

IN RE: PETITION FOR SPECIAL HEARING
E/S Newburg Avenue, 30' S and opposite
Payson Avenue
(123 Newburg Avenue)
1st Election District
1st Council District

Stephen G. Buckman, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-535-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Stephen G. Buckman and his wife, Kelly M. Buckman. The Petitioners request a special hearing to approve the continued use of the dwelling on the subject reduced acreage lot as two apartments. 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 Steve and Kelly Buckman, property owners, and Arthur W. Davis. Numerous residents from the surrounding community appeared in opposition to the request, including Nancy Abell, adjacent property owner, and Ellen Hemmerly, Larry Martin, George M. Vitak, and Jim Sweat.

The subject property at issue is a rectangular shaped parcel located on the northeast side of Newburg Avenue, just north of Rolling Road in Catonsville. The property contains a gross area of .2295 acres, more or less, zoned D.R.2 and is improved with a 2½ story dwelling, which currently features three apartments. The Petitioners testified that they purchased the property approximately nine years ago as an investment and that they do not reside on the property, nor have they ever lived there. Testimony indicated that at the time of their purchase, the dwelling contained three apartment units -- two on the first floor and a third on the second floor. The Petitioners indicated that since their purchase of the property, they have invested significant sums

ORDER RECEIVED FOR FILING

Date

By

8/5/14

[Signature]

of money to repair and renovate the house and property and conceded that there have been certain tenants over their period of ownership that have caused problems in the neighborhood.

Testimony was also received from Arthur W. Davis, who resides approximately one mile away. Mr. Davis indicated that he has lived in the area all of his life and is now 66 years of age. Mr. Davis has specific knowledge of the use of the property in the early 1950s. At that time, he was friends with an individual (Roy Gillis) who lived on the subject property. Mr. Davis testified that at least for the five-year period from approximately 1951 to 1956, the subject property was used as three apartments. However, Mr. Davis testified that he eventually lost touch with Mr. Gillis and has not been intimately familiar with the property since that time.

Testimony was also received in opposition to the request from Nancy Abell. In this regard, it is to be noted that the Code Enforcement Division of the Department of Permits and Development Management (DPDM) issued a citation to the property owners. Apparently an anonymous complaint was registered with that office for the construction of a deck and stairway leading to the second floor without a permit and the "illegal conversion of a single-family dwelling into two multiple-family dwelling units." A hearing on the matter was conducted on May 18, 2004 by Raymond S. Wisnom, Jr., Code Enforcement Hearing Officer. By his Order dated May 20, 2004, a civil penalty of \$500 was imposed on the condition that the respondents maintain the property as a single-family dwelling or request nonconforming use status for two apartments from the undersigned Zoning Commissioner.

In any event, Ms. Abell testified that she has lived on the adjacent property since 1978. She indicated that the property was used as an apartment building when she first moved next door, but that the apartment use was abandoned in the late 1980s. She testified that at that time, a family moved into the site and converted the building to a single-family dwelling and that they resided on the property for approximately four years. That family ultimately sold the property and the building was converted back to an apartment use.

The only issue in this case is whether the subject property qualifies for nonconforming status. A nonconforming use is 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 to a special regulation applicable to such a use." Nonconforming uses are regulated by Section 104 of the B.C.Z.R. Essentially, the nonconforming use designation is used to "grandfather" an otherwise illegal use. If the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, *and the use has continued without interruption since that time*, that use may continue as nonconforming. Section 104.2 states that any abandonment or discontinuance of a nonconforming use for a period of one year or more shall terminate the right to continue the use.

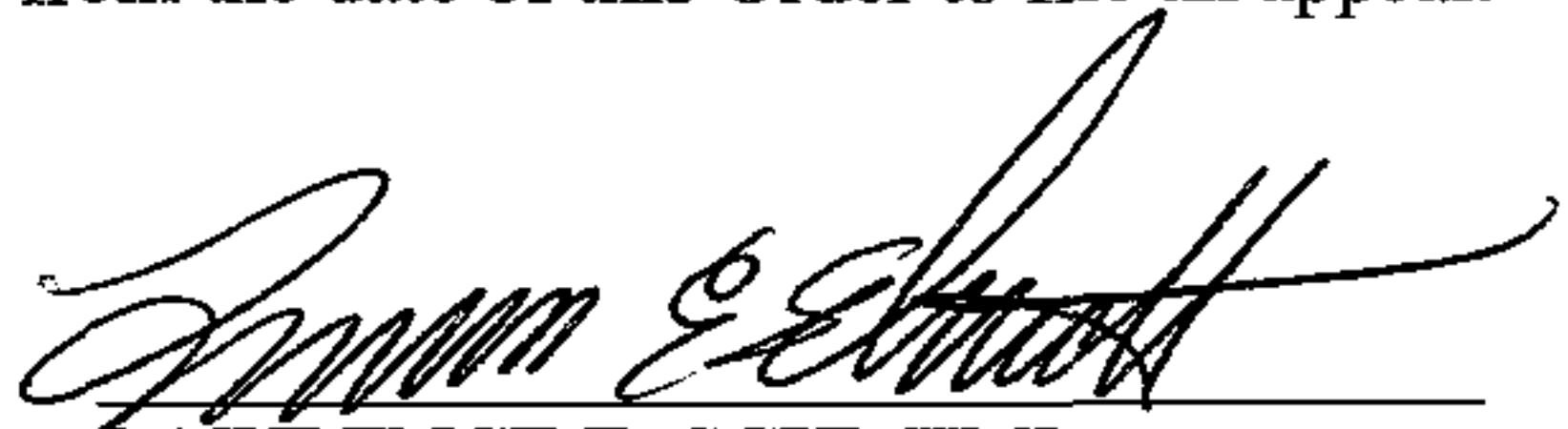
Nonconforming uses are not favored under the law. They are contrary to the zoning scheme and sound principles of planning and zoning. (See McKemy v. Baltimore County, 39 Md. App. 257 (1978). Nonetheless, the nonconforming use statute recognizes that there are buildings and uses in Baltimore County that are older than the regulations themselves.

In this case, it is clear that the nonconforming use status was forfeited and terminated in the late 1980s when the building was converted to a single-family dwelling. Mr. & Mrs. Buckman could not rebut the testimony offered by Ms. Abell that the property was utilized as a single family dwelling for approximately four years. Thus, the Petition must be denied, and the property must hereinafter be utilized only as a single-family dwelling, pursuant to the D.R.2 zoning regulations.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of August 2004 that the Petition for Special Hearing to approve the continued use of the dwelling on the subject reduced acreage lot as two apartments be and is hereby DENIED.

The Petitioners shall have thirty (30) days from the date of this Order to file an appeal.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

August 6, 2004

Mr. & Mrs. Steven G. Buckman
17 Oella Avenue
Baltimore, Maryland 21228

RE: PETITION FOR VARIANCE
E/S Newburg Avenue, 30' S and opposite Payson Avenue
(123 Newburg Avenue)
1st Election District – 1st Council District
Steven G. Buckman, et ux - Petitioners
Case No. 04-535-SPH

Dear Mr. & Mrs. Buckman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Arthur W. Davis, 1209 Brandford Road, Catonsville, Md. 21228
Ms. Nancy Abell, 121 Newburg Avenue, Catonsville, Md. 21228
Ms. Ellen Hemmerly, 11 Franklin Tree Court, Catonsville, Md. 21228
Mr. Larry Martin, 225 Edridge Way, Catonsville, Md. 21228
Mr. George M. Vitak, 411 S. Rolling Road, Catonsville, Md. 21228
Mr. Jim Sweat, 1 Payson Avenue, Catonsville, Md. 21228
Code Enforcement Division, DPDM; People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 123 Newburg Ave
which is presently zoned DR-2

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 continued use of 2 apartments on a reduced acreage lot.

04-535 SPH
ON VACATION
JULY 7th - 17th
= UNAVAILABLE
Pr
I, o
zor
C
Na
Sig.
Address Telephone No.
City State Zip Code

ed by the zoning regulations.
g, advertising, posting, etc. and further agree to and are to be bounded by the
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.

Legal Owner(s):

Steven G. Buckman
Name - Type or Print
Steve G. Buckman
Signature
Kelly M. Buckman
Name - Type or Print
Kelly M. Buckman
Signature
17 Oella Ave 443-277-8413
Address Telephone No.
Baltimore, MD 21228
City State Zip Code

Representative to be Contacted:

Steven G. Buckman
Name
17 Oella Ave 443-277-8413
Address Telephone No.
Baltimore MD 21228
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.5 hrs

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 5-18-04

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Case No. 04-535 SPH

ORDER RECEIVED FOR FILING
4/15/04
3/15/98

ZONING & DESCRIPTION

123 Newburg Ave.

Beginning at a point on the East side of Newburg Ave., 30 ft. opposite and south of the centerline of Payson Ave. Thence running south 80 ft. thence east 125 ft. thence north 80 ft. thence west 125 ft. to the point of beginning. Containing 10,000 square feet and located in the 1st Election District of Baltimore County.

#535

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 34527
04-235 JPH

DATE 5/18/04

ACCOUNT AC 001-006-6152

AMOUNT \$ 65.00

RECEIVED FROM:

Mrs. Mrs. Beckman

FOR:

Reid Street Security Monitoring Billing for 123 Maryland Ave.

PAID RECEIPT

BUSINESS ACTIVITY TIME

5/18/2004 5/19/2004 10:05:13Z

REG. NO. 0002 MAIL JENA JEE

> RECEIPT # 33573 5/18/2004

Dept 51 REG. BIDDING VERIFICATION

CR NO. 000027

Receipt Tot 661.00

REG. IN CR 6.00 CA

Baltimore County, Maryland

DISTRIBUTION
* WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER & 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: #04-535-SPH
123 Newburg Avenue
East side of Newburg Avenue, 30-feet South of and opposite centerline of Payson Avenue.
1st Election District
1st Councilmanic District
Legal Owner(s): Steven G. and Kelly M. Buckman
Special Hearing: to permit the continued non-conforming use of 2 apartments on a reduced acreage lot.
Hearing: Tuesday, July 27, 2004 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.

JT 7/637 July 13 12524

CERTIFICATE OF PUBLICATION

7/14/, 2004

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 7/13/, 2004.

- ☒ 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. 04-535-SPH

Petitioner/Developer: STEVEN G.

AND KELLY M. BUCKMAN

Date of Hearing/Closing: 7/27/04

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

ATTN: Kristen Matthews {(410) 887-3394}

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:

123 NEWBERG AVE

The sign(s) were posted on

7/11/04
(Month, Day, Year)

Sincerely,

Robert Black 7/11/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

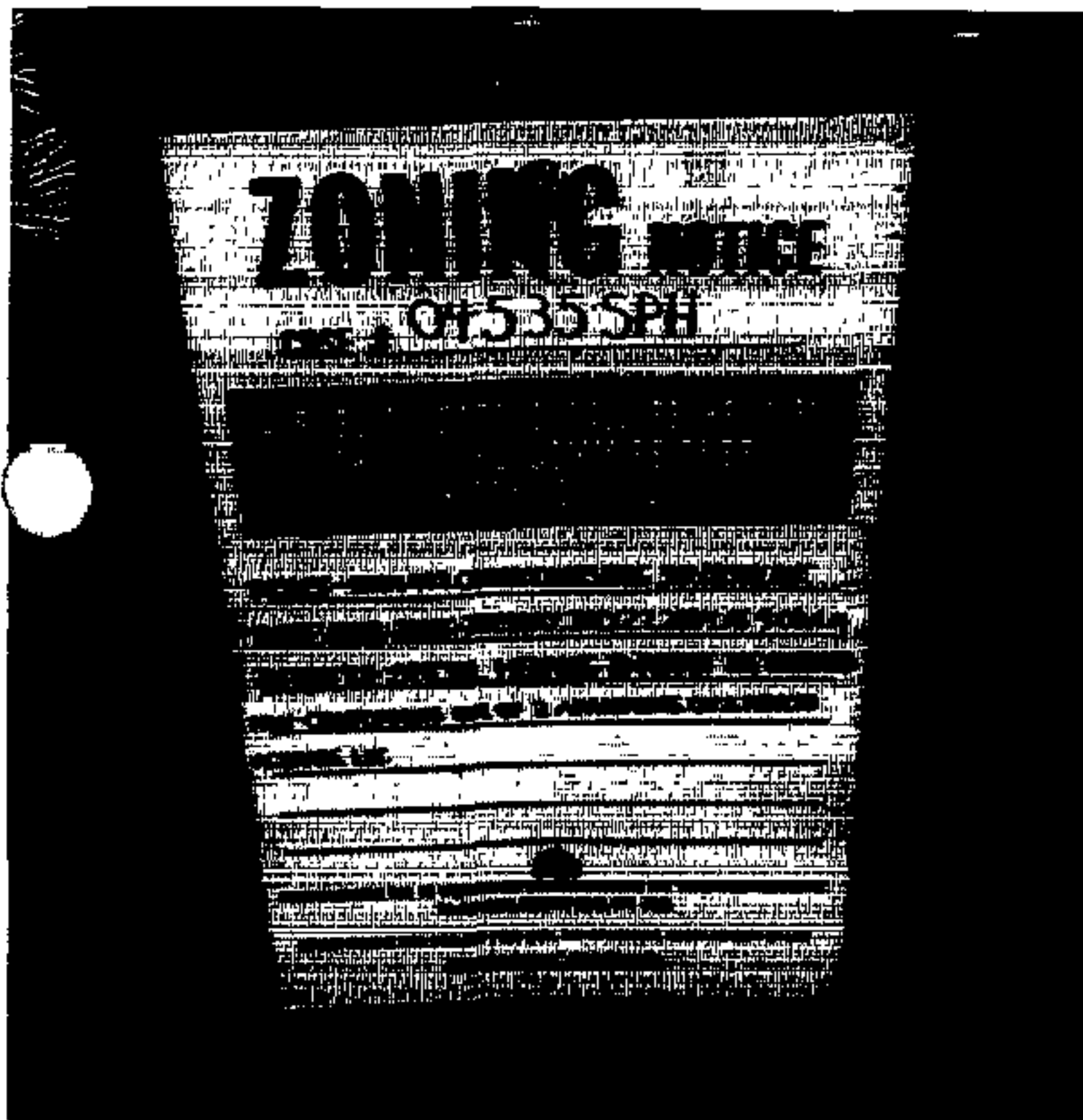
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**Department of Permits
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

June 3, 2004

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: 04-535-SPH

123 Newburg Avenue

East side of Newburg Avenue, 30-feet South of and opposite centerline of Payson Avenue.

1st Election District—1st Councilmanic District

Legal Owners: Steven G. and Kelly M. Buckman

Special Hearing to permit the continued non-conforming use of 2 apartments on a reduced acreage lot.

Hearing: Tuesday, July 27, 2004 at 9:00 am, Room 407, County Courts Building,
401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C:

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY. MONDAY, JULY 12, 2004**
- (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.**

Visit the County's Website at www.baltimorecountyonline.info

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 13, 2004 Issue - Jeffersonian

Please forward billing to:

Steven and Kelly Buckman
17 Oella Avenue
Baltimore, Maryland 21228

443-277-8413

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: 04-535-SPH

123 Newburg Avenue

East side of Newburg Avenue, 30-feet South of and opposite centerline of Payson Avenue.

1st Election District—1st Councilmanic District

Legal Owners: Steven G. and Kelly M. Buckman

Special Hearing to permit the continued non-conforming use of 2 apartments on a reduced acreage lot.

Hearing: Tuesday, July 27, 2004 at 9:00 am, 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.

**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: 04-535 SPH
Petitioner: Steven & Kelly Buckman
Address or ^{site}Location: 123 Newburg Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Sane
Address: 17 Della Ave
Balto, Md, 21228
Telephone Number: 443-277-8413

**Department of Permits
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

July 21, 2004

Steven G. Buckman
Kelly M. Buckman
17 Oella Avenue
Baltimore, Maryland 21228

Dear Mr. and Mrs. Buckman:

RE: Case Number:04-535-SPH, 123 Newburg Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 18, 2004.

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 black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 27, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 1, 2004

Item No.: 526, 530-532, 534-537, 539

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 6.2.04

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

RE: Baltimore County
Item No. 535 JJS

Dear Ms. Matthews:

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/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone: 410.545.0300 www.marylandroads.com



Les
7/27

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

JUN 16 2004

ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: June 16, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of ~~JUNE 1~~, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-526
04-530
04-531
04-532
04-534
04-535
04-538
04-539

Reviewers: Sue Farinetti, Dave Lykens

JD 7/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 7, 2004

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

SUBJECT: Zoning Advisory Petition(s): Case 4-535

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

Division Chief: Lynne A. Furber

MAC/LL

RECEIVED

JUN - 7 2004

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 1, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 8, 2004
Item No. 535

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

The issue of on-site parking needs to be addressed

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
123 Newburg Avenue; E/side Newburg
Ave, 30' S of and opposite c/line Payson Ave* ZONING COMMISSIONER
1st Election and 1st Councilmanic Districts
Legal Owner(s): Steven and Kelly Buckman * FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-535-SPH

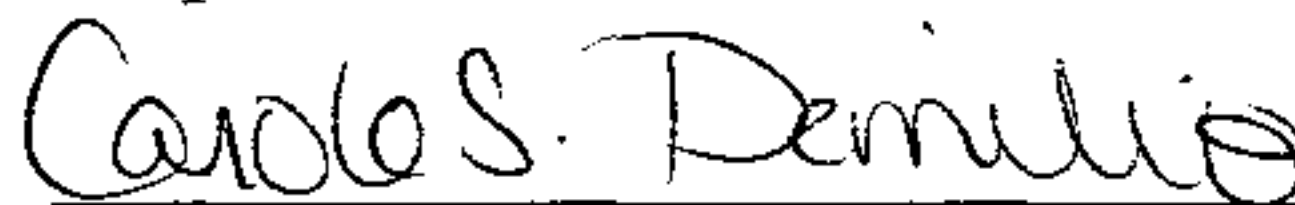
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and 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, 2004, a copy of the foregoing Entry of Appearance was mailed to Steven Buckman, 17 Oella Avenue, Baltimore, MD 21228, Petitioner(s).

RECEIVED

JUN 03 2004

Per.....


PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No.	Property No.	Zoning
04-0590	2200001454	DR 2
Name(s):	STEVEN G. BUCKMAN KELLY M. BUCKMAN	
Address:	17 Della Ave. Balto. 21228	
Violation Location:	123 Newburg Ave. Balto. 21228	
Violation Dates:	3-3-04 to 5-18-04	

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

BCZR 101, 102.1, 1B01-1A, 402
Failure to cease illegal conversion
of a single family dwelling into
2-3 apartments without a hearing.

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

\$ 15,000.00

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

Date: 5-18-04

Time: 9AM

Citation must be served by:

Date: 4-14-04

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

Print Name: Jeff Radcliffe

Date: 3/30/04 Inspector's Signature: Jeff Radcliffe

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:	Citation/Case No.:
-------------	--------------------

Address:

Date

Defendant's Signature

AGENCY



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John R. King
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B091443 CONTROL #: MR DIST 01 PRIC 11
DATE ISSUED: 05/10/91 TAX ACCOUNT #: 2200001454 CLASS 04

PLANS CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 123 NEWBURG AVE
SUBDIVISION: ES NEWBURG AV

OWNERS INFORMATION
NAME: BIGGS, MICHAEL
ADDR: 123 NEWBURG AVE 21228

TENANT: OWNER
CONTR: OWNER
ENGNR:
SELLR:

WORK: CONST A OPEN WOOD DECK ON REAR OF SFD 10X10=
100SQ'. 3' ABOVE GROUND LEVEL. NO ROOF.

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD & ADD
200.00 EXISTING USE: SFD

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: CONCRETE
SEWAGE: PUBLIC EXIST

BASEMENT: NONE
WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 080/080X125/125
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/NC
SIDE STR SETB:
REAR SETB: 25'

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

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

In the Matter of

Civil Citation No.04-0590

Steven G. Buckman
Kelly M. Buckman
17 Oella Avenue, 21228

123 Newburg Avenue

Respondents

FINDINGS OF FACT AND CONCLUSION OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on May 18, 2004 for a hearing on a citation for violations under the Baltimore County Zoning Regulations §102.1, 1B01.1A, 402 for failure to cease illegal conversion of a single-family dwelling into two multiple-family dwelling units on residential property zoned DR-2 located at 123 Newburg Avenue, 21228.

On March 30, 2004, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued by Jeff Radcliffe, Code Enforcement Officer. The citation was legally served on the Respondents.

The citation proposed a civil penalty of \$15,000.00 (fifteen thousand dollars) to be assessed. A code enforcement hearing date was scheduled for May 18, 2004.

Steven Buckman, Respondent appeared for the hearing and testified.

Jeff Radcliffe, Code Enforcement Officer also testified.

Testimony and evidence shows that the Respondents purchased the property nine (9) years ago and the dwelling contained an apartment or apartments at that time. A new deck and steps were added or replaced which precipitated a complaint regarding work without a permit. A permit was issued for the deck and stairs to the second floor. At the present time, two tenants reside in the structure. One tenant is scheduled to vacate the premises on or about the 10th of June 2004. A special hearing is scheduled to determine if the dwelling may be used as a two (2) unit dwelling. The special hearing case # is 04-535SPH.

I find the Respondents have made valid attempts to comply with current regulations and have taken the necessary steps to legitimize the proposed use of the structure. Upon determination of the Zoning Commissioner, Code Enforcement will then know what avenue to pursue for enforcement if one is necessary.

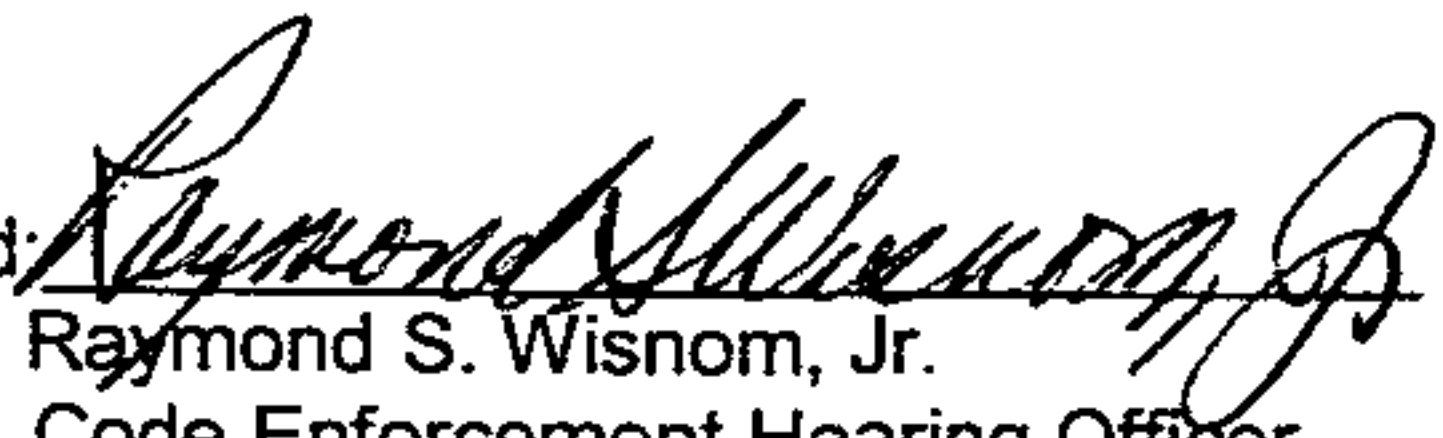
IT IS ORDERED by the Code Enforcement Hearing Officer, this 20th day of May 2004, that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty in the amount of \$500.00 (five hundred dollars) shall be suspended on condition the Respondents maintain the property as single-family dwelling until the final determination by the Zoning Commissioner on the matter.

If the Respondent fails to correct the violations, then the civil penalty imposed shall be \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the inspector, inspect the property to determine whether the violation has been corrected.

Signed:


Raymond S. Wisnom, Jr.

Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf

Copy of
Violation
-04-0590
Radcliffe

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: June 9, 2004

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

FROM: James Thompson, Supervisor
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 04-535-SPH
Legal Owner/Petitioner: Steven G. & Kelly M. Buckman
Property Address: 123 Newburg Avenue
Location Description: East side of Newburg Ave., 30ft S of & opposite centerline of
Payson Ave.
INFORMATION: **Case No.: 04-0590**

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

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

Code Enforcement Complaint
Tax Assessment Inquiry
Baltimore County Correction Notice
Photo (1)
Letter from Property Owner
Permit Tracing Data
Baltimore County Citation
Photos (4)
Hearing Officers Order

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

JHT/lrs

c: Jeffrey Radcliffe, Code Enforcement Officer

ENFORCEMENT REPORT

NCF

DATE: 2, 23, 04 INTAKE BY: JG CASE #: 04-0590 INSPEC: 1

COMPLAINT LOCATION: 123 NEWBERG AV

ZIP CODE: 21228 DIST: _____

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

ADDRESS: _____ ZIP CODE: _____

PROBLEM: ~~ADDS~~ ANOTHER ADDITION BEING BUILT

~~NOTE~~ NOTE: 3 MAILBOXES

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

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: 01 11 150361 ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REOPEN

DATE: 02/24/2004

STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:13:16

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
01 11 150361	01	1-1	01-00	H	NO	D	02/13/04

FOEHRKOLB ANDREW J

DESC-1.. ES NEWBURG AV

FOEHRKOLB CHRISTINE W

DESC-2.. 700 S MAGRUDER AV

123 NEWBURG AV

PREMISE. 00123 NEWBURG

AVE

00000-0000

BALTIMORE

MD 21228-0000 FORMER OWNER: RHINE PATRICIA MARIE

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	0	0		FCV	ASSESS	ASSESS
IMPV:	0	0	TOTAL..	0	0	42,300
TOTL:	0	0	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 00/00 08/88

---- TAXABLE BASIS ---- FM DATE

92/93 ASSESS: 0 05/08/90

91/92 ASSESS: 42,300

00/01 ASSESS: 0

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



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
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. 04-0590	Property No. 2200001454	Zoning: DR2
------------------------------	----------------------------	----------------

Name(s): STEVEN G. BUCKMAN Kelly M. Buckman	Address: 17 Della Ave. BA/ta 21228
Violation Location: 123 Newberg Ave. BA/ta 21228	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

* BCZR 101, 102.1, 1B01.1A, 402
CEASE illegal conversion of single
family dwelling into 2-3 apartm-
ents without a hearing.

* BCC 22-1, 22-2, 7-36, IRC R105
- must obtain A permit for deck /
stairway to second floor.

Posted + Mailed

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

On or Before: 3/18/04	Date Issued: 3/3/04
--------------------------	------------------------

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 Jeff Radcliffe

INSPECTOR:

Jeff Radcliffe
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

PHOTOGRAPHIC RECORD

Citation/Case No.: 04-0590

Date of Photographs: 3-3-04



I HEREBY CERTIFY that I took the 1 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

Jeff Rodolff
Enforcement Officer

Att: Jeff Radcliffe

3-4-04

Hi Jeff,

I stopped in to talk with
you about a citation that you
left for me (# 04-0590)

Regarding 123 Newburg Ave, Catonsville

I spoke with John in zoning. He told
me I should ask you about an extension
while I file a petition for Special Hearing.

I can be reached at 410-465-1118

my name is Steve Buckman.

I was told about permit for steps
that I should get this resolved first.
Is that okay? or should I get
permit for steps by 3-18-04

Thanks 

TIME: 13:46:27 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1003M
DATE: 03/19/2004 GENERAL PERMIT APPLICATION DATA LAST UPDATE 03/18/2004
EDW 13:26:13

PERMIT #: B549496 PROPERTY ADDRESS
RECEIPT #: A491485 123 NEWBURG AVE
CONTROL #: MR SUBDIV: 700FT S MAGRUDER AV
XREF #: B549496 TAX ACCOUNT #: 2200001454 DISTRICT/PRECINCT 01 01

OWNERS INFORMATION (LAST, FIRST)
FEE: 60.00 NAME: BUCKMAN STEVEN & KELLY
PAID: 60.00 ADDR: 17 OELLA AVE BALTIMORE MD 21228-5413
PAID BY: APP

DATES APPLICANT INFORMATION
APPLIED: 03/18/2004 NAME: STEVEN BUCKMAN
ISSUED: 03/18/2004 COMPANY:
OCCPNY: ADDR1: 17 OELLA AVE
 ADDR2: BALTIMORE MD 21228-5413
INSPECTOR: 01R PHONE #: 410-465-1118 LICENSE #:
NOTES: SAS/EDW

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 13:46:54 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 03/18/2004
DATE: 03/19/2004 BUILDING DETAIL 1 EDW 13:29:25

DRC#

PERMIT # B549496 PLANS: CONST 0 PLOT 1 PLAT 0 DATA 0 EL 2 PL 2
TENANT

BUILDING CODE: CONTR: OWNER
IMPRV 2 ENGNR:
USE 01 SELLR:

FOUNDATION BASE WORK: REMOVE EX & REPLACE WITH AN OPEN WOOD BI-LEVEL
2 3 DECK WITH STEPS TO GRADE ON SIDE OF EX SFD
CONSTRUC FUEL SEWAGE WATER 10'X10'X13=100SF
2 1E 1E

CENTRAL AIR

ESTIMATED COST

900.00 PROPOSED USE: SFD & ADDITION

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU



Baltimore County
Department of Permits and
Development Management

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

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

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

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

Citation/Case No.	Property No.	Zoning:
04-0590	2200001454	DR 2
Name(s):	STEVEN G. BUCKMAN KELLY M. BUCKMAN	
Address:	17 Oella Ave. Balto. 21228	
Violation Location:	123 Newburg Ave. Balto. 21228	
Violation Dates:	3-3-04 to 5-18-04	

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

BCZR 101, 102.1, 1801-1A, 402
Failure to cease illegal conversion
of a single family dwelling into
2-3 apartments without a hearing.

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

\$ 15,000.00

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

Date: 5-18-04

Time: 9AM

Citation must be served by:

Date: 4-14-04

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

Print Name: Jeff Radcliffe

Date: 3/30/04 Inspector's Signature: Jeff Radcliffe

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: Citation/Case No.:

Address:

Date: Defendant's Signature: AGENCY

NOTICE TO DEFENDANT

1. If you DO NOT CONTEST this citation, pay the civil penalty by check or money order payable to the Director of Finance, Baltimore County, Maryland. Return a copy of this citation with payment to:

Director of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

2. If you CONTEST this citation and proposed civil penalty, you must file a written request for a quasi-judicial hearing before the code official or designee within 15 days from the date of service of this citation. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.

3. This hearing will be cancelled if you choose to pay the civil penalty. Failure to contest the citation and proposed civil penalty, by either not paying the penalty or by not requesting the quasi-judicial hearing, shall result in the affirmed citation and its penalty becoming a non-appealable, final order of the code official. Failure to appear at the requested hearing also will result in the affirmed citation and civil penalty becoming a non-appealable, final order of the code official.

4. If you are the owner of the property, failure to pay the civil penalty shall constitute a lien on the property, and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.

Detach and send the completed form to:

Director of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

DATE _____

E-MAIL

Ellen Hemmerly	11 Franklin Tree Ct.	Catonsville, MD 21228	hemmerly@umbc.edu
Nancy Abell	121 Newburg Ave	Catonsville MD 21228	nabell@umbc.edu
LARRY MARTIN	225 EDWARDS WAY	CATONSVILLE, MD 21228	-
George Vitak	411 S. Rolling RD	Catonsville, MD 21228	vitak@umbc.edu
JIM QUAST	1 PARSON AVE	CATONSVILLE, MD 21228	JC.Quast@comcast.net
Arthur W Davis	1209 Brandford Rd	Catonsville, MD 21228	

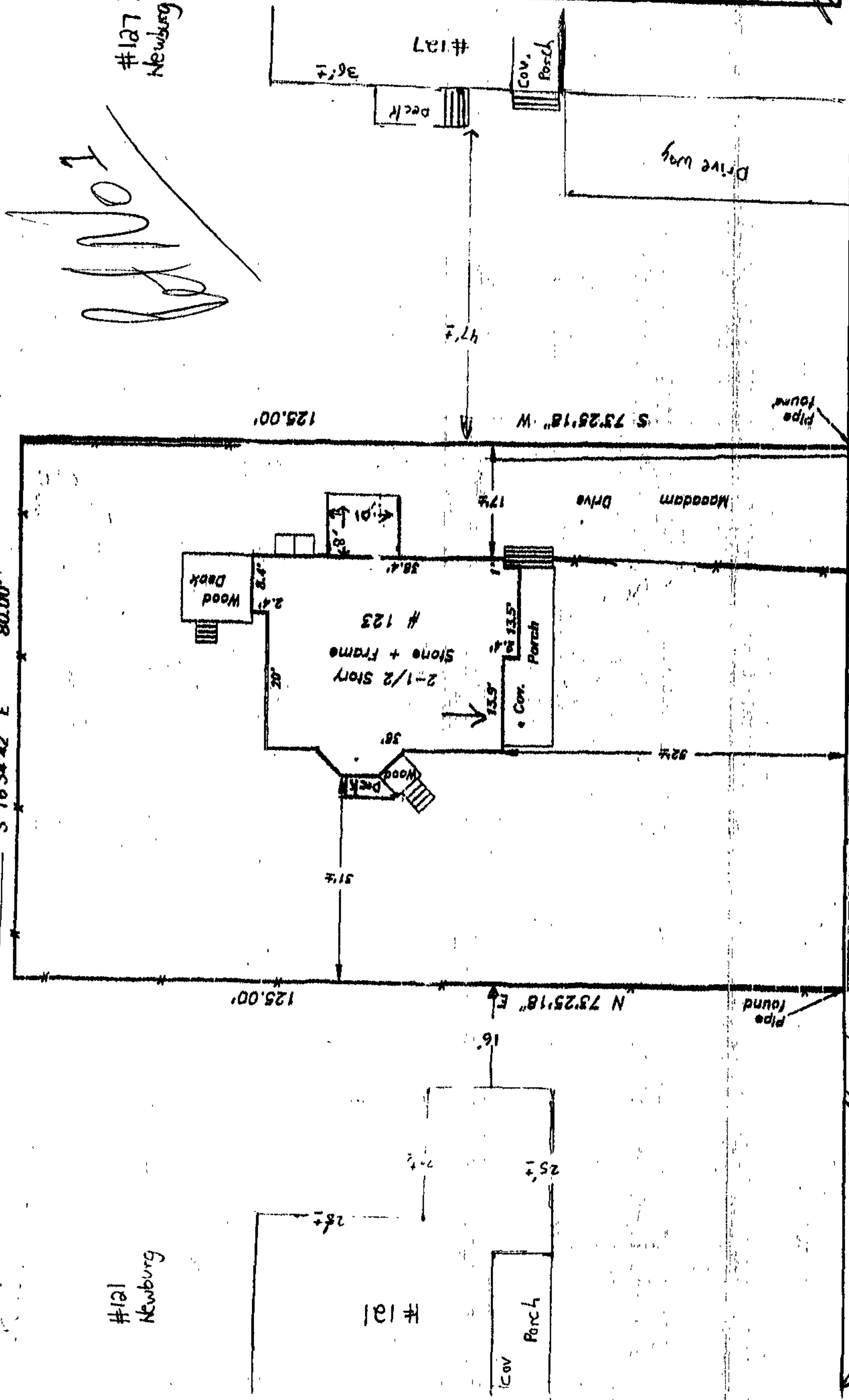
CASE NAME 04-123 Newburger
CASE NUMBER 04-S35-SPH
DATE 7-27-04

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 123 Newburg Avenue
SUBDIVISION NAME
PLAT BOOK # FOLIO # LOT # SECTION #
OWNER Steven & Kelly Buckman



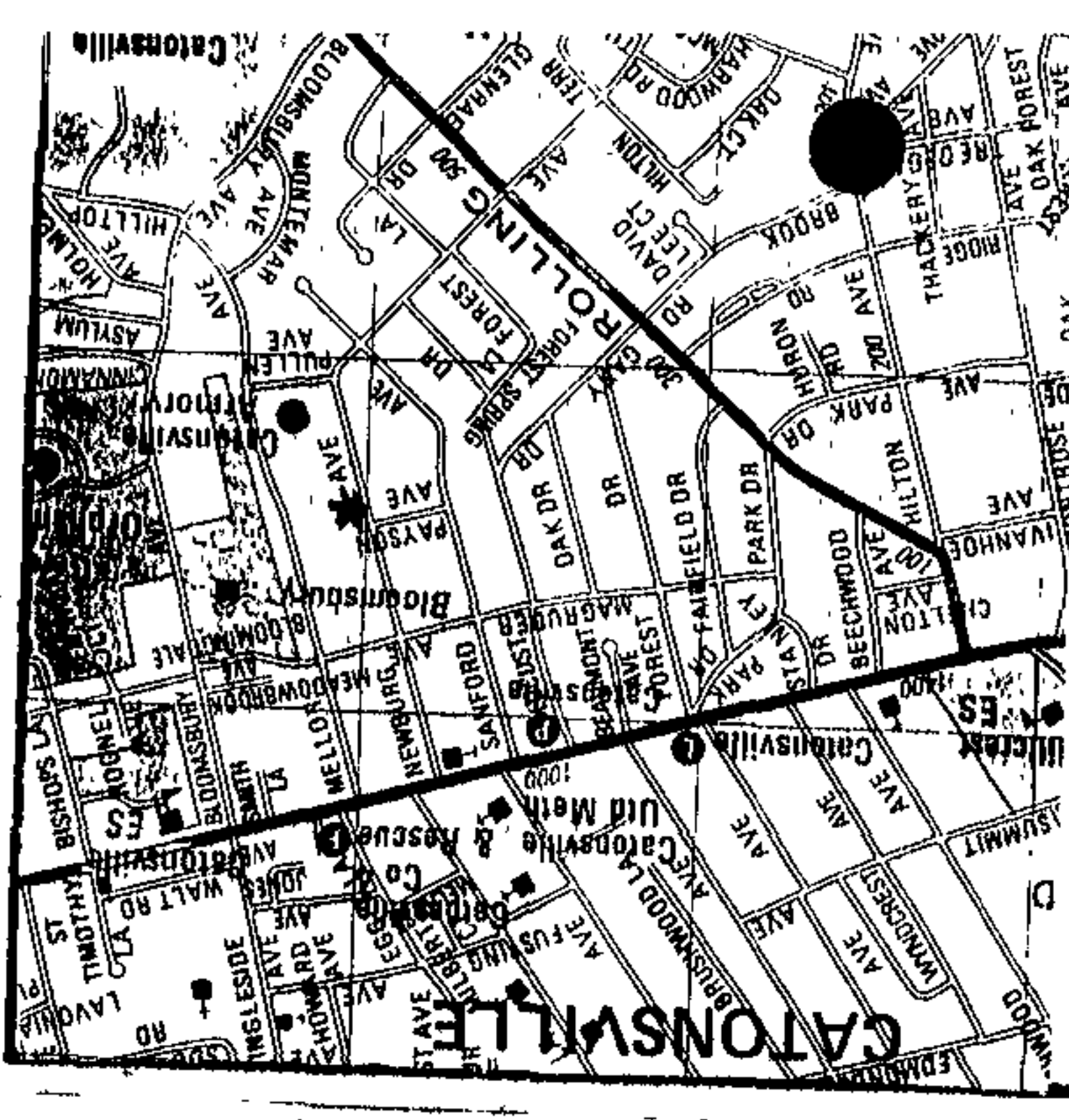
#121
Newburg

#127
Newburg

North
30 ft and
opposite to
Payson Ave

N 16'34"42" W 80.00'
NEWBURG AVENUE

1" = 20'



LOCATION INFORMATION
ELECTION DISTRICT / ST
COUNCILMANIC DISTRICT / ST
1" = 200' SCALE MAP # SW 3F
ZONING D.R.2
LOT SIZE .2295 ACRES
10,000 SQUARE FEET

SEWER	☒ PUBLIC	☐ PRIVATE
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐ YES	☒ NO
100 YEAR FLOOD PLAIN	☐ YES	☒ NO
HISTORIC PROPERTY / BUILDING	☐ YES	☒ NO
PRIOR ZONING HEARING	NONE	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

535



BLOOM

ROGNET

RO

BLOOMINGDALE

D.R. 5.5

BLOOMSBURY

OR-1

CATONSVILLE
BM-CCC

MEADOWBROOK
AVE.

D.R. 2

CATONSVILLE
MIDDLE
SCHOOL

DOUGHNUT FACTORY

BM

AVE.

RO
MELLOR

NEWBURG

D.R. 2

SANFORD

LOCUST

D.R. 2

BEAUMONT AVE.

PARK

OAK

DRIVE

PAYSON
AVE.

D.R. 2

AVE.

D.R. 2

FORREST
AVE.

LANE

DRIVE

DRIVE

GARY

D.R. 3.5

GERMAN
ORPHANS
HOME

AVE.

#535

PRIVATE

D.R.

50912

11 = 200 Map 4

20.5N 3-12

#535