

IN RE: PETITION FOR SPECIAL HEARING *
NE/S Beechwood Avenue, 152' SE of c/line *
Summit Avenue *
(8 North Beechwood Avenue) *
1st Election District *
1st Council District *

Peter R. Myers, et ux
Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2010-0166-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Peter R. Myers, and his wife, Theresa B. Myers. The Petitioners request a special hearing, through their attorney, Douglas L. Burgess, Esquire of Nolan, Plumbhoff and Williams, Chtd., pursuant to Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm and continue the prior permitted conversion of a single-family home to a two (2) apartment duplex. In the alternative, Petitioners request, the approval of a non-conforming use to continue a two (2) apartment duplex in a single-family home. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Peter and Theresa Myers, property owners, John T. and Kathy Benzing¹, parents/tenants of the subject property, as well as Thomas A. Church, P.E., the professional engineer and zoning consultant, with Development Engineering Consultants, Inc., who prepared the site plan for this property. The Petitioners were represented by Douglas L. Burgess, Esquire. There were no Protestants or

¹ The State Department of Assessments and Taxation (SDAT) records disclose that the Benzing's were the prior owners of the subject property since 1975.

other interested persons present nor were there any adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

It should be noted that this matter had its origin as a result of the denial of a building renovation permit for the dwelling that was undergoing extensive interior and exterior renovations. Since that initial denial, the permit has since been re-submitted and permitted and approved and is not an issue herein. Notwithstanding the same, the Petitioners have elected to pursue special hearing relief to acknowledge the application of Section 402 of the B.C.Z.R. to the renovation project so as to have a permanent zoning record that confirms the legally permissible conversion of an existing single-family dwelling to a two apartment dwelling.

Testimony and evidence disclosed that the subject property is a rectangular shaped parcel (130' wide x 281' deep) located on the east side of Beechwood Avenue, just north of Frederick Road in the Catonsville area of the County. The property contains a gross area of 35,887 square feet (0.82 acres), more or less, and is zoned D.R.2. The property is improved with a three-story frame dwelling built in 1900 that at the present time is being used as two (2) apartments. Petitioners and Theresa Myers's family stated that the first, second and third floor of the existing dwelling had in the past, since 1941, been used as separate apartments.² A series of photographs (Exhibits 3 through 5) were collectively marked and accepted into evidence and show five (5) parking spaces in the rear yard, an existing 21' x 40' detached two-car garage, separate entrances to separate apartments, and the proffer was that each had a separate kitchen, bathroom, living and bedroom area. Each apartment had a separate BGE meter and connection.

Section 402.1 of the B.C.Z.R. is the controlling regulation involving conversions of a one-family dwelling to a two-family duplex. That section (chart) requires a lot width of 125 feet

² See Petitioners' Exhibit 6, a memorandum that tends to support a multi-family use by Ms. Dorothy Noble and Kirby Spencer of the Old Catonsville Neighborhood Association (OCNA).

at the front building line, side yard setbacks of 20 feet with a sum of 50 feet for both and a lot area of 25,000 square feet, thus allowing as a matter of right a two-apartment use in the D.R.2 zone if these minimum dimensions are met. The footnote to B.C.Z.R. Section 402.1 defined a *duplex* prior to 1970 as a two-family detached dwelling with one housekeeping unit over the other. Petitioner's undisputed evidence and the testimony of their expert Thomas A Church establishes that the property meets and exceeds all the provisions contained in Section 402.1. Therefore, Mr. Church concluded that he sees no reason why a confirmation of this permitted conversion of a single-family dwelling into a two apartment duplex should not be granted by virtue of this special hearing and a permanent record made of it in the records of the zoning office. Messrs. Church and Burgess also indicated that the kitchen and stove that had existed on the third floor had been removed and the Petitioners alternative requested relief of a non-conforming use is being withdrawn as moot and I accept their withdrawal.

Considering all of the testimony and evidence presented at the public hearing, I am persuaded that the Petitioners have met their burden in this case. In my judgment, the credible and reliable testimony offered is persuasive to a find that the property meets the dimensional requirements of B.C.Z.R. Section 402.1.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the existing two-apartment dwelling use shall be approved.

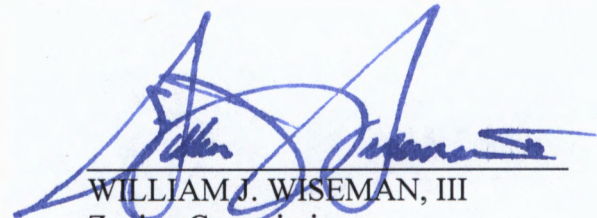
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of February 2010, that the Petition for Special Hearing, pursuant to Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm and continue the prior permitted conversion of a single-family home, known as 8 Beechwood Avenue, as a

two (2) apartment residential duplex, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, and

IT IS FURTHER ORDERED that the portion of the Petition for Special Hearing, filed in the alternative, for confirmation of a *non-conforming use* in order to continue the use of the property for a two (2) apartment duplex in a single-family home, be and is hereby DISMISSED as MOOT.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

2-17-10

By

DJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 17, 2010

WILLIAM J. WISEMAN III
Zoning Commissioner

Douglas L. Burgess, Esquire
Nolan, Plumhoff and Williams, Chtd.
502 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING

NE/S Beechwood Avenue, 152' SE of c/line Summit Avenue
(8 North Beechwood Avenue)
1st Election District - 1st Council District
Peter R. Myers, et ux - Petitioners
Case No. 2010-0166-SPH

Dear Mr. Burgess:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Peter R. & Theresa B. Myers, 8 North Beechwood Avenue, Catonsville, MD 21228
John T. and Kathy Benzing, 8 North Beechwood Avenue, Catonsville, MD 21228
Thomas A. Church, P.E., Development Engineering Consultants, Inc.,
6603 York Road, Baltimore, MD 21212
People's Counsel; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8 North Beechwood Avenue

which is presently zoned DR2

(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)

See attached Exhibit A attached hereto and incorporated herein.

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:

Douglas L. Burgess

Name - Type or Print

Signature

Nolan, Plunhoff and Williams, Chtd.

Company

502 Washington Avenue 410-823-7800 x7857

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Peter R. Myers

Name - Type or Print

Signature

Theresa B. Myers

Name - Type or Print

Signature

8 North Beechwood Ave.

443-271-2359

Address

Telephone No.

Catonsville

MD

21228

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

ORDER RECEIVED FOR FILING

Case No. 2010-0766-3811

REV 9/15/98

Date

2-17-10

UNAVAILABLE FOR HEARING

3rd week in January

Reviewed By

BR

Date

12/3/09

By

122

schedule 2nd week in January

Exhibit A
8 N. Beechwood Avenue
Catonsville, MD 21228

Non-conforming use to continue use of the property for 2 apartments in a single family home.

2010-0103-1111

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION FOR 8 N. BEECHWOOD AVENUE

BEGINNING for the same at the centerline of N. Beechwood Avenue, subject to a 60 foot wide right-of-way, said point being 152 feet, more or less from the centerline of Summit Avenue, 40 feet wide. Thence the following courses and distances: 1) North 69 degrees 33 minutes West, 278.58 feet, 2) South 30 degrees 53 minutes East, 128.76 feet, 3) South 69 degrees 00 minutes West, 281.95 feet, 4) North 29 degrees 07 minutes West, 130.86 feet to the point of beginning.

CONTAINING 35, 887 square feet, more or less or 0.82 acres of land.

BEING the same parcel of ground recorded in the Land records of Baltimore County in Liber 23361, Folio 219.

ALSO known as 8 N. Beechwood Avenue, located in the 1st Election District.

Contract No.: 09-113

December 2, 2009



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 2010-0166 - SPH

Petitioner: Peter R. Myers

Address or Location: 8 N. Beechwood Ave.
Catonville Md. 21228

PLEASE FORWARD ADVERTISING BILL TO

Name: T.A. Churrol

Address: 6603 York Rd
Bethesda Md. 21212

Telephone Number: (410) 377-2600

MEMO TO THE FILE

Case 2010-0166-SPH

Applicant was advised that a special Hearing was not required because it meets the requirements of Section 402, BCZR.

2010-0166-SPH

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

4810-4 0166

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: # 2010-0166-SPH

8 North Beechwood Avenue

N/east side of Beechwood Avenue, 152 feet s/east of centerline of Summit Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Peter & Theresa Myers

Special Hearing: to confirm and continue the prior permitted conversion of a single family home to a two (2) apartment duplex under BCZR section 402 and/or a non-conforming use to confirm and continue the use of the property for a two (2) apartment duplex in a single family home.

Hearing: Thursday, February 4, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 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/1/809 Jan. 19

227114

CERTIFICATE OF PUBLICATION

1/21/, 2010

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 1/19/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2010-0166-SPH

RE: Case No.: _____

Petitioner/Developer: _____
Peter & Theresa Myers

February 4, 2010
Date of Hearing/Closing: _____

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: _____
6 North Beechwood Avenue

January 20 2010,
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Jan 20, 2010
(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 # 2010-0166-SPH

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

Room 106, County Office Building
PLACE: 111 West Chesapeake Ave. Towson 21204

DATE AND TIME THURSDAY, FEBRUARY 4, 2010 AT 9:00 A.M.

REQUEST SPECIAL HEARING TO CONFIRM AND CONTINUE THE PRIOR
PERMITTED CONVERSION OF A SINGLE FAMILY HOME TO A TWO(2)
APARTMENT DUPLEX UNDER BCZR SECTION 402 AND/OR A NON-CONFORM-
ING USE TO CONFIRM AND CONTINUE THE USE OF THE PROPERTY FOR A
TWO(2) APARTMENT DUPLEX IN A SINGLE FAMILY HOME.

(●)
POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3191

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 7, 2010

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: 2010-0166-SPH

8 North Beechwood Avenue

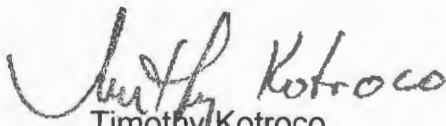
N/east side of Beechwood Avenue, 152 feet s/east of centerline of Summit Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Peter & Theresa Myers

Special Hearing to confirm and continue the prior permitted conversion of a single family home to a two (2) apartment duplex under BCZR section 402 and/or a non-conforming use to confirm and continue the use of the property for a two (2) apartment duplex in a single family home.

Hearing: Thursday, February 4, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Douglas L. Burgess, Nolan, Plumhoff & Williams, 502 Washington Ave., Towson 21204
Mr. & Mrs. Myers, 8 N. Beechwood Avenue, Catonsville 21228
T. A. Church, 6603 York Road, Baltimore 21212

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 20, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 25, 2010

Douglas L. Burgess
Nolan, Plumhoff and Williams, Chtd.
502 Washington Ave.
Towson, MD 21204

Dear: Douglas L. Burgess

RE: Case Number 2010-0166-SPH, 8 North Beechwood 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 03, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Peter & Theresa Myers; 8 North Beechwood Ave.; Catonsville, MD 21228
T.A. Church; 6603 York Rd.; Baltimore, MD 21212

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 4, 2010
Item Nos. 2010-0166, 173, 177, 178,
180 and 181

DATE: January 5, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01052010 -NO COMMENTS.doc



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

December 23, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 21, 2009

Item Numbers: 0166, 0173

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
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: DEC. 17, 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. 2010-0166-SPH
8 N. BEECHWOOD AVE.
MYERS 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. 2010-0166-SPH

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JAN. 4, 2010

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

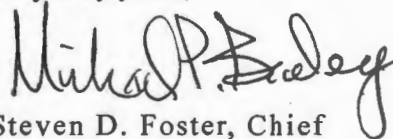
RE: Baltimore County
Item No. 2010-0166-SPH
8 N. BEECHWOOD AVE
MYERS PROPERTY
SPECIAL HEARING -

Dear Ms. Matthews:

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Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 28, 2009
Item Nos. 2010-0166, 168, 169, 170,
171 and 172

DATE: December 15, 2009

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12282009 -NO COMMENTS.doc

BW 2/4
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 4, 2010

RECEIVED

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

JAN 06 2010

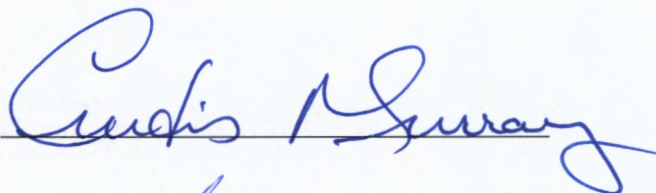
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-166- Special Hearing**

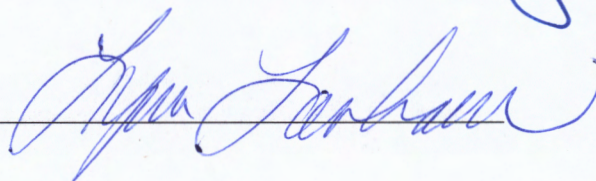
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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:



Division Chief:
CM/LL



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
8 N. Beechwood Avenue; NE/S Beechwood *
Avenue, 152' SE of c/line Summit Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Peter & Theresa Myers * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 10-166-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

DEC 16 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 18th day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, P.E., Development Engineering Consultants, 6603 York Road, Baltimore, MD 21212 and Douglas Burgess, Esquire, Nolan, Plumhoff & Williams, Chtd., 502 Washington Avenue, Suite 700, Towson, MD 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey
Date: 1/29/2010 10:23 AM
Subject: DEPRM Comments Needed

Good Morning Jeff,

In reviewing next week's case files, it appears Bill will need DEPRM comments for two (2) of his hearings. I have provided case descriptions for your convenience as follows:

Case No. 2010-0166-SPH

8 North Beechwood Avenue - (D.R.2 zone)

N/east side of Beechwood Avenue, 152 feet s/east of c/line of Summit Avenue

1st Election District - 1st Council District

Legal Owners: Peter & Theresa Myers

Special Hearing to confirm and continue the prior permitted conversion of a single family home to a two (2) apartment duplex under B.C.Z.R. Section 402 and/or a non-conforming use to confirm and continue the use of the property for a two (2) apartment duplex in a single family home.

Hearing: **February 4, 2010** at 9:00 AM in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson

Case No. 2010-0174-A

801 Woodrow Avenue (CBCA)

W/side of the intersection of Woodrow Avenue & Creek Road

15th Election District - 7th Council District

Legal Owners: Michael Brewer

Variance for a parking variance to allow 105 parking spaces in lieu of the required 183 parking spaces; for such other and relief as it may be required by the Zoning Commissioner.

Hearing: **Thursday, February 4, 2010** at 10:00 AM, Rm. 106, County Office Building, 111 West Chesapeake Ave., Towson

Thanks and have a wonderful weekend !

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commission
 105 West Chesapeake Avenue,
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

2010-0166-SPH		
OP	1-4	No Comments
DEPR	1-5	" "
FD	12-23	Comply w/ code
SPH	1-4	No objection
Notice	Notice	PC Appearance

Missing DEPRM 1/29

CASE NAME 8 N. BEECHWOOD AVE
CASE NUMBER 2010-0166-SPH
DATE 2/4/10

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 01 Account Number - 0104750100

Owner Information

Owner Name: MYERS PETER R **Use:** RESIDENTIAL
 MYERS THERESA B **Principal Residence:** YES
Mailing Address: 8 N BEECHWOOD AVE **Deed Reference:** 1) /23361/ 219
 BALTIMORE MD 21228-4925 2)

Location & Structure Information

Premises Address

8 N BEECHWOOD AVE

Legal Description

8 N BEECHWOOD AVE ES
 151 SE SUMMIT AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
101	7	985						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1900	3,761 SF	36,503.00 SF	04
Stories 2 1/2	Basement YES	Type STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	183,870	148,800		
Improvements:	390,580	307,600		
Total:	574,450	456,400	574,450	456,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: BENZING JOHN T	Date: 02/08/2006	Price: \$470,000
Type: NOT ARMS-LENGTH	Deed1: /23361/ 219	Deed2:
Seller: DUKEHART CHARLES J	Date: 11/04/1975	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5581/ 549	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

Case No.: 2010-0166-SPH 8 NORTH BEECHWOOD AVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	AERIAL PHOTO	
No. 3	PHOTO OF RENOVATIONS TO SUBJECT PROPERTY	
No. 4	SECOND FLOOR FIRE ESCAPE	
No. 5	2ND FLOOR Ingers + Egress from front	
No. 6	Memo - Support of Annex - Family Use	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 3

09-113



PETITIONER' S

EXHIBIT NO.

4



PETITIONER'S

EXHIBIT NO.

5A



PETITIONER'S

EXHIBIT NO. 5 B

MEMO RE: HISTORY OF NONCONFORMING USE

To: Myers File

From: DLB

Date: November 19, 2009

I had a conversation today with Theresa B. Myers, owner, along with her husband Peter R. Myers, of 8 North Beechwood Avenue, Catonsville, MD 21228, (the "property").

The subject of the conversation was the history of the non-conforming use at the property.

Theresa's first memory of the property was at about age 5 in 1970. She remembers the property as her family home. It is a large, Victorian home in old Catonsville similar to many others you see there. She and her family, including her mom and dad, named Katharine D. and John T. Benzing, lived on the first floor. There were tenants on both the second and third floors. Each apartment had separate entrances, kitchens, and BGE hook ups. The mail was delivered to the same mailbox for all tenants. This mailbox was located on the front porch by the front entrance to the first floor. She remembers tenants like Hugh Mohler (now president of Bay National Bank), Loretta Ellingsworth, Jim and Marie Kramer, Karen Lazarus, Cecelia Venable, and Kelly Wharton. These tenants continued until the last second floor tenant Kelly Wharton left in April 2003, at which time Theresa and her husband moved in. There was still a couple renting the third floor and they left in 2004/5 at which time Theresa and her husband began renting both the second and third floor apartments. Separate kitchens and entrances continued to be maintained. There is a separate inside entrance from the front porch up to the second floor. There is also a separate outside entrance to second floor. Prior to the renovations that began on September 8, 2009, there was also a separate outside entrance to the third floor apartment. Theresa's parents along with her brother, Gerard T. Benzing, and her niece Nicole A. Benzing still live in their own first floor apartment. Her parents and her brother have lived in this first floor apartment since April 1968 and have always had renters since that time.

Theresa's mother, Katharine D. Benzing will testify that from the late 1940s to date the use was continuous and uninterrupted.

Side Note; Mrs. Myers has spoken with both the President, Dorothy Noble and the Vice President, Kirby Spencer of the Old Catonsville Neighborhood Association (OCNA). While they could not speak for OCNA as a whole, they themselves have

PETITIONER'S

EXHIBIT NO.

6

no problems or issues with multiple families dwelling at 8 North Beechwood Avenue.

I swear and affirm under penalties that the foregoing statements are true and correct.

Theresa B. Myers

**Theresa B. Myers
8 North Beechwood Avenue
Catonsville, MD 21228**

Exhibit A

**8 N. Beechwood Avenue
Catonsville, MD 21228**

Special Hearing to confirm and continue the prior permitted conversion of a single family home to a two (2) apartment duplex under BCZR section 402 and / or a Non-conforming use to confirm and continue the use of the property for a two (2) apartment duplex in a single family home.

MEMO TO THE FILE

Case 2010-0166-SPH

Applicant was advised that a special Hearing was not required because it meets the requirements of Section 402, BCZR.

SUMMIT
AVE.

Dist = 278.58'
Delta X = 261'
Delta Y = 97.33'
Angle (with 0X) = N 60° 38' 00" E

Dist = 128.75'
Delta X = 65.89'
Delta Y = -110.61'
Angle (with 0X) = S 30° 46' 59" E

Area = 36,541.00 ± AC. +/-

Dist = 281.67'
Delta X = -262.96'
Delta Y = -100.94'
Angle (with 0X) = S 60° 00' 00" W

Dist = 281.34'
Delta X = -261'
Delta Y = -105.02'
Angle (with 0X) = S 68° 4' 52" W

Dist = 135.42'
Delta X = 65.89'
Delta Y = 118.31'
Angle (with 0X) = N 29° 70' W

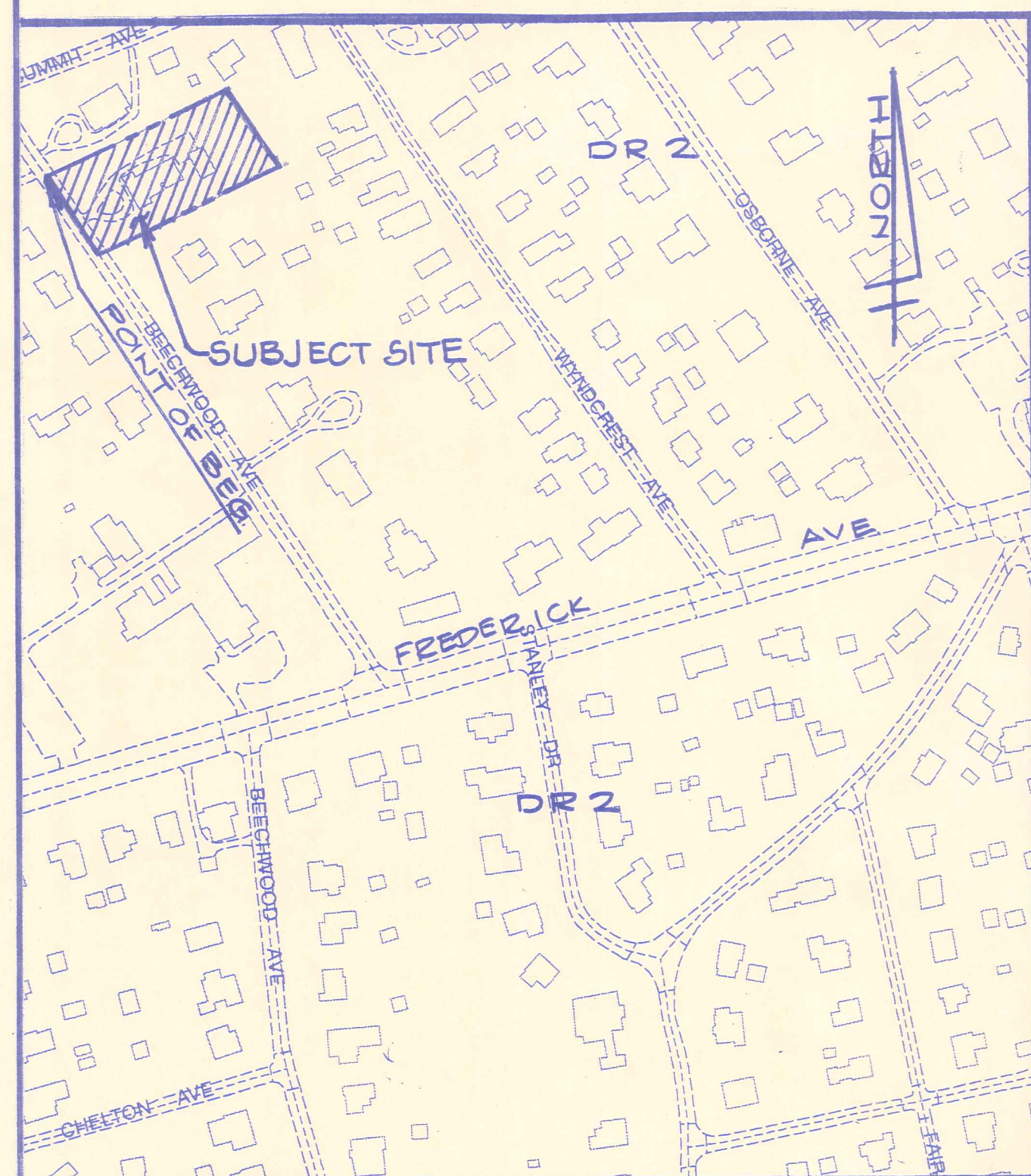
ERROR
Dist = 4.53'
Delta X = -1.96'
Delta Y = 4.08'
Angle (with 0X) = N 25° 38' 4" W

PETITIONER'S

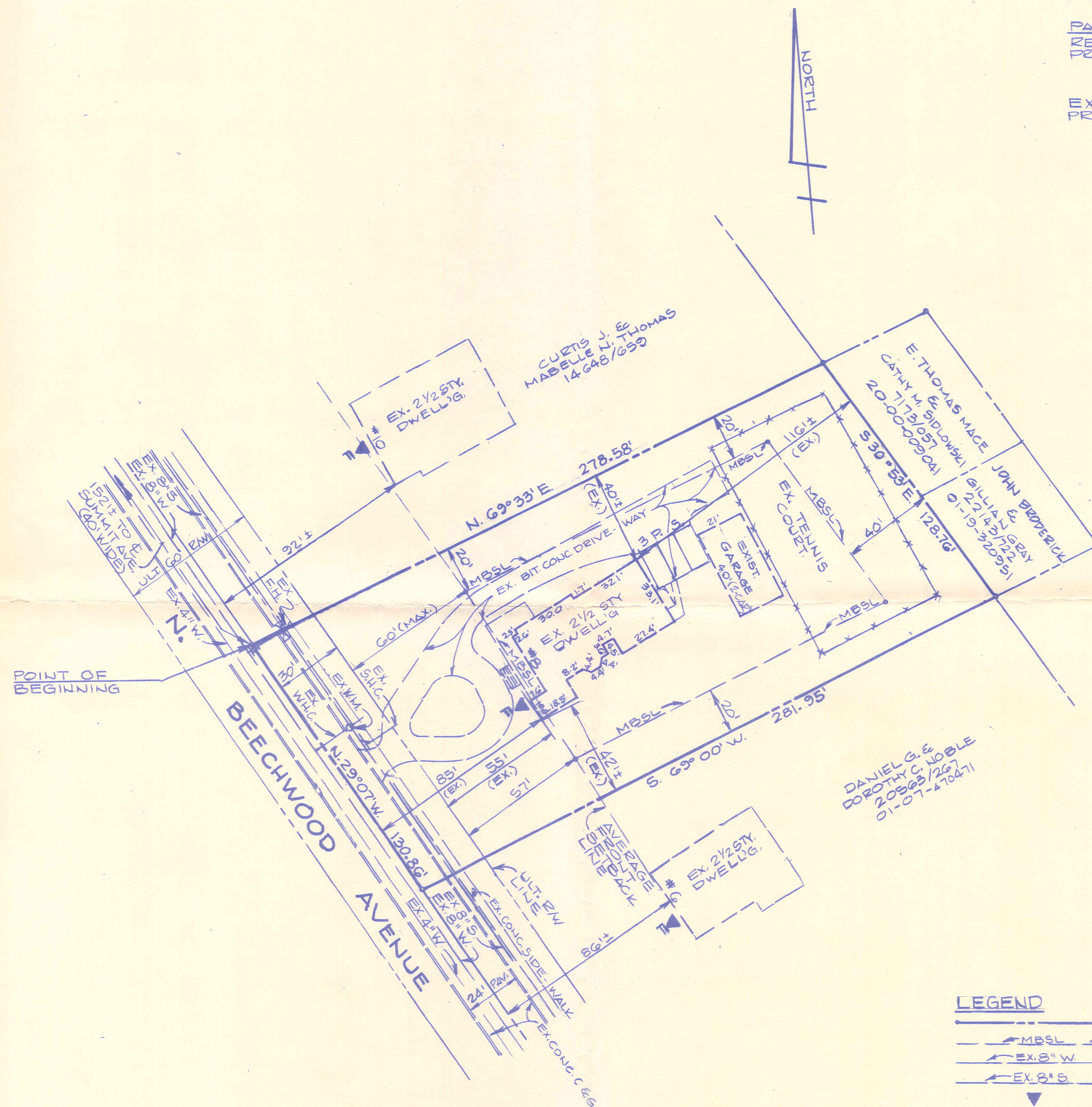
EXHIBIT NO. 2

09-1113
B. N. BEECHWOOD
1" = 30'

PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL HEARING



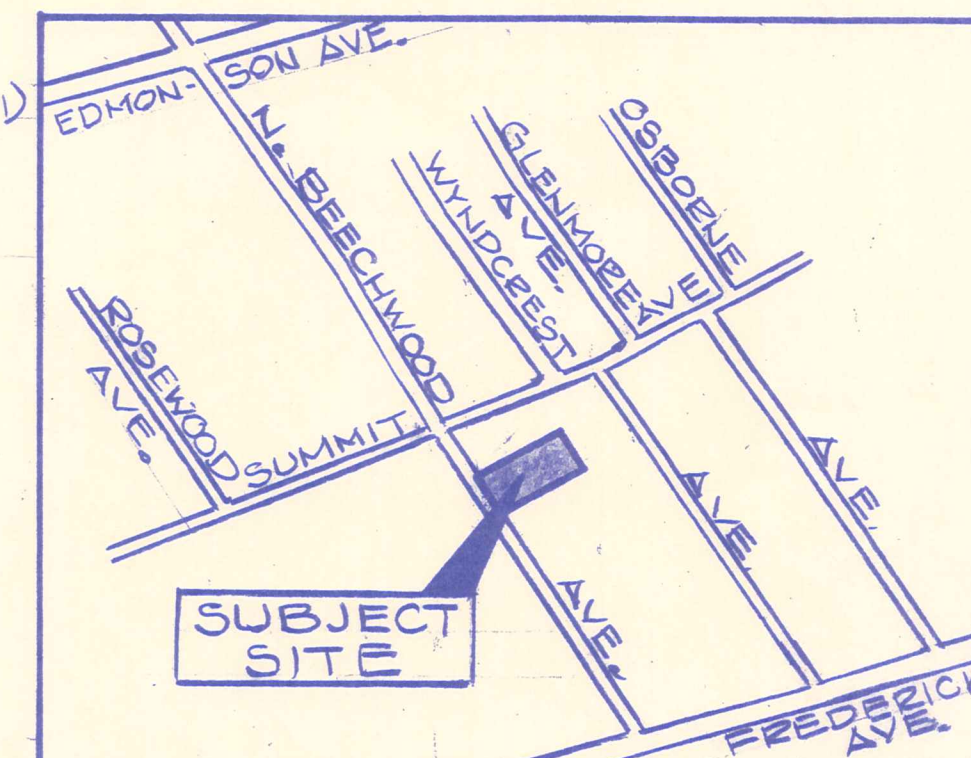
ZONING MAP (REFERENCE)
SCALE: 1"=200'



DENSITY CALCULATIONS
 DWELLING UNITS ALLOWED = $0.82 \text{ AC} \times 2 = 1.64 \text{ (USE 1)}$
 DWELLING UNITS - EXISTING = 2
 PROPOSED = 2

PARKING DATA
 REQUIRED = 2 PS. X 2 DWLG UNITS = 4
 PROVIDED = 5 (3 OUTSIDE & 2 IN GARAGE)

EXISTING USE: RESIDENTIAL
 PROPOSED USE: RESIDENTIAL



VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 1

COUNCILMANIC DISTRICT NO.: 1

ZONING: DR-2
 (REFERENCE MAP(S): 101A2)

AREA OF SITE:
 NET = 31,960 SF = 0.73 AC±
 GROSS = 35,887 SF = 0.82 AC±

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
	YES	NO

CHESAPEAKE AREA CRITICAL AREA
 AREA DESIGNATION:

100 YEAR FLOODPLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARINGS: NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
B.R.	0166	2010-0166SPH

PROPERTY DATA
 OWNER: PETER R. & THERESA B. MYERS
 ADDRESS: 8 N. BEECHWOOD AVENUE
 BALTIMORE, MD 21228
 PHONE NUMBER: 410-993-6860
 TAX ACCOUNT NUMBER(S): 01-04-750100
 DEED REFERENCE: 23361/219
 PLAT REFERENCE: N/A

LEGEND

—	PROPERTY LINE
—	MINIMUM BUILDING SETBACK LINE
—	EXISTING WATER
—	EXISTING SANITARY
—	FRONT ORIENTATION
▲	ARROW
F.H.	FIRE HYDRANT
W.M.	WATER METER
W.H.C.	WATER HOUSE CONNECTION
S.H.C.	SANITARY HOUSE CONNECTION

REASON FOR SPECIAL HEARING

NON-CONFORMING USE - TO CONTINUE USE OF THE PROPERTY FOR 2 APARTMENTS IN A SINGLE FAMILY HOME.

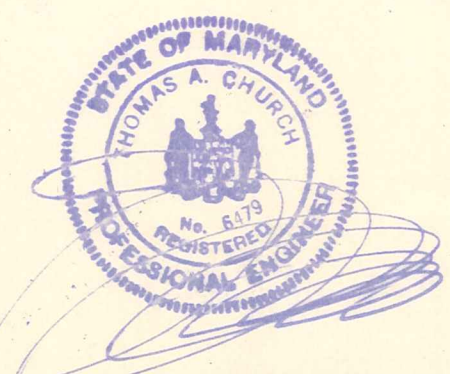
Drafting	TLB
Check	TAC
Design	
Check	
DATE	REVISIONS

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
 SITE ENGINEERS & SURVEYORS
 6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

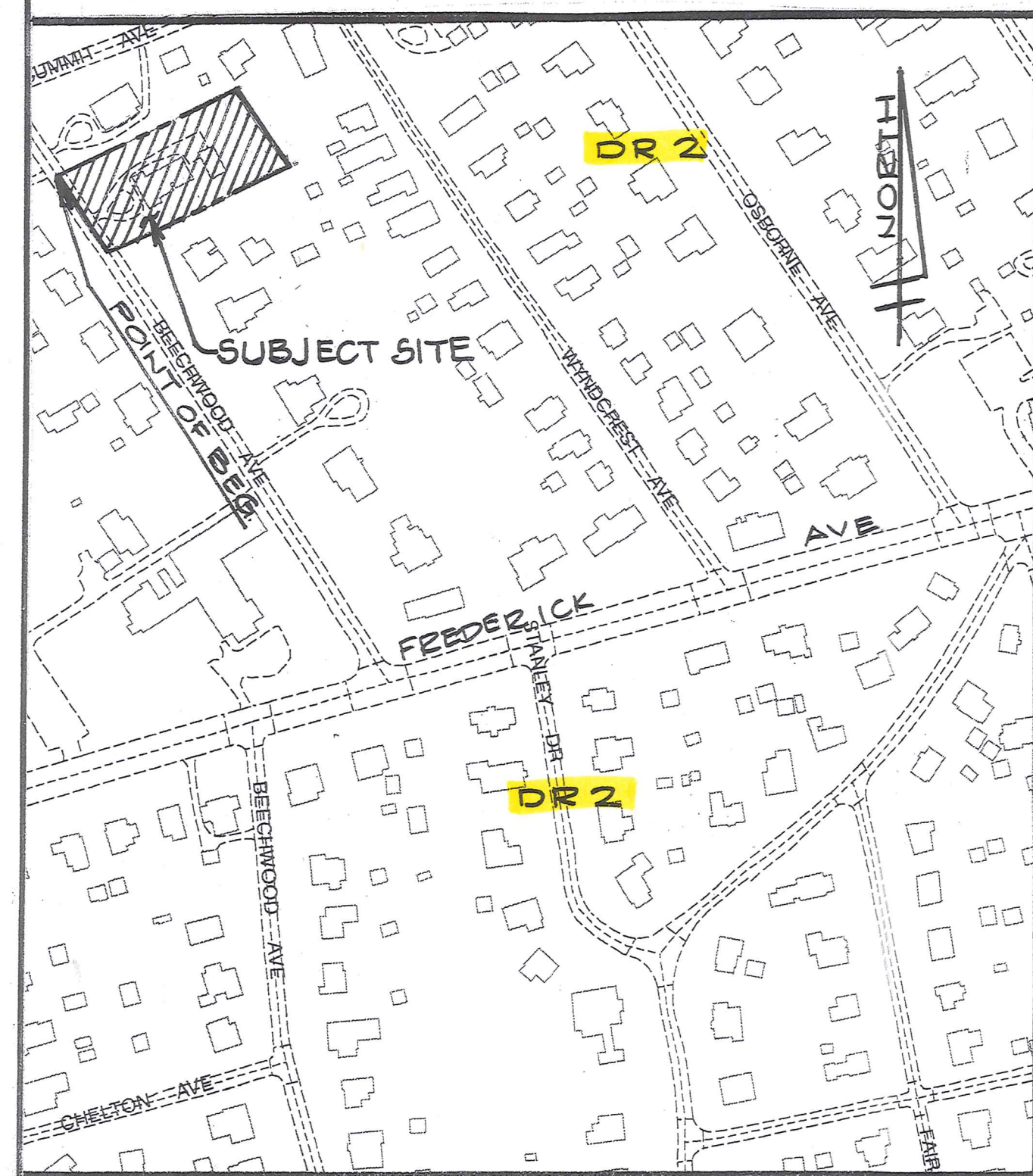
APPLICANTS
 PETER R. & THERESA B. MYERS
 8 N. BEECHWOOD AVENUE
 BALTIMORE, MD, 21228-4925
 410-993-6860

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING
 FOR
 8 N. BEECHWOOD AVENUE
 BALTIMORE COUNTY, MARYLAND
 ELECTION DISTRICT 1
 COUNCILMANIC DISTRICT 1

SHEET	DATE	CONTRACT
1	DEC. 3, 2009	NUMBER
OF	SCALE	
1	1"=30'	09-113



PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL HEARING



ZONING MAP (REFERENCE MAP(S) 122)
SCALE: 1"=200'

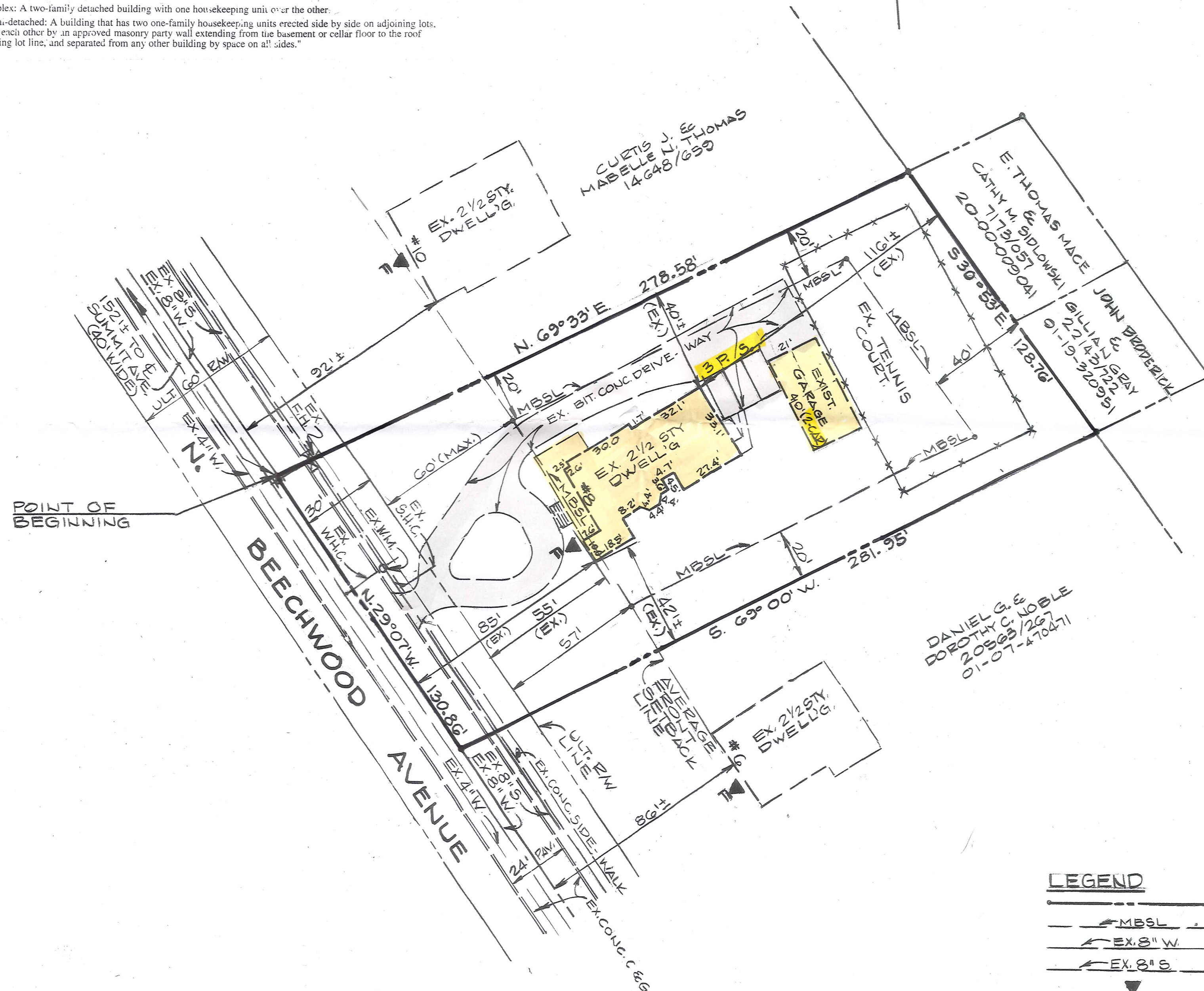
Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards (feet)	
	Duplex ¹	Semi-Detached ¹	Each Add. Family	Two Families	Each Add. Family	Min. For One	Sum of Both
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	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 5,200	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:

¹ 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 lines, and separated from any other building by space on all sides."



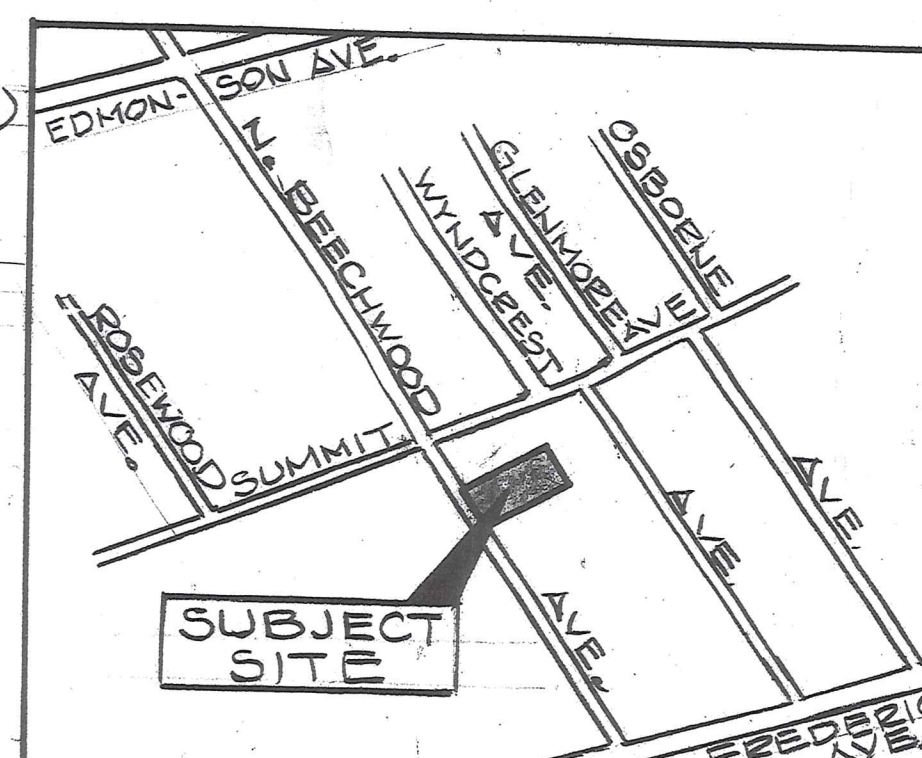
LEGEND

—	PROPERTY LINE
—	MINIMUM BUILDING SETBACK LINE
—	EXISTING WATER
—	EXISTING SANITARY FRONT ORIENTATION
—	ARROW
—	FIRE HYDRANT
—	WATER METER
—	WATER HOUSE CONNECTION
—	SANITARY HOUSE CONNECTION

DENSITY CALCULATIONS
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DWELLING UNITS - EXISTING = 2
PROPOSED = 2

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REQUIRED = 2 P.S. X 2 DWLG. UNITS = 4
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WATER	☒	☐
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AREA DESIGNATION:

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HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARINGS: **NONE**

ZONING OFFICE USE ONLY

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TAX ACCOUNT NUMBER(S): 01-04-750100

DEED REFERENCE: 23361/219

PLAT REFERENCE: N/A

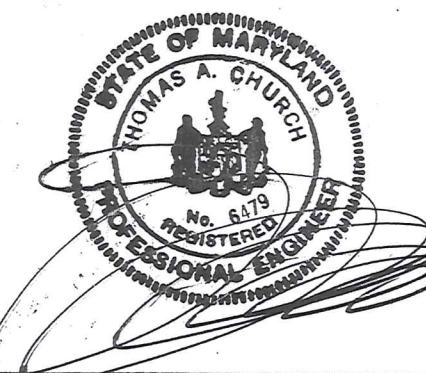
CASE NO: 2010-0166 SPH

REASON FOR SPECIAL HEARING

NON-CONFORMING USE - TO CONTINUE USE OF THE PROPERTY FOR 2 APARTMENTS IN A SINGLE FAMILY HOME.

PETITIONER'S

EXHIBIT NO. 1



Drafting	TLB
Check	TAC
Design	12/19/09
Check	DATE

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANTS
PETER R. & THERESA B. MYERS
8 N. BEECHWOOD AVENUE
BALTIMORE, MD, 21228-4925
410-993-6860

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING
FOR
8 N. BEECHWOOD AVENUE
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 1
COUNCILMANIC DISTRICT 1

SHEET	DATE	CONTRACT
1	DEC. 3, 2009	NUMBER
OF	SCALE	
1	1"=30'	29-112