

IN RE: PETITION FOR SPECIAL HEARING
SE/S Murdock Road, 344' NE of the c/l
Bellona Avenue
(29 Murdock Road)
9th Election District
5th Council District

Elizabeth L. Dougherty
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-064-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, Elizabeth L. Dougherty. The Petitioner requests a special hearing to approve the continued use of two apartments on the subject property as a legal, nonconforming use. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Elizabeth L. Dougherty, property owner, Jean Duvall, individually and on behalf of Marion Milbourne, adjacent property owner, and Karl W. Metsch, a long-time tenant on the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Murdock Road, just east of Bellona Avenue, in western Towson. The property contains a gross area of 0.093 acres, more or less, zoned, D.R.10.5 and is improved with a two-story brick, end-of-group townhouse dwelling, which contains two apartments. The home is one of ten built in 1942 by the Keelty Corporation and sold as a two-apartment dwelling. The first floor apartment consists of two bedrooms, living room and bath on the first floor, with a kitchen and family room in the basement. The second floor apartment consists of one bedroom, a kitchen, bathroom and living room. Each apartment has a separate

UNDER RECEIVED FOR FILING

Date

By

9/30/05

[Signature]

entrance and separate electric meters. Apparently, the instant Petition was filed in response to an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the use of the property.

In support of the request, Ms. Dougherty testified that she purchased the subject property in 1996 and was granted a conditional use permit for two apartments in order to obtain her mortgage approval on January 11, 1996 (see Petitioner's Exhibit 3). She indicated that the previous owner had modified the property, moving the kitchen to the basement to provide a second bedroom in the first floor apartment. But for those changes, the property remains as it did in 1942. Ms. Milbourne, an original owner of the adjacent home at 31 Murdock Road since 1942, is very familiar with the subject property and provided an in depth history of it's use. She testified that it has always been used as a two-apartment dwelling, starting with the Molchen family, who resided on the property in 1942. Mr. & Mrs. Molchen occupied the first floor apartment, while Mrs. Molchen's mother and brother occupied the second floor unit. Next came a brother and sister (she could not remember their names); however, she testified that the brother occupied the first floor apartment and his sister, the second floor unit until the property was sold to Michael Lears in 1982. Mr. Lears continued to lease the apartments with only brief periods of a month or so between tenants. Mrs. Duvall, a resident of Murdock Road and an active member of the Rodger's Forge Community Association for many years, confirmed the multi-apartment use of the subject property has been continuous and without interruption since at least 1970. Her testimony was corroborated by Mr. Metsch, who resided on the property from 1996 through 2005.

Nonconforming uses are defined in Section 101 of the of the Baltimore County Zoning Regulations (B.C.Z.R.) and regulated by Section 104 thereof. A nonconforming use is defined 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.

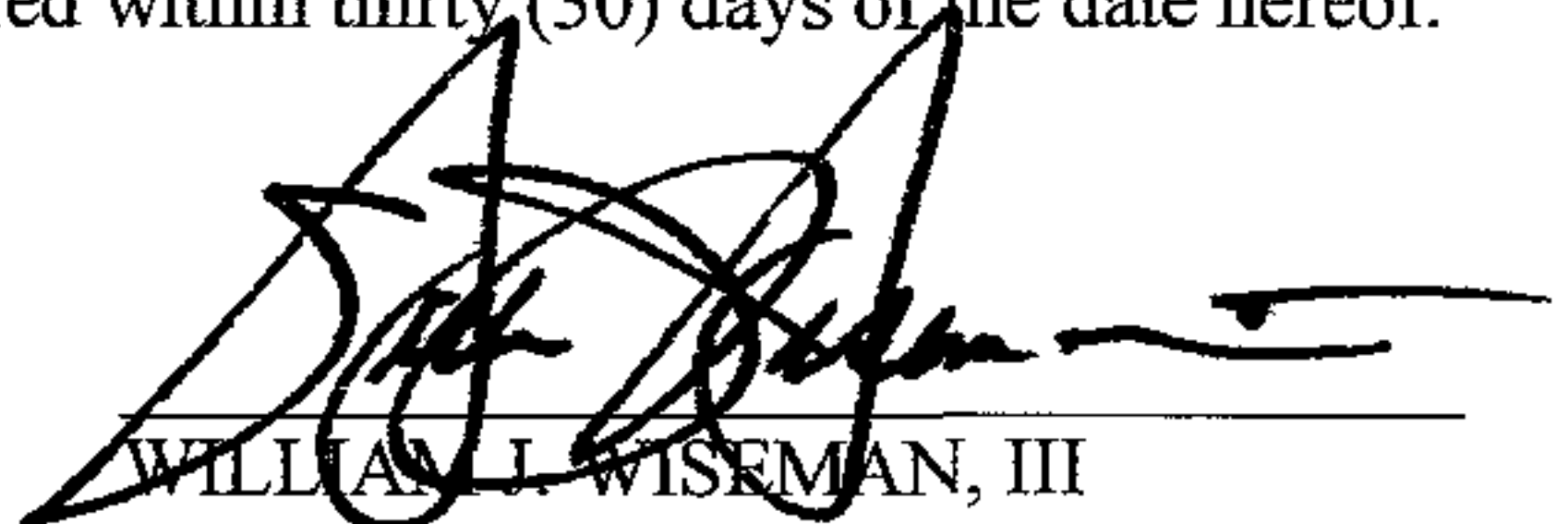
ORDER RECEIVED FOR FILING
Date 9/20/15
By [Signature]

In this case, the relevant date is March 30, 1955, the date the current regulations were adopted. Based upon the testimony and evidence presented, I am persuaded that a nonconforming use of the subject property as two apartments exists. The undisputed evidence submitted by Petitioner and her witnesses clearly established that the use of the property at 29 Murdock Road as a two apartment dwelling has been continuous and without interruption since 1942, well prior to the effective date of the current regulations, and thus, is nonconforming.

Pursuant to the advertisement, 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 30th day of September 2005 that the Petition for Special Hearing seeking approval of the continued use of two apartments on the subject property as a legal, nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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 9/30/05
By Rjg

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

September 29, 2005

Ms. Elizabeth L. Dougherty
One Pickett Road
Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING
SE/S Murdock Road, 344' NE of the c/l Bellona Avenue
(29 Murdock Road)
9th Election District – 5th Council District
Elizabeth L. Dougherty - Petitioners
Case No. 06-064-SPH

Dear Ms. Dougherty:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over the typed name.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Jean Duvall, 227 Murdock Road, Baltimore, Md. 21212/
Code Enforcement Division, DPDM; People's Counsel; Case File

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



Printed on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 29 Murdock Road

which is presently zoned single family with

a conditional use permit for two(2) apartments

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

continued use at two (2) Apartments.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Elizabeth L. Dougherty
Name - Type or Print

Elizabeth L. Dougherty
Signature

Name - Type or Print

Signature

One Pickett Road 410-821-6550
Address Telephone No.

Lutherville, MD 21093
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.50 hrs

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 7-29-05

ORDER RECEIVED FOR FILING

Date 9/30/05
BY [Signature]
Case No. 06-044 BRH
Date 20 9/15/98

ZONING DESCRIPTION

29 Murdock Road

Beginning at a point on the southeast side of Murdock Road at the distance of 344 feet northeasterly from the corner formed by the intersection of the southeast side of Murdock Road and the northeast side of Bellona Avenue and at a point in the line with the center of the partition all there situate; and running thence northeasterly binding on the southeast side of Murdock Road 39 feet to a point in a line drawn midway between the house and the lot now being described and the house on the lot adjoining thereto on the northeast: thence southeasterly binding on said line 110 feet to the northwest side of an alley 15 feet wide there situate; thence southwesterly binding on the northwest side of said alley with the use thereof in common, 35.13 feet to a point in a line with the center of the partition wall in this description mentioned; and thence northeasterly to and through the center of said wall and continuing the same course in all 110 feet to the beginning as recorded in Deed Liber 11426, Folio 547. Also known as 29 Murdock Road and located in the 9th Election District, 9th Councilmanic District.

064

**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: #06-064-SPH
29 Murdock Road
S/east side of Murdock Road, 344 feet n/east of Bellona Avenue
9th Election District
5th Councilmanic District
Legal Owner(s):
Elizabeth L. Dougherty
Special Hearing: to allow continued non-conforming use at two (2) apartments.
Hearing: Monday, September 26, 2005 at 9:00 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.

9/134 Sept 8 66102

CERTIFICATE OF PUBLICATION

9/8, 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 9/8, 2005.

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

J. Wilkins

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

Check No. 1442233
06-06-2014

DATE 7-29-15 ACCOUNT RECEIVED FROM

AMOUNT \$ 65.00

RECEIVED FROM MS Elizabeth L. DeLoach

FOR Special Mission Filing Fee

for # 29 and 30 Dec 14/15

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

DATE 7/29/2015 ACTION 7/29/2015 07:04:10

NO. 1442233 TYPE RECEIPT

DATE 7/29/2015 TIME 07:04:10

DATE 7/29/2015 TIME 07:04:10

DATE 7/29/2015 TIME 07:04:10

DATE 7/29/2015 TIME 07:04:10

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DATE 7/29/2015 TIME 07:04:10

CERTIFICATE OF POSTING

RE: Case No.: OG-064-SP4

Petitioner/Developer: ELIZABETH

L. DOUGHERTY

Date of Hearing/Closing: 9-26-05

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: _____

29 MURDOCK RD

The sign(s) were posted on 9-10-05
(Month, Day, Year)

Sincerely,

Robert Black 9-12-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

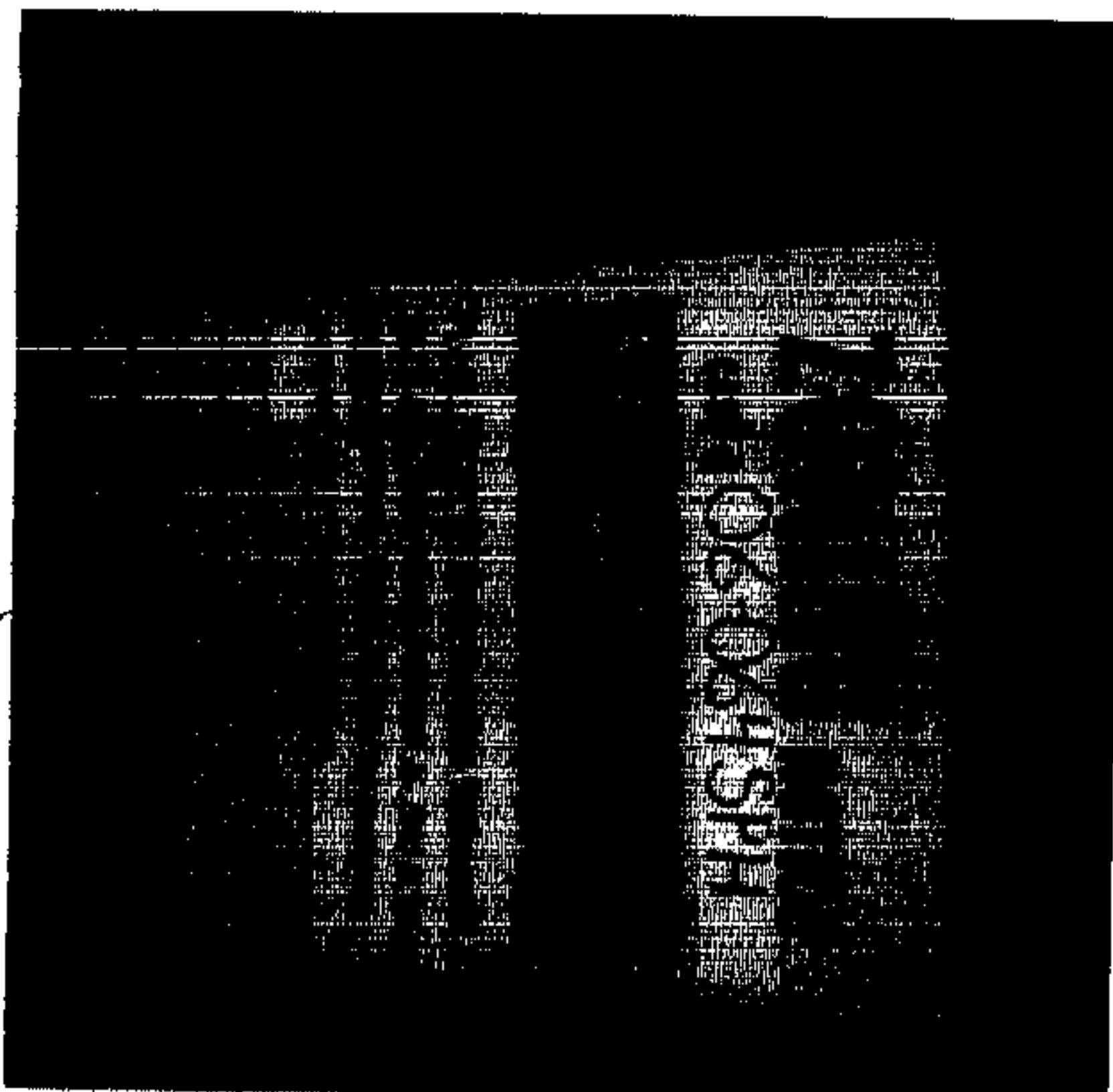
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

29 MURDOCK RD



**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: 06-064 SPH
Petitioner: Elizabeth E. Dougherty
Address or ^{site} Location: 29 Murdock RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same
Address: # 1 Pickett Rd
Lutherville, Md, 21093

Telephone Number: 410-821-6550



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

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

August 4, 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: 06-064-SPH

29 Murdock Road

S/east side of Murdock Road, 344 feet n/east of Bellona Avenue

9th Election District – 5th Councilmanic District

Legal Owner: Elizabeth L. Dougherty

Special Hearing to allow continued non-conforming use at two (2) apartments.

Hearing: Monday, September 26, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Elizabeth Dougherty, One Pickett Road, Lutherville 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 10, 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, September 8, 2005 Issue - Jeffersonian

Please forward billing to:
Elizabeth Dougherty
1 Pickett Road
Lutherville, MD 21093

410-821-6550

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: 06-064-SPH

29 Murdock Road

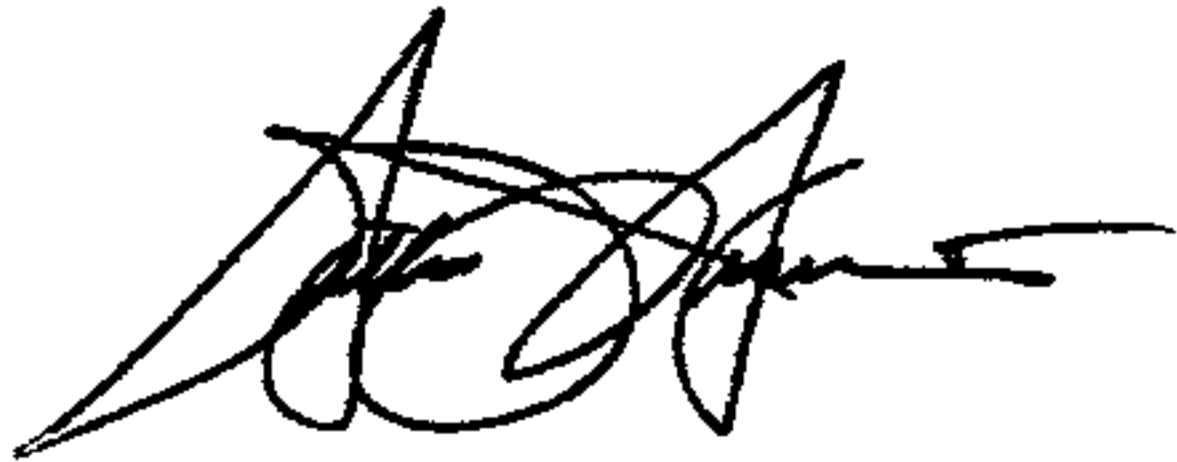
S/east side of Murdock Road, 344 feet n/east of Bellona Avenue

9th Election District – 5th Councilmanic District

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Hearing: Monday, September 26, 2006 at 9:00 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**

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



Baltimore County

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

September 19, 2005

Elizabeth L. Dougherty
1 Pickett Road
Lutherville, Maryland 21093

Dear Ms. Dougherty:

RE: Case Number: 06-064-SPH, 29 Murdock Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 29, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

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

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056,
057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
MS-1102F

cc: File

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: 8.2.05

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

RE: Baltimore County
Item No. 764 JJS

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: September 2, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 8, 2005

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

06-048

06-050

06-051

06-056

06-057

06-059

06-064

06-065

06-066

Reviewers: Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

9/26
BW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 15, 2005

RECEIVED

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

AUG 22 2005

ZONING COMMISSIONER

SUBJECT: 29 Murdock Road

INFORMATION:

Item Number: 6-064

Petitioner: Elizabeth L. Dougherty

Zoning: DR 10.5

Requested Action: Special Hearing

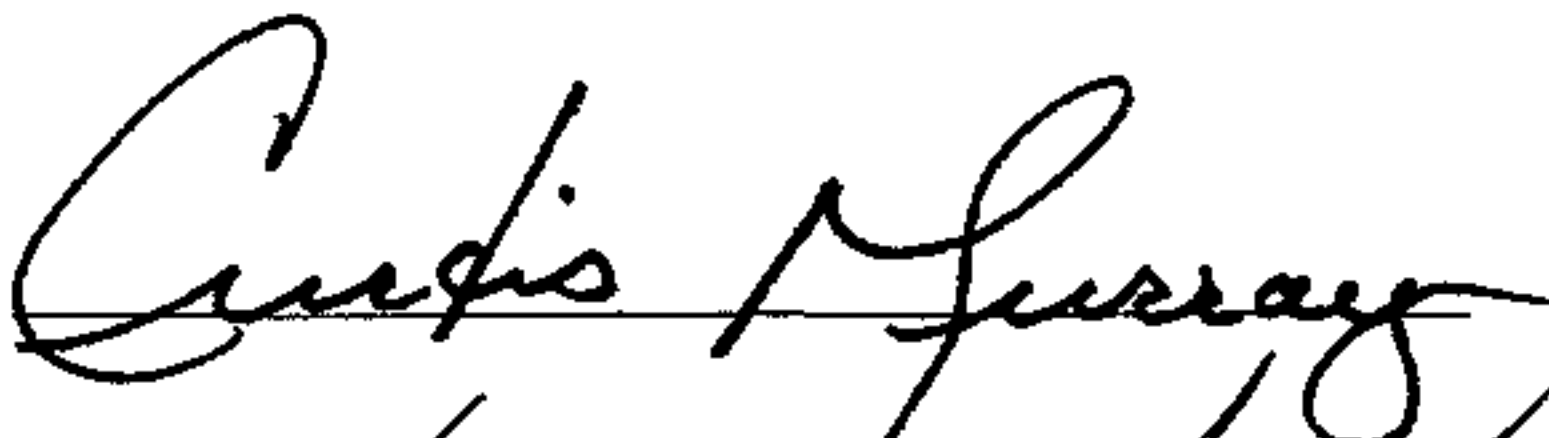
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the Hearing Officer determines this property has continually operated as a non-conforming use. If the subject property has a history of operating as two apartments, it is the Office of Planning's opinion that it is compatible with the surrounding community.

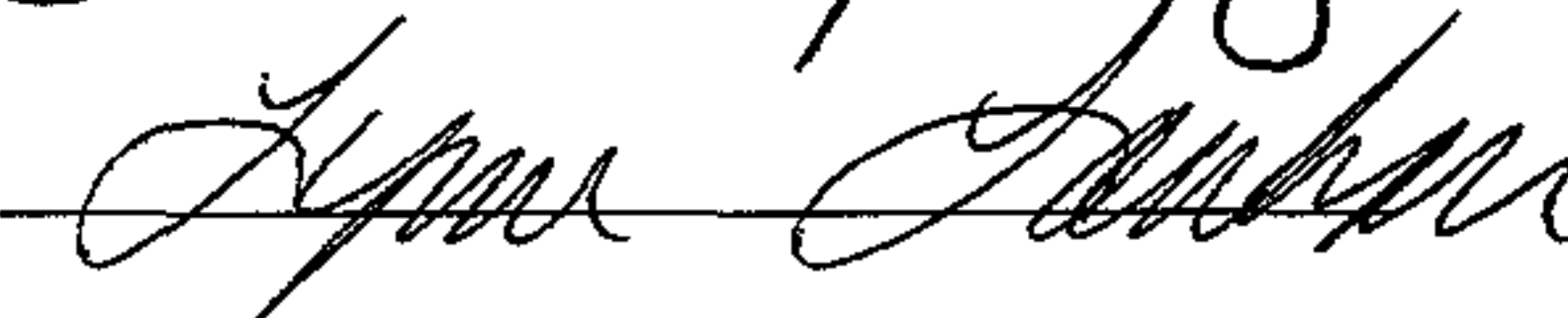
This recommendation is based on the following: According section 402.1 and 402.2 of the Baltimore County Zoning Regulations, conversions of dwellings for residential uses must be located on a lot that will meet the dimensional requirements under the current zoning. In the case of the subject property, the minimum width of lot frontage needed in a DR 10.5 zone for two dwelling units cannot be met. However, according to the petition, a conditional use permit to allow the continued use of the property as two (2) apartments has been obtained by the Baltimore County Office of Permits and Development Management.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item Nos. 046, 047, 048, 052, 053, 054,
055, 056, 057, 058, 064, 065, and 066

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-08102005.doc

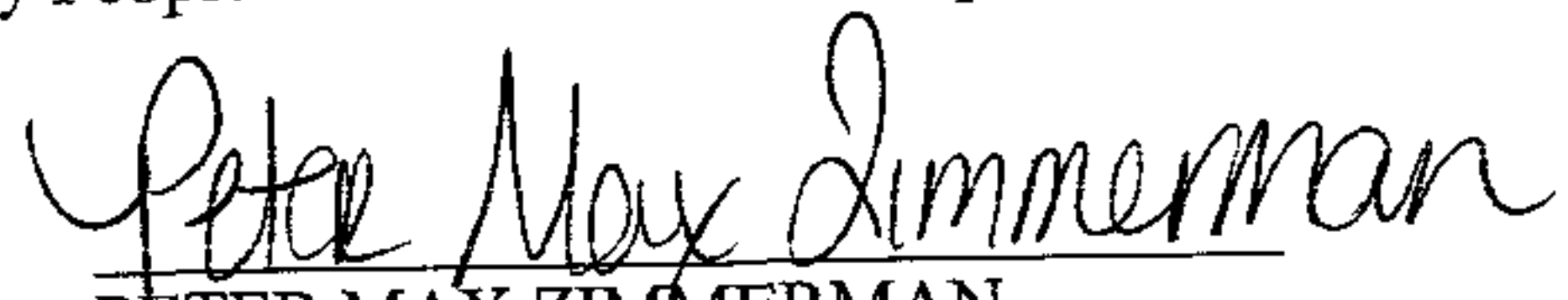
RE: PETITION FOR SPECIAL HEARING
29 Murdock Road; SE/side Murdock Road,
344' NE of Bellona Avenue
9th Election & 5th Councilmanic Districts
Legal Owner(s): Elizabeth L. Dougherty
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-064-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 sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

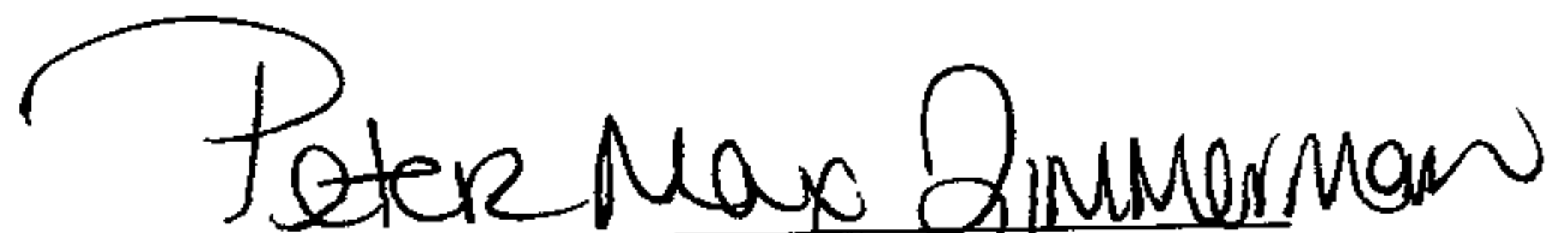
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to Elizabeth Dougherty, One Pickett Road, Lutherville, MD 21093, Petitioner(s).

RECEIVED

AUG 05 2005

Per, 



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 05-1441

29 Murdock Road

**ZONING CASE: 06-64-SPH
29 MURDOCK ROAD**

**BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE**

DATE: August 15, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 064
Legal Owner/Petitioner: Elizabeth Dougherty
Contract Purchaser:
Property Address: 29 Murdock Rd
Location Description: Southeast side Murdock Road, 344 feet northeast of Bellona Avenue

VIOLATION INFORMATION: **Case No.: 05-1441**
Defendants: Elizabeth L. Dougherty

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form/Code Enforcement Officer's report and notes
State Tax Assessment printout

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/

c: Derek Propalis

CODE ENFORCEMENT REPORT

NCE

DATE: 2/28/05 INTAKE BY: PDM CASE #: 05-1441 INSPEC: (2)

COMPLAINT LOCATION: 29 Murdock RA

ZIP CODE: 21212 DIST: 9

CONTINANT NAME: Almon PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Apt. for rent. NOT Rented properly

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/ TENANT INFORMATION:

FAX ACCOUNT #: 0923004260 ZONING:

INSPECTION:

REINSTRUCTION:

REINSPECTION:

REINSPECTION:

Case No: 05-1441Address: 00029 MURDOCK RD 21212Insp Area: 002 Dist: 000 Date Rcv: 3/01/2005 Grp: ENF Intk: PDMInspec: PROPALIS Inspec2: Date Inspec: 10/01/2005Close: 0/00/0000 Activity: Delete: Problem: APT FOR RENT, NOT ZONED PROPERLYSIGNIN YARD SAYS APARTMENT FOR RENTCL Name: ANONYMOUSCL Address: 00000CL Home Phone: CL Work Phone: Tax Acct. 0923006260Owner: ELIZABETH L DOUGHERTY 299-6798

Enter=Continue F12=Cancel

Case No: 05-1441

Notes: APARTMENT FOR RENT SIGN IN FRONT YARD

**3/4/05 OBSERVED SIGN ON FRONT LAWN. APT. FOR RENT, CALLED & SPOKE W/PROPERTY OWNER, SHE STATES HOUSE HAS 2 APTS. 1 UNIT ON 2ND. FL. 1 ON FIRST, SHE ALSO STATED, THAT I COULD SEE UNIT ON SUNDAY BETWEEN 3:05PM ON 3/6/05. WILL INSPECT AT THAT TIME. DR/SS

**3/8/05 SPOKE TO PROP. OWNE, SHE IS IN PROCESS OF MOVING, SHE STATED, HOUSE WAS BUILT AS 2 APTS. IN 1943 & HAS USE PERMIT. SPOKE W/JHT, ABOUT THIS & OWNER WILL SEND COPY OF PERMIT. ANON. P/U ON 4/5/95. DR/SS

4/12/05, CALLED & SPOKE TO PROP OWNER, SHE STATED WILL BE SENDING LETTER, ANONYMOUS COMPL, P/U 4/30/05, DR/CP

5/26/05, SEE EXTENSION LETTER, APPOINTMENT REVIEW FOR A PETITION SCHEDULED FOR 7/29/05, JHT/LMH

**8/1/05 PETITION ACCEPTED 06-064SPH P/U ON 10/1/05. ANON. DP/SS

Enter=Continue F12=Cancel

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 - 09 Account Number - 0923006260

Owner Information

Owner Name: DOUGHERTY ELIZABETH L Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 29 MURDOCK RD Deed Reference: 1) /11426/ 547
BALTIMORE MD 21212-1745 2)

Location & Structure Information

Premises Address
29 MURDOCK RD

Legal Description

29 MURDOCK RD
RODGERS FORGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
75	6	26						81	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1943	1,386 SF	4,070.00 SF	04

Stories	Basement	Type	Exterior
2	YES	END UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	42,000	100,000		
Improvements:	104,470	135,820		
Total:	146,470	235,820	146,470	176,253
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
HUNTER BARBARA S	02/09/1996	\$107,000
Type: IMPROVED ARMS-LENGTH	Deed1: /11426/ 547	Deed2:
Seller: HUNTER RICHARD STUART, JR	Date: 09/16/1992	Price: \$100,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 9365/ 533	Deed2:
Seller: BEARS MICHAEL F	Date: 06/04/1982	Price: \$69,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6401/ 19	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 *

MLS# (BC)218727
29 MURDOCK ROAD
RODGERS FORGE

--- A c t i v e ---
Zip: 21212 Map: BC27A10
Gr. Cap: \$0

Run Date: 11/20/95
-3- Multi-Family
List: \$120,900
Ground Rent: \$0

Bldg Des:End Of Group 2 Levels Brick Constr Slate Roof Priv Entry
:Full,Improv'd 49 Yrs Old Tot Un: 2 Exterior(sq. ft.): 0

Heat :Fuel:Gas Heat:Hw Rad Window A/C
Units :# 1-Br = 1 # 2-Br = 1 Vacant
Rental\$:Tenant:Water Tenant:Gas Tenant:Elec
Amenity :Carpeting Refrigtr(s) Range(s) Washer(s) Dryer(s)
:Storm Wnw(s) Storm Dr(s) Screen(s) Some Drapes 220v Service
:Walk/Transpr

Assess. :Building: \$0 Land: \$0
Income :Scheduled: \$0 Actual: \$0
Expenses:Total Owner: \$0 IN: \$0 MA: \$0 TX: \$1,590
:RM: \$0 GE: \$0 Heat: \$0 WS: \$0 OT: \$0

Lot Info:.1 ACRES Dimensions: 39 X 110
Deed :Lib: 9365 Fol: 533

Finance :Mortgagee: Mrtgage Bal: \$0
:P&I: \$0 Rate: 0.00 YRS.:

Show :Call Office Call L.A. Poss: Negot.
Note :Dup Listing Sign Posted

Dir. :RODGERS FORGE ROAD TO R ON BLENHEIM TO R ON MURDOCK
:ORIGINALLY BUILT AS 2 UNITS. FIRST FLOOR UNIT IS 2 BDRM W/
Remarks :TERRACE, KIT AND FAMILY ROOM. 2ND FLOOR 1 BDRM,KITCHEN AND
:LR. EXCELLENT FOR OWNER OCCUPIED PLUS INCOME UNIT.
:SEE DUPLICATE LISTING,CLASS 1 MLS:BC 218724

SV) Seller Incentive:

DU: N BB: Y BB1: 3.0 CPOUFS SU: Y SU1: 3.0 CPOUFS

LA: Nicholas Tsottles, GRI PH: (410)561-2998 CO:

B#: 8330 W. H. C. Wilson & Company PH: (410)433-7800

TL: ER

MLS# (BC)218727

All information is deemed reliable but not guaranteed by the Broker or MARIT
-- Copyright (C) 1995 By Mid-Atlantic Real Estate Information Technologies --
===== Run Date: 11/20/95 =====

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 - 09 Account Number - 0923006260

Owner Information			
Owner Name:	DOUGHERTY ELIZABETH L	Use:	RESIDENTIAL
Mailing Address:	29 MURDOCK RD BALTIMORE MD 21212-1745	Principal Residence:	NO
		Deed Reference:	1) /11426/ 547 2)

Location & Structure Information									
Premises Address						Legal Description			
29 MURDOCK RD						29 MURDOCK RD RODGERS FORGE			
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
79	6	76						2	Plat Ref:
Special Tax Areas			Town Ad Valorem Tax Class						
Primary Structure Built			Enclosed Area		Property Land Area			County Use	
1943			1,386 SF		4,070.00 SF			04	
Stories		Basement		Type			Exterior		
2		YES		END UNIT			BRICK		

Value Information					
	Base Value	Value As Of	Phase-in Assessments		
		01/01/2005	As Of	As Of	As Of
			07/01/2005	07/01/2005	07/01/2006
Land:	42,000	100,000			
Improvements:	104,470	101,870			
Total:	146,470	201,870	164,936	183,402	
Preferential Land:	0	0	0	0	

Transfer Information			
Seller:	HUNTER BARBARA S	Date:	02/09/1996
Type:	IMPROVED ARMS-LENGTH	Deed1:	/11426/ 547
Seller:	HUNTER RICHARD STUART, JR	Date:	09/16/1992
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 9365/ 533
Seller:	LEARS MICHAEL F	Date:	06/04/1982
Type:	IMPROVED ARMS-LENGTH	Deed1:	/ 6401/ 19
		Price:	\$107,000
		Deed2:	
		Price:	\$100,000
		Deed2:	
		Price:	\$69,000
		Deed2:	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO **Special Tax Recapture:**

Exempt Class: * NONE *

DATE: 07/29/2005

STANDARD ASSESSMENT INQUIRY

TIME: 09:40:24

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
09 23 006260	09	2-0	04-00	N	NO		05/02/05
DOUGHERTY ELIZABETH L				DESC-1.. IMPS			
				DESC-2.. RODGERS FORGE			
29 MURDOCK RD				PREMISE. 00029 MURDOCK			RD

00000-0000

BALTIMORE

MD 21212-1745 FORMER OWNER: HUNTER BARBARA S

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	42,000	100,000				
IMPV:	104,470	101,870	TOTAL..	164,936	164,936	146,470
TOTL:	146,470	201,870	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	146,470
CURT:	0	0	EXEMPT.		0	0

DATE: 10/01 07/04

---- TAXABLE BASIS ---- FM DATE

ASSESS: 164,936 04/19/05

ASSESS: 146,470

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

for
Zer's file
#064

DATE: 07/29/2005

STANDARD ASSESSMENT INQUIRY

TIME: 09:40:31

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
09 23 006260	09	2-0	04-00	N	NO		05/02/05
LOT....		BOOK....	0000	MAP.....	0079	LOT WIDTH.....	39.00
BLOCK..		FOLIO...	0000	GRID....	0006	LOT DEPTH.....	.00
SECTION..				PARCEL..	0076	LAND AREA..	4070.000 S
PLAT..						YEAR BUILT.....	43

-----TRANSFER DATA-----

NUMBER..... 089315
 DATE..... 02/09/96
 PURCHASE PRICE..... 107,000
 GROUND RENT..... 0
 DEED REF LIBER..... 11426
 DEED REF FOLIO..... 0547
 CONVEYED IND..... 1
 TOT-PART TRAN IND..... T
 GRANTOR ACCT NO.. 09-23-006260

CRITICAL	NEW CONST	CARD
AREAS CODE	YEAR	NO
		08535

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE..... 000
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

-----STRUCTURE-----

CODE	SQ. FEET
	1386

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

*FOR ZC'S
File*

064

DATE: 07/29/2005

STANDARD ASSESSMENT INQUIRY (5)

TIME: 09:40:37

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
09 23 006260	09	2-0	04-00	N	NO		05/02/05

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 10/23/92

81

NO

R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE..... 04/19/05

LAST FM TYPE..... R

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 05/02/05

PRIOR LOAD DATE.. 04/20/05

STATE TAXABLE ASSESS

ASSESS: 164,936

ASSESS: 146,470

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

For
2015 file
#064

CASE NAME _____
CASE NUMBER _____
DATE _____

Redmond

CITIZEN'S SIGN-IN SHEET

[illegible]



079C1

~~#044~~

Case No.:

06-064 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	PLAT to Accompany Petition	
No. 2	NOTORIZED LETTER - CONTINUOUS USE MARION MILBOURNE - 90 year old	
No. 3	Conditional use Permit	
No. 4	BGE RECORDS - Separate Gas & Elect. Meters	
No. 5	Affidavit Karl Metosh 9 year tenant	
No. 6	Petitioners Notes	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

26

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

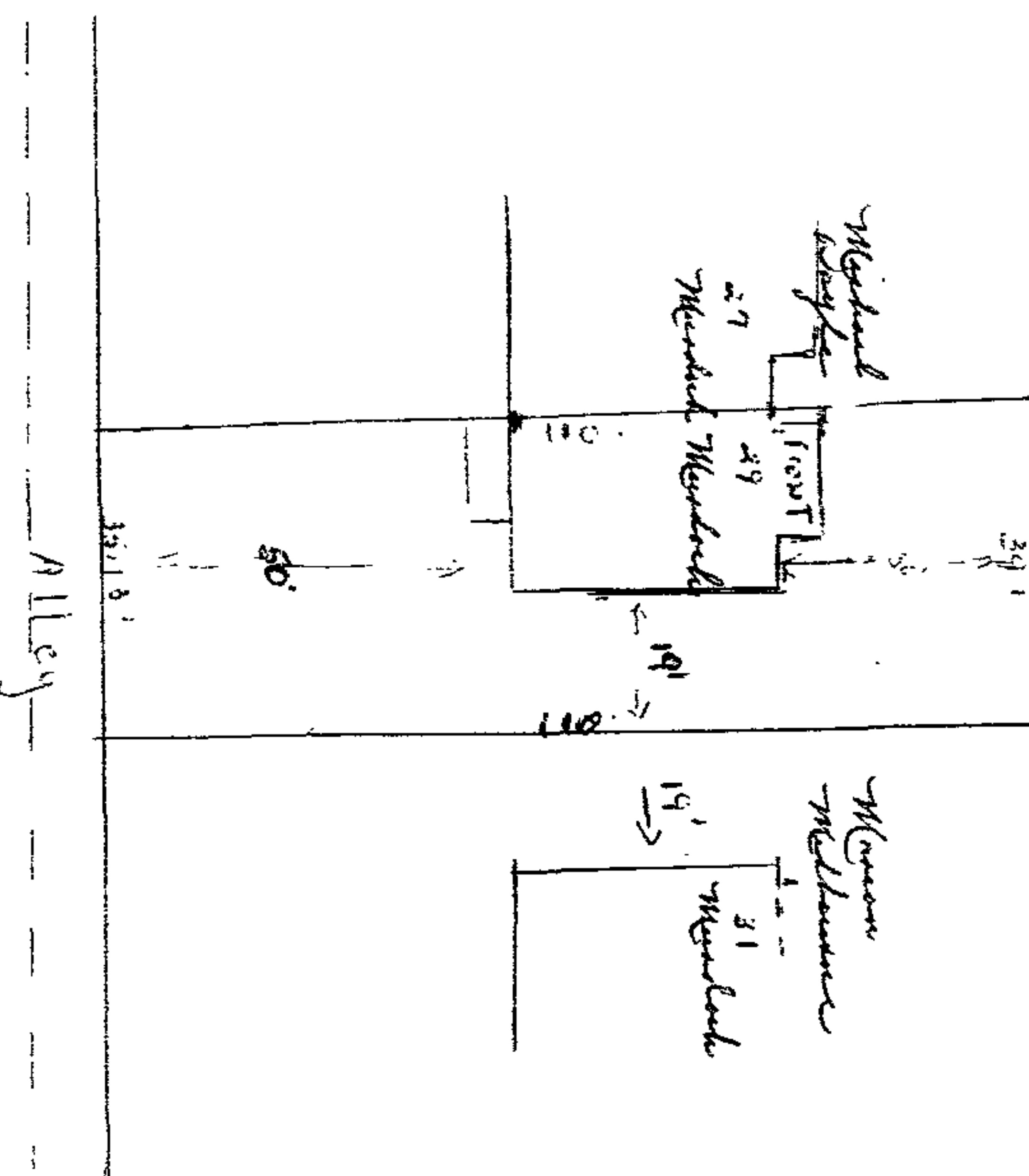
Rodgers Forge

FOLIO # 1 LOT # 1 SECTION # 1

Elizabeth L. Dougherty

Belton Ave.

Murdoch Road



PETITIONER'S

EXHIBIT NO. 7

PREPARED BY

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 9th

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP # 079C11

ZONING DR-10.5

LOT SIZE 0.093 4070

	ACREAGE	SQUARE FEET
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SEWER ☒ []

WATER	☒	☐
-------	-------------------------------------	--------------------------

CHESAPEAKE BAY YES ☐ NO ☒

CRITICAL AREA	0	2
1. <u>CRITICAL AREA</u>	0	2

100 LEAH LEOD & LAIN	☐	☒
HISTORIC PROPERTY/	☐	☒

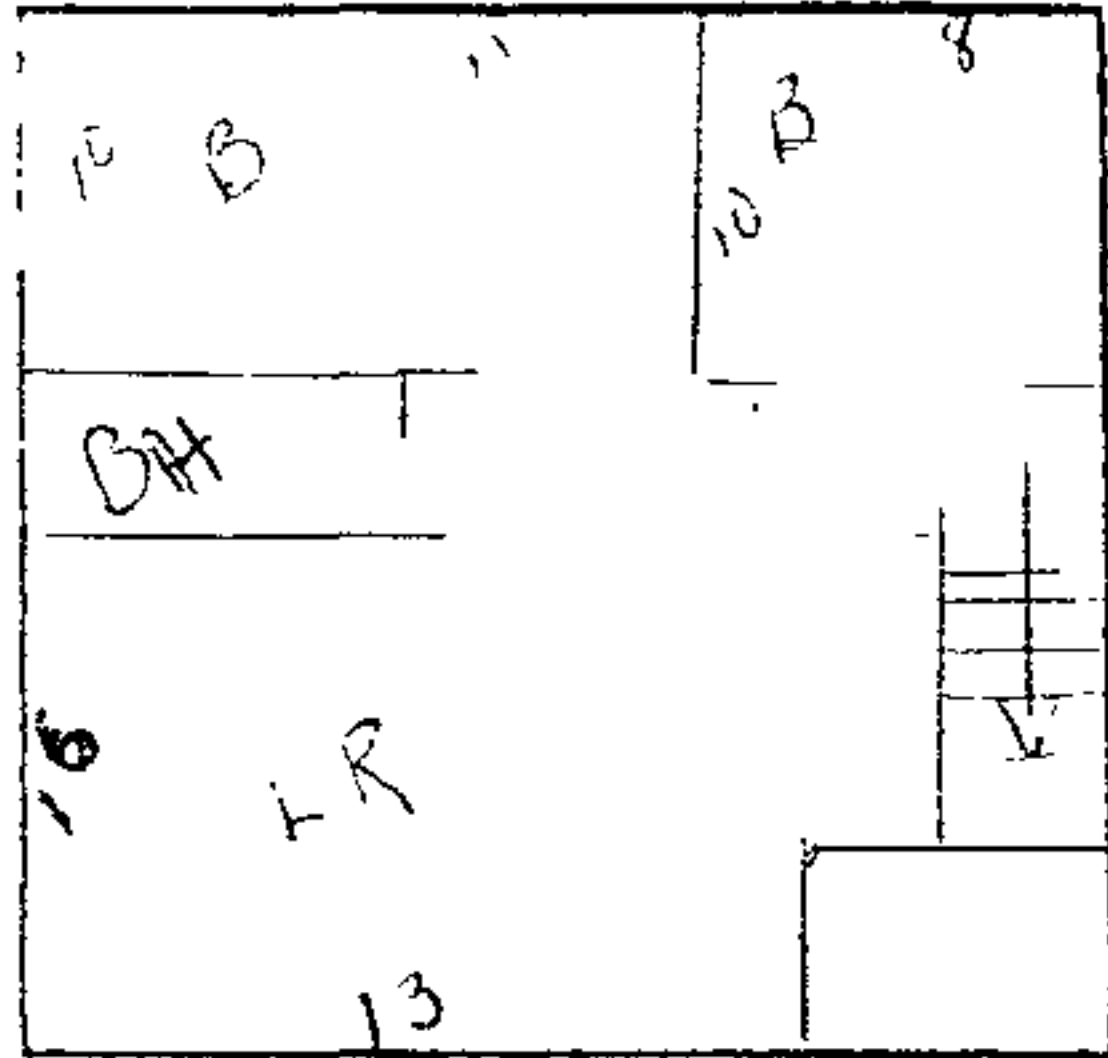
BUILDING ☐ NA

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

De 4

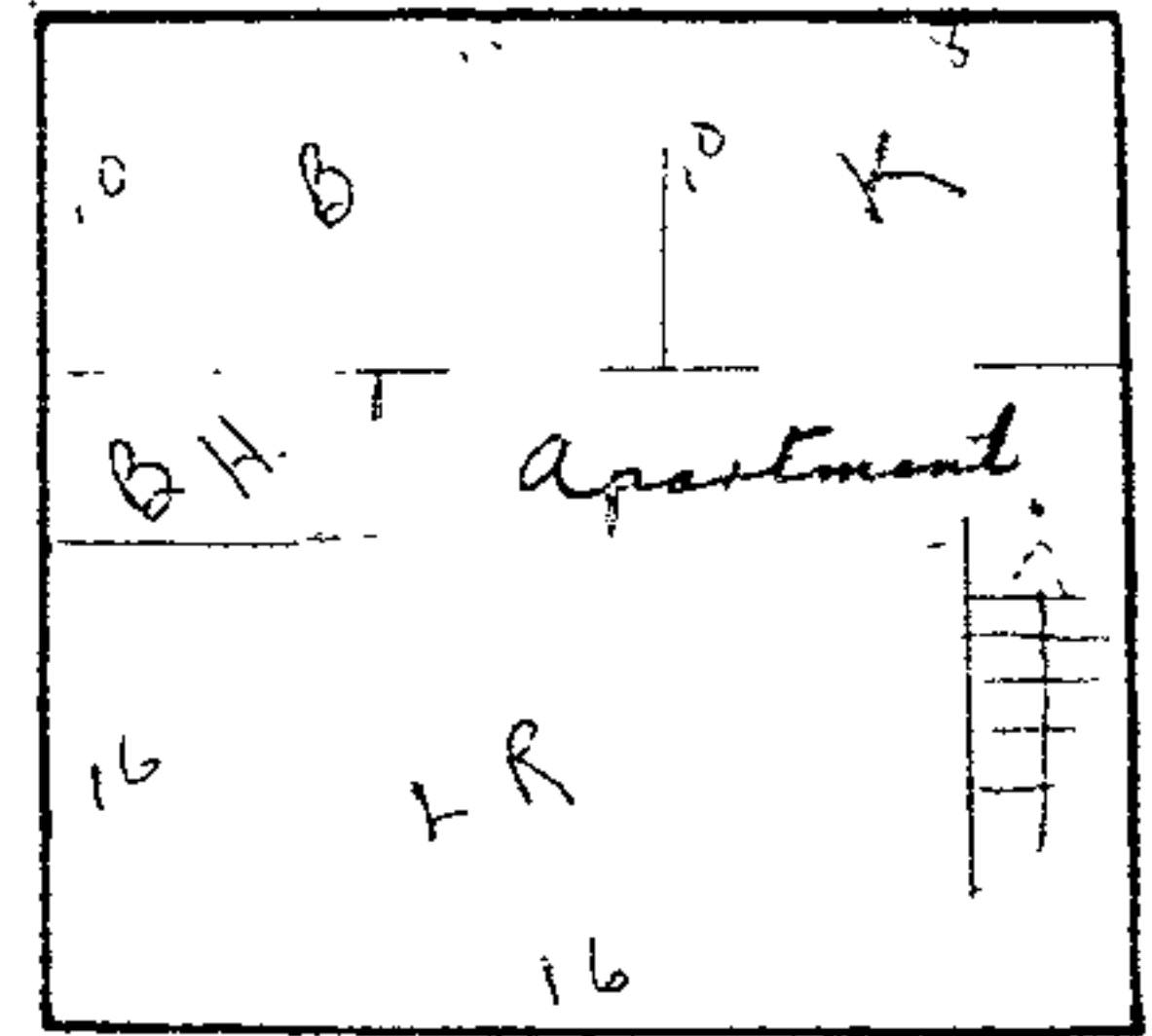
406

Apartment 1

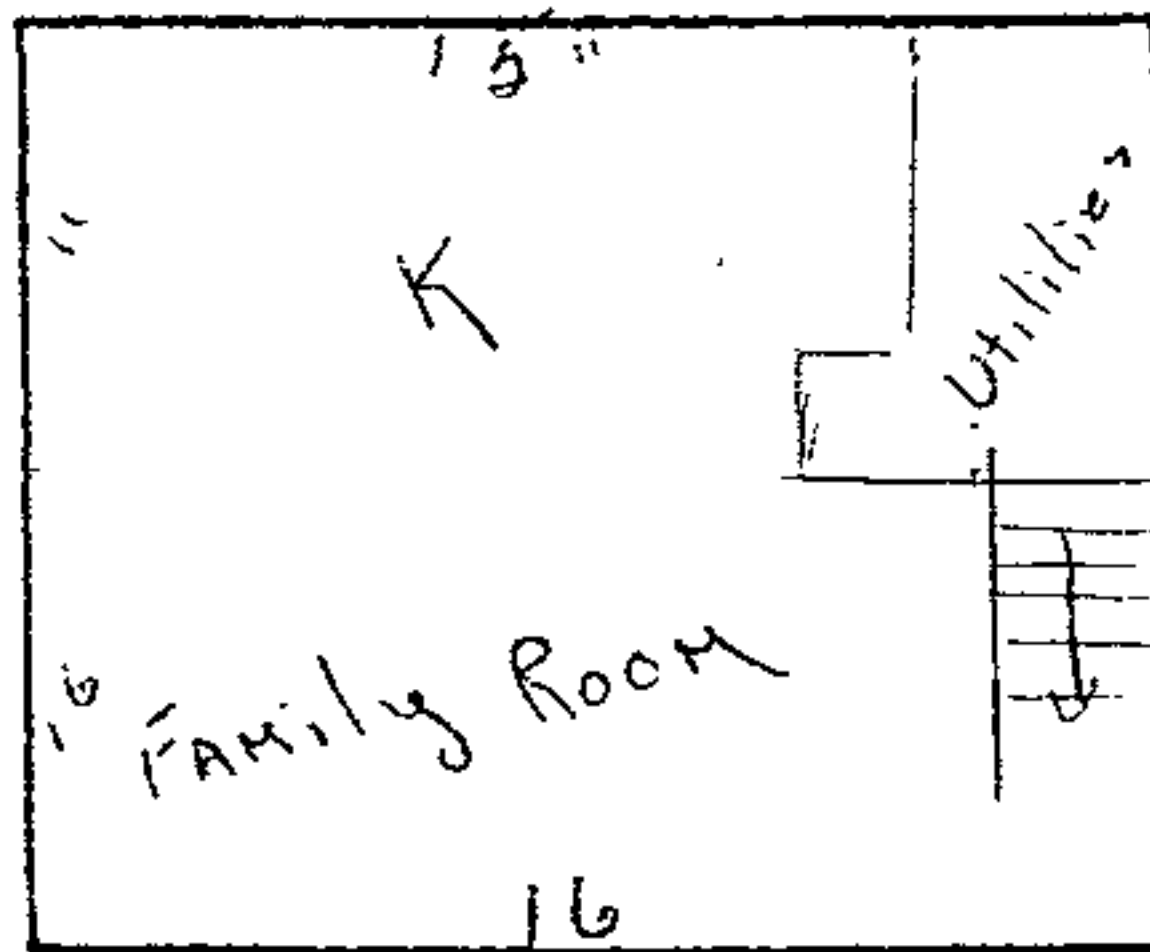


FIRST FLOOR

Apartment 2



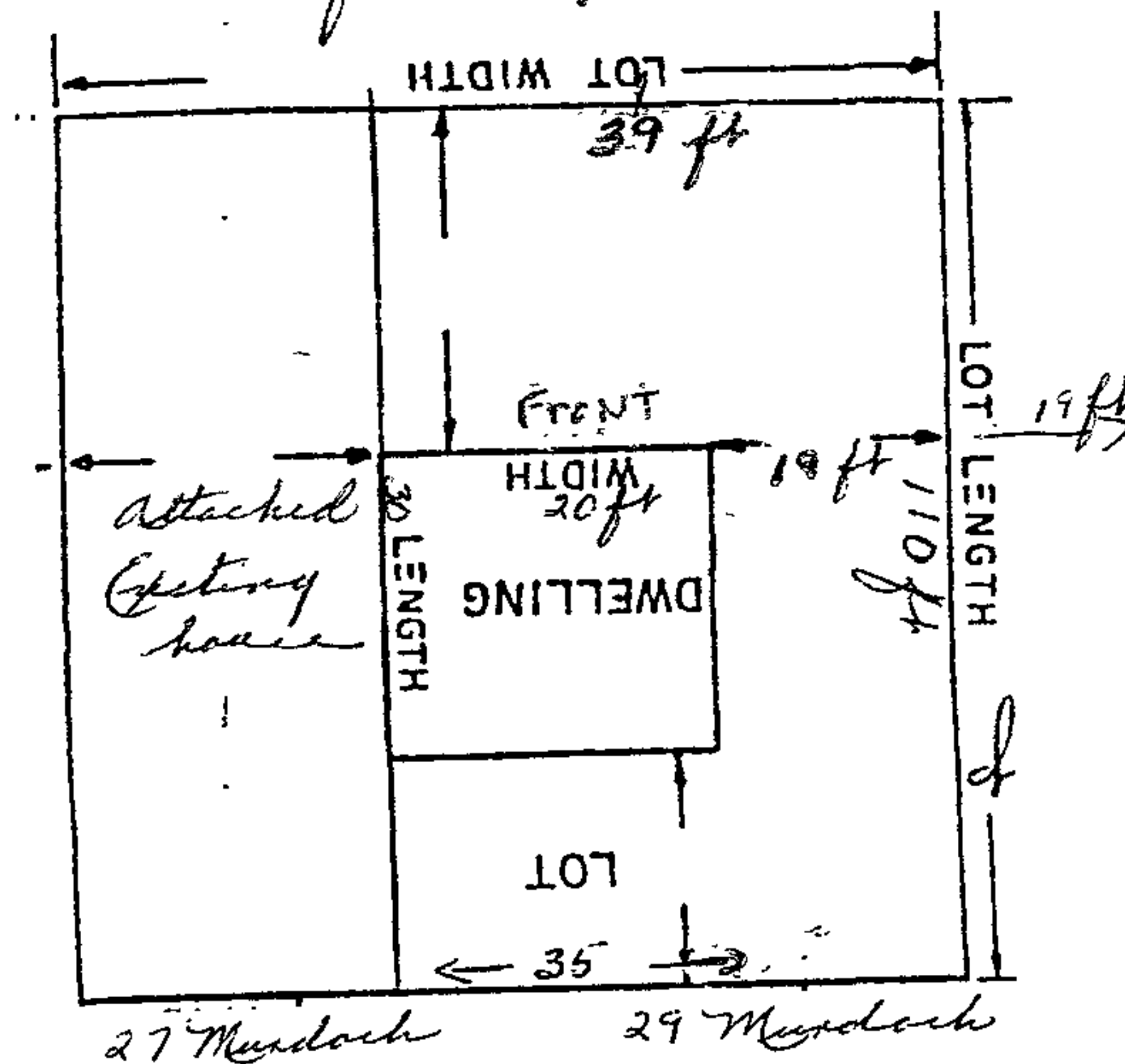
SECOND FLOOR



BASEMENT

LEGEND: K=KITCHEN, B=BEDROOM, BH=BATH, S=STORAGE, C=CLOSET, LR=LIVING ROOM, DR=DINING ROOM. AND D=DEN.

End of Story - Attached townhouse



064

September 25, 2005

To whom it may concern:

In 1942, the 10 end of group houses on the south side of the unit block of Murdock Road were built as two apartments. Each apartment had interior separate entrances, complete separate kitchens, and full tile baths. There were arched entrances to the upper living room area, not doorways, separate gas and electric meters. The property at 29 Murdock is similar to my property at 31 Murdock Road.

Regarding 29 Murdock: the Molchens bought the property in 1942. Mrs. Molchens mother and brother occupied the 2nd floor unit and the Molchens occupied the first floor. Some time later and for several years a man occupied one unit and his sister occupied the other. I do not remember their names. It was later sold to Michael Lears.

Michael Lears and subsequent owners have referred to their tenants in conversations with me. To my knowledge, the house has always been used as two apartments with only brief periods of a month or so between tenants.

The above is true to the best of my knowledge.

Marion K. Milbourne

Marion Milbourne
31 Murdock Road
Baltimore, MD 21212

To the best of my knowledge, the above information is true as noted by Marion Milbourne whose signature I can attest to.

*Ann M. Mangels. Notary Public
Sept. 25, 2005.*

PETITIONER'S

EXHIBIT NO. 2

FAX 410-887-5862
Kevin Sambrell

Rh 410-887-3480

1/5/96

76-102
WCR

To: JCM
1/10/96 ucr
at cashier

CONDITIONAL USE PERMIT FOR TWO APARTMENTS

This use permit for two apartments at 29 MURDOCK ROAD
(address)

is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged, our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

1-11-96
DATE: [Signature]

APPROVED BY:

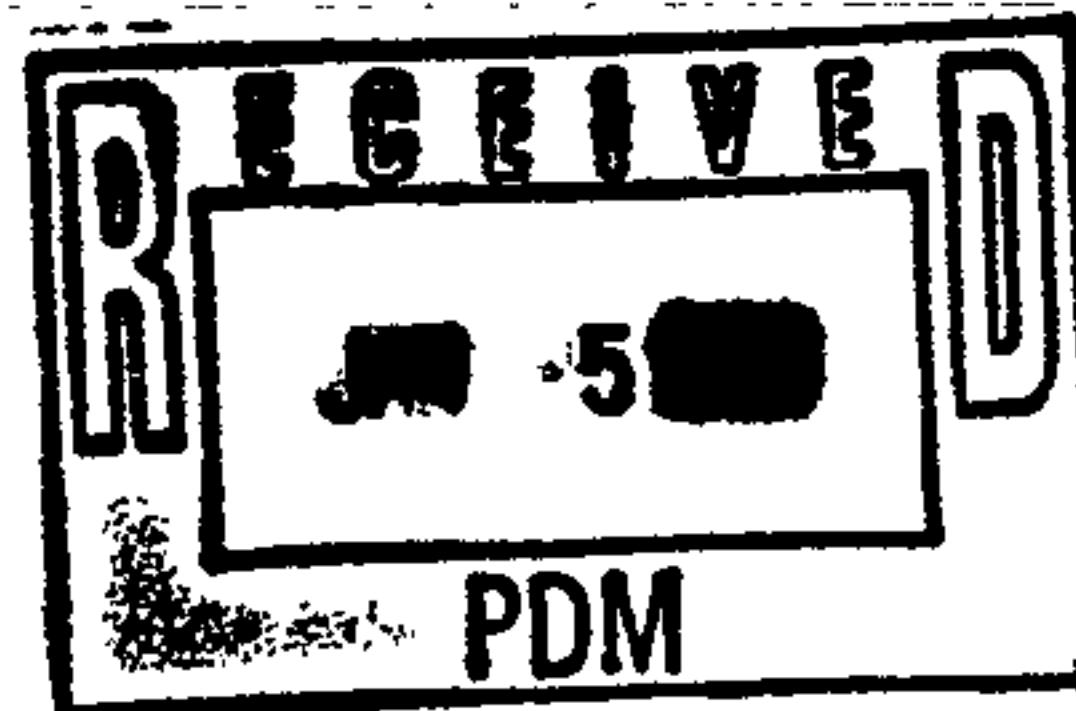
[Signature]
DIRECTOR, DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT

Revised 9/5/95

PETITIONER'S

EXHIBIT NO.

3





A Constellation Energy Company

Investigations and Billing Services

P.O. Box 1475
Baltimore, Maryland 21203-1475

June 30, 2005

Elizabeth L. Dougherty
1 Pickett Road
Luthrville-Timonium, MD 21093

RE: Address: 29 Murdock Road
Baltimore, MD 21212

Dear Ms. Dougherty:

Thank you for your recent inquiry. I have listed the information you requested below.

ADDRESS	DATE OF SERVICE- GAS	DATE OF SERVICE- ELECTRIC
29 Murdock Rd. *1FL.	July 13, 1982	July 13, 1982
29 Murdock Rd. *2FL.	September 1, 1973	September 1, 1973

If you have further questions, please contact me at 410-209-1589 or
1-800-685-0123, extension 1589. I can be reached Monday through Friday from
8:00 A.M. to 4:00 P.M.

Sincerely,

Michelle Chilton
Customer Accounts Specialist

PETITIONER'S

EXHIBIT NO.

4

The undersigned hereby affirms under the penalties of perjury to the Director of Department of Permits and Development Management (PDM) as follows

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto

Karl W. Metsch KARL W. METSCH
 AFFIANT (Handwritten Signature) AFFIANT (Printed Name)
304 E SEMINARY AVE
LUTHERVILLE MD 21093 410-337-6972
 ADDRESS (Printed) TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

Can you verify by this affidavit and or testify in court, if necessary, that the home located at

29 MURDOCK RD BALTIMORE MD 21212 has been occupied as a 2 apartment dwelling since 02 1956 yes

Can you also verify and testify, if necessary that said apartments have been occupied by

renters every year since 02 1956 yes

Will you realize any gain from the sale of this property? no

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY this 28 day of July 2005 before me a Notary Public of the State of Maryland and for the County aforesaid personally appeared Karl Metsch the Affiant whose name is known or satisfactorily identified to me as such Affiant

AS WITNESS my hand and Notarial Seal

[Signature]
 NOTARY PUBLIC
 My Commission Expires 12-29-07

10-10-05

PETITIONER'S

EXHIBIT NO. 5

July 29, 2005

Baltimore County Zoning Commission
Department of Permits and Development Management
111 W. Chesapeake Avenue Room 111
Towson, MD 21204

Dear Sirs:

The purpose of this letter is to present some information concerning the property at 29 Murdock Road showing that it is unique and different from the surrounding properties.

1. This property is one of 10 originally built by the Keelty Corporation as two 1 bedroom apartments and an unfinished basement. These were the end of group houses on the south side of Murdock Road. The houses were built with 2 full baths and 2 separate kitchens. The other houses were 3 bedroom, 1 bath.
2. A previous owner further modified the property-moving the kitchen to the basement to provide a 2nd bedroom for their family. Therefore, there is NO KITCHEN on the main level of the house. The original kitchen is still in the 2nd floor apartment. (see floor plans)
3. At the time I purchased the property, I applied for and was granted a conditional use permit for 2 apartments. (see copies of original application and approval). My lender would not approve the mortgage unless the use as 2 apartments conformed with zoning. This approval was based on the fact that the property has been in continuous use as 2 apartments since at least 1948 to present. The property has continued to be occupied as 2 apartments.
4. In the 10 years I have owned the property, the property has been well maintained and the presence of tenants has caused no complaints from the neighbors or the community.
5. The floor plan of the main level does not easily convert to a traditional living room, dining room, and kitchen because a hallway and full bath are located between the living room and the 2 bedrooms.

Conversion to a single family home would cause a hardship to the current tenants who would have to be evicted. The first floor is currently occupied by a single mother and her 9 year old son. She could not afford to pay the rent for the entire house. The tenant in the 2nd floor also would be unable to pay rent for the entire house.

PETITIONER'S

EXHIBIT NO.

6