

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S Edmondson Avenue, 150' W of c/l	*	COUNTY BOARD
Oakdale Avenue	*	
(1702 Edmondson Avenue)	*	OF APPEALS OF
1st Election District	*	
1st Councilmanic District	*	BALTIMORE COUNTY
Nancy G. Monmonier	*	
Petitioner	*	CASE NO.: 05-501-SPH

* * * * *

OPINION

This case comes before the Board as a result of an appeal filed by the Office of the People's Counsel for Baltimore County by Peter Max Zimmerman, Esquire, from the decision of the Zoning Commissioner for Baltimore County, which granted a Petition for Special Hearing to approve the existing four-apartment dwelling known as 1702 Edmondson Avenue as a legal nonconforming use, pursuant to Section 104.1 of the *Baltimore County Zoning Regulations* (hereinafter BCZR). A hearing was held before this Board on February 14, 2006 at which time the Petitioner, Nancy Monmonier, who is a co-owner of the property with her son Joe C. Monmonier and is represented by Francis X. Borgerding, Jr., Esquire, appeared along with People's Counsel for Baltimore County, Peter Max Zimmerman, Esquire and John Corbitt, who lives in close proximity to the subject property. The aforesaid parties indicated that there had been negotiations to attempt to resolve the outstanding issues regarding this matter and that a resolution between the parties of the outstanding issues of the case had occurred. A copy of correspondence from Petitioner's attorney, Francis X. Borgerding, Jr., to Peter Max Zimmerman, Esquire, on behalf of the People's Counsel

for Baltimore County, dated February 14, 2006, was submitted to the Board and indicates the terms agreed upon between the parties.

As with any agreement or proposed resolution, however, the County Board of Appeals must be satisfied based on the evidence that it meets the applicable legal requirements. Attman/Glazer v. Aldermen of Annapolis 314 Md. 675 (1989). Therefore, this opinion and order is based on the proposed agreement, the evidence presented at the hearing, and the applicable law.

Petitioner produced testimony through Bruce E. Doak, licensed registered surveyor with Gerhold, Cross & Etzel, Ltd., who was accepted by the Board as an expert in surveying and Baltimore County zoning matters. Mr. Doak testified and produced exhibits indicating that his investigation had found that the structure on the subject property was built in the late 1800's and was used as a nonconforming use for four apartments from the 1950's to the present. Mr. Doak outlined the zoning history of the property and indicated that it was his opinion that the subject property became a nonconforming use for four apartments under the BCZR in 1980 when the property's zoning was changed from D.R. 5.5 to D.R. 3.5. According to Mr. Doak, the property became nonconforming due to a failure at the time to meet requirements that allowed conversion of a single-family dwelling to multi-family occupancy, pursuant to the chart found at Section 402 of the BCZR. Mr. Doak further testified it was his understanding that the use of four apartments continued on the property uninterrupted from 1980 until the present and further that in 1992 the property known as 1702 Edmondson Avenue was subdivided into the present 1702 Edmondson Avenue and

1708 Edmondson Avenue. Mr. Doak submitted into evidence the subdivision plat approved by Baltimore County allowing such subdivision. Said plat submitted into evidence indicated that 1702 Edmondson Avenue was used as a four-apartment dwelling. He also stated that the property was subsequently rezoned legislatively to D.R.2, and that the use is still nonconforming under BCZR 402.

Petitioner, Nancy G. Monmonier, also testified that she became familiar with the subject property after getting married and moving next door to the subject property in 1946. Mrs. Monmonier testified that she remained familiar with the property from 1946 through her, and her husband's, purchase of the property in 1969 continuing on until the present. Further, Mrs. Monmonier testified that from the 1950's until the present the subject property at 1702 Edmondson Avenue has been used as a four-apartment dwelling continuously without interruption or change of said use.

The Board is satisfied, based on the proposed agreement of the parties and the evidence produced by the Petitioner, that the subject property known as 1702 Edmondson Avenue meets the requirements of the BCZR as a legal nonconforming use as an existing four apartment dwelling, pursuant to Section 104 of the BCZR.

People's Counsel explained that the case actually came about because of problems with the use of the rear parcel at 1708 Edmondson Avenue, sometimes Nancy known as the Carriage House. Despite the limitation on the use of that property to a single dwelling, it appeared at times that it was converted to two apartments and in such a way as to cause neighborhood concerns. As a result, Petitioner agreed that, as part of the resolution of this case, it should be confirmed in the order that the use at

1708 Edmondson Avenue for residential purposes is limited to a one dwelling unit only under current law and that Petition will provide a contact person to be available to address issues raised by citizens in the community. The Board is satisfied that this is a reasonable resolution. It will be incorporated in the order.

ORDER

WHEREFORE, it is this 15th day of September, 2006, by the County Board of Appeals for Baltimore County,

ORDERED that the Petition for Special Hearing seeking approval of the property known as 1702 Edmondson Avenue as a legal nonconforming use as an existing four apartment dwelling, pursuant to Section 104.1 of the BCZR is hereby **APPROVED**, and it is

FURTHER ORDERED, consistent with the agreement of the parties that appeared before this Board, the evidence produced at the hearing, and the applicable law that:

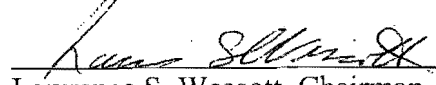
1. Petitioner and her son, Joe C. Monmonier, have provided Mr. Corbitt with the name and number of the local contact person regarding any future issues with regard to the subject property. Petitioner and her son will continue to provide a local contact person to the community for as long as they own the property.
2. Petitioner, Nancy G. Monmonier and her son, Joseph C. Monmonier, currently own both 1702 Edmondson Avenue and 1708 Edmondson Avenue. Petitioner and her son agree to comply with all applicable current and future provisions of the BCZR with regard to the property known as 1708 Edmondson Avenue. The property known as 1702 Edmondson Avenue and 1708 Edmondson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmondson Avenue and 1708 Edmondson Avenue. Any

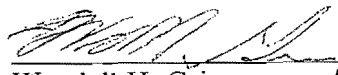
violations of the provisions of this order related to 1708 Edmondson Avenue will be the responsibility of the owner of 1708 Edmondson Avenue. Any violations of the provisions of this order relating to 1702 Edmondson Avenue will be the responsibility of the owner of 1702 Edmondson Avenue.

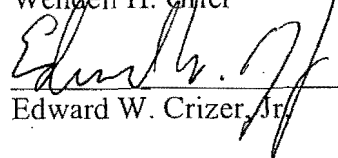
3. Notwithstanding any of the above language, this agreement is subject to the provisions of the Baltimore County Code Section 32-4-114(c) which stated "(c) County prohibited from processing if violations exist. The County may not process plans of permits of a proposed development if an applicant owns or has an interest in property located in the County upon which there exists, at the time of the application or during the processing of the application, a violation of the zoning or development regulations of the County." It is also subject to any other applicable law.
4. It is agreed that the property known as 1702 Edmondson Avenue may continue as a legal nonconforming use for four apartments.
5. The use of 1708 Edmondson Avenue for residential purposes is limited to one-dwelling unit only under current law. If used for residential purposes, 1708 Edmondson Avenue will be used for no more than one dwelling unit unless future law allows more than one-dwelling unit. It is further agreed that any future zoning violations relating to 1708 Edmondson Avenue will not negate the legal nonconforming use status of 1702 Edmondson Avenue.

Any petition for judicial review from this decision must be made in accordance with Rules 7-201 through 7-210 of the Maryland Rules.

**COUNTY BOARD OF APPEAL
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman

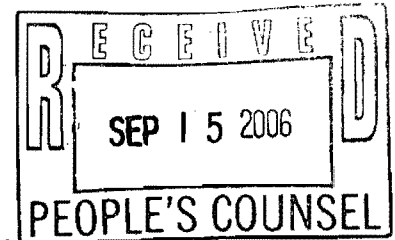

Wendell H. Grier


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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September 15, 2006

Peter M. Zimmerman
People's Counsel for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

Francis X. Borgerding, Jr., Esquire
Suite 600
Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Nancy G. Monmonier, Petitioner.*
Case No. 05-501-SPH

Dear Counsel:

Enclosed please find a copy of the final Decision and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Nancy G. Monmonier
Bruce E. Doak /Gerhold Cross & Etzel Ltd.
Martha Brassard
Mr. & Mrs. John Corbitt
Valerie Schwaab
Jennifer Noppenberger
Jamie Lynch
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 25, 2006

Francis X. Borgerding, Jr, Esquire
409 Washington Avenue, St 600
Towson, MD, 21204

Re: Nancy Monmonier
Case No.: 05-501-SPH

Dear Mr. Borgerding,

Enclosed is a revised draft with reference to this case. The main changes to the opinion and order are in bold type. Please read the entire draft carefully, however.

There has been too much time elapsed since the hearing. I would like to finalize this case. If you client cannot agree to this reasonable proposal, we will have to present our disagreements to the County Board of Appeals for resolution. As you will be out of town next week, I will mark my calendar to bring this case to closure during the week of June 5.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman". The signature is fluid and cursive, with the last name "Zimmerman" being more prominent.

Peter Max Zimmerman
People's Counsel for Baltimore
County

PMZ/rmw
Enclosures

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
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(1702 Edmondson Avenue)		
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	*	BALTIMORE COUNTY
Nancy G. Monmonier		
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OPINION

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As with any agreement or proposed resolution, however, the County Board of Appeals must be satisfied based on the evidence that it meets the applicable legal requirements. Attmann/Glazer v. Mayor & Aldermen of Annapolis 314 Md. 675 (1989). Therefore, this opinion and order is based on the proposed agreement, the evidence presented at the hearing, and the applicable law.

Petitioner produced testimony through Bruce E. Doak, licensed registered surveyor with Gerhold, Cross & Etzel, Ltd., who was accepted by the Board as an expert in surveying and Baltimore County zoning matters. Mr. Doak testified and produced exhibits indicating that his investigation had found that the structure on the subject property was built in the late 1800's and was used as a non-conforming use for four apartments from the 1950's to the present. Mr. Doak outlined the zoning history of the property and indicated that it was his opinion that the subject property became a non-conforming use for four apartments under the BCZR in 1980 when the property's zoning was changed from D.R. 5.5 to D.R. 3.5. According to Mr. Doak, the property became non-conforming due to a failure at the time to meet requirements that allow conversion of a single family dwelling to multi-family occupancy, pursuant to the chart found at Section 402 of the BCZR. Mr. Doak further testified it was his understanding that the use of four apartments continued on the property uninterrupted from 1980 until the present and further that in 1992 the property known as 1702 Edmondson Avenue was subdivided into the present 1702 Edmondson Avenue and 1708 Edmondson Avenue. Mr. Doak submitted into evidence the sub-division plat approved by Baltimore County allowing such subdivision. Said plat submitted into evidence indicated that

1702 Edmondson Avenue was used as a four apartment dwelling. He also stated that the property was subsequently rezoned legislatively to D.R. 2, and that the use is still non-conforming under BCZR 402.

Petitioner, Nancy G. Monmonier, also testified that she became familiar with the subject property after getting married and moving next door to the subject property in 1946. Mrs. Monmonier testified that she remained familiar with the property from 1946 through her and her husband's purchase of the property in 1969 continuing on until the present. Further, Mrs. Monmonier testified that from the 1950's until the present the subject property at 1702 Edmondson Avenue has been used as a four apartment dwelling continuously without interruption or change of said use.

The Board is satisfied based upon the proposed agreement of the parties and the evidence produced by the Petitioner that the subject property known as 1702 Edmondson Avenue meets the requirements of the BCZR as a legal non-conforming use as an existing four apartment dwelling, pursuant to Section 104 of the BCZR.

People's Counsel explained that the case actually came about because of problems with the use of the rear parcel at 1708 Edmondson Avenue, sometimes known as the Carriage House. Despite the limitation on the use of that property to a single dwelling, it appeared at times that it was converted to two apartments and in such a way as to cause neighborhood concerns. As a result, Petitioner agreed that, as part of the resolution of this case, it should be confirmed in the Order that the use at 1708 Edmondson Avenue for residential purposes is limited to one dwelling unit only under current law and that Petitioner will provide a

contact person to be available to address issues raised by citizens in the community. The Board is satisfied that this is a reasonable resolution. It will be incorporated in the Order.

WHEREFORE, it is hereby this ____ day of _____, 2006, by the County Board of Appeals for Baltimore County,

ORDERED that the Petition for Special Hearing seeking approval of the property known as 1702 Edmondson Avenue as a legal non-conforming use as an existing four-apartment dwelling, pursuant to Section 104.1 of the Baltimore County Zoning Regulation is hereby **APPROVED**, it is

FURTHER ORDERED, consistent with the agreement of the parties that appeared before this Board, the evidence produced at the hearing, and the applicable law that:

1. Petitioner has provided Mr. Corbeitt with the name and number of the local contact person regarding any future issues with regard to the subject property. Petitioner will continue to provide a local contact person to the community for as long as they own the property.
2. Petitioner, Nancy G. Monmonier and her son, Joseph C. Monmonier currently own both 1708 Edmondson Avenue and 1702 Edmondson Avenue. Petitioner agrees to comply with all applicable current and future provisions of the Baltimore County Zoning Regulations with regard to the property known as 1708 Edmondson Avenue. The property known as 1708 Edmondson Avenue and 1702 Edmondson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmondson Avenue and 1708 Edmondson Avenue. Any violations of the provisions of this order relating to 1708 Edmondson Avenue will be the responsibility of the owner of 1708 Edmondson Avenue. Any violations of the provisions of this order relating to 1702 Edmondson Avenue will be the responsibility of the owner of 1702 Edmondson Avenue.
3. Notwithstanding any of the above language, this agreement is subject to the provisions of the Baltimore County Code Section 32-4-114(c) which

states "(c) County prohibited from processing if violations exist. The County may not process plans or permits or a proposed development if an applicant owns or has an interest in property located in the County upon which there exists, at the time of the application or during the processing of the application, a violation of the zoning or development regulations of the County." It is also subject to any other applicable law.

4. It is agreed that the property known as 1702 Edmondson Avenue may continue as a legal non-conforming use for four apartments.
5. **The use at 1708 Edmondson Avenue for residential purposes is limited to one dwelling unit only under current law.** It is further agreed that any future zoning violation relating to 1708 Edmondson Avenue will not negate the legal non-conforming use status of 1702 Edmondson Avenue.
6. **There shall be no amendment of this Order without a further petition and public hearing.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

LAWRENCE S. WESCOTT, Chairman

WENDELL H. GRIER

EDWARD W. CRIZER, JR.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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Towson, MD 21204

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 19, 2006

Lawrence S. Wescott, Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Nancy Monmonier
Case No.: 05-501-SPH

RECEIVED
JUN 19 2006
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Chairman Wescott,

Enclosed for the Board's review and approval is a proposed Opinion, including an Order. As you recall, at the conclusion of the hearing and deliberation on February 14, 2006, the Board requested counsel to prepare and propose an opinion and order consistent with the parties' proposed resolution, the evidence, the law, and the decision of the Board.

After extensive efforts, the parties were able to agree on much of the language of a proposed document. But it was ultimately not possible to arrive at a complete consensus. In order to bring this case to a close, therefore, I am submitting the last draft which I sent to Mr. Borgerding for review on May 25, 2006. I believe it is consistent with the record, the matters agreed upon, the facts, and the law.

I am not certain at this time upon which points the Petitioner has any disagreement. I will leave it to Mr. Borgerding to express any reservations or objections within such reasonable time as the Board may determine.

I regret that we were unable to reach a consensus on the wording. I attempted in good faith to work reasonably toward that end, and trust that the Board will find the enclosed proposal is an appropriate submission.

Sincerely,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw
cc: Francis X. Borgerding, Jr., Esquire

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N/S Edmondson Avenue, 150' W of the c/1	*	COUNTY BOARD
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Nancy G. Monmonier	*	Case No.: 05-501-SPH
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OPINION

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1702 Edmondson Avenue was used as a four apartment dwelling. He also stated that the property was subsequently rezoned legislatively to D.R. 2, and that the use is still non-conforming under BCZR 402.

Petitioner, Nancy G. Monmonier, also testified that she became familiar with the subject property after getting married and moving next door to the subject property in 1946. Mrs. Monmonier testified that she remained familiar with the property from 1946 through her and her husband's purchase of the property in 1969 continuing on until the present. Further, Mrs. Monmonier testified that from the 1950's until the present the subject property at 1702 Edmondson Avenue has been used as a four apartment dwelling continuously without interruption or change of said use.

The Board is satisfied based upon the proposed agreement of the parties and the evidence produced by the Petitioner that the subject property known as 1702 Edmondson Avenue meets the requirements of the BCZR as a legal non-conforming use as an existing four apartment dwelling, pursuant to Section 104 of the BCZR.

People's Counsel explained that the case actually came about because of problems with the use of the rear parcel at 1708 Edmondson Avenue, sometimes known as the Carriage House. Despite the limitation on the use of that property to a single dwelling, it appeared at times that it was converted to two apartments and in such a way as to cause neighborhood concerns. As a result, Petitioner agreed that, as part of the resolution of this case, it should be confirmed in the Order that the use at 1708 Edmondson Avenue for residential purposes is limited to one dwelling unit only under current law and that Petitioner will provide a contact person to be available to

address issues raised by citizens in the community. The Board is satisfied that this is a reasonable resolution. It will be incorporated in the Order.

WHEREFORE, it is hereby this ____ day of _____, 2006, by the County Board of Appeals for Baltimore County,

ORDERED that the Petition for Special Hearing seeking approval of the property known as 1702 Edmondson Avenue as a legal non-conforming use as an existing four-apartment dwelling, pursuant to Section 104.1 of the Baltimore County Zoning Regulation is hereby APPROVED, it is

FURTHER ORDERED, consistent with the agreement of the parties that appeared before this Board, the evidence produced at the hearing, and the applicable law that:

1. Petitioner has provided Mr. Corbitt with the name and number of the local contact person regarding any future issues with regard to the subject property. Petitioner will continue to provide a local contact person to the community for as long as they own the property.
2. Petitioner, Nancy G. Monmonier and her son, Joseph C. Monmonier currently own both 1708 Edmondson Avenue and 1702 Edmondson Avenue. Petitioner agrees to comply with all applicable current and future provisions of the Baltimore County Zoning Regulations with regard to the property known as 1708 Edmondson Avenue. The property known as 1708 Edmondson Avenue and 1702 Edmondson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmondson Avenue and 1708 Edmondson Avenue. Any violations of the provisions of this order relating to 1708 Edmondson Avenue will be the responsibility of the owner of 1708 Edmondson Avenue. Any violations of the provisions of this order relating to 1702 Edmondson Avenue will be the responsibility of the owner of 1702 Edmondson Avenue.
3. Notwithstanding any of the above language, this agreement is subject to the provisions of the Baltimore County Code Section 32-4-114(c) which states "(c) County prohibited from processing if violations exist. The County may not process plans or permits or a proposed development if an

applicant owns or has an interest in property located in the County upon which there exists, at the time of the application or during the processing of the application, a violation of the zoning or development regulations of the County." It is also subject to any other applicable law.

4. It is agreed that the property known as 1702 Edmondson Avenue may continue as a legal non-conforming use for four apartments.
5. The use at 1708 Edmondson Avenue for residential purposes is limited to one dwelling unit only under current law. It is further agreed that any future zoning violation relating to 1708 Edmondson Avenue will not negate the legal non-conforming use status of 1702 Edmondson Avenue.
6. ~~There shall be no amendment of this Order without a further petition and public hearing.~~

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the Maryland Rules.

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

LAWRENCE S. WESCOTT, Chairman

WENDELL H. GRIER

EDWARD W. CRIZER, JR.

* If used for residential purposes, 1708 Edmondson Avenue will be used for no more than one dwelling unless future law allows more than one dwelling unit.

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1 st Council District	
	* Case No. 05-501-SPH
Nancy G. Monmonier	
Petitioner	*

* * * * *

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, Nancy G. Monmonier, through her attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner requests a special hearing to approve an existing four-apartment dwelling 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 Nancy Monmonier, property owner, Bruce E. Doak, with Gerhold Cross & Etzel, Ltd., the consultants who prepared the site plan for this property, Martha Brassard, a family friend, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. Mr. & Mrs. John Corbitt, who reside to the rear of the subject property, appeared as interested citizens/Protestants. In addition, two letters expressing opposition to the request were received from residents of the Oak Crest community and were marked into evidence as Protestants Exhibits 1 and 2.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side Edmondson Avenue, between Rolling Road and Oakdale Avenue in the historic area of Catonsville. The property is approximately 120 feet wide by 203 feet deep, and contains a gross area of 24,399 sq.ft. (0.560 acres) more or less, split zoned D.R.3.5 and D.R.2. As shown on the site plan, the property is improved with a large, three-story building,

which contains four apartments. Other improvements on the property include a detached pavilion and a storage shed to the rear, and a macadam driveway on the west side of the property that provides parking for up to eight vehicles. The instant Petition was filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the multi-family use of the subject property and the adjacent lot to the rear.

In this regard, Mr. Doak appeared and proffered testimony on behalf of the Petitioner. He testified that the Petitioner retained him in January 2005 and that it was during the course of researching the deeds for this property that he discovered it had undergone a minor subdivision in 1991 under Case No. 92060MP. He submitted as Petitioner's Exhibit 4, a copy of the minor subdivision plan, which was reviewed and approved by the County Review Group (CRG) on or about September 1992. This plan shows that the property originally contained 0.900 acres, was entirely zoned D.R.3.5 and was improved with two dwellings, identified as 1702 and 1708 Edmondson Avenue. Apparently, the second dwelling previously had been used as a garage to support the dwelling known as 1702 Edmondson Avenue. Pursuant to the minor subdivision approval, the subject property (shown as Lot 1 on the plan) contained sufficient area for the four-unit dwelling use listed under the plan's heading "Density Notes" when it was submitted to the CRG for approval in November 1991. Under today's standards, the area of the property would be somewhat short of that required, due to subsequent road improvements to Edmondson Avenue and the expanded right-of-way which removed 1,889 sq.ft., or 0.043 acres from the subject parcel. In any event, the Petitioner submits that the CRG development process and approval of the minor subdivision plan legitimized the use of the property and that the hearing on the instant Petition is unnecessary. However, they were advised to proceed at the advice of John Lewis of the Zoning Review Division in the Department of Permits and Development Management.

At the hearing, Ms. Monmonier testified that she first became familiar with the subject property in the 1950s when the previous owner, William Sommerville, hired her husband, Carroll Monmonier, to act as property manager to collect the rents and maintain the property in good

order. She testified that Mr. Sommerville had owned the property since the 1940s and that when he was placed in a nursing home in 1955, the building contained four apartments. Testimony indicated that after Mr. Sommerville's death, the Monmoniers purchased the property in 1961 from the Estate and continued the four-apartment use. (See Petitioner's Exhibit 2, describing the deed history) Further testimony indicated that the home was built in 1889 and has remained in its present condition throughout the years.

Mr. Corbitt, who has resided to the rear of the subject property for 12 years, appeared in opposition to the request. Mr. Corbitt questioned the Petitioner as to why there were six mailboxes on the porch if there were only four apartments. Ms. Monmonier's explanation was that two of the mailboxes are in actuality for the rear building, which she referred to as a "carriage house" and which bears the address 1708 Edmondson Avenue. Ms. Monmonier testified that she uses that property as a rental and that her son Joseph, who now lives in Florida, used to reside there and uses one of the mailboxes for his local mail.

Mr. Corbitt was not opposed to the continued use of the subject building as four apartments, but feared that use was being expanded to include the building to the rear of the property. He testified that perhaps Ms. Monmonier and her son, who reside in different locations far from the property, are not aware of the actual number of individuals residing on the property. He submitted into evidence as Protestant's Exhibit 2 a letter from Jennifer Noppenberger, which described her belief that the building located at 1708 Edmondson Avenue has been divided into three apartments. Mr. Corbitt also expressed concern as to the condition of the existing driveway.

It is to be noted that the issue before me relates to the building known as 1702 Edmondson Avenue and any relief granted herein would be limited to that building alone. It is suggested that the Protestants contact the Code Enforcement Division of the Department of Permits and Development Management if they believe that the building known as 1708 Edmondson Avenue has been illegally converted to a multi-family dwelling.

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 proffered testimony and evidence presented, including copies of the deeds, it is clear that there has been a consistent use of the building known as 1702 Edmondson Avenue as four apartments and that this use dates back to the early 1950s, possibly earlier. Both the prior owners and the current Petitioner have used the house as rental income throughout this period. Thus, I shall approve the existing four-apartment building as a legal, nonconforming use. However, as noted above, there was testimony that the use of the building may have expanded to include the use of the building known as 1708 Edmondson Avenue. Thus, I shall impose certain conditions to limit the relief granted herein.

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 14th day of June 2005 that the Petition for Special Hearing to approve the existing four-apartment dwelling, known as 1702 Edmondson Avenue, as a legal, nonconforming use, pursuant to Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby reminded of the 30-day appeal period that runs from the date of this Order. If an appeal is filed and the Board of Appeals reverses this Order, the relief granted herein shall be rescinded.
- 2) The nonconforming relief granted herein for a four-apartment dwelling is limited to the building known as 1702 Edmondson Avenue. The grant of this relief does not extend to the use of the building known as 1708 Edmondson Avenue. Moreover, there shall be no expansion of the use

on the subject property so as to provide more than four dwelling units within the building.

- 3) The Petitioners shall make available, upon reasonable notice, the interior of the subject building for inspection by a representative of the Code Enforcement Division of DPDM to insure compliance with this restriction.
- 4) The Petitioner shall repair the existing driveway and parking area as needed within ninety (90) days of the date hereof.

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

Zoning Commissioner

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



6/14
Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

June 14, 2005

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Edmondson Avenue, 150' W of the c/l Oakdale Avenue
(1702 Edmondson Avenue)
1st Election District – 1st Council District
Nancy G. Monmonier - Petitioners
Case No. 05-501-SPH

Dear Mr. Borgerding:

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 "W. J. Wiseman III", is written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Nancy G. Monmonier
10000 Coastal Highway, #806, Ocean City, Md. 21842
Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286
Mr. & Mrs. John Corbitt, 105 N. Rolling Road, Catonsville, Md. 21228
Code Enforcement Division, DPDM; People's Counsel; Case File

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1702 EDMONDSON AVE J2
which is presently zoned RS-1 & DR-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an existing 4 apartment dwelling having 4 dwelling units on the subject property as a legal nonconforming use.

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:

FRANK BORGERDING

Name - Type or Print

Signature

Company

409 WASHINGTON AVE 410-296-6820

Address

Telephone No.

TOWSON

MD

21204

City

State

Zip Code

Legal Owner(s):

NANCY G. MARMONIER

Name - Type or Print

Signature

Name - Type or Print

Signature

615 S. SURF RD. 410-250-0580

Address

Telephone No.

OCEAN CITY

MD

21842

City

State

Zip Code

Representative to be Contacted:

~~NAME~~

~~ADDRESS~~

~~CITY~~

~~STATE~~

~~ZIP CODE~~

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hour

UNAVAILABLE FOR HEARING

Reviewed By JL Date 3/4/01/05

**Department of Permits and
Development Management**

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



CD
Baltimore County

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

May 9, 2005

Frank Borgerding
409 Washington Avenue
Towson, Maryland 21204

Dear Mr. Borgerding:

RE: Case Number: 05-501-SPH, 1702 Edmondson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Nancy G. Monmonier 615 S. Surf Road Ocean City 21842

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



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



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

Maryland Department of Transportation

Date: 4-8-05

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

RE: Baltimore County
Item No. 501 JLL

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

My telephone number/toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 18, 2005
Department of Permits & Development
Management

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

SUBJECT: Zoning Advisory Committee Meeting
For April 18, 2005
Item No. 485, 486, 487, 488, 490, 491,
492, 494, 495, 497, 498, 499, 501, 503,
and 504

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

DAK:CEN:clw
cc: file
ZAC-NO COMMENTS-04182005.doc

April 14, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 11, 2005

Item No.: 485, 486, 492, 498, 499, 500, 501, 504, 505

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2005

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

SUBJECT: 1702 Edmondson Avenue

INFORMATION:

Item Number: 5-501

Petitioner: Nancy G. Monmonier

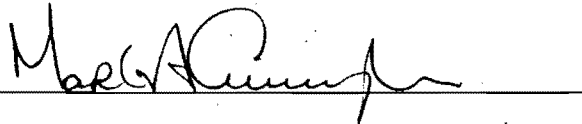
Zoning: DR 3.5/DR 2

Requested Action: Special Hearing

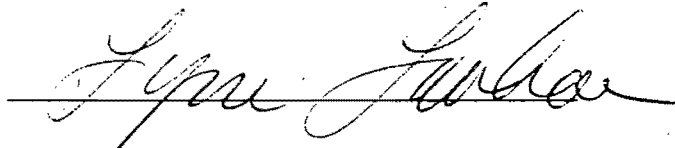
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, should the request be granted, it should be contingent upon the resurfacing/repair of the existing driveway and parking area.

Prepared by:



Division Chief:



AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2005

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

SUBJECT: 1702 Edmondson Avenue

INFORMATION:

Item Number: 5-501

Petitioner: Nancy G. Monmonier

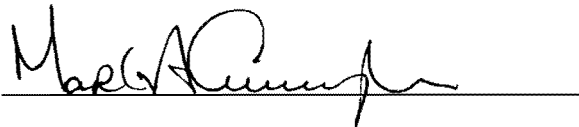
Zoning: DR 3.5/DR 2

Requested Action: Special Hearing

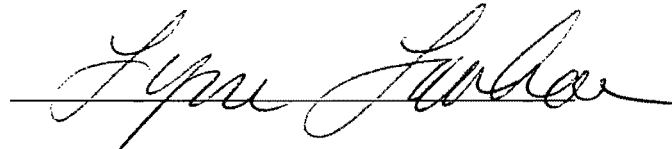
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, should the request be granted, it should be contingent upon the resurfacing/repair of the existing driveway and parking area.

Prepared by:



Division Chief:



AFK/LL:MAC:

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1702 Edmondson Avenue; N/side Edmondson *
Avenue, 150' W Oakdale Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Nancy Monmonier * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-501-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 11th day of April, 2005, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

APR 11 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN THE MATTER OF
Nancy G. Monmonier
Legal Owner/Petitioner
1702 Edmondson Avenue
1st Election District
1st Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 05-501-SPH

* * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on 2-9-06, I effected service of process
by personally serving a Subpoena upon John Lewis at
111 W. Chesapeake Ave, Towson, MD 21204
_____, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and
correct to my knowledge.

Brenda J. Kanyan
(signature)

Name: _____

Firm: _____

Address: 409 Washington Avenue, Suite 600
Towson, MD 21204
410-296-6820

RECEIVED

FEB 09 2006

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

Nancy G. Monmonier
Legal Owner/Petitioner
1702 Edmondson Avenue
1st Election District; 1st Councilmanic
District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 05-501-SPH

*

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on 2/14/2006 (DATE), at 10:00 a.m. in Room 48, Basement, Old Courthouse, located at 400 Washington Avenue, Towson, MD 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: John Lewis

Address: Baltimore County Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Requested by:

NAME: Francis X. Borgerding, Jr.

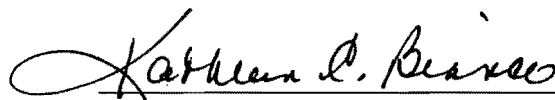
FIRM: _____

RECEIVED
FEB 09 2006

**BALTIMORE COUNTY
BOARD OF APPEALS**

ADDRESS: 409 Washington Avenue, Suite 600
Towson, MD 21204
410-296-6820

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, () Private Process Server, to issue the summons set forth herein.


County Board of Appeals of
Baltimore County

**Department of Permits and
Development Management**

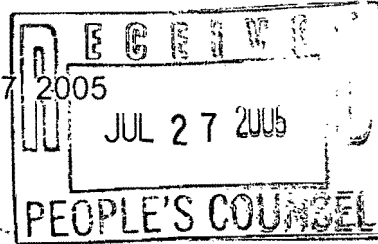
Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



50
142
Baltimore County

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

July 27, 2005



Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
Towson, MD 21204

Dear Mr. Borgerding:

RE: Case: 05-501-SPH, 1702 Edmondson Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on June 28, 2005 on by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

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

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Nancy Monmonier, 10000 Coastal Highway, # 806, Ocean City 21842
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286
Mr. & Mrs. John Corbitt, 105 N. Rolling Road, Catonsville 21228
Jennifer Noppenberger, 112 Smithwod Avenue, Catonsville 21228
Code Enforcement

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



APPEAL

Petition for Special Hearing
1702 Edmondson Avenue
N/S Edmondson Ave., 150' W c/l Oakdale Ave.
1st Election District – 1st Councilmanic District
Legal Owners: Nancy G. Monmonier

Case No.: 05-501-SPH

Petition for Special Hearing (April 1, 2005)

Zoning Description of Property

Notice of Zoning Hearing (April 11, 2005)

Certification of Publication (May 3, 2005 – The Jeffersonian)

Certificate of Posting (April 22, 2005) by Bruce Doak

Entry of Appearance by People's Counsel (April 11, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Chain of Title & Deeds
3. Plat to accompany photographs
4. Minor Subdivision CRG Plan

Protestants' Exhibits:

1. Letter from Community Association (Undated)
2. Letter dated May 13, 2005 from Jennifer Noppenberger

Miscellaneous (Not Marked as Exhibit)

1. Code Enforcement Information
2. Aerial Photograph

Zoning Commissioner's Order (GRANTED – June 14, 2005)

Notice of Appeal received on June 28, 2005 by People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Francis Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21204
Nancy Monmonier, 10000 Coastal Highway, Ste. 806, Ocean City 21842
Bruce Doak, 320 E. Towsontown Blvd., Towson 21286
Mr. & Mrs. John Corbitt, 105 N. Rolling Road, Catonsville 21228
Jennifer Noppenberger, 112 Smithwood Avenue, Catonsville 21228

date sent July 27, 2005, klm



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 28, 2005

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
N/S Edmondson Avenue, 150' W of the c/l Oakdale Avenue
(1702 Edmondson Avenue)
1st Election District; 1st Council District
Nancy G. Monmonier - Petitioners
Case No.: 05-501-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 14, 2005 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED

JUN 28 2005

Per.

PMZ/CSD/rmw

cc: Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204,
Mr. & Mrs. John Corbitt, 105 N. Rolling Road, Catonsville, MD 21228
Jamie Lynch, 101 Oakdale Avenue, Catonsville, MD 21228
Jennifer Noppenberger, 112 Smithwood Avenue, Catonsville, MD 21228



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 14, 2006

Lawrence S. Wescott, Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

FILE COPY

Re: Nancy Monmonier
Case No.: 05-501-SPH

Dear Chairman Wescott,

I reviewed this file on July 14, 2006 to see if there were any follow-up to my letter dated June 19, 2006. I found that Mr. Borgerding, counsel for Petitioner, had replied by letter dated June 26, 2006 but had not sent me a copy. His letter does not show a copy being sent. I assume and trust this was an inadvertent omission. Nevertheless, a brief response is necessary and appropriate with respect to the parties' disagreements.

One of the main reasons for our appeal was the status of the rear property at 1708 Edmondson Avenue, where there had been problematic use for apartments instead of the one permitted dwelling. I explained this at the hearing, and the Chairman observed this actually seemed to be the major problem. I emphasized at the hearing, and there was an acknowledgement from Petitioner's witness, Bruce Doak, that only one dwelling is permitted there. Indeed, the understanding and proof with respect to 1708 Edmondson Avenue went hand in hand with the understanding and proof that there remained a legitimate nonconforming use for four apartments at 1702 Edmondson Avenue.

The evidentiary hearing proceeded not only on the February 14, 2006 letter outlining areas of agreement between the parties, but also on the presentations and testimony during the case. A main difference between this office's proposed opinion and order and Mr. Borgerding's on behalf of Petitioner is with respect to 1708 Edmondson Avenue, the rear parcel. Our office's proposal (opinion, page 3, order paragraph 5) addresses the legal status and zoning density limit there, as well as the nonconforming use at 1702 Edmondson Avenue. Our order also clarifies (paragraph 6) that any amendment should be made only after a public hearing. This helps to prevent the Department of Permits and Development Management from altering the order without hearing and thus avoids further controversy.

Lawrence S. Wescott, Chairman

July 14, 2006

Page 2

Our proposed opinion also observes (Page 2) that any proposed agreement is subject to review in conjunction with evidence presented and the relevant law. Attmann/Glazer v. Annapolis 314 Md. 675 (1989). We think this is important. It is omitted in Petitioner's proposed opinion.

I have addressed 1708 Edmondson Avenue fairly and accurately, and in accordance with the facts and law presented. Mr. Borgerding's letter does not dispute the accuracy of the substance of my proposal. His thrust is that the order should be limited to what is contained in his letter. I believe the scope of the appeal and the CBA proceedings were broader and must be broader than just the letter.

Unless the County Board of Appeals opinion addresses the legal status of 1708 Edmondson Avenue, a main purpose of our appeal will have been defeated or eviscerated. We may then have no alternative but to petition for judicial review to the Circuit Court and, if necessary, to Annapolis.

Accordingly, we ask the Board please to address the status and density limits of 1708 Edmondson Avenue and the criterion that any amendment must require a further hearing. If the Board finds any of the language in this office's proposal inaccurate or inappropriate, the Board should address the matter with its own language that it finds appropriate. That would provide the best opportunity to put an end to this unfortunate litigation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Max Zimmerman". The signature is fluid and cursive, with the first name "Peter" and last name "Zimmerman" clearly distinguishable.

Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Francis X. Borgerding, Jr., Esquire



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 26, 2006



Francis X. Borgerding, Jr., Esquire
Mercantile Building – Suite 600
409 Washington Avenue
Towson, MD 21204

Peter M. Zimmerman,
People's Counsel for Baltimore County
Old Courthouse – Room 47
400 Washington Avenue
Towson, MD 21204

Re: *In the Matter of: Nancy Monmonier*
Case No.: 05-501-SPH

Gentlemen:

This letter is to confirm our telephone conversation of July 24, 2006, whereby counsels have mutually agreed to appear before the Board on August 16, 2006 at 9:00 a.m., in an attempt to reach a consensus of the above subject case.

If you should have any questions concerning this matter, please do not hesitate to contact this office.

Sincerely,

Linda B. Fliegel
Legal Secretary

c: Lawrence S. Wescott, Chairman
Wendell Grier
Edward W. Crizer, Jr.



FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 296-6820

FAX (410) 296-6884

February 10, 2006

Peter Max Zimmerman, Esquire
Office of People's Counsel for
Baltimore County, Maryland
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

RE: Petitioner: Nancy G. Monmonier
 Property: 1702 Edmondson Avenue
 Case No.: 05-501-SPH
 Before the Baltimore County Board of Appeals for
 Baltimore County

Dear Mr. Zimmerman:

I am writing in follow-up to my phone conversations of yesterday with Mr. John Corbitt and yourself regarding potential resolution of the above-referenced matter. I have also talked with Val Schwab of the Oakdale Association and I believe everyone's concerns have been addressed.

My clients have provided Mr. Corbitt with the names and numbers of the local contact persons regarding any future issues with regard to the subject property. Enclosed please find a copy of an email providing the same to Mr. Corbitt. Those names will be passed onto the Oakdale Association as well.

I have confirmed that the 1708 Edmondson Avenue property contains square footage of approximately 12,926 feet or .0297 acres and under the Baltimore County Zoning Regulations, specifically the conversion chart section 402, a minimum of 25,000 square feet is required in a D.R. 2 zone for a two-family dwelling. Accordingly, the property at 1708 Edmondson Avenue lacks sufficient area to qualify under the Baltimore County Zoning Regulations as more than a one-family dwelling. My client can attest to the fact that there is currently only one dwelling unit at 1708 Edmondson Avenue as Mr. Corbitt has acknowledged after his walk-through this past weekend and in his email to you. My client is agreeable to making the following agreements on the record:

Peter Max Zimmerman, Esquire
Page 2
February 10, 2006

1. My clients have provided Mr. Corbitt with the name and number of the local contact person regarding any future issues with regard to the subject property. My clients will continue to provide a local contact person for as long as they own the property.

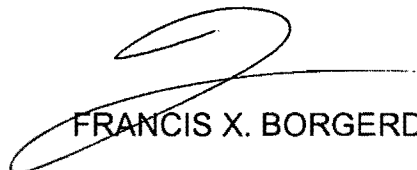
2. My clients will agree to comply with all applicable current and future provisions of the Baltimore County Zoning Regulations with regard to the property known as 1708 Edmondson Avenue. The property known as 1708 Edmondson Avenue and 1702 Edmondson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmondson Avenue and 1708 Edmondson Avenue and any violation of the provisions of this order will be the responsibility of the owner of each respective parcel at the time of any such violation.

3. It is agreed that the property known as 1702 Edmondson Avenue may continue as a legal non-conforming use for four apartments. It is further acknowledged that any violation relating to 1708 Edmondson Avenue does not negate the legal non-conforming use status of 1702 Edmondson Avenue.

I believe that the above outlines our discussions to resolve the above matter. It is my understanding that the parties' intention would be to acknowledge our agreement to (1), (2) and (3) above on the record before the Board of Appeals at the time of the scheduled hearing in regard to this matter on Tuesday, February 14, 2006, at 10:00 a.m.

Given the time constraints at issue, would you please advise as to whether the above is acceptable at your earliest possible convenience.

Very truly yours,



FRANCIS X. BORGERDING, JR.

FXBJr:bjk

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
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February 10, 2006

Peter Max Zimmerman, Esquire
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Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

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Baltimore County, Maryland
Room 47, Old Court House
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Peter Max Zimmerman, Esquire
Page 2
February 10, 2006

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2. My clients currently own both 1708 Edmondson Avenue and 1702 Edmondson Avenue. My clients will agree to comply with all applicable current and future provisions of the Baltimore County Zoning Regulations with regard to the property known as 1708 Edmondson Avenue ~~so long as they own the property~~. The property known as 1708 Edmondson Avenue and 1702 Edmondson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmondson Avenue and 1708 Edmondson Avenue. Any violation of the provisions of this order relating to 1708 Edmondson Avenue will be the responsibility of the owner of 1708 Edmondson Avenue, ~~at the time of any such violation and shall have no effect on 1702 Edmondson Avenue~~. Any violation of the provisions of this order relating to 1702 Edmondson Avenue will be the responsibility of the owner of 1702 Edmondson Avenue, ~~at the time of any such violation, and shall have no effect on 1708 Edmondson Avenue~~.

3. It is agreed that the property known as 1702 Edmondson Avenue may continue as a legal non-conforming use for four apartments. It is further agreed that any future zoning violation relating to 1708 Edmondson Avenue will not negate or affect the legal non-conforming use status of 1702 Edmondson Avenue ~~also~~.

I believe that the above outlines our discussions to resolve the above matter. It is my understanding that the parties' intention would be to acknowledge our agreement to (1), (2) and (3) above on the record before the Board of Appeals at the time of the scheduled hearing in regard to this matter on Tuesday, February 14, 2006, at 10:00 a.m.

Given the time constraints at issue, would you please advise as to whether the above is acceptable at your earliest possible convenience.

Very truly yours,

~~So long as the property owner's own~~ Notwithstanding any of the above
large, ~~this agreement~~ ~~with~~ this agreement

FRANCIS X. BORGERDING, JR.

is subject to ~~and~~ the provisions of Baltimore
County Code Sec. 32-4-114(c), which states:
[TEXT]
and any other applicable law.

February 10, 2006

Peter Max Zimmerman, Esquire
Office of People's Counsel for
Baltimore County, Maryland
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

RE: Petitioner: Nancy G. Monmonier
Property: 1702 Edmondson Avenue
Case No.: 05-501-SPH
Before the Baltimore County Board of Appeals for
Baltimore County

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Office of People's Counsel for
Baltimore County, Maryland
Room 47, Old Court House
400 Washington Avenue
Towson, Maryland 21204

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Property: 1702 Edmondson Avenue
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Before the Baltimore County Board of Appeals for
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Attorney at Law

MERCANTILE BUILDING - SUITE 600

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 296-6820

FAX (410) 296-6884

February 14, 2006

Peter Max Zimmerman, Esquire
Office of the People's Counsel
for Baltimore County, Maryland
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Petitioners Nancy G. Monmanier and Joe C. Monmanier
Property at 1702 Edmonson Avenue
Case No. 05-501-SPH before the Board of Appeals
for Baltimore County

Dear Mr. Zimmerman:

I am writing in follow-up to our meeting of yesterday, wherein an agreement was reached to resolve the outstanding issues with regard to the above-referenced matter. Per our discussion, the following terms were agreed to between your office and the Petitioners and will be put on the record before the County Board of Appeals for Baltimore County and subsequently reduced to a consent order jointly prepared by myself and your office.

- 1) My clients have provided Mr. Corbett with the name and number of the local contact person regarding any future issues with regard to the subject property. My clients will continue to provide a local contact person for as long as they own the property.
- 2) My clients currently own both 1708 Edmonson Avenue and 1702 Edmonson Avenue. My clients agree to comply with all applicable current and future provisions of the Baltimore County Zoning Regulations with regard to the property known as 1708 Edmonson Avenue. The property known as 1708 Edmonson Avenue and 1702 Edmonson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmonson Avenue and 1708 Edmonson Avenue. Any violations of the provisions of this order

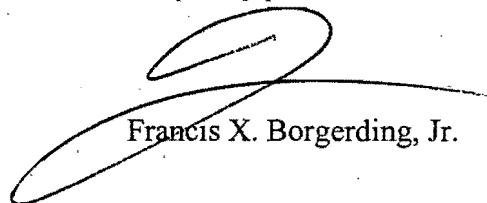
relating to 1708 Edmonson Avenue will be the responsibility of the owner of 1708 Edmonson Avenue. Any violations of the provisions of this order relating to 1702 Edmonson Avenue will be the responsibility of the owner of 1702 Edmonson Avenue.

- 3) Notwithstanding any of the above language, this agreement is subject to the provisions of the Baltimore County Code Section 32-4-114(c) which states **"(c) County prohibited from processing if violations exist.** The County may not process plans or permits or a proposed development if an applicant owns or has an interest in property located in the County upon which there exists, at the time of the application or during the processing of the application, a violation of the zoning or development regulations of the County." And any other applicable law.
- 4) It is agreed that the property known as 1702 Edmonson Avenue may continue as a legal non-conforming use for four apartments. It is further agreed that any future zoning violation relating to 1708 Edmonson Avenue will not negate the legal non-conforming use status of 1702 Edmonson Avenue.

As stated above, the parties have agreed to put the above terms on the record with the County Board of Appeals for Baltimore County at the time of the scheduled hearing in regard to this matter on Tuesday, February 14, 2006 at 10:00 a.m. and, additionally, to prepare a joint consent order for submission to the Board. Further, at the Board's scheduled hearing, the petitioner will proffer testimony regarding the history of the non-conforming use on 1702 Edmonson Avenue.

Thank you for your cooperation in reaching an amicable resolution to this matter.

Very truly yours,

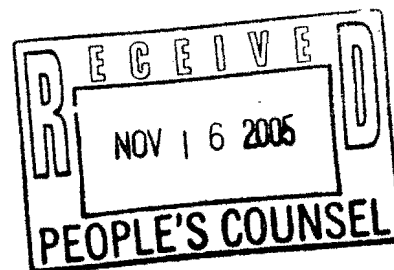


Francis X. Borgerding, Jr.

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884



November 14, 2005

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of: Nancy G. Monmonier -
Legal owner/Petitioner 1702 Edmondson Avenue
1st Election District; 1st Councilmanic District

Dear Sir/Madam:

I am herein writing to respectfully request a postponement of the hearing in the above-captioned matter scheduled for Wednesday, January 4, 2006, at 10:00 a.m., as I am scheduled to be out of town on a previously scheduled vacation and would, therefore, according request that this matter be postponed.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

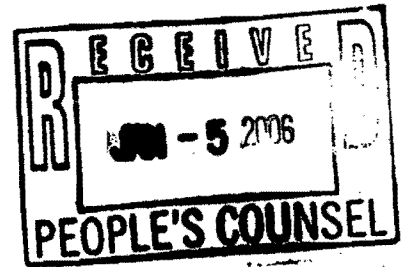
cc: Peter Max Zimmerman, Esquire

05501
WD
PMZ

John L. Schneider, P.E.
ENGINEERING & CONSTRUCTION CONSULTANT

100 North Rolling Road
Catonsville, Maryland 21228
(410) 744-1945

January 3, 2006



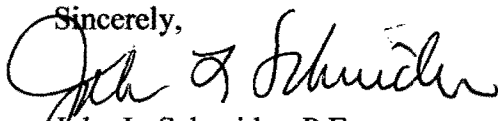
Mr. Peter M. Zimmerman
Office of Peoples Council
Rm 47 Old Court House
400 Washington Ave.
Towson, Md. 21204

Re: Apartments along Edmondson Ave., Catonsville, Md.

Mr. Zimmerman,

I am writing at the request of Ms. Monmonier who owns several apartment buildings along Edmondson Ave. and just down the street from where I live, at the corner of Edmondson and Rolling Road. I pass by the homes several times a day and have never seen nor heard any thing that was not in keeping with the good neighborhood in which we live. These are older larger homes and they would never even be imagined as being apartments if we did not know. There is never trash or junk cars nor loud noise or music from these houses. I am pleased to have these people and apartments as neighbors. I hope this letter helps in the understanding of the apartments in my neighborhood.

Sincerely,


John L. Schneider, P.E.
Let23

People's Counsel - Case #05-501-sph

From: "John Corbitt" <John@shipndx.com>
To: <kehoe.law@verizon.net>, <peoplescounsel@co.ba.md.us>, <vschwaab@comcast.net>, <jml62@verizon.net>, <lynchj@mac.com>, "John Corbitt" <John@shipndx.com>, "Jodi Corbitt" <jodicorbitt@comcast.net>, "Jodi Corbitt" <jcorbitt@fountainheadtitle.com>, <borgerdinglaw@aol.com>
Date: 02/09/2006 12:12 PM
Subject: Case #05-501-sph

Dear Mr. Zimmerman,
Jodi and I have walked through the two properties of 1702 (front house) and 1708 (rear "Carriage" house) Edmondson Ave. The carriage house has been returned to a single unit and the front house has 4 apartments and we are satisfied with the current status of both properties. At this time we have no reason or desire to follow through with the appeal process.

We request that they stay in this manner and be maintained properly. Above all, we would like to have a contact person residing in the Catonsville area that could be reached at all times in case there is an issue with these two, as well as the two other properties of 1700 and 1800 EdmondsonAve.

I think the community deserves to know who is locally responsible for the condition and leasing of the units so that we do not have to call the county each time there is a problem.

Sincerely,
John & Jodi Corbitt
105 N. Rolling Rd.

January 11, 2006

Peter M. Zimmerman, Esq.
Office of People's Counsel
Room 47
Old Court House
400 Washington Avenue
Towson, MD 21204

Dear Mr. Zimmerman,

This is to inform you that I am satisfied with the current status of the properties at 1702 and 1708 Edmonson Avenue, Catonsville, MD, owned by Nancy Monmonier.

I do not wish to be a protestant or to be any part of an appeal with regard to the properties referenced above.

Thank you very much.

Sincerely,


Martha Brassard



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 01 Account Number - 2200014031

Owner Information

Owner Name: MONMONIER NANCY G
 MONMONIER JOE C
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1702 EDMONDSON AVE
 BALTIMORE MD 21228-4347
Deed Reference: 1) /21377/ 563
 2)

Location & Structure Information

Premises Address
 1702 EDMONDSON AVE

Legal Description
 .560 AC
 1702 EDMONDSON AVE NS
 488 FT E ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	MS
100	12	1288					1	1	Plat Ref:	

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1889	3,306 SF	24,399.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	53,590	68,840		
Improvements:	140,850	217,070		
Total:	194,440	285,910	224,930	255,420
Preferential Land:	0	0	0	0

Transfer Information

Seller: MONMONIER J CARROLL,3RD	Date: 02/03/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /21377/ 563	Deed2:
Seller: MONMONIER JOSEPH C,4TH	Date: 08/02/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10679/ 685	Deed2:
Seller: MONMONIER JOSEPH C,4TH	Date: 10/19/1992	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 9415/ 581	Deed2:

Exemption Information

BALTIMORE COUNTY ZONING REGULATIONS

AS AMENDED THROUGH SEPTEMBER 21, 1987

1987 EDITION

**BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND**

Baltimore County Zoning Regulations

1998 Edition

Originally printed as amended through July 6, 1998

SERIAL NO.93

GENERAL CODE PUBLISHERS CORP.

72 Hinchey Road
Rochester, NY 14624

1998

BALTIMORE COUNTY CODE

VOLUME II

2005 S-5 Supplement contains
Local legislation current through Bill No. 108-05

AMERICAN LEGAL PUBLISHING CORPORATION

432 Walnut Street Cincinnati, Ohio 45202-3909 (800) 445-5588

PDEV0103F

Permits & Development - Livability System
View Cases

Case No: 04-9051

Notes: 10/25/04 FOUND 6 MAILBOXES OUT FRONT. I NEED TO CHECK IF THEY'VE HAD A HEARING OR HOW LONG THIS HAS OPERATED LIKE THIS. ISSUED A NOTICE FOR ILLEGAL NON-CONFORMING USE. CONVERT SFD INTO MULTI UNIT APTS. UPDATED COMPL. BY V-MAIL. P/U ON 11/25/04. JRA/SS

*** 202 11/25/04 ***

1/25/05 REC'D. FAX FROM ATTY. FRANK BORGERDING 410-296-6820, STATING THEY HAVE A JOINING MEETING TO ALLOW NON-CONFORMING USE ON 2/15/05 AT 2:00 PM CHECK FOR RESULTS. P/U 2/15/05 JRA.

2/15/05 MEETING BETWEEN ATTY AND TIM KOTROCO SET FOR 2/23/05 CHECK WITH JT ON OUTCOME OF MEETING JRA.

2/25/05 GOING TO NON CONFORING HEARING P/U 3/18/05 TO SEE IF HEARING SET JRA.

4/5/05 THEY HAVE FILED FOR HEARING P/U 4/13/05 FOR DATE JRA.

4/13/05 HEARING SET FOR 5/18/05 05-501SPH

Enter=Continue F12=Cancel

PDM Enforce - update

From: PDM Enforce
To: marti9n@hotmail.com
Date: 4/5/2005 9:00:02 AM
Subject: update

Property owner has filed the paperwork for a Special Hearing. We should have a hearing date by the end of next week..

J. Radcliffe
Code Enforcement

CS# 04-9051

From: "marti brassard" <marti9n@hotmail.com>
To: <pdmenforce@co.ba.md.us>
Date: Mon, Apr 4, 2005 6:54 AM
Subject: RE: 1702 Edmondson Ave

Please update me.Thank You

>From: "PDM Enforce" <pdmenforce@co.ba.md.us>
>To: <marti9n@hotmail.com>
>Subject: 1702 Edmondson Ave
>Date: Mon, 28 Feb 2005 09:17:12 -0500
>
>Update:
>
>02/28/05
>
>The attorney representing the property owner had a meeting on 02/24/05
>with our Director, Timothy Kotroco. Mr. Kotroco explained that it will
>be necessary to have a hearing to allow a non-conforming use. He was
>given 3 weeks to file all the paperwork with the Zoning Office.
>
>I will update you after 03/18/05.
> J. Radcliffe - Code Enforcement

PDM Enforce - 1702 Edmondson Ave

From: PDM Enforce
To: marti9n@hotmail.com
Date: 2/28/2005 9:17:12 AM
Subject: 1702 Edmondson Ave

04-9051

Update:

02/28/05

The attorney representing the property owner had a meeting on 02/24/05 with our Director, Timothy Kotroco. Mr. Kotroco explained that it will be necessary to have a hearing to allow a non-conforming use. He was given 3 weeks to file all the paperwork with the Zoning Office.

I will update you after 03/18/05.
J. Radcliffe - Code Enforcement

From: "marti brassard" <marti9n@hotmail.com>
To: <pdmenforce@co.ba.md.us>
Date: Thu, Feb 17, 2005 3:51 AM
Subject: RE: 1702 Edmonson Avenue update

Good Morning Jeff,
Do you have any new info for me?
Thank You,
Marti

>From: "PDM Enforce" <pdmenforce@co.ba.md.us>
>To: <marti9n@hotmail.com>
>Subject: 1702 Edmonson Avenue update
>Date: Tue, 25 Jan 2005 08:26:09 -0500
>
>The property owner is moving forward to allow the apartments in the
>house at 1702 Edmonson Avenue. The attorney has a meeting in the zoning
>office on 02/15/05. I'll update you with the results of that meeting.
>
>Jeffrey M. Radcliffe
>Code Enforcement Officer
>

2/28/05- ~~MARTI~~ MARTI BRASSARD,

The ATTORNEY representing the property owner
had a meeting on 2/24/05 with our Director.
Our Director advised him that they need a
hearing to allow a non-conforming use. He
was given 30 days to file all the paperwork
with the zoning office. I'll update you
after 3-18-05.

JEFF RADCLIFFE

Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 01 Account Number - 2200014031

Owner Information

Owner Name: MONMONIER J CARROLL,3RD
MONMONIER NANCY G
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1702 EDMONDSON AVE
BALTIMORE MD 21228
Deed Reference: 1) /10679/ 685
2)

Location & Structure Information

Premises Address
1702 EDMONDSON AVE

Legal Description
.560 AC
1702 EDMONDSON AVE NS
488 FT E ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	MS
100	12	1288					1	80	Plat Ref:	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1889	3,306 SF	24,399.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	FRAME

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Type: NOT ARMS-LENGTH	Deed1: / 9415/ 581	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

PDM Enforce - 1702 Edmonson Avenue update

From: PDM Enforce
To: marti9n@hotmail.com
Date: 1/25/2005 8:26:09 AM
Subject: 1702 Edmonson Avenue update

The property owner is moving forward to allow the apartments in the house at 1702 Edmonson Avenue. The attorney has a meeting in the zoning office on 02/15/05. I'll update you with the results of that meeting.

Jeffrey M. Radcliffe
Code Enforcement Officer

FRANCIS X. BORGERDING, JR.*Attorney at Law*

MERCANTILE BUILDING - SUITE 600

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 296-6820

FAX (410) 296-6884

January 21, 2005

VIA FACSIMILE 410-887-2824

Mr. Jeff Radcliffe

Code Inspections and Enforcement

Baltimore County Department of Permits

and Development Management

111 West Chesapeake Avenue

Towson, Maryland 21204

RE: Citation No.: 04-9051

Property Address: 1702 Edmondson Avenue

Baltimore, MD 21228

Dear Jeff:

Pursuant to our recent telephone conversation, I am writing to confirm that I represent Nancy G. Monmonier, property owner of the above-referenced property, in relation to the outstanding code issues with regard to her property. Currently, Bruce Doak of Gerhold, Cross & Etzel, is preparing a zoning plat and other submittals for the zoning intake meeting for a Petition for Special Hearing for Non-Conforming Use in relation to the apartments located on the premises. As I indicated in our telephone conversation, the zoning intake meeting has been set up with the Department of Permits and Development Management on February 15, 2005 at 2:00 p.m.

If you require any additional information with regard to this matter, please do not hesitate to contact me.

Very truly yours,

**FRANCIS X. BORGERDING, JR.**

FXBJr:bjk

From: PDM Enforce
To: marti9n@hotmail.com
Date: Tue, Oct 26, 2004 9:36 AM
Subject: 1702 Edmondson Ave

Issued a Baltimore County Correction Notice for illegal non-conforming use. Cease use or apply for special hearing by 11/25/04.

Jeff Radcliffe
410-887-3351

CS # 04-9051

IN RE: PETITION FOR SPECIAL HEARING
N/S Edmondson Avenue, 150' W of the c/l
Oakdale Avenue
(1702 Edmondson Avenue)
1st Election District
1st Council District

Nancy G. Monmonier
Petitioner

* BEFORE THE **04-9051**
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-501-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, Nancy G. Monmonier, through her attorney, Francis X. Borgerding, Jr., Esquire. The Petitioner requests a special hearing to approve an existing four-apartment dwelling 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 Nancy Monmonier, property owner, Bruce E. Doak, with Gerhold Cross & Etzel, Ltd., the consultants who prepared the site plan for this property, Martha Brassard, a family friend, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioner. Mr. & Mrs. John Corbitt, who reside to the rear of the subject property, appeared as interested citizens/Protestants. In addition, two letters expressing opposition to the request were received from residents of the Oak Crest community and were marked into evidence as Protestants Exhibits 1 and 2.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side Edmondson Avenue, between Rolling Road and Oakdale Avenue in the historic area of Catonsville. The property is approximately 120 feet wide by 203 feet deep, and contains a gross area of 24,399 sq.ft. (0.560 acres) more or less, split zoned D.R.3.5 and D.R.2. As shown on the site plan, the property is improved with a large, three-story building,

UNDER RECEIVED FOR FILING

Date 07/14/15

By [Signature]

which contains four apartments. Other improvements on the property include a detached pavilion and a storage shed to the rear, and a macadam driveway on the west side of the property that provides parking for up to eight vehicles. The instant Petition was filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the multi-family use of the subject property and the adjacent lot to the rear.

In this regard, Mr. Doak appeared and proffered testimony on behalf of the Petitioner. He testified that the Petitioner retained him in January 2005 and that it was during the course of researching the deeds for this property that he discovered it had undergone a minor subdivision in 1991 under Case No. 92060MP. He submitted as Petitioner's Exhibit 4, a copy of the minor subdivision plan, which was reviewed and approved by the County Review Group (CRG) on or about September 1992. This plan shows that the property originally contained 0.900 acres, was entirely zoned D.R.3.5 and was improved with two dwellings, identified as 1702 and 1708 Edmondson Avenue. Apparently, the second dwelling previously had been used as a garage to support the dwelling known as 1702 Edmondson Avenue. Pursuant to the minor subdivision approval, the subject property (shown as Lot 1 on the plan) contained sufficient area for the four-unit dwelling use listed under the plan's heading "Density Notes" when it was submitted to the CRG for approval in November 1991. Under today's standards, the area of the property would be somewhat short of that required, due to subsequent road improvements to Edmondson Avenue and the expanded right-of-way which removed 1,889 sq.ft., or 0.043 acres from the subject parcel. In any event, the Petitioner submits that the CRG development process and approval of the minor subdivision plan legitimized the use of the property and that the hearing on the instant Petition is unnecessary. However, they were advised to proceed at the advice of John Lewis of the Zoning Review Division in the Department of Permits and Development Management.

At the hearing, Ms. Monmonier testified that she first became familiar with the subject property in the 1950s when the previous owner, William Sommerville, hired her husband, Carroll Monmonier, to act as property manager to collect the rents and maintain the property in good

order. She testified that Mr. Sommerville had owned the property since the 1940s and that when he was placed in a nursing home in 1955, the building contained four apartments. Testimony indicated that after Mr. Sommerville's death, the Monmoniers purchased the property in 1961 from the Estate and continued the four-apartment use. (See Petitioner's Exhibit 2, describing the deed history) Further testimony indicated that the home was built in 1889 and has remained in its present condition throughout the years.

Mr. Corbitt, who has resided to the rear of the subject property for 12 years, appeared in opposition to the request. Mr. Corbitt questioned the Petitioner as to why there were six mailboxes on the porch if there were only four apartments. Ms. Monmonier's explanation was that two of the mailboxes are in actuality for the rear building, which she referred to as a "carriage house" and which bears the address 1708 Edmondson Avenue. Ms. Monmonier testified that she uses that property as a rental and that her son Joseph, who now lives in Florida, used to reside there and uses one of the mailboxes for his local mail.

Mr. Corbitt was not opposed to the continued use of the subject building as four apartments, but feared that use was being expanded to include the building to the rear of the property. He testified that perhaps Ms. Monmonier and her son, who reside in different locations far from the property, are not aware of the actual number of individuals residing on the property. He submitted into evidence as Protestant's Exhibit 2 a letter from Jennifer Noppenberger, which described her belief that the building located at 1708 Edmondson Avenue has been divided into three apartments. Mr. Corbitt also expressed concern as to the condition of the existing driveway.

It is to be noted that the issue before me relates to the building known as 1702 Edmondson Avenue and any relief granted herein would be limited to that building alone. It is suggested that the Protestants contact the Code Enforcement Division of the Department of Permits and Development Management if they believe that the building known as 1708 Edmondson Avenue has been illegally converted to a multi-family dwelling.

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

ORIGINAL RECEIVED FOR FILING
Date 6/14/15
By [Signature]

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 proffered testimony and evidence presented, including copies of the deeds, it is clear that there has been a consistent use of the building known as 1702 Edmondson Avenue as four apartments and that this use dates back to the early 1950s, possibly earlier. Both the prior owners and the current Petitioner have used the house as rental income throughout this period. Thus, I shall approve the existing four-apartment building as a legal, nonconforming use. However, as noted above, there was testimony that the use of the building may have expanded to include the use of the building known as 1708 Edmondson Avenue. Thus, I shall impose certain conditions to limit the relief granted herein.

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 14th day of June 2005 that the Petition for Special Hearing to approve the existing four-apartment dwelling, known as 1702 Edmondson Avenue, as a legal, nonconforming use, pursuant to Section 104.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject to the following restrictions:

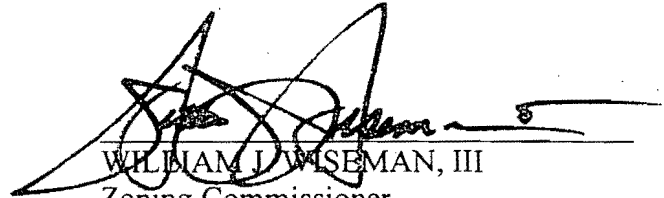
- 1) The Petitioners are hereby reminded of the 30-day appeal period that runs from the date of this Order. If an appeal is filed and the Board of Appeals reverses this Order, the relief granted herein shall be rescinded.
- 2) The nonconforming relief granted herein for a four-apartment dwelling is limited to the building known as 1702 Edmondson Avenue. The grant of this relief does not extend to the use of the building known as 1708 Edmondson Avenue. Moreover, there shall be no expansion of the use

ORIGINAL FILED FOR FILING
DATE 6/14/05
BY [signature]

on the subject property so as to provide more than four dwelling units within the building.

- 3) The Petitioners shall make available, upon reasonable notice, the interior of the subject building for inspection by a representative of the Code Enforcement Division of DPDM to insure compliance with this restriction.
- 4) The Petitioner shall repair the existing driveway and parking area as needed within ninety (90) days of the date hereof.

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 6/14/15
By [Signature]



Baltimore County
Department of Permits and
Development Management

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

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

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 64-9051	Property No. 2200014031	Zoning: DR 2
-------------------------------------	-----------------------------------	------------------------

Name(s): **J. CARROLL MONMONIER III**
NANCY G. MONMONIER

Address: **1702 Edmondson Ave. Apts. 21228**

Violation Location: **SAME**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
BEZR 101, 102.1, 1801.1A, 402

**Cease illegal non-conforming use
of a single family dwelling
into a multi-family dwelling
without a special hearing.**

Posted & Mailed

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

On or Before: 11/25/04	Date Issued: 10/25/04
-------------------------------	------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Jeff Radcliffe**

INSPECTOR:

Jeff Radcliffe
STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR:

AGENCY

TSIGOUNIS INTAKE SHEET



Friday, October 22, 2004

INTAKE CASE # Inspection Area

PROBLEM

VIOLATION LOCATION

VIOLATION ZIP

COMPLAINANT NAME

COMPLAINANT ADDRESS:

COMPL ZIP

COMPL PHONE NUMBER

COMPL WORK NUMBER:

OWNERS INFO/ NOTES

PREVIOUS CASE NUMBERS:

22 00 014031
MONMONIER J CARROLL,3RD
MONMONIER NANCY G
1702 EDMONDSON AVE

BALTIMORE MD 21228-

03-5105

☐ NCF

☒ NEW CASE

☐ REOPEN



PDM Enforce - Web-Code Enforcement Complaint

From: <webform@co.ba.md.us>
To: <pdmenforce@co.ba.md.us>
Date: 10/22/2004 4:28 AM
Subject: Web-Code Enforcement Complaint

Complaint Location: 1702 Edmondson Ave. Catonsville, Md 21228

Complaint Location Zip Code: 21228

Description of Problem: Using a single family home as a multiple family rental unit. They have a front door unit, side door unit and a second floor rear door unit

Email: marti9n@hotmail.com

Name: Marti

Address:

Zip Code:

Home Phone Number:

Work Phone Number:

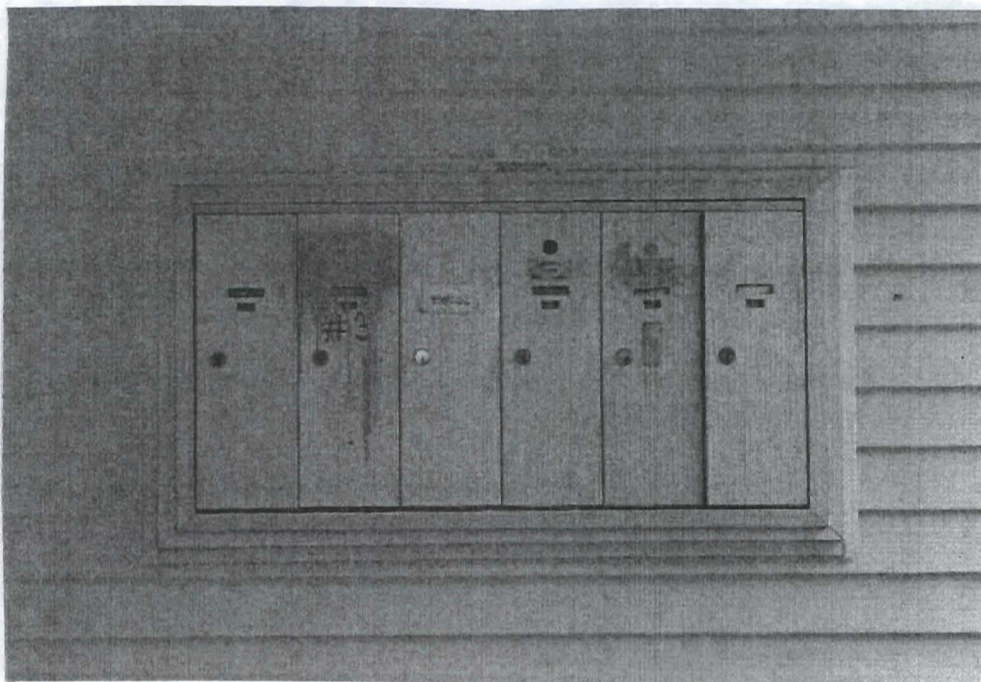
Additional Information: I sent this a week ago and have not heard of the results. Please email me me
Thank You

Generated by Site Executive

PHOTOGRAPHIC RECORD

Citation/Case No.: 04-9051

Date of Photographs: 10-25-04



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

Jeff Radecki
Enforcement Officer



Petitioners Exhibits

1. Terms of agreement
2. Zoning History for 1702 Edmonson Ave
3. BCZR 1955
4. Conversion of one family dwellings into 2 houses
5. Site Plan
6. Deed

FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 296-6820

FAX (410) 296-6884

PeT. Ex. #1

February 14, 2006

Peter Max Zimmerman, Esquire
Office of the People's Counsel
for Baltimore County, Maryland
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Petitioners Nancy G. Monmanier and Joe C. Monmanier
Property at 1702 Edmonson Avenue.
Case No. 05-501-SPH before the Board of Appeals
for Baltimore County

Dear Mr. Zimmerman:

I am writing in follow-up to our meeting of yesterday, wherein an agreement was reached to resolve the outstanding issues with regard to the above-referenced matter. Per our discussion, the following terms were agreed to between your office and the Petitioners and will be put on the record before the County Board of Appeals for Baltimore County and subsequently reduced to a consent order jointly prepared by myself and your office.

- 1) My clients have provided Mr. Corbett with the name and number of the local contact person regarding any future issues with regard to the subject property. My clients will continue to provide a local contact person for as long as they own the property.
- 2) My clients currently own both 1708 Edmonson Avenue and 1702 Edmonson Avenue. My clients agree to comply with all applicable current and future provisions of the Baltimore County Zoning Regulations with regard to the property known as 1708 Edmonson Avenue. The property known as 1708 Edmonson Avenue and 1702 Edmonson Avenue were previously divided into two parcels through the Baltimore County subdivision process. The provisions of this order relate individually to 1702 Edmonson Avenue and 1708 Edmonson Avenue. Any violations of the provisions of this order

**Gerhold, Cross & Etzel, Ltd.***Registered Professional Land Surveyors • Established 1906*

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286

Phone: (410) 823-4170 • Fax: (410) 823-4473 • www.gcelimited.com

Pet. Ex. #2

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Frank B.	Bruce E. Doak
COMPANY:	DATE
	2/9/2006
RE:	TOTAL NO. OF PAGES INCLUDING COVER:
Monmonier	
FAX NUMBER:	PHONE NUMBER:
410-296-6884	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☒ F.Y.I.

Zoning History for 1702 Edmonson Ave. (zoning map SW 3 G)

1955	R6.11 (from 1955 till 1971, the maps were not updated)
1971	DR 5.5
1976	DR 5.5
1980	DR 3.5
1984	DR 3.5
1988	DR 2
1992	DR 2
1996	DR 2
2000	DR 2
2004	DR 2

**BALTIMORE COUNTY
ZONING REGULATIONS**

ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

Pe 7-6x #3

PCT-Ex.#4

CONVERSION OF ONE-FAMILY DWELLINGS MINIMUM DIMENSIONS

Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet			Side Yards	
	Semi-Detac Duplex ¹	Each Add. hed ¹	Each Add. Fam.	Two Families	Each Add. Family	Min. For One	Sum of Both	
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor.	Int. 60	
			50	Cor. 75				
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor.	Int. 50	
			35	Cor. 60				
D.R.3.5	90	100	15	12,500	4,000	Int. 20 Cor.	Int. 40	
			30	Cor. 50				
D.R.5.5	80	90	15	10,000	3,000	Int. 15 Cor.	Int. 35	
			25	Cor. 40				
D.R.10.5	70	80	10	Interior	2,500	Int. 15 Cor.	Int. 30	
		8,050	25	Cor. 40				
		Corner 9,200						
D.R.16	70	80	10	Interior	2,500	Int. 15 Cor.	Int. 30	
		8,050	25	Cor. 40				
		Corner 9,200						

NOTES:

¹ The original BCZR 1955 definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from Section 101 by Bill No. 100-1970. The entries previously read as follows:

"Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

"Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides."

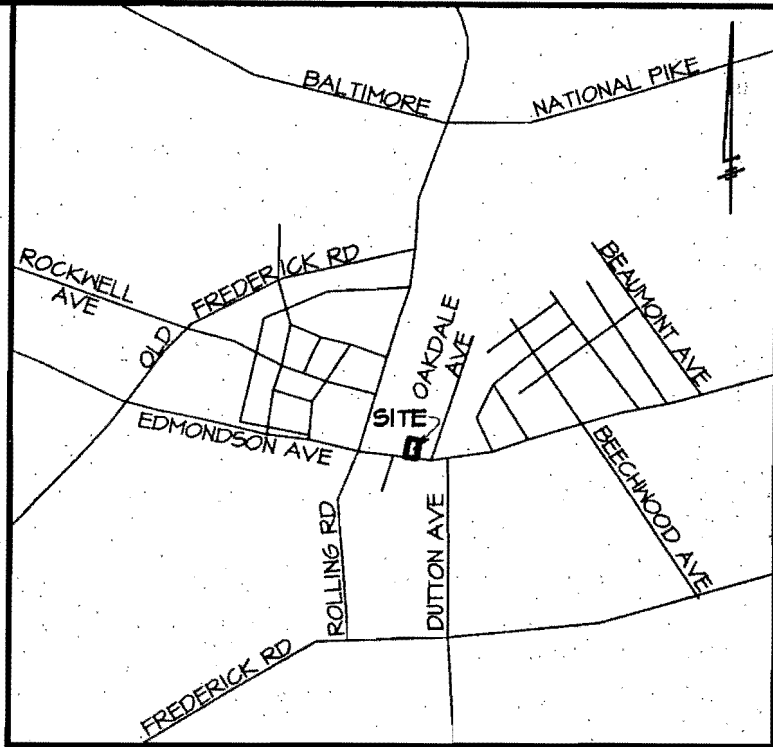
For tearoom or restaurant use:

402.3 To be converted for tearoom or restaurant use in an D.R.1 or D.R.2 Zone ^{EN} as a special exception, the following requirements must be met:

- A. Meals may be served only at tables, indoors or on an outdoor terrace, and not to persons remaining in cars. ^{EN}
- B. The minimum lot size shall be one acre.
- C. Signs are permitted, subject to Section 450; [Bill No. 89-1997]
- D. Service shall be provided only at mealtimes. ^{EN}

PCT-EX #5

DEED MERIDIAN 10679/685



VICINITY MAP

1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 10679, FOLIO 685.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM FIELD LOCATIONS AND BALTIMORE COUNTY GIS TILE 100C1
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 46.
4. CENSUS TRACT 4009.00 REGIONAL PLANNING DISTRICT 324 CATONSVILLE
WATERSHED PATAPSCO SUBSEWERSHED 76
SCHOOL DISTRICT: ELEMENTARY - HILLCREST E.S.; MIDDLE - CATONSVILLE M.S.; HIGH - CATONSVILLE H.S.
A.D.C. MAP & GRID 41 A2
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN.
7. THE SUBJECT PROPERTY IS LOT 1 AS SHOWN ON "MINOR SUBDIVISION CRG PLAN; #1702 EDMONDSON AVENUE" AS APPROVED BY DEPRM 9/3/92, MINOR SUBDIVISION 92-060MP.
8. THE ZONING LINES SHOWN HEREON ARE A BEST FIT REPRESENTATION OF THE MY NEIGHBORHOOD ZONING MAPS AVAILABLE ON BALTIMORE COUNTY'S WEB SITE.

OWNER

PeT. Ex. #6

LIBER 4968 PAGE 168

THIS DEED, Made this 24th. day of February, in the year nineteen hundred and sixty-nine, between William Franklin Somerville, individually, and William Franklin Somerville, Committee of Bertha Mae Somerville, of the first part, and J. Carroll Monmonier, III, and Nancy G. Monmonier, his wife, of Baltimore County, in the State of Maryland, parties of the second part.

WHEREAS, by Order of the Circuit Court of Baltimore County in Equity, dated February 27, 1958, the said William Franklin Somerville was appointed Committee of Bertha Mae Somerville, in proceedings in said Court entitled, "Ex Parte in the Matter of Bertha Mae Somerville, Incompetent," Equity Docket 63 folio 304,

AND WHEREAS, William F. Somerville, individually, and as Committee of Bertha Mae Somerville, has sold the property hereinafter described, at private sale to the said J. Carroll Monmonier, III, and Nancy G. Monmonier, his wife, for the sum of Eighteen thousand (\$18,000.) dollars, copy of contract of sale dated October 11, 1968, having been filed in the proceedings, and on January 6, 1969, a report of sale was filed in said proceedings with request that said sale be ratified and confirmed,

AND WHEREAS, by Decree of said Court, dated February 18, 1969, it was ordered that the said Contract of Sale be ratified and confirmed and further ordered that said William F. Somerville, Committee of Bertha Mae Somerville, be authorized and directed to execute a deed to the said J. Carroll Monmonier, III, and Nancy G. Monmonier, his wife, upon receipt of said purchase money, receipt whereof is hereby acknowledged.

NOW, THEREFORE, THIS DEED WITNESSETH, That the said William F. Somerville, individually, and William F. Somerville, Committee of Bertha Mae Somerville, in exercise of the power conferred upon him and in further consideration of the premises and of the sum of Eighteen thousand (\$18,000.) dollars, do hereby grant and convey unto the said J. Carroll Monmonier, III, and Nancy G. Monmonier, his wife, as tenants by the entireties, their assigns and to the heirs and assigns of the survivor, the aforesaid fee simple property, situate in Baltimore County, and State of Maryland, thus described:

BEGINNING for the same on the northernmost side of Edmondson Avenue at the distance of 488 feet 4 inches easterly from the intersection formed by the northernmost side of Edmondson Avenue and the easternmost side of Rolling Road, which point of beginning is intended to be at the end of the first line of the lot which was conveyed by Stephen J. Van Lill, Jr. to Margaret Kiefer, by deed dated January 18, 1907, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 311 folio 47, thence north 15 degrees 54 minutes east and binding on the second line of the lot described in the aforesaid deed 291 feet, more or less, to the end thereof and to intersect the south line of the lot conveyed by Stephen J. Van Lill, Jr. to Margaret C. King by deed dated August 17, 1898, and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 234 folio 50; thence binding on said south line south 76 degrees east 135 feet, thence south 15 degrees 54 minutes west and parallel to the first line in this description 291 feet, more or less, to the northernmost side of Edmondson Avenue, thence bounding on the northernmost side of Edmondson Avenue, north 75½ degrees west 135 feet to the place of beginning. The improvements thereon being known as No. 1702 Edmondson Avenue.

BEING the same lot of ground which by deed dated August 25, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2790 folio 65, was granted and conveyed by Lula A. V. Loden, widow, et al, unto the said William F. Somerville and Bertha M. Somerville, his wife.

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



LIBER 4968 PAGE 168

9000 HRS

Case No.:

05-501

SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	COMMUNITY ASSOC. UNDATED LETTER AND SIGNATURES OF 23 AREA RESIDENTS
No. 2	CHAIN OF TITLE AND DEEDS	1708 EDMONDSON AVE PROBLEM
No. 3	PLAN TO ACCOMPANY PHOTOS A thru I	
No. 4	CRG - MUNN SUB	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

100-0-0-00

bdoak

From: Iona [iplumly@gcelimited.com]
Sent: Monday, May 16, 2005 12:20 PM
To: Bruce E Doak
Subject: Phone Calls

Frank Borgering called (410) 296-6820 – called about the hearing on Wednesday May 18, 2005 – Ms. Monmonier is going to testify that she purchased the house with her husband in 1961. The Sommervilles bought the house in the 1940's. Frank's question to you is that can you find the deed showing ownership he has the deed info Liber 10679 folio 685. Please call him with what you find.

8909/731

2081/545

4968/168

2

477/54

CHAIN OF TITLE

J. CARROLL MONMONIER III : NANCY G.
 10679/685 ↑
 6/17/94 MONMONIER

JOSEPH C. MONMONIER IV : NANCY G. MONMONIER
 3415/581 ↑
 9/30/92

JOSEPH C. MONMONIER IV : NANCY G. MONMONIER
 8909/731 ↑
 8/21/91
 JOSEPH C. MONMONIER IV : ~~ATL~~
 8909/728 ↑

JOSEPH C. MONMONIER IV : DONNA M.
 7081/545 ↑
 1/20/85 MONMONIER

NANCY G. MONMONIER
 4968/168 ↑ (J. CARROLL MONMONIER)
 2/24/69

WILLIAM FRANKLIN SOMMERVILLE
 2790/65 ↑
 9/25/55

LULA A. V. LOOSEN
 JOSEPH D. LOOSEN
 GAYLE S. LOOSEN
 1692/429 ↑
 9/21/48

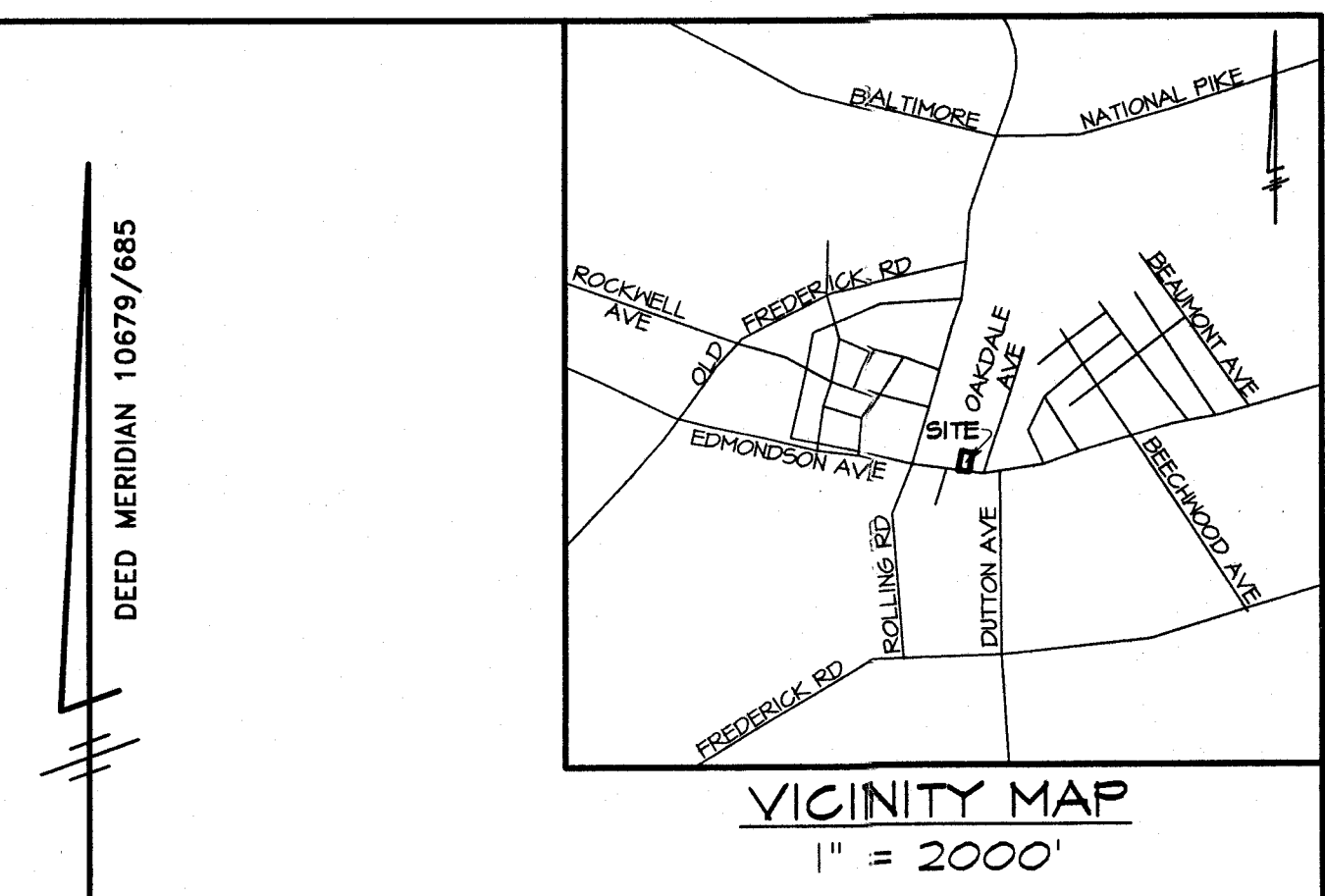
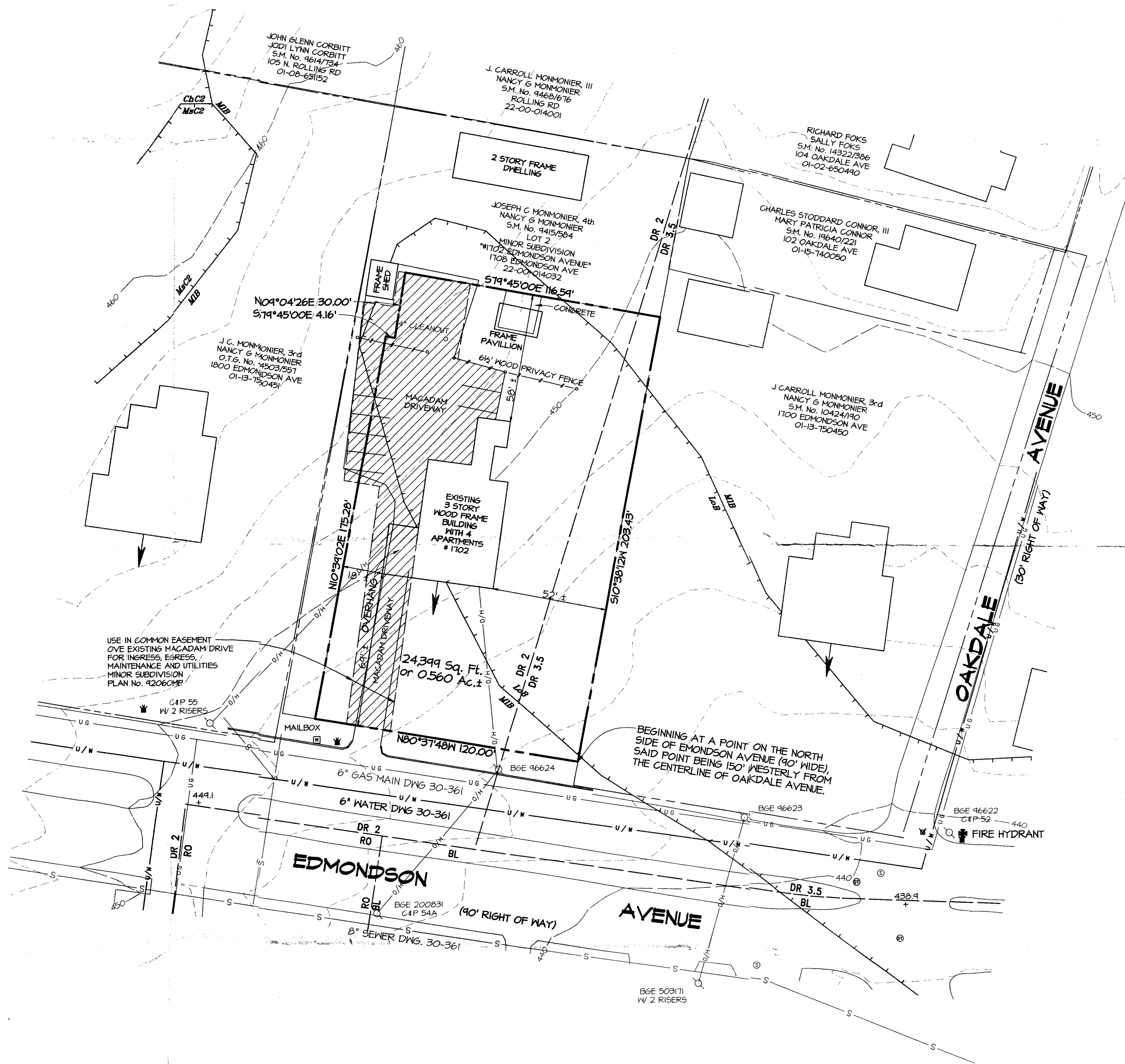
ANN K. CUMMINGS
 1692/419 ↑
 9/31/48
 LULA A. V. LOOSEN

5/16/2005

PETITIONER'S

EXHIBIT NO.

2



- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 10679, FOLIO 685.
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM FIELD LOCATIONS AND BALTIMORE COUNTY 615 TILE 10001.
 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 46, 4009.00 REGIONAL PLANNING DISTRICT 324 CATONSVILLE.
 4. CENSUS TRACT 4009.00 SUBSENERVED 76 WATERSHED PATAPSCO SCHOOL DISTRICT: ELEMENTARY - HILLCREST E.S.; MIDDLE - CATONSVILLE M.S.; HIGH - CATONSVILLE H.S. A.D.C. MAP # 41 A2.
 5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 6. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN.
 7. THE SUBJECT PROPERTY IS LOT 1 AS SHOWN ON "MINOR SUBDIVISION CRG PLAN #1702 EDMONDSON AVENUE" AS APPROVED BY DEPT. 15/12, MINOR SUBDIVISION #2-060MP.
 8. THE ZONING LINES SHOWN HEREON ARE A BEST FIT REPRESENTATION OF THE MY NEIGHBORHOOD ZONING MAPS AVAILABLE ON BALTIMORE COUNTY'S WEB SITE.

OWNER
 J. CARROLL MONMONIER, 3rd
 NANCY S. MONMONIER
 615 SOUTH SURF ROAD
 OCEAN CITY, MARYLAND 21842
 (410)-250-0580

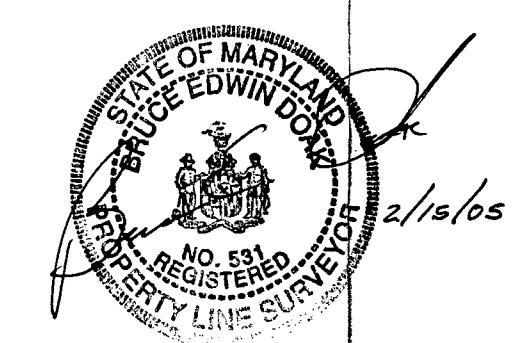
PETITION
 FOR A SPECIAL HEARING TO APPROVE AN EXISTING FOUR APARTMENT DWELLING HAVING FOUR DWELLING UNITS TOTAL ON THE SUBJECT PROPERTY, AS A LEGAL, NONCONFORMING USE.

**PLAT TO ACCOMPANY
 PETITION FOR SPECIAL HEARING
 MONMONIER PROPERTY**

1702 EDMONDSON AVENUE
 Deed Ref: S.M. No. 10679 folio 685
 LOT 1 "MINOR SUBDIVISION CRG PLAN
 #1702 EDMONDSON AVENUE"
 Tax Account No.: 22-00-014031
 Zoned D.R.- 2; Map SW 3-6
 Tax Map 100; Grid 12; Parcel 1288
 1st ELECTION DISTRICT
 1st COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: FEBRUARY 14, 2005

GERHOLD, CROSS & ETZEL, LTD.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 Suite 100
 320 East Townsontown Boulevard
 Towson, Maryland 21286
 (410) 823-4470



LEGEND

- WATER METER
- WATER VALVE
- STORM DRAIN MANHOLE
- SANITARY SEWER MANHOLE
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
MsC2	Severe: moderately slow permeability.	Moderate: slope	Severe: slope
LoB	Severe: high water table; somewhat poor natural drainage slow permeability.	Severe: high water table; somewhat poor natural drainage slow permeability.	Severe: high water table somewhat poor natural drainage slow permeability.
ChC2	Slight to moderate: moderate permeability.	Slight	Severe: slope
MIB	Severe: moderately slow permeability.	Moderate: moderately high water table	Moderate: moderately high water table, slope

REVISION	DATE	COMPUTED:	DRAWN: M.E.A.	CHECKED: S.A.L.	FILE: X:\Monmonier\zoneplan.pro

PETITION

FOR A SPECIAL HEARING TO APPROVE AN EXISTING FOUR APARTMENT DWELLING HAVING
FOUR DWELLING UNITS TOTAL ON THE SUBJECT PROPERTY, AS A LEGAL, NONCONFORMING USE.

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING **MONMONIER PROPERTY**

1702 EDMONDSON AVENUE
Deed Ref: S.M. No. 10679 folio 685
LOT 1 "MINOR SUBDIVISION CRG PLAN
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Zoned D.R.- 2; Map SW 3-G
Tax Map 100; Grid 12; Parcel 1288
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

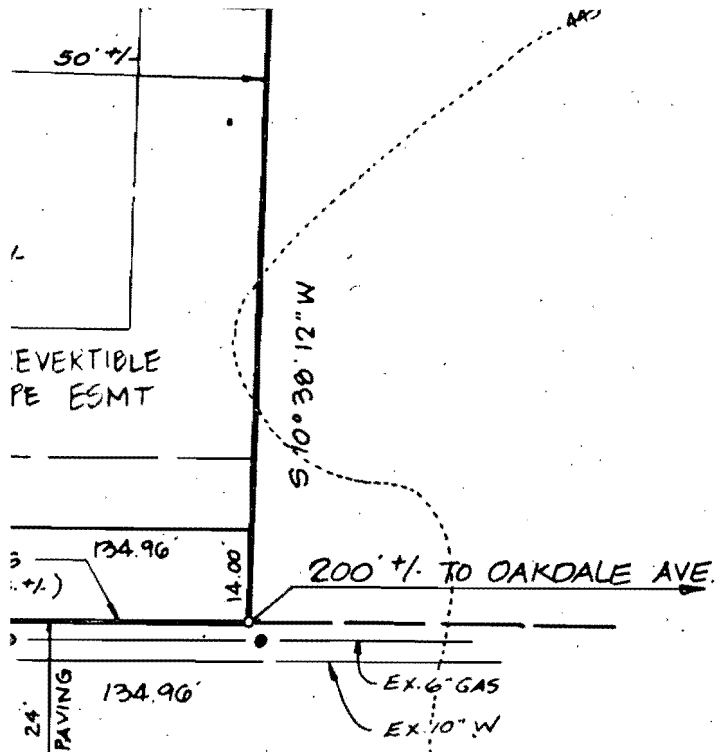
Date: FEBRUARY 14, 2005

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286

PETITIONER'S

3



APPROVED: DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT

DATE: _____

DIRECTOR _____



BALTIMORE COUNTY MD.

This Plan Was Reviewed _____ On _____
The Following Action Taken _____

APPROVED

NUE

MH 1897

MH 1896

Approved DFW _____

Approved CDE _____

val Expiration Date _____

Disapproved _____

ued Mtg. Required _____

Referred To Plan. Bd. _____

MINOR SUBDIVISION CRG PLAN

#1702 EDMONDSON AVENUE

PETITIONER'S

EXHIBIT NO. 4

1ST ELECTION DISTRICT

BALTIMORE CO., MD

SCALE: 1=30'

NOVEMBER 21, 1991

TAX MAP: 100

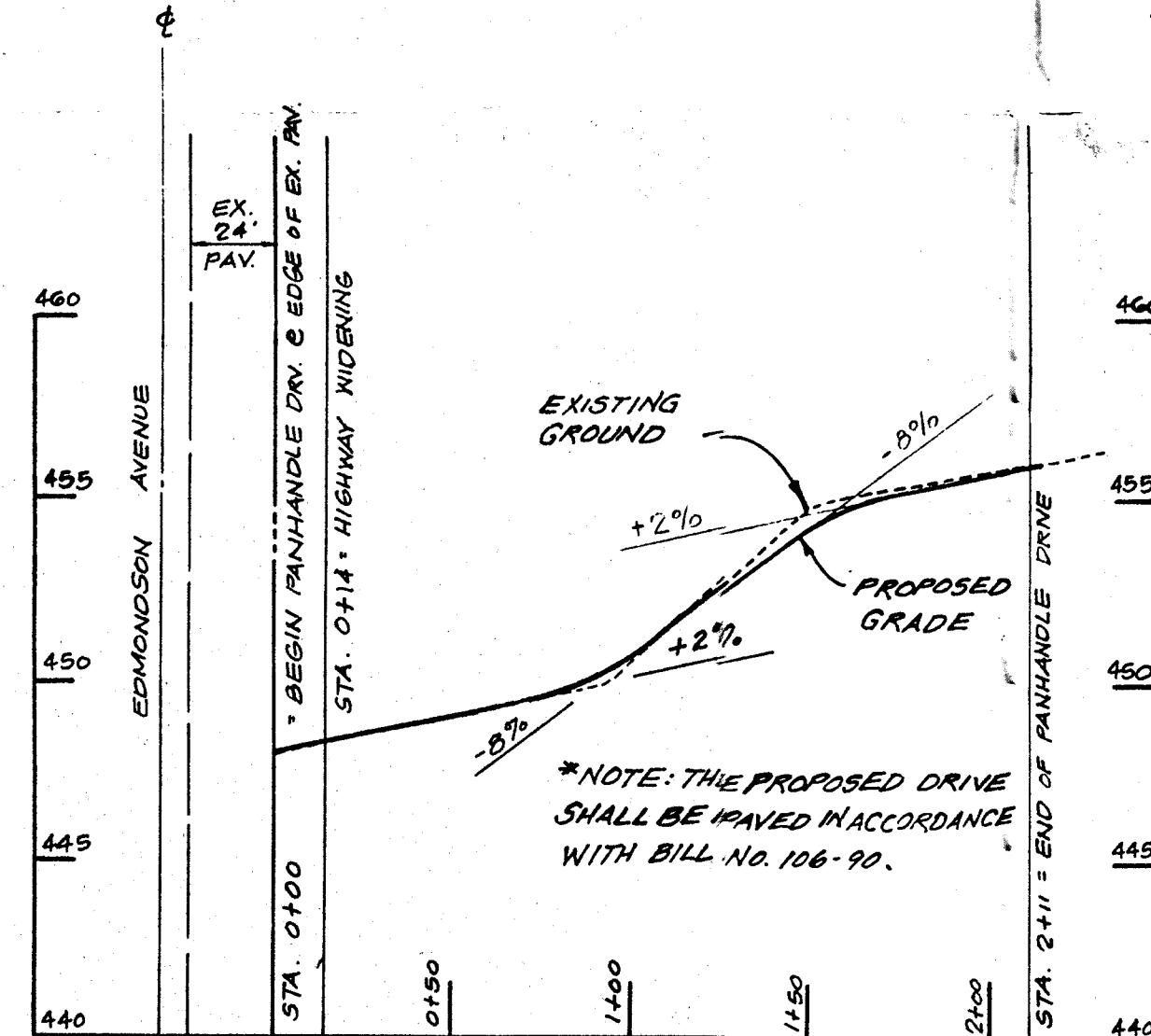
GRID: 12

PARCEL No: 139

MINOR SUBDIVISION PLAN No. 92060MP

GENERAL NOTES

1. COUNCILMANIC DISTRICT 1
2. CENSUS TRACT 4009
3. REGIONAL PLANNING DISTRICT 324B
4. WATERSHED 30 SUBWATERSHED 78
5. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.
6. THE LOTS SHOWN HEREON SHALL BE SERVED BY PUBLIC WATER AND SEWER.
7. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE, OR CABLE TELEVISION.
8. THERE ARE NO WETLANDS ON THIS SITE.
9. EXISTING LAND USE IS RESIDENTIAL.
10. PROPOSED LAND USE IS ONE APARTMENT BUILDING (EXISTING) AND ONE SINGLE FAMILY DWELLING.
11. THE PROPERTY SHOWN ON THIS PLAN HAS BEEN HELD INTACT BY THE OWNERSHIP SHOWN SINCE 12/20/1985. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLING.
12. ALL DRIVEWAYS SHALL BE PAVED WITH A DURABLE AND DUSTLESS SURFACE.
13. ALL PANHANDLE DRIVEWAYS MUST BE CONSTRUCTED TO THE REAR LOT. MAINTENANCE OF PANHANDLE DRIVEWAYS IS TO BE IN ACCORDANCE WITH THE COVENANTS TO BE RECORDED PRIOR TO THE SALE OF LOTS. REFUSE COLLECTION, SNOW REMOVAL, AND ROADWAY MAINTENANCE WILL BE PROVIDED TO THE JUNCTION OF THE MAIN HARD SURFACED ROADWAY PANHANDLE, AND NOT UNTO THE PANHANDLE LOT DRIVEWAY.
14. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED WHICHEVER COMES FIRST. (SECTION 22-85 h)
15. OWNER: JOSEPH C. MONMONIER, IV & DONNA M.
ACCOUNT No. 0113750452
DEED REFERENCE 7081/545
16. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO SEPTIC SYSTEMS ON THIS SITE.
17. THE CLASS 'A' SCREENING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
18. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS ON THIS SITE.



PANHANDLE PROFILE
TO LOTS 1 & 2
SCALE: Hor. 1" = 5'
Ver. 1" = 50'

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 527-1555

J. CARROLL MONMONIER 3RD & NANCY G.
1800 EDMONDSON AVE.
DEED REFERENCE: 4503/557
TAX ACC'T. N: 01-13-750451

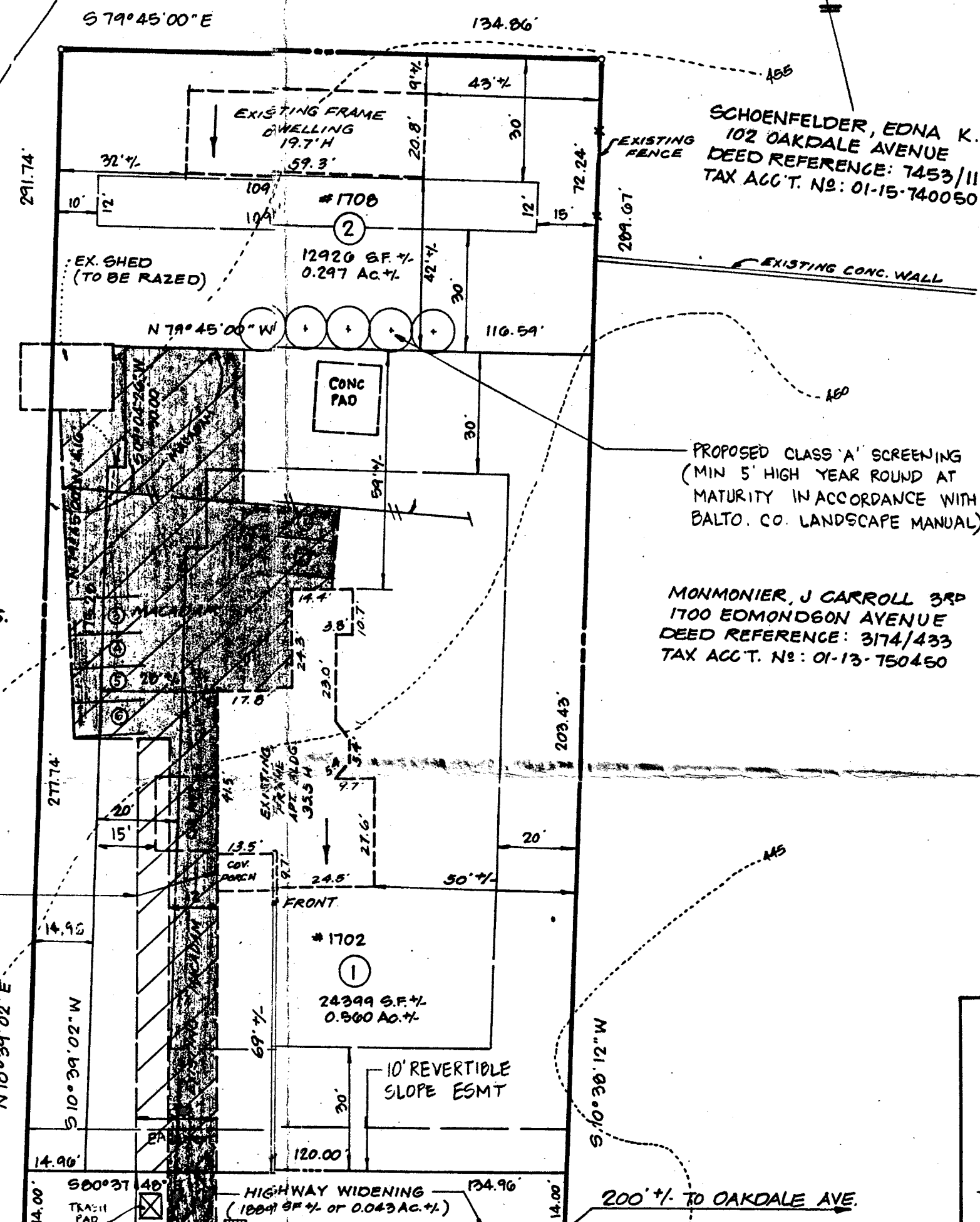
USE IN COMMON
EASEMENT OVER
EXISTING MACADAM
DRIVE FOR INGRESS,
EGRESS, MAINTENANCE
AND UTILITIES

*** NOTE:**
NO INDIVIDUAL DRIVEWAY
ACCESS FOR LOT TWO
ONTO EDMONDSON AVENUE
SHALL BE PERMITTED. THE
ENTRANCES SHALL BE
LIMITED TO ONE COMMON
POINT FOR BOTH.

EDMONDSON

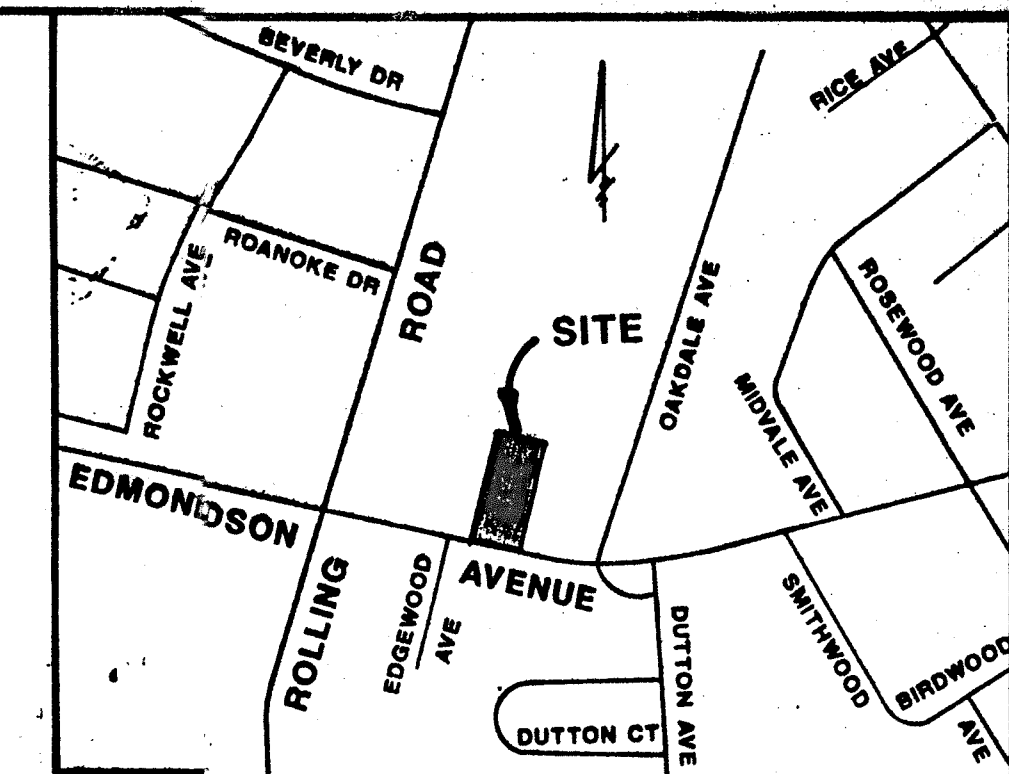
DATE	REVISION
7/1/92	ADDED CLASS 'A' SCREENING, USE IN COMMON ESMT, REV. SLOPE EASEMENT, REVISED LOT AREAS, DENSITY NOTES, ADDED GENERAL NOTES 16, 17, 18.
8/14/92	ADDED ACCESS NOTE, TRASH PAD, MAIL PAD, CROSS-HATCHED ESMT

JOHN GLEN CORBITT
105 N ROLLING ROAD
DEED REFERENCE: 8700/543
TAX ACC'T N: 01-08-051152



SCHOENFELDER, EDNA K.
102 OAKDALE AVENUE
DEED REFERENCE: 7453/112
TAX ACC'T. N: 01-15-740050

MONMONIER, J CARROLL 3RD
1700 EDMONDSON AVENUE
DEED REFERENCE: 3174/433
TAX ACC'T. N: 01-13-750450



VICINITY MAP
SCALE: 1" = 500'

DENSITY NOTES

1. GROSS AREA OF PARCEL 0.900 AC.±
2. EXISTING ZONING OF PARCEL DR-3B
3. No. OF LOTS ALLOWED 3
4. No. OF LOTS PROPOSED 2
5. HIGHWAY WIDENING AREA 0.043 AC.±
6. NET AREA OF LOTS 0.857 AC.±
7. NUMBER OF EXISTING APARTMENTS - LOT 1 = 4
8. MINIMUM AREA REQUIRED FOR LOT 1 = 20,500 SF or 0.47 AC.±
9. MINIMUM AREA REQUIRED FOR LOT 2 = 10,000 SF or 0.23 AC.±
10. PROPOSED LOT AREAS LOT 1 24399 SF.± or 0.560 AC.± LOT 2 12926 SF.± or 0.297 AC.±
11. NUMBER OF PARKING SPACES REQUIRED: LOT 1 = 4 (APTS. 1.5/APT) LOT 2 = 2
12. NUMBER OF PARKING SPACES PROPOSED 6

APPROVED: DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DATE: DIRECTOR

MINOR SUBDIVISION CRG PLAN

#1702 EDMONDSON AVENUE

PETITIONER'S

EXHIBIT NO. 4

1ST ELECTION DISTRICT

BALTIMORE CO., MD

SCALE: 1" = 30'

NOVEMBER 21, 1991

TAX MAP: 100 GRID: 12 PARCEL N: 134

MINOR SUBDIVISION PLAN No. 92060MP

BALTIMORE COUNTY MD.

Plan Approved by [Signature] 10/1/92

Plan Approved by [Signature] 10/1/92

Approval Expiration Date [Blank]

Plan Disapproved [Blank]

Continued Mtg. Required [Blank]

Plan Referred To Plan. Bd. [Blank]

William J. Wiseman, III, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Old Courthouse Mezzanine
Towson, MD 21204

RECEIVED

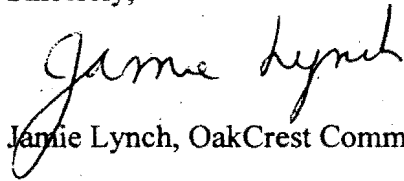
MAY 9 2005

ZONING COMMISSIONER

Dear Mr. Wiseman and Mr. Murphy,

We received notice of case #5-501-SPH (1702 Edmonson Avenue). We are writing to oppose legalizing the nonconforming use of the dwelling at 1702 Edmonson Avenue, Catonsville. The absentee land-owner family, which owns the dwelling also owns other properties adjacent to 1702 Edmonson, has converted these other properties to rental properties. We believe the other dwellings are also nonconforming and exceed the number of apartments allowed under existing zoning. Also, we believe the garage behind the property in question has been illegally converted into two apartments and is occupied. Furthermore, the family has received code violation notices from the County. We are concerned about the increasing density of the housing in this historic residential community. Please deny the property owner's request for legalization of the current nonconforming use and direct code enforcement to examine the adjacent dwellings for nonconformity.

Sincerely,



Jamie Lynch, OakCrest Community Association Representative

cc: Councilman Moxley

Attached: Signatures of Oakdale Avenue Residents

PROTESTANT'S

EXHIBIT NO.

1

JENNIFER L. NOPPENBERGER

May 13, 2005

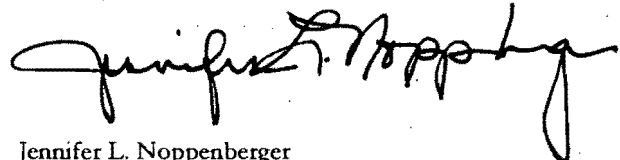
William J. Wiseman, III, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
Office of the Zoning Commissioner
400 Washington Avenue
Old Courthouse Mezzanine
Towson, MD 21204

Dear Mr. Wiseman and Mr. Murphy,

Recently it was brought to my attention that the property at 1708 Edmondson Ave. has been divided into multiple apartments. As a former tenet of this property, 1995-2001, I am writing to express my sadness and concern over this situation. The property is a quaint old carriage house, which sits behind the property located at 1702 Edmondson Ave. I was surprised to hear that the dwelling had been divided into three apartments as the house in its entirety consists of three bedrooms, a dining room, family room, kitchen and two and one/half baths. While I can appreciate the need to be efficient with space and achieve economic prosperity, it is disturbing to think that the zoning commission would accept this as reasonable space for three apartments, even if they were only efficiencies.

I grew up in Catonsville, and continue to reside here as a homeowner. I would love for everyone to have the opportunity to reside in Catonsville, however, I believe it must be in a manner that is safe and appropriate, unfortunately in this case I think it missed the mark.

Sincerely,



Jennifer L. Noppenberger