IN RE: PETITION FOR SPECIAL HEARING
N side of Overbrook Road, 141 feet E of
C/l of Heathfield Road
9<sup>th</sup> Election District
5<sup>th</sup> Councilmanic District
(410 Overbrook Road)

Gertrude Pojman

Petitioner

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-203-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 410 Overbrook Road. The Petition was filed by Gertrude Pojman, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the existing use of a 2 apartment dwelling as a non conforming use.

The property was posted with Notice of Hearing on December 22, 2006, 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 December 26, 2006, 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.

176-07 - m

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 7, 2006, which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file.

#### **Interested Persons**

Appearing at the hearing on behalf of the requested special hearing were Bruce Doak, with Gerhold, Cross & Etzel, Ltd., George Georges, James Keenan, Richard Hilgartner, Mary McCarron, Regina Raskob and Gertrude Pojman, Petitioner. Francis X. Borgerding, Jr., Esquire, represented the Petitioner. Also appearing in support of the Petition were Karl Pfrommer and Donald Gerding, representing the Roger's Forge Community Association. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### **Testimony and Evidence**

The subject property is the end of the row townhouse in the Rogers Forge community which the Petitioner purchased in 2006. See Plat to Accompany exhibit 1 and deed to the property, exhibit 4. She lives in the first floor apartment and rents the second floor apartment. See Use Permit exhibit 5 and rental registration form exhibit 6. Mr. Borgerding indicated that the home was constructed in 1948 and converted shortly thereafter from a single family dwelling to two apartments. Mr. Gerding, representing the Rogers Forge Community Association, corrected Mr. Borgerding and indicated that he and several other members of the Association had researched the different phases of home construction in Rogers Forge and concluded that this property was constructed from the outset as two apartments.

# 16007 F

Mr. Borgerding proffered the property was initially purchased by Rose Fontanazza who used the two apartments continuously until 1989 when the property was purchased by George Georges who again continuously used the property as two apartments until the Petitioner purchased the property. During that time there was never a time that the apartments were vacant except between tenants which lasted only a few months at most. See exhibit 2, the SDAT information sheet on the property with chain of title.

Mr. Borgerding presented the zoning regulations from 1945 which allowed one or two family use of group homes. Next he presented the 1955 regulations which allowed only a single family in such homes. Consequently he opined that the use of the property as two apartments before 1955 was a legal use and only after 1955 did such become illegal.

In support of the his contention that the property had been used continuously as two apartments between 1955 and the present, he presented affidavits that the property had been used continuously as two apartments from Regina Raskob (since 1954), Mary McCarron (since 1962) and Richard Hilgartner (since 1969). Remarkably each of these persons attended the hearing and indicated the veracity of their affidavits. Mr. George who attended the hearing, a former owner starting in 1989, testified to his use of the property with two apartments until he sold it in 2006 to the Petitioner. He also recalled documents that described the use of the apartments during Ms. Fontanazza's ownership but which are now lost.

In regard to the Planning Office comment that parking must be brought up to date, Mr. Borgerding indicated that the use of the property was non conforming as two apartments and non conforming regarding on site parking. Nevertheless he pointed out there is on street parking along the south side of Overbrook Road as this side of the street has no homes. Mr. Gerding indicated again from his research of the history of Rogers Forge that some homes had no on street parking, some had parking pads and some small garages. Finally Mr. Doak pointed out

1-16-07 Care

that there are only three bedrooms between the first and second floor apartments and tenants will not over load on street parking compared to single family dwellings.

Mr. Gerding expressed the support from the Community Association of this request.

#### Findings of Fact and Conclusions of Law

After reviewing the 1945 and 1955 regulations for group homes, it is apparent that use of the subject property became illegal in 1955. I find that the property had two apartments prior to that year and that this was a legal use.

As I mentioned at the hearing it is very rare to have so many people with personal knowledge of the property come to this kind of hearing in support of the Petition. Some non conforming cases require live witnesses who know the property continuously from 1945. Witnesses with such knowledge are becoming ever more difficult to find and even more difficult to persuade to attend a hearing. This can create great inequity in certain situations and hopefully will be reviewed by the Council toward adopting some new standard for non conforming cases.

Based on the evidence presented in this case I further find that the property has been used continuously prior to 1955 as two apartments, that this use continued uninterruptedly since 1955 and that the property has a legitimate non conforming status when used as two apartments.

The Planning Office indicated in its comments that the Petitioner must comply with the off street parking requirements of Section 409. This would require three parking spaces on site. Under the facts of this case, I will not require the Petitioner to provide on site parking as requested by the Planning Office. There appears to be ample on street parking across Overbrook Road.

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 Petitioner, 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 \_\_\_\_\_ day of January, 2007, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the existing use of a 2 apartment dwelling as a non conforming use is hereby GRANTED.

- 1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall submit photographs to the Planning Office corresponding to the floor layout shown on the site plan submitted with the petition.

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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

THE STATE OF THE S



JAMES T. SMITH, JR. County Executive

January 16, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

FRANCIS X. BORGERDING, JR., ESQUIRE 409 WASHINGTON AVENUE, SUITE 600 TOWSON, MD 21204

Re: Petition for Special Hearing Case No. 07-203-SPH Property: 410 Overbrook Road

Dear Mr. Borgerding:

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

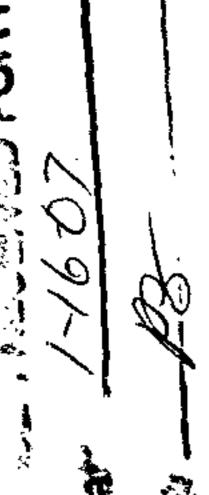
Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Bruce Doak, P.E., Gerhold, Cross & Etzel, LTD, 320 E. Towsontown Blvd., Suite 100, Towson, MD 21286 George Georges, 1514 Ruxton Road, Towson MD 21204
James Keenan, 409 Hopkins Road, Baltimore MD 21212
Richard Hilgartner, 408 Overbrook Road, Baltimore MD 21212
Regina Raskob, 420 Overbrook Road, Baltimore MD 21212
Gertrude Pojman, 410 Overbrook Road, Baltimore MD 21212
Karl Pfrommer, 319 Regester Avenue, Baltimore MD 21212
Donald Gerding, 335 Old Trail, Baltimore MD 21212





## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 410 Overbrook Rd., Baltimore, MD 21212 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 the extisting use of a two apartment dwelling as a non-comforming use.

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

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

		•	perjuly, that I/we are to is the subject of this P	iare and amm, under he legal owner(s) of the etition.	the property which	
Contract	Purchaser/Lessee:		Legal Owner(s):	-		
Name - Type	or Print	· ————————————————————————————————————	Gertrude Pojman	1		
		•	. Mande sype of Final A	ertrud Por		
Signature			Signature	www.ig.		
Address		Telephone No.	Name - Type or Print		<del></del>	
City	State	Zip Code	Signature	Ccell 1443	2-02111-02110	Z* <
Attorney	For Petitioner:	•	410 Overbrook R		5-446-340	フィ
Francis	X. Borgerding, Jr.		Baltimore	NATS.	Telephone No.	
Name - Type	or Print		City	. MD State	21212 Zip Code	
Signature	- XI Phyl		Representative to	be Contacted:	_	
-	X. Borgerding, Jr.					
Company			Francis X. Borga	erding, Jr.		
409 Wash	ington Ave., #600 41	0-296-6820	409 Washington	Ave. #600 4°	10-296-6820	
Address	MD	Telephone No.	Address		Teisphone No.	
City	State	21204 Zip Code	Towson	MDState	21204 Zip Code	
		- -		,		
•			<u>OFF</u>	ICE USE ONLY	•	
	•		ESTIMATED LENG	TH OF HEARING		
Case No.	<u>07-203-51</u>	PH	UNAVAILABLE FOR	UEADTNIC		
				7		
RED 915/98	•		ewed By	Date	2/06	
	المستقبل المستانية المستنادة المستعلقة أفاتي	FOA FILMS		· /	<i>'</i>	
	1-110-0	1		•	-	
	1-110-11					



#### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 23, 2006

## ZONING DESCRIPTION POJMAN PROPERTY 410 Overbrook Road Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Ninth Election District, Fifth Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point 141 feet southeasterly along the centerline of Overbrook Road from the intersection of the centerlines of Overbrook Road and Heathfield Road, and at a point northeasterly and perpendicular 25' from the centerline of Overbrook Road, continuing thence,

- 1) Northeasterly 100' feet,
- 2) Southeasterly 29.5 feet,
- 3) Southeasterly 100' feet,
- 4) Northwesterly 29.5 feet, to the point of beginning.

Containing 2,950 square feet, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

10/31/66

Item #203

		The state of the s
•		The second secon
•		5
		<b>T</b>
	The state of the s	
	The same of the sa	Taranti and
	2	
		STOMER
	A No INSTANTANTANTANTANTANTANTANTANTANTANTANTANT	ο γοτ
	A B A B A B A B A B A B A B A B A B A B	
	FINANCE OF THE PROPERTY OF THE	SENCY
		PINK
	A B B B	
•	SCELL SCELL	CASHIE
	BALTI BALTI OFFICE PARE FROM:	DISTRIBUTION WHITE - CASHI

.

# NOTICE OF ZOKING 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: # 07-203-SPH
410 Overbrook Road
A10 Overbrook Road
A10 Overbrook Road
N/side of Overbrook Road
Of Heathfield Road
Approve the existing use a two-special Hearing: To approve the existing use a two-apartment dwelling as a non-conforming use.

Hearing: Thursday, January 11, 2007 at 9:00 a.m. In Hearing: Thursday, January 11, 2007 at 9:00 a.m. In Hearing: Thursday, January 11, 2007 at 9:00 a.m. In Hearing: Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for
special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For Information concerning the Rile and/or Hearing.

(2) For Information concerning the Rile and/or Hearing.

(2) For Information Concerning the Rile and/or Hearing.

(3) For Information Concerning the Rile and/or Hearing.

(4) For Information Concerning the Rile and/or Hearing.

(5) For Information Concerning the Rile and/or Hearing.

(6) For Information Concerning the Rile and/or Hearing.

(7) For Information Concerning the Rile and/or Hearing.

(8) For Information Concerning the Rile and/or Hearing.

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

The Jeffersonian

Times Arbutus

Catonsville Times

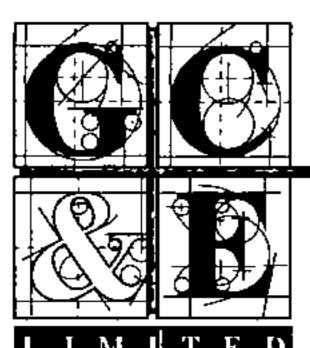
Mills Times Times Towson

Owings

NE Booster/Reporter

ounty News North C

LEGAL ADVERTISING Muser Man



#### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

**CERTIFICATE OF POSTING** 

RE: CASE# 07-203-SPH PETITIONER/DEVELOPER:

Gertrude Pojman

DATE OF HEARING: January 11, 2007

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

**ATTENTION: KRISTEN MATTHEWS** 

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

LOCATION:

410 Overbrook Road

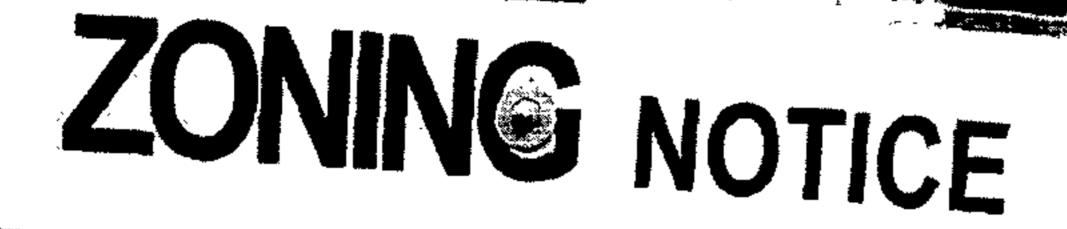
(See page 2 for full size photo)

SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: December 22, 2006



CASE #:07-203-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

Room 407 County Courts Building PLACE: 401 Bosley Avenue, Towson, MD

TIME:

9:00 am Thursday, January 11, 2007

### Special Hearing:

To approve the existing use a two-apartment dwelling as a non-conforming use.

Postponements due to Weather or Other Conditions are sometimes Hecessary to Confirm Hearing Pall 410-867-3391 The day before the Scheduled Hearing Date

HEARINGS ARE HANDICAPPED ACCESSIBLE

12/22/2006



# ZONING NOTICE

CASE & DI-JOJ-SPH THE ZOMING COMMISSIONER

The Arms of the first of 327 le

Special Hearing use a few approve the aristing use a non-conforming

12/22/2006

RE: PETITION FOR SPECIAL HEARING
410 Overbrook Road; N/S Overbrook Road,
141' E c/line Heathfield Road
9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts

Legal Owner(s): Gertrude Pojman

Petitioner(s)

**BEFORE THE** 

**ZONING COMMISSIONER** 

FOR

BALTIMORE COUNTY

\* 07-203-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 and all 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 15<sup>th</sup> day of November, 2006, a copy of the foregoing Entry of Appearance was mailed to, Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

NOV 1 5 2006

Per.....

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

November 20, 2006

#### 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: 07-203-SPH

410 Overbrook Road

N/side of Overbrook Road, 141 feet east of centerline of Heathfield Road

9<sup>th</sup> Election District — 5<sup>th</sup> Councilmanic District

Legal Owner: Gertrude Pojman

Special Hearing to approve the existing use a two-apartment dwelling as a non-conforming use.

Hearing: Thursday, January 11, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, 409 Washington Avenue, Ste. 600, Towson 21204 Gertrude Pojman, 410 Overbrook Road, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 27, 2006.

- (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

Tuesday, December 26, 2006 Issue - Jeffersonian

Please forward billing to:

Gertrude Pojman 32 Walnut Avenue

Highland Falls, NY 10928

443-841-8488

#### 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: 07-203-SPH

410 Overbrook Road

N/side of Overbrook Road, 141 feet east of centerline of Heathfield Road

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Gertrude Pojman

Special Hearing to approve the existing use a two-apartment dwelling as a non-conforming use.

Hearing: Thursday, January 11, 2007 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 ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 07-203-SPH
Petitioner: Gertrude Poiman
Address or Location: 410 Overbrook Road
PLEASE FORWARD ADVERTISING BILL TO:  Name: <u>Gestrude Pojman</u>
Address: 32 Walnut Ave
Highland Falls, NY 10928
Telephone Number: 410-823-4470 (BRUCE DOAK)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 3, 2007 -

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

Dear Mr. Borgerding:

RE: Case Number: 07-203-SPH, 410 Overbrook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 3, 2006.

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

U. Callahal D

WCR:amf

**Enclosures** 

c: People's Counsel
Gertrude Pojman 410 Overbrook Road Baltimore 21212

J. Donald Gerdman Rodgers Forge Community, Inc. 335 Old Trail Baltimore 21212

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 16,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s) 203 through 212

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** November 14, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 20, 2006

Item Nos. 07-202 (203, 204, 205, 206, 207,

208, 209, 210, 211, and 212

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-11142006.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

**DATE:** December 7, 2006

RECEIVED

DEC 2: 2006

ANNG COMMISSIONER

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

410 Overbrook Road

**INFORMATION:** 

**Item Number:** 

7-203

Petitioner:

Gertrude Pojman

Zoning:

**DR** 5.5

Requested Action: Special Hearing

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request to approve a non-conforming use for two apartments on the subject property provided the following conditions are met:

- 1. Petitioner must demonstrate that the subject property was converted from a single family dwelling into two separate dwelling units (apartments) prior to the current version of the applicable zoning regulations.
- 2. Petitioner must demonstrate that the requested non-conforming use has existed on the subject property for no less than 365 consecutive days prior to property acquisition.
- 3. Petitioner shall submit photos corresponding to the floor layout shown on the site plan submitted with this petition.

It should also be noted that the subject property must adhere to meet current parking requirements under group homes (Baltimore County Zoning Regulations (BCZR) section 409). Since the number of bedrooms for each apartment dictates parking requirements, this Office recommends that the zoning commissioner determine if the requested non-conforming uses will meet BCZR Section 409 under "group" house".

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

warek

Reviewed by:

**Division Chief:** 

AFK/LL: CM

W:\DEVREV\ZAC\7-203.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-13-2006

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

RE: Baltimore County

Hem No. 7-203-SPH 410 OVERBROOK ROAD

GERTRUDE POJAN PROPERTY

Drecial Herizing-Two Aprethous Dwelling AG Mon-Conforming USE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-203-5PH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

A Memora am from

J. Donald Gerding To Zoning Commissioner Baltimore County Losse # 7-203 SPH 4/0 Overbrook Rd Rodgers Forge @ 1-11-07 @ 9 AM Rm 407 1-or The Record: Representing Board of Governon member: J. Donald Geroling: Chair Govt & External 335 Old Trail Baltimore med 21212 410-825-0894 Elease mail t-acts + Finding as published

also assisting Karl Pfrommer Comm Member
319 Register au & Board Member
Baltimore Mil 21212
410-377-5074

PDM-Balt County
Zonny Review Jan 7-2035PH me Sorward time I having and the result fats and findings of this spenge heaving 7-2035PH. Jam representing the Community of Rodgen Forge in this item and will attend the having Thank you J. Donald Gending Rodgen Forge Commencely Jan

#### 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 - 0906450140

**Owner Information** 

**Owner Name:** 

POJMAN GERTRUDE

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address: 🕟

32 WALNUT AVE

HIGHLAND FALLS NY 10928-1614

Deed Reference:

1) /24326/ 507

2) /24326/ 503

#### Location & Structure Information

**Premises Address** 

410 OVERBROOK RD

Legal Description

410 OVERBOOK RD

RODGERS FORGE

Grid Map Parcel 80 31

Sub District

dr.,

**Primary Structure Built** 

1948

Land:

.....

Subdivision

Section Block Lot

Assessment Area

Plat No: Plat Ref:

Special Tax Areas

Town Ad Valorem

Tax Class

Enclosed Area

**Property Land Area** 2,900.00 SF

**County Use** 

04

**Stories** 

**Basement** YES

1,216 SF

Type **END UNIT** 

Exterior

BRICK

#### Value Information

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2005 07/01/2006 07/01/2007 42,000 100,000 96,430 125,360

Total: Preferential Land:

Improvements:

138,430

225,360

196,382

225,360

#### **Transfer Information**

Seller: GEORGES GEORGE E Type: IMPROVED ARMS=LENGTH Seller: FONTANAZZA ROSE V IMPROVED ARMS-LENGTH Type: Seller: 11

Date: 08/17/2006 Deed1: /24326/ 507

Price: \$261,500 Deed2: /24326/ 503

Date: 07/28/1989 **Deed1:** / 8235/ 387 Deed2:

\$106,250 Price:

Date: Deed1:

Price: Deed2:

#### **Exemption Information**

Partial Exempt Assessments Class 07/01/2006 07/01/2007 County 000 State 000 Municipai 000

Tax Exempt: Exempt Class:

Type:

NO

79.42

Special Tax Recapture:

\* NONE \*

#### **AFFIDAVIT**

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.

رم ۱	AFFI	ANT (Handwritten Signature)  O Ver brooff Rd.	AFFIANT (P	rinte	<u>/</u> 3d d Nam	<i>ifil.60</i> e)	1 STUEK_	<u> </u>
oy	Ba ADD	Himore, MD 3/3/2— RESS (Printed)	410- TELEPHON	377 IE NI	Z-45 JMBEF	346		
	BAS	ED UPON YOUR PERSONAL KNOWLEDG	E, PLEASE A	ANSV	VER TI	HE FOL	LOWING:	
	1.	Can you verify by this affidavit and/or testify	in court, if ne	ecess	ary, th	at the h	ome located	at
		410 OVERBROOK Rd BALTO 212	<u>/∕</u> has b	een o	occupie	ed as a	2 aparti	ment
		(address)	969 ?		<u>425</u>	<u></u>	(2, etc.)	
			year)		(answer)	¥.		
	2	Can you also verify and testify, if necessary	that said ana	artme	ents ha	ve beer	n occupied by	V
•	۷.			0		435		
		renters every year since	,	<b>.</b>		(answer)	<u> </u>	
	3.	Will you realize any gain from the sale of th	is property? _	<u></u>	No		*	
	<b>-</b> -			nswe	answer (answer		m cannot be a	oproved.
		TE OF MARYLAND, COUNTY OF BALTIMORE, to wit						
	Maryl hereir	I HEREBY CERTIFY this, // day of system land, in and for the County aforesaid, personally appoint, personally known or satisfactorily identified to me as	eared <u>ick</u> s such Affiant.	, bef	ore me,	a Notar	y Public of the	State of ne Affiant
		AS WITNESS my hand and Notarial Seal.				_		

Revised 6/1/00 BLC

My Commission Expires | Lemmu / 2006

M

#### **AFFIDAVIT**

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.
Mary E. McCarron MARY E. McCARRON  AFFIANT (Handwritten Signature)  AFFIANT (Printed Name)
406 Overbrook Rd. Baltimore 212/7 TELEPHONE NUMBER TELEPHONE NUMBER
BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:
1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at
40 Overbrook Rd. Baltimore 3/3/3 has been occupied as a 3 apartment (address)
dwelling since $\underbrace{SEPTEMBER}_{\text{(month)}}$ , $\underbrace{1962?}_{\text{(year)}}$ $\underbrace{YES}_{\text{(answer)}}$ (2, etc.)
· (grant)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by
renters every year since <u>SEPTEMBER</u> , <u>1962</u> ? <u>YES</u> (month) (year) (answer)
3. Will you realize any gain from the sale of this property? NO ***  (answer)  ***********************************
*If the answer is <u>yes</u> , this form cannot be approved.
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
HEREBY CERTIFY this, 30 day of November, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
AS WITNESS my hand and Notarial Seal.
MARJORIE D. HENDLEY Notary Public, State of Maryland Baltimore County My Commission Expires: April 01, 2007  My Commission Expires: April 01, 2007  My Commission Expires

Revised 6/1/00

AFFIDAVIT PROVIDE PLANS
SHOWING USE CAREA EACH FLOOR,
A SCHEMATIC (SIMPLE DRAWING IS
ACCEPTABLE)

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.

FIANT (Handwritten Signature)  AFF	REGINA McCourt RASKO-L- IANT (Printed Name)
	EPHONE NUMBER
SED UPON YOUR PERSONAL KNOWLEDGE, PL	EASE ANSWER THE FOLLOWING:
Can you verify by this affidavit and/or testify in contract of the contract of	
Can you also verify and testify, if necessary, that renters every year since <u>January</u> , <u>/</u>	
Will you realize any gain from the sale of this pro	operty?*  (answer)  *If the answer is <u>ves</u> , this form cannot be approved.
ATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY this, 12 day of July ryland, in and for the County aforesaid, personally appeared ein, personally known or satisfactorily identified to me as such	REFINA MCCOURT RASHOB , the Amand
AS WITNESS my hand and Notarial Seal.	NOTARY PUBLIC Commission Expires Del Der 8
TATA TATA	RESS (Printed)  TEL  ED UPON YOUR PERSONAL KNOWLEDGE, PL  Can you verify by this affidavit and/or testify in conductive developments of the conductive development of the conductive devel

Revised 6/1/00

This Deed, MADE THIS Who day of whom, in the year by and between George E. Georges, party of the first part, and Gertrude Pojman, party of the second part.

Witnesseth, That in consideration of the sum of Two Hundred Sixty One Thousand Five Hundred Dollars and NO Cents (\$261,500.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEGINNING for the same on the northeast side of Overlook Road at the distance of 119.50 feet southeasterly from the corner formed by the intersection of the northeast side of Overbrook Road and the southeast side of Heathfield Road, and at a point where the northeast side of Overbrook Road is intersected by a line drawn midway between the house on the lot now being described and that on the lot next adjacent o the northwest, and running thence southeasterly binding on the northeast side of Overbrook Road 29.50 feet to a point in line with the centre of the partition wall there situate, thence northeasterly to and through the center of said wall to the end thereof, and continuing the same course in all 100 feet to the southwest side of an alley 15 feet wide there situate, thence northwesterly binding on the southwest side of said alley with the use thereof in common 29.50 feet to intersect the aforesaid lien drawn midway between the house on the lot now being described and that on the lot adjacent to the northwest, and running thence southwesterly reversing said line so drawn and binding thereon 100 feet to the place of beginning.

The improvements thereon being known as No. 410 Overbrook Road, Baltimore, Maryland 21212.

Tax I.D. No. 09-0906450140.

**BEING** the same parcel of ground which by deed dated July 14, 1989 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 8235, folio 387 was granted and conveyed by John A. McCauley, Personal Representative of the Estate of Rose Fontanazza unto George E. Georges, the Grantor herein.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

Michael Grace, Esquire

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 party of the second part as sole owner, her personal representatives, heirs and assigns, in fee

# U

## Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

Name of Transferor	1. Transferor Information
	GEDMSE E. GEDMED
Resident Status	2. Reasons for Exemption  Transferor, am a resident of the State of Maryland.  Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland Lawrence Code of Maryland
Principal Residence	authority to sign this document on Transferor's behalf.  Although I am no longer a resident of the State of Maryland, the Property is m principal residence as defined in IRC §121.
nder penalty st of my know	of perjury, I certify that I have examined this declaration and that, to the wledge, it is true, correct, and complete.
- 41	3a. Individual Transferors
iness /	CROWE & INDUKOS

Wilness Signature

3b. Entity

Transferors

Wilness/Atlest

Name

Name

Title

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:

George E. Georges

(SEAL)

State of Maryland, County of Baltimore, to wit:

I Hereby Certify, That on this 20th day of July, in the year 2006 before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore personally appeared George E. Georges known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal

My Commission Expires:

AFTER RECORDING, RETURN TO:

TERRY L. SHRIVER

Notary Public

State of Maryland

Baltimore County

My commission exp. October 1, 2006

File Number: 2385GNS

Affect seconding return to: Gentrude POJMAN

32 Walnut and,

Highland Falls, N4/0928

	ate of Maryland Lan					
F. 6		ty: Baltimo			j ·	
Injort	mation provided is for the use of	•	-	ent of	· 1	
A STATE OF THE STA	Assessments and Taxation, to	•	×		}	
Toronto	(Type or Print in Black Ink O		<u></u>		****	
Type(s)	([] Check Box if Addendum Is			т т д.:		
of Instruments		rigage	Other	Other	דומים ביו מיווים	
C. T.	Deed of Trust Lea	╼╼╼┈┈┈┼			IN FO SIRE	
2 Conveyance Type	<u></u>	mproved Sale	Multiple Accou			
Check Box	(*************************************	ns-Length[2]	Arms-Length[3	] Length Sale	<del></del>	_ · _ · _ ·
	Recordation None			······································	TOTAL DADO	1,347.5
- •	State Transfer None	<del></del>	<u> </u>	<u> </u>	Rest BAG2	RCPt # 37485
Cite or Explain Authority			20200000000000000000000000000000000000		SA CR	Blk # 3433
	Consideration	T.		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		***************************************
Canaidanation	Purchase Price/Consideration	3 26	1,500.00		Recordation Tax C	ousideration
Consideration	Any New Morigage	2	.00	Imuster Tax Consid	eration 5	
and Tax	Balance of Existing Mortgage	3		X( )% =	<b>S</b>	
Calculations	Other:	\$	124	Less Exemption Am	eint - S	
		<u> </u>		Ioul Transfer Tax	# \$	
	Other:	2		Recordation Tax Co.	usideration   S	
	12-11-0			X( ) per \$500 m	\$	
**************************************	Full Cash Value	3		KO PAL DUK	•	
	Amount of Fees	Doc.	1	Doc. 2	Agent	
Fees	Recording Charge	\$	20.00	<u> </u>		
	Surcharge	\$	20.00	<u> </u>	Tax Bill.	
	State Recording Tax	\$	1307.50	\$		
•	State Transfer Tax	\$	1307.50	<u> </u>	C.B.CH	der
	County Transfer Tax	\$	3922.50	\$		
,	Other	\$	3		A.G. Ta	dOther .
600-961	Other	\$	3	5		
		DNo (t) (franto	anno anno anno anno anno anno anno anno	Map	Parcel No.	V/SP/P(P)
Description of	09 09-06-45014		387 B	0	31	11(5)
Property	Subdivision Na	HTM2	Eqt.(3a) B	lock(3b)Sect/AR(3c	) Plat Ref.	Still/Acrespe(4)
SDAT Requires	Rodgers Forge	())				
Submission of all		ocation/Address o		ig Conveyed (2)		
applicable information.	410 Overbrook Road,			······································		
A maximum of 40	Other Propert	y Identifiers (if ap	plicable)		Water Meter A	Scount Mo.
characters will be		**************************************	om and a second			
	Residential (X or Non-Residen	*** *** *** *** *** *** *** *** *** **		Ground Rent   A	<u> </u>	0
	Partial Conveyance? [] Yes []	Descri	ption/Amt. of Sq	Ft/Acreage Transfe	rred:	7
Real Property Article	7670	<del></del>	<del></del>	<del></del>	<u>100.</u>	
Section 3-10(g)(3)(i).	If Partial Conveyance, List Imp	والمتناء	ed:	varios de la companya de la company		
Transformed	Doc. 1 - Grantor(s	) Name(s)		Doc. 2 . f	rantor(s) Name(s)	
Transferred	George E. Georges			·	<del></del>	····
From		P*E****P******************************				
	Doc. 1 - Owner(s) of Record, i	is Uniter entatornia	Frantor(s) Doe	. 2 · Owner(s) of R	ecurd, if Different f	orm Gramor(s)
		<b>**</b> **********************************			~60868044444444477/40/4F976666670/4F9	***************************************
	Doc. 1 - Grantee(s	2 ( <b>**</b> (1111600)		LIGE Z	rantee(s) Name(s)	
Transferred	Gertrude Pojam	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·		
To						
	30 Malaut Been 112-1-1-3		(Grantee) Mail	ark waaress		
9 Other Names	32 Walnut Ave, Highl Doc. 1 - Additional Name(s)		<del>-  </del>			
To Be Indexed			Percura.	oe e zarananen z	lanie(s) to be luciexe	n (exbuonat)
				<del></del>	<del></del>	<del></del>
	Inclement Cuba	nitted By or Cont			10-4	Control De
Contact/Mail	Name: Toni Croft		FILE	. 2205010	L_J Kemm to	Contact Person
Information	Firm: RGS Fountainhe	ad Title	Filic	: 2385GNS	The state of the s	Diolosa
	Address: 2330 W. Joppa					
	Suite 155, Luthervil	<del></del>	//10) 2	96-3839	Ty barran A	ddress Provided
<del></del>	II IMPODITANT ROTEST	COULCIDATION	DEC WARE TO DES	NOTE OF THE STREET	J A J RCUITI A	outess Lionided

#### CONDITIONAL USE PERMIT FOR TWO APARTMENTS

This use permit for two apartments at	410	Overbrook	Road	21212		
This use permit for two apartments at _		(address)				
is issued entirely upon the basis of th	ie herein	affidavit, including t	he dates of o	original		
use and continuous use sworn to the	rein. The	responsibility for the	he accuracy	of said		
dates and uses is entirely that of the le	gal owner	and/or agent there	of. In the eve	ent 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 othe	rwise provides the	proofs neces	sary to		
establish a legal non-conforming use f	or the nur	nber of apartments	claimed. Kno	owingly		
falsifying the affidavit information on	the rever	se side of this perr	nit is subject	to the		
penalties of perjury.			•			

APPROVED BY: JC FUR. DIRECTOR, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Revised 9/5/95



#### ENTAL HOUSING LICENSE

NSE U

Baltimore County
Department of Permits and Development Management
County Office Building, Room 101

Towson, MD 21204 410-887-3616

111 West Chesapeake Avenue

License No.: 07-243

Date Issued: 11/01/06

Expiration Date: 12/01/06

Name and Address for Mailing:

GERTRUDE POJMAN 410 OVERBROOK RD BALTO MD 21212 Property Owner Name and Address: (If different than mailing name and address)

Rental Property Address:

410 OVERBROOK RD BALTO MD 21212 Dwelling Unit Number: 1

**Dwelling Unit Address:** (If different than rental property address)

ANTIPOLICA DE LA COMPANIONA DEL COMPANIONA DE LA COMPANIO

In accordance with <u>Baltimore County Code</u>, 1988, as amended Title 18, Article IV, Section 18-101 through 18-113, the above property owner is granted permission to rept the dwelling unit described above.

Director, Department of Permits and Development Management

This license is purely governmental in nature, and may not be construed as providing any warranty or representation concerning the condition of the dwelling unit to the tenant or the public.



#### RENTAL HOUSING LICENSE

Baltimore County
Department of Permits and Development Management
County Office Building, Room 101
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3616

Date Issued: 12/22/06

License No.: 07-288

Expiration Date: 01/01/09

Name and Address for Mailing:

GERTRUDE POJMAN 32 WALNUT AVE HIGHLAND FALLS NY 10928 Property Owner Name and Address: (If different than mailing name and address)

Rental Property Address:

410 OVERBROOK RD APT 2 BALTIMORE MD 21212 Dwelling Unit Number: 1

Dwelling Unit Address: (If different than rental property address)

ATTICITED AND LITERAL OF

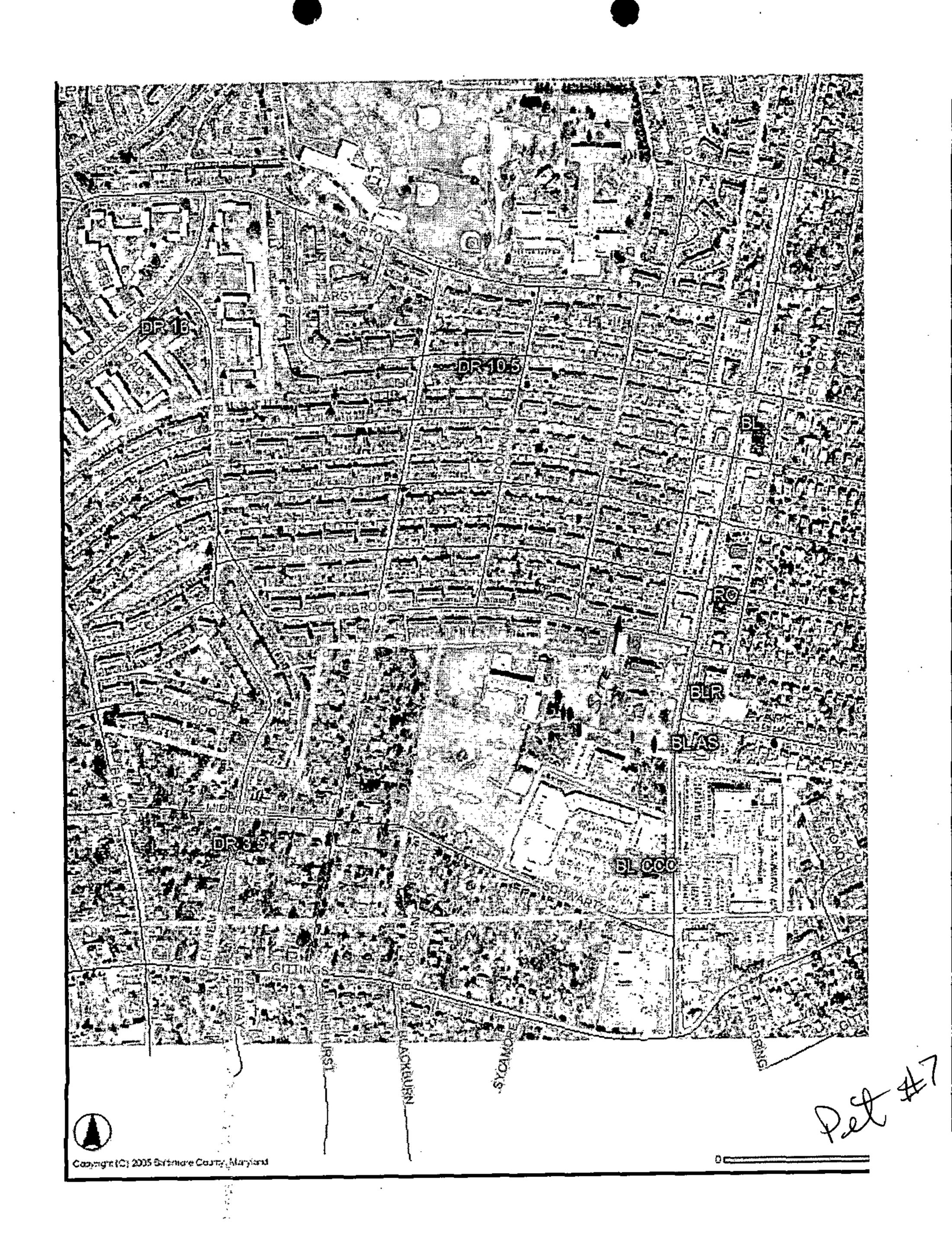
In accordance with Baltimore County Code, 1989, as amended Title 18, Article IV, Section 18-101 through 18-113, the above property owner is granted permission to rent the dwelling unit described above.

July rotroco

Director, Department of Permits and Development Management

This license is purely governmental in nature, and may not be construed as providing any warranty or representation concerning the condition of the dwelling unit to the tenant or the public.

\$ 60



ş

#### 20NING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

ORDERS AND RESOLUTIONS OF THE COUNTY COMMISSIONERS OF BALTIMORE COUNTY ADOPTING ZONING REGULATIONS AND RESTRICTIONS AND AMENDMENTS THERETO TO DATE.

The County Commissioners of Baltimore County having received from the Zoning Commissioner of Baltimore County his Final Reports (as authorized by the aforesaid Act of 1941) recommending the adoption of certain zoning regulations and restrictions with respect to the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land within the confines of Baltimore County, and having given fifteen days' notice in a newspaper of general circulation throughout Baltimore County of the place and time of hearings upon Final Reports and said public hearings having been held before the County Commissioners of Baltimore County, pursuant to said notices, and further continued hearings having been thereafter held thereon, and after thorough consideration, investigation and study, the following zoning regulations and restrictions and amendments were adopted:

#### ZONING REGULATIONS AND RESTRICTIONS FOR BALTIMORE COUNTY

#### SECTION 1 — DEFINITIONS

Words used in the present tense includes the future; words in the singular number include the plural number; the word "shall" is mandatory and not directory.

For the purpose of this Resolution certain terms and words are defined as follows:

- 1. Accessory Building: A subordinate building, except structures used exclusively for farm operation, located entirely in and not occupying more than 35 per cent of a rear yard and whose use is wholly incidental to that of the main building on the same lot and which does not exceed 15 feet in height above the ground level. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use on the same lot shall be deemed to be an accessory building. A trailer shall not be considered an accessory building.
- 2. Advertising structures: Any sign, billboard, surface, object or structure used for advertising purposes.
- 3. <u>Airport:</u> Any area of land or water designed and set aside for landing or taking-off of aircraft and utilized or to be utilized for such purposes.
- 4. Alley: A public way less than 30 feet in width and designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed.

- 5. Apartment House: A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities.
- 6. <u>Basement or Cellar:</u> That portion of a building below the first floor joists the floor of which is more than one-half the clear ceiling height below the adjacent ground.
- 7. <u>Building:</u> A structure having a roof supported by columns or walls for the shelter, support, or inclosure of persons, animals, or chattels. When any portion thereof is completely separated from all other portions by a division wall from the ground up to the roof and without any door or other openings, such portion shall be deemed a separate building.
- 8. <u>Building Line:</u> A line beyond which the foundation wall of a building shall not project.
- 9. <u>Courts:</u> An open, unoccupied space, other than a yard, on the same lot with a building, opening upon a street, alley, yard, lot line or setback, and which is bounded on two or more sides by such building.
- 10. Depth of Lot: The mean horizontal distance between the front line and the rear lot line.
- 11. <u>Dwelling, Single Family:</u> A detached dwelling arranged or used for occupancy by one family.
- 12. <u>Dwelling, Two-Family:</u> A detached dwelling arranged or used for occupancy by not more than two families as separate housekeeping units, and with not more than one entrance on any side. Such a dwelling shall have one housekeeping unit over the other.
- 13. <u>Dwelling. Semi-detached:</u> Two (single or two family) dwelling<sup>2</sup> designed and erected, side by side, as a single detached building and with not more than two entrances on any one side, such (single or two-family) dwellings shall be separated by a solid fire-proof partition wall from foundation to roof.
- Dwelling, Group House: Not less than three or more than seven (single or two-family) dwellings designed and erected as a single detached building and with not more than one entrance for each (single or two family) dwelling on any one side, such (single or two family) dwellings shall be separated by a solid fireproof partition wall from foundation to roof.
- 15. <u>Garage, Private:</u> An accessory building used only for storage of not more than three motor driven vehicles, only one of which may be a commercial vehicle.
- 16. Garage. Public-Storage: Garage other than a private garage in which the repair facilities are incidental to its primary use for storage.

<sup>2</sup> Editor's Note: So in original. Apparently should read "dwellings,"

- 17. Garage, Public Service: A garage other than a private or public storage garage where motor driven vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale.
- 18. <u>Height of Building:</u> The vertical distance measured from the average ground level at the front of the building to the highest point of the building.
- 19. <u>Home Occupation:</u> An occupation in connection with which there is used no display, (other than signs otherwise herein permitted), that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in connection with which there is kept no stock in trade or commodity sold upon the premises, no person employed other than servants or a member of the immediate family residing on the premises, and no mechanical equipment except such as is used for purely domestic or household purposes.
- 20. <u>Junk Yard:</u> Any land or area used, in whole or in part, for storage of paper, rags, scrap metal or other junk or for the storage of automobiles not in running condition or for the dismantling of automobiles or other vehicles or machinery.
- 21. Lot: Land occupied, or to be occupied, by a building and its accessory buildings, together with such open spaces as may be required under these regulations, having its frontage upon a public street.
- 22. Lot, Corner: A lot fronting on and at the intersection of two or more streets intersecting at an angle or not more than one hundred thirty-five (135) degrees.
- 23. Lot Lines: Lines bounding a lot. Provided, however, that the lot lines shall conclusively be presumed to be the lines separating the lot from streets and highways.
- 24. Non-conforming Use: A building or land occupied by a use that does not conform to the provisions of the regulations for the zone in which it is located.
- 25. <u>Setback:</u> The shortest distance between the building line and the street line or lot line.
- 26. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling above it, provided that a cellar shall not be considered a story.
- 27. <u>Structural Alterations:</u> Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
- 28. <u>Stable. Private:</u> An accessory building used only for the stabling or keeping of horses, and/or other animals, (not more than three in number) for private use only and not for livery or hire.
- 29. <u>Stable. Public:</u> An accessory building and/or other building, other than a private stable where horses and/or other animals are kept for livery or hire.
- 30. Tourist Cabin Camp: Any land on which there is located or erected one or more cabins, structures, tents or out-buildings, other than trailer or house car or

combined trailer and house car, and other than a dwelling on the same premises, which are used for occupied, whether habitually or infrequently, as a dwelling, lodging or sleeping place by one or more persons, and shall include any structure or building used as a service building for such camp or intended for use as part of the equipment of such camp.

- 31. Tourist Home: A dwelling used exclusively (other than residence of the family) to provide not more than five rooms for rent to transients.
- 32. <u>Trailer:</u> A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.
- 33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as<sup>3</sup> dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.
- 34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.
- 35. Yard: An open space on the same lot as the building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.
- 36. Yard. Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.
- 37. Yard. Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.
- 38. Yard, Side: A yard extending form the front yard to the rear yard and measured from the side lot line to the building.
- 39. Zone: An area for which the regulations governing the use of buildings and land are identical.

### SECTION II — ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

- "A" Residence Zone – (Cottage)
- "B" Residence Zone (Semi-detached)
- "C" Residence Zone -- (Apartment)
- "D" Residence Zone --- (Group)

<sup>3</sup> Editor's Note: So in original. Apparently the word "a" is missing.

- "E" Commercial Zone.
- "F" Light Industrial Zone.
- "G" Heavy Industrial Zone.

### SECTION III — "A" RESIDENCE ZONE

- A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
  - 1. Church, parochial school, convent or monastery.
  - 2. Dwelling, single family.
  - 3. Dwelling, two-family.
  - 4. Farming and buildings incidental thereto.
  - 5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.
  - 6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.
  - 7. Public park or playground.
  - 8. Public building.
  - 9. Public water works or reservoir.
  - 10. Trailer, one unoccupied, for storage only.
  - 11. Tourist home.
  - 12. Truck garden.
  - 13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:
    - (a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where real lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.

- (b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.
- 14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII Sub-section I.
- B. Height Regulations: No building shall exceed a height of forty feet or three stories.
- C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:
  - 1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.
  - 2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.
  - 3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.
  - 4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.
  - 5. No portion of an alley shall be considered as any part of any side or rear yard.
  - 6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

### SECTION IV — "B" RESIDENCE ZONE

- A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
  - 1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations:
  - 2. Children's Home.
  - 3. Dwelling semi-detached.
  - 4. Fraternity or Sorority House.
  - 5. Orphanage.
  - 6. Tea Room, when operated as a home occupation.
- B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.
- C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

## SECTION V -- "C" RESIDENCE ZONE

- A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
  - 1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.
  - 2. Apartment house.
  - 3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.
- B. Height Regulations: Building height unlimited.
- C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:
  - 1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.

- 2. Front Yard. Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.
- 3. Side Yard: Same as in "B" Residence Zone as set forth in Section IV, except in case of apartments, width of side yards shall be increased above 7 feet minimum by four inches for each foot of building height over forty feet.
- 4. Rear Yard: There shall be a rear yard having a minimum depth of twenty feet measured from the rear lot line, such depth to be increased by four inches for each foot of building height over forty feet.
- 5. Courts: Apartment building courts shall have a minimum width of fourteen feet plus four inches for each foot of building height over forty feet.
- 6. Automobile garage or parking space shall be provided adjacent to all apartment buildings sufficient in area to accommodate one car for each housekeeping unit; not more than 50% of the rear yard to be counted as any part of said parking space.

# SECTION VI — "D" RESIDENCE ZONE

- A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:
  - 1. Any use permitted in the "C" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section V.
  - 2. Group houses.
- B. Height Regulations: Same as "B" Residence Zone.
- C. Area Regulations: The minimum dimensions of yards and minimum lot area per dwelling unit, except as provided in Section IX, shall be as follows:
  - 1. Lot Area: The minimum width of dwelling units shall be sixteen feet between centers of partition walls, and the minimum lot area per dwelling unit shall be fourteen hundred and forty square feet.
  - 2. Front Yard: Minimum front yard shall be as hereinbefore specified in "B" Residence Zone.
  - Side Yard: There shall be a side yard of not less than ten feet along each side of each group of dwelling units.
  - Rear Yard: There shall be a rear yard having a minimum depth of twenty-five feet.

# APP. K: 1945 - 1955 ZONING REGULATIONS

- 5. Accessory Buildings: Accessory buildings shall be permitted without restrictions as to setback from division line of dwelling units or rear property lines.
- 6. No group house shall contain more than seven single or two-family dwellings.

### SECTION VII -- "E" COMMERCIAL ZONE

- A. Use Regulations: Except as expressly provided in subsequent sections, any building or structure or land may be used and any building or structure may be hereafter erected, altered, repaired or used for any use or uses except the following:
  - 1. Arsenal.
  - 2. Automobile dismantling or storage of motor vehicles not in running order.
  - 3. Brick, tile, terra cotta, concrete and cinder block manufacturing.
  - 4. Code Ovens.
  - 5. Cooperage.
  - 6. Contractor's plant for preparation of materials.
  - 7. Creosote manufacture or treatment.
  - 8. Dump, either public or private, for disposal of refuse.
  - Exterminators and insect poisons manufacture.
  - 10. Gasoline Service (Filling) Station.
  - 11. Junk Yard.
  - 12. Machine Shop or Woodworking Plant.
  - 13. Poultry; commercial killing, dressing and storage.
  - 14. Railroad yard or round house.
  - 15. Storage or baling of scrap paper or rags.
  - 16. Any use listed under Section VIII, "A".
  - 17. Any kind of manufacture other than manufacturing clearly and exclusively incident to a retail business conducted in the main building on the lot.
  - 18. All other use for which a special permit is required as hereinafter provided.
  - B. Height Regulations: Building height unlimited.
  - C. Area Regulations:
    - 1. The front building line of commercial buildings shall be the front lot line and the side building line shall be the side lot line, provided, however, that when more than 50 per cent of the frontage on one side of any street, between two

### **DEFINITIONS**

Convalescent Home: This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed.

Density, Gross: The acres within each separate zone in a project divided into the dwelling units in each such zone, including not more than half the width of bordering streets and alleys.

Density, Net: Net Density is based on the area of the lot or lots involved. Offstreet parking space shall be considered part thereof only if contained therein.

Dwelling: A building or portion thereof which provides living facilities for one or more families.

Dwelling, One-Family: A detached building arranged or used for occupancy by one family.

Dwelling, Two-Family: A building arranged or used for occupancy by two families as separate house-keeping units. It may be either a duplex or a semi-detached dwelling.

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

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

Dwelling, Group House: A building that has not less than three nor more than six one-family house-keeping units erected in a row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

# PLEASE PRINT CLEARLY

IME	NUMBER	
CASE NAM	CASE NL	DATE

HEET SIGN-IN SHEET

E-MAIL				Kanpframmer D msn.com		
CITY, STATE, ZIP	194 pul Falla 14/10928 Battindo MB 2/2/28 Bellewar MB 3/2/2	Tousen Me 21286	Baltoner mel 26212	Baltimore, Md. 21212		
ADDRESS	408 buthanter are suitered 408 overloak Rd	320 E. Towsows Dum Beus 1514 Ruton 1d	35 Old Theil	319 Regester Ave.		
NAME	Statute 1. Burge d. 14. Statute d'Irudy Briefans Regina Mel Rashde	BRUCE DOOK THOUGH CROSS & ETCOL	Joseph V			

