

MEMORANDUM

DATE: May 27, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0149-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on May 22, 2015. 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

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

(23 Liberty Ridge Ct.)

2nd Election District

4th Council District

Arnold T. & Anita Abel

Legal Owners

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0149-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Arnold T. & Anita Abel, legal owners. The Petition for Special Hearing seeks a declaration that a Financial Advisor qualifies as a "professional person" under the B.C.Z.R. A Petition for Special Exception was filed pursuant to §1A03.3.B.12 to permit a professional office that does not involve the employment of more than one non-residential professional associate nor two other non-residential employees.

Appearing at the public hearing in support of the requests was owner Arnold T. Abel. Lawrence Schmidt, Esquire represented the Petitioners. Several neighbors attended the hearing and opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

Special Hearing

As noted by counsel at the beginning of the hearing, a "professional person" is entitled to maintain an office in his home by right or special exception (which permits additional employees) in the RC-4 zone. B.C.Z.R. §§1A03.3.A.9.d and 1A03.3.B.12. The first issue concerns whether Petitioner Arnold Abel qualifies as a "professional person." While the regulations provide

ORDER RECEIVED FOR FILING

Date 4-22-15

By sln

expressly that doctors, lawyers and engineers (among others) are “professional persons,” they are silent with respect to whether a certified financial planner (CFP) qualifies as such.

Counsel noted in a post-hearing submission that a certified public accountant (CPA) has been deemed a “professional person” (Case No. 14-033-X) while a real estate agent (Case No. 00-184-X) was held not to be. These are the closest comparators available, and I tend to believe a CFP is more like a CPA than a real estate broker or agent. As such, the petition for special hearing will be granted.

Like a CPA, the CFP must possess a bachelor’s degree and undergo a lengthy and rigorous training and examination process. The CFP, also like the CPA, can charge an hourly rate for his services. Mr. Abel testified that more than 50% of his income is derived from financial planning advice, for which an hourly fee is charged.

A real estate agent, on the other hand, need not possess a college degree and does not charge an hourly rate for his advice or consultation. Their income is derived from commissions, as is the case for many salesmen. The training and examination process to become a licensed real estate broker is not as lengthy, comprehensive and/or challenging as it is for the CFP. While in no way diminishing the societal value or intrinsic importance of real estate agents/brokers, I believe based on Mr. Abel’s testimony and the numerous exhibits (Petitioners’ Exhibit Nos. 8-14) that a CFP is correctly characterized as a “professional person” under the cited regulations.

Special Exception

While the test for special exception relief is well-known and frequently applied in cases of this nature, I will not address the “merits” of this issue in this proceeding. Though Petitioners have presented compelling arguments to the contrary, I do not believe that the professional office use can be conducted in a detached accessory structure. Both of the aforementioned regulations

ORDER RECEIVED FOR FILING

Date

4-22-15

By

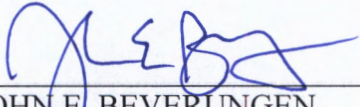
sen

specify the office must be "established within the same building as that serving as the professional person's primary residence." Mr. Abel's office is not within his residence, but in a detached building.

THEREFORE, IT IS ORDERED this 22nd day of April 2015, by this Administrative Law Judge, that the Petition for Special Hearing, seeking a declaration that a Financial Advisor qualifies as a "professional person" under B.C.Z.R. §1A03.3.A.9.d, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception to use a detached accessory building (garage) located on the subject property as a professional office, be and is hereby DENIED.

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/sln

ORDER RECEIVED FOR FILING

Date

4-22-15

By

sen



KEVIN KAMENETZ
County Executive

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

April 22, 2015

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

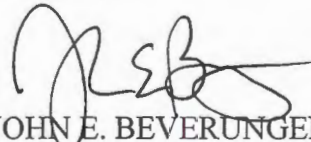
RE: Petition for Special Hearing and Special Exception
Property: 23 Liberty Ridge Ct.
Case No. 2015-0149-SPHX

Dear Mr. Schmidt:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Jeff Mendelsohn, 21 Liberty Ridge Ct., Owings Mills, MD 21117
Steven Garbarino, 19 Liberty Ridge Ct., Owings Mills, MD 21117
Virginia Palencar, 12 Liberty Ridge Ct., Owings Mills, MD 21117
Eileen Rosen, 6 Liberty Ridge Ct., Owings Mills, MD 21117



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 23 LIBERTY RIDGE CT OWINGS MILLS 21117 which is presently zoned RC4

Deed References: 12648100567

10 Digit Tax Account # 2000009370

Property Owner(s) Printed Name(s) ARNOLD T. ABEL & ANITA M. ABEL

(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. X 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

Business Professional Associate
See Attached

3. a Variance from Section(s)

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

ARNOLD T. ABEL

Anita Abel

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

23 LIBERTY RIDGE CT OWINGS MILLS MD

Mailing Address

City

State

21117

443-576-0041

ARNOLD.ABEL@HOTMAIL.COM

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0149-SP/HK

Filing Date 1/8/15

Do Not Schedule Dates:

Reviewer G. K

January 9, 2015

Case # 2015-0149-SPHX

Special Hearing to permit a Financial Advisor as a professional ~~office~~ person.

1A03.B-12

Special Exception section ~~1A03.12~~ to permit a professional office that employees more than one nonresident professional associate nor two other nonresident employees



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 23 LIBERTY RIDGE CT OWINGS MILLS 21117 which is presently zoned RC4

Deed References: 12648100567

10 Digit Tax Account # 2000009370

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

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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. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for See Attached
BULKY ITEM, 1999
FOR NON RESIDENT PROFESSIONAL ASSOCIATES
AND 2 OTHER NON RESIDENT EMPLOYEES

3. ☐ a **Variance** from Section(s)

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ARNOLD T. ABEL

Name #1 - Type or Print

Anita Abel

Name #2 - Type or Print

[Signature]

Signature #1

[Signature]

Signature #2

23 LIBERTY RIDGE CT OWINGS MILLS MD

Mailing Address City State

21117 443-576-0041 ARNOLD.ABEL@HOTMAIL.COM

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2015-0149-SDAK

Filing Date 1/8/15

Do Not Schedule Dates: _____

Reviewer G.K.

443-576-0041 fax

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: 2015-0149-SPHX
Petitioner: Arnold T. Abel
Address or Location: 23 Liberty Ridge CT 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD T. ABEL
Address: 23 LIBERTY RIDGE CT
OWINGS MILLS MD 21117
Telephone Number: 443-576-0041



POINT TO POINT LAND SURVEYORS

305 South Main Street, Lower Level

Mount Airy, Maryland 21771

Phone 301-703-8319 Toll Free 866-706-9114

Fax 301 703 8324

www.pointtopointsurvey.com

Legal Description of
23 Liberty Ridge Court
Owings Mills, MD 21117

All that tract or parcel of land lying and being located in Baltimore County, Maryland and located at the cul-de-sac of Liberty Ridge Court and measured 2,664 feet from the intersection of Liberty Road, Maryland Route 26 with said Liberty Ridge Court.

Being all of Lot 12 as shown on a plat entitled "Reservoir Ridge", dated March 1985 and recorded among the Plat Records of Baltimore County, Maryland in Plat Book 54, Page 144. Being also all of the property conveyed from Arnold T. Abel and Anita Abel to Arnold T. Abel and Anita Abel, life tenants and Arlene M. Abel, Elaine L. Abel and Arica I. Abel.



10-31-14



POINT TO POINT LAND SURVEYORS

305 South Main Street, Lower Level

Mount Airy, Maryland 21771

Phone 301-703-8319 Toll Free 866-706-9114

Fax 301-703-8324

www.pointtopointsurvey.com

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23 Liberty Ridge Court
Owings Mills, MD 21117

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10-31-14

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APR 22 2015

OFFICE OF ADMINISTRATIVE HEARINGS

The Honorable John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

April 22, 2015

RE: 23 Liberty Ridge Court
Case No. 2015-0149-SPHX

Dear Judge Beverungen,

Thank you for hearing the above mentioned case on April 8, 2015. Since the case, our neighborhood has had several incidents related to the business unlawfully operating at 23 Liberty Ridge Court.

On Thursday, April 17th, a suspicious vehicle was noted by my neighbor at 5 Liberty Ridge Court, parked across the street from his home. He thought the occupants of the vehicle were involved in 'casing' the neighborhood. He went out to confront the occupants of the vehicle and, the vehicle sped away, further into the court culdesac area. The neighbor promptly contacted Baltimore County Police and they arrived on the scene and later found the vehicle parked at 23 Liberty Ridge Court. Apparently the occupants of the vehicle told police they were working for Mr. Able and the police questioned the occupants about what they were doing parked much further down the street to which they had no reply.

On Monday, April 20th, my neighbor's daughter (5 years old), saw our daughter (4 years old) and ran across the driveway to play. My fiancée heard a loud screeching of brakes and noted that the car came within just a few feet of hitting the child. The car then proceeded down our common driveway to 23 Liberty Ridge Court.

As I stated at the hearing, the volume of traffic caused by the unlawful operation of the business at 23 Liberty Ridge Court creates an *unsafe situation* for my family and our neighbors on a daily basis. The amount of traffic is upward of 50 trips up and down the driveway per day - just the employees arriving to work, going out for lunch, coming back and departing for the day is about 30 trips up and down the driveway. Add the volume of Mr. Able's clients to that and it may well exceed 50. Mr. Able stated that he had 'about 3 clients per day' - I can tell you this is a gross underestimation of the truth.

I recently received a copy of Mr. Schmidt's letter attempting to persuade you to grant the exception based on Mr. Able's credentials. The bottom line is that Mr. Able is running an insurance sales office out of our neighborhood that has and continues to create problems for the entire neighborhood.

I am particularly concerned about the safety of my children and my neighbors' children. Now that Spring is upon us, our children are playing outside and going back and forth from one house to another on a daily basis. I have a 3 year old and a 4 year old in my home. My neighbor has a 5 year old and 2 year old. All it takes is for that one time when one of Mr. Able's employees, clients or service workers cannot stop in time to cause the death of one of these precious children.

Mr. Able's ONLY motivation for having his business adjacent to my home is, by his own admission, that he is CHEAP. He may realize rent savings and tax benefits, but I urge to weigh the benefits of one man versus the safety and security of an entire community.

Furthermore, I share ownership of the common driveway (some 100 yards) leading to the split between my home and Mr. Able's home. I believe I must give consent to Mr. Able to use the driveway for commercial purposes, as I am partially responsible for the care and upkeep of the surface area. I do not give such consent. I have not been asked, compensated for, nor would I allow such use of the common area.

For these reasons, and the letter of the law that specifically states that our neighborhood's RC4 zoning prohibits the establishment and use of a commercial business in our neighborhood, I urge you to **deny** the special exception and help us to restore our neighborhood to tranquil living area that all of us have enjoyed for so many years.

Warmest regards,

Jeff Mendelsohn
Resident
21 Liberty Ridge Court
Owings Mills, MD 21117

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/14/2015

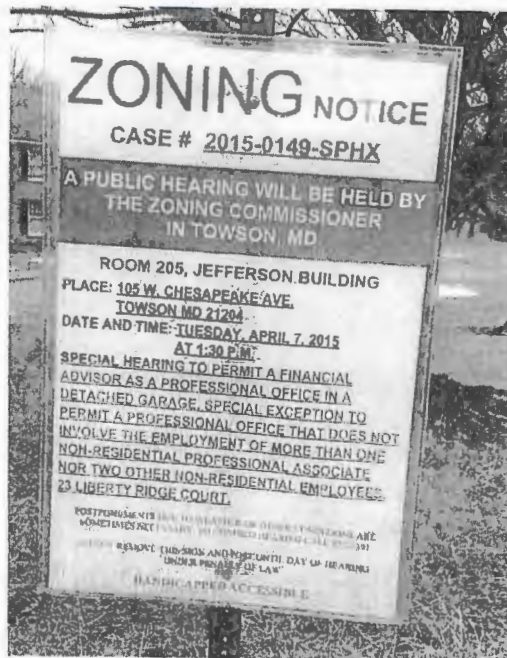
Case Number: 2015-0149-SPHX

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ MR. & MRS. ABEL

Date of Hearing (Closing): APRIL 7, 2015

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

The sign(s) were posted on: MARCH 14, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3121993

Sold To:

Arnold Abel - CU00418354
23 Liberty Ridge Ct
Owings Mills, MD 21117

Bill To:

Arnold Abel - CU00418354
23 Liberty Ridge Ct
Owings Mills, MD 21117

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 17, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2015-0149-SPHX
23 Liberty Ridge Court
N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Arnold & Anita Abel

Special Hearing: to permit a Financial Advisor as a professional office in a detached garage.

Special Exception: to permit a professional office that does not involve the employment of more than one non-residential professional associate nor two other non-residential employees.

Hearing: Tuesday, April 7, 2015 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.

JT 3/770 Mar. 17 3121993

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/14/2015

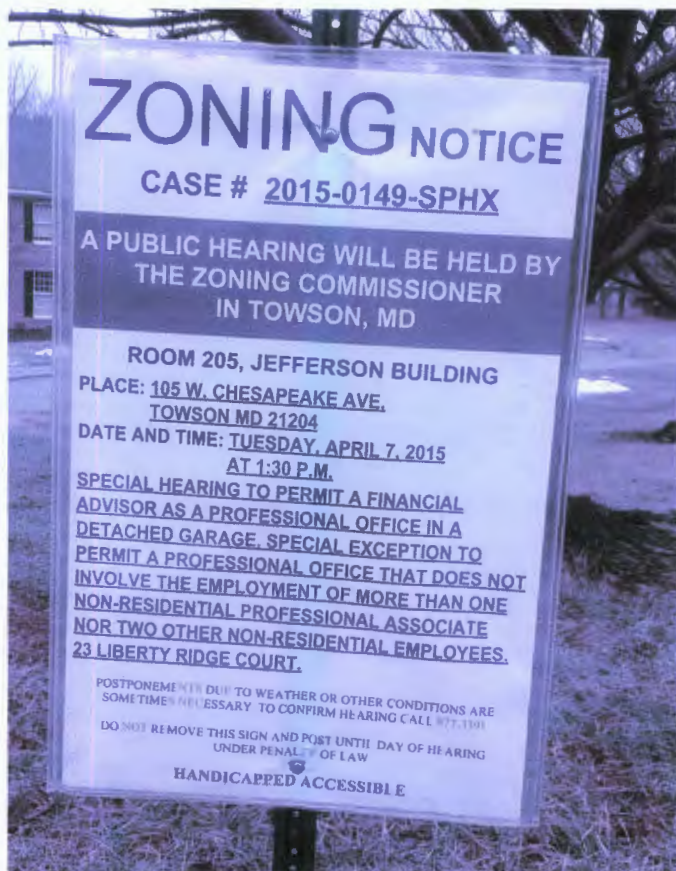
Case Number: 2015-0149-SPHX

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ MR. & MRS. ABEL

Date of Hearing (Closing): APRIL 7, 2015

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

The sign(s) were posted on: MARCH 14, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



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

February 20, 2015

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Arnold & Anita Abel
23 Liberty Grove Court
Case No.: 2015-149-SPHX
Hearing scheduled February 27, 2015

Dear Judge Beverungen,

Consistent with our office's responsibility under the County Charter § 524.1(a) to defend the comprehensive zoning maps and law, we have reviewed preliminarily this zoning petition. The request is for a special exception for a financial advisor. The petition presents under the R.C. 4 (Watershed Protection) Zone special exception, BCZR §. 1A03.3.B.12, for,

"Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use"

The use must be in the applicant's primary residence, occupy no more than 25% of floor area, and have no more than one nonresident professional associate or two nonresident employees.

The threshold issue is whether the Petitioner qualifies as an "other professional person" as intended by or for the purpose of this zoning law.

Our google research, attached, shows that the Petitioner, Arnold Abel, is part of the Central Maryland Team in the East Region for Thrivent Financial, with a listed address at this property, 23 Liberty Ridge Court. Thrivent Financial is stated to be the marketing name for Thrivent Investment Management, Inc., (TIM), a Minnesota corporation, itself a member and a wholly owned subsidiary of Thrivent Financial for Lutherans. TIM is registered to do business in Maryland.

Thrivent Financial representatives are described as registered representatives of TIM and licensed insurance agents/producers of Thrivent. Fee-based investment advisory services are available through licensed agents only. Trust and investment management accounts are stated to be subject to investment risk.

Arnold "Arnie" Abel is listed as having CFP (Certified Financial Planner), LUTCF (Life Underwriter Trainer Council Fellow), and FIC (Fraternal Insurance Counselor) licenses. The latter two categories primarily involve insurance licensing qualifications. The CFP covers a range of financial categories, including insurance, real estate and other investment vehicles.

Meanwhile, the enclosed SDAT real property data information shows the petitioners as owners of 23 Liberty Ridge Court since 1998, with a residential use as a principal residence.

The question has frequently arisen as to whether, for the purpose of zoning law, the scope of "other professional person" extends to occupations outside the traditional listed learned professions of medicine, dentistry, law, architecture, and engineering. The answer is that the scope is quite limited. It may include a certified public accountant or veterinarian, but not a real estate or insurance broker. Dean Patricia Salkin reviews this subject nationally in 3 Salkin, American Law of Zoning 5th Secs. 19.15 to 19.23 (updated on Westlaw).

To illustrate, our office has successfully urged that real estate brokers (Escalante, CBA 00-194-X, Cir. Ct. 03-C-02-1391; Turner, CBA 12-138-XA)) and tax preparers (Ellerby, CBA 06-009-XA) do not fit as professionals under the zoning law. The opinions are enclosed. We are aware that financial advisors have varying degrees of educational attainment, licensing, and standards. However, based on the precedents and understanding, they are on the real estate/insurance broker side of the line rather than the traditional professional side of the line. Indeed, financial advice often encompasses real estate and insurance elements.

While the word "professional" has been expanded in common usage and advertising, and various occupations are subject to regulation and standards, there has been a reluctance to expand the concept in zoning law because so many "professional" persons are as much or more business people. The idea is to preserve the character of residential neighborhoods. There is also the historical background that at one time (if not so much now), it was common that doctors, dentists, architects, and even engineers had connections to and served their neighborhoods.

This specific type of special exception is listed in all the other Resource Conservation Zones and in the Density Residential Zones (BCZR 1B01.1.C.12), so this case has broad implications. In this context, we went back to the legislative history.

In 1970, Bill 100, the County Council included professional offices as use permitted by right in the new rural zones, R.D.P. and R.S.C. (BCZR §§. 1A00.2.A.13.a and 1A01.2.A.11.a) and new Density Residential Zones (BCZR §. 1B01.1.A.14.e.). See attached excerpts from BCZR (1975). When the Council in 1975 replaced the initial rural zones with Resource Conservation Zones, the Council kept the professional offices as permitted by right. Bill 98-75.

However, in 1982, the County Council enacted Bill 105, enclosed, establishing the professional office use as a special exception in the R.C. and D.R. Zones. This repealed the previous permissions by right. The apparent legislative purpose was to add a higher level of scrutiny. This law has essentially remained intact since 1982.

It is noteworthy that the Council enacted enclosed Bill 68-98 in 1998, adding to the "Home Occupation" definition to include computers, printers, fax machines, and the like. Traditionally, a home occupation is understood as having a domestic dimension. The Council did not at that time choose to expand the professional office category.

In 1999, the Council enacted enclosed Bill 65 just to clarify that the applicant for a professional office special exception must be a resident at the time of application.

There do not appear to have been any further relevant legislative enactments. In light of this history, and the understanding that the County Council is deemed to be aware of administrative agency decisions, the best interpretation is that the legislature is satisfied to keep in place a limited interpretation of "other professional person."

Our Google research reflects, moreover, that, however fraternally oriented, the Petitioner is a member and registered representative of a national corporate financial team, with an emphasis on insurance. This is outside the traditional ambit of the law.

It should also be noted that Liberty Ridge Court is in a fairly isolated and remote location off Liberty Road, in proximity to the Liberty Reservoir. Therefore, the location does not appear to be oriented to service of the immediate neighborhood.

For all of the above reasons, our office submits that this "financial advisor" is not included within the scope of "other professional person" under the zoning law.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Arnold & Anita Abel, Petitioners


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FINANCIAL**
Connecting faith & finances for good.™ (<https://www.thrivent.com/>)

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[Contact Us](https://www.thrivent.com/contact-us/) (<https://www.thrivent.com/contact-us/>)

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[Register](https://service.thrivent.com/apps/MbrEnrollment/registerAccessInfoInit.do) (<https://service.thrivent.com/apps/MbrEnrollment/registerAccessInfoInit.do>)

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[Find a Financial Representative](#) > CENTRAL MARYLAND TEAM

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Market Snapshot

DOW	17,799.66	-69.10
NASDAQ	4,802.62	+14.97
S&P 500	2,066.06	-2.53

Quotes delayed at least 20 m./na.

Daily Values

- [Mutual Funds](#)
- [Variable Annuities](#)
- [Variable Universal Life](#)

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CENTRAL MARYLAND TEAM

Phone: 443-576-0041

fldcentralmarylandteam@thrivent.com

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Regional Financial Office:

[EAST REGION](#)

Team Members*

[Team Info](#) [Team Members](#) [Office Staff](#)

[Arnold "Arnie" Abel](#)
[Terry B. Glendonning Jr.](#)
[Brittney R. Hack](#)
[Timothy "Tim" Krause](#)
[Deborah D. Schmitt](#)

Team Address*

23 Liberty Ridge Ct
 Owings Mills, MD 21117
[Get Directions](#)

Role
 Our team is here to help you achieve your financial goals.

Our team of financial professionals works together on your behalf. We are committed to building long-term relationships on a one-on-one basis. At the same time, you'll benefit from our combined knowledge and



* Team Members tab has address information associated with each Financial Representative

*Licensing is available through your State Insurance Department's website, which can be located through the [National Association of Insurance Commissioners](#) website.

experience. We put your goals first. If you have a specific financial need, we can draw on the expertise of a specialist on our team. The result is a more in-depth level of service that ensures your specific financial concerns and goals are addressed whenever you need assistance.

Our team can:

- Provide you access to a broad range of specialized professional services.
- Tailor strategies to fit with your financial goals.
- Make it easier for you to help your congregation and your community.

Approach

Today, it's common to have multiple financial goals and concerns. That's why we take a comprehensive approach to serving our members. It's important to understand how different factors can affect your financial picture. We'll help you analyze your current situation. Develop an in-depth financial program. And help you implement an integrated financial strategy. Our team can also assist you by providing a product- or issue-based solution, or we can take a values-based approach to preparing for your financial future.

Thrivent Financial

Thrivent Financial is a financial services organization that helps Christians be wise with money and live generously. For more than a century we've helped our nearly 2.4 million member-owners make wise money choices that reflect their values. And we provide opportunities for them to be even more generous where they live, work and worship. With more than \$90.4 billion in assets under management and more than \$6.9 billion in total surplus (as of 12/31/13), you can be confident in our financial strength and stability.

Securities and investment advisory services are offered through Thrivent Investment Management Inc., 625 Fourth Ave. S., Minneapolis, MN 55415, a [FINRA](#) and [SIPC](#) member and a wholly owned subsidiary of Thrivent Financial for Lutherans. Thrivent Financial representatives are registered representatives of Thrivent Investment Management Inc. They are also licensed insurance agents of Thrivent Financial.

Fee-based investment advisory services are available through qualified investment advisor representatives only.

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Find a Financial Representative > Arnold "Arnie" Abel

Market Snapshot

DOW	17,819.95	-48.81
NASDAQ	4,797.17	+9.53
S&P 500	2,087.13	-1.46

Quotes delayed at least 20 mins.

Daily Values

- [Mutual Funds](#)
- [Variable Annuities](#)
- [Variable Universal Life](#)

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Arnold "Arnie" Abel

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My Regional Financial Office

[EAST REGION](#)

My Address

23 Liberty Ridge Ct
Owings Mills, MD 21117
[Get Directions](#)

Phone: 443-576-0041
Fax: 410-521-0268

arnold.abel@thrivent.com



Role

As a wealth advisor, I have in-depth experience in the financial industry. I also have completed extensive licensing and accreditation requirements. This allows me to offer you a broader range of products, and assist you with even the most complex financial needs. You decide what level of financial management service you want and I will provide it.

Approach

Today, it's common to have multiple financial goals and concerns. That's why we take a broad-based approach to serving our members. It's important to understand how different factors can affect your financial picture. We'll help you analyze your current situation. Develop an in-depth financial program. And



Licensing Information*

- I am licensed to do business in DE, MN, TX, FL, VA, NY, CO, SC, PA, MA, LA, NC, MD, AZ, GA, NH and WV

*Licensing is available through your State Insurance Department's website, which can be located through the [National Association of Insurance Commissioners](#) website.

help you implement an integrated financial strategy. Our team can also assist you by providing a product- or issue-based solution, or we can take a values-based approach to preparing for your financial future.

Experience

- I have been with Thrivent Financial for 31 years.

Involvement

I am married. I have 3 children. I am a member of Pilgrim Lutheran in Baltimore, MD. In my spare time I enjoy religious activities, fishing, reading, spending time with family, electronics, traveling, volunteering, writing and golfing.

Team

My team is structured to allow you to work primarily with one financial representative. This gives you the opportunity to build a long-term relationship with someone you'll come to know and respect. However, I want you to know I'll have access to the combined experience and expertise of other representatives on my team. The result is a more in-depth level of service that ensures your specific financial concerns and goals are addressed.

Thrivent Financial

Thrivent Financial is a financial services organization that helps Christians be wise with money and live generously. For more than a century we've helped our nearly 2.4 million member-owners make wise money choices that reflect their values. And we provide opportunities for them to be even more generous where they live, work and worship. With more than \$90.4 billion in assets under management and more than \$6.9 billion in total surplus (as of 12/31/13), you can be confident in our financial strength and stability.

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[Find a Financial Representative > Map/List of All RFOs](#)

Regional Financial Office

Quick Search

Refine your search.

First Name:

Last Name:

Team Name:

City:

State:

ZIP Code:

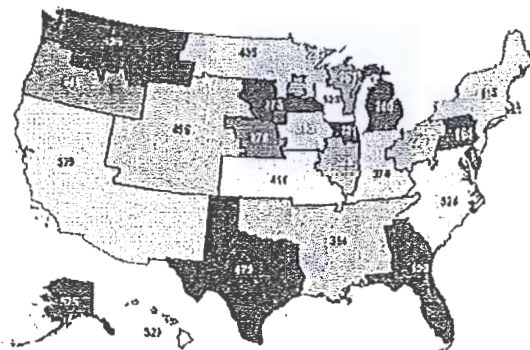
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Thrivent Financial has regional financial offices located across the United States. These offices are made up of financial representatives who serve members on a local level. Your local regional office can find a financial representative to assist you.

Use the map or list to find a regional financial office near you.

[Central Minnesota Region - RFO 380](#)

[Chicagoland Region - RFO 291](#)

[East MN & Northwest WI Region - RFO 283](#)

[East Region - RFO 524](#)

[East WI & Upper MI Region - RFO 361](#)

[Florida & Georgia Region - RFO 190](#)

[Great Lakes Region - RFO 240](#)

[Northland Region - RFO 435](#)

[Ohio and Western PA Region - RFO 230](#)

[Pacific Cascade Region - RFO 541](#)

[Pennsylvania Region - RFO 165](#)

[Rocky Mountain Region - RFO 496](#)

[South Region - RFO 384](#)

[South Wisconsin Region - RFO 523](#)

Greater Iowa Region - RFO 365
Kansas & Missouri Region - RFO 410
Mid-America Region - RFO 270
Nebraska Region - RFO 378
Northeast Region - RFO 115

Southwest Region - RFO 529
St. Louis Heartland Region - RFO 528
Texas Region - RFO 475
Two Rivers Region - RFO 375
Northwest Region - RFO 525

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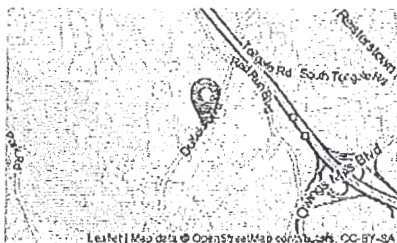
Arnold Abel

Thrivent Investment Management Inc

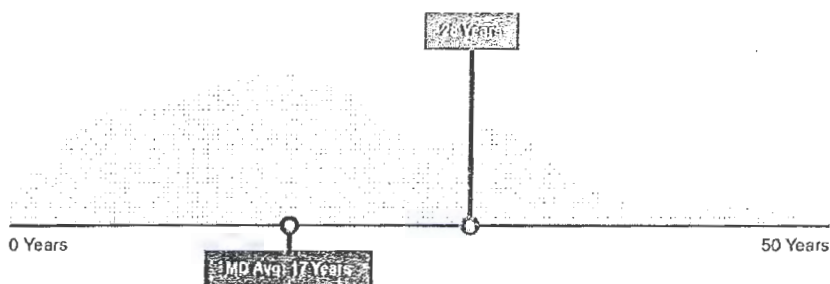
Advisor Type: Dual Registered

Years of Experience: 28

Address: 11155 Dolfeld Blvd
Ste 200
Owings Mills, MD 21117



Years of Experience

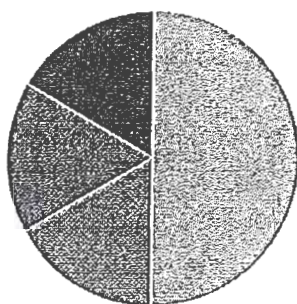


Shaded area represents years of experience for all 7,440 MD advisors.

Experience measure for this advisor is drawn from government filings as of 6/25/13.

Client Types

Client information is for Thrivent Investment Management Inc and are based on the percentage of assets under management.



- Individuals
- High Net Worth Individuals
- Corporations or Other Businesses
- Other

Client types are by firm, and represent a percentage of assets under management. For additional information on Arnold Abel's client base, please contact the advisor.

Are you an advisor? Have questions about this site?
Contact the U.S. News Advisor Finder.
Advisor data provided by Financial Media Group.

Fees & Compensation

As of 6.25.13

Compensation types are listed for Thrivent Investment Management Inc. Contact the advisor for individual fee structure details.

Fee Only

This firm is compensated by clients, often based on a flat fee or a percentage of client assets.

Subscription Fees

This firm receives compensation from periodicals or newsletters.

Commission

This firm is compensated by commissions from sales of financial products.

Fixed Fees

This firm charges a flat fee for services, which may vary from firm to firm.

Hourly

This firm offers services based on an hourly fee.

Performance-Based Fees

This firm can be compensated based on a share of capital gains on, or capital appreciation of, client assets.

Disclosure Events

As of 6.25.13

This advisor has no disclosure filings listed.

When financial advisors have events in their practice that could influence their ability to advise clients, they're required to disclose those events to regulators. Such disclosure event filings can include certain criminal and civil matters, regulatory actions against them, customer complaints or instances of arbitration or termination of employment. The existence of such filings may not result in censure or penalty for an advisor and customer complaints against advisors may be frivolous. Also, such filings may not represent all regulatory or legal actions against a firm or advisor. For more detailed information on Arnold Abel's conduct, please visit Finra's BrokerCheck, the SEC's Investment Adviser Public Disclosure database, or your state's regulatory agencies.

Advisors Near Arnold Abel



Maryland Department of Assessments and Taxation Business Services (v4)

[Search Help](#)

Charter Search Results for: THRIVENT INVESTMENT

<u>Dept.ID</u>	<u>Entity Name</u>	<u>Entity Details</u>	<u>Status</u>
F02342111	THRIVENT INVESTMENT MANAGEMENT INC.	General Info. Amendments Personal Property	INCORPORATED

Maryland Department of Assessments and Taxation Business Services (w4)

[Search Help](#)

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC.

Department ID: F02342111

General Information

Amendments

Personal Property

Certificate of Status

Principal Office (Current):	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
Resident Agent (Current):	THE CORPORATION TRUST INCORPORATED 351 WEST CAMDEN STREET BALTIMORE, MD 21201
Status:	INCORPORATED
Good Standing:	Yes
Business Code:	What does it mean when a business is not in good standing or forfeited? Ordinary Business - Stock
Date of Formation or Registration:	05/11/1987
State of Formation:	DE
Stock/Nonstock:	Stock
Close/Not Close:	Unknown

Maryland Department of Assessments and Taxation Business Services (w4) Search Help

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC.

Department ID: F02342111

General Information	Amendments	Personal Property	Certificate of Status				
Description	Date Filed	Film	Folio	Pages	View Document	Order Copies	
RESIDENT AGENT CHANGE OF ADDRESS	12/01/2009 2:43 PM			2			
STATEMENT OF NAME CHANGE	07/03/2002 10:13 AM	B00400	1245	2			
THIS AMENDMENT RECORD INDICATES THE NAME CHANGE FROM: AAL CAPITAL MANAGEMENT CORPORATION. TO: THRIVENT INVESTMENT MANAGEMENT INC..							
CHANGE OF R.A.A.	11/17/1997 8:30 AM	F3998	93	1359			
CONVERTED AMENDMENT	05/02/1991 8:52 AM	F3329	1140	2			
CERTIFIED STATEMENT MERGER OF AAL ADVISORS INC. (UNQUALIFIED DE)							
CERTIFIED STATEMENT - MERGER	05/02/1991 8:52 AM	F3329	1240	2			
QUALIFICATION	05/11/1987 11:00 AM	F2917	1794	3			

Maryland Department of Assessments and Taxation Business Services (w4)

Search Help

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC. Dept ID #:F02342111

Ack#: 1000361999039195

Principle Office:

CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801

Resident Agent:

THE CORPORATION TRUST INCORPORATED
351 WEST CAMDEN STREET
BALTIMORE, MD 21201

Maryland Department of Assessments and Taxation Business Services (w/4)	Search Help
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Entity Name: THRIVENT INVESTMENT MANAGEMENT INC. Dept ID #:F02342111

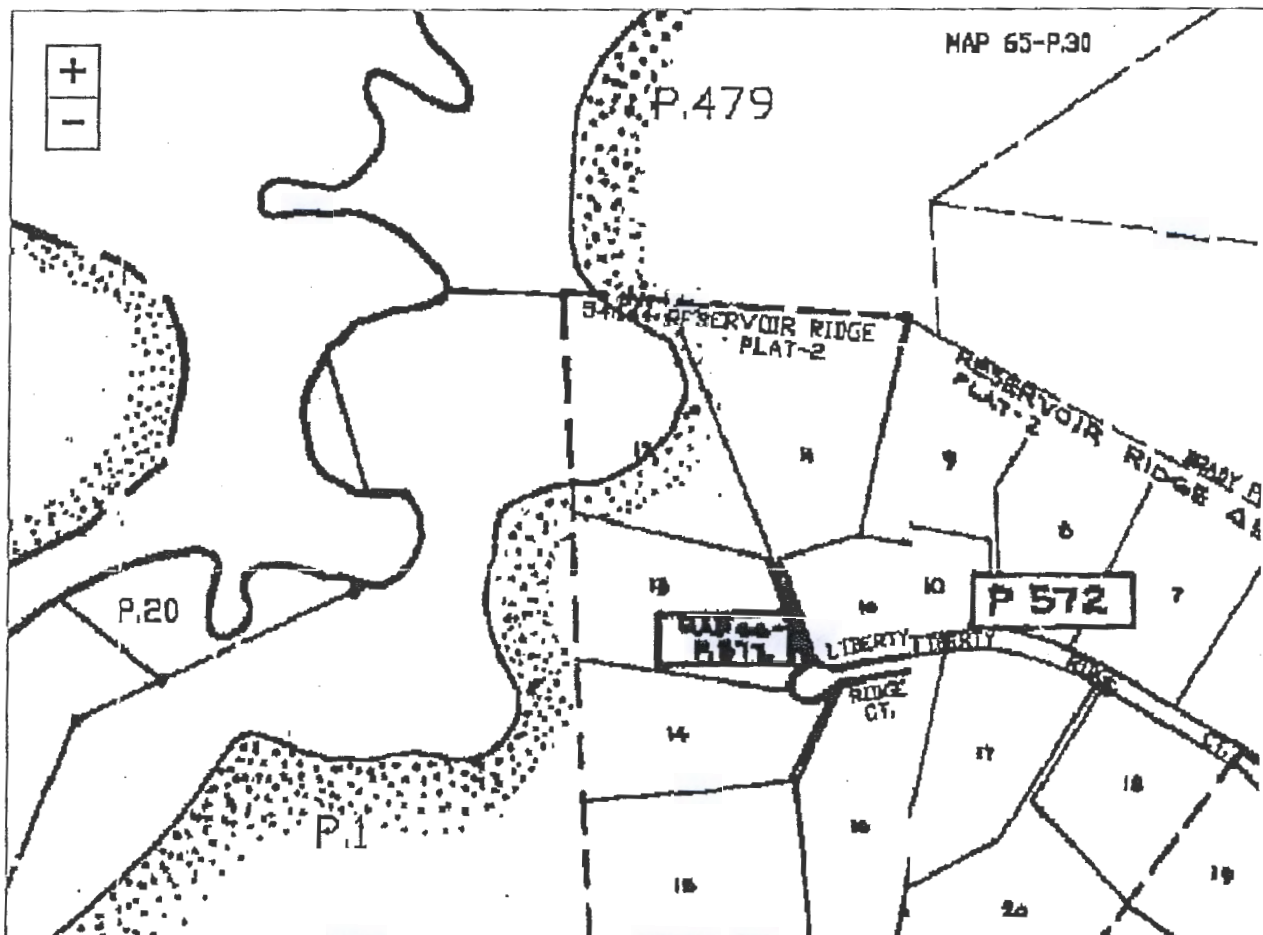
Ack#: 1000361987213836

Principle Office: CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801

Resident Agent: THE CORPORATION TRUST
300 E LOMBARD ST
BALTIMORE, MD 21202

Real Property Data Search (w2)				Guide to searching the database			
Search Result for BALTIMORE COUNTY							
View Map		View GroundRent Redemption			View GroundRent Registration		
Account Identifier:		District - 02 Account Number - 2000009370					
Owner Information							
Owner Name:		ABEL ARNOLD T ABEL ANITA		Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		23 LIBERTY RIDGE CT OWINGS MILLS MD 21117 -4600		Deed Reference:		112648/ 00567	
Location & Structure Information							
Premises Address:		23 LIBERTY RIDGE CT 0-0000		Legal Description:		4.561 AC 23 LIBERTY RIDGE CT RESERVOIR RIDGE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:
0066	0007	0572		0000			12
Assessment Year:		Plat No:		Plat Ref:		2	
2013						0054/ 0144	
Special Tax Areas:				Town: NONE			
				Ad Valorem:			
				Tax Class:			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area	
1988		3,048 SF		600 SF		4.5600 AC	
County Use		04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation	
		STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached		
Value Information							
Base Value		Value As of 01/01/2013		Phase-In Assessments As of 07/01/2014		As of 07/01/2015	
Land:		216,900		162,700			
Improvements		326,200		312,300			
Total:		543,100		475,000		475,000	
Preferential Land:		0				0	
Transfer Information							
Seller: ABEL ARNOLD T		Date: 02/05/1998		Price: \$0			
Type: NON-ARMS LENGTH OTHER		Deed1: 112648/ 00567		Deed2:			
Seller: BRANDONWOOD DEVE LOPMENT CORPORATE		Date: 12/10/1987		Price: \$65,000			
Type: ARMS LENGTH IMPROVED		Deed1: 107748/ 00595		Deed2:			
Seller:		Date:		Price:			
Type:		Deed1:		Deed2:			
Exemption Information							
Partial Exempt Assessments:		Class		07/01/2014		07/01/2016	
County:		000		0.00			
State:		000		0.00			
Municipal:		000		0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:					
Exempt Class:		NONE					
Homestead Application Information							
Homestead Application Status: Approved 04/01/2014							

Baltimore County

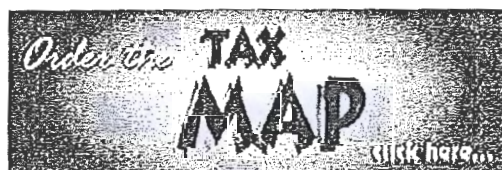
[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)District: **02** Account Number: **2000009370**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imgweb05.mdp.state.md.us/website/mosp/>)

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3 Am. Law. Zoning § 19:15 (5th ed.)

American Law of Zoning
Database updated November 2014
Patricia E. Salkin
Chapter 19. Home Occupations
III. Professions and Similar Occupations

References

§ 19:15. Professions and similar occupations

Prior to the restriction of land use through comprehensive zoning, one of the common nonresidential uses of dwellings was the establishment and maintenance of a home office by a professional person. Many physicians maintained a home office; some attorneys converted rooms in their homes to office use; and home offices were not uncommon among architects, artists, musicians, and other professional persons. As these offices were more numerous and less obtrusive than most nonresidential uses, zoning ordinances usually permitted them to continue, not as nonconforming uses, but as uses of right. It is common practice for a zoning ordinance to authorize the use of a dwelling in a residential district as a professional office of a person who occupies such dwelling.¹

Ordinances differ in the number of professions included in the group permitted to maintain home offices, the districts in which such offices may be maintained, and in whether or not the home office may be the principal office of the professional resident of the dwelling. Usually such offices constitute permitted accessory uses in the most restricted, single-family districts.²

A more restrained permission to establish home offices is granted in regulations which permit such offices provided that they are not the principal offices of the professional occupants. The zoning ordinance of Salt Lake City, Utah, provides that certain occupations such as a barber, physician or therapist, may be permissible as home occupations if they do not negatively impact the residential character of the neighborhood.³ A major portion of the litigation relating to professional offices in residential districts is concerned with the qualification as a professional person of the resident who seeks to establish or maintain the office. Whether a particular office may or may not be located in a residential district is a simple matter where the regulations specify the professional uses that are permitted or excluded. However, some ordinances authorize home offices for specified professions and add the words "other professional person" or generic language of similar import.⁴ Where such general language is employed, persons who practice accounting, veterinary medicine, and other professions, as well as real-estate brokers, insurance agents, and a variety of businessmen seek to maintain offices in residential districts, although they are not listed specifically among those professions favored by the ordinance.⁵ The cases which have resulted from these attempts to establish home offices will be reviewed in the sections immediately following. Importantly, unless otherwise noted, the cases and examples in these sections would apply only to municipalities that continue to specify "professional" occupations by name that are permissible, rather than moving to performance based standards as many municipalities have done.

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Footnotes

- 1 Zoning Resolution City of New York § 12-10 (1965, as amended). Available at: <http://www.nyc.gov/html/ucp/pdf/zoning/ari01e02.pdf>. Construction and effect of zoning provision permitting accessory use for "professional office," 24 A.L.R. 3d 1128.
- 2 Little Rock Code § 16-252 (2008). Available at: <http://www.municode.com/Resources/getcvm.asp?pld=11170&sl=4>.
- 3 Zoning Ordinance of Salt Lake City, Utah, 21A.36.030 (1995). Available at: <http://66.113.195.234/UT/SaltLake%20City/index.htm>.
- 4 An ordinance is not unconstitutional which permits "a physician, lawyer, architect, teacher or similar professional person residing on the premises" to maintain an office in a residential district. *People v. Cully Realty, Inc.*, 139 Misc. 2d 169, 442 N.Y.S.2d 847 (App. Term 1981).

- 5 A New York ordinance listed the traditional learned professions, "single physician, dentist, chiropractor, lawyer, architect, engineer, surveyor, accountant, financial planner, insurance agent or teacher are permissible occupations as of right." In addition, "similar uses, which do not alter the character of the house as a residence, may ... be permitted." The district court remanded the case with the instructions to evaluate the proposed use against the standard of maintaining the residential nature of the home instead of an analysis of how much a mortgage brokerage is similar or different from a real estate business or an insurance business. The decision also compelled the board to weigh the credible evidence that the proposed use "complied with the threshold requirements of the ordinance at issue as to number of employees, outside signs, etc." *Arce v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005).

End of Document

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3 Am. Law. Zoning § 19:16 (5th ed.)

American Law of Zoning
Database updated November 2014
Patricia E. Salkin
Chapter 19. Home Occupations
III. Professions and Similar Occupations

References

§ 19:16. Doctors, dentists, and surgeons

The medical profession was once most favored by admission to the residential neighborhoods of the community. Where professional offices of any kind were permitted in residential zones, the regulations would specify doctors,¹ dentists,² and usually surgeons.³ However, many municipalities have since removed these provisions, and are now providing performance based guidelines or licensing requirements for all home occupations.⁴

The right to establish an office may be limited to the establishment of an emergency office rather than to a full-time, principal one.⁵ Under another common limitation, only one professional office is permitted in a dwelling.⁶ An occasional ordinance provides that the offices of more than one profession in a residential building are prohibited, as are the offices of more than one branch of a profession.⁷ Provisions of this kind are adopted for the apparent purpose of preventing the establishment of a medical center or clinic in a residential district. The concern is realistic in view of judicial approval of the establishment by a doctor of a waiting room staffed by a receptionist and secretary, treatment rooms, and the usual paraphernalia of the medical profession.⁸ An ordinance which allowed professional offices was construed to permit a doctor to establish a methadone clinic.⁹

That the courts are not quick to discover an offense to the zoning ordinance where a medical office is concerned is suggested by cases in which treatment and recovery rooms were said not to be "workrooms" in the sense prohibited by an ordinance,¹⁰ and where a chiropractor was found not to be operating a clinic although he advertised his establishment as such.¹¹ Authority to establish a physician's office includes the establishment of an office of a chiropractor,¹² and a Christian science practitioner,¹³ but not a pharmacy or an office for the practice of psychotherapy.¹⁴

The limitations which apply generally to home occupations apply equally to home medical offices. Where the ordinance requires the occupant of a home office to live in the dwelling where the office is maintained, the restriction applies equally to doctors, dentists, and surgeons.¹⁵

Limitations upon total floor space and as to number of employees apply to medical offices as well as to other home occupations.¹⁶ A regulation which prohibited medical centers in residential districts was violated by an owner who rented space in her residence to a dentist and four doctors.¹⁷ Such offices are subject to the restrictions upon alteration of the exterior of a dwelling, and upon separate access from the outside.¹⁸

While doctors, dentists, and surgeons commonly are permitted to establish home offices in residential districts, these offices are not residential uses.¹⁹ Medical offices may be excluded from residential districts,²⁰ and such offices may be excluded in districts where hospitals, clinics, and nursing homes are allowed.²¹ An ordinance which excluded such offices is not arbitrary simply because it permits parking garages.²² Intent to exclude was discovered in an ordinance which prohibited "businesses and offices" in residential districts.²³ An ordinance which specifically allowed professional offices in a "Residence B District," but made no such reference to "Residence A Districts," was held to prohibit medical offices in the latter.²⁴ However, an ordinance which purported to regulate the location of trades and industries, and which did not mention medical offices, is not offended by a doctor's office which is maintained in his residence.²⁵

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Footnotes

- 1 Dayton, Ohio, Zoning Ordinance § 2316(3) (1969); Wichita, Kansas, Zoning Ordinance § 22.040.020(D)(4) (1974). Neither ordinance still specifically lists doctors or professionals; in Wichita a license is always needed. But see *Arce v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149, 151 (2d Dep't 2005), citing the Islip Town Ordinance that still lists specific professions including physician. If the inclusion in the municipal code of medical offices as a permissible use in an R-5-B classification was a mistake, the courts cannot correct the error. It may be corrected only by the municipality itself. *City of Wilmington v. Baynard Court, Inc.*, 281 A.2d 493 (Del. 1971).
- 2 Charleston, West Virginia, Revised Zoning Ordinance § 2.02 (1971); Sedgwick Co., Kansas, Zoning Resolution § 2-1(D)(4) (1974). Again, neither ordinance currently still specifically names dentists or professionals. Where a zoning ordinance authorizes a doctor or dentist to conduct his practice in a dwelling in a residential district, under a special exception issued by the board of zoning appeals, whether or not such doctor or dentist lives in the dwelling, the board is not authorized to deny such an exception on the ground that the applicant must obtain a use variance. *Schwartz v. Cheve*, 53 Misc. 2d 1007, 281 N.Y.S.2d 133 (Sup. 1967).
- 3 See also *Osborn v. Planning Bd. of Town of Colorado*, 146 A.D.2d 838, 536 N.Y.S.2d 244 (3d Dep't 1989). Little Rock, Arkansas, Zoning Ordinance § 43-3(3)(a) (1973); Salt Lake City, Utah, Zoning Ordinance § 51-2-34 (1974). Both ordinances used to specially exempt, now neither ordinance does. Current ordinance: Zoning Ordinance of Salt Lake City, Utah, 21A.36.030 (1995). Available at: <http://66.113.195.234/UT/Salt%20Lake%20City/index.htm>; Little Rock Code § 36-252 (2005). Available at: <http://www.municode.com/Resources/gateway.asp?pid=11170&id=1>.
- 4 Current ordinance: Zoning Ordinance of Salt Lake City, Utah, 21A.36.030 (1995). Available at: <http://66.113.195.234/UT/Salt%20Lake%20City/index.htm>; Little Rock Code § 36-252 (2005). Available at: <http://www.municode.com/Resources/gateway.asp?pid=11170&id=1>.
- 5 *Dismark, North Dakota*, Code § 15.0208(2)(b) (1973).
- 6 *Town of North Hempstead v. White*, 1 Misc. 2d 228, 144 N.Y.S.2d 358 (Sup. 1955), order aff'd, 1 A.D.2d 781, 148 N.Y.S.2d 461 (2d Dep't 1956).
- 7 *Building Zoning Ordinance*, Town of North Hempstead, N.Y. § 2.12 (1958).
- 8 *Red Acre Inn, Club v. Burkholder*, 193 Tenn. 79, 241 S.W.2d 921 (1951).
- 9 A methadone clinic serving 90 patients and fully staffed in a professional office permitted in a district which permits offices of professional persons. *Village of Maywood v. Health, Inc.*, 104 Ill. App. 3d 548, 60 Ill. Dec. 713, 433 N.E.2d 951 (1st Dist. 1982). Under an ordinance which permits professional offices in a commercial district, a doctor is entitled to an occupancy permit for his office which operates a methadone clinic. The clinic is not a hospital within the meaning of the ordinance. *L. & L. Clinics, Inc. v. Town of Irvington*, 185 N.J. Super. 332, 469 A.2d 152 (App. Div. 1983).
- 10 *Doebel v. Wilson*, 77 Ohio L. Abn. 471, 150 N.E.2d 448 (Ct. App. 10th Dist. Franklin County 1957).
- 11 *Baerke v. Foster*, 343 S.W.2d 208 (Mo. Ct. App. 1960).
- 12 The practice of a state-licensed chiropractor was a permitted use under the zoning ordinance which allowed the owner and occupant of a dwelling in a residential district to use the dwelling for the practice of his or her profession as a "physician." The ordinance defined "physician" as "any regularly state licensed or state authorized practitioner of the art of healing the physical ailments of human beings." *City of St. Ann v. Crump*, 607 S.W.2d 786 (Mo. Ct. App. E.D. 1980).
- 13 Dismissal of action seeking to enjoin defendant from continuing to use certain premises as a chiropractor's office was warranted where plaintiff failed to prove the office was not an accessory to defendant's residence within the meaning of the zoning ordinance. *DeWine v. Valvo*, 77 A.D.2d 643, 430 N.Y.S.2d 137 (2d Dep't 1985).
- 14 A Christian Science practitioner is an "other professional person" as that term is used in an ordinance permitting certain professional persons to establish home offices. *Arduon Area Zoning Ass'n v. Krushnick*, 82 So. 2d 460 (La. Ct. App., Orleans 1955).
- 15 The plaintiff's use of her residence, zoned R-3 single family residential use, the most restrictive use category under the ordinance, to practice psychotherapy and social work is not an accessory use of her property because rendering these professional services does not further her use of her property as a residence. *Lerner v. Bloomfield Tp.*, 106 Mich. App. 809, 308 N.W.2d 701 (1981).
- 15 Where a dentist, who operated an office in his residence under a Home Occupation ordinance, moved his family to a new residence, he could no longer carry on his practice in the old home. If he were permitted to do so, dentistry would then be the principal use of

- the premises, rather than an incidental use as required by the ordinance. *Mahler v. Board of Adjustment of Borough of Fair Lawn*, 94 N.J. Super. 173, 227 A.2d 511 (App. Div. 1967), judgment aff'd, 55 N.J. 1, 258 A.2d 705 (1969).
 But see *Sullivan v. City of Albany Bd. of Zoning Appeals*, 20 A.D.3d 665, 796 N.Y.S.2d 200 (3d Dep't 2005) upholding the zoning board's grant of a variance allowing property to be sold with a dentist office as part of a residential home.
- A zoning ordinance, prohibiting the use of premises for professional purposes unless the office is in the user's residence, was not unconstitutional as unreasonable, arbitrary, and capricious for failure to define the term "resident." *Town of Smithtown v. Serby*, 64 Misc. 2d 734, 315 N.Y.S.2d 445 (Dist. Ct. 1970).
- "Where a zoning ordinance permitted professional offices in AAA, AA and A districts as accessory uses, limited to the dwelling in which the professional person resides, and where land in a B or BB district may be used "for any purpose permitted in a more restrictive district," the court held that a doctor was permitted to establish an office in a B or BB zone although he did not live in the building. The limitation to a resident professional did not carry over with the use. *Kurlander v. Incorporated Village of Hempstead*, 31 Misc. 2d 121, 224 N.Y.S.2d 461 (Sup. 1961).
- 16 *Charlotte, N.C., Zoning Ordinance* § 12.408 (2008) (limitation of 25% of one floor). Available at: <http://www.charmeek.org/NR/rdonlyres/external/ido3a2xkxomnauqyrsfjg7podilmeys263arveyez1st4px3vetg1etjmot3fmgodijgg7m4ugrcill/ZoningOrdCityChapter12.pdf>.
- 17 *Merry v. Zoning Bd. of Adjustment*, 406 Pa. 393, 178 A.2d 595 (1962).
- See also *McCloud v. Woodmansee*, 165 Ohio St. 271, 59 Ohio Op. 361, 135 N.E.2d 316 (1956).
- 18 See *Stewart v. Barber*, 182 Misc. 91, 43 N.Y.S.2d 360 (Sup. 1943).
- "When a professional man pursues an occupation in his home in which it is necessary that patients, clients or patrons call at his home for the purpose of obtaining treatment, or similar activity, it then becomes a non-residential use." *N. H. Anglo & Sons, Inc. v. Lurich*, 98 Ill. App. 2d 18, 240 N.E.2d 9 (2d Dist. 1968).
- 19 *Stillbar Const. Co. v. Town of Harrison*, 143 N.Y.S.2d 804 (Sup. 1955); *Conner v. City of University Park*, 142 S.W.2d 706 (Tex. Civ. App. Dallas 1940), writ refused.
- A zoning ordinance is not unconstitutional simply because it prohibits the practice of dentistry in some residential districts of the municipality. *Carbone v. Village of Bellarm Manor*, 39 Misc. 2d 320, 240 N.Y.S.2d 523 (Sup. 1963), order aff'd, 20 A.D.2d 627, 245 N.Y.S.2d 1003 (2d Dep't 1963).
- 20 *City of Champaign v. Roseman*, 15 Ill. 2d 363, 155 N.E.2d 34 (1958).
- 21 *City of Miami Beach v. Silver*, 67 So. 2d 646 (Fla. 1953).
- 22 *Skryzak v. Village of Mt. Prospect*, 13 Ill. 2d 329, 148 N.E.2d 721 (1958).
- A use which is expressly prohibited in the zoning ordinance cannot be an accessory or incidental use. *City of Sheridan v. Keen*, 34 Colo. App. 228, 524 P.2d 1390 (1974).
- 23 *City of Harlingen v. Feener*, 153 S.W.2d 671 (Tex. Civ. App. San Antonio 1941), writ refused w.o.m., (Oct. 22, 1941).
- 24 *Yocum v. Feld*, 129 Fla. 764, 176 So. 753 (1937).

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3 Am. Law. Zoning § 19:17 (5th ed.)

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§ 19:17. Optometrists

An ordinance which permits a doctor or dentist to maintain an office in his home in a residential district may exclude the office of an optometrist. Such exclusion does not constitute invalid discrimination because the legislative authority might reasonably conclude that there is more need in residential areas for the services of a doctor or dentist.¹

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Footnotes

- 1 A city can reasonably conclude that there is more need of a doctor, dentist or surgeon rather than an optometrist, in a residential area. *City of City of St. Ann v. Elms*, 661 S.W.2d 632 (Mo. Ct. App. E.D. 1983).
- The court held that a reasonable basis existed for limiting to a doctor of medicine or dentistry the use of a private dwelling in a residence zone as a combined residence and office. The classification did not constitute an invalid discrimination against an optometrist as there was more need to have the doctor of medicine or dentistry in the area in case of emergencies. *Silaway v. Village of South Orange*, 104 N.J. Super. 477, 250 A.2d 429 (App. Div. 1969).

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3 Am. Law. Zoning § 19:18 (5th ed.)
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§ 19:18. Veterinary medicine

A doctor of veterinary medicine is a professional person within the meaning of an ordinance which allows, as an accessory use, a "professional office." Accordingly, a veterinarian may maintain a professional office in a residential zone, if he resides in the building which will house the use and meets standards which apply generally to accessory professional offices.¹ Animal hospitals, which some veterinarians operate in conjunction with their offices, are specifically excluded from the definition of home occupations by some regulations.²

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Footnotes

- 1 *Eisner v. Farrington*, 12 A.D.2d 786, 289 N.Y.S.2d 673 (2d Dep't 1961).
- 2 See, e.g., *Wichita, Kansas, Code* § 28.04.020 (1974). A one-day veterinarian service for neutering and spaying, set up at the request of the local humane society was not required to obtain a premises permit. Such permits were required only for permanent veterinarian practices. *Pellet v. Department of Professional Regulation*, 443 So. 2d 206 (Fla. Dist. Ct. App. 3d Dist. 1983).

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3 Am. Law. Zoning § 19:19 (5th ed.)
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§ 19:19. Attorneys

Attorneys usually are listed among the professional persons authorized to establish offices in residential areas.¹ Absent specific listing, it would appear that an attorney who is licensed by the state and subject to the ethics of the profession qualifies as a professional person where the generic term "professional person" is employed. Interestingly, there is a lack of judicial opinions concerning legal offices in residential districts.

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Footnotes

- 1 *Atlanta, Georgia, Zoning Ordinance*, § 16-29.001 (2006).
"[A] licensed attorney can only operate an office in an area zoned for such use." Such a restriction does not prescribe qualifications for attorneys, or impose a regulation on standards of conduct or admission of attorneys, or frustrate the court's authority to regulate the practice of law. *Mire v. City of Lake Charles*, 540 So. 2d 950 (La. 1989).

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3 Am. Law. Zoning § 19:20 (5th ed.)

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§ 19:20. Engineers and architects

Engineers and architects sometimes are listed along with doctors and lawyers, as professional persons entitled to maintain home offices in residential districts.¹ Absent specific mention in the regulations, these professions would appear to be properly included under the term "other professional persons." Both professions are licensed by the state and disciplined by professional ethics.² As in the case of lawyers, home offices appear to have attracted few engineers or architects. In one case, a person seeking to operate an engineering business as a home occupation was found not to be entitled to a special exception under a city ordinance since such a business is not customarily carried on in a dwelling unit and would not be an accessory use in relation to the dwelling unit. To qualify as an accessory use, the use must be subordinate or clearly incidental to the residential use of property.³ The court noted that "zoning boards and courts may take notice of what business occupations are customarily conducted in residential dwellings based on general experience and understanding."⁴

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Footnotes

- 1 See *Mehring v. Zoning Hearing Bd. of Manchester Tp.*, 762 A.2d 1137 (Pa. Commw. Ct. 2000); *Mack v. Board of Appeals, Town of Homer*, 25 A.D.3d 977, 807 N.Y.S.2d 468 (3d Dep't 2006).
- 2 The term "professionist" used in an ordinance which permits a professional office in a residential district as an accessory use included the professions of engineering and architecture. *Kemp v. White Oak Zoning Hearing Bd.*, 70 Pa. Commw. 362, 453 A.2d 66 (1982). See generally *Gelfert v. Menley*, 293 N.Y. 583, 59 N.E.2d 414 (1944).
- 3 *Allegheny West Civic Council, Inc. v. Zoning Bd. of Adjustment of City of Pittsburgh*, 552 Pa. 541, 716 A.2d 600 (1998).
- 4 *Allegheny West Civic Council, Inc. v. Zoning Bd. of Adjustment of City of Pittsburgh*, 552 Pa. 541, 716 A.2d 600 (1998).

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3 Am. Law. Zoning § 19:21 (5th ed.)

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§ 19:21. Accountants

Accountants are infrequently listed among the professions authorized to maintain home offices in residential districts. An occasional ordinance includes this group.¹ Accountants probably can be classed as "other professional persons" as that language is employed in some of the ordinances which permit home offices. However, like other desired home occupation uses, the applicable zoning ordinance has to be followed. Where an accountant purchased property in a residential district where home occupations were permitted, but the accountant was not residing at the site as required under the zoning ordinance to qualify as a home occupation the decision of the zoning hearing officer that the use did not qualify as a home occupation was upheld.²

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Footnotes

- 1 See *Arceri v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005); *County of Innes v. Wess*, 1994 WL 193737 (Min. Ct. App. 1994).
See also *Whiterspoon v. City of Moline*, 227 Ill. App. 3d 1023, 169 Ill. Dec. 237, 591 N.E.2d 117 (3d Dist. 1992).
- 2 *Wilson v. Plumsted Tp. Zoning Hearing Bd.*, 594 Pa. 416, 936 A.2d 1061 (2007).

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§ Am. Law. Zoning § 19:22 (5th ed.)

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§ 19:22. Real estate brokers

Some zoning ordinances specifically include real-estate brokers among the persons entitled to maintain home offices in residential districts.¹ Other ordinances specifically exclude real-estate offices from residential districts.² The difficult problems arise when no mention is made of this use, and a real-estate broker seeks to establish a home office in a residential district, urging that such a use is a customary home occupation, or that a realtor is a professional person within the meaning of a regulation permitting professional offices. Both grounds for maintaining real-estate offices in residential districts have been rejected by the courts.

A real-estate broker is not a professional person, as that term is employed in regulations permitting professional persons to establish home offices. While it is recognized that realtors possess some professional characteristics, these are not dominant.³ A real-estate broker is a business man rather than a professional person. The fact that realtors are licensed by the state does not constitute the business of selling real estate a profession within the meaning of the zoning regulations.⁴

A real-estate office is not a customary home occupation. This is true although the realtor carries no stock in trade, attracts a small number of customers, and employs only members of his immediate family.⁵ An Illinois court said that "the carrying on of a real-estate business with advertising signs inviting customers to come and do business on the premises is not necessary or customarily incident to the use of the property for residential purposes, and is not therefore a permissible use even if real-estate brokerage could be classed as a profession."⁶ Additionally, a Pennsylvania court found that resident's proposed use of their home for a real estate brokerage firm did not meet the requirements for a special exception, nor a home occupation.⁷ A zoning ordinance may permit a real-estate office in a residential district upon approval of an administrative board. Under such an ordinance, the usual rules with respect to the granting and denial of permits apply.⁸ A landowner can, of course, apply for a variance to conduct a home real-estate office. Where he is unable to demonstrate unnecessary hardship, he need not be granted a variance solely on the ground that he is located adjacent to a zoning district where commercial uses are permitted.⁹

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Footnotes

1. *Mehring v. Zoning Hearing Bd. of Manchester Tp.*, 762 A.2d 1137 (Pa. Commw. Ct. 2000).
2. *Zoning Resolution City of New York* § 12-10 (2008, as amended).
3. *People v. Cully Realty, Inc.*, 109 Misc.2d 169, 442 N.Y.S.2d 847 (App. Term 1981); *Seaman v. Zoning Bd. of Appeals of Holliston*, 340 Mass. 488, 165 N.E.2d 97 (1960); *Hackett v. Gale*, 104 N.H. 90, 179 A.2d 451 (1962).
4. See *City of Los Altos v. Barnes*, 3 Cal. App. 4th 1193, 5 Cal. Rptr. 2d 77 (6th Dist. 1992) citing *Jones v. Robertson*, 79 Cal. App. 2d 813, 180 P.2d 929 (3d Dist. 1947).
As a real estate office is not a professional occupation under the town zoning regulation, applicant was not entitled to operate a real estate office in a residential zone. *Diagos v. Zoning Bd. of Appeals of Trumbull*, 36 Conn. Supp. 217, 416 A.2d 180 (Super. Ct. 1980).
5. *Mack v. Board of Appeals, Town of Homer*, 7 Misc. 3d 607, 790 N.Y.S.2d 361 (Sup. 2005), judgment aff'd, 25 A.D.3d 977, 807 N.Y.S.2d 460 (3d Dep't 2006); *Seaman v. Zoning Bd. of Appeals of Holliston*, 340 Mass. 488, 165 N.E.2d 97 (1960).

A real estate office is a commercial use, and not a use "customarily incidental" to the use of a dwelling in a residential district. *Ridley Tp. v. Prosser*, 431 Pa. 34, 244 A.2d 719 (1968).

6. *Village of Riverside v. Kahana*, 335 Ill. App. 547, 82 N.E.2d 500 (1st Dist. 1948).
City Board of Adjustment v. Underwood, 332 S.W.2d 583 (Tex. Civ. App. San Antonio 1960), writ refused n.r.e., (May 11, 1960).
A real estate office is not a professional office, and is therefore not a permitted home occupation. *Captain v. Long Beach Tp.*, 95 N.J. Super. 523, 231 A.2d 852, 24 A.L.R.3d 1124 (App. Div. 1967).
7. *Trenga v. Zoning Bd. of Adjustment of South Whitehall Tp.*, 95 Pa. Commw. 583, 506 A.2d 490 (1986).
8. Where an ordinance which permitted home real-estate offices under special permits was amended to exclude such offices, an applicant whose permit was under consideration when the amendment was passed had no vested right to a permit and the board of zoning appeals properly denied it. *Rodell v. Burns*, 19 Misc. 2d 562, 187 N.Y.S.2d 301 (Sup. 1959).
See also *Trenga v. Zoning Bd. of Adjustment of South Whitehall Tp.*, 95 Pa. Commw. 583, 506 A.2d 490 (1986).
9. *Sokolow v. City of Philadelphia Zoning Bd. of Adjustment*, 391 Pa. 71, 137 A.2d 251 (1958).

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3 Am. Law. Zoning § 19:23 (5th ed.)

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§ 19:23. Insurance agents

An insurance office is a business use which may not be maintained in a dwelling in a residential district unless the regulations list such offices as permitted home occupations.¹ Some ordinances specifically exclude insurance agents from their definition of home occupation.² These generalities may not be valid where the language of the ordinance is broader than that commonly used in describing the home offices which are permitted. Thus, a Texas court construed an ordinance to permit any occupation provided the limitations of the ordinance with respect to how home occupations may be conducted were observed. This construction permitted the establishment of an insurance office in a residential district.³ Specific decisions are lacking, but it seems reasonable to conclude that an insurance broker would be regarded as more a business man than a professional person, as the latter term is used in regulations permitting professional offices in residential districts. However, recently, insurance offices have been considered to be customary uses, and where they comply with other ordinance requirements, insurance agencies will normally be permitted as home occupations in residential zones.⁴

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Footnotes

- 1 See *Arcei v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005). Although the zoning ordinance allowed "professional offices" to be established in a multi-family residence district, the mere fact that an insurance broker was licensed by the state did not qualify him as a "professional." *Reich v. City of Reading*, 3 Pa. Commw. 511, 284 A.2d 315 (1971). An insurance agency is not a professional office within the meaning of an ordinance that permits professional offices in a residential zone or conditional uses. *Geaghan v. City of Bath*, 564 A.2d 393 (Me. 1989).
- 2 Code of Ordinances, City of Taylor, Michigan, § 2.01(96) (2007). Available at: <http://www.municode.com/resources/gaiozwny.asp?pid=12014&cid=22>.
- 3 *Board of Adjustment v. Underwood*, 332 S.W.2d 583 (Tex. Civ. App. San Antonio 1960), writ refused n.r.e., (May 11, 1960). Where the zoning ordinance required that the property be used for residential purposes, but permitted certain home occupations such as an insurance business, the use of the home for such purposes is proper. However, the primary use of the dwelling unit must remain residential. *Metropolitan Development Commission of Marion County v. Mullin*, 399 N.E.2d 751 (Ind. Ct. App. 1979).
- 4 A New York appellate court resolved the question of whether or not a home owner's use of his garage for his mortgage broker business was permitted by finding that it closely resembled an insurance agency, a customary home occupation, rather than a real-estate agency, a business not considered to be customarily practiced in the home. *Arcei v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005).

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IN THE MATTER OF
THE APPLICATION OF
JORGE ESCALANTE - PETITIONER
FOR SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SW CORNER JOPPA
ROAD AND SIXTH AVENUE
(3106 SIXTH AVENUE)
11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 00-184-X

OPINION

Background

This matter is before the Board on an appeal from a decision of the Zoning Commissioner of Baltimore County denying a special exception for a professional office (real estate broker) on a residential property owned by Mr. Escalante at 3106 Sixth Avenue in Carney, Baltimore County, Maryland. Mr. Escalante was represented by Michael P. Tanczyn, Esquire. Deputy People's Counsel Carole S. Demilio opposed the Petition for Special Exception. The hearing was held before the Board on November 6, 2001. The parties filed briefs with the Board, which were submitted by close of business on December 3, 2001. A public deliberation was held on December 19, 2001.

Facts

The Petitioner is the owner of 3106 Sixth Avenue which he purchased in October 1998. This is a .22 acre corner lot located on the southwest corner of Joppa Road and Sixth Avenue just east of Harford Road and Avondale Road. The property is zoned D.R. 5.5. The zoning across Joppa Road for five separate structures immediately east of the Carney Village Shopping Center is R-O. The Carney Village Shopping Center is zoned a combination of B.L. and B.L.-A.S. The

property immediately adjacent to the rear of the site, known as 3117 Joppa Road, is zoned R-O and is improved with a 2 1/2 story frame structure which is used as a real estate office.

Mr. Escalante indicated that he had transferred the property to his mother. He also testified that he purchased the property after it had been vacant for several years. The property was in very great disrepair and he made major improvements, gutting the interior of the structure and refurbishing all of the rooms. The house is a split-level house, and Mr. Escalante has made an office in the basement of the house. He presented a drawing of the house and indicated that he had taken measurements of each room and that the office did not occupy more than 25 percent of the total space of the home. Mr. Escalante has also paved the front part of the yard of the home to make a parking lot for approximately two cars. He has constructed a privacy fence around the rear and side of the home to shield the office and driveway from the neighbors. Mr. Escalante is a real estate broker with a broker's license. He employs one sales person and a nonprofessional individual in the office.

Mr. Escalante performed the renovations on the home and constructed the office without obtaining a special exception. He tried unsuccessfully to have the site rezoned to R-O or R-O-A in the 2000 Comprehensive Map Process. It was a specific issue considered by the County Council, and the Council elected to retain the D.R. 5.5 zoning. He stated that he tried to sell the property after the decision by the Zoning Commissioner but has been unable to sell. He owns several other pieces of property, one at 3128 E. Joppa Road, which has two apartments, and a piece of property on Harford Road which he used as an insurance sales office for a period of time but is now vacant.

Hubert Malmud, a licensed property line surveyor, testified on behalf of Mr. Escalante with respect to the zoning of various pieces of property in the surrounding area. He testified that

he had driven around the surrounding neighborhoods, and it was his opinion that there would be no congestion in the roads or alleys as a result of the operation of a real estate office at the subject site. He also indicated with generally "yes" or "no" answers with respect to the other criteria set forth in § 502.1 of the *Baltimore County Zoning Regulations* (BCZR) in order to meet the requirements for a special exception.

Marilyn Ryan, a neighbor living at 3014 Sixth Avenue, testified on behalf of the People's Counsel. She felt that if the special exception was allowed it would be encroaching into the community of Thornwood Park in which she lives. In addition, she stated that it is difficult to get onto Joppa Road from the subject property site and that individuals would probably be turning right coming out of the driveway of Mr. Escalante's home, and would be going through the community in order to gain access to Joppa Road from another avenue.

Ruth Baisden, President of the Greater Parkville Community Council, testified that it was the position of their association that the house was not an appropriate site for a real estate office. It was her position that there were a number of offices available along Joppa Road where a real estate business could be located.

Decision

Offices and other commercial uses are prohibited in residential zones with the two exceptions of a home occupation and a professional office. The home occupation is not in question in this situation. The Petitioner contends that Mr. Escalante is a professional and therefore qualifies for the special exception under the professional office criteria, not using more than 25 percent of the home for his business. The issue is whether or not a real estate broker can be considered a professional within the meaning of the *Baltimore County Zoning Regulations* (BCZR).

Section 1B01.1.C.12 permits, by special exception:

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; does not occupy more than 25 percent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate, nor two other nonresident employees.

Counsel for Mr. Escalante argues that he falls within the definition of "other professional persons" as set forth in the above section. He cites the fact that Mr. Escalante has a Bachelor of Science degree from the University of Lima, Peru, in Business Administration and has completed 36 of 48 credits towards an MBA degree at Johns Hopkins University. He began his own business in March of 1998 and his co-employee is his fiancée who is a licensed real estate agent. Counsel cites the fact that, as a real estate broker, Mr. Escalante was required to attend 90 hours of training, and is required to take 15 hours of continuing education every two years in order to keep up his real estate broker's license. If he fails to take the continuing education courses, his license becomes inactive and he is not allowed to conduct business.

Counsel also states the fact that real estate brokers are governed by the Maryland Real Estate Brokers Act and the State Real Estate Commission, which has the power to license, discipline and renew licenses and monitor the continuing education programs. He cites the fact that a real estate broker is required to have continuing education in the relevant changes to Federal, State and local Fair Housing Laws, including fair housing advertising. The broker must attend courses on these matters conducted by the Maryland Association of Realtors or member boards or the Real Estate Brokers of Baltimore City, or other similar professional associations.

Counsel also contends that the decision rendered by the Zoning Commissioner *In the Matter of Richard A. Dalla Tezza*, in Case No. 85-78-X, which denied a special exception for a

real estate broker based on the fact that the definition of "other professional" in the County's zoning regulations did not include a real estate broker, is not relevant at the present time. He cites the fact that the *Baltimore County Zoning Regulations* now require that, where a definition is not included within the regulations, the *Webster's Third New International Dictionary of the English Language, Unabridged* must be consulted for the definition. He cites the definition of a "professional" as set forth in *Webster's International Dictionary* and relies in part on a section of that definition.

The Board has reviewed the testimony given at the hearing and the briefs submitted by the parties. The Board is persuaded by the excerpts from the *American Law of Zoning*, § 13.10, cited by the Deputy People's Counsel. That states in part:

Problems arise when no mention is made of this use. And a real estate broker seeks to establish a home office in a residential office urging that such a use is a customary home occupation or that a realtor is a professional person within the meaning of the regulation permitting professional offices. Both grounds for maintaining real estate offices in residential districts have been rejected by the courts.

A real estate broker is not a professional person, as that term is employed in regulations permitting professional persons to establish home offices. While it is recognized that realtors possess some professional characteristics, these are not dominant. A real estate broker is a businessman rather than a professional person. The fact that realtors are licensed by the State does not constitute the business of selling real estate a professional within the meaning of the zoning regulations....

Even the definition as set forth by the Petitioner in his brief, citing *Webster's Third New International Dictionary of the English Language, Unabridged*, supports the fact that a real estate broker is not a professional. Professional is therein defined as:

A. Of, relating to, or characteristic of a professional; or, B. Engaged in one of the learned professions or in an occupation requiring a high level of training and proficiency characterized by or conforming to the technical or ethical standards of a profession or an occupation manifesting fine artistry or workmanship based on

sound knowledge and conscientiousness reflecting the results of education, training, and experience.

All of the professions cited in the zoning regulations which allow for a professional office in the home are professions requiring extensive education and professional training. The 90 hours of real estate courses required to obtain a broker's license do not qualify for the status of a professional as compared to a doctor, engineer, or lawyer. Many individuals are considered, and may be called, professionals, such as professional athletes, professional truck drivers, and other various occupations. Other occupations require licenses in order to perform their jobs, but could not be considered professionals, such as beauticians, electricians, and plumbers. The Board is aware that the *Della Tezza* decision was decided in October 1984, and no effort has been made by the Baltimore County Council to change the definition of "professional" to include real estate brokers in the occupations set forth in BCZR § 1B01.1.C.12. It is not for this Board to change the definition to include real estate brokers. Therefore, the special exception is denied.

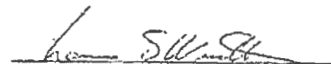
While it is not necessary for the Board to reach the question of whether or not the use would meet the requirements of § 502.1 of the BCZR, the Board does note that Mr. Mahmud testified as to the criteria, and did discuss the traffic aspects of the requirements. However, with respect to the other requirements of § 502.1, he did give conclusory "yes" or "no" answers without supporting facts. The Board considers that this does not meet the test of sufficient evidence as stated by the Court in *People's Counsel v. Beachwood*, 107 Md.App. 627, 649-51 (1995): "A self evident reason for rejecting as an effective catalyst as expert opinion that a mistake was made is the fact that the opinion is merely conclusory or is at best quasi-conclusory.... The opinion of an expert is of little or no weight in the absence of strong supporting facts."

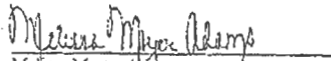
ORDER

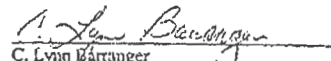
THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 9th day of January, 2002, that the Petition for Special Exception seeking approval of a professional office in a residential property zoned D.R. 5.5 be and the same is hereby DENIED.

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*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Chairman


Melissa Moyer Adams


C. Lynn Barranger

00-184-X

IN THE MATTER OF
JORGE ESCALANTE

Appellant

* IN THE

*

* CIRCUIT COURT

* FOR

COUNTY BOARD OF APPEALS,
FOR BALTIMORE COUNTY

Appellee

* BALTIMORE COUNTY

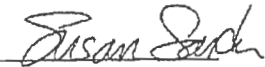
* Case No. 03-C-02-1391

* * * * *

RULING

This matter came before the Court as an appeal filed by Jorge Escalante, Appellant, from an Order of the County Board of Appeals of Baltimore County ("Board") in Case No. 00-184-X on January 9, 2002, which denied Appellant's Petition for Special Exception for a professional office in a residential property zoned density residential (D.R.) 5.S. Arguments were heard on October 1, 2002. Upon consideration of the entire record, arguments of counsel, and for the reasons set forth in the Memorandum Opinion filed concurrently herewith, it is thereupon the 11th day of October, 2002, by the Circuit Court for Baltimore County, Maryland,

ORDERED, that the decision of the Board shall be and the same is hereby AFFIRMED.


Judge Susan Souder

CC: Peter Max Zimmerman, Esq.
Carole S. Demilio, Esq.
Michael Tanczyn, Esq.

RECEIVED

OCT 28 2002

BALTIMORE COUNTY
BOARD OF APPEALS

FILED OCT 8 2002

IN THE MATTER OF
JORGE ESCALANTE

Appellant

* IN THE

*

* CIRCUIT COURT

* FOR

COUNTY BOARD OF APPEALS,
FOR BALTIMORE COUNTY

Appellee

* BALTIMORE COUNTY

* Case No. 03-C-02-1391

* * * * *

MEMORANDUM OPINION

This matter came before the Court as an appeal filed by Jorge Escalante, Appellant, from an Order of the County Board of Appeals of Baltimore County ("Board") on January 9, 2002, which denied Appellant's Petition for Special Exception for a professional office in a residential property zoned density residential (D.R.) 5.S. Arguments were heard on October 1, 2002. For the reasons discussed herein, the decision of the Board is hereby affirmed.

BACKGROUND

Appellant, a licensed real estate broker, purchased the property at issue, 3106 Sixth Avenue, in October 1998. T. 32. Although other properties nearby are zoned to accommodate businesses, the property at issue is zoned D.R. 5.S.¹ T. 12-13. Office use is prohibited in residential zones except as an accessory home occupation, or as a professional office exception as provided for under Baltimore County Zoning Regulations (BCZR) 502.1.

Without obtaining a special exception, Appellant proceeded to convert the property into a residential office

¹ Zoning across from the property on Joppa Road include the Carney Village Shopping Center, which is zoned a combination of Business (B.L. and B.L.-A.S.), and five separate structures zoned Residential Offices (R.O. or R.O.A.). Immediately to the rear of the Appellant's property is a real estate office located in a R-O zone at 3117 Joppa Road.

FILED OCT 8 2002

by making renovations to the property, which included paving the part of the yard for a parking lot and constructing a privacy fence around the rear side of the house. After renovations were complete, Appellant unsuccessfully tried to have the property rezoned to Residential Offices (R-O or R-O-A) during the 2000 Comprehensive Map Process. The issue was specifically considered by the County Council, which elected to retain the D.R. 5.5 zoning. See People's Counsel Exhibit 3A, 3B, and 3C.

Appellant then sought a special exception under the guise of professional office, which was denied by the Zoning Commissioner. Appellant appealed to the Board, which also denied Appellant's petition for special exception on the grounds that a real estate broker is not a "professional" within the meaning of BCZR 1B01.1.C.12. Moreover, the Board concluded that Appellant had failed to meet his burden of proof, under BCZR § 502.1, to show that the proposed use would not be detrimental to the character of the community. See Opinion of the County Board of Appeals of Baltimore County p. 5-6.

Appellant timely filed for appeal and presents the following questions for review by the Court:

1. Did the Board of Appeals err as a matter of law when it denied the special exception on the basis that a real estate broker is not a "professional" within the meaning of BCZR 1B01.1.C.12?
2. Was the Board's conclusion that Appellant had not met his burden of proof under BCZR § 502.1 supported by substantial evidence?
3. In denying Appellant's Petition for Special Exception, was the decision of the Board arbitrary and capricious in light of the evidence presented at the hearing?

STANDARD OF REVIEW

The scope of judicial review is extremely narrow under the Administrative Procedure Act (APA), codified as Md. Code ANN., STATE GOV'T § 10-201 et seq. *Liberty Nursing Center v. Department of Health and Mental Hygiene*, 330 Md. 433, 442, 624 A.2d 941, 945 (1993). The Court's review is limited to whether the Board's order is in accordance with the law. *Mortimer v. Howard Research and Dev. Comp.*, 83 Md. App. 432, 441, 575 A.2d 750 (1990). Furthermore, the Court of Appeals has stated that "the court may set aside, as 'not in accordance with law,' a decision of an agency which is arbitrary, illegal, or capricious." *Id.*, citing *Levy v. Seven Slade, Inc.*, 234 Md. 145, 149, 198 A.2d 267 (1964).

In making a determination as to whether the Board's decision is not in accordance with the law, arbitrary, illegal, or capricious, the Court is limited to the record and must not make an independent de novo assessment of the evidence. *Zeitschel v. Board of Education*, 274 Md. 69, 82, 332 A.2d 906, 913 (1975). Rather, the Court must defer to the agency's factual findings and inferences as supported by substantial evidence. *United Parcel v. People's Counsel*, 336 Md. 569, 577, 650 A.2d 226, 230 (1994).

Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Caucus v. Maryland Securities*, 320 Md. 313, 324, 577 A.2d 783, 788 (1990). If there is substantial evidence on the record to support an agency's factual determinations, the Court must affirm the agency's decision, which is considered *prima facie* correct, and presumed to be valid. *Motor Vehicle Administration v. Karwacki*, 340 Md. 271, 280, 666 A.2d 511 (1995).

Where the need for judicial interpretation of an exemption statute arises, it is generally accepted that exemption statutes are to be strictly construed in favor of the State. See *Supervisor Of Assmts. v. Trustees of Bosley Methodist Church Graveyard*, 293 Md. 208, 443 A.2d 91 (1982). However, "a strict construction does not preclude a fair one. Rather it still contemplates a construction that effectuates the legislative intent and objectives; 'it does not require that an usual or unreasonable meaning be given to the words used in an exemption statute.'" *Pleasant Investments Limited Partnership v. State Dep't of Assessments & Taxation*, 141 Md. App. 481, 492, 786 A.2d 13 (2001) citing *Supervisor of Assessments v. Keeler*, 362 Md. 198, 207, 764 A.2d 821 (2001) (citations omitted). As the Court of Special Appeals stated in *Maryland-National Capital Park & Planning Comm'n v. State Dep't of Assessments & Taxation*, 110 Md. App. 677, 690, 678 A.2d 602 (1996), *aff'd*, 348 Md. 2, 702 A.2d 690 (1997) (citations omitted), "In the final analysis, the real legislative intent prevails. The burden of showing that an exemption is allowed under the law falls upon the claimant."

Accordingly, the Court's analysis of the Board's decision in the instant case is three-fold. First, the Court must decide whether the Board recognized and applied the correct principles of law governing this case. Second, the Court must examine the Board's factual findings to determine if they are supported by substantial evidence. Third, the Court must examine how the Board applied the law to the facts. The test of appellate review at this juncture is whether a reasoning mind could reasonably have reached the conclusion reached by the Board, given the

facts and proper application of the controlling legal principles.

DISCUSSION

Did the Board of Appeals err as a matter of law when it denied the special exception on the basis that a real estate broker is not a "professional" within the meaning of BCZR 1B01.1.C.12?

Appellant contends that because a real estate broker must complete 90 hours of training, take 15 hours of continuing education every two years, be licensed, be subject to a code of ethics, and is regulated as a "profession" under the Maryland Business and Professional Occupations Article, a real estate broker is a "professional" under the definition provided by Webster's Third New International Dictionary of the English Language, Unabridged, which must be consulted when a term such as "professional" is not defined within the BCZR.² See Bill 149-1987. Therefore, his proposed use of the property as a real estate broker's office should be considered a "professional office" use within the meaning of BCZR 1B01.1.C.12.³

²Webster's Third New International Dictionary of the English Language, Unabridged (1981) defines "professional" as:

A. Of relating to, or characteristic of a professional; or, B. Engaged in one of the learned professions or in an occupation requiring a high level of proficiency characterized by or conforming to the technical or ethical standards of a profession or an occupation manifesting fine artistry or workmanship based on sound knowledge and conscientiousness reflecting the results of education, training, and expertise.

³BCZR 1B01.1.C.12 permits by special exception:

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; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment

The Court notes that with exception to *In Re Richard A. Dalla Tezza* Case No. 85-78-X, which is a decision of the Zoning Commissioner of Baltimore County and is therefore not binding on the Court, Maryland case law has not addressed the matter *sub judice*. However, other jurisdictions have addressed this exact issue, and in every instance known to the Court, the courts have unanimously ruled in the negative - that despite the licensing requirements, code of ethics, inclusion of real estate brokers in state professional acts or codes, and training undertaken by such individuals, real estate brokers are not "professionals." See *Seaman v. Zoning Board of Appeals of Holliston*, 340 Mass. 488, 165 NE2d 97 (1960); *Jones v. Robertson*, 79 Cal. App. 2d 813, 180 P.2d 929 (1947); *Cummings v. Pennsylvania Fire Insurance Co.*, 153 Iowa 579, 134 N.W. 79, Ann.Cas. 1913E 235, 37 L.R.A.N.S. 1169; *Pennock v. Fuller*, 41 Mich. 153, 2 N.W. 176, 32 Am. Rep. 148; *Building Commissioner of Town of Brookline v. McManus*, 263 Mass. 270, 160 N.E. 887 (1928); *Dlugos v. Zoning Board of Appeals of Trumbull*, 36 Conn. Supp. 217, 416 A.2d 180 (1980). The view expressed by the courts is best summarized in the *American Law of Zoning* § 13.10, which states in part:

The difficult problems arise when no mention is made of this [real estate office] use and a real estate broker seeks to establish a home office in a residential district urging that such a use is a customary home occupation or that a realtor is a professional person within the meaning of a regulation permitting professional offices. Both grounds for maintaining real-estate offices in residential districts have been rejected by the courts.

of more than one nonresident professional associate nor two other nonresident employees. [Bill Nos. 105-1982; 65-1999]

A real-estate broker is not a professional person, as that term is employed in regulations permitting professional persons to establish home offices. While it is recognized that realtors possess some professional characteristics, these are not dominant. A real-estate broker is a business man rather than a professional person. The fact that realtors are licensed by the state does not constitute the business of selling real estate a profession within the meaning of the zoning regulations.

Furthermore, even if the Court was to blindly adopt the definition of a "professional" and "profession" as provided for in *Webster's Third New International Dictionary*, and without regard for the rules of statutory construction as contended by Appellant, the Court would arrive at the same conclusion that the Supreme Court of Nebraska did in *Tylle v. Zouche*, 226 Neb. 476, 412 N.W.2d 438 (1987). In considering whether a real estate broker could be considered a "professional" for the purposes of the statute of limitations, the Supreme Court of Nebraska in *Tylle* adopted the same definition of "profession" as proposed by Appellant in the matter *sub judice*:

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 principles 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 prime purpose the rendering of a public service.

Tylle, 226 Neb. at 440 citing *Webster's Third New International Dictionary, Unabridged* 1811 (1961). In adopting this definition and concluding that under this definition a real-estate broker could not be considered a professional, the court commented:

The definition stresses the long and intensive program of preparation to practice one's chosen occupation traditionally only with professions. This definition also does not rely on the mere possessions of a license. To rely solely on the possessions of a license distorts the definition, as it would include many occupations which were traditionally not considered to be professions simply because they were licensed.

Id. at 441.⁴

⁴ The Court notes that besides the definition of a "professional" and "profession", Appellant has not submitted any case law in support of his contention that a real-estate broker is a "professional". Cases cited by Appellant only go to support the position that the regulation of real-estate brokers under Mo CODE ANN., BUS. OCC. & PROF. §§ 17-101 through 17-701 are recognized by the courts, which have held that the regulations are constitutional.

CONCLUSION

Having reviewed the case law, the weight of which is clearly against Appellant's position, the Court finds the Tylle case to be most persuasive and on point. The Court, therefore, concludes that a real-estate broker is not a judicially recognized "professional" within the meaning of the zoning ordinances. In so concluding, Appellant, as a nonprofessional, is not qualified to apply for a special exception for the operation of a professional office in a residential zone under BCER 1B01.1.C.12, and thus, it is not necessary for the Court to address the remaining issues.

Date

10/8/02

Judge Susan Souder

Susan Souder

CC: Peter Max Zimmerman, Esq.
Carole S. Demilio, Esq.
Michael Tanczyn, Esq.

IN THE MATTER OF
THE APPLICATION OF
SHARONDA ELLERBY - LEGAL OWNER
FOR SPECIAL EXCEPTION AND VARIANCE
ON PROPERTY LOCATED ON THE NE/S OF
GREENS LANE, 225' SE OF C/L LIBERTY RD.
(8938 GREENS LANE)

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 06-009-XA

OPINION

This case comes before the Baltimore County Board of Appeals as an appeal of the Zoning Commissioner's order in which a Petition for Special Exception to allow a professional office in a residence zone was denied and the variance request dismissed as moot. The variance request was withdrawn prior to the Zoning Commissioner's hearing.

A *de novo* public hearing on the request for special exception only was held before this Board on April 19, 2006. The Petitioner, Sharonda Ellerby, was represented by Herbert Burgunder III. The Office of People's Counsel was represented by Carole S. Demilio, Deputy People's Counsel. A public deliberation was held on May 17, 2006.

Testimony and Evidence

Ms. Ellerby bought a single-family house at 8938 Greens Lane, just off of Liberty Road, in November 2004. The house is her primary residence, which she shares with two children. Her request for special exception is to use her house as an office for her tax preparer business. The house shares a parking lot with a law office, which fronts on Liberty Road. Prior to using her house for her business, she leased an office for 3 years at 3837 Naylors Lane.

Petitioners Exhibit 2, the Plan to Accompany the Petition for Special Exception and Variance, shows Ms. Ellerby's house marked in green and the parking lot between her residence and the commercial building on Liberty Road. The design for the first floor of the house shows a

room near the back of the house marked for "office" and a second room for "copy room." The two rooms together total 215.2 square feet, or about 17 percent of the dwelling space.

Ms. Ellerby testified that she hires an assistant for about 4 months of the year to answer phones and make copies during tax season. She stated that she has about 250 clients, whom she sees primarily between January and April, by appointment only. She currently does not have a business sign in front of the house, but indicated she would want to put one up if the variance were granted.

Ms. Ellerby presented a number of documents (Petitioner's Exhibit 1) to support her contention that her business is a "professional business" according to § 1B01.1.C.12 of the *Baltimore County Zoning Regulations* (BCZR). These documents included a copy of her Department of the Treasury, Internal Revenue Service "Preparer's Tax Identification Number"; copies of IRS internet pages describing the Preparer's Tax Identification Number and "E-services"; a copy of a diploma from the Accounting and Booking Center, Baltimore, MD, indicating Ms. Ellerby had fulfilled the required 39 hours of basic accounting and bookkeeping programs; a certificate for completing a 6-week income tax course by Jackson Hewitt; and an IRS publication describing "the standards of conduct and scope of authority and the circumstances and conditions under which an individual preparer of tax returns may exercise, without enrollment, the privilege of limited practice as a taxpayer's representative before the Internal Revenue Service...."

Upon cross-examination, Ms. Ellerby was asked whether she was an "enrolled agent" able to represent clients before the IRS. Ms. Ellerby replied she did not know the definition of an "enrolled agent," but was not one. She also replied that she had not worked for the IRS or taken any IRS exams.

David Green, from the Baltimore County Office of Planning, testified for People's Counsel. He is a senior planner in the Office of Planning and makes land use decisions in the Fourth District. He testified that People's Counsel Exhibit 3 was the official comment of his office dated July 21, 2005. The Memo stated that the Office of Planning had reviewed the request for special exception and found "there are no existing special circumstances or conditions that are peculiar to the subject property where strict compliance of the BCZR would result in practical difficulty or unreasonable hardship." The Memo goes on to state that the property was located in a community conservation revitalization area, that, if granted, the special exception would "increase traffic, signage and encourage more commercial encroachment" into an adjoining residential area. Mr. Green testified that there was adequate commercial zoning along Liberty Road and the encroachment of a business into the residential area would destroy the character of the neighborhood.

People's Counsel Exhibit 4 is an aerial of the area showing the Ellerby house at the edge of a large residential area zoned D.R. 3.5 (People's Counsel Exhibit 5). Across Greens Lane from Ms. Ellerby's house is the Randallstown Elementary School. Mr. Green further testified that a business use would not be compatible with a residential area adjoining a school, that the additional traffic generated would be detrimental to the school. In addition, the commercial use was inconsistent with the zoning classification of D.R. 3.5, which is intended for residential not commercial use.

During cross-examination, Mr. Green testified that the school bus turns into the school at the street opposite Ms. Ellerby's house, and that 17 percent of the school children walk to school. He also stated that putting a business into a strictly residential area affects the vitality of the neighborhood, thus affecting the general health safety, and welfare of the neighborhood.

Opinion

This case presented two issues. First, did Ms. Ellerby's business as a tax preparer meet the standards of "professional business" as stated in BCZR 1B01.1C.12? Second, if it did meet those standards, did Ms. Ellerby's petition meet the criteria of § 501.2 for granting special exceptions?

Regarding the first issue, Section 1B01.1C.12 permits by special exception:

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; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one (1) nonresident professional associate, nor two (2) other non-resident employees.

The Board reviewed the evidence submitted by Petitioner and considered People's Counsel's argument that the expansion of the definition of professional status would be the same as rezoning the property. Where the zoning regulations do not specifically define a term, we are required to refer to *Webster's Third New International Dictionary*, as Judge Susan Souder did in *George Escalante v. County Board of Appeals for Baltimore County (2002)*. In that case, Judge Souder cites this 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 principles 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 as for its primer purpose the rendering of a public service.

This definition fits the enumerated occupations of "doctor, dentist, lawyer," etc. in the BCZR. But, licensed jobs such as Ms. Ellerby's, or a real estate broker as in *Escalante*, are, in

the words of *American Law of Zoning* Section 13.10 (also cited in Judge Souder's opinion), "businesses" rather than professions, and therefore are not covered by this special exception. We agree with People's Counsel and with Judge Souder that to expand the definition of "profession" would be to open up residential areas to a myriad of businesses claiming professional status and thus erase the distinction between commercial and residential areas. As Mr. Green pointed out in his testimony, there are many nearby commercial zones and the market is not so tight as to preclude Ms. Ellerby from locating her business in one.

The second issue concerned whether Petitioner met the § 501.2 burden in order to be granted a special exception. Although this is now moot since she does not qualify as a profession, we will address it.

The Court of Special Appeals states in *Schultz v. Pritts* that the applicant bears the burden of proving her use meets the "prescribed standards and requirements." *Schultz v. Pritts* 291 Md.1, 432 A.2d 1319 (1981). The applicant has to prove to the Board that the use "would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest." If the applicant satisfies the Board on these points then "he has met his burden" (*Schultz v. Pritts, supra*, at 11).

Thus, it is Petitioner's burden to provide credible, affirmative evidence and testimony that her proposed use is not detrimental to the neighborhood and meets each of the nine criteria set forth in § 502.1. In addition, the Petitioner must satisfy the *Schultz v. Pritts* standard that her particular use at this particular location would not have "any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone" (*Schultz v. Pritts, supra*, at 22).

In this case, Petitioner provided no evidence or testimony to satisfy 502.1 or the *Schultz v. Pritts* requirement. During cross-examination, counsel for Petitioner tried to have People's

Counsel's witness testify on Ms. Ellerby's behalf. But, in fact, Mr. Green provided credible testimony that this business in this location, across from a school and in the middle of a residential neighborhood, would be detrimental to the health, safety, and welfare of the area, was inconsistent with the zone, and would negatively impact traffic—three of the nine criteria. *Schultz v. Pritts* states: "These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied" (at 12).

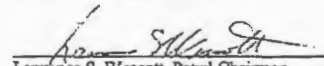
Therefore, since Petitioner has failed both to prove her business is a profession under the requirements of BCZR § 1B01.1C.12 and to provide credible evidence that her business met the special exception 502.1 criteria, this Board denies Petitioner's request to use her house as an office.

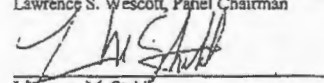
ORDER

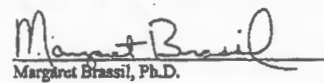
THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 18th day of March, 2007, that the Petition for Special Exception filed in Case No. 06-009-XA be and the same is hereby DENIED.

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*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY


Lawrence S. Wescott, Panel Chairman


Lawrence M. Stahl


Margaret Brassil, Ph.D.

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

11th Election District
6th Councilmanic District

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

* * * * *

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.

In the Matter of: William Turner – Legal Owner/Petitioner – Case No.: 12-138-XA

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 principles 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 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,

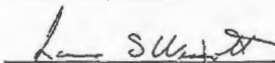
ORDERED that the Petition for Special Exception from Section 1B01.1C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a real estate office inside a residential home (under 25% of the total floor area) located in a D.R. 3.5 zone, be and is hereby DENIED; and it is further

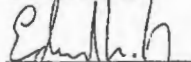
ORDERED that the Petition for Variance from Section 409.8A.4 and 409.8B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a surface parking facility with a zero-foot setback in lieu of the required 10 feet setback, and to confirm the existing parking shown on Petitioner's Exhibit 1, be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

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 10, 1974

1975 EDITION

PEOPLES COUNSEL - JWH.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES
[Bill No. 100, 1970.]

Section 1A00—R.D.P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

- 1.¹ Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above,² in order to:
 - a. Prevent untimely urban development of relatively open rural land; and
 - b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.
[Bill No. 100, 1970.]
2. Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:
 - a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3³ or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;
 - b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.
 2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
 3. Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

- c. That reclassification of land as R. D. P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and
- d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R. D. P.

[Bill No. 100, 1970.]

- 3. Special Policy for Certain Developments. In view of possible overriding public benefits to be derived from certain large-scale unit developments, the establishment of such developments is hereby excepted from application of the policy hereinbefore stated to the extent indicated under Section 430 ("Unit Developments"). [Bill No. 100, 1970.]

- B.⁴ Locational Requirement. No R. D. P. zone shall be established or re-established within the urban-rural demarcation line, but said line may be re-established to include an R. D. P. zone or part thereof existing at the time said line is re-established. [Bill No. 100, 1970.]

1A00.2—Use Regulations. [Bill No. 100, 1970.]

- A.⁵ Uses Permitted as of Right. The following uses, only, are permitted as of right in R. D. P. zones:

- 1. Farms, or, on existing undersized lots, limited-acreage wholesale flower farms.⁶
- 2. One-family detached dwellings.
- 3. Churches or other buildings for religious worship.
- 4. Trailers (see Section 415).
- 5. Research institutes, as defined in Section 101 and as permitted and regulated in D.R. 1 zones (see Section 418).
- 6. Hospitals.
- 7. Telephone, telegraph, electrical-power or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones.
- 8. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground.
- 9. Railroads or other transportation lines.

4. Line designating preceding provisions as Paragraph "A" deleted--see note 1 above.

5. All provisions of this paragraph from Bill No. 100, 1970.

6. Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.D.P. zones is one acre (rather than ten acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".

10. Animal boarding places (regardless of class), kennels, veterinarians' offices or veterinarians, subject to the provisions of Section 421.
11. Excavations, uncontrolled.
12. Schools, except business or trade schools or such schools as are permitted as special exceptions (Paragraph B, below), but including schools for agricultural training.
13. Accessory uses or buildings (not subject to the provisions of Section 400), including, but not limited to:

- a. An office or studio of a doctor, dentist, lawyer, architect, engineer, artist, musician, or other professional person, provided that such office or studio is established within the same building as that serving as his bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence as existing on the effective date of this provision;⁷ and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees; provided, further, that signs relative to such use shall be prohibited except as noted in Section 413.
- b. Home occupations as defined in Section 101, also subject to the sign provisions of Section 413.
- c. Parking space, including residential-garage space.

B.⁸ Uses Permitted by Special Exception. The following uses, only, are permitted as special exceptions:

1. Airports
2. Antique shops (see Section 402B).
3. Boat yards.
4. Cemeteries.
5. Commercial beaches
6. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities.
7. Conservatories for music or other arts.
8. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3, or tea rooms or restaurants expressly constructed for such purpose, but otherwise subject to the same such restrictions.
9. Excavations, controlled (see Section 403), provided renovation or appropriate adaptation of the land is assured within a reasonable time, as determined by the Zoning Commissioner.
10. Golf courses, country clubs, or other outdoor recreation clubs; also quasi-public camps, including day camps.

⁷ Regarding the effective date of the provisions of Bill No. 100, 1970, see note 3, Section 100.

⁸ All provisions of this paragraph from Bill No. 100, 1970.

Section 1A01—R.S.C. ZONES (RURAL-SUBURBAN: CONSERVATION). [Bill No. 100, 1970.]

1A01.1—Legislative Statement of Findings¹ and Policy. [Bill No. 100, 1970.]

A. General Purpose. The R.S.C. zoning classification is established, in order to: [Bill No. 100, 1970.]

1. Provide for residential use without community health hazard within areas which will not be serviced by public sewerage and water-supply systems; [Bill No. 100, 1970.]
2. Provide for the appropriate zoning of land where low-density institutions may feasibly be established;² [Bill No. 100, 1970.]

B. Application of R.S.C. Zoning Classification to Property or Removal Therefrom. It is intended: [Bill No. 100, 1970.]

1. That land which is planned to remain unserved by public sewerage and water-supply systems shall be classified as R.S.C., with the exception of any distinct existing areas of compact development which are to remain unserved by such facilities; [Bill No. 100, 1970.]
2. That the fact that land has been duly classified as R.S.C. by the County Council through its adoption of a comprehensive zoning map shall be prima facie evidence that there is no intent by the County to provide the public utility services that would make such land appropriate for classification within another category, and land which has been thus classified as R.S.C. may not be reclassified unless a) both public sewerage and public water-supply systems have been extended thereto prior to the time a petition for such a reclassification is considered, b) such land does not lie within the watershed area of a public water reservoir, and c) such land does not lie within an area designated as a regionally significant green space on a duly adopted official Baltimore County master plan. [Bill No. 100, 1970.]

1A01.2—Use Regulations. [Bill No. 100, 1970.]

A.³ Uses Permitted as of Right. The following uses, only, are permitted as of right in R.S.C. zones:

1. Farms or, on existing undersized lots, limited-acreage wholesale flower farms⁴

1. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
2. Thus (semicolon) in Bill No. 100, 1970 (other subparagraphs deleted from Bill No. 100, 1970 by amendment after introduction).
3. All provisions of this paragraph from Bill No. 100, 1970.
4. Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.S.C. zones is one acre (rather than three acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".

2. One-family detached dwellings
3. Churches or other buildings for religious worship
4. Research institutes, as defined in Section 101 and permitted in D.R. 1 zones (see Section 418)
5. Hospitals
6. Telephone, telegraph, electrical-power, or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones
7. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground
8. Railroads or other transportation lines
9. Schools, except business or trade schools or such schools as are permitted as special exceptions (Paragraph B, below), but including schools for agricultural training
10. Excavations, uncontrolled
11. Accessory uses or buildings (not subject to the provisions of Section 400), including, but not limited to:
 - a. An office or studio of a doctor, dentist, lawyer, architect, engineer, artist, musician, or other professional person, provided such office or studio: is established within the same building as that serving as the bona fide residence of such person; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor more than two other nonresident employees; provided, further, that signs relative to such use shall be prohibited except as noted in Section 413
 - b. Home occupations, as defined in Section 101, also subject to the sign provisions of Section 413
 - c. Parking space, including residential-garage space

B.⁵ Uses Permitted by Special Exception. The following uses, only, are permitted as special exceptions:

1. Airports
2. Antique shops (see Section 402B)
3. Cemeteries
4. Colleges (not including business or trade schools)
5. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities
6. Conservatories for music or other arts
7. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3, or tea rooms or restaurants expressly constructed for such purpose, but otherwise subject to the same such restrictions
8. Excavations, controlled (see Section 403)

5. All provisions of this paragraph from Bill No. 100, 1970.

Section 1B01—REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL.
[Bill No. 100, 1970.]

1B01.1—General Use Regulations in D.R. Zones. [Bill No. 100, 1970.]

A.¹ Uses Permitted as of Right. The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions hereinafter prescribed:

1. Dwellings, including, but not limited to, one-family detached houses, one-family semi-detached houses, one-family group houses, patio houses, side-and-back-attached houses, two-family houses, town-house apartment buildings (including group-house apartment buildings), garden apartment buildings, and other apartment buildings
2. Trailers (see Section 415)
3. Churches, other buildings for religious worship, or other religious institutions.
4. Above-ground electrical-power, telephone, or telegraph lines, except above-ground electrical-power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks
5. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground
6. Excavations, uncontrolled (as defined in Section 101)
7. Farms or limited-acreage wholesale flower farms (see Section 404)
8. Garages, community
9. Hospitals (see Section 407)
10. Local open space tracts or other common amenity open space
11. Research institutes, provided that no such use permitted hereunder (as of right) shall be established on any site less than 15 acres in net area, and that any such use shall be established in accordance with the provisions of Subsection 418.2
12. Schools, except business or trade schools or such schools as are permitted by special exception (see Paragraph C, below), but including schools for agricultural training
13. Signs, non-accessory, to the extent permitted under Section 413
14. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:
 - a. Accessory radio or television receiving antennas
 - b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure

¹. All provisions of this paragraph from Bill No. 100, 1970.

thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line

- c. Automotive-service stations, but only within community garages (see Section 405)
 - d. Home occupations, as defined in Section 101
 - e. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio: is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees
 - f. Parking spaces, including accessory garage spaces
 - g. Offices for the conduct of business incidental to the rental, operation, service, or maintenance of apartment buildings
 - h. Accessory signs (see Section 413)
- B. Dwelling-Type and Other Supplementary Use Restrictions Based on Existing Subdivisions² and Development Characteristics. [Bill No. 100, 1970.]
1. Residential Transition Areas and Uses Permitted Therein.
- a. Definitions. For the purposes of this article:
 - 1. A residential transition area is any D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 zone or part thereof which lies (a) within 300 feet of any point on a dwelling other than an apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area.
 - 2. A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein:

[Table on next page.]

². Thus (as plural noun) in Bill No. 100, 1970.

County Council of Baltimore County
Maryland

Legislative Session 1982, Legislative Day No. 15

BILL NO. 105-82

Messrs. Hickornoll & Huddles, Councilmen

By the County Council, June 21, 1982

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations — Offices of Professional Persons

FOR the purpose of authorizing offices or studios of certain professional persons as a matter of right as an accessory use in the person's domicile *primary residence* in the R.C. zones of the County, subject to certain restrictions; authorizing such offices or studios ~~in certain D.R. zones of the County as a matter of right, subject to certain restrictions in the R.C. Zones of the County by special exception, subject to certain restrictions;~~ *repealing the authorization for such offices or studios as a matter of right in the D.R. Zones of the County; and authorizing such offices or studios by special exception in certain D.R. zones of the County, subject to certain restrictions.*

BY repealing and re-enacting, with amendments,

Paragraphs 7.d, 10.d, 6.d, 11.d, ~~and 14.e.~~
Subsections 1A01.2.B, 1A02.2.A., 1A03.3.A., 1A04.2.A., and
~~1B01.1.A., respectively~~
Baltimore County Zoning Regulations, as amended

BY adding

Paragraphs 12A, 16A, 7B and 10A
Subsections 1A01.2.C., 1A02.2.B., 1A03.3.B. and 1A04.2.B.,
respectively
Baltimore County Zoning Regulations, as amended

(Page 2 — Bill No. 105-82)

BY repealing

Paragraph 14.e.
Subsection 1B01.1.A.
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland, that Paragraphs 7.d., 10.d., 6.d., and 11.d., and ~~14.e.~~ of Subsections 1A01.2.B., 1A02.2.A., 1A03.3.A., and 1A04.2.A. and ~~1B01.1.A., respectively,~~ of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

Section 1A01 — R.C. 2 (AGRICULTURAL) ZONES

1A01.2.B.

Uses permitted as of right. The following uses, only, are permitted as of right in all R.C. 2 zones:

7. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or OTHER PROFESSIONAL persons [engaged in other, similar occupations], provided that [the use] ANY SUCH OFFICE OR STUDIO is established within the SAME building AS that [serves as the owner's domicile; occupies a floor area no greater than 25% of the floor area used for residential purposes, not including garage floor area or unfinished basement space; and does not involve the employment of more than 2 non-residents.] SERVING AS THE PROFESSIONAL PERSON'S BONA-FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES, EMPLOYEE.

Section 1A02 — R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

Section 1A02.2 — Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 3 zones:

10. Accessory uses or structures including, but not limited to the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide *PRIMARY* residence; does not occupy more than 25 per cent of the total floor area of that residence [as it existed on the effective date of this provision]; and does not involve the employment of more than one non-resident professional-associate nor two other non-resident employees *EMPLOYEE*.

Section 1A03 — R.C. 4 (WATERSHED PROTECTION) ZONES

1A03.3 — Use regulations

A. *Uses permitted as of right.* The following uses, only, are permitted as of right in R.C. 4 zones:

6. Accessory uses or structures, including, but not limited to the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide *PRIMARY* residence; does not occupy more than 25 percent of the total floor area of that residence [as it existed on the effective date of this provision]; and does not involve the employment of more than one non-resident professional-associate nor two other non-resident employees *EMPLOYEE*.

Section 1A04 — R.C. 5 (RURAL-RESIDENTIAL) ZONE

1A04.2 — Use Regulations

A. *Uses permitted as of right.* The following uses, only, are permitted as of right in R.C. 5 zones:

11. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide *PRIMARY* residence [as it existed on the effective date of this provision]; DOES NOT OCCUPY MORE THAN 25 PERCENT OF THE TOTAL FLOOR AREA OF THAT

RESIDENCE and does not involve the employment of more than one non-resident professional-associate nor two other non-resident employees *EMPLOYEE*.

Section 1B01 — REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL

1B01.1 — General Use Regulations in D.R. Zones

A. *Uses Permitted as of Right.* The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions hereinafter prescribed:

14. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:

a. IN D.R. 1, D.R. 2, D.R. 3.5 AND D.R. 5.5 ZONES ONLY, offices or studios of PHYSICIANS, DENTISTS, lawyers, architects, engineers, artists, musicians, or other professional persons, [not including physicians and dentists,] provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one non-resident employee.

SECTION 2. And be it further enacted, that Paragraphs 12A, 16A, 7B and 10A be and they are hereby added to Subsections 1A01.2.C., 1A02.2.B., 1A03.3.B. and 1A04.2.B., respectively, of the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 1A01 — R.C. 2. (AGRICULTURAL) ZONES

1A01.2 — Use Regulations

C. *Uses permitted by Special Exception.* The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

12A. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR

STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S BONA FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

Section 1A03 — R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES.

1A03.2 — Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 zones.

16A. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S BONA FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

Section 1A03 — R.C. 4 (WATERSHED PROTECTION) ZONES

1A03.3 — Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 zones.

7B. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S BONA FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

Section 1A04 — R.C. 5 (RURAL-RESIDENTIAL) ZONE

1A04.2 — Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 zones.

10A. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S BONA FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

SECTION 3. And be it further enacted, that Paragraph 14.a. of Subsection 1B01.I.A. of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed.

SECTION 4. And be it further enacted, that Paragraph 9B be and it is hereby added to Subsection 1B01.I.C. of the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 1B01 — REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL.

1B01.1 — General Use Regulations in D.R. Zones.

C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. Zones, SUBJECT TO THE RESTRICTIONS HEREINAFTER PRESCRIBED.

9B. IN D.R. 10.5- and D.R. 16 ZONES ONLY, OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S BONA FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF SUCH RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT EMPLOYEE PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

(Page 7 — Bill No. 105-82)

SECTION 2.5. *And be it further enacted*, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 6th day of July, 1982.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive for his approval this 7th day of July, 1982.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 7/12/82

Donald P. Hutchinson,
County Executive

I HEREBY CERTIFY THAT BILL NO. 105-82 IS TRUE AND CORRECT AND TOOK EFFECT ON AUGUST 26, 1982.

James T. Smith, Jr.,
Chairman, County Council

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Italics indicate amendments to bill.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1998, Legislative Day No. 13

Bill No. 68-98

Councilmembers Riley, Moxley & McIntire

By the County Council, June 15, 1998

A BILL
ENTITLED

AN ACT concerning

Home Occupations

FOR the purpose of amending the Baltimore County Zoning Regulations concerning home occupations; amending the definition of home occupation; permitting the use of certain machinery; and generally relating to the regulation of home occupations.

BY repealing and re-enacting, with amendments

Sections 101, the definition of "Home Occupation"
Baltimore County Zoning Regulations, as amended

SECTION 1: BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

COUNTY, MARYLAND that Sections 101, the definition of "Home Occupation" of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining INDICATES AMENDMENTS TO BILL.

Section 101-Definitions

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, AS STATED IN SECTION 450.4, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person PER DWELLING is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment, OTHER THAN COMPUTERS, PRINTERS, FAX MACHINES, MODEMS, STANDARD OFFICE COPY MACHINES, AND SIMILAR OFFICE EQUIPMENT, is used except such as may be used for domestic purposes. A "home occupation" does not include fortune-telling.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

B06898

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1999, Legislative Day No. 14

Bill No. 65-99

Mr. Wayne M. Skinner, Councilman

By the County Council, July 6, 1999

A BILL
ENTITLED

AN ACT concerning

Home Occupations - Professionals

FOR the purpose of amending the Baltimore County Zoning Regulations in order to establish a residency guideline for certain home occupations in RC and DR zones in the County; and generally relating to the regulation of home occupations.

By repealing and re-enacting, with amendments

Sections 1A01.2.B.7.d, 1A01.2.C.12a, 1A02.2.A.10.d, 1A02.2.B.16a, 1A03.3.A.6.d, 1A03.B.7.d, 1A04.2.B.10a, and 1B01.1.C.9b
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 1A01.2.B.7.d, 1A01.2.C.12a, 1A02.2.A.10.d, 1A02.2.B.16a, 1A03.3.A.6.d, 1A03.B.7.d, 1A04.2.B.10a, and 1B01.1.C.9b of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 1A01--R.C. 2 (Agricultural) Zones

1A01.2 Use Regulations.

B. Uses permitted as of right. The following uses only are permitted as of right in all

R.C. 2 zones:

7. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers,

artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee.

C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

12a. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1A02-- R.C. 3 (Deferral of Planning and Development) Zones

1A02.2--Use Regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in

R.C. 3 zones:

10. Accessory uses or structures including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 zones.

16a. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1A03-- R.C. 4 (Watershed Protection) Zones

1A03.3--Use Regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 4 zones:

6. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers,

artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 zones.

7d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1A04-- R.C. 5 (Rural-Residential) Zone

1A04.2--Use Regulations.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 zones.

10a. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1B01-- Regulations with Respect to D.R. Zones in General

1B01.1 General Use Regulations in D.R. Zones.

C. Uses permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to restrictions hereinafter prescribed.

9b. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

b06199.ord

READ AND PASSED this 2nd day of August, 1999.

BY ORDER

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 3rd day of August, 1999.

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

8-6-99

C. A. Dutch Ruppertsberger
C. A. Dutch Ruppertsberger
County Executive

I HEREBY CERTIFY THAT BILL NO. 65-99 IS TRUE AND CORRECT AND TOOK EFFECT ON SEPTEMBER 20, 1999.

Kevin B. Kamenetz
Kevin B. Kamenetz
Chairman, County Council

CASE NO. 2015- 0149-SPHX

C H E C K L I S T

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

2/20/15

PLANNING
(if not received, date e-mail sent _____)

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/17/15

SIGN POSTING Date: 3/14/15 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

2015-0140
SPHX

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 02 Account Number - 2000009370								
Owner Information										
Owner Name:		ABEL ARNOLD T ABEL ANITA			Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		23 LIBERTY RIDGE CT OWINGS MILLS MD 21117 -4600			Deed Reference:		/12648/ 00567			
Location & Structure Information										
Premises Address:		23 LIBERTY RIDGE CT 0-0000			Legal Description:		4.561 AC 23 LIBERTY RIDGE CT RESERVOIR RIDGE			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	2
0066	0007	0572		0000			12	2013	Plat Ref:	0054/ 0144
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built 1988		Above Grade Enclosed Area 3,048 SF			Finished Basement Area 600 SF		Property Land Area 4.5600 AC		County Use 04	
Stories	Basement	Type	STANDARD UNIT		Exterior	Full/Half Bath	Garage	Last Major Renovation		
					SIDING	3 full/ 1 half	1 Attached			
Value Information										
			Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2014			As of 07/01/2015
Land:			216,900		162,700					
Improvements			326,200		312,300					
Total:			543,100		475,000		475,000		475,000	
Preferential Land:			0						0	
Transfer Information										
Seller: ABEL ARNOLD T				Date: 02/05/1998			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /12648/ 00567			Deed2:			
Seller: BRANDONWOOD DEVE LOPMENT CORPORATE				Date: 12/10/1987			Price: \$65,000			
Type: ARMS LENGTH IMPROVED				Deed1: /07746/ 00595			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2014			07/01/2015			
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00			0.00 0.00			
Tax Exempt:					Special Tax Recapture:					
Exempt Class:					NONE					
Homestead Application Information										
Homestead Application Status: Approved 04/19/2014										

Baltimore County

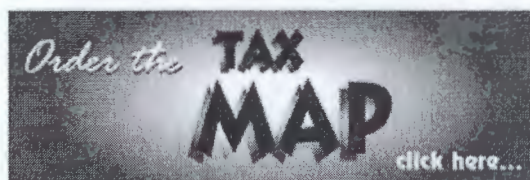
New Search (<http://sdat.resiusa.org/RealProperty>)District: **02** Account Number: **2000009370**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☐ Loading... Please Wait. Loading... Please Wait.

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2/26/15
wcr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 23 Liberty Ridge Court

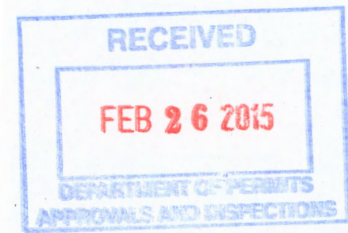
INFORMATION:

Item Number: 15-149 AMENDED

Petitioner: Arnold & Anita Abel

Zoning: RC 4

Requested Action: Special Exception, Special Hearing



SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is for a special hearing to permit a financial advisor as a professional for purposes of Professional Office use in a RC 4 zone (BCZR 1A03.3.B.12) in a detached garage and for a special exception to permit one nonresident professional associate and two nonresident employees (BCZR 1A03.3.B.12).

Upon review of the petition, site plan, and site visit the following comment and recommendations are offered: The petitioner's property is Lot 23 located at 23 Liberty Ridge Court. The property shares a panhandle drive with the adjacent Lot 21. The improvements for Lots 23 and 21 are located towards the front of the lots and are approximately 150 feet apart separated by driveways, a shed and landscaping. The business is currently located in a three bay garage located at the end of the driveway.

The BCZR permits offices or studios for professionals by Special Exception in the RC 4 zone subject to limitations on space and number of employees and **locating the office in the dwelling**. The petitioner has been operating the office in a 3 bay garage to the rear of the residence. The dwelling is over 3,000 square feet in size. There exists sufficient parking for the employees, residential use and visitors, however, it should be noted that the clients and employees all must use the shared driveway.

In conclusion the following is recommended:

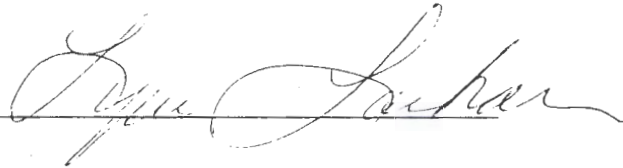
1. The request to treat a Financial Office similar to dentist or other professionals is reasonable.
2. The request for retaining the office use in the detached garage should be denied. The property is zoned RC 4 – Watershed Protection. The Watershed Management Plans, BCZR and Master Plan all emphasize the importance of minimizing commercial impacts on the lands that drain directly into the reservoirs. This property is immediately proximate to the reservoir. Furthermore, the property is part of a 25 lot subdivision and a detached commercial use is inconsistent with the community.
3. The petitioner should locate the office in the dwelling with no more than 25% of the square footage for that use. The petitioner should provide the Planning Department a plan indicating the location and the square footage of the office area.
4. Employees are to be limited to one nonresident associate and two nonresident employees.

5. Employee and client hours shall be limited so as to reduce impact on residential character of the neighborhood.
6. No new impervious surfaces are to be created for the benefit of the requested use.

If these conditions are agreed upon then it is not anticipated that the granting of this request will be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL

A handwritten signature in cursive script, appearing to read "Tom Lippincott", written over a horizontal line.



KEVIN KAMENETZ
County Executive
March 9, 2015

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

NEW 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: 2015-0149-SPHX

23 Liberty Ridge Court

N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road

2nd Election District – 4th Councilmanic District

Legal Owners: Arnold & Anita Abel

Special Hearing to permit a Financial Advisor as a professional office in a detached garage.
Special Exception to permit a professional office that does not involve the employment of more than one non-residential professional associate nor two other non-residential employees.

Hearing: Tuesday, April 7, 2015 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".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Abel, 23 Liberty Ridge Ct., Owings Mills 21117
Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
James Murphy, 17 Liberty Ridge Court, Owings Mills 21117

*Per telephone call
w/ Kristen - March 18th*

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 7, 2015.
(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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 23 Liberty Ridge Court

INFORMATION:

Item Number: 15-149 AMENDED

Petitioner: Arnold & Anita Abel

Zoning: RC 4

Requested Action: Special Exception, Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is for a special hearing to permit a financial advisor as a professional for purposes of Professional Office use in a RC 4 zone (BCZR 1A03.3.B.12) in a detached garage and for a special exception to permit one nonresident professional associate and two nonresident employees (BCZR 1A03.3.B.12).

Upon review of the petition, site plan, and site visit the following comment and recommendations are offered: The petitioner's property is Lot 23 located at 23 Liberty Ridge Court. The property shares a panhandle drive with the adjacent Lot 21. The improvements for Lots 23 and 21 are located towards the front of the lots and are approximately 150 feet apart separated by driveways, a shed and landscaping. The business is currently located in a three bay garage located at the end of the driveway.

The BCZR permits offices or studios for professionals by Special Exception in the RC 4 zone subject to limitations on space and number of employees and locating the office in the dwelling. The petitioner has been operating the office in a 3 bay garage to the rear of the residence. The dwelling is over 3,000 square feet in size. There exists sufficient parking for the employees, residential use and visitors, however, it should be noted that the clients and employees all must use the shared driveway.

In conclusion the following is recommended:

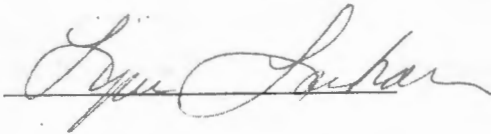
1. The request to treat a Financial Office similar to dentist or other professionals is reasonable.
2. The request for retaining the office use in the detached garage should be denied. The property is zoned RC 4 - Watershed Protection. The Watershed Management Plans, BCZR and Master Plan all emphasize the importance of minimizing commercial impacts on the lands that drain directly into the reservoirs. This property is immediately proximate to the reservoir. Furthermore, the property is part of a 25 lot subdivision and a detached commercial use is inconsistent with the community.
3. The petitioner should locate the office in the dwelling with no more than 25% of the square footage for that use. The petitioner should provide the Planning Department a plan indicating the location and the square footage of the office area.
4. Employees are to be limited to one nonresident associate and two nonresident employees.

5. Employee and client hours shall be limited so as to reduce impact on residential character of the neighborhood.
6. No new impervious surfaces are to be created for the benefit of the requested use.

If these conditions are agreed upon then it is not anticipated that the granting of this request will be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL

A handwritten signature in cursive script, appearing to read "Lynn Lippincott", is written over a horizontal line.

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**Admitted in MD, FL, PA

April 17, 2015

Sent Via Hand Delivery

The Honorable John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

APR 17 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Re: 23 Liberty Ridge Court
Case No. 2015-0149-SPHX

Dear Judge Beverungen:

This is to follow up the recently concluded public hearing for the above matter on April 8, 2015. I appreciate your courtesy in allowing me the opportunity to respond, in writing, to the points made in correspondence from the Office of People's Counsel dated February 20, 2015, as well as certain comments made by interested parties from the neighborhood at the hearing. As did Mr. Zimmerman, I am formatting my comments in letter form, as opposed to a formal Motion, however, I understand that they will be accepted by you as a "Memorandum in Lieu of Closing Argument."

As I indicated orally at the hearing, I believe that this case presents four questions. They will be addressed, in turn.

Question 1. Is the Petitioner, Arnold Abel, a "professional person" as contemplated by BCZR §§ 1A03.3.A.9.d and 1A03.3.B.12?

In short, the answer to this question is "yes." Mr. Zimmerman acknowledges on page 2 of his letter that financial planners have "varying degrees of educational attainment, licensing and standards" and he is indeed correct. However, as will be detailed hereinafter, Mr. Abel is within that small percentage of individuals who hold themselves out as "financial planners" who are indeed professional persons and possess a unique amount of expertise and credentials. One of the neighbors who appeared disputed this conclusion and characterized Mr. Abel as a "salesman." This quote reminds me of a remark attributed to Abraham Lincoln (himself a lawyer) who is to have said that "a lawyer's time is his stock and trade." Indeed that is true. As one of the professionals enumerated in the BCZR, I (as a member of the Bar) sell my time and expertise to my

clients. I sell nothing tangible, nor does a doctor, dentist or other medical professional. As lawyers, we sell our skill, knowledge, time and expertise. Although such professionals might thus be labeled salesmen of their time, they are nonetheless professional persons. As is Mr. Abel.

The testimony presented in this case was extensive about Mr. Abel's credentials and background. He is a Certified Financial Planner ("CFP"). The designation is awarded to a select few persons and is given only to individuals who have undergone rigorous scrutiny by the Board of Certified Financial Planners, a regulatory body for financial planners and akin to the Court of Appeals as it regulates Maryland lawyers. CFP's must have the requisite education (bachelor's degree) and must complete specific coursework related to financial matters. They must pass a rigorous examination. They must have three years experience in the field. Finally, they must pass certain ethical screening. Mr. Abel testified, without contradiction, that only a small percentage of individuals dispensing financial advice are actually CFP's. (See Petitioner's Exhibits 9 and 10).

In addition to the CFP designation, Mr. Abel possesses the LUTCF (Life Underwriter Training Council Fellow) designation and the FIC (Fraternal Insurance Counselor) designation. As importantly, he possesses the FINRA (Financial Industry Regulatory Authority) Series 63, 07 and 65 licenses. (See Petitioner's Exhibits 14A-14C). These permit Mr. Abel to sell securities bonds and other investments. As he indicated, he provides financial advice and counseling to his clients and, as a further service, may sell stocks, bonds, mutual funds and insurance products. Indeed he is an "investment advisor" as identified and regulated by the Maryland Securities Act (See MD. Code Ann., Corp. and Associations, 11-101 etc.)¹

Based upon my research as to this issue (and apparently People's Counsel's as well) the issue of whether a financial planner is a "professional person" is a case of first impression before your office and/or the Board of Appeals. However, in Case No. 14-033-X, it was held that a certified public accountant is a professional person (Ex. 2). I submit that Mr. Abel is much more akin to that occupation than a "real estate broker" as suggested by People's Counsel. As with a CPA, Mr. Abel possesses expertise in financial type matters.

In conclusion, People's Counsel's comments are simply wrong and candidly demeaning to my client. There is currently a television commercial where a disc jockey impersonates a financial advisor. The point of the advertisement is to warn consumers of unscrupulous types who may take advantage of unwary investors by holding themselves out as financial planning experts. Unfortunately, such individuals do prey on the public and that is perhaps what People's Counsel is alluding to. But the facts in this case are that my client has the highest professional qualifications and credentials. Whatever his moniker, be it "wealth advisor" "financial planner" or "investment

¹ Note also the attached decision from the Circuit Court for Baltimore City (*Aiello v. Ferris Baker Watts, Inc.* Case No. 24-C-04-006218), wherein in the context of a claim for professional malpractice, the Court discussed the professional significance of the qualification of an individual as an "investment advisor" (attached as Ex. 1)

advisor" it is apparent on the facts of this case that Mr. Abel is a professional person as contemplated by the regulations. As such, assuming he meets the other criteria, he would be eligible to maintain an office on the subject property pursuant to BCZR § 1A03.3.A.9.d (by right) or BCZR § 1A03.3.B.12 (by special exception). Finally note also the Zoning Advisory Committee comment from the Department of Planning that such designation as a professional person is "reasonable". Therefore, based upon these factors, the petitioner requests that you find him to be a professional person as contemplated by the applicable regulations.

Question 2: Can Mr. Abel maintain his office in his detached garage?

At first blush, it might appear that the clear answer to this question is "no", given that the regulation states that the office must be "within the same building as that serving as the professional person's primary residence". Nonetheless, the facts here are compelling to an opposite conclusion. As Mr. Abel testified, the garage structure is served by water, sewer (septic) and electricity. Indeed, there is but a single septic system for both the dwelling and garage. The garage was originally built as his self described "man cave." Indeed, a portion is still used for those purposes. Only a percentage of the structure is dedicated for office use. As he indicated, Mr. Abel has exercise equipment, a large television and other improvements typically located within a dwelling within the garage. Most individuals watch TV, exercise and use water/sewage facilities in the building in which they reside. Mr. Abel does that in the garage building. This is not a separate building used entirely for business purposes but functions as a part of the house. Much of the space here is used in the same manner as the house. Additionally, the Zoning Commissioner Policy Manual recognizes that a home office of a professional can be in a garage (see attached as Ex. 3). Although the Policy Manual contemplates an attached garage, it is clear that a garage (whether attached or detached) might be utilized for a home office under certain circumstances. Certainly, if Mr. Abel connects the garage to the dwelling via a breezeway, he would so qualify, but it is asserted herein that no physical connection is required in this case given the underlying use of much of the structure as living quarters.

Question 3: How many employees are authorized?

Under BCZR § 1A03.3.A.9.d, a professional person may have a home office by right with one additional non residential employee. By special exception under BCZR § 1A03.B.12, one non resident professional person is allowed in addition to up to two non residential clerical/staff persons. As noted at the hearing, the issue presented here is whether the restriction relates to the number of human beings or the number of job positions. Mr. Abel testified that he has one professional associate (Mr. Glendenning) and three clerical persons. Of the clerical persons, one works only one day per week, one is part time up to four days per week and the third is full time. Thus collectively, he has two "FTE's" (full time equivalent) persons. The regulations do not place a restriction on the number of "persons" and restricts the number of "professional associates" and "employees". In this context, it seems clear that the intent of the regulations is to restrict the

number of persons working at the property at any one time. Whether he has one full time employee (five days per week, 40 hours per week) or five individuals who each work one day per week (8 hours), the result (and impact on the locale) is the same. The same traffic would be generated, the same number of persons on site at any one time, etc. Thus, the regulations should be construed to consider each "professional associate" and "employee" as a full time equivalent position.

Question 4: Should special exception relief be granted?

The law related to the consideration of special exceptions is clear and will not be repeated at length here. As a part of the comprehensive zoning scheme, they are presumptively proper and should be granted absent evidence that they would cause more egregious impact at the subject location. See *Schultz v. Pritts*, 291 Md. 1 (1981) and *Mossberg v. Montgomery County*, 107 Md. App. 1 (1995).

The neighbors who appeared presented a variety of objections, none of which are valid. First, they fear a precedent if this were approved; claiming that others in the neighborhood will open professional offices. However, as is well settled, each case must be considered on its own. If the neighbors object to the possibility of professional offices in the dwellings in the community, then they should petition the County Council to change the law. Whatever the decision rendered in this case; it will not be legal precedent for anything.

Second, they claim that certain property rights are being violated. However, as the Administrative Law Judge noted in open hearing, the Administrative Law Judge of Baltimore County cannot enforce private covenants. If there are covenants properly recorded in the Land Records of Baltimore County, then they may only be enforced in the Circuit Court via a properly instituted law suit. Similarly, if the neighbors believe that the rights of shared access related to the common driveway are being violated, then their remedy is in Circuit Court.

The operation of Mr. Abel's office is limited and causes little impact on the neighborhood. He does not store or manufacture any dangerous material or product. There are no deliveries other than that typical to a residential use. Most importantly, there is limited traffic generated. Mr. Abel testified that he had 111 consultations over the first three months of 2015. This averages to less than two persons per day. Unlike a doctor's/lawyer's office with a heavy flow of patients/clients, there is a minimal number of individuals coming and going. There are no lights, smells or sounds emanating from the property.

Even the specific instances complained of by certain neighbors do not warrant a denial of the petition for special exception. One neighbor discussed the death of his dog by traffic accident some twenty three years ago. It was not established that this unfortunate event (caused by a UPS driver striking an illegally unleashed dog) had anything to do with Mr. Abel's business.

The Honorable John E. Beverungen, Esquire

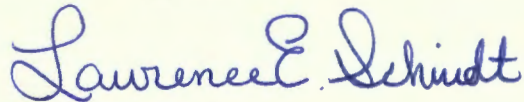
April 17, 2015

Page 5

Obviously, UPS delivers to both residential and business locations. A female neighbor complained of catcalls made to her by individuals on Mr. Abel's property, but she could not state who made them. It seems like the most obvious culprits may be workman who recently installed a new roof on Abel dwelling and constructed a ground thermal heating/cooling system rather than the Christian clients of Mr. Abel who seek his financial services advice. Finally, the immediate neighbor, Mr. Mendelsohn, offered non-credible testimony. His testimony that he does not maintain an office in his house is simply unbelievable. Although headquartered in Chantilly, Virginia, he testified that he keeps no samples, product, paperwork, etc. in his house in association with his business. His objection to the "commercialization" of the neighborhood simply rings hollow in view of his occupation.

For all of these reasons, the Petitioner requests that the relief prayed herein be granted. The neighbors and People's Counsel's fears and complaints do not warrant a denial of the relief herein requested.

Very truly yours,



Lawrence E. Schmidt

LES/amf

Enclosures

cc: Peter Max Zimmerman, Esquire
Arnold Abel, 23 Liberty Ridge Court, Owings Mills, MD 21117
Jeff Mendelsohn, 21 Liberty Ridge Court, Owings Mills, MD 21117
Sheri Cramer, 21 Liberty Ridge Court, Owings Mills, MD 21117
Steven Garbarino, 19 Liberty Ridge Court, Owings Mills, MD 21117
Diane Garbarino, 19 Liberty Ridge Court, Owings Mills, MD 21117
Virginia Palencar, 12 Liberty Ridge Court, Owings Mills, MD 21117
Joseph Palencar, 12 Liberty Ridge Court, Owings Mills, MD 21117
Eileen Rosen, 6 Liberty Ridge Court, Owings Mills, MD 21117
Joel Margolies, 6 Liberty Ridge Court, Owings Mills, MD 21117



1 of 32 DOCUMENTS

MARY AIELLO, Petitioner, v. FERRIS, BAKER, WATTS, INC., et al., Respondents.

Case No. 24-C-04-006218

CIRCUIT COURT OF MARYLAND, BALTIMORE CITY

2006 MDBT 9; 2006 Md. Cir. Ct. LEXIS 13

June 30, 2006, Decided

NOTICE: [*1] CONSULT LOCAL RULES REGARDING CITATION AND PRECEDENTIAL VALUE OF UNPUBLISHED OPINIONS.

JUDGES: Kaye A. Allison, Judge.

OPINION BY: Kaye A. Allison

OPINION

MEMORANDUM OF DECISION

This matter comes before the Court on Petitioner Mary Aiello's Petition to Vacate Arbitration Award and Respondents Ferris, Baker, Watts, Inc. and David Anderson's Response thereto. Both parties have fully briefed the issues and this Court heard oral argument. For the reasons set forth below, this Court will deny Mary Aiello's Petition to Vacate Arbitration Award.

Factual and Procedural Background

After the death of her husband, Claimant Mary Aiello ("Mrs. Aiello" or "Claimant"), invested approximately \$ 3.2 million with her deceased husband's stockbroker, Respondent David Anderson ("Mr. Anderson") of Respondent Ferris, Baker, Watts, Inc. ("FBW") (collectively referred to as "Respondents") during 2000 and 2001. These funds were used to purchase numerous variable annuities, at least one life insurance policy and other investments. Claimant contended that these investments were inappropriate for her, who at age 64 sought more conservative investments. According to Mrs. Aiello, the investments were inappropriate because they were not liquid, were unable to generate sufficient income and some were speculative and risky. As a result [*2] of

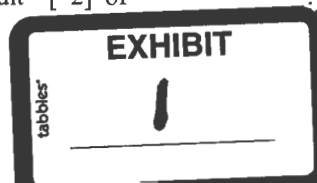
these purportedly inappropriate investments, she contended that she lost approximately \$ 1.7 million.

Based on these facts, on November 25, 2002 Mrs. Aiello filed an arbitration complaint against FBW, in which she complained about Mr. Anderson's recommendations and the transactions he executed in 2000 and 2001 on her behalf. On August 6, 2003 she amended her claim to include Mr. Anderson as a respondent. On December 18, 2003 once again amended her claim altering some of the factual allegations against the respondents. On February 3, 2004, Mrs. Aiello then filed a pre-hearing legal brief in support of her claims. She addressed the following counts individually:

Count I -- Violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78j & t, and S.E.C. Rule 10b-5, 17 C.F.R. § 240.10b-5. "These claims were based on omissions of material fact, and deceptive practices arising from recommending the purchase of unsuitable annuities, and failure to diversify."

Count II - Violation of Section 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78t, for lack of supervision.

Count III -- Violation of the Maryland Securities Act. Specifically the count sought [*3] damages under Section 11-703 (a)(1)(ii) of the Maryland Securities Act (the "Act"), Md. Code, *Corps. & Ass'ns* § 11-703 (a)(1)(ii). As Mrs. Aiello explained in the pre-hearing brief, this action created civil liability for one who



"[o]ffers or sells the security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, the buyer not knowing of the untruth or omission, and if he does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, of the untruth or omission." Likewise, as also highlighted by Mrs. Aiello in the same brief, under certain conditions a claimant may be entitled to reasonable attorney's fees and costs. *Section 11-703 (b)(1) of the Act.*

Count IV -- Violation of the NASD Rules of Conduct.

Count V -- Breach of Contract.

Count VI -- Constructive Fraud.

Count VII -- Fraud and Deceit.

Count VIII -- Breach of Fiduciary Duty.

Nowhere in any of the above filings did Mrs. Aiello mention or discuss any violation of *Section 11-401(b) of the Act* which, with certain limited [*4] exceptions, requires that an investment advisor be registered, or *Section 11-703 (a)(3)(i)* which provides for civil liability for a violation of *Section 11-401(b)*.

On February 23, 2004 the hearing commenced. Mrs. Aiello's counsel made no reference to Mr. Anderson's registration status, to investment advisor registration requirements, or to *Section 11-401(b) of the Act*. However, evidence was introduced at the hearing that in August 2000 Mr. Anderson gave Mrs. Aiello a business card bearing the title "Registered Investment Adviser" when he was not in fact registered as an investment adviser representative until February. *See* Hearing Transcript, Testimony of David Anderson, June 25, 2004, at pp. 57-58. One of Mrs. Aiello's expert witnesses, Ellyn Brown, did testify regarding Mr. Anderson's registration status as well as investor advisor registration requirements. In addition, Mr. Anderson, himself, and Ralph Abollo, one of FBW's office managers, also offered testimony pertaining to Mr. Anderson's registration status. This Court will specifically address these references in the analysis below.

The hearing then adjourned until June 22, 2004. During that four-month recess, Mrs. Aiello did [*5] not

amend her complaint to include any reference to *Sections 11-401 (b) or 11-703 (a)(3)(i) or (ii) of the Act*. When the hearing resumed Mrs. Aiello offered no additional testimony regarding these sections of the Act. Mrs. Aiello then waived her closing argument, deciding instead to reserve her time for rebuttal. During her rebuttal, again, Mrs. Aiello's counsel made no references to *Sections 11-401 (b) or 11-703 (a)(3)(i) or (ii) of the Act*. However, in the rebuttal, Mrs. Aiello's counsel did reference Mr. Anderson's registration status and investor advisor registration requirements. This Court will address these references, as well, in the analysis below.

The arbitration panel rendered its 2-1 decision in favor of Mr. Anderson and FBW as to all counts on July 14, 2004. On August 13, 2004 Mrs. Aiello filed her Petition to Vacate Arbitration Award with this Court. In her Petition to Vacate she argues that the arbitration panel erred when it failed to award Mrs. Aiello damages based on *Sections 11-401 (b) and 11-703 (a)(3)(i) of the Act*. Petition to Vacate, at P 8. She also contends that the arbitration erred when it failed to find against FBM and in favor of Mrs. Aiello on her supervision [*6] claim because respondents failed to contest it. *Id.* at P 9. Finally, she argues that the arbitration panel should have awarded her damages because respondents failed to take "appropriate and timely action, as specified in various variable annuity contracts" resulting in Mrs. Aiello incurring surrender charges. *Id.* at P 10. For the reasons that follow, and for those set forth in Respondents' Brief, this Court will deny Mrs. Aiello's Petition to Vacate Arbitration Award.

Analysis

The party seeking to vacate an arbitration award bears the "heavy burden" of proving one of the few narrow grounds that warrant vacatur. *See Remmey v. Pain-Webber, Inc.*, 32 F.3d 143, 149 (4th Cir. 1994).¹ Courts should not vacate arbitration awards lightly for the arbitrators are judges both of the law and of the facts. *Baltimore Teachers Union, Am. Fed'n of Teachers, Local 340, AFL-CIO v. Mayor and City Council for Baltimore*, 108 Md. App. 167, 180, 671 A.2d 80 (1996). The Court's review is "to determine only whether the arbitrator did his job -- not whether he did it well, correctly or reasonably, but simply whether he did it." *Mountaineer Gas Co. v. Oil, Chem. & Atomic Workers Int'l Union*, 76 F.3d 606, 608 (4th Cir. 1996). [*7] Courts may vacate an arbitration award if the arbitrators committed a "palpable mistake of law... apparent on the face of the award... so gross as to work manifest injustice," or a "manifest disregard of the law." *Id.* at 180-81. This mistake must be "so gross as to imply bad faith or the failure to exercise honest judgment on part of the arbitrators." *Mayor &*

City Council of Baltimore v. Allied Contractors, Inc., 236 Md. 534, 545, 204 A.2d 546 (1964).

1 Because the "same policy favoring enforcement of arbitration agreements is present" in the Maryland Arbitration Act, Md. Code Ann., Cts. & Jud. Proc. Art., § 3-201 *et seq.*, and the Federal Arbitration Act, this Court may, and will, rely on decisions interpreting the Federal Arbitration Act in interpreting the Maryland Arbitration Act. *See Holmes v. Coverall N. Am., Inc.*, 336 Md. 534, 541, 649 A.2d 365 (1994).

To obtain vacatur of an award on the ground that the arbitrators manifestly disregarded the law, the petitioner must prove "both that (1) the arbitrators knew of a governing legal principle yet refused to apply it or ignored it altogether, and (2) the law ignored by the arbitrators... [was] well defined, explicit, and clearly applicable to the case." *DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 821 (2d Cir. 1997). [*8] With respect to the first prong, the petitioner bears the burden of establishing "that the arbitrators were aware of the law, understood it correctly, found it applicable to the case before them, and yet chose to ignore it in propounding their decision." *Rosenbaum v. Imperial Capital, LLC*, 169 F. Supp. 2d 400, 408 (D. Md. 2001) (Internal quotation marks and citations omitted). In other words, the petitioner must not simply show that the arbitrators were "wrong in their application of the law, but rather acted in overt disregard of the law" "after it was brought to the arbitrator's attention in a way that assures that the arbitrator knew its controlling nature." *Id.* at 413; *Goldman v. Architectural Iron Co.*, 306 F.3d 1214, 1216 (2d Cir. 2002). Mrs. Aiello has not met this burden.

A. The Arbitration Panel Did Not Act in "Manifest Disregard for the Law" When It Did Not Find in Petitioner's Favor for Violations of Sections 11-401 (b) and 11-703(a)(3) of the Act

As the primary basis for vacating the arbitration award, Mrs. Aiello asserts that she presented unchallenged evidence at her hearing that Mr. Anderson advised her on investments even though he was not registered with the State in [*9] violation of *Section 11-401 (b) of the Act*. Petition to Vacate, at P 8. She further contends that the arbitration panel acted in "manifest disregard for the law" when it failed to award her damages pursuant to *Section 11-703 (a)(3) of the Act* which provides for strict liability of *Section 11-401 (b)*. It may be true that Mr. Anderson should have been strictly liable to Mrs. Aiello for a violation of *Section 11-401 (b)*. However, Mrs. Aiello failed to adequately apprise the arbitration panel of the law regarding a *Section 11-401 (b)* violation in a manner that assures that they knew its control-

ling nature, and, therefore, can hardly argue that the arbitrators knew the "governing legal principle yet refused to apply it or ignored it altogether." *DiRussa*, 121 F. 3d at 821.

1. Pleadings and Briefings

Prior to the hearing Mrs. Aiello did not, despite numerous opportunities to amend, mention a violation of *Sections 11-401 (b) or 11-703(a)(3) of the Act* in any pleading or briefing. Even more significantly, she never discussed Mr. Anderson's registration status in any document prior to the hearing.

Mrs. Aiello claims that in her December 18, 2003 Amended Statement of Claim and in her Pre-Hearing [*10] Brief she alleged violations of *Section 11-703 of the Act*. However, simply alleging violations of *Section 11-703* is not sufficient to alert the arbitrators of the underlying claims. Asserting a claim under *Section 11-703*, without more, is similar to saying someone committed an intentional tort without stating which tort he or she committed. *Section 11-703* cites numerous bases on which persons may be civilly liable for violations of the securities laws. It does so, generally, by referencing other sections of the Act that specifically proscribe certain conduct such as *Section 11-401 (b)*. In fact, Mrs. Aiello specifically cited to *Section 11-703 (a)(1)(ii)* in her Pre-Hearing Brief to the arbitrators, which is the only provision within *Section 11-703* that actually details the underlying misconduct giving rise to civil liability without referencing other sections of the Act. That provision creates liability for one who:

Offers or sells the security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made....

Md. Code. Ann., Corps. & Ass'ns § 11-703 (a)(1)(ii).

Section 11-703 (a)(3)(i), [*11] on the other hand, provides strict liability for one who "[a]cts as an investment advisor... in violation of [] § 11-401(b)...." Md. Code. Ann., Corps. & Ass'ns § 11-703 (a)(3)(i). *Section 11-401 (b)* requires an investment advisor to be registered. Thus, acting as an investment adviser without having registered as required by *Section 11-401(b)*, gives rise to civil liability under *Section 11-703 (a)(3)(i)*. This is a completely different basis of liability than *Section 11-703 (a)(1)(ii)*, on which Mrs. Aiello focused the arbitrators' attention in her Pre-Hearing Brief. Under *Section 11-703(a)(1)(ii)* the arbitrators would have to decide, among other elements, whether Mr. Anderson made an

untrue statement and whether that statement was material. Under *Section 11-703(a)(3)(i)*, they would have to decide whether Mr. Anderson had acted as an investment adviser. It imposes strict liability. Therefore, simply citing to *Section 11-703* for civil liability, without more, is insufficient to adequately apprise the arbitrators of the relevant basis of liability.

To the extent Mrs. Aiello argues that Mr. Anderson violated *Section 11-703 (a)(1)(ii)* by representing himself to her as an investment adviser, [*12] she has failed to meet her burden of proving that the arbitrators acted in manifest disregard for the law. Any finding in Mrs. Aiello's favor under this section would have required the arbitrators to have found that any misrepresentation made by Mr. Anderson to Mrs. Aiello, including the fact that he held himself out as a registered investment adviser, was "material." The arbitrators may have simply determined that the purported misrepresentation was not material. Mrs. Aiello did not raise this argument in her Motion to Vacate and has not cited evidence in the record for this Court to find that the arbitrators acted in manifest disregard for the law if they indeed did determine that the misrepresentation was immaterial.

2. Closing/Rebuttal Argument

Likewise, Mrs. Aiello argues that in rebuttal argument her counsel raised Mr. Anderson's violations of *Sections 11-401(b)* and *11-703(a)(1)(ii)*. After stating that Mrs. Aiello had a claim for a "violation of the Maryland Securities Act," Mrs. Aiello's counsel argued the following:

The Maryland Securities Act does not require the showing of, we will submit that the representation made by Mr. Anderson that he was a [sic] registered investment [*13] advisor when he was not is a material--is an untrue statement of a material fact and we believe that under this section of the Maryland Securities Act we are statutorily entitled to attorney fees and costs.

Hearing Transcript, Closing Rebuttal Argument by Mrs. Aiello's Counsel, June 25, 2004, pp. 207-08.

While this Court understands that this transcript is not exactly clear, the argument propounded by Mrs. Aiello's counsel is: Mrs. Aiello was entitled to attorney's fees and costs because Mr. Anderson's representation that he was an investment advisor when he was not so registered was an "untrue statement of a material fact." The words selected by Counsel clearly implicate *Section 11-703(a)(1)(ii)* which would entitle Mrs. Aiello to at-

torney's fees and costs under *Section 11-703(b)*² just as would any violation of *Section 11-703(a)(3)(i)*. This implication is only strengthened by Mrs. Aiello's specific reference to *Section 11-703(a)(1)(ii)* in her Per-Hearing Brief as discussed above. Therefore, this Court finds that counsel's statement during rebuttal closing arguments fails to apprise the arbitrators of liability under *Sections 11-401(b)* and *11-703(a)(3)(i) of the Act*.

2 *Section 11-703 (b)(1)(i)* [*14] provides the legal remedy for *Section 11-703(a)(1)(i)* and *Section 11-703 (b)(4)(i)* provides the remedy for *Section 11-703 (a)(3)(i)*. Both provide for reasonable attorneys fees as part of the remedy.

3. Testimony of Ellyn Brown

Mrs. Aiello also contends that the testimony of Ellyn Brown, a former Securities Commissioner of the State of Maryland, should be sufficient to implicate violations of *Sections 11-401(b)* and *11-703(a)(3)(i) of the Act*. Indeed, during her testimony at the hearing before the arbitrators on February 26, 2004 she testified that a "registered investment advisor is someone who is registered with the State of Maryland or under the SEC under the Investment Advisors Act of 1940." Hearing Transcript, Testimony of Ellyn Brown, February 26, 2004, at p. 263. She further testified that if Mr. Anderson were working as an investment advisor for FBW, FBW would have filed its "registration with the State of Maryland, and Mr. Anderson would have been listed as an investment advisor representative with the State of Maryland." *Id.* at 263-64. Mr. Anderson "would nonetheless be required to be a registered investment advisor." *Id.* at 263.

Shortly thereafter, she testified that after reviewing [*15] Mr. Anderson's business card which did represent him to be a "Registered Investment Adviser," she called the Maryland Securities Division and discovered that he was not listed as such under FBW's notice filing to the state. *Id.* at 267-268. She then stated: "It is a violation of Maryland law to hold [oneself] out as a registered investment advisor or a financial planner or a financial consultant of any kind without a registration under either the federal or state statute." *Id.* at 268.

On the following day, February 27, 2004, Ms. Brown expanded somewhat on this statement.

Q. What is the legal impact of someone who sets themselves -- who represents themselves to be a registered investment adviser when, in fact, he is not?

A (Brown). It's a violation of the Maryland act to hold out as an investment adviser, financial planner, investment

consultant, et cetera, any sort of similar like title unless you are one.

And [*16] I know there have been cases in which the failure to register and holding out in violation of the act have compelled rescission of any contracts entered into during the time that the holding out was being -- was in effect with the clients who were influenced by that, who relied on that.

Hearing Transcript, Testimony of Ellyn Brown, February 27, 2004, at p. 7.

Ms. Brown's testimony, even taken out of context as cited above and discussed below, does little to apprise the arbitrators of the relevant basis of liability. At best, it informs the arbitrators that those who purchase from an unregistered investment advisor *may* be entitled to rescission of the contracts, but it fails to identify the parameters in which rescission is warranted or required. First, Ms. Brown's testimony cites no statute to support her conclusions and upon which the arbitrators could confer. Ms. Brown did not even employ the language of *Sections 11-401(b) and 11-703 (a)(3)(i) of the Act*. In fact, especially considering her last statement regarding reliance, the arbitrators may have believed that holding oneself as an investment adviser, without having registered as such, was a material misstatement argument under *Section 11-703 (a)(1)(ii)* [*17] rather than strict liability under *Sections 11-401(b) and 11-703(a)(3)(i)*.

Additionally, she simply stated that she is familiar with cases that compelled rescission but did not provide citations or even the circumstances under which those cases were decided. At no point did Ms. Brown state that these cases stood for the proposition that acting as an unregistered investment adviser results in strict liability. Again, having identified reliance as an element, the arbitrators may have believed that Mrs. Aiello had to have relied on Mr. Anderson's statement that he was an investment adviser and did not find enough evidence to support such a conclusion. Moreover, Ms. Brown stated that "there have been cases in which the failure to register and holding out in violation of the act have compelled rescission," but such a statement leaves open the possibility that there may have been cases that did not so compel. Without providing the arbitrators the exact basis of liability for these cases, Ms. Brown's testimony certainly cannot be said to have provided the arbitrators with the governing legal principles for violations under *Sections 11-401(b) and 11-703(a)(3)(i)*, and, most certainly not in a manner [*18] that alerted the arbitrators to their controlling nature.

Finally, these isolated statements regarding the purported legal consequences of representing oneself as a legal adviser when one is not registered were situated between testimony related to Mrs. Aiello's lack of supervision claim against FBW under Section 20(a) of the Securities Exchange Act of 1934, *15 U.S.C. § 78t*. The following testimony occurred immediately prior to and immediately after Ms. Brown's February 27, 2004 testimony referenced above (separated by lines below):

Q. And specifically making reference to Mr. Anderson during the period he was dealing with Mrs. Aiello, the stationary, he was a registered investment advisor. Is that the type of thing that a supervisor should be aware of?

A. Certainly. I would say -- I was very surprised to see this on two fronts. First of all, on this stationary, and I actually looked through to see if I could find a copy of Mr. Anderson's business card and couldn't, but on this type of stationary to be dominated [sic] as a registered investment advisor would cause me concerns on a couple of levels.

First of all, I think it calls into question the capacity in which he was dealing with Mrs. [*19] Aiello, what he believed his was, was it as a stock broker or was it as an investment advisor, and that provokes the application of two very different standards, the fiduciary standard for investment advisors and the know your customer best execution suitability kind of standard for a registered rep of a broker dealer.

Secondly, it causes me concern because certainly Mr. Anderson was not a registered investment advisor. He was, if anything, a [sic] investment advisor representative, so whatever -- *in whatever case this stationary is wrong. How did this get printed? How did it get through [FBW's] compliance?*

I have worked with a lot of firms. In fact, a good part of my practice is looking hopefully on the preventative side at compliance systems and review systems, and most firms I know are compulsive about stationary review. It's very important to a firm how the -- how an individual employee is represented to the

world, that it needs to be accurate and not in any way misleading.

So -- and I've been in debates where I've been included whether we were going to spell advisor with an O like the world generally spells it or adviser with an E like the act spells it, so I am very surprised to [*20] see this and *I can't understand what happened here and why there was a neglect of oversight on something this important, and candidly what concerned me is it fits in with the pattern of omission of any evidence of supervisory controls that I think we see* (inaudible 10.3) [sic].

Q. What is the legal impact of someone who--who represents themselves to be a registered investment adviser when, in fact, he is not?

A. It's a violation of the Maryland act to hold out as an investment adviser, financial planner, investment consultant, et cetera, any sort of similar like title unless you are one.

And I know there have been cases in which the failure to register and holding out in violation of the act have compelled rescission of any contracts entered into during the time that the holding out was being -- was in effect with the clients who were influenced by that, who relied on that.

Q. Now with respect to your review of... the *supervisory procedures in place*, was there anything significant with respect to those procedures....

Hearing Transcript, Testimony of Ellyn Brown, February 27, 2004, at p. 4-8 (emphasis added).

Based on the italicized text above, the primary thrust of Ms. Brown's testimony regarding [*21] Mr. Anderson's registration status focused on FBW's lack of supervision and its compliance systems. Mrs. Brown stated that she didn't understand how Mr. Anderson's letterhead representing him as an investment adviser when he was not so registered could get through FBW's compliance systems without some sort of supervision failure. Ms. Brown's short reference to the "legal impact of someone who... represents themselves to be a registered investment adviser" was buried in protracted testimony regarding FBW's supervision. Even if her testimony did

adequately present the arbitrators with the legal principles defining violations of *Sections 11-401(b) and 11-703(a)(3)(i) of the Act*, such an isolated and oblique reference to registration status can hardly be said to sufficiently alert the arbitrators of a claim not identified in a Pre-Hearing Brief or Statement of Claim or in a manner indicating their controlling nature.

4. Testimony of Mr. Anderson and Mr. Abollo

Lastly, Mrs. Aiello cites to the testimony of Mr. Anderson and Ralph Abollo, one of FBW's office manager's as further support that they raised the issue of Mr. Anderson's registration status at the arbitration hearing. However, neither [*22] witness' testimony cures Mrs. Aiello's failure to provide the arbitrators with the governing legal principles for *Section 11-401(b) and 11-703(a)(3)(i) violations*. Essentially, Mr. Anderson testified that both his 2000 letterhead and the business card he purportedly gave Mrs. Aiello in 2000 indicated that he was a "Registered Investment Adviser" even though he did not become a registered investment adviser until February 2003. *See* Hearing Transcript, Testimony of David Anderson, June 22, 2004, at pp. 108-09. This is factual testimony and fails to advise the arbitrators of *any* governing legal principles.

Likewise, Mr. Abollo's testimony fails to support Mrs. Aiello's argument for the same reason. In fact, Mr. Abollo's testimony even strengthens the contention that the issue of Mr. Anderson's registration status was raised, or at least understood by the arbitrators to be raised, in the context of Mrs. Aiello's lack of supervision claim against FBW. Mr. Abollo testified that as the office manager he was tasked with the responsibility of insuring that "people were not misrepresenting their registration status" and that he was not aware of Mr. Anderson's 2000 business card indicating that [*23] he was a "Registered Investment Adviser." Hearing Transcript, Testimony of Ralph Abollo, June 24, 2004, at p. 166. Moreover, even the questions posed to Mr. Abollo focused on Mr. Abollo's knowledge as office manager: "[Y]ou were tasked with among other responsibilities insuring that you're [sic] people were not misrepresenting their registration status isn't that correct?" and "There is with broker dealers a requirement that any business cards or business stationary using the broker dealer logo be reviewed by the office manager, isn't that correct?" *Id.*

In short, not one document filed by Mrs. Aiello with the Arbitration Panel or any testimony or argument presented to the arbitrators at the hearing even mentioned *Sections 11-401(b) and 11-703(a)(3)(i) of the Act*. That failure notwithstanding, Mrs. Aiello now complains that the arbitration panel acted in "manifest disregard for the law" when it rendered its 2-1 unfavorable opinion. Even the testimony provided by Mrs. Brown failed to apprise

the arbitrators of the governing legal principles for deciding whether Mr. Anderson violated *Sections 11-401(b) and 11-703(a)(3)(i) of the Act* and could have been easily construed by the arbitrators [*24] to relate to other claims filed and briefed before the arbitrators, such as her lack of supervision claim against FBW or her *Section 11-703 (a)(1)(ii)* material statement claim against Mr. Anderson. Accordingly, this Court will deny Mrs. Aiello's Petition to Vacate Arbitration Award based on *Sections 11-401(b) and 11-703(a)(3)(i) of the Act*.

B. Remaining Bases for Vacatur

In her Petition to Vacate, Mrs. Aiello also requested this Court to vacate the arbitration award on two additional grounds. In paragraph 9 she asserts that the arbitration panel acted in "manifest disregard for the law" when it rendered its 2-1 decision in favor of FBW because FBW's "failure to supervise was uncontested by Respondents, and Anderson's conduct as a purported investment adviser led directly to Mrs. Aiello's financial losses." Petition to Vacate Arbitration Award, at P 9. And, in paragraph 10 she asserts that the Respondents "failed to respond or to act on Mrs. Aiello's specific written instructions" to "take appropriate and timely action... to enable her to withdraw funds from some of the variable annuity instruments... before the anniversary dates of those policies." *Id.* at P 10.

These two additional bases [*25] for vacatur fail for numerous reasons. First, as a threshold matter, Mrs. Aiello has apparently abandoned these grounds as she has not even discussed them in either of her briefs to this Court relating to the Petition to Vacate. Second, and most importantly, Mrs. Aiello admits that "FBW and Anderson disputed most of Mrs. Aiello's contentions during the course of six days of hearings" except "[t]hey did [] not [] dispute... that, although Anderson held himself out as an investment adviser, he lacked the required registration under § 11-401(b) of the Corporations and

Associations Article." Petitioner's Brief, at p. 5. Mrs. Aiello has failed to meet her "heavy burden" of proving that the arbitrators acted in "manifest disregard for the law." She has provided no evidence, or direct argument, with regards to these two grounds. She has not shown this Court that Respondents failed to dispute these claims or how the evidence she presented at the hearing in support of these claims were undisputed. Based on what has been presented to this Court, the Court concludes that the arbitrators may have heard the evidence and simply found that it did not support Mrs. Aiello's claims. Having failed to meet [*26] her burden, this Court will also deny Mrs. Aiello's Petition to Vacate Arbitration Award on these grounds as well.

Conclusion

For the afore-mentioned reasons, as well as those discussed in Respondents' Brief, this Court will deny Mary Aiello's Petition to Vacate Arbitration Award.

An Order reflecting this decision is attached.

Kaye A. Allison

Judge

ORDER

Upon consideration of Petitioner's Petition to Vacate Arbitration Award, Respondents' opposition thereto, and all supplemental briefs, and after conducting a hearing, it is this day of June, 2006 by the Circuit Court for Baltimore City hereby

ORDERED that Petitioner's Petition to Vacate Arbitration Award is hereby **DENIED** for the reasons set forth in the accompanying Memorandum of Decision.

Kaye A. Allison

Judge

IN THE MATTER OF
JOSEPH AND LYNN FARRELL
S/S BRACKENWOOD COURT, 204' W OF
C/L FOXLEY ROAD
(204 BRACKENWOOD COURT)

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 14-033-X

* * * * *

OPINION

This matter comes before the Board of Appeals as a de novo appeal from the October 10, 2013 decision of the Office of Administrative Law in which the requested special exception for the use of the Petitioners' property to include a professional office was granted with conditions.

BACKGROUND

The property involved in this appeal is known as 204 Brackenwood Court is owned by Joseph and Lynn Farrell. The property is situated on a 0.2486 acre lot and is improved by a single family dwelling. Ms. Farrell is a Certified Public Accountant (CPA) and proposes to operate a professional office for her practice in the basement of the subject property. The property is zoned DR 3.5 and as such under the relevant zoning regulations requires a Special Exception for the proposed use of the property.

The Administrative Law Judge granted the Special Exception with conditions placed upon the use of the property.

HEARING

The appeal before the Board arises from the petition of the Springlake Community Association, Inc. which is the community association that represents the area in which the subject property is located. Counsel for the Springlake Community Association offered as an



initial objection to the relief granted below the provisions of a restrictive covenant executed in 1960 and thereafter assigned in 1982 to the said community association. The provisions of the documents do not specifically identify the situation before the Board. The provisions of the covenants do refer to the use of residential property for owners engaged in the professions of medicine and dentistry. However, in this case the Board has no statutory authority to adjudicate the validity of, or to enforce, restrictive covenants. The Board will therefore defer to a court of competent jurisdiction for the resolution of this matter.

Turning then to the area over which the Board has legal authority to rule we will discuss the evidence presented on the issue of the Special Exception as sought by the Petitioners pursuant to Section 1B0.1(c)(12) of the Baltimore County Zoning Regulations (B.C.Z.R.). As regards the instant case the B.C.Z.R. establishes the following provisions for the establishment of a professional office in a residence located in an area not specifically zoned for the requested use:

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

Received into evidence on behalf of the Petitioners were: a site plan (Exhibit 1); the CPA license of Mrs. Farrell (Exhibit 6) and a traffic engineering report prepared by Traffic Concepts, Inc. (Exhibit 15).

The Petitioners first witness was Keith Heindel a professional land surveyor who testified that the proposed office would be located in the basement of the Petitioner's residence and would

measure 650 sq ft. The entire usable area of the property, according to Mr. Heindel is 2,823 sq ft. with the basement consisting of 1,195 sq ft.

The next witness called by the Petitioners was Kenneth Schmid of Traffic Concepts, Inc. who was accepted by the Board as an expert in the area of traffic engineering. Mr. Schmid prepared the traffic engineering report introduced into evidence as Exhibit 15. His written and stated conclusion was that the proposed use in this case would have only a minimal impact on the volume and flow of traffic along Petitioners' street. Mr. Schmid described the Petitioners' property as being located in a residential neighborhood with a fully improved roadway including 34 feet of paving with a sidewalk for pedestrian use. He continued in his testimony to indicate that the Petitioners' house has a driveway that can fit one potential client's car along with the car owned by the Petitioners and has room for two parked vehicles in front of their home at the curb.

Several residents who are neighbors of the Petitioners testified as to their concerns above the proposed special exception. The concerns were, inter alia: that there was a fear of a proliferation of special exception uses within the neighborhood; a concern for the safety of children in the area; and, the concern for unanticipated negative impacts to the neighborhood character of the area.

DECISION OF THE BOARD

The law on this subject as interpreted by the Court of Special Appeals of Maryland in found in the case of *AT&T Wireless Services v. Mayor and City Council of Baltimore*, 123 Md. App. 681 (1998). In AT&T the Court ruled that the test in evaluating a request for a special exception or conditional use is not whether the special exception is compatible with permitted uses in a zone or whether a conditional use will have adverse effects. Adverse effects the Court held are inherent in all conditional or special exception uses. The standard is whether the

adverse effects of the use at the particular location proposed would be greater than the adverse effects ordinarily associated with that use elsewhere within the same zone.

Under Maryland law it has been established that a special exception enjoys a presumption that it is in the interest of the general welfare of a particular zone as allowed by law and therefore, valid. *Schultz v. Pritts*, 291 Md 1 (1981).

In this case the Board will affirm the decision of the Administrative Law Judge and finds that the Petitioners' property is in conformity with the size requirements of the B.C.Z.R and the proposed use does not present any unacceptable adverse influence to the surrounding neighborhood. The Board will impose the conditions to the Petitioners' grant of the special exception as those established by the Judge in the case below.

Therefore the request for a special exception is granted subject to the conditions contained in the following Order.

ORDER

IT IS THEREFORE, this 30th day of May, 2014, by the Board of Appeals of Baltimore County

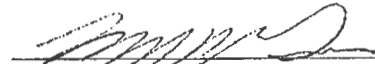
ORDERED that the Petition for Special Exception to for the use of the Petitioners' property to include a professional office is hereby GRANTED, subject to the following conditions:

1. The "Special Exception Area," in which all office activities must be conducted, shall be in the basement rooms labeled as "OFFICE," as depicted on the site plan labeled as Exhibit 1.
2. Client parking shall be located only in the driveway and on the street in front of the Petitioners' dwelling.

3. Other than the small "office" sign existing on the site, no other signs shall be erected on the premises
4. The Special Exception relief granted herein shall terminate if Mrs. Farrell sells. Leases or in any way conveys her interest in the subject property.
5. The professional office operation shall have no more than one employee other than Mrs. Farrell.

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 H. Grier, Panel Chairman


Andrew M. Belt


David L. Thurston

1B01.1.C SPECIAL EXCEPTION USES

- 9B. OFFICES OF PROFESSIONAL PERSONS are permitted by Special Exception subject to the following:
- a. All Trader's License requirements are met (See Section 101 - Home Occupation Z.C.P.M., Page 1-18.1)
 - b. All professional offices in the home are considered as an accessory use to the principal dwelling and not subject to R.T.A. requirements.
 - c. If the office is to be established in the garage attached to the dwelling with a breezeway, the square footage of the breezeway should be included in the allowable 25% office area.
 - d. The following are considered professional persons:
 - (1) Optometrist; (see Case #
 - (2) Opthamalogist; (see Case #
 - (3) Real Estate Agent (see Case #85-78)
 - e. The following are not considered professional persons:
 - (1) Private Detective (see Case #
 - (2) Pastoral Counseling; (see Case #84-339)
 - (3) Hair Weave (see Case #90-291)
12. 35,000 - 68,999 volt power transmission lines are the only ones requiring a special exception; all others are exempt (Howard County, Md. Vs Potomac Electric Power Co. et al, 319 Md. 511, 573 A2d. 821 (1990)).





The Holbrook - Chapeldale Community Association
Meetings at Wards Chapel Church, Liberty & Wards Chapel Rd.
President: Joel Margolies Vice President: Barbara Hartman

Information: Ms. Barbara Hartman/ Phone: 410-655-4982

February 20, 2015

PROTESTANT' S

Attention: Administrative Law Offices

EXHIBIT NO. 2

Administrative Law Judges

Special Attention : Director Lawrence Stahl

Reference Case No. 2015-0149-SPHX

Opposition to this Special Exception

I am writing this letter of opposition to special exception #2015-0149-SPHX as president of the Holbrook Chapeldale Community Association and also as a resident of Liberty Ridge Court , the neighborhood in question. Our neighborhood strongly opposes the request that a special exception be granted to Arnold Abel, residing at 23 Liberty Ridge Court, to be able to conduct a commercial business venture out of his existing detached garage for the following reasons:

1. The Reservoir Ridge Covenants, which all prospective buyers were given a copy of at the settlement table, clearly states in the very first line of the first paragraph "the land included in this tract shall be used for **private residential purposes only**".
2. Since the property at issue borders the watershed area of Liberty Reservoir, which acts as the water supply for Baltimore City and parts of at least two other counties, this change could impact not only those who reside within the neighborhood where the change request is being proposed, but also the surrounding counties. Apparently the property owner desires to use an existing detached garage so that he, in violation of the covenants and against the majority if not all of the neighbors' wishes, will be allowed to operate his commercial enterprise in our all residential neighborhood.
3. Should this exception be permitted, it will become an open invitation for further exploitation by those who desire to develop watershed property for commercial purposes in this area. This proposed exception would be both detrimental to the neighborhood and the surrounding watershed environment by the precedent it sets.
4. The property at issue, 23 Liberty Ridge Court, is located in very close proximity to the water supply itself. Any changes by this owner to accommodate his commercial venture such as truck

parking, customer parking, or other additional exception requests to support his business venture will also impact the watershed property and the reservoir. His land is just adjacent to the watershed property and uphill from it. Any construction at all would cause a significant runoff problem with the possibility of soil erosion, etc.

5. One of the major reasons that the property owners of Liberty Ridge Court bought their homes was that our properties and the adjoining land was zoned as watershed property (RC4), which could neither be subdivided nor developed. The property owner requesting this special exception to allow a commercial business in an all currently residential neighborhood, was fully aware when he purchased his property that the change he is now requesting was and is prohibited by the covenants and the restrictive RC4 watershed zoning.

In summary, permitting this special exception would have detrimental effect on both the neighborhood and the watershed environment. Granting a special exception to permit this commercial business in this currently all residential neighborhood is a bad idea. It only serves the interests of one and does a disservice to the rest of us who live here. Its possible negative impact on the watershed and the reservoir itself is in question and needs to be closely looked at. For these reasons, the Holbrook Chapeldale Community Association and the neighbors of Liberty Ridge Court respectively request that the special exemption request by Arnold Abel of 23 Liberty Ridge Court be denied.

Sincerely,

President Holbrook Chapeldale Community Association

Resident Liberty Ridge Court

Joel Margolies

6 Liberty Ridge Court

Owings Mills, Md . 21117

410-655-9494

Dear Neighbor,

On February 27, a zoning hearing will be held to allow for a commercial enterprise (financial services) to be conducted at 23 Liberty Ridge Court. You may be aware that the business has actually been in operation since the middle of last year. This has caused a great deal of concern for us for the safety of our children, our rights to peace and privacy and for the neighborhood at large.

Attached is a letter I will be presenting at the zoning hearing urging the Baltimore County Zoning Board to DENY the variance to allow this business to continue to operate. Please read it over so that you may understand our current experience. There has been a significant increase in neighborhood traffic and if this business continues, it will only get worse! The business currently has 4 financial employees - if each saw 1 client per hour, that would bring 32 cars per day, 160 per week, or 640 cars per month driving up and down our street, not including service workers and support/delivery trucks. The clients and service workers that will be using our roadway often have to concern for the safety of our neighborhood. Crime has already been on the rise here, and this brings neighborhood exposure that I am sure you'll agree we do not need!

Furthermore, according to some trusted real estate professionals, the establishment of a commercial enterprise in our neighborhood will *automatically degrade the value of every home in the community!*

I urge to participate at this zoning hearing or write a letter stating your strong objections to a business in our neighborhood. If you are unable to attend or write a letter, please sign and return the enclosed notice of objection. I will present these to the zoning board. Thank you very much for your cooperation and we hope you will be able to attend the hearing - a notice has been posted at the mailbox for 23 Liberty Ridge Court.

Best regards,

Jeff and Sheri

21 Liberty Ridge Court

PROTESTANT' S

EXHIBIT NO. 3

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date

2/14/15

Name

VICKI + STUART MARCUS

Signature

VJ Marcus

Address:

15 LIBERTY Ridge CT
OWINGS Mills, MD 21117

Comments:

I personally have seen a tremendous increase of cars + trucks on our road. My dog + child have almost been hit by speeding cars that pull into that address several times.

I strongly suggest that they are not approved for a business operation at Liberty Court.

I have my own business, and I have an office outside my home address just as ~~he~~ he should

VJ Marcus

Dear Neighbor,

On February 27, a zoning hearing will be held to allow for a commercial enterprise (financial services) to be conducted at 23 Liberty Ridge Court. You may be aware that the business has actually been in operation since the middle of last year. This has caused a great deal of concern for us for the safety of our children, our rights to peace and privacy and for the neighborhood at large.

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Furthermore, according to some trusted real estate professionals, the establishment of a commercial enterprise in our neighborhood will *automatically degrade the value of every home in the community!*

I urge to participate at this zoning hearing or write a letter stating your strong objections to a business in our neighborhood. If you are unable to attend or write a letter, please sign and return the enclosed notice of objection. I will present these to the zoning board. Thank you very much for your cooperation and we hope you will be able to attend the hearing - a notice has been posted at the mailbox for 23 Liberty Ridge Court.

Best regards,

Jeff and Sheri

21 Liberty Ridge Court

Thanks
guys -
I will be out of town
that week
but we are on
Board
(oo)

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date 2-15-2015
Name HENRY & SHARON HENTZMAN
Signature [Signature], Sharon Hentzman
Address: 9 Liberty Ridge Ct. Owings Mills, MD.
21117

Comments: We absolutely DENY the
request for a commercial business to
be located at 23 Liberty Ridge Ct
Owings, Mills, MD 21117

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date Feb. 12, 2015

Name Antoinette Caccamisi

Signature Antoinette Caccamisi

Address: 16 Liberty Ridge Ct. 21117

Comments:

I was unaware that a business was being operated
at that home. I understand your concern. I fully
agree this is not for our community. I would
not want this next door to me.

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date 2/12/2015
Name Samuel Greisman
Signature Sam Greisman
Address: 5 Liberty Ridge Court

Comments: I moved here specifically because zoning forbid industrial/commercial here. Plus, our street was virtually petty-crime free until this illegally-unzoned operating business opened. This has been a disruption to my home life and my family's as well. Please Deny this Request changing zoning. Another is not parceling out your

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date 2/13/2015
Name Joe Zajackowski Rebecca Zajackowski
Signature [Signature] [Signature]
Address: 23 Liberty Ridge Ct

Comments:

We wish Arnold well with his
business, however our yard borders the driveway
that will be used by Arnold's employees
and clients. Raising young children, we are
concerned about the traffic and possibly
speeding (of which we have observed) that will
increase in our neighborhood.

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date 2/15/15

Name A. CHARLENE SPINDLER

Signature A. Charlene Spindler

Address: 4 LIBERTY RIDGE CT., OWINGS MILLS, MD 21117

Comments:

Increase in traffic on residential street which is at
cul-de-sac makes it dangerous for all homeowners + children.

NOTICE OF OBJECTION TO ZONING VARIANCE

I Hereby request that the Baltimore County Zoning Commission DENY the request to allow for a commercial business to be located at 23 Liberty Ridge Court, Owings Mills, MD 21117

Date 2/24/15
Name Patricia & Andrew Kipe
Signature [Signature] / Andrew E. Kipe
Address: 11 Liberty Ridge Ct, Owings Mills MD 21117

Comments:

March 6, 2015

To Whom It May Concern
Zoning Review
County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Case No. 2015-0149-SPHX - Property located at 23 Liberty Ridge Court

Dear Sir:

We are writing this letter as concerned residents of Liberty Ridge Court, Owings Mills MD 21117.

We have lived on this street since 1988 and purchased the property and built a house because of our desire to live in a community which was private and safe. Now we have learned that one of our neighbors seeks to have an office in his house (actually there already is an office in his house), but he is seeking to add another office with 2 employees.

This would then make it a commercial area and would open other neighbors to set up an office in their homes. It is my understand that there are 4 small children who live near the house in question and already there are many vehicles up and down this shared driveway, making this already a hazard to our area.

We are already zoned RC4 and this additional office will increase the number of vehicles up and down our street. We have noticed that many of these cars come through here at an increased rate of speed, making it a hazard walking, walking dogs, etc. This is not right for this neighborhood.

Also, we have noted that there is a property $\frac{1}{4}$ of a mile up on Liberty Road which at this point in time has 3 vacancies which would suit their businesses more safely than relocating here in our neighborhood.

It is our hope that the Baltimore County Zoning Commission will take these concerns and those of other residents of Liberty Ridge Court into strong consideration and deny the zoning variance for the establishment of a commercial enterprise in our neighborhood.

We would also like to be informed of the next hearing date in this case as it has already been postponed once.

Sincerely,

Virginia and Joseph Palencar
12 Liberty Ridge Court
Owings Mills, MD 21117

13 Liberty Ridge Ct
Owings Mills, MD 21117
Sunday, March 1, 2015

Zoning Review Office
County Office Building Rm 111
111 West Chesapeake Ave.
Towson, MD 21204

Case # 2015-0149-SPHX

To Whom It May Concern:

It has been brought to our attention that the homeowners of 23 Liberty Ridge Court are seeking a special exemption to operate a commercial business on their residential property. As the original homeowners of 13 Liberty Ridge Court, this news is very disturbing. Having lived in Baltimore City prior to purchasing our property, we purposely looked for a development with few houses, less roads and traffic. Liberty Ridge Court was the perfect blend since it wasn't a thoroughfare road. To our delight until recently, it has been a place where children could ride bikes, dogs could be walked, and residents could be outside enjoying their property without unnecessary traffic. Allowing a commercial business to operate on this street would detrimentally change the atmosphere of our development due to the increase vehicle traffic.

When we purchased the land to build our home in January of 1988 we were told that the property was zoned **RC4** because of the watershed property that it bordered. Zoning of this nature was done to protect the water which is supplied to millions of residents living in the Baltimore Metropolitan area. Every home in this development is dependent on its own well and septic. We understood that these resources must not be abused for the health of the watershed. A commercial business on anyone of the properties in this development would naturally put additional burden on existing well and septic which in turn could effect the watershed especially when the property sits directly adjacent to it.

Lastly, allowing the homeowner of 23 Liberty Ridge Court to operate a business from their home sets a precedent for other self employed individuals living on Liberty Ridge Court. It would be an unnecessary burden on this community if everyone ran a business from their home. Incidentally, less than a quarter of a mile from the entrance of our development is a small business center (see attached photos) with office space available to lease. One would think a business center would be the perfect place to run a business.

Thank you for your time and consideration concerning this matter.

Dr. and Mrs. Glenn Jockle



CENTRAL MARYLAND TEAM

Phone: 443-576-0041

fidcentralmarylandteam@thrivent.com

Regional Financial Office:

EAST REGION

Team Members*

[Arnold "Amie" Abel](#)
[Terry B. Glendenning Jr.](#)
[Brittney R. Hack](#)
[Timothy "Tim" Krause](#)
[Deborah D. Schmitt](#)

Team Address*

23 Liberty Ridge Ct
 Owings Mills, MD 21117
[Get Directions](#)

* Team Members tab has address information associated with each Financial Representative

*Licensing is available through your State Insurance Department's website, which can be located through the [National Association of Insurance Commissioners](#) website.

Team Info Team Members Office Staff

Team Members

Our team is here to serve you. For your convenience, we've included their contact information below.



[Arnold "Amie" Abel](#)
 CFP®, LUTCF, FIC
 Wealth Advisor

23 Liberty Ridge Ct
 Owings Mills, MD 21117
[Get Directions](#)



[Terry B. Glendenning Jr.](#)
 CFP®, FICF, FIC
 Financial Consultant

23 Liberty Ridge Ct
 Owings Mills, MD 21117
[Get Directions](#)



[Brittney R. Hack](#)
 Associate

23 Liberty Ridge Ct
 Owings Mills, MD 21117
[Get Directions](#)



[Timothy "Tim" Krause](#)
 FIC
 Associate

3313 Stapleton Dr
 Glenwood, MD 21738
[Get Directions](#)



[Deborah D. Schmitt](#)
 FIC, CLTC
 Associate

23 Liberty Ridge Ct
 Owings Mills, MD 21117
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PROTESTANT'S

EXHIBIT NO. 4

Kim - 30 hrs

Elanor - P.T.

Amia - spouse

CASE NAME AKel
CASE NUMBER 2013-149-SPHX
DATE 4/2/15

[illegible]

Abel

2015-149-SPHX

4/7/2015

[illegible]

Case No.: 2015-0149-SPHX

Exhibit Sheet

Petitioner/Developer

Protestant

4-22-15

sen

No. 1	BLZR §1A03.3	Photos
No. 2	Deed - 6/1/1987	Letter - Feb. 20, 2015 Holbrook Comm. Ass'n.
No. 3	SDAT Record	Petition signed by neighbors in opposition, w/ letters
No. 4	4A+4B Aerial photo showing prop. boundary	Thrivent "Central Maryland Team"
No. 5	5A+5B Zoning hearing Site plan	
No. 6	6A - 6I Photos of site	
No. 7	7A - 7B Photos - Office Interior	
No. 8	Abel Thrivent Resume	
No. 9	CFP Board Certification Letter	
No. 10	CFP Certif. Reqs.	
No. 11	NAIFA Materials	
No. 12	NASAA Competency Exam	

Case No.: 2015-0149-SPHX

Exhibit Sheet - Continued

Petitioner/Developer

Protestants

No. 13	"Breaking Down Financial Securities Licenses"	
No. 14	14A-14C FINRA & NASAA - Series 63, 65 + 7 materials	
No. 15		
No. 16		
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

Redaction
No 1

§ 1A03.3. Use Regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.4 Zones:

9. Accessory uses or structures, including, but not limited to the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence at the time of application; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident employee.

[Bill Nos. 105-1982; 65-1999]

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C.4 Zones:

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

[Bill Nos. 105-1982; 65-1999]

DEED — FEE SIMPLE — CORPORATE GRANTOR — LONG FORM

BAY STATE TITLE CO.
1 East Redwood Street
Baltimore, Md. 21202
539-5878

Ret No 2

This Deed, MADE THIS

day of

JUNE

in the year one thousand nine hundred and eighty-seven

by and between

✓ BRANDONWOOD DEVELOPMENT CORP., a body corporate of the State of Maryland,

of the State of Maryland, Grantor:, party

of the first part, and

✓ ARNOLD T. ABEL and ✓ ANITA ABEL, his wife, Grantees, parties

of the second part.

WITNESSETH, That in consideration of the sum of SIXTY FIVE THOUSAND DOLLARS AND NO CENTS (\$65,000.00), the actual consideration paid or to be paid, and other good and valuable consideration, the receipt whereof is hereby acknowledged,

the said party of the first part

C RC/F 13.00

C T TX 325.00

C DOCS 325.00

DEED 0 #

SM CLERK 663.00

SM CLERK 663.00

0 #

0 #

do es grant and convey to the said parties of the second part, as tenants in common, by the entirety, their assigns, the survivor of them, and unto the survivor's

12/10/87

personal representatives/~~successors~~ and assigns

, in fee simple, all that

lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 12, as shown on the Plat entitled "Plat Two, Reservoir Ridge", which Plat is recorded among the Land Records of Baltimore County in Liber EHK, JR. No. 54, folio 144. The improvements thereon being known as No. 23 Liberty Ridge Court.

BEING part of the tract of land which by Deed dated January 17, 1986 and recorded among the Land Records of Baltimore County in Liber EHK, JR. NO. 7086, folio 777 was granted and conveyed by Rosalyn M. Shecter, Alan Shecter and Mark Shecter unto Brandonwood Development Corp., the within grantor.

Brandonwood Development Corp., hereby certifies that the within conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the within corporation.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

SR 12-10-87
By _____ Date _____

AGRICULTURAL TRANSFER TAX

AMOUNT \$ 708.34

SIGNATURE _____ DATE 12/10/87

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and unto the survivor's

personal representatives, and assigns, in fee simple.

AND the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

WITNESS the name and corporate seal of said body corporate and the signature of the President thereof.
Attest: Maureen Lee Secretary
BY: [Signature] President
BRANDOWOOD DEVELOPMENT CORP.

STATE OF MARYLAND
COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY That on this 17 day of JUNE, 1987,
before me, the subscriber, a Notary Public of the State aforesaid, personally appeared
[Signature] President
of BRANDOWOOD DEVELOPMENT CORP., a body corporate of the State of Maryland
a corporation, and that he as such President
being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing in my presence, the name of the corporation by him self as such President.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1990



Ref No 3

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 2000009370			
Owner Information					
Owner Name:		ABEL ARNOLD T ABEL ANITA		Use:	RESIDENTIAL
Mailing Address:		23 LIBERTY RIDGE CT OWINGS MILLS MD 21117-4600		Principal Residence:	YES
				Deed Reference:	/12648/ 00567
Location & Structure Information					
Premises Address:		23 LIBERTY RIDGE CT 0-0000		Legal Description:	4.561 AC 23 LIBERTY RIDGE CT RESERVOIR RIDGE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0066	0007	0572		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	2
	12	2013		0054/ 0144	
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1988	3,048 SF	600 SF	4.5600 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
Value Information					
		Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		216,900	162,700		
Improvements		326,200	312,300		
Total:		543,100	475,000	475,000	475,000
Preferential Land:		0		0	0
Transfer Information					
Seller:		ABEL ARNOLD T		Date:	02/05/1998
Type:		NON-ARMS LENGTH OTHER		Deed1:	/12648/ 00567
				Price:	\$0
				Deed2:	
Seller:		BRANDONWOOD DEVE LOPMENT CORPORATE		Date:	12/10/1987
Type:		ARMS LENGTH IMPROVED		Deed1:	/07746/ 00595
				Price:	\$65,000
				Deed2:	
Seller:				Date:	
Type:				Deed1:	
				Price:	
				Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2014	07/01/2015
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 04/19/2014					

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

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Retirement-income planning.
Annuities.
Educational funding options.
Charitable giving options.

Visit my Website:

Thrivent.com/fr/arnold.abel

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Thrivent Financial and its respective associates and employees cannot provide legal, accounting, or tax advice or services. Work with your Thrivent Financial representative, and as appropriate your attorney and/or tax professional for additional information.



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23587H R3-14



Connecting faith & finances for good.™

Let No 8

Your Thrivent Financial representative



Arnold T Abel

CFP®, LUTCF, FIC

Wealth Advisor

Central Maryland Team

arnold.abel@thrivent.com

23 Liberty Ridge Ct

Owings Mills, MD 21117

443-576-0041 / 800-886-3558

Fax: 410-521-0268

Professional Accomplishments

- CFP® (Certified Financial Planner®), a certification granted by CFP Board, Washington, D.C. (Certified Financial Planner Board of Standards Inc. owns the certification marks CFP®, and CERTIFIED FINANCIAL PLANNER™ in the U.S.)
- LUTCF (Life Underwriter Training Council Fellow), a designation jointly conferred by The American College, Bryn Mawr, PA, and NAIFA.
- FIC (Fraternal Insurance Counselor), a designation granted by the Fraternal Field Managers' Association.
- MDRT (Million Dollar Round Table). The Million Dollar Round Table is an independent association that is recognized as an international standard of excellence in the life insurance and financial services industry.
- Member - Financial Planning Association.
- Member - NAIFA.
- Thrivent Financial Hall of Fame.

Education, Licensing and Professional Experience

- FINRA Series 63 Uniform Securities Agent State Law Exam.
- FINRA Series 07 General Securities Representative.
- FINRA Series 65 Uniform Investment Advisor.
- Life & Health Insurance Licenses.
- Thrivent Financial Representative since 1983.

Personal Profile

- Married to Anita.
- Children: Arlene, Elaine & Arica
- Members of Pilgrim Lutheran Church
- West Baltimore County Chapter



CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

DATE: 02/20/2015

TO WHOM IT MAY CONCERN:

As of this date, our records show that *Arnold T. Abel* of **Owings Mills, MD**:

- ☒ Is certified* with CFP Board to use the certification marks CFP®, CERTIFIED FINANCIAL PLANNER™ and  through **09/30/2015**.
- ☐ has never been certified to use the CFP marks.
- ☐ has been certified in the past, but is not currently certified with CFP Board.

Initial certification date: **06/08/1992**.

Respectfully,

CFP Board



Reb No
10.

CFP® CERTIFICATION REQUIREMENTS

Upcoming Exam Dates:

July 28-August 1, 2015 ([registration now open \(http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/cfp-exam-requirement/apply-online\)](http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/cfp-exam-requirement/apply-online))

November 17-21, 2015 (registration will open in early August)

REGISTER FOR THE CFP® EXAM ([HTTP://WWW.CFP.NET/BECOME-A-CFP-PROFESSIONAL/CFP-CERTIFICATION-REQUIREMENTS/CFP-EXAM-REQUIREMENT/APPLY-ONLINE](http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/cfp-exam-requirement/apply-online))

The CFP® certification process, administered by CFP Board, identifies to the public that those individuals who have been authorized to use the CFP® certification marks in the U.S. have met rigorous professional standards and have agreed to adhere to the principles of integrity, objectivity, competence, fairness, confidentiality, professionalism and diligence when dealing with clients.

YOUR PATH TO CFP® CERTIFICATION



Clarissa Hobson, CFP®, Senior Financial Planning Advisor, Carnick & Kubik, is interviewed about the credibility she gained by becoming a CFP® professional.

CFP Board conducted a nationwide consumer survey among upper-income households. That survey reflects the public's growing demand for financial planners who adhere to rigorous standards. Of those surveyed:

- 85% considered successful completion of a certification examination "very important" or "extremely important."
- 95% felt financial planners should adhere to professional practice standards.
- 97% said the most important standard for financial planners was adherence to a professional code of ethics.

CFP® professionals must pass the comprehensive CFP® Certification Examination, pass CFP Board's *Fitness Standards for Candidates and Registrants*, agree to abide by CFP Board's *Code of Ethics and Professional Responsibility and Rules of Conduct* which put clients' interests first and comply with the *Financial Planning Practice Standards* which spell out

what clients should be able to reasonably expect from the financial planning engagement. These are just some of the reasons why the CFP® certification is becoming increasingly recognized.

In addition, the CFP® certification prepares you for a career-long commitment to meeting the ever-changing needs of your clients. As a CFP® professional, you become a coach and problem-solver, able to provide truly personalized services to clients and to maintain high levels of financial planning and professionalism. Finally, your expertise and credibility as a financial planner is instantly communicated with the CFP® marks - the financial planning certification most sought after by consumers and financial planners alike.

INITIAL CERTIFICATION

To become certified, you are required to meet the following initial certification requirements (known as the four "Es"):

- Education
- Examination
- Experience
- Ethics

These four components are briefly described below; subsequent sections of this Guide to CFP® Certification provide detailed information about each component. While the CFP® certification requirements may be changed from time to time, you will be expected to meet the requirements that are in place at the time you apply for the CFP® Certification Examination.

Education (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/education-requirement>)

The first step to CFP® certification is to acquire the knowledge required to deliver professional, competent and ethical financial planning services to clients, as outlined in the major personal financial planning topic areas identified by CFP Board's most recent Job Analysis Study (See the list of Principal Topics (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/education-requirement/principal-topics>)). CFP Board's coursework component requires the completion of a college-level program of study in personal financial planning, or an accepted equivalent (through Challenge Status (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/education-requirement#challenge>) or Transcript Review (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/education-requirement#transcriptreview>)), including completion of a financial plan development (capstone) course (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/education-requirement/capstone-course>) registered with CFP Board. You must also have earned a bachelor's degree (or higher) from a regionally-accredited college or university in order to obtain CFP® certification. The bachelor's degree requirement (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/education-requirement#degree>) is a condition of initial certification; however, it is not a requirement to be eligible to take the CFP® Certification Examination and does not need to be met before registering for the examination. CFP Board does not grant equivalencies or exceptions to the bachelor's degree education requirement.

Examination (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/cfp-exam-requirement>)

After you have successfully met the education coursework requirement, you will be eligible to register for the CFP® Certification Examination (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/cfp-exam-requirement/apply-online>). The CFP® Certification Examination assesses your ability to apply your financial planning knowledge, in an integrated format, to financial planning situations (See the Job Task Domains (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/cfp-exam-requirement/exam-resources/exam-job-task-domains>)). Combined with the education, experience, and ethics requirements, it assures the public that you have met a level of competency appropriate for professional practice.

Experience (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/experience-requirement>)

Because CFP® certification indicates to the public your ability to provide financial planning without supervision, CFP Board requires you to have three years of professional experience in the financial planning process, or two years of apprenticeship experience that meets additional requirements. Qualifying experience may be acquired through a variety of activities and professional settings including personal delivery, supervision, direct support or teaching.

Ethics (<http://www.cfp.net/become-a-cfp-professional/cfp-certification-requirements/ethics-requirement>)

CFP® professionals agree to adhere to the high standards of ethics and practice outlined in CFP Board's *Standards of Professional Conduct* (<http://www.cfp.net/become-a-cfp-professional/professional-standards-enforcement>) and to acknowledge CFP Board's right to enforce them through its *Disciplinary Rules and Procedures*. When you have completed the education, examination and experience components of the CFP® certification process, you will be directed to complete a CFP® Certification Application on which you will be asked to disclose information about your background, including your involvement in any criminal, civil, governmental, or self-regulatory agency proceeding or inquiry, bankruptcy, customer complaint, filing, termination/internal reviews conducted by your employer or firm. CFP Board conducts a detailed background check for all candidates, including review of any disclosures made on the CFP® Certification Application. Matters that may or will bar you from obtaining certification are investigated in accordance with CFP Board's *Disciplinary Rules and Procedures*. Authorization to use the CFP® marks will not be approved until the background check and any investigation are concluded successfully.

Important Note

Applicants for CFP® certification are required to satisfy CFP Board's *Fitness Standards for Candidates and Registrants* (<http://www.cfp.net/become-a-cfp-professional/fitness-standards>), which describe conduct that will always bar an individual from becoming certified and conduct that is presumed to be unacceptable and will bar an individual from becoming certified unless the individual successfully petitions CFP Board's Disciplinary and Ethics Commission for consideration. CFP Board encourages all individuals pursuing CFP® certification to review the Fitness Standards for Candidates and Registrants before addressing the other certification requirements.

CERTIFICATION RENEWAL

Once you have been authorized to use the CFP® marks, you must meet CFP Board's renewal standards to continue to use them.

The renewal requirements include the following:

- Pay the annual \$325 certification fee (non-refundable),
- Submit a properly completed certification application (every two years), and
- Complete 30 hours of continuing education (CE) accepted by CFP Board every two years.

The CE requirement (<http://www.cfp.net/for-cfp-professionals/continuing-education>) includes 28 hours in the accepted financial planning content areas and 2 hours of CFP Board approved ethics CE. Your renewal deadline will generally coincide with the month of your birth, and the initial continuing education (CE) requirement and renewal fee are prorated.

The certification fee, in conjunction with other sources of revenue including exam fees, supports the operations of CFP Board in fulfilling its mission and objectives. Some of these activities include protection of the CFP® certification marks; enforcement of CFP Board's *Standards of Professional Conduct*; educating the public about the CFP® marks; and development and administration of the CFP® Certification Examination.

» [Learn more about the Public Awareness Campaign \(http://www.cfp.net/for-cfp-professionals/public-awareness-campaign\)](http://www.cfp.net/for-cfp-professionals/public-awareness-campaign)

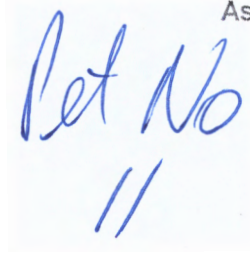
Renewal reminders will be sent to you beginning approximately four months before your certification expires.

» [Learn more about the renewal requirements \(http://www.cfp.net/for-cfp-professionals/certification-renewal\)](http://www.cfp.net/for-cfp-professionals/certification-renewal)

WEBSITE FEEDBACK

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LUTCF



NAIFA is proud to announce a partnership with the College for Financial Planning to create a new, dynamic and interactive curriculum for NAIFA's Life Underwriter Training Council FellowSM (LUTCF®) designation.



"LUTCF is the reason I'm in this business today. The program builds the knowledge and confidence that leads to successful careers."

Juli McNeely LUTCF, CFP, CLU
NAIFA President 2014-2015

Registration is open now - [click here](#).

The LUTCF is designed to help agents and new advisors offer more comprehensive financial advice. The new LUTCF is right for you if you identify with one or more of the following:

- You are new to the industry and are looking to develop fundamental prospecting, selling and practice management skills plus working knowledge of the four practice specialties.
- You are a financial professional seeking a broad understanding of the insurance industry and how it can impact financial planning and advising.
- You are insurance agency or home office staff seeking a comprehensive

overview and an understanding of the business aspects of the industry.

Click here for details on the LUTCF Scholarship. The application deadline is May 1, 2015.



"I am very excited about the new LUTCF designation program and can't wait to begin enrolling our advisors!"

Paul Wetmore, MBA, LUTCF

AVP, Product Liaison and Regional Field Marketing Teams

MetLife Premier Client Group

NAIFA LUTCF Advisory Group Member



Frequently Asked Questions

What is the NAIFA LUTCF?

LUTCF stands for Life Underwriter Training Council Fellow, - a longstanding industry designation owned by NAIFA.

NAIFA played a leading role in the creation of The Life Underwriter Training Council in 1947. The establishment of LUTC is one of many points in NAIFA's history of commitment to practical training for agents and advisors in the field and to the peace of mind of consumers.

The LUTCF designation was established in 1984, and since then more than 50,000

LUTCF designations have been conferred. NAIFA is proud of its long history associated with the LUTCF designation. It has been and will continue to be the proven designation for agents and advisors across the country. The underlying principle of providing valuable industry-specific training to NAIFA members has never been more important for the industry than it is today.

How is the NAIFA LUTCF Changing?

For years, the NAIFA LUTCF program was administered on behalf of NAIFA by The American College. That partnership is ending, effective July 1, 2015.

However, NAIFA has entered in a new partnership with the College for Financial Planning to re-launch the program. Information regarding the new curriculum, requirements for completion, pricing and other details about the new NAIFA LUTCF® program can be found on the CFFP/LUTCF website www.cffpinfo.com/lutcf-life-underwriter-training-council-fellow/

About the College for Financial Planning



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Founded in 1972, the College for Financial Planning provides accessible and flexible degree, non-degree, and continuing professional education programs to students nationwide. Shortly after its founding, the College introduced the CERTIFIED FINANCIAL PLANNER™ certification, which has evolved into the world's most recognized and respected financial planning credential, with more than 60,000 professionals in the U.S. having earned the designation.

In addition to its CFP® Certification Professional Education Program, the College offers three graduate degree programs, for more in-depth knowledge of the finance industry. Professional designation programs are also available, with specializations ranging from asset management to retirement planning. College for Financial Planning is accredited by the Higher Learning Commission and is a member of the North Central Association. More than 140,000 students have graduated from the College's programs. For more information, visit www.cffpinfo.com.

How does this change affect my existing LUTCF designation?

Your designation is not affected and you may continue to use it for the rest of your career. Those who earned the LUTCF designation prior to July 1, 2015 must continue to meet any applicable continuing education requirements and adhere to a Code of Ethics.

Requirements for continuing education with regard to maintaining your LUTCF® can be found on the CFFP/LUTCF website at www.cffpinfo.com/lutcf-life-underwriter-training-

council-fellow/ for those who earn the designation after July 1, 2015.

What if I've already started LUTCF coursework with The American College?

NAIFA has ensured that The American College will honor the LUTCF coursework of those currently working toward the LUTCF designation through July 1, 2015. This means that anyone who has begun LUTCF coursework with The American College can finish the requirements and earn the designation through The American College as long as they do so by July 1, 2015. No new students will be accepted into the LUTCF program by The American College after December 31, 2013.

Can I apply or transfer any of the LUTCF courses I have already taken with The American College to the new NAIFA LUTCF program?

Yes. Details regarding transfer of credits can be found on the CFFP/LUTCF website at www.cffpinfo.com/lutcf-life-underwriter-training-council-fellow/

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**NASAA Investment Adviser Competency Exam
(Series 65)
Exam Specifications and Outline
(Effective 1/1/2010)**

CONTENT AREA

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Breaking Down Financial Securities Licenses

By Mark P. Cussen, CFP®, CMFC, AFC

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So, you've decided to sell investments. Whether you want to be a registered representative (RR) or an investment advisor, the first step in either process is obtaining the proper securities license. The license needed is determined by several factors, such as the type of investments to be sold, method of compensation and the scope of services that will be provided. In this article, we'll examine the different types of licensing and show you how to determine which license is right for you.

FINRA Licensing Breakdown

The Financial Industry Regulatory Authority (FINRA) oversees all securities licensing procedures and requirements. This self-regulatory organization administers many of the exams that must be passed to become a licensed financial professional. It also performs all relevant disciplinary and record-keeping functions.

FINRA offers several different types of licenses needed by both representatives and supervisors. Each license corresponds to a specific type of business or investment. While there are several licenses geared toward specific types of securities, there are three general licenses that the majority of representatives and advisors usually obtain:

Series 6

The Series 6 license is known as the limited-investment securities license. It allows its holders to sell "packaged" investment products such as mutual funds, variable annuities and unit investment trusts (UITs). The Series 6 exam is 135 minutes long, and covers basic information regarding packaged investments, securities regulations and ethics.

This license is also required for insurance agents that sell variable products of any kind, because securities constitute the underlying investments within those products. Principals who supervise representatives holding a Series 6 license must obtain the Series 26 license in addition to having already obtained the Series 6.

Series 7

The Series 7 license is known as the general securities representative (GS)



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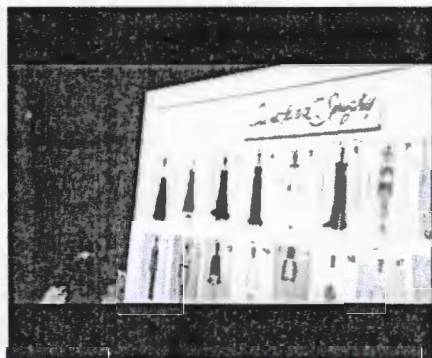
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license. It authorizes licensees to sell virtually any type of individual security. This includes common and preferred stocks; call and put options; bonds and other individual fixed income investments; as well as all forms of packaged products (except for those that also require a life insurance license to sell). The only major types of securities or investments that Series 7 licensees are not authorized to sell are commodities futures, real estate and life insurance.

The Series 7 exam is by far the longest and most difficult of all the securities exams. It lasts for six hours and covers all aspects of stock and bond quotes and trading; put and call options; spreads and straddles; ethics; margin and other account holder requirements; and other pertinent regulations.

Those who carry this license are officially listed as "registered representatives" by FINRA, but they are generally referred to as stockbrokers. Many insurance agents and other types of financial planners and advisors also carry the Series 7 license to facilitate certain types of transactions inherent in their businesses. Principals of general representatives must also obtain the Series 24 license.



Series 3

The Series 3 license authorizes representatives to sell commodity futures contracts, which are generally considered the riskiest publicly traded investments available. Representatives that carry the Series 3 license tend to specialize in commodities and often do little or no other business of any type.

The Series 3 exam is approximately 120 minutes long and covers all forms of commodities transactions, options, hedging, margin requirements and other regulations. An offshoot of this license is the Series 31 license, which allows representatives to sell managed futures (pooled groups of commodities futures similar to mutual funds).

NASAA Licensing Breakdown

Not all securities licenses are administered by FINRA. The North American Securities Administrators Association (NASAA) oversees the licensing requirements of three key licenses:

Series 63

The Series 63 license, known as the Uniform Securities Agent license, is required by each state and authorizes licensees to transact business within the state. All Series 6 and Series 7 licensees must carry this license as well. The provisions of the Uniform Securities Act are tested on the 75-minute exam.

While this test is much shorter and covers less material than the FINRA exams, it is known for asking "trick" questions that force the candidate to definitively know the difference between which transactions and situations are permitted and which are required by the rules. This test also contains some experimental questions that the NASAA uses to gauge future relevance.

Series 65



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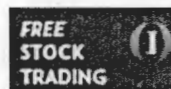


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The Series 65 license is required by anyone intending to provide any kind of financial advice or service on a non-commission basis. Financial planners and advisors that provide investment advice for an hourly fee fall into this category, as do stockbrokers or other registered representatives that deal with managed-money accounts.

The exam for this license is a 180-minute exam that covers the rules and regulations pertaining to registered investment advisors, as well as various investment vehicles and disciplines, economics, ethics and analysis. Much of the material is covered on the Series 7 exam as well, as many of the advisors who sit for this exam are not, and may never become, Series 7 licensed and therefore need exposure to the investment material covered therein.

Series 66

This Series 66 is the newest exam offered by NASAA. In essence, it combines the Series 63 and 65 exams into one 150-minute exam. This test contains no investment material, as the Series 66 license is only available to candidates that are already Series 7 licensed.

Making the Grade

Most securities exams administered by both FINRA and the NASAA have a passing score of 70%, except for the Series 7, 63 and 65, which have passing rates of 72%, and Series 66, which has a passing score of 75%. All tests are now given via computer at approved proctor testing sites.

Broker-Dealer Sponsorship Vs. RIA Requirements

Once all relevant securities tests have been taken and a passing grade received, licensees must register their securities licenses with an approved broker-dealer, who will hold their licenses and oversee their business (in return for a portion of the commission income). Those who intend to hold themselves out to the public as Registered Investment Advisors (RIAs) must register with the state they do business in if their assets under management are less than \$25 million, or with the SEC if the assets exceed \$25 million. Registered Investment Advisors do not need to associate themselves with a broker-dealer.

Company Policy

The majority of financial and investment companies that hire or train new advisors will have a mandatory licensing program included in the training package. The company will, in most cases, mandate which licenses must be obtained to sell the company's products and services. Those that decide to go into business for themselves still need to meet the licensing requirements of their chosen profession; the only real freedom of choice comes in which profession is chosen.

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Series 7 - General Securities Representative Examination (GS)

The Series 7 exam – the General Securities Representative Qualification Examination (GS) – assesses the competency of an entry-level registered representative to perform his or her job as a general securities representative.

The exam measures the degree to which each candidate possesses the knowledge needed to perform the critical functions of a general securities representative, including sales of corporate securities, municipal securities, investment company securities, variable annuities, direct participation programs, options and government securities.

The exam consists of 250 scored questions and an additional 10 unscored pretest questions. Candidates are given six hours to complete the exam and it is conducted in two three-hour sessions with 130 questions per session. The passing score is 72 percent.

Please see NASD Rule 1032(a) General Securities Representative for more information.

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- › Eligibility
- › Permitted Activities
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Content Outline

The Series 7 Content Outline provides a comprehensive guide to the range of topics covered on the exam, as well as the depth of knowledge required. It includes sample questions to acquaint a candidate with the types of multiple-choice questions on the exam. The outline is comprised of the five main job functions of a Series 7 representative:

- › **Function 1**—Seeks business for the broker-dealer through customers and potential customers
- › **Function 2**—Evaluates customers' other security holdings, financial situation and needs, financial status, tax status, and investment objective
- › **Function 3**—Opens accounts, transfers assets and maintains appropriate account records

- **Function 4**—Provides customers with information on investments and makes suitable recommendations
- **Function 5**—Obtains and verifies customers' purchases and sales instructions, enters orders, and follows up

Download: Series 7 Content Outline

Eligibility

The Series 7 does not have a prerequisite exam.

Please see Register a New Candidate for more information on the registration process.

Permitted Activities

A candidate who passes the Series 7 exam is qualified for the solicitation, purchase and/or sale of all securities products, including corporate securities, municipal fund securities, options, direct participation programs, investment company products and variable contracts.

Covered activities and products include:

- Public offerings and/or private placements of corporate securities (stocks and bonds)
- Rights
- Warrants
- Mutual funds
- Money market funds
- Unit investment trusts (UITs)
- Exchange traded funds (ETFs)
- Real estate investment trusts (REITs)
- Options on mortgage-backed securities
- Government securities
- Repos and certificates of accrual on government securities
- Direct participation programs
- Securities traders
- Venture capital
- Sale of municipal securities
- Hedge funds

Taking the Exam

The table below lists the allocation of exam questions for each main job function of a general securities representative.

Major Job Functions	Percentage of Test Questions	Number of Test Questions
(F1) Seeks business for the broker-dealer through customers and potential customers	27%	68

potential customers

(F2) Evaluates customers' other security holdings, financial situation and needs, financial status, tax status, and investment objectives.	11%	27
(F3) Open accounts, transfer assets, and maintains appropriate account records.	11%	27
(F4) Provides customers with information on investments and makes suitable recommendations.	28%	70
(F5) Obtains and maintains customer's purchase and sales instructions, enters orders, and follows up.	23%	58
TOTAL	100%	250

See On the Day of Your Exam for more information.

Key Questions

1. If I pass the Series 7, will I be able to trade municipal securities?

If an individual took and passed the Series 7 prior to November 7, 2011, he or she will be able to trade municipal securities, structure municipal securities underwritings and perform certain other activities involving municipal securities.

If an individual took and passed the Series 7 on or after November 7, 2011, he or she will be qualified to engage only in municipal securities sales to, and purchases from customers. If an individual wants to be qualified to structure municipal securities underwritings or perform activities involving municipal securities that are beyond the scope of selling municipal securities to and purchasing municipal securities from customers, that individual would have to take and pass the Series 52 (Municipal Securities Representative Exam).

2. Does Series 7 serve as a pre-requisite to the Series 53 (Municipal Securities Principal Exam)?

If an individual took and passed the Series 7 prior to November 7, 2011, he or she is qualified to sit for the Series 53 examination.

If an individual took and passed the Series 7 on or after November 7, 2011, he or she would have to take and pass the Series 52 (Municipal Securities Representative Exam) as a prerequisite to taking the Series 53 examination.

3. What is the difference between Series 7 and Series 62?

The General Securities Representative Examination (Series 7) is an entry-level examination that qualifies the individual for registration with all self-regulatory organizations to trade:

- › corporate stocks and bonds
- › rights
- › warrants
- › real estate investment trusts (REITs)

- > collateralized mortgage obligations (CMOs)
- > municipal securities
- > options-equity, index, and foreign currency
- > investment company products/variable contracts
- > direct participation programs
- > exchange traded funds (ETFs)

The Corporate Securities Limited Representative Examination (Series 62) satisfies a FINRA qualification requirement for individuals who will trade corporate securities only. These include:

- > corporate stocks and bonds
- > rights
- > warrants
- > REITs
- > collateralized mortgage obligations (CMOs)
- > exchange traded funds (ETFs)

Using Reference Materials

The test administrator will provide scratch paper and basic electronic calculators to the candidates, which **must** be returned to the test center administrator at the end of the testing session. Some test questions involve calculations. **Only** the provided calculators may be used during the examination.

The examination may contain questions that require the use of exhibits (e.g., charts, graphs, tables). If so, the questions will indicate when to refer to an exhibit.

Candidates are **not** permitted to bring any reference materials to testing sessions. **Severe penalties** are imposed on candidates who cheat or attempt to cheat on FINRA administered examinations.

To learn more about logistics and protocols for your exam day, please see [On The Day of Your Exam](#).

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Series 63 Overview

The Uniform Securities Agent State Law Examination was developed by NASAA in cooperation with representatives of the securities industry and industry associations. The examination, called the Series 63 exam, is designed to qualify candidates as securities agents. The examination covers the principles of state securities regulation reflected in the Uniform Securities Act (with the amendments adopted by NASAA and rules prohibiting dishonest and unethical business practices). The examination is intended to provide a basis for state securities administrators to determine an applicant's knowledge and understanding of state law and regulations.

Overview

The study guide is designed to provide an overview of the exam's general content and format. Candidates should educate themselves about the Uniform Securities Act, as well as Statements of Policy and Model Rules adopted by NASAA, in preparation for the Series 63 exam. The study guide may also be useful as a final review checklist prior to taking the examination.

Examination Structure and Procedures

The Uniform Securities Agent Law Examination consists of 65 multiple-choice questions covering the topics listed in the study guide. Of the 65 questions on the exam, 60 will count toward the final score. The remaining 5 questions are being pre-tested for possible inclusion in the operational question bank. These questions may appear anywhere in the exam and are not identified. In order for a candidate to pass the Series 63 Exam, he/she must correctly answer at least 43 of the 60 scored questions. Applicants are allowed 75 minutes to complete the

examination.

The examination is conducted as a closed book test. Although not necessary, scratch paper, if desired by the candidate, will be provided by the proctor. Upon completion of the examination, the score for each section and the overall test score will immediately be made available to the candidate.

The examination is administered by the Financial Industry Regulatory Authority, ("FINRA"). To schedule a candidate for the examination, a firm should file an electronic Form U4 or an individual not employed by/or associated with a FINRA member firm should file the Form U10 and pay the \$115.00 examination fee to FINRA.

Questions regarding exam content should be directed to:

North American Securities Administrators Association, Inc.
750 First Street N.E., Suite 1140
Washington, DC 20002
202/737-0900

Once registered, FINRA will open a 120-day window within which an individual may schedule the exam. Form U-10 and more information on sites to take the exams can be found on the FINRA website.

The Series 63 is a "criterion based" minimum competency examination. This exam is administered to professionals within the investment industry. Criterion based means that a minimum passing criterion is established. Those candidates who pass the exam are considered to have met the minimum competency level and those who fail do not meet the minimum competency level. The items for the exam were drafted to clearly differentiate those candidates who qualify as minimally competent from those who do not.

The Series 63 is assembled by FINRA using a process called "on the fly." Each question in the pool has two parameters that are used as part of the assembly, a difficulty parameter and a content parameter. Each exam is assembled to meet the exam specifications for content and to have the same difficulty level as all other exams in the same Series.

NASAA or one of its committees has approved the questions in the examination, the weighting of the composite examination, the examination study guide, and the method by which the examination is administered. In addition, each examination question is statistically analyzed to insure reliability.

Any attempt to compromise the examination may serve to destroy its validity and usefulness. Therefore, NASAA intends to bring appropriate action against persons who attempt to compromise the examination in whole or in part. In addition, such conduct may subject a candidate to further action by state administrators.

The following waiting periods apply for individuals needing to retake the Series 63 following a failed attempt:

- (1) a minimum of 30 days after failing the first exam before the second taking of the exam can be scheduled;
- (2) a minimum of 30 days after failing the exam for the second time before the third taking of the exam can be scheduled; and
- (3) a minimum of 180 days after failing the exam for a third time before the fourth taking of the

exam (and each subsequent taking) can be scheduled.

These waiting periods mirror those already in place for FINRA-sponsored examinations.

Successful completion of the Uniform Securities Agent Law Examination does not relieve a candidate of the personal responsibility to know and to abide by the specific requirements of the securities laws and regulations of the states in which the candidate transacts business. Furthermore, although successful completion of the examination may satisfy a portion of the requirements of a particular state, it does not convey the right to transact business prior to being granted a license or registration by that state. NASAA believes that the Uniform Securities Agent Law Examination will significantly benefit the industry and state regulators alike by such uniformity. The investing public will be afforded a greater degree of protection through enhanced uniform qualification standards.

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Series 65 Study Guide

The Uniform Investment Adviser Law Examination and the available study outline were developed by NASAA. The examination, called the Series 65 exam, is designed to qualify candidates as investment adviser representatives. The exam covers topics that have been determined to be necessary to understand in order to provide investment advice to clients.

The Uniform Investment Adviser Law Examination consists of 130 questions plus 10 pretest questions covering the materials outlined in the following study outline. Applicants are allowed 180 minutes to complete the examination. At least 94 (72%) of the questions must be answered correctly for an individual to pass the Series 65 exam.

The examination is conducted as a closed book test. Upon completion of the examination, the score for each section and the overall test score will immediately be made available to the candidate.

The examination is administered by the FINRA. To schedule a candidate for the examination, an individual's firm should file an electronic Form U4 or the individual should file a paper Form U-10 and pay the \$155.00 examination fee to FINRA.

Once registered, FINRA will open a 120-day window within which an individual may schedule the exam. [Form U-10](#) and more information on [sites to take the exams](#) can be found on the FINRA website.

The questions in the examination, the examination study outline, and the method by which the examination is administered have been designed by Chauncey Group International for NASAA and approved by NASAA and the Competency Exam Project Group. In addition, each examination question is statistically analyzed to insure reliability.

Any attempt to compromise the examination may serve to destroy its validity and usefulness. Therefore, NASAA intends to bring appropriate action against persons who attempt to compromise the examination in whole or in part. In addition, such conduct may subject a candidate to further action by state administrators.

Successful completion of the Uniform Investment Adviser Law Examination does not relieve a candidate of the personal responsibility to know and to abide by the specific requirements of the securities laws and regulations of the states in which the candidate transacts business. Furthermore, although successful completion of the examination may satisfy a portion of the requirements of a particular state, it does not convey the right to transact business prior to being granted a license or registration by that state. NASAA believes that the Uniform Investment Adviser Law Examination will significantly benefit the industry and state regulators alike by such uniformity. The investing public will be afforded a greater degree of protection through enhanced uniform qualification standards.

Study Guide

The [Series 65 study outline](#) is designed to provide an overview of the exam's general content and format. The study outline is divided into corresponding sections to aid in preparing for the examination.

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Regulator

Resource Library

ARS Information

Franchise

Investor Alerts &
Tips

Ombudsman

750 First Street NE, Suite 1140, Washington, DC 20002 | 202-737-1990

Case No.:

2015-0149-SPHX

Exhibit Sheet

11-22-15

Petitioner/Developer

Protestant

DEN

No. 1	BLZR §1A03.3	Photos
No. 2	Deed - 6/1/1987	Letter - Feb. 20, 2015 Holbrook Comm. Ass'n.
No. 3	SDAT Record	Petition signed by neighbors in opposition, w/ letters
No. 4	4A+4B Aerial photo showing prop. boundary	Thrivent "Central Maryland Team"
No. 5	5A+5B Zoning hearing Site plan	
No. 6	6A - 6I Photos of site	
No. 7	7A - 7B Photos - Office Interior	
No. 8	Abel Thrivent Resume	
No. 9	CFP Board Certification Letter	
No. 10	CFP Certif. Reqrts.	
No. 11	NAIFA Materials	
No. 12	NASAA Competency Exam	

January 9, 2015

Case # 2015-0149-SPHX

Special Hearing to permit a Financial Advisor as a professional ~~office~~ person.

1A03.B.12

Special Exception section ~~1A03.12~~ to permit a professional office that employees more than one nonresident professional associate nor two other nonresident employees



POINT TO POINT LAND SURVEYORS

305 South Main Street, Lower Level

Mount Airy, Maryland 21771

Phone 301-703-8319 Toll Free 866-706-9114

Fax 301 703 8324

www.pointtopointsurvey.com

Legal Description of
23 Liberty Ridge Court
Owings Mills, MD 21117

All that tract or parcel of land lying and being located in Baltimore County, Maryland and located at the cul-de-sac of Liberty Ridge Court and measured 2,664 feet from the intersection of Liberty Road, Maryland Route 26 with said Liberty Ridge Court.

Being all of Lot 12 as shown on a plat entitled "Reservoir Ridge", dated March 1985 and recorded among the Plat Records of Baltimore County, Maryland in Plat Book 54, Page 144. Being also all of the property conveyed from Arnold T. Abel and Anita Abel to Arnold T. Abel and Anita Abel, life tenants and Arlene M. Abel, Elaine L. Abel and Arica I. Abel.



10-31-14



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3019184

Sold To:

Arnold Abel - CU00418354
23 Liberty Ridge Ct
Owings Mills, MD 21117

Bill To:

Arnold Abel - CU00418354
23 Liberty Ridge Ct
Owings Mills, MD 21117

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Feb 05, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2015-0149-SPHX
23 Liberty Ridge Court
N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Arnold & Anita Abel

Special Hearing to permit a Financial Advisor as a professional office in a detached garage.

Special Exception: to permit a professional office that does not involve the employment of more than one non-residential professional associate nor two other non-residential employees.

Hearing: Friday, February 27, 2015 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.

2/013 February 5 3019184



KEVIN KAMENETZ
County Executive
January 27, 2015

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

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23 Liberty Ridge Court

N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road

2nd Election District – 4th Councilmanic District

Legal Owners: Arnold & Anita Abel

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Hearing: Friday, February 27, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Abel, 23 Liberty Ridge Ct., Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 7, 2015.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 5, 2015 Issue - Jeffersonian

Please forward billing to:
Arnold Abel
23 Liberty Ridge Court
Owings Mills, MD 21117

443-576-0041

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: 2015-0149-SPHX

23 Liberty Ridge Court

N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road

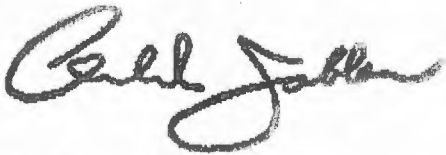
2nd Election District – 4th Councilmanic District

Legal Owners: Arnold & Anita Abel

Special Hearing to permit a Financial Advisor as a professional office in a detached garage.

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

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
& VARIANCE

23 Liberty Ridge Court; N/S Liberty Ridge
Court, 2,664' W of c/line Liberty Road
2nd Election & 4th Councilmanic Districts

Legal Owner(s): Arnold & Anita Abel
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-149-SPHX

* * * * *

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

JAN 29 2015

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 29th day of January, 2015, a copy of the foregoing Entry of Appearance was mailed to Arnold & Anita Abel, 23 Liberty Ridge Court, Owings Mills, MD 21117, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/8/2015

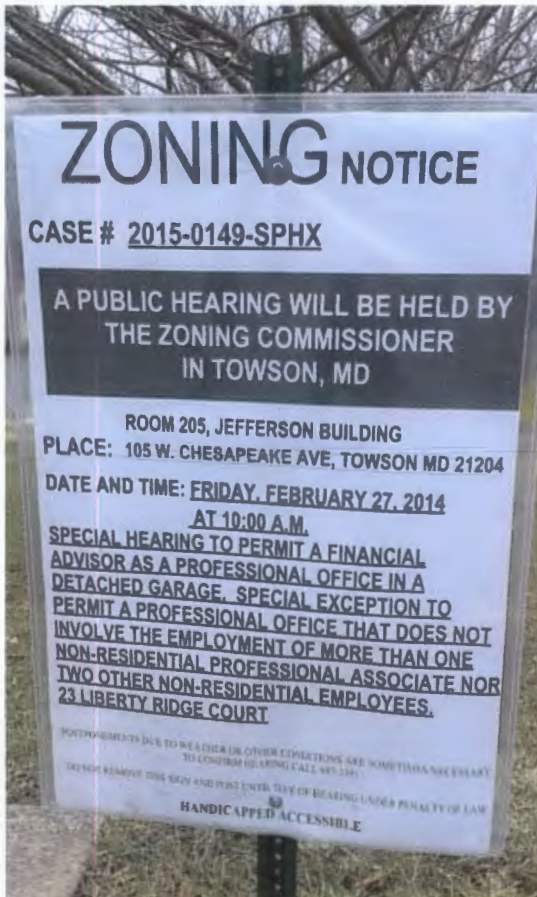
Case Number: 2015-0149-SPHX

Petitioner / Developer: MR. & MRS. ABEL

Date of Hearing (Closing): FEBRUARY 27, 2015

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

The sign(s) were posted on: FEBRUARY 8, 2015



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

CASE NO. 2015-0149 SPHA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

1/23/15

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

2/5/15

PLANNING
(if not received, date e-mail sent _____)

C

1/22/15

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

2/9/15

ADJACENT PROPERTY OWNERS

Opposed by
Jeff Mendelsohn
21 Liberty Ridge
Ct.

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/5/15

SIGN POSTING Date: 2/8/15

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☒ No ☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 02 Account Number - 2000009370								
Owner Information										
Owner Name:		ABEL ARNOLD T ABEL ANITA			Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		23 LIBERTY RIDGE CT OWINGS MILLS MD 21117 -4600			Deed Reference:		/12648/ 00567			
Location & Structure Information										
Premises Address:		23 LIBERTY RIDGE CT 0-0000			Legal Description:		4.561 AC 23 LIBERTY RIDGE CT RESERVOIR RIDGE			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	2
0066	0007	0572		0000			12	2013	Plat Ref:	0054/ 0144
Special Tax Areas:				Town: Ad Valorem: Tax Class:		NONE				
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use		
1988		3,048 SF		600 SF		4.5600 AC		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
		STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2013		07/01/2014		07/01/2015		
Land:		216,900		162,700						
Improvements		326,200		312,300						
Total:		543,100		475,000		475,000		475,000		
Preferential Land:		0						0		
Transfer Information										
Seller: ABEL ARNOLD T				Date: 02/05/1998		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /12648/ 00567		Deed2:				
Seller: BRANDONWOOD DEVE LOPMENT CORPORATE				Date: 12/10/1987		Price: \$65,000				
Type: ARMS LENGTH IMPROVED				Deed1: /07746/ 00595		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: Approved 04/19/2014										

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **02** Account Number: **2000009370**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

Loading... Please Wait. Loading... Please Wait.

-->

W. Carl Richards Jr., Chief

County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

February 9, 2015

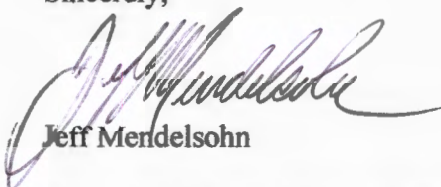
Dear Mr. Richards,

In preparation for a zoning waiver hearing on February 27th, regarding the establishment of a commercial business at 23 Liberty Ridge Court, Owings Mills, Md, case number CC 1409908, I have enclosed a letter of reason to DENY the request by the property owner.

I can assure you that all available residents of our quiet development will be in attendance at the meeting and hope you will allow ample time for us to express our concerns. As the owner of the residence directly next to the location in question, I thought it would be beneficial to provide you with our experience since the business was opened at this residential location approximately June of 2014. The business continues to operate today despite Notice of Correction issued by your office on 10/15/2014.

I look forward to discussing this matter in person.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Mendelsohn", is written over a printed name.

Jeff Mendelsohn

Owner, 21 Liberty Ridge Court

Baltimore County Zoning Board

Dear Sir/Madam,

I respectfully request that you deny the zoning variance for a commercial business to be established at 23 Liberty Ridge Court, Owings Mills, MD 21117 for the following reasons:

1) **Child Safety**

- a) My home shares a common driveway to the residence in question. Last summer and Fall, as the business was, and continues to be operating in non-compliance with the current law, our 3 and 4 year old children were placed in danger while walking and playing on my property. On repeated occasions, employees and customers of the business sped down the driveway causing a danger to my children, their friends, and the children on the other side of the property in question. While the owner of 23 Liberty Ridge Court has urged his own employees not to speed, there is no control over customers or service and supply workers. This problem has persisted since the business unlawfully started at this location in mid-2014. On multiple occasions, customers and workers would enter my private driveway endangering us to ask for 'directions' or clarification as to where the business was. *I urge you if only for the safety and lives of these children to deny this zoning variance.*

2) **"Cat calls" and abuse**

- a) During the summer months, we play outside and my wife likes to swim with the kids at our pool. On numerous occasions, she and her friends and family members were subjected to vile remarks from unknown people; either employees, customers or service workers. These remarks were made in front of small children and contained profanity. Asking a woman to 'take it off' and using terms like "bitch" are highly offensive. Additional cases of excessive honking at pedestrians on the common driveway have occurred. While we do not hold the property owners personally responsible, they have no control over customers or service and supply workers who do business with the owner of the property in question. There currently exists a split rail fence which does not provide adequate privacy between the two properties. The cost of a natural or man-made fence to achieve such privacy extends into the thousands of dollars based on estimates.

3) **Right to peace and privacy**

- a) The current zoning laws are in place to ensure that residents our neighborhood may enjoy our rights to peace and privacy on our properties and in our neighborhood. The business in question has already violated our rights to both! There has been increased traffic on our road and on our driveway that has, in some instances, caused hazardous situations to our family, neighbors, children and pets. I purchased this location years ago in part because I enjoyed the peacefulness of the neighborhood and privacy that RC4 zoning offered. The unlawful operation of this business in violation of current zoning regulations has greatly diminished our sense of privacy and peace at our own home. Presumably, as the business grows, we will incur further loss of peace and privacy at our home.

4) **Degradation of property value**

- a) After consulting respected real estate professionals, it has been determined that the establishment of a commercial enterprise right next door to my home will diminish the value of my home should I need to relocate. This creates an unfair situation for us in the event of a resale of 21 or 25 Liberty Ridge Court in particular, and all other homes in the neighborhood. All current owners of property on our road would be affected by a change in zoning, but most affected would be the two homes that connect to the property in question, according to the real estate professionals.

5) **Suitable alternatives:**

- a) It is my understanding that the owner of the property in question also owns a small office complex approximately 1/4 mile away which has current vacancies and ample space to operate the proposed business from. There is no reasonable need to operate a busy financial services firm from the residence in question. Attached is the photograph of the location which is less than 1/4 mile from the entrance to our development.

(see attached photos)

6) **Common driveway ownership**

- a) I own, pay taxes on and maintain one half of the common driveway required to get to the residence in question. When the home was purchased under the current zoning law, I understood that the shared portion of the driveway would be for residential use only. In addition to the safety issues described above, the increased traffic of automobiles and service trucks will, over time, cause extensive wear and tear on the long driveway and will require expensive resurfacing to maintain in a usable condition. As a partial lawful property owner, I HEREBY PROHIBIT the use of my portion of the driveway for the commercial use for which I am not compensated for.

7) **Continued operation in Violation of Correction Notice Issued**

A correction notice was issued on 10/15/2014. Since that time, the business has continued to operate unlawfully and continues to do so. The business website lists the residential address in question as its office and has more employees than the requested number in the variance. I can attest to the fact that more than 2 outside employees currently work at this unlawfully operating business. (Website screen shots attached)

Correction Notice Issued **Details**
10/15/2014 3:07 PM

聽

Last updated

David Kirby

10/15/2014 3:07 PM

Record

CC1409908

Constituent Complaint

Contact

Robyn Clark

It is our sincere hope that the Baltimore County Zoning Commission will take these and the concerns of the other residents of Liberty Ridge Court into strong consideration and DENY the zoning variance for the establishment of a commercial enterprise in our neighborhood.

Sincerely,

Jeff Mendelsohn

Search Results

Here is a list of the Financial Representatives and/or Teams in your area. Other ways to connect with a Financial Representative:

- The Thrivent Financial Advice Center offers telephone-based financial guidance 1-888-834-7428 8 a.m. – 7 p.m. Monday – Thursday, and 8 a.m. – 6 p.m. Friday (Central time).
- Let the [Regional Financial Office](#) direct you to a Financial Representative.
- Our goal is to make finding a Financial Representative easy. [Did we?](#)

Certified



Arnold "Arnie" Abel
Wealth Advisor
CFP, LUTCF, FIC

23 Liberty Ridge Ct
Owings Mills, MD 21117
[Get Directions](#), 4.57 miles
Team: [Central Maryland Team](#)

443-576-0041
[Arnold's Webpage](#)
arnold.abel@thrivent.com



Terry B Glendenning Jr
Financial Consultant
CFP, FICF, FIC

23 Liberty Ridge Ct
Owings Mills, MD 21117
[Get Directions](#), 4.57 miles
Team: [Central Maryland Team](#)

443-576-0041
[Terry's Webpage](#)
terry.glendenning@thrivent.com



Central Maryland Team
23 Liberty Ridge Ct
Owings Mills, MD 21117
[Get Directions](#) 4.62 miles

443-576-0041
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Financial Planner (CFP) – Individuals certified by the CFP Board have taken the extra step to demonstrate their professionalism by voluntarily submitting to the rigorous CFP® certification process that includes demanding education, examination, experience and ethical requirements.

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CENTRAL MARYLAND TEAM

Phone: 443-576-0041



fldcentralmarylandteam@thrivent.com

Regional Financial Office:

EAST REGION

Team Members*

[Arnold "Amie" Abel](#)
[Terry B. Glendenning Jr](#)
[Brittney R. Hack](#)
[Timothy "Tim" Krause](#)
[Deborah D. Schmitt](#)

Team Address*

23 Liberty Ridge Ct
Owings Mills, MD 21117
[Get Directions](#)

* Team Members tab has address information associated with each Financial Representative

*Licensing is available through your State Insurance Department's website, which can be located through the [National Association of Insurance Commissioners](#) website.

[Team Info](#) [Team Members](#) [Office Staff](#)



Role

Our team is here to help you achieve your financial goals.

Our team of financial professionals works together on your behalf. We are committed to building long-term relationships on a one-on-one basis. At the same time, you'll benefit from our combined knowledge and experience. We put your goals first. If you have a specific financial need, we can draw on the expertise of a specialist on our team. The result is a more in-depth level of service that ensures your specific financial concerns and goals are addressed whenever you need assistance.

Our team can:

- Provide you access to a broad range of specialized professional services.
- Tailor strategies to fit with your financial goals.
- Make it easier for you to help your congregation and your community.

Approach

Today, it's common to have multiple financial goals and concerns. That's why we take a comprehensive approach to serving our members. It's important to understand how different factors can affect your financial picture. We'll help you analyze your current situation. Develop an in-depth financial program. And help you implement an integrated financial strategy. Our team can also assist you by providing a product- or issue-based solution, or we can take a values-based approach to preparing for your financial future.

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photo.JPG

Open with

Multiple vacancies are
at this location, less than
 $\frac{1}{4}$ mile from Liberty
Ridge Court.

Very suitable to a
financial planning office.







KEVIN KAMENETZ
County Executive

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

February 19, 2015

Arnold T & Anita Abel
23 Liberty Ridge Court
Owings Mills MD 21117

RE: Case Number: 2015-0149 SPHX, Address: 23 Liberty Ridge Ct

Dear Mr. & Ms. Abel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 8, 2015. 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: jaw

Enclosures

c: People's Counsel

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



MARYLAND DEPARTMENT OF TRANSPORTATION

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 1/22/15

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

RE: Baltimore County

Item No 2015-0149-SPHX
Special Hearing Special Exception
Arnold T. & Anita Abel
23 Liberty Ridge Court.

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. 2015-0149-SPHX

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster". The signature is written in a cursive style with a large, prominent "S" and "F".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

FEB 06 2015

SUBJECT: 23 Liberty Ridge Court

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number: 15-149

Petitioner: Arnold & Anita Abel

Zoning: RC 4

Requested Action: Special Exception, Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is to permit a Financial Advisor as a professional for purposes of Professional Office use in a RC 4 zone (BCZR 1A03.3.B.12) and to permit one nonresident professional associate and two nonresident employees (BCZR 1A03.3.B.12).

Upon review of the petition, site plan, and site visit the following comment and recommendations are offered: The petitioner's property is Lot 23 located at 23 Liberty Ridge Court. The property shares a panhandle drive with the adjacent Lot 21. The improvements for Lots 23 and 21 are located towards the front of the lots and are approximately 150 feet apart separated by driveways, a shed and landscaping. The business is currently located in a three bay garage located at the end of the driveway.

The BCZR permits offices or studios for professionals by Special Exception in the RC 4 zone subject to limitations on space and number of employees. Currently, the petitioner has located the business in the 3 bay garage but has indicated that it will be moved into the house and occupy no more than 25% of the existing square footage of the dwelling. The petitioner also indicated that he has one professional associate and two employees. There exists sufficient parking for the employees, residential use and visitors.

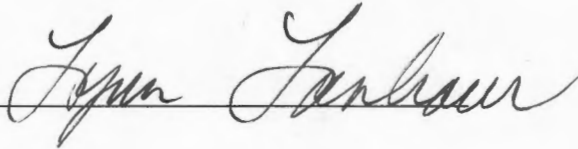
In conclusion the following conditions are recommended:

1. Petitioner will move the business into the dwelling and provide to the Planning Department a plan locating the office area limited to 25% of the dwelling area.
2. Employees are to be limited to one nonresident associate and two nonresident employees.
3. Employee and client hours shall be limited so as to reduce impact on residential character of the neighborhood.
4. No new impervious surfaces are to be created for the benefit of the requested use.

If these conditions are agreed upon then it is not anticipated that the granting of this request will be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL

A handwritten signature in cursive script, appearing to read "Lynn Lippincott", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 23, 2015

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

SUBJECT: Zoning Advisory Committee Meeting
For January 29, 2015
Item No. 2015-0149, 0150, 0151, 0152, 0154 and 0155

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\ZAC01232015 -.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 23 Liberty Ridge Court

INFORMATION:

Item Number: 15-149

Petitioner: Arnold & Anita Abel

Zoning: RC 4

Requested Action: Special Exception, Special Hearing

SUMMARY OF RECOMMENDATIONS:

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If these conditions are agreed upon then it is not anticipated that the granting of this request will be detrimental to the health, safety, or general welfare of the surrounding community.



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

February 20, 2015

RECEIVED

FEB 20 2015

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Arnold & Anita Abel
23 Liberty Grove Court
Case No.: 2015-149-SPHX
Hearing scheduled February 27, 2015

Dear Judge Beverungen,

Consistent with our office's responsibility under the County Charter § 524.1(a) to defend the comprehensive zoning maps and law, we have reviewed preliminarily this zoning petition. The request is for a special exception for a financial advisor. The petition presents under the R.C. 4 (Watershed Protection) Zone special exception, BCZR §. 1A03.3.B.12, for,

"Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use"

The use must be in the applicant's primary residence, occupy no more than 25% of floor area, and have no more than one nonresident professional associate or two nonresident employees.

The threshold issue is whether the Petitioner qualifies as an "other professional person" as intended by or for the purpose of this zoning law.

Our google research, attached, shows that the Petitioner, Arnold Abel, is part of the Central Maryland Team in the East Region for Thrivent Financial, with a listed address at this property, 23 Liberty Ridge Court. Thrivent Financial is stated to be the marketing name for Thrivent Investment Management, Inc., (TIM), a Minnesota corporation, itself a member and a wholly owned subsidiary of Thrivent Financial for Lutherans. TIM is registered to do business in Maryland.

Thrivent Financial representatives are described as registered representatives of TIM and licensed insurance agents/producers of Thrivent. Fee-based investment advisory services are available through licensed agents only. Trust and investment management accounts are stated to be subject to investment risk.

Arnold "Arnie" Abel is listed as having CFP (Certified Financial Planner), LUTCF (Life Underwriter Trainer Council Fellow), and FIC (Fraternal Insurance Counselor) licenses. The latter two categories primarily involve insurance licensing qualifications. The CFP covers a range of financial categories, including insurance, real estate and other investment vehicles.

Meanwhile, the enclosed SDAT real property data information shows the petitioners as owners of 23 Liberty Ridge Court since 1998, with a residential use as a principal residence.

The question has frequently arisen as to whether, for the purpose of zoning law, the scope of "other professional person" extends to occupations outside the traditional listed learned professions of medicine, dentistry, law, architecture, and engineering. The answer is that the scope is quite limited. It may include a certified public accountant or veterinarian, but not a real estate or insurance broker. Dean Patricia Salkin reviews this subject nationally in 3 Salkin, American Law of Zoning 5th Secs. 19.15 to 19.23 (updated on Westlaw).

To illustrate, our office has successfully urged that real estate brokers (Escalante, CBA 00-194-X, Cir. Ct. 03-C-02-1391; Turner, CBA 12-138-XA)) and tax preparers (Ellerby, CBA 06-009-XA) do not fit as professionals under the zoning law. The opinions are enclosed. We are aware that financial advisors have varying degrees of educational attainment, licensing, and standards. However, based on the precedents and understanding, they are on the real estate/insurance broker side of the line rather than the traditional professional side of the line. Indeed, financial advice often encompasses real estate and insurance elements.

While the word "professional" has been expanded in common usage and advertising, and various occupations are subject to regulation and standards, there has been a reluctance to expand the concept in zoning law because so many "professional" persons are as much or more business people. The idea is to preserve the character of residential neighborhoods. There is also the historical background that at one time (if not so much now), it was common that doctors, dentists, architects, and even engineers had connections to and served their neighborhoods.

This specific type of special exception is listed in all the other Resource Conservation Zones and in the Density Residential Zones (BCZR 1B01.1.C.12), so this case has broad implications. In this context, we went back to the legislative history.

In 1970, Bill 100, the County Council included professional offices as use permitted by right in the new rural zones, R.D.P. and R.S.C. (BCZR §§. 1A00.2.A.13.a and 1A01.2.A.11.a) and new Density Residential Zones (BCZR §. 1B01.1.A.14.e.). See attached excerpts from BCZR (1975). When the Council in 1975 replaced the initial rural zones with Resource Conservation Zones, the Council kept the professional offices as permitted by right. Bill 98-75.

However, in 1982, the County Council enacted Bill 105, enclosed, establishing the professional office use as a special exception in the R.C. and D.R. Zones. This repealed the previous permissions by right. The apparent legislative purpose was to add a higher level of scrutiny. This law has essentially remained intact since 1982.

It is noteworthy that the Council enacted enclosed Bill 68-98 in 1998, adding to the "Home Occupation" definition to include computers, printers, fax machines, and the like. Traditionally, a home occupation is understood as having a domestic dimension. The Council did not at that time choose to expand the professional office category.

In 1999, the Council enacted enclosed Bill 65 just to clarify that the applicant for a professional office special exception must be a resident at the time of application.

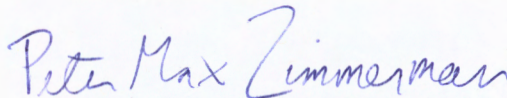
There do not appear to have been any further relevant legislative enactments. In light of this history, and the understanding that the County Council is deemed to be aware of administrative agency decisions, the best interpretation is that the legislature is satisfied to keep in place a limited interpretation of "other professional person."

Our Google research reflects, moreover, that, however fraternally oriented, the Petitioner is a member and registered representative of a national corporate financial team, with an emphasis on insurance. This is outside the traditional ambit of the law.

It should also be noted that Liberty Ridge Court is in a fairly isolated and remote location off Liberty Road, in proximity to the Liberty Reservoir. Therefore, the location does not appear to be oriented to service of the immediate neighborhood.

For all of the above reasons, our office submits that this "financial advisor" is not included within the scope of "other professional person" under the zoning law.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Arnold & Anita Abel, Petitioners



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Market Snapshot

DOW	17,799.66	-69.10
NASDAQ	4,802.62	+14.97
S&P 500	2,066.06	-2.53

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Role

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Our team of financial professionals works together on your behalf. We are committed to building long-term relationships on a one-on-one basis. At the same time, you'll benefit from our combined knowledge and



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experience. We put your goals first. If you have a specific financial need, we can draw on the expertise of a specialist on our team. The result is a more in-depth level of service that ensures your specific financial concerns and goals are addressed whenever you need assistance.

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Licensing Information*

- I am licensed to do business in DE, MN, TX, FL, VA, NY, CO, SC, PA, MA, LA, NC, MD, AZ, GA, NH and WV

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help you implement an integrated financial strategy. Our team can also assist you by providing a product- or issue-based solution, or we can take a values-based approach to preparing for your financial future.

Experience

- I have been with Thrivent Financial for 31 years.

Involvement

I am married. I have 3 children. I am a member of Pilgrim Lutheran in Baltimore, MD. In my spare time I enjoy religious activities, fishing, reading, spending time with family, electronics, traveling, volunteering, writing and golfing.

Team

My team is structured to allow you to work primarily with one financial representative. This gives you the opportunity to build a long-term relationship with someone you'll come to know and respect. However, I want you to know I'll have access to the combined experience and expertise of other representatives on my team. The result is a more in-depth level of service that ensures your specific financial concerns and goals are addressed.

Thrivent Financial

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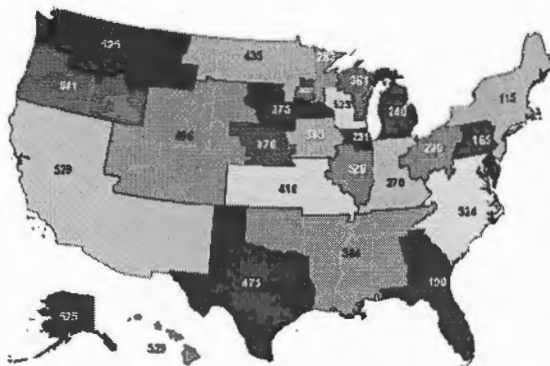

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Regional Financial Office

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Greater Iowa Region - RFO 365

Kansas & Missouri Region - RFO 410

Mid-America Region - RFO 270

Nebraska Region - RFO 378

Northeast Region - RFO 115

Southwest Region - RFO 529

St. Louis Heartland Region - RFO 528

Texas Region - RFO 475

Two Rivers Region - RFO 375

Northwest Region - RFO 525

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Arnold Abel

Thrivent Investment Management Inc

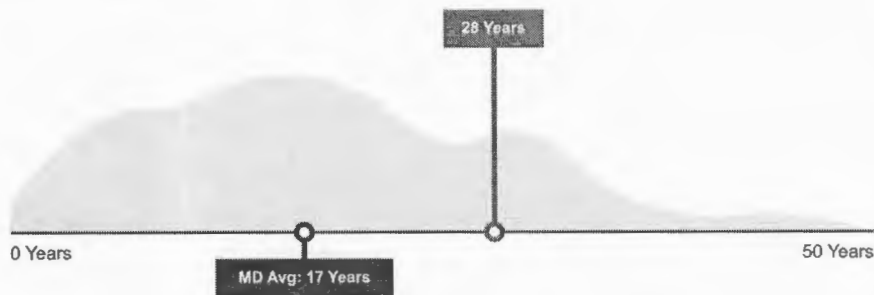
Advisor Type: Dual Registered

Years of Experience: 28

Address: 11155 Dolfield Blvd
Ste 200
Owings Mills, MD 21117



Years of Experience

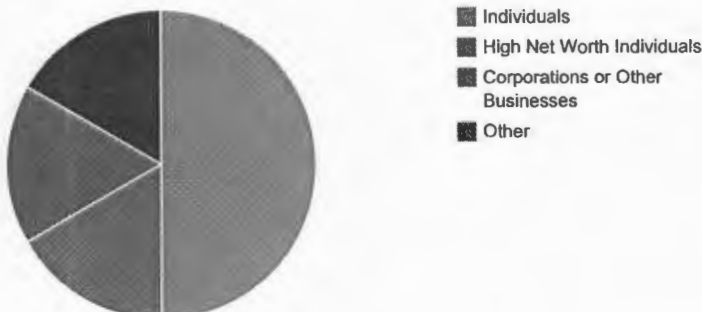


Shaded area represents years of experience for all 7,440 MD advisors.

Experience measure for this advisor is drawn from government filings as of 6/25/13.

Client Types

Client information is for Thrivent Investment Management Inc and are based on the percentage of assets under management.



Client types are by firm, and represent a percentage of assets under management. For additional information on Arnold Abel's client base, please contact the advisor.

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Advisor data provided by Financial Media Group.

Fees & Compensation

As of 6.25.13

Compensation types are listed for Thrivent Investment Management Inc. Contact the advisor for individual fee structure details.

Fee Only

This firm is compensated by clients, often based on a flat fee or a percentage of client assets.

Subscription Fees

This firm receives compensation from periodicals or newsletters.

Commission

This firm is compensated by commissions from sales of financial products.

Fixed Fees

This firm charges a flat fee for services, which may vary from firm to firm.

Hourly

This firm offers services based on an hourly fee.

Performance-Based Fees

This firm can be compensated based on a share of capital gains on, or capital appreciation of, client assets.

Disclosure Events

As of 6.25.13

This advisor has no disclosure filings listed.

When financial advisors have events in their practice that could influence their ability to advise clients, they're required to disclose those events to regulators. Such disclosure event filings can include certain criminal and civil matters, regulatory actions against them, customer complaints or instances of arbitration or termination of employment. The existence of such filings may not result in censure or penalty for an advisor and customer complaints against advisors may be frivolous. Also, such filings may not represent all regulatory or legal actions against a firm or advisor. For more detailed information on Arnold Abel's conduct, please visit Finra's BrokerCheck, the SEC's Investment Adviser Public Disclosure database, or your state's regulatory agencies.

Advisors Near Arnold Abel



Maryland Department of Assessments and Taxation Business Services (w4)

[Search Help](#)

Charter Search Results for : THRIVENT INVESTMENT

Dept.ID	<u>Entity Name</u>	Entity Details	<u>Status</u>
F02342111	THRIVENT INVESTMENT MANAGEMENT INC.	General Info. Amendments Personal Property	INCORPORATED

Maryland Department of Assessments and Taxation Business Services (w4)

Search Help

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC.

Department ID: F02342111

General Information

Amendments

Personal Property

Certificate of Status

Principal Office (Current):

CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801

Resident Agent (Current):

THE CORPORATION TRUST INCORPORATED
351 WEST CAMDEN STREET
BALTIMORE, MD 21201

Status:

INCORPORATED

Good Standing:

Yes

What does it mean when a business is not in good standing or forfeited?

Business Code:

Ordinary Business - Stock

Date of Formation or Registration:

05/11/1987

State of Formation:

DE

Stock/Nonstock:

Stock

Close/Not Close:

Unknown

CORPORATE CHARTER APPROVAL SHEET

** EXPEDITED SERVICE **

** KEEP WITH DOCUMENT **

DOCUMENT CODE 32A BUSINESS CODE DE
F2342111

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious _____

Merging (Transferor) _____

Surviving (Transferee) _____



1000361987213836

ID N F02342111 RCK N 1000361987213836
 LYBR: 000400 FOLIO: 1245 PAGES: 0002
 THRIVENT INVESTMENT MANAGEMENT INC.

07/03/2002 AT 10:13 A M N 0000612540

New Name Thrivent
Investment Manage-
ment Inc.

FEES REMITTED

Base Fee: 1
 Org. & Cap. Fee: 50
 Expedite Fee: _____
 Penalty: _____
 State Recordation Tax: _____
 State Transfer Tax: _____
 Certified Copies _____
 Copy Fee: _____
 Certificates _____
 Certificate of Status Fee: _____
 Personal Property Filings: _____
 Other: _____
 TOTAL FEES: 51

☒ Change of Name
☐ Change of Principal Office
☐ Change of Resident Agent
☐ Change of Resident Agent Address
☐ Resignation of Resident Agent
☐ Designation of Resident Agent
☐ and Resident Agent's Address
☐ Change of Business Code
☐ Adoption of Assumed Name
☐ Other Change(s)

Code 007
 Attention: _____

THE CORPORATION TRUST INCORPORATED
 300 E. LOMBARD ST
 BALTIMORE

MD 21202-3210

Stamp Work Order and Customer Number HERE

CUST ID: 0000014247
 WORK ORDER: 0000012540
 DATE: 07-03-2002 08:58 PM
 AMT. PAID: \$51.00

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "AAL CAPITAL MANAGEMENT CORPORATION", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "THRIVENT INVESTMENT MANAGEMENT INC.", THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 11:59 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE FIRST DAY OF JULY, A.D. 2002.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.

CUST ID: 0000014247
 WORK ORDER: 0000012540
 DATE: 07-03-2002 08:57 PM
 AMT. PAID: \$51.00



Harriet Smith Windsor
 Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1863193

2097474 8320

020426644

DATE: 07-01-02

Maryland Department of Assessments and Taxation Business Services (w4)

Search Help

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC.

Department ID: F02342111

General Information	Amendments	Personal Property	Certificate of Status			
Description	Date Filed	Film	Folio	Pages	View Document	Order Copies
RESIDENT AGENT CHANGE OF ADDRESS	12/01/2009 2:43 PM			2		
STATEMENT OF NAME CHANGE	07/03/2002 10:13 AM	B00400	1245	2		
THIS AMENDMENT RECORD INDICATES THE NAME CHANGE FROM: AAL CAPITAL MANAGEMENT CORPORATION. TO: THRIVENT INVESTMENT MANAGEMENT INC..						
CHANGE OF R.A.A.	11/17/1997 8:30 AM	F3998	93	1359		
CONVERTED AMENDMENT	05/02/1991 8:52 AM	F3329	1140	2		
CERTIFIED STATEMENT MERGER OF AAL ADVISORS INC. (UNQUALIFIED DE)						
CERTIFIED STATEMENT - MERGER	05/02/1991 8:52 AM	F3329	1240	2		
QUALIFICATION	05/11/1987 11:00 AM	F2917	1794	3		

Maryland Department of Assessments and Taxation Business Services (w4)

Search Help

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC. Dept ID #:F02342111

Ack#: 1000361999039195

Principle Office:

CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801

Resident Agent:

THE CORPORATION TRUST INCORPORATED
351 WEST CAMDEN STREET
BALTIMORE, MD 21201

Maryland Department of Assessments and Taxation Business Services (w4)

Search Help

Entity Name: THRIVENT INVESTMENT MANAGEMENT INC. Dept ID #:F02342111

Ack#: 1000361987213836

Principle Office:

CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801

Resident Agent:

THE CORPORATION TRUST
300 E LOMBARD ST
BALTIMORE, MD 21202

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 02 Account Number - 2000009370							
Owner Information											
Owner Name:				ABEL ARNOLD T ABEL ANITA				Use:		RESIDENTIAL	
Mailing Address:				23 LIBERTY RIDGE CT OWINGS MILLS MD 21117 -4600				Principal Residence: Deed Reference:		YES /12648/ 00567	
Location & Structure Information											
Premises Address:				23 LIBERTY RIDGE CT 0-0000				Legal Description:		4.561 AC 23 LIBERTY RIDGE CT RESERVOIR RIDGE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	2
0066	0007	0572		0000			12	2013			0054/ 0144
Special Tax Areas:						Town:		NONE			
						Ad Valorem:					
						Tax Class:					
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use		
1988		3,048 SF			600 SF		4.5600 AC		04		
Stories	Basement	Type	STANDARD UNIT		Exterior	Full/Half Bath	Garage	Last Major Renovation			
					SIDING	3 full/ 1 half	1 Attached				
Value Information											
			Base Value		Value		Phase-in Assessments				
					As of		As of		As of		
					01/01/2013		07/01/2014		07/01/2015		
Land:			216,900		162,700						
Improvements			326,200		312,300						
Total:			543,100		475,000		475,000		475,000		
Preferential Land:			0						0		
Transfer Information											
Seller: ABEL ARNOLD T					Date: 02/05/1998			Price: \$0			
Type: NON-ARMS LENGTH OTHER					Deed1: /12648/ 00567			Deed2:			
Seller: BRANDONWOOD DEVE LOPMENT CORPORATE					Date: 12/10/1987			Price: \$65,000			
Type: ARMS LENGTH IMPROVED					Deed1: /07746/ 00595			Deed2:			
Seller:					Date:			Price:			
Type:					Deed1:			Deed2:			
Exemption Information											
Partial Exempt Assessments:			Class		07/01/2014			07/01/2015			
County:			000		0.00						
State:			000		0.00						
Municipal:			000		0.00 0.00			0.00 0.00			
Tax Exempt:					Special Tax Recapture:						
Exempt Class:					NONE						
Homestead Application Information											
Homestead Application Status: Approved 04/19/2014											

New Search (<http://sdat.resiusa.org/RealProperty>)

MAP 65-P.30

P.479

SALT RESERVOIR RIDGE PLAT-2

RESERVOIR RIDGE PLAT-2

P.20

P.1

P 572

LIBERTY P.B.T.L.

LIBERTY

RIDGE CT.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

Order the **TAX MAP** [click here...](#)

(<http://msweb05.mdp.state.md.us/website/mosp/>)

 Loading... Please Wait. Loading... Please Wait.

<http://sdats.resiusa.org/realproperty/maps/showmap.html?countyid=04&accountid=02+200...> 2/18/2015

3 Am. Law. Zoning § 19:15 (5th ed.)

American Law of Zoning
Database updated November 2014
Patricia E. Salkin
Chapter 19. Home Occupations
III. Professions and Similar Occupations

References

§ 19:15. Professions and similar occupations

Prior to the restriction of land use through comprehensive zoning, one of the common nonresidential uses of dwellings was the establishment and maintenance of a home office by a professional person. Many physicians maintained a home office; some attorneys converted rooms in their homes to office use; and home offices were not uncommon among architects, artists, musicians, and other professional persons. As these offices were more numerous and less obtrusive than most nonresidential uses, zoning ordinances usually permitted them to continue, not as nonconforming uses, but as uses of right. It is common practice for a zoning ordinance to authorize the use of a dwelling in a residential district as a professional office of a person who occupies such dwelling.¹

Ordinances differ in the number of professions included in the group permitted to maintain home offices, the districts in which such offices may be maintained, and in whether or not the home office may be the principal office of the professional resident of the dwelling. Usually such offices constitute permitted accessory uses in the most restricted, single-family districts.²

A more restrained permission to establish home offices is granted in regulations which permit such offices provided that they are not the principal offices of the professional occupants. The zoning ordinance of Salt Lake City, Utah, provides that certain occupations such as a barber, physician or therapist, may be permissible as home occupations if they do not negatively impact the residential character of the neighborhood.³ A major portion of the litigation relating to professional offices in residential districts is concerned with the qualification as a professional person of the resident who seeks to establish or maintain the office. Whether a particular office may or may not be located in a residential district is a simple matter where the regulations specify the professional uses that are permitted or excluded. However, some ordinances authorize home offices for specified professions and add the words "other professional person" or generic language of similar import.⁴ Where such general language is employed, persons who practice accounting, veterinary medicine, and other professions, as well as real-estate brokers, insurance agents, and a variety of businessmen seek to maintain offices in residential districts, although they are not listed specifically among those professions favored by the ordinance.⁵ The cases which have resulted from these attempts to establish home offices will be reviewed in the sections immediately following. Importantly, unless otherwise noted, the cases and examples in these sections would apply only to municipalities that continue to specify "professional" occupations by name that are permissible, rather than moving to performance based standards as many municipalities have done.

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Footnotes

- 1 Zoning Resolution City of New York § 12-10 (1965, as amended). Available at: <http://www.nyc.gov/html/dcp/pdf/zone/art01c02.pdf>. Construction and effect of zoning provision permitting accessory use for "professional office," 24 A.L.R. 3d 1128.
- 2 Little Rock Code § 36-232 (2008). Available at: <http://www.municode.com/Resources/gateway.asp?pid=11170&sid=4>.
- 3 Zoning Ordinance of Salt Lake City, Utah, 21A.36.030 (1995). Available at: <http://66.113.195.234/UT/Salt%20Lake%20City/index.htm>
- 4 An ordinance is not unconstitutional which permits "a physician, lawyer, architect, teacher or similar professional person residing on the premises" to maintain an office in a residential district. *People v. Cully Realty, Inc.*, 109 Misc. 2d 169, 442 N.Y.S.2d 847 (App. Term 1981).

- 5 A New York ordinance listed the traditional learned professions, "single physician, dentist, chiropractor, lawyer, architect, engineer, surveyor, accountant, financial planner, insurance agent or teacher are permissible occupations as of right." In addition, "similar uses, which do not alter the character of the house as a residence, may ... be permitted." The district court remanded the case with the instructions to evaluate the proposed use against the standard of maintaining the residential nature of the home instead of an analysis of how much a mortgage brokerage is similar or different from a real estate business or an insurance business. The decision also compelled the board to weigh the credible evidence that the proposed use "complied with the threshold requirements of the ordinance at issue as to number of employees, outside signs, etc." *Arceri v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005).

End of Document

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3 Am. Law. Zoning § 19:16 (5th ed.)

American Law of Zoning
Database updated November 2014
Patricia E. Salkin
Chapter 19. Home Occupations
III. Professions and Similar Occupations

References

§ 19:16. Doctors, dentists, and surgeons

The medical profession was once most favored by admission to the residential neighborhoods of the community. Where professional offices of any kind were permitted in residential zones, the regulations would specify doctors,¹ dentists,² and usually surgeons.³ However, many municipalities have since removed these provisions, and are now providing performance based guidelines or licensing requirements for all home occupations.⁴

The right to establish an office may be limited to the establishment of an emergency office rather than to a full-time, principal one.⁵ Under another common limitation, only one professional office is permitted in a dwelling.⁶ An occasional ordinance provides that the offices of more than one profession in a residential building are prohibited, as are the offices of more than one branch of a profession.⁷ Provisions of this kind are adopted for the apparent purpose of preventing the establishment of a medical center or clinic in a residential district. The concern is realistic in view of judicial approval of the establishment by a doctor of a waiting room staffed by a receptionist and secretary, treatment rooms, and the usual paraphernalia of the medical profession.⁸ An ordinance which allowed professional offices was construed to permit a doctor to establish a methadone clinic.⁹

That the courts are not quick to discover an offense to the zoning ordinance where a medical office is concerned is suggested by cases in which treatment and recovery rooms were said not to be "workrooms" in the sense prohibited by an ordinance,¹⁰ and where a chiropractor was found not to be operating a clinic although he advertised his establishment as such.¹¹

Authority to establish a physician's office includes the establishment of an office of a chiropractor,¹² and a christian science practitioner,¹³ but not a pharmacy or an office for the practice of psychotherapy.¹⁴

The limitations which apply generally to home occupations apply equally to home medical offices. Where the ordinance requires the occupant of a home office to live in the dwelling where the office is maintained, the restriction applies equally to doctors, dentists, and surgeons.¹⁵

Limitations upon total floor space and as to number of employees apply to medical offices as well as to other home occupations.¹⁶ A regulation which prohibited medical centers in residential districts was violated by an owner who rented space in her residence to a dentist and four doctors.¹⁷ Such offices are subject to the restrictions upon alteration of the exterior of a dwelling, and upon separate access from the outside.

While doctors, dentists, and surgeons commonly are permitted to establish home offices in residential districts, these offices are not residential uses.¹⁸ Medical offices may be excluded from residential districts,¹⁹ and such offices may be excluded in districts where hospitals, clinics, and nursing homes are allowed.²⁰ An ordinance which excludes such offices is not arbitrary simply because it permits parking garages.²¹ Intent to exclude was discovered in an ordinance which prohibited "businesses and offices" in residential districts.²² An ordinance which specifically allowed professional offices in a "Residence B District," but made no such reference to "Residence A Districts," was held to prohibit medical offices in the latter.²³

However, an ordinance which purported to regulate the location of trades and industries, and which did not mention medical offices, is not offended by a doctor's office which is maintained in his residence.²⁴

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Footnotes

- 1 Dayton, Ohio, Zoning Ordinance § 2316(3) (1969); Wichita, Kansas, Zoning Ordinance § 28.040.020(D)(4) (1974). Neither ordinance still specifically lists doctors or professionals; in Wichita a license is always needed. But see *Arcei v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149, 151 (2d Dep't 2005), citing the Islip Town Ordinance that still lists specific professions including physician. If the inclusion in the municipal code of medical offices as a permissible use in an R-5-B classification was a mistake, the courts cannot correct the error. It may be corrected only by the municipality itself. *City of Wilmington v. Baynard Court, Inc.*, 281 A.2d 493 (Del. 1971).
- 2 Charleston, West Virginia, Revised Zoning Ordinance § 2.02 (1971); Sedgwick Co., Kansas, Zoning Resolution § 2-1(D)(4) (1974). Again, neither ordinance currently still specifically names dentists or professionals. Where a zoning ordinance authorizes a doctor or dentist to conduct his practice in a dwelling in a residential district, under a special exception issued by the board of zoning appeals, whether or not such doctor or dentist lives in the dwelling, the board is not authorized to deny such an exception on the ground that the applicant must obtain a use variance. *Schwartz v. Chave*, 53 Misc. 2d 1007, 281 N.Y.S.2d 133 (Sup. 1967). See also *Osborn v. Planning Bd. of Town of Colonie*, 146 A.D.2d 838, 536 N.Y.S.2d 244 (3d Dep't 1989).
- 3 Little Rock, Arkansas, Zoning Ordinance § 43-3(8)(a) (1973); Salt Lake City, Utah, Zoning Ordinance § 51-2-34 (1974). Both ordinances used to specify surgeons, now neither ordinance does. Current ordinances: Zoning Ordinance of Salt Lake City, Utah, 21A.36.030 (1995). Available at: <http://66.113.195.234/UT/Salt%20Lake%20City/index.htm>; Little Rock Code § 36-252 (2008). Available at: <http://www.municode.com/Resources/gateway.asp?pid=11170&sid=4>.
- 4 Current ordinances: Zoning Ordinance of Salt Lake City, Utah, 21A.36.030 (1995). Available at: <http://66.113.195.234/UT/Salt%20Lake%20City/index.htm>; Little Rock Code § 36-252 (2008). Available at: <http://www.municode.com/Resources/gateway.asp?pid=11170&sid=4>.
- 5 Blomberg, North Dakota, Code § 15.0208(2)(b) (1973).
- 6 *Town of North Hempstead v. White*, 1 Misc. 2d 228, 144 N.Y.S.2d 358 (Sup. 1955), order aff'd, 1 A.D.2d 781, 148 N.Y.S.2d 461 (2d Dep't 1956).
- 7 Building Zone Ordinance, Town of North Hempstead, N. Y. § 2.12 (1958).
- 8 *Red Acres Imp. Club v. Burkhalter*, 193 Tenn. 79, 241 S.W.2d 921 (1951).
- 9 A methadone clinic serving 90 patients and fully staffed is a professional office permitted in a district which permits offices of professional persons. *Village of Maywood v. Health, Inc.*, 104 Ill. App. 3d 948, 60 Ill. Dec. 713, 433 N.E.2d 951 (1st Dist. 1982). Under an ordinance which permits professional offices in a commercial district, a doctor is entitled to an occupancy permit for his office which operates a methadone clinic. The clinic is not a hospital within the meaning of the ordinance. *I. & L. Clinics, Inc. v. Town of Irvington*, 189 N.J. Super. 332, 460 A.2d 152 (App. Div. 1983).
- 10 *Delbel v. Wilson*, 77 Ohio L. Abs. 471, 150 N.E.2d 448 (Ct. App. 10th Dist. Franklin County 1957).
- 11 *Bourke v. Foster*, 343 S.W.2d 208 (Mo. Ct. App. 1960).
- 12 The practice of a state-licensed chiropractor was a permitted use under the zoning ordinance which allowed the owner and occupant of a dwelling in a residential district to use the dwelling for the practice of his or her profession as a "physician." The ordinance defined "physician" as "any regularly state licensed or state authorized practitioner of the art of healing the physical ailments of human beings." *City of St. Ann v. Crump*, 607 S.W.2d 706 (Mo. Ct. App. E.D. 1980). Dismissal of action seeking to enjoin defendant from continuing to use certain premises as a chiropractor's office was warranted where plaintiff failed to prove the office was not an accessory to defendant's residence within the meaning of the zoning ordinance. *Dentine v. Valvo*, 77 A.D.2d 643, 430 N.Y.S.2d 137 (2d Dep't 1980).
- 13 A Christian Science practitioner is an "other professional person" as that term is used in an ordinance permitting certain professional persons to establish home offices. *Audubon Area Zoning Ass'n v. Krushovski*, 82 So. 2d 460 (La. Ct. App., Orleans 1955).
- 14 The plaintiff's use of her residence, zoned R-3 single family residential use, the most restrictive use category under the ordinance, to practice psychotherapy and social work is not an accessory use of her property because rendering these professional services does not further her use of her property as a residence. *Lerner v. Bloomfield Tp.*, 106 Mich. App. 809, 308 N.W.2d 701 (1981).
- 15 Where a dentist, who operated an office in his residence under a Home Occupation ordinance, moved his family to a new residence, he could no longer carry on his practice in the old home. If he were permitted to do so, dentistry would then be the principal use of

the premises, rather than an incidental use as required by the ordinance. *Mahler v. Board of Adjustment of Borough of Fair Lawn*, 94 N.J. Super. 173, 227 A.2d 511 (App. Div. 1967), judgment *aff'd*, 55 N.J. 1, 258 A.2d 705 (1969).

But see *Sullivan v. City of Albany Bd. of Zoning Appeals*, 20 A.D.3d 665, 798 N.Y.S.2d 200 (3d Dep't 2005) upholding the zoning board's grant of a variance allowing property to be sold with a dentist office as part of a residential home.

A zoning ordinance, prohibiting the use of premises for professional purposes unless the office is in the user's residence, was not unconstitutional as unreasonable, arbitrary, and capricious for failure to define the term "resident." *Town of Smithtown v. Serby*, 64 Misc.2d 734, 315 N.Y.S.2d 445 (Dist. Ct. 1970).

Where a zoning ordinance permitted professional offices in AAA, AA and A districts as accessory uses, limited to the dwelling in which the professional person resides, and where land in a B or BB district may be used "for any purpose permitted in a more restrictive district," the court held that a doctor was permitted to establish an office in a B or BB zone although he did not live in the building. The limitation to a resident professional did not carry over with the use. *Kurlander v. Incorporated Village of Hempstead*, 31 Misc.2d 121, 224 N.Y.S.2d 461 (Sup 1961).

16 *Charlotte, N.C., Zoning Ordinance § 12.408* (2008) (limitation of 25% of one floor). Available at: <http://www.ohameck.org/NR/rdonlyres/czccomp4ddo3oezkoamamquysoj9q7peditmeys63stveyszt4px5vetg2etjmo3fmgd8jgg7m4ugretill/ZoningOrdCityChapter12.pdf>.

17 *Merry v. Zoning Bd. of Adjustment*, 406 Pa. 393, 178 A.2d 595 (1962).

See also *McCloud v. Woodmansee*, 165 Ohio St. 271, 59 Ohio Op. 361, 135 N.E.2d 316 (1956).

18 See *Stewart v. Barber*, 182 Misc. 91, 43 N.Y.S.2d 560 (Sup 1943).

"When a professional man pursues an occupation in his home in which it is necessary that patients, clients or patrons call at his home for the purpose of obtaining treatment, or similar activity, it then becomes a non-residential use." *N. H. Rangle & Sons, Inc. v. Laurich*, 98 Ill. App. 2d 18, 240 N.E.2d 9 (2d Dist. 1968).

19 *Stillber Const. Co. v. Town of Harrison*, 143 N.Y.S.2d 804 (Sup 1955); *Connor v. City of University Park*, 142 S.W.2d 706 (Tex. Civ. App. Dallas 1940), writ refused.

A zoning ordinance is not unconstitutional simply because it prohibits the practice of dentistry in some residential districts of the municipality. *Cerbone v. Village of Pelham Manor*, 39 Misc. 2d 320, 240 N.Y.S.2d 523 (Sup 1963), order *aff'd*, 20 A.D.2d 627, 245 N.Y.S.2d 1003 (2d Dep't 1963).

20 *City of Champaign v. Roseman*, 15 Ill. 2d 363, 155 N.E.2d 34 (1958).

21 *City of Miami Beach v. Silver*, 67 So. 2d 646 (Fla. 1953).

22 *Skryak v. Village of Mt. Prospect*, 13 Ill. 2d 329, 148 N.E.2d 721 (1958).

A use which is expressly prohibited in the zoning ordinance cannot be an accessory or incidental use. *City of Sheridan v. Keen*, 34 Colo. App. 228, 524 P.2d 1390 (1974).

23 *City of Herlingen v. Feener*, 153 S.W.2d 671 (Tex. Civ. App. San Antonio 1941), writ refused *w.o.m.*, (Oct. 22, 1941).

24 *Yocum v. Feld*, 129 Fla. 764, 176 So. 753 (1937).

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3 Am. Law. Zoning § 19:17 (5th ed.)

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§ 19:17. Optometrists

An ordinance which permits a doctor or dentist to maintain an office in his home in a residential district may exclude the office of an optometrist. Such exclusion does not constitute invalid discrimination because the legislative authority might reasonably conclude that there is more need in residential areas for the services of a doctor or dentist.¹

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Footnotes

1 A city can reasonably conclude that there is more need of a doctor, dentist or surgeon rather than an optometrist, in a residential area. *City of City of St. Ann v. Elam*, 661 S.W.2d 632 (Mo. Ct. App. E.D. 1983).

The court held that a reasonable basis existed for limiting to a doctor of medicine or dentistry the use of a private dwelling in a residence zone as a combined residence and office. The classification did not constitute an invalid discrimination against an optometrist as there was more need to have the doctor of medicine or dentistry in the area in case of emergencies. *Sinoway v. Village of South Orange*, 104 N.J. Super. 477, 250 A.2d 429 (App. Div. 1969).

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3 Am. Law. Zoning § 19:18 (5th ed.)

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References

§ 19:18. Veterinary medicine

A doctor of veterinary medicine is a professional person within the meaning of an ordinance which allows, as an accessory use, a "professional office." Accordingly, a veterinarian may maintain a professional office in a residential zone, if he resides in the building which will house the use and meets standards which apply generally to accessory professional offices.¹ Animal hospitals, which some veterinarians operate in conjunction with their offices, are specifically excluded from the definition of home occupations by some regulations.²

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Footnotes

- 1 Eisner v. Farrington, 12 A.D.2d 786, 209 N.Y.S.2d 673 (2d Dep't 1961).
- 2 See, e.g., Wichita, Kansas, Code § 28.04.020 (1974). A one-day veterinarian service for neutering and spaying, set up at the request of the local humane society was not required to obtain a premises permit. Such permits were required only for permanent veterinarian practices. Pollini v. Department of Professional Regulation, 443 So. 2d 206 (Fla. Dist. Ct. App. 3d Dist. 1983).

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3 Am. Law. Zoning § 19:19 (5th ed.)

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References

§ 19:19. Attorneys

Attorneys usually are listed among the professional persons authorized to establish offices in residential areas.¹ Absent specific listing, it would appear that an attorney who is licensed by the state and subject to the ethics of the profession qualifies as a professional person where the generic term "professional person" is employed. Interestingly, there is a lack of judicial opinions concerning legal offices in residential districts.

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Footnotes

- 1 Atlanta, Georgia, Zoning Ordinance, § 16-29.001 (2008).
"[A] licensed attorney can only operate an office in an area zoned for such use." Such a restriction does not prescribe qualifications for attorneys, or impose a regulation on standards of conduct or admission of attorneys, or frustrate the court's authority to regulate the practice of law. Mire v. City of Lake Charles, 540 So. 2d 950 (La. 1989).

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3 Am. Law. Zoning § 19:20 (5th ed.)

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References

§ 19:20. Engineers and architects

Engineers and architects sometimes are listed along with doctors and lawyers, as professional persons entitled to maintain home offices in residential districts.¹ Absent specific mention in the regulations, these professions would appear to be properly included under the term "other professional persons." Both professions are licensed by the state and disciplined by professional ethics.² As in the case of lawyers, home offices appear to have attracted few engineers or architects. In one case, a person seeking to operate an engineering business as a home occupation was found not to be entitled to a special exception under a city ordinance since such a business is not customarily carried on in a dwelling unit and would not be an accessory use in relation to the dwelling unit. To qualify as an accessory use, the use must be subordinate or clearly incidental to the residential use of property.³ The court noted that "zoning boards and courts may take notice of what business occupations are customarily conducted in residential dwellings based on general experience and understanding."⁴

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Footnotes

- 1 See *Mehring v. Zoning Hearing Bd. of Manchester Tp.*, 762 A.2d 1137 (Pa. Commw. Ct. 2000); *Mack v. Board of Appeals, Town of Homer*, 25 A.D.3d 977, 807 N.Y.S.2d 460 (3d Dep't 2006).
- 2 The term "professional" used in an ordinance which permits a professional office in a residential district as an accessory use included the professions of engineering and architecture. *Kemp v. White Oak Zoning Hearing Bd.*, 70 Pa. Commw. 362, 453 A.2d 66 (1982). See generally *Geiffert v. Menley*, 293 N.Y. 583, 59 N.E.2d 414 (1944).
- 3 *Allegheny West Civic Council, Inc. v. Zoning Bd. of Adjustment of City of Pittsburgh*, 552 Pa. 541, 716 A.2d 600 (1998).
- 4 *Allegheny West Civic Council, Inc. v. Zoning Bd. of Adjustment of City of Pittsburgh*, 552 Pa. 541, 716 A.2d 600 (1998).

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3 Am. Law. Zoning § 19:21 (5th ed.)

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References

§ 19:21. Accountants

Accountants are infrequently listed among the professions authorized to maintain home offices in residential districts. An occasional ordinance includes this group.¹ Accountants probably can be classed as "other professional persons" as that language is employed in some of the ordinances which permit home offices. However, like other desired home occupation uses, the applicable zoning ordinance has to be followed. Where an accountant purchased property in a residential district where home occupations were permitted, but the accountant was not residing at the site as required under the zoning ordinance to qualify as a home occupation the decision of the zoning hearing officer that the use did not qualify as a home occupation was upheld.²

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Footnotes

- 1 See *Arceri v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005); *County of Itasca v. Waas*, 1994 WL 193737 (Minn. Ct. App. 1994).
See also *Witherspoon v. City of Moline*, 227 Ill. App. 3d 1023, 169 Ill. Dec. 237, 591 N.E.2d 117 (3d Dist. 1992).
- 2 *Wilson v. Plumstead Tp. Zoning Hearing Bd.*, 594 Pa. 416, 936 A.2d 1061 (2007).

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3 Am. Law. Zoning § 19:22 (5th ed.)

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References

§ 19:22. Real estate brokers

Some zoning ordinances specifically include real-estate brokers among the persons entitled to maintain home offices in residential districts.¹ Other ordinances specifically exclude real-estate offices from residential districts.² The difficult problems arise when no mention is made of this use, and a real-estate broker seeks to establish a home office in a residential district, urging that such a use is a customary home occupation, or that a realtor is a professional person within the meaning of a regulation permitting professional offices. Both grounds for maintaining real-estate offices in residential districts have been rejected by the courts.

A real-estate broker is not a professional person, as that term is employed in regulations permitting professional persons to establish home offices. While it is recognized that realtors possess some professional characteristics, these are not dominant.³ A real-estate broker is a business man rather than a professional person. The fact that realtors are licensed by the state does not constitute the business of selling real estate a profession within the meaning of the zoning regulations.⁴

A real-estate office is not a customary home occupation. This is true although the realtor carries no stock in trade, attracts a small number of customers, and employs only members of his immediate family.⁵ An Illinois court said that "the carrying on of a real-estate business with advertising signs inviting customers to come and do business on the premises is not accessory or customarily incident to the use of the property for residential purposes, and is not therefore a permissible use even if real-estate brokerage could be classed as a profession."⁶ Additionally, a Pennsylvania court found that resident's proposed use of their home for a real estate brokerage firm did not meet the requirements for a special exception, nor a home occupation.⁷

A zoning ordinance may permit a real-estate office in a residential district upon approval of an administrative board. Under such an ordinance, the usual rules with respect to the granting and denial of permits apply.⁸ A landowner can, of course, apply for a variance to conduct a home real-estate office. Where he is unable to demonstrate unnecessary hardship, he need not be granted a variance solely on the ground that he is located adjacent to a zoning district where commercial uses are permitted.⁹

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Footnotes

- 1 Mehring v. Zoning Hearing Bd. of Manchester Tp., 762 A.2d 1137 (Pa. Commw. Ct. 2000).
- 2 Zoning Resolution City of New York § 12-10 (2008, as amended).
- 3 People v. Cully Realty, Inc., 109 Misc. 2d 169, 442 N.Y.S.2d 847 (App. Term 1981); Seaman v. Zoning Bd. of Appeals of Holliston, 340 Mass. 488, 165 N.E.2d 97 (1960); Hackett v. Gale, 104 N.H. 90, 179 A.2d 451 (1962).
- 4 See City of Los Altos v. Barnes, 3 Cal. App. 4th 1193, 5 Cal. Rptr. 2d 77 (6th Dist. 1992) citing Jones v. Robertson, 79 Cal. App. 2d 813, 180 P.2d 929 (3d Dist. 1947).
As a real estate office is not a professional occupation under the town zoning regulation, applicant was not entitled to operate a real estate office in a residential zone. Dhugos v. Zoning Bd. of Appeals of Trumbull, 36 Conn. Supp. 217, 416 A.2d 180 (Super. Ct. 1980).
- 5 Mack v. Board of Appeals, Town of Homer, 7 Misc. 3d 607, 790 N.Y.S.2d 361 (Sup. 2005), judgment aff'd, 25 A.D.3d 977, 807 N.Y.S.2d 460 (3d Dept. 2006); Seaman v. Zoning Bd. of Appeals of Holliston, 340 Mass. 488, 165 N.E.2d 97 (1960).

A real estate office is a commercial use, and not a use "customarily incidental" to the use of a dwelling in a residential district. Ridley Tp. v. Pronesti, 431 Pa. 34, 244 A.2d 719 (1968).

- 6 Village of Riverside v. Kuhno, 335 Ill. App. 547, 82 N.E.2d 500 (1st Dist. 1948).
Cf. Board of Adjustment v. Underwood, 332 S.W.2d 583 (Tex. Civ. App. San Antonio 1960), writ refused n.r.e., (May 11, 1960).
A real estate office is not a professional office, and is therefore not a permitted home occupation. Capman v. Long Beach Tp., 95 N.J. Super. 523, 231 A.2d 852, 24 A.L.R.3d 1124 (App. Div. 1967).
- 7 Trengre v. Zoning Bd. of Adjustment of South Whitehall Tp., 95 Pa. Commw. 583, 506 A.2d 490 (1986).
- 8 Where an ordinance which permitted home real-estate offices under special permits was amended to exclude such offices, an applicant whose permit was under consideration when the amendment was passed had no vested right to a permit and the board of zoning appeals properly denied it. Rodelli v. Burns, 19 Misc. 2d 562, 187 N.Y.S.2d 301 (Sup. 1959).
See also Trengre v. Zoning Bd. of Adjustment of South Whitehall Tp., 95 Pa. Commw. 583, 506 A.2d 490 (1986).
- 9 Smolow v. City of Philadelphia Zoning Bd. of Adjustment, 391 Pa. 71, 137 A.2d 251 (1958).

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3 Am. Law. Zoning § 19:23 (5th ed.)

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References

§ 19:23. Insurance agents

An insurance office is a business use which may not be maintained in a dwelling in a residential district unless the regulations list such offices as permitted home occupations.¹ Some ordinances specifically exclude insurance agents from their definition of home occupation.² These generalities may not be valid where the language of the ordinance is broader than that commonly used in describing the home offices which are permitted. Thus, a Texas court construed an ordinance to permit any occupation provided the limitations of the ordinance with respect to how home occupations may be conducted were observed. This construction permitted the establishment of an insurance office in a residential district.³ Specific decisions are lacking, but it seems reasonable to conclude that an insurance broker would be regarded as more a business man than a professional person, as the latter term is used in regulations permitting professional offices in residential districts. However, recently, insurance offices have been considered to be customary uses, and where they comply with other ordinance requirements, insurance agencies will normally be permitted as home occupations in residential zones.⁴

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Footnotes

- 1 See *Arcei v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005). Although the zoning ordinance allowed "professional offices" to be established in a multi-family residence district, the mere fact that an insurance broker was licensed by the state did not qualify him as a "professional." *Reich v. City of Reading*, 3 Pa. Commw. 511, 284 A.2d 315 (1971).
An insurance agency is not a professional office within the meaning of an ordinance that permits professional offices in a residential zone as conditional uses. *Goughan v. City of Bath*, 564 A.2d 393 (Me. 1989).
- 2 Code of Ordinances, City of Taylor, Michigan, § 2.01(96) (2007). Available at: <http://www.municode.com/resources/gateway.asp?pid=12014&id=22>.
- 3 *Board of Adjustment v. Underwood*, 332 S.W.2d 583 (Tex. Civ. App. San Antonio 1960), writ refused n.r.e., (May 11, 1960). Where the zoning ordinance required that the property be used for residential purposes, but permitted certain home occupations such as an insurance business, the use of the home for such purposes is proper. However, the primary use of the dwelling unit must remain residential. *Metropolitan Development Commission of Marion County v. Mullin*, 399 N.E.2d 751 (Ind. Ct. App. 1979).
- 4 A New York appellate court resolved the question of whether or not a home owner's use of his garage for his mortgage broker business was permitted by finding that it closely resembled an insurance agency, a customary home occupation, rather than a real-estate agency, a business not considered to be customarily practiced in the home. *Arcei v. Town of Islip Zoning Bd. of Appeals*, 16 A.D.3d 411, 791 N.Y.S.2d 149 (2d Dep't 2005).

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IN THE MATTER OF
THE APPLICATION OF
JORGE ESCALANTE - PETITIONER
FOR SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SW/CORNER JOPPA
ROAD AND SIXTH AVENUE
(3106 SIXTH AVENUE)

11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 00-184-X
* * * * *

OPINION

Background

This matter is before the Board on an appeal from a decision of the Zoning Commissioner of Baltimore County denying a special exception for a professional office (real estate broker) on a residential property owned by Mr. Escalante at 3106 Sixth Avenue in Carney, Baltimore County, Maryland. Mr. Escalante was represented by Michael P. Tanczyn, Esquire. Deputy People's Counsel Carole S. Demilio opposed the Petition for Special Exception. The hearing was held before the Board on November 6, 2001. The parties filed briefs with the Board, which were submitted by close of business on December 3, 2001. A public deliberation was held on December 19, 2001.

Facts

The Petitioner is the owner of 3106 Sixth Avenue which he purchased in October 1998. This is a .22 acre corner lot located on the southwest corner of Joppa Road and Sixth Avenue just east of Harford Road and Avondale Road. The property is zoned D.R. 5.5. The zoning across Joppa Road for five separate structures immediately east of the Carney Village Shopping Center is R-O. The Carney Village Shopping Center is zoned a combination of B.L. and B.L.-A.S. The

property immediately adjacent to the rear of the site, known as 3117 Joppa Road, is zoned R-O and is improved with a 2 1/2 story frame structure which is used as a real estate office.

Mr. Escalante indicated that he had transferred the property to his mother. He also testified that he purchased the property after it had been vacant for several years. The property was in very great disrepair and he made major improvements, gutting the interior of the structure and refurbishing all of the rooms. The house is a split-level house, and Mr. Escalante has made an office in the basement of the house. He presented a drawing of the house and indicated that he had taken measurements of each room and that the office did not occupy more than 25 percent of the total space of the home. Mr. Escalante has also paved the front part of the yard of the home to make a parking lot for approximately two cars. He has constructed a privacy fence around the rear and side of the home to shield the office and driveway from the neighbors. Mr. Escalante is a real estate broker with a broker's license. He employs one sales person and a nonprofessional individual in the office.

Mr. Escalante performed the renovations on the home and constructed the office without obtaining a special exception. He tried unsuccessfully to have the site rezoned to R-O or R-O-A in the 2000 Comprehensive Map Process. It was a specific issue considered by the County Council, and the Council elected to retain the D.R. 5.5 zoning. He stated that he tried to sell the property after the decision by the Zoning Commissioner but has been unable to sell. He owns several other pieces of property, one at 3128 E. Joppa Road, which has two apartments, and a piece of property on Harford Road which he used as an insurance sales office for a period of time but is now vacant.

Hubert Malmud, a licensed property line surveyor, testified on behalf of Mr. Escalante with respect to the zoning of various pieces of property in the surrounding area. He testified that

he had driven around the surrounding neighborhoods, and it was his opinion that there would be no congestion in the roads or alleys as a result of the operation of a real estate office at the subject site. He also indicated with generally "yes" or "no" answers with respect to the other criteria set forth in § 502.1 of the *Baltimore County Zoning Regulations* (BCZR) in order to meet the requirements for a special exception.

Marilyn Ryan, a neighbor living at 3014 Sixth Avenue, testified on behalf of the People's Counsel. She felt that if the special exception was allowed it would be encroaching into the community of Thorawood Park in which she lives. In addition, she stated that it is difficult to get onto Joppa Road from the subject property site and that individuals would probably be turning right coming out of the driveway of Mr. Escalante's home, and would be going through the community in order to gain access to Joppa Road from another avenue.

Ruth Baisden, President of the Greater Parkville Community Council, testified that it was the position of their association that the house was not an appropriate site for a real estate office. It was her position that there were a number of offices available along Joppa Road where a real estate business could be located.

Decision

Offices and other commercial uses are prohibited in residential zones with the two exceptions of a home occupation and a professional office. The home occupation is not in question in this situation. The Petitioner contends that Mr. Escalante is a professional and therefore qualifies for the special exception under the professional office criteria, not using more than 25 percent of the home for his business. The issue is whether or not a real estate broker can be considered a professional within the meaning of the *Baltimore County Zoning Regulations* (BCZR).

Section 1B01.1.C.12 permits, by special exception:

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; does not occupy more than 25 percent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate, nor two other nonresident employees.

Counsel for Mr. Escalante argues that he falls within the definition of "other professional persons" as set forth in the above section. He cites the fact that Mr. Escalante has a Bachelor of Science degree from the University of Lima, Peru, in Business Administration and has completed 36 of 48 credits towards an MBA degree at Johns Hopkins University. He began his own business in March of 1998 and his co-employee is his fiancée who is a licensed real estate agent. Counsel cites the fact that, as a real estate broker, Mr. Escalante was required to attend 90 hours of training, and is required to take 15 hours of continuing education every two years in order to keep up his real estate broker's license. If he fails to take the continuing education courses, his license becomes inactive and he is not allowed to conduct business.

Counsel also states the fact that real estate brokers are governed by the Maryland Real Estate Brokers Act and the State Real Estate Commission, which has the power to license, discipline and renew licenses and monitor the continuing education programs. He cites the fact that a real estate broker is required to have continuing education in the relevant changes to Federal, State and local Fair Housing Laws, including fair housing advertising. The broker must attend courses on these matters conducted by the Maryland Association of Realtors or member boards or the Real Estate Brokers of Baltimore City, or other similar professional associations.

Counsel also contends that the decision rendered by the Zoning Commissioner in the *Matter of Richard A. Dalla Tezza*, in Case No. 85-78-X, which denied a special exception for a

real estate broker based on the fact that the definition of "other professional" in the County's zoning regulations did not include a real estate broker, is not relevant at the present time. He cites the fact that the *Baltimore County Zoning Regulations* now require that, where a definition is not included within the regulations, the *Webster's Third New International Dictionary of the English Language, Unabridged* must be consulted for the definition. He cites the definition of a "professional" as set forth in *Webster's International Dictionary* and relies in part on a section of that definition.

The Board has reviewed the testimony given at the hearing and the briefs submitted by the parties. The Board is persuaded by the excerpts from the *American Law of Zoning*, § 13.10, cited by the Deputy People's Counsel. That states in part:

Problems arise when no mention is made of this use. And a real estate broker seeks to establish a home office in a residential office urging that such a use is a customary home occupation or that a realtor is a professional person within the meaning of the regulation permitting professional offices. Both grounds for maintaining real estate offices in residential districts have been rejected by the courts.

A real estate broker is not a professional person, as that term is employed in regulations permitting professional persons to establish home offices. While it is recognized that realtors possess some professional characteristics, these are not dominant. A real estate broker is a businessman rather than a professional person. The fact that realtors are licensed by the State does not constitute the business of selling real estate a professional within the meaning of the zoning regulations....

Even the definition as set forth by the Petitioner in his brief, citing *Webster's Third New International Dictionary of the English Language, Unabridged*, supports the fact that a real estate broker is not a professional. Professional is therein defined as:

A. Of, relating to, or characteristic of a professional; or, B. Engaged in one of the learned professions or in an occupation requiring a high level of training and proficiency characterized by or conforming to the technical or ethical standards of a profession or an occupation manifesting fine artistry or workmanship based on

sound knowledge and conscientiousness reflecting the results of education, training, and experience.

All of the professions cited in the zoning regulations which allow for a professional office in the home are professions requiring extensive education and professional training. The 90 hours of real estate courses required to obtain a broker's license do not qualify for the status of a professional as compared to a doctor, engineer, or lawyer. Many individuals are considered, and may be called, professionals, such as professional athletes, professional truck drivers, and other various occupations. Other occupations require licenses in order to perform their jobs, but could not be considered professionals, such as beauticians, electricians, and plumbers. The Board is aware that the *Della Tezza* decision was decided in October 1984, and no effort has been made by the Baltimore County Council to change the definition of "professional" to include real estate brokers in the occupations set forth in DCZR § 1B01.1.C.12. It is not for this Board to change the definition to include real estate brokers. Therefore, the special exception is denied.

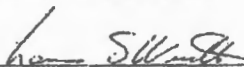
While it is not necessary for the Board to reach the question of whether or not the use would meet the requirements of § 502.1 of the BCZR, the Board does note that Mr. Mahmud testified as to the criteria, and did discuss the traffic aspects of the requirements. However, with respect to the other requirements of § 502.1, he did give conclusory "yes" or "no" answers without supporting facts. The Board considers that this does not meet the test of sufficient evidence as stated by the Court in *People's Counsel v. Beachwood*, 107 Md.App. 627, 649-51 (1995): "A self evident reason for rejecting as an effective catalyst as expert opinion that a mistake was made is the fact that the opinion is merely conclusory or is at best quasi-conclusory.... The opinion of an expert is of little or no weight in the absence of strong supporting facts."

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 9th day of January, 2002, that the Petition for Special Exception seeking approval of a professional office in a residential property zoned D.R. 5.5 be and the same is hereby DENIED.

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*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Chairman


Melissa Moyer Adams


C. Lynn Barranger

00-184-X

IN THE MATTER OF
JORGE ESCALANTE
Appellant

* IN THE
*
* CIRCUIT COURT
* FOR

COUNTY BOARD OF APPEALS,
FOR BALTIMORE COUNTY
Appellee
* * * * *

* BALTIMORE COUNTY
* Case No. 03-C-02-1391
* * * * *

RULING

This matter came before the Court as an appeal filed by Jorge Escalante, Appellant, from an Order of the County Board of Appeals of Baltimore County ("Board") in Case No. 00-184-X on January 9, 2002, which denied Appellant's Petition for Special Exception for a professional office in a residential property zoned density residential (D.R.) 5.5. Arguments were heard on October 1, 2002. Upon consideration of the entire record, arguments of counsel, and for the reasons set forth in the Memorandum Opinion filed concurrently herewith, it is thereupon the 11th day of October, 2002, by the Circuit Court for Baltimore County, Maryland,

ORDERED, that the decision of the Board shall be and the same is hereby AFFIRMED.

Susan Souder
Judge Susan Souder

CC: Peter Max Zimmerman, Esq.
Carole S. Demilio, Esq.
Michael Tanczyn, Esq.

FILED OCT 8 2002

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OCT 28 2002
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF
JORGE ESCALANTE
Appellant

* IN THE
*
* CIRCUIT COURT
* FOR

COUNTY BOARD OF APPEALS,
FOR BALTIMORE COUNTY
Appellee
* * * * *

* BALTIMORE COUNTY
* Case No. 03-C-02-1391
* * * * *

MEMORANDUM OPINION

This matter came before the Court as an appeal filed by Jorge Escalante, Appellant, from an Order of the County Board of Appeals of Baltimore County ("Board") on January 9, 2002, which denied Appellant's Petition for Special Exception for a professional office in a residential property zoned density residential (D.R.) 5.5. Arguments were heard on October 1, 2002. For the reasons discussed herein, the decision of the Board is hereby affirmed.

BACKGROUND

Appellant, a licensed real estate broker, purchased the property at issue, 3106 Sixth Avenue, in October 1998. T. 32. Although other properties nearby are zoned to accommodate businesses, the property at issue is zoned D.R. 5.5.¹ T. 12-13. Office use is prohibited in residential zones except as an accessory home occupation, or as a professional office exception as provided for under Baltimore County Zoning Regulations (BCZR) 502.1.

Without obtaining a special exception, Appellant proceeded to convert the property into a residential office

¹ Zoning across from the property on Joppa Road include the Carney Village Shopping Center, which is zoned a combination of Business (B.L. and B.L.-A.S.), and five separate structures zoned Residential Offices (R.O. or R.O.A.). Immediately to the rear of the Appellant's property is a real estate office located in a R-O zone at 3117 Joppa Road.

FILED OCT 8 2002

by making renovations to the property, which included paving the part of the yard for a parking lot and constructing a privacy fence around the rear side of the house. After renovations were complete, Appellant unsuccessfully tried to have the property rezoned to Residential Offices (R-O or R-O-A) during the 2000 Comprehensive Map Process. The issue was specifically considered by the County Council, which elected to retain the D.R. 5.5 zoning. See People's Counsel Exhibit 3A, 3B, and 3C.

Appellant then sought a special exception under the guise of professional office, which was denied by the Zoning Commissioner. Appellant appealed to the Board, which also denied Appellant's petition for special exception on the grounds that a real estate broker is not a "professional" within the meaning of BCZR 1B01.1.C.12. Moreover, the Board concluded that Appellant had failed to meet his burden of proof, under BCZR § 502.1, to show that the proposed use would not be detrimental to the character of the community. See Opinion of the County Board of Appeals of Baltimore County p. 5-6.

Appellant timely filed for appeal and presents the following questions for review by the Court:

1. Did the Board of Appeals err as a matter of law when it denied the special exception on the basis that a real estate broker is not a "professional" within the meaning of BCZR 1B01.1.C.12?
2. Was the Board's conclusion that Appellant had not met his burden of proof under BCZR § 502.1 supported by substantial evidence?
3. In denying Appellant's Petition for Special Exception, was the decision of the Board arbitrary and capricious in light of the evidence presented at the hearing?

STANDARD OF REVIEW

The scope of judicial review is extremely narrow under the Administrative Procedure Act (APA), codified as Md. CODE ANN., STATE GOV'T § 10-201 et seq. *Liberty Nursing Center v. Department of Health and Mental Hygiene*, 330 Md. 433, 442, 624 A.2d 941, 945 (1993). The Court's review is limited to whether the Board's order is in accordance with the law. *Mortimer v. Howard Research and Dev. Comp.*, 83 Md. App. 432, 441, 575 A.2d 750 (1990). Furthermore, the Court of Appeals has stated that "the court may set aside, as 'not in accordance with law,' a decision of an agency which is arbitrary, illegal, or capricious." *Id.*, citing *Levy v. Seven Slade, Inc.*, 234 Md. 145, 149, 198 A.2d 267 (1964).

In making a determination as to whether the Board's decision is not in accordance with the law, arbitrary, illegal, or capricious, the Court is limited to the record and must not make an independent de novo assessment of the evidence. *Zeitschel v. Board of Education*, 274 Md. 69, 82, 332 A.2d 906, 913 (1975). Rather, the Court must defer to the agency's factual findings and inferences as supported by substantial evidence. *United Parcel v. People's Counsel*, 336 Md. 569, 577, 650 A.2d 226, 230 (1994).

Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Caucus v. Maryland Securities*, 320 Md. 313, 324, 577 A.2d 783, 788 (1990). If there is substantial evidence on the record to support an agency's factual determinations, the Court must affirm the agency's decision, which is considered *prima facie* correct, and presumed to be valid. *Motor Vehicle Administration v. Karwacki*, 340 Md. 271, 280, 666 A.2d 511 (1995).

Where the need for judicial interpretation of an exemption statute arises, it is generally accepted that exemption statutes are to be strictly construed in favor of the State. See *Supervisor Of Assmts. v. Trustees of Bosley Methodist Church Graveyard*, 293 Md. 208, 443 A.2d 91 (1982). However, "a strict construction does not preclude a fair one. Rather it still contemplates a construction that effectuates the legislative intent and objectives; 'it does not require that an usual or unreasonable meaning be given to the words used in an exemption statute.'" *Pleasant Investments Limited Partnership v. State Dep't of Assessments & Taxation*, 141 Md. App. 481, 492, 786 A.2d 13 (2001) citing *Supervisor of Assessments v. Keeler*, 362 Md. 198, 207, 764 A.2d 821 (2001) (citations omitted). As the Court of Special Appeals stated in *Maryland-National Capital Park & Planning Comm'n v. State Dep't of Assessments & Taxation*, 110 Md. App. 677, 690, 678 A.2d 602 (1996), *aff'd*, 348 Md. 2, 702 A.2d 690 (1997) (citations omitted), "In the final analysis, the real legislative intent prevails. The burden of showing that an exemption is allowed under the law falls upon the claimant."

Accordingly, the Court's analysis of the Board's decision in the instant case is three-fold. First, the Court must decide whether the Board recognized and applied the correct principles of law governing this case. Second, the Court must examine the Board's factual findings to determine if they are supported by substantial evidence. Third, the Court must examine how the Board applied the law to the facts. The test of appellate review at this juncture is whether a reasoning mind could reasonably have reached the conclusion reached by the Board, given the

facts and proper application of the controlling legal principles.

DISCUSSION

Did the Board of Appeals err as a matter of law when it denied the special exception on the basis that a real estate broker is not a "professional" within the meaning of BCZR 1B01.1.C.12?

Appellant contends that because a real estate broker must complete 90 hours of training, take 15 hours of continuing education every two years, be licensed, be subject to a code of ethics, and is regulated as a "profession" under the Maryland Business and Professional Occupations Article, a real estate broker is a "professional" under the definition provided by *Webster's Third New International Dictionary of the English Language, Unabridged*, which must be consulted when a term such as "professional" is not defined within the BCZR.² See Bill 149-1987. Therefore, his proposed use of the property as a real estate broker's office should be considered a "professional office" use within the meaning of BCZR 1B01.1.C.12.³

²*Webster's Third New International Dictionary of the English Language, Unabridged* (1981) defines "professional" as:

A. Of relating to, or characteristic of a professional; or, B. Engaged in one of the learned professions or in an occupation requiring a high level of proficiency characterized by or conforming to the technical or ethical standards of a profession or an occupation manifesting fine artistry or workmanship based on sound knowledge and conscientiousness reflecting the results of education, training, and expertise.

³BCZR 1B01.1.C.12 permits by special exception: 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; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment

The Court notes that with exception to *In Re Richard A. Dalla Tezza* Case No. 85-78-X, which is a decision of the Zoning Commissioner of Baltimore County and is therefore not binding on the Court, Maryland case law has not addressed the matter *sub judice*. However, other jurisdictions have addressed this exact issue, and in every instance known to the Court, the courts have unanimously ruled in the negative - that despite the licensing requirements, code of ethics, inclusion of real estate brokers in state professional acts or codes, and training undertaken by such individuals, real estate brokers are not "professionals." See *Seaman v. Zoning Board of Appeals of Holliston*, 340 Mass. 488, 165 NE2d 97 (1960); *Jones v. Robertson*, 79 Cal. App. 2d 813, 180 P.2d 929 (1947); *Cummings v. Pennsylvania Fire Insurance Co.*, 153 Iowa 579, 134 N.W. 79, Ann.Cas. 1913E 235, 37 L.R.A.N.S. 1169; *Pennock v. Fuller*, 41 Mich. 153, 2 N.W. 176, 32 Am. Rep. 148; *Building Commissioner of Town of Brookline v. McManus*, 263 Mass. 270, 160 N.E. 887 (1928); *Dlugos v. Zoning Board of Appeals of Trumbull*, 36 Conn. Supp. 217, 416 A.2d 180 (1980). The view expressed by the courts is best summarized in the *American Law of Zoning* § 13.10, which states in part:

The difficult problems arise when no mention is made of this [real estate office] use and a real estate broker seeks to establish a home office in a residential district urging that such a use is a customary home occupation or that a realtor is a professional person within the meaning of a regulation permitting professional offices. Both grounds for maintaining real-estate offices in residential districts have been rejected by the courts.

of more than one nonresident professional associate nor two other nonresident employees. [Bill Nos. 105-1982;65-1999]

A real-estate broker is not a professional person, as that term is employed in regulations permitting professional persons to establish home offices. While it is recognized that realtors possess some professional characteristics, these are not dominant. A real-estate broker is a business man rather than a professional person. The fact that realtors are licensed by the state does not constitute the business of selling real estate a profession within the meaning of the zoning regulations.

Furthermore, even if the Court was to blindly adopt the definition of a "professional" and "profession" as provided for in *Webster's Third New International Dictionary*, and without regard for the rules of statutory construction as contended by Appellant, the Court would arrive at the same conclusion that the Supreme Court of Nebraska did in *Tylle v. Zoucha*, 226 Neb. 476, 412 N.W.2d 438 (1987). In considering whether a real estate broker could be considered a "professional" for the purposes of the statute of limitations, the Supreme Court of Nebraska in *Tylle* adopted the same definition of "profession" as proposed by Appellant in the matter *sub judice*:

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 principles 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 prime purpose the rendering of a public service.

Tylle, 226 Neb. at 440 citing *Webster's Third New International Dictionary, Unabridged* 1811 (1981). In adopting this definition and concluding that under this definition a real-estate broker could not be considered a professional, the court commented:

The definition stresses the long and intensive program of preparation to practice one's chosen occupation traditionally only with professions. This definition also does not rely on the mere possessions of a license. To rely solely on the possessions of a license distorts the definition, as it would include many occupations which were traditionally not considered to be professions simply because they were licensed.

Id. at 441.⁴

⁴ The Court notes that besides the definition of a "professional" and "profession", Appellant has not submitted any case law in support of his contention that a real-estate broker is a "professional". Cases cited by Appellant only go to support the position that the regulation of real-estate brokers under Mo. Cons. Ann., Bus. Occ. & Prof. §§ 17-101 through 17-701 are recognized by the courts, which have held that the regulations are constitutional.

CONCLUSION

Having reviewed the case law, the weight of which is clearly against Appellant's position, the Court finds the Tylle case to be most persuasive and on point. The Court, therefore, concludes that a real-estate broker is not a judicially recognized "professional" within the meaning of the zoning ordinances. In so concluding, Appellant, as a nonprofessional, is not qualified to apply for a special exception for the operation of a professional office in a residential zone under BCZR 1B01.1.C.12, and thus, it is not necessary for the Court to address the remaining issues.

10/8/02
Date

Susan Souder
Judge Susan Souder

CC: Peter Max Zimmerman, Esq.
Carole S. Demilio, Esq.
Michael Tanczyn, Esq.

IN THE MATTER OF
THE APPLICATION OF
SHARONDA ELLERBY - LEGAL OWNER
FOR SPECIAL EXCEPTION AND VARIANCE
ON PROPERTY LOCATED ON THE NE/S OF
GREENS LANE, 225' SE OF C/L LIBERTY RD.
(8938 GREENS LANE)

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 06-009-XA
* * * * *

OPINION

This case comes before the Baltimore County Board of Appeals as an appeal of the Zoning Commissioner's order in which a Petition for Special Exception to allow a professional office in a residence zone was denied and the variance request dismissed as moot. The variance request was withdrawn prior to the Zoning Commissioner's hearing.

A *de novo* public hearing on the request for special exception only was held before this Board on April 19, 2006. The Petitioner, Sharonda Ellerby, was represented by Herbert Burgunder III. The Office of People's Counsel was represented by Carole S. Demilio, Deputy People's Counsel. A public deliberation was held on May 17, 2006.

Testimony and Evidence

Ms. Ellerby bought a single-family house at 8938 Greens Lane, just off of Liberty Road, in November 2004. The house is her primary residence, which she shares with two children. Her request for special exception is to use her house as an office for her tax preparer business. The house shares a parking lot with a law office, which fronts on Liberty Road. Prior to using her house for her business, she leased an office for 3 years at 3837 Naylors Lane.

Petitioners Exhibit 2, the Plan to Accompany the Petition for Special Exception and Variance, shows Ms. Ellerby's house marked in green and the parking lot between her residence and the commercial building on Liberty Road. The design for the first floor of the house shows a

Case No. 06-009-XA / Sharonda Ellerby - Legal Owner / Petitioner

2

room near the back of the house marked for "office" and a second room for "copy room." The two rooms together total 215.2 square feet, or about 17 percent of the dwelling space.

Ms. Ellerby testified that she hires an assistant for about 4 months of the year to answer phones and make copies during tax season. She stated that she has about 250 clients, whom she sees primarily between January and April, by appointment only. She currently does not have a business sign in front of the house, but indicated she would want to put one up if the variance were granted.

Ms. Ellerby presented a number of documents (Petitioner's Exhibit 1) to support her contention that her business is a "professional business" according to § 1B01.1.C.12 of the *Baltimore County Zoning Regulations* (BCZR). These documents included a copy of her Department of the Treasury, Internal Revenue Service "Preparer's Tax Identification Number"; copies of IRS internet pages describing the Preparer's Tax Identification Number and "E-services"; a copy of a diploma from the Accounting and Booking Center, Baltimore, MD, indicating Ms. Ellerby had fulfilled the required 39 hours of basic accounting and bookkeeping programs; a certificate for completing a 6-week income tax course by Jackson Hewitt; and an IRS publication describing "the standards of conduct and scope of authority and the circumstances and conditions under which an individual preparer of tax returns may exercise, without enrollment, the privilege of limited practice as a taxpayer's representative before the Internal Revenue Service...."

Upon cross-examination, Ms. Ellerby was asked whether she was an "enrolled agent" able to represent clients before the IRS. Ms. Ellerby replied she did not know the definition of an "enrolled agent," but was not one. She also replied that she had not worked for the IRS or taken any IRS exams.

David Green, from the Baltimore County Office of Planning, testified for People's Counsel. He is a senior planner in the Office of Planning and makes land use decisions in the Fourth District. He testified that People's Counsel Exhibit 3 was the official comment of his office dated July 21, 2005. The Memo stated that the Office of Planning had reviewed the request for special exception and found "there are no existing special circumstances or conditions that are peculiar to the subject property where strict compliance of the BCZR would result in practical difficulty or unreasonable hardship." The Memo goes on to state that the property was located in a community conservation revitalization area, that, if granted, the special exception would "increase traffic, signage and encourage more commercial encroachment" into an adjoining residential area. Mr. Green testified that there was adequate commercial zoning along Liberty Road and the encroachment of a business into the residential area would destroy the character of the neighborhood.

People's Counsel Exhibit 4 is an aerial of the area showing the Ellerby house at the edge of a large residential area zoned D.R. 3.5 (People's Counsel Exhibit 5). Across Greens Lane from Ms. Ellerby's house is the Randallstown Elementary School. Mr. Green further testified that a business use would not be compatible with a residential area adjoining a school, that the additional traffic generated would be detrimental to the school. In addition, the commercial use was inconsistent with the zoning classification of D.R. 3.5, which is intended for residential not commercial use.

During cross-examination, Mr. Green testified that the school bus turns into the school at the street opposite Ms. Ellerby's house, and that 17 percent of the school children walk to school. He also stated that putting a business into a strictly residential area affects the vitality of the neighborhood, thus affecting the general health safety, and welfare of the neighborhood.

Opinion

This case presented two issues. First, did Ms. Ellerby's business as a tax preparer meet the standards of "professional business" as stated in BCZR 1B01.1C.12? Second, if it did meet those standards, did Ms. Ellerby's petition meet the criteria of § 501.2 for granting special exceptions?

Regarding the first issue, Section 1B01.1C.12 permits by special exception:

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; does not occupy more than 25% of the total floor area of such residence; and does not involve the employment of more than one (1) nonresident professional associate, nor two (2) other non-resident employees.

The Board reviewed the evidence submitted by Petitioner and considered People's Counsel's argument that the expansion of the definition of professional status would be the same as rezoning the property. Where the zoning regulations do not specifically define a term, we are required to refer to *Webster's Third New International Dictionary*, as Judge Susan Souder did in *Jorge Escalante v. County Board of Appeals for Baltimore County (2002)*. In that case, Judge Souder cites this 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 principles 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 as for its prime purpose the rendering of a public service.

This definition fits the enumerated occupations of "doctor, dentist, lawyer," etc. in the BCZR. But, licensed jobs such as Ms. Ellerby's, or a real estate broker as in *Escalante*, are, in

the words of *American Law of Zoning* Section 13.10 (also cited in Judge Souder's opinion), "businesses" rather than professions, and therefore are not covered by this special exception. We agree with People's Counsel and with Judge Souder that to expand the definition of "profession" would be to open up residential areas to a myriad of businesses claiming professional status and thus erase the distinction between commercial and residential areas. As Mr. Green pointed out in his testimony, there are many nearby commercial zones and the market is not so tight as to preclude Ms. Ellerby from locating her business in one.

The second issue concerned whether Petitioner met the § 501.2 burden in order to be granted a special exception. Although this is now moot since she does not qualify as a profession, we will address it.

The Court of Special Appeals states in *Schultz v. Pritts* that the applicant bears the burden of proving her use meets the "prescribed standards and requirements." *Schultz v. Pritts* 291 Md.1, 432 A.2d 1319 (1981). The applicant has to prove to the Board that the use "would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest." If the applicant satisfies the Board on these points then "he has met his burden" (*Schultz v. Pritts, supra*, at 11).

Thus, it is Petitioner's burden to provide credible, affirmative evidence and testimony that her proposed use is not detrimental to the neighborhood and meets *each* of the nine criteria set forth in § 502.1. In addition, the Petitioner must satisfy the *Schultz v. Pritts* standard that her particular use at this particular location would not have "any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone" (*Schultz v. Pritts, supra*, at 22).

In this case, Petitioner provided no evidence or testimony to satisfy 502.1 or the *Schultz v. Pritts* requirement. During cross-examination, counsel for Petitioner tried to have People's

Counsel's witness testify on Ms. Ellerby's behalf. But, in fact, Mr. Green provided credible testimony that this business in this location, across from a school and in the middle of a residential neighborhood, would be detrimental to the health, safety, and welfare of the area, was inconsistent with the zone, and would negatively impact traffic—three of the nine criteria. *Schultz v. Pritts* states: "These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied" (at 12).

Therefore, since Petitioner has failed both to prove her business is a profession under the requirements of BCZR § 1B01.1C.12 and to provide credible evidence that her business met the special exception 502.1 criteria, this Board denies Petitioner's request to use her house as an office.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 18th day of March, 2007, that the Petition for Special Exception filed in Case No. 06-009-XA be and the same is hereby **DENIED**.

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*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott
Lawrence S. Wescott, Panel Chairman

Lawrence M. Stahl
Lawrence M. Stahl

Margaret Brassil
Margaret Brassil, Ph.D.

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

11th Election District
6th Councilmanic District

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

* * * * *

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.

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

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,

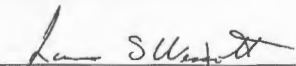
ORDERED that the Petition for Special Exception from Section 1B01.1C.12 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a real estate office inside a residential home (under 25% of the total floor area) located in a D.R. 3.5 zone, be and is hereby DENIED; and it is further

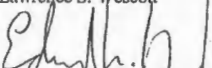
ORDERED that the Petition for Variance from Section 409.8A.4 and 409.8B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a surface parking facility with a zero-foot setback in lieu of the required 10 feet setback, and to confirm the existing parking shown on Petitioner’s Exhibit 1, be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

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH OCTOBER 10, 1974

1975 EDITION

PEOPLES COUNSEL - JWH.

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES
[Bill No. 100, 1970.]

Section 1A00—R.D.P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

- 1.¹ Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above,² in order to:
 - a. Prevent untimely urban development of relatively open rural land; and
 - b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.

[Bill No. 100, 1970.]
2. Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:
 - a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3³ or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;
 - b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.

2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.

3. Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

- c. That reclassification of land as R. D. P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and
- d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R. D. P.

[Bill No. 100, 1970.]

- 3. Special Policy for Certain Developments. In view of possible overriding public benefits to be derived from certain large-scale unit developments, the establishment of such developments is hereby excepted from application of the policy hereinbefore stated to the extent indicated under Section 430 ("Unit Developments"). [Bill No. 100, 1970.]

- B.⁴ Locational Requirement. No R. D. P. zone shall be established or re-established within the urban-rural demarcation line, but said line may be re-established to include an R. D. P. zone or part thereof existing at the time said line is re-established. [Bill No. 100, 1970.]

1A00.2—Use Regulations. [Bill No. 100, 1970.]

- A.⁵ Uses Permitted as of Right. The following uses, only, are permitted as of right in R. D. P. zones:

- 1. Farms, or, on existing undersized lots, limited-acreage wholesale flower farms.⁶
- 2. One-family detached dwellings.
- 3. Churches or other buildings for religious worship.
- 4. Trailers (see Section 415).
- 5. Research institutes, as defined in Section 101 and as permitted and regulated in D. R. 1 zones (see Section 418).
- 6. Hospitals.
- 7. Telephone, telegraph, electrical-power or other electrical lines, all underground with the exception of such lines as are permitted above ground in D. R. zones.
- 8. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground.
- 9. Railroads or other transportation lines.

4. Line designating preceding provisions as Paragraph "A" deleted--see note 1 above.

5. All provisions of this paragraph from Bill No. 100, 1970.

6. Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R. D. P. zones is one acre (rather than ten acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".

10. Animal boarding places (regardless of class), kennels, veterinarians' offices or veterinarians, subject to the provisions of Section 421.
11. Excavations, uncontrolled.
12. Schools, except business or trade schools or such schools as are permitted as special exceptions (Paragraph B, below), but including schools for agricultural training.
13. Accessory uses or buildings (not subject to the provisions of Section 400), including, but not limited to:
 - a. An office or studio of a doctor, dentist, lawyer, architect, engineer, artist, musician, or other professional person, provided that such office or studio is established within the same building as that serving as his bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence as existing on the effective date of this provision;⁷ and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees; provided, further, that signs relative to such use shall be prohibited except as noted in Section 413.
 - b. Home occupations as defined in Section 101, also subject to the sign provisions of Section 413.
 - c. Parking space, including residential-garage space.

B.⁸ Uses Permitted by Special Exception. The following uses, only, are permitted as special exceptions:

1. Airports
2. Antique shops (see Section 402B).
3. Boat yards.
4. Cemeteries.
5. Commercial beaches
6. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities.
7. Conservatories for music or other arts.
8. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3, or tea rooms or restaurants expressly constructed for such purpose, but otherwise subject to the same such restrictions.
9. Excavations, controlled (see Section 403), provided renovation or appropriate adaptation of the land is assured within a reasonable time, as determined by the Zoning Commissioner.
10. Golf courses, country clubs, or other outdoor recreation clubs; also quasi-public camps, including day camps.

7. Regarding the effective date of the provisions of Bill No. 100, 1970, see note 3, Section 100.

8. All provisions of this paragraph from Bill No. 100, 1970.

Section 1A01—R.S.C. ZONES (RURAL-SUBURBAN: CONSERVATION). [Bill No. 100, 1970.]

1A01.1—Legislative Statement of Findings¹ and Policy. [Bill No. 100, 1970.]

A. General Purpose. The R.S.C. zoning classification is established, in order to: [Bill No. 100, 1970.]

1. Provide for residential use without community health hazard within areas which will not be serviced by public sewerage and water-supply systems; [Bill No. 100, 1970.]
2. Provide for the appropriate zoning of land where low-density institutions may feasibly be established;² [Bill No. 100, 1970.]

B. Application of R.S.C. Zoning Classification to Property or Removal Therefrom. It is intended: [Bill No. 100, 1970.]

1. That land which is planned to remain unserved by public sewerage and water-supply systems shall be classified as R.S.C., with the exception of any distinct existing areas of compact development which are to remain unserved by such facilities; [Bill No. 100, 1970.]
2. That the fact that land has been duly classified as R.S.C. by the County Council through its adoption of a comprehensive zoning map shall be prima facie evidence that there is no intent by the County to provide the public utility services that would make such land appropriate for classification within another category, and land which has been thus classified as R.S.C. may not be reclassified unless a) both public sewerage and public water-supply systems have been extended thereto prior to the time a petition for such a reclassification is considered, b) such land does not lie within the watershed area of a public water reservoir, and c) such land does not lie within an area designated as a regionally significant green space on a duly adopted official Baltimore County master plan. [Bill No. 100, 1970.]

1A01.2—Use Regulations. [Bill No. 100, 1970.]

A.³ Uses Permitted as of Right. The following uses, only, are permitted as of right in R.S.C. zones:

1. Farms or, on existing undersized lots, limited-acreage wholesale flower farms⁴

1. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
2. Thus (semicolon) in Bill No. 100, 1970 (other subparagraphs deleted from Bill No. 100, 1970 by amendment after introduction).
3. All provisions of this paragraph from Bill No. 100, 1970.
4. Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.S.C. zones is one acre (rather than three acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".

2. One-family detached dwellings
3. Churches or other buildings for religious worship
4. Research institutes, as defined in Section 101 and permitted in D.R. 1 zones (see Section 418)
5. Hospitals
6. Telephone, telegraph, electrical-power, or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones
7. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground
8. Railroads or other transportation lines
9. Schools, except business or trade schools or such schools as are permitted as special exceptions (Paragraph B, below), but including schools for agricultural training
10. Excavations, uncontrolled
11. Accessory uses or buildings (not subject to the provisions of Section 400), including, but not limited to:
 - a. An office or studio of a doctor, dentist, lawyer, architect, engineer, artist, musician, or other professional person, provided such office or studio: is established within the same building as that serving as the bona fide residence of such person; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor more than two other nonresident employees; provided, further, that signs relative to such use shall be prohibited except as noted in Section 413
 - b. Home occupations, as defined in Section 101, also subject to the provisions of Section 413
 - c. Parking space, including residential-garage space

B.⁵ Uses Permitted by Special Exception. The following uses, only, are permitted as special exceptions:

1. Airports
2. Antique shops (see Section 402B)
3. Cemeteries
4. Colleges (not including business or trade schools)
5. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities
6. Conservatories for music or other arts
7. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3, or tea rooms or restaurants expressly constructed for such purpose, but otherwise subject to the same such restrictions
8. Excavations, controlled (see Section 403)

5. All provisions of this paragraph from Bill No. 100, 1970.

Section 1B01—REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL.
[Bill No. 100, 1970.]

1B01.1—General Use Regulations in D.R. Zones. [Bill No. 100, 1970.]

A.¹ Uses Permitted as of Right. The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions hereinafter prescribed:

1. Dwellings, including, but not limited to, one-family detached houses, one-family semi-detached houses, one-family group houses, patio houses, side-and-back-attached houses, two-family houses, town-house apartment buildings (including group-house apartment buildings), garden apartment buildings, and other apartment buildings
2. Trailers (see Section 415)
3. Churches, other buildings for religious worship, or other religious institutions.
4. Above-ground electrical-power, telephone, or telegraph lines, except above-ground electrical-power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks
5. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground
6. Excavations, uncontrolled (as defined in Section 101)
7. Farms or limited-acreage wholesale flower farms (see Section 404)
8. Garages, community
9. Hospitals (see Section 407)
10. Local open space tracts or other common amenity open space
11. Research institutes, provided that no such use permitted hereunder (as of right) shall be established on any site less than 15 acres in net area, and that any such use shall be established in accordance with the provisions of Subsection 418.2
12. Schools, except business or trade schools or such schools as are permitted by special exception (see Paragraph C, below), but including schools for agricultural training
13. Signs, non-accessory, to the extent permitted under Section 413
14. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:
 - a. Accessory radio or television receiving antennas
 - b. Wireless transmitting and receiving structures, provided that any such structure: is a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission; if it is an independent structure, shall be subject to the same requirements as are applied to buildings under Section 400; if it is a rigid-structure antenna, shall be no higher than 50 feet above grade level and with no supporting structure

¹. All provisions of this paragraph from Bill No. 100, 1970.

thereof closer than 10 feet to any property line; and does not extend closer to the street on which the lot fronts than the front building line

- c. Automotive-service stations, but only within community garages (see Section 405)
- d. Home occupations, as defined in Section 101
- e. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio: is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees
- f. Parking spaces, including accessory garage spaces
- g. Offices for the conduct of business incidental to the rental, operation, service, or maintenance of apartment buildings
- h. Accessory signs (see Section 413)

B. Dwelling-Type and Other Supplementary Use Restrictions Based on Existing Subdivisions² and Development Characteristics. [Bill No. 100, 1970.]

1. Residential Transition Areas and Uses Permitted Therein.

a. Definitions. For the purposes of this article:

- 1. A residential transition area is any D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5 zone or part thereof which lies (a) within 300 feet of any point on a dwelling other than an apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area.
- 2. A residential transition use is any one of the uses listed as such in the following table and hereby classified as set forth therein:

[Table on next page.]

². Thus (as plural noun) in Bill No. 100, 1970.

County Council of Baltimore County Maryland

Legislative Session 1982, Legislative Day No. 15

BILL NO. 105-82

Messrs. Hickernell & Huddles, Councilmen

By the County Council, June 21, 1982

A BILL ENTITLED

AN ACT concerning

Zoning Regulations — Offices of Professional Persons

FOR the purpose of authorizing offices or studios of certain professional persons as a matter of right as an accessory use in the person's domicile primary residence in the R.C. zones of the County, subject to certain restrictions; authorizing such offices or studios in certain D.R. zones of the County as a matter of right, subject to certain restrictions in the R.C. Zones of the County by special exception, subject to certain restrictions; repealing the authorization for such offices or studios as a matter of right in the D.R. Zones of the County; and authorizing such offices or studios by special exception in certain D.R. zones of the County, subject to certain restrictions.

BY repealing and re-enacting, with amendments,

Paragraphs 7.d, 10.d, 8.d., 11.d., and 14.e.
Subsections 1A01.2.B., 1A02.2.A., 1A03.3.A., 1A04.2.A., and
1B01.1.A., respectively
Baltimore County Zoning Regulations, as amended

BY adding

Paragraphs 12A, 16A, 7B and 10A
Subsections 1A01.2.C., 1A02.2.B., 1A03.3.B. and 1A04.2.B.,
respectively
Baltimore County Zoning Regulations, as amended

(Page 2 — Bill No. 105-82)

BY repealing

Paragraph 14.e.
Subsection 1B01.1.A.
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon, now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Paragraphs 7.d., 10.d., 6.d., and 11.d., and 14.e. of Subsections 1A01.2.B., 1A02.2.A., 1A03.3.A., and 1A04.2.A. and 1B01.1.A., respectively, of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 1A01 — R.C. 2 (AGRICULTURAL) ZONES

1A01.2.B.

Uses permitted as of right. The following uses, only, are permitted as of right in all R.C. 2 zones:

7. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or OTHER PROFESSIONAL persons [engaged in other, similar occupations], provided that [the use] ANY SUCH OFFICE OR STUDIO is established within the SAME building AS that [serves as the owner's domicile; occupies a floor area no greater than 25% of the floor area used for residential purposes, not including garage floor area or unfinished basement space; and does not involve the employment of more than 2 non-residents.] SERVING AS THE PROFESSIONAL PERSON'S BONA-FIDE PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES. EMPLOYEE.

Section 1A02 — R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

Section 1A02.2 — Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 3 zones:

10. Accessory uses or structures including, but not limited to the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide *PRIMARY* residence; does not occupy more than 25 per cent of the total floor area of that residence [as it existed on the effective date of this provision]; and does not involve the employment of more than one non-resident professional-associate nor two other non-resident employees *EMPLOYEE*.

Section 1A03 — R.C. 4 (WATERSHED PROTECTION) ZONES

1A03.3 — Use regulations

A. *Uses permitted as of right.* The following uses, only, are permitted as of right in R.C. 4 zones:

6. Accessory uses or structures, including, but not limited to the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide *PRIMARY* residence; does not occupy more than 25 percent of the total floor area of that residence [as it existed on the effective date of this provision]; and does not involve the employment of more than one non-resident professional-associate nor two other non-resident employees *EMPLOYEE*.

Section 1A04 — R.C. 5 (RURAL-RESIDENTIAL) ZONE

1A04.2 — Use Regulations

A. *Uses permitted as of right.* The following uses, only, are permitted as of right in R.C. 5 zones:

11. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide *PRIMARY* residence [as it existed on the effective date of this provision]; DOES NOT OCCUPY MORE THAN 25 PERCENT OF THE TOTAL FLOOR AREA OF THAT

RESIDENCE and does not involve the employment of more than one non-resident professional-associate nor two other non-resident employees *EMPLOYEE*.

Section 1B01 — REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL

1B01.1 — General Use Regulations in D.R. Zones.

A. *Uses Permitted as of Right.* The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions hereinafter prescribed:

14. Accessory uses or buildings other than those permitted only by special exception, including, but not limited to:

a. IN D.R. 1, D.R. 2, D.R. 3.5 AND D.R. 5.5 ZONES ONLY, offices or studios of PHYSICIANS, DENTISTS, lawyers, architects, engineers, artists, musicians, or other professional persons, [not including physicians and dentists], provided that any such office or studio is established within the same building as that serving as the professional person's bona-fide residence; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one non-resident employee.

SECTION 2. And be it further enacted, that Paragraphs 12A, 16A, 7B and 10A be and they are hereby added to Subsections 1A01.2.C., 1A02.2.B., 1A03.3.B. and 1A04.2.B., respectively, of the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 1A01 — R.C. 2. (AGRICULTURAL) ZONES

1A01.2 — Use Regulations.

C. *Uses permitted by Special Exception.* The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

12A. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR

STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S ~~BONA FIDE~~ PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

Section 1A02 — R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES.

1A02.2 — Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 zones.

16A. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S ~~BONA FIDE~~ PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

Section 1A03 — R.C. 4 (WATERSHED PROTECTION) ZONES

1A03.3 — Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 zones.

7B. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S ~~BONA FIDE~~ PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

Section 1A04 — R.C. 5 (RURAL-RESIDENTIAL) ZONE

1A04.2 — Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 zones.

10A. OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS AS AN ACCESSORY USE, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S ~~BONA FIDE~~ PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF THAT RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

SECTION 3. And be it further enacted, that Paragraph 14.e. of Subsection 1B01.1.A. of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed.

SECTION 24. And be it further enacted, that Paragraph 9B be and it is hereby added to Subsection 1B01.1.C. of the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 1B01 — REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL.

1B01.1 — General Use Regulations in D.R. Zones.

C. Uses permitted by special exception. The following uses, only, are permitted by special exception in all D.R. Zones, SUBJECT TO THE RESTRICTIONS HEREINAFTER PRESCRIBED.

9B. IN D.R. 10.5- and D.R. 16 ZONES ONLY, OFFICES OR STUDIOS OF PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, OR OTHER PROFESSIONAL PERSONS, PROVIDED THAT ANY SUCH OFFICE OR STUDIO IS ESTABLISHED WITHIN THE SAME BUILDING AS THAT SERVING AS THE PROFESSIONAL PERSON'S ~~BONA FIDE~~ PRIMARY RESIDENCE; DOES NOT OCCUPY MORE THAN 25 PER CENT OF THE TOTAL FLOOR AREA OF SUCH RESIDENCE; AND DOES NOT INVOLVE THE EMPLOYMENT OF MORE THAN ONE NON-RESIDENT EMPLOYEE PROFESSIONAL ASSOCIATE NOR TWO OTHER NON-RESIDENT EMPLOYEES.

(Page 7 — Bill No. 105-82)

SECTION 3.5. *And be it further enacted*, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 6th day of July, 1982.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive for his approval this 7th day of July, 1982.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 7/12/82

Donald P. Hutchinson,
County Executive

I HEREBY CERTIFY THAT BILL NO. 105-82 IS TRUE AND
CORRECT AND TOOK EFFECT ON AUGUST 26, 1982.

James T. Smith, Jr.,
Chairman, County Council

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Italics indicate amendments to bill.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1998, Legislative Day No. 13

Bill No. 68-98

Councilmembers Riley, Moxley & McIntire

By the County Council, June 15, 1998

A BILL
ENTITLED

AN ACT concerning

Home Occupations

FOR the purpose of amending the Baltimore County Zoning Regulations concerning home occupations; amending the definition of home occupation; permitting the use of certain machinery; and generally relating to the regulation of home occupations.

BY repealing and re-enacting, with amendments

Sections 101, the definition of "Home Occupation"
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

COUNTY, MARYLAND that Sections 101, the definition of "Home Occupation" of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law
Strike-out indicates matter stricken from bill.
Underlining INDICATES AMENDMENTS TO BILL.

Section 101--Definitions

Home Occupation: Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, AS STATED IN SECTION 450.4, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person PER DWELLING is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment, OTHER THAN COMPUTERS, PRINTERS, FAX MACHINES, MODEMS, STANDARD OFFICE COPY MACHINES, AND SIMILAR OFFICE EQUIPMENT, is used except such as may be used for domestic purposes. A "home occupation" does not include fortune-telling.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

B06898

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1999, Legislative Day No. 14

Bill No. 65-99

Mr. Wayne M. Skinner, Councilman

By the County Council, July 6, 1999

A BILL
ENTITLED

AN ACT concerning

Home Occupations - Professionals

FOR the purpose of amending the Baltimore County Zoning Regulations in order to establish a residency guideline for certain home occupations in RC and DR zones in the County; and generally relating to the regulation of home occupations.

By repealing and re-enacting, with amendments

Sections 1A01.2.B.7.d, 1A01.2.C.12a, 1A02.2.A.10.d, 1A02.2.B.16a, 1A03.3.A.6.d, 1A03.B.7.d, 1A04.2.B.10a, and 1B01.1.C.9b
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 1A01.2.B.7.d, 1A01.2.C.12a, 1A02.2.A.10.d, 1A02.2.B.16a, 1A03.3.A.6.d, 1A03.B.7.d, 1A04.2.B.10a, and 1B01.1.C.9b of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

Section 1A01--R.C. 2 (Agricultural) Zones

1A01.2 Use Regulations.

B. Uses permitted as of right. The following uses only are permitted as of right in all

R.C. 2 zones:

7. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee.

C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

12a. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1A02-- R.C. 3 (Deferral of Planning and Development) Zones

1A02.2--Use Regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in

R.C. 3 zones:

10. Accessory uses or structures including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 zones.

16a. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1A03-- R.C. 4 (Watershed Protection) Zones

1A03.3--Use Regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in

R.C. 4 zones:

6. Accessory uses or structures, including, but not limited to, the following:

d. Offices or studios of physicians, dentists, lawyers, architects, engineers,

artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 zones.

7d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1A04-- R.C. 5 (Rural-Residential) Zone

1A04.2--Use Regulations.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 zones.

10a. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

Section 1B01-- Regulations with Respect to D.R. Zones in General

1B01.1 General Use Regulations in D.R. Zones.

C. Uses permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. zones, subject to restrictions hereinafter prescribed.

9b. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence AT THE TIME OF APPLICATION; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

b06599.ord

READ AND PASSED this 2nd day of August, 1999.

BY ORDER

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 3rd day of August, 1999.

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

8-6-99

C. A. Dutch Ruppertsberger
C. A. Dutch Ruppertsberger
County Executive

I HEREBY CERTIFY THAT BILL NO. 65-99 IS TRUE AND CORRECT AND TOOK EFFECT ON SEPTEMBER 20, 1999

Kevin B. Kamenetz
Kevin B. Kamenetz
Chairman, County Council

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
NATALIE MAYO
ELYANA TARLOW

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

February 24, 2015

Sent Via Hand Delivery

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

RECEIVED

FEB 24 2015

**Re: 23 Liberty Ridge Court
Case No. 2015-0149-SPHX**

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Honorable Beverungen,

Kindly be advised that I have been retained by Arnold Abel and Anita Abel, his wife, Petitioners in the above matter. I have just been retained today. This matter is scheduled for a hearing for Friday, February 27, 2015 at 11a.m. I am requesting a postponement of the above matter for the following reasons.

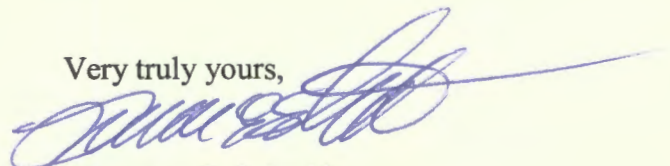
First of all, due to the complexity of this matter, I would need adequate time to prepare for the hearing. In this regard, I understand that People's Counsel has filed with your office a lengthy brief setting forth that offices reasons for its opposition. I would like the opportunity to obtain that document, review and research its points and discuss with my clients.

Second, I understand that there has been an error in the sign posting of the property. Apparently, the sign advises that the hearing will occur at 10 a.m. It would seem appropriate to correct that error in order to ensure that the public is provided with the correct information insofar as the hearing date and time.

Your office has advised that you have received correspondence from Joel Margolis and Steve Garbarino in opposition to this matter. I would be pleased to contact those people directly to advise them of the continuance. Also, we can correct the sign indicating that the matter is postponed and to be rescheduled. Upon the assignment of a new date, a corrected sign could be posted on the property.

Thank you for your anticipated cooperation.

Very truly yours,



Lawrence E. Schmidt

LES/amf

cc: Peter Max Zimmerman, Esquire, People's Counsel of Baltimore County
Arnold and Anita Abel

February 27, 2015

Please notify me about all future meeting regarding the case below.

Sincerely,

James C. Murphy

Wednesday, February 25, 2015



James Murphy
17 Liberty Ridge Ct
Owings Mills, MD 21117

Dear Neighbor,

Please note that the zoning meeting scheduled for Friday the 27th has been postponed. A new date has not been assigned to this case. Unfortunately, the sign with the original meeting date is still posted. This is rather confusing and may inconvenience any interested parties that wish to attend the hearing. According to the Zoning Office, if you submit a letter concerning the case (your standing on the issue etc.) to the Zoning Review Office, you will be notified of any and all changes regarding this hearing.

Please reference the case number on any and all correspondence. Case # 2015-0149- SPHX

Send Letters to :

Mail:

Zoning Review

County Office Building

111 W. Chesapeake Ave. Rm 111

Towson, MD 21204

or Fax it: 410-887-3048

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 23 Liberty Ridge Court

FEB 24 15

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 15-149 AMENDED

Petitioner: Arnold & Anita Abel

Zoning: RC 4

Requested Action: Special Exception, Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is for a special hearing to permit a financial advisor as a professional for purposes of Professional Office use in a RC 4 zone (BCZR 1A03.3.B.12) in a detached garage and for a special exception to permit one nonresident professional associate and two nonresident employees (BCZR 1A03.3.B.12).

Upon review of the petition, site plan, and site visit the following comment and recommendations are offered: The petitioner's property is Lot 23 located at 23 Liberty Ridge Court. The property shares a panhandle drive with the adjacent Lot 21. The improvements for Lots 23 and 21 are located towards the front of the lots and are approximately 150 feet apart separated by driveways, a shed and landscaping. The business is currently located in a three bay garage located at the end of the driveway.

The BCZR permits offices or studios for professionals by Special Exception in the RC 4 zone subject to limitations on space and number of employees and **locating the office in the dwelling**. The petitioner has been operating the office in a 3 bay garage to the rear of the residence. The dwelling is over 3,000 square feet in size. There exists sufficient parking for the employees, residential use and visitors, however, it should be noted that the clients and employees all must use the shared driveway.

In conclusion the following is recommended:

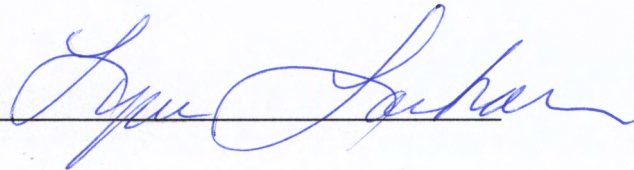
1. The request to treat a Financial Office similar to dentist or other professionals is reasonable.
2. The request for retaining the office use in the detached garage should be denied. The property is zoned RC 4 – Watershed Protection. The Watershed Management Plans, BCZR and Master Plan all emphasize the importance of minimizing commercial impacts on the lands that drain directly into the reservoirs. This property is immediately proximate to the reservoir. Furthermore, the property is part of a 25 lot subdivision and a detached commercial use is inconsistent with the community.
3. The petitioner should locate the office in the dwelling with no more than 25% of the square footage for that use. The petitioner should provide the Planning Department a plan indicating the location and the square footage of the office area.
4. Employees are to be limited to one nonresident associate and two nonresident employees.

5. Employee and client hours shall be limited so as to reduce impact on residential character of the neighborhood.
6. No new impervious surfaces are to be created for the benefit of the requested use.

If these conditions are agreed upon then it is not anticipated that the granting of this request will be detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL

A handwritten signature in blue ink, appearing to read "D. L. Lippincott", is written over a horizontal line.

M E M O R A N D U M

DATE: February 25, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No.: 2015-0149-SPHX

File is being returned to you for rescheduling. Judge Beverungen granted a postponement.

c: Case File
Office of Administrative Hearings

13 Liberty Ridge Ct
Owings Mills, MD 21117
Sunday, March 1, 2015

Zoning Review Office
County Office Building Rm 111
111 West Chesapeake Ave.
Towson, MD 21204

Case # 2015-0149-SPHX

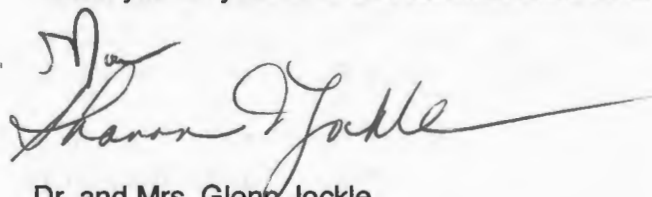
To Whom It May Concern:

It has been brought to our attention that the homeowners of 23 Liberty Ridge Court are seeking a special exemption to operate a commercial business on their residential property. As the original homeowners of 13 Liberty Ridge Court, this news is very disturbing. Having lived in Baltimore City prior to purchasing our property, we purposely looked for a development with few houses, less roads and traffic. Liberty Ridge Court was the perfect blend since it wasn't a thoroughfare road. To our delight until recently, it has been a place where children could ride bikes, dogs could be walked, and residents could be outside enjoying their property without unnecessary traffic. Allowing a commercial business to operate on this street would detrimentally change the atmosphere of our development due to the increase vehicle traffic.

When we purchased the land to build our home in January of 1988 we were told that the property was zoned **RC4** because of the watershed property that it bordered. Zoning of this nature was done to protect the water which is supplied to millions of residents living in the Baltimore Metropolitan area. Every home in this development is dependent on its own well and septic. We understood that these resources must not be abused for the health of the watershed. A commercial business on anyone of the properties in this development would naturally put additional burden on existing well and septic which in turn could effect the watershed especially when the property sits directly adjacent to it.

Lastly, allowing the homeowner of 23 Liberty Ridge Court to operate a business from their home sets a precedent for other self employed individuals living on Liberty Ridge Court. It would be an unnecessary burden on this community if everyone ran a business from their home. Incidentally, less than a quarter of a mile from the entrance of our development is a small business center (see attached photos) with office space available to lease. One would think a business center would be the perfect place to run a business.

Thank you for your time and consideration concerning this matter.

A handwritten signature in cursive script, appearing to read "Glenn Jockle", with a long horizontal flourish extending to the right.

Dr. and Mrs. Glenn Jockle



KEVIN KAMENETZ
County Executive

March 9, 2015

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

NEW 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: 2015-0149-SPHX

23 Liberty Ridge Court

N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road

2nd Election District – 4th Councilmanic District

Legal Owners: Arnold & Anita Abel

Special Hearing to permit a Financial Advisor as a professional office in a detached garage.

Special Exception to permit a professional office that does not involve the employment of more than one non-residential professional associate nor two other non-residential employees.

Hearing: Tuesday, April 7, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Abel, 23 Liberty Ridge Ct., Owings Mills 21117
Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
James Murphy, 17 Liberty Ridge Court, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 7, 2015.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 17, 2015 Issue - Jeffersonian

Please forward billing to:

Arnold Abel
23 Liberty Ridge Court
Owings Mills, MD 21117

443-576-0041

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: 2015-0149-SPHX

23 Liberty Ridge Court

N/s Liberty Ridge Court (cul-de-sac) 2664 ft. w/of centerline of Liberty Road

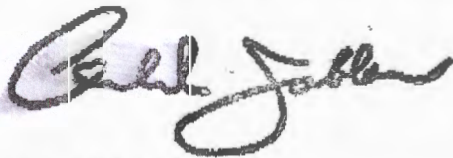
2nd Election District – 4th Councilmanic District

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Hearing: Tuesday, April 7, 2015 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.

Debra Wiley

From: Lawrence Schmidt <lschmidt@sgs-law.com>
Sent: Tuesday, February 24, 2015 3:33 PM
To: John E. Beverungen
Cc: Sherry Nuffer; Kristen L Lewis; Debra Wiley; Peter Max Zimmerman; Alyssa Fiore
Subject: Re: 2015-0149-SPHX

Thank you
I will follow up accordingly

Sent from my iPhone

On Feb 24, 2015, at 3:30 PM, "John E. Beverungen" <jbeverungen@baltimorecountymd.gov> wrote:

Mr. Schmidt,

I am in receipt of your request for postponement in the above matter, and will grant the request. As such, the Febraury 27, 2015 11 a.m. hearind date will be removed from the OAH calendar.

Please make sure that by tomorrow afternoon the sign posting is updatied to reflect that the hearing is postponed and will be rescheduled, which should be done through Ms. Lewis. Also, please contact as soon as possible Messrs. Margolis, Mendelsohn and Garbarino (I believe their contact information and phone numbers are in the case file) to advise that the case has been postponed, and be sure to update them when a new date is selected.

John Beverungen
ALJ

CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov

March 6, 2015

To Whom It May Concern
Zoning Review
County Office Building
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Case No. 2015-0149-SPHX - Property located at 23 Liberty Ridge Court

Dear Sir:

We are writing this letter as concerned residents of Liberty Ridge Court, Owings Mills MD 21117.

We have lived on this street since 1988 and purchased the property and built a house because of our desire to live in a community which was private and safe. Now we have learned that one of our neighbors seeks to have an office in his house (actually there already is an office in his house), but he is seeking to add another office with 2 employees.

This would then make it a commercial area and would open other neighbors to set up an office in their homes. It is my understand that there are 4 small children who live near the house in question and already there are many vehicles up and down this shared driveway, making this already a hazard to our area.

We are already zoned RC4 and this additional office will increase the number of vehicles up and down our street. We have noticed that many of these cars come through here at an increased rate of speed, making it a hazard walking, walking dogs, etc. This is not right for this neighborhood.

Also, we have noted that there is a property $\frac{1}{4}$ of a mile up on Liberty Road which at this point in time has 3 vacancies which would suit their businesses more safely than relocating here in our neighborhood.

It is our hope that the Baltimore County Zoning Commission will take these concerns and those of other residents of Liberty Ridge Court into strong consideration and deny the zoning variance for the establishment of a commercial enterprise in our neighborhood.

We would also like to be informed of the next hearing date in this case as it has already been postponed once.

Sincerely,


Virginia and Joseph Palencar
12 Liberty Ridge Court
Owings Mills, MD 21117

DATE:

2/23/15

TO:

MR. LAWRENCE STAHL

Name

Adm. LAW OFFICE

Agency

410-887-3468

FAX#

FROM:

Joel Margolis

Name

Holbrook Chapelale C.A.

Agency

410-655-9494

Pages, including this page.

4

☒ For your information

☐ Please review & advise

☐ Prepare reply for signature
of _____

☐ Please call to discuss

☐ Per our conversation

☐ Reply directly, copy me

NOTE:

The two faxed letters of opposition
are with ref. to the hearing scheduled
this Friday 2/27/15 at 11 AM and
the case # is 2015-0149-SPHX

Joel Margolis -

RECEIVED

FEB 23 2015

OFFICE OF ADMINISTRATIVE HEARINGS

This message is intended only for the use of the addressee shown above and may contain information which is privileged and confidential. If the recipient of this message is not the address or the employee or agent of the addressee, you are advised that any dissemination or copying of this communication is prohibited. If you received this communication in error, notify the sender immediately by telephone.

02/23/2015 12:52PM (GMT-05:00)



The Holbrook - Chapeldale Community Association

Meetings at Wards Chapel Church, Liberty & Wards Chapel Rd.

President: Joel Margolles Vice President: Barbara Hartman

Information: Ms. Barbara Hartman/ Phone: 410-655-4982

February 20, 2015

Attention: Administrative Law Offices

Administrative Law Judges

Special Attention : Director Lawrence Stahl

Reference Case No. 2015-0149-SPHX

Opposition to this Special Exception

I am writing this letter of opposition to special exception #2015-0149-SPHX as president of the Holbrook Chapeldale Community Association and also as a resident of Liberty Ridge Court , the neighborhood in question. Our neighborhood strongly opposes the request that a special exception be granted to Arnold Abel, residing at 23 Liberty Ridge Court, to be able to conduct a commercial business venture out of his existing detached garage for the following reasons:

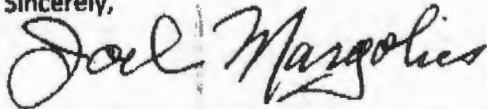
1. The Reservoir Ridge Covenants, which all prospective buyers were given a copy of at the settlement table, clearly states in the very first line of the first paragraph "the land included in this tract shall be used for private residential purposes only".
2. Since the property at issue borders the watershed area of Liberty Reservoir, which acts as the water supply for Baltimore City and parts of at least two other counties, this change could impact not only those who reside within the neighborhood where the change request is being proposed, but also the surrounding counties. Apparently the property owner desires to use an existing detached garage so that he, in violation of the covenants and against the majority if not all of the neighbors' wishes, will be allowed to operate his commercial enterprise in our all residential neighborhood.
3. Should this exception be permitted, it will become an open invitation for further exploitation by those who desire to develop watershed property for commercial purposes in this area. This proposed exception would be both detrimental to the neighborhood and the surrounding watershed environment by the precedent it sets.
4. The property at issue, 23 Liberty Ridge Court, is located in very close proximity to the water supply itself. Any changes by this owner to accommodate his commercial venture such as truck

parking, customer parking, or other additional exception requests to support his business venture will also impact the watershed property and the reservoir. His land is just adjacent to the watershed property and uphill from it. Any construction at all would cause a significant runoff problem with the possibility of soil erosion, etc.

5. One of the major reasons that the property owners of Liberty Ridge Court bought their homes was that our properties and the adjoining land was zoned as watershed property (RC4), which could neither be subdivided nor developed. The property owner requesting this special exception to allow a commercial business in an all currently residential neighborhood, was fully aware when he purchased his property that the change he is now requesting was and is prohibited by the covenants and the restrictive RC4 watershed zoning.

In summary, permitting this special exception would have detrimental effect on both the neighborhood and the watershed environment. Granting a special exception to permit this commercial business in this currently all residential neighborhood is a bad idea. It only serves the interests of one and does a disservice to the rest of us who live here. Its possible negative impact on the watershed and the reservoir itself is in question and needs to be closely looked at. For these reasons, the Holbrook Chapeldale Community Association and the neighbors of Liberty Ridge Court respectively request that the special exemption request by Arnold Abel of 23 Liberty Ridge Court be denied.

Sincerely,



President Holbrook Chapeldale Community Association

Resident Liberty Ridge Court

Joel Margolies

6 Liberty Ridge Court

Owings Mills, Md . 21117

410-655-9494

February 21, 2015

ATTENTION: Administrative Law Offices

Administrative Law Judges

Special Attention: Director Lawrence Stahl

Ref: Special Exception, Arnold Abel, 23 Liberty Ridge Court, Owings Mills, MD, Case No. 2015-0149-SPHX

I am writing to express my opposition to the referenced special exception to allow Mr. Abel to operate a commercial business from his detached garages on his residential property. This special exception runs contrary to the covenants for Reservoir Ridge, which clearly state that all properties be used for residential purposes only. It's worth noting that everyone received a copy of the covenants when they purchased their property and built their home in the community.

In truth, Mr. Abel has been operating a business from his detached garages for some time. Despite frequent complaints from residents about the increased flow of traffic from delivery trucks, staff and clients he continues to operate his business. This has had a profound and adverse impact on the peace and tranquility of the neighborhood, as well as the safety of young children who commonly play at the end of the cul-de-sac and on the driveway he shares with a neighbor.

Granting Mr. Abel a special exception would be an injustice and would permanently impact the daily activities of all who live here. It would also, according to real estate professionals, lower everyone's residential property values. This is unfair and totally unacceptable.

In closing, if Mr. Abel wants to operate a business there are suitable commercial opportunities nearby and outside of our neighborhood for him to do so. He doesn't need to use his residential property for this purpose and compromise the welfare of the rest of the community.

Sincerely,


Steven D. Garbatino
19 Liberty Ridge Court
Owings Mills, Maryland 21117
410-655-5746

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 02 Account Number - 2000009370							
Owner Information											
Owner Name:				ABEL ARNOLD T ABEL ANITA				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:				23 LIBERTY RIDGE CT OWINGS MILLS MD 21117-4600				Deed Reference:		/12648/ 00567	
Location & Structure Information											
Premises Address:				23 LIBERTY RIDGE CT 0-0000				Legal Description:		4.561 AC 23 LIBERTY RIDGE CT RESERVOIR RIDGE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	2	
0066	0007	0572		0000			12	2013	Plat Ref:	0054/ 0144	
Special Tax Areas:						Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built			Above Grade Enclosed Area			Finished Basement Area			Property Land Area		County Use
1988			3,048 SF			600 SF			4.5600 AC		04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached						
Value Information											
			Base Value		Value		Phase-in Assessments				
					As of		As of		As of		
					01/01/2013		07/01/2014		07/01/2015		
Land:			216,900		162,700						
Improvements			326,200		312,300						
Total:			543,100		475,000		475,000		475,000		
Preferential Land:			0						0		
Transfer Information											
Seller: ABEL ARNOLD T				Date: 02/05/1998				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /12648/ 00567				Deed2:			
Seller: BRANDONWOOD DEVE LOPMENT CORPORATE				Date: 12/10/1987				Price: \$65,000			
Type: ARMS LENGTH IMPROVED				Deed1: /07746/ 00595				Deed2:			
Seller:				Date:				Price:			
Type:				Deed1:				Deed2:			
Exemption Information											
Partial Exempt Assessments:			Class			07/01/2014			07/01/2015		
County:			000			0.00					
State:			000			0.00					
Municipal:			000			0.00 0.00			0.00 0.00		
Tax Exempt:				Special Tax Recapture:							
Exempt Class:				NONE							
Homestead Application Information											
Homestead Application Status: Approved 04/19/2014											



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 4/7/2015

Net No 4A



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 4/7/2015

Net 4/15





6A



CB



6c



6D







66



GA



6I









PROTESTANT' S

EXHIBIT NO. 1





LEASE

Call...

410-236-4028



 THRIVENT
FINANCIAL

ABEL

2
3

THE
THRIVENT
WAY









065C1

0213202849

RC-7 066A1

Pt. Bk. 0000079, Folio 0055

PAI # 020735

PAI # 020735

2500006640

Lot # 5

Pt. Bk. PAI # 020735

PAI # 020735

PAI # 020735

2000009367

Lot # 9

17

2000009369

Lot # 11

Lot # 12

2000009370

23

21

2000009366

Lot # 8

2000009365

Lot # 7

Lot # 13 2000009371

2000009368

Lot # 10

19

15

13

11

Pt. Bk./Folio # 054144

4 CD

NW 10-M

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

0213202855

2 ED

065C2

RC 7

RC 4

Lot # 14

1997-0315-A

2000009372

16

PAI # 020328

PAI # 020328

PAI # 020328

PAI # 020328

14

2000009374

Lot # 16

Pt. Bk. 0000054, Folio 0144

2000009373

Lot # 15

066A2

Lot # 17

2000009375

10

NW 10-L

2000009376

Lot # 18

2013-0254-A

2000009363

Lot # 19

Lot # 20

2000009377

8

R-1968-0007

R-1972-0079

Lot # 1 Pt. Bk. 0000054, Folio 0143

2000009358

Pt. Bk./Folio # 054143

0213202837

0213202858

OLD LIBERTY RD

0202570161

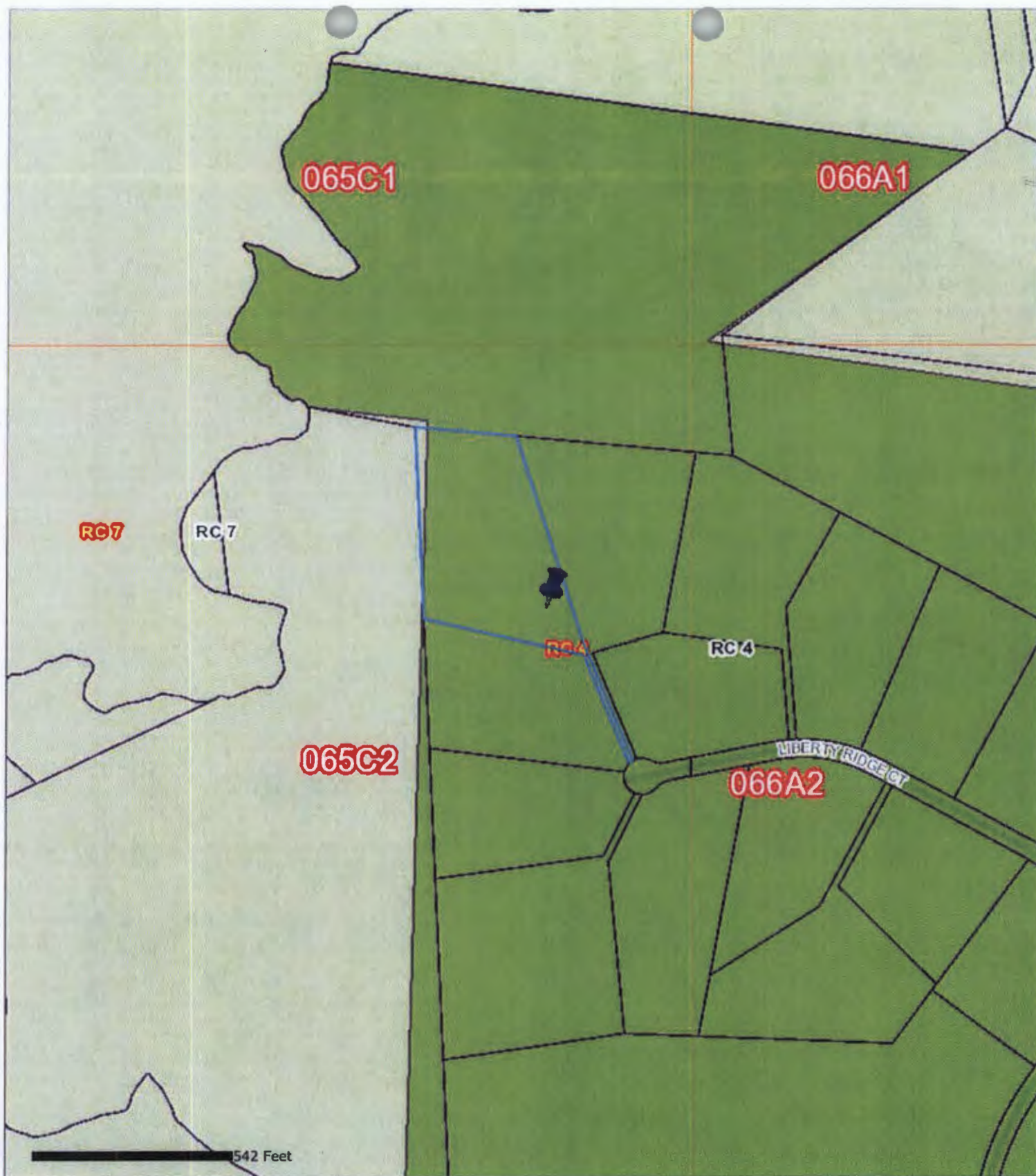
11330

1970-0005-X

0219321930

Lot # 21

2000009359



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

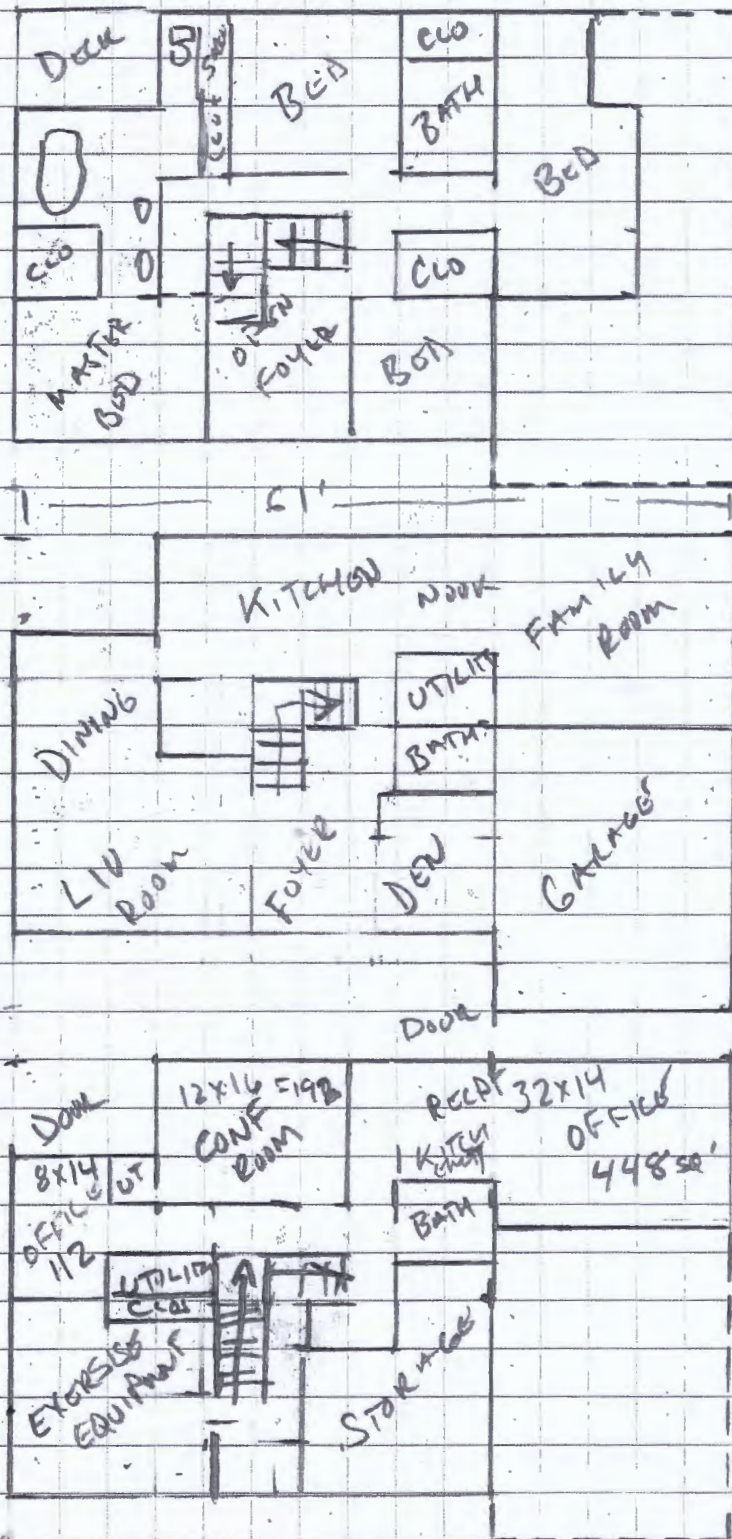


This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



DENVER
2010

The Annual Conference of the Financial Planning Community



UPPER
FLOOR 1378

MAIN
FLOOR 1609 sq ft

OFFICE
AREA = 192
448
112
752

BOTTOM
FLOOR 1609

TOTAL = 4596
120% or 736

NOVEMBER							2009
S	M	T	W	T	F	S	
1	2	3	4	5	6	7	
8	9	10	11	12	13	14	
15	16	17	18	19	20	21	
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29	30						

DECEMBER							2009
S	M	T	W	T	F	S	
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27	28	29	30	31			

JANUARY							2010
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31							

FEBRUARY							2010
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28							

MARCH							2010
S	M	T	W	T	F	S	
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28	29	30	31				

APRIL							2010
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18	19	20	21	22	23	24	
25	26	27	28	29	30		

MAY							2010
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30	31						

JUNE							2010
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JULY							2010
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AUGUST							2010
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SEPTEMBER							2010
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OCTOBER							2010
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24	25	26	27	28	29	30	
31							

FPA Chapter Leaders Conference 2009 | November 13-15
Omni Interlocken Resort | Denver, CO |
www.FPAnet.org/Leadership

FPA Business Solutions 2010 | March 1-3
Omni Mandalay Hotel at Las Colinas | Dallas, TX |
www.FPASolutions.org

FPA Retreat 2010 | April 22-25
Hyatt Regency Hill Country Resort | San Antonio, TX |
www.FPARetreat.org

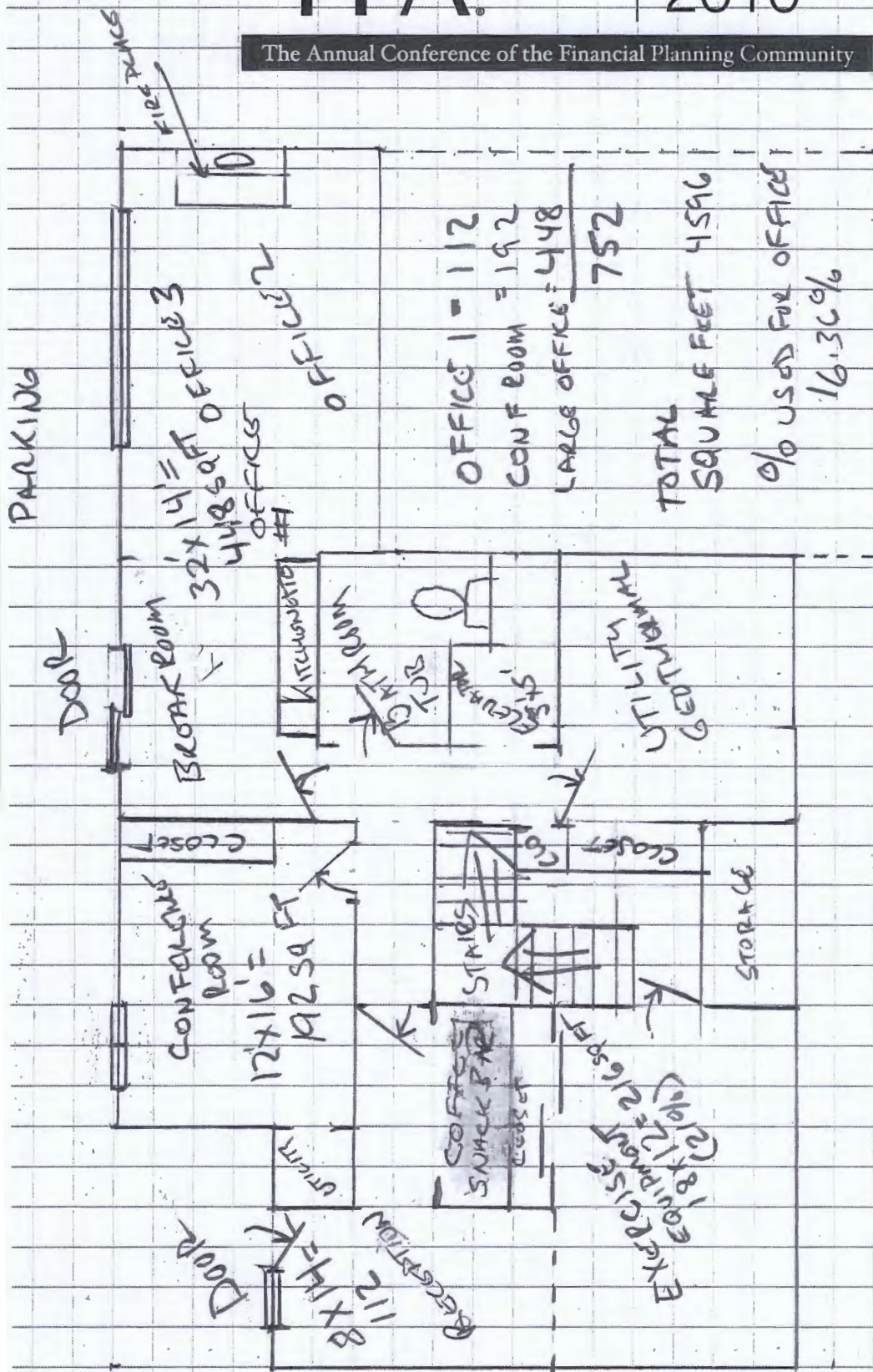
FPA Denver 2010 | October 9-12
Colorado Convention Center | Denver, CO |
www.FPAAnnualConference.org

www.FPAnet.org



DENVER
2010

The Annual Conference of the Financial Planning Community



Thrivent Financial
Central Maryland Team
23 Liberty Ridge Ct.
Owings Mills, MD 21117

NOVEMBER 2009						
S	M	T	W	T	F	S
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DECEMBER 2009						
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JANUARY 2010						
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31						

FEBRUARY 2010						
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MARCH 2010						
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APRIL 2010						
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MAY 2010						
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JUNE 2010						
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JULY 2010						
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25	26	27	28	29	30	31

AUGUST 2010						
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22	23	24	25	26	27	28
29	30	31				

SEPTEMBER 2010						
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26	27	28	29	30		

OCTOBER 2010						
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

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FPA Denver 2010 | October 9-12
Colorado Convention Center | Denver, CO |
www.FPAAnnualConference.org

www.FPAnet.org



SITE INFORMATION:

ZONING MAP # 066A2
SITE ZONED RC4
2ND ELECTION DISTRICT
4TH COUNCIL DISTRICT
LOT SIZE: 4.561 AC.
HISTORIC ? NO
IN COCA ? NO
IN FLOOD PLAIN ? NO
WATER: PRIVATE
SEWER: PRIVATE
PRIOR HEARING ? NO

LEGEND

N/F NOW OR FORMERLY
IBS IRON BAR SET (1/2" ReBar) W/ CAP
IPF IRON PIPE FOUND
IBF IRON BAR FOUND
OU OVERHEAD UTILITIES
EP EDGE OF PAVEMENT
PP POWER POLE
RCP REINFORCED CONCRETE PIPE
CLF CHAIN LINK FENCE
EP EDGE OF PAVING
FND FOUND
BSL BUILDING SETBACK LINE

LOT 13

N/F
MICHAEL & KIMBERLY MITCHELL
"RESERVOIR RIDGE"
PB 54, PG 144- PLAT #2
02-2000009371
DB 20238/267

LOT 12:

"RESERVOIR RIDGE"
PB 54, PG 144- PLAT #2
198,678 SQ.FT. OR
4.5610 ACRES

LOT 11

N/F
JEFFREY MENDELSON &
LAUREN R. GREENFIELD
02-2000009369, DB 11403/50
"RESERVOIR RIDGE"
PB 54, PG 144- PLAT #2



GENERAL NOTES:

1. SITE ADDRESS: 23 LIBERTY RIDGE COURT, OWINGS MILLS MD 21117
2. OWNERS NAME: ARNOLD T. AND ANITA M. ABEL
3. PROPERTY INFORMATION: LOT #12, RESERVOIR RIDGE SUBDIVISION, PLAT BOOK 54, PAGE 144.
4. TAX ACCT. NO. 2000009370
5. DEED BOOK 12648, PAGE 567
6. THE PARKING AREA AS SHOWN HEREON CAN FACILITATE 6 PARKING SPACES MEASURED 8.5' X 18'.

ZONING HEARING PLAN
FOR SPECIAL EXCEPTION
LOT 12 RESERVOIR RIDGE SUBDIVISION
TAX MAP: 66 GRID: 7 PARCEL: 572
23 LIBERTY RIDGE COURT
OWINGS MILLS, MD 21117
SECOND TAX DISTRICT
BALTIMORE COUNTY, MARYLAND

THIS IS TO CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND IS IN COMPLIANCE WITH THE MINIMUM STANDARDS OF PRACTICE SET FORTH IN COMAR, TITLE 9, SUBTITLE 13, CHAPTER 06.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY SHOW ADDITIONAL EASEMENTS, RIGHTS-OF-WAY, OR OTHER RESTRICTIONS OR ENCUMBRANCES NOT SHOWN HEREON.

DAVID M. MILLER
PROFESSIONAL LAND SURVEYOR #21427
DATE 1-5-15

NOTE: BEARINGS REFERRED TO PLAT NORTH
(SEE PLAT BOOK 54, PAGE 144- PLAT #2)

40 0 80 160
GRAPHIC SCALE IN FEET
SCALE: 1" = 80'

REVISIONS	NO.	DATE
A SURVEY PREPARED BY:		
POINT TO POINT LAND SURVEYORS		
305 S. Main Street, Lower Level Mount Airy, MD 21171 (g) 301-703-8319 (f) 301-703-8324 (e) pointtopointsurvey.com		
A SURVEY PREPARED FOR:		
ARNOLD T. & ANITA ABEL		
DRAWN BY: J. WALL	CHECKED BY: DAM	APPROVED BY: D. MILLER
DATE: MARCH 28, 2011		P2P JOB #: MD11.042
SHEET: 1		OF 1



SITE INFORMATION:

ZONING MAP # 066A2
SITE ZONED RC4
2ND ELECTION DISTRICT
4TH COUNCIL DISTRICT
LOT SIZE: 4.561 AC.
HISTORIC ? NO
IN CBQA ? NO
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SEWER: PRIVATE
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LEGEND

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IBS IRON BAR SET (1/2" ReBar) W/ CAP
IPF IRON PIPE FOUND
IBF IRON BAR FOUND
OU OVERHEAD UTILITIES
EP EDGE OF PAVEMENT
PP POWER POLE
RCP REINFORCED CONCRETE PIPE
CLF CHAIN LINK FENCE
EP EDGE OF PAVING
RND FOUND
BSL BUILDING SETBACK LINE

LOT 13

N/F
MICHAEL & KIMBERLY MITCHELL
'RESERVOIR RIDGE'
PB 54, PG 144- PLAT #2
02-2000009371
DB 20238/267

EX. POOL DECK

EXISTING
2 STORY
HOUSE

LIBERTY
RIDGE COURT
(50' R/W)

40 0 80 160
GRAPHIC SCALE IN FEET
SCALE: 1" = 80'

N/F
MAYOR AND CITY COUNCIL OF BALTIMORE CITY
1747/479

LOT 12:
'RESERVOIR RIDGE'
PB 54, PG 144- PLAT #2
198,678 SQ.FT. OR
4.5610 ACRES

LOT 11

N/F
JEFFREY MENDELSON &
LAUREN R. GREENFIELD
02-2000009369, DB 11403/50
'RESERVOIR RIDGE'
PB 54, PG 144- PLAT #2

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FOR SPECIAL EXCEPTION
LOT 12 RESERVOIR RIDGE SUBDIVISION
TAX MAP: 66 GRID: 7 PARCEL: 572
23 LIBERTY RIDGE COURT
OWINGS MILLS, MD 21117
SECOND TAX DISTRICT
BALTIMORE COUNTY, MARYLAND

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RESTRICTIONS OR ENCUMBRANCES NOT
SHOWN HEREON.

DAVID M. MILLER
PROFESSIONAL LAND SURVEYOR #21427
1-5-15
DATE

NOTE: BEARINGS REFERRED TO PLAT NORTH
(SEE PLAT BOOK 54, PAGE 144- PLAT #2)

CONC. MON.
FOUND
6.37' FROM
CORNER

N/F
MAYOR AND CITY COUNCIL OF BALTIMORE CITY
1747/479

REVISIONS
NO.
DATE

A SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS



A SURVEY PREPARED FOR:
ARNOLD T. &
ANITA ABEL

DRAWN BY: J. WALL
CHECKED BY: DMM
APPROVED BY: D. MILLER
DATE: MARCH 28, 2011
P22 JOB # MD11 042

SHEET:
1
OF 1



SITE INFORMATION:

ZONING MAP # 066A2
SITE ZONED RC4
2ND ELECTION DISTRICT
4TH COUNCIL DISTRICT
LOT SIZE: 4.561 AC.
HISTORIC ? NO
IN CBQA ? NO
IN FLOOD PLAIN ? NO
WATER: PRIVATE
SEWER: PRIVATE
PRIOR HEARING ? NO

LOT
13

N/F
MICHAEL & KIMBERLY MITCHELL
"RESERVOIR RIDGE"
PB 54, PG 144- PLAT #2
02-2000009371
DB 20238/267

LEGEND

N/F NOW OR FORMERLY
IBS IRON BAR SET (1/2" ReBar) W/ CAP
IPF IRON PIPE FOUND
IBF IRON BAR FOUND
OU OVERHEAD UTILITIES
EP EDGE OF PAVEMENT
PP POWER POLE
RCP REINFORCED CONCRETE PIPE
CLF CHAIN LINK FENCE
EPF EDGE OF PAVING
FND FOUND
BSL BUILDING SETBACK LINE

EX. POOL DECK

EXISTING
2 STORY
HOUSE

$A=12.19'$ $R=50.00'$
 $CHD=S52^{\circ}46'28''W Lc=12.16'$
 $N22^{\circ}05'28''W 320.40'$ (TOTAL)
176.24'
173.36'
176.64'
144.16'
 $S22^{\circ}05'28''E 350.00'$ (TOTAL)
ASPH. DRIVE

LIBERTY
RIDGE COURT
(50' R/W)

40 0 80 160
GRAPHIC SCALE IN FEET
SCALE: 1" = 80'

N/F
MAYOR AND CITY COUNCIL OF BALTIMORE CITY
1747/479

$N02^{\circ}04'50''W 525.00'$ (TOTAL)

10' DRAINAGE & UTILITY EASEMENT

97.34' IBS 87.93' IBS 108.78' IBS

230.95'

CONC. MON.
FOUND
6.37' FROM
CORNER

LOT 12:

"RESERVOIR RIDGE"
PB 54, PG 144- PLAT #2
198,678 SQ.FT. OR
4.5610 ACRES

EX. 2 STORY HOUSE
BRICK & VINYL SIDING

EX. 2ND STORY
PORCH

CONC. WALK

CONC. PORCH

STEPS

WALK

WELL

CHIMNEY

STEPS

ASPH. DRIVE

EX. POOL DECK

EXISTING
2 STORY
HOUSE

LOT
11

N/F
JEFFREY MENDELSON &
LAUREN R. GREENFIELD
02-2000009369, DB 11403/50
"RESERVOIR RIDGE"
PB 54, PG 144- PLAT #2

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PROFESSIONAL LAND SURVEYOR #21427
DATE 1-5-15

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NO.	DATE	REVISIONS

A SURVEY PREPARED BY:
POINT TO POINT LAND SURVEYORS
305 S. Main Street, Lower Level
Mount Airy, NC 27171
(919) 301-703-8324
(w) pointtosurvey.com

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ARNOLD T. & ANITA ABEL

DRAWN BY: J. WALL
CHECKED BY: DMM
APPROVED BY: D. MILLER
DATE: MARCH 28, 2011
P.L.P. JOB # M011.042

SHEET: **1**
OF 1