TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) 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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nonconforming use of 13 Melvin Avenue (Catonsville) as a

three apartment dwelling and the residential use of a detached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the 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 restriction. tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do 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 Petition.

MAP SW3F Legal Owner(s): Contract Purchaser: Russell T. Musgrave (Type or Print Name) (Type or Print Name) _____ 59,190 Attorney for Petitioner: One Overbrook Road 7444-8675. Dawn Oxley Mu:grave (Type or Print Name,-Catonsville, Maryland 21228 Dan Okley Yhopan City and State One Overbrook Road Name, address and phone number of legal owner, contract purchaser or representative to be contacted Catonsville, Maryland 21228 Dawn Oxley Musgrave City and State One Overbrook Road 744-8675 744-8675 Catonsville, MD 21228

ORDERED By The Zoning Commissioner of Baltimore County, this _____23rd_____ day of _____June____, 19_87_, that the subject matter of this petition be advertised, as required 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the ____Ath_____ day of ___August_____, 19-87-.. at _11:00 o'clock

DESCRIPTION FOR 13 MELVIN AVENUE

Beginning for the same at the beginning point as described in a deed dated January 28, 1981, and conveyed by the Chesapeake Life Insurance Company to Mary Ellen Buser and recorded among the land records of Baltimore County, Maryland in liber 6257 folio 546 and designated as point No. 19 as shown on plat of Total Real Estate Enterprises, Inc. Lot 1, 2 and 3 and recorded among the aforementioned land records in plat book EHK, Jr. 52 folio 150; thence binding on and running with the first line of Buser deed South 34-00-44 East a distance of 104.82 feet to a point located North 34-00-44 West 25.21 feet from a pipe found at point No. 22 on the aforementioned plat; thence binding on the second, third and fourth line of said Buser deed and binding on the division lines between lots 1 and 2 as shown on Amended Plat Buser Property lots 1 and 2 and recorded among the aforementioned land records in plat book EHK, Jr. 47 folio 47, South 56-04-43 West a distance of 52.13 feet; thence North 33-43-54 West a distance of 105.04 feet; thence North 56-19-39 East a distance of 51.62 feet to the place of beginning containing 0.1250 acres of land more or less as now surveyed by John C. Mellema, Sr., Inc. Land Surveyors bearings based on Baltimore County Metropolitan Grid System.

Being all of that land described in a deed dated January 28, 1981 and conveyed by the Chesapeake Life Insurance Company to Mary Ellen Euser and recorded among the land records of Baltimore County, Maryland in liber 6257 folio 546.

Said property being located at a point on Melvin Avenue, 50 feet wide, at a distance 617 feet North of Frederick Road. Being known as 13 Melvin Avnue in the 1st Election District. IN RE: PETITION FOR SPECIAL HEARING . BEFORE THE W/S Melvin Avenue, 617' N DEPUTY ZONING COMMISSIONER of Frederick Road (13 Melvin Avenue) OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District Case No. 88-78-SPH

Russell T. Musgrave

Petitioner

The Petitioner herein requests a special hearing to approve the non-conforming use of 13 Melvin Avenue as a three apartment dwelling and the residential use of a detached garage, in accordance with the plan submitted, prepared by John C. Mellema, Sr., Inc., revised 6/23/87, and identified as Petitioner's Exhibit 1.

Testimony by the Petitioner indicated that, at the time of purchase in 1986, the subject property was improved with a two-story frame dwelling and a frame garage/carriage house. The first floor of the dwelling contained one apartment. An outside center stairway provided access to two apartments on the second floor; one to the front and one to the rear. The carriage house provided a two-car garage and an apartment, mostly on the second floor but including one room on the first floor. Based on his experience with construction and renovation, he is of the opinion that the buildings are 40 to 60 years old and have never had any remodelling. He has since replaced the galvanized water pipes with copper and the original wiring with romex.

Mrs. Margaret White testified that she visited relatives who previously owned the property and lived on the site from 1942 or 1944 until 1969, knew of the existence of the four apartments and knows all the apartments were occupied/ rented continuously during that time.

Mr. Walter Fernandis corroborated Mrs. White's testimony and further testified that he had knowledge of the existence of the four apartments and their continuous rental from 1977 to date. The apartments were never vacant more than a month or two at a time.

A representative of the Melvin Avenue Community Association in no way questioned the non-conforming existence or continuous use of the four apartments but expressed neighborhood concerns over the condition of the property under prior ownership.

Pursuant to the advertisement, posting of property, and public hearing held on this case and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special hearing would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore day of August, 1987 that a special hearing to approve the non-conforming use of 13 Melvin Avenue as a three apartment dwelling and the residential use of a detached garage, in accordance with the testimony presented herein and Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order.

> Deputy Zoning Commissioner / of Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

Dawn Oxley Musgrave, Esquire

Catonsville, Maryland 21228

J. Robert Haines Zoning Commissioner

August 7, 1987

RE: Petition for Special Hearing W/S Melvin Avenue, 617' N of Frederick Road (13 Melvin Avenue) 1st Election District Case No. 88-78-SPH; Russell T. Musgrave

Dear Ms. Musgrave:

One Overbrook Road

Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Special Hearing has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

> Very truly yours. JEAN M. H. JUNG Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: Ms. Nancy H. Hamilton Melvin Avenue Community Association 35 Melvin Avenue Baltimore, Maryland 21228

People's Counsel

Description For 13 Melvin Avenue

Piginning at a point on the West side of Melvin Avenue, 50 feet wide, at a distance of 617 feet North of Frederick Road and being Lot Number 3 as shown on the plat of Total Real Estate Enterprises, Inc., Lots 1, 2 and 3 being a resubdivision of Lot 2, Buser Property as shown on a subdivision recorded on Plat Book 47/44 and shown on Amended Plat, Buser Property, Lots 1 and 2 recorded in Baltimore County in Plat Book EHK, Jr., No. 47, Folio 47.

Known as 13 Melvin Avenue in the First Election District.

PETITION FOR SPECIAL HEARING 1st Election District - 1st Councilmanic District

West Side Melvin Avenue, 617 feet North of Frederick Road (13 Melvin Avenue)

Case No. 88-78-SPH

.

DATE AND TIME: Tuesday, August 4, 1987, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the nonconforming use of 13 Melvin Avenue as a three-apartment dwelling and the residential use of a detached

Being the property of Russell T. Musgrave plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JARLON ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER W/S Melvin Ave., 617' N of Frederick Rd. (13 Melvin Ave.) 1st District

OF BALTIMORE COUNTY

RUSSELL T. MUSGRAVE, Petitioner Case No. 88-78-SPH

ENTRY OF APPEARANCE

.

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

the Max James Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 13th day of July, 1987, a copy of the foregoing Entry of Appearance was mailed to Dawn Oxley Musgrave, Esquire, One Overbrook Rd., Catonsville, MD 21228, Attorney for Petitioner.

Peter Max Zimmerman

July 25, 1988

SUBJECT. Zoning Petition No. 88-78-SpH

In view of the subject of this petition, this office offers no comment.



NEG: JGH: slb

ZONING OFFICE

GAS AND

CHARLES CENTER . P.O. BOX 1475 . BALTIMORE, MARYLAND 21203

Customer Relations Department

May 8, 1987

Mrs. Russell Musgrave 1 Overbrook Road Baltimore, MD 21228

Dear Mrs. Musgrave:

Thank you for your recent inquiry concerning your accounts at 13 Melvin Avenue. I have listed below the apartment, the meter number, and the date the meters were installed. It is possible that meters were supplying these units prior to the dates below, however, these are the only records we have available.

Installed 12/1/83 Installed 8/1/78 Gas #616800 Gas #313579 Installed 12/1/73 Electric #601860 Electric #58910070 Installed 5/1/80 2FL R Electric #581777 Installed 12/1/53 2FL F Installed 12/1/83 Gas #349673 R Residence Installed 12/1/76 Electric #630892

I hope this information will be of assistance to you. If you have any further questions, please call me at 234-5410.

> Sincerely, M. A. O. Sward

M. A. DiGuardo Customer Representative

MAD/tr

FITTIOMER'S EXHIBIT 2



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 20, 1987

COUNTY OFFICE BLOG. 111 W. Chesapeake Ave.

Chairman

000

MEMBERS Bureau of ngineering

Department of Truffic Engineering State Roads Commissio Fire Provention

Bureau of Health Department Project Planning Building Department Board of Education Ioning Administration

Industrial

Dawn Oxley Musgrave, Esquire 1 Overbrook Road Catonsville, Maryland 21228

> RE: Item No. 541 - Case No. 88-78-SPH Petitioner: Russell T. Musgrave Petition for Special Hearing

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. I: similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours. Chairman Zoning Plans Advisory Committee

JED:bjs

'cc: File

Enclosures

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

July 8, 1987

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



Re: Property Owner: Russell T. Musgrave

Location: W/S Melvin Avenue, 617' N. Frederick Road

Item No.: 541

Zoning Agenda: Meeting of 7/7/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

) 7. The Fire Prevention Bureau has no comments at this time.

10750 Little Paturent Pkwy. Columbia, MD 21044

THIS IS TO CERTIFY, that the annexed advertisement of

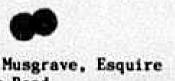
Petition for Special Hearing

was inserted in the following: Catonsville Times Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for _____ one successive weeks before

July 16, 1987

PATUXENT PUBLISHING CORP.



Dawn Oxley Musgrave, Esquire 1 Overbrook Road Catonsville, Maryland 21228

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING W/S Melvin Ave., 617' M of Frederick Rd. (13 Melvin Ave.) 1st Election District - 1st Councilmanic District Russell T. Musgrave - Petitioner

11:00 a.m.

Tuesday, August 4, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND

IGOBLIANSOUS CASH RECEIPT

3-4-87

SPICE OF PRIMITIES - REVENUE GONGO

Case No. 88-78-SPH

37837

R-01-615-009

Ma. 37654 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION PROME DAWN DRIEY MUSGRAUE FILING PEE FOR SP HEARING ITEM 541

8 013 *** ** 10 000 Fa 023 bF

VALIDATION OR SIGNATURE OF CASHIEL

Russell T. Musgrave Advertising and Posting case 88-78-SPH 8 3129*****72581a BO4BF WELLOWTHEN OR DISTRITUTE OF CASHIGO

BALTIMORE COUNTY, MARYLAND

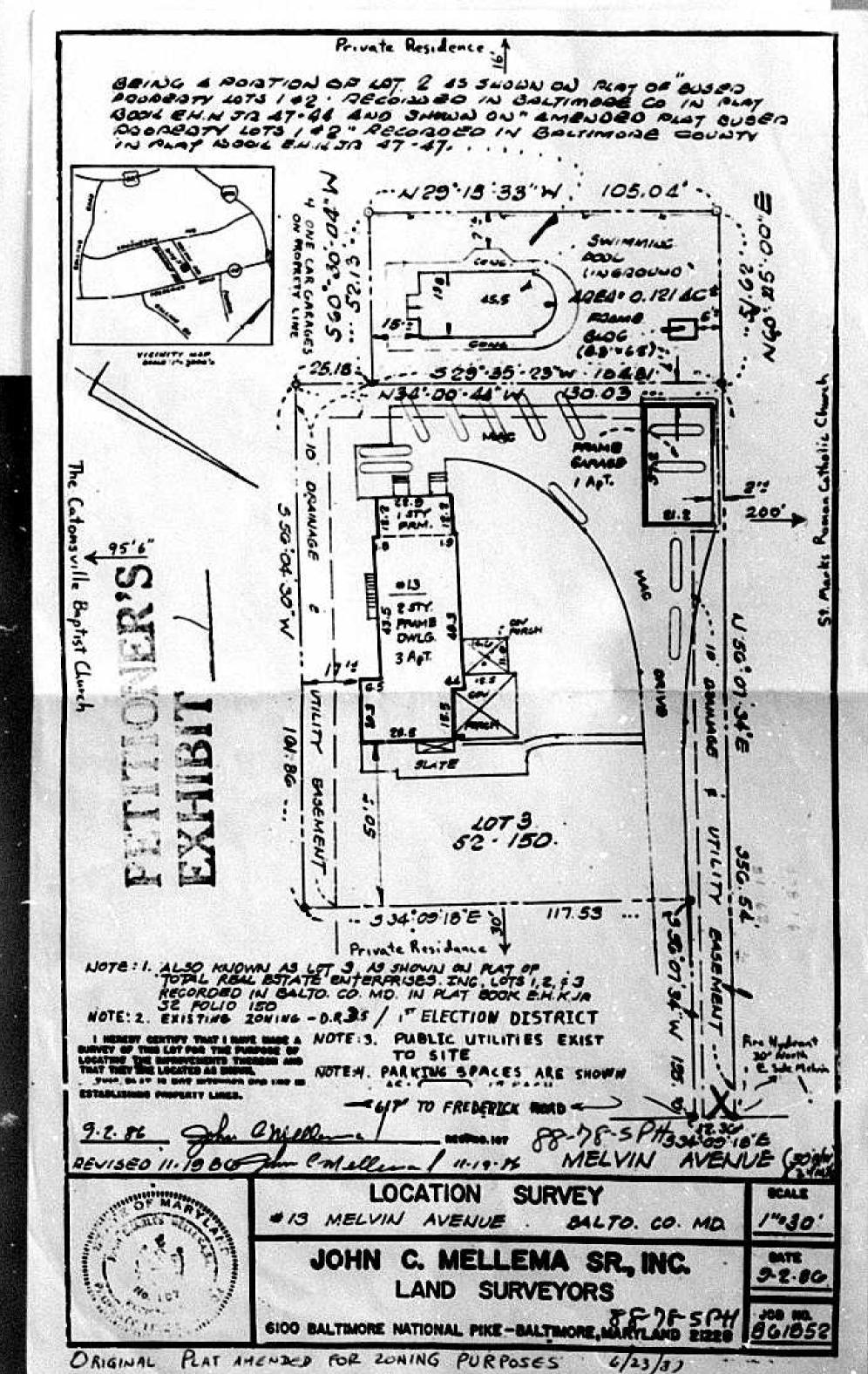
INTER-OFFICE CORRESPONDENCE

TO. James E. Dyer June 25, 1987

PROM David Green

SUBJECT C-87-1468 Stem 541 13 Melvin Avenue Illegal Conversion

Please be advised that the above referenced case is an active zoning violation case. Please notify this office of the outcome of the public hearing.



July 25, 1988

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on

THE JEFFERSONIAN,

CERTIFICATE OF POSTNIA DEPARTMENT OF BALTIMORE COUNTY

Number of Signs:

88-78-5PH

Your petition has been received and accepted for filing this day of June , 1987 .

Zoning Countssioner

Petitioner'

Received by:

Chairman, Zoning Plans Advisory Committee

sinsan Sudu Obresit

Publisher

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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