

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Beaumont Avenue, 125' S of *
the c/l of Summit Avenue * DEPUTY ZONING COMMISSIONER
(17 North Beaumont Avenue) *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Case No. 98-308-SPH
Beverly LeRoy Bray, Jr., et ux *
Petitioners *

* * * * *

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 the owners of the subject property, Beverly LeRoy Bray, Jr., and his wife, Susan Carol Bray. The Petitioners seek approval of the subject property as a legal, nonconforming, three apartment dwelling. 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 Beverly and Susan Bray, property owners, Linda McDade Tirocchi, a former tenant of the property, and David Carney, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Charles Camp and Douglas Helfman, adjacent property owners.

Testimony and evidence offered revealed that the subject property consists of a gross area of 20,000 sq.ft., zoned D.R.2, and is improved with a 2 and 1/2 story frame dwelling, an attached deck, and an inground swimming pool. The Petitioners filed the instant request as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management as to an unruly tenant on the subject property and its use as a three-apartment dwelling. The Petitioners indicated on a supplement to the Petition for Special Hearing that the use of

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Date 5/11/98

By [Signature]

the property as three apartments commenced prior to 1945 and that the use has been continuous and without interruption since that time.

On behalf of the Petition, Ms. Bray testified that she and her husband purchased the subject property in June, 1978 at which time they resided in the first floor apartment until August, 1987. She indicated that the two apartments above the first floor apartment were continuously rented during that time. Ms. Bray still owns the property but no longer resides thereon. Ms. Bray further testified that many of the other homes in and around the area have also been converted to multi-family dwellings. Based on her own personal knowledge, Ms. Bray could account for the fact that the subject property has been used as a three-apartment dwelling since their purchase of same in 1978.

In support of the request, Ms. Linda Tirocchi testified that she was born in 1944 and lived on Beaumont Avenue from 1944 until 1967. She testified that she personally visited all three apartments during the course of time that she lived in the area. She also recalled having friends who resided in the apartments at 17 North Beaumont Avenue.

In addition to the live testimony provided by Ms. Bray and Ms. Tirocchi, the Petitioners submitted two affidavits, one from Ms. Regina Hoffman, who is 89 years of age and resided on an adjacent property from 1944 until approximately 1962, and another from Mr. John McDade, who is 44 years of age and has resided in the area for all of his life. The affidavit of Ms. Hoffman indicates that to the best of her knowledge, the subject property was used as three separate apartments during the entire time she lived in the area, from 1944 until approximately 1962. Mr. McDade testified in his affidavit that based on his personal knowledge, the property

at 17 North Beaumont Avenue has been used continuously as a three apartment dwelling since at least 1962.

As stated previously, two residents from the surrounding community appeared in opposition to the request. Mr. Helfman and Mr. Camp are residents of the area and object to the subject property being utilized as three apartments. Mr. Camp resides on the adjacent property at 15 North Beaumont Avenue and Mr. Helfman resides in close proximity to the site at 11 North Beaumont Avenue. Both gentlemen called into question the accuracy of the testimony presented by the witnesses who appeared at the hearing as well as the affidavits. These gentlemen argued that it is difficult to recount the specific use of the property for each and every year from 1945 until the present. Mr. Camp indicated that he attempted to research the history of this property utilizing resources at the library, that being telephone directories, and similar such documents. Based on the information they were able to obtain, Mr. Camp and Mr. Helfman were unable to substantiate that the property was used as three separate apartments. Again, their research was not based on personal knowledge but on their research of documentation available to them at the library.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a

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Date

By

period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal. The controlling year in this case is 1945 for a three apartment use.

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

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

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, I am persuaded that the subject property has been used continuously and without interruption as three separate apartments since prior to 1945, and as such, enjoys a legal nonconforming use. Therefore, the Petitioners have satisfied the burden imposed upon them to establish a nonconforming use and as such, the relief requested shall be granted.

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 granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of May, 1998 that the Petition for Special Hearing seeking approval of the subject property as a legal, nonconforming, three apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/11/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

May 11, 1998

David A. Carney, Esquire
Reese and Carney, LLP
10715 Charter Drive
Columbia, Maryland 21044

RE: PETITION FOR SPECIAL HEARING
W/S Beaumont Avenue, 125' S of the c/l of Summit Avenue
(17 North Beaumont Avenue)
1st Election District - 1st Councilmanic District
Beverly LeRoy Bray, Jr., et ux - Petitioners
Case No. 98-308-SPH

Dear Mr. & Mrs. Bray:

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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Beverly Bray, Jr.
12233 Etchison Road, Ellicott City, Md. 21042

Mr. Charles Camp
15 N. Beaumont Avenue, Catonsville, Md. 21228

Mr. Douglas Helfman
11 N. Beaumont Avenue, Catonsville, Md. 21228

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 17 North Beaumont Ave.
which is presently zoned D.R.2

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 a legal non-conforming use pursuant to BCZR Section 104 for a single family dwelling which was converted to a three family dwelling prior to 1945 and has been used continuously as three apartments since that conversion.

See attached.

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.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

David A. Carney
(Type or Print Name)

Signature

REESE AND CARNEY, LLP

10715 Charter Drive 410-740-4600
Address Phone No.

Columbia, MD 21044
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)

Beverly LeRoy Bray, Jr.
(Type or Print Name)

Beverly LeRoy Bray, Jr.
Signature

Susan Carol Bray
(Type or Print Name)

Susan Carol Bray
Signature

12233 Etchison Rd. 410-531-5718
Address Phone No.

Ellicott City, Md. 21042
City State Zipcode

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

David A. Carney, Esquire
Name

10715 Charter Drive 410-740-4600
Address Phone No.

Columbia, MD 21044
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates: _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JCM DATE 2-18-98

308

Revised 9/5/95

98-308-SPH

ORDER RECEIVED FOR FILING

Date

By

**SUPPLEMENT TO PETITION FOR SPECIAL HEARING TO CONFIRM
NON-CONFORMING USE**

The residential improvements located at 17 North Beaumont Avenue were initially constructed in the early 1900's at a time well before the adoption of zoning in Baltimore County, Maryland. The residence was converted into a dwelling for three families prior to the adoption of zoning. The three units located within the building consist of an apartment on the first floor, which also includes the front room on the second floor, an apartment occupying the balance of the second floor and an apartment on the third floor. Access for the second and third floor apartments is through a stairway on the side of the house and access for the apartment on the first floor is through the front entrance.

The existing and former neighbors to the property have confirmed to the Petitioners and/or their counsel that the property was used for three apartments prior to 1945, and that that use continued until 1978 when the present Petitioners purchased the property. The use has also continued since their ownership of the property.

Your Petitioners are advised and believe that the property was zoned D.R.3.5 prior to 1992, and that if so the use for the three apartments under such zoning district would have made the property conforming at that time.

J:\USERS\ANG\WPDATA\BRAY.PET

308

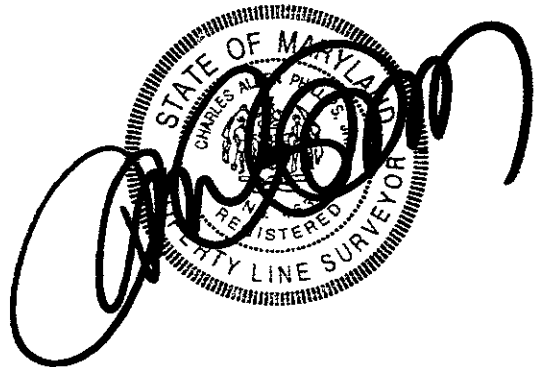
ORDER RECEIVED FOR FILING
Date 5/11/98
BY [Signature]

ZONING DESCRIPTION

Beginning at a point on the west side of Beaumont Avenue which is fifty (50) feet wide at the distance of 125 feet south from the centerline of Summit Avenue which is fifty (50) feet wide. Thence the following courses and distances, viz:

- 1) South 66 degrees 25 minutes West a distance of 200 feet to a point ; thence
- 2) South 29 degrees 00 minutes East a distance of 100 feet to a point; thence
- 3) North 66 degrees 25 minutes East a distance of 200 feet to a point on the west side of the aforesaid Beaumont Avenue ; thence running with and binding on the west side of Beaumont Avenue
- 4) North 29 degrees 00 minutes West a distance of 100 feet to the place of beginning .

Being known as 17 Beaumont Avenue , Catonsville Maryland . Containing 20,000 S.F. of land more or less.



308

48-308-5PH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

808

No. 048641

DATE 2-18-78 ACCOUNT 7001-6152

AMOUNT \$ 250.00

RECEIVED FROM: B. Bray 17 N. Beaumont Ave

FOR: SA HRA. (040)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JL

PAID RECEIPT

FORFESSE
2/22/1980 2/18/1980 14:09:10
CASHIER CLERK CML
5 MISCELLANEOUS CASH RECEIPT
030027
048641

048641 CASHIER
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

048641-SPH

**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:

Cases #88-308-SPH
17 Beaumont Avenue
W/S Beaumont Avenue 1251
S of centerline Summit Ave
hule
1st Election District
1st Councilmanic District
Legal Owner(s)
Beverly LeRoy Bray, Jr. &
Susan Carol Bray

Special Hearing: to approve a legal non-conforming three family dwelling

Hearing: Tuesday, March 24, 1988 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue

LAWRENCE E. SCHWIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations
Please Call (410) 867-3353
(2) For information concerning the File and/or Hearing, Please Call (410) 867-3351

3/052 March 5 0211342

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-5-98, 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 3-5-98, 1998

THE JEFFERSONIAN,

A. Henickson

LEGAL AD.-TOWSON

CERTIFICATE OF POSTING

RE: Case No. 98-308-SPH
Petitioner/Developer:
(Beverly LeRoy Bray Jr.)
Date of Hearing/Closing:
(Mar. 24, 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 _____**

17 Beaumont Avenue Baltimore, Maryland 21228 _____

**The sign(s) were posted on _____ Mar. 9, 1998 _____
(Month, Day, Year)**

Sincerely,

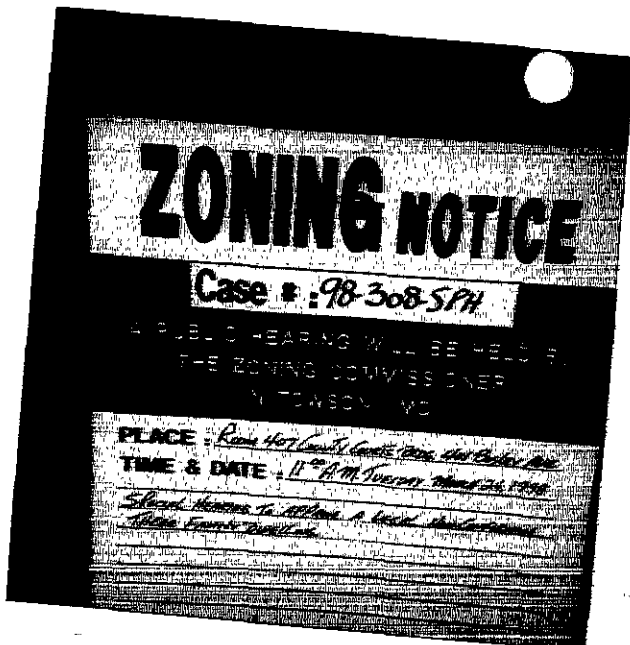
Thomas P. Ogle, Sr. 3/9/98
(Signature of Sign Poster & Date)

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

_____**325 Nicholson Road**_____

_____**Baltimore, Maryland 21221**_____

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



98-308-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.: 98-308-5PH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO APPROVE A
3 APARTMENT DWELLING AS A LEGAL
NONCONFORMING USE.

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
March 5, 1998 Issue - Jeffersonian

Please forward billing to:

David A. Carney, Esquire 410-740-4600
Reese and Carney, LLP
10715 Charter Drive
Columbia, MD 21044

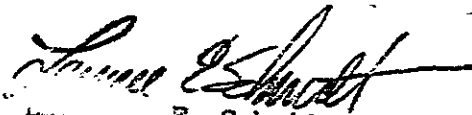
NOTICE OF ZONING HEARING

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: 98-308-SPH
17 Beaumont Avenue
W/S Beaumont Avenue, 125' S of centerline Summit Avenue
1st Election District - 1st Councilmanic District
Legal Owner: Beverly LeRoy Bray, Jr. & Susan Carol Bray

Special Hearing to approve a legal non-conforming three family dwelling.

HEARING: Tuesday, March 24, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.



Lawrence E. Schmidt

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 26, 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: 98-308-SPH

17 Beaumont Avenue

W/S Beaumont Avenue, 125' S of centerline Summit Avenue

1st Election District - 1st Councilmanic District

Legal Owner: Beverly LeRoy Bray, Jr. & Susan Carol Bray

Special Hearing to approve a legal non-conforming three family dwelling.

HEARING: Tuesday, March 24, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon". Below the signature is the handwritten word "scj".

Arnold Jablon
Director

c: David A. Carney, Esquire
Susan & Beverly Bray, Jr.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 9, 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

David A. Carney, Esq.
Reese and Carney, LLP
10715 Charter Drive
Columbia, MD 21044

RE: Item No.: 308
Case No.: 98-308-SPH
Petitioner: Beverly and Susan Bray

Dear Mr. Carney:

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 18, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



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: March 9, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for March 9, 1998
 Item No. 308

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

RWB:HJO:jrb

cc: File

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

TO: PDM

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

SUBJECT: Zoning Advisory Committee
Meeting Date: March 2, 98

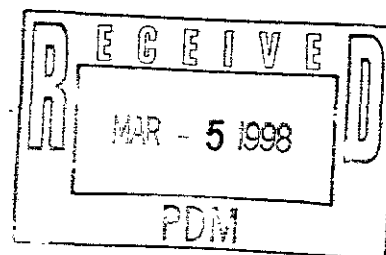
DATE: 3/2/98

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

Item #'s: 308

RBS:sp

BRUCE2/DEPRM/TXTS8P





Baltimore County
Fire Department

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

March 11, 1998

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

RE: Property Owners: BEVERLY LEROY SPAY, JR. AND SUSAN CAROL BRAY

Location: DISTRIBUTION MEETING OF MARCH 2, 1998

Item No.: 308 Zoning Agenda:

Gentlemen:

Pursuant to our 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.

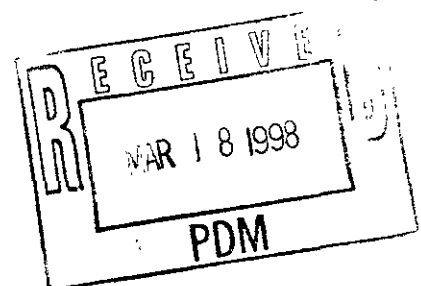
1. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

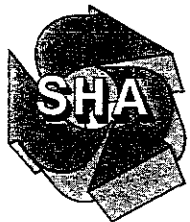
REVIEWER: LT. ROBERT P. SAUERWALD

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
Item No. 308

2/25/98
JCM

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

Sign
3/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 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. 308

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 M. Long

Division Chief: Garry L. Kerns

AFK/JL

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
17 Beaumont Avenue, W/S Beaumont Ave, *
125' S of c/l Summit Ave * ZONING COMMISSIONER
1st Election District, 1st Councilmanic * OF BALTIMORE COUNTY
Beverly LeRoy Bray, Jr. and Susan C. Bray *
Petitioners * CASE NO. 98-308-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 20th day of March, 1998, a copy of the foregoing Entry of Appearance was mailed to David A. Carney, Esq., Reese and Carney, 10715 Charter Drive, Columbia, MD 21044, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

AFFIDAVIT

2

1. I, Regina Hoffman, am 89 years of age and am competent to testify and provide this Affidavit on personal knowledge. I reside at 13 Overhill Road, Catonsville, Maryland. It is my understanding that this Affidavit is being used in a proceeding in Baltimore County, Maryland to establish the use of 17 Beaumont Avenue for the period from January 2, 1945 and thereafter.
2. I was the owner and resident of 15 N. Beaumont Avenue and adjacent property to 17 N. Beaumont Avenue in Catonsville, Maryland for 18 years at which time my family and I moved from that location.
3. I moved to my property, with my family, in approximately October of 1944. At that time 17 N. Beaumont Avenue was owned and occupied by George Drexel. Shortly thereafter, Mr. Drexel sold the property to Mr. and Mrs. James Griffin whose ownership continued into the early 1960's.
4. At all times that I resided next door to 17 N. Beaumont Avenue, that property was used for three separate apartments.

I SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge that the contents of this Affidavit are true.

Conwell H. Sapp

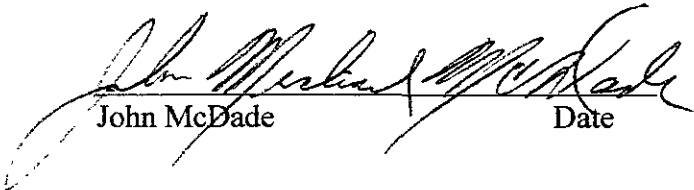
Regina M. Hoffman
Regina Hoffman

AFFIDAVIT

I, **JOHN MCDADE**, am 44 years of age, competent to testify, and provide this Affidavit on personal knowledge. It is my understanding that this Affidavit is being used in a proceeding in Baltimore County, Maryland to establish the use of 17 N. Beaumont Avenue for the period from January 2, 1945 and thereafter.

2. I have resided at 7 N. Beaumont Avenue for my entire life, and am familiar with the property located at 17 N. Beaumont Avenue. My recollection goes back to the period when Mr. and Mrs. James Griffin resided at 17 N. Beaumont, and I know that from at least 1962 to the present, that the property at 17 N. Beaumont Avenue has been in continuous use as a three family dwelling containing three apartments.

I SOLEMNLY AFFIRM under the penalties of perjury and upon personal knowledge, that the contents of this Affidavit are true.

 3/23/98
John McDade Date

App. H- 96106

This Deed, Made this 14th day of JUNE, in the year one thousand nine hundred and ----seventy-eight-----, by and between ✓SIDNEY L. JONES and ✓GRACE R. JONES, his wife, parties of the first part, Grantors; and ✓BEVERLY LeROY BRAY, JR. and ✓SUSAN CAROL BRAY, his wife, parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple, all -----

----- t h a t ----- lot(s) of ground
situate in the County of Baltimore,
in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same on the west side of Beaumont Avenue at a point distant 978-1/2 feet northerly from the northwest intersection of said avenue and the Frederick Turnpike Road and running thence binding on the west side of said avenue as the needle now bears North 29 degrees West 100 feet and thence South 66-1/4 degrees West 200 feet thence parallel with Beaumont Avenue South 29 degrees East 100 feet and thence North 66-1/4 degrees East 200 feet to the place of beginning. The improvements thereon being known as No. 17 Beaumont Avenue.

BEING the same lot of ground described in a Deed dated July 26, 1976 and recorded among the Land Records of Baltimore County in Liber EHK, JR No. 5659, folio 498, from Joseph M. DePasquale and Maret E. DePasquale, his wife to the within named Grantors.

0021*** 2794400 01-51 1976
0022*** 2794400 01-51 1976
0023*** 2794400 01-51 1976
0024*** 2794400 01-51 1976

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

WITNESS:

Doris M. Daniel
DORIS M. DANIEL

Sidney L. Jones [Seal]
SIDNEY L. JONES

Christine Summers
CHRISTINE SUMMERS

Grace R. Jones [Seal]
GRACE R. JONES

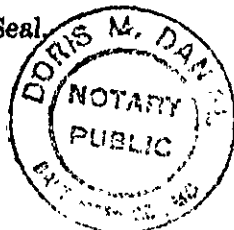
State of Maryland, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 14th day of JUNE, 1978, before me, a Notary Public of the State aforesaid, personally appeared

----- SIDNEY L. JONES -----

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal



Doris M. Daniel
DORIS M. DANIEL Notary Public
My commission expires: July 1, 1978.

STATE OF ALABAMA, *Madison County*, TO WIT:

I HEREBY CERTIFY, that on this *22* day of *May*, 1978, before me, a Notary Public of the State aforesaid, personally appeared GRACE R. JONES, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

My Commission expires: ~~July 1, 1978.~~

5-1-82

Christine Summers
CHRISTINE SUMMERS
NOTARY PUBLIC
RECEIVED & RECORDED
IN *Land Records*
CIRCUIT COURT FOR
BALTO. CO.
'78 JUN 15 PM 2:27
LIBRE *0899*
FOLIO *099*

BALTIMORE COUNTY,
STATE OF MARYLAND
THE TITLE GUARANTEE COMPANY

DEED

FROM

TRANSFERRED

SIDNEY L. JONES and

6-15-78

GRACE R. JONES, his wife

DATE TO

BEVERLY LEROY BRAY and

SUSAN CAROL BRAY, his wife

RETURN TO:
THE TITLE GUARANTEE COMPANY
ST. PAUL & LEXINGTON STS.
BALTIMORE 2, MD.

Cost of Record, \$ *13.00*

Stamps, U. S. \$ *99* Md. \$ *342.00*
Application No. H-96106

Written by MPY/cdw

Approved by *Ray*

Ready for Record *RS*

Consideration: \$85,200

11290 County - \$1278

1090 State - 426

Buy No. 01-13-207090

1977-78 Taxes Paid

SEND FUTURE BILLS TO:
grantees

ADDRESS: *17 Beaumont Ave,*
Balls' Md. 21228

RETURN TO:
THE TITLE GUARANTEE CO.
ST. PAUL & LEXINGTON STS.
BALTIMORE 2, MD.

426

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

CHARLES CAMP

15 N BEAUMONT AVE

CATONSVILLE, MD 21228

Douglas Helfman

11 N. Beaumont Ave, Catonsville 21228

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

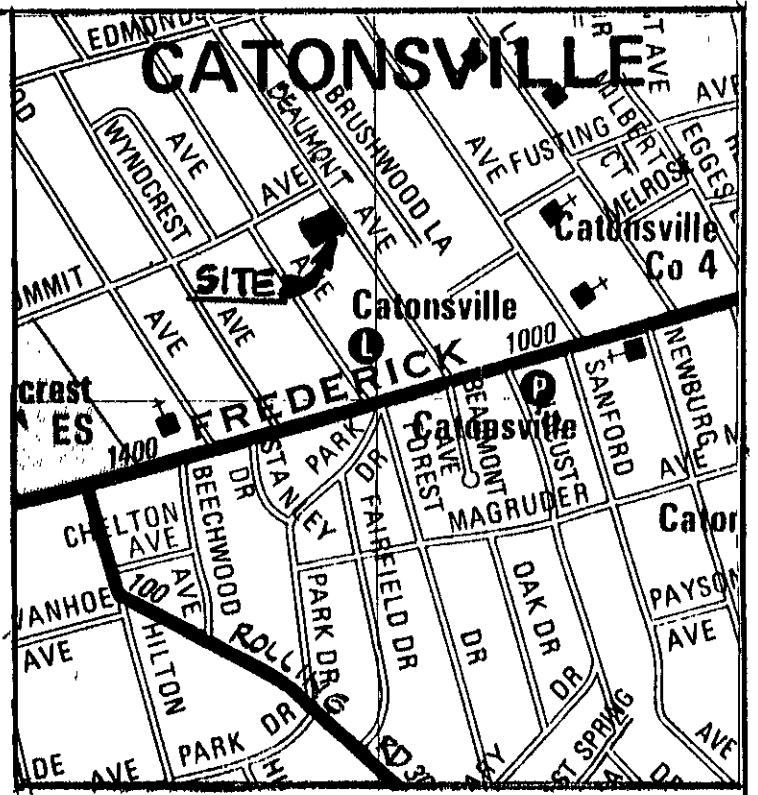
DAVID CARNEY, Attorney
BEVERLY LEROY BRAY -
SUSAN BRAY
Linda McNade Lirocchi

10715 Charter Dr, Columbia, MD
12233 Etnahison Rd, Ellicott City
12233 Etnahison Rd. EC. 21042
9397 Parsley Ln, EC. 21042



NOTES:

1) ZONING: Parcel is currently Zoned DR 2 based on a 1990 Zoning Map Change 1992 Zoning Map shows parcel zoned DR 3.5



VICINITY MAP

1" = 1000'

BEAUMONT AVENUE

FIRE HYDRANT

8" SANITARY SEWER

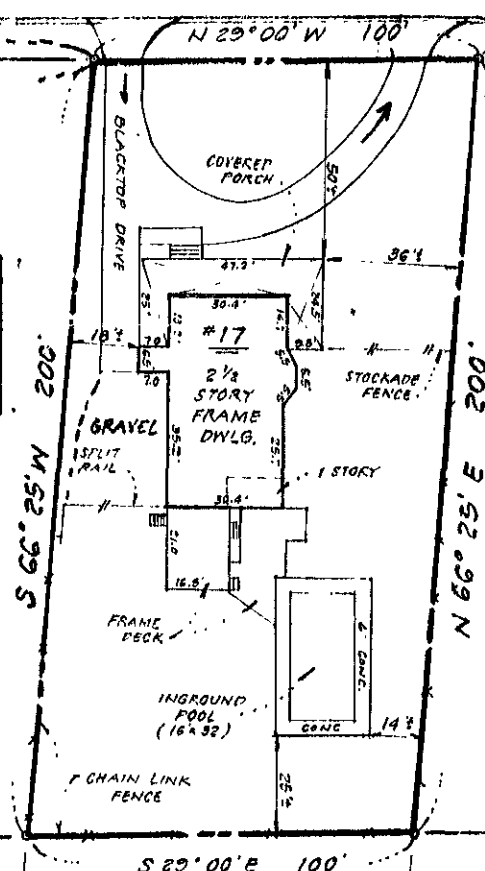
8" WATER

50' R/W

NORTH

SUMMIT AVENUE
(50' R/W)

GREGORY & JULIA
ALEXANDER
L. 8684/F. 191

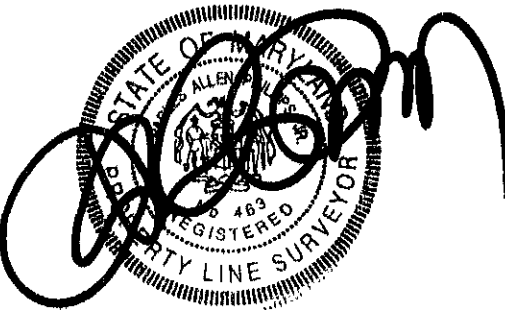


JOHN & ANDREA CAMP
L. 8228/F. 624

FREDERICK ROAD
R/W

ROBERT & ANN CROOM
16 OSBOURNE AVE.
LIBER 9286/280

PARCEL AREA = 20,000 S.F.
BLDG. FOOTPRINT = 1715 S.F.
EXISTING RESIDENTIAL STRUCTURE
TOTAL BLDG. AREA = 4791 S.F.
REC. IN DEED LIBER 5897, FOLIO 099



OWNER:

MR. ROY BRAY & MRS. SUSAN BRAY
12233 ETCHISON RD.
ELLICOTT CITY, MD 21042

PREPARED BY:

CAP LOCATIONS
410 456 3373

308

PLAN TO ACCOMPANY ZONING HEARING

17 BEAUMONT AVENUE

1ST ELECTION DISTRICT

1ST COUNTY COUNCIL DIST.

BALTIMORE COUNTY, MD

Scale: 1" = 50'

Date: 2-16-98

98-308-SPH