

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/S Onyx Road, 80' S of the * ZONING COMMISSIONER
c/1 of Opal Road * OF BALTIMORE COUNTY
(2902 Onyx Road) * Case No. 98-287-SPH
9th Election District *
6th Councilmanic District *

Alice Grim, Owner; *
Thomas Watson, Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Thomas Watson, a neighbor, as to property owned by Alice Grim, located at 2902 Onyx Road in Parkville. The question raised within the Petition is whether a previously approved nonconforming use for the subject property as a two-apartment dwelling has ceased. More precisely worded, the legal question framed is whether the nonconforming use of this property as a two-apartment dwelling has been forfeited and is no longer permitted, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing on behalf of the Petition were Thomas Watson, and several of his neighbors, all of whom signed the Petitioner's Sign In Sheet. Appearing on behalf of the property owner were Alice Bell, the owner's daughter, and Wayne Geoghegan.

The subject property under consideration is rectangular in shape, approximately 1.29 acres in area, zoned D.R. 5.5, and is improved with a detached dwelling known as 2902 Onyx Road. The property is located not far from Harford Road in the Parkville community. As noted above, the property is owned by Alice E. Grim. Mrs. Grim and her husband (now deceased) purchased the property in 1941 and moved into the dwelling thereon shortly thereafter. For approximately the next 13 years, Mr. & Mrs. Grim

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Date 6/16/98
By [Signature]

utilized the structure as a single family dwelling and resided therein. In 1954, Mr. Grim became ill and shortly thereafter, passed away. Due to the financial impact of his illness and sudden death, the property was converted by Mrs. Grim into two apartments in mid-1954. There are separate entrances to each apartment, leading from the common vestibule on the first floor. The upstairs apartment contains a living room, bedroom, kitchen and bath area. The downstairs apartment also contains a living room, bedroom, kitchen and bath, and has access to the basement level.

Mrs. Grim lived in the downstairs apartment from the time of conversion of the structure in 1954 until approximately December 1996, at which time she moved in with her daughter, Alice V. Bell. Mrs. Grim's move was caused by advancing age and a desire to reside with other family members. Since Mrs. Grim's move, the property has been vacant and listed for sale as a two-apartment structure.

The instant case is the second time that this matter has come before me for consideration under the B.C.Z.R. The previous Petition for Special Hearing was filed in 1997 by Mrs. Grim, assigned Case No. 98-92-SPH and heard in October 1997. At that time, Mrs. Grim and her daughter appeared at the hearing, as did others who supported the Petition. Certain Protestants from the neighborhood also appeared, including Mr. Watson, the Petitioner herein.

The issue presented in the prior case was whether the property enjoyed a nonconforming use status as a two-apartment dwelling. I fully addressed the issues presented in that case by way of a Findings of Fact and Conclusions of Law and Order issued November 17, 1997. As they are applicable, those findings are incorporated herein. Essentially, I determined that the property's use as a two-apartment dwelling was nonconform-

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ing. In my decision, I noted the definition of a nonconforming use, as set forth in Section 101 of the B.C.Z.R., as "A legal nonconforming use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." I also observed that nonconforming uses are regulated in Section 104 of the B.C.Z.R.

In essence, a nonconforming use designation is applied to grandfather an otherwise illegal use. The first set of zoning regulations were enacted in Baltimore County in 1945. Those regulations were simplistic in nature and divided the County into a series of zones; including residential, office, industrial, etc. In 1955, the zoning regulations were comprehensively amended and readopted. Under the 1955 zoning regulations, the residential zones were further delineated so that specific zones were created to allow apartments versus single family use. The subject property was zoned to allow single family dwellings, only, in 1955. Thus, the issue that was considered in prior Case No. 98-92-SPH was whether the property was used as a two-apartment dwelling prior to March 1, 1995, the effective date of the revised zoning regulations. If such a finding was made, the property must be considered nonconforming; that is, the otherwise illegal use is properly grandfathered and may continue.

The overwhelming testimony and evidence presented in the prior case was that the use was nonconforming. Testimony and evidence was received which was persuasive that the two-apartment use of this building existed prior to March 1, 1955 and continued through at least October 1996. Thus, the Petition for Special Hearing and a finding that a nonconforming use existed was granted.

In the instant case, the matter comes before me on a different issue. As noted above, Mrs. Grim vacated the subject property in approxi-

mately December 1996. Moreover, the most recent tenant in the upstairs apartment vacated the premises on October 16, 1996. Thus, the property has been vacant with no occupants from at least December 1996 through the date of the hearing on April 20, 1998. The upstairs apartment has apparently been vacant for a period even two months longer. The Protestants and neighbors who appeared in opposition to Mrs. Grim's use of the property argued that the nonconforming use should therefore be forfeited, pursuant to Section 104 of the B.C.Z.R.

Section 104.1 of the B.C.Z.R. provides that, "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations; provided that upon any change in such nonconforming use to any other use whatsoever; or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate." (emphasis added) Simply stated, the Protestants contend that the lack of any tenants in the building for a period of one year constitutes an abandonment or discontinuance of the nonconforming use. Thus, they argue that although the nonconforming use was established by the Order entered in prior Case No. 98-92-SPH, its validity has now expired.

It is clear that nonconforming uses are not favored under the law. See McKemy v. Baltimore County, 339 Md. App. 257 (1978). Nonconforming uses are contrary to the scheme of good zoning, planning and land use principles. As such, nonconforming uses, although recognized as a legitimization of a pre-existing use, are to be discouraged. It is clear, for example, that good planning principles under existing zoning regulations as applied to the subject community would prohibit multi-apartment dwellings.

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BY [Signature]

The real question presented is whether the lack of a tenant (or occupancy) of the subject property has constituted an abandonment or discontinuance of the nonconforming use, as envisioned by the language set forth in Section 104.1 of the B.C.Z.R. This is a difficult issue which is not easily decided. A leading case on point, if not one of the oldest, is Landay v. Board of Zoning Appeals, 173 Md. 460 (1938), which arose from a zoning dispute in Baltimore City. That case involved a nonconforming use which existed in Baltimore City in the form of a junk shop. The property owner failed to maintain the operation of the junk shop for a period of approximately three years. It was thereafter contended by the Protestants that the nonconforming use lapsed and was forfeited.

In considering the issue, the Court in Landay, *intra*, noted that the precise language of the statute had to be given great weight. In reviewing the Baltimore City ordinance, the Court concluded that the mere failure of the property owner to use the site without an actual intent to abandon same, was insufficient to forfeit the use. That is, the Court determined that the statute required an affirmative intent on behalf of the property owner to abandon the use. The mere temporary discontinuance is not an abandonment.

A different result was reached in Canada's Tavern, Inc. v. The Town of Glen Echo, 260 Md. 206 (1970). There, the Court was considering a statute from Montgomery County which provided, "...no nonconforming use, once abandoned, shall thereafter be reestablished. For the purpose of this section, 'abandoned' shall be defined as the cessation of the nonconforming use for a period of six months or more." In the Canada's Tavern case, the Court reached a different result than that reached by the Court in Landay, supra. The Court concluded that the language of the Montgom-

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Date

By

ery County statute was persuasive to a finding that the mere cessation of the nonconforming use activity, irrespective of the owner's intent, was sufficient to render a nonconforming use forfeited.

A similar decision was reached by the Court of Special Appeals in Harford County, v. McDonough, 74 Md. App. 119 (1988). In that case, the Court of Special Appeals considered language in a Harford County statute which provided that if a nonconforming use ceased, "...for a period of one (1) year or more, then the nonconforming use shall be deemed abandoned and compliance with this code shall be required." The Court concluded that the intent of the property owner was irrelevant, that the statute was plain and that no intent to abandon was required for the use to be forfeited.

There are two other cases that are also significant here. The first is Minor v. Shifflett, 252 Md. 158 (1968). That case came to the Court of Appeals on appeal of a decision wherein the property had been reclassified from one zone to another. That is, Minor is not a "nonconforming use case" per se; however, a reading of the opinion discloses that a nonconforming use was present on the property. The main focus of the Court's opinion was on the zoning reclassification.

In any event, the Court briefly discussed the presence of the nonconforming use and concluded that its existence did not require a reclassification in zoning. More to the point here, however, is the Court's statement that, "the usual zoning ordinance provides, as does the Baltimore County ordinance, that a discontinuance of a nonconforming use for a specified time shall be deemed an abandonment." (Page 167) It would seem, therefore, from a reading of this passage, that the mere discontinuance of the nonconforming use in Baltimore County for a period of at least 12 months will result in the loss of that use, irrespective of the owner's

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BY [Signature]

12 months will result in the loss of that use, irrespective of the owner's intent.

Finally, attention must be given to McLay v. Maryland Assemblies, Inc., 269 Md. 465 (1973). There, the Court of Appeals considered a Cecil County statute which employed similar language as is found in Section 104.1 of the B.C.Z.R. Specifically, the Cecil County statute required "discontinuance or abandonment" in order for a nonconforming use to be lost. The Court paid particular attention to the precise and actual words used in the statute and attached significance to the fact that abandonment and discontinuance were used in the disjunctive. That is, the existence of the word "or" was a significant factor in the Court's consideration of the issue. After much discussion, the Court concluded the property owner's intent was relevant that there must be an intent to abandon.

In reviewing the record of the case before, I am particularly impressed with the fact that the property was vacant for a period in excess of one (1) year after Mrs. Grim moved to her daughter's residence. I think this particularly significant in that there were no facts set out in the record which would have prevented the ongoing use of the building as a two-apartment unit. That is, although Mrs. Grim and her daughter decided to sell the property and had to take necessary efforts to repair and "clean up" the structure in order to obtain the best price, there are no facts established in the record before me which would support a finding that the apartment use could not have been continued. Simply stated, even though Mrs. Grim decided to move, there is no reason that she and her family could not have continued to lease the property as a two-apartment structure, or at least attempted to do so. Instead, they voluntarily left the property vacant.

Admittedly, there are legitimate reasons for the property to be repaired/renovated before its sale. Moreover, it is clear that Mrs. Grim and her family have made efforts to sell the property and market same as a two-apartment structure. Nevertheless, they have not used it in that fashion.

Based upon the record of the case before me, and the law and regulations set out above, I therefore conclude that the Petition for Special Hearing must be granted. In my judgment, the Petitioners have, in fact, lost their nonconforming use. The Petitioner's failure to utilize the property as a two-apartment structure has caused the nonconforming use designation to lapse and be forfeited. Although this is admittedly a close call, I believe that the language of Section 104.1 of the B.C.Z.R., as I have interpreted same in accordance with the case law, compels such a finding.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of June, 1998 that the Petition for Special Hearing to approve that a previously approved nonconforming use for the subject property as a two- apartment dwelling has ceased, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any party who objects to this conclusion has thirty (30) days from the date of this Order to file an appeal.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/16/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 16, 1998

Mr. Thomas Watson
2913 Onyx Road
Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING
NW/S Onyx Road, 80' S of the c/l of Opal Road
(2902 Onyx Road)
9th Election District - 6th Councilmanic District
Alice Grim, Owner; Thomas Watson, Petitioner
Case No. 98-287-SPH

Dear Mr. Watson:

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,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Alice E. Grim
8722 Wendell Avenue, Baltimore, Md. 21234

Mr. Wayne Geoghagan
2816 Onyx Road, Baltimore, Md. 21234

Ms. Joan Hemingway, Coldwell Banker Gremler
400 E. Joppa Road, Towson, Md. 21286

People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

2902 Onyx Rd

which is presently zoned

DR-5.5

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

this property as a (2) two apartment dwelling has
ceased!

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.

Petitioner
(Type or Print Name)

Thomas Watson

(Type or Print Name)

Signature

2913 Onyx Rd.

Address

BALTO, MD. 21234

City

State

Zipcode

Attorney for Petitioner

(B) (410) 882-5677

(H) (410) 665-4752

(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):

Alice Grim

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2902 Onyx Rd

Address

Phone No

BALTO, MD, 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Thomas Watson

Name

2913 Onyx Rd

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

REVISED

2/18/98

JJS

98-287-SPH

ORDER RECEIVED FOR FILING

Date

Revised 9/5/95

2902 Onyx Rd

Beginning on the northwest side of Onyx Road,
50 feet wide, at the distance of 80 feet south
of the centerline of Opal Road. Also known
as 2902 Onyx Road containing .129 acres,
as recorded by deed, located within the
9th Election District.

287

98-287-
SPH

BALTIMORE COUNTY, MA' AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. 287 048620

DATE 2-3-98 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Tom Watson (2913 Onyx Rd)

FOR: Residential Special Hearing Filing Fee
2 2902 Onyx Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID 2/3/98
205/1998 3/05/1998 11-24-98
RECEIVED BY: CASHIER NAME AND NUMBER
5 MISCELLANEOUS RECEIPT
RECEIVED BY: 013502
DATE: 2/3/98
50.00 CASH
Baltimore County, Maryland

98-287-SPH

CASHIER'S VALIDATION

**NOTICE OF ZONING
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 #98-287-SPH
2902 Orin Road
NEC Dayx Road, 80' of
centerline Orin Road
9th Election District
6th Councilmanic District

Legal Owner(s):
Alice Ginn
Performer:

Thomas Watson

Special Hearing: to approve that the non-conforming use of this property as a two apartment dwelling has ceased.

Hearing: Monday, March 23, 1998 at 9:00 a.m., in Room 407, County Courts Bldg., 401 Basley 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) 887-3351.

3/005 Feb 5

C211034

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-5, 1998

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 3-5, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

P 286 391 002

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

PS Form 3800, April 1995

Sent to <i>Alice Shum</i>	
Street & Number <i>8722 Wendall Ave</i>	
Post Office, State, & ZIP Code <i>Balto. Md 21234</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <i>5.52</i>
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☒ Addressee's Address
- ☒ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mrs. Alice Shum
8722 Wendall Ave
Baltimore, Md
21234

4a. Article Number

P286 391 002

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3/28/98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Arthur L. Bell

8. Addressee's Address (Only if requested and fee is paid)

8722 Wendall Ave

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

RE: PETITION FOR SPECIAL HEARING
2902 Onyx Road, NE/S Onyx Rd,
80' S of c/l Opal Rd
9th Election District, 6th Councilmanic

Thomas Watson
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-287-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 13th day of March, 1998, a copy of the foregoing Entry of Appearance was mailed to Thomas Watson, 2913 Onyx Road, Baltimore, MD 21234, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

CERTIFICATE OF POSTING

RE: Case No. 98-287-SPII
Petitioner/Developer:
(Alice Grim)
Date of Hearing/Closing:
(Mar. 23, 1998)

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 _____
2904 Onyx Road Baltimore, Maryland 21234 _____

The sign(s) were posted on _____ Mar. 8, 1998 _____
(Month, Day, Year)

Sincerely,

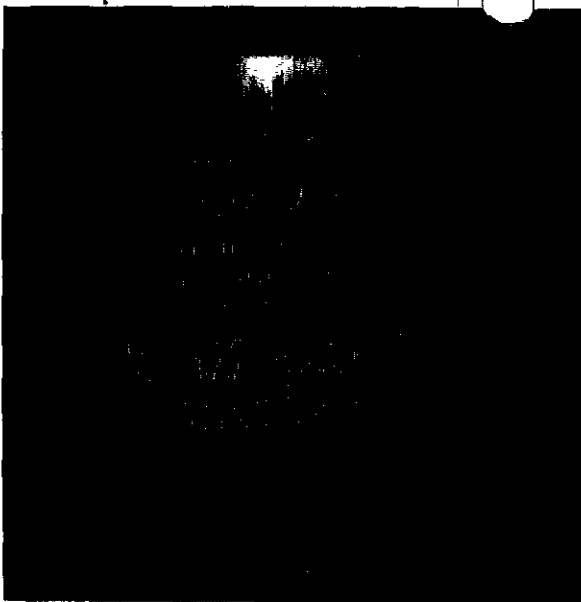

(Signature of Sign-Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8485 _____
(Telephone Number)



98-287-SPII



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/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 287

Petitioner: Thomas Watson

Hearing Location: 2902 Onyx Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: THOMAS WATSON

ADDRESS: 2913 ONYX RD.

Baltimore, Md. 21234

PHONE NUMBER: (410) 882-5677

AJ:ggs

(Revised 09/24/96)

2-3-98
887-3391

Sign poster!

Note:
Sign to be posted
on # 2904 Onyx Rd

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.: 98-287-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: that the non conforming use of #2902 Onyx
Rd. as a two (2) apartment dwelling has ceased.

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

TO: PATUXENT PUBLISHING COMPANY
February 19, 1998 Issue - Jeffersonian

Please forward billing to:

Thomas Watson 410-882-5677
2913 Onyx Road
Baltimore, MD 21234

NOTICE OF ZONING 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: 98-287-SPH
2902 Onyx Road
NE/S Onyx Road, 80' S of centerline Opal Road
9th Election District - 6th Councilmanic District
Legal Owner: Thomas Watson

Special Hearing to approve the non-conforming use of this property as a 2 apartment dwelling has ceased.

HEARING: Tuesday, March 10, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

SEA
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.



Baltimore County
Department of Permits and
Development Management

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

February 13, 1998

NOTICE OF ZONING 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: 98-287-SPH
2902 Onyx Road
NE/S Onyx Road, 80' S of centerline Opal Road
9th Election District - 6th Councilmanic District
Legal Owner: Thomas Watson

Special Hearing to approve the non-conforming use of this property as a 2 apartment dwelling has ceased.

HEARING: Tuesday, March 10, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a date "5/9" written below it.

Arnold Jablon
Director

c: Thomas Watson

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 23, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
March 5, 1998 Issue - Jeffersonian

Please forward billing to:

Thomas Watson 410-882-5677
2913 Onyx Road
Baltimore, MD 21234

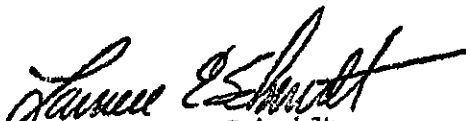
NOTICE OF ZONING HEARING

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: 98-287-SPH
2902 Onyx Road
NE/S Onyx Road, 80' S of centerline Opal Road
9th Election District - 6th Councilmanic District
Legal Owner: Alice Grim
Petitioner: Thomas Watson

Special Hearing to approve that the non-conforming use of this property as a two apartment dwelling has ceased.

HEARING: Monday, March 23, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

scj

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.



Baltimore County
Department of Permits and
Development Management

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

February 20, 1998

NOTICE OF ZONING 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: 98-287-SPH
2902 Onyx Road
NE/S Onyx Road, 80' S of centerline Opal Road
9th Election District - 6th Councilmanic District
Legal Owner: Alice Grim
Petitioner: Thomas Watson

Special Hearing to approve that the non-conforming use of this property as a two apartment dwelling has ceased.

HEARING: Monday, March 23, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Thomas Watson
Alice Grim

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 8, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

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

March 18, 1998

Thomas Watson
2913 Onyx Road
Baltimore, MD 21234

RE: Item No.: 287
Case No.: 98-287-SPH
Petitioner: Thomas Watson

Dear Mr. Watson:

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 February 3, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: February 23, 1998

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

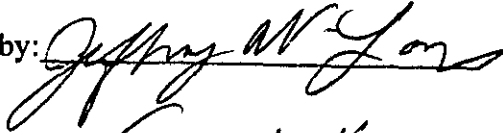
SUBJECT: Zoning Advisory Petitions

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

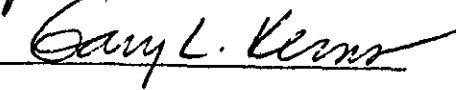
Item No. 287, 292, and 293

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



Division Chief:



AFK/JL

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: February 24, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for February 23, 1998
 Item Nos. 287, 289, 292, 293, 294,
 296, 297, and 298

 The Bureau of Developer's Plans Review has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0223.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: February 23, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 287, 292, and 293

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

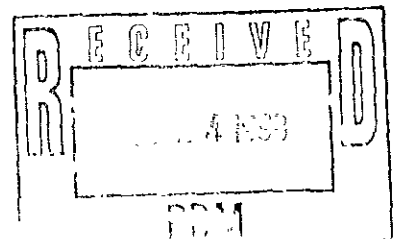
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL



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

TO: POM

DATE: 2/12/98

FROM: R. Bruce Seeley *RBS/98*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb. 12, 98

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

Item #'s:

287
291
297
298

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Fire Department

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

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

RE: Property Owner: THOMAS WATSON

Location: DISTRIBUTION MEETING OF FEBRUARY 12, 1990

Item No.: 287 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 plan for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Fire Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 2/13/98
Item No. 287 JJS

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

for

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Thomas Watson is
NOT Legal Owner. New
forms coming. Per WCR,
postpone + reschedule
hearing - Readvertise
+ repost.

Sophia
2/17/98

98-287-SPH



Baltimore County
Department of Permits and
Development Management

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

February 19, 1998

Mr. Thomas Watson
2913 Onyx Road
Baltimore, MD 21234

RE: Case Number 98-287-SPH
Location: 2902 Onyx Road

Dear Mr. Watson:

The above matter, previously assigned to be heard on Tuesday, March 10, 1998 has been postponed due to the filing of an incorrect petition form. The new hearing date is Monday, March 23, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Please be advised that, as the individual receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a new corrected hearing date should be posted on the sign.

If you have any questions, please do not hesitate to contact either John Sullivan or Carl Richards at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", with a small "39" written below it.

Arnold Jablon
Director

AJ:scj





Baltimore County
Zoning Commissioner
Office of Planning

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

March 24, 1998

CERTIFIED MAIL, RESTRICTED DELIVERY
RETURN RECEIPT REQUESTED

Ms. Alice E. Grim
8722 Wendall Avenue
Baltimore, Maryland 21234

RE: 2902 Onyx Road, Baltimore, Md. 21234
Case No. 98-287-SPH

Dear Ms. Grim:

I understand that you are the owner of the property located at 2902 Onyx Road, Parkville, Maryland 21234.

In October of 1997, you appeared before me in zoning case No. 98-92-SPH regarding a Petition for Special Hearing for the subject property. Following that hearing, I granted the Petition by Order of November 17, 1997, approving the use of the subject property as a legal nonconforming use for two apartments.

Subsequent to the issuance of that Order, a second zoning Petition was filed by Thomas Watson, who resides at 2913 Onyx Road, Parkville, Maryland 21234. The Petition for Special Hearing filed by Mr. Watson relates to your property at 2902 Onyx Road. The nature of Mr. Watson's Petition was a request for a finding that the nonconforming use previously granted for two apartments has ceased and is no longer valid. Apparently, Mr. Watson asserts that the use has been abandoned, discontinued and/or forfeited.

In accordance with County law, Mr. Watson's Petition was accepted and scheduled for hearing. The public hearing was set for March 23, 1998 at the County Courts Building in Towson. I presided at that hearing. When the case was called, I immediately noticed that neither you nor anyone on your behalf was present. I also noted that a letter mailed to you advising of the hearing date had been returned "Undeliverable as addressed". That letter was sent to you at 2902 Onyx Road. Additionally, the sign providing public notice of the hearing was incorrectly posted on the adjoining lot at 2904 Onyx Road.

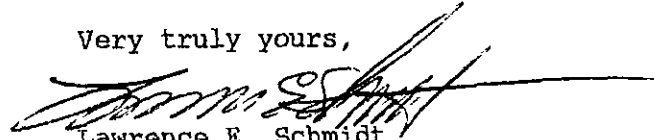


Ms. Alice E. Grim
8722 Wendall Avenue
Baltimore, Maryland 21234
page 2.....

In order to give you a full opportunity to participate in this case, I recessed the hearing and have rescheduled same for April 20, 1998 at 11:00 A.M. The hearing will be reconvened at that time and testimony and evidence will be taken on the merits of Mr. Watson's Petition. The hearing will be held in Room 407 of the County Courts Building. I urge you to attend this hearing in that it affects your rights as property owner of the subject lot located at 2902 Onyx Road. Additionally, I believe that notice should be given of any potential buyer of the subject property of the nature of this hearing.

Please call me if you have any questions regarding this matter.

Very truly yours,



Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Ms. Joan Hemingway, Coldwell Banker Gremler, 400 E. Joppa Rd., 21204
c: Raymond J. Prematta, 2908 Onyx Road, Parkville, Md. 21234
c: Frank J. Pasta, 2905 Onyx Road, Parkville, Md. 21234
c: Walter Reichert, 2900 Onyx Road, Parkville, Md. 21234
c: Adrian J. Nickles, 2904 Onyx Road, Parkville, Md. 21234
c: Kenneth J. Morgan, 2825 Onyx Road, Parkville, Md. 21234
c: William C. Valentine, 2914 Onyx Road, Parkville, Md. 21234
c: Thomas M. Watson, 2913 Onyx Road, Parkville, Md. 21234
c: Bill Valentine, 2909 Onyx Road, Parkville, Md. 21234
c: Kathy Aubel and Greg Chase, 2903 Onyx Road, Parkville, Md. 21234
c: Richard Kasputis, 2808 Onyx Road, Parkville, Md. 21234



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 12, 1998

Mr. Thomas M. Watson
2913 Onyx Road
Baltimore, Maryland 21234

Dear Mr. Watson:

RE: Citation No. 98-92-SPH, 9th Election District

In response to your telephone call of January 8, 1998, I had an opportunity to discuss your concerns with the Baltimore County Zoning Commissioner Lawrence E. Schmidt the very next day. With no appeal taken by the community, of the commissioner's decision of November 17, 1997, if you or the community believe that abandonment or discontinuance of the two apartment dwelling has taken place, then per the commissioner, one should file a special hearing petition to decide this issue in a manner open to the general public. If this option is undertaken and a decision is made supporting your position and the current property owner fails to take an appeal, the Code Inspections and Enforcement Division will then take corrective action.

If additional questions remain, please contact this office at 410-887-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "J. H. Thompson", written over a horizontal line.

JAMES H. THOMPSON
Code Inspections and
Enforcement Supervisor
410-887-3352

JHT/hek
c: Richard Reinhart, Aide
Councilman Joseph Bartenfelder
Inspector Pam Ellis



PETITIONER(S) SIGN-IN SHEET

ADDRESS

2908 ONYX ROAD
2905 ONYX Rd
2900 ONYX Rd
2904 ONYX Rd
2825 ONYX Rd,
2914 ONYX RD
2913 ONYX Rd.
2909 ONYX RD.
2903 ONYX RD -
2903 ONYX ROAD
2808 ONYX Rd

PARKVIEW
MD
21234

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BILL VALENTINE

2909 ONYX RD 21034

TOM WATSON

2913 ONYX RD 21234

WILLIAM VALENTINE

2914 ONYX RD 21234

Kenneth Morgan

2825 Onyx Rd. 21234

A.J. NICKLES

2904 ONYX RD 21234

WALTER REICHERT

2900 ONYX RD 21234

RAY PREMATTIA

2908 ONYX RD 21234

Greg Chase

2903 Onyx RD 21234

Yahy Aubel

2903 ONYX RD 21234

Richard Karpurir

2808 Onyx Rd 21234

ALICE BELL

8722 WENDELL AVE 21234

Wayne Grogan

2816 Onyx Rd. 21234



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Alice E GRIM

8722 WENDELL AVE 21234

Alice V. BELL

8722 WENDELL AVE 21234

Arthur L. BELL

8722 WENDELL AVE 21234

Wayne GeogHagan

2816 Jnyx Rd 21234

* Joan Hemingway

COLDWELL BANKER GREMPLE
400 E JOPPA RD
TOWSON, MD

NORMAN GOETTE

700 Remington Rd Fallston MD
21047



(410) 825-6400 BUSINESS
(410) 321-0710 FAX
(410) 661-4367 RESIDENC.



JOAN A. HEMINGWAY, GRI
Associate
Distinguished REALTOR® Award
Life Member Million Dollar Assn. Ltd



COLDWELL BANKER
GREMPER REALTY, INC.
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TOWSON, MD 21286
INTERNET [http //www.gremper.com](http://www.gremper.com)

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CALL COLDWELL BANKER



COLDWELL BANKER GREMPER REALTY, INC.

TOWSON OFFICE • 410-825-6400



Don't Just List Your
Home - Let Me Market
Your Home
Joan Hemingway
(ofc) 410-825-6400
(hm) 410-661-4367



HIGHLANDTOWN- You have a 2nd chance! Sale did not go thru-all conv of today yet character rich Stained glass, h/w flrs, tile foyer, plus CAC & replacement windows. Joan Hemingway 410-825-6400/410-661-4367 (P6671)



CARNEY- Exceptional value- good basics, needing your decorator touches, replaced furnace, CAC, roof & carpeting. 3lg BR, 1.5 BA & cbrm. Joan Hemingway 410-825-6400/410-661-4367 (P6672)



DAYBREAK ESTATES- Exceptional offering in today's market. Only \$94,900! Incredible 3 finished lvls, best basics plus extras galore. Joan Hemingway 410-825-6400/410-661-4367 (P6673)



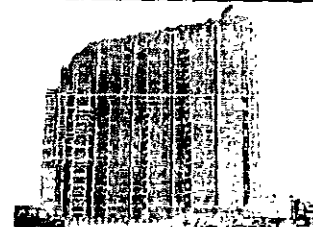
VALLEYWOOD- Ideally located with unlimited potential. 4 BR plus 2.5 BA, maximized space with side addition. Delightful yd backs to trees with in-ground pool. Joan Hemingway 410-825-6400/410-661-4367 (P6674)



KINGSVILLE- Nestled quietly on a tree-studded 3/4 acre lot. 4 BR 2 tiered deck w/aboveground pool, in-law suite possible, 1st flr FR & garage. Joan Hemingway 410-825-6400/410-661-4367 (P6675)



WALTHER BLVD- Best basics for balanced affordability, 3/4 BR, 2.5 BA, low maint. exterior, completely fenced, grt yd & brk back porch. CAC & gas heat. Joan Hemingway 410-825-6400/410-661-4367 (P6676)



CANTON- High caliber features- panoramic view of the Inner Harbor and City skyline. Indubitable flair & sophistication, 2 BR & den area Penthouse in Anchorage Towers! Joan Hemingway 410-825-6400/410-661-4367 (P6677)



HIGHLANDTOWN- Attention investors! 2 units, private efficiency apartment in rear and whole 3 BR, EOG with trad "balmer" white marble steps. Joan Hemingway 410-825-6400/410-661-4367 (P6678)

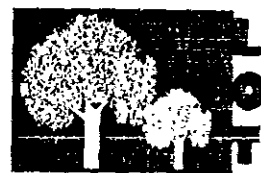


NEEDS
A LITTLE
WORK

PARKVILLE- Lots of room If you can give some TLC! Priced to sell- ideal for 203K- could be 4 BR, h/w inlay flrs, sunrm & stained glass. Joan Hemingway 410-825-6400/410-661-4367 (P6679)



PARKVILLE- 2 sty porch frt offers everyday very satily- currently used as 2 apts, ideal for in-law, smart smart buy, large fenced yd. Joan Hemingway 410-825-6400/410-661-4367 (P6680)



WILDWOOD BEACH - Lot! Live near water directly across str. 7.5 acre wooded acre lot in comm of fine homes Joan Hemingway 410-825-6400/410-661-4367 (P6670)

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

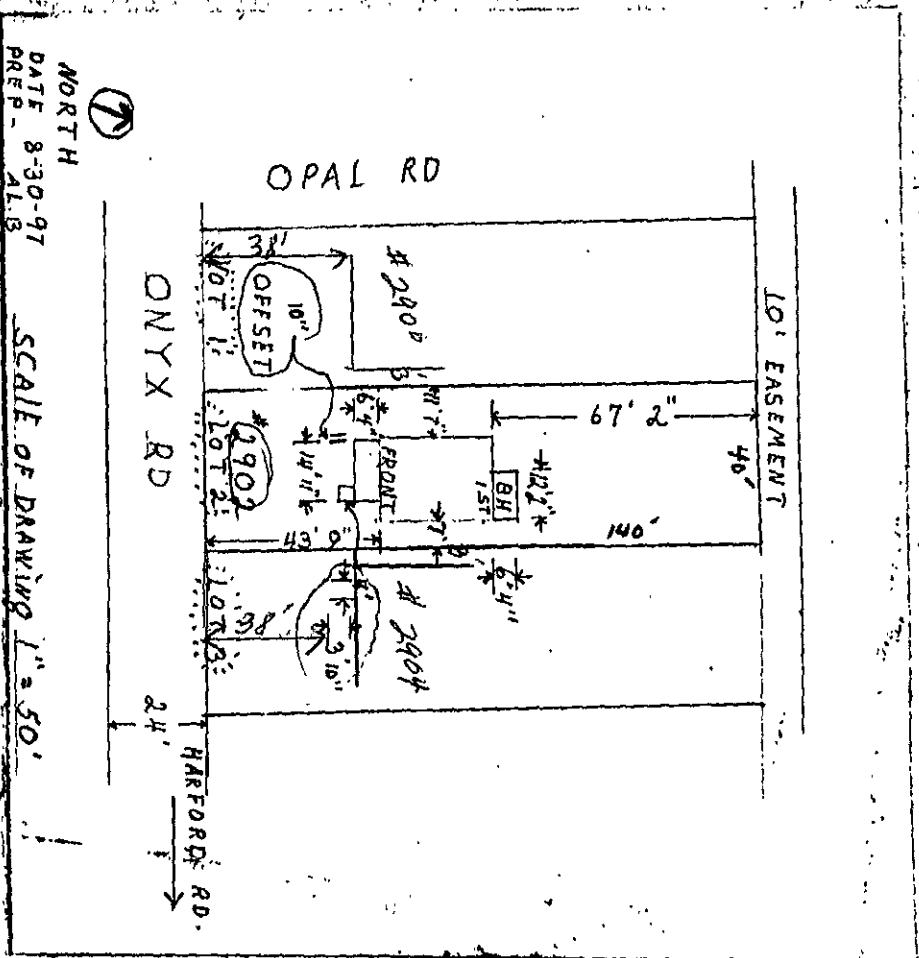
PROPERTY ADDRESS: 2902 ONYX RD.

Subdivision name: PARKVILLE

plat book # 1, lot # 1, section # 1

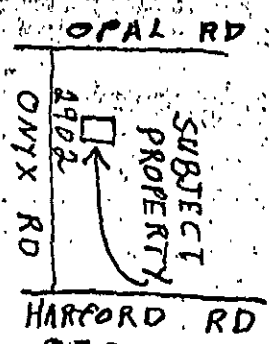
OWNER: Alie E. Hum

- Deed Reference GIB-2801-523
+ not in recorded subdivision
for deeds



DATE: 8-30-97
PREP: ALB
SCALE OF DRAWING: 1" = 50'

North
date: _____
prepared by: _____
Scale of Drawing: 1" = 50'



Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 9
Councilmanic District: 6

1" = 200' scale map: NE 8-D

Zoning: DA 5.5

Lot size: 140' x 140' 5600 square feet

1285683

SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

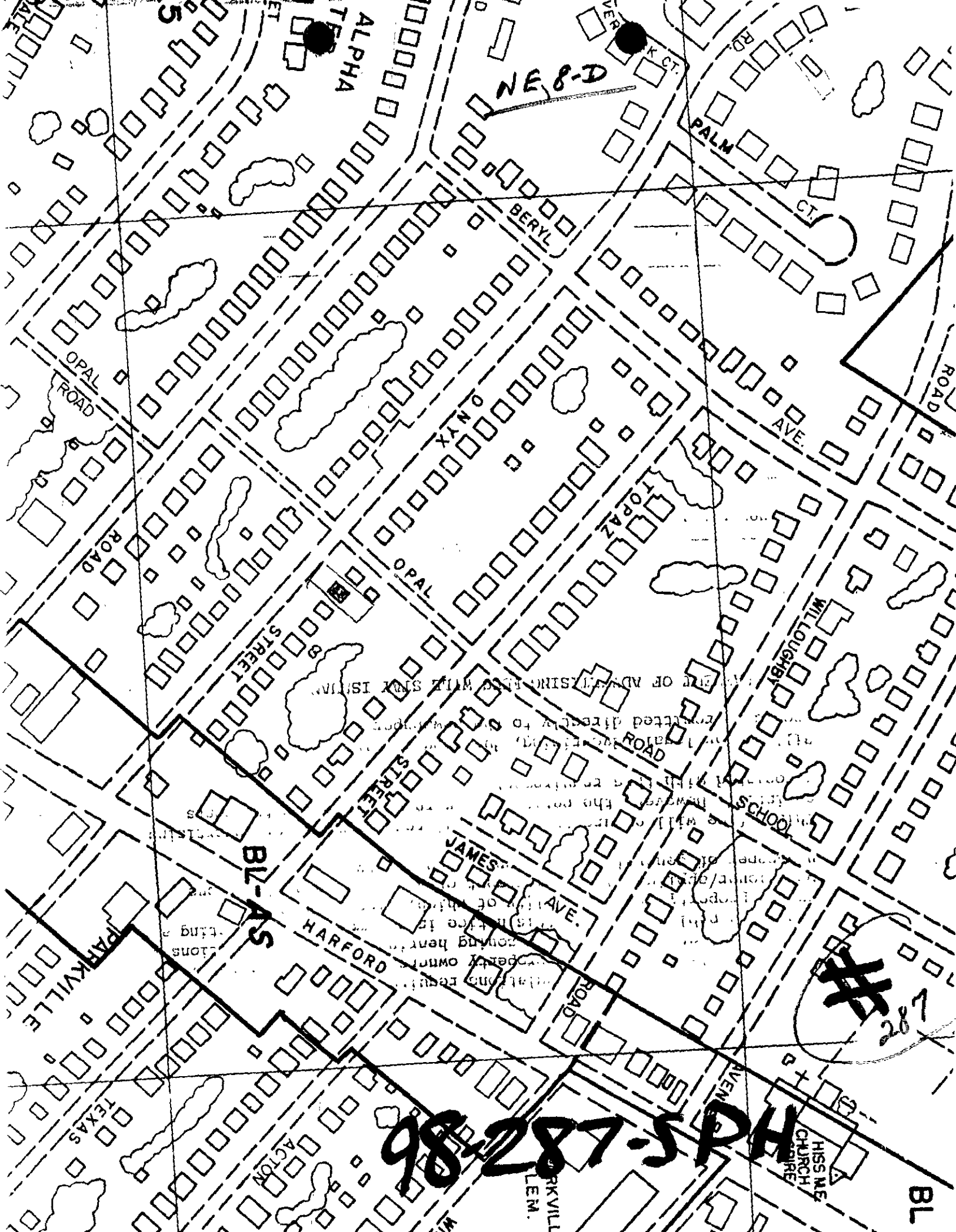
Prior Zoning Hearings: 98-92-SPH

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

287

98-287-SPH



NE 8-D

ALPHA

PALM

BERYL

AVE.

OPAL

ROAD

STREET

STREET

JAMES

AVE.

HARFORD

287

98-287-5 PH

BL

HISS ME
CHURCH

PRK VILL
LEM.

TEXAS

ACTION

PARKVILLE

Alice Crim
8722 Wendell Ave
Balti, md 21234

08-581-2BH

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-19-78, 1978

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 2-19-78, 1978

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

NOTICE OF ZONING 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 following identified property as follows:

Case: 400-507-504
2902 Quaker Road
NE/S Corner of 80' S of centerline Quaker Road
9th Election District

6th Councilmanic District Legal Owners:

Thorliss Watson

Special Meeting to approve the non-conforming use of this property as a 2 apartment dwelling has ceased.

Hearing: Tuesday, March 10, 1988 at 9:00 a.m., in Room 407, County 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.

2/322 Feb. 19 C208407