

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S of Prospect Avenue, 0' W		
centerline of Paradise Avenue	*	DEPUTY ZONING COMMISSIONER
1st Election District		
1st Councilmanic District	*	OF BALTIMORE COUNTY
(133 South Prospect Avenue)		
	*	CASE NO. 02-514-SPH
Patricia Medcroft		
<i>Petitioner</i>	*	

* * * * *

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, Patricia Medcroft. The Petitioner is requesting special hearing relief for property she owns at 133 South Prospect Avenue. The special hearing request is to approve non-conforming use of a building located on the subject property as a dwelling and to amend Conditions #2 and #3 of Case No. 89-222-SPH.

Appearing at the hearing on behalf of the request were Patricia Medcroft, owner of the property and her attorney, Francis X. Borgerding, Jr. No one attended in opposition to the Petitioner's request.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 0.115 acres, more or less, zoned D.R.5.5. The subject property is improved with an existing two-story frame dwelling which currently serves as a two-apartment building. To the rear of the subject dwelling exists a one-story frame building which has been utilized by the Petitioner as another dwelling unit. Ms. Medcroft testified that she resides in the two-story frame dwelling and rents the second floor apartment out to a tenant. The building located in the rear of her property has been lived in by her two sons in the past.

Submitted into evidence at the hearing were various affidavits signed by longtime residents of the surrounding community. These affidavits indicate that the building in question

ORDER RECEIVED FOR FILING
 Date 8/6/02
 By J.P. Johnson

has been utilized as a dwelling since prior to 1945. There was no testimony offered to contradict this evidence. Based on the testimony and evidence offered at the hearing and the lack of opposition thereto, and the letters of support by the surrounding community, I find that the subject one-story frame building located to the rear of the property does in fact enjoy a legal non-conforming use as a dwelling unit. Therefore, the special hearing shall be granted. However, I shall condition this approval to be limited to this particular property owner only. In the event Ms. Medcroft should choose to sell the subject property or would no longer own the property, then the right to use the building located to the rear of the subject property as a dwelling unit shall cease and terminate. Ms. Medcroft has proven herself to be an asset to the community and a fit and proper landlord for this property. This is corroborated by the letters of support which were submitted at the hearing before me. I have no concerns over Ms. Medcroft's ability to properly maintain the subject property and to continue to operate the rental units. However, I would have concerns in the event the property is transferred to another party.

Restricting this approval for so long as Ms. Medcroft owns the property, is based upon the decision rendered by Commissioner Haines in Case No. 89-222-SPH. Commissioner Haines specifically raised concerns over the use of the building, which is the subject of the case before me, as an additional residence. However, I am willing to overlook his concerns, and specifically Restriction Nos. 2 and 3 of his Order and give Ms. Medcroft the benefit to continue to utilize that building as a dwelling unit for so long as she is in control and ownership of this property.

Accordingly, the special hearing request shall be granted to allow her to utilize the building in the rear as a dwelling unit. The special hearing request shall be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of August, 2002, that the Special Hearing request to amend Condition Nos.

2 and 3 of Case No. 89-222-SPH, shall be GRANTED to allow Ms. Medcroft, for so long as she remains in ownership and control of the property, to utilize the one-story building located to the rear of the subject property as a separate dwelling unit.

IT IS FURTHER ORDERED, that the relief granted herein shall be limited to Ms. Medcroft only and shall cease and terminate upon such time as Ms. Medcroft shall transfer title to the subject property, or shall no longer remain in control of the property.

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

8/6/02

By

J.R. Gannon



Baltimore County
Zoning Commissioner

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

August 6, 2002

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

Re: Petition for Special Hearing
Case No. 02-514-SPH
Property: 133 South Prospect Avenue

Dear Mr. Borgerding:

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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 133 South Prospect Ave., Baltimore, MD
which is presently zoned D.R. 5.5 21228

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

Nonconforming use to use the rear building located on the subject property as a dwelling and to amend conditions #2 and #3 of case #89-222-SPH.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

Company

409 Washington Ave., #600

410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Patricia Medcroft

Name - Type or Print

Signature

Name - Type or Print

Signature

133 South Prospect Avenue

Address

Telephone No.

Baltimore

MD

21228

City

State

Zip Code

Representative to be Contacted:

Francis X. Borgerding, Jr.

Name

409 Washington Ave. #600

410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By AK/JF

Date 5/16/02

Case No. 02-514-SPH

280 9/15/98

ORDER RECEIVED FOR FILING
8/6/02
P.P. G...

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 133 S. Prospect Avenue. Beginning at a point on the north side of Prospect Avenue which is 50 feet wide at the distance of zero feet west of the centerline of the nearest improved intersecting street Paradise Avenue which is 25 feet wide. Being Lot #1 in the subdivision known as the Lawrence Property as recorded in Baltimore County Plat book #56, Folio #115, containing 5,016 square feet. Also known as 133 Prospect Avenue and located in the 1st Election District, 1st Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13382

DATE 5/16/02 ACCOUNT Row/006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Pat Medcraft

FOR: Special Hearing

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 514

PAID RECEIPT

BUSINESS ACTUAL TIME
5/17/2002 5/16/2002 15:44:56
REG MS02 MAIL JENA JEE DRAHER 2
>>RECEIPT # 202715 5/16/2002 OFLN
Dep 5 528 ZIRING VERIFICATION
CR NO. 013382

Recpt Tot \$50.00
50.00 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: #02-514-SPH
133 South Prospect Avenue
N/west corner of Prospect
and Paradise Avenues
1st Election District
1st Councilmanic District
Legal Owner(s): Patricia
Medcroft

Special Hearing: to approve non-conforming use to use the rear building located on the subject property as a dwelling and to amend conditions #2 and #3 of Case #89-222-SPH.
Hearing: Tuesday, July 16, 2002 at 11:00 a.m. in Room 407, County Court Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible. Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and Hearing, Contact the Zoning Review Office at (410) 3391.

JT/7/619 July 2 C54

CERTIFICATE OF PUBLICATION

7/4/, 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 7/2/, 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.: 02-514-SPH
 Petitioner/Developer: MEDCROFT
90-FX. BORGERDING, ESP
 Date of Hearing/Closing: 7/16/02

F

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

Attention:

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 #133 - SOUTH PROSPECT
AVE. @ PARADISE AVE. (NEC)

The sign(s) were posted on 7/1/02
 (Month, Day, Year)

#133 PROSPECT

Sincerely,

Patrick M. O'Keefe 7/10/02
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

523 PENNY LANE
 (Address)

HUNT VALLEY, MD. 21030
 (City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
 (Telephone Number)

Post-it® Fax Note	7671	Date	From	Co.	Phone #	Fax #	# of pages
In							
Dept							
File #							
P							



02-514-SPH

MEDCROFT

7/16/02

**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: 02-514-SPA

✓ Petitioner: PATRICIA MEDCROFT

Address or Location: 133 SOUTH PROSPECT AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: PATRICIA MEDCROFT

Address: 133 SOUTH PROSPECT AVENUE
CATONSVILLE, MD 21228

Telephone Number: 410 455-6002

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 25, 2002 Issue – Jeffersonian

Cancel AD

Please forward billing to:

Patricia Medcroft
133 South Prospect Avenue
Baltimore, MD 21228

410-455-6002

For Lawyer

NOTICE OF ZONING HEARING

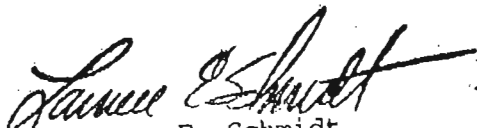
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-514-SPH
133 South Prospect Avenue
N/west corner of Prospect and Paradise Avenues
1st Election District – 1st Councilmanic District
Legal Owner: Patricia Medcroft

George Zahner

SPECIAL HEARING to approve non-conforming use to use the rear building located on the subject on the subject property as a dwelling and to amend conditions # 2 and # 3 of Case # 89-222-SPH.

HEARING: Thursday, July 11, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

June 6, 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: 02-514-SPH
133 South Prospect Avenue
N/west corner of Prospect and Paradise Avenues
1st Election District – 1st Councilmanic District
Legal Owner: Patricia Medcroft

SPECIAL HEARING to approve non-conforming use to use the rear building located on the subject on the subject property as a dwelling and to amend conditions # 2 and # 3 of Case # 89-222-SPH.

HEARING: Thursday, July 11, 2002 at 11:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson
21204

Patricia Medcroft, 133 South Prospect Avenue, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 26, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 02, 2002 Issue – Jeffersonian

Please forward billing to:

Patricia Medcroft
133 South Prospect Avenue
Baltimore, MD 21228

410-455-6002

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: 02-514-SPH
133 South Prospect Avenue
N/west corner of Prospect and Paradise Avenues
1st Election District – 1st Councilmanic District
Legal Owner: Patricia Medcroft

SPECIAL HEARING to approve non-conforming use to use the rear building located on the subject on the subject property as a dwelling and to amend conditions # 2 and # 3 of Case # 89-222-SPH.

HEARING: Tuesday, July 16, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

June 20, 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: 02-514-SPH
133 South Prospect Avenue
N/west corner of Prospect and Paradise Avenues
1st Election District – 1st Councilmanic District
Legal Owner: Patricia Medcroft

SPECIAL HEARING to approve non-conforming use to use the rear building located on the subject on the subject property as a dwelling and to amend conditions # 2 and # 3 of Case # 89-222-SPH.

HEARING: Tuesday, July 16, 2002 at 11:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

C: Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, Suite 600, Towson 21204
Patricia Medcroft, 133 South Prospect Avenue, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 01, 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.



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

July 12, 2002

Frank X Borgerding Jr Esquire
409 Washington Avenue
Suite 600
Towson MD 21204

Dear Mr. Borgerding:

RE: Case Number: 02-514-SPH, 133 S Prospect Avenue

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.

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

WCR: gdz

Enclosures

c: Patricia Medcroft, 133 S Prospect Avenue, Baltimore 21228
People's Counsel

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





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

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:

514

511-519, 521-523

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



Sept
7/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 10, 2002

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

Jim
7/16

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB Seeley*

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 3, 2002

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

JUN - 5 2002

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-447, & 02-514

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:

Mark A. Cunningham

Section Chief:

Lynda Lephart

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. 514 BR

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,

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
INTER-OFFICE CORRESPONDENCE

DATE: May 30, 2002

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

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

SUBJECT: Item No.: 514
Legal Owner/Petitioner Patricia Medcroft
Contract Purchaser: N/A
Property Address: 133 S. Prospect Ave.
Location Description: N/W corner of Prospect & Paradise Ave.

VIOLATION INFORMATION: Case No. 02-1259
Defendants: Patricia Medcroft

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

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:

- | | | |
|--------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| ☐ | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

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/ph
C: Code Enforcement Officer

RE: PETITION FOR SPECIAL HEARING
133 S. Prospect Avenue,
NW cor Prospect and Paradise Aves.
1st Election District, 1st Councilmanic

Legal Owner: Patricia Medcroft
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-514-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 Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

RA1001B

DATE: 03/06/2002

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:57:11

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
21 00 000088	01	1-2	04-00	D	NO		12/12/01

MEDCROFT PATRICIA

DESC-1.. IMPS.115 AC

DESC-2.. LAWRENCE PROPERTY

133 S PROSPECT AVE

PREMISE. 00133 S PROSPECT

AVE

00000-0000

BALTIMORE

MD 21228-3510

FORMER OWNER: DALLA TEZZA VANESSA L

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	32,510	32,510		FCV	ASSESS	ASSESS
IMPV:	111,280	116,730	TOTAL..	147,422	147,422	145,606
TOTL:	143,790	149,240	PREF...	0	0	0
PREF:	0	0	CURT...	97,212	97,212	96,546
CURT:	95,880	97,880	EXEMPT.		0	0
DATE:	10/97	06/00				

---- TAXABLE BASIS ----		FM DATE
02/03 ASSESS:	147,422	11/09/00
01/02 ASSESS:	145,606	06/01/01
00/01 ASSESS:	57,510	06/01/00

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

DATE: 3/6/02 INTAKE BY: Hopkins, K CASE #: 02-1259 INSPEC: Hahne, P

COMPLAINT

LOCATION: 133 S. Prospect Ave.ZIP CODE: 21228 DIST: 1

COMPLAINANT

NAME: Anonymous PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Renovating old chicken coop into a bed + breakfast w/o permits

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: 21 00 000088 ZONING: _____INSPECTION: 3/7/02 Found accessory structure being built in
Rear yard issued stop work order \$500 Fine
Recheck 3/20REINSPECTION: 3/8/02 Spoke to owner, structure is over 3 years
old old permit required for change of occupancy to
convert to Dwelling issued new cv to obtain
c/o permit. Voided First CV Recheck 3/22 w/

REINSPECTION: _____

REINSPECTION: _____



Baltimore County
Department of Permits and
Development Management

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

Dist 1

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 CORRECTION NOTICE

Citation/Case No. 02-1259	Property No. 21 00 000088	Zoning:
Name(s): Medcraft Patricia		
Address: 133 S Prospect Ave		
Violation Location: Same		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IBC 110. Converting accessory
structure to Dwelling without
permit. Obtain Change of
occupancy permit

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

On or Before: 3/22/02	Date Issued: 3/8/02
-----------------------	---------------------

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: Paul Hohne

INSPECTOR:

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

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

June 19, 2002

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

Dear Mr. Borgerding:

RE: Case Number 02-514-SPH, 133 S Prospect Avenue

The above matter, previously scheduled for Thursday, July 11, 2002 at 11:00 a.m., has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon", written in a cursive style.

Arnold Jablon
Director

AJ: gdz

C: Patricia Medcroft, 133 S Prospect Avenue, Baltimore 21228

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

6/18/02
Seige - OK
of

June 17, 2002

Arnold Jablon
Director
Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 02-514-SPH
133 South Prospect Avenue
N/west corner of Prospect and Paradise Avenues
1st Election District - 1st Councilmanic District
Legal Owner: Patricia Medcroft

Dear Mr. Jablon:

I am herein respectfully requesting a postponement of the above-captioned matter which is presently scheduled for hearing on Thursday, July 11, 2002, at 11:00 a.m., as I will be out-of-state on a family vacation during the week, which includes, Thursday, July 11, 2002 and I am, therefore, requesting a postponement. Would you be so kind as to reschedule this case at the Court's earliest convenience.

Thank you very much for your anticipated cooperation.

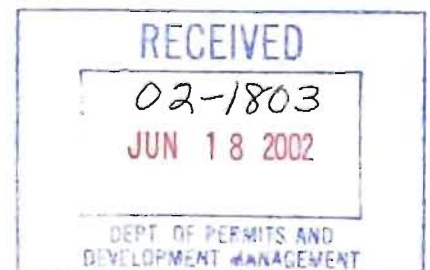
Very truly yours,



FRANCIS X. BORGERDING, JR.

FXB:bjk

cc: Ms. Patricia Medcroft



IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NWC Paradise & Prospect Ave. * ZONING COMMISSIONER
(133 S. Prospect Avenue) *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Timothy A. Lawrence * CASE # 89-222-SPH
Petitioner *

Pet Ex #2

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requested, pursuant to a Special Hearing, approval of a nonconforming use for the continued use of the rear building as a single dwelling unit and the continued use of the front building as a 2 unit dwelling as both uses have been continuous since prior to 1955, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and he was represented by attorney, Dawn Oxley Musgrave. There were Protestants who appeared and testified, namely, Mr. John Pappas, Mr. and Mrs. Charles Finkner and Ms. Joan Jarboe.

The Petitioner dismissed the requested relief with reference to the existing one story frame dwelling building located on the Paradise Avenue side of the property. The Petitioner indicated that this particular structure could not be established as nonconforming. Therefore, no relief would be sought in reference to this particular structure and the building will not be used as a dwelling unit.

The evidence and testimony tends to indicate that the subject property has been improved with two structures since approximately 1940. The structure closest to Prospect Avenue which is a two story structure has been used as two apartments since approximately 1938.

CREATING
Date
By

The evidence tends to establish that the two apartments are located on two separate floors of the building. The building was divided into rental units prior to 1955. The one story structure does not appear to have been occupied as a dwelling unit until approximately 1963 and, therefore, is not nonconforming.

The Protestants' primary objection to the subject property and the relief requested is the nature and character of the operation and not the actual existence of the nonconforming use. There was a great deal of testimony by all of the Protestants that the subject property is used and occupied by individuals who have created problems for the community. The tenants have interfered with the community's quiet enjoyment of their properties. Although the subject of the nature and behavior of the tenants is not before the Zoning Commissioner as a violation, it is with great interest that I note the existence of these problems, in light of the standards set forth in McKemy v. Baltimore County, 39 Md. App. 257, 385 A2d 96 (1978).

The Protestants argue that the subject property is not used as two apartments, but that the entire house is used as a boarding house. The Protestants also argue that even if the subject property is not currently used as a boarding house, it was in the past. The evidence concerning this matter is sketchy, at best, and nonconclusive from a legal standpoint. The inspection by Mr. Derek Propolis, Baltimore County Zoning Inspector found that the subject property appears to be divided into two apartments, one on the ground floor and one on the second floor. Mr. Propolis' examination of the property substantiates that the property is physically divided into two separate apartments. There is no physical evidence on which to base a conclusion that a

rooming house or boarding house operation is being operated at this site.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section 11 of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more

CREATED BY
Date 4/3/89
By M. J. Smith

than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. The evidence tends to indicate that the subject property has been used as two apartments in the larger two story structure. The evidence does not establish a nonconforming use for an apartment residential use of the one story structure located upon the subject site.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978). The evidence in the record does not indicate any breaks or lapses in the continued nature of the nonconforming use and there does not appear to be any

abandonment or cessation of the apartment use within the two story structure.

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

The only enlargement of the use of the subject property appears to be the expansion of the residential use to the one story structure. This second building expansion has been abandoned and, therefore, has no impact upon the nonconforming status of the two story structure. This property has been used as a nonconforming two apartment building and it has a legal right to continue under the provisions of Section 104 of the Baltimore County Zoning Regulations. That use may not be expanded or altered to incorporate another different or distinct use, such as a rooming house or boarding house.

More specifically, the subject property may not be expanded into more residential uses then are set forth herein.

Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of April, 1989 that the approval of the continued use of the rear building (the one story building) be and the same is hereby dismissed.

IT IS FURTHER ORDERED that the approval for the continued use of the front building as a two unit dwelling, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject, however, to the following restrictions:

1. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
2. That the Petitioner and/or the Petitioner's predecessors in title shall not expand the use of this operation beyond the two apartments currently existing in the two story structure.
3. The Petitioner shall cease all residential use of the one story structure on the Paradise Avenue side of the property on or before May 30, 1989.
4. The nonconforming use granted herein shall not be converted or utilized as a rooming house or boarding house.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner for
Baltimore County

AFFIDAVIT

Pet Ex #3

I STEPHEN H. JARBOE, who reside at
116 S. Prospect Avenue have lived at my Address since 1941.

I fully support Patricia Medcroft's petition for zoning hearing to approve non-conforming use to use the rear building located at 133 S. Prospect Avenue as a dwelling. To the best of my knowledge, this rear building has been used and occupied continuously as a dwelling since at least 1945.

I solemnly affirm under the penalty of perjury that the content of the above statement is true to the best of my knowledge, information and belief.

Stephen H Jarboe Date 16 July 02

AFFIDAVIT

I JOHN & TERRY PAPPAS, who reside at
119 S. Prospect Avenue have lived at my Address since 1986.

I fully support Patricia Medcroft's petition for zoning hearing to approve non-conforming use to use the rear building located at 133 S. Prospect Avenue as a dwelling. To the best of my knowledge, this rear building has been used and occupied continuously as a dwelling since I have lived at the above address.

I solemnly affirm under the penalty of perjury that the content of the above statement is true to the best of my knowledge, information and belief.

Terry Pappas Date 7/15/02

AFFIDAVIT

I EVERLYN C. FINKNER, who reside at
121 S. Prospect Avenue have lived at my Address since "1946".

I fully support Patricia Medcroft's petition for zoning hearing to approve non-conforming use to use the rear building located at 133 S. Prospect Avenue as a dwelling. To the best of my knowledge, this rear building has been used and occupied continuously as a dwelling since I have lived at the above address.

I solemnly affirm under the penalty of perjury that the content of the above statement is true to the best of my knowledge, information and belief.

Everlyn C. Finkner Date July 15/2002

The Paradise Community Association fully supports Patricia Medcroft, residing at 133 S. Prospect Avenue, Catonsville, MD 21228, in her petition for zoning hearing to approve non-conforming use to use the rear building located on the above mentioned property as a dwelling.


James Bailey, President
Paradise Community Association

Date 7/15/02

July 15, 2002

I fully supports Patricia Medcroft, residing at 133 S. Prospect Avenue, Catonsville, MD 21228, in her petition for zoning hearing to approve non-conforming use to use the rear building located on the above mentioned property as a dwelling.

NAME

ADDRESS

Joshua Phillips

Claudia Phillips

Chen F. H. Hsu

Cecilia Barnett

Robert K Ashton

Susan Taukulis

125 S. Prospect Ave, Catonsville

129 S. Prospect Ave. Catonsville
11

114 S. Paradise Ave, Catonsville

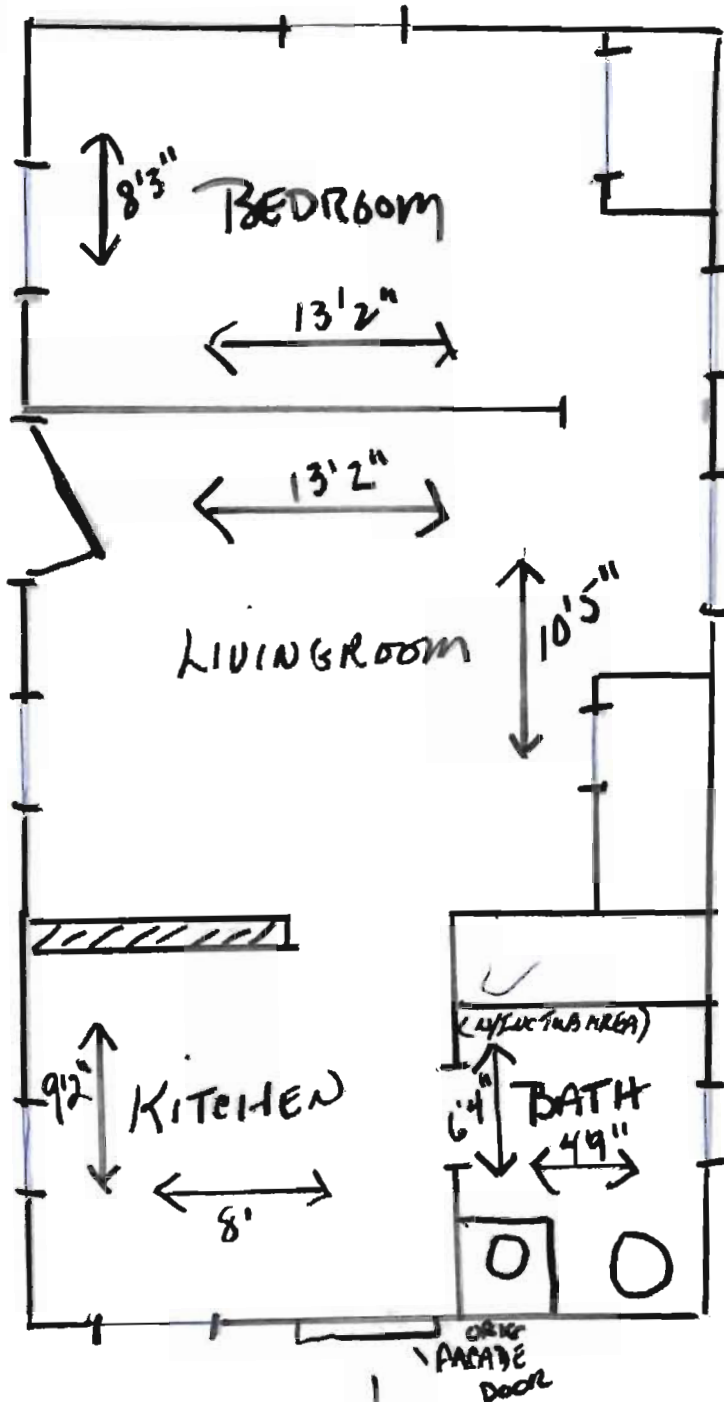
REAR BUILDING
133 S. PROSPECT AVE
21228

BACK YARD + BACK FENCE
↑

Lot 24 #5

SIDE YARD + FENCE
←

→
STREET SIDE YARD + FENCE

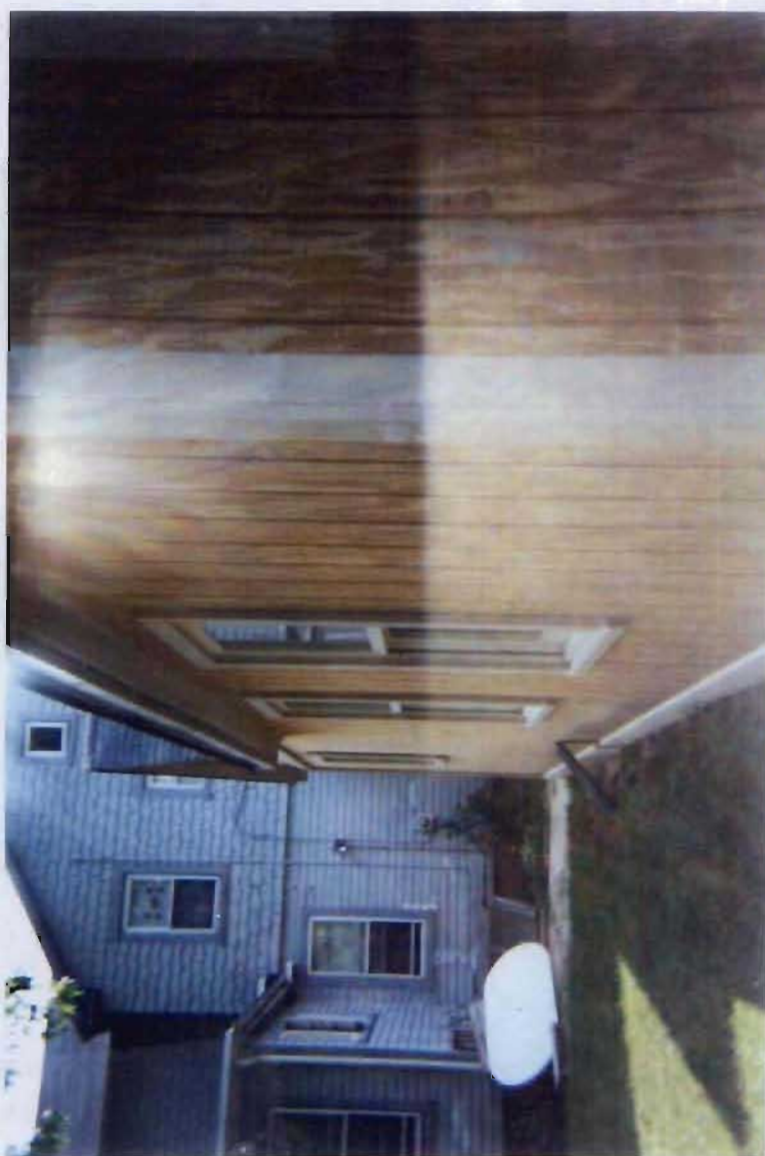


↓
SIDE FACING

BACK OF HOUSE (133 S. PROSPECT AVE)







~~2~~ F-80-9





#514

0-1

D.R. 5.5
1" = 200' scale
Zoning Map #
SW 3-E



PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

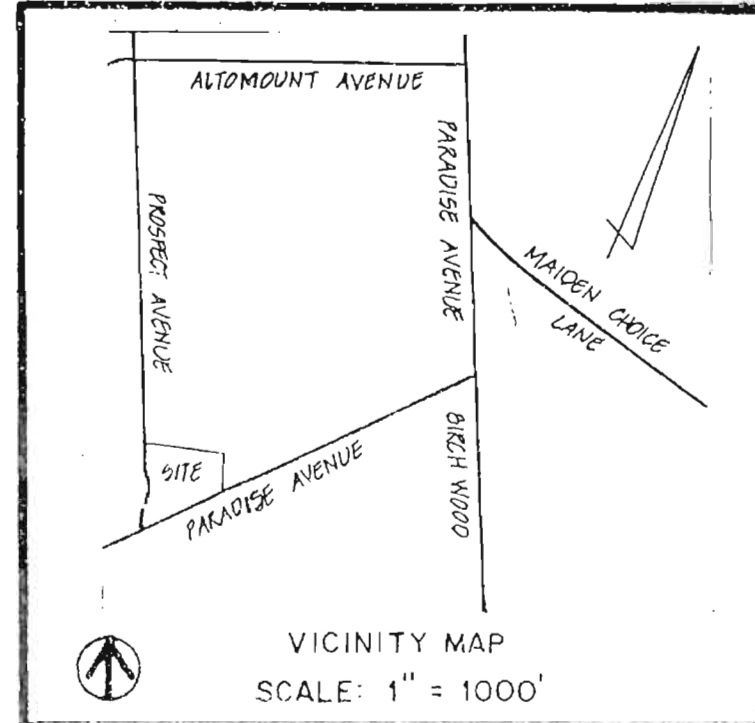
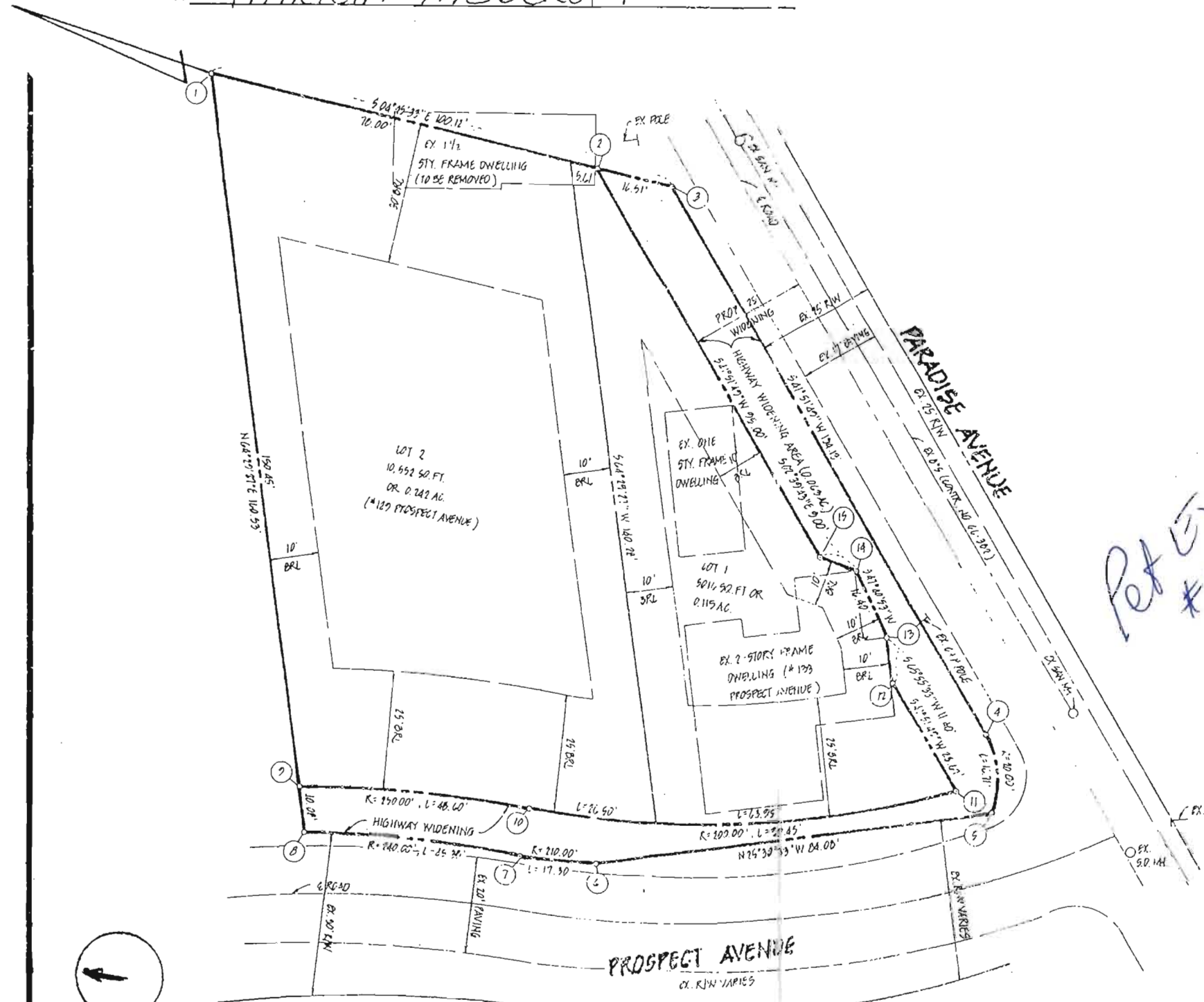
PROPERTY ADDRESS 133 SOUTH PROSPECT AVE.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LAWRENCE PROPERTY

PLAT BOOK SM #56 FOLIO # 115 LOT # 1 SECTION #

OWNER PATRICIA MEDCROFT



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # SW 3-E

ZONING DR 5.5

LOT SIZE .115 5,016
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☒	☐

PRIOR ZONING HEARING 89-222SPH

NORTH

PREPARED BY PM

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #