Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 16, 2020

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Thomas and Patricia Eltringham – Legal Owners
215 Patapsco Avenue
20-109-SPH 15th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR for a non-conforming use of a 4-unit dwelling and 4 rooming rooms.

10/6/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, with conditions.

ASSIGNED FOR: JANUARY 13, 2021, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/Agencies/appeals/index.html **the night before**.

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c.	Counsel for Petitioners	: John B. Gontrum, Esquire
	Legal Owner	: Thomas and Patricia Eltringham
	Appellant	: People's Counsel for Baltimore County

Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Debra Wiley

From: Debra Wiley
Sent: Tuesday, July 20, 2021 11:55 AM
To: 'Gontrum, John'; Appeals Board; Peoples Counsel
Cc: Donna Mignon; County Council; Henry Ayakwah; Jeffery Livingston; Jenifer G. Nugent; Vishnubhai K Desai
Subject: Case No. 2020-0109-SPH - Order on Remand from the Board of Appeals
Attachments: 20210720115540125.pdf

Good Morning,

Please find attached a copy of ALJ Mayhew's decision in reference to the above matter.

Have a great day !

-----Original Message-----
From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Tuesday, July 20, 2021 11:56 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 07.20.2021 11:55:40 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

July 20, 2021

jgontrum@wtplaw.com
John Gontrum, Esquire
Whiteford, Taylor & Preston
100 W. Pennsylvania Avenue
Towson, MD 21204

RE: **ORDER ON REMAND FROM THE BOARD OF APPEALS**
Petition for Special Hearing
Thomas and Patricia Eltringham
Case No. 2020-0109-SPH
Property: 215 Patapsco Avenue

Dear Mr. Gontrum:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: peoplescounsel@baltimorecountymd.gov People's Counsel for Baltimore County
appealsboard@baltimorecountymd.gov Board of Appeals for Baltimore County

IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
(215 Patapsco Avenue)		
15th Election District	*	OFFICE OF
7th Council District		
Thomas & Patricia Eltringham	*	ADMINISTRATIVE HEARINGS
Legal Owners		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2020-0109-SPH**

* * * * * * * *

ORDER ON REMAND FROM THE BOARD OF APPEALS

This matter comes before the Office of Administrative Hearings ("OAH") on Remand from the Board of Appeals for Baltimore County pursuant to its Order dated June 3, 2021. The Remand instructs this Administrative Law Judge to conduct "such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties." The Parties are the Petitioners, the Eltringhams, and People's Counsel. The Parties agree that no further evidentiary hearing is necessary and that the record is complete. The relevant and material terms of the Agreement are as follows, and are hereby made conditions of this Order:

- The Petitioners agree to amend their request to a non-conforming use of four (4) apartment units located on the first and second floors of the dwelling, and to withdraw the request to lease any rooms in the basement of the dwelling. Any tenants of the basement will be asked to vacate the premises within 120 days of the date of the final Order.
- The Petitioners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property that will be accessed from the alley.

- People's Counsel will not contest the evidence produced by the Petitioners as to the existence of the non-conforming use for the four (4) apartments.

THEREFORE, IT IS ORDERED this **20th** day of **July, 2021** by this Administrative Law Judge, that the Parties' Joint Motion to Amend the Petition for Special Hearing to seek a non-conforming use for four (4) apartment units on the upper floors, and to withdraw the request for rooms in the basement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- Prior to the issuance of permits the Petitioners shall submit proof that they have registered and are in good standing with the Baltimore County rental registry.

- Prior to the issuance of permits the Petitioner shall submit for approval a site and landscape plan providing a minimum of four (4) parking spaces in the rear of the residence.

- Petitioners shall at all times abide by the terms of the Agreement as stated above.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING
Date 7-20-21
By DW

Debra Wiley

From: Krysundra Cannington
Sent: Thursday, July 8, 2021 8:22 AM
To: Debra Wiley
Subject: Eltringham Attendance list
Attachments: Board of Appeals Attendance List Eltringham 20-109-SPH April 14 2021.csv

Hi Debbie,

Attached please find the attendance list for the Eltringham hearing on April 14, 2021. If I remember correctly, Counsel informed us in advance of the hearing that they would be jointly requesting a remand of this matter.

Hope you have a great day!

Sunny

Event Nam	Event Star	Event End	Name	Attendee Email
Board of A	2021-04-1	2021-04-1	Tammy Zahner	tzahner@baltimorecountymd.gov
Board of A	2021-04-1	2021-04-1	deborah dopkin	ddopkin@dopkinlaw.com
Board of A	2021-04-1	2021-04-1	Joseph Evans	josephevans2@gmail.com
Board of A	2021-04-1	2021-04-1	John Gontrum	jgontrum@wtplaw.com
Board of A	2021-04-1	2021-04-1	Carole Demilio	cdemilio@baltimorecountymd.gov
Board of A	2021-04-1	2021-04-1	Peter Zimmerman	pzimmerman@baltimorecountymd.gov
Board of A	2021-04-1	2021-04-1	Donna Feist	dfeist208@hotmail.com
Board of A	2021-04-1	2021-04-1	Rebecca Wheatley	rwheatley@baltimorecountymd.gov
Board of A	2021-04-1	2021-04-1	adam sampson	asampson@rsrm.com
Board of A	2021-04-1	2021-04-1	Peter Zimmerman	pzimmerman@baltimorecountymd.gov

Join Time	Leave Tim	Attendanc	Connection Type
2021-04-1	2021-04-1	22 mins	Desktop app
2021-04-1	2021-04-1	20 mins	Desktop app
2021-04-1	2021-04-1	15 mins	Desktop app
2021-04-1	2021-04-1	13 mins	Desktop app
2021-04-1	2021-04-1	7 mins	Desktop app
2021-04-1	2021-04-1	7 mins	Desktop app
2021-04-1	2021-04-1	6 mins	Desktop app
2021-04-1	2021-04-1	6 mins	Desktop app
2021-04-1	2021-04-1	6 mins	Desktop app
2021-04-1	2021-04-1	3 mins	Desktop app

Gontrum's email

Debra Wiley

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Wednesday, July 7, 2021 12:45 PM
To: Debra Wiley
Subject: FW: Eltringham, Patapsco Ave
Attachments: Eltringham Draft CBA Board Order with PC Additions.docx

From: Carole Demilio <cdemilio@baltimorecountymd.gov>
Sent: Tuesday, April 06, 2021 9:59 AM
To: Gontrum, John <JGontrum@wtplaw.com>
Subject: [EXTERNAL] RE: Eltringham, Patapsco Ave

Good Morning,

Attached you will find our suggested additions to your proposed order. I have place our suggested changes in red.

Thank you for your consideration.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel
410-887-2188

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Thursday, April 1, 2021 3:09 PM
To: Carole Demilio <cdemilio@baltimorecountymd.gov>
Subject: Eltringham, Patapsco Ave

Carole,

Attached is a draft order I prepared for the Board pursuant to our discussion. I did the typing so any errors are on me. Please review and let me know if you wish changes.

Best wishes and Happy Easter.

John

[baltimorecountymd.gov]

Register for your COVID-19 vaccine today. [baltimorecountymd.gov]

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www.baltimorecountymd.gov [baltimorecountymd.gov]

IN THE MATTER OF:	*	BEFORE THE
Thomas and Patricia Eltringham – Legal Owners 215 Patapsco Avenue	*	BOARD OF APPEALS
	*	OF
Petition for Special Hearing for Non-conforming Use Of a 4 Unit Dwelling and 4 Rooming Rooms	*	BALTIMORE COUNTY
	*	CASE NO. 2020-109-SPH

* * * * * * * * * * * * *

ORDER OF REMAND TO THE ADMINISTRATIVE LAW JUDGE

THIS MATTER having been brought before the Board of Appeals of Baltimore County on the Petition of Thomas and Patricia Eltringham, the legal owners of 215 Patapsco Avenue for a Non-conforming Use of a dwelling for 4 apartment units and 4 boarding rooms, pursuant to the provisions of Section 500.7 of the Baltimore County Zoning Regulations (hereinafter cited as the "B.C.Z.R.") and said Petition having been granted subject to conditions by an Administrative Law Judge by an Opinion and Order dated October 12, 2020, which Opinion and Order was appealed to this Board by the People's Counsel for Baltimore County and

Recitals

1. Thomas and Patricia Eltringham are the legal owners (the "Owners") of property improved by a dwelling known as 215 Patapsco Avenue in the 12th Election, 7th Council District of Baltimore County in the St. Helena community.

2. The subject property is zoned D.R. 5.5

3. HVBC submitted a Petition for Zoning Hearing for special hearing to determine that a legal non-conforming use existed for four (4) apartment units and four (4) boarding rooms to the Office of Administrative Hearings for Baltimore County.

4. An Administrative Law Judge at the Office of Administrative Hearings for Baltimore County, following a hearing on the Petition and subject to certain specified

conditions, granted relief to the Owners in a written Opinion and Order dated October 12, 2020 (the "ALJ Opinion").

5. The ALJ Opinion was appealed by People's Counsel for Baltimore County ("People's Counsel") to the Baltimore County Board ofAppeals (the "Board") on October 20, 2020. People's Counsel and the Owners are collectively referred to as the "Parties."

6. People's Counsel indicated to Counsel for Petitioner that the basis for its appeal is lack of evidence that the nonconforming use was legally operating when the zoning classification prohibiting the use was applied to the site. People's Counsel emphasized this was particularly relevant to the four boarding rooms. In addition, People's Counsel indicated neighbors opposed the multi-unit residence that disproportionately utilized on-street parking shared by the detached single family residents, as set forth in the Department of Planning comments.

7. In light of the disclosure of a new witness who could testify that multi-family units existed at the site in the relevant time frame, and in a mutual desire to resolve the Petition for Non-Conforming Use without further litigation, controversy, and inconvenience related to the subject matter of the Action, and a desire to settle, fully and finally, any and all claims and disputes among them the Parties have entered into the following Agreement:

- The Owners agree to amend their request to a non-conforming use for four (4) apartment units located on the first and second floors of the dwelling and to eliminate the request for any rooms in the basement of the dwelling. Any tenants of the basement will be asked to vacate the premises within 120 days of the date of a final Order.

- The Owners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property to be accessed from the alley.
- People's Counsel ~~agrees~~ will not contest the evidence produced by the Owners as to the existence of the non-conforming use for the four (4) apartments.
- The Parties request the Board to remand the Petition to the Office of Administrative Hearings for a determination of the non-conforming use as agreed upon herein and an Amended Order.

8. The Parties have the legal authority to bind and enter into the aforesaid Agreement.

IT IS, therefore, on this_____day of April, 2021, **ORDERED, a**s follows:

That Case No. 2020-109-SPH be remanded back to the Administrative Hearing Office of Baltimore County for such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties.

_____
Board Member

_____
Board Member

_____
Board Member

Consented to by Counsel:

_____

John Gontrum, Attorney for Petitioners

_____

Carole S. Demilio, Deputy People's Counsel

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

Phone: 410-887-3180 Fax: 410-887-3182

To: Paul M. Mayhew, Managing Administrative Law Judge

From: Tammy A. Zahner, Legal Secretary

Date: July 7, 2021

Re: In the Matter of: *Thomas and Patricia Eltringham*
Case No.: 20-109-SPH

Attached please find the Board of Appeals file for the above-referenced matter. The Board has remanded this matter to you for further action consistent with the Board's Order. After you have issued the necessary Order or Opinion, please send a copy to us for our records.

Should you have any questions, please do not hesitate to contact us.

Thank you.

Tammy A. Zahner

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 3, 2021

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

John B. Gontrum, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204

RE: In the Matter of: *Thomas and Patricia Eltringham*
Case No.: 20-109-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Remand to the Administrative Law Judge issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Thomas and Patricia Eltringham
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF: THOMAS AND PATRICIA ELTRINGHAM LEGAL OWNER AND PETITIONER FOR SPECIAL HEARING ON THE PROPERTY LOCATED AT 215 PATAPSCO AVENUE	* * *	BEFORE THE BOARD OF APPEALS OF
12th Election District 7th Councilmanic District	* *	BALTIMORE COUNTY Case No. 20-109-SPH

* * * * * * * * * * * * *

ORDER OF REMAND TO THE ADMINISTRATIVE LAW JUDGE

THIS MATTER having been brought before the Board of Appeals of Baltimore County on the Petition of Thomas and Patricia Eltringham, the legal owners of 215 Patapsco Avenue for a Non-conforming Use of a dwelling for 4 apartment units and 4 boarding rooms, pursuant to the provisions of Section 500.7 of the Baltimore County Zoning Regulations (hereinafter cited as the "B.C.Z.R.") and said Petition having been granted subject to conditions by an Administrative Law Judge by an Opinion and Order dated October 12, 2020, which Opinion and Order was appealed to this Board by the People's Counsel for Baltimore County and

Recitals

1. Thomas and Patricia Eltringham are the legal owners (the "Owners") of property improved by a dwelling known as 215 Patapsco Avenue in the 12th Election, 7th Council District of Baltimore County in the St. Helena community.
2. The subject property is zoned D.R. 5.5
3. The Owners submitted a Petition for Zoning Hearing for special hearing to determine that a legal non-conforming use existed for four (4) apartment units and four (4) boarding rooms to the Office of Administrative Hearings for Baltimore County.
4. An Administrative Law Judge at the Office of Administrative Hearings for Baltimore County, following a hearing on the Petition and subject to certain specified

conditions, granted relief to the Owners in a written Opinion and Order dated October 12, 2020 (the "ALJ Opinion").

5. The ALJ Opinion was appealed by People's Counsel for Baltimore County ("People's Counsel") to the Baltimore County Board ofAppeals (the "Board") on October 20, 2020. People's Counsel and the Owners are collectively referred to as the "Parties."
6. People's Counsel indicated to Counsel for Petitioner that the basis for its appeal is lack of evidence that the nonconforming use was legally operating when the zoning classification prohibiting the use was applied to the site. People's Counsel emphasized this was particularly relevant to the four boarding rooms. In addition, People's Counsel indicated neighbors opposed the multi-unit residence that disproportionately utilized on-street parking shared by the detached single family residents, as set forth in the Department of Planning comments.
7. In light of the disclosure of a new witness who could testify that multi-family units existed at the site in the relevant time frame, and in a mutual desire to resolve the Petition for Non-Conforming Use without further litigation, controversy, and inconvenience related to the subject matter of the Action, and a desire to settle, fully and finally, any and all claims and disputes among them the Parties have entered into the following Agreement:
    - The Owners agree to amend their request to a non-conforming use for four (4) apartment units located on the first and second floors of the dwelling and to eliminate the request for any rooms in the basement of the dwelling. Any tenants of the basement will be asked to vacate the premises within 120 days of the date of a final Order.

- The Owners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property to be accessed from the alley.
- People's Counsel will not contest the evidence produced by the Owners as to the existence of the non-conforming use for the four (4) apartments.
- The Parties request the Board to remand the Petition to the Office of Administrative Hearings for a determination of the non-conforming use as agreed upon herein and an Amended Order.

8. The Parties have the legal authority to bind and enter into the aforesaid Agreement.

IT IS, therefore, on this 3rd day of ~~April~~ June, 2021, **ORDERED,** as follows:

That Case No. 2020-109-SPH be remanded back to the Administrative Hearing Office of Baltimore County for such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties.

Deborah C. Dopkin
Deborah C. Dopkin, Chair

See following page
Joseph L. Evans

See following page
Adam T. Sampson

- The Owners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property to be accessed from the alley.
- People's Counsel will not contest the evidence produced by the Owners as to the existence of the non-conforming use for the four (4) apartments.
- The Parties request the Board to remand the Petition to the Office of Administrative Hearings for a determination of the non-conforming use as agreed upon herein and an Amended Order.

8. The Parties have the legal authority to bind and enter into the aforesaid Agreement.

IT IS, therefore, on this 3rd day of ~~April~~ June, 2021, **ORDERED,** as follows:

That Case No. 2020-109-SPH be remanded back to the Administrative Hearing Office of Baltimore County for such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties.

See previous page
Deborah C. Dopkin, Chair

Joseph L. Evans

Adam T. Sampson
Adam T. Sampson

Consented to by Counsel:

John B. Gontrum

John B. Gontrum, Attorney for Petitioners

Carole S. Demilio

Carole S. Demilio, Deputy People's Counsel

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Thomas and Patricia Eltringham – Legal Owners 20-109-SPH

DATE: April 14, 2021

BOARD/PANEL: Deborah C. Dopkin, Chair
Joseph L. Evans
Adam T. Sampson

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Proposed Order of Remand to the Administrative Law Judge filed by John Gontrum, Esquire and People's Counsel for Baltimore County

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board briefly reviewed the history of this matter.
- The Board is treating the Proposed Order of Remand as a Motion to Remand. The Proposed Order of Remand requests that the case be remanded to the Administrative Law Judge as agreed to by the parties.

CONCLUSION: After thorough review of the facts in the matter, the Board unanimously agreed to GRANT the Proposed Order of Remand as submitted.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. Zahner

Tammy A. Zahner

Tammy Zahner

From: Appeals Board
Sent: Monday, April 12, 2021 11:51 AM
To: 'Gontrum, John'
Cc: Peoples Counsel; Krysundra Cannington
Subject: RE: Thomas & Patricia Eltringham - Case No 2020-109-SPH

Mr. Gontrum,

I have checked with the Board regarding the Eltringham case scheduled for Wednesday.

The Board intends to treat the proposed Order of Remand as a Motion to Remand. The Board will convene the hearing Wednesday morning as scheduled, advising that the parties agree to Remand the case to the OAH. The Board will immediately move to hold a Public Deliberation on the Motion.

Counsel should be present for the hearing, and we will leave it up to you as to whether you wish your clients to attend.

I hope this answers your question. If not, please do not hesitate to contact us.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Monday, April 12, 2021 11:02 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: Thomas & Patricia Eltringham - Case No 2020-109-SPH

Please advise me if the Board signs the proposed consent Order (as modified after my brain lapse) and let me know whether we have to appear on Wednesday morning, and if so, if we need clients and/or witnesses.

Thanks,

John

Tammy Zahner

From: Krysundra Cannington
Sent: Friday, April 9, 2021 4:05 PM
To: Deborah Dopkin; Joe's Email; Adam T. Sampson
Cc: Tammy Zahner
Subject: FW: Thomas & Patricia Eltringham - Case No 2020-109-SPH
Attachments: Eltringham Draft Board Order #11711553 v1.DOCX

Here is the corrected Order. I will also be saving it to the FTP folder.

S.

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Friday, April 9, 2021 3:42 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: RE: Thomas & Patricia Eltringham - Case No 2020-109-SPH

My apologies. I am no good at multi-tasking. Attached is a corrected copy referencing the Owners as it should.

John

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, April 09, 2021 10:05 AM
To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Gontrum, John <JGontrum@wtplaw.com>
Subject: [EXTERNAL] RE: Thomas & Patricia Eltringham - Case No 2020-109-SPH

Good morning Counsel,

Can you please review paragraph 3 of your Proposed Remand Order? The Board has asked who HVBC is and what it has to do with this case.

Thank you!

Sunny

Sunny Cannington, Administrator
Board of Appeals of Baltimore County

the contents of this electronic mail transmission is strictly prohibited. If you h received this electronic mail transmission in error, please immediately notify the sender.

From: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Sent: Thursday, April 8, 2021 12:48 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Gontrum, John <JGontrum@wtplaw.com>
Subject: Thomas & Patricia Eltringham - Case No 2020-109-SPH

Good Afternoon Sunny,

Per our conversation earlier today, attached please find a draft Order of Remand to the Administrative Law Judge with regard to the above-mentioned case. Both attorneys have reviewed and consent to this Order.

Please let us know if the Board intends to hold a deliberation on this remand and if so, can we assume it will take place on April 14th at 10 a.m?

If you have any questions or need anything further, please let our offices know.

Thank you in advance.

Rebecca Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office

[baltimorecountymd.gov]

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www.baltimorecountymd.gov [baltimorecountymd.gov]

Tammy Zahner

From: Appeals Board
Sent: Thursday, April 8, 2021 3:48 PM
To: Deborah Dopkin; Joe's Email; Adam T. Sampson
Cc: Tammy Zahner
Subject: FW: Thomas & Patricia Eltringham - Case No 2020-109-SPH
Attachments: Eltringham Draft Board Order.DOCX

Good afternoon,

Attached please find a proposed Remand Order in the Eltringham matter for Wednesday April 14th. Please review. This is a Joint request of Counsel and I believe we would only need to hold a deliberation on Wednesday to determine if we will grant their request and remand or not.

Please let me know if you need anything else or have any questions.

Thanks!

Sunny

From: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Sent: Thursday, April 8, 2021 12:48 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Gontrum, John <JGontrum@wtplaw.com>
Subject: Thomas & Patricia Eltringham - Case No 2020-109-SPH

Good Afternoon Sunny,

Per our conversation earlier today, attached please find a draft Order of Remand to the Administrative Law Judge with regard to the above-mentioned case. Both attorneys have reviewed and consent to this Order.

Please let us know if the Board intends to hold a deliberation on this remand and if so, can we assume it will take place on April 14th at 10 a.m?

If you have any questions or need anything further, please let our offices know.

Thank you in advance.

Rebecca Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office

Krysundra Cannington

From: Peoples Counsel
Sent: Thursday, April 8, 2021 12:48 PM
To: Appeals Board
Cc: Gontrum, John
Subject: Thomas & Patricia Eltringham - Case No 2020-109-SPH
Attachments: Eltringham Draft Board Order.DOCX

Good Afternoon Sunny,

Per our conversation earlier today, attached please find a draft Order of Remand to the Administrative Law Judge with regard to the above-mentioned case. Both attorneys have reviewed and consent to this Order.

Please let us know if the Board intends to hold a deliberation on this remand and if so, can we assume it will take place on April 14th at 10 a.m?

If you have any questions or need anything further, please let our offices know.

Thank you in advance.

Rebecca Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office

IN THE MATTER OF:	*	BEFORE THE
Thomas and Patricia Eltringham – Legal Owners 215 Patapsco Avenue	*	BOARD OF APPEALS
	*	OF
Petition for Special Hearing for Non-conforming Use Of a 4 Unit Dwelling and 4 Rooming Rooms	*	BALTIMORE COUNTY
	*	CASE NO. 2020-109-SPH

* * * * * * * * * * * * *

ORDER OF REMAND TO THE ADMINISTRATIVE LAW JUDGE

THIS MATTER having been brought before the Board of Appeals of Baltimore County on the Petition of Thomas and Patricia Eltringham, the legal owners of 215 Patapsco Avenue for a Non-conforming Use of a dwelling for 4 apartment units and 4 boarding rooms, pursuant to the provisions of Section 500.7 of the Baltimore County Zoning Regulations (hereinafter cited as the "B.C.Z.R.") and said Petition having been granted subject to conditions by an Administrative Law Judge by an Opinion and Order dated October 12, 2020, which Opinion and Order was appealed to this Board by the People's Counsel for Baltimore County and

Recitals

1. Thomas and Patricia Eltringham are the legal owners (the "Owners") of property improved by a dwelling known as 215 Patapsco Avenue in the 12th Election, 7th Council District of Baltimore County in the St. Helena community.
2. The subject property is zoned D.R. 5.5
3. HVBC submitted a Petition for Zoning Hearing for special hearing to determine that a legal non-conforming use existed for four (4) apartment units and four (4) boarding rooms to the Office of Administrative Hearings for Baltimore County.
4. An Administrative Law Judge at the Office of Administrative Hearings for Baltimore County, following a hearing on the Petition and subject to certain specified conditions,

granted relief to the Owners in a written Opinion and Order dated October 12, 2020 (the "ALJ Opinion").

5. The ALJ Opinion was appealed by People's Counsel for Baltimore County ("People's Counsel") to the Baltimore County Board of Appeals (the "Board") on October 20, 2020. People's Counsel and the Owners are collectively referred to as the "Parties."
6. People's Counsel indicated to Counsel for Petitioner that the basis for its appeal is lack of evidence that the nonconforming use was legally operating when the zoning classification prohibiting the use was applied to the site. People's Counsel emphasized this was particularly relevant to the four boarding rooms. In addition, People's Counsel indicated neighbors opposed the multi-unit residence that disproportionately utilized on-street parking shared by the detached single family residents, as set forth in the Department of Planning comments.
7. In light of the disclosure of a new witness who could testify that multi-family units existed at the site in the relevant time frame, and in a mutual desire to resolve the Petition for Non-Conforming Use without further litigation, controversy, and inconvenience related to the subject matter of the Action, and a desire to settle, fully and finally, any and all claims and disputes among them the Parties have entered into the following Agreement:
    - The Owners agree to amend their request to a non-conforming use for four (4) apartment units located on the first and second floors of the dwelling and to eliminate the request for any rooms in the basement of the dwelling. Any tenants of the basement will be asked to vacate the premises within 120 days of the date of a final Order.
    - The Owners agree to provide a parking area sufficiently large to

accommodate four (4) automobiles in the rear of the property to be accessed from the alley.

- People's Counsel will not contest the evidence produced by the Owners as to the existence of the non-conforming use for the four (4) apartments.
- The Parties request the Board to remand the Petition to the Office of Administrative Hearings for a determination of the non-conforming use as agreed upon herein and an Amended Order.

8. The Parties have the legal authority to bind and enter into the aforesaid Agreement.

IT IS, therefore, on this_____day of April, 2021, **ORDERED, as** follows:

That Case No. 2020-109-SPH be remanded back to the Administrative Hearing Office of Baltimore County for such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties.

_____
Board Member

_____
Board Member

_____
Board Member

Consented to by Counsel:

John B. Gontrum
John B. Gontrum, Attorney for Petitioners

Carole S. Demilio
Carole S. Demilio, Deputy People's Counsel

Debra Wiley

From: Appeals Board
Sent: Tuesday, July 20, 2021 12:21 PM
To: Debra Wiley
Subject: RE: Case No. 2020-0109-SPH - Order on Remand from the Board of Appeals

Yes - If there is no appeal, please return to Zoning.
Thanks!

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

-----Original Message-----
From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Tuesday, July 20, 2021 12:20 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: RE: Case No. 2020-0109-SPH - Order on Remand from the Board of Appeals

You're more than welcome.

Does this case get returned to Zoning after the 30 day appeal? I did not see it mentioned being returned to you.

Thank you.

-----Original Message-----
From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Tuesday, July 20, 2021 12:18 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2020-0109-SPH - Order on Remand from the Board of Appeals

Thank you!

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County

Xtra copy

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

July 20, 2021

jgontrum@wtplaw.com
John Gontrum, Esquire
Whiteford, Taylor & Preston
100 W. Pennsylvania Avenue
Towson, MD 21204

RE: **ORDER ON REMAND FROM THE BOARD OF APPEALS**
Petition for Special Hearing
Thomas and Patricia Eltringham
Case No. 2020-0109-SPH
Property: 215 Patapsco Avenue

Dear Mr. Gontrum:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: peoplescounsel@baltimorecountymd.gov People's Counsel for Baltimore County
appealsboard@baltimorecountymd.gov Board of Appeals for Baltimore County

IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
(215 Patapsco Avenue)		
15th Election District	*	OFFICE OF
7th Council District		
Thomas & Patricia Eltringham	*	ADMINISTRATIVE HEARINGS
Legal Owners		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2020-0109-SPH**

* * * * * * * *

ORDER ON REMAND FROM THE BOARD OF APPEALS

This matter comes before the Office of Administrative Hearings ("OAH") on Remand from the Board of Appeals for Baltimore County pursuant to its Order dated June 3, 2021. The Remand instructs this Administrative Law Judge to conduct "such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties." The Parties are the Petitioners, the Eltringhams, and People's Counsel. The Parties agree that no further evidentiary hearing is necessary and that the record is complete. The relevant and material terms of the Agreement are as follows, and are hereby made conditions of this Order:

- The Petitioners agree to amend their request to a non-conforming use of four (4) apartment units located on the first and second floors of the dwelling, and to withdraw the request to lease any rooms in the basement of the dwelling. Any tenants of the basement will be asked to vacate the premises within 120 days of the date of the final Order.
- The Petitioners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property that will be accessed from the alley.

- People's Counsel will not contest the evidence produced by the Petitioners as to the existence of the non-conforming use for the four (4) apartments.

THEREFORE, IT IS ORDERED this **20th** day of **July, 2021** by this Administrative Law Judge, that the Parties' Joint Motion to Amend the Petition for Special Hearing to seek a non-conforming use for four (4) apartment units on the upper floors, and to withdraw the request for rooms in the basement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- Prior to the issuance of permits the Petitioners shall submit proof that they have registered and are in good standing with the Baltimore County rental registry.

- Prior to the issuance of permits the Petitioner shall submit for approval a site and landscape plan providing a minimum of four (4) parking spaces in the rear of the residence.

- Petitioners shall at all times abide by the terms of the Agreement as stated above.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

-----Original Message-----
From: Debra Wiley <dwiley@baltimorecountymd.gov>
Sent: Tuesday, July 20, 2021 11:55 AM
To: Gontrum, John <JGontrum@wtplaw.com>; Appeals Board <appealsboard@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Cc: Donna Mignon <dmignon@baltimorecountymd.gov>; County Council <countycouncil@baltimorecountymd.gov>; Henry Ayakwah <hayakwah@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
Subject: Case No. 2020-0109-SPH - Order on Remand from the Board of Appeals

Good Morning,

Please find attached a copy of ALJ Mayhew's decision in reference to the above matter.

Have a great day !

-----Original Message-----
From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Tuesday, July 20, 2021 11:56 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 07.20.2021 11:55:40 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

Copy to Paul 6-15

7/5 Tickle

PM 9-30-20 (R)

Order 10-6-20

Dismiss w/ Cond.

(A) People's Counsel 10-20-20

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Audit: remove of case file from BOA - courtesy after 30 day appeal period from 6-3

June 3, 2021

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

John B. Gontrum, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204

RE: In the Matter of: *Thomas and Patricia Eltringham*
Case No.: 20-109-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Remand to the Administrative Law Judge issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT**. **Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Thomas and Patricia Eltringham
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF: THOMAS AND PATRICIA ELTRINGHAM LEGAL OWNER AND PETITIONER FOR SPECIAL HEARING ON THE PROPERTY LOCATED AT 215 PATAPSCO AVENUE	* * *	BEFORE THE BOARD OF APPEALS OF
12th Election District 7th Councilmanic District	*	BALTIMORE COUNTY
	*	Case No. 20-109-SPH

* * * * * * * * * * * * *

ORDER OF REMAND TO THE ADMINISTRATIVE LAW JUDGE

THIS MATTER having been brought before the Board of Appeals of Baltimore County on the Petition of Thomas and Patricia Eltringham, the legal owners of 215 Patapsco Avenue for a Non-conforming Use of a dwelling for 4 apartment units and 4 boarding rooms, pursuant to the provisions of Section 500.7 of the Baltimore County Zoning Regulations (hereinafter cited as the "B.C.Z.R.") and said Petition having been granted subject to conditions by an Administrative Law Judge by an Opinion and Order dated October 12, 2020, which Opinion and Order was appealed to this Board by the People's Counsel for Baltimore County and

Recitals

1. Thomas and Patricia Eltringham are the legal owners (the "Owners") of property improved by a dwelling known as 215 Patapsco Avenue in the 12th Election, 7th Council District of Baltimore County in the St. Helena community.
2. The subject property is zoned D.R. 5.5
3. The Owners submitted a Petition for Zoning Hearing for special hearing to determine that a legal non-conforming use existed for four (4) apartment units and four (4) boarding rooms to the Office of Administrative Hearings for Baltimore County.
4. An Administrative Law Judge at the Office of Administrative Hearings for Baltimore County, following a hearing on the Petition and subject to certain specified

conditions, granted relief to the Owners in a written Opinion and Order dated October 12, 2020 (the "ALJ Opinion").

5. The ALJ Opinion was appealed by People's Counsel for Baltimore County ("People's Counsel") to the Baltimore County Board ofAppeals (the "Board") on October 20, 2020. People's Counsel and the Owners are collectively referred to as the "Parties."
6. People's Counsel indicated to Counsel for Petitioner that the basis for its appeal is lack of evidence that the nonconforming use was legally operating when the zoning classification prohibiting the use was applied to the site. People's Counsel emphasized this was particularly relevant to the four boarding rooms. In addition, People's Counsel indicated neighbors opposed the multi-unit residence that disproportionately utilized on-street parking shared by the detached single family residents, as set forth in the Department of Planning comments.
7. In light of the disclosure of a new witness who could testify that multi-family units existed at the site in the relevant time frame, and in a mutual desire to resolve the Petition for Non-Conforming Use without further litigation, controversy, and inconvenience related to the subject matter of the Action, and a desire to settle, fully and finally, any and all claims and disputes among them the Parties have entered into the following Agreement:
    - The Owners agree to amend their request to a non-conforming use for four (4) apartment units located on the first and second floors of the dwelling and to eliminate the request for any rooms in the basement of the dwelling. Any tenants of the basement will be asked to vacate the premises within 120 days of the date of a final Order.

- The Owners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property to be accessed from the alley.
- People's Counsel will not contest the evidence produced by the Owners as to the existence of the non-conforming use for the four (4) apartments.
- The Parties request the Board to remand the Petition to the Office of Administrative Hearings for a determination of the non-conforming use as agreed upon herein and an Amended Order.

8. The Parties have the legal authority to bind and enter into the aforesaid Agreement.

IT IS, therefore, on this 3rd day of ~~April~~ June, 2021, **ORDERED,** as follows:

That Case No. 2020-109-SPH be remanded back to the Administrative Hearing Office of Baltimore County for such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties.

Deborah C. Dopkin
Deborah C. Dopkin, Chair

see following page
Joseph L. Evans

see following page
Adam T. Sampson

- The Owners agree to provide a parking area sufficiently large to accommodate four (4) automobiles in the rear of the property to be accessed from the alley.
- People's Counsel will not contest the evidence produced by the Owners as to the existence of the non-conforming use for the four (4) apartments.
- The Parties request the Board to remand the Petition to the Office of Administrative Hearings for a determination of the non-conforming use as agreed upon herein and an Amended Order.

8. The Parties have the legal authority to bind and enter into the aforesaid Agreement.

IT IS, therefore, on this 3rd day of ~~April~~ June, 2021, **ORDERED,** as follows:

That Case No. 2020-109-SPH be remanded back to the Administrative Hearing Office of Baltimore County for such proceedings as it shall determine are appropriate and to consider amending its Order in the above-referenced matter in view of the Agreement reached between the Parties.

See previous page
Deborah C. Dopkin, Chair

Joseph L. Evans

Adam T. Sampson
Adam T. Sampson

Consented to by Counsel:

John B. Gontrum

John B. Gontrum, Attorney for Petitioners

Carole S. Demilio

Carole S. Demilio, Deputy People's Counsel

Order: ✓ 9/30 @ 1:30
Ltr: ✓

CASE NO. 2020-0109SPH

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
5/28	DEPS (if not received, date e-mail sent _____)	N/C
	FIRE DEPARTMENT	
6/2	PLANNING (if not received, date e-mail sent _____)	Objects
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 9/9/20 by Mogle

SIGN POSTING (2nd) Date: 9/28/20 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☑ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☑

Comments, if any: Code Violations See pictures Citations

*Mr. Wilson is attending he lives in one of these rooms.

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 21, 2020

People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2020-0109-SPH
Property: 215 Patapsco Avenue

Dear Sir/Madam:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 20, 2020. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

c: Baltimore County Board of Appeals
John Gontrum, Esquire, Whiteford, Taylor, Preston, 100 W. Pennsylvania Avenue, Towson, MD 21204
Mr. and Mrs. Eltringham, 1900 Grove Manor Road, Apt. .410, Baltimore, MD 21221

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 21, 2020

People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2020-0109-SPH
Property: 215 Patapsco Avenue

Dear Sir/Madam:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 20, 2020. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

c: Baltimore County Board of Appeals
John Gontrum, Esquire, Whiteford, Taylor, Preston, 100 W. Pennsylvania Avenue, Towson, MD 21204
Mr. and Mrs. Eltringham, 1900 Grove Manor Road, Apt. .410, Baltimore, MD 21221

PETITION FOR ZONING ARING(S)

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 215 Patapsco Avenue **which is presently zoned** DR-5.5

Deed References: 39073/483 10 Digit Tax Account # 1219004000

Property Owner(s) Printed Name(s) Thomas W. Eltringham, Patricia R. Eltringham

(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 a non-conforming use of a 4 unit dwelling and 4 rooming rooms.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ___ **a Variance** from Section(s)

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)**

TO BE PRESENTED AT THE HEARING

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

ORDER RECEIVED FOR FILING
Date 10/6/20
By DMigon

Legal Owners (Petitioners):

Thomas W. Eltringham / Patricia R. Eltringham
Name #1 - Type or Print Name #2 - Type or Print

Thomas W. Eltringham Patricia R. Eltringham
Signature #1 Signature # 2

Apt. 410 1900 Grove Manor Road, Baltimore MD
Mailing Address City State

21221 / 410-925-0635 / joyceforelesco@comcast.net
Zip Code Telephone # Email Address

Attorney for Petitioner:

Whiteford, Taylor and Preston
Name- Type or Print

Signature

100 W. Pennsylvania Avenue Towson MD
Mailing Address City State

21204 / 410-832-2055 / JGontrum@wtplaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2020-0109-SPH **Filing Date** 4/30/20 **Do Not Schedule Dates:** _____ **Reviewer** JS

REV. 10/4/11

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

ZONING PROPERTY DESCRIPTION FOR
215 PATAPSCO AVENUE
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Located on the south side of Patapsco Avenue at a distance of 277+/- feet West of the intersection of Willow Spring Road, being Lot #177 and #178 on a Plat St. Helena Improvement Company as recorded in Plat Book J.W.S. 1, Folio 80.

Containing a net area of 6.000 square feet or 0.11 acres +/-.

2020-0109-SPH

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Secretary

Tim Smith, P.E.
Acting Administrator

Date: May 11, 2020

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. **2020-0090-SPHA**
Special Hearing,Variance
Craig Kestner
13217 Cherwin Avenue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,

For Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

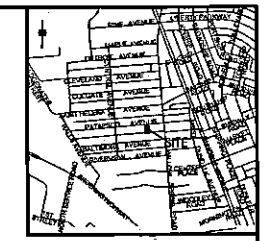
WW/RAZ

10/5/20
D Mignon

Petitioner's Exhibits

1. Site plan
2. Record Plat of St. Helena
3. Photos of site (A-B-C)
4. Darby obituary and address and deed to residence (A-B); 1933 Deed to Darby of lots for $1,000 (C)
5. 1946 deed from Darby and sister to Miles for $14,000
6. 1967 deed from Miles to Saunders for $20,000
7. Cosentino Statement
8. Saunders Statement
9. 1945 Zoning Regulations
10. 1963 (1955) Zoning Regulations
11. 12th District 1945 Zoning Map
12. 12th District 1955 Zoning Map

By _____



LOCATION MAP

SCALE 1" = 1000'

GENERAL NOTES:

1. OWNER: THOMAS W ELTRINGHAM
   PATRICIA R ELTRINGHAM
   APRT 133
   1900 GROVE MANOR DRIVE
   BALTIMORE 21221
2. SITE AREA
   NET: 6,000 SF OR 0.14 Ac.±
   GROSS: 7,000 SF OR 0.16 AC.±
3. USE
   EXISTING: 4 APARTMENTS, 4 BEDROOMS ROOMS
   PROPOSED: 4 APARTMENTS, 4 BEDROOMS ROOMS
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF.: 3907/7/403
6. TAX ACCOUNT: 1218024200
7. ZONING: DR 5.5
   (PER 1"=200' ZONING MAP 101B1)
8. TAX MAP: 103
   GRID: 15
   PARCEL: 436
9. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 24001C0425D DATED MAY 5, 2014.
10. PREVIOUS ZONING CASES: NONE ON FILE.
11. PREVIOUS PERMITS: NONE ON FILE.
12. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. SIGNS ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE OWELF HISTORIC.
14. SETBACKS FOR DR 5.5

	REQUIRED	PROPOSED
FRONT	15'	17'±
SIDE	10'	6'± AND 10'± TOTAL
REAR	30'	75±'

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1205

PLAN TO ACCOMPANY ZONING PETITION
FOR

ELTRINGHAM PROPERTY

215 PATAPSCO AVENUE

BALTIMORE COUNTY — MARYLAND
12TH ELECTION DISTRICT — 7TH COUNCILMANIC DISTRICT

DRAWN BY:	CHECKED BY:	SCALE:
LED	PCR	1" = 20'
DATE:	JOB NO.:	SHEET NO.:
04-18-20	20041	1 OF 1

PETITIONER'S

EXHIBIT NO. 1

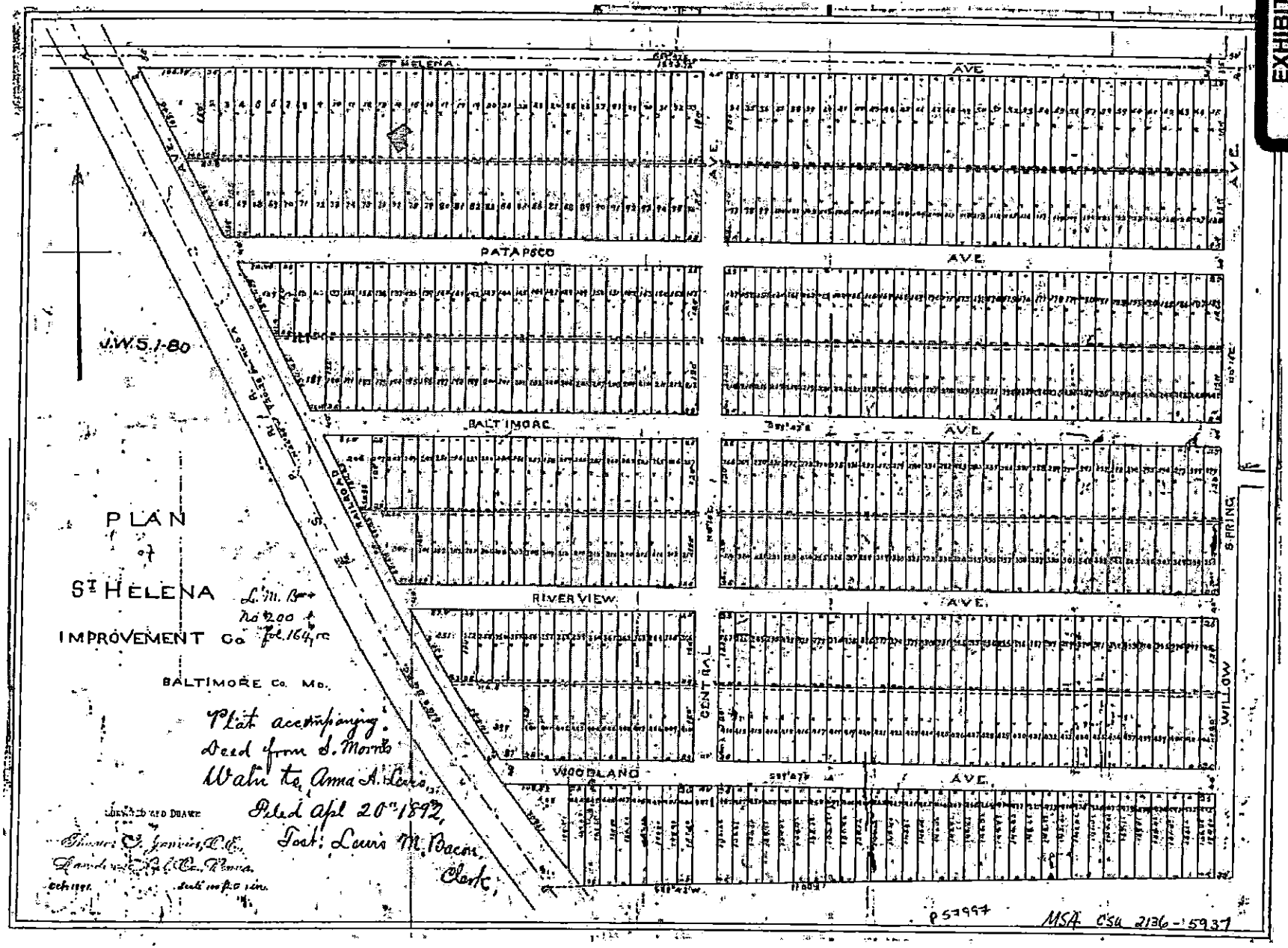


EXHIBIT 8

Baltimore County - My Neighborhood

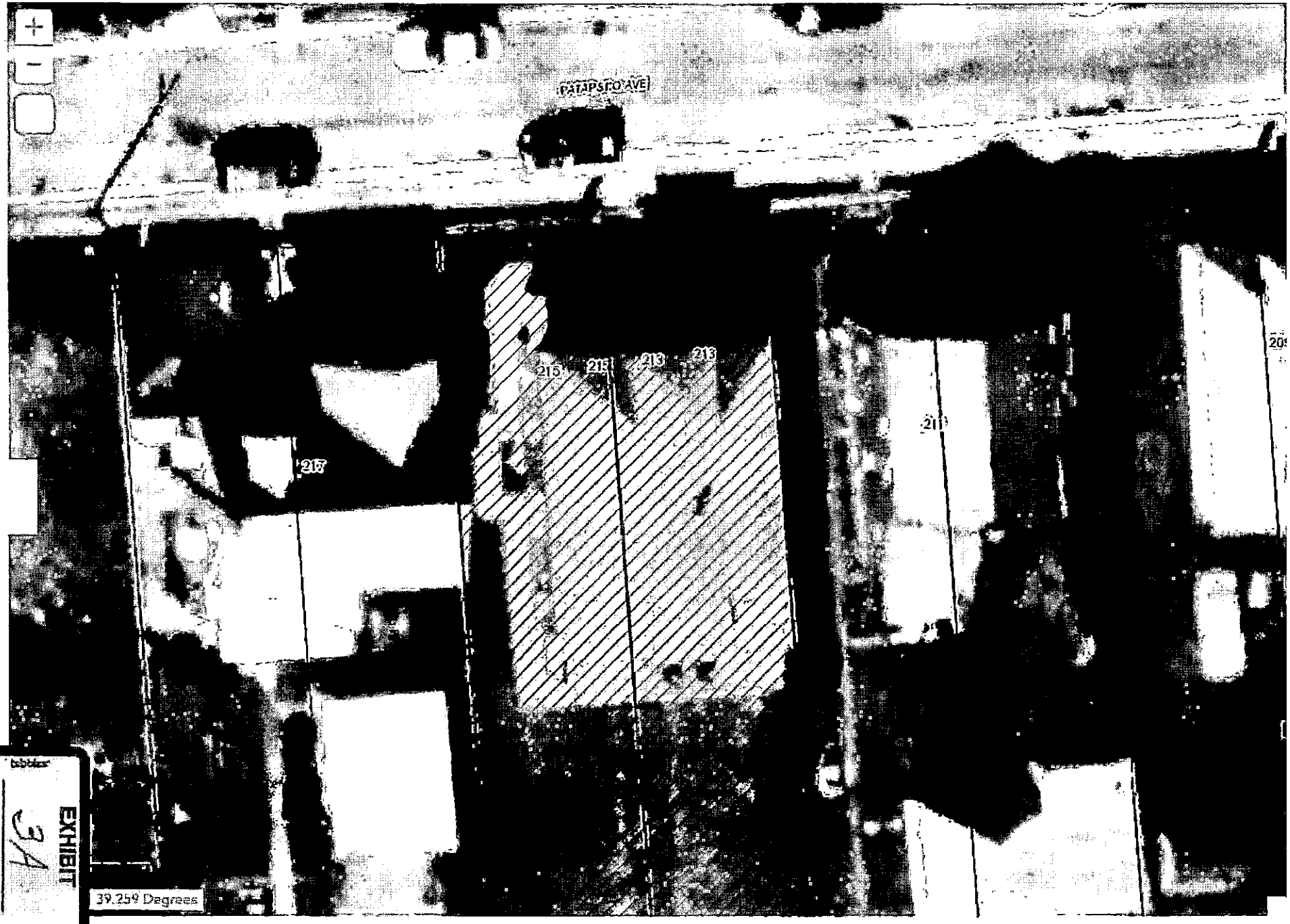


EXHIBIT 3A

Google Maps [redacted] Patapsco Ave

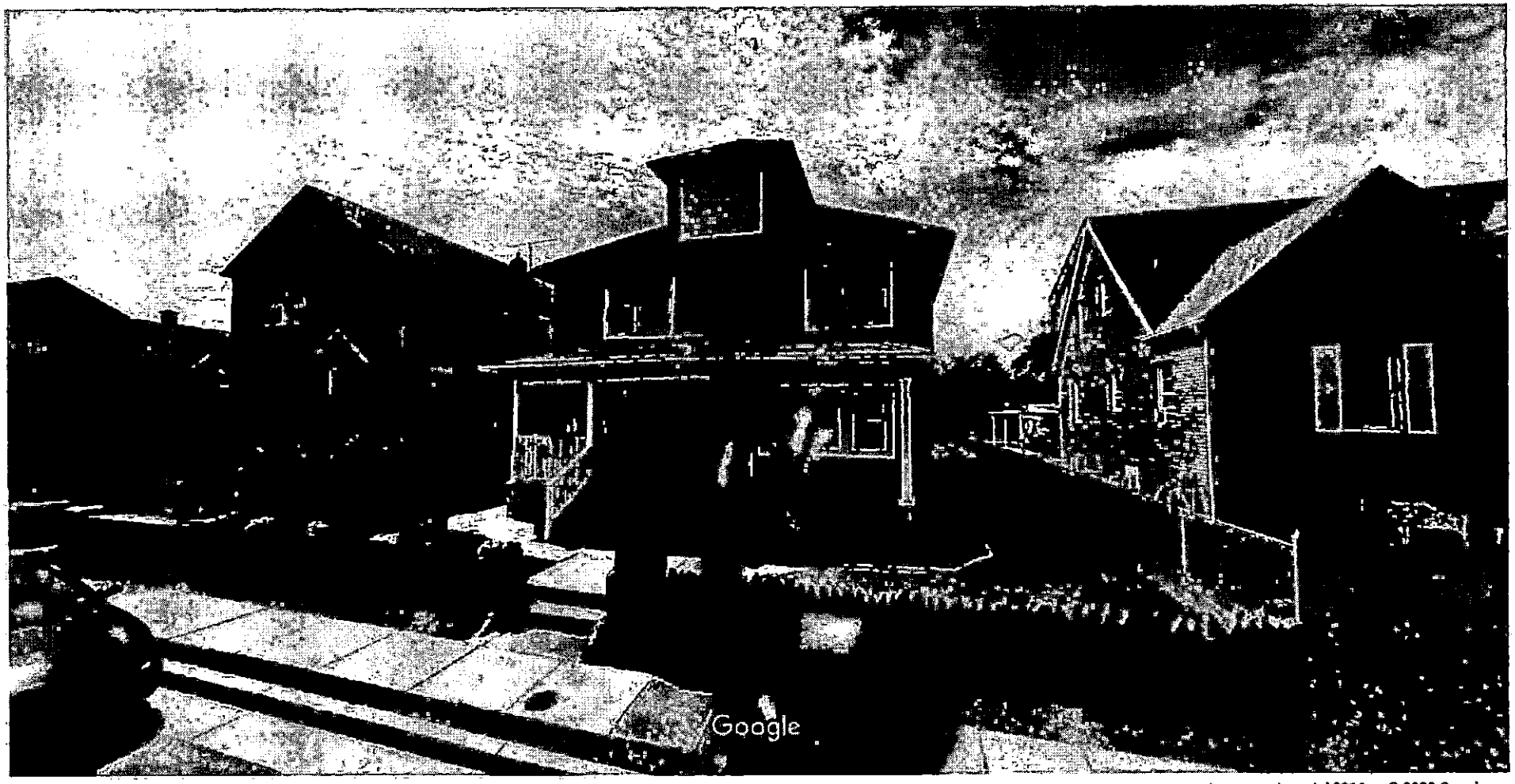


Image capture: Jul 2016 © 2020 Google

Dundalk, Maryland

Google

Street View

EXHIBIT

35

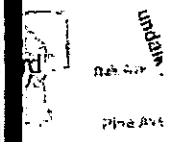
Google Maps 211 Patapsco Ave

Image capture: Jul 2016 © 2020 Google

Dundalk, Maryland

Google

eet View



McDonald

EXHIBIT

3-12

obit Perry Darby

DARBY.—On April 12, 1950, PERRY TULLY, of 127 Patapsco avenue, Dundalk, husband of Marjorie Edmondson Darby; the beloved father of Perry E., Charles A., Minos E. and Lillian M. Darby, and brother of Mrs. Nancy Enston and Mrs. Lillian D. Maydwell.

Friends are cordially invited to call at the Funeral Home of Walter Brooks Bradley, Inc., Dundalk, where services will be held Friday, April 17, at 11 A.M. Interment in Oak Lawn Cemetery. In lieu of flowers contributions may be made to the Memorial Fund of the I.O.O.F. Home, Frederick, Md. 17c

DARBY.—Special communication of Sincerity Lodge No. 181, A.F.&A.M., will be held on Friday, April 17, at 10 A.M. for the purpose of attending the funeral of our late brother, PERRY T. DARBY. 16c

CHARLES H. AHLFELDT, JR.,
Worshipful Master.

DARBY.—The Helena Rebekah Lodge No. 66 announces with deep regret the passing of our beloved BROTHER PERRY DARBY. 16c

ELIZABETH BAKER,
Noble Grand.

DARBY.—Helena Lodge No. 171, Independent Order of Odd Fellows, announces with deep regret the passing of BROTHER PERRY T. DARBY, past grand Odd Fellow. Services at the Bradley Funeral Home, Dundalk, on Thursday evening at 7:30 o'clock. 16c

WAYNE H. COLEMAN,
Noble Grand.

DARBY.—On April 12, 1950, THEMA

EXHIBIT
4A

Real Estate Title Company — Agent, Lawyers Title, Richmond, Virginia

FEE SIMPLE DEED, REV. 1-80 — App. No. 124922

EXCLUSIVE TRANSFER TAX APPLICABLE — DATE — SIGNATURE — STATE DEPARTMENT OF ASSESSMENTS & TAXATION

This Deed, Made this 27th day of [illegible] in the year one thousand nine hundred and eighty-four by and between

PERRY T. DARBY, Personal Representative of the Estate of LILLIAN D. MAYDWELL, also known as LILLIAN DARBY MAYDWELL, deceased in the State of Maryland, of the first part, and of Baltimore County,

NORMAN ARTHUR BROWN and STEPHANIE LYNN BROWN, his wife, of Baltimore County, in the State of Maryland

of the second part.

Mfg. 14.00
D. I. TX 147.50
D. ADS 147.50
DEED 0.00
CTR JR 11 389.00
#0551 11:02 PM 110431
05/22/84

WITNESSETH that in consideration of the sum of $ 37,500.00 which is the actual consideration paid or to be paid, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the said parties of the second part as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, in the State of Maryland, and described as follows:

Beginning for the first on the south side of Patapsco Avenue at a distance of 120 feet easterly from the corner formed by the intersection of the south side of Patapsco Avenue and the east side of Willow Spring Avenue or Road 70 feet wide, thence easterly binding on the south side of Patapsco Avenue 26.875 feet to a point in line with the center of a partition wall there situate thence southerly through the center of said partition wall and continuing the same course in all parallel to Willow Spring Avenue or Road 131 feet for the north side of an alley 16 feet wide thence westerly binding on the north side of said alley with the use thereof in common with others parallel with Patapsco Avenue 26.875 feet thence northerly parallel with Willow Spring Avenue or Road 131 feet to the place of beginning.

Beginning for the second on the south side of Patapsco Avenue, at the distance of 77 feet easterly from the corner formed by the intersection of the east side of Willow Spring Avenue and the south side of Patapsco Avenue; and running thence easterly, binding on the south side of Patapsco Avenue, 43 feet; thence southerly, parallel with Willow Spring Avenue, 131 feet to an alley 16 feet wide; thence westerly, binding on the north side of said alley, with the use thereof in common with others and parallel with Patapsco Avenue, 43 feet; and thence northerly 131 feet to the place of beginning.

Saving and Excepting all those portions of the two above-described parcels which were conveyed by Deed dated September 21, 1982 and recorded among the Land Records of Baltimore County, in Liber E.H.K. Jr. No. 6642 folio 707 from Lillian D. Maydwell to Edward D. Carder and Henrietta M. Carder, his wife.

The improvements on the above described parcels of land are being known as No. 127 Patapsco Avenue.

Being the same property which by Deed of Assignment dated April 22, 1940 and recorded among the Land Records of Baltimore County, in Liber C.W.B. Jr. No. 1102 folio 70 was granted and conveyed by MINOS E. DARBY and MARGARET J. DARBY, his wife, unto PERRY TULLY DARBY and LILLIAN DARBY MAYDWELL, as joint tenants, reserving unto themselves a life estate.

The said MINOS E. DARBY departed this life on or about August 11, 1940 and the said MARGARET J. DARBY, departed this life on or about October 6, 1941.

Being also the same property which by Deed of Reversion dated March 29, 1946 and recorded among the Land Records of Baltimore County, in Liber R.J.S. No. 1462 folio 88 was granted and conveyed by ALL STATES LIFE INSURANCE COMPANY unto PERRY T. DARBY and LILLIAN DARBY MAYDWELL, wherein the leasehold estate was merged into the fee and forever extinguished.

EXHIBIT 4B

The said PERRY T. DARBY, departed this life on or about April 13, 1959, leaving the said LILLIAN DARBY MAYDWELL, as the surviving joint tenant.

The said LILLIAN D. MAYDWELL, also known as LILLIAN DARBY MAYDWELL, departed this life on or about September 1, 1983. The said PERRY E. DARBY was appointed Personal Representative of her estate on September 14, 1983 by the Orphans Court for Baltimore County, Estate Docket No. 53 folio 334, Estate No. 53142.

TOGETHER, with the buildings and improvements thereon erected, made or being, and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

To Have and To Hold the said described lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives and assigns in fee simple.

[redacted]

Witness the hand and seal of said grantor.

TEST:

Joseph L. Garrett

Perry E. Darby [SEAL]
PERRY E. DARBY, Personal Representative of the Estate of Lillian D. Maydwell, a/k/a Lillian Darby Maydwell [SEAL]

[SEAL]

[SEAL]

STATE OF MARYLAND, TO WIT:

I HEREBY CERTIFY, that on this 29th day of April 1986

before me, the subscriber, a Notary Public of the State of Maryland aforesaid, personally appeared PERRY E. DARBY, Personal Representative of the Estate of LILLIAN D. MAYDWELL, also known as LILLIAN DARBY MAYDWELL, deceased, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

[redacted]

WITNESS my hand and notarial seal the day and year last above written.

Rec'd for record MAY 22 1986 at 10 Am
For Elmer H. Kahline, Jr., Clerk
Mail to REAL ESTATE TITLE CO. INC.
Receipt No. 10100

Joseph L. Garrett Notary Public.

My Commission Expires: July 1, 1986

attested by its Secretary and the State Superintendent of Schools of the State of Maryland has signified his approval of the sale consummated by this deed by appending his signature to this Deed

The Board of Education of Baltimore County

Attest

By S M Shoemaker

Clarence G Cooper
Secretary

President (Corporate Seal)

Witness

Approved

Albert S Cook

C V Rae

State Supprintendent of Schools

State of Maryland Baltimore County to wit

I Hereby Certify that on this 14th day of January 1933 before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County aforesaid personally appeared Samuel M Shoemaker President of The Board of Education of Baltimore County the within named Grantor and acknowledged the aforegoing Deed to be the act of said body corporate

In Testimony Whereof I hereunto subscribe my name and affix my Notarial Seal

E Isabel Coale

Notary Public (Notary Public)

Recorded Jany 23rd 1933 at 12 15 P M and Exd per Louis McL Merryman - Clerk

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US Stamp 500ts

No 4339

David Clifton Smith and wife)
Deed To)
Perry T Darby et al)

This Deed made this 21st day of January in the year One thousand nine hundred and thirty-three by and between David Clifton Smith and S Edith Smith his wife of Baltimore County State of Maryland parties of the first part and Perry T Darby and Lillian O Darby joint tenants of said County and State aforesaid parties of the second part

Witnesseth that for and in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said David Clifton Smith and S Edith Smith his wife parties of the first part do grant and convey unto the said Perry T Darby and Lillian O Darby as joint tenants their heirs and assigns in fee simple all those two lots of ground situate lying and being in Baltimore County in the State of Maryland on the south side of Patapsco Avenue and more particularly known and designated as Lots Numbers One hundred and seventy-seven and one hundred and seventy-eight (177 & 178) as shewn on the Plat of St Helena Improvement Company which Plat is recorded among the Plat Records of Baltimore County in Liber J W S No 1 Folio #80

Being the same two lots of ground which by deed dated the 31st day of January 1928 and recorded among the Land Records of Baltimore County in Liber W H M No 655 Folio 250 was granted and conveyed by Minnie H Darby and Margaret J Darby his wife to the said David Clifton Smith and S Edith Smith his wife

Together with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To Have and to Hold the said two lots of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit

fit of the said Perry T Darby and Lillian O Darby as joint tenants their heirs and assigns in fee simple

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

Witness the hands and seals of said Grantors

Test David Clifton Smith (Seal)

Frederick H Adams S Edith Smith (Seal)

State of Maryland Baltimore County to wit

I Hereby Certify that on this day of January in the year one thousand nine hundred and thirty-three before me the subscriber a Justice of the Peace of the State of Maryland in and for Baltimore County aforesaid personally appeared David Clifton Smith and S Edith Smith his wife the Grantors named in the foregoing deed and acknowledged the said deed to be their respective act

As Witness my hand and J P Seal

Frederick H Adams

J P (J P Seal)

Recorded January 23rd 1933 at 1 40 P M and Exd per Louis McL Merryman - Clerk

---

Jacob F Murbach and wife)
Mtg To)
Union Trust Co)

This Mortgage made this 29th day of July in the year nineteen hundred and thirty-two by and between Jacob F Murbach and Genevieve C Murbach his wife Mortgagors of Baltimore County in the State of Maryland of the first part and the Union Trust Company of Maryland a body corporate Mortgagee of the second part

Whereas the said Mortgagors are indebted unto the said Mortgagee in the sum of Eighty-nine hundred Dollars for money loaned and which is to be repaid six months after the date hereof with interest at the rate of six per annum in gold coin of the United States of present standard of weight and fineness

Now This Mortgage Witnesseth that in consideration of the premises and the sum of One Dollar the said Mortgagors do grant and convey unto the said Mortgagee its successors and assigns in fee simple all that lot or parcel of ground situate and lying in Baltimore County aforesaid and described as follows

Being all that lot or parcel of ground which by deed dated August 11th 1921 and recorded among the Land Records of Baltimore County in Liber W P C No 544 Folio 205 was conveyed by William E J Moore and wife to said Jacob F Murbach

Together with the buildings and improvements thereon and the rights roads ways waters privileges appurtenances and advantages thereto belonging or in anywise appertaining

To Have and to Hold the aforesaid parcel of ground and premises unto and to the proper use and benefit of the said Mortgagee its successors and assigns forever in fee simple

Provided that if the said Mortgagors their heirs personal representatives or assigns shall well and truly pay or cause to be paid the aforesaid sum of Eighty nine hundred Dollars and all interest thereon accrued when and as the same may be due and payable and shall perform all the covenants herein on their part to be performed then this Mortgage shall be void

REC. FEE 1933 APR 8

109960)
Perry T Darby etal)
Deed To)
Paul O Miles & Wife)
USS $15.40 SS$14.00)

THIS DEED Made this 1st day of May in the year one thousand nine hundred and forty-six by and between Perry T Darby and Lillian D Maydwell (formerly Lillian O Darby) of Baltimore County State of Maryland of the first part and Paul O Miles and Eva L Miles his wife of the second part

WITNESSETH that in consideration of the sum of five ($5.00) dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Perry T Darby and Lillian D Maydwell (formerly Lillian O Darby) do grant and convey unto the said Paul O Miles and Eva L Miles his wife as tenants by the entireties their assigns the survivor of them and the survivor's heirs and assigns all those lots or parcels of ground situate lying and being in the Twelfth Election District of Baltimore County State of Maryland and described as follows that is to say

BEGINNING for the same being all those two lots of ground situate lying and being in Baltimore County in the State of Maryland on the south side of Patapsco Avenue and more particularly known and designated as Lots Nos 177 and 178 as shown on the Plat of St Helena Improvement Company which Plat is recorded among the Plat Records of Baltimore County in in Liber JWS No 1 folio No 80

BEING the same property which by deed dated January21 193 and recorded among the land records of Baltimore County in Liber L McL M,No 905 folio 280 was granted and conveyed by David Clifton Smith and S Edith Smith his wife unto Perry T Darby and Lillian O Darby as joint tenants the within grantors See also release of dower dated February 15 1941 and recorded among the Land Records of Baltimore County in Liber CWB Jr No 1135 folio 541 &c wherein Cecelia C Darby did grant remise release and forever quit claim unto Perry T Darby all dower rights in and to the property of the said Perry T Darby

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or anywise appertaining

TO HAVE AND TO HOLD the said lots of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights privileges appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Paul O Miles and Eva L Miles his wife as tenants by the entireties their assigns the survivor of them and the survivor's heirs and assigns in fee simple

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

WITNESS the hands and seals of said grantors

TEST

Daphne A Duncan — Perry T Darby (SEAL)
Lillian Darby Maydwell (SEAL)

STATE OF MARYLAND COUNTY OF BALTIMORE to wit

I HEREBY CERTIFY that on this 1st day of May in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County aforesaid personally appeared Perry T Darby and Lillian Darby Maydwell and they severally acknowledged the aforegoing Deed to be their act

EXHIBIT 5

FEE-SIMPLE DEED — INDIVIDUAL GRANTOR AND GRANTEE — 40

This Deed, Made this 27th day of December,

in the year one thousand nine hundred and sixty-seven, by and between

Paul O. Miles and Eva L. Miles, his wife,

Baltimore County, Maryland, of the first part, and

Martin R. Saunders and Grace Ann Saunders, his wife,

of the second part.

Witnesseth, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt of which is hereby acknowledged,

the said Paul O. Miles and Eva L. Miles, his wife,

do hereby grant and convey unto the said Martin R. Saunders and Grace Ann Saunders, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

heirs and assigns,

in fee simple, all that lot(s) of ground, situate, lying and being in

the County of Baltimore, State of Maryland, and described as follows, that is to say:—

~~Beginning for the~~

All that lot of ground situate in Baltimore County, being Lots Nos. 177 and 178, on the Plat of St. Helena Improvement Company, recorded among the Plat Records of Baltimore County in Plat Book JWS 1, folio 80.

Being the same lot of ground which by Deed dated May 1, 1946, and recorded among the Land Records of Baltimore County in Liber RJS 1455, folio 205, was granted and conveyed by Perry T. Darby and Lillian T. Maydwell (formerly Lillian O. Darby), to the within named Grantors.

RECORDATION TAX ACT OF 1967 $22.00

RECORDATION TAX ACT OF 1967 $22.00

AD 3 7 3 6 1 PG 100.00 MS.

EXHIBIT 6

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Martin R. Saunders and Grace Ann Saunders, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her

heirs and assigns,

in fee simple.

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

Witness the hands and seals of said grantors.

TEST:

Robert S. Putterman

Paul O. Miles [SEAL]

Eva L. Miles [SEAL]

State of Maryland, County of Baltimore, to wit:

I HEREBY CERTIFY, That on this 27th day of December, 1967, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

Paul O. Miles and Eva L. Miles, his wife

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

Robert S. Putterman, Notary Public

ROBERT S. PUTTERMAN NOTARY PUBLIC Baltimore County, Md.

My Commission expires:

July 1, 1969

Rec'd for record DEC 29 1967 at 1 P M

For Clerk: Ellie T. Gosnell, Clerk

Mail to: Robert S. Putterman

Receipt No. 16827 $ 6.00

April 7, 2020

To Whom it may Concern:

I solemnly declare and affirm that the following is correct to the best of my knowledge, information and belief.

My name is Josephine Cosentino, and I live at 222 Patapsco Avenue in the St. Helena area of southeast Baltimore County. We purchased our home in early 1975.

I live across Patapsco Avenue from 215 Patapsco Avenue, which is improved by 2 semi-detached dwellings on two lots. For as long as I have lived at my house and continuously up to the present these two units have each been used as 2 apartments for a total of 4 apartments. In addition, the basement has been continuously occupied by 4 rooming units.

Josephine Consentino

EXHIBIT
7

May 4, 2020

Administrative Law Judge of Baltimore County
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 215 Patapsco Avenue

Dear Sir:

My name is Martin A. Saunders, and I live at 8014 Redstone Road in Kingsville, Maryland. I solemnly declare and affirm that the following is true and correct.

My parents bought the property at 215 Patapsco Avenue in December, 1967. At that time there were 4 apartments in the semi-detached home. I recall that because as a boy I was required to assist with the maintenance of this rental property. It was a rental property for my parents until it was sold to the Eltringhams by my late mother. As far as I know from the time my parents bought the property to the time it was sold it was used continuously and without interruption as an apartment building with 4 units.

Very truly yours,

Martin A. Saunders

EXHIBIT
8

D+R
ZONING OFFICE
111 ECHES AVE
TOWSON 14

Effective Date
Jan 2, 1945

ZONING REGULATIONS AND RESTRICTIONS

FOR

BALTIMORE COUNTY

EXHIBIT
9

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot asthe building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

"A" Residence Zone - - - (Cottage)
"B" Residence Zone - (Semi-detached)
"C" Residence Zone - - (Apartment)
"D" Residence Zone - - - (Group)
"E" Commercial Zone.
"F" Light Industrial Zone.
"G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.

2. Dwelling, single family.

3. Dwelling, two-family.

4. Farming and buildings incidental thereto.

5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

6. Professional office when situated in the building used by practitioner as his or her private dwelling, provided that no name plate shall be displayed exceeding two square feet in area.

7. Public park or playground.

8. Public building.

9. Public water works or reservoir.

10. Trailer, one unoccupied, for storage only.

11. Tourist home.

12. Truck garden.

13. Accessory building and uses incident to any of the above uses when located on the same lot and in the rear yard and not involving the conduct of a retail business, and which may include:

(a) Any accessory building when located not less than 60 feet from front lot line and in case of a corner lot where rear lot line abuts on side line of lot adjoining on rear, no accessory building shall be less than 25 feet from the side street line except when built as a part of the main building, provided, however, that any accessory building which is erected within 60 feet of any side street line shall not be less than 10 feet from the rear lot line. In case of a corner lot where rear line of lot abuts on rear line of lot adjoining on rear, no accessory building shall be less than 15 feet from the side street line and in no case shall an accessory building be located within two feet of any lot line.

(b) Poultry house, provided use is of a private nature only and no poultry or eggs are sold, provided, however, that any poultry yard, run or enclosure, shall be, in its entirety, within the rear yard of such lot.

14. Telephone and telegraph lines, electric light and power lines on public highways or carrying less than 5,000 volts on poles, underground conduits, cables and gas, sewer and water mains and pipes, provided that no building or structure except such poles shall be erected, altered, repaired or used in connection therewith without the issuance of a special permit as provided in Section XIII—Sub-section I.

B. Height Regulations: No building shall exceed a height of forty feet or three stories.

C. Area Regulations: The minimum dimensions of yards, and the minimum lot area, except as provided in Section IX, shall be as follows:

1. Lot Area: Each dwelling hereafter erected shall be located on a lot having an area of not less than five thousand square feet and a width of not less than fifty feet at the front building line. No yard space or minimum area required for a building or use by these regulations shall be considered as any part of the yard space or minimum area for another building or use.

2. Front Yard: The building line shall set back from the front lot line to provide for a front yard not less than twenty-five feet in depth, provided that when the majority of residential buildings on one side of a street between two intersecting streets, have been lawfully built with different front yard depths than the aforesaid twenty-five feet, then no building hereafter erected or altered shall have a less front yard than the average depth of said actual front yards of buildings immediately to either side of said building; and, provided, further that no building shall be required by the regulations to set back more than fifty feet in any case, and provided further that these regulations shall not be construed as to reduce to less than 22 feet the buildable width of a corner lot.

3. Side Yard: There shall be a side yard not less than seven feet in width along each side lot line, except in case of a corner lot the side yard along the side street shall not be less than fifteen feet.

4. Rear Yard: There shall be a rear yard, having a minimum average depth of twenty feet but in no case less than fifteen feet in depth at any one point.

5. No portion of an alley shall be considered as any part of any side or rear yard.

6. No dwelling shall be built on a lot which does not abut upon and front directly on a public street, or adequate rural right-of-way.

SECTION IV—"B" RESIDENCE ZONE

A. Use Regulations: Except as hereinbefore expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in an "A" Residence Zone, any such use to be subject to the same conditions and limitations set forth as to such use in section III-A of these regulations:

2. Children's Home.

3. Dwelling—semi-detached.

4. Fraternity or Sorority House.

5. Orphanage.

6. Tea Room, when operated as a home occupation.

B. Height Regulations: Same as in an "A" Residence Zone, as set forth in Section III-B.

C. Area Regulations: Same as in an "A" Residence Zone, as set forth in Section III-C, provided, however, that any semi-detached house erected under this Section shall be considered as one building.

SECTION V—"C" RESIDENCE ZONE

A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in the "B" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section IV-A.

2. Apartment house.

3. Public storage garage where no repair facilities are maintained and when located not less than sixty feet from the front lot line and, in the case of a corner lot, thirty feet from the side street line except when contained within the main building and provided further that any accessory building and any detached garage which is erected on a corner lot within sixty feet of any side street line, shall be distant not less than ten feet from the party lot line intersecting such side street line.

B. Height Regulations: Building height unlimited.

C. Area Regulations: The minimum dimension of yards and the minimum lot area per family, except as provided in Section X, shall be as follows:

1. Lot Area Per Dwelling Unit. Same as in "B" Residence Zone, Section IV, except in the case of apartments the minimum gross lot area per dwelling unit shall be six hundred twenty-five square feet.

2. Front Yard: Minimum front yards for single-family or semi-detached dwellings shall be the same as hereinbefore specified in "A" Residence Zone and "B" Residence Zone respectively, except apartment buildings shall set back to provide for a front yard of not less than 55 feet in depth, measured from the center of the front street, in no case less than 25 feet from the front lot line, and when the building is more than 40 feet in height such front yard depth shall be increased 4 inches for each additional foot of height.

3. Side Yard: Same as in "B" Residence Zone as set forth in Section IV, except in case of apartments, width of side yards shall be increased above 7 feet minimum by four inches for each foot of building height over forty feet.

4. Rear Yard: There shall be a rear yard having a minimum depth of twenty feet measured from the rear lot line, such depth to be increased by four inches for each foot of building height over forty feet.

5. Courts: Apartment building courts shall have a minimum width of fourteen feet plus four inches for each foot of building height over forty feet.

6. Automobile garage or parking space shall be provided adjacent to all apartment buildings sufficient in area to accomodate one car for each housekeeping unit; not more than 50% of the rear yard to be counted as any part of said parking space.

SECTION VI—"D" RESIDENCE ZONE

A. Use Regulations: Except as hereinafter expressly provided, no building or structure or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Any use permitted in the "C" Residence Zone; any such use to be subject to the same conditions and limitations as provided in Section V.

2. Group houses.

B. Height Regulations: Same as "B" Residence Zone.

C. Area Regulations: The minimum dimensions of yards and minimum lot area per dwelling unit, except as provided in Section IX, shall be as follows:

1. Lot Area: The minimum width of dwelling units shall be sixteen feet between centers of partition walls, and the minimum lot area per dwelling unit shall be fourteen hundred and forty square feet.

2. Front Yard: Minimum front yard shall be as hereinbefore specified in "B" Residence Zone.

3. Side Yard: There shall be a side yard of not less than ten feet along each side of each group of dwelling units.

4. Rear Yard: There shall be a rear yard having a minimum depth of twenty-five feet.

5. Accessory Buildings: Accessory buildings shall be permitted without restrictions as to setback from division line of dwelling units or rear property lines.

6. No group house shall contain more than seven single or two-family dwellings.

SECTION VII—"E" COMMERCIAL ZONE

A. Use Regulations: Except as expressly provided in subsequent sections, any building or structure or land may be used and any building or structure may be hereafter erected, altered, repaired or used for any use or uses except the following:

1. Arsenal.

2. Automobile dismantling or storage of motor vehicles not in running order.

3. Brick, tile, terra cotta, concrete and cinder block manufacturing.

4. Coke Ovens.

5. Cooperage.

BALTIMORE COUNTY

ZONING REGULATIONS

1963

BOOK № 281

This is the property of:

Name

Address

Phone

EXHIBIT

10

Building Line: The line established by law beyond which a building shall not extend.

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cellar: That portion of a building below the first floor, the floor of which is more than one-half the height of the room below the average grade of the adjoining ground. (See definition of Basement).

Commercial motorway, Class I: A motorway, or portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the County Council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by intersections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers.

Commercial motorway, Class II: Same as Class I commercial motorway in all respects except that less than 70% of the frontage considered, but at least 20% of such frontage, is zoned B.L., B.M., B.R., and, or M.L., and except that it is designated as Class II commercial motorway under ordinance of the County Council.

Convalescent Home: This term includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care. It does not include a "care home" as defined by the Maryland State Health Department, which merely provides board, shelter, and personal services in a protective environment for persons not gainfully employed.

Density, Gross Residential: Gross residential acreage divided into the number of dwelling units (See Acreage, Gross Residential).

Density, Net: Net Density is based on the area of the lot or lots involved. Offstreet parking space shall be considered part thereof only if contained therein.

Drive-in cluster, planned: An integral commercial development for which an overall plan has been approved by the Office of Planning and Zoning and which: is under common ownership or control; is on a site at least three acres in net area; has at least 500 feet of lot frontage on arterial streets; and is devoted primarily to drive-in uses or other vehicle-oriented establishments, with vehicular access to any use in the development solely from service drives on the site.

Drive-in restaurant: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.

Dwelling: A building or portion thereof which provides living facilities for one or more families.

Dwelling, One-Family: A detached building arranged or used for occupancy by one family.

Dwelling, Two Family: A building arranged or used for occupancy by two families as separate housekeeping units. It may be either a duplex or a semi-detached dwelling.

Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides.

Dwelling, Group House: A building that has not less than three nor more than six one-family housekeeping units erected in a row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R.40 Zone except that animal boarding place, Class A and kennel are permitted only as special exceptions.

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R.10 Zone, except animal boarding place, Class B, sanitary land fills, and trailer parks, which are not permitted, and except that antique shops and residential art salons are permitted as special exceptions outside the Metropolitan District (see Sections 402B and 402C).

Section 210—HEIGHT REGULATIONS

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1—Lot Area and Width—Except as noted below, each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than 10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304). At least five per cent and six per cent (one-family and two-family dwelling types, respectively) of the gross residential acreage of the tract must be allocated to local open space tract(s). To meet this requirement the developer may reduce the minimum permitted lot size by not more than five per cent of the minimum required area.

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from

the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3—Side Yards—For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

211.5—Density—the maximum permitted gross residential density for one-family dwellings is 4.5, and the maximum permitted gross residential density for two-family dwellings is 6.0. If there is a mixture of residential use types, a combination of the local open space standards as specified in section 44-2 of the Baltimore County Code, 1958, as amended, may be used to determine density and to yield the total acreage required for local open space tracts.

1945 -1955 Zoning Maps

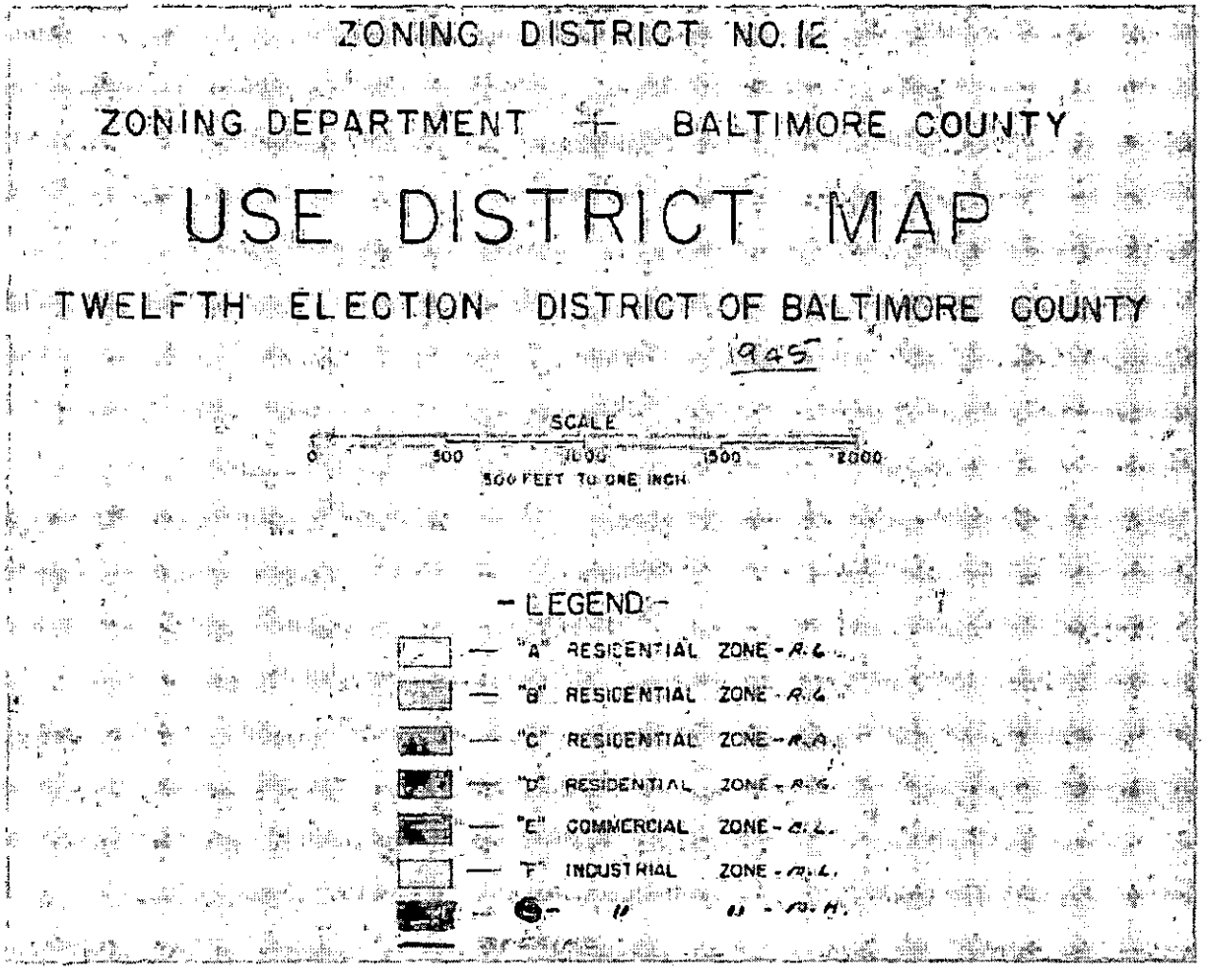
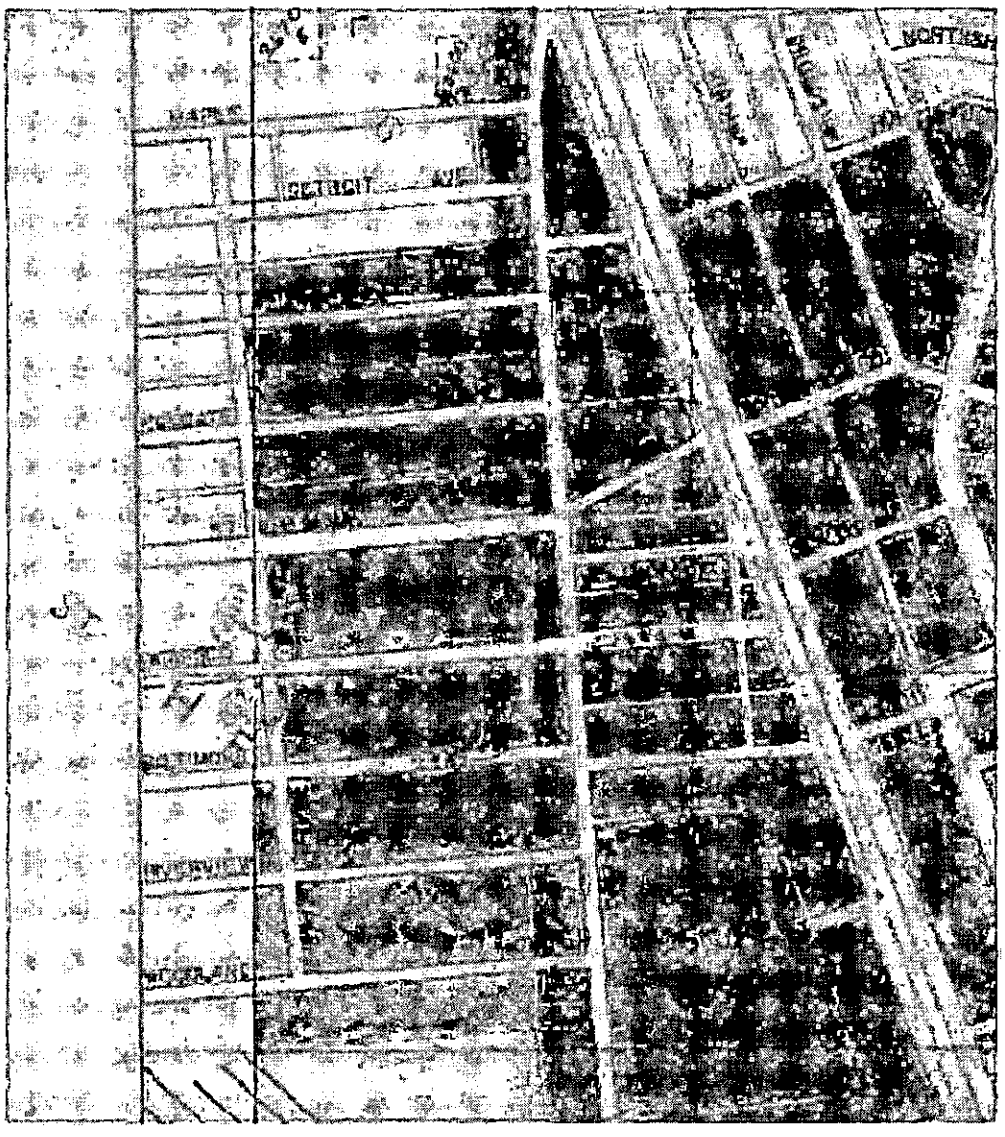


EXHIBIT
11


DETROIT AVE

1955 Zoning Maps

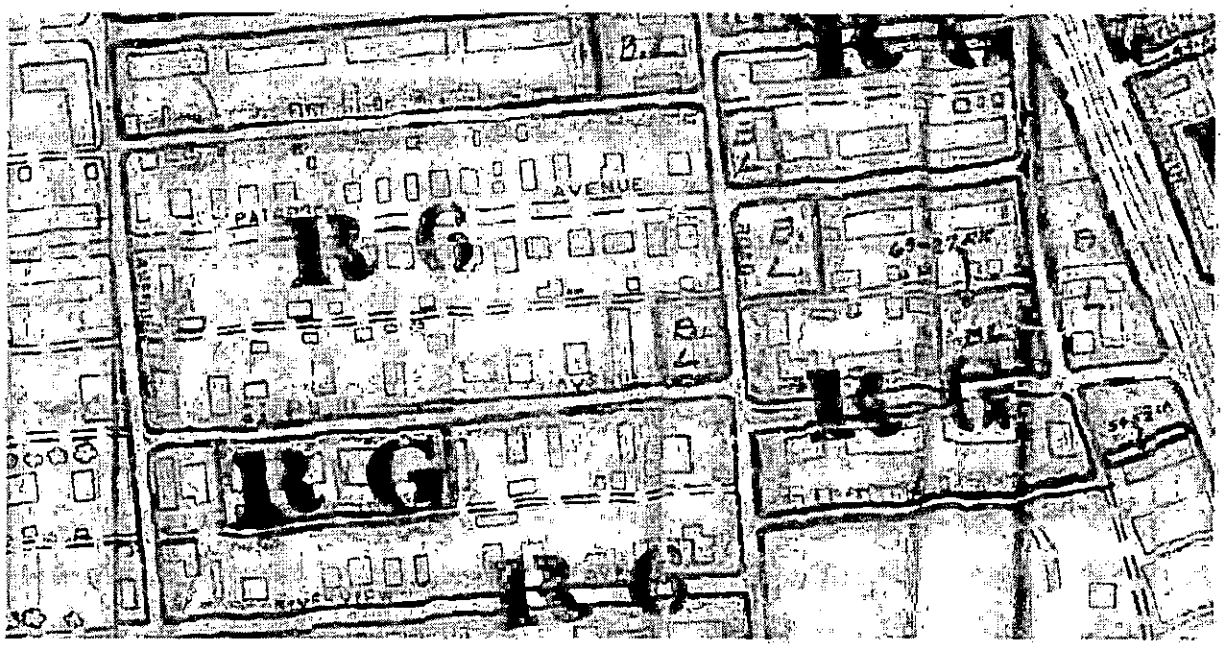


EXHIBIT
12

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 21, 2021

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Thomas and Patricia Eltringham – Legal Owners
215 Patapsco Avenue
20-109-SPH 15th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR for a non-conforming use of a 4-unit dwelling and 4 rooming rooms.

10/6/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, with conditions.

ASSIGNED FOR: APRIL 14, 2021, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/Agencies/appeals/index.html **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c. Counsel for Petitioners : John B. Gontrum, Esquire
Legal Owner : Thomas and Patricia Eltringham

Appellant : People's Counsel for Baltimore County

Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney

Board of Appeals of Baltimore County

JEFFERSON BUILDING
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If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c.	Counsel for Petitioners	: John B. Gontrum, Esquire
	Legal Owner	: Thomas and Patricia Eltringham
	Appellant	: People's Counsel for Baltimore County

Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney

IN THE MATTER OF:	*	BEFORE THE
THOMAS & PATRICIA ELTRINGHAM 215 PATAPSCO AVENUE	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 20-109-SPH

* * * * * * * * * * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Mr. Stephen Bonincontri
8208 Long Point Road
Baltimore, MD 21222

YOU ARE HEREBY COMMANDED TO: (X) **Personally appear for a virtual WebEx hearing**; ( ) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects; in **Whiteford, Taylor & Preston LLP's Towson, Maryland office, One W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204 on Wednesday, April 14, 2021 at 10:00 a.m.**.

SUBPOENA REQUESTED BY:

John B. Gontrum, Esq.
Whiteford, Taylor & Preston LLP
One W. Pennsylvania Avenue, Suite 300
Towson, MD 21204
(410) 832-2055

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County (by attending the WebEx hearing, in person, in Whiteford, Taylor & Preston LLP's Towson, MD office). The Board requests (____) the Sheriff, (✓) Private Process Server, to issue the summons set forth herein.

Lorenz A. Gahler
Board of Appeals for Baltimore County

RECEIVED
MAR 30 2021
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:	*	BEFORE THE
THOMAS & PATRICIA ELTRINGHAM 215 PATAPSCO AVENUE	*	BOARD OF APPEALS
	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 20-109-SPH

* * * * * * * * * * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: Mr. Martin A. Saunders
8014 Redstone Road
Kingsville, MD 21087

YOU ARE HEREBY COMMANDED TO: (X) **Personally appear for a virtual WebEx hearing**; ( ) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects; in **Whiteford, Taylor & Preston LLP's Towson, Maryland office, One W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204 on Wednesday, April 14, 2021 at 10:00 a.m.**

SUBPOENA REQUESTED BY:

John B. Gontrum, Esq.
Whiteford, Taylor & Preston LLP
One W. Pennsylvania Avenue, Suite 300
Towson, MD 21204
(410) 832-2055

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County (by attending the WebEx hearing, in person, in Whiteford, Taylor & Preston LLP's Towson, MD office). The Board requests (____) the Sheriff, (✓) Private Process Server, to issue the summons set forth herein.

Tammy A. Zahner
Board of Appeals for Baltimore County

Tammy Zahner

From: Appeals Board
Sent: Tuesday, March 30, 2021 8:04 AM
To: 'Martin, Tammy'
Cc: Krysundra Cannington
Subject: RE: Subpoenas
Attachments: Subpoenas - Bonincontri & Saunders.pdf

Tammy,

Attached are the issued Subpoenas for Mr. Bonincontri and Mr. Saunders.
Please let us know if we can be of additional assistance.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

From: Martin, Tammy <TMartin@wtplaw.com>
Sent: Thursday, March 25, 2021 3:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: RE: Subpoenas

That's perfect! No rush. Thanks so much for your help.

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, March 25, 2021 3:52 PM
To: Martin, Tammy <TMartin@wtplaw.com>
Subject: [EXTERNAL] RE: Subpoenas

Hi Tammy,

We have received your subpoenas and we will get these back to you on Tuesday, when we are next in the office.

Please let us know if you need them sooner than that.

Thank you,

Sunny

From: Martin, Tammy <TMartin@wtplaw.com>
Sent: Thursday, March 25, 2021 3:24 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: RE: Subpoenas

Thanks so much for your help. Attached are the 2 subpoenas we need issued. Please let me know if you need anything else.

Whiteford | Taylor | Preston

Tammy D. Martin, Legal Administrative Assistant to
George S. Lawler, Esq.
John B. Gontrum, Esq.
Jennifer R. Busse, Esq.
Whiteford, Taylor & Preston LLP
One W. Pennsylvania Avenue, Suite 300
Towson, MD 21204
Direct Dial - 410-832-2122
Direct Fax – 410-339-4016
tmartin@wtplaw.com

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, March 25, 2021 11:43 AM
To: Martin, Tammy <TMartin@wtplaw.com>
Subject: [EXTERNAL] RE: Subpoenas

Hi Tammy,

Subpoena forms can be found on our website at https://www.baltimorecountymd.gov/departments/appeals/rule8_forms.html [baltimorecountymd.gov]. You can modify the wording on the form, if you wish, to accommodate the virtual hearing environment.

You may email the completed form to us at this email address. We will sign the subpoena at our earliest convenience and return to you by email. Or you may mail it or hand-deliver it to the drop box located in the lobby of the Jefferson Building. We can mail it back to you.

We are in the office regularly but not daily. We will get the form to you as quickly as we can.

Please call us with any questions.

Thanks,

Sunny

Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

From: Martin, Tammy <TMartin@wtplaw.com>
Sent: Thursday, March 25, 2021 11:31 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Subpoenas

Hi, John Gontrum asked that I contact you to find out how we go about having subpoenas issued for an upcoming hearing. Can you please advise how this is handled? Thanks so much.

Whiteford | Taylor | Preston.

Tammy D. Martin, Legal Administrative Assistant to
George S. Lawler, Esq.
John B. Gontrum, Esq.
Jennifer R. Busse, Esq.
Whiteford, Taylor & Preston LLP
One W. Pennsylvania Avenue, Suite 300

Towson, MD 21204
Direct Dial - 410-832-2122
Direct Fax – 410-339-4016
tmartin@wtplaw.com

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www.baltimorecountymd.gov [baltimorecountymd.gov]

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, December 23, 2020 12:15 PM
To: John Gontrum Esquire; Carole Demilio
Cc: Wheatley, Rebecca; Tammy Zahner
Subject: Eltringham 20-109-SPH
Attachments: Eltringham 20-109-SPH Postponement Notice.pdf

Good afternoon,

Attached please find the Notice of Postponement in the Eltringham matter, case number 20-109-SPH. This matter has been postponed from the hearing date scheduled for January 13, 2021 and will be reassigned to a later date.

Please let us know if you have any questions.

Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 23, 2020

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Thomas and Patricia Eltringham – Legal Owners
215 Patapsco Avenue
20-109-SPH 15th Election District; 7th Councilmanic District

Re: Petition for Special Hearing pursuant to § 500.7 of the BCZR for a non-conforming use of a 4-unit dwelling and 4 rooming rooms.

10/6/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED, with conditions.

This matter was scheduled for hearing on January 13, 2021 and has been postponed by request of Counsel. This matter will be reassigned to a later date.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/Agencies/appeals/index.html **the night before**.

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
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- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c.	Counsel for Petitioners	: John B. Gontrum, Esquire
	Legal Owner	: Thomas and Patricia Eltringham
	Appellant	: People's Counsel for Baltimore County

Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Tammy Zahner

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Monday, December 21, 2020 2:28 PM
To: Carole Demilio; Appeals Board
Cc: joyceforelsco
Subject: RE: Case No. 20-109-SPH Eltringham 215 Patapsco Ave

Dear Mr. McComas,

I am in receipt of the below email from Ms. Demilio and certainly have no objection to the postponement request for the reasons she stated.

Very truly yours,

John B. Gontrum

From: Carole Demilio <cdemilio@baltimorecountymd.gov>
Sent: Monday, December 21, 2020 2:25 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Cc: Gontrum, John <JGontrum@wtplaw.com>
Subject: [EXTERNAL] Case No. 20-109-SPH Eltringham 215 Patapsco Ave

Mr. William McComas, Chair County Board of Appeals

Dear Mr. McComas,

Our office filed an appeal in the above case. A hearing is scheduled for January 13, 2021.

I respectfully request a postponement. A witness is unable to attend due to a required medical appointment. Also, my husband recently underwent open heart surgery. He was just discharged in the last week and I have been attending to him at home. I would appreciate more time to prepare for the hearing as well as entertaining discussions with Mr. Gontrum regarding recent correspondence he sent to our office.

Thank you for your consideration. And best wishes for a Merry Christmas and Happy New Year.

Regards,
Carole S. Demilio
Deputy People's Couse

Practice social distancing and wear a mask in public places.

[baltimorecountymd.gov]

CONNECT WITH BALTIMORE COUNTY

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www.baltimorecountymd.gov [baltimorecountymd.gov]

Tammy Zahner

From: Carole Demilio
Sent: Monday, December 21, 2020 2:25 PM
To: Appeals Board
Cc: JGontrum@wtplaw.com
Subject: Case No. 20-109-SPH Eltringham 215 Patapsco Ave

Mr. William McComas, Chair County Board of Appeals

Dear Mr. McComas,

Our office filed an appeal in the above case. A hearing is scheduled for January 13, 2021.

I respectfully request a postponement. A witness is unable to attend due to a required medical appointment. Also, my husband recently underwent open heart surgery. He was just discharged in the last week and I have been attending to him at home. I would appreciate more time to prepare for the hearing as well as entertaining discussions with Mr. Gontrum regarding recent correspondence he sent to our office.

Thank you for your consideration. And best wishes for a Merry Christmas and Happy New Year.

Regards,
Carole S. Demilio
Deputy People's Couse

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 21, 2020

People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2020-0109-SPH
Property: 215 Patapsco Avenue

Dear Sir/Madam:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 20, 2020. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

c: Baltimore County Board of Appeals
John Gontrum, Esquire, Whiteford, Taylor, Preston, 100 W. Pennsylvania Avenue, Towson, MD 21204
Mr. and Mrs. Eltringham, 1900 Grove Manor Road, Apt. .410, Baltimore, MD 21221

APPEAL

Petition for Special Hearing
(215 Patapsco Avenue)
15th Election District – 7th Councilmanic District
Legal Owner: Thomas & Patricia Eltringham
Contract Purchaser: N/A
Case No. 2020-0109-SPHA

Petition for Variance (4/30/2020)

Zoning Description of Property

Certificate of Posting – September 9, 2020 (Martin Ogle)
Re-certification- September 28, 2020 (Martin Ogle)

Newspaper Advertisement – (The Daily Record) –9/10/2020

Notice of Zoning Hearing – September 3, 2020

People's Counsel Entry of Appearance – May 13, 2020

Zoning Advisory Committee Comments-

Web-Ex Sign In Sheet -

Petitioner(s) Exhibits –

1. Site Plan
2. Record Plat of St. Helena
3. Photos of site (A-B-C)
4. Darby obituary and address and deed to residence (A-B); 1933 Deed to Darby of lots for $1,000 (c)
5. 1946 Deed from Darby and sister to Miles for $14,000
6. 1967 Deed from Miles to Saunders for $20,000
7. Cosentino Statement
8. Saunders Statement
9. 1945 Zoning Regulations
10. 1963 (1955) Zoning regulations
11. 12th District 1945 Zoning Map
12. 12th District 1955 Zoning Map

Protestant(s) Exhibits – None

Miscellaneous (Not Marked as Exhibits)- SDAT-Real Property Search

Administrative Law Judge Order and Letter (GRANTED)

Appeal from People's Counsel on October 20, 2020

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 20, 2020

SENT VIA EMAIL TO : AdministrativeHearings@baltimorecountymd.gov
Paul Mayhew, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
Thomas & Patricia Eltringham– Legal Owner
215 Patapsco Avenue
Case No.: 2020-109-SPH

Dear Judge Mayhew:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals of the Opinion and Order dated October 6, 2020 by the Baltimore County Administrative Law Judge in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
cc: John Gontrum, Esquire, JGontrum@wtplaw.com
Shirley Gregory, reddearheart@yahoo.com
Jennifer Nugent, Office of Planning
Peter Gutwald, Director of the Office of Planning

Donna Mignon

From: Peoples Counsel
Sent: Tuesday, October 20, 2020 12:13 PM
To: Administrative Hearings
Cc: 'Gontrum, John'; Jenifer G. Nugent; Peter Gutwald; reddearheart@yahoo.com
Subject: Thomas & Patricia Eltringham - 215 Patapsco Avenue - Case No. 2020-109-SPH
Attachments: Appeal to CBA Eltringham Thomas & Patricia - 215 Patapsco Avenue - Case No 2020-109-SPH.pdf

Good Afternoon,

Attached for filing, you will find our appeal of the above-mentioned case.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, October 20, 2020 12:24 PM
To: Peoples Counsel; Administrative Hearings; Debra Wiley
Cc: 'Gontrum, John'; Jenifer G. Nugent; Peter Gutwald; reddearheart@yahoo.com
Subject: RE: Thomas & Patricia Eltringham - 215 Patapsco Avenue - Case No. 2020-109-SPH

Good Afternoon,
We have received the Appeal.
Thank you.
Donna Mignon

From: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Sent: Tuesday, October 20, 2020 12:13 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Cc: 'Gontrum, John' <JGontrum@wtplaw.com>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>; reddearheart@yahoo.com
Subject: Thomas & Patricia Eltringham - 215 Patapsco Avenue - Case No. 2020-109-SPH

Good Afternoon,

Attached for filing, you will find our appeal of the above-mentioned case.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 6, 2020

John Gontrum, Esquire
Whiteford, Taylor & Preston
100 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2020-0109-SPH
Property: 215 Patapsco Avenue

Dear Mr. Gontrum:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

Paul M Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Mr. and Mrs. Eltringham, 1900 Grove Manor Road, Apt. 410, Baltimore, MD 21221
Code Enforcement

IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
(215 Patapsco Avenue)		
15th Election District	*	OFFICE OF
7th Council District		
Thomas & Patricia Eltringham	*	ADMINISTRATIVE HEARINGS
Legal Owners		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2020-0109-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Thomas W. Eltringham and Patricia R. Eltringham, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") for a non-conforming use of a 4-unit dwelling and 4 rooming rooms.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Joyce Eltringham, daughter of the Petitioners, appeared in support of the petition. John Gontrum represented the Petitioners. There were no protestants or interested persons in attendance. A Substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"), which opposes the requested relief.

The subject property is approximately 2000 square feet in size and is zoned DR 5.5. It is located in the St. Helena section of Dundalk, which Mr. Gontrum explained is one of the oldest communities on the east side. The record plat for this property is dated 1892 and is in the first County plat book. Mr. Gontrum proffered that Perry Darby purchased the property from his parents

in 1933. Darby and his sister owned numerous multi-family and rooming house rental properties in the neighborhood. The residence on the site was built in 1936 as a four unit rental. Neither Darby nor his sister ever lived there. When the zoning regulations were first adopted in 1945 the property was zoned "D-residential," which allowed this multi-family rental use. Mr. Gontrum explained that there were many similar rental units in the neighborhood that housed an influx of workers during World War II. The property first became non-conforming in 1955 when it was re-zoned R6, which was the predecessor to the current DR 5.5 zoning classification. Mr. Gontrum introduced affidavits showing that the property has been continuously used as a four unit rental since at least 1967. Further, there is no evidence to suggest that between 1955 and 1967 that this usage ever lapsed. The floor plan and exterior doors show that it has been maintained as four separate apartments since it was built.[1]

Under Maryland law, a non-conforming use is a vested right entitled to constitutional protections. *Purich v. Draper Properties, Inc.,* 395 Md. 694, 708-09 (2006). BCZR § 104.1 acknowledges these constitutional protections and allows non-conforming uses to continue provided that they have never been converted to any other use, or abandoned for a year or more. Based on the testimony and exhibits I find that the property in question has been continuously used as a four unit rental property since it was constructed in 1936. The Petition must therefore be granted.

THEREFORE, IT IS ORDERED this 6th day of **October, 2020** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief under § 500.7 of the Baltimore

[1] There was some evidence introduced at the hearing to indicate that there has been a separate fifth unit in the basement for some time. However, the Special Hearing Petition seeks a finding of non-conforming use only for the four upstairs units, and due to the DOP's concerns regarding parking and compatibility I will limit the relief granted to that which was formally requested.

County Zoning Regulations ("BCZR") for a non-conforming use of a 4-unit dwelling and 4 rooming rooms, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- Prior to the issuance of permits the Petitioner shall submit proof that they have registered and are in good standing with the Baltimore County rental registry.

- Prior to the issuance of permits the Petitioner shall submit for approval a site and landscape plan providing a minimum of three (3) parking spaces in the rear of the residence.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

ORDER RECEIVED FOR FILING
Date 10/10/20
By D Mignon

Attendance Report

My Reports->Search Criteria->Search Results->Detailed Results

The following is a portion of the attendance report. To obtain all the details, click **Export**.

Export

*Attention to Duration ratio: Attentiveness based on total duration of the event.

**Attention to Attendance ratio: Attentiveness based on how long participant was in the event.

All times in: New York Time

Attendee Count 1

Event ID:	171379820603646268	**Event key:**	1724648353
Program name:		**Event name:**	Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Event Start date:	September 30, 2020 New York Time	**Event Start time:**	1:30 pm New York Time
Event End time:	2:30 pm New York Time	**Event/Recording Duration:**	60.0 mins
User Type:	Panelist	**First name:**	Debra
Last name:	Wiley	**Email:**	dwiley@baltimorecountymd.gov
Invited:	Yes	**Registered:**	No
Attended:	Yes	**Join Time:**	1:24 pm New York Time
Leave Time:	1:55 pm New York Time	**Attendance Duration:**	31.0 mins
Attention to Duration ratio:*	81%	**Attention to Attendance ratio:****	100%
Lead source ID:		**Registration Date/Time:**	
Registration ID:	0	**Registration Score:**	
Okay to send email:	No	**IP:**	172.26.101.236
Client Agent:	WINDOWS,IE	**Title:**	
Number of Employees:		**Company:**	
Phone:	1-	**Address 1:**	
Address 2:		**City:**	
State/Province:		**ZIP/Postal code:**	
Country/Region:			

Attendee Count 2

Event ID:	171379820603646268	**Event key:**	1724648353
Program name:		**Event name:**	Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Event Start date:	September 30, 2020 New York Time	**Event Start time:**	1:30 pm New York Time
Event End time:	2:30 pm New York Time	**Event/Recording Duration:**	60.0 mins
User Type:	Panelist	**First name:**	john
Last name:	Gontrum	**Email:**	jgontrum@wtplaw.com
Invited:	Yes	**Registered:**	No
Attended:	Yes	**Join Time:**	1:18 pm New York Time
Leave Time:	1:55 pm New York Time	**Attendance Duration:**	36.0 mins
Attention to Duration ratio:*	95%	**Attention to Attendance ratio:****	100%
Lead source ID:		**Registration Date/Time:**	
Registration ID:	0	**Registration Score:**	
Okay to send email:	No	**IP:**	10.129.12.20
Client Agent:	WINDOWS,Chrome	**Title:**	
Number of Employees:		**Company:**	
Phone:	1-	**Address 1:**	
Address 2:		**City:**	
State/Province:		**ZIP/Postal code:**	
Country/Region:			

Attendee Count 3

Event ID:	171379820603646268	**Event key:**	1724648353
Program name:		**Event name:**	Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Event Start date:	September 30, 2020 New York Time	**Event Start time:**	1:30 pm New York Time
Event End time:	2:30 pm New York Time	**Event/Recording Duration:**	60.0 mins
User Type:	Panelist	**First name:**	Henry
Last name:	Ayakwah	**Email:**	hayakwah@baltimorecountymd.gov
Invited:	Yes	**Registered:**	No
Attended:	Yes	**Join Time:**	1:16 pm New York Time

Leave Time:	1:55 pm 'ork Time	**Attendance Duration**	38.0 mins
Attention to Duration ratio:*	100%	**Attention to Attendance ratio:****	100%
Lead source ID:		**Registration Date/Time:**	
Registration ID:	0	**Registration Score:**	
Okay to send email:	No	**IP:**	172.26.101.42
Client Agent:	WINDOWS,IE	**Title:**	
Number of Employees:		**Company:**	
Phone:	1-	**Address 1:**	
Address 2:		**City:**	
State/Province:		**ZIP/Postal code:**	
Country/Region:			

Attendee Count 4

Event ID:	171379820603646268	**Event key:**	1724648353
Program name:		**Event name:**	Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Event Start date:	September 30, 2020 New York Time	**Event Start time:**	1:30 pm New York Time
Event End time:	2:30 pm New York Time	**Event/Recording Duration:**	60.0 mins
User Type:	Panelist	**First name:**	paul
Last name:	mayhew	**Email:**	pmayhew@baltimorecountymd.gov
Invited:	Yes	**Registered:**	No
Attended:	Yes	**Join Time:**	1:28 pm New York Time
Leave Time:	1:55 pm New York Time	**Attendance Duration:**	26.0 mins
Attention to Duration ratio:*	69%	**Attention to Attendance ratio:****	100%
Lead source ID:		**Registration Date/Time:**	
Registration ID:	0	**Registration Score:**	
Okay to send email:	No	**IP:**	172.17.3.55
Client Agent:	WINDOWS,IE	**Title:**	
Number of Employees:		**Company:**	
Phone:	1-	**Address 1:**	
Address 2:		**City:**	
State/Province:		**ZIP/Postal code:**	
Country/Region:			

Attendee Count 5

Event ID:	171379820603646268	**Event key:**	1724648353
Program name:		**Event name:**	Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Event Start date:	September 30, 2020 New York Time	**Event Start time:**	1:30 pm New York Time
Event End time:	2:30 pm New York Time	**Event/Recording Duration:**	60.0 mins
User Type:	Panelist	**First name:**	Joyce
Last name:	Eltringham	**Email:**	joyceforelsco@comcast.net
Invited:	Yes	**Registered:**	No
Attended:	Yes	**Join Time:**	1:20 pm New York Time
Leave Time:	1:55 pm New York Time	**Attendance Duration:**	35.0 mins
Attention to Duration ratio:*	91%	**Attention to Attendance ratio:****	100%
Lead source ID:		**Registration Date/Time:**	
Registration ID:	0	**Registration Score:**	
Okay to send email:	No	**IP:**	100.74.177.185
Client Agent:	Android,Standalone App	**Title:**	
Number of Employees:		**Company:**	
Phone:	1-	**Address 1:**	
Address 2:		**City:**	
State/Province:		**ZIP/Postal code:**	
Country/Region:			

CERTIFICATE OF POSTING

CASE NO. 2020-0109-SPH

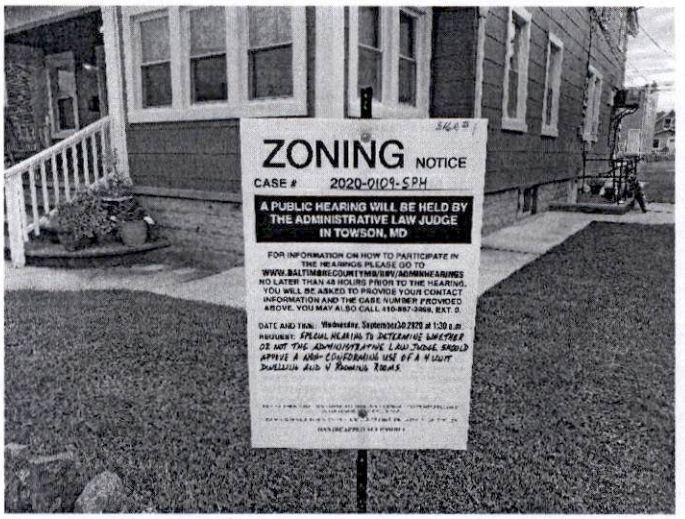
PETITIONER/DEVELOPER

Whiteford Taylor Preston LLP.

John Gontrum

DATE OF HEARING/CLOSING

September 24, 2020



BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

RECEIVED

SEP 28 2020

OFFICE OF

ADMINISTRATIVE HEARINGS

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

215 Patapsco Avenue SIGN 1

THE SIGN(S) POSTED ON September 9, 2020 September 28,2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2020-0109-SPH

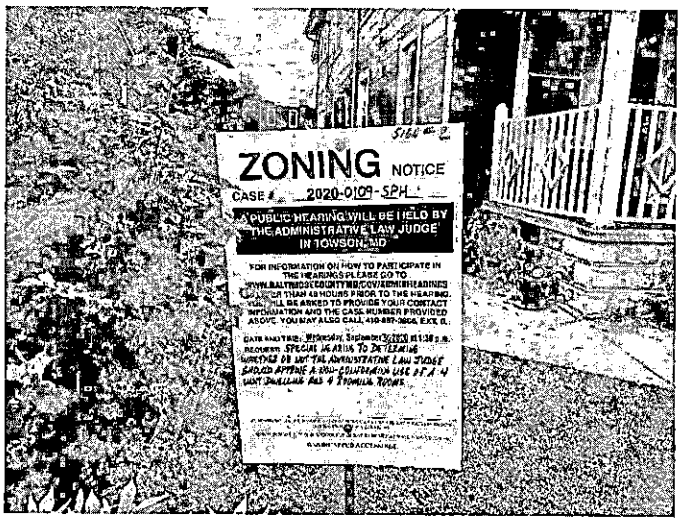
PETITIONER/DEVELOPER

Whiteford Taylor Preston LLP.

John Gontrum

DATE OF HEARING/CLOSING

September 24, 2020



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 PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

215 Patapsco Avenue SIGN 2

THE SIGN(S) POSTED ON September 9, 2020 September 28, 2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

September 21, 2020

Whiteford, Taylor & Preston,
100 W. Pennsylvania Ave
Towson MD 21204

RE: Case Number: 2020-0109-SPH, 215 Patapsco Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 30, 2020. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Richardson Engineering LLC, 30 E. Padonia Road Suite 500 Timonium MD 21093

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: May 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0120-A
Address 359 Stillwater Road
(Dowell Property)

Zoning Advisory Committee Meeting of **June 1, 2020**.

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

Reviewer: Steve Ford

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0120-A 359 Stillwater Road.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: May 12, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0109-SPH
Address 215 Patapsco Avenue
(Eltringham Property)

Zoning Advisory Committee Meeting of **May 18, 2020.**

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

Reviewer: Steve Ford

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0109-SPH 215 Patapsco Avenue.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/2/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-109

INFORMATION:
Property Address: 215 Patapsco Avenue
Petitioner: Thomas W. Eltringham, Patricia R. Eltringham
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the zoning commissioner should approve a non-conforming use of a 4-unit dwelling and 4 rooming rooms.

The site is located in the St. Helena neighborhood in Dundalk. It is located on a street with predominantly single-family detached homes and townhomes.

There have been seven code enforcement complaints regarding this property since 2004. Most recently on 1/3/2020 for failure to comply with the rental registry (Record CRH2000007) and 2/14/2020 for an illegal conversion in violation of § 402 of the BCZR (Record CC2001296). The rental registry complaint was dismissed while the Administrative Law Judge issued a final order on March 11, 2020, for a hearing on the Code Inspections and Enforcement citation in which a fine was imposed if the outstanding issues are not corrected.

A site visit was conducted on 5/11/2020. The structure has no off-street parking. Having 8 units within this structure burdens the public road and other residents along Patapsco Avenue, many of whom also do not have off-street parking. The Department spoke with representatives from the St. Helena Civic Association and the Dundalk Renaissance Corporation, both of whom expressed concerns with the overall number of units and past complaints about the property.

The Department of Planning is cognizant of the need to allow for more housing options within single-family neighborhoods, especially in walkable areas like this near the Dundalk Commercial Revitalization District. However, the number of units for this structure is not appropriate in context with the neighborhood. The code complaints and parking are additional concerns.

Due to all of these factors, the Department of Planning recommends against approval at this time.

For further information concerning the matters stated herein, please contact Joseph Fraker at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

c: Joseph Fraker
Choose an item.
Patrick C. Richardson, Jr., Richardson Engineering
John Gontrum, Whiteford, Taylor and Preston
Office of the Administrative Hearings
People's Counsel for Baltimore County

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11915761
Case #: 2020-0109-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0109-SPH

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/10/2020

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0109-SPH
215 Patapsco Avenue
S/side of Patapsco Avenue, west of centerline of Willow Spring Road
12th Election District - 7th Councilmanic District
Legal Owners: Thomas & Patricia Eltringham

Special Hearing to determine whether or not the Administrative Law Judge should approve a non-conforming use of a 4 unit dwelling and 4 rooming rooms.

Hearing: Wednesday, September 30, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

s10

TO: THE DAILY RECORD
Thursday, September 10, 2020 - Issue

Please forward billing to:
Joyce Eltringham
1900 Grove Manor Road, Apt. 410
Baltimore, MD 21221

410-925-0635

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0109-SPH
215 Patapsco Avenue
S/side of Patapsco Avenue, west of centerline of Willow Spring Road
12th Election District – 7th Councilmanic District
Legal Owners: Thomas & Patricia Eltringham

Special Hearing to determine whether or not the Administrative Law Judge should approve a non-conforming use of a 4 unit dwelling and 4 rooming rooms.

Hearing: Wednesday, September 30, 2020 at 1:30 p.m.

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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: 2020-0109-SPH

Petitioner: TOM & PATRICIA ELTRINGHAM

Address or Location: 215 PATAPSCO AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOYCE ELTRINGHAM

Address: APT 410
1900 GROVE MANOR ROAD
BALTIMORE, MD 21221

Telephone Number: 410-925-0635

Revised 2/20/98 - SCJ

CERTIFICATE OF POSTING

CASE NO. 2020-0109-SPH

PETITIONER/DEVELOPER

Whiteford Taylor Preston LLP.

John Gontrum

DATE OF HEARING/CLOSING

September 24, 2020

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 PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

215 Patapsco Avenue SIGN 1

THE SIGN(S) POSTED ON September 9, 2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

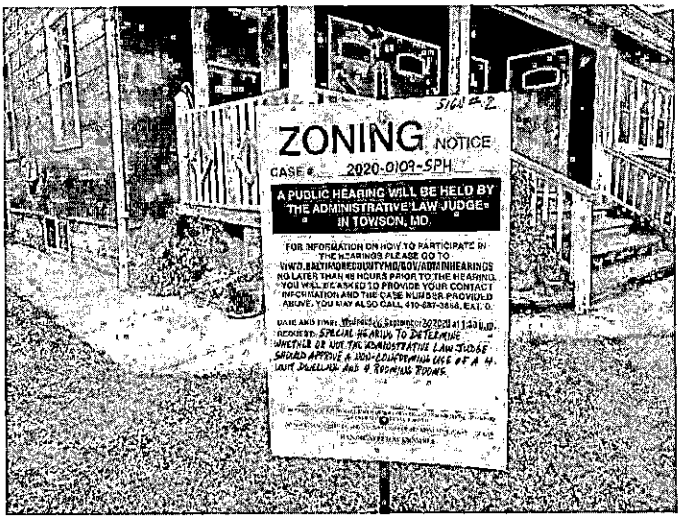
MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

CERTIFICATE OF POSTI



CASE NO. 2020-0109-SPH

PETITIONER/DEVELOPER

Whiteford Taylor Preston LLP.

John Gontrum

DATE OF HEARING/CLOSING

September 24, 2020

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
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215 Patapsco Avenue SIGN 2

THE SIGN(S) POSTED ON September 9, 2020
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE ,MD 21234
443-629-3411

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

September 3, 2020

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The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0109-SPH
215 Patapsco Avenue
S/side of Patapsco Avenue, west of centerline of Willow Spring Road
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Legal Owners: Thomas & Patricia Eltringham

Special Hearing to determine whether or not the Administrative Law Judge should approve a non-conforming use of a 4 unit dwelling and 4 rooming rooms.

Hearing: Wednesday, September 30, 2020 at 1:30 p.m.

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Michael Mallinoff
Director

MM:kl

C: John Gontrum, 100 W. Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Eltringham, 1900 Grove Manor Road, Atd. 410, Baltimore 21221
Rick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., SEPTEMBER 10, 2020**

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... Import Contacts...

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
☐ Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ James Wilson	wilsonjimi72@gmail.com	1-	English	New York Time	U.S.
☐ John Gontrum	jgontrum@wtplaw.com	1-	English	New York Time	U.S.
☐ Joyce Elsco	joyceforelsco@comcast.net	1-	English	New York Time	U.S.
☐ Patrick Richardson, Jr.	rick@richardsonengineering.net	1-	English	New York Time	U.S.
☐ Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Thomas & Patricia Eltringham	joyceforelesco@comcast.net	1-	English	New York Time	U.S.

Invite Select All Clear All Delete Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region 1 Number (with area/city code)

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... | Import Contacts...

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☐ Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ James Wilson	wilsonjimi72@gmail.com	1-	English	New York Time	U.S.
☐ John Gontrum	jgontrum@wtplaw.com	1-	English	New York Time	U.S.
☐ Patrick Richardson, Jr.	rick@richardsonengineering.net	1-	English	New York Time	U.S.
☐ Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ Thomas & Patricia Eltringham	joyceforelesco@comcast.net	1-	English	New York Time	U.S.

Invite | Select All | Clear All | Delete | Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region 1 Number (with area/city code)

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

September 3, 2020

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Michael Mallinoff
Director

MM:kl

C: John Gontrum, 100 W. Pennsylvania Avenue, Towson 21204
Mr. & Mrs. Eltringham, 1900 Grove Manor Road, Atd. 410, Baltimore 21221
Rick Richardson, 30 E. Padonia Road, Ste. 500, Timonium 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., SEPTEMBER 10, 2020**

OUNTY, MARYLAND
ACE MEMORANDUM

DATE: 6/2/2020

RECEIVED
JUN 0 2 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

t of Permits, Approvals and Inspections

d
partment of Planning

G ADVISORY COMMITTEE COMMENTS

mber: 20-109

tapsco Avenue
W. Eltringham, Patricia R. Eltringham

TO

earing

ning has reviewed the petition for Special Hearing under Section 500.7 of the
oning Regulations to determine whether or not the zoning commissioner should
nforming use of a 4-unit dwelling and 4 rooming rooms.

s located in the St. Helena neighborhood in Dundalk. It is located on a street with predominantly
-family detached homes and townhomes.

There have been seven code enforcement complaints regarding this property since 2004. Most recently on 1/3/2020 for failure to comply with the rental registry (Record CRH2000007) and 2/14/2020 for an illegal conversion in violation of § 402 of the BCZR (Record CC2001296). The rental registry complaint was dismissed while the Administrative Law Judge issued a final order on March 11, 2020, for a hearing on the Code Inspections and Enforcement citation in which a fine was imposed if the outstanding issues are not corrected.

A site visit was conducted on 5/11/2020. The structure has no off-street parking. Having 8 units within this structure burdens the public road and other residents along Patapsco Avenue, many of whom also do not have off-street parking. The Department spoke with representatives from the St. Helena Civic Association and the Dundalk Renaissance Corporation, both of whom expressed concerns with the overall number of units and past complaints about the property.

The Department of Planning is cognizant of the need to allow for more housing options within single-family neighborhoods, especially in walkable areas like this near the Dundalk Commercial Revitalization District. However, the number of units for this structure is not appropriate in context with the neighborhood. The code complaints and parking are additional concerns.

Due to all of these factors, the Department of Planning recommends against approval at this time.

For further information concerning the matters stated herein, please contact Joseph Fraker at 410-887-3480.

Krysu

agent

C:\Users\dwiley\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\AKRPMDDX\20-109.docx

ngineering
rton

PETITION FOR ZONING HEARING(S)

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 215 Patapsco Avenue **which is presently zoned** DR-5.5

Deed References: 39073/483 10 Digit Tax Account # 1219004000

Property Owner(s) Printed Name(s) Thomas W. Eltringham, Patricia R. Eltringham

(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 a non-conforming use of a 4 unit dwelling and 4 rooming rooms.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ___ **a Variance** from Section(s)

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)**

TO BE PRESENTED AT THE HEARING

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

ORDER RECEIVED FOR FILING

Date 10/6/20

By

Attorney for Petitioner:

Whiteford, Taylor and Preston

Name- Type or Print

Signature

100 W. Pennsylvania Avenue Towson MD

Mailing Address City State

21204 / 410-832-2055 / JGontrum@wtplaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Thomas W. Eltringham / Patricia R. Eltringham

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature # 2

Apt. 410 1900 Grove Manor Road, Baltimore MD

Mailing Address City State

21221 / 410-925-0635 / joyceforelesco@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

30 E. Padonia Road, Suite 500 Timonium MD

Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net

Zip Code Telephone # Email Address

CASE NUMBER 2020-0109-SPH **Filing Date** 4/30/20 **Do Not Schedule Dates:** _____ **Reviewer** JS

REV. 10/4/11

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

ZONING PROPERTY DESCRIPTION FOR
215 PATAPSCO AVENUE
12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Located on the south side of Patapsco Avenue at a distance of 277+/- feet West of the intersection of Willow Spring Road, being Lot #177 and #178 on a Plat St. Helena Improvement Company as recorded in Plat Book J.W.S. 1, Folio 80.

Containing a net area of 6.000 square feet or 0.11 acres +/-.

2020-0109-SPH

PETITION FOR ZONING HEARING(S)

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 215 Patapsco Avenue **which is presently zoned** DR-5.5

Deed References: 39073/483 10 Digit Tax Account # 1219004000

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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

Legal Owners (Petitioners):

Thomas W. Eltringham / Patricia R. Eltringham
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature # 2

Apt. 410 1900 Grove Manor Road, Baltimore MD
Mailing Address City State

21221 / 410-925-0635 / joyceforelesco@comcast.net
Zip Code Telephone # Email Address

Attorney for Petitioner:

Whiteford, Taylor and Preston
Name- Type or Print

Signature

100 W. Pennsylvania Avenue Towson MD
Mailing Address City State

21204 / 410-832-2055 / JGontrum@wtplaw.com
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30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address City State

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2020-0109-SPH **Filing Date** 4/30/20 **Do Not Schedule Dates:** _____ **Reviewer** JS

REV. 10/4/11

Donna Mignon

Subject:	Web seminar scheduled: Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0d3cf54f8099e18ef9d7daf067137293
Start:	Wed 9/30/2020 1:30 PM
End:	Wed 9/30/2020 2:30 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	webex

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 172 464 8353

Wednesday, September 30, 2020 1:30 pm, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0d3cf54f8099e18ef9d7daf0671
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ea5c5668b5e71e609368afe0a4e

Start event

Audio conference information
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application
Dial 1724648353@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 936334

If you are a host, click here to view host information:
https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e57f71dd218867f3896ed9e94293f98d7

Need help? Go to http://help.webex.com

Event Information

Event:	Zoning Hearing - 215 Patapsco Avenue - Case No: 2020-0109
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e97176ce445ba249a68abfc5df99aecf3
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e420fe583e1f201237994f1a704141582
Date and time:	Wednesday, September 30, 2020 1:30 pm Eastern Daylight Time (New York, GMT-04:00)
Duration:	1 hour
Description:	Zoning Hearing Address: 215 Patapsco Avenue Case No: 2020-0109-SPH Owners: Thomas & Patricia Eltringham
Event number:	172 464 8353
Event password:	1234
Host key:	185059
Alternate Host:	Deb Wiley,Henry Ayakwah
Panelist Info:	
Panelist password:	
Panelist numeric password:	936334
Video Address:	1724648353@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 172 464 8353
Maximum number of registrants:	10000
Destination address after event:	
Host image:	
Attendee list available for viewing by:	Host, presenter and panelists only
Event material:	None
Post-event survey:	No
Email configured:	Pending, Approved, Rejected

Registration Information

Registration ID required:	No
Password required:	No
Password:	
Approval required:	No
Custom registration form:	No
After registration, go to URL:	

Start Eve

You can s
event by c
Start Now

Start

Send Eve

You can s
emails by
Send Ema

Send

Manage Registrations | Delete Event | Edit Event

RE: PETITION FOR SPECIAL HEARING 215 Patapsco Avenue; S/S of Patapsco Avenue, 277' W of c/line of Willow Spring Road 12th Election & 7th Councilmanic Districts Legal Owner(s): Thomas & Patricia Eltringham Petitioner(s)	* * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	2020-109-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of May, 2020, a copy of the foregoing Entry of Appearance was emailed to Richardson Engineering, LLC, 30. E. Padonia Road, Suite 500, Towson, Maryland 21204, Rick@richardsonengineering.net and John Gontrum, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, JGontrum@wtplaw.com , Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 12 **Account Number -** 1219004000

Owner Information

Owner Name:	ELTRINGHAM THOMAS W ELTRINGHAM PATRICIA R	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	APT 123 1900 GROVE MANOR DR BALTIMORE MD 21221-	**Deed Reference:**	/39073/ 00483

Location & Structure Information

Premises Address:	215 PATAPSCO AVE BALTIMORE 21222-	**Legal Description:**	LT 177,178 SAINT HELENA IMPROVEMEN

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0103	0015	0450	12070114.04	0000			177	2021	Plat Ref: 0001/ 0080

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1935	2,998 SF		6,000 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	FRAME/	3	3 full		

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	42,000	42,000		
Improvements	131,000	131,000		
Total:	173,000	173,000	173,000	
Preferential Land:	0			

Transfer Information

Seller: ELTRINGHAM JOYCE	**Date:** 06/14/2017	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /39073/ 00483	**Deed2:**
Seller: SAUNDERS MARTIN R	**Date:** 08/31/2001	**Price:** $82,500
Type: NON-ARMS LENGTH OTHER	**Deed1:** /15531/ 00289	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

ZAC AGENDA

Case Number: 2020-0109-SPH **Reviewer:** Jason Seidelman
Existng Use: RESIDENTIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL HEARING
Legal Owner: Thomas W. Eltringham, Patrica R. Eltringham
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 215 PATAPSCO AVE.
Location: South side of Patapsco Ave (40') 277' West of the center-line of Willow Spring Road (75').

Existing Zoning: DR 5.5 **Area:** 6,000 SQ FT
Proposed Zoning:
SPECIAL HEARING:
To determine whether or not the Zoning Commissioner should approve a non-conforming use of a 4 unit dwelling and 4 rooming rooms.
Attorney: Whiteford, Taylor and Preston
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Donna Mignon

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Friday, September 25, 2020 9:28 AM
To: Administrative Hearings
Subject: Case No. 2020-0109-SPH; 215 Patapsco Avenue

The above referenced hearing is currently scheduled for Wednesday, September 30 at 1:30 p.m. It is my understanding that Rick Richardson and Thomas and Patricia Eltringham have been invited to participate as panelists in addition to me. In addition, I would request that Joyce Eltringham, whose email is joyceforelsco@comcast.net and whose cell phone is 410-925-0635 also receive an invitation to participate as a panelist.

Thank you so much for putting this together for us.

John

9/30 1:30
2020-0109-SPH

Debra Wiley

From: Martin, Tammy <TMartin@wtplaw.com>
Sent: Monday, September 28, 2020 5:07 PM
To: Administrative Hearings
Subject: FW: ELTRINGHAM EXHIBIT 3-C
Attachments: CopitrakScan.PDF

Follow Up Flag: Follow up
Flag Status: Flagged

Sending on behalf of John Gontrum.

Attached is an additional Exhibit 3-C for the Hearing for Eltringham (Case No. 2020-0109-SPH) to be held on Wednesday, September 30, 2020, at 1:30 p.m. I wasn't sure if it was too late to add this exhibit to the others??? Sorry, we realized we had left out one picture.

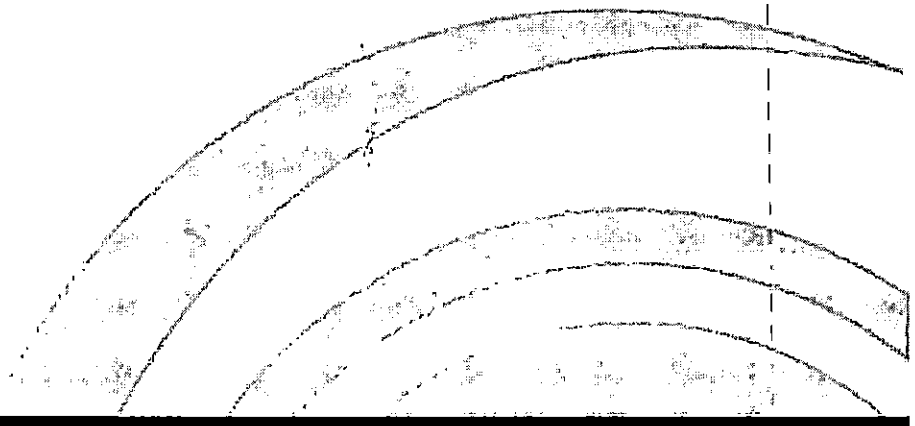
Please acknowledge receipt and let me know if you need anything else. Thanks so much.

From: Martin, Tammy <TMartin@wtplaw.com>
Sent: Monday, September 28, 2020 4:59 PM
To: Martin, Tammy <TMartin@wtplaw.com>
Subject: ELTRINGHAM EXHIBIT 3-C

Copitrak Scan Notification

copitrak

Your Scan File Is Attached



Donna Mignon

From: Lisa M Henson
Sent: Thursday, September 10, 2020 3:55 PM
To: Donna Mignon
Subject: 215 patapsco
Attachments: reportViewerName (1).pdf

Hey,

Rental Registration didn't have any information that could be printed or emailed.

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROP.TAX ID
CC2001296	12-19-004000

VIOLATION ADDRESS
215 A PATAPSCO AVE
DUNDALK, MD 21222

ELTRINGHAM THOMAS W ELTRINGHAM PATRICIA
R
APT 123
1900 GROVE MANOR DR

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 402: Illegal conversion of dwelling	6000 s/f property not approved for 8 dwelling unit by Zoning Dept

Failure to comply with this correction notice, may result in a $200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 02/18/2020	INSPECTOR ID: 116
	ISSUED DATE: 03/18/2020

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
   (a) on how to correct the violation(s) in order to avoid trial or
   (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of $200, $500, $1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

Civil Citation No. CC2001296
(215 Patapsco Avenue)

Thomas Eltringham, Patricia Eltringham
Apartment 123
1900 Grove Manor Drive
Baltimore, Maryland 21221

FINAL ORDER

The matter came before the Administrative Law Judge on March 11, 2020, for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violations of the Baltimore County Code ("B.C.C.") or Zoning Regulations ("B.C.Z.R."). The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code. The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of $2,000.00.

The following persons appeared for the Hearing: Thomas Eltringham, Respondent, and Inspector 119, Baltimore County Code Enforcement Officer.

Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 16th day of March, 2020, by the Administrative Law Judge for Baltimore County that a civil penalty of $1,000.00 be imposed and suspended.

IT IS FURTHER ORDERED, that all corrections be completed pursuant to this ORDER by April 15, 2020.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order by April 15, 2020, the suspended $1,000.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of $225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

Baltimore County Office of Budget and Finance

400 Washington Ave, Rm 150

Towson, MD 21204

LMS/hmk

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement	410-887-3351
Electrical Inspection	410-887-3960
Plumbing Inspection	410-887-3620
Building Inspection	410-887-3953

CODE ENFORCEMENT & INSPECTION CITATION

CASE NUMBER	PROP.TAX ID
CC2001296	12-19-004000

VIOLATION ADDRESS
215 A PATAPSCO AVE
DUNDALK, MD 21222

ELTRINGHAM THOMAS W ELTRINGHAM PATRICIA R
APT 123
1900 GROVE MANOR DR
BALTIMORE, MD 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 402: Illegal conversion of dwelling	per Home Owner schedule Hearing so she can speak to Law Judge .

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated: **$2000**

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 03/11/2020 **TIME:** 09:00 **A.M.**

*****IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.*****

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number		Issued Date
116		02/18/2020

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT & INSPECTION CITATION

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
3. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
4. (a) Civil penalty a lien.
   (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
   (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
      (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
      (ii) May be collected in the same manner as any civil money judgment or debt may be collected.

   (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
5. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
6. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
7. A filing fee of $300.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
8. Inclement weather procedure: If Baltimore County Government offices are closed or have a delayed opening, all code enforcement hearings will be rescheduled. Reschedule letters will be mailed to the property owner of record.
9. **If the violator wishes NOT to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204**

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

Photo Information for CC2001296:

File Name: 20200218152721204.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 275.15 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNTY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:34PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

Photo Information for CC2001296:

File Name: 20200218152720720.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 329.21 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNITY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:32PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

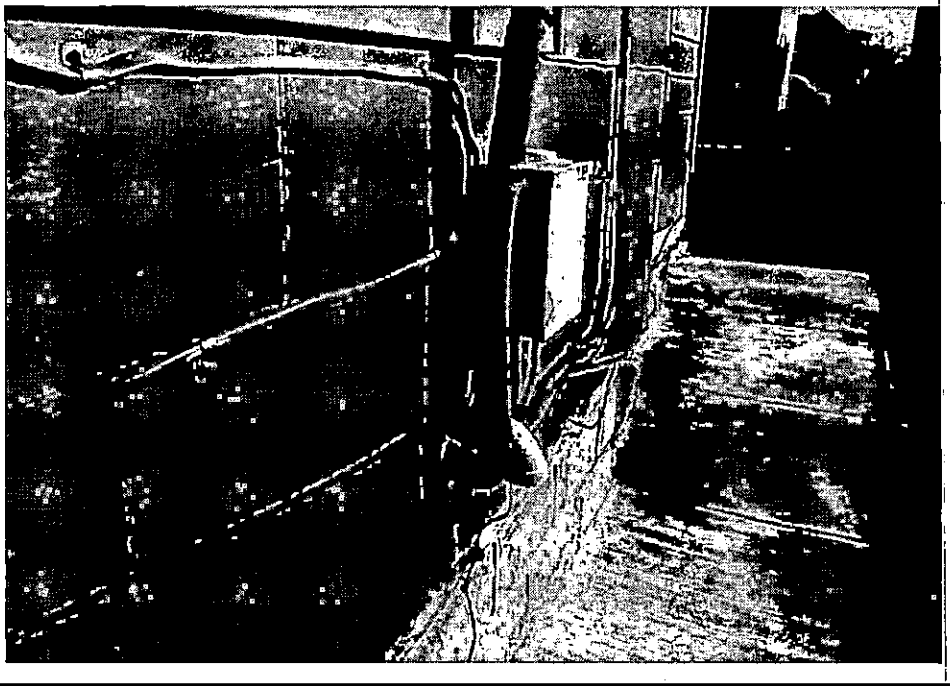


Photo Information for CC2001296:

File Name: 20200218152720262.jpg	**Category:** Photos	**Document Group:** CODEENFORCEMENT
Size: 309.36 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNITY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:30PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

Photo Information for CC2001296:

File Name: 20200218152719700.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 410.87 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNTY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:27PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

Photo Information for CC2001296:

File Name: 20200218152715627.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 296.68 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNTY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:25PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

Photo Information for CC2001296:

File Name: 20200218152726640.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 309.46 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNITY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:37PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020

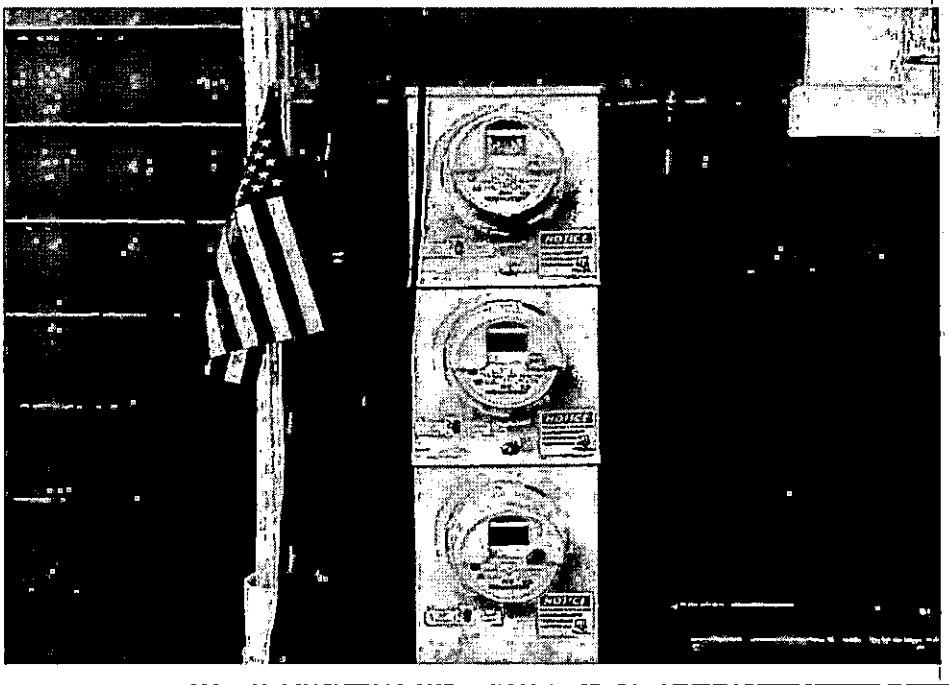


Photo Information for CC2001296:

File Name: 20200218152715173.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 267.02 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNTY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:22PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

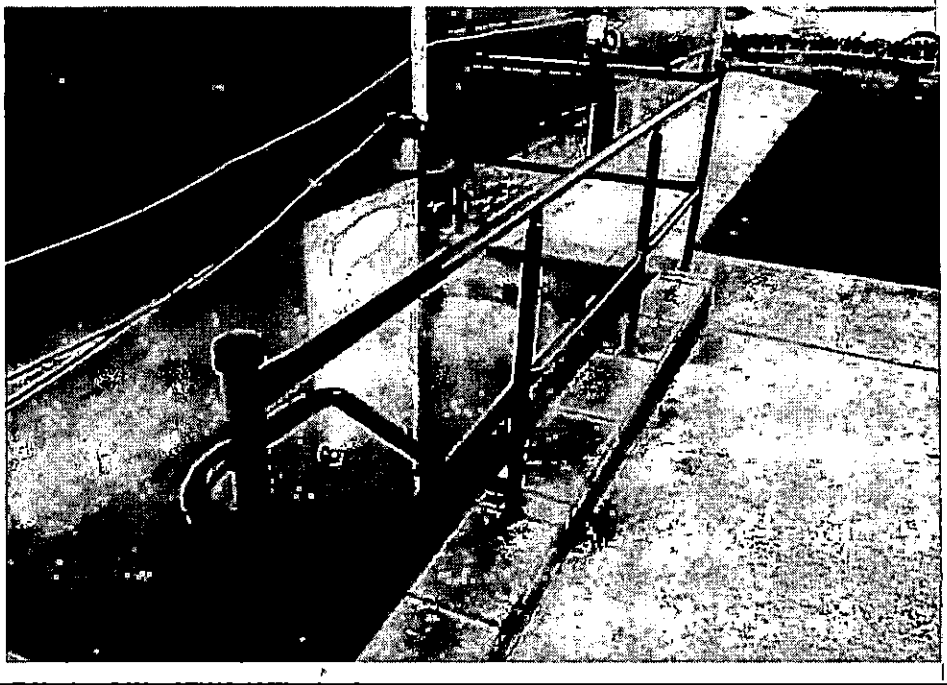
Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

Date of Photographs: 02/18/2020



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File Name: 20200218152714731.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 311.57 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNTY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:19PM	**Uploaded By:** 116	
Description:		

Department of Permits,
Approvals, and Inspections
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement & Inspections
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
410-887-3351

PHOTOGRAPHIC RECORD

Complaint Number: CC2001296

Property Address: 215 A PATAPSCO AVE 21222

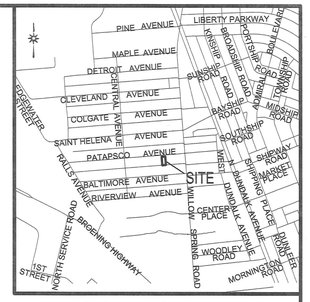
Date of Photographs: 02/18/2020

Photo Information for CC2001296:

File Name: 20200218152714186.jpg	**Category:** Photos	**Document Group:** CODE ENFORCEMENT
Size: 289.77 KB	**Type:**	**Entity Type:** CAP
Source: ADS	**Department:** BALTCO/PAI/CODE/SUPER/COMNTY	**Document Status:** Uploaded
Uploaded On: 2/18/2020 3:28:16PM	**Uploaded By:** 116	
Description:		

I HEREBY CERTIFY that I took the **9** photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced complaint number on the date set out above.

Code Enforcement Officer



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER: THOMAS W ELTRINGHAM
   PATRICIA R ELTRINGHAM
   APRT 123
   1900 GROVE MANOR DRIVE
   BALTIMORE 21221
2. SITE AREA:
   NET: 6,000 SF OR 0.14 Ac.±
   GROSS: 7,000 SF OR 0.16 AC.±
3. USE:
   EXISTING: 4 APARTMENTS, 4 ROOMING ROOMS
   PROPOSED: 4 APARTMENTS, 4 ROOMING ROOMS
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 39073/483
6. TAX ACCOUNT: 1219004000
7. ZONING: DR 5.5
   (PER 1"=200' ZONING MAP 101B1)
8. TAX MAP: 103
   GRID: 15
   PARCEL: 450
9. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100420G DATED MAY 5, 2014.
10. PREVIOUS ZONING CASES: NONE ON FILE.
11. PREVIOUS PERMITS: NONE ON FILE.
12. SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
14. SETBACKS FOR DR 5.5

	REQUIRED	PROVIDED
FRONT	16'	10'±
SIDE	10'	8'± MIN 10'± TOTAL
REAR	30'	15±

2020-0109-SPH

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

ELTRINGHAM PROPERTY

215 PATAPSCO AVENUE

BALTIMORE COUNTY MARYLAND
12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	04-19-20	20041	1 OF 1