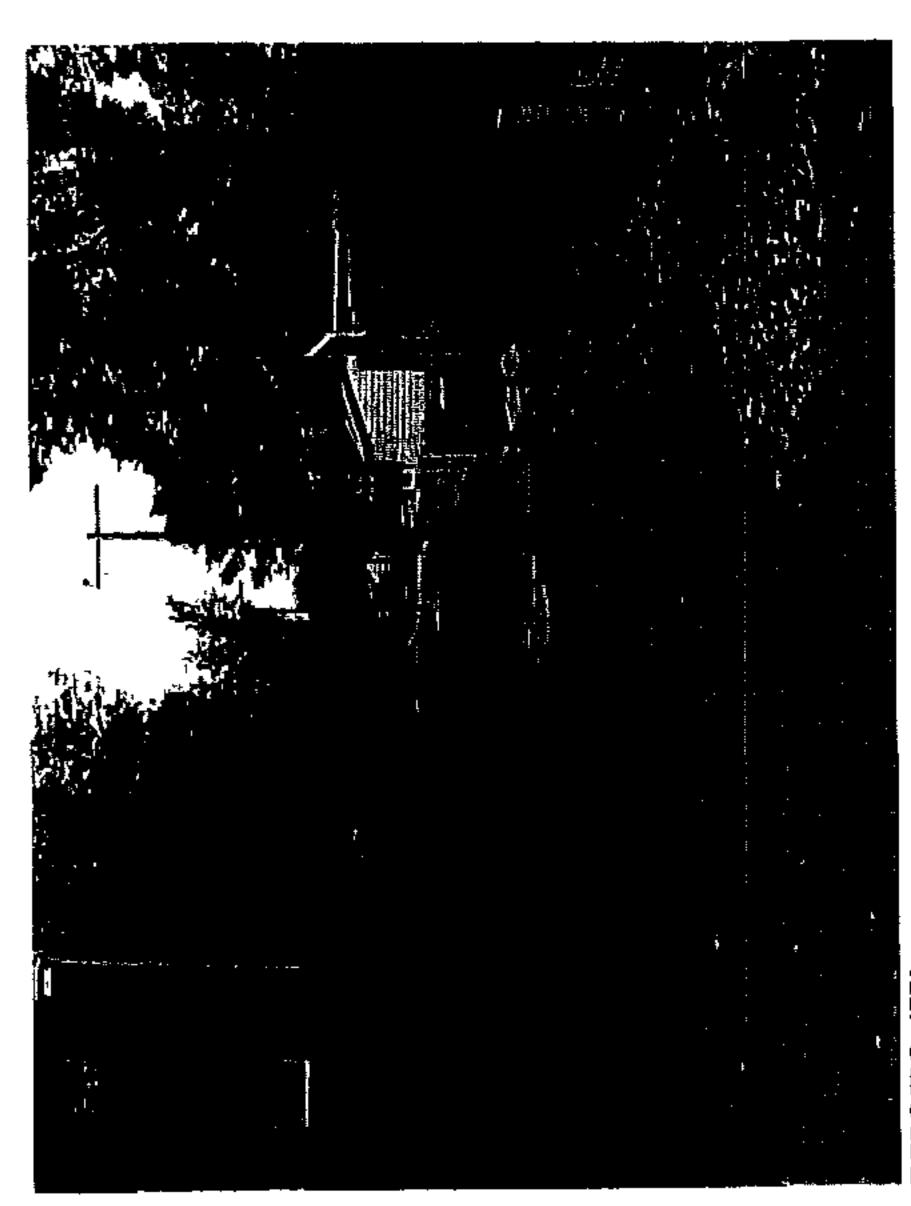


PHOTO 'K'



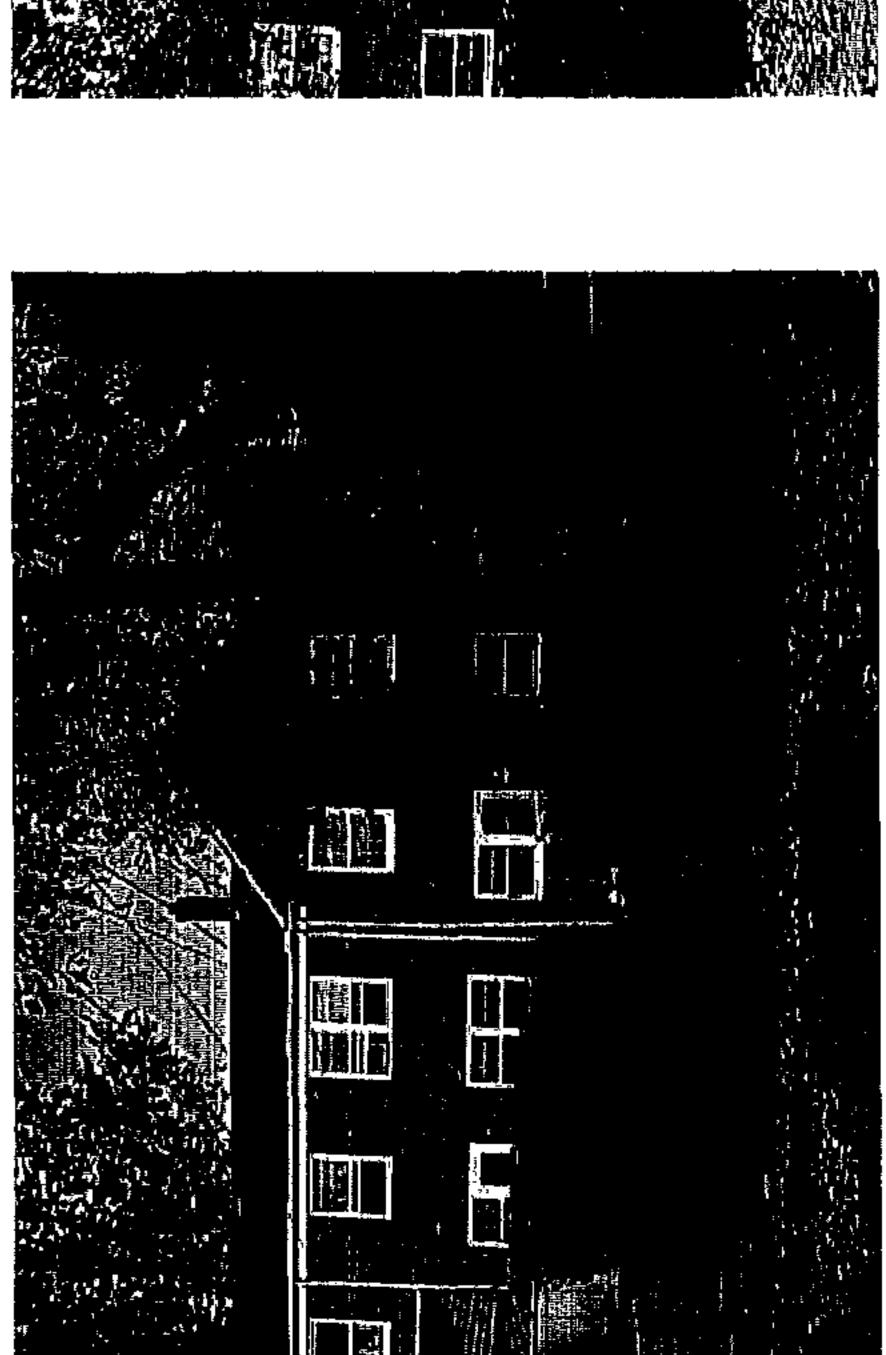
10TO 'J'



PETITIONER'S EXHIBIT

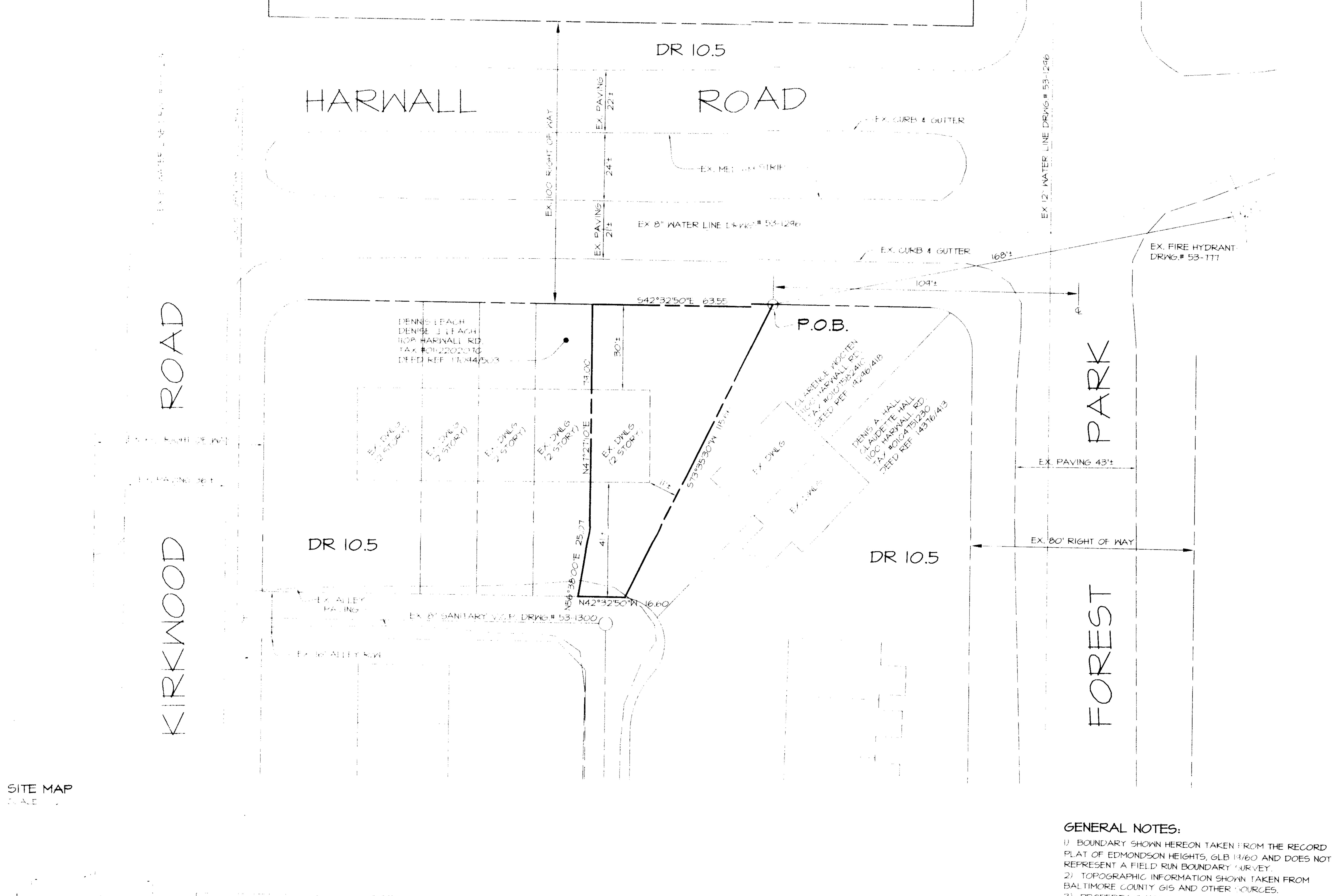
PHOTO 'F'

PHOTO 'E'



.D, OLOHd





STORAGE

\_\_\_\_

LAREA TO REMAIN

LZONING USE LINE

HYING SPACE-89.3中

-

HOUSE DETAILS

3.1-

The transfer of the same of th

VICINITY MAP SCALE: |"=200"

### SITE DATA:

GROSS SITE AREA - 0.136 AC.± , 5,908 SQ. FT. NET SITE AREA - .092 AC.± , 4,002 SQ. FT. EXISTING ZONING - DR 10.5, MAP SW IE

EXISTING USE: RESIDENTIAL PROPOSED USE: RESIDENTIAL & PROFESSIONAL OFFICE SPACE

COMMERCIAL PERMIT HISTORY:

THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

ZONING & DEVELOPMENT PLAN HISTORY:

THERE ARE NO PRIOR ZONING CRGS OR DRCS CASES ON THIS SITE.

### BUILDING AREA:

FIRST FLOOR 694.45 SQ. FT. SECOND FLOOR 694.45 SQ. FT. BASEMENT (STORAGE ONLY) 694.45 SQ. FT. TOTAL BUILDING AREA (EXCLUDING BASEMENT) PROPOSED OFFICE AREA 436 SQ.FT.

### PARKING CALCULATIONS:

PARKING REQUIRED FOR RESIDENCE = 2 SPACES FOR OFFICE 436 SQ.FT @3.3/1000 SQ.FT. = 2 SPACES TOTAL PARKING REQUIRED = 4 TOTAL PARKING PROVIDED - 0

### ZONING RELIEF REQUESTED:

SPECIAL EXCEPTION:

AN OFFICE FOR A 'CPA', ESTABLISHED WITHIN THE SAME BUILDING AS PRIMARY RESIDENCE, PURSUANT TO SECTION IBOI.I.C.12. VARIANCES:

1) SECTION IBOLLC.12. - TO ALLOW OFFICE SPACE TO OCCUPY 31% (436) SQ.FT.) OF THE TOTAL FLOOR AREA IN LIEU OF THE ALLOWED 25% (341) SQ.FT.) - THIS YARIANCE WAS DENIED

2) SECTION 409.6.A.I. - TO ALLOW NO OFF-STREET PARKING SPACES FOR A ONE-FAMILY TOWNHOUSE IN LIEU OF THE REQUIRED TWO (2)

3) SECTION 409.6.A.2. - TO ALLOW NO OFF-STREET PARKING SPACES FOR A PROFESSIONAL OFFICE IN LIEU OF THE REQUIRED ONE (2)

PLAT OF EDMONDSON HEIGHTS, GLB 19/60 AND DOES NOT 2) TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM

3) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL 4) THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON

5) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT. 6) PROPERTY IS NOT IN ANY MORATORIUM AREA. 7) ALL SIGNAGE SHALL COMPLY WITH SECTION 450, BOZR. 8) PROPERTY IS SERVED BY PUBLIC WATER & SEMER.

### OWNER:

STEPHEN GOSNE. 1104 HARWALL REAL BALTIMORE MD (1991) DEED REF TOTO 1/14 TAX #01233501 LOT D BLOCK 4. EDMONDSON HER HIT IS BY 19760 PETITIONER'S EXHIBIT" 1-A"

### REVISED PLAN TO ACCOMPANY ZONING HEARING GOSNELL PROPERTY 1104 HARWALL RD

TAX MAP #95, GRID #15, PARCELS #196 1 IST ELECTION DISTRICT, IST COUNCILMANIC BALTIMORE COUNTY, MD

DATE: 11/09/04 JOB NO.: 0479-01 LAND DEVELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS DESIGNED: TJH 406 MEST PENNSYLVANIA AVENUE DRAWN: TJH/LA TOMSON MARYLAND 21204 40-296-3668 FAX 410-296-5326 HECKED: 2/4/05-PER DRAWING NUMBER: 70-1 ZONING ORDER

SCALE: AS SHOWN

Card)1 C ON CAD01 Fand Projects R2 450 499 479 dwg Carv of 1104 HAR MALL RD DWG, ZONING PLAT 11/9/2004 11:53:56 AND

\_\_\_\_ DR 10.5 HARMALL -EX. CURB & GUTTER <del>----</del> EX 8" WATER LINE DRWG.# 53-1296 -EX. CURB & GUTTER 109'± 542°32'50"E 63.55 DENN'S LEACH P.O.B. DENISE J. LEACH 1108 HARWALL RD. TAX #0112202070 DEED REF. 17094/503 -----LOT40 EX. 60' RIGHT OF WAY EX. PAVING 43'± EX. PAVING 36'± EX. 80' RIGHT OF MAY DR 10.5 DR 10.5 \_\_\_\_\_ LEX. ALLEY M42°32'50"N 16.60/ EX. 8" SANITARY V.C.P. DRWG.# 53-1300 EX. 16' ALLEY R/W r —— —— —— —— SCALE: 1"=20'

> 21.5' EX. BED PROP. 4 OFFICE BEDROOM STORAGE ONLY PROP. OFFICE 259# BEDROOM FIRST FLOOR SECOND FLOOR BASEMENT FRONT FRONT HOUSE DETAILS SCALE: |"=10'

GENERAL NOTES:

1) BOUNDARY SHOWN HEREON TAKEN FROM THE RECORD PLAT OF EDMONDSON HEIGHTS, GLB 19/60 AND DOES NOT REPRESENT A FIELD RUN BOUNDARY SURVEY.

2) TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALTIMORE COUNTY GIS AND OTHER SOURCES.

3) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

4) THERE ARE NO STREAMS OF LOO NOT TO THE PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL

EX. FIRE HYDRANT-

DRWG.# 53-777

4) THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON SITE.

5) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.

6) PROPERTY IS NOT IN ANY MORATORIUM AREA.

7) ALL SIGNAGE SHALL COMPLY WITH SECTION 450, BCZR.

8) PROPERTY IS SERVED BY PUBLIC WATER & SEWER.

OWNER:

STEPHEN GOSNELL

IIO4 HARWALL ROAD

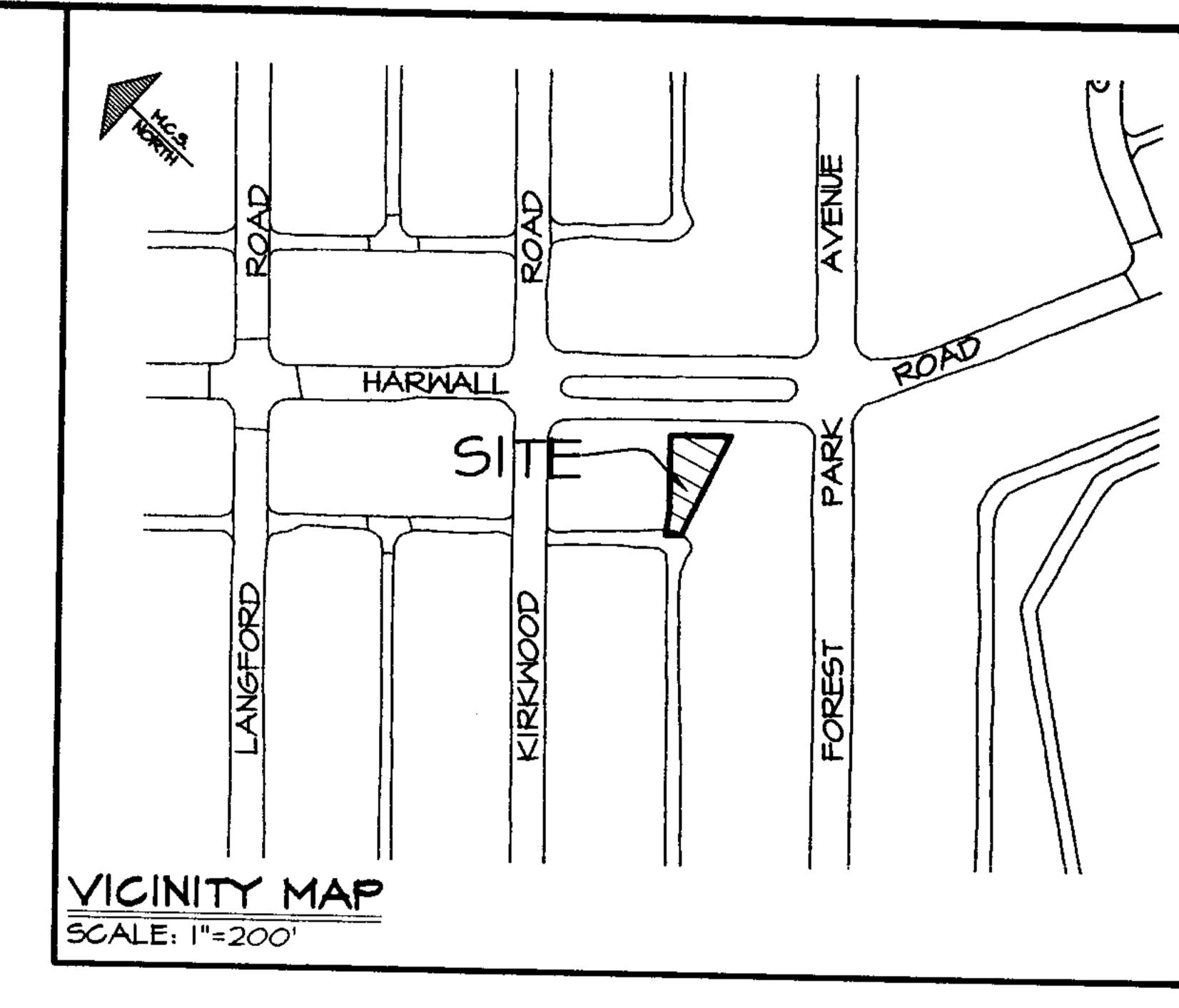
BALTIMORE MD 21207

DEED REF. IOIOI/279

TAX #0123350210

LOT D BLOCK 40

EDMONDSON HEIGHTS, GLB 19/60



### SITE DATA:

GROSS SITE AREA - 0.136 AC.± , 5,908 SQ. FT.

NET SITE AREA - .092 AC.± , 4,002 SQ. FT.

EXISTING ZONING - DR 10.5, MAP SW 1E

EXISTING USE: RESIDENTIAL & PROFESSIONAL OFFICE SPACE

### COMMERCIAL PERMIT HISTORY:

THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

### ZONING & DEVELOPMENT PLAN HISTORY:

THERE ARE NO PRIOR ZONING CRGS OR DRCS CASES ON THIS SITE.

### BUILDING AREA:

FIRST FLOOR

SECOND FLOOR

BASEMENT (STORAGE ONLY)

TOTAL BUILDING AREA (EXCLUDING BASEMENT)

PROPOSED OFFICE AREA

694.45 SQ. FT.
694.45 SQ. FT.
1,389 SQ. FT.
436 SQ.FT.

### PARKING CALCULATIONS:

PARKING REQUIRED

FOR RESIDENCE = 2 SPACES

FOR OFFICE

436 SQ.FT @3.3/1000 SQ.FT. = 2 SPACES

TOTAL PARKING REQUIRED = 4

TOTAL PARKING PROVIDED = 0

### ZONING RELIEF REQUESTED:

SPECIAL EXCEPTION:

AN OFFICE FOR A 'CPA', ESTABLISHED WITHIN THE SAME BUILDING AS PRIMARY RESIDENCE, PURSUANT TO SECTION IBOI.I.C.12.

### VARIANCES:

I) SECTION IBOI.I.C.12. - TO ALLOW OFFICE SPACE TO OCCUPY 31% (436 SQ.FT.) OF THE TOTAL FLOOR AREA IN LIEU OF THE ALLOWED 25% (347 SQ.FT.)

2) SECTION 409.6.A.I. - TO ALLOW NO OFF-STREET PARKING SPACES FOR A ONE-FAMILY TOWNHOUSE IN LIEU OF THE REQUIRED TWO (2) SPACES.

3) SECTION 409.6.A.2. - TO ALLOW NO OFF-STREET PARKING SPACES FOR A PROFESSIONAL OFFICE IN LIEU OF THE REQUIRED ONE (2) SPACES.

### PLAN TO ACCOMPANY ZONING HEARING GOSNELL PROPERTY 1104 HARWALL RD

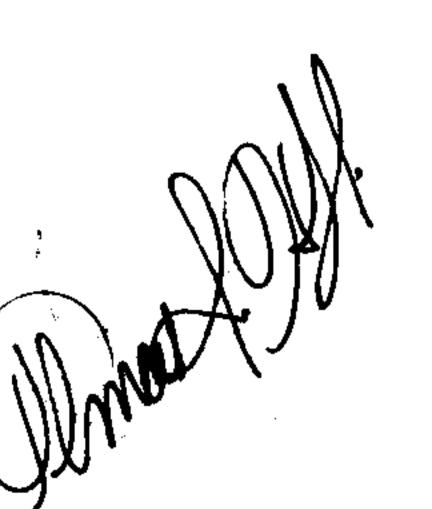
TAX MAP #95, GRID #15, PARCELS #196 Ist ELECTION DISTRICT, Ist COUNCILMANIC BALTIMORE COUNTY, MD

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

JOB NO.: 0479-01
DESIGNED: TJH
DRAWN: TJH/LA
CHECKED:

THOMAS J. HOFF, INC.



REVISIONS:

CHECKED:

DRAWING NUMBER:

ZP-

SCALE: AS SHOWN

HZ4Z SHEET

\\Cad01\C ON CAD01\Land Projects R2\450-499\479\dwg\Copy of 1104 HARWALL RD.DWG, ZONING PLAT, 11/9/2004 11:53:56 AM

- E-K. 1URBs & GUITER EX. MEDIAN CORP. EX BONATROINE DRIVE, # 53 GAC FX FIRE HYDRANE 主义 人切代告 集 网络手术 DRINO#53 117 THENNIE E HACH POB. 一种物种 人名托格尔特 こった 中へを(へに) トバウー ニキ本人 無可りのスクンガー 19. F. 1. F. I. F. 1. 17 194/19 (1980 - -- -- --EX PAYNO 434 EX. 80' RIGHT OF WAY DR 10.5 DR 10.5 E\* 8 DANHARY VEP DRING# 53-1300/ EX WEALLEY BUNG 

SITE MAP

F F F STORAGE ONLY The Estate of Francisco TWT TENNING RE BANTE MENT 1.4 . 141 FACE BUT FRONT HOUSE DETAILS

GENERAL NOTES:

LI BOUNDARY SHOWN HEREON TAKEN FROM THE RECORD PLAT OF EDMONDSON HEIGHTS, GLB 19760 AND DOES NOT REPRESENT A FIELD RUN BOUNDARY SURVEY. 2) TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM BALLIMORE COUNTY GIS AND OTHER SCURCES. B) PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.

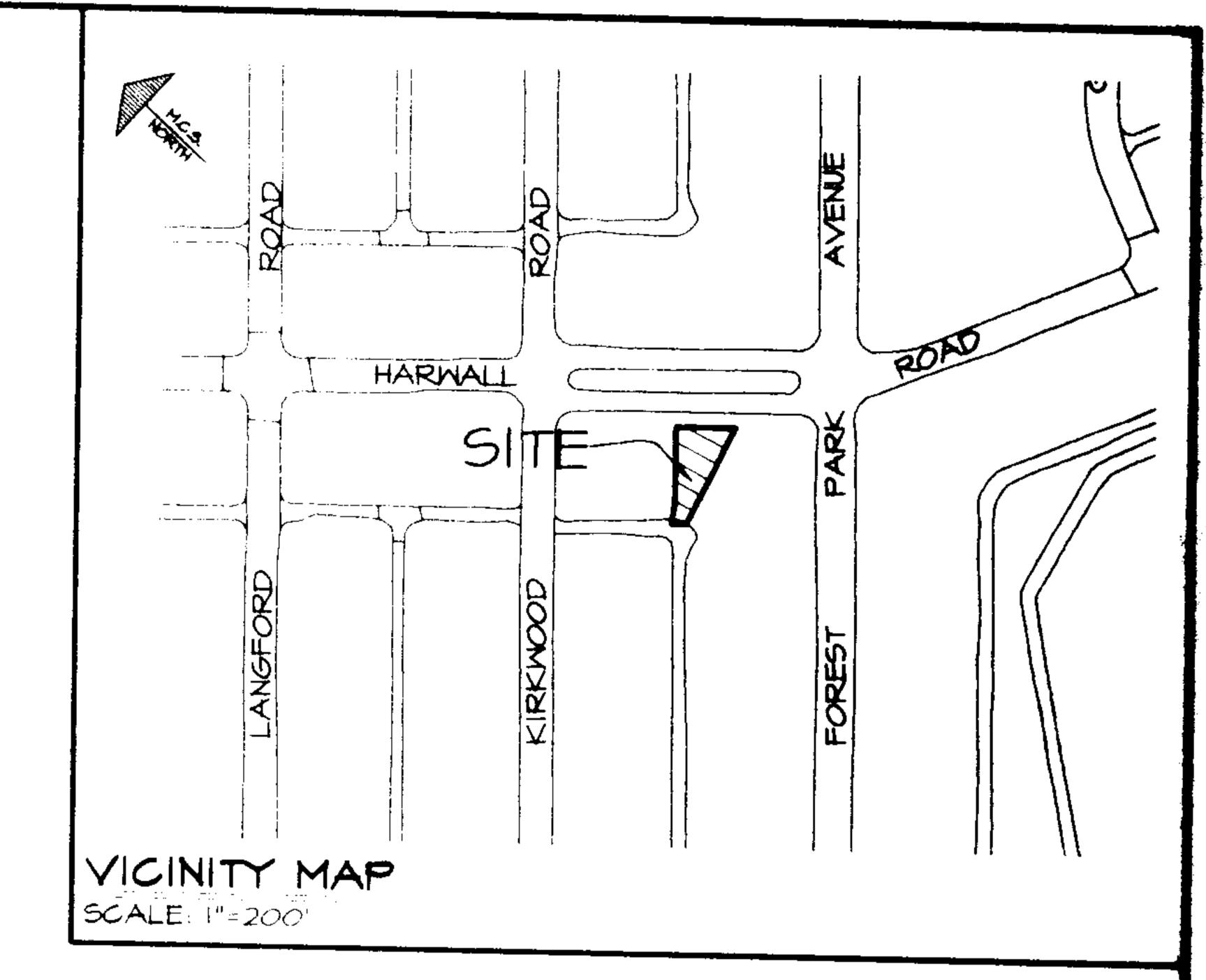
4) THERE ARE NO STREAMS OR 100 YEAR FLOODPLAIN ON

5/ THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ON SITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT. EL PROPERTY IS NOT IN ANY MORATORIUM AREA.

1) ALL SIGNAGE SHALL COMPLY WITH SECTION 450, BOZR. A PROPERTY IS SERVED BY PUBLIC MATER & SEMER

### OWNER:

STEPHEN GOSNELL 1104 HARMALL ROAD BALTIMORE MD 21201 DEED REF. 10101/274 TAX #0123350210 LOTID BLOCK 40 EDMONDSON HEIGHTS, SLB 19/60



### SITE DATA:

GROSS SITE AREA - 0.136 AC.± , 5,908 SQ. FT. NET SITE AREA .092 AC.± , 4,002 5Q. FT. EXISTING ZONING - DR 10.5, MAP SWIE

EXISTING USE: RESIDENTIAL PROPOSED USE: RESIDENTIAL & PROFESSIONAL OFFICE SPACE

COMMERCIAL PERMIT HISTORY:

THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ON THIS SITE.

ZONING & DEVELOPMENT PLAN HISTORY:

THERE ARE NO PRIOR ZONING CRGS OR DRCS CASES ON THIS SITE.

### BUILDING AREA:

FIRST FLOOR 694.45 SQ. FT. BECOND FLOOR 694.45 SQ. FT. BASEMENT (STORAGE ONLY) 694.45 SQ. FT. TOTAL BUILDING AREA (EXCLUDING BASEMENT) 1,389 SQ. FT. PROPOSED OFFICE AREA 436 SQ.FT.

### PARKING CALCULATIONS:

PARKING REQUIRED FOR RESIDENCE = 2 SPACES FOR OFFICE 436 SQ.FT @3.3/1000 SQ.FT. = 2 SPACES TOTAL PARKING REQUIRED = 4 TOTAL PARKING PROVIDED = 0

### ZONING RELIEF REQUESTED:

SPECIAL EXCEPTION:

AN OFFICE FOR A 'CPA', ESTABLISHED WITHIN THE SAME BUILDING AS PRIMARY RESIDENCE, PURSUANT TO SECTION IBOI.I.C.12.

### VARIANCES:

1) SECTION IBOLLC.12. - TO ALLOW OFFICE SPACE TO OCCUPY 31% (436 SQ.FT.) OF THE TOTAL FLOOR AREA IN LIEU OF THE ALLOWED 25% (347) SQ.FT.)

2) SECTION 409.6.A.I. - TO ALLOW NO OFF-STREET PARKING SPACES FOR A ONE-FAMILY TOWNHOUSE IN LIEU OF THE REQUIRED TWO (2)

3) SECTION 409.6.A.2. - TO ALLOW NO OFF-STREET PARKING SPACES FOR A PROFESSIONAL OFFICE IN LIEU OF THE REQUIRED ONE (2) SPACES.

### PLAN TO ACCOMPANY ZONING HEARING GOSNELL PROPERTY 104 HARWALL RD

TAX MAP #95, GRID #15, PARCELS #196 1 St ELECTION DISTRICT, IST COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC. 1 JOB NO.: 0479-01 LAND DE LELOPMENT CONSULTANTS LANDSCAPE ARCHITECTS

DESIGNED: TJH 406 MEST PENNSYL JANIA AVENUE DRAWN: TJH/LA TOMSON MARYLAND 21204 +0-296-3668 FAX 410-296-5326 CHECKED:

> DRAWING NUMBER-PEVISIONS: ZP-1

SCALE: AS SHOWN

DATE: 11/09/04

Cad01\C ON CAD01\Land Projects R2\450 499\479\dwg\Copy of 1104 HARWALL RD,DWG, ZONING PLAT, 11/9/2004 11:53:56 AM