

IN RE: PETITION FOR SPECIAL HEARING
NE side of Sutton Avenue, 135.3 feet SE of
C/I of Willow Street
13th Election District
1st Councilmanic District
(1819 Sutton Avenue)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

James V. and Barbara M. Jenkins
Legal Owners

* CASE NO. 07-279-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 1819 Sutton Avenue. The Petition was filed by James V. and Barbara M. Jenkins, the legal property owners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the existing improved lots, as is, as a legal nonconforming use.

The property was posted with Notice of Hearing on February 20, 2007 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 February 27, 2007 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.

RECEIVED FOR FILE
3-12-07
[Signature]

Zoning Advisory Committee Comments

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

Interested Persons

Appearing at the hearing on behalf of the requested special hearing were Vince Moskunas from Site Rite Surveying who prepared the site plan, as well as Dianna Sweeney, James V. and Barbara M. Jenkins, Petitioners. 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 contains 0.106 acres +/- zoned DR 5.5 and improved by the existing 2-story semi-detached dwelling known as 1819 Sutton Avenue. Mr. Moskunas indicated that the Petitioners have a contract for sale of the subject property but have run into title problems. He noted that this property is one half of a semi-detached dwelling which is located on lots 31, 32 and 33 of the Town of St. Denis which was recorded in the land records of the County in 1866 as shown on exhibits 1 and 2. He opined that most likely the party wall for the two dwellings at 1817 and 1819 Sutton Avenue was intended to be located on the boundary between lots 32 and 33 as these lots were in common ownership until 1951. The two dwellings which were constructed in 1870 as shown on SDAT data sheet, Exhibit 5.

However the actual location of the two dwellings was as shown on the Plat to Accompany, Exhibit 3. The home at 1817 Sutton Avenue turned out to be located on lot 32 and encroach significantly onto lot 31. Fortunately the owner of lot 31 agreed to convey a 13 foot wide strip to the owner of 1817 which corrected the encroachment. However the Petitioners have

been unable to give clear title to their property at 1819 Sutton Avenue as the title company wants assurance that the configuration and use of the property shown on Exhibit 3 is a legal non-conforming use.

Ms. Jenkins, who is 74 years old, testified that she lived in 1819 Sutton Avenue since 1959 and reserved title to the property in 1977 by land installment contract. She indicated that she spoke to her seller, Ms. Hersfeld, who used the property as a residence in the same configuration of house and lots as shown on Exhibit 3 from 1951 when Ms. Hersfeld bought the property from a Mr. Steinberg. Consequently Mrs. Jenkins opined that the property was used continuously as a dwelling and in the configuration shown on Exhibit 3 since 1951. Mr. Moskunas opined that zoning was imposed on the property in 1955 and that it was a legal non-conforming use and configuration. In further support of the his contention he presented similar SDAT data for the semidetached dwellings at 1815 Sutton Avenue as Exhibit 6.

Findings of Fact and Conclusions of Law

Once again I plead for a change in the non-conforming law as it is getting more and more difficult to find witnesses who can come to a hearing to prove continuous use of a property from 1955 and in some cases 1945. I believe proving that a use existed for perhaps half a century without complaint should be sufficient to allow the use to continue. That plea aside I find the following:

It is clear from the 1866 plat of the Town of St. Denis and the SDAT records of the property that the semi-detached dwellings at 1817 and 1819 Sutton Avenue existed in their present configuration before zoning was imposed on the property even if this occurred in 1945 rather than 1955 as opined by Mr. Moskunas. The data indicates the semi-detached dwellings were built in 1870 and I have no reason to believe the configurations of the dwellings were changed since they were constructed. I accept Mr. Moskunas' proffer that the most likely

3-12-07
FOR FILE

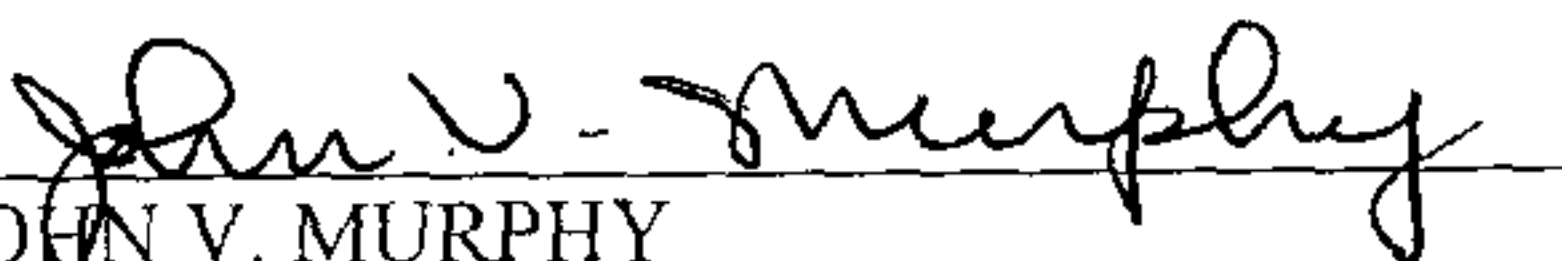
scenario was that the party wall separating the dwellings was intended to be located on the boundary between lots 32 and 33 but for some reason the wall got shifted to the west about 15 feet. I further accept Ms. Jenkins' testimony that the home at 1819 Sutton was used continuously from 1951 to the present by her predecessor in title and herself. Therefore I find that the Petitioner enjoys a legal non-conforming use of the structure as a dwelling and further find the configuration of the home on lots 32 and 33 are legal non-conforming configurations of the premises.

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 12th day of March, 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 improved lots, as is, as a legal nonconforming use is hereby GRANTED, subject to the following.

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.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

VM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 12, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

JAMES V. AND BARBARA M. JENKINS
AND DIANNA SWEENEY
6635 MANOR DRIVE
HANOVER PA 17331

Re: Petition for Special Hearing
Case No. 07-279-SPH
Property: 1819 Sutton Avenue

Dear Mr. and Mrs. Jenkins and Ms. Sweeney:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: Vincent Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1819 Sutton Ave.

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 EXISTING LOTS ~~WANT~~ AS-IS, AS A LEGAL NONCONFORMING USE. IMPROVED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

James V. Jenkins

Name - Type or Print

Signature

Barbara M. Jenkins

Name - Type or Print

Signature

6635 Manor Dr. 717-633-9403

Address

Telephone No.

Hanover

City

Pa.

State

17331

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410-828-9060

Address

Telephone No.

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature]

Date 12-18-06

Case No. 07-279-SPH

REV 9/15/98 RECEIVED FOR FILING

3/20/07

ph

Zoning Description

Zoning Description for #1819 Sutton Avenue

Beginning at a point on the northeast side of Sutton Avenue which is 35' wide at the distance of 135.3' southeasterly of the centerline of the nearest improved intersecting street, Willow Street, which is 30' wide. As recorded in Deed Liber 5770, Folio 544, Northeasterly 10.78', Northwesterly 13.36', Northeasterly 36.40', Southeasterly 7.6', Northeasterly 6.4', Southeasterly 7.0', Northeasterly 3.8', Southeasterly 0.48', Northeasterly 47.76', Southeasterly 40.0', Southwesterly 103.4'± and Northwesterly 40.03' to the place of beginning, containing 0.106 AC±. The improvements thereon being known as No. 1819 Sutton Avenue and located in the 13th Election District, 1ST Councilmanic District.



Michael V. Mosher

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

271 No. 23057

DATE 12-18-06

ACCOUNT

Fee - Oct - 6150

AMOUNT

\$ 65.00

1819

RECEIVED FROM:

Jenkins

Ave

FOR:

SP41

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

REQUESTS

TIME

1

12/19/2006 12/18/2006 10:10:45

RECEIVED BY: JILL JAG

OFFICIAL

RECEIPT # 211077 12/18/2006

AMOUNT \$ 65.00

DATE 12/18/2006

PAID TO

\$ 65.00

CO

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

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

Case: # 07-279-SPH

1819 Sutton Avenue
Northeast side of Sutton Avenue, 135.3 feet +/- southeast of centerline of Willow Street

13th Election District
1st Councilmanic District
Legal Owner(s): James V. & Barbara M. Jenkins

Special Hearing: to approve the existing improved lots, as-is, as a legal non-conforming use.

Hearing: Monday, March 12, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, II
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 2/742 Feb. 27 126244

CERTIFICATE OF PUBLICATION

3/1/2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/27/2007.

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

S. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

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Case: # 07-279-SPH

1819 Sutton Avenue
Northeast side of Sutton Avenue, 135.3 feet +/- southeast of centerline of Willow Street

13th Election District

1st Councilmanic District
Legal Owner(s): James V. & Barbara M. Jenkins

Special Hearing: to approve the existing improved lots, as-is, as a legal non-conforming use.

Hearing: Wednesday,
February 14, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/7/96 Jan. 30 123185

CERTIFICATE OF PUBLICATION

211, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/30/2007.

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

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 07-279-SPH

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

ROOM 407, COUNTY COURTS BUILDING
401 BOBBLEY AVENUE
TOWSON, MD. 21204

PLACE:

DATE AND TIME: MONDAY, MARCH 12, 2007
AT 2:00 P.M.

REQUEST: SPECIAL HEARING TO APPROVE
THE EXISTING IMPROVED LOTS, AS-IS, AS A
LEGAL NON-CONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 07-279-SPH

Petitioner/Developer: SWEENEY

Date of Hearing/Closing: MAR. 12, 2007

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

Attention: **Christen 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 _____

1819 SUTTON AVE.

The sign(s) were posted on FEB. 20, 2007

(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 07-279-SPH

Petitioner/Developer: JENKINS

Date of Hearing/Closing: MAR. 2, 2007

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

Attention: **Christen 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 _____

1819 SUTTON AVE.

The sign(s) were posted on REPOSTED FEB. 19, 2007.
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 07-279-SPH

Petitioner/Developer: JAMES & BARBARA JENKINS

Date of Hearing/Closing: FEB. 14, 2007

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

Attention: **Christen 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 _____

1819 SUTTON AVENUE

The sign(s) were posted on JAN. 29, 2007
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD, 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



ZONING NOTICE

CASE # 07-279-SPH

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

Room 107, County Courts Building
4th County Avenue
Towson, MD 21204

PLACE: TUESDAY, FEBRUARY 14, 2007
AT 2:00 P.M.

DATE AND TIME:
REQUEST: SPECIAL HEARING TO APPROVE
THE EXISTING IMPROVED LOTS, AS-IS, AS A
LEGAL NON-CONFORMING USE.

NOTICE: IF YOU ARE NOT A PARTY TO THIS HEARING, YOU MAY NOT ATTEND.
TO ATTEND, PLEASE CALL 410-326-1234

DO NOT REMOVE THIS SIGN AND POST UNTIL YOU HAVE BEEN NOTIFIED BY THE
ZONING COMMISSIONER



ZONING NOTICE

CASE # 07-279-SPH

PLACE: TUESDAY, FEBRUARY 14, 2007
AT 2:00 P.M.

DATE AND TIME:
REQUEST: SPECIAL HEARING TO APPROVE
THE EXISTING IMPROVED LOTS, AS-IS, AS A
LEGAL NON-CONFORMING USE.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY ~~February 20, 2007~~
Department of Permits and
Development Management

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-279-SPH

1819 Sutton Avenue

Northeast side of Sutton Avenue, 135.3 feet +/- southeast of centerline of Willow Street

13th Election District – 1st Councilmanic District

Legal Owners: James V. & Barbara M. Jenkins

Special Hearing to approve the existing improved lots, as-is, as a legal non-conforming use.

Hearing: Monday, March 12, 2007 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: James & Barbara Jenkins, 6635 Manor Drive, Hanover PA 17331

Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 24, 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, February 27, 2007 Issue - Jeffersonian

Please forward billing to:
Diana Sweeney
6635 Manor Drive
Hanover, PA 17331

410-785-4848 ext. 127

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: 07-279-SPH

1819 Sutton Avenue

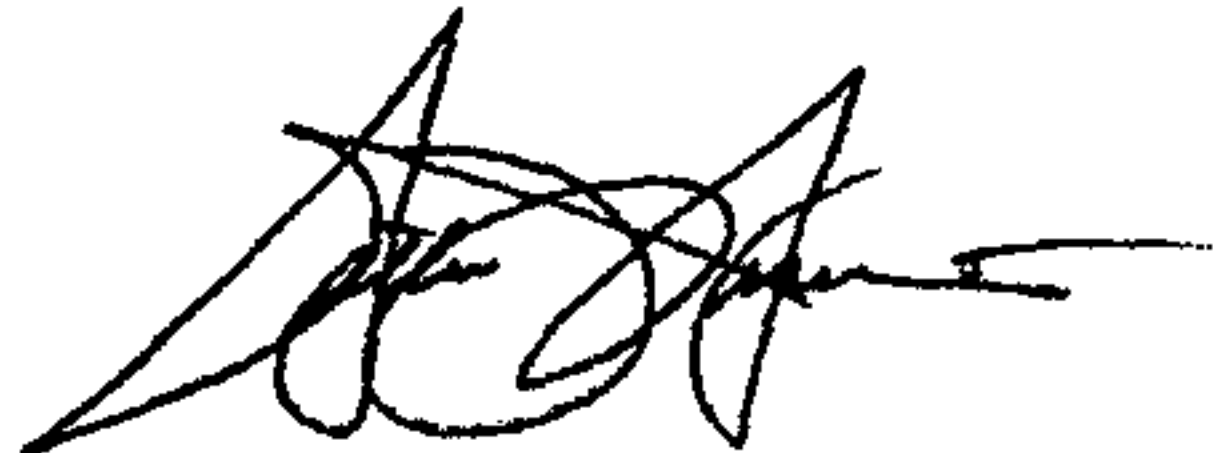
Northeast side of Sutton Avenue, 135.3 feet +/- southeast of centerline of Willow Street

13th Election District – 1st Councilmanic District

Legal Owners: James V. & Barbara M. Jenkins

Special Hearing to approve the existing improved lots, as-is, as a legal non-conforming use.

Hearing: Monday, March 12, 2007 at 2:00 p.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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, Director
January 8, 2007
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-279-SPH

1819 Sutton Avenue

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13th Election District – 1st Councilmanic District

Legal Owners: James V. & Barbara M. Jenkins

Special Hearing to approve the existing improved lots, as-is, as a legal non-conforming use.

Hearing: Wednesday, February 14, 2007 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: James & Barbara Jenkins, 6635 Manor Drive, Hanover PA 17331
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 30, 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 30, 2007 Issue - Jeffersonian

Please forward billing to:
Diana Sweeney
6635 Manor Drive
Hanover, PA 17331

410-785-4848 ext. 127

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: 07-279-SPH

1819 Sutton Avenue
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Legal Owners: James V. & Barbara M. Jenkins

Special Hearing to approve the existing improved lots, as-is, as a legal non-conforming use.

Hearing: Wednesday, February 14, 2007 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-279 SPH

Petitioner: JAMES TENKINS.

Address or Location: 1819 SUTTON AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DIANNA L. SWEENEY.

Address: 6635 MANOR DRIVE

HANOVER PA. 17331

Telephone Number: 410-785-4848 EXT. #127



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 6, 2007

James V. Jenkins
Barbara M. Jenkins
6635 Manor Drive
Hanover, PA 17331

Dear Mr. and Mrs. Jenkins:

RE: Case Number: 07-279-SPH, 1819 Sutton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 18, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

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 through 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

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

BW
2/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

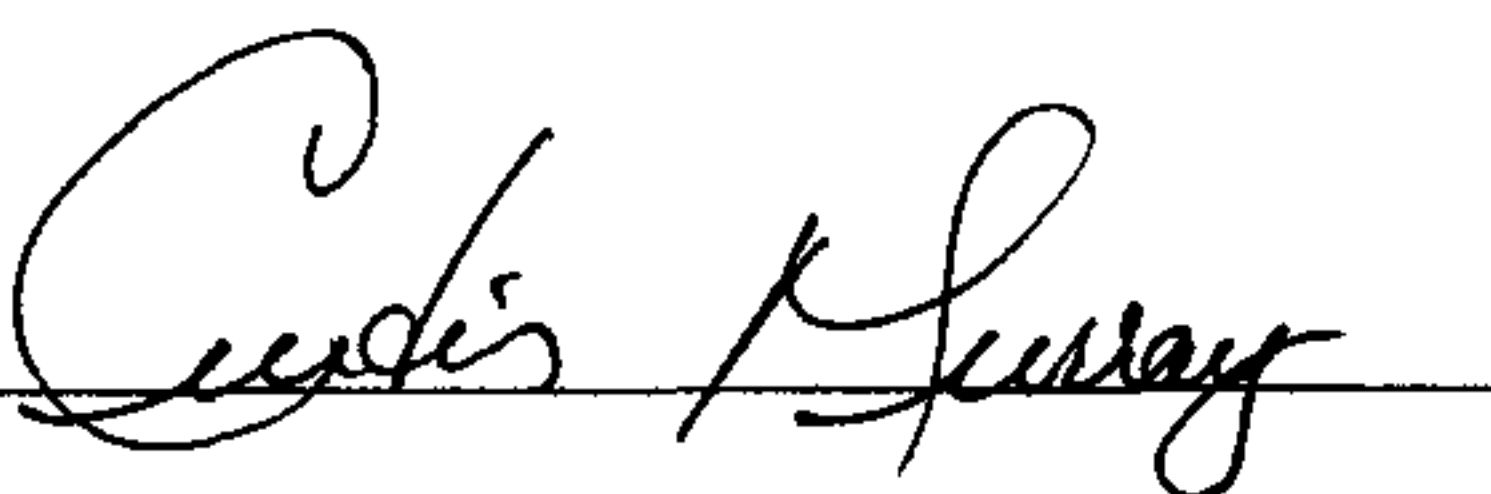
DATE: December 27, 2006

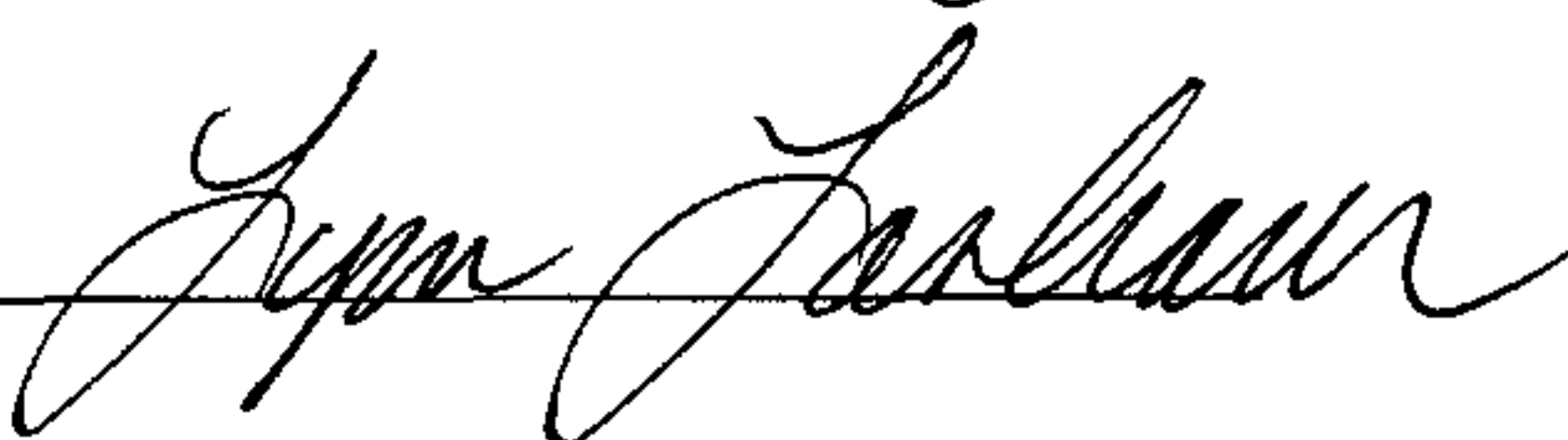
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-279- 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 Dennis Wertz 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
Department of Permits & Development
Management

DATE: January 2, 2007

FROM: Dennis A. Kennedy^{DAK}, 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.

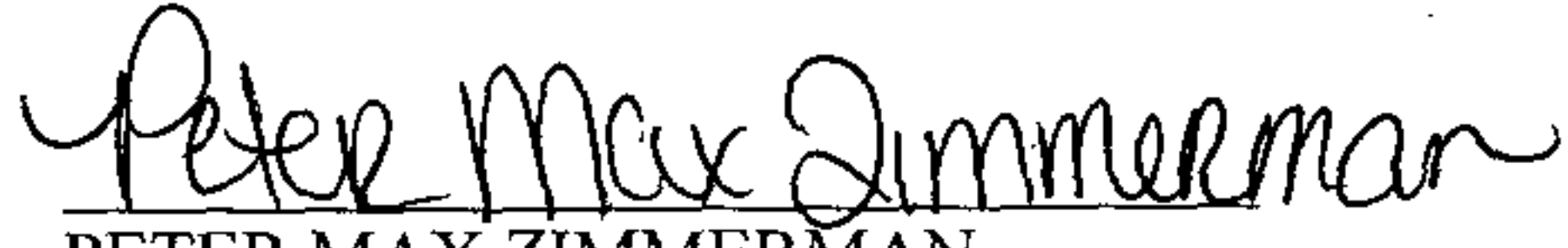
DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-01022007.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
1819 Sutton Avenue; NE/S Sutton Avenue *
135.3' SE c/line Willow Street * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): James & Barbara Jenkins * FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 07-279-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 4th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED
JAN 04 2007
Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

**Shell Building, Room 101
200 East Joppa Road
Towson, Maryland 21286
410-828-9060
Fax 410-828-9066**

TO: ZONING COMMISSIONER'S OFFICE

DATE: 3/16/07

SUBJECT: CASE # 07-279-SPH
1819 SYTON AVE

ATTENTION: MR. MURPHY DEPUTY

OUR FILE: 9458

WE ARE, ☒ HEREWITH
☐ UNDER SEPERATE COVER, TRANSMITTING VIA, ☒ MESSENGER
☐ U.S. MAIL () THE FOLLOWING:

[illegible]

TRANSMITTED AS INDICATED BELOW:

☒ PER AGREEMENT

PER YOUR REQUEST

FOR YOUR INFORMATION

~~FOR APPROVAL~~

FOR COMMENT

APPROVED - DWG(S)_____

☐ APPROVED AS NOTED - DWG(S) _____

☐ RETURNED FOR CORRECTION - DWG(S) _____

☐ PLEASE RESUBMIT - DWG(S) _____

[illegible]

1 COPY(S) OF TRANSMITTAL SENT TO Mrs. JENKINS

_____ COPY(S) OF _____ SENT TO _____

COPY(S) OF _____ SENT TO _____

REMARKS: I HOPE THIS IS THE PROOF YOU NEED, IT LOOKS OKAY TO ME. THANK YOU.

PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS,

Site Rite Surveying, Inc.

SENT BY: Umer

RECEIVED BY: _____

DATE: _____

March 14, 2007

To Whom It May Concern:

My mother, Mary L. Hershfeld, leased the home at 1819 Sutton Avenue, Baltimore, (St Denis), Maryland 21227, from 1943 through 1951, at which time, she and my father, Charles, purchased the home. She continued to reside at this residence until 1963. At that time, she leased the home to Barbara and Vernard Jenkins until they completed the purchase of the residence in 1977.

During the period of 1943 to 1963, she, and her family, resided at this residence continually. At no time was the residence unoccupied.

Please contact me with any questions or clarifications.

Sincerely,

Robert Hershfeld

Robert Hershfeld
8312 Nunley Drive
Apartment D
Parkville, MD 21234

410-882-9625

State of Maryland, Baltimore County, to wit:
I hereby certify, that on this 14th day of March, in the year 2007,
before the subscriber, a Notary Public of the State of Maryland, in and for Baltimore
County, personally appeared Robert Hershfeld and acknowledged the
foregoing Signature to be his/her act.

Kristi M. Bock

Kristi M. Bock

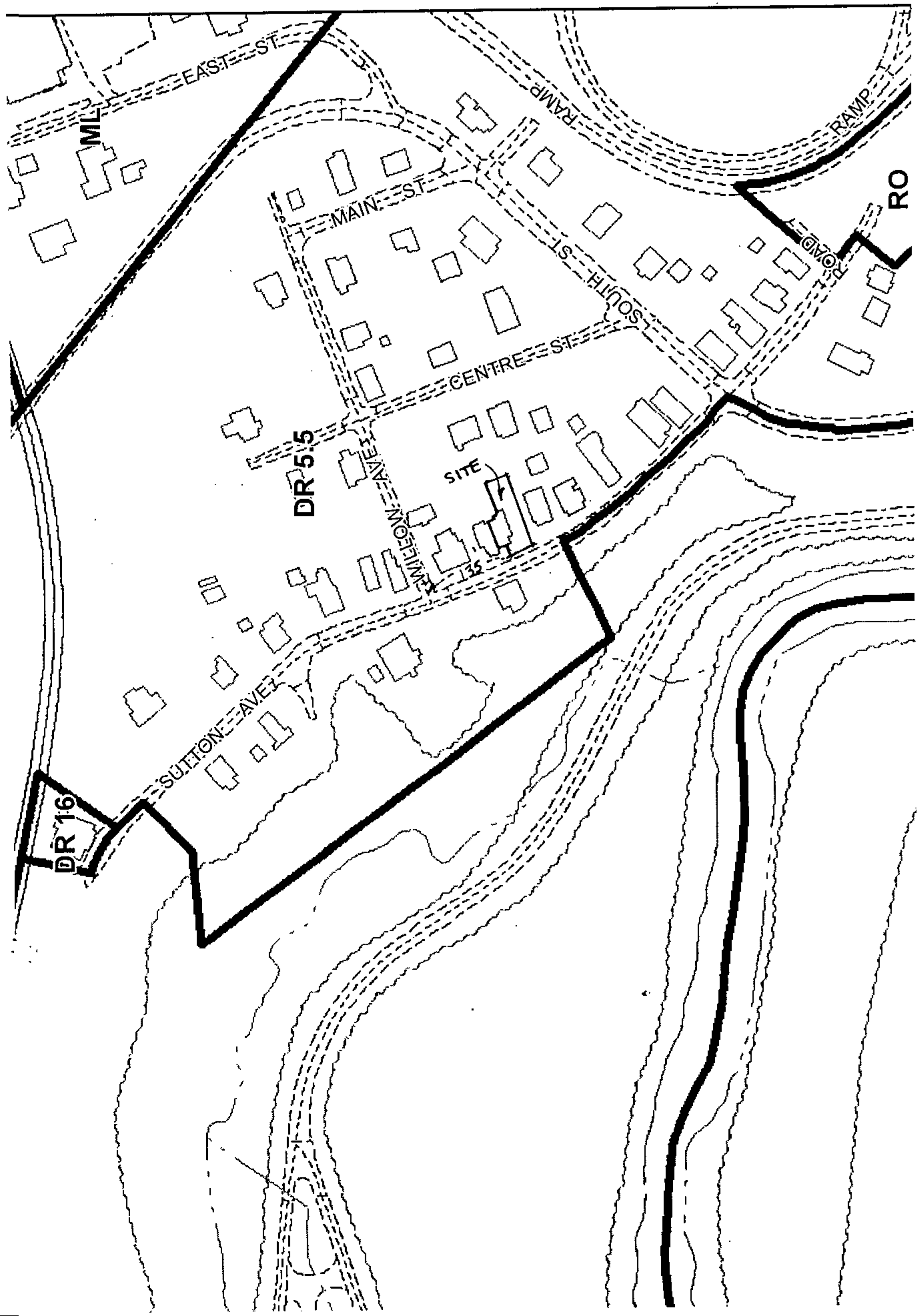
Notary Public

My Commission expires _____

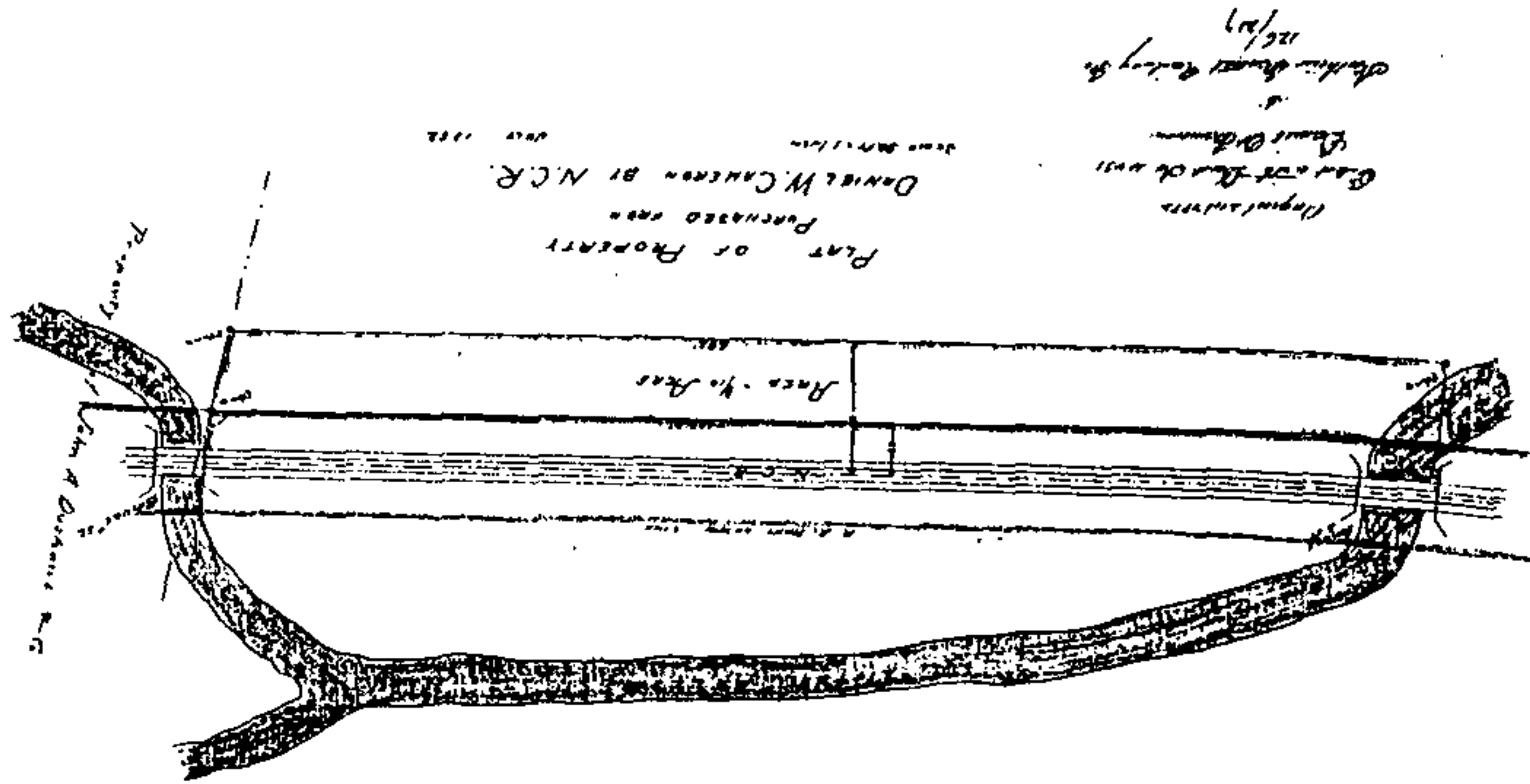


MY COMMISSION EXP. 09/16/2007

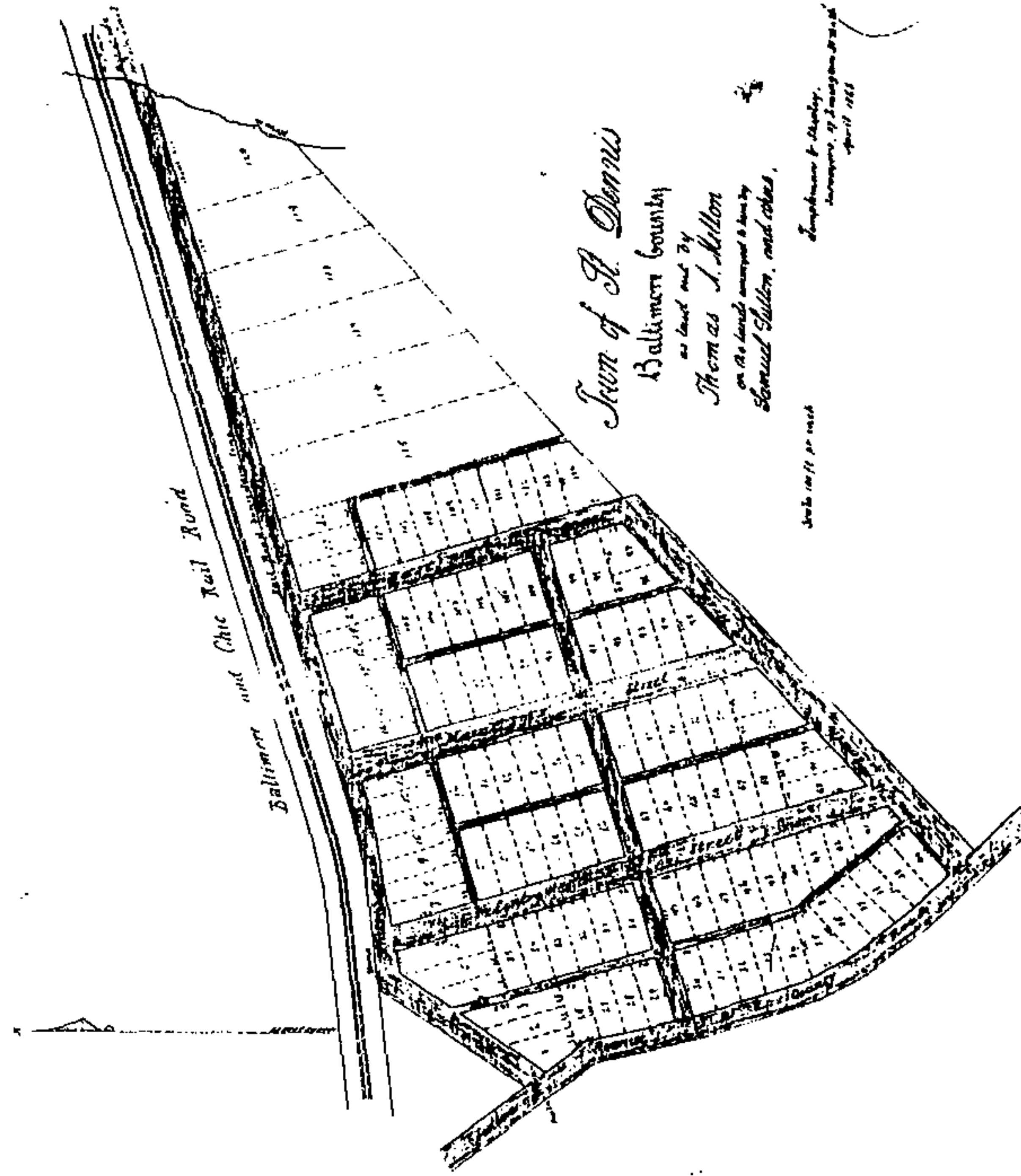
ZONING MAP 108B3



J.W.S. N21 PART I-8



J.W.S. N21 PART I-9



Town of St. Dennis
Baltimore County
as laid out by
Thomas J. Mellon
on the lands conveyed to him by
Samuel Giddens, and others.

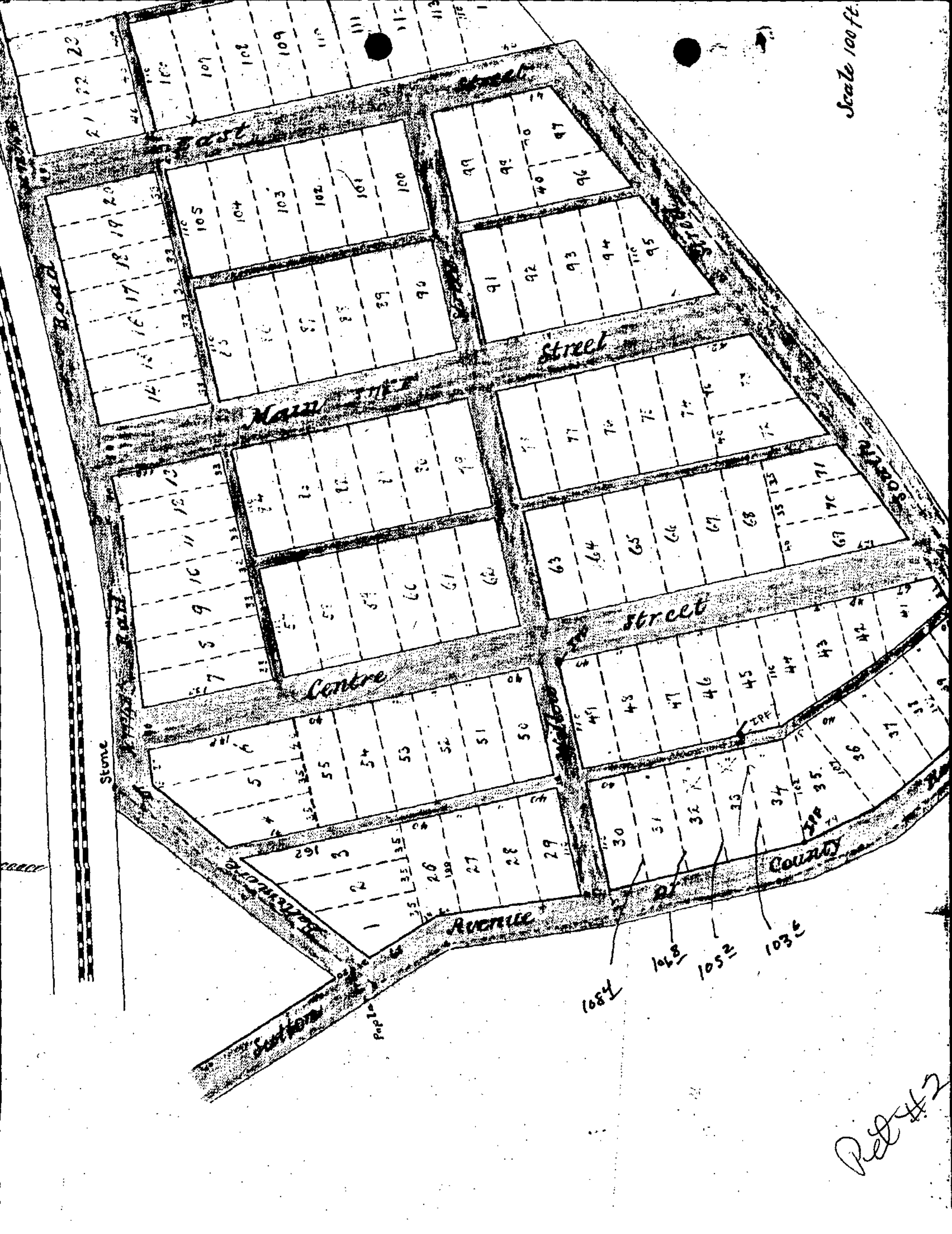
Scale 100 ft. to inch

Amphibious & Bailey,
Surveyors, 27 Lexington Street
April 1913

NSA 02121-5

JWS 1913-10
p504833-8

100 ft



Scale 100 ft.

Plat #2

Stone

Railroad

Main Street

Street

street

Centre

Avenue

County

1084

1068

1052

1036

Poplar

Sum of J. Dennis
Baltimore County
as laid out by
Thomas A. Mellon
on the lands conveyed to him by
Samuel Sutton, and others,

Scale 100 ft. pr. inch

Josephman & Shipley,
Surveyors, 37 Lexington St. B. A. B.
April 1866.

J. W. S. No 1 PART 1-9

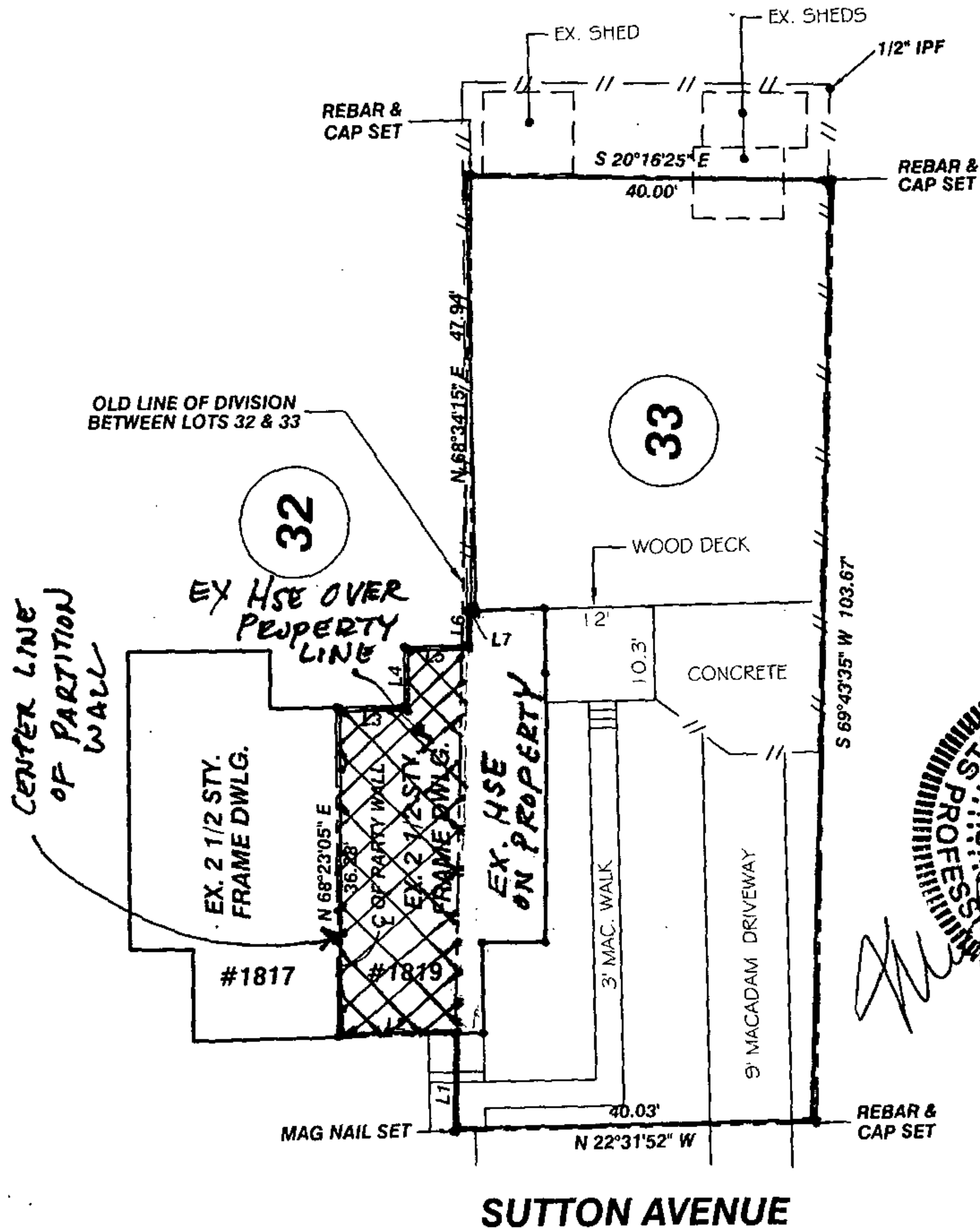
COMMUNITY PANEL NO: 240010002C

ZONE: X

NOTE:

THIS PROPERTY IS NOT LOCATED IN A
FLOOD HAZARD ZONE

MCS
NAD 83/91



SUTTON AVENUE

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 69°43'35" E	10.79'
L2	N 22°59'08" W	12.92'
L3	S 22°35'00" E	7.60'
L4	N 67°45'29" E	6.40'
L5	S 23°09'54" E	7.00'
L6	N 67°55'57" E	3.80'
L7	S 22°57'04" E	0.48'

BOUNDARY SURVEY
#1819 SUTTON AVENUE
PART OF LOT 32 & ALL OF LOT 33
"SAINT DENNIS" 1/9
DEED 5770/544
13th ELECTION DISTRICT
BALTIMORE COUNTY, MD
9458



DRAWN BY:

MVM

SURVEYED BY:

MVM

CHECKED BY:

VJM

SCALE:

1"=20'

DATE:

01/12/07

200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286

T: (410)828-9060
F: (410)828-9066

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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Account Identifier: District - 13 Account Number - 1318100381

Owner Information

Owner Name: COFIELL KELLY M
COFIELL TRAVIS J

Use: RESIDENTIAL

Principal Residence: YES

Mailing Address: 1825 SUTTON AVE
HALETHORPE MD 21227-5028

Deed Reference: 1) /23738/ 295
2)

Location & Structure Information

Premises Address
1825 SUTTON AVE

Legal Description

1825 SUTTON AVE
SAINT DENNIS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
108	22	41					34	1	1/ 9

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1951	806 SF	4,400.00 SF	04
Stories 1	Basement YES	Type STANDARD UNIT	Exterior STUCCO

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	35,500	61,600		
Improvements:	100,940	164,880		
Total:	136,440	226,480	136,440	166,453
Preferential Land:	0	0	0	0

Transfer Information

Seller: ANGELO KELLY	Date: 04/25/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23738/ 295	Deed2:
Seller: MILLER KEITH CHARLES	Date: 12/02/2002	Price: \$142,000
Type: IMPROVED ARMS-LENGTH	Deed1: /17173/ 145	Deed2:
Seller: NEGLEY DAVID H	Date: 09/08/1989	Price: \$97,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 8269/ 65	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: NO
Exempt Class:

Special Tax Recapture:

* NONE *

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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Ground Rent

Account Identifier: District - 13 Account Number - 1308300211

Owner Information

Owner Name: RIDER WAYNE B
RIDER MARY CECILIA Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1817 SUTTON AV
BALTIMORE MD 21227 Deed Reference: 1) / 5278/ 591
2)

Location & Structure Information

Premises Address
1817 SUTTON AVE

Legal Description

80 S WILLOW ST
SAINT DENNIS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
108	22	41					32	1		1/ 9

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1870	1,985 SF	4,400.00 SF	04
Stories 2 1/2	Basement NO	Type END UNIT	Exterior SIDING

Value Information

	Base Value	Value As Of 01/01/2004	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	28,500	28,500		
Improvements:	95,630	95,630		
Total:	124,130	124,130	124,130	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	Date:	Price:
HERSHFELD MARY L	06/27/1972	\$0
Type: NOT ARMS-LENGTH	Deed1: / 5278/ 591	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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: NO
Exempt Class:

Special Tax Recapture:

* NONE *

ASSIGNMENT OF LEASEHOLD — INDIVIDUAL GRANTOR — INDIVIDUAL OR CORPORATE GRANTEE — 22

This Assignment, MADE THIS 27th day of June
 in the year one thousand nine hundred and seventy-two by and between
 ✓ MARY L. HERSHFELD, Widow,

✓ of Baltimore County, in the State of Maryland, of the first part, and
 ✓ WAYNE B. RIDER and MARY CECILIA RIDER, his wife,

of the second part.

TRANSFER TAX NOT REQUIRED

6-27-72
 Walter R. Richardson
 Director of Finance

Per *Muriel J. Newman*
 Authorized Signature

Standard Land Installation
 Contract 11-6-68 - pd 20.00 TT
 Value \$4,000.00

0501**** 2048692 21-12 NW
 0002**** 2048692 21-12 NW
 0221**** 20548692 21-12 NW
 0115**** 20548692 21-12 NW

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part

does grant and assign to the said parties of the second part, as tenants by the entireties, their

personal representatives/successors and assigns all that lot of ground
 situate in Baltimore County, State of Maryland, and
 described as follows, that is to say:

BEGINNING for the same at a point on the northeast side of Sutton Avenue, distant 80.0 feet southeast of the intersection formed by the north-east side of Sutton Avenue and the southeast side of Willow Street, said point of beginning being at the division line of Lots 31 and 32 as shown on the Plat of the Town of St. Dennis, recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1, folio 9, running thence binding on said northeast side of Sutton Avenue, 35 foot wide, (1) southeasterly 40.03 feet to a point of intersection of the said northeast side of Sutton Avenue and the division line of Lots 32 and 33 as shown on the aforementioned Plat of the Town of St. Dennis, thence binding on part of the aforesaid division line of Lots 32 and 33 (2) northeasterly 10.78 feet to intersect the front wall of a 2 1/2 story frame dwelling known as No. 1819, thence binding on said front wall (3) northwesterly 13.36 feet to the center line of the party wall between No. 1817 and 1819 Sutton Avenue, thence binding on the center line through said party wall (4) northeasterly 36.40 feet to intersect the rear wall of said 2 1/2 story frame dwelling, thence binding on said rear wall and the outside walls of a one story frame attached the following five (5) courses and distances (5) (1) southeasterly 7.6 feet (6) (2) northeasterly 6.4 feet (7) (3) southeasterly 7.0 feet (8) (4) northeasterly 3.8 feet (9) (5) southeasterly 0.48 feet to intersect the last mentioned division line of Lots 32 and 33, thence binding on said division line (10) northeasterly 47.76 feet to the south-east side of a 10 foot alley with the use thereof in common with others, thence binding on the southeast side of said 10 foot alley (11) north-

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Account Identifier: District - 13 Account Number - 1319710482

Owner Information

Owner Name: SHOWALTER PETER
 SHOWALTER DOLORES

Use: RESIDENTIAL

Principal Residence: YES

Mailing Address: 1815 SUTTON AVE
 BALTIMORE MD 21227

Deed Reference: 1) /10799/ 80
 2)

Location & Structure Information

Premises Address
 1815 SUTTON AVE

Legal Description

1815 SUTTON AVE
 ST DENNIS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
108	22	41					31	1	1/9

Special Tax Areas

Town
 Ad Valorem
 Tax Class

Primary Structure Built
 1853

Enclosed Area
 952 SF

Property Land Area
 4,400.00 SF

County Use
 04

Stories
 2

Basement
 NO

Type
 END UNIT

Exterior
 FRAME

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	28,500	40,000		
Improvements:	48,730	81,230		
Total:	77,230	121,230	77,230	91,896
Preferential Land:	0	0	0	0

Transfer Information

Seller: BRYANT JAMES N
 Type: NOT ARMS-LENGTH

Date: 10/20/1994

Price: \$0

Deed1: /10799/ 80

Deed2:

Seller: BRYANT JAMES N
 Type: NOT ARMS-LENGTH

Date: 12/30/1991

Price: \$0

Deed1: /9012/ 185

Deed2:

Seller:
 Type:

Date:

Price:

Deed1:

Deed2:

Exemption Information

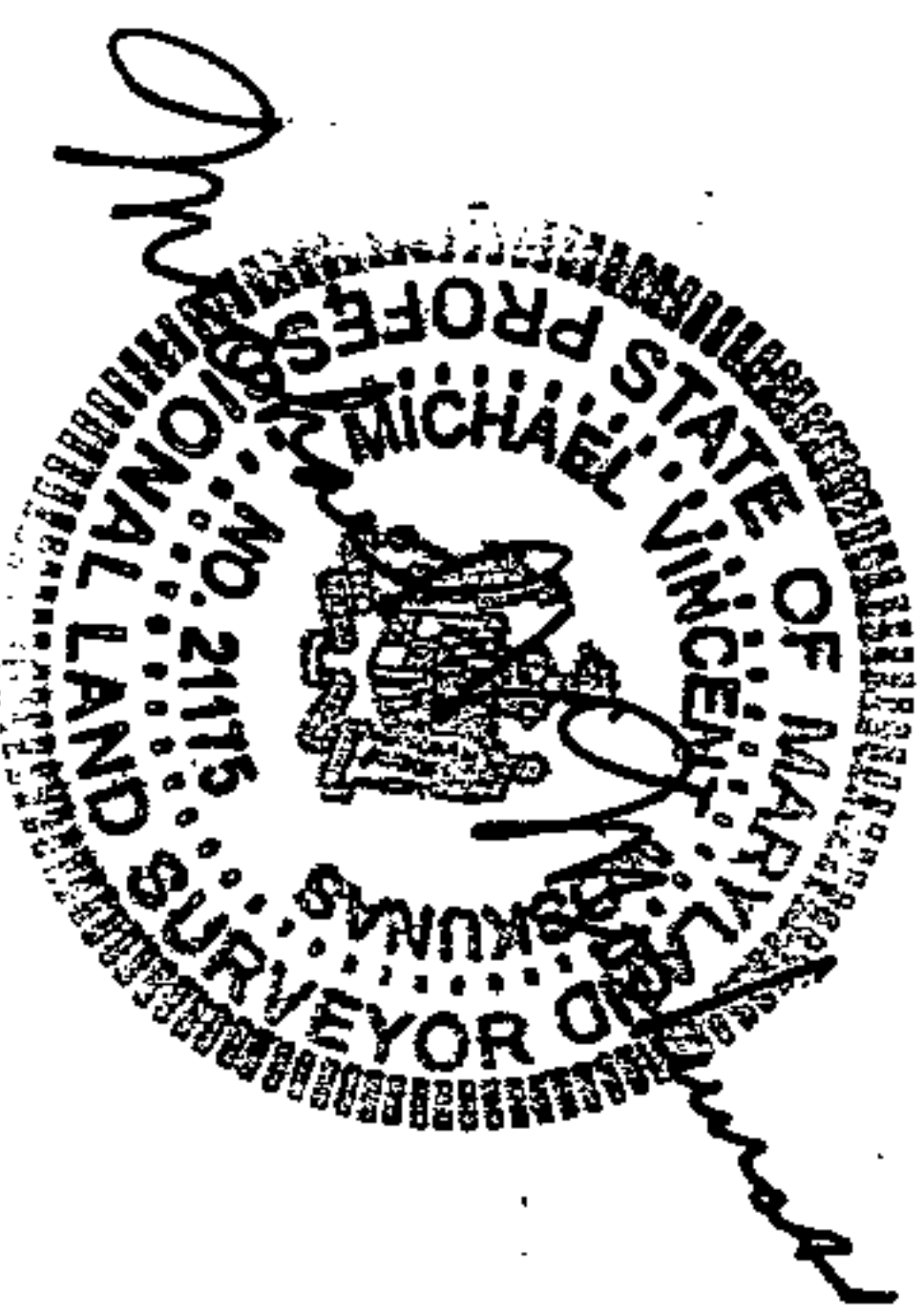
Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
 Exempt Class:

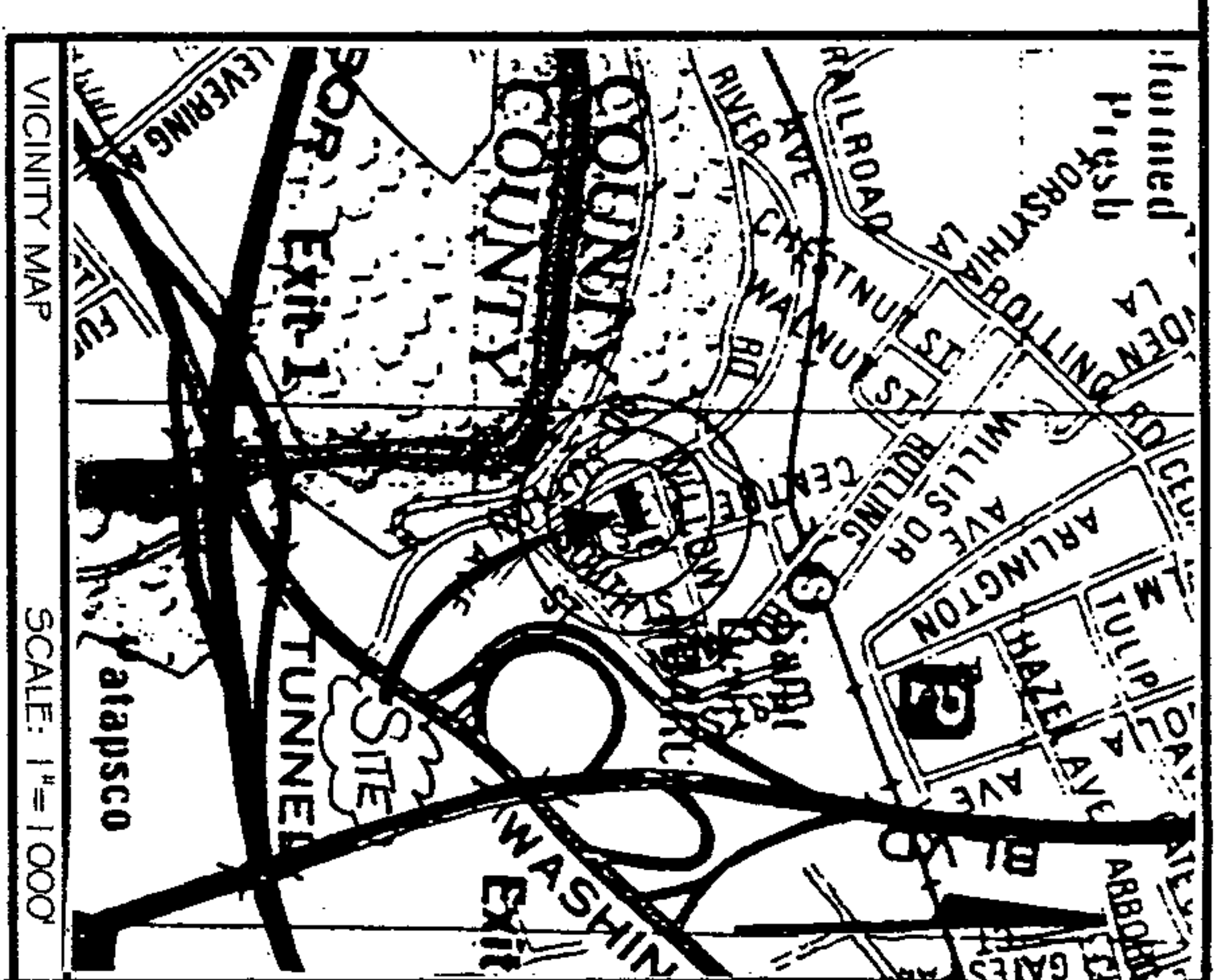
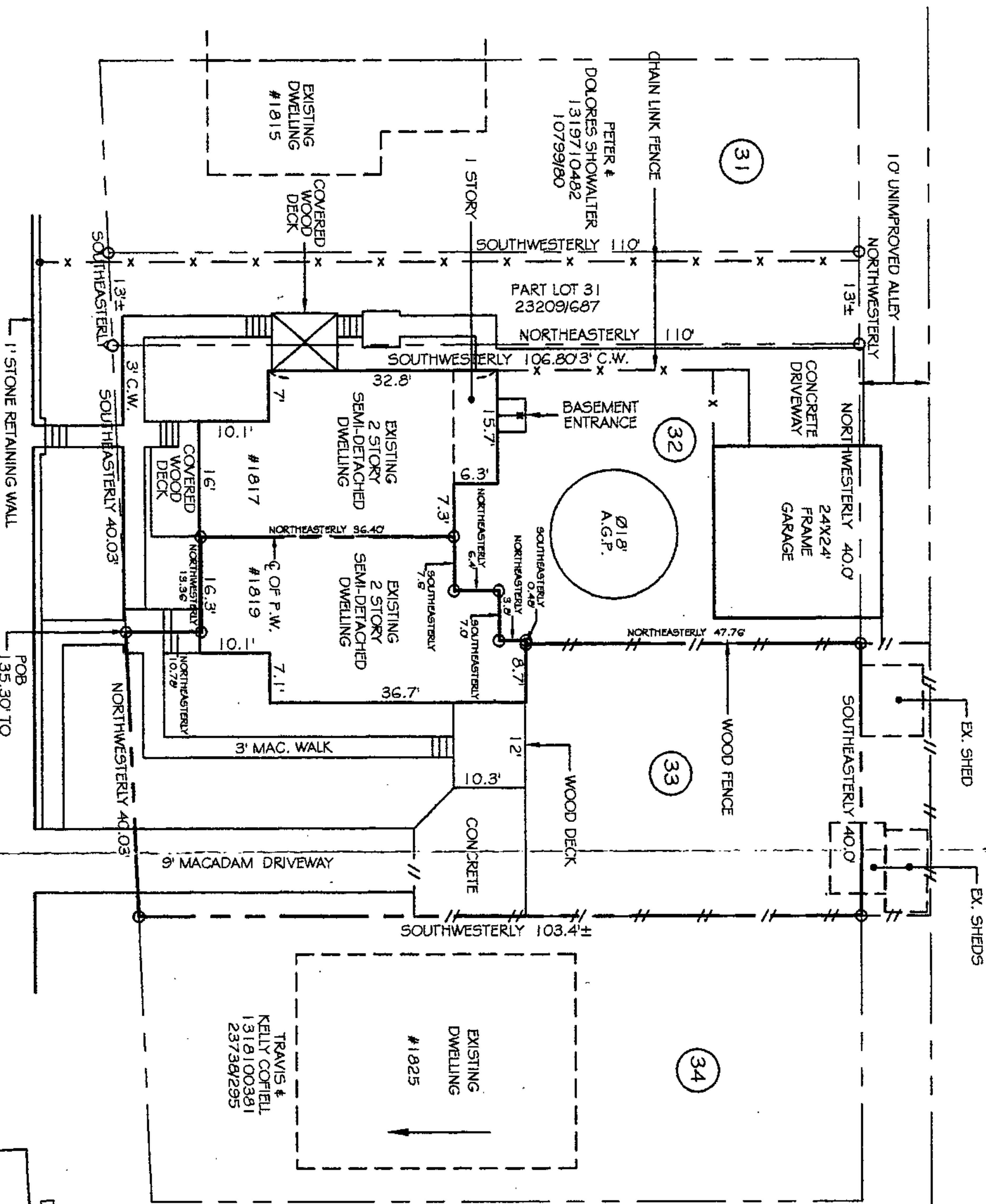
Special Tax Recapture:

* NONE *

Ref #6



SUTTON AVENUE
35' RW
21' PAVING



GENERAL NOTES

1. EXISTING ZONING: DR 5.5 (1.08 B3)
2. EXISTING USE: SINGLE FAMILY SEMI-DETACHED DWELLING
3. PROPOSED USE: SINGLE FAMILY SEMI-DETACHED DWELLING
4. PRIOR ZONING HEARINGS: NONE
5. LOT AREA: 4606.378 S.F. ± / 0.106 AC ±
6. TAX MAP: 108
- GRID: 22
- PARCEL: 41
7. TAX ACCT #: 1308300210
8. DEED REF: 5770/544
9. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
10. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
11. LOCATED IN A HISTORIC AREA
12. COMMUNITY PANEL NO: 240010-0502C ZONE: X

PLAN TO ACCOMPANY SPECIAL HEARING

#1819 SUTTON AVENUE
PART OF LOT 32 AND LOT 33
"TOWN OF SAINT DENNIS" 1/9
DEED 5770/544
ELECTION DISTRICT: 13C1

DATE	REVISION	BY	DATE	REVISION	BY

OWNER
JAMES #
BARBARA JENKINS
311 HOLLWOOD AVENUE
NEW OXFORD, PA 17350-9400

2024/11/13