

IN RE: PETITION FOR SPECIAL HEARING
E/S Second Avenue, 520' S of
the c/l of Francis Avenue
(5721 Second Avenue)
13th Election District
1st Councilmanic District

Charles Murphy, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-364-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 Charles and Marie Murphy, owners of the subject property, located at 5721 Second Avenue in Halethorpe. The Petitioners seek approval of two dwelling units (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 Charles and Marie Murphy, owners of the subject property, Kenneth Wells, Registered Property Line Surveyor who prepared the site plan for this property, Robert C. Brown, a former tenant of the subject property, and Julius W. Lichter, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 5,193 sq.ft., more or less, zoned D.R. 5.5 and is improved with a two-story frame duplex dwelling which contains two apartments. The Petitioners purchased the subject property in 1976 from Mr. & Mrs. Ira Brown, who are Robert Brown's parents. Testimony indicated that Mr. Brown's parents owned the subject property from 1928 until 1976 and that his father

ORDER RECEIVED
Date _____
By _____

converted the dwelling into two apartments in 1952. Robert Brown testified that he was one of the first tenants of one of the apartments. Mr. & Mrs. Murphy purchased the subject property from the Browns in 1976 and have continued to lease the property as two separate apartments since that time. Testimony and evidence presented at the hearing overwhelmingly support the fact that this house was converted into two apartments in 1952 and that such use has been continuous and without interruption since that time.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject 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 1955.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject 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 this property 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."

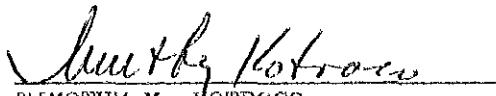
McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since 1952, and as such, enjoys a legal nonconforming use.

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 June, 1998 that the Petition for Special Hearing seeking approval of two dwelling units (apartments) on the subject property as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. ROTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/11/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

June 11, 1998

Julius W. Lichter, Esquire
The Law Offices of Peter Angelos
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
E/S Second Avenue, 520' S of the c/l of Francis Avenue
(5721 Second Avenue)
13th Election District - 1st Councilmanic District
Charles Murphy, et ux - Petitioners
Case No. 98-364-SPH

Dear Mr. Lichter:

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. Charles Murphy
1726 Arlington Avenue / Relay, Md. 21227
People's Counsel; Case Files



Petition for Special Hearing
[continuation sheet]

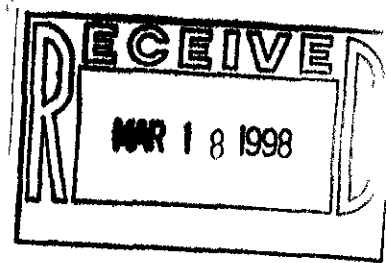
LEGAL OWNERS: **CHARLES AND MARIE MURPHY**

Property Address: **5721 Second Avenue**

Special Hearing Requested:

- to approve and confirm existing valid non-conforming use for two (2) dwelling units in lieu of one (1) dwelling unit and such other and further relief as may be necessary.

ORDER RECEIVED FOR FILING
Date 6/11/15
By [Signature]





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

5721 Second Avenue

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & 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

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Julius W. Lichter

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 410-825-7300

Address

Phone No.

Towson, Maryland

21204

City

State

Zipcode

Legal Owner(s):

Charles Murphy

(Type or Print Name)

Signature

Maria Murphy

(Type or Print Name)

Signature

1726 Arlington Avenue

Address

(410) 244-4507

Phone No.

Relay, Maryland 21227

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

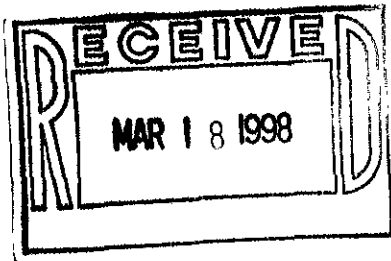
REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING
6/11/98
98-364-SPH

DROP-OFF
NO REVIEW
4/3/98 wa
98-364-SPH





770-909J
W31039 OCA
NW 8P/E/H

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Telecopier: (410) 817-4329
email: kjWellsInc@men.com

7403 New Cut Road
Kingsville, Md. 21087-1132

2/19/98

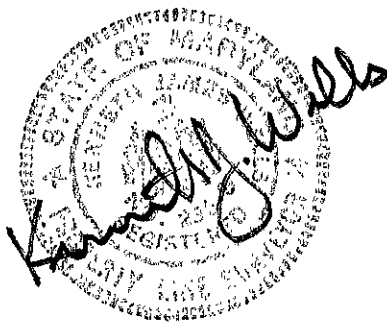
ZONING DESCRIPTION

5721 Second Avenue
13th Election District
1st Councilmanic District

Beginning at a point on the east side of Second Avenue which is 40 feet wide at a distance of approximately 515 feet south of the centerline nearest improved intersecting street, Francis Avenue, which is 40 feet wide.

Being a portion of Lot 67 in the subdivision of "West Halethorpe" as recorded in Baltimore County Plat Book 5 folio 42.

Containing 5,193 square feet of land more or less.



98-364-SPH

kjWellsInc
Land Surveying and Site Planning

Telephone: (410) 592-8800
Telecopier: (410) 817-4329
email: kjWellsInc@msn.com

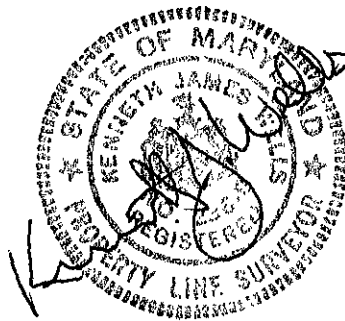
7403 New Cut Road
Kingsville, Md. 21087-1132

5/15/98

**ZONING DESCRIPTION
OF
5721 SECOND AVENUE
BALTIMORE COUNTY
MARYLAND**

Beginning at a point on the east side of Second Avenue (40 feet wide) at a distance of 520 south from the centerline of Francis Avenue (50 feet wide) thence easterly 115.00 feet; thence southwesterly 115.00 feet; thence with a line curving to the right having a radius of 115.00 feet and an arc length of 90.32 feet to the place of beginning. Containing 5,193 square feet of land more or less.

Being a part of Lot 67 as shown on a plat entitled "West Halethorpe" and recorded in Plat Book 5 folio 42.



**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: #98-364-SPH
5721 Second Avenue
NE/S Second Avenue, 515' S
of Francis Avenue
13th Election District
1st Councilmanic District
Legal Owner(s):

Charles Murphy & Marie
Murphy

Special Hearing: to approve
and confirm existing valid
non-conforming use for 2
dwelling units in lieu of 1
dwelling unit and such other
and further relief as may be
necessary.

Hearing: Monday, May 18,
1998 at 11:00 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 concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

4/540 April 30 c224700

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/30, 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 4/30, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048724

DATE 4/3/98 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Charles & Marie Murphy

FOR: #040 -- SPECIAL HEARING

5721 SECOND AVENUE

DROP-OFF --- NO REVIEW

ITEM #364
CASE #98-364-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
4/07/1998 4/06/1998 15:30:00

RE: MS01 CASHIER CLIM CHL DRAWER 1

5 MISCELLANEOUS CASH RECEIPT

Receipt # 044606

CR NO. 048724

UFLH

250.00 CHECK: FN

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-364 SPH

Petitioner/Developer: CHAS. MURPHY, ETAL

9/0 JULES LICHTER

DINO LAFIANDRA (P.G.A.)

Date of Hearing/Closing: 5/18/98

@ 11:00 AM

RM-407

CCB

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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 # 3721 SECOND AVE

The sign(s) were posted on 5/3/98
(Month, Day, Year)

Sincerely,

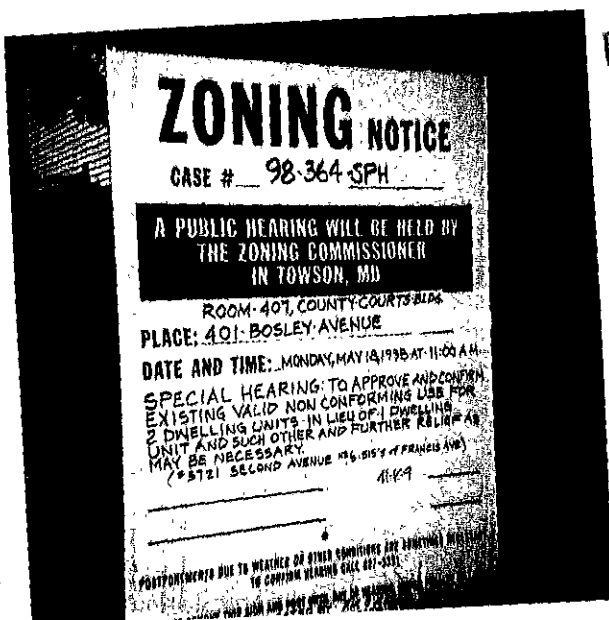
Patrick M. O'Keefe 5/10/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



98-364 SPH
3721 SECOND AVE
5/18/98

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5721 Second Avenue, NE/S Second Ave, *
515' S of Francis Avenue * ZONING COMMISSIONER
13th Election District, 1st Councilmanic * OF BALTIMORE COUNTY
Charles and Marie Murphy *
Petitioners * CASE NO. 98-364-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 5th day of May, 1998, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esq., 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

April 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: 98-364-SPH
5721 Second Avenue
NE/S Second Avenue, 515' S of Francis Avenue
13th Election District - 1st Councilmanic District
Legal Owner: Charles Murphy & Marie Murphy

Special Hearing to approve and confirm existing valid non-conforming use for 2 dwelling units in lieu of 1 dwelling unit and such other and further relief as may be necessary.

HEARING: Monday, May 18, 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", with a small mark below it.

Arnold Jablon
Director

c: Julius W. Lichter, Esquire
Marie & Charles Murphy

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 3, 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
April 30, 1998 Issue - Jeffersonian

Please forward billing to:

Julius W. Lichter, Esquire 410-825-7300
Court Towers, Suite 515
210 W. Pennsylvania Avenue
Towson, MD 21204

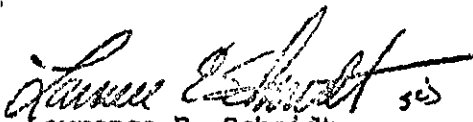
NOTICE OF ZONING HEARING

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: 98-364-SPH
5721 Second Avenue
NE/S Second Avenue, 515' S of Francis Avenue
13th Election District - 1st Councilmanic District
Legal Owner: Charles Murphy & Marie Murphy

Special Hearing to approve and confirm existing valid non-conforming use for 2 dwelling units in lieu of 1 dwelling unit and such other and further relief as may be necessary.

HEARING: Monday, May 18, 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

April 3, 1998

Julius W. Lichter, Esquire
Law Offices of Peter G. Angelos
Court Towers, Suite 515
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #364)
5721 Second Avenue
13th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

WCR/scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



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. 98-364-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE AND
CONFIRM EXISTING NON-CONFORMING USE FOR
2 DWELLING UNITS IN LIEU OF 1 AND SUCH
OTHER AND FURTHER RELIEF AS MAY BE
NECESSARY.

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

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

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

May 13, 1998

Julius W. Lichter, Esq.
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 364
Case No.: 98-364-SPH
Petitioner: Charles and Marie
Location: 15721 Second Avenue

Dear Mr. Lichter:

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 April 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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



INTEROFFICE CORRESPONDENCE

Date: April 24, 1998

SUBJECT: Zoning Advisory Committee Meeting
for April 20, 1998
Item No. 364

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/sp*
Permits and Development Review
DEPRM

DATE: *April 14, 98*

SUBJECT: Zoning Advisory Committee
Meeting Date: *April 13, 98*

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

Item #'s:

363

364

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 20, 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. 364

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.

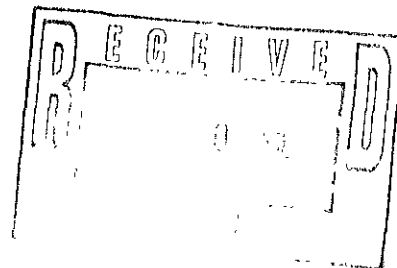
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL





Baltimore County
Fire Department

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

April 13, 1998

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 April 13, 1998

Item No.: See Below Zoning Agenda:

Gentlemen:

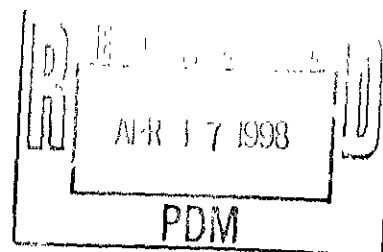
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

363 and 364

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 4-7-91
Item No. 364 WCR

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,

L. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

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

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

x Robert C. Brown
AFFIANT (Handwritten Signature)

x ROBERT C. BROWN
AFFIANT (Printed Name)

x 5465 KERGER RD. ELL CITY
ADDRESS (Printed) MD. 21043

x 410-465-4052
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 5721 Second Avenue, Baltimore, MD has been occupied as a 2 apartment dwelling since SPRING, 1952? YES
(address) (month) (year) (2, etc.) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since SPRING, 1952? YES
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? No*
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 2 day of February, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ROBERT C. BROWN, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Suzanne L. Biermann
NOTARY PUBLIC
My Commission Expires 9/14/99

Revised 9/5/95

PETITIONER'S REPORT
JA

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Keith R. Cooper
AFFIANT (Handwritten Signature)

KEITH R. COOPER
AFFIANT (Printed Name)

1304 BLACKWALNUT CT
ADDRESS (Printed)
ANNAPOLIS MD
21403

(4) 410-263-6758
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 5721 Second Ave Hatethorpe, Md has been occupied as a 2 apartment dwelling since - 1952? YES.
(address) (month) (year) (2, etc.) (answer)

2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since - 1952? YES.
(month) (year) (answer)

3. Will you realize any gain from the sale of this property? No *
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 3rd day of February 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Keith Cooper, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Arthur J. John
NOTARY PUBLIC
My Commission Expires April 1, 2001

28

LAW OFFICES
PETER G. ANGELOS
A PROFESSIONAL CORPORATION

PETER G. ANGELOS (MD, D.C., TN, NY)
H. RUSSELL SMOUSE (MD)
THOMAS MINKIN (MD, D.C., TN)
THEODORE W. HIRSH (MD)
EDWARD P. MONAGHAN (MD, PA)
GARY J. IGNATOWSKI (MD, D.C., TN, NY)
R. BRUCE MCELHONE (MD, PA, D.C., NY)
ARMAND J. VOLTA, JR. (MD, D.C.)
GEORGE A. WEBER, III (MD, D.C., TN, PA, NY)
DAVID L. PALMER (MD, D.C.)
EDWARD J. LILLY (MD)
MICHAEL T. WARD (DE, VA, MD)
PATRICIA J. KASPUTYS (MD, D.C.)
BRUCE C. HILL (MD)
ANDREW M. CANTOR (MD, D.C.)
FREDERICK H. OURST (MD, D.C.)
THOMAS C. SUMMERS (MD, D.C.)
THEODORE M. FLERLAGE, JR. (MD)

COUNSEL
FANNIE ANGELOS (MD, D.C.)
THOMAS L. SAMUEL (MD, VA)
NORMAN R. STONE, JR. (MD)
THOMAS V. FRIEDMAN
(1929-1997)

JOSEPH L. JOHNSON (MD)
ROGER A. DOUMAR (MD)
WILLIAM D. POLAND, JR. (PA, WV, MD, NY)
CHARLES A. CANDON (MD, D.C., TN)
LOUISE A. LOCK (MD, D.C.)
JAMES T. FITZGERALD (PA, NJ)
STEVEN W. SMITH (MD, D.C.)
THOMAS P. KELLY (MD, D.C.)
RONALD E. RICHARDSON (MD, D.C.)
KATHLEEN D. HADLEY (DE)
JOSEPH A. VANSANT (MD, PA, D.C.)
BESSIE S. DEMOS (MD, D.C.)
KENNETH D. PACK (MD, D.C.)
JEFFREY G. MOYER (PA, NY)
FREDERIC M. BRANDES (MD)
RICHARD E. WALDT (MD)
SCOTT SHELLENBERGER (MD, D.C.)
E. DAVID HOSKINS (MD, NY, D.C.)

PHILADELPHIA, PENNSYLVANIA
HARRISBURG, PENNSYLVANIA
PITTSBURGH, PENNSYLVANIA

FRANCES M. ANGELOS (MD, FL)
JOHN C. M. ANGELOS (MD, D.C.)
GREGORY R. SMOUSE (MD)
DAVID G. BOLGIANO (MD, D.C.)
KEVIN E. O'NEILL (MD)
STEPHEN J. HOLMES (MD)
PAUL M. MATHENY (MD)
MARK P. RYSCAVAGE (MD, CA)
MIKE G. NASSIOS (TN)
RANDALL E. REAGAN (TN)
TIMOTHY M. McLAUGHLIN (TN)
KEITH E. HAYNES (MD)
VASILIKI P. SZCZESNY (MD)
MICHAEL B. GILLAND (MD)
GREGORY N. BUNITSKY (PA, NJ)
JERE F. OWNBY (TN)
CYNTHIA G. BOYLE (DE)
THOMAS C. SIMONES (PA, D.C.)

ALLENTOWN, PENNSYLVANIA
WILMINGTON, DELAWARE
KNOXVILLE, TENNESSEE

EDWARD V. REEVES (PA)
BRIAN J. TAYLOR (PA)
MARLA A. MACEY (PA, NJ)
GARY M. MINTZ (PA, NJ, NY)
ELIZABETH H. MOYSE (D.C., MD)
BRIAN S. McNAIR (MD)
J. ROBERT WARREN, II (FL, IL, LA)
WILLIAM G. MINKIN (MD)
ANTHONY N. FORCINA (DE, PA)
KURT M. MUELLER (MD)
EVAN J. FELDMAN (MD)
JEFFREY J. UTERMÖHLE (MD, D.C.)
MARLO A. TROTTA (MD)
HELLEN HARLSTON (MD, NC)
J. MICHAEL SAWYERS (VA)
ANDREW T. THEOBALD (PA)
CLEOPATRA PAPPAS (MD, NY)

ONE CHARLES CENTER
100 N. CHARLES STREET
22ND FLOOR
BALTIMORE, MD 21201-3812
410-659-0100
(800) 252-6622
FAX 410-659-1780, B1 82
UNION PARK CENTER
5905 HANFORD ROAD
BALTIMORE, MD 21214-1846
410-426-3200
(800) 492-3240
FAX 410-426-1269

COURT TOWERS, SUITE 515
210 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204
410-925-7300
(800) 675-9708
FAX 410-296-2541

STEELWORKERS' HALL
640 DUNDALK AVENUE
BALTIMORE, MD 21224 2997
410-633-8100
FAX 410-633-0480

CENTERPARK II
SUITE 315
4061 POWDER MILL ROAD
BELTSVILLE, MD 20708-3149
(800) 537-8261
FAX 301-937-5738

63 HENDERSON AVENUE
CUMBERLAND, MD 21502 2452
301-759-2700
FAX 301-759-2703

201 S. CLEVELAND AVENUE
HAGERSTOWN, MD 21740-5745
301-739-4000
FAX 301-739-3848

Court Towers, Suite 515
210 West Pennsylvania Avenue
Towson, Maryland 21204
410-825-7300

REPLY TO _____

March 31, 1998

HAND DELIVERED

Arnold Jablon, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Charles J. & Marie Murphy
Property: 5721 Second Avenue

Dear Mr. Jablon:

With regard to the above Petition for Special Hearing, you will find the following:

1. Three (3) copies of the Petition executed by the owners and myself as attorney;
2. Twelve (12) copies of the plat to accompany the Petition;
3. One (1) copy of 200 scale portion of 8W6-D zoning map;
4. Three (3) copies of the zoning description; and
5. My client's check in the amount of \$250.00 for the filing fee.

JLL Review
Violation 106939
9852
98-364-SPH

LAW OFFICES
PETER G. ANGELOS

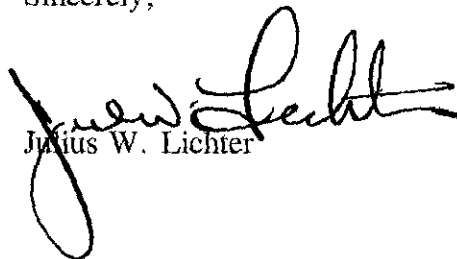
Arnold Jablon
March 31, 1998
Page 2

The enclosures were reviewed with John Lewis of your office on March 11, 1998, and deemed to be in order and ready for filing.

The property is the subject of a Violation Notice - 106939, and designated as Case No. 9852. The violation notice was issued by Inspector Derek Propolis of your office.

Please refer all correspondence and communication with regard to this matter to me.

Sincerely,


Julius W. Lichter

JWL/bw
Enclosures

cc: Mr. and Mrs. Charles Murphy w/o enclosures
Mr. Derek Propolis w/o enclosures



Baltimore County
Department of Permits and
Development Management

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

April 22, 1998

Julius W. Lichter, Esquire
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #364)
5721 Second Avenue
13th Election District

Dear Mr. Lichter:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. The description is incomplete as it calls out a portion of lot 67; this means that subdivision has occurred since plat recordation and a metes and bounds description is therefore necessary.
2. See the zoning residential lot checklist concerning description requirements.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:rye

Enclosure (receipt)

c: Zoning Commissioner



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

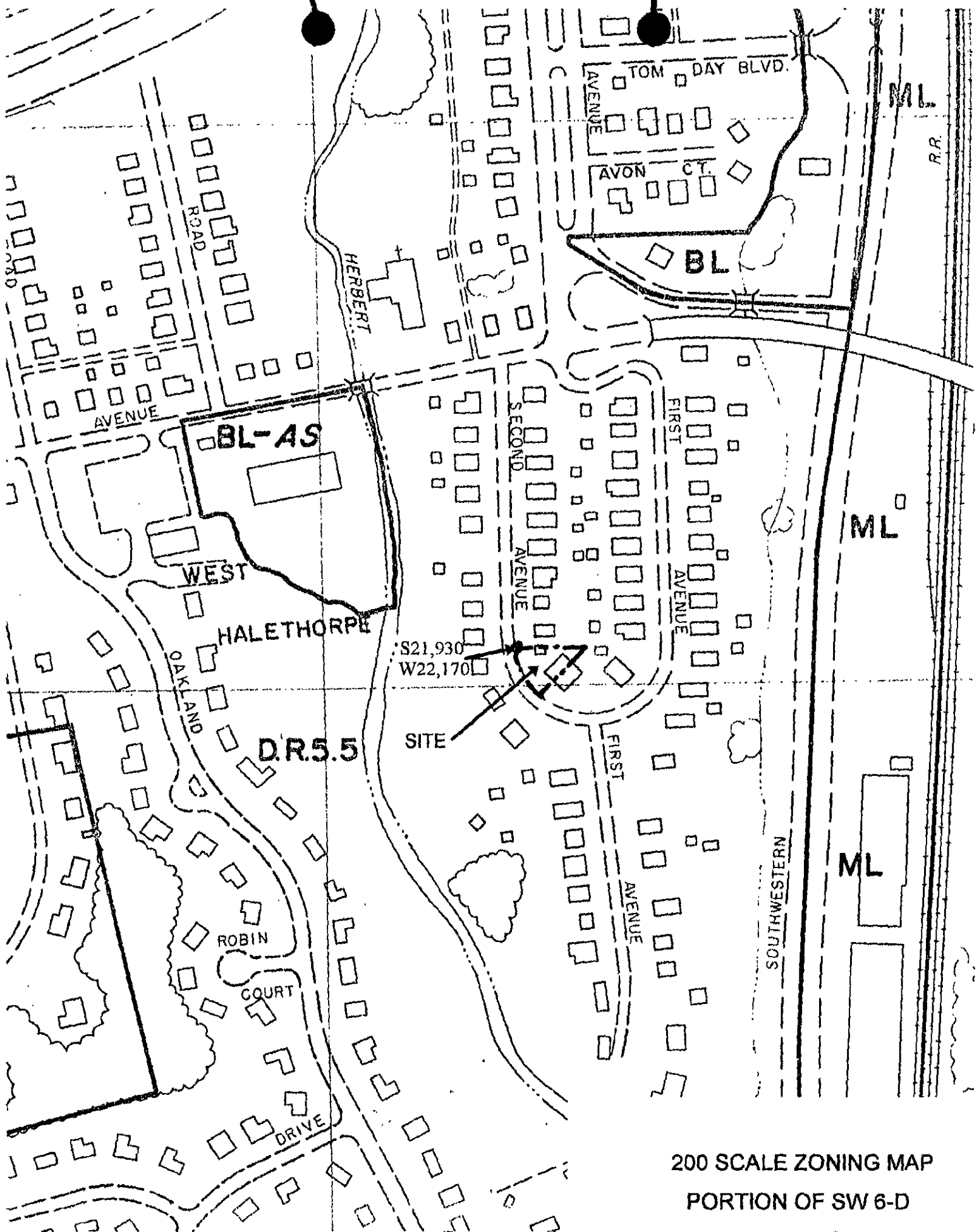
NAME

ADDRESS

Kenneth Wells
Charles J. Murphy
Marie Lepesha Murphy
Robert C. Brown
Julius W. Hinton

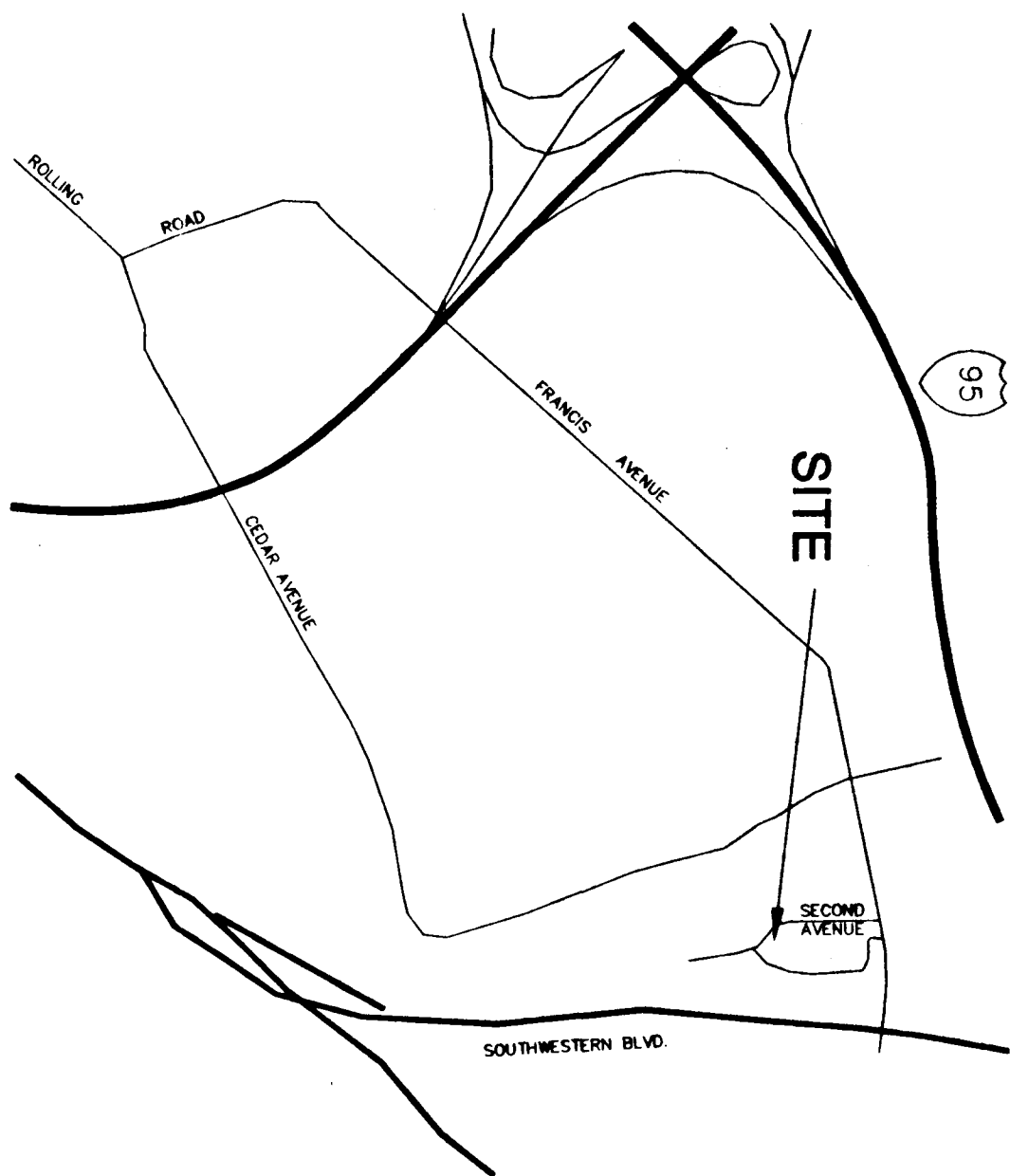
7403 New Cut Rd Kingsville, Md.
1726 ARLINGTON AVE., RELAY, MD.
1726 Arlington Ave, Relay, Md.
5465 KERBER RD, ELLICOTT CITY MD.
210 W. PENNSYLVANIA AVE 21204





98.364-SPH

VICINITY MAP
SCALE: 1" = 1000'



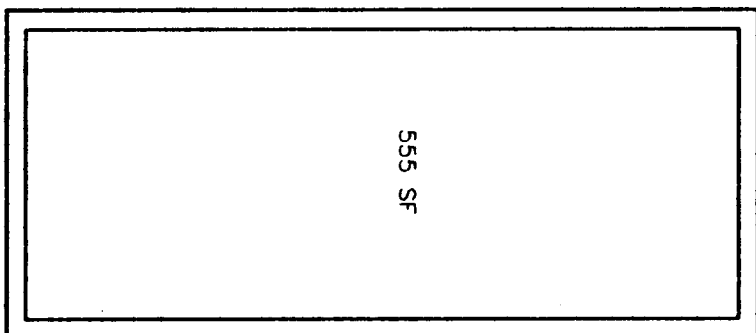
LOCATION INFORMATION:

- 1) COUNCILMANIC DISTRICT: 141
- 2) ELECTION DISTRICT: 13th
- 3) 1"=200 SCALE MAP NO.: S.W. 6-D
- 4) ZONING: DR 5.5 ACRES/5,193 SQUARE FEET
- 5) LOT AREA: 10,386 SQ. FT.
- 6) PROPERTY SERVED BY PUBLIC WATER AND SEWER
- 7) PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- 8) PRIOR ZONING HEARINGS: NONE
- 9) OWNER: CHARLES AND MARIE MURPHY
- 10) SUBDIVISION NAME: WEST HALETHORPE PLAT BOOK 5/42 LOT 67
- 11) ASSESSOR'S MAP NO.: 5646/130
- 12) DEED REFERENCE: 5646/130

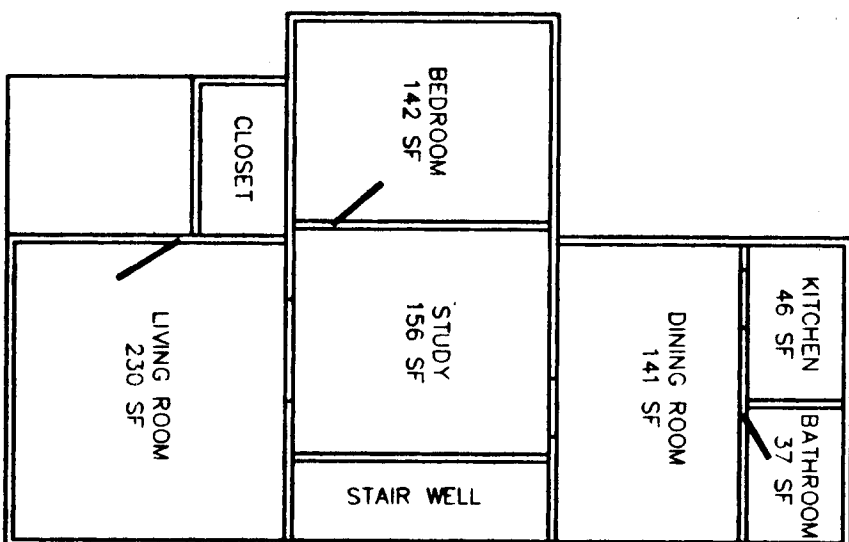
NOTES:

- 1) THE FLOOR PLANS WERE BASED ON INFORMATION PROVIDED BY THE OWNERS.
- 2) THE PROPERTY LINES SHOWN HEREON WERE NOT

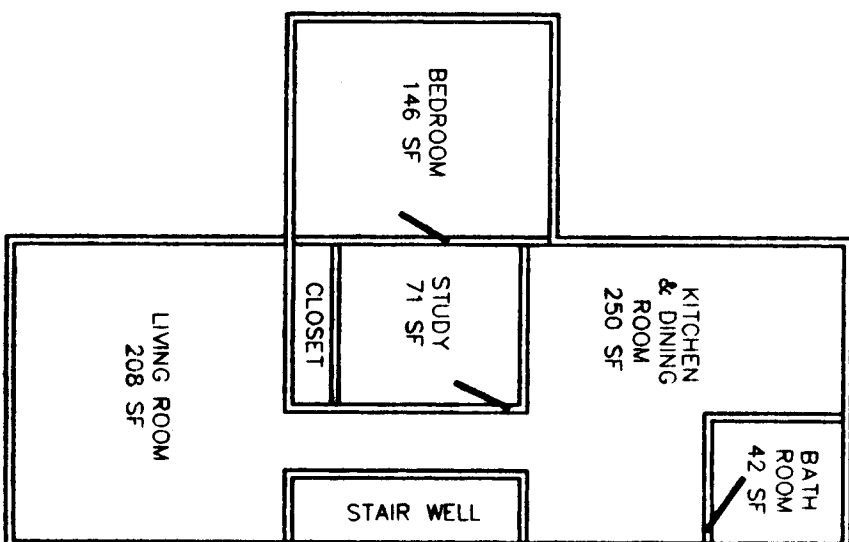
BASEMENT



FIRST FLOOR

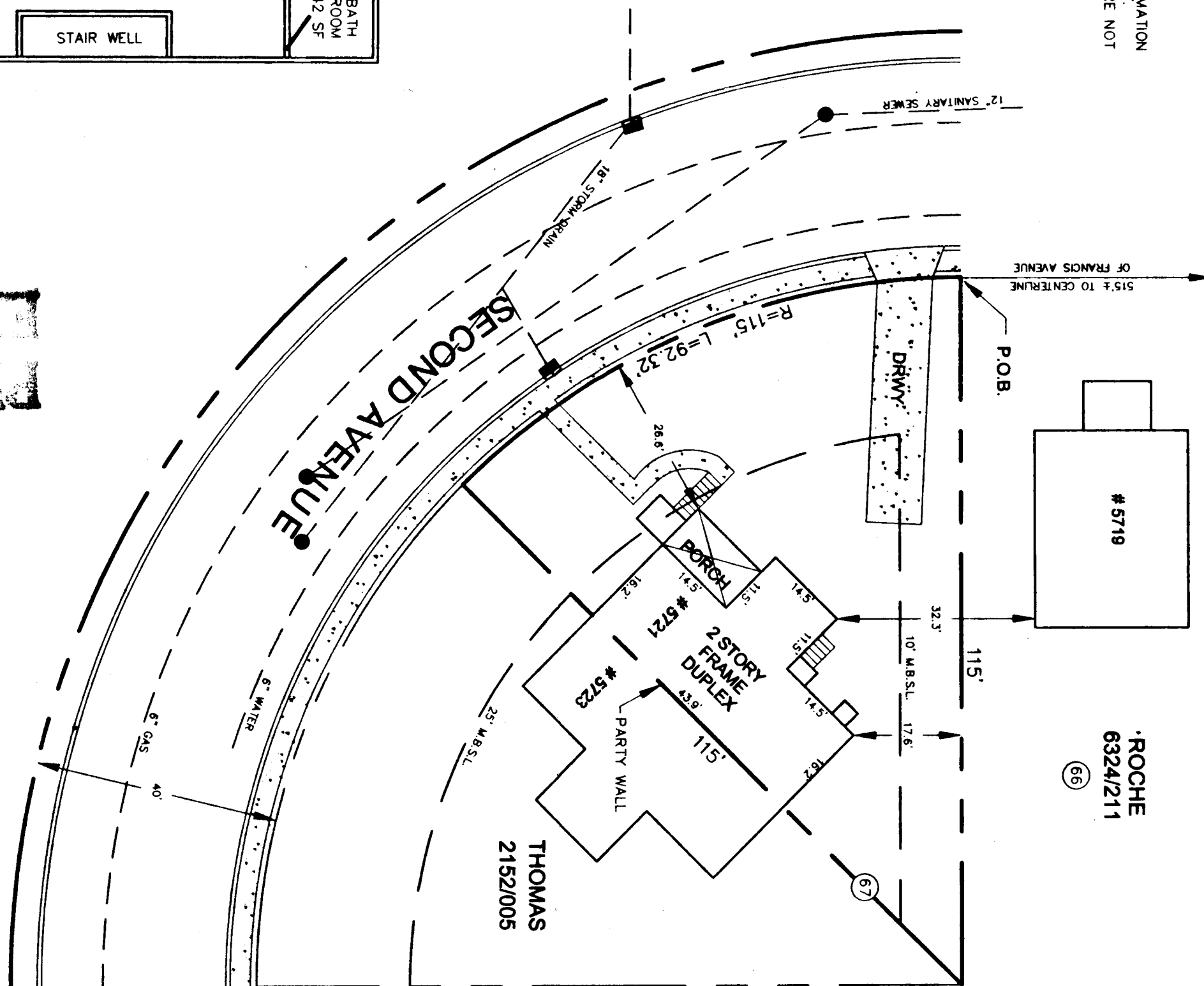


SECOND FLOOR



FLOOR PLANS
SCALE: 1" = 10'

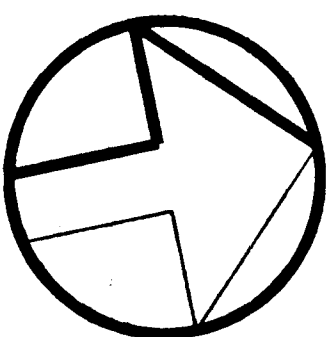
SITE PLAN
SCALE: 1" = 20'



THOMAS 2152/005

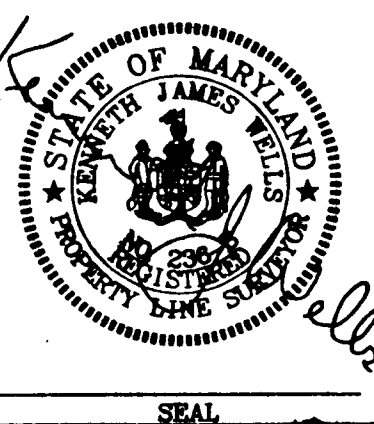
ZONING OFFICE USE ONLY		
REVIEWED BY:	ITEM #	CASE #

PLAT NORTH



PLAT TO ACCOMPANY
PETITION FOR ZONING
SPECIAL HEARING

5721 SECOND AVENUE
BALTIMORE COUNTY
MARYLAND



kjWellsIncsm

7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning

98-364-SPH