



IN RE: PETITION FOR SPECIAL HEARING N side of Old Court Road, 211 feet from the c/l of Melrose Avenue		BEFORE THE DEPUTY ZONING
(10504 and 10510 Old Court Road)  2 <sup>nd</sup> Election District  4 <sup>th</sup> Councilmanic District	*	COMMISSIONER
	*	FOR BALTIMORE COUNTY
Susan I. Hartman Legal Owner	*	Case No. 07-496-SPH
* * * * *	*	* * *
IN RE: PETITION FOR SPECIAL HEARING N side Old Court Road, 145 feet from the	*	BEFORE THE
c/l of Melrose Avenue	*	DEPUTY ZONING
(10506 and 10508 Old Court Road)  2 <sup>nd</sup> Election District  4 <sup>th</sup> Councilmanic District	*	COMMISSIONER
4 Councilmaine District	*	FOR BALTIMORE COUNTY
Susan I. Hartman Legal Owner	*	Case No. 07-497-SPH

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing filed by the legal owner of the above-captioned properties, Susan I. Hartman. In Case No. 07-496-SPH, Petitioner requests special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm the existence of a non-conforming use to permit two existing dwellings (for the property located at 10504 and 10510 Old Court Road) on parcel 1. In Case No. 07-497-SPH, Petitioner requests special hearing relief pursuant to Section 500.7 of the B.C.Z.R. to confirm the existence of a non-conforming use to permit a two-unit duplex dwelling (for the property located at 10506 and 10508 Old Court Road) on parcel 2. The subject properties and requested relief are more particularly described on the

NO THE	ABOUTHED FO	
	8-13-07	
<b>*</b>	40%	· · · · · · · · · · · · · · · · · · ·

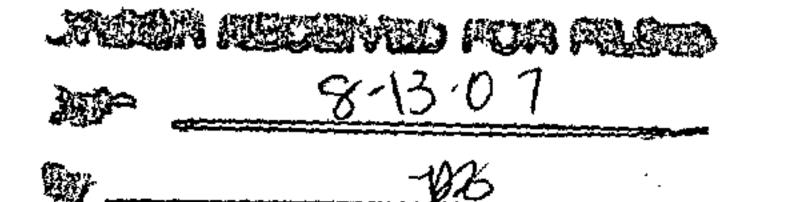
red and green-lined site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the special hearing requests was the property owner, Susan I. Hartman, her attorney, Arnold Jablon, Esquire, and Paul Lee, P.E., the consultant who prepared the site plan.

Testimony and evidence offered revealed that both parcels are located side-by-side on Old Court Road east of Hernwood Road in the Woodstock area of Baltimore County, near the town of Granite. Both parcels are approximately 66 feet wide by 330 feet deep consisting of .49 acre, more or less, and zoned R.C.5. Parcel 1 is improved with a two story "main house" (10510 Old Court Road) approximately 28 feet wide and 41 feet deep, fronting Old Court road. The parcel is also improved with a two story "cottage" (10504 Old Court Road) approximately 14 feet wide by 34 feet deep, situated to the rear of the parcel. A pictorial description of the dwellings was marked and accepted into evidence as Petitioner's Exhibit 5B. Parcel 2 is improved with a two story "duplex" (10506 and 10508 Old Court Road) approximately 31 feet wide by 40 feet deep, also fronting Old Court Road. A pictorial description of the two separate dwellings within the duplex was marked and accepted into evidence as Petitioner's Exhibit 5A.

Mr. Lee's research into the history of these dwellings indicates they were constructed in their present locations in 1913. A search of the property records indicated the following property history:

- October 10, 1885 same lots of ground conveyed by Elizabeth B. Tuttle to Sarah R. Hamilton.
- October 8, 1937 Sarah R. Hamilton deeded parcels 1 and 2 to Alta F. Jones Duvall.
- December 11, 1945 Alta F. Jones Duvall and husband deeded parcels 1 and 2 to Mervin E. Wheat and wife.



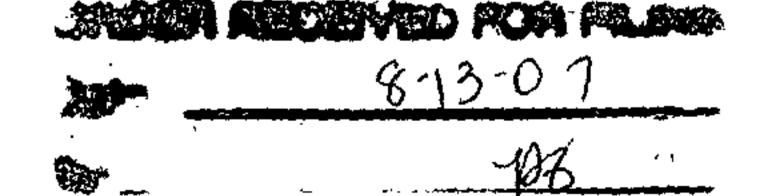
• November 21, 1978 - Carrie I. Wheat deeded parcels 1 and 2 to Susan I. Hartman (formerly Susan D. Barrett).

Petitioner purchased the parcels in 1978 as separate dwellings. Presently, Petitioner is interested in selling the properties and has been informed by her bank that it requires a determination as to the non-conforming use status of the dwellings. Thus, Petitioner filed for a determination by this Commission of whether the continued non-conforming use of the parcels as multiple dwellings should be approved.

Additional testimony and evidence revealed that each dwelling has always been self-contained, with both dwellings on parcel 1 having their own mailing address, and the duplex on parcel 2 containing two mailing addresses for each dwelling. Each structure maintains its own well and septic systems, and the dwellings also contain separate utilities, meters, and furnaces.

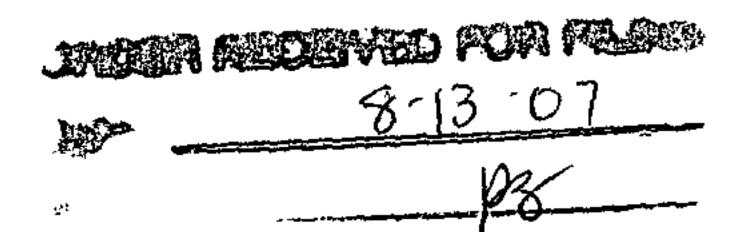
Since Petitioner's purchase of the parcels in 1978, they have been used as four separate dwellings continuously and without interruption. Petitioner also offered evidence to show that the parcels have contained the aforementioned separate dwellings since prior to 1945. Marked and accepted into evidence as Petitioner's Exhibit 6 was a letter dated June 29, 1978 and signed by Mr. and Mrs. Yola C. Adams. The letter states that to the best of their knowledge, the property belonging to Ms. Carrie Wheat of 10510 Old Court Road has been a rental property prior to 1945. Marked and accepted into evidence as Petitioner's Exhibit 7 was a letter dated July 8, 1978 and signed by Evelyn and Albert Ropka. The letter states that to the best of their knowledge, the property of Ms. Carrie Wheat of 10510 Old Court Road has been a rental property prior to 1945.

In addition, Petitioner offered notarized affidavits from 2006 to show the use history of the parcels. Marked and accepted into evidence as Petitioner's Exhibit 8 was an Affidavit dated September 18, 2006 and executed by Virginia Brantley. Ms. Brantley stated that she has lived in



the town of Granite, MD since 1945 and that she had knowledge of Ms. Wheat as a neighbor who owned the properties at 10510, 10508, 10506 and 10604 Old Court Road, and that Ms. Wheat lived in the big home and rented the other homes during that time period. Marked and accepted into evidence as Petitioner's Exhibit 9 was an Affidavit dated September 12, 2006 and executed by Anna Rose Anderson. Ms. Anderson stated that as a resident of Granite, MD from 1961 – 2001, she can verify that the houses at 10504, 10506, 10508, and 10510 on Old Court Road in Woodstock, MD have served as rental properties up to the present day. Also marked and accepted into evidence as Petitioner's Exhibit 10 was an Affidavit dated September 6, 2006 and executed by Marthetta Kelly. Ms. Kelly indicated she has known Petitioner since 1968 and verified that the homes at 10504, 10506, 10508, and 10510 Old Court Road have been used as rental properties since 1979, and indicated that her son was a former tenant approximately 14 years ago.

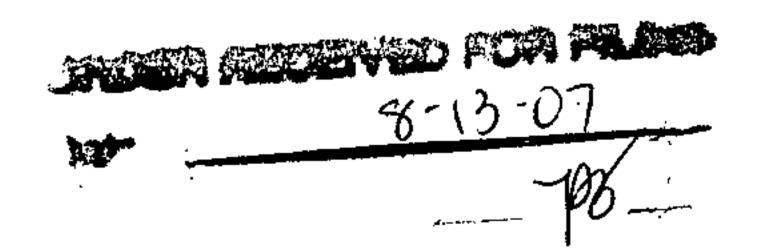
Finally, Petitioner offered evidence of the historical status of the four dwellings to show that they have each been used as separate dwellings since prior to 1945. In particular, marked and accepted into evidence as Petitioner's Exhibits 11A – 11D were copies of certificates dated September 22, 1994 from the Maryland Historical Trust. These certificates indicate that each of the dwellings – 10504, 10506, 10508, and 10510 Old Court Road in the Granite Historic District – are listed in the National Register of Historic Places by the United States Department of the Interior. It was argued by Petitioner that this historic designation for each dwelling is significant because in order to be placed as such, the Maryland Historic Trust had to have found conclusive evidence of the age and historic nature, as well as the separate uses of the dwellings. Petitioner also offered as evidence the State Department of Assessments and Taxation real property data search for each parcel. Marked and accepted into evidence as Petitioner's Exhibit 12 was the



real property data search for parcel 1, which showed a legal description as "10504/10510 OLD CT NS." Marked and accepted into evidence as Petitioner's Exhibit 13 was the real property data search for parcel 2, which showed the legal description as "10506-10508 OLD COURT ROAD."

A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.) as "[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use." In addition, Section 104.1 of the B.C.Z.R. states that "[a] nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate." It is also well settled that nonconforming uses are not favored under the law, and that nonconforming uses are contrary to the zoning scheme established by the zoning regulations. See, McKemy v. Baltimore County, 39 Md. App. 257 (1978). Moreover, it is the burden of Petitioner to prove the nonconforming use during the period of time at issue, which often presents its own set of challenges. By virtue of the historical nature of the use, petitioners must find witnesses with memories going back 50 and 60 years, or other anecdotal or documentary evidence, to prove that a use has been ongoing for the period of time at issue.

Turning now to the instant matters, the undisputed and uncontradicted testimony and evidence indicate that the structures were built in 1913 -- the main house at 10510 Old Court Road and the cottage at 10504 Old Court Road on parcel 1, and the duplex at 10506 and 10508 Old Court Road on parcel 2 -- as separate dwellings. The configuration of the dwellings appears



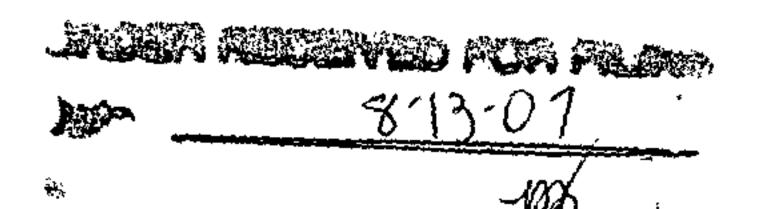
to have remained unchanged since their construction, well before the adoption of zoning regulations in Baltimore County in 1945, or their comprehensive re-adoption in 1955. It is clear that these cases come before me, not as an instance where a single-family house was converted to a multi-family dwelling, but where the structures were constructed and used as separate dwellings well before the adoption of the zoning regulations in Baltimore County.

The letters and affidavits, also undisputed and uncontradicted, indicate that the structures have been continuously and uninterruptedly used in their own right as separate dwellings from prior to 1945 until the present. It is clear that the nonconforming uses presented in these cases predates, by a substantial period, the adoption of the B.C.Z.R. in 1955 and the earlier regulations in 1945. The structures are served by their own well and septic systems. The dwellings each have their own utilities, meters, and furnace systems. Each of the dwellings is also listed separately by the Maryland Historical Trust on the National Register of Historic Places. After due consideration of the testimony and evidence presented, I am persuaded that Petitioner has met her burden with regard to the nonconforming use of the dwellings on parcels 1 and 2, and I shall grant the requests for special hearing relief.

Pursuant to the advertisements and posting of the properties, and public hearing on the petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing relief should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13th day of August, 2007 that special hearing relief for the properties set forth below be, and the same is, hereby GRANTED as follows:

Case No. 07-496-SPH - The Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations to confirm the existence of a non-



conforming use to permit two existing dwellings (10504 and 10510 Old Court Road) on parcel 1 is granted; and

Case No. 07-497-SPH – The Special Hearing relief requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations to confirm the existence of a nonconforming use to permit a two-unit duplex dwelling (10506 and 10508 Old Court Road) on parcel 2 is granted.

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

> THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

THE RUN GEVED FUR FREDER 8-13-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 13, 2007

ARNOLD JABLON, ESQUIRE VENABLE LLP 210 ALLEGHENY AVENUE TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 07-496-SPH and 07-497-SPH
Property:

Dear Mr. Jablon:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Boltimore County

for Baltimore County

THB:pz

Enclosure

c: Susan and David Hartman, 10622 St. Paul Avenue, Granite MD 21163 Paul Lee, 10710 Gilroy Road, Hunt Valley MD 21031



### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

which is presently zoned RC 5	<del></del>
(This petition must be filed in person, in the zon	ing office, in triplicate, with original signatures.)
This Petition shall be filed with the Department of Permitsowner(s) of the property situate in Baltimore County and who and made a part hereof, hereby petition for a Special Hearing County, to determine whether or not the Zoning Commissione (This box to be completed by planner)	ich is described in the description and plat attached hereto under Section 500.7 of the Zoning Regulations of Baltimore
to confirm the existence of a non-conforming use	e to permit 2 existing dwellings (#10504 &
#10510) on parcel 1;	•
penalt	advertising, posting, etc. and further agree to and are to be one County adopted pursuant to the zoning law for Baltimore do solemnly declare and affirm, under the lies of perjury, that I/we are the legal (s) of the property which is the subject of
Contract Purchaser/Lessee:	Legal Owner(s):
	Susan I. Hartman
Name - Type or Print	Name - Type or Pent
	WL
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature  A40 465 0025
Attorney For Petitioner:	P O Box 51 410 465 0035  Address Telephone No.
Arnold Jablon	Woodstock, Md 21163
Name - Type or Print	City State Zip Code
THE STATE OF THE S	Representative to be Contacted:
Signature	Arnold Jablon
Vénable, LLP Company	Name
210 Allegheny Ave. 410 494 6298	210 Allegheny Ave 410 494 6298
Address Telephone No.	Address Telephone No.
Towson, Md 21204	Towson, Md 21204
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
EST	IMATED LENGTH OF HEARING
M7 /19/ 500	
Odoc 110:	VAILABLE FOR HEARING  Date 5-1-02
THOSE RECEIVED FOR FRAME	<del></del>
TARREST ARM ARM LAND AND ARMS	

### DESCRIPTION

## #10504 & #10510 OLD COURT ROAD PARCEL PARCEL 1 (0.4912± AC.) SUZANNE I. HARTMAN PROPERTY ELECTION DIST. 2C4 BALTIMORE COUNTY, MD PROJECT # 27010.00

Beginning for the same at a point in the bed of the north side of Old Court Road said point also located Westerly 211 feet ± from the center of Melrose Avenue; running thence in the bed of said road 1) South 87° 07' 30" West 66.00 feet, thence leaving said point in Old Court Road 2) North 07° 53' 38" East 330.00 to the intersection with the South property line of Lot 9, "Offutt Manor" as recorded among the Land Records in Plat Book EHK JR 41-144, thence running with and binding on said line 3) North 87° 07' 30" East 66.00 feet to the southeasternmost corner of Lot 9 and intersection with the second and third lines of Parcel 2 (0.4988 Ac.), thence leaving said point and running with and binding reversely on the second line of said parcel 4) South 07° 53' 38" West 330.00 feet to the north side of Old Court Road and place of beginning.

Containing 0.4918 acres of land more or less and known as # 10504 & # 10510 Old Court Road, Parcel 1 and being the same parcel of land deeded to Melvin E. Wheat and wife by Alta F. DuVall and husband on December 11, 1945 as Parcel 1 in Liber R.J.S. 1427-194.

Wfile/login2/ld/ld07/descr./OldCourtRd-10504,10510-pl-3-21-07

ITEM # 07-496 SPH

### DESCRIPTION

## #10506 & #10508 OLD COURT ROAD PARCEL PARCEL 2 (0.4988± AC.) SUZANNE I. HARTMAN PROPERTY ELECTION DIST. 2C4 BALTIMORE COUNTY, MD PROJECT # 27010.00

Beginning for the same at a point in the bed of the north side of Old Court Road said point also located Westerly 145 feet ± from the center of Melrose Avenue; thence running in the bed of said road 1) North 86° 10' 11" West 66.00 feet to a point at the intersection of the first and forth lines of Parcel 1 (0.4912 Ac.), thence leaving said road and running with and binding reversely on said forth line of said Parcel 1, 2) North 07° 53' 38" East 330.00 feet to the intersection with the southeasternmost corner of Lot 9 "Offutt Manor" as recorded among the Land Records in Plat Book EHK JR 41-144, thence leaving said point and running for the two following courses and distances: 3) South 86° 10' 11" East 66.00 feet, thence; 4) South 07° 53' 38" West 330.00 feet to the north side of Old Court Road and place of beginning.

Containing 0.4988 Ac. of land more or less and known as # 10506 & # 10508 Old Court Road, Parcel 2 and being the same parcel of land deeded to Melvin E. Wheat and wife by Alta F. DuVall and husband on December 11, 1945 as Parcel 2 in Liber R.J.S. 1427-194.

Wfile/login2/ld/ld07/descr./OldCourtRd-10506,10508-pl-3-21-07

PETITIONER'S

EXHIBIT NO.

### DESCRIPTION

## #10504 & #10510 OLD COURT ROAD PARCEL PARCEL 1 (0.4912± AC.) SUZANNE I. HARTMAN PROPERTY ELECTION DIST. 2C4 BALTIMORE COUNTY, MD PROJECT # 27010.00

Beginning for the same at a point in the bed of the north side of Old Court Road said point also located Westerly 211 feet ± from the center of Melrose Avenue; running thence in the bed of said road 1) South 87° 07' 30" West 66.00 feet, thence leaving said point in Old Court Road 2) North 07° 53' 38" East 330.00 to the intersection with the South property line of Lot 9, "Offutt Manor" as recorded among the Land Records in Plat Book EHK JR 41-144, thence running with and binding on said line 3) North 87° 07' 30" East 66.00 feet to the southeasternmost corner of Lot 9 and intersection with the second and third lines of Parcel 2 (0.4988 Ac.), thence leaving said point and running with and binding reversely on the second line of said parcel 4) South 07° 53' 38" West 330.00 feet to the north side of Old Court Road and place of beginning.

Containing 0.4918 acres of land more or less and known as # 10504 & # 10510 Old Court Road, Parcel 1 and being the same parcel of land deeded to Melvin E. Wheat and wife by Alta F. DuVall and husband on December 11, 1945 as Parcel 1 in Liber R.J.S. 1427-194.

Wfile/login2/ld/ld07/descr./OldCourtRd-10504,10510-pl-3-21-07

PETITIONER'S

EXHIBIT NO.

1

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

### ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number 07-496-5P4
Petitioner SUZANNE I. HARTMAN
Address or Location. 10504, 10510, in the interior of Deb. Court Ro
PLEASE FORWARD ADVERTISING BILL TO
Name Mirs. SUZANNI I. HARTMAN
Address P.O. Box 6863
ELLICOTT-CITY, MARYLAND. 21042
Telephone Number: 410-465-0035

### 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: # 07-496-SPH
10504 & 10510 Old Court Road
N/side of Old Court Road at a distance of 211 feet from the centerline of Melrose Avenue
2nd Election District Legal Owner(s): Susan I.
Hartman

Hartman

Special Hearing: to confirm the existence of a non-conforming use to permit 2 existing dwellings (#10504 & 10510) on parcel 1.

Hearing: Monday, July 23, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special 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.

7/014 July 5 140834

, 200/

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

→ North County News 🔰 The Jeffersonian Arbutus Times NE Booster/Reporter Owings Mills Times Towson Times Catonsville Times

Smym

EGAL ADVERTISING

No. 25000: I Tre Kil V Ca めい ACCOUNT AMOUNT \$ 000 MARYLAND 000 0134 MISCEL ANEOUS RECEIPT & FINANCE Î COUNTY, Ġ OFFICE OFFICE BALTIMO RECEIVED FROM: DATE FOR

**南北東江州西南部市 新山** 图证计 避難知道 粗號 開門 Sunt min 计算经数据 计连续数 \$4H.5 中国的基础的概念 4 - 4 - Line (\*)(\*)(\*) SARD CHIP は連手が **经3 据线线** 守鄉。 42.4

3

\*\*\*

大作 みだせ

Ralffleren fresty.

子 计软件

CASHIER'S VALIDATION-

YELLOW - CUSTOMER

PINK - AGENCY

DISTRIBUTION WHITE - CASHIER

### CERTIFICATE OF POSTING

	RE: Case No.: 27-496-5PH
	Petitioner/Developer: SUSAN /
	HARIMAN
	Date of Hearing/Closing: 10/A
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue	
Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of pe posted conspicuously on the property located at	rjury that the necessary sign(s) required by law were
10504 + 10510 0	
	· · · · · · · · · · · · · · · · · · ·
The sign(s) were posted on	7-24-07
	(Month, Day, Year)
	Sincerely,
And the second s	1 •
ZONING NOTICE	Robert Bluck 7-26-07
CASE # 7-1/96-SPH	(Signature of Sign Poster) (Date)
THE ZONING COMMISSIONER	SSG Robert Black
IN TOWSON, MD	(Print Name)
DATE AND TIME: To RECUST A FORMUL HELD PLEASE PLEASE BE COMMON TO SOUTH THE STATE OF A SOUTH SECTION OF A SO	1508 Leslie Road
MON COMMONTING WAS TO PERSON T & ENGINE CHEMINGS (*12539). 1851C ON PRECEL )	(Address)
10000 (11 11002)	Dundalk, Maryland 21222
PRINCIPAL MANUEL DATE OF MEMORIAL PROPERTY AND SOMETHINGS AND PROPERTY.	
and made spinnten jone meit werd werd mehr beit die der gegenner beitelne gemernt der beite.	(City, State, Zip Code)
ALCOHOL ACCOUNTS	(410) 282-7940
	(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 5, 2007 Issue - Jeffersonian

Please forward billing to:

Suzanni Hartman

' P.O. Box 6863

Ellicott City, MD 21042

410-465-0035

### **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: 07-496-SPH

10504 & 10510 Old Court Road

N/side of Old Court Road at a distance of 211 feet from the centerline of Melrose Avenue 2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Susan I. Hartman

Special Hearing to confirm the existence of a non-conforming use to permit 2 existing dwellings (#10504 & 10510) on parcel 1.

Hearing: Wednesday, July 23, 2007 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

TUMPEH4, M2000TROCO, Director
Department of Permits and
Development Management

### 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: 07-496-SPH

10504 & 10510 Old Court Road

N/side of Old Court Road at a distance of 211 feet from the centerline of Melrose Avenue 2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner: Susan I. Hartman

Special Hearing to confirm the existence of a non-conforming use to permit 2 existing dwellings (#10504 & 10510) on parcel 1.

Hearing: Wednesday, July 23, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204 Suzanne Hartman, P.O. Box 51, Woodstock 21163

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 7, 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.





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 17, 2007

Arnold Jabion Venable, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Jablon:

RE: Case Number: 07-496-SPH, 10504 & 10510 Old Court Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 1, 2007. This letter is not an approval, but only a NOTIFICATION.

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

Susan I. Hartman P.O. Box 51 Woodstock 21163





Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 8, 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. 07-496-5PH

10504\$ 10510 OLD COURTRD

HURTMAN PROPERTY

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. 7-496-5PH.

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,

Steven D. Foster, Chief Ungineering Access Permits

Division

SDF/MB

### 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

May 10,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

Item Number: 476,488 through 499

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

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

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

cc: File





### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** May 8, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kermedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For May 14, 2007

Item Nos. 07-476, 488, 489, 490, 491, 492, 493, 494, 496, 497, and 499

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- 05072007.doc



### Click here for a plain text ADA complete screen.



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

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

Account Identifier:

District - 02 Account Number - 1800004579

### **Owner Information**

**Owner Name:** 

HARTMAN SUZANNE I

Use:

**Deed Reference:** 

RESIDENTIAL

Principal Residence:

NO

1) /10548/ 706

Mailing Address:

PO BOX 34

WOODSTOCK MD 21163

### **Location & Structure Information**

Premises Address

10510 OLD COURT RD

**Legal Description** 

0.4912 AC

10504/10510 OLD CT NS

226 W MELROSE AV

**Sub District** Subdivision Plat No: Section Block Lot Grid Parcel **Assessment Area** Map Plat Ref: 86 209

Special Tax Areas

Town Ad Valorem Tax Class

**Primary Structure Built Enclosed Area Property Land Area County Use** 21,396.00 SF 1913 1,932 SF 04 **Basement Stories** Type Exterior NO FRAME STANDARD UNIT

### **Value Information**

	Base	Value	Phase-in Asse	ssments
	Value	As Of	As Of	As Of
		01/01/2007	07/01/2006	07/01/2007
Land:	40,840	100,590		
Improvements:	56,180	103,360		
Total:	97,020	203,950	97,020	132,663
Preferential Land:	0	0	0	0

### **Transfer Information**

05/25/1994 \$1 Seller: BARRETT SUSAN D Date: Price: Deed1: /10548/ 706 Deed2: Type: NOT ARMS-LENGTH Price: \$45,000 Seller: 11/24/1978 WHEAT CARRIE, ET AL Date: IMPROVED ARMS-LENGTH Deed1: / 5962/ 448 Deed2: Type: Seller:

Type:

Date: Deed1: Price: Deed2:

### **Exemption Information**

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

Tax Exempt: **Exempt Class:**  NO

Special Tax Recapture:

\* NONE \*

PETITIONER'S

EXHIBIT NO.





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

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

Account Identifier:

District - 02 Account Number - 1800004580

Owner Name:

HARTMAN SUZANNE I

WOODSTOCK MD 21163-0051

Use:

RESIDENTIAL

Mailing Address:

PO BOX 51

Principal Residence:

YES

**Deed Reference:** 

1) /16408/ 200

### **Location & Structure Information**

**Premises Address** 

10506 OLD COURT RD

**Legal Description** 

.5088 AC NS

10506-10508 OLD COURT RD

160 W MELROSE AV

Plat No: Subdivision Grid **Sub District** Section Block Lot **Assessment Area Parcel** Map Plat Ref: 86 210

Special Tax Areas

Town Ad Valorem

Tax Class

Primary Structure Built		Enclosed Area	Property Land Area	County Use
1913		2,400 SF	22,163.00 SF	04
Stories	<b>Basement</b>		Type	<b>Exterior</b>
2	NO		STANDARD UNIT	SIDING

### **Value Information**

	Base	Value	Phase-in Asse	ssments
	Value	As Of	As Of	As Of
		01/01/2007	07/01/2006	07/01/2007
Land:	41,040	100,790		
Improvements:	125,830	225,660		
Total:	166,870	326,450	166,870	220,063
Preferential Land:	0	0	0	0

### **Transfer Information**

Seller:	HARTMAN SUZANNE I	Date:	05/14/2002	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/16408/ 200	Deed2:	
Seller:	HARTMAN SUZANNE I	Date:	01/02/2001	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/14896/ 708	Deed2:	
Seller:	BARRETT SUSAN D	Date:	05/25/1994	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/10548/ 710	Deed2:	

### **Exemption Information**

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

Tax Exempt: **Exempt Class:**  NO

Special Tax Recapture:

\*\_NONE\_\*\_ ---

PETITIONER'S

EXHIBIT NO.

www.venable.com

ARNOLD JABLON (410) 494-6298

aciabion@venable.com

10 August 2007

Hon. Thomas H. Bostwick Deputy Zoning Commissioner of Baltimore County 401 Bosley Ave Towson, Maryland 21204 BY:

Re:

Case # 07-496SPH Hartman Property

Dear Mr. Bostwick:

The Petitioner, Susan Hartman, filed two separate petitions for special hearing to confirm the existence of non-conforming uses on two properties. One petition was for 10506 and 10508 Old Court Road, Case # 07-497SPH, and the other for 10504 and 10510 Old Court Rd, Case # 07-496SPH.

Both properties were appropriately advertised as required by law. However, only 07-497SPH was posted. Pursuant to your direction, on July 24<sup>th</sup>, 2007, the property known as 10504 and 10510 Old Court Rd, Case # 07-496SPH, was posted. The notice provided on the sign was to any interested party who wished to have a hearing could request one by writing to the County within 15 days. The exact language was as follows:

Date/Time: To request a formal hearing please contact 887-3391 by Tuesday, August 7, 2007

Request: Special Hearing to confirm the existence of a non-conforming use to permit 2

Existing Dwellings(#10504 & # 10510) on parcel 1

A copy of the certificate of posting is enclosed. This language mirrors that which is required for an administrative hearing. The 15 days have elapsed and there have been no requests for a hearing. I am therefore requesting that you issue your decisions in both cases.

Should you have any questions, please feel free to contact me. Thank you.

Sincerely,

Arnold Jablon

AEJ/ai

### CERTIFICATE OF POSTING

Petitioner/Developer: SOSAN /

HARTINAN

Date of Hearing/Closing: 1/1/A

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

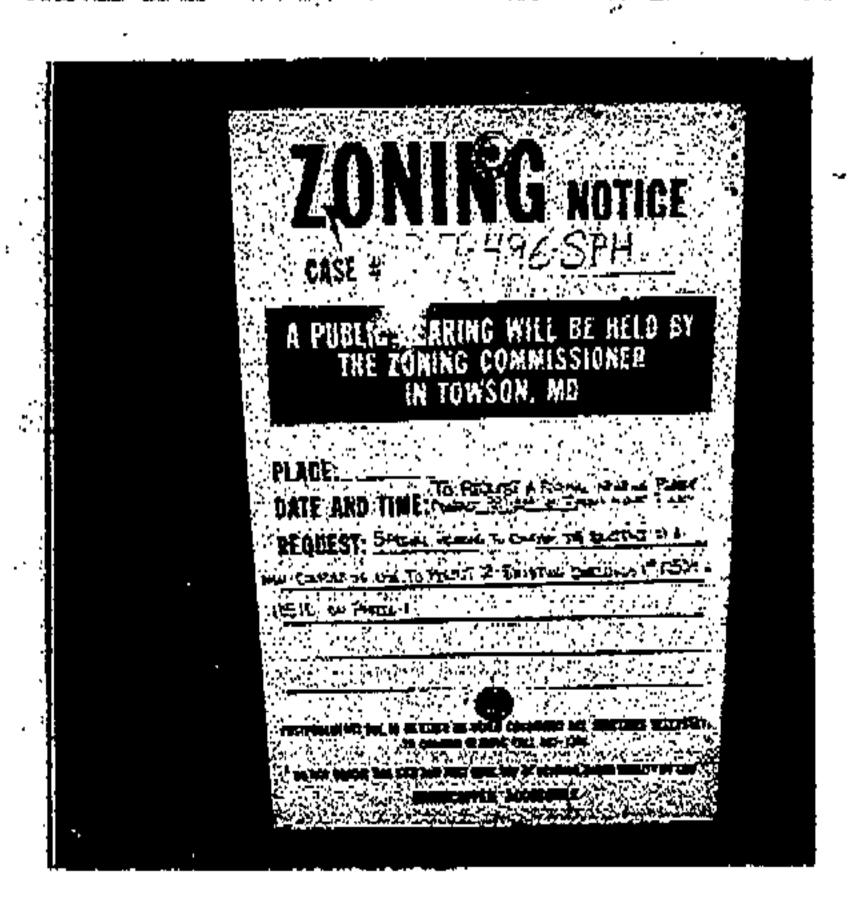
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted complemently on the property located at:

10504 & 10510 OLD COURT RD

The sign(s) were posted on

7-24-07 (Month, Day, Year)

Sincerely,



Robert Bluch	7-26-0
(Signature of Sign Poster)	(Date)
SSG Robert Black	<i>;</i>
(Print Name)	,
1508 Lestie Road	•
(Address)	
Dundalk, Maryland 217	222
(City, State, Zip Cod	ie)
(410) 282-7940	•
(Telephone Number	•)

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** June 15, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-496- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By.

**Division Chief:** 

CM/LL





RE: PETITION FOR SPECIAL HEARING

10504 & 10510 Old Court Road; N/S Old

Court Road, 211' from c/line Melrose Avenue\*

2<sup>nd</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Susan I. Hartman

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

07-496-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 18<sup>th</sup> day of May, 2007, a copy of the foregoing Entry of Appearance was mailed to, Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

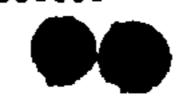
RECEIVED

MAY 1.8 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



MAY ON DOTTINES IT OF TENABLE LLP TOWSON'S

TEL.416 821 0147

P 001/601

Zoning Office Department of Permits and Development Management 111 West Chesapeake Ave Forest State Sand 21204.

Zoning Office.

Please be advised that I, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be my attorney-in-fact and attorney-at-law and on my behalf file the attached petitions for zoning relief. I hereby understand that the relief requested is for property I own and I hereby and herewith acknowledge my express permission for said petitions to be filed on my behalf. The petition(s) filed are for property located at 10504, 10506, 10508 and 10510 Old Court Road , property I own

Susun I Hartman (owner)

P O Box 51. Woodstock, Maryland 21163 address

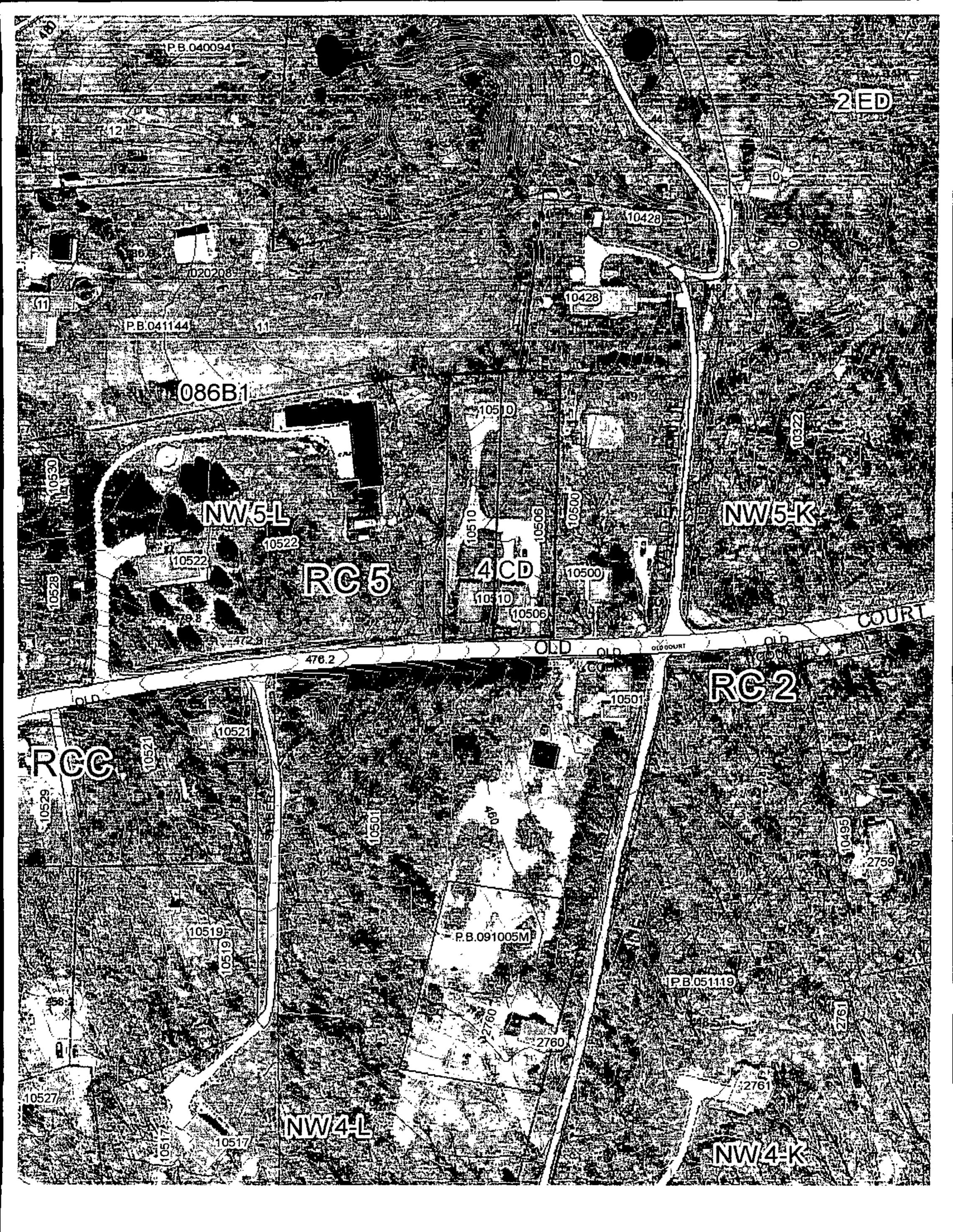
# 07 - HO) 6- 5PH

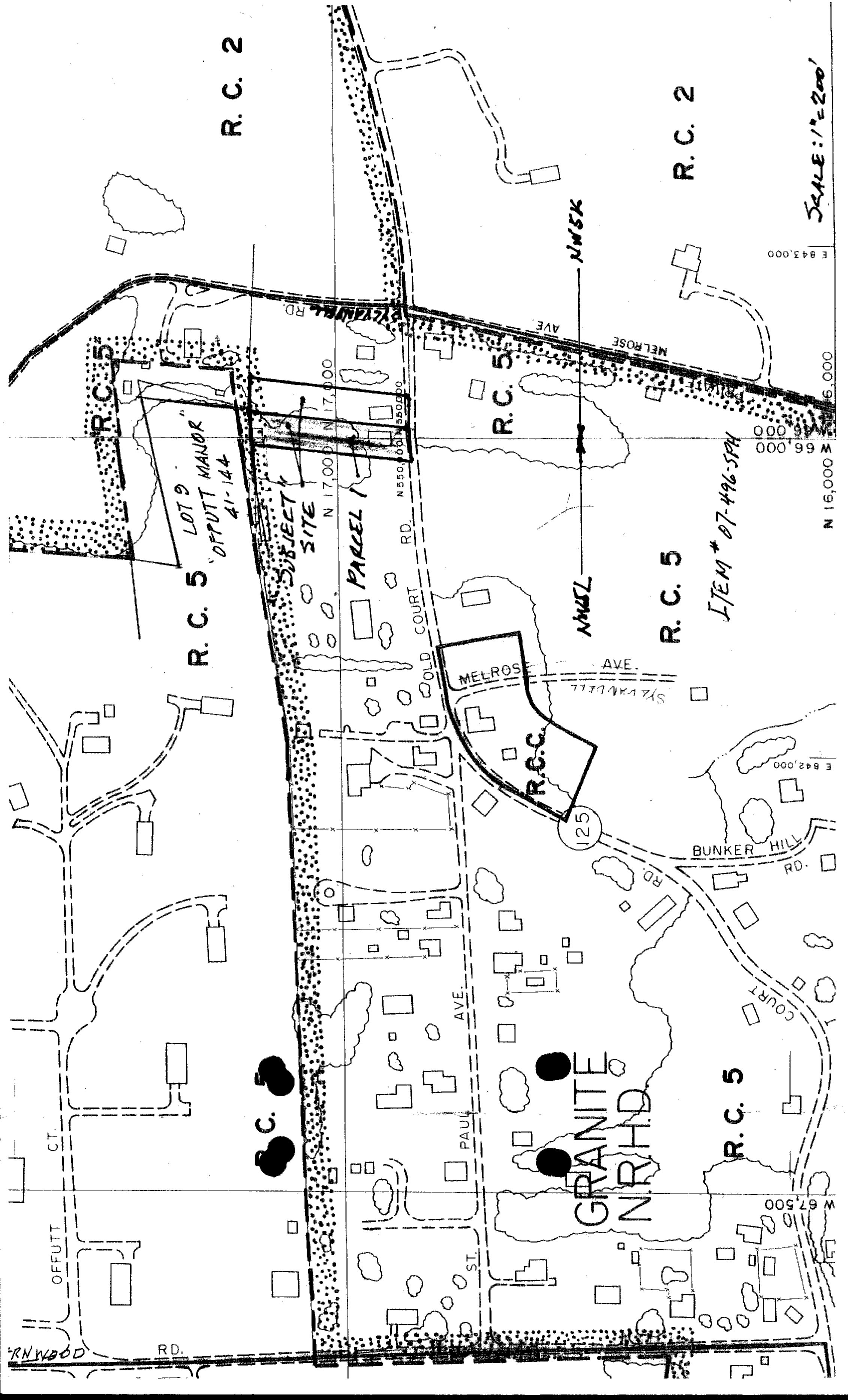
## PLEASE PRINT CLEARLY

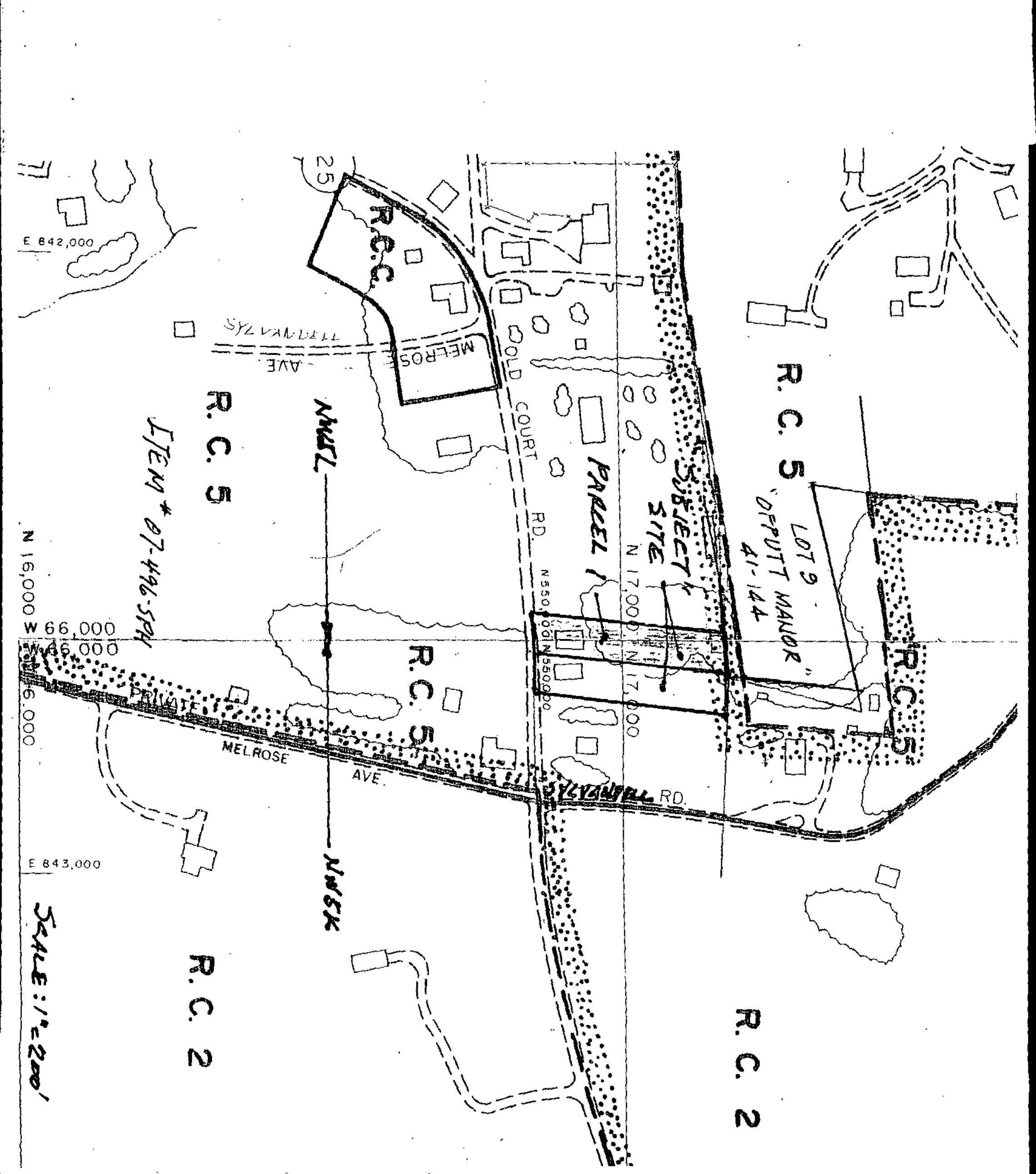
CASE NAME CASE NUMBER DATE 7-23-07

PETITIONER'S SIGN-IN SHEFT

E- MAIL											
CITY, STATE, ZIP	Grante, M. 2463	HOUT VALLEY MID 21031									
ADDRESS	10622 ST. Paul 14Ve	10710 GILBOY RD MIR	Washing of the second								
- 1	SUSAN HARTUAN	Sir AR									







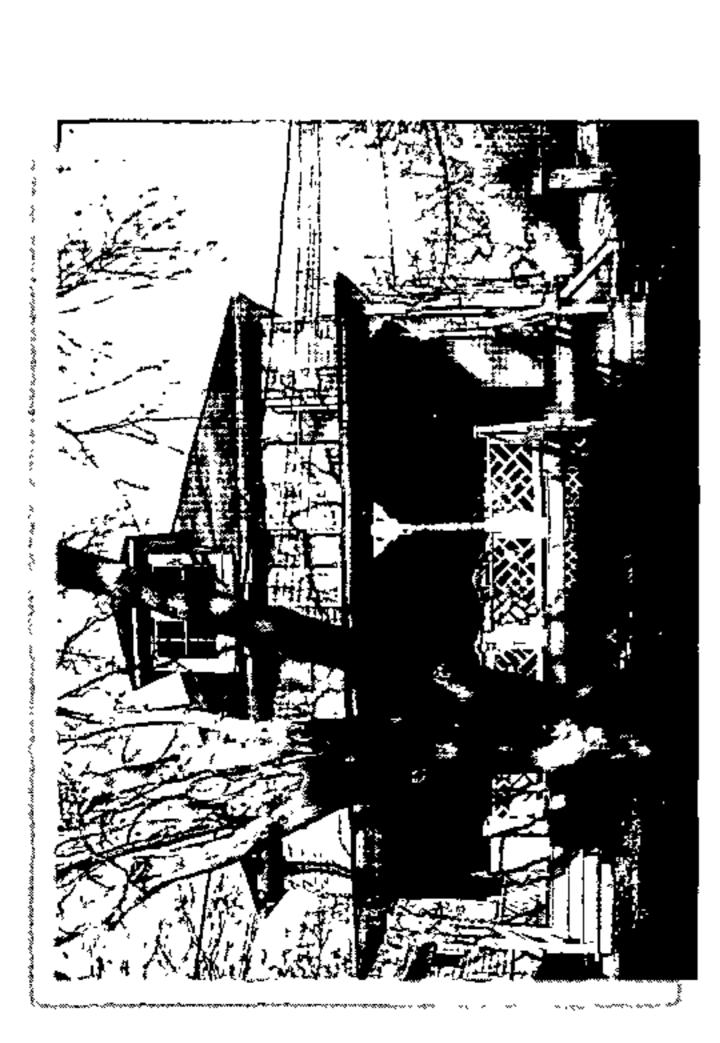
Case No.: 07-496-594-4 07-491-594

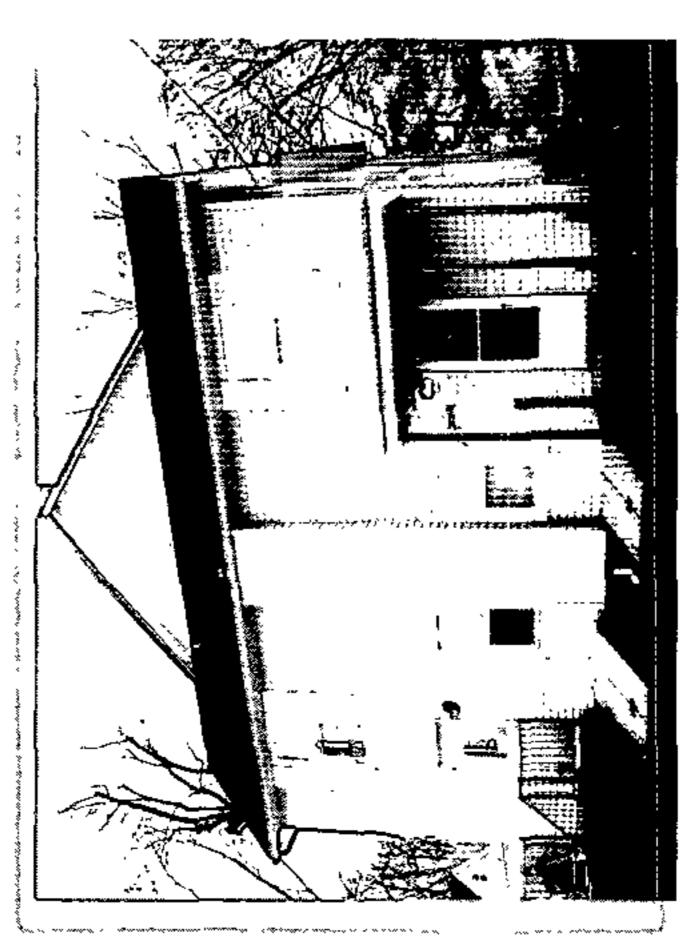
### **Exhibit Sheet**

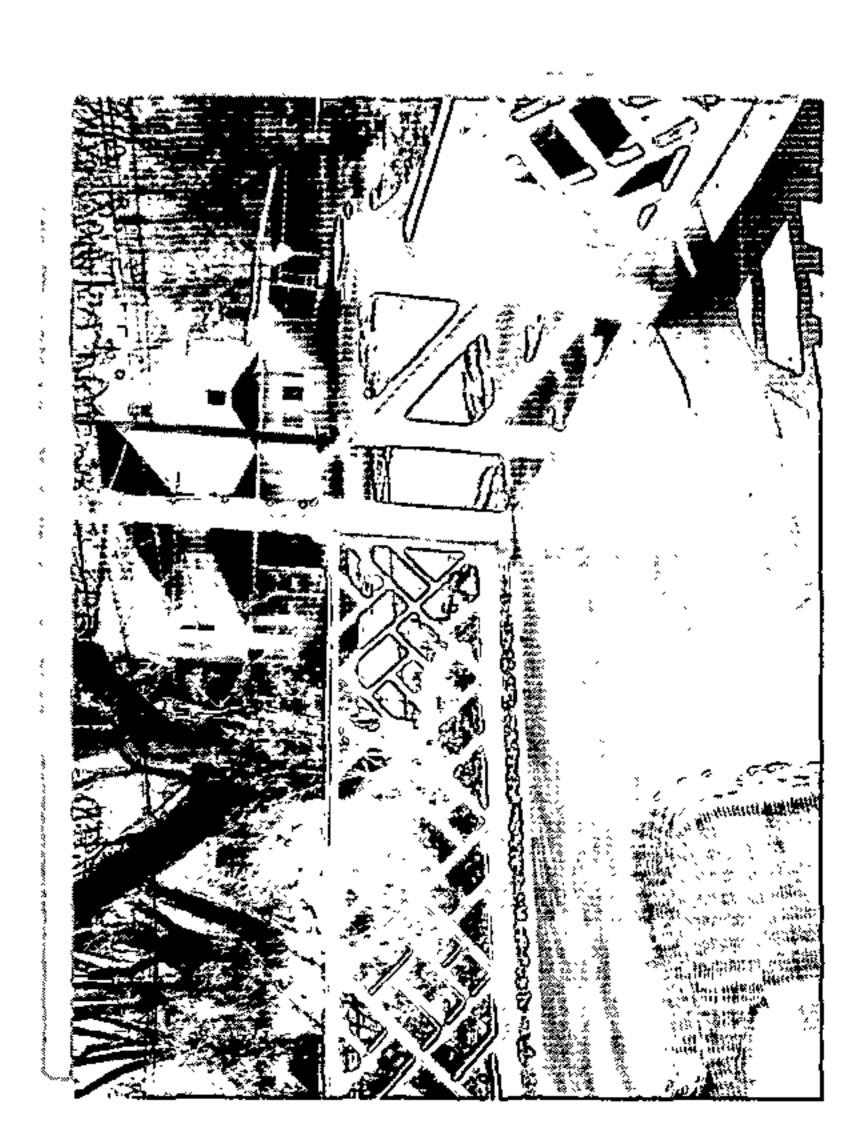
### Petitioner/Developer

### Protestant

	·	· <del></del>
No. 1	Site Plan	
No. 2	Description of Parcel 1	
No. 3	Description of Parcel 2	
No. 4	Aerial Photo of Site	
No. 5 A+B	Pictorial College of Both Properties	
No. 6	Affedoret from 5/29/78	
No. 7	Affichent From 7/8/18 Mr. + Mrs. Ropka	
No. 8	Affredont from 9-18-00 - Me Brantley	
No. 9	Affredavet from 9/11/06 Ms. Anderson	
No. 10	Mudwit from Mr. Kalley	
No. 11  A, B,  C, D	Notional Rag. of Hestoric	
No. 12	50st for parcel 10510	
No. 13	SOAT For parel 10506	







The Pat Hiban Real Estate Group Presented by

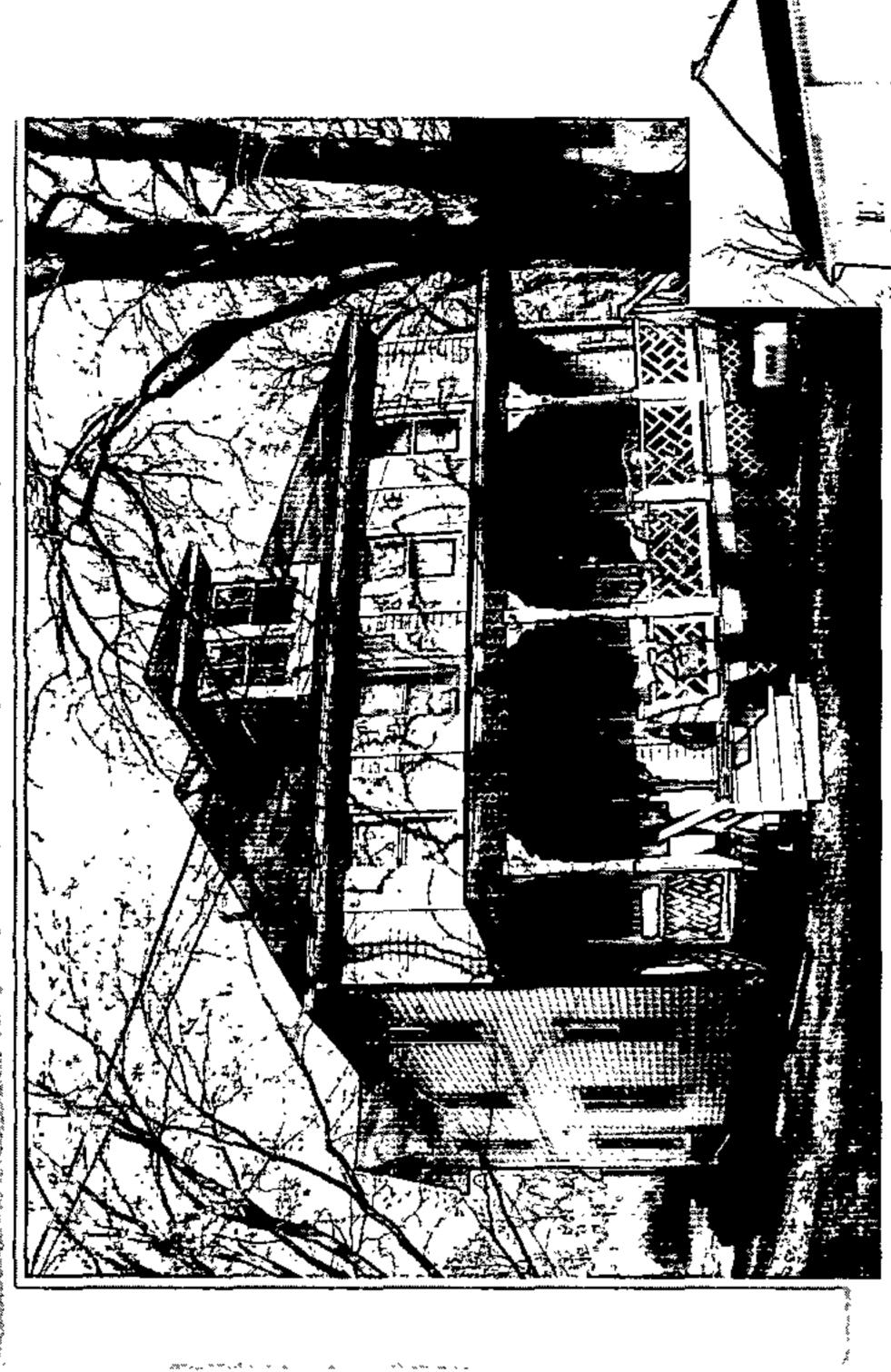




4	~	0	0	Duplex	Woodstock	Baltimore	Cellar	Vinyl Siding	Oil, Radiator	Forced Air	
Bedrooms	Full Baths	Half Baths	Fireplace	Style	Subdivision	County	Basement	Exterior Construction	Heat System	Cool System	

# e Herender

'oodstock, Maryland



with two bedrooms Live in one and rent the Inviting front porch, Georwindows, 00 Woodstock all bath,

PETITIONER'

EXHIBIT NO

Presented By Call The Pat Hiban Real Estate Group for your personal tour!

Estate Group N

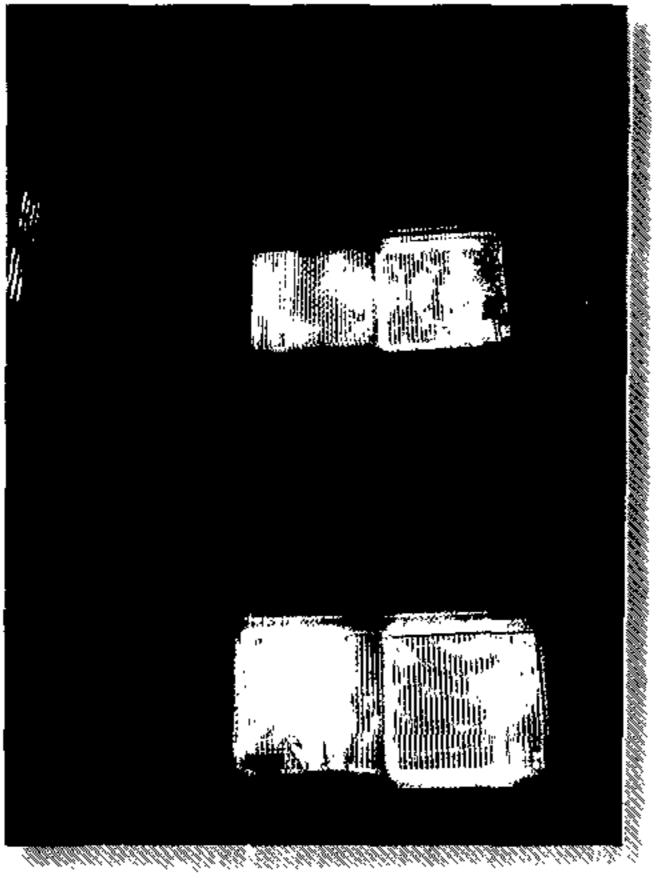
Sensible Listing<sup>sm</sup> Home of

64-2400

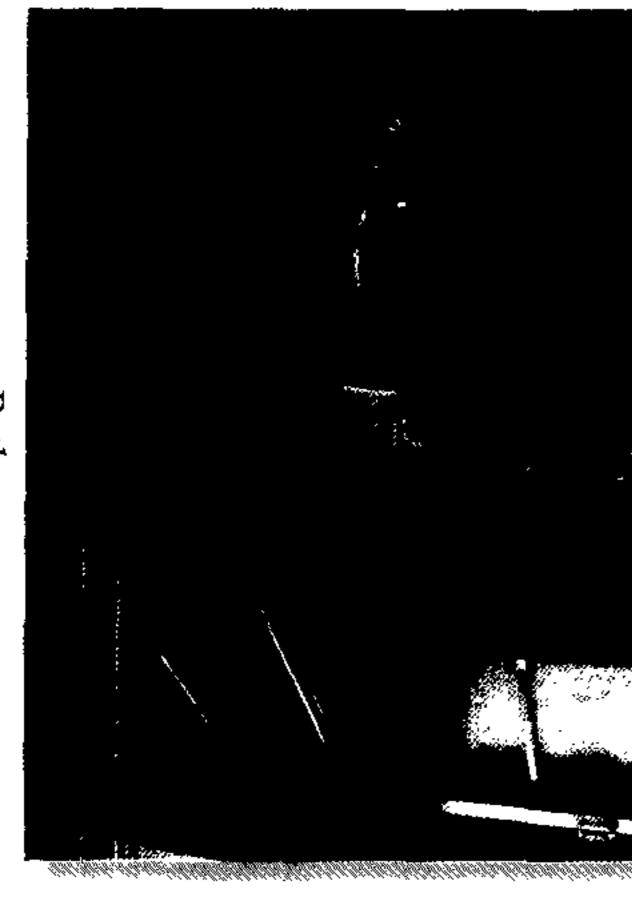
iban.com



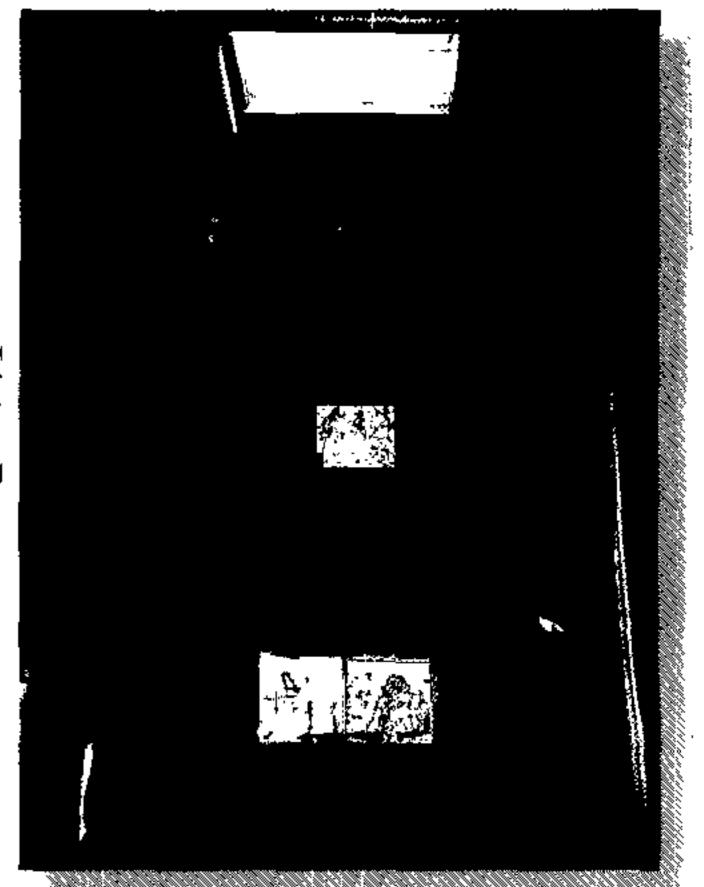




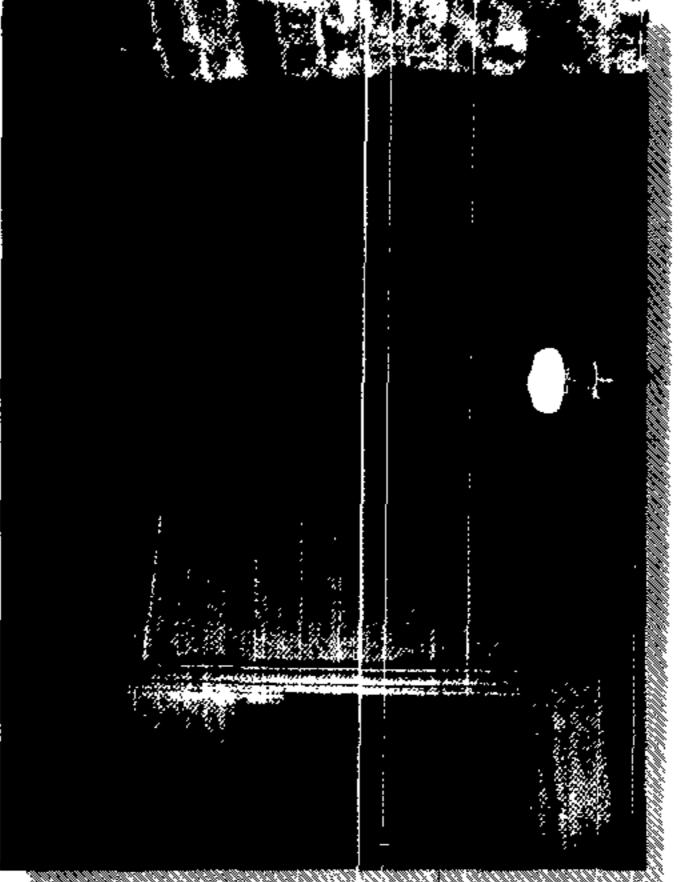
Master Bedroom



Bathroom

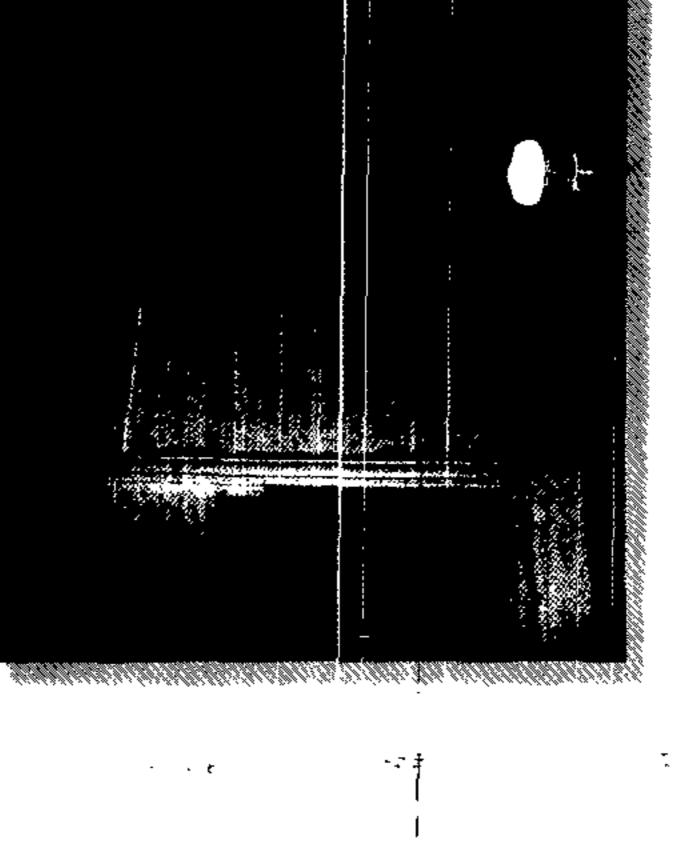


Living Room

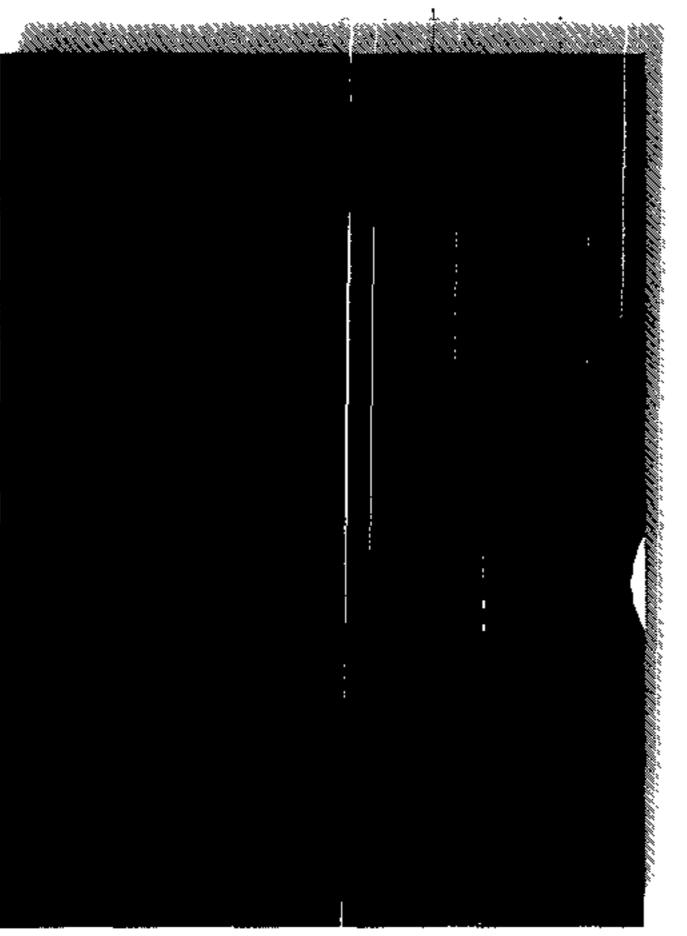




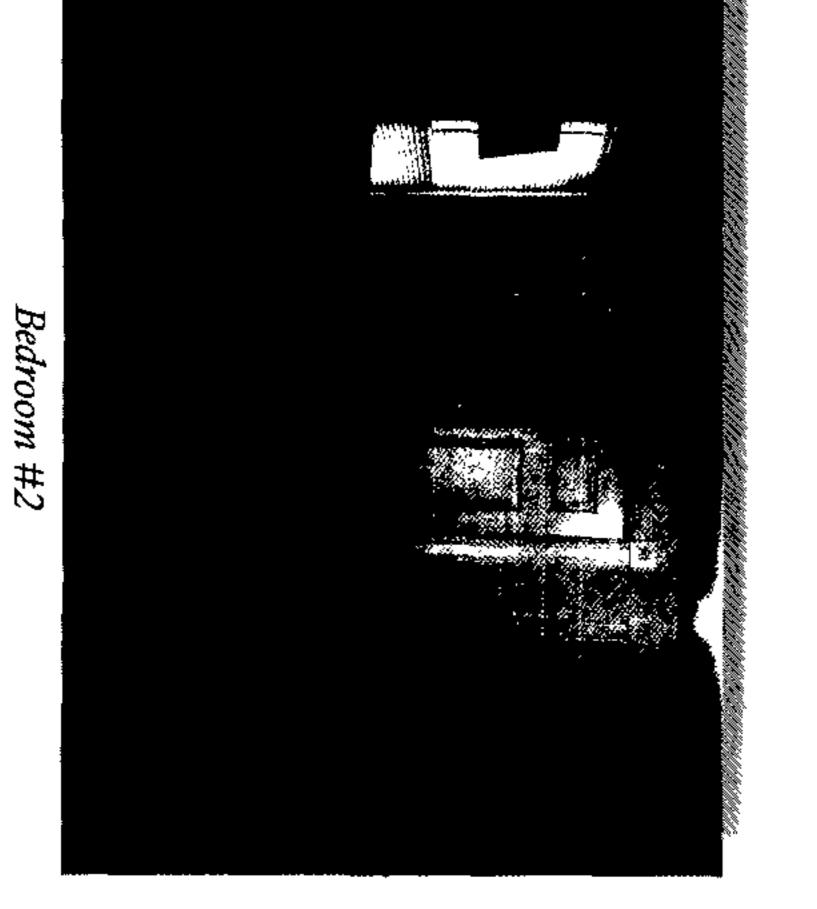
Living Room



Dining Room

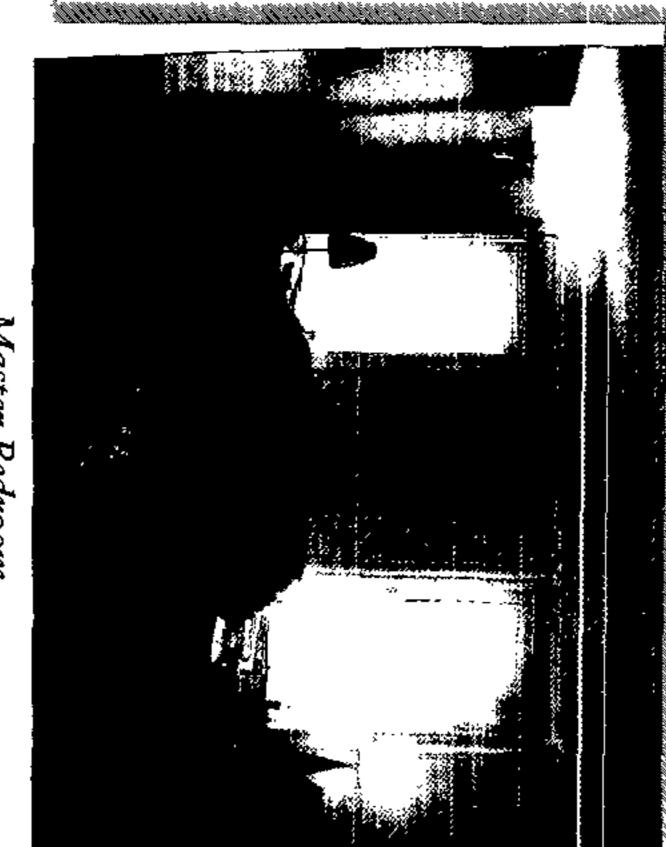


Dining Room

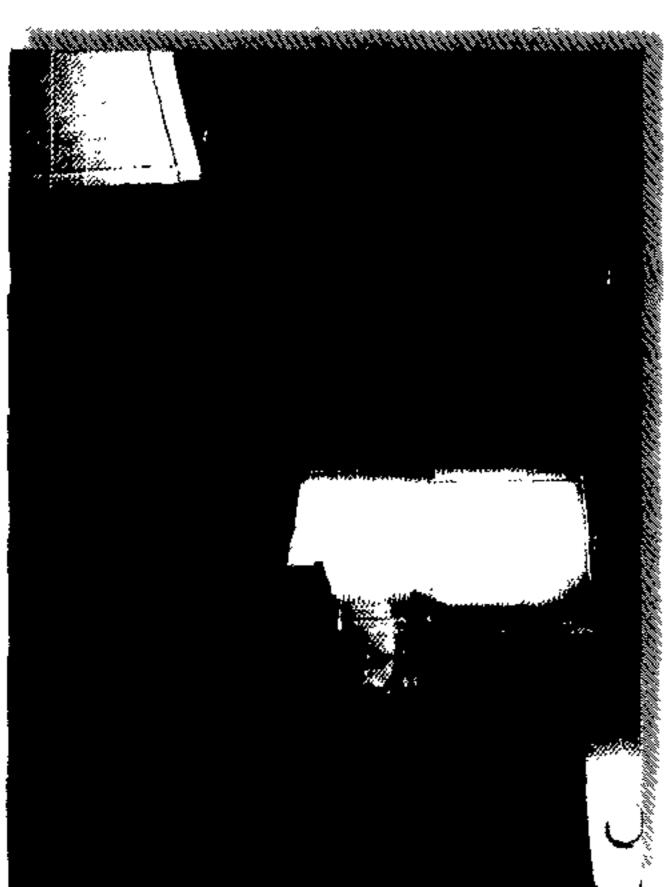


Bedroom #2

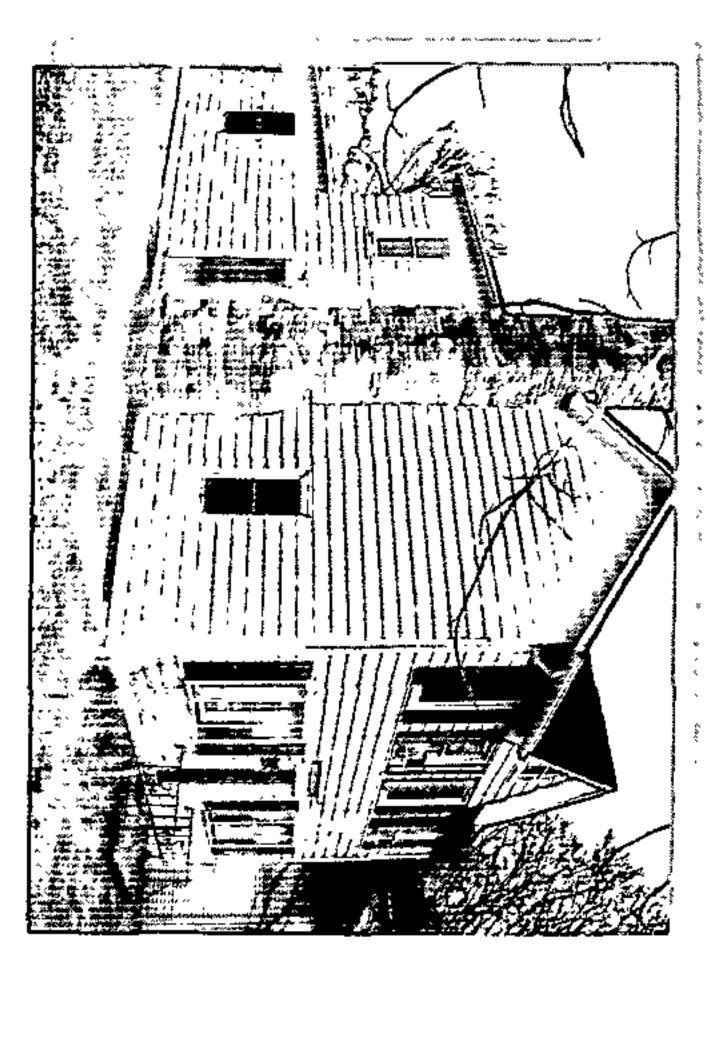


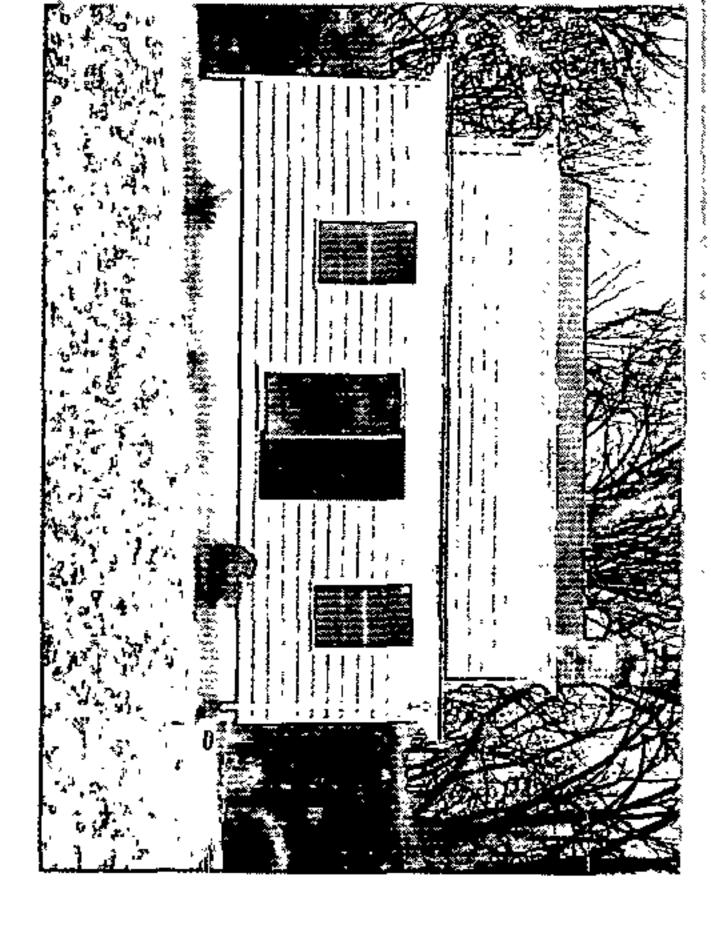


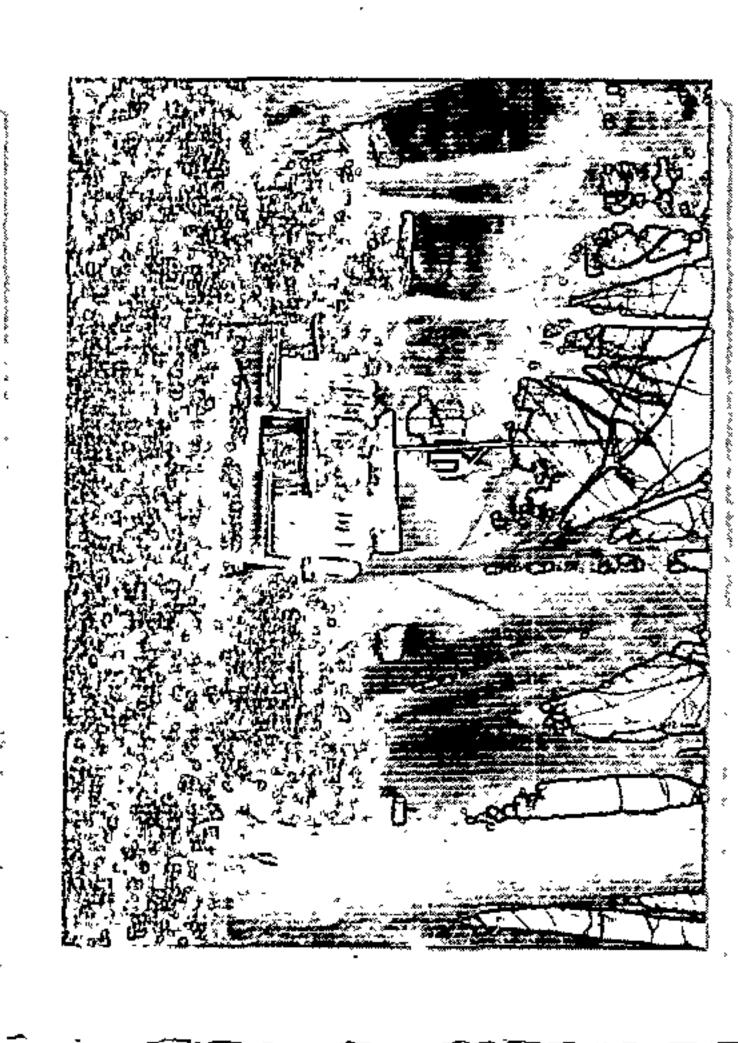
Master Bedroom

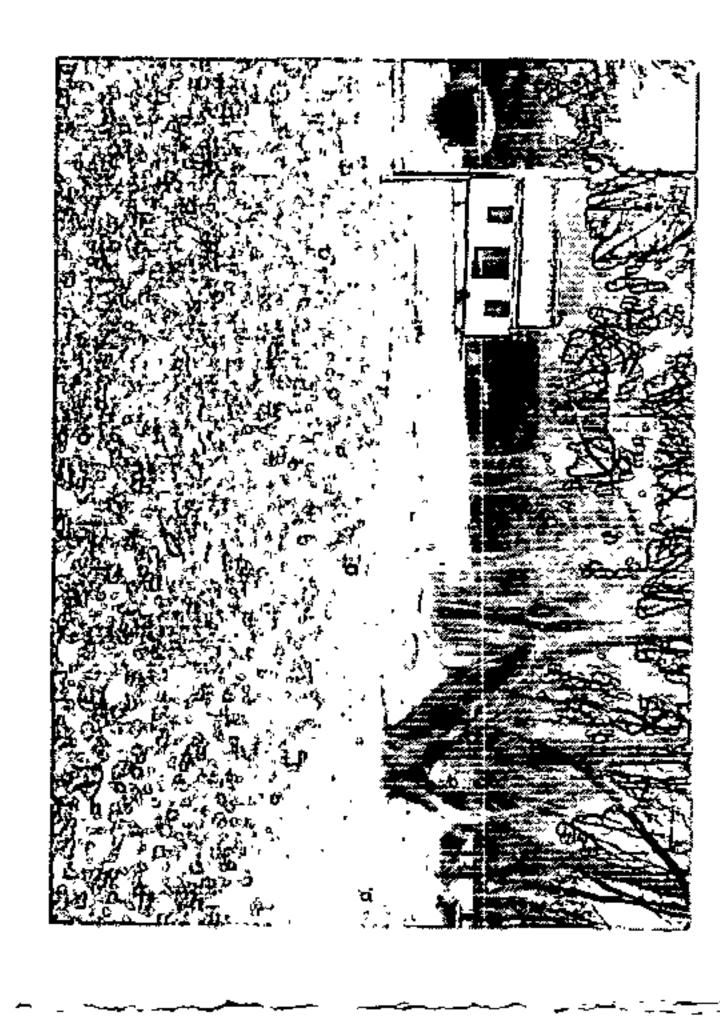


Bathroom





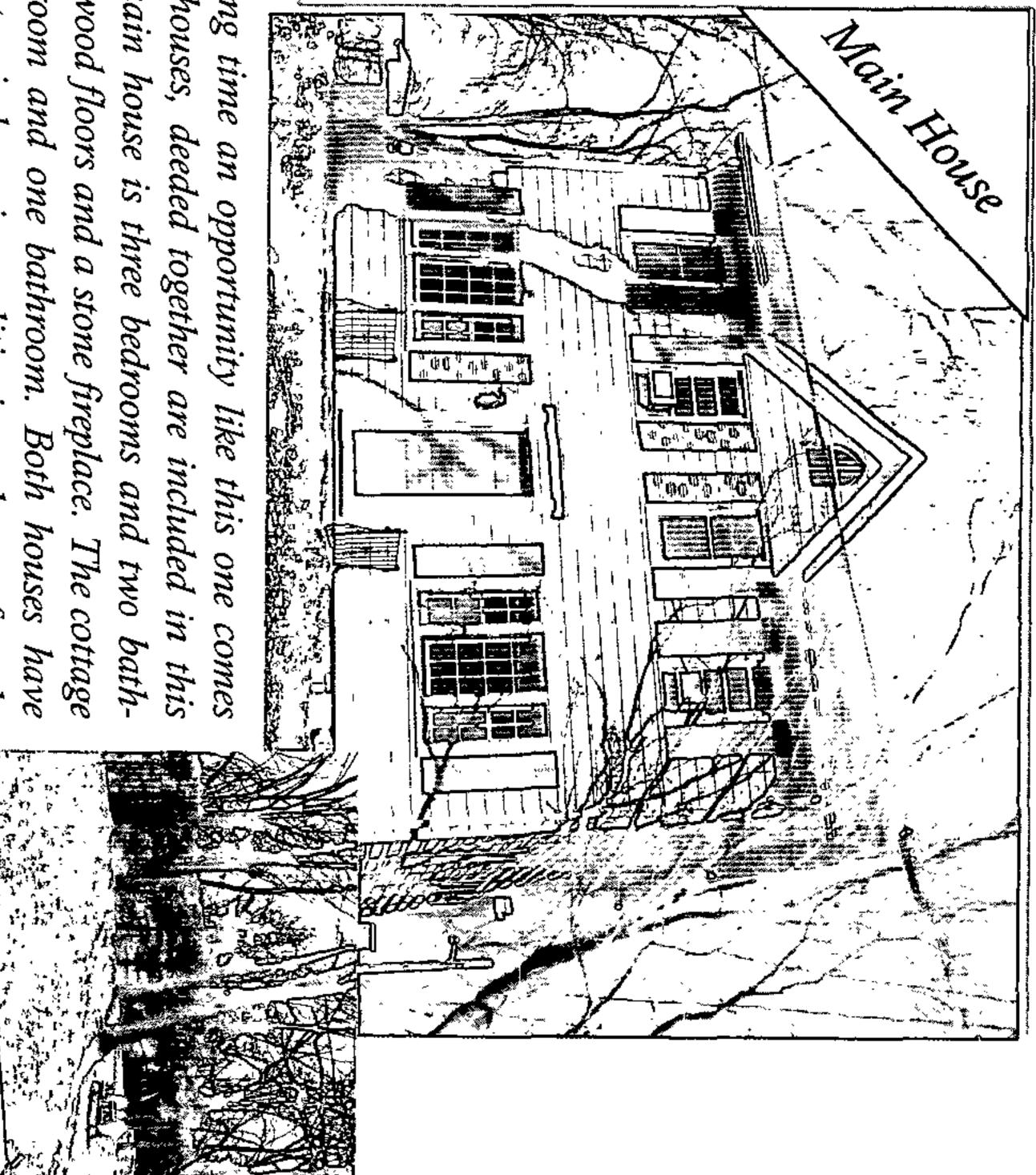




window units, ceiling fa	Cool System
Oil-forced air	Heat System
Aluminum Siding	Exterior Construction
.49	Lot Size
Baltimore	County
Historic Woodstock	Subdivision
1913	Year Built
Colonial	Style
7	Fireplace
2	Full Baths
టు	Bedrooms

**HIBAN REAL ESTATE GROUP** 6011 Universit Boulevard, Suite 120 Ellicott City,

Old ( Court Road Woodst



along! price. warm oil heat, window air conditioning, plenty of has one bedroom rooms, with wood floors and a stone fireplace. The main house is three bedrooms and two Two houses, deeded a long

and a great location close to the State Park. rent the other, the choices are endless!! PETITIONER'

EXHIBIT NO.

Call The Pat Hiban Real Estate Group for your personal tour!

Exclusively Presentec

Home of The Sensible

410-964-24

www.Hiban.co



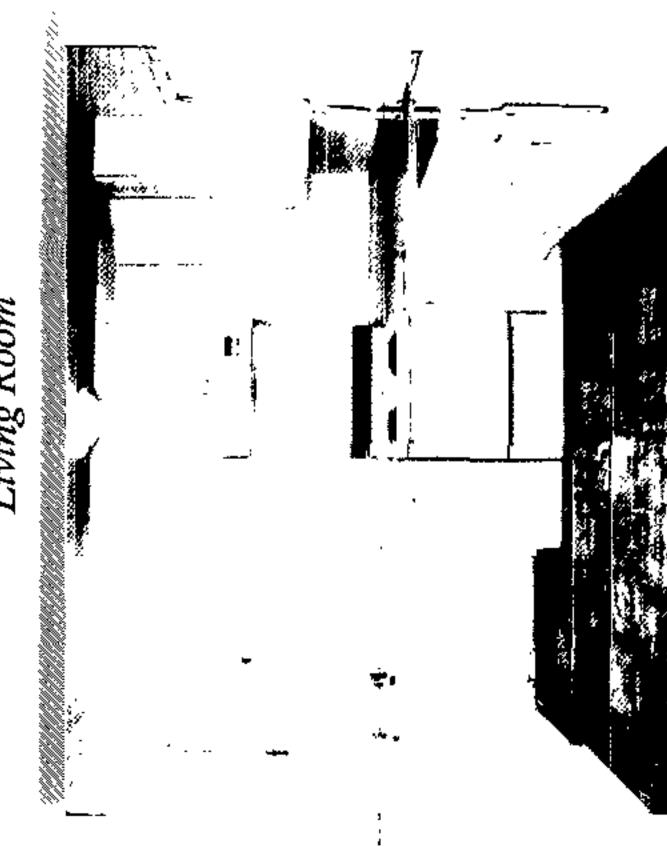
Home The Sensible Listing

# First Level

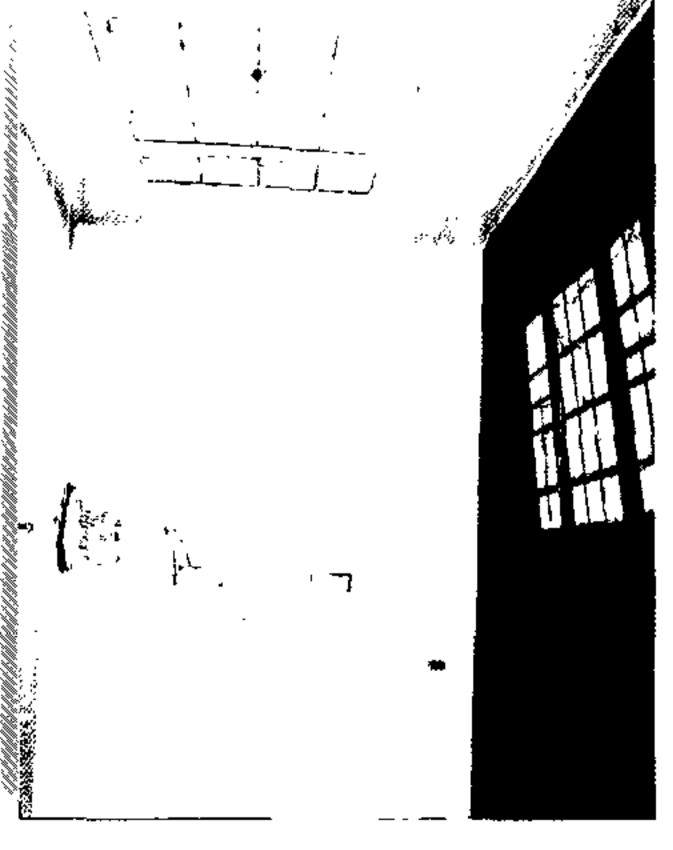
Family Room Dining Room Living Room Kitchen



Living Room



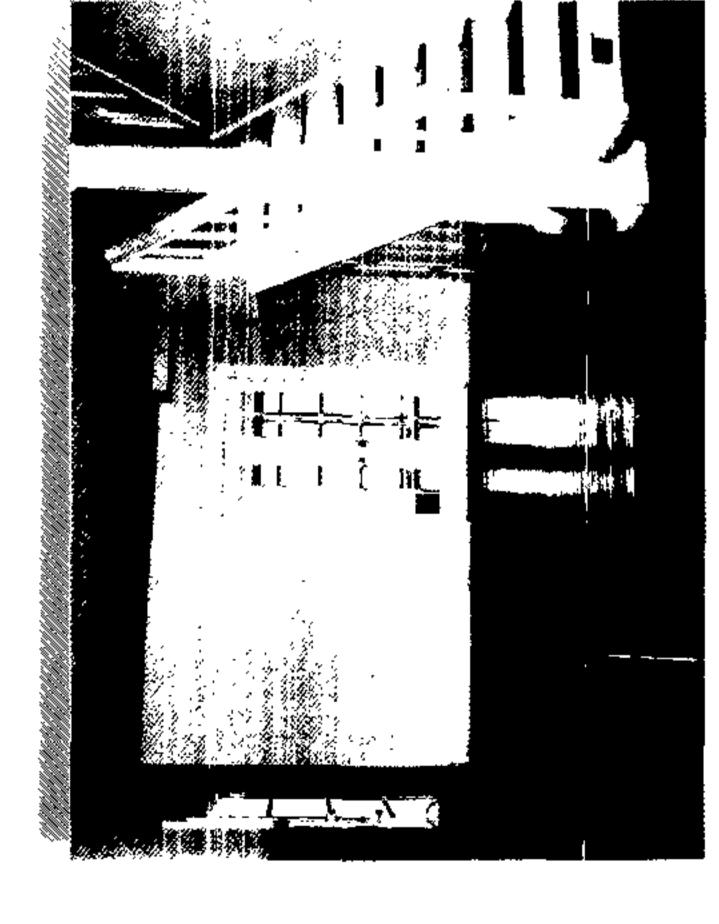
Kitchen



Dining Room



Foyer

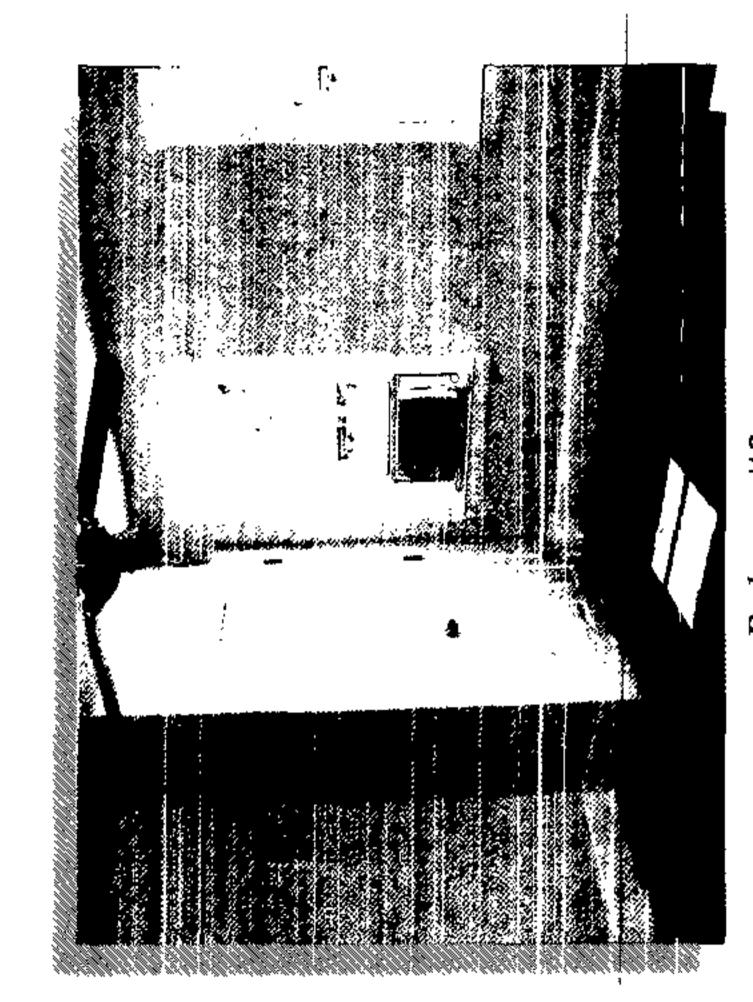




Family Room



Master Bedroom



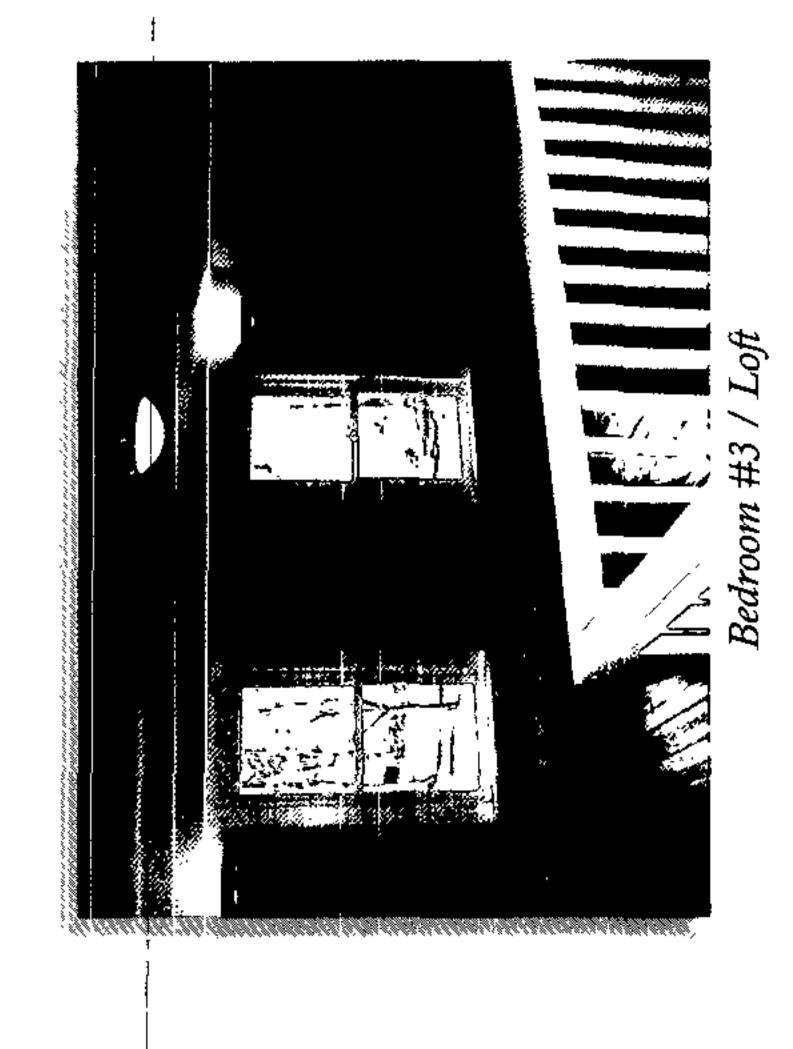


Family Room

Master Bedroom

Bedroom #2 Bedroom #3

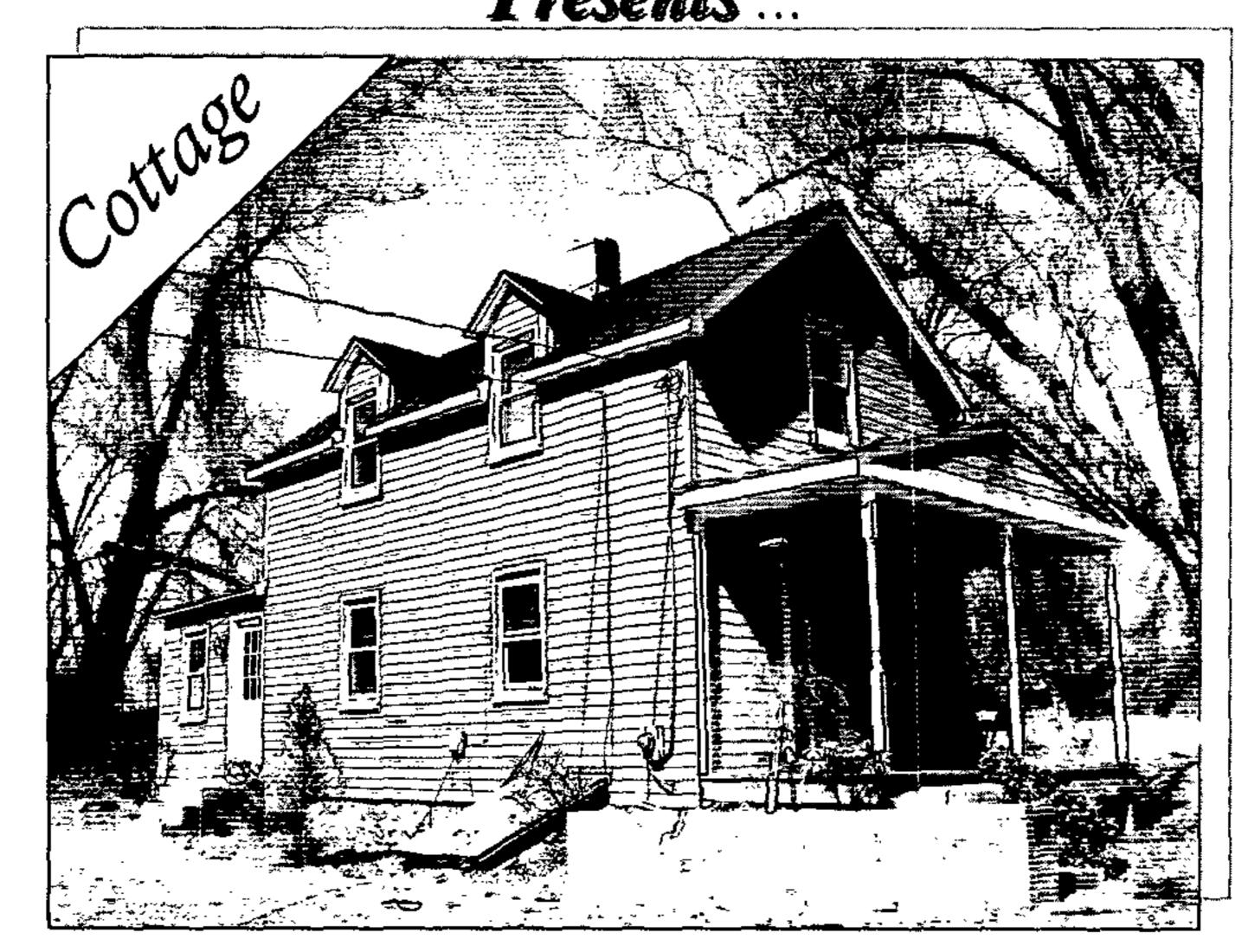




## Real Estate Group

Home of The Sensible Listing<sup>sm</sup>

Presents ...



## 10504 Old Court Road • Woodstock, Maryland • 21163 Historic Woodstock



Once in a long time an opportunity like this one comes along! Two houses, deeded together are included in this price. The main house is three bedrooms and two bathrooms, with wood floors and a stone fireplace. The cottage has one bedroom and one bathroom. Both houses have warm oil heat, window air conditioning, plenty of parking and a great location close to the State Park. Live in one, rent the other, the choices are endless!!

410-964-2400

email: Homes@Hiban.com
6011 University Boulevard
Suite 120
Ellicott City, MD 21043



Home of The Sensible Listing

## 10504 Old Court Road • Woodstock, Maryland • 21163



**Living Room** 



**Dining Room** 



Master Bedroom



Exterior



Kitchen



Master Bedroom



Bathroom



Rear

Juse 29, 1978

Te Whem It Mey Concern:

To the heat of our knowledge, the property of

Mrs. Cerris I. Wheet 18516 Old Court Reed Weedstock, Md. 21163

has been - restal preperty prior to 1945.

Yours 'truly,

(Mr. and Mrs. Yel- C. Adems)

3501 Abbie Place Beltimere, Md. 21207

PETITIONER'S

EXHIBIT NO.

July 8, 1978 to Whom it may concern. Totte beet of our knowledge the grapesty of Carrie I. Wheat 10510 Old Court Rd. Woodstrek maryland 21163 has been a rehtel groperty prior to 1945 Onelyn 6. Kapka

Garite, margland / Sept. 18, 2006 To whom it may concern; I have bied in this town of Granite since 1945. There benauledge of mis Wheat whom I kner as a neighbor owned the properties on Ald Court Rd. 10510 10508 She live in the high house and perted the other homes, my friends me have Brooks lised to the home in the far back for many years. also have the home next to the son and daughterin Law lised in the home next to the fire and mand daughterin Law bised in the home next to the fire and mand daughterin Law borne time as rentered. fry Rome for quite some time as sentere. Dean say this to be Done. Oliginia Brantley 10804.4cme Cese. aprinite, maryland 21463 

Fay Brady

My notary expires 5/1/2008

PETITIONER'S

EXHIBIT NO.

September 12, 2006

To whom it may concern; as a resident of Granite, and, from 1961-2001, I can verify that the houses at 10504, 10506, 10508, and 10510 on ald Court Road in Woodstock, mid have served as rental properties up to present day.

Very truly yours, anna Rose anderson

MY COMMISSION EXPIRES 07-01-09

Frances R. Kosko

PETITIONER'S

Marthetta Kelley
3138 Hernwood Road
Woodstock, MD 21163
Leptember 5, 2006
To Whom It May Concern:
This is to verify-Sue Hartman,
whom I have known since 1968,
is the proprietor of the following
homes: 10504, 10506, 10506 and
10510 Old Court Road, Woodstoe

These addressed have been use as rental property since 1979. My sow, Paul was a former tenant of Mrs. Hartman approximately fourteen years ago.

Marthetta Kelley

THIS COMMISSION EXPIRES 1 July 2009

Notary Public - State of Maryland

PETITIONER'S

EXHIBIT NO. (6

MARYLAND HISTORICAL TRUST PETITIONER'S

EXHIBIT NO.

10504 Old Court Road GRANITE HISTORIC DISTRICT Baltimore County, Maryland

is listed in the

## National Register of Historic Places

by the

United States Department of the Interior

under provisions of the National Historic Preservation Act of 1966.

State Historie Preservation Officer for Maryland

entered 22 September 1994

Department of Housing and Community Development

PETTONER'S

EXHIBIT NO. | |

#### MARYLAND HISTORICAL TRUST

10506 Old Court Road
GRANITE HISTORIC DISTRICT
Baltimore County, Maryland

is listed in the

### National Register of Historic Places

by the

United States Department of the Interior

under provisions of the National Historie Preservation Act of 1966.

State Historie Preservation Officer for Maryland

Willeam Joured Marger

entered 22 September 1994

Department of Housing and Communica Development

10510 Old Court Road
GRANITE HISTORIC DISTRICT
Baltimore County, Maryland

is listed in the

#### National Register of Historic Places

by the

United States Department of the Interior under provisions of the National Historie Preservation Act of 1966.

State Historie Preservation Officer for Maryland

entered 22 September 1994

Maryland
Department of Housing and Community Development

EXHIBIT NO.

11(d)

MARYLAND HISTORICAL TRUST

10508 Old Court Road
GRANITE HISTORIC DISTRICT
Baltimore County, Maryland

is listed in the

#### National Register of Historic Places

by the

United States Department of the Interior under provisions of the National Historic Preservation Act of 1966.

entered 22 September 1994

State Historie Preservation Officer for Maryland

Queener of Maryland Maryland

Military and distorical trist

Department of Housing and Community Developmen

