

ANNOUNCEMENT
 DEPUTY ZONING COMMISSIONER
 BALTIMORE COUNTY
 Case No. 89-180-SPH

TERMS, CONDITIONS AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the nonconforming use of the subject property as a two-family dwelling unit in accordance with Petitioner's Exhibit 1.

A hearing on the subject matter was held on November 15, 1989 at which the Petitioner's sister, Deborah M. Jowhar, and Mustafa Sharif, Real Estate Representative for David R. Miller, Contract Purchaser, appeared and testified on behalf of the Petitioner. At that hearing, it was determined that the Petitioner did not understand the burden upon them and the hearing was then continued to allow Petitioner time to prepare their case. The hearing was then continued to January 17, 1989 to permit Ms. Wheatley to appear. Subsequently, the hearing scheduled for January 17th was rescheduled as a result of vehicular problems which prevented Petitioner from appearing. A hearing was then scheduled for August 15, 1989 at which time the Petitioner was unable to attend due to conflicting schedules. The hearing was then scheduled for December 11, 1989 at which time the Petitioner appeared, testified and was represented by Saul Jablon, Esquire. Also appearing on behalf of the Petitioner was David R. Miller, current property owner. There were no Protestants at any of the hearings.

Testimony indicated that the subject property, known as 8823 Liberty Road, consists of 0.230 acres, zoned D.R. 3.5 and is improved with a two-story, multi-family dwelling which was built in approximately 1955.

Petitioner testified she purchased the subject property in 1986 from a Glen Miller and subsequently sold the property in April 1988 to Mr. Miller. Ms. Wheatley testified that at all times during her ownership, the property was used continuously and without interruption as a two apartment dwelling unit with one apartment on the first and second floors. Besides having two exterior front entrances, there are two exterior rear entrances to each apartment. Ms. Wheatley testified that from the time of her purchase until she sold the property, Eleanor Townsend occupied the second floor apartment. To support her testimony, Ms. Wheatley introduced as Petitioner's Exhibit 3 a signed affidavit from Ms. Townsend indicating that she was a resident of the second floor apartment from 1963 until 1988 and that at all times, the dwelling was occupied as two apartments. In further support of her case, Petitioner introduced as Petitioner's Exhibit 2, the affidavit of Michael C. Motosko who indicated that 8823 Liberty Road has been used as a two apartment dwelling unit since 1955. Testimony indicated that the construction of the dwelling as two apartments was permitted as of right under the then zoning regulations and that the use of the property as two apartments has been continuous and without interruption, other than for brief periods of time for a change in tenants and renovations at the time of Mr. Miller's purchase. However, at no time was there any vacancy for one year or greater.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property.

A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See *McKamy v. Baltimore County, Md.*, 39 Md. App. 257, 385 A.2d 96 (1978). In this instance, the testimony and evidence presented indicated there has been no change.

After the consideration of the testimony and evidence presented, it appears that the subject property has been used continuously and without interruption as a two apartment dwelling unit since 1955, at which time such use was permitted as of right, and as such, meets the requirements for a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of December, 1989 that the Petition for Special Hearing to approve the nonconforming use of the subject property as a two-family dwelling unit in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

PETITION FOR SPECIAL HEARING
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-180-SPH

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 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 a nonconforming use for a two-family dwelling.

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 restrictions 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.

Contract Purchaser: Beverly M. Wheatley
 (Type or Print Name)
 Signature: Beverly M. Wheatley
 Address: 9032 Loughran Rd. 341-857-1073
 City and State: Baltimore, MD 21244
 Attorney for Petitioner: Mustafa Sharif
 (Type or Print Name)
 Signature: Mustafa Sharif
 Address: 9533 Liberty Rd. 2155
 City and State: Baltimore, MD 21253
 Attorney's Telephone No.: 922-5000

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of December, 1989, that the subject matter of this petition be advertised, as more fully set forth in the advertisement, in two newspapers of general circulation throughout Baltimore County, and that the public hearing be held before the Zoning Commission in Room 106 County Office Building in Towson, Baltimore County, Maryland, on the 14th day of December, 1989, at 11 o'clock.

SAUL JABLON
 ATTORNEY AT LAW
 8338 YORK ROAD
 TOWSON, MD 21286
 841-1930

J. Robert Haise
 Zoning Commissioner of Baltimore County

Baltimore County
 Zoning Commission
 Office of Planning & Zoning
 1001 REAR LANE
 TOWSON, MD 21286

December 27, 1989

Ann M. Nastarowicz
 Deputy Zoning Commissioner
 111 W. Chesapeake Ave Room 109
 Towson, MD 21284

Re: Beverly Wheatley
 89-180 SPH

Dear Ms. Nastarowicz:

As you know, a hearing was held on December 11, 1989 in the above captioned matter. At the hearing I introduced two affidavits, one of which confirmed the use of 8823 Liberty Road as a two family dwelling since 1953 on a continuous basis. This affidavit was supplied by a resident of the property. The second affidavit confirmed the use of the property as a two family dwelling since 1955, however, no one could explain who the person was who executed this affidavit and you therefore asked me to obtain this information and provide it to you.

I was advised by my client, Dr. Wheatley, that the affidavit was obtained by the real estate agent who handled the sale of the property from Dr. Wheatley to Mr. Miller. I therefore contacted the agent, Mustafa Sharif, who advised me that he did in fact obtain the affidavit from Michael Motosko, a fellow real estate agent who was an associate of the builder of this property and who resided in the neighborhood for some thirty years. He gave me Mr. Motosko's phone number to confirm this information and I thereupon called Mr. Motosko.

Mr. Motosko informed me that he was an associate of Seymour Ruff & Associates at the time the property was built in 1955, and that he resided in the neighborhood for thirty years, and that he was familiar with the property since it was built, that it was built as a two family dwelling and that it was continuously used as a two family dwelling thereafter.

The property remained an A residence through December 5, 1961 and therefore I was required to fill in the void between 1961 and 1963, however, Mr. Motosko's affidavit takes it back to 1955, to our further benefit.

Should you need any further information please advise.

Yours truly,
 Saul Jablon

ZONING DESCRIPTION - 8823 Liberty Road #86

BEGINNING on the south side of Liberty Road, at the distance of 325 feet, more or less, southeasterly of Stonebrook Road, thence running with the south side of Liberty Road, South 65 degrees 48 minutes 10 seconds East, 41.65 feet to a point. Thence continuing with the south side of Liberty Road, South 64 degrees 51 minutes 10 seconds East, 38.36 feet to a point. Thence leaving Liberty Road and running South 24 degrees 11 minutes 50 seconds West, 139.37 feet to a point, thence North 65 degrees 48 minutes 10 seconds West 60.00 feet to a point, thence North 24 degrees 11 minutes 50 seconds East, 140.00 feet to the place of beginning.

BEING Lot 5, Block 'A', in the subdivision known as "Plat 'A' of Fieldstone No. 4", which plat is recorded among the Land Records of Baltimore County in Plat Book No. 22, folio 16. Also known as No. 8823 Liberty Road in the Second Election District of Baltimore County.

SAVING AND EXCEPTING a parcel of land approximately 15 feet in width conveyed to the State Roads Commission of Maryland for the widening of Liberty Road.

CONTAINING 10,000 square feet, more or less, or 0.230 acres more or less, of land.

EDWIN J. VIGOR, REGISTRAR

SAUL JABLON
 December 12, 1989

REPLY TO
 BALTIMORE COUNTY OFFICE
 8338 YORK ROAD
 TOWSON, MD 21286
 (301) 281-1930

237 CONGRESSIONAL LANE
 HONOLULU, HAWAII 96805
 (808) 943-2131

RECEIVED
 DEC 13 1989
 ZONING OFFICE

Hon. Ann Nastarowicz
 Deputy Zoning Commissioner
 111 W. Chesapeake Ave Room 109
 Towson, MD 21284

Re: Beverly Wheatley
 89-180 SPH

Dear Ms. Nastarowicz:

As you know, a hearing was held on December 11, 1989 in the above captioned matter. At the hearing I introduced two affidavits, one of which confirmed the use of 8823 Liberty Road as a two family dwelling since 1953 on a continuous basis. This affidavit was supplied by a resident of the property. The second affidavit confirmed the use of the property as a two family dwelling since 1955, however, no one could explain who the person was who executed this affidavit and you therefore asked me to obtain this information and provide it to you.

I was advised by my client, Dr. Wheatley, that the affidavit was obtained by the real estate agent who handled the sale of the property from Dr. Wheatley to Mr. Miller. I therefore contacted the agent, Mustafa Sharif, who advised me that he did in fact obtain the affidavit from Michael Motosko, a fellow real estate agent who was an associate of the builder of this property and who resided in the neighborhood for some thirty years. He gave me Mr. Motosko's phone number to confirm this information and I thereupon called Mr. Motosko.

Mr. Motosko informed me that he was an associate of Seymour Ruff & Associates at the time the property was built in 1955, and that he resided in the neighborhood for thirty years, and that he was familiar with the property since it was built, that it was built as a two family dwelling and that it was continuously used as a two family dwelling thereafter.

The property remained an A residence through December 5, 1961 and therefore I was required to fill in the void between 1961 and 1963, however, Mr. Motosko's affidavit takes it back to 1955, to our further benefit.

Should you need any further information please advise.

Yours truly,
 Saul Jablon

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 2nd Date of Posting: November 19, 1989

Posted for: Special Hearing

Petitioner: Beverly M. Wheatley

Location of property: 8823 Liberty Road, 350' SE of E/W of Stonebrook Road, 8823 Liberty Road

Location of Sign: In front of 8823 Liberty Road

Remarks:

Posted by: S.J. Jablon Date of return: December 24, 1989

Number of Signs: 1

NOV 13 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

Dennis F. Rasmussen
County Executive

NOTICE OF RESCHEDULING

89-180-SPH

Beverly M. Wheatley

THE HEARING WILL NOW TAKE PLACE AS FOLLOWS:

DECEMBER 11, 1989 at 9:30 a.m.

OFFICE BUILDING, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21284

J. ROBERT HAINES
Deputy Zoning Commissioner
BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

Dennis F. Rasmussen
County Executive

September 1, 1989

Ms. Beverly M. Wheatley
9032 Loughran Road
Fort Washington, Maryland 20744

RE: Petition for Special Hearing
S/S Liberty Road, 350' SE of the c/l of Stoneybrook Road
(8823 Liberty Road)
2nd Election District - 2nd Councilmanic District
Beverly M. Wheatley - Petitioner
Case No. 89-180-SPH

Dear Ms. Wheatley:

In response to your letter dated August 29, 1989 requesting another postponement and a new hearing date in the above-referenced matter, please be advised that after careful consideration of David Miller's letter dated August 17, 1989 and the hardship that would be suffered by him if the case were dismissed at this time, I have agreed to reschedule the matter one final time.

Failure to appear at the next hearing to present testimony establishing the nonconforming use of the subject property as a two family dwelling will result in a dismissal. No further continuances will be granted. If you have any questions regarding the new hearing date, please contact the Docket Clerk, Gwen Stephens, at 887-3391.

Thank you for your cooperation in this matter.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Mr. David F. Miller
8823 Liberty Road, Randallstown, Md. 21133
Mr. C. D. Goldblum
c/o Renew, 201 Shilling Circle, Hunt Valley, Md. 21031
Gwen Stephens; File
bcc: Councilman Melvin Mintz

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

Dennis F. Rasmussen
County Executive

September 1, 1989

Mr. David F. Miller
8823 Liberty Road
Randallstown, Maryland 21133

RE: Petition for Special Hearing
S/S Liberty Road, 350' SE of the c/l of Stoneybrook Road
(8823 Liberty Road)
2nd Election District - 2nd Councilmanic District
Beverly M. Wheatley - Petitioner
Case No. 89-180-SPH

Dear Mr. Miller:

In response to your letter dated August 17, 1989 and pursuant to the attached correspondence dated September 1, 1989 to Ms. Wheatley, I have agreed to reschedule the hearing in the above-referenced matter one last time. There will be no further continuances. In the event Ms. Wheatley fails to appear at the next hearing, I will be forced to dismiss the case.

Please contact the Docket Clerk, Gwen Stephens, at 887-3391 for further information as to the new hearing date.

Thank you for your consideration in this matter.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Case File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

Dennis F. Rasmussen
County Executive

September 1, 1989

Ms. Beverly M. Wheatley
9032 Loughran Road
Fort Washington, Maryland 20744

RE: Petition for Special Hearing
S/S Liberty Road, 350' SE of the c/l of Stoneybrook Road
(8823 Liberty Road)
2nd Election District - 2nd Councilmanic District
Beverly M. Wheatley - Petitioner
Case No. 89-180-SPH

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Failure to appear at the next hearing to present testimony establishing the nonconforming use of the subject property as a two family dwelling will result in a dismissal. No further continuances will be granted. If you have any questions regarding the new hearing date, please contact the Docket Clerk, Gwen Stephens, at 887-3391.

Thank you for your cooperation in this matter.

Very truly yours,
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Mr. David F. Miller
8823 Liberty Road, Randallstown, Md. 21133
Mr. C. D. Goldblum
c/o Renew, 201 Shilling Circle, Hunt Valley, Md. 21031
Gwen Stephens; File
bcc: Councilman Melvin Mintz

August 29, 1989

RECEIVED
AUG 30 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
County Zoning Commission
Chesapeake Ave.
MD 21284

Re: Petition for Special Hearing
Case Number: 89-180-SPH
S/S Liberty Road, 350' SE c/l
Stoneybrook Road
(8823 Liberty Road)
2nd Election District - 2nd Councilmanic
Petitioner(s): Beverly M. Wheatley

Postoffice:

Writing to request a new zoning hearing date for the above
mentioned case.

As the hearing has been rescheduled a number of times, however
difficulties have arisen and other unforeseen difficulties, I
must attend the previously scheduled hearings.

As the hearing date has been rescheduled a new hearing date
has been set. I would appreciate your earliest, convenient
reply to this your decision at your earliest convenience.

If you have any additional information, please do not hesitate
to contact me at (301) 582-1160.

Thank you for your attention to this matter.

Beverly M. Wheatley

8823 Liberty Road
Randallstown, MD 21133
(301) 922-7350

August 17, 1989

Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County Zoning Office
County Office Building
111 West Chesapeake Avenue
Towson, MD 21284

Dear Mrs. Nastarowicz:

I am requesting, as the current owner of 8823 Liberty Road,
an extension on case number 89-180-SPH because the former
owner of the property, Dr. Beverly Wheatley, has failed to
appear at the last two hearings with the necessary information
for the case. I apologize for any inconvenience this
has caused you but I have requested Dr. Wheatley to have her
attorney forward me the pertinent information on the case.
I have contacted Dr. Wheatley by telephone and through the
mail (see enclosed letter).

Hopefully, Dr. Wheatley will forward the information quickly
so we may resolve this matter. Please inform me of your
decision as soon as possible. Thank you.

Sincerely,
David F. Miller
David F. Miller

RECEIVED
AUG 21 1989
ZONING OFFICE

cc: Dr. Beverly Wheatley
A. Gilbert, Esq.

8823 Liberty Road
Randallstown, MD 21133
(301) 922-7350

August 17, 1989

Dr. Beverly M. Wheatley
3851 Alabama Avenue, SE
Washington, DC 20020

Dear Dr. Wheatley:

Your most recent failure to appear at the Baltimore County
Zoning Office for the rezoning of the property at 8823 Liberty
Road (Case number 89-180-SPH) which you sold to me in November,
has resulted in the probable dismissal of the case for rezoning.
You have failed to appear January 17, 1989 and August 15, 1989.
The hearing on November 15, 1988 was continued as you were not
prepared. At that time I was promised you would engage legal
counsel for the problem.

It was agreed prior to the closing sale of the property at
Liberty Road that you would assume responsibility for the rezoning.
At each hearing your failure of appearance has caused
Mr. Sharif your realtor, the zoning commissioner and myself to
be greatly inconvenienced. Mr. Sharif assured me at the recent
hearing that you had engaged legal counsel in the matter and
all of the pertinent information on the case had been assembled.
Please have your attorney forward the pertinent information to
my address above so I may present it to the Zoning Commission.
Immediately so the case will not be dismissed. I also had to
pay the posting fee at the recent hearing due to your failure
to appear. I have enclosed the receipt and would appreciate
prompt reimbursement.

As it was agreed prior to the closing sale of the property, I
feel you have a moral as well as legal obligation to follow
this matter through to the end. Please contact Ann Nastarowicz
at the Baltimore County Zoning Office and inform her you have
the information needed for the rezoning immediately so that the
case is not dismissed. If I cannot secure the necessary information
for the rezoning process I will seek my own legal counsel
in this matter to insure you provide the information. Thank you.

Sincerely,
David F. Miller
David F. Miller

cc: Ann M. Nastarowicz
A. Gilbert, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

Dennis F. Rasmussen
County Executive

DATE 9-1-89

Beverly M. Wheatley
9032 Loughran Road
Fort Washington, Maryland 20744

RE: Petition for Special Hearing
CASE NUMBER: 89-180-SPH
S/S Liberty Road, 350' SE c/l Stoneybrook Road
(8823 Liberty Road)
2nd Election District - 2nd Councilmanic
Petitioner(s): Beverly M. Wheatley
HEARING SCHEDULED: THURSDAY, AUGUST 15, 1989 at 2:00 p.m.

Dear Ms. Wheatley:

Please be advised that \$46.00 is due for advertising and posting of
the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY
UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the
check and the sign & post set(s) to the Zoning Office, County Office Building,
111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)
minutes before the hearing.

BALTIMORE COUNTY, MARYLAND No. 074654 & post set(s), there
MISCELLANEOUS CASH RECEIPT amount for each such set

DATE 9-1-89 ACCOUNT 001 615 000
AMOUNT \$ 46.00

RECEIVED BY Miller
FOR Baltimore Advertising (47-110-SPH)

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING 89-180-SPH
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland
 (301) 887-3353

Date of Posting: July 21, 1989

Posted for: Beverly M. Wheatley
 Location of property: 1/2 Liberty Road, 350' SE c/l Stonebrook Road
 Location of Sign: In front of 8823 Liberty Road

Remarks: _____
 Posted by: S.J. Arata Date of return: July 28, 1989
 Number of Signs: _____

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

July 11, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
 CASE NUMBER: 89-180-SPH
 1/2 Liberty Road, 350' SE c/l Stonebrook Road
 8823 Liberty Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): Beverly M. Wheatley
 HEARING SCHEDULED: TUESDAY, AUGUST 15, 1989 at 2:00 p.m.

Special Hearings: A nonconforming use for a two-family dwelling.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

cc: Beverly M. Wheatley
 Mustafa Sharif
 Deborah M. Jouhar
 David F. Miller
 File

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

Date: JAN 06 1989

Mustafa Sharif
 8533 Liberty Road
 Randallstown, Maryland 21133

Re: Petition for Zoning Variance
 Case number: 89-180-SPH
 1/2 Liberty Road, 350' SE c/l Stonebrook Road
 8823 Liberty Road
 HEARING SCHEDULED: TUESDAY, JANUARY 17, 1989 at 9:30 a.m.

Dear Petitioner:
 Please be advised that \$ 15.00 is due for reposting of the above-referenced property. DO NOT REMOVE the sign(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please bring the sign(s) and post(s) to 111 W. Chesapeake Avenue, Room 111, County Office Building, Towson, Maryland 21204, along with your check made payable to Baltimore County, Maryland on the day of the hearing.

Very truly yours,
 J. ROBERT HAINES
 ZONING COMMISSIONER
 BALTIMORE COUNTY

1/17/89 ONLY real estate reposted appeared - said when car broke down - request case be rescheduled AMW

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

J. Robert Haines
 Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
 CASE NUMBER: 89-180-SPH
 1/2 Liberty Road, 350' SE c/l Stonebrook Road
 8823 Liberty Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): Beverly M. Wheatley
 HEARING SCHEDULED: TUESDAY, JANUARY 17, 1989 at 9:30 a.m.

Special Hearings: A NONCONFORMING USE FOR A TWO-FAMILY DWELLING.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
 Zoning Commissioner of
 Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 31, 1989

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 July 27, 1989.

THE JEFFERSONIAN,
S. Zake Olson
 Publisher

PO 75089
 NY 1131046
 ca 89-180-SPH
 price \$39.40

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

J. Robert Haines
 Zoning Commissioner

October 6, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
 CASE NUMBER: 89-180-SPH
 1/2 Liberty Road, 350' SE c/l Stonebrook Road
 8823 Liberty Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): Beverly M. Wheatley
 HEARING SCHEDULED: TUESDAY, NOVEMBER 15, 1989 at 11:00 a.m.

Special Hearings: A nonconforming use for a two-family dwelling.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
 Zoning Commissioner of
 Baltimore County

cc: Beverly M. Wheatley
 Mustafa Sharif
 File

NOTE:
 IF PHASE II OF THE SNOW EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 A.M. ON THE DATE OF THE ABOVE HEARING, SAID HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1989. PLEASE TELEPHONE DOCKET CLERK AT 494-3351 TO CONFIRM DATE.

CERTIFICATE OF PUBLICATION

TOWSON, MD. October 28, 1989

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 Oct 27, 1989.

THE JEFFERSONIAN,
S. Zake Olson
 Publisher

PO 05234
 NY 1120374
 case 89-180-SPH
 price \$41.25

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

J. Robert Haines
 Zoning Commissioner

Date: 11-2-89

Ms. Beverly M. Wheatley
 9032 Loughran Road
 Fort Washington, Maryland 20744

Re: Petition for Special Hearing
 CASE NUMBER: 89-180-SPH
 1/2 Liberty Road, 350' SE c/l Stonebrook Road
 8823 Liberty Road
 2nd Election District - 2nd Councilmanic
 Petitioner(s): Beverly M. Wheatley
 HEARING SCHEDULED: TUESDAY, NOVEMBER 15, 1989 at 11:00 a.m.

Dear Ms. Wheatley:

Please be advised that \$78.65 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. It is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the County Office inutes before

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 058979

DATE: 11-2-89 ACCOUNT: 8-01-615-600
 AMOUNT: \$ 78.65

RECEIVED FROM: B. M. Wheatley
 FOR: Posting & Advertising Case # 89-180

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING 89-180-SPH
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland
 (301) 887-3353

Date of Posting: October 28, 1989

Posted for: Special Hearing
 Location of property: 1/2 Liberty Road, 350' SE c/l Stonebrook Road, 8823 Liberty Road
 Location of Sign: In front of subject property at 8823 Liberty Road

Remarks: _____
 Posted by: S.J. Arata Date of return: October 28, 1989
 Number of Signs: _____

CERTIFICATE OF POSTING 89-180-SPH
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

Date of Posting: October 28, 1989

District: 2nd
 Posted for: Special Hearing
 Location: Beverly M. Wheatley
 Location of property: 1/2 Liberty Road, 350' SE c/l Stonebrook Road, 8823 Liberty Road
 Location of Sign: In front of subject property at 8823 Liberty Road

Remarks: _____
 Posted by: S.J. Arata Date of return: October 28, 1989
 Number of Signs: _____

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant, and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Michael C. Motko
AFFIANT (Handwritten Signature)
MICHAEL C. MOTKO
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the house located at 8823 Liberty Road, Connelly Town, MD 21204 has been occupied as a two apartment dwelling since 1955 (month) 1955 (year) YES (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1955 (month) 1955 (year) YES (answer)

3. Will you realize any gain from the sale of this Property? NO (answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of AUGUST 1988, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared **MICHAEL C. MOTKO**, the Affiant herein, personally known or satisfactorily identified to me, the Notary Public, and made oath in due form of law that the foregoing information set forth are true and correct to the best of his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Norma A. Bittorie
NOTARY PUBLIC - NORMA A. BITTORIE
My Commission Expires: July 1, 1990

I, Eleanor Townsend, have been a resident of 8823 Liberty Road since 1963 and prior thereto, was a resident of same neighborhood since within 7 miles since 1912. I have been familiar with 8823 Liberty Road since the house was built and I hereby affirm that this property was built as a two-family dwelling prior to March 30, 1955 and has been used as a two-family dwelling ever since without interruption. I occupied 2nd floor since 1963 until 1988. It was rented as 2 apt. ever since I lived there.

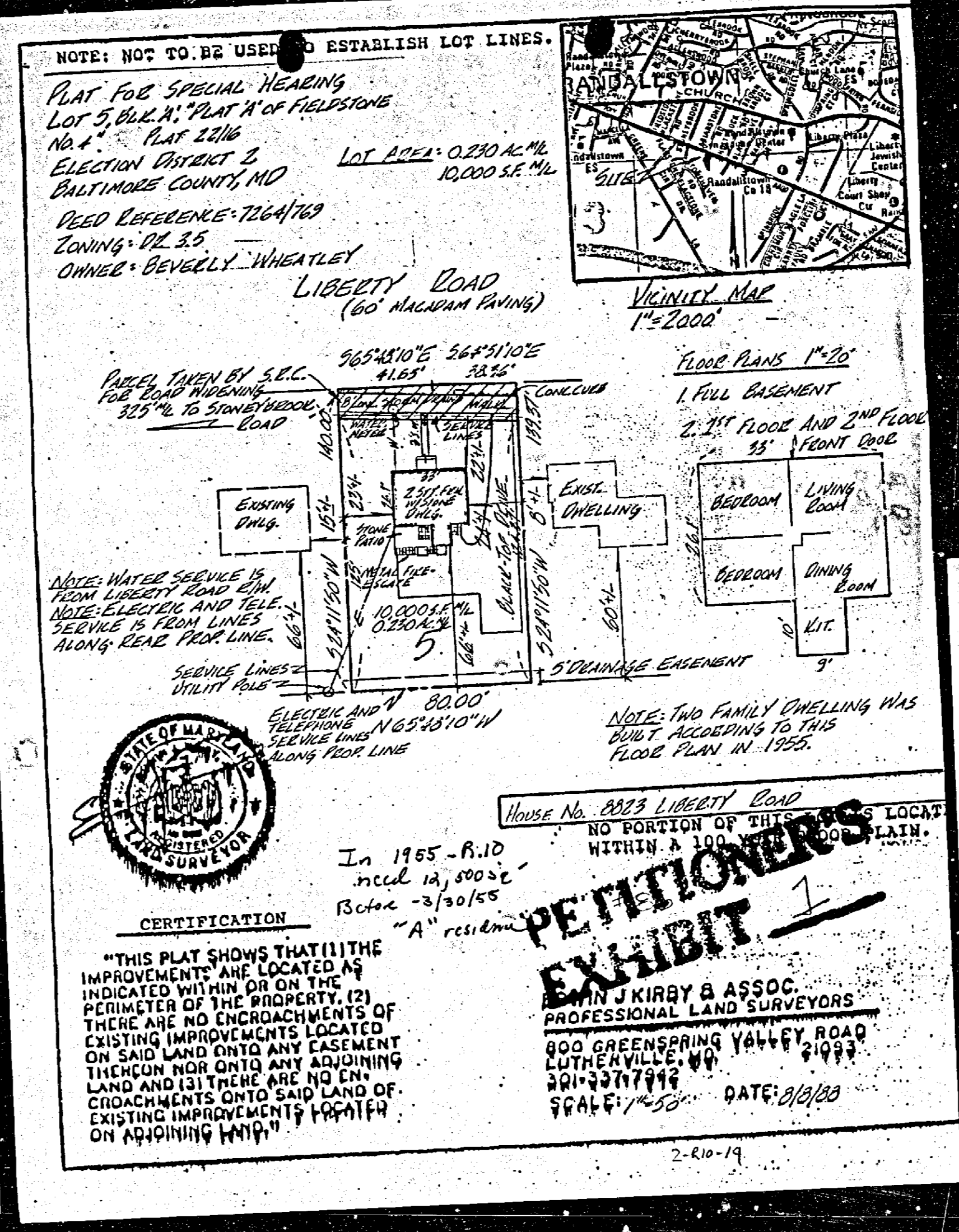
I hereby affirm under penalty of perjury that the above information and facts are true to the best of my knowledge and belief.

Date Dec 10, 1989 Signature *Eleanor Townsend*

Subscribed and sworn to before me this date: Dec 10, 1989 Signature of Notary Public *William R. Grant*

My commission expires on: Jan July 1, 1990 Date

OWNER'S EXHIBIT 3



89-180-SPH

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 14th day of September, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: *James E. Dyer*
Chairman, Zoning Plans Advisory Committee

Petitioner Beverly M. Wheatley
Petitioner's Attorney

Baltimore County
Fire Department
Towson, Maryland 21204-2886
494-4500

Paul H. Reincke
Chief

September 12, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Beverly M. Wheatley
Dennis F. Rasmussen
County Executive

Location: S/S Liberty Road, 350' SE of c/1 of Stoneybrook Rd.

Item No.: **EM86** Zoning Agenda: Meeting of 9/13/88

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.

REVIEWED: *Paul H. Reincke* 9/13/88 NOTED & APPROVED: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

7/1

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 2, 1988

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

MEMBERS:
Bureau of Engineering
Bureau of Planning
Bureau of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Bureau of Health Department
Bureau of Planning
Bureau of Public Works
Bureau of Schools
Bureau of Transportation
Bureau of Zoning Administration
Bureau of Industrial Development

Ms. Beverly M. Wheatley
3012 Loughran Road
Fort Washington, Maryland 20744

RE: Item No. 86 - Case No. 89-180-SPH
Petitioner: Beverly M. Wheatley
Petition for Special Hearing

Dear Ms. Wheatley:

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 of 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 the time that offer or request information on your petition. If 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,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

1908-1988
SHA
50 YEARS OF SERVICE

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 21, 1988

RE: Baltimore County
Zoning meeting 9/13/88
8823 Liberty Road
MD 26
S/S Liberty Road
350' east of Stoneybrook Road
Item #86

Dear Mr. Haines:

After reviewing the submittal of a special hearing to approve a non-conforming use for a two family dwelling, the SHA Bureau of Engineering Access Permits (BEAP), finds the plan generally acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,
Larry Brocato
LARRY BROCATO, JR.
Chief Bureau of Engineering
Access Permits

LB/es
cc: Mr. J. Ogle

My telephone number is (301) 333-1350

333-7555 Baltimore Metro - 445-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

RECEIVED
OCT 25 1988
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

October 11, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED ZONING OFFICE
DATE: 10/14/88

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 65, 67, 86, 87, 89, 90, 91 & 92.

Very truly yours,
Michael S. Flisberg
Michael S. Flisberg
Traffic Engineer Associate II

MSF:lab

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner Date: January 20, 1989

Pat Keller, Deputy Director
FROM: Office of Planning and Zoning

Wheatley
SUBJECT: Zoning Petition No. 89-180-SPH

No parking should be located in the front of the structure along Liberty Road.

PK/sf

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 19, 1991

Mr. David F. Miller
8823 Liberty Road
Randallstown, Maryland 21133

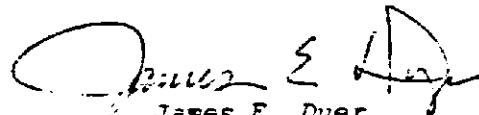
Dear Mr. Miller:


I am in receipt of your letter, dated December 17, 1991, whereby you request information pertaining to conformance with the Baltimore County Zoning Regulations of a two apartment dwelling located at 8823 Liberty Road.

As you know, there was a Special Hearing, Case #89-160-SPH, held on December 11, 1989, and an Order was written on December 27, 1989 by the Deputy Zoning Commissioner, Ann M. Nastarowicz, (copy enclosed) granting the nonconforming use of the subject property as a two-family dwelling unit subject to the 30 day appellate process. This letter is to inform you that this case was not appealed and this property is in a conforming status as far as the Baltimore County Zoning Regulations are concerned.

If you require additional information, please do not hesitate to call me at 887-3391.

Very truly yours,


James E. Dyer
Zoning Supervisor


By: David Green
Planner

DG/jat
cc: Case #89-160-SPH