

9/28/12

IN THE MATTER OF
WILLIAM J. TURNER
3219 E. Joppa Road
Baltimore, Maryland 21234

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 12-138-XA

11th Election District
6th Councilmanic District

* * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an Appeal from Administrative Law Judge's February 29, 2012 decision which granted a Petition for Special Exception and granted a Petition for Variance for the address of 3219 East Joppa Road.

The Petition for Special Exception was requested pursuant to Section 1B01.1C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a real estate office inside a residential home (under 25% of the total floor area) located in a DR 3.5 zone. Petitioner has also requested Variance relief from Sections 409.8A.4 and 409.8B.2 of the B.C.Z.R. to permit a surface parking facility with a zero foot set back in lieu of the 10 foot setback required by the regulations.

BACKGROUND

The subject property consists of a single family house situated on a 9,295 square foot lot. The residence is zoned DR 3.5. The Petitioner has been a real estate broker for over 30 years and desired to open a real estate office in his home. The Petitioner formerly rented office space in an appropriately zoned location in Baltimore County. The proposed office will occupy less than 25 per cent of the available square footage of the residence.

The Administrative Law Judge below granted the Request for Special Exception concluding that the proposed use of the property will not be detrimental to the health, safety, or general welfare of the locality, nor would it tend to create congestion in roads, streets or alleys therein. The administrative judge cited the letters of support for the Petitioner from his neighbors submitted into evidence in this matter.

The Petition for Variance was granted by the administrative law judge based upon his finding that “special conditions exist that are peculiar to the land or structure which is the subject of the variance request.” The foregoing is based upon the judge’s finding that the State Highway Administration (SHA) took a large (18 foot) strip of Petitioner’s property when it widened the nearby Joppa Road intersection and that this taking prevented the Petitioner from complying with the B.C.Z.R. setback requirements. The judge therefore concluded that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship to the Petitioner if zoning compliance was required for his proposed property use.

OPINION

The Board conducted a de novo hearing at which the Petitioner and counsel appeared on his behalf and the Office of Peoples’ Counsel for Baltimore County appeared in opposition to the requested relief.

The purpose of the requests in this matter, as stated above, are to allow and facilitate the use of the subject property as a real estate office occupying less than 25 per cent of the square footage of the subject residence. The Petitioner testified that the proposed use will require that a sign be placed on the property in accord with the state rules regarding real estate offices. The findings of fact from the Administrative Law Judge were confirmed by the evidence presented.

However, the Board differed in its conclusion of law based upon those facts. The requirements for a special exception such as that requested by the Petitioner are found in Section 1B01.1C.12 of the BCZR:

“Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, providing that any such office or studio is established within the same building as that serving as the professional person’s primary residence: and does not involve the employment of more than one (1) nonresident professional associate, nor two other non-resident employees.”

The threshold question presented in this case is whether the occupation of real estate broker fits within the definition of “other professional persons” as contemplated in Section 1B01.12 of the BCZR. This issue has previously been addressed in the case of Jorge Escalante v. County Board of Appeals for Baltimore County, Case No. 03-C-02-001391 (2002). In that case the presiding judge in the Circuit Court for Baltimore County cited the following definition of “profession”.

“4a: a calling requiring specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical, or scholarly principals underlying such skills and methods, maintaining by force of organization or concerted opinion high standards of achievement and conduct, and committing its members to continued study and to a kind of work which has for its primary purpose the rendering of public service.”

The Court in Escalante went on in its opinion to determine that the profession of real estate broker was a business rather than a profession and therefore not eligible for relief under the requested special exception. The Board is of the same opinion based upon the foregoing.

Having determined that the Petitioner’s business enterprise is not one that can be a considered for a special exception we need not consider the tests for the issuance of such an exception. Likewise, as we have determined that relief cannot be granted to the Petitioner by way of a special exception we need not consider the request for a variance because the request has been rendered moot.

ORDER

THEREFORE, IT IS THIS 28th day of September, 2012 by the Board of Appeals of Baltimore County,

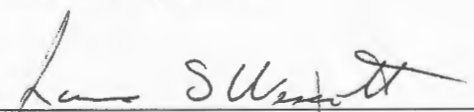
ORDERED that the Petition for Special Exception from Section 1B01.1C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a real estate office inside a residential home (under 25% of the total floor area) located in a D.R. 3.5 zone, be and is hereby **DENIED**; and it is further

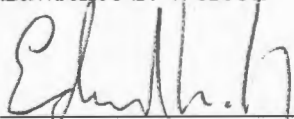
ORDERED that the Petition for Variance from Section 409.8A.4 and 409.8B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a surface parking facility with a zero-foot setback in lieu of the required 10 feet setback, and to confirm the existing parking shown on Petitioner's Exhibit 1, be and is hereby **DENIED** since the issue is rendered moot.

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*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell Grier, Chairman


Lawrence S. Wescott


Edward W. Crizer, Jr.



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 28, 2012

Roger J. Sullivan, Esquire
1 Vale Road, # 200
Bel Air, MD 21014

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

RE: *In the Matter of: William Turner-- Legal Owner*
Case No.: 12-138-XA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order 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/klc
Enclosure
Duplicate Original Cover Letter

c: William J. Turner
Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

2/29/12

**IN RE: PETITIONS FOR SPECIAL EXCEPTION *
AND VARIANCE**

S side of East Joppa Road, SE corner of *
East Joppa Road and 12th Avenue
11th Election District *
6th Councilmanic District *
(3219 East Joppa Road) *

William J. Turner *
Legal Owner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2012-0138-XA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 3219 East Joppa Road, in Carney. The Petition was filed by the legal owner of the subject property, William J. Turner. The Special Exception Petition seeks relief from Section 1B01.1C.12 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a real estate office inside a residential home (under 25% of the total floor area) located in a DR 3.5 zone. Petitioner is also requesting Variance relief from Sections 409.8A.4 and 409.8B.2 of the B.C.Z.R to permit a surface parking facility with zero setback in lieu of the 10 feet required by the regulations, and to confirm the existing parking facility as shown as non-conforming and any other zoning relief as may be required. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing were Petitioner William J. Turner and Roger J. Sullivan, Esquire, attorney for the Petitioner. There were no Protestants or interested persons in attendance, and the file does not contain any letters of protest or opposition.

Testimony and evidence offered at the hearing revealed that the site is 9,295 square feet and is zoned DR 3.5. The Petitioner has been a real estate broker for 30 years, and desires to open an office in his home, which will occupy less than 25% of the floor area. Petitioner

ORDER RECEIVED FOR FILING

Date 2-29-12

By [signature]

submitted nine color photos that depict the subject premises and the immediate environs (Exhibit 3). Located adjacent to Petitioner's home are a strip shopping center and another realty office which operates inside a dwelling. The Petitioner's home and grounds are well maintained and attractive, and the proposed realty office would complement the neighborhood.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Planning dated January 4, 2012, concerning certain vegetative screening along the southern boundary of the property. Based on the photos and Petitioner's testimony, it appears the proposed parking area is already adequately screened by wood fencing, so I will not impose any additional requirements in this regard. The Department of Planning also made certain comments regarding signage at the site, but the Petitioner did not seek relief with respect to this issue and I will therefore not make further comment. There were no adverse comments received from any of the County reviewing agencies.

In regard to the variance request, based on the testimony and evidence, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, Petitioner stated the State Highway Administration (SHA) took a large (18 feet) strip of his property when it widened the nearby Joppa Road intersection, and this taking prevented Petitioner from complying with the B.C.Z.R. setback requirements. Therefore, I find the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

As for the special exception relief, the proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor would it tend to create congestion in roads, streets, or alleys therein. This is demonstrated by the letters of support from Petitioner's neighbors (Exhibit 5). Finally, the proposed use is not inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date 2-29-12

By

03

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance request should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 29 day of February, 2012 that Petitioner's request for Special Exception relief under Section 1B01.1C.12 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a real estate office inside a residential home (under 25% of the total floor area) located in a DR 3.5 zone, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance relief from Sections 409.8A.4 and 409.8B.2 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a surface parking facility with zero setback in lieu of the 10 feet setback required by the B.C.Z.R., and to confirm the existing parking shown on Exhibit 1 is approved and will not be detrimental to adjacent properties, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for a 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 29, 2012

Roger J. Sullivan, Esquire
1 Vale Road, #200
Belair, Maryland 21014

RE: Petitions for Special Exception and Variance
Case No.: 2012-0138-XA
Property: 3219 East Joppa Road

Dear Mr. Sullivan:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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 Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3219 E. Joppa Rd., Baltimore, MD 21234 which is presently zoned DR 3.5
Deed References: 22001/00425 10 Digit Tax Account # 1 1 1 6 1 1 6 0 1 0
Property Owner(s) Printed Name(s) William J. Turner

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for a real estate office inside a residential home located in a DR 3.5 zoning classification

3. X a **Variance** from Section(s)

To be presented at hearing

(SEE ATTACHED)

WJT. 11/29/11

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Roger J. Sullivan

Name- Type or Print

Signature

1 Vale Rd., #200 Bel Air, MD

Mailing Address

City

State

21014

410-638-2990

RJS@RJSullivanlaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

William J. Turner

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3219 E. Joppa Rd., Baltimore MD

Mailing Address

City

State

21234

410-371-7243

chesapeakebayrealtyjt@

Zip Code

Telephone #

Email Address

mrjs.com

Representative to be contacted:

William J. Turner

Name- Type or Print

Signature

3219 E. Joppa Rd., Baltimore MD

Mailing Address

City

State

21234

410-371-7243

chesapeakebayrealtyjt@

Zip Code

Telephone #

Email Address

mrjs.com

CASE NUMBER

2012-0138 XA

Filing Date

11/29/2011

Do Not Schedule Dates:

Reviewer

AT

BALTIMORE COUNTY ZONING

Property: 3219 E. Joppa Rd., Baltimore, MD 21234

Special Exception:

Section 1B01.1C.12 --Special exception for office of professional person under 25% of the total floor area.

Request for Variance:

Section 409.8A.4—To permit surface parking facility with zero setback in lieu of the 10 feet to the right-of-way line of a public street.

Section 4009;8.B.2 – To confirm the existing parking facility as shown
*and any other zoning relief as may be required.

2012-0138XA

ZONING DESCRIPTION

ZONING PROPERTY DESCRIPTION FOR 3219 E. Joppa Rd., Baltimore, MD 21234

Wd 17

60 FEET

Beginning at a point on the South side of Joppa Road, East which is 37 feet wide at the distance of 20 feet, East of the centerline of the nearest improved intersecting street 12th Avenue which is 40 feet wide.

Being Lot # (1, 2 & 3), Block (), Section # () in the subdivision of (Carney Grove) as recorded in Baltimore County Plat Book # (7), Folio # (20), containing (.2134 acres/9,295 sq feet). Also known as 3219 E. Joppa Rd., Baltimore, MD 21234. Located in the (11th) Election District and (6th) Council District.

2012-0138 XA

Certificate of Posting
Photograph Attachment

Re: 2012-0138-XA

Petitioner/Developer: _____

William J. Turner

Date of Hearing/Closing: 2/21/12



3219 E. Joppa Road

Posting Date: 1/31/12

[Signature] 1/31/12
(Signature and date of sign poster)

Certificate of Posting

RE: Case NO. 2012-0138-XA

Petitioner/Developer _____

William J. TurnerDate of Hearing/Closing 2/21/12

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

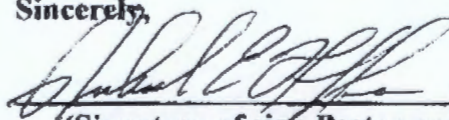
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

3219 E. Joppa Road

The sign(s) were posted on 1/31/12
(Month, Day, Year)

Sincerely,

 1/31/12
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0138-XA

3219 E. Joppa Road

S/s of E. Joppa Road, S/east corner of E. Joppa

Road & 12th Avenue

11th Election District - 6th Councilmanic District

Legal Owner(s): William J. Turner

Special Exception: to permit a real estate office inside a residential home located in a DR 3.5 zoning classification.

Variance: to permit surface parking facility with zero setback in lieu of the 10 feet to the right-of-way line of a public street; to confirm the existing parking facility as shown as non-conforming and any other zoning relief as may be required.

Hearing: Tuesday, January 17, 2012 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/1/6/25 Jan. 3

294129

CERTIFICATE OF PUBLICATION

1/5/2012

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 1/3/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0138-XA

3219 E. Joppa Road

S/s of E. Joppa Road, S/east corner of E. Joppa Road & 12th Avenue

11th Election District - 6th Councilmanic District
Legal Owner(s): William Turner

Special Exception: to permit a real estate office inside a residential home located in a D.R 3.5 zone. **Variance:** to permit surface parking facility with zero setback in lieu of the 10 feet to the right-of-way line of a public street; to confirm the existing parking facility as shown and any other zoning relief as may be required.

Hearing: Tuesday, February 21, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS
AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 02/601 February 7

296315

CERTIFICATE OF PUBLICATION

2/10/2012

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 2/7/2012.

- ☒ 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 CASH RECEIPT

No. 74906

Date:

11/29/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					835-

Total:

\$ 835-

Rec
From:

WILLIAM TURNER

For:

3219 E JOPPA RD

2012-0138-XA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



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

April 19, 2012

NOTICE OF DELIBERATION

CASE #: 12-138-XA

IN THE MATTER OF: William J. Turner

Legal Owner /Petitioner

3219 East Joppa Rd / 11th Election District; 6th Councilmanic District

Re: Petition for Variance to permit surface parking facility with zero setback ilo the req'd 10 ft to the right-of-way line-
Section 409.84A 4; and to confirm the existing parking Section 409.8.B.2

Petition for Special Exception for office of professional person under 25% of total floor area – Section 1B01.1C.12

2/29/12 - Findings of Fact and Conclusions of Law issued by Administrative Law Judge, GRANTING the
Petitioners' requested relief.

Having concluded this matter on 4/19/12 a public deliberation has been scheduled for the following:

DATE AND TIME: WEDNESDAY, MAY 30, 2012 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor - Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Roger J. Sullivan, Esquire
: William J. Turner

Appellant

: People's Counsel for Baltimore County
by Peter Max Zimmerman and Carole S. Demilio

Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



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

March 26, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-138-XA

IN THE MATTER OF: William J. Turner

Legal Owner /Petitioner

3219 East Joppa Rd / 11th Election District; 6th Councilmanic District

Re: Petition for Variance to permit surface parking facility with zero setback ilo the req'd 10 ft to the right-of-way line-
Section 409.84A 4; and to confirm the existing parking Section 409.8.B.2

Petition for Special Exception for office of professional person under 25% of total floor area – Section 1B01.1C.12

2/29/12 - Findings of Fact and Conclusions of Law issued by Administrative Law Judge, GRANTING the
Petitioners' requested relief .

ASSIGNED FOR:

THURSDAY, APRIL 19, 2012, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Roger J. Sullivan, Esquire
: William J. Turner

Appellant

: People's Counsel for Baltimore County
by Peter Max Zimmerman and Carole S. Demilio

Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 7, 2012 Issue - Jeffersonian

Please forward billing to:
William Turner
3219 E. Joppa Road
Baltimore, MD 21234

410-371-7243

NOTICE OF ZONING HEARING

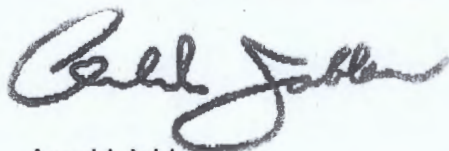
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0138-XA

3219 E. Joppa Road
S/s E. Joppa Road, S/east corner of E. Joppa Road & 12th Avenue
11th Election District -6th Councilmanic District
Legal Owners: William Turner

Special Exception to permit a real estate office inside a residential home located in a D.R 3.5 zone. Variance to permit surface parking facility with zero setback in lieu of the 10 feet to the right-of-way line of a public street; to confirm the existing parking facility as shown and any other zoning relief as may be required.

Hearing: Tuesday, February 21, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
November 22, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0138-XA

3219 E. Joppa Road

S/s E. Joppa Road, S/east corner of E. Joppa Road & 12th Avenue

11th Election District -6th Councilmanic District

Legal Owners: William Turner

Special Exception to permit a real estate office inside a residential home located in a D.R 3.5 zone. Variance to permit surface parking facility with zero setback in lieu of the 10 feet to the right-of-way line of a public street; to confirm the existing parking facility as shown and any other zoning relief as may be required.

Hearing: Tuesday, February 21, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Roger Sullivan, 1 Vale Road, #200, Bel Air 21014
William Turner, 3219 E. Joppa Road, 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 6, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 27, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0138-XA

3219 E. Joppa Road

S/s of E. Joppa Road, S/east corner of E. Joppa Road & 12th Avenue

11th Election District – 6th Councilmanic District

Legal Owners: William J. Turner

Special Exception to permit a real estate office inside a residential home located in a DR 3.5 zoning classification. Variance to permit surface parking facility with zero setback in lieu of the 10 feet to the right-of-way line of a public street; to confirm the existing parking facility as shown as non-conforming and any other zoning relief as may be required.

Hearing: Tuesday, January 17, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Roger Sullivan, 1 Vale Road, #200, Bel Air 21014
William Turner, 3219 E. Joppa Road, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 2, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0138 XA

Petitioner: William J. Turner

Address or Location: 3219 E. Joppa Rd, Baltimore, Md. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: 3219 William J. Turner

Address: 3219 E. Joppa Rd

Baltimore, Md. 21234

Telephone Number: 410-371-7243



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

January 5, 2012

Mr. William Turner
3219 E. Joppa Road
Baltimore, MD 21234

RE: Case Number 20120138-XA, 3219 E. Joppa Road

Dear Mr. Turner

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 29, 2011. 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:mcn

Enclosures

c: People's Counsel
Roger J. Sullivan, 1 Vale Road, #200, Bel Air, MD 21014

Wd for 1/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 4, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 3219 E. Joppa Road
INFORMATION:

JAN 11 2011

Item Number: 12-138
Petitioner: William J. Turner
Zoning: DR 3.5
Requested Action: Variance and Special Exception

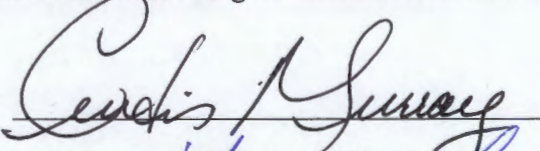
OFFICE OF ADMINISTRATIVE HEARINGS

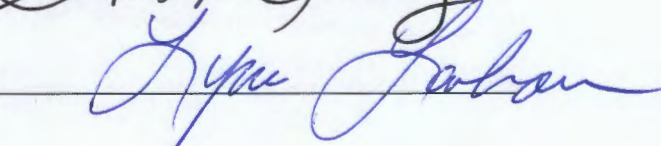
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request to use the subject property as a real estate office in a residential home and associated variances provided the following conditions are met:

1. The parking area shall be screened with landscaped vegetative screening and/or fencing along the southern edge of the property.
2. The freestanding double-faced sign as shown on the site plan **will not** be permitted.
3. Any signage identifying the proposed real estate office shall be residential in nature pursuant to Section 450.6.9 of the BCZR and shall be reviewed and approved by this department prior to the issuance of any building permits.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: December 19, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2011
Item Nos. 2012-138, 142,
And 144

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12262011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0138-XA
Special Exception Variance
William F. Turner
3219 E. Joppa Road.

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. 2012-0138-XA

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over the word "Sincerely,".

Steven D. Foster, Chief
Access Management Division

SDF/rz

RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
3219 East Joppa Road; S/S E. Joppa Road,
SE corner of E. Joppa Rd & 12th Avenue
11th Election & 6th Councilmanic Districts
Legal Owner(s): William J. Turner
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-138-XA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

RECEIVED

DEC 14 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2011, a copy of the foregoing Entry of Appearance was mailed to William Turner, 3219 E. Joppa Road, Baltimore, MD 21234 and Roger Sullivan, Esquire, 1 Vale Avenue, Bel Air, MD 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CAROLE S. DEMILIO
Deputy People's Counsel

March 14, 2012

RECEIVED

MAR 14 2012

Hand-delivered

Lawrence M. Stahl, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: PETITION FOR SPECIAL EXCEPTION AND VARIANCE
S/S of East Joppa Road, SE corner of East Joppa Road and 12th Avenue
(3219 East Joppa Road)
11th Election District; 6th Councilmanic District
William J. Turner - Petitioner
Case No.: 2012-138-XA

Dear Mr. Stahl:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Opinion and Order dated February 29, 2012 by the Baltimore County Administrative Law Judge in the above entitled case.

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

PMZ/CSD/rmw

cc: Robert J. Sullivan, Esquire



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 19, 2012

Roger J. Sullivan, Esquire
1 Vale Road, #200
Belair, Maryland 21014

RECEIVED
MAR 19 2012

Re: Petitions for Special Exception and Variance
Case Number: 2012-0138-XA
Location: 3219 East Joppa Road

BALTIMORE COUNTY
BOARD OF APPEALS

Dear Mr. Sullivan:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 14, 2012. 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 contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name and title.
LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

c: ✓ Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections

APPEAL

Petitions for Special Exception and Variance
3219 East Joppa Road
S side of East Joppa Road, SE corner of East Joppa Road and 12th Avenue
11th Election District – 6th Councilmanic District
Legal Owner: William J. Turner
Case No.: 2012-0138-XA

✓ Petitions for Special Exception and Variance (November 29, 2011) reviewed by Aaron Tsui – (2 Pages)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (November 22, 2011)

✓ Certification of Publication – (The Jeffersonian – February 7, 2012)

✓ Certification of Posting (Richard E. Hoffman – January 31, 2012)

✓ Entry of Appearance by People's Counsel – (December 14, 2011)

✓ Petitioner(s) Sign-In Sheet – (1 Page)

Protestant(s) Sign-In Sheet – N/A – *NONE*

Citizen(s) Sign-In Sheet – N/A – *NONE*

✓ Zoning Advisory Committee (ZAC) Comments:

- ✓ 1 – Department of Planning – January 4, 2012
- ✓ 2 – Bureau of Development Plans – December 19, 2011
- ✓ 3 – State Highway Administration – December 13, 2011

Petitioner's Exhibits:

- ✓ 1 – Site Plan from Land Surveying, Inc. (1 Page)
- ✓ 2 – Site Plan on County Form (1 Page)
- ✓ 3 – Photos - [9] Vicinity - (1 Page)
- ✓ 4 – Overhead / Aerial Plat (1 Page)
- ✓ 5 – Letters of consent [7] - (7 Pages)
- ✓ 6 – State Highway Administration ZAC comment (1 Page)
- ✓ 7 – Bureau of Development Plans Review ZAC comment (1 Page)
- ✓ 8 – Photos – [4] – Nearby Businesses in Residential Homes – (1 Page)
- ✓ 9 – Photos – [2] – Nearby Commercial Businesses – (1 Page)

Miscellaneous: N/A – *None*

✓ Cover Letter and Administrative Law Judge's Opinion and Order – (GRANTED – February 29, 2012 – 4 Pages)

✓ Notice of Appeal received on March 14, 2012 filed by Peter Max Zimmerman, People's Counsel for Baltimore County

c: People's Counsel for Baltimore County
Baltimore County Board of Appeals
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections
Peter Max Zimmerman, People's Counsel for Baltimore County

Date Sent: March 19, 2012

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: William J. Turner/Legal Owner/Petitioner 12-138-XA

DATE: May 30, 2012

BOARD/PANEL: Wendell H. Grier
Lawrence S. Wescott
Edward W. Crizer, Jr.

RECORDED BY: Theresa R. Shelton, Administrator

PURPOSE: To deliberate the following:

Petition for Variance to permit surface parking facility with zero setback ilo the req'd 10 ft to the right-of-way line-Section 409.84A 4; and to confirm the existing parking Section 409.8.B.2

Petition for Special Exception for office of professional person under 25% of total floor area – Section 1B01.1C.12

PANEL MEMBERS DISCUSSED THE FOLLOWING:

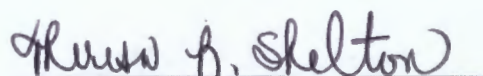
- the Board has never added to the list of professional persons and only considers as professionals the job descriptions as set forth in the Baltimore County Code
- the issue has come before the Board before and the Board has never deviated from the list
- the occupations on the list require a course of study, i.e., lawyer; the only exception is for that of 'artist'
- part of property prior to ownership
- does not meet the standards for a variance – no hardship – no practical difficulty
- does not meet the legal requirement of the professionals that is listed in the Code
- the Board has no latitude to re-write the law
- still has residential use

DECISION BY BOARD MEMBERS: Appellant does not meet the standards for a variance and does not meet the description in the list of professions established in the Code

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Petition for Variance to permit surface parking facility with zero setback ilo the req'd 10 ft to the right-of-way line-Section 409.84A 4; and to confirm the existing parking Section 409.8.B.2 and DENY the requested Petition for Special Exception for office of professional person under 25% of total floor area – Section 1B01.1C.12.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Theresa R. Shelton

ROGER J. SULLIVAN, LLC

ATTORNEY AT LAW

Roger J. Sullivan
rjs@rjsullivanlaw.com

1 Vale Road, Suite 200
Bel Air, Maryland 21014

www.rjsullivanlaw.com

Telephone: 410-638-2990
Fax: 410-879-3266

January 4, 2012

Baltimore County Zoning Review
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

RE: Case No.: 2012-0138-XA
3219 East Joppa Road
Hearing Date: January 17th, 2012

Dear Sir:

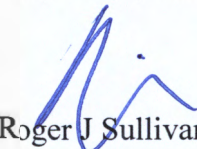
As the county's file will reveal, I represent the Petitioner in the above captioned matter. Upon returning to my office after the holiday weekend, I found your letter of December 27th, 2012, indicating a hearing date on this Petition of January 17th, 2012 at 11:00 a.m.

Please be advised that I am already scheduled to be in the Circuit Court for Baltimore City at that same date and time, in the matter of *Holland Construction Corp. v. Field House Baltimore, LLC*, pursuant to the attached scheduling order.

Accordingly, it is respectfully requested that the above matter be re-scheduled to a mutually agreeable time and date. To that end, I would appreciate someone from your office contacting me to do so. I understand that moving this date will entail a new posting of the property, etc.

Thank you for your consideration of this request.

Very truly yours,


Roger J Sullivan

Rec'd
1/6/12
KE

CIRCUIT COURT FOR BALTIMORE CITY

Frank M. Conaway
Clerk of the Circuit Court
Courthouse East
111 North Calvert Street - Room 462
Baltimore, MD 21202-
410-333-3722 TTY for Deaf: (410)-333-4389

Roger Joseph Sullivan Esq
Roger J Sullivan, LLC
1 Vale Road
Suite 200
Bel Air MD 21014

NEW NOTICE OF HEARING/TRIAL

IN RE: Holland Construction Corporation Vs The Can Company, LLC, Et Al
Case No: 24-C-10-005123 CN
C I V I L

You are hereby NOTIFIED TO APPEAR in court for new

Pre-Trial Conference

on January 17, 2012 at the following time and place:

Time: 11:00AM
Room: 511
Place: Courthouse West
100 North Calvert Street
Baltimore MD, 21202-

Counsel must notify all necessary parties to appear at the time and place described above.

Any request for accommodation under the Americans With Disabilities Act should be directed to the Administrative Office of the Circuit Court for Baltimore City by calling (410) 396-5188, or TTY for hearing impaired: (410) 396-4930.

Request for postponements are heard daily at 1:45 p.m. in Room 231 Courthouse East, 111 North Calvert Street.

Date Issued: 10/04/11

cc:
CC: Can Company, LLC
Field House Baltimore, LLC
Brian Harrington
Mary Foley Harrington
Holland Construction Corporation
Robert L Hanley Jr
Melanie A Vaughn
The Can Company, LLC

Debra Wiley - ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/12/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 12/9/2011 8:55 AM
Subject: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/12/11

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thanks.

2012-0138-XA - 3219 E. Joppa Rd.

(No hearing date in data base as of 12/9)

2012-0141-SPH - 341 Worton Road - (CBCA)

(No hearing date in data base as of 12/9)

2012-0142-SPH - 4508-4514 Painters Mills Road

(No hearing date in data base as of 12/9)

2012-0143-SPHA - 2119 York Road

(No hearing date in data base as of 12/9)

2012-0144-SPHX - 10729 Park Heights Avenue

(No hearing date in data base as of 12/9)

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

Debra Wiley - 2012-0138-XA - Proof of Sign Posting

From: Debra Wiley
To: chesapeakebayrealtyjt@mrisc.com
Date: 2/16/2012 2:59 PM
Subject: 2012-0138-XA - Proof of Sign Posting

Mr. Turner,

Per our telephone conversation, please have the sign poster fax to our office proof that the sign was posted.

Our fax number is 410.887.3468. Thanks in advance.

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

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: January 4, 2013

TO: David Duvall
Zoning Review Office
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

<u>Case No:</u>	<u>Case Name:</u>	<u>Note:</u>
12-117-A	Steven and Joyce Miller	This file has been returned to Colleen Kelly along with related case no CBA-12-051
12-138-XA	William Turner	
12-198-A	Gregory and Helene Belcher	
12-253-A	Joseph and Margaret Ardolino	
MC-13-01	2400 North Point LLC	

c: Arnold Jablon, Director/PAI
Michael Field, County Attorney
Nancy West, Assistant County Attorney

CASE NAME 3219 E. Joppa Rd.
CASE NUMBER 2012-0138-XA
DATE 2-21 @ 10Am

[illegible]

Lot # 2

3212

1

Pt. Bk./Folio # MP94149

Pt. Bk./Folio # MP94029

PDM # 1107212200019890

PDM # 110707

2200021896

Lot # 1

5 CD

ROAD (3214 EAST) (PDM File/Project #)

2200019898

2200019897

Lot # 1

Lot # 1
2200021356
PDM # 110645

3216

Pt. Bk./Folio # MP91165

PDM Permits Hold Layer (See Walt Smith)

Pt. Bk./Folio # 007084

Lot # 1

1119034540

1

Pt. Bk./Folio # 84

3220

Lot # 1

2

PDM # 118005

1104001730

Lot # 3

3

JOPPA RD

NE 9-E 071B2
11 ED

3215

6 CD

1102023100

12TH AVE

Lot # 1

2

3219

Lot # 1

3

1116016010

Lot # 4

4

3221

Lot # 4

5

DR 3.5

Pt. Bk. PDM # 110827

Lot # 4

6

1103037075

Lot # 7

7

Lot # 7

8

3223

Lot # 7

9

0088701111

1120020101 Lot # 217

217

Lot # 217

218

Lot # 219

219

9531

Pt. Bk. 7. Folio 20
1120020100 Lot # 219

220

1126040362 Lot # 221

221

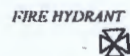
2012-0138 XA



EAST JOPPA ROAD (60 FT R.O.W.)
 N 89°05'30" W 75.33'

W.T. 11/29/11

HIGHWAY WIDENING
 8836-544



#3215
 BALTIMORE CHURCH
 OF FULL GOSPEL
 #1102023100

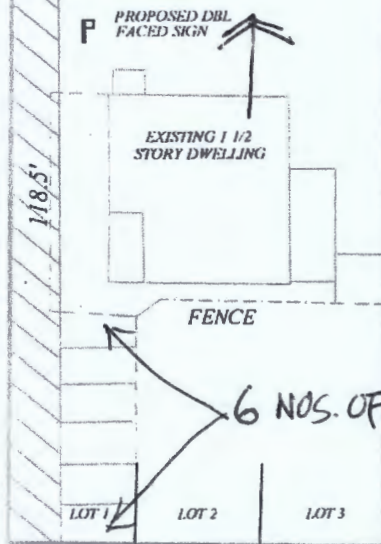
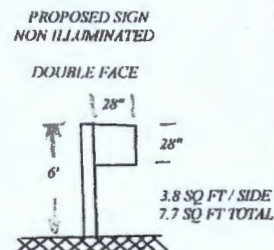
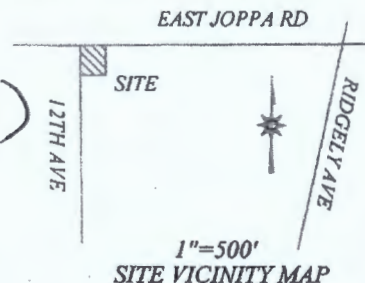
EXISTING BLDG

CHURCH PARKING LOT

PARKING DATA:
 BLDG: 1372 SQ FT
 1.4 x 3.3 = 5 SPACES
 PROPERTY = 0.21 ACRES
 FAR: 1372 x 25% = 343
 AOS: NONE REQUIRED

EXISTING BALTIMORE
 COUNTY EASEMENT
 FOR WATER & SEWER
 SEE: R/W 1930/040

Professional Certification: I hereby certify that these documents were prepared or approved by me,
 and that I am a duly licensed professional land surveyor under the laws of the State of Maryland. License
 No. 11028, Expiration Date: September 5, 2012.



#3221
 HARRY & CATHERINE
 CLEMONS
 #1103037075

EXISTING 1 1/2
 STORY DWELLING

W.T. 11/29/11

6 NOS. OF PARKING SPACES PROVIDED.

PROPERTY ZONED DR 3.5
 11TH ELECTION DISTRICT
 6TH COUNCIL DISTRICT
 PROPERTY: 0.2134 ACRES 9,295 SQ FT
 PUBLIC WATER
 PUBLIC SEWER
 CHESAPEAKE BAY CRITICAL AREA
 FLOODPLAIN
 HISTORIC

NO
 NO
 NO

ADDRESS: 3219 E. JOPPA ROAD
 OWNER: WILLIAM J. TURNER

PLAT BOOK: 0007 FOLIO 0020
 SUBDIVISION NAME: CARNEY GROVE
 LOTS 1, 2, & 3

DEED REFERENCE: 22001/00425

10DIGIT TAX#: 1116016010

ZONING MAP: NE 9-E

ZONING HEARING PLAN FOR VARIANCE

LANDS OF
 WILLIAM J. TURNER

3219 EAST JOPPA ROAD
 11TH ELECTION DISTRICT
 BALTIMORE COUNTY, MD

Deed References: 22001-425

SCALE 1"=40'

OCTOBER 29, 2011

TIMOTHY G. FARRAND



LAND SURVEYING INC.

1315 DEER CREEK CHURCH ROAD
 FOREST HILL, MARYLAND 21050-1815
 410-399-9706

2012-0138 XA

AT.



Case No: 12-138-XA

Case Name: William J. Turner

Exhibit List

Party: Vel. Tidner

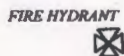
Date: 4-19-12

[illegible]



EAST JOPPA ROAD
N 89°05'30" W 75.33'

HIGHWAY WIDENING
8836-544

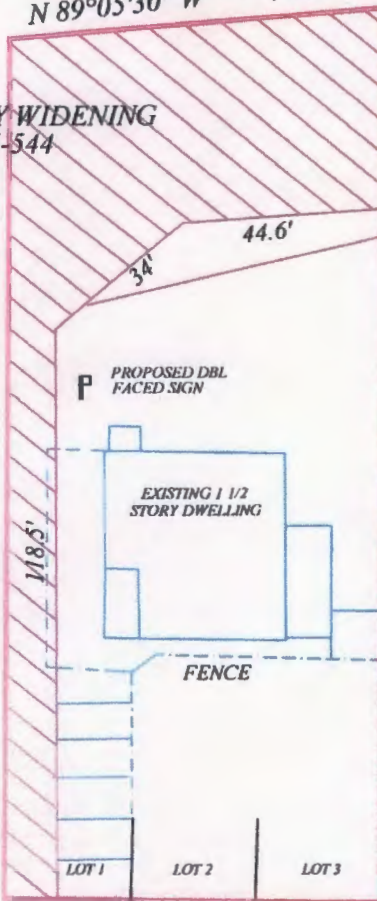


#3215
BALTIMORE CHURCH
OF FULL GOSPEL
#110203100

EXISTING BLDG

12TH AVENUE

S 06°19'30" W 175.00'



LOT 1 LOT 2 LOT 3 LOT 4
S 83°40'33" E 75.00'
LOT 217 DOROTHY TEAL
#11112002001

N 06°19'30" E 182.11'

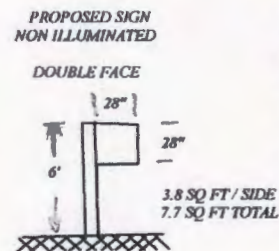
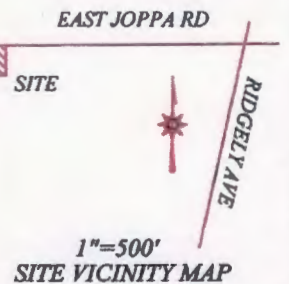
#3221
HARRY & CATHERINE
CLEMONS
#1103037075

EXISTING 1 1/2
STORY DWELLING

CHURCH PARKING LOT

PARKING DATA:
BLDG: 1372 SQ FT
1.4 x 3.3 = 5 SPACES
PROPERTY = 0.21 ACRES
FAR: 1372 x 25% = 343
AOS: NONE REQUIRED

EXISTING BALTIMORE
COUNTY EASEMENT
FOR WATER & SEWER
SEE: R/W 1930/040



PROPERTY ZONED DR 3.5
11TH ELECTION DISTRICT
6TH COUNCIL DISTRICT
PROPERTY: 0.2134 ACRES 9,295 SQ FT
PUBLIC WATER
PUBLIC SEWER
CHESAPEAKE BAY CRITICAL AREA
FLOODPLAIN
HISTORIC

NO
NO
NO

ADDRESS: 3219 E. JOPPA ROAD
OWNER: WILLIAM J. TURNER

PLAT BOOK: 0007 FOLIO 0020
SUBDIVISION NAME: CARNEY GROVE
LOTS 1, 2, & 3

DEED REFERENCE: 22001/00425

10DIGIT TAX#: 1116016010

ZONING MAP: NE 9-E

Professional Certification: I hereby certify that these documents were prepared or approved by me,
and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License
No. 11028, Expiration Date: September 5, 2012.

ZONING HEARING PLAN FOR VARIANCE

LANDS OF
WILLIAM J. TURNER

3219 EAST JOPPA ROAD
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

Deed References: 22001-425

SCALE 1"=40'

OCTOBER 29, 2011



TIMOTHY G. FARRAND



LAND SURVEYING INC.
1315 DEER CREEK CHURCH ROAD
FOREST HILL, MARYLAND 21050-1815
410-399-9706

Det. Ex #1 William J. Turner 12-138-XA 4-19-12

3224 E. Joppa - Across street, 4 houses
from 3219 E Joppa



Strip center - at other corner of block



3224 E Joppa - Alternate view



3239 E Joppa - real estate office



3201 Gerald Ruter Law Offices - DR 5.5
3201 E. Joppa Rd.



3239 E Joppa - Real estate office



3201 E. Joppa - Gerald Ruter Law Offices
DR 5.5 zoning

Pet. Ex #3 William J. Turner
12-138-XA 4-19-12

~~ROGER #4~~ (#3)



PET. CX#4 William J. Turner 12-138-XA 4-19-12 PET CX#4

To Whom It May Concern:

I am a resident at 3227 E. Joppa Rd. I have known Jim Turner for several years. He asked if I had any objections to a real estate office at 3219 E. Joppa Rd, which is a few doors down at the corner of Joppa and 12th Avenue.

I do not have any objections and approve of his real estate office in the neighborhood. I live across the street from an insurance company and hair salon and feel a real estate office fits the area appropriately.

Rocco A. Guarino

1-14-12

Rocco Guarino
3227 E. Joppa Rd.
Baltimore, MD 21234

(#5)

Pet. Ex #5 William T. Turner 12-138-XA 4-19-12

Experience

Over 30 years expertise in the real estate business. Served and currently serving on various committees including Professional Standards, Legislative and public relations committees both on the State and Local levels. Professional Standards requirements include attending a 4 hour seminar on ethics and standards in the industry.

Currently the Broker for Chesapeake Bay Realty, Inc. which requires certain qualifications. In business at least for 3 years, extensive educational training (120 hours) and pass an exam. Plus 15 hours of continual education every couple years. Educational course requirements include 3 hours of Agency, 3 hours regarding Supervisory training, 3 hours on Legislative issues, 3 hours of Code of Ethics and 1.5 hours on Fair housing and Predatory Lending practices.

- Attended University of Maryland Law School
- Trainer at the Dale Carnegie Institute
- Russell T. Baker – Sales Associate, Baltimore, MD
- Merrill Lynch – Sales Associate, Baltimore, MD
- Chesapeake Bay Realty, Inc., Broker, Baltimore, MD

Broker/Manager

- Chesapeake Bay Realty, Inc., Broker

Member Of:

- National Association of Realtors (NAR)
- Maryland Association of Realtors (MAR)
- Greater Baltimore Board of Realtors (GBBR)
- Harford County Association of Realtors (HCAR)

Committee Service:

- Political Affairs, panel member (GBBR)
- RPAC, panel member (GBBR)
- Commercial Legislative, panel member (GBBR) (HCAR, past chair)
- Residential Legislative, panel member (GBBR, HCAR)
- Professional Standards, panel member (MAR & HCAR) & (GBBR chairman)
- Professional Standards, MAR
- Public Relations, panel member (GBBR)
- Equal Housing Opportunity, panel member (GBBR)
- Contract Forms, panel member (MAR) and member and past chair (GBBR)
- Membership committee, panel member (GBBR)
- Scholarship, panel member
- Harford County Zoning Code Task Force, panel member
- Affordable Housing Committee (MAR)

Board of Director Service:

- Greater Baltimore Board of Realtors, Board member
- Harford County Association of Realtors, past Executive Committee member, Vice President
- Maryland Association of Realtors, District Vice President
- Chesapeake Bay Aid Foundation, Board member - President
- Maryland Bible College & Seminary, Board member – Secretary
- Ethics Instructor – MAR, GBBR, HCAR

Ret. Ex #6 William J. Turner 12-138-XA 4-19-12

Case No: 12-138-XA

Case Name: William J. Turner

Exhibit List

Party: People's Counsel

Date: 4-19-12

Exhibit No:	Description:
1	Official Zoning Map
2	Balto. County 2012 CZMP Log of Issues Dist. 6
3	Zoning Map
4	Office Zones in BCZR
VERIFIED BY	DATE:

OFFICE ZONES IN BCZR

R-O-A	Houses converted to offices
R-O	Small Class B office buildings and similar buildings
OR-1	Existing site; Office Building-Residential Zone; Class A and Class B Office buildings and residential D.R. 5.5
OR-2	Class A and Class B Office Buildings and residential D.R. 10.5
OR -3	Office Park – no residential; Class A & Class B office buildings
O.T.	Office and Technology; offices
S.E.	Service Employment; low profile buildings compatible with residential Uses; business and professional offices
C.B.	Community business zone; offices
B.L.R.	Community business zone; offices
B.L.	Offices and Office Buildings
B.M.	Offices and Office Buildings
B.R.	Offices and Office Buildings
M.R.	Office and Office Buildings
M.L.R.	Office and Office Buildings
M.L.	Offices or Office Buildings
M.H.	Offices or Office Buildings

P.C. Ex # 4 William J. Turner 12-138-XA 4-19-12

JB 2/21
10 AM

Case No.: 2012-0138-XA

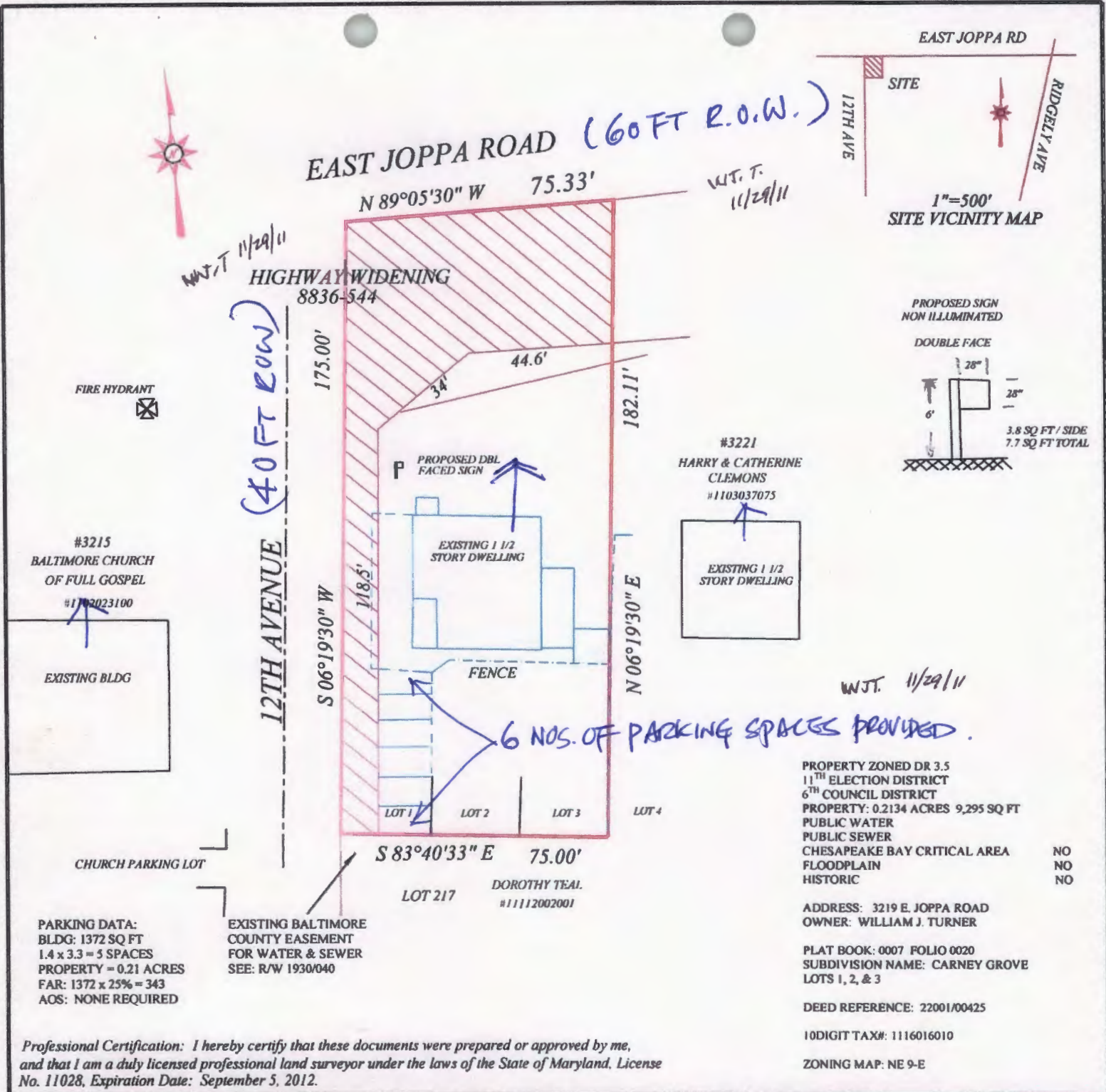
Exhibit Sheet

DW 2-29-12

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	Site Plan - County Form	
No. 3	Photos (9)	
No. 4	Overhead/Aerial Plat	
No. 5	Letters of Consent	
No. 6	SHA letter	
No. 7	BC DPR letter	
No. 8	Photos (4)	
No. 9	Photos (2)	
No. 10		
No. 11		
No. 12		



ZONING HEARING PLAN FOR VARIANCE		
LANDS OF WILLIAM J. TURNER		3219 EAST JOPPA ROAD 11TH ELECTION DISTRICT BALTIMORE COUNTY, MD
Deed References:	22001-425	SCALE 1"=40' OCTOBER 29, 2011
TGFI		LAND SURVEYING INC.
TIMOTHY G. FARRAND		1315 DEER CREEK CHURCH ROAD FOREST HILL, MARYLAND 21050-1815 410-399-9706
2012-0138 XA		AT.

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 3219 E. Joppa Rd. OWNER(S) NAME(S) William J. Turner

SUBDIVISION NAME Carney Grove LOT # 1,2,3 BLOCK # _____ SECTION # _____

PLAT BOOK # 0007 FOLIO # 0020 10 DIGIT TAX # 1 1 6 0 1 6 0 10 DEED REF. # 2 2 0 01 / 0 0 4 2 5

CHURCH
PARKING
LOT

3215
EXISTING
BUILDING
11020230
CHURCH
REAR

BALTIMORE
CHURCH OF
FULL
GOSPEL

FIRE
HYDRANT

DR 5.5

DR 3.5

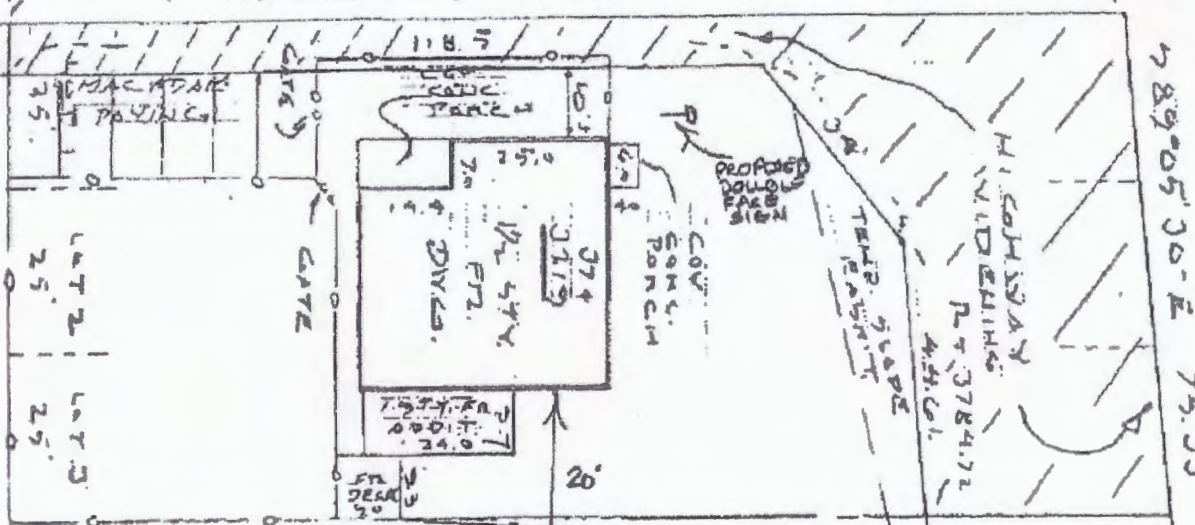


PARKING DATA
BLOB: 1372 SQ FT
1.4 x 2.3 = 5 SPACES
PROPERTY: 0.21 ACRE
PAR 1372 x 25% = 352.8
ADD: NONE REQUIRED

12 TH AVENUE
N 06° 19' 30" E 175.0

EXISTING BALTIMORE
COUNTY AGREEMENT
FOR WINDMILL SEWER
SECT 1 R/W 1920/040

LOT 217
DOROTHY TEAL
Acct # 11112020101



3.8 SQ FT PER SIDE
7.7 SQ FT TOTAL
PROPOSED SIGN
NON-ILLUMINATED

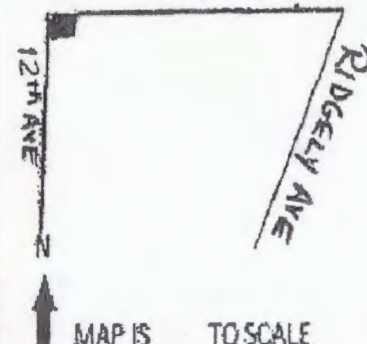
HARRY
CANTIERING
CLEMONS

3221
EXIST
DRAWING
1 1/2 STORY
1103037075

DR 3.5

PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP 1" = 500'
E. JOPPA RD



MAP IS TO SCALE
ZONING MAP# NE 9-B
SITE ZONED DR 3.5
ELECTION DISTRICT 11
COUNCIL DISTRICT 6
LOT AREA ACREAGE .2134
OR SQUARE FEET 9,295
HISTORIC? no
IN-CBCA? no
IN FLOOD PLAIN? no
UTILITIES? MARK WITH X
WATER IS:
PUBLIC x PRIVATE _____
SEWER IS:
PUBLIC x PRIVATE _____
PRIOR HEARING? no
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

PETITIONER'S

EXHIBIT NO. 2



ROGER'S COPY

P # 3



To Whom It May Concern:

I am a resident at 3227 E. Joppa Rd. I have known Jim Turner for several years. He asked if I had any objections to a real estate office at 3219 E. Joppa Rd, which is a few doors down at the corner of Joppa and 12th Avenue.

I do not have any objections and approve of his real estate office in the neighborhood. I live across the street from an insurance company and hair salon and feel a real estate office fits the area appropriately.

Rocco A. Guarino 1-14-12

Rocco Guarino
3227 E. Joppa Rd.
Baltimore, MD 21234

PETITIONER'S

EXHIBIT NO. 5

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

Date: 12-13-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0138-XA
Special Exception Variance
William J. Turner
3219 E. Joppa Road.

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. 2012-0138-XA

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

(46)

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735. _____

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410 _____

PETITIONER'S

EXHIBIT NO. 6

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2011
Item Nos. 2012-138, 142,
And 144

DATE: December 19, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12262011 -NO COMMENTS.doc

PETITIONER'S

EXHIBIT NO. 7



THESE 2 BUSINESS LOCATED 3 DOORS FROM SUBJECT PROPERTY.



THIS HOME / LAWYERS OFFICE IS LOCATED 3 HOMES TO RIGHT OF SUBJECT PROPERTY.



Pet. #8



THIS BUSINESSE IS LOCATED 6 HOMES AWAY FROM
SUBJECT PROPERTY



THIS HOME/BUSINESS IS LOCATED 5 HOMES
TO THE LEFT OF THE SUBJECT PROPERTY

Pet. #9



Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

 Buildings
 Streams
 Vegetation
 Zoning
 Roads
 Rail Lines

070C1	071A1	071B1	071C1	072A1
070C2	071A2	071B2	071C2	072A2
070C3	071A3	071B3	071C3	072A3

0 100 200 400 Feet



Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

