IN RE: PETITION FOR SPECIAL EXCEPTION

SE/Corner Allegheny Avenue and

Highland Avenue

(409 Allegheny Avenue)

9th Election District

5th Council District

Shellie A. Curry & Amy B. Caplan Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

^k Case No. 06-041-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Shellie A. Curry and Amy B. Caplan, through their attorney, Stuart B. Kaplow, Esquire. As filed, the Petitioners request a special exception, if determined to be necessary, to allow use of the subject property and improvements thereon as an office or studio of architects, provided that any such office or studio is established within the same building as that serving as the professional persons' 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 non-resident professional associate nor two other non-resident employees, as authorized by Section 1B01.1.C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.). In this regard, the subject property is zoned R.O.A., which permits the use proposed, by right, pursuant to Section 202.3 of the B.C.Z.R. However, as a result of a recent expansion to an existing building on the property, the Petitioners were advised to file the instant Petition to legitimize the use. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Shellie Curry and Amy Caplan, property owners, and Stuart D. Kaplow, Esquire, attorney for the Petitioners. Mr. Saplow produced a number of expert witnesses, including Thomas J. Hoff, the Landscape

PRDER RECAIVED FOR FLARE

Architect who prepared the site plan for this property, and Robert E. Latshaw, Jr., a real estate advisor, investor and developer in the Towson community, and a former member of the Baltimore County Planning Board. Also appearing was Molly O'Donovan, who resides immediately across from the subject property and has known the Petitioners for a number of years. In addition, this Zoning Commissioner received a letter of support from R. Carlson Seitz, a resident of the neighborhood for over 55 years and who also resides across the street from the Petitioners.

Initially, the requested special exception relief was protested. Due to a medical emergency, Richard Parsons, an officer with the West Towson Neighborhood Association, requested a continuance of the originally scheduled September 9, 2005 hearing date. However, on September 30, 2005, Mr. Parsons appeared, not as a Protestant, but as an interested citizen, having had the benefit of further discussions with both the Petitioners and the Association membership.

Testimony and evidence offered disclosed that the subject property is located on the south side of West Allegheny Avenue and the east side of Highland Avenue in Towson. The property contains a gross area of 0.40 acres, or 17,532 sq.ft., zoned R.O.A. (Residential-Office, Class A) and is improved with a two-story frame dwelling, which features an attached two-story three-car garage that is attached to the home by porches and decks, and a detached two-car garage in the southwest corner of the property. The Petitioners have owned and resided on the property with their son since 1996 and have used a portion of the property as office space since that time. The Petitioners expanded the use in 2004 and created additional office space above the three-car garage. As a result of these improvements, the office use by right under Section 202.3.A.3 of the B.C.Z.R. is not appropriate. The Petitioners are on the fringe of a commercial area that is used as "quintessential residential office use intended by the zoning scheme according to Robert Latshaw. Nevertheless, external enlargement and creation of offices over the existing three-car garage necessitates the requested special exception relief.

According to the adjacent neighbor, Molly O'Donovan, the Petitioners have made substantial renovations and improvements to the property since their purchase in 1996. As noted earlier, Mr. Latshaw presented testimony that office uses are predominant in the vicinity and the

SEDER LECEVE

proposed office studio is consistent with the present uses in the neighborhood. As shown on the site plan, 759 sq.ft., or 16% of the building area is being proposed for use as the professional office, and adequate parking is available on site. Mr. Latshaw opined that the use by architects is appropriate for this location and satisfies the requirements set out in Section 502.1 of the B.C.Z.R.

Section 1B01.1.C.12 of the B.C.Z.R. permits, by special exception, "Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, providing that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one (1) non-resident professional associate, nor two (2) other non-resident employees."

After due consideration of all of the testimony and evidence presented in this case, I find that the proposal complies with the standards set forth in Section 1B01.1.C.12 of the B.C.Z.R. for relief to be granted. The subject dwelling serves as their primary residence, the proposed office area will not occupy more than 25% of the total floor area of the building, and the Petitioners do not propose the employment of more than one (1) non-resident associate. Indeed, this property is an appropriate site for a professional person to establish an office therein and similar uses abut the subject property, or are nearby. I further find that the special exception requirements of Section 502.1 of the B.C.Z.R. have been met and that there will be no detrimental impacts to the health, safety and general welfare of the locale. In this regard, it is significant that there were no Protestants present and that continuing discussions with Richard Parsons have addressed the community's concerns. For all of these reasons, I find that the relief requested is appropriate and should therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

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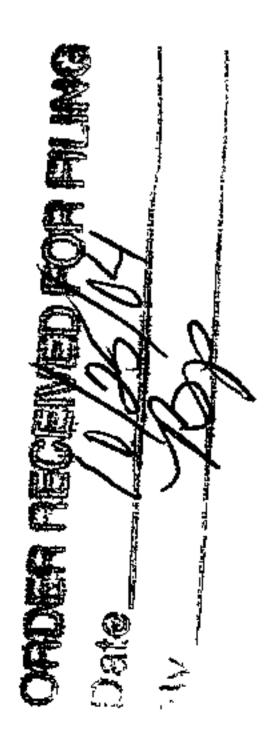
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 25 day of October 2005, that the Petition for Special Exception to allow use of the subject property and improvements thereon as an office or studio of architects, pursuant to Section

1B01.1.C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with the Petitioners' Exhibit 1, be and is hereby GRANTED.

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

Zoning Commissioner for Baltimore County

WJW:bjs





JAMES T. SMITH, JR. County Executive

October 24, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SE/Corner Allegheny Avenue and Highland Avenue
(409 Allegheny Avenue)
9th Election District – 5th Council District
Shellie A. Curry & Amy B. Caplan - Petitioners
Case No. 06-041-X

Dear Mr. Kaplow:

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

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

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Shellie A. Curry & Ms. Amy B. Caplan
409 Allegheny Avenue, Towson, Md. 21204-4256
Mr. Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson, Md. 21204
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204
People's Counsel; Case File



OR FILERO

CHUER

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 409 ALLEGHENY AVE, Towson

which is presently zoned R-O-A

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 ATTACHHENT A"

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/Lessee: <u>Legal Owner(s):</u> SHELLIE A. GERY Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name · Wybe or Print City State Zip Code Signature AU EGHENY AVE 410-296-7373 Attorney For Petitioner: Address Telephone No. STUNDT D. KARLOW 21204-4256 nosmo Name - Type or Pript-City State Zip Code Representative to be Contacted: Signature STUDET D. KAPLOW TUNET KAPLOW, Y.A. Company Name EAST CHESAPEAKE AVE. 410-339-3910 J ENST CHESNIENKE AUE. 410-339.3910 Address Telephone No. **Address** Telephone No. BYTLIH OJE BUTTHOZE MJ 21286-5306 21286-5306 City State Zip Code City Zip Code State OFFICE USE ONLY tase No. 06-041-X UNAVAILABLE FOR HEARING Reviewed By DROP-OFF PETITION) SEE POLICY

PETITION FOR SPECIAL EXCEPTION



ATTACHMENT "A"

Patitioniers Equest Aproval to USE THE TROPH AND IMPROVEMENTS AS

an office or studio of architects, 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, as authorized by BCZR Section 1B01.1.C.12., if it is determined that such a Special Exception is required.

202.3 - Use regulations uses Bermitted by reght and as limited
by in DR 3.5 Zones /

THOMAS J. HOFF, INC.

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

June 17, 2005

Description of 409 West Allegheny Avenue, to Accompany Petition for Special Exception

BEGINNING FOR THE SAME at a point at the intersection of the south side of West Allegheny Avenue (80' R/W) and the East side of Highland Avenue (60' R/W).

Thence binding on the south side of West Allegheny Avenue,

- 1) South 76 degrees 00 minutes 00 seconds East 100.00 feet, thence leaving the south side of West Allegheny Avenue,
- 2) South 13 degrees 59 minutes 00 seconds West 150.00 feet, thence binding on the north side of a 20' alley,
- 3) North 76 degrees 00 minutes 00 seconds West 100.00 feet, thence binding on the east side of Highland Avenue,
- 4) North 13 degrees 59 minutes 00 seconds East 150.00 feet to the place of beginning.

Containing 0.34 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

NOTICE OF ZONING HEARING .

The Zoning Commissioner of Baltimore County, by au-thority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

Case: #06-041-X 409 Allegheny Avenue S/side of 409 Allegheny Avenue 9th Election District 5th Councilmanic District Legal Owner(s): Shellie A. Curry & Amy B. Caplan

Special Exception: to perwithin the same building as the professional person's primary residence.

Hearing: Friday, September 9, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, HI Zoning Commissioner for

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

(2) For information concerning the File and/or Hearing, Contact the Zon-ing Review Office at (410) 887-3391. 8/259 Aug. 25

CERTIFICATE OF PUBLICATION

<u>8 25 ,2005</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 825,20 <u>05.</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

RE: **06-041-X**

Petitioner/Developer: Shellie

A. Currie & Amy B.

Caplan

Hearing Date: 9/9/05

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 at 409 Allegheny Ave.

The sign(s) were posted on 8/25/05.

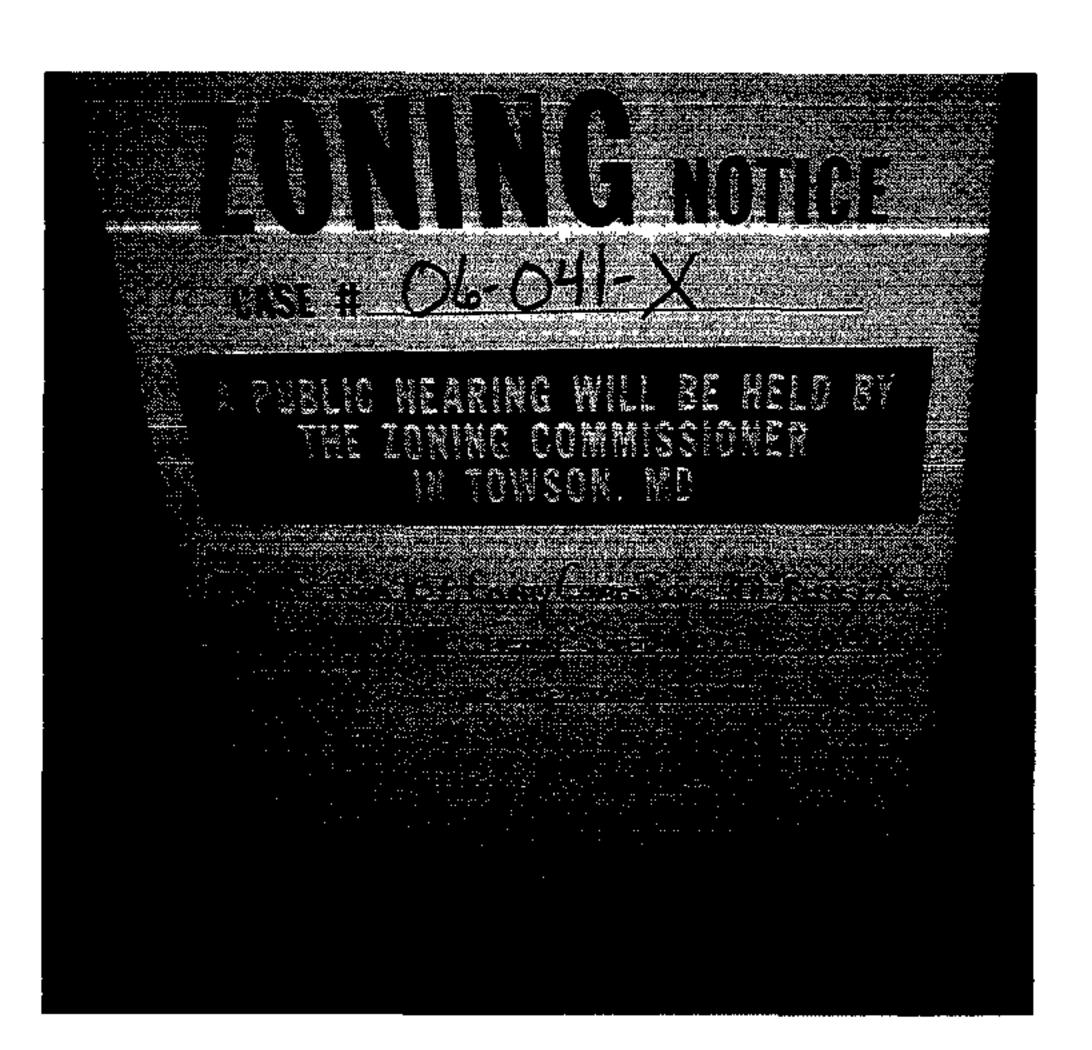
Sincerely,

Thomas J. Hoff

Thomas J. Hoff, Inc.

406 West Pennsylavnia Avenue

Towson, MD 21204



TO: PATUXENT PUBLISHING COMPANY

Thursday, August 25, 2005 Issue - Jeffersonian

Please forward billing to:

Stuart Kaplow

15 East Chesapeake Avenue Baltimore, MD 21286-5306 410-339-3910

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: 06-041-X

person's primary residence.

409 Allegheny Avenue S/side of 409 Allegheny Avenue 9th Election District – 5th Councilmanic District Legal Owners: Shellie A. Curry & Amy B. Caplan

Special Exception to permit an office of architects within the same building as the professional

Hearing: Friday, September 9, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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 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

August 1, 2005

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: 06-041-X

409 Allegheny Avenue S/side of 409 Allegheny Avenue 9th Election District — 5th Councilmanic District Legal Owners: Shellie A. Curry & Amy B. Caplan

Special Exception to permit an office of architects within the same building as the professional person's primary residence.

Hearing: Friday, September 9, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Stuart Kaplow, 15 East Chesapeake Avenue, Baltimore 21286
Shellie Curry, Amy Caplan, 409 Allegheny Avenue, Towson 21204-4256

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 25, 2005.

- (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.



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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

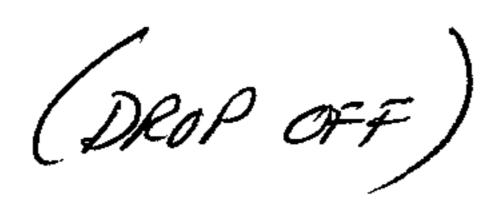
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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: 06041-X	
Petitioner: CURRY AND CAPLAN	
Petitioner: <u>CURRY AND CAPLAN</u> Address or Location: <u>409 W. ALLECHENEY</u> AVE,	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: START KAPLOW	
Address: 15 E, CHESAPEAKE AVE	

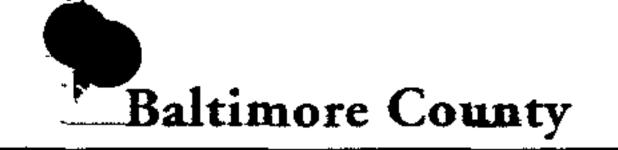
Revised 2/20/98 - SCJ



Department of Permits and Development Management

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





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

August 29, 2005

Stuart D. Kaplow 15 East Chesapeake Avenue Baltimore, Maryland 21286-5306

Dear Mr. Kaplow:

RE: Case Number: 06-041-X, 409 Allegheny Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 21, 2005.

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, Calling Call

W. Carl Richards, Jr. Supervisor, Zoning Review

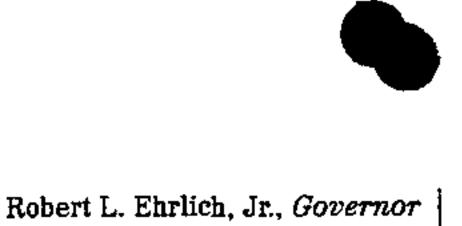
WCR: clb

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c: People's Counsel
Shellie A. Curry and Amy B. Caplan 409 Allegheny Avenue Towson 21204



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



Michael S. Steele, Lt. Governor





Neil J. Pedersen, Administrator

JLL

Maryland Department of Transportation

Date: 7.29.05

Baltimore County

Item No. 27 41

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

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.

RE:

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

1. J. Godlini

Engineering Access Permits Division

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

August 2, 2005

Distribution Meeting of August 1, 2005

ATTENTION: Zoning Review Planners

Item No. 032, 033, 034, 035, 036, 037, 038, 039, 040, 041 and 043
Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

Bula

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 8, 2005

Item Nos. 032, 033, 034, 035, 036, 038,

039, 040, 041, 042, 043,

DATE: August 8, 2005

RECEIVED

AUG 1 0 2005

ZONING COMMISSIONER

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08082005.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO.

Tim Kotroco

FROM. R Brice Seeleyi-

DATE:

September 2, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Admsory Committee Meeting of August 1 2005

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

06-032

06-033

06-034

06-036

06-038

06-039

06-840 06-041

06-043

Reviewers:

Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

S.\Deveoord\ZAC-8-1-05NC doc

All ala

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

RECEIVED

DATE: August 25, 2005

AUG 2 5 2005

79NING COMMISSIONER

SUBJECT:

409 West Allegheny Avenue

INFORMATION:

Item Number:

6-041

Petitioner:

Shellie Curry

Zoning:

RO-A

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The subject property was granted a building permit on June 25th, 2003 to construct a 3 car, two-story garage with bathroom on the second story. Moreover, open decks and breezeway attach this addition to the original residential dwelling. It should be noted that this addition was intended for residential use at the time a permit was issued.

At present, the property owner is seeking a special exception to allow this portion of the property to be used as a professional architect studio/office. It is the opinion of this Office that, although the special exception use is applied under DR 3.5 regulations, the bulk regulations under the RO-A zoning shall continue to be applicable in this case. Most notably, Section 202.5 of the BCZR states in part "A new building or part of a building to be used as a dwelling must be occupied as a residential use for five years before submitting a plan for conversion to a Class A office building..."

While the special exception use being requested is compatible with the surrounding uses and does not appear to create undo hardship upon area residents or property, the Office of Planning recommends that the petitioners request be <u>denied</u> until this portion of the dwelling has been occupied for five years as stipulated under section 202.5 of the Baltimore County Zoning Regulations.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 22, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

409 West Allegheny Avenue

INFORMATION:

Item Number:

6-041 (revised comments)

Petitioner:

Shellie Curry

Zoning:

RO-A

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

Under the RO-A zoning for the subject property, the Baltimore County Zoning Regulations (BCZR) section 202.3 states "uses permitted by right and as limited in D.R. 3.5 Zones". Referring to BCZR section 1BO1.C.12, states uses permitted by special exception in a DR 3.5 Zone... "Office or studios of ... architects, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; 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."

The petitioner's special exception is applied under DR 3.5 regulations, the use limitations under the RO-A zoning no longer apply in this case. The proposed use as a professional architects studio/office is compatible with the surrounding uses and does not appear to create undo hardship upon area residents or property. Therefore, the Office of Planning does not oppose the petitioner's request.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

Prepared by:

Division Chief:

AFK/LL: CM

BW 9130

RECEIVED

BALTIMORE COUNTY, MARYLAND

SEP 2 2 2005

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

DATE: September 22, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

409 West Allegheny Avenue

INFORMATION:

Item Number:

6-041 (revised comments)

Petitioner:

Shellie Curry

Zoning:

RO-A

Requested Action:

Special Exception

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The petitioner's special exception is applied under DR 3.5 regulations, the use limitations under the RO-A zoning no longer apply in this case. The proposed use as a professional architects studio/office is compatible with the surrounding uses and does not appear to create undo hardship upon area residents or property. Therefore, the Office of Planning does not oppose the petitioner's request.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

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

September 13, 2005

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
SE/Corner W. Allegheny Avenue and Highland Avenue
(409 W. Allegheny Avenue)
9th Election District – 5th Council District
Shellie A. Curry & Amy B. Caplan, Owners
Case No. 06-041-X

Dear Mr. Kaplow:

This letter is to confirm that the hearing in the above-captioned matter was postponed in open hearing on Friday, September 9, 2005 at the request of Richard Parsons, on behalf of the West Towson Neighborhood Association. Pursuant to Rule 4G of the Rules of Practice and Procedure before the Zoning Commissioner, continuances of public hearings may be granted where there are extraordinary circumstances. In this regard, Mr. Parsons stated that one of their key witnesses would be unable to attend due to the grave medical condition of a loved one. By agreement of all parties present, the hearing was rescheduled for Friday, September 30, 2005 at 2:00 PM in Room 407 of the Circuit Courts Building. Although public notice and posting requirements have been satisfied, you agreed to change the sign on the property to reflect the new hearing date and time.

Thank you for your consideration in this matter and should anyone have any questions on the subject, please do not hesitate to call me.

WILLIAM ! WISEMAN, III

Zoning Commissioner for Baltimore County

Very truly yours.

WJW:bjs

cc:

Mr. Thomas Hoff, 406 W. Pennsylvania Avenue, Towson, Md. 21204 Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204

People's Counsel; Case File



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

RE: PETITION FOR SPECIAL EXCEPTION 409 W. Allegheny Avenue: S/side 409

W. Allegheny Avenue

9th Election & 5th Councilmanic Districts Legal Owner(s): Shellie Curry &

Amy B. Caplan

Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 06-041-X

* * * * * * * * *

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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

Reople's Counsel for Baltimore County

RECEIVED

AUG 0 3 2005
Par (1)

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 2nd day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esquire, 15 East Chesapeake Avenue, Baltimore, MD 21286,, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

WEST TOWSON NEIGHBORHOOD ASSOCIATION

RECEIVED

August 5, 2005

P.O. BOX 502

RIDERWOOD, Maryland 21139-0502

AUG - 8 2005

William J. Wiseman, Esq., Zoning Commissioner for Baltimore County County Courts Building 410 Bosley Avenue Towson, MD. 21204

ZONING COMMISSIONER

Dear Mr. Wiseman:

We are in receipt of the Zoning Commissioner's Hearing Schedule, Updated and Distributed August 8, 2005.

Case # 06-041-A, to be heard September 9, 2005 in Room 407, is an application by Shellie Curry and Amy Caplan to permit an architect's office in 409 Allegheny Avenue, in a ROA zone, a structure which had reverted to residential only use after very sizable external alterations were made to the building.

Some months ago this matter was brought before the West Towson Neighborhood Association Board, with Mr. Curry present. After a full discussion, and following Mr. Curry's departure, the WTNA board, by unanimous vote, declined to support Mr. Curry's application.

We will, therefore, appear in opposition to this application.

Yours sincerely

Luhard Parms

Richard Parsons, Chair, Zoning Committee, West Towson neighborhood

Association.

Cc: Board of the West Towson Neighborhood Association

p.2 BW

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10.9 JATOT

R. Carlton Seitz
502 Highland Avenue
Towson, Maryland 21204

29 August, 2005

The Zoning Commissioner 401 Bosley Avenue Towson, Maryland 21204

R:

Case No. 06-041-X

Special Exception for 409 Allegheny Avenue

Dear Zoning Commissioner:

I am writing to express my support for the Special Exception, Case Number 06-041-X, to permit an architect's office within the same building as the person's primary residence at 409 Allegheny Avenue in Towson.

I live at 502 Highland Avenue, across the street from Mr. Curry and have lived here off an on for over 55 years. I can assure you this neighborhood has gone through many changes over the years and Mr. Curry and other recent, mostly younger neighbors, are breathing new life into this area. Mr. Curry has done a commendable job of upgrading his property. Unfortunately Mr. Curry is also being penalized professionally and personally by the down zoning of the RO area east of Highland Avenue to ROA that took place 15 years ago. I was also impacted by the down zoning as I hold an interest in one of the buildings in the ROA area. What I can say with certainty is that Mr. Curry is doing everything right and is exactly the sort of young professionals we want to attract to this area. Rather than placing such a zoning burden upon such individuals as Mr. Curry it would be much smarter to allow them to upgrade their properties like Mr. Curry has done and to allow them to live where they obviously have put a lion's share of their personal assets.

As I recall during the heat of the conflict over the down zoning of this area 15 years ago one rallying cry of the neighborhood associations was 'absentee landlords' which provided much of the rational for why they wanted the area down zoned. But Mr. Curry is anything but an absentee landlord and I believe his desire to live close to his place of work should be commended and supported by the zoning commissioner.

Please feel free to contact me if any one in your group wishes to discuss this matter further with me. My phone number is 410-823-4989.

I hope that you can support Mr. Curry's petition as I think it is the correct thing to

Respectfully Yours.

410 2SI 8601 P.01/01

SHELLIE CURRY ARCHITECTS

PRICE CONFLAMME

R. Carlton Seitz 502 Highland Avenue Towson, Maryland 21204 410-823-4989

Fax Cover Sheet

To: The Zoning Commissioner

Fax: 410-887-3468

Re: Case Number 05-041-X – Special Exception

409 Allegheny Avenue

Hearing Date September 9, 2005 at 10:00 a.m.

group

LETTER SUPPORTING PETITION IS ATTACHED

Pages: 2, including this cover sheet

From:

"Richard Parsons" < rparsons@bcpl.net>

To:

"Stuart D. Kaplow, Esq." <skaplow@stuartkaplow.com>

Date:

9/7/2005 10:59:24 AM

Subject:

Curry case, # 06-41-A

Good morning, Stewart:

This concerns the Shelly Curry SE case, # 06-41-A. I went in to see Bill Wiseman this morning. The mother of one of WTNA's witnesses is in a terminal condition-will probably pass between now and Saturday. I have asked for a postponement

Bill and I both tried to contact you Wednesday monring-I believe he left a call in for you. I will check back with Bill on Thursday afternoon to see if he has been able to clear it with you, and agree on a new date. Otherwise I will come in to the hearing on Friday mor ing, as scheduled, and ask for a postponement then.

Any future date which you and Bill can decide on is fine with me.

Sorry for any inconvience this puts you and your client to.

Sincerely,

Dick Parsons

(Home phone: 410-821-5473) Office, AM only: 410-887-6194.)

CC:

"William J. Wiseman, Esq." <wwiseman@co.ba.md.us>

Andry 9/30 - all day (9/30) @ 2100 Pm

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

TO ZOWING FILE 06-041-X. 409 W. ALLECHENEY AVE.

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with <u>all</u> technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05

JLL/rjc

Case No.:

06-04/X

409 AllEGHENY AVE

Exhibit Sheet

Petitioner/Developer

Protestant

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No. 1	JITE PLAN	
No. 2	PERIAC OF ROBERTY LOCATION	
No. 3	LEATER OF SUPERT R. Conlton SEITZ	
No. 4	p. Carlyon 221/2	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME CLER 4 4E CASE NUMBER 6-041

PETITIONER'S SIGN-IN SHEET

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CHELLIE SCHERK ARCHITECTS COM	Lowron Md 21104	409 Alledhony Ive.	Hr. Wallie Curry
E-MAIL	CITY, STATE, ZIP	ADDRESS	NAME

CASE NAME Curry.
CASE NUMBER 6-041
DATE 9/30/05

CITIZEN'S SIGN-IN SHEE!

									Richard Parsums	NAME
									412 modelbis Are	ADDRESS
									1005 m and 21204	CITY, STATE, ZIP
									RParsmid BCPL. nel-	E- MAIL

PLEASE PRINT CLEARLY

CASE NAME + 66-046-X CASE NUMBER CURRAL DATE 9/1/08

PETITIONER'S SIGN-IN SHEET

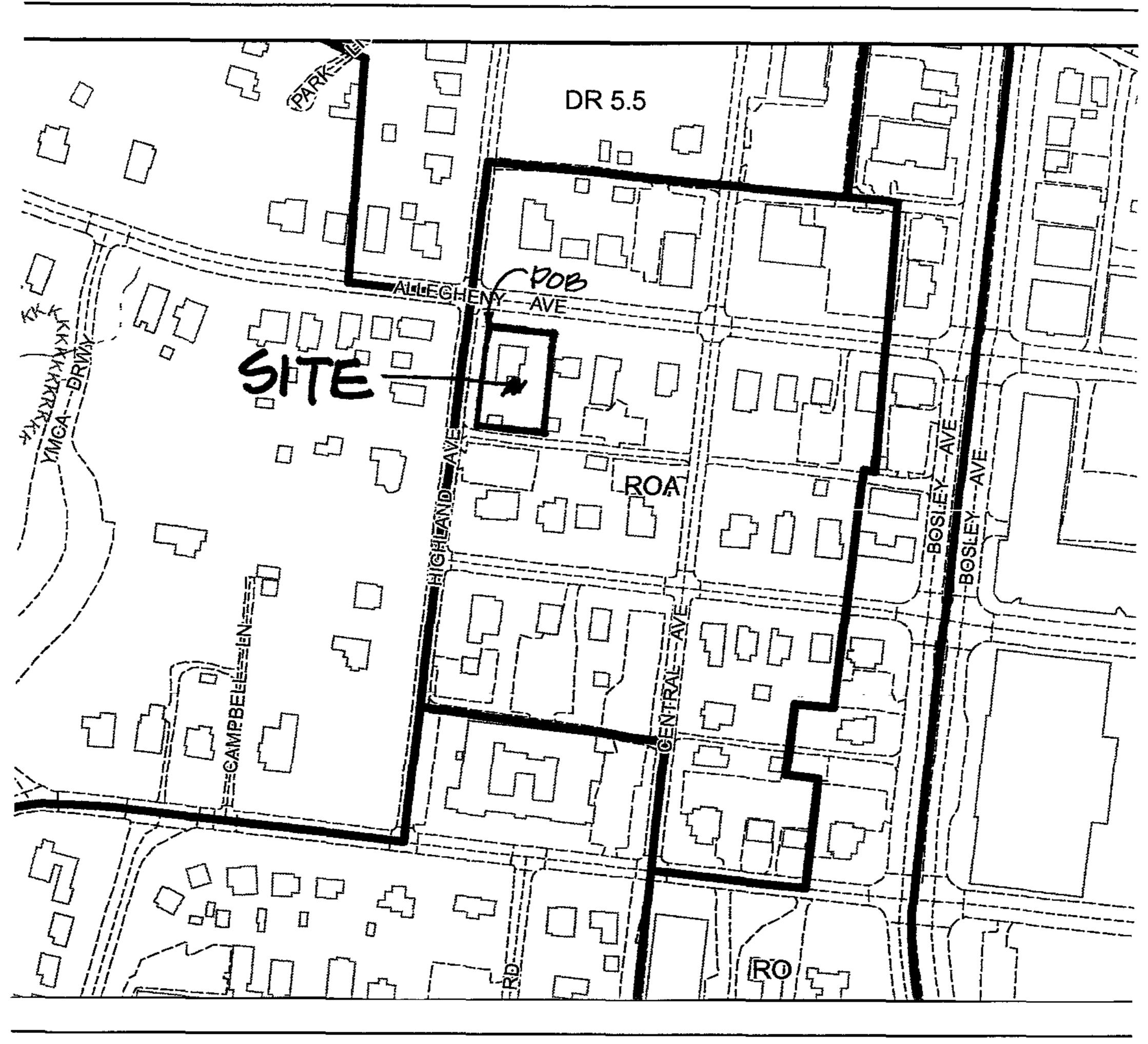
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CASE NAME Shelly Curry SE21207 CASE NUMBER 06-041 X DATE Oct 3/ 2005

CITIZEN'S SIGN-IN SHEET

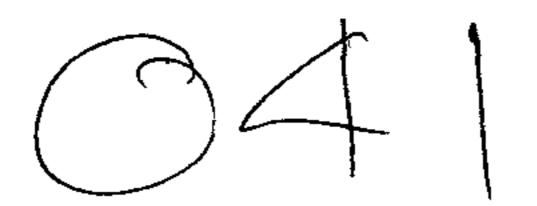
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ADDRESS	412 Woolbink Awardow					-					
NAME	Richard Parsms								•		



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069B2	069C2	010 A2	070B2	070C2
069B3	069C3	070A3	070B3	070C3

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Baltimore County - My Neighborhood



BW 9/9

R. Carlton Seitz 502 Highland Avenue Towson, Maryland 21204

The Zoning Commissioner 401 Bosley Avenue Towson, Maryland 21204

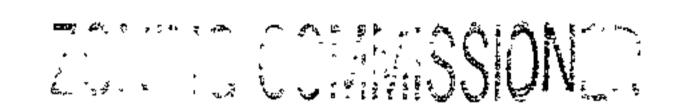
29 August, 2005)

SEP 1 2005

R:

Case No. 06-041-X

Special Exception for 409 Allegheny Avenue



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