

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side of Montrose Avenue; 285 feet N		
of the c/l of Idlewilde Avenue	*	DEPUTY ZONING
1 st Election District		
1 st Councilmanic District	*	COMMISSIONER
(108 Montrose Avenue)		
	*	FOR BALTIMORE COUNTY
Thomas and Joanne Booth		
<i>Petitioners</i>	*	CASE NO. 2011-0088-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 the legal property owners, Thomas and Joanne Booth. Petitioners request Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a nonconforming use for a 5 unit apartment. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief was Petitioner Thomas Booth. Also appearing in support of the requested relief was Edmund Leonard of 1898 Norhurst Way N. in Catonsville. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel consisting of approximately 1.14 acres, more or less, zoned D.R.2. The property is located on the west side of Montrose Avenue, south of Frederick Road and north of Idlewilde Avenue, in the Catonsville area of Baltimore County. The subject property is improved with an existing 2½-story frame apartment building situated in the center of the property facing Montrose Avenue. There is a macadam driveway the runs along the north side of the property in a westerly direction to

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Date 11-29-10

By PB

a large macadam parking area for approximately 13 vehicles to the rear of the site, with a four car frame garage located to the rear as well.

As indicated in the tax records and accompanying tax map that were marked and accepted into evidence as Petitioners' Exhibit 2, as well as Petitioner's testimony, the property is known as Parcel 955 and is not part of a subdivision. Petitioners have owned the property since 1983. As confirmed by the Deed that was marked and accepted into evidence as Petitioners' Exhibit 4, Petitioners purchased the property from Jack and Evelyn Peterson on September 30, 1983. A photograph of the sign posting that provided notice of the hearing was marked and accepted into evidence as Petitioners' Exhibit 3 and shows the front of the dwelling as set back from Montrose Avenue, as well as the driveway entrance.

According to Petitioner, since he and his wife purchased the property 27 years ago, it has been utilized without interruption as an apartment building with five apartment units. In particular, there is one large first floor apartment near the front with two bedrooms and a smaller apartment toward the rear (consisting of two stories) that has 1½ bedrooms. On the second floor are two one bedroom apartments and the third floor also contains an apartment with 1½ bedrooms. The entrance to the large first floor apartment, the two second floor apartments, and the apartment on the third floor is the main front entrance into the building. The smaller first floor apartment to the rear has its own private entrance. At this juncture, Petitioners' son and his fiancé intend to move into the large first floor apartment and eventually acquire the property from Petitioners, and continue to rent the other four apartments. Before doing so, however, Petitioners believe it is prudent to obtain confirmation that the five unit apartment dwelling is a valid nonconforming use so that their son can continue to use the property in that manner going forward.

In support of the special hearing request to approve a valid nonconforming use, Petitioner presented Affidavits from previous owners and a tenant. These Affidavits -- from the gentleman

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By PS

who attended the hearing, Edmund Leonard; his mother Virginia Leonard; and a tenant who lived in one of the apartments for many years, Herbert Menard -- were marked and accepted into evidence as Petitioners' Exhibits 5A, 5B, and 5C, respectively. Collectively, the Affidavits indicate that Mr. Leonard's parents purchased the property in 1955 and at that time, the building was already being used as a five apartment building. They continued this use and Mr. Leonard lived in one of the apartments as did Mr. Menard for many years thereafter.

Mr. Leonard also testified that having lived in this area all his life (he currently lives at 1898 Norhurst Way N. just a few blocks away) and gaining knowledge of the community during that time, he could offer insights into the historical use of the property. In that vein, he indicated that the subject 2½-story building on the subject site was built as a single-family dwelling in 1898 and like many of the large homes of the day built in the area on relatively large lots, it was used for the first several decades as a summer retreat for wealthy families from the City -- families would spend summers in rural Catonsville away from the heat and congestion of the City. In around 1940, the dwelling was converted into its present configuration as a five unit apartment building. Although from the exterior it still has the appearance of a large dwelling, the interior was remodeled and reconfigured into five separate apartments. According to Mr. Leonard, it has been used as a five unit apartment building since that time and throughout the ensuing decades.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments indicate no opposition or other recommendations concerning the requested relief.

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 use." In addition, Section 104.1 of the B.C.Z.R. states that "[a] nonconforming use (as defined in Section 101) may continue except as otherwise specifically

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By pm

provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate." It is well settled that nonconforming uses are not favored under the law. It is also recognized that nonconforming uses are contrary to the zoning scheme established by the Zoning Regulations and that the restrictions on such uses is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *See, County Council of Prince George's County v. E.L. Gardner, Inc.*, 293 Md. 259 (1982). Moreover, it is the burden of a petitioner to prove the nonconforming use during the period of time at issue.

In 1945, the County first adopted Zoning Regulations and delineated four residential (A, B, C, and D), one commercial (E), and two industrial (F and G) zones. On March 31, 1955, the Regulations were updated to include specific residential zones to account for single-family and multi-family residences, as well as more precise classifications to deal with the minimum size required for a lot. In both the 1945 and 1955 Regulations, nonconforming uses were recognized and permitted to continue with certain exceptions and restrictions.

Turning now to the instant matter, the evidence indicates that this large 2½-story dwelling was built in 1899 as a summer retreat for wealthy Baltimore families seeking refuge from the hot summers of the City. In approximately 1940, the dwelling was converted interiorly into five separate apartments. At some point, the large parking area and the four car garage were also built. The uncontradicted testimony, as well as the Affidavits accepted into evidence, indicate that the dwelling has been utilized as a five unit apartment building continuously since that time. Petitioner Mr. Booth also added in his testimony that he and his wife have continued this use since their ownership began in 1983. Based on my view of the evidence, it is clear that the nonconforming use presented in this case predates the adoption of the Zoning Regulations on March 31, 1955 and the

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Date

11-29-10

earlier Regulations in 1945 and I am persuaded to grant the relief. Petitioners have met their burden at law and are entitled to the special hearing relief as a valid nonconforming use.

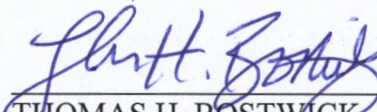
As an aside, Petitioners should familiarize themselves with and be aware of the requirements and limitations mandated by Section 104 of the B.C.Z.R. This section enumerates the parameters permitting continuation of a nonconforming use or structure, as well as factors regarding the possible termination of such a nonconforming use or structure.

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 Petitioners' request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 29th day of November, 2010 that Petitioners' request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a nonconforming use for a 5 unit apartment be and is hereby **GRANTED** subject to the following conditions:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners 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

ORDER RECEIVED FOR FILING

Date 11-29-10



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 29, 2010

THOMAS E. BOOTH
4 MONTROSE AVENUE
CATONSVILLE MD 21228

Re: Petition for Special Hearing
Case No. 2011-0088-SPH
Property: 108 Montrose Avenue

Dear Mr. Booth:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Edmond Leonard, 1898 Norhurst Way North, Baltimore MD 21228



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 108 MONTROSE AVENUE
which is presently zoned DR-2

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

A NON-CONFORMING USE FOR A 5 UNIT APARTMENT.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

City

State

Zip Code

Name - Type or Print

Signature

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

THOMAS E. BOOTH
Thomas E. Booth
JoAnne L. Booth
Joanne L. Booth
108 MONTROSE AVENUE 410-736-8374
Address Telephone No.
CATONSVILLE MD 21228
City State Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2011-0088-SPH

Reviewed By D.T. Date 9/2/10

REV 9/15/98

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Date 11-29-10

By P3

**PROPERTY DESCRIPTION FOR:
108 MONTROSE AVENUE
CATONSVILLE, MARYLAND 21228**

BEGINNING for the same on the westernmost side of Montrose Avenue at the distance of two hundred seventy-five feet southerly from the southeast corner of the lot of ground which by Deed dated September 1, 1898 and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 234 folio 103 was granted and conveyed by the Catonsville Improvement Company of Baltimore County to Ann Savage which point of beginning is at the northeast corner of a lot of ground described in a Deed from The Catonsville Improvement Company to one Waring of record in the Land Records of Baltimore County in Liber N.B.M. No. 253 folio 475 and running thence northerly binding on the westernmost side of Montrose Avenue one hundred fifty feet thence westerly at right angles to ~~Montrose Avenue three hundred thirty feet more or less to the lot~~ of ground sold to one Casey thence southerly binding on said lot one hundred fifty feet to the lot of ground sold to Waring afore-said thence easterly binding on said lot three hundred thirty-two feet one inch more or less to the place of beginning. The improvements whereupon are known as No. 108 Montrose Avenue.

BEING the same lot of ground which by deed dated July 12, 1982 and recorded among the Land Records of Baltimore County in Liber 6413 Page 284 was granted and conveyed by Virginia F. Leonard unto the Grantors and Grantees herein as tenants in common as to the whole with an undivided one-half interest held by each couple as tenants by the entireties. The conveyance herein thereby divesting the Grantors of their interest in the property.

2011-0088-SPH

**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/neighborhood 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: 2011-0088-SPH

Petitioner: BOOTH

Address or Location: 108 MONTROSE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. THOMAS E. BOOTH

Address: 108 MONTROSE AVE.

CATONSVILLE, MD 21228

Telephone Number: 410-736-8374

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

No. 5700

Date: 9/2/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	2010	0000		4150					325.00

Total: 325.00

Rec

From: THOMAS E. BOOTH

For: 2011-0088-SPH

108 MONTROSE AVE.

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

LETTER OF TRANSMITTAL

TO: BALTO. COUNTY, PDM
ZONING OFFICE

ATTENTION: MS. KRISTEN
MATTHEWS

DATE: 10.20.2010

JOB NO.

RE: 2011-0088-SPH

108 MONTROSE AVE.

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☒ Prints ☒ Documents ☐ Other

No. of copies	Date	Description
1	10.20.10	CERT. OF POSTING
2	10.20.10	SITE PHOTOS

TRANSMITTALS are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review and comment

☐ Other

REMARKS: LURA - SUBMITTAL

SIGNED:

WILLIAM D. GULICK, JR.

THOMAS &
cc: JOANNE BOOTH

File #

CERTIFICATE OF POSTING

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

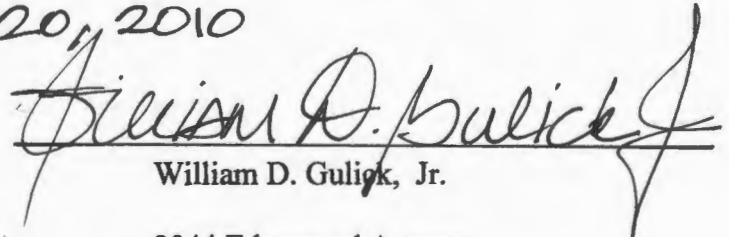
Date: 10.20.2010

ZONING OFFICE
Attention: MS. KRISTEN MATTHEWS

Re: Case Number: 2011 - 0088 - SPH
Petitioner/Developer: THOMAS & JOANNE BOOTH
Date of Hearing/Closing: NOV. 4, 2010

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: 108 MONTROSE AVENUE

The sign (s) were posted on: OCT. 20, 2010



William D. Gulick, Jr.

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

SEE ATTACHED SITE PHOTOS



**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: # 2011-0088-SPH

108 Montrose Avenue
W/side of Montrose Avenue, 285 feet north of the centerline of Idlewild Avenue

1st Election District
1st Councilmanic District
Legal Owner(s): Thomas & JoAnne Booth

Special Hearing: to permit a non-conforming use for a 5 unit apartment.

Hearing: Thursday, November 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/10/719 Oct. 19 258326

CERTIFICATE OF PUBLICATION

10/21, 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 10/19, 2010.

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

J. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 26, 2010

Thomas Joanne Booth
108 Montrose Avenue
Catonsville, MD 21228

Dear: Thomas * Joanne Booth

RE: Case Number 2011-0088-SPH, 108 Montrose Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 02, 2010. 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

TB 11-4 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 20, 2010

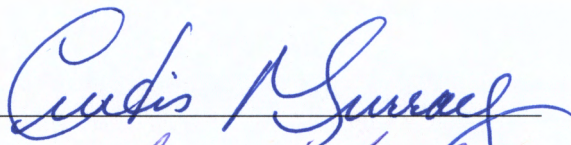
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-088- Special Hearing**

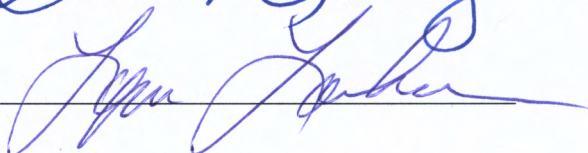
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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



RECEIVED

SEP 21 2010

ZONING COMMISSIONER

TB 11/4 9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 25 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item # 11-088-SPH
Address 108 Montrose Avenue
(Booth Property)

Zoning Advisory Committee Meeting of September 6, 2010.

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

Reviewer: JWL Date: 10/25/10



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

September 9 , 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: **September 6, 2010**

Item No.:

Special Exception: 2011-0083X

Special Hearing: 2011-0088SPH

Comments:

The above case numbers shall comply with all applicable parts of the **Baltimore County Fire Prevention Code, Council Bill 48-10** prior to occupancy or the beginning of operation.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

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 September 20, 2010
Item Nos. 2011- 084, 086, 087
and 088

DATE: September 10, 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-09202010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 8, 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. 2011-0088-SPH
108 MONTROSE AVE
BOOTH 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. 2011-0088-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,

A handwritten signature in purple ink that reads "Michael Bailey".

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.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
108 Montrose Avenue; W/S Montrose *
Avenue, 285' N of c/line Idlewilde Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Thomas & Joanne Booth * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-088-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.

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 22nd day of September, 2010, a copy of the foregoing Entry of Appearance was mailed to Thomas & Joanne Booth, 108 Montrose Avenue, Catonsville, MD 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

SEP 22 2010



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 1, 2010

NOTICE OF ZONING HEARING

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CASE NUMBER: 2011-0088-SPH

108 Montrose Avenue

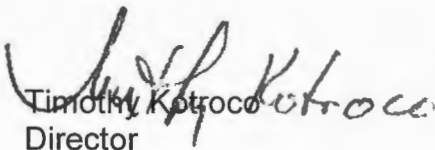
W/side of Montrose Avenue, 285 feet north of the centerline of Idlewilde Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Thomas & JoAnne Booth

Special Hearing to permit a non-conforming use for a 5 unit apartment.

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


Timothy M. Kotroco
Director

TK:kl

C: Mr. & Mrs. Booth, 108 Montrose Avenue, Catonsville 21228

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 19, 2010 Issue - Jeffersonian

Please forward billing to:
Thomas Booth
108 Montrose Avenue
Catonsville, MD 21228

410-736-8374

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:

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108 Montrose Avenue

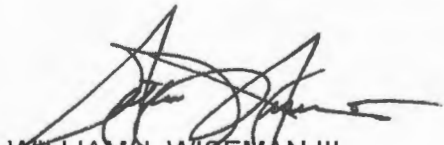
W/side of Montrose Avenue, 285 feet north of the centerline of Idlewilde Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Thomas & JoAnne Booth

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111 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.

CASE NAME Booth
CASE NUMBER JOIT-0088-SPH
DATE 11-4-10

[illegible]

Case No.: 2011-0088-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	SOAT printout and map	
No. 3	photograph of property	
No. 4	Deed	
No. 5 A-C	Affidavits of 5-apts. since 1940	
No. 6	letter 8-18-10 from Perts describing use	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

Account Identifier:

District - 01 Account Number - 0112200840

Owner Information

Owner Name: BOOTH THOMAS E Use: RESIDENTIAL
BOOTH JOANNE L Principal Residence: NO
Mailing Address: 2529 WASHINGTON BLVD Deed Reference: 1) / 6614/ 159
BALTIMORE MD 21230-1406 2)

Location & Structure Information

Premises Address
108 MONTROSE AVE

Legal Description
LT WS MONTROSE AV
250 N OF IDLEWILDE AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
100	18	955						1

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	Cour
1899	6,337 SF	1.14 AC	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2010 07/01/2011	
Land	207,870	182,500		
Improvements:	420,700	360,100		
Total:	628,570	542,600	542,600	542,600
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
PETERSON JACK W PETERSON EVELYN	10/27/1983	
Type:	Deed1:	Deed2:
IMPROVED ARMS-LENGTH	/ 6614/ 159	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

PETITIONER' S

EXHIBIT NO. 2

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

[illegible]

2011-0088-SPH

A F F I D A V I T

5A

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.

Edmund T. Leonard

AFFIANT (Handwritten Signature)

Edmund T. Leonard

AFFIANT (Printed Name)

I have personal knowledge that the home located at 108 Montrose Ave

Catonsville, Md 21228

(Address)

has been occupied as a 5 apartment dwelling since
(two, three, etc.)

 , 1940. 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 , 1940. This personal knowledge is based upon:
(month) (year)

conversations with previous owner who my family purchased
the home from in 1955. I have been a resident since
1955

STATE OF MARYLAND, CITY COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of December, 1990, before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared Edmund T. Leonard, 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.

Mary Ellen Bentley
NOTARY PUBLIC



PETITIONER'S

My Commission Expires:

10-1-91

EXHIBIT NO.

5A-C

A F F I D A V I T

5B

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.

(Helen) Virginia F. Leonard
AFFIANT (Handwritten Signature)

(Helen) Virginia F. Leonard
AFFIANT (Printed Name)

I have personal knowledge that the home located at 108 Montrose Ave.
Catonsville, Md. 21228
(Address)

has been occupied as a 5 apartment dwelling since
(two, three, etc.)

1940th, (month) (year). I also have personal knowledge that all

apartments within the dwelling have been occupied as such continuously and without interruption of more than one (1) year during any one period since 1940th, (month) (year). This personal knowledge is based upon:

our purchase of the house in 1955 and learning of
the conversion of the house in the 1940th, before the
war.

City

STATE OF MARYLAND, ~~COUNTY OF~~ BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of December, 1990, before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared Virginia F. Leonard, 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.

Mary Ellen Bentley
NOTARY PUBLIC

My Commission Expires: 10-1



5C

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.

Herbert J. Menard
AFFIANT (Handwritten Signature)

HERBERT J. MENARD
AFFIANT (Printed Name)

I have personal knowledge that the home located at 108 Montrose Ave, Catonsville Md 21228
(Address)

has been occupied as a 5 Apt. apartment dwelling since
(two, three, etc.)

MAY, 1941. 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 _____, 1941. This personal knowledge is based upon:
(month) (year)

having occupied the apartment and having lived in the vicinity since then. Now Nov 11 1991

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of January, 19 92, before me, a Notary Public of the State of Maryland, in and for the County afore-said, personally appeared Herbert J. Menard, 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.



James W. Mohler
NOTARY PUBLIC

My Commission Expires: Jan 1, 1994

Thomas & JoAnne Booth
4 Montrose Avenue
Catonsville, Maryland 21228
(410) 736-8374

August 18, 2010

Zoning Commissioner
Department of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

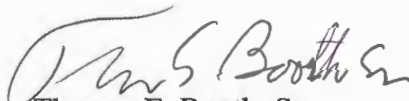
Dear Sir/Madame:

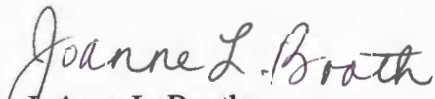
JoAnne Booth, my wife, and I bought the property at 108 Montrose Avenue, Catonsville, Maryland 21228 in 1983. It was built in 1899 and sometime in 1940, it was converted into 5 apartments. It has been occupied as 5 apartments since that time.

I am requesting that the building at 108 Montrose Avenue, Catonsville, Maryland 21228 be recorded in the Baltimore County records as 5 apartments.

Thank you in advance for your cooperation.

Sincerely,


Thomas E. Booth, Sr.


JoAnne L. Booth

PETITIONER' S

EXHIBIT NO. 6

2011-0088-SPH

159

DEED

FROM

Jack W. Peterson

Evelyn Peterson

TO

Thomas E Booth

Joanne L Booth

BLOCK No. _____

Received for Record, _____, 19____,

at _____ o'clock _____ M. Same day recorded

in Liber _____ No. _____ Folio _____ &c.,

one of the Land Records of _____

_____, and examined per

_____, Clerk.

Cost of Record, \$ _____

Return to
Michael Dehuca
103 Hilton Ave
Baltimore Md 21228

PETITIONER'S
EXHIBIT NO. 4

NO TITLE EXAMINATION

This Deed, MADE THIS 30th day of September

in the year one thousand nine hundred and eighty-three

by and between

JACK W. PETERSON and EVELYN PETERSON, his wife, Grantors and

of

parties of the first part, and 14.00

THOMAS E. BOOTH and JOANNE L. BOOTH, his wife, Grantees and parties 225.00

of the second part.

DEED 0 #
EHK JR T 464.00
#75829 C002 R02 T10:12
10/28/83

WITNESSETH, That in consideration of the sum of Forty-Five Thousand and No/100 Dollars (\$45,000.00)

the said JACK W. PETERSON and EVELYN PETERSON, his wife

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION
23 10-27-83
CLERK DATE

do grant and convey to the said THOMAS E. BOOTH and JOANNE L. BOOTH, his wife, as tenants by the entireties, their entire one-half undivided interest which they held as tenants by the entireties as to the one-half interest; thereby vesting the total and complete interest,

~~personal representatives/successors and assigns~~

, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

BEGINNING for the same on the westernmost side of Montrose Avenue at the distance of two hundred seventy-five feet southerly from the southeast corner of the lot of ground which by Deed dated September 1, 1898 and recorded among the Land Records of Baltimore County in Liber N.B.M. No. 234 folio 103 was granted and conveyed by the Catonsville Improvement Company of Baltimore County to Ann Savage which point of beginning is at the northeast corner of a lot of ground described in a Deed from The Catonsville Improvement Company to one Waring of record in the Land Records of Baltimore County in Liber N.B.M. No. 253 folio 475 and running thence northerly binding on the westernmost side of Montrose Avenue one hundred fifty feet thence westerly at right angles to Montrose Avenue three hundred thirty feet more or less to the lot of ground sold to one Casey thence southerly binding on said lot one hundred fifty feet to the lot of ground sold to Waring afore-said thence easterly binding on said lot three hundred thirty-two

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said

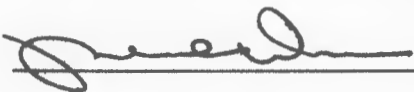
THOMAS E. BOOTH and JOANNE L. BOOTH, his wife, as tenants by the entireties,

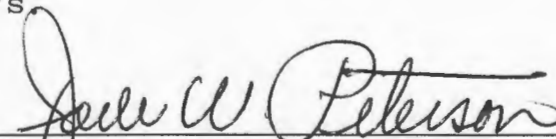
their personal representatives/successors and assigns, in fee simple.

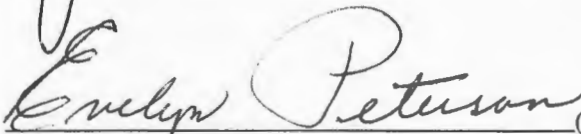
AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said grantors

Test:



 (SEAL)
JACK W. PETERSON

 (SEAL)
EVELYN PETERSON

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this day of September ,
in the year one thousand nine hundred and eighty-three , before me,
the subscriber, a Notary Public of the State aforesaid, personally appeared

JACK W. PETERSON and EVELYN PETERSON, his wife
known to me (or satisfactorily proven) to be the persons whose names ~~is~~ are subscribed to
the within instrument, and acknowledged that they executed the same for the purposes
therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

2200018329

101

100

0113750231

19481229
19470946

0103001921

105

SW 3-G

0119510530

104

0102002621

1 CD

1 ED

100C2

DR 2

0112200840

SITE

0103001922

0105190240

0110451320

Pt. Bk. 5 Folio 90

0108800540

MONTROSE AVE

0118100360

112
0119710040

0106572611

0106350250

SW 4-G

1604

0116151270

1600

1602

0107470810

20020276

1700004934

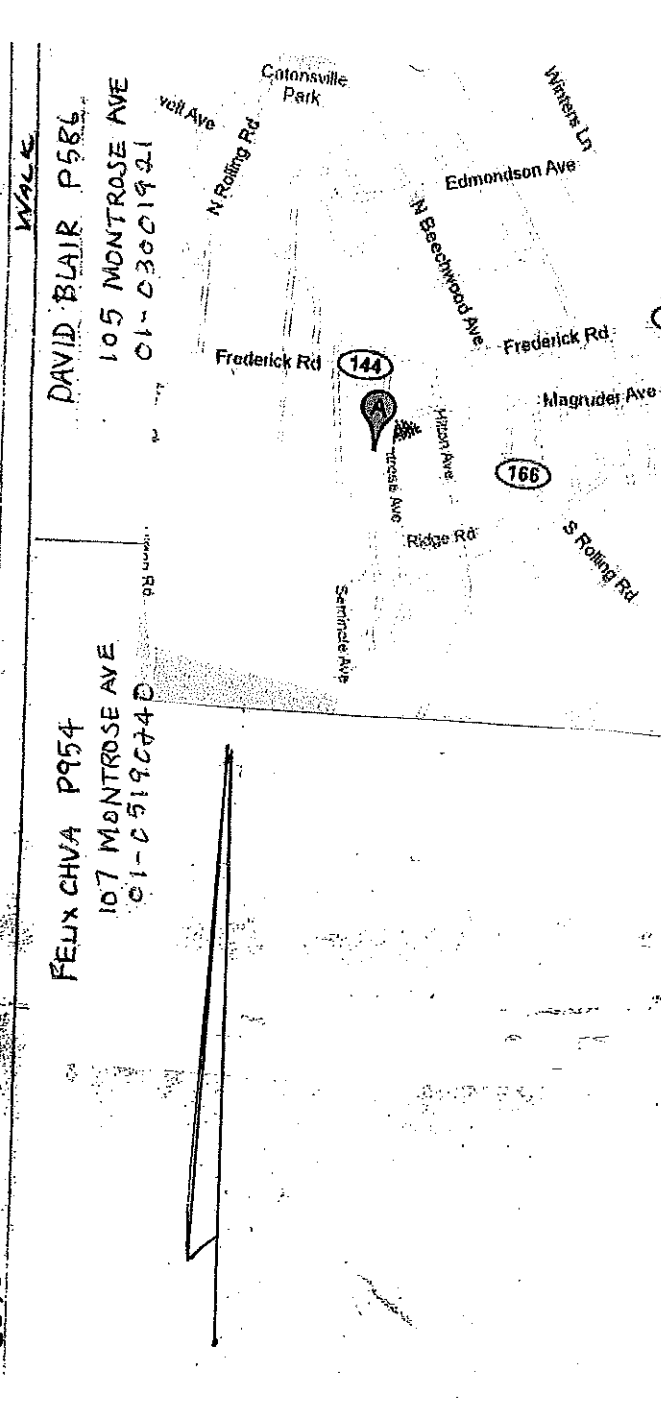
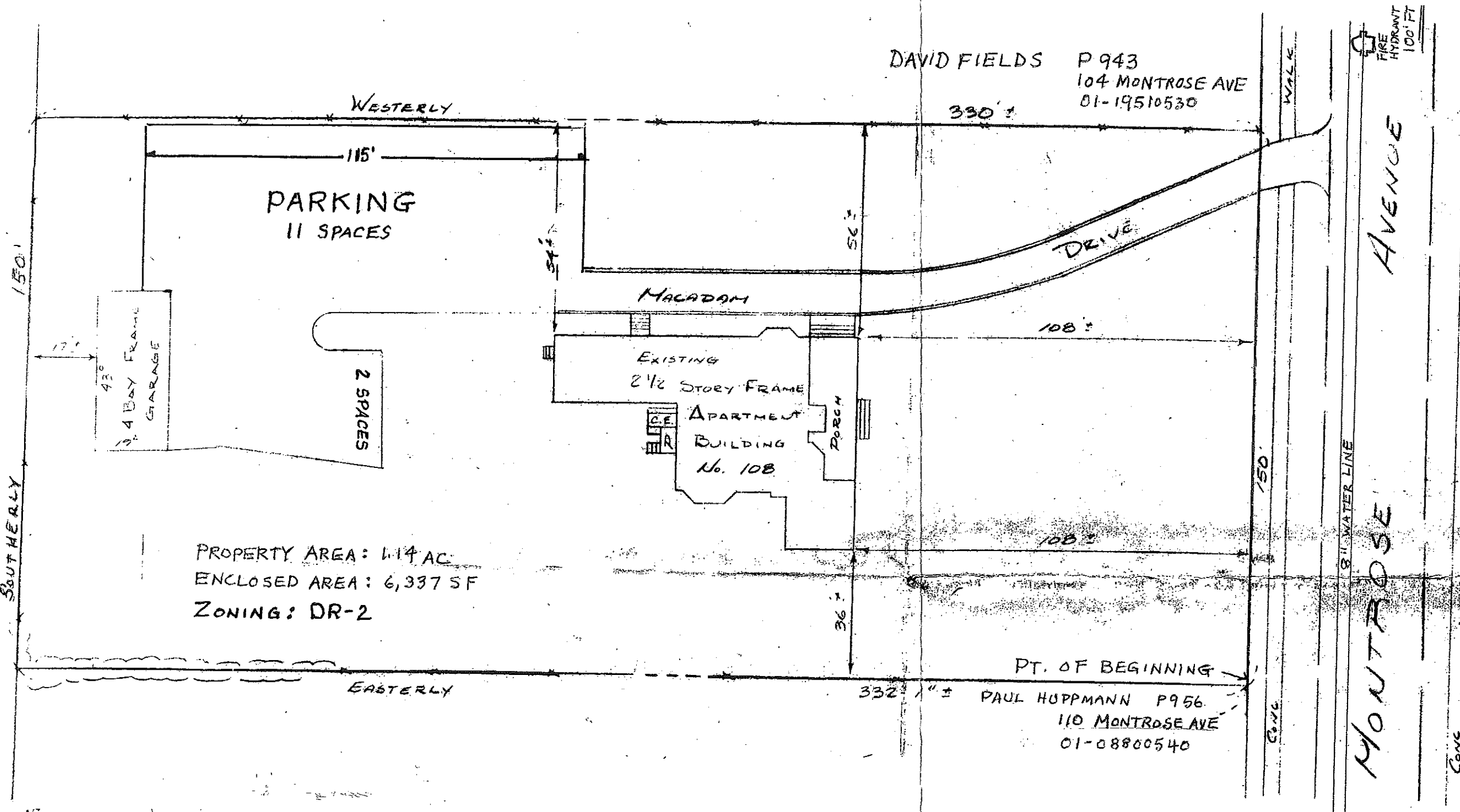
0107291361

IDLEWILDE AVE

PDM # 018040

Pt. Bk./Folio # 005090B

2011-0088-SPH



PLAN TO ACCOMPANY SPECIAL HEARING

**108 MONTROSE AVENUE
CATONSVILLE, MARYLAND 21228
Election District: 1
Councilmatic District: 1
Property Tax ID: 01-12-200840
OWNER: Thomas & JoAnne Booth
4 Montrose Avenue
Catonsville, Maryland 21228
410-736-8374**

SCALE 1" = 30'

AUGUST 23, 2010

There have been no previous:
Commercial Permits,
Zoning Hearing, CRG,
DRC Meetings or Waivers
on this Property.

NOT HISTORIC
NOT FLOOD ZONE