

IN RE: PETITION FOR SPECIAL HEARING

S/S Stoney Lane, 250' W
centerline of Harlem Lane
1st Election District
1st Councilmanic District
(607 Stoney Lane)

Judith E. and Gordon L. Smith, Jr.
and David G. Smith
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 01-224-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 owners of the subject property, Judith & Gordon Smith and David G. Smith. The Petitioners are requesting a special hearing for property they own at 607 Stoney Lane located in the Catonsville area of Baltimore County. The special hearing request is to approve a non-conforming use of the subject property as a two-apartment dwelling, with an existing two-story block garage as a contractor's office and storage building, as well as a contractor's storage yard surrounding the two-story block garage on the rear of the property.

Appearing at the hearing on behalf of the special hearing request were Gordon, Judith and David Smith, owners of the property, Charles Cahn and Brian Dietz, a representative of Gerhold, Cross & Etzel. The Petitioners were represented by Frank Borgerding, attorney at law. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 0.77 acres, more or less, zoned DR 5.5. The subject property is improved with an existing two-story dwelling situated on the front of the property near Stoney Lane. To the rear of the property exists a two-story block contractor's equipment storage garage and storage yard.

FILED FOR PLANS
12/10/01
R. J. Janssen

The testimony and evidence offered at the hearing, as well as the affidavits submitted into evidence, clearly demonstrated that the existing two-story dwelling has been utilized as two separate apartments since the late 1940's. This use has continued each and every year up until the present time. There has been no interruption of this use since the late 1940's.

In addition, the testimony and evidence also demonstrated that the area behind the two apartment dwelling has been utilized as a contractor's equipment storage yard and storage building since the late 1800's. The testimony of those in attendance, as well as the affidavits submitted, demonstrated that there has always been contractor's equipment stored on this property and a contractor's storage building since that time up until the present. In addition, the second floor of the two-story block garage has been utilized as contractor's offices.

After considering the testimony and evidence offered at the hearing, as well as the lack of opposition of any surrounding residents, I find, based on the testimony, that the Petitioners have satisfied the burden imposed upon them to prove that the subject property has been utilized as a two-apartment dwelling in the front of the property and a contractor's equipment storage yard and contractor's offices to the rear of the property since prior to the effective date that said uses were made illegal. Therefore, the Petitioners have demonstrated that the property does enjoy a non-conforming use for both uses.

A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations and regulated in Section 104. Essentially, the nonconforming designation is utilized to grandfather an otherwise illegal use. That is, if the use is determined to be nonconforming it may continue, notwithstanding the fact that the same is not permitted under the current Zoning Regulations.

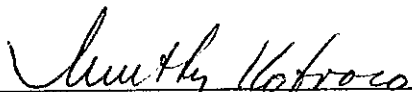
RECEIVED FOR FILING
12/4/01
R. G. Mason

In this case, the uncontradicted testimony was that the property has been used as a two apartment dwelling since the late 1940's and a contractor's yard and building since the late 1800's. The testimony offered was sufficient to support a finding that these two uses are nonconforming under law. Thus, the petition for special hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing relief shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 2001, that the Petitioners' Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-conforming use of the subject dwelling as a two apartment dwelling and the existing two-story block garage as a contractor's office and storage building, as well as a contractor's storage yard surrounding the two-story block garage, be and is hereby GRANTED.

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

00722 000000 000000
1/24/01
R. G. Gannon



Baltimore County
Zoning Commissioner

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

January 24, 2001

Frank Borgerding, Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No 01-224-SPH
Property: 607 Stoney Lane

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:

Mr. Gordon L. Smith, Jr.
Ms. Judith E. Smith
13610 Bardon Road
Phoenix, Maryland 21131

Mr. David G. Smith
607 Stoney Lane
Catonsville, Maryland 21228

Mr. Brian Dietz
Gerhold, Cross & Etzel
320 E. Towsontown Boulevard
Towson, Maryland 21286

Mr. Charles M. Cahn, III
P. O. Box 116
Stevenson, Maryland 21153



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

607 Stoney Lane
for the property located at Catonsville, MD 21228
which is presently zoned D.R. 5.5

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 nonconforming use of the subject property as a two apartment dwelling with a contractor's storage building with office and contractor's storage yard

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:

Francis X. Borgerding, Jr.
Name - Type or Print _____
Signature _____
Company _____
Address 409 Washington Avenue, Suite 600 day ave.
Towson, MD 21204 410-296-6820
City State Zip Code
Towson MD 21204
City State Zip Code

Legal Owner(s):

Gordon L. Smith, Jr. and Judith E. Smith
Name - Type or Print _____
Signature _____
David G. Smith
Name - Type or Print _____
Signature _____

13610 Barton Road
Address _____ Telephone No. _____
Phoenix MD 21131
City State Zip Code

Representative to be Contacted:

see attorney info
Name _____
Address _____ Telephone No. _____
City State Zip Code

OFFICE USE ONLY

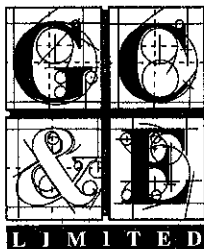
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 11/29/00

Case No. 01-224-SPH

RECEIVED
11/24/01
Date
By



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 3, 2000

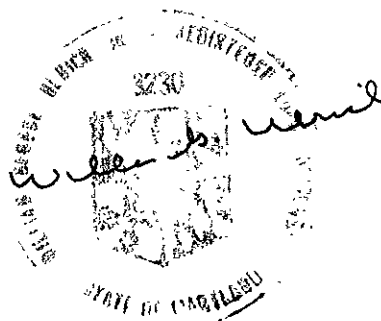
ZONING DESCRIPTION SMITH PROPERTY 607 STONEY LANE

All that piece or parcel of land situate, lying and being in the First Election District and the First Councilmanic District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the south side of Stoney Lane (30 feet wide) at the distance of 250.00 feet measured westerly along the south side of Stoney Lane from the center line of Harlem Lane, thence leaving Stoney Lane binding on the land of the herein petitioner, the three following courses and distances, viz: (1) South 02 degrees 21 minutes 30 seconds West 391.50 feet, (2) South 68 degrees 19 minutes West 59.58 feet, and (3) North 06 degrees 40 minutes West 384.50 feet to the south side of Stoney Lane, thence binding on the south side of Stoney Lane, (4) North 74 degrees 52 minutes East 120.33 feet to the place of beginning.

Containing 0.77 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purpose of conveyance.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **85628**

DATE 11/29/00 ACCOUNT Real Estate

AMOUNT \$ 250.00

RECEIVED FROM: Police & Emergency

FOR: Special Agency

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 224

CASHIER'S VALIDATION

PAID RECEIPT
PAYMENT 12/1/00
11/29/2000 11/29/2000 11:29:14
REC NO: 00000000000000000000
DATE 11/29/2000
RECEIPT # 150112
UP NO. 105628
Amount Tot 250.00
250.00 X 20.71
Baltimore County, Maryland

**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: #01-224-SPH
607 Stoney Lane
S/S Stoney Lane, 250' W
of centerline Harlem Lane
1st Election District
1st Councilmanic District
Legal Owner(s): Judith E. &
Gordon L., Jr. & David G. Smith
Special Hearing: to ap-
prove a non-conforming
use as a two apartment
dwelling with a contractor's
storage building with office
and contractor's storage
yard.

Hearing: Monday, January
22, 2001 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

1/010 Jan. 4 C442483

CERTIFICATE OF PUBLICATION

TOWSON, MD, 1/4, 2001

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 1/4, 2001.

S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No

01-224-SPH

Petitioner/Developer C/O D. MATZ ETAL
F.X. BORGERDING, ESQ

Date of Hearing/Closing 1/22/01

QZPM
NON-CONFORMING

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 #607 STONEY LA.

The sign(s) were posted on

1/4/01
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/10/01
(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)

ZONING NOTICE

Case # 01-224-SPH

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

PLACE: RM. 401, COUNTY COURTS BLDG.
401 ROSLEY AVE.
TIME & DATE: MON, JAN. 22, 2001 @ 2 P.M.

SPECIAL HEARING TO APPROVE A NON-CONFORMING
USE AS A TWO APARTMENT DWELLING WITH
A CONTRACTORS STORAGE YARD
607 STONEY LA.

RE: PETITION FOR SPECIAL HEARING
607 Stoney Lane, S/S Stoney Ln,
250' W of c/l Harlem Ln
1st Election District, 1st Councilmanic

Legal Owner: Gordon L., Judith E., David G. Smith
Petitioner(s)

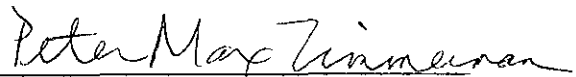
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-224-SPH

* * * * *

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



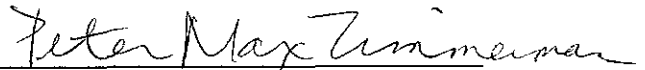
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 19th day of December, 2000 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



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 8, 2000

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: 01-224-SPH

607 Stoney Lane

S/S Stoney Lane, 250' W of centerline Harlem Lane

1st Election District – 1st Councilmanic District

Legal Owner: Judith E. & Gordon L., Jr. & David G. Smith

Special Hearing to approve a non-conforming use as a two apartment dwelling with a contractor's storage building with office and contractor's storage yard.

HEARING: Monday, January 22, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon
Director

C: Francis X. Borgerding, Jr., 409 Washington Avenue, Suite 600, Towson 21204
Gordon L., Jr., Judith E., David G. Smith, 13610 Bardon Road Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 5, 2001.**
- (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.



TO: PATUXENT PUBLISHING COMPANY
Thursday, January 4, 2001 Issue – Jeffersonian

Please forward billing to:
Gordon Smith
13610 Bardon Road
Phoenix, MD 21131

410 666-7720

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: 01-224-SPH

607 Stoney Lane

S/S Stoney Lane, 250' W of centerline Harlem Lane

1st Election District – 1st Councilmanic District

Legal Owner: Judith E. & Gordon L., Jr. & David G. Smith

Special Hearing to approve a non-conforming use as a two apartment dwelling with a contractor's storage building with office and contractor's storage yard.

HEARING: Monday, January 22, 2001 at 2:00 p.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 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: 01-224-584

Petitioner: GORDON SMITH

Address or Location: 607 STONEY LANE, CATONSVILLE MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GORDON SMITH

Address: 13610 BARDON ROAD

PHOENIX, MD 21131

Telephone Number: 410-666-7720

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

January 19, 2001

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

Dear Mr. Borgerding:

RE: Case Number: 01-224-SPH, 607 Stoney Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 29, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. 602
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Judith E. & Gordon L. Smith, Jr., 13610 Bardon Road, Phoenix 21131
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: January 9, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2000
Item Nos. 222, 223, 224, 225, 226, 227,
228, 230, and 232

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 20, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner:
Judith E. & Gordon L. Smith, Jr. and David G. Smith -224
Debra Michelle Hackett - 229

Location: DISTRIBUTION MEETING OF DECEMBER 11, 2000

Dear Ms. Stephens:

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.

Comment below pertains to Item #'s 224 and 229:

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File 11-1102

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



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *ac/RBS*

DATE: January 18, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of December 11, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
222	3019 Ohio Avenue
223	3017 Ohio Avenue
224	607 Stoney Lane
225	3023 Ohio Avenue
226	3021 Ohio Avenue
227	3507 Hiss Avenue
228	7464 Bradshaw Road
229	6975 Rockfields Road
230	3012A Hernwood Road
232	1807 Suttan Avenue

Seni
1/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 21, 2000

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

21

SUBJECT: 607 Stony Lane

INFORMATION:

Item Number: 01-224

Petitioner: Gordon L Smith

Zoning: Dr 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate that the current uses have been in continuous operation at the current location since 1945. The petitioner must further demonstrate that said uses were not abandoned at any time for a period exceeding one year.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey M. G...

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

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

Date: 12.4.00

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

RE: Baltimore County
Item No. 224 BR

Dear Ms. Jackson:

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,

Kenneth A. McDonald Jr., 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



Baltimore County
Department of Permits and
Development Management

17-6
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 12, 2000

Gordon L. Smith
13610 Bardon Road
Phoenix, Maryland 21131-1518

Dear Mr. Smith:

RE: Zoning Verification, 607 Stoney Lane (2 Apartments), 1st Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for verification that the use of this site as a 2 apartment dwelling is permitted. Included with your letter is an affidavit signed and notarized June 19, 2000 and an interior site plan of the 2 apartments. Provided that Mrs. Dorothy Faya, the signer of the affidavit, is not related to the property owners nor will not profit in any way from the sale of the premises, the affidavit will serve as conditional approval for the use of 2 apartments. Please be advised that the approval is subject to challenge.

If you have any questions, you may call me at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "John J. Sullivan, Jr.", is written over a pre-printed name. To the left of the signature, the word "RE:" is handwritten.
John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:kew



Baltimore County
Department of Permits and
Development Management

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

July 12, 2000

Mr. Rudolph E. DeMeo
Recher & DeMeo, LLC
300 Allegheny Avenue
Towson, MD 21204

Dear Mr. DeMeo:

RE: 607 Stoney Lane, 1st Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Please excuse the delay of my response, as I had to confer with the Supervisor of the Code Enforcement Office, who has been on vacation. Your client's request is for verification from this office that the use of this site as a two-apartment dwelling with a contractor's equipment building, contractor's equipment yard, and parking lot is permitted on a provisional basis.

The zoning of this site per the 1"=200' scale zoning map number SW, 2-F has been and is residential currently, DR-5.5. Commercial Building Permit numbers C-306-78 to construct a new contractor storage building and a 6' privacy fence, C-383-80 for alteration to complete the contractor's storage building and a 6' privacy fence, C-835-82 for alteration to complete a contractor's equipment storage building, and GRC 2281-86 grading and paving for a parking lot were approved by this office on March 28, 1978, April 30, 1980, July 13, 1982, and 1986, respectively. The permits refer to an existing two-family dwelling and a contractor's equipment storage building and yard.

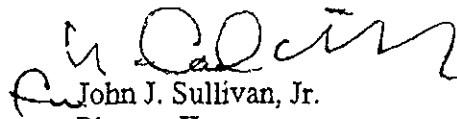
A review of files in this office found no record of any hearing before the Zoning Commission (to establish a legal non-conforming use) at this site. A zoning violation case #86-378-CV went to District Court before the Honorable Judge Gerald Wittstadt. Per James H. Thompson, Code Enforcement Supervisor, Judge Wittstadt on October 10, 1986 requested that the attorneys for both sides submit memorandums. No subsequent action was taken by the Code Enforcement Office. Another zoning violation complaint number C-95-1442 was received in 1995. The case was eventually closed. In light of the above, it appears that the use of a two-apartment dwelling and a contractor's equipment building and yard with parking will be accepted by this office as a non-conforming use. However, this acceptance is subject to challenge. I strongly suggest that your client file for a hearing to establish a non-conforming use. If granted, this will result in an order and approved plan which will limit any possible future delays, confusion, or challenges.



Mr. Rudolph E. DeMeo
July 12, 2000
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:ap

cc: James H. Thompson, Code Enforcement Supervisor

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRIAN DIETZ
GERHOLD CROSS + FREL

Gordon L. Smith Jr.

Judith E. Smith

DAVID B. SWINA

CHARLES M. CAHN III

320 E. TOWSON TOWN BLVD. TOWSON MD 21286
13610 ~~13610~~ Bardon Rd. Phoenix Md. 21131

607 STONEY LA. BAL. MD. 21228
P.O. BOX 116, STEVENSON, MD. 21153



DEP/COM 22-B

April 2, 1958

Mr. Peter J. Demuth
619 Stoney Lane
Catonsville 28, Maryland

Dear Mr. Demuth:

Upon inspection of the property at 607 Stoney Lane,
we find that Harry Pava & Sons have a non-conforming use to
store gravel, tractors, shovels and heavy trucks on the premises.

If there is any question as to this non-conforming use,
please contact the Zoning Office.

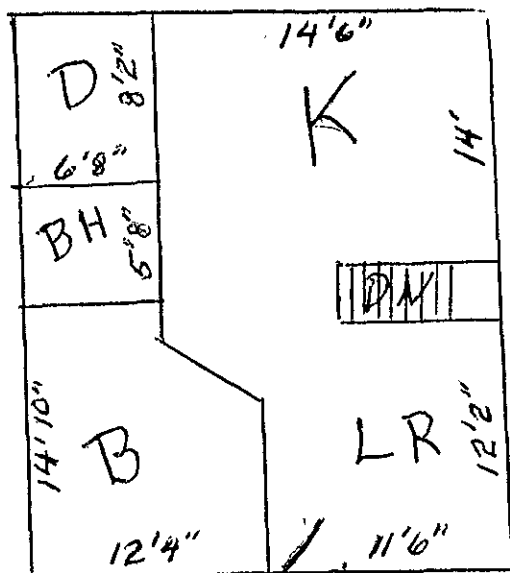
Very truly yours,

John G. Rose

John G. Rose
Deputy Zoning Commissioner

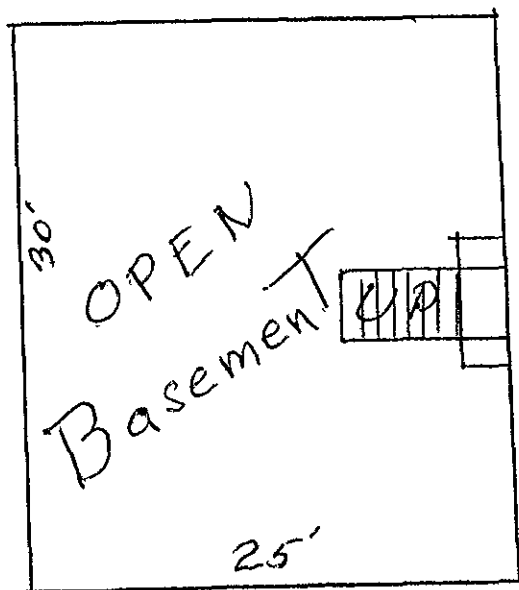
JGR/ed
cc - Harry Pava & Sons

Basic Layout - 2 Apts, 607 SToney LANE



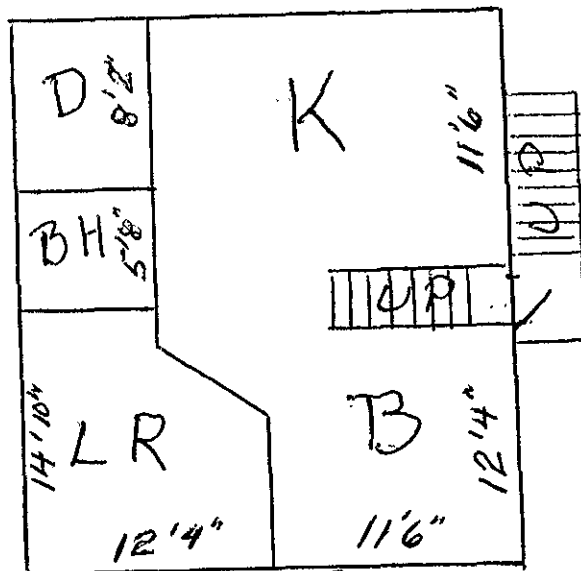
1st fl.

Masonry 2 Story
Farm House
SLate Roof
STucco Walls



Basement

Converted
To 2 apartments
aprox June 1942
Continuous
Ever Since



2nd floor

Pet Ex #3

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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

David Lee Clickner
AFFIANT (Handwritten Signature)

DAVID LEE CLICKNER
AFFIANT (Printed Name)
114 ROLLINGBROOK WAY

I have personal knowledge that the home located at 607

Stoney Lane Catonsville Balto Co
(Address)

has been occupied as a Two apartment dwelling since
(two, three, etc.)

3, 77. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since 3, 77. This personal knowledge is based upon:
(month) (year)

My continuous use and occupancy of the property as a contractor storage yard and two family dwelling, with an apartment on the first floor and an apartment and office on the second floor during my ownership from March, 1977 to March of 86 My contractor storage yard STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of November, 19 86, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DAVID LEE CLICKNER, 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 hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC

My Commission Expires:

July 1, 1990

11/10/86

Balt. Co. Md.

Pat 2A

use represents a continuation of a prior non-enclosed contractor's storage yard
used by Harry Faye and his, as confirmed in a letter from the Deputy
County Commissioner Rose to Mr. De Muth dated April 2, 1958
which included the right "to store gravel, tractors, shovels and
heavy trucks on the premises."

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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

Nicholas B. Talbott
AFFIANT (Handwritten Signature)

Nicholas B. Talbott
AFFIANT (Printed Name)

I have personal knowledge that the home located at _____

607 Stoney Lane Catonsville Maryland 21228
(Address)

has been occupied as a 2 apartment dwelling since
(two, three, etc.)

Jan, 1949. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since Jan, 1949. This personal knowledge is based upon:
(month) (year)

having lived 5 doors away for 40 years To my
knowledge it has always been an apartment.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of November, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Nicholas B. Talbott, 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 hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC

My Commission Expires: 12/1/1990

26

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

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

BEATRICE GLANVILLE
AFFIANT (Handwritten Signature)

BEATRICE GLANVILLE
AFFIANT (Printed Name)

609 A STONEY LANE 21228

I have personal knowledge that the home located at 609 Stoney Lane

Balti. Md 21228

(Address)

has been occupied as a 2 apartment dwelling since
(two, three, etc.)

?, 1949. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since _____, _____. This personal knowledge is based upon:
(month) (year)

To my knowledge the apartment has been used for
apartments since the last 1949's or early 50's. To my
knowledge it was never converted back to a private home

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of March, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Beatrice Glanville, 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 hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC

My Commission Expires:



20



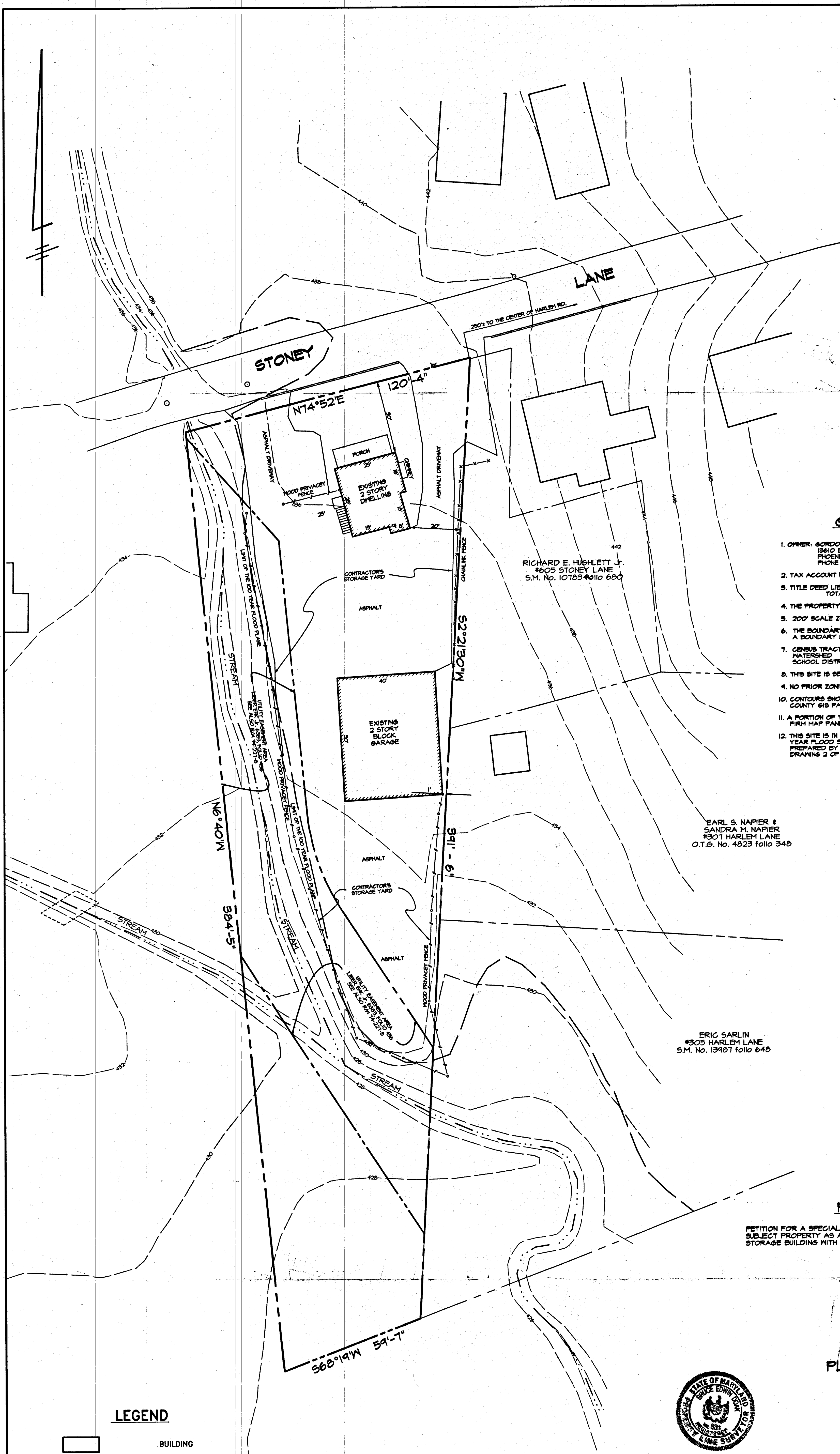
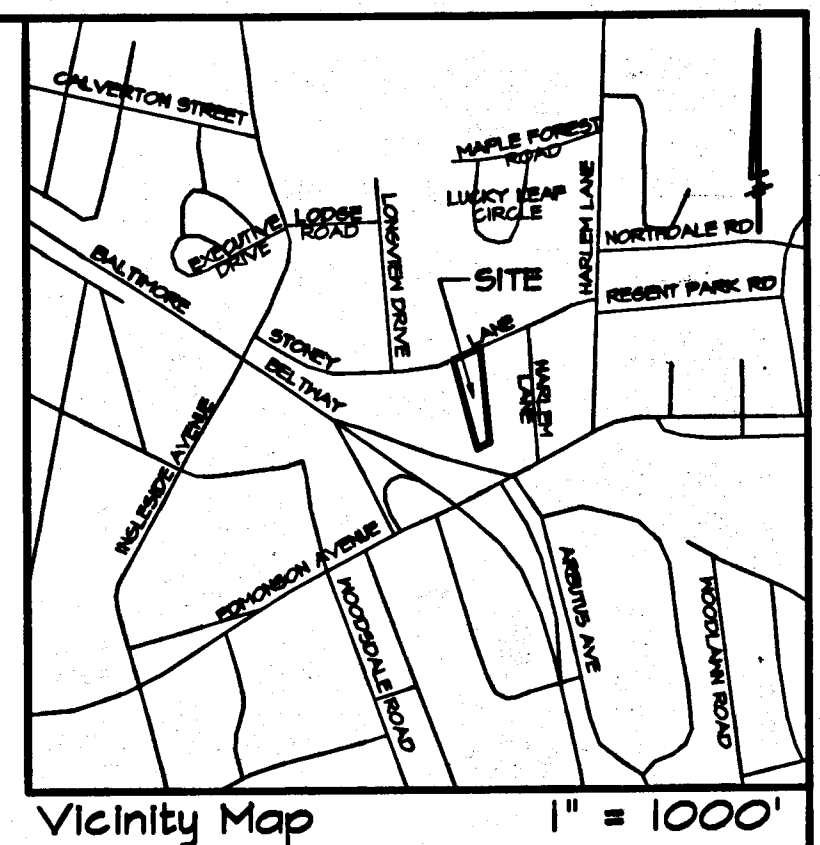
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

*Photographs
#01-224-SPH*









GENERAL NOTES

- OWNER: GORDON SMITH
18610 BARDON ROAD
PHOENIX, MD 21131-1515
PHONE 410-866-2565
- TAX ACCOUNT No. 01-06-000131
- TITLE DEED LIBER S.M. 7186 folio 115
TOTAL AREA = 0.7140 ac. OR 54,412 sq. ft.
- THE PROPERTY IS ZONED D.R. 5.5
- 200' SCALE ZONING MAP No. SM 2-F
- THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED,
A BOUNDARY WAS NOT PERFORMED BY GERHOLD, CROSS & ETZEL LTD.
- CRIBUS TRACT 4007.01 A.D. MAP & GRID 41 E-1
WATERSHED 25 SUBWATERSHED 7
SCHOOL DISTRICT 16 REGIONAL PLANNING DISTRICT 324 A
- THIS SITE IS SERVICED BY PUBLIC SEWER AND WATER.
- NO PRIOR ZONING CASES.
- CONTOURS SHOWN HEREON WERE TAKEN FROM BLATIMORE
COUNTY GIS PANEL 101 A1
- A PORTION OF THIS SITE IS IN FLOOD ZONE A AS SHOWN ON
FIRM MAP PANEL 240010 0840 S DATED MARCH 2, 1981.
- THIS SITE IS IN A RIVERINE FLOOD AREA. THE LIMITS OF THE 100
YEAR FLOOD SHOWN HEREON WAS DIGITIZED FROM A FLOOD STUDY
PREPARED BY DEMBERRY AND DAVIS, ENTITLED MADEN CHOICE RUN
DRAWINGS 2 OF 3.

EARL S. NAPIER &
SANDRA M. NAPIER
#307 HARLEM LANE
O.T.G. No. 4823 folio 348

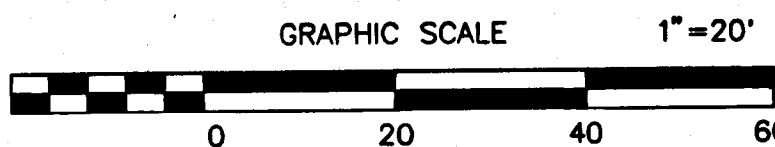
ERIC SARLIN
#305 HARLEM LANE
S.M. No. 13987 folio 648

PETITION

PETITION FOR A SPECIAL HEARING TO APPROVE THE NON-CONFORMING USE OF THE
SUBJECT PROPERTY AS A TWO APARTMENT DWELLING WITH A CONTRACTOR'S
STORAGE BUILDING WITH OFFICE AND CONTRACTOR'S STORAGE YARD.

LEGEND

- | | |
|--|------------------------|
| | BUILDING |
| | CHAIN-LINK FENCE |
| | ZONING DIVISION LINE |
| | BUILDING SETBACK LINE |
| | BOUNDARY LINE |
| | UNDERGROUND WATER LINE |
| | OVERHEAD UTILITY LINE |
| | UNDERGROUND SEWER LINE |
| | FIRE HYDRANT |
| | MANHOLE |
| | UTILITY POLE |
| | GAS OR WATER VALVE |



PLAN TO ACCOMPANY A PETITION FOR A SPECIAL HEARING OF THE GORDON SMITH PROPERTY

607 STONEY LANE
Deed Ref: S.M. 7186, folio 115
Tax Account No.: 01-06-000131
Zoned: D.R. 5.5
Tax Map 101; Grid 02; Parcel 98

1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
SCALE: 1"=20' DATE: SEPTEMBER 25, 2000

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

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PRODUCT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN
PERMISSION OF GERHOLD, CROSS & ETZEL LTD.

REVISION

DATE

PLOT DATE: 11/29/2000

TECHNICIAN: B.D.E.T.Z.

FILE NAME: X:\Stoney\SmStoney.pro

Det. E. #1

SW 2-F



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BILL Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kananev
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
BY RICHARD-HORN, INC. BALTIMORE, MD. 21210

SCALE	LOCATION	SHEET
1" = 200'	CATONSVILLE	SW 2-F
DATE OF PHOTOGRAPHY		
JANUARY 1986		

H-NE G-NW