

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE – SE/Cor. Bradshaw Road \* ZONING COMMISSIONER  
and Bellvue Avenue \*  
(11603 - 11615 Bellvue Avenue) \*  
11<sup>th</sup> Election District \* OF BALTIMORE COUNTY  
5<sup>th</sup> Council District \*  
Wayne W. Davis \* Case No. 02-440-SPHA  
Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Wayne W. Davis. The Petitioner requests a special hearing to approve a one-apartment dwelling, a two-apartment dwelling, and a four apartment dwelling on a lot with a principal single family dwelling, as a nonconforming use. In addition, variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage, which will serve the principal single family dwelling) in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Wayne W. Davis, property owner, and his wife, Janet Davis. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southeast corner of Bradshaw Road and Bellvue Avenue in Kingsville. The property contains a gross area of 3.69 acres, more or less, zoned R.C.5 and is improved with four residential buildings, one of which is a one-story formstone dwelling in which the Petitioner resides with his wife. The second structure is a one-story stucco duplex building, 15.3' x 60' in dimension, which contains two apartments. The third structure is a one-story formstone dwelling, 32' x 34' in

ORDER RECEIVED FOR FILING

Date

By



dimension, which features one apartment and an attached garage, and the fourth structure is a two-story formstone building, 23.5' x 89.6' deep, featuring four apartments. The Petitions were filed to permit the continuing use of the property as described above, and to allow for proposed improvements. Specifically, the Petitioners propose the construction of a two-story frame addition to the rear of their dwelling, and a one-story metal frame garage to replace a small shed. However, when the Petitioner filed for a building permit, he was advised that the instant Petitions must be filed to legitimize existing uses on the property. There is no zoning relief required for the proposed addition to the Petitioner's home; however, a variance is necessary for the proposed garage. Due to the location of existing improvements on the property, the proposed garage will be located in the side yard of the Petitioners' residence and not the rear yard as required.

Turning first to the Petition for Special Hearing, it is to be noted that the property is zoned R.C.5 and that the multi-residential uses on the site are not permitted under that zoning classification. However, the uses may remain if found to be nonconforming. Nonconforming uses are defined in Section 101 of the B.C.Z.R. as "A legal use that does not conform to a use regulation for the zone in which it is located or through a special regulation applicable to such a use." Nonconforming uses are governed by Section 104 of the B.C.Z.R. Essentially, the nonconforming use designation is utilized to grandfather an otherwise illegal use. Zoning regulations first came to Baltimore County in 1945. Later, in 1955 those regulations were comprehensively amended. If the Petitioner can establish that the residential use of the property existed prior to 1945 and has continued without interruption for no more than a period of one year, it shall be permitted to remain.

Nonconforming uses are not favored under the law (see McKemy v. Baltimore County, 39 Md. App. 257 (1978)) and are contrary to the zoning scheme. Nonconforming uses are permitted only to recognize the historic use of a given property, irrespective of the fact that such use might be inconsistent with the surrounding locale and the property's zoning classification.

It is the Petitioner's burden to establish the nonconforming use. The Petitioner must submit clear and convincing proof that the alleged nonconforming use existed prior to the date of



the regulation that prohibits the use. Moreover, the Petitioner must establish that there was no abandonment or discontinuance of the nonconforming use for a period of one year or more. In this instance, if the apartments have been vacant at any time since 1945 for a period of one year or more, the nonconforming use would be forfeited.

At the hearing, Mr. Davis produced no live testimony but submitted four statements from residents of the locale. Those statements indicated that the buildings have existed on the property for many years. Although the buildings themselves may have existed on the site since prior to 1945, none of the statements established the use of those buildings for residential purposes had been continuous and without interruption since that time.

The undersigned Zoning Commissioner explained this deficiency to the Petitioner at the hearing and the file was held open for him to obtain the required supporting documentation. Subsequent to the hearing, the Petitioner submitted two additional letters, one from Ray Layfield and the other from George Heckner, both of who are long-time residents of the area. Although the proof does establish that the buildings themselves have existed since before 1945, it is again inconclusive as to whether the buildings were actually used as apartments continuously and without interruption since prior to that time. Despite the opportunity, the Petitioner has failed to submit adequate proof as required by law that the use is nonconforming. Thus, under the circumstances, I am compelled to deny the Petition for Special Hearing.

Having made that determination, the Petition for Variance becomes moot. As noted above, variance relief is sought to permit a new building (garage) to be constructed on the property. This building may not be necessary in view of the fact that, but for the Petitioner's residence, the use of the other structures for residential purposes is illegal and must terminate.

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

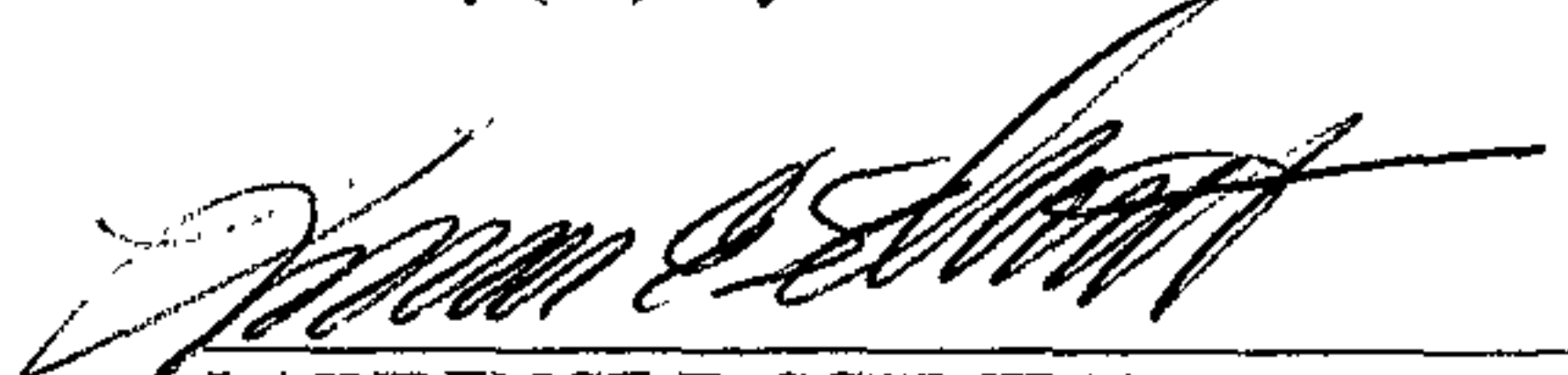
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of September, 2002 that the Petition for Special Hearing to approve a one-apartment dwelling, a two-apartment dwelling, and a four apartment dwelling on a lot with a principal single



family dwelling, as a nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage to serve single family dwelling) in the side yard in lieu of the required rear yard, be and is hereby DISMISSED AS MOOT.

Any appeal of this decision must be filed within thirty (30) days of the date hereof.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER REMOVED FOR FILING  
Date 9/25/12  
By [Signature]



IN RE: PETITION FOR SPECIAL HEARING  
& VARIANCE SE/Cor. Bradshaw Road  
and Bellvue Avenue  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(11603-11615 Bellvue Avenue)

Wayne W. Davis, Legal Owner(s)  
Petitioner(s)

BEFORE THE  
COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY  
CASE NOS. 02-440-SPHA

\* \* \* \* \*

### ORDER

Upon review of the record and presentations of the parties in open hearing on September 10, 2003, the County Board of Appeals on this 12<sup>th</sup> day of September, 2003, finds and so **ORDERS**, consistent with BCZR 104 and 307.1 and the public safety, health and welfare, as follows:

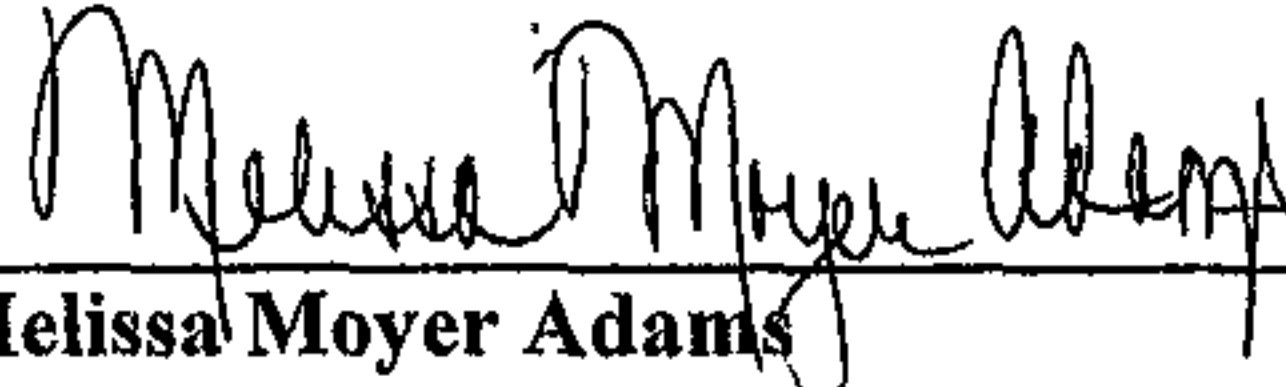
1. The Petitioner's Revised Site Plan dated September 10, 2003 for a special hearing to confirm a non-conforming use for a one-apartment dwelling, two-apartment dwelling, and four-apartment dwelling on a lot with a single family dwelling in the R.C. 5 (Rural-Residential) Zone be, and hereby is, approved.
2. The Petition for Variance to permit an accessory structure (garage), having been withdrawn by Petitioner at the hearing, is hereby dismissed, so that the variance relief granted by the Zoning Commissioner on February 4, 2003 is null and void.
3. People's Counsel for Baltimore County's appeal of the Petition for Special Hearing to confirm the aforesaid non-conforming use, having been withdrawn at the hearing, is hereby dismissed, so that the special hearing granted by the Zoning Commissioner on February 4, 2003 is allowed to stand.
4. Any additional construction on this property is subject to further review by the Zoning Commissioner after public notice and hearing.



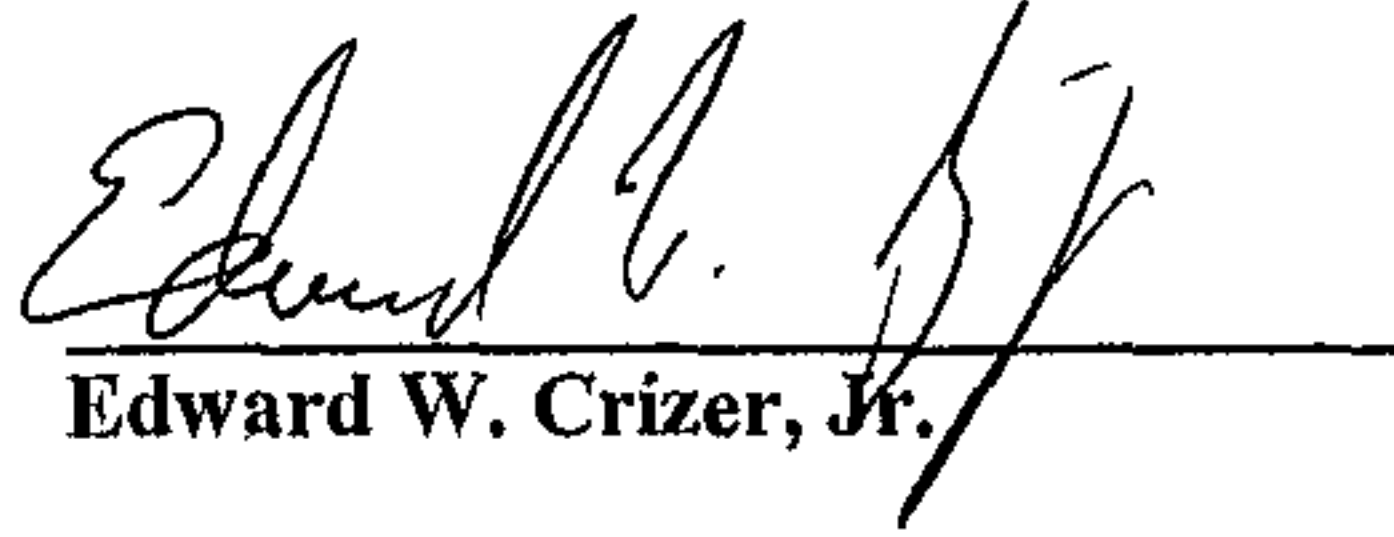
**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**



**Lawrence S. Wescott, Panel Chairman**

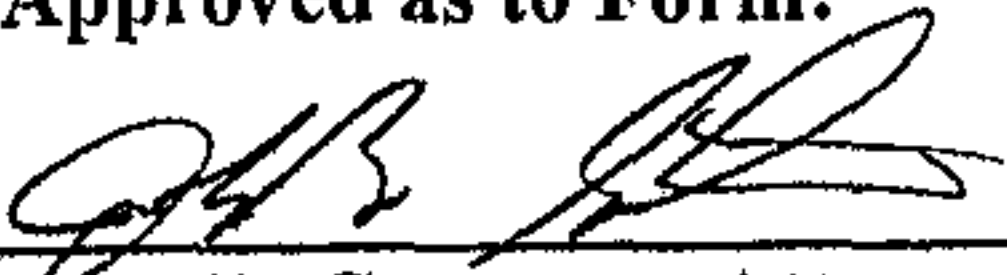


**Melissa Moyer Adams**



**Edward W. Crizer, Jr.**

**Approved as to Form:**



**John B. Gontrum, Attorney for Petitioner**



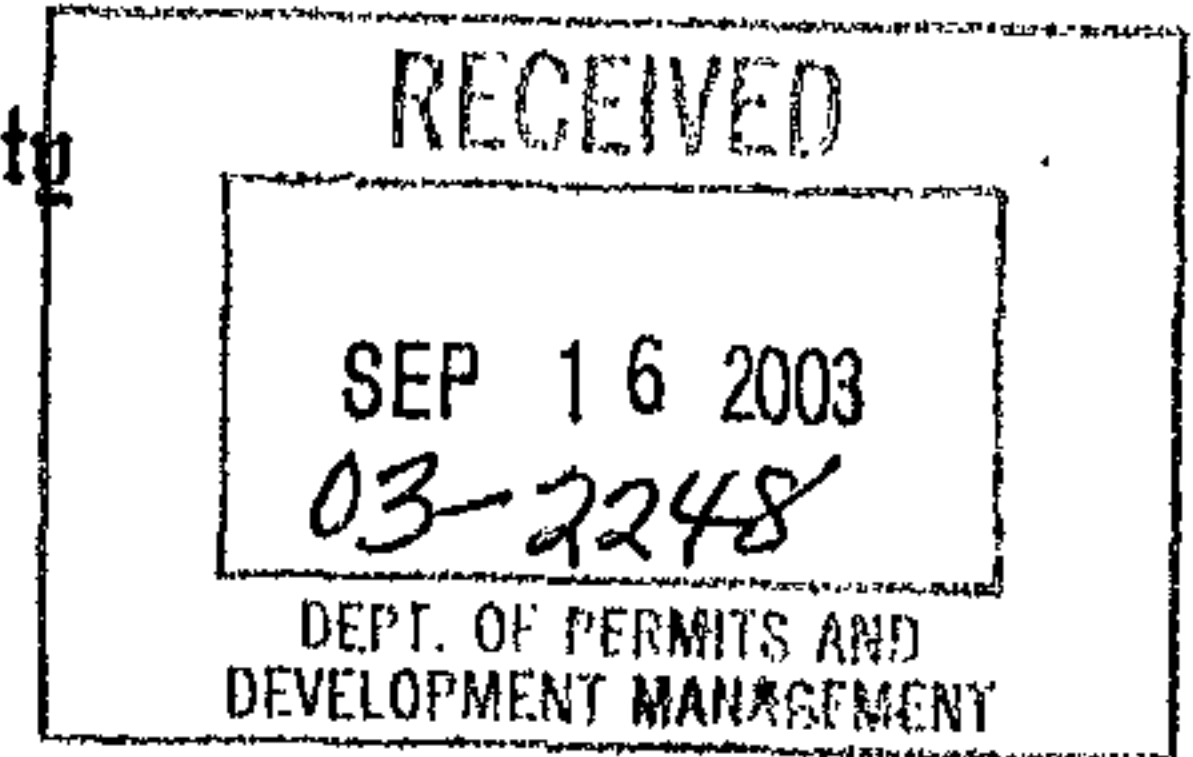
**Peter Max Zimmerman,  
People's Counsel for Baltimore County**





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180  
FAX: 410-887-3182



To File  
TMC

September 12, 2003

Peter Max Zimmerman  
People's Counsel for Baltimore County  
Room 47, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: *In the Matter of: Wayne W. Davis –*  
*Legal Owner /Petitioner /Case No. 02-440-SPHA*

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Kathleen C. Bianco /hs*  
Kathleen C. Bianco  
Administrator

Enclosure

c: John B. Gontrum, Esquire  
Wayne W. Davis  
Pat Keller, Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Director /PDM



IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE – SE/Cor. Bradshaw Road \* ZONING COMMISSIONER  
and Bellvue Avenue \*  
(11603 - 11615 Bellvue Avenue) \*  
11<sup>th</sup> Election District \* OF BALTIMORE COUNTY  
5<sup>th</sup> Council District \*  
Wayne W. Davis \* Case No. 02-440-SPHA  
Petitioner \*

\* \* \* \* \*

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Wayne W. Davis. The Petitioner sought approval of multiple dwelling units on a lot with a principal single family dwelling, as a nonconforming use. In addition, variance relief was requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage, accessory to the principal single family dwelling, to be located in the side yard in lieu of the required rear yard. The subject property and requested relief were more particularly described on the site plan submitted and marked as Petitioner's Exhibit 1.

A public hearing was held on June 3, 2002, at which time the property owner, Wayne W. Davis, and his wife, Janet Davis, appeared. There were no Protestants or other interested persons present. Although the Petitioner and his wife have lived on the property for many years, the testimony and evidence presented was insufficient to support the non-conforming uses on the site as alleged under the Petition. Subsequent to the hearing, the Petitioner was given the opportunity to cure this deficiency; however, was unable to submit adequate proof as required by law to support a nonconforming use. Thus, I denied the request by Order dated September 25, 2002. As explained therein, the Petitioner had the burden of establishing proof that the multi-family dwelling units had existed on the property and been used continuously and without interruption since prior to 1945. Although the evidence submitted supported that the buildings

FILED  
Date 2/4/03  
By SPG



themselves had existed on the site since prior to 1945, there was insufficient evidence to support a finding that the use of the buildings for residential purposes had been continuous and without interruption since that time.

Subsequent to the issuance of my Order, John B. Gontrum, Esquire filed a Motion for Reconsideration on behalf of the Petitioner, by letter dated October 23, 2002 and a new public hearing was scheduled for January 28, 2003. Again, Mr. and Mrs. Davis appeared, along with their attorney, Mr. Gontrum, as did Ray Layfield and George Heckner, both of who had previously signed affidavits regarding the existing buildings.

Testimony and evidence was received from Messrs. Layfield and Heckner, both of whom are long-time residents of the Kingsville area. Both gentlemen have personal knowledge of the subject property going back to the early 1940s. Mr. Layfield, in particular, was one of the founding members of the Kingsville Volunteer Fire Department, which is located immediately adjacent to the subject property. It is to be noted that zoning approval was granted for the use of that property by the Kingsville Volunteer Fire Department in 1955. The site plan submitted at that time shows the subject property as an adjacent parcel and the buildings and apartment uses existing at that time. Mr. Layfield testified that he has been a resident of the area since 1940 and that the property has always been used as apartments since the mid-1940s.

Similar testimony was received from Mr. Heckner. He indicated that as a young man, he and his father worked on the apartments, cleaning, repairing, etc., in the 1940s. He recalled that the buildings were in place at that time and that they were used as apartments.

As noted in my prior opinion, zoning first came to Baltimore County in 1945. At that time, a simplistic set of zoning regulations was established. A review of those regulations and the available plats and maps of the area do not show that the subject property was actually assigned a zoning classification under the original regulations. It appears that zoning designations at that time were applied only to commercial properties, or properties located within the Urban-Rural Demarcation Line (URDL). That is, rural properties such as the subject site, which is located outside the URDL, were not assigned any zoning classification. Due to the absence of any clearly

ORDER RECONSIDERED FOR FILING  
2/4/03  
JBP



assigned classification, an issue was raised at the hearing as to the relevant date for establishing the nonconforming use; specifically, whether the date is 1955, when the earlier regulations were comprehensively amended and re-enacted, or 1945, the date of the original regulations.

The issue is moot in this case in that the testimony and evidence presented was persuasive that the property has been used for multiple dwelling units since prior to 1945 and thus, regardless of the date, is nonconforming.

As to the Petition for Variance, Mr. Davis proposes to construct a 40' x 50' garage to the rear of the property. As shown on the site plan, the proposed garage will be located adjacent to an existing gravel driveway in the side yard of one of the apartment buildings. Mr. Davis stated that he owns a mobile home and wishes to store it inside the garage when not in use. In this regard, it is to be noted that an existing smaller shed will be razed at such time as the garage is construed.

It is also to be noted that an adverse Zoning Advisory Committee (ZAC) comment was received from the Office of Planning indicating they believe the proposed garage represents an over-development of the site. I have reviewed the plan and do not concur. The subject property is a rather large parcel at 3.69 acres in area. In my view, the garage will be more aesthetically pleasing than the existing shed and allow the indoor storage of the motor home. Variance relief is needed due to its location in the side yard of one of the apartment buildings. Although larger than the existing shed, the structure will still be smaller than the primary residence.

Therefore, upon due consideration of the testimony and evidence presented,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February, 2003 that the Motion for Reconsideration in the above-captioned matter be and is hereby APPROVED, and, as such, the Petition for Special Hearing to approve a one-apartment dwelling, a two-apartment dwelling, and a four apartment dwelling on a lot with a principal single family dwelling, as a nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

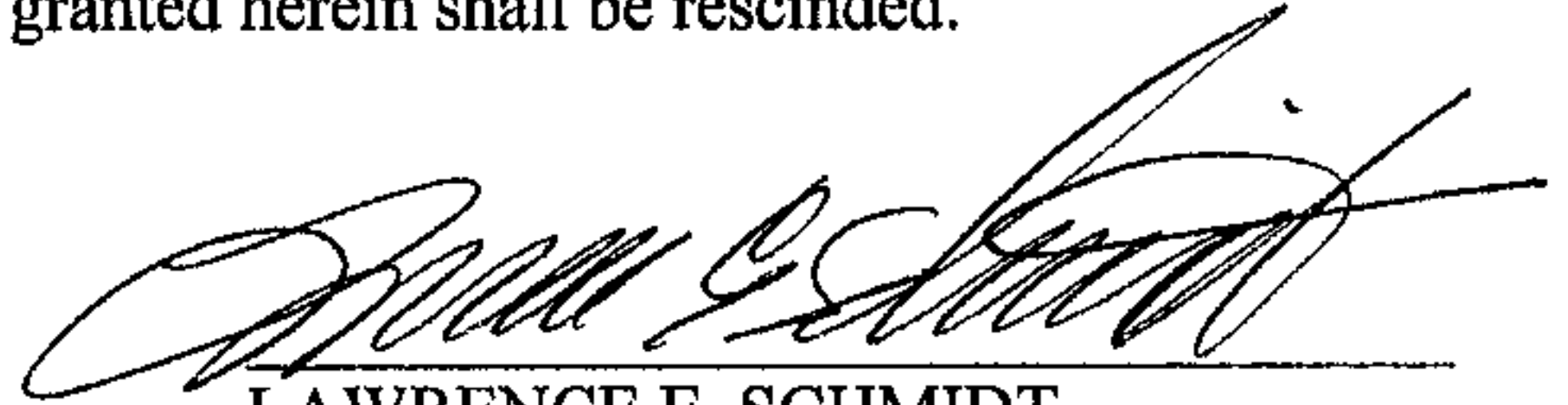
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed garage,

CRJ  
Date 2/24/03  
By [Signature]



accessory to the principal single family dwelling, to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECORDED FOR FILING  
Date 2/4/03  
By [Signature]





Baltimore County  
Zoning Commissioner

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

February 3, 2003

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Avenue  
Baltimore, Maryland 21221

RE: MOTION FOR RECONSIDERATION  
PETITIONS FOR SPECIAL HEARING & VARIANCE  
SE/Corner Bradshaw Road and Bellvue Avenue  
(11603 - 11615 Bellvue Avenue)  
11th Election District - 5th Council District  
Wayne W. Davis - Petitioner  
Case No. 02-440-SPHA

Dear Mr. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Wayne W. Davis  
11615 Bellvue Avenue, Kingsville, Md. 21087  
Office of Planning; People's Counsel; Case File







**Baltimore County  
Zoning Commissioner**

September 26, 2002

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

Mr. Wayne W. Davis  
11615 Bellvue Avenue  
Kingsville, Maryland 21087

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE  
SE/Corner Bradshaw Road and Bellvue Avenue  
(11603 – 11615 Bellvue Avenue)  
11th Election District – 5th Council District  
Wayne W. Davis - Petitioner  
Case No. 02-440-SPHA

Dear Mr. Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel; Case/File







# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11603-15 BELLVUE AVE.  
which is presently zoned RC-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

*the non-conforming use of*  
a 1 apartment dwelling, a 2 apartment dwelling, and a 4 apartment dwelling on a lot with a principal single family dwelling.

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

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

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

## Representative to be Contacted:

Name

Address

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By BK Date 4/10/02

ORDER RECEIVED FOR FILING

Date 9/15/98

By

Signature

Case No. 02-440-SPHA





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11603-11615 Bellvue Ave.

which is presently zoned Rc-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 Variance from Section(s)

400.1 to permit an accessory structure (garage to serve single family dwelling) in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

THE GARAGE IS LOCATED ON THE SIDE YARD OF THE TWO APT. BUILDING BECAUSE OF THE TOPOGRAPHY OF THE LAND. THERE IS A STEEP SLOPE TO THE REAR.

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

I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 02-440-SHA

REV 9/15/98

## Legal Owner(s):

WAYNE W DAVIS

Name - Type or Print

Signature

Name - Type or Print

only lower

Signature

Address

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING

Reviewed By BK Date 7/10/02



## ZONING DESCRIPTION

ZONING DESCRIPTION FOR 11615 Bellvue Avenue

Beginning at a point on the East side of Bellvue Avenue which is 50 feet wide at the distance of 0 feet East of the centerline of the nearest improved intersecting street Bradshaw which is 50 feet wide.

Beginning at the corner of Bellvue Ave. and Bradshaw Rd. S53 34'W 361.07', S25 28'E 275.03', N84 08'E 106.89', R=584.09', D=362.92', N48 32'E 43.24', N39 12'W 55.83', N44 12'W 107.60', N49 01'W 242.66' to the place of the beginning.



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 12708

DATE

4/10/02

ACCOUNT

R 001-006-6750

AMOUNT

\$ 100.00

RECEIVED  
FROM:

Wayne Davis

FOR:

Exp. of Home - Ver. 1000

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 440

PAID RECEIPT

BUSINESS ACTUAL TIME  
4/10/2002 4/10/2002 09:43:11

REG ARD% WALKIN KCH KCH DRIVER 4

>> RECEIPT # 075960 4/10/2002 DELN

Dep 5 528 ZONING VERIFICATION

CR NO. 012700

Recpt Tot \$100.00

100.00 EX .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: #02-440-SPHA

11603-15 Bellvue Avenue

SE/corner of Bellvue Avenue & Bradshaw Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Wayne W. Davis

**Special Hearing:** to approve the non-conforming use of a one apartment dwelling, a 2 dwelling and a 4 apartment dwelling on a lot with a principal single-family dwelling.

**Variance:** to permit an accessory structure in the side yard in lieu of the required rear yard.

**Hearing:** Monday, June 3, 2002 at 9:00 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.

5/21/02 May 16

6538455

## CERTIFICATE OF PUBLICATION

5/16/, 2002

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 5/16/, 2002.

- ☒ 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.: 02-440-SPHA

Petitioner/Developer: \_\_\_\_\_

WAYNE W. DAVIS

Date of Hearing/Closing: 6/3/02

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

MR. GEORGE SAHNER  
Attention: ~~Mr. 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 \_\_\_\_\_

11603-15 BELLVUE AVE

The sign(s) were posted on \_\_\_\_\_

5/18/02  
(Month, Day, Year)

Sincerely,

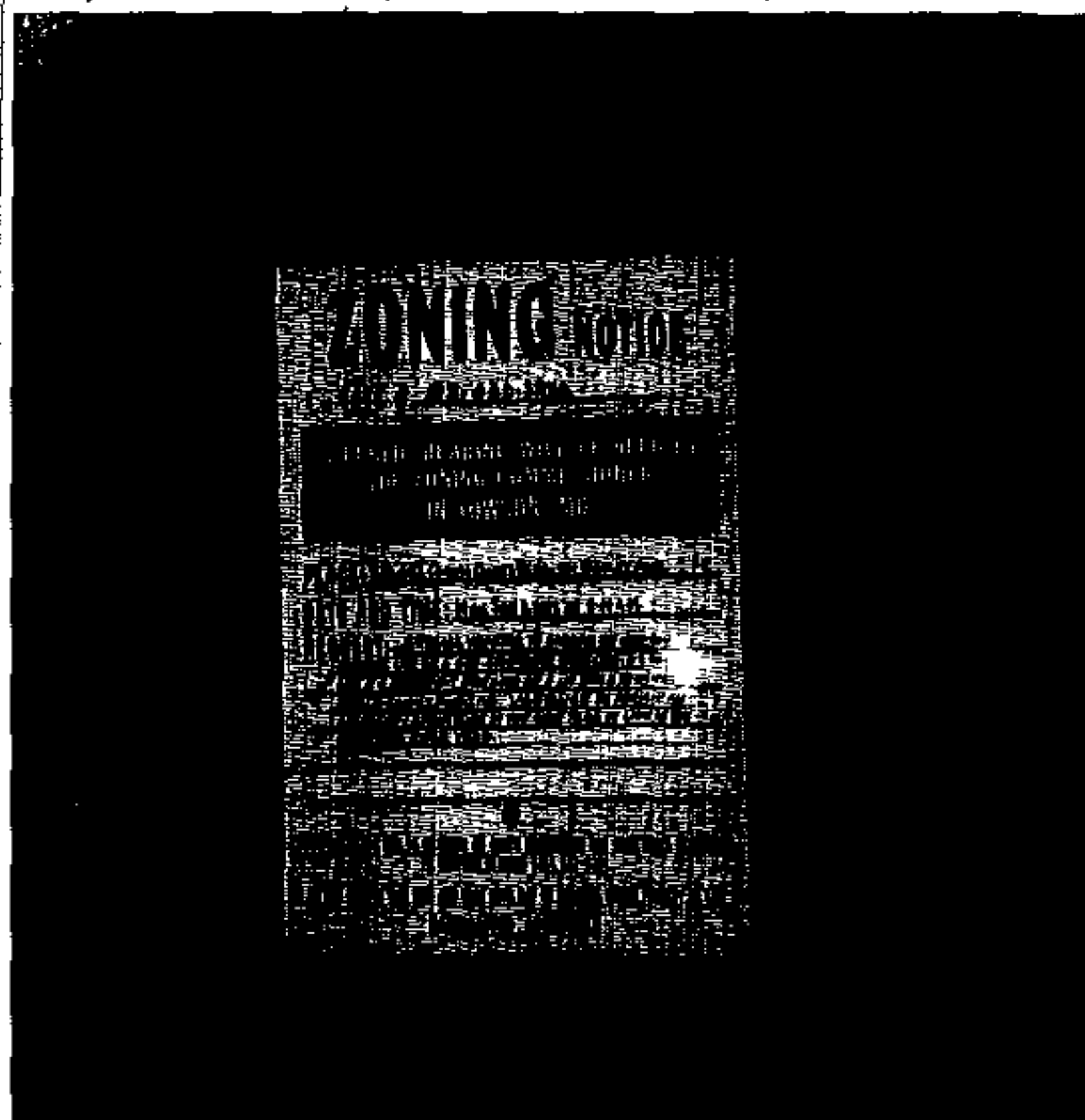
*Richard E. Hoffman* 5/18/02  
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN  
(Printed Name)

904 DELLWOOD DR.  
(Address)

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

(410) 879-3122  
(Telephone Number)



CASE# 02-440 SPHA

POSTED 5/18/02

*Richard E. Hoffman* 5/18/02



**APPEAL SIGN POSTING REQUEST**

CASE NO.: 02-440-SPHA

Wayne W. Davis - LEGAL OWNERS

11603-15 Bellvue Avenue, Kingsville

11<sup>th</sup> ELECTION DISTRICT

APPEALED: 2/21/2003

**ATTACHMENT** -- (Plan to accompany Petition -- Petitioner's Exhibit No. 1)



**APPEAL SIGN POSTING REQUEST**

CASE NO.: 02-440-SPHA

Wayne W. Davis - LEGAL OWNERS

11603-15 Bellvue Avenue, Kingsville

11<sup>th</sup> ELECTION DISTRICT

APPEALED: 2/21/2003

**ATTACHMENT** – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

\*\*\*\*\***COMPLETE AND RETURN BELOW INFORMATION**\*\*\*\*\*

**CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals  
400 Washington Avenue, Room 49  
Towson, Maryland 21204

Attention: Kathleen Bianco  
Administrator

RE: Case No.: 02-440 SPHA

Petitioner/Developer:

\_\_\_\_\_  
This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

11603 Bellvue Ave.

The sign was posted on 3/13, 2007/3

By:

*Gary Freund*  
(Signature of Sign Poster)

GARY FREUND

(Printed Name)



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: 02-440-SPHA  
Petitioner: WAYNE W DAVIS  
Address or Location: 11615 BELLVUE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: WAYNE W DAVIS  
Address: 11615 BELLVUE AVE  
KINGSVILLE MD 21087  
Telephone Number: 410-592-5933





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 1, 2002

## 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: 02-440-SPHA  
11603 – 15 Bellvue Avenue  
SE/corner of Bellvue Avenue & Bradshaw Road  
11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owner: Wayne W Davis

Special Hearing to approve the non-conforming use of a one apartment dwelling, a 2 dwelling and a 4 apartment dwelling on a lot with a principal single-family dwelling. Variance to permit an accessory structure in the side yard in lieu of the required rear yard.

HEARING: Monday, June 3, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon  
Director GJZ

C: Wayne W Davis, 11615 Bellvue Avenue, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 18, 2002.**  
(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 16, 2002 Issue – Jeffersonian

Please forward billing to:  
Wayne W Davis  
11615 Bellvue Avenue  
Kingsville MD 21087

410 592-5933

---

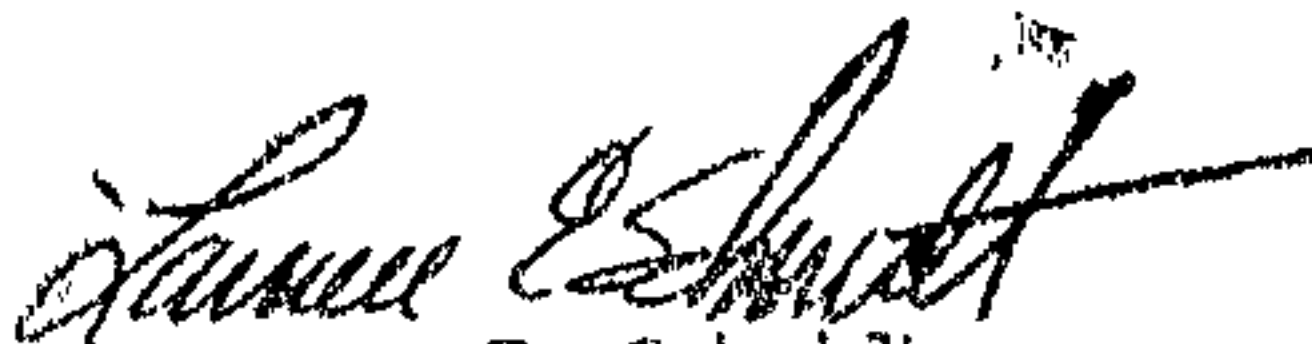
## NOTICE OF ZONING HEARING

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Variance to permit an accessory structure in the side yard in lieu of the required rear yard.

HEARING: Monday, June 3, 2002 at 9:00 a.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.





# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180  
FAX: 410-887-3182

**Hearing Room – Room 48**  
Old Courthouse, 400 Washington Avenue

April 22, 2003

## NOTICE OF ASSIGNMENT

**CASE #: 02-440-SPHA**

**IN THE MATTER OF: *Wayne W. Davis* - Legal Owner**  
11603-15 Bellvue Avenue  
11<sup>th</sup> Election District; 5<sup>th</sup> Councilmanic District

2/04/03– Order of Z.C. - Petition for Special Hearing and Petition for  
Variance GRANTED with restrictions.

## ASSIGNED FOR:

WEDNESDAY, SEPTEMBER 10, 2003 at 10:00 a.m.

**NOTICE:** This appeal is an evidentiary hearing; therefore, parties should consider the  
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County  
Code.

**IMPORTANT:** No postponements will be granted without sufficient reasons; said requests  
must be in writing and in compliance with Rule 2(b) of the Board's Rules. No  
postponements will be granted within 15 days of scheduled hearing date unless in full  
compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to  
hearing date.

**Kathleen C. Bianco**  
Administrator

c: Appellant : Office of People's Counsel

Counsel for Petitioner /Legal Owner : John B. Gontrum, Esquire  
Petitioner /Legal Owner : Wayne W. Davis

Pat Keller, Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director /PDM





Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

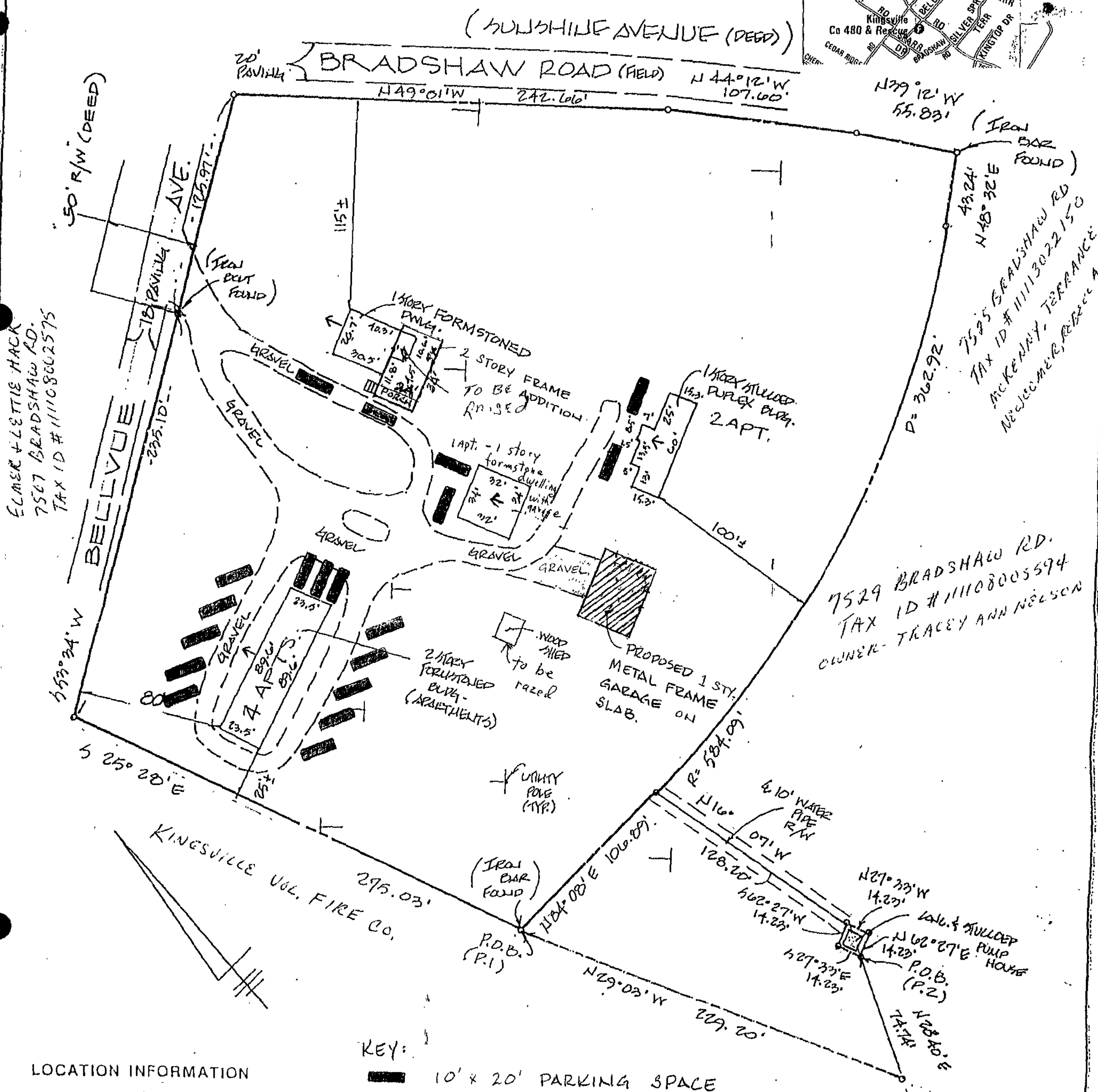
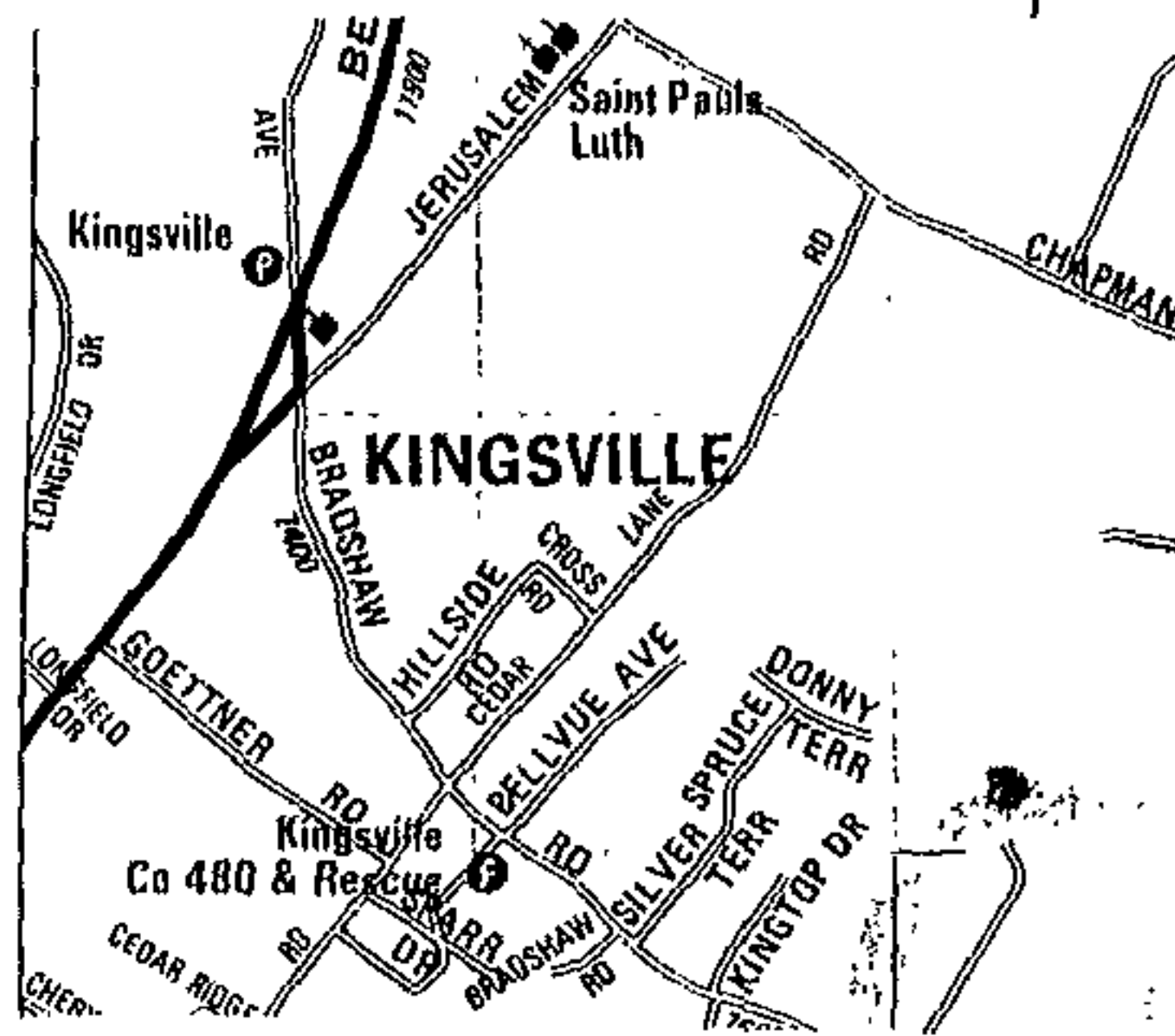
PROPERTY ADDRESS: 11603-11615 BELLEVUE AVE.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name:

plat book# , folio# , lot# , section#

OWNER: WAYNE W. DAVIS



LOCATION INFORMATION

Election District: 11

Councilmanic District: 5

1"-200' scale map#: N.E. 14-J

Zoning: RC-5

Lot size: 3.69 acreage 160,736 square feet

SEWER: ☐ public ☒ private  
WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

1/1 440 02-440-584A

DEED REFERENCE: 7851-88  
11TH ELECTION DISTRICT  
BOUTWORE COUNTY, MARYLAND  
1" = 60'

#11615 BELLEVUE AVE.

Ref No.



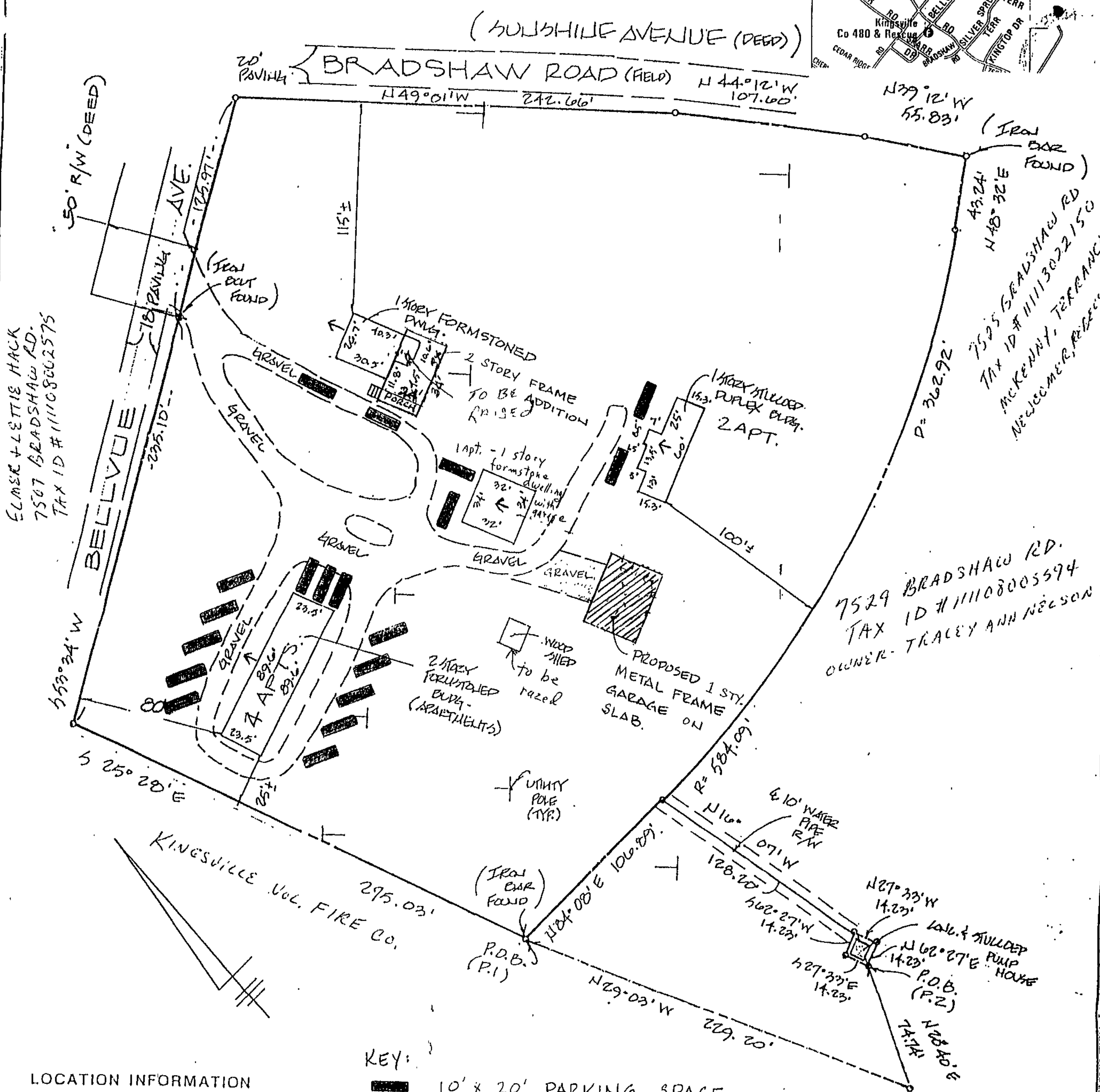
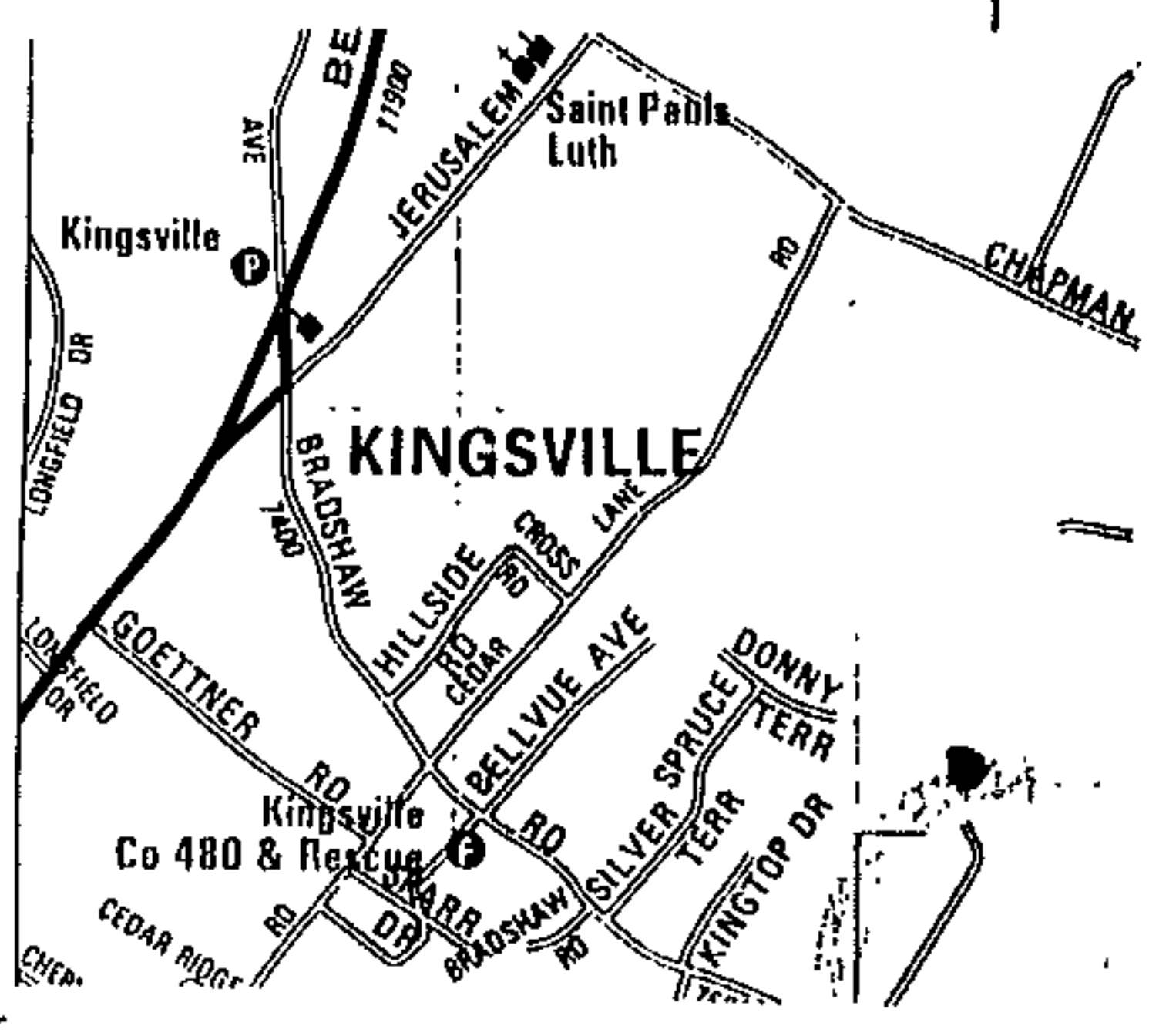
Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 11603-11615 BELLVUE AVE.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_  
plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: WAYNE W. DAVIS



LOCATION INFORMATION

Election District: 11  
Councilmanic District: 5  
1"=200' scale map#: N.E. 14-5  
Zoning: RC-5  
Lot size: 3.69 acreage, 160,736 square feet

SEWER: ☐ public ☒ private  
WATER: ☐ public ☒ private  
Chesapeake Bay Critical Area: ☐ yes ☒ no  
Prior Zoning Hearings: \_\_\_\_\_

#11615 BELLVUE AVE.

DEED REFERENCE: 7051-88  
11TH ELECTION DISTRICT  
DISTRICT OF MARYLAND  
1"=60'

Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

440 02-440-SPHA



AMENDED PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

TO CONFIRM NON-CONFORMING USE

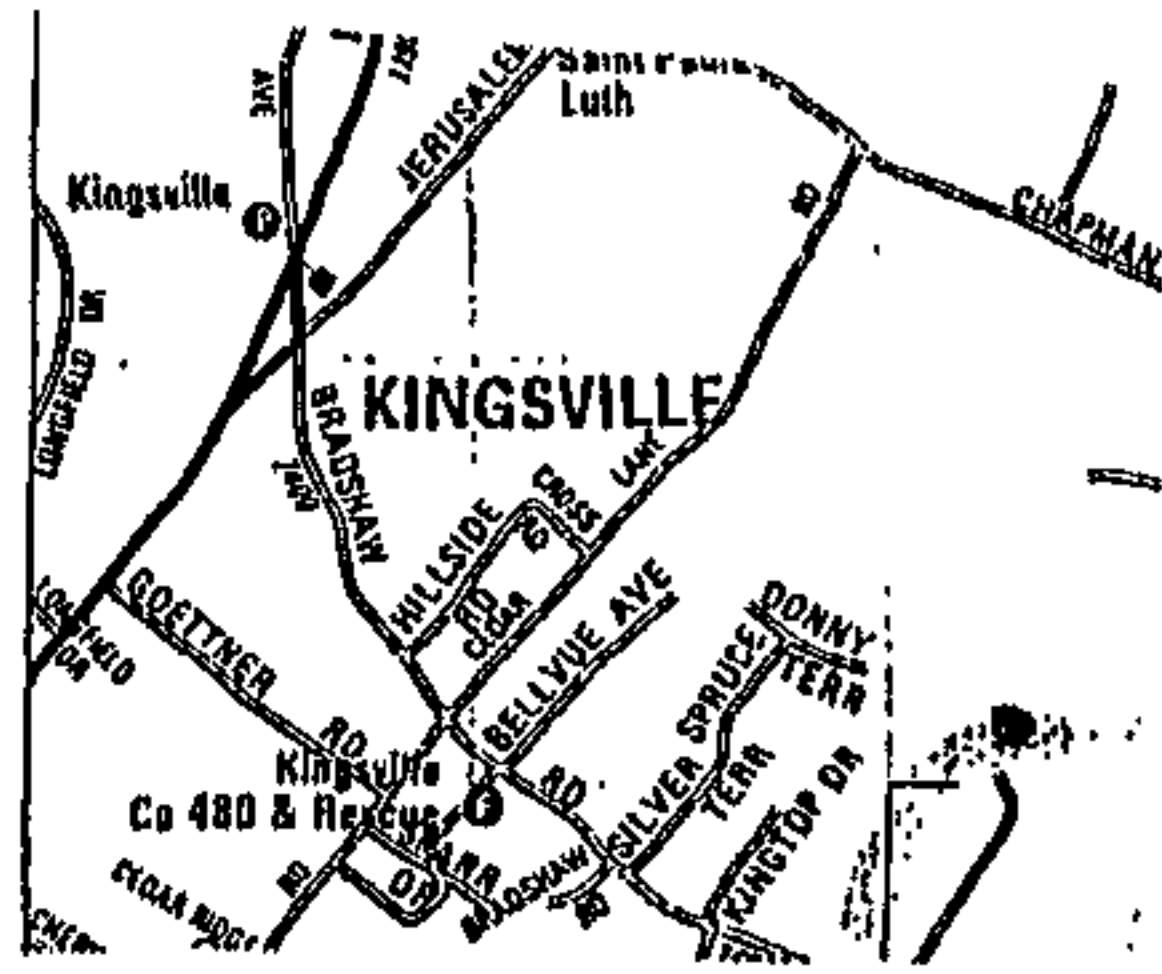
September 10, 2003

PROPERTY:

Subdivision name:

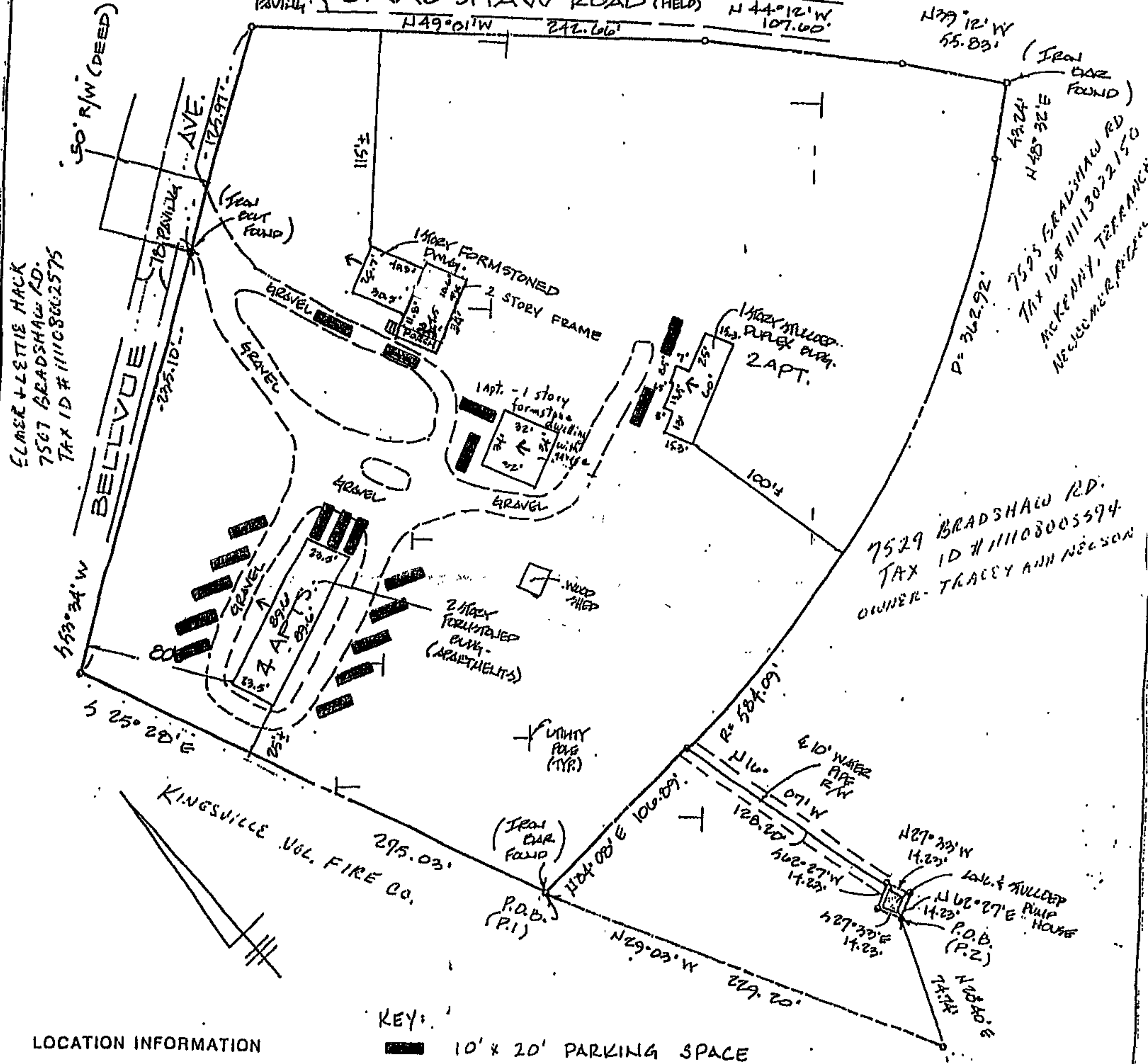
Plat book #, folio #, lot #, section #

OWNER: WAYNE W. DAVIS



(SUNSHINE AVENUE (DEED))

BRADSHAW ROAD (FIELD)



KEY:

10' x 20' PARKING SPACE

LOCATION INFORMATION

Election District: 11

Councilmanic District: 5

1"-200' scale map#: N.E. 14-J

Zoning: RC-5

Lot size: 3.69 160,736

acreage square foot

SEWER: ☐ ☒

WATER: ☐ ☒

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

144 440 02-440-SPHA

Wayne W Davis

#11615 BELLEVUE AVE.

Petitioners have withdrawn a variance request granted by the Zoning Commissioner in Case No. 02-440-SPHA.

Existing TOTAL BUILDING AREA: = 8829.5 Square Feet  
includes all structures  
Existing GROUND FLOOR AREA: 6089.1 S.F.

DEED REFERENCE: 7051-80

11th ELECTION DISTRICT  
BOUTWORE COUNTY, MARYLAND  
1" = 60'

P13T12x1



Exhibit  
Submitted @  
9-10-03 Board  
hearing -

Amended Plan to  
Confirm Nonconforming use





Baltimore County  
Department of Permits and  
Development Management

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

May 31, 2002

Wayne W. Davis  
11615 Bellvue Avenue  
Kingsville MD. 21087

Dear Mr. Davis:

RE: Case Number: 02-440-SPHA , 11603-15 Bellvue Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 10, 2002 .

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,

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

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:

Enclosures

c: People's Counsel





Baltimore County  
Fire Department

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

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

April 22, 2002

ATTENTION: George Zahner

RE: 11603-15 Bellvue Ave.

Location: DISTRIBUTION MEETING OF April 22, 2002

Item No.: 440

Dear Mr. Zahner:

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.

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

cc: File  
COUNTY REVIEW GROUP MEETING{PRIVATE }

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper



Jim  
6/3

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** April 30, 2002

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

**SUBJECT:** 11603-11615 Bellvue Avenue

**INFORMATION:**

**Item Number:** 02-440

**Petitioner:** Wayne W. Davis

**Zoning:** RC 5

**Requested Action:** Special Hearing/Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not support the petitioner's request to construct an accessory metal structure in the side yard in lieu of the required rear yard.

This office is of the opinion that the subject property is currently overdeveloped. Furthermore, the addition of a metal structure to the subject site would have a negative impact on the residential character of neighborhood.

**Prepared by:** Mark A. Cuff

**Section Chief:** Lynne L. Lohan

AFK/LL:MAC:

MAY 1



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/TGT*

DATE: May 10, 2002

~~Zoning Reclass/Redistricting Petitions~~

**SUBJECT:** NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

CASES 454-457

~~Zoning Advisory Committee Meeting of April 22, 2002~~

**SUBJECT:** NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

424, 428, 429, 431, 433, 434, 435, 437, 438, 439, (440), 442



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits & Development  
Management

**DATE:** May 21, 2002

**FROM:** Robert W. Bowling, Supervisor *RWB/DAK*  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
for *April 22, 2002*  
*Item Nos. 424, 427, 428, 429, 430, 431,*  
*433, 434, 435, 436, 437, 438, 439, (440),*  
*441 and 442*

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

RWB:CEN:cab

cc: File





**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 4.18.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 440 1312

Dear Mr. Zahner:

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,

*K.A.* 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



RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCE  
11603-15 Bellvue Avenue, SEC Bellvue Ave  
& Bradshaw Rd  
11th Election District, 5th Councilmanic

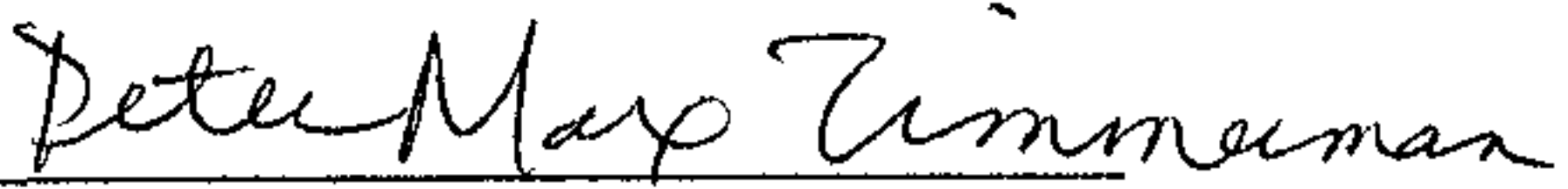
Legal Owner: Wayne W. Davis  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-440-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

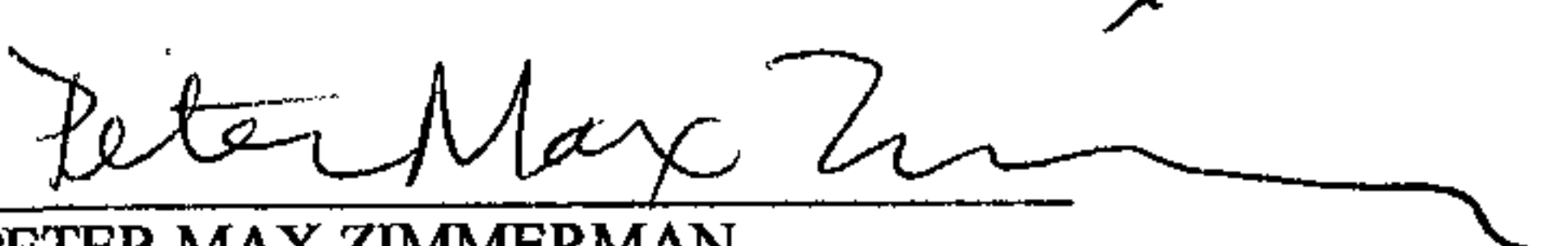
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed 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 2<sup>nd</sup> day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Wayne W. Davis, 11615 Bellvue Avenue, Kingsville, MD 21087, Petitioners.

  
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

March 3, 2003

Mr. Wayne W. Davis  
11615 Bellvue Avenue  
Kingsville, MD 21087

Dear Mr. Davis:

RE: Case No. 02-440-SPH, 11603-15 Bellvue Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on February 21, 2003 by Peter M. Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

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

Arnold Jablon  
Director

AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM  
People's Counsel

**RECEIVED**  
MAR 03 2003

**BALTIMORE COUNTY  
BOARD OF APPEALS**







## *Baltimore County, Maryland*

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

February 21, 2003

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

Hand-delivered

Re:

MOTION FOR RECONSIDERATION  
PETITION FOR SPECIAL HEARING & VARIANCE  
SE/Corner Bradshaw Road and Bellvue Avenue  
(11603 - 11615 Bellvue Avenue)  
11<sup>th</sup> Election District; 5<sup>th</sup> Council District  
Wayne W Davis - Petitioner  
Case No.: 02-440-SPHA

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Order on the Motion for Reconsideration dated February 4, 2003 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

*Peter Max Zimmerman*  
Peter Max Zimmerman  
People's Counsel for Baltimore County

*Carole S. Demilio*  
Carole S. Demilio  
Deputy People's Counsel

PMZ/rmw

cc: John Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Baltimore, MD 21221

**RECEIVED**

**FEB 21 2003**

Per.. *ph*.....



## APPEAL

Petition for Special Hearing  
and Variance  
11603-15 Bellvue Avenue  
SE corner of Bellvue avenue and Bradshaw Road  
Wayne W. Davis - Legal Owner  
Case No.: 02-440-SPHA

- ✓ Petition for Special Hearing and Variance (April 10, 2002)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (May 1, 2002)
- ✓ Certification of Publication (The Jeffersonian Issue May 16, 2002)
- ✓ Certificate of Posting (May 18, 2002 posted by Richard E. Hoffman)
- ✓ Entry of Appearance by People's Counsel (May 2, 2002)
- ✓ Petitioner(s) Sign-In Sheet  
None
- ✓ Protestant(s) Sign-In Sheet  
None
- ✓ Citizen(s) Sign-In Sheet  
None
- ✓ Zoning Advisory Committee Comments

### Petitioners' Exhibits:

- ✓ 1. Plat to accompany Petition for Special Hearing and Variance  
~~Letters in support of Petitioner~~ - *not marked as Exhibits*

- ✓ Protestants' Exhibits:  
None

- ✓ Miscellaneous (Not Marked as Exhibits):  
*letters*

- ✓ Zoning Commissioner's Order (February 4, 2003 - GRANTED)

- \* Notice of Appeal received on February 21, 2003 by Peter M. Zimmerman, People's Counsel of Baltimore County

c: \* People's Counsel of Baltimore County, MS #2010  
Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM  
Wayne W. Davis

date sent March 3, 2003 rlh

WAYNE W DAVIS  
11615 BELLVUE AVENUE  
KINGSVILLE MD 21087  
APPLICANT

JOHN B. GONTRUM  
ROMADKA & GONTRUM  
814 EASTERN BLVD  
BALTIMORE, MD 21221

VE



Case No. 02-440-SPHA

In the Matter of: Wayne W. Davis – Legal Owner  
11603-15 Bellvue Avenue

SPH – Approval of multiple dwelling units on lot with principal SFD as a nonconforming use.

VAR – To permit garage, accessory to the principal SFD to be located in the side yard ilo required rear yard.

2/04/03 –Z.C.'s decision in which SPH and VAR were GRANTED subject to restrictions.

---

4/22/03 –Notice of Assignment sent to following; assigned for hearing on Wednesday, September 10, 2003 at 10 a.m.:

Office of People's Counsel  
John B. Gontrum, Esquire  
Wayne W. Davis  
Pat Keller, Planning Director  
Lawrence E. Schmidt, Zoning Commissioner  
Arnold Jablon, Director /PDM

---

9/10/03 - Board convened for hearing (Wescott, Crizer, Adams); upon completion of case as presented by the parties; agreement reached between People's Counsel and Petitioner as indicated on the record; Amended Plan submitted at hearing and on the record to reflect nonconforming use; Board then deliberated; nonconforming use was approved; variance for garage was withdrawn by Petitioner and dismissed; PC appeal as to nonconforming use was withdrawn. Proposed Order submitted by counsel.

---





**Baltimore County  
Zoning Commissioner**

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

February 26, 2003

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Avenue  
Baltimore, Maryland 21221

RE: MOTION FOR RECONSIDERATION  
PETITIONS FOR SPECIAL HEARING & VARIANCE  
SE/Corner Bradshaw Road and Bellvue Avenue  
(11603 – 11615 Bellvue Avenue)  
11th Election District – 5th Council District  
Wayne W. Davis - Petitioner  
Case No. 02-440-SPHA

Dear Mr. Gontrum:

In response to your recent facsimile regarding the cover letter dated February 3, 2003 for the Order issued in the above-captioned matter, please disregard the word "denied" as it is clear by virtue of the Order issued on the Motion for Reconsideration that the relief was ultimately granted. As the original cover letter was used to prepare the cover letter for the Order issued on the Motion, this was obviously an oversight. Please accept my apologies for any misunderstanding.

Should there be any further questions in this regard, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Wayne W. Davis  
11615 Bellvue Avenue, Kingsville, Md. 21087  
Office of Planning; People's Counsel; Case File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper





**Baltimore County  
Zoning Commissioner**

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

July 17, 2002

Mr. Wayne W. Davis  
11615 Bellvue Avenue  
Kingsville, Maryland 21087

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE  
11603-11615 Bellvue Avenue  
Case No. 02-440-SPHA

Dear Mr. Davis:

You will recall that the above-captioned matter was continued in open hearing on June 3, 2002 in order to allow you time to obtain additional information in support of your request. It was also agreed that I would withhold making a decision in the matter for thirty (30) days during which time you were to submit additional letters/statements from those individuals who could attest to the nonconforming use at issue.

This letter is to advise you that the 30 days have passed. If no word is heard from you within ten (10) days of the date of this letter, an Order will be issued based on the testimony and evidence presented at the hearing.

Thank you for your attention in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Case File







Baltimore County  
Zoning Commissioner

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

January 7, 2003

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Avenue  
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE  
SE/Corner Bradshaw Road and Bellvue Avenue  
(11603 - 11615 Bellvue Avenue)  
11th Election District - 5th Council District  
Wayne W. Davis - Petitioner  
Case No. 02-440-SPHA

Dear Mr. Gontrum:

In response to the Motion for Reconsideration filed on behalf of the Petitioner in the above-captioned matter, I am persuaded to schedule another hearing for further proceedings. In this regard, a hearing has been set for Tuesday, January 28, 2003 at 9:00 AM in Room 407 of the County Courts Building.

In the meantime, should you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Wayne W. Davis  
11615 Bellvue Avenue, Kingsville, Md. 21087  
People's Counsel; Case File





**BALTIMORE COUNTY, MARYLAND**  
Board of Appeals of Baltimore County  
*Interoffice Correspondence*

DATE: November 12, 2003

TO: Timothy Kotroco, Director  
Permits & Development Management  
Attn.: David Duvall

FROM: Theresa R. Shelton *TRS*  
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

| <b><u>BOARD OF<br/>APPEALS<br/>CASE NUMBER</u></b> | <b><u>PDM<br/>FILE NUMBER</u></b>                                          | <b><u>NAME</u></b>     | <b><u>LOCATION</u></b>     |
|----------------------------------------------------|----------------------------------------------------------------------------|------------------------|----------------------------|
| 02-440-SPHA                                        | <i>02-440-SPHA</i>                                                         | WAYNE W. DAVIS         | 11603-15 BELLVUE<br>AVENUE |
| 03-539-A                                           | <i>03-539-A</i>                                                            | JACOBS/WATSIC          | 3915 BRIAR POINT ROAD      |
| 03-508-SPH                                         | <i>03-508-SPH</i>                                                          | W. TALBOT DALEY        | 19503 CAMERON MILL<br>ROAD |
| M.C. 03-1                                          | <i>MAP<br/>CORRECTION<br/>5<sup>TH</sup><br/>COUNCILMANIC<br/>DISTRICT</i> | TERESA LOUISE MANOCHEN | 1720 E. JOPPA ROAD         |

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED





**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 4.18.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 440 732

Dear Mr. Zahner:

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,

*K* 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



ROMADKA & GONTRUM, LLC.

814 Eastern Boulevard  
Baltimore, Maryland 21221  
(410) 686-8274  
(410) 686-0118 FAX

ROBERT J. ROMADKA  
JOHN B. GONTRUM

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October 23, 2002

Lawrence E. Schmidt, Esq.  
Zoning Commissioner for Baltimore County  
Suite 405  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Re: Case No. 02-440- SPHA  
Wayne W. Davis – Petitioner  
SE/Corner Bradshaw Road and Bellvue Ave.

Dear Mr. Schmidt:

I am writing to ask you to reconsider your Findings of Fact and Conclusions of Law issued in the above-referenced case on September 25, 2002. As you may recall, the primary issue in the case involved an application for a non-conforming use. There was no opposition to either the special hearing or to the residential variance for the garage.

The Petitioner came to see me, and in the course of the interview it became apparent that he really did not understand either the burden of production or the burden of proof he had to meet with respect to the non-conforming use. In my discussions with him it became clear to me that he had witnesses who could testify as to the establishment, continuity and existence of the non-conforming usage of the buildings on the premises. Not having those witnesses present to be examined was clearly a deterrent to the fact-finding process.

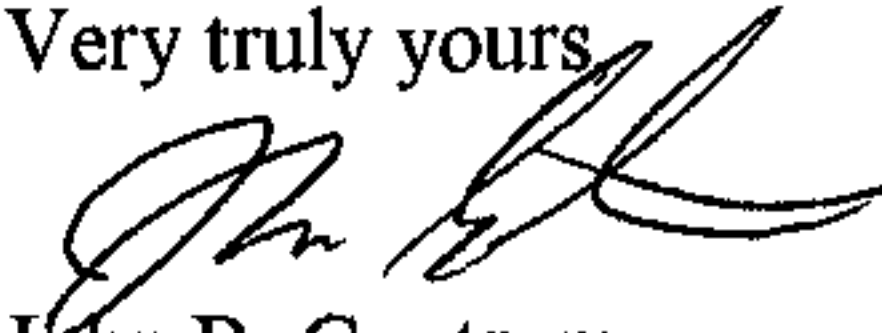
Given the fact that this is such a fact-based issue and the testimony is so important as to the history of the site, we would request the opportunity for another hearing in order to present live testimony as to the usage of the site. This is not the case where evidence presented was refuted or even contested, but it is simply a matter that the petitioner did



not appreciate the issues that had to be addressed despite your obvious efforts to assist in his understanding.

We appreciate your consideration of this request for reconsideration.

Very truly yours

A handwritten signature in black ink, appearing to read 'John B. Gontrum', with a stylized flourish at the end.

John B. Gontrum

cc. People's Counsel



TO: File

FROM: Lawrence E. Schmidt  
Zoning Commissioner

SUBJECT: Petition for Variance  
11603-11615 Bellvue Avenue  
Case No. 02-440-SPHA

A public hearing was held for the above-captioned matter on June 3, 2002, at which Wayne Davis and his wife, Janet Davis appeared. There were no Protestants or other interested persons present. Special hearing relief was requested for a nonconforming use and a variance requested for a proposed accessory building (garage). Mr. Davis indicated that he has owned the property since 1988 but didn't have any prior knowledge of the property. The nonconforming use is for a series of apartment buildings on the property. The relevant date is apparently 1945.

Mr. Davis produced four written statements from Elmer Hack, Mildred Willig, George Heckner, and Ray Layfield. All four of the statements indicate that the buildings on the property have been in existence for many years; however, as I pointed out at the hearing, none specifically say that those buildings have been used as apartments. Thus, the proof offered in this case was insufficient. I advised Mr. Davis that it is not the existence of the buildings, which is controlling, but rather how they have been used. I also alerted him that the use must be continuous and uninterrupted for a period of more than one year. In any event, he asked for some time to re-contact the people who had signed the statements and send in additional written confirmation that the nonconforming use is appropriate. I told him I would hold the case pending the receipt of additional information and did not believe that a reconvening of the public hearing would be necessary.

As to the Petition for Variance, I am not sure that it is necessary. The proposed garage is accessory to the single family dwelling in which Mr. & Mrs. Davis reside. The garage is to the rear of that structure; however, it is in the side yard of one of the apartment buildings. That is an issue to be considered. We will hold the case and diary for thirty (30) days to see if we hear back from Mr. Davis regarding amended or updated letters/statements from those individuals attesting to the nonconforming use.

LES:bjs



I bought our property at 7507 Bradshaw Rd in 1952. We had known of the property across the street at 11603 - 11615 Bellvue Ave. many years before that, and it had all the existing buildings that are present today.

We are not opposed to Wayne Davis adding an addition to the back of his house

Elmer L. Hack



Mr. Lawrence Schmidt, Esq.  
Baltimore County Zoning Commissioner  
County Courts Building  
Towson, Maryland 21204

Re: 11615 Bellvue Road  
Case No. 02-440-SPHA

Dear Mr. Schmidt:

I solemnly declare and affirm that the following facts are true to the best of my knowledge, information and belief:

1. My husband and I purchased our property across from the subject property in the mid-1950's and built our home in 1955. Our property is located at 7507 Bradshaw Road and is shown on the site plan for 11615 Bellvue Road.
2. Prior to our purchase of the property I was personally familiar with the property now owned by the Davis family.
3. In the 1940's the four dwellings came into existence when Mr. Rohe was the owner. I am personally acquainted with his family.
4. From the time the property was occupied by the dwellings, some of the dwellings were divided into apartments. There was one building that contained 4 apartments; another building had two apartments. The other two dwellings had one family each.
5. To my knowledge as a resident of the community and as a neighbor the buildings have been used continuously and without interruption as rental units. There was never an extended period of time when any of the buildings or apartment units was not occupied although tenants came and went.
6. I am in agreement with the buildings and uses as shown on the site plan for 11615 Bellvue Avenue.

  
Lettie Hack



OCTOBER 15

September 20, 1999

Ref: 11615 Bellvue Avenue  
Kingsville, Md 21087

To whom it may concern,

I, George Heckner Jr., have been living in Kingsville since 1929. Before 1942, when I went into the Service, there stood the existing buildings and a large farm house on the property known as 11603-11615 Bellvue Avenue located next to the Kingsville Vol. Fire Dept.

Sincerely,

*George E. Heckner Jr.*  
George E. Heckner Jr.  
7301 Temple Lane  
Kingsville, Md

*Lois L. Wainwright*  
Notary  
Expires: 4-1-2003



To whom it may concern,

I, Mildred Willig lived in the Kingsville area in 1940. The property known as 11603-15 Belvue Ave., located next to the Kingsville Fire Dept., had all the buildings that exist today.

10-13-99 Mildred M. Willig  
1321A Murgatroyd Rd.  
Fallston, Md. 21047



October 29, 1999

To whom it may concern,

I moved to Sunshine Avenue in Kingsville in 1940 where I lived for many years. I am very familiar with the property known as 11603-11615 Bellvue Avenue located next to the Kingsville Vol. Fire Co. All of the buildings on that property were in existence at that time.

  
Ray Layfield  
410-663-9027

  
Notary.  
Expires: 4-1-03.

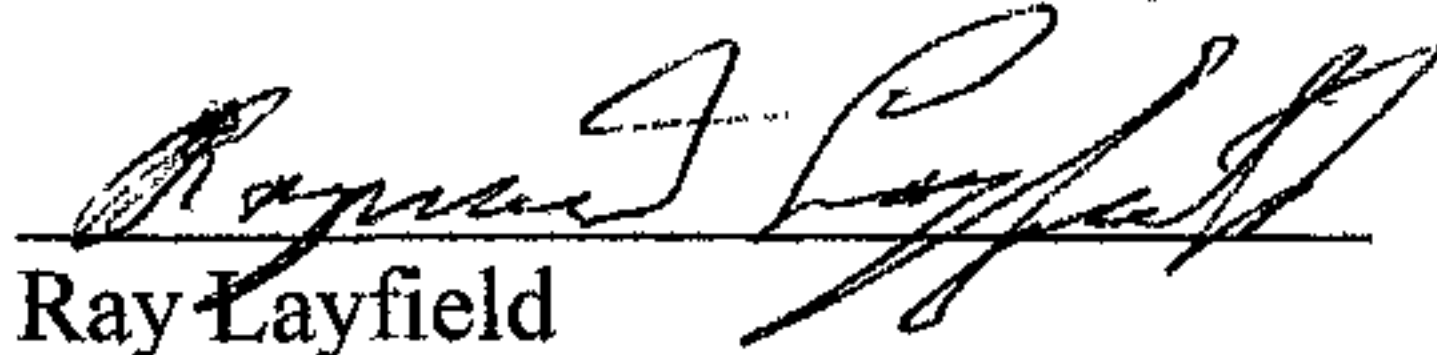


July 25, 2002

AUG 2

To whom it may concern,

I moved to Sunshine Avenue in Kingsville in 1940 where I lived for many years. I am very familiar with the property known as 11603-11615 Bellvue Avenue located next to the Kingsville Vol. Fire Co. All of the buildings on that property were in existence and used as rental units at that time, consisting of the four unit building, the A-frame individual house, the two apartment building, and the main house.



Ray Layfield  
410-256-6309

Loris L. LeSueur  
Notary  
Expires 4-1-03



July 25, 2002

AUG - 2002

To whom it may concern,

In 1929 my family moved to Kingsville. I lived on Jerusalem Road until 1942 when I went into the service. At that time the property known today as 11603-11615 Bellvue Avenue consisted of a large four apartment building, an A-frame single house, a one story two apartment building, and a one and a half story bungalow. In 1945 I returned from the service, got married, and have lived in Kingsville until the present time.

George Heckner

George Heckner  
7301 Temple Lane  
Kingsville, Md. 21087  
410-592-7012

*Lou L. Wainwright,*  
*Notary*  
*Expires 4-1-03*



