

IN RE: PETITION FOR SPECIAL HEARING
SW/S of Vogt Avenue, 140 ft. +/-
NW centerline of Orchard Drive
13th Election District
1st Councilmanic District
(1239 Vogt Avenue)

Timothy G. McIntyre
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-345-SPH

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 1239 Vogt Avenue in the western area of Baltimore County. The Petition was filed by Timothy G. McIntyre, the Petitioner and legal owner of the property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a nonconforming use for three apartments in a residence.

The property was posted with Notice of Hearing on March 7, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 8, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

RECEIVED FOR FILING
3/22/05
[Signature]

Section 104, Nonconforming Uses [BCZR 1955]

Definition: Nonconforming Use -- 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. A specifically named use described by the adjective "nonconforming" is a nonconforming use. [Bill No. 18-1976]

Section 104.1 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, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief was Robert Infussi Expedite LLC and Timothy McIntyre, the Petitioner. Douglas Ambrozak appeared at the hearing in opposition to the request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Infussi proffered that the subject property is improved by a dwelling, which the Petitioner contends has three non conforming apartments. The property is zoned DR 5.5 and is shown on Petitioner's Exhibit 1. Mr. McIntyre indicated that he bought the property as a rental investment property in June 2004 and that there were three apartments occupied at the time. The first floor is divided into two apartments and the third was in the basement. He began to renovate the property but was given a stop work order, which involved, among other things, a notice that there was no zoning case confirming three apartments in the building. He indicated

that he wants to renovate the building and that his projections for income were made based on three apartments.

Mr. Infussi indicated that from his investigation, the building was erected in 1930 and that zoning was first applied to the property in 1945. He indicated that since there was no zoning before this date, use of the premises for three apartments was a legal use.

In regard to continuous use as three apartments, Mr. Infussi testified that he surveyed the neighborhood and found three elderly gentlemen who indicated that this property had been continuously used as three apartments since 1945 as shown by affidavits from Gary Oelmann, William Stein and Milton Reimers as shown by Petitioner's Exhibits 2A, 2B and 2C. He indicated that he personally met with each and he placed his notary seal on each affidavit. Because of their age and physical conditions these elderly gentlemen were not able to attend the hearing.

Mr. Ambrozak, who did attend the hearing, indicated that he has lived across the street from the subject property at 1246 Vogt Avenue for the last 15 years but that the basement apartment has not been rented for 12 of those 15 years. He confirmed that there are now and that there had been two apartments on the first floor. He was concerned that if three apartments were allowed parking, which is a major problem in the neighborhood, would become worse.

In rebuttal, Mr. McIntyre indicated that there were only outside steps to the basement which he believed support his contention that three apartments always existed on the premises. Mr. Ambrozak disputed this conclusion indicating the interior steps may have been removed.

Findings of Fact and Conclusions of Law

As noted at the hearing, proof of nonconforming uses is becoming almost impossible through live witnesses. In the subject case, the first zoning was applied in 1945 which

3/22/05

Ray

presumably did not allow three apartments on this property. Therefore, the Petitioner has to prove continuously nonconforming use prior to 1945. Mr. Infussi submitted three affidavits supporting his client's claims. Unfortunately, the elderly gentlemen were not able to attend the hearing where their recollection of the uses on the property could be questioned. Although we regularly allow hearsay evidence in these administrative hearings, the weight we give to this evidence varies with the circumstance. Mr. Ambrozak, who did attend the hearing and was subject to cross-examination, clearly indicates that it was only 3 years ago that the owner started to rent the basement apartment and had not done so for the prior 12 years.

This conflicting evidence can only be resolved in favor of the best evidence which Mr. Ambrozak's testimony clearly was. He attended the hearing. He was subject to cross-examination. The elderly gentlemen did not attend and their evidence was not subject to cross-examination. I say this not in any criticism of Mr. Infussi. I am sure he would like to have had the elderly gentlemen attend the hearing, but do to their infirmities they were not able to do so.

I find that based on the best evidence presented to me that only two apartments were continuously used since 1945 and that the third apartment in the basement was abandoned or discontinued for a period of one year or more.

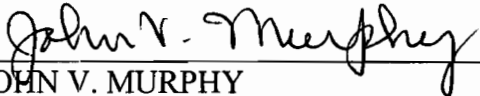
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's request to confirm three apartments should be denied but I will confirm that that two apartments on the first floor are nonconfirming uses.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29 day of March, 2005, that the Petitioner's request for special hearing relief filed

pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve nonconforming use for three apartments in a residence, be and is hereby DENIED; and

IT IS FURTHER ORDERED, that the Petitioner's request to approve nonconforming use for two apartments on the first floor of the subject property, be and is hereby GRANTED.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

DATE 3/22/05
BY Ray

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 29, 2005

Timothy G. McIntyre
2613 Turf Valley Road
Ellicott City, Maryland 21042

Re: Petition for Special Hearing
Case No. 05-345-SPH
Property: 1239 Vogt Avenue

Dear Mr. McIntyre

Enclosed please find the decision rendered in the above-captioned case.

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 dark ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Robert Infussi, P.O. Box 1043, Bel Air, MD 21014
Douglas Ambrozak, 1246 Vogt Ave., Baltimore, MD 21227



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1239 YOGT AVENUE
which is presently zoned D.R. 5.5

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 APARTMENTS
IN A RESIDENCE.**

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:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

TIMOTHY G. MCINTYRE

Name - Type or Print

Signature

Name - Type or Print

Signature

2613 TURF VALLEY RD. 410-461-9955

Address

Telephone No.

ELUCOTT CITY, MD

21042

State

Zip Code

Representative to be Contacted:

ROBERT INFUSI

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BEL AIR

MD.

21014

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

Date

Case No. **05-345SPH**

SEP 15 1998

ORDER RECEIVED FOR FILING
3/29/05
Rex

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

1239 VOGT AVENUE

Beginning at a point on the southwest side of Vogt Avenue (34 feet wide), said point being distant northwesterly 140 feet from the center of Orchard Drive, thence being all of lots 564, 565 and 566 as shown on the plat entitled Arbutus Terrace recorded among the Baltimore County plat records in plat book 7 folio 17.

Containing 6,864 square feet or 0.158 acre of land, more or less.

Being known as 1239 Vogt Avenue. Located in the 13th Election District, 1st Councilmanic District of Baltimore County



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

345
No. 42685

DATE 1-7-05 ACCOUNT 001-006-6150

AMOUNT \$ 325.00

RECEIVED FROM: T. Mintype 1239 DOGT AVE

FOR: SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID TO ORDER

BUSINESS ACTUAL TIME 2

1/10/2005 1/07/2005 13:00:00

ISS NO. 002685 1/07/2005

RECEIPT & DISBURSEMENT

Dept. 500 ZINING VERIFICATION

DR NO. 002685

Receipt Tot \$325.00

\$325.00

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: #05-345-SPH
1239 Vogt Avenue
S/west side of Vogt Avenue, 140 feet +/- n/west of centerline of Orchard Drive
13th Election District
1st Councilmanic District
Legal Owner(s): Timothy G. McIntyre

Special Hearing: for a non-conforming use of three apartments in a residence.
Hearing: Wednesday, February 23, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
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/2/642 Feb. 8 38688

CERTIFICATE OF PUBLICATION

2/9, 2005

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 2/8, 2005.

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



LEGAL ADVERTISING

**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: #05-345-SPH
1239 Vogt Avenue
S/west side of Vogt Avenue, 140 feet +/- n/west of centerline of Orchard Drive
13th Election District
1st Councilmanic District
Legal Owner(s): Timothy G. McIntyre

Special Hearing: for a non-conforming use of three apartments in a residence:
Hearing: Thursday, March 24, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
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/3/650 Mar. 8 41962

CERTIFICATE OF PUBLICATION

3/10, 2005

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 3/8, 2005.

- ☒ 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. : 05-345 SPH

Petitioner/Developer: TIMOTHY

G. MCINTYRE

Date of Hearing/Closing: 3/24/05

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

Attention:

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
at 1239 VOGT AVENUE

This sign(s) were posted on March 7, 2005
(Month, Day Year)

Sincerely,

(Signature of Martin Ogle 3/7/05 Sign Poster and Date)

Martin Ogle

Sign Poster

5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

im000224 (1152x864x24b jpeg)



my auto file 3/7/05



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

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

January 19, 2005

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: 05-345-SPH

1239 Vogt Avenue

S/west side of Vogt Avenue, 140 feet +/- n/west of centerline of Orchard Drive

13th Election District – 1st Councilmanic District

Legal Owner: Timothy G. McIntyre

Special Hearing for a non-conforming use of three apartments in a residence.

Hearing: Wednesday, February 23, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Timothy McIntyre, 2613 Turf Valley Rd., Ellicott City 21042
Robert Infussi, P.O. Box 1043-7403, Belair 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 8, 2005.**
- (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.



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

February 25, 2005

CORRECTED 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: 05-345-SPH

1239 Vogt Avenue
S/west side of Vogt Avenue, 140 feet +/- n/west of centerline of Orchard Drive
13th Election District – 1st Councilmanic District
Legal Owner: Timothy G. McIntyre

Special Hearing for a non-conforming use of three apartments in a residence.

Hearing: Thursday, March 24, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over the printed name.

Timothy Kotroco
Director

TK:klm

C: Timothy McIntyre, 2613 Turf Valley Rd., Ellicott City 21042
Robert Infussi, P.O. Box 1043-7403, Belair 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 8, 2005.**
- (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
Tuesday, February 8, 2005 Issue - Jeffersonian

Please forward billing to:

Robert Infussi
Expedite, Inc.
P.O. Box 1043-7403
Belair, MD 21014

410-812-2236

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: 05-345-SPH

1239 Vogt Avenue

S/west side of Vogt Avenue, 140 feet +/- n/west of centerline of Orchard Drive

13th Election District – 1st Councilmanic District

Legal Owner: Timothy G. McIntyre

Special Hearing for a non-conforming use of three apartments in a residence.

Hearing: Wednesday, February 23, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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: 345

Petitioner: TIMOTHY MCINTYRE

Address or Location: 1239 VOGT AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: EXPEDITE, INC ROBERT INFUSSI

Address: PO BOX 1043-7043

BEL AIR, MD. 21014

Telephone Number: (410) ~~410-4104~~ 812-2236

**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*

March 14, 2005

Timothy G. McIntyre
2613 Turf Valley Road
Ellicott City, Maryland 21042

Dear Mr. McIntyre:

RE: Case Number: 05-345-SPH, 1239 Vogt Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2005.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert Infussi P.O. Box 1043-7043 BelAir 21014

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



Printed on Recycled Paper



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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 24, 2005

Item No.:

345

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.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2005
Item No. 345

DATE: January 24, 2005

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

The minimum right-of-way for all public roads in Baltimore County is 40 feet.
This variance shall be modified accordingly.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr *JDO*
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 18, 2005.

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

05-335

05-336

05-338

05-339

05-344

05-345

05-347

Reviewers: Sue Farinetti, Dave Lykens



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

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

Maryland Department of Transportation

Date: 1.19.05

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

RE: Baltimore County
Item No. 345 JCM

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1239 Vogt Avenue; SW/side Vogt Avenue, *
140' NW c/line Orchard Drive * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Timothy G. McIntyre * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-345-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.

RECEIVED

Per.....

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 21st day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, P.O. Box 1043-7043, Bel Air, MD 21014, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Robert M. Infussi, Sr Principal

February 17, 2005

Mr. Timothy Kotroco, Director
Department of Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Kotroco:

I would like to request a change of hearing date for case # 05-345-SPH which is scheduled for February 23, 2005. There was some confusion between the sign poster and myself and we missed the date the sign had to be posted.

I humbly apologize for my mistake and hope you and your office will act on my request for a new hearing date.

Thank you in advance for your help in this matter.

Sincerely:

A handwritten signature in black ink, appearing to read "Robert Infussi", is written over the typed name and company.

Robert Infussi,
Expedite, LLC

RECEIVED

FEB 17 2005

Per..........

bu
2/23

CORRECTION:

CASE NO. 05-345-A

ADDRESS SHOULD READ: 1239 VOGT AVENUE

CASE NAME 05-345-5124
CASE NUMBER 1239 Vogt Ave.
DATE 3-24-05

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 1239 Vogt Ave
CASE NUMBER 05-345-SPH
DATE 3/24/65

CASE NAME 1239 Vogt Ave
CASE NUMBER 05-345-SPH
DATE 3/24/65

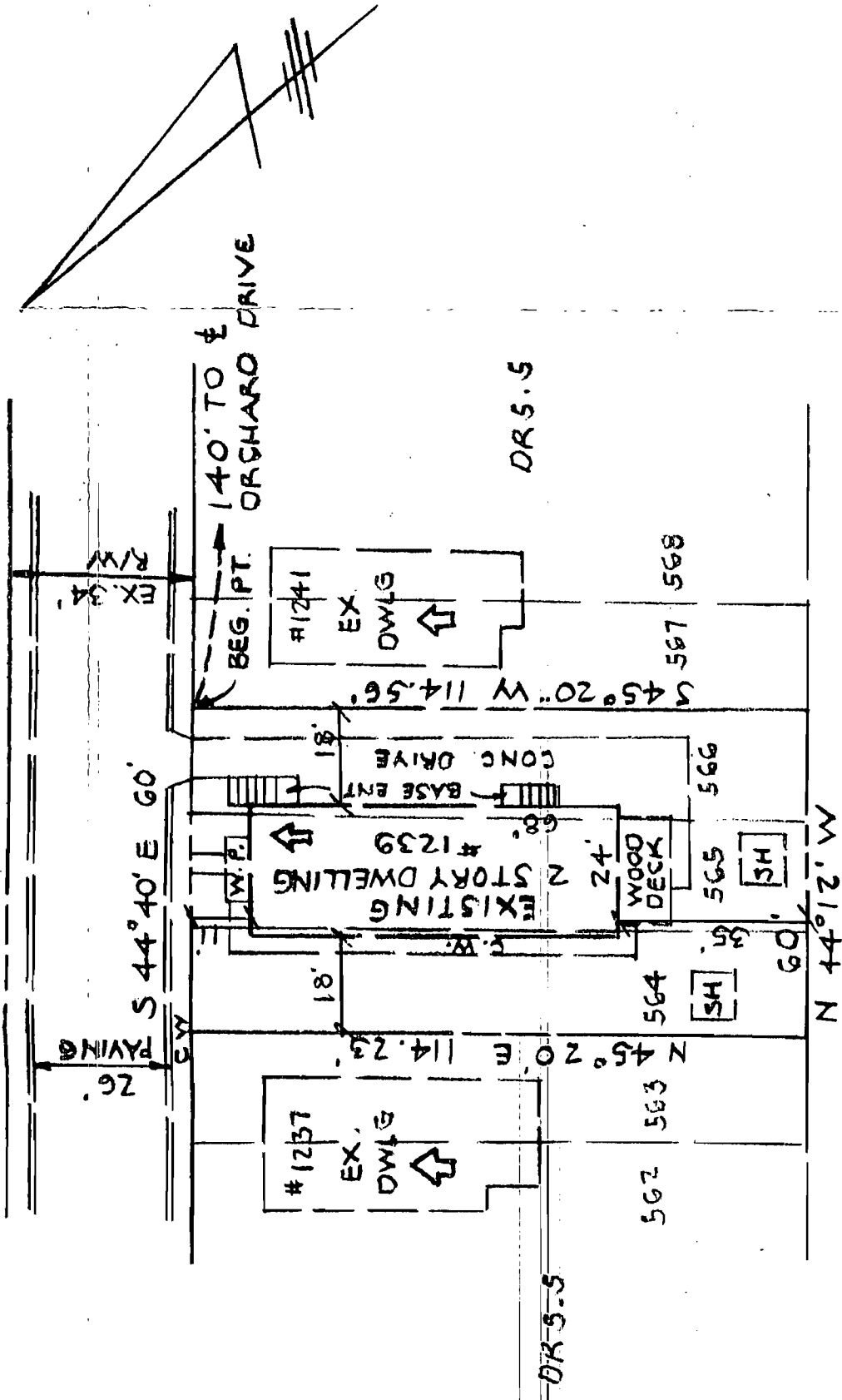
[illegible]

EX DWLG

DR 5.5

EX DWLG

VOGT AVENUE



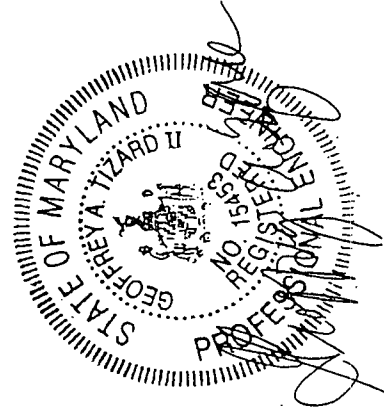
NOTES

1. ZONING.....DR5.5 (SW 5-D)
2. AREA.....6,864 SF = 0.158 AC
3. EXISTING USE.....RESIDENTIAL (3 APARTMENTS)
4. PUBLIC WATER AND SEWER EXIST
5. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOODPLAIN
6. NO PREVIOUS ZONING HISTORY KNOWN
7. NO HISTORIC BUILDINGS

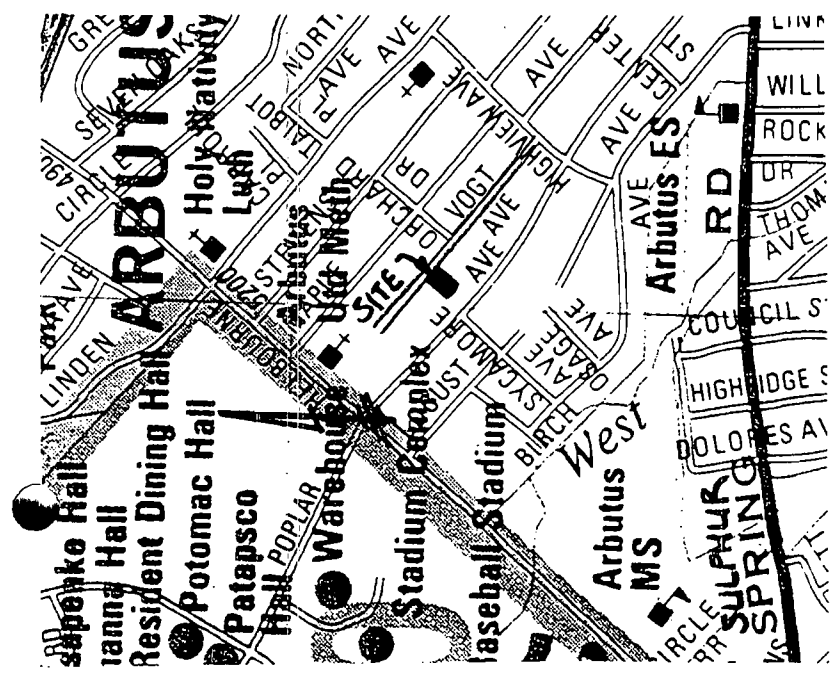
DR 5.5

EX DWLG

EX DWLG



CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



LOCATION
PLAN
SCALE: 1" = 1000'

OWNER
TIMOTHY G. MCINTYRE
2613 TURF VALLEY DRIVE
ELLICOTT CITY, MARYLAND 21042
PROPERTY NO. 1323500470
DEED REFERENCE L.20424 F.451

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING
1239 VOGT AVENUE
LOTS 564,565 & 566

ARBUTUS TERRACE PB 7 F 17
ELECTION DISTRICT 13,C1
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET
DECEMBER 20, 2004

202

October 14, 2004

Baltimore County
Dept. of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Baltimore, Md. 21204

Re: 1239 Vogt Ave
Baltimore, Md. 21227

To Whom It May Concern:

Please use this letter as notification that the above named property has been used as a three apartment house continuously since 1945.

Gary Oelman
1229 Vogt Ave.
Baltimore, Md. 21227

OELMANN

Gary F. Oelman

I Swore Before me.
on 10/14/04

Notary

Commission Expires 4/09

2A

October 14, 2004

Baltimore County
Dept. of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Baltimore, Md. 21204

Re: 1239 Vogt Ave
Baltimore, Md. 21227

To Whom It May Concern:

Please use this letter as notification that the above named property has been used as a three apartment house continuously since 1945.

William Stein
1232 Vogt Ave.
Baltimore, Md. 21227

William M. Stein

*Suron before me
on 10/14/04*

Notary

My Comm. Expires 04/09

2B

October 14, 2004

Baltimore County
Dept. of Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Baltimore, Md. 21204

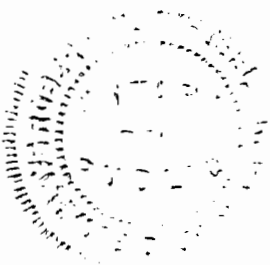
Re: 1239 Vogt Ave
Baltimore, Md. 21227

To Whom It May Concern:

Please use this letter as notification that the above named property has been used as a three apartment house continuously since 1945.

Milton Reimers

Milton Reimers
1237 Vogt Ave.
Baltimore, Md. 21227



*Seen Before me
on 10/14/04*

John W. [Signature]

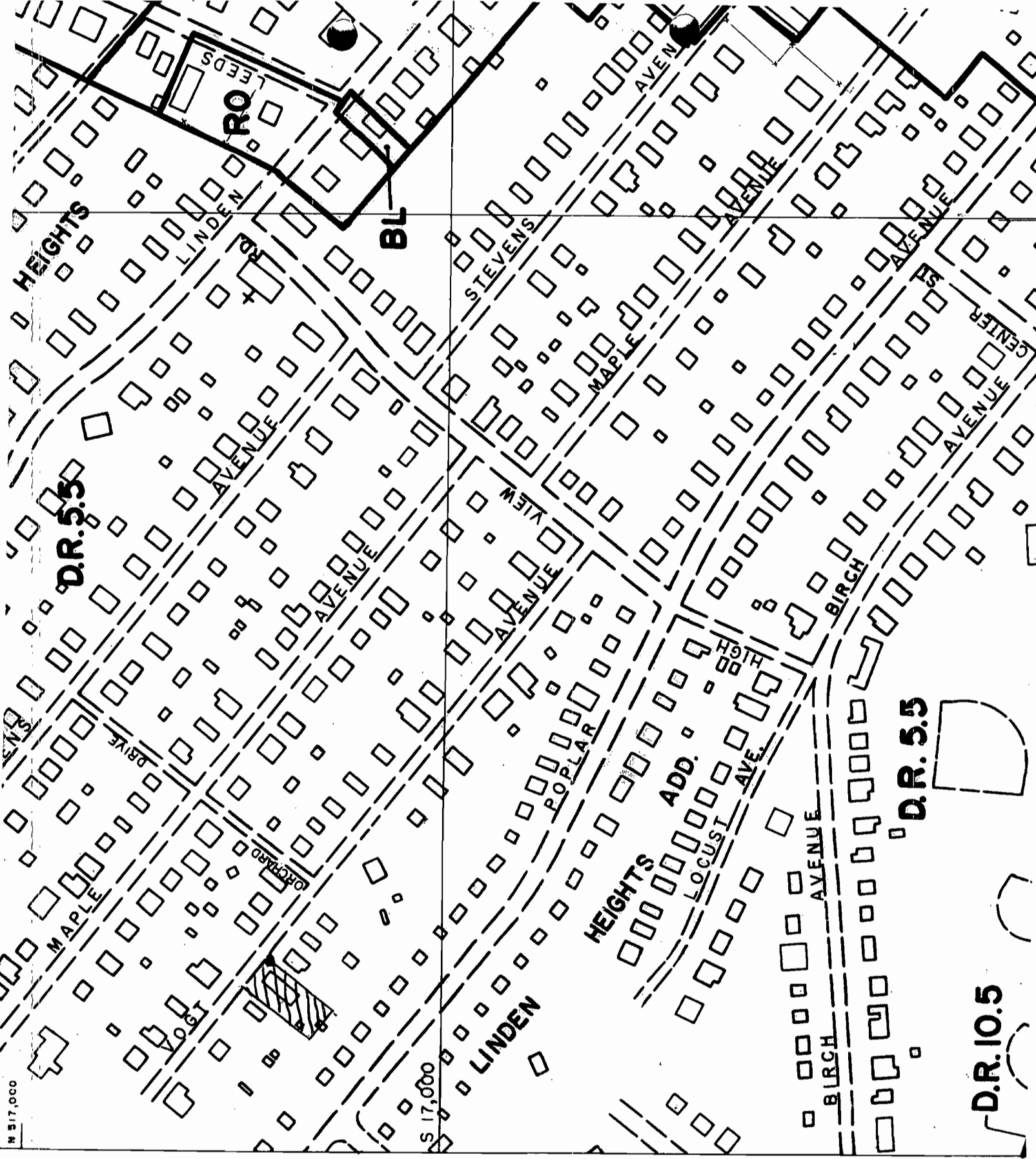
Notary

Commission Expires 04/09

2C

N 517,000

SW 5-0



5-1