

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Samuel E. Barnes, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a special hearing under Section 900.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission and/or Deputy Zoning Commissioner should approve the legal non-conforming use of the dwelling located at 422 Overbrook Road as a two-family dwelling.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser: Samuel E. Barnes
Legal Owner: Samuel E. Barnes
Address: 606 Pennock Road, Severna Park, Md 21146
Petitioner's Attorney: [Signature]
Protestant's Attorney: [Signature]

ORDERED By the Zoning Commissioner of Baltimore County, this 13th day of January, 1977, that the subject matter of this petition be advertised by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of January, 1977, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 17, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas B. Commodari
Chairman
Acting Chairman

MEMBERS
BUREAU OF ENGINEERING
TRAFFIC ENGINEERING
DEPARTMENT OF
STATE ROADS COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Mr. Samuel E. Barnes
606 Pennock Road
Severna Park, Maryland 21146

RE: Special Hearing Petition
Item 114
Samuel E. Barnes - Petitioner

Dear Mr. Barnes:

The enclosed comments are to be included with the Zoning Plans Advisory Committee comments sent you January 10, 1977 referenced subject.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Planning & Zoning
Associate III

NBC:JD

Enclosure

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

January 13, 1977

Mr. E. Eric DiHenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #114 (1976-1977)
Property Owner: Samuel E. Barnes
S/W Overbrook Rd., 250' N/W Edmondson Ave.
Existing Zoning: SM 10.5
Proposed Zoning: Special Hearing to approve the legal non-conforming use of the dwelling located at 422 Overbrook Rd. as a two-family dwelling.
Acres: 2,060 sq. ft. District 1st

Dear Mr. DiHenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #114 (1976-1977).

Very truly yours,

Edward M. Owen, P.E.
Chief, Bureau of Engineering

END:EMH:FWL:SS

C-4W Key Sheet
6 SW 19 Pos. Sheet
SW 2 E Topo
95 Tax Map

Mr. Samuel E. Barnes
606 Pennock Road
Severna Park, Maryland 21146

Form 114

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 13 day of January 1976.

E. Eric DiHenna
Zoning Commissioner

Petitioner: Samuel E. Barnes

Petitioner's Attorney:

Reviewed by: Nicholas B. Commodari
Planning & Zoning
Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 10, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
Chairman
Acting Chairman

MEMBERS

BUREAU OF ENGINEERING

TRAFFIC ENGINEERING

DEPARTMENT OF

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Mr. Samuel E. Barnes
606 Pennock Road
Severna Park, Maryland 21146

RE: Special Hearing Petition
Item 114
Samuel E. Barnes - Petitioner

Dear Mr. Barnes:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested; but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

This existing row home is located on the southwest side of Overbrook Road, 250 feet northwest of Edmondson Avenue, in the First Election District. Adjacent properties on both sides of Overbrook Road are also improved with row homes.

This hearing is requested in order to prove that this existing two-family dwelling has been used continuously as such prior to 1955.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 10, nor more than 90 days after the date on the

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 4, 1977

Mr. E. Eric DiHenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiHenna:

Comments on Item 114, Zoning Advisory Committee Meeting, December 13, 1976, are as follows:

Property Owner: Samuel E. Barnes
Location: S/W Overbrook Rd., 250' N/W Edmondson Ave.
Existing Zoning: SM 10.5
Proposed Zoning: Special Hearing to approve the legal non-conforming use of the dwelling located at 422 Overbrook Rd. as a two-family dwelling.
2,060 sq. ft.
Acres: 2.060
District: 1st

Since this is an existing dwelling and public water and sewer exist, no health hazard is anticipated.

Very truly yours,

Thomas H. Devin, Director
BUREAU OF ENVIRONMENTAL SERVICES

Mr. Samuel E. Barnes
Re: Item 114
January 10, 1977
Page 2

filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI,
Acting Chairman, Zoning
Plans Advisory Committee

NBC:JD

Enclosure

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts, that in accordance with the power granted unto the Deputy Zoning Commissioner by Section 500.7 of the Baltimore County Zoning Regulations, it is hereby determined that the use as herein requested will not be detrimental to the health, safety, and general welfare of the community and would be within the spirit and intent of said regulations, and, therefore, the Special Hearing to approve the legal nonconforming use of the dwelling located at 422 Overbrook Road as a two-family dwelling should be granted.

IT IS ORDERED by the Deputy Commissioner of Baltimore County this 24th day of January, 1977, that the herein Petition for the aforementioned Special Hearing should be and the same is GRANTED, from and after the date of this Order, subject to the approval of the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of the above Special Hearing should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of January, 1977, that the above Special Hearing be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



January 6, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #114, Zoning Advisory Committee Meeting, December 13, 1976, are as follows:

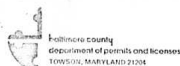
Property Owner: Samuel E. Barnes
Location: SW/S Overbrook Road 250' NW Edmondson Avenue
Existing Zoning: D, 10.5
Proposed Zoning: Special Hearing to approve the legal non-conforming use of the dwelling located at 422 Overbrook Road as a two-family dwelling
Acre: 2,060 sq. ft.
District: 1st

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to ensure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley, Jr.
John L. Wimbley
Planner III
Project and Development Planning



January 11, 1977

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item # 114 Zoning Advisory Committee Meeting, December 13, 1976 are as follows:

Property Owner: Samuel E. Barnes
Location: SW/S Overbrook Road - 250' NW Edmondson Ave.
Existing Zoning: D, 10.5
Proposed Zoning: Special Hearing to approve the legal non-conforming use of the dwelling located at 422 Overbrook Road as a two family dwelling.
Acre: 2,060 sq. ft.
District: 1st.

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☐ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☐ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Barnham
Planning Review Chief
CDB/PL

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: December 10, 1975

Z.A.C. Meeting of: December 13, 1976

Re: Item No. 114
Property Owner: Samuel E. Barnes
Location: SW/S Overbrook Road 250' NW Edmondson Avenue
Present Zoning: D.R. 10.5
Proposed Zoning: Special Hearing to approve the legal nonconforming use of the dwelling located at 422 Overbrook Road as a two-family dwelling.

District: 1st
Sq. Acres: 2,060 square feet

Dear Mr. DiNenna:
No bearing on student population

Very truly yours,

Michael S. Flanigan
Field Representative.

MSF/ml

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: January 7, 1977
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition 77-129-SPH. Petition for Special Hearing to approve a legal non-conforming of a dwelling as a two-family dwelling. Southwest side of Overbrook Road 250 feet Northwest of Edmondson Avenue. Petitioner - Samuel E. Barnes.

1st District

HEARING: Monday, January 24, 1977 (10:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

NEG:JCH/rw

RE: PETITION FOR SPECIAL HEARING
SW/S of Overbrook Rd. 250' NW of Edmondson Ave., 1st District
SAMUEL E. BARNES, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 77-129-SPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

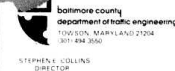
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
Deputy People's Counsel

I HEREBY CERTIFY that on this 19th day of January, 1977, a copy of the aforesaid Order was mailed to Mr. Samuel E. Barnes, 606 Penock Road, Severna Park, Maryland 21146, Petitioner.

John W. Heslany, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

John W. Heslany, III



January 13, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21204

Re: Item 114 - ZAC - December 13, 1976
Property Owner: Samuel E. Barnes
Location: SW/S Overbrook Rd. 250' NW Edmondson Ave.
Existing Zoning: D.R. 10.5
Proposed Zoning: Special Hearing to approve the legal nonconforming use of the dwelling located at 422 Overbrook Rd. as a two-family dwelling.
Acre: 2,060 sq. ft.
District: 1st

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the continue use of the dwelling located at 422 Overbrook Road as a two-family dwelling.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF/rw

Mr. Samuel E. Barnes
606 Pin Oak Road
Severna Park, Maryland 21166

January 28, 1977

RE: Petition for Special Hearing
SW/5 of Overbrook Road, 250' NW
of Edmondson Avenue - 1st
Election District
Samuel E. Barnes - Petitioner
NO. 77-129-SPH (Item No. 114)

Dear Mr. Barnes:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

George J. Martiak
GEORGE J. MARTIAK
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mr. Richard A. Sperry
422 Overbrook Road
Catonsville, Maryland 21228

John W. Hessian, III, Esquire
People's Counsel

To Whom it may Concern:

I herein state that I have been the owner of 422 Overbrook Road since 1957. I have rented this property to Mr. Richard Sperry for 8 years and a settlement is pending. My mother, a widow, acquired property in 1952 with the express purpose of renting the small apartment as an income.

I further state that the property which was a FALLADY "Gold Medal" home and that it does have masonry walls all around conforming with the Baltimore County Building Code.

On this 23rd day of January, 1977, before me a Notary Public personally appeared *Sam E. Barnes* who signed the above statement in my presence.

Samuel E. Barnes
Notary Public

My commission expires *July 1, 1978*



422 Overbrook Road
Catonsville, Maryland 21228
November 30, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
Room 121, County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Verification of Legal Non-conformance Use

Dear Mr. DiNenna:

I wish to confirm the use of property of 422 Overbrook Road, Catonsville, Maryland, 21228 (nearest intersection Edmondson Avenue), as having a legal nonconforming use as a two-family residency prior to 1955 and continuing to be used as such through the present time.

Could I have a letter of verification that it is a legal use.

As there is a scheduled settlement on Friday, December 1, 1976, I wish to also have it confirmed by telephone. I can be reached between 9:00 and 5:00 at 448-2500, ext. 208, before Friday.

Thank you for your cooperation.

Very truly yours,

Richard A. Sperry
RICHARD A. SPERRY



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: *1st* Date of Posting: *Jan. 8, 1977*
Posted for: *Petition for Special Hearing*
Petitioner: *Samuel E. Barnes*
Location of property: *SW/5 of Overbrook Rd. 250' NW of Edmondson Ave.*
Location of Sign: *East 422 Overbrook Rd.*
Remarks:
Posted by: *Shannon E. Roland* Date of return: *Jan. 14, 1977*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this *2* day of *Dec* 1976. Filing Fee \$ *25*. Received ☐ Check ☐ Cash ☐ Other

Submitted by *BARNES* Submitted by *BARNES*
Petitioner's Attorney Reviewed by *MAL*

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

12-36

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 Jan. 6, 1977

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Special Hearing-- Barnes was inserted in the following:

☒ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for *one* successive weeks before the 24th day of *January* 1977, that is to say, the same was inserted in the issues of Jan. 6, 1977.

STROMBERG PUBLICATIONS, INC.

Pat Stine

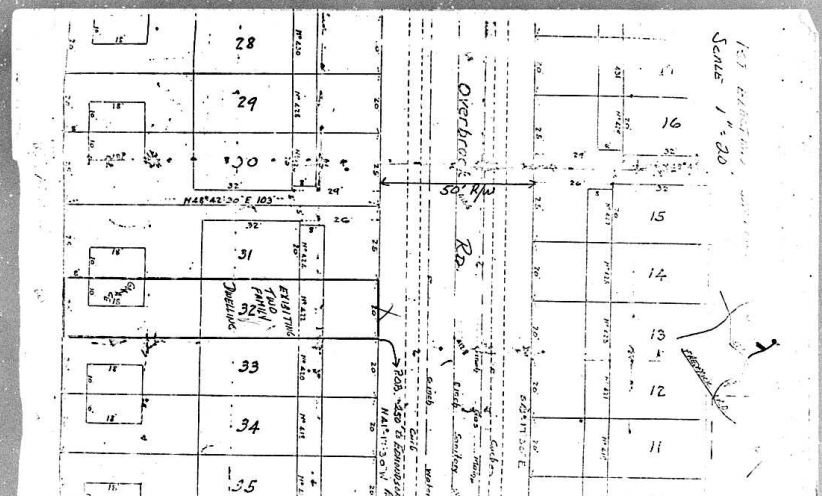
CERTIFICATE OF PUBLICATION

TOWSON, MD., *January 6*, 1977
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., *once a week* at *one time* *before* the *24th* day of *January*, 1977, the time publication appearing on the *6th* day of *January*, 1977.

THE JEFFERSONIAN
Richard A. Sperry
Manager

Cost of Advertisement, \$.....

NOTICE TO PETITIONER: The following is a copy of the advertisement as published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on January 6, 1977, the time publication appearing on the 6th day of January, 1977.



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 42828

DATE: *Dec. 29, 1976* ACCOUNT: *03-662*

AMOUNT: *\$25.00*

RECEIVED: *Samuel E. Barnes, 606 Pin Oak Rd., Severna Park, Md. 21166*
FOR: *Petition for Hearing - 77-109-SPH*

865 REC-20 25 REC

VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 42865

DATE: *January 24, 1977* ACCOUNT: *03-662*

AMOUNT: *\$39.25*

RECEIVED: *Samuel E. Barnes, 606 Pin Oak Rd., Severna Park, Md. 21166*
FOR: *Advertising and posting of property 77-109-SPH*

865 REC-24 39.25 REC

VALIDATION OR SIGNATURE OF CARRIER