

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(1707 Edmondson Avenue) *
1st Election District *
1st Councilmanic District *
Artistic Ventures, LLC *
Legal Owner *
Maria S. Goebel *
Contract Purchaser/Lessee *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0180-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Lawrence E. Schmidt, Esquire, on behalf of the legal owner, Artistic Ventures, LLC and contract purchaser Maria S. Goebel. The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit: (1) a modified parking plan; and (2) to permit an existing non-conforming lot and building to remain.

A Petition for Special Exception was filed pursuant to §230.3 of the B.C.Z.R., to permit living quarters in a commercial building.

Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. as follows: (1) to permit a lot area of 8,813 sq. ft. in lieu of the required 20,000 sq. ft.; (2) to permit an existing lot width of 26.62 ft. in lieu of the required 100 ft.; (3) to permit an existing front yard setback of 6 ft. in lieu of the required 40 ft; and (4) to permit a side yard setback of 0.5 ft. and a combined side yard setback of 21.5 ft. in lieu of the 15 ft. and 40 ft. respective requirements.

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

ORDER RECEIVED FOR FILING

Date 4-2-13

By sun

Appearing at the public hearing in support of the requests was Maria and George Goebel and Kenneth Wells from Kj Wells, Inc, the firm who prepared the site plan. Lawrence E. Schmidt, III, Esquire, appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was submitted by the Department of Planning (DOP), which expressed support for the petitions, and requested that only one (1) residential unit be permitted in the commercial building.

SPECIAL HEARING

The petition for Special Hearing requests two forms of relief, although I believe that only the modified parking plan should be considered. Though the lot, structure, and setbacks may very well qualify as nonconforming under B.C.Z.R. §104.3 and applicable case law, it is preferable to consider the setbacks and lot size/width issues under the variance petition.

With respect to the parking, Petitioner is providing a sufficient number of spaces; it is the maneuverability or drive aisle requirements that are deficient. The Petitioner has operated its art studio business at the site for over 12 years, and has never had a problem with the number of spaces or layout. In addition, the adjoining commercial owner (Oakdale Fine Wine & Spirits) submitted a letter supporting the request. As such, the petition for Special Hearing approving a modified parking plan will be granted.

The Petition for Special Exception seeks to permit living quarters in a commercial building. Mr. and Mrs. Goebel indicated they are looking to "dial back" the scope of their business, and want to create one apartment or rental unit on the second floor of the building to

ORDER RECEIVED FOR FILING

Date 4-2-13

By Sen

provide an income stream. That use is permitted in the BL zone (B.C.Z.R. §230.3) by Special Exception, and there was no evidence or testimony presented that would rebut the presumption under Maryland Law that such a use is in fact in the public interest. As such, the petition for Special Exception will be granted.

The final request seeks variance relief with respect to certain lot size and set back requirements. As noted at the outset, these are all existing conditions on site that have existed since the structure was built in 1915.

Based upon the testimony and evidence presented, I will also grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioner has met this test. The lot is split zoned (BL & DR 2) and is shaped like an inverted triangle. As such, it is unique for zoning purposes. The Petitioner would experience a practical difficulty if the regulations were strictly enforced, given they would be unable to rent the second floor space to generate income in retirement. The relief will not negatively impact the community, which is demonstrated by the lack of County and/or neighborhood opposition. In reality, there will be no exterior changes or construction of any sort, and thus in all likelihood the community will not be impacted in any way by the proposal.

THEREFORE, IT IS ORDERED this 2nd day of April, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7

of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a modified parking plan, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

4-2-13

By

Sen

IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to §230.3 of the B.C.Z.R., to permit living quarters in a commercial building, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance relief: (1) to permit a lot area of 8,813 sq. ft. in lieu of the required 20,000 sq. ft.; (2) to permit an existing lot width of 26.62 ft. in lieu of the required 100 ft.; (3) to permit an existing front yard setback of 6 ft. in lieu of the required 40 ft; and (4) to permit a side yard setback of 0.5 ft. and a combined side yard setback of 21.5 ft. in lieu of the 15 ft. and 40 ft. respective requirements, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The "living quarters" approved herein shall consist of only one (1) rental unit, to be occupied by no more than two (2) individuals 18 years old or older who are not related to each other by blood, marriage or adoption.

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

JEB/sln


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-2-13
By ser



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 2, 2013

Lawrence E. Schmidt, Esquire
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Variance
Case No.: 2013-0180-SPHXA
Property: 1707 Edmondson Avenue

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above 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 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c:



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 1707 Edmondson Avenue

which is presently zoned BL-DR2

Deed Reference 17787/00168

10 Digit Tax Account # 0108652690

Property Owner(s) Printed Name(s) Artistic Ventures, LLC

CASE NUMBER 2013-0180-SPHXA Filing Date 1/28/13 Estimated Posting Date 1/1 Reviewer RJ

(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

Please see attached.

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
- Please see attached.

3. ☒ a **Variance** from Section(s)

Please see attached.

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)

TO BE PRESENTED AT HEARING

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:

MARIA S. GOEBEL
Name- Type or Print
Maria S. Goebel
Signature
225 GLENMORE AVE BALTO MD
Mailing Address City State
21228 , 410-744-0852 , ARTSTAUB@VERIZON.NET
Zip Code Telephone # Email Address

Legal Owners:

Artistic Ventures, LLC by: Maria S. Goebel, Authorized Signatory
Name #1 - Type or Print Name #2 - Type or Print
Maria S. Goebel , George T. Goebel
Signature #1 Signature #2
225 Glenmore Avenue, Catonsville, MD
Mailing Address City State
21228 , 410-744-9001 , ARTSTAUB@VERIZON.NET
Zip Code Telephone # Email Address

Attorney for Petitioner:

Charles B. Marek, III, Smith, Gildea & Schmidt, LLC
Name- Type or Print
CBM III
Signature
600 Washington Avenue, Suite 200, Towson, MD
Mailing Address City State
21204 , (410) 821-0070 , cmarek@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Charles B. Marek, III, Smith, Gildea & Schmidt, LLC
Name - Type or Print
CBM III
Signature
600 Washington Avenue, Suite 200, Towson, MD
Mailing Address City State
21204 , (410) 821-0070 , cmarek@sgs-law.com
Zip Code Telephone # Email Address

By Alp

ATTACHMENT TO PETITION FOR ZONING HEARING

1707 Edmondson Avenue

Special Hearing:

1. To permit a modified parking plan in accordance with Section 409.12 of the BCZR; and
2. To permit an existing non-conforming lot and building to remain pursuant to Section 104.3 of the BCZR; and
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Exception relief:

1. To permit living quarters in a commercial building pursuant to Section 230.3 of the BCZR; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Variance relief:

1. To permit a lot area of 8,813 square feet in lieu of the required 20,000 square feet pursuant to Sections 302 and 1B203.C.1 of the BCZR;
2. To permit an existing lot width of 26.62 feet in lieu of the required 100 feet pursuant to Sections 302 and 1B203.C.1 of the BCZR;
3. To permit an existing front yard setback of 6 feet in lieu of the required 40 feet pursuant to Sections 302 and 1B203.C.1 of the BCZR;
4. To permit a side yard setback of ½ feet and a combined side yard setback of 21.5 feet in lieu of the 15 foot and 40 foot respective requirements pursuant to Sections 302 and 1B203.C.1 of the BCZR; and
5. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Item #0180

kjWellsInc

Land Surveying, Geomatics and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

January 27, 2013

Zoning Description 1707 Edmondson Avenue

Baltimore County
Maryland
1st Election District
1st Councilmanic District

Beginning at a point located on the southwest side of Edmondson Avenue (width varies) and approximately 56 feet from its centerline at a distance of approximately 175 feet west from the centerline of Dutton Avenue (width varies); thence 1) South 59 degrees 44 minutes East 64.62 feet; 2) South 26 degrees 58 minutes West 190.43 feet; 3) North 70 degrees 36 minutes West 26.67 feet; 4) North 16 degrees 03 minutes East 201.37 feet to the place of beginning as recorded in Liber 17785 folio 168. Containing 0.20 acres more or less.



License Expiration Date: 7/02/2104

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **94040**

Date: **1/28/13**

PAID RECEIPT

BUSINESS ACTIVITY 100 000
 1/28/2013 1:25:00 PM 2
 REG NO: 00110 NEW ME
 RECEIPT # 81215 1/28/2013 0111
 7 500.00 VERIFICATION
 BAL. 094000
 Recpt Tot 1700.00
 1700.00 1.00 00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				5950.00

Total: **5950.00**

Rec From: **Artistic Ventures**

For: **Zoning hearing - case #2013-0180-SPHXA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0180-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Maria Goebel

March 29, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

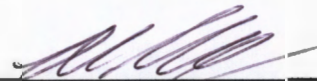
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1707 Edmondson Ave

March 9, 2013

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

March 9, 2013

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

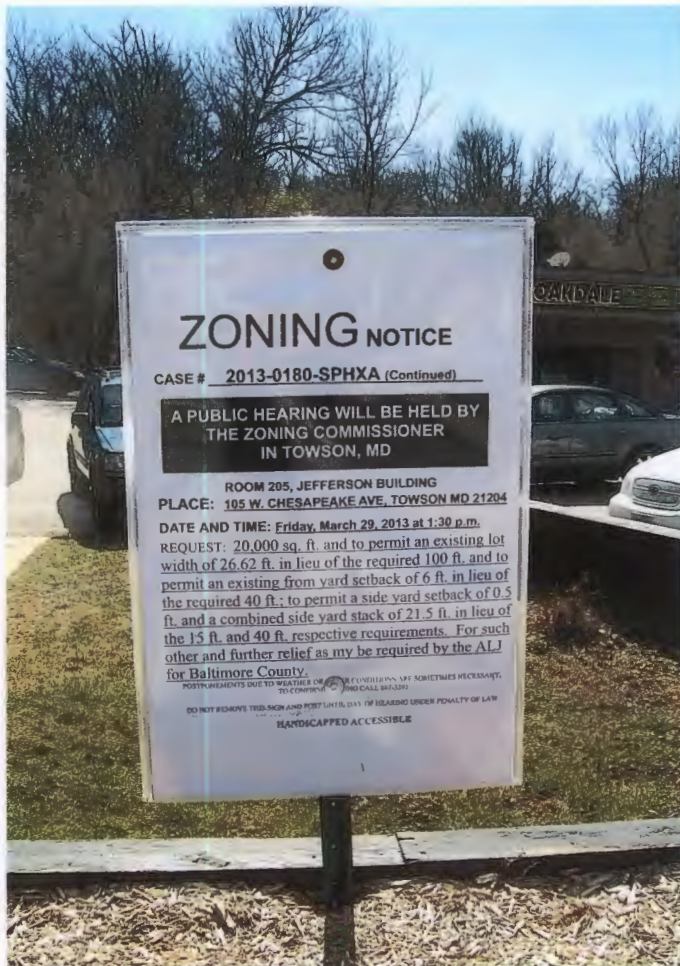
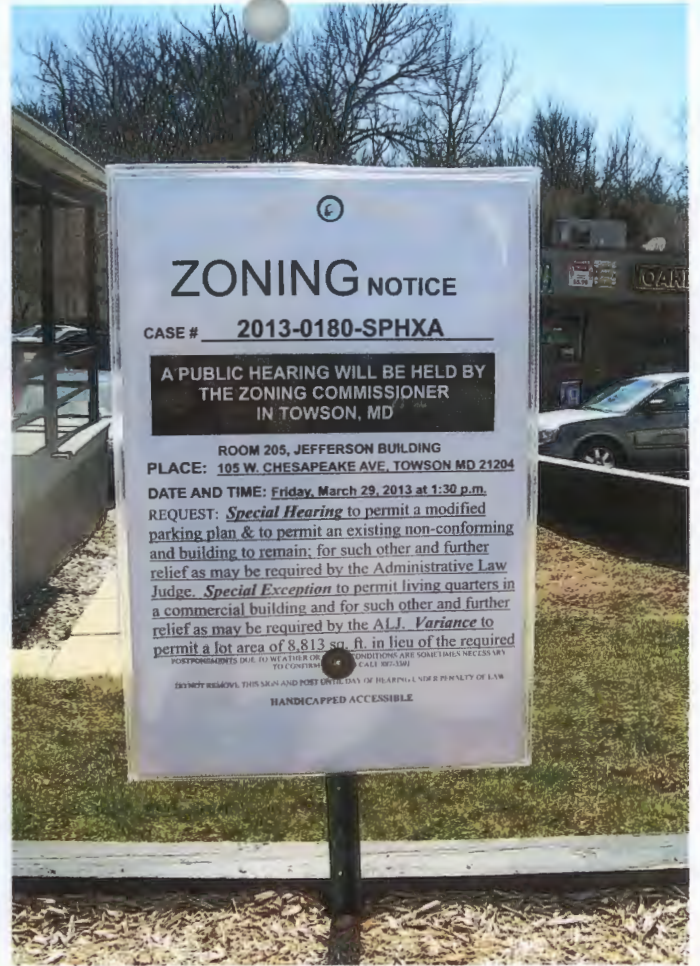
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: #2013-0180-SPHXA

1707 Edmondson Avenue

S/S Edmondson Avenue, 175 ft. W/of centerline of Dutton Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Artistic Ventures, LLC

Contact Purchaser: Maria Goebel

Special Hearing to permit a modified parking plan & to permit an existing non-conforming and building to remain; for such other and further relief as may be required by the Administrative Law Judge. **Special Exception** to permit living quarters in a commercial building and for such other and further relief as may be required by the A.L.J. **Variance** to permit a lot area of 8,813 sq. ft. in lieu of the required 20,000 sq. ft. and to permit an existing lot width of 26.62 ft. in lieu of the required 100 ft. and to permit an existing front yard setback of 6 ft. in lieu of the required 40 ft., to permit a side yard setback of 0.5 ft. and a combined side yard stack of 21.5 ft. in lieu of the 15 ft. and 40 ft. respective requirements. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Friday, March 29, 2013 at 1:30 p.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.

03/034 March 7

908614



501 N. Calvert Street, Baltimore, MD 21278

March 7, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 7, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

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: 2013-0180-SPHXA

Petitioner: Artistic Ventures, LLC

Address or Location: 1707 EDMONDSON AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie Gaskins

Address: 600 Washington Ave.

Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 7, 2013 Issue - Jeffersonian

Please forward billing to:

Debbie Gaskins
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

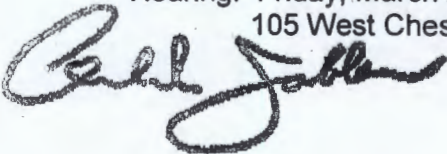
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0180-SPHXA

1707 Edmondson Avenue
S/s Edmondson Avenue, 175 ft. W/of centerline of Dutton Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Artistic Ventures, LLC
Contract Purchaser: Maria Goebel

Special Hearing to permit a modified parking plan & to permit an existing non-conforming and building to remain; for such other and further relief as may be required by the Administrative Law Judge. Special Exception to permit living quarters in a commercial building and for such other and further relief as may be required by the ALJ. Variance to permit a lot area of 8,813 sq. ft. in lieu of the required 20,000 sq. ft. and to permit an existing lot width of 26.62 ft. in lieu of the required 100 ft. and to permit an existing front yard setback of 6 ft. in lieu of the required 40 ft.; to permit a side yard setback of 0.5 ft. and a combined side yard stack of 21.5 ft. in lieu of the 15 ft. and 40 ft. respective requirements. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Friday, March 29, 2013 at 1:30 p.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
February 27, 2013

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

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: 2013-0180-SPHXA

1707 Edmondson Avenue

S/s Edmondson Avenue, 175 ft. W/of centerline of Dutton Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Artistic Ventures, LLC

Contract Purchaser: Maria Goebel

Special Hearing to permit a modified parking plan & to permit an existing non-conforming and building to remain; for such other and further relief as may be required by the Administrative Law Judge. Special Exception to permit living quarters in a commercial building and for such other and further relief as may be required by the ALJ. Variance to permit a lot area of 8,813 sq. ft. in lieu of the required 20,000 sq. ft. and to permit an existing lot width of 26.62 ft. in lieu of the required 100 ft. and to permit an existing front yard setback of 6 ft. in lieu of the required 40 ft.; to permit a side yard setback of 0.5 ft. and a combined side yard stack of 21.5 ft. in lieu of the 15 ft. and 40 ft. respective requirements. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Friday, March 29, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Charles Marek, 600 Washington Avenue, Ste. 200, Towson 21204
Maria Goebel, 225 Glenmore Avenue, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 9, 2013.**
- (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

March 21, 2013

Artistic Ventures LLC
Maria S Goebel
225 Glenmore Avenue
Catonsville MD 21228

RE: Case Number: 2013-0180 SPHXA, Address: 1707 Edmondson Avenue

Dear Ms. Goebel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 28, 2013. 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: jaf

Enclosures

c: People's Counsel
Charles B Marek III, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2-4-13

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

RE: Baltimore County
Item No 2013-0180-SPHXA
Special Hearing Special Exception
Variance
Artistic Ventures, LLC
Maria S. Goebel
1707 Edmondson Avenue

Dear Ms. Lewis:

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. 2013-0180-SPHXA

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).

Sincerely,

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

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 19, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1707 Edmonson Avenue

INFORMATION:

Item Number: 13-180

Petitioner: Jerry Naylor

Zoning: BL and DR 2

Requested Action: Special Hearing, Special Exception and Variance

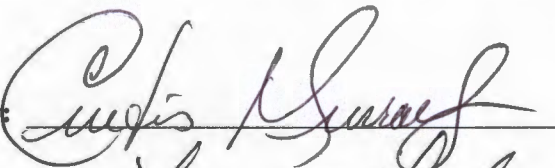
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request to permit living quarters in a commercial building (on the 2nd floor space above the art gallery space on the 1st floor). The Department of Planning recommends that only 1 residential unit be permitted in the 2nd story space.

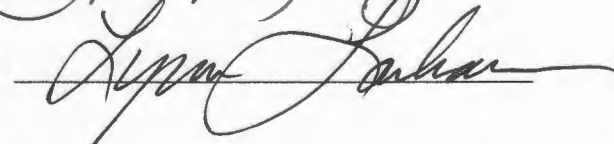
The Department of Planning also does not oppose the petitioner's requests for setback variances since the existing building has to conform to the nearest residential zone, which is, DR 2. The existing neighborhood pattern has a much higher density than what is generally permitted in DR 2. The addition of living quarters in an existing commercial building would not be a detriment to the community. Most of the businesses along this commercial corridor are tightly compacted and are one story.

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

Prepared by:



Division Chief:
AVA/LL: CM



RECEIVED

FEB 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 6, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2013
Item Nos. 2013-0178, 0179, 0180, 0181 and 0182.

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

DAK:CEN
Cc: file

MEMORANDUM

DATE: May 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0180-SPHXA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 2, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
1707 Edmonson Avenue; S/S Edmondson Ave.*		OF ADMINISTRATIVE
175' West of c/line Dutton Avenue		
1 st Election & 1 st Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Artistic Ventures, LLC		
Contract Purchaser(s): Maria Goebel	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2013-180-SPHXA

* * * * *

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.

RECEIVED

FEB 06 2013

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 6th day of February, 2013, a copy of the foregoing Entry of Appearance was mailed to Charles Marek, III, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 01 Account Number - 0108652690

Owner Information

Owner Name: ARTISTIC VENTURES LLC **Use:** COMMERCIAL
Mailing Address: 1707 EDMONDSON AVE **Principal Residence:** NO
BALTIMORE MD 21228-4346 **Deed Reference:** 1)/17785/ 00168
2)

Location & Structure Information

Premises Address **Legal Description**
1707 EDMONDSON AVE LT SS EDMONDSON AVE
0-0000 1707-09 EDMONDSON AV
776 SE ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0100	0012	0581		0000				3	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1915	2400	8,813 SF	06

Stories **Basement** **Type** **Exterior**
OFFICE BUILDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	220,300	220,300		
Improvements:	197,900	160,000		
Total:	418,200	380,300	380,300	380,300
Preferential Land:	0			0

Transfer Information

Seller: ARTISTIC VENTURES	Date: 04/03/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /17785/ 00168	Deed2:
Seller: HONICK HENRY, JR	Date: 07/20/1999	Price: \$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /13906/ 00227	Deed2:
Seller: HONICK JEAN	Date: 01/18/1974	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05421/ 00684	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

CASE NAME Google
CASE NUMBER 2-13-180-8141
DATE 3/29/17

CASE NAME Google
CASE NUMBER 2-13-180-8141
DATE 3/29/17

[illegible]

Case No.: 2013-0180-SPHXA

Exhibit Sheet

193
12-5-10-13

SLN
4-2-13

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Order Case # 90-214	
No. 3	3A-30 Color Photos	
No. 4	Easement Agreement	
No. 5	3-28-13 letter	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR ZONING VARIANCE
S/S Edmondson Avenue, 135' W
of the c/l of Dutton Avenue
(1707-1709 Edmondson Avenue)
1st Election District
1st Councilmanic District

Henry Honick, et ux
Petitioner

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 90-214-A
•

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a front setback of 5 feet in lieu of the required average of 25.8 feet; 7 parking spaces in lieu of the required 21; and a two-way aisle width of 15 feet in lieu of the required 22 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Henry Honick, appeared, testified and were represented by Arnold M. Zerwitz, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1707-1709 Edmondson Avenue, consists of 0.20 acres zoned B.L.-C.N.S., and is improved with a two story frame building presently used as office and retail space. Petitioner is a dentist and operates his dental offices from the second floor of the subject building and leases the first floor to Caton Distributors, a wholesale and retail sales operation. Testimony indicated Petitioner is desirous of adding a one story addition to the existing building to provide additional retail and office space on the first floor. Dr. Honick testified the requested variances are necessary as a result of the lot configuration and the location of existing improvements thereon. He contends that as a result of surrounding uses and the existence of a public parking facility across from the subject site, strict compliance with the parking requirements should not be required. Testimony further indicated that the relief requested has the approval of surrounding proper-

PETITIONER'S

EXHIBIT NO. 2

ORDER RECEIVED FOR FILING

Date

12/13/89

By

Robert G. Johnson



PETITIONER'S

EXHIBIT NO. 3A-0

















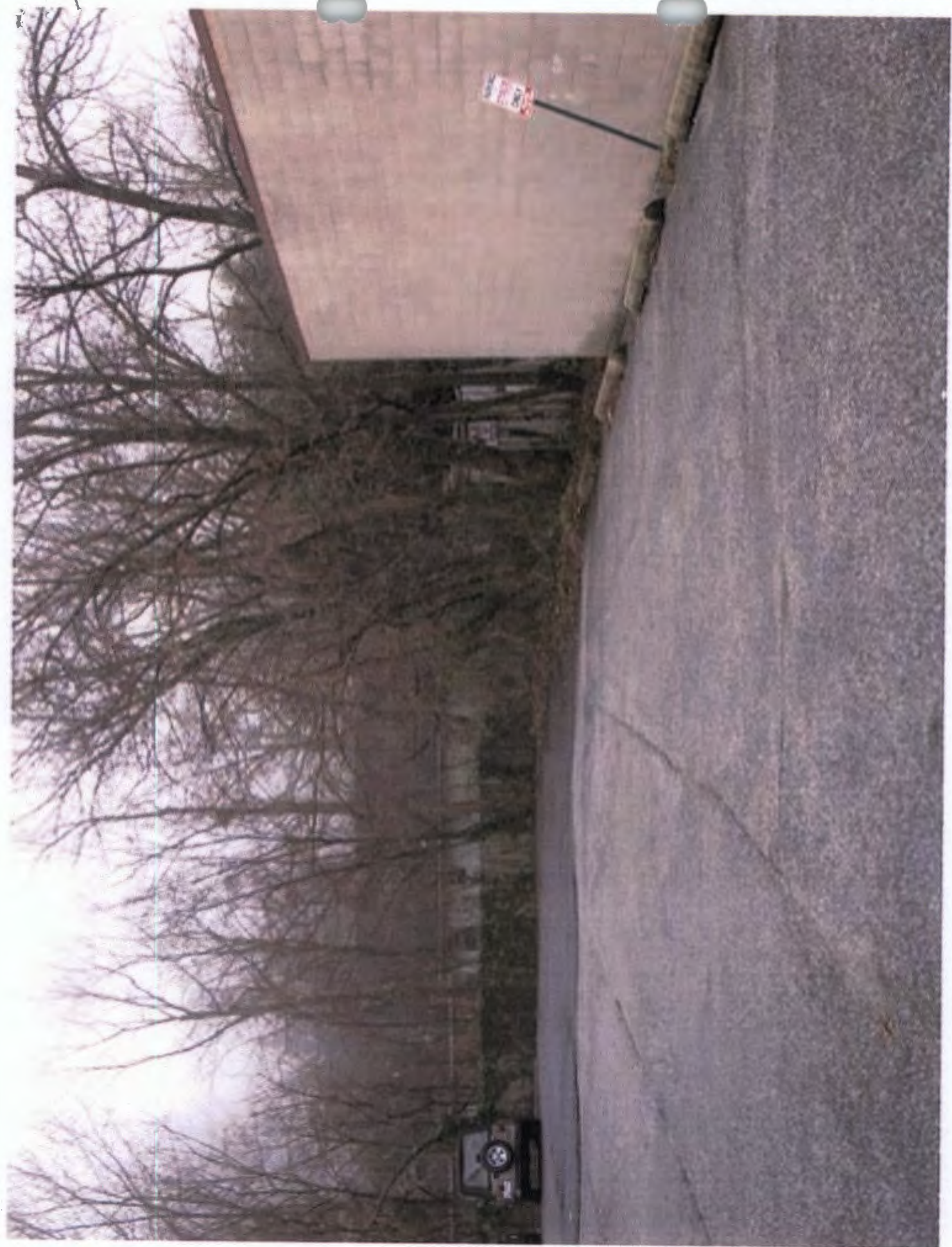








1 2 3

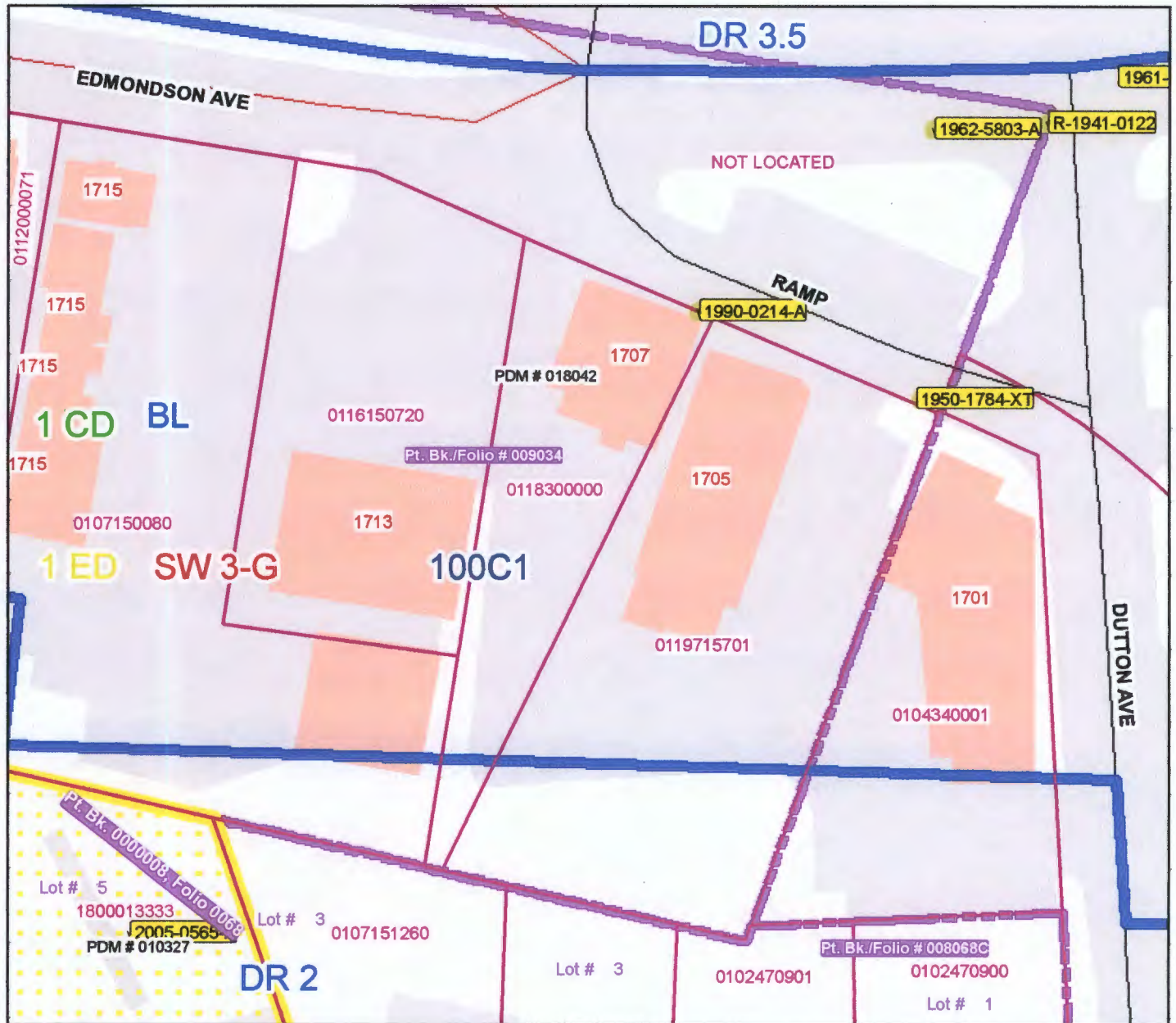


STAUB Art
ART STUDIO classes
for
Children and Adults
PICTURE FRAMING & ART SUPPLIES
410-744-9001

1701
1709

COANDALE
Fine Wine
& Spirits
LIVE PAUT
CLICK

1707 Edmondson Avenue



Publication Date: January 28, 2013
 Publication Agency: Permits, Approvals and Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

Item #0180



MAIL
 To Arnold M. Zerkwitz, ATTY.
28 Allegheny Ave.
Suite 501
Towson, Md 21204

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this 10th day of April, 1990, by and between FRANK J. SHITTINO and SALVATORE SCHITTINO, parties of the first part, Grantors: SOTIRIOS ANTONIOU and MARIA ANTONIOU, his wife, Mortgagees: and HENRY HONICK and E. JEAN HONICK, his wife, parties of the second part, Grantees.

WHEREAS, the parties of the first part are the fee simple owners of all that lot or parcel of ground, the improvements thereon being known and designated as 1705 Edmondson Avenue, by virtue of a Deed dated August 28, 1989 from Sotirios Antoniou and Maria Antoniou, his wife, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 8278, folio 616; and

WHEREAS, Sotirios Antoniou and Maria Antoniou, his wife, are Mortgagees secured by 1705 Edmondson Avenue by virtue of an instrument dated August 28, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8278, folio 618; and

WHEREAS, the parties of the second part, are the fee simple owners of all that lot or parcel of ground, the improvements thereon being known and designated as No. 1707-1709 Edmondson Avenue by virtue of a Deed dated December 27, 1973 from Jean Honick recorded among the Land Records of Baltimore County, Maryland in Liber EHK, JR. No. 5421, folio 684; and

PETITIONER'S

BRCF 28.00
 RN 28.00
 1 C004 R01 713:5
 06/07/90

TRANSFER TAX NOT REQUIRED
 Director of Finance
 BALTIMORE COUNTY MARYLAND
 For [Signature]
 Authorized Signature
 Date 5-15-90 Sec 11-45

RECEIVED FOR TRA
 State Department
 Assessments & Tax
 for Baltimore County
IR 5-16-90
 By _____ Date _____

EXHIBIT NO. 4

NOT APPLICABLE

SIGNATURE JR DATE 5-16-90

March 28, 2013

Administrative Law Judge
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson MD 21204

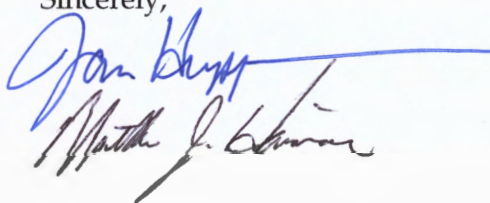
Re: Eber Pool - 18403 Ensor Farm Court

Dear Administrative Law Judge:

I am the ^{Manager} owner of Oakdale Fine Wine & Spirits located near to the Staub Art Studio at 1707 Edmonson Avenue. I have gone over the proposal in Case No. 2013-0180-SPHXA with Maria Goebel and I/we am/are in support of the requested relief. The living quarters will not cause any detriment to the neighborhood and the existing Staub Art Studio has been an asset to the area.

For these reasons I am in support of the requested relief. Please feel free to contact me in regards to this letter if there are any questions.

Sincerely,



Jan Bly

OAKDALE FINE WINE & SPIRITS
410-747-7321

PETITIONER'S

EXHIBIT NO.

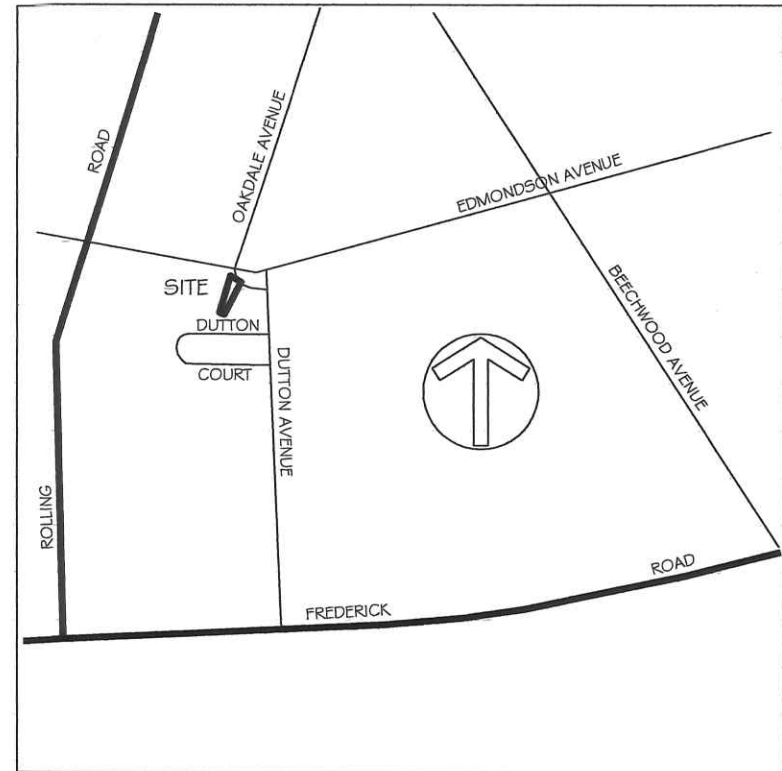
5

PREVIOUS ZONING HEARING: (90-214-A)
VARIANCES WERE GRANTED TO ALLOW THE FOLLOWING:
1) FRONT YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED AVERAGE OF 26.6 FEET.
2) 7 PARKING SPACES IN LIEU OF THE REQUIRED 21 PARKING SPACES.
3) A TWO-WAY ISLE OF 15 FEET IN LIEU OF THE REQUIRED 22 FEET.



SITE DATA:
1) OWNER: ARTISTIC VENTURES, LLC
2) OWNER'S ADDRESS: 1707 EDMONDSON AVENUE BALTIMORE, MARYLAND 21228
3) OWNER'S TELEPHONE NO.: 410-744-9001
4) TAX ACCOUNT NUMBERS: 010652690
5) TAX MAP: 100 PARCEL: 581
6) DEED REFERENCE: 17785/168
7) PLAT REFERENCE: NONE
8) ZONING MAPS: 100C1
9) ZONING: BL (0.18 AC), DR-2BL (0.02 AC)
10) GROSS AREA: 0.20 ACRES
11) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
12) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN PER FEMA.
13) PREVIOUS HEARINGS OR PERMITS: 90-214-A
14) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
15) THE SUBJECT SITE IS SERVED BY PUBLIC WATER AND SEWER.
16) THE SUBJECT SITE DOES LIE WITHIN A LEVEL 17' TRANSPORTATION SERVICE AREA, BUT DOES NOT LIE WITHIN OTHER DEFICIENT SERVICE AREAS.
17) AVENITY OPEN SPACE: NONE REQUIRED
18) F.A.R.: MAXIMUM PERMITTED = 3.0
EXISTING AND PROPOSED = 2,400/8,813 = 0.27
19) PARKING: REQUIRED: TRADE SCHOOL OR HOBBY SHOP: (1,200 SF/1,000x5) = 6 SPACES
APARTMENT (1 OR 2 BEDROOMS): 1.5 SPACES/UNIT = 2 SPACES
TOTAL REQUIRED: 8 SPACES
PROVIDED: TRADE SCHOOL OR HOBBY SHOP = 5 SPACES AND 1 HANDICAP SPACE
APARTMENT (2 BEDROOMS) = 2 SPACES
TOTAL PROVIDED = 6 SPACES
20) PROPOSED USES: ART STUDIO (TRADE SCHOOL OR HOBBY SHOP) AND RESIDENTIAL APARTMENT
21) SIGNS ARE TO COMPLY WITH SECTION 450 OF THE BCZR.

0810-3192



VICINITY MAP
SCALE: 1" = 1,000'

SPECIAL EXCEPTION:

1. PERMIT LIVING QUARTERS IN A COMMERCIAL BUILDING PURSUANT TO SECTION 230.3 OF THE BCZR; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

SPECIAL HEARING:

1. A MODIFIED PARKING PLAN IN ACCORDANCE WITH SECTION 409.12 OF THE BCZR; AND
2. TO PERMIT AN EXISTING NON-CONFORMING LOT AND BUILDING TO REMAIN PURSUANT TO SECTION 104.3 OF THE BCZR; AND
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

VARIANCES:

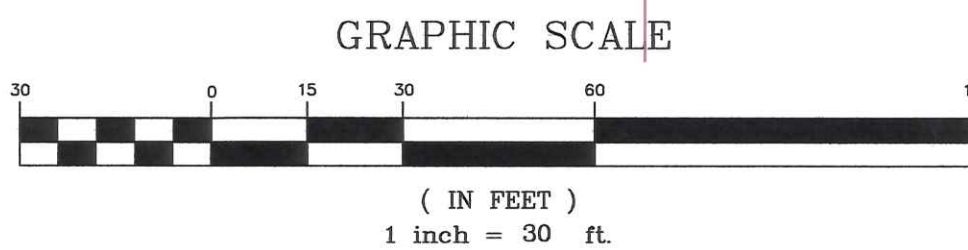
1. TO PERMIT A LOT AREA OF 8,813 SQUARE FEET IN LIEU OF THE REQUIRED 20,000 SQUARE FEET PURSUANT TO SECTIONS 302 AND 1802.3.C.1 OF THE BCZR;
2. TO PERMIT AN EXISTING LOT WIDTH OF 26.62 FEET IN LIEU OF THE REQUIRED 100 FEET PURSUANT TO SECTIONS 302 AND 1802.3.C.1 OF THE BCZR;
3. TO PERMIT AN EXISTING FRONT YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 40 FEET PURSUANT TO SECTIONS 302 AND 1802.3.C.1 OF THE BCZR;
4. TO PERMIT A SIDE YARD SETBACK OF 1/2 FEET AND A COMBINED SIDE YARD SETBACK OF 21.5 FEET IN LIEU OF THE 15 FOOT AND 40 FOOT RESPECTIVE REQUIREMENTS PURSUANT TO SECTIONS 302 AND 1802.3.C.1 OF THE BCZR; AND
5. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

PETITIONER'S

EXHIBIT NO. 1

SOURCE NOTE:
THE INFORMATION SHOWN HEREON WAS BASED IN PART ON A PLAN PREPARED BY LAND DESIGN GROUP, INC. DATED FEBRUARY 1991, ENTITLED "PLAN TO ACCOMPANY APPLICATION FOR VARIANCE FOR 1707 AND 1709 EDMONDSON AVENUE, VARIOUS UTILITY DRAWINGS FROM BALTIMORE COUNTY, NEIGHBORHOOD MAP OFFERED BY BALTIMORE COUNTY, 200 SCALE ZONING MAP BY BALTIMORE COUNTY AND AERIAL IMAGERY. THE INFORMATION SHOWN HEREON AND THE CONTENT OF THIS PLAN ARE NOT TO BE USED FOR ANY OTHER PURPOSE THEN TO ACCOMPANY A PETITION FOR A ZONING HEARING FOR THE SPECIFIED REQUESTS. USE OF THIS PLAN FOR OTHER PURPOSES WILL BE DONE AT USER'S OWN RISK.

ZONING OFFICE USE ONLY
REVIEWED BY:
ITEM #:

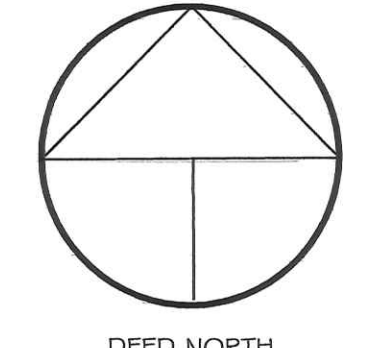
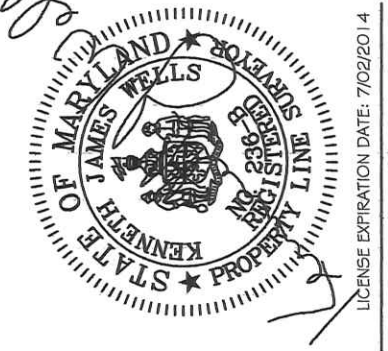


PLAN TO ACCOMPANY A ZONING PETITION
FOR A SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCES
1707 - 1709 EDMONDSON AVENUE
BALTIMORE COUNTY
MARYLAND
1st ELECTION DISTRICT 1st COUNCILMAN DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 12/06/2012

PROJECT NO.:
2012-047

SHEET 1 OF 1



REVISIONS:
NO. DATE
1 3/28/2013

KJWells Inc.
7403 NEW CUT ROAD
BALTIMORE, MD 21087
(410) 592-6800

Land Surveying & Site Planning