

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S/E curb Gwynn Oak Avenue, 166'		
NE centerline of Dogwood Road	*	ZONING COMMISSIONER
2nd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(1903 Gwynn Oak Avenue)		
	*	CASE NO. 01-427-SPH
Charles Warren		
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Special Hearing for the property located at 1903 Gwynn Oak Avenue in Woodlawn. The Petition was filed by Charles Warren, the property owner. Special Hearing relief is requested to approve, as a non-conforming use, a construction equipment storage yard and/or a contractor's equipment storage yard and/or the outside storage of machinery, equipment and building materials for the business operating on the subject site. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Hearing, marked as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Charles Warren, Property Owner/Petitioner and Darlene Warren his wife. Also present was Thomas Church of Development Engineering Consultants, Inc., the preparers of the site plan. The Petitioner was represented by C. William Clark, Esquire. There were no protestants or other interested persons present.

Testimony and evidence presented was that the subject property is an irregularly shaped parcel with frontage on Gwynn Oak Avenue, near its intersection with Dogwood Road in Woodlawn. The subject property is approximately 1.07 acres in area, zoned RO. It is served by

ORDER RECEIVED FOR FILING
 Date 6/29/01
 By [Signature]

public water and public sewer. The property is improved with an existing 2 ½ story frame dwelling which faces Gwynn Oak Avenue. An existing bituminous driveway provides vehicular access to the interior of the site from Gwynn Oak Avenue. The driveway extends beyond the house into the rear yard of the property. The rear yard contains a 60 ft. x 30 ft. existing metal building, a small 20 ft. x 10 ft. shed and 2 small metal storage containers.

Mr. Warren testified that he has owned the property since 1978. He, his wife and family reside in the single family, 2 ½ story dwelling located on the property. He indicated that he also operates from the site a business known as "Maryland Diving Service". The nature of the business is to repair bridges, pipelines, water craft and other underwater facilities. Within the 60 ft. x 30 ft. building in the rear of the site, he stores equipment incidental to this company. Specifically, the building contains certain welding tools and supplies, pumps, hand tools, drills, etc. He also maintains 2 or 3 trucks at the site, 2 pick-ups and a stake body truck. Additionally, he owns several trailers on which equipment is transported.

Mr. Warren indicated that, typically he leaves the site in the morning with his crew to travel to an off-site job. By nature of the business, all work is performed off-site in that the business specializes in underwater repairs and construction.

Mr. Warren further testified that his grandfather originally acquired the site in 1915. His grandfather was identified as Wilson C. Warren, and apparently operated a contractor's business from the site for many years. Apparently, the elder Mr. Warren operated his business from the site for nearly sixty years until his grandson (the Petitioner) acquired the site in 1978. At that time, the Petitioner's business was immediately relocated to the property. The Petitioner offered a number of documents attesting to the history of the use on the property. These included a number of copies of old plans, contracts, photographs, etc. Mr. Warren testified that he

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Date 6/27/01
By J. L. Demason

remembers visiting the site as a young boy in the mid-1950's. He testified that his grandfather continuously and uninterruptedly used the property for his contracting business from the time of his earliest memory until he purchased the property in 1978.

Testimony was also proffered by Petitioner's counsel on behalf of Elva Elzie, Mr. Warren's mother, an affidavit signed by her was also produced by the Petitioner. She is now elderly and was the elder Mr. Warren's daughter-in-law, having married the Petitioner's father. Her testimony was that the property was used continuously as a contractor's equipment storage yard by the senior Mr. Warren from the time of her first familiarity with the property in 1944 until her son purchased the lot in 1978. Apparently, she began dating her future husband at that time and could testify about the use of the property beginning in that year.

An adverse Zoning Advisory Committee (ZAC) Comment was submitted by the Office of Planning. The comment generally indicates that the use of the site by Mr. Warren is incompatible with the surrounding residential land use and the goals and objectives of the Woodlawn Community Plan. This position is somewhat arguable in that the subject lot, although zoned RO, does abut property zoned ML. Adjacent properties are used for commercial purposes, including a service garage and tavern. Admittedly, there are residences nearby. However, this is not the case of a commercial use intruding into a purely residential area. Moreover, the Office of Planning's position, although relevant from a land planning standpoint, does not bear on the issues specifically presented. The Petitioner is requesting relief for the site as a non-conforming use. A non-conforming use, by definition, is a use which is inherently incompatible with the existing zoning of the property. Non-conforming uses are defined in Section 101 of the Baltimore County Zoning Regulations and regulated in Section 104. Essentially, a non-conforming designation is utilized to grandfather an otherwise existing use. There is no doubt

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By [Signature]

that the use is inconsistent with the RO zoning classification; however, the question presented is whether the use is non-conforming. If so, it may remain irrespective of its impact and compatibility with the neighborhood.

A series of photographs were also submitted at the hearing. They showed that the property is attractive and well maintained. From the street, the property appears to be used only for residential purposes in that the large single family dwelling is immediately adjacent to Gwynn Oak Avenue. One must traverse a driveway upgrade and into the rear yard before the commercially used improvements are visible. Moreover, the rear of the property appears to be well maintained and neat. Additionally, a letter in support of the application was received from a neighbor (Petitioner's Exhibit No. 5). That letter indicates, in part, "the manner in which they (Maryland Diving Service) have continually been maintaining and upgrading the appearance of their property is admirable for a business and greatly appreciated by the adjacent site owner." The letter endorses the non-conforming use application.

Based on the testimony and evidence offered, I am persuaded to grant the Petition for Special Hearing. In this case, I find that the Petitioner has presented testimony persuasive to a finding that the storage of contractor's and construction equipment has been ongoing and continuous on this site since approximately 1915. The evidence is persuasive that there have been no gaps in this use, in that Mr. Warren began his operation immediately upon acquisition of the property from his grandfather. Moreover, although the nature of the business is slightly changed, the nature of the equipment stored on the property and use thereof has remained consistent.

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

ORDER RECEIVED FOR FILING

Date

6/20/01

By

J.P. Gorman

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ^{29th} day of June, 2001, that the Petitioner's Request for Special Hearing to approve, as a non-conforming use, a construction equipment storage yard and/or a contractor's equipment storage yard and/or the outside storage of machinery, equipment and building materials for the business operating at 1903 Gwynn Oak Avenue, be and is hereby GRANTED.

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


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING
DMS 6/29/01
BY R. P. Gmerson



Baltimore County
Zoning Commissioner

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

June 29, 2001

C. William Clark, Esquire
Nolan, Plumhoff & Williams, Chartered
502 Washington Avenue, Suite 700
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 01-427-SPH
Property: 1903 Gwynn Oak Avenue

Dear Mr. Clark:

Enclosed please find the decision rendered in the above-captioned case. The petition 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,

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

c: Mr. Charles Warren
1903 Gwynn Oak Avenue
Baltimore, MD 21207

Thomas Church, P.E.
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, MD 21212





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1903 Gwynn Oak Avenue
which is presently zoned RO

2nd Election District 2nd Councilmanic District

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 as a non-conforming use a construction equipment storage yard, and/or a contractor's equipment storage yard, and/or outside storage of machinery, equipment and building materials for business operating on the site.

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:

Legal Owner(s):

Name - Type or Print _____

Name - Type or Print Charles Warren

Signature _____

Signature Charles Warren

Address _____ Telephone No. _____

Name - Type or Print _____

City _____ State _____ Zip Code _____

Signature _____

Attorney For Petitioner:

1903 Gwynn Oak Avenue (410) 298-4471
Address Telephone No.

C. William Clark
Name - Type or Print City

Baltimore MD 21207
State Zip Code

Signature _____

Representative to be Contacted:

Nolan, Plumhoff & Williams, Chartered

Development Engineering, Inc.

Company _____

Name
6603 York Road (410) 377-2600
Address Telephone No.

502 Washington Avenue, #700 (410) 823-7800
Address Telephone No.

Baltimore MD 21212
City State Zip Code

Towson MD 21204
City State Zip Code

Baltimore MD 21212
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 4/16/01

Case No. 01-427-SPH

0-2-23 RECEIVED FOR
Date 4/15/01
By [Signature]

REV 10/15/98

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

#1903 GWYNN OAK AVENUE

Beginning at a point on or near the southeast curb line of Gwynn Oak Avenue, which is a right-of-way 60' wide at the distance of 166 feet northeast of the centerline of the nearest improved intersecting street, Dogwood Road which has a variable width right-of-way, thence binding on the southeast curb line of Gwynn Oak Avenue as shown on a survey provided by the property owner for preparing the "Plat to Accompany Petition for Special Hearing" 1) North 19 degrees 04 minutes 00 seconds East, 201.44 feet, thence leaving the southeast side of Gwynn Oak Avenue and binding on the following lines of division as shown on the aforementioned survey: 2) North 73 degrees 18 minutes 07 seconds West, 236.25 feet, 3) South 24 degrees 39 minutes 38 seconds West, 131.78 feet, 4) South 72 degrees 50 minutes 35 seconds West, 231.74 feet, 5) thence along a curve to the right with a radius of 60.00 feet for an arc length of 70.16 feet to the point of beginning.

Containing 46,609 square or 1.07 acres of land, more or less.

Saving and excepting, however, from the above described property a variable width strip of land for highway widening purposes which is recorded in the Land Records of Baltimore County in Liber 3313, Folio 509, area not given.

Also known as #1903 Gwynn Oak Avenue and located in the 2nd Election District, 2nd Councilmanic District.

01-106

April 9, 2001



01-427-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92947

DATE 4/16/01 ACCOUNT R-001-006-6150

AMOUNT \$ 250.00

RECEIVED FROM C. Williams, C. A. Nelson, Plumbhof & Williams

FOR: Charles Warren Special Hearing 01-427-3PH

1403 Gwynn Oak Avenue.

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
4/17/2001	4/16/2001	15:30:20
REF 1803	CASHIER LUTL LDW	DRAWER
RECEIPT # 178006		OFLI
OFF 5	528 ZORING VERIFICATION	
OR NO. 022947		
	Receipt Tot	250.00
	250.00 CK	.00 CA
	Baltimore County, Maryland	

CASHIER'S VALIDATION

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: #01-427-SPH

1903 Gwynn Oak Avenue

S/E curb Gwynn Oak Avenue, 166' NE centerline Dogwood Road

2nd Election District - 2nd Councilmanic District

Legal Owner(s): Charles Warren

Special Hearing: to approve as a non-conforming use as a construction equipment storage yard, and/or a contractor's equipment storage yard, and/or outside storage of machinery, equipment and building materials for business operating on this site.

Hearing: Friday, June 8, 2001 at 10:00 a.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 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) 887-3391.

5/24/01 May 24

C470671

CERTIFICATE OF PUBLICATION

5/24/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/24/2001.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-427-SPH

Petitioner/Developer: _____

CHARLES WARREN

Date of Hearing/Closing: 6/8/01

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 _____

1903 GWYNN OAK AVE

The sign(s) were posted on 5/24/01
(Month, Day, Year)

Sincerely,

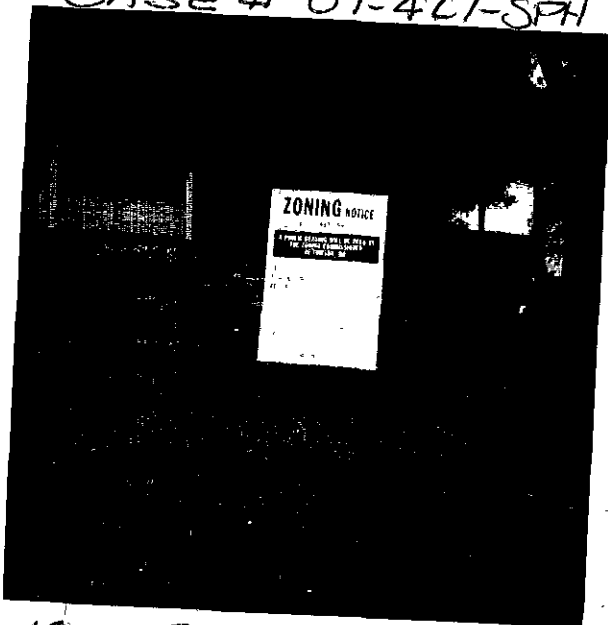
Richard E. Hoffman 5/24/01
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



1903 GWYNN OAK AVE

POSTED 5/24/01

Richard E. Hoffman 5/24/01

CERTIFICATE OF POSTING

RE: Case No.: 01-427-SPH

Petitioner/Developer: CHARLES WARR

Date of Hearing/Closing: JUNE 8, 2001

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 1903 Gwynn Oak Avenue

The sign(s) were posted on May 24, 2001
(Month, Day, Year)

Sincerely,


(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

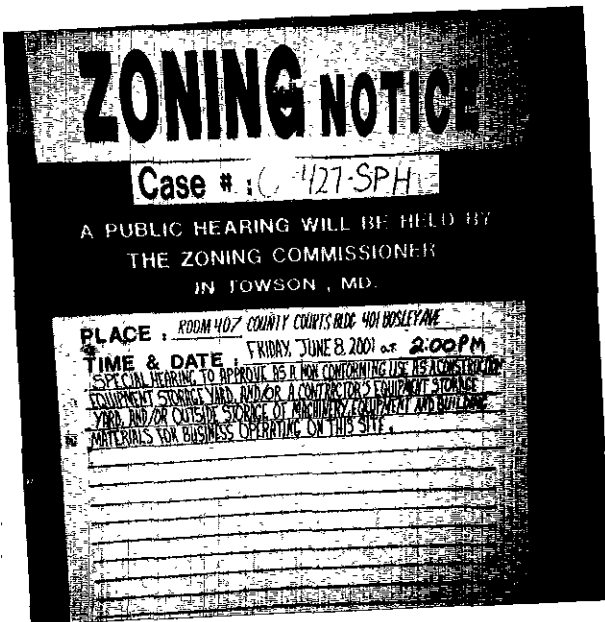
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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: 01-427-SPH

Petitioner: Charles Warren

Address or Location: 1903 Gwynn Oak

PLEASE FORWARD ADVERTISING BILL TO:

Name: C. William Clark, Esq.

Address: 502 Washington Ave.

Towson, MD 21204

Telephone Number: 410-823-7800

NOTE TO FILE

TO: Hearing File

FROM: Jeffrey Perlow, Planner II
Zoning Review

RE: 01-427-SPH (1903 Gwynn Oak Avenue)
Charles Warren, Petitioner

Petitioner and petitioner's attorney was advised that the site plan, as submitted, does not delineate the following:

1. The area and limits of the Non-Conforming Use on the date that it became non-conforming, and
2. The area of any expansion of that Non-Conforming Use since that time.

Based on the above, we accepted the plan for filing at the insistence of the petitioner and his attorney and we advised them of our concerns.



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

May 10, 2001

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: 01-427-SPH
1903 Gwynn Oak Avenue
S/E curb Gwynn Oak Avenue, 166' NE centerline Dogwood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Charles Warren

Special Hearing to approve as a non-conforming use as a construction equipment storage yard, and/or a contractor's equipment storage yard, and/or outside storage of machinery, equipment and building materials for business operating on this site.

HEARING: Friday, June 8, 2001 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 *GDZ*
Director

C: C. William Clark, Nolan Plumhoff & Williams, Chartered, 502 Washington Avenue
#700, Towson 21204
Charles Warren, 1903 Gwynn Oak Avenue, Baltimore 21207
Development Engineering Inc, 6603 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 24, 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, May 24, 2001 Issue – Jeffersonian

Please forward billing to:
C. William Clark
502 Washington Avenue
Towson MD 21204

410 823-7800

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: 01-427-SPH
1903 Gwynn Oak Avenue
S/E curb Gwynn Oak Avenue, 166' NE centerline Dogwood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Charles Warren

Special Hearing to approve as a non-conforming use as a construction equipment storage yard, and/or a contractor's equipment storage yard, and/or outside storage of machinery, equipment and building materials for business operating on this site.

HEARING: Friday, June 8, 2001 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL
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.



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

May 22, 2001

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: 01-427-SPH
1903 Gwynn Oak Avenue
S/E curb Gwynn Oak Avenue, 166' NE centerline Dogwood Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Charles Warren

Special Hearing to approve as a non-conforming use as a construction equipment storage yard, and/or a contractor's equipment storage yard, and/or outside storage of machinery, equipment and building materials for business operating on this site.

HEARING: Friday, June 8, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

Arnold Jablon GDZ
Director

C: C. William Clark, Nolan Plumhoff & Williams, Chartered, 502 Washington Avenue
#700, Towson 21204
Charles Warren, 1903 Gwynn Oak Avenue, Baltimore 21207
Development Engineering Inc, 6603 York Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 24, 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, May 24, 2001 Issue – Jeffersonian

Please forward billing to:
C. William Clark
502 Washington Avenue
Towson MD 21204

410 823-7800

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: 01-427-SPH
1903 Gwynn Oak Avenue
S/E curb Gwynn Oak Avenue, 166' NE centerline Dogwood Road
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Legal Owner: Charles Warren

Special Hearing to approve as a non-conforming use as a construction equipment storage yard, and/or a contractor's equipment storage yard, and/or outside storage of machinery, equipment and building materials for business operating on this site.

HEARING: Friday, June 8, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
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.



Baltimore County
Department of Permits and
Development Management

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

June 1, 2001

Charles Warren
1903 Gwynn Oak Avenue
Baltimore MD 21207

Dear Mr. Warren:

RE: Case Number: 01-427-SPH, 1903 Gwynn Oak Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 16, 2001.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: C. William Clark, Nolan Plumhoff & Williams Chartered, 502 Washington
Avenue #700, Towson 21204
Development Engineering Inc, 6603 York Road, Baltimore 21212
People's Counsel



Baltimore County
Fire Department

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

May 10, 2001

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: CHARLES WARREN - 427

Location: DISTRIBUTION MEETING OF MAY 7, 2001

Item No.: 427

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.

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: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



Printed with Soybean Ink
on Recycled Paper

Ho
6/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 2001

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

SUBJECT: 1903 Gwynn Oak Avenue

INFORMATION:

Item Number: 01-427

Petitioner: Charles Warren, c/o C. William Clark

Zoning: RO

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends denial of this request. The use of this property for commercial purposes as stated in the application is not allowed in an RO zoning district, as per the BCZR. Additionally, the use is incompatible with the surrounding residential land use, and the goals and objectives of the Woodlawn Community Plan

Prepared by: Maeb A. Cunniff

Section Chief: Jeffrey W. Long
AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.9.01

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

RE: Baltimore County
Item No. 427

JHP

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,

A handwritten signature in cursive script, appearing to read 'P. J. Gredlein'.

for 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, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 4, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2001
Item Nos. 427, 430, 431, 432, 440, 441,
and 442

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

RWB:HJO:jrb

cc: File

*Res
6/8*

RE: PETITION FOR SPECIAL HEARING
1902 Gwynn Oak Avenue, SE/curb Gwynn Oak Ave,
166' NE of c/l Dogwood Rd
2nd Election District, 2nd Councilmanic

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-427-SPH

Legal Owner: Charles Warren
Petitioner(s)

* * * * *

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
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 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to C. William Clark, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: May 17, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 427 (01-427-SPH)
Legal Owner/Petitioner: Charles Warren
Property Address: 1903 Gwynn Oak Avenue
Location Description: SE/S Gwynn Oak Avenue, 166' NE of centerline Dogwood Road

VIOLATION INFORMATION: **Case No.: 00-7539**
Defendants: Charles W. Warren

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- Complaint Intake Form/Code Enforcement Officer's report and notes
- State Tax Assessment printout
- Photographs including dates taken
- Correction Notice
- Citation and Proof of Service
- Business Card from Maryland Diving Service, Inc.
- Letter from Charles Warren (dated 10/16/00)
- Letter from Charles Warren (dated 11/3/00)
- Fax from Charles Warren (dated 11/6/00)
- Letter from C. William Clark, Esquire (dated 2/27/01)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/scj

c: Code Enforcement Officer Thompson

DATE: 10/3/00 INTAKE BY: mj CASE #: 00-7539 INSPEC: 8

COMPLAINT LOCATION: 1903 Gwynn Oak Ave

ZIP CODE: 21207 DIST:

COMPLAINANT NAME: ANONYMOUS PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: B.F.R. Contractors Eg. Storage Yard, Junk Yard.

Comm. Veh. (Maryland Diving Service 410-298-4471) Zoned R.O.

UPDATE MARK GAWEL

IS THIS A RENTAL UNIT? YES NO IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 01-23-001580 ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

DATE: 10/3/00 INTAKE BY: MJM CASE #: 00-7539 INSPEC: 8

COMPLAINT LOCATION: 1903 Gwynn Oak Ave

ZIP CODE: 21207 DIST:

COMPLAINANT NAME: ANONYMOUS PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: B.F.R. Contractors Eg. Storage Yard, Junk Yard

Comm. Veh. (Maryland Diving Service 410-298-4471) Zoned R.O.

UPDATE MARK GAWEL

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 01-23-001580 ZONING:

INSPECTION: Inspected property 10/4/00 G.H.

Took 11 photographs of property showing - Contractors storage yard, junk yard, recreational vehicles, commercial vehicle, Class II truck facility, illegal

REINSPECTION: Home occupation.

REINSPECTION: 2/12/01 - spoke with Prop. Owner & advised him I need a letter

from attorney outlining progress of hearing. PU 2/19/01 for update (EB)

REINSPECTION: 2/26/01 - served citation to Rolanda James (Sergeant). Hearing

4/12/01, 3 photos. PU 5/12/01 for maintaining update (EB)

JY, CEST, BUS FROM RES, Trucking Facility

Correction notice issued 10/5/00 - Compl. 11/5/00 G. Huck
Extension requested on 11/6/00 to 11/13/00 12/5/00 (L.W.)

Appt 4/16/01 3PM filing SH w/ M. Clark, Attorney

10/4/00 - Inspect GH

CEST -

10/4/00 - GH met w/ secretary - BER, compressors, air +
water hoses, piles of piping, storage trailers, storage cont,
air + gas tanks, steel beams, etc, JY - tires, auto parts,
metal debris, mech parts, etc. 2 Boats near prop - NT
no trailer Class II Trucking Fac - large low boy tractor +
trailer, Correction notice issued - hand deliv. + mailed

11/6/00 ~~GH~~ ^{L.W.} talked to owner - all viol remain, except
1 boat removed ^{some} - TJ + D removed

2/26/01 - Citation served to Ms. Thomas

3/23/01 - Mark + DT - same

4/11/01 - DT - same

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Dt Rec: 10032000 Intake: GAWEL, M Act: _____ Case #: 00-7539
Insp: BRADDY, E Insp Grp: ENF Insp Area: 8 Tax Acct: 123001580
Address: 1903 GWYNN OAK AVE Apt #: _____ Zip: 21207
Problem Descript.: BUSINESS FROM RESIDENCE, CONTRACTORS EQUIPMENT STORAGE YARD,
JUNK YARD, COMMERCIAL VEHICLE (MD DIVING SERVICE 410-298-4471). ZONED R-0.
UPDATE M GAWEL. ***GIVE TO (LW)***

MAP: 33 E 8

Complainant Name (Last): ANONYMOUS (First): _____
Complainant Addr: _____
Complainant City: _____ State: _____ Zip: _____
Complainant Phone (H): _____ (W): _____
Date of Reinspection: 5162001 Date Closed: _____ Delete Code (P): _

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Notes: ILLEGAL BUSINESS FROM RESIDENCE (MD DIVING SERVICE, CHARLES WARREN-PRES, 410-298-4471. CONTRACTORS STORAGE YARD: COMPRESSORS, AIR WATER HOSES, LARGE PIPING, STORAGE TRAILERS, STORAGE CONTAINERS, AIR & GAS TANKS, STEEL I BEAMS, ETC. JUNK YARD: OLD TIRES, AUTO PARTS, METAL DEBRIS, MECHANICAL PARTS, ETC. 2 BOATS PARKED IN BACK OF PROPERTY OVER 16' IN LENGTH. ONE STORED ON TRAILER W/O PROPER TAGS. OPERATING A CLASS II TRUCKING FACILITY: LG LOW BOY TRAILER TO HAUL LG EQUIPMENT. ISSUED A CORRECTION NOTICE & SENT A COPY BY REGULAR MAIL. P/U 11/5/00 (GH)

**11/6/00-TALKED W/OWNER. HE REQUESTED A 30-DAY EXTENSION. I TOLD HIM TO FAX ME A COPY OF HIS REQUEST. ALL VIOLATIONS STILL THERE, 1 BOAT REMOVED, A LOT OF TRASH, JUNK, DEBRIS REMOVED. I RECOMMENDED TO OWNER TO PURSUE NON-CONFORMING USE IF HE CAN PROVE USE BACK TO 1945. P/U 12/5/00 (LW)

**12/18/00-CALLED MR.WILLIAM CLARK OF NOLAN, PLUMHOFF & WILLIAMS (ATTORNEYS) WHO REPRESENTS MR. WARREN, THE DEFENDANT. MR. CLARK IS TO RETURN MY CALL W/UP-DATE & STATUS. 410-823-7800. GIVE TO JOE GLORIOSO. P/U 12/20/00 (JG).

**2/12/01, SPOKE W/PROP OWNER'S ATTORNEY BY PHONE. HE STATED HE WAS STILL IN PROCESS OF FILING FOR

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Notes 2: HEARING. VISITED SITE, MET W/OWNER, ADVISED HIM I WOULD NEED A LETTER FROM ATTORNEY REGARDING HEARING SO THAT I COULD GRANT ANOTHER EXTENSION.
P/U 2/19/01 FOR UPDATE. GIVE TO E BRADY.
**2/20/01-SPOKE W/PROPERTY OWNER REGARDING LETTER I REQUESTED FROM HIS ATTORNEY. HE PHONED ATTORNEY IN MY PRESENCE, WHO STATED LETTER HAD BEEN MAILED ON 2/16/01. I ADVISED BOTH THAT IF I WAS NOT IN RECEIPT OF LETTER BY 2/23/01, I WOULD ISSUE CITATION. P/U 2/23/01 FOR UPDATE. (EB)
**2/26/01-CITATION SERVED TO SECRETARY (ROLANDA THOMAS). HEARING DATE 4/12/01. P/U 3/12/01 FOR UPDATE. 3 PHOTOS. (EB)
**2/27/01-HEARING SCHEDULED FOR 4/12/01 @ 9AM FOR FAILURE TO CEASE OPERATION OF JUNK YARD, CONSTRUCTION STORAGE YARD, OPERATING ILLEGAL BUSINESS FROM RESIDENCE, AND TO CEASE OPERATION OF TRUCKING FACILITY. P/U 4/10/01 FOR COMPLIANCE. (EB)
**4/11/01-RECEIVED LETTER FROM MR CLARK, REQUESTING A POSTPONEMENT. MR SCHAPIRO WROTE BACK NO AND THE HEARING IS SCHEDULED FOR 4/12/01. (K.P.)
**4/11/01-PROPERTY SAME.
**4/12/01-HEARING 4/12/01. CONTINUANCE APPOINTMENT TO FILE FOR SPECIAL HEARING W/ATTORNEY, C WILLIAM CLARK,

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Notes 3: ON 4/16/01 @ 3PM. P/U 4/16/01 TO D THOMPSON.

**4/16/01-MR WARREN FILED PETITION FOR SPECIAL HEARING, CASE NO. 01-427-SPH.
POP-UP 5/16/01 FOR HEARING STATUS. (DTH/SCJ)
**5/17/01-COPY OF ENFORCEMENT FILE SENT TO ZONING REVIEW FOR INCLUSION IN ZONING
HEARING NUMBER 01-427-SPH. (SCJ)

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

UPDATE / MESSAGE FORM

4/23

11:15 a.m. p.m.

Norma Simpson

2-7529

1923 E. OAK AVE., 21.207

Continuation of hearing - apt to file

hearing - testimony C. Williams Clark on

3PM - p/v 4/16/01 to D. Thompson,

ENTERED INTO AS400

UPDATE/MESSAGE FORM

4/16/01

a.m. p.m.

D. Thompson

00-7539

1903 Gwynn Oak Ave., # 207

Mr. Warren filed petition for Special
- Item No. 01-427

p/w 5/16/01 for hearing status

ENTERED INTO AS400

56

DATE: 10/03/2000

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:15:37

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
 01 23 001580 01 1-3 04-00 H NO 06/02/00
 WARREN CHARLES W

1903 GWYN OAK AV

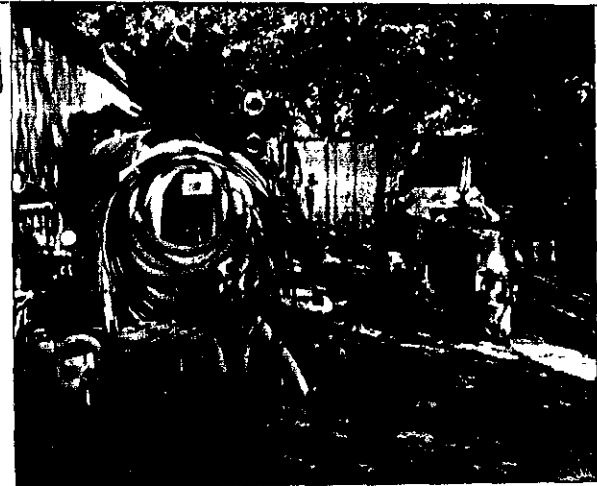
DESC-1.. IMPS
 DESC-2.. CARLYNN HEIGHTS
 PREMISE. 01903 GWYNN OAK AVE
 00000-0000

BALTIMORE MD 21207-0000 FORMER OWNER: WARREN CHARLES W

FCV		PHASED IN			
	PRIOR	PROPOSED	CURR	CURR	PRIOR
			FCV	ASSESS	ASSESS
LAND:	35,130	35,100			
IMPV:	82,290	82,660	TOTAL.. 117,760	47,100	47,050
TOTL:	117,420	117,760	PREF... 0	0	0
PREF:	0	0	CURT... 117,760	47,100	47,050
CURT:	117,420	117,760	EXEMPT.	0	0
DATE:	08/94	10/97			

TAXABLE BASIS		FM DATE
00/01 ASSESS:	47,100	06/01/00
99/01 ASSESS:	47,050	06/04/99
98/01 ASSESS:	47,010	06/05/98

ENTER INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



INSPECTION DATE: 10/4/00 G. H. Wick



INSPECTED on 10/4/00
G. Hucik

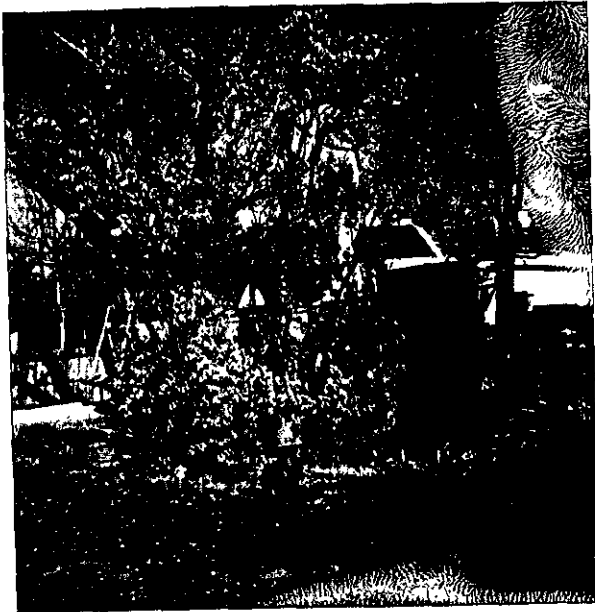




11/6/00



11/6/00



11/6/00



11/6/00

PHOTOGRAPHIC RECORD

Case Number: _____

00-7539

Case Photographs: _____

2/26/01



I HEREBY CERTIFY that I took the 3 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Ed. Braddy
Enforcement Officer



Baltimore
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351 **7282** Plumbing Inspection: 410-887-3620
Building Inspection: 410-887-3953 Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 00-1539	Property No. 01-23-001580	Zoning: R.O.
-------------------------------------	-------------------------------------	------------------------

Name(s): **Charles W Warren**

Address: **1903 Gwynn Oak Av. Baltimore MD 21207**

Violation Location: **Same**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
~~Sec 1001.1A; 101; 102.1; 408~~ **cease operation of a junk yard.**
 Remove all metal debris, Abrasive parts, mechanical parts
 etc. (Sec: 101; 102.1; 415) Only one recreational vehicle
 allow on residential property and all recreational vehicles
 on trailers need proper licensing. (Sec: 101; 102.1
 BCZR) illegal contractor's equipment storage yard.
 Remove or properly store all construction
 equipment. (Sec: 101; 102.1 BCZR) Illegal home occupation
 in a residential zone. Cease the operation of a
 class II trucking facility - 101; 102.1; 409.8D; 410; 410A
 Remove Low Bay trailer.
 All violations can be fined \$200⁰⁰ a day per day
 per violation.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 11/5/00	Date Issued: 10/5/00
------------------------------	-----------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Gary Hucik**

INSPECTOR: **Gary Hucik**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR: _____ AGENCY: _____



Baltimore County
 Department of Permits and
 Development Management

Code Inspection and Enforcement
 Control Office Building
 111 West Chesapeake Avenue
 Towson, MD 21204

Code Enforcement: 410-887-3351
 Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
 Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
 SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No. 00-7539	Property No. 01-23-001500	Zoning: R.O.
-------------------------------------	-------------------------------------	------------------------

Name(s): **CHARLES W. WARREN**

Address: **1903 GWYNN OAK AVE BALTO, MD. 21207**

Violation Location: **SAME**

Violation Dates: **10/5/00 THRU 2/23/01**

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

FAILURE TO CEASE OPERATION OF JUNKYARD (BCZR 101, 102.1) ^{BC}

FAILURE TO CEASE OPERATION OF CONTRACTORS STORAGE YARD (BCZR 101, 102.1) ^{BC}

OPERATING AN ILLEGAL BUSINESS FROM RESIDENCE (BCZR 101, 102.1) ^{BCZR}

FAILURE TO CEASE OPERATION OF TRADING FACILITY (101, 102.1, 409.50, 410, 410(a)) ^{BCZR}

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated:

\$ **112,800.00**

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for:

Date: **4/12/01**
 Time: **9 A.M.**

Citation must be served by: **3/13/01**

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: **ED. BRADY**

Date: **2/26/01**
 Inspector's Signature: **Ed. Brady**

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: _____ Citation/Case No.: _____

Address: _____

Date _____ Defendant's Signature _____ AGENCY _____

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. CHARLES WARREN, Defendant

Hearing Date 4/12/00 Issued Date 2/26/01 Expiration Date 3/13/01

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that

A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

A Citation and all other papers filed with it were served by personal delivery to ROLANDA THOMAS
Name

SECRETARY on 2/26/01 at 11:55 (a.m.) p.m.
Title Date Time

Description of defendant Race BLK Sex F Height 5' 5"

Weight 145 Age 40 Other SHORT CUT HAIR

The premises at _____ were posted.

I was unable to serve because _____

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

E.D. BRADY
Signature

CODE ENFORCEMENT OFFICER
Title

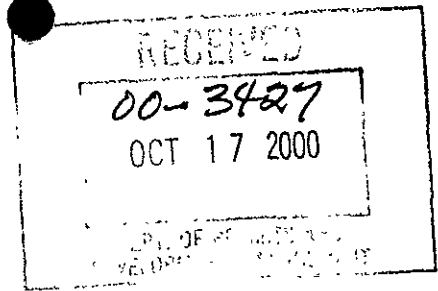
111 W. CHESAPEAKE AVE
Address

(410) 887-3351
Telephone No.

2/26/01
Date

12 10 (p.m.)
Time

Charles W. Warren
1903 Gwynn Oak Ave.
Baltimore, Md. 21207
410-298-2127



10/17/00
eg

October 16, 2000
Re: Citation 00-7539

Baltimore County
Department of Permits
Department of Management
Code, Inspections and Enforcement
County Office Building
111 West Chesapeake Ave.
Towson, Md. 21204

Attention: Gary Hucik

Dear Sir:

When you came and looked at my property I was out of state at a funeral in Tennessee, my secretary said you would be back on 10/9 or 10/10 to look over the property with me. I am asking you to come back and go over the citation with me.

Thank You,


Charles Warren.

Baltimore County
Code Inspection & Enforcement
111 West Chesapeake Ave.
Towson, Md. 21204

November 3, 2000
Re: Citation # 00-7539

Attention: Mr. Gary Hucik

Dear Mr. Hucik:

I am requesting a time extension on the above mentioned citation. I will move the lowboy trailer when my tractor repairs are completed. I have moved the boat and trailer and I am registering the boat trailer. The auto parts are cleaned up and the lumber and steel have been removed. An ongoing effort is being made to rectify the situation and a time extension would be greatly appreciated.

Sincerely,

Charles Warren
Charles Warren,

11/6/00
Extension granted until
12/5/00
[Signature]

FAX TRANSMITTAL

Date: 11/6/00
To: Leonard Wasilewski
From: Charles Warren
Company: Bulls Co.

No. Of Pages 1 not including this page.

Comments :

Dear Sir:

This is a copy of the letter requesting
a time extension. I have contacted
Bud Clark at Nelson Plumbers & Welders
to meet next Monday the 13th.

Thank You

LAW OFFICES

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800

TELEFAX: (410) 296-2765

email: npw@nolanplumhoff.com

Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1916-1990)

WRITER'S DIRECT DIAL
(410) 823-7850

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
WILLIAM CLARK
HERINE A. POTTHAST
BRUCE JONES**
ROGER L. WOLFE, JR.

ALSO ADMITTED IN D.C.
1990 ADMITTED IN NEW JERSEY

February 27, 2001

VIA HAND DELIVERY

Mr. Brady
Baltimore County
Division of Code Inspections and Enforcement
11 W. Chesapeake Avenue
Towson, MD 21204

Re: Charles Warren and 1903 Gwynn Oak Avenue

Dear Mr. Brady:

As I advised you in our telephone conversation last month, this firm represents Mr. Warren and the above-captioned property with respect to his request that we file a Petition for Special Hearing for non-conforming Use. As I advised you at that time, we have engaged the services of Development Engineering Consultants, Inc., a civil engineering firm in connection with doing the engineering work necessary to file such a Petition. As you no doubt know, we need to file a Plan to accompany the Petition. In addition to providing a site and bounds description, the engineering firm needs to locate certain improvements on the property and do other surveying work in order to prepare the Petition.

Mr. Church, of Development Engineering Consultants thought that this matter would be concluded quickly, so that I could obtain a filing appointment to file the Petition. However, conditions in the field, at the least of which has been the weather, have prevented them from concluding this matter as quickly as they would have liked. I know that recently you advised my client that you wanted a letter sent to you confirming the above, and I expected to send you that letter as soon as I had the plan and could tell you when the filing appointment

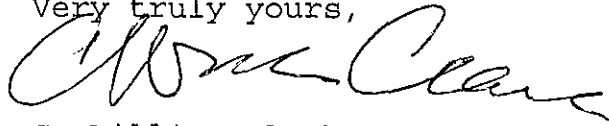
Filing appt 4/16 @ 3 PM w/ Mr. Clark.

would be. Unfortunately, you apparently have decided to move forward without advising me of your time deadline for receiving a letter. Nonetheless, here is the letter that you have requested for your file.

As soon as I have the Plan and a filing date, I will advise you. Once the Petition for Special Hearing has been filed, I will keep you advised as to the Hearing dates and the progress of that matter. If, in the meantime, you need additional information, please contact me.

Until then, I remain.

Very truly yours,



C. William Clark

CWC:kal

cc: Charles Warren

F:\Data\KATIEDATA\data\CWC\ZONING-CLIENTS\MD-Diving\Bradyltr.wpd

MARYLAND DIVING SERVICE, INC.

1903 Gwynn Oak Ave. • Baltimore, Maryland 21207



*General & Marine
Construction*

Charles Warren
President

(410) 298-4471

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST
E. BRUCE JONES**
CORNELIA M. KOETTER*

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

email: npw@nolanplumhoff.com

Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
(410) 823-7850

June 26, 2001

VIA HAND DELIVERY

The Honorable Lawrence E. Schmidt
Office of the Zoning Commissioner
County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

JUN 26

Re: Case No. 01-427-SPH, 1903 Gwynn Oak Avenue

Dear Mr. Schmidt:

Enclosed herein is the executed and notarized sworn Affidavit of Elva Elzey, the Petitioner's mother, in connection with the above-captioned case.

If you need any further information, please do not hesitate to call.

Very truly yours,



Kathleen A. Lance
Legal Assistant to C. William Clark

RAL:

Enclosure

cc: Peter Max Zimmerman, People's Counsel
Carole S. Demilio, Deputy People's Counsel
Charles Warren
Elva Elzey

F:\Data\RATIEDATA\data\CWC\ZONING-CLIENTS\MO-Divmg\Schmidt12.wpd

JUN 26

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1903 GWYNN OAK AVENUE, SE/curb * ZONING COMMISSIONER
GWYNN OAK AVE., 166' NE of c/l *
DOGWOOD ROAD * FOR
2nd Election District *
2nd Councilmanic District *

Legal Owner: Charles Warren * BALTIMORE COUNTY
Petitioner *
CASE NO. 01-427-SPH

* * * * *

AFFIDAVIT OF ELVA ELZEY

STATE OF Maryland
CITY/COUNTY OF Anne Arundel, TO WIT:

I HEREBY CERTIFY, that on this 25 day of June 2001, before me, the subscriber, a Notary Public of the State and City or County aforesaid, personally appeared Elva Elzey who made oath in due form of law based on her personal knowledge that the matters and facts set forth below are true:

1. I am over 18 years of age and competent to be a witness.
2. I reside at 2625 Rigging Drive, Annapolis, MD 21401, and am the mother of the Petitioner, Charles Warren.
3. I am familiar with the property at 1903 Gwynn Oak Avenue, and have been since 1944.
4. In 1944, I began dating a young man named Clark Rittenauer, who was the best friend of my former husband, and we regularly visited the Warren home at 1903 Gwynn Oak Avenue.
5. At that time, in 1944, the property was owned by the

Petitioner's grandparents, Cloyd and Adelaide Warren. The property had been in the Warren family since 1915. Floyd Warren was a land surveyor and civil engineer, and engaged in that business, using part of the house as his office and drafting room. He was also a partner in a firm called the Woodlawn Building Company with his partner, Mr. Vickers.

6. When I first became familiar with the property, there was a barn at the rear of the property, and between the house and the barn, along the driveway and around the area of the barn, there was stored all types of building supplies, materials, concrete mixers, and construction equipment. In 1945, I began dating Mr. Warren, and subsequently married him. I continued to visit the property on a regular basis with him up through 1972. We lived in the neighborhood on Kriel Street.
7. After we were divorced in 1972, I continued to visit the property approximately every ten (10) days to take my former mother-in-law to the grocery store, and shopping, since she did not drive a vehicle. I continued to do that from 1972 up through 1978, when the Petitioner, Charles Warren bought the property and moved in. From the period of time of 1945 up until 1978, the Petitioner's grandfather continued to work, and operate

his surveying company, as well as the building company using the rear of the property for storage of construction equipment and contractor's equipment and supplies.

8. After my son, Charles Warren moved in in 1978, he began using the property for storage of equipment and supplies for his marine construction business, and has continued to do so up until the present time.



ELVA ELZEY
2625 Rigging Drive
Annapolis, MD 21401

AS WITNESS, my hand and Notarial Seal.


NOTARY PUBLIC

My commission expires: 1-1-02

LAW OFFICES

NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765

email: npw@nolanplumhoff.com

Web: www.nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
(410) 823-7850

*5/16/01
to George -
OK if possible -
if not OK
to continue
to eventually
execute data*

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST
E. BRUCE JONES**
CORNELIA M. KOETTER*

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW JERSEY

May 15, 2001

VIA HAND DELIVERY

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

Re: Case No. 01-427-SPH

Dear Mr. Jablon:

I have received the Notice of Zoning Hearing scheduling the Hearing for Friday, June 8, 2001, at 10:00 AM in the above-captioned case. I am requesting that the Hearing be set for the afternoon of June 8, 2001, if possible, due to a conflict involving a previously scheduled Circuit Court Hearing.

I am enclosing herein a copy of the Scheduling Order, dated March 20, 2001, In The Matter of: George Haynes, et al, Case No. 03-C-00-001561 for a Hearing in the Circuit Court for Baltimore County. I represent Mr. Howard Ayres in that case, and as you can see, Item #3 is scheduling a half day Hearing on June 8, 2001, beginning at 9:30 A.M.

If you act favorably upon my request, please reschedule this matter for the afternoon of June 8, 2001, on the docket for zoning enforcement cases. Please contact me, with your decision, so that I may advise the parties involved.

Thank you for your anticipated cooperation.

Until then, I remain.

Very truly yours,

C. William Clark

CWC:kal
Enclosure

F:\Data\KATIEDATA\data\CWC\ZONING-CLIENTS\MD-Diving\Jablonltr.wpd

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

C William Clark Esq
502 Washington Avenue
Nottingham Center Ste 700
Towson MD 21204-4528

Assignment Date: 03/20/01

Case Title: In The Matter of: George Haynes, et al
Case No: 03-C-00-001561 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.

You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

- 1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 04/04/01 ✓
 - 2. All Motions (excluding Motions in Limine) are due by..... 04/29/01 ✓
 - 3. HEARING DATE is..... 06/08/01 ✓
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned: 1/2 DAY MERITS APPEAL AGREED DATE.

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients **MUST** attend the settlement conference in person. All insurance representatives **MUST** attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs **MUST** be paid on the date of the settlement conference or trial.

cc: Board Of Appeals Of Baltimore
cc: Michael P Tanczyn Esq
Reissue Date 03/22/01

41 216

WB

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* ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

email: npw@nolanplumhoff.com

Web: www.nolanplumhoff.com

JUN 5

June 5, 2001

VIA HAND DELIVERY

The Honorable Lawrence E. Schmidt
Office of the Zoning Commissioner
County Courts Building, Room 407
401 Bosley Avenue
Towson, MD 21204

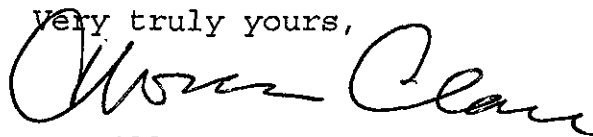
Re: Case No. 01-427-SPH, 1903 Gwynn Oak Avenue

Dear Mr. Schmidt:

This letter confirms a telephone conversation I had with your office concerning the above-captioned matter, which is scheduled for a Hearing to begin at 2:00 P.M. in Room 407 on June 8, 2001. I advised you at that time, that the Hearing had previously been scheduled at a different time that day and the property was re-posted within the time required to show the correct time of the Hearing. However, because of the change in time, one of the witnesses we need to call on in our case in chief is unavailable to testify. We asked for, and you have granted permission, to commence the case, and produce the testimony from the witnesses who are available that day, and then select a day within the next week or ten days when the witness can be available to testify. Her name is Elba Elzey, who is the mother of the Petitioner. I do not anticipate her testimony would take more than an hour.

If you need any further information, please contact me.

Until then, I remain.

Very truly yours,

C. William Clark

CWC:kal
cc: Charles Warren
F:\Data\KATIEDATA\data\CWC\ZONING-CLIENTS\MD-Diving\Schmidtltr.wpd

01-127-~~0~~ SPH -

Chas Warren

1.07 acre

A.O.

Swyn Oak

2 1/2 story dwelling

60 x 30 bldg
shed

Bldg - dwelling

Chas Warren -

1905 Swyn Oak -

owner -

2 1/2 frame dwelling -

& offices

owned - 1978

lived here -

offices & house

storage - Marine contracting
& Diving

Repair Bridges, Pipelines,
ship

equipment - welding
concrete pumps
hand tools
drills

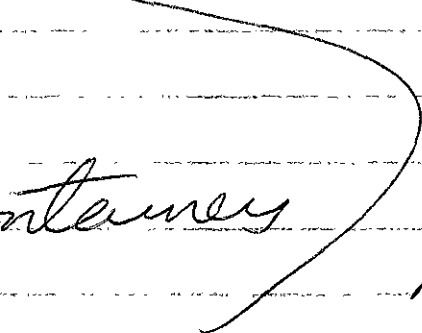
has 2-3 trucks

2 half ton pick ups
1 stake bottom body

Manford Drivng Service -

most equipment on trailers

Shed
Bldg
Storage containers



44
back

store hoses, etc

Always used since
1978-

Great Grandfather -

Bought 1915

Grandfather - Wilson C Warren
contractor

~~was~~ old photo -

He visited ^{site} 4-5 year old -

1957-1958 -

G-father always ~~was~~ used
as contracting co -

2 Story Barn where metal
wldg is -

1957 - Building materials
+ tools, concrete mixer,
Scaffolding

Shows old photos +
plans

He would ~~be~~ report into him
from G-father

Other source garage nearby -

office bldg -
across the street - Tavern

Y 88 is Data Net - letter of
support

No complaints since 1978

Elva Elze - (professor)

mother

lives in Annapolis -

dated Clark Patterson

in 1944 - went to

Warren property

friends of Warren's

her familiarity w/ property

since 1944 -

1945 - stopped dating

- Patterson, dated

B M Warren -

grandfather worked
grandfather

1945 - 1948

has not changed
diagnoses, etc

1945 is relevant date

~~1945~~ 72-75

competent person

~~See Kell~~

See Perlow's

comment

See my other work
on
that

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

C. WILLIAM CLARK

502 WASHINGTON AVE STE 502

Charles Warren

1903 Gwynn Oak Ave

Darlene Warren

1903 Gwynn Oak Ave

Tom Church (DEC)

6603 York Rd. 21212





June 7, 2001

Subject: **Zoning Change Hearing, 1903 Gwynn Oak Avenue**

To Whom It May Concern:


I am president of Datanet Engineering. Our offices are located in the property immediately adjacent to the subject property in Woodlawn, MD. We have owned this site since 1989 and maintain all of our business activities out of the offices at these premises.

Over the past 12 years, we have never had any problems with either MD Diving Services or the way that they conduct their business at the next door property. I have reviewed the public notice regarding the proposed changes that are the concern of a zoning hearing. Neither I nor our firm take any exceptions with their request for changes in the current listings for their property. I am also not aware of any detrimental aspects of such changes for this neighborhood.

If there is any concern about the history of their business operations at this site over the past 12 years, I would strongly suggest that I be called. The manner in which they have continually been maintaining and upgrading the appearance of their property is admirable for a business and greatly appreciated by the adjacent site owner.

Again, please call upon me if I can be of any assistance regarding the site activities of MD Diving Service in Woodlawn.

Sincerely,


JOHN V. CIGNATTA, P.E.
President

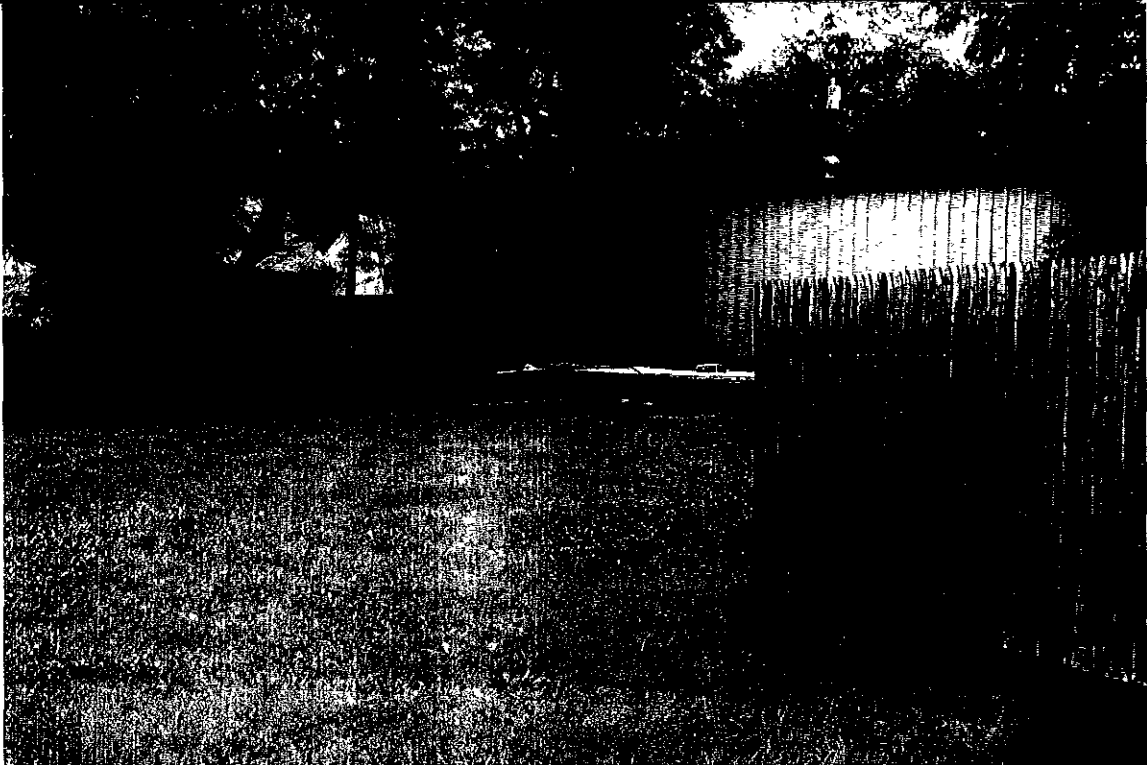
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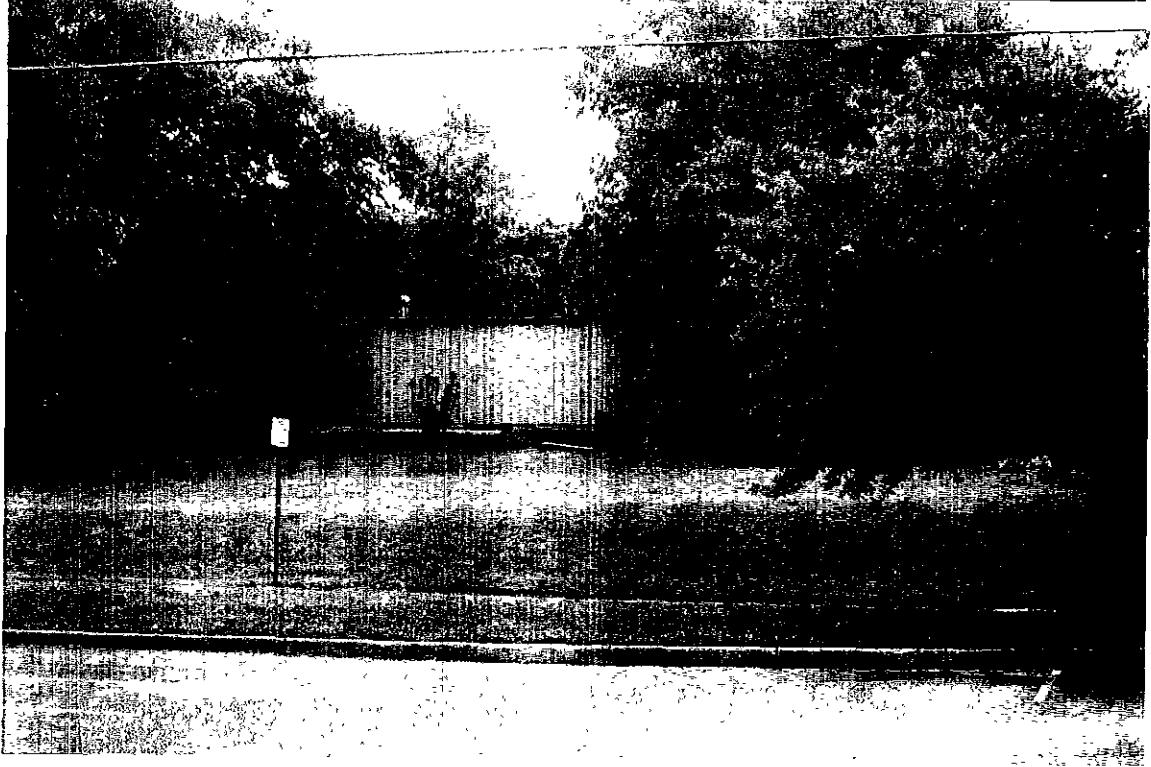


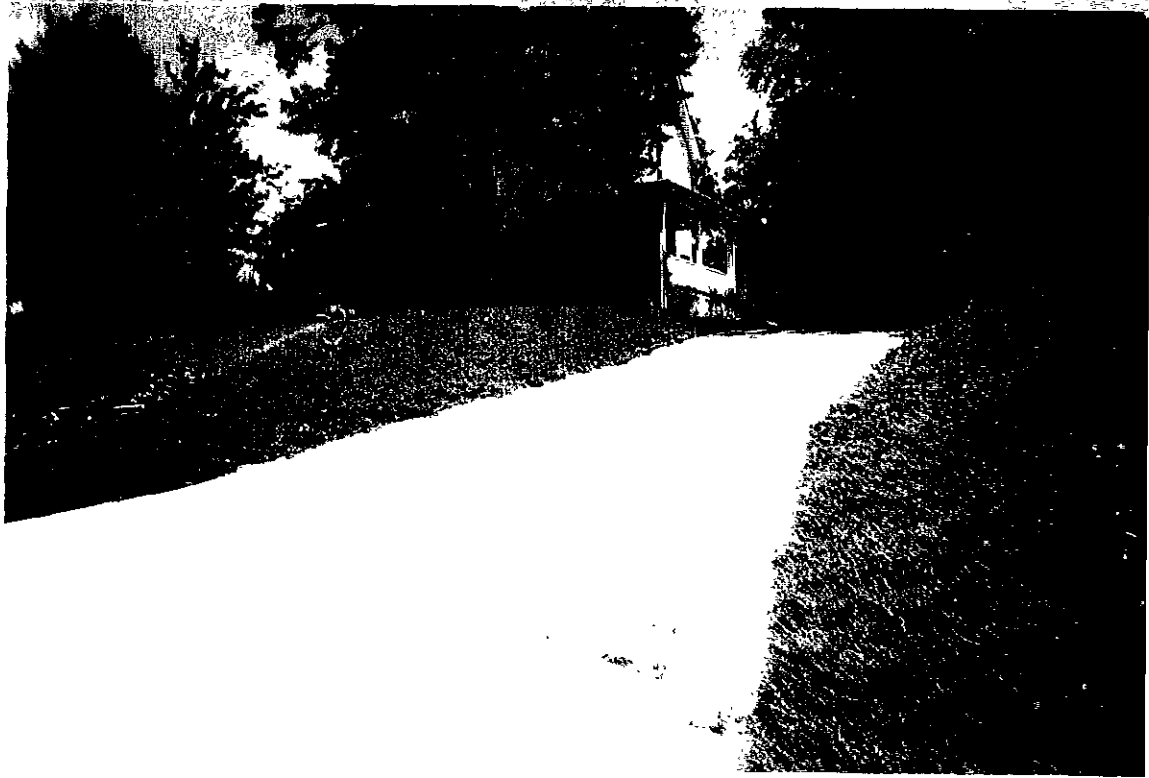
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

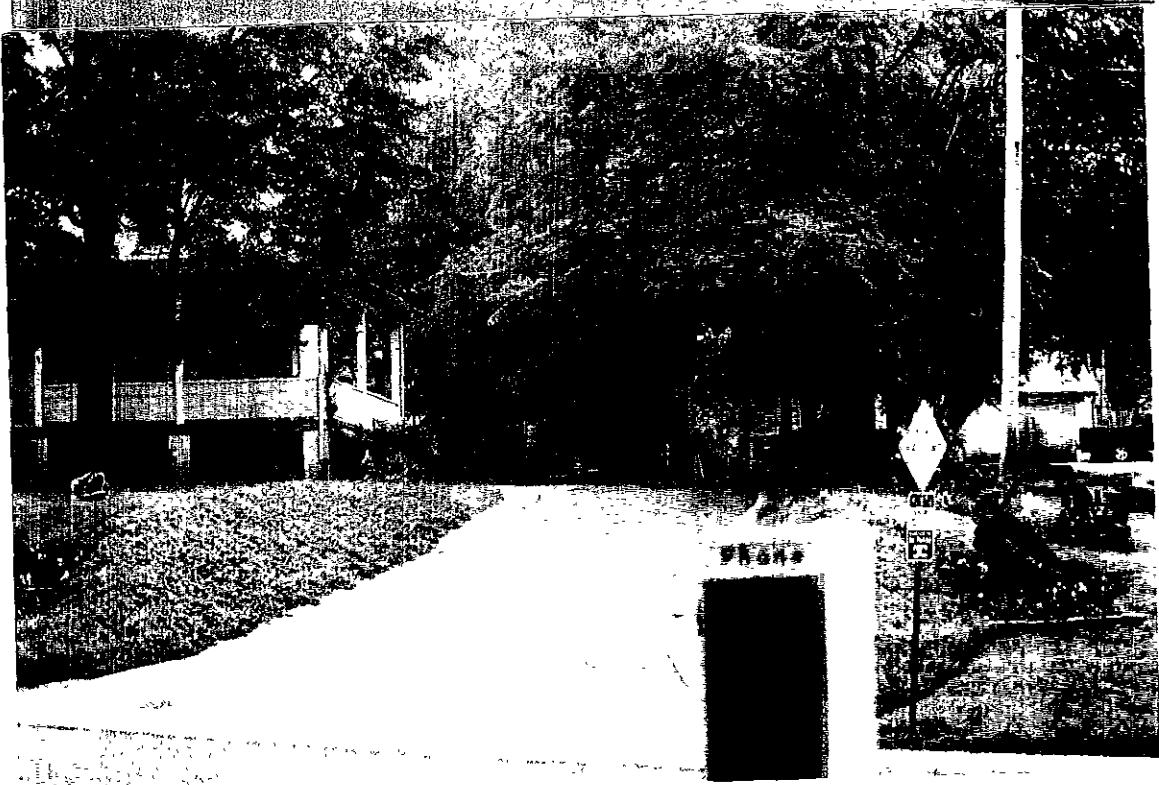
*Photographs
#01-427-SPH*









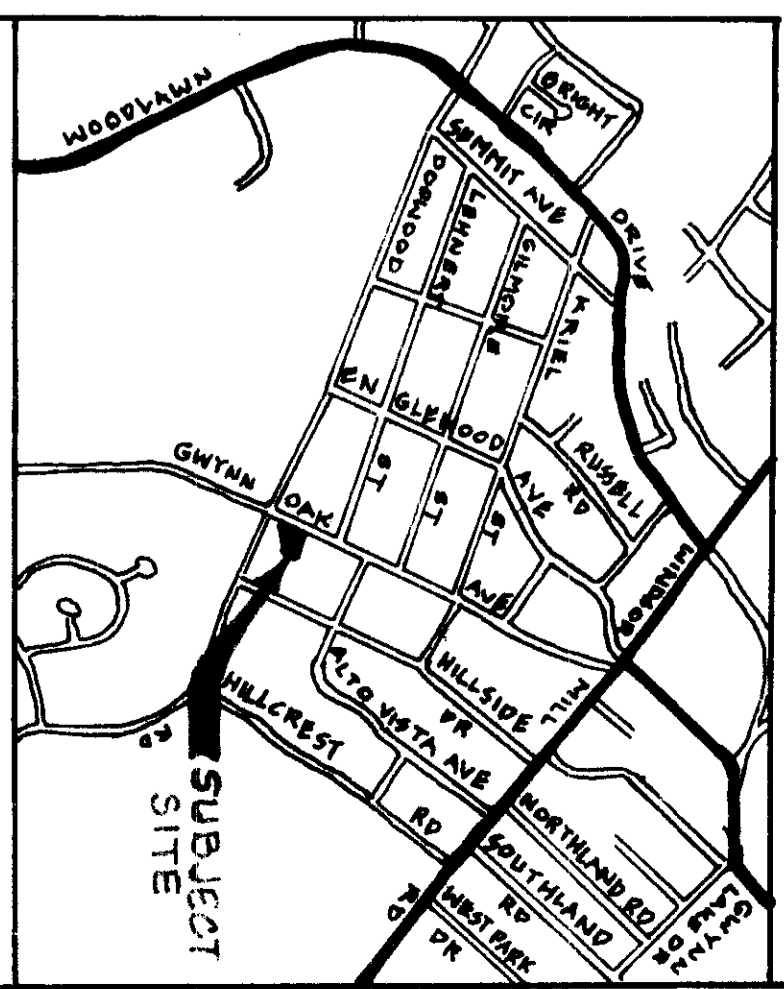
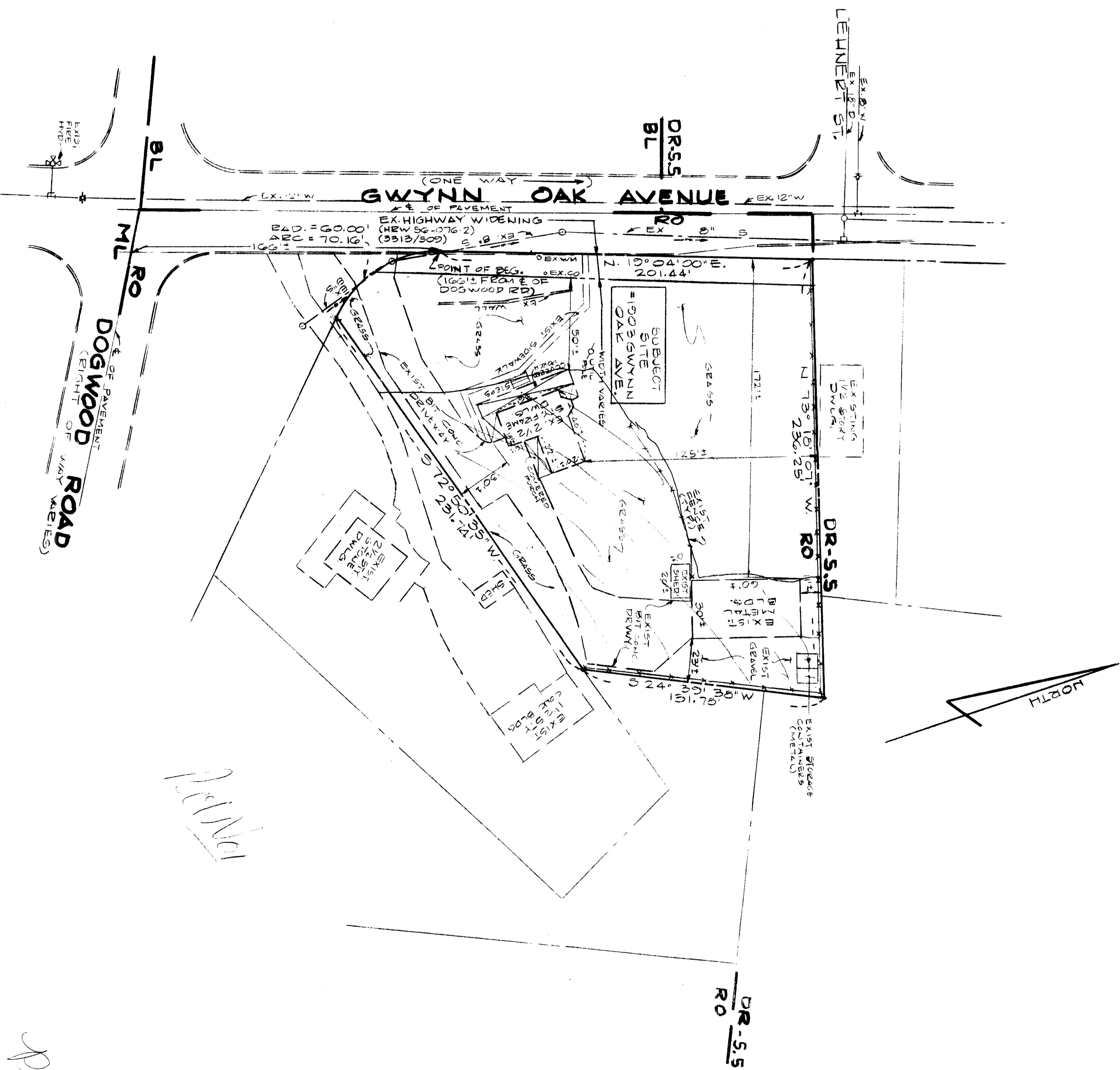
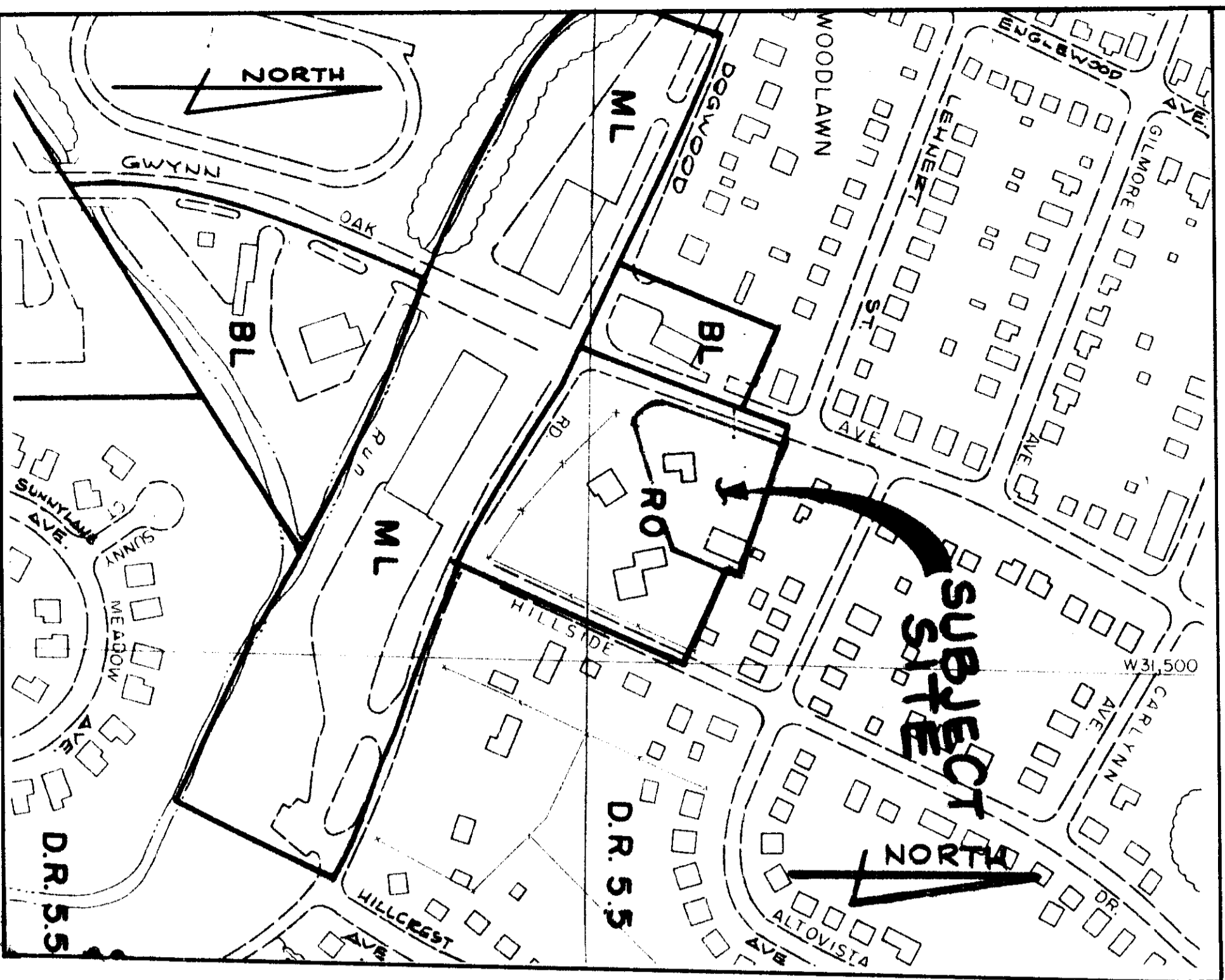








PLAT TO ACCOMPANY PETITION FOR ZONING: VARIANCE, SPECIAL HEARING



LOCATION INFORMATION

ELECTION DISTRICT #: 2
 COUNCILMANIC DISTRICT #: 2
 1"=200' SCALE MAP #: NW 2 F
 ZONING: RO
 LOT SIZE: 46609 SF = 1.07 AC

SEWER: PUBLIC PRIVATE
 WATER: YES NO
 CHESAPEAKE BAY CRITICAL AREA: YES NO

PRIOR ZONING HEARINGS: NONE ON FILE
 PREVIOUS COMMERCIAL PERMIT: NONE ON FILE

ZONING OFFICE USE ONLY

REVIEWED BY: JWP
 ITEM #: 427
 CASE #: 01422584

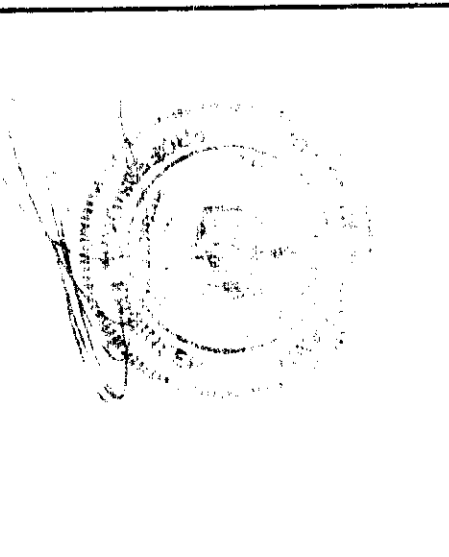
PROPERTY INFORMATION

(PER VA STATE RECORDS)
 OWNER: CHARLES W. WARREN
 ADDRESS: 1003 GWYNN OAK AVE
 BALTIMORE, MD, 21207
 DEED REF: 8825/017
 PLAT REF: 7/75

NO 100 YEAR FLOODPLAIN AFFECTS THE SUBJECT SITE.

EXISTING CONDITIONS OF SITE TAKEN FROM A SURVEY PROVIDED BY THE OWNER'S FIRM. A SITE VISIT ON APR. 5, 2001.

Pr. 84 #1



<p>DATE: 4/11/01 SCALE: 1"=50' CONTRACT NUMBER: 01-106</p>	<p>DATE: 4/11/01 SCALE: 1"=50' CONTRACT NUMBER: 01-106</p>	<p>DATE: 4/11/01 SCALE: 1"=50' CONTRACT NUMBER: 01-106</p>	<p>DATE: 4/11/01 SCALE: 1"=50' CONTRACT NUMBER: 01-106</p>
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DEVELOPMENT ENGINEERING CONSULTANTS, INC.
 SITE ENGINEERS & SURVEYORS
 6603 YORK ROAD 410-317-2600 BALTIMORE, MARYLAND 21212