

IN RE: PETITION FOR SPECIAL HEARING

SW side of Saint Marys Avenue, 320' SE of
c/line of Gregory Avenue
1st Election District
1st Councilmanic District
(5603 Saint Marys Avenue)

Michael J. Rinehart
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2012-0029-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Special Hearing filed by Michael J. Rinehart, legal owner. Petitioner is requesting Special Hearing relief from Section 500.7 the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the non-conforming use of two dwellings on one property. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Michael J. Rinehart, the legal owner. A review of the file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing, and the file does not contain any letters of protest or opposition.

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. A Code Enforcement and Inspection Citation was issued to the Petitioner on March 23, 2011, for failure to remove one of the dwelling units from the property and failure to apply for a special hearing for a nonconforming use in order to allow the two dwelling units. In addition on May 17, 2011,

¹ Case No: CO-0086602

ORDER RECEIVED FOR FILING

Date 12-7-11

By SMA

Petitioner came before me, for a code hearing (Civil Citation No. 86602) for violations under B.C.Z.R. Section 102.1. The \$3,000.00 civil penalty was suspended in full with the understanding that Petitioner would file this petition within 30 days to establish the legal nonconforming use; failure to do so would result in the imposition of the entire fine. Hence, Petitioner filed the instant special hearing request for a nonconforming use.

Testimony and evidence offered revealed that the subject property is 8,000 square feet and is zoned DR5.5. The property is improved with 2 separate dwelling units. One house sits closer to St. Mary's Street and the second dwelling sits to the rear of the property. That dwelling has been further divided into 2 Apartment units, causing a total of 3 dwelling units on this one property. Both houses are very old and were built prior to 1945. They each have separate electric meters and have always been occupied as dwellings.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

As with all nonconforming use cases, the burden is on the Petitioner to produce evidence that a legal nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations rendered it an unpermitted use. The controlling year in this case for 2 dwelling units is 1955. The evaluation of nonconformity must include a determination of whether there has been a change in the use of the subject property, breaking the continued nature of the nonconforming use. If the use of the subject property has changed to a different use, the current use

ORDER RECEIVED FOR FILING

Date 12-7-11

By SMA

of the property cannot be considered as nonconforming. *See, B.C.Z.R. Section 104; McKemy v. Baltimore County, Maryland, 39 Md. App. 257 (1978).*

The applicant provided 2 affidavits from citizens which indicated that there has existed 2 separate dwelling units on the subject property since 1945 to the present time. The evidence is unclear and does not support the further subdivision of the rear dwelling into 2 separate apartments. Therefore I cannot approve 3 dwelling units on this property; I can and will approve 2, as the evidence is sufficient in that regard. The applicant will have to eliminate one of the units.

Based upon the testimony and evidence presented, I am persuaded to GRANT the request for special hearing relief.

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

THEREFORE, IT IS ORDERED this 7th day of December, 2011 by this Administrative Law Judge that Petitioner's Special Hearing request from the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the non-conforming use of two dwellings on one property, be and is hereby GRANTED, subject to the following:

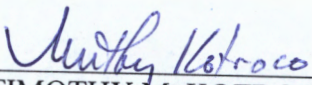
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The applicant shall eliminate one of the 3 dwelling units, reducing the total number of units on the property to 2. This shall be done within 90 days from the date of this order.

ORDER RECEIVED FOR FILING

Date 12-7-11

By Sm A

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/sma

ORDER RECEIVED FOR FILING

Date 12-7-11

By SMA



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

December 7, 2011

Michael J. Rinehart
5603 Saint Mary's Avenue
Baltimore, MD 21207

Re: Petition for Special Hearing
Case No. 2012-0029-SPH
Property: 5603 Saint Mary's Avenue

Dear Mr. Rinehart:

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 the appeals clerk at 410-887-3391.

Sincerely,

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

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/sma

Enclosure

c:



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County for the property located at 5603 ST. MARY'S AVE Balto. Md 21207 which is presently zoned DR 5.5

Deed Reference: 102011560 Tax Account # 0116350780

(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)

... the non-conforming use of two dwellings on one property

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 2012-0029-SPH

REV 07/27/07

ORDER RECEIVED FOR FILING

Date 12-7-11

By SMA

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0029-SPH
5603 St. Mary's Avenue
S/w St. Mary's Avenue, 320
feet SE of centerline of
Gregory Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Michael Rinehart
Special Hearing: for the
non-conforming use of two
dwellings on one property.
Hearing: Thursday, Sep-
tember 1, 2011 at 1:30
p.m. in Room 205, Jeffer-
son Building, 105 West
Chesapeake Avenue,
Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT/8/686 Aug. 16 283891

CERTIFICATE OF PUBLICATION

8/18/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 8/16/ 2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Hearing 9/1/11
2012-0029-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Michael Rinehart

September 1, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

5603 St. Mary's Avenue

August 17, 2011

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

Sincerely,

August 19, 2011


(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: 2012-0029.SPH

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

PLACE

Room 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME

THURSDAY SEPTEMBER 1, 2011 AT 1:30 P.M.

REQUEST SPECIAL HEARING FOR THE NON-CONFORMING
USE OF TWO DWELLINGS ON ONE PROPERTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0029-SPH
5603 St. Mary's Avenue
S/w St. Mary's Avenue, 320
feet SE of centerline of
Gregory Avenue
1st Election District
1st Councilmanic District
Legal Owner(s):
Michael Rinehart
Special Hearing: for the
non-conforming use of two
dwellings on one property.
Hearing: Monday, Decem-
ber 5, 2011 at 10:00 a.m.
in Room 205, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT 11/675 Nov. 22 291322

CERTIFICATE OF PUBLICATION

11/23/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/22/ 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

TK
Hearing 12/5/11

2012-0029-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Michael Rinehart

December 5, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

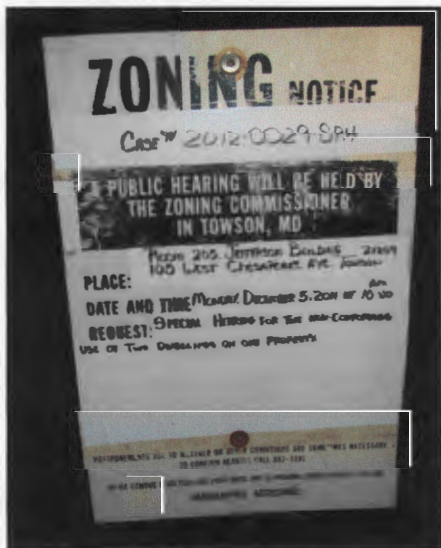
Ladies and Gentlemen:

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: _____

5603 St. Mary's Lane

November 21, 2011

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



Sincerely,

November 21, 2011

(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 16, 2011 Issue - Jeffersonian

Please forward billing to:
Michael Rinehart
5603 St. Mary's Avenue
Baltimore, MD 21207

410-261-9195

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0029-SPH

5603 St. Mary's Avenue

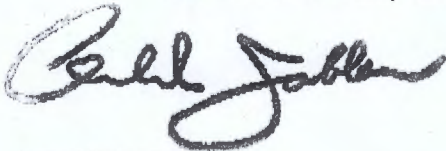
S/w St. Mary's Avenue, 320 feet SE of centerline of Gregory Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Michael Rinehart

Special Hearing for the non-conforming use of two dwellings on one property.

Hearing: Thursday, September 1, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 10, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0029-SPH

5603 St. Mary's Avenue

S/w St. Mary's Avenue, 320 feet SE of centerline of Gregory Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Michael Rinehart

Special Hearing for the non-conforming use of two dwellings on one property.

Hearing: Thursday, September 1, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Michael Rinehart, 5603 St. Mary's Avenue, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 17, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 26, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0029-SPH

5603 St. Mary's Avenue

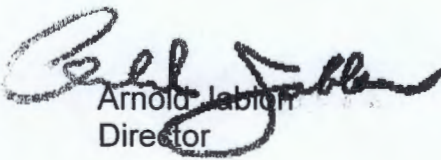
S/w St. Mary's Avenue, 320 feet SE of centerline of Gregory Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Michael Rinehart

Special Hearing for the non-conforming use of two dwellings on one property.

Hearing: Tuesday, November 1, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Michael Rinehart, 5603 St. Mary's Avenue, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 17, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 22, 2011 Issue - Jeffersonian

Please forward billing to:
Michael Rinehart
5603 St. Mary's Avenue
Baltimore, MD 21207

410-261-9195

NOTICE OF ZONING HEARING

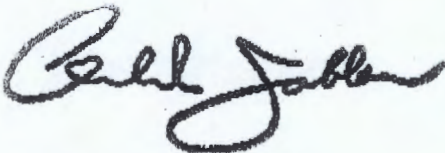
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0029-SPH

5603 St. Mary's Avenue
S/w St. Mary's Avenue, 320 feet SE of centerline of Gregory Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Michael Rinehart

Special Hearing for the non-conforming use of two dwellings on one property.

Hearing: Monday, December 5, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 28, 2011

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0029-SPH

5603 St. Mary's Avenue

S/w St. Mary's Avenue, 320 feet SE of centerline of Gregory Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Michael Rinehart

Special Hearing for the non-conforming use of two dwellings on one property.

Hearing: Monday, December 5, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Michael Rinehart, 5603 St. Mary's Avenue, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 21, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0029-SPH
Petitioner: Michael J. Rinehart
Address or Location: 5603 St. Mary's AVE Balto. Md 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael J. Rinehart
Address: 5603 St. Mary's Ave. Balto. Md. 21207

Telephone Number: 410 261 9195



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

August 19 2011

Michael J. Rinehart
5603 St. Mary's Avenue
Baltimore, MD 21207

RE: Case Number 2012-0029-SPH, 5603 St. Mary's Avenue

Dear Mr. Rinehart,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 29, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



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

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-9-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0029-SPH
Special Hearing
Michael J. Rinehart
5603 Saint Marys Avenue.

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. 2012-0029-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 4, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 8, 2011**

Item No.:

Administrative Variance: 2012-0026A, 2012-0028A, 2012-0030A – 0032A.

Variance: 2012-0027A.

Special Hearing: 2012-0029-SPH.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
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

Inter-Office Correspondence



9/1 1:30
205

RECEIVED

AUG 22 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 22, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-029-SPH
Address 5603 Saint Mary's Avenue
(Rinehart Property)

Zoning Advisory Committee Meeting of August 8, 2011.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

DATE: September 2, 2011

SUBJECT: Case No. 2012-0029-A (Scheduled for September 1, 2011)
5603 St. Mary's Avenue, 21207



The above-referenced case was scheduled before the undersigned on September 1, 2011 at 1:30 PM in Room 205 of the Jefferson Building. It had been properly posted and advertised prior to the hearing. Petitioner Michael Rinehart attended and hearing was opened and continued in order to allow him time to address the non-conforming concerns. The Petitioner is to re-post and re-advertise. Also, please note that there was no one in attendance.

After consulting with Petitioner, he understands that this will be rescheduled the latter part of October. Thanks.

LMS:dlw

c: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5603 Saint Marys Avenue; S W/S Saint *
Marys Avenue, 320' SE of c/line Gregory Ave* ADMINISTRATIVE LAW
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Michael J. Rinehart * JUDGE FOR
Petitioner(s) * BALTIMORE COUNTY
* 2012-029-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

RECEIVED

AUG 18 2011

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to Michael Rinehart, 5603 St. Mary's Avenue, Baltimore, Maryland 21207, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/10/2011 2:03 PM
Subject: ZAC Comments

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0020-XA - 1 Beaver Circle
(Hearing Date: 8/25/11)

2012-0021-SPH - 3408 Red Rose Farm Road
(Hearing Date: 8/29/11)

2012-0022-SPHA - 516 Riverside Drive
(Hearing Date: 8/22/11)

2012-0023-A - 7801 York Road (Incorrectly reflected on ZAC Agenda previously as 2328 W. Joppa Rd., Suite 200)
(Hearing Date: 8/29/11)

2012-0024-A - 21717 Gunpowder Rd.
(AV - Closing Date: 8/22/11)

2012-0025-A - 11591-11595 Allender Rd.
(Hearing Date: 8/29/11)

2012-0026-A - 13 Birchbrook Circle
(AV - Closing Date: 8/22/11)

2012-0027-A - 5624 Old Court Road
(No Hearing Date reflected in data base as of today)

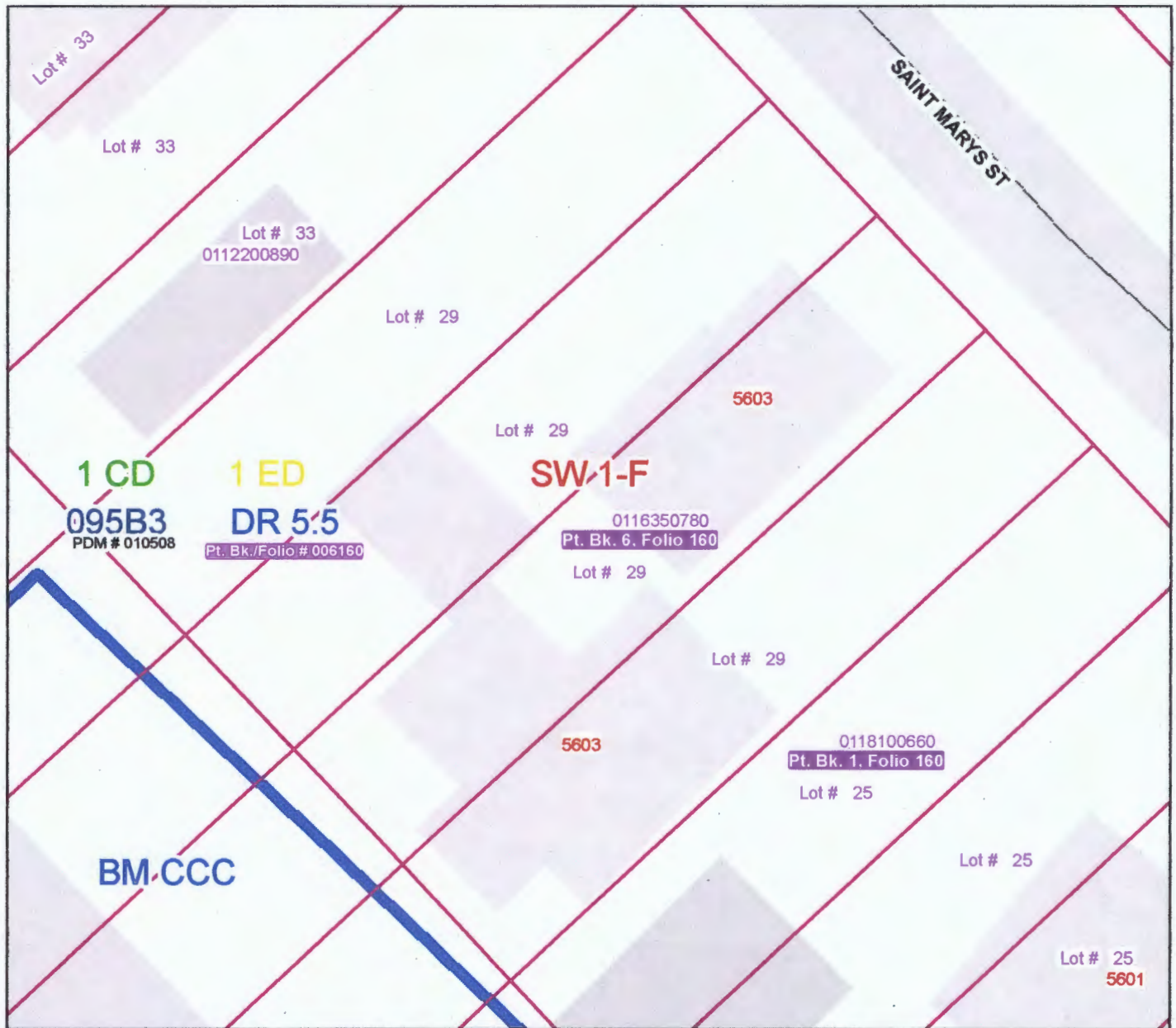
2012-0028-A - 1845 Cape May Road
(AV - Closing Date: 8/22/11)

2012-0029-SPH - 5603 Saint Marys Avenue
(No Hearing Date reflected in data base as of today)

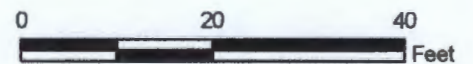
2012-0030-A - 5653 Mineral Avenue
(AV - Closing Date: 8/29/11)

2012-0031-A - 7317 Waldman Avenue

5603 Saint Marys Street



Publication Date: July 19, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 20 feet

Item #0029

Michael J. Rinehart

5603 Saint Mary's Ave.
Baltimore, MD 21207
(410) 261-9195
MRinehart52@yahoo.com

Affidavit

Zoning Review
Jefferson Building
105 West Chesapeake Avenue
Towson, MD 21204

Dear Sir/Madam:

Name: Harold Bergman
Address: 4430 Ella Ave.
Elliott City, Md. 21043

Telephone: 410-465-2776

Please let this serve as my Affidavit that I have personal knowledge of 5603 St. Mary's Ave., Baltimore, MD 21207. I lived at 1104 Gregory Ave. Catonsville Manor from 1940 to 1961 which is a cross street of St. Mary's.

In 1945, I remember and will confirm that there were two separate two story buildings on that property. One house was in front and another house behind the front residence.

I delivered newspapers to Edgaretta Walker residing at 5603 Saint Mary's Ave. Subdivision Catonsville Manor known as Lot29, 30, 31, And 32.

My delivery route included the above address. I collected the monthly subscription cost from 2 women residing here at the time.

Very Truly Yours,

Lola M. Ciriis, Notary Public

Notary Public, Baltimore City, Maryland
My Commission Expires May 07, 2012

Harold Bergman

PETITIONER'S

EXHIBIT NO. 2

Affidavit

Zoning Review
Jefferson Building
10 S. West Chesapeake Ave.
Towson, Md. 21204

Dear Sir/Madam

NAME - Victoria Eitel
Address: 21 Frederick St
Taneytown, Md 21287
Phone: 443-996-0306

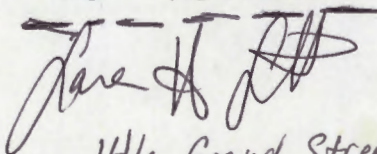
Please let this serve as my affidavit
that I have personal knowledge of
5603 St. Mary Ave. Baltimore, Md. 21207.

As of 1996 I resided at 5603 St. Mary's
Ave at certain times. As of my knowledge
there has always been apartments on that
property still 1945 and never been vacant for
any length of time.

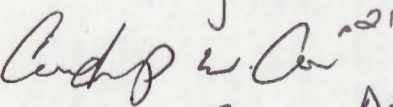
Thank you
Victoria J. Eitel

Dec. 02, 2011

witnesses

 Dec. 02, 2011
146 Grand Street

Taneytown, MD

 Dec - 2 - 2011
146 Grand Dr.

Taneytown 21287.

PETITIONER'S

EXHIBIT NO.

3

