IN RE: PETITION FOR SPECIAL HEARING N/Side of Eastern Avenue, Service Drive, Parallel to the n/side of Eastern Blvd., n/e of Adams Place 12th Election District 7th Councilmanic District **(7012, 7010, 7004 & 7006 Eastern Avenue)** Gilbert T. Barker, Sr. , Geraldine I. Schmidt, William S. Streeter, & Maria Apostolou *Petitioners*	* * * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NOS. 06-114-SPH, 06-134-SPH, 06-135-SPH & 06-139-SPH

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the properties located in the eastern area of Baltimore county, at 7012 Eastern Avenue (the Petition was filed by Gilbert T. Barker, Sr.), at 7010 Eastern Avenue (Petition filed by Geraldine I. Schmidt), at 7004 Eastern Avenue (Petition filed by William S. Streeter), and 7006 Eastern Avenue (the Petition was filed by Maria Apostolou).

Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-conforming use for a two-family dwelling within a group house.

The properties were posted with Notice of Hearing on October 21, 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 October 20, 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

Date 11-18-05
By

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.

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 Gilbert T. Barker, Sr., Geraldine I. Schmidt, William S. Streeter, Maria Apostolou, Jim Apostolou, Peter Vailas, and Jim Sprole. John B. Gontrum, Esquire represented the Petitioners. Appearing at the hearing in opposition to the Petitioners request were Bradley Vance, Jerry Makowiecki and Linda Dapp, the latter representing the Eastwood Community Association. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

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These matters are currently the subject of active violation cases (Case Nos. 05-5997, 5996, 5993 and 5995) in the Division of Code Inspections and Enforcement. Citations for code violations have been issued in these matters due to the allegation that the Petitioners converted these houses into two (2) apartments.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or

ORDER RECEIVED FOR FILING
Date 11-18-05
By Deborah Jeffrey

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Testimony and Evidence

At the outset, the parties agreed to hear these four (4) cases together as the evidence for any case would be the identical evidence for all. Consequently, the cases were consolidated.

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Date 11-18-05
By

cause rodent infestations. None of the protestants complained about two (2) apartments in each building or denied that the use of each was for two (2) apartments since 1954. They were concerned about how the buildings were maintained and tenant use.

Findings of Fact and Conclusions of Law

While I acknowledge the complaints that the protestant's brought to the hearing, they did not contest the narrow issue of the special hearing and non-conforming use. Mr. Gontrum indicated that he encouraged his clients to engage in a dialogue with the protestants regarding their complaints which began as the hearing was ending. Hopefully, these complaints will be addressed.

However, as far as the issue of non-conforming use is concerned, I find that the four (4) buildings were legally used as two (2) apartments prior to the law changing in 1955 and that non-conforming use has continued uninterruptedly since that time. Consequently, I will grant the special hearing relief.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 18 day of November, 2005, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for properly located at 7004, 7006, 7010 and 7012 Eastern Avenue, to approve a non-conforming use for a two-family dwelling within a group house, be and it is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 11-18-05
By Debbie Jump

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 11-15-05
By

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JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 11-15-05
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

November 18, 2005

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case Nos. 06-114-SPH, 06-134-SPH, 06-135-SPH & 06-139-SPH
Property: 7012, 7010, 7004 & 7006 Eastern Avenue

Dear Mr. Gontrum:

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

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

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Gilbert T. Barker, Sr., 9511-P Kingscroft Terrace, Perry Hall, MD 21128
Geraldine I. Schmidt, 6602 River Drive Road, Baltimore, MD 21219
William S. Streeter, 2 Right Elevator Drive, Baltimore, MD 21220
Maria Apostolou, 730 S. Ponca St., Baltimore, MD 21224
Jim Apostolou, 26 Manor Springs Court, Glen Arm, MD 21057
Peter Vailas, 14615 Manor Road, Phoenix, MD 21131
Jim Sprole, 6602 River Drive Road, Baltimore, MD 21219
Bradley Vance, 7008 Eastern Avenue, Baltimore, MD 21224
Linda Dapp, 6808 Eastbrook Avenue, Baltimore, MD 21224
Jerry Makowiecki, 6903 Eastbrook Avenue, Baltimore, MD 21224
People's Counsel; Code Enforcement; Case File

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7010 Eastern Avenue
which is presently zoned D.R. 10.5

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

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:

John B. Gontrum, Esquire
Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP
Company

210 W. Pennsylvania Avenue 410-832-2000
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Legal Owner(s):

Geraldine I. Schmidt
Name - Type or Print

Geraldine I. Schmidt
Signature

Name - Type or Print

Signature

6602 River Drive Road 410-388-0814
Address — Telephone No.

Baltimore, MD 21219
City — State — Zip Code

Representative to be Contacted:

John B. Gontrum, Esquire
Name

210 W. Pennsylvania Avenue 410-832-2000
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/2/05

Case No. 06-134-SPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 11-18-05
By Dawn Wilson

Richardson Engineering, LLC

110 Old Padonia Road, Suite LC
Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION FOR
7010 EASTERN AVENUE
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Eastern Avenue, (parallel to the north side of Eastern Boulevard),a right- of-way 73.70 feet wide at the distance of 102.91 feet north east of the centerline of the nearest improved intersecting street Adams Place, a right-of- way 60.00 feet wide. Being lot #6R, section #2B in the subdivision of EASTWOOD as recorded in Baltimore County Plat Book #18, Folio #95, containing 2,992 Sq.Ft. or 0.069 Ac.+/-. Also known as 7010 Eastern Avenue and located in the 12th. Election District, 7th Councilmanic District.

06-134-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449418

DATE 9/2/05 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Wilkefordy, Taylor & Preston, LLP

FOR: Special Hearing - 7010 Eastern Avenue
06-134-SPH (SCHMIDT)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRAWER
9/06/2005 [illegible] 2
REG WAIT WALKIN [illegible]
RECEIPT # 42263 [illegible] OTHER
Dept 5 [illegible]
ST NO. 449418
Recpt Tot [illegible]
$65.00 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: #06-134-SPH
7010 Eastern Avenue
N/side of Eastern Avenue, 102.91 feet n/east of Adams Place
12th Election District
7th Councilmanic District
Legal Owner(s): Geraldine I. Schmidt
Special Hearing: to allow a non-conforming use for a two-family dwelling within a group house.
Hearing: Monday, November 7, 2005 at 9:30 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.
10/198 Oct. 20 71576

CERTIFICATE OF PUBLICATION

10/20/, 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 10/20/, 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.: 06-134-SPH

Petitioner/Developer: GERALDINE I. SCHMIDT

Date of Hearing/Closing: NOV 7, 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:

7010 EASTERN AVE

The sign(s) were posted on 10-21-05
(Month, Day, Year)

Sincerely,

7010 EASTERN AVE

Robert Black 10-23-05
(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 11, 2005 Issue - Jeffersonian

Please forward billing to:
John Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
410-832-2000

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: 06-134-SPH
7010 Eastern Avenue
N/side of Eastern Avenue, 102.91 feet n/east of Adams Place
12th Election District – 7th Councilmanic District
Legal Owner: Geraldine I. Schmidt

Special Hearing to allow a non-conforming use for a two-family dwelling within a group house.

Hearing: Tuesday, October 25, 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

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

September 16, 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: 06-134-SPH
7010 Eastern Avenue
N/side of Eastern Avenue, 102.91 feet n/east of Adams Place
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Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204
Geraldine Schmidt, 6602 River Drive Road, Baltimore 21219

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 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, October 20, 2005 Issue - Jeffersonian

Please forward billing to:
John Gontrum 410-832-2000
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

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: 06-134-SPH
7010 Eastern Avenue
N/side of Eastern Avenue, 102.91 feet n/east of Adams Place
12th Election District – 7th Councilmanic District
Legal Owner: Geraldine I. Schmidt

Special Hearing to allow a non-conforming use for a two-family dwelling within a group house.

Hearing: Monday, November 7, 2005 at 9:30 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

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

October 5, 2005

NEW 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: 06-134-SPH
7010 Eastern Avenue
N/side of Eastern Avenue, 102.91 feet n/east of Adams Place
12th Election District – 7th Councilmanic District
Legal Owner: Geraldine I. Schmidt

Special Hearing to allow a non-conforming use for a two-family dwelling within a group house.

Hearing: Monday, November 7, 2005 at 9:30 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204
Geraldine Schmidt, 6602 River Drive Road, Baltimore 21219

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 22, 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.

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

November 7, 2005

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 06-134-SPH, 7010 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 2, 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*
Geraldine I. Schmidt 6602 River Drive Road Baltimore 21219

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 19, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For September 26, 2005
Item Nos. 126, 128, 129, 130,132, 133, 134 and 135

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-09192005.doc

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

September 13, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of September 19, 2005

Item No. 131, 134 and 135.

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

Proposed building plans shall be designed and constructed so as to meet the applicable provisions of the Baltimore County Fire Prevention Code.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 23, 2005

RECEIVED

SEP 26 2005

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-134- Special Hearing**

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

W \DEVREV\ZAC\6-134 doc

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 9.13.05

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

RE: Baltimore County
Item No. 134 JNP

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,

L. T. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: September 27, 2005

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

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

SUBJECT: Item No.: 134
Legal Owner/Petitioner: Geraldine I. Schmidt
Contract Purchaser:
Property Address: 7010 Eastern Avenue
Location Description: North side of Eastern Avenue, 102.91 feet northeast of Adams Place

VIOLATION INFORMATION: **Case No.: 05-5996**
Defendants: Henry J. and Rae W. Jung

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:

Other: Data entry 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: Dennis Rioux

PDLV0102F Permits & Development - Livability System

View Cases

Case No: 05-5996

Address: 07010 EASTERN AVE 21224

Insp Area: 003 Dist: 000 Date Rcv: 6/29/2005 Grp: ENF Intk: CG

Inspec: RIOUX Inspec2: Date Inspec: 11/18/2005

Close: 0/00/0000 Activity: Delete: _

Problem: HOUSE CONVERTED INTO 2 APTS

CL Name: TURNER LISA

CL Address: 00000

CL Home Phone: CL Work Phone: 410-554-2940 Tax Acct. 1207030231

Owner: GERALDINE SCHMIDT

Enter=Continue F12=Cancel

PDLV0103F Permits & Development - Livability System

View Cases

Case No: 05-5996

Notes: 7/13/05 OBSERVED 2 MAIL BOXES ON FRONT OF HOUSE. ISSUED A NOTICE. SPOKE W/COMPL. TO UPDATE. P/U ON 8/25/05. DR/SS

**8/26/05 OWNER FILED FOR HEARING. P/U ON 11/18/05. COMPL. UPDATED. DR/SS

Enter=Continue F12=Cancel

RE: PETITION FOR SPECIAL HEARING 7010 Eastern Avenue; N/side Eastern Avenue, 102.91' NE Adams Place 12th Election & 7th Councilmanic Districts Legal Owner(s): Geraldine I. Schmidt Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-134-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
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 15th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
SEP 15 2005
Per.....

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

Department of Permits and Development Management

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

Baltimore County

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

October 5, 2005

Mr. John B. Gontrum
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Gontrum:

RE: Case Number: 06-134-SPH, 7010 Eastern Avenue

The above matter, previously scheduled for October 25, 2005, has been postponed at your request. The hearing has been rescheduled and the new notice is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Geraldine Schmidt, 6602 River Drive Road, Baltimore 21219

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

AUDRA TROULAND CATHELL
DIRECT NUMBER
410 832-2025
acathell@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410-832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

September 7, 2005

Via Hand Delivery
Ms. Kristin Matthews
Department of Permits & Development Management
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Schedule for Special Hearings:
06-114-SPH (G. Barker, 7012 Eastern Ave.)
06-134-SPH (G. Schmidt, 7010 Eastern Ave.)
06-135-SPH (W. Streeter, 7004 Eastern Ave.)
06-139-SPH (M. Apostolou, 7006 Eastern Ave.)

Dear Ms. Matthews:

Please accept this letter as a formal request to schedule the above-referenced special hearings for the same date and time, as they are identical non-conforming use cases all located on Eastern Avenue and represented by Whiteford, Taylor & Preston, LLP.

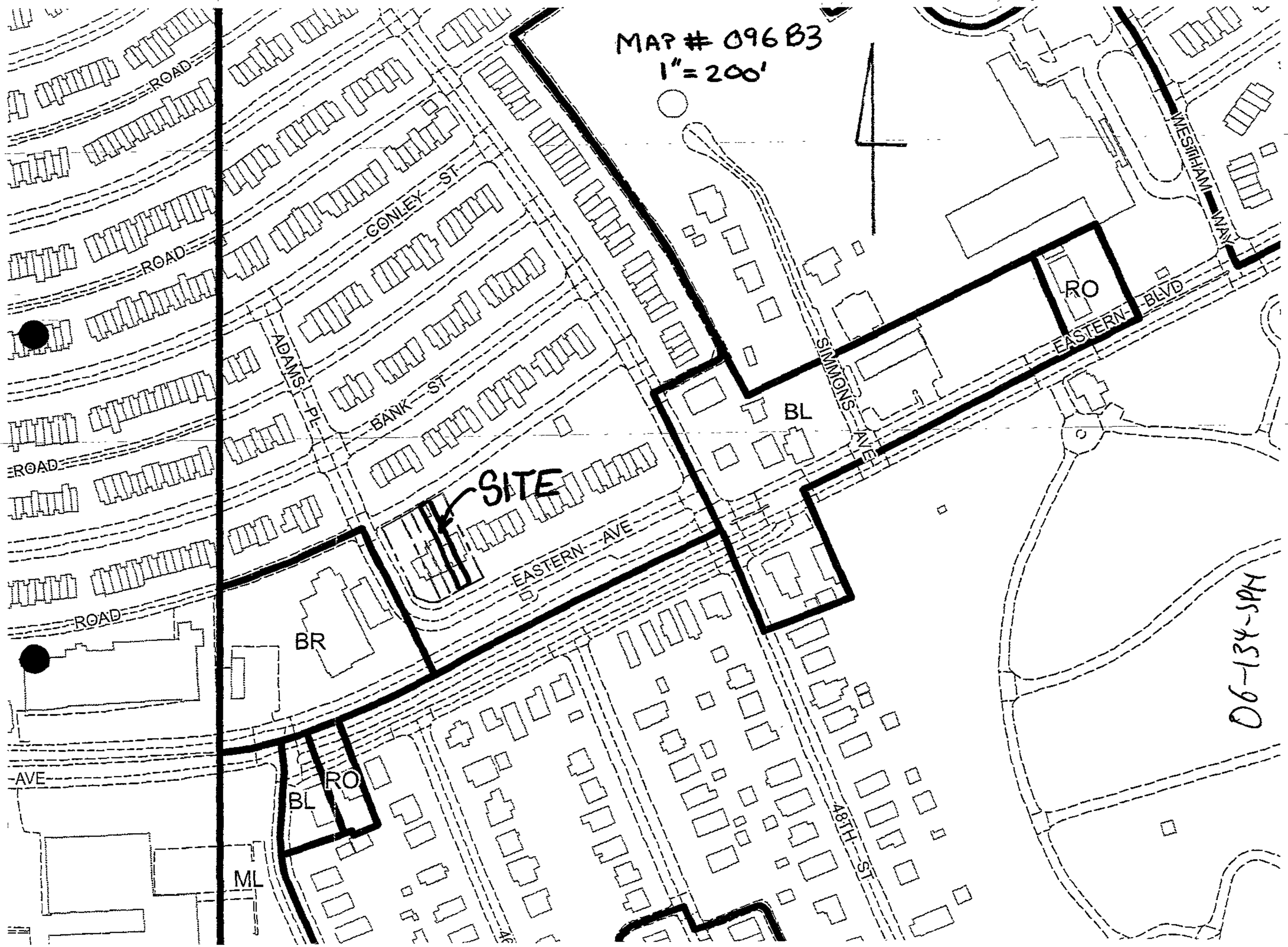
Please call me at the number noted above if you have any questions or concerns.

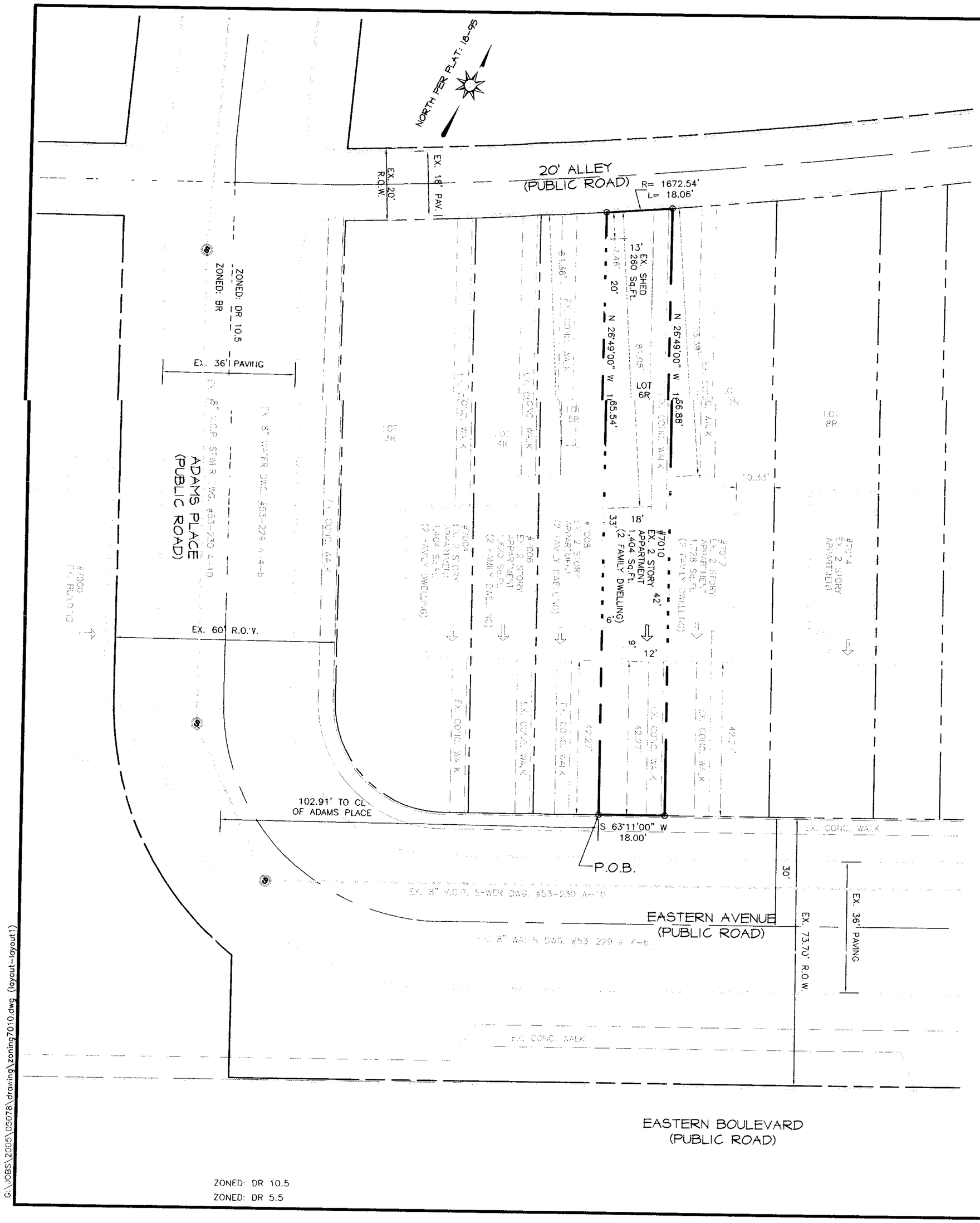
Sincerely,

A. Cathell

Audra Trouland Cathell

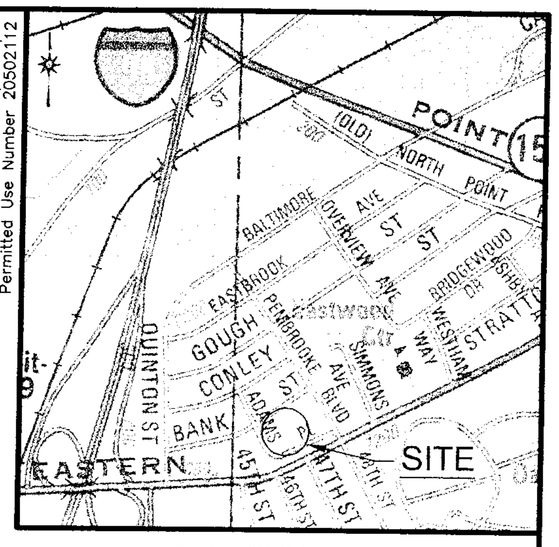
ATC:ac
Cc: John Gontrum, Esq.
343764


MAP # 096 B3
1"=200'
4
ROAD
ROAD
ROAD
ROAD
AVE
CONLEY ST
ADAMS PL
BANK ST
SITE
EASTERN AVE
SIMMONS AVE
EASTERN BLVD
WESTHAM WAY
48TH ST
BL
RO
BR
BL
RO
ML
06-134-SPH



GENERAL NOTES:

1. OWNER: GERALDINE I. SCHMIDT
   #7010 EASTERN AVENUE
   BALTIMORE, MD 21224-3103
2. SITE AREA: 2,992 Sq.Ft. or 0.069 Ac.±
3. EXISTING BUILDING FOOTPRINT: 962 Sq.Ft. or 0.022 Ac.±
4. PROPOSED BUILDING: NONE PROPOSED
5. UTILITIES
   WATER: PUBLIC SEWER: PUBLIC
6. SITE LIES WITHIN ZONES C OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0420 B. ZONE C IS AREAS OF MINIMAL FLOODING.
7. PLAT REF: 18-95 "2ND RESUBDIVISION PLAT OF PART OF SECTION 2-B EASTWOOD"
8. DEED REF: 17007/1
9. TAX ACCOUNT NO. 1207030231
10. ELECTION DISTRICT 12
11. COUNCILMANIC DISTRICT 7
12. REGIONAL PLANNING DISTRICT 329A
13. CENSUS TRACT 4205.01
14. WATERSHED BACK RIVER
15. ZONING: D.R. 10.5
    (PER 1"=200' ZONING MAP 096B3)
16. TAX MAP #96; PARCEL #181; LOT #6R
17. PREVIOUS ZONING CASES: NONE ON FILE
18. PREVIOUS PERMITS: NONE ON FILE
19. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
20. THE EXISTING PROPERTY OR BUILDING IS NOT HISTORIC.



LOCATION MAP

SCALE: 1" = 1000'

ADJOINER LIST:

#7008 EASTERN AVENUE
BRADLEY VANCE
#7008 EASTERN AVENUE
BALTIMORE, MD 21224-3103
TAX ACCNT. #1201069045
TAX MAP #96, PARCEL #181, LOT #5R
DEED REF: 15783/280
PLAT REF: 18-95

#7012 EASTERN AVENUE
GILBERT BARKER
#9511 KINGSCROFT TERRACE APT. P
PERRY HALL, MD 21128-9476
TAX ACCNT. #1202057985
TAX MAP #96, PARCEL #181, LOT #7R
DEED REF: 18559/134
PLAT REF: 18-95

Richardson Engineering, LLC

110 OLD Padonia Road, Suite LC
Cockeysville, Maryland 21030
Phone: 410-560-1502 Fax: 410-560-0827

PLAT TO ACCOMPANY PETITION FOR ZONING
SPECIAL HEARING

SCHMIDT PROPERTY

7010 EASTERN AVENUE

"2nd RESUBDIVISION PLAT OF PART OF SECTION 2-B EASTWOOD"

TAX MAP 96. GRID 21, PARCEL 181,
SECTION #2B, LOT 6R, PLAT 18-95

12TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 20'
	DATE: 08-19-05	JOB NO.: 05078	SHEET NO.: 1 OF 1

G:\JOBS\2005\05078\drawing\zoning7010.dwg (layout-layout1)

ZC-34-5P.1

Mr. Richardson, the civil engineer who drafted the Plat to Accompany, testified that he personally examined each apartment and found identical layout and location of rooms. Each had original plaster walls with identical doors and molding. In addition, he noted that while some kitchens were redone, kitchen plumbing was old galvanized pipe where the appliances entered the wall, which was used many years ago rather than more modern PVC plumbing. See photographs, Petitioner's Exhibit 4. He concluded that these four (4) buildings were designed as two (2) family apartments.

Mr. Gontrum proffered that Ms. Apostolou and Mr. Vailas who were present at the hearing would testify to their personal knowledge that these buildings were used continuously and without interruption as two (2) apartments since 1954. He further proffered that Mr. Barker would testify of similar use from his personal knowledge and that of his in-laws relayed to him. Finally, he presented a letter from James Sprole, who was present at the hearing, that he had the assignment in the military to find housing for military personnel in the 1960's and became aware of the apartments, which are the subject of this hearing.

Mr. Gontrum also presented records from the State Department of Assessments and Taxation (S.D.A.T.) that Mr. Vance's property at 7008 Eastern Avenue is also approved for two (2) apartments.

Mr. Vance, Mr. Makowiecki, and Ms. Dapp related the many problems the tenants in these apartment buildings presented. Mr. Vance lived at 7008 Eastern for the past four (4) years and related how these apartments have spiraled down since he first moved in. Some of the problems are that the yards are not kept up, police knocking on doors early in the morning, car parts on the properties, illegal parking along the service road, trees overgrown and dropping fruit, and tenants drying wash on the porch roofs. They were concerned these problems would

Date 11-18-05
By