



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmindacc@co.ba.md.us

July 26, 1999

Ronald A. Decker, Esq.
Moore, Carney, Ryan and Lattanzi, LLC
4111 E. Joppa Road, Suite 201
Baltimore, MD 21206

Dear Mr. Decker:

RE: Zoning Verification, 6 Lyndale Avenue, Nonconforming Use of a Two-Apartment Dwelling, 14th Election District.

Thank you for your letter of June 25, 1999 to Arnold Jablon, Director of Permits and Development Management. This correspondence has been referred to me for reply.

Based upon the information you have provided, please be advised that the two-apartment dwelling known as 6 Lyndale Avenue must still proceed via a special hearing to establish a legal nonconforming use. Your letter included strong evidence that the property has been utilized as a two-apartment dwelling prior to 1955; however, the evidence must be presented at a public hearing.

You also made reference to Zoning Case No. 1655, which reclassified the property from "A" Residence to "B" Residence; however, said reclassification was for the purpose of permitting a semi-detached dwelling (not a two-apartment dwelling in each detached unit).

The only administrative approval this office can offer you is a Conditional Use Permit for a two-apartment dwelling, which must be completed by the owner and signed by an affidavit that can testify that the property has been used as such prior to 1955. This form, which is enclosed, must be notarized.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Mitchell J. Kellman
Mitchell J. Kellman
Planner II
Zoning Review

Enclosure

Come visit the County's Website at www.co.ba.md.us



Please use Recycled Ink
on Required Pages

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.
ATTORNEYS AT LAW
4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21206
(410) 529-4600
FAX (410) 529-4646
JULY 29, 1999

Dept. Of Permits & Development Mgmt.
County Office Building
Baltimore County, Maryland
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Sophie Jennings - Mail Log #99-1732

Re: 6 Lyndale Avenue

Dear Ms. Jennings:

In accordance with our telephone conversation of July 28, 1999, enclosed please find our check in the amount of \$30.00 to correct the amount we sent previously.

Very truly yours,

Ronald A. Decker
Ronald A. Decker

RAD/slm
cc: Thomas A. Taylor

Enclosure

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069272

DATE 8/3/99 ACCOUNT 001-6130

AMOUNT \$ 30.00

RECEIVED FROM: Moore, Carney, Ryan & Lattanzi

FOR: #99-1732

6 Lyndale Avenue

DISTRICT: WHITE, CASHIER

PINK: AGENCY

YELLOW: CUSTOMER

CASHIER'S VALIDATION

MOORE, CARNEY, RYAN AND LATTANZI, L.L.C.
ATTORNEYS AT LAW
4111 E. JOPPA ROAD, SUITE 201
BALTIMORE, MARYLAND 21206
(410) 529-4600
FAX (410) 529-4646
June 25, 1999

Arnold Jablon, Esquire, Director
Dept. Of Permits & Development Mgmt.
County Office Building
Baltimore County, Maryland
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

This letter seeks an opinion as to whether the owners of 6 Lyndale Avenue, Overlea Hills, need to obtain an authorization for non-conforming use.

6 and 8 Lyndale Avenue were purchased by S&M Taylor Family Limited Partnership on December 21, 1995. The Deed is recorded at Liber 113577, folio 196. The land is improved by two duplex homes that share a party wall between Lots 76 and 77 in Subdivision known as Overlea Hills. A portion of the recorded plat is enclosed for your reference. Also enclosed is a portion of the 200 foot scale zoning map and shows that present zoning is DR-5.5. The owners of the property filed a petition for a special hearing last year for authorization for a non-conforming use because the duplex homes had been built as two apartment structures. The matter was taken up as Case No. 98-264-SPI. Testimony during that case by a neighbor, an expert witness, and reference to county documents established that there had been continuous use of both properties as apartments since 1951. On October 13, 1998 the County Board of Appeals approved the property at 8 Lyndale Avenue as a legal non-conforming use for a two-apartment dwelling. The testimony and exhibits established during that hearing that 6 Lyndale Avenue is a mirror image of 8 Lyndale Avenue.

In the process of preparing a petition for 6 Lyndale Avenue, I determined that the owners of the property had filed a petition on February 18, 1950 that requested a reclassification from "A" Residence to "B" Residence Zoning for 6 and 8 Lyndale Avenue, and that the request had been granted on February 24, 1950. The matter was docketed as Case No. 1655 "B" Residence Zoning

Real Property Search - Individual Report <http://www.dat.state.md.us/gis/wslat/C:\batstore\Number\241-64\store\Name\241-Lyndale>

Real Property Information
Maryland Department of Assessments and Taxation
Real Property System

Owner Name: S & M TAYLOR FAMILY LIMITED PARTNERSHIP
Mailing Address: 2 DEER RUN LEBANON NJ 08833-3003
Transferred From: LYNDAL AVENUE ASSOCIATES
Deed Reference: 1/11357/196
Tax Exempt: NO

Use: RESIDENTIAL
Principal Residence: NO

DISTRICT: 14 ACCT NO: 1402001928
Owner Information

Use: RESIDENTIAL
Principal Residence: NO

Location Information [View Map]			
Premises Address:	Zoning:	Legal Description:	
6 LYNDAL AVE		PT LT 75-76-77	
		6 LYNDAL AVE	
		OVERLEA HILLS	
Map Grid	Parcel Subdiv	Seet Block	Lot Group
81 17 17		75 82	Plat Ref: 7/192
Special Tax Areas		Town:	Ad Valorem:
Primary Structure Data	Enclosed Area:	Property Land Area:	County Use:
Year Built: 1951	1,208 SF	4,200.00 SF	04
Value Information			
Base Value	Current Value	Phase-In Value	Phase-In Assessments
	As Of 01/01/1997	As Of 07/01/1999	As Of 07/01/1998 07/01/1999
Land: 32,000	26,500		
Impr: 44,520	67,200		
Total: 96,520	93,700	93,700	37,480 37,480
Per Sq Ft Land: 0	0	0	0

Real Property Search - Individual Report <http://www.dat.state.md.us/gis/wslat/C:\batstore\Number\241-64\store\Name\241-Lyndale>

Partial Exempt Assessments			07/01/1999
County	Code		
State	000	0	0
Municipal	000	0	0
	(Go Back)	(Start Over)	

Arnold Jablon, Esquire, Director
June 24, 1999
Page two of two

permits all of the uses under "A" Residence Zoning and permits the dwelling to be semi-detached. "A" Residence Zoning permits a two-family dwelling. Enclosed you will find pages 5, 6 and 7 of the previous zoning provisions which describe the subject residence zones that were in effect at the time the Petition was filed. You will also find enclosed a copy of the State Department of Assessments and Taxation information which documents that the apartment building was erected in 1951.

It appears that it would not be necessary to file for a non-conforming use at this time since the owners of the property had been in compliance with applicable zoning laws at the time the apartment building was constructed on 6 Lyndale Avenue. I would appreciate receiving your opinion as to whether the existing use has been grandfathered, and that there is no need to submit a petition asking for authority to have a non-conforming use.

Enclosed you will find a check for \$10.00 in payment of the fee for this service.

Thank you for your attention to this matter.

Very truly yours,

Ronald A. Decker

RAD/slm
cc: Mr. Thomas A. Taylor
Mr. Steven C. Taylor

SECTION II--ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

- "A" Residence Zone - (Single-Family Detached)
- "B" Residence Zone - (Semi-detached)
- "C" Residence Zone - (Apartment)
- "D" Residence Zone - (Group)
- "E" Commercial Zone
- "F" Light Industrial Zone
- "G" Heavy Industrial Zone

Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired, Church, parochial school, convent or monastery.

Dwelling, single family.

Dwelling, two-family.

Farming and buildings incidental thereto.

Home Occupation, provided that no sign or signs shall be displayed on the lot so used, except a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

SECTION III--"A" RESIDENCE ZONE

Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired, Church, parochial school, convent or monastery.

Dwelling, single family.

Dwelling, two-family.

Farming and buildings incidental thereto.

Home Occupation, provided that no sign or signs shall be displayed on the lot so used, except a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding 1 to square feet in area.
7. Public park or playground.
8. Public building.
9. Public water works or reservoir.
10. Trailer, one unoccupied, for storage only.
11. Tourist home.
12. Truck garden.
13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:

- (a) Any accessory building when located not less than 60 feet from a front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any 1.4 line.
- (b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.

- (c) Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 3,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.
- B. Height Regulations: No building shall exceed a height of forty feet or three stories.
- C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:

1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.
2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.

- Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot, the side street shall not be less than fifteen feet.
- Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

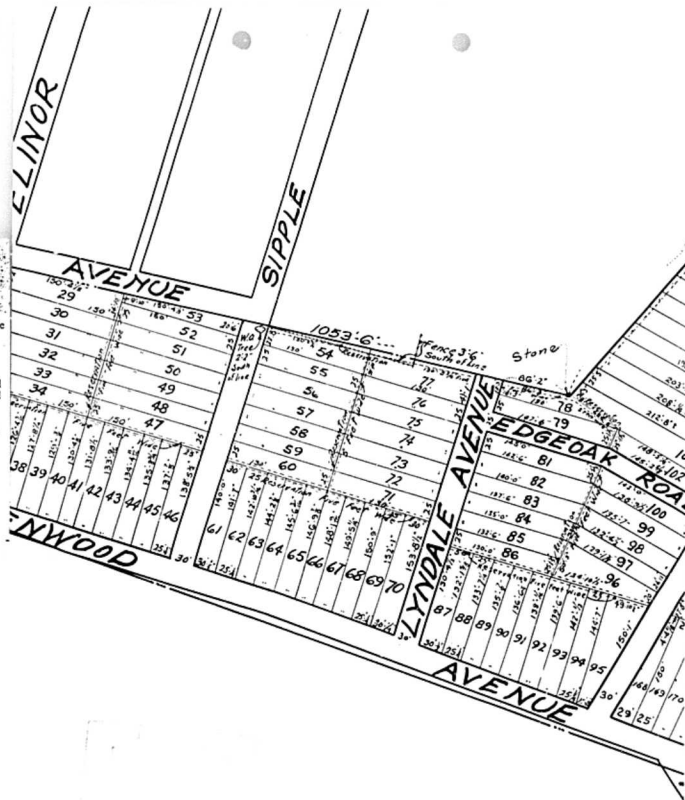
6. No portion of an alley shall be considered as any part of any side or rear yard.
6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

SECTION IV—"B" RESIDENCE ZONE

- A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations;
2. Children's Home.
3. Dwelling—semi-detached.
4. Fraternity or Sorority House.
5. Orphanage.
6. Tea Room, when operated as a home occupation.
- B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.
- C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

- A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
1. Any use permitted in the "B" Residence Zone, any such use to be subject to the same conditions and limitations as provided in Section IV-A.
2. Apartment house.
3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.
- B. Height Regulations: Building height unlimited.
- C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:
- Lot Area Per Dwelling Unit: Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.
- Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, in depth, measured from the center of the front street, for a front yard of not less than 55 feet from lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.



A HILLS

DEVELOPED BY
INVESTMENT

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County—

I, or we, Edgar O. Bauer legal owner... of the property situate

in Baltimore
6 + 8 Lyndale Ave West side
269 1/2' North of Kenwood Ave

All that parcel of land on the west side of Lyndale Ave., in the 14th District of Balto. Co., beginning 269 feet north of Kenwood Ave., thence northerly, on said side of Lyndale Ave., 73 feet, thence westerly 130 feet; thence southerly 65 feet 10 inches and thence easterly 130 feet to beginning. Being lots Nos. 6 and 8 as shown on plot plan filed with the Zoning Department.

herby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from RES to RES-1 SEMI-DETACHED

Reasons for Re-Classification: HOUSE

Size and height of building: front 48' feet; depth 24' feet; height 24' feet.
Front and side set backs of building from street lines: front 30' feet; side 12' feet.

Property to be posted as prescribed by Zoning Regulations.

RES we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Edgar O. Bauer
Miriam J. Bauer
Legal Owner
Address: 41 Henry Ave Balto. Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 2nd day of February, 1950, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Beckford Bldg. in Towson, Baltimore County, on the 24th day of February, 1950, at 11:00 o'clock A.M.

Charles H. Jones
Zoning Commissioner of Baltimore County
(over)

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location

the above re-classification should be had
It is Ordered by the Zoning Commissioner of Baltimore County this 24th day of February, 1950, that the above described property or area should be and the same is hereby reclassified, from and after the date of this Order, from RES to RES-1 SEMI-DETACHED

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above re-classification should NOT be had
It is Ordered by the Zoning Commissioner of Baltimore County, this 24th day of February, 1950, that the above petition be and the same is hereby denied and that the above described property or area be and the same is hereby continued as and to remain a RES

Zoning Commissioner of Baltimore County

Approved _____
Date March 3, 1950
County Commissioners of Baltimore County
By Christian M. Hall
President

February 3, 1950
\$20.00
RECEIVED of Edgar O. Bauer and wife, the sum of Twenty (\$20.00) Dollars, being cost of petition for reclassification, advertising and posting of property, west side of Lyndale Ave., 14th District of Baltimore County.

Zoning Commissioner

Hearing:
Friday, Feb. 24, 1950
at 11:00 a.m.

PAID
FEB 24 1950
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
Edgar O. Bauer

REC'D FEB 9 1950

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 10 1950
THIS IS TO CERTIFY, That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of two successive weeks before the twenty-fourth day of February, 1950, the first publication appearing on the third day of February, 1950

The UNION NEWS
W. J. Hagg
Manager.

NOTICE OF EXAMINING PETITION
RECLASSIFICATION 1950
Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of location

CERTIFICATE OF POSTING

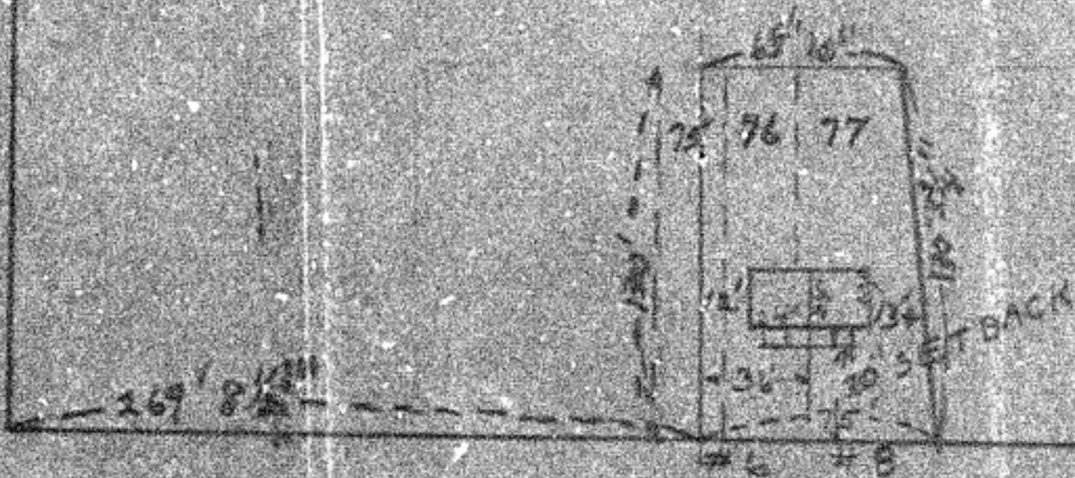
District 14 Date of Posting Feb 10 1950
Posted for Semi-detached
Petitioner Edgar O. Bauer
Location of property W. S. Lyndale Ave 269' N. of Kenwood Ave
Location of signs W. side of Lyndale Ave 304' North of Kenwood Ave
Remarks:
Posted by Harry C. Gartside Date of return Feb 11 1950

H152
MAP
H1114-A

SIPPLE AVE

KENWOOD AVE

LEROY
SPAR
PROPERTY



LYNDALE AVE

Edgar O. Barnes