

IN RE: PETITION FOR SPECIAL HEARING
NW/Corner Holly Neck Road and
Maple Road
(1830 Holly Neck Road)
15th Election District
5th Councilmanic District

William J. Faber
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-122-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the 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 property as apartments. 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 five (5) apartments on the subject property 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 Faber, property owner, and Michael Flynn. Appearing as Protestants in the matter were Keith Roberts, President of the Holly Neck Improvement Association, and David Klein, adjoining property owner and representative of the Back River Neck Peninsula Community Association.

Testimony and evidence offered revealed that the subject property consists of 0.459 acres, more or less, zoned R.C.5, and is improved with two separate dwellings and a one-story garage. Testimony indicated that while the two dwellings were originally constructed as single family homes, one of the dwellings was converted into a three-apartment building and the

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Date

By

other dwelling converted into a two-apartment building sometime during the 1960s. The Petitioner has been leasing the five apartments since that time. The Petitioner seeks approval that the two dwellings are nonconforming and should be permitted to remain.

The Protestants are opposed to the granting of this request. They testified that the subject property was developed with two single family homes back in the late 1920s and that the conversion of the two homes into five apartments took place after Mr. Faber's purchase of the property.

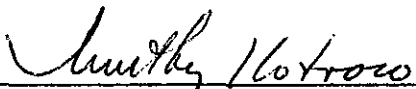
After due consideration of the testimony and evidence presented, I am persuaded to deny the Petition for Special Hearing. It was clear from the testimony that the two dwellings on the property were originally constructed in the 1920s as single family dwellings, but were converted to multi-family uses in the late 1960s, early 1970s, well after the effective date for establishing any nonconforming use. Thus, the property lost its nonconforming use as two single family dwellings. The Petitioner failed to establish that the conversion from two single family dwellings to five apartments occurred prior to 1945, and as such, the relief requested must be denied.

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

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 (five (5) apartments) 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 convert the property from a multi-family use to a single family use. The Petitioner shall have ninety (90) days from the date of this Order to terminate the use of the property as five apartments and shall be required to convert the two multi-family dwellings back to a single family use within ninety (90) days of the date of this Order. That is, each dwelling shall have only one (1) family residing therein and the use of each dwelling as a multi-family residence shall cease and terminate.

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

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Date

By



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
NW/Corner Holly Neck Road and Maple Road
(1830 Holly Neck Road)
15th Election District - 5th Councilmanic District
William J. Faber - Petitioner
Case No. 98-122-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, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for

TMK:bjs
Baltimore County

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

98-122-SPH

to the Zoning Commissioner of Baltimore County

for the property located at 1830 Holly Neck 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 1929

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/Lessee.

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

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

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

Legal Owner(s).

William J. Faber
(Type or Print Name)
William J. Faber
Signature

(Type or Print Name)

Signature

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: JAF DATE 9-30-97



Revised 9/5/95

ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION

#122

Beginning at a point on the North West
CORNER of Holly Neck and Maple Roads. Being
Lot NOS 8 and 9 in the Subdivision of Cedar
Beach as recorded in Balto. County Plat Book
NO. 7 folio 186 containing 0.459 Acre ±. Also
Known as 1830 Holly Neck Rd and located in the
15th Election District, 5th Councilmatic District.

98-122-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.: 98-122 SPH

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

PLACE: *

DATE AND TIME: *

REQUEST: To allow the nonconforming use
of 2 dwellings on one lot in an RA-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, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. 122
0A4486

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

AMOUNT \$ 50.00

RECEIVED FROM: Wm. Faber

FOR: Zoning Petition - Special Hearing
18302 Holly Neck Rd.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
98-122-SPH

9/30/97
BALTIMORE COUNTY, MD.
5000 OK #1034
C

CASHIER'S VALIDATION

98-122-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: #98-122-SPH
1820 Holly Neck Road

NWC Holly Neck Road and Maple Roads
15th Election District
5th Councilmanic
Legal Owners(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.

10/270 Oct. 16 C181870

CERTIFICATE OF POSTING

RE: Case No.: # 98-122-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

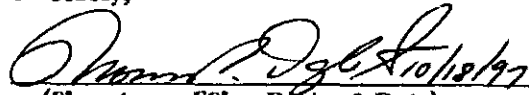
Ladies and Gentleman:

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 _____

1830 Holly Neck Road Baltimore Maryland 21221

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

Sincerely,

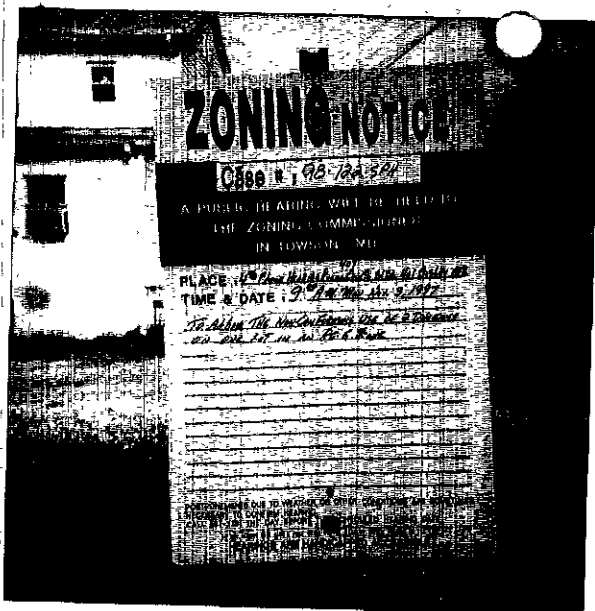

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



98-122-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: 98-122-SPH
1820 Holly Neck Road
NWC Holly Neck Road and Maple Roads
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: PUTUXENT PUBLISHING COMPANY
October 16, 1997 Issue - Jeffersonian

Please forward billing to:

William J. Faber
1315 Old Eastern Avenue
Baltimore, MD 21221
410-687-6066

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: 98-122-SPH
1820 Holly Neck Road
NWC Holly Neck Road and Maple Roads
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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 122 Petitioner: William J. Faber
Location: 1830 Holly Neck 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
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.: 122
Case No.: 98-122-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,

A handwritten signature in dark ink, appearing to read 'W. Carl Richards, Jr.', is written over the typed name.

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 / sp*
Subject: Zoning Item #122

Faber, 1830 Holly Neck 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

INTEROFFICE CORRESPONDENCE

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. 122

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

Holly Neck 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

ZONE1020.122

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, ¹²⁴123, 126, 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: Carol 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.

B. 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 E. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File



File

RE: PETITION FOR SPECIAL HEARING
1830 Holly Neck Road,
NWC Holly Neck Rd and Maple Roads
15th Election District, 5th Councilmanic

William J. Faber
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-122-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 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
PETER MAX ZIMMERMAN

HOLLY NECK IMPROVEMENT ASSOC.



To The Baltimore County Zoning
Commissioners,

I, Janet Palasik a Resident of
1128 Maple Road Since June of 1986, Am
writing to you concerning the properties
owned by William Faber.

Since my purchase of my home in
1986, Mr. Faber has had numerous tenants
residing in the location of 1830 Blk of
Hollyneck Road as well as 1134 Maple Road.

These homes were constructed as single
family dwellings prior to 1955, however they
were converted to apartment buildings by
Mr. Faber.

It is my understanding that Apartment
buildings are not permitted in RC-5 zones,
so I urge you to deny the non-conforming
use.

Sincerely,
Janet E. Palasik
11-2-97

PROTESTANTS
EXHIBIT NO. 3





PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	HOLLY NECK	SE 2-J
Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP LANSING MICH				

E-NE 22-NW

98-122-SP-11
MICROFILMED

Plan To Accompany Petition For Zoning Special Hearing

Property Address: 1830 Holly Neck Rd.

Subdivision Name: Cedar Beach

plat Book # W.P.C. No. 7 Folio # 186 Lots # 8 and 9

owner: William J. Faber

1954 Zoning: A Residence

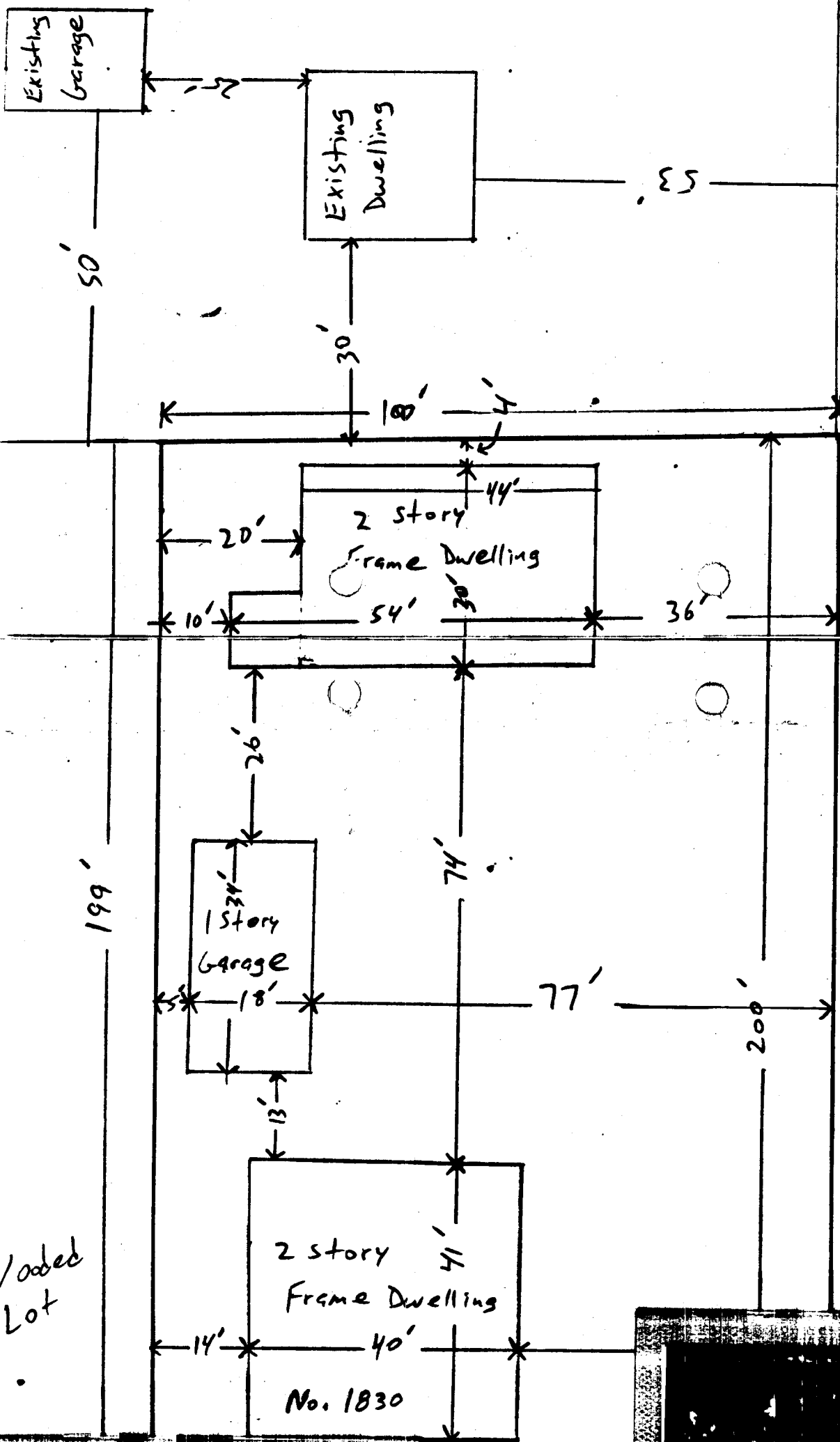
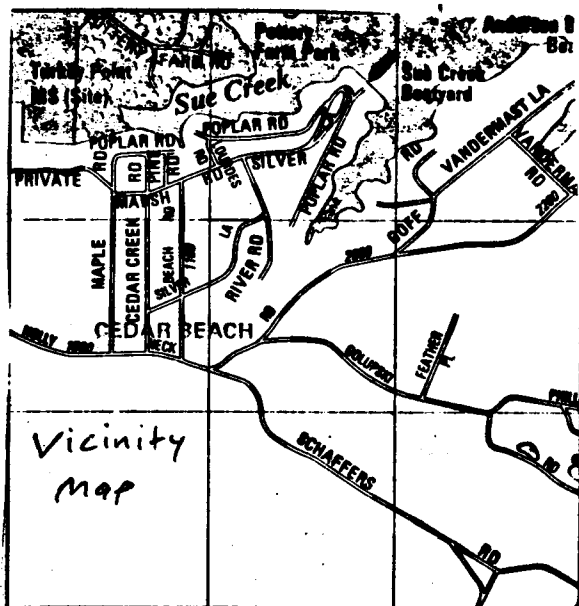
Current zoning RC-5

Prior Zoning Hearings: None

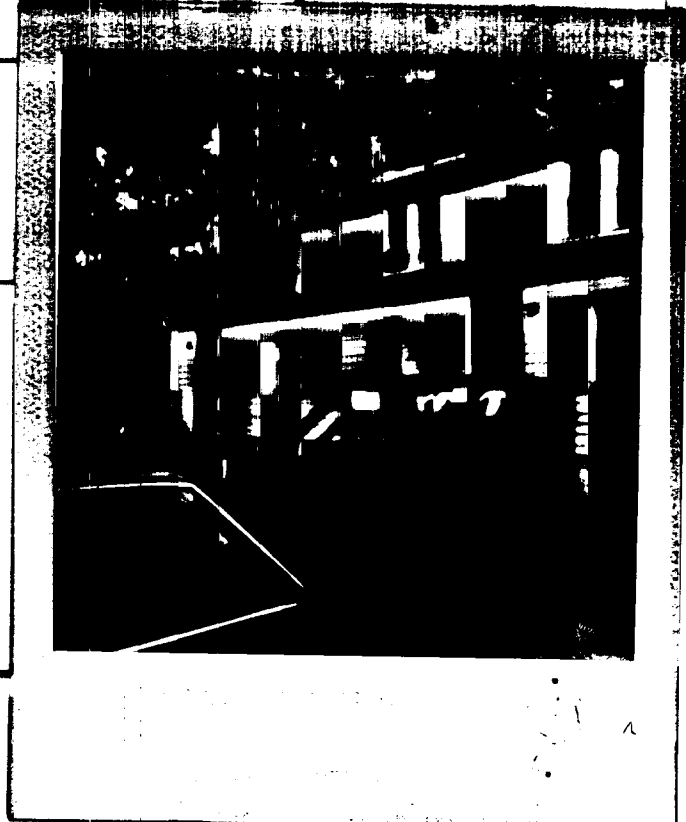
Chesapeake Bay Critical Areas: Yes

Public Water ☒ Yes

Public sewer ☒ Yes



122



K Rd.
ht of way

Councilmatic District 5
Election District 15
1"=200' Scale Map # SE-25
Zoning .459
Lot Size 20000
acres square

Date: 9/5/97 Prepared By: MPF Scale: 1"=20'

Plan To Accompany Petition For Zoning Special Hearing

Property Address: 1830 Holly Neck Rd.

Subdivision Name: Cedar Beach

plat Book # W.P.C. No. 7 Folio # 186 Lots # 8 and 9

owner: William J. Faber

1954 Zoning: A Residence

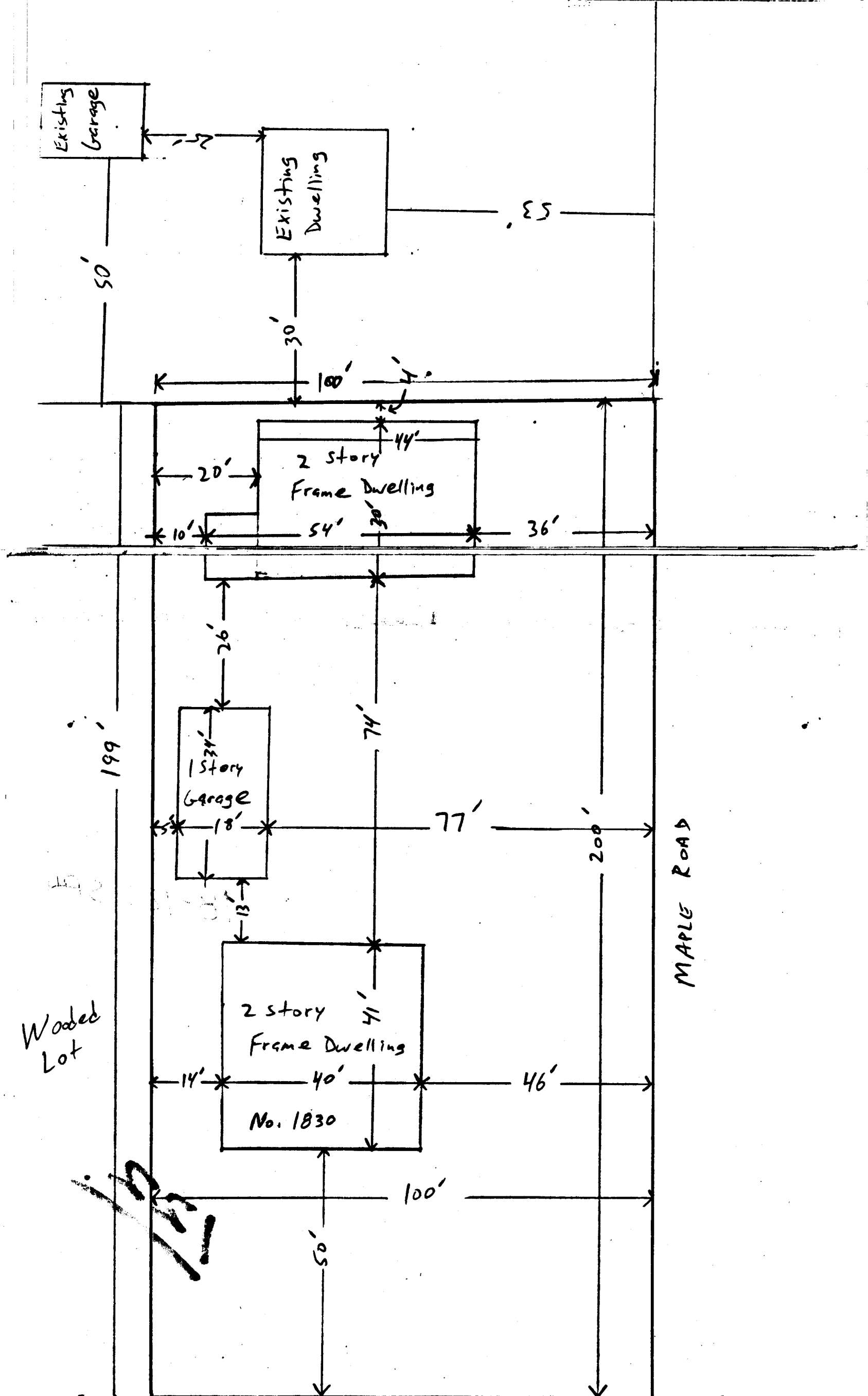
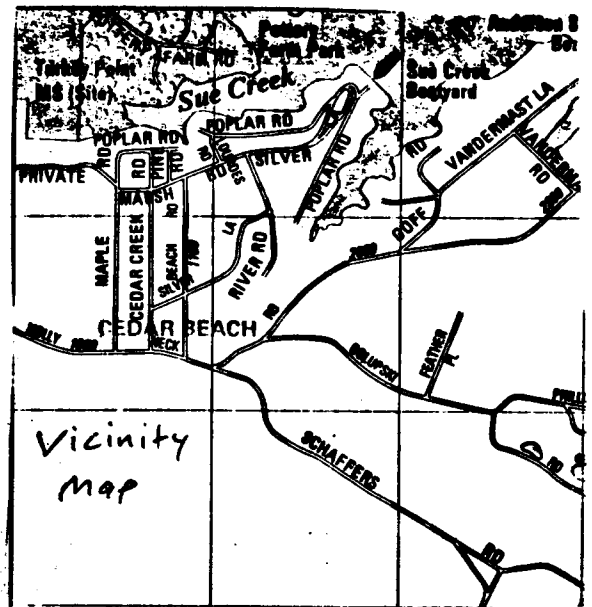
Current Zoning R-5

Prior Zoning Hearings: None

Chesapeake Bay Critical Area: Yes

Public Water ☒ yes

Public sewer ☒ yes



Holly Neck Rd.

40' Right of way

Location Information:

Councilmatic District 5

Election District 15

1"=200' Scale Map # SE-25

Zoning .459

Lot Size acreage 20000

square

NORTH

Date: 9/5/97 Prepared By: MPF Scale: 1"=20'