

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

S side of 33rd Street, 325 feet E of the intersection
of Hamilton Avenue and 33rd Street
14th Election District
7th Councilmanic District
(7913 33rd Street)

Stephen Fowose
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
*
* **Case No. 2008-0603-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 Stephen Fowose, the legal property owner. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm the existing use of the property as two units, duplex apartments. Petitioner is also requesting Variance relief from Section 402 of the B.C.Z.R. to use the property as two units, duplex apartments, with a lot width of 75 feet in lieu of the required 80 feet and an interior lot side setback of 15 feet with a combined side yard setback of 25 feet in lieu of the required 35 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief on behalf of Petitioner was his architect, L.J. Link, Jr. There were no Protestants or other interested persons in attendance at the hearing.

This matter is currently the subject of an active violation case (Case No. 08-1375) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the alleged illegal conversion of a dwelling into two apartments. It should be noted that the fact that a zoning violation is issued is generally not relevant to the discreet legal

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10-3-08

PM

issues presented in this zoning case. This means that Petitioner cannot use the fact that a structure has been built or a use has occurred previously to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify or a use may be discontinued come into consideration of the zoning case. Conversely, the fact that something may have been done which could violate the regulations is not held against Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Testimony and evidence presented revealed that the subject property is rectangular-shaped and contains 11,250 square feet or 0.25 acre, more or less, zoned D.R.5.5. The property is located on the south side of 33rd Street, north of Pulaski Highway and east of Hamilton Avenue in the Rosedale area of Baltimore County. The property is improved with an existing dwelling.

Petitioner acquired the property approximately one-year ago and desires to confirm and legitimize the prior and existing use of the property as two units, duplex apartments. Mr. Link proffered that his investigation into the history of the property revealed that the existing use of the dwelling as two apartments has been ongoing, without interruption, for decades, prior to the 1955 regulations. He also indicated that there are other properties in the area that are used in the same manner. As to the variance, Mr. Link indicated that the requested relief is to legitimize existing conditions on the property, and that Petitioner is not looking to make any changes to the property. In short, the property is nonconforming, in terms of the configuration and placement of the structure on the property. It should also be noted that the first and second floors are separate apartments and have been used as such.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 23, 2008

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which indicates that the Office does not oppose the requested relief provided no additions be made to the subject structure that would require further zoning relief, and if any future additions are made to the dwelling it shall be shown on a site plan and elevations of such shall be provided to the Planning Office for review and approval.

As to the special hearing, I am persuaded to grant the requested relief. Mr. Link proffered that the use of the property as two apartments has been ongoing since before the imposition of the 1955 regulations on the property, and that this use has been ongoing and consistent, and without interruption.

As to the variances requests, considering the testimony and evidence presented at the hearing, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I further find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. Petitioner desires to merely legitimize existing conditions on the property and is not seeking to make changes or alterations that would otherwise require zoning relief.

I further find that the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner 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 held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

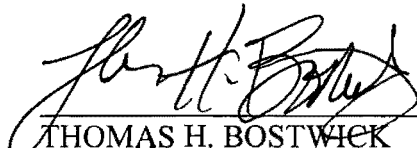
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of October, 2008 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm the existing use of the property as two units, duplex apartments be and is hereby GRANTED; and

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IT IS FURTHER ORDERED that Petitioner's Variance requests from Section 402 of the B.C.Z.R. to use the property as two units, duplex apartments with a lot width of 75 feet in lieu of the required 80 feet and an interior lot side setback of 15 feet with a combined side yard setback of 25 feet in lieu of the required 35 feet be and are hereby GRANTED; subject to the following:

1. Petitioner is advised that it may apply for any required building 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 the 30-day appeal period from the date of 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. No additions shall be made to the subject structure that would require further zoning relief.
3. If any future additions are made to the dwelling, it shall be shown on a site plan and elevations of such shall be provided for review and approval.

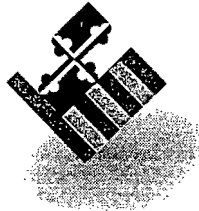
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 3, 2008

L.J. LINK, JR.
PO BOX 727
BROOKLANDVILLE MD 21022

Re: Petition for Special Hearing and Variance
Case No. 2008-0603-SPHA
Property: 7913 33rd Street

Dear Mr. Link:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Stephen Fowose, 2109 Oak Road, Baltimore MD 21219
Arnold Krause, PO Box 9678, Rosedale MD 21237
Debra Robinson, 7912 33rd Street, Baltimore MD 21237
Belinda Manuli, 7914 33rd Street, Baltimore MD 21237
Lisa Henson, Baltimore County Division of Code Enforcement



TAX ACCOUNT # 1411079340

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7913 33rd St.
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)

Section : 402

To use the property as (two) units, duplex apartments with a lot width of 75 feet in lieu of the required 80 feet and an interior lot side setback of 15 feet with a combined side yard set back of 25 feet in lieu of the required 35 feet.

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

to confirm existing use.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

Case No. 2008-0603.SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

REV 9/15/98

Reviewed By

Date

10-3-08

pm



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7913 33rd St.
which is presently zoned DR5.5

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

to use the property as 2(two) units - duplex apartments.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2008-0603-SPHA

REV 9/15/98

Reviewed By W Date 7/2/08

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Zoning description for 7913 33rd Street 21237

Tax account no. 14 11 079540

Said property is recorded as Lot 130 and partial Lot 129, Plat book no. 0005, folio no. 0061, being a subdivision of Rosedale Farms, Rosedale, Maryland.

Said property fronts on 33rd Street (30' wide), on the south side of said street, being a distance of 75', with the lot being 150' deep, being approximately 325' east of the intersection of Hamilton Avenue and 33rd Street.

The property consists of 11250 sq.ft. (approx. 0.25 ac), located in the 14th district, 7 councilmatic district.

2008-0603-SPHA

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: #2008-0603-SPHA

7913 33rd Street

S/side of 33rd Street, 325 feet east of the intersection of Hamilton Avenue and 33rd Street

14th Election District — 7th Councilmanic District

Legal Owner(s): Stephen Fowose

Special Hearing: to use the property as 2 (two) units duplex apartments. **Variance:** to use the property as two units, duplex apartments with a lot width of 75 feet in lieu of the required 80 feet and an interior lot side setback of 15 feet with a combined side yard setback of 25 feet in lieu of the required 25 feet.

Hearing: Wednesday, September 3, 2008 at 2:00 p.m., Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT 8/698 August 19

181160

CERTIFICATE OF PUBLICATION

8/21, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/19, 2008.

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

J. Wilkins

LEGAL ADVERTISING

No. 107-2

Date: 7/2/08

FIELD REPORT

BUSINESS	ACTUAL	TIME	DRM
11/22/2016	11/22/2016	15:17:11	

PHILIP NEWBY

3/02/2018 11:56:35 AM

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[illegible]

Step/En Fucose

7913 33215+

2008-0603-SPHIA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

ZONING NOTICE

CASE #2008-0603-SPHA

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

ROOM 104 JEFFERSON BUILDING 100
PLACE: W. CHESAPEAKE AVENUE, Towson, 21204
DATE AND TIME: SEPTEMBER 11, 2008 AT 2 PM PM
WEDNESDAY
REQUEST: PROPERTY AS TWO UNIT DUPLEX
APARTMENTS, VARIANCE TO USE THE PROPERTY AS
TWO UNIT DUPLEX APARTMENTS WITH A LOT WIDTH
OF 30 FEET W. LINE OF THE REAR YARD SETBACK AND A
REAR YARD SETBACK OF 10 FEET WITH A
COMBINED LOT AREA OFFSET OF 40 FEET W. LINE
OF THE REAR YARD, 30 FEET

POSTCARDPRINTS ARE TO BE MAILED TO THE ZONING COMMISSIONER AND THE ZONING COMMISSIONER
TO CONSIDER HEARING (CALL 410-386-1000)

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

W. Chesapeake 8/15/08

CERTIFICATE OF POSTING

RE: Case No: 2008-0603-SPHA

Petitioner/Developer: L.J. LINK JR.

Date Of Hearing/Closing: 9/3/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 7913 33RD STREET

This sign(s) were posted on August 15, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 8/15/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

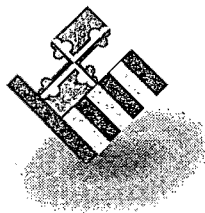
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

To: Arnold Krause
From: Zoning Comm. Office



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 16, 2008
TIMOTHY M. KOTROCO, 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: 2008-0603-SPHA

7913 33rd Street

S/side of 33rd Street, 325 feet east of the intersection of Hamilton Avenue and 33rd Street

14th Election District – 7th Councilmanic District

Legal Owners: Stephen Fowose

Special Hearing to use the property as 2 (two) units duplex apartments. Variance to use the property as two units, duplex apartments with a lot width of 75 feet in lieu of the required 80 feet and an interior lot side setback of 15 feet with a combined side yard setback of 25 feet in lieu of the required 35 feet.

Hearing: Wednesday, September 3, 2008 at 2:00 p.m., Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Stephen Fowose, 2109 Oak Road, Baltimore 21219
L.J. Link, Jr., P.O. Box 727, Brooklandville 21022

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 19, 2008.**
- (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, August 19, 2008 Issue - Jeffersonian

Please forward billing to:

L.J. Link, Jr.

P.O. Box 727

Brooklandville, MD 21022

410-337-9528

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: 2008-0603-SPHA

7913 33rd Street

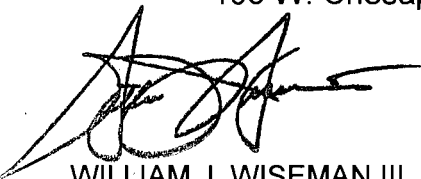
S/side of 33rd Street, 325 feet east of the intersection of Hamilton Avenue and 33rd Street

14th Election District – 7th Councilmanic District

Legal Owners: Stephen Fowose

Special Hearing to use the property as 2 (two) units duplex apartments. Variance to use the property as two units, duplex apartments with a lot width of 75 feet in lieu of the required 80 feet and an interior lot side setback of 15 feet with a combined side yard setback of 25 feet in lieu of the required 35 feet.

Hearing: Wednesday, September 3, 2008 at 2:00 p.m., Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number:

Petitioner:

Address or Location:

L. J. Link Jr. Stephen Fawcett
33rd Street, NE 7913

PLEASE FORWARD ADVERTISING BILL TO:

Name:

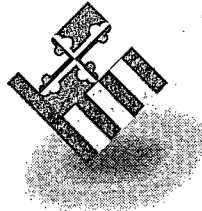
Address:

L. J. Link Jr
bx 727.
Brooklandville, Md. 21022

Telephone Number:

410-337-9528

2008-0603SPHA



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 27, 2008

Stephen Fowose
2109 Oak Rd.
Baltimore, MD 21219

Dear: Stephen Fowose

RE: Case Number 2008-0603-SPHA, 7913 33rd St.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 2, 2008. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
L.J. Link, Jr., P.O. Box 727, Brooklandville, MD 21022

TB 9/3
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 23, 2008

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

SUBJECT: 7913 33rd Street

INFORMATION:

Item Number: 8-603

Petitioner: Stephen Fowose

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

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BY:

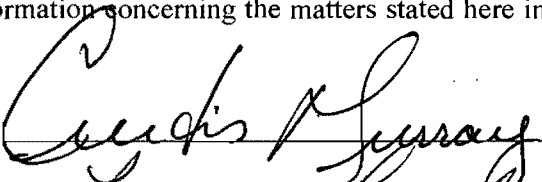
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office does not oppose the petitioner's request provided the following conditions are met:

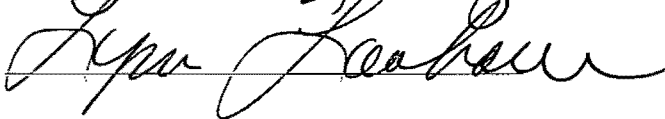
1. No additions shall be made to the subject structure that would require further zoning relief.
2. If any future additions are made to the dwelling it shall be shown on a site plan and elevations of such shall be provided for review and approval.

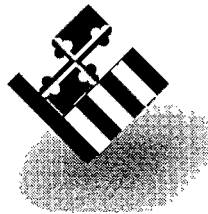
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 14, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 14, 2008

Item Number: 0603, 0606

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P. Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 18, 2008

FROM: ^{DAK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2008
Item Nos. 08-0582, 0594, 0595, 0598,
0599, 0601, 0603, 0605, and 0606

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC-07182008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: July 14, 2008

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

RE: Baltimore County
Item No 2008-0603-SPHA
7913 33rd STREET
FOWOBE PROPERTY
VARIANCE

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. 2008-0603-SPHA.

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,

Fop Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
7913 33 rd Street; S/S of 33 rd Street, 325' E	*	ZONING COMMISSIONER
intersection of Hamilton Ave & 33 rd Street	*	
14 th Election & 7 th Councilmanic Districts	*	FOR
Legal Owner(s): Stephen Fowose		
Petitioner(s)	*	BALTIMORE COUNTY
	*	08-603-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUL 15 2008

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to L.J. Link, Jr, P.O. Box 727, Brooklandville. MD 21022, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CASE NAME _____
CASE NUMBER 1008-0603-5PHA
DATE 9-3-08

[illegible]

Case No.: 2008-0603- SBNA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Letter from Consultant to Rich Wisnom	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Plat to Accompany Petition for Zoning ☒ variance ☐ special hearing

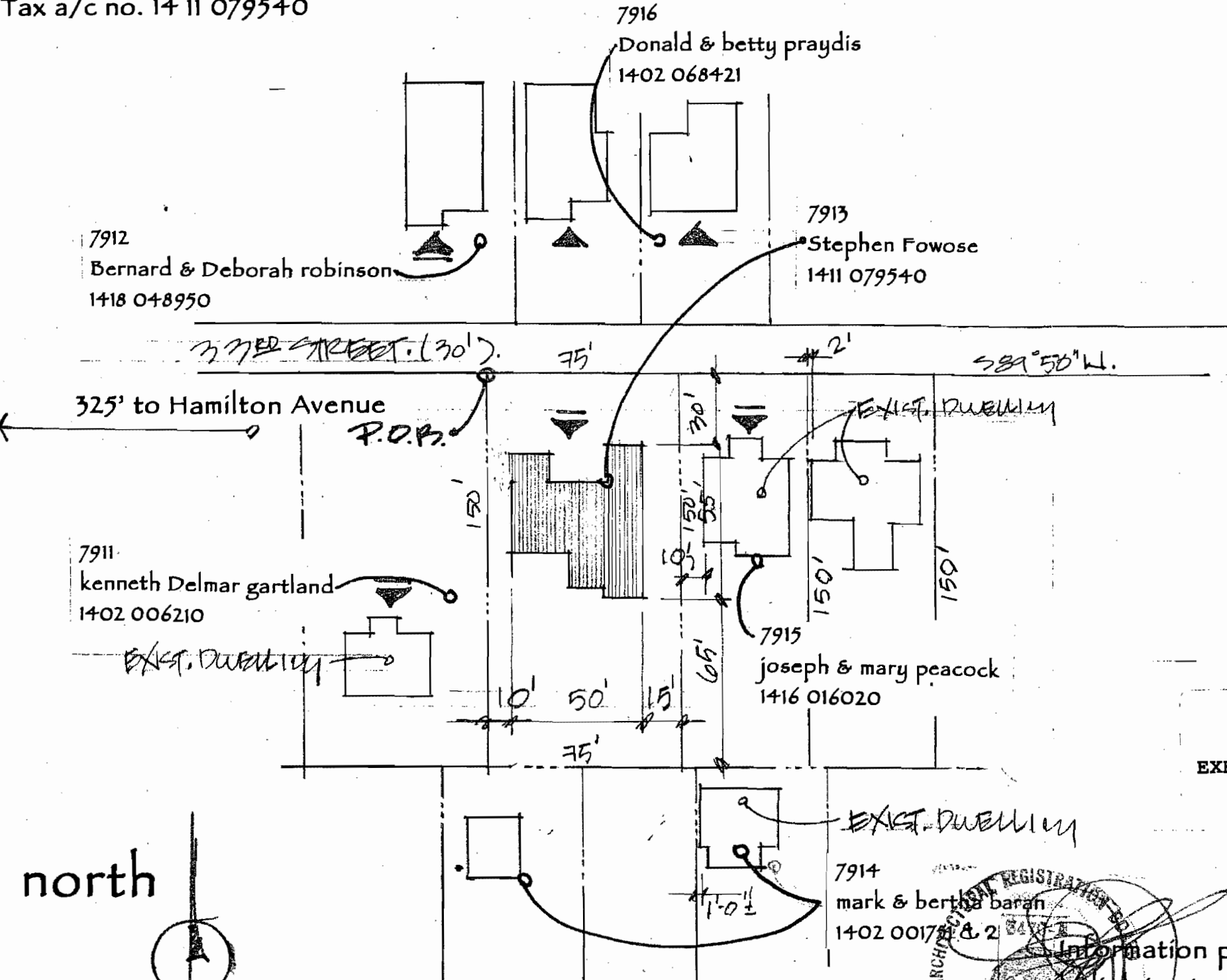
Property address : 7913 33rd Street 21237

Subdivision name : **Rosedale Farms**

plat book no. 0005 folio no.0061 lot no. 130/pt lot. 129 section n.a.

Owner : Stephen Fowose

Tax a/c no. 14 11 079540



north

Site Plan

$$1^{\text{a}} = 50' - 0''$$

PETITIONER' S

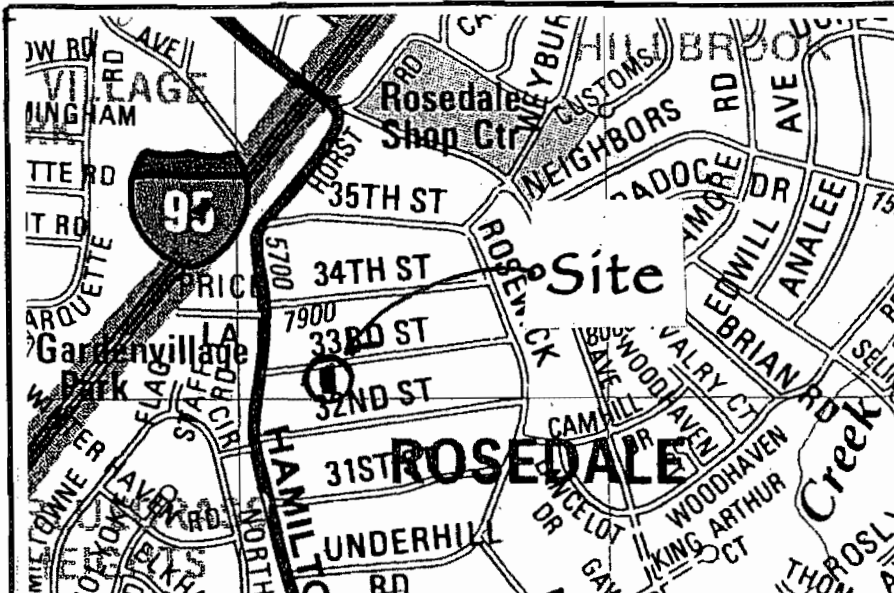
EXHIBIT NO

7914

mark & bertha baran

1402 001751 & 2

Information prepared by
Lilink jr., inc. architect
box 727 Brooklandville, md. 21022
410.337.9528
lilinkire@aol.com



Vicinity Map

↑ n.t.s

location information

election district 14

councilmatic district. 7

1"=200'-0" scale map no. 089B3

zoning DR 5.5

lot size 11250 sq.ft. (0.25 ac +/-)

yes public water

yes public sewer

no Chesapeake Bay Critical Area

no 100 Year Flood Plain

no historic property/building

none prior zoning hearing

zoning office use only

reviewed by

item No.

case No.

2006.

9603 -
SPHA

Regmond Wisnom, Jr.
Code Enforcement Hearing Officer
Baltimore County, Towson, Maryland

Good Morning,

My office was engaged by Mr. Fowose with regards the property
which is known as:

7913 33rd Street 21237

ref. civil citation 08-1375

and in keeping with said matters, a petition for variance has been filed
on July 2, 2008 (2008-0603 spha) to address the findings and
conclusions made on May 20, 2008. I will forward you additional
information as it becomes available as to the posting, date and any
more information that relates to this matter.

Thank you for your attention with regards this case.

Cordially,

l.j.link jr.
NCARB

l.j.link jr. inc.
Architect
box 727
brooklandville md. 21022
410.337.9528

LJLINKJR@AOL.COM july 3, 2008

PETITIONER'S

EXHIBIT NO.

2

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 08-1375

7913 33rd STREET

ZONING CASE: 08-0603-SPHA
7913 33RD STREET

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: July 15, 2008

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 603
Legal Owner/Petitioner: Stephen Fowose
Contract Purchaser:
Property Address: 7913 33rd St
Location Description: South side of 33rd Street, 325 feet East of the intersection of
Hamilton Avenue and 33rd Street

VIOLATION INFORMATION: Case No.: 08-1375
Defendants: Stephen Fowose

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s)
regarding the hearing date:

Debra Robinson
7912 33rd Street
Baltimore, MD 21237

Belinda Manuli
7914 33rd Street
Baltimore, MD 21237

Arnold Krause
7913 33rd Street, 2nd Fl
Baltimore, MD 21237

*These persons
were not
notified
of the
hearing*

In addition, please find attached a duplicate copy of the violation case, for review by the Zoning Commissioner's

Data Entry Sheet
State Tax Assessment printout
Other: inspector time-line

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Sophia Jennings

Case No: 08-1375Address: 07913 THIRTY THIRD ST 21237Insp Area: 014 Dist: 000 Date Rcv: 2/28/2008 Grp: ENF Intk: CPInspec: JENNINGS Inspec2: Date Inspec: 7/27/2008Close: 0/00/0000 Activity: PREV/SCJ Delete: Problem: PREVIOUS CASE/CP, RENTING APTS ILLEGALLY; COMPLAINT FROM TENANT-SEE NOTES ADDT COMPL: BELINDA MANULI, 7914 33RD, 410-866-1574 ADDT COMPL: ARNOLD KRAUSE, 2ND FLOOR TENANT 443-414-5736CL Name: ROBINSON DEBRACL Address: 07912 THIRTY THIRD ST
BALTIMORE MD 21237CL Home Phone: 410-866-9963 CL Work Phone: Tax Acct. 1411079540Owner: STEPHEN FOWOSE (MVA ADDRESS-2109 OAK ROAD, SPARROWS POINT 21219)

Enter=Continue F12=Cancel

Case No: 08-1375Notes: +++++PRIOR COMPUTER NOTES IN FILE+++++

MONDAY. THE ONE HE REMOVED IS IN THE SHED. THE LATEST REFRIGERATOR HAS ROACHES IN IT, PER THE TENANT. HE SAID WHEN THE LANDLORD FIRST BROUGHT IT A ROACH CAME OUT-LANDLORD SPRAYED IT & TOLD THEM JUST TO KEEP SPRAYING. THE TENANT HAS SPRAYED & SEALED THE INSIDE OF THE REFRIGERATOR & ALONG THE KITCHEN WALLS & AROUND THE REFRIGERATOR. NEED TO ISSUE NOTICE FOR THIS & CITATION FOR REPAIRS NOT MADE. UV HAS BEEN REMOVED-HEARING SCHEDULED FOR 6/26/08. (SCJ)

**6/24/08--ISSUED NOTICE TO REPLACE REFRIGERATOR/FREEZER BY 6/30/08. NOTICE MAILED TO OWNER AT VIOLATION ADDRESS, MVA ADDRESS & ALSO TO TENANT. STILL NEED TO ISSUE CITATION FOR INTERIOR REPAIRS TO 2ND FLOOR. (SCJ)

**6/25/08--ISSUED CITATION FOR FAILURE TO FIX LEAK BEHIND SINK & TOILET & PROPERLY REPAIR WALL WITH HEARING DATE OF 7/10/08. CITATION MAILED TO LEGAL OWNER AT ADDRESS ON TAXES & MVA ADDRESS. SENT E-MAIL TO JUNE ASKING HER TO PUT CASE ON DOCKET. P/U 7/5/08 FOR PRE-HEARING INSPECTION. P/U 6/25/08 FOR HEARING, THEN 6/30/08 FOR REFRIGERATOR/FREEZER, THEN 7/5/08 FOR PRE-HEARING INSPECTION. (SCJ)

**6/26/08-NO ONE APPEARED FOR HEARING. P/U 6/30/08 TO CHECK FOR ORDER & SEE IF FRIDGE HAS BEEN REPLACED. (SJ)

Enter=Continue F12=Cancel

View Cases

Case No: 08-1375Notes: **6/26/08 ON DOCKET FOR 7/10/08 /JF**. *

*6/30/08--TELEPHONE FROM ARNOLD KRAUSE EARLY THIS MORNING. HE SAID THAT THE LANDLORD HAS THE SAME APPLIANCE COMPANY COMING OUT TODAY TO BRING ANOTHER REFRIGERATOR. HE SAID IT IS IN THE SAME CONDITION AS THE OLD ONE, BUT THE LANDLORD DOESN'T WANT TO GET ANOTHER COMPANY AS HE WILL LOSE MONEY. I TOLD HIM THAT HE DIDN'T KNOW WHAT CONDITION IT WAS IN SINCE HE HASN'T SEEN IT. HE ASKED WHAT HE SHOULD DO.

I TOLD HIM THAT HE HAD TO LET THEM REPLACE THE REFRIGERATOR & TO CALL ME & LET ME KNOW HOW THINGS GO. (SCJ) *

*6/30/08--TELEPHONE CALL FROM BELINDA. SHE SAID THEY MOVED SOME APPLIANCES INSIDE TODAY. I LET HER KNOW THAT THE REFRIGERATOR ON THE 2ND FLOOR WAS BEING REPLACED. SHE SAID IT WAS A BIG TRUCK & THEY HAD TO TAKE THE DOOR OFF OF THE HOUSE. SHE WILL KEEP ME INFORMED. (SCJ) *

*6/30/08--RECEIVED COPY OF E-MAIL FROM CRAIG MCGRAW IN ZONING STATING THAT MR FOWSE HAS AN APPOINTMENT WITH A PLANNER FOR FILING A SPECIAL HEARING & VARIANCE ON 7/2/08 AT 3:00 PM. (SCJ) *

*7/1/08-INSPECTED PROPERTY & TOOK PHOTOS, BUT THEY DID NOT COME OUT. ISSUED NOTICE FOR HGW WITH COMPLIANCE

Enter=Continue F12=Cancel

Case No: 08-1375

Notes: DATE OF 7/8/08. P&M. NOTICE MAILED TO OWNER AT ADDRESS LISTED ON MVA RECORDS. P/U 7/2/08 TO SEE IF PAPERWORK WAS FILED IN ZONING. (SCJ) *

*7/2/08--TELEPHONE CALL FROM ARNOLD KRAUSE, TENANT. HE SAID THE LANDLORD BROUGHT IN ANOTHER REFRIGERATOR, WHICH IS ALSO INFESTED WITH ROACHES. HE SAID THE ROACHES HAVE GONE INTO THE CABINETS NOW. HE ALSO STATED THAT HIS WIFE WAS PREGNANT. HIS WIFE THEN GOT ON THE PHONE & SAID THE REFRIGERATOR WAS TOO LARGE & THE DELIVERY MEN CHIPPED THE WALL. SHE SAID THAT SHE DOESN'T WANT ANOTHER REFRIGERATOR. SHE WANTS TO BE LET OUT OF HER LEASE. I TOLD HER THAT WE CAN'T DO THAT & SHE NEEDS TO GO TO ESCROW COURT. SHE AGAIN REPEATED THAT SHE DID NOT WANT ANOTHER REFRIGERATOR AS HE KEEPS GETTING THEM FROM THE SAME PLACE. (SCJ) *

*7/2/08 FINAL ORDER SENT TO STEPHEN FOWOSE /JF**. *

*7/7/08--HEARING ORDER WRITTEN BY RSW ON 7/1/08 SUSPENDING CIVIL PENALTY OF \$1,500 IF RESPONDENT DOES NOT ALLOW THE VIOLATION TO RECUR. IF VIOLATION RECURS (UNTAGGED VEHICLE), CIVIL PENALTY IMPOSED SHALL BE \$1,500. (SCJ) *

*7/7/08--CHECKED WITH ZONING REVIEW. OWNER KEPT APPOINTMENT ON 7/2/08 & FILED PAPERWORK WITH LW (CASE 2008-0603-SPHA). SENT E-MAIL TO KRISTEN ASKING TO NOTIFY ME WHEN CASE IS SCHEDULED(SCJ)

Enter=Continue F12=Cancel

Case No: 08-1375

Notes: **7/9/08--TELEPHONE CALL TO ARNOLD KRAUSE, WHO SAID HE WILL BE HERE TOMORROW FOR THE HEARING. HE SAID THEY CAN'T USE THE REFRIGERATOR BECAUSE OF THE ROACHES. HE SAID THE LANDLORD TOLD HIM THAT HE WAS BRINGING AN ATTORNEY TO THE HEARING. I ASKED HIM IF THE GRASS WAS CUT & HE SAID YES, THE TENANT DOWNSTAIRS STARTED CUTTING IT, HAD PROBLEMS WITH THE MOWER SO THE LANDLORD CAME OUT & CUT IT IN THE RAIN. P/U 7/9/08. (SCJ) *

*7/10/08--OWNER & BOTH 2ND FLOOR TENANTS APPEARED FOR THE HEARING. OWNER STATED THAT THE 1ST FLOOR IS SECTION 8. AT THE END OF THE HEARING, OWNER HANDED THE TENANTS AN EVICTION LETTER. (SCJ)

Enter=Continue F12=Cancel

DATE: 07/15/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:54:28

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
14 11 079540	14	3-0	04-00	H	NO		06/10/08
FOWOSE STEPHEN				DESC-1.. IMPSLT 130 PT LT 129			

				DESC-2.. ROSEDALE FARMS			
--	--	--	--	-------------------------	--	--	--

7913 33RD ST

PREMISE. 07913 33RD

ST

00000-0000

ROSEDALE

MD 21237-1248 FORMER OWNER: COOK DAVID

----- FCV -----	----- PHASED IN -----
-----------------	-----------------------

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	30,560	71,680		FCV	ASSESS	ASSESS
IMPV:	94,840	133,630	TOTAL..	205,310	205,310	178,672
TOTL:	125,400	205,310	PREF...	0	0	0
PREF:	0	0	CURT...	205,310	205,310	0
CURT:	125,400	205,310	EXEMPT.		0	0
DATE:	06/02	08/05				

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

ASSESS: 205,310 10/16/07

ASSESS: 178,672

ASSESS: 0

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

08-1375
7913 33rd Street (21237)

- 2/28/08 Complaint received - renting apartments illegally.
- 4/2/08 Correction notice issued for illegal conversion of dwelling with compliance date of 4/11/08.
- 4/29/08 Citation issued for illegal conversion of dwelling with hearing date of 5/20/08.
- 5/16/08 Inspected inside of dwelling with owner.
- 5/19/08 Correction notice issued for UV with compliance date of 5/31/08.
- 5/20/08 Hearing held for illegal conversion. Owner appeared for hearing.
- 5/20/08 Order written by RSW suspending civil penalty of \$5,000 on condition structure is rendered compliant with existing zoning requirements on or before 7/1/08. If respondent fails to correct violations, then civil penalty imposed shall be \$5,000. It is further ordered that the compliance date may be extended on condition a special hearing is scheduled.
- 5/22/08 Inspected 2nd floor apartment with tenant.
- 5/22/08 Correction notice issued (2nd floor apartment) for leak behind sink & toilet & wall properly repaired with compliance date of 6/22/08 and refrigerator/freezer properly repaired by licensed professional or replaced with compliance date of 5/29/08.
- 6/2/08 Spoke to 2nd floor tenant who said refrigerator has been replaced.
- 6/3/08 Inspected property - UV still in driveway.
- 6/5/08 Citation issued for UV with hearing date of 6/26/08.

6/23/08 Message from 2nd floor tenant who said refrigerator caught on fire. Landlord brought in another refrigerator which has roaches in it. Plumbing has not been fixed.

6/23/08 Inspected 2nd floor apartment with tenant.

6/24/08 Correction notice issued to replace refrigerator/freezer by 6/30/08.

6/25/08 Citation issued for failure to fix leak behind sink & toilet & properly repair wall with hearing date of 7/10/08.

6/26/08 Hearing held for UV. Owner did not appear.

6/30/08 Telephone call from 2nd floor tenant who said the appliance company was coming out today to bring another refrigerator.

6/30/08 Received message from Zoning Review that owner has appointment to file petition on 7/2/08 at 3:00 pm.

7/1/08 Issued notice for HGW with compliance date of 7/8/08.

7/1/08 Hearing order written by RSW suspending civil penalty of \$1,500 if respondent does not allow the violation to recur. If violation recurs, civil penalty imposed shall be \$1,500.

7/2/08 Telephone call from 2nd floor tenant who said new refrigerator is also infested with roaches. His wife got on phone & said she didn't want another refrigerator, wants to be let out of her lease.

7/7/08 Per Zoning Review, owner kept appointment on 7/2/08 to file petition (Case 2008-0603-SPHA). Petition was filed with LW. Sent e-mail to Kristin asking to be notified when hearing is scheduled.

7/9/08 Telephone call to 2nd floor tenant. Nothing has been fixed. Landlord did cut the grass.

Tom,

9/9 – 11:30 AM

RE: 2008-0603-SPHA

I received a call from Arnold Krause, who at Pete Zimmerman's suggestion, is contacting our office to make you aware that he's planning to put in writing his objection to not being properly notified of this particular hearing, etc. Apparently, the violation package specifies to Carl Richards, dated 7/15/2008, that when the petition was scheduled, notification was to be sent to him. He's planning on preparing and sending this letter within the next few days.

Debbie

**CONVERSION OF ONE-FAMILY DWELLINGS
MINIMUM DIMENSIONS**

Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards (feet)	
	Duplex ¹	Semi-Detached ¹	Each Add. Fam.	Two Families	Each Add. Family	Min. For One	Sum of Both
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60
D.R.3.5	90	100	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50
D.R.5.5	80	90	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40
D.R.10.5	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40
D.R.16	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40

NOTES:

The original BCZR 1955 definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from Section 101 by Bill No. 100-1970. The entries previously read as follows:

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

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