

3/20/98

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Linden Terrace, 500 ft.
E of c/l York Road * ZONING COMMISSIONER
10 Linden Terrace
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
William H. Mathews * Case No. 97-326-SPH
Petitioner

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Linden Terrace, 650 ft.
E of c/l York Road * ZONING COMMISSIONER
15 Linden Terrace
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
William H. Mathews * Case No. 97-327-SPH
Petitioner

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Burke Avenue, 340 ft.
E of c/l York Road * ZONING COMMISSIONER
10 Burke Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
William H. Mathews * Case No. 97-328-SPH
Petitioner

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Burke Avenue, 450 ft.
E of c/l York Road * ZONING COMMISSIONER
16 Burke Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
William H. Mathews * Case No. 97-329-SPH
Petitioner

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW cor. Aigburth and Willow
Avenues * ZONING COMMISSIONER
122 Willow Avenue
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
William H. Mathews * Case No. 97-330-SPH
Petitioner

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner for a single public hearing to consider five separate lots of record, all owned by William H. Mathews and located in Towson. Each of the five properties is subject to

a Petition for Special Hearing filed by Mr. Hunter Rowe, a Zoning Inspector, with the Office of Permits and Development Management. Under case No. 97-326-SPH, a Petition for Special Hearing has been filed for the property known as 10 Linden Terrace, alleging the illegal conversion of a single family dwelling thereon into seven apartments; wherein the lot area does not support such a use. Under case No. 97-327-SPH, regarding 15 Linden Terrace, an illegal conversion of a single family dwelling into 7 apartments is alleged; wherein the lot area does not support such a use. In case No. 97-328-SPH, regarding 10 Burke Avenue, an illegal conversion of a single family dwelling into three apartments is alleged, wherein the lot area does not support such a use. Under case No. 97-329-SPH, regarding 16 Burke Avenue, an illegal conversion of a single family dwelling into 3 apartments is alleged; wherein the lot area does not support such a use. Finally, under case No. 97-330-SPH, regarding 122 Willow Avenue, an illegal conversion of a single family dwelling into 3 apartments is alleged; wherein the lot area does not support such a use.

At the public hearing held for these matters, the Petitioner, Baltimore County Department of Permits and Development Management, was represented by Lee S. Thompson, Esquire, Assistant County Attorney. The property owner was represented by Michael Tanczyn, Esquire.

Testimony was received from Hunter Rowe, a Code Enforcement Officer, employed with Baltimore County since 1987. Mr. Rowe described each of the properties in general, as well as his inspection of same and findings. He also offered a series of photographs of the properties and rendered opinions, based upon his inspections, as to the current and past uses of the properties. In addition to Mr. Rowe's testimony, testimony was also received from a number of former/current residents of one or more of the properties at issue. Among those testifying was Whitney Dance a former

resident of 10 Burke Avenue; Steve Bavett, who resided at 16 E. Burke Avenue; and Keith O'Brien, who has lived in the area for many years and formerly worked in the neighborhood delivering the Baltimore Sun newspaper. Mr. O'Brien testified about his recollections as to the number of apartment units at 10 Linden Terrace and 122 Willow Avenue. Also testifying was Paul J. Wynn, who has done maintenance on the dwelling at 122 Willow Avenue and the buildings at 10 Linden Terrace and 15 Linden Terrace. Also, testimony was received from Robert Derbyshire, who lives at 118 Willow Avenue, adjacent to the property at 122 Willow Avenue. Finally, a tape of a recorded interview with Mrs. Hilda Wilson was received and considered by this Zoning Commissioner. Mrs. Wilson is elderly and was a student at the former Towson Normal School (now Towson University) in the 1920s. She resided at 10 Linden Avenue and made statements about her recollections of the use of that premises. In addition to all of the testimony from the witnesses identified above, a significant volume of documentary evidence was offered which will be more specifically referred to in discussing each property. As importantly, certain stipulations were reached by and between the parties regarding the uses of the properties.

Turning first to the matters most easily resolved, a stipulation was entered by and between the parties regarding the property known as 10 Burke Avenue. That subject property is .138 acres in area, zoned D.R.16. It is improved with a residential dwelling (duplex unit) known as 10 Burke Avenue. The parties stipulated that only one residential unit is permitted in this dwelling. Moreover, it appears that the property has been previously used for three apartments. In fact, a photograph of the site was submitted (Petitioner's Exhibit 3C) which shows that the dwelling is served by three separate utility meters. However, in view of the parties' stipulation, the future permitted use of this property is not in dispute.

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M. G. G. G.

