

IN RE: USE PERMIT APPLICATION  
NW/S Centre Avenue, 175' N of the c/l  
Burke Avenue  
(104 Centre Avenue)  
9<sup>th</sup> Election District  
4<sup>th</sup> Council District

Gary E. Arthur, Owner/Applicant

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 03-098-SPH

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of an application for a use permit filed by the owner of the subject property, Gary E. Arthur. The Applicant seeks approval of a Boarding/Rooming House on the subject property, zoned D.R.5.5, pursuant to Section 408.B of the Baltimore County Zoning Regulations (B.C.Z.R.). The property is located on the northwest side of Centre Avenue, between Burke Avenue and Linden Terrace in Towson. Apparently, the application was filed as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to the use of the property as a rooming house. The subject property and improvements thereon are more particularly shown on the plat submitted with the application, and marked into evidence as Petitioner's Exhibit 1.

Boarding/rooming houses are regulated by Section 408.B of the B.C.Z.R. Pursuant to Section 408.B(A) thereof, a property owner shall submit an application for such use to the Department of Permits and Development Management. Thereafter, notice of the application is posted on the property for a period of 15 days following the filing of the application. Within the 15-day posting period, any interested person residing within 1000 feet of the subject property may file a formal request for public hearing before the Zoning Commissioner. If a formal request for public hearing is filed, the matter is thereafter scheduled for a public hearing and public notice of same is provided. In this case, the property was duly posted on August 18, 2002 and a demand for public hearing was timely received from Constant J. Georges, legal owner of 112 Burke Avenue, on August 26, 2002. Thus, the matter was scheduled for a public hearing in accordance with the regulations.

ORDER RECEIVED FOR FILING  
Date 10/22/12  
By [Signature]

Appearing at the requisite public hearing was Gary E. Arthur, property owner. Appearing in opposition to the request were a number of residents from the surrounding locale, including Blair K. Melvin, Dominica Presgraves, Rita Melnick, Richard Parsons, John M. Poura II, Stacy Weiss, and Constant J. Georges. Also appearing was Dennis J. Psoras, Esquire, who appeared on behalf of the opponents.

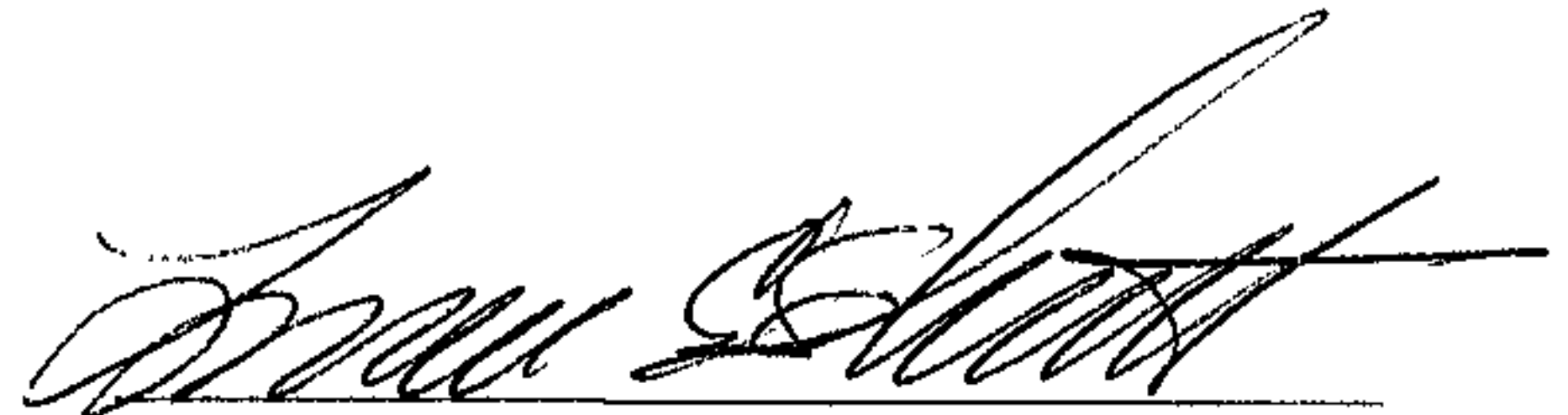
Testimony and evidence presented revealed that the subject property is actually comprised of two lots, namely Lots 6 and 7 of the Towson Manor subdivision, which was recorded in the Land Records of Baltimore County many years ago. The property contains a combined area of 5,000 sq.ft., more or less, zoned D.R.5.5, and is 50 feet wide and 100 feet deep in dimension. The property is improved with a 1½ story dwelling, known as 104 Centre Avenue, which presently contains four apartments. Essentially, the property is used as a duplex, with the units sitting side by side. One side of the building is used as a one-bedroom apartment, while the other half of the structure is used as a three-bedroom apartment. Currently, there are four residents of the building. Mr. Arthur testified that he has owned the property since 1998 and that the building has been used in this fashion since that time.

A Boarding/Rooming house is defined in Section 101 of the B.C.Z.R. When not used as the owner's domicile, as is the case here, such a use is defined as a building occupied in its entirety for compensation, by three or more adult persons not related to each other by blood, marriage or adoption. Boarding/rooming houses are regulated in Section 408.B of the B.C.Z.R. Section 408.B(B) thereof states, "Boarding or rooming houses are permitted only in single family detached dwellings." In this case, as described at the hearing, the building is not a single family detached structure; rather, the building is used as a duplex, or multi-family structure. Thus, Mr. Arthur's application to permit use of the subject property for a boarding/rooming house must be denied. Simply stated, the fact that the building is used as two separate living units precludes any approval of a boarding or rooming house. Mr. Arthur was advised of this conclusion at the hearing. In response thereto, he indicated that the property had been used in this fashion for many years. In this regard, the Petitioner may be entitled to relief if the use is nonconforming as defined and

regulated in Section 104 of the B.C.Z.R. and the applicant was advised that he could file a Petition for Special Hearing seeking approval of such use. However, that is not the issue before me in the instant case. Rather, the request as presented must be denied for the reason set forth above.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of October, 2002 that the application for a Use Permit for a Boarding/Rooming House on the subject property, known as 104 Centre Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LES:bjs



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 10/29/12  
By [Signature]



Baltimore County  
Zoning Commissioner

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

October 21, 2002

Mr. Gary E. Arthur  
8701 Goldenwood Road  
Baltimore, Maryland 21237

RE: USE PERMIT APPLICATION  
Nw/s Centre Avenue, 175' N of the c/l Burke Avenue  
(104 Centre Avenue)  
9<sup>th</sup> Election District – 4<sup>th</sup> Council District  
Gary E. Arthur, Owner/Applicant  
Case No. 03-098-SPH

Dear Mr. Arthur:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The use permit application has 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".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Dennis J. Psoras, Esquire  
608 Baltimore Avenue, Towson, Md. 21204  
Mr. Blair K. Melvin, 200 Linden Avenue, Towson, Md. 21286  
Ms. Dominica Presgraves, 109 E. Susquehanna Avenue, Towson, Md. 21286  
Ms. Rita Melnick, 120 Willow Avenue, Towson, Md. 21286  
Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204  
Mr. John M. Poura, II, 107 Linden Terrace, Towson, Md. 21286  
Ms. Stacy Weiss, 220 E. Susquehanna Avenue, Towson, Md. 21286  
Ms. Constant J. Georges, 112 E. Burke Avenue, Towson, Md. 21286  
Code Enforcement Division, DPDM; People's Counsel; Case File

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



Printed with Soybean Ink  
on Recycled Paper

**ZONING DESCRIPTION FOR 104 CENTRE AVE. BALTO. MD 21286**

**Beginning at a point on the east side of 104 Centre Ave. which is**

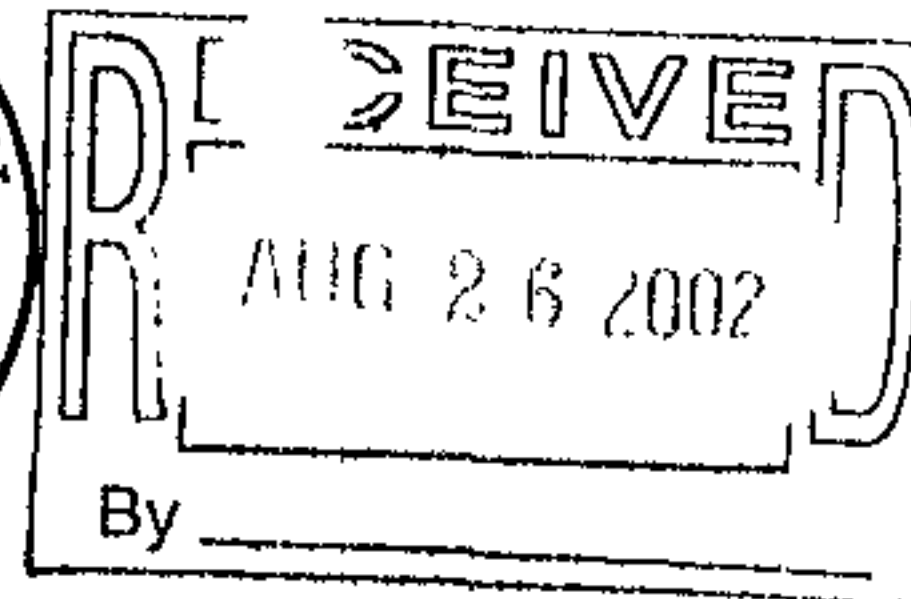
**50' wide at the distance of 175' west of the centerline of the nearest**

**improved interesting street Burke Ave. which is 50' wide. Being Lot # 6 &**

**7 in the subdivision of Towson Manor as recorded in Baltimore County Plat**

**Book # 5 page 79 containing 5,000 square feet. Also known as 104 Centre**

**Ave. and located in the 09<sup>th</sup> Election District, 04 Councilmanic District.**



# FORMAL DEMAND FOR HEARING

CASE NUMBER: USE PERMIT

Address: 104 CENTRE AVE.

Petitioner(s): ARTHUR

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We CONSTANT J. GEORGES  
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of  
112 BURKE AVE.  
Address

TOWSON MD 21286  
City State Zip Code

410-337-9018  
Telephone Number

which is located approximately 40 feet from the  
property, which is the subject of the above petition, **do hereby**  
**formally demand that a public hearing be set in this matter.**  
**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS**  
**DEMAND.**

Constant J. Georges 8/26/02  
Signature Date

Signature  
Revised 9/18/98 - wcr/scj Date

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 10042

DATE 3/26/02 ACCOUNT 0010066150

AMOUNT \$ 40.00

RECEIVED FROM: CONSTANT J. GEORGES

FOR: FORMAL DEMAND FOR HEARING

104 CENTRE AVE. USE PERMIT

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

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: #03-098-SPH  
104 Centre Avenue,  
E/S of Centre Avenue, 175' W  
of centerline Burke Avenue  
9th Election District  
4th Councilmanic District  
Legal Owner: Gary E. Arthur  
Special Hearing: to ap-  
prove a use permit for a  
Boarding/Room house after  
a public hearing demand.  
Hearing: Tuesday, October  
1, 2002 at 11:00 a.m. in  
Room 407, County Courts  
Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

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

JT/9/742 Sept 17 0563684

## CERTIFICATE OF PUBLICATION

9/19/2002

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 9/17/2002.

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

*S. Wilkinson*

**LEGAL ADVERTISING**



RE: PETITION FOR SPECIAL HE

TO:









**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** October 18, 2002

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 9, 2002  
Item No. 098

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The issue of on-site parking must be addressed.

RWB:CEN:jrb

cc: File

10/1



**BALTIMORE**







B

































As far as setting a president,





















