IN RE: PETITIONS FOR SPECIAL HEARING

BEFORE THE

AND VARIANCE S/S Maple Avenue, 789' NW

ZONING COMMISSIONER

Highview Road

\* OF

(1241 Maple Avenue) 10<sup>th</sup> Election District

1<sup>st</sup> Council District

\* BALTIMORE COUNTY

Kyle O'Haro, Legal Owner Petitioner \* Case No. 08-100-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Kyle O'Haro, the legal owner of the property located at 1241 Maple Avenue in the Halethorpe/Arbutus area of Baltimore County. Special Hearing relief was filed pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Section(s) 500.7 and 408B, for approval of a use permit for a boarding or rooming house in a D.R. zone. This request relates specifically to the current tenants, and, if granted as requested, the permit would expire after two (2) years when it is expected that the men will have graduated from college. In addition, Variance relief is requested pursuant to B.C.Z.R. Section(s) 307 and 409, to permit a total of three (3) off-street parking spaces in an existing driveway in lieu of the four (4) angled or parallel spaces required. Although B.C.Z.R. Section 408B permits an application for a use permit to be handled administratively, because of the need to obtain a parking variance, the Petitioner combined his request for use permit approval with the hearing on the variance. The subject property and the requested relief are more particularly described on the site plan submitted into evidence at the hearing and marked as Petitioner's Exhibit 1.

Date By

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At the requisite public hearing, Robert A. Hoffman, Esquire and Timmy F. Ruppersberger, Esquire appeared as attorneys for the Petitioner. Also attending in support of the petitions was James L. Mathias of DeMario Design Consultants, Inc., the firm responsible for preparation of the site plan (Petitioner's Exhibit 1), and the bedroom layout, which was accepted into evidence as Petitioner's Exhibit 2, and the current tenants of the property, namely: Taylor Marino, Terry Kiminer, Brandon Mathias, and Conor Devlin. I also received a letter from a nearby neighbor, David Kelly, indicating that he does not oppose Petitioner's requested zoning relief. The issues presented in this case generated significant public interest, and a large number of individuals from the surrounding community appeared/or testified in opposition to the request. Due to limitations of time and space, a listing of all those individuals cannot be set out here; however, it needs to be noted that Eric M. Rigatuso, Esquire represented his brother, John Rigatuso, a neighboring property owner residing on 1242 Maple Avenue. Additionally, two petitions signed by property owners opposing the request were also submitted and received as Protestants' Exhibit 1.

The subject of this hearing is an existing single-family residence located at 1241 Maple Avenue. The property is zoned D.R.5.5. As indicated above, the Petitioner has requested a use permit for a boarding or rooming house. The zoning regulations define a "boarding house" as "a building which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more adult persons not related to each other by blood, marriage or adoption." B.C.Z.R. Section 408B expressly permits "boarding or rooming houses" in D.R. zones subject to the provisions set forth therein, which includes the requirement to obtain a use permit for such use.

By way of background, Mr. O'Haro stated that he has owned the property for three (3) years. Since September 1, 2006, he has leased the 1,432 square foot two-story home with finished basement to the current four tenants, who are all students at University of Maryland, Baltimore County (UMBC). From his perspective, they have been good tenants during this time period, and he has had no problems with them. All four tenants are expected to graduate and vacate the property by June 30, 2009. Mr. O'Haro stated that he would be agreeable to restricting the application of the use permit to the current identified tenants and to having it expire at a time certain.

Petitioner's Counsel then proffered that Mr. Mathias, a professional land surveyor with years of experience in the Baltimore County land use and zoning field, would testify that the proposed use permit meets the requirement of B.C.Z.R. Section 502.1 and would not result in any of the adverse impacts outlined in that section, nor would it be detrimental to the health, safety, and general welfare of the surrounding community.

Speaking in opposition to the requested relief, Michael Eagle, Zoning Chair of the Arbutus Community Association, made several statements on behalf of his association and some of the owners of surrounding properties. Other neighbors also testified, including Delegate Jim Malone, Eleanor VanDevender, and Don Blair. Most of the Protestants expressed similar concerns, and the concerns can be summarized as involving an objection to college students living in their community, a shortage of parking, the effect of rental properties in the neighborhood, and the potential "snowball effect" of granting the request in this case. As the neighbors point out, several other houses in the neighborhood also appear to be rental units occupied by more than two unrelated persons in apparent violation of the County's requirements

7

Date 1 STOR FILING

on boarding and rooming houses.<sup>1</sup> While the neighbors obviously have legitimate and heartfelt concerns in this regard, the case before me pertains solely to 1241 Maple Avenue and the requested zoning relief. It is simply not within my authority to take action against the owners of the other mentioned properties as this is not an enforcement proceeding.

Protestants also provided me with evidence of emergency calls and police responses to rental properties in the neighborhood. I would point out, however, that none of these appear to be related or involving the existing tenants, but actually occurred prior to their tenancy. In fact, except for Linda Lohrfink, a neighboring property owner whose car was damaged while parked across the street, there were no specific negative comments about the current tenants. Much of the testimony offered by the Protestants was more general in nature or was related to other tenants or properties, such as 1237 Maple Avenue. No specific complaints were voiced about the conduct of Mr. O'Haro's current tenants. Rather, there seemed to be a consensus that the four current tenants have exhibited model behavior and were considered to be decent, respectful young men:

Mr. Eagle raised an issue about the condition of the 1241 Maple Avenue property and questioned whether the lower level bedroom complies with the Fire Safety Codes. To address this concern I will impose a condition requiring the installation of a code compliant basement window as a condition of this Order.

It became apparent that the Arbutus neighborhood has been struggling to maintain neighborhood stability due to increasing pressure from absentee owner properties and increasing transient populations who use rooming or boarding houses in this established single-family neighborhood. Patrick M. McCubbin stated that for 23 years there have been very few crime problems, however, in the past 2 or 3 years the numbers have been increasing.

Ms. VanDevender, John Rigatuso, David O. Smith and other community leaders mention that UMBC has a plan to increase the number of students without a companion plan to supply housing for the new students. This policy, if it accurately reflects the Regents position, simply places the burden on this nearby residential community to absorb ever-increasing numbers of rentals.

As to the Petition for Variance from the requirement to provide one off-street parking space for each of the four bedrooms, variances are permitted, pursuant to B.C.Z.R. Section 307.1, if it is demonstrated that unique or special circumstances exist that would result in a practical difficulty for Petitioner if he were required to strictly comply with the parking requirements. On this issue, Petitioner testified that strict compliance with the parking requirements, which would result in adding paving for the required parking, would necessitate removal of a deck and then paving a portion of the front and rear yards.

Having the present four students rent the subject property does not appear to have an adverse effect on the community. However, it is clear that student rental properties in large numbers will adversely affect the community. So the question in this case is whether or not granting the requested use permit will set a precedent that will open the flood gates to student housing on every third house. While I do not think that student rental of every third house as suggested by Protestants will occur by granting this use permit, I am cognizant of the fact that others may argue this decision's precedential value.

Therefore, having considered all of the evidence and testimony by Petitioner and his witnesses and that provided by the many members of the community, I am persuaded not to entirely grant the Petition for Special Hearing and the Petition for Variance. I find no evidence that the four tenants in question have created any problems or have, in any way, harmed the well-being of the neighborhood. Rather, I am persuaded that these tenants have and will continue to conduct themselves in an appropriate manner. I have examined the proposal in the context of B.C.Z.R. Sections 408B and 502.1, I find that Petitioner has produced strong and substantial evidence that the granting of the use permit, in a restricted and limited fashion, is appropriate, meets the County's requirements, and will have no adverse impacts on the surrounding

community. For these reasons, I will grant the Petition for Special Hearing for the use permit only until June 30, 2008 and I will specifically limit the use permit to these four individuals.

With regard to the Petition for Variance, based on the testimony before me, I find that the additional paving and loss of vegetation and green space in order to create the required parking space would be unnecessarily burdensome for Petitioner and not in the best interest of the neighborhood, especially given the limited life of the use permit. As Petitioner confirmed, under existing conditions, there is more than sufficient space to park two cars in the driveway and to park two cars in front of the house on the public street. From the testimony presented, it is not unusual for residents in the neighborhood to park cars on street. Certainly, occupancy of this house by a two-parent family with several teenagers could easily result in the exact same situation without any type of restriction or special permission being required. For these reasons, I will grant the Petition for Variance but only until June 30, 2008.

Pursuant to the zoning regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, and for the reasons set forth above, the modified Petitions for Special Hearing and Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of November 2007, that the Petition for Special Hearing for a use permit for a

"boarding house" pursuant to Section(s) 408B and 502.1 of the Baltimore County Zoning

Regulations (B.C.Z.R.), and the Petition for Variance, pursuant to B.C.Z.R. Section 307.1, in

accordance with Petitioner's Exhibit 1, to allow three off-street parking spaces in an existing

driveway in lieu of the four angled or parallel spaces are hereby GRANTED, BUT ONLY

UNTIL JUNE 30, 2008, FOR THE LIMITED PURPOSE OF PERMITTING THE CURRENT

Date CONFURDING

TENANTS TO COMPLETE THE CURRENT ACADEMIC YEAR AFTER WHICH TIME THE USE PERMIT AND VARIANCE WILL EXPIRE.

All relief is subject to the following restrictions which are conditions precedent to the relief granted:

- 1. The Special Hearing and Variance relief granted herein is limited to the current tenants as identified in this Order and shall automatically expire the earlier of the date these tenants permanently vacate the property or on June 30, 2008.
- 2. Petitioner and tenants shall be required to park two cars in the existing driveway at all times and to use good faith efforts to park three cars in the driveway whenever possible.
- 3. Petitioner and tenants shall continue to encourage guests to leave spaces in front of neighboring houses open for use by the owners.
- 4. No later than March 1, 2008, Petitioner shall initiate installation of an emergency egress window in the lower level of the property that is in accordance with applicable fire safety standards.
- 5. The decision in this case is not a legal precedent that may be cited as such in any other zoning case involving a use permit for a boarding or rooming house in a D.R. zone.

Zoning Commissioner

of Baltimore County

Date 11-19-07 FURTHUME



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1241 Maple	Avenue,	Baltimore,	MD	21227	
which is presently zoned	DR 5.5					

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (This box to be completed by planner)

A request to permit a boarding or rooming house in a D.R. zone for a period not to exceed two years from the issuance of the use permit.

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

I, or we, agree to pay expenses of above Special Hearing, 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:	1		<u>Legal Owner(s):</u>		
Name - Type or Print			Kyle O'Haro Name - Type or Print		<u> </u>
Signature		-···	Signature		
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		
Attorney For Petitioner:			1965 Andrew Court Address		Telephone No.
Robert A. Hoffman Name - Type or Print		,	Marriottsville, MD	State	21104-1176 Zip Code
Signature //	··	·-··································	Representative to be Con	tacted:	
Venable LLP Company	<u> </u>		Robert A. Hoffman Name		<del></del>
P.O. Box 5517 Address Towson, Maryland		-494-6200 Telephone No. L285-5517	P.O. Box 5517 Address Towson, Maryland	Teler	494–6200 phone No. 1285–5517
City	State	Zip Code	City	State	Zip Code
			OFFICE U	SE ONLY	
		EST	IMATED LENGTH OF HEAR	ING	<del></del> -
Case No. 08-100-SPHA		UNA	VAILABLE FOR HEARING	. 1 <u>. :::</u>	<del></del>
REV 9/15/08 10 11	CEIVED	TOR FILING By -	Date 85	MOT.	•
Date\	- (9 E	> - (	•		



# Petition for Variance

to the Zoning Commissioner of Baltimore County

1241 Maple Avenue for the property located at Baltimore, MD 21227

which is presently zoned DR 5.5

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)

Section 409 of the Zoning Regulations to permit 3 off-street parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Owner has filed a petition for a special hearing for a use permit for a boarding or rooming house in a D.R. zone pursuant to Section 408B of the Zoning Regulations of Baltimore County. Because this is an existing 4 bedroom house with a driveway, compliance with the parking requirements is unpractical, if not impossible, and at a minimum would significantly decrease the green space in this residential neighborhood.

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.

	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:	Legal Owner(s):
	Kyle O'Haro
Name - Type or Print	Name - Type or Print
Cionetina	
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	1965 Andrew Court
	Address Telephone No
Robert A. Hoffman	Marriottsville, MD 21104-1176
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature //// Venable LLP	Robert A. Hoffman
Сотрапу	Name
P. O. Box 5517 410-494-6200	P. O. Box 5517 410-494-620
Address Telephone No.	Address Telephone No.
Towson, Maryland 21285-5517	Towson, Maryland 21285-5517
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case NoO8-100-SPHA	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING Reviewed By DT Date 82207
CACER RECEIVED FOR FILING	
Date 11-19-07	

### **ZONING DESCRIPTION FOR**

1241 Maple Avenue Baltimore, MD 21227

Lots 459 & 460, Arbutus Terraces

South Side of Maple Avenue

Thirteenth Election District, Baltimore County Maryland

Beginning at a point on the south side of Maple Avenue, a 34 foot right-of-way, at a distance of 789 feet more or less northwesterly from the centerline intersection with Highview Road, a 34 foot right-of-way. Being Lots 459 and 460 in the subdivision of Arbutus Terraces as recorded in Baltimore County Plat Book W.P.C. 7, Folio 17, containing 0.096 acres of land, more or less. Also known as 1241 Maple Avenue, and located in the Thirteenth Election District, First Councilmanic District.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.



DeMario Design Consultants, Inc. 192 East Main Street Westminster, MD 21157 410-386-0560 410-386-0564 fax

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Regulations of Baitimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-100-SPHA

1241 Maple Road

Syside of Maple Road, 789 feet n/west of centerline of Highview Road

134h Election District - 1st Councilmanic District

Legal Owner(s): Kyle O'Haro

Special Hearing: to permit a boarding or rooming house in a DR zone for a period not to exceed two years from the issuance of the use permit. Variance: to permit 3 offstreet parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

Hearing: Tuesday, October 16, 2007 at 11:00 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/10/606 Oct. 2

72027 10/4

T, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., THIS IS TO CERTIF in the following weekly once in each of 5

X The Jeffersonian

Catonsville Times

Times

Arbutus

Times Томѕоп

Owings Mills Times

NE Booster/Reporter North County News Wullus

LEGAL ADVERTISING

Sub DISTRIBUTION Fund From: Rec

# CERTIFICATE OF POSTING

		RE: Case No.: 08-100 - SPHA
-		Petitioner/Developer: AYLE  O'HARO
		Date of Hearing/Closing:/0-/6
•	Baltimore County Department of Permits and Development Management County Office Building, Room 111	
	111 West Chesapeake Avenue Towson, Maryland 21204	
-	ATTN: Kristen Matthews ((410) 887-33	594}
	Ladies and Gentlemen:	es of perjury that the necessary sign(s) required by law we
	posted conspicuously on the property we	
•••	17.41 m	APLE LD
•	The sign(s) were posted on	10.1-07
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD  ROSTI NOT COUNTY COUPTS DAILBAG PLACE: NOT BLEARY OFFER 16-2007 AT H DORTH REQUEST SPECIAL IN ARRIAG TO MEANT A PROMETIC OF RECORD	Contract



JAMES T. SMITH, JR. County Executive

September 17, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
NG
Development Management

### **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: 08-100-SPHA

1241 Maple Road
S/side of Maple Road, 789 feet n/west of centerline of Highview Road
13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Kyle O'Haro

<u>Special Hearing</u> to permit a boarding or rooming house in a DR zone for a period no to exceed two years from the issuance of the use permit. <u>Variance</u> to permit 3 off-street parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

Hearing: Tuesday, October 16, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Robert Hoffman, Venable, P.O. Box 5517, Towson 21285-5517 Kyle O'Haro, 1965 Andrew Court, Marriottsville 21104-1176

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 1, 2007.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 2, 2007 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP P.O. Box 5517 Towson, MD 21285-5517 410-494-6200

### **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: 08-100-SPHA

1241 Maple Road

S/side of Maple Road, 789 feet n/west of centerline of Highview Road

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

Legal Owners: Kyle O'Haro

<u>Special Hearing</u> to permit a boarding or rooming house in a DR zone for a period no to exceed two years from the issuance of the use permit. <u>Variance</u> to permit 3 off-street parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

Hearing: Tuesday, October 16, 2007 at 11:00 a.m. in Room 407, County Courts Building,

401 Rosley 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 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 ubject 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 Adv	<u>vertising:</u>	
Item Number or Case	e Number:08-100-SPHA	
Petitioner:	O'HARO	
Address or Location:	: Jahl MAPLE AVE. 21227	
PLEASE FORWARD Name:	DADVERTISING BILL TO:  AMY DONTELL	
Address:	VENABLE LLP	
·	P.O. Box 5517	
·	TOWSON, MD 21285-5517	
Telephone Number:		



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO; Director

Department of Permits and

Development Management

October 10, 2007

Robert A. Hoffman Venable LLP P.O. Box 5517 Towson, Maryland 21285-5517

Dear Mr. Hoffman:

RE: Case Number: 08-100-SPHA, 1241 Maple Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 22. 2007. This letter is not an approval, but only a **NOTIFICATION**.

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. Call Roball

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

Kyle O'Haro 1965 Andrew Court Marriottsville 21104-1176

Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 www.baltimorecountymd.gov



Martin O'Malley. Governor Anthony G. Brown, Lt. Governor

Maryland Department of Transportation

Date: 5 EPT. 2, 2007

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

RE:

**Baltimore County** 

Item No. 8-100-9PHA

John D. Porcari, Secretary

Neil J. Pedersen, Administrator

1241 MAPLE AVENUE O'HARD PROPERTY

SPECIAL HEARING

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-100-5PHA

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chief
Engineering Access Permits

Division

SDF/MB

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 3, 2007

Item Nos. 08-087, 089, 091, 092, 093, 094, 095, 096, 097, 098, 100, 101, and 104

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-08302007.doc

BW 10/16

### 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

**DATE:** October 12, 2007

OCT 1 5 2007

BY:\_\_

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-100- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Reviewed By:

CM/LL

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

1241 Maple Avenue; S/S Maple Avenue,

789' NW Highview Road

13th Election & 1st Councilmanic Districts

Legal Owner(s): Kyle O'Haro

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

FOR

**BALTIMORE COUNTY** 

08-100-SPHA

### 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

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 13<sup>th</sup> day of September, 2007, a copy of the foregoing Entry of Appearance was mailed Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

SEP 13 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

October 10, 2007

William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Special Hearing and Variance for 1241 Maple Avenue

Dear Mr. Wiseman:

It is my understanding that the owner of the referenced property, Kyle O'Haro, and the current tenants, Taylor Marino, Brandon Mathias, Connor Devlin and Terry Kimener, have filed a petition with Baltimore County asking the County to issue a permit allowing the current tenants to continue living at the referenced address for a period not to exceed two years from the issuance of the permit, and grant a variance to permit three off-street parking spaces in an existing driveway instead of four angled or parallel spaces. I understand this request is limited to the current four occupants of the property for a two year period. I am a neighbor residing at

lame: (Please print)

TO1DOCS1/TFR01/#251564

PETITIONER'S

EXHIBIT NO.

5

Case No.: 08-100 - SPHA

1241 Maple CWE

### **Exhibit Sheet**

### Petitioner/Developer

### Protestant

	<del></del>	
No. 1		15Here in APPOSITION
	1 -1 - 7 . 1	
	SITE PLAN	LEHERS IN OPPOSITION  and Signature of Etition
No. 2	_ <del> </del>	
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	FLOOR PLAN	
		ownership.
No. 3		01 A11 - 1
	ZONING MAP	911 Lallo Seneraled
	ZONING ///	1 min Air
	<u> </u>	91/ Pallo Sennated from 1241 MARIE AVE.
No. 4	PHOTOS of Home	] []
	170103 04 170110	
No. 5		
No. 5	Letter of Support	
	KETTER OF DOMPAGE	1
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No. 6		· · · · · · · · · · · · · · · · · · ·
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### Zoning Hearing Case #08-100-SPHA

Page 1

We the undersigned, **DO NOT** want to permit a boarding or rooming house in a DR zone located at 1241 Maple Ave., Halethorpe, MD 21227.

	• •			
Signature	Printed name	Date	Address	•
1. CifMilalla	Cind Mal	Shir 10-6-0	7 1234 Major	e Bu
2. Margaret M. Ki	ng MARGARE	+M. Kine	7 1234 Maple	ave.
3. Patent Rall	Patrick Mcl	abbin 19/6/9	7 1231 Maple A	ve.
4. Jon Nicke	7 Tom Nic	My 10/10	07 1236 Maple VA	lve.
5	<u></u>	<u> </u>		-
6. John	JOHN RIC	SATUSO 107	60) 1242 MAPLE A	WE.
7. Ma well for	hose Nicheli	e Rigatusis	10-6-07 1242 Mayle	Ave.
8	Matthew	Himles "	0-6-07 1235 Maple	Lup
et amb	mole	Donovan	0-6-07 1233 Map	le Ave
10. Mms	- Nick Ma	Gowan 19	5-6-07 1212 Mople	Ave.
11. Roberta		DemENTrout!	0-6-07 1233 MAP	le Aue
12. MMM	Jeffre)	McKenney	10-6-07 1233 m	ialeano
13. Barbara Kin	AL BARBARI	4 KIGHT	10-6-07 1232	maple are
14. Keta Stesh		-DER/116	10/4/07 12321	APK AK
15. Desce Lin		AKing	10/6/07 1234M	aple Aup
	- 11	<b>)</b>	10-10-07 1240 Mai	
	upusby Mike	KRUPINSKI	10-11-07 1236 My	11e Ave Apt. 2B
18.	den Di	BLAIR	10-13-07 1200	7 Locust
	•		PROTESTANT'S	

EXHIBIT NO.

### Zoning Hearing Case #08-100-SPHA

We the undersigned, DO NOT want to permit a boarding or rooming house in a DR zone located at 1241 Maple Ave., Halethorpe, MD 21227.

Signature	Printed name	Date	Address
19. Dani Can	a Denvis C	2 voll 10/14	107 1216 Paplar Ave.
20. Par Stoon	PAT BLOOM	10/14/0-	7 1209 POPLAR AUE.
21. Margie Boetti	ryer Margie Doct	tengin 10-14	4-07 1214 Poplar Ave
22. 12 12	Wight ON TOT	10-14-	07 1223 DONAR AVE.
23. Carly Loune	CATAY RENA	JER 10-1	4-07 1227 POPLAR AVE.
24. Cather Shuko	CATHERINE SHI	MKO 10-14	1-07 1224 POPLAR AVE.
25.	Smut Jenn	ter Bennel	+ 10-14/07 1224 Poplar Ave.
26. Sharon Jarchiah	one SHARON SARC	HIAPONE 10	14/07 1230 POPLAR AUE
27. Juny 0 Somb	man CAGO. 600	Drisk 101	14/07 1233 POPLAC AUG
28. DAN MI (Jul	to BOWIE CO	7// /0/	14/2/232/0PURALE
29. Mara Burr	MaraBouck	104/07	1247 Pople Ave
30. Dale 7. Mc	Latyre Dale 7.	- Hetwhere	10-14-07 POPLACAVE
31. John Bowl	Justia Bowen	10/14/6)	1268 POPLAR AVE
32. Lipphanie De	din Stypho	unie Duplis	Ster 1269 Poplar Ove 10/1/0
33.	Tout Kelley H	- Noyle 120	3 Pepla Aue.
34. Olin le C	ford Colin Re	oferd 1:	200 Poplar Ave.
35. Virginia M.	# 1202 Paplar Au	1enue 21227	10-14-07
36. Jan 12	102 Poplar Ananu	<i>\$12</i> 27	10/14/07
37 (Part Bloom for	PETEON PAULA FI	RANZ 1215	POPLAR AVE. 21227 10/14/07
	The Mississ Will	acres J	

Page 2

Peter & Paula Franz 1215 PoPlar AVE. ARbutus, Md. 21227 410-347-6927

October 12, 2007

To It hom St May Concern,
This is to authorize that Ed & Sot Bloom
of 1209 Toplar Ove in arhutus, has our permission
to sign our name to a patition to protest
against a zoning charge at 1241 Maple and
in Arhutus

Thank span,
Dauk S. Franz
Leter G Franz

### Zoning Hearing Case #08-100-SPHA

We the undersigned, DO NOT want to permit a boarding or rooming house in a DR zone located at 1241 Maple Ave., Halethorpe, MD 21227.

				-
Signature	Printed name	Date	Address	-committee
34/1	111	11	111	
38. Koyanne Bernha	relt ROXANNEBE	KNHARDT 10	14 1212 LOCUST	9UE, 21227
39. Carl Banks			•	
40. Hatricia a	Blain Patricia	A. Blair	10/14 1209 LOCK	st ave 21227
41. June Jit	owell dun	EL. POWE	11-1213 Loca	15 MAKE. 21227
42/Rose Coo.	1 RUSE SOOS	1215.60	CUST AUF 219	227
43. Cathering 1 45. Junes W Leasts	11TH)	219 Locu	ST AYE. 2122	7
44. Catherin	mill-CATH,	ER'NESA	11541412	19 LOCUST NE
45. Junes W freuts	LIAMES W. Kel	7 tts 19/4/	17 121/hocus	T Ave DIDAY
46 Strave C. Koa	tto Grace E.	Keatts-10	114/07-1211 LOCUS	-Aut 21227
47 Darlone Mall	1 - DARLENE M	446 10/	14/07-1216 LOCUS	TAVE 21227
48. James Johnson	and James .	Fitzsimmon	e, Sr, 10-14-07 550	20sage Ave 21ze 7
49. Lethur L				
50. Dozy Cobon	<del></del>	<del></del>	<del></del>	
51. Dana Tolde	11		-	STACE.
52. James				
53. <u>May Han</u>	Lecch Horiery	14,120BL	ocust Ave	
54. Tolle J Kreet	In & fleet	10/15/0	7 1105 Plova /	1. BALTO 14/1
· •		•		

Zoning Hearing Case #08-100-SPHA

We the undersigned, DO NOT want to permit a boarding or rooming house in a DR zone located at 1241 Maple Ave., Halethorpe, MD 21227

Signature	Printed Name	Date	Address	
55 Cach Ofell	1 Rachel Kelly	10/14/121	4 Locust Are Ba	Himore MD21227
56 aralya	90hora Carolyna	Wheety 10/1	+ 1201 Poplar	Ave Bettoing
57. Milinda	anneur	10/14/ 121	o Poplar Aul	21227
58. Michelamo	don Michele Snarrow	10/14 1220	PoplarAve 2	1277
59. Marie 4	Seldings	10-14 12	17 Poplar Ace Ba	Ofmore 2122
60. Mary Ann	Nichmond			Baltimore 21227
61. Rushman	Diò	10-1454	35 Sycamore,	AV & 1+2,227
62. Sun	Lephi	10-/4 15	203 Burch ase	1.21227
63. Dyle Hatmah	W DYCE HATMAKER	10-14 12	09 BIRCH AVE.	21227
64. Andlado	Les dinna blatmaker	19-14 12	oa Birch She	21229
65. June	my Katherine For	N 10/14 12	211 Bui On	21227
64. Milyon			07 Brach Are	
65. Bat Prular	1 BANT RAUBA	6 10/14 12	13, Biach AU:	71772
66 Acon ale	Laure a Ami	9/10/14	1010 Bive	6 21227
67. Early	Hille Euclyn	Rubin 10/14	1-429 BIAE	4 21427
68. Patricia B.	Collins PATKIUM	Collins 10/14/2	28 Buchans	2,21227
69. Valirie	Horpsdale Valerie	Stocksdale	10/14/235 Buch Ca	W 2/27
73	DMaha FLenn	•		
~ _	FRED N			<del></del>
72. John D. 100	mone John D.	50A RRUW 10/141	1239/2 BIKCH A	UE 21227
73. Jellen 31.	Sparson Ellen M	1. Sparrow 10/14	12391/2 BIRCH AV	E, 21337
* 17	Controse Barbara	1 0	_	
75	Son. 1. 1	lubrose Sri	10/14/19 8515	DSA52 21227
76. Donald B	usch DONALD	BUSCH 10	14/075513 BSA	Z- AVEZIZZ7
77 Flora Ja Sa	Des Tipa p	945 4 P 16,	1,4/00 5505 (3	16CAN 21227
,,				<i>J</i> ,

### Zoning Hearing Case #08-100-SPHA

We the undersigned, DO NOT want to permit a boarding or rooming house in a DR zone located at 1241 Maple Ave., Halethorpe, MD 21227

Signature	Printed Name	Date	Address	
78. Carolyn	Epinania CAROLYU FITZ	Summons 10/14/	07 5503 OSAge	Ave 21227
79. Jonie	Entrovan Janice Fitze	simmons 10/14/a	07 5502 Osage	Are 21222
80	+aultites	10/14/	07 1238 Maple	Ave 2100-6
81.	Larry Mor	in 10/14/	07 5504 Dlage	: Au
82.	JARRY 9	WETTER 10.11	407 5509 051	AGE AUR
83. Carrel	Quedile HARRIET		1 11 1111	sage Ano
84. Jelle of	rause LESLIE KK	AUSE 10-14	-01 5508 DE	AGE AVE
85. <u>Plan</u>	Agail	Mollay 10	-14-07 55:10	OSGGE HUR
86	ANDREWI	Y11202 (0-1	14-07 1225 Bin	the store
87. ///icky P	•	, , , , , , , , , , , , , , , , , , ,	14/07 1227 B	
88. Deph	helben Jose	ph huson	10/14/07-5507-	Sy camore All
89. Maidt	When MARITTA	GEHNE10/14	107 5505 Syc	amose ave
90 lostest	South Jr Ribert B	rocks JT 1914	107 5501 Sycas	al sax
91. JMJ M	Micsor [	MARINO 10/14/	07 1200 Biel	HAUE J. DJ7
92. Bill Y	Doris Prehe 1	ill irrebé	e 1204/Bire	Dave.
93. Dame 5	X. Tulky Dr. Jame	5 h. TUIS	- 1200 Bing	-57 710c
94 JULCOLA	e Tully Suz	anne Tully	1206 Busch	MD 21227
95. Horma	Cross Norm	A Cross	1302 hocus	カーカンシュク
96. ma	Donna Donna	Koatts	BOLTO M	o arezo
97	Jan	nes C. M	4 CPhy TIT BO	11 Locust Aug
08. 1 a valty	du Hariatard	4 10/5/07	1203/2018/00	2027
99. Juny / 10	I'm HARDY	10/15/07	1203 Copust Ave	21227
100. Day	Redun JOSEPH C REDA	20N 10/15/07	1200 LOCUSTAVO	E 21227
101. Mellim	omer Melissa Sonne	r 10/15/07	1201 Locust Ave	Balto, MO21227
102.	John L. Sonne	Tr. 10/15/07	1201 LOCUST AVE. B	altimore, MD 21227

### Zoning Hearing Case #08-100-SPHA

We the undersigned, DO NOT want to permit a boarding or rooming house in a DR zone located at 1241 Maple Ave., Halethorpe, MD 21227.

Signature	Printed name	Date	Address	21227
Signature 37. Meresal Reco	man TheresA	Redmon	10-15-07	1200hocusthoe
38.			· · <u> · · · · · · · · · · · · · ·</u>	<del> 4 \ \</del>
39				<del></del>
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41		<u> </u>	<del></del>	
42				<del></del>
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53.	······································			
54.				

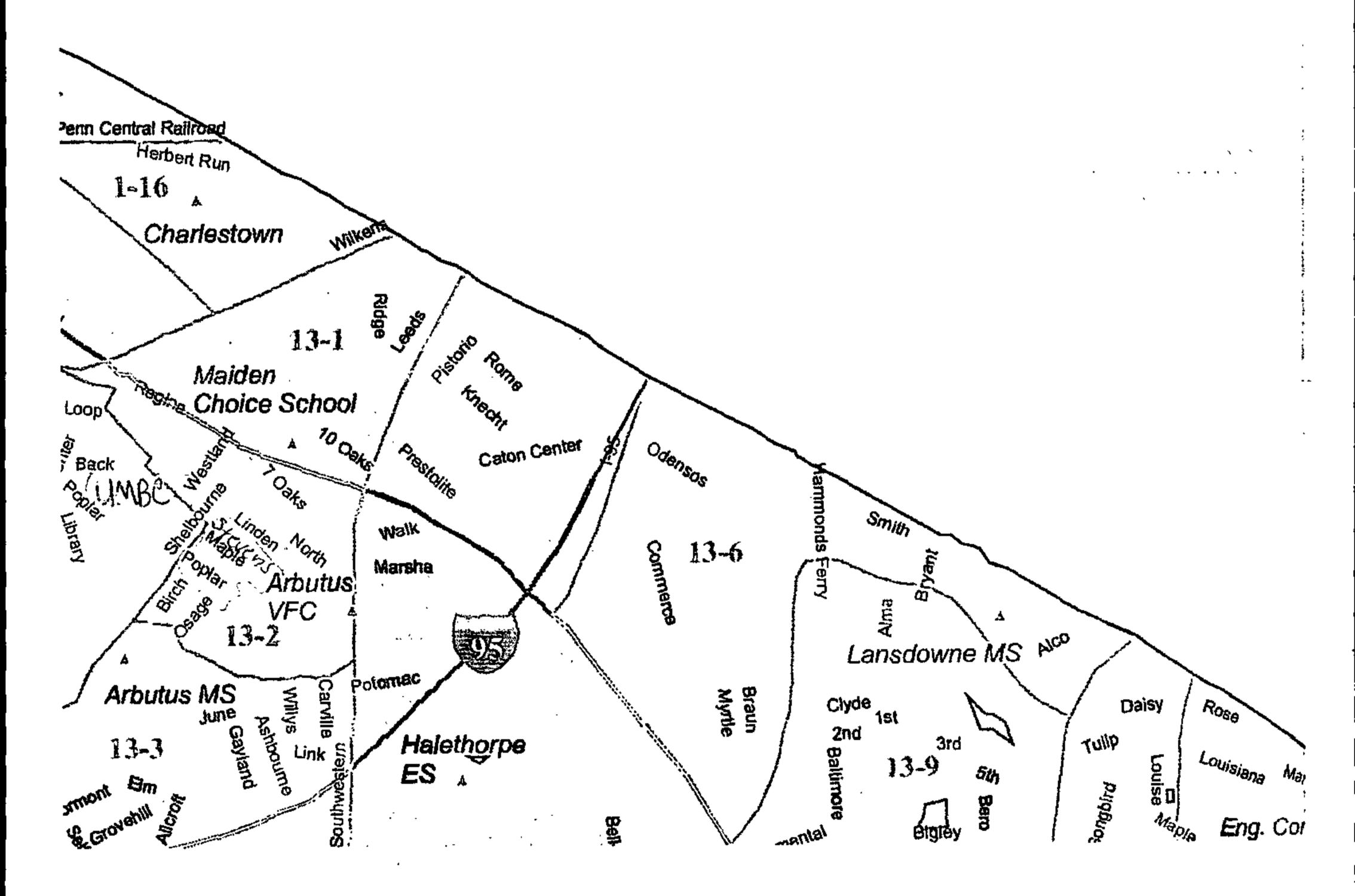
MAPLE AVENUE 12 NON-OWNER OCCUPIED

(1 LISTED AS PRIMARY

RESIDENCE BUT RENTED TO FOUR PEOPLE)

POPLAR AVENUE 10 (1 LISTED AS PRIMARY RESIDENCE BUT IS RENTED TO FOUR PEOPLE)

STEVENS AVENUE 12 NON OWNER OCCUPIED



# Calls for Service @ 1241 Maple Avenue January 2002 - October 2007

LOUD COLLEGE PARTY	MS RIGATUSON	Noise Complaint	8	4/30/06 2:41 AM	061200234	1241 MAPLE AV	010750
SCREAMINGPOSS INTOX	MS RIGATUSO	Disturbance	8	4/16/06 3:06 AM	061060282	lm	010750
OUTSIDE ON STEPS HOLLERING &							
	MS. RIGATOSO	Noise Complaint	8	2/19/06 2:46 AM	060500195	1241 MAPLE AV	010750
NOW STARTING TO COME BACK OUT OF							<u> </u>
ALL LIGHTS OUT ON THE HOUSE SUBJS ARE							•
WHEN THEY SAW OFFICERS, THEY TURNED	•						
ADDRESS FOR OFFICERS THE 1ST TIME, ADV							
REF TO CC#176, COMPL GAVE WRONG							
REF TO 170	MS. RIGOTUSO	Check on Location	8	12/11/05 2:24 AM	053450171	1241 MAPLE AV	010750
RIGOTUSO PD CAN 1022 SUBJS LEFT SEE 170							
SUBJS IFO LOC GUNNING ENGINES MS.					-		
7	MS. RIGATUSO	Disturbance	8	12/11/05 1:45 AM	053450124	1241 MAPLE AV	010750
YARD	MS LINDA	Check on Location	8	10/17/05 9:02 PM	052901624	1241 MAPLE AV	010750
SUBJ'S AT LOC HAVING BONFIRE IN BACK							
ROUTE EARLIER TODAY,	MS PAM	Domestic Abuse)	8	2/12/04 5:21 PM	040431419	1241 MAPLE AV	010750
ASLTED ON THE BUS WHEN IT WAS EN		2nd Degree Assault (Not		-			
IS NEIGHBOR, WILL DIRECT 16YO SON WAS							
SI X							
_							
16YO SON WAS ASLTED ON THE BUS WHEN							
	7105	Abandoned Vehicle	<b>;</b> —`	10/30/03 9:48 AM	033030482	1241 MAPLE AV /AVE 21227	010750
95 TIME	7101	Warrant/Summons Service	8	11/19/02 8:22 AM	023230336	1241 MAPLE AV	750
95 @821	7102	Warrant/Summons Service	8	4/30/02 8:24 AM	021200305	1241 MAPLE AV	مروسو
PERSUIT 1024 HRS 125 95	ERIC SNYDER	Warrant/Summons Service	6	4/23/02 10:17 AM	021130548	1241 MAPLE AV	010750
ANSWERING DOC							
COMPL IS BAIL BONDSMAN IN MAROON VAN							
	MR FOICE	Juvenile Complaint	8	1/21/02 6:38 PM	020211172	1241 MAPLE AV	010750
CERNED							
ALLS @ PASSING							
10-17 1235 MAPLE AV5-6 JUV'S THROWING	•		•				·
REMARKS	CALLER_NAME	CALL TYPE	DISPOSITION		CFS_NUM	STREETADDR	AREA
				DTG CALL		****	REPT

PROTESTANT'

EXHIBIT

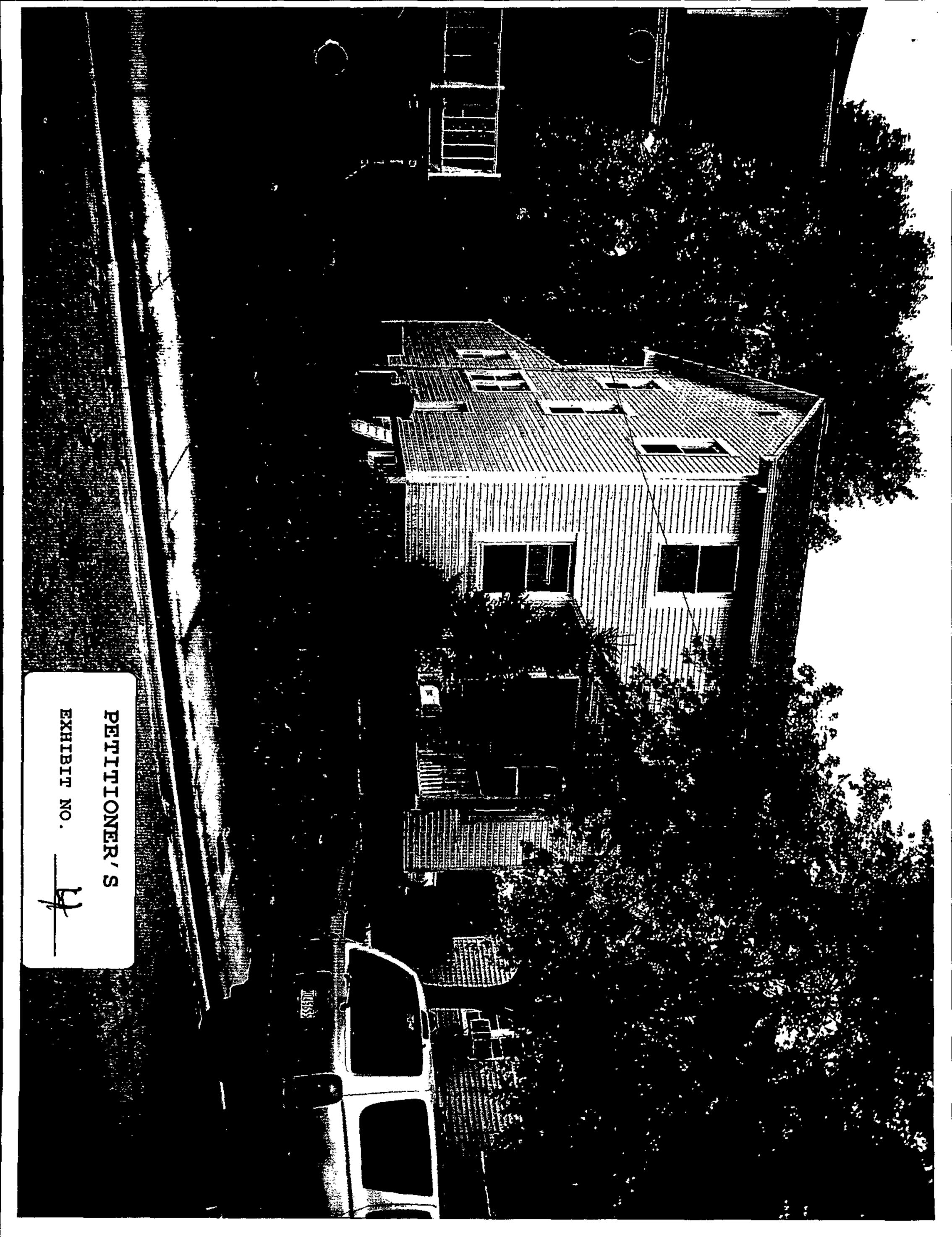
FROM: K. MCCUBBIN

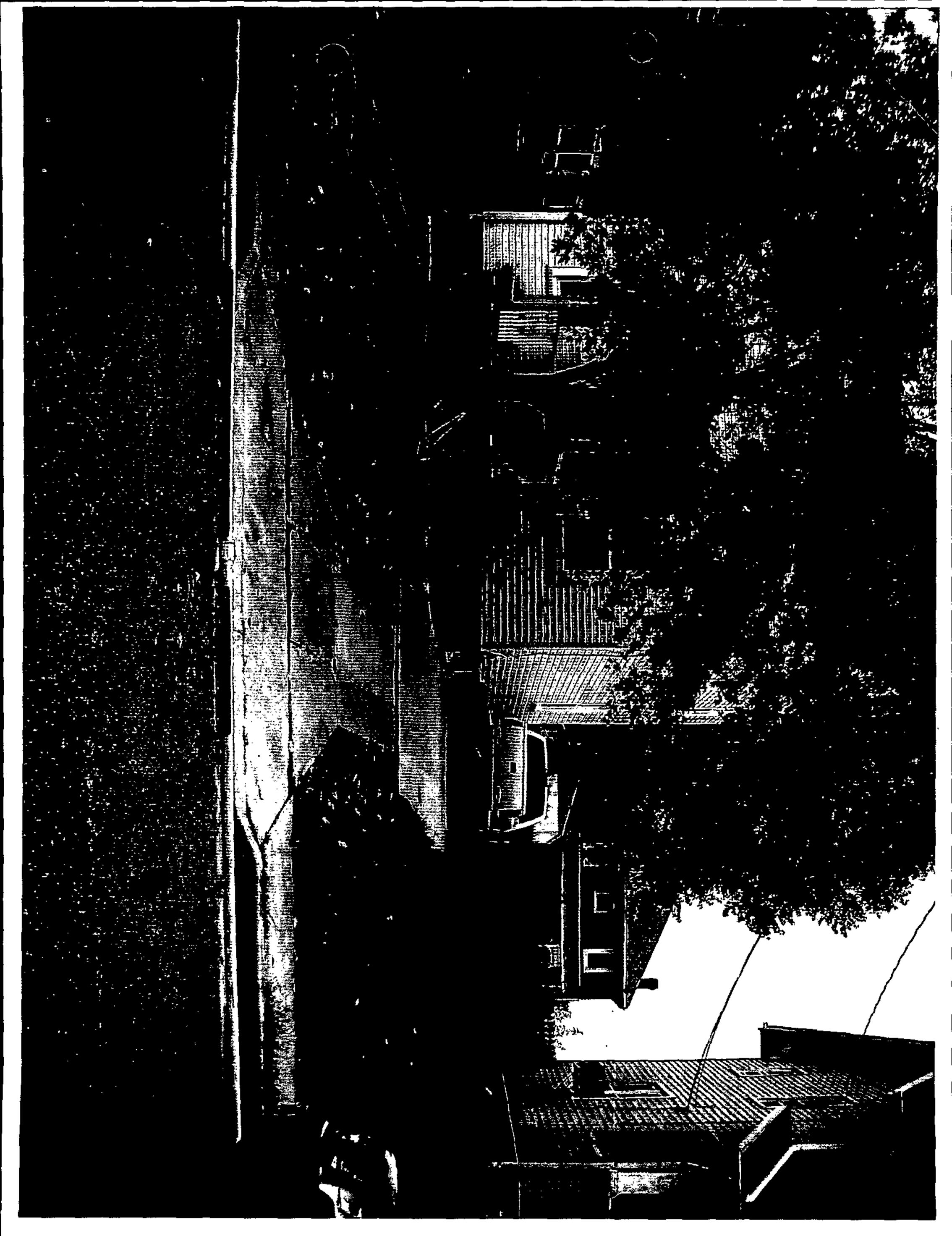
TO: ALANE FOLTZ - CENTRAL RECORDS

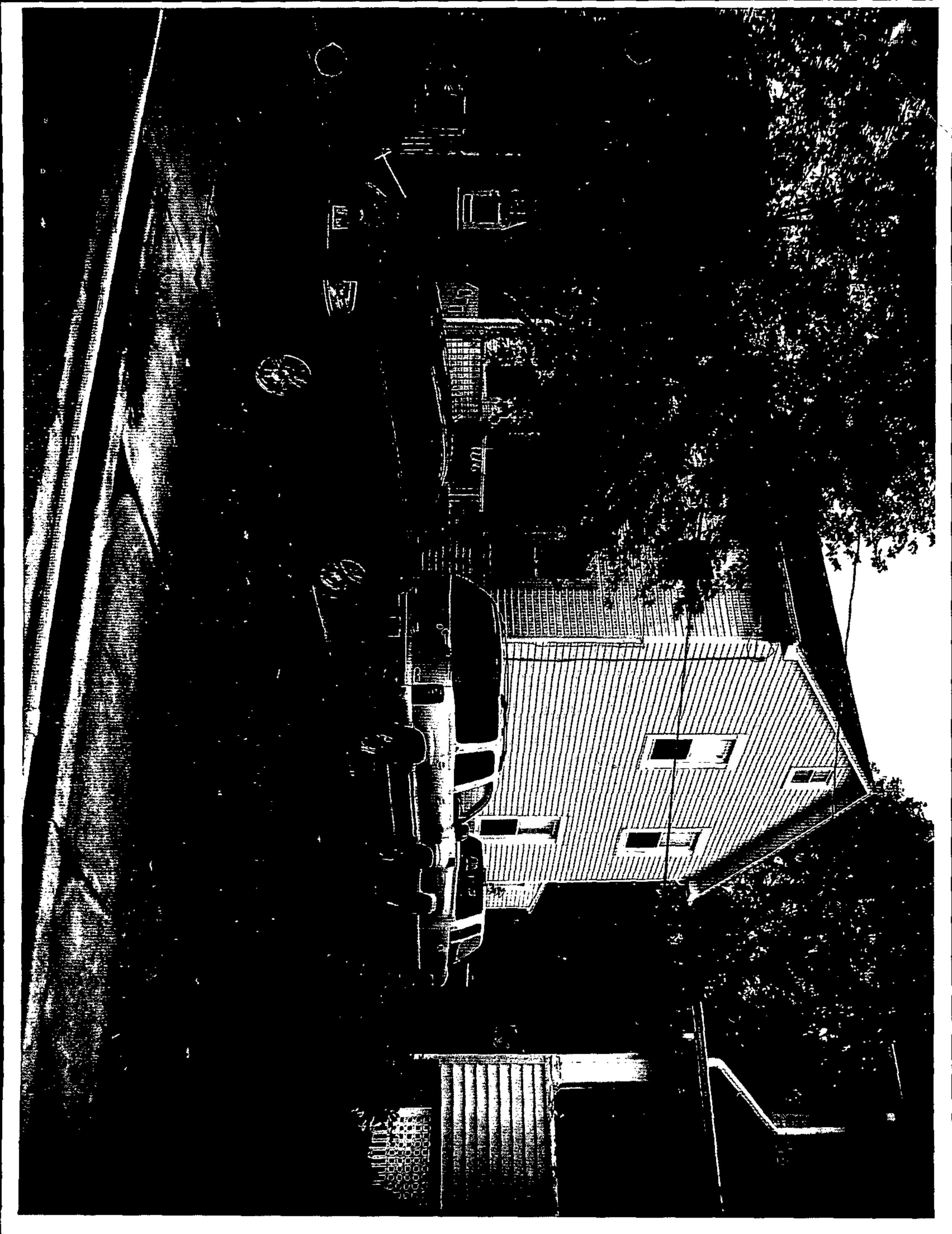
..10/12/2007 1

# CALLS FOR SERVICE @ 1241 MAPLE AVENUE JANUARY 2002 - OCTOBER 2007

UMBC OFC	MS.RIGATUSO	Liquor Law Violation	1	061331647 5/13/06 9:33 PM	061331647	010750 1241 MAPLE AV	010750
TO 1021 HER AT THE TP # GIVEN 125 REQ							
DOESN'T WANT A 1017 BUT WANTS AN OFCR							
IS AN ONGOING PROBLEM FROM LOCCOMPL							
YELLING & CARRYING ONCOMPL ADV THIS							
PARTY AT LOC- THEY ARE VERY LOUD,							
COMPL BELIEVES IT WILL ESCALATE	RIGATUSO	Disturbance	8	061271503 5/7/06 8:39 PM	061271503	010750 1241 MAPLE AV	010750
PROBSUBJ'S NOW BEING ROWDY AND	MS MICHELLE						
WENT INSIDE W/KEGS OF BEER, ONGOING						•	
LIVE AT LOC AND ABT 20-30 SUBJS JUST				•			
PLS 1021 W/RESULTSCOLLEGE STUDENTS		•					
							<del>"</del>
REMARKS	CALLER_NAME	CALL TYPE	DISPOSITION	RECEIVED	CFS_NUM	STREETADDR	AREA
				DTG CALL			REPT







#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 12, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-100- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Reviewed By:

CM/LL

Case No.: 08-100 - SPHA 1241 Maple CWE

#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

No. 1		LEHERS IN OPPOSITION
	SITE PLAN	LEHERS IN OPPOSITION  and Signature of Etition
No. 2	FLOOR PLAN	Stities on.
No. 3	ZONING MAP	91/ Pallo Senerated from 1241 MARGANE.
No. 4	PHOTOS 27 Home	
No. 5	LEHER Of Support	-
No. 6		
No. 7		
No. 8	-	
No. 9		
No. 10		
No. 11	<b>.</b>	
No. 12		

### neral Notes:

Arbutus Terraces Platbook 7 page 17

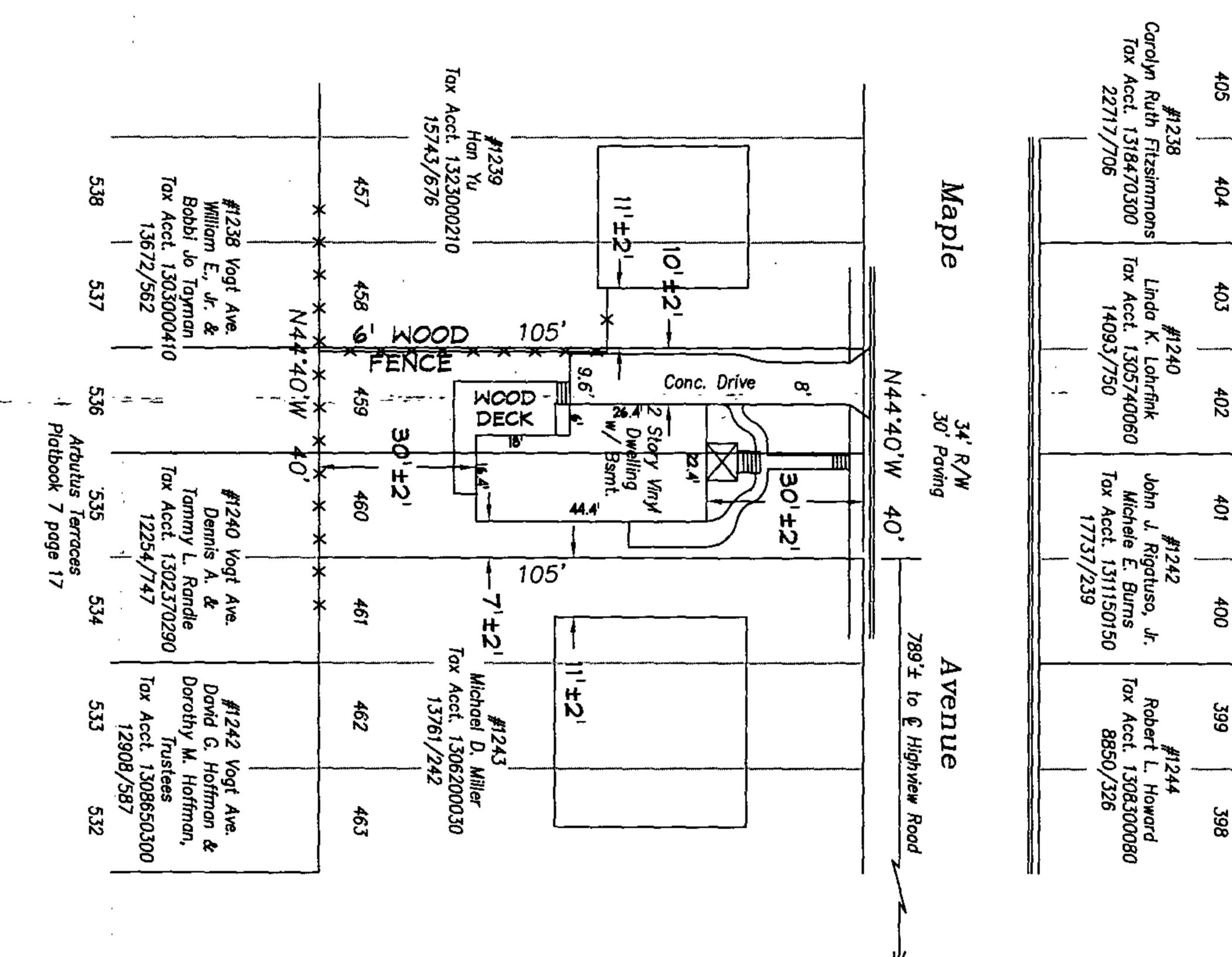
page

CIRCLE

POND

STATE OF THE STATE

- Ку/е 1965 Marriottsville, 0'Haro Andrew Court MD 2
- Ņ Councilmanic District:
- Й ction District:
- 4 Zoning: E 200 Scale D.R. Zoning Мар:
- Ù Tax X **ν**σ.: 1320550140
- Ġ Tax Мар 101, Grid 23, Parcel
- Lois ... Platbook Page 460, Arbutus 17
- œ DeedRef.: Liber 22955 folio 105
- 9 ß, serviced bУ public water and
- *70*. Site Š. not located within the Bay
- 36



VICINIT

MAP

SCALE:

000

STATISTICS OF MANAGEMENT OF MA Election Lindone Platbook Arbutus 940 Maple erraces Page くのついの 460 משוה District



192 East Main Street
Westminster, MD 21157
http://www.demariodesign.us
Phone: (410) 386-0560
Fax: (410) 386-0564
eMail: ddc@demariodesign.us

DATE: R 8-22-2007 SPECIAL ACCO VARIANCE HEARING DDC JOB#:

SCALE: 1"=30" DES. BY: JLM 07097.1 TIONS DRN. SEY. 84: BY: M SDS

PETITIONER'

Ø

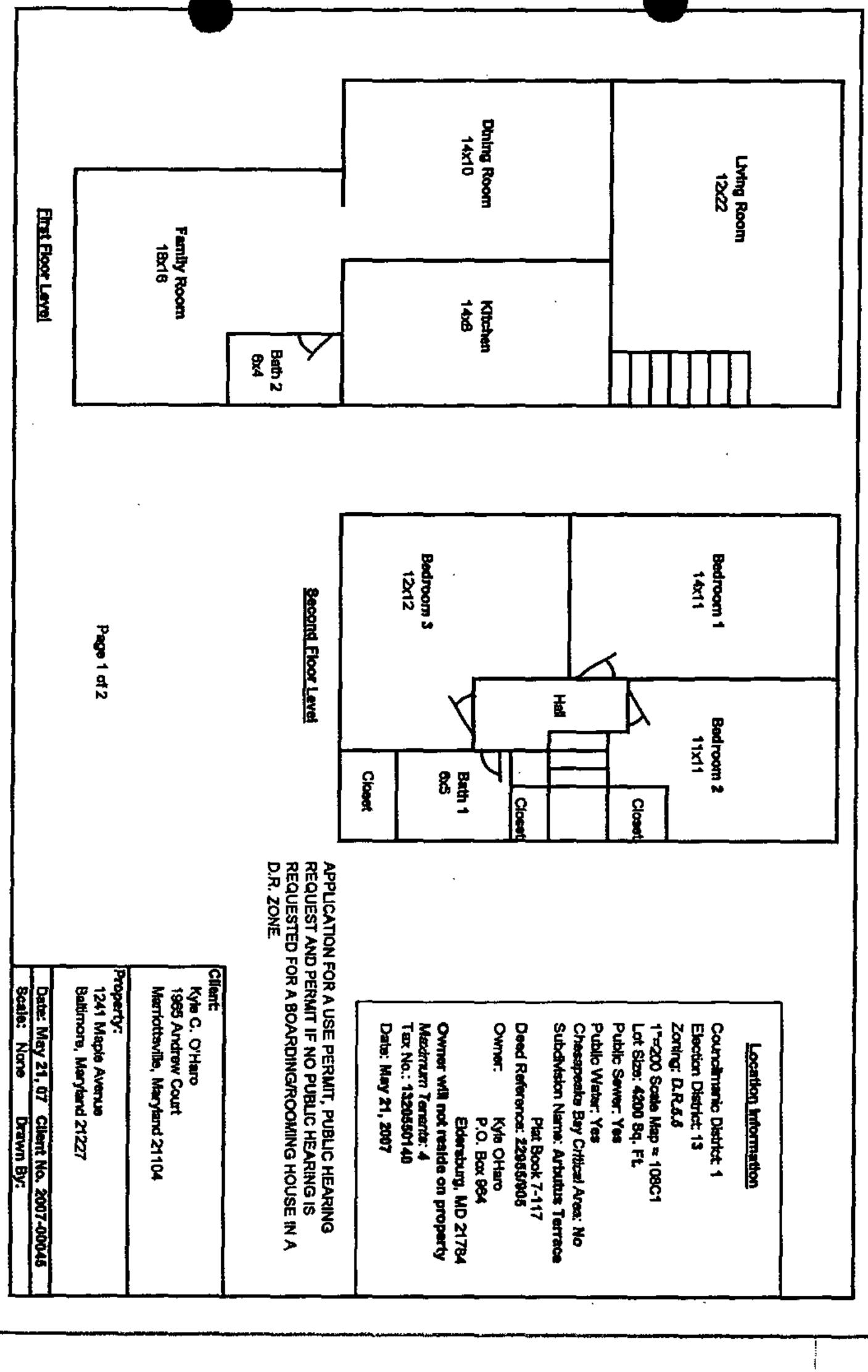
EXHIBIT

NO.

08-100-

SP#AS

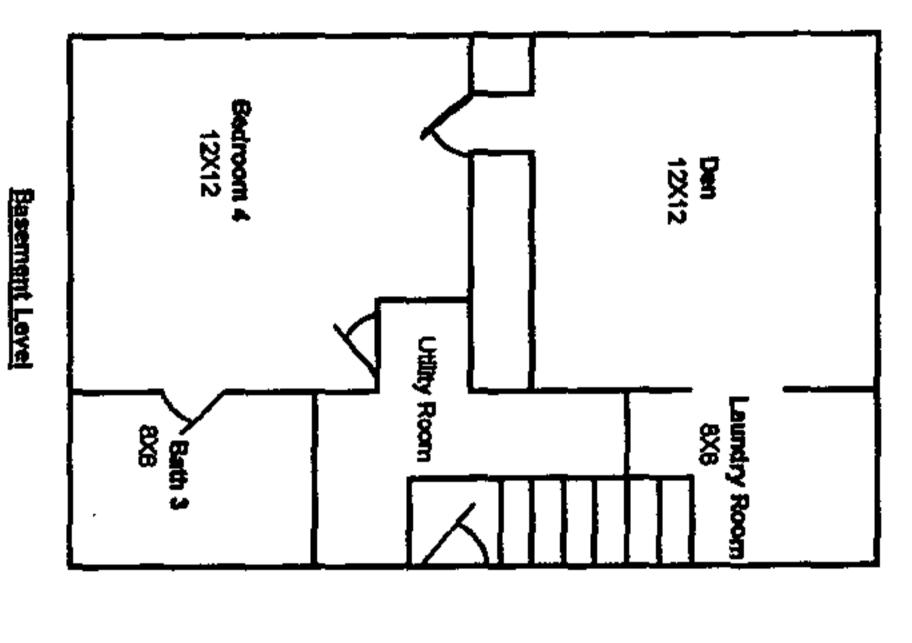
SDS



PETITIONER'S

EXHIBIT NO.

08-100-SPH



7

## Location information

Councilmanic District 1
Election District 13
Zoning: D.R.5.5
1"=200 Scale Map = 108C1
Lot Size: 4200 Sq. Ft.
Public Sewer: Yes
Public Water: Yes

Chesapeake Bay Critical Area: No Subdivision Name: Arbutus Terrace

Plat 8ook 7-117 Deed Reference: 22955/905

Owner: Kyle OHaro
P.O. Box 884
Eldensburg, MD 21784
Owner will not reside on property
Maximum Terrants: 4
Tax No.: 1320550140
Date: May 21, 2007

APPLICATION FOR A USE PERMIT, PUBLIC HEARING REQUEST AND PERMIT IF NO PUBLIC HEARING IS REQUESTED FOR A BOARDING/ROOMING HOUSE IN A D.R. ZONE.

Client Kyte C. O'Haro 1965 Andrew Court Marriottsville, Maryland 21104

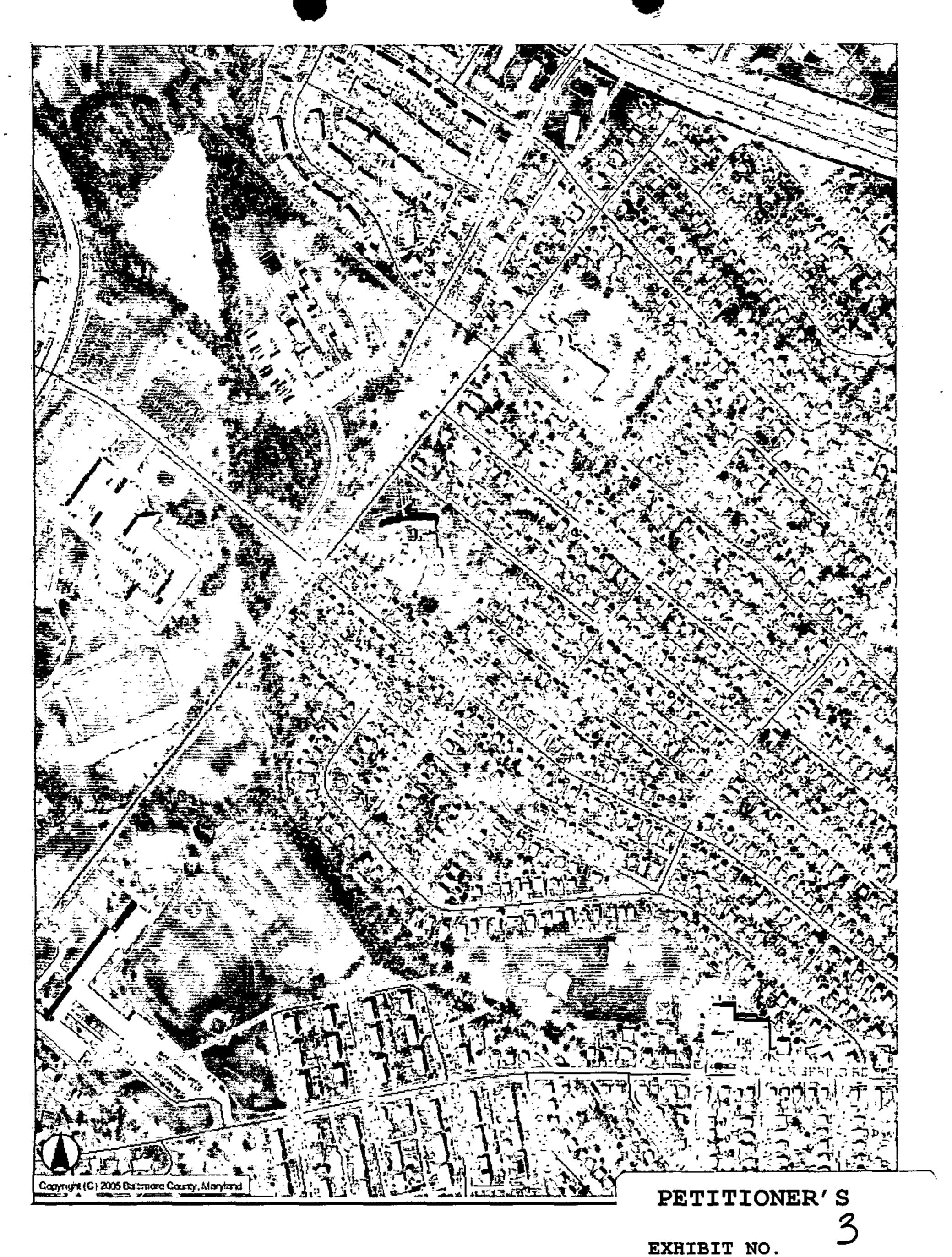
Property: 1241 Maple Avenue Baltimore, Marytand 21227

Date: May 21, 07 Client No. 2007-00045 Scale: None Drawn By:

(2) 1.8.1(Z)

295 xe.

08-100-SPHA



* -	-		08-100	-CPHA	Ru
Case_Entry/Update		•	Mode	CHANGE	101
Format :			File :		· \
					1()
Dt Rec: <u>11012006</u>	Intake: <u>LH</u>	Act:	Cas	e #: 06-9141	
Insp: GLORIOSO	Insp Grp: EN	Insp Area:	13 Tax Acct	1320550140	-
Address: 1241	MAPLE AVE		_ Apt #: 2	ip: 21227	
Owner: KYLE OHARO	, 1965 ANDREW CT,	MARRIOTTSVI	LLE, 21104; OWN	JER C/410 549	<u>-4985/</u>
FAX?, 443 398-5025		<u> </u>	<del></del>	· 	
Problem Descript.	: RENTING TO MORE	THAN 2 UNRE	LATED PEOPLE		
				<del></del>	
MAP 41J7	•	<u> </u>		<u> </u>	
Complainant Name	(Last): RIGATUSO	(Firs	t): MICKIE		
Complainant Addr:		MERIGATUSO@	YAHOO.COM	<del></del>	
Complainant City:	<u> </u>	State: .	Zip:		
Complainant Phone	(H): <u>4438295459</u>	(W):	<del> </del>		
Date of Reinspect:	ion: <u>10222007</u> Dat	te Closed: _	Delete	Code (P): _	_
F3=Exit	F5=Refresh		F6=Select fo	rmat	-
F9=Insert	F10=Entry		F11=Change		

Case Entry/Update

Format . . . : <u>CASREC</u>

Mode . . . CHANGE

File . . . : PDLV0001

Notes: \*\*\*11/1/06, LOTS OF VEHS PARKED ON & IN FRONT OF PROP, COMPL WILL SEND PHOTOS OF PROPER VEHS FOR THIS ADDRESS, CORRECTION NOTICE ISSUED, P/U 12/1/06, JG/CP\*\*\*

\*\*\*12/6/06, NO RESPONSE TO CORRECTION NOTICE, OWNER HAS DISTRIBUTED "AGREEMENT"
FORM W/NEIGHBORS, "PROMISES" TO NOT USE AS BOARDING HOUSE IF LEASES ARE ALLOWED,
BE EFFECTIVE TILL END (8/31/07), SPOKE TO COMPL WHO TURNED LETTER OVER TO
ATTORNEY, P/U 12/28/06, JG/CP\*\*\*

\*\*\*1/2/07, ATTEMPTED TO REACH MR OHARO BY VOICE MESSAGE, STILL OUT OF TOWN, WILL CALL AGAIN, JG/CP\*\*\*

\*\*\*1/3/07, MR OHARO BACK IN TOWN, HIS ATTORNEY IS REVIEWING LETTER SENT BY COMPL SITUATION - BOTH ATTORNEYS REVIEWING EACH CLIENT'S "LETTERS", P/U 1/8/07, JG/CP\*

\*\*\*3/13/07 OWNER HAS AN APPT W/ZONING 3/28/07 P/U 3/29/07 JG/LMH\*\*\*

\*\*\*3/30/07 ATTEMPTED TO REACH OWNER BY PHONE-BUSY SIGNAL OVER 2 HOUR PERIOD. WI LL TRY AGAIN NEXT WEEK. P/U 4/3/07 JG/MK\*\*\*

\*\*ALL TENANTS HAVE RECEIVED NOTICE. COPY IN FOLDER-60 DAY NOTICE TO TERMINATE TE NANCY DATED 3/12/07. P/U

F3=Exit

\*\*\*

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

Case Entry/Update

Format . . . : CASREC

Mode . . CHANGE

File . . . : PDLV0001

Notes 2: 6/13/07. (JG/SCJ)

\*\*\*6/14/07, MR OHARA IS ON DUTY WITH US ARMY RESERVES UNTIL 6/30/07. P/U 6/30/07

. JG/MK\*\*\*

\*\*\*7/30/07, ROB HOFFMAN, ESQUIRE, OF VENABLE (410-494-6251) HAS BEEN HIRED TO

PROCESS A PUBLIC HEARING FOR MR. O'HARA. P/U CASE FOR 8/31/07 TO VERIFY

PETITION REVIEW DATE WITH ZONING REVIEW, JHT/CG\*\*\*

\*\*\* 08/01/07 APPOINTMENT SET BY VENABLE ESQ CASE APPOINTMENT SET FOR 08/22/07.

AT 2PM, FILING LETTER TO BE SUBMITTED TO FILE AND CC COPY TO JG. LRS\*\*\*\*\*

\*\*\*9/4/07, NO DATE SET AS OF TODAY, WAITING FOR DATE OF PUBLIC HEARING, P/U

10/4/07, JG/CP\*\*\*

\*\*10/4/07, HEARING SCHEDULED FOR 10/15/07 W/ZONING COMMISH, P/U 10/22/07, JG/CP\*

F3=Exit F9=Insert F5=Refresh

F10=Entry

F6=Select format

F11=Change



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 Facsimile 410-821-0147 www.venable.com

Robert A. Hoffman

410-494-6262

rahoffman@venable.com

July 30, 2007

Joseph Glorioso
Inspector
Department of Permits and
Development Management
III W. Chesapeake Avenue
Towson, Maryland 21204

Re: 1241 Maple Avenue - Case No. 06-9141

Dear Mr. Glorioso:

This letter is to advise you that an appointment review date has been set for August 22, 2007, at 2:00 p.m. to review a Petition for Special Hearing relating to the referenced property on a request to permit a boarding or rooming house in a D.R. zone for a period not to exceed two years from the date of issuance of the permit, together with a Petition for Variance to permit three off-street parking spaces in an existing driveway in lieu of four angled or parallel spaces.

It is our understanding that any further action on the referenced matter will be stayed until hearings on the aforementioned petitions have concluded.

Would you please confirm this by affixing your signature below and faxing a copy to me at (410) 821-0147.

Sincerely

Robert A Moffman

RAH:keh

Confirmed this 7th day of Acces, 2007.

Joseph Glorioso, Inspectòr

Inspector -

GLORIOSO

Area Case # Location

Apt Zip Date Rec Reinsp Dt

013 06-9141 1241

MAPLE AVE

21227

3/29/2007

Tax Acct #: 1320550140

Owner: KYLE OHARO, 1965 ANDREW CT, MARRIOTTSVILLE, 21104; OWNER C/410 549-4985/

FAX?, 443 398-5025

Complainant Name: (Last) RIGATUSO

(First MICKIE

Addr:

MERIGATUSO@YAHOO.COM Str # Dir Street Name

Туре Apt

City

Phone: (Home) 443/829-5459

ST Zip (Work)

Problem:

RENTING TO MORE THAN 2 UNRELATED PEOPLE

443.398,5025

MAP 41J

Notes:

\*\*\*11/1/06, LOTS OF VEHS PARKED ON & IN FLONT OF PROP, COMPL WILL SEND PHOTOS OF PROPER VEHS FOR THIS ADDRIGES, CORRECTI ON NOTICE ISSUED, P/U 12/1/06, JG/CP\*\*\*

\*\*\*12/6/ 06, NO RESPONSE TO CORRECTION NOTICE, OWNER HAS DISTRIBUTED "AGREEMENT" FORM W/NEIGHBORS, "PROMISES" TO NOT USE AS BOARD ING HOUSE IF LEASES ARE ALLOWED, BE EFFECTIVE TIEL END (8/31/ 07), SPOKE TO COMPL WHO TURNED LETTER OVER TO ATTORNEY , P/U 12/28/06, JG/CP\*\*\*

\*\*\*1/2/07, ATTEMPTED TO REACH MR OHERO BY VOICE MESSAGE, STILL OUT OF TOWN, WILLCALL AGAIN, JG/CP\*\*\*

\*\*\*1/3/0 7, MR OHARO BACK IN TOWN, HIS ATTORNEY IS REVIEWING LETTER S ENT BY COMPLSITUATION - BOTH ATTORNEYS REVIEWING EACH CLIENT 'S "LETTERS", P/U 1/8/07, JG/CP\*\*\*\*

\*\*\*3/13/ 07 OWNER HAS AN APPT W/ZONING 3/28/07 P/U 3/29/CF JG/LMH\*\*\*

3/30/07 AMBURDOSO TO REACH CWNESS BY PHONE

- BUSY SIGNAL OVER 2 HOUR PRZIOD

P/U Date	T	<u>!</u> :	ł	losed Date	·- <del></del>		Gary F t	
Anonymous Complaint	Complai Update			odated by ce message	Unable to updaté		Update no necessary	
Executive office Complaint	Yes	N	•	If Yes is Exe		Yes		

WILL TRY AGAIN NEXT WEEK

Pépue 4/3/07

#### UPDATE/MESSAGE FORM

Inspector: Jose (720R1050)	
Inspector: Jan TLORIOSO	
Case No: C6 - 9/4/	•
Address: 1241 MARIE Av	
Comments: OWNER HAY APPOINTMENT	W77+
ZINING 3/28/07	
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Kyle O'Haro 1307 Linden Avenue Arbutus, MD 21227 P: 410.242.0350443.398.5025 F: 410.242.6996

March 12, 2007

4102420350

Code Inspections and Enforcement County Office Building, Room 213 111 West Chesapeake Avenue Towson, MD 21204

ATTN: Joseph Glorioso fax: 410-887-2824

REF: 1241 Maple Avenue, Case Number 06-9141

To Whom It May Concern:

Over the past several months, I have been in constant communication with Code Enforcement's Inspector, Joe Glorioso, and the complaining neighbor with regard to above referenced property.

During this time, I have visited this neighbor and discussed an amicable resolution. Both the neighbor and I have sent each other letters and agreement to help this situation along.

The neighbors, when spoken to, verbally agreed to allow me to continue to rent the property to the party currently residing in the home until the end of the tenants' existing term, and afterwards I would place a more suitable "family" in the home.

The neighbor, after this discussion sent me a legal, contractual, agreement that outlined the type of people I was to rent the property to. Questioning its validity, I sent this agreement to my attorney for review and he responded by noting the agreement was unlawful and contradicted Equal Opportunity and Fair Housing laws.

This letter is to convey my most sincere intension to rectify this situation either by terminating the existing lease at the end of its term or by obtaining a Boarding House Permit.

Attached is a "60-Day Notice to Terminate Tenancy" which indicates that I will not be renewing the existing lease at the end of the term unless a permit is obtained.

Therefore, I am requesting the needed time to obtain a permit or to allow the existing lease to end, whichever comes first, to correct this infraction.

Thanks in advance for any assistance you can provide in making this a painless process for everyone.

Sincerely,

Kyle O'Haro, Owner

#### 60-Day Notice to Terminate Tenancy

Terence Kimener, Taylor Marino, Brandon Mathias, Conor Devlin 1241 Maple Avenue Baltimore, MD 21227

Monday, March 12, 2007

#### Dear Tenants,

This is given in order to terminate your existing lease and your tenancy. Therefore, as of today, you are notified that your lease which is due to expire on 31 August 2007, will NOT be renewed.

Therefore, the dwelling should be vacated by noon (12:00pm) on 31 August 2007.

The residence should be left in a clean, ready-to-rent condition. Any damage resulting from your stay beyond normal wear will be charged to you and deducted from your security deposit.

If you choose to hold over, rent will not be accepted and we will file a petition for possession of the apartment in accordance with the Maryland Code at the local District Court for "Tenant Holding Over."

You will be held liable for all damages, attorney and court fees, and cost associated with this action.

Please contact your property manager, to arrange for key return and final walk-through at noon (12:00pm) on 31 August 2007.

This notice is consistent with Maryland Code and has been sent by mail and certified mail to ensure your receipt.

Our telephone number is 443-398-5025.

Arbutus Rentals, LLC

Kyle O'Haro, Property Management

#### UPDATE/MESSAGE FORM

Date:	<del></del>		
Time:	·		
Inspector:	· · · · · · · · · · · · · · · · · · ·		
			•
Case No:	· 		•
Address:	· 		
Comments:	·		
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Inspector -

GLORIOSO

Area Case # Location

Zip Date Rec Reinsp Dt Apt

013 06-9141 1241 MAPLE AVE

21227 10/30/2006 12/28/2006

Tax Acct #: 1320550140

Owner: KYLE OHARO, 1965 ANDREW CT, MARRIOTTSVILLE, 21104; OWNER C/410 549-4985/

FAX?, 443 398-5025

Complainant Name: (Last) RIGATUSO (First) MICKIE.

Addr:

MERIGATUSO@YAHOO.COM

Type Apt

City

Zip

Phone: (Home) 443/829-5459

(Work)

Str # Dir Street Name

RENTING TO MORE THAN 2 UNRELATED PEOPLE

MAP 41J7

Notes:

Problem:

\*\*\*11/1/06, LOTS OF VEHS PARKED ON & IN FRONT OF PROP, COMPL WILL SEND PHOTOS OF PROPER VEHS FOR THIS ADDRESS, CORRECTI ON NOTICE ISSUED, P/U 12/1/06, JG/CP\*\*\*

\*\*\*12/6/

06, NO RESPONSE TO CORRECTION NOTICE, OWNER HAS DISTRIBUTED "AGREEMENT" FORM W/NEIGHBORS, "PROMISES" TO NOT USE AS BOARD ING HOUSE IF LEASES ARE ALLOWED, BE EFFECTIVE TILL END (8/31/ 07), SPOKE TO COMPL WHO TURNED LETTER OVER TO , P/U 12/28/06, JG/CP\*\*\*

1/2/07
ATTEMPTED TO RESOLUTION TOWN. WILL CALL

1/3/07 Ma. GHARD BACK IN TOWN. HIS
ATTORNEY IS REVIEWING LETTER SENT

P/U Date	_ <del></del>		1	losed Date	T	<del>-</del>	G	ary F to update
Anonymous Complaint	Complair Updated			odated by ce message	Unabl upda		ì	pdate not ecessary
Executive office Complaint	Yes	N	<b>D</b>	If Yes is Exe	_	Ye	<b>S</b>	No.

BY COMPLAINANT. SITUATION - BOTTH ATTORNATIS RZVIFZWING EACH CLIPANTS POD UP 1/8/07

Inspector -

GLORIOSO

Area Case # Location

Date Rec Reinsp Dt Apt Zip

03.3 06-9141 1241 MAPLE AVE

21227 10/30/2006 12/28/2006

Tax Acct #: 1320550140

Owner: KYLE OHARO, 1965 ANDREW CT, MARRIOTTSVILLE, 21104; OWNER C/410 549-4985/

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Complainant Name: (Last) RIGATUSO (First) MICKIE

Addr:

MERIGATUSO@YAHCO.COM

Str # Dir Street Name

Type Apt

City

ST Zip

Phone: (Home) 443/829-5459

(Work)

Problem:

RENTING TO MORE THAN 2 UNRELATED PEOPLE

MA.P 41J7

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1/2/07 ATTEMPTED TO REPART MA OHATRO - VOICE
MESSAGE & STILL OUT OF TOWN. WILL OFFLE

1/3/07 Ma C-HARD BACK IN TOWN: 1-1.5 ATTORNEY 15 REVIEWING LETTERS SENT

P/U Date		[	Closed Date			Gary F to update		
Anonymous Complaint	Complair Updated			dated by ce message	Unable to update		Update not necessary	
Executive office Complaint	Yes	Ne	) •	If Yes is Exe	_	Ye	S	No

BY COMPLAINANT. SITUATION - BETTH ATTORNATIO Pop up 1/8/07

Joi Jos Gurasso

En! Lya DHAR

re 1241 marie

AZ DISCUSSES

12/12/2006 02:05

December 6, 2006

Code Inspections and Enforcement County Office Building, Room 213 111 West Chesapeake Avenue Towson, MD 21204

ATTN: Jim Thompson, fax: 410-887-2824

REF: 1241 Maple Avenue, Case Number 06-9141

To Whom It May Concern:

This letter is to withdrawal my complaint on above reference property. The owner and I have agreed to allow the current tenants' finish the term of their lease with the complete understanding that the owner will not, under any circumstance, re-rent this property to college students.

Owner also has agreed to take the full responsibility and/or the burden of any fines or proceedings for non-compliance - as signed below. Owner also agrees not to file for a special hearing at the end of the current tenants' lease to prolong or negate this agreement.

Since	rely,		
Com	plainant Maple Avenue	. Balto., MD 21	227

I agree to the above.

Kyle O'Haro

Owner, 1241 Maple Ave.

P. O. Box 964
Eldersburg, Maryland 21784
P: 410.242.0350
F: 410.242.6996

#### A BIN BOX BEN BOX BUTTE

December 4, 2006

Neighbors Birch Avenue
Baltimore, MD 21227

REF: 1241 Maple Avenue

To Whom It May Concern:

This letter is sent to express my concern for the above referenced property.

As previously discussed, please note that we will place a more favorable tenant in the above referenced property at the end of the current lease (apprx. 8/1/07). This is possible if you are willing to dismiss your call to Baltimore County and understand that this is absolute without any prejudice on

The presentation of this community is important to us and we do not want neighborhood tension.

dere

diagony

Kyle O'Haro

Property Manager

December 12, 2006

Arbutus Rentals, LLC P.O. Box 964 Eldersburg, MD 21784

Attn: Kyle O'Haro

06.9141 1241 MAPLE AV

Kyle,

Thanks for taking the time to address our concerns and constructing a letter to the Code Enforcement Office on our behalf. We fully intend to sign the papers and fax them as soon as possible as we too would like to resolve this matter quickly and amicably.

One request before we sign is that you sign and return the Agreement document provided. This agreement is a more direct agreement between us, rather than through a third party (County Code Enforcement) who has no real interest or concern on how we resolve this.

It essentially states all the things you agreed or promised however, it gives us a little more recourse in the event the agreement requires enforcement.

One other matter you had mentioned was the possibility of turning the property into "Section 8" housing. We feel that government subsidized housing is not a positive direction toward maintaining, economically or otherwise, a stable community. We hope you feel the same way and further agree to not pursue those avenues.

All we're really trying to do here is return our neighborhood back to the quiet, peaceful place that made us want to live here in the first place and not feel overwhelmed by transient tenants who have little or no regard for the community or those around them.

Thanks for your time and please feel free to call me directly if you have any questions or concerns.

John Rigatuso 443 850 8332 To: Joe Granoso 887-2824

-m. Kyne 5 / mm

1241 MARKE AVE / 21227

Sent de my attomen dos miens.

#### Department of Permits and Development Management

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmenforce@co.ba.md.us\* pdminspect@co.ba.md.us



Baltimore County

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

410.549.4985

10 12/5/06 6:20 AM

#### TELEFAX TRANSMISSION

TO: MR. KYLE OHARO

DATE: 12/5/06

FROM: JOSO GLORIOSO

PAGES: \_\_\_\_ (Including Cover)

RE: 1241 MADLE AV

Message/Comments:

MY NUMBER 3351

NEED TO TALK TO YOU ABOUT YOUR PROPERTY
AT THIS ADDRESS

IF I. AM NOT IN, LEAVE MESSIAGE AND HOW

I MAY 25ACH YOU. THANKS

#### **CONFIDENTIALLY NOTICE**

The documents accompanying this telecopy transmission contain confidential information belonging to the sender, which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby that any disclosure, copying, distribution, or the taking of any action based on the contents of this telecopy information is strictly prohibited. If you have received this Telecopy in error, please immediately notify the sender to arrange for return of the original documents.

Inspector -

GLORIOSO

Area Case # Location

Zip Date Rec Reinsp Dt ·Apt

06-9141 1241 MAPLE AVE

21227 10/30/2006 12/01/2006

Tax Acct #: 1320550140

Owner: KYLE OHARO, 1965 ANDREW CT, MARRIOTTSVILLE, 21104

Complainant Name: (Last) RIGATUSO (First) MICKIE

Addr:

MERIGATUSO@YAHOO.COM

Str #

Dir Street Name

Type Apt

City

Zip

Phone: (Home) 443/829-5459

Problem:

RENTING TO MORE THAN 2 UNRELATED PEOPLE

MAP 41J7

Notes:

\*\*\*11/1/06, LOTS OF VEHS PARKED ON & IN FRONT OF PROP, COMPL WILL SEND PHOTOS OF PROPER VEHS FOR THIS ADDRESS, CORRECTI ON NOTICE ISSUED, P/U 12/1/06, JG/CP\*\*\*

> CHW425 CELL 443.398.5025

410.549.4985 FAX

No RESPONSE TO CORRECTION

Owner Hos

DISTRIBUTED "HERETE MENT

FORM WITH MELGHYORS.

" PROMUSE! " TO NOT USE

AS BUMBOING NO COST IR

LETSES ARZ ALLOWED

TILL 13ND (8/31/07)

Por vo 12/28/06

Executive office Complaint	Yes	No		If Yes is Exe	_	Yes		No	
Anonymous Complaint	Complai Update		Updated by voice message		Unable to update		Update not necessary		
P/U Date			ì	Closed Date			1	ary F to update	

Forcement - Daily Works Coc

Inspector -

GLÓRIOSO

Area Case # Location

Apt Zip Date Rec Reinsp Dt

013 06-9141 1241 MAPLE AVE

21227 10/30/2006 12/01/2006

Tax Acct #: 1320550140

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Complainant Name: (Last) RIGATUSO (First) MICKIE

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MERIGATUSO@YAHOO.COM

Str # Dir Street Name

Type Apt

City

ST Zip

Phone: (Home) 443/829-5459 (Work)

Problem:

RENTING TO MORE THAN 2 UNRELATED PEOPLE

MAP 41J7

Notes:

\*\*\*11/1/06, LOTS OF VEHS PARKED ON & IN FRONT OF PROP, COMPL WILL SEND PHOTOS OF PROPER VEHS FOR THIS ADDRESS, CORRECTI ON NOTICE ISSUED, P/U 12/1/06, JG/CP\*\*\*

CHWA2S CEEL 410.549.4985

P/U Date			1	losed Date	<u>.</u>		G	ary F to update
Anonymous Complaint.	Complair Updated	· ·		t Updated by voice message		e to		pdate not ecessary
Executive office Complaint	Yes	No		If Yes is Executive memo attached?		Yes		No

Cod prcement - Daily Worksl

Inspector -

Area Case # Location

Zip Date Rec Apt Reinsp Dt

06-9141 1241 013

MAPLE AVE

21227 10/30/2006

Tax Acct #: 1320550140

Owner: KYLE OHARO, 1965 ANDREW CT, MARRIOTTSVILLE, 21104

Complainant Name: (Last) RIGATUSO

(First) MICKIE

Addr:

Str # Dir Street Name

MERIGATUSO@YAHOO.COM

Type Apt

City

Phone: (Home)

Zip

(Week) CELL 443.829 5459

Problem:

RENTING TO MORE THAN 2 UNRELATED

11/1/06 LOTS OF VEHICLES MAP 4117 PARKED ON AND IN FORENT OF PROPERTY, COMPL WILL PHOTOS OF PROPER VEHICLES GOR THIS 40002751

CORRECTIONS

Popur 12/1/06

Executive office Complaint	Yes	No	)	If Yes is Exe	_	Yes		No
Anonymous Complaint	Complainant Updated		Updated by voice message		Unable to update		•	date not
P/U Date				losed Date				ry F to

Permits and Development Management Code Inspections and Enforcement ty Office Building, Rm. 213 /est Chesapeake Ave T rson, Maryland 21204



Code Enforcement 410-887-3351 **Building Inspection** Electrical Inspection Plumbing Inspection Signs/ Fences

410-887-3953 410-887-3960 410-887-3620 410-887-3896

CODE INSPECTIONS AND ENFORCE	
CASE NUMBER PROPERTY TAX ID 13 20 550	140 DATE ISSUED 1 / 06
NAME(S):KYLE OHARD	
TILE CHICKE	
MAILING ADDRESS	
CITY // STATE	21P CODE
VIOLATION ADDRESS , A /	1 21104
1241 /VAPLE	ZIP CODE
BALTIMORE STATE  MARYL	
DID UNLAWFULLY VIOLATE THE FOLLOW	
RESIDENTIAL ZONE CLASSIFICATION  DR1 DR2 DR3.5 DR5.5 DR10.5 DR	NON-RESIDENTIAL CLASSIFICATION  □ BL (230) □ BR (236) □ BM (233)
RC2(1A01)   RC4(1A03)   RC20 & 50 (1A05)   RC	6(1A07)
OTHER:	OTHER:
BALTIMORE COUNTY ZON	ING REGULATIONS (B.C.Z.R.)
AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-	
101; 102.1: Definitions; general use   1801.1: DR Zones-use regulations	415A: Improperly parked recreation vehicle
☐ 428: License/ Remove all untagged/ inoperative or ☐ damaged/ disabled motor vehicle(s) ☐	
☐ 1B01.1D: Remove open dump/ junk yard ☐ 431: Remove commercial vehicle(s) ☐	
101; 102.1: Remove contractors equip. storage yard   101; 102.1; ZCPM: Cease service garage activities	
1 402: Illegal conversion of dwelling	BCC: 32-3-102; 500.9 BCZR; ZCPM:
3 101; 102.1; ZCPM: Illegal home occupation  BALTIMORE CO	Violation of commercial site plan and/or zoning order UNTY CODE (B.C.C)
3 13-7-112: Cease all nuisance activity	35-2-301: Obtain building/ fence/ sign permit
13-7-115: County to abate nuisance & lien costs	18-2-601: Remove all obstruction(s) at street, alley, roa
13-7-310: Remove all trash & debris from property 1 13-7-312: Remove accumulations of debris, materials, etc	☐ 13-7-310(2): Remove bird seed / other food for rats ☐ 32-3-102: Violation of development plan/ site plan
13-7-201(2): Cease stagnant pool water 12-3-106: Remove animal feces daily	☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
35-5-208(a)(c): Seal exterior openings from rodents & pests 13-4-201(b)(d): Store garbage in containers w/tight lids	<b>-</b>
	ED HOUSING (B.C.C)
35-5-302(a)(1): Unsanitary conditions.	☐ 35-5-302(a)(2): Store all garbage in trash cans
35-5-302(a)(3): Cease infestation from prop. 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc	☐ 35-5-302(b)(1): Repair exterior structure ☐ 35-5-302(b)(1)(3): Repair exterior extentions
35-5-302(b)(1)(4): Repair chimney & similar extentions 35-5-302(b)(1)(6): Repair defective door(s) / window(s)	☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces ☐ 35-5-302(b)(1)(7): Repair defective fence
•	ROPERTY (B.C.C)
35-2-404(a)(1)(i): Remove hazardous or unsafe condition	35-2-404(a)(1)(ii): Repair ext. walls / vertical members
<ul> <li>35-2-404(a)(1)(iii): Repair roof or horizontal members</li> <li>35-2-404(a)(1)(v): Repair ext. plaster or masonry</li> </ul>	<ul> <li>35-2-404(a)(1)(iv): Repair exterior chimney</li> <li>35-2-404(a)(1)(vi) Waterproof walls/ roof/foundations</li> </ul>
35-2-404(a)(1)(vii): Repair exterior construction (see below) 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)	<ul> <li>35-2-404(a)(1)(2): Remove trash, rubbish, &amp; debris</li> <li>35-2-404(a)(4)(i)(ii): Board &amp; secure. Material to match</li> </ul>
OTHER VIOLATIONS OR REMARKS:	building color of structure
,	
ILLEGAL BOARDING HO	USZ - NCRZ THAN PESPLE
L UNRELATED F	SPLE
<u> </u>	<u> </u>
NOTICE POSTED AND MAKED	<u></u>
	per violation and to be placed as a lien upon your tax bill.
COMPLIANCE DATE: 12 / 16 INS	
COMPLIANCE DATE: 14/1/06 INS	PRINT NAME (Rev. 9/05)

**AGENCY** 

DATE: 10/30/2006

STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:16:53

PROPERTY NO. DIST OCC. HISTORIC GROUP CLASS

DEL LOAD DATE

13 20 550140

13 1-0

04-00

NO

10/03/06

OHARO KYLE

DESC-1.. IMPSPT LT 459,460

DESC-2.. ARBUTUS TERRACE

1965 ANDREW CT

PREMISE. 01241 MAPLE

AVE

00000-0000

MARRIOTTSVILLE	MD 21104-1176	FORMER OWNER:	ARBUTUS RENTALS, LLC
----------------	---------------	---------------	----------------------

	FCV -			PHASED	IN	
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	25,000	25,000		. FCV	ASSESS	ASSESS
IMPV:	87,390	87,390	TOTAL	112,390	112,390	112,390
TOTL:	112,390	112,390	PREF	0	0	0
PREF:	0	0	CURT	0	. 0	0
CURT:	. 0	O	EXEMPT.		0	0

07/03 DATE: 12/05

TAXABLE BASIS FM DATE

> ASSESS: 08/12/06 112,390

ASSESS: 112,390

ASSESS:

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

PHONE DUTY INTAKE SHEE		nday, October 30, 2006
INTAKE LH CASE # 069141	AREA 13	INSPECTOR:
PROBLEM renting to more than 2 unrelated p	eople	<u> </u>
VIOL. LOCATION 1241 Maple Ave	<u> </u>	VIOL. ZIP 21227
COMPLAINTANT NAME   Mickie Rigatuso		<u>*************************************</u>
COMP. ADDRESS merigatuso@yahoo	.com	COMPL. ZIP
COMPL. PHONE	COMPL. WORK #:	EXT
OWNERS INFO/ NOTES	PREVIOU	S CASE NUMBERS:
DATE: 10/30/2006 STANDARD ASS TIME: 10:16:53 PROPERTY NO. DIST GROUP CLASS OC 13 20 550140 13 1-0 04-00 N OHARO KYLE DES DES 1965 ANDREW CT PRE MARRIOTTSVILLE MD 21104-1176	01-3937 C.	REOPEN

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JAMES W. JOHNSON Chief of Police



BALTIMORE COUNTY POLICE

Headquarters
700 East Joppa Road
Towson, MD 21286
(410) 887 - 2214
Fax (410) 821 - 8887
boopd@baltimor ecountymd.gov
www.baltimoreco\_untymd.gov/polic\_e

"INTEGRITY...FAIRNESS...SERVICE"

October 22, 2007

Ms. Elanor VanDevender Van6807@comcast.net

Dear Ms. Van Devender:

In response to your email sent on October 18, 2007, analysts of the Scanning & Forecasting Team have produced the enclosed table which lists the Calls for Service at 1241 Maple Avenue, 21227 from January 1, 2005 to September 30, 2007.

To request copies of police reports, send your request to Baltimore County Police Department; Record Request Unit; 700 East Joppa Road; Towson, Maryland 21286. You must include the reason for your request, report number, date, location, names of individuals involved, your name and a self-address stamped envelope. There is a \$10.00 search fee for each requested report. Please make checks payable to Baltimore County, Maryland.

If there are any questions, please direct them to Ms. Lauren Metelsky, the analyst assigned to this project. She can be reached at 410-887-4946.

Koprowicz Analysis Teams

John Spiroff, Precinct 01 Captain

C:



#### Bill Wiseman - 1241 Maple Avenue, Case No. 8-100-SPHA

From: "Bob Van" <van6807@comcast.net>

To: <wwiseman@co.ba.md.us>

**Date:** 10/23/07 6:23 AM

Subject: 1241 Maple Avenue, Case No. 8-100-SPHA

#### Dear Mr. Wiseman,

Please consider the attached calls for service report from the Crime Analysis Department of the Baltimore County Police in rendering your decision in the captioned case. The following are my reasons for opposing the granting of a boarding house license to the Petitioner for the captioned property. Please take these into consideration, since they negatively affect the health, safety and welfare of our community:

- Homeowners attending the hearing were at a distinct disadvantage since they were not given sufficient notice that the Petitioner would rent to four specific UMBC students and that you would consider special provisions in granting the Petitioner's request for a boarding house license. They were unable to conduct any investigation of these students prior to the hearing. None of these prospective tenants gave testimony under oath and no written evidence concerning them was presented.
- Mr. O'Haro, the Petitioner, testified that he owns 150 properties, yet he stated he was unaware before a complaint was filed with Baltimore County Code Enforcement on his Maple Avenue property that he needs a boarding house license to house more than two unrelated persons in his rental properties. How many of his other properties are in violation?
- Mr. Glorioso, the code enforcement officer handling the existing violation, indicated in his notes that Mr. O'Haro was difficult to reach to address the complaint, which resulted in a lengthy process.
- Mr. O'Haro testified at the hearing that if the community did not capitulate to his wishes, he would convert the property to Section 8 housing.
- There is a detrimental impact on communities with high numbers of rental properties. Baltimore County has instituted a pilot rental licensing program for landlords in certain communities to help reverse the physical decline caused by rental housing.
- Arbutus already has over 30% rentals, as I indicated at the hearing and provided evidence. Maple Avenue alone has over 12 non owner-occupied houses, most having two apartments. The two streets on either side (Stevens and Poplar) have 12 and 10 respectively.
- Homeowners from this area expressed how illegal acts of tenants at this location have negatively impacted their daily lives and the attached report substantiates their testimony. Such acts include damaging vehicles, underage drinking, excessive noise in the wee hours of the morning and profanity. One homeowner testified that someone who was parked in the driveway at 1241 Maple Avenue ran their vehicle across the neighbor's property rather than moving the car parked behind it.

- The driveway at 1241 Maple cannot accommodate more than two cars and the students testified that there would be four cars.
- Parking is at a premium in this neighborhood and homeowners testified they
  are often unable to park their own vehicles in front of their houses.
- There was no evidence presented at the hearing that any homeowner, other than Mr. O'Haro, approved the granting of such a license.
- Granting a boarding house license would intensify the zoning in this neighborhood.
- Granting a license to this Petitioner would also set a precedent for other landlords to demand equal consideration.
- If a boarding room license were granted to Mr. O'Haro with certain provisions, there is no efficient, effective or timely legal remedy afforded the community if he or his tenants violate them. It would an undue burden on the community.

For the reasons stated above, I respectfully request you deny Petitioner's request. Thank you for your consideration.

**Eleanor VanDevender** 

From:

Debra Wiley

To:

Bosley, Roland

Date:

10/12/07 4:00:08 PM

Subject:

Fire Dept. Comments Needed for Zoning Cases

Hi Lt.,

Commissioner Wiseman has two zoning (2) hearings scheduled next week and in reviewing the zoning files, there doesn't appear to be any comments from your department. I've checked with Andrea in the Zoning Review Office today and she has advised that she doesn't have any for these either.

Could you provide comments via fax (x3468) before our scheduled hearing(s) for the following:

#### 08-100-SPHA

1241 Maple Road S/side of Maple Rd., 789 feet n/west of c/line of Highview Road 13th Election District - 1st Council District Legal Owners: Kyle O'Haro

Special Hearing to permit a boarding or rooming house in a DR zone for period not to exceed two years from the issuance of the use permit.

Variance to permit 3 off-street parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

Hearing: Tuesday, October 16, 2007, at 11:00 AM, in Room 407, County Courts Bldg.

#### 08-099-SPH

11015 Bowerman Road
Traversed by Bowerman Road, 445 feet +/- east of Bowerman Road (aka Loreley Beach Road)
11th Election District - 5th Council District
Legal Owners: Charlsie Klapka

Special Hearing to approve as a legal non-conforming condition, the existing 6 dwelling currently located on the 6.65-acre property (as indicated on the site plan) and to approve the continuation of said legal non-conforming uses after the approval of a subdivision of the property, with one dwelling being converted to storage.

Hearing: Friday, October 19, 2007, at 10:00 AM, in Room 407, County Courts Bldg.

Thanking you in advance for your usual cooperation and have a great weekend!!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From:

Debra Wiley

To:

Murray, Curtis

Date:

10/12/07 9:34:46 AM
Comment Needed for Bill - Tuesday, October 16th @ 11 AM

Hi Curtis,

Subject:

Bill will be hearing the following case and needs a comment from your office :

#### 08-100-SPHA

1241 Maple Rd., 21227 S/side of Maple Road, 789 feet n/west of c/line of Highview Road 13th Election District - 1st Council District Legal Owners: Kyle O'Haro

Special Hearing to permit a boarding or rooming house in a DR zone for a period not to exceed two years from the issuance of the use permit.

Variance to permit 3 off-street parking spaces in an existing driveway in lieu of 4 angled or parallel spaces.

Hearing: Tuesday, October 16th at 11:00 AM, Room 407

Thanks and have a great day !!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



Go Back View Map New Search

Account Identifier:	District -	13 Account N	<u>umber - 13</u>	20550	140					
		Ow	ner Inform	ation			<u> </u>			
Owner Name: Mailing Address:	OHARO KYLE			P	-	il Residen eference:	1) /22955/ 10			
	MARRIOTTSV	ILLE MD 21104	-1176					2)		
		Location &	Structure	Infor	nation					
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Seller: KOWALSKI E Type: NOT ARMS-LE				Date: Deed1	•	6/2005 25/ 346	Price: Deed2	\$185,000		
Seller: JENKINS JUD Type: NOT ARMS-LE	_			Date: Deed:	03/1 L:/215	8/2005 82/ 45	Price: Deed2	\$150,000		
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CASE NAME CASE NUMBER 8-100-SPHA DATE 10-16-07

# CITIZEN'S SIGN-IN SHEET

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DEL TIMMY MALOUZ	5203	HEBUTUS, MI 2122	

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John J. Rigatuso, Jr. Michele E. Burns Tax Acct. 1311150150 17737/239

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Acct.

bert L. Howard lcct. 1308300080 8850/326

CIRCLE

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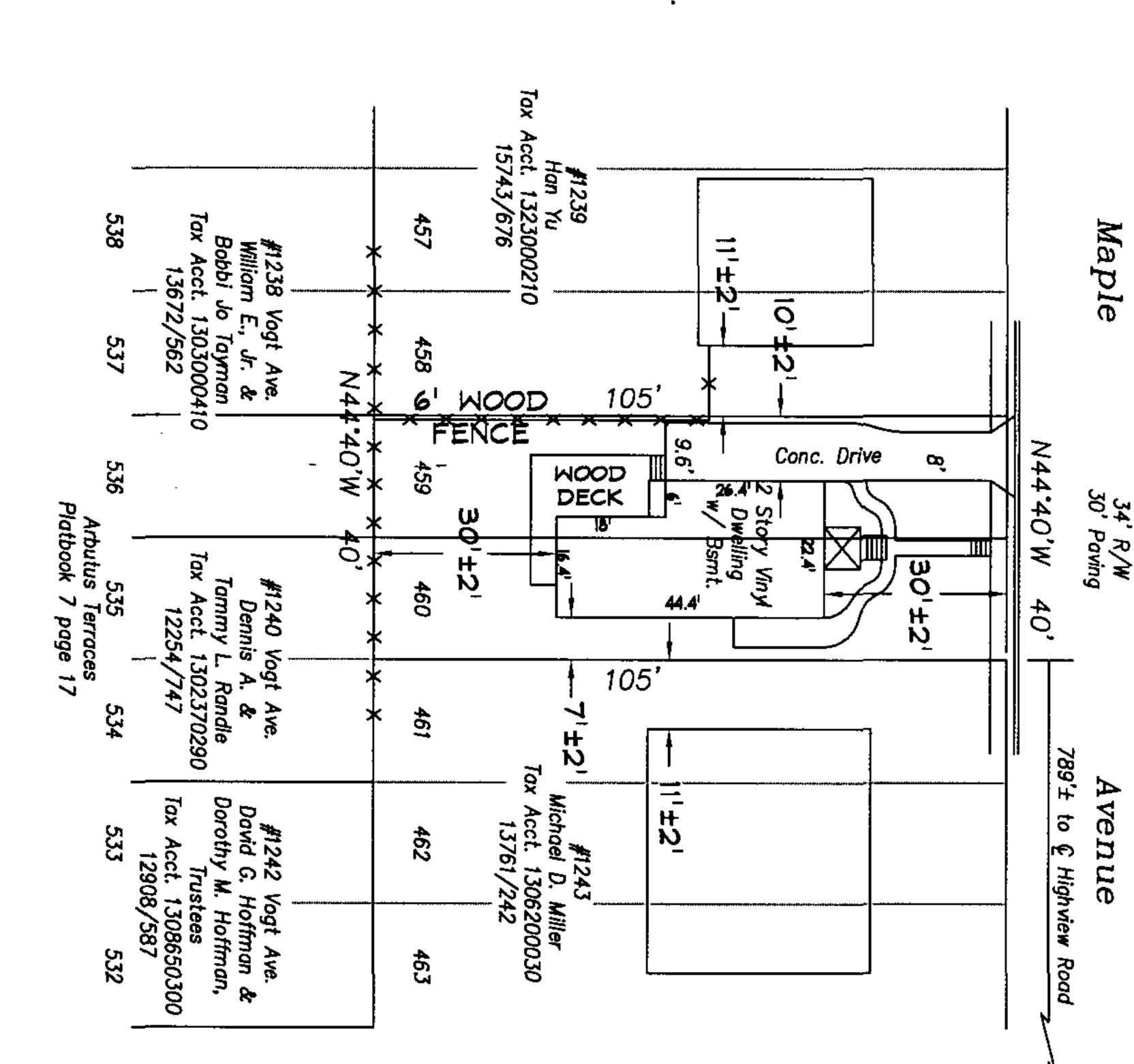
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- Kyle 1965 Marriottsville, 0'Haro Andrew Court MD 2: 21104-1176
- Ņ Councilmanic District: --
- ĊΜ District:
- 4. Zoning: L 200 Scale D.R. Zoning Мар: 101C3
- Ċλ Tax Account No.: 1320550140
- 6 Tax Мар 101, Grid 23, Parcel 1102
- .7 Lots 459 Płatbook 459 ~ ~ ~ Page 460, Arbutus 17 Terraces
- œ DeedRef.: Liber 22955 folio 105
- 9 Site ß. serviced by public water and sewer.
- 10. Site Š. not located within the Chesapeake Вау

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192 East Main Stree Westminster, MD 2115 http://www.demariodesign.u Phone: (410) 386-056 Fax: (410) 386-056 eMail: ddc@demariodesign.u

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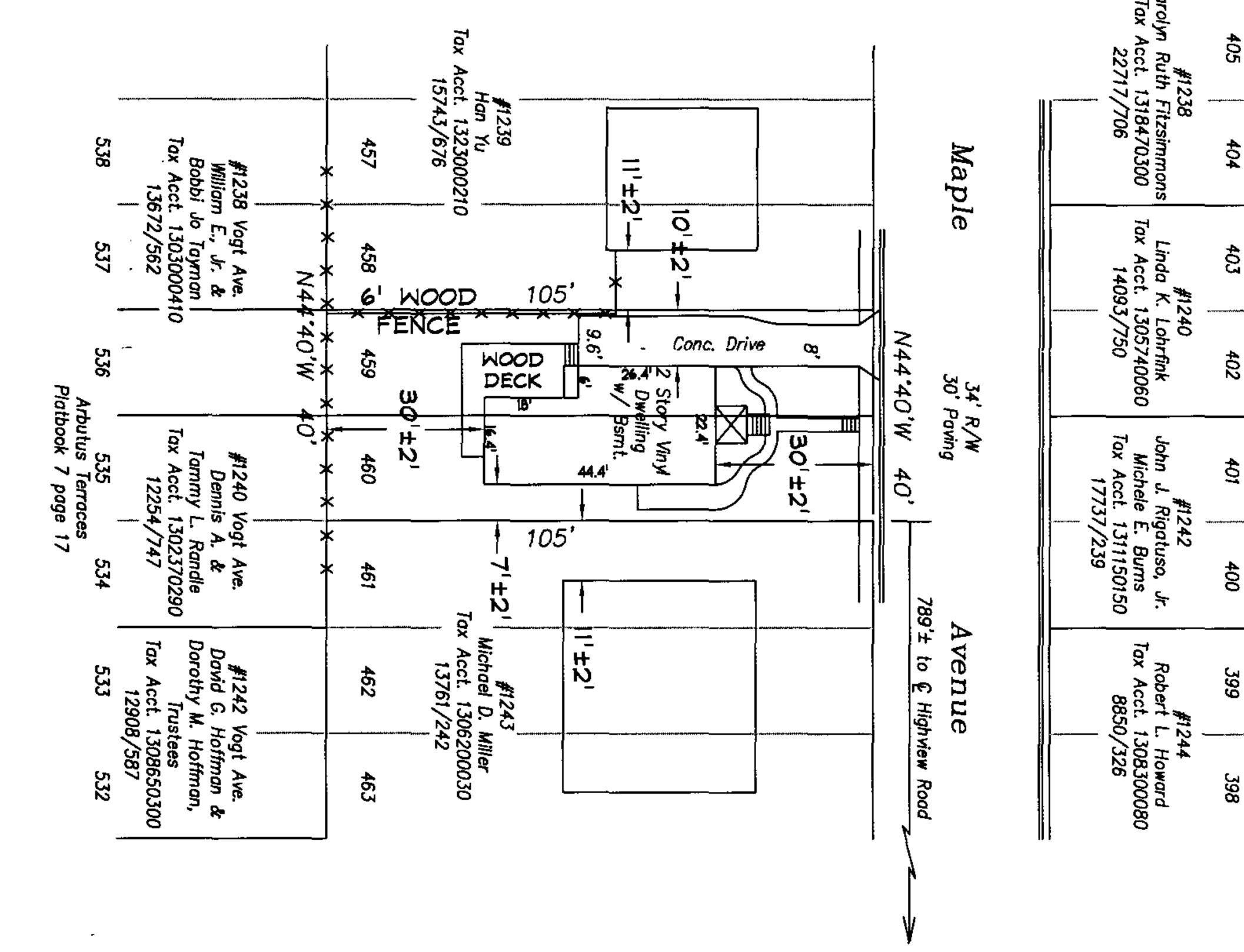
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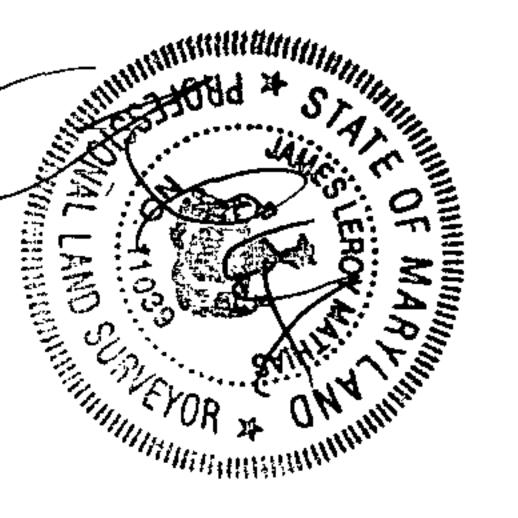
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