IN RE: PETITION FOR SPECIAL HEARING SW/Corner of Liberty Road and Meadowski Road 2nd Election District 4th Councilmanic District **(6401 Liberty Road)** Cindy & John W. Bowie *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-601-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 6401 Liberty Road in the western area of Baltimore County. The Petition was filed by Cindy and John W. Bowie, the Petitioners and legal owners of the property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a nonconforming use for four apartments in a residence.

The property was posted with Notice of Hearing on June 23, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 23, 2005, to notify any interested persons of the scheduled hearing date.

After the first day hearing on this case, this Commission issued an interim decision continuing the case with the request that the Petitioner provide witness(s) who could testify with personal knowledge as to the alleged continuous and uninterrupted use of the property. The continued case was heard on August 12, 2005.

ORDER RECEIVED FOR FILING
Date 8/12/05
By

Applicable Law

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

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 104, Nonconforming Uses [BCZR 1955]

Definition: Nonconforming Use -- A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically named use described by the adjective "nonconforming" is a nonconforming use. [Bill No. 18-1976]

Section 104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

Zoning Advisory Committee Comments

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

Interested Persons

Appearing at the first day hearing on behalf of the requested special hearing relief were Paul Naldrett and John Bowie, the Petitioner. Mary Connelly appeared in support of the request on the second hearing day. Deborah C. Dopkin, Esquire represented the Petitioners at these hearings. No protestants or citizens appeared at the hearings. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Ms. Dopkin proffered that the subject property is improved by a dwelling, which the Petitioner contends has four nonconforming apartments. The property is zoned DR 5.5 and is shown on Petitioners' Exhibit 1. The Petitioner who was present for the hearing purchased the property as a rental investment property in 1986. See Petitioner's Exhibit 5, deed from Joseph Puglisi to the Petitioners. This exhibit also shows the chain of title of the property from Salvatore Puglisi to Joseph Puglisi in 1971 and Salvatore Puglisi to Clayton Bordley in 1936.

ORDER RECEIVED FOR FILING
Date 8/12/05
By

The Petitioner indicated that there were four apartments occupied at the time he purchased the property and that this use has continued uninterruptedly since that time. The structure was built in 1929 according to the SDAT records shown in Exhibit 6. Ms. Dopkin also presented photographs of five gas meters and five electric meters which she indicated monitor the gas and electric usage of the four apartments and common space. She noted that Mr. Naldrett's investigation revealed that meters were installed in 1939 and the present configuration of meters shown in Petitioner's Exhibit 3B in 2001. In addition, she presented a County sewer plan drawing dated 1949 which notes the property as "apartment house".

Ms. Dopkin indicated that she spoke to members of the Puglisi family and neighbors about the usage of the property and all indicated that it had been used as a grocery store before 1940 but converted to four apartments in the early 1940's before the zoning regulations of 1945 were imposed. She indicated that the witnesses with whom she spoke had no interest in the building and were reluctant to come to the hearing to testify in person. She suggested that the undersigned could call them to confirm her proffered testimony. In fact, someone who identified herself as "Ms. Garcia" and a neighbor called the Zoning Commissioner's Office prior to the hearing regarding possible uses and mentioned that the building has always had four apartments.

On the second day of this case Mary Connelly, appeared and testified that she was personally familiar with this area of the County since 1930's. She said that she regularly came to her grandfather's farm at 6407 Liberty Road as a child. She recalled that the subject property at 6401 Liberty Road was a grocery store until 1939. She was 10 years old in 1940 when she moved to her grandfather's farm and by then the subject property had been converted into four apartments. She indicated that the use of the property as four apartments since 1940 had been uninterrupted except for vacancies. She actually lived in the subject apartments from 1952 to

ORDER RECEIVED FOR FILING
Date 8/12/05
By

1954. She noted that she regularly visits her cousin, Frances Garcia, who lives nearby, and so has personal knowledge of the continuous use of the subject property as four apartments from 1940 until today.

Findings of Fact and Conclusions of Law

Based on Ms. Connelly's testimony I will confirm the non conforming use of the building as four apartments. She has personal knowledge of this use since 1940 when she began visiting her grandfather's farm a few houses away. She actually lived in the apartment from 1952 – 1954. I find that use of the building as four apartments was a legal use which predates the imposition of the zoning regulations.

With the risk of becoming tiresome, I will repeat my plea for new law in this area. As is evident from Ms Connelly's testimony, proving nonconforming uses has become exceptionally difficult as time has advanced. The first regulations were imposed in 1945. Finding live witnesses and proof of use of property that far in the past is truly difficult and in some case impossible. As Ms. Dobkin points out, witnesses who actually have personal knowledge of such uses are elderly, often infirmed, and usually have no motive to come to a hearing to testify in person.

I earnestly hope the Council will review this matter and establish a more reasonable standard against which this Commission can determine nonconforming uses. When faced with a similar problem in title examination, good title is given if the search shows no defects within the past 60 years. Adverse possession can be invoked if the possession has been continuous for 20 years. The key is not to anchor such uses in time, but to establish a period of time which floats with the present and which if exceeded will allow that use to continue. Said another way, if a use has continued for say 50 years without complaint, it seems reasonable that the use continue.

ORDER RECEIVED FOR FILING
Date 8/12/05
By

In this case, I now have direct evidence presented by the Petitioner by someone with personal knowledge of the situation which supports a finding of nonconforming use. Consequently, I will grant the special hearing request to confirm the use of the building as four apartments as a non conforming use.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12 day of August, 2005, that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a nonconforming use for four apartments in a residence, be and is hereby GRANTED

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 8/12/05
By

Zoning Commissioner

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

Baltimore County

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

August 12, 2005

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
(6401 Liberty Road)
Case No. 05-601-SPH

Dear Ms. Dopkin:

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 Supplemental 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,

John V. Murphy

JOHN V. MURPHY
Deputy Zoning Commissioner
for Baltimore County

JVM:bjs

cc: Ms. Mary B. Connelly
4212 Kelway Road, Baltimore, Md. 21218
John W. Bowie, M.D., 1642 Worthington Heights, Hunt Valley, Md. 21030
Mr. Paul Naldrett, Hicks Engineering, 200 E. Joppa Road, Towson, Md. 21286
People's Counsel; Case File

IN RE: PETITION FOR SPECIAL HEARING SW/Corner of Liberty Road and Meadowski Road 2nd Election District 4th Councilmanic District **(6401 Liberty Road)** Cindy & John W. Bowie *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-601-SPH

* * * * * * * * * * *

INTERIM FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 6401 Liberty Road in the western area of Baltimore County. The Petition was filed by Cindy and John W. Bowie, the Petitioners and legal owners of the property. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a nonconforming use for four apartments in a residence.

The property was posted with Notice of Hearing on June 23, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 23, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

Section 104, Nonconforming Uses [BCZR 1955]

Definition: Nonconforming Use -- A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use. A specifically

ORDER RECEIVED FOR FILING
Date 7/14/05
By

named use described by the adjective "nonconforming" is a nonconforming use. [Bill No. 18-1976]

Section 104.1 A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. [Bill Nos. 18-1976; 124-1991]

Zoning Advisory Committee Comments

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

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Paul Naldrett and John Bowie, the Petitioner. Deborah C. Dopkin, Esquire represented the Petitioners at the hearing. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Ms. Dopkin proffered that the subject property is improved by a dwelling, which the Petitioner contends has four nonconforming apartments. The property is zoned DR 5.5 and is shown on Petitioners' Exhibit 1. The Petitioner who was present for the hearing purchased the property as a rental investment property in 1986. See Petitioner's Exhibit 5, deed from Joseph Puglisi to the Petitioners. This exhibit also shows the chain of title of the property from Salvatore Puglisi to Joseph Puglisi in 1971 and Salvatore Puglisi to Clayton Bordley in 1936. The Petitioner indicated that there were four apartments occupied at the time he purchased the property and that this use has continued uninterruptedly since that time. The structure was built in 1929 according to the SDAT records shown in Exhibit 6. Ms. Dopkin also presented photographs of five gas meters and five electric meters which she indicated monitor the gas and electric usage of the four apartments and common space. She noted that Mr. Naldrett's

ORDER RECEIVED FOR FILING
Date 7/4/05
By

investigation revealed that meters were installed in 1939 and the present configuration of meters shown in Petitioner's Exhibit 3B in 2001. In addition, she presented a County sewer plan drawing dated 1949 which notes the property as "apartment house".

Ms. Dopkin indicated that she spoke to members of the Puglisi family and neighbors about the usage of the property and all indicated that it had been used as a grocery store before 1940 but converted to four apartments in the early 1940's before the zoning regulations of 1945 were imposed. She indicated that the witnesses with whom she spoke had no interest in the building and were reluctant to come to the hearing to testify in person. She suggested that the undersigned could call them to confirm her proffered testimony. In fact, someone who identified herself as "Ms. Garcia" and a neighbor called the Zoning Commissioner's Office prior to the hearing regarding possible uses and mentioned that the building has always had four apartments.

Findings of Fact and Conclusions of Law

As mentioned at the hearing, proving nonconforming uses has become exceptionally difficult as time has advanced. The first regulations were imposed in 1945. Finding live witnesses and proof of use of property that far in the past is truly difficult and in some case impossible. As Ms. Dobkin points out, witnesses who actually have personal knowledge of such uses are elderly, often infirmed, and usually have no motive to come to a hearing to testify in person. I have no doubt of Ms. Dopkin's sincerity, nor that I could in fact call witnesses to confirm her proffers. The problem is that all of the testimony and evidence presented in this case is hearsay without any human who can take us back to 1945 to show the property has been used continuously as four apartments since that time. The Petitioner can take us back only to 1986.

ORDER RECEIVED FOR FILING
Date 7/14/05
By Ray

As mentioned, I earnestly hope the Council will review this matter and establish a more reasonable standard against which this Commission can determine nonconforming uses. For example, when faced with a similar problem in title examination, good title is given if the search shows no defects within the past 60 years. Adverse possession can be invoked if the possession has been continuous for 20 years. The key is not to anchor such uses in time, but to establish a period of time which if exceeded will allow that use to continue. Said another way, if a use has continued for so many years without complaint, it seems reasonable that the use continue.

In this case, there is no direct evidence presented by the Petitioner by someone with personal knowledge of the situation which supports a finding of nonconforming use. Yet I am reluctant to simply deny the request knowing that the value of the Petitioner's property can be seriously affected by such a decision. Consequently, I will allow the Petitioner 60 days to supplement his evidence in accord with his petition for special hearing and this Order.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14 day of July, 2005, that the Petitioner's request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a nonconforming use for four apartments in a residence, be and is hereby continued for 60 days to allow the Petitioner to supplement his evidence in accord with this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 7/14/05
By Raj

Zoning Commissioner

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

Baltimore County

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

July 14, 2005

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 05-601-SPH
Property: 6401 Liberty Road

Dear Ms. Dopkin:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: John W. Bowie, M.D., 1642 Worthington Hgts., Hunt Valley, MD 21030
Paul Naldrett, Hicks Engineering,, 200 E. Joppa Road, Towson, MD 21286

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6401 LIBERTY RD
which is presently zoned DR 5.5

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

TO ALLOW A NON-CONFORMING 4 UNIT APARTMENT

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

John W. Bowie MD
Name - Type or Print

John W. Bowie MD
Signature

CINDY BOWIE
Name - Type or Print

Cindy Bowie
Signature — 410-785-0419

1642 WORTHINGTON HEIGHTS PKWY
Address — Telephone No.

HUNT VALLEY MD 21030
City — State — Zip Code

Attorney For Petitioner:

Deborah C Dopkin
Name - Type or Print

Deborah C Dopkin
Signature

409 WASHINGTON AVENUE
Company

1000 Mercantile B 410-821-0200
Address — Telephone No.

TOWSON MD 21204
City — State — Zip Code

Representative to be Contacted:

PAUL M. NAUDEN - HICKS Engineering
Name

200 E. DOPPA ROAD Suite 402 410-494-0001
Address — Telephone No.

Towson MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 5-19-05

Case No. 05-601-SPH

REV 9/15/98

RECEIVED FOR FILING
7/14/05

Hicks Engineering Associates, Inc.
200 East Joppa Road, Suite 402
Towson, Maryland 21286-3160
(410) 494-0001
Facsimile: (410) 821-8890

DESCRIPTION FOR ZONING
OF
6401 LIBERTY ROAD
BOWIE PROPERTY
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the southeast side of Liberty Avenue, 52 feet +/- from the intersection formed by the centerline of said Liberty Road , as widened to 80 feet and Meadowside Road 40 feet wide, thence binding on the northwest side of said Meadowside Road,

1) South 45 degrees 08 minutes 18 seconds West 108.40 feet, thence leaving said road,

2) North 44 degrees 51 minutes 42 seconds West 61.90 feet, thence

3) North 45 degrees 08 minutes 18 seconds West 89.83 feet, to the southwest side of Liberty Road, thence binding on said southwest side of Liberty Road,

4) North 63 degrees 23 minutes 34 seconds West 64.99 feet to the place of beginning.

Donald E. Hicks, P.E.

STATE OF MARYLAND
DONALD EDWIN HICKS
No. 8676
REGISTERED
PROFESSIONAL ENGINEER

CONTAINING 7,040 square feet or 0.162 acres of land, more or less.

HICKS ENGINEERING ASSOCIATES, INC.
200 EAST JOPPA ROAD, SUITE 402
TOWSON, MARYLAND 21286

APRIL 11, 2005

#601

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 465081

DATE 5-17-05 ACCOUNT 001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: John W. Lewis

6101 LIBERTY RD.

FOR: Pet. for Special Hearing ITEM # 601

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
5/17/2005 5/17/2005 [illegible]
[illegible] 0502 MAIL [illegible]
RECEIPT # [illegible]
Rept 5 [illegible]
CR NO. 465081
Rcpt Tot [illegible]
$325.00 CK [illegible] CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 05-601-SPH
6401 Liberty Road
S/west of corner of Liberty Road and Meadowski Road
2nd Election District — 4th Councilmanic District
Legal Owner(s): John W. & Cindy Bowie

Special Hearing: to allow a non-conforming four (4) unit apartment.

Hearing: Friday, July 8, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/303 June 23 56123

CERTIFICATE OF PUBLICATION

6/23/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/23/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-601-SPH

Petitioner/Developer: JOHN W. AND CINDY BOWIE

Date of Hearing/Closing: JULY 8, 2005

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

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

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 6401 LIBERTY ROAD

The sign(s) were posted on JUNE 23, 2005
(Month, Day, Year)

Sincerely,

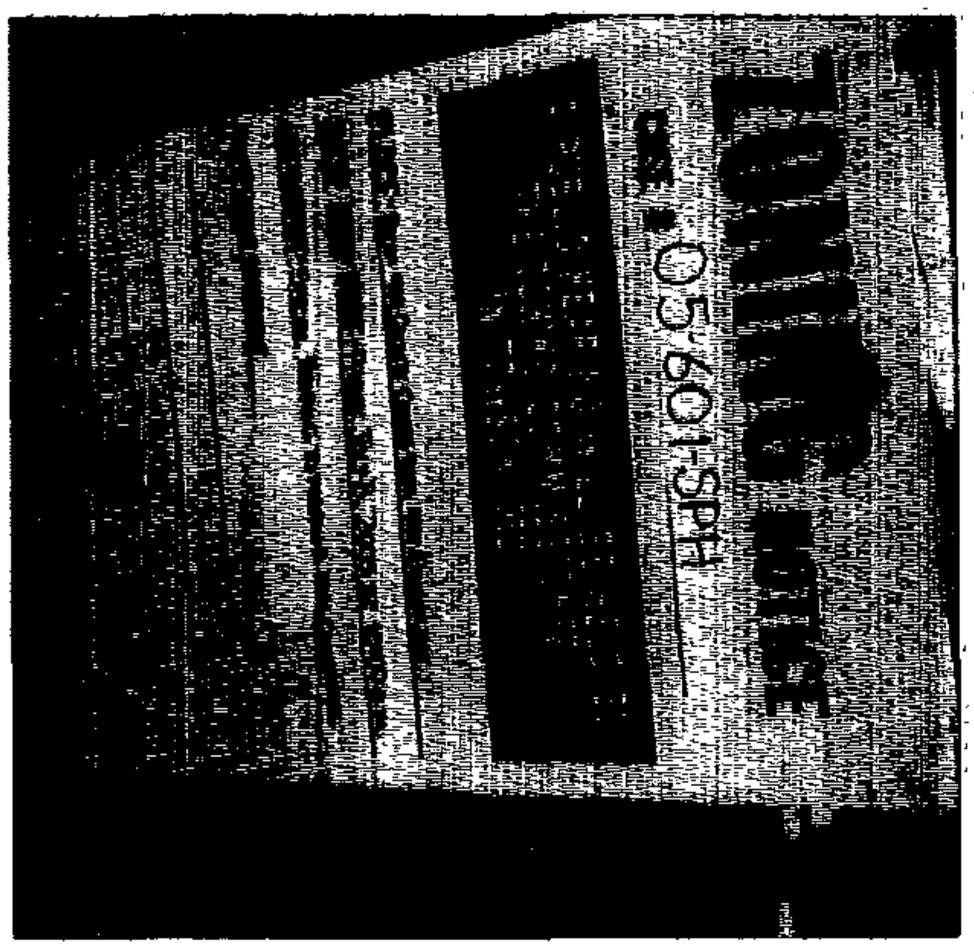
Robert Black 6-24-05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



6401 LIBERTY ROAD

Department of Permits and Development Management

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

Baltimore County

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

May 24, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-601-SPH
6401 Liberty Road
S/west of corner of Liberty Road and Meadowski Road
2nd Election District – 4th Councilmanic District
Legal Owners: John W. & Cindy Bowie

Special Hearing to allow a non-conforming four (4) unit apartment.

Hearing: Friday, July 8, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Ave., 1000 Mercantile B, Towson 21204
John & Cindy Bowie, 1642 Worthington Heights Parkway, Hunt Valley 21030
Paul Naldrett, 200 E. Joppa Rd., Ste. 402, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 23, 2005.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 23, 2005 Issue - Jeffersonian

Please forward billing to:
Dr. John W. Bowie
1642 Worthington Heights Parkway
Hunt Valley, MD 21030-1016

410-785-0419

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-601-SPH
6401 Liberty Road
S/west of corner of Liberty Road and Meadowski Road
2nd Election District – 4th Councilmanic District
Legal Owners: John W. & Cindy Bowie

Special Hearing to allow a non-conforming four (4) unit apartment.

Hearing: Friday, July 8, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 05-601-SPH

Petitioner: DR JOHN W. BOWIE

Address or Location: 6401 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DR JOHN W. BOWIE

Address: 1642 WORTHINGTON HEIGHTS PKWY
HUNT VALLEY, MD
21030-1016

Telephone Number: 410-785-0419

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

June 27, 2005

Deborah C. Dopkin, P.A.
409 Washington Avenue
Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case Number:05-601-SPH, 6401 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
John W. and Cindy Bowie 1642 Worthington Heights Parkway Hunt Valley 21030
Paul M. Naldrett Hicks Engineering 200 E. Joppa Road Ste. 402 Towson 21286

Printed on Recycled Paper

Fire Department

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

Baltimore County

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

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

May 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 25, 2005

Item No.: 596 and 601.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 5.24.05

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

RE: Baltimore County
Item No. 601 JRF

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: June 14, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 31, 2005

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

05-596
05-597
05-598
05-599
05-600
05-601
05-602
05-603
05-604
05-605
05-606

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-601**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

MAC/LL

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\nocomment.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 1, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 6, 2005
Item No. 601

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

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

DAK:CEN:clw
cc: File
ZAC-ITEM NO 601-06012005.doc

Neu

RE:	PETITION FOR SPECIAL HEARING 6401 Liberty Road; SW/corner of Liberty Road and Meadowski Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): John and Cindy Bowie Petitioner(s)	*	BEFORE THE
		*	ZONING COMMISSIONER
		*	FOR
		*	BALTIMORE COUNTY
		*	05-601-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 25th day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to Paul Naldrett, Hicks Engineering, 200 E. Joppa Road, Suite 402, Towson, MD 21286, and to Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED
MAY 25 2005
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C DOPKIN

Appealed 7/26/05
Granted 8/12/05.

RECEIVED
JUL 27 2005
ZONING COMMISSIONER

July 26, 2005

John V. Murphy, Esquire
Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RE: 6401 Liberty Road
Case No. 05-273-SPH
05-601

Dear Mr. Murphy:

Thank you for your decision dated July 14, 2005 in the above captioned matter and for talking to me about it this morning. This letter is to confirm that the case is being continued and the record will remain open until after the continuation of the hearing on August 12, 2005 at 2:00 p.m.

If you find that there is a requirement that the Petitioner must request a reconsideration of your decision as a technical matter to toll the appeal period, please consider this letter that request.

Thanking you in advance for your consideration, I am

Very truly yours,

Deborah C. Dopkin

DCD/kmc
cc: John Bowie, M.D.
Mr. Paul Naldrett
C:\docs\KMC\DCD\LETTERS 2005\murphy john-bowie.wpd

PLEASE PRINT CLEARLY

CASE NAME 6401 Liberty Rd.
CASE NUMBER 05-601-SPH
DATE 7/8/05

PETITIONER'S SIGN-IN SHEET

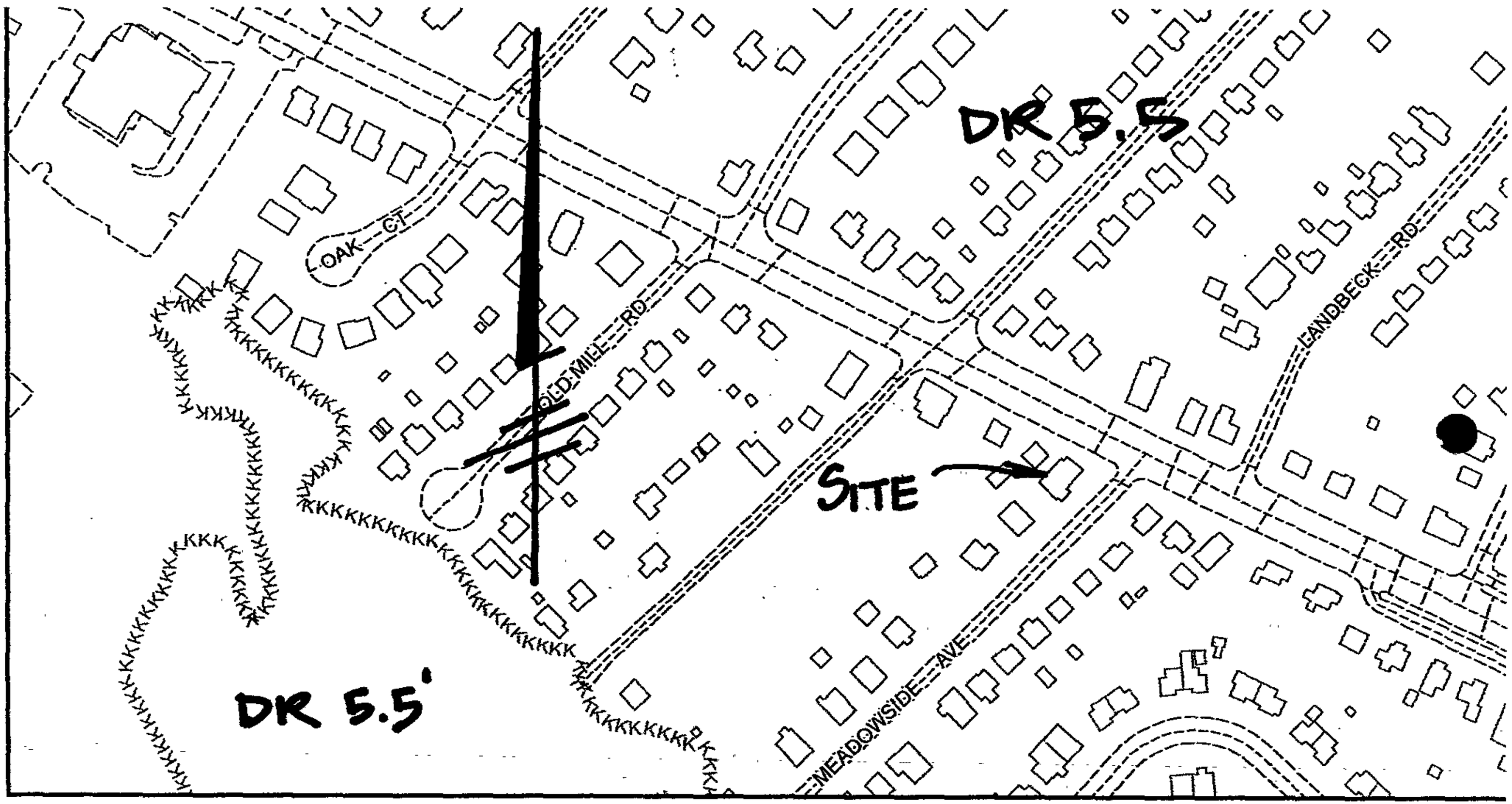
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Deborah Dopkin	409 Washington Ave	Towson MD 21204	DDopkin@Dopkinlaw.com
Paul M. Naldrett	200 E. Joppa Road	Towson MD 21286	pnaldrett@hicksengr.com
John W. Bowieems	1642 Worthington Hgts	Hunt Valley Md 21030	JBowie9566@aol.com

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-601-SPH
DATE 8/12/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Mary W. Dorsey	4212 Kelway Rd	Baltimore MD 21218	
Deborah Dopkin	409 Washington Ave	Towson MD 21204	



Plan Sheet: ***088B1***

601

Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.

PART OF
2004 ZONING MAP
088 B1
AND 2000 MAP NW 4E 1" = 200'

Pet Ex #3

6/15/2005

1

6/15/2005

2

6/15/2005

3

6/15/2005

4

6/15/2005

5

6/15/2005

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6/15/2005

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6/15/2005

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6/15/2005

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6/15/2005

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6/15/2005

11

6/15/2005

12

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** - 02 **Account Number** - 0216900040

Owner Information

Owner Name:	BOWIE JOHN W BOWIE CINDY A	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1642 WORTHINGTON HEIGHTS PKWY HUNT VALLEY MD 21030-1016	**Deed Reference:**	1) / 7657/ 457 2)

Location & Structure Information

Premises Address
6401 LIBERTY RD

Legal Description
PT LT 2
SW COR MEADOWSIDE AV
HAYWOOD HEIGHTS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
88	9	408					2	80	Plat Ref: 7/ 49

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	2,474 SF	7,040.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	27,010	32,010		
Improvements:	88,470	94,290		
Total:	115,480	126,300	119,086	122,692
Preferential Land:	0	0	0	0

Transfer Information

Seller:	PUGLISI JOSEPH	**Date:**	08/31/1987	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/ 7657/ 457	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**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 *

Pet #6

58,118 dma

DEED -- FEE SIMPLE -- INDIVIDUAL GRANTOR -- LONG FORM

LIBER 7657 PAGE 457

THE SENTINEL TITLE CORPORATION, COLUMBIA
Suite 1108 Equitable Bank Center Columbia
10320 Little Patuxent Parkway
Columbia, MD 21044
730-8484

This Deed, MADE THIS 25th day of September

in the year one thousand nine hundred and eighty-six by and between

JOSEPH C. PUGLISI, party

of BALTIMORE COUNTY, MARYLAND of the first part, and

JOHN W. BOWIE and CINDY A. BOWIE, husband and wife, party

of the second part.

WITNESSETH, That in consideration of the sum of SEVENTY FOUR THOUSAND FIVE HUNDRED AND NO/100ths ($74, 00.00) DOLLARS, the receipt of which is hereby acknowledged,

the said party of the first part

C RC/F 13.00
C T TX 370.00
C DOCS 370.00
DEED 0 #
SH CLERK 753.00
#13703 C001 R02 T13:16
08/31/87

do es grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs

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

that lot of ground situate in BALTIMORE COUNTY, MARYLAND

and described as follows, that is to say:

BEING the northernmost portion of Lot No. 2, Section "R" as laid out on the Plat Of Haywood Heights, which Plat is recorded among the Land Records of Baltimore County in Liber No. WPC 7, folio 49, as remained after the conveyance detailed and described in a lease dated 30 November 1936 to Clayton W. Bordley, Jr. and recorded in said records in Liber No. CNB 988, folio 306, etc., And the easternmost strip of Lot No. 1 of said Section "R" of said Plat, remaining after the conveyance detailed and described in a lease dated 29 May 1946, to Harry L. Warnken and recorded in said records in Liber No. RJS 1472, folio 30. The improvements thereon now being known and designated as 6401 Liberty Road.

BEING that same lot of ground as described in Deed dated September 23, 1971 and recorded among the Land Records of Baltimore County in Liber 5220, folio 470 was granted and conveyed by Salvatore Puglisi unto the within named grantors.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE _____ DATE _____

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

CLERK DATE 8-31-87

B 0 152000*11201A 131.1

Pet #5

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

To Have and To Hold the said described lot of ground and premises to the said

parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs

personal representatives

and assigns , in fee simple.

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

Witness the hand and seal of said grantor

Test:

JOSEPH C. PUGLISI (SEAL)

(SEAL)

State of Maryland, , to wit:

I Hereby Certify, That on this day of , in the year one thousand nine hundred and eighty-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JOSEPH C. PUGLISI

known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public

Michael L. Pulsi NOTARY PUBLIC Baltimore County

My Commission expires:

July 1, 1990

FEE-SIMPLE DEED — INDIVIDUAL GRANTOR AND GRANTEE — 40

[redacted]

No Stamps Required
No Transfer Tax
(Gift)

This Deed, Made this 23rd day of SEPTEMBER

in the year one thousand nine hundred and seventy one , by and between

SALVATORE FUGLISI, Widower

, of the first part, and

JOSEPH C. FUGLISI

of the second part.

SEP 27-71 2263358 *****950
(FEE SIMPLE) [illegible] *****950

Witnesseth, that in consideration of the sum of Five Dollars ($5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantor

do th hereby grant and convey unto the said JOSEPH C. FUGLISI, his

heirs and assigns,

in fee simple, all those lots lot(s) of ground, situate, lying and being in

Baltimore County , State of Maryland, and described as follows, that is to say:—

~~Beginning for the~~

BEING the northernmost portion of Lot No. 2, Section 'R' as laid out on the Plat of Haywood Heights, which plat is recorded among the Land Records of Baltimore County in Liber No. WPC 7, folio 49, as remained after the conveyance detailed and described in a lease dated 30 November 1936 to Clayton W. Bordley, Jr. and recorded in said records in Liber No. CWB 988, folio 306, etc., AND the easternmost strip of Lot No. 1 of said Section 'R' of said Plat, remaining after the conveyance detailed and described in a lease dated 29 May 1946, to Harry L. Warnken and recorded in said records in Liber No. RJS 1472, folio 30. The improvements thereon now being known and designated as No. 3401 Liberty Road.

TRANSFER TAX NOT REQUIRED
9-27-71
Walter R. Richardson
Director of Finance
For [signature]

cont'd on reverse side

The title reference to the parcel of land herewith conveyed is by deed dated 18 October 1926, and recorded in said records in Liber WPC 637, folio 423, wherein Walter W. Pfeiffer and Imogen Pfeiffer, his wife, and the Pfeiffer-Biky Limited by William T. Pfeiffer, Successor, granted unto Salvatore Puglisi and Mary Puglisi, his wife, the lots designated as Lots 1 and 2, Section 'R' on aforesaid Plat. By Deed dated 29 May 1946, RJS 1472, folio 30, mentioned hereinabove, the said Salvatore Puglisi and Mary Puglisi conveyed a described portion of Lot No. 1 to Harry L. Warnken, leaving a small part of said Lot No. 1 not included nor thereby conveyed. The property hereby conveyed is listed on the Baltimore County Tax accounts as property 02-16-900041 for part of Lot 2, and property 02-16-900040 for part of Lot 1. Mary Puglisi departed this life on 12 October 1955, leaving Salvatore Puglisi, the within Grantor as sole owner.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Joseph C. Puglisi, his

heirs and assigns,

in fee simple.

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

Witness the hand and seal of said grantor

Test:

Marguerite A. Shivers

Salvatore Puglisi [SEAL]

[SEAL]

State of Maryland, COUNTY OF HOWARD, to wit:

I Hereby Certify, That on this 23rd day of September, 1971, before me, the subscriber, a Notary Public of the State of Maryland, in and for Howard County, personally appeared Salvatore Puglisi

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

Witness, I hereunto set my hand and official seal.

My Commission Expires: 1 July 1974

Marguerite A. Shivers, Notary Public

Rec'd for record SEP 27 1971 at 9:45 A.M.
Per Orville T. Connell, Clerk
Mail to Cecil F. Lynch
Receipt No. 1950

west thence leaving said outline and running for a line of division passing through the center of said party wall south thirty four degrees forty five minutes east one hundred and twelve feet to the place of beginning

The said Mortgagee retaining his lien on the balance of the property described in said mortgage not hereby released

Witness the hand and seal of said Releasor

Witness

Jesse R Stein — Charles Puglisi (SEAL)

Arlington Va

State of Virginia County of Arlington to wit

I Hereby Certify that on this 21st day of November 1936 before me the subscriber a Notary Public of the State of Virginia in and for the County of Arlington personally appeared Charles Puglisi and he acknowledged the aforegoing Partial Release of Mortgage to be his act

As Witness my hand and Notarial seal

(Notarial seal) Jesse R Stein

Notary Public

My Commission expires October 27 1937

Recorded Dec 9 1936 at 10.30 A M & EXD Per C Willing Browne Jr Clerk

---

71088

Salvatore Puglisi and wife

Lease to

Clayton W Bordley

Noted

This Lease Made this 30th day of November in the year one thousand nine hundred and thirty six between Salvatore Puglisi and Mary Puglisi his wife Lessors of Baltimore City State of Maryland of the first part and Clayton W Bordley lessee of said City and State of the second part

Witnesseth that the said Salvatore Puglisi and Mary Puglisi his wife in consideration of the rent hereinafter expressed to be paid do lease unto the said Clayton W Bordley his executors administrators and assigns all that lot or ground and premises situate lying and being in the County of Baltimore and described as follows to wit

Beginning for the same on the northwest side of Nuberry Avenue at a point distant north fifty five degrees fifteen minutes east twenty seven and forty five one hundredths feet measured along said side of said Avenue from the beginning of the last line of a parcel of land which by deed dated October 18th 1926 and recorded among the Land Records of Baltimore County in Liber W P C No 637 folio 426 was conveyed by Walter W Pfeiffer et al to Salvatore Puglisi and wife thence binding on the northwest side of Nuberry Avenue and on a part of the last line of said parcel of land north fifty five degrees fifteen minutes east twenty seven and twenty three one hundredths feet thence leaving said Avenue and running for lines of division the two following courses and distances viz north thirty five degrees four minutes west ninety two and forty five one hundredths feet to the easternmost corner of a double brick garage erected on the lot now being described and thence binding along the face of the northeast wall of said garage north thirty four degrees fourteen minutes east nineteen and forty five one hundredths feet to a point in the second line of the aforesaid parcel of land conveyed by Pfeiffer to Puglisi thence on a part of said second line south fifty five degrees fifteen minutes west twenty seven feet to a point in line with the centre of the party wall between the house erected on the lot

now being described and the house erected on the lot adjoining on the southwest thence leaving said outline and running for a line of division passing through the centre of said party wall south thirty four degrees forty five minutes east one hundred twelve feet to the place of beginning

Being a part of the parcel of land which by deed dated October 18th 1926 and recorded among the Land Records of Baltimore County in Liber W P C No 637 folio 423 was granted and conveyed by Walter W Preifrer et al to said Lessors herein

Said Lessors for themselves their heirs and assigns covenant and agree with the said lessee his personal representatives and assigns that there will not be erected upon the lot of ground and premises described as follows that is to say

Beginning for the same on the northwest side of Nuberry Avenue at a point distant north fifty five degrees fifteen minutes east fifty four and sixty eight one hundredths feet measured along said side ofsaid Avenue from the beginning of the last line of a parcel of land which by deed dated October 18th 1926 and recorded among the Land Records of Baltimore County in Liber W P C No 637 folio 423 was conveyed by Walter W Preifrer et al to Salvatore Puglisi and wife thence binding on the northwest side of Nuberry Avenue and on a part of last line of said parcel of land north fifty five degrees fifteen minutes east twenty three feet thence leaving said Avenue and running for a line of division north thirty five degrees four minutes west fifty eight feet thence south fifty five degrees fifteen minutes west twenty three feet to intersect the second line in the property herein leased by Salvatore Puglisi and wife to Clayton W Bordley and then on reversing said line fifty eight feet to the place of beginning

A dwelling house or any buildings of whatsoever character but the same to be left as a free and open space which restrictions is to run with the land herein above conveyed and to bind all subsequent owners of the lot secondly above described

Together with all improvements thereon made lanes alleys ways waters easements emoluments and advantages to the said ground belonging or in any wise appertaining

To be held by the said lessee his executors administrators and assigns for the term of ninety nine years beginning on the day of the date of these presents he the said lessee his executors administrators or assigns yielding and paying unto the said lessors their heirs or assigns the rent or yearly sum of sixty dollars and that in even and equal half yearly instalments accounting from the thirtieth day of November one thousand nine hundred and thirty six over and above all deductions for taxes and assessments of every kind levied or assessed or hereafter to be levied or assessed on said demised premises or the rent issuing therefrom Provided that if the said rent shall be in arrear in whole or in part at any time then it shall be lawful for the said lessors their heirs or assigns to make distress therefor

And provided also that if said rent shall be in arrear in whole or in part for sixty days then it shall be lawful for the said lessors their heirs or assigns to repenter upon the hereby demised premises and hold the same until all the arrearages of rent thereon and all expenses incurred by reason of such non-payment shall be fully paid

And provided further that if said rent shall be in arrears for six months then the said lessors their heirs or assigns may re-enter upon the premises hereby demised and hold the same as if this lease had never been made

And the said lessee for himself his heirs executors administrators and assigns

covenants with the said lessors their heirs and assigns to pay the aforesaid rent taxes and assessments when legally demandable

And the said lessors for themselves their heirs executors administrators and assigns do hereby covenant with the said lessee his executors administrators and assigns that on payment by the said lessee his heirs executors administrators and assigns of said rent and performance of all covenants herein on his part to be paid and performed they the said lessors their heirs executors administrators and assigns will warrant the property hereby leased from all claims thereon under or by said lessors or any person claiming by from or under them

Also that at any time during this demise the said lessors their heirs or assigns shall on payment to them of ten dollars as renewal fine execute and deliver or cause to be executed and delivered to the said lessee his executors administrators or assigns at his or their request and cost a new lease of the above demised property for another term of ninety nine years to commence on the expiration of this subject to the same rent and with the same covenants so that the demise hereby created may be renewable and renewed from time to time forever

Witness the hands and seals of the parties hereto

Test

Sadye B Jacobs

Salvatore Puglisi (SEAL)

Mary Puglisi (SEAL)

Clayton W Bordley (SEAL)

State of Maryland City of Baltimore to wit

I Hereby Certify that on this 30th day of November in the year one thousand nine hundred and thirty six before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Salvatore Puglisi and Mary Puglisi his wife lessors and Clayton W Bordley lessee and severally acknowledged the foregoing lease to be their respective act

Witness my hand and Notarial seal

(Notarial seal) Sadye B Jacobs

Notary Public

Recorded Dec 9 1936 at 10.50 A M & EXD Per C Willing Browne Jr Clerk

---

71089

Clayton W Bordley

Deed to

Melvin L Herring & wf

U S 3 $4.00

This Deed Made this 30th day of November in the year one thousand nine hundred and thirty six by and between Clayton W Bordley of the City of Baltimore in the State of Maryland of the first part and Melvin Loring Herring and Nettie Mae Herring his wife of said City and State of the second part

Witnesseth that in consideration of the sum of five dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Clayton W Bordley doth grant and convey unto the said Melvin Loring Herring and Nettie Mae Herring his wife as tenants by the entireties their personal representatives and assigns all that lot of ground situate in the County of Baltimore and described as follows that is to say

Beginning for the same on the northwest side of Nuberry Avenue at a point distant north fifty five degrees fifteen minutes east twenty seven and forty five one hundredths feet measured along said side of said Avenue from the beginning of the last line of a parcel of land which by a deed dated October 16th 1926 and recorded among the Land Records

113187
Salvatore Puglisi and wife
Lease to
Harry L Warnken
S R T $1.50

This Lease Made this 29th day of May in the year one thousand nine hundred and forty six between Salvatore Puglisi also called Samuel Puglisi and Mary Puglisi his wife of Baltimore County of the first part and Harry L Warnken of the City of Baltimore of the second part

Witnesseth that the said Salvatore Puglisi and Mary Puglisi his wife in consideration of the rent hereinafter expressed to be paid do lease unto the said Harry L Warnken his executors administrators and assigns all that lot of ground and premises situate lying and being inthe Second Election District of Baltimore County aforesaid and described as follows to wit

Beginning forthe same on the southwest side of Liberty Heights Avenue at the northernmost corner of lot No 1 Section R as laid out on the Plat of Haywood Heights which Plat is recorded among the Plat Records of Baltimore County in Liber W P C No 7 folio 49 and running thence and binding on the southwest side of Liberty Heights Avenue south 53 degrees 06½ minutes east 52.68 feet thence leaving said avenue and running for a line of division south 55 degrees 15 minutes west 97.14 feet to intersect the second line of a parcel of land which by a deed dated November 30 1936 and recorded among the Land Records of Baltimore County in Liber O W B Jr No 988 folio 308 was conveyed by Clayton W Bordley to Melvin L Herring and wife thence binding on a part of the second line and on the third line of said parcel of land the two following courses and distances viz north 35 degrees 04 minutes west 30.45 feet to the easternmost corner of a double brick garage erected on the lot to the southwest of the lot now being described and thence along the face of the northeast wall of said garage north 34 degrees 14 minutes west 19.55 feet to intersect the northwest line of the aforesaid lot No 1 and thence binding on a part of said line north 55 degrees 15 minutes east 80.55 feet to the place of beginning

Being now known as Nos 6403 Liberty Heights Avenue Being a part of a parcel of land which by deed dated October 18 1926 and recorded among the Land Records of Baltimore County in Liber W P C No 637 folio 423 which was conveyed by Walter W Pfeiffer et al to the said Salvatore Puglisi and wife

Together with- - - -all improvements thereon made lanes alleys ways waters easemenents emoluments and advantages to the said ground belonging or in anywise appertaining

To be held by the said lessee his executors administrators and assigns forthe term of ninety-nine years beginning onthe day of the date of these presents he thesaid lessee his executors administrators or assigns yielding and paying unto the said lessors their heirs or assigns the rent or yearly sum of ninety dollars and that in even and equal half yearly instalments accounting from the first day of June onethousand nine hundred and forty six over and above all deductions for taxes and assessments of every kind levied or assessed or hereafter to be levied or assessed onsaid demised premises or the rent issuing therefrom Provided that if the said rent shall be in arrear in whole or in part at any time then it shall be lawful for the said lessors their heirs or assigns to make distress therefor

And provided also that if the said rent shall be in arrear in whole or in part for sixty days then it shall be lawful for thesaid lessors their heirs or assigns to re-enter

y demised premises and hold the same until all the arrearages of rent
l expenses incurred by reason of such non-payment shall be fully paid
vided further that if said rent shall be in arrears for six months then the
their heirs or assigns may re-enter upon the premises hereby demised and hold
this lease had never been made

said lessee for himself his heirs executors administrators and assigns cove-
said lessors their heirs and assigns to pay the aforesaid rent taxes and
hen legally demandable

said lessors for themselves their heirs executors administrators and as-
by covenant with the said lessee his executors administrators and assigns
nt by the said lessee his heirs executors administrators and assigns of said
ormance of all covenants herein on his part to be paid and performed they the
their heirs executors administrators and assigns will warrant the property
from all claims thereon under or by said lessor or any person claiming by
them

t at any time during this demise the said lessors their heirs or assigns shall
o them of Ten dollars as renewal fine execute and deliver or cause to be
delivered to the said lessee his executors administrators or assigns at their
cost a new lease of the above described property for another term of ninety
o commence on the expiration of this subject to the same rent and with the same
that the demise hereby created may be renewable and renewed from time to

Witness the hands and seals of the parties hereto

orb

Salvatore Puglisi (SEAL)
Mary Puglisi (SEAL)
Harry L Warnken (SEAL)

ryland

Baltimore to wit

eby Certify that on this 29th day of May in the year one thousand nine hun-
rty six before me the subscriber a Notary Public of the State of Maryland in
City of Baltimore aforesaid personally appeared Salvorore Puglisi and Mary
wife Lessors and Harry L Warnken Lessee and severally acknowledged the fore-
to their respective act

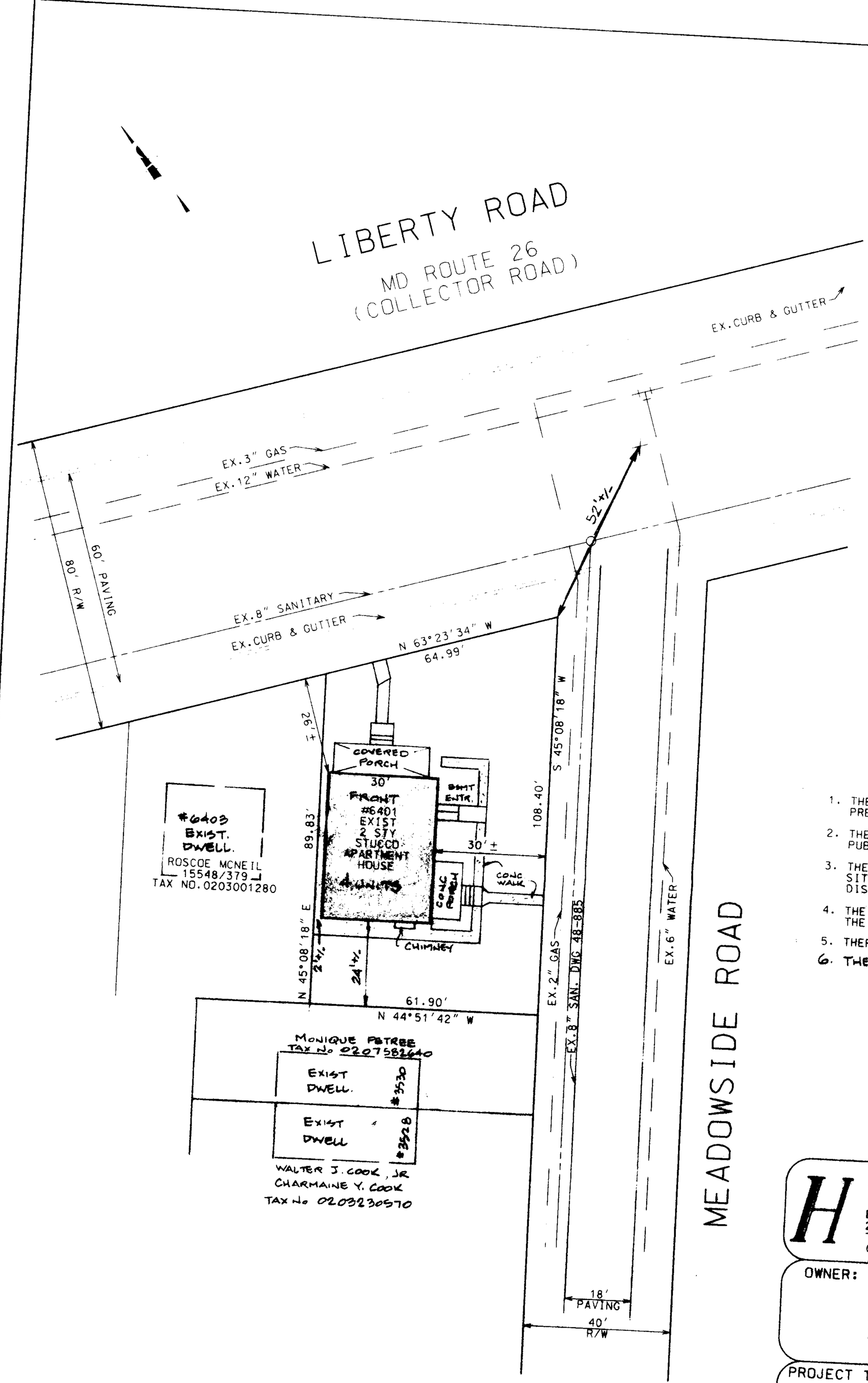
As Witness my hand and Notarial seal
(Notarial seal)

Gustavus A Korb
Notary Public

Recorded May 31 1946 at 2.00 P M & EXD
Per Robert J Spittel
Clerk

R D B)

(Examiners W & G)



VICINITY MAP
SCALE: 1"=2000'

SITE DATA

SITE AREA:	7,040 SF OR 0.162 ACS.±
DEED REFERENCE:	7657/457
PLAT REFERENCE	7/49
TAX ACCT. NO.:	021690040
EX. ZONING:	DR 5.5
ZONING MAP:	NW 4 E
COUNCILMANIC DISTRICT:	4
ELECTION DISTRICT:	2
MAXIMUM HIEGHT:	35 FEET
EXISTING USE: 4 UNIT	APARTMENT BLDG.
PROPOSED USE: 4 UNIT	APARTMENT BLDG.

GENERAL NOTES

1. THE SUBJECT PROPERTY HAS NO PREVIOUS ZONING CASE HISTORY.
2. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
3. THE SUBJECT PROPERTY IS NOT A HISTORICAL SITE NOR DOES IT LIE WITHIN A HISTORICAL DISTRICT.
4. THE PROPERTY DOES NOT LIE WITHIN THE 100 YR FLOOD PLAIN.
5. THERE IS NO PROPOSED DEVELOPMENT AT THIS TIME.
6. THERE IS NO EXISTING OFF-STREET PARKING

ZONING REQUEST

THE REQUEST IS TO ALLOW FOR THE CONTINUED USE OF THE PROPERTY AS A 4 UNIT APARTMENT BUILDING; AS A PRE-EXISTING, NON-CONFORMING USE. RELIEF FROM SIDEYARD SETBACK REQUIREMENTS FOR THE EXISTING STRUCTURE IS ALSO REQUESTED.

#601

Hicks Engineering Associates, Inc.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286-3160
(410) 494-0001 FAX: (410)821-8890

OWNER: DR. JOHN W. BOWIE
MRS. CINDY A. BOWIE
1642 WORTHINGTON HEIGHTS PKWY
HUNT VALLEY, MD
21030-1016

PROJECT TITLE:

#6401 LIBERTY RD
BOWIE PROPERTY
BALTIMORE COUNTY, MD

DRAWING TITLE:

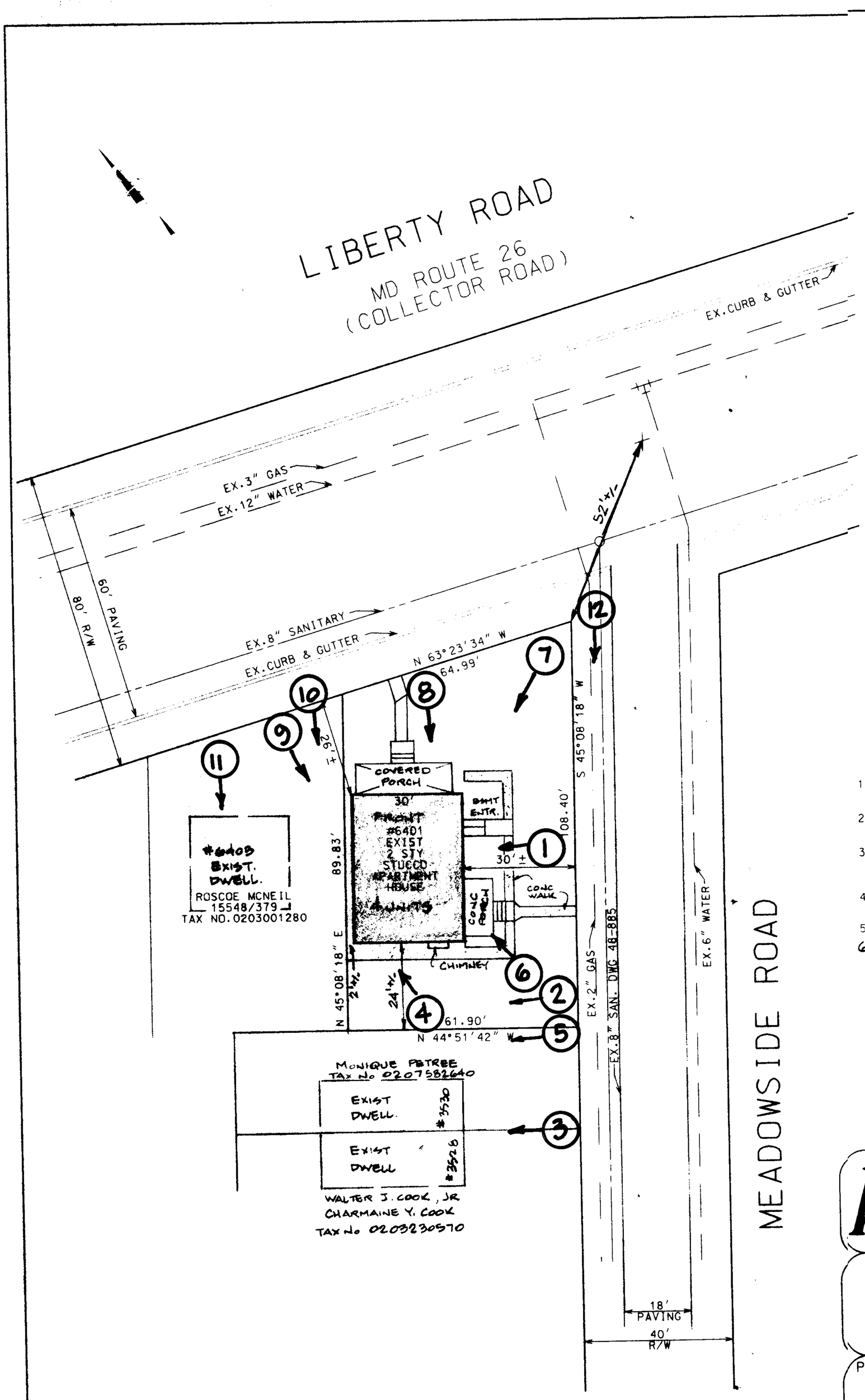
PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING

JOB NO.: 21650	DRAWING NO.: C-1
DRAWN BY: KEB	
CHECKED BY: PMN	
DATE: APRIL 11, 2005	
SCALE: 1"=20'	SHEETS PER SET: 1 OF 1

Pet #1

STATE OF MARYLAND
DONALD EDWIN HICKS
PROFESSIONAL ENGINEER
No. 8676

406



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PETITIONER'S
EXHIBIT NO. 2

PHOTO EXHIBIT

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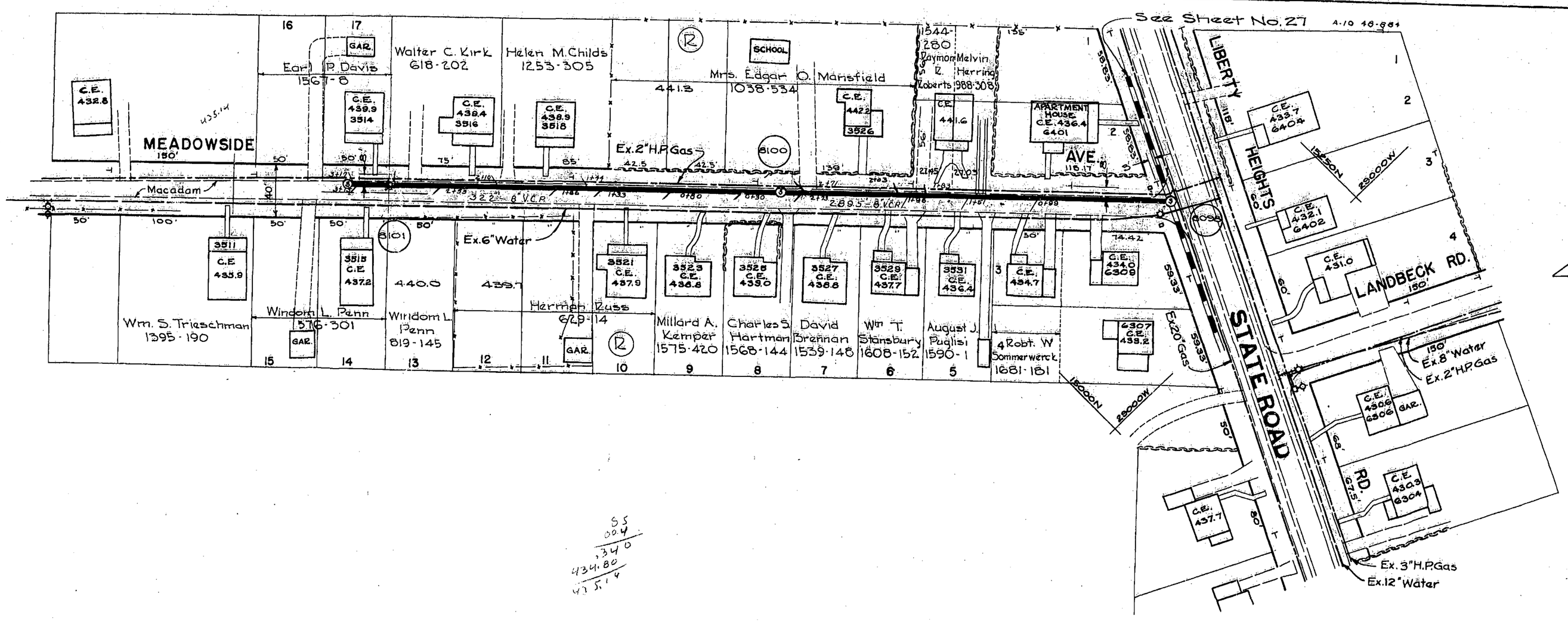
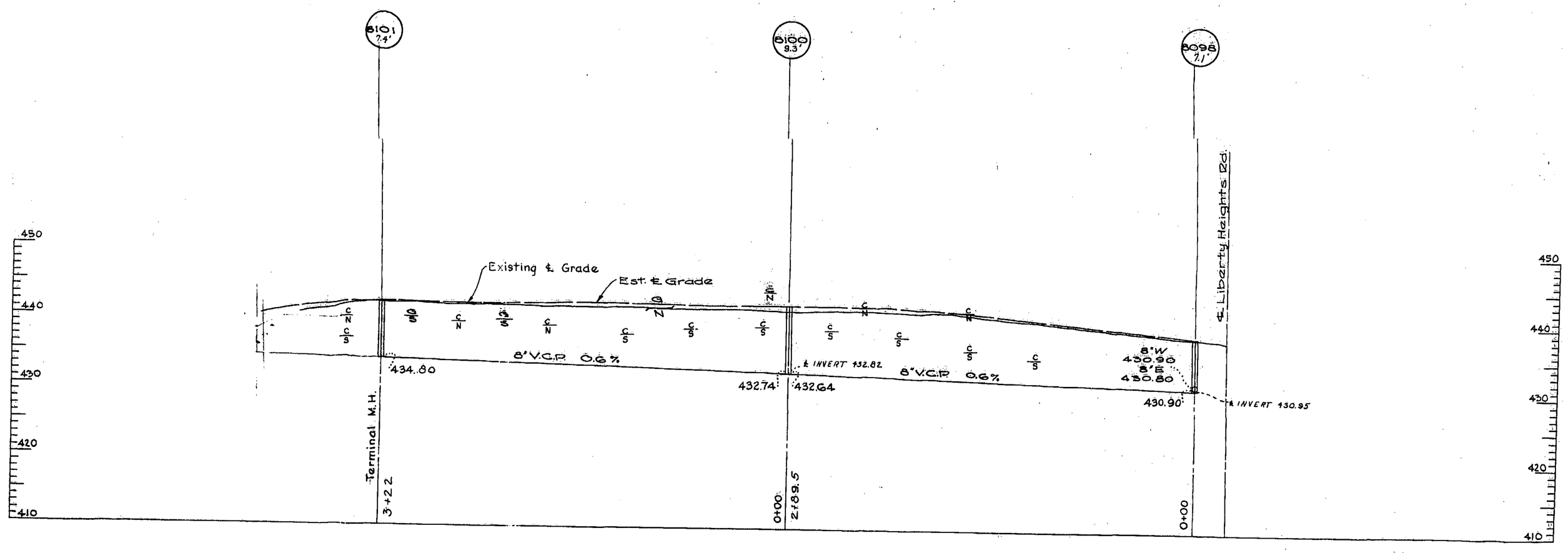
Pet Exhibit





MICROFILMED

DRAWN: A.F.S. TRACED: R.E.F. CHECKED: H.S.X. EXAMINED:	BALTIMORE COUNTY METROPOLITAN DISTRICT	APPROVED: 2-10-49 William E. Hyde CHIEF ENGINEER	COUNTY COMMISSIONERS OF BALTIMORE COUNTY PRESIDENT	HAYWOOD HEIGHTS	8" SANITARY SEWER MEADOWSIDE AVENUE FROM LIBERTY HEIGHTS RD SOUTH	ELECTION DISTRICT	GRADE ESTABLISHED AND LOCATION APPROVED March 7th 1949 DATE Fred Apple ROADS ENGINEER BALTO. COUNTY

REVISED AS PER RECORD PRINT 4-25-52 E.J.R.

SANDLASS WIEMAN & ASSOC.
BALTIMORE MARYLAND
ENGINEERS FOR DESIGN

DRAWING	SCALE	
NO. 28	HOR. 1" = 50'	J. O. 5017
OF 34	VERT. 1" = 10'	48-885
		FILE: A-10
		15 CNW 20

KEY SHEET K-N.W. — MICROFILMED

Ret #4