

Petitioner's Exh #3

To Whom It may Concern:

June 3, 1994

I do not have an objection to the continual use of the dwelling at 6000 Hamilton Ave. as two apartments. I understand it has been used as two apartments for well over 50 years.

Signed:

DATE SUBMITTED
1954 *Rosemary A. Miller, 7909 32nd St. Bklyn. MD 21237*
1952 *Esther Whaley, 5907 Hamilton Ave. Bklyn. MD 21237*
Jennie Eleanore Lipinski, 5905 Hamilton Ave. Bklyn. MD 21237

Petitioner's Exh #4

To Whom It may Concern:

June 3, 1994

I did not fully understand and or read the letter I signed for Roman Szyjka dated May 16, 1994 pertaining to the residence at 6000 Hamilton Ave. being used as two apartments.

Since I moved into the neighborhood after 1966, I do not have personal knowledge of the alleged conversion of the house to two apartments in 1966, and I do not have an objection to the continual use of the dwelling at 6000 Hamilton Ave. as two apartments. I understand it has been used as two apartments for well over 50 years.

Signed:

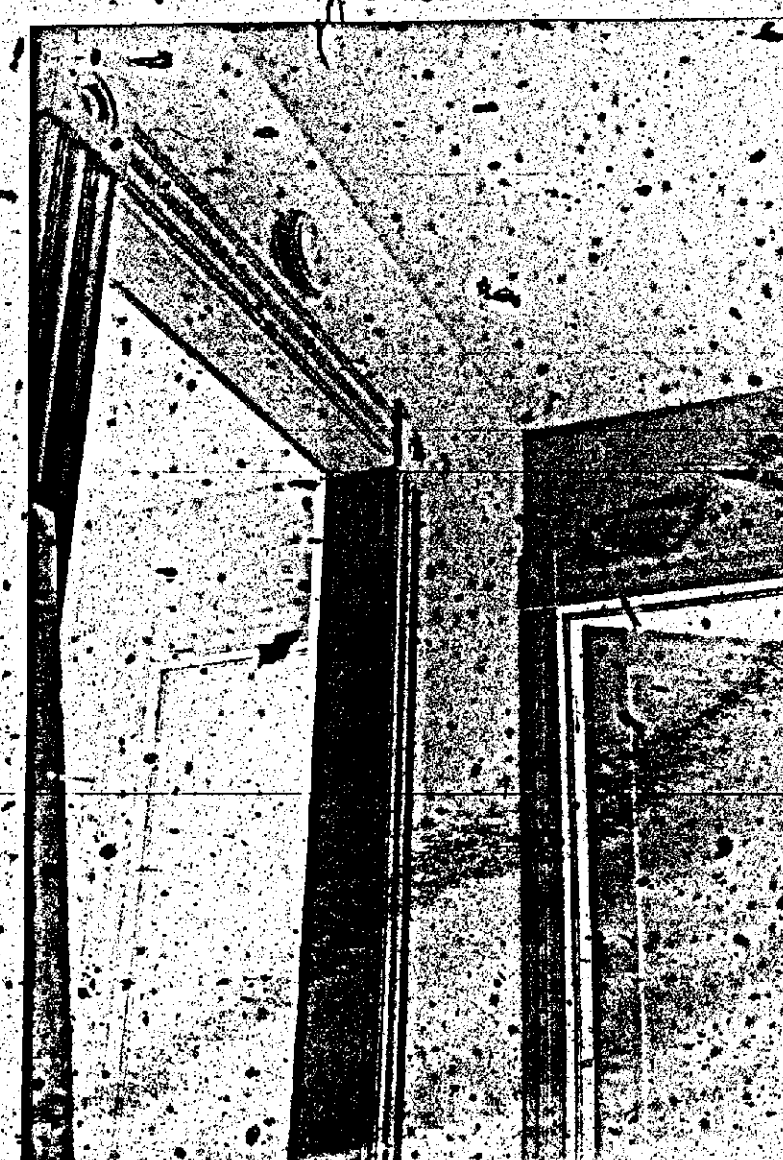
Edward D. Herrell, 6007 Hamilton Ave. 6/3/94
Harold Bruckly, 6007 Hamilton Ave. 6-3-94
Ellie Dieter, 6006 Hamilton Ave.
Daniel L. Schuchuk

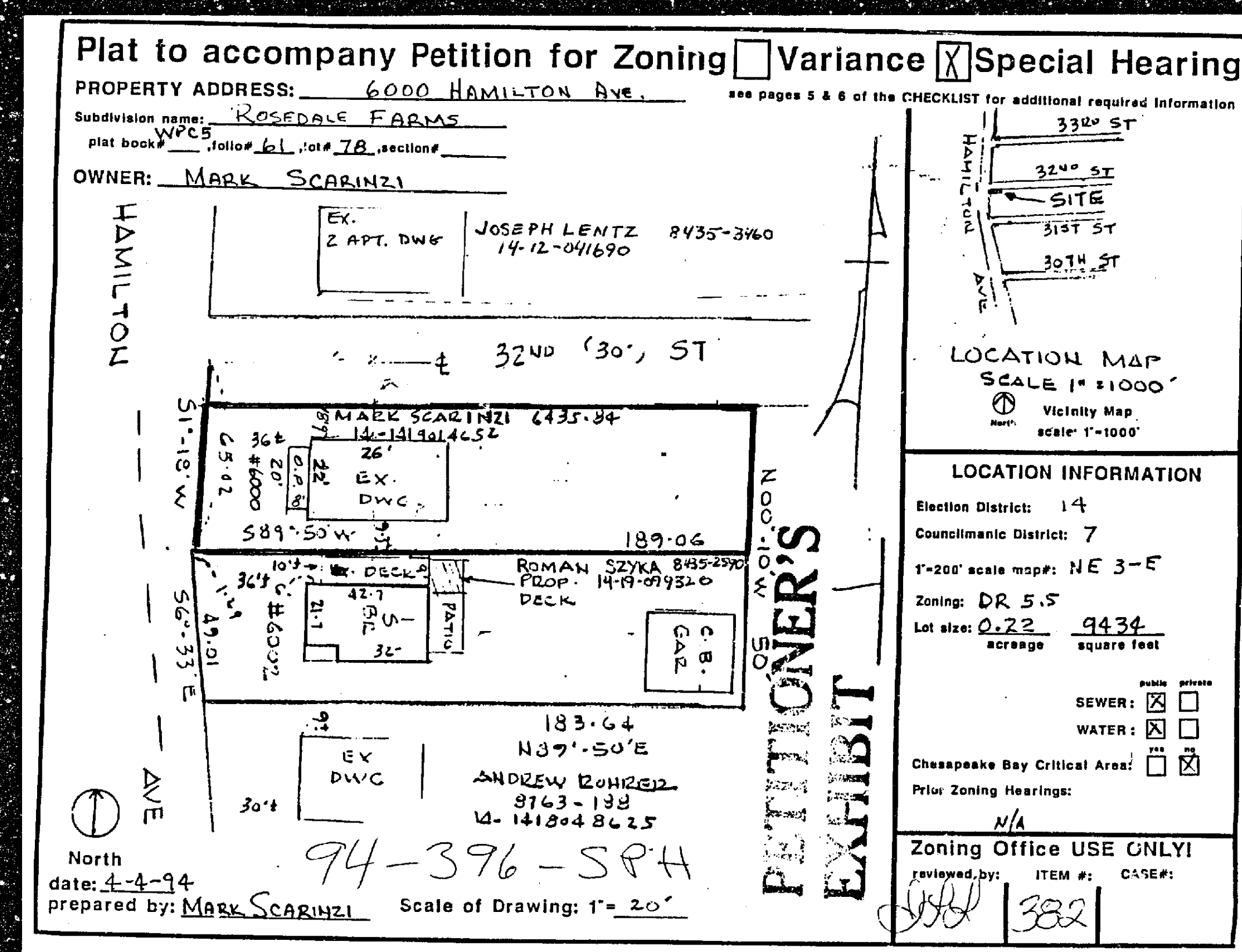
24-336-SPHA

Petitioner's Exh #5

12 Photos of 6000 Hamilton Ave

6000 Hamilton Avenue
A Short Pictorial





L4378 p 216

94-396-SPH

Ref: SPH 94-396 Date: 10-3-94

378 PHS 216

30th day of October, in the
city-four, by and between MARIE E. BAUER,
of Morris B. Slawson, late of Balti-
more, the records of the Register of Wills
No. 352, party of the first part, and
in the State of Maryland, party of the
second part, Executrix, in pursuance of the
last Will, has sold the fee simple
of ground and the improvements
for the sum of Six Thousand Five Hundred
and no/100 Dollars, as has been reported to and ratified by the
Court of the whole sum of the purchase price
has been paid.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the
premises and the sum of Six Thousand Five Hundred Dollars, and in pursuance
of the power and authority contained in the aforesaid Will, the said Marie E.
Bauer, Executrix, does grant and convey unto the said Eugene Scarinzi, his
heirs and assigns, in fee simple, all that lot of ground situate, lying and
being in Baltimore County, State of Maryland, now known as No. 6000 Hamilton
Avenue, and described as follows, that is to say:

BEING: For the same on the east side of Hamilton Avenue at the
corner formed by the intersection of the east side of Hamilton Avenue with the
south side of Thirty-second Street; and running thence southerly along the
east side of Hamilton Avenue one hundred and thirty-one one-hundredths feet
(100.31') to the northwest corner of Lot No. 76 as shown on the Plat herein-
after referred to; thence easterly along the northernmost boundary of Lot No.
76, one hundred eighty-three and sixty-four one-hundredths feet (183.64') to
the westernmost boundary of Lot No. 79 on said Plat; thence northerly and
ending on said westernmost boundary of Lot No. 79 one hundred feet to the

Petitioner's Exh #2

To Whom it May Concern:

Included are copies of pages from the 1955 Polk's Baltimore Suburban Directory showing names of the two families residing in the two apartments at 6000 Hamilton Ave. John and Mildred Stump rented the 1st floor of the residence at 6000 Hamilton Ave. and Mr. Slawson rented the second floor. The "r" designates renting in this directory. This directory was compiled during 1954, therefore it serves as proof that the house was rented as two apartments for over 40 years.

PROTESTANTS
EXHIBIT NO. 1

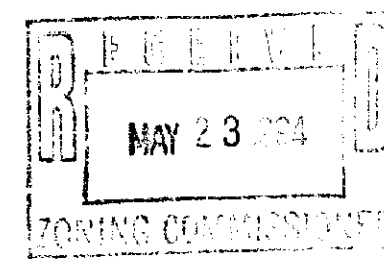
May 29, 1994

To whom it may concern:

My name is Gloria June Turner (maiden name Hartman) and I was born on August 13, 1927 and lived at what is now 5714 Hamilton Ave. throughout my childhood and adolescence, when I left in 1947 to be married.

To the best of my knowledge, I remember the residence at 6000 Hamilton Ave. as being a two-family home. It was owned by a Mr. Slawson until he passed away in 1964.

Gloria June Turner
GLORIA JUNE TURNER
9226 RAVENWOOD RD.
BALTO, MD 21237



SUBSCRIBED TO AFFIDAVIT TO REFORM
BE THIS AFFIDAVIT TO REFORM
NOTARY PUBLIC IN AND FOR
COUNTY OF BALTIMORE, STATE OF MARYLAND
MY COMMISSION EXPIRES 12/31/97

Cabren Malik
Clifton Malik
should be able
to verify this matter
also
6206 Hamilton Ave.

Timothy Kotroco, Deputy Zoning Commissioner
400 Washington Ave., Rm. 113
Towson, MD 21204

Ref: Case #94-396-SPH

Dear Mr. Kotroco:

Due to the late submission of Mr. Szyka's letter, I have not had adequate time to study and reply to the allegations he has made. First of all, the building was not converted by my father when he purchased it. The house was in terrible condition and was merely renovated and updated. It already had separate gas and electric meters for the two apartments. The second floor was not rented "periodically", but has been rented continuously since 1944. Mrs. Marie Bauer's signed and notarized affidavit testifies to this fact. Mrs. Bauer is the daughter of Mr. Slawson who had the house built in 1921. As the daughter of the original owner, Mrs. Bauer is the best source of correct information concerning the establishment of the two apartment grandfathering clause.

The fact that the house has separate utility meters for two apartments indicates that permits had to be issued for the Baltimore Gas and Electric Co. to install two meters. The Gas and Electric company will not install meters without permits. Unfortunately, the Baltimore County Building Permits records only go back in time for 5 years, and BG&E only keeps records for 7 years. Since the dwelling has had separate utilities for 50 years, it is impossible to obtain copies of permits or records to verify this.

The dwelling does have adequate fire safety equipment with smoke detectors on all levels in critical areas, fire walls separating the two apartments, and fire extinguisher available. Frankly, I find it hard to believe that anyone other than my tenants and myself would have knowledge of the availability of fire safety equipment.

The purpose of the affidavit signed by Mrs. Bauer is to grant the grandfathering clause, and therefore the property setbacks do not apply.

I take exception to being called an "absentee landlord" as I visit my property weekly and make any needed repairs I notice. The front porch is certainly not ready to collapse, the grass is cut regularly, the downspout are new, and the gutters may have a small amount of surface rust showing, but are functional.

Of all the signatures on the letter submitted by Mr. Szyka, only two people lived in the neighborhood at the time of the alleged conversion in 1966, and none of them would have knowledge of the occupancy status of the house.

Respectfully,

Mark Scarinci

Timothy Kotroco, Deputy Zoning Commissioner
400 Washington Ave., Rm. 113
Towson, MD 21204

Ref: Case #94-396-SPH

Dear Mr. Kotroco:

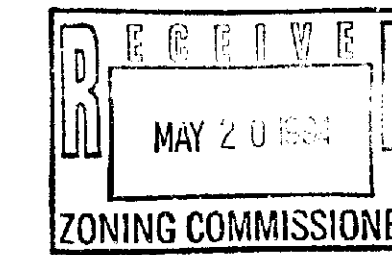
Last night I attended a community association meeting where I met a Mrs. Gloria J. Turner (maiden name Hartman). Mrs. Turner grew up on the corner of 34th Street and Hamilton Avenue one block from 6000 Hamilton Ave. and can testify that my house at 6000 Hamilton Ave has been used as two apartments since at least 1944. Mrs. Turner signed the affidavit, but I did not have time to have it notarized last night. Mrs. Turner lost track of the rental status of the two apartments continues until 1966 when she sold it to my father, and we have rented it as two apartments from that date to the present with no interruption greater than a few months for repairs. Mrs. Turner is 69 years of age and remembers the house being rented by Mr. Slawson's step son and wife on the first floor and Mr. Slawson living separately on the second floor. The apartments had separate cooking facilities all along. Later a Mr. Stump rented the second floor from Mr. Slawson. I realize this information is late in coming to you and that you have dictated an opinion on the case, but I hope you will understand that it is extremely difficult to find people with knowledge of the two apartment status 40 or 50 years ago. As a result of the conversation with Mrs. Turner, I can testify to the two apartment status 40 or 50 years ago. All knew the Slawson family, and are aware of the fact that the house at 6000 Hamilton Avenue has been used as two apartments continuously for more than 50 years.

As I mentioned at the hearing, my neighbor, Mr. Szyka's prime motivation in this case is retaliation for my reporting him to set back required by building his deck up to the property line. I did not know that I did not have the proper zoning for to apartments until Mr. Szyka bought it to my attention by reporting me.

Thank you for taking the time to review my late submissions, and I hope I have done enough to establish the two apartment status.

Sincerely,

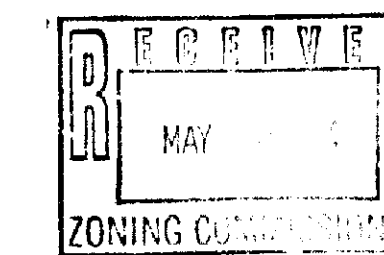
Mark Scarinci



AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), 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.



Gloria J. Turner
GLORIA J. TURNER
9226 RAVENWOOD RD
BALTO, MD 21237
TELEPHONE NUMBER 687-2965

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING QUESTIONS.

- Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 6000 HAMILTON AVE has been occupied as a Two (two, etc.) apartment dwelling since 1944 (year) YES (answer)
- Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1944 (year) NO (answer)
- 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 23 day of March, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Gloria J. Turner, known to me and for the County aforesaid, personally known to me and under oath in due form of law that the matters and facts herein above set forth are true and correct to the best of her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

NOTARY PUBLIC
My Commission Expires: _____

USE APP (1/8/90)
Revised 10/22/93

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ROMAN SZYJKA ADDRESS 6002 HAMILTON AVE, 21237

PLEASE PRINT CLEARLY

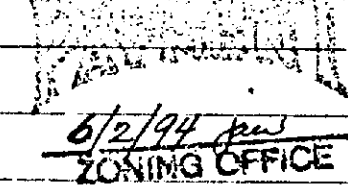
PETITIONER(S) SIGN-IN SHEET

NAME MARK SCARINCI ADDRESS 8917 LENNINGS LN BALTO, MD 21237

Zoning Commission

I would like to file for an appeal of case number 94-396.

Mark Scarinci
8917 LENNINGS LN
BALTO, MD 21237
6866703



AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), 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.

Marie C. Bauer
AFFIANT (undersigned Signature)

Marie C. Bauer
AFFIANT (Printed Name)
6255 44th AVE
ADDRESS (Printed)
866-2789
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING QUESTIONS.

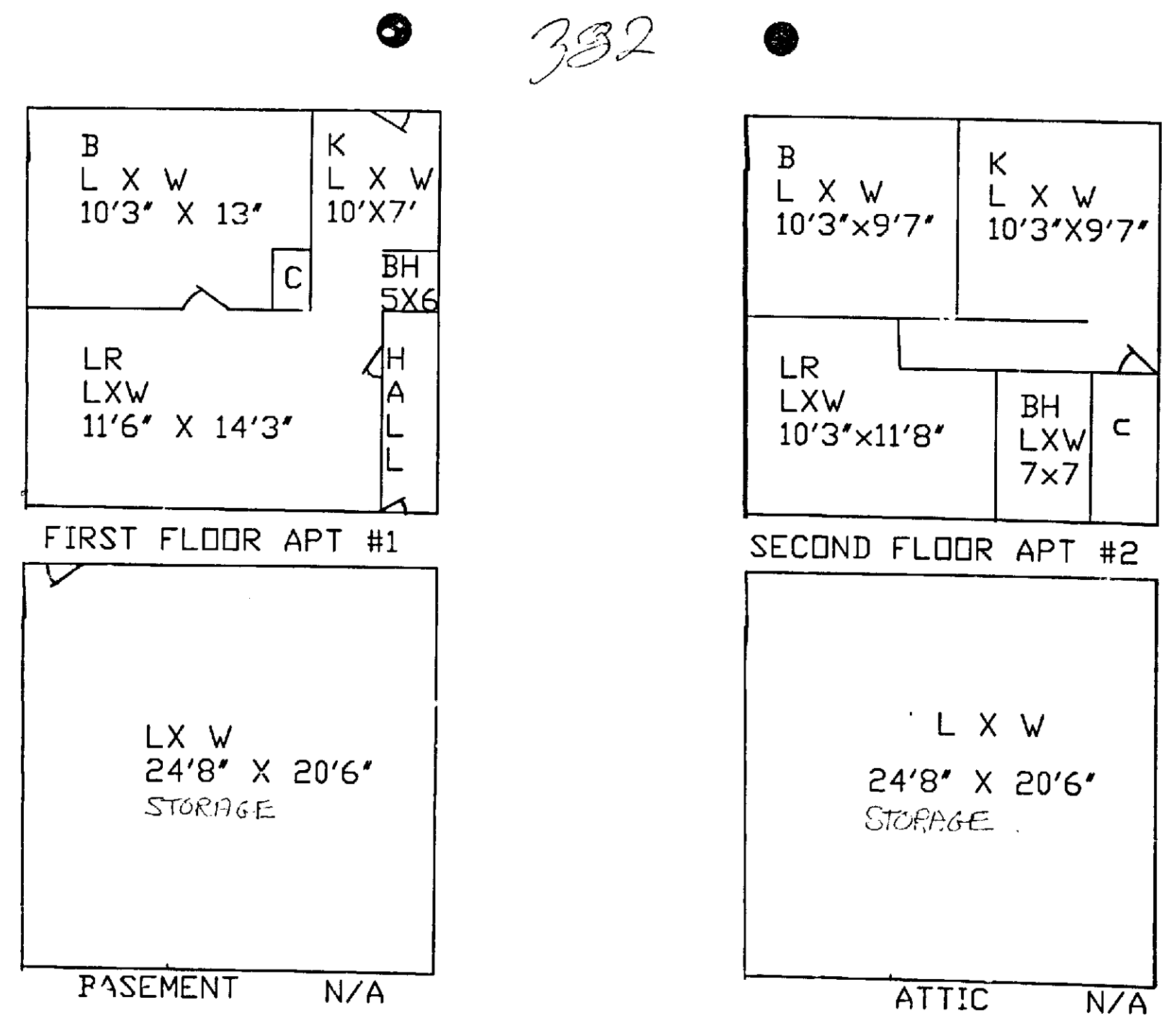
- Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 6000 Hamilton Ave. has been occupied as a 2 (two, etc.) apartment dwelling since 1944 (year) Yes (answer)
- Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since 1944 (year) Yes (answer)
- 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 23 day of March, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Marie C. Bauer, known to me and for the County aforesaid, personally known to me and under oath in due form of law that the matters and facts herein above set forth are true and correct to the best of her knowledge and belief.

As WITNESS my hand and Notarial Seal.

NOTARY PUBLIC
My Commission Expires: 12/31/97

USE APP (1/8/90)
Revised 10/22/93



94-396-SPH

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: March 8, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-396-SPH
MARK SCARINZI
14th E; 7rd C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

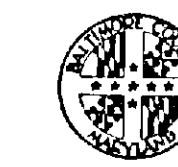
6/27/94 -Notice of Assignment for hearing scheduled for Thursday, September 8, 1994 at 10:00 a.m. sent to following:

Mr. Mark Scarinzi
Mr. Roman Szyjka
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/22/94 -Letter from Mark Scarinzi, Appellant /Petitioner, requesting postponement due to unavailability of witness critical to his case.
- Telephone conversation with Mr. Scarinzi 7/25/94 --witness will be away on vacation from 9/08/94 thru 9/28/94; is 80+ years old and is his key witness.

7/27/94 -Postponement GRANTED; case reset to Tuesday, October 11, 1994 at 10:00 a.m.; notice of PP and reassignment sent to parties.

10/12/94 -Hearing concluded before the Board (S.R.B.); matter deliberated publicly at conclusion of hearing; Petition for SPH /nonconforming use GRANTED by Board; written Opinion and Order to be issued; appellate period to run from date of that written Order.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
June 27, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-396-SPH MARK SCARINZI -Petitioner
SE/corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District

SPH -To approve use of subject property as nonconforming, two-apartment dwelling.

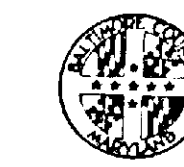
5/27/94 -D.Z.C.'s Order in which Petition for Special Hearing was DENIED.

ASSIGNED FOR: THURSDAY, SEPTEMBER 8, 1994 at 10:00 a.m.

cc: Mr. Mark Scarinzi Appellant /Petitioner
Mr. Roman Szyjka Protestant
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
July 27, 1994

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-396-SPH MARK SCARINZI -Petitioner
SE/corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District

SPH -To approve use of subject property as nonconforming, two-apartment dwelling.

5/27/94 -D.Z.C.'s Order in which Petition for Special Hearing was DENIED.

which was scheduled for hearing on September 8, 1994 has been POSTPONED at the request of Appellant /Petitioner due to unavailability of witness; and has been

REASSIGNED FOR: TUESDAY, OCTOBER 11, 1994 at 10:00 a.m.

cc: Mr. Mark Scarinzi Appellant /Petitioner
Mr. Roman Szyjka Protestant
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Mark Scarinzi -Petitioner
Case No. 94-396-SPH

DATE: October 11, 1994 /at conclusion of hearing

BOARD /PANEL: Michael B. Sauer (MBS)
Robert O. Schumetz (ROS)
Harry E. Buchheister, Jr. (HEB)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Petitioner was present at deliberation in proper person; also present was Roman Szyjka, Protestant.

PURPOSE --to deliberate issues and matter presented to the Board; testimony and evidence taken at hearing this date. Written Opinion and Order to be issued by the Board.

Opening comments by Acting Chairman Sauer; this case is subject to Maryland open sessions law; deliberation takes place in public setting; recited case name and number and matter before the Board.

MBS: Advised parties present that after the deliberation is given the Board will issue a written opinion which will make findings of fact and conclusions of law. At this point in time is prepared to say that the subject property has existed as two separate apartment dwellings and meets requirements that Petitioner must show for nonconforming use; reviewed testimony presented to Board; evidence presented persuades him that request for nonconforming use should be granted; finds as a matter of fact that this is a nonconforming use.

Summary: Petition for Special Hearing to be granted.

HEB: Also finds testimony persuasive; vivid recollection of two separate apartment dwellings for many years; nonconforming use should be granted; meets requirements of zoning regulations.

Summary: In agreement with MBS; petition should be granted.

ROS: Agrees with colleagues; believes that burden of proof rests with Petitioner to prove that the subject property has existed as a two-apartment dwelling pre-dating applicable zoning regulations; this is the case in this matter; testimony so

Deliberation /Mark Scarinzi -Petitioner 94-396-SPH

indicates, buttressed by supporting documentation; finds in favor of Petitioner.

Summary: Petition should be granted.

Closing statement by Acting Chairman Hackett: Board will issue written Opinion and Order to be sent to parties; any appeal that an aggrieved party may wish to file will be filed to the Circuit Court within 30 days from the date of the written opinion and order; not from date received or today's date, but from date of that written Order.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

PETITION FOR SPECIAL HEARING : BEFORE THE
SEC Hamilton Avenue and 32nd : ZONING COMMISSIONER
Street (6000 Hamilton Avenue), :
14th Election Dist., 7th :
Councilmanic Dist. : OF BALTIMORE COUNTY

PETITIONER : CASE NO: 94-396-SPH
MARK SCARINZI

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeLillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 24th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237, Petitioner.

Peter Max Zimmerman
People's Counsel for Baltimore County

7/25/94

Per t/c with Mark Scarinzi

his witness will be away from 9/08/94 (date of hearing) through 9/28/94.

William T. Hackett, Chairman July 22, 1994
County Board of Appeals of Baltimore County
Room 49 Old Courthouse
Towson, MD 21204

Dear Mr. Hackett,

I would like to request a postponement for case #94-396-SPH. The reason for the postponement request is that my witness, Mrs. Marie Sauer will be on vacation the last three weeks of September and cannot appear at the hearing. Therefore, I would like the case scheduled for some time after October 1, 1994. As the former owner and occupant of my house since 1921 she can attest to the fact that the house has been used as two apartments since the 1930's. Thank you for your consideration in this matter.

sincerely,

Mark Scarinzi

RECEIVED
COUNTY BOARD OF APPEALS
94 JUL 22 AM 11:59

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 6, 1994

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, Maryland 21237

RE: Case No. 94-396-SPH, Item No. 382
Petitioner: Mark Scarinzi
Petition for Special Hearing

Dear Mr. Scarinzi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 April 7, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204
MAIL STOP-1109

RE: Property Owner: MARK SCARINZI

LOCATION: SEC HAMILTON AVE. AND 32ND ST. (6000 HAMILTON AVE.)

Item No.: 382 Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

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", 1991 edition prior to occupancy.

RECEIVED
APR 28 1994

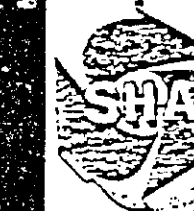
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, MS-1102F

cc: File



Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassoff
Administrator

4-13-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 9382 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID N. CARSEN, ACTING CHIEF
John Contesabie, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21202-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

APPEAL

Petition for Special Hearing
SE/Corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District - 7th Councilmanic District
Mark Scarinzi-PETITIONER
Case No. 94-396-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Council

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-in Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Special hearing

2 - Two-Apartment Affidavit

3 - Letter from Clarice Magrogon dated May 16, 1994

Protestant's Exhibits: 1 - Letter from the Residents of 6000 Block of Hamilton Avenue dated May 16, 1994

Letter from Gloria June Turner dated May 20, 1994

Letters from Mark Scarinzi dated May 18, 1994 and May 20, 1994

Deputy Zoning Commissioner's Order dated May 27, 1994 (denied)

Notice of Appeal received on June 2, 1994 from Mark Scarinzi

c: Mr. Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237

Mr. Roman Szyjka, 6002 Hamilton Avenue, Baltimore, MD 21237

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

PETITION FOR SPECIAL HEARING : BEFORE THE
SEC Hamilton Avenue and 32nd : ZONING COMMISSIONER
Street (6000 Hamilton Avenue), :
14th Election Dist., 7th :
Councilmanic Dist. : OF BALTIMORE COUNTY
PETITIONER : CASE NO: 94-396-SPH
MARK SCARINZI :
: : : : :
: : : : :

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carol S. Desilio
Carol S. Desilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 6, 1994

Mr. Roman Szyjka
6002 Hamilton Avenue
Baltimore, MD 21237

RE: Petition for Special Hearing
SE/Corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District
Mark Scarinzi-Petitioner
Case No. 94-396-SPH

Dear Mr. Scarinzi:

Please be advised that an appeal of the above-referenced case was filed in this office on June 2, 1994 by Mark Scarinzi. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw

c: People's Counsel



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 22, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

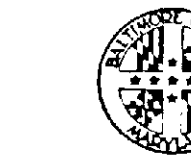
Item 374, 7736 South Cove Road - 94-389-A AV 5/2
Item 381, 2209 Headland Avenue (94-385-A) 2 5/17
Item 382, 6000 Hamilton Avenue (94-396-SPH) 5/17
Item 383, 6732 Charles Street Avenue (94-398-A) AV 5/2
Item 387, 1 Belgrave Court (94-400-A) AV 5/9
Item 389, 1044 Green Hill Farm Road 94-401-A "
Item 391, 10 Blueleaf Court 94-406-SPH 5/24
Item 393, 100 Sunny Meadow Lane 94-402-A AV 5/9
Item 394, 2603 Harwood Road 94-403-A "

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol L. Perera*

PK/JL:pat

374NC.ZAC/PZONE/ZAC1



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 9, 1995

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, MD 21237

RE: Case No. 94-396-SPH
MARK SCARINZI

Dear Mr. Scarinzi:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. Roman Szyjka
People's Counsel for Baltimore County



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on Recycled Paper

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
Suite 113, Courthouse
100 Washington Avenue
Towson, MD 21204
May 27, 1994 (410) 887-1486

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
SE Corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District - 7th Councilmanic District
Mark Scarinzi - Petitioner
Case No. 94-396-SPH

Dear Mr. Scarinzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for special hearing has been denied in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,
Timothy M. Kotroch
TIMOTHY M. KOTROCH
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Roman Sayko
111 West Chesapeake Avenue, Baltimore, Md. 21204

cc: Mr. Scarinzi

cc: Mr. Scarinzi

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 6000 Hamilton Ave., Balt., MD 21237
which is presently zoned RM 5.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve nonconforming use as a two apartment dwelling.

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.

Contact Person(s):

Type or First Name:

Signature:

Address:

City:

State:

Zipcode:

Attorney for Petitioner:

Type or First Name:

Signature:

Address:

City:

State:

Zipcode:

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Name:

Signature:

Address:

City:

State:

Zipcode:

Name:

Signature:

Address:

City:

State:

Zipcode:

Phone No.:

ESTIMATED LENGTH OF HEARING:

unavailable for hearing

the following date:

ALL OTHER

REVIEWED BY:

DATE:

ORDER RECEIVED FOR FILING
Date: 5/27/94
By: [Signature]

- Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 6000 Hamilton Ave., Balt., MD 21237
(address)
Election District 14 Councilmanic District 7

Beginning at a point on the SE Corner side of Hamilton Ave.
(north, south, east or west)
and 32nd Street which is 50' 3 3/4"
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 10' south of the centerline of the nearest improved intersecting street 32nd Street
(number of feet) (north, south, east or west) (name of street)
which is 30' wide. *Being Lot # 78

Block 1, Section 8 in the subdivision of
Crescent Farms as recorded in Baltimore County Plat
(name of subdivision)
Book # 1100, Folio # 61, containing
7434 sq ft or 2.217 acres
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th Date of Posting 4/28/94
Posted for Mark Scarinzi
Petitioner Mark Scarinzi
Location of property 6000 Hamilton Ave. SE Cor. 32nd St.
Location of Signs Along roadway on property being zoned
Remarks: [Signature]
Posted by [Signature] Date of return 5/10/94
Number of Signs 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 22, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1994.

THE JEFFERSONIAN,
A. Henneberg
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, May 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-396-SPH (Item 382)
6000 Hamilton Avenue
SE Corner Hamilton Avenue and 32nd Street
14th Election District - 7th Councilmanic District
Petitioner(s): Mark Scarinzi
HEARING: TUESDAY, MAY 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

4218 April 21.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 382

Petitioner: MARK SCARINZI

Location: 6000 HAMILTON AVE BALT., MD 21237

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARK SCARINZI

ADDRESS: 8917 LENNING'S LANE

BALT., MD 21237

* PHONE NUMBER: (410) 6866703-H (410) 887-3013-W

*MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY
April 21, 1994 Issue - Jeffersonian

Please forward billing to:

Mark D. Scarinzi
8917 Lennings Lane
Baltimore, Maryland 21237
686-6703

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, May 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Petitioner(s): Mark Scarinzi
HEARING: TUESDAY, MAY 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse.

Special Hearing to approve nonconforming use as a two-apartment dwelling.

LAURENCE E. SCHWIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, May 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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HEARING: TUESDAY, MAY 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse.

Special Hearing to approve nonconforming use as a two-apartment dwelling.

ARNOLD JABLON, DIRECTOR

cc: Mark Scarinzi
Roman Sayko

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

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

DATE: 5/10/94 ACCOUNT: 94-396-SPH
AMOUNT: \$ 15.00
RECEIVED FROM: [Signature]
FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER
[Signature]

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th Date of Posting 4/11/94
Posted for Mark Scarinzi
Petitioner Mark Scarinzi
Location of property 6000 Hamilton Ave. SE Cor. 32nd St.
Location of Signs Along roadway on property being zoned
Remarks: [Signature]
Posted by [Signature] Date of return 4/10/94
Number of Signs 1

IN THE MATTER OF THE
THE APPLICATION OF
MARK SCARINZI
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE SOUTHEAST CORNER
HAMILTON AVE. AND 32ND STREET
(6000 HAMILTON AVENUE)
14TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal of the Deputy Zoning Commissioner's decision in which Mr. Mark Scarinzi's Petition for Special Hearing was denied. The case was heard in an open hearing and deliberation on October 11, 1994; neither the Petitioner, Mr. Mark Scarinzi, nor the Protestant, Mr. Roman Szyjka, was represented by counsel.

The Petitioner called four witnesses: Marie Bauer, Gloria June Hartman-Turner, Eugene Scarinzi and Mark Scarinzi. Marie Bauer, a former resident of the subject property, testified that she lived there with her parents until 1929. Her parents owned the property until their deaths; in 1937 her parents converted the property to a two-apartment dwelling, renting the first floor apartment to a Mr. and Mrs. Stump, who remained there until 1964, when Ms. Bauer, as personal representative of her father's estate, sold the subject property to the Petitioner's father, Eugene Scarinzi. On cross-examination, Ms. Bauer said the second floor had gas and water/sewer service when it was divided, that her parents lived in the second floor apartment and that her mother died in 1944, 20 years before her father.

Gloria Hartman-Turner testified that she was born in 1927, and

Case No. 94-396-SPH Mark Scarinzi -Petitioner 2
resided two blocks from the subject property until 1947. She also said the subject property had always been two apartments to her recollection and that other properties in the area were two-apartment dwellings as well.

Eugene Scarinzi testified that when he purchased the property separate gas meters were already in place for each apartment; his father occupied the property shortly after the purchase and the property was rented as two apartments continuously until he sold the property in 1982 to his son, Mark Scarinzi.

Mark Scarinzi only testified to the source of exhibits entered on his behalf in the instant case. Of particular importance are the excerpts from the Polk Directory for the years 1955 through 1963, which show the subject site as two residences, and the Stewart Criss-Cross Directory of 1964, which shows the same.

The Protestant called three witnesses: Joan Rohrer-Barnhart, Andrea Rohrer-McElfish and Roman Szyjka. Joan Rohrer-Barnhart testified that her father built the home at 6004 Hamilton Avenue in 1944. From then until she left in 1961, she always thought the subject property was a single-family home. She also testified that she never went inside the building at 6000 Hamilton Avenue and could not say if the property had two kitchens. On cross-examination she said she knew Mr. Slawson (Marie Bauer's father) lived upstairs, but didn't know for sure if the subject property had two apartments. Andrea Rohrer-McElfish's testimony was virtually the same as Joan Rohrer-Barnhart's.

Roman Szyjka, the Protestant, testified that when he purchased

Case No. 94-396-SPH Mark Scarinzi -Petitioner 3
6002 Hamilton Avenue in 1969, he thought the area was only single-family homes. He also disregarded the residency of Eugene Scarinzi's father. On cross-examination he indicated that the fact that the subject site was two apartments was never an issue until recently, after he lost an appeal before this Board in a separate matter. He also said he had been inside the subject property and that a physical separation between the apartments does exist.

In order for this Board to grant the Petition for Special Hearing, we must find as a fact that the subject property was in use as a two-apartment dwelling prior to the change in zoning regulations causing the property to be illegal, 1955. The evidence and testimony presented at this Board's hearing leaves us no choice but to find, based on the testimony of Marie Bauer and the evidence presented, that the subject property was, in fact, a two-apartment dwelling prior to 1955. Further, the testimony of Eugene Scarinzi indicates that the property was maintained as two apartments after the purchase from the Slawson estate. The mere fact that this case was raised by the Protestant after he became involved in a separate matter before this Board raises the suspicion of credibility of the evidence, a petition with nine (9) signatures. As a result of the decision below and the reasons stated by the Deputy Zoning Commissioner, the Petitioner was able to show that four of those appearing on the Protestant's petition were unclear about what they were signing.

For the clear, first-hand knowledge testimony and evidence presented on behalf of the Petitioner, and the dearth of any

Case No. 94-396-SPH Mark Scarinzi -Petitioner 4
probative evidence or testimony for the Protestant, this Board finds that the subject property was a lawful two-apartment dwelling prior to 1955 and that the property has been kept as two apartments since, excepting those times between various tenancies. Therefore, the Petition for Special Hearing must be granted.

ORDER

IT IS THEREFORE this 28th day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing seeking approval of the subject property as a nonconforming, two-apartment dwelling be and is hereby GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman
Robert O. Schuetz
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 28, 1994

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, MD 21237

RE: Case No. 94-396-SPH
Mark Scarinzi -Petitioner

Dear Mr. Scarinzi:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Roman Szyjka
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM

IN RE: PETITION FOR SPECIAL HEARING
SE/Corner Hamilton Avenue and
32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District
Mark Scarinzi
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6000 Hamilton Avenue, located in the Rosedale Farms area of eastern Baltimore County. The Petition was filed by the owner of the property, Mark Scarinzi. The Petitioner seeks a special hearing to approve the use of the subject property as a nonconforming, two-apartment dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Mark Scarinzi, property owner, and his father. Appearing in opposition to the relief requested was Roman Szyjka, adjoining property owner.

Testimony revealed that the subject property consists of 0.22 acres, more or less, zoned D.R. 5.5 and is improved with a two-story dwelling which has been converted to two apartments. Mr. Scarinzi testified that the subject dwelling was built in 1921 and was converted to two apartments approximately 40 years ago. Mr. Scarinzi stated that his father purchased the property in 1966 at which time, Mr. Scarinzi's grandfather resided on the first floor and rented out the second floor as a separate apartment. The Petitioner testified that he purchased the property from his father in 1982. The testimony offered by Mr. Scarinzi and his father

was that based on their personal knowledge, the subject property has been used as a two-apartment dwelling since at least 1966. In order to prove the existence of two apartments prior to 1966, Mr. Scarinzi offered as Petitioner's Exhibit 2, a signed affidavit from Ms. Marie Bauer who resides at 6208 Hamilton Avenue. This affidavit states that the subject property has been used continuously and without interruption as two apartments since 1944. Mr. Scarinzi testified that Ms. Bauer was 80 years of age and unable to appear at the hearing and that he was only able to produce her signed affidavit as proof that the two apartments existed prior to 1955, the effective date of the zoning regulations governing such uses.

Appearing and testifying in opposition to the Petitioner's request was the adjacent property owner, Mr. Roman Szyjka. Mr. Szyjka offered as Protestant's Exhibit 1, a Petition which had been signed by nine (9) of the residents who reside in the immediate vicinity of the subject property. These residents object to the use of the subject property as two apartments. Mr. Szyjka testified that he has resided on the adjacent property at 6002 Hamilton Avenue since 1969. While Mr. Szyjka agrees that the property has been used as two apartments for as long as he has been a resident next door, he stated that the conversion of the subject property into two apartments occurred sometime in the 1960s. This fact is corroborated by the signed Petition which specifically states that the conversion of the subject dwelling took place in the 1960s, not prior to 1955. None of the witnesses present at the hearing could recollect sufficiently from their personal observations to establish that the subject property has or has not been used as a two apartment dwelling since 1955. Both parties relied upon the affidavits and Petitions that were submitted into evidence.

As with all nonconforming use cases, the first task is to deter-

mine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

After due consideration of the testimony and evidence presented, it appears that the relief requested must be denied. The Petition submitted by the Protestant, Mr. Szyjka, bearing the signatures of nine (9) residents of the immediate vicinity, states that the conversion took place some time in the mid-1960s. Based upon this fact and the fact that the only evidence the Petitioner was able to produce to prove that the subject property has been utilized as a two-apartment dwelling since prior to 1955 was Ms. Bauer's affidavit, I find that the subject property does not enjoy a legal nonconforming use as two apartments.

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 special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of May, 1994 that the Petition for Special Hearing to approve the use of the subject property as a nonconforming, two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioner shall reconvert the subject property to a single family dwelling within thirty (30) days of the date of this Order.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

Petitioner's Exh #3

To Whom It may Concern:

June 3, 1994

I do not have an objection to the continual use of the dwelling at 6000 Hamilton Ave. as two apartments. I understand it has been used as two apartments for well over 50 years.

Signed:

DATE SUBMITTED
1954 *Rosemary A. Miller, 7909 32nd St. Balto. MD 21237*
1952 *Esther Whaley, 5907 Hamilton Ave. Balto. Md. 21237*
Jennie Eleanore Lepinski, 5905 Hamilton Ave. Balto. Md. 21237

Petitioner's Exh #4

To Whom It may Concern:

June 3, 1994

I did not fully understand and or read the letter I signed for Roman Szyjka dated May 16, 1994 pertaining to the residence at 6000 Hamilton Ave. being used as two apartments.

Since I moved into the neighborhood after 1966, I do not have personal knowledge of the alleged conversion of the house to two apartments in 1966, and I do not have an objection to the continual use of the dwelling at 6000 Hamilton Ave. as two apartments. I understand it has been used as two apartments for well over 50 years.

Signed:

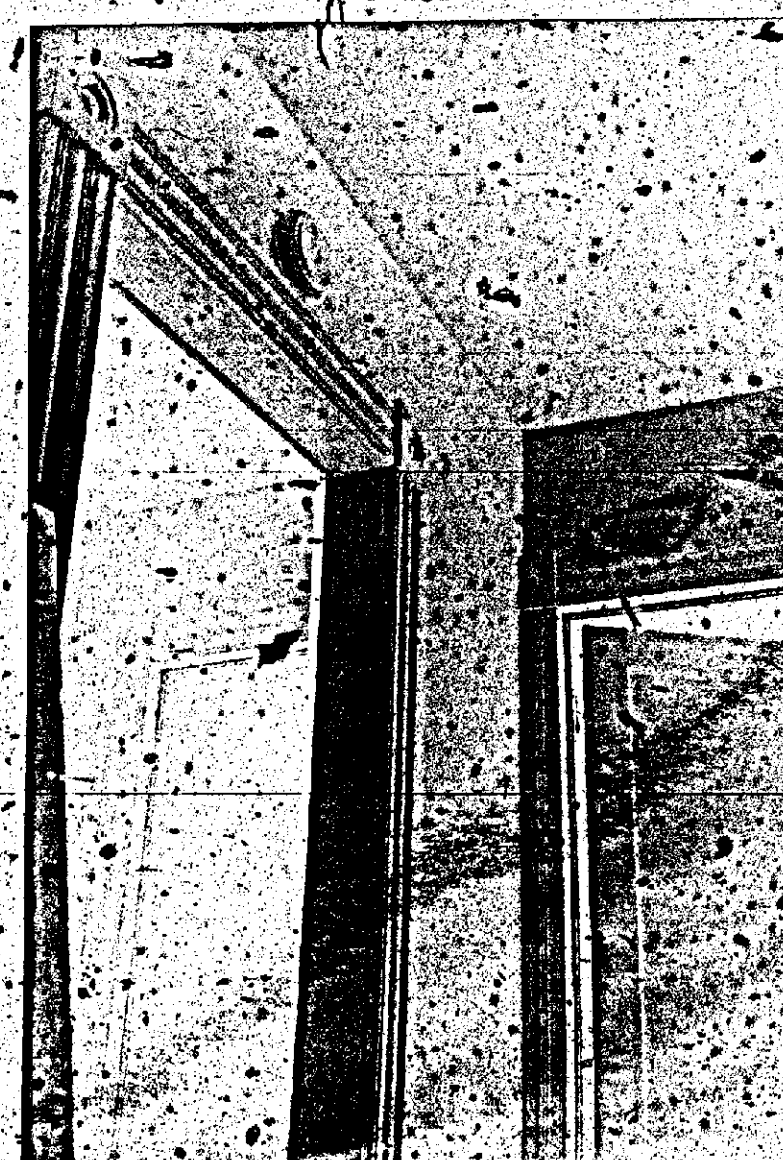
Edward D. Herrell, 6007 Hamilton Ave. 6/3/94
Harwood Bruckly, 6007 Hamilton Ave. 6-3-94
Ellie Dieter, 6006 Hamilton Ave.
Daniel L. Schuchuk

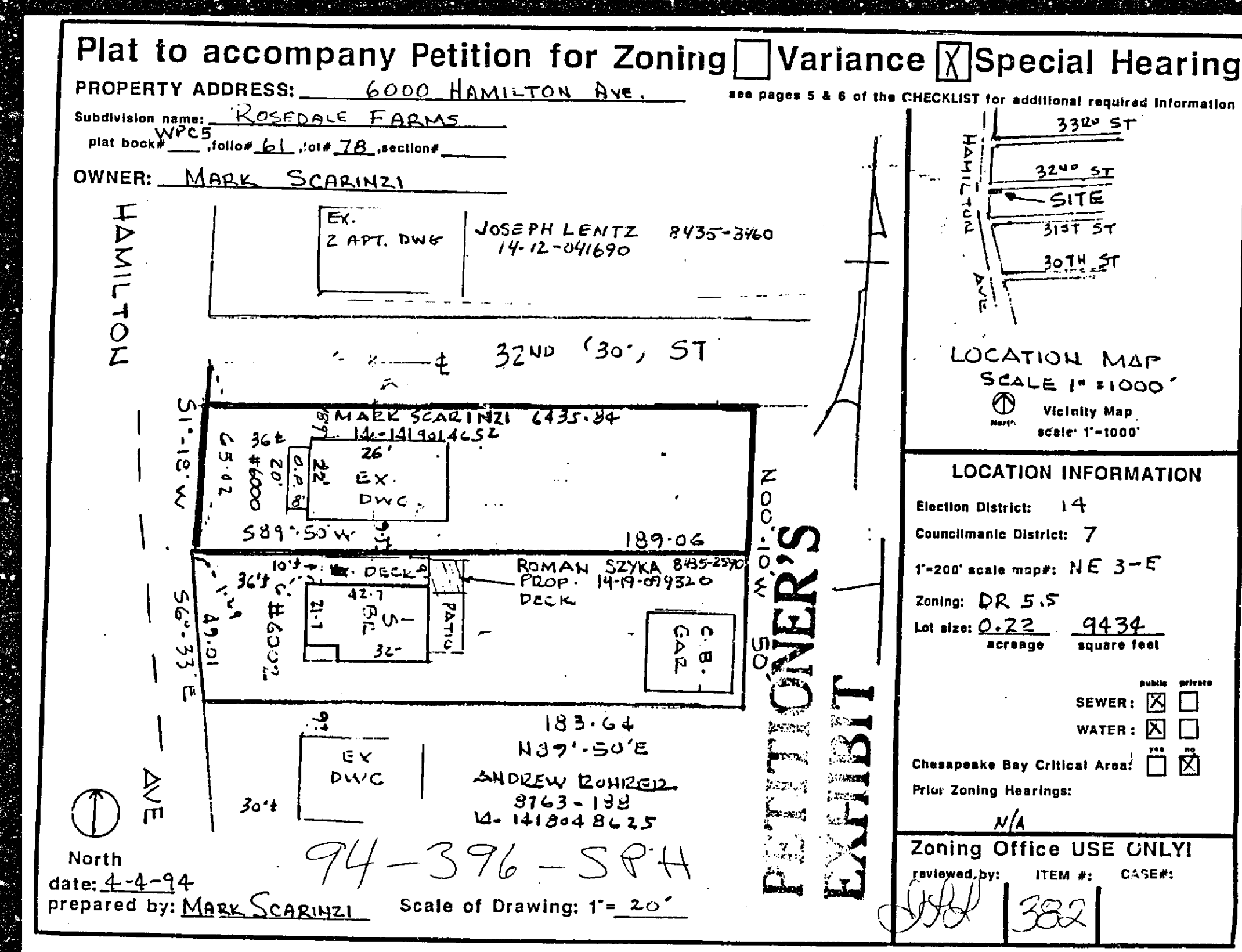
24-336-SPHA

Petitioner's Exh #5

12 Photos of 6000 Hamilton Ave

6000 Hamilton Avenue
A Short Pictorial





L4378 p 216

94-396-SPH

Ref: SPH 94-396 Date: 10-3-94

378 PHS 216

30th day of October, in the
city-four, by and between MARIE E. BAUER,
of Morris B. Slawson, late of Balti-
more, the records of the Register of Wills
No. 352, party of the first part, and
in the State of Maryland, party of the
Bauer, Executrix, in pursuance of the
aforesaid Will, has sold the fee simple
lot of ground and the improvements
for the sum of Six Thousand Five Hundred
been reported to and ratified by the
the whole sum of the purchase price
has been paid.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the
premises and the sum of Six Thousand Five Hundred Dollars, and in pursuance
of the power and authority contained in the aforesaid Will, the said Marie E.
Bauer, Executrix, does grant and convey unto the said Eugene Scarinzi, his
heirs and assigns, in fee simple, all that lot of ground situate, lying and
being in Baltimore County, State of Maryland, now known as No. 6000 Hamilton
Avenue, and described as follows, that is to say:

BEING: For the same on the east side of Hamilton Avenue at the
corner formed by the intersection of the east side of Hamilton Avenue with the
south side of Thirty-second Street; and running thence southerly along the
east side of Hamilton Avenue one hundred and thirty-one one-hundredths feet
(100.31') to the northwest corner of Lot No. 76 as shown on the Plat herein-
after referred to; thence easterly along the northernmost boundary of Lot No.
76, one hundred eighty-three and sixty-four one-hundredths feet (183.64') to
the westernmost boundary of Lot No. 79 on said Plat; thence northerly and
ending on said westernmost boundary of Lot No. 79 one hundred feet to the

Petitioner's Exh #2

To Whom it May Concern:

Included are copies of pages from the 1955 Polk's Baltimore Suburban Directory showing names of the two families residing in the two apartments at 6000 Hamilton Ave. John and Mildred Stump rented the 1st floor of the residence at 6000 Hamilton Ave. and Mr. Slawson rented the second floor. The "r" designates renting in this directory. This directory was compiled during 1954, therefore it serves as proof that the house was rented as two apartments for over 40 years.

Lawrence Schmidt, Zoning Commissioner May 16, 1998
400 Washington Ave., Rm. 113
Towson, MD 21204

Ref: Case #94-396 -PH (Item 382)

Dear Mr. Schmidt:

We, the neighbors in the Six Thousand (6000) block of Hamilton Ave., located in the 14th Election District 7th Councilmanic, disapprove of the illegal addition to Mark Scarinzi's family of the single family dwelling, located at 6000 Hamilton Ave., for use as two (2) apartment dwelling in the mid to late nineteenth hundred years (1890's).

The property, after conversion was used as the principal residence of Mr. Scarinzi Sr., with periodic rentals on the second floor, until his death in the early 1930's. His son, Mark Scarinzi (1930's) at which time ownership was transferred/sold to Mr. Mark Scarinzi, his grandson. The property from that time, was rented as two (2) apartments without zoning approval.

This petition/letter is in response to the zoning Commission of Baltimore County, which requested to meet any of the following zoning requirements as a two (2) apartment dwelling, located at 6000 Hamilton Ave., for the following reasons:

1. We have concerns that the property was converted without the appropriate Baltimore County Permit/Inspection required to add/install additional gas/electric utilities to facilitate kitchen/living facilities on the second floor of the premises.
2. Lack of Fire Safety Equipment/exits from the second level required by Baltimore County fire codes that are considered multiple use dwellings.
3. The failure of the property to meet any of the following zoning requirements to qualify for (2) apartment consideration.
 - A. 80 ft. frontage
 - B. 15 ft. property side line setback
 - C. 25 ft. street setback
 - D. 20,000 sq. ft. minimum lot size
 - E. Two apartment grandfathering clause, that requires the rental to be in place and in continuous use as a rental before 1955.
4. Devaluation of our properties because it changes the spirit of our community from a single family residential neighborhood to a absentee landlord commercial rental community that ultimately will reduce the value and reveal potential of our homes.

In addition, since Mr. Mark Scarinzi assumed ownership of the property, he has allowed the building to deteriorate.

The front porch entrance is ready to collapse, the paint on the outside window and frames is peeling. The rainspouts are rusted and downspouts are falling apart. The lawn and hedges are not maintained to our standards.

We request that based on the facts represented in this petition/letter, the zoning commission reject and deny Mr. Mark Scarinzi's request for nonconforming use of two-apartment dwellings at 6000 Hamilton Ave.

Respectfully,
Residents of the 6000 block of
Hamilton Ave. (see attached)

PROTESTANTS
EXHIBIT NO. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: March 8, 1995

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File: Case No. 94-396-SPH
MARK SCARINZI
14th E; 7rd C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

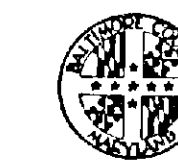
6/27/94 -Notice of Assignment for hearing scheduled for Thursday, September 8, 1994 at 10:00 a.m. sent to following:

Mr. Mark Scarinzi
Mr. Roman Szyjka
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

7/22/94 -Letter from Mark Scarinzi, Appellant /Petitioner, requesting postponement due to unavailability of witness critical to his case.
- Telephone conversation with Mr. Scarinzi 7/25/94 --witness will be away on vacation from 9/08/94 thru 9/28/94; is 80+ years old and is his key witness.

7/27/94 -Postponement GRANTED; case reset to Tuesday, October 11, 1994 at 10:00 a.m.; notice of PP and reassignment sent to parties.

10/12/94 -Hearing concluded before the Board (S.R.B.); matter deliberated publicly at conclusion of hearing; Petition for SPH /nonconforming use GRANTED by Board; written Opinion and Order to be issued; appellate period to run from date of that written Order.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
June 27, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-396-SPH MARK SCARINZI -Petitioner
SE/corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District

SPH -To approve use of subject property as nonconforming, two-apartment dwelling.

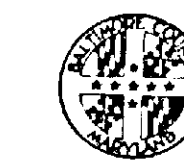
5/27/94 -D.Z.C.'s Order in which Petition for Special Hearing was DENIED.

ASSIGNED FOR: THURSDAY, SEPTEMBER 8, 1994 at 10:00 a.m.

cc: Mr. Mark Scarinzi Appellant /Petitioner
Mr. Roman Szyjka Protestant
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
July 27, 1994

NOTICE OF POSTPONEMENT & REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-396-SPH MARK SCARINZI -Petitioner
SE/corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District

SPH -To approve use of subject property as nonconforming, two-apartment dwelling.

5/27/94 -D.Z.C.'s Order in which Petition for Special Hearing was DENIED.

which was scheduled for hearing on September 8, 1994 has been POSTPONED at the request of Appellant /Petitioner due to unavailability of witness; and has been

REASSIGNED FOR: TUESDAY, OCTOBER 11, 1994 at 10:00 a.m.

cc: Mr. Mark Scarinzi Appellant /Petitioner
Mr. Roman Szyjka Protestant
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Mark Scarinzi -Petitioner
Case No. 94-396-SPH

DATE: October 11, 1994 /at conclusion of hearing

BOARD /PANEL: Michael B. Sauer (MBS)
Robert O. Schumetz (ROS)
Harry E. Buchheister, Jr. (HEB)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Petitioner was present at deliberation in proper person; also present was Roman Szyjka, Protestant.

PURPOSE --to deliberate issues and matter presented to the Board; testimony and evidence taken at hearing this date. Written Opinion and Order to be issued by the Board.

Opening comments by Acting Chairman Sauer; this case is subject to Maryland open sessions law; deliberation takes place in public setting; recited case name and number and matter before the Board.

MBS: Advised parties present that after the deliberation is given the Board will issue a written opinion which will make findings of fact and conclusions of law. At this point in time is prepared to say that the subject property has existed as two separate apartment dwellings and meets requirements that Petitioner must show for nonconforming use; reviewed testimony presented to Board; evidence presented persuades him that request for nonconforming use should be granted; finds as a matter of fact that this is a nonconforming use.

Summary: Petition for Special Hearing to be granted.

HEB: Also finds testimony persuasive; vivid recollection of two separate apartment dwellings for many years; nonconforming use should be granted; meets requirements of zoning regulations.

Summary: In agreement with MBS; petition should be granted.

ROS: Agrees with colleagues; believes that burden of proof rests with Petitioner to prove that the subject property has existed as a two-apartment dwelling pre-dating applicable zoning regulations; this is the case in this matter; testimony so

Deliberation /Mark Scarinzi -Petitioner 94-396-SPH

indicates, buttressed by supporting documentation; finds in favor of Petitioner.

Summary: Petition should be granted.

Closing statement by Acting Chairman Hackett: Board will issue written Opinion and Order to be sent to parties; any appeal that an aggrieved party may wish to file will be filed to the Circuit Court within 30 days from the date of the written opinion and order; not from date received or today's date, but from date of that written Order.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

PETITION FOR SPECIAL HEARING : BEFORE THE
SEC Hamilton Avenue and 32nd : ZONING COMMISSIONER
Street (6000 Hamilton Avenue), :
14th Election Dist., 7th :
Councilmanic Dist. : OF BALTIMORE COUNTY

PETITIONER : CASE NO: 94-396-SPH
MARK SCARINZI

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeLillo
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 24th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237, Petitioner.

Peter Max Zimmerman

7/25/94

Per t/c with Mark Scarinzi

his witness will be away from 9/08/94 (date of hearing) through 9/28/94.

William T. Hackett, Chairman July 22, 1994
County Board of Appeals of Baltimore County
Room 49 Old Courthouse
Towson, MD 21204

Dear Mr. Hackett,

I would like to request a postponement for case #94-396-SPH. The reason for the postponement request is that my witness, Mrs. Marie Sauer will be on vacation the last three weeks of September and cannot appear at the hearing. Therefore, I would like the case scheduled for some time after October 1, 1994. As the former owner and occupant of my house since 1921 she can attest to the fact that the house has been used as two apartments since the 1930's. Thank you for your consideration in this matter.

sincerely,

Mark Scarinzi

RECEIVED
COUNTY BOARD OF APPEALS
94 JUL 22 AM 11:59

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 6, 1994

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, Maryland 21237

RE: Case No. 94-396-SPH, Item No. 382
Petitioner: Mark Scarinzi
Petition for Special Hearing

Dear Mr. Scarinzi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 April 7, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, MD 21204
MAIL STOP-1109

RE: Property Owner: MARK SCARINZI

LOCATION: SEC HAMILTON AVE. AND 32ND ST. (6000 HAMILTON AVE.)

Item No.: 382 Zoning Agenda: SPECIAL HEARING

Gentlemen:

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

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", 1991 edition prior to occupancy.

RECEIVED
APR 28 1994

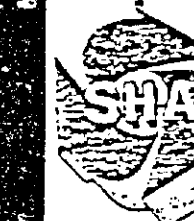
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, MS-1102F

cc: File



Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Hal Kassab
Administrator

4-13-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 9382 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID N. CARSEN, ACTING CHIEF
John Contesabie, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21202-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

APPEAL

Petition for Special Hearing
SE/Corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District - 7th Councilmanic District
Mark Scarinzi-PETITIONER
Case No. 94-396-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Council

Zoning Plans Advisory Committee Comments

Petitioner(s) and Protestant(s) Sign-in Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Special hearing

2 - Two-Apartment Affidavit

3 - Letter from Clarice Magrogon dated May 16, 1994

Protestant's Exhibits: 1 - Letter from the Residents of 6000 Block of Hamilton Avenue dated May 16, 1994

Letter from Gloria June Turner dated May 20, 1994

Letters from Mark Scarinzi dated May 18, 1994 and May 20, 1994

Deputy Zoning Commissioner's Order dated May 27, 1994 (denied)

Notice of Appeal received on June 2, 1994 from Mark Scarinzi

c: Mr. Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237

Mr. Roman Szyjka, 6002 Hamilton Avenue, Baltimore, MD 21237

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

PETITION FOR SPECIAL HEARING

SE/Corner Hamilton Avenue and 32nd
Street (6000 Hamilton Avenue),
14th Election Dist., 7th
Councilmanic Dist.

PETITIONER :

MARK SCARINZI

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO: 94-396-SPH

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Desilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 4th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark Scarinzi, 8917 Lennings Lane, Baltimore, MD 21237, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 6, 1994

Mr. Roman Szyjka
6002 Hamilton Avenue
Baltimore, MD 21237

RE: Petition for Special Hearing
SE/Corner Hamilton Avenue and 32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District
Mark Scarinzi-Petitioner
Case No. 94-396-SPH

Dear Mr. Scarinzi:

Please be advised that an appeal of the above-referenced case was filed in this office on June 2, 1994 by Mark Scarinzi. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

Arnold Jablon
Director

AJ:jaw

c: People's Counsel



Printed with Soy-based Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 22, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item 374, 7736 South Cove Road - 94-389-A AV 5/2
Item 381, 2209 Headland Avenue (94-385-A) 2 5/17
Item 382, 6000 Hamilton Avenue (94-396-SPH) 5/17
Item 383, 6732 Charles Street Avenue (94-398-A) AV 5/2
Item 387, 1 Belgrave Court (94-400-A) AV 5/9
Item 389, 1044 Green Hill Farm Road 94-401-A "
Item 391, 10 Blueleaf Court 94-406-SPH 5/24
Item 393, 100 Sunny Meadow Lane 94-402-A AV 5/9
Item 394, 2603 Harwood Road 94-403-A "

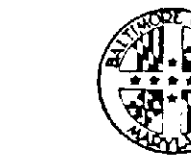
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carolyn L. Burns

PK/JL:pat

374NC.ZAC/PZONE/ZAC1



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

March 9, 1995

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, MD 21237

RE: Case No. 94-396-SPH
MARK SCARINZI

Dear Mr. Scarinzi:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

cc: Mr. Roman Szyjka
People's Counsel for Baltimore County



Printed with Soy-based Ink
on Recycled Paper

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
Suite 113, Courthouse
100 Washington Avenue
Towson, MD 21204
May 27, 1994 (410) 887-1486

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, Maryland 21237

RE: PETITION FOR SPECIAL HEARING
8917 Lennings Lane and 32nd Street
(6000 Hamilton Avenue)
14th Election District - 7th Councilmanic District
Mark Scarinzi - Petitioner
Case No. 94-396-SPH

Dear Mr. Scarinzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for special hearing has been denied in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Roman Sayko
111 West Chesapeake Avenue, Baltimore, Md. 21204

cc: Mr. Scarinzi

cc: Mr. Scarinzi

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County
for the property located at 6000 Hamilton Ave., Balt., MD 21237
which is presently zoned RM 5.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve nonconforming use as a two apartment dwelling.

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(s) Name: _____
Type or First Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Attorney for Petitioner: _____
Type or First Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Date: _____ By: _____
ORDER RECEIVED FOR FILING
Date: 4/28/94
By: [Signature]

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.
Legal Owner(s): _____
Type or First Name: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
Name: Address and phone number of representative to be contacted: _____
Signature: _____
Address: _____
City: _____ State: _____ Zipcode: _____
ESTIMATED LENGTH OF HEARING: _____
The following date: _____
ALL OTHER: _____
REVIEWED BY: _____ DATE: 4/27/94

- Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 6000 Hamilton Ave., Balt., MD 21237
(address)
Election District 14 Councilmanic District 7

Beginning at a point on the 5th Corner side of Hamilton Ave.
(north, south, east or west)
and 32nd Street which is 50' 3 3/4"
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 10' south of the centerline of the nearest improved intersecting street 32nd Street
(number of feet) (north, south, east or west) (name of street)
which is 30' wide. *Being Lot # 78

Block _____, Section # _____ in the subdivision of
Crescent Farms as recorded in Baltimore County Plat
(name of subdivision)
Book # _____, Folio # 61, containing
7434 sq ft or 2.17 acres
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 14th Date of Posting 4/28/94
Posted for Mark Scarinzi
Petitioner: Mark Scarinzi
Location of property 6000 Hamilton Ave. - 5th Corner 32nd St
Location of Signs: Along roadway on property being zoned
Remarks: [Signature]
Posted by [Signature] Date of return: 5/4/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 22, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 21, 1994.

THE JEFFERSONIAN,
A. Henneberry
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, May 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 94-396-SPH (Item 382)
6000 Hamilton Avenue
SEC Hamilton Avenue and 32nd Street
14th Election District - 7th Councilmanic District
Petitioner(s): Mark Scarinzi
HEARING: TUESDAY, MAY 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse.
Special Hearing to approve nonconforming use as a two-apartment dwelling.
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.
4218 April 21.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This Office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 382
Petitioner: MARK SCARINZI
Location: 6000 HAMILTON AVE BALT., MD 21237
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MARK SCARINZI
ADDRESS: 8917 LENNING LANE
BALT., MD 21237
PHONE NUMBER: (410) 6866703-H (410) 893-3013-W

*MUST BE SUPPLIED

TO: PUBLISHER PUBLISHING COMPANY
April 21, 1994 Issue - Jeffersonian

Please forward billing to:

Mark D. Scarinzi
8917 Lennings Lane
Baltimore, Maryland 21237
686-6703

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-396-SPH (Item 382)
6000 Hamilton Avenue
SEC Hamilton Avenue and 32nd Street
14th Election District - 7th Councilmanic District
Petitioner(s): Mark Scarinzi
HEARING: TUESDAY, MAY 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse.

Special Hearing to approve nonconforming use as a two-apartment dwelling.

LAURENCE E. SCHWIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-396-SPH (Item 382)
6000 Hamilton Avenue
SEC Hamilton Avenue and 32nd Street
14th Election District - 7th Councilmanic District
Petitioner(s): Mark Scarinzi
HEARING: TUESDAY, MAY 17, 1994 at 2:30 p.m. in Room 118, Old Courthouse.

Special Hearing to approve nonconforming use as a two-apartment dwelling.

ARNOLD JABLON
Director

cc: Mark Scarinzi
Roman Sayko

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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IN THE MATTER OF THE
THE APPLICATION OF
MARK SCARINZI
FOR A SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED
ON THE SOUTHEAST CORNER
HAMILTON AVE. AND 32ND STREET
(6000 HAMILTON AVENUE)
14TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal of the Deputy Zoning Commissioner's decision in which Mr. Mark Scarinzi's Petition for Special Hearing was denied. The case was heard in an open hearing and deliberation on October 11, 1994; neither the Petitioner, Mr. Mark Scarinzi, nor the Protestant, Mr. Roman Szyjka, was represented by counsel.

The Petitioner called four witnesses: Marie Bauer, Gloria June Hartman-Turner, Eugene Scarinzi and Mark Scarinzi. Marie Bauer, a former resident of the subject property, testified that she lived there with her parents until 1929. Her parents owned the property until their deaths; in 1937 her parents converted the property to a two-apartment dwelling, renting the first floor apartment to a Mr. and Mrs. Stump, who remained there until 1964, when Ms. Bauer, as personal representative of her father's estate, sold the subject property to the Petitioner's father, Eugene Scarinzi. On cross-examination, Ms. Bauer said the second floor had gas and water/sewer service when it was divided, that her parents lived in the second floor apartment and that her mother died in 1944, 20 years before her father.

Gloria Hartman-Turner testified that she was born in 1927, and

Case No. 94-396-SPH Mark Scarinzi -Petitioner 2
resided two blocks from the subject property until 1947. She also said the subject property had always been two apartments to her recollection and that other properties in the area were two-apartment dwellings as well.

Eugene Scarinzi testified that when he purchased the property separate gas meters were already in place for each apartment; his father occupied the property shortly after the purchase and the property was rented as two apartments continuously until he sold the property in 1982 to his son, Mark Scarinzi.

Mark Scarinzi only testified to the source of exhibits entered on his behalf in the instant case. Of particular importance are the excerpts from the Polk Directory for the years 1955 through 1963, which show the subject site as two residences, and the Stewart Criss-Cross Directory of 1964, which shows the same.

The Protestant called three witnesses: Joan Rohrer-Barnhart, Andrea Rohrer-McElfish and Roman Szyjka. Joan Rohrer-Barnhart testified that her father built the home at 6004 Hamilton Avenue in 1944. From then until she left in 1961, she always thought the subject property was a single-family home. She also testified that she never went inside the building at 6000 Hamilton Avenue and could not say if the property had two kitchens. On cross-examination she said she knew Mr. Slawson (Marie Bauer's father) lived upstairs, but didn't know for sure if the subject property had two apartments. Andrea Rohrer-McElfish's testimony was virtually the same as Joan Rohrer-Barnhart's.

Roman Szyjka, the Protestant, testified that when he purchased

Case No. 94-396-SPH Mark Scarinzi -Petitioner 3
6002 Hamilton Avenue in 1969, he thought the area was only single-family homes. He also disregarded the residency of Eugene Scarinzi's father. On cross-examination he indicated that the fact that the subject site was two apartments was never an issue until recently, after he lost an appeal before this Board in a separate matter. He also said he had been inside the subject property and that a physical separation between the apartments does exist.

In order for this Board to grant the Petition for Special Hearing, we must find as a fact that the subject property was in use as a two-apartment dwelling prior to the change in zoning regulations causing the property to be illegal, 1955. The evidence and testimony presented at this Board's hearing leaves us no choice but to find, based on the testimony of Marie Bauer and the evidence presented, that the subject property was, in fact, a two-apartment dwelling prior to 1955. Further, the testimony of Eugene Scarinzi indicates that the property was maintained as two apartments after the purchase from the Slawson estate. The mere fact that this case was raised by the Protestant after he became involved in a separate matter before this Board raises the suspicion of credibility of the evidence, a petition with nine (9) signatures. As a result of the decision below and the reasons stated by the Deputy Zoning Commissioner, the Petitioner was able to show that four of those appearing on the Protestant's petition were unclear about what they were signing.

For the clear, first-hand knowledge testimony and evidence presented on behalf of the Petitioner, and the dearth of any

Case No. 94-396-SPH Mark Scarinzi -Petitioner 4
probative evidence or testimony for the Protestant, this Board finds that the subject property was a lawful two-apartment dwelling prior to 1955 and that the property has been kept as two apartments since, excepting those times between various tenancies. Therefore, the Petition for Special Hearing must be granted.

ORDER

IT IS THEREFORE this 28th day of December, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing seeking approval of the subject property as a nonconforming, two-apartment dwelling be and is hereby GRANTED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer, Acting Chairman
Robert O. Schuetz
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

December 28, 1994

Mr. Mark Scarinzi
8917 Lennings Lane
Baltimore, MD 21237

RE: Case No. 94-396-SPH
Mark Scarinzi -Petitioner

Dear Mr. Scarinzi:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Mr. Roman Szyjka
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director/ZADM

IN RE: PETITION FOR SPECIAL HEARING
SE/Corner Hamilton Avenue and
32nd Street
(6000 Hamilton Avenue)
14th Election District
7th Councilmanic District
Mark Scarinzi
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 6000 Hamilton Avenue, located in the Rosedale Farms area of eastern Baltimore County. The Petition was filed by the owner of the property, Mark Scarinzi. The Petitioner seeks a special hearing to approve the use of the subject property as a nonconforming, two-apartment dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Mark Scarinzi, property owner, and his father. Appearing in opposition to the relief requested was Roman Szyjka, adjoining property owner.

Testimony revealed that the subject property consists of 0.22 acres, more or less, zoned D.R. 5.5 and is improved with a two-story dwelling which has been converted to two apartments. Mr. Scarinzi testified that the subject dwelling was built in 1921 and was converted to two apartments approximately 40 years ago. Mr. Scarinzi stated that his father purchased the property in 1966 at which time, Mr. Scarinzi's grandfather resided on the first floor and rented out the second floor as a separate apartment. The Petitioner testified that he purchased the property from his father in 1982. The testimony offered by Mr. Scarinzi and his father

was that based on their personal knowledge, the subject property has been used as a two-apartment dwelling since at least 1966. In order to prove the existence of two apartments prior to 1966, Mr. Scarinzi offered as Petitioner's Exhibit 2, a signed affidavit from Ms. Marie Bauer who resides at 6208 Hamilton Avenue. This affidavit states that the subject property has been used continuously and without interruption as two apartments since 1944. Mr. Scarinzi testified that Ms. Bauer was 80 years of age and unable to appear at the hearing and that he was only able to produce her signed affidavit as proof that the two apartments existed prior to 1955, the effective date of the zoning regulations governing such uses.

Appearing and testifying in opposition to the Petitioner's request was the adjacent property owner, Mr. Roman Szyjka. Mr. Szyjka offered as Protestant's Exhibit 1, a Petition which had been signed by nine (9) of the residents who reside in the immediate vicinity of the subject property. These residents object to the use of the subject property as two apartments. Mr. Szyjka testified that he has resided on the adjacent property at 6002 Hamilton Avenue since 1969. While Mr. Szyjka agrees that the property has been used as two apartments for as long as he has been a resident next door, he stated that the conversion of the subject property into two apartments occurred sometime in the 1960s. This fact is corroborated by the signed Petition which specifically states that the conversion of the subject dwelling took place in the 1960s, not prior to 1955. None of the witnesses present at the hearing could recollect sufficiently from their personal observations to establish that the subject property has or has not been used as a two apartment dwelling since 1955. Both parties relied upon the affidavits and Petitions that were submitted into evidence.

As with all nonconforming use cases, the first task is to deter-

mine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1955.

After due consideration of the testimony and evidence presented, it appears that the relief requested must be denied. The Petition submitted by the Protestant, Mr. Szyjka, bearing the signatures of nine (9) residents of the immediate vicinity, states that the conversion took place some time in the mid-1960s. Based upon this fact and the fact that the only evidence the Petitioner was able to produce to prove that the subject property has been utilized as a two-apartment dwelling since prior to 1955 was Ms. Bauer's affidavit, I find that the subject property does not enjoy a legal nonconforming use as two apartments.

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 special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of May, 1994 that the Petition for Special Hearing to approve the use of the subject property as a nonconforming, two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioner shall reconvert the subject property to a single family dwelling within thirty (30) days of the date of this Order.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs