

IN RE: PETITION FOR VARIANCE

E side Bosley Avenue, 195 feet SW
of c/l Joppa Road
9th Election District
5th Councilmanic District
(607 Bosley Avenue)

Anthony Fusco
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 08-371-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Anthony Fusco. Petitioner is requesting variance relief as follows:

- From Section 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of eight feet in lieu of the required 15 feet; and
- From Sections 409.4.A and 409.4.B of the B.C.Z.R. to permit stadium parking driveway width of zero feet in lieu of the required 12 feet wide for one-way movements; and
- From Section 409.6A.2 of the B.C.Z.R. to permit nine parking spaces in lieu of the required 15.

The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Anthony Fusco and his attorney, Arnold Jablon, Esquire. Also appearing in support of the requested relief was Bill Bafitis, the professional engineer who prepared the site plan, and Michael Gerding with Sanders Designs, the architect who prepared the Design Review Panel (DRP) materials for Petitioner. Appearing as an interested party was Richard Parsons with the West Towson Community Association. Mr. Parsons indicated he did not object to the relief requested by Petitioner. There were no Protestants or other interested parties at the hearing.

APPROPRIATE FOR FILING
4.18.08
[Signature]

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property measuring 50 feet by 100 feet and containing approximately 0.112 acre and zoned B.M.-C.T. The property is located along the eastern side of Bosley Avenue between Alleghany Avenue and Joppa Road in the Towson area of Baltimore County. Petitioner submitted an aerial photograph of the property and surrounding area which was marked and accepted into evidence as Petitioner's Exhibit 2. As the photograph and site plan demonstrate, the property is located just north of the large parking lot and parking deck used by the nearby Venable Law Firm, and the rear of the property is bordered by an alley that connects Alleghany Avenue and Joppa Road. The surrounding area can generally be classified as urban, but retains the distinct character of a small town, which is evident in the mix of nearby property uses.

Further evidence demonstrated that the property is improved with an existing two-story structure that was historically used as a single-family dwelling but like many of the surrounding dwellings on Bosley Avenue was converted to an office building close to 40 years ago. Mr. Jablon proffered that approximately 50 years ago, the subject property was owned by Judge Robert Brizendine and his family, including his son John who lived there for about 16 years. In 1968, the owners decided to put the property up for sale, but after receiving no feasible offers, decided to rent the structure to students at what was then Towson State College. Soon after, the structure was converted to an office building, which Petitioner continues to use today to operate his financial services company, Fusco Financial Associates. While the property is situated in an ideal location for Petitioner's business, the interior of the existing structure and the parking area are more suited for residential purposes and cause a cramped and somewhat uncomfortable working environment. Thus, Petitioner has proposed to raze the existing structure to construct a new two-story office building that will still be aesthetically pleasing to the surrounding business

STUDY RESERVED FOR PLANNING
4-18-08
[Signature]

and residential community, and better suit the needs of the Petitioner's business. Petitioner also proposes to improve the rear parking area with stadium parking.

In support of the variance request, Petitioner submitted a 15-page comprehensive report prepared by Michael Gerding, an architect with Sanders Designs. The report, which provides a wealth of information about the Petition for variance and was previously submitted to the Design Review Panel (DRP) for the Towson Review Area, was marked and accepted into evidence as Petitioner's Exhibit 3. Evidence demonstrated that the proposed building's architectural style will be colonial and it will resemble a mini-courthouse with architectural elements such as a brick façade, period lighting, and a traditional porch. Petitioner submitted a blowup photograph of the front of the proposed structure which was marked and accepted into evidence as Petitioner's Exhibit 4. The building's front entry faces Bosley Avenue, and a brick pathway will link the front entrance to the parking lot in the rear while providing a landscaped connection for the surrounding public as well. Petitioner also submitted a photograph of the proposed rear of the property which was marked and accepted into evidence as Petitioner's Exhibit 5. Petitioner proposes to maximize the available parking by using stadium parking to fit nine spaces at the rear of the property.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated March 13, 2008 recommended that certain information be provided before approval such as building elevations of the proposed building, use and ownership of the alley, and providing an alternative parking layout. Also, the property is listed as BA-1410 on the Maryland Inventory of Historic Properties, though a permit for the demolition of the property has been filed. The ZAC comments provided that a public hearing was to be scheduled before the Landmarks Preservation Commission on April 10, 2008 to consider either approval of the demolition or placing the structure on the Preliminary

NOTED RECEIVED FOR FILED
4.18.08
MB

Landmarks List. The subject property is also within the Towson Design Review Panel Area. The comments provided that Petitioner was tentatively scheduled for review before the Design Review Panel on April 9, 2008. At the public hearing before the undersigned, Mr. Jablon proffered that Petitioner was successful in receiving the relief requested on April 9th before the Design Review Panel and on April 10th before the Landmarks Preservation Commission. Thus, the only issue before the Deputy Zoning Commissioner is whether Petitioner should be entitled to the variance requested in the Petition.

Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The most unique part of the subject property is its location and the diverse uses in the surrounding area. Indeed, Bosley Avenue passes by a major courthouse, large office buildings, a parking garage, and then Petitioner's small office building that appears closer to a single-family residence. On the other side of Bosley Avenue are similar residential-style dwellings that have been converted to office space use. Further to the west of Bosley Avenue, the dwellings have retained their residential uses.

I further find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. Petitioner's options are limited by the site constraints, and meeting the setbacks required by the B.C.Z.R. would make the property virtually unusable for an allowable purpose. In order to meet the front setback requirement, Petitioner would have to move the proposed structure back 15 feet from Bosley Avenue, which would put undue pressure on an already crowded parking area. In addition, the new structure would then be much farther back from the road than the other nearby existing structures that front Bosley Avenue. Even without meeting the front setback requirement, there is no feasible way for

APPROPRIATELY RESERVED FOR PLANNING

4-18-08

Petitioner to meet the mandated stadium parking driveway width or to meet the 15 required parking spaces. I find that Petitioner has maximized the available parking by using stadium parking to create nine parking spaces. Furthermore, Petitioner operates a business that is not client intensive, and the parking spots that will be blocked due to the stadium parking will be used by employees who will not be negatively affected.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Petitioner has gone to great length to use the lot to its fullest potential by planning a colonial structure that will be aesthetically pleasing, will blend into the surrounding area, and will help to maintain the small-town feel of the surrounding locale. Thus, I find that this variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 18th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance requests as follows:

- From Section 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of eight feet in lieu of the required 15 feet; and
- From Sections 409.4A and 409.4.B of the B.C.Z.R. to permit stadium parking driveway width of zero feet in lieu of the required 12 feet wide for one-way movements; and
- From Section 409.6A.2 of the B.C.Z.R. to permit nine parking spaces in lieu of the required 15.

be and are hereby GRANTED.

APPROPRIATELY RESERVED FOR FILING
4.18.08
P3

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. In the event Petitioner's use of the property changes or the property is sold, causing the present use of the property to change in such a manner as to impact the parking configuration granted herein, Petitioner shall be required to submit a petition for a special hearing to approve any changes to the use and attendant parking requirements if different than the current parking configuration granted herein.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

4-18-08 PB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 18, 2008

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-371-A
Property: 607 Bosley Avenue

Dear Mr. Jablon:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: William Bafitis, Bafitis & Associates Inc., 1249 Engleberth Road, Baltimore MD 21221
Anthony Fusco, 607 Bosley Avenue, Towson MD 21204
Michael Gerding, 9727 Greenside Drive, Suite 202, Cockeysville MD 21030
Richard Parsons, West Towson Neighborhood Association, P. O Box 502, Riderwood, MD
21139-0502



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 607 BOSLEY AVE
which is presently zoned BM-CT

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)

235.1 TO PERMIT A FRONT YARD SETBACK OF 8 FT. IN LIEU OF THE REQUIRED 15 FT,

409.4.A AND 409.4.B TO PERMIT STADIUM PARKING DRIVEWAY WIDTH OF 0 FT IN LIEU OF THE REQUIRED 12 FT
WIDE FOR ONE-WAY MOVEMENTS

409.6A.2 TO PERMIT 9 PARKING SPACES IN LIEU OF THE REQUIRED 15 PARKING SPACES

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

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name

Signature

City

Address

City

City

City

Legal Owner(s):

ANTHONY FUSCO

Name - Type or Print

Signature

Name - Type or Print

Signature

607 BOSLEY AVE.

Address

TOWSON

City

MD

State

410-296-5400

Telephone No.

21204

Zip Code

Representative to be Contacted:

MICHAEL GERDING / SANDERS DESIGNS

Name

9727 GREENSIDE DR. STE. 202 410-560-2624

Address

COCKEYSVILLE MD 21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

DT.

Date 2/14/08

RE



Bafitis & Associates, Inc.

**ZONING DESCRIPTION
FOR
607 BOSLEY AVENUE
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the eastside of Bosley Avenue; varies in width and 195'± southwesterly from the centerline intersection of Joppa Road 110' wide;

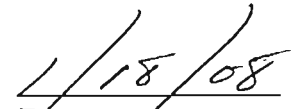
- 1) Thence leaving said Bosley Avenue South 83°-51'-45" East 98.09' to a point; on the westside of a 20' alley;
- 2) Thence running and binding along said alley South 06°-08'-12" West 50.00' to a point;
- 3) Thence leaving said alley North 83°-51'-45" West 98.13' to a point on the eastside of Bosley Avenue;
- 4) Thence running and binding along said Bosley Avenue North 06°-10'-56" East 50.00' to the point of beginning.

Containing 4,905.50 square feet or 0.112 acres more or less.

Being known as deed 13141/733, recorded among the land records of Baltimore County, Maryland, July 30, 1998.



William N. Bafitis, P.E. Md. Reg. No. 11641


Date

08-371-A

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: #08-371-A

607 Bosley Avenue

E/side of Bosley Avenue, 195 feet s/west of centerline of Joppa Road

9th Election District - 5th Councilmanic District

Legal Owner(s): Anthony Fusco

Variance: to permit a front yard setback of 8 feet in lieu of the required 15 feet and to permit stadium parking driveway width of 0 feet in lieu of the required 12 feet wide for one-way movements. To permit 9 parking spaces in lieu of the required 15 parking spaces.

Hearing: Friday, April 11, 2008 at 9:00 a.m. in Room 108, County Office Building, 111 West Chesapeake 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.

3/5/06 Mar. 27

168202

CERTIFICATE OF PUBLICATION

3/27/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/27/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11054**

Date: **2/14/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				225.00

Total: **225.00**

Rec
 From: **FUSCO FINANCIAL ASSOC**
 For: **GR-371-A 607 BOSLEY AVE**
D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/14/2008 2/14/2008 09:55:29
 REC 1005 MARKIN MAR 080
 RECEIPT # 43886 2/14/2008 1418
 5.528 TOLING VERIFICATION
 03 NO. 011758
 Recpt Int 105.00
 1325.00 10 4.00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 08-371-A

Petitioner/Developer: ANTHONY FUSCO

Date Of Hearing/Closing: 4/11/08

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

Attention:

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
at 607 BOSLEY AVENUE

This sign(s) were posted on March 25, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 3/25/08
(Signature of sign Poster and Date)

Martin Ogle

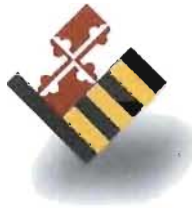
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
February 29, 2008
Department of Permits and
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: 08-371-A

607 Bosley Avenue

E/side of Bosley Avenue, 195 feet s/west of centerline of Joppa Road

9th Election District – 5th Councilmanic District

Legal Owner: Anthony Fusco

Variance to permit a front yard setback of 8 feet in lieu of the required 15 feet and to permit stadium parking driveway width of 0 feet in lieu of the required 12 feet wide for one-way movements. To permit 9 parking spaces in lieu of the required 15 parking spaces.

Hearing: Friday, April 11, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204

Anthony Fusco, 607 Bosley Avenue, Towson 21204

Michael Gerding, 9727 Greenside Drive, Ste. 202, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 27, 2008.**
- (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
Thursday, March 27, 2008 Issue - Jeffersonian

Please forward billing to:
Anthony Fusco
607 Bosley Avenue
Towson, MD 21204

410-296-5400

NOTICE OF ZONING HEARING

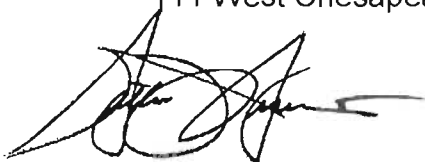
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CASE NUMBER: 08-371-A

607 Bosley Avenue
E/side of Bosley Avenue, 195 feet s/west of centerline of Joppa Road
9th Election District – 5th Councilmanic District
Legal Owner: Anthony Fusco

Variance to permit a front yard setback of 8 feet in lieu of the required 15 feet and to permit stadium parking driveway width of 0 feet in lieu of the required 12 feet wide for one-way movements. To permit 9 parking spaces in lieu of the required 15 parking spaces.

Hearing: Friday, April 11, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-371-A

Petitioner: FUSCO

Address or Location: 607 BOSLEY AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. ANTHONY FUSCO

Address: 607 BOSLEY AVE.

TOWSON, MD 21204

Telephone Number: 410-296-5400

Myattville
3/25/08

ZONING NOTICE

CASE # 08-371-A

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

ROOM 516 COUNTY OFFICE BUILDING

PLACE: 111 WEST COLUMBIA AVENUE, TOWSON 21204

DATE AND TIME: *THURSDAY APRIL 17, 2008*
5:00 PM - 7:00 PM

REQUEST: *REZONE 77 PLOVER DRIVE FROM
R-1 TO R-2000. SEE MAP & LIST IN FILE.*
*THE PROPOSED REZONE IS BEING DONE TO
ALLOW THE PROPERTY TO BE USED FOR A
RECREATION CENTER. THE PROPERTY IS
LOCATED ON A CORNER LOT AND THE
REZONE WILL ALLOW THE PROPERTY TO
BE USED FOR A RECREATION CENTER.*
SEE THE RECORDS FOR DETAILS.

NOTICE: THE ZONING COMMISSIONER HAS THE RIGHT TO
HOLD A PUBLIC HEARING ON ANY ZONING MATTER.
IF YOU HAVE ANY COMMENTS OR QUESTIONS,
PLEASE CONTACT THE ZONING COMMISSIONER.
CONTACT: 410-256-5400



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 2, 2008

Arnold Jablon
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 08-371-A, 607 Bosley Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 14, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Anthony Fusco 607 Bosley Avenue Towson 21204
Michael Gerding Sanders Designs 9727 Greenside Drive, Suite 202 Cockeysville 21030

TB 4/11
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 13, 2008

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

SUBJECT: 607 Bosley Avenue

INFORMATION:

Item Number: 8-371

Petitioner: Anthony Fusco

Zoning: BM-CT

Requested Action: Variance

RECEIVED
MAR 25 2008
BY: _____

The petitioner is seeking multiple variances to permit a front yard setback of 8 feet in lieu of the required 15 feet, a stadium parking driveway with a 0 foot width in lieu of the required 12 feet and to permit 9 parking spaces in lieu of the required 15 spaces.

SUMMARY OF RECOMMENDATIONS:

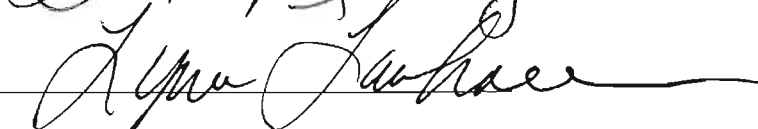
The Office of Planning requests the following information be submitted before considering approval:

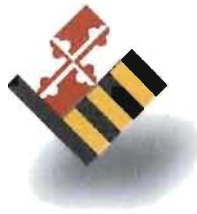
1. Submit building elevations of the proposed building.
2. State whether the alley is public or private and whether or not the petitioner has the right to use the alley for access.
3. The current parking layout does not look practically feasible. Provide an alternative-parking layout.
4. The above referenced property is #BA1410 on the Maryland Inventory of Historic Properties. A permit for the demolition of the property has been filed. A public hearing has been scheduled before the Landmarks Preservation Commission on April 10, 2008 to consider either approval of the demolition or placing the structure on the Preliminary Landmarks List.

The site is within the Towson Design Review Panel Area. The applicant is tentatively scheduled for review before the Design Review Panel on April 9, 2008.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 27, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 25, 2008

Item Number: 370, 371, 372, 374, 376, 378, 380, 381, 383

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

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: March 13, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 17, 2008
Item Nos. 08-371, 400, 401, 402, 403, 404,
405, 406, 408, 409, 410, 411, 412, 413, 414,
416, and 417

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-03132008.doc



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

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 3/3/2008

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

RE: Baltimore County
Item No. 08-371-A
607 BOBBEY AVENUE
FWS CO PROPERTY
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. 8-371-A.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

RE: PETITION FOR VARIANCE * BEFORE THE
607 Bosley Avenue; E/S Bosley Avenue, * ZONING COMMISSIONER
195' SW c/line Joppa Road * FOR
9th Election & 5th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Anthony Fusco *
Petitioner(s) * 08-371-A

* * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Sanders Designs, 9727 Greenside Drive, Suite 202, Cockeysville, MD 21030, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Omitted item from agenda of 2/25/08

08-371-A

“...to permit 9 parking spaces in lieu of the required 15 parking spaces.”

This omitted item did appear as “Item #3” on the site plan previously distributed.

3/6/08

BA-1410

607 BUSLEY AVE.

The east side of Busley was once as Victorian and residential in character as any other street in Towson, however, the recent widening of that street has left this side of it nearly void of historic qualities. The single exception is this two story frame house which has been moved from its site and converted into offices. Its exterior appearance, scale and overall plan, however, have not been changed and it should be considered as a contributor to the historic area which borders this property on the North and East.

Case 08-371-A

MARYLAND HISTORICAL TRUST

BA - 1h10

M&H-0314103511

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC

Dunphy House

AND/OR COMMON

2 LOCATION

STREET & NUMBER

607 Bosley Ave.

CITY, TOWN

Towson

VICINITY OF

CONGRESSIONAL DISTRICT

STATE

Maryland

COUNTY

3 CLASSIFICATION

CATEGORY

☐ DISTRICT☒ BUILDING(S)☐ STRUCTURE☐ SITE☐ OBJECT

OWNERSHIP

☐ PUBLIC☒ PRIVATE☐ BOTH☐ PUBLIC ACQUISITION☐ IN PROCESS☐ BEING CONSIDERED

STATUS

☒ OCCUPIED☐ UNOCCUPIED☐ WORK IN PROGRESS☒ ACCESSIBLE☒ YES RESTRICTED☐ YES UNRESTRICTED☐ NO

PRESENT USE

☐ AGRICULTURE☒ COMMERCIAL☐ EDUCATIONAL☐ ENTERTAINMENT☐ GOVERNMENT☐ INDUSTRIAL☐ MILITARY☐ MUSEUM☐ PARK☐ PRIVATE RESIDENCE☐ RELIGIOUS☐ SCIENTIFIC☐ TRANSPORTATION☐ OTHER**4 OWNER OF PROPERTY**

NAME

Augustine W. Brizendine

Telephone #: 823-1414

STREET & NUMBER

607 Bosley Ave.

CITY, TOWN

Towson

VICINITY OF

STATE, zip code
Maryland 21204**5 LOCATION OF LEGAL DESCRIPTION**

COURTHOUSE

REGISTRY OF DEEDS, ETC.

STREET & NUMBER

New Courts Building

Liber #:

Folio #: See Attachment

CITY, TOWN

Towson

STATE

Maryland

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

DATE

☐ FEDERAL ☐ STATE ☐ COUNTY ☐ LOCALDEPOSITORY FOR
SURVEY RECORDS

CITY, TOWN

STATE

7 DESCRIPTION

BA-1410

CONDITION		CHECK ONE	CHECK ONE
☐ EXCELLENT	☐ DETERIORATED	☐ UNALTERED	☐ ORIGINAL SITE
☒ GOOD	☐ RUINS	☒ ALTERED	☐ MOVED
☐ FAIR	☐ UNEXPOSED		DATE: 1978

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

At the time of widening Bosley Ave. it was necessary to move this two story frame structure to its present site in order to prevent its demolition. The off center T-plan shaped building rests on a low modern foundation. The main block is three bays wide and one bay deep with a one bay projecting wing to the east. The fenestration is made regular with 6/1 sash windows.

The central bay of the west facade (street facade) contains an entrance with side lights and a three light transom. The covering pediment does not appear to be original.

The original siding has been covered with aluminum siding. Modern shutter locks hold louvered shutters in place.

The south gable end is windowless except for one centrally located sash window on the second level. The gable end of the east wing is also windowless.

On the east facade a 6/1 sash window occupies the south bay while an entrance door occupies the north.

The east wing exists 19' to the south from the northeast corner of the main block. A single story shed roofed enclosure projects from the wing to the south. There is a shed-roofed one bay enclosure occupying the crotch of the ell on the second story.

The north facade displays a regular fenestration.

The interior space has been altered for commercial purposes. The centrally located entrance leads into an area divided into two rooms. The northernmost room has a straight stair (along the east wall) with closed string steps which breaks at a 90° landing to the south. There are square balusters and a square newel post with a ball top.

A projection measuring 19' x 57' on the south wall corresponds to the cavity on the north wall of the southernmost room. It is probable that this space once contained an interior chimney. A diagonal wall where one would expect a 90° formation exists in the northeast corner of this room.

The main parlor leads to a room in the east which a relative to the owner says was the kitchen area.

The second story reflects the floor plan of the first level.

The attic was not accessible.

CONTINUE ON SEPARATE SHEET IF NECESSARY

BA-1410

TITLE SEARCH for # 607 BOSLEY AVE.

Liber 1803, Folio 113 November 21, 1949
Grantor: Henry C. Keagy et. al.
Grantee: Augustine W. Brizendine

"Beginning...southwest corner of lands conveyed by Dr. Grafton M.
Bosley to William S. Dunphy...West bounding on west side of Bosley 50'...
150' to west side of alley...Northerly...50'...known as 607 Bosley Ave."

Liber 1263, Folio 130 November 6, 1943
Grantor: Henry C. Keagy & wife
Grantee: Mary Keagy Fetzer
(title reversed)

Liber 442, Folio 522 April 13, 1915
Grantor: James E. Dunphy & wife
Grantee: Henry C. Keagy

Same property by two ventures:
Liber 170, Folio 450 February 10, 1877
Grantor: Grafton M. Bosley
Grantee: James E. Dunphy

Liber 73, Folio 209 December 4, 1871
Grantor: Grafton M. Bosley
Grantee: James E. Dunphy

Dunphy House
Towson , Baltimore County, BA-1410
Page 7 of 11 available pages
Return to search results

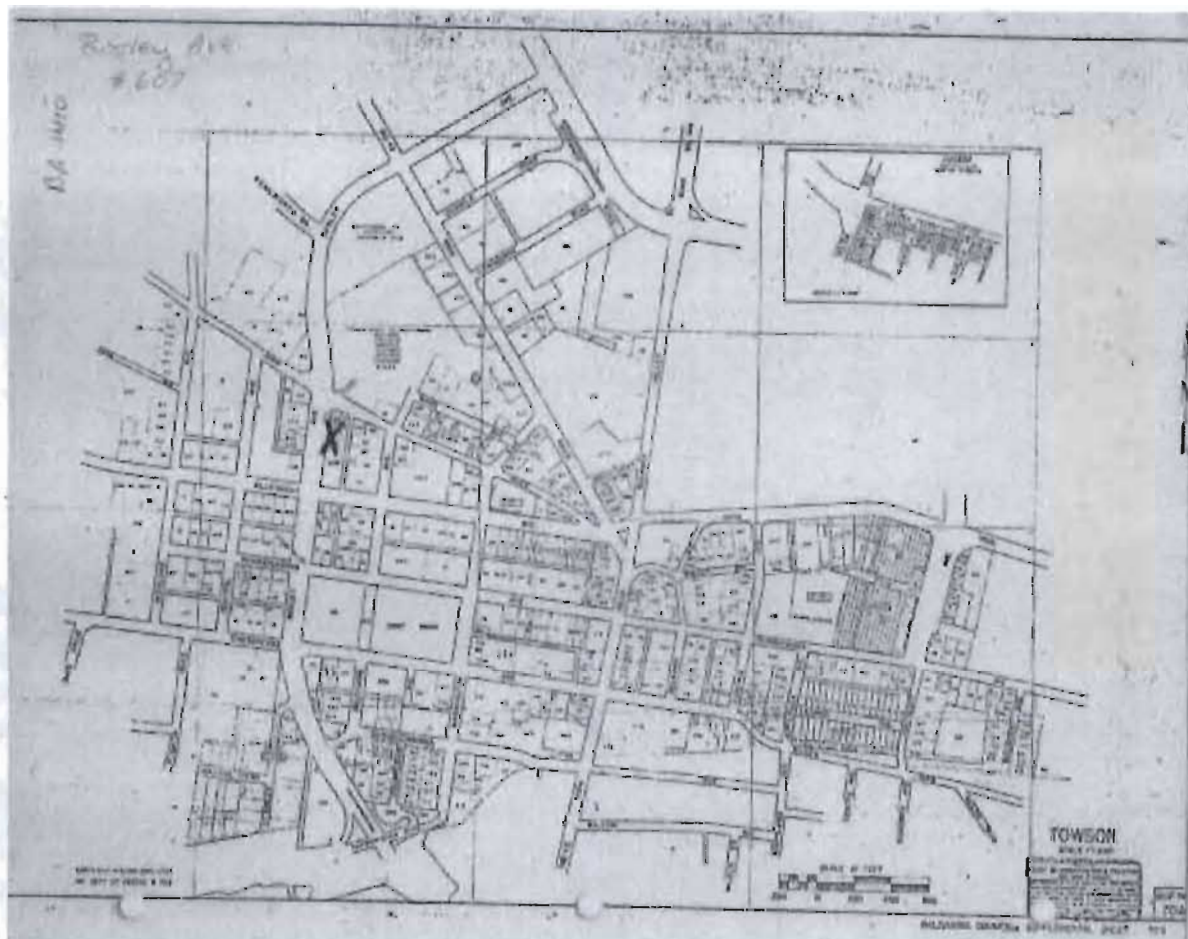
Jump to Page Go!

<< PREVIOUS NEXT >>
11 records in print file

☐ View Print List

☐ Add Single Image to Print List

☐ Add All Images to Print List



Dunphy House**Towson , Baltimore County, BA-1410****Page 8 of 11 available pages****Return to search results**Jump to Page

Go!

<< PREVIOUS NEXT >>

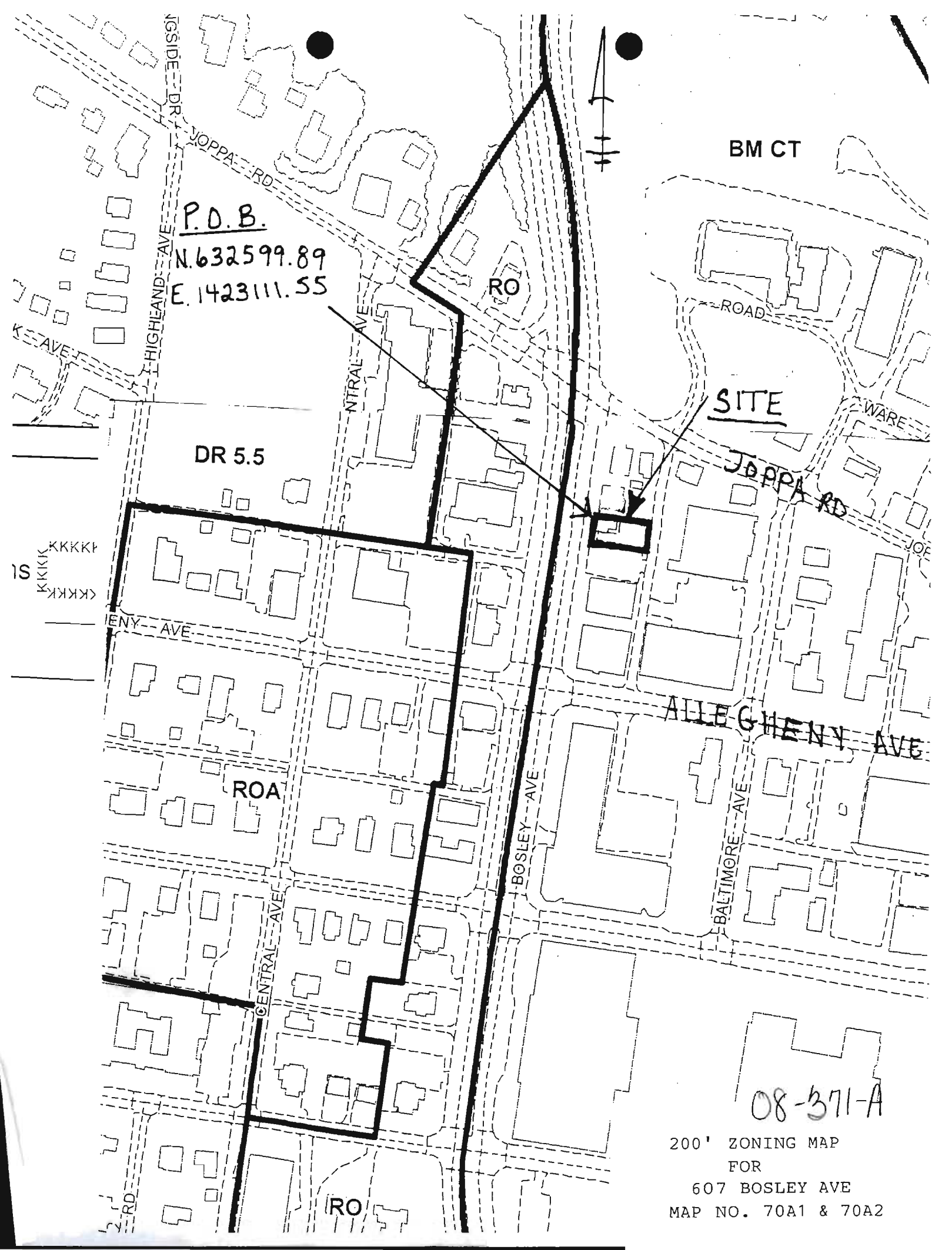
11 records in print file[View Print List](#)[Add Single Image to Print List](#)[Add All Images to Print List](#)

Dunphy House**Towson , Baltimore County, BA-1410****Page 10 of 11 available pages****Return to search results**Jump to Page

Go!

<< PREVIOUS NEXT >>

11 records in print file☐ View Print List☐ Add Single Image to Print List☐ Add All Images to Print List



BM CT

P.O.B.

N.632599.89

E.1423111.55

RO

SITE

Joppa Rd

DR 5.5

IS
KKKK
KKKK

ENY--AVE--

ROA

ALLEGHENY AVE

BOSLEY--AVE

BALTIMORE--AVE

CENTRAL--AVE--

RO

08-371-A

200' ZONING MAP
FOR
607 BOSLEY AVE
MAP NO. 70A1 & 70A2

CASE NAME _____
CASE NUMBER DE-371-A
DATE _____

[illegible]

Case No.: 08-371-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	aerial photo	
No. 3	DRP Submittal from Architect	
No. 4	Blow-up rendering of front	
No. 5	Blow up rendering of rear	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DRP SUBMITTAL – Towson Review Area

New Office Building for Fusco Financial Associates
607 Bosley Avenue
Towson, Maryland 21204



Prepared by:
Sanders Designs, Architects
9727 Greenside Drive, Cockeysville, Maryland 21030
Phone: 410.560.2624 – Fax: 410.560.2722

TABLE of CONTENTS:

Brief Description of Project.....3

Zoning Map.....4

Site Photos, Context.....5

Architectural Site Plan, Schematic Landscaping Plan.....7

Photomontage/Renderings.....8

Elevations.....10

Floor Plans.....11

Signage Details.....13

Material Selections.....14

Site Plan, 24"x36".....Attached

BREIF DESCRIPTION OF PROJECT

Fusco Financial Associates, a Towson-based financial and investment firm, has the goal of expanding their existing 1,820 SF offices, which are currently located in a house that has been converted into offices, at 607 Bosley Avenue in Towson. Fusco has retained Sanders Designs Architects, and a team of engineers, to design a 4,300 SF structure to replace the existing building.

The lot is 50 feet wide by approximately 100 feet deep, and is surrounded by office buildings and incidental uses, such as parking lots. The area can generally be classified as urban, but retains the distinct character of a small town, which is evident in surrounding mix of uses. An effort has been made to blend in the new building with its surroundings, in order to add to the architectural character of the area. Due to the limited lot size, we have maximized the parking, landscaping, and other architectural elements to the extent possible.

The proposed building's architectural style will be colonial, which is very common in the area. Architectural elements such as a brick façade, period lighting, a traditional porch, roof dormers, and a cupola, are complimentary to the style and will add visual interest. Close attention has been paid to the scale of the building, so as to not overwhelm other existing neighboring structures and to give pedestrians a sense of comfort. The building's front entry faces the street, which will add to the walkability of Bosley Avenue. A brick pathway will link the front entry to the parking lot in the rear, and also will provide a landscaped connection for visitors while maintaining the parking and service functions from the rear alley.

Finally, a special effort has been made to address concerns about the community's master plan for the area. While the zoning allows for a modern multi-story high-rise office building to be built on the site, we have made conscious effort to create a design that is more compatible with the County's goals and master plan for the area, and also provides the owner with room to grow and maintain their current location in Towson.

P.O.B.

N 632599.89
E 142311.55

DR 5.5

ROA

CENTRAL AVE

RO

NTRAL AVE

RO

BOSLEY AVE

4

SITE

BM CT

BALTIMORE AVE

ALLEGHENY AVE

JOPPA RD

WARE

200' ZONING MAP
FOR
607 BOSLEY AVE
MAP NO. 70A1 & 70A2

SITE PHOTOS, CONTEXT:



Existing Structure, Looking East from Bosley Avenue

Figure 1: 10/01/2007



Existing Structure, Looking West from Alley

Figure 2: 10/01/2007



Rear Yard of Neighboring Structure, North of Property

Figure 3: 10/01/2007

RENDERINGS:



Proposed Frontal View fr. Bosley Avenue



Proposed Rear View fr. Alley

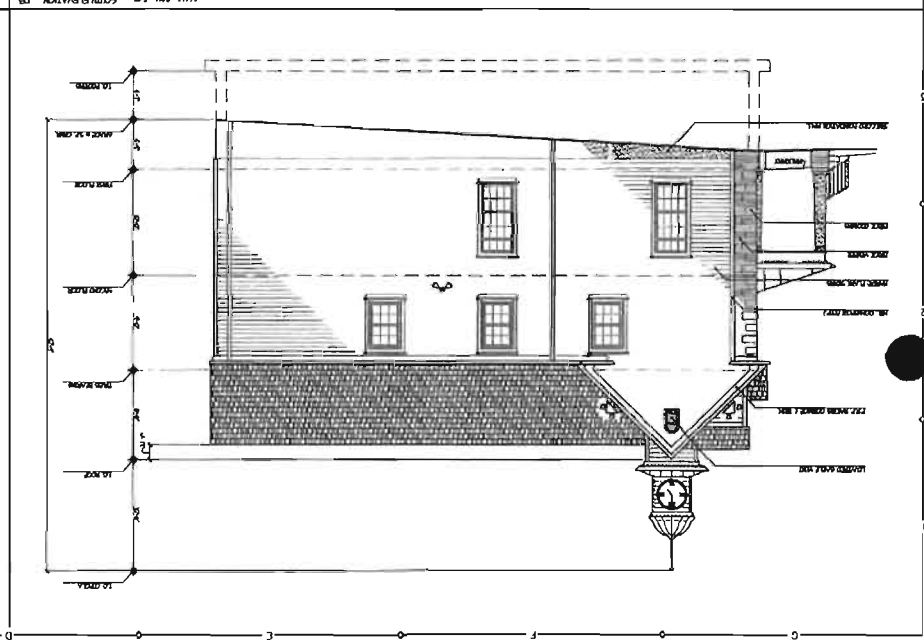
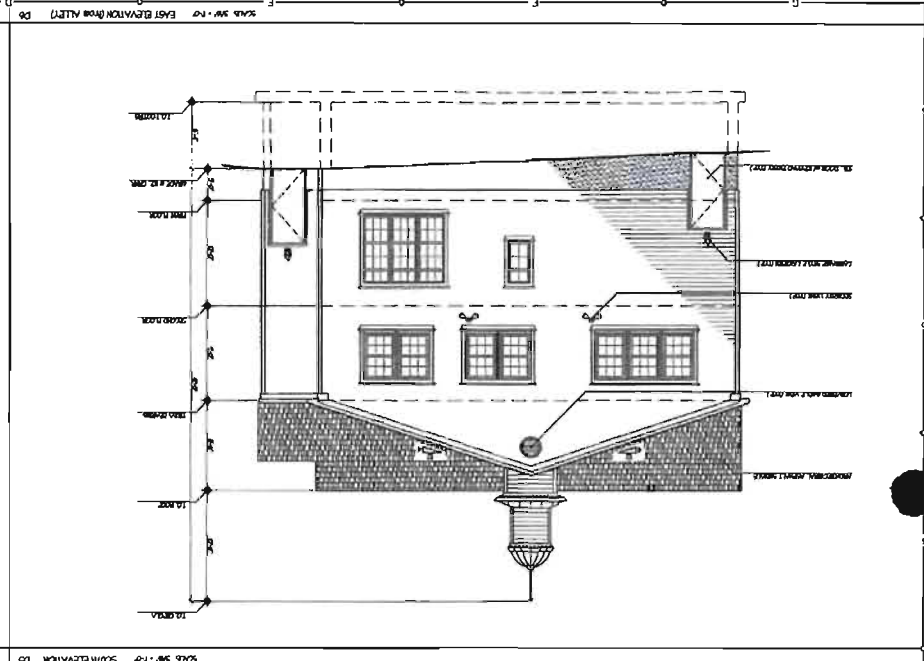
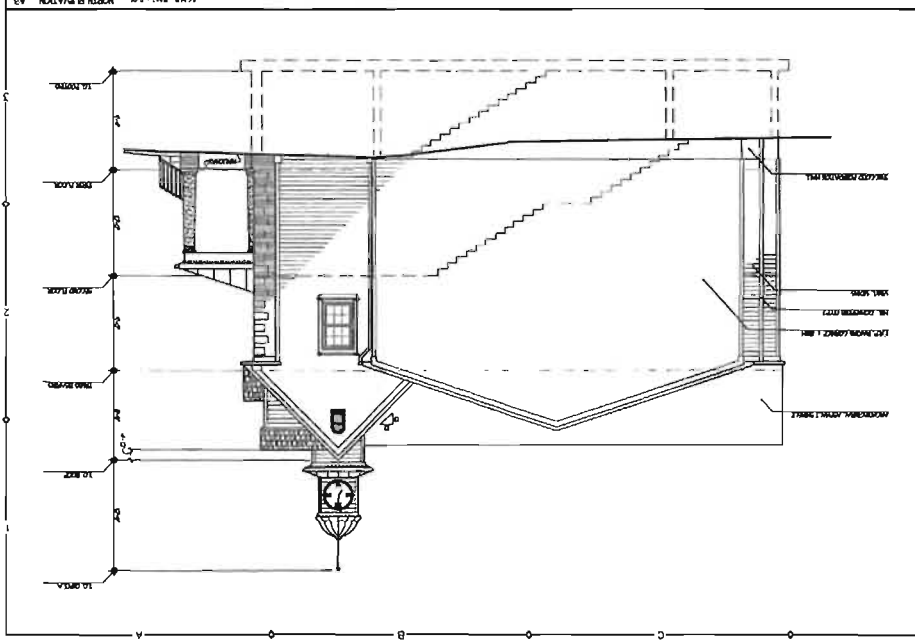
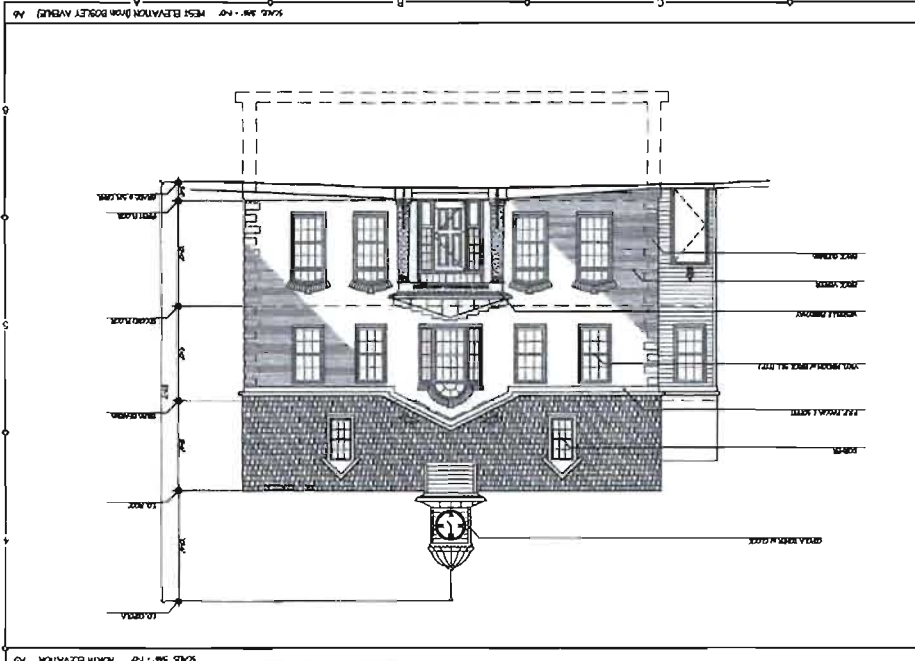
A2-1

Working No.
ELEVATION
Architect
COMMISSION
FOR - NOT FOR
DATE: 02/20/2020
SHEET: 14 OF 20
PROJECT NO: 0129

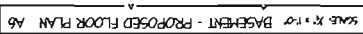
SANDERS | DESIGNS
ARCHITECTS
PLANNERS

607 BOSLEY AVE.
TOWSON, MARYLAND 21204

FUSCO FINANCIAL
RESIDENTIAL STYLE OFFICE BUILDING
- NEW CONSTRUCTION -
607 BOSLEY AVE.
TOWSON, MARYLAND 21204



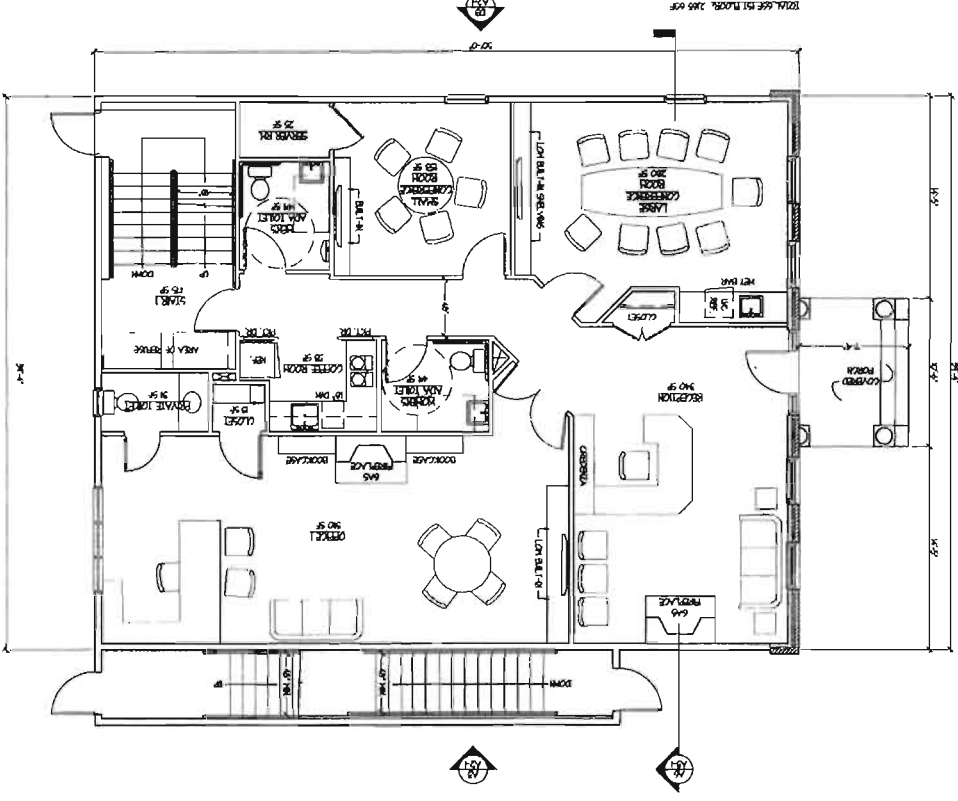
3



Project No.: 07199	
Date: 08-FEB-2008	
Code: AS NOTED	
Author: DESIGN DRAFT	
Project: 20080206 PM	
NOT FOR CONSTRUCTION	
Any Remarks	
BASEMENT FLOOR PLAN	
EXISTING & PROPOSED	
Issued By:	

SCALE: 1/8" = 1'-0" FIRST FLOOR - PROPOSED PLAN A6

DRAWING LEGEND
 PROPOSED RATCHET WALL AS SCHEDULED
 PROPOSED BRICK VENTILATION W/ SHUT BACK UP
 PROPOSED CHIMNEY WALL AS SCHEDULED
 EXISTING ROOFING NOTE



A1-1

Project No. 0701
 Date: 08-03-2008
 Scale: AS NOTED
 Name: SANDERS | DESIGNS
 Project: FIRST FLOOR PLAN
 Drawing: 1 PROPOSED

SANDERS | DESIGNS
 ARCHITECTS
 PLANNERS
 1000 W. 10TH STREET, SUITE 100
 DENVER, CO 80202
 (303) 733-1111
 www.sandersdesigns.com

FUSCO FINANCIAL
 RESIDENTIAL STYLE OFFICE BUILDING
 - NEW CONSTRUCTION -
 607 BOSLEY AVE.
 TOWSON, MARYLAND 21204

SIGNAGE:



Existing Signage to be Relocated

Figure 1



Applied Dimensional Letters (similar application shown)

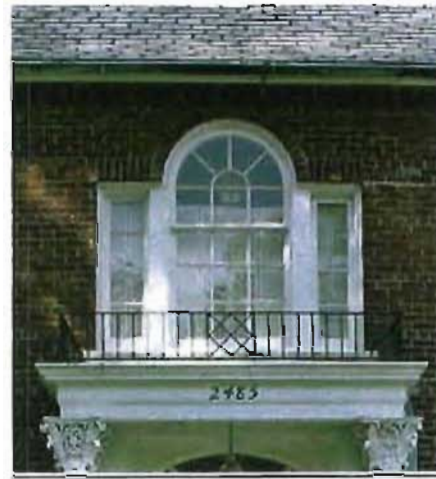
Figure 2

MATERIAL SELECTIONS:

Doors & Windows:



Entry: colors & styles may vary.



Palladian window above door



Gable louvers



Windows, w/ accentuated detailing

Lighting:



Carriage light, over doors



Ceiling mount, porch ceiling



Uplighting, landscaped areas



Downlighting, pathways, parking lot

Exterior walls and Roof finishes:



Vinyl Siding



Ceiling mount, porch ceiling



Roof Shingles



Standing metal Seam



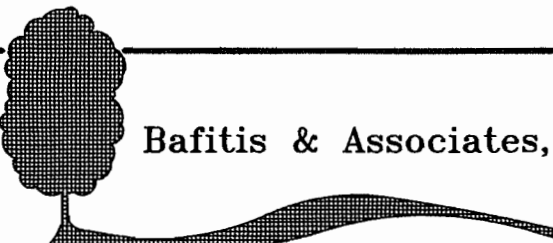
PETITIONER'S EXHIBIT 4

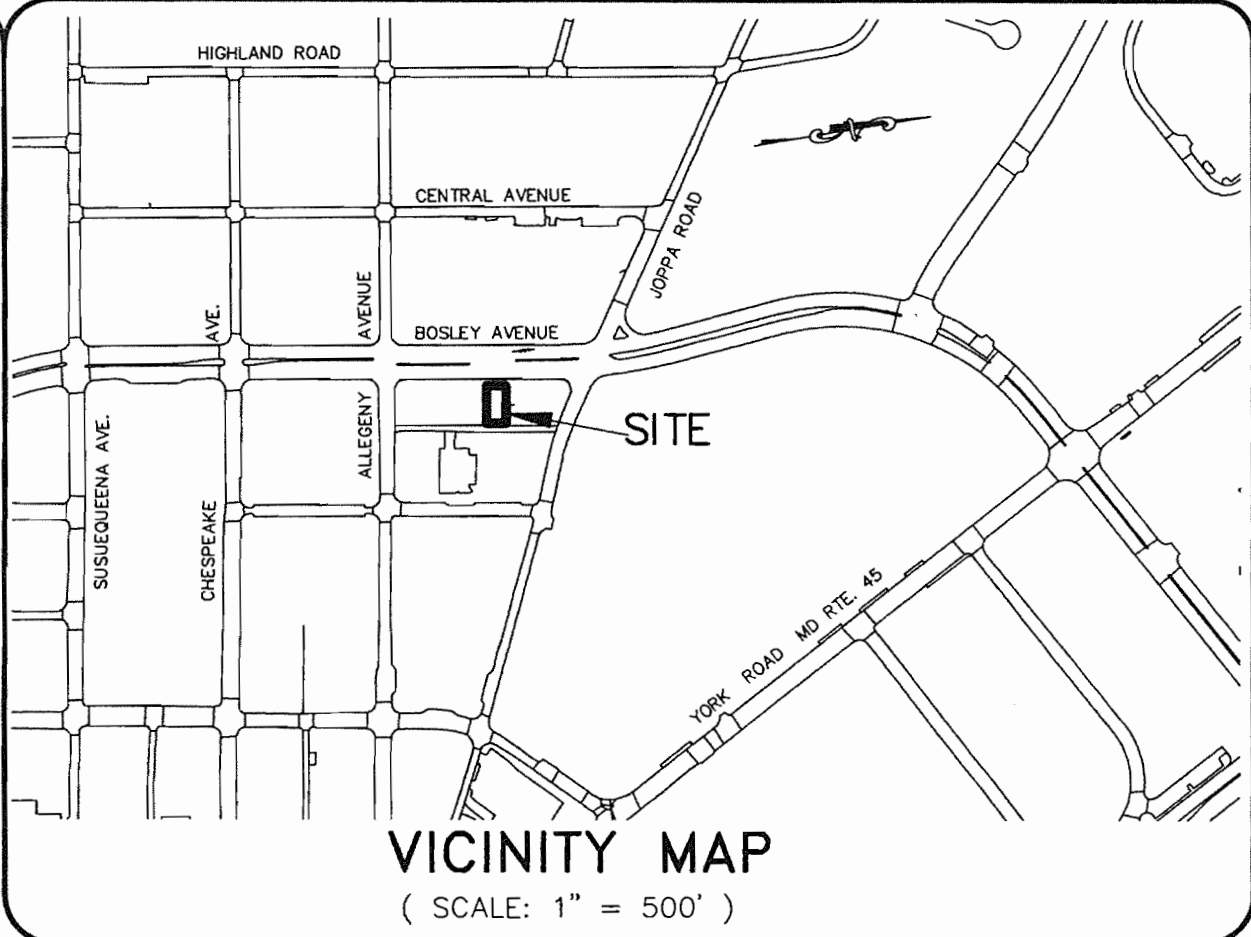


SANDERS | DESIGNS
ARCHITECTS PLANNERS

PETITIONER'S EXHIBIT 5



 Bafitis & Associates, Inc.		William N. Bafitis, P.E. PRESIDENT	
1249 Engleberth Rd. Baltimore, MD 21221		Civil Engineers/Land Planners SURVEYORS	
(410) 391-2336			
AERIAL MAP FOR # 607 BOSLEY AVENUE			
9TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2009		SCALE: 1" = 50'	
		JOB ORDER NO: 20733	
		DATE: 04/10/08	
		CHECKED: C.F.H.	
		DRAWN: N.W.B.	
SHEET 1 OF ____			
NO.	REVISIONS		DATE



SITE DATA

- OWNER: ANTHONY T. FUSCO
#607 BOSLEY AVENUE
BALTIMORE, MARYLAND 21204
- DEED REF: 13141/733
- TAX ACC. NO.: 09-02650510
- TAX MAP: 70A PARCEL: 30 LOT: NONE
- PLAT REF: NONE
- ELECTION DISTRICT: 9TH
- CONCILMANIC DISTRICT: 3RD S^W
- REGIONAL PLANNING DISTRICT: 315B
- CENSUS TRACT: 4907.02
- ZONING: BM-CT
- ZONING MAP: 070A1 & 070A2
- USE: EXISTING: GENERAL OFFICE
PROPOSED: GENERAL OFFICE
- SITE AREA: 4,905.50 S.F. OR 0.112 AC.
- PARKING:
REQUIRED: GENERAL OFFICE 3.3 P.S./1,000 S.F.
3.3/1,000 X 4,467 = 14.74 = 15 P.S.
PROVIDED: = 9 P.S.

- FLOOR AREA RATIO:
PERMITTED: 5.5
PROPOSED: $\frac{4,467}{4,906} = 0.91$

DISTURBED AREA: 4,906 S.F. OR 0.11 AC.



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

Civil Engineers/Land Planners
SURVEYORS

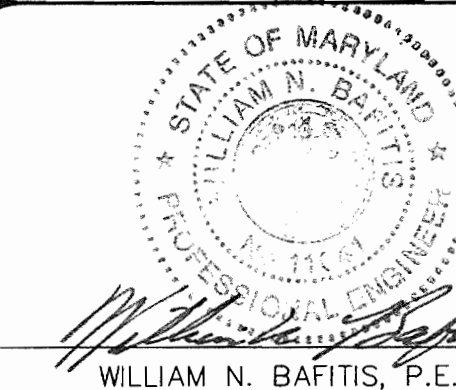
1249 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES FOR #607 BOSLEY AVENUE

9TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 11641 Expiration Date: 09/09/2009

SHEET 1 OF 1

SCALE:
1" = 20'

JOB ORDER NO:
20733

DATE:
02/07/08

CHECKED:
C.F.H.

DRAWN:
N.W.B.

NO.	REVISIONS	DATE

NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (JAN.2008)
- The Firm Insurance Rate Map, Panel 265 of 575 indicates this site is situated within flood Zone C which is not in the 100 yr. flood plain.
- Property lines shown hereon were established by a boundary survey by Bafitis & Associates, Inc. (Dec. 2007).
- This site is not situated within the Chesapeake Bay Critical Areas.(Map 70A)
- There are no forest or developed woodlands on this site.
- There are no Tidal or Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water and sewer serve this site.
- This site has not been the subject of the CRG, DRC, or Waiver Processes.
- All signs shall comply with current Baltimore County Zoning Regulations.
- Caution underground utilities may exist in Bosley Avenue, Alley & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed Building height = 2 Stories.
- All roof downspouts must discharge rainwater runoff on-to a pervious surface.

ZONING HISTORY

THERE ARE NO PREVIOUS ZONING CASES FOR THIS SITE.

ZONING VARIANCES

- TO PERMIT A FRONT YARD SETBACK OF 8'± IN LIEU OF THE REQUIRED 15' PER SECTION 235.1 BCZR.
- TO PERMIT STADIUM PARKING DRIVEWAY WIDTH OF 0' IN LIEU OF THE REQUIRED 12' WIDE FOR ONE WAY MOVEMENTS PER SECTION 409.4.A AND 409.4.B BCZR.
- TO PERMIT 9 PARKING SPACES IN LIEU OF THE REQUIRED 15 PARKING SPACES PER SECTION 409.0 BCZR.

LEGEND

- PROPERTY LINE
- LOT LINE
- EXISTING CONTOURS
- ZONING LINES
- HANDICAPPED PARKING
- HANDICAPPED PARKING SIGN

