IN RE: PETITION FOR SPECIAL HEARING N/S Belair Road, 335' E Mt. Vista Road	*	BEFORE THE
(11428 Belair Road)  11 <sup>th</sup> Election District	*	ZONING COMMISSIONER
3 <sup>rd</sup> Council District	*	FOR
Joyce E. Gravitt & Dean D. Brown,  Legal Owners	*	BALTIMORE COUNTY
Petitioners	*	Case No. 07-272-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for a Special Hearing filed by the legal owners of the subject property, Joyce F. Gravitt and her husband, Dean D. Brown, through their attorney Frank V. Boozer, Jr., Esquire. The Petitioners request a special hearing to approve a total of four (4) living units on an R.C.2 parcel as a legal non-conforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Joyce Gravitt and Dean Brown, property owners, Daniel Vitilio and Mike Pierce, long-time residents of the surrounding community, and Frank V. Boozer, Jr., Esquire, attorney for the Petitioners. There were no Protestants, however, William Koenig, who resides just north of the subject property, appeared as an interested person and was concerned that the posting of a zoning sign on the property might lead to further development in the area. It is noted that letters were received from Michael A. Trush, President of the Greater Kingsville Civic Association, Inc. (Petitioners' Exhibit 4), and George Majchrzak, President of the Kingsville Community Alliance (Petitioners' Exhibit 5) stating that their

Associations supported the request and the continued use of the property in the manner in which it has been used since the 1950's.

At the onset of the hearing, Counsel advised the undersigned that the use of a fifth non-conforming living quarters, referred to as "Apartment B" rented to Jack Boyle and the subject of Violation Case No. 06-1955 had been terminated. As shown on the site plan (Petitioners' Exhibit 1), the property is comprised of 12.151 acres, referred to as Parcel 237 and the remaining tract on the Plat of El-Ray Farm recorded in Plat Book 47, Folio 144. That parcel is improved with a series of buildings, including the Petitioners' 2-1/2-story stone home, a 2-story single-family living quarters, a 1-story frame living quarters containing three separate apartments and two barns, one of which contained the gatehouse living quarters referred to as "Apartment B" above that is no longer in use. All these improvements are located some 450' off of Belair Road on the northern portion of the tract, zoned R.C.2.

Testimony and evidence offered indicated that Mrs. Gravitt became acquainted with the property as a teenager in the early 1950's and loved the farm. She gave a detailed history of the El-Ray Farm as handed down by Oscar Tippet (now 91 years old) who leased the 75-acre farm from a rather famous New York jockey, Michael Hoyle, and his wife, who, both now deceased, had owned the farm and raised race horses. In the late 1970's Osmond Moore and his brother, a lawyer, bought the farm and sold off 40 lots leaving the remaining 12-acre parcel that was purchased by Joyce Gravitt in 1981. Additionally, it was indicated that the various dwelling buildings on the property have been in existence and continuously occupied since 1950. In this regard, the Petitioners' offered a notarized affidavit(s) from George Zimmerer, who has been familiar with the property for 60 years, Robert Pruitt, a tenant of the property for 50 years, and the

testimony of Daniel Vitilio, whose sisters, Lorraine Vitilio and Denise Lawson, both

lived and worked on the farm beginning in 1971, and who he visited often. The

approve a total of four (4) living units on an R.C.2 parcel as a legal non-conforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. Any future improvements to the property, whether called renovations,

- 1. Any future improvements to the property, whether called renovations, replacements, or additions, shall be subject to Maryland law on non-conforming uses, and the Baltimore County Zoning Regulations (B.C.Z.R.).
- 2. <u>ADVISORY:</u> The above approval is contingent upon compliance with the environmental regulations as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated February 7, 2007, a copy of which is attached hereto and made a part hereof. Petitioners'

submitted Environmental Data Sheets and Environmental Plats (Exhibit 6) at the hearing, which will be transmitted to DEPRM for their consideration and processing. The satisfaction of this condition is within the sound discretion of that Department.

Any appeal of this decision must be entered within thirty (30) days of the date

hereof.

Zoning Commissioner

for Baltimore County

Date 3 - 30 - 07 By USEN SOLVED FOR FILING

#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 7, 2007

SUBJECT:

Zoning Item # 07-272-SPH

Address .

11428 Bel Air Road

(Gravitt/ Brown Property)

Zoning Advisory Committee Meeting of December 25, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

DEPRM's Ground Water Management section has no information on this property. Therefore, detailed information on septic systems and water supply must be submitted including soils, topography, location of well, and which septic systems serve each unit. Soils evaluations may also be required.

OR FILING DANDER RECEIVED

Date

Reviewer:

S. Farinetti

Date: 1/2/07



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 29, 2007

Frank V. Boozer, Jr., Esquire Covahey, Boozer, Devan & Dore, P.A. 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

N/S Belair Road, 335' E Mt. Vista Road
(11428 Belair Road)
11<sup>th</sup> Election District - 3<sup>rd</sup> Council District
Joyce E. Gravitt & Dean D. Brown, Legal Owners - Petitioners
Case No. 07-272-SPH

Dear Mr. Boozer:

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

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

Very tauly yours,

WIDELAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Joyce F. Gravitt & Dean D. Brown, 11428 Belair Road, Kingsville, Md. 21087 Dan Vitilio, 11931 Jerusalem Road, Kingsville, Md. 21087 Mike Pierce, 7448 Bradshaw Road, Kingsville, Md. 21087 William Koenig, 11511 Belair Road, Kingsville, Md. 21087 Michael A. Trush, President, Greater Kingsville Civic Association, Inc., P.O. Box 221, Kingsville, Md. 21087

George Majchrzak, President, Kingsville Community Alliance,

P.O. Box 251, Kingsville, Md. 21087

George Zimmerer, 11407 Mt. Vista Road, Kingsville, Md. 21087

George Zimmerer, 7110 Mt. Vista Road, Kingsville, Md. 21087

People's Counsel; Division of Code Inspections & Enforcement, DPDM; Case File JERLA



## Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11428 BELLIZ ZD
which is presently zoned 2.C-2

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

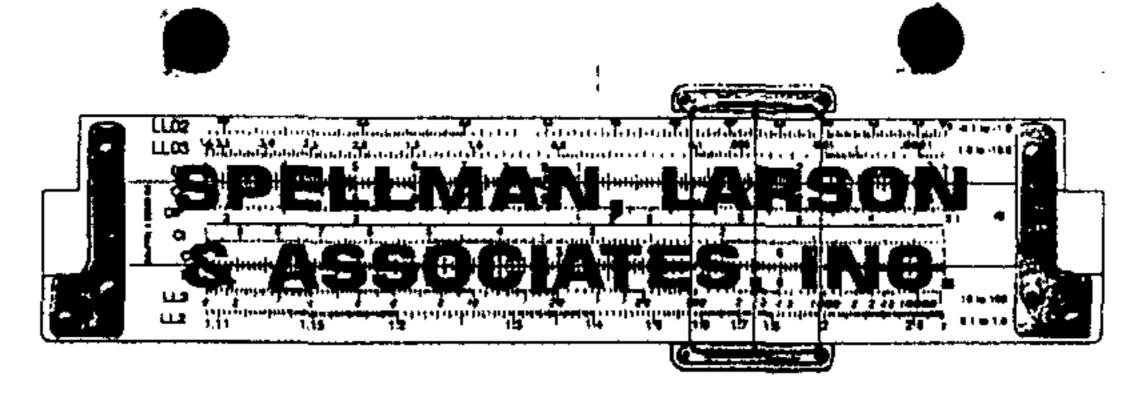
4 LIVING UNITS ON AN RC-2 PARCEL AS LEGAL NON-CONFORMING USE.

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

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

#### I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: F. S-PAVIII Name - Type or Print Name - Type or Prin Signature Address Telephone No. Name - Type or Print City Signature State Zip Code 11428 Attorney For Petitioner: Address Telephone No. FRANK V. BUOZER IR 21087-1305 KINGSYILLE Namer Type or Print State Zip Code City Representative to be Contacted: Signature COLAUG ATTOKNI Company Name Telephone No. Address Address Telephone No. Zip Code State Zip Code City State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_\_ Case No. \_07-2725PH UNAVAILABLE FOR HEARING \_\_\_\_\_ REV 9/15/98 JADER RECEIVED FUR FILING





ROBERT E. SPELLMAN, P.L.S JOSEPH L. LARSON

#### CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

#### LEGAL DESCRIPTION TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING (11428 BELAIR ROAD) (GRAVITT-BROWN PROPERTY)

BEGINNING for the same at a point on the north side of Belair Road (80 feet wide) and being 335 feet more or less easterly from the intersection of Belair Road and Mt. Vista Road thence running for lines of division north 48 degrees 39 minutes 12 seconds west 400.35 feet, north 54 degrees 57 minutes 30 seconds west 428.62 feet, north 55 degrees 38 minutes 42 seconds east 380.00 feet, north 13 degrees 38 minutes 21 seconds east 41.04 feet, north 25 degrees 27 minutes 45 seconds west 205.00 feet to the south side of Elray Road (50 feet wide) thence binding on the south side of Elray Road north 55 degrees 38 minutes 42 seconds east 2.19 feet thence with a curve to the right with a radius of 375.00 feet and a length of 18.00 feet, thence leaving the south side of Elray Road for lines of division south 25 degrees 27 minutes 45 seconds east 206.00 feet, north 72 degrees 08 minutes 40 seconds east 65.35 feet, north 71 degrees 22 minutes 55 seconds east 382.55 feet, south 48 degrees 24 minutes 17 seconds east 417.65 feet to a point on the north side of Belair Road thence running along the north side of Belair Road south 37 degrees 41 minutes 17 seconds west 763.36 feet to the place of beginning.

CONTAINING 12.151 acres of land more or less.

BEING also known as Remaining Tract on the Plat of El-Ray Farm as recorded among the Land Records of Baltimore County in Plat Book 47, Folio 144.

October 17, 2006

File#D10170601

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# 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: #07-272-SPH
11428 Belair Road
North side of Belair Road,
335 feet +/- east of Mt. Vista

Road
11th Election District
2rd Councilmanic District
3rd Councilmanic District
Legal Owner(s): Joyce F.
Gravitt & Dean D. Brown
Special Hearing: to approve
a total of 4 living units on an
RC-2 parcel as a legal nonconforming use.
Hearing: Wednesday,
February 7, 2007 at 11:00
a.m. in Room 106, County
Office Building, 111 West
Chesapeaks
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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 1/739 Jan.23 122456

# THICATE OF PUBLICATION

ch of successive weeks, the first publication appearing	S TO CERTIFY, that the annexed advertisement was published number much lished in Baltimore County. Md.,	11251,2007	
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The Jeffersonian  Arbutus Times  Catonsville Times  Character Times  NE Booster/Reporter  North County News	THIS IS TO CERTIFY, that the annexed advertisement was in the following weekly newspaper published in Baltimore Co once in each of successive weeks, the first publication
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LECHADVERTISING 1 Duly

# CERTIFICATE OF POSTING

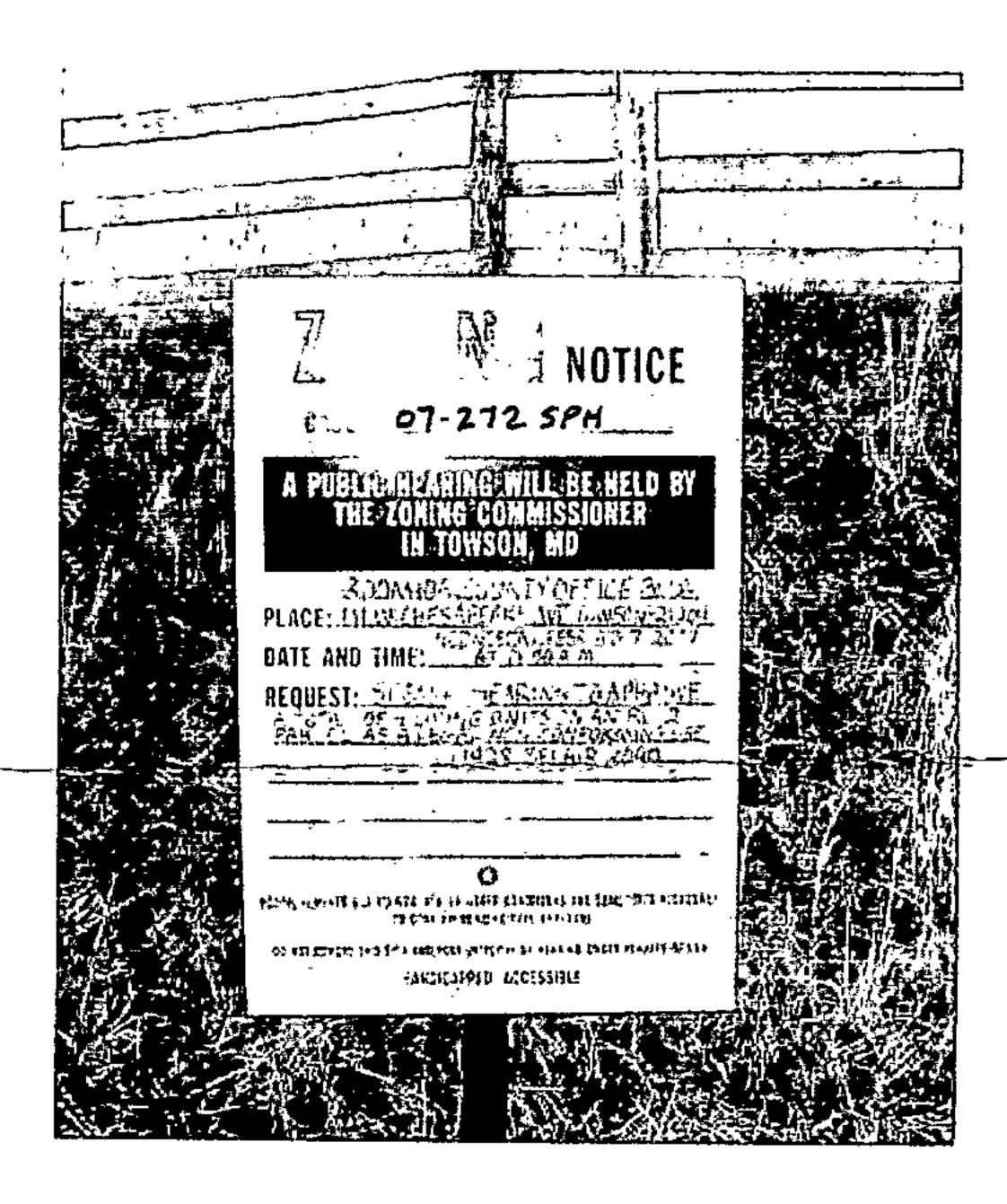
Case Number: 07-272-SPH

Petitioner/Developer: FRANK BOOZER ESQ.—JOYCE GRAVITT & DEAN BROWN

Date of Hearing (Closing): 02/07/07

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 11428 BELAIR ROAD

The sign(s) were posted on: 01/19/07



Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

RE: PETITION FOR SPECIAL HEARING

11428 Belair Road; N/S Belair Rd,

335' E Mt. Vista Road

11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Joyce Gravitt & Dean Brown\*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

07-272-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 4<sup>th</sup> day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to, Frank Boozer, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 0 4 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



JAMES T. SMITH, JR. County Executive

TUMPTUEN MAK 2080CO, Director

Department of Permits and

Development Management

#### **NOTICE OF ZONING HEARING**

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CASE NUMBER: 07-272-SPH

11428 Belair Road
North side of Belair Road, 335 feet +/- east of Mt. Vista Road
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: Joyce F. Gravitt & Dean D. Brown

Special Hearing to approve a total of 4 living units on an RC-2 parcel as a legal non-conforming use.

Hearing: Wednesday, February 7., 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Frank Boozer, 614 Bosley Avenue, Towson 21204 Joyce Gravitt & Dean Brown, 11428 Belair Road, Kingsville 21087-1305

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 23, 2007.

- (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, January 23, 2007 Issue - Jeffersonian

Please forward billing to:

Joyce Gravitt & Dean Brown 11428 Belair Road

Kingsville, MD 21087-1305

410-828-9441

#### **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: 07-272-SPH

11428 Belair Road

North side of Belair Road, 335 feet +/- east of Mt. Vista Road

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Joyce F. Gravitt & Dean D. Brown

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## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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: 272
Petitioner: <u>Joyce Gravitt and Dean Brown</u>
Address or Location: 11428 Belair Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: <u>Joyce Gravitt and Dean Brown</u>
Address: 11428 Belair Road
<u>Kingsville, MD 21087-1305</u>
Telephone Number: 410-828-9441



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 31, 2007

Frank V. Boozer, Jr. Covahey, Boozer, Devan & Dore, PA 614 Bosley Avenue Towson, MD 21204

Dear Mr. Boozer:

RE: Case Number: 07-272-SPH, 11428 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 13, 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

WCR:amf

Enclosures

c: People's Counsel Joyce F. Gravitt Dean D. Brown 11428 Belair Road Kingsville 21087-1305



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1 - 2 - 2007

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

RE: Baltimore County

Item No. 7 · 272 - 5PH

11428 BELANZ RD

GRAVITT-BROWN PROPERTY

SPECIAL HEARING

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.7-272-5PH.

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

#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

• February 7, 2007

SUBJECT:

Zoning Item

# 07-272-SPH

Address

11428 Bel Air Road

(Gravitt/ Brown Property)

Zoning Advisory Committee Meeting of December 25, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

DEPRM's Ground Water Management section has no information on this property. Therefore, detailed information on septic systems and water supply must be submitted including soils, topography, location of well, and which septic systems serve each unit. Soils evaluations may also be required.

Reviewer:

S. Farinetti

Date: 1/2/07

From:

Wallace Lippincott

To:

Wiseman, Bill

Date:

02/06/07 1:15:11 PM

Subject:

Fwd: Re: El Ray

Bill,

FYI - It is as we discussed. You may wish to touch bases with Bill for more info. regards

Wally Lippincott, Jr. Balto County DEPRM (410)887-3776

>>> William Hughey 02/06/07 10:08 AM >>>

Yes, that was a spot downzoning by Bryan in 2004 at the the urging of the Kingsville Community Assoc. Previous to the downzoning there was a concept plan submitted that proposed about six lots.

>>> Wallace Lippincott 02/06/07 9:23 AM >>>

Bill,

A zoning hearing has been scheduled for the El Ray property in Kingsville. It is a 12 acre property that is zoned RC 2 with everything around it RC 5. Do you have any background on this property? thanks

Wally Lippincott, Jr. Balto County DEPRM (410)887-3776

Bu 2/7

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 26, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-272- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 2, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For January 1, 2006
Item Nos. 07-266, 268, 270, 271, 272, 273, 274, 275, 277, 278, 279, and 280

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-01022007.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 29, 2007

Frank V. Boozer, Jr., Esquire Covahey, Boozer, Devan & Dore, P.A. 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

N/S Belair Road, 335' E Mt. Vista Road
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11<sup>th</sup> Election District - 3<sup>rd</sup> Council District
Joyce E. Gravitt & Dean D. Brown, Legal Owners - Petitioners
Case No. 07-272-SPH

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Very tally yours,

Zoning Commissioner for Baltimore County

WJW:dlw

c: Joyce F. Gravitt & Dean D. Brown, 11428 Belair Road, Kingsville, Md. 21087 Dan Vitilio, 11931 Jerusalem Road, Kingsville, Md. 21087 Mike Pierce, 7448 Bradshaw Road, Kingsville, Md. 21087 William Koenig, 11511 Belair Road, Kingsville, Md. 21087 Michael A. Trush, President, Greater Kingsville Civic Association, Inc., P.O. Box 221, Kingsville, Md. 21087

George Majchrzak, President, Kingsville Community Alliance, P.O. Box 251, Kingsville, Md. 21087

George Zimmerer, 11407 Mt. Vista Road, Kingsville, Md. 21087 George Zimmerer, 7110 Mt. Vista Road, Kingsville, Md. 21087

People's Counsel; Division of Code Inspections & Enforcement, DPDM; Case File

IN RE: PETITION FOR SPECIAL HEARING

N/S Belair Road, 335' E Mt. Vista Road

(11428 Belair Road) 11<sup>th</sup> Election District 3<sup>rd</sup> Council District

Joyce E. Gravitt & Dean D. Brown,

Legal Owners
Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* Case No. 07-272-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for a Special Hearing filed by the legal owners of the subject property, Joyce F. Gravitt and her husband, Dean D. Brown, through their attorney Frank V. Boozer, Jr., Esquire. The Petitioners request a special hearing to approve a total of four (4) living units on an R.C.2 parcel as a legal non-conforming use, pursuant to Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Joyce Gravitt and Dean Brown, property owners, Daniel Vitilio and Mike Pierce, long-time residents of the surrounding community, and Frank V. Boozer, Jr., Esquire, attorney for the Petitioners. There were no Protestants, however, William Koenig, who resides just north of the subject property, appeared as an interested person and was concerned that the posting of a zoning sign on the property might lead to further development in the area. It is noted that letters were received from Michael A. Trush, President of the Greater Kingsville Civic Association, Inc. (Petitioners' Exhibit 4), and George Majchrzak, President of the Kingsville Community Alliance (Petitioners' Exhibit 5) stating that their

submitted Environmental Data Sheets and Environmental Plats (Exhibit 6) at the hearing, which will be transmitted to DEPRM for their consideration and processing. The satisfaction of this condition is within the sound discretion of that Department.

Any appeal of this decision must be entered within thirty (30) days of the date

hereof.

WILLIAM WASHMAN, I Zoning Commissioner

for Baltimore County

-13W

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

February 7, 2007

SUBJECT:

Zoning Item

# 07-272-SPH

Address

11428 Bel Air Road

(Gravitt/ Brown Property)

Zoning Advisory Committee Meeting of December 25, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

<u>X</u> The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

DEPRM's Ground Water Management section has no information on this property. Therefore, detailed information on septic systems and water supply must be submitted including soils, topography, location of well, and which septic systems serve each unit. Soils evaluations may also be required.

Reviewer:

S. Farinetti

Date: 1/2/07



401 Bosley Avenue, Suite 405 County Courts Building Zoning Commissioner's Office Towson, Maryland, 21204

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Return Service Requested

Kingsville, Md; 21027 11407 Mt. Vista Road George Zimmerer

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#### COVAHEY, BOOZER, DEVAN & DORE, P. A.

## ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER \*

MARK S. DEVAN

THOMAS P. DORE

BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

FRANK V. BOOZER, JR.

FAX 410-823-7530

410-828-9441

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

\*ALSO ADMITTED TO D.C. BAR

March 22, 2007

William Wiseman, III
Office of the Zoning Commissioner
401 Bosley Ave., Room 405
Towson, MD 21204

RE:

11428 Bel Air Rd. Case No. 7-272-SPH RECEVED

MAR 2 2 2007

ZONNE COMMISSIONER

Dear Commissioner Wiseman,

Per your request attached please find supplemental materials regarding the above captioned special exception.

- a. Letter from the Kingsville Community Alliance
- b. Letter from the Greater Kingsville Civic Association, Inc,
- c. Affidavit of George Zimmerer
- d. Environmental data spreadsheets
- e. Environmental plats

I believe that the above mentioned materials should solidify our petition. Thank you for your consideration.

Very truly yours,

FRANK V. BOOZER, JR.

0703fvb12

## The Greater Kingsville Civic Association, Inc.

P.O. BOX 221 ~ KINGSVILLE, MARYLAND 21087

March 14, 2007

Via Hand-Delivery
William J. Wiseman, III, Zoning Commissioner
401 Bosley Avenue
Room 405
Towson, MD 21204

Re:

Zoning Case 7-272-SPH

El Ray Farm

11428 Belair Rd, Kingsville

Dear Mr. Wiseman:

In the subject case, heard on February 7, the owners requested an administrative variance for a legal non-conforming use for four rental units in addition to the main residence on one parcel. This is an existing use, as testimony established to have been occurring since at least the late 1970's. As you will recall, this is the 12.15-acre ElRay farm, recently down-zoned to RC-2, surrounded by RC-5 zoning.

At its February 21st meeting, the Greater Kingsville Civic Association discussed this issue and agreed to take the position of not opposing this continued use, provided that sufficient limits are placed on that use. We believe that this use is appropriate for the subject property, as a continuation of similar use which we believe has existed at least since it was a famous horse farm in the 50's and 60's.

We suggest that appropriate limits might include: the variance not be transferable to any other owner; no substantial change or improvements to the exterior of the subject units; and limits on the total number of persons inhabiting the subject four units.

Thank you for your consideration and assistance in this matter.

Sincerely,

Michael Trush, President, GKCA

michael Trush

cc: Joyce Gravitt and Dean Brown

11428 Belair Rd

Kingsville, MD 21087

Click here for a plain text ADA compliant screen.



Go Back View Map **New Search Ground Rent** 

STR

**Account Identifier:** 

District - 11 Account Number - 1102095360

**Owner Information** 

**Owner Name:** 

Mailing Address:

ZIMMERER GEORGE J

7110 MT VISTA RD

**Sub District** 

ZIMMERER ROSALENE B

**KINGSVILLE MD 21087-1726** 

Block Lot

**AGRICULTURAL** 

Principal Residence:

Use:

YES

**Deed Reference:** 

1) / 5777/81

2)

**Assessment Area** 

**Location & Structure Information** 

Section

**Premises Address** 

7110 MT VISTA RD

Grid

**Special Tax Areas** 

Map

**Legal Description** 

27.563 AC ES MT VISTA RD

NE COR BELAIR RD

63 12 248 Town

**Parcel** 

**Ad Valorem** 

Subdivision

**Tax Class Primary Structure Built** 

**Enclosed Area** 2,182 SF

**Property Land Area** 27.56 AC

**County Use** 05

Plat No:

Plat Ref:

1983 **Stories Basement Type** YES STANDARD UNIT

**Exterior BRICK** 

**Value Information** 

**Phase-in Assessments Base** Value Value As Of As Of As Of 01/01/2006 07/01/2006 07/01/2007 Land: 47,090 111,200 Improvements: 169,130 211,000 286,872 Total: 216,220 322,200 251,546 **Preferential Land:** 7,090 6,700 6,700 6,700

PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE

**Transfer Information** 

Seller: BYER ROSE L AG U SE 83-84

NOT ARMS-LENGTH Type: Seller:

Deed1: / 5777/81 Date:

07/13/1977

Price: \$0 Deed2:

Deed1: Date:

Date:

Deed 2: Price:

Price;

Deed1: Deed2:

**Exemption Information** 

0

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

000

Tax Exempt: **Exempt Class:** 

Municipal

Type:

Seller:

Type:

NO

**Special Tax Recapture:** AGRICULTURAL TRANSFER TAX

# DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

**VIOLATION CASE: 06-1955** 

11428 Belair Road

ZONING CASE: 07-272-SPH 11428 BELAIR ROAD

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE:

January 8, 2007

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Hearing Officer

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 272

Legal Owner/Petitioner: Joyce F. Gravitt and Dean D. Brown

Contract Purchaser:

Property Address: 11428 Belair Road

Location Description: North side of Belair Road, 335 feet +/- east of Mt. Vista Road

**VIOLATION INFORMATION:** 

Case No.: 06-1955

Defendants: Joyce F. Gravitt and Dean D. Brown

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

When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

Jack Boyle 11428 Belair Road Apt B Kingsville, MD 21087

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

Complaint Intake Form

State Tax Assessment printout

Correction Notice/Code Violation Notice

Photographs

Citation

**Proof of Service** 

Subpoena

Final Order

Other: attorney letters and chronological list of inspection

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: Keith Parker

ODE ENFORCE	MENT REPC	NCF
DATE: 3 / /0 / 06 INTAKE BY: 1. 1.	CASE #: 06-1955	INSPEC:
COMPLAINT 11428 APT B. BEZA	FRR. PD	•
- ,.	ZIP CODE: 2/	087 DIST:
COMPLAINANT BOY/C JR Jack NAME:		
ADDRESS: SAME.		ZIP CODE:
PROBLEM: Ceeling Foling WA	ter Leach & Me	pC ()
cell complered to For	= inspection XH	16 P 147 240
IS THIS A RENTAL UNIT?  IF YES, IS THIS SECTION 8?  OWNER/TENANT INFORMATION:  OR A VITT DOWN E.E.	BROWN DEAN	SAME
TAX ACCOUNT #: // 02 066675	ZONING:	
INSPECTION:		
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•• .

DATE: 03/10/2006 STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:06:16

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE

11 02 066675 11· 3-0 33-00 D YES 01/04/06

GRAVITT JOYCE F DESC-1.. IMPS12.0 AC

BROWN DEAN D DESC-2.. NW COR MT VISTA RD

11428 BELAIR RD PREMISE. 11428 BELAIR RD

00000-0000

0

KINGSVILLE MD 21087-1305 FORMER OWNER: GRAVITT JOYCE F

----- PHASED IN ------- FCV -----PRIOR PROPOSED CURR CURR PRIOR FCV ASSESS ASSESS LAND: 182,250 282,250 296,840 TOTAL.. 533,850 533,850 479,090 361,120 IMPV: 2,250 2,250 PREF... 2,250 TOTL: 479,090 643,370 2,250 299,080 347,503 2,250 CURT... 347,503 PREF:

EXEMPT.

DATE: 09/02 08/05

299,080

CURT:

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

ASSESS: 533,850 11/10/05

444,350

ASSESS: 479,090

ASSESS: 0

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

Permits and Development Management Code Inspections and Freorcement County Office Build n. 213 111 West Chesapeak Towson, Maryland 21204

NOTICE POSTED AND MAILED

\$200 \$500

COMPLIANCE DATE: 3,27,66

POTENTIAL FINE:



Code Enforcement 410-887-3351 Building I 410-887-3953 Electrical 410-887-3960 not. Plumbing L. \_ ...tion 419-887-3629 Signs/ Fences 410-887-3896

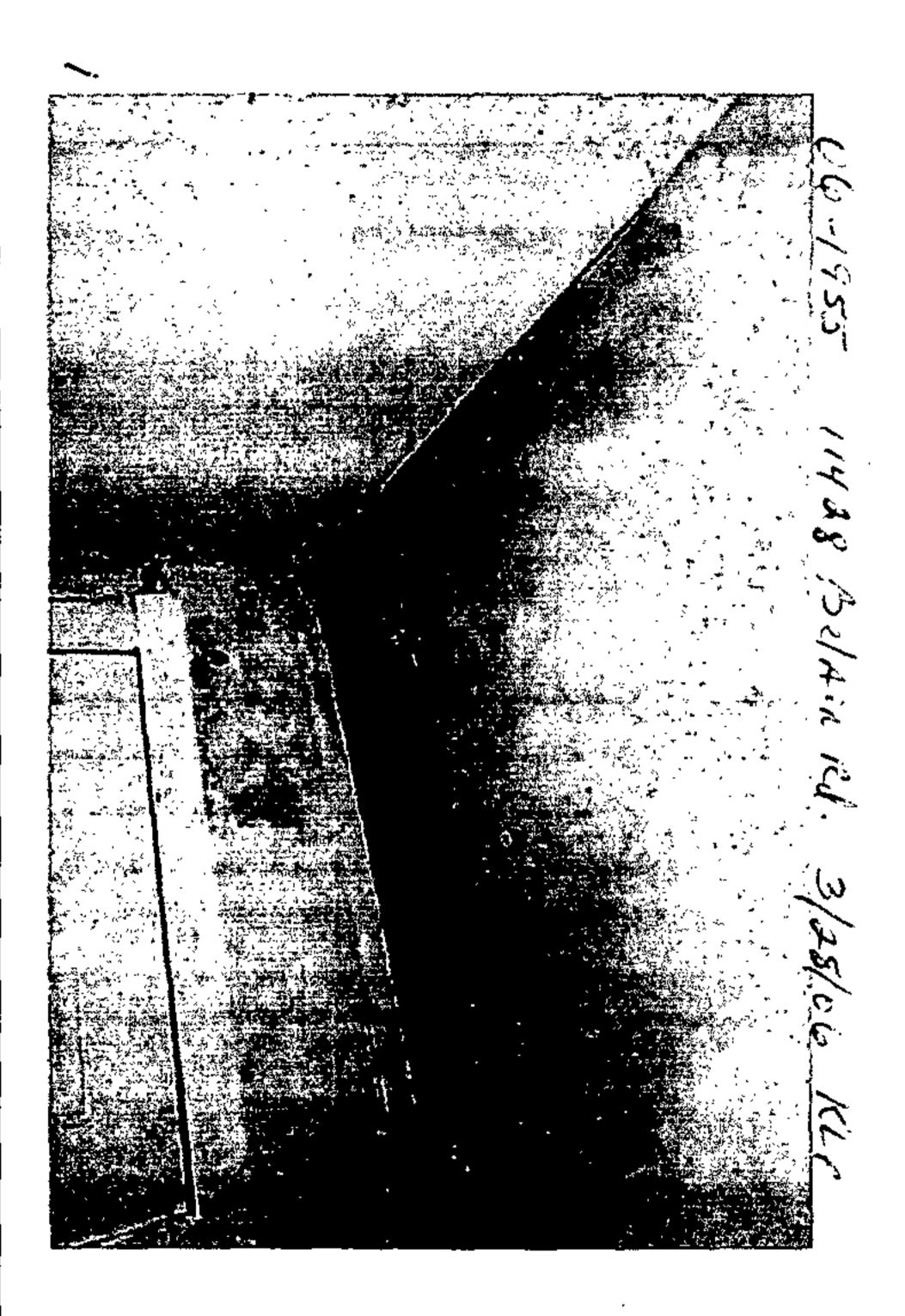
CODE INSPECTIONS AND ENFORCES	MENT CORRECTION NOTICE .	
CASE NUMBER PROPERTY TAX ID	DATE ISSUED	
06-1955 1102066	475 31/3/06	
NAME(S):		
Joyce F. Gravi	<i>+</i> +	
λ/ \	/	
Dean D. Brow.	<b>∼</b>	
MAILING ADDRESS		
CITY STATE	ZIP CODE	
K. NGSV.HE Md-	2/087	
VIOLATION ADDRESS		
11428 Apt B	Belain Rd.	
CITY STATE	ZIP CODE	
BALTIMORE MARYLA	2/08/	
DID UNLAWFULLY VIOLATE THE FOLLOW	ING BALTIMORE COUNTY LAWS:	
RESIDENTIAL ZONE CLASSIFICATION	NON-RESIDENTIAL CLASSIFICATION	
' DR1 DR2 DR3.5 DR5.5 DR10.5 DR1	6 BL (230) BR (236) BM (233)	
RC2(1A01) RC4(1A03) RC20 & 50 (1A05) RC6(	(1A07) MR (240) ML (253) MH (256)	
RC3(1A02) RC5(1A04) RCC (1A06) RC7	(1A08)	
OTHER:	OTHER:	
BALTIMORE COUNTY ZONI	ING REGULATIONS (B.C.Z.R.)	
	· · · · · · · · · · · · · · · · · · ·	
AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-10		
101; 102.1: Definitions; general use 1B01.1: DR Zones-use regulations	415A: License/ remove untagged recreation vehicle 415A: Improperly parked recreation vehicle	
428: License/ Remove all untagged/ imoperative or	415A: One recreational vehicle per property	
damaged/ disabled motor vehicle(s)	410: Illegal Class II trucking facility	
1B01.1D: Remove open dump/ junk yard	400: Illegal accessory structure placement.	
431: Remove commercial vehicle(s) 101; 102.1: Remove contractors equip, storage yard	1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs 102.5: Residential site line violation /obstruction	
101; 102.1; ZCPM: Cesse service garage activities	408B: Illegal rooming/ boarding house	
402: Hiegal conversion of dwelling	BCC: 32-3-102; 500.9 BCZR; ZCPM:	
101; 102.1; ZCPM: Hlegal home occupation	Violation of commercial site plan and/or zoning order	
BALTIMORE COU	NTY CODE (B.C.C)	
13-7-112: Cease all nuisance activity	35-2-301: Obtain building/ fence/ sign permit	
13-7-115: County to abate nuisance & lien costs	18-2-601: Remove all obstruction(s) at street, alley, road	
13-7-310: Remove all trash & debris from property	13-7-310(2): Remove bird seed / other food for rats	
13-7-312: Remove accumulations of debris, materials, etc	32-3-102: Violation of development plan/ site plan	
13-7-201(2): Cease stagnant pool water 12-3-106: Remove animal feces daily	IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise	
35-5-208(a)(c): Seal exterior openings from rodents & pests	13-7-401; 13-7-402; 13-7-403: Cut & remove all tail	
13-4-201(b)(d): Store garbage in containers w/tight tids	grass and weeds to three (3) inches in height	
OWNER OCCUPIES	D HOUSING (B.C.C)	
35-5-302(a)(1): Unsanitary conditions.	35-5-302(a)(2): Store all garbage in trash cans	
35-5-302(a)(3): Ceaseinfestation from prop.	35-5-302(b)(1): Repair exterior structure	
35-5-302(b)(1)(2): Repair decorative trim, cornices, etc	35-5-302(b)(1)(3): Repair exterior extentions	
35-5-302(b)(1)(4): Repair chimney & similar extentions	35-5-302(b)(1)(5): Repair metal/wood surfaces	
3-5-302(b)(1)(6): Repair defective door(s) / window(s)	35-5-302(b)(1)(7): Repair defective fence	
INVESTMENT PR	OPERTY (B.C.C)	
35-2-404(a)(1)(i): Remove hazardous or unsafe condition	35-2-404(a)(1)(ii): Repair ext. walls / vertical members	
35-2-404(a)(1)(iii): Repair roof or horizontal members	35-2-404(a)(1)(iv): Repair exterior chimney	
35-2-404(a)(1)(vi): Repair ext. plaster or masonry 35-2-404(a)(1)(vi) Waterproof walls/roof/35-2-404(a)(1)(vii): Repair exterior construction (see below) 35-2-404(a)(1)(2): Remove trash, rubbish, &		
35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)	35-2-404(a)(1)(2): Remove trash, rubbish, & debris 35-2-404(a)(4)(i)(ii): Board & secure. Material to match	
• · · · · · · · · · · · · · · · · · · ·	building color of structure	
OTHER VIOLATIONS OR REMARKS:	<del></del>	
BCC 35-5-209(5)/Kepan 1	NNI Room dook and	
water da	mage ceilins	
AC+ 35-5- 218/6) _ Densi	Rose 1	
RAA 25 - 7 11 /21 37	The state of the s	
	LINSAMICICAT WOLE PRESSU	
1300 35-5-211 (C) - Kepain	feating SINK and Toilet	
0, 25-5 211/2 77 //	1 -// 1 . 1 . 1 . 1	

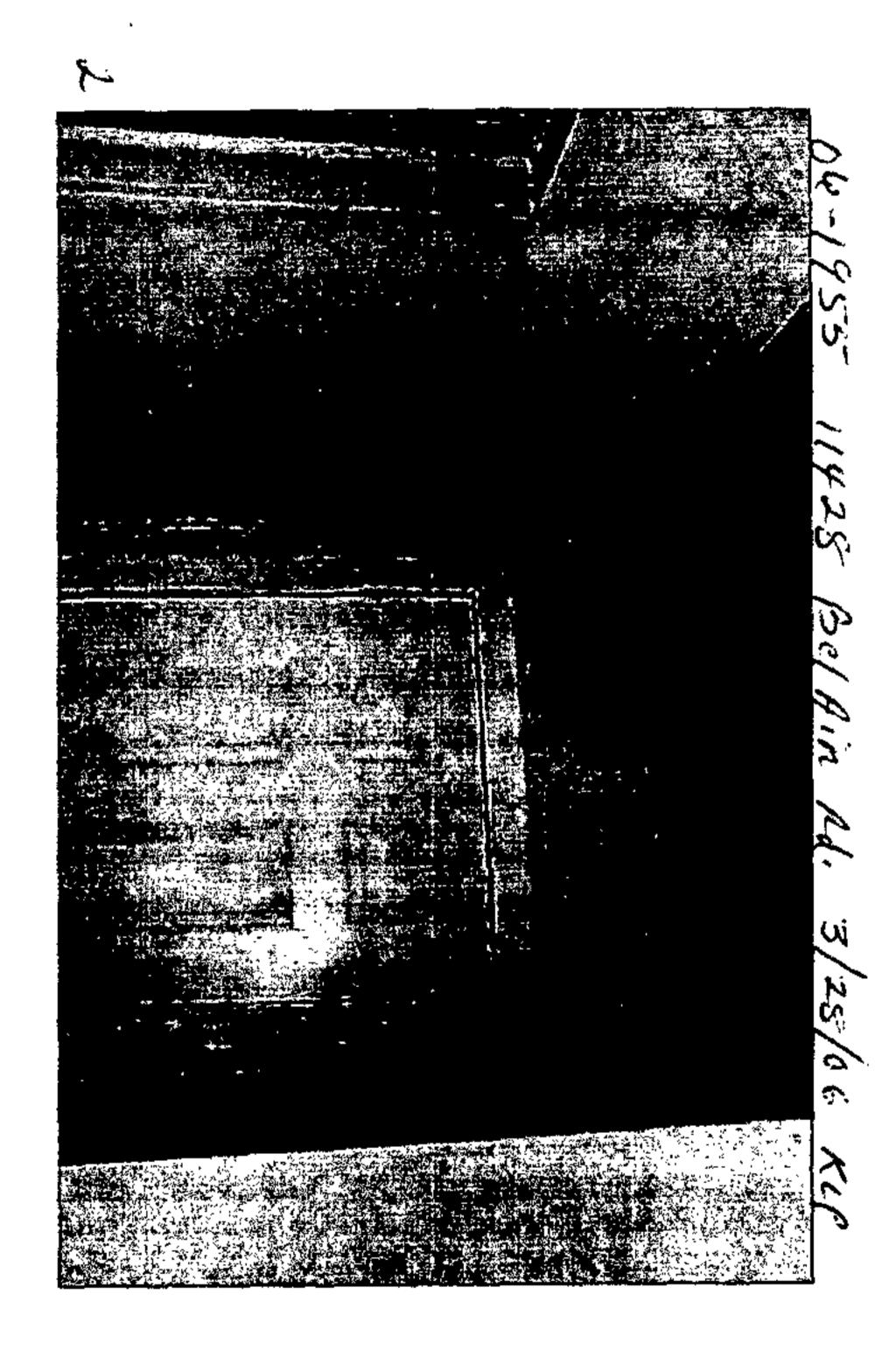
**AGENCY** 

\$1000 per day, per violation and to be placed as a lien upon your tax bill.

## PHOTOGRAPHIC RECORD

Citation/Case No.: 0.6-1955Date of Photographs: 3/98/04





I HEREBY CERTIFY that I took the \_\_\_\_\_\_ photographs set out above, and that these photographs (number of photos)

fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Enforcement Officer



Balt : County

Department of Permits and

Development Management

Code Inspections and Enforcement
County Office ling
111 West Chess. - ke Avenue
Towson, MD 21204

Code Enforcement:
Building Inspection:

410-887-3351 410-887-3953 Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

AGENCY .

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No.	Property No.	Zoning:
06-1750	1102066675	
Name(s):	yee F. Gravitt	
<u>De</u>	an DIBOUN.	
Address: 114	28 Belair Rd.	Kingsville Md. 21087
Violation 1142	8 Apt. B. Belair	Ed. Kingsville md. 21087
Violation Dates: 3/3	100 thm 4/23	706
BALTIMORE COUN	TY FORMALLY CHARGES THAT THE TE THE FOLLOWING BALTIMORE CO	ABOVE-NAMED PERSON(S) DID DUNTY LAWS OR REGULATIONS:
_	5-209 (c) 35-5	-208(7)
7500555 2-4	50 11 (d) 35-5-5	211(c) 35-5-212(c
<u> </u>		
failure t		Room Door water
- gamage	Ceiling damaged	soot insufficier
water	ressure leaking	Bathroom Sink
and to	ilet NO Cooking	store.
Pursuant to Section 1-8, B	altimore County Code, a civil penalty	
	ult of the violation cited herein, in	18,400.00
• · · · · · · · · · · · · · · · · · · ·	s been pre-scheduled in Room 116,	Date: 6/13/06 80
111 West Chesapeake Ave	nue, Towson, Maryland, for:	Time: 9:00 kini
Citation must be served b	y:	Date: 5/10/06
	affirm, under the penalty of perjury, t my knowledge, information, and belie	
Print Name:	Parker	
4/25/06	Keith Hack	
	Inspector's Signature  E SIDE FOR ADDITIONAL DETAIL	LS AND INFORMATION
	NOTICE OF INTENTION TO	
Print Name:		Citation/Case No.: 06-1955
A dd		
Address:		· · · · · · · · · · · · · · · · · · ·
	<u>.</u>	

Defendant's Signature

Date

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 119
111 West Chesapeake Avenue
Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs.	Joyce F. Gravitt Dean D. Brown	, Defendant
Case # 06-1955 Violation Address	s 11428 Belair 12d-	Zip 21087
	Date 425,06 Expiration Date 5/0,06	6
	REQUEST FOR SERVICE	
Please serve the attached process on the pers		
	ORDER FOR SERVICE	-
You are hereby commanded to serve the atta serve, you are to make your return on this (validity of the process.	sched process and to make your return promptly on this Order and return the original process no later than the	Order if served, and if you are unallast day following the termination
•	PROOF OF SERVICE	
I hereby CERTIFY that:	•	
A Citation and all other papers filed with	it were served by restricted delivery mail, return card att	l
A Citation and all other papers filed with i	it were served by restricted delivery mail, return card att	tached.
8914 Kelso Dr. At this address	Zip 2/221, on 5/106 Date	or agent served  S:50 a.m./p.m.  Time
<b>4</b>	Sex: M F Height:ftin	Wt!bs.
Telephone verification of citation acknowledgme	ent from on / /	
I was unable to serve:		
l" Attempt / /	a.m./p.m. because	
2 <sup>rd</sup> Attempt / /	a.m./p.m. because	Initials
3'd Attempt / /	a.m./p.m. because	Initials
		Initials
I solemnly affirm under the penalties of perjury tand belief, and do further affirm that I am a compe	that the contents of the foregoing paper are true to the etent person over 18 years of age and not a party to the	best of my knowledge, informatic case.
III W. Chesapeake Ave. Towson, MD 21204	410-887-3351	
Server's Address	Telephone	)
Ne. The tarker	5/106	L.
Server's Name (Print)	Date	

Date

Located at 89.14. Kelso. Di	cive Essex, MD 21222
STATE OF MARYLAND	VE Defendant
or	1.1428BelairRoad
Jack L. Boyle, Jr., Plaintiff	Address Kingsbille, MD 21087 443-996-9174 Ciry, State, Zip CC#
	SUBPOENA
STATE OF MARYLAND, Baltin	moreCity/County:
TO: Keith Parker. County Of	fice Building, Room 213. Code Inspections and Enforcement
111Wes.tChesapeakeAvenue	"Towson.,MD21204
YOU ARE HEREBY SUBPOEN	NAED to appear in person before the District Court of Maryland at the above location
onMay12.006	at9.:.00o'clockAM.
To testify in the above case.	•
To answer to the charge(s) in the	above case.  nd for failing to obey a court order as follows:
[7] 10 SUZMER to the Duric or marking	
	**************************************
	**************************************
To a the fellowing decume	nts: All records pertaining to inspections made at the proper
To produce the following docume	oadApt.BKingsvilleMD21087fortheperiod.January12
tothepresent	Susan Tannenbaum, Esq.
This Subpoena was requested by	Susan Landensensensensensensensensensensensensense
	Susquehanna Ave. Suite 305, Towson, MD 21204
and whose telephone number is(4	ay result in your being charged with contempt of court and being taken into custody
	the transfer of the second professional professional professional professional contract the cont
immediately. Hearing/speech impair	ed callers only, telephone TTY/FT 1-800-925-9690 or for voice communication call aryland Relay Service at 1-800-735-2258
the court listed above imongh the wi	Clerk/Judge
Date	
en en en National America	CERTIFICATE OF SERVICE  ted Code Financial Institutions Article § 1-304or Health General Article & Copy of the Country of the
Pursuant to Maryland Annota	a copy of the computation
I HEREBY CERTIFY that on the	hose records are being sought; or the Court waived such service by the attached order
or this demand for records is exemp	ted from the service requirement pursuant to the following statute:
Of MIS actitated the reserve	•
	Signature
	RETURN OF SERVICE
I certify that I delivered the original	inal of this Subpoena toon this
day of	
, (** E. C. S. SANT)	Signature
	Title

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

In the Matter of

Civil Citation No.06-1955

Joyce F. Gravitt Dean D. Brown 11428 Belair Road Kingsville, MD 21087

11428 Apartment B Belair Road

Respondents

# FINDINGS OF FACT AND CONCLUSION OF LAW AMENDED FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 13, 2006, for a hearing on a citation for violations under the Baltimore County Code (BCC) § 35-5-209 (c); 35-5-208 (f); 35-5-211 (c)(d); 35-5-212 (c); for failure to repair living room door; failure to repair water damaged ceiling; failure to repair roofing system; failure to provide sufficient water supply; failure to repair or replace leaking toilet, sink and failure to replace cooking stove on residential property zoned RC 2 known as 11428 Apartment B, Belair Road, 21087.

On April 25, 2006, pursuant to §3-6-205, Baltimore County Code, Keith Parker, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondent.

The citation proposed a civil penalty of \$18,400.00 (eighteen thousand four hundred dollars). A code enforcement hearing date was scheduled for June 13, 2006.

Dean Brown, Respondent appeared for the hearing and testified.

Keith Parker and William Bryant, Code Enforcement Officers testified for Baltimore County. Jack L. Boyle. Jr. appeared and testified as the complainant.

Gravitt, Joyce Brown, Dean #06-1955 Page 2

Testimony and evidence shows the property to be a one-time thoroughbred horse farm with an historical designation. There are 4 apartments on the property in addition to the principle dwelling. Apartment B is rented to Jack Boyle. Mr. Boyle has complained to the County regarding the listed violations. Mr. Boyle has placed rent in escrow via District Court action. The Respondents have begun eviction proceedings on Mr. Boyle. Testimony by Keith Parker, William Bryant and Mr. Boyle was not contradicted. Water pressure and flow is restricted. The obvious inadequate supply renders the unit uninhabitable. The water supply stems from a spring and is carried to the unit via approximately 600 lineal feet of galvanized pipe. Galvanized pipe has a history of becoming choked off by rust building up inside the line comparable to cholesterol-choked arteries. Mr. Bryant stated that it took one minute to draw 1 pint of water from the bathroom showerhead.

In addition to the violations listed, it is unclear whether the property can enjoy the status of a multi-unit facility without a Special Hearing before the Zoning Commissioner.

IT IS ORDERED by the Code Enforcement Hearing Officer this 7<sup>th</sup> day of July 2006, that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that 11428 Belair Road, Apartment B is hereby condemned for use as a dwelling unit due to failure to meet minimum standards of the Baltimore County Code for dwelling units.

IT IS FURTHER ORDERED that 11428 Belair Road, Apartment B shall be vacated immediately. The unit shall not be reoccupied until the water supply is corrected and required potability testing is complete. All other repairs are required to be done prior to occupancy including gaining a legal status to have more than one dwelling on this RC 2 zoned property.

Gravitt, Joyce Brown, Dean #06-1955 Page 3

IT IS FURTHER ORDERED that the civil penalty shall be suspended on condition the dwelling use ceases as soon as Mr. Boyle finds living quarters elsewhere and before July 10, 2006.

Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §3-6-302(a)(b)(c)(d) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

RSW/jaf

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

In the Matter of

Civil Citation No.06-1955

Joyce F. Gravitt
Dean D. Brown
11428 Belair Road
Kingsville, MD 21087

11428 Apartment B Belair Road

Respondents

## FINDINGS OF FACT AND CONCLUSION OF LAW FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 13, 2006, for a hearing on a citation for violations under the Baltimore County Code (BCC) § 35-5-209 (c); 35-5-208 (f); 35-5-211 (c)(d); 35-5-212 (c); for failure to repair living room door; failure to repair water damaged ceiling; failure to repair roofing system; failure to provide sufficient water supply; failure to repair or replace leaking toilet, sink and failure to replace cooking stove on residential property zoned RC 2 known as 11428 Apartment B, Belair Road, 21087.

On April 25, 2006, pursuant to §3-6-205, Baltimore County Code, Keith Parker, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondent.

The citation proposed a civil penalty of \$18,400.00 (eighteen thousand four hundred dollars). A code enforcement hearing date was scheduled for June 13, 2006.

Dean Brown, Respondent appeared for the hearing and testified.

Keith Parker and William Bryant, Code Enforcement Officers testified for Baltimore County.

Jack L. Boyle. Jr. appeared and testified as the complainant.

Gravitt, Brown-#06-1955

Testimony and evidence shows the property to be a one-time thoroughbred horse farm with an historical designation. There are 4 apartments on the property in addition to the principle dwelling. Apartment B is rented to Jack Boyle. Mr. Boyle has complained to the County regarding the listed violations. Mr. Boyle has placed rent in escrow via District Court action. The Respondents have begun eviction proceedings on Mr. Boyle. Testimony by Keith Parker, William Bryant and, Mr. Boyle was not contradicted. Water pressure and flow is restricted. That the obvious inadequate supply renders the unit uninhabitable. The water supply stems from a spring and is carried to the unit via approximately 600 lineal feet of galvanized pipe. Galvanized pipe has a history of becoming choked off by rust building up inside the line comparable to cholesterol-choked arteries. Mr. Bryant stated that it took one minute to draw 1 pint of water from the bathroom showerhead.

In addition to the violations listed, it is unclear whether the property can enjoy the status of a multi unit facility without a Special Hearing before the Zoning Commissioner.

IT IS ORDERED by the Code Enforcement Hearing Officer this 16<sup>th</sup> day of June 2006, that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that 11428 Apartment B is hereby condemned for use as a dwelling unit due to failure to meet minimum standards of the Baltimore County Code for dwelling units.

IT IS FURTHER ORDERED that 11428 Apartment B shall be vacated immediately. The unit shall not be reoccupied until the water supply is corrected including required potability testing is complete. All other repairs are required to be done prior to occupancy including gaining a legal status to have more than one dwelling on this RC 2 zoned property.

Signed:

Raymond S. Wisnom, Jr.

Code Enforcement Hearing Officer

The violator is advised that pursuant to §3-6-301(a), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §3-6-302(a)(b)(c)(d) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.

### COVAHEY, BOOZER, DEVAN & DORE, P. A.

### ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR. F. VERNON BOOZER \* MARK 5. DEVAN THOMAS P. DORE MICHAEL T. PATE BRUCE EDWARD COVAHEY JENNIFER MATTHEWS HERRING YONA OPENDEN FRANK V. BOOZER, JR.

410-828-9441

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

FAX 410-823-7530

July 5, 2006

\*ALSO ADMITTED TO D.C. BAR

Raymond S. Wisnom, Jr. Department of Permits & Development Management 111 West Chesapeake Ave. Towson, MD 21204

> 11428 Belair Rd., Apartment B RE:

Dear Mr. Wisnom,

In speaking with my clients, Mr. Dean Brown and Mrs. Joyce Gravitt, it is their decision as well as my understanding that the above named property will no longer be used as a rental unit.

I have informed my clients, that in light of your decision of June 16th, 2006, that should they at any time in the future decide to again lease said property, that your office should be contacted so that the proper arrangments/repairs can be made.

Please witness their signatures below as an understanding of the parties.

DEAN D. BROWN

JQYCE F. GRAVITT

0607fvb02

Lean DBrown

### COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

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BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

YONA OPENDEN

FRANK V. BOOZER, JR.

July 5, 2006

\*ALSO ADMITTED TO D.C. BAR

Raymond S. Wisnom, Jr.
Department of Permits & Development Management
111 West Chesapeake Ave.
Towson, MD 21204

RE: 11428 Belair Rd., Apartment B

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I have informed my clients, that in light of your decision of June 16<sup>th</sup>, 2006, that should they at any time in the future decide to again lease said property, that your office should be contacted so that the proper arrangments/repairs can be made.

Please witness their signatures below as an understanding of the parties.

Very truly yours

FRANK V. BOOZER, JR

DEAN D. BROWN

0607fvb02

Wean D. Brown

JQYCE F. GRAVITT

Joyce + Draville

### COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

EDWARD C. COVAHEY, JR.

F. VERNON BOOZER \*

MARK S. DEVAN

THOMAS P. DORE

MICHAEL T. PATE

BRUCE EDWARD COVAHEY

JENNIFER MATTHEWS HERRING

YONA OPENDEN

FRANK V. BOOZER, JR.

June 30, 2006

Baltimore County DPDM Attn: Appeals Clerk 111 W. Chesapeake Ave., Suite 105 Towson, MD 21204

RE: 11428 Belair Rd. – Case No. 06-1955

Dear Sir of Madam,

Please note an appeal to the Board of Appeals in the above captioned matter. Enclosed please find a check for the one hundred fifty dollar (\$150.00) appeal fee. Also included is a check in the amount of five thousand dollars (\$5,000.00) for the required bond. Should you have any questions please do not hesitate to contact my office.

Very truly yours,

FRANK V. BOOZÉR, JR

Enclosures 0606fvb18

JUN 3 0 2006 5

<sup>\*</sup>ALSO ADMITTED TO D.C. BAR

\* KEITH PARKER
CODE ENFORCEMENT OFFICER
111 W. CHESAPEAKE AVE. TOWSON, MD.21204

CITATION NO.	06-1955
VIOLATION ADDRESS:	11428 - B Belair Rd. Kingsville, md. 21087
ZONE:	RC2
VIOATION: BCC-	35-5-209(C) 35-5-208(F), 35-5-211(d); 35-5-211(C), 35-5-212 (C) Failure to Repair living Dozon Doon, Water domage (Cerlino, damage)
BCZR	living Room Door, Water damaged Ceiling, damaged roof, in sufficient water pressure, leaking Bathroom sink + Toilet, No Cooking Stove
	Telephone Call - Jack Boyle 11428-B. Belair Rd. Kingsville, md. 21087
COMPLAINT:	Ceiling Falling, water leak, mold
PROPERTY OWNERSHIP:	Joyee F. Gravitt / Dean D. Brown 11428 Belgir Rd. Kingsville: md-21087
INITIAL INSPECTION:	3/13/06 - Correction notice issued for broken living room passage door, water damaged  Ceiling, Missing store, leaking Toilet Flange and Sink, low water pressure. Notice Posted and hand delivered to owner,
SECOND INSPECTION:	3/28/06 - Stove has been installed. leak around Toilet Flange and bothroom Sink repaired Portions of roof repaired. Ceiling not repaired, Door Not repaired, Still has very low water pressure.

SUBSEQUENT INSPECTIONS:	4/13/06- Unable to inspect, NO ONE home.  Spoke with Tenant and property owner (Mrs.  Shavitt) on phone earlier that week.  Tenant informed me of receiving eviction  Notice.
	4/17/06-Spoke with Tenant on phone. He  wanted me to see that No Further  secries had been done. Inspected property  that evening, observed Hole still in bedroom  Ceiling. Door to bedroom Not repaired.  Also water pressure still made quotely  four.  4/29/06 - Based on 4/17/06 inspection No
	Appaire had been made. Issued Citation To Correspond with Citation issued by plumbing INSpector Bill Bryant. (04-1500)
CITATION:	Issued on 4/25/06. Served to Joyce Manavitt on 5/1/06 (Personal service).
INSPECTION BEFORE HEARIN	G/12/06 - Observed hole in bedroom Ceiling, Bed soom door Not install, No water Flow From Kitchen Sink.

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4

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# PLEASE PRINT CLEARLY

1E	IMBER	
CASE NAME	CASE NUME	DATE

# SITIZEN'S SIGN-IN SHEET

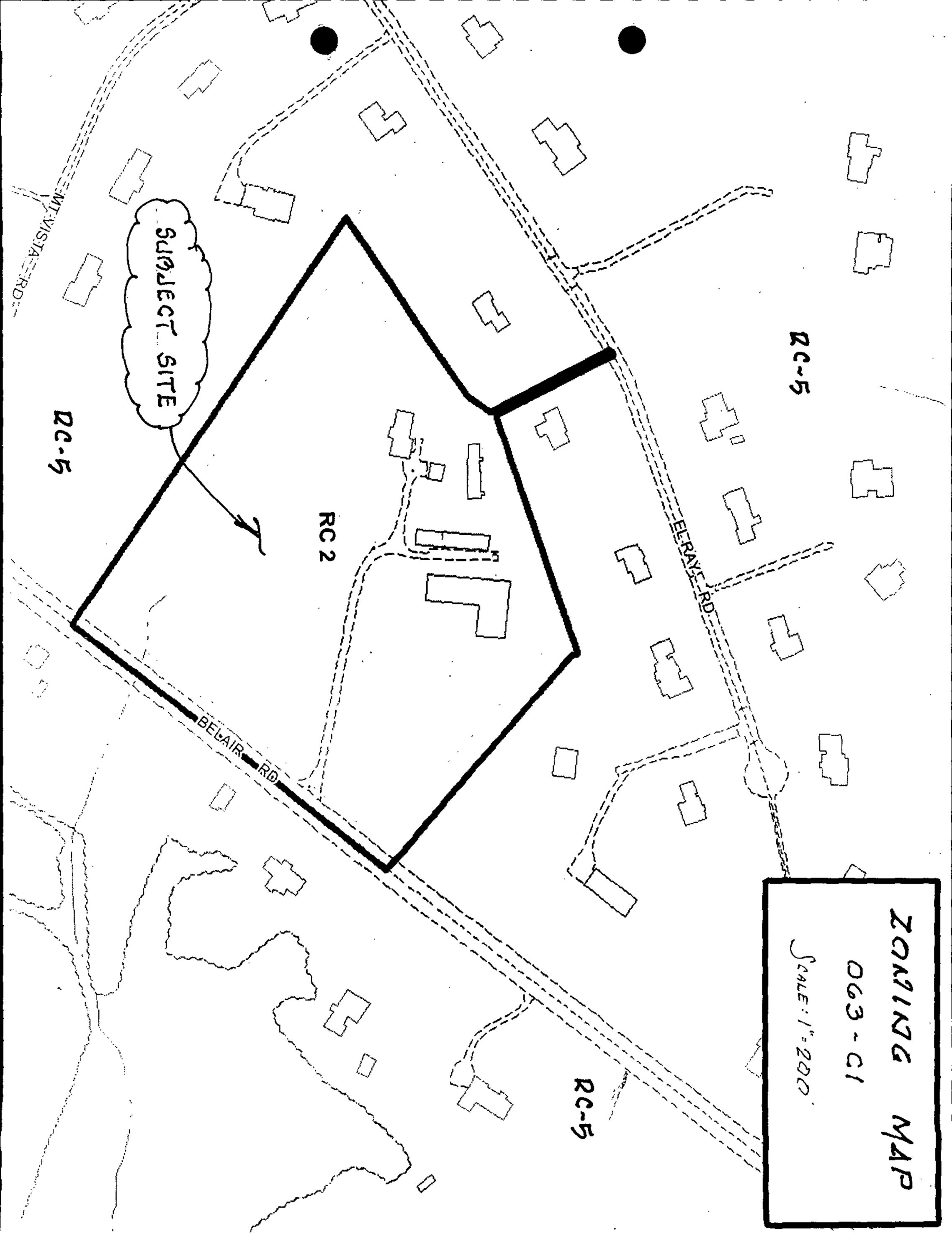
E- MAIL													
E, ZIF	Jugruille MD	King SUIIR MD 21087	> 3	7									
ADDRESS	r4 / PM	Bradshaw	30 12 18										
NAME	Dan Vitilis	Mike Pierce	William Koenia										

# PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEE

E- MAIL	Aboree @ c-blam.com												
CITY, STATE, ZIP	المداء مد سود	KINGSUILLE MA. 21087	souille med 2										
ADDRESS	GICA POSCETA PUTE	. 5	8 B 20										
NAME	FRANK BONGAR	Dear W.B. Marin	Layer 7 Manuelle				•						



Case No.: 07-272-SPH 11428 BELAIR RD

### **Exhibit Sheet**

### Petitioner/Developer

4

### Protestant

No. 1	Site PLAN	
No. 2	<u></u>	
	MR.Z, MMERER	
No. 3	and to pation	
No. 4	3/14/07 Letter- Greater Kongoville Civic assoc. Inc.	
No. 5	3/20/07 Letter. Kirgoville	
No. 6	ENVIRONMENTAL PLATS AND SPREAD SHEETS	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

### **AFFIDAVIT**

I George Zimmerman, having been a resident of Kingsville, Baltimore County, for sixty years testify to the fact that there have been tenants on the property located 11428 Belair Rd., Kingsville, MD. During those past sixty years there have been four to six mailboxes present on the main driveway where it connects to Belair Rd. It was my understanding that the tenants on the property worked on that farm and other farms in the area.

ZIMMERER DA.	
GEORGE ZIMMERMAN	RD
<del></del>	

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

GEORGE ZIMMERMAN

PETITIONER'S

EXHIBIT NO. \_\_\_\_\_

### **AFFIDAVIT**

I George Zimmerman, having been a resident of Kingsville, Baltimore County, for sixty years testify to the fact that there have been tenants on the property located 11428 Belair Rd., Kingsville, MD. During those past sixty years there have been four to six mailboxes present on the main driveway where it connects to Belair Rd. It was my understanding that the tenants on the property worked on that farm and other farms in the area.

ZIMMERER DO.	
GEORGE ZIMMERMAN	RD

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

GEORGE ZIMMERMAN

My Communication exercises

My Commusicos expires

S. LISZER PUBLIC PUBLIC PUBLIC

Jan Samuel Samuel

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** 

STR

**Account Identifier:** 

District - 11 Account Number - 1102066675

Owner Information

**Owner Name:** 

**GRAVITT JOYCE F** 

BROWN DEAN D

Use:

AGRICULTURAL

**STUCCO** 

Deed Reference:

Principal Residence:

YES

Mailing Address:

11428 BELAIR RD

KINGSVILLE MD 21087-1305

1) /12828/ 694

Location & Structure Information

**Premises Address** 

11428 BELAIR RD

Legal Description

12.0 AC

NWS BELAIR RD

NW COR MT VISTA RD

Map Grid Parcel Sub District Subdivision Section Block Lot Assessment Area Plat No:
63 6 237 3 Plat Ref:

Special Tax Areas

**Stories** 

2 1/2

Preferential Land:

Primary Structure Built

1926

Ad Valorem

Tax Class

Town

YES

2,250

Enclosed Area Property Land Area County Use
4,991 SF 12.00 AC 33

Basement Type Exterior

2,250

STANDARD UNIT

Value Information

Phase-in Assessments Value Base As Of As Of As Of Value PREFERENTIAL LAND VALUE 07/01/2006 07/01/2007 01/01/2006 INCLUDED IN LAND VALUE 282,250 182,250 Land: Improvements: 296,840 361,120 588,610 533,850 Total: 479,090 643,370

Transfer Information

2,250

 Seller:
 GRAVITT JOYCE F
 Date:
 05/01/1998
 Price:
 \$0

 Type:
 NOT ARMS-LENGTH
 Deed1:
 /12828/694
 Deed2:

2,250

Selier: HOLE MICHAEL

Type: IMPROVED ARMS-LENGTH

Date: 06/25/1981 Price: \$140,000

Deed1: / 6300/ 819 Deed2:

Type: IMPROVED ARMS-LENGTH Deed1: / 6300/ 819 Deed2:
Seller:
Type: Deed1: / 6300/ 819 Deed2:
Deed1: Deed2: Deed2:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2006
 07/01/2007

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class: NO

PETITIONER'S

pecial Tax Recapture: :ICULTURAL TRANSFER TAX

EXHIBIT NO.



-BW31-1

# The Greater Kingsville Civic Association, Inc.

P.O. BOX 221 ~ KINGSVILLE, MARYLAND 21087

March 14, 2007

Via Hand-Delivery
William J. Wiseman, III, Zoning Commissioner
401 Bosley Avenue
Room 405
Towson, MD 21204

RECEIVED

MAR 1 4 2007

ZONNG COMMISSIONER-

Re:

Zoning Case-7-272-SPH- ----

El Ray Farm

11428 Belair Rd, Kingsville

Dear Mr. Wiseman:

In the subject case, heard on February 7, the owners requested an administrative variance for a legal non-conforming use for four rental units in addition to the main residence on one parcel. This is an existing use, as testimony established to have been occurring since at least the late 1970's. As you will recall, this is the 12.15-acre ElRay farm, recently down-zoned to RC-2, surrounded by RC-5 zoning.

At its February 21st meeting, the Greater Kingsville Civic Association discussed this issue and agreed to take the position of not opposing this continued use, provided that sufficient limits are placed on that use. We believe that this use is appropriate for the subject property, as a continuation of similar use which we believe has existed at least since it was a famous horse farm in the 50's and 60's.

We suggest that appropriate limits might include: the variance not be transferable to any other owner; no substantial change or improvements to the exterior of the subject units; and limits on the total number of persons inhabiting the subject four units.

Thank you for your consideration and assistance in this matter.

Sincerely,

Michael Trush, President, GKCA

michael Trush

cc: Joyce Gravitt and Dean Brown

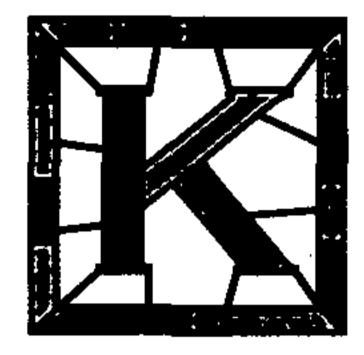
11428 Belair Rd

Kingsville, MD 21087

PETITIONER'S

EXHIBIT NO.

4



# Kingsville Community Alliance

www.Kingsville/Alliance.com P.O. Box 251 Kingsville MD 21087 Cell 443-622-9564

March 20, 2007

William Wiseman III, Zoning Commissioner 401 Bosley Ave Room 405 Towson, MD 21204

Dear Mr. Wiseman,

Joyce Gravitt and Dean Brown contacted the Kingsville Community Alliance with concern for their property The El Ray Farm 11428 Belair Road Kingsville MD 21087. Zoning Case 7-272-SPH.

They are seeking a variance for legal non-conforming use for four rental units on one parcel, this is in additional to the main residence. The said apartments have been rented for over fifty years according to testimony from local, longtime residents of the Kingsville community.

The Kingsville Community Alliance supports the continued use of this property in the manner in which it has been used since the 1950's. Our position is that no restrictions be put into place to change the use of the property.

Thank you for your time and consideration for small farms such as El Ray.

Sincerely,

George Majchrzak, President, KCA

Subdiv	ision: KING	SVILLE MEA	MEADOWS		a.k.a.:		Type: R	No. of Lots: 6
Street:	11428	Bela	Belair Rd					
Locatio	)n:			] ] ]				Tax Acct.: 11-02-066675
Lot #	Lot # Perc Hole Sanitari	Sanitarian	Draw Down	Depth	Test Date	Soil Profile	Remarks	
	<b>.</b> ∀	Bodrogi	10 min.	4 ft.	1/13/04	Clay 0-4' PGn 4-12' Rock	•	
	18	Bodrogi	>30 min.	4 ff.	.1/13/04	Clay 0-4' PGn 4-12' Rock		•
	51	Bodrogi	>30 min.	5 ft.	1/13/04	Clay 0-5' PGn 5-13' Water		
	5	Bodrogi	8 min.	4 ff.	1/13/04	Clay 0-4' PGn 4-12' Rock		
	<del>Ä</del>	Bodrogi			1/13/04	Clay 0-6' PGn 6-10' Water	•	
	#	Bodrogi	5 min.	. 5 ff.	1/13/04	Clay 0-5' PGn 5-13' Water		
	2A	Bodrogí			1/13/04	Clay 0-4' Water		
	· 2B	Bodrogi	•		1/13/04	Clay 0-6' Water		
	2C	Bodrogi			1/13/04	Clay 0-5' Rock		
05								
	2E	Bodrogi			2/25/04	Clay 0-10' Water		
	2F	Bodrogi			2/25/04	Clay 0-10' PGn10-13' Water		
	<b>2</b> G	Bodrogi			2/25/04	Clay 0-3' PGn 3-14' Rock		
	2H	Bodrogi			2/25/04	Clay 0-3' PGn 3-10' Water		•
	3A	Bodrogi	-		1/13/04	Clay 0-7' PGn 7-9' Water	•	
	ဒ္ဌင	Bodrogi			1/13/04	Clay 0-6' PGn 6-10' Water	•	
	3D	Bodrogi	2 min.	5 ft.	2/25/04	Clay 0-5' BLA 5-13' Rock		
	3Ё.	Bodrogi	15 min.	6 ff.	2/25/04	Clay 0-6' BLA 6-16'	PET	ITIONER'S

EXHIBIT NO.

Culpdin	reion. KING	C. hdivision KINGSVII I F MFADOWS	DOWS		2 k a		Type: R	No. of Lots: 6
Street:	Street: 11428	Bela	Belair Rd					District: 11
Location:	on:							Tax Acct.: 11-02-066675
Lot #	Perc Hole	Sanitarian	Draw Down	Depth	Test Date	Soil Profile	Remarks	
	3F	Bodrogi	3 min.	8 ft.	2/25/04	Clay 0-8' BLA 8-16'		
	ភ	Bodrogi	10 min.	7 ft.	2/25/04	Clay 0-7' BLA 7-16'		
83								
	<b>4</b> A	Bodrogi	•		1/13/04	Clay 0-11' Rock		
	4B	Bodrogi	6 min.	6 ft.	1/13/04	Clay 0-6' BLA 6-16'		
	4C	Bodrogi	3 min.	4 ft.	1/13/04	Clay 0-4' BLA 4-12' Rock		
	40	Bodrogi	6 min.	5 ft.	1/13/04	Clay 0-5' BLA 5-14' Rock		
,	4E	Bodrogi	5 min.	7 ft.	2/25/04	Clay0-7' BLA 7-16'		
3							•	
	<b>2</b> C	Bodrogi	>30 min.	8 ff.	12/23/03	Clay 0-8' BLA 8-16'	BLA≐ Bradshaw Layer A⊓	Amphibolite
	5D	Bodrogi			12/23/03	Clay 0-7' BLA 7-11' Water	BLA= Bradshaw Layer Amphibolite	nphibolite
	5F	Bodrogi	2 min.	<b>4</b> ff.	12/23/03	Clay 0-4' PGn 4-14' Rock	PGn= Perry Hall Gneiss	
	<b>2</b> G	Bodrogi			12/23/03	Clay 0-8' Damp BLA 8-11' Water	BLA= Bradshaw Layer An	Amphibolite
	2H	Bodrogi	29 min.	7 ft.	12/23/03	Clay 0-7' BLA 7-15' Rock	BLA= Bradshaw Layer An	Amphibolite
92								
	<b>2A</b>	Bodrogi			12/23/03	Clay 0-4' BLA 4-10' Rock	BLA= Bradshaw Layer An	Amphibolite
	5B	Bodrogi	>30 min.	8 ft.	12/23/03	Clay 0-8' BLA 8-16'	BLA≐ Bradshaw Layer An	Amphibolite
	, 5E	Bodrogi	2 min.	4 ff.	12/23/03	Clay 0-4' PGn 4-16'	PGn= Perry Hall Gneiss	
	<b>6A</b>	Bodrogi			12/23/03	Clay 0-71/2' Water		
	. <b>6B</b>	Bodrogi	•		12/23/03	Clay 0-5' BLA 5-11' Water		

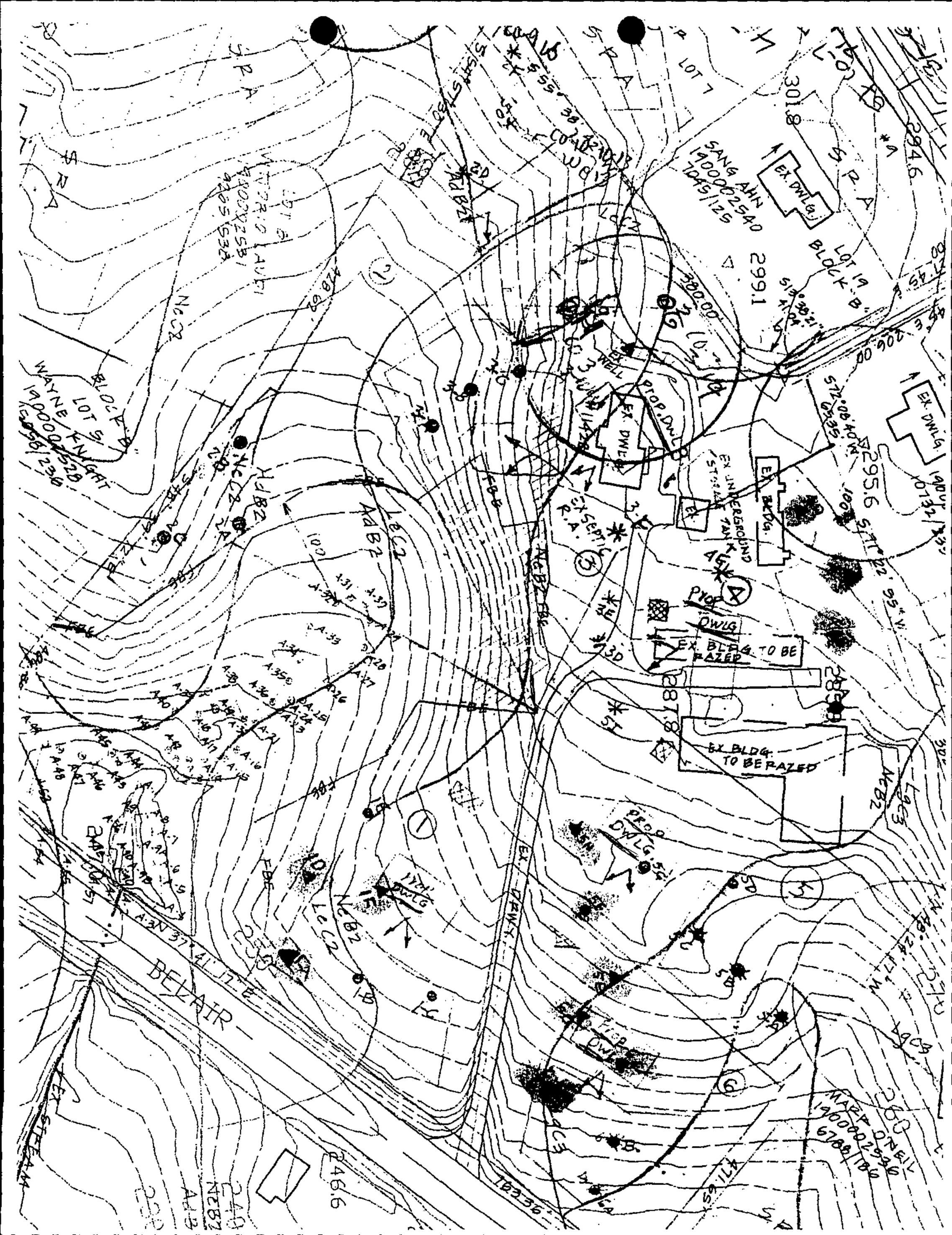
Subdivi	ision: KING	Subdivision: KINGSVILLE MEADOWS	DOWS		a.k.a.:		Type: R	No. of Lots:	9
Street: 11428	11428	Bela	Belair Rd					District:	11
<u> </u>		; ;						Tax Acet.:	2-0666
Lot #	Perc Hole	nitar	Draw Down Depth	Depth	Test Date	Soil Profile	Remarks		
•	29	Bodrogi	8 min.	4 ft.	12/23/03	Clay 0-4' PGn 4-13' Water	PGn= Perry Hall Gneiss		
	<b>G</b> 9	Bodrogi	2 min.	4 ff.	12/23/03	Clay 0-4' PGn 4-14' Rock	PGn= Perry Hall Gneiss		
	9E	Bodrogi			12/23/03	Clay 0-4' PGn 4-14' Rock	PGn≃ Perry Hall Gneiss		

**‡** 


site to be removed by State licensed contractor. Disposition of existing drilled well to be determined. Existing SDS to be properly abandoned when Existing abandoned UST on structures on site are razed.

Total Number of Perc Holes =

37







### Fire Department

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



### **Baltimore County**

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

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

December 21,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 25, 2006

Item Number(s): 267 trough 269 and 271 through 280

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

Associations supported the request and the continued use of the property in the manner in which it has been used since the 1950's.

At the onset of the hearing, Counsel advised the undersigned that the use of a fifth non-conforming living quarters, referred to as "Apartment B" rented to Jack Boyle and the subject of Violation Case No. 06-1955 had been terminated. As shown on the site plan (Petitioners' Exhibit 1), the property is comprised of 12.151 acres, referred to as Parcel 237 and the remaining tract on the Plat of El-Ray Farm recorded in Plat Book 47, Folio 144. That parcel is improved with a series of buildings, including the Petitioners' 2-1/2-story stone home, a 2-story single-family living quarters, a 1-story frame living quarters containing three separate apartments and two barns, one of which contained the gatehouse living quarters referred to as "Apartment B" above that is no longer in use. All these improvements are located some 450' off of Belair Road on the northern portion of the tract, zoned R.C.2.

Testimony and evidence offered indicated that Mrs. Gravitt became acquainted with the property as a teenager in the early 1950's and loved the farm. She gave a detailed history of the El-Ray Farm as handed down by Oscar Tippet (now 91 years old) who leased the 75-acre farm from a rather famous New York jockey, Michael Hoyle, and his wife, who, both now deceased, had owned the farm and raised race horses. In the late 1970's Osmond Moore and his brother, a lawyer, bought the farm and sold off 40 lots leaving the remaining 12-acre parcel that was purchased by Joyce Gravitt in 1981. Additionally, it was indicated that the various dwelling buildings on the property have been in existence and continuously occupied since 1950. In this regard, the Petitioners' offered a notarized affidavit(s) from George Zimmerer, who has been familiar with the property for 60 years, Robert Pruitt, a tenant of the property for 50 years, and the

testimony of Daniel Vitilio, whose sisters, Lorraine Vitilio and Denise Lawson, both lived and worked on the farm beginning in 1971, and who he visited often. The testimony and evidence offered was persuasive to a finding that non-conformance status should be granted for the four (4) living units noted as 1 through 4 on the site plan. In this regard, non-conforming uses are defined in Section 101 of the B.C.Z.R. and regulated by Section 104 thereof. Often the non-conforming use designation is sought to grandfather an otherwise illegal use. That is, if the Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as non-conforming. In this case, the undisputed testimony and evidence presented was persuasive that the non-conforming status should be afforded this property.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

- 1. Any future improvements to the property, whether called renovations, replacements, or additions, shall be subject to Maryland law on non-conforming uses, and the Baltimore County Zoning Regulations (B.C.Z.R.).
- 2. <u>ADVISORY:</u> The above approval is contingent upon compliance with the environmental regulations as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated February 7, 2007, a copy of which is attached hereto and made a part hereof. Petitioners'