IN RE: PETITION FOR SPECIAL HEARING
S/S Overlea Ave., 75' SE of Linden Ave.
(103 E. Overlea Avenue)
14th Election District
6th Councilmanic District

Carol M. Randlett Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 00-025-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, Carol Marie Randlett. The Petitioner seeks approval of the use of the subject property as a legal, nonconforming, two-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 requisite public hearing was Kenneth A. Randlett, former husband of Carol Marie Randlett, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped parcel, approximately 4,000 sq.ft. in area, zoned D.R.5.5, and is improved with a two-story frame dwelling known as 103 E. Overlea Avenue. The property also features a detached storage shed and concrete driveway. Apparently, Ms. Randlett has owned the property for approximately 10 years. Presently, the site is used as a two-apartment dwelling. There is a downstairs apartment and a separate upstairs apartment. Ms. Randlett occupies the upstairs apartment and rents the lower unit. The building is approximately 80 years old and has apparently been used as a two-apartment dwelling for many years.

In this regard, Mr. Randlett produced an affidavit at the hearing signed by Mary Beitman who resides in the community. Ms. Beitman has apparently lived in the area for many

IDER REGENER FILING

years and attests to the fact that the property has been used as a two-apartment dwelling continuously and without interruption since October 1951. Mr. Randlett also indicated that he has been familiar with the property for upwards of 20 years by virtue of his residence in the neighborhood. He confirmed the two-apartment character of the building during that period.

Nonconforming uses are defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) and regulated in Section 104 thereof. The nonconforming use designation is used to grandfather an otherwise illegal use. That is, if it is established that the use of a given property has existed on a continuous and uninterrupted basis since prior to the effective date of the regulation which currently prohibits that use, the use can continue. In this regard, the relevant date which would prohibit an apartment use for this property is March 1955.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. In my judgment, the Petitioner has produced sufficient testimony to support a finding that the subject property enjoys a legal, nonconforming use as two apartments. Thus, the Petition for Special Hearing shall be granted.

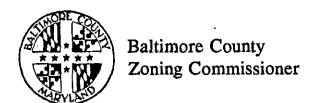
THEREFORE, IT IS ORDERED by the Zoning commissioner for Baltimore County this ______ day of September, 1999 that the Petition for Special Hearing to approve the use of the subject property as a legal, nonconforming, two-apartment dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis



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

September 27, 1999

Ms. Carol M. Randlett 103 E. Overlea Avenue Baltimore, Maryland 21206

RE: PETITION FOR SPECIAL HEARING
S/S Overlea Avenue, 75' SE of Linden Avenue
(103 E. Overlea Avenue)
14th Election District – 6th Councilmanic District
Carol M. Randlett - Petitioner
Case No. 00-025-SPH

Dear Ms. Randlett:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Kenneth A. Randlett
7510 Moyer Avenue, Baltimore, Md. 21234
People's Counsel; Case File



HOER RECEIVED FOR FILING

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 103 E. Overlea Ave. 21206 which is presently zoned DR 5,5

I/We do solemnly declare and affirm, under the penalties of

Date _

This Petition shall be filed with the Department of Permits and 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 2-apartment dwelling.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		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):
Carol Marie Randlet	<u>t</u>	Carol Marie Randlett
Name - Type or Print		Name: Type or Print Excel Mario Dandlett
Signature		Signature
103 E Overlea Ave	410-882-5704	
Address	Telephone No.	Name - Type or Print
Baltimore, MD 2120	6	
	tate Zip Code	Signature W - L/10 - 837 - 213
Attorney For Petitioner:		103 E Overlea Ave 410-882-570
Audiney For Feutioner.		Address Telephone No.
		Baltimore, MD 21206
Name - Type or Print		City State Zip Code
		Representative to be Contacted:
Signature		Representative to be contactor.
		Kenneth A Randlett
Company		Name
'		7510 Mover Ave 410-319-7333
Address	Telephone No.	Address Telephone No.
		Baltimore, MD 21234
CIPY	tate Zip Code	City State Zip Code
l A		
		OFFICE USE ONLY
77		ESTIMATED LENGTH OF HEARING
Case No. 00 25 S	PH	UNAVAILABLE FOR HEARING
Case Ho. O Case	<u>, , , , , , , , , , , , , , , , , , , </u>	ALALIER LALLES AND THE PROPERTY OF THE PROPERT

Reviewed By _JRF

Zoning Description

ZONING DESCRIPTION FOR	103 East Overlea Ave, Balto MD 21206
ZONING DESCRIPTION FOR	(address)
Beginning at a point on the $_$	North SOUTH side of (north, south, east or west)
Overlea Avenue	which is 50 '
(name of stret on which property fro	which is 50 (# of feet of right-of-way width)
wide at the distance of (# of feet)	of the (north, south, east or west)
centerline of the nearest improved int	Linden Avenue ersecting street (name of street)
which is 50' (# of feet of right-of-way wi	wide. Being Lot # dth)
Block, Section #	Overlea _ in the subdivision of (name of subdivision)
	Book #, Folio #196
4,000 containing Also l (square feet or acres)	toown as(property address)
and located in the Electio	n District, _ Councilmanic District.

25 00.025.5PH

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANC MISCELLANEOUS RECEIPT	No. 07045,	3ATT DESCENT CHID REDELFT PREFES ATTHE THE 150/1990 7/20/1999 14:66:47	
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Case: #00-025-SPH 103 East Overlea Avenue 5/S Overlea Avenue, 75' SE of centerline Linden Avenue 14th Election District 6th Councilmante District Legal Owner: Carol Marle Randlett

Randlett
Special Hearing: to approve
a non-conforming use for a
2-spartment dwelling.
Hearing: Wednesday, September 8, 1999 at 2:00 p.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 concerning the File and/or Hearing,
Contact the Zoning Review Office at
(410) 887-3991.

JTU/8/722 Aug. 24 C334140

CERTIFICATE OF PUBLICATION

TOWSON, MD.,	0/26	, 1999
THIS IS TO CERTIFY, that the	e annexed advertis	sement was
published in THE JEFFERSONIAN, a	a weekly newspape	r published
in Towson, Baltimore County, Md., o	, 1	
weeks, the first publication appearin	g on Tues. 8/24	1999.
THE	JEFFĘRSONIA	IN,
S.h	Ukingon	
LEGA	L ADVERTISING	G

CERTIFICATE OF POSTING

RE: CASE 00-025-SPH
PETITIONER/DEVELOPER:
(Carol M. Randlett)
DATE OF Hearing
(Sept. 8 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:

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Sincerely, Out of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

RE: PETITION FOR SPECIAL HEARING 103 E. Overlea Avenue, S/S Overlea Ave, 75' SE of c/l Linden Ave 14th Election District, 6th Councilmanic

Legal Owner: Carol M. Randlett Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 00-25-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

People's Counsel for Baltimore County

arole S. Demilio

Max Tinneenan

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

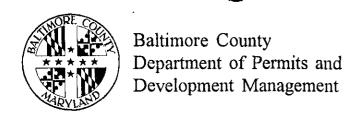
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of August, 1999 a copy of the foregoing Entry of

Appearance was mailed to Kenneth A. Randlett, 7510 Moyer Avenue, Baltimore, MD 21234, representative for Petitioners.

PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 12, 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: 00-025-SPH
103 East Overlea Avenue
S/S Overlea Avenue, 75' SE of centerline Linden Avenue
14th Election District – 6th Councilmanic District
Legal Owner: Carol Marie Randlett

Special Hearing to approve a non-conforming use for a 2-apartment dwelling.

HEARING: Wednesday, September 8, 1999 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Carol Marie Randlett, 103 E. Overlea Avenue, Baltimore 21206 Kenneth A. Randlett, 7510 Moyer Avenue, Baltimore 21234 Joan Zito, 202-K Clifford Lane, Forest Hill 21050

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 24, 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.

PATUXENT PUBLISHING COMPANY TO:

Tuesday, August 24, 1999 Issue - Jeffersonian

Please forward billing to:

Carol Marie Randlett 103 East Overlea Avenue Baltimore, MD 21206

410-882-5704

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: 00-025-SPH 103 East Overlea Avenue

S/S Overlea Avenue, 75' SE of centerline Linden Avenue 14th Election District – 6th Councilmanic District

Legal Owner: Carol Marie Randlett

Special Hearing to approve a non-conforming use for a 2-apartment dwelling.

HEARING: Wednesday, September 8, 1999 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

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 <u>Baltimore County Zoning Regulations</u> (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.

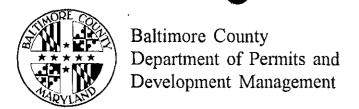
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

	
For Newspaper Adv	vertising:
Item Number or Cas	e Number: 25
Petitioner:	rol Marie Randlet
	103 E. Overlea Due. 21206
PLEASE FORWARD	ADVERTISING BILL TO:
Name:	Carol Marie Randlett
Address:	103 East Overlea Avenue
	Baltimore, MD 21206
Telephone Number:	410 / 882-5704

Revised 2/20/98 - SCJ

00.025.5PH



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 3, 1999

Ms. Carol Marie Randlett 103 E. Overlea Avenue Baltimore, MD 21206

Dear Ms. Randlett:

RE: Case No.: 00-25-SPH, Petitioner: Carol Marie Randlett,

Location: 103 E. Overlea Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 20, 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,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



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

August 26, 1999

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 AUGUST 9, 1999

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:

015, 016, 017, 019, 022, 023, 024, (025), 026, 027,

028, 029, 030, 031, 032, 033, 034, 035, 036, 038,

039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 16, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

for August 16, 1999

Item No. 025

The Bureau of Development Plans Review has reviewed the subject zoning item. The issue of on-site parking should be addressed.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 4, 1999

TO: Larry E. Schmidt

Zoning Commissioner

FROM: James H. Thompson - BH

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 025

PETITIONER: Carol Marie Randlett

VIOLATION CASE NO: 99-0796

LOCATION OF VIOLATION: S/S Overlea Avenue, 75' SE of centerline

Linden Avenue (103 E. Overlea Avenue)

DEFENDANT(S): Carol Marie Randlett

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS

Joan Zito 202-K Clifford Lane

Forest Hill, MD 21050

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/bh/lmh



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

Date:

8.10.99

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

RE:

Baltimore County

Item No. 025

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,

I. J. Gredle Pr Michael M. Lenhart, Chief

Engineering Access Permits Division

AFFIDAVIT MAN 1955 3.
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 competent to testify thereto in the event that a public hearing is scheduled in the future with regar thereto.
Mary Beitmon MARY BEITMAN
AFFIANT (Handwritten Signature) AFFIANT (Printed Name)
ADDRESS (Printed) ADDRESS (Printed) ADDRESS (Printed) TELEPHONE NUMBER
BALSO, MD. 21206-1209
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
$\frac{103 \ \textit{E. OVERLEA AVENUE}}{\text{dwelling since}} \frac{O \ \textit{C-70BER}}{\text{(month)}} , \frac{1951}{\text{(year)}}? \frac{\textit{y.E.S}}{\text{(answer)}}$
(address) (2, etc.)
(month) (year) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by
renters every year since October 1951? YES
(month) (year) (answer)
3. Will you realize any gain from the sale of this property?*
(answer) *If the answer is <u>yes</u> , this form cannot be approved.
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
L HEREBY CERTIES this 5 day of June 1099 before me a Notary Bublic of the State of
I HEREBY CERTIFY this 5th day of
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.

NOTARY PUBLIC

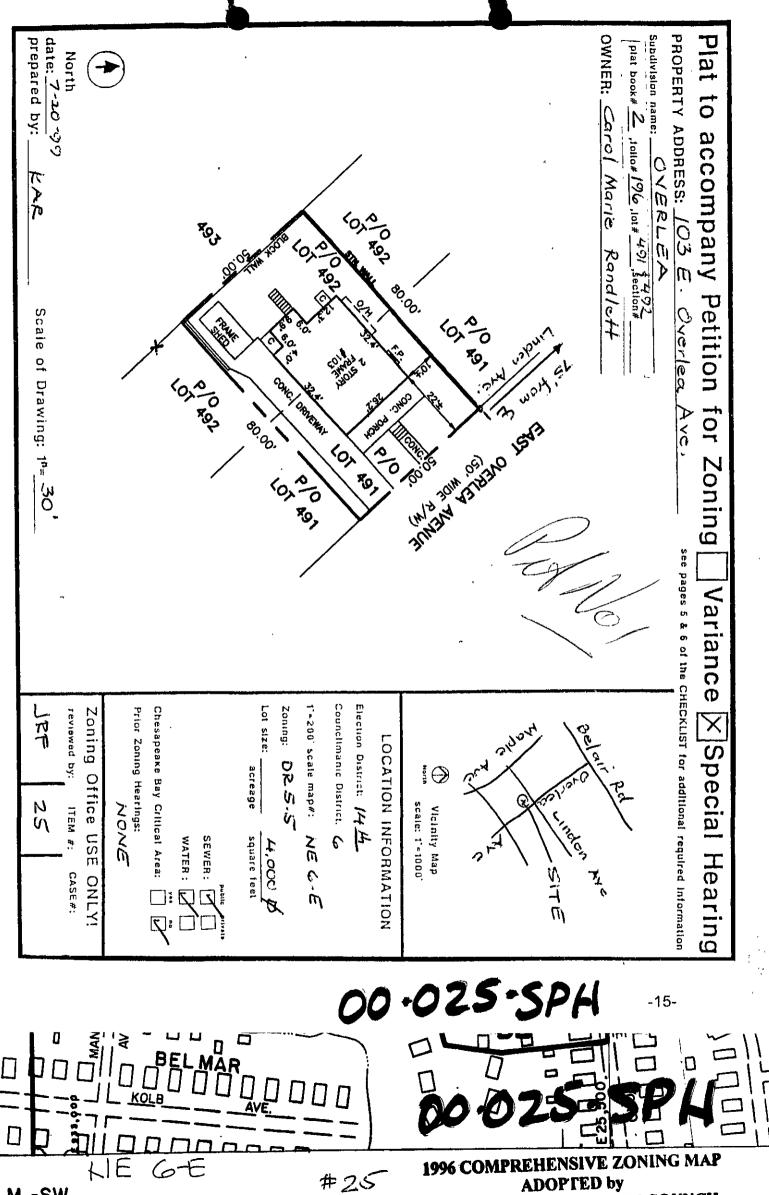
My Commission Expires 06/01

Revised 9/5/95

CONDITIONAL USE PERMIT FOR TWO APARTMENTS

This use permit for two apartments at
(address)
is issued entirely upon the basis of the herein affidavit, including the dates of original
use and continuous use sworn to therein. The responsibility for the accuracy of said
dates and uses is entirely that of the legal owner and/or agent thereof. In the event that
the accuracy is challenged, our approval is automatically withdrawn; the use permit will
be reinstated only after public hearing and submission of testimony that alleviates the
allegations contained in the challenge and otherwise provides the proofs necessary to
establish a legal non-conforming use for the number of apartments claimed. Knowingly
falsifying the affidavit information on the reverse side of this permit is subject to the
penalties of perjury.
DATE: APPROVED BY:
DIRECTOR, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Revised 9/5/95



-SW

