

IN THE MATTER OF:

7727 LIMITED PARTNERSHIP

E/S YORK ROAD, 141' S OF C/L OF TERRACE

DALE ROAD (7727 YORK ROAD)

9TH ELECTION DISTRICT

4TH COUNCILMANIC DISTRICT

*

BEFORE THE

*

BOARD OF APPEALS

*

OF BALTIMORE COUNTY

*

CASE NO.: 95-9-SPH

* * * * *

ORDER OF DISMISSAL

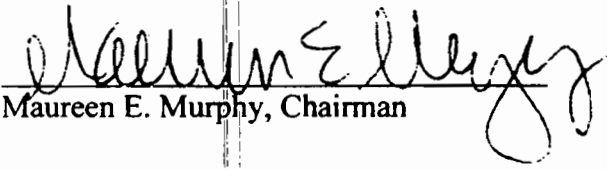
This matter having come before this Board on appeal dated April 7, 1995 from the decision of the Zoning Commissioner wherein the Special Hearing seeking approval of the subject property as a nonconforming two-apartment dwelling in a D. R.-5.5 zone, and a determination that the existing dwelling is an apartment building was denied.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since September 1, 1995, and no further action has occurred in this matter;

IT IS THEREFORE ORDERED, this 16th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 95-9-SPH, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 10, 1995

Ms. Judith M. Giacomo
17 Aigburth Road
Towson, MD 21286

Ms. Susan Hartman
18 1/2 Cedar Avenue
Towson, MD 21286

RE: Petition for Special Hearing
E/S York Road, 141 ft. S of the
c/I of Terrace Dale Road
77~~1~~7 York Road
9th Election District
4th Councilmanic District
7727 Limited Partnership-Petitioners
Case No. 95-9-SPH

Dear Ms. Giacomo and Ms. Hartman:

Please be advised that an appeal of the above-referenced case was filed in this office on April 7, 1995 by Francis X. Borgerding, Jr., Esquire on behalf of 7727 Limited Partnership. 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 A. Winiarski at 887-3353.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:jaw

cc: People's Counsel



APPEAL

PETITION FOR SPECIAL HEARING
E/S YORK ROAD, 141 FT. S OF THE
C/L OF TERRACE DALE ROAD
7727 YORK ROAD
9TH ELECTION DISTRICT AND 4TH COUNCILMANIC DISTRICT
7727 LIMITED PARTNERSHIP-PETITIONERS
CASE NO. 95-9-SPH

Petition(s) for Special Hearing ✓

Description of Property ✓

Certificate of Posting ✓

Certificate of Publication ✓

Entry of Appearance of People's Counsel

✓ Zoning Plans Advisory Committee Comments

✓ Petitioner(s) and Protestant(s) Sign-In Sheets

✓ Petitioner's Exhibits: ✓ 1. Plat to Accompany Petition for Special Hearing

✓ 2. Nine photographs

✓ 3. Two BG&E bills (3A & 3B)

✓ 4. Inter-Office Correspondence to Arnold Jablon from Pat Keller dated July 28, 1994

✓ 5. Section 402-Conversion of Dwellings

✓ 6. Section 101-Definitions

✓ 7. Copy of Webster's Third New International Dictionary

✓ 8. Letter to Mike Mazikas from Paul Schaefer dated March 18, 1994

✓ Zoning Commissioner's Order dated March 21, 1995 (Denied)

✓ Notice of Appeal received on April 7, 1995 from Francis X. Borgerding, Jr., Esquire on behalf of 7727 Limited Partnership.

cc * Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204

Ms. Judith M. Giacomo, 17 Aigburth Road, Towson, MD 21286

Ms. Susan Hartman, 18 1/2 Cedar Avenue, Towson, MD 21286

7727 Limited Partnership, 7727 York Road, Towson, MD 21204

People's Counsel of Baltimore County, Mail Stop No. 2010

Request Notification: Patrick Keller, Director, Planning and Zoning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon

✓ E

93-9-SPH

Date of Posting---7/6/95---

Appeal

7777 Limited Partnership

2717 York Rd, E/S

Facing roadway on property being appraised

Remarks:

W. J. Steady
Signature

4/24/95

Signature





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

May 30, 1995

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. 95-9-SPH

7727 LIMITED PARTNERSHIP

E/s York Road, 141' S of the c/l of Terrace
Dale Road (7727 York Road)
9th Election District
4th Councilmanic District

SPH -For approval of subject property as nonconforming two-apartment dwelling in D.R. 5.5 zone; and determination that existing dwelling is an apartment building.

3/21/95 -Z.C.'s Order in which Petition for Special Hearing DENIED.

ASSIGNED FOR:

THURSDAY, SEPTEMBER 7, 1995 at 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esq. Counsel for Appellant/Petitioner
7727 Limited Partnership Appellant/Petitioner

Judith M. Giacomo
Susan Hartman

Protestant
Protestant

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
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant

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



5/30/95 -Notice of Assignment for hearing scheduled for Thursday, September 7, 1995 at 10:00 a.m. sent to following:

Francis X. Borgerding, Jr., Esq.
7727 Limited Partnership
Judith M. Giacomo
Susan Hartman
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
Virginia W. Barnhart, County Attorney

9/01/95 -Received letter from F. Borgerding, Counsel for Petitioner; requesting postponement; property up for sale. Should sale occur, may obviate need for hearing on this matter. Has spoken with P. Zimmerman, who has indicated no objection to postponement request. Confirmed this with C. Demilio this date. Advised parties and Board members this date that matter has been postponed.

- Notice of Postponemnt sent to parties; to be reset only upon request of either party.

DINENNA AND BRESCHI

ATTORNEYS AT LAW

GEORGE A. BRESCHI
ROBERT A. BRESCHI
OF COUNSEL

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

S. ERIC DINENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

FRANCIS X. BORGERDING, JR. ‡

‡ ALSO MEMBER OF DISTRICT OF
COLUMBIA BAR

September 1, 1995

County Board of Appeals
of Baltimore County
Room 49 Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 95-9-SPH
Petitioner: 7727 Limited Partnership
Location: 7727 York Road, Towson, MD 21204
Hearing Date: Thursday, September 7, 1995
10:00 a.m.

Dear Board of Appeals:

I am writing on behalf of my client, 7727 Limited Partnership to request a postponement of the above-referenced matter. The reason for the requested postponement is that there is a current possibility that my client may sell the above-referenced property and the need for further hearing concerning this matter may be alleviated. I have previously spoken to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, who has indicated to me that he does not oppose a postponement of the above-referenced matter under the above circumstances.

I apologize for any inconvenience caused by this request. Thank you very much for your cooperation with regard to this matter.

Very truly yours,



Francis X. Borgerding, Jr.

FXBJr:ml

cc: Peter Max Zimmerman, Esquire

NAME: 7727 LTD PTNSHP
SERVICE ADDRESS: 7727 YORK RD #1FL

BALTIMORE

MD

NEXT READING DATE
MAY 15 1992

PAYMENTS RECEIVED - THANK YOU
OUTSTANDING BALANCE

47.16CR

.00

CHARGES THIS PERIOD:

ELECTRIC

22.67

TOTAL CHARGES THIS PERIOD

22.67

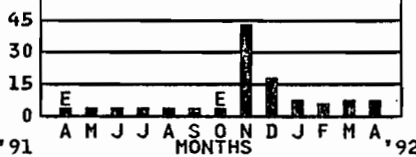
AMOUNT DUE NOW

22.67

PETITIONER'S
EXHIBIT NO. 3A

ELECTRIC DAILY AVERAGE USE

UNITS



AVG TEMP
FOR THIS PERIOD
1992 44°
1991 53°

TYPE OF SERVICE/RATE	PERIOD COVERED	METER READINGS	UNITS MULT	UNITS USED	THERMS/ UNITS	THERMS - BILLED	DAYS USED	SERVICE AMOUNT
ELEC RESIDENTIAL	FROM MAR 18 TO APR 16	41695		220			29	22.67
ACCOUNT NUMBER 96831 52015		2013115 00 0			276*			
BUDGET BILLING	FUEL COST INCLUDED	TAXES AND SURCHARGES		LATE PAYMENT CHARGE				
BILLED TO DATE	GAS	STATE TAXES SURCHG .04		.34				
USED TO DATE	ELECTRIC 4.01	LOCAL TAXES SURCHG		WILL BE ADDED AFTER				
DIFFERENCE AFTER THIS BILL PAID		TOTAL .04		MAY 13 1992				
				TOTAL INCLUDING LATE PAYMENT CHARGE				
				23.01		\$22.67		

KEEP THIS PORTION FOR YOUR RECORDS

FEDERAL TAX IDENTIFICATION #52-0280210

FOR EMERGENCY SERVICE ANYTIME CALL 685-0123 (BALTIMORE)

IF YOU DO NOT HAVE A METROPOLITAN BALTIMORE
EXCHANGE, CALL YOUR APPROPRIATE AREA EXCHANGE

Annapolis	224-3000	North Beach	798-6013
Bowie	798-6013	Westminster	848-8000
Calvert County	535-4596	Out of State	1-800-541-9412
Harford County	838-5000	Hearing & Speech Impaired	1-800-492-5539
Laurel	992-3525	(Use TTY/TDD equipment)	

OTHER INFORMATION

Heat Pump, Gas Heat, Conserve 2000 and	Merchandise Purchase Inquiries	866-5500
Energy Manager Program 1-800-786-2000	General Office	234-5000

For Customer Service, Meter and Billing Information call 685-0123 or local number for your area
Monday thru Friday 8:00 a.m. - 4:45 p.m.

WE ARE PLEASED TO BE OF SERVICE

Please mail payments to:
P.O. BOX 1431
BALTIMORE, MD 21203



Please send inquiries to:
P.O. BOX 1475
BALTIMORE, MD 21203

CUSTOMER SERVICE CENTERS

MAIN OFFICE
Lexington & Liberty Sts.

EASTPOINT MALL
7826 Eastpoint Mall

PAROLE PLAZA
2505 Riva Rd.
Annapolis

COLUMBIA MALL
10300 Little Patuxent Pkwy.
Columbia

HARFORD MALL
664 Belair Rd.
Bel Air

SECURITY SQUARE MALL
6901 Security Mall

CRANBERRY MALL
400 N. Center St.
Westminster

HARUNDALE MALL
312 Harundale Mall
Glen Burnie

TOWSONTOWN CENTRE
726 Fairmount Ave.
Towson

EAST BALTIMORE
Corner Monument St.
& Patterson Park Ave.

MONDAWMIN
2002 Mondawmin Mall

WHITE MARSH MALL
8200 Perry Hall Blvd.
White Marsh

BILLING DEFINITIONS

E = ESTIMATED BILL

CR = CREDIT

M = MULTIPLE MONTH READING

GAS UNIT = 100 CUBIC FEET

GAS THERM = 100,000 B.T.U.'S

ELECTRIC UNIT = 1 KILOWATT HOUR

Billing Information or copy of applicable rate schedule furnished upon request

NAME: 7727 LTD PTNSHP
SERVICE ADDRESS: 7727 YORK RD #2FL

BALTIMORE

MD

NEXT READING DATE
MAY 15 1992

PAYMENTS RECEIVED - THANK YOU
OUTSTANDING BALANCE

154.26CR

.00

CHARGES THIS PERIOD:

GAS

53.09

ELECTRIC

73.82

TOTAL CHARGES THIS PERIOD

126.91

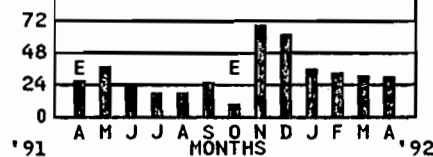
AMOUNT DUE NOW

126.91

139 48 761
PETITIONER'S
EXHIBIT NO. 3B

ELECTRIC DAILY AVERAGE USE

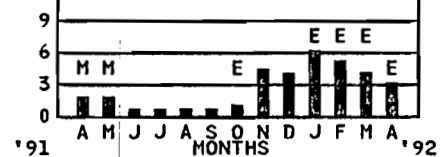
UNITS



AVG TEMP
FOR THIS PERIOD
1992 44°
1991 53°

GAS DAILY AVERAGE USE

UNITS



TYPE OF SERVICE/RATE	PERIOD COVERED	METER READINGS	UNITS MULT	UNITS USED	THERMS/ UNITS	THERMS - BILLED	DAYS USED	SERVICE AMOUNT
GAS RESIDENTIAL	FROM MAR 18 TO APR 16	1049 E		95	1.035	98	29	53.09
ELEC RESIDENTIAL	FROM MAR 18 TO APR 16	37112		890			29	73.82
ACCOUNT NUMBER 90581 52014				2013116 00 0		1651*		
BUDGET BILLING	FUEL COST INCLUDED	TAXES AND SURCHARGES		LATE PAYMENT CHARGE		AMOUNT DUE NOW		
BILLED TO DATE	GAS 27.74	STATE TAXES SURCHG .13		1.91		WILL BE ADDED AFTER		
USED TO DATE	ELECTRIC 16.23	LOCAL TAXES SURCHG		MAY 13 1992		TOTAL INCLUDING LATE PAYMENT CHARGE		
DIFFERENCE AFTER THIS BILL PAID		TOTAL .13		128.82		\$126.91		
KEEP THIS PORTION FOR YOUR RECORDS				FEDERAL TAX IDENTIFICATION #52-0280210				

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664 Belair Rd.
Bel Air

SECURITY SQUARE MALL
6901 Security Mall

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400 N. Center St.
Westminster

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GAS UNIT = 100 CUBIC FEET

CR = CREDIT

GAS THERM = 100,000 B.T.U.'S

M = MULTIPLE MONTH READING

ELECTRIC UNIT = 1 KILOWATT HOUR

Billing Information or copy of applicable rate schedule furnished upon request

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

95-9-SPH
Rec'd 8/11/94

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: July 28, 1994

SUBJECT: 7727 York Road

INFORMATION:

Item Number: 8

Petitioner: 7727 Limited Partnership

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The property in question is within the Towson Community Plan Area, designated as a Community Conservation Area (Inner Neighborhoods).

It appears that the property meets the lot width, lot area and side yard setback requirements for the D.R. 5.5 zone as indicated in Section 402 of the Baltimore County Zoning Regulations, conversion of one-family dwellings. Therefore, the request for non-conforming use for a two apartment building in a D.R. 5.5 zone appears moot.

Prepared by: Jeffrey M. Ly

Division Chief: Gary L. Kerns

PK/JL:lw

**PETITIONER'S
EXHIBIT NO. 4**

Section 402--CONVERSION OF DWELLINGS [B.C.Z.R., 1955.]
For residential use: [B.C.Z.R., 1955.]

402.1--The converted dwelling must be located on a lot that will meet the dimensional requirements shown in the schedule which follows. [B.C.Z.R., 1955.]

402.2--Separate cooking facilities and a separate bathroom shall be provided for each family unit. [B.C.Z.R., 1955.]

CONVERSION OF ONE-FAMILY DWELLINGS²
MINIMUM DIMENSIONS

Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards--Feet	
	Duplex ³	Semi-Detached ³	Each Add. Fam.	Two Families	Each Add. Family	Min. for One	Sum of Both
R.40 ⁴	175	175	25	50,000	10,000	Interior—25 Corner—50	Interior—60 Corner—75
R.20 ⁴	125	125	25	25,000	7,500	Int.—20 Cor.—35	Int.—50 Cor.—60
R.10 ⁴	90	100	15	12,500	4,000	Int.—20 Cor.—30	Int.—40 Cor.—50
R.6 ⁴	80	90	15	10,000	3,000	Int.—15 Cor.—25	Int.—35 Cor.—40
R.G. ⁴	70	80	10	Interior—8,050 Corner—9,200	2,500	Int.—15 Cor.—25	Int.—30 Cor.—40
R.A. ⁴	70	80	10	Interior—8,050 Corner—9,200	2,500	Int.—15 Cor.—25	Int.—30 Cor.—40

PETITIONER'S
EXHIBIT NO. 5

Section 101--DEFINITIONS [B.C.Z.R., 1955.]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these Regulations, certain terms and words are defined below: [B.C.Z.R., 1955; Bill No. 149, 1987.]

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Websters Third New International Dictionary of the English Language, Unabridged. [Bill No. 149, 1987.]

Accessory Building: One which is subordinate and customarily incidental to and on the same lot with a main building. A trailer shall not be considered an accessory building. A structure connected to a principal building by a covered passageway or with one wall in common shall not be considered an accessory building. [B.C.Z.R., 1955.]

Accessory Use or Structure: A use or structure which-(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use. [Bill No. 100, 1970; Bill No. 26, 1988.]

["Acreage, Gross Residential"] and definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.]

Agriculture, Commercial: The use of land, including ancillary structures and buildings, to cultivate plants or raise or keep animals for income, provided that the land also qualifies for farm or agricultural use assessment pursuant to Section 8-209 of the tax-property article of the Annotated Code of Maryland, as amended. Commercial agriculture includes the production of field crops, dairying, pasturage agriculture, horticulture, floriculture, aquaculture, apiculture, viticulture, forestry, animal and poultry husbandry, horsebreeding and horsetraining and also includes ancillary activities such as processing, packing, storing, financing, managing, marketing or distributing provided that any such activity shall be secondary to the principal agricultural operations. {Bill No. 51, 1993.}

Airport: Any area of land or water designed and set aside for landing or taking off of aircraft. [B.C.Z.R., 1955.]

APR 14 1987

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
UNABRIDGED

A Merriam-Webster

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PHILIP BABCOCK GOVE, Ph.D.

AND

THE MERRIAM-WEBSTER

EDITORIAL STAFF



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SPRINGFIELD, MASSACHUSETTS, U.S.A.

PETITIONER'S
EXHIBIT NO. 7

airplane 8 airplane pilot 9 antipersonnel 10 armor-
piercing 11 as purchased- 12 assessment paid 13 assumed
position 14 authority to pay 15 authority to purchase
8 author's proof
a /ə'pu:/ n- [Pg. fr. Tupi, fr. Galibi:] WALLARA
a-bhram-sa /ə'pu:'bromsə/ n- s-uw cop [Skṛt *apabrahma*,
t., [all]: a stage of an Indic language characterized by
linguistic changes not found in a more conservative stage that
serves as a standard of correctness: a : non-Sanskrit
forms in Indic speech prior to approximately the 14th cen-

room in a building (the dining room at the hall was not a cheerful ~) — Osbert Lancaster. 4: a building made up of individual dwelling units (these new ~s have intensified the parking problem) — a-part-men-tal \ə'pɑ:rt'ment/, i.d.p., -tə'ti-adj.
apartment building or apartment house n: a building containing a number of separate residential units and usu. having conveniences (as heat and elevators) in common
apartment hotel n: an apartment house containing suites
apartment house n: an apartment building

an appetizer wine that is chiefly of French or Italian origin,
flavored with herbs and other substances, and used as so
apetizer or cocktail ingredient

aperitif -*n.* [Fr. *apéritif*, *v.* *apéroir*-*adj.* [*ML aperitivus*] 1 : APERIENT
[F *apéritif*] aperient, stimulating the appetite, fr. MF *aperitf*
aperient; stimulating the appetite

aperitive -*n.* 1 : APERIENT 2 [F *apéritif*] : APERITIF

ari ad] [ME, fr. OF, fr. L *aperis*, tr. past part. of *aperire*
open] 1 archaic : OPEN, MANIFEST, EVIDENT 2 obs : BOLD,

100



ate: March 17, 1994

to: Mike Mazikas
Kevin Vukovich
Leon Litz
Mike Flynn
Tom Daly

PETITIONER'S EXHIBIT NO. 8

to: 7727 York Road
Apartments A & B

On March 16, 1994 the District court of Maryland concluded that you have been operating a fraternity house at 7727 York Road. This is in violation of our agreement regarding your residency and Baltimore County law. This must cease immediately. The court has issued an injunction prohibiting this use. If you are to continue living in the apartments in this building you must agree to the following:

- 1) No parties will be held at the house
- 2) No more than 8 nonresidents will be on the property at one time (4 as guests of the upstairs apartment, 4 as guests of the downstairs apartment)
- 3) You will inform me immediately (Regardless of the hour at night) if the police are called to the property for any reason. My home Phone number is 825-7503. My work number is 528-1250.
- 4) There will be no change in who is living in the house or subleasing without my prior approval
- 5) No Fraternity events, social functions, gatherings, etc will take place on the property

The penalties for violation of the court injunction are severe and you will be held responsible for any violations of the order including court costs and fines.

Sincerely,

Paul Schaefer

Please sign below indicating your understanding and acceptance of the above:

Signed:

Kevin M. Vukovich

Date:

3-18-94

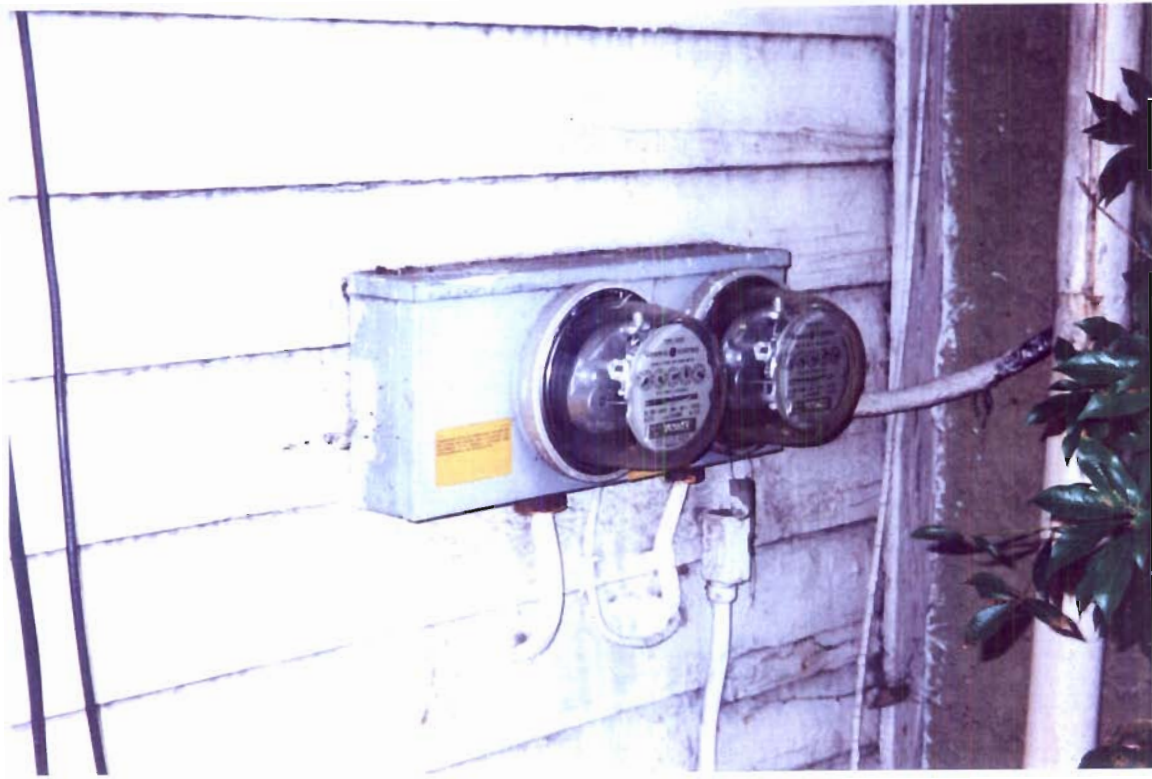
Name:

Kevin M. Vukovich











95-9-SPH

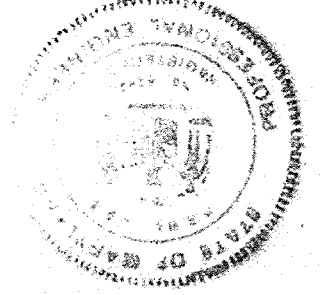
PLAT TO ACCOMPANY PETITION
FOR

SPECIAL HEARING
#7727 YORK ROAD

ELECT. DIST. CO. BALTO. COUNTY, MD.
JULIE 23, 1994

ITEM # 8

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

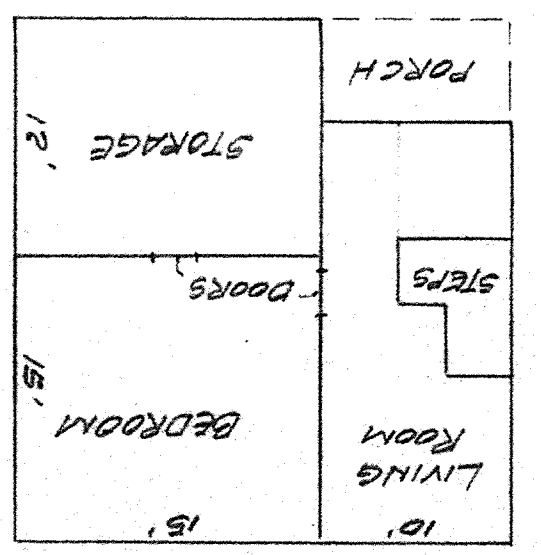
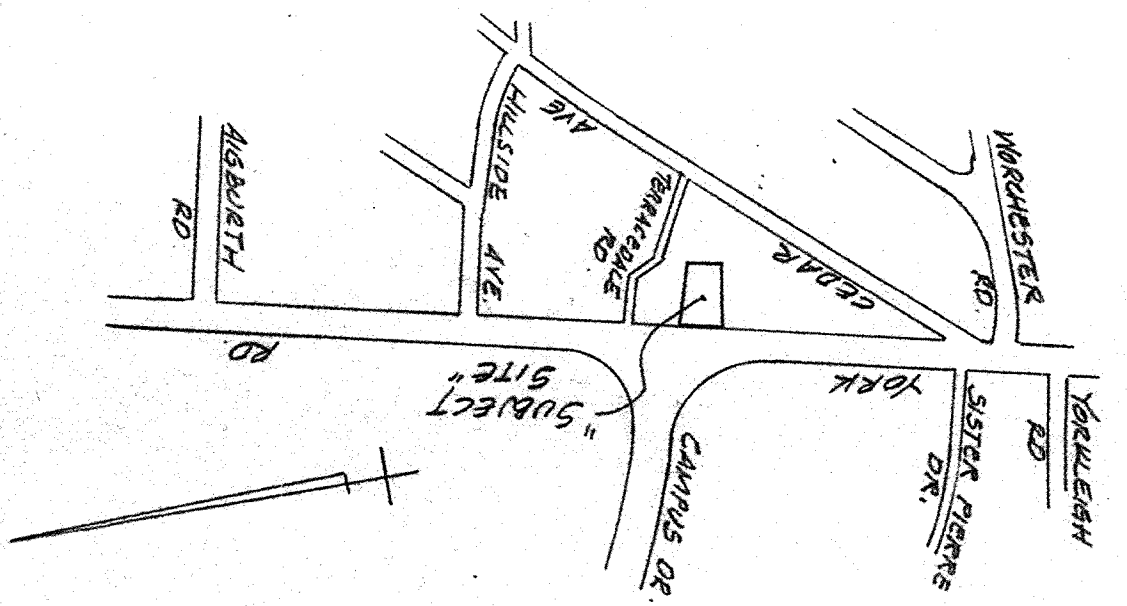


PETITIONER'S
EXHIBIT NO. 1

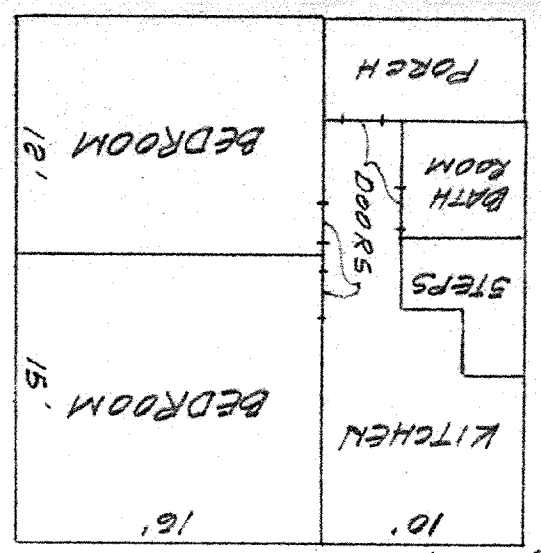
GENERAL NOTES

1. AREA OF PROPERTY = 17,665.5[±]; GROSS AREA = 21,024.5[±]; EX. ZONING: "DR 5.5"
2. EXISTING ZONING OF PROPERTY = "DR 5.5"
3. EXISTING USE OF PROPERTY = "2 APARTMENT DWELLING"
4. PROPOSED ZONING OF PROPERTY = "DR 5.5"
5. PROPOSED USE OF PROPERTY = "2 APARTMENT DWELLING"
6. OFF-STREET PARKING REQUIRED = 0
7. NET OF PARKING SPACES SHOWN = 7 (INCL. GAR.)
8. ZONING HISTORY OF PROPERTY:
1955 ZONING MAP = "RA"
1988 ZONING MAP = "DR-16"
1992 ZONING MAP = "DR 5.5" (PROPERTY DOWNSHIFTED)
9. PETITIONER REQUESTING SPECIAL HEARING TO DETERMINE A NON CONFORMING USE FOR A 2 APARTMENT DWELLING IN A DR 5.5 ZONE AND TO DETERMINE THAT THE EXISTING DWELLING IS AN APARTMENT BUILDING.
10. PROPERTY SERVED BY PUBLIC UTILITIES.
11. EXISTING 1ST FLOOR APARTMENT - 3 BEDROOMS
12. LOWER LEVEL - 2 BEDROOMS

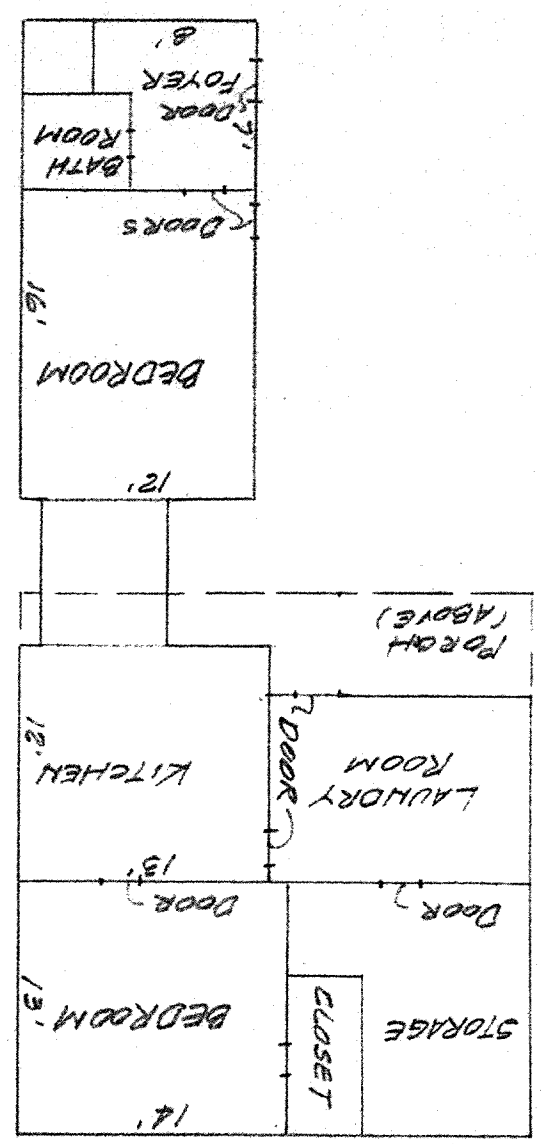
LOCATION PLAN
SCALE: 1"=500'



2ND FLOOR



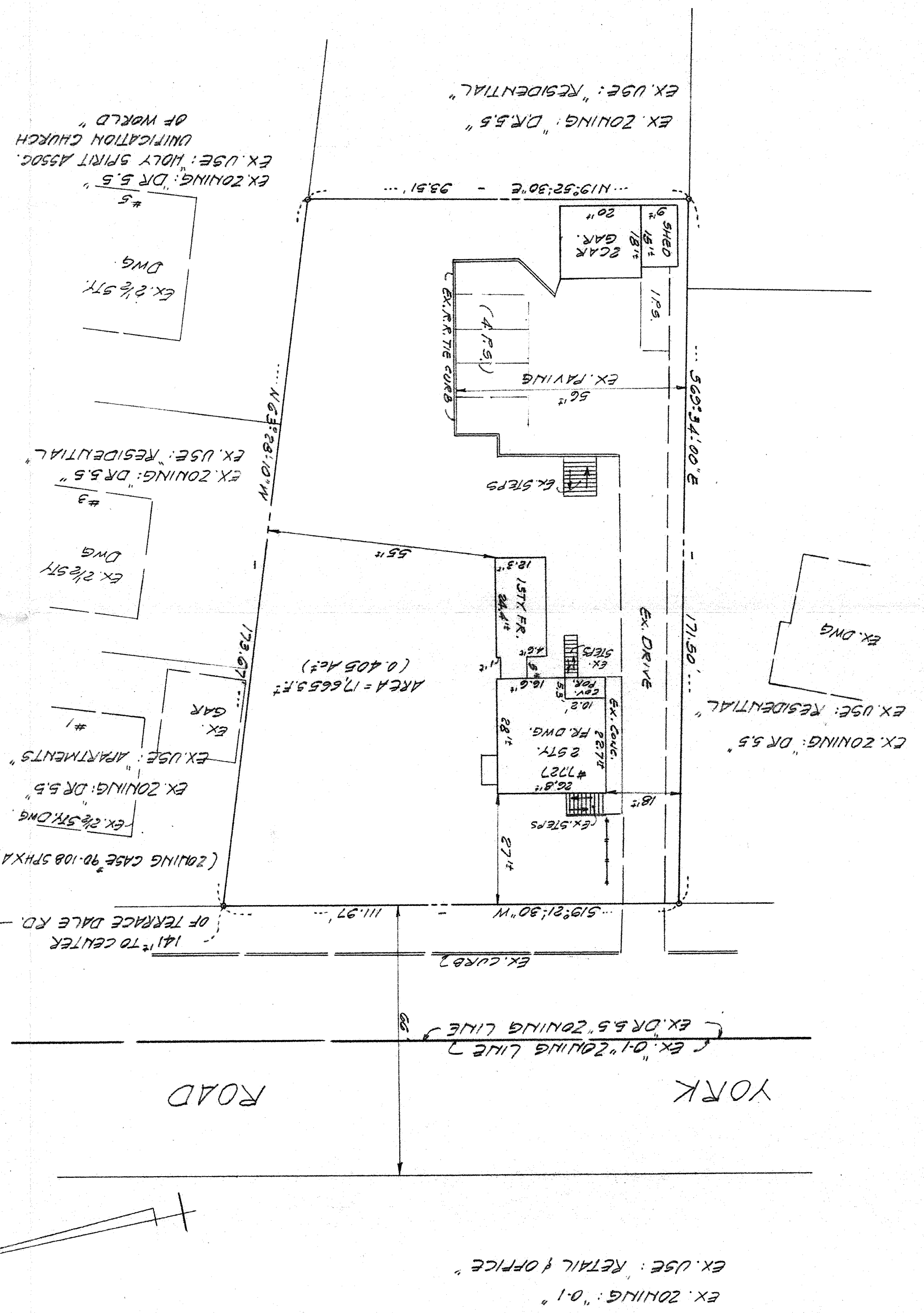
1ST FLOOR



LOWER LEVEL

2 APARTMENT DWELLING

NO SCALE



IN RE: PETITION FOR SPECIAL HEARING
E/S York Road, 141' S of the
c/l of Terrace Dale Road
(7727 York Road)
9th Election District
4th Councilmanic District

7727 Limited Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-9-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 7727 York Road, located in the vicinity of Towson State University in Towson. The Petition was filed by the owners of the property, 7727 Limited Partnership, by Paul Schaefer, General Partner, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek approval of the subject property as a nonconforming two-apartment dwelling in a D.R. 5.5 zone, and a determination that the existing dwelling is an apartment building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Paul Schaefer, a General Partner of the 7727 Limited Partnership, Paul Lee, Professional Engineer who prepared the site plan for the property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing on behalf of the Petition were Patrick W. Kootz, former resident of the property, and Michael Geisen and Kevin Vukovich, current residents. Appearing as Protestants in the matter were Judith M. Giacomo, Sally Malena, Susan Hartman, Leslie Fales, John S. H. Chapman, and Charles and Wilda Briggeman, nearby residents of the area.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of a gross area of 21,024 sq.ft., zoned D.R. 5.5 and is improved with a two-story dwelling with an attached one-story addition, a two-car garage, a shed, and macadam paved driveway and parking area. The property is located on the east side of York Road in Towson, across from Campus Drive and is located not far from the Towson State University. On behalf of the Petitioners, Mr. Lee introduced the site plan for the property, identified as Petitioner's Exhibit 1, and testified as to the existing improvements thereon. As to the interior of the primary structure, the first and second floors of the dwelling are considered one separate apartment unit. The second floor contains a bedroom, living room, and storage area, while the first floor contains two more bedrooms, a kitchen, and a bathroom. Access between the first and second floors is available internally via steps. The second living unit is located on a lower level and includes the attached addition. The lower level portion of this unit consists of a bedroom, kitchen, laundry room and storage area, while the addition contains a bedroom, bathroom and foyer area. Separate access is available to this lower level apartment unit. Mr. Lee further testified as to the zoning history of the property, beginning with its R.A. zoning in 1955 which allowed residential apartments. He testified that in 1988, the property was reclassified to D.R. 16, and in 1992, was rezoned to D.R. 5.5 during the County Council's comprehensive zoning process.

Mr. Schaefer also appeared and testified in support of his request. Mr. Schaefer testified that he has owned the property since 1988 and corroborated the zoning history of the site as described by Mr. Lee. Mr. Schaefer described the dwelling as being constructed of masonry and wood, and noted that the two apartments are not connected and that each

ORDER RECORDED FOR FILING
FILED
By *[Signature]*

RECORDED

contains its own kitchen. He also produced testimony and evidence (Petitioner's Exhibits 3A and 3B) which show that the units have separate electric meters. Mr. Schaefer testified that he resided in the lower level unit in 1988 and rented the upper level unit to two students. Mr. Schaefer testified that he resided there for approximately two years, after which he moved in 1990 and began renting the lower level.

As to the Protestants who appeared, they are concerned about the use of the subject property and the potential detrimental effect of same on the surrounding locale. Ms. Giacomo, for example, testified that the neighborhood is primarily comprised of single family homes and that the subject dwelling is one of the oldest houses in Towson. Ms. Giacomo is concerned about the use of the property, particularly to house students who are enrolled at Towson State University. In the recent past, the property served as the fraternity house for the Lambda Chi Fraternity, which caused problems for the neighborhood as a result of the parties, noise, people, etc. In addition to the testimony received from the Protestants, rebuttal testimony was received from several of the Petitioners' former and present tenants. They corroborated Mr. Schaefer's testimony as it related to the use of the subject property.

The facts presented in this case are largely not a matter of dispute, and are clear. However, the use of the subject property and the request presented by the Petitioners present a number of difficult legal issues which require an interpretation of the relevant provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). Within the Petition for Special Hearing, the property owners request relief to approve the subject site as a nonconforming two apartment dwelling. A nonconforming use is defined in Section 101 of the B.C.Z.R. as "A legal use which does not conform

to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." The designation of the nonconforming use is often used by a property owner to grandfather an otherwise illegal use. That is, if it can be established that a use existed prior to the adoption of the zoning classification or regulation which prohibited that use, the use may continue. In this case, the property was zoned D.R. 16 from 1988 until 1992, as noted above, at which time it was rezoned D.R. 5.5. Under the use regulations contained within Article 1B01 of the B.C.Z.R., group houses, back-to-back houses, and multi-family buildings are permitted as of right in a D.R. 16 zone; however, in the D.R. 5.5 zone, these uses are permitted only subject to findings of compatibility.

Of greater significance is the use which these Petitioners request be identified with the premises. That is, the Petitioners request relief and a finding that the subject property is an apartment building. As difficult as it is to imagine, it must be noted that the phrase "apartment building" is not defined in the B.C.Z.R. Apparently, at one time, such a definition existed; however, same was deleted by the enactment of Bill No. 2-92 in 1992. Thus, the Petitioners are requesting that this Zoning Commissioner identify the use of this property with a designation which does not exist in the B.C.Z.R.

Section 101 of the B.C.Z.R., which provides definitions of the terms used throughout the regulations, requires that in the absence of a definition in the zoning regulations, Webster's Third New International Dictionary should be utilized. In reviewing Webster's, it is to be noted that a number of definitions are offered for the word "apartment". As to the phrase "apartment building", Webster's provides that same is "a building containing a number of separate residential units and usually having

ORDERED FOR FILING
Date 3/21/95
By [Signature]

conveniences (as heat and elevators) in common." Although the subject property does contain separate residential units, e.g., the first and second floor unit and the lower level unit, the separate electric meters show that the utility bills are not shared in common.

Certainly, the Petitioners' building is a dwelling as defined in the B.C.Z.R. Therein, the word dwelling is defined as "a building or portion thereof which provides living facilities for one or more families." Moreover, the B.C.Z.R. goes on to identify a number of different type dwellings. One type listed is a dwelling for two families. That use is defined as "a two-family house containing two dwelling units, each of which is totally separated from the other with an unpierced ceiling and floor extending from exterior wall to exterior wall, or by an unpierced wall extending from ground to roof." This definition appears to fit the use in question.

When a described use precisely fits the definition provided within the B.C.Z.R., this Zoning Commissioner should adopt that definition to the identified use rather than creating and defining a new use. Thus, in my view, rather than identifying the subject property as an apartment building, the subject site should be identified as a two-family dwelling in that the testimony and evidence established that same complies with the definition provided within Section 101 of the B.C.Z.R. For these reasons, the Petition for Special Hearing to approve the nonconforming use of the property as a two-apartment dwelling and apartment building should be denied. Moreover, the Petitioners will be obligated to comply with the regulations contained within Article 1B01 of the B.C.Z.R. as they relate to regulation of two-family dwellings. These regulations are significant in view of the testimony as to the use of the property. It is clearly

ORDER RECEIVED FOR FILING

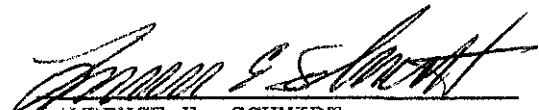
Date

By

inappropriate for the site to be used as the Lambda Chi Fraternity house. Although the term "fraternity house" is likewise not defined in the B.C.Z.R., such a use clearly would fall within the boarding or rooming house definition found therein. Again, consulting Section 101 of the B.C.Z.R., it is found that a boarding or rooming house includes a building "which is not the owner's residence and which is occupied in its entirety by three or more adult persons, not related by blood, marriage, or adoption to each other." This broad definition seemingly encompasses the use of the subject property by students of Towson State University who are not related to one another.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2/28 day of March, 1995 that the Petition for Special Hearing seeking approval of the subject property as a nonconforming two-apartment dwelling in a D.R. 5.5 zone, and a determination that the existing dwelling is an apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/21/95
By [Signature]

RECORDED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 21, 1995

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S York Road, 141' S of the c/l of Terrace Dale Road
(7727 York Road)
9th Election District - 4th Councilmanic District
7727 Limited Partnership - Petitioners
Case No. 95-9-SPH

Dear Mr. Borgerding:

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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Paul Schaefer
7727 Limited Partnership, 7727 York Road, Towson, Md. 21204

Ms. Judith M. Giacomo, 17 Aigburth Road, Towson, Md. 21286

Ms. Susan Hartman, 18 1/2 Cedar Avenue, Towson, Md. 21286

People's Counsel

File





Petition for Special Hearing

95-9-SPA

to the Zoning Commissioner of Baltimore County

for the property located at

7727 York Road; Towson, MD 21204

which is presently zoned

D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A nonconforming use for a 2-apartment dwelling in a "D.R. 5.5" zone and to determine that the existing dwelling is an apartment building

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.

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Francis X. Borgerding, Jr.

(Type or Print Name)

Signature

296-6820

409 Washington Ave.; Ste 600

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

7727 Limited Partnership

(Type or Print Name)

By: *Paul Schaefer*
Signature

General Partner

PAUL SCHAEFER

(Type or Print Name)

Signature

7727 York Road

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: *R.T.* DATE *7-12-94*

ITEM #8

ORDER RECEIVED FOR FILING

Date *7/21/95*

By *[Signature]*



Paul Lee, P.E.

95-9-SPH

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

DESCRIPTION

7727 YORK ROAD
ELECTION DISTRICT 9
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the east side of York Road, said point also being located S 19°21'30" W 141 feet ± from the center of Terrace Dale Road and continuing along said east side of York Road (1) S 19°21'30" W 111.97 feet, thence leaving said east side of York Road (2) S 69°34'00" E 171.50 feet, (3) N 19°52'30" E 93.51 feet, and (4) N 63°28'10" W 173.67 feet to the point of beginning.

Containing 17,665 square feet of land, more or less.



MICROFILMED

ITEM# 8

Engineers — Surveyors — Site Planners

6/23/94

J.O. #94022

ZONING COMMISSIONER

A SPH FOR TWO APTS. IS READ,
BY THE DISTRICT COURT PER
APPLICANT, ALTHOUGH IT MEETS
THE REQUIREMENT FOR 2 APTS.
PER SECT. 402.

1-15-94

K.E.G.T.

NOT A VIOLATION, PER HELENE
AND TIM FITTS 7/18/94

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-9-SP14

District 9th

Date of Posting 7/22/94

Posted for: Special Hearing

Petitioner: 7727 Limited Partnership

Location of property: 7727 York Rd, E/S

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by M. S. [Signature]
Signature

Date of return: 7/29/94

Number of Signs: 1

NOTED & FILED



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: #95-9-SPH
(Item 8)

7727 York Road
E/S York Road, 141' +/- S
of c/l Terrace Dale Road
9th Election District
4th Councilmanic
Petitioner(s):

7727 Limited Partnership
Hearing: Friday,
August 12, 1994 at 2:00
p.m. in Rm. 106, County Of-
fice Bldg.

Special Hearing to approve
a non-conforming use for a
2-apartment dwelling in an
apartment building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
7/306 July 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 29, 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 July 28, 1994.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

~~Signature~~

301-201-1111
301-201-1111



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-9-SPH

Account: R-001-6150

Number 8

F.T.T.

Date 7-12-94

7727 York Rd. Md, 21204

040 - SPH — \$ 250⁰⁰

080 - SIGN (1) one — \$ 35⁰⁰

TOTAL - \$ 285⁰⁰

RECEIVED

03A03#0321MECHRC

\$285.00

BA 0009#21AM07-12-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

158619

DATE April 10, 1995 ACCOUNT R-001-6160

AMOUNT \$ 210.00

RECEIVED
FROM: George A. Branchi

PAID TO ORDER

FOR: Zoning Appeal 95-9-3PH

1727 Limited Partnership-Petitioners
7717 York Road, Suite 100

400.00

PAID TO ORDER 4/10/95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

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 accessed 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.: 8

Petitioner: 7727 Limited Partnership

Location: 7727 detached York Rd Towson, md 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Scheeter

ADDRESS: 334 North Charles street
Baltimore, md 21201

PHONE NUMBER: 528-1250

Item Number: 8
Planner: RT
Date Filed: 7-12-94

P E T I T I O N P R O C E S S I N G F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

✓

The following information is missing:

____ Descriptions, including accurate beginning point
____ Actual address of property
____ Zoning
____ Acreage
____ Plats (need 12, only ____ submitted)
____ 200 scale zoning map with property outlined
____ Election district
____ Councilmanic district
____ BCZR section information and/or wording
____ Hardship/practical difficulty information
____ ~~Owner's signature (need minimum 1 original signature) and/or~~
~~printed name and/or address and/or telephone number~~
____ Contract purchaser's signature (need minimum 1 original
signature) and/or printed name and/or address
____ Signature (need minimum 1 original signature) and/or
printed name and/or title of person signing for legal
owner/contract purchaser
____ Power of attorney or authorization for person signing for
legal owner and/or contract purchaser
____ Attorney's signature (need minimum 1 original signature)
and/or printed name and/or address and/or telephone number
____ Notary Public's section is incomplete and/or incorrect
and/or commission has expired

TO: PUTUXENT PUBLISHING COMPANY
July 28, 1994 Issue - Jeffersonian

Please forward billing to:

Paul Schaefer
334 N. Charles Street
Baltimore, Maryland 21201
528-1250

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: 95-9-SPH (Item 8)
7727 York Road
E/S York Road, 141' +/- S of c/l Terrace Dale Road
9th Election District - 4th Councilmanic
Petitioner(s): 7727 Limited Partnership
HEARING: FRIDAY, AUGUST 12, 1994 at 2 p.m. Rm. 106 County Office Bldg.

Special Hearing to approve a non-conforming use for a 2-apartment dwelling in an apartment building.

LAWRENCE E. SCHMIDT
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

JULY 25, 1994

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: 95-9-SPH (Item 8)
7727 York Road
E/S York Road, 141' +/- S of c/l Terrace Dale Road
9th Election District - 4th Councilmanic
Petitioner(s): 7727 Limited Partnership
HEARING: FRIDAY, AUGUST 12, 1994 at 2 p.m. Rm. 106 County Office Bldg.

Special Hearing to approve a non-conforming use for a 2-apartment dwelling in an apartment building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: 7727 Limited Partnership
Francis X. Borgerding, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

7727 York Road
Towson, MD 21204



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

May 30, 1995

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. 95-9-SPH

7727 LIMITED PARTNERSHIP

E/s York Road, 141' S of the c/l of Terrace
Dale Road (7727 York Road)
9th Election District
4th Councilmanic District

SPH -For approval of subject property as nonconforming two-apartment dwelling in D.R. 5.5 zone; and determination that existing dwelling is an apartment building.

3/21/95 -Z.C.'s Order in which Petition for Special Hearing DENIED.

ASSIGNED FOR:

THURSDAY, SEPTEMBER 7, 1995 at 10:00 a.m.

cc: Francis X. Borgerding, Jr., Esq. Counsel for Appellant/Petitioner
7727 Limited Partnership Appellant/Petitioner

Judith M. Giacomo
Susan Hartman

Protestant
Protestant

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
Virginia W. Barnhart, County Attorney

RECEIVED

MAY 31 1995

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

September 1, 1995

NOTICE OF POSTPONEMENT

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. 95-9-SPH

7727 LIMITED PARTNERSHIP

E/s York Road, 141' S of the c/l of Terrace
Dale Road (7727 York Road)
9th Election District
4th Councilmanic District

SPH -For approval of subject property as nonconforming two-apartment dwelling in D.R. 5.5 zone; and determination that existing dwelling is an apartment building.

3/21/95 -Z.C.'s Order in which Petition for Special Hearing DENIED.

which was scheduled for hearing before the Board on September 7, 1995 has been POSTPONED at the request of Counsel for Appellant /Petitioner, and without objection by the Office of People's Counsel. To be reset only upon request of either party.

cc: Francis X. Borgerding, Jr., Esq. Counsel for Appellant/Petitioner
7727 Limited Partnership Appellant/Petitioner

Judith M. Giacomo
Susan Hartman

Protestant
Protestant

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM PDM
Arnold Jablon, Director /ZADM
Virginia W. Barnhart, County Attorney

Kathleen C. Weidenhammer
Administrative Assistant



RECEIVED

SEP 6 1995

ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 2, 1994

(410) 887-3353

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 8, Case No. 95-9-SPH
Petitioner: 7727 Limited Partnership
Petition for Special Hearing

Dear Mr. Borgerding:

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 July 12, 1994, and a hearing 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.

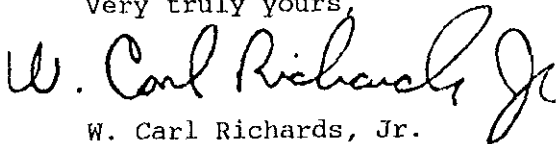
- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this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

MICROFILMED

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." The signature is written in dark ink and is positioned above the typed name.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 1, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 1, 1994
Item 8

The Developers Engineering Section has reviewed the subject zoning item. The parking lot should be buffered from the adjacent residences.

RWB:sw

WICKET 11/11/94

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 07/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 7727 LIMITED PARTNERSHIP

LOCATION: E/S YORK RD., 141' +/- S OF CENTERLINE TERRACE DALL RD.
(7727 YORK RD.)

Item No.: # 8

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

JUL 28 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4881, MS-11021

cc: File





Maryland Department of Transportation
State Highway Administration

James Lightizer
Secretary
Hal Kassoff
Administrator

7-20-94

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.: *7B (RT)*
CS NO. 95-9-SPH

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

for

DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, 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 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

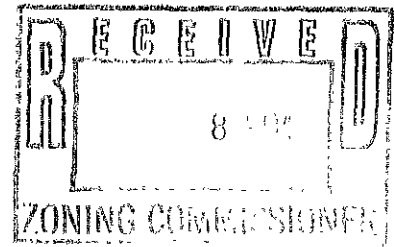
INTER-OFFICE CORRESPONDENCE

8/12

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

A



DATE: July 28, 1994

SUBJECT: 7727 York Road

INFORMATION:

Item Number:

8

Case 95-9-SPH

Petitioner:

7727 Limited Partnership

Property Size:

Zoning:

D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The property in question is within the Towson Community Plan Area, designated as a Community Conservation Area (Inner Neighborhoods).

It appears that the property meets the lot width, lot area and side yard setback requirements for the D.R. 5.5 zone as indicated in Section 402 of the Baltimore County Zoning Regulations, conversion of one-family dwellings. Therefore, the request for non-conforming use for a two apartment building in a D.R. 5.5 zone appears moot.

Prepared by:

Jeffrey H. Fry

Division Chief:

Gary L. Kerns

PK/JL:lw

MICROFILMED

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7727 York Road, E/S York Road, 141' *
+/- S of c/l Terrace Dale Road * ZONING COMMISSIONER
9th Election Dist., 4th Councilmanic * OF BALTIMORE COUNTY
7727 Limited Partnership *
Petitioner * CASE NO. 95-9-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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esquire, 409 Washington Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Witnessed and attested

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 10, 1995

Ms. Judith M. Giacomo
17 Aigburth Road
Towson, MD 21286

Ms. Susan Hartman
18 1/2 Cedar Avenue
Towson, MD 21286

RE: Petition for Special Hearing
E/S York Road, 141 ft. S of the
c/l of Terrace Dale Road
7717 York Road
9th Election District
4th Councilmanic District
7727 Limited Partnership-Petitioners
Case No. 95-9-SPH

Dear Ms. Giacomo and Ms. Hartman:

Please be advised that an appeal of the above-referenced case was filed in this office on April 7, 1995 by Francis X. Borgerding, Jr., Esquire on behalf of 7727 Limited Partnership. 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 A. Winiarski at 887-3353.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arnold Jablon
Director

AJ:jaw

cc: People's Counsel



APPEAL

PETITION FOR SPECIAL HEARING
E/S YORK ROAD, 141 FT. S OF THE
C/L OF TERRACE DALE ROAD
7717 YORK ROAD
9TH ELECTION DISTRICT AND 4TH COUNCILMANIC DISTRICT
7727 LIMITED PARTNERSHIP-PETITIONERS
CASE NO. 95-9-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1. Plat to Accompany Petition for Special Hearing

2. Nine photographs
3. Two BG&E bills
4. Inter-Office Correspondence to Arnold Jablon from Pat Keller dated July 28, 1994
5. Section 402-Conversion of Dwellings
6. Section 101-Definitions
7. Copy of Webster's Third New International Dictionary
8. Letter to Mike Mazikas from Paul Schaefer dated March 18, 1994

Zoning Commissioner's Order dated March 21, 1995 (Denied)

Notice of Appeal received on April 7, 1995 from Francis X. Borgerding, Jr., Esquire on behalf of 7727 Limited Partnership.

cc: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204

Ms. Judith M. Giacomo, 17 Aigburth Road, Towson, MD 21286

Ms. Susan Hartman, 18 1/2 Cedar Avenue, Towson, MD 21286

7727 Limited Partnership, 7727 York Road, Towson, MD 21204

People's Counsel of Baltimore County, Mail Stop No. 2010

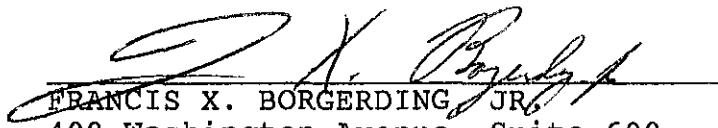
Request Notification: Patrick Keller, Director, Planning and Zoning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon

PETITION FOR SPECIAL HEARING * BEFORE THE
E/S YORK ROAD, 141' S OF THE *
c/1 OF TERRACE DALE ROAD * ZONING COMMISSIONER
(7727 YORK ROAD) *
9TH ELECTION DISTRICT * FOR
4TH COUNCILMANIC DISTRICT * BALTIMORE COUNTY
7727 LIMITED PARTNERSHIP *
PETITIONER/APPELLANT * Case No.: 95-9-SPH

* * * * *

REQUEST FOR APPEAL

7727 Limited Partnership, by and through its attorney, Francis X. Borgerding, Jr., hereby requests an appeal from the decision of the Zoning Commissioner entered in this action on March 21, 1995.


FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorney for Petitioner/Appellant
7727 Limited Partnership

RECEIVED

APR 7 1995

ZADM

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

PAUL SCHAEFER

445 RANGE RD TOWSON 21204

Paul Lin

304 W. Penna Ave. River

Patrick W. Kooty

24 E. Madison St Apt D

Michael Seeman

7727 York Rd. Towson MD

Kevin Untch

14204 Castaway Dr. Rockville, MD 20853



Printed with Soybean Ink
on Recycled Paper

000000000000000000

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

JUDITH M. GIACOMO ✓

Sally Malena ✓

Susan Hartman ✓

Leslie Fales

John S. H. Chapman

Nilda Briggeman

Charles E. Briggeman

17 AIGBORTH RD. TOWSON 21286

18 AIGBORTH RD 21286

18 1/2 Cedar Ave Towson 21286

19 Cedar Ave Towson 21286

66 Cedar Ave Towson 21286

800 Southley Rd., Towson

800 Southley Rd. Towson



COLLEGE

EUPOLA

PRIVATE

9 ST 9 SPH

R-4

DRIVE

5831 R

R-4

66-12X

SITE

CEPAC

GOVERNMENT

WORCESTER

MICROFILMED

1955

ZONING

MAP

NE 9A

SCALE 1" = 200'

IN RE: PETITION FOR SPECIAL HEARING
E/S York Road, 141' S of the
c/l of Terrace Dale Road
(7727 York Road)
9th Election District
4th Councilmanic District
7727 Limited Partnership
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-9-SPH
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 7727 York Road, located in the vicinity of Towson State University in Towson. The Petition was filed by the owners of the property, 7727 Limited Partnership, by Paul Schaefer, General Partner, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek approval of the subject property as a nonconforming two-apartment dwelling in a D.R. 5.5 zone, and a determination that the existing dwelling is an apartment building. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Paul Schaefer, a General Partner of the 7727 Limited Partnership, Paul Lee, Professional Engineer who prepared the site plan for the property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing on behalf of the Petition were Patrick M. Kootz, former resident of the property, and Michael Geisen and Kevin Vukovich, current residents. Appearing as Protestants in the matter were Judith M. Giacomo, Sally Malena, Susan Hartman, Leslie Fales, John S. H. Chapman, and Charles and Milda Briggeman, nearby residents of the area.

Testimony and evidence offered revealed that the subject property consists of a gross area of 21,024 sq.ft., zoned D.R. 5.5 and is improved with a two-story dwelling with an attached one-story addition, a two-car garage, a shed, and macadam paved driveway and parking area. The property is located on the east side of York Road in Towson, across from Campus Drive and is located not far from the Towson State University. On behalf of the Petitioners, Mr. Lee introduced the site plan for the property, identified as Petitioner's Exhibit 1, and testified as to the existing improvements thereon. As to the interior of the primary structure, the first and second floors of the dwelling are considered one separate apartment unit. The second floor contains a bedroom, living room, and storage area, while the first floor contains two more bedrooms, a kitchen, and a bathroom. Access between the first and second floors is available internally via steps. The second living unit is located on a lower level and includes the attached addition. The lower level portion of this unit consists of a bedroom, kitchen, laundry room and storage area, while the addition contains a bedroom, bathroom and foyer area. Separate access is available to this lower level apartment unit. Mr. Lee further testified as to the zoning history of the property, beginning with its R.A. zoning in 1955 which allowed residential apartments. He testified that in 1988, the property was reclassified to D.R. 16, and in 1992, was rezoned to D.R. 5.5 during the County Council's comprehensive zoning process.

Mr. Schaefer also appeared and testified in support of his request. Mr. Schaefer testified that he has owned the property since 1988 and corroborated the zoning history of the site as described by Mr. Lee. Mr. Schaefer described the dwelling as being constructed of masonry and wood, and noted that the two apartments are not connected and that each

- 2 -

contains its own kitchen. He also produced testimony and evidence (Petitioner's Exhibits 3A and 3B) which show that the units have separate electric meters. Mr. Schaefer testified that he resided in the lower level unit in 1988 and rented the upper level unit to two students. Mr. Schaefer testified that he resided there for approximately two years, after which he moved in 1990 and began renting the lower level.

As to the Protestants who appeared, they are concerned about the use of the subject property and the potential detrimental effect of same on the surrounding locale. Ms. Giacomo, for example, testified that the neighborhood is primarily comprised of single family homes and that the subject dwelling is one of the oldest houses in Towson. Ms. Giacomo is concerned about the use of the property, particularly to house students who are enrolled at Towson State University. In the recent past, the property served as the fraternity house for the Lambda Chi Fraternity, which caused problems for the neighborhood as a result of the parties, noise, people, etc. In addition to the testimony received from the Protestants, rebuttal testimony was received from several of the Petitioners' former and present tenants. They corroborated Mr. Schaefer's testimony as it related to the use of the subject property.

The facts presented in this case are largely not a matter of dispute, and are clear. However, the use of the subject property and the request presented by the Petitioners present a number of difficult legal issues which require an interpretation of the relevant provisions of the Baltimore County Zoning Regulations (B.C.Z.R.). Within the Petition for Special Hearing, the property owners request relief to approve the subject site as a nonconforming two apartment dwelling. A nonconforming use is defined in Section 101 of the B.C.Z.R. as "A legal use which does not conform

- 3 -

to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." The designation of the nonconforming use is often used by a property owner to grandfather an otherwise illegal use. That is, if it can be established that a use existed prior to the adoption of the zoning classification or regulation which prohibited that use, the use may continue. In this case, the property was zoned D.R. 16 from 1989 until 1992, as noted above, at which time it was rezoned D.R. 5.5. Under the use regulations contained within Article 1801 of the B.C.Z.R., group houses, back-to-back houses, and multi-family buildings are permitted as of right in a D.R. 16 zone; however, in the D.R. 5.5 zone, these uses are permitted only subject to findings of compatibility.

Of greater significance is the use which these Petitioners request be identified with the premises. That is, the Petitioners request relief and a finding that the subject property is an apartment building. As difficult as it is to imagine, it must be noted that the phrase "apartment building" is not defined in the B.C.Z.R. Apparently, at one time, such a definition existed; however, same was deleted by the enactment of Bill No. 2-92 in 1992. Thus, the Petitioners are requesting that this Zoning Commissioner identify the use of this property with a designation which does not exist in the B.C.Z.R.

Section 101 of the B.C.Z.R., which provides definitions of the terms used throughout the regulations, requires that in the absence of a definition in the zoning regulations, Webster's Third New International Dictionary should be utilized. In reviewing Webster's, it is to be noted that a number of definitions are offered for the word "apartment". As to the phrase "apartment building", Webster's provides that same is "a building containing a number of separate residential units and usually having

- 4 -

conveniences (as heat and elevators) in common." Although the subject property does contain separate residential units, e.g., the first and second floor unit and the lower level unit, the separate electric meters show that the utility bills are not shared in common.

Certainly, the Petitioners' building is a dwelling as defined in the B.C.Z.R. Therein, the word dwelling is defined as "a building or portion thereof which provides living facilities for one or more families." Moreover, the B.C.Z.R. goes on to identify a number of different type dwellings. One type listed is a dwelling for two families. That use is defined as "a two-family house containing two dwelling units, each of which is totally separated from the other with an unperforated ceiling and floor extending from exterior wall to exterior wall, or by an unperforated wall extending from ground to roof." This definition appears to fit the use in question.

When a described use precisely fits the definition provided within the B.C.Z.R., this Zoning Commissioner should adopt that definition to the identified use rather than creating and defining a new use. Thus, in my view, rather than identifying the subject property as an apartment building, the subject site should be identified as a two-family dwelling in that the testimony and evidence established that same complies with the definition provided within Section 101 of the B.C.Z.R. For these reasons, the Petition for Special Hearing to approve the nonconforming use of the property as a two-apartment dwelling and apartment building should be denied. Moreover, the Petitioners will be obligated to comply with the regulations contained within Article 1801 of the B.C.Z.R. as they relate to regulation of two-family dwellings. These regulations are significant in view of the testimony as to the use of the property. It is clearly

- 5 -

inappropriate for the site to be used as the Lambda Chi Fraternity house. Although the term "fraternity house" is likewise not defined in the B.C.Z.R., such a use clearly would fall within the boarding or rooming house definition found therein. Again, consulting Section 101 of the B.C.Z.R., it is found that a boarding or rooming house includes a building "which is not the owner's residence and which is occupied in its entirety by three or more adult persons, not related by blood, marriage, or adoption to each other." This broad definition seemingly encompasses the use of the subject property by students of Towson State University who are not related to one another.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested in the Petition for Special Hearing shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of March, 1995 that the Petition for Special Hearing seeking approval of the subject property as a nonconforming two-apartment dwelling in a D.R. 5.5 zone, and a determination that the existing dwelling is an apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 6 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 21, 1995

(410) 887-4386

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S York Road, 141' S of the c/l of Terrace Dale Road
(7727 York Road)
9th Election District - 4th Councilmanic District
7727 Limited Partnership - Petitioners
Case No. 95-9-SPH

Dear Mr. Borgerding:

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjjs

cc: Mr. Paul Schaefer
7727 Limited Partnership, 7727 York Road, Towson, Md. 21204
Ms. Judith M. Giacomo, 17 Algburth Road, Towson, Md. 21286
Ms. Susan Hartman, 18 1/2 Cedar Avenue, Towson, Md. 21286
People's Counsel

File



Petition for Special Hearing
95-9-SPH
to the Zoning Commissioner of Baltimore County

for the property located at 7727 York Road, Towson, MD 21204
which is presently zoned D.R. 5.5

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 Commission should approve

A nonconforming use for a 2-apartment dwelling in a "D.R. 5.5" zone and to determine that the existing dwelling is an apartment building

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/lessor:
(Type or Print Name)
Signature
Address
City Date Zipcode

Legal Owner(s):
7727 Limited Partnership
(Type or Print Name)
By: Paul Schaefer General Partner
(Type or Print Name)
Signature
7727 York Road
Towson, MD 21204
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Name
Address
City Date Zipcode
Name
Address
City Date Zipcode

Attorney for Petitioner:
Francis X. Borgerding, Jr.
(Type or Print Name)
Signature
409 Washington Ave., Ste 600
Towson, MD 21204
Name
Address
City Date Zipcode

ESTIMATED LENGTH OF HEARING
the following date: Next Two Months
ALL OTHER
REVIEWED BY: R.T. DATE: 7-12-94

ITEM #8

Paul Lee P.E.

Paul Lee Engineering Inc.
308 W. Pennsylvania Ave.
Towson, Maryland 21204
410.884.5341

DESCRIPTION

7727 YORK ROAD
ELECTION DISTRICT 9
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the east side of York Road, said point also being located S 19°21'30" W 141 feet ± from the center of Terrace Dale Road and continuing along said east side of York Road (1) S 19°21'30" W 111.97 feet, thence leaving said east side of York Road (2) S 69°34'00" E 171.50 feet, (3) N 19°52'30" E 93.51 feet, and (4) N 63°28'10" W 173.67 feet to the point of beginning.

Containing 17,665 square feet of land, more or less.



ITEM # 8

Engineers - Surveyors - Site Planners
6/23/94 J.S.O. #94022

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

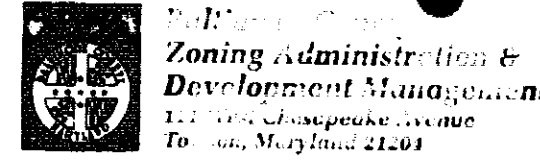
District: 9th Date of Posting: 7/22/94
Posted for: Special Hearing
Petitioner: 7727 Limited Partnership
Location of property: 7727 York Rd., E.D.
Location of Signs: Being run by on property being zoned
Remarks:
Posted by: [Signature] Date of return: 7/22/94
Number of Signs: 1

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: #95-9-SPH (Item 8)
7727 York Road
S/S York Road, 141' +/- S of c/l Terrace Dale Road
9th Election District - 4th Councilmanic
Petitioner(s): 7727 Limited Partnership
Hearing: Friday, August 12, 1994 at 2:00 p.m. in Rm. 106, County Office Bldg.
Special Hearing to approve a non-conforming use for a 2-apartment dwelling in an apartment building.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please call 867-3353.
(2) For information concerning this file and/or hearing, please call 867-3351.
7/26/94 July 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 29, 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 July 28, 1994.

THE JEFFERSONIAN,
LEGAL AD., - TOWSON



receipt
95-9-SPH
Date: 7-12-94
7727 York Rd. Md, 21204
040 - SPH - \$ 250.00
080 - SIGN IN ONE - \$ 35.00
TOTAL - \$ 285.00
Account: R-001-6150
Number: 8
Please Make Checks Payable To: Baltimore County
03A0340321MCHRC
84 0009421A007-12-94 \$285.00
Cashier Validation

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

DATE: April 10, 1995 ACCOUNT: R-001-6150
AMOUNT: \$ 210.00
RECEIVED FROM: George A. Breechi
FOR: Zoning Appeal 95-9-SPH
7727 Limited Partnership-Petitioners
7717 York Road, Towson, MD 21204
VALIDATION OR SIGNATURE OF CASHIER

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/neighborhood 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.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 8
Petitioner: 7727 Limited Partnership
Location: 7727 York Rd. Towson, MD 21204
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Paul Schaefer
ADDRESS: 334 North Charles Street
Baltimore, MD 21201
PHONE NUMBER: 528-1350

AJ:ggg
ZONING COMMISSIONER
A SPH FOR TWO APTS. IS READ BY THE DISTRICT COURT PER APPLICANT, ALTHOUGH IT MEETS THE REQUIREMENT FOR 2 APTS. PER SECT 402.
ITEM # 8
NOT A VIOLATION, PER HELENE AND TIM FITS 7/18/94

Item Number: 8
Planner: P.L.
Date Filed: 7-12-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If Zoning Commissioner's review of the petition is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney _____
- The following information is missing:
- Descriptions, including accurate beginning point _____
 - Actual address of property _____
 - Zoning _____
 - Acresage _____
 - Plats (need 12, only _____ submitted) _____
 - 200 scale zoning map with property outlined _____
 - Election district _____
 - Councilmanic district _____
 - RCZR section information and/or wording _____
 - Hardship/practical difficulty information _____
 - Owner's signature (need minimum 1 original signature) and/or printed name and/or address _____
 - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address _____
 - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser _____
 - Power of attorney or authorization for person signing for legal owner and/or contract purchaser _____
 - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number _____
 - Notary Public's section is incomplete and/or incorrect and/or commission has expired _____

TO: PUYOYENT PUBLISHING COMPANY
July 28, 1994 Issue - Jeffersonian

Please forward billing to:
Paul Schaefer
334 N. Charles Street
Baltimore, Maryland 21201
528-1250

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: 95-9-SPH (Item 8)
7727 York Road
S/S York Road, 141' +/- S of c/l Terrace Dale Road
9th Election District - 4th Councilmanic
Petitioner(s): 7727 Limited Partnership
HEARING: FRIDAY, AUGUST 12, 1994 at 2 p.m. Rm. 106 County Office Bldg.
Special Hearing to approve a non-conforming use for a 2-apartment dwelling in an apartment building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, PLEASE CALL 867-3351.

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:

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Special Hearing to approve a non-conforming use for a 2-apartment dwelling in an apartment building.

Francis X. Borgerding, Jr., Esq.
Director

cc: 7727 Limited Partnership
Francis X. Borgerding, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 August 2, 1994 (410) 887-3353

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 8, Case No. 95-9-SPH
Petitioner: 7727 Limited Partnership
Petition for Special Hearing

Dear Mr. Borgerding:

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 July 12, 1994, and a hearing 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.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw
Enclosures

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 1, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for August 1, 1994
Item 8

The Developers Engineering Section has reviewed the subject zoning item. The parking lot should be buffered from the adjacent residences.

RWB:sw

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 07/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 7727 LIMITED PARTNERSHIP

LOCATION: E/S YORK RD., 141' +/- S OF CENTERLINE TERRACE DALE RD.
(7727 YORK RD.)

Item No.: # 8 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
JUL 28 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 687-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

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: 7E (ET)
CS NO. 95-9-SPH

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
for DAVID N. KATZ, ACTING CHIEF
John Contestabile, 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 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: July 28, 1994

SUBJECT: 7727 York Road

INFORMATION:

Item Number: 8 Case 95-9-SPH

Petitioner: 7727 Limited Partnership

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The property in question is within the Towson Community Plan Area, designated as a Community Conservation Area (Inner Neighborhoods).

It appears that the property meets the lot width, lot area and side yard setback requirements for the D.R. 5.5 zone as indicated in Section 402 of the Baltimore County Zoning Regulations, conversion of one-family dwellings. Therefore, the request for non-conforming use for a two apartment building in a D.R. 5.5 zone appears moot.

Prepared by: *Jeffrey W. Ly*

Division Chief: *Gary L. Perna*

PK/JL:lw

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
7727 York Road, E/S York Road, 141' * ZONING COMMISSIONER
+/- S of c/l Terrace Dale Road *
9th Election Dist., 4th Councilmanic * OF BALTIMORE COUNTY
7727 Limited Partnership * CASE NO. 95-9-SPH
Petitioner *
* * * * *

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

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esquire, 409 Washington Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 10, 1995

(410) 887-3353

Ms. Judith M. Giacomo
17 Aigburth Road
Towson, MD 21288

Ms. Susan Hartman
18 1/2 Cedar Avenue
Towson, MD 21288

RE: Petition for Special Hearing
E/S York Road, 141 ft. S of the
c/l of Terrace Dale Road
7717 York Road
9th Election District
4th Councilmanic District
7727 Limited Partnership-Petitioners
Case No. 95-9-SPH

Dear Ms. Giacomo and Ms. Hartman:

Please be advised that an appeal of the above-referenced case was filed in this office on April 7, 1995 by Francis X. Borgerding, Jr., Esquire on behalf of 7727 Limited Partnership. 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 A. Winiarski at 887-3353.

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ:jaw

cc: People's Counsel



APPEAL

PETITION FOR SPECIAL HEARING
E/S YORK ROAD, 141 FT. S OF THE
C/L OF TERRACE DALE ROAD
7717 YORK ROAD
9TH ELECTION DISTRICT AND 4TH COUNCILMANIC DISTRICT
7727 LIMITED PARTNERSHIP-PETITIONERS
CASE NO. 95-9-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

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

Petitioner's Exhibits: 1. Plat to Accompany Petition for Special Hearing

2. Nine photographs
3. Two BG&E bills
4. Inter-Office Correspondence to Arnold Jablon from Pat Keller dated July 28, 1994
5. Section 402-Conversion of Dwellings
6. Section 101-Definitions
7. Copy of Webster's Third New International Dictionary
8. Letter to Mike Mazikas from Paul Schaefer dated March 18, 1994

Zoning Commissioner's Order dated March 21, 1995 (Denied)

Notice of Appeal received on April 7, 1995 from Francis X. Borgerding, Jr., Esquire on behalf of 7727 Limited Partnership.

cc: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204
Ms. Judith M. Giacomo, 17 Aigburth Road, Towson, MD 21288
Ms. Susan Hartman, 18 1/2 Cedar Avenue, Towson, MD 21288
7727 Limited Partnership, 7727 York Road, Towson, MD 21204
People's Counsel of Baltimore County, Mail Stop No. 2010

Request Notification: Patrick Keller, Director, Planning and Zoning
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon

REQUEST FOR APPEAL.

FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorney for Petitioner/Appellant
7727 Limited Partnership

RECEIVED
APR 7 1995
ZADIM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

ADDRESS

<u>Peter Symonds</u>	<u>445 Prince Rd. Temen 5184</u>
<u>Frank Van</u>	<u>2011 Al. Pinner Ave NW</u>
<u>John W. Kash</u>	<u>24 E. Madison St Apt D</u>
<u>Wally Smith</u>	<u>7737 York Rd. Temen, Ill</u>
<u>Ken Oubinski</u>	<u>4201 Castaway Dr. Rockville MD 2085</u>

 Printed with Soybean Ink

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME _____

ADDRESS

<u>NAME</u>	<u>ADDRESS</u>
JUDITH M. Giacomo ✓	17 AIGBURTH RD. TOWSON 21286
Gally Malena ✓	13 ALBERTA RD 21286
Walter Hartman ✓	18 1/2 Cedar Ave Towson 21286
Leslie Fols	19 Cedar Ave Towson 21286
John S.H. Chapman	66 Cedar Ave Towson 21286
Hilda Briggman	800 Southern Rd., Towson
(Kathleen E. Briggs; mrs)	800 Siddleby Rd., Towson

