IN RE: PETITION FOR SPECIAL HEARING NW/Corner North Point Road and Lynch Road **(6908 & 6910 North Point Road)** 15th Election District 7th Council District Herman W. Meusel, Sr. Petitioner	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-084-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 owner of the subject property, Herman W. Meusel, Sr., through his attorney, John B. Gontrum, Esquire. The Petitioner requests a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve three apartments on the subject property as a legal nonconforming use. 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 Herman W. Meusel, Sr., property owner, Bruce Corbin, Jr. and Dean Vowinkel, tenants, and John B. Gontrum, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

This matter came before me as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management. Specifically, the Petitioner was cited with a zoning violation notice (Citation No. 04-1372) relative to the use of the property as three apartments and advised to file the instant Petition to legitimize existing conditions.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, approximately 60' wide by 174' deep, located on the northwest corner of North

Point Road and Lynch Road in Edgemere. The property contains a gross area of 10,399 sq.ft., or 0.239 acres, more or less, zoned B.L.-A.S. As shown on the site plan, the property is improved with a large, 2-story dwelling in the front portion of the site, and a detached garage in the rear. Presently, the dwelling contains both a first floor and second floor apartment and a third apartment is located on the second floor of the existing garage.

Mr. Gontrum proffered the evidence presented at the hearing and was accepted by this Zoning Commissioner. He testified that the property has been commercially zoned since the inception of the zoning regulations in Baltimore County. Initially, the property was zoned "E" commercial, and surrounded by "A" residential zoning. A copy of the 1971 zoning map was introduced as Petitioner's Exhibit 2 which shows that the surrounding zoning was then as it is now, D.R. 5.5 with D.R. 16 zoned properties immediately across North Point Road. This zoning of the property has consistently allowed two family dwelling units, provided that each unit had 5,000 sq.ft. of area to support it.

Testimony indicated that Mr. Meusel bought the property in 1988 and that at that time there were three units on the property and three separate electric meters. Mr. Meusel replaced the meters and upgraded the units and now lives in one of the units in the principal dwelling. Mr. Meusel has lived in this area for all of his life, and was familiar with the property dating back to when Dr. Tolan and his wife owned the property in 1941. Dr. Tolan lived in the house and had a rental unit over the garage. Mr. Vowinkel, who has lived in the garage apartment since 1996, corroborated this testimony. He recalled visiting Dr. Tolan in the early 1960's and friends of his lived in the rental unit over the garage. Mr. Corbin has been living in the house only recently. It was indicated that he has been taking care of his elderly sister who has lived in the apartment for many years; however, is now an invalid. His testimony regarding the use of the property was very similar to that of Mr. Vowinkel.

Based on the proffered testimony and copies of deeds that were submitted into evidence as Petitioner's Exhibit 3, it would appear that there was a consistent use of the site for two residences that dated back to the early 1950's and possibly earlier. The doctor used the

house as his office and his dwelling, and the unit over the garage was used for a servant's quarters and later as a rental unit. It does not appear that the third unit was used as a residence until at least the late 1960's, after the doctor left practice.

A non-conforming use is defined in Section 101 of the BCZR 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." In 1945, an "E" zoning classification permitted all uses but for those listed as prohibited or limited uses in the regulations. The "A" residential zoning classification permitted two family units on one lot and required 5,000 sq.ft. for each dwelling unit. In 1955, the B.L. zoning regulations pursuant to Section 230.1 allowed "uses permitted and as limited in the residential zone immediately adjoining." In the instant case, the R.6 zone, which adjoins the subject property, allowed two family dwellings on the same lot and required 10,000 sq.ft. for each two-family dwelling structure erected.

Based on the testimony and evidence presented, I find that two dwelling units have existed on the subject property continuously and without interruption since the mid-1950's and are therefore nonconforming. The third dwelling unit, which is located in the main dwelling, although it has existed on the site for many years, is more of a problem, and I do not believe that the testimony supports its continued use ad infinitum as a non-conforming use. I am mindful, however, of the fact that it has been the home to persons of advanced age for many years, without complaint or issue. Moreover, I am reluctant to preclude such continued use for these people who have lived there since the 1960s with the understanding that it was an acceptable use. Accordingly, I believe that the third unit, now existing in the principal dwelling, should cease to exist as a separate dwelling unit at such time as Mr. Corbin and his sister vacate the unit.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of March 2005 that the Petition for Special Hearing seeking approval of

two apartments as a nonconforming use, pursuant to Section 104.1 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the third apartment, which is located in the main dwelling, shall be permitted to remain until such time as Mr. Corbin and his sister vacate the premises. At such time as the third unit is no longer occupied, the main house shall be returned to a single family dwelling use.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 3/3/15
By

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
William J. Wiseman III, Zoning Commissioner

March 3, 2005

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S North Point Road and Lynch Road
(6908 – 6910 North Point Road)
15th Election District – 7th Council District
Herman W. Meusel, Sr. - Petitioner
Case No. 05-084-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Herman W. Meusel, Sr.
6910 North Point Road, Edgemere, Md. 21219
Mr. Bruce Corbin, 6908 North Point Road, Baltimore, Md. 21219
Mr. Dean Vowinkel, 6910 North Point Road, Baltimore, Md. 21219
Code Enforcement Division, DPDM; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6908-6910 North Point Road
which is presently zoned B.L.A.S.

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

a non-conforming use of three (3) ~~apartments~~ dwellings on a lot (1 single family and two apartments).

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

Legal Owner(s):

Herman W. Meusel, Sr.
Name - Type or Print

Herman W Meusel Sr
Signature

Name - Type or Print

Signature

6910 North Point Road
Address Telephone No.

Edgemere, MD 21219 (410) 477-1711
City State Zip Code

Attorney For Petitioner:

John B. Gontrum, Esquire
Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP
Company

210 West Pennsylvania Avenue,4th Fl.
Address Telephone No.

Towson, MD 21204 (410) 832-2055
City State Zip Code

Representative to be Contacted:

John B. Gontrum, Esquire
Name

210 W. Pa. Ave., (410) 832-2055
Address Telephone No.

Towson,MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTM **Date** 8/11/04

Case No. 05-084-SPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 3/3/05
By

Richardson Engineering, LLC

730 W. Padonia Road, Suite 101
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION
6908 NORTH POINT ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the east side of North Point Road, a right-of-way (50) feet in width, at a point where it intersects the north side of Lynch Road, thence running and binding on the north side of the Lynch Road right-of-way (1) in a Northeasterly direction 173.03 feet, thence leaving perpendicular to Lynch Road, (2) in a Northwesterly direction 60 feet, thence running parallel with Lynch Road, (3) in a Southeasterly direction 173.63 feet, to a point on the east side of North Point Road, thence running parallel with North Point Road, (4) in a Southeasterly direction 60 feet, to the point of beginning.

Containing a net area of 0.239 acres or 10,400 square feet of land, more or less.

STATE OF MARYLAND
PATRICK C. RICHARDSON
No. 15887
REGISTERED
PROFESSIONAL ENGINEER

7/22/04

Fig 9

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 136179

DATE 8/11/04 ACCOUNT R001 006 6150

AMOUNT $ 325.00

RECEIVED FROM: WHITEFORD, TAYLOR, PRESTON LLP

FOR:

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	TRAN
8/12/2004	8/11/2004	14:39:27	4

REF NUMB: MISCELL MISCELLANEOUS
RECEIPT # 205657 8/11/2004 OFFICE
Dept. 1 525 ZONING VERIFICATION
Rec No. 013679
Recpt Tot $325.00
$325.00 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: # 05-084-SPH
6908-6910 North Point Road
East side of North Point Road at intersection, north side Lynch Road.
15th Election District - 7th Councilmanic District
Legal Owner(s): Herman W. Meusel, Jr.

Special Hearing: to allow a non-conforming use of three apartment dwellings on a lot (1 single family dwelling with two apartments).

Hearing: Thursday, October 7, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

9/352 Sept. 23 22508

CERTIFICATE OF PUBLICATION

9/23/, 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 9/23/, 2004.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-084-SPH

Petitioner/Developer: HERMAN W. MEUSEL JR

Date of Hearing/Closing: OCT 7, 2004

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

ATTN: Don Rosco {(410) 887-3394}

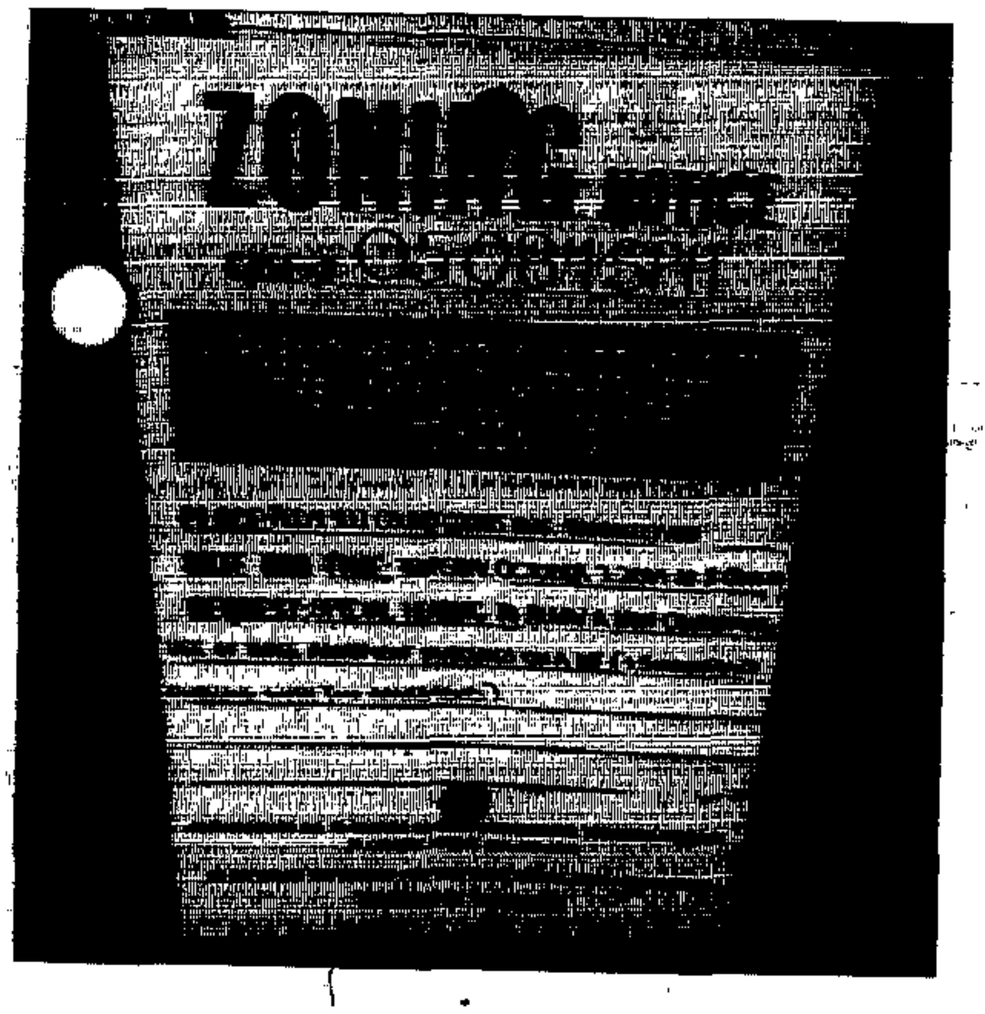
Ladies and Gentlemen:

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:

6908-6910 NORTH POINT ROAD

The sign(s) were posted on 9/21/04
(Month, Day, Year)

Sincerely,



Robert Black 9/22/04
(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 and 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

August 23, 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: 05-084-SPH
6908-6910 North Point Road
East side of North Point Road at intersection, north side Lynch Road.
15th Election District—7th Councilmanic District
Legal Owners: Herman W. Meusel, Jr.

Special Hearing to allow a non-conforming use of three apartment dwellings on a lot (1 single family dwelling with two apartments).

Hearing: Thursday, October 7, 2004 at 11:00 am in Room 407, County Courts Building
401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK: clb

C: John B. Gontrum Whiteford, Taylor & Preston 210 W. Pennsylvania Ave. Towson 21204
Herman W. Meusel, Sr. 6910 North Point Road Edgemere 21219

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY SEPTEMBER 22, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 23, 2004 Issue - Jeffersonian

Please forward billing to:

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: 05-084-SPH
6908-6910 North Point Road
East side of North Point Road at intersection, north side Lynch Road.
15th Election District—7th Councilmanic District
Legal Owners: Herman W. Meusel, Jr.

Special Hearing to allow a non-conforming use of three apartment dwellings on a lot (1 single family dwelling with two apartments).

Hearing: Thursday, October 7, 2004 at 11:00 am 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.

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: 05-084-SPH

Petitioner: Herman Meusel

Address or Location: 6908-6910 North Point Road,

PLEASE FORWARD ADVERTISING BILL TO:

Name: Herman Meusel, SR.

Address: 6910 North Point Rd.
Edgemere, Md. 21219

Telephone Number: 410-477-1711.

Department of Permits and 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

September 28, 2004

John B. Gontrum
Whiteford, Taylor & Preston, LLP.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number:05-084-SPH, 6908-6910 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Herman W. Meusel, Sr. 6910 North Point Road Edgemere 21219

Fire Department

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

Baltimore County

James T Smith, Jr, County Executive
John J Hohman, Chief

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 23, 2004

Item No.: 073, 078, 082-089 (089)

Pursuant to your request, the referenced plan(s) have been reviewed 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*

SHA
State Highway Administration
Maryland Department of Transportation

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

Date: 8·20·04

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

RE: Baltimore County
Item No. 084 LTM

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,

S. F. Foster

Steven D. Foster, Acting Chief
Engineering Access Permits Division

10/7

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

SEP 1 4 2004

ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JPO

DATE: September 14, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 23, 2004

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

05-073
04-082
04-083
04-084
04-085
04-087
~~04-089~~

Reviewers: Sue Farinetti, Dave Lykens

1017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 13, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-079, 5-084 and 5-096**
Administrative Variance

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.

RECEIVED

SEP 13 2004

ZONING COMMISSIONER

Prepared By: Mark A Cunningham

Division Chief: Lyn Lanham

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 10, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 30, 2004
Item No. 084

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

The issue of the on-site adequate parking area shall be addressed.

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING 6908-6910 North Point Road; E/side North Point Road at intersection, N/side Lynch Rd 15th Election & 7th Councilmanic Districts Legal Owner(s): Herman W. Meusel, Jr. Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-084-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 26th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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
William J. Wiseman III, Zoning Commissioner

December 20, 2004

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S North Point Road and Lynch Road
(6908 – 6910 North Point Road)
15th Election District – 7th Council District
Herman W. Meusel, Sr. - Petitioner
Case No. 05-084-SPH

Dear Mr. Gontrum:

This letter is to confirm that the above-captioned matter, which was continued in open hearing on October 7, 2004 to allow your client additional time to arrange for witnesses, has been scheduled to reconvene on Monday, January 24, 2005 at 2:00 PM in Room 407 of the Circuit Courts Building.

In the meantime, should anyone have any questions, please do not hesitate to contact me.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Herman W. Meusel, Sr.
6910 North Point Road, Edgemere, Md. 21219
Code Enforcement Division, DPDM; People's Counsel; Case File

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
William J. Wiseman III, Zoning Commissioner

December 10, 2004

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S North Point Road and Lynch Road
(6908 – 6910 North Point Road)
15th Election District – 7th Council District
Herman W. Meusel, Sr. - Petitioner
Case No. 05-084-SPH

Dear Mr. Gontrum:

This is a gentle reminder that the above-captioned case was continued in open hearing on October 7, 2004 to allow your client additional time to arrange for witnesses. In that over two months have passed since that date and I would like to resolve the matter, I would appreciate hearing from you as to whether or not your client is prepared to proceed with the request. As you are aware, the Petition was filed in order to address an active zoning violation against the property. Thus, it would appear that a timely resolution of the matter is appropriate.

In any event, please contact my office at your earliest convenience and advise me accordingly as to the status of this matter. If your client is prepared to move forward on the requested relief, we can establish a mutually convenient hearing date and time. However, if your client wishes to withdraw his request and bring the property into compliance with the zoning regulations, an Order of Dismissal can be prepared.

Thank you for your prompt attention to this matter.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Herman W. Meusel, Sr., 6910 North Point Road, Edgemere, Md. 21219
Code Enforcement Division, DPDM; People's Counsel; Case File

PDLV0102F Permits & Development - Livability System

1 of 3

View Cases

Case No: 04-1372

Address: 06910 NORTH POINT RD 21219

Insp Area: 012 Dist: 000 Date Rcv: 2/25/2004 Grp: ENF Intk: DP

Inspec: TAYLOR Inspec2: Date Inspec: 11/10/2004

Close: 0/00/0000 Activity: Delete:

Problem: 3 UNIT RENTAL IN DISREPAIR, FENCE IN DISREPAIR, TRASH/DEBRIS

MAP 45G9

CL Name: ANONYMOUS

CL Address: 00000

CL Home Phone: CL Work Phone: Tax Acct. 0000000000

Owner:

Enter=Continue F12=Cancel

PDLV0103F Permits & Development - Livability System

View Cases

2 of 3

Case No: 04-1372

Notes: ****3/2/04, SPOKE W/OWNER, NOTICE ISSUED FOR 2 HOUSES ON 1 LOT, ILLEGAL CONVERSION OF HOUSE INTO APTS (DOESN'T MEET ANY CONDITIONS OF CHART 402.1), JT& U/V'S, ANONYMOUS COMPL, P/U 4/3/04, DJT/CO****
****4/5/04, CITATION ISSUED, P/U 4/20/04 TO CHECK FOR SERVICE, ANONYMOUS COMPL, DJT/CP****
**** 4/13/04 - CALL FROM JOHN GONTRUM - HE WILL BE FILING HEARING PAPERS ASAP - DJT
****4/21/04, P/U 4/29/04 & TALK TO ATTORNEY, ANONYMOUS COMPL, DJT/CP****
****4/30/04, SPOKE TO OWNER'S ATTORNEY, HE WILL FILE FOR A SPECIAL HEARING, P/U 5/30/04 TO CHECK ON STATUS, ANONYMOUS COMPL, DJT/CP****
****6/18/04, SPOKE TO OWNER'S ATTORNEY, HE WILL TRY TO FILE PAPERWORK BY 7/1/04 ,P/U 7/12/04 TO CHECK ON STATUS, ANONYMOUS COMPL, DJT/CP****
****7/13/04, ATTORNEY HAS AN APPT TO FILE ON 7/23/04, P/U 8/9/04 TO CHECK FOR HEARING DATE, ANONYMOUS COMPL, DJT/CP****
8/10/04, NO HEARING DATE! SPOKE TO JOHN GONTRUM, 410 832-2055, HE IS MEETING W/LLOYD TODAY TO DISCUSS, P/U 10/25/04, ANONYMOUS COMPL, DJT/CP

Enter=Continue F12=Cancel

PDLV0104F Permits & Development - Livability System

View Cases

383

Case No: 04-1372

Notes: ***10/25/04, ZONING HEARING HELD ON 10/7/04, FILE NOT BACK YET, P/U 1
/10/04 TO LOOK FOR DECISION, ANONYMOUS COMPL, CASE # 05-084-SPH, DJT/CP***

Enter=Continue F12=Cancel

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

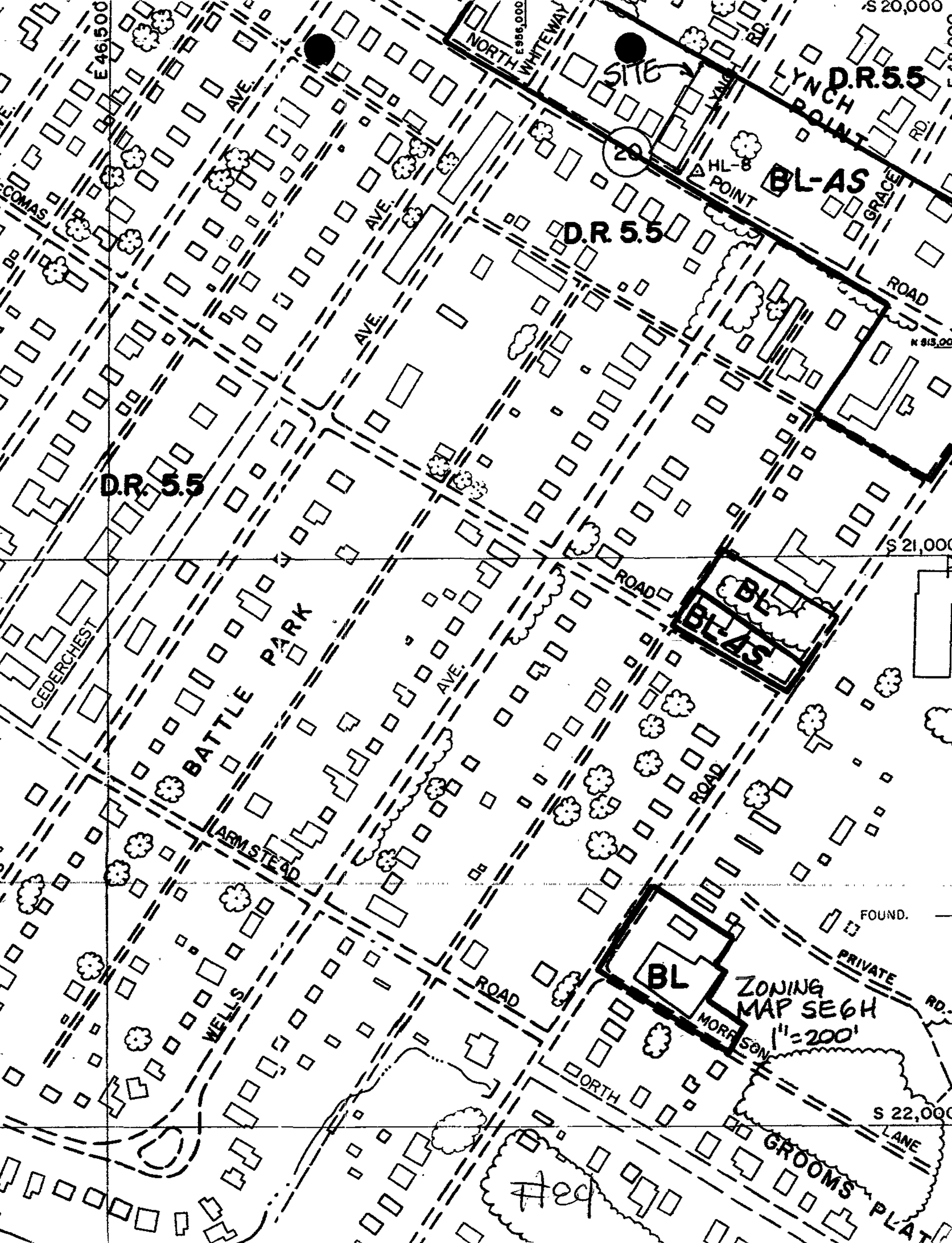
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bruce Corbin	6908 North Point Rd	Baltimore MD 21219	
Dean Vowelkel	Rear 6910 North Point Rd	BALTO MD 21219	
Herman W Meisel	6910 NORTH POINT Rd	E d Gemer Md 21219-1216	

PLEASE PRINT CLEARLY

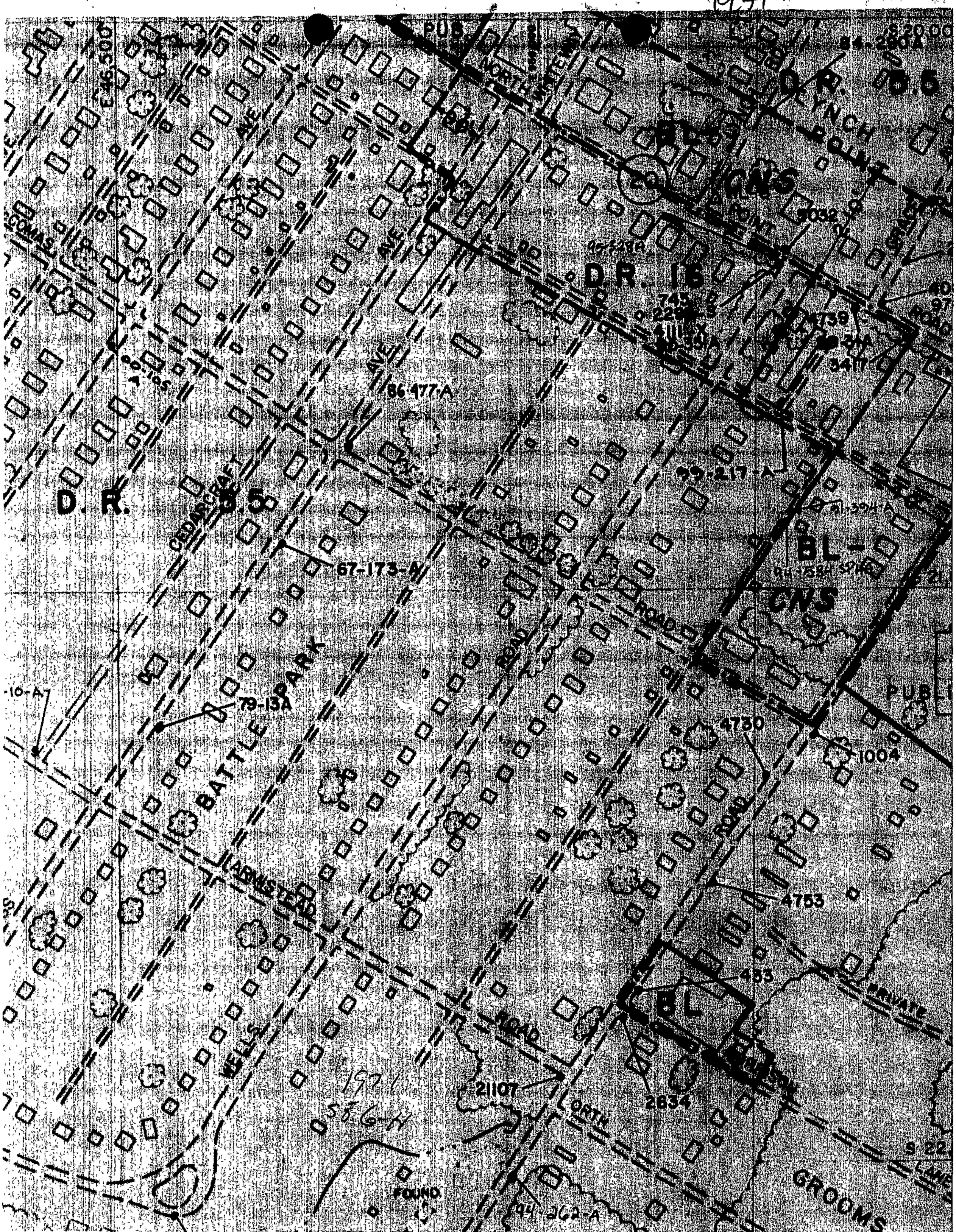
CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Herman Meusel	6900 North Point Rd	Edgemere md	21219-1216
DEAN Vowinkel	R6910 North Point Rd	Edgemere Md	21219-1216


E 46,500
E 956,000
NORTH WHITEWAY
AVE.
SITE
20
YAN
RD.
LYNCH POINT
D.R.5.5
S 20,000
HL-8
POINT
BL-AS
GRACE
RD.
D.R. 5.5
ROAD
N 813,00
D.R. 5.5
S 21,000
ROAD
BL
BL-AS
CEDERCHEST
BATTLE PARK
AVE.
ROAD
ARMSTEAD
FOUND.
PRIVATE
RD.
BL
ZONING
MAP SE6H
1"=200'
WELLS
ROAD
MORRISON
NORTH
S 22,000
LANE
GROOMS PLAT
Fed

1971


PUB
D.R.
D.R.
D.R.
CNS
CNS
BL-
PUB
BATTLE
PARK
ROAD
NORTH
GROOMS
FOUND
67-173-N
79-13A
-10-A
4730
4753
453
2634
21107
1004
86-177-A
79-217-A
94-262-A

PETITIONER'S
EXHIBIT 2

LIBER 9150 PAGE 057

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

This Deed, MADE THIS 17th day of March

in the year one thousand nine hundred and Ninety-two by and between

HERMAN W. MEUSEL, SR. and KATHLEEN D. MEUSEL, his wife

of Baltimore County, State of Maryland parties of the first part, and

HERMAN W. MEUSEL, SR., of Baltimore County, State of Maryland, party

of the second part.

WITNESSETH, That in consideration of the sum of Zero dollars, pursuant to a valid marital separation and property settlement dated January 29, 1992, exempt pursuant to Annotated Code of Maryland, the property Section, Section 12-108(d),

the said parties of the first part

D RC/F 18.00
DC TMP 5.00
DEED 0
SH CLERK 23.00
#00994 C002 R02 T12:
04/24/

do grant and convey to the said party of the second part, his

personal representatives ~~successors~~ and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland

and described as follows, that is to say:

BEING known and designated as Lot No. 5, Section D, as shown on the Plat of Lynch Point, said Plat being recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 8, folio 38. The improvements thereon being known as No. 6908 and 6910 North Point Road.

BEING the same lot of ground which by deed dated April 27, 1989, and recorded among the Land Records of Baltimore County in Liber S.M. No. 8164 folio 560, was granted and conveyed by Robert T. Kerfoot, Jr. and Sharon E. Kerfoot, his wife, to Herman W. Meusel, Sr. and Kathleen D. Meusel, his wife, the herein Grantors.

RECORDATION TAX
Assessments & Taxation
for Baltimore County
LM 3/20/92
By Date

STATE TRANSFER TAX
NOT APPLICABLE
SIGNATURE LM DATE 3/20/92

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per Nadine Hicks
Authorized Signature
Date 3-17-92 Sec. 33-139 A

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advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Leon Gale and Ruth Gale his wife as tenants by the entireties their heirs and assigns in fee simple

And the said party of the first part hereby covenants that it has not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that it will warrant specially the property granted and that it will execute such further assurances of the same as may be requisite

Witness the corporate seal of The I J Bolton Company and the signature of I J Bolton its President

Test The I J Bolton Company

Sadye B Jacobs By I J Bolton

(Corporate Seal) President

State of Maryland City of Baltimore to wit

I Hereby certify that on this 30th day of September in the year one thousand nine hundred and forty-one before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared I J Bolton the President of The I J Bolton Company the above named grantor and he acknowledged the foregoing Deed to be the act of said body corporate

As witness my hand and Notarial Seal

(Notarial Seal) Sadye B Jacobs

Notary Public

Recorded Oct 7 1941 at 10.30 A M and Exd per Christian H Kahl Clerk
Examiners (U&P)

195530 This Deed made this 6th day of October in the year one thousand
Kosciuszko P L & S Assn nine hundred and forty-one by and between Kosciuszko Permanent
Deed to Loan and Savings Association of Baltimore City a body corporate
Louis N Tollin & Wf of the State of Maryland party of the first part and Louis N
State Tax $4.80
U S Stamp $5.50 Tollin and Norma Tollin his wife of the County of Baltimore
State of Maryland parties of the second part

DELIVERED FEB 23 1942

Witnesseth that in consideration of the sum of five dollars ($5.00) and other good and valuable considerations the receipt whereof is hereby acknowledged the said Kosciuszko Permanent Loan and Savings Association of Baltimore City a body corporate does grant and convey unto Louis N Tollin and Norma Tollin his wife their heirs and assigns in fee simple all that lot of ground situate lying and being in Baltimore County State of Maryland and described as follows that is to say

Lot No 5 Section D as shown on the Plat of Lynch Point said Plat being recorded among the Plat Records of Baltimore County in Plat Book W P C No 8 folio 38

Being the same lot of ground which by deed dated August 15 1929 and recorded among the Land Records of Baltimore County in Liber L McL M No 833 folio 27 was granted and conveyed by George W Siwinski Attorney to the grantor herein

Being also the same lot of ground described in an agreement dated October 6 1931 between grantor herein and parties of the second part

Together with the buildings and improvements thereon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in any wise appertaining

To have and to hold the said lot of ground and premises above described and mentioned and

PETITIONER'S

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, his

personal representatives/~~successors~~

and assigns , in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors.

Test:

Herman W. Meusel Sr. (SEAL)
HERMAN W. MEUSEL, SR.

Kathleen D. Meusel (SEAL)
KATHLEEN D. MEUSEL

STATE OF MARYLAND, City of Balto., to wit:

I HEREBY CERTIFY, That on this 12th day of February, in the year one thousand nine hundred and Ninety-two, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Kathleen Meusel ~~HERMAN W. MEUSEL, SR.~~ and KATHLEEN D. MEUSEL, his wife known to me (or satisfactorily proven) to be the person whose name ~~xxx~~/are subscribed to the within instrument, and acknowledged the foregoing Deed to be ~~their~~ her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Donna M. Kraus
Notary Public

My Commission expires:

~~October 1, 1994~~ Aug 1, 1993

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Trent L. Seawell
(Signature of attorney admitted to practice in Maryland if the instrument has been prepared by or under the supervision of such attorney, or signature of a party to the instrument if such party has prepared the instrument)
TRENT L. SEAWELL, ATTORNEY AT LAW