

IN RE: PETITION FOR SPECIAL HEARING

SE/S Cedar Lane 330' NE
Centerline Bradshaw Road
11th Election District
5th Councilmanic District
(11709 Cedar Lane)

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE No.00-373-SPH

Anne Leland
Petitioner

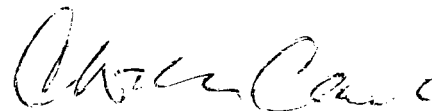
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APPEAL

Anne Leland, Petitioner and Property Owner, by C. William Clark and Nolan, Plumhoff & Williams, Chartered, her attorneys, file this Appeal to the Board of Appeals from the decision of the Deputy Zoning Commissioner of May 24, 2000, and appeal specifically:

- A. The decision denying the Special Hearing Request; and
- B. A copy of the Findings of Fact and Conclusions of Law is attached hereto, marked Exhibit 1.

Respectfully submitted,



C. William Clark
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, MD 21202
(410) 823-7800
Attorneys for Anne Leland

IN RE: PETITION FOR SPECIAL HEARING

SE/S Cedar Lane 330' NE
centerline Bradshaw Road
11th Election District
5th Councilmanic District
(11709 Cedar Lane)

Anne Leland
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* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-373-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Anne Leland. The special hearing request is for property owned by the Petitioner located at 11709 Cedar Lane, which property is zoned R.C.5. The special hearing request is to approve two in-law or children's apartments on R.C.5 zoned land.

Appearing at the hearing on behalf of the special hearing request were Anne Leland, owner of the subject property, as well as several other residents from the surrounding community who appeared in support of her special hearing request. Appearing in opposition to the Petitioner's request were other residents of the surrounding community, all of whom signed in on the Protestant's Sign-In Sheet. The noted attorney, Mr. William Wiseman, also attended the hearing, signing in on both the "Protestant's Sign-In Sheet" as well as the "Petitioner's Sign-In Sheet", artfully playing both sides of the street on this issue. Mr. Wiseman's position was understandable, given his occupation.

Testimony and evidence indicated that the property owned by the Petitioner consists of 0.624 acres, more or less, zoned R.C.5 and is located on the south side of Cedar Lane, east of its intersection with Bradshaw Road. The subject property is improved with a one and a half story

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By

R. J. G. [Signature]

frame dwelling and accessory two-car garage. The property is serviced by private water and sewer.

Ms. Leland testified that she purchased the subject property in 1963 when she and her husband moved to Maryland from Michigan. Ms. Leland testified that she and her husband converted the original attached garage into a waiting room and office for her husband who was an attorney. At that time, a detached two-car garage was constructed. Ms. Leland further testified that she and her husband separated in 1975 and were divorced in 1977. At the time of their separation in 1975, Ms. Leland, in order to supplement her income, rented a portion of the house to two students from Towson State University. Thereafter, Ms. Leland, in 1977, offered living quarters to Ms. Eve Cummings, who was a resident of Kingsville. Thereafter, in 1983, she provided living quarters to Ms. Mickey Ruppert, also a resident of the area. From the time that Ms. Leland began renting living quarters to individuals in 1975, she began to slowly convert the single-family dwelling, which she purchased in 1963, into what has become a three-apartment building that exists on the property today. Ms. Leland no longer resides on the property. In 1983 she took up residence elsewhere. Ms. Leland is requesting permission to continue to utilize the property as a three-apartment building, as she has done for the past many years.

As stated previously, several residents appeared in support of Ms. Leland's request and she has submitted into evidence a petition signed by many other residents in the area offering their support for Ms. Leland.

As was also stated previously, several residents appeared in opposition to Ms. Leland's request. Mr. Jeffers, who resides next door to the subject property, is in strong opposition to the continuation of the property as three separate apartments. Mr. Jeffers has observed problems with the property such as trash being left on the porch, the property itself being poorly

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BY J.R. JENNISON

maintained, irregular lawn maintenance, high water usage by the residents who occupy the dwelling, as well as an overburdening of the septic system on the property. Mr. Jeffers testified that he witnessed seven people and two dogs occupying one of the apartments within the home and that the dogs constantly barked and disrupted nearby residents. Mr. Jeffers testified that the remainder of homes along Cedar Avenue are single-family residential dwellings and that this property is out of character with the surrounding community. He submitted into evidence a petition signed by many residents of the surrounding community, all of whom oppose the continuation of the property as three separate apartments.

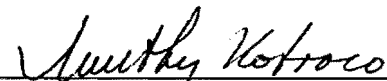
Ms. Margaret Lester, who resides on the other side of the subject property, also strongly opposes the special hearing request. She indicated that the tenants who reside on the property are not courteous, are noisy, and there is a constant stream of strangers coming and going to the property. She is concerned over the water and septic usage on the property and believes the house to be out of character with the surrounding community. She asked that the special hearing request be denied.

The Petitioner's request for special hearing was to approve in-law or children's apartments within the dwelling. However, the testimony and evidence revealed that there were never any in-laws or children of the property owner actually renting the apartments within the house. Therefore, the special hearing that was requested must be denied. Furthermore, the Petitioner appeared to seek approval of this use by virtue of having rented apartments within the dwelling since at least 1975. However, even showing that the property has been used as multiple apartments since 1975 does not permit it to be approved as a non-conforming use, notwithstanding the fact that they failed to ask for a non-conforming use in their Petition.

Therefore, I have no authority to approve the use of the property as three separate apartments. It must be converted back to a single-family residential dwelling.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of May, 2000, that the Petitioner's Request for Special Hearing to allow two in-law or children's apartments in an R.C.5 zone, be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

CASE FILED FOR FILING

DATE 5/24/00

BY M. J. Jenson



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11709 Cedar Lane
which is presently zoned RC5

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 special hearing to approve two (2) *additional* in law or children's apartments in an RC5 home.

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.

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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Newton A. Williams

Name - Type or Print _____ City _____

Signature *Newton A. Williams*

Newton A. Williams, LLC

Company _____

502 Washington Ave., Suite 700 410-823-7856

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

Legal Owner(s):

Anne Leland

Name - Type or Print _____

Signature *Anne Leland*

Name - Type or Print _____

Signature _____

12015 Belair Road 410-592-6838

Address _____ Telephone No. _____

Kingsville MD 21087

City _____ State _____ Zip Code _____

Representative to be Contacted:

Newton A. Williams

Name _____

502 Washington Ave., Suite 700 410-823-7856

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY

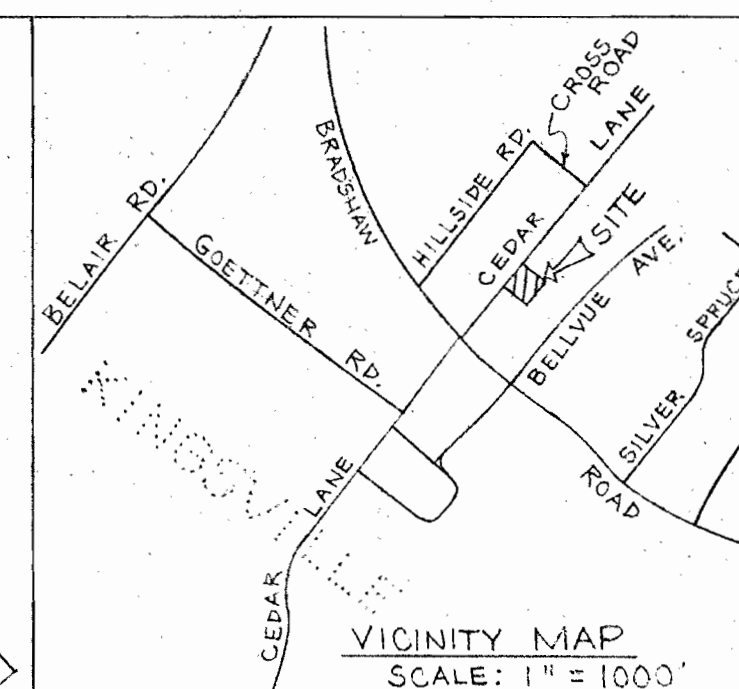
ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING *

Case No. 00 373-SPA

Reviewed By JL Date 3/14/00

*Please call Newton A. Williams
before setting 410-823-7856*



COUNCILMANIC DISTRICT : 5
ELECTION DISTRICT : 11
1"= 200' SCALE MAP : NE 14 J
ZONING : R.C.5, AREA = 0.624Ac±
LOT SIZE : 0.624 27,161
ACREAGE SQUARE FEET
PUBLIC SEWER : NO
PUBLIC WATER : NO
CHESAPEAKE BAY CRITICAL
AREA : NO
PRIOR ZONING HEARINGS : NO

~~PARKING~~

~~* REQUIRED PARKING SPACES~~

~~1.5 PER APT. W/ 1 BED $\times 2 = 3$~~

~~2.0 PER APT. W/ 3 OR MORE BEDS $\times 1 = 2$~~

~~TOTAL SPACES PROVIDED = 8~~

~~TOTAL REQ. = 5~~

uzun
3/14/20

PLAT TO ACCOMPANY APPLICATION
FOR SPECIAL HEARING *& VARIANCE*
#11709 CEDAR LANE *vjm*
BALTIMORE COUNTY, MD.
SCALE: 1" = 20' FEBRUARY 21, 2000

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 U. S. DEPT. OF AGRICULTURE
 & FOREMAN OFFICE
 JUL 11 1904
 J. L. Quinn

Det. Ex. #1

8335

ZONING OFFICE USE ONLY!
 REVIEWED BY: ITEM #: CASE #:

OWNER INFO:
ANNE KERR
11709 CEDAR LANE
KINGSVILLE, MD. 21087
TAX ACCT. # 1111017481
DEED: 5742-254

**M&H DEVELOPMENT
ENGINEERS, INC.
200 E. JOPPA ROAD
ROOM 101
TOWSON, MD 21286
(410)828-9060**

FLOOR LAYOUTS
SCALE: AS SHOWN

00. 373-SPH