ORDER RECEIVED FOR FILING
Date 7/10/02
By Of Quantor

IN RE: PETITION FOR VARIANCE
S/S of Aigburth Road, 341.75 ft.
E of York Road
9th Election District
4th Councilmanic District
(4 Aigburth Road)

Peter G. Desimone, Legal Owner and Malcolm Spicer, Contract Purchaser Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 02-513-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Peter G. Desimone and the contract purchaser, Malcolm Spicer. The special hearing request is to approve the use of the subject property as a 3-apartment dwelling.

Appearing at the hearing on behalf of the special hearing request were Peter G. Desimone, owner of the property, Malcolm Spicer, the contract purchaser and Joe Larson, the professional engineer who prepared the site plan of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is located at 4 Aighurth Road in the Towson area of Baltimore County. The subject property is improved with a 2-story brick dwelling that contains 3 separate apartment units. The building in question was constructed in 1951 as a 3-apartment building and has been utilized in that fashion from 1951 until the present time. It should be noted that the property is zoned D.R.16, which permits this multi-family building as of right considering the size of the property would permit up to 4 apartment units. However, the Petitioners are simply requesting approval to continue to use the building as 3 separate dwelling units as it has existed for the past 50 years. The use itself is permitted as of right. However, the setbacks are deficient and,

therefore, the special hearing is necessary in order to allow the configuration of the building to exist as it does today.

After considering the testimony and evidence presented at the hearing, I am convinced that the use of the property as a 3-apartment building is appropriate and the structure itself, as situated and represented on the site plan submitted into evidence as Petitioners' Exhibit No. 1, is non-conforming. The use of the subject building and the setbacks have remained constant since 1951 until the present date.

THEREFORE, IT IS ORDERED, this _______day of July, 2002, by the Deputy Zoning Commissioner for Baltimore County, that the Petitioners' request for special hearing, to approve the continuation of the use of the subject property as a 3-apartment dwelling, 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.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/2/02
By R. Quantan



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

Fax: 410-887-3468

July 10, 2002

Joseph Larson 105 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 02-513-SPH Property: 4 Aigburth Road

Dear Mr. Larson:

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, but by llo troco

Timothy M. Kotroco Deputy Zoning Commissioner

TMK:raj Enclosure

c: Peter G. Desimone 4 Aigburth Road Towson, MD 21286 Malcolm Spicer 1622 W. Joppa Road Towson, MD 21204



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at_	4 Algburth Ro	ad
which is	presently zoned	DR-16

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

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.THOMPSON

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 and confirm the existing non-conforming use (multi-family building).

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

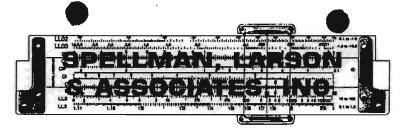
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

City	State	Zip Code	City	State	Zip Code
Towson	MD	21204	Towson	MD	21.204
Address		Telephone Na.	Address		Telephone No.
Company 1622 W. Joppa Roa	ad 410	-404-1547	Name 105 W. Chesape	ake Ave	410-823-3535
1 10			Joseph Larson		
Signature	-		Representative to b	A COMMENT	
Dehor S	Service !		7.3mm at 0		
Name Type or Print			City	State	
Malcolm Spicer		~	Address Towson	MD	Talephone No 21286
Attorney For Petition	ner:		4 Aigburth Roa		
City	State	Zip Code	dignature	100	
Towson	MD	21204	200 - 400 C TWO C C		T. T. Parkette
Address		Telephone No.	Name - Type or Print		
1622 W. Joppa Ro	ad			-	
Signature Signature	an		Signature	t tim	
Name - Type or Print	•		Name - Type or Print	61	
Malcolm Spicer			Peter G. Desin	none	الأعال الأسيال
	Lossea,		Land Office (3).		
Contract Purchaser	// 65500.		Legal Owner(s):		
			perjury, that I/we are the	legal owner(s) of tion,	of the property which

REV \$115198

Case No. 02-513-SPH





POBERT E. SPELLMAN, P.L.S

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

DESCRIPTION FOR ZONING, NUMBER 4 AIGBURTH ROAD, NINTH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the south side of Aigburth Road at the distance of 341.75 feet measured easterly along the south side of Aigburth Road from the east side of York Road and running thence and binding on the south side of Aigburth Road south 74 degrees east 60.00 feet thence leaving the south side of Aigburth Road and running south 16 degrees west 240.00 feet north 74 degrees west 60.00 feet and north 16 degrees east 240.00 feet to the place of beginning.

CONTAINING 0.33 acres of land more or less.

May 10, 2002



BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PAID RECEIPT BUSINESS ACTUAL TIME
DATE 5/16/02, ACCOUNT 0010066150	### 17/17/2002 5/16/2002 15:08:05 REG W904 WALKIN DDOL DWD DRAWER 2 >>RECEIPT # 182841 5/16/2002 DFLN Dep
RECEIVED MALCOLM SPICER	250.00 CK .00 CA Baltimore County, Maryland
FOR: ITEM# 513, 05-513-SPH FILING FEE	
4 AIGBURTH RD., D. THOMPSON	anes secondo a carbas) de como en da

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

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: #02-513-SPH

4 Aigburth Road
S/side of Aigburth Road
341.75 feet east of York Road
9th Election District
4th Councilmanic District
Legal Owner(s): Peter G.
Desimone
Contract Purchaser: Malcolm
Spicer
Special Hearing: to approve and confirm the existing non-conforming use
(multi-family building).
Hearing: Wednesday, July

isting non-conforming use (multi-family building). Hearing: Wednesday, July 10, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

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.

JT/6/813 June 25 C546961

CERTIFICATE OF PUBLICATION

628,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 6 25 ,20 <u>02 .</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE O. POSTING

gh 110

RE: Case No.: 02-513-5PH

Petitioner Developer: SPICER, ETAL

% DOE LARSON

Date of Hearing/Closing: 7/10/02_

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.

To ROBIN BETTY From OVEETE

Co./Dept. EONING COMM. Co.

Phone # 571 A386

Fax # 887-3468 V Fax #

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted panapicuously on the property located at #4 AIGBURTH RD.

The sign's care posted or

6/20/02 (Moth, Day, Year)



#4-A16BURTH RD

Sincerely, Particulated of Signature of Sign Poster and Date). 7/2/02

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Accress)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL. 410.905.857!

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number: 02-513-SPH
Petitioner: Spicer
Address or Location: Hata H AIGBURTH RD. 21204
PLEASE FORWARD ADVERTISING BILL TO: Name: MALCOLM SPICER
Address: 1625 W. Joppa RD.
Towson, mo 21204
Telephone Number: 410 - 404 - 1547

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 25, 2002 Issue – Jeffersonian

Please forward billing to:

Malcolm Spicer 1622 W. Joppa Road Towson, MD 21204

410-404-1547

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: 02-513-SPH

4 Aigburth Road

S/side of Aigburth Road 341.75 feet east of York Road

9th Election District – 4th Councilmanic District

Legal Owner: Peter G. Desimone Contract Purchaser: Malcolm Spicer

<u>Special Hearing</u> to approve and confirm the existing non-conforming use (multi-family building).

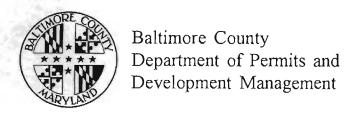
HEARING: Wednesday, July 10, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.



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

June 5, 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: 02-513-SPH

4 Aigburth Road

S/side of Aigburth Road 341.75 feet east of York Road

9th Election District – 4th Councilmanic District

Legal Owner: Peter G. Desimone Contract Purchaser: Malcolm Spicer

<u>Special Hearing</u> to approve and confirm the existing non-conforming use (multi-family building).

HEARING: Wednesday, July 10, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

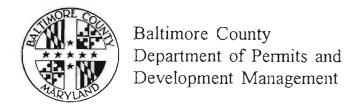
Arnold Jablon Director

C: Malcolm Spicer, Esquire, 1622 W. Joppa Road, Towson 21204 Peter G. Desimone, 4 Aigburth Road, Towson 21204 Joseph Larson, 105 W. Chesapeake Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 25, 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.



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

July 5, 2002

Malcolm Spicer 1622 W Joppa Road Towson MD 21204

Dear Mr. Spicer:

RE: Case Number: 02-513-SPH, 4 Aigburth Road

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

W. Carl Richards Jr. 627

W. Carl Richards, Jr. 697 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Peter G Desimone, 4 Aigburth Road, Towson 21204 Joseph Larson, 105 Chesapeake Avenue, Towson 21204 People's Counsel



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

May 30,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 3, 2002

Item No.: See Below

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 Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

511-519, 521-523

513

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 10, 2002

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 10, 2002

Item Nos. 511, 512, 513, 514, 516, 517, 518, 519, 520, 521, 522, and 523

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (265) WoT

DATE:

July 15, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of June 3, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

511-514, 516,517,519-525, 527, 529-531, 533

Sem 7/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 3, 2002

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-513, & 02-523

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 5 28.02

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

RE: Baltimore County

Item No. 513

DT

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,

f. f. Andl for Kenneth A. McDonald

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING 4 Aighurth Road, 5/S Aighurth Rd, 341.75' E of York Rd 9th Election District, 4th Councilmanic

Legal Owner: Peter G. Desimone Contract Purchaser: Malcolm Spicer Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-513-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2002 a copy of the foregoing Entry of Appearance was mailed to Malcolm Spicer, Esq., 1622 W. Joppa Road, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

MEMO TO FILE

RE: Item #513, 02-513-SPH

Prior to acceptance for filing, did advise petitioner (Malcolm Spicer) to show parking spaces and calculations on plan. Petitioner will address at hearing for non-conforming use if necessary.

Donna Thompson Planner II Zoning Review





POBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SLIRVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

June 4, 2002

Ms. Donna Thompson
Office of Zoning
Baltimore County

"HAND DELIVERED"

Re: 4 Aigburth Road

Desimone Property Job No. 202041

Dear Donna:

Attached hereto, please find twelve (12) new copies of the revised Plat to Accompany Zoning Petition for the above captioned project which are being submitted to you at your request.

The attached plans have been revised to show the improvements on the properties on each side of the subject site. Also, we have revised the Plat to include the fact that three apartments currently exist on the property.

Should you have any questions or require any addition information from this office, please feel free to contact me at any time.

Very truly yours,

Joseph L. Larson, President SPELLMAN, LARSON & ASSOC., INC.

cc: Mac Spicer

File No. L06030203

AFFIDAVIT

I, Robert M. Reier, do solemnly declare and affirm, under penalty of perjury, that the following facts are true and correct:

- 1. I am a competent witness with respect to the matters set forth below.
- 2. I was born on <u>June</u> J , 19<u>49</u>.
- 3. The property known as 4 Aigburth Rd., Towson, MD 21286 was owned by

 #tenry 5.

 my paternal grandparents, Charles H. and Mary R. Reier from at least 1951

 until sold by me, as executor of my grandmother's estate, to Peter G. De

 Simone in December, 1989.
- 4. To the best of my personal knowledge and recollection, the house situated on that property was built by my grandparents as a 3-residential unit dwelling in 1951. It was built with a single 2-bedroom apartment on the first floor and 2 1-bedroom apartments on the second floor. My grandparents built it that way for the express purpose of renting the second floor apartments to the public for income.
- 5. To the best of my knowledge and recollection, the lot size, the configuration of the apartments, the exterior of the building, and the parking lot configuration did not change in any material respect from the time the house was built until sold by me as executor of my grandmother's estate to Mr. De Simone. For as long as I can remember, the second floor apartments were continuously rented, as was the first floor apartment for some years before my grandmother's death.

Robert M. Reier



