

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
S side of Schwartz Avenue, 895 feet W of		
the c/l of York Road	*	DEPUTY ZONING
9 th Election District		
5 th Councilmanic District	*	COMMISSIONER
(421 Schwartz Avenue)		
	*	FOR BALTIMORE COUNTY
Andrew T. McQuaid		
<i>Petitioner</i>	*	Case No. 2009-0175-SPH

* * * * *

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 Andrew T. McQuaid, 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 approve the non-conforming use of a two-family dwelling prior to 1955. 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 Andrew T. McQuaid. Also appearing in support of the requested relief was Melody Taylor, the proposed buyer of the property. Appearing as interested citizens were nearby neighbors McCanner Perry of 439 Schwartz Avenue, Betty Dorsey and Cynthia Dorsey of 6324 Smith Court, and G. Zelinski of 433 Schwartz Avenue. There were no Protestants in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular-shaped and consists of approximately 11,000 square feet or 0.25 acre, more or less, zoned D.R.5.5. The property is located on the south side of Schwartz Avenue, west of York Road near Rogers Forge just north of the Baltimore City/County line. The property is improved with a two-story

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dwelling with vinyl siding and a macadam driveway that runs along the right side of the property. Petitioner purchased the property in 1986 as his first home. When he bought the property, it was his understanding that the dwelling contained two separate apartment units -- one on the first floor and the other on the second floor. Indeed, the dwelling had two separate entrances in front for the two apartments. Petitioner also indicated that he made significant improvements to the home, including the installation of the aforementioned vinyl siding, as well as a covered front porch. A photograph of the dwelling as it appears today was marked and accepted into evidence as Petitioner's Exhibit 3.

At this juncture, Petitioner desires to sell the property to Melody Taylor; however, prior to the sale, the parties desire to confirm the legal status of the two apartments in the dwelling. Ms. Taylor intends to reside on the first floor and rent the second floor apartment. Petitioner explained that when he purchased the dwelling in 1986 and obtained permits for the improvements he was making to the exterior and the interior units, he was told by the County's Permit Office that he would need to verify that the dwelling had in fact been used as two separate apartments. As such, at that time, Petitioner obtained affidavits from the neighbors on each side of the property. In particular, Petitioner obtained an affidavit from William Aguas of 421½ Schwartz Avenue that was marked and accepted into evidence as Petitioner's Exhibit 4A. Mr. Aguas indicated he was aware the dwelling had been used as two apartments since at least 1984. Another affidavit was obtained from Yvette McDougald of 417 Schwartz Avenue and marked and accepted into evidence as Petitioner's Exhibit 4B. Ms. McDougald indicated that she was aware the subject dwelling had been used as two apartments since at least 1965.

Testifying as an interested citizen was McCanner Perry of 439 Schwartz Avenue. Ms. Perry appeared with several neighbors and on behalf of their neighborhood organization, the

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pm

Schwartz Avenue Neighborhood Group, to learn more about the requested relief and to make sure they were informed as to what Petitioner is intending with regard to the property. Upon listening to Petitioner's presentation and meeting Ms. Taylor, Ms. Perry and the other neighbors indicated they were supportive of the requested relief. In fact, these citizens verified that the dwelling has been used as two apartments for many years. Ms. Perry indicated she has lived in her home for approximately 50 years and to her knowledge, the dwelling has always had two apartments -- certainly since prior to 1955. Petitioner also added that the dwelling has two separate entrances in front and that each unit has its own separate gas and electric meters. He also noted that the dwelling was originally constructed in 1903.

The Zoning Advisory Committee comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 4, 2009 which states that when initially reviewing the Petitioner's request and site plan, the Office had some concerns about recommending approval of a two unit dwelling on a small one-way street. It appeared that this would further exacerbate a constricted situation. After making a site visit there does in fact appear to be some available on-street parking directly in front of the proposed property and across the street. Nonetheless, the Planning Office recommends the applicant provide an additional on-site parking space.

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

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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. was adopted. Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief for two apartments in the dwelling. The affidavits accepted into evidence as Petitioner's Exhibits 4A and 4B and the testimony from Petitioner and nearby neighbors leads me to conclude that the dwelling has been used as two apartments since before the 1955 Regulations without interruption for more than one year, thus meeting the requirements of a nonconforming use. As to the recommendation of the Planning Office for an additional on-site parking space, I will not require Petitioner to reconfigure the parking. As shown on the photograph that was accepted into evidence as Petitioner's Exhibit 3, the existing parking pad appears to accommodate two vehicles. In addition, there appears to be sufficient on-street parking to accommodate additional vehicles should the need arise.

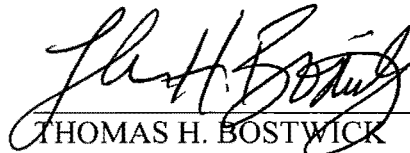
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of February, 2009 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 approve the non-conforming use of a two-family dwelling prior to 1955 be and is hereby GRANTED, subject to the following:

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[Signature]

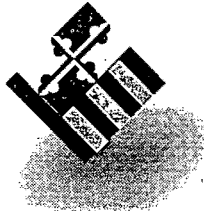
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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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2-23-09
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 23, 2009

ANDREW T. MCQUAID
123 SOUTH CURLEY STREET
BALTIMORE MD 21224

Re: Petition for Special Hearing
Case No. 2009-0175-SPH
Property: 421 Schwartz Avenue

Dear Mr. McQuaid:

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: Melody Taylor, 5515 Hillen Road, Baltimore MD 21239
McCanner Perry, 439 Schwartz Avenue, Baltimore MD 21212
Betty Dorsey and Cynthia Dorsey, 6324 Smith Court, Baltimore MD 21212
G. Zelinski, 433 Schwartz Avenue, Baltimore MD 21212



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 421 Schwartz Ave
which is presently zoned PR5.5

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

THE NONCONFORMING USE OF A TWO-FAMILY DWELLING PRIOR TO 1955.

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 Andrew T. McQuaid

Signature A. T. McQuaid

Name - Type or Print _____

Signature _____

Address 1023 S Curley St. Telephone No. 410-563-2828

City Baltimore State MD Zip Code 21224

Representative to be Contacted:

Name Same

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0175-SPH

Reviewed By D.T. Date 10/19/08

REV 9/15/98

COPIES FORWARDED FOR RECORD

2-23-09
mm

Zoning Description for **421 SCHWARTZ AVENUE**

Beginning at a point on the south side of Schwartz Avenue having a 30-foot right-of-way 895-feet west of the centerline of York Road. Also known as 421 Schwartz Avenue containing 11,340 square feet and located in the 9th Election District and 5th Councilman District.

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

No. **33059**

Date: **12/19/08**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	8016	0000		6150				65.00

Total: **65.00**

Rec From:

ANDREW T. McQUAID

For:

2009-0175-SPH

421 SCHWARTZ AVE.

D. THOMPSON

DISTRIBUTION

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

PAID RECEIPT

DATE: 12/19/2008 11:41:40 AM

DEPT: 8016

OBJ: 6150

AMOUNT: 65.00

CASHIER: [Signature]

DATE: 12/19/2008

AMOUNT: 65.00

BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

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

Case: #2009-0175-SPH

421 Schwartz Avenue,
S/side of Schwartz Avenue,
895 feet west of centerline of
York Road

9th Election District

5th Councilmanic District

Legal Owner(s): Andrew T.
McQuaid

Special Hearing: to permit the
non-conforming use of a two-
family dwelling prior to 1955.

**Hearing: Friday, February 20,
2009 at 10:00 a.m. in Room
104, Jefferson Building, 108
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.
2/054 Feb. 5 193687

CERTIFICATE OF PUBLICATION

2/5/, 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 2/5/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

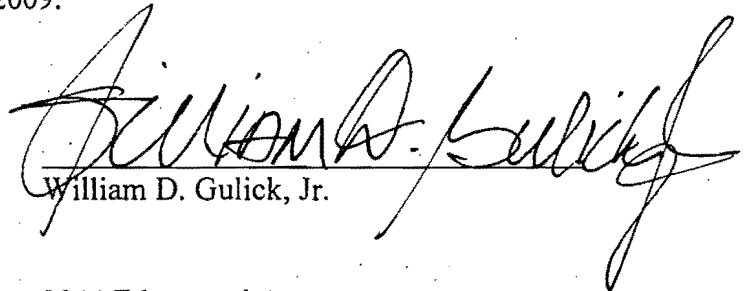
Date: February 10, 2009

Attention: Zoning Office
Ms. Kristen Matthews

Re: Case Number: 2009-0175-SPH
Petitioner/Developer: Andrew T. McQuaid
Date of Hearing/Closing: February 20, 2009

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 421 Schwartz Avenue.

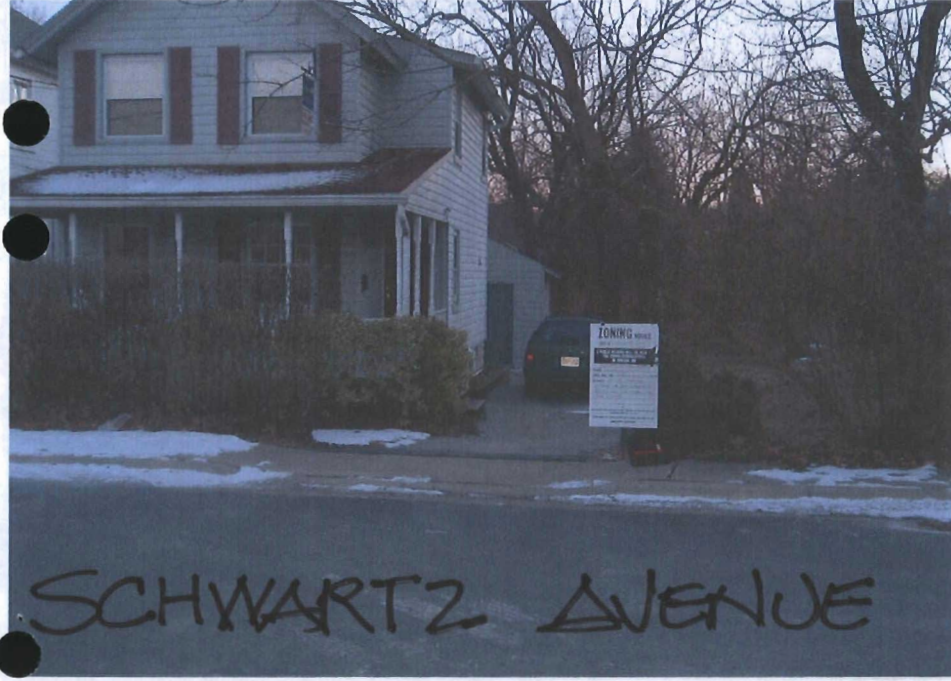
The sign (s) were posted on: February 5, 2009.



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS



ZONING NOTICE

CASE # 2009-0175-SPH

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

JEFFERSON BUILDING ROOM 104
105 WESTCHESTER AVE
PLACE: TOWSON, MD 21204

TRIDATA

DATE AND TIME: FEBRUARY 23, 2009 10:00AM

REQUEST: SPECIAL HEARING

TO PERMIT THE NON-CONFORMING

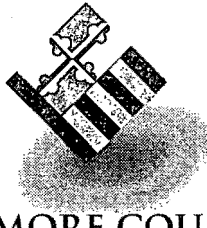
USE OF A TWO-FAMILY DWELLING

PRIOR TO 1955

POSTPONENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 301-331

DO NOT REMOVE THIS SIGN AND POST UNTIL END OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 27, 2009
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: 2009-0175-SPH

421 Schwartz Avenue

S/side of Schwartz Avenue, 895 feet west of centerline of York Road

9th Election District – 5th Councilmanic District

Legal Owners: Andrew T. McQuaid

Special Hearing to permit the non-conforming use of a two-family dwelling prior to 1955.

Hearing: Friday, February 20, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Andrew McQuaid, 1023 S. Curley Street, Baltimore 21224

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 5, 2009.**
- (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, February 5, 2009 Issue - Jeffersonian

Please forward billing to:
Andrew McQuaid
1023 S. Curley Street
Baltimore, MD 21224

410-563-2828

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: 2009-0175-SPH

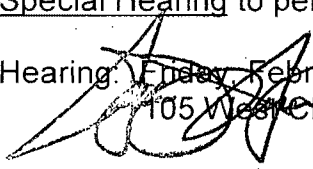
421 Schwartz Avenue

S/side of Schwartz Avenue, 895 feet west of centerline of York Road

9th Election District – 5th Councilmanic District

Legal Owners: Andrew T. McQuaid

Special Hearing to permit the non-conforming use of a two-family dwelling prior to 1955.

Hearing:  Friday, February 20, 2009 at 10:00 a.m. in 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 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: 2009-0175-SPH

Petitioner: McQUAID

Address or Location: 421 SCHWARTZ AVE.

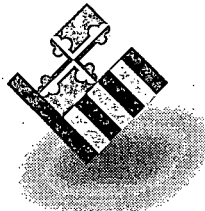
PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. ANDREW T. McQUAID

Address: 1023 S. CURLEY ST.

BALTIMORE, MD 21224

Telephone Number: 410-563-2828



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 12, 2009

Andrew T McQuaid
1023 S. Curley St.
Baltimore, MD 21224

Dear: Andrew T McQuaid

RE: Case Number 2009-0175-SPH, 421 Schwartz Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

TB 2/20
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 4, 2009

RECEIVED

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

FEB 12 2009

ZONING COMMISSIONER

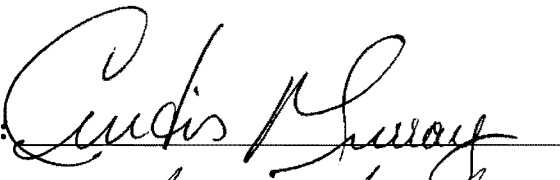
SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-175- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and offers the following comments:

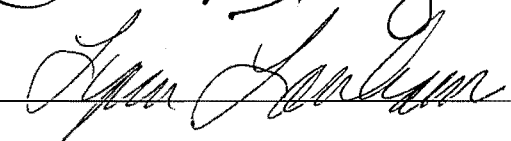
When initially reviewing the petitioner's request and site plan the Office of Planning had some concerns about recommending approval of a two unit dwelling on a small one-way street. It appeared that this would further exacerbate a constricted situation. After making a site visit there does in fact appear to be some available on street parking directly in front of the proposed property and across the street. Nonetheless, the Office of Planning recommends the applicant provide an additional on-site parking space.

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

Prepared By:



Division Chief:
CM/LL





BALTIMORE COUNTY
MARYLAND

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

January 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 12, 2009

Item Numbers ~~0175~~, 0176, 0177, 0178, 0179, 0180, 0181, 0182

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 13, 2009

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 19, 2009
Item Nos. ~~2009-0175~~, 0176, 0177, 0180,
0181, and 0182.

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

DAK:CEN:lrk
cc: File
ZAC-011309-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: Jan. 15, 2009

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

RE: Baltimore County
Item No 2009-0175-SPH
421 SCHWARTZ AVE
MCQUAID 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. 2009-0175-SPA.

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,

For 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
421 Schwartz Avenue; S/S Schwartz Avenue, *
895' W of c/line York Road * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Andrew T. McQuaid * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-175-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

JAN 20 2009

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 20th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Andrew McQuaid, 1023 S. Curley Street, Baltimore, MD 21224, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE 7-20-09

[illegible]

CASE NAME _____
CASE NUMBER 7209-0175-5PH
DATE 2-20-09

CASE NAME _____
CASE NUMBER 7209-0175-5PH
DATE 2-20-09

[illegible]

Case No.:

2009-0175-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Zoning Map	
No. 3	Photograph	
No. 4 A+B	Affidavits	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

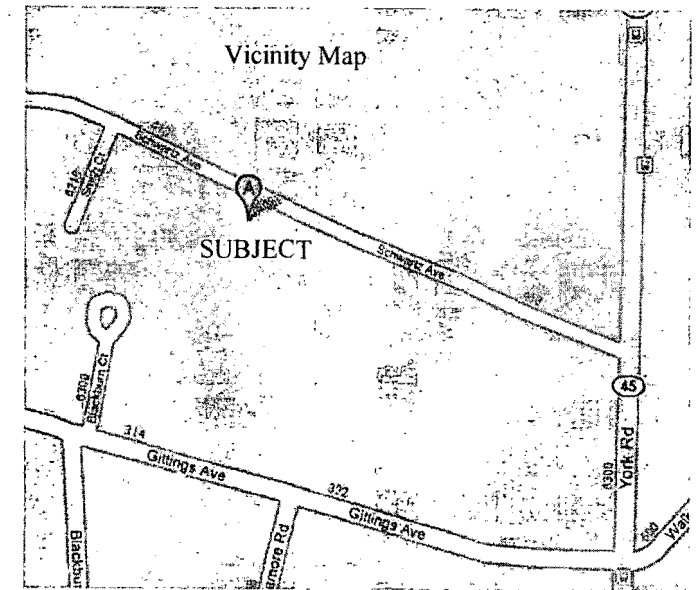
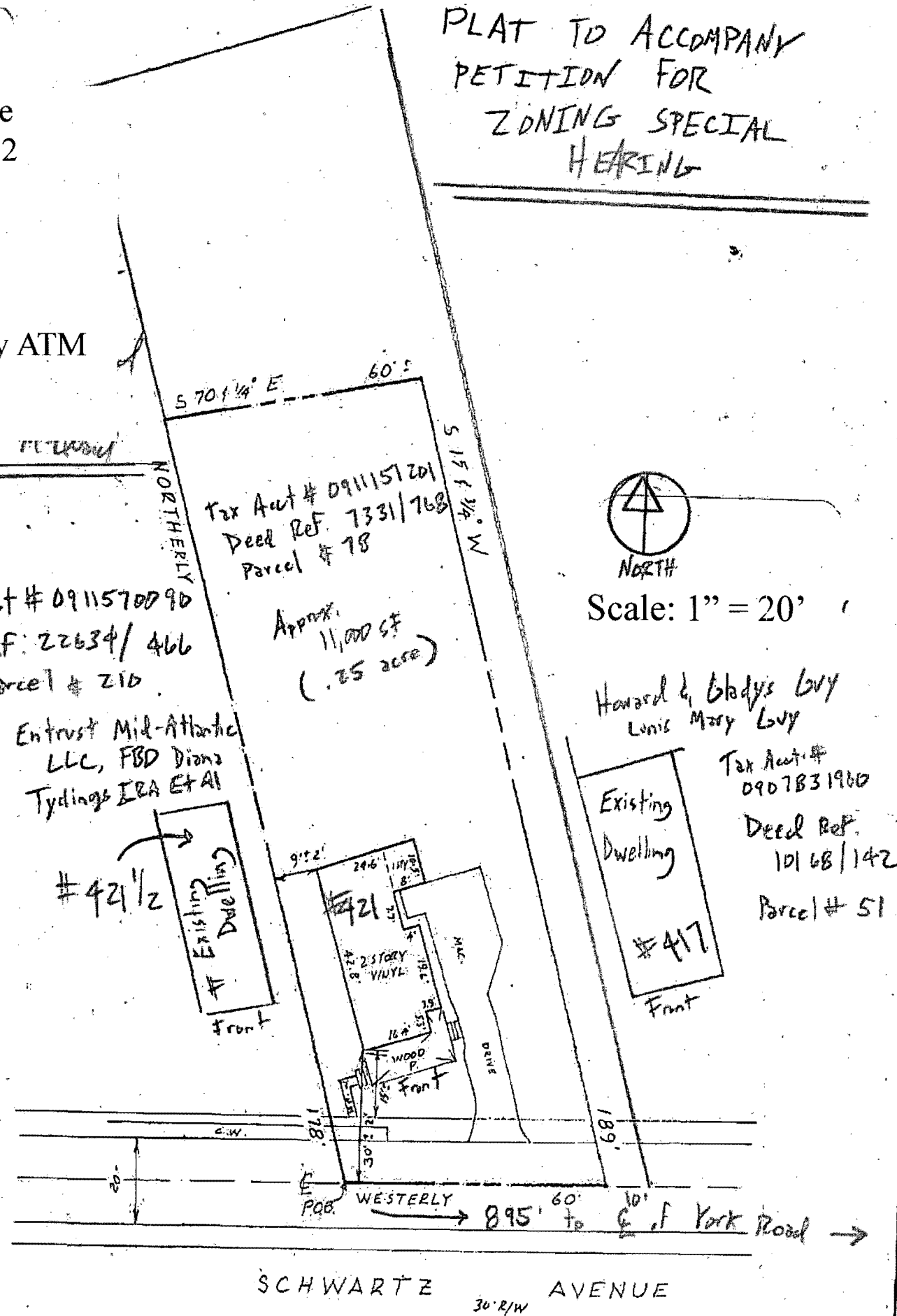
PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING

421 Schwartz Avenue
Baltimore, MD 21212

Owner:
Andrew T. McQuaid

Prepared 12/17/08 by ATM

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING



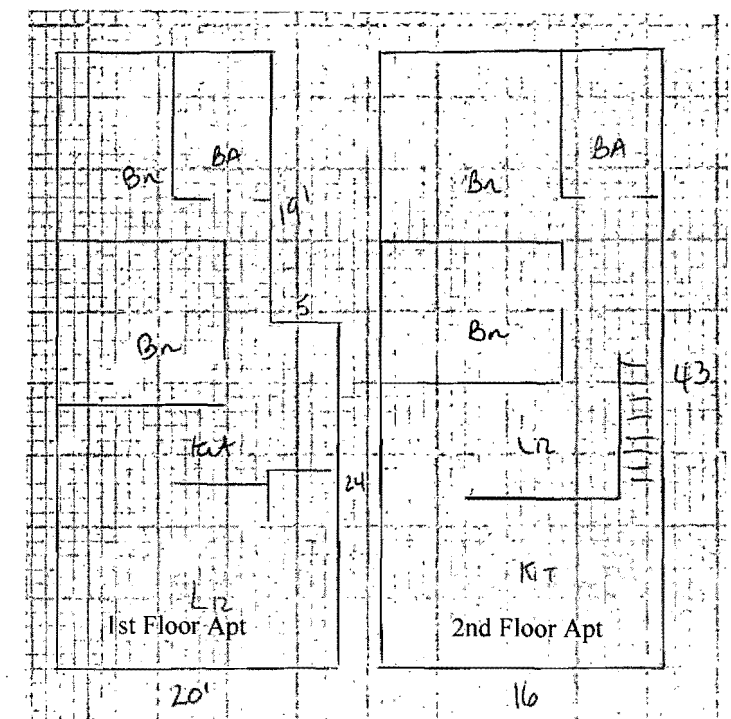
LOCATION INFORMATION

Election District 9
Councilmanic District 5
1" = 200' scale map# 080A1
Zoning: DR 5.5
Lot Size: .25 acre (11,000 sf)
Public Sewer
Public Water
Chesapeake Bay Crit. :NO
100 Year Flood Plain: NO
Historic Property: NO
Prior Zoning Hearing: NONE

PETITIONER'S

EXHIBIT NO. 1

Reviewed by: D.T.
Item #:
Case #: 2009-0175-SPH



#4 Zoning Map

1700013900

PETITIONER'S

EXHIBIT NO. 2



BL CCC

YORK ROAD PLAZA (PDM File/Project #)

NE 7-A

SCHWARTZ AVE

BLACKBURN CT

009-0175-SPH



PETITIONER' S

EXHIBIT NO.

3

2009-0175-SPH

A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

William H. Agnos
AFFIANT (Handwritten Signature)

William H. Agnos
AFFIANT (Printed Name)

I have personal knowledge that the home located at _____
421 Schwartz Ave. Baltimore, MD 21212
(Address).

has been occupied as a two apartment dwelling since
(two, three, etc.)

1, 1984. I also have personal knowledge that all
(month) (year)
apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since 1, 1984. This personal knowledge is based upon:
(month) (year)

living at 421-1/2 Schwartz Ave

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of Dec, 1986, before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared William H. Agnos, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

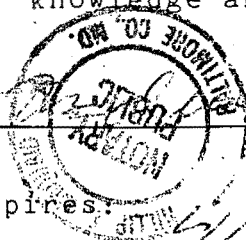
AS WITNESS my hand and Notarial Seal.

PETITIONER'S

EXHIBIT NO. 4A+B

Phillip T. [Signature]
NOTARY PUBLIC

My Commission Expires: 4/1/1989



A F F I D A V I T

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Vivette M. McDougald
AFFIANT (Handwritten Signature)

VIVETTE M. MCDUGALD
AFFIANT (Printed Name)

I have personal knowledge that the home located at _____

421 Schwartz Ave. Baltimore, MD. 21212
(Address)

has been occupied as a two apartment dwelling since
(two, three, etc.)

JULY, 1965. I also have personal knowledge that all
(month) (year)

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since JUNE, 1986. This personal knowledge is based upon:
(month) (year)

I reside in 417 Schwartz Ave.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of December, 1986, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Vivette M. McDougald, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.



Philip T. McDougald
NOTARY PUBLIC

My Commission Expires: 4/1/89