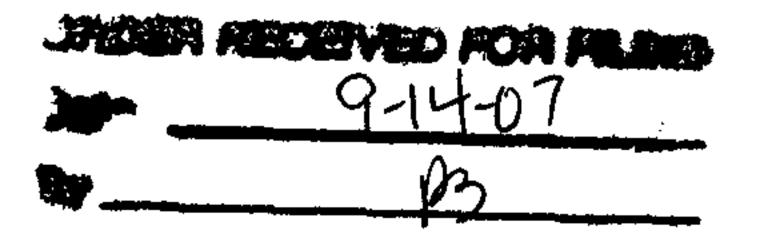
IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE	*	BEFORE THE
W side Linden Avenue, 400 feet S of intersection Linden Avenue & Shelbourne Road	*	DEPUTY ZONING
13 th Election District 1 st Councilmanic District	*	COMMISSIONER
(1215 Linden Avenue)	*	FOR BALTIMORE COUNTY
Joan and John F. Herbert, Jr. Petitioners	*	Case No. 07-536-SPHA
	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Joan and John F. Herbert, Jr. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the legal nonconforming use of the property for three apartments. The Variance request is from Section 402.2 of the B.C.Z.R. to permit an existing three-family duplex to be situated on a lot having 12,411 square feet, a side yard of 5 feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet and 95 feet, respectively. The subject property and the requested relief is more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 6.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief were Petitioner John F. Herbert, Jr. and his attorney, Donna M.B. King, Esquire. There were no Protestants or other interested persons in attendance at the hearing.

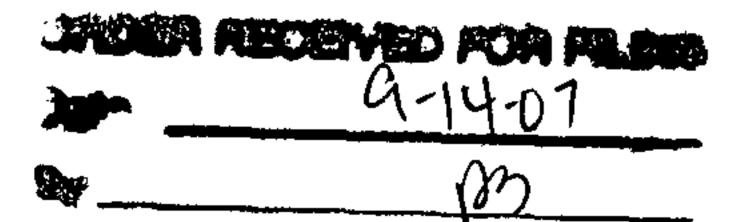
Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel and contains 12,411.93 square feet, zoned D.R.5.5, and is improved with an existing 2 ½ story brick and frame dwelling. The subject property has been in Petitioner's family since 1948,



when his father, John F. Herbert, Sr., purchased the property. Petitioner inherited the property upon his father's death in 1995. At this juncture, Petitioner desires to formalize the nonconforming use of the property as three apartments, as well as obtain approval of the existing square footage, side yard, and a lot width measurements. Thus, Petitioner filed the instant Petitions for determination of those issues by this Commission.

Petitioner was born in 1927 and as of the date of the hearing was 79 years old. He recalls his father's purchase of the property in 1948 and the subsequent construction of the current dwelling in 1949. Petitioner recalls very vividly that the dwelling was originally designed and built for three separate apartments. His father's company, Herbert Electric, performed the wiring for the dwelling and Petitioner assisted in the wiring and other construction. The dwelling was wired for three separate electrical panels and separate meters for electricity and gas. Following construction, Petitioner lived on the first floor for several years into the early 1950's. A woman named Ms. Lane lived on the second floor beginning in 1949, and a man named Winky Martin lived on the third floor at that time. After Petitioner moved out of the first floor apartment in the 1950's, Ms. Lane took the first floor residence. Petitioner indicated that from the time the dwelling was constructed as three separate apartments in 1949, it was always occupied continuously by tenants.

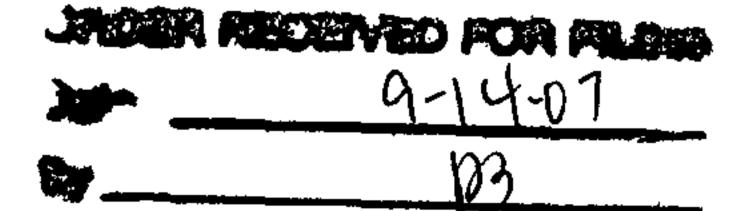
Petitioner described the dwelling as follows: the dwelling is square in shape, approximately 30 feet wide by 28 feet deep. There is a driveway fronting Linden Avenue that runs along the right side of the dwelling to the back where a parking pad and attached parking area are located. There is also a separate, detached two-story block and frame four-car garage approximately 40 feet wide by 21 feet deep situated behind the dwelling. Each apartment has its own separate entrance from outside. Specifically, entry into the first floor apartment is by way of the main entrance through the front door. Entry into the second floor apartment is by way of a ground level entrance from a side



door located on the right side of the property. Once inside this entrance, there are internal stairs leading up to the second floor apartment. Entry into the third floor apartment is by way of a side entrance located on the second floor. There are steps from the ground level leading to a landing at the second floor. Once inside this entrance, there are internal stairs leading up to the third floor apartment. The basement of the dwelling is a common area with storage areas for the tenants, as well as the location of the three separate gas meters and the four electric meters. The reason for the additional electric meter is that Petitioner pays the expenses associated with the common area, including lighting, as well as exterior lighting around the dwelling. The basement also has a separate entrance by way of ground level stairs at the back of the dwelling leading down to the basement level.

The Zoning Advisory Committee (ZAC) comment was received from the Office of Planning dated June 11, 2007. The comment indicates that a representative from the Office visited the site and it does not appear that the parking as configured on the plan can be provided. The "4 car garage" in its present state appears to be used for storage and the labeled macadam paved area is currently occupied by a significant amount of debris. The Office indicated that Petitioner should revise the site plan to show proposed parking in areas where it is actually feasible. The Office expressed no opposition to Petitioner's requests for relief, provided adequate non-invasive parking is provided on the subject property.

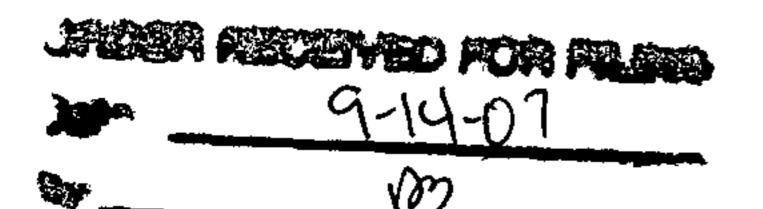
In regard to the requested special hearing, a nonconforming use is defined in Section 101 of the B.C.Z.R. as "[a] legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such use." In addition, Section 104.1 of the B.C.Z.R. states 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 matter, the relevant date in this case is March 30, 1955, the date the current zoning regulations were adopted. Based on the testimony and evidence, I am convinced that the subject property has been used without interruption as three apartments since before 1955. The evidence indicates that the dwelling was designed and built in 1949 as three separate apartments; that there are multiple entrances to the basement, first floor, second floor, and third floor; and that there are multiple BGE electric and gas meters located in the basement for three separate apartments. Through testimony, the evidence also revealed that the dwelling has been used as three apartments since 1949, including by Petitioner himself, and that this use has continued without interruption through to the present day. Thus, I am persuaded to approve the use of the subject property as nonconforming use for three apartments with conditions. These conditions will address the comment of the Office of Planning concerning adequate non-invasive parking being provided by Petitioner on the subject property.

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is



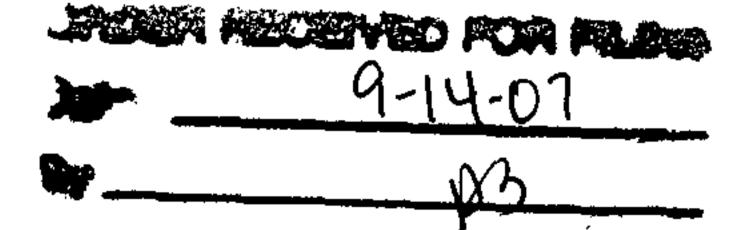
the subject of the variance request. The present dwelling was designed and constructed on the subject property as three apartments in 1949, prior to the current zoning regulations. At that time, the dwelling was built with a side yard setback of five feet on a lot with a width of 80 feet and a total area of 12,411.93 square feet. Again, this was done prior to the current zoning regulations. Section 402.1 of the B.C.Z.R. requires a side yard setback of 15 feet, a lot width of 95 feet, and a total area of 13,000 square feet. Hence, I find the property unique in a zoning sense.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or undue hardship. Petitioner does not own adjacent land in order to meet the setback, width, and lot square footage requirements. In addition, it would be impractical and an unreasonable hardship to force Petitioner to somehow move the dwelling merely to satisfy the side yard setback requirement. It would likewise be an unreasonable hardship to compel Petitioner to convert the dwelling into a single-family or two apartment dwelling in order to comply with Section 402.1 of the B.C.Z.R. This is especially evident in light of the fact that the dwelling was originally designed and constructed as a three apartment dwelling, and that configuration has not been altered through to the present day.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this Aday of September, 2007, that Petitioner's request for Special Hearing relief



filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations to approve the legal nonconforming use of the property for three apartments is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 402.2 of the Baltimore County Zoning Regulations to permit an existing three family duplex to be situated on a lot having 12,411 square feet, a side yard of five feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet, and 95 feet, respectively, is hereby GRANTED.

The granting of the relief is subject to the following:

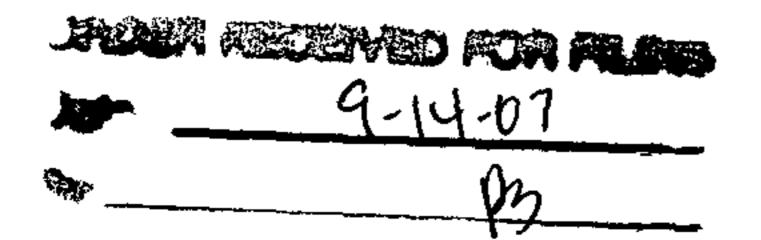
- 1. Petitioner may apply for his permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner is directed to address the ZAC comment submitted by the Office of Planning dated June 11, 2007, and shall either revise the site plan, subject to the Office of Planning's approval, to show proposed parking in areas where it is actually feasible given the storage of items in the detached garage and the accumulation of a significant amount of debris on the paved macadam area, or shall cause the stored items and debris to be removed from the property in order to show that adequate non-invasive parking on the subject property is provided for the three apartments.

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





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 14, 2007

DONNA M.B. KING, ESQUIRE LAW OFFICES OF DONNA M.B. KING, LLC 309 W. PENNSYLVANIA AVENUE TOWSON, MD 21204

> Re: Petitions for Special Hearing & Variance Case No. 07-536-SPHA Property: 1215 Linden Avenue

Dear Ms. King:

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 Baltimore County

THB:pz

Enclosure

c: John F. Herbert, Jr., 5151 Viaduct Avenue, Relay, MD 21227
Office of Planning



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the number	arty language 1216 lindon All. I willy Hearly
toi tue brob	verty located at 1215 Linden Ave., Linden Heizh which is presently zoned D.R.5.5
•	
owner(s) of the property situate in Baltimore County and will made a part hereof, hereby petition for a Special Hearing County to determine whather or not the Zanine Commission.	rmits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ng under Section 500.7 of the Zoning Regulations of Baltimore ioner should approve
Ullal nonconforming Three apartments,	g use of the property for
to the atternative Petiti	mers request a special hearing on
Property is to be posted and advertised as prescribed by the	he zoning regulations." It is not be and are to be bounded by the
	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:	Legal Owner(s):
	John F. Herbert, Jr.
lame - Type or Print	Name Typeror Print W
ignature	Signature Joan Herbert
ddress Telephone No.	Name - Type or Print White Was Market
State Zip Code	Signature
ttorney For Petitioner:	\$151 Viaduct Avenue 1520
Donua M.B. King	Baltimore MB 21227
lame - Type or Print	City State Zip Code
ignature Company	Representative to be Contacted:
Law Office of Donna M.B. King, LI	Le Donna M.B. King
309 W. Pennsylvania Ave. 410-4	
ddress Telephone No	Address Telephone No
10WSON MD 21204	
ity State Zip Code	City State Zip Code
	OFFICE USE ONLY
•	ESTIMATED LENGTH OF HEARING
Case No. 07-536-5PHA	UNAVAILABLE FOR HEARING
	leviewed By LTm Date 5/25/07
C1/0/45/00	Date

REV 9/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1215 Linden Ave., Linden Height 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 Variance from Section(s) 402.20

W

or practical difficulty)

REV 9/15/9

To permit an existing 3-family duplex to be situated on a lot having 12,411 square feet, a side yard of 5 feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet and 95 feet, respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship

Dwelling originally built in 1940s as three apartment suplex

Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Variance, advertising, percentage and restrictions of Baltimore County adopted pursuant to the second seco	osting, etc. and further agree to and are to be bounded b	by the
//We do perjury, that I/we is the subject of this Petit	o solemnly declare and affirm, under the penalties of are the legal owner(s) of the property which ion.	
Contract Purchaser/Lessee:	Legal Owner(s):	
•	John F. Herbert, Jr.	
Name - Type or Print	Name - Type or Print Willes In	
Signature	Joan A. Herbert	
Address Telephone No.	Name - Type or Print Verlet	
City State Zip Code Attorney For Petitioner:	Signature 5151 Viaduct Ave. 400-76	≖- 27- 0
Donna M.B. King, ESquire	Address Relay MD 21227	
Name - Type or Print	City State Zip C	ode
Law affice of DonnaM-B. King	Donna MR Kup	
Company 309W. Pennsylvania Ave. 410-494-	Name	
Address Towson MD 21202/	Address Telephone N	No.
City State Zip Code	City State Zip Co	ode
	OFFICE USE ONLY	
Case No. 07-536-504A	ESTIMATED LENGTH OF HEARING	
Case No. 07-536-501A	UNAVAILABLE FOR HEARING	

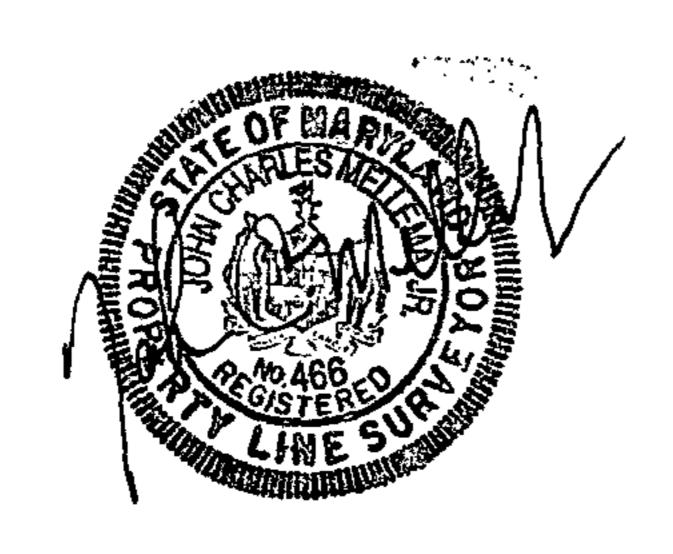
JOHN C. MELLEMA SR., INC. LAND SURVEYORS

5409 EAST DRIVE BALTO, MD. 21227 PHONE: 410-247-7488 FAX: 410-247-2507 MAY 15, 2007

ZONING DESCRIPTION
#1215 LINDEN AVENUE
BALTIMORE COUNTY, MARYLAND
TAX MAP 101 GRID 23 PARCEL 1226

BEGINNING FOR THE SAME ON THE WEST SIDE OF LINDEN AVENUE SOUTHERLY 400 FEET FROM THE INTERSECTION OF LINDEN AVENUE AND SHELBOURNE ROAD, THENCE BINDING ON LINDEN AVENUE S 37° 02' 08" E FOR A DISTANCE OF 80.00 FEET, THENCE S 52° 27' 52" W FOR A DISTANCE OF 154.80 FEET, THENCE N 37° 32' 08" W FOR A DISTANCE OF 80.00 FEET, THENCE N 52° 27' 52" E FOR A DISTANCE OF 155.50 FEET TO THE PLACE OF BEGINNING CONTAINING 12,412 SQUARE FEET OF LAND MORE OR LESS.

BEING THE PROPERTY DESCRIBED IN A DEED DATED SEPTEMBER 13, 1195 BY AND BETWEEN JOHN FRANCIS HERBERT JR. AND DONALD HENRY HERBERT SR. PARTIES OF THE FIRST PART AND JOHN F. HERBERT JR. PARTY OF THE SECOND PART AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN DEED LIBER 11315 FOLIO 508.



NOTICE OF ZONING HEARING

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

Care: # 07-538-SPHA

1215 Linden Avenue

1215 Linden Avenue

1215 Linden Avenue

1216 Linden Avenue, 400 ft. south of intersection of Linden Avenue and Shelbourne Road

13th Election District - 1st Councilmanic District

Lagal Owner(s): John F. & Joan Herbert, Jr.

13th Special Hearing: to approve legal nonconforming use of the property for three apartments. Variance: to permit an receivable to feet in lieu of the required 13,000 square feet, 15 feet the situated of a lot having the Hearing: Wednesday, August 1, 2007 at 9:00 a.m. in Roam 407, County Courts Building, 401 Boxiey Avenue, Towson 21204.

No William J. Wiseman, III

Coning Commissioner for Baltimore County

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

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

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once in each of (successive weeks the first mublication annearing
in the following weekly newspaper published in Baltimore County, Md.,
THIS IS TO CERTIFY, that the annexed advertisement was published
7/19/2007

was published

LEGAL ADVERTISING Willing

CE OF ZONING HEATING

The Zoning Inmissioner of Baltimfife County, by authority of the Ching Act and Regulations of Baltimore County will hive a public hearing in Towson, Maryland on the property chiffied herein as follows:

Cese: 107 11.8-SPHA
1215 Linden Wenue
Wiside of Inden Avenue, 400 ft. south of intersection of Linden Avenue and Shelbourne Road
13th Election District
1st Countellimanic District
1st Countel

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
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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.
8/098 Aug. 2

E OF PUBLICATION

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

The Jeffersonian

Times Arbutus ?

Catonsville Times

limes Towson 7

Owings Mills Times

NE Booster/Reporter

North County News

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LEGAL ADVERTISING

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CERTIFICATE OF POSTING

RE: Case No.: 07-536-SPHA

Petitioner/Developer: JOHNCE JOAN HERBERT

Date of Hearing/Closing: AUC, 15, 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 propery located at

1215 LINDEN AVE

The sign(s) were posted on

JULY 30, 2007
(Month, Day, Year)

ZONING NOTICE

CASE # 07-536-SPHA

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

ROOM AOT, COUNTY COURTS BUILDING 401 BOSLEY AVENUE,

PLACE: TOWSON, MD. 21204

WEDNESDAY, AUGUST 15,2007

DATE AND TIME.

AT 11:00 A.M.

REQUEST: HONCONFORMING USE OF THE PROPERTY
FOR THREE APPRIMENTS. VARIANCE TO PERMIT AN
EXISTING 3-FAMILY DUPLEY TO BE SITUATED ON A

LOT HAVING 13,411 SQUARE FEET, A SIDE YARD OF SFEET AND A LOT WIDTH OF BOFFET IN LIEU OF THE REQUIRED 13,000 SQUARE FEET, 15 FEET AND 95 FEET

RESPECTIVELY.

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

Sincerely,

Earler of Sign Poster and Date)

CJARLAGE FINORE (Printed Name)

3225 RYEIZSON CIRCLE
(Address)

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

(Telephone Number)





JAMES T. SMITH, JR. County Executive

July 30, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
RING
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: 07-536-SPHA

1215 Linden Avenue

W/side of Linden Avenue, 400 ft. south of intersection of Linden Avenue and Shelbourne Road 13th Election District – 1st Councilmanic District

Legal Owners: John F. & Joan Herbert, Jr.

Special Hearing to approve legal nonconforming use of the property for three apartments. Variance to permit an existing 3-family duplex to be situated on a lot having 12,411 square feet, a side yard of 5 feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet and 95 feet, respectively.

Hearing: Wednesday, August 15, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroca Co-Co
Director

TK:klm

C: Donna M.B. King, 309 W. Pennsylvania Avenue, Towson 21204 John & Joan Herbert, Jr., 5151 Viaduct Avenue, Baltimore 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 31, 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

Thursday, August 2, 2007 Issue - Jeffersonian

Please forward billing to:

John & Joan Herbert, Jr. 5151 Viaduct Avenue Relay, MD 21227

410-727-1520

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: 07-536-SPHA

1215 Linden Avenue

W/side of Linden Avenue, 400 ft. south of intersection of Linden Avenue and Shelbourne Road 13th Election District – 1st Councilmanic District Legal Owners: John F. & Joan Herbert, Jr.

Special Hearing to approve legal nonconforming use of the property for three apartments. Variance to permit an existing 3-family duplex to be situated on a lot having 12,411 square feet, a side yard of 5 feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet and 95 feet, respectively.

Hearing: Wednesday, August 15, 2007 at 11:00 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

June 26, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
NG
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: 07-536-SPHA

1215 Linden Avenue

W/side of Linden Avenue, 400 ft. south of intersection of Linden Avenue and Shelbourne Road 13th Election District – 1st Councilmanic District

Legal Owners: John F. & Joan Herbert, Jr.

Special Hearing to approve legal nonconforming use of the property for three apartments. Variance to permit an existing 3-family duplex to be situated on a lot having 12,411 square feet, a side yard of 5 feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet and 95 feet, respectively.

Hearing: Wednesday, August 1, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy-Kotrocom
Director

TK:klm

C: Donna M.B. King, 309 W. Pennsylvania Avenue, Towson 21204 John & Joan Herbert, Jr., 5151 Viaduct Avenue, Baltimore 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 17, 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, July 17, 2007 Issue - Jeffersonian

Please forward billing to:

John & Joan Herbert, Jr. 5151 Viaduct Avenue Relay, MD 21227

410-727-1520

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: 07-536-SPHA

1215 Linden Avenue

W/side of Linden Avenue, 400 ft. south of intersection of Linden Avenue and Shelbourne Road 13th Election District – 1st Councilmanic District Legal Owners: John F. & Joan Herbert, Jr.

Special Hearing to approve legal nonconforming use of the property for three apartments. Variance to permit an existing 3-family duplex to be situated on a lot having 12,411 square feet, a side yard of 5 feet and a lot width of 80 feet in lieu of the required 13,000 square feet, 15 feet and 95 feet, respectively.

Hearing: Wednesday, August 1, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLHAM J. WISEMAN'III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/rieighboring 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.

TBW 8/1 BW 9Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 11, 2007

Development Management

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1215 Linden Avenue

INFORMATION:

Item Number:

7-536

Petitioner:

John F. Herbert, Jr.

Zoning:

DR 5.5

Requested Action:

Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The petitioner requests a legal nonconforming use of the property for three apartments. The site plan shows 7 parking spaces (6 of which are required). After visiting the subject site, it does not appear that the parking as configured on the plan can be provided. The "4 car garage" in its present state appears to be used for storage and the labeled macadam paved area is currently occupied by a significant amount of debris.

As such, the petitioner shall revise the site plan to show proposed parking in areas where it is actually feasible. The Office of Planning has no opposition to the Zoning Commissioner granting the petitioner's requests provided adequate non-invasive parking is able to be provided on the subject property.

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

Reviewed by:

Division Chief: AFK/LL: CM



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 26, 2007

Donna M. B. King Law Office of Donna M. B. King, LLC 309 W. Pennsylvania Avenue Towson, MD 21204

Dear Ms. King:

RE: Case Number: 07-536-SPHA, 1215 Linden Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

John F. Herbert, Jr. Joan Herbert 5151 Viaduct Avenue Baltimore 21227







Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search (2007c)

Go Back View Map **New Search** GroundRent

Account Identifier:	District - 13	Account N	umber - 1308:	300040				
		Ow	ner Informati	ion				
Owner Name:	HERBERT JO	A NAC		cipal Resid		NO	IDENTIAL 11315/ 508	
Mailing Address:	5151 VIADU BALTIMORE		Deed	i Referenc	ce: 		11315/ 511	
		Location 8	Structure In	formation)			
Premises Address					Legal Des	scription		
1215 LINDEN AVE					LT 1-4 1215 LINE LINDEN H			
Map Grid Parcel S 101 23 1226	ub District S	Subdivision		ock Lot 9 1	Assessme 1	nt Area	Plat No: Plat Ref:	1 5/ 64
Special Tax Areas	}	vn Valorem Class					<u> </u>	
Primary Struct 1949	ure/Built	/	ed Area 00 SF		erty Land A 2,320.00 SF	rea	County U	se
Stories 2 1/2	Basemet YES	nt (57	Type ANDARD L	INIT		Exterior BRICK Y	
		Va	lue Informati	on				
	Base Value	Value	Phase-in Ass		_			
		As Of 01/01/2007	As Of 07/01/2006	As 07/01/20	_			
Land	35,830 129,090	78,330 213,660						
Improvements: Total:	164,920	291,990	164,920	207,2	76			
Preferential Land:	0	0	0	· ·	0			
		Trai	nsfer Informa	tion				
Seller: HERBERT JOHN Type: NOT ARMS-LEN	-			ate: 14/2 ed1: /113	2/1995	Price: Deed2:	\$0	
Seiler:				ite:		Price:		
Type:				eed1:		Deed2:	:	
Seller:			Da	ate:		Price:		
Type:			De	eed1:		Deed2:		
		Exen	nption Inform	ation				
Partial Exempt Asses	sments		Class	_	1/2006	07/	01/2007	
County			000	0		0		
State Municipal			000 000	0		0		
Tax Exempt: NO	- 				Specia	* NONE *	-	
Exempt Class:						NONE *		

John- Cooks Like THIS ONE got Su-assigned to you. Perhaps the Herberts inherelit this beauty and O" Consideration ni 11/95-? Hydru give a"Non-Conforming" use They phould

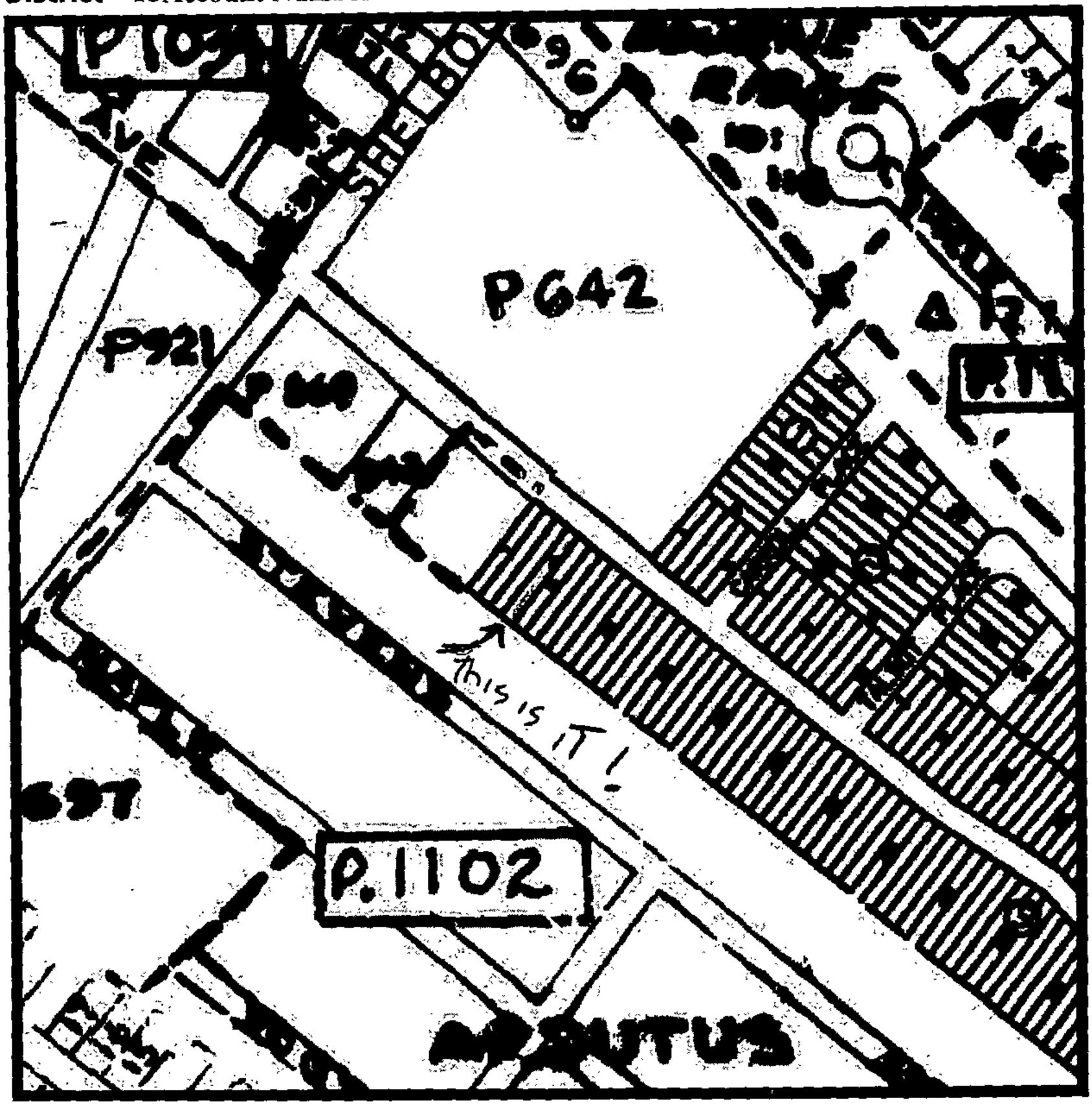
http://sdatcert3.resiusa.org/rp_Yewrite/details.aspx?County=04&SearchType=STREET&A...



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

Go Back View Map **New Search**

District - 13Account Number - 1308300040



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 7, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 11, 2007

Item Nos. 07-526, 527, 528, 529, 530, 532, 533, 535/536, 537, 538, and 540

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-06072007.doc



The Country's website at www.paitimotecountryonline.into

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 11, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1215 Linden Avenue

INFORMATION:

Item Number:

7-536

Petitioner:

John F. Herbert, Jr.

Zoning:

DR 5.5

Requested Action:

Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The petitioner requests a legal nonconforming use of the property for three apartments. The site plan shows 7 parking spaces (6 of which are required). After visiting the subject site, it does not appear that the parking as configured on the plan can be provided. The "4 car garage" in its present state appears to be used for storage and the labeled macadam paved area is currently occupied by a significant amount of debris.

As such, the petitioner shall revise the site plan to show proposed parking in areas where it is actually feasible. The Office of Planning has no opposition to the Zoning Commissioner granting the petitioner's requests provided adequate non-invasive parking is able to be provided on the subject property.

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

Reviewed by:

Division Chief: AFK/LL: CM

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

1215 Linden Avenue; W/S Linden Avenue, 400' S Linden & Shelbourne Road 13th Election & 1st Councilmanic Districts Legal Owner(s): Joan & John Herbert, Jr.

Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 07-536-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

JUN 0 7 2007

Per.....

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 7th day of June, 2007, a copy of the foregoing Entry of Appearance was mailed Donna King, Esquire, 309 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

IN RE:

Special Hearing and Request for Variance 1215 Linden Avenue

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- Case No. 07-536-SPHA

SUBPOENA

ZONING COMMISSIONER OFF M

Baltimore Gas & Electric Company TO: Resident Agent - John L. Wood 750 East Pratt Street Baltimore, Maryland 21202

You are hereby summoned and commanded to be and appear personally before the
Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County on the 15th day of
August 2007 at 11:00 AM/PM, in Room 407 of the
County Courts Building, 401 Bosley Ave., Towson, MD 21204
and to bring with you see attached sheet , for the purpose of testifying in the
above-captioned matter at the request of Petitioners John and Joan Herbert
Downstaking
•

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 4 (c).

Deputy Zoning Commissioner for Baltimore County

Issued:

Attachment to Subpoena to Baltimore Gas and Electric Company Documents to be Produced

- Documents relating to the four separate electric accounts and metering for 1215 Linden Avenue, Arbutus, Maryland 21227, from the 1940s to the present.
- 2. Documents relating to the three separate gas accounts and metering for 1215 Linden Avenue, Arbutus, Maryland 21227, from the 1940s to the present.

IN RE:

Special Hearing and Request for Variance 1215 Linden Avenue

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 07-536-SPHA

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and to bring with you <u>see attached sheet</u> , for the purpose of testifying in the
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Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 4 (c)

Deputy Zoning Commissioner

for Baltimore County

Issued:

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IN RE:	* BEFORE THE
	* ZONING COMMISSIONER
	* OF BALTIMORE COUNTY
	* Case No.
* * *	* * * * *
	DDAENI A
<u>SU</u> ,	<u>BPOENA</u>
TO:	
Vou are bereby summoned and c	ommanded to be and appear personally before the
Zoning Commissioner/Deputy Zoning Commi	
	AM/PM, in Room of the
,	
and to bring with you	, for the purpose of testifying in the
above-captioned matter at the request of	
	•
Mr. Sheriff/Private Process Server:	
Please process in accordance with 2	Zoning Commissioner's Rule 4 (c).
	Zoning Commissioner/ Deputy Zoning Commissioner
	for Baltimore County
Issued:	

NOTICE

If you are requesting a subpoena for an official and/or employee of Baltimore County, please be aware of the requirements of Rule 4(c) of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County. That Rule requires that no official/employee of Baltimore County, the State of Maryland or any other political subdivision of Maryland, shall be compelled to appear at a hearing unless he/she has been served with a subpoena at least five (5) business days prior to the scheduled hearing.

Also, a copy of any subpoena served on an official/employee of Baltimore County must be provided to:

John E. Beverungen, Esquire, County Attorney Baltimore County Office of Law 400 Washington Avenue, 2nd Floor Towson, Maryland 21204

and the following specific County agency representatives contacted:

Lynn Lanham, Office of Planning (410-887-3480)

Jeffrey Livingston, Dept. of Environmental Protection & Resource Mgmt. (410-887-5859)

Rahee Famili, Department of Public Works (410-887-3751)

Jan Cook, Department of Recreation & Parks (410-887-3807)

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

GARLAND E. MOORE 3225 RYERSON CIRCLE BALTIMORE, MARYLAND 21227

PHONE: (410) 242-4263 FAX: (410) 242-4263

Number of Pages (including cover sheet): 2_
Document sent to:
Fax Number: (410) 887-3468
Comments: 191 CENTIFICATION & PHOTOGRAPHS MAILEO JULY 30, 2007
2 MP CENTIFICATION & PHOZOGRAPH MALED AUG. 11, 7007
MITTERL', CHRISTERI MATTHEWS

CERTIFICATE OF POSTING

RE: Case No.: 07-536-5PHA

Petitioner/Developer: JOHNE BOAN HERBERT

Date of Hearing/Closing: AUG. 15, 7007

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 propery located at _ #1215 LIMDERI AUG. The sign(s) were posted on ____ Sincercly, (Signature of Sign Poster and Date) CJADLANDE, MOORE (Printed Name) 3225 RYEIZSON CIRCLE
(Address) BALTIMORE, MD. 21227 (City, State, Zip Code) (.410) 2.42-42.63 (Telephone Number)

PLEASE PRINT CLEARL)

CASE NAME CASE NUMBER DATE

ETITIONER'S SIGN-IN SHEET

E- MAIL	Can 112065 7 3 Addico	Loundhing Quenz										
CITY, STATE, ZIP		. 7.										
ADDRESS	ADUS	¥										
NAME	JOHN F. HERBERIJE	Darwa Lina										

07-536-58HA

Exhibit Sheet

Petitioner/Developer

Case No.:

Protestant

	·	 		
No. 1	SAT promond		-	
No. 2	20min description (12, 412 sp. Park)			
No. 3	letter to have articles sourced from garage			-
No. 4	response of BG6 to subspoena - surie (9705			
No. 5				
No. 6	Site Plan			
No. 7		-		
No. 8				
No. 9				
No. 10				
No. 11				
No. 12				



EXHIBIT NO.

Maryland Department of Assessments and Taxation BALTIMORE COUNTY

Real Property Data Search (2007c)

Account Identifier: District - 13 Account Number - 1308300040

Owner Information

Owner Name: HERBERT JOHN F, JR

HERBERT JOAN A

Use: **Principal Residence:**

RESIDENTIAL NO

Mailing Address: 5151 VIADUCT AVE **BALTIMORE MD 21227** **Deed Reference:**

1) /11315/ 508

2) /11315/ 511

Location & Structure Information

Premises Address

1215 LINDEN AVE

Legal Description

LT 1-4

1215 LINDEN AVE LINDEN HEIGHTS

Map Grid Parcel **Sub District** Subdivision Section Block Lot Assessment Area Plat No: 101 23 1226 **Plat Ref:** 5/ 64 9

Town

Special Tax Areas

Ad Valorem

Tax Class

Primary Structure Built 1949		Enclosed Area Property Land Area 2,100 SF 12,320.00 SF		County Use 04	
2 1/2	YES	STANDARD UNIT		BRICK	
		Value Informati			

Value Information

Base Value Value Phase-in Assessments

> As Of As Of As Of 01/01/2007 07/01/2007 07/01/2006

78,330 Land 35,830

Improvements: 129,090 213,660

Total: 164,920 291,990 164,920 207,276

Preferential Land: 0 0

Transfer Information Seller: HERBERT JOHN F, SR 11/22/1995 Price: \$0 Date:

NOT ARMS-LENGTH Type: Deed1: /11315/ 508 Deed2: /11315/ 511

Seiler: Date: Price: Deed1: Deed2: Type:

Selier: Date: Price:

Type: Deed1: Deed2: **Exemption Information Partial Exempt Assessments** Class 07/01/2006 07/01/2007 000 County 0 State 000 0

000

0

Tax Exempt:

Exempt Class:

Municipal

NO

Special Tax Recapture:

* NONE *

0

PETITIONER'S

JOHN C. MELLEMA SR., INC. LAND SURVEYORS EXHIBIT NO.

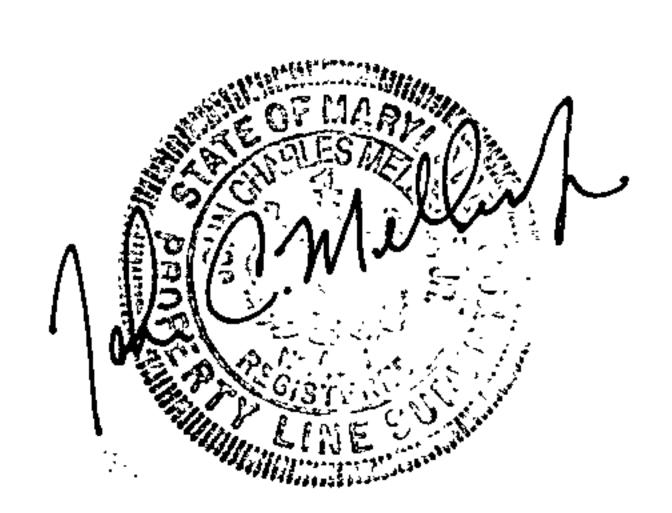


5409 EAST DRIVE BALTO. MD. 21227 PHONE: 410-247-7488 FAX: 410-247-2507 APRIL 11, 2007

ZONING DESCRIPTION #1215 LINDEN AVENUE BALTIMORE COUNTY, MARYLAND TAX MAP 101 GRID 23 PARCEL 1226

BEGINNING FOR THE SAME ON THE WEST SIDE OF LINDEN AVENUE SOUTHERLY 400 FEET FROM THE INTERSECTION OF LINDEN AVENUE AND SHELBOURNE ROAD, THENCE SOUTHERLY ALONG LINDEN AVENUE 80 FEET THENCE WESTERLY 155 FEET MORE OR LESS THENCE NORTHERLY 80 FEET, THENCE EASTERLY 155 MORE OR LESS TO THE PLACE OF BEGINNING CONTAINING 12, 412 SQUARE FEET OF LAND MORE OR LESS.

BEING THE PROPERTY DESCRIBED IN A DEED DATED SEPTEMBER 13, 1995 BY AND BETWEEN JOHN FRANCIS HERBERT, JR. AND DONALD HENRY HERBERT, SR. PARTIES OF THE FIRST PART AND JOHN F. HERBERT, JR. PARTY OF THE SECOND PART AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN DEED LIBER 11315 FOLIO 508



LAW OFFICE OF DONNA M.B. KING, LLC

309 West Pennsylvania Avenue Towson, Maryland 21204 410-494-1005 410-769-8333 fax

PETITIONER'S

EXHIBIT NO.

3

August 8, 2007

VIA FIRST CLASS MAIL

Mr. John Cavey 911 Elm Ridge Avenue Baltimore, Maryland 21229

Mr. Scott Frederick 932 Elm Ridge Avenue Baltimore, Maryland 21229

RE: 1215 Linden Avenue, Arbutus, Maryland 21227

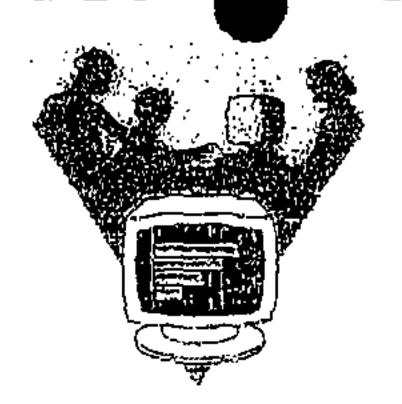
Dear Mr. Cavey and Mr. Frederick:

This office is legal counsel to John and Joan Herbert. As Mr. Herbert has discussed with you, they need for you to remove your property from the garage on the above-referenced property. Your property will need to be removed by the end of this coming weekend, August 19, 2007.

Please contact me with any questions. Thank you in advance for your consideration.

Very truly yours,

Donna M.B. King



PETITIONER'S

EXHIBIT NO.

4

Fax Cover Sheet

DESK OF // L	
DATE 8(13/07	
TO Ms. King	PHONE: 410 494-1005 FAX: 410 769 28333
FROM: V. /. Cont	PHONE: 2-9 528 FAX: (410) 470-8012
Number of pages including cover sheet:	
Message:	
	· · · · · · · · · · · · · · · · · · ·
	······································



A Constellation Energy Company

Investigations and Billing Services

P.O. Box 1475
Baltimore, Maryland 21203-1475

August 13, 2007

Donna M. B. King 309 West Pennsylvania Avenue Baltimore, MD 21286

RE:

Address:

1215 Linden Avenue

Baltimore, MD 21227

Dear Ms. King:

Thank you for your recent inquiry regarding the address noted above. Our records indicate we provided service to meters at that address on the dates listed below. There may well have been meters installed before this date, but our records do not show that information.

Address	Gas Meter #	Electric Meter#	Meter Installed
1215 Linden Avenue *1FL	387373		5/1/81
1215 Linden Avenue *1FL		S44940154	1/1/77
1215 Linden Avenue 2FL	765735		11/20/91
1215 Linden Avenue *2FL		S44840155	1/1/77
1215 Linden Avenue *3FL	694945		11/20/91
1215 Linden Avenue *3FL		\$44841124	1/1/77
1215 Linden Avenue *PS	418721		5/1/81
1215 Linden Avenue *PS		\$44841089	1/1/77

If you have questions, please contact me on 410-209-1528, or 1-800-685-0123, extension 1528. I am available between 7:30 A.M. and 4:00 P.M. Monday through Friday.

Sincerely,

Victor I. Cook

Customer Accounts Specialist



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 31, 2007

DONNA M.B. KING, ESQUIRE 309 WEST PENNSYLVANIA AVENUE TOWSON MD 21204

Re: Petition for Special Hearing and Variance

Case No. 07-536-SPHA

Property: 1215 Linden Avenue

Dear Ms. King:

I am in receipt of your letter of October 29, 2007. The letter will be forwarded to the Permits and Development Management Department for inclusion in the case file.

If you have any questions, please contact me.

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

LAW OFFICE OF DONNA M.B. KING, LLC

309 West Pennsylvania Avenue Towson, Maryland 21204 410-494-1005 phone 410-769-8333 fax

October 29, 2007

VIA FIRST CLASS MAIL

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RE: Case No. 07-536-SPHA 1215 Linden Avenue OCT 3 1 2007

BY:

Dear Mr. Bostwick:

This letter addresses the September 14, 2007 Order granting a legal nonconforming use for the above-referenced property. The Order was subject to either a revised site plan addressing ZAC comments on parking, or the removal of debris on the macadam area and removal of articles from the four-car garage. John and Joan Herbert took the latter course, and have had debris removed from the driveway macadam area, and have had the various articles removed from the garage so that four cars may be parked in the garage.

Please contact me with any questions.

Very truly yours,

Donna M.B. King

LAW OFFICE OF DONNA M.B. KING, LLC

309 West Pennsylvania Avenue Towson, Maryland 21204 410-494-1005 410-769-8333 fαρ

July 30, 2007

Ma Wis office.

VIA HAND DELIVERY

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

RE: Petition for Hearing 07-536-SPHA

John and Joan Herbert 1215 Linden Avenue

Dear Kristen:

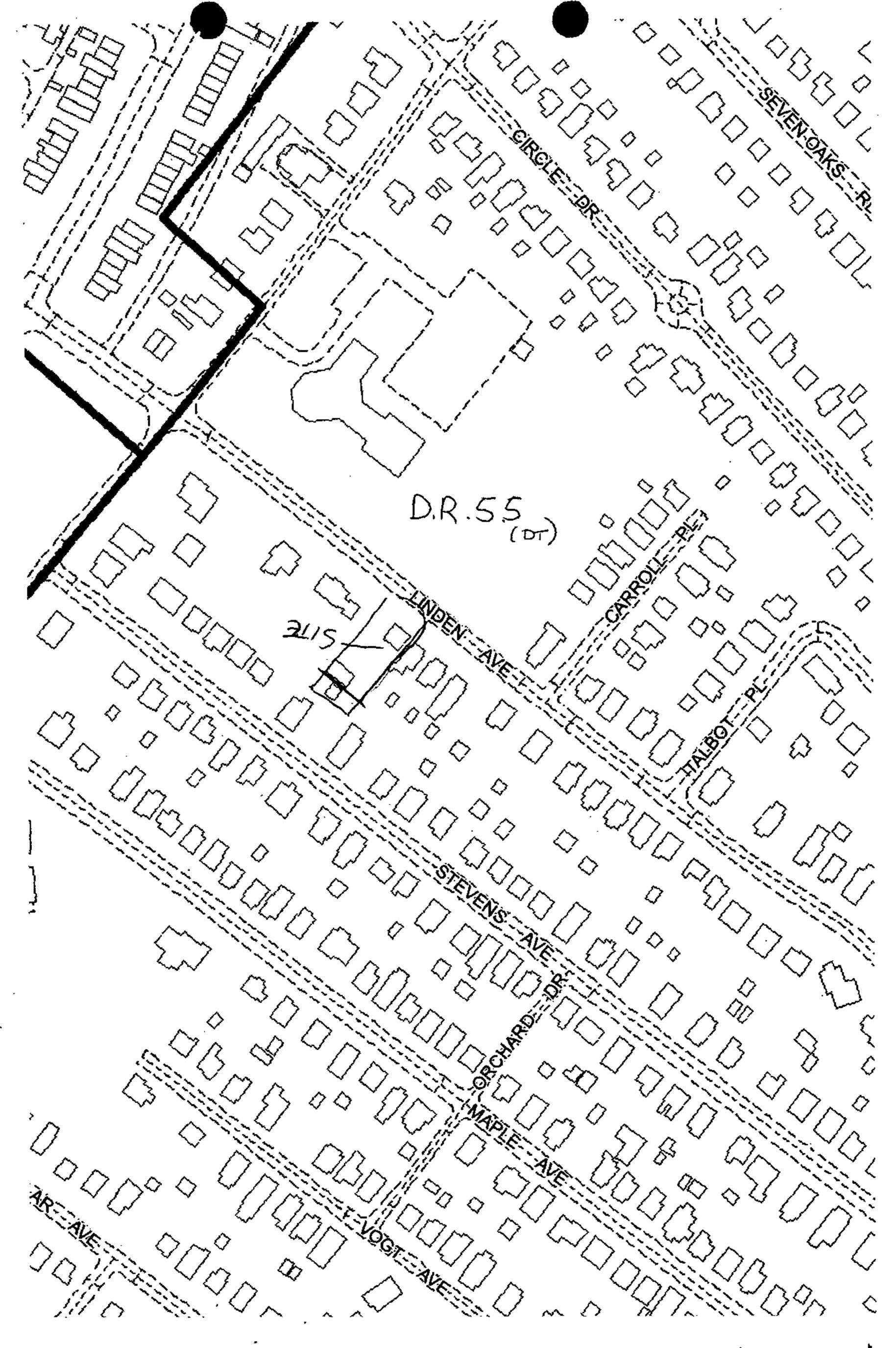
This letter follows our July 26, 2007 conversation in your office regarding postponement of the above-referenced hearing. I attempted to fax a letter to you on July 26 and 27, 2007; however, the fax machine received a busy signal.

The hearing for Petition no. 07-536-SPHA currently is scheduled for August 1, 2007. Because of medical circumstances of one of the owners, the posting requirement has not been fulfilled. John and Joan Herbert therefore respectfully request that the hearing be rescheduled for August 15, 2007. We understand that the posting will need to be done by July 31, 2007.

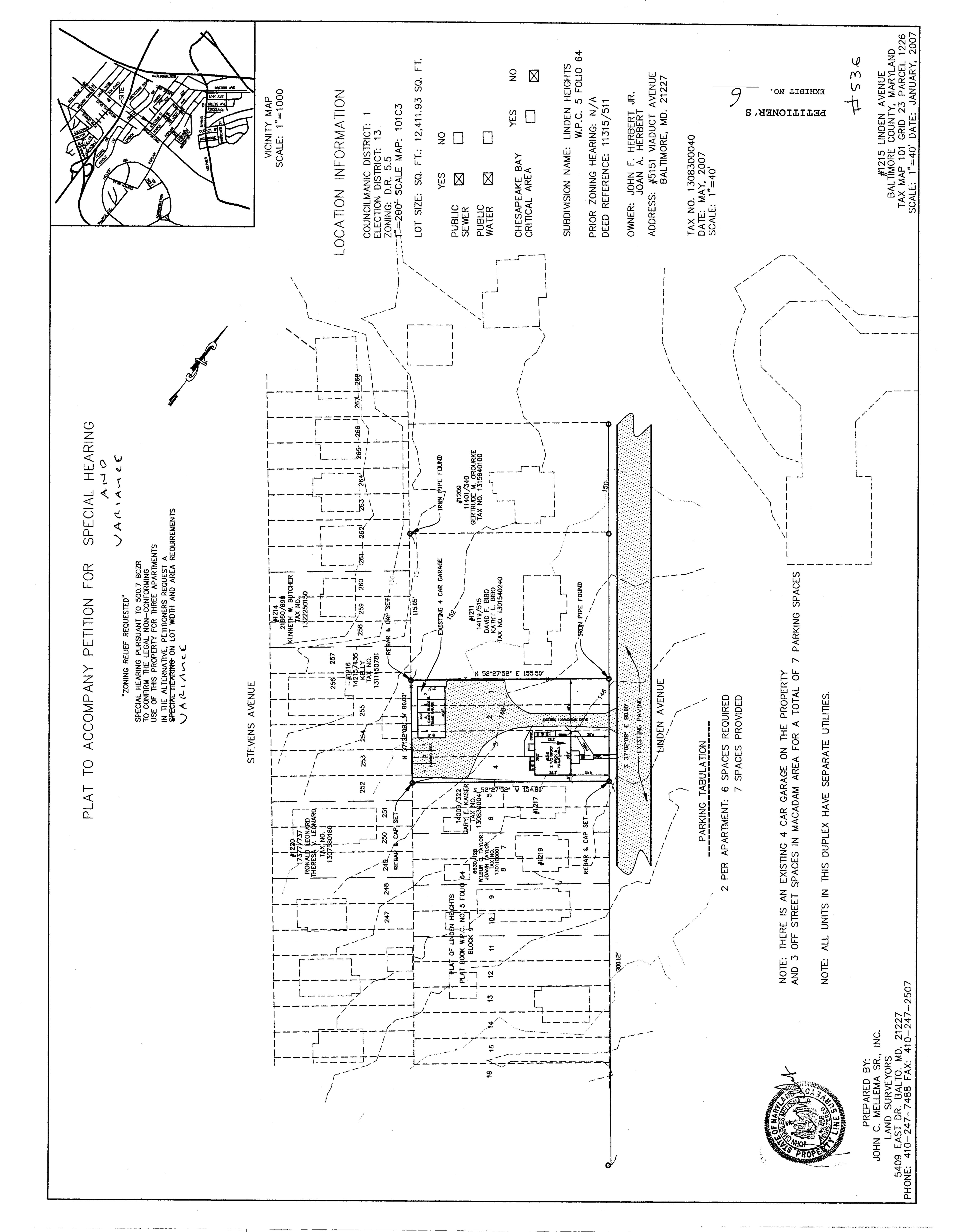
Thank you in advance for your consideration. Please contact me as soon as possible to confirm the August 15, 2007 date.

Very truly yours,

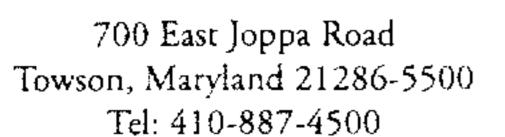
Donna M.B. King



101C3 1=2001



Fire Department







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 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 04, 2007

Item Number: 526 Through 541

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