

IN RE: PETITION FOR SPECIAL HEARING
SW/Corner 1st Avenue and Francis Avenue
(5702 First Avenue)
13th Election District
1st Councilmanic District

Gregory Seidl
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-375-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Gregory Seidl, through his attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner seeks 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 into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Anita W. Happel, a long-time resident of the neighborhood, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. Appearing as interested persons/Protestants were Joseph P. Kinsey, President of the Halethorpe Improvement Association, Florence D. Norris, and Edith L. Foxwell.

An examination of the site plan reveals that the subject property consists of a gross area of .12 acres, zoned D.R.5.5, and is improved with a one and one-half story dwelling which is presently used as three apartments, and a detached garage. The site is irregularly shaped, with frontage on First Avenue, near Southwestern Boulevard in Arbutus. Testimony and evidence offered on behalf of the Petition was that Mr. Seidl does not reside on the property, but has owned the subject site since 1985. He resides in Washington, D.C., and presently leases the premises as three apartments. A copy of the floor plan of the dwelling and photographs submitted indicate that two apartments are located on the first floor and a single apartment is located on the second floor.

ORDER RECEIVED FOR FILING

Date 7/19/99

By [Signature]

Testimony and evidence indicated that the three-apartment use has continued without interruption since Mr. Seidl's acquisition of the site in 1985.

Ms. Happel noted that she has been familiar with the property for some time and traced the prior ownership of the property. She testified that Mr. William Caprey owned the property for approximately 12 years, from 1973 to 1985, and prior to that time, the property was owned for many years by members of the Kent family. Apparently, the house was built in 1922.

Additional testimony was presented by the Protestants/interested persons who appeared. Mr. Kinsey has lived in the neighborhood since 1963 and questioned whether the property has been used as three apartments since that time. Credible testimony was also received from Florence Norris who lives across the street from the subject site at 5707 First Avenue. Ms. Norris is 83 years of age and has lived in the neighborhood for many years. She testified extensively about the prior use of the property. Another long-time resident, Edith Foxwell, also testified. Ms. Foxwell has recollection of the property for many years and knew members of the Bruce family who resided there in the 1940s. In addition to the testimony briefly described above, numerous exhibits were received during the hearing, including affidavits, photographs, plats, deeds, and letters. All of this information constitutes the record of this case and has been considered.

The Petitioner requests designation of the use of the property as a legal, nonconforming three apartment dwelling. The term "nonconforming use" is defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.), and is regulated by Section 104 thereof. Essentially, the nonconforming use designation is utilized to legitimize an otherwise illegal use. The designation of a use as "nonconforming" will grandfather a specific use. That is, if a particular use pre-dates the date of the enactment of a regulation which prohibits that use, the use may remain as grandfathered, for so long as the use remains continuous and without interruption.

Persuasive testimony and evidence offered was that the property has been used as a two apartment dwelling on a continuous and uninterrupted basis since the early 1940s. It appears that the property was used as two apartments continuously since that time, and as a three-apartment

dwelling on a periodic basis. I was particularly persuaded by the testimony offered by Ms. Foxwell and Ms. Norris, both long-time residents of the community.

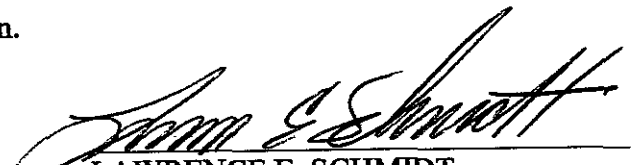
Baltimore County first enacted zoning regulations in 1945. In 1955, those regulations were repealed and a comprehensive set of regulations were enacted. The 1955 regulations, although amended through the years, remain in effect today. In this case, the applicant must show that the dwelling was used as three apartments continuously and without interruption since 1945 in order for a nonconforming use to be granted for three apartments. In my judgment, the Petitioner has not established that the property existed as a three-apartment dwelling in 1945 and that its use as such has been continuous and without interruption since that time. Based upon this finding, I am persuaded to grant a nonconforming use status for two apartments on the site and the Petitioner shall be required to remove the third apartment within 120 days of the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested in the special hearing shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1999 that the dwelling on the subject property has been used continuously and without interruption as a two-apartment dwelling since 1945, and as such, the relief requested in the Petition for Special Hearing is hereby GRANTED in part; and,

IT IS FURTHER ORDERED that the third apartment shall be removed within one hundred twenty (120) days of the date of this Order; and,

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 19, 1999

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/Corner First Avenue and Francis Avenue
(5702 First Avenue)
13th Election District – 1st Councilmanic District
Gregory Seidl - Petitioner
Case No. 99-375-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in part, 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: Mr. Gregory Seidl
1080 Wisconsin Avenue, Suite 3020, Washington, D.C. 20007
Mr. Joseph P. Kinsey, President, Halethorpe Improvement Assoc.
1519 Woodside Avenue, Baltimore, Md. 21227
Mrs. Florence D. Norris, 5707 First Avenue, Baltimore, Md. 21227
Mrs. Edith L. Foxwell, 5711 First Avenue, Baltimore, Md. 21227
People's Counsel; Case File

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5702 First Avenue, Arbutus, MD 21227

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 a non-conforming use for three apartment units in one dwelling

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.

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:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name) Gregory Seidl

Signature

Signature Gregory Seidl

Address

(Type or Print Name)

City State Zipcode

Signature
1080 Wisconsin Avenue, Suite 3020
Washington, D.C. 20007 410-995-3091

Address Phone No.

Attorney for Petitioner:

Francis X. Borgerding, Jr.

(Type or Print Name)

Washington, D.C. 20007

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

Francis X. Borgerding, Jr.

Name
409 Washington Ave., Ste. 600 410-296-6820

Address Phone No.
Towson, MD 21204

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1-2 hr
unavailable for Hearing

the following dates _____ Next Two Months
ALL ☒ OTHER

REVIEWED BY: mjk DATE 3/25/99

Signature

409 Washington Ave., Ste. 600

Address Phone No.

Towson MD 21204
City State Zipcode

City State Zipcode



99-375-SPH

ORDER RECEIVED FOR FILING

Date

By

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

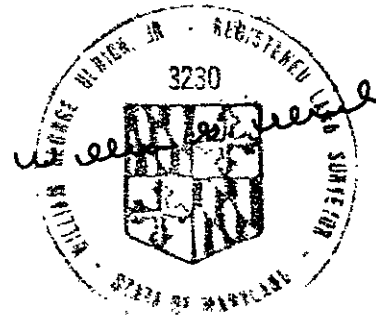
EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

March 11, 1999

**Zoning Description of #5702 First Avenue
13th Election District, Baltimore County, Maryland**

Beginning for the same at the intersection of the southernmost right of way line of Maryland Route 664 (Francis Avenue) and the westernmost right of way line of First Avenue as shown on the State Roads Commission Plat No. 6527 thence binding on the southernmost right of way line of (Francis Avenue) as shown on the above mentioned plat the three following distances, viz: 1) Westerly 65 feet, more or less, 2) Southwesterly 38 feet, more or less, and 3) Westerly 14 feet, more or less, to intersect the rear lot line of Lot 77 as shown on the aforesaid State Roads Commission Plat No. 6527 thence binding on Lot 77 as shown on the Plat of West Halethorpe, and recorded among the Land Records of Baltimore County in Plat Book No. 5, Folio 42, the three following distances, viz: 4) Southerly on a part of the rear lot line of Lot 77, 37 feet, more or less, to intersect the division line between Lots 77 and 76, as shown on said Plat, 5) Easterly binding on said division line, 115 feet, more or less, to the west side of First Avenue, (40 feet wide), and 6) Northerly binding on the west side of First Avenue, 50 feet to the point of beginning.

Containing 5334 square feet, more or less, or 0.12 Acre, more or less.



99.375.5PH #375

CERTIFICATE OF PUBLICATION

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: #99-375-SPH
5702 First Avenue
SW/S First Avenue, 120' SE of
centerline Francis Avenue
13th Election District
1st Councilmanic District
Legal Owner(s):

Gregory Seidl
Special Hearing: to approve
a non-conforming use for
three apartment units in one
dwelling.

Hearing: Tuesday, May 18,
1999 at 10:00 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 Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

4/5/99 April 29 C307868

TOWSON, MD.,

4/29/, 1999

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 4/29/, 1999

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 066410

DATE 3/25/99 ACCOUNT 01-6150

Item # 375
By MJK

AMOUNT \$ \$250.00

RECEIVED FROM: Gregory Seidl / Francis Burgerding, Jr.

FOR: Commercial Special Hearing (040) - 5702 First Ave - \$250.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL DATE
3/25/1999 3/25/1999 11:45:11
REG 4805 CASHIER LAMI LAM DRAWN
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 100405
OR NO. 066410
250.00 CHECK
Baltimore County, Maryland

99.375.SPH

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-375-SPH
PETITIONER/DEVELOPER:
[Gregory Seidl]
DATE OF Hearing
[May 18, 1999]

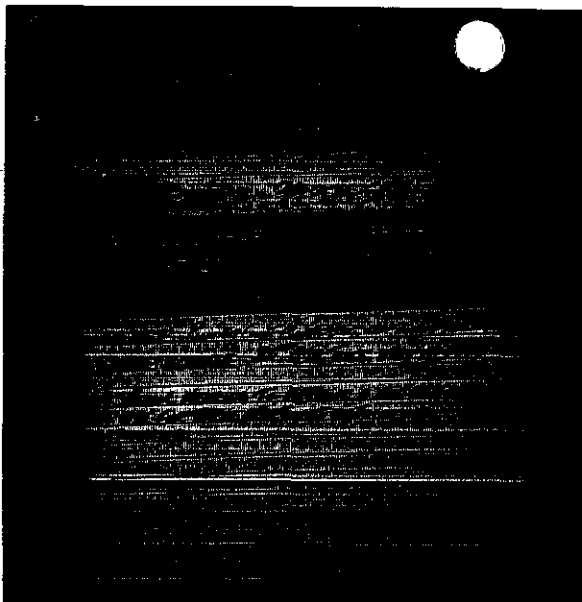
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
5702 First Ave. Baltimore, Maryland 21227 _____

The sign(s) were posted on _____ 4-28-99 _____
[Month, Day, Year]



Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]

RE: PETITION FOR SPECIAL HEARING
5702 First Avenue, SW/S First Ave,
120' SE of c/I Francis Ave, 13th Election District,
1st Councilmanic

Legal Owners: Gregory Seidl

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-375-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th April day of ~~March~~, 1999, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).

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
pdmlandacq@co.ba.md.us

April 8, 1999

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: 99-375-SPH
5702 First Avenue
SW/S First Avenue, 120' SE of centerline Francis Avenue
13th Election District – 1st Councilmanic District
Legal Owner: Gregory Seidl

Special Hearing to approve a non-conforming use for three apartment units in one dwelling.

HEARING: Tuesday, May 18, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon
Director

c: Francis X. Borgerding, Jr., Esquire
Gregory Seidl

- NOTES: (1) **THE PETITIONER/ MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 29, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



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TO: PATUXENT PUBLISHING COMPANY
May 3, 1999 Issue – Jeffersonian

Please forward billing to:

Gregory Seidl
1080 Wisconsin Avenue
Suite 3020
Washington, D.C. 20007

410-995-3091

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: 99-375-SPH

5702 First Avenue

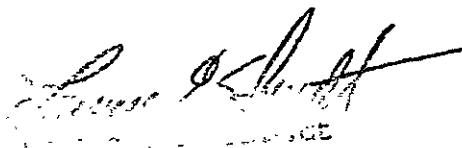
SW/S First Avenue, 120' SE of centerline Francis Avenue

13th Election District – 1st Councilmanic District

Legal Owner: Gregory Seidl

Special Hearing to approve a non-conforming use for three apartment units in one dwelling.

HEARING: Tuesday, May 18, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



54
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-375-SPH

Petitioner: Gregory Seidl

Address or Location: 5702 First Avenue, Arbutus, MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gregory Seidl

Address: ~~5702 First Avenue Arbutus MD~~
1090 Wisconsin Ave Suite 3020
Washington D.C. 20007

Telephone Number: (410) 995-3091

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:

375

ZONING NOTICE

Case No.: 99-375-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special hearing to approve the non-conforming
use for three apartment units in one dwelling

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
pdmlandacq@co.ba.md.us

May 14, 1999

Francis X. Borgerding, Jr., Esq.
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Case No.: 99-375-SPH
Petitioner: Gregory Seidl
Location: 5702 1st Avenue

Dear Mr. Borgerding:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 25, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: April 2, 1999

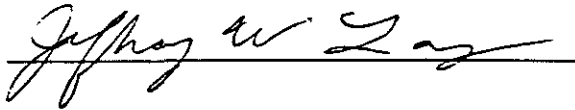
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 345, 368, 373, and 377

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, appearing to read "Jeffrey W. Long", is written over a horizontal line.

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: April 19, 1999

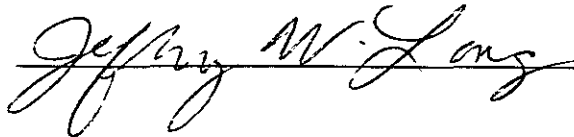
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 370, 372, and 375

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", written over a horizontal line.

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

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: April 12, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for April 12, 1999
 Item No. 375

The Bureau of Development Plans Review has reviewed the subject zoning item. The issue of parking shall be addressed.

RWB:HJO:jrb

cc: File

ZONE0412.375



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

April 15, 1999

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

RE: Property Owner: TATYANA MALTSEVA AND MAX SIMAK - 370
GREGORY SEIDL - 375

Location: DISTRIBUTION MEETING OF APRIL 8, 1999

Item No.: 370 & 375

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4861, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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

TO: Arnold Jablon, Director
Permits and Development Management

DATE: April/13/99

FROM: R. Bruce Seeley, Project Manager *RS/JS*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 4/5/99

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

Item #'s: 368
370
371
373
374
375
378

99-342-A

99-345-A



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 4.2.99

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

RE: Baltimore County
Item No. 375 MLK

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

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

99-375-SPH
5/18/99

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Anita W. Happel

5655 Oregon Ave.
Baltimore, MD 21227



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Joseph P. Kinsey

1519 Woodside Ave. #21227

President of Halethorpe Improvement Assn.

Mrs. Florence D. Norris

5707 First Ave 21227

Mrs. Edith L. Foxwell

5711 First Ave. - 21227-4302

✓



HALETHORPE IMPROVEMENT ASSOCIATION, INC.

P. O. Box 7306

Halethorpe, MD 21227

"DEDICATED TO SERVING THE COMMUNITY"

May 18, 1999

RE: 99-375-SPH
5702 First Avenue
Halethorpe, MD 21227

To Whom It May Concern:

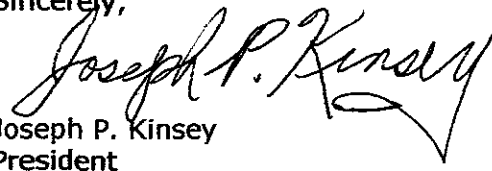
The Halethorpe Improvement Association, Inc. (HIA), a community association representing over 200 households with over 420 members, is actively involved with zoning compliance as an effective tool in community conservation and has worked diligently to further enhance the good quality of life this community has to offer.

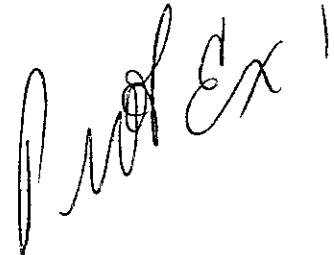
The HIA would like to go on record in strong opposition to the conversion of the property located at 5702 First Avenue to a three family apartment dwelling. This proposal runs counter to our objectives and does not promote consistency with the character and integrity of the community. The surrounding neighborhood is comprised of single family dwellings and some two apartment dwellings. Such dwellings are consistent with the stable, family-oriented nature and character of the community. A three family dwelling functions primarily as a income producing property with less regard given to pride of home ownership and a sense of community. These property owners seek out favorable zoning and then resell the property at a profit to some individual or concern that is less than compliant with maintenance, etc. Three apartment dwellings are targets for speculators. A large portion of our zoning complaints are received regarding properties that are income producing with absentee landlords. As well, approval of this request would set a dangerous precedent for our neighborhood and would be in great juxtaposition to our conservation efforts.

The HIA works hard to promote pride of home ownership and a sense of community. Over the last several years, we have been successful in making this community a desirable location for home ownership. We do not espouse those efforts which produce a more transitory quality to the neighborhood.

The HIA thanks you for this opportunity to voice our opposition. And, in closing, we would like to reiterate our *strong* opposition to this proposed request for a non-conforming use.

Sincerely,


Joseph P. Kinsey
President



cc: Mr. Thomas Rubino
Zoning Chair

FOR OVER FORTY YEARS

The Greater Arbutus Community Alliance



P. O. Box 18223
Halethorpe, MD 21227

May 11, 1999

Mr. Joseph Kinsey
Halethorpe Improvement Association
P. O. Box 7306
Halethorpe, MD 21227

Re: 5702 First Ave.
99-375-SPH

Dear Mr. Kinsey;

We have been notified of an upcoming hearing on the referenced property in which the owner will request a special exception to permit three apartments at 5702 First Ave. As we have discussed, we think that this is an inappropriate use of this property. We are concerned about the impact of these types of conversions on our community.

Many home buyers are reluctant to purchase properties near a house which has been converted to apartments, due to concerns about declining property values and future conversions. In a planned rental community, schools and public services are brought into the process. In piecemeal conversions, no such impact considerations are made.

It is our understanding that this property has been in use as a two apartment property for many years. We are not convinced of the need for any change at this time.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paula W. Wolf", written in black ink.

Paula W. Wolf
President

A handwritten signature or set of initials in cursive script, possibly reading "Robert E. Wolf", with a large "2" written below it.

December 18, 1998

TO WHOM IT MAY CONCERN:

I, BRUCE A. KENT, am the grandson of George Bruce and Eleanor Bruce. They purchased the property known as 5702 First Avenue, Arbutus, Maryland, 21227, in 1941. In 1950 my family moved across the street from them, at 5655 Oregon Avenue. I lived there until 1971. As I grew up I was in constant, even daily contact with my grandmother, my grandfather having died in 1950. From the time that I can remember the house was always three (3) apartments. I was told that we moved into the house across the street because none of the apartments were empty. My aunt and uncle lived in the side apartment until they bought a house. All my aunts and uncles, most of whom are deceased, as well as my mother and father, related that my grandparents bought the house to get extra income, and have some place for any of the sons to live when they returned from WWII, if needed. I still live in the neighborhood, and know that it is still being utilized as three apartments.


BRUCE A. KENT, Affiant

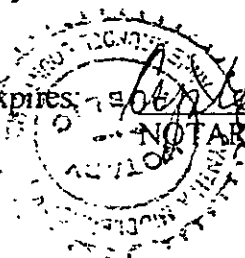
STATE OF MARYLAND, County of Anne Arundel, to wit:

I HEREBY CERTIFY, that on this 21st day of December 1998 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared BRUCE A. KENT, the constituent named in this Affidavit and he acknowledged the document to be his act and that he appears to be of competent and sound mind.

AS WITNESS my hand and Notarial Seal

My Commission Expires

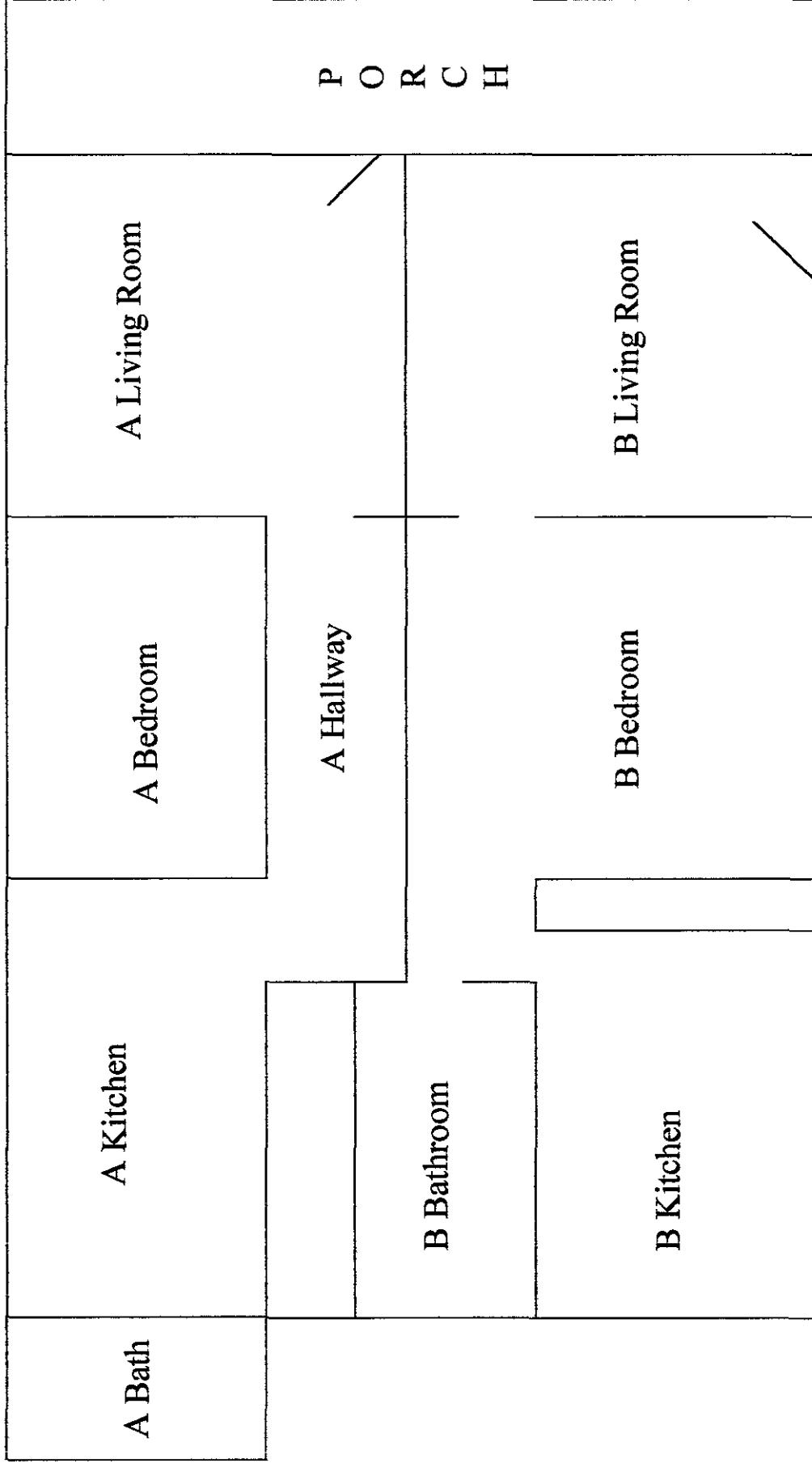
6/1/00



NOTARY PUBLIC

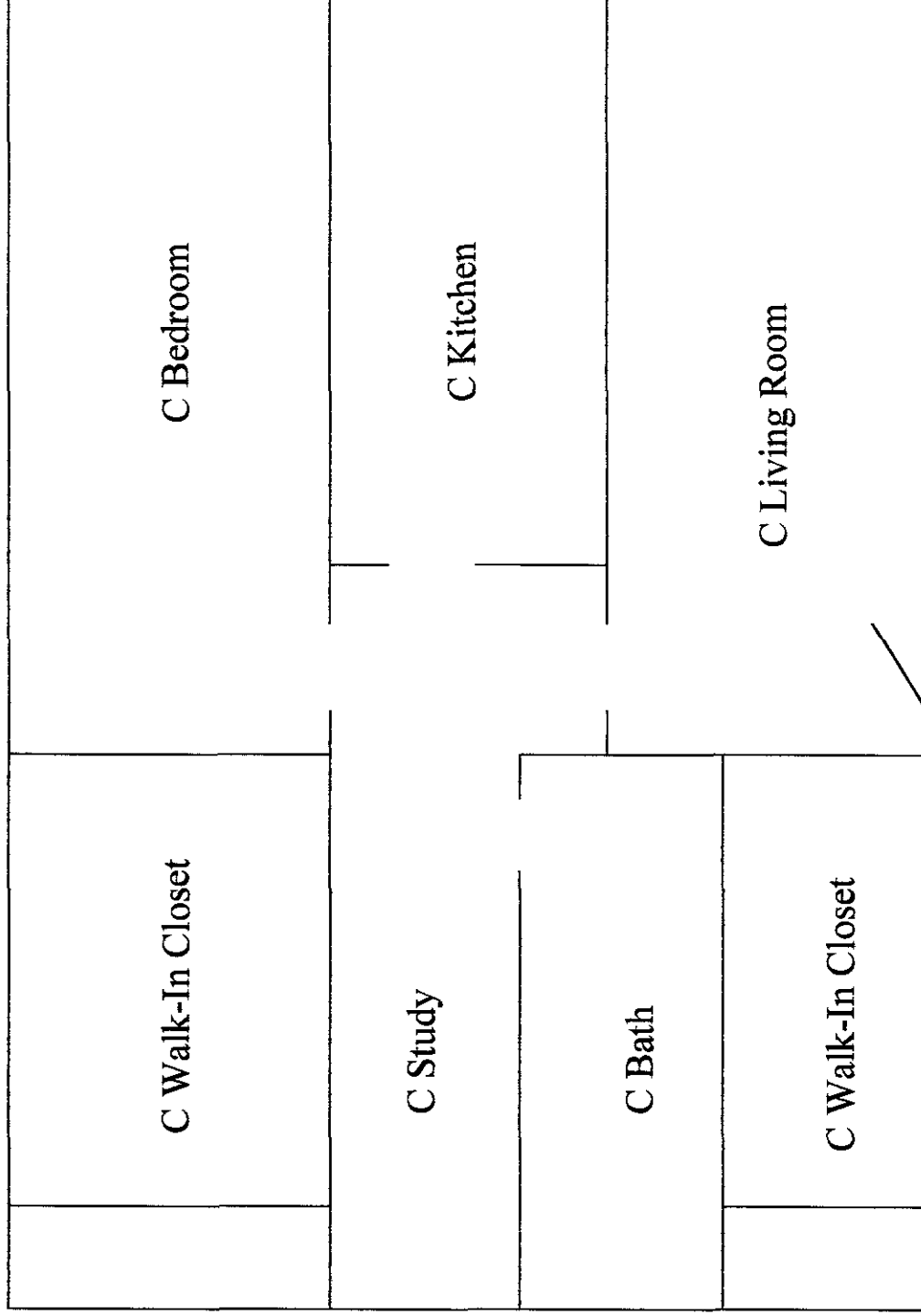
Cynthia Diddlebrook
Ref's Ex No
2

5702 First Avenue, 1st Floor, Apt A & B



PA 4A

5702 First Avenue, 2nd Floor, Apt C



Ref 4B

CHK 1206-288

Witness the hands and seals of the parties hereto

TEST

Edna V Chaney

Harry A Beste

(SEAL)

Clara E Beste

(SEAL)

Edwin Eareckson

(SEAL)

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I Hereby Certify that on this 15th day of December in the year one thousand nine hundred and forty-one before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared HARRY A BESTE and CLARA E BESTE his wife Lessors and EDWIN EARECKSON Lessee aforesaid and severally acknowledged the foregoing Lease to their respective act

Edna V Chaney

Notary Public

(Notarial Seal)

Recorded Dec 19 1941 at 10.15 A M & Exd

per Christian H Kahl - Clerk

Examiners (J&O)

(rec by M O O)

6522) THIS DEED Made this 15th day of December in the year one thousand
Edwin Eareckson) nine hundred and forty-one between EDWIN EARECKSON of Baltimore
Assign to) County in the State of Maryland of the first part and GEORGE BRUCE
George Bruce & Wf) and ELEANOR BRUCE his wife of the second part
USS \$4.40 SS \$4.00) WITNESSETH that in consideration of the sum of Five (5) Dollars and
-----) other good and valuable considerations the said party of the first
part doth grant and convey unto the said parties of the second part their personal representatives and assigns all that lot of ground situate in Baltimore County State of Maryland aforesaid and described as follows that is to say

BEING known and designated as Lot No 77 on the plan of the sub-division of Oregon R Benson Sr called West Halethorpe duly recorded November 6th 1919 in the Plat Records of Baltimore County in Plat Book W P C No 5 folio 42

BEING the same lot of ground which by Lease of even date herewith and intended to be recorded among the Land Records of Baltimore County immediately prior hereto was demised and leased by Harry A Beste and wife to said Grantor

TOGETHER with the buildings thereupon and the rights alleys ways waters privileges appurtenances and advantages thereunto belonging or in anywise appertaining

TO HAVE AND TO HOLD the said described lot of ground and promises unto and to the use of the said parties of the second part their personal representatives and assigns for all the residue of the term of years yet to come and unexpired therein with the benefit of renewal forever subject to the payment of the annual rent of Sixty (60) Dollars payable in equal half-yearly instalments on the 15th days of June and December in each and every year

AND the said party of the first part hereby covenants that he has not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that he will warrant specially the property hereby granted and that he will execute such further assurances of the same as may be requisite

WITNESS the hand and seal of said grantor

TEST

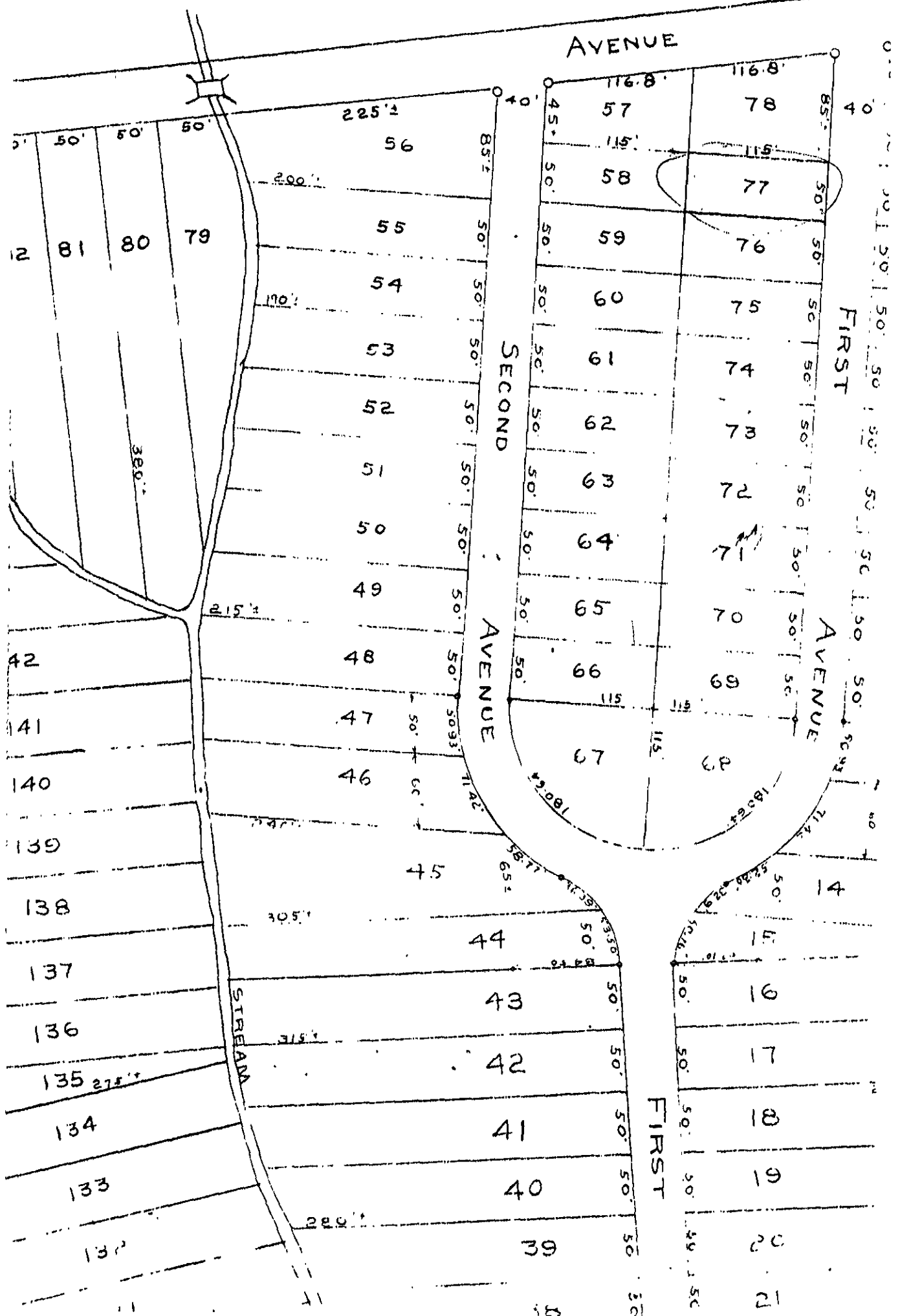
Edna V Chaney

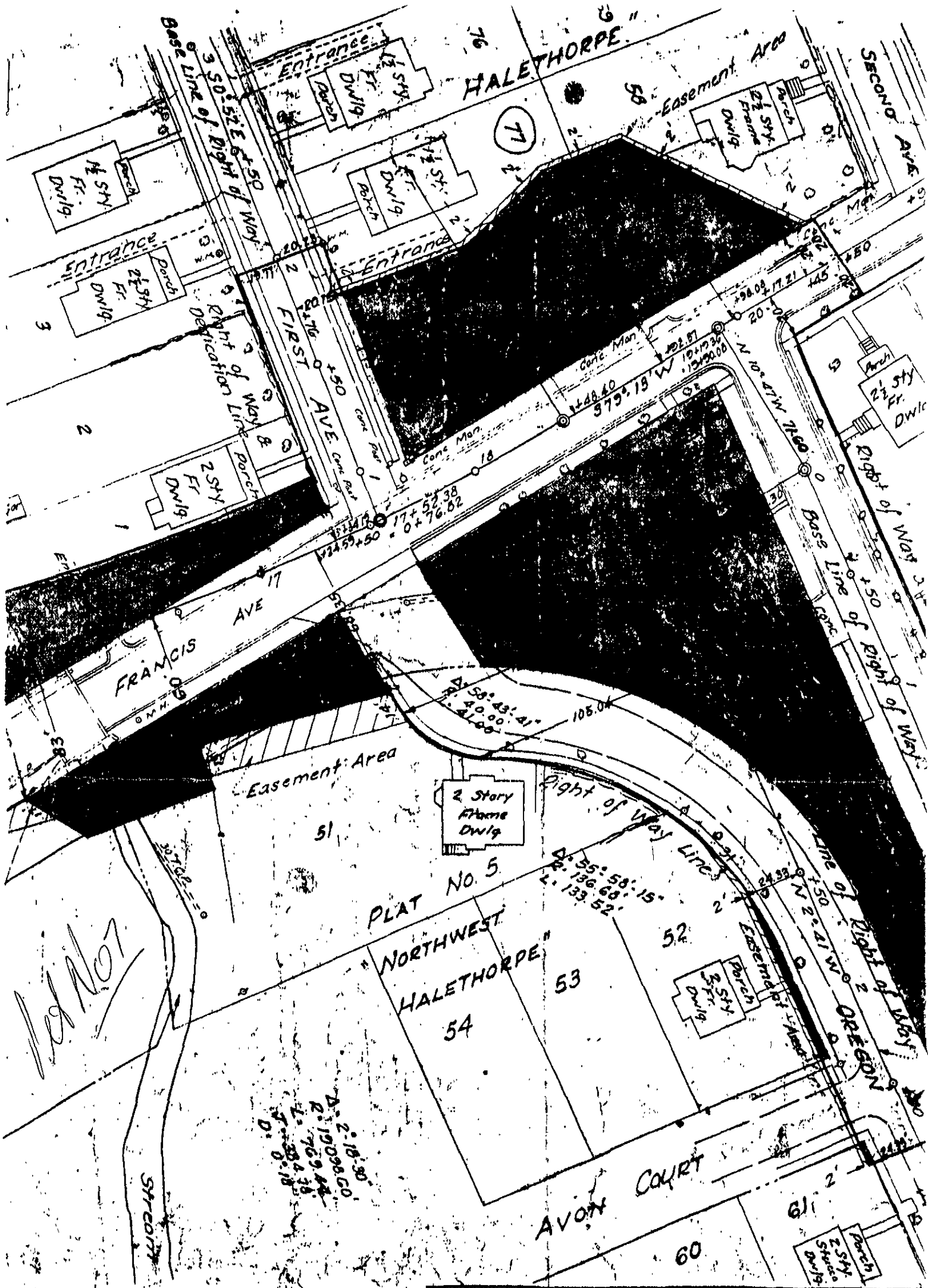
Edwin Eareckson

(SEAL)

12/15/41
5

OREGON R. BENSON





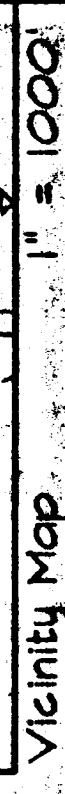
REVISIONS	STATE OF OREGON
Revised: 12-2-47	FRANCIS
Revised: 1-11-48	August 18, 1948
Revised: 3-8-48	Chief Draftsman
SCALE: 1" = 50'	
ISSUED	

7 DENOTES RIGHT OF WAY CONTROL POINT
 8 DENOTES PERMANENT RIGHT OF WAY REFERENCE POINT
 INDICATED ON THE GROUND BY R. C. MERRITT

Peterson's
Exhibit 3A -
30







Vicinity Map 1" = 1000'

1. OWNER: GERMANY SEID,
1000 MAGNOLIA AVENUE IN APT. 3020
MAGNISTATION DC 30007

2. A BULKHEAD SURVEY HAS NOT BEEN PERFORMED BY GERNOLD, GROSS & FITZPATRICK

3. CROSS STREET: A.D.C. MAP 1 & GRID 74-4
SCHOOL DISTRICT: REGIONAL PLANNING DISTRICT 2504-F

4. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHEAPENANCE BAY CRITICAL AREA

5. THE 2007 SCALE ZONING MAP HAS SH-1-P

6. THERE ARE NO PRIOR ZONING CASES ON RECORD

7. BEING PART OF LOT 71, PART OF WEST VALENTINE PLAT BOOK 3, T40L 42
WITH 100' FRONT YARD SETBACKS, THE PROPERTY DOES NOT MEET THE MINIMUM FRONT YARD SETBACKS
REQUIREMENTS OF THE 2007 SCALE ZONING MAP. THEREFORE, THE PROPERTY IS ELIGIBLE FOR A
REZONING REQUEST TO A 2007 SCALE ZONING MAP CATEGORY 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 77



PETITION FOR A SPECIAL HEARING FOR NON-CONFORMING USE.
THREE APARTMENT UNITS IN ONE DWELLING.

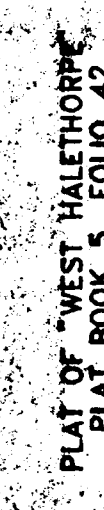
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

04100500

REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 825-4470

TECHNICIAN IN DIETS	PLUM & BROS. ZOOLOGISTS
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99-375-SP4



10

A diagram of a utility pole with various lines and valves labeled. The labels are as follows:

- OVERHEAD UTILITY WIRES
- UNDERGROUND SANITARY LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- PROPERTY LINE
- MAINLINE WATER SERVICE
- WATER VALVE OR METER
- WATER MAIN
- UTILITY POLE
- LIGHT

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