

IN RE: PETITION FOR SPECIAL HEARING
N/S Poplar Road, 820' NE of Lourdes Road
(2104 Poplar Road)
15th Elec. Dist. - 5th Counc. Dist.

William J. Faber - Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-121-SPH

* * * * *

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, William J. Faber, seeking approval of a single family dwelling and a detached garage with an apartment above, as legal and nonconforming. A public hearing was held on November 3, 1997, at which Mr. Faber, property owner, and Michael Flynn, a tenant of the property, appeared in support of the request. Appearing in opposition were Keith Roberts, and David Klein, representatives of surrounding community organizations.

WHEREAS, by my Order dated November 24, 1997, I denied the relief requested and ordered that the living quarters above the garage be removed within ninety (90) days of the date of my Order. Subsequent to the issuance of said Order, John B. Gontrum, Esquire, entered his appearance on behalf of the Petitioner and filed a Motion for Reconsideration of my decision on December 15, 1997.

As a result of his request for reconsideration, a meeting was held between myself and all parties involved on February 5, 1998. Present at the meeting were Mr. Faber, his tenant, Michael Flynn, and his attorney, John B. Gontrum, Esquire. Also present at the meeting were Keith Roberts, who appeared on behalf of the Holly Neck Improvement Association, and Mr. Carl Maynard, a representative of the Back River Neck Peninsula Community Association.

As noted above, my Order of November 24, 1997 required that the use of the garage apartment terminate within ninety (90) days of that date. At the meeting on February 5, 1998, certain

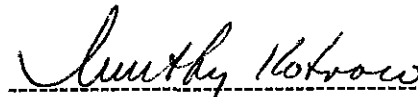
COPIES RECEIVED FOR FILING
Date 1/25/98
By [Signature]

concessions were made by the property owner in an effort to satisfy the concerns raised by the Protestants as to the use of the subject property. After discussing the matter with all parties present, it was agreed that Mr. Flynn could remain in the garage apartment for an indefinite period of time. It was also agreed that once Mr. Flynn ceases to occupy the apartment, then same shall be converted back to a non-residential use, or the property owner shall file a Petition for Special Hearing to approve the apartment as a Caretaker's or In-Law Apartment. There would be no further occupancy of the apartment once Mr. Flynn ceased his tenancy therein without a public hearing to approve its continued use.

After due consideration of the positions of the various parties involved, I am persuaded to amend my prior decision in this matter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 1998 that the Order issued November 24, 1997, be and the same shall hereby be AMENDED TO GRANT approval of the use of the garage apartment until such time as the current tenant, Michael Flynn, ceases to occupy same. Immediately upon the termination of Mr. Flynn's tenancy in the garage apartment, the living quarters and all kitchen facilities contained therein shall be removed, or the property owner shall file a Petition for Special Hearing seeking approval of same as a Caretaker's or In-Law Apartment.

Any appeal of this Amended Order shall be filed within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: John B. Gontrum, Esquire
Mr. William J. Faber, 1315 Old Eastern Ave., 21221
Mr. Keith Roberts, 1910 Marsh Rd., 21221
Mr. David Klein, 2102 Poplar Rd., 21221
People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 12/15/98
By [Signature]

IN RE: PETITION FOR SPECIAL HEARING
N/S Poplar Road, 820' N/E of
Lourdes Road
(2104 Poplar Road)
15th Election District
5th Councilmanic District

William J. Faber
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-121-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by William J. Faber, owner of the subject property. The Petition was filed as the result of a zoning violation notice the property owner received as to the use of the garage apartment. The Petition as filed seeks approval of two (2) dwellings on the same property, zoned R.C.5. More specifically, the Petitioner seeks approval of a single family dwelling and a detached garage with an apartment above as a legal, nonconforming use. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William J. Faber, property owner, and Michael Flynn, a tenant. Appearing as Protestants in the matter were Keith Roberts, President of the Holly Neck Improvement Association, and David A. Klein, adjoining property owner and a representative of the Back River Neck Peninsula Community Association.

Testimony and evidence offered revealed that the subject property consists of 0.293 acres, zoned R.C.5, and is improved with a one-story frame dwelling, and a detached garage with an apartment above. This property is a waterfront lot which fronts on Sue Creek and is located in the community known as Cedar Beach in Essex. As noted above, this matter came

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Date 11/24/67
By [Signature]

before me as a result of a zoning violation notice the property owner received as to the use of the apartment above the garage. Mr. Faber testified that he has owned the property since 1970 and that the dwelling and garage apartment have existed on the property since approximately 1935. Both Mr. Faber and Mr. Flynn, who resides in the garage apartment, testified that the garage apartment has been used continuously.

The Protestants, however, testified that the garage apartment was vacant from at least as far back as 1955 until Mr. Faber's purchase of the property in 1970. In support of their position, the Protestants submitted into evidence as Protestants Exhibit 1, a letter signed by the adjoining property owners, Harry and Muriel Sample, dated October 21, 1997, which states that they have lived next door since 1955 and that the apartment was vacant from 1955 until 1971, when Mr. Faber bought the property.

After due consideration of the testimony and evidence presented, I am persuaded to deny the Petition for Special Hearing. The testimony of the Protestants, and evidence presented, support that the garage apartment was vacant for as long as 15 years and that its use as a dwelling unit did not resume until after Mr. Faber's purchase of the property in 1971. The vacancy of this garage apartment for such a long period of time constitutes an abandonment of its use as living quarters, and thus, the property has lost its nonconforming use as a single family dwelling and garage apartment. Therefore, the relief requested in the Petition for Special Hearing must be denied, and the Petitioner shall be required to discontinue the use of the garage apartment.

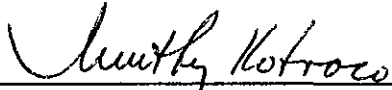
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be denied.

ORDER RECEIVED FOR FILING
Date 11/21/97
By [Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1997 that the Petition for Special Hearing seeking approval of two (2) dwellings (one dwelling and a detached garage with an apartment above) on one parcel, zoned R.C.5, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall be required to terminate the use of the garage apartment within ninety (90) days of the date of this Order. Specifically, there shall be no living quarters above the garage, and any kitchen/bathroom facilities therein shall be removed within ninety (90) days of the date of this Order.

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/24/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 24, 1997

Mr. William J. Faber
1315 Old Eastern Avenue
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
N/S Poplar Road, 820' N/E of Lourdes Road
(2104 Poplar Road)
15th Election District - 5th Councilmanic District
William J. Faber - Petitioner
Case No. 98-121-SPH

Dear Mr. Faber:

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 cursive script, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Keith Roberts, President, Holly Neck Improvement Assoc.
1910 Marsh Road, Baltimore, Md. 21221

Mr. David A. Klein
2102 Poplar Road, Baltimore, Md. 21220

Back River Neck Peninsula Community Assoc.
1546 Denton Road, Baltimore, Md. 21221

People's Counsel; Case Files





Petition for Special Hearing

98-121-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 2104 Poplar Rd
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & 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

Two (2) dwellings on same property which has been the case since 1934

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:
William J Faber
(Type or Print Name)
William J Faber
Signature
1315 old Eastern Ave
Address
Balto MD 21221
City State Zipcode

Legal Owner(s)
William J. Faber
(Type or Print Name)
William J Faber
Signature

(Type or Print Name)

Signature

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

1315 old Eastern Ave 687-6006
Address Phone No
Balto MD 21221
City State Zipcode
Name, Address and phone number of representative to be contacted

Name _____
Address _____ Phone No _____

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1.00 hr
unavailable for Hearing

the following dates _____ Next Two Months
ALL OTHER _____
REVIEWED BY: [Signature] DATE 9-30-97

#121

ORDER RECEIVED FOR FILING
Date 11/25/99
By [Signature]

121

ZONING DESCRIPTION

Beginning at a point on the NORTH side of Poplar Rd. ~~15th St~~ 820 ft north & East of Lourdes Rd. Being part of Lot nos 77, 78 & 79 in the subdivision of Cedar Beach as recorded in BALTO. county Plat Book No. 7 folio 186 containing 12,800 sq ft. Also known as 2104 Poplar Rd. and located in the 15th Election District, 5th Councilmatic District.

98-121-SPH

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____*

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-121 SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: To approve the non conforming use of
2 dwellings on one lot in an RC-5 zone.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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.: 121 Petitioner: William J. Faber

Location: 2104 Poplar Rd Balto. MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: William J. Faber

ADDRESS: 1315 Old Eastern Ave

Balto. MD 21221

PHONE NUMBER: 687-6006

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item 121
No. 044485

DATE 9-30-97 ACCOUNT R-001-6150

AMOUNT \$ 50.⁰⁰

RECEIVED FROM: Wm. Faber

FOR: Zoning Petition - Special Hearing
#2104 Poplar Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

98-121-SPH

PAID
9/30/97
BALTIMORE COUNTY, MD.
50⁰⁰ CK # 1034
CASHIER'S VALIDATION

98-121-SPH

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 16, 19 97

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 Oct. 16, 19 97.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

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 in Towson, Maryland on the property identified herein as follows.

Case: #98-121-SPH
2104 Poplar Road
N/S Poplar Road, 820' N & E
of Lourdes Road
15th Election District
5th Councilmanic
Legal Owner(s):
William J. Faber

Special Hearing: to approve two dwellings on same property.

Hearing: Monday, November 3, 1997 at 9:00 a.m. in Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES. (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/269 Oct. 16 C181867

CERTIFICATE OF POSTING

RE: Case No.: # 98-121-SPH
Petitioner/Developer:
(William Faber)
Date of Hearing/Closing:
(Nov. 3, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

_____ 2104 Poplar Road Baltimore Maryland 21221 _____

**The sign(s) were posted on _____ Oct. 18, 1997 _____
(Month, Day, Year)**

Sincerely,

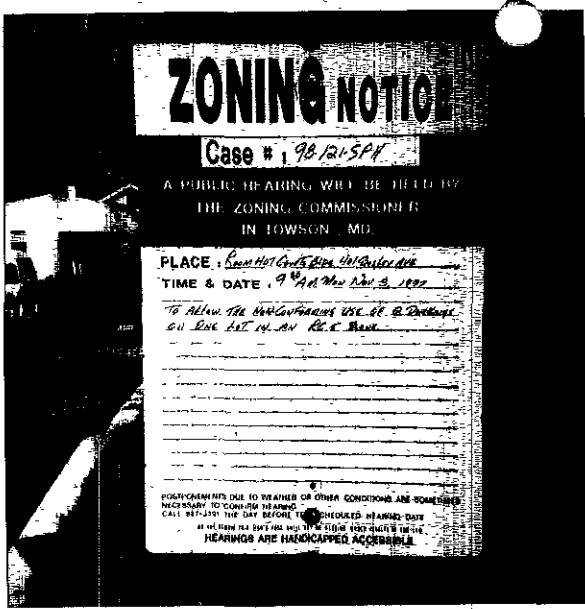
Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

_____**Thomas P. Ogle, Sr.**_____

_____**325 Nicholson Road**_____

_____**Baltimore, Maryland 21221**_____

_____**(410)-687-8405**_____
(Telephone Number)



98-121-SPH



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 10, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-121-SPH
2104 Poplar Road
N/S Poplar Road, 820' N & E of Lourdes Road
15th Election District - 5th Councilmanic
Legal Owner(s): William J. Faber

Special Hearing to approve two dwellings on same property.

HEARING: MONDAY, NOVEMBER 3, 1997 at 9:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: William J. Faber

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 19, 1997.
(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.



TO: PUTUMENT PUBLISHING COMPANY
October 16, 1997 Issue - Jeffersonian

Please forward billing to:

William J. Faber
1315 Old Eastern Avenue
Baltimore, MD 21221
410-687-6006

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-121-SPH
2104 Poplar Road
N/S Poplar Road, 820' N & E of Lourdes Road
15th Election District - 5th Councilmanic
Legal Owner(s): William J. Faber

Special Hearing to approve two dwellings on same property.

HEARING: MONDAY, NOVEMBER 3, 1997 at 9:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 29, 1997

Mr. William J. Faber
1315 Old Eastern Avenue
Baltimore, MD 21221

RE: Item No.: 121
Case No.: 98-121-SPH
Petitioner: William Faber

Dear Mr. Faber:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 30, 1997.

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 (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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: October 21, 1997

To: Arnold L. Jablon
From: R. Bruce Seeley *RBS/jp*
Subject: Zoning Item #121

Faber , 2104 Poplar Road

Zoning Advisory Committee Meeting of October 14, 1997

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)
- Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

B A L T I M O R E C O U N T Y, M A R Y L A N D

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
 Department of Permits & Development
 Management

Date: October 20, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 20, 1997
 Item No. 121

The Bureau of Developer's Plans Review has reviewed the subject zoning item. Poplar Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 10, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 120, 121, 122, 123, ¹²⁴126, 129, and 131

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Caryl L. Kerns

AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 16, 1997

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 14, 1997

Item No.: See Below

Zoning Agenda:

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:

120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
and 131

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-1881, MS-1102F
cc: File



RE: PETITION FOR SPECIAL HEARING
2104 Poplar Road, N/S Poplar Road,
820' N & E of Lourdes Road
15th Election District, 5th Councilmanic

William J. Faber
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-121-SPH


* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. 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 29th day of October, 1997, a copy of the foregoing Entry of Appearance was mailed to William J. Faber, 1315 Old Eastern Avenue, Baltimore, MD 21221, Petitioner.



PETER MAX ZIMMERMAN

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

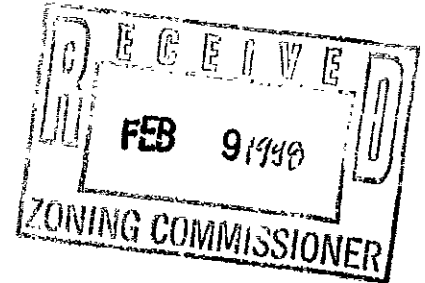
814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

JILL McCULLOUGH

* Also Admitted In the District of Columbia



February 6, 1998

Timothy Kotroco, Esq.
Deputy Zoning Commissioner
Suite 405
County Courts Building
401 Bosley Ave.
Towson, Maryland 21204

Re: Case No. 98-121-SPH
Petition for Special Hearing
William Faber

Dear Mr. Kotroco:

Based on our meeting in our office on February 5 it is my understanding that the following actions are to occur:

Holly Neck Property:

One house already has been made single occupancy. The remaining house will have a single occupant after this weekend, and improvements are to be constructed to make it one unit. Kitchens will be removed to ensure continued single occupancy of each house.

Mr. Kotroco will inspect the property with an inspector from code enforcement within the next couple of weeks to determine compliance with his order of November 24, 1997.

Mr. Faber may apply for a subdivision of the property into two lots along with the necessary variances conditioned on compliance with the November order, with restriction on the sale of the houses to owner occupants, and with restriction that there be no further dwellings erected on the lots created.

Poplar Road Property:

Mr. Flynn may continue to reside over the garage in addition to sale/rental of the house. Upon

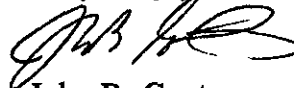
Mr. Flynn leaving the property if the owner/occupant of the house wishes to continue to use the garage as a dwelling, a special hearing will be required to determine fitness of the occupant and nature of occupancy.

Mr. Faber agrees to record among the land records a declaration of restrictions including the zoning order which puts on record the fact that there is to be no use of the garage as a separate dwelling apart from Mr. Flynn without a special hearing which may only be requested by an owner occupant of the house.

The existing order will be modified to permit Mr. Flynn to remain, and to establish that the owner/occupant of the house may seek a hearing for permission of occupancy of the garage as a rental or caretaker/in-law apartment without the existing order prohibiting the use if the conditions are met.

Please let me know if I have forgotten or misstated any of the issues arising from the meeting.

Very truly yours,



John B. Gontrum

cc: William Faber
Michael Flynn
Keith Roberts, President, Holly Neck Improvement Assoc.

Carl Maynard, President, B.R.N.P.C.A.

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221

(410) 686-8274
(410) 686-0118 FAX

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.*

JILL McCULLOUGH

* Also Admitted In the District of Columbia

December 15, 1997

Timothy Kotroco, Esq.
Deputy Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 98-121-SPH
Petition for Special Hearing
2104 Poplar Road

Dear Mr. Kotroco:

Our office has been asked by Mr. William Faber to represent him with respect to the above-captioned matter. Unfortunately, Mr. Faber, who has recently been in ill health, was unable to contact us prior to the hearing in front of you on the Petition for Special Hearing to determine a non-conforming use.

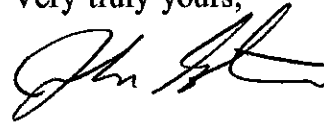
Although Mr. Faber stated that you had tried to elicit relevant information from him with respect to the non-conforming status of the property, he has told us that he was simply not up to par on that day and failed to realize that he did have certain legitimate issues and facts to present. We have discussed the matter with him and wish to request you to reconsider your order of November 24 and to conduct a further hearing on the matter to allow us the opportunity to present a more complete picture of the issue before you.

We also have reviewed with Mr. Faber the issues pertaining to the property on Holly Neck Road, subject of the companion case of 98-122-SPH, and he has agreed not to appeal or to seek

a reconsideration in that matter and will abide by the Order.

We hope that you will favorably reconsider this matter and allow us to present the additional matters for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "John B. Gontrum". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

John B. Gontrum

cc. William Faber
Keith Roberts, Pres. Holly Neck Improvement Assoc.
David A. Klein
Back River Neck Peninsula Community Assoc.
People's Counsel for Baltimore County

Holly Neck Improvement Association, Inc.

1910 MARSH RD.
BALTIMORE, MD. 21221

*Bette,
Please get this
in for a hearing.
TMC*

January 2, 1998

Tim Kotrocco
Deputy Zoning Commissioner
County Office Bldg.
Towson, MD. 21204

98-121-5PH

Dear Tim,

This letter is a follow-up to our recent conversation concerning the properties owned by Mr. William Faber located at 1830 Holly Neck Rd. and 2108 Poplar Rd. As I stated, the Holly Neck Improvement Association, Inc. was willing to negotiate in good faith with Mr. Faber to allow him to keep the apartment above the garage located at 2108 Poplar Rd. under certain conditions. Those conditions are as follows:

- 1) Mr. Faber will not appeal your decision concerning the property at 1830 Holly Neck Rd. and he comply with your order to convert the two houses back into single family dwellings.
- 2) The apartment above the garage would be allowed to remain as a dwelling for Mr. Michael Flynn. Once Mr. Flynn has vacated the premises, the apartment would cease to exist and all fixtures (bathroom and kitchen) be removed.

This morning (Jan. 2, 1998) we received some information which demonstrates to us that Mr. Faber is not acting in good faith. We have been informed that Mr. Faber, just a few days before Christmas, moved another tenant into the apartment building located at 1830 Holly Neck Rd. We have also been informed that Mr. Faber continues to remodel (putting in new kitchen fixtures) the second floor apartment at the other house on the same property (street address 1134 Maple Rd. just behind the house at 1830 Holly Neck).

If this information is correct, then it indicates to the Association and adjoining property owners that Mr. Faber is not complying with your order to convert those two houses back into single family dwellings within 90 days of your 11-24-97 ruling.

The Holly Neck Improvement Association, Inc. would like to request that your office investigate this matter to see if in fact Mr. Faber is complying with your order. The Association has adopted the position that we will not negotiate any further until we have been satisfied that the two houses at 1830 Holly Neck Rd. have been successfully and completely converted back into single family dwellings and a binding written agreement be prepared and signed by both parties stating that the apartment above the garage located at 2108 Poplar Rd. will cease to exist once Mr. Flynn has vacated the premises.

Until these matters are resolved, the Holly Neck Improvement Association, Inc. strongly urges you to enforce your rulings at both locations, ie. The two houses at 1830 Holly Neck Rd. be converted back into single family dwellings and the apartment above the garage located at 2108 Poplar Rd. be removed and all plumbing fixtures taken out. We eagerly await your response.



Keith Roberts, President
Holly Neck Improvement Association, Inc.

cc: Mr. William Faber
Mr. John Gontrum, Counsel for Mr. Faber
Peter Max Zimmerman, People's Counsel
Carl Maynard, President, Back River Neck Peninsula Community Association, Inc.
Vincent Gardina, County Councilman, 5th District
Capt. James Johnson, Commander, Essex Police Precinct 11

Hzg. on Motion for Recon.

*H/c to Gontrum's secretary
1/13/98 requesting they
contact Roberts & call back
w/dates.*

BACK RIVER NECK
PENINSULA
COMMUNITY ASSOCIATION



SINCE 1983

P.O. Box 16754, Baltimore, Maryland 21221

November 1, 1997

Baltimore County Zoning Commissioner
Towson, Md. 21204

Dear Mr. Commissioner,

Please be advised that at the October 21, 1997 meeting of the Back River Neck Peninsula Community Association, Inc. a motion was adopted to oppose the zoning matters which appear before you today, specifically Case # 98-122SPH and Case # 98-121SPH.

In the instance of Case # 98-122SPH please be advised that the two structures in question were constructed prior to 1955 as single family dwellings. They remained as single family dwellings until the early 1970's when they were purchased by Mr. Faber and converted into apartments. It is our understanding of Zoning Regulations that apartment buildings are not permitted in RC-5 zones. With this knowledge we strongly urge you to deny the request for non-conforming use.

In the instance of Case # 98-121SPH please be advised that the two structures were constructed prior to 1955. However one structure was constructed as a single family waterfront dwelling while the other structure was constructed as a garage with an apartment on top. We have been advised by neighbors adjacent to the said property that the apartment above the garage remained vacant from 1955 until 1971 when Mr. Faber purchased the property. It is our understanding of zoning regulations that any unit vacant for a period of more than two years no longer qualifies as a dwelling and therefore we strongly urge you to deny the non-conforming use in this case.

Respectfully,

Carl Maynard, President
BRNPCA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

WILLIAM J. FABER

1315 Old Eastern Ave. 21221

Michael Flynn

2108 Poplar Rd 21221

Blank lined area for additional names.

Blank lined area for additional addresses.



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Keith Roberts 1910 Marsh Rd. 21221
Pres. Holly Neck Improvement Assn.

DAVID A. KLEIN 2102 POPLAR ROAD
NEIGHBOR

Back River Neck Peninsula Comm. Assn
1546 Denton Rd. 21221



Oct 21, 1997

To Whom it May Concern,

The garage known as 2104
Poplar Road in Cedar Beach
had been vacant from 1945
to 1971 when M.S. Faber
purchased the property. We
were very good friends with
the previous owners. We
have lived next door since
1955 and it was vacant
until 1971.

Harry A. Sample

Michael C. Sample

12210 SILVER LN.

BALTO. MD 21221

HOLLY NECK IMPROVEMENT ASSOC.



To Baltimore County Zoning Commissioner,

I was born in 1955 and resided at 136 Silver Lane in Cedar Beach. Our house was located directly adjacent to the property owned by Mr. Faber at 2104 Poplar Rd. I can testify that the apartment at 2104 Poplar Rd. was not occupied during that period of time.

In 1978, my husband + I purchased a house on 1132 Maple Rd. I can testify that the residences located at 1830 Hollyneck Rd., and 1134 Maple Rd., which were constructed as single family dwellings, have been converted into apartment buildings by Mr. Faber, which in violation of zoning regulations.

I strongly urge you to deny Mr. Faber's request.

Respectfully,
Diana Schettler
11/2/97

171

98-121-51



SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
HOLLY NECK

SHEET
S.E. 2-7

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1986 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1986
RES. NOS. 137-96, 138-96, 139-96, 140-96, 141-96, 142-96, 143-96, 144-96, 145-96, 146-96, 147-96, 148-96, 149-96, 150-96, 151-96, 152-96, 153-96, 154-96, 155-96, 156-96, 157-96, 158-96, 159-96, 160-96, 161-96, 162-96, 163-96, 164-96, 165-96, 166-96, 167-96, 168-96, 169-96, 170-96, 171-96, 172-96, 173-96, 174-96, 175-96, 176-96, 177-96, 178-96, 179-96, 180-96, 181-96, 182-96, 183-96, 184-96, 185-96, 186-96, 187-96, 188-96, 189-96, 190-96, 191-96, 192-96, 193-96, 194-96, 195-96, 196-96, 197-96, 198-96, 199-96, 200-96, 201-96, 202-96, 203-96, 204-96, 205-96, 206-96, 207-96, 208-96, 209-96, 210-96, 211-96, 212-96, 213-96, 214-96, 215-96, 216-96, 217-96, 218-96, 219-96, 220-96, 221-96, 222-96, 223-96, 224-96, 225-96, 226-96, 227-96, 228-96, 229-96, 230-96, 231-96, 232-96, 233-96, 234-96, 235-96, 236-96, 237-96, 238-96, 239-96, 240-96, 241-96, 242-96, 243-96, 244-96, 245-96, 246-96, 247-96, 248-96, 249-96, 250-96, 251-96, 252-96, 253-96, 254-96, 255-96, 256-96, 257-96, 258-96, 259-96, 260-96, 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Kenn Kamenev
Chairman, County Council

THIS MAP HAS BEEN REVIEWED IN SELECTED AREAS BY ARCHITECTURAL REVIEW BOARD, BALTIMORE, MD. 21210

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE 1" = 200'
BY	DATE	
		DATE OF PHOTOGRAPHY DEC 1954

LOCATION	SHEET SE 2-J
HOLLY NECK	

Topography Compiled by Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH.

98-121-SPH

121



17"

11"

8.5"

22

17"

11"

8.5"

8.5"

11"

11"

22

Plat To Accompany Petition for Zoning Special Hearing

Property Address: 2104 Poplar Rd

Subdivision Name: Cedar Beach

~~Plat Book W.P.C. No. 7 Folio 186 Lot # 77 Section 4~~

Owner: William J. Faber

1954 Zoning: A Residence

Current Zoning: RC-5

Prior Zoning Hearings: None

Chesapeake Bay Critical Area: YES

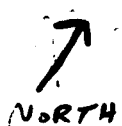
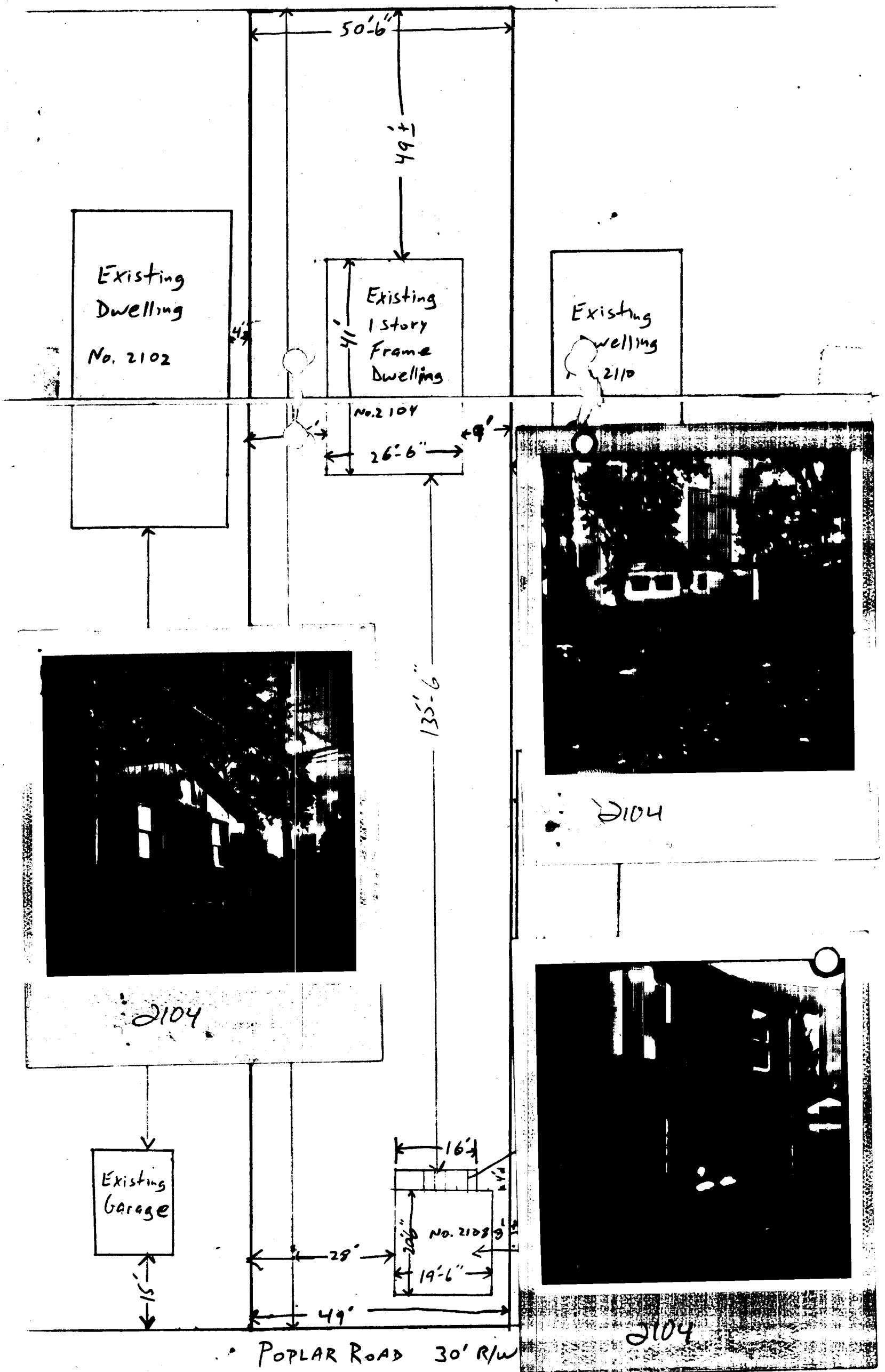
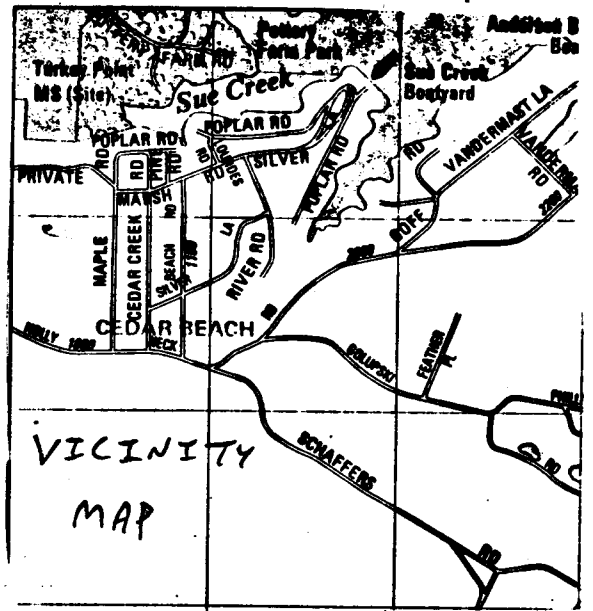
Public Water: YES

Public Sewer: YES

W.P.C. Plat Book #7 Folio 186

Part of lot #'s 77, 78 & 79

SUE CREEK



DATE: 9/5/97

Prepared By: MPF

Scale: 1" = 20'

Councilmatic District 5

Election District 15

1" = 200' Scale Map # SE 2-5

Zoning 293

Lot size 12800

acres square feet

Plat To Accompany Petition for Zoning Special Hearing

Property Address: 2104 Poplar Rd

Subdivision Name: Cedar Beach

~~Plat Book # W.P.C. Map # 108 186 Lot # 77 Section #~~

Owner: William J. Faber

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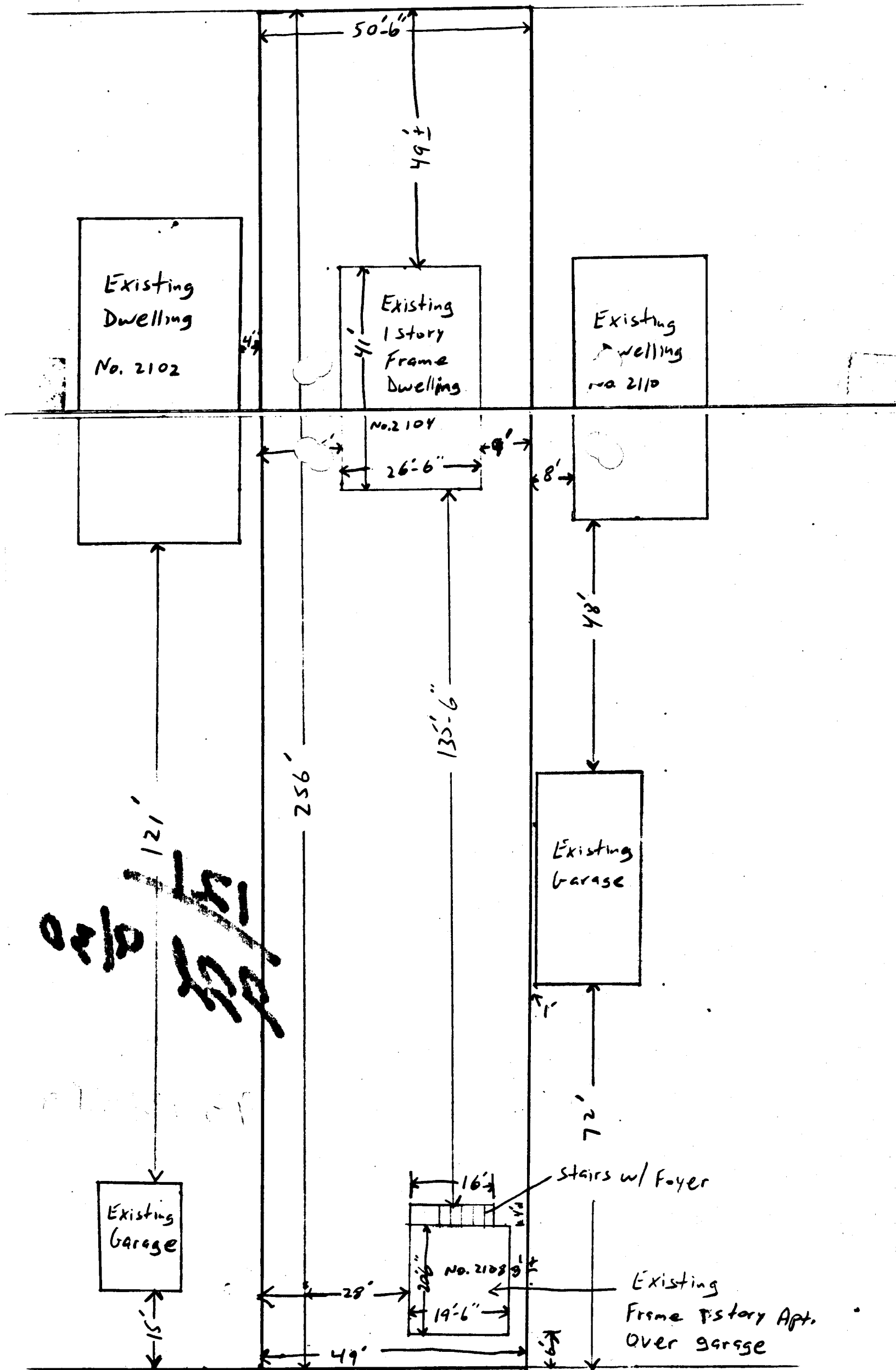
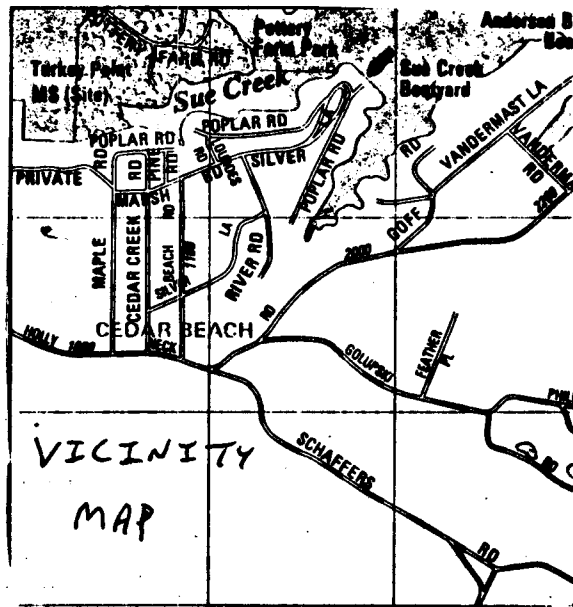
Public Water Yes

Public Sewer Yes

WPC Plat Book # 7 Folio 186

Parts of lot #'s 77, 78, & 79

SUE CREEK



Handwritten notes:
 02/10
 121'
 12/10

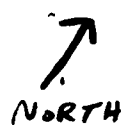
POPLAR ROAD 30' R/W

Councilmatic District 5
 Election District 15

1" = 200' Scale Map # SE 2-5

Zoning Lot Size 293 12800

Scale: 1" = 20' acreage square feet



Date: 9/5/97 Prepared By: MPF