

IN RE: PETITION FOR SPECIAL HEARING
E/S Wampler Road, 100' N of the c/l
Magnolia Avenue
(203 Wampler Road)
15th Election District
6th Council District

Delores A. Mattingly
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-451-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, Delores A. Mattingly. The Petitioner requests a special hearing to approve that the subject property has been used and maintained as a three-apartment dwelling since before January 2, 1945 and is therefore nonconforming, and that the building and lot have not been expanded more than 25% since that time, pursuant to Sections 104.1 and 104.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). 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 Delores Mattingly, property owner, her husband Owen M. Mattingly, George J. Norvell, a former neighbor, and Richard E. Matz, the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel, approximately 75' wide by 145' deep, located on the east side of Wampler Road, just north of Magnolia Avenue in Middle River. The property contains a gross area of 10,875 sq.ft., more or less, zoned D.R.5.5, and is improved with a two-story dwelling. Testimony indicated that the dwelling contains three apartments, one on the first floor, and two on the second floor, each with its own entrance. As shown on the site plan marked as Petitioner's Exhibit 1B,

ORDER RECEIVED FOR FILING

Date

By

there are six off-street parking spaces provided and the dwelling contains 2107 sq.ft. of living space and 1,092 sq.ft. of common storage space in the basement.

Ms. Mattingly has owned the property since 1982. Testimony indicated that as the result of a fire in one of the circuit breakers, they had to hire an electrician to perform needed repairs. The electrician had difficulty obtaining the requisite permits and informed the Petitioner that they needed to legitimize the existing use before the repairs could be made. Thus, the instant Petition was filed.

In support of her request, Mr. Gordon Norvell appeared and testified. Mr. Norvell previously owned and resided immediately across from this site at 202 Wampler Road and operated a service garage on the adjacent lot at 200 Wampler Road from approximately 1922 until the mid-1980s at which time he turned over his house and garage to his son. Mr. Norvell, who is now 83 years of age, testified that he was born and raised in the area and worked in the neighborhood his entire life. He provided a lengthy history of the property, beginning with the Wacker family who lived on the premises from 1916 (before electricity) until at least 1947. Mr. Norvell testified that his friend, Al Patacca, dated Clara Wacker, and that Mr. Patacca built the second floor additions on the home. Mr. Norvell remembers well that he assisted Mr. Patacca with the plumbing portion of the construction when he was discharged from the Army and returned home in 1947. He further stated that although he wasn't in the house often, he saw many people coming and going at all times while he lived and worked across the street from the site. He also testified that the house has remained in the same configuration since the 1940s.

Ms. Mattingly testified that she purchased the property in 1982, at which time it was being used as a three-apartment dwelling. She testified that her son had been a tenant on the property for several years and that he informed her that the property was in excellent condition and was being sold. Ms. Mattingly testified that when she purchased the property, she was given a residential appraisal report, a copy of which was submitted into evidence as Petitioner's Exhibit 3, which shows that the property was utilized as a three-apartment dwelling. Mr. Mattingly testified that there are three electric meters, and two gas meters. (The small second floor apartment to the

ORDER RECEIVED FOR FILING
Date 5/10/15
By [Signature]

rear contains electric baseboard heat.) Ms. Mattingly testified that to her knowledge, the dwelling has contained three apartments since prior to 1945 and has been used continuously and without interruption as such since that time. In further support of the request, Mr. Matz introduced as Petitioner's Exhibits 4B, 4C and 4D, signed statements of support from three individuals, Pete Bailowich, Margaret Myers, and Linda Magsamen, who were unable to attend the hearing.

Based on the proffered testimony and exhibits submitted into evidence, it would appear that there has been a consistent use of the site as three apartments dating back to the early 1940s, and possibly earlier. The Wacker family used the home as their residence from at least 1916 until approximately 1947 when the two apartments were added, one of which was used by their daughter and son-in-law.

Section 104 of the B.C.Z.R. governs nonconforming uses in Baltimore County. 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." Often, the nonconforming use designation is applied 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.

In this case, the relevant date is March 30, 1955, the date the current B.C.Z.R. were adopted. Based upon the testimony and evidence presented, it is clear that the house has been used as three apartments continuously and without interruption since the mid-1940s and as such, is nonconforming. Therefore, I shall approve the use of the subject property as nonconforming for three apartments.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2005 that the Petition for Special Hearing seeking approval that three apartments have existed on the property since prior to 1955, and as such, are nonconforming, and

ORDER RECEIVED FOR FILING
Date 5/11/05
By [Signature]

that there has been no expansion by more than 25% since that time, and that the building and lot have not been expanded more than 25% since that time, pursuant to Sections 104.1 and 104.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

IT IS FURTHER ORDERED that within sixty (60) days of the date hereof, the Petitioner shall record in the Land Records of Baltimore County a covenant to the deed for the property containing the proviso that the nonconforming three-apartment use of the property shall terminate at such time as there are no tenants residing on the property or upon the sale of the property, and no future purchaser shall maintain the nonconforming three-apartment use. A copy of the recorded covenant shall be submitted to the Department of Permits and Development Management for inclusion in the case file.

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

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
DATE 5/11/15
BY [Signature]

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

May 10, 2005

Ms. Delores A. Mattingly
2241 Monocacy Road
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
E/S Wampler Road, 100' N of the c/l Magnolia Avenue
(203 Wampler Road)
15th Election District – 6th Council District
Delores A. Mattingly - Petitioner
Case No. 05-451-SPH

Dear Ms. Mattingly:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, 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 "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Richard E. Matz, Colbert Matz Rosenfelt
2835 Smith Avenue, Suite G, Baltimore, Md. 21209
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: 203 Wampler Road
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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

A hearing to confirm that this property has been used and maintained as three (3) residential apartments since before January 2, 1945 and that the building and lot have not been expanded more than 25 percent between January 2, 1945 and the present, in accordance with Section 104.1 and 104.3, BCZR.

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

Signature

Company

Address

Telephone No.

City

State Zip Code

Legal Owner(s):

Delores A. Mattingly

Name - Type or Print

Delores A. Mattingly
Signature

Name - Type or Print

Signature

2241 Monocacy Road

410-686-7341

Address

Telephone No.

Baltimore

Md. 21221

City

State Zip Code

Representative to be Contacted:

Richard E. Matz

COLBERT MATZ ROSENFELT, INC (eve) 410-484-8757

2835 Smith Avenue, Suite G (day) 410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

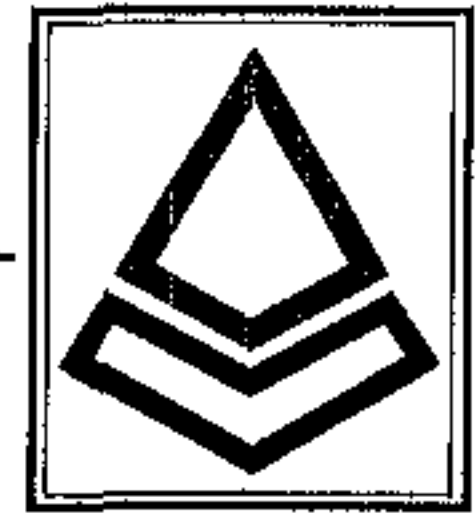
UNAVAILABLE FOR HEARING _____

Reviewed By 6007 Date 03-10-05

ORDER RECEIVED FOR FILING
Date 5/10/05
By [Signature]

Case No. OS-451-SPH

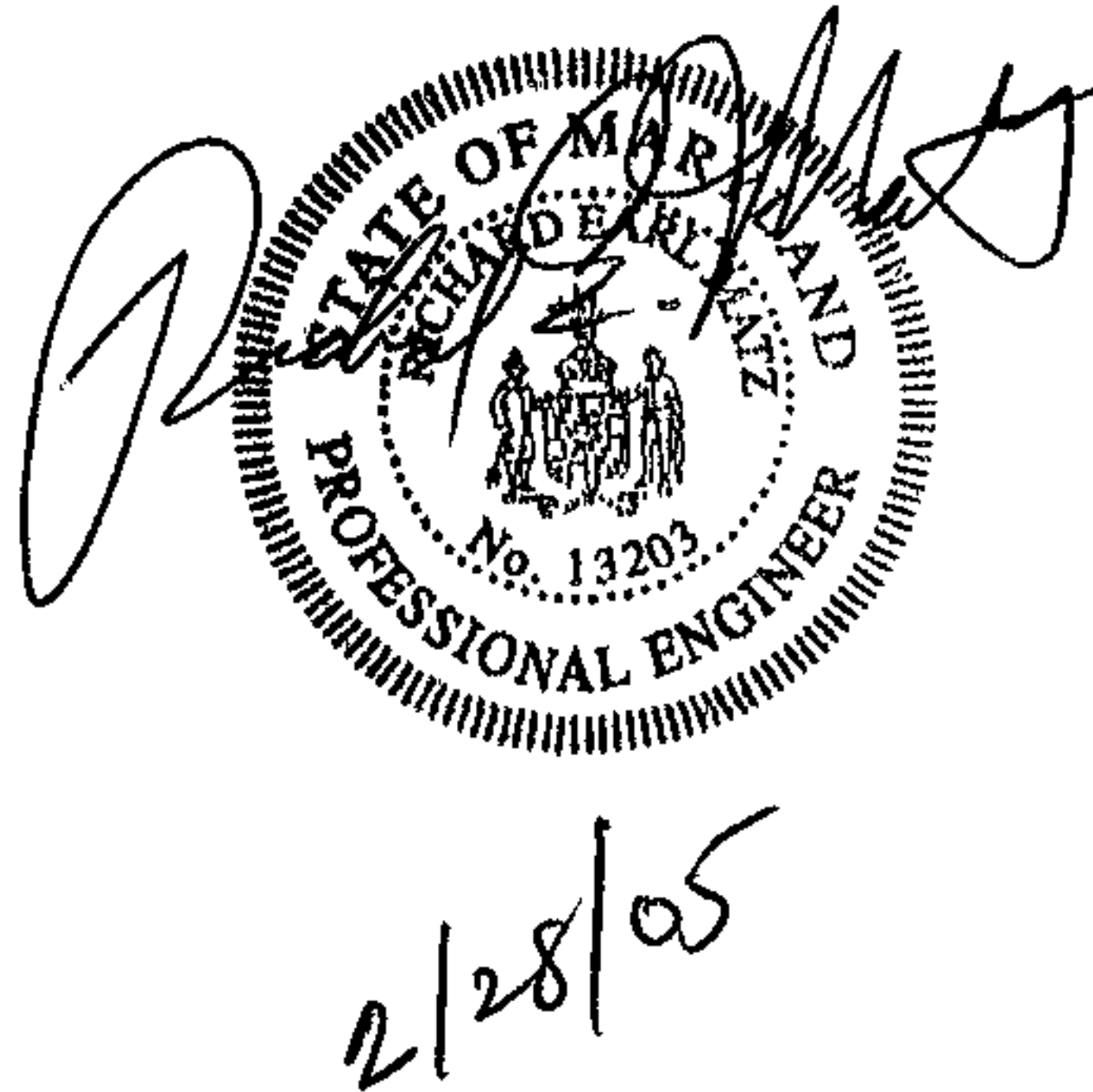
WHAT WAS PRIOR ZONING PRIOR to 1955
E Commercial - 1971 Zoning MAP - ?



ZONING DESCRIPTION 203 WAMPLER ROAD

Beginning at a point on the east side of Wampler Road (formerly Brook Street), which is 50 feet wide, at a distance of 100 feet north of the centerline of Magnolia Avenue, which is 50 feet wide.

Being Lot 3 and the northerly half of Lot 2 in Block 6 of the subdivision of Middle River Land and Improvement Co. Subdivision at Middle River, as recorded in Baltimore County Plat Book 1, Page 120, and containing 10,875 square feet (0.25 acre). Also known as 203 Wampler Road and located in the 15th Election District, 6th Councilmanic District.



OS-451-SP4.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

03-451-SPH
No. 442777

DATE: 03-10-05 ACCOUNT: R 000 006 0650

AMOUNT: \$ 325.00

RECEIVED FROM: Debra D. Hattaway

FOR: State Health For SPH District
203 Waverly Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

STJ

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
5/11/2005	5/10/2005	11:57:14	4
BY WHOS	MALEIN	INCH KIN	
RECEIPT #	30774	1/10/2005	0518
BY	5	220	TRING VERIFICATION
R NO.	442777		
Receipt for		\$325.00	
\$325.00	05	\$1.00	05
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: #05-451-SPH
203 Wampler Road
E/side of Wampler Road, 100 feet north of centerline of Magnolia Avenue
15th Election District — 6th Councilmanic District
Legal Owner(s): Delores A. Mattingly

Special Hearing: to confirm that this property has been used and maintained as three (3) residential apartments since before January 2, 1945 and that the building and lot have not been expanded more than 25 percent between January 2, 1945 and the present.

Hearing: Wednesday, April 20, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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) 887-4388.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 4/6/14 April 5 45530

CERTIFICATE OF PUBLICATION

4/6/, 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 4/5/, 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

ATTENTION: KRISTEN MATTHEWS

Date April 4, 2005

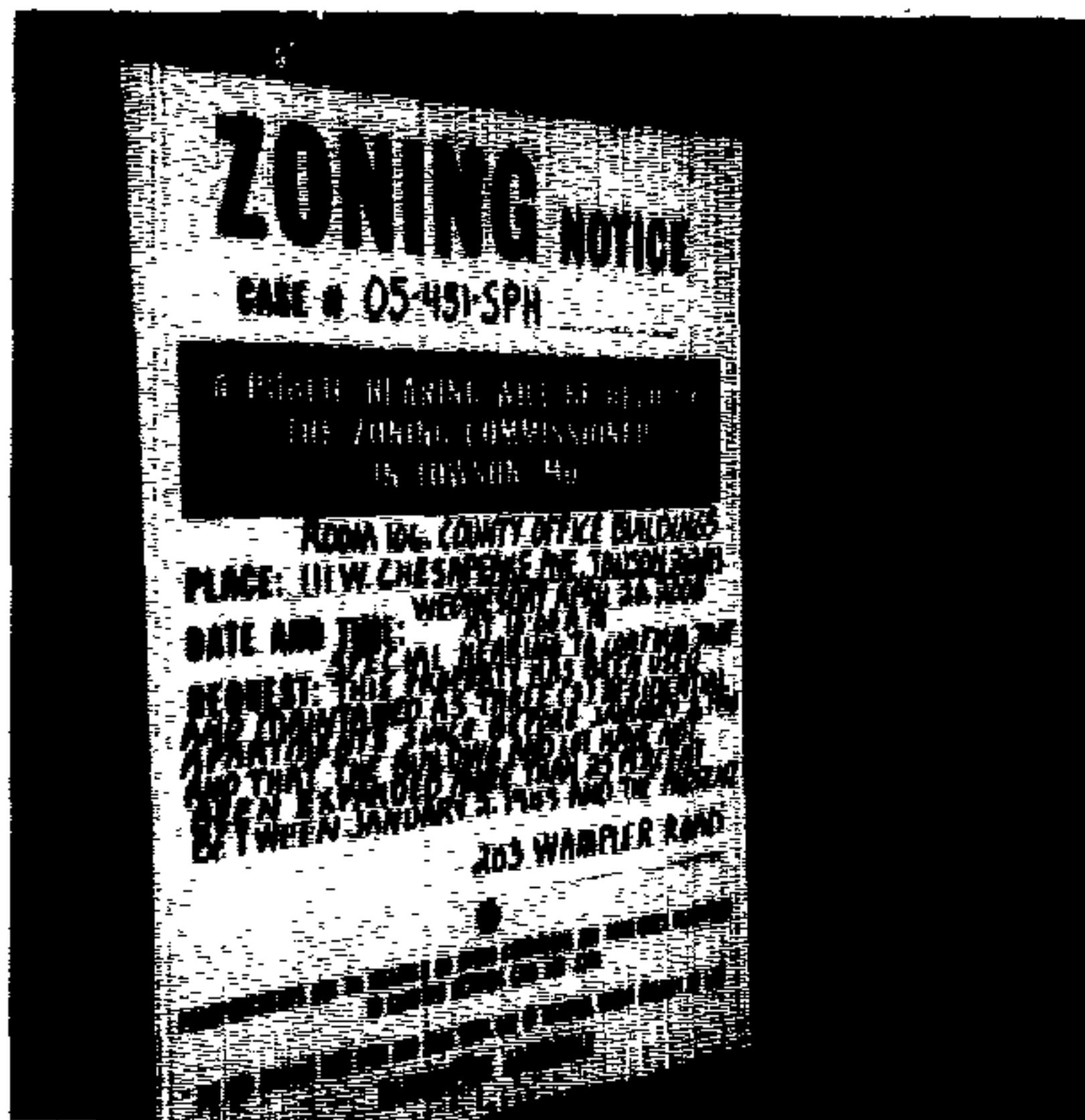
RE: Case Number 05-451-SPH

Petitioner/Developer: DELORES MATTINGLY/COLBERT, MATZ + ROSENFELT

Date of Hearing/Closing: April 20, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 203 WAMPLER ROAD

The sign(s) were posted on April 2, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

**Department of Permits and
Development Management**

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



Baltimore County

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

March 18, 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: 05-451-SPH

203 Wampler Road

E/side of Wampler Road, 100 feet north of centerline of Magnolia Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Delores A. Mattingly

Special Hearing to confirm that this property has been used and maintained as three (3) residential apartments since before January 2, 1945 and that the building and lot have not been expanded more than 25 percent between January 2, 1945 and the present.

Hearing: Wednesday, April 20, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Delores Mattingly, 2241 Monocacy Road, Baltimore 21221
Richard Matz, Colber, Matz & Rosenfelt, 2835 Smith Ave., Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 5, 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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 5, 2005 Issue - Jeffersonian

Please forward billing to:
Delores Mattingly
2241 Monocacy Road
Baltimore 21221

410-686-7431

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: 05-451-SPH

203 Wampler Road

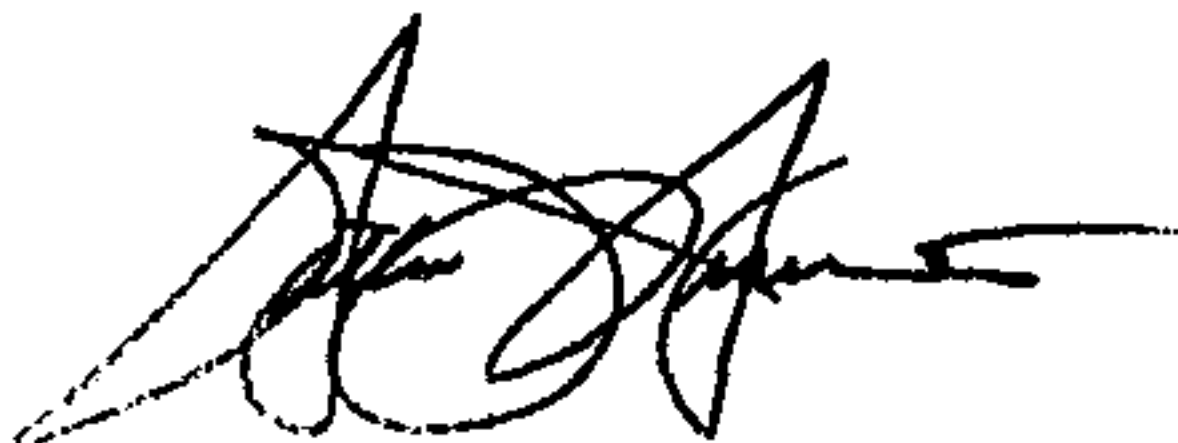
E/side of Wampler Road, 100 feet north of centerline of Magnolia Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Delores A. Mattingly

Special Hearing to confirm that this property has been used and maintained as three (3) residential apartments since before January 2, 1945 and that the building and lot have not been expanded more than 25 percent between January 2, 1945 and the present.

Hearing: Wednesday, April 20, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake 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: 05-451-SPH

Petitioner: Delores A. Mattingly

Address or Location: 203 Waupler ~~Ave~~ Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Delores A. Mattingly

Address: 2241 Monocacy Rd.

Baltimore, Md. 21221

Telephone Number: 410-686-7341

Revised 2/20/98 - SCJ

05-451-SPH-

**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*

April 12, 2005

Delores Mattingly
2241 Monocacy Road
Baltimore, Maryland 21221

Dear Mr. Mattingly:

RE: Case Number: 05-451-SPH, 203 Wampler Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 10, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Richard E. Matz 2835 Smith Avenue, Ste. G Baltimore 21209

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



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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 21, 2005

Item No.: 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 457, 461, 462.

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

Acting Lieutenant Don W. Muddiman
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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 3.18.05

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

RE: Baltimore County
Item No. 451 JRA

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JMO}
DATE: April 13, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 21, 2005

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

05-446

05-447

05-450

05-451

05-452

05-453

05-456

05-457

Reviewers: Sue Farinetti, Dave Lykens

bw
4/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 19, 2005
RECEIVED

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

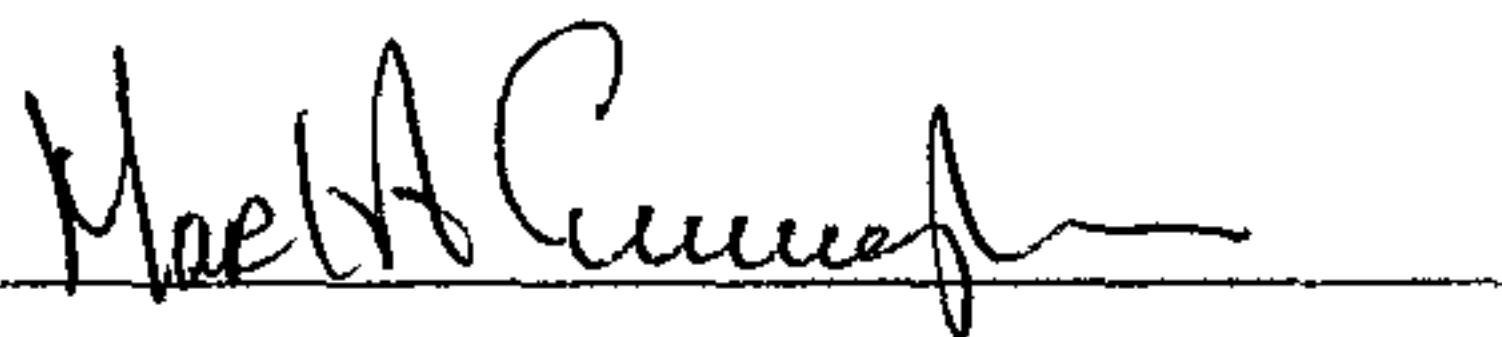
APR 20 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-451

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 6, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, Acting Supervisor ^{DAK}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 28, 2005
Item No. 444, 446, 447, 448, 449
450, 451, 452, 453, 454 and 455

The Bureau of Development Plans Review has reviewed the
subject zoning items and we have no comments.

DAK:CEN:clw
cc: file

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
203 Wampler Road; E/side Wampler Road, * ZONING COMMISSIONER
100' N c/line Magnolia Avenue *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Delores A. Mattingly * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-451-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 28th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

RECEIVED

APR 1 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.:

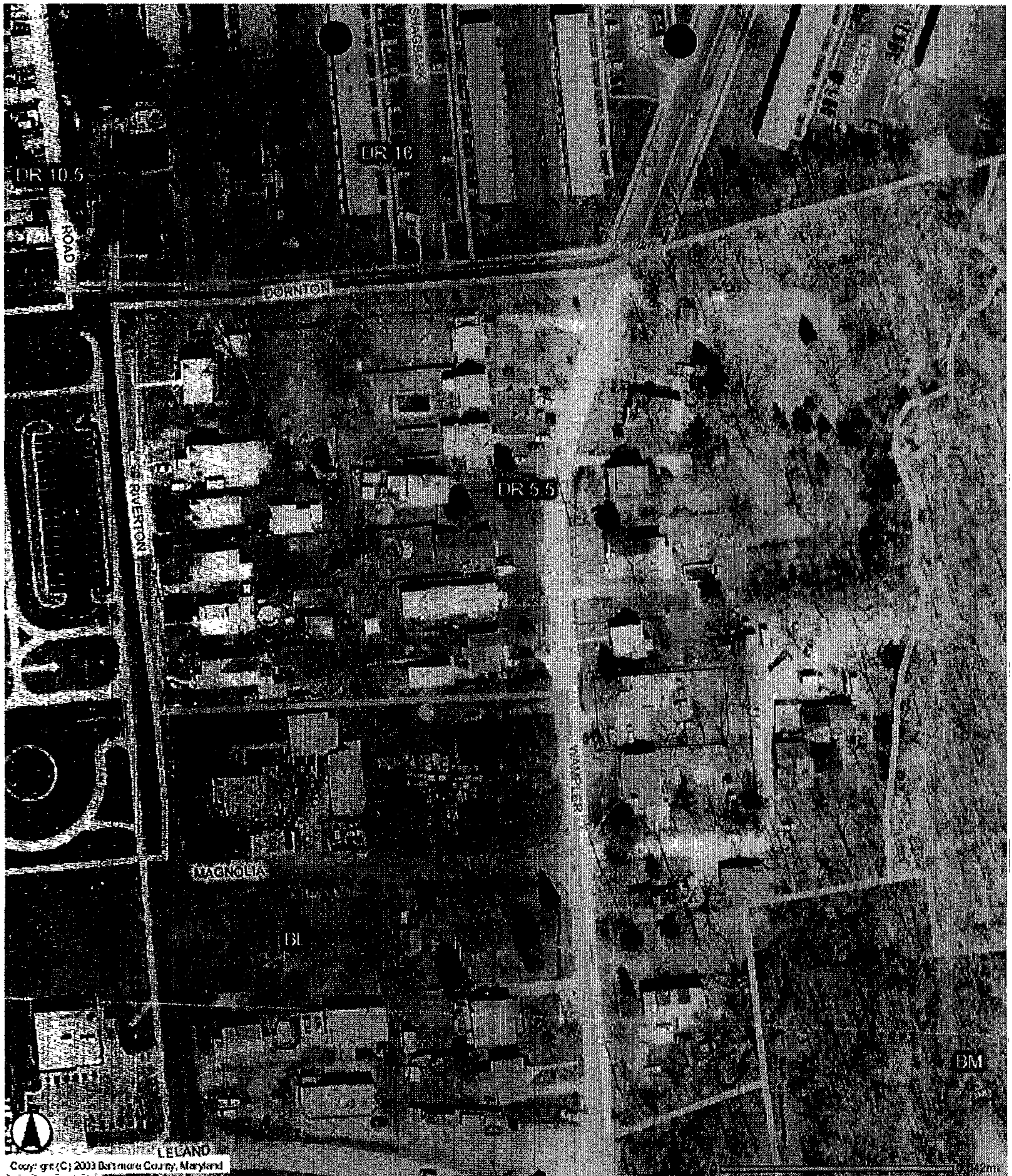
05-451 SPH

Exhibit Sheet

Petitioner/Developer

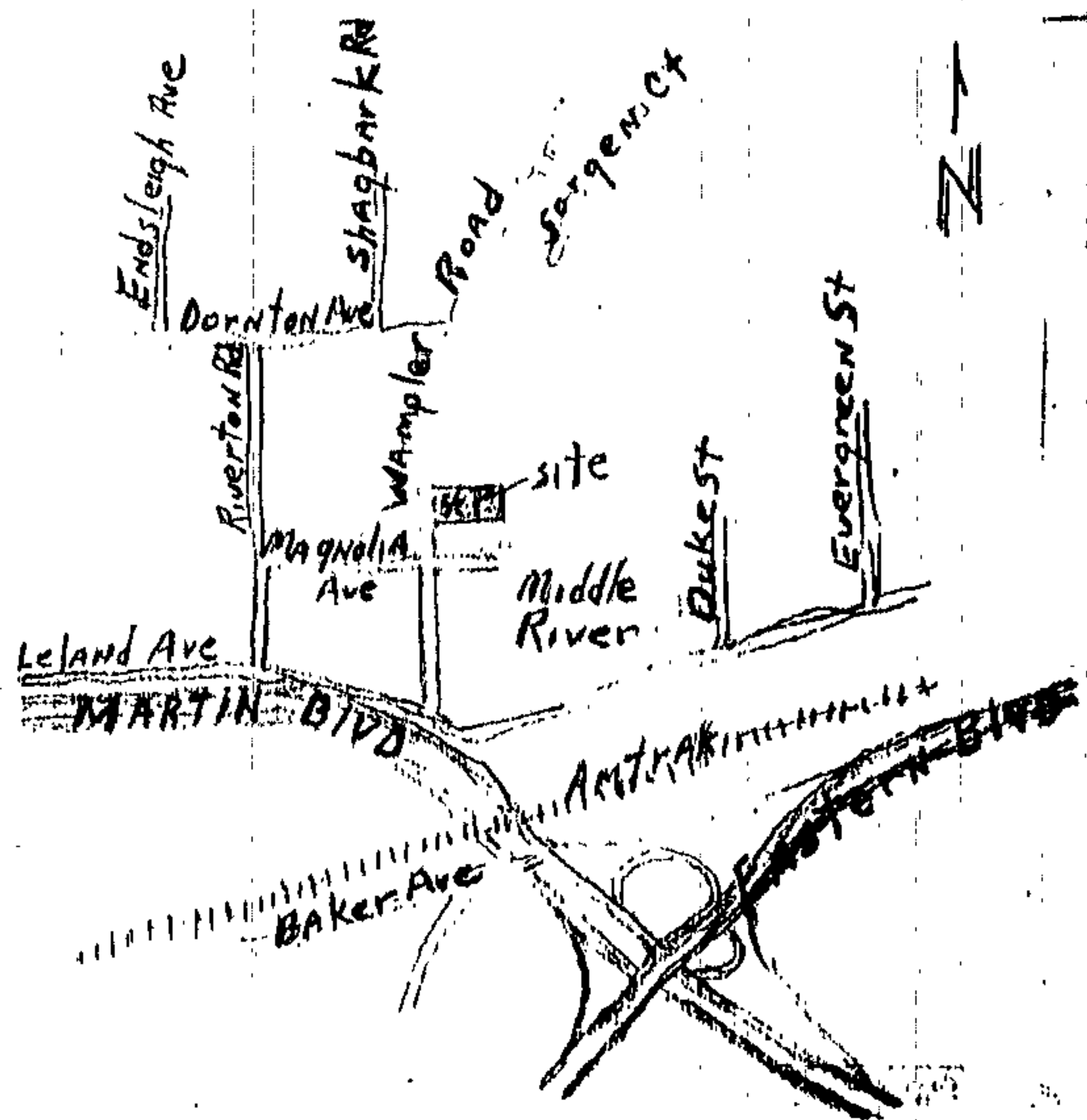
Protestant

No. 1	1A - SITE PLAN 1B - FLOOR PLAN	
No. 2	PHOTO'S - DENOTING 4 - A B C + D	
No. 3	APPRAISAL Report " " UTILIZED AS A 3 APT. USE	
No. 4	205 - WAMPNER 201 - WAMPNER } LETTERS 203 - RUSTON	
No. 5	MR. NORVELL GARAGE + HOME	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



05-451-SP11

Owner Name: Dolores A. Mattingly
 Address: 2241 Monocacy Road
 Phone: 410-686-7341
 Property Involved: 203 Wampler Road
 Zoning: DR-5.5 MAP NE 4-I
 Council District: 6
 Election District: 15
 Critical Area: No
 100 year flood plain: No
 Public Water
 Public Sewer
 Not Historic
 No previous Zoning History
 Lot: Northerly $\frac{1}{2}$ of Lot 2 AND
 All of Lot 3 in Section 6 as laid
 out on Map marked Middle River
 Land and Improvement Companies
 Sub-division at Middle River
 recorded in Plat Book Vol
 Folio 120. the improvements
 Thereon Known as 203 Wampler Road



VICINITY MAP

Liber 6457

Page 022

ACCT. NO. 1516000010

Building Coverage

1100 sq. ft. + patio and overhang
 second floor of 198 sq. ft.

1298 Total sq. ft.

This is 11.84% $\pm$ of the Lot

House = 2107 sq. ft.

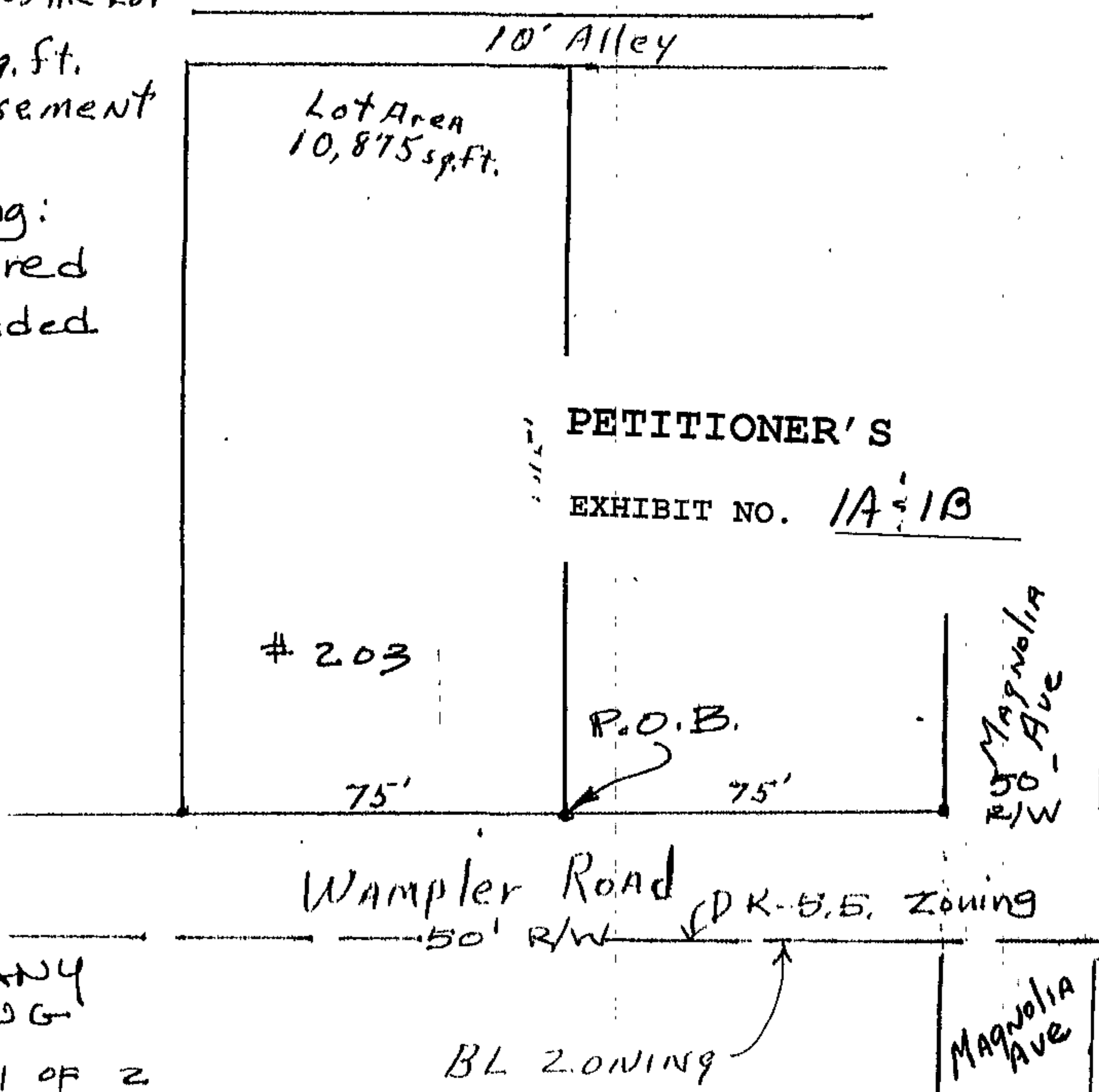
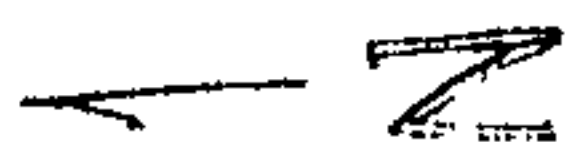
+ 1092 sq. ft. basement

Off-Street Parking:

6 spaces required

6 spaces provided

Scale 1" = 40'



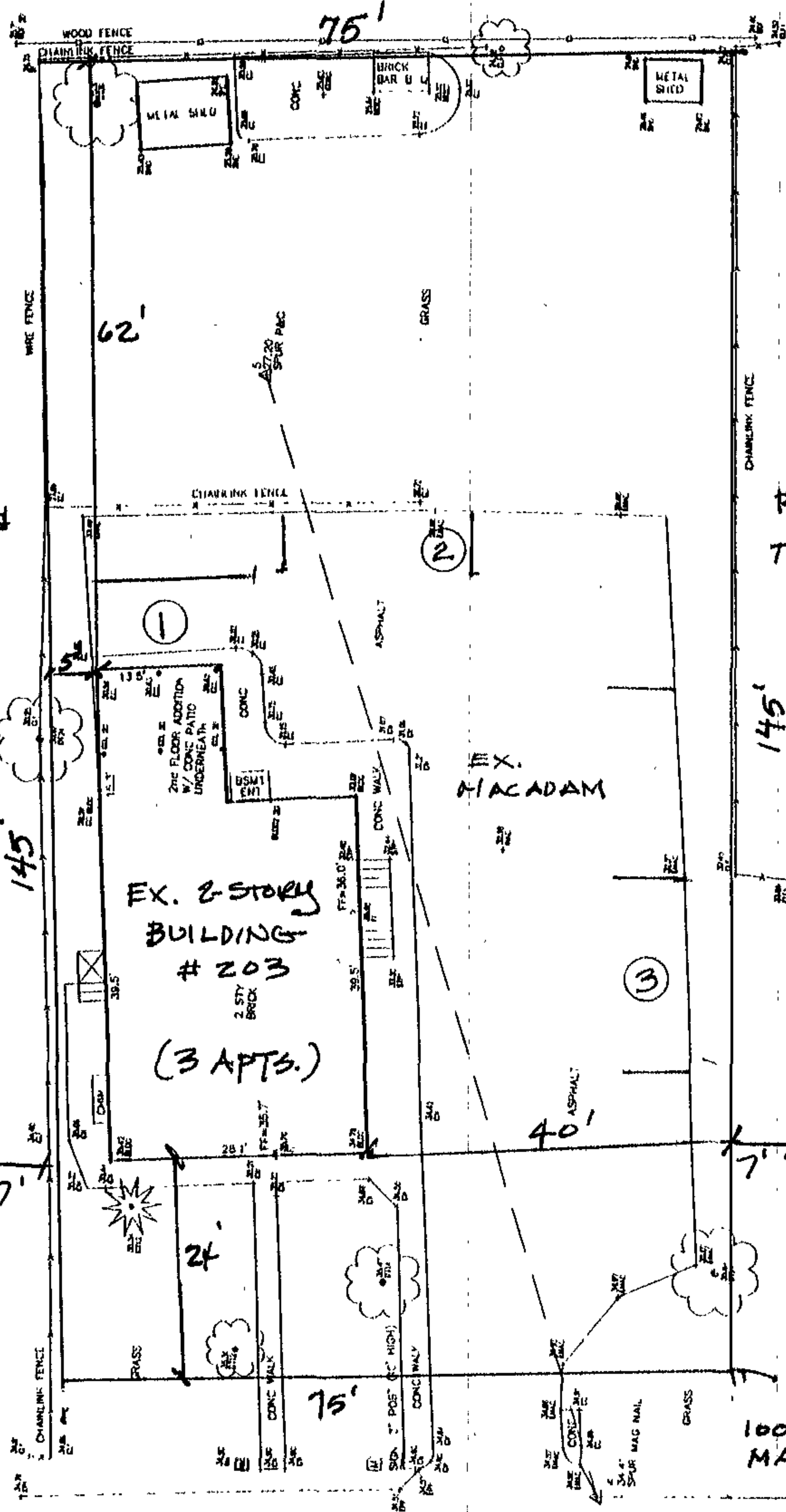
PLAN TO ACCOMPANY
 SPECIAL HEARING

SHEET 1 OF 2

BL ZONING

MS-1545-SH

JOHN A. SMITH
TAX NO. 1513751141
10404/126



PETER BAILOWICH, JR.
TAX NO. 1508500400
14096/302

ROBERT H. MYERS, JR.
TAX NO. 152600430
9502/508

EX. DWLG.
#205

EX. DWLG.
#201

WAMPLER ROAD
50' R/W

SCALE 1" = 20'

PLAN TO ACCOMPANY
SPECIAL HEAKING
203 WAMPLER RD.

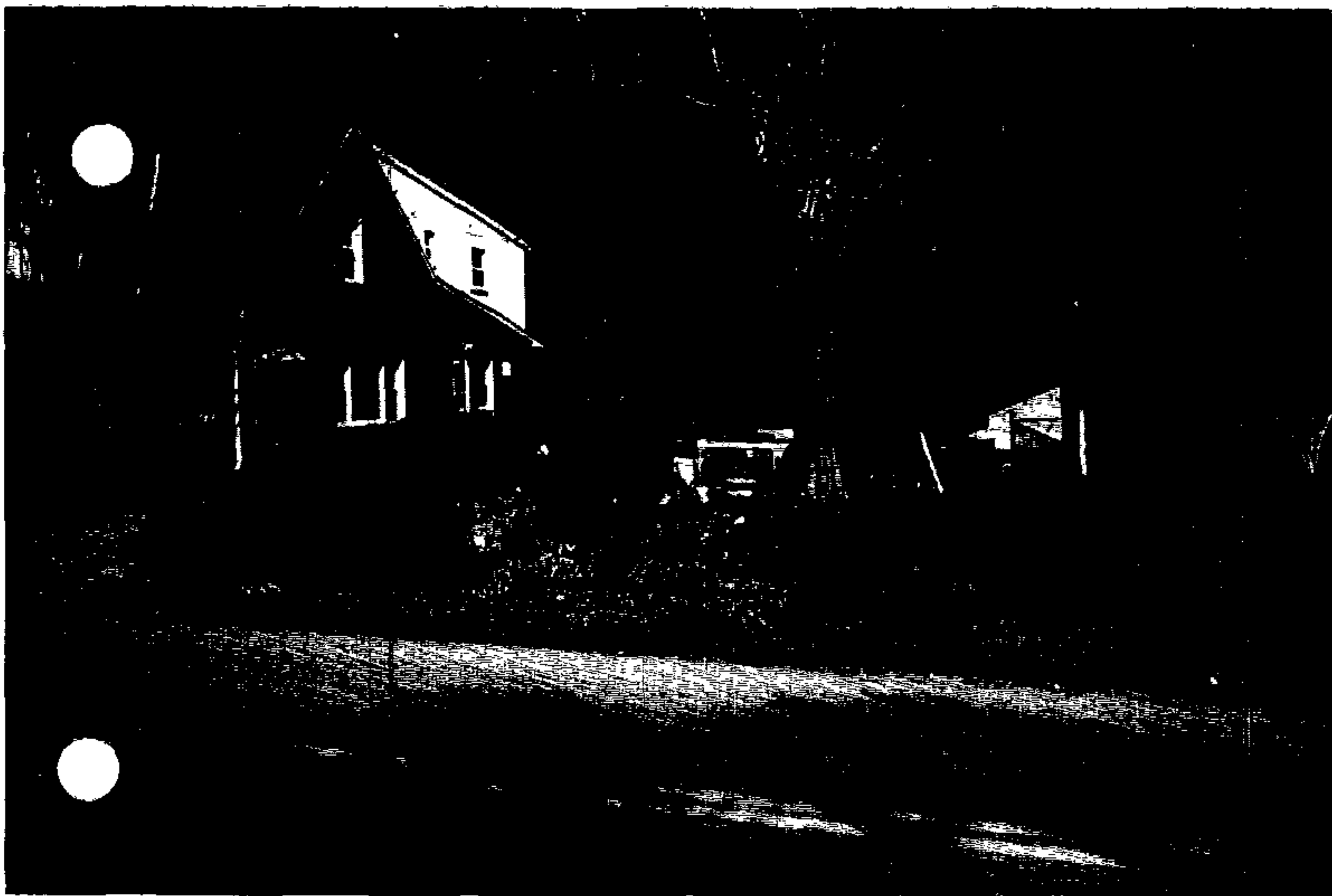
2A



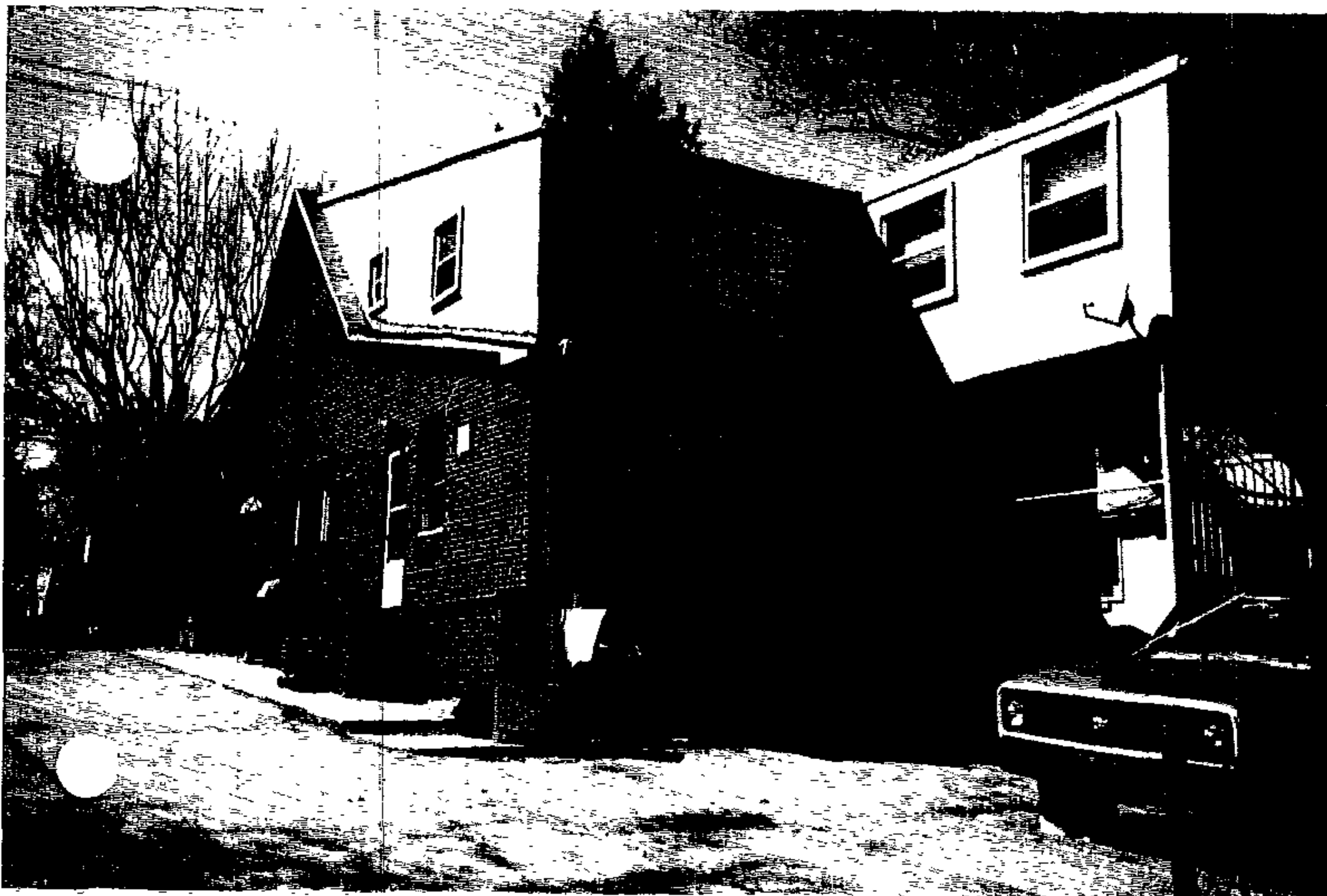
2B



2C



2D



#5



200 WAMPLER

202
WAMPLER

Purpose of Appraisal is to estimate Market Value as defined in Certification & Statement of Limiting Conditions (FHLMC Form 439) submitted for FNMA, the appraiser must attach (1) sketch or map showing location of subject, street names, distance from nearest intersection, and any detrimental conditions and (2) exterior building sketch showing improvements showing dimensions.

Measurements	No. Stories	Sq. Ft.
28 x 39 x 1		1092
28 x 30 x 1		819
13.5 x 14.5 x 1		196

Total Gross Living Area (List in Market Data Analysis below) 2107
Comment on functional and economic obsolescence: Your appraiser observed no functional or economic obsolescence pertaining to the subject.

ESTIMATED REPRODUCTIVE COST - NEW - OF IMPROVEMENTS:		
Dwelling 2107	Sq. Ft. @ \$ 29.19	= \$ 61,500
Basement 1092	Sq. Ft. @ \$ 7.34	= 8,020
Extras		= 14,840
Special Energy Efficient Items		
Porches, Patios, etc.		= 520
Garage/Car Port	Sq. Ft. @ \$	
Site Improvements (driveway, landscaping, etc.)		= 4,790
Total Estimated Cost New		= \$ 89,670
Less Depreciation	Physical Functional Economic	
\$ 26,690	\$ 0 \$ 0	= \$ 26,690
Depreciated value of improvements		= \$ 62,980
ESTIMATED LAND VALUE		
(If leasehold, show only leasehold value)		
INDICATED VALUE BY COST APPROACH		\$ 75,980

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment, reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to, or more favorable than, the subject property, a minus (-) adjustment is made, thus reducing the indicated value of the subject; if a significant item in the comparable is inferior to, or less favorable than, the subject property, a plus (+) adjustment is made, thus increasing the indicated value of the subject.

ITEM	Subject Property	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	203 Wampler Rd	104 Wampler Road	712 Wampler Road	2011 Leland Avenue
Proximity to Subj.		1 block	5 blocks	6 blocks
Sales Price	\$	\$ 65,000	\$ 62,000	\$ 54,000
Price/Living area	\$	\$	\$	\$
Data Source	inspection	MLS=Lusk	MLS=Lusk	MLS=Lusk
Date of Sale and Time Adjustment	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Location	Middle River	same	same	same
Site/View	10,875 SF	9420 SF	23,260	7425 SF
Design and Appeal	2 story aver	same	same	same
Quality of Const.	brick/frame	frame	frame	frame
Age	60 yrs	22 yrs	39 yrs	25 yrs
Condition	good	same	same	same
Living Area Room Count and Total Gross Living Area	Total B-rms Baths 10 3 3 2107 Sq.Ft.	Total B-rms Baths 6 3 2 1228 Sq.Ft.	Total B-rms Baths 7 4 1 1667 Sq.Ft.	Total B-rms Baths 6 3 1 1275 Sq.Ft.
Basement & Bmnt. Finished Rooms	Full	same	same	same
Functional Utility	Average	same	same	same
Air Conditioning	cen/1st flr	none	none	none
Garage/Car Port	none	none	none	none
Porches, Patio, Pools, etc.	front sides	same	same	same
Special Energy Efficient Items	Storm Windows and doors	same	same	same
Other (e.g. fireplaces, kitchen equip., remodeling)	Fireplace	none	none	none
Sales or Financing Concessions	Not applicable			
Net Adj. (Total)		\$ 11,786	\$ 11,424	\$ 17,515
Indicated Value of Subject		\$ 76,786	\$ 73,424	\$ 71,515

Comments on Market Data The above 3 comparable sales as well as others studied, provide a good indication of what typical purchasers would pay for subject after adjustments.

INDICATED VALUE BY MARKET DATA APPROACH fee simple \$74,000
INDICATED VALUE BY INCOME APPROACH (If applicable) Economic Market Rent \$ /Mo. x Gross Rent Multiplier = \$
This appraisal is made ☒ "as is" ☐ subject to the repairs, alterations, or conditions listed below ☐ completion per plans and specifications.
Comments and Conditions of Appraisal: All 3 comparable sales are similar to subject. Emphasis was given to #2 to which subject is slightly superior.

Final Reconciliation: Since typical purchasers buy according to recent sales of other similar properties, the Market Approach is given the most credence.

Construction Warranty ☐ Yes ☐ No Name of Warranty Program _____ Warranty Coverage Expires _____
This appraisal is based upon the above requirements, the certification, contingent and limiting conditions, and Market Value definition that are stated in _____ 19 _____ ☐ attached.
☐ FHLMC Form 439 (Rev. 10/78)/FNMA Form 1004B (Rev. 10/78) filed with client
I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF September 11, 1982 to be \$ 74,000
Appraiser(s) Frank Elder *FL Elder* Review Appraiser (If) *Protestant's*

RESIDENTIAL APPRAISAL REPORT

File No.

Appraiser: John A. & Rosemary L. Smith
 Property Address: 203 Wampler Road
 City: Baltimore
 State: Maryland
 Zip Code: 21220
 Legal Description: Deed Reference Liber 5600, Folio 690, Tax # 15-16-000010
 Date of Sale:
 Loan Term:
 Property Rights Appraised:
 Actual Real Estate Taxes \$:
 (Yr) Loan charges to be paid by seller \$:
 Other sales concessions:
 Address:
 Lender/Client:
 Occupant: Tenants
 Appraiser: Frank Elder

Instructions to Appraiser: Fair Market Value

Notes: FHLMC/FNMA do not consider the racial composition of the neighborhood to be a relevant factor and it must not be considered in the appraisal.

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise) Subject is located in the southeastern quadrant of Baltimore County, Maryland. The neighborhood is known as Middle River. All neighborhood factors are positive.

Dimensions: 75' X 145' = 10,875 Sq. Ft. or Acres .25 ac ☐ Corner Lot ☒ do ☐ do not conform to zoning regulations

Zoning classification: DR 5.5

Highest and best use: ☒ Present use ☐ Other (specify)

OFF SITE IMPROVEMENTS

Street Access: ☒ Public ☐ Private

Surface: ☒ Macadam

Maintenance: ☒ Public ☐ Private

San Sewer: ☒ Storm Sewer ☐ Curb/Gutter

Sidewalk: ☐ Street Lights

Underground Elect. & Tel. ☐

Public (Describe) ☐

Location: ☒ Urban ☐ Suburban ☐ Rural

Built Up: ☒ Over 75% ☐ 25% to 75% ☐ Under 25%

Growth Rate: ☐ Fully Dev. ☒ Rapid ☐ Steady ☐ Slow

Property Values: ☐ Increasing ☒ Stable ☐ Declining

Demand/Supply: ☐ Shortage ☒ In Balance ☐ Over Supply

Marketing Time: ☒ Under 3 Mos. ☐ 4-6 Mos. ☐ Over 6 Mos.

Present Land Use: ☒ 1 Family ☐ 2-4 Family ☐ Apts. ☐ Condo ☐ % Commercial

Change in Present Land Use: ☒ Not Likely ☐ Likely (*) ☐ Taking Place (*)

Predominant Occupancy: ☒ Owner ☐ Tenant ☐ % Vacant

Single Family Price Range: \$ 54,000 to \$ 65,000 Predominant Value \$ 60,000

Single Family Age: 22 Yrs to 60 Yrs Predominant Age 35 Yrs

Employment Stability: ☒ Good Avg. Fair Poor

Convenience to Employment: ☒

Convenience to Shopping: ☒

Convenience to Schools: ☒

Adequacy of Public Transportation: ☒

Recreational Facilities: ☒

Adequacy of Utilities: ☒

Property Compatibility: ☒

Protection from Detrimental Conditions: ☒

Police and Fire Protection: ☒

General Appearance of Properties: ☒

Appeal to Market: ☒

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) Subject lot is typical of the neighborhood.

Typo: ☒ Level ☐ Size ☐ Shape ☐ View ☐ Drainage

appears adequate

typical for area

rectangular

typical for area

is the property located in a HUD identified Special Flood Hazard Area? ☒ No ☐ Yes

Comments: (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions) Subject lot is typical of the neighborhood.

Typo: ☒ Level ☐ Size ☐ Shape ☐ View ☐ Drainage

appears adequate

typical for area

rectangular

typical for area

is the property located in a HUD identified Special Flood Hazard Area? ☒ No ☐ Yes

Comments: subject is a standard single dwelling in evidence throughout the area. It is currently utilized as three apartments.

Room List: Foyer, Living, Dining, Kitchen, Den, Family Rm., Rec. Rm., Bedrooms, No. Baths, Laundry, Other

Finished area above grade contains a total of 10 rooms, 3 bedrooms, 3 baths, Gross Living Area 2107 sq. ft., Bsm Area 1092 sq. ft.

Kitchen Equipment: ☐ Refrigerator ☐ Range/Oven ☐ Dishwasher ☐ Fan/Hood ☐ Compactor ☐ Washer ☐ Dryer

HEAT: Type: ☐ Fuel ☐ Cond. Good

AIR COND: ☒ Central ☐ Other ☐ Window ☐ Adequate ☐ Inadequate

PROPERTY RATING

Quality of Construction (Materials & Finish): ☒ Good Avg. Fair Poor

Condition of Improvements: ☒

Rooms size and layout: ☒

Closets and Storage: ☒

Insulation—adequacy: ☒

Plumbing—adequacy and condition: ☒

Electrical—adequacy and condition: ☒

Kitchen Cabinets—adequacy and condition: ☒

Compatibility to Neighborhood: ☒

Overall Livability: ☒

Appeal and Marketability: ☒

Yrs Est Remaining Economic Life 25 to 35 Explain if less than Loan Term

INTERIOR FINISH & EQUIPMENT

Floors: ☒ Hardwood ☐ Carpet Over ☐ Carpet Over

Walls: ☒ Drywall ☐ Plaster ☐ Fair ☐ Poor

Trim/Finish: ☒ Good ☐ Average ☐ Fair ☐ Poor

Bath Floor: ☒ Ceramic ☐ Resilient tile

Bath Wainscot: ☒ Ceramic ☐ Resilient tile

Special Features (including energy efficient items): ☐

ATTIC: ☐ Yes ☐ No ☐ Stairway ☐ Drop-stair ☐ Scuttle ☐ Floored

Finished (Describe): ☐ Heated ☐ Attached ☐ Detached ☐ Car Port

CAR STORAGE: ☐ Garage ☐ Built-in ☐ Attached ☐ Detached ☐ Car Port

No. Cars: ☐ Adequate ☐ Inadequate Condition

FIREPLACES, PATIOS, POOL, FENCES, etc. (describe): ☐

Comments (including functional or physical inadequacies, repairs needed, modernization, etc.) Subject offers good functional layout with no physical inadequacies. The house is maintained in good condition. Pride of ownership is evident.

PETITIONER'S

EXHIBIT NO. 4A

January 13, 2005

To Whom It May Concern:

My name is William (Bill) Norval and I grew up in the area of Wampler Road in Middle River.

I am 3 years old and I am sure that the house at 203 Wampler Road has been used as 3 Apartments since before 1945.

This is my freely given testimony.

Sincerely,

Bill Norval

George J. Norval

OS-451-SPH

PETITIONERS
PROTESTANT'S

EXHIBIT NO.

4B

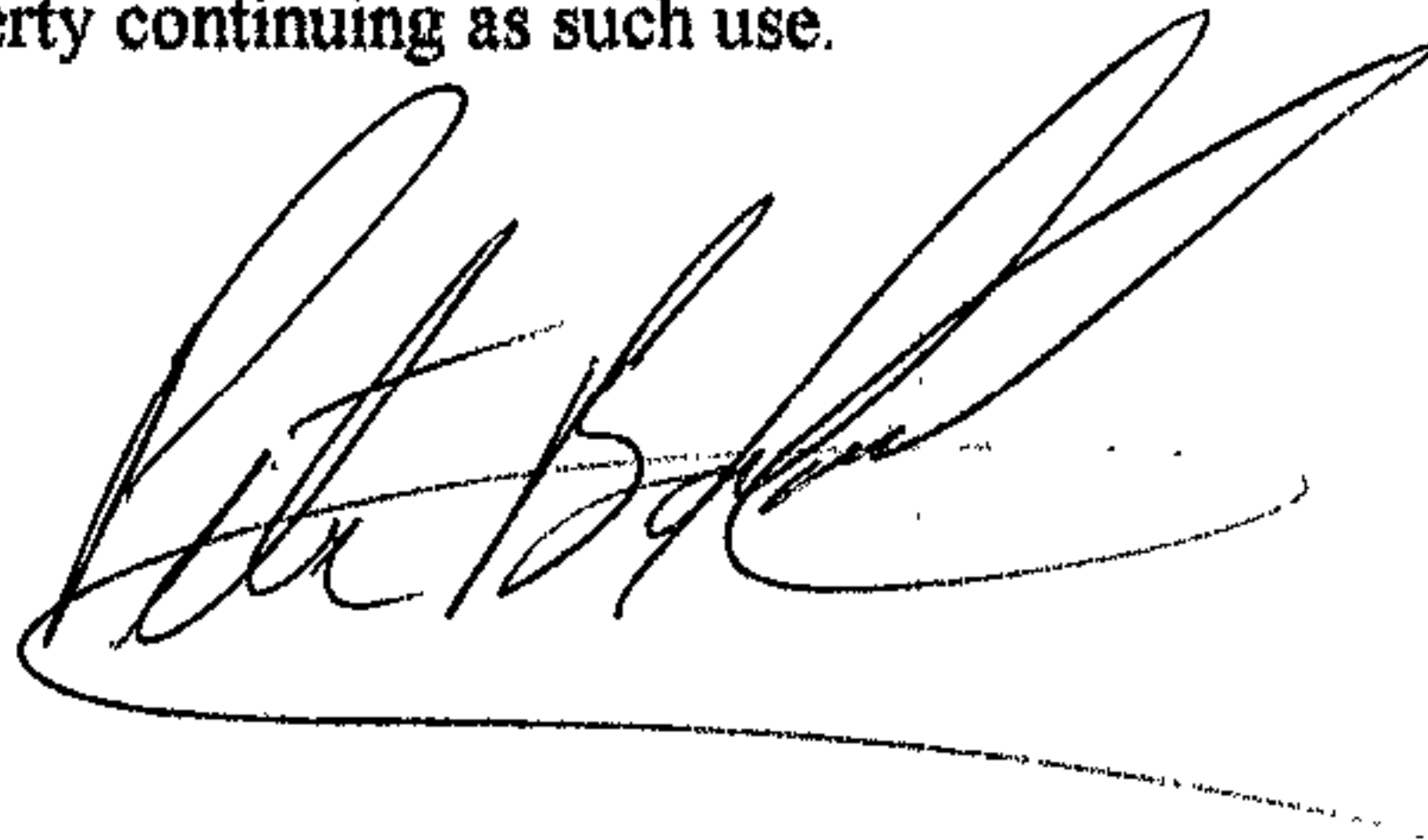
To Whom It May Concern

My name is Pete Bailowich IV and I live at 205 Wampler Rd
Baltimore, MD, 21220.

There have been three apartments at 203 Wampler Road as long as I have knowledge of the property and have been satisfactory neighbors in our community.

I have no objection to the property continuing as such use.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Bailowich IV", with a long horizontal flourish extending to the right.

PETITIONERS
~~PROTESTANTS~~

EXHIBIT NO.

4C

To Whom It May Concern

My name is MARGARET MYERS and I live at 201 WAMPLER ROAD

There have been three apartments at 203 Wampler Road as long as I have knowledge of the property and have been satisfactory neighbors in our community.

I have no objection to the property continuing as such use.

Sincerely,

Margaret Myers

PETITIONERS
~~BALTIMORE COUNTY~~
EXHIBIT NO. 4D

To Whom It May Concern

My name is Linda Magsamen and I live at 203 Riverbton Rd
Balto Md 21220.

There have been three apartments at 203 Wampler Road as long as I have knowledge of the property and have been satisfactory neighbors in our community.

I have no objection to the property continuing as such use.

Sincerely,