



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 26, 2023

Arnold Jablon, Esquire – ajablon@comcast.net
3737 Lanamer Road
Randallstown, MD 21133

RE: Petition for Special Exception
Case No. 2023-0143-X
Property: 636 Piccadilly Road - Towson

Dear Mr. Jablon:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

Enclosure

c: *Please see next page -*

Code Enforcement - paieforce@baltimorecountymd.gov
Amy Provan and Daniel L. Provan, 636 Piccadilly Rd., Towson, MD 21204
Ed Crizer - edcrizer@gmail.com
Joseph Vrablic - rabciciii@comcast.net
Stephanie Keene - stefkeene@hotmail.com
Sharon Scheihing - sscheihing@hotmail.com
Tracie Barlett - traciebartlett2@gmail.com
Brian Lange - 3blange@gmail.com
Angela Dean - acdea1009@gmail.com
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Katherine Lange - katelange13@gmail.com
Michael McGeady - mexmcgeady@gmail.com

IN RE: PETITION FOR SPECIAL EXCEPTION*

(636 Piccadilly Road)

9th Election District

6th Council District

Daniel and Amy Provan

Legal Owners

BEFORE THE

* OFFICE OF

* ADMINISTRATIVE HEARINGS

* FOR BALTIMORE COUNTY

Petitioners

* **Case No. 2023-0143-X**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of Amy Provan (“Petitioner”). The Special Exception was filed pursuant to Baltimore County Zoning Regulation (“BCZR”) §1B01.1 (C)(12) seeking permission for a professional office in the Petitioner’s primary residence. The requested office will occupy only 5.5% of the total floor area of her residence and will not involve the employment of more than one nonresident professional associate, nor more than two other nonresident employees.¹

An in-person public WebEx hearing was held on September 18, 2023 at the Office of Administrative Hearings, 105 W. Chesapeake Avenue, Towson, Maryland. The Petition was properly advertised and posted. Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and the Department of Public Works and Transportation (“DPWT”). These agencies did not oppose the requested relief, subject to proposed conditions. There were numerous neighborhood residents in attendance; many in favor of the requested relief and many opposed. Testimony was received from both sides at the hearing and numerous letters and emails were also received, considered, and placed in the file.

¹ At the hearing counsel for Petitioner amended the Petition by formally withdrawing the request to have two additional non-resident, non-professional employees.

RECORD EVIDENCE

All witnesses were sworn in. Petitioner, Amy Provan, Psy.D., appeared at the hearing and was represented by Arnold Jablon, Esquire. Brian Dietz of Dietz Surveying, Inc., also attended and testified. The Site Plan he prepared was admitted as Petitioner's Exhibit 2. Ms. Provan testified first. She explained that she is a licensed psychologist and that she has been seeing clients in her current (and previous) home on Piccadilly Road for a number of years. She said that a dispute with her former next-door neighbor led to him filing a code enforcement complaint against her for operating a home business without special exception approval. That led her to file for this special exception.²

She explained that she lives at 636 Piccadilly Road with her husband and two teenage daughters. She - and another therapist working under her supervision - see between 10 and 15 clients a week at this home office between Monday and Friday. In other words, two to three client sessions per day on average. The rest of their sessions are done virtually. She further explained that there is only one office and a small waiting room. Therefore, only one client is seen at a time, although sometimes another client may be in the waiting room. This office and waiting room are accessed via a pathway around the left side of the house that leads to a basement door. Clients use only this separate rear entrance. There is a substantial driveway area adjacent to the garage but it narrows to one lane. She explained that she therefore asks her clients to park on the street so that her personal family vehicles are not blocked in.

² A Correction Notice (CC2300224) was issued on or about January 11, 2023. Mr. Jablon explained that, as is often the case in such circumstances, he obtained permission from the Code Enforcement office for Petitioner to continue operating her practice pending the outcome of this special exception hearing. When asked by the undersigned Ms. Provan testified that she was not aware that she needed a special exception in order to see clients in her home.

Ms. Provan submitted a Petition in support of the requested special exception signed by 48 neighborhood residents. It was admitted as Petitioner's Exhibit 8. She testified that she personally collected some of the signatures but she acknowledged that she also had her daughters go around the neighborhood and that they had gathered a good percentage of the signatures.³ Upon cross examination she acknowledged that there was a glut of vacant office space in Towson and further conceded that she had not looked into leasing office space.

Brian Dietz, the licensed surveyor who prepared the Site Plan, testified next. He was accepted as an expert in surveying and site design. He explained that the applicable zoning regulation restricts the size of a home office to no more than 25% of the total square footage of the dwelling. With reference to the Site Plan, he explained that the total floor area of the dwelling is 3900 sq. ft. and the total floor area of the office and waiting room is 217 sq. ft., which amounts to only 5.5% of the total floor area. It is therefore well within the regulation. He acknowledged that Piccadilly Road is very narrow and that emergency vehicles would be obstructed if cars were parked on both sides of the street. However, he stated that he did not believe that the small volume of cars associated with this home office would have any significant impact on traffic. He further testified that based on his experience and knowledge of the Baltimore County Zoning Regulations that this special exception request meets all the requirements of BCZR § 502.1, and that he does not believe the proposed office at this location will have any greater impact than is inherently associated with a professional's home office. He was not aware of the Towson Community Plan or the additional requirements for special exceptions petitions for properties within the zone covered by the Plan. Piccadilly Road is within the "inner neighborhoods" as defined by the Plan.

³ Angela Dean, one of the signators on the Provan Petition, sent an email to the OAH asking that her name be stricken because in retrospect she felt that it was inappropriate for Ms. Provan to send her teenage daughters around to collect signatures. She stated that she felt undue pressure to sign the Petition since her daughters had been friends with Provan's daughters. She is opposed to the special exception.

The immediate neighbors at 634 and 638 Piccadilly both testified that they are not opposed to this home office. They both stated that the clients come and go quietly and that the clients' use of street parking is not problematic. However, the neighbor across the street testified that Ms. Provan's clients park their cars in such a manner as to make it difficult for him to get in and out of his driveway – and that they have continued to do so despite his complaints.

As noted above, there was extensive testimony from neighbors at the hearing. Some in support and some in opposition. However, all agreed that traffic congestion and traffic safety are serious concerns on Piccadilly Road, and especially at this end of the street where it intersects with W. Joppa Road. Sarah Gary, one of the neighbors who testified on Ms. Provan's behalf, is a professional traffic engineer. She explained that this proposed office use would generate an insignificant number of "trips" in and out of the site. But she acknowledged the tight parking situation and that if cars were parked across from each other on both sides of the street that it would be very difficult if not impossible for a fire truck to get through as Piccadilly Road is only 22 feet wide. She also acknowledged that Piccadilly Road is used as a "cut through" street and that speeding on the street has been a chronic problem.

I further note that both DOP and DPWT agree that Piccadilly Road is too narrow to accommodate parking on both sides of the street. And both agencies suggest that the special exception should only be granted if all parking associated with this home office can be accommodated in the Petitioner's driveway.

Those voicing opposition all expressed similar concerns. In addition to parking and traffic issues they are primarily concerned that the residential nature and feel of West Towson will be lost if home offices like this are permitted. They referenced the many single-family homes near the Courthouse and business district that have been converted over the years into professional offices.

And they fear that if this special exception is granted it will create a “slippery slope” that will lead to the spread of more home offices into their neighborhoods, which until now have remained strictly residential. They observed that there are a high percentage of professionals in these neighborhoods and are concerned that this special exception is granted it will lead to many more such requests being filed. They also noted that there is an abundance of vacant office space in many locations throughout Towson that Ms. Provan could lease, and they believe she should be required to do so.

Amy Keene, a board member of the West Towson Neighborhood Association (“WTNA”), testified that the Board had taken an informal vote and that they unanimously voted to oppose the special exception.⁴ She explained that the WTNA had been formed in 1963 and that one of its primary focuses is to prevent the sprawl of businesses from the Towson business core into the neighborhoods of West Towson. She said they have worked diligently on this issue, including active involvement in the formulation of the Towson Community Plan in 1992.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare because it is one of the enumerated uses that the legislature – in this case the County Council – has deemed appropriate for a given zone. But this presumption can be overcome by a showing that the special exception use at a particular location would cause adverse impacts greater than those inherent in the use. *Schultz v. Pritts*, 291 Md. 1, 11-12 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the

⁴ Mr. Jablon strenuously objected to Ms. Keene’s testimony on behalf of the WTNA Board on the grounds that she allegedly did not have formal authority to do so. He explained that he had spoken to the WTNA Board President, Bill Smith, and that he had agreed that the WTNA would take no position on the issue. Ms. Keene explained that Mr. Smith was out of the country but that before leaving he had told her that he would defer to the Board’s vote on the matter and that he had authorized her to present the Board’s position at the hearing.

Court discussed the nature of the evidentiary presumption in special exception cases, and specifically the requirements in Baltimore County. The Court explained that:

A special exception in Baltimore County is granted pursuant to BCZR § 502.1, which provides, in pertinent part:

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein.

In *Schultz* we held:

[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. 291 Md. at 22–23, 432 A.2d at 1327. We further held that a special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity. *Id.* at 11, 432 A.2d at 1325.

[However] it is undisputed that “both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted” fall on the applicant, whereby the applicant must persuade the Board “by a preponderance of the evidence that the special exception will conform to all applicable requirements.” *Loyola Coll. in Md.*, 406 Md. at 109, 956 A.2d at 199.

Attar, 451 Md. 272, 285–86.

In its Zoning Advisory Committee comments the DOP notes that this location is within the area covered by the Towson Community Plan. The DOP comment quotes the following language from the Plan:

“The close proximate of the inner neighborhoods to the town core makes these areas desirable, especially for office use by businesses which work closely with the County government. Special Exception office uses for lawyers, engineers, surveyors, and doctors impact these neighborhoods very heavily, bringing in more traffic, large parking lots, storage of materials outside and in general creating an ambience more suited to a business community than to a residential community.”

The following Special Exceptions [for boarding houses, tourist homes, or offices or studios] should be granted only when:

- 1. The Property owner occupies the subject property;*
- 2. No other similar Special Exception use exists within 1,000 feet of the requested Special Expectation;*
- 3. The property owner certifies that (they have) met with all contiguous property owners and representative of the local community association to discuss the requested Special Exception;*
- 4. Parking for all vehicles associated with the Special Exception use can be accommodated on site.*

The DOP comment notes that the first two conditions have been met in this case. The subject property is Ms. Provan's primary dwelling. Further, the DOP researched the County zoning files and did not find any other home office special exceptions within 1000 feet of this location. The DOP did not have sufficient information to determine whether the third requirement had been satisfied in this case. But based on the evidence and testimony there has not, in my view, been even substantial compliance. Mr. Jablon explained that he had spoken briefly with Bill Smith, the WTNA Board President, and that Mr. Smith had agreed that the WTNA would take no position on the requested special exception. (but see footnote 3). But this does not satisfy the requirement that "the property owner certifies that they have met with all contiguous property owners and representatives of the local community association to discuss the requested Special Exception." Indeed, Mr. Zeller, the neighbor directly across the street, contends that the clients visiting her office continue to cause parking problems despite his complaints about it and he is adamantly opposed to the special exception. Finally, regarding the last requirement, Ms. Provan testified that she asks her clients to park on the street because otherwise her family vehicles would have to do so or be blocked in. Therefore, at least to date the Petitioner has been unable or unwilling to park both her family's and her client's cars in the driveway. I note that the properties closer to the Courthouse and inner business core that have been converted to offices over the years have more

than adequate on-site parking to accommodate their employees and clients. Such is not the case here.

Based on the exhibits and testimony detailed above, I find that the special exception request in this case must be denied. Specifically, I find that by adopting the Towson Community Plan and by placing the additional special exception requirements therein, the County Council expressed its intent that special exception requests be strictly scrutinized in West Towson. Stated another way, I believe the Towson Community Plan creates a presumption that special exception uses are inherently more impactful on the narrow and winding residential streets of West Towson than they would be elsewhere in the DR 3.5 zone. Again, the Towson Community Plan specifically states that professional home offices “impact these neighborhoods very heavily,” and “create an ambience more suited to a business community than to a residential community.”

I further find that this particular location on Piccadilly Road would be impacted more adversely than many other streets in West Towson. Even those neighbors who testified on Petitioner’s behalf acknowledged the pre-existing traffic and parking problems on this narrow residential street. And parking associated with Petitioner’s office has already caused problems for her neighbor across the street, and she has not been responsive to his complaints.

I understand that it has been more convenient and economical for Ms. Provan to have her practice in her home (and previous home) these last several years. But she has been operating in contravention of the zoning regulations. I take her at her word that she was not aware that she needed a special exception. However, I believe most people would not assume it was lawful to operate an in-person psychological counselling practice in a residential neighborhood without going through some kind of process and obtaining official permission to do so. During the hearing the point was made that there is an abundance of vacant office space within a half mile of Piccadilly

Road that is zoned for offices like Petitioner's counselling business. By adopting the Towson Community Plan the County Council made it clear that this is where such businesses should be located, not within the West Towson residential neighborhoods.

THEREFORE, IT IS ORDERED this 26th day of **September, 2023**, by this Administrative Law Judge, that the Petition for Special Exception pursuant to the BCZR § 1B01.1(C)(12), for a professional office in the Petitioner's primary residence, is hereby **DENIED**;

IT IS FURTHER ORDERED that Petitioner shall have one hundred eighty (180) days to continue to operate her practice at 636 Piccadilly Road so that she has sufficient time to arrange for commercial office space.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

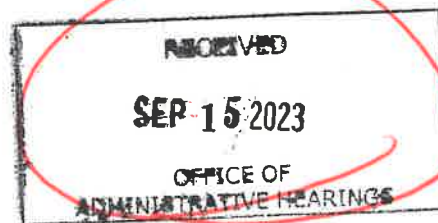
DATE: 7/20/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0143-X

INFORMATION:

Property Address: 636 Piccadilly Road
Petitioner: Amy S. Provan, Daniel L. Provan
Zoning: DR 3.5
Requested Action: Special Exception



The Department of Planning has reviewed the petition for the following:

Special Exception - For a professional office in the same building as that which is the Petitioner's primary residence. The Petitioner is a Maryland state licensed psychologist. The petition states that the professional office will occupy only 5.5% of the total floor area of the residence. The office is proposed to have one part time non-resident professional associate and no non-resident employees. However, the petitioner does not want to preclude the ability to have no more than 2 non-resident employees in the future.

The subject site is an approximately 16,995 square foot parcel on Piccadilly Road off of West Joppa Road. It is currently improved with a one and a half story single-family detached dwelling with a basement, a driveway, and an attached, two car, front load garage. The immediate neighborhood is primarily single-family detached dwellings and there are apartment complexes, both age restricted and not, nearby. Piccadilly Road measures approximately 19-20 feet in width on County GIS software. Google Streetview and aerial imagery of the neighborhood available on County GIS show cars park along the road. It should be noted that the site has two Code Enforcement Complaints from January 9th, 2023 (CC2300224 and CC2300256) stating the property owner was running a psychology practice out of the home and that clients were parking in front of neighbors driveways and obstructing traffic. Case CC2300224 is listed as being on a monitor status with Code Enforcement. Case CC2300256 is listed as a duplicate review.

The site plan submitted with the petition shows that the office will be in the rear of the home and accessed via a separate walkway that leads around the side of the home to a basement entrance. The waiting room is proposed to be 72.5 square feet and the office is proposed to be 144 square feet.

The Department of Planning contacted the representative for the petition via email on July 13th, 2023 requesting additional information regarding the office use. In a July 14th, 2023 reply, the representative explained the following:

- Office hours are as follows: Mondays 9:30 AM to 4:30 PM; Tuesdays 9:30 AM to 3:30 PM; Wednesdays 9:30 AM to 8:00 PM; Thursdays 9:30 AM to 3:30 PM; and Fridays 9:30 AM to 2:30 PM.
- Caseload varies, and more than half of the Petitioner's clients are seen virtually. Currently, the Petitioner sees four clients on Mondays, three on Tuesday, four on Wednesday, one on Thursday, and five on Fridays.
- The nonresident professional associate is completing their postdoctoral hours and is working under the Petitioner's supervision for her licensure. This is a temporary arrangement.
- The Zoning Petition mentions "nor more than two other non-resident employees". There are currently no plans for nonresident employees. Should this staff be needed in the future, they would be nonprofessionals and would not see clients. They could only be in office supportive roles.
- The nonresident professional associate and the Petitioner do not see separate clients at the same time.

The site is within the boundaries of the following community plans: the Towson Community Plan, the Ruxton-Riderwood-Lake Roland Area Community Plan, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. Page 5 of the Towson Community Plan, adopted February 3rd, 1992, maps the subject site as an "inner neighborhood". On pages 69-70, the Plan goes on to state the following regarding inner neighborhoods:

The close proximity of the inner neighborhoods to the town core makes these areas desirable, especially for office use by businesses which work closely with the County government. Special Exception office uses for lawyers, engineers, surveyors, and doctors impact these neighborhoods very heavily, bringing in more traffic, large parking lots, storage of materials outside, and, in general, creating an ambience more suited to a business community than to a residential community. Certain Special Exceptions are inherently so objectionable to these communities that they should not be allowed. Others, if not properly applied, can be very disruptive to residents of the inner neighborhoods...

The following Special Exceptions should be granted only when:

1. *The property owner occupies the subject property;*
 2. *No other similar Special Exception use exists within 1,000 feet of the requested Special Exception;*
 3. *The property owner certifies that [they have] met with all contiguous property owners and representatives of the local community association to discuss the requested Special Exception;*
 4. *Parking for all vehicles associated with the Special Exception use can be accommodated on site.*
- *Boarding or rooming houses;*
 - *Tourist homes;*
 - *Offices or studios.*

The Department of Planning finds that the petition meets the first two requirements of the community plan. First, per the State Department of Assessments and Taxation, County GIS, and the petition, the subject site is homeowner occupied. Second, in reviewing Zoning Cases surrounding the subject site, the Department of Planning could not find an approved Special Exception with 1,000 feet of the subject site for a home office. Regarding item 3, the Petitioner has not provided any information confirming if they have met with the surrounding property owners. Regarding item 4, the Petitioner appears to have the

garage and driveway space to accommodate 3-4 vehicles; given the Department's calculations there would be up to a vehicle on site for the property owner, the nonresident professional associate, the client, and potentially two future nonresident employees, for a total of up to five vehicles. There is also street parking available.

The Department of Planning has no objections to the requested relief, subject to the following conditions:

1. The Petitioner should consider meeting with the local community association(s) to inform them of the petition and solicit feedback in accordance with the Towson Community Plan.
2. The Petitioner shall encourage clients to park in the driveway in accordance with the Towson Community Plan. The Petitioner, nonresident professional associate, potential future nonprofessional employees, and/or the clients shall not double park any of the driveways, nor shall they block the sidewalk with their vehicles if they park in the Petitioner's driveway.
3. No signage shall be installed for the subject site and/or advertising the property's use as a home office.

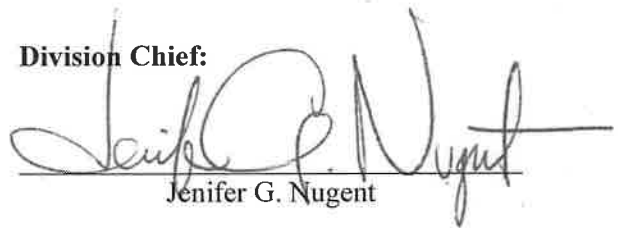
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Arnold Jablon
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



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 636 Piccadilly Rd, Towson, Md 21204

which is presently zoned DR 3.5

Deed References 42779/427

10 Digit Tax Account # 0907830111

Property Owner(s) Printed Name(s) Amy S. Provan and Daniel L. Provan

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

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

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

2. **x** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED (Attachment 2)

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).

Petitioners:

Amy S. Provan

Name- Type or Print

Signature

636 Piccadilly Rd, Towson, Maryland

Mailing Address

City

State

21204

Zip Code

Telephone #

//

Email Address

Attorney for Petitioner:

Arnold Jablon

Name- Type or Print

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address

City

State

21133/ 443 250 6455

Zip Code

Telephone #

ajablon@comcast.net/

Email Address

Legal Owners:

Amy S. Provan

Name #1 - Type or Print

Amy S. Provan

Signature #1

Daniel L. Provan

Name #2 - Type or Print

Daniel L. Provan

Signature #2

636 Piccadilly Rd, Towson, Maryland

Mailing Address

City

State

21204

Zip Code

Telephone #

Email Address

Representative to be contacted:

Arnold Jablon

Name - Type or Print

Arnold Jablon

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address

City

State

21133 / 443 250 6455

Zip Code

Telephone #

ajablon@comcast.net

Email Address

CASE NUMBER 2023-0143-X

Filing Date 6/29/2023

Do Not Schedule Dates: _____

Reviewer MT

AFFIDAVIT IN SUPPORT OF SPECIAL HEARING

Attachment 1

This Petition for Exception is filed pursuant to §§500.6 and 500.7 of the Baltimore County Zoning Regulations.

The subject property of this Petition is located at 636 Piccadilly Rd, Towson, Maryland 21204. The Petitioner is requesting approval for a special exception for a professional office, which is established within the same building as that currently serving as her primary residence. The Petitioner is Maryland state licensed psychologist.

Her home consists of 1 ½ stories with basement. The house footprint is 1550 SF +/-, total floor area including basement, 1st floor and 2nd floor, is 3900 SF +/- . The permitted office area consisting of office and waiting room, of 217 SQ, or 5/5%.

There is proposed to have one part-time nonresident professional associate and no nonresident employees. However, the Petitioner does not want to preclude the ability to have no more than 2 other nonresident employees in the future.

Attachment 2

Special Exception

1. To approve a special exception for a professional office in the same building as that which is the Petitioner's primary residence, will occupy only 5.5% of the total floor area of her residence and will not involve the employment of more than one nonresident professional associate, nor more than two other nonresident employees.

Attachment 3

General Notes

1. Area of property: 16,995 SF+/-
2. Existing Zoning of Property: DR 3.5
3. Existing Use of Property: residential
4. Proposed zoning of property: DR 3.5
5. Proposed Use of Property: residential with office for a professional psychologist
6. Property served by public water and sewer
7. Petitioner's requesting special exception to approve an office for a professional psychologist in Petitioner's primary residence.
8. Existing structure constructed on or about 1951
9. Existing property's zoning history: n/a
10. Code Enforcement correction notice issued to secure the special exception

Dietz Surveying, Inc.

8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
636 Piccadilly Road
April 21, 2023

Beginning on the west side of Piccadilly Road (50' R/W), distant 260 feet +/- southerly from the center of Joppa Road, thence running with and binding on the west side of Piccadilly Road,

1. Southerly by a curve to the left, having a radius of 1171 feet for an arc length of 31.50 feet, and,
2. South 20 degrees 09 minutes 42 seconds West 65.00 feet, thence leaving Piccadilly Road and running,
3. North 69 degrees 50 minutes 18 seconds West 153.15 feet,
4. North 01 degrees 22 minutes 50 seconds West 107.94 feet, and,
5. Southeasterly 193.70 feet, to the place of beginning.

Containing 0.390 Ac. or 16,995 sq.ft. of land more or less. Being known as 636 Piccadilly Road and located in the 9th Election District, 6th Councilmanic District.



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

No. 221286

Date: 6/21/2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6130					\$ 505
Total:									\$ 505.

Rec
From:

Amy S. Provan

For:

Special Exception Filing
 636 Piccadilly Road
 Zoning Case 2023-0143-X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2023-0143-X

RE: Case No.: _____

Petitioner/Developer: _____

Daniel and Amy Provan

September 18, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

636 Piccadilly Road ***SIGN 1***

August 27, 2023

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



Sincerely,

 **August 27, 2023**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2023-0143-X

RE: Case No.: _____

Petitioner/Developer: _____

Daniel and Amy Provan

September 18, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

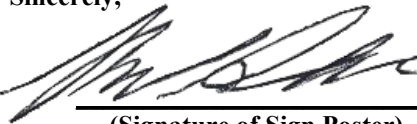
636 Piccadilly Road ***SIGN 2***

August 27, 2023

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



Sincerely,

 **August 27, 2023**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: July 21, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0143-X
Address: 636 PICCADILY RD
Legal Owner: Daniel & Amy Provan

Zoning Advisory Committee Meeting of July 17, 2023.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 2023-0143-X

Petitioner: AMY S. PROVAN & DANIEL L. PROVAN

Address or Location: 636 PICCADILLY RD, TOWSON, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: AROLD JARON, ESQ

Address: 3717 LANHAM RD
RANDALLSTOWN, MD 21139

Telephone Number: 443 250 6455

Revised 2/20/98 - SCJ

Real Property Data Search ()
Search Result for BALTIMORE COUNTY



[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None
Account Identifier: JOHN A. OLSZEWSKI, JR.
County Executive

District - 09 Account Number - 0907830111

C. PETE GUTWALD, AICP, Director
Department of Permits,
Approvals & Inspections

Owner Information

Owner Name: PROVAN AMY S Use: RESIDENTIAL
 PROVAN DANIEL L Principal Residence: YES
Mailing Address: 636 PICCADILLY RD Deed Reference: /42779/ 00427
 TOWSON MD 21204-

Location & Structure Information

Premises Address: 636 PICCADILLY RD Legal Description: 250 S OF JOPPA RD
 TOWSON 21204- CHESTNUT HILL

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0069 0012 0844 9040052.04 0000 55 2023 Plat Ref: 0014/ 0116
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1951	2,743 SF		11,055 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT BRICK/ 5	3 full	1 Attached	
		FRAME			

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	122,700	133,000		
Improvements	363,300	450,400		
Total:	486,000	583,400	486,000	518,467
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
THEM LLC	05/05/2020	\$610,000
Type: ARMS LENGTH MULTIPLE	Deed1: /42779/ 00427	Deed2:
Seller: BREDBENNER LEE P	Date: 06/17/2019	Price: \$300,000
Type: ARMS LENGTH MULTIPLE	Deed1: /41537/ 00331	Deed2:
Seller: GUTEHUNST FREDERICK S	Date: 06/09/1970	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05098/ 00553	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

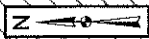
Homestead Application Information

Homestead Application Status: Approved 07/28/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0143-X



815992045

CHESTNUT AVE

W JOPPA RD

RECEIVED
1963

DR 3.5

TRAFALGAR RD

PICCADILLY RD

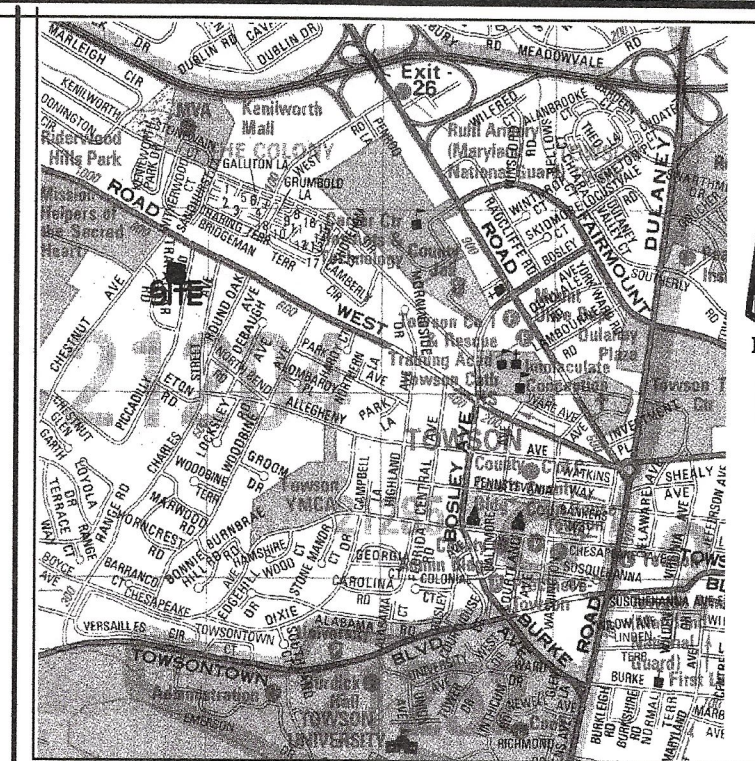
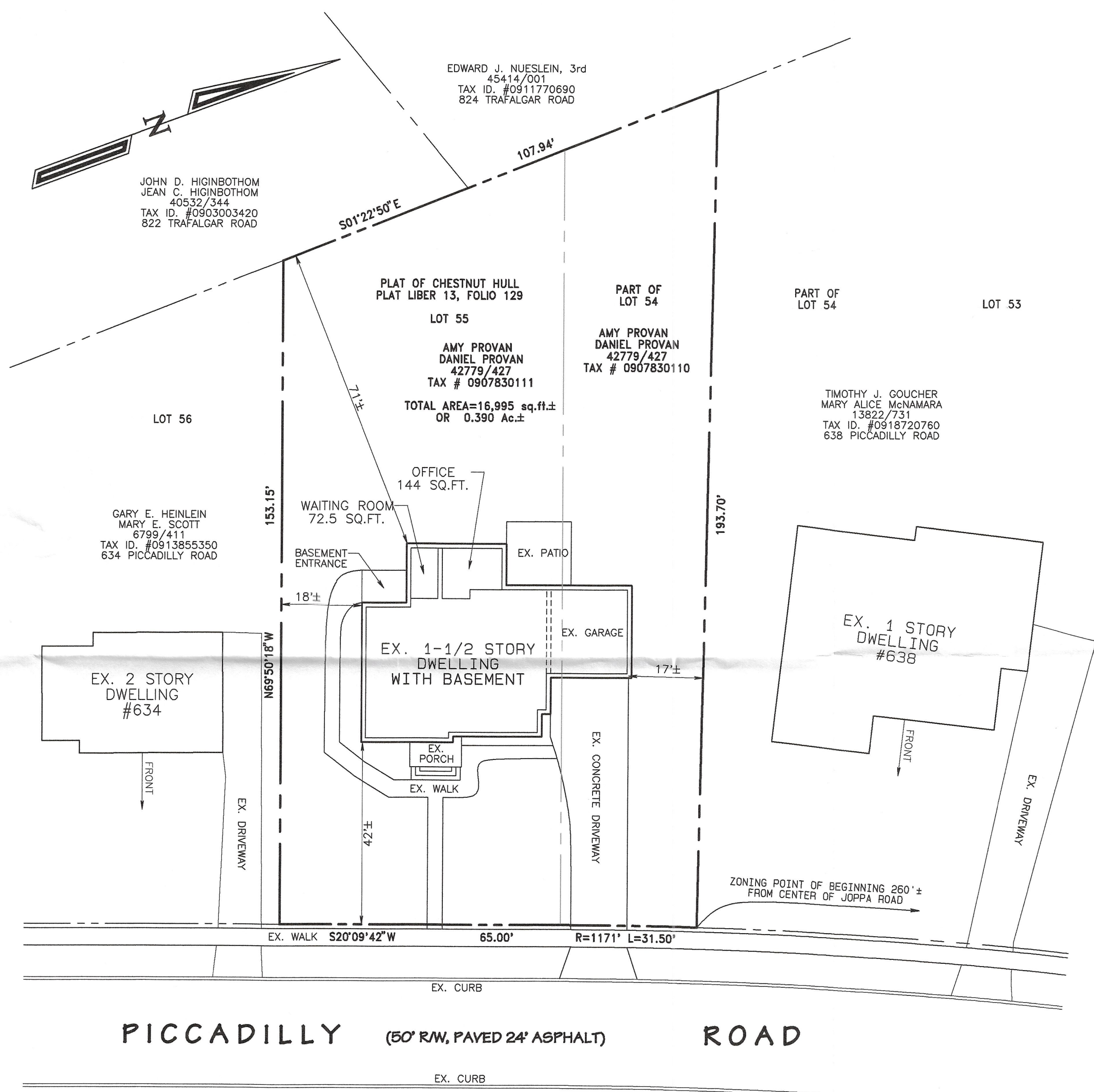
2023-0145-X 1:1,128

0 45 90 180 Feet

April 23, 2023

Sources: Esri HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, AeroGRID, IGN, SIA, Source Woburn Inc.

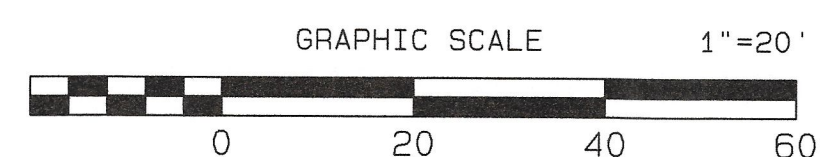
Baltimore County Government VITA Est. HERE. Garmin INCREMENT P USGS EPA USDA



Vicinity Map Scale: 1" = 2000'

Notes

1. Owner: Amy S. Provan
Daniel L. Provan
636 Piccadilly Road
Towson, MD 21204
443-846-6146
2. Zoned: DR 3.5
3. This site is not in the Chesapeake Bay Critical Area.
4. This site is not in the 100 year flood plain.
5. There are no known underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public water and sewer.
8. No prior Zoning Hearings.
9. Tax Account Nos. 0907830110 & 0907830111
10. The office and waiting room are in the basement of the dwelling and have a separate entrance.



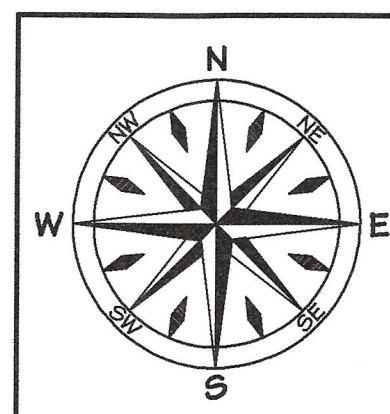
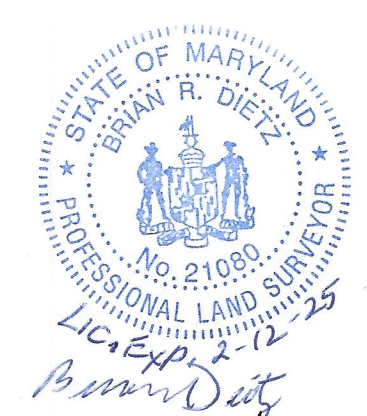
Plat to Accompany Request for a Special Exception of the

PROVAN PROPERTY
636 Piccadilly Road
Baltimore County, Maryland

Deed Ref.: J.L.E. No. 42779, folio 427
Tax Map 69; Grid 12; Parcel 844
9th Election District, 6th Councilmanic District
Scale: 1"=20' Date: April 21, 2023

Dwelling Areas

ABOVE GROUND: 2,743 SQ.FT. (PER ASSESSMENT)
HOUSE FOOT PRINT: 1,560 SQ.FT.
PERMITTED OFFICE AREA: 25% = 0.25 x 1560 = 390 SQ.FT.
OFFICE & WAITING ROOM AREA REQUESTED = 217 SQ.FT. or 13.9%



Dietz Surveying Inc.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Revisions	Date	Plot Date: 4/25/2023	FIELD: BRD, SAL	DRAWN: SAL	Job No. 23102
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