ORDER RECEIVED FOR FILING
Date 5/14/95
By

IN RE: PETITION FOR SPECIAL HEARING

E/S Manor Avenue, 210' N of

Sparrows Point Road (2623 Manor Avenue) 15th Election District 7th Councilmanic District

Donald E. Kraemer, et ux

Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 95-331-SPH

\*

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 2623 Manor Avenue, located in the vicinity of Edgemere/Lodge Forest. The Petition was filed by the owners of the property, Donald E. and Bonnie J. Kraemer. The Petitioners seek approval of the use of a second dwelling on the subject property as a legal, nonconforming use. 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 Donald and Bonnie Kraemer, property owners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 9,800 sq.ft. zoned D.R. 5.5 and is improved with two single family dwellings which have existed on the property since 1941. The Petitioners submitted into evidence as Petitioner's Exhibit 2, three affidavits from nearby residents attesting to the fact that two dwellings have existed on the property since prior to the 1940s. The Petitioners also submitted a Baltimore County map, dated in 1941, which shows that two single family dwellings existed on the property at the time the map was drawn.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property

prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

- "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
- (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
- (c) Does the current use have a substantially different effect upon the neighborhood;
- (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

#### McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented,

I am satisfied that the Petitioners have met their burden of proof. It

was clear from the testimony that two single family dwellings have existed on the property since prior to the effective date of the zoning regulations on January 2, 1945, and as such, a legal, nonconforming use of the subject property exists. Furthermore, the relief requested will not be detrimental to the health, safety, and general welfare of the surrounding locale and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of May, 1995 that the Petition for Special Hearing seeking approval of the use of a second dwelling on the subject property, in accordance with Petitioner's Exhibit 1, as a legal, nonconforming use, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORIDER RECEIVED FOR FILING

Date

Styling

Date

Styling

Date

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

May 16, 1995

Mr. & Mrs. Donald E. Kraemer 2623 Manor Avenue Baltimore, Maryland 21219

RE: PETITION FOR SPECIAL HEARING
E/S Manor Avenue, 210' N of Sparrows Point Road
(2623 Manor Avenue)
15th Election District - 7th Councilmanic District
Donald E. Kraemer, et ux - Petitioners
Case No. 95-331-SPH

Dear Mr. & Mrs. Kraemer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

F/11e



# Petition for Special Hearing

### to the Zoning Commissioner of Baltimore County

for the property located at

2623 MANGE AUE which is presently zoned

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 THE No.NCONFORMING USE OF A

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 filling 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.

	A P	her vamintake	the following dates Next Two Months  ALL OTHER DATE 3/23/95
on <sub>y</sub>	State	Zipcode	ESTIMATED LENGTH OF HEARING
City	State	***************************************	OFFICE USE ONLY
Address	Phone No		Address Phone No.
Signature		<del></del>	Name
			Name, Address and phone number of representative to be contacted.
(Type or Print Name)			Baltmore Many Man DID19 City State Zipcode
Attorney for Petitioner.			2623 MANOR AUG 4774/62 Phone No
City	State	Zipcode	Signature PHONE 477-4162
			(Type or Print Name)
Address		***************************************	DONALD EUGENE KENEMER
Signature			Bannel flan Fraemer
(Type or Print Name)			SOUNIG JEAN KRAEMER
Contract Purchaser/Lessee:			Legal Owner(e).
			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

326 95-331-SPH

#### ZONING DESCRIPTION

# 15th ELECTION DISTRICT 7th COUNCILIMANIC DISTRICT 2623 MANOR AVE.

Beginning at a point on the eastside of Manor Ave.

(30 Ft wide ) at a distance of 210 Ft. (+,-) North of
Sparrows Point Rd. Being know and designated as lots number
307,308 and 309 as shown on the Plat of Sparrows Point and
Manor which plat is recorded among the Land Records of
Baltimore County in Plat Book W.P.C. No. 5, Folio No. 82.

The improvements thereon being now known as No. 2623 Manor
Avenue and being the same lots of ground which by Deed dated
November 2,1983 and recorded among the Land Records of
Baltimore County in Liber E.H.K. Jr. 6630.folio 596.

# ZONING DEPARTMENT OF BALTIMORE COUNTY 93-381-5P#

Townen, Maryland

District \_\_ 15 2 Date of Posting 4/5/95 Posted for: Special Hearing Petitioner: Bonnie & Ponald Kriemer Location of property: 2623 Manor Are, Els Location of Signe Foundy road way an proporty being Toned Remarks: Posted by Date of return: 1/14/45



Number of Signs: /

#### 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: #95-331 SPH

(item 326)

2823 Marior Avenue E/S Marior Avenue, 210' N of Sparrows Point Road 18th Election District 7th Councilmanic Legal Owner(s):

Bonnie Jean Kraemer and Donald Eugene Kraemer Hearing: Thursday,

April 27, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the non-conforming use of a 2nd dwelling on a lot.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1)Hearings are Handicapped Accessible; for special accommodations Please Cale 887-3353.

(2)For information concerning the file and/or Hearing, Please Call 887-3391, 4/028 April 6.

#### CERTIFICATE OF PUBLICATION

TOWSON, MD., Ufful 1, 1973
THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN,

a. Henrilesan

Reduktok ex



Latti rav III ray Zoning Administration & Development Management

111 (Vod Chesaja uko zivonuo Touson, Maryland 21204

Date 3/23/95

95-331-SPE

Account: R-001-6150

Number 326 By VILL

SPH (RES) CODE 030 \$ 50.00 1516N CODE 080 35.00

YOTA \$ 85.00

KRHEMER 26.23 MANOR AVE

ALOUR MARKET GET IN COPPINS OF CONT 18th 100

Please Make Checks Payable To: Baltimore County

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/neighboring 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.: x 326				
Petitioner: BONNIE & DONALD KRAEMER				
Location: 2623 MANOR AVE				
PLEASE FORWARD ADVERTISING BILL TO:				
NAME: KRAEMER				
ADDRESS: 2623 MANOR AUG				
Balto Md 21219				
PHONE NUMBER: 477-4/62				

AJ:ggs



Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

March 30, 1995

#### 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

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-331-SPH (Item 326)

2623 Manor Avenue

E/S Manor Avenue, 210' N of Sparrows Point Road 15th Election District - 7th Councilmanic

Legal Owners: Bonnie Jean Kraemer and Donald Eugene Kraemer

HEARING: THURSDAY, APRIL 27, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the non-conforming use of a 2nd dwelling on a lot.

Arnold Jablon

Director

cc: Donald and Bonnie Kraemer

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 CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: PUTUXENT PUBLISHING COMPANY
April 6, 1995 Issue - Jeffersonian

Please foward billing to:

Donald and Bonnie Kraemer 2623 Manor Avenue Baltimore, MD 21219 477-4162

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
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HEARING: THURSDAY, APRIL 27, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve the non-conforming use of a 2nd dwelling on a lot.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 20, 1995

Mr. and Mrs. Donald Kraemer 2623 Manor Avenue Baltimore, Maryland 21219

RE: Item No.: 326

Case No.: 95-331-SPH

Petitioner: Donald Kraemer, et ux

Dear Mr. and Mrs. Kraemer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on March 23, 1995.

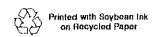
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)



## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 10, 1995 Zoning Administration and Development Management

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

RE:

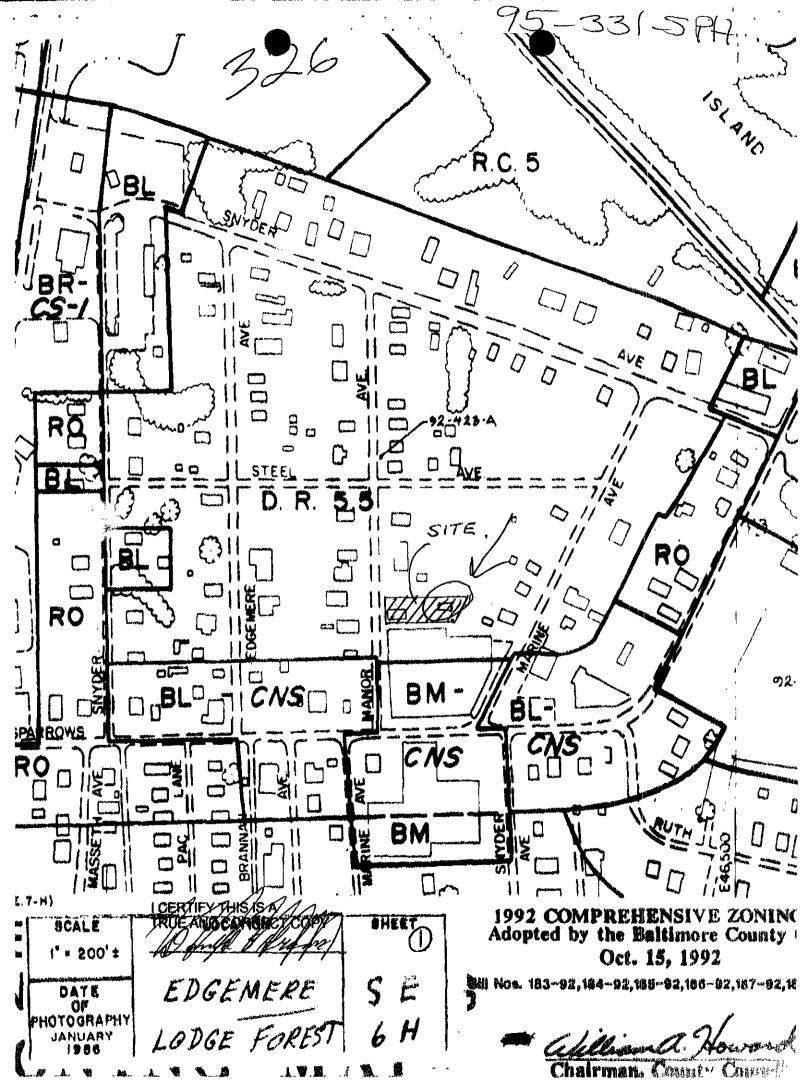
Zoning Advisory Committee Meeting for April 10, 1995
Items 322, 323, 324, 325, 326 and 327

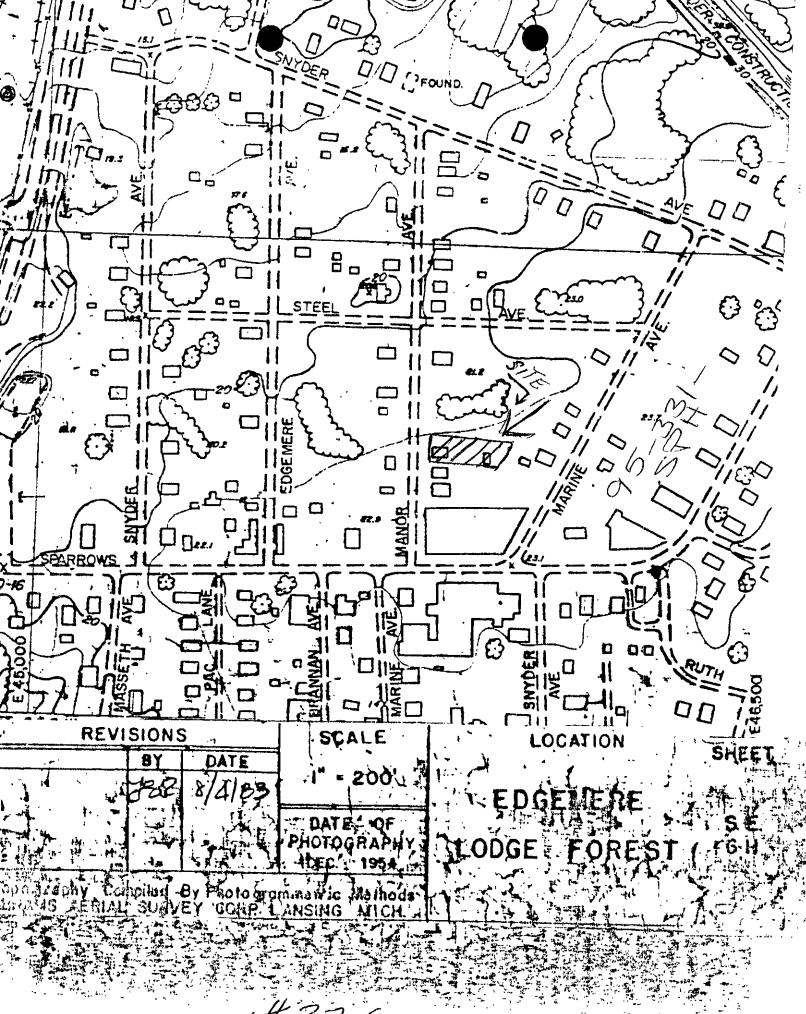
The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

ĻŞ:sp

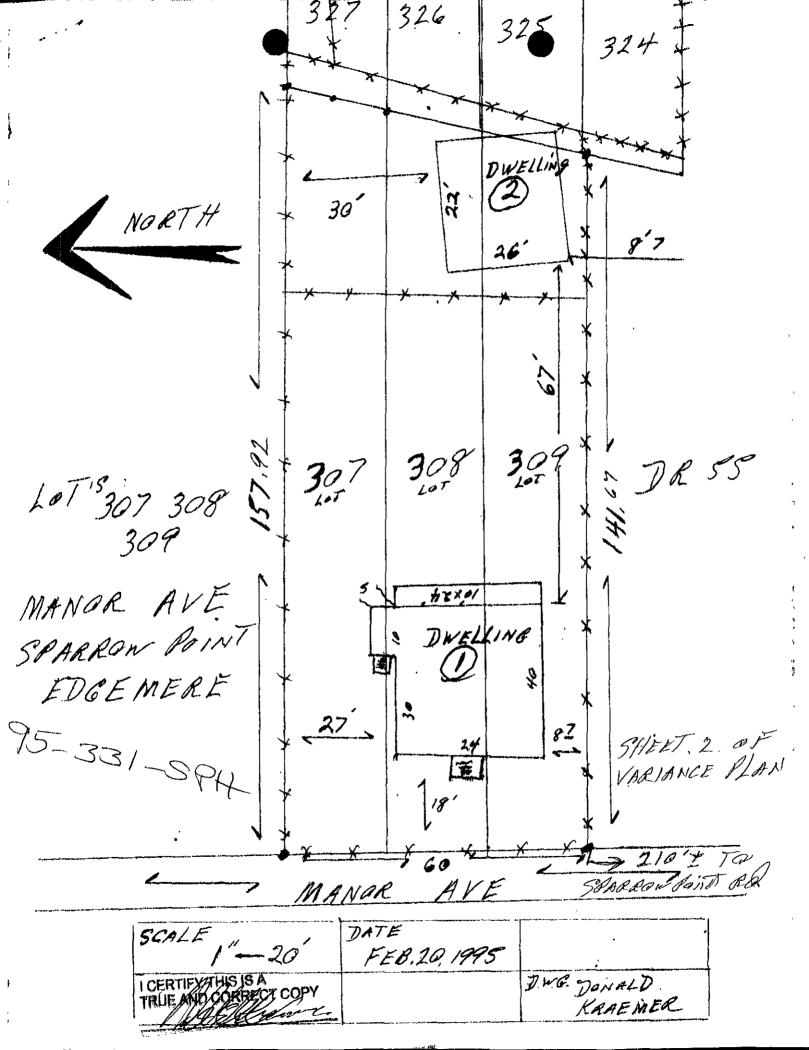
LETTY2/DEPRM/TXTSBP





#326

prepared by: DE KRAEMER North date: 2-20-8 OWNER: BONNIE PROPERTY ADDRESS: 2623 Plat to accompany plat book # 13H , tollos 424, lot # 307 Section # 09 DOEMERE 60% P DONALD Petition for Zoning Scale of Drawing: 1"= KRAFMIR MANOX 95-331-594 see pages 5 & 6 of the CHECKLIST for additional required information Valiance Prior Zoning Hearings: Councilmanic District Election District: Zoning Office USE 1-200' scale map#: 5£ Chesapeake Bay Critical Area: ANC IN MC E SEWER: S general general TELL LOCATION INFORMATION Special **!** scate: 1"=1000" Vicinity Map square feet Hearing ONLY! SPAR.





# PETITIONER'S EXHIBIT 2

JANUARY 25,1995

TO WHOM IT MAY CONCERN,

I, VENTON T. BROOKS HAVE LIVED IN THE EDGEMERE AREA FOR 49 YEARS. I KNOW FOR A FACT THAT THERE HAS BEEN 2 (TWO) HOUSES AT THE ADDRESS KNOWN AS 2623 MANOR AVENUE, BALTIMORE MARYLAND SINCE 1946.

THANK YOU,

NAME Venton T. Brooks

ADDRESS 8057 PARKHAUCU Rd McV 212

TELEPHONE 282.7921

DATE 2-19-96

WITNESS DATE 2/19

John McKerry My Commission experis December 1, 1997

TO WHOM IT MAY CONCERN,

I, DANE BROOKS HAVE LIVED IN THE EDGEMERE AREA FOR 30 YEARS. I KNOW FOR A FACT THAT THERE HAS BEEN 2 (TWO) HOUSES AT THE ADDRESS KNOWN AS 2623 MANOR AVENUE, BALTIMORE MARYLAND SINCE 1946.

THANK YOU,

NAME DAVE BROOKS
ADDRESS 4 E. 29TH ST. SO. BIG STONE GAP!
TELEPHONE 1-703-523-3890

DATE 4-19-95

WITNESS DATE DATE

Joen McKerry My Commission expens December 1, 1997

TO WHOM IT MAY CONCERN,

I, LARRY RICE HAVE LIVED IN THE EDGEMERE AREA FOR 70 YEARS. I KNOW FOR A FACT THAT THERE HAS BEEN 2 (TWO) HOUSES AT THE ADDRESS KNOWN AS 2623 MANOR AVENUE, BALTIMORE MARYLAND SINCE 48

	NAME Warm PLCE. ADDRESS SEAMALON AVE.
	TELEPHONE DATE 1/19/95
WITNESS	DATE 2/19/55
WITNESS	DATE

John Mc Karny My Commusion express Deanter 1, 1997

TO WHOM IT MAY CONCERN,

I, JOHN ROBERT WAR HAVE LIVED IN THE EDGEMERE AREA FOR 42 YEARS. I KNOW FOR A FACT THAT THERE HAS BEEN 2 (TWO) HOUSES AT THE ADDRESS KNOWN AS 2623 MANOR AVENUE, BALTIMORE MARYLAND SINCE 1943.

	NAME John R- ownering
	TELEPHONE NONE
	DATE 2/19/95
WITNESS OF THE STATE OF THE STA	DATE 2/19/50

Joan Mc Kerny My Communion experio December 1, 1977



TO WHOM IT MAY CONCERN,

I, JOHN ROBERT WAR HAVE LIVED IN THE EDGEMERE AREA FOR YEARS. I KNOW FOR A FACT THAT THERE HAS BEEN 2 (TWO) HOUSES AT THE ADDRESS KNOWN AS 2623 MANOR AVENUE, BALTIMORE MARYLAND SINCE 1943.

	NAME John & owacie
	TELEPHONE NONE
	DATE 2/19/95
WITNESS WITNESS	DATE 2/19/5

Joan Mc Kerny My Communion experies December 1, 1997. BALTIMORE COUNTY, MARYLAND

### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

T0:

ZADM Joyce Watson

DATE: 4/11/95

FROM:

Development Coordination

SUBJECT:

Zoning Advisory Committee Agenda: <u>4/3/95</u>

ZAC Comments

The Department of Environmental Protection & Resource Management has no for the following Zoning Advisory Committee Items:

Item #'s:

321

LS:sp

LETTY2/DEPRM/TXTSBP

#### Baltimore County Government Fire Department



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

(410) 887-4500

DATE: 04/04/95

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

Property Owner: SEE BELOW RE:

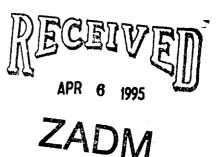
LOCATION: DISTRIBUTION MEETING OF APR. 3, 1995.

Item No.: SEE BELOW Zoning Agenda: SEE BELOW

#### 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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 321, 322, 323, 324, 325 l& 227.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 4, 1995

Zoning Administration and Development Management

FROM:

Pat Keller, Director

Office of Planning and Zoning

SUBJECT:

Petitions from Zoning Advisory Committee

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

Item Nos. 315, 316, (326,) 327, and 328

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

Prepared by:

Division Chief:

PK/JL



O. James Lighthizer Secretary Hal Kassoff Administrator

3-31-95

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

Re:

Baltimore County
Item No.: \$ 326 (JLL)

Dear Ms. Watson:

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,

Ronald Burns, Chief Engineering Access Permits

BS/