

IN RE: PETITION FOR SPECIAL HEARING *

SW side of Selma Avenue, 186 feet S
of the c/l of Sulphur Spring Road
13th Election District
1st Councilmanic District
(5512 Selma Avenue)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY
Case No. 2009-0104-SPH

Travis Vibbert
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Travis Vibbert, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the continuation of 2 dwelling units as a nonconforming use in a D.R.5.5 Zone. 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 special hearing was Petitioner Travis Vibbert and Amar S. Weisman, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Long Van Bui, the professional land surveyor who prepared and sealed the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property consisting of approximately 0.147 acres, more or less, zoned D.R.5.5. The property is located on the southwest side of Selma Avenue, south of Sulphur Spring Road, in the Halethorpe area of Baltimore County. It is improved with an existing two-story dwelling with basement built in 1925. Petitioner purchased the property in 2007 as a dwelling with two apartments and has

1-28-09
[Signature]

rented the apartments since that time. Petitioner is seeking special hearing relief to continue the use of the two apartments as a nonconforming use.

In support of the requested relief, Petitioner submitted a floor plan of the dwelling with an accompanying exterior photograph that was marked and accepted into evidence as Petitioner's Exhibit 2. The floor plan is indicative of two apartments. One apartment is located in the basement with a separate entrance to the rear. It has a bedroom, bathroom, storage room, and kitchen area. There is also a separate utility room that serves both apartment units. The second unit consists of the first and second floors of the dwelling. The first floor includes a front entrance with enclosed porch, bedroom, living room and dining room, kitchen, and bathroom. The second floor also includes two bedrooms and a bathroom.

In support of the special hearing request, Petitioner presented several affidavits that recited the historical use of the property. The first affidavit dated December 21, 2007 was from Robert Francis Wolf and indicates that Mr. Wolf's parents owned the dwelling at the subject location, and that he was raised there and lived there with his parents in the first and second floor unit beginning in 1928. Mr. Wolf also indicated in his affidavit that his son lives in the community and has a place of business in the neighborhood that Mr. Wolf visits weekly. To his knowledge, the dwelling has been used continuously as two apartments every year since at least 1955. A copy of Mr. Wolf's affidavit was marked and accepted into evidence as Petitioner's Exhibit 6. The second affidavit dated December 21, 2007 was from Robert L. Wolf -- Robert Francis Wolf's son. The younger Mr. Wolf verified that his grandparents owned the two unit dwelling until it was inherited by his father. He indicated he visited the first and second floor apartment where his grandparents lived many times as a child, and indicated that the two apartment units have been continuously

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1-28-09
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occupied every year since at least 1979. The younger Mr. Wolf's affidavit was marked and accepted into evidence as Petitioner's Exhibit 7.

In further support of the requested relief, Petitioner submitted photographs that show the separate features of the two apartments. These photographs, marked and accepted into evidence as Petitioner's Exhibits 8A through 8D, show the two separate entrances, the basement and first floor kitchens, the basement and second floor bathrooms with tub/shower, and the two central air conditioning units that serve each unit.

The Zoning Advisory Committee comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated November 20, 2008 which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. In addition, any further development of this site may be subject to the water quality regulations, and may include establishment of a Forest Buffer Easement from the adjacent stream.

Section 104 of the B.C.Z.R. governs nonconforming uses in Baltimore County. 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 a use." Often, the nonconforming use designation is applied to "grandfather" an otherwise illegal use. If Petitioner can establish that the use began prior to the effective date of the zoning regulation which prohibited such use, and the use has continued without interruption since that time, that use may continue as nonconforming.

In this case, the relevant date is March 30, 1955, the date the current B.C.Z.R. were adopted. Based upon the testimony and evidence presented, I am persuaded to grant relief for two dwelling units. The evidence indicates that the home was built in 1925 and the first and second

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[Signature]

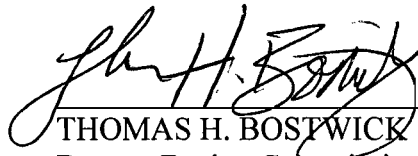
floor was used as an apartment as far back as 1928. The dwelling has separate kitchen, bedroom, bathroom, and air conditioning facilities for each of the two units. The evidence also indicates that the dwelling has been used continuously as two separate apartment units since at least 1955. Therefore, I shall approve the use of the subject property as nonconforming for the two units.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 28th day of January, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the continuation of 2 dwelling units as a non-conforming use in a D.R.5.5 Zone be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for 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. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

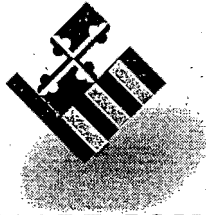

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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1-28-09

PH



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 28, 2009

AMAR S. WEISMAN, ESQUIRE
LAW OFFICES OF AMAR S. WEISMAN, LLC
15 EAST CHESAPEAKE AVENUE
TOWSON MD 21286

Re: Petition for Special Hearing
Case No. 2009-0104-SPH
Property: 5512 Selma Avenue

Dear Mr. Weisman:

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 "Th H Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Travis Vibbert, 317 East Maple Road, Linthicum MD 21090
Long Van Bui, 1907 Winding Woods Lane, Baltimore MD 21234



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5512 Selma Avenue
which is presently zoned DR 5.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

To permit the continuation of 2 dwelling units as a non conforming use in a DR 5.5 Zone

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:

not applicable

Name - Type or Print

Signature

not applicable

Address

Telephone No.

not applicable

City

State

Zip Code

Attorney For Petitioner:

Amar S. Weisman, Esquire

Name - Type or Print

Signature

Law Offices of Amar S. Weisman, LLC

Company

15 East Chesapeake Avenue

410-321-4994

Address

Telephone No.

Towson

Maryland

21286

City

State

Zip Code

Legal Owner(s):

Mr. Travis Vibbert

Name - Type or Print

Signature

Name - Type or Print

Signature

317 East Maple Road

410-916-3600

Address

Telephone No.

Linthicum

Maryland

21090

City

State

Zip Code

Representative to be Contacted:

Amar S. Weisman, Esquire

Name

15 East Chesapeake Avenue

410-321-4994

Address

Telephone No.

Towson

Maryland

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2009-0104-BPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By W

Date

10/16/08

LONG VAN BUI
Professional Land Surveyor
1907 Winding Woods Lane
Baltimore, MD 21234
Phone: 410-581-2438
410-262-5467
Fax: 410-581-2528
Email: lvbco@yahoo.com

March 27, 2008

ZONING DESCRIPTION

Property of Travis P. Vibbert
Deed 25575-364
5512 Selma Avenue

Election District 13
Baltimore County, Maryland

Beginning at a point on the southwest side of Selma Avenue which is 30 feet wide at the distance of 186 feet, more or less, south of the centerline of Sulphur Spring Road which is variable width; thence the following courses and distances:

- 1) S 33°35' E 50',
- 2) S 56°25' W 64',
- 3) S 75° W 82',
- 4) Northwesterly 39',
- 5) N 68° E 63', and
- 6) N 56°25' E 64' to the place of beginning.

BEING the same property recorded in Deed Liber 25575, Folio 364, containing 0.15 acres, more or less. Also known as 5512 Selma Avenue Road and located in the Thirteenth Election District.



2009-0104-SPA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **28671**

Date

10/16/08

PAID RECEIPT

BUSINESS ACTUAL TIME ROW
 10/17/2008 10/16/2008 09:50:48 2

POB WSDZ PAID JENA JEF

>>> RECEIPT # 286507 10/16/2008 OFLR

3 FOR ZONING VERIFICATION

CR 0. 024671

Receipt Tot \$65.00

\$65.00 CR \$6.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						65.00

Rec From **Baltimore County, MD** Total **65.00**
AMIK S. WEISMAN
 For **Wagon** **2009-0104-SPH**
5572 SCHMIDTKE
21227

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

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

Case: #2009-0104-SPH

5512 Selma Avenue
S/west side of Selma Avenue,
186 feet south of the centerline
of Sulphur Spring Road
13th Election District

1st Councilmanic District
Legal Owner(s): Travis Vibbert

Special Hearing: to permit the
continuation of 2 dwelling units
as a non-conforming use in a
DR 5.5 zone.

**Hearing: Wednesday, Janu-
ary 7, 2009 at 11:00 a.m. in
Jefferson Building, Room
104, 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 12/748 Dec. 23 191036

CERTIFICATE OF PUBLICATION

1/7/, 2009

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 12/23/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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: #2009-0104-SPH
5512 Selma Avenue
S/west side of Selma Avenue,
186 feet south of the centerline
of Sulphur Spring Road
13th Election District
1st Councilmanic District
Legal Owner(s): Travis Vibbert
Special Hearing: to permit
the continuation of 2 dwelling
units as a non-conforming use
in a DR 5.5 zone.
Hearing: Friday, December
12, 2008 at 11:00 a.m. in Jef-
ferson Building, Room 104,
105 West Chesapeake Ave-
nue, 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 11/734 Nov. 25 189236

CERTIFICATE OF PUBLICATION

11/27, 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 11/25, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE2009-0104-SPH

Petitioner/Developer: _____

Travis Vibbert

Date of Hearing/Closing: Jan 7 09

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

Attn : Kristin Matthews

Ladies and Gentlemen:

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

5512 Selma Avenue

The sign(s) were posted on _____ Dec 23 08
(Month, Day, Year)

Sincerely,

Robert Black Dec 29, 08

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0104-SPH

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

PLACE: JEFFERSON BUILDING, ROOM 104 21204
105 WEST CHESAPEAKE AVENUE, TOWSON

DATE AND TIME: WEDNESDAY, JANUARY 7, 2009 AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT THE CONTINUA-
TION OF 2 DWELLING UNITS AS A NON-CONFORMING USE IN
A DR 55 ZONE.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2008 Issue - Jeffersonian

Please forward billing to:

Amar Weisman
15 East Chesapeake Avenue
Towson, MD 21286

410-321-4994

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: 2009-0104-SPH

5512 Selma Avenue

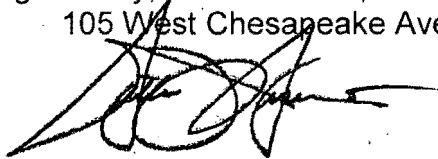
S/west side of Selma Avenue, 186 feet south of the centerline of Sulphur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: Travis Vibbert

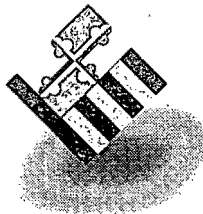
Special Hearing to permit the continuation of 2 dwelling units as a non-conforming use in a DR 5.5 zone.

Hearing: Friday, December 12, 2008 at 11:00 a.m. in Jefferson Building, Room 104
105 West 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 6, 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: 2009-0104-SPH

5512 Selma Avenue

S/west side of Selma Avenue, 186 feet south of the centerline of Sulphur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: Travis Vibbert

Special Hearing to permit the continuation of 2 dwelling units as a non-conforming use in a DR 5.5 zone.

Hearing: Friday, December 12, 2008 at 11:00 a.m. in Jefferson Building, Room 104
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Amar Weisman, 15 East Chesapeake Avenue, Towson 21286
Travis Vibbert, 317 East Maple Road, Lithincum 21090

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THUR., NOVEMBER 27, 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.



Ok to postpone per H.C.

November 19, 2008

Via Telecopier to 410-887-3048

Ms. Kristine Matthews

Zoning Review

111 West Chesapeake Avenue, Room 111,
Towson, Maryland 21204

Re: Schedule Request—Case No. 2009-0104-SPH

Dear Ms. Matthews:

This correspondence follows our telephone conversation of earlier this afternoon.

I would like to request rescheduling the public hearing in the above-described case that is currently set for Friday, December 12, 2008, at 11:00 a.m. I will be out of the country between December 6, 2008 and December 13, 2008.

Should you have any further inquiries, please do not hesitate to contact me.

Thank you for your courtesies.

Very truly yours,

/s/

Amar S. Weisman

ASW:tbm
Enclosures

cc: ☒ Also via U.S. Mail
Travis Vibbert
File

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 23, 2008 Issue - Jeffersonian

Please forward billing to:
Amar Weisman
15 East Chesapeake Avenue
Towson, MD 21286

410-321-4994

NOTICE OF ZONING HEARING

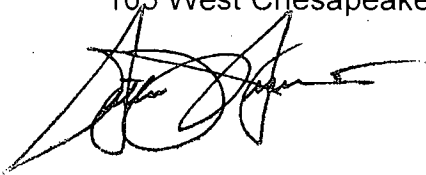
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CASE NUMBER: 2009-0104-SPH

5512 Selma Avenue
S/west side of Selma Avenue, 186 feet south of the centerline of Sulphur Spring Road
13th Election District – 1st Councilmanic District
Legal Owners: Travis Vibbert

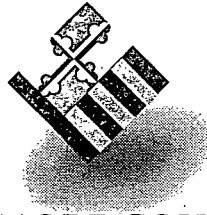
Special Hearing to permit the continuation of 2 dwelling units as a non-conforming use in a DR 5.5 zone.

Hearing: Wednesday, January 7, 2009 at 11:00 a.m. in Jefferson Building, Room 104
105 West 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

December 3, 2008
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW NOTICE OF ZONING HEARING

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

CASE NUMBER: 2009-0104-SPH

5512 Selma Avenue

S/west side of Selma Avenue, 186 feet south of the centerline of Sulphur Spring Road

13th Election District – 1st Councilmanic District

Legal Owners: Travis Vibbert

Special Hearing to permit the continuation of 2 dwelling units as a non-conforming use in a DR 5.5 zone.

Hearing: Wednesday, January 7, 2009 at 11:00 a.m. in Jefferson Building, Room 104
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Amar Weisman, 15 East Chesapeake Avenue, Towson 21286

Travis Vibbert, 317 East Maple Road, Lithincum 21090

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

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: 2009-0104-SPH

Petitioner: Travis Vibbert

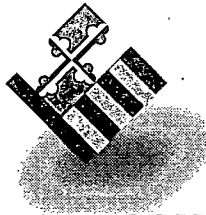
Address or Location: 5512 Selma Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amar S. Weisman, Esq.

Address: 15 E. Chesapeake Ave
Towson, MD 21286

Telephone Number: 410-321-4994



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
January 6, 2009

Amar S. Weisman
Law Office of Amar S. Weisman, LLC
15 E. Chesapeake Ave.
Towson, MD 21286

Dear: Amar S. Weisman

RE: Case Number 2009-0104-A, 5512 Selma Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Mr. Travis Vibbert, 317 E. Maple Rd., Linthicum, MD 21090

TB 12/12
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 13, 2008

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

RECEIVED
NOV 13 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-104- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

Carol's Perry

Division Chief:
CM/LL

John Johnson

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 20, 2008
SUBJECT: Zoning Item # 09-104-SPH
Address 5512 Selma Avenue
(Vibbert Property)

RECEIVED
NOV 20 2008

BY:

Zoning Advisory Committee Meeting of October 27, 2008

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

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Any future development at this site may be subject to the water quality regulations cited above. That may include establishment of a Forest Buffer Easement from the adjacent stream.

Reviewer: Glenn Shaffer

Date: November 14, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 31, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, 102, 103, 104,
105, 106, 107 and 108

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

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS



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

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107

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



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: OCT. 24, 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. ~~2009-0104-SPH~~
5512 SELMA AVE.
VIBBERT PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0104-SPH

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,


For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5512 Selma Avenue; SW/S Selma Avenue, *
186' c/line Sulpher Spring Road * ZONING COMMISSIONER
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Travis Vibbert * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-104-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

OCT 30 2008

[Signature]

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Amar S. Weisman, Esquire, 15 East Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

LONG VAN BUI
Professional Land Surveyor
1907 Winding Woods Lane
Baltimore, MD 21234
Phone: 410-262-5467
Fax: 410-581-2528
Email: lvbco@yahoo.com

LETTER OF TRANSMITTAL

April 3, 2008

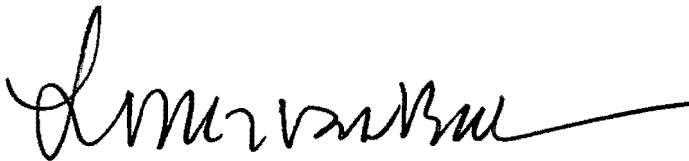
To: Amar Weisman, LLC

Re.: Special Hearing for Vibbert Property
5512 Selma Avenue

I am sending the engineering package for Special Hearing:
Plat to Accompany Petition for Special Hearing
House Floor Plan
Zoning Map (200 Scale)
Zoning Map (Color)
Tax Map
Floodplain Map
Zoning Description

For your use.
Please call with your comments.

Thanks.



Long Van Bui, L.S.

2009-0104-SPH

DATE: 10/16/2008

ASSESSMENT TAXPAYER SERVICE

TIME: 08:42:51

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
13 23 750020	13	1-0	04-00	N	NO		10/02/08

VIBBERT TRAVIS P

DESC-1.. IMPS

DESC-2.. NORTH HALETHORPE

317 E MAPLE RD

PREMISE. 05512 SELMA

AVE

00000-0000

LINTHICUM

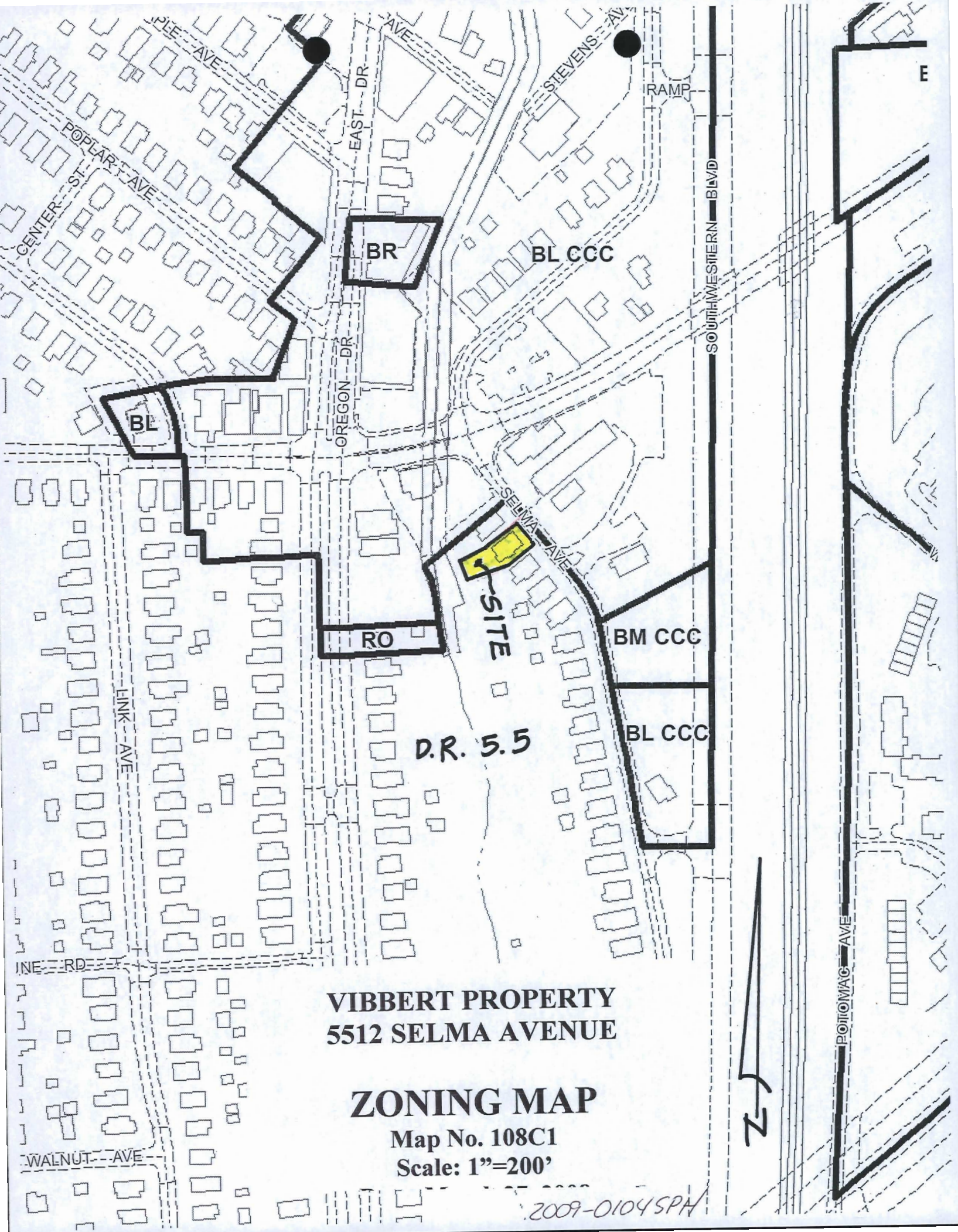
MD 21090-2504 FORMER OWNER: YORK JAMES T

-----FCV-----	-----TRANSFER DATA-----	---PROPERTY ID---
PRIOR	PROPOSED	NUMBER..... 359532
LAND: 30,460	81,460	LOT..... 23
IMPV: 80,040	144,630	DATE..... 05/02/07
TOTL: 110,500	226,090	PURCHASE PRICE.. 249,000
PREF: 0	0	SECTION..
CURT: 0	0	GROUND RENT..... 0
DATE: 07/03	08/06	PLAT..... 1
		DEED REF LIBR.. 25575
		BOOK..... 0007
		DEED REF FOLIO.. 364
		FOLIO.... 0025
		YEAR BUILT..... 25
		MAP..... 0108
		NEW CONSTR YR...
		GRID..... 0005
		PARCEL... 0660

TAXABLE BASIS

226,090	LOT WIDTH..	50.00	SB 1933	.00
187,560	LOT DEPTH..	.00	WB	.00
0	LAND AREA..	6468.000 S	SS	55.00
ENTER-INQUIRY1	PA1-PRINT	PF4-MENU	PF5-QUIT	WD
				84.94

2009-0104-SPH



VIBBERT PROPERTY
5512 SELMA AVENUE

ZONING MAP

Map No. 108C1

Scale: 1"=200'

2009-0104 SPA

CASE NAME _____
CASE NUMBER 2009-0104-SAH
DATE 1-7-09

[illegible]

Case No.:

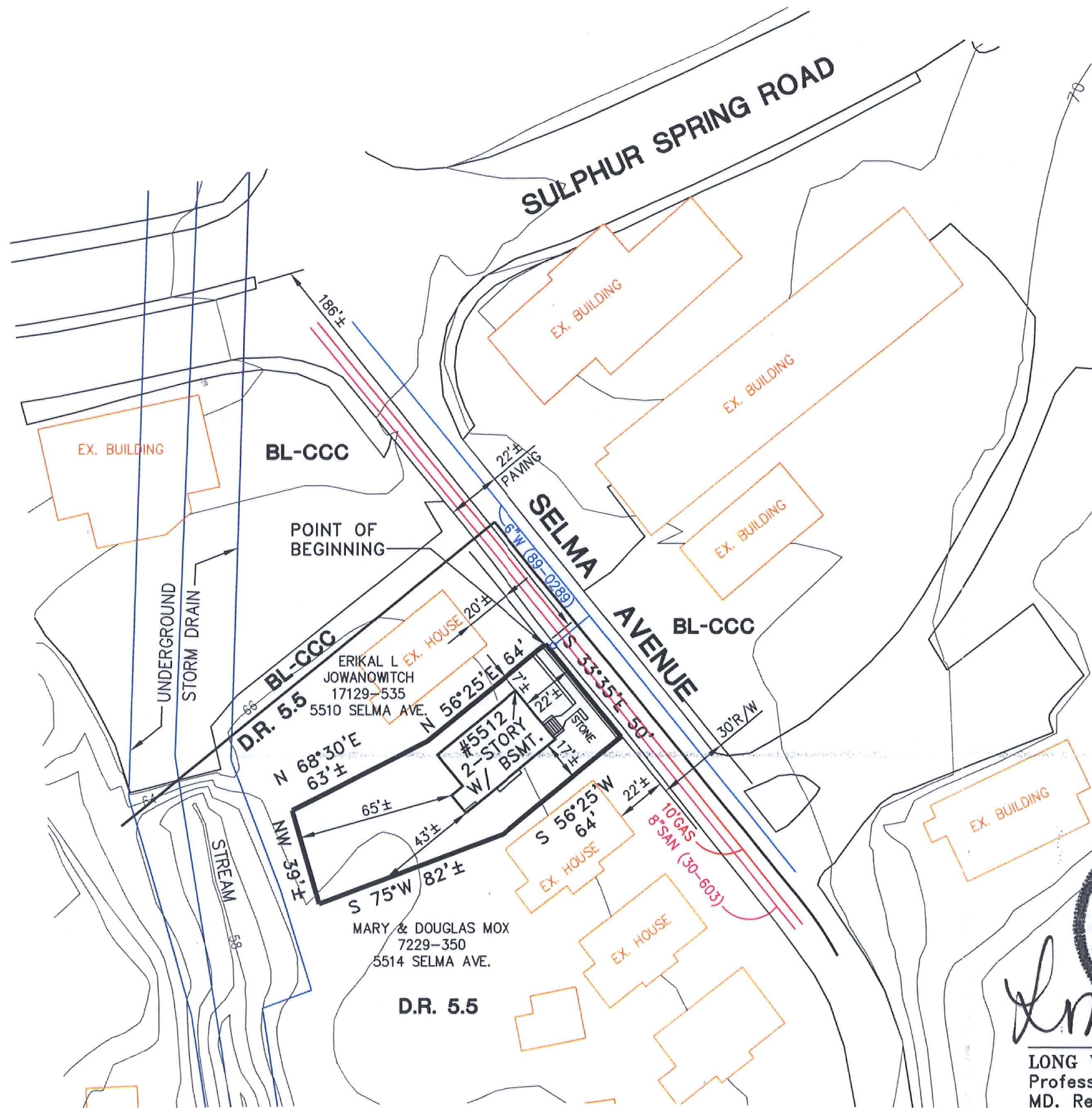
2009-0104-SPH

Exhibit Sheet

Petitioner/Developer

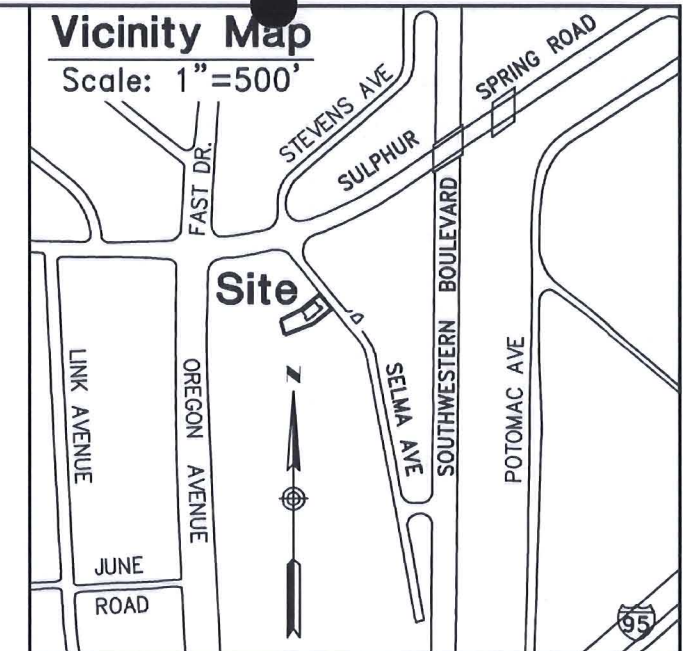
Protestant

No. 1	Site Plan	
No. 2	Floor Plan	
No. 3	Aerial Photo	
No. 4	Zoning Map / Floodplain delineation	
No. 5	Code Enforcement / Heavy Order - dism. citation 1-22-08	
No. 6	Affidavit from Robert F. Wolf 12-21-07	
No. 7	Affidavit From Robert L. Wolf 12-21-07	
No. 8 A-D	photos of property and dwelling	
No. 9	Photo of front of dwelling	
No. 10		
No. 11		
No. 12		



Vicinity Map

Scale: 1"=500'

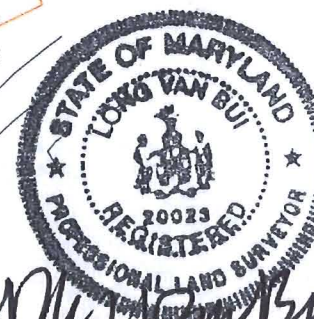


OWNER:
Travis P. Vibbert
Deed: 25575-364, Acct. No. 13-23-750020
5512 Selma Avenue
Baltimore, MD 21227

LOCATION INFORMATION
Election District: 13
Councilmanic District: 1
1"=200' Scale Zoning Map No. 108C1
Zoning: D.R. 5.5
Lot Size: 6,390 SF± / 0.147 AC±
Sewer: Public
Water: Public
Chesapeake Bay Critical Area : No
100-Year Floodplain: Yes
Historic Property/Building: No
Prior Zoning Hearing: None

PETITIONER'S

EXHIBIT NO. 1



LONG VAN BUI
Professional Land Surveyor
MD. Reg. No. 20023
1907 Winding Woods Lane
Baltimore, MD 21234
410-581-2438
410-262-5467

2009-0104-SPH

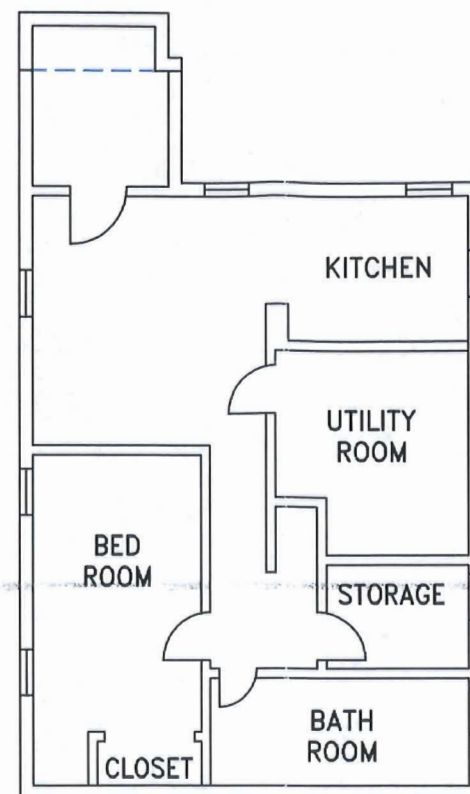
**Plat to Accompany Petition for
Special Hearing
VIBBERT PROPERTY
5512 SELMA AVENUE**

Election District 13 Councilmanic District 1
BALTIMORE COUNTY, MARYLAND

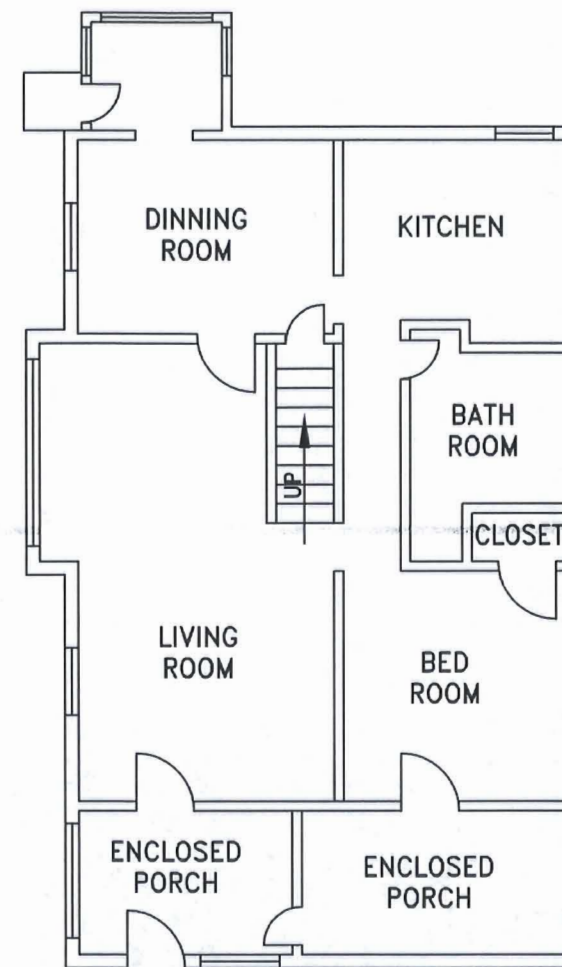
Scale: 1"=50' Date: March 27, 2008



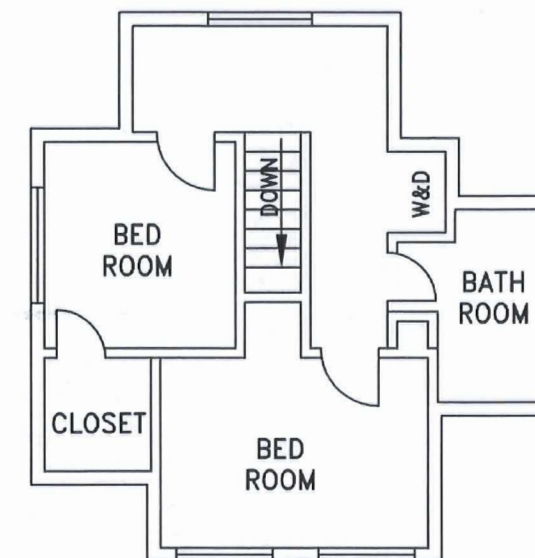
5512 SELMA AVENUE



BASEMENT FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

PETITIONER'S

EXHIBIT NO. 2

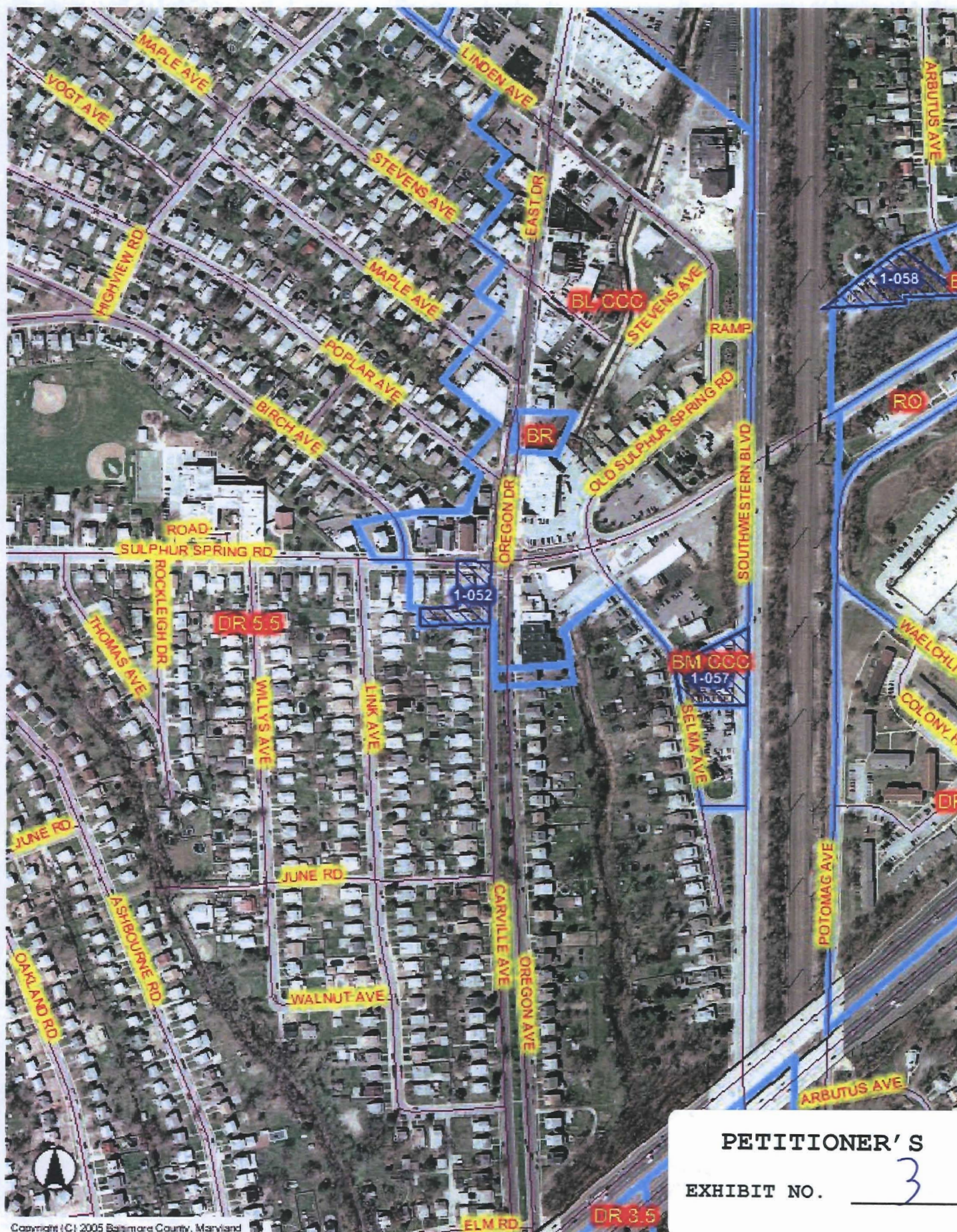
2009-0104-SPH

Plan to Accompany Petition for
Special Hearing
VIBBERT PROPERTY
5512 SELMA AVENUE

Election District 13 Councilmanic District 1
BALTIMORE COUNTY, MARYLAND

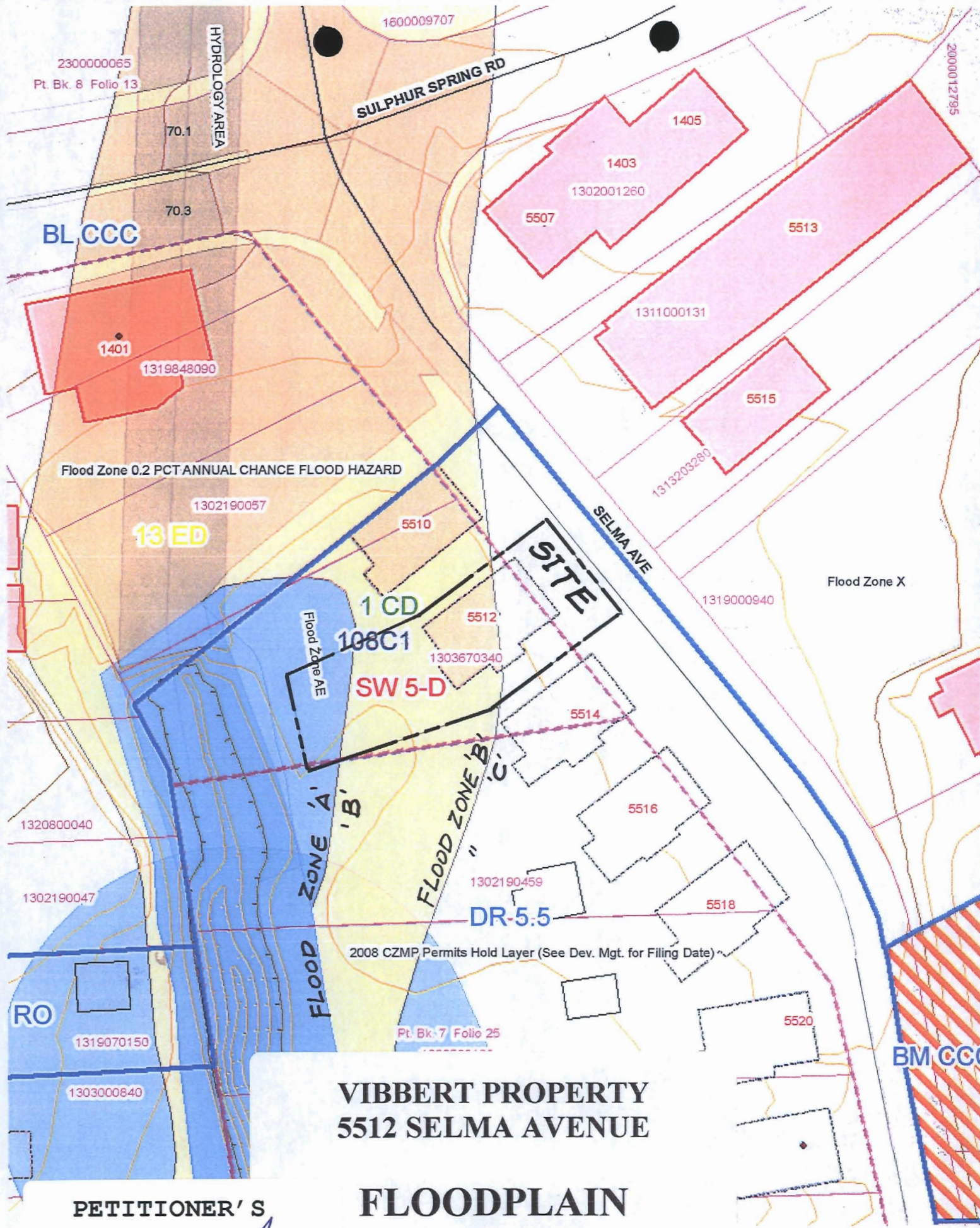
Scale: 1"=10'

Date: March 27, 2008



PETITIONER'S
EXHIBIT NO. 3

2009-0104-SPH



**VIBBERT PROPERTY
5512 SELMA AVENUE**

FLOODPLAIN

Map No. 108C1

Date: March 27, 2008

PETITIONER'S

EXHIBIT NO.

4

2009-0104-SPH

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

In the Matter of

Civil Citation No. 07-11926

Travis P. Vibbert
317 E. Maple Road
Linthicum, MD 21090

5512 Selma Avenue

Respondent

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

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on January 16, 2008, for a hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 102.1, 1B01.1 for illegal conversion to 2 dwelling units on residential property zoned DR 5.5 known as 5512 Selma Avenue, 21227.

On December 3, 2007, pursuant to §3-6-205, Baltimore County Code, Code Enforcement Officer, issued a code enforcement citation. The citation was legally served on the Respondents.

The citation proposed a civil penalty of 6,400.00 (six thousand four hundred dollars). A code enforcement hearing date was scheduled for January 16, 2008.

Mr. Vibbert, Respondent appeared represented by Amar S. Weisman, Esquire
Joseph Glorioso, Code Enforcement Officer presented the case for Baltimore County.

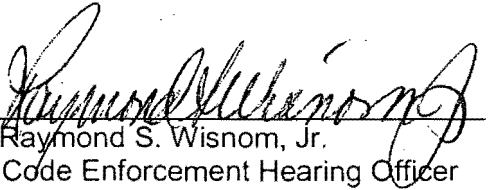
Respondent entered 3 exhibits consisting of affidavits from previous owner declaring 2 units since 1928. Baltimore County offered no evidence to show recent conversion. Inspector Glorioso was allowed in the structure in September and declared no violations closing the case. Appears that a service upgrade is taking place to cover additional electrical loads due to new air conditioning units being installed.

PETITIONER'S

EXHIBIT NO.

5

IT IS ORDERED by the Code Enforcement Hearing Officer this 22nd day of January 2008 that case #07-11926 is hereby dismissed.

Signed: 

Raymond S. Wisnom, Jr.
Code Enforcement Hearing Officer

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

RSW/jaf

**AFFIDAVIT
IN SUPPORT OF CONTINUATION OF MULTI-FAMILY
DWELLING AT 5512 SELMA AVENUE,
NORTH HALETHORPE, BALTIMORE COUNTY, MARYLAND**

I HEREBY STATE, on this 21 day of December, 2007, under the penalty of perjury:

1. I am over 18 years of age and competent to give testimony and evidence presented of my personal knowledge and belief.
2. I am a resident of the State of Maryland.
3. I reside at 7100 GANTON CREEK, 21163.
4. My parents owned the two dwelling building at 5512 Selma Avenue, Baltimore County, Maryland, and I grew up in the upstairs dwelling unit. I inherited the building from my mother. I was raised there beginning in 1928.
5. My son lives in the community and has a place of business in the neighborhood that I visit weekly. The two dwellings have continuously been occupied every year since at least 1955.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing document are true and correct.


Robert Francis Wolf

PETITIONER' S

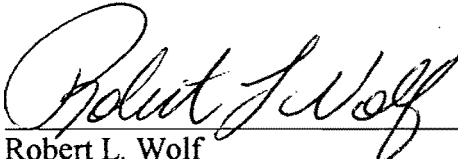
EXHIBIT NO. 6

**AFFIDAVIT
IN SUPPORT OF CONTINUATION OF MULTI-FAMILY
DWELLING AT 5512 SELMA AVENUE,
NORTH HALETHORPE, BALTIMORE COUNTY, MARYLAND**

I HEREBY STATE, on this 21 day of December, 2007, under the penalty of perjury:

1. I am over 18 years of age and competent to give testimony and evidence presented of my personal knowledge and belief.
2. I am a resident of Baltimore County, Maryland.
3. I reside at 6605 GROUSE RD.
4. My grandparents, Robert L. Wolf and Helen G. Wolf owned the two dwelling building at 5512 Selma Avenue, Baltimore County, Maryland, until it was inherited by my father Robert Francis Wolf. I visited the upstairs apartment, where my grandparents live, many times as a child. Today I live in the community and have a place of business in the neighborhood and the two dwellings have continuously been occupied every year since at least 1979.

I do solemnly declare and affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing document are true and correct.



Robert L. Wolf

PETITIONER'S

EXHIBIT NO. 7

TWO ENTRANCES

ENTRANCE A



ENTRANCE B



PETITIONER'S

EXHIBIT NO. JA-D

TWO KITCHENS

KITCHEN A



KITCHEN B

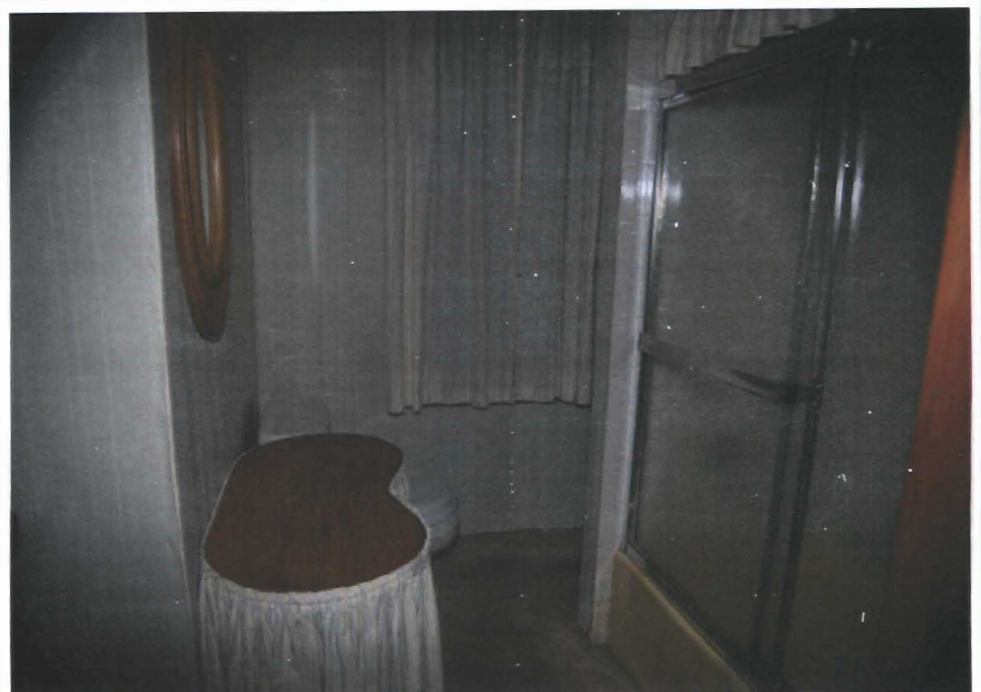


TWO SHOWERS

SHOWER A



SHOWER B



TWO AIR CONDITIONING UNITS



