

IN THE MATTER OF
THE APPLICATION OF
RICHARD AND DELORES AUFEARTH
LEGAL OWNERS/PETITIONERS
DAWN AUFEARTH - CONTRACT PURCHASER
PETITION FOR SPECIAL HEARING AND
SPECIAL EXCEPTION - W/S OF POT SPRING RD
4' S OF IVY CHURCH RD AT POT SPRING ROAD
AND CHURCH ROAD
(1904 POT SPRING ROAD)

8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 09-157-SPHX
*
*

* * * * *
ORDER OF DISMISSAL

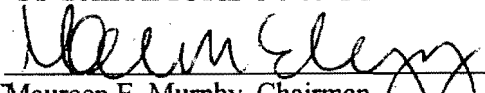
This matter comes to the Board of Appeals by way of an appeal filed by the Office of People's Counsel, from a decision of the Zoning Commissioner dated March 5, 2009, in which the requested zoning relief was granted.

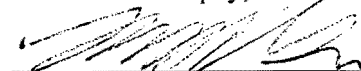
WHEREAS, the Board is in receipt of a Request to Withdraw Petition filed by Lawrence M. Hammond, Esquire on behalf of Richard and Delores Auffarth, Petitioners and Dawn Auffarth, Contract Purchaser (a copy of which is attached hereto and made a part hereof); and

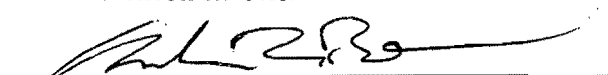
WHEREAS, said Petitioner requests that the Petition for Special Hearing and Petition for Special Exception, that are the subject matter of this appeal be withdrawn and dismissed with prejudice,

IT IS THEREFORE ORDERED this 30th day of September, 2009 by the Board of Appeals of Baltimore County that the Petition for Special Hearing and Petition for Special Exception filed in Case No. 09-157-SPHX be and the same is hereby **WITHDRAWN AND DISMISSED**, and that the Zoning Commissioner's Order dated March 5, 2009, including any and all relief granted therein, is rendered **null and void**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Wendell H. Grier


Andrew M. Belt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 30, 2009

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
P.O. Box 569
Reisterstown, MD 21136

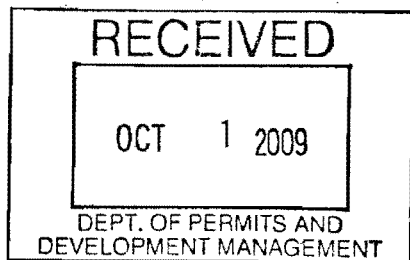
Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Richard P. and Delores T. Auffarth-Legal Owners*
Dawn Auffarth-Contract Purchaser
Case No.: 09-157-SPHX

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.



Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/kle
Enclosure

Duplicate Original Cover letter

c:	Richard and Delores Auffarth	Dawn Auffarth	Bernadette Moskunas/Site Rite
	Michael Panopoulos	Frank Boal	Lane Schermerhorn
	William Levasseur, Esquire/ Valley Crest Civic Assoc.		Pat Grega
	Colleen Owens, President/Dulaney Forest Community Assoc.		Donald Burke
	William J. Wiseman, III, Zoning Commissioner		Timothy Kotroco, Director/PDM
	Arnold F. "Pat" Keller, Director/Planning		John Beverungen, County Attorney

HAMMOND & HAMMOND, L.L.C.
ATTORNEYS AT LAW
465 MAIN STREET
P. O. BOX 569
REISTERSTOWN, MARYLAND 21136-0569
(410) 833-7576
FAX: (410) 833-4744

LAWRENCE M. HAMMOND

LLOYD J. HAMMOND (RETIRED)

September 23, 2009

VIA HAND DELIVERY

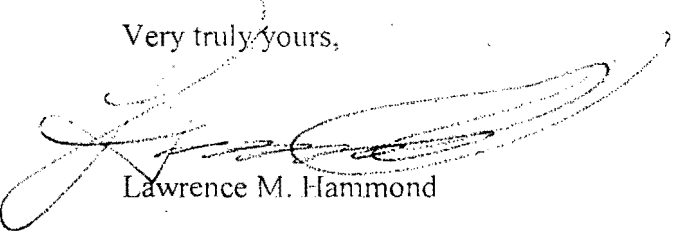
The County Board of Appeals
of Baltimore County
105 West Chesapeake Avenue
Suite 203
Towson, Maryland 21204

RE: 1904 Pot Spring Road/Case No.:09-157-SPHX

Dear Sir or Madame:

The Petitioners in this matter are hereby withdrawing their Petition for Special Hearing and Special Exception in the above referenced matter with prejudice.

Very truly yours,



Lawrence M. Hammond

cc: Carole S. DeMilio, Esquire

IN RE: PETITIONS FOR SPECIAL HEARING AND *
SPECIAL EXCEPTION

W/S Pot Spring Road, 4' S Ivy Church Road @ *
Pot Spring & Church Roads
(1904 Pot Spring Road) *

8th Election District *
3rd Council District *

Richard P. Auffarth, et ux, *Legal Owners*
Dawn M. Auffarth, *Contract Purchaser* *
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0157-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Lawrence M. Hammond, Esquire, on behalf of Dawn Auffarth, the daughter of the legal owners of the subject property, Richard and Delores Auffarth. Special hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to determine whether an Insurance Agency constitutes a "professional occupation" within the definitional Section 101 of the B.C.Z.R. Petitioners are also requesting a special exception pursuant to Section 1B01.1.C.12 of the B.C.Z.R. to permit a professional office in their residential home located at 1904 Pot Spring Road. The subject property and requested relief are more fully particularly described on the site plan, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request(s) were Dawn Auffarth, her attorney, Lawrence M. Hammond, Esquire, and Bernadette Moskunas, the consultant with Site Rite Surveying, Inc., who prepared the site plan for this property. Catherine Burke appeared as a concerned neighbor. There were no Protestants or other interested persons present.

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Date 3-5-09
By [Signature]

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel (150' wide x 278' deep) and split-zoned with the majority of the lot (0.923 acres zoned D.R.1) and a small sliver (0.027 acres zoned D.R.2) along the rear or western boundary. The property is located in the Lutherville/Timonium area of the County on the west side of Pot Spring Road, just north of Ridgely Road, and across from Ivy Church Road. Petitioners have owned the property since 1983 and submitted several photographs demonstrating the existing conditions, which were marked as Petitioners' Exhibits 2A-D. These evidence that the property is improved with a one-story brick dwelling built in 1960 and located centrally on the lot that is accessible either by a brick walkway in the front of the dwelling or an existing asphalt driveway that leads up to a garage and entranceway on the northern side of the home. The improvements also feature an existing wood deck and in-ground pool in the rear of the yard. The surrounding area is a well-maintained residential neighborhood.

Further evidence demonstrated that while the primary use of the property is residential, Richard Auffarth has maintained, without complaint, his State Farm insurance office on the lower level of the home for over twenty-six (26) years. Dawn Auffarth (hereinafter Mrs. Auffarth or Petitioner) testified at the hearing that her parents, the property owners, are aging and have become ill, so much so that she has recently moved into their home to care for them. Mrs. Auffarth was also over eight (8) months pregnant at the public hearing and explained that she plans to live in her parents' home with her husband and new child. This would allow her to care for her parents and child, but she expressed concern with her ability to continue her career as an insurance consultant and financial planner. Thus, she developed the idea that she would continue to maintain a primary office in downtown Baltimore but would also continue her father's practice of using the lower level of the home as a secondary office. Rather than maintaining a home office without notifying the Department of Permits and Development Management

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Date 3-5-09
By [signature]

(DPDM), Mrs. Auffarth filed the instant petitions in an attempt to legitimize the existing historical use of the property.

The Petitioner submitted several photographs of the lower level of the home that has been used and is proposed to continue as a home office. The Photographs, which had previously been submitted to the Office of Planning, were collectively marked as Petitioner's Exhibit 3. Prospective clients would and will enter the home from a side entrance on the north side of the dwelling. This entrance leads directly into the 540 square foot finished basement area of the home that Richard Auffarth has used as a home office for many years. Mrs. Auffarth testified that she would be cleaning the office area and would keep a desk and basic office supplies in the home office. While the majority of her work would continue to be completed in her downtown office, this area would be used to complete paperwork and occasionally to meet with clients.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 31, 2008, which indicate that the Office of Planning does not oppose the requested special exception and special hearing for an insurance office to be located in a residential zone. According to the Petitioner, this office has been operating from this location for over 26 years and the community is aware of its presence. There will be no additional paving for parking for the customers and a sign, if any, will as in the past be posted under the mailbox and will not be lighted. As noted on the site plan (Exhibit 1), any sign will be limited in size to 8" x 12" and display the words "Auffarth & Associates". Therefore, given the historical use and evidence presented I find that the special exception and special hearing relief will not be detrimental to the health, safety, or general welfare of surrounding neighbors or the community.

Turning first to the Petition for Special Hearing, I find that an insurance agent is not a professional person within the definition prescribed by the B.C.Z.R. I explain. Section 1B01.1

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Date 3-5-09
BY [signature]

of the B.C.Z.R. contains the use regulations pertaining to the D.R. zones that govern the request in this case. Section 1B01.1C lists a number of uses that are permitted by special exception in the D.R. zones, and as applies to this case, Section 1B01.1.C.12 states as follows:

“Office or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians **or other professional persons**, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.” (Emphasis Added)

The Petitioner has questioned whether insurance agents meet the definition of “other professional persons” so that an insurance business could be operated out of a residential dwelling by special exception. This Office has considered whether a number of professions meet the definition of a professional person. *See, e.g.* Case Nos. 96-442-SPHX (an economist is a professional person); 99-370 SPHX (an acupuncturist is a professional person); 99-54 SPHXA (a medical equipment repairman is not a professional person); 01-045-SPHXA (a tax accountant is not a professional person); 03-532-X (a clinical social worker is a professional person); 06-009-XA (a tax preparer is not a professional person). After reviewing the analysis in these prior cases, it is clear that the determination of whether a trade qualifies as “professional” largely turns on licensing and educational qualifications and requirements.

As applies to this case, I do not find that an insurance agent/representative possesses the requisite training, licensing, or educational requirements to be considered a professional person. While the Court of Appeals has never directly ruled on this issue, this decision is consistent with several decisions from courts around the country. *See Reich v. Reading*, 3 Pa. Cmwlth 511, 284 A.2d 315 (1971) (holding that the mere fact that an insurance representative is licensed by the state did not qualify him as a professional person); *See also Geaghan v. Bath*, 564 A.2d 393 (1989, Me) (holding that an insurance agency is not a professional office within the meaning of

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By [Signature]

an ordinance that permits professional offices in a residential zone as conditional uses). The decision is also consistent with the analysis contained in Anderson's American Law on Zoning, Section 13.11 (4th ed.), which states that "an insurance office is a business use which may not be maintained in a dwelling in a residential district unless the regulations list such offices as permitted home occupations." Given the prior analysis of this Commission in related cases, and the rulings expressed by treatises and courts throughout the country, I am convinced that an insurance agent is not a "professional person" within the definition contained in Section 1B01.1.C.12 of the B.C.Z.R.

Turning next to the Petition for Special Exception, I am persuaded that while an insurance agent/representative is generally not a professional person within the meaning prescribed by the zoning regulations, Dawn Auffarth is a professional person that would be entitled to maintain a home office provided she can meet the requirements contained in Section 502.1 of the B.C.Z.R. Unlike a normal insurance agent, Dawn Auffarth has obtained a number of accreditations and licenses that permit her to perform various financial services for her clients. Petitioner submitted copies of a number of her degrees and licenses, which were collectively marked and accepted into evidence as Petitioner's Exhibit 5.¹ The Exhibits collectively reveal that after graduating from Wake Forest University, Mrs. Auffarth underwent a significant amount of additional training such as passing her Series 6 exam, becoming a Life Underwriter Training Council Fellow (LUTCF) through the American College and the Association of Insurance and Financial Advisors, and obtaining additional certifications and graduate degree from the Thunderbird Management School. Mrs. Auffarth testified that she uses her additional licenses to provide professional services above and beyond those performed by a traditional

¹ Petitioner and her counsel did not present proof of any licenses at the public hearing, but were permitted to submit copies after the close of the hearing. On February 20, Mr. Hammond provided the documents marked as Petitioner's Exhibit 5.

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Date 3-5-09
By 123

insurance agency. Considering the financial services that her business provides (writing annuities and estate planning, etc.) and the fact that many of the services cannot be performed without certifications beyond those required for an insurance agent, I find that Mrs. Auffarth is an "other professional person" within the definition prescribed by the B.C.Z.R.

Pursuant to Section 1B01.1.C.12 of the B.C.Z.R., Mrs. Auffarth is only permitted to operate a home office by special exception. At the public hearing, Bernadette Moskunas, the consultant who prepared the site plan for the Petitioner and familiar with the County Zoning Regulations, testified to the special exception criteria contained in Section 502.1 of the B.C.Z.R. Ms. Moskunas testified that in her professional opinion, the request to maintain a secondary office in the basement of the Auffarth residence would not be detrimental to the health, safety or general welfare of the locality involved. As the Office of Planning also noted, Richard Auffarth has already used the dwelling for this purpose for over twenty-six (26) years without incident. Ms. Moskunas also testified that the request will not tend to create congestion in roads, streets or alleys therein, particularly in light of the fact that Mrs. Auffarth intends to primarily handle on-line computer research and paperwork in the home office while hosting the occasional client. Since this request has no effect on the density of the subject property, there was no evidence that the request would create a potential hazard from fire, panic or other danger, or tend to overcrowd land and cause undue concentration of population. For these same reasons, the request would have no effect on provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, and would not interfere with adequate light and air. The request is consistent with the purposes of the property's zoning classification, as a professional home office is specifically enumerated as a use permitted by special exception in the D.R. zones. The request will have no effect on impermeable surface and vegetative retention provisions of these regulations; nor would it be detrimental to the environmental and natural

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Date 3-5-09
By 103

resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains, since the Petitioner is not proposing any additional construction and will simply maintain the premises as they exist today. Considering all of the evidence and testimony presented at the public hearing, I am convinced that the request meets the special exception criteria contained within Section 502.1 of the B.C.Z.R. and the Courts recent interpretation of those standards in *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54 (2008).

There are several additional requirements that the Petitioner must meet in order to maintain the proposed home office. Under Section 1B01.1.C.12 of the B.C.Z.R., the dwelling must be the primary residence of Dawn Auffarth, must not occupy more than 25% of the total floor area of the residence, and must not involve the employment of more than one nonresident professional associate or two (2) other nonresident employees. The request meets these requirements as the proposed home office will occupy 540 feet of the 2,228 square foot dwelling, which is 24% of the total floor area of the residence. Of this space, approximately 270 feet will be used for office operations, and the other 270 will be used for storage. This is within the 25% limit prescribed by the B.C.Z.R. Additionally, Mrs. Auffarth explained that she did not intend to have any nonresident employees, and the only person that will occasionally help her with her paperwork is her husband. Thus, I am convinced that the Petitioner's request to maintain a home office meets all requirements mandated by the B.C.Z.R.

Catherine Burke, who appeared at the public hearing as a neighbor and interested citizen, expressed concern with the potential effect of the Petitioner's request on the residential character of the surrounding neighborhood. Ms. Burke testified that permitting a home office on Pot Spring Road could start a domino effect where Pot Spring would eventually resemble the type of business district seen on nearby York Road. Ms. Burke also explained that she opposed the placement of the permitted size – a twenty five (25) square foot sign placed on the property, as

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Date 3-5-09
By [Signature]

she did not want the request to cause distraction to drivers or negatively affect the residential character of the neighborhood. It should be noted that petitions for zoning relief are considered on a case-by-case basis, and the approval in this case is based on a number of individual characteristics that would likely not be present in the majority of situations on nearby properties. That being said, the special exception will be granted and conditioned to meet the concerns of Ms. Burke and neighbors in this upscale community.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth above, I find that Petitioner's request for special hearing is answered in the negative, and the request for special exception will be granted subject to a number of limiting restrictions.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 5th day of March, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 B.C.Z.R. seeking a determination as to whether an insurance agency is an "other professional person" within the intent and meaning prescribed by the B.C.Z.R. is hereby answered in the negative; and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a professional office to be used by Dawn Auffarth, LUTCF, MBA, in her residential home located at 1904 Pot Spring Road, is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner(s) is hereby made aware that proceeding at this time is at her own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Petitioner may not change or expand the home office beyond the 24% of the home currently used without an additional public hearing before the Zoning Commissioner.
3. The Petitioner may hang a single sign from either the mailbox or the northern side of the dwelling. The sign must not exceed the dimensions of 8" x 12" and must not be lighted at

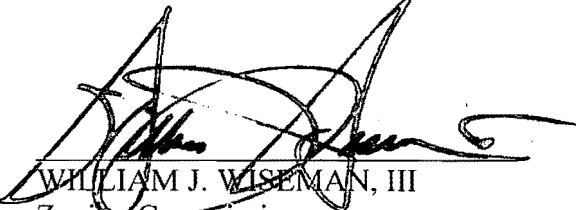
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Date 3-5-09
BY [signature]

any time. There must be no other signs or notice on the premises indicating that the home is being used as an office.

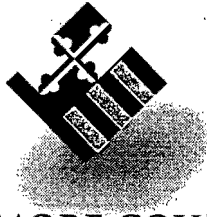
4. The special exception for a professional office is granted only to the Petitioner, Dawn Auffarth personally and does attach to the real property. The special exception granted in this case is not transferable to any other person. If and when the Petitioner ceases to practice as an insurance consultant from the subject property, the special exception shall become null and void.
5. No employees, except persons who use the dwelling as their bonafide residence, shall be involved in the home occupation on the property.

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

Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3-5-09
By 193



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 5, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence M. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
P.O. Box 569
Reisterstown, Maryland 21136

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
W/S Pot Spring Road, 4' S Ivy Church Road @ Pot Spring & Church Roads
(1904 Pot Spring Road)
8th Election District - 3rd Council District
Richard P. Auffarth, et ux, *Legal Owner*;
Dawn M. Auffarth, *Contract Purchaser* - Petitioners
Case No. 2009-0157-SPHX

Dear Mr. Hammond:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over the words "Very truly yours,".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Dawn Auffarth, 605 Goucher Avenue, Lutherville, MD 21093
Richard P. & Delores T. Auffarth, 1904 Pot Spring Road, Lutherville, MD 21093
Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson, MD 21286
Catherine Burke, 2002 Dearborn Drive, Lutherville, MD 21093
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 194 POT SPRING ROAD

which is presently zoned DR-1

(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)

an Insurance Agency as a professional occupation as
Set forth in section 101 of the BCZR.

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:

Dawn Auffarth

Name - Type or Print

Signature

13822 Jarrettsville Pike 410-667-0080

Address Telephone No.

Phoenix MD 21131

City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond

Name - Type or Print

Signature

Hammond & Hammond, LLC

Company

465 Main Street, PO Box 569 410-833-7576

Address Telephone No.

Reisterstown MD 21136

City State Zip Code

Legal Owner(s):

Richard P. Auffarth

Name - Type or Print

Signature

Delores T. Auffarth

Name - Type or Print

Signature

1904 Pot Spring Road 410-252-5493

Address Telephone No.

Lutherville-Timonium MD 21093

City State Zip Code

Representative to be Contacted:

Bernadette Moskunus

Name

200 E. Joppa Road 410-828-9060

Address Telephone No.

Towson MD 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2009-0157-SPHX

UNAVAILABLE FOR HEARING

REV 9/15/98

Reviewed By

D.T.

Date

12/1/08

Date

3-5-09

By

DW



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property located at 1904 POT SPRING ROAD

which is presently zoned DR-1

Deed Reference: 6508 / 244 Tax Account # 819011620

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

A professional office (Insurance Agent) pursuant to Section 1B01C.12 of the BCZR

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

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

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

Contract Purchaser/Lessee:

Dawn Auffarth

Name - Type or Print

Signature

13822 Jarrettsville Pike 410-667-0080

Address Telephone No.
Phoenix MD 21131
City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond

Name - Type or Print

Signature

Hammond & Hammond, LLC

Company
465 Main Street, PO Box 569 410-833-7576
Address Telephone No.
Reisterstown MD 21136
City State Zip Code

Legal Owner(s):

Richard P. Auffarth

Name - Type or Print

Signature

Delores T. Auffarth

Name - Type or Print

Signature

1904 Pot Spring Road 410-252-5493

Address Telephone No.
Lutherville-Timonium MD 21093
City State Zip Code

Representative to be Contacted:

Bernadette Moskunus

Name

200 E. Joppa Road 410-828-9060

Address Telephone No.
Towson MD 21286
City State Zip Code

Case No. 2009-0157-SPHX

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING

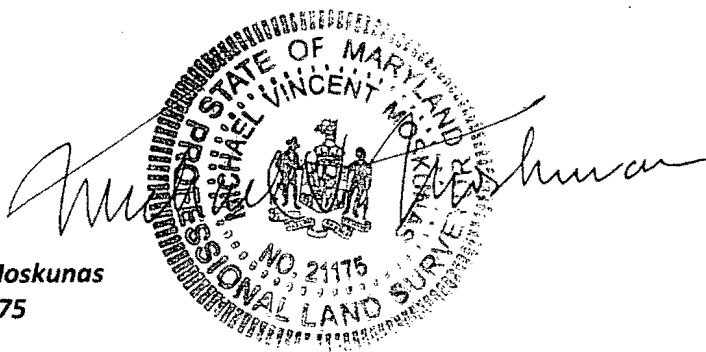
Reviewed By D.T. Date 12/1/08

OFFICE RECEIVED FOR FILING
Date 3-5-09
By WJ

ZONING DESCRIPTION
#1904 POT SPRING ROAD

BEGINNING at a point on the west side of Pot Spring Road which is 60 feet wide at a distance of 4 feet south of the centerline of Ivy Church Road which is 60 feet wide. Being Lot No. 18, Block "P" in the subdivision of "Dulaney Forest" as recorded in Baltimore County Plat Book No. 21, folio No. 27, containing 41,382 sq. ft., more or less. Also known as #1904 Pot Spring Road and located in the 8th Election District, 3rd Councilmanic District.

Michael V. Moskunas
Reg. No. 21175



Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

2009-0157-SPHX

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: # 2009-0157-SPHX

1904 Pot Spring Road

W/side of Pot Spring Rd., 4' south of c/lne of Ivy Church Rd.,

at intersection of Pot Spring & Church Roads

8th Election District — 3rd Councilmanic District

Legal Owner(s): Richard Auffarth & Delores Auffarth

Contract Purchaser: Dawn Auffarth

Special Hearing: to determine that insurance agency is a professional occupation. Special Exception: for a professional office (insurance agent).

Hearing: Thursday, February 12, 2009 at 10:00 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 1/7/49 Jan. 27

192933

CERTIFICATE OF PUBLICATION

1/29/2009

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 1/27/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0157-SPHX

Petitioner/Developer: DAWN
AUFFARTH

Date Of Hearing/Closing: 2/12/09

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 1904 POT SPRING RD

This sign(s) were posted on January 27, 2009
(Month, Day, Year)

Sincerely,

Martin Ogle 1/27/09
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



01/27/2009

Requested: May 28, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-157-SPHX

1904 Pot Spring Road

8th ELECTION DISTRICT

APPEALED: 3/25/09

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

RECEIVED
JUN 02 2009

BALTIMORE COUNTY
BOARD OF APPEALS

CASE NO.: 09-157-SPHX

LEGAL OWNER: Richard and Delores Auffarth

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1904 POT SPRING ROAD
W/S OF POT SPRING ROAD, 4' S OF IVY CHURCH ROAD AT POT SPRING AND
CHURCH ROADS

The sign was posted on 6-2-09, 2009.

By: M Stuart Kelly
(Signature of Sign Poster)

M Stuart Kelly
(Print Name)

PHOTOGRAPHIC RECORD

CASE #

Facility No.:

09-157-SPHX

Record No.:

1904

Date of Photograph(s):

6-2-09

Pot SPRING RD



I HEREBY CERTIFY that I took 2 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

M. Stuart Kelly
(Enforcement Officer)



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/neighbor 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: 2009- 0157- SPHX
Petitioner: Dawn Auffarth
Address or Location: 1904 Pot Spring Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dawn Auffarth
Address: 605 Goucher Avenue
Lutherville-Timonium, MD 21093
Telephone Number: 410 667- 0080

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 27, 2009 Issue - Jeffersonian

Please forward billing to:

Dawn Auffarth
605 Goucher Avenue
Lutherville-Timonium, MD 21093

410-667-0080

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: 2009-0157-SPHX

1904 Pot Spring Road

W/side of Pot Spring Rd., 4' south of c/line of Ivy Church Rd., at intersection of Pot Spring & Church Roads

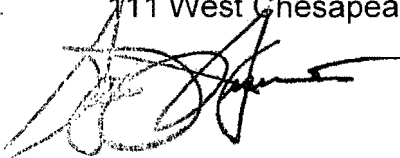
8th Election District – 3rd Councilmanic District

Legal Owners: Richard Auffarth & Delores Auffarth

Contract Purchaser: Dawn Auffarth

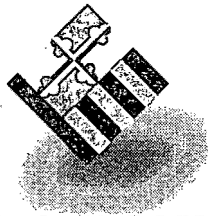
Special Hearing to determine that insurance agency is a professional occupation. Special Exception for a professional office (insurance agent).

Hearing: Thursday, February 12, 2009 at 10:00 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 13, 2009
TIMOTHY M. KOTROCO, *Director*
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: 2009-0157-SPHX

1904 Pot Spring Road

W/side of Pot Spring Rd., 4' south of c/line of Ivy Church Rd., at intersection of Pot Spring & Church Roads

8th Election District – 3rd Councilmanic District

Legal Owners: Richard Auffarth & Delores Auffarth

Contract Purchaser: Dawn Auffarth

Special Hearing to determine that insurance agency is a professional occupation. Special Exception for a professional office (insurance agent).

Hearing: Thursday, February 12, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Lawrence Hammond, 465 Main Street, P.O. Box 569, Reisterstown 21136

Mr. & Mrs. Auffarth, 1904 Pot Spring Road, Lutherville 21093

Dawn Auffarth, 13822 Jarrettsville Pike, Phoenix 21131

Bernadette Moskunas, 200 E. Joppa Road, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 28, 2009.

(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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

June 12, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-157-SPHX **IN THE MATTER OF:** Richard P. Auffarth and Delores T. Auffarth
- Legal Owners/ Petitioners
Dawn Auffarth – Contract Purchaser/Lessee
1904 Pot Spring Road/ / 8th E; 3rd Councilmanic District

RE: Petition for Special Hearing to determine that insurance agency is a professional occupation.
Petition for Special Exception for a professional office (insurance agent).

3/5/09 – Decision by the Zoning Commissioner granting the Petitions with restrictions.

ASSIGNED FOR: THURSDAY, AUGUST 13, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date

Theresa R. Shelton
Administrator

c: Appellant

: Peter Max Zimmerman
People's Counsel for Baltimore County

Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner
Contract Purchaser/Lessee

: Lawrence M. Hammond, Esquire
: Richard and Delores Auffarth
: Dawn Auffarth

Bernadette Moskunas

Catherine Burke

Frank Boal

Pat Grega

William J. Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Arnold F. "Pat" Keller, Director/Planning

John Beverungen, County Attorney

Michael Panopoulos

Lane Schermerhorn

RECEIVED

JUL 28 2009

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:
RICHARD P. AUFFARTH
& DELORES T. AUFFARTH
Legal Owners/ Petitioners
Dawn Auffarth,
Contract Purchaser

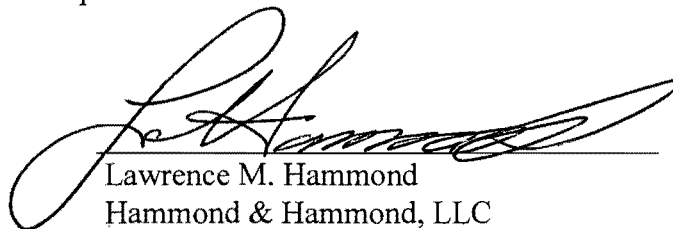
* COUNTY BOARD
* OF APPEALS
* OF BALTIMORE COUNTY
* Case #: 09-157-SPHX

* * * * *

REQUEST FOR POSTPONEMENT

The Petitioners, pursuant to Rule 2 (b) and Rule 2 (c) of the Board's Rules of Practice and Procedure moves for a postponement of the hearing of this matter which is scheduled for August 13, 2009 on the grounds that several of Petitioner's witness are unavailable to appear on the scheduled hearing date

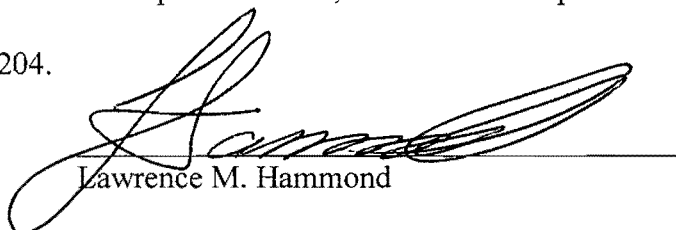
WHEREFORE, Petitioner's move for a continuance of the hearing of this matter until such a time that is convenient to the Board and all parties.



Lawrence M. Hammond
Hammond & Hammond, LLC
465 Main Street, P.O. Box 569
Reisterstown, Maryland 21136
(410) 833-7576
Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2009, a copy of the foregoing Motion for Postponement was hand delivered to the Office of People's Counsel, 105 West Chesapeake Avenue, Suite 204, Towson, Maryland 21204.



Lawrence M. Hammond



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

to PP & reset
9/24/09

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

June 12, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-157-SPHX

IN THE MATTER OF: Richard P. Auffarth and Delores T. Auffarth
- Legal Owners/ Petitioners
Dawn Auffarth - Contract Purchaser/Lessee
1904 Pot Spring Road // 8th E; 3rd Councilmanic District

RE: Petition for Special Hearing to determine that insurance agency is a professional occupation.
Petition for Special Exception for a professional office (insurance agent).

3/5/09 - Decision by the Zoning Commissioner granting the Petitions with restrictions.

ASSIGNED FOR: THURSDAY, AUGUST 13, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date

Theresa R. Shelton
Administrator

c: Appellant	: Peter Max Zimmerman People's Counsel for Baltimore County
Counsel for Petitioner/Legal Owner	: Lawrence M. Hammond, Esquire
Petitioner/Legal Owner	: Richard and Delores Auffarth
Contract Purchaser/Lessee	: Dawn Auffarth

Bernadette Moskunas

Catherine Burke

Frank Boal

Pat Grega

William J. Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Arnold F. "Pat" Keller, Director/Planning

John Beverungen, County Attorney

Michael Panopoulos

Lane Schermerhorn



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

July 29, 2009

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: 09-157-SPHX IN THE MATTER OF: Richard P. Auffarth and Delores T. Auffarth
- Legal Owners/ Petitioners
Dawn Auffarth – Contract Purchaser/Lessee
1904 Pot Spring Road/ / 8th E; 3rd Councilmanic District

RE: Petition for Special Hearing to determine that insurance agency is a professional occupation.
Petition for Special Exception for a professional office (insurance agent).

3/5/09 – Decision by the Zoning Commissioner granting the Petitions with restrictions.

This matter was scheduled for Thursday, August 13, 2008 and a postponement has been granted by agreement between the parties. The matter has been reassigned to an agreed date as follows:

RE-ASSIGNED FOR: THURSDAY, SEPTEMBER 24, 2009, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Appellants	: Peter Max Zimmerman Carole S. Demilio People's Counsel for Baltimore County
Counsel for Petitioner/Legal Owner	: Lawrence M. Hammond, Esquire
Petitioner/Legal Owner	: Richard and Delores Auffarth
Contract Purchaser/Lessee	: Dawn Auffarth

Bernadette Moskunus
Catherine Burke
Frank Boal

Michael Panopoulos
Lane Schermerhorn

Pat Grega

William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Planning

Timothy Kotroco, Director/PDM
John Beverungen, County Attorney

CASE #: 09-157-SPHX

**IN THE MATTER OF: Richard and Delores Auffarth-LO
Dawn Auffarth-CP /Petitioners**

1904 Pot Spring Road
8th Election District; 3rd Councilmanic District

3/5/09 –ZC decision that Petition for Special Hearing to determine whether an insurance agency is an “other professional person” under BCZR Section 500.7 was answered in the negative and; Petition for Special Exception to permit a professional office to be used by Dawn Auffarth in her home was GRANTED with conditions.

6/12/09 Matter scheduled for **Thursday, August 13, 2009 @ 10am.**
Notices sent to the following:

c: Appellant	: Peter Max Zimmerman People's Counsel for Baltimore County
Counsel for Petitioner/Legal Owner	: Lawrence M. Hammond, Esquire
Petitioner/Legal Owner	: Richard and Delores Auffarth
Contract Purchaser/Lessee	: Dawn Auffarth

Bernadette Moskunas
Catherine Burke
Frank Boal
Pat Grega

Michael Panopoulos
Lane Schermerhorn

William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. “Pat” Keller, Director/Planning
John Beverungen, County Attorney

7/20/09 Received letter from Dulaney Forest Community Association – opposing request.
Copy to Panel ON HEARING DATE. Copies in the file. Original to file.

7/28/09 Notice of Postponement Request filed by Lawrence Hammond. Telephoned PC –
no opposition. Verified new date of 9/24/09 with Counsel. Hearing Re-Assigned
to agreed date of September 24, 2009. Notices sent to all parties.

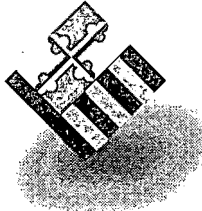
8/7/09 Letter received from Frank Regan, President Valley Garth Association.

8/10/09 Copies made for Panel to be distributed with Notice.

**Mail returned from Catherine Burke – verified Address as given – remove
from future notices. Deleted from Address list**

9/23/09 Letter received from Lawrence M. Hammond, Esquire on behalf of Petitioners
withdrawing the Petition for Special Hearing and Special Exception.

9/30/09 Order of Dismissal issued by Board.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 3, 2009

Lawrence M. Hammond
465 Main St.
P.O. Box 569
Reisterstown, MD 21136

Dear: Lawrence M. Hammond

1904

RE: Case Number 2009-0147-SPHX, ~~194~~ Pot Spring Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 01, 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,

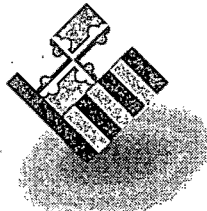
A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Richard & Delores Auffarth; 194 Pot Spring Rd.; Lutherville-Timonium, MD 21093
Dawn Auffarth; 13822 Jarrettsville Pike; Phoenix, MD 21131
Bernadette Moskunas; 200 E. Joppa Rd; Towson, MD 21286



BALTIMORE COUNTY
MARYLAND

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

December 15, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 15, 2008

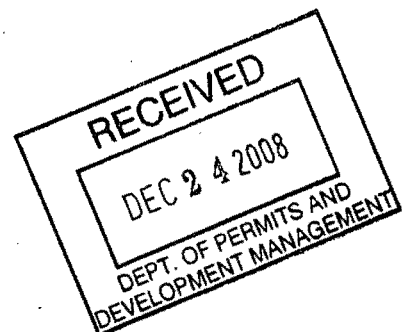
Item Numbers 0541, 0121, 0146, 0147, 0149, 0150, 0151, 0152, 0154, 0155, 0156 ~~10-157~~

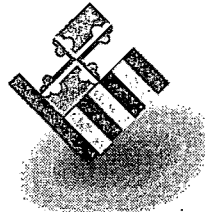
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File





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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0152, 0156, 0157, 0158, 0160, 0161, 0162, 0163, 0164, 0165

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 10, 2008

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2008
Item No.: 2009-149, 150, 151, 152,
154, 156 & 157

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

DAK:CEN:cab
cc: File

ZAC-12152008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 31, 2008

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

SUBJECT: 1904 Pot Spring Road

INFORMATION:

Item Number: 9-157

Petitioner: Richard and Dawn Auffarth

Zoning: DR 1

Requested Action: Special Exception and Special Hearing

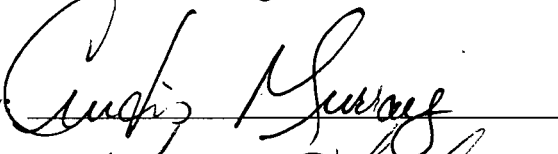
The petitioner requests a special exception from Section 1B01.C.12 of the BCZR to allow a professional office in a density residential zone and a special hearing to allow an insurance agency to be considered as a professional occupation as set forth in Section 101 of the BCZR.

SUMMARY OF RECOMMENDATIONS:

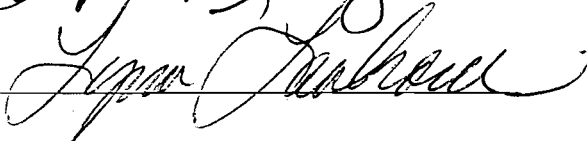
The Office of Planning does not oppose the requested special exception and special hearing for an insurance office to be located in a residential zone. According to the petitioner this office has been operating out of this location for 25 years and the community is aware of its presence. There will be no additional paving for parking of the customers and a sign if any will be posted on the mailbox or home and will not be lighted. Therefore this special exception and special hearing will not be detrimental to the health, safety, or general welfare of surrounding neighbors or the community as a whole.

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

Prepared by:



Division Chief:
AFK/LL: CM





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: 12/16/2008

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

RE: Baltimore County
Item No 2009-0157-SPHX
1904 POT SPRING ROAD
AUFFARTH PROPERTY
SPECIAL HEARING
SPECIAL EXCEPTION

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. 2009-0157-SPHX.

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,

Fed Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
1904 Pot Spring Rd; W/S Pot Spring Rd, 4' S* ZONING COMMISSIONER
Ivy Church Road @ Pot Spring & Church Rd
8th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Richard & Delores Auffarth *
Contract Purchaser(s): Dawn Auffarth * BALTIMORE COUNTY
Petitioner(s) *
09-157-SPHX

* * * * *

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.

RECEIVED

DEC 09 2008

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 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Beradette Moskunas, 200 E. Joppa Road, Towson, MD 21286 and Lawrence Hammond, Esquire, 465 Main Street, P.O. Box 569, Reisterstown, MD 21136, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: clburke3@verizon.net
Date: 03/16/09 8:45:30 AM
Subject: Case No. 2009-0157-SPHX - 1904 Pot Spring Road - Auffarth

Good Morning,

Unfortunately, the mailing address you provided on the sign-in sheet at the 2/12/09 hearing for the above-referenced has been returned due to no such address.

The address provided is as follows:

2002 Dearborn Drive
Lutherville, MD 21093

If you'd like to receive a copy of the Order, please provide us with another mailing address. Thanking you in advance.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: michael.panopoulos@Daikinac.com
Date: 03/06/09 9:12:19 AM
Subject: Case No. 2009-0157-SPHX (1904 Pot Spring Rd.) - Auffarth

Hi Michael,

At Commissioner Wiseman's request, please find attached the cover letter and Order in reference to the above-captioned matter, both of which were dated yesterday.

Thanks and have a great day.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

BW 2/12
10AM

From: Bill Wiseman
To: michael.panopoulos@Daikinac.com
Date: 02/25/09 7:08:25 AM
Subject: Re: CASE NUMBER 2009-0157--SPHX

Michael-

Lets talk. I'll try to call you following my morning docket or you can call my office and let Debbie know a good time to discuss your opposition. The hearing was held a week ago and the evidence was received at that time. I will however place a copy of your correspondence in the case file.

William J. Wiseman, III
Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov

>>> "Panopoulos, Michael" <michael.panopoulos@Daikinac.com> 02/24/09 5:49 PM >>>
Mr. Wiseman,

The Valley Crest Civic Association, community association for the neighborhood of Valley Crest, expresses strong objection to any granting of a Zoning Exception to Dawn Auffarth to operate 1904 Pot Spring Rd as a professional business.

Professional businesses providing customer access and egress do not belong in residential neighborhoods.

We urge the Baltimore County Zoning Department to reject this request to preserve our neighborhood. Our concerns are based upon:

1. Safety, as Pot Spring is a main thoroughfare with customer-turning traffic generated by this exception as a gateway to our community, Ivy Church Rd...
2. Precedent, as one exception allowance will set the stage for other professional businesses within our neighborhood.
3. Privacy & Security, as non-neighbor business customers are drawn into our residential neighborhood by a professionally operating business.
4. Appearance, as our main neighborhood road to Pot Spring Rd., Ivy Church Rd. terminates at 1904 Pot Spring Rd.
5. Signage, as the professional business attempts to market itself

from within a residential community.

6. Property Values, as the charm of our unique, 50+ year old community is compromised by the presence of professional businesses.

Thank you for your consideration of our concerns regarding this Zoning Exception Request, Mr. Wiseman. All of our Valley Crest neighbors await the decision by Baltimore County Zoning with great anticipation and the hope that our neighborhood will continue to remain a residential place for families, free of professional businesses.

Michael P. Panopoulos, President

Valley Crest Civic Association

E: mpanoptmx@msn.com

P: (410) 832-5418

CC: Debra Wiley



On Your Side®

Dawn M. Auffarth, LUTCF, MBA
Auffarth & Associates LLC

1904 Pot Spring Road
Timonium, MD 21093
3400 Eastern Avenue
Baltimore, MD 21224

Tel 410-667-0080 Timonium Office

Tel 410-558-2885 Baltimore City

Cell 410-419-6883

Fax 410-667-0089

auffard@nationwide.com

09-157-SPHX

-Dawn Auffarth

Strike Hammond

-No long rep

-want to reopen

until 10/30 what
needs
to happen

Debra Wiley - Re: Case No. 2009-0157-SPHX - 1904 Pot Spring Road - Auffarth

From: <clburke3@verizon.net>
To: <dwiley@baltimorecountymd.gov>
Date: 03/16/09 11:07 PM
Subject: Re: Case No. 2009-0157-SPHX - 1904 Pot Spring Road - Auffarth

Sorry for the mixup in the address. The correct address is 2002 Dumont Rd., Lutherville, MD 21093. Please send me the information.

Thank you.

Mar 16, 2009 07:46:02 AM, dwiley@baltimorecountymd.gov wrote:

Good Morning,

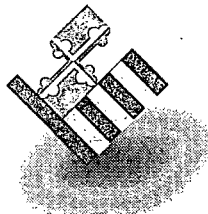
Unfortunately, the mailing address you provided on the sign-in sheet at the 2/12/09 hearing for the above-referenced has been returned due to no such address.

The address provided is as follows:

2002 Dearborn Drive
Lutherville, MD 21093

If you'd like to receive a copy of the Order, please provide us with another mailing address. Thanking you in advance.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
May 26, 2009
*Department of Permits and
Development Management*

Lawrence Hammond
Hammond & Hammond, LLC
465 Main Street
P.O. Box 569
Reisterstown, MD 21136

Dear Mr. Hammond:

RE: Case 2009-0157-SPHX, 1904 Pot Spring Road

Please be advised that an appeal of the above-referenced case was filed in this office on March 25, 2009 from People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Dawn Auffarth, 605 Goucher Avenue, Lutherville 21093
Richard & Delores Auffarth, 1904 Pot Spring Road, Lutherville 21093
Bernadette Moskunas, Site Rite, 200 E. Joppa Road, Ste. 101, Towson 21286
Catherine Burke, 2002 Dearborn Drive, Lutherville 21093



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

March 25, 2009

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION
W/S Pot Spring Road, 4' S of Ivy Church Road @ Pot Spring & Church
(1904 Pot Spring Road)
8th Election District; 3rd Council District
Richard Auffarth, et ux., Owners, Dawn Auffarth, Contract Purchaser. - Petitioners
Case No.: 09-157-SPHX

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated March 5, 2009 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED

MAR 25 2009

.....LW.....

PMZ/CSD/rmw

cc: Lawrence M. Hammond, Esquire

APPEAL

Petition for Special Hearing & Special Exception
1904 Pot Spring Road
W/s Pot Spring Rd., 4' S of Ivy Church Rd. @ Pot Spring & Church Rd.
8th Election District – 3rd Councilmanic District
Legal Owners: Richard & Delores Auffarth
Contract Purchaser: Dawn Auffarth

Case No.: 2009-0157-SPHX

Petition for Special Hearing (December 1, 2008)

Zoning Description of Property

Notice of Zoning Hearing (January 13, 2009)

Certification of Publication (The Jeffersonian – January 27, 2009)

Certificate of Posting (January 27, 2009) by Martin Ogle

Entry of Appearance by People's Counsel (December 9, 2008)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Photos (A thru D)
3. Additional Photos submitted to the Office of Planning
4. Business Card (Auffarth & Associates, LLC)
5. Licenses & Credentials

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit)

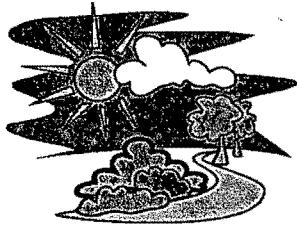
1. Email history between Michael Panopoulous of the Valley Crest Civic Assoc. & Bill Wiseman, Z.C.

Zoning Commissioner's Order (GRANTED – March 5, 2009)

Notice of Appeal received on March 25, 2009 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Lawrence Hammond
Dawn Auffarth
Richard & Delores Auffarth
Bernadette Moskunas
Catherine Burek

date sent May 27, 2009, klm



Valley Garth Association

August 1, 2009

Frank Regan, President
Valley Garth Association
302 Ridgley Road
Lutherville, Maryland 21093

RECEIVED

AUG - 7 2009

BALTIMORE COUNTY
BOARD OF APPEALS

Ms. Theresa Shelton
Administrator, Baltimore County Board of Appeals
105 W. Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: Zoning Appeal referring to Case: 2009-0157-SPHX, for 1904 Pot Spring Road

Dear Ms. Shelton:

We are writing you today in regard to an appeal on Case 2009-0157-SPHX. The Zoning Commissioner has already rendered a ruling concerning the Special Hearing and Special Exception to permit a professional office at 1904 Pot Spring Road.

The Commissioner granted Dawn Auffarth, owner of 1904 Pot Spring Road, the special exception that she requested. He did, however, restrict her to only being able to install an 8" X 12" sign (which she already has done) and to having no employees other than persons who use the dwelling as their residence. The ruling seemed to satisfy all parties at the time of the ruling including Ms Auffarth and the nearby neighborhood community residents.

However, the ruling in this case is now being appealed by Ms. Dawn Auffarth in which the Commissioner already granted her the special exception with conditions that she requested.

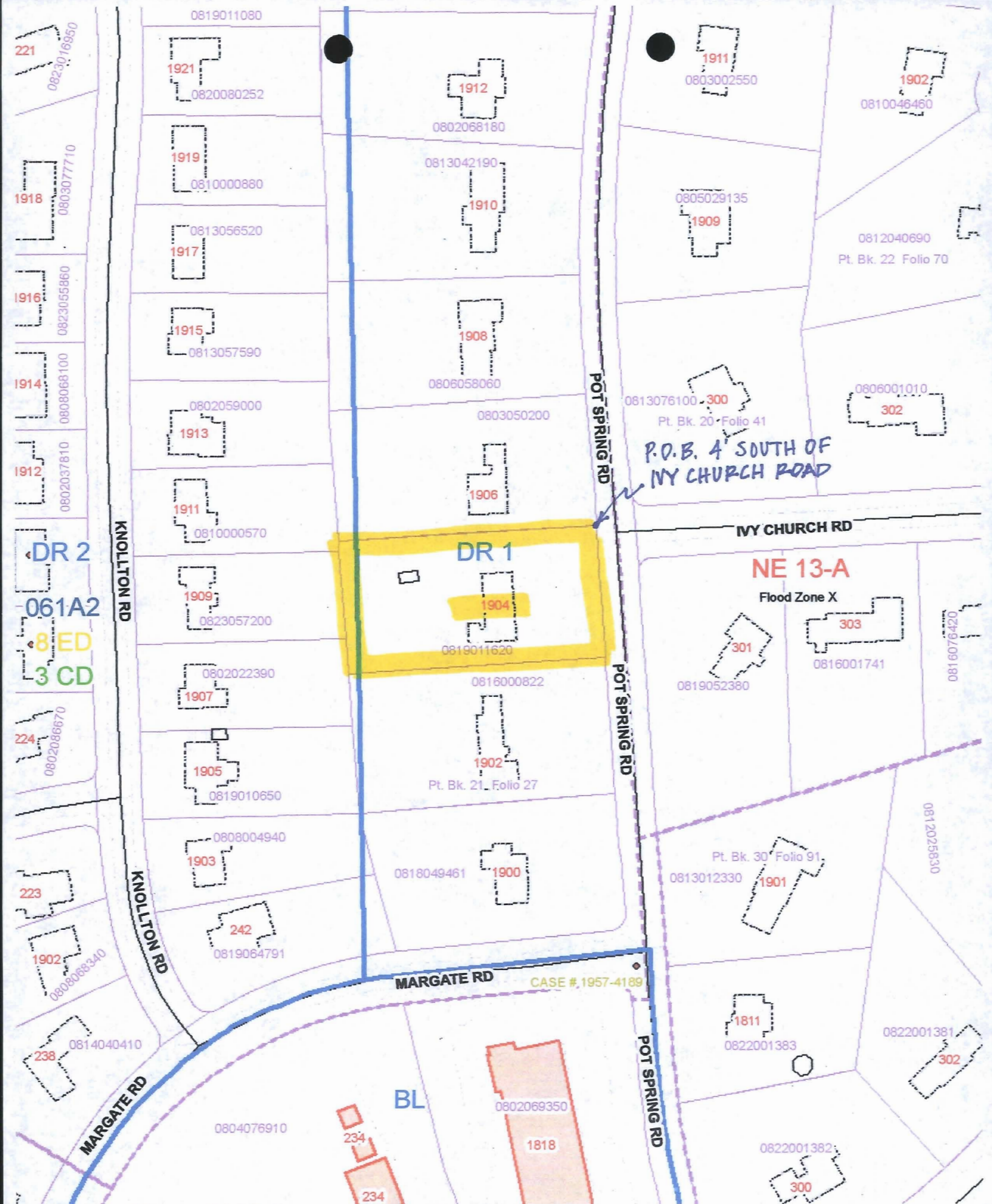
Please be advised that the Valley Garth Association, located across the street from the referenced address, is "opposed" to any further changes to the ruling which has already been granted to her. We are "opposed" to further granting her any additional employees and/or a larger sign since this is a residential neighborhood. We want to insure that the county stems any possibility of increased commercialism on Pot Spring Road which is currently overwhelmingly residential.

Thank you for your time and consideration in this important matter.

Sincerely Yours,

Frank Regan
President,
Valley Garth Association

Cc: Eric Rockel, President, Greater Timonium Community Council



Zoning Map: 061A2

#1904 Pot Spring Road.

2009-0157-SPHX

PLEASE PRINT CLEARLY

CASE NAME 1904 Pot Springs Rd.
CASE NUMBER 2009-0157-SRLX
DATE 2-22-09

CITIZEN'S SIGN-IN SHEET

Maile
3-6-09

NAME _____

ADDRESS

CITY, STATE, ZIP

E-MAIL

Catherine Burke	2002 Deanborn Dr.	Lutherville, Md 21093	c/burkie3@verizon.net
-----------------	-------------------	-----------------------	-----------------------

* St. George + Top only reflects "favo" block of
1 earborn ~~PER~~
in "2,236"
zip code

* Nothing shows for "2000" in "2093"

If mail not'd, send email advising
lts. how not'd and get another address.

PLEASE PRINT CLEARLY

CASE NAME 1904 Pot Spring Rd.
CASE NUMBER 2009-0157-SHX
DATE 2-2-09

[illegible]

CASE NAME 1904 Pot Spring Road
CASE NUMBER 2009-0157-SPHX
DATE 2/12/09

[illegible]

Case No.: 2009-0157-SPHX

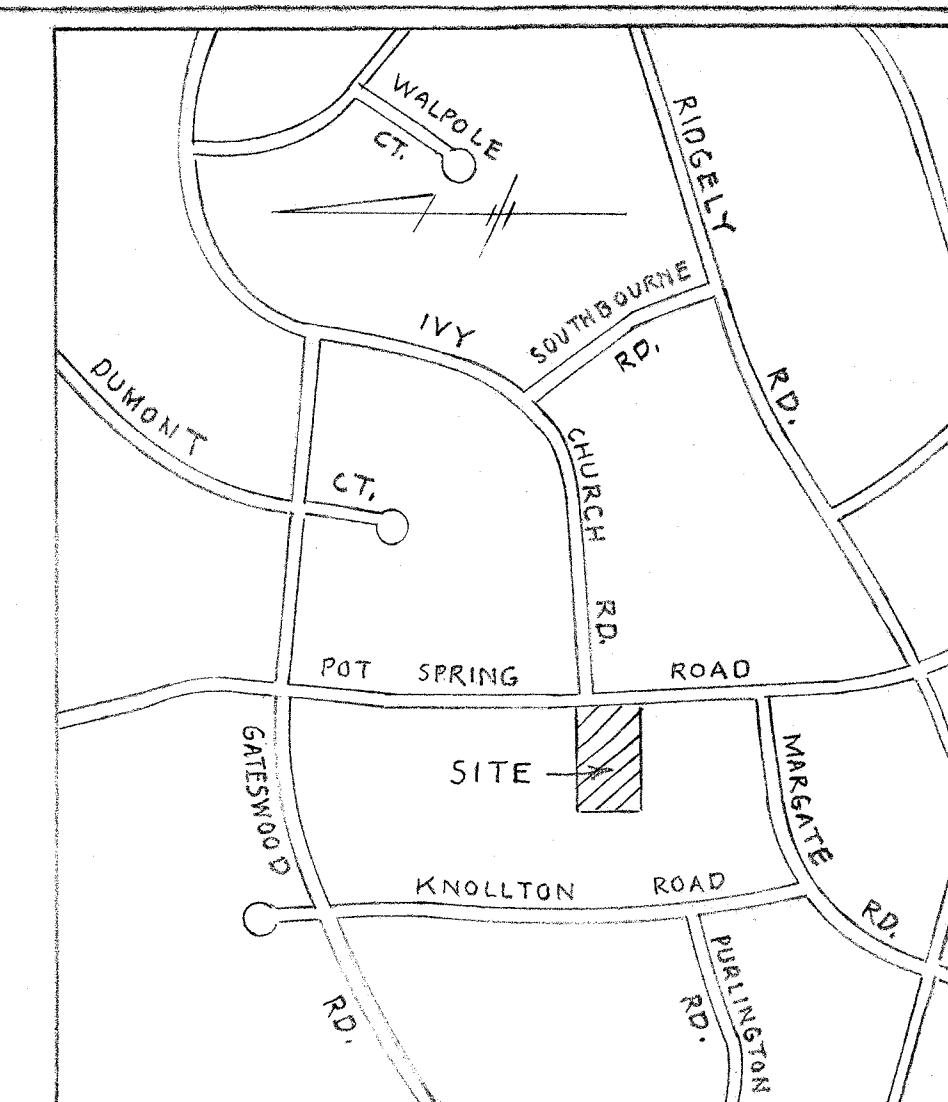
1904 Pot Spring Rd

Exhibit Sheet

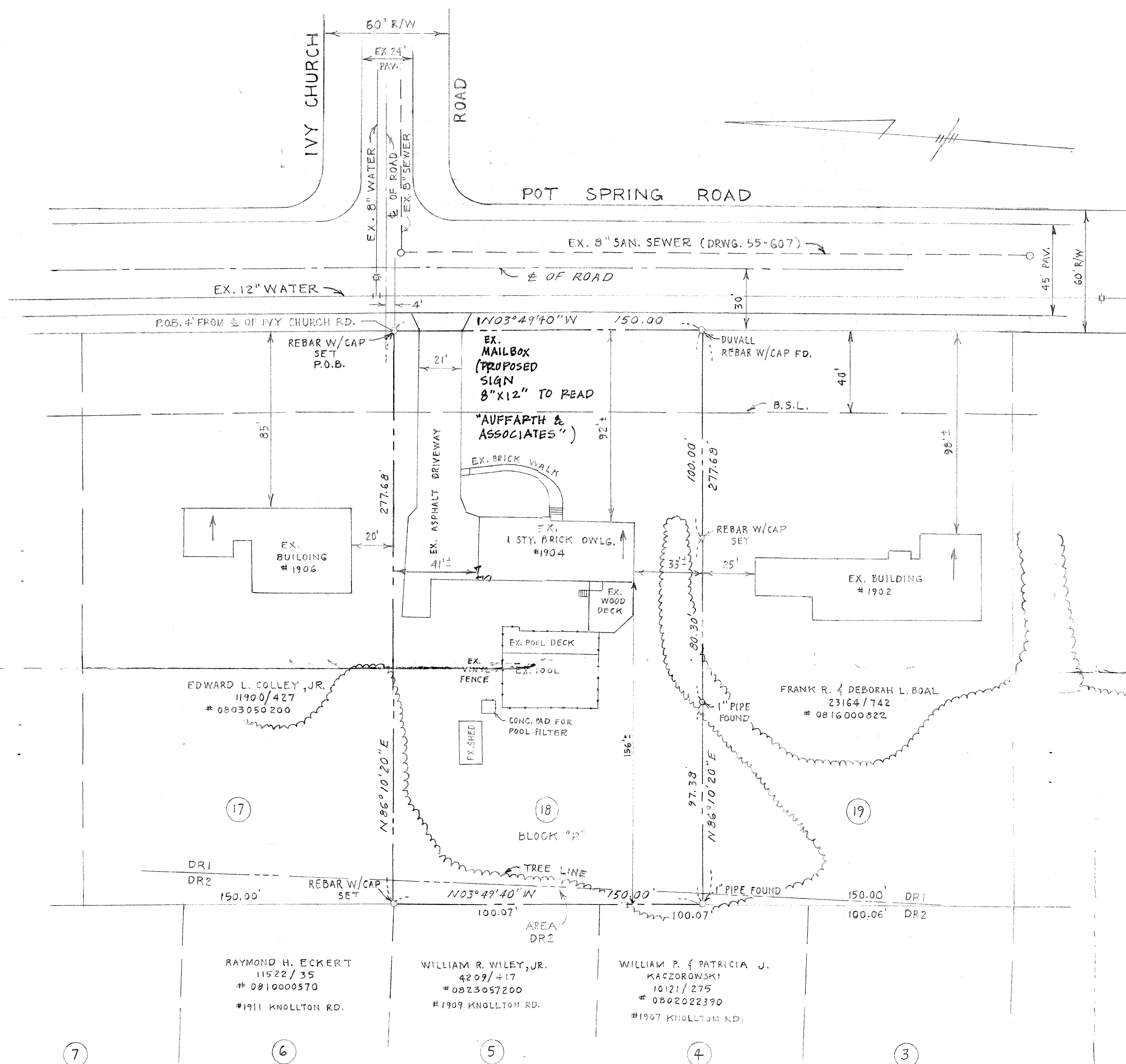
Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2 2A- 2D	Photo's Existing Conditions	
No. 3	Add'l Photographs Submitted to the Office of Planning	
No. 4	Business CARD Aufferth + Associates LLC	
No. 5	Licenses + CREDENTIALS	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



VICINITY MAP
SCALE: 1" = 500'

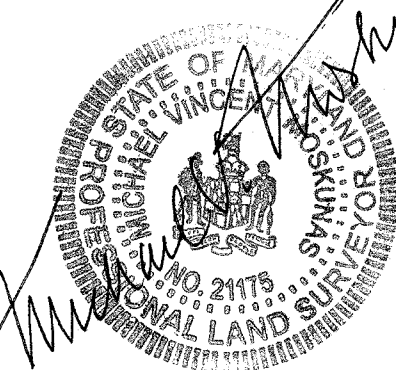


- General Notes
- Existing Zoning: DR1 and DR2 (061A2)
 - Lot Area: DR1 0.923 Ac. +/- or 40,182 Sq. Ft. +/-
DR2 0.027 Ac. +/- or 1200 Sq. Ft. +/-
 - Existing Use: Single Family Dwelling
Proposed Use: Single Family Dwelling with Office (<25% of total floor area)
 - No prior zoning hearings
 - Not located in a Historic District
 - Not located in a 100 Year Flood Plain Area: 240010 0265B Zone: "C"
 - Not located in the Chesapeake Bay Critical Area
 - Hours of Operation: 8:30 a.m. - 5 p.m., Monday through Friday
 - There will be only two employees (both are residents of the property)
 - Any sign proposed will be in compliance with Section 450, B.C.Z.R.
 - Existing lot of record shown on a plat dated March 1965 and signed by the Planning Commission
 - The improvements hereon were located per a boundary survey completed July 23, 2008 by Site Rite Surveying, Inc.
 - This property has public water and sewer services.
 - 25% OF DWELLING AREA (2228 SQ. FT.) = 557 SQ. FT.
AREA TO BE USED FOR OFFICE : 540 SQ. FT. (24%)
270 SQ. FT. FOR OFFICE OPERATION
270 SQ. FT. FOR STORAGE

Plan to accompany Petition for
Special Exception & Special Hearing BLM
"Auffarth Property"
#1904 Pot Spring Road
Lot 18 Block "P"
"Dulaney Forest" 21/27
Election District No. 8 C3
Baltimore County, MD
Scale: 1" = 30'
December 1, 2008
Job No. 9718

PETITIONER'S
EXHIBIT NO. 1

Owner: Richard and Delores Auffarth
1904 Pot Spring Road
Lutherville-Timonium, MD 21093-4429
(410) 252-5665
Tax Map: 61 Grid: 8 Parcel: 337
Tax Account No.: 0819011620
Deed Ref.: 6508/244



site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066

2009-0157-SPHX



PETITIONER'S

EXHIBIT NO. 2
2A thru 2D







LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

**Shell Building, Room 101
200 East Joppa Road
Towson, Maryland 21286
410-828-9060
Fax 410-828-9066**

TO: 1. Анти

DATE: 12/29/08

SUBJECT: 1904 Pot Spinning Road

ATTENTION: U.S.S.R.

OUR FILE: 9778

WE ARE, ☒ HEREWITH, ☐ UNDER SEPERATE COVER, TRANSMITTING VIA, ☒ MESSENGER, ☐ U.S. MAIL () THE FOLLOWING:

[illegible]

TRANSMITTED AS INDICATED BELOW:

- ☒ PER AGREEMENT
☒ PER YOUR REQUEST
☐ FOR YOUR INFORMATION
☐ FOR APPROVAL
☐ FOR COMMENT
- ☐ APPROVED - DWG(S) _____
☐ APPROVED AS NOTED - DWG(S) _____
☐ RETURNED FOR CORRECTION - DWG(S) _____
☐ PLEASE RESUBMIT - DWG(S) _____
☐ _____

1	COPY(S) OF	Pictures / transmittal	SENT TO	Larry Hammond, Esq.
	COPY(S) OF		SENT TO	
	COPY(S) OF		SENT TO	

REMARKS:

PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL

PETITIONER' S

VERY TRULY YOURS,

Site Rite Surveying, Inc.

SENT BY: Dharmadhar MDSKumar

RECEIVED BY:

DATE:

EXHIBIT NO. 3

EXHIBIT NO. 10

existing sign
remaining from
Mr. Auffarth's
office use.

Pot Spring Road

PETITIONER'S

EXHIBIT NO.

3F





●
Front of dwelling

Side of dwlg.

Ingress Egress
for Agency →

Garage is not used.
for office.

EX. driveway

2nd picture
Ingress Egress

EX.
driveway





Separate
Ingress
Egress
for
Office

Ex. drwy.

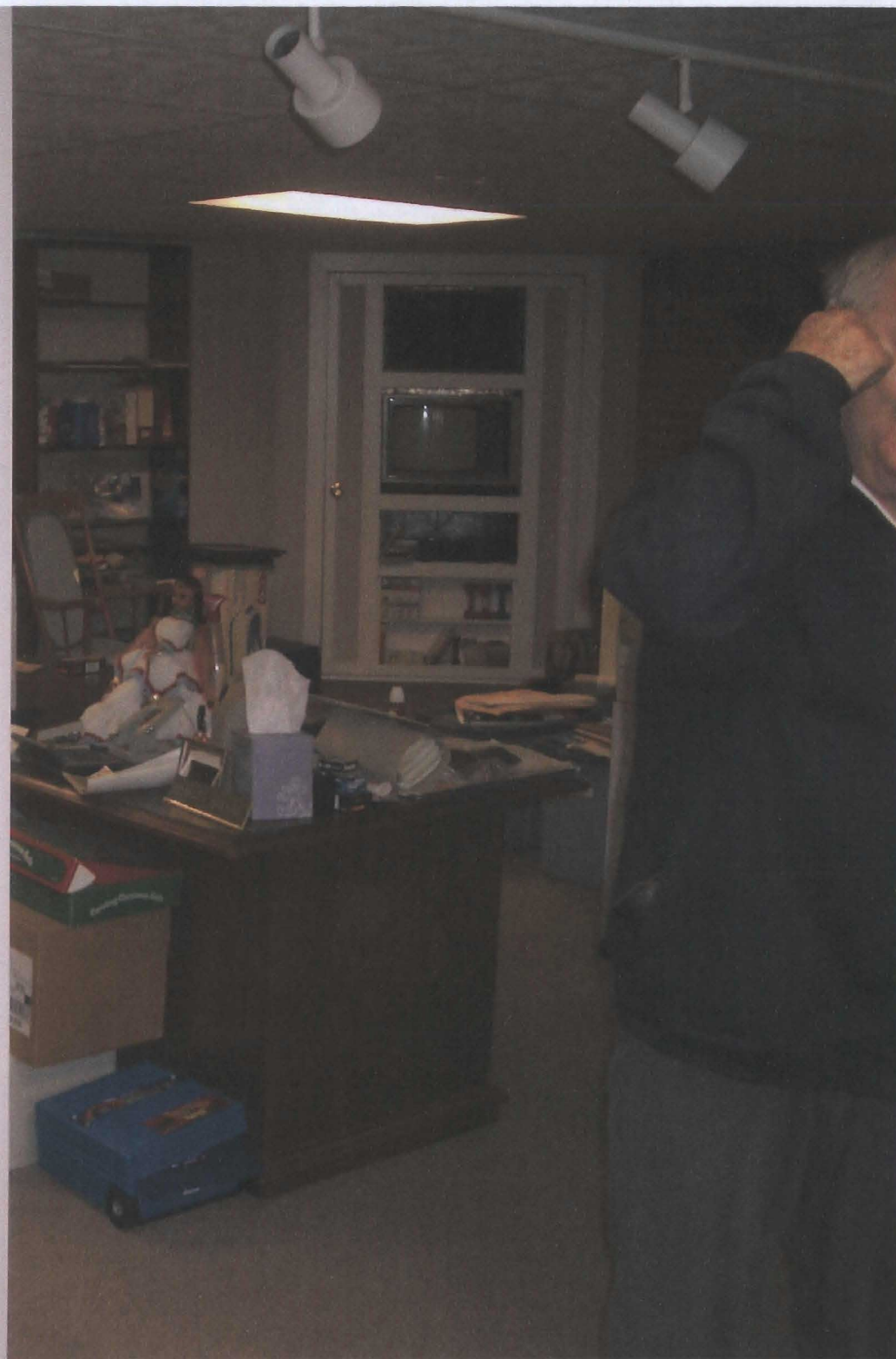


Pot Spring Rd.

macadam parking pad.

Existing
basement space
to be used for
office

Front wall of
dwlg.



Another view
of office space.

Left side
of house from
road view

RICHARD P. AUFFARTH

view of office space
from front of dwlg.
to rear.

rear
wall

HARD P. AUFFARTH

Rear
Wall

Ingress
Egress
Door

access door to garage
(not to be used by
clients)

Garage on the
other side
of wall.

area to be used
for office space.

leads to main
office area





On Your Side®

Dawn M. Auffarth, LUTCF, MBA
 Auffarth & Associates LLC
 13822 Jarrettsville Pike
 Phoenix, MD 21131
 3400 Eastern Ave.
 Baltimore, MD 21224
 Tel 410-667-0080 Phoenix Office
 Tel 410-558-2885 Baltimore City
 Cell 410-419-6883
 Fax 410-667-0089
 auffard@nationwide.com

Securities offered through Dawn M. Auffarth as a Registered Representative of
 Nationwide Securities, Inc., P.O. Box 15621, Wilmington, DE 19850, 877-839-1133. Member FINRA.
 DBA Nationwide Advisory Services, Inc. in AR, FL, IL, WV. DBA Nationwide Advisory Services in MA, NY, OK.
 Representative of Nationwide Life Insurance Company and Nationwide Life and Annuity Insurance Company.



On Your Side®

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 Phoenix, MD 21131
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 Tel 410-667-0080 Phoenix Office
 Tel 410-558-2885 Baltimore City
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 Representative of Nationwide Life Insurance Company and Nationwide Life and Annuity Insurance Company.

RECEIVED

FEB 20 2009

ZONING COMMISSIONER

PETITIONER'S

EXHIBIT NO.

4

HAMMOND & HAMMOND, L.L.C.
ATTORNEYS AT LAW
465 MAIN STREET
P. O. BOX 569
REISTERSTOWN, MARYLAND 21136-0569
(410) 833-7576
FAX: (410) 833-4744

LLOYD J. HAMMOND (RETIRED)
LAWRENCE M. HAMMOND

OF COUNSEL
DOUGLAS S. CURTIS

February 20, 2009

VIA HAND DELIVERY

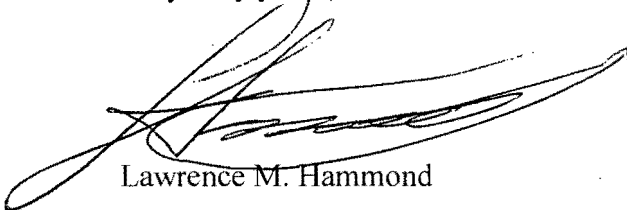
William J. Wiseman, III
Zoning Commissioner for Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RE: 09-157-SPHX

Dear Mr. Wiseman:

I have enclosed herewith copies of Ms. Auffarth's professional credentials, as per your request. I have spoken with my client regarding the difficult decision you face. Should you find some of her business activities to fall within the current definition of a "professional," while finding other of her activities do not, she is more than willing to restrict her activities to those you rule as "professional." Furthermore, she has also acknowledged that her need to work from 1904 Pot Spring Road may in fact be temporary. As she stated at the hearing, her mother is suffering from terminal cancer. Her father is afflicted with dementia. By having the ability to maintain an office in her future home, she will be able to care for her father and keep him out of a long term nursing facility. I believe from a public policy position this is far preferable than having Mr. Auffarth in a nursing home receiving medical assistance. In closing, Ms. Auffarth is willing to comply with any restriction you may place in your order. I thank you for your consideration, and should you have any question, please do not hesitate to contact me.

Very truly yours,



Lawrence M. Hammond

cc: Dawn Auffarth
Enclosures as noted

PETITIONER'S

EXHIBIT NO.

5