

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
NE Corner of Burke and	*	OFFICE OF
Aigburth Avenues		
(200 East Burke Avenue)	*	ADMINISTRATIVE HEARINGS
9 th Election District		
5 th Council District	*	FOR
Anthony Mortis, Collenia Linzy and	*	BALTIMORE COUNTY
Helen Dortch		
Petitioners	*	CASE NO. 2012-0262-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Anthony Mortis, Collenia Linzy and Helen Dortch. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking approval of a rooming and boarding house occupied by one of the legal owners and three additional unrelated individuals. The Petitioners are also seeking variance relief from Section 409.6.1 of the B.C.Z.R., to permit two parking spaces in lieu of the required five. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case were Petitioners Anthony Mortis, Collenia Linzy and Helen Dortch, Vincent Moskunas with Site Rite Surveying, Inc., the professional surveyor who prepared the site plan, and Michael K. Hourigan, Esquire, attorney for the Petitioners. Appearing in opposition to the Petitioners' request were many residents of the surrounding communities. These individuals are too numerous to specifically identify herein. However, all have signed in on the Citizen Sign-In Sheets. The file reveals that the

ORDER RECEIVED FOR FILING

Date 6-4-12

By pm

Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. The file contains letters of opposition from residents of the community as well as from the following associations: Towson Manor Village Community Association, Wiltondale Improvement Association, Inc., West Towson Neighborhood Association, Knollwood-Donnybrook Improvement Association, Inc.

This matter is currently the subject of a violation case (Case No. CO-106869) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. The fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Approvals, and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioner is entitled to the requested zoning relief.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning on May 24, 2012 indicating the following:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning **does not** support the petitioner's request for a rooming and boarding house. Currently the property is the subject of a code violation and the property may not have the appropriate rental registration documents or rental status. Furthermore, parking is a major concern for this community.

Consistent with the recommendation above, the Department of Planning also opposes the petitioner's request to permit 2 parking spaces in lieu of the required 5. The property has a 2-car garage, normally adequate for a single family home. Increasing the density of use without adequate on-site parking will be detrimental to the neighborhood. The subject property is located on a heavily traveled arterial street, therefore, on-street parking is minimal.

Testimony and evidence revealed that the subject property is 3,231 square feet (0.07 acres)

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Date 10-4-18 2

By pm

and zoned DR 5.5. Mr. Moskunas explained the site plan he prepared in connection with the Petition, and he described Petitioner's dwelling and the adjoining homes as "semi-detached" dwellings. See Exhibit 1. Petitioners testified they purchased the home in 2010, so that Mr. Mortis would have a place to live while he finished his degree at Towson University. They explained on-campus housing was very hard to locate, and that they purchased this home and made substantial improvements. They also testified that the three roommates helped to defray the cost of the home and expenses.

While Mr. Mortis and his mother (Collenia Linzy) appeared sincere and cooperative (i.e., Ms. Linzy spoke directly to the members of the community at the hearing and indicated she only needed the zoning relief for one year, until her son finished school), I am unable to grant the Petition in these circumstances, as explained below.

Under the B.C.Z.R., a boarding or rooming house (at least in this case, where the building is the domicile of the owner) is one in which rooms are provided to "three or more individuals" not related to the owner by blood or marriage. B.C.Z.R. § 101.1. Mr. Mortis testified he has three adult roommates, so 200 East Burke Avenue clearly qualifies as a "boarding house." Such a use is permitted in a DR zone "only in single-family detached dwellings." B.C.Z.R. § 408.B.1.B. The regulations define a single family detached dwelling as a "dwelling...surrounded by open space or yards and not attached to any other dwelling by any means." B.C.Z.R. § 101.1 (emphasis added).

As explained by Mr. Moskunas, 200 East Burke Avenue is in fact attached by a common wall – which in essence also separates the lots – to the neighboring dwelling known as 202 East Burke Avenue. Whether one refers to this type of dwelling as "semi-detached" or a "two family" dwelling is beside the point. What is clear is that the Petitioners' dwelling is "attached" by a common wall to another dwelling. As such, a rooming or boarding house cannot be operated on

ORDER RECEIVED FOR FILING

Date 6-4-12

By PM

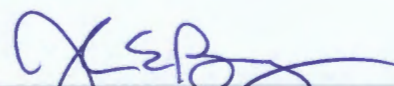
the subject premises.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED, this 6 day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a rooming and boarding house, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.1 of the B.C.Z.R., to permit two parking spaces in lieu of the required five, be and is hereby DENIED AS MOOT.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-4-12

By pm



KEVIN KAMENETZ
County Executive

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

June
May 6, 2012

MICHAEL K. HOURIGAN, ESQUIRE
FERGUSON SCHIETELICH & BALLEW PA
1401 BANK OF AMERICA CENTER
100 SOUTH CHARLES STREET
BALTIMORE MD 21201

RE: Petition for Special Hearing
Case No.: 2012-0262-SPH
Property: 200 East Burke Avenue

Dear Mr. Hourigan:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz
Enclosure

c: Paul Hartman, Greater Towson Council Of Community Associations, 18 1/2 Cedar Avenue, Towson MD 21286
Edward T. Kilcullen Jr., Towson Manor Village Community Association, 100 Maryland Avenue, Towson MD 21286
Charlene Heaberlin, President, Knollwood-Donnybrook Improvement Association Inc., PO Box 19131, Towson MD 21284
Timothy C. Lotz, President, Wiltondale Improvement Association Inc., Po Box 2753, Baltimore MD 21285



PETITION FOR ZONING HEARING(S)

VIOLATION #
106868/9

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 200 E Burke Ave which is presently zoned PR55
Deed References: 29717/435 10 Digit Tax Account # 0903470680
Property Owner(s) Printed Name(s) Anthony Morts, Helen Dorch, Colenia Llinzy

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
Rooming & Boarding house occupied by legal owner and three (3) additional unrelated individuals.
2. _____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 409.6.1, BCER,
TO PERMIT 2 PARKING SPACES IN LIEU OF THE REQUIRED 5

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
Date 6-4-12
Signature [Signature]
By _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Anthony Morts, Colenia Llinzy Helen Dorch
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 [Signature] Signature #2 [Signature]
200 E Burke Ave Towson MD
Mailing Address _____ City _____ State _____
21286, 7034022139, CLLINZY@ACL.COM
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Colenia Llinzy
Name - Type or Print _____
Signature [Signature]
904 Johnson Grove Ln Bowie MD 20721
Mailing Address _____ City _____ State _____
20721, 7034022139, CLLINZY@ACL.COM
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2012-0262SPHA Filing Date 4/19/12 Do Not Schedule Dates: _____ Reviewer JCM

**ZONING DESCRIPTION
#200 E. BURKE AVENUE**

BEGINNING at the intersection of the southeast side of Aigburth Avenue and the northerly side of Burke Avenue (both 50 foot right-of-ways), thence North $13^{\circ} 36'E$ 117' - 6"; thence South $76^{\circ} 40'$ East 27'-6', thence South $13^{\circ} 36'$ West 117'-6" to northerly side of Burke Avenue, then North $76^{\circ} 40'$ West 27'-6" to PLACE OF BEGINNING, containing 3,231 S.F. or 0.07 Ac +/-.

Recorded in the Land Records of Baltimore County in Liber 29717 folio 435 which was conveyed by One West Bank, FSB to Anthony Mortis, Helen Dortch and Collenia Linzy by deed dated July 23, 2010.

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

No. **82035**

Date: **4/19/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/20/2012 4/19/2012 14:25:32 5
 Rec MS03 WALKIN RDGS LRB
 >> RECEIPT N 596093 4/19/2012 OFLN
 Dept 5 529 ZONING VERIFICATION
 LK NO. 082035
 Recpt Tot \$395.00
 \$395.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150				60.00
								385.00

Total: **385.00**

Rec From: **C. LINZY**

For: **2012-0262-SPHA**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**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: # 2012-0262-SPHA
200 E. Burke Avenue
N/e corner of Burke and
Aigburth Avenues
9th Election District
5th Councilmanic District
Legal Owner(s): Anthony
Morris, Colleen Linzy &
Helen Dortch

Special Hearing to permit
a room and boarding house
occupied by legal owners,
and three (3) additional un-
related individuals.

Variance: to permit 2 park-
ing spaces in lieu of the re-
quired 5.

Hearing: Monday, June 4,
2012 at 1:30 p.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 05/701 May 15 303238

CERTIFICATE OF PUBLICATION

5/17, 2012

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 5/15, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE NO: 2012-0262-SPHA

PETITIONER/DEVELOPER _____

ANTHONY MORTIS, COLLEENIA LINZY
HELEN DORTCH

DATE OF HEARING/CLOSING: _____

6/4/12

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT 200 E. BURKE AVENUE

THIS SIGN(S) WERE POSTED ON _____

May 14, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/14/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

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

CASE # 2012-0262-SPHA

Room 205, STEFFERSON BUILDING 105
PLACE : WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: MONDAY JUNE 4, 2012
AT 1:30 P.M.

REQUEST: SPECIAL HEARING TO PERMIT A ROOM AND
BOARDING HOUSE DESCRIBED BY LEGAL OWNERS AND
THREE (3) ADDITIONAL UNRELATED INDIVIDUALS.
VARIABLE TO PERMIT 2 PARKING SPACES IN LIVA
OF THE REQUIRED 5.

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE
TOWSON, MD, 21204
TEL. 410-887-3391
FOR MORE INFORMATION, VISIT THE ZONING WEBSITE: www.towsonmd.gov/zoning
MEETING IS HANDICAP ACCESSIBLE

05/14/2012

Matthew De 5/14/12

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: 2012-0262-SPHA

Petitioner: COLLENTIA LINZY

Address or Location: 200 E. BURKE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANTHONY MORTIS, HELEN DORTCH, COLLENTIA LINZY

Address: 200 E. BURKE AVE.
TOWSON, MD. 21286

Telephone Number: 1-703-402-2139

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
200 East Burke Avenue; NE corner of Burke * OF ADMINISTRATIVE
Avenue & Aigburth Avenues *
9th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Anthony Mortis, Collenia *
Linzy and Helen Dortch * BALTIMORE COUNTY
Petitioner(s) *
2012-262-SPHA

* * * * *

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

MAY 04 2012

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 4th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Collenia Linzy, 904 Johnson Grove Lane, Bowie, MD 20721, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

May 7, 2012

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: 2012-0262-SPHA

200 E. Burke Avenue

N/e corner of Burke and Aigburth Avenues

9th Election District – 5th Councilmanic District

Legal Owners: Anthony Mortis, Collenia Linzy & Helen Dortch

Special Hearing to permit a room and boarding house occupied by legal owners and three (3) additional unrelated individuals. Variance to permit 2 parking spaces in lieu of the required 5.

Hearing: Monday, June 4, 2012 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".

Arnold Jablon
Director

AJ:kl

C: Collenia Linzy, 904 Johnson Grove Lane, Bowie 20721
Mortis/Dortch, 200 E. Burke Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 15, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARING 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, May 15, 2012 Issue - Jeffersonian

Please forward billing to:
Collenia Linzy
904 Johnson Grove Lane
Bowie, MD 20721

1-703-402-2139

NOTICE OF ZONING HEARING

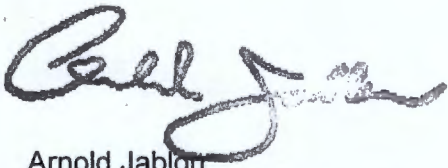
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CASE NUMBER: 2012-0262-SPHA

200 E. Burke Avenue
N/e corner of Burke and Aigburth Avenues
9th Election District – 5th Councilmanic District
Legal Owners: Anthony Mortis, Collenia Linzy & Helen Dortch

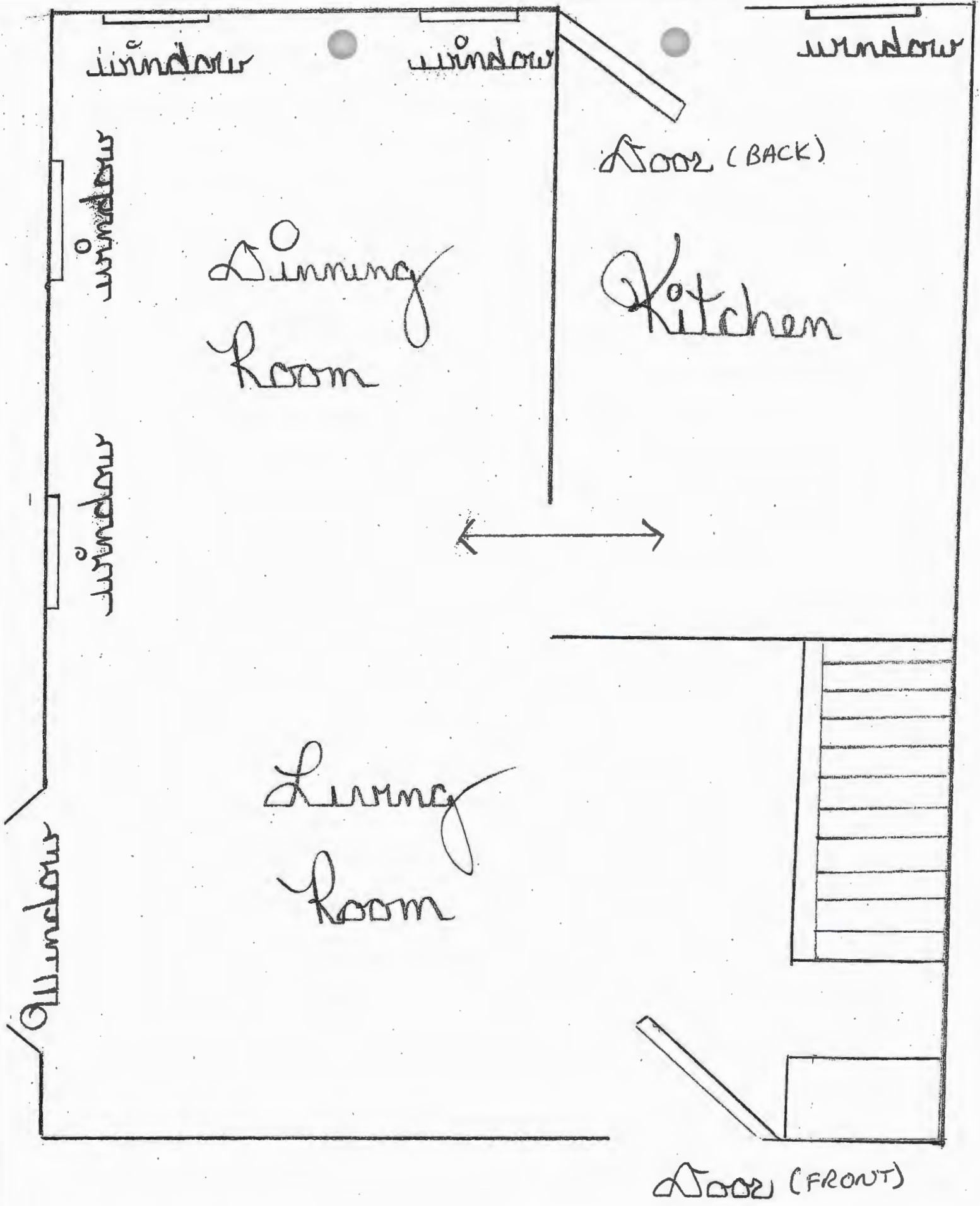
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Hearing: Monday, June 4, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



1ST FLOOR

Window Window Window Window

Window

Bed Room

Door

Bed Room

Window Window Window

Door

Bed Room

Door

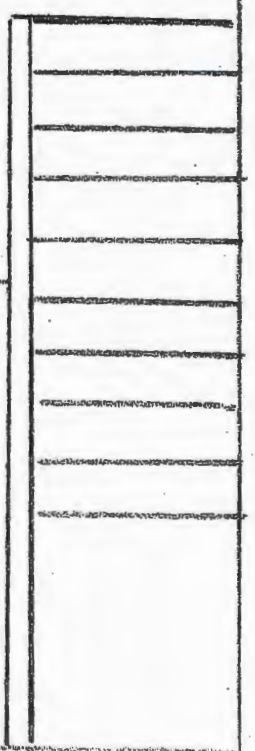
Door Bath Room

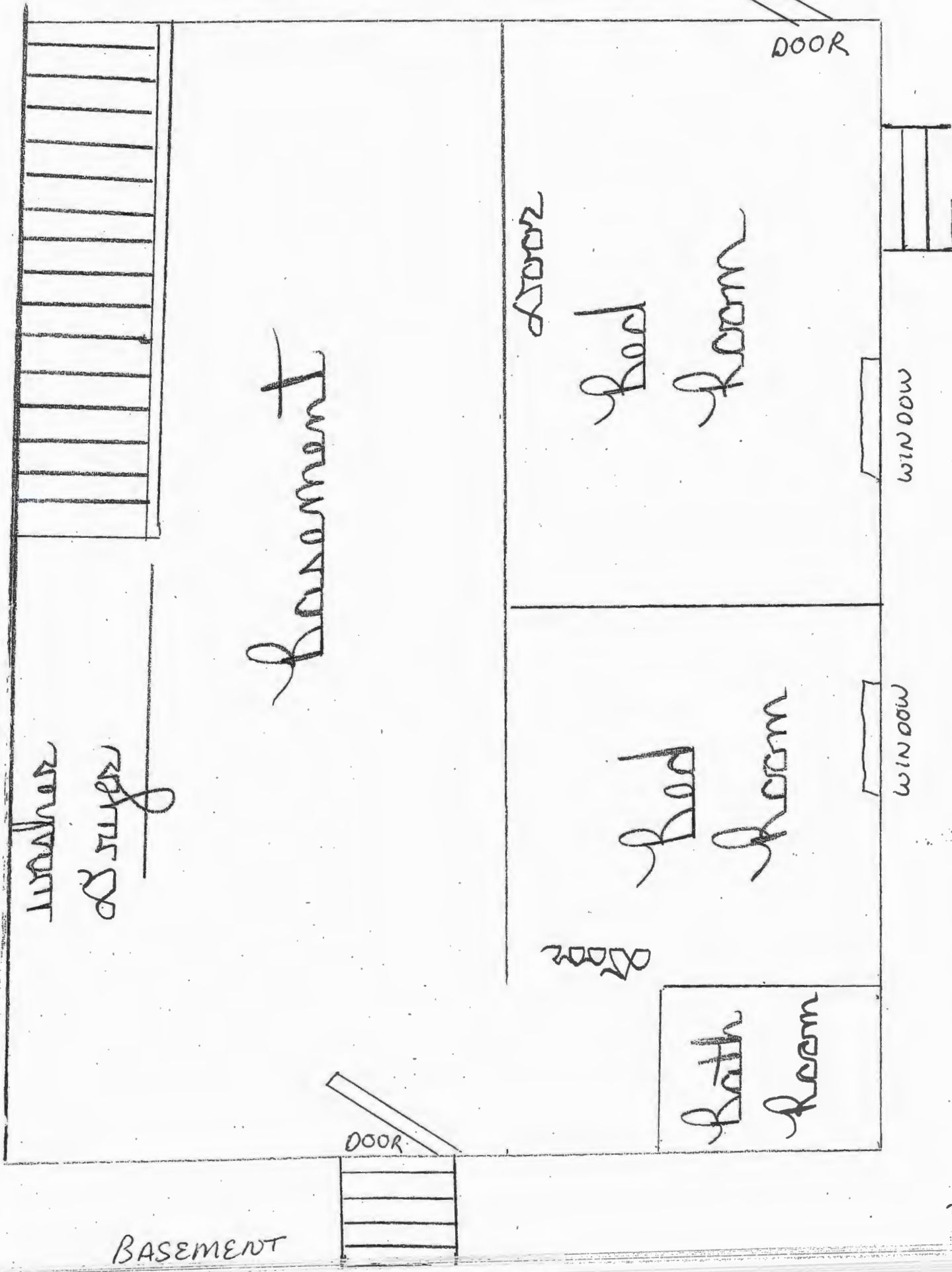
Window

Window

Window

Window





DOOR

DOOR

Bed

Room

WINDOW

DOOR

Bed

Room

WINDOW

Bath

Room

DOOR

BASEMENT

Storage

Basement

6-4-2012

Case No.: 2012-262-SPHA

DW
7-1-12

Exhibit Sheet

6/8/12
pm

Petitioner/Developer

Protestant

No. 1	Site Plan	GTCCA Letter 6-4-12
No. 2	Deed	Towson Manor Village Ass'n Letter, 6-1-12
No. 3	Floor Plan 200E BURKE	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

After Recording Return To:
LandCastle Title, LLC
9409 Philadelphia Road
Baltimore, MD 21237
MDC-100700137S

SPECIAL WARRANTY DEED

THIS DEED, dated this 23 day of July, 2010 by and between

OneWest Bank, FSB

2900 Esperanza Crossing Floor 3, Austin, Texas 78758

Hereinafter referred to as Grantor, conveyed unto

Anthony Mortis, Helen Dortch, and Collenia Linzy

200 East Burke Avenue, Towson, MD 21286

Hereinafter referred to as Grantee.

The Grantors for the consideration of One Hundred Eighty One Thousand Dollars (\$181,000.00) do hereby grant, convey and assign to the Grantee, its/his/her/their successors, heirs, personal representatives and/or assigns in Fee Simple that piece and parcel of land, together with improvements, rights, privileges and appurtenances to the same belonging situate in Baltimore County, State of Maryland, described as follows:

See Attached Exhibit "A" for Legal Description

The improvements thereon being known as: 200 East Burke Avenue, Towson, MD 21286

Tax Parcel ID#: 09-09-03-470680

Servicer Loan Number: 1006344822

BEING THE SAME lot of ground described in a Deed dated May 10, 2010 and recorded among the land records of Baltimore County in Liber 29501 folio 027 by and between Howard N. Bierman Jacob Geesing and Carrie M. Ward unto OneWest Bank, FSB.

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

TO HAVE AND TO HOLD the said lots of ground and premises to Anthony Mortis, Helen Dortch, and Collenia Linzy, its/his/her/their successors, heirs, personal representatives and/or assigns in Fee Simple, *as joint tenants*.



00297171 4361

Exhibit "A"

ALL that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at the northeast corner of Burke and Aigburth Avenue, both 50 feet wide as shown the "Plat of Aigburth" and running thence south 76 degrees 40 minutes east binding on the northeast side of Burke Avenue 27 feet 6 inches to a point in a line with the center of the partition wall between the house on the lot now being described and that adjoining on the southeast, thence north 13 degrees 36 minutes east to and through the center of said wall in all 117 feet 6 inches to the southwest side of an alley 15 feet wide, thence north 76 degrees 40 minutes west binding thereon with the use thereof in common with others 27 feet 6 inches to the southeast side of Aigburth Avenue, thence south 13 degrees 36 minutes west binding on the southeast side of Aigburth Avenue 117 feet 6 inches to the place of beginning.

For informational purposes only:

200 East Burke Avenue
Baltimore, MD 21286

F/K/A 301 East Burke Avenue
Baltimore, MD 21286

Tax ID Number: 09-09-03-470680

The improvements thereon being known as: 200 East Burke Avenue, Towson, MD 21286

Tax Parcel ID#: 09-09-03-470680

Servicer Loan Number: 1006344822

00297171 4371

And the said party of the first part hereby covenants that it has 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 it will execute such further assurances of the same as may be requisite.

Attest:

Amy Schumann
Closer

OneWest Bank, FSB

Signed By:

Signature of Corporate Officer

It's: Jeannie Cisneros (Title)Of: AVP/REO (Company Name)STATE OF Texas CITY/COUNTY OF Travis

I HEREBY CERTIFY, that on this 23 day of June, 2010 before me, the Subscriber, a Notary Public of the State aforesaid, personally appeared Jeannie Cisneros (Name of person signing) who acknowledged himself/herself to be the AVP (Title of person signing) of OneWest Bank, FSB (Name of Company), and as such AVP (Title of person signing) did acknowledge that he/she executed the foregoing deed in said capacity of said corporation as its corporate act, that the foregoing conveyance was duly authorized by a Resolution of the Board of Directors of said corporation, and that said conveyance is not a conveyance of all or substantially all of the assets of said corporate grantor herein.

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

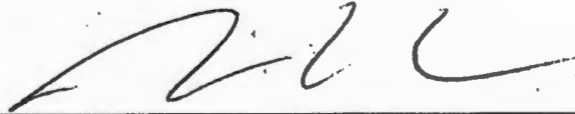
Notary Public

My Commission Expires: _____

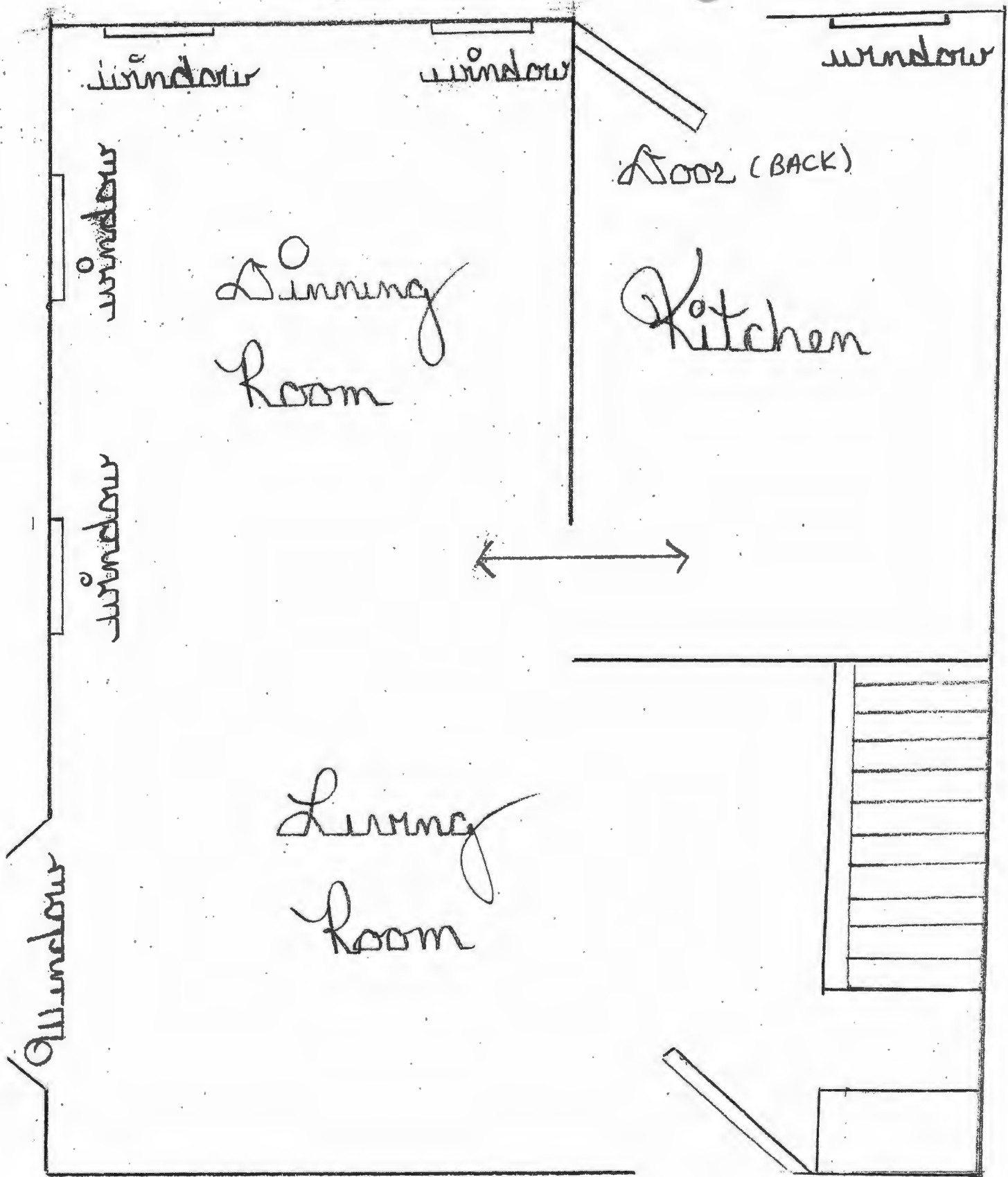


002971714381

THIS IS TO CERTIFY that the within instrument was prepared by or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

A handwritten signature in black ink, appearing to read 'R. Abramson', written over a horizontal line.

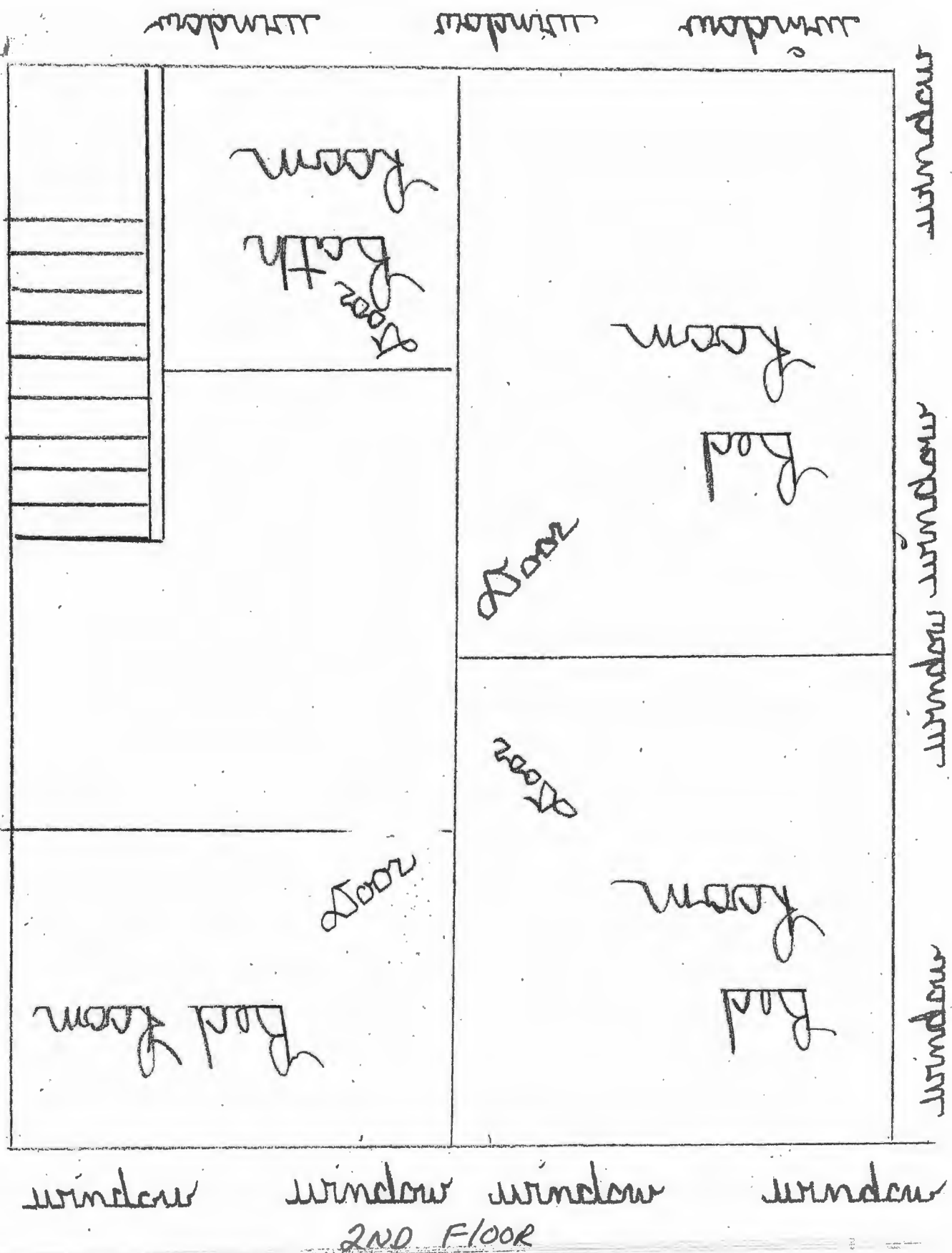
Robert S. Abramson

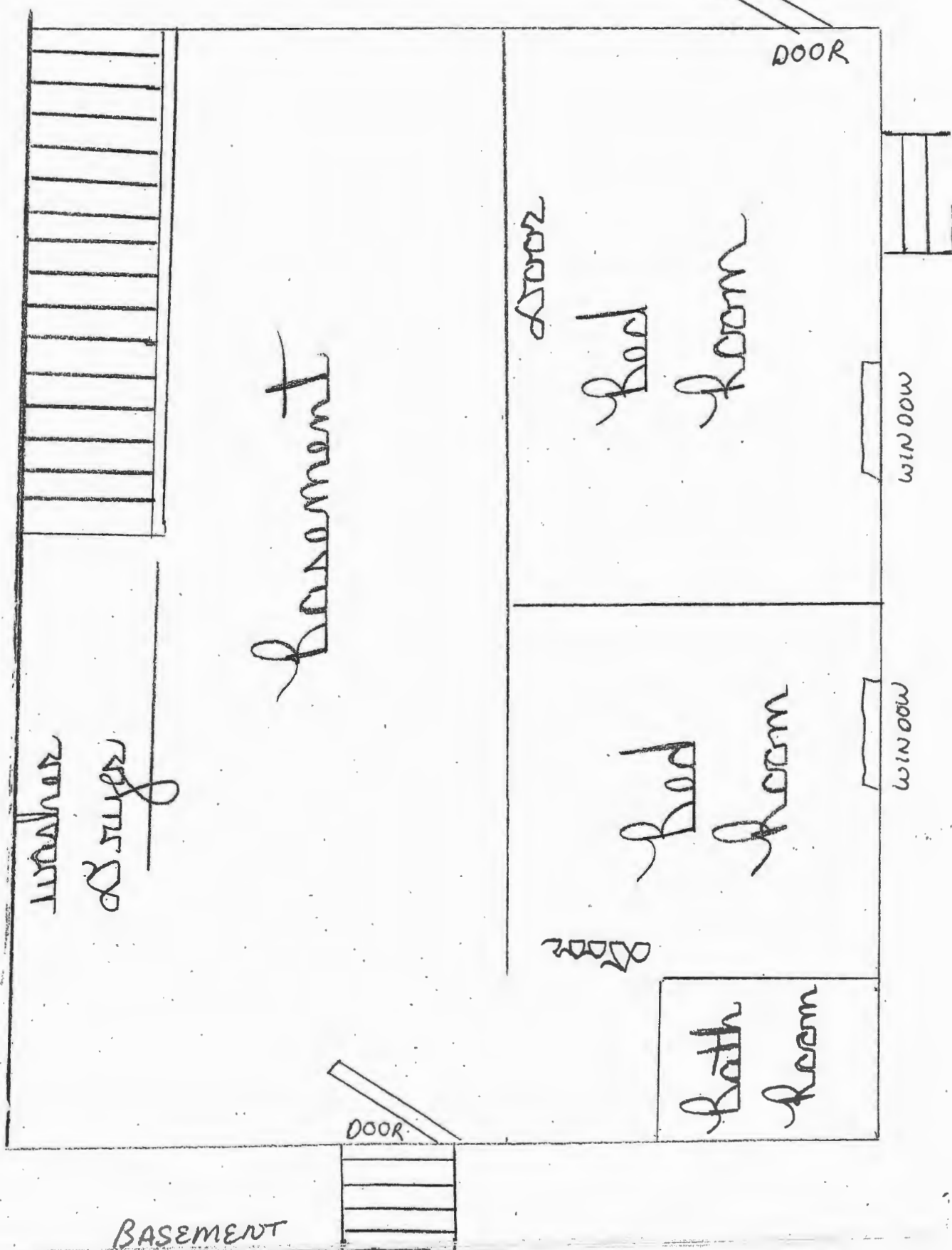


1ST FLOOR

EXHIBIT

3





Greater Towson Council of Community Associations

The Honorable Lawrence M. Stahl
Managing Administrative Law Judge
Administrative Hearings Office
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Case number: 2012-0262-SPHA
200 E. Burke Avenue

PROTESTANT' S

June 4, 2012

EXHIBIT NO. 1

Dear Mr. Stahl,

The Greater Towson Council of Community Associations (GTCCA), and umbrella group of 30 community associations, and the Aigburth Manor Association of Towson, Inc. voted to oppose the rooming house permit that has been requested for 200 E. Burke Avenue in Towson Manor Village.

Towson University has been designated as the University System of Maryland's growth institution by the Board of Regents. In the past seven years alone, enrollment has increased by at least 4,000 students. On-campus housing has grown by a mere 1,200 beds in approximately the past decade, which has resulted in thousands of students needing housing in the communities surrounding the University.

With a large influx of student renters come clashes in lifestyles. Residents, many of them families with children, have had to deal with frequent late-night parties, loud noise at all hours, excessive trash, and poorly-maintained properties where the owner does not live on premises. Renting to more than the two unrelated adults per unit that Baltimore County code allows brings more cars than the area was designed for, so some landlords are paving over back yards to allow more parking, thereby destroying valuable green space. Student renters are transients, only living in the area for at most a few years, and generally do not take an interest in the community nor put down roots.

Due to the proximity to Towson University, Towson Manor Village is a prime area for rental housing. Over the years, our old and established community has seen many converted into absentee investor-owned rental properties. A recent inventory showed that 33% of homes are now rental units. Neighboring Aigburth Manor has approximately 20% rentals, and Burkleigh Square has about 50%. Significant numbers of rental units exist in Knollwood/Donnybrook, Rodgers Forge, and West Towson as well.

This hearing may be about granting a single rooming house permit, but if it is granted, many other landlords will be lining up. Once this dangerous precedent has been set, the community will have little hope of preventing future rooming house permits. This will irreversibly alter our neighborhoods for the



TOWSON MANOR VILLAGE

COMMUNITY ASSOCIATION

June 1, 2012

The Honorable Lawrence M. Stahl
Managing Administrative Law Judge
Administrative Hearings Office
105 W. Chesapeake Avenue
Towson, MD 21204

RE: Case Number 2012-02582 spha
200 East Burke Avenue
Towson, MD 21286

RECEIVED
JUN 01 2012
OFFICE OF ADMINISTRATIVE HEARINGS

PROTESTANT'S

Dear Judge Stahl:

EXHIBIT NO. 2

I am writing on behalf of the Towson Manor Village Community Association to express our strong opposition to the request for a rooming house and boardinghouse permit at the above-referenced address.

This property is a 1,100 square foot duplex home on E. Burke Avenue with no on-street parking. The owners have recently installed a small parking pad in the rear yard to accommodate 1-2 cars but any other vehicles would need to be parked on surrounding streets. Parking on these streets, which are comprised of row homes, is at a premium and additional cars from other streets cannot be accommodated. The fact that the owners have requested relief from the requirement for five parking spaces is testament to the lack of parking on or near the property.

According to state tax records, the current property owners purchased the property in July 2010. According to Baltimore County Code Enforcement records, neighbors reported that at least three tenants occupied the home beginning in September 2010 and there were frequent complaints of excessive noise between 11 p.m. and 5 a.m. several nights per week. The property has also been cited for trash and yard debris. On 2/28/12, Code Enforcement issued a correction notice for an illegal rooming/boardinghouse and for trash.

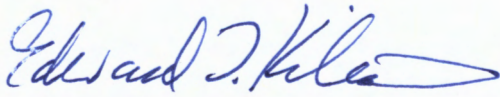
In addition to the above complaints to Code Enforcement, there have been multiple calls to police for noise from loud parties at the property as well as vehicles blocking the rear alley (copy of calls to police during the past year is attached).

The neighborhoods surrounding Towson University are being increasingly encroached upon by investors seeking to capitalize on the demand for off-campus housing for their growing student population and insufficient on-campus housing. Oftentimes, parents of students purchase homes, add their son/daughter to the deed, and rent to additional students. These arrangements create great disruption in family-oriented neighborhoods as students typically have very different lifestyles from families with young children and working professionals who must get up to go to work each day. These student rental properties also have a domino effect on surrounding homes, with nearby property owners selling their homes to get away from the students, and their homes are then purchased by investors who rent to students, continuing the downward decline in quality of life in the neighborhood.

Allowing the property owners to operate as a rooming house and boardinghouse will legitimize what they have been doing illegally for the past nearly two years. It will have a very negative effect on the quality of life of neighbors and will exacerbate parking issues in the neighborhood. Further, by granting this permit, you will be setting a dangerous precedent that any of the hundreds of other investors in the area will be able to cite to get their own rooming/boardinghouse permits. Such a phenomenon will bring certain death to Towson's neighborhoods.

We urge you to deny the request for a rooming house and boardinghouse permit. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "Edward T. Kilcullen, Jr.", with a stylized flourish at the end.

Edward T. Kilcullen, Jr.
President

M E M O R A N D U M

DATE: July 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0262-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ⁴Case File
Office of Administrative Hearings

CASE NAME 200 J Buella Ave
CASE NUMBER 20/2 - 0 262 - SP4A
DATE June 5 2012

[illegible]

CASE NAME 200 E. BURKE AVE
CASE NUMBER 2012-0262 SPNA
DATE JUNE 4, 2012

[illegible]

Calls for Service

Date Range = 05/21/2011 - 05/22/2012

and records3.mastlocation.district = '06' and (records3.mastlocation.streetaddr like '%200 BURKE %%' or records3.mastlocation.xstreet like '%200 BURKE %%' or records3.mastlocation.ystreet like '%200 BURKE %%')

Address: 200 BURKE AV E **Caller Phone:** 9172092685 **CC Number:** 112021397

Date/Time: 07/21/2011 3:38:15 PM

Cross Streets:

RA: 060270 **Disposition:** 6 **Call Type:** 2nd Degree Assault (Not Domestic Abuse) **Unit:** 611 **Officer:** 4785

Remarks: BROTHER KEVIN LOSADA..THREATENING TO HIT COMPL & THROWING HER THINGS OUT THE DOOR NO INJ/WEAPS/INTOX 611/ LOZANDA KEVIN MICHAEL 1M 02 24 90 MR. KEVIN LOSADA, 917-428-1171, ON THE LINE IN REF ADV

Address: 200 BURKE AV E **Caller Phone:** 4102964871 **CC Number:** 113101209

Date/Time: 11/06/2011 6:52:21 PM

Cross Streets:

RA: 060270 **Disposition:** 8 **Call Type:** Parking Complaint **Unit:** 613 **Officer:** 5369

Remarks: GOLD 4 DOOR HONDA UNK MD TAG PARKED IRO LOC BLOCKING THE ALLEY, OWNER POSS LIVES OR IS VISITING AT THIS LOC. ON GOING PROB. 610 DIRECT HOLDING

Address: 200 BURKE AV E **Caller Phone:** **CC Number:** 113230193

Date/Time: 11/19/2011 2:36:16 AM

Cross Streets:

RA: 060270 **Disposition:** 8 **Call Type:** Noise Complaint **Unit:** 609 **Officer:** 3468

Remarks: LOUD PARTY COMPL ,SUBJS IN/OUTSIDE LOC. CARS RACING BACK AND FORTH

Address: 200 BURKE AV E **Caller Phone:** 4103372850 **CC Number:** 120331905

Date/Time: 02/02/2012 11:32:01 PM

Cross Streets:

RA: 060270 **Disposition:** 8 **Call Type:** Noise Complaint **Unit:** 695 **Officer:** 4611

Remarks: LOUD PARTY COMPL, CALLER ALSO SMELLS ODOR OF 'WEED' BEING SMOKED INSIDE LOC.

Owner Name and Address MORTIS ANTHONY DORTCH HELEN		Facility Name and Address PDM 0903470680 200 BURKE AVE TOWSON MD 21286	
Facility ID	FA0060909	PDM 0903470680	Record ID C00106869
Site Location	200 BURKE AVE		

Disposition	Eng #	Date	Time	Status	Open - Normal
Received By	EE0000041	Henson, Lisa	2/27/2012	15:28:31	Program/Element ENV01
Assigned To	EE0000079	Radcliffe, Jeff	2/27/2012		Code Enforcement Compl

Complaint		Complaint Mode	ENAL
Complainant	MIKE BLEVINS	Last Activity	05/09/2012 (REINSPECTION)
Address	202 BURKE AVE	Complaint Description	JENNIKE2@VERIZON.NET - POSSIBLE ROOMING & BOARDING
City, St, Zip	TOWSON MD 21286		
Country	USA		
Work Phone	(410)337-2950	Ext	
Home Phone	() -	Ext	
Email Address	JENNIKE2@VERIZON.NET		

Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices

Owner Name and Address MORTIS ANTHONY DORTCH HELEN		Facility Name and Address PDM 0903470680 200 BURKE AVE TOWSON MD 21286	
Facility ID	FA0060909	PDM 0903470680	Record ID C00106869
Site Location	200 BURKE AVE		

Property Info	Owner's Info
Prop Name	PDM 0903470680
Owner Name	MORTIS ANTHONY DORTCH HELEN

Legal	St No	Section	Sheet Name	Address
200			BURKE AVE	
Address	Prop St	Unit	Cross St	2nd Address
City, St, Zip	TOWSON MD 21286			
Country	USA			
Home Phone	() -	Ext		
Work Phone	() -	Ext		

Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices

Owner Name and Address MORTIS ANTHONY DORTCH HELEN		Facility Name and Address PDM 0903470680 200 BURKE AVE TOWSON MD 21286	
Facility ID	FA0060909	PDM 0903470680	Record ID C00106869
Site Location	200 BURKE AVE		

Location	
Cause	
District	
Location	
APN	0903470680
Inspected/Resolved	
End #	

Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices

Owner Name and Address MORTIS ANTHONY DORTCH HELEN		Facility Name and Address PDM 0903470680 200 BURKE AVE TOWSON MD 21286	
Facility ID	FA0060909	PDM 0903470680	Record ID C00106869
Site Location	200 BURKE AVE		

Payment Received By	
Correspondence and Legal Dates	
Abatement Hearing Date	
Abatement Date	

Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices

Owner Name and Address MORTIS ANTHONY DORTCH HELEN		Facility Name and Address PDM 0903470690 200 BURKE AVE TOWSON MD 21286	
Facility ID: FA0060909 PDM: 0903470690		Record ID: CO0106889	
Site Location: 200 BURKE AVE			

☒ Accessory Structure	☒ IBC/ARC NonCompliance	☒ Open Dump	☒ Sump Pump Discharge
☒ Board and Secure	☒ Illegal Business	☒ Other	☒ Tall Grass and Weeds
☒ Cans without Lids	☒ Infestation Insects	☒ Pool	☒ Trash, Junk and Debris
☒ Commercial Vehicle	☒ Infestation Rodents	☒ Recreational Vehicle	☒ Unsafe Conditions
☒ Exterior Repair	☒ Internal Repair	☒ Rental Registration	☒ Unlabeled/Inoperable Vehicle
☒ Feces	☒ Junk Yard	☒ Rooming/Boarding House	
☒ Gutter/Downspout Discharge	☒ No Permit	☒ Signs	Scheduled Time: [Dropdown]
AS490 Case Number: [Blank]			Service Visit Duration: [Dropdown] (005 min - 9.0 hrs)

Contact	Information	Location	Financial	Referral Dates/Agencies	GIS	User-Defined Fields	Daily Activities	Violations	Invoices
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West Towson Neighborhood Association

Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Case # 2012-0262-SPHA
200 E. Burke Avenue

FAX to: (410) 887-3048
Attn: June

Dear Commissioner:

The West Towson Neighborhood Association is opposed to the Rooming House Permit Request for 200 Burke Avenue.

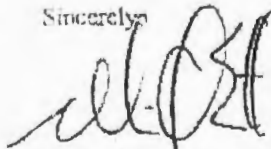
If the Rooming House permit is issued for this investor's property, a dangerous precedent is set for all neighborhoods in Towson. Due to the proximity to Towson University, our Towson neighborhoods are considered prime real estate for investor rental housing for college students.

This hearing may be about granting a single rooming house permit, but if allowed, other investors will follow suit. Once the precedent has been set, the Towson community will have little hope of preventing future rooming house permits. This is also a financial health issue for Baltimore County as investor properties that replace family homes erode the county's income tax base. It may seem over simplified, but strong residential communities are imperative not the needs of a single investor to derive more profit by renting to additional tenants.

On March 8, 2007, in Case 07-294-SPH, Deputy Zoning Commissioner John V. Murphy denied the request for a Rooming House Permit in the Knollwood/Donnybrook neighborhood because "it would set a precedent which over time will adversely affect the community." Murphy recognized that the health, safety, and welfare of the residential areas of Towson would be threatened if rooming house permits were granted.

We hope you will deny the Rooming House Permit for 200 E. Burke Avenue.

Sincerely,



Michael Eitel
Zoning Chairman

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-18</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>5-23</u>	PLANNING (if not received, date e-mail sent _____)	<u>Does Not Support</u>
<u>5-2</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>yes</u>
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>5-15-12</u>	
SIGN POSTING	Date: <u>5-14-12</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: ① See ltr. of opposition

6412
May 30, 2012

The Honorable Lawrence M. Stahl
Managing Adm. Law Judge
Adm. Hearings Office
105 W. Chesapeake Ave
Towson, MD 21204

RECEIVED
JUN 01 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case # 2012-0262-spha

Dear Judge Stahl:

I'm writing to voice my concern about the zoning request for 200 E. BURKE AVE., TOWSON, MD 21286. I am unable to attend the hearing.

This is a small 3 bedroom semi-detached house - certainly not large enough to be considered a rooming house.

I've lived in my home for almost 40 years. The issue of college students renting from absentee landlords has been a real problem. Landlords do not maintain their properties and students don't know how to live in family oriented neighborhoods. The homeowners have to prove to the zoning office how many students are living in a house. If the zoning office does bring charges against the property owner, by the time it goes to court, the students have moved and a new batch will be moving in.

Approving this request would have a snowball effect in the Towson area. It would cause major issues and problems for homeowners who are already concerned about their property values. Please turn down this request.

Sincerely,

Glyce Routson
142 Marburth Ave.
Towson, MD 21286
410.321.1918
groutson@verizon.net



RECEIVED

JUN 01 2012

OFFICE OF ADMINISTRATIVE HEARINGS

May 31, 2012

The Honorable Lawrence M. Stahl
Managing Administrative Law Judge
Administrative Hearings Office
105 West Chesapeake Avenue
Towson, MD 21204

RE: Case number 2012-0262-spha
200 East Burke Avenue

Dear Judge Stahl,

The Wiltondale Improvement Association opposes the rooming house permit that has been requested for 200 East Burke Avenue.

Our Board of Directors is very aware and greatly concerned about the influx of rental housing in the neighborhoods surrounding Towson University, of which we are one. Some of our neighboring communities, including Burkleigh Square where the subject property is located, are approaching 50% rental housing, with most of these student rentals. The noise, traffic and property decay that attends these rentals is readily observable and is slowly but surely eroding the traditional, family-oriented face of Towson.

This hearing may be about granting a single rooming-house permit, but if it is granted, other landlords will be lining up. Once this dangerous precedent is set, our communities will be hard-pressed to prevent future rooming house permits, and our neighborhoods will be the worse for it.

This is a slippery slope down which we would like not to proceed. The Wiltondale Improvement Association asks you to deny the rooming house permit for 200 East Burke Avenue.

Sincerely,

Timothy C. Lotz
President, Wiltondale Improvement Association

✓

6-4-12

West Towson Neighborhood Association

Mr. William Wiseman
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED
MAY 31 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case # 2010-0042-SPH, 2012-0262-SPH
115 E. Burke Avenue 200 East Burke

Dear Commissioner Wiseman,

The West Towson Neighborhood Association is opposed to the Rooming House Permit Request for 115 Burke Avenue.

If the Rooming House permit is issued for this investor's property, a dangerous precedent is set for all neighborhoods in Towson. Due to the proximity to Towson University, our Towson neighborhoods are considered prime real estate for investor rental housing for college students.

This hearing may be about granting a single rooming house permit, but if granted, other investors will follow suit. Once the precedent has been set, the Towson community will have little hope of preventing future rooming house permits. This is also a financial health issue for Baltimore County as investor properties that replace family homes erodes the county's income tax base. Student rentals often increase the burden on county resources specifically increased police calls. It may seem over simplified, but strong residential communities are imperative not the needs of a single investor to derive more profit by renting to more tenants.

On March 8, 2007, in Case 07-294-SPH, Deputy Zoning Commissioner John V. Murphy denied the request for a Rooming House Permit in the Knollwood/Donnybrook neighborhood because "it would set a precedent which over time will adversely affect the community." Murphy recognized that the health, safety, and welfare of the residential areas of Towson would be threatened if rooming house permits were granted.

We hope you will deny the Rooming House Permit for 115 Burke Avenue.

Sincerely,

Stephanie Keene

Stephanie Keene
President

RECEIVED
JUN 01 2012
OFFICE OF ADMINISTRATIVE HEARINGS

✓

May 29, 2012

2012-0262-SPHA

The Honorable Lawrence M. Stahl
Managing Administrative Law Judge
111 West Chesapeake Ave
Towson, MD 21204

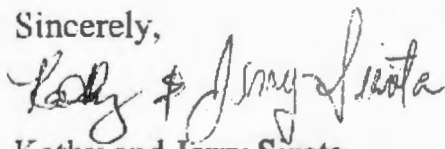
Your Honor,

This letter is in reference to the hearing about a rooming house permit at 200 East Burke Avenue. As residents of this community for 35 years, we object to granting the rooming house permit.

We are concerned that granting the rooming house permit would negatively affect our neighborhood. We are especially concerned about the increasing density of our neighborhood in the Towson University area. We hope to keep our community with a majority of owner- owned and resided homes.

Thank you for your consideration.

Sincerely,



Kathy and Jerry Sirota

Debra Wiley - 200 East Burke Ave Hearing - Case # 2012-0262-spha

From: "Mike and Jen" <jenmike2@verizon.net>
To: <dwiley@baltimorecountymd.gov>
Date: 5/31/2012 1:57 PM
Subject: 200 East Burke Ave Hearing - Case # 2012-0262-spha

Hello,

I am writing to express my opposition to the owners' of 200 East Burke Ave. request for Boarding House zoning. The special use hearing is scheduled for June 4th, 2012 and is case number 2012-0262-SPHA. Because of work commitments I will be unable to attend, but would like to let you know how they have affected the neighborhood over the past couple of years.

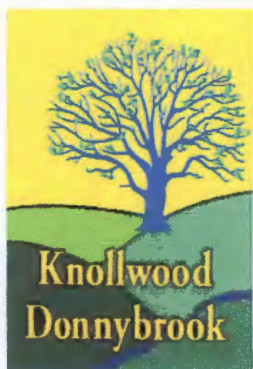
The home is currently occupied by 4 Towson and Morgan college students. Since moving in about 2 years ago, 200 Burke has become a nuisance to the neighborhood. The Police have been there numerous times for loud parties and other disturbances. They been cited for parking violations for blocking the alley behind our homes. Often disrupting trash pick up, and hindering neighbors' ability to come and go. Furthermore they have been cited for failure to mow their lawn as well as trash violations. In addition to the strain on our neighborhood, it has been very stressful for my family. I have 2 small children and we are often woken up late at night with slamming doors, yelling and cursing. Our house also becomes filled with the smell of some type of smoke, often several time a week.

I originally filed a complaint about the number of residents with the county in 2011 but it went nowhere. I again submitted a complaint earlier this year. It was investigated by Jeff Radcliffe at code enforcement. He confirmed 4 people living there which violates the boarding house zoning. He also confirmed that the owner has no rental license. Since citing the owners with the violations they have chosen to attend a special hearing in an attempt to get zoning to maintain a boarding house.

The neighborhood association and several neighbors will be attending to oppose such zoning. I am sorry I cannot attend but please consider opposition when considering the zoning change.

Sincerely
Mike Blevins

6-4-12



Knollwood-Donnybrook Improvement Association, Inc
P.O. Box 19131
Towson, MD 21284

RECEIVED

MAY 31 2012

OFFICE OF ADMINISTRATIVE HEARINGS

The Honorable Lawrence M. Stahl
Managing Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Case number: 2012-0262-spha
200 E. Burke Avenue

Dear Judge Stahl,

The Knollwood Donnybrook Improvement Association, Inc. is following the case regarding the rooming/boardinghouse permit for 200 E. Burke Avenue. **Our Association strongly opposes the approval of this rooming house permit**

Towson University has grown extremely fast and many of the students are from out-of-state. In the past five years alone, enrollment has increased by at least 4,000 students. On-campus housing has grown by a mere 600 beds in approximately the past decade, which has resulted in thousands of students needing housing in the communities surrounding the University.

Student renters and community residents, many of them families with children have different lifestyles and priorities. Residents in the community have had to deal with frequent late-night parties, loud noise at all hours, excessive trash, poorly-maintained properties where the owner does not live on premises, and many times excessive speeding by students

Renting to more than the two unrelated adults per unit that Baltimore County code allows brings more cars than the area was designed for, so some landlords are paving over back yards to allow more parking, thereby destroying valuable green space. Student renters are transients, only living in the area for at most a few years, and generally do not take an interest in the community nor put down roots.

Due to the proximity to Towson University, our neighborhood is a prime area for rental housing. Over the years, our old and established community of 385 single-family homes has seen many homes converted into absentee investor-owned rental properties.

This hearing may be about granting a rooming/boardinghouse permit, but if it is granted, many other landlords will be lining up. Once this dangerous precedent has been set, the community will have little hope of preventing future rooming house permits.

On March 8, 2007, in case 07-294-SPH, Deputy Zoning Commissioner John V. Murphy denied the

✓

request for a rooming house permit in Knollwood/Donnybrook at 7610 Knollwood Road because "it would set a precedent which over time will adversely affect the community." He recognized that the health, safety, and welfare of the residential areas of Towson would be threatened if rooming house permits were granted. In another case the permit sought for 115 E. Burke Ave was denied by the zoning Commissioner Wiseman, appealed and also denied by the Board of Appeals, and the Circuit Court.

An approval for this permit will irreversibly alter our neighborhoods for the worse. The Knollwood Donnybrook Improvement Association, Inc. asks you to deny the rooming/boardhouse permit for 200 E. Burke Avenue.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Heaberlin".

Charlene Heaberlin
President, Knollwood Donnybrook Improvement Association, Inc.

6/4 1:30 205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 23, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 200 East Burke Avenue

RECEIVED

INFORMATION:

MAY 24 2012

Item Number: 12-262

Petitioner: Anthony Mortis

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

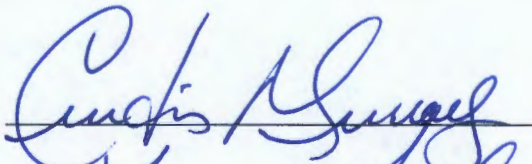
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning **does not** support the petitioner's request for a rooming and boarding house. Currently the property is the subject of a code violation and the property may not have the appropriate rental registration documents or rental status. Furthermore, parking is a major concern for this community.

Consistent with the recommendation above, the Department of Planning also opposes the petitioner's request to permit 2 parking spaces in lieu of the required 5. The property has a 2-car garage, normally adequate for a single family home. Increasing the density of use without adequate on-site parking will be detrimental to the neighborhood. The subject property is located on a heavily traveled arterial street, therefore, on-street parking is minimal.

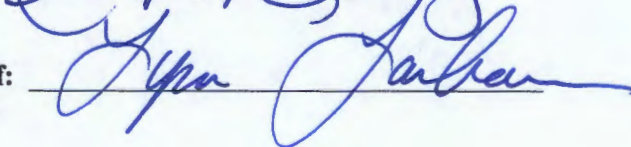
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



6/4 1:30
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: May 18, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0262-SPHA
Address 200 East Burke Avenue
(Mortis/Linzy/Dortch Property)

Zoning Advisory Committee Meeting of April 30, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS

6/4 1:30
205**Debra Wiley - ZAC Comments - Distribution Mtg. of April 30th**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/7/2012 11:30 AM
Subject: ZAC Comments - Distribution Mtg. of April 30th

Good Morning,

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.

2012-0258-XA - 8710 Liberty Road
No hearing date assigned in data base as of 5/2

2012-0262-SPHA - 200 E. Burke Avenue
No hearing date assigned in data base as of 5/2

2012-0263-SPHA - 601 Tampa Road
No hearing date assigned in data base as of 5/2

2012-0264-SPH - 10815 Pulaski Highway
No hearing date assigned in data base as of 5/2

2012-0265-SPH - 10240 Liberty Road
No hearing date assigned in data base as of 5/2

2012-0267-XA - 7303 Old Battle Grove Road
No hearing date assigned in data base as of 5/2

2012-0268-A - 7815 Denton Avenue
Administrative Variance - Closing Date: 5/21/12

2012-0269-A - 6808 North Point Road
No hearing date assigned in data base as of 5/2

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

May 31, 2012

Anthony Mortis
Collena L. Linzy
Helen Dortch
200 E. Burke Avenue
Towson, MD 21286

RE: Case Number: 2012-0262-SPHA, Address: 200 E. Burke Avenue, 21286

Dear Mr. Mortis, Mss. Linzy & Dortch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 19, 2012. 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: jaf

Enclosures

c: People's Counsel
Collena L. Linzy, 904 Johnson Grove Lane, Bowie, MD 20721

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-2-12

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

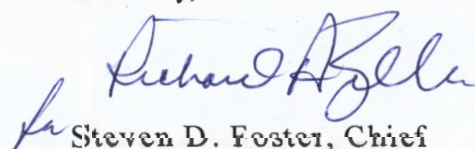
RE: Baltimore County
Item No 2012-0262-SPHA
Special Hearing Variance
Anthony Mortis, Colleenia Lutz
Helen Dorch.
200 E. Burke Avenue.

Dear Ms. Lewis:

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. 2012-0262-SPHA

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).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 7, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2012
Item Nos. 2012-0258, 0262, 0263, 0264, 0265, 0267
And 0269

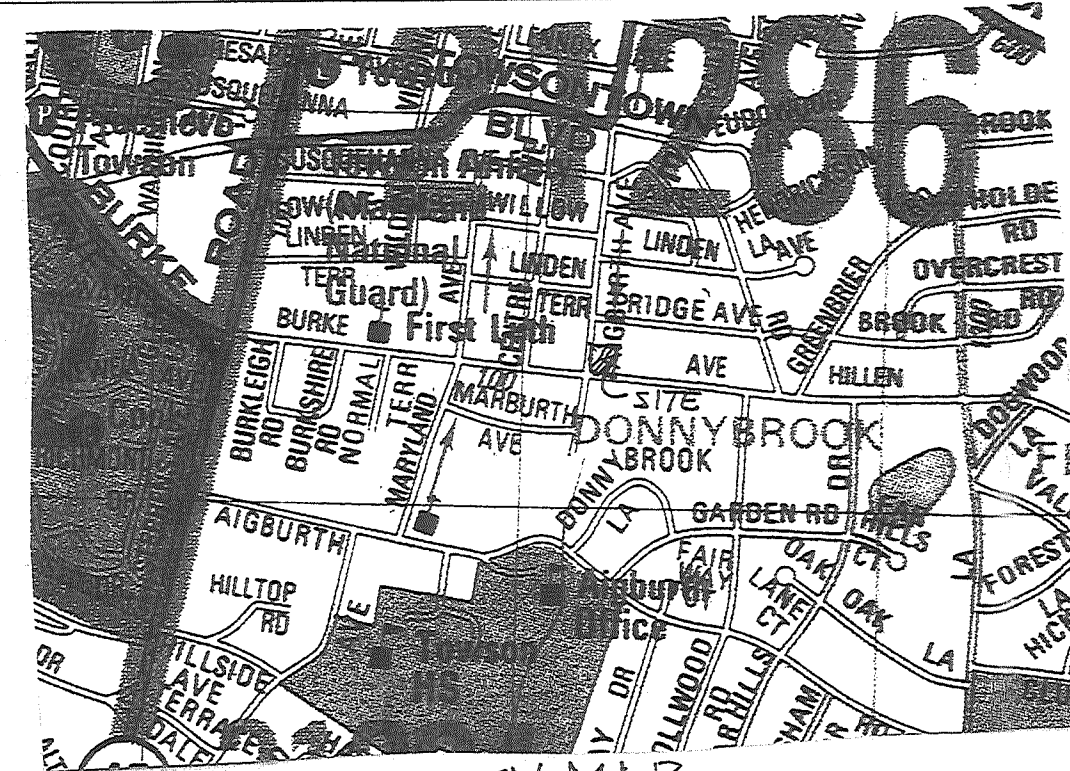
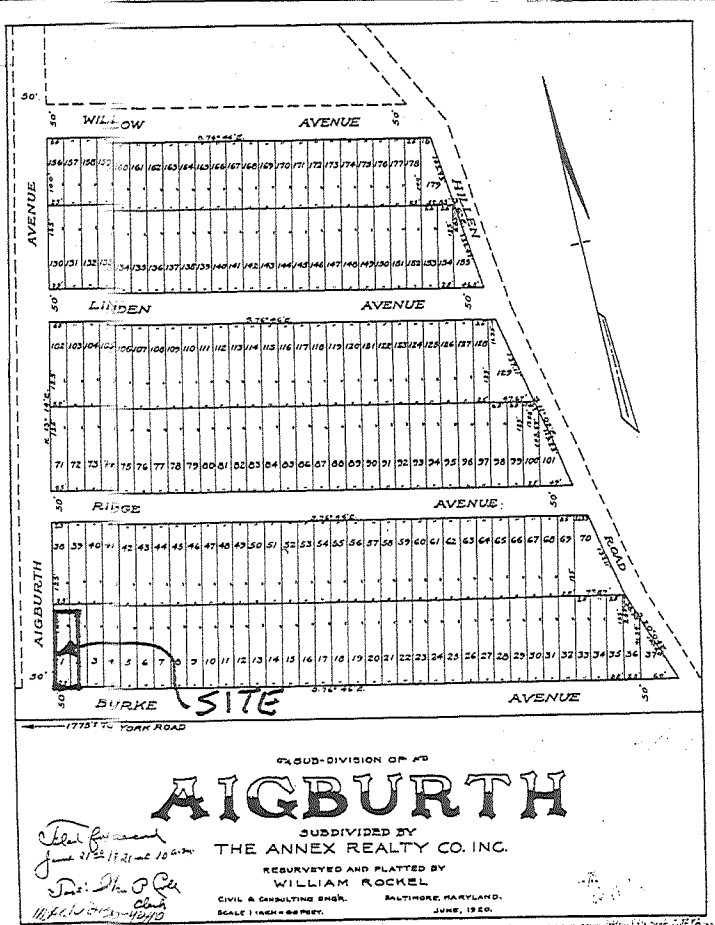
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN

cc: File

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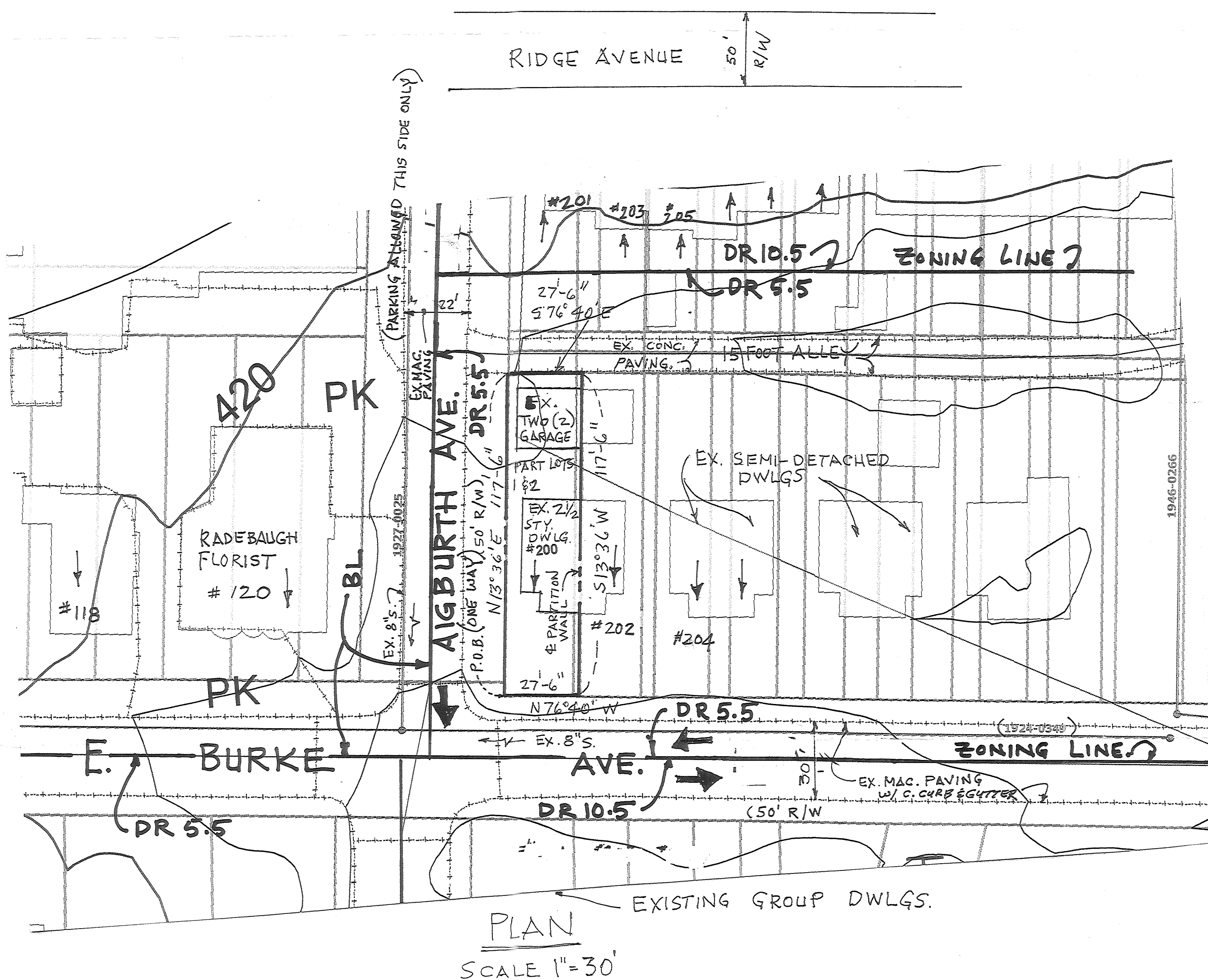




- GENERAL NOTES:**
1. ZONING: DR 5.5 (ZONING MAP: NE 9-A)
 2. LOT AREA: 3,231 S.F. or 0.07 Ac, +/-
 3. TAX MAP: 70
 4. GRID: 15
 5. PARCEL: 726
 6. TAX ACCT. N O. 0903470680
 7. DEED REF.: 29717 / 435
 8. THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 9. THIS PROPERTY IS NOT LOCATED IN A HISTORIC AREA
 10. PRIOR ZONING HEARING: NONE
 11. THIS PROPERTY IS NOT LOCATED IN AN 100 YEAR FLOOD PLAIN
 12. COMMUNITY PANEL NO. 240010-02453 ZONE: "X"
 13. PUBLIC SEWER AND WATER ARE ON SITE
 14. EXISTING USE: SINGLE FAMILY DWELLING WITH 3 TENANTS (STUDENTS ATTENDING TOWSON UNIVERSITY)
 15. PROPOSED USE: SINGLE FAMILY DWELLING WITH 3 TENANTS
 16. PARKING CALCULATIONS:
REQUIRED: 1 PER TENANT BED (OWNER DOES RESIDE ON PROPERTY) EXISTING 2 CAR GARAGE (5 SPACES REQ'D)*
 17. A USE PERMIT HAS NOT BEEN FILED FOR TO DATE

* VARIANCE FOR PARKING REQUIREMENTS
SECT. 409.6.1

#202 E. BURKE AVENUE	HENRY and KATHIE BLEVINS 091951000 31828 / 141
#1118 E. BURKE AVENUE	"RESIDENTIAL" LOTS 172 - 174 0918000867 20598 / 686
#120 E. BURKE	CM and JL RADEBAUGH COMPANY LLLP "COMMERCIAL" 0918000866 TOWSON MANOR 579 LOTS 169 - 171 20598 / 686
	PARCEL 441 (6.76 Ac +/-) ACROSS STREET DONNYBROOK 0918003050 20598 / 686
#201 RIDGE AVENUE	MARY PHELPS AIGBURTH 7 / 14 PT LOTS 38/39 0908000520 5649 / 90
#203 RIDGE AVENUE	ELFRIEDE TREXELL 0905340270 5530 / 577
#205 RIDGE AVENUE	WM. and CHRISTINA VORSTEG PT LOT 40 0903470600 5110 / 93



OWNERS:
Anthony Mortis, Helen Dortch & Collenia Linzy
200 E. Burke Avenue
Towson, MD 21286
Phone: 1-703-402-2139

200 E. BURKE AVENUE
PT LT 1 & 2
AIGBURTH 7 / 14
DEED REF.: 29717 / 435
9TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

APRIL 19, 2012
JOB # 10075

P's #1

P's #1